THE CONGRESSIONAL GLOBE:

NEW SERIES:



CONTAINING

SKETCHES OF THE DEBATES AND PROCEEDINGS

OF

THE FIRST SESSION

OF

THE THIRTIETH CONGRESS.

BY BLAIR AND RIVES.

CITY OF WASHINGTON:
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1848.

REPORT

OF THE CLERK OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

In compliance with the "Act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836.

OFFICE HOUSE OF REPRESENTATIVES U. S.,
September 25, 1848.

In obedience to the 6th section of the "Act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836, which requires "the Secretary of the Senate and Clerk of the House of Representatives, as soon as may be after the close of each session of Congress, to publish a statement of all appropriations made during the session; and also a statement of the new offices created, and the salaries of each; and also, a statement of the offices the salaries of which are increased, and the amount of such increase"—the Clerk of the House of Representatives submits the accompanying statements.

THO. J. CAMPBELL,
Clerk of the House of Representatives U. S.

APPROPRIATIONS AND OFFICES CREATED IN 1848.

Statements showing appropriations made during the first session of the thirtieth Congress; offices created, and the salaries thereof; the offices the salaries of which have been increased, with the amount of such increase during the same period.

SEPTEMBER 25, 1848.—*Prepared by the Clerk of the House of Representatives, in pursuance of the 6th section of the act of July 4, 1836, to authorize the appointment of additional paymasters, and for other purposes.*

APPROPRIATIONS MADE DURING THE FIRST SESSION OF THE THIRTIETH CONGRESS.

An act further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, eighteen hundred and forty-eight.

For pay of one additional clerk in the office of the Fifth Auditor, rendered necessary by the increase of light-house business, from the first of June, eighteen hundred and forty-seven, to the thirtieth of June, eighteen hundred and forty-eight,	$865 94
For extra clerk-hire for the settlement of the increase of business in the office of the Secretary of the Navy, occasioned by the Mexican war,	6,000 00
For salary of the judge of the southern district of Florida, per act twenty-third February, eighteen hundred and forty-seven, from third March, eighteen hundred and forty-seven, to thirtieth June, eighteen hundred and forty-eight, at two thousand dollars per annum,	2,661 12
For salaries of district attorney and marshal of the southern district of Florida, per same act, from third March, eighteen hundred and forty-seven, to thirtieth June, eighteen hundred and forty-eight,	532 22
For salaries of the two keepers of the public archives in Florida, per act of third of March, eighteen hundred and twenty-five,	1,000 00
For expenses of thirty-five light-houses, including oil and other annual supplies, delivering the same, and repairing the lighting apparatus for four hundred and twenty lamps; salaries of thirty-five keepers, at the fixed average of four hundred dollars per annum, and also all other expenses for six months,	22,740 00
For one new floating-light, including the keeper's salary at six hundred and fifty dollars, and all other expenses for nine months,	2,316 00
For additional expenses of sundry new buoys for six months,	1,690 00
For additional expenses of a temporary floating-light at Sand Key, Florida, in lieu of the light-house destroyed there,	1,500 00
For superintendent's commission on twenty-eight thousand two hundred and forty-six dollars, at two and a half per cent.,	706 15
For contingent expenses under the act for the collection, safe-keeping, transfer, and disbursement of the public revenue of sixth August, eighteen hundred and forty-six,	5,000 00
For contingent expenses in the office of the Treasurer of the United States,	500 00
For per diem compensation for clerk employed in the Adjutant General's office,	1,000 00
For per diem compensation of clerk employed in the Ordnance office,	1,098 00
For per diem compensation for eight clerks employed, and such additional number of clerks as the exigencies of the public service may require to be employed temporarily, by the Commissioner of Pensions, with the approbation and consent of the Secretary of War, during the present fiscal year, on bounty land business in the Pension office,	15,690 96
For contingent expenses of the Pension office,	1,000 00
For clerks in the office of the Secretary of War, being an unexpended balance of the appropriation remaining on the thirtieth of June, one thousand eight hundred and forty-seven, for that purpose,	291 85
For outfits of charges des affaires to Naples, the Papal States, and the Republics of Bolivia, Guatemala, and Ecuador,	22,500 00
For one quarter's salary for each of the charges des affaires to the Papal States, Bolivia, Guatemala, and Ecuador,	4,500 00
For salary of the consul at Beyroot, from the fourth of August, eighteen hundred and forty-six, to the thirtieth of June, eighteen hundred and forty-eight,	953 80
For compensation for such additional number of clerks as the exigencies of the public service may require, to be employed temporarily by the Secretary of the Treasury in the offices of the Second and Third Auditor, and in the office of the Second Comptroller, and for contingencies,	17,000 00
For compensation to eight additional clerks to be employed in the General Land Office, at the rate of one thousand dollars per annum each,	2,000 00
For the relief and protection of American seamen in foreign countries,	20,000 00
Army—	
For regular supplies, incidental expenses, and transportation in the Quartermaster's department of the army,	5,000,000 00
For clothing of the army, camp and garrison equipage, including one hundred and sixty thousand dollars for clothing to volunteers in lieu of commutation therefor,	1,120,000 00
For subsistence in kind,	2,937,939 74
For pay of volunteers called into service during the present fiscal year,	3,611,000 00
For medical and hospital department,	64,500 00
For purchase of ordnance, ordnance stores, and supplies,	300,000 00
For expenses of arbitrating the title to the Pea Patch Island,	5,000 00
Marine Corps—	
For provisions,	16,104 00
For clothing,	36,300 00
For fuel,	3,777 00
For military stores,	3,500 00
For transportation and expenses of recruiting,	5,000 00
For contingencies,	6,000,00
For paying James Crutchett for lighting the Capitol and grounds,	3,000 10
For contingent expenses of the Senate,	20,000 00
For contingent expenses of the House of Representatives,	50,000 00
For payment for printing of one thousand copies of List of Patents, by Commissioner of Patents, to be paid out of the patent fund,	2,000 00
For clothing in kind to volunteers,	860,000 00
	$14.115.661 88

An act making an appropriation to supply, in part, a deficiency in the appropriations for subsistence in kind of the army and volunteers during the year ending 30th June, 1848.

For the subsistence in kind of the army and volunteers,	$1,000 000 00

An act making appropriations for the payment of revolutionary and other pensions of the United States, for the year ending the thirtieth June, one thousand eight hundred and forty-nine.

For revolutionary pensions, under the act of the eighteenth of March, one thousand eight hundred and eighteen, in addition to an unexpended balance remaining in the treasury of eighty-three thousand eight hundred and seventy-seven dollars and forty-three cents,	$14,122 57
For invalid pensions, under various acts,	260,000 00
For pensions to widows and orphans, under the act of the fourth of July, one thousand eight hundred and thirty-six, in addition to an unexpended balance remaining in the treasury of one hundred and fifty one thousand one hundred and fifty-six dollars and thirty-six cents,	32,843 64
For pensions to widows, under the act of the second February, eighteen hundred and forty-eight, in addition to the unexpended balance of two hundred and sixty-three thousand seven hundred and twenty-nine dollars and eighty-seven cents remaining in the treasury for the payment of pensions, under the act of seventeenth June, eighteen hundred and forty-four,	136,270 13
For half-pay pensions to widows and orphans, payable through the Third Auditor's office, in addition to an unexpended balance remaining in the treasury of eight thousand seven hundred and ninety dollars and four cents,	9,500 00
For arrearages prior to the first of July, one thousand eight hundred and fifteen, payable through the offices of the Second and Third Auditors, in addition to an unexpended balance of three thousand two hundred and one dollars and forty-five cents,	800 00
	$453.533 34

An act to authorize a loan not to exceed the sum of sixteen millions of dollars.

For the employment of agents, and other expenses incident to the execution of this act,	$16,000 00

An act making appropriations for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and forty-nine.

For pay of officers, instructors, cadets, and musicians,	$79,764 00
For commutation of subsistence,	5,621 00
For forage for officers' horses,	4,512 00
For clothing for officers' servants,	420 00
For repairs and improvements; fuel and apparatus; forage for public horses and oxen; stationery, printing, and other incidental and contingent expenses,	30,155 00
For the increase and expenses of the library,	1,500 00
For expenses of the board of visiters,	2,000 00
For barracks for cadets,	17,500 00
For expenses of the board of visiters, for the year ending the thirtieth of June, one thousand eight hundred and forty-eight,	2,000 00
	$143,472 00

An act to refund money for expenses incurred, subsistence or transportation furnished, for the use of volunteers during the present war, before being mustered into the service of the United States.

For expenses heretofore incurred in organizing, subsisting, and transporting volunteers, previous to their being mustersd and received into the service of the United States for the present war, whether by States, counties, corporations, or individuals, either acting with or without the authority of any States.—[Indefinite.]

An act to regulate the exchange of certain documents and other publications of Congress.

To carry into effect the donation and exchange of such documents and other publications as have been, or shall be, placed at their disposal for the purpose, and of paying the expenses already incurred in relation thereto,	$2,000 00

An act making appropriations for the service of the Post Office Department for the year ending the thirtieth of June, eighteen hundred and forty-nine.

For the transportation of the mails within the United States,	$2,495,700 00
For transportation of the mails between Charleston, South Carolina, and Havana, by way of Key West, calling at Savannah, under the contract made with M. C. Mordecai,	50,000 00
For transportation of the mail by said line, or by other steamers, to such other places on the coast of Florida as the Postmaster General may deem practicable and expedient,	5,000 00
For transportation by steamships between New York and Bremen, according to the contract with Edward Mills, authorized by the "Act to provide for the transportation of the mail between the United States and foreign countries," approved March third, eighteen hundred and forty-five,	400,000 00
For compensation to postmasters,	1,075 000 00
For ship, steamboat, and way letters,	25,000 00
For wrapping paper,	18,000 00
For office furniture, (in the offices of postmasters,)	3,000 00
For advertising,	35,000 00
For mail bags,	25 000 00
For blanks,	18,000 00
For mail locks, keys, and stamps,	5,000 00
For the detection and prevention of mail depredations, and for special agents,	12,000 00
For clerks for offices, (in the offices of postmasters,)	230,000 00
For miscellaneous,	55,000 00
In case the revenues of the department, referred to in the first section of this act, shall prove insufficient to meet the foregoing appropriations, then any deficiency that may thus arise shall be paid.—[Indefinite.]	
	$4.451,700 00

An act making appropriations for certain fortifications of the United States, for the year ending the thirtieth of June, eighteen hundred and forty-nine.

For defensive works and barracks near Detroit,	$15,000 00
For fortifications at outlet of Lake Champlain,	20,000 00
For defensive works and barracks at narrows of Penobscot river, Maine,	10,000 00
For repairs of Fort Preble, Portland harbor, Maine,	9,000 00
For repairs of Fort Scammel, Portland, harbor, Maine,	10,000 00
For repairs of fortifications on Governor's Island, Boston harbor,	15,000 00
For Fort Warren, Boston harbor,	30,000 00
For Fort Adams, Newport harbor, Rhode Island,	20,000 00
For rebuilding Fort Trumbull, New London, Connecticut,	10,000 00
For Fort Schuyler, Long Island sound, New York,	10,000 00
For repairs of Fort Wood, and sea-wall of Bedlow's Island, New York,	10,000 00
For batteries on Soller's Point flats, Baltimore harbor,	15,000 00
For Fort Monroe, Hampton Roads, Virginia,	20,000 00
For preservation of site of Fort Moultrie, Charleston harbor, South Carolina,	10,600 00
For dike on Drunken Dick shoal, Charleston harbor, South Carolina,	15,000 00
For Fort Sumpter, Charleston harbor, South Carolina,	20,000 00
For Fort Pulaski, Savannah river, Georgia,	8,000 00
For repairs of Fort Jackson, Savannah river, Georgia,	20,000 00
For Fort McRee, Pensacola harbor, Florida,	50,000 00
For Fort Barancas and barracks thereat, Pensacola harbor, Florida,	40,000 00
For repairs of Fort Morgan, Mobile point, Alabama,	20,000 00
For repairs of battery Bienvenue, Louisiana,	3,000 00
For repairs of Fort Jackson, Mississippi river, Louisiana,	5,000 00
For repairs of Fort St. Philip, Mississippi river, Louisiana,	20,000 00
For Fort Livingston, Grand Terre Island, Louisiana,	10,000 00
For fortifications at Key West, Florida,	50,000 00

For fortifications at Garden Key, Tortugas Island, Florida; - - - - - - - - - 25,000 00
For protection of Great Brewster Island, and security and defence of the principal ship channels into the harbor of Boston, Massachusetts, 40,000 00
For additional preservation of the site of Fort Moultrie, in Charleston harbor, - - - 3,000 00
For Fort Delaware, on the Pea Patch Island, Delaware river, - - - - - - - - 50,000 00
$583.600 00

An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June thirtieth, eighteen hundred and forty-nine, and for other purposes.

For the current and contingent expenses of the Indian Department, viz:
For the pay of the superintendent of Indian affairs at St. Louis and the several Indian agents, as provided by the acts of June thirtieth, eighteen hundred and thirty-four, of March third, eighteen hundred and thirty-seven, and of June twenty-seventh, eighteen hundred and forty-six, - - - - - - - - - $12,678 00
For the pay of sub-agents, authorized by the act of June thirtieth, eighteen hundred and thirty-four, - - - - - - - - - 870 00
For the pay of interpreters, authorized by the same act, - - - - - - - - - 1,342 00
For the pay of clerk to superintendent at St. Louis, 1,200 00
For the pay of clerk to acting superintendent of the Western Territory, - - - - - - - 1,000 00
For buildings at agencies, and repairs, - - 2,000 00
For expenses of negotiating treaties with the Chippewas, ratified April, eighteen hundred and forty-eight, - - - - - - - - 3,000 00
For compensation to an agent and two interpreters for the Indian tribes of Texas, in addition to the former appropriation for this object, - 1,500 00

For fulfilling treaty stipulations with various Indian tribes, viz:

To the Christian Indians.

For permanent annuity stipulated in the acts of May twenty-sixth, eighteen hundred and twenty-four, and May twentieth, eighteen hundred and twenty-six, - - - - - - - 400 00

To the Chippewas of Mississippi and Lake Superior.

For payment in money, for twenty years, stipulated in the second article of the treaty of twenty-ninth July, eighteen hundred and thirty-seven, 9,500 00
For payment in goods, for twenty years, stipulated in the second article of the treaty of twenty-ninth July, eighteen hundred and thirty-seven, 19,000 00
For establishing three blacksmiths' shops, supporting three smiths, and furnishing iron and steel for twenty years, stipulated in the second article of the treaty of twenty-ninth July, eighteen hundred and thirty-seven, - - - 3,000 00
For support of farmers, purchase of implements, grain, or seed, and to carry on their agricultural pursuits, for twenty years, stipulated in the second article of the treaty of twenty-ninth July, eighteen hundred and thirty-seven, - - - 1,000 00
For purchase of provisions for twenty years, stipulated in the second article of the treaty of twenty-ninth July, eighteen hundred and thirty-seven, - - - - - - - - 2,000 00
For purchase of tobacco for twenty years, stipulated in the second article of the treaty of twenty-ninth July, eighteen hundred and thirty-seven, 500 00
For limited annuity for twenty-five years, in money, stipulated in the fourth article of the treaty of fourth October, eighteen hundred and forty-two, - - - - - - - - 12,500 00
For limited annuity for twenty-five years, in goods, stipulated in the fourth article of the treaty of fourth October, eighteen hundred and forty-two, - - - - - - - - 10,500 00
For support of two blacksmiths' shops, including pay of smiths and assistants, and furniture, iron and steel, stipulated in the fourth article of the treaty of fourth October, eighteen hundred and forty-two, - - - - - - - - 2,000 00
For support of two farmers, stipulated in the fourth article of the treaty of fourth October, eighteen hundred and forty-two, - - - - - - 1,000 00
For pay of two carpenters, stipulated in the fourth article of the treaty of fourth October, eighteen hundred and forty-two, - - - - - - 1,200 00
For support of schools, stipulated in the fourth article of the treaty of fourth October, eighteen hundred and forty-two, - - - - - - 2,000 00
For purchase of provisions and tobacco, stipulated in the fourth article of the treaty of fourth October, eighteen hundred and forty-two, - 2,000 00
For payment in money to the Chippewas of Lake Superior, stipulated in the third article of the treaty of the second August, eighteen hundred and forty-seven, - - - - - - - 17,000 00
For payment in money to the Chippewas of Mississippi, stipulated in the third article of the treaty of the second August, eighteen hundred and forty-seven, - - - - - - - 17,000 00
For limited annuity for forty-six years, to be paid to the Chippewas of Mississippi, stipulated in the third article of the treaty of the second August, eighteen hundred and forty-seven, - 1,000 00

To the Pillager Band of Chippewa Indians.

For limited annuity in goods, for five years, stipulated in the fourth article of the treaty of the first of August, eighteen hundred and forty-seven, - - - - - - - - - 3,600 00
For purchase of two hundred beaver traps, stipulated in the fourth article of the treaty of the first of August, eighteen hundred and forty-seven, - - - - - - - - 1,000 00
For purchase of seventy-five northwest guns, stipulated in the fourth article of the treaty of the first of August, eighteen hundred and forty-seven, - - - - - - - - 500 00

To the Chippewas of Saganaw.

For permanent annuity, stipulated in the fourth article of the treaty of third August, seventeen hundred and ninety-five, - - - - - 1,900 00
For permanent annuity, stipulated in the second article of the treaty of seventeenth November, eighteen hundred and seven, - - - - 800 00
For permanent annuity, stipulated in the fourth article of the treaty of twenty-fourth September, eighteen hundred and nineteen, - - 1,000 00
For support of a blacksmith at Saganaw, and for farming utensils and cattle, and for the employment of persons to aid them in agriculture, stipulated in the eighth article of the treaty of twenty-fourth September, eighteen hundred and nineteen, and seventh article of the treaty of fourteenth January, eighteen hundred and thirty-seven, - - - - - - - 2,000 00
For education during the pleasure of Congress, stipulated in the sixth article of the treaty of fifth August, eighteen hundred and twenty-six, - - - - - - - - 1,000 00

To the Chippewas, Menomonies, Winnebagoes, and New York Indians.

For education during the pleasure of Congress, stipulated in the fifth article of the treaty of eleventh August, eighteen hundred and twenty-seven, - - - - - - - - 1,500 00

To the Choctaws.

For permanent annuity, stipulated in the second article of the treaty of sixteenth November, eighteen hundred and five, - - - - 3,000 00
For permanent annuity, stipulated in the thirteenth article of the treaty of eighteenth October, eighteen hundred and twenty, - - - - 600 00
For permanent annuity, stipulated in the second article of the treaty of twentieth January, eighteen hundred and twenty-five, - - - - 6,000 00
For life annuity to chief, (Bob Cole,) stipulated in the tenth article of the treaty of twentieth January, eighteen hundred and twenty-five, - 150 00
For life annuity to the three district chiefs, (two hundred and fifty dollars each,) stipulated in the fifteenth article of the treaty of twenty-seventh September, eighteen hundred and thirty, - 750 00
For life annuity to one Wayne warrior, stipulated in the twenty-first article of the treaty of twenty-seventh September, eighteen hundred and thirty, - - - - - - - - 25 00
For limited annuity for twenty years, stipulated in the seventeenth article of the treaty of twenty-seventh September, eighteen hundred and thirty, - - - - - - - - 20,000 00
For education of forty youths for twenty years, including support of teachers in the nation, two thousand five hundred dollars per annum, stipulated in the twentieth article of the treaty of twenty-seventh of September, eighteen hundred and thirty, - - - - - - - - 12,500 00
For pay of millwright, stipulated in the twentieth article of the treaty of twenty-seventh September, eighteen hundred and thirty, - - - 600 00
For blacksmith, stipulated in the sixth article of the treaty of eighteenth October, eighteen hundred and twenty, and ninth article of the treaty of twentieth January, eighteen hundred and twenty-five, - - - - - - 600 00
For iron and steel for shop, - - - - - 320 00

To the Chickasaws.

For permanent annuity, stipulated in the act of twenty-fifth February, seventeen hundred and ninety-nine, - - - - - - - - 3,000 00
For education for fifteen years, stipulated in the second article of the supplement to the treaty of twenty-fourth May, eighteen hundred and thirty-four, (one thousand dollars having heretofore been appropriated,) - - - - - 2,000 00
For the use of the heirs of Hoth-la-cha, and his wife, Rebecca James, Chickasaw Indians, who were entitled to reservations of land under the Chickasaw treaty of eighteen hundred and thirty-four, and which were sold, and the money paid into the hands of the Chickasaw agent in pursuance of said treaty, and never accounted for, - - - - - - - - - 2,000 00
For amount to make good the interest on investments in State stocks for the Chickasaw Indians, not yet paid by the States, to be reimbursed out of the interest when collected, - 16,200 00

To the Cherokees.

For four blacksmiths and assistants, stipulated in the fourth article of the treaty of the fourteenth February, eighteen hundred and thirty-three, - 3,960 00
For iron and steel for shops, - - - - 1,080 00
For wagon-maker, stipulated in the fourth article of the treaty of fourteenth February, eighteen hundred and thirty-three, - - - - - 600 00
For wheelwright, stipulated in the fourth article of the treaty of fourteenth February, eighteen hundred and thirty-three, - - - - - 600 00

To the Creeks.

For permanent annuity, stipulated in the fourth article of the treaty of seventh August, seventeen hundred and ninety, - - - - - 1,500 00
For permanent annuity, stipulated in the second article of the treaty of sixteenth June, eighteen hundred and two, - - - - - - - 3,000 00
For permanent annuity, stipulated in the fourth article of the treaty of twenty-fourth January, eighteen hundred and twenty-six, - - - 20,000 00
For limited annuity for fifteen years, stipulated in the eighth article of the treaty of twenty-fourth March, eighteen hundred and thirty-two, - 10,000 00
For blacksmith and assistant, and use of shop and tools, stipulated in the eighth article of the treaty of the twenty-fourth January, eighteen hundred and twenty-six, - - - - - - - 840 00
For iron and steel for shop, - - - - - 270 00
For two blacksmiths and assistants, and use of shops and tools, for twenty years, stipulated in the thirteenth article of the treaty of twenty-fourth March, eighteen hundred and thirty-two, 1,680 00
For iron and steel for shop, - - - - - 540 00
For blacksmith and assistant, and use of shop and tools, during the pleasure of the President, stipulated in the fifth article of the treaty of fourteenth February, eighteen hundred and thirty-three, - - - - - - - 840 00
For iron and steel for shop, - - - - - 270 00
For wheelwright, stipulated in the eighth article of the treaty of twenty-fourth January, eighteen hundred and twenty-six, - - - - - 600 00
For wagon-maker, stipulated in the fifth article of the treaty of fourteenth February, eighteen hundred and thirty-three, - - - - 600 00
For agricultural implements, stipulated in the eighth article of the treaty of twenty-fourth January, eighteen hundred and twenty-six, - 2,000 00
For education for twenty years, stipulated in the thirteenth article of the treaty of twenty-fourth March, eighteen hundred and thirty-two, - 3,000 00
For interest, at five per centum, on three hundred and fifty thousand dollars, stipulated in the third article of the treaty of twenty-third November, eighteen hundred and thirty-eight, - 17,500 00
For education, for twenty years, stipulated in the fifth article of the treaty of fourteenth February eighteen hundred and thirty-three, - - 1,000 00
For education, for twenty years, stipulated in the fourth article of the treaty of fourth January, eighteen hundred and forty-five, - - - 3,000 00

To the Delawares.

For permanent annuity, stipulated in the fourth article of the treaty of third August, seventeen hundred and ninety-five, - - - - - - 1,000 00
For permanent annuity, stipulated in the third article of the treaty of thirtieth September, eighteen hundred and nine, - - - - - - 500 00
For permanent annuity, stipulated in the fifth article of the treaty of third October, eighteen hundred and eighteen, - - - - - 4,000 00
For permanent annuity, stipulated in the supplemental treaty of twenty-fourth September, eighteen hundred and twenty-nine, - - - 1,000 00
For life annuity to chief, stipulated in the private and confidential articles of supplemental treaty of twenty-fourth September, eighteen hundred and twenty-nine, to treaty of third October, eighteen hundred and eighteen, - - - 100 00
For life annuity to three chiefs, stipulated in supplemental article to treaty of the twenty-sixth October, eighteen hundred and thirty-two, - 300 00
For purchase of salt, stipulated in the third article of the treaty of seventh June, eighteen hundred and three, - - - - - - - 100 00
For blacksmith and assistant, stipulated in the sixth article of the treaty of third October, eighteen hundred and eighteen, - - - - 720 00
For iron and steel for shop, - - - - - 220 00
For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by the treaty of eighteen hundred and twenty-nine, for education, stipulated in resolution of the Senate of nineteenth January, eighteen hundred and thirty-eight, - - - - - - - 2,304 00

To the Florida Indians.

For blacksmith and assistant, stipulated in the sixth article of the treaty of eighteenth September, eighteen hundred and twenty-three, and fourth article of the treaty of ninth May, eighteen hundred and thirty-two, - - - - 1,000 00
For annuity in goods, for fifteen years, stipulated in the sixth article of the treaty of fourth January, eighteen hundred and forty-five, - - 2,000 00
For annuity in money, for fifteen years, stipulated in the fourth article of the treaty of fourth January, eighteen hundred and forty-five, - - 3,000 00
For agricultural implements, for five years, stipulated in the seventh article of the treaty of fourth January, eighteen hundred and forty-five, - 1,000 00

To the Iowas.

For one year's interest on one hundred and fifty-seven thousand five hundred dollars, to be invested at five per centum, stipulated in the second article of the treaty of nineteenth October, eighteen hundred and thirty-eight, - - 7,875 00

To the Kickapoos.

For limited annuity for nineteen years, stipulated in the fourth article of the treaty of twenty-fourth October, eighteen hundred and thirty-two, - 5,000 00

To the Kansas.

For one year's interest on two hundred thousand dollars at five per centum, in lieu of investment, per second article of the treaty of fourteenth January, eighteen hundred and forty-six, - 10,000 00

To the Miamies.

For permanent annuity, stipulated in the fourth article of the treaty of twenty-third October, eighteen hundred and twenty-six, - - - - 25,000 00
For blacksmith and assistant, stipulated in the fifth article of the treaty of sixth of October, eighteen hundred and eighteen, - - - - 720 00

For iron and steel for shop, - - - - - 220 00
For one thousand pounds of tobacco, two thousand pounds of iron, and one thousand pounds of steel, stipulated in the fourth article of the treaty of twenty-third October, eighteen hundred and twenty-six, - - - - - 770 00
For pay of miller, in lieu of gunsmith, stipulated in the fifth article of the treaty of sixth October, eighteen hundred and eighteen, - - - 600 00
For one hundred and sixty bushels of salt, stipulated in the fifth article of the treaty of sixth October, eighteen hundred and eighteen, - - 320 00
For education, stipulated in the sixth article of the treaty of twenty-third October, eighteen hundred and twenty-six, - - - - - 2,000 00
For the eighth of twenty instalments in money, stipulated in the second article of the treaty of twenty-eighth November, eighteen hundred and forty, - - - - - - - - - 12,500 00
For payment in lieu of laborers, stipulated in the sixth article of the treaty of twenty-eighth November, eighteen hundred and forty, - - 250 00
For agricultural assistance, stipulated in the fifth article of the treaty of sixth October, eighteen hundred and eighteen, - - - - - - 200 00
For payment for improvements on the lands ceded, as stipulated in the sixth article of the treaty of eighteen hundred and thirty-four, and the seventh article of the treaty of eighteen hundred and thirty-eight, - - - - - 2,701 68

To the Eel Rivers (Miamies.)

For permanent annuity, stipulated in the fourth article of the treaty of third August, seventeen hundred and ninety-five, - - - - - 500 00
For permanent annuity, stipulated in the third article of the treaty of twenty-first August, eighteen hundred and five, - - - - - 250 00
For permanent annuity, stipulated in the third article of the treaty, and separate article of the treaty, of thirtieth September, eighteen hundred and nine, - - - - - - - 350 00

To the Menomonies.

For limited annuity for twenty years, stipulated in the second article of the treaty of third September, eighteen hundred and thirty-six, - - 20,000 00
For two blacksmiths and assistants, stipulated in the second article of the treaty of third September, eighteen hundred and thirty-six, - - 1,440 00
For iron and steel for shops, - - - - - 440 00
For purchase of provisions, stipulated in the second article of the treaty of third September, eighteen hundred and thirty-six, - - - 3,000 00
For two thousand pounds of tobacco, stipulated in the second article of the treaty of third September, eighteen hundred and thirty-six, - - 300 00
For farming utensils and cattle, stipulated in the second article of the treaty of third September, eighteen hundred and thirty-six, - - - 500 00
For thirty barrels of salt, stipulated in the second article of the treaty of third September, eighteen hundred and thirty-six, - - - - - 150 00

To the Omahas.

For blacksmith and assistant for ten years, and during the pleasure of the President, stipulated in the fourth article of the treaty of fifteenth July, eighteen hundred and thirty, - - 720 00
For iron and steel for shop, - - - - - 220 00
For agricultural implements for ten years, and during the pleasure of the President, stipulated in the fourth article of the treaty of fifteenth July, one thousand eight hundred and thirty, - 500 00

To the Ottoes and Missourias.

For blacksmith and assistant for ten years, and during the pleasure of the President, stipulated in the fourth article of the treaty of fifteenth July, eighteen hundred and thirty, - - - 720 00
For iron and steel for shop, - - - - - 220 00
For agricultural implements for ten years, from eighteen hundred and forty, stipulated in the third article of the treaty of twenty-first September, eighteen hundred and thirty-three, - 500 00
For education, during the pleasure of the President, stipulated in the fourth article of the treaty of twenty-first September, eighteen hundred and thirty-three, - - - - - - 500 00
For limited annuity for ten years, from eighteen hundred and forty, stipulated in the second article of the treaty of twenty-first September, eighteen hundred and thirty-three, - - - 2,500 00
For two farmers, during the pleasure of the President, stipulated in the fifth article of the treaty of twenty-first September, eighteen hundred and thirty-three, - - - - - 1,200 00

To the Ottawas.

For permanent annuity, stipulated in the fourth article of the treaty of third August, seventeen hundred and ninety-five, - - - - 1,000 00
For permanent annuity, stipulated in the second article of the treaty of seventeenth November, eighteen hundred and seven, - - - - 800 00
For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth September, eighteen hundred and eighteen, - - 1,500 00
For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth August, eighteen hundred and twenty-one, - 1,000 00

To the Ottawas and Chippewas.

For limited annuity for twenty years, stipulated in the fourth article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, 30,000 00
For interest to be paid annually on two hundred thousand dollars as annuity, per resolution of Senate, - - - - - - - - - 12,000 00
For education for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth March, eighteen hundred and thirty-six, - - - 5,000 00
For missions for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, - - - 3,000 00
For vaccine matter, medicines, and pay of physician, stipulated in the fourth article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, - - - - - - - 300 00
For purchase of provisions for twenty years, stipulated in the fourth article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, - - - - - - - - 2,000 00
For six thousand five hundred pounds of tobacco for twenty years, stipulated in the fourth article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, - - - - - 500 00
For one hundred barrels of salt for twenty years, stipulated in the fourth article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, - - - - - - - 200 00
For five hundred fish barrels for twenty years, stipulated in the fourth article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, - - - - - - - 400 00
For three blacksmiths and assistants, stipulated in the seventh article of the treaty of the twenty-eighth March, eighteen hundred and thirty-six, - - - - - - - - 2,160 00
For iron and steel for shops, - - - - 660 00
For a gunsmith at Mackinac, stipulated in the seventh article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, - 660 00
For iron and steel for shop, - - - - 220 00
For pay of two farmers and two assistants, stipulated in the seventh article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, - - - - - - - 1,600 00
For pay of two mechanics, stipulated in the seventh article of the treaty of twenty-eighth March, eighteen hundred and thirty-six, - - 1,200 00

To the Osages.

For interest, at five per centum, on sixty-nine thousand one hundred and twenty dollars, the valuation of fifty-four sections of land set apart by treaty of second June, eighteen hundred and twenty-five, for education, per resolution of Senate of nineteenth January, eighteen hundred and thirty-eight, - - - - - - 3,456 00
For limited annuity for twenty years, stipulated in the second article of the treaty of eleventh January, eighteen hundred and thirty-nine, - 20,000 00
For support of two blacksmiths' establishments, for twenty years, stipulated in the second article of the treaty of eleventh January, eighteen hundred and thirty-nine, - - - - - 2,000 00
For pay of two millers for fifteen years, and two assistants for eleven years, stipulated in the second article of the treaty of eleventh January, eighteen hundred and thirty-nine, - - - 1,650 00
For erection of mills, as stipulated in the second article of the treaty of the eleventh January, eighteen hundred and thirty-nine, - - - 4,150 00

To the Piankeshaws.

For permanent annuity, stipulated in the fourth article of the treaty of third August, seventeen hundred and ninety-five, - - - - - 500 00
For permanent annuity, stipulated in the third article of the treaty of thirtieth December, eighteen hundred and five, - - - - - 300 00

To the Pawnees.

For agricultural implements for five years, and during the pleasure of the President, stipulated in the fourth article of the treaty of ninth October, eighteen hundred and thirty-three, - - 2,000 00

To the Pottawatomies of Huron.

For permanent annuity, stipulated in the second article of the treaty of seventeenth November, eighteen hundred and seven, - - - - 400 00

To the Pottawatomies.

For permanent annuity, stipulated in the fourth article of the treaty of third August, seventeen hundred and ninety-five, - - - - - 1,000 00
For permanent annuity, stipulated in the third article of the treaty of the thirtieth September, eighteen hundred and nine, - - - - 500 00
For permanent annuity, stipulated in the third article of the treaty of second October, eighteen hundred and eighteen, - - - - - 2,500 00
For permanent annuity, stipulated in the second article of the treaty of twentieth September, eighteen hundred and twenty-eight, - - 2,000 00
For life annuity to chiefs, stipulated in the second article of the treaty of twentieth September, eighteen hundred and twenty-eight, - - 100 00
For permanent annuity, stipulated in the second article of the treaty of the twenty-ninth July, eighteen hundred and twenty-nine, - - - 16,000 00
For limited annuity for twenty years, stipulated in the third article of the treaty of twenty-sixth October, eighteen hundred and thirty-two, - 20,000 00
For limited annuity for twenty years, stipulated in the third article of the treaty of twentieth October, eighteen hundred and thirty-two, - 15,000 00
For limited annuity for twenty years, stipulated in the third article of the treaty of twenty-sixth September, eighteen hundred and thirty-three, 14,000 00
For life annuity to chiefs, stipulated in the third article of the treaty of twentieth October, eighteen hundred and thirty two, - - - - 400 00
For life annuities to chiefs, stipulated in the third article of the treaty of twenty-sixth September, eighteeen hundred and thirty-three, - - 700 00
For limited annuity for twenty years, stipulated in the second (supplemental) article of the treaty of twenty-sixth September, eighteen hundred and thirty-three, - - - - 2,000 00
For purchase of salt, stipulated in the third article of the treaty of seventh June, eighteen hundred and three, - - - - - - - 140 00
For purchase of one hundred and sixty bushels of salt, stipulated in the third article of the treaty of sixteenth October, eighteen hundred and twenty-six, - - - - - - - - 320 00
For education during the pleasure of Congress, stipulated in the third article of the treaty of sixteenth October, eighteen hundred and twenty-six, - - - - - - - - 2,000 00
For blacksmith and assistant, stipulated in the third article of the treaty of sixteenth October, eighteen hundred and twenty-six, - - - 720 00
For iron and steel for shop, - - - - - 220 00
For education during the pleasure of Congress, stipulated in the second article of the treaty of twentieth September, eighteen hundred and twenty-eight, - - - - - - - - 1,000 00
For payment in money in lieu of two thousand pounds of tobacco, fifteen hundred pounds of iron, and three hundred and fifty pounds of steel, stipulated in the second article of the treaty of twentieth September, eighteen hundred and twenty-eight, and the tenth article of the treaty of fifth June, eighteen hundred and forty-six, - - - - - - - - 300 00
For blacksmith and assistant, stipulated in the second article of the treaty of twentieth September, eighteen hundred and twenty-eight, - 720 00
For iron and steel for shop, - - - - - 220 00
For blacksmith and assistant, stipulated in the second article of the treaty of twenty-ninth July, eighteen hundred and twenty-nine, - 720 00
For iron and steel for shop, - - - - - 220 00
For purchase of fifty barrels of salt, stipulated in the second article of the treaty of twenty-ninth July, eighteen hundred and twenty-nine, - 250 00
For education during the pleasure of Congress, stipulated in the fourth article of the treaty of twenty-seventh October, eighteen hundred and thirty-two, - - - - - - - 2,000 00
For interest on six hundred and forty-three thousand dollars, at five per centum, stipulated in the seventh article of the treaty of fifth June, eighteen hundred and forty-six, - - - 32,150 00
For subsistence, stipulated in the sixth article of the treaty of fifth June, eighteen hundred and forty-six, - - - - - - - - 10,000 00

To the Quapaws.

For limited annuity for twenty years, stipulated in the fourth article of the treaty of eighteenth May, eighteen hundred and thirty-three, - - 2,000 00
For education during the pleasure of the President, stipulated in the third article of the treaty of eighteenth May, eighteen hundred and thirty-three, - - - - - - - 1,000 00
For blacksmith and assistant, stipulated in the third article of the treaty of eighteenth May, eighteen hundred and thirty-three, - - - 840 00
For iron and steel for shop, - - - - 220 00
For pay of farmer, during the pleasure of the President, stipulated in the third article of the treaty of eighteenth May, eighteen hundred and thirty-three, - - - - - 600 00

To the Six Nations of New York.

For permanent annuity, stipulated in the sixth article of the treaty of the eleventh November, seventeen hundred and ninety-four, - - 4,500 00

To the Tuscaroras.

For proportionate share of the fund for three thousand dollars due to the emigrant Tuscaroras, as provided in the fourteenth article of the treaty with the Six Nations of New York, of fifteenth January, eighteen hundred and thirty-eight, - - - - - - - - 88 00
For payment to James Cusick, as stipulated in schedule B, appended to the treaty with the Six Nations of New York of fifteenth January, eighteen hundred and thirty-eight, - - - 125 00

To the Senecas of New York.

For permanent annuity, in lieu of interest on stock, per act of nineteenth February, eighteen hundred and thirty-one, - - - - - 6,000 00
For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act twenty-seventh June, eighteen hundred and forty-six, - - - - - 3,750 00

To the Yancton and Santee Sioux.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of fifteenth July, eighteen hundred and thirty, - - - - - 720 00
For iron and steel for shop, - - - - 220 00
For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of fifteenth July, eighteen hundred and thirty, - - - - - - 400 00

Sioux of Mississippi.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of fifteenth July, eighteen hundred and thirty, - - - - - 840 00
For iron and steel for shop, - - - - 220 00
For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of fifteenth July, eighteen hundred and thirty, - - - - - - 700 00
For interest on three hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of twenty-ninth September, eighteen hundred and thirty-seven, - - 15,000 00
For limited annuity, for twenty years, stipulated in the second article of the treaty of twenty-ninth September, eighteen hundred and thirty-seven, - - - - - - - - 10,000 00

For purchase of *medicines*, agricultural implements, and stock; support of farmers, physician, and blacksmith, for twenty years, stipulated in the second article of the treaty of twenty-ninth September, eighteen hundred and thirty-seven, 8,250 00

For purchase of provisions for twenty years, stipulated in the second article of the treaty of twenty-ninth September, eighteen hundred and thirty-seven, - - - - - - - - - 5,500 00

To the Sacs and Foxes of Missouri.

For interest, in lieu of investment, on one hundred and fifty-seven thousand four hundred dollars, at five per centum, stipulated in the second article of the treaty of twenty-first October, eighteen hundred and thirty-seven, - - 7,870 00

To the Sacs and Foxes of Mississippi.

For permanent annuity, stipulated in the third article of the treaty of third November, eighteen hundred and four, - - - - - - 1,000

For limited annuity for thirty years, stipulated in the third article of the treaty of twenty-first September, eighteen hundred and thirty-two, - 20,000

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of fourth August, eighteen hundred and twenty-four, - - - - - - 840

For iron and steel for shop, - - - - 220

For gunsmith for thirty years, stipulated in the fourth article of the treaty of twenty-first September, eighteen hundred and thirty-two, - 600

For iron and steel for shop, - - - - 220

For black-smith and assistant for thirty years, stipulated in the fourth article of the treaty of twenty-first September, eighteen hundred and thirty-two, - - - - - - - - 840

For iron and steel for shop, - - - - 220

For agricultura implements, during the pleasure of the President, stipulated in the fourth article of the treaty of fourth August, eighteen hundred and twenty four, - - - - - - 800

For forty barrels of salt for thirty years, stipulated in the fourth article of the treaty of twenty-first September, eighteen hundred and thirty-two, - 200

For forty kegs of tobacco for thirty years, stipulated in the fourth article of the treaty of twenty-first September, eighteen hundred and thirty-two, - - - - - - - - - 600

For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of twenty-first October, eighteen hundred and thirty-seven, - - - 10,000

For interest on eight hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of eleventh October, eighteen hundred and forty-two, - - - - 40,000

To the Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of third August, seventeen hundred and ninety five, - - - - 1,000

For permanent annuity, stipulated in the fourth article of the treaty of twenty-ninth September, eighteen hundred and seventeen, - - - 2,000

For purchase of salt, stipulated in the third article of the treaty of seventh June, eighteen hundred and three, - - - - - - - 60

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of seventh November, eighteen hundred and twenty-five, - - - - 840

For iron and steel for shop, - - - - 220

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of eighth August, eighteen hundred and thirty-one, - - - - - - 840

For iron and steel for shop, - - - - 220

To the Senecas and Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of seventeenth September, eighteen hundred and eighteen, - - - 1,000 00

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of twentieth July, eighteen hundred and thirty-one, - - - - - 840 00

For iron and steel for shop, - - - - 220 00

To the Senecas.

For permanent annuity, stipulated in the fourth article of the treaty of twenty-ninth September, eighteen hundred and seventeen, - - - 500 00

For permanent annuity, stipulated in the fourth article of the treaty of seventeenth September, eighteen hundred and eighteen, - - - 500 00

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of twenty-eighth February, eighteen hundred and thirty-one, - - - - 840 00

For iron and steel for shop, - - - - 220 00

For pay of miller, during the pleasure of the President, stipulated in the fourth article of the treaty of twenty-eighth February, eighteen hundred and thirty-one, - - - - - 600 00

To the Wyandots.

For permanent annuity, stipulated in the third article of the treaty of seventh March, eighteen hundred and forty-two, - - - - - 17,500 00

For blacksmith and assistant, stipulated in the eighth article of the treaty of seventeenth March, eighteen hundred and forty-two, - - 720 00

For iron and steel for shop, - - - - 220 00

For education, stipulated in the fourth article of the treaty of seventeenth March, eighteen hundred and forty-two, - - - - - - 500 00

To the Weas.

For permanent annuity, stipulated in the fifth article of the treaty of the second October, eighteen hundred and eighteen, - - - - 3,000 00

To the Winnebagoes.

For limited annuity for thirty years, stipulated in the second article of the treaty of first August, eighteen hundred and twenty-nine, - - 18,000 00

For limited annuity for twenty-seven years, stipulated in the third article of the treaty of fifteenth September, eighteen hundred and thirty-two, - - - - - - - - - 10,000 00

For the purchase of fifty barrels of salt, for thirty years, stipulated in the second article of the treaty of first August, eighteen hundred and twenty-nine, - - - - - - - 250 00

For the purchase of three thousand pounds of tobacco, for thirty years, stipulated in the second article of the treaty of first August, eighteen hundred and twenty-nine, - - - - 350 00

For the purchase of one thousand five hundred pounds of tobacco, for twenty-seven years, stipulated in the fifth article of the treaty of fifteenth September, eighteen hundred and thirty-two, - - - - - - - - - 175 00

For three blacksmiths and assistants, for thirty years, stipulated in the third article of the treaty of first August, eighteen hundred and twenty-nine, - - - - - - - - 2,160 00

For laborer and oxen, for thirty years, stipulated in the third article of the treaty of first August, eighteen hundred and twenty-nine, - - - 365 00

For education, for twenty-seven years, stipulated in the fourth article of the treaty of fifteenth September, eighteen hundred and thirty-two, - 3,000 00

For six agriculturists, purchase of oxen, ploughs, and other implements, for twenty-seven years, stipulated in the fifth article of the treaty of fifteenth September, eighteen hundred and thirty-two, - - - - - - - - - 2,500 00

For pay of two physicians, for twenty-seven years, stipulated in the fifth article of the treaty of fifteenth September, eighteen hundred and thirty-two, - - - - - - - - 400 00

For interest on one million one hundred thousand dollars, at five per centum, stipulated in the fourth article of the treaty of first November, eighteen hundred and thirty-seven, - - - 55,000 00

For interest on eighty-five thousand dollars, at five per centum, stipulated in the fourth article of the treaty of thirteenth October, eighteen hundred and forty-six, - - - - - 4,250 00

For iron and steel for three smith's shops, - - 660 00

Catawba Indians.

For the removal of the Catawba tribe of Indians, now in the limits of the State of North Carolina, to the Indian country west of the Mississippi, with the consent of said tribe, under the direction of the President of the United States, - 5,000 00

To enable the Secretary of War to ascertain the number and names of such individuals and families, including each member of every family of the Cherokee nation of Indians, that remained in the State of North Carolina at the time of the ratification of the treaty of New Echota, May twenty-three, eighteen hundred and thirty-six, and who have not removed west of the Mississippi, or received the commutation for removal and subsistence, and report the same to the Secretary of the Treasury; whereupon the Secretary of the Treasury shall set apart a sum equal to fifty-three dollars and thirty-three cents for each individual ascertained as aforesaid, and that he cause to be paid to every such individual, or his or her legal representative, interest at the rate of six per cent. per annum on such per capita, from the said twenty-third day of May, eighteen hundred and thirty six, to the time of the passage of this act.—[Indefinite.]

For the appointment of a commissioner to issue the "certificates" contemplated in the instructions of the War Department to Gen. William B. Mitchell, dated April thirtieth, eighteen hundred and forty, in relation to the claims of certain citizens against the Ottawas, Chippewas, and Pottawatomies, and the Pottawatomies of Indiana, - - - - - - - - 2,000 00

$901,134 68

An Act for the payment of liquidated claims against Mexico.

To pay the claimants, or their legal representatives, the amount now due by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between that Republic and the United States, severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and the thirtieth day of January, eighteen hundred and forty-three, and for which certificates have been issued by the Secretary of the Treasury. —[Indefinite.]

An Act making appropriations for the naval service, for the year ending the thirtieth of June, one thousand eight hundred and forty-nine.

For pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the navy, - - - - - - - $2,189,811 00

For the pay of the superintendent of the Naval Observatory at Washington city, who shall be a captain, commander, or lieutenant in the navy, - - - - - - - - 3,000 00

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards, - - - - - - - 74,220 00

For provisions for commission, warrant, and petty officers, and seamen, including engineers and marines, attached to vessels for sea service, - 677,860 00

For surgeons' necessaries and appliances for the sick and hurt of the navy, including the marine corps, - - - - - - - - - 23,500 00

For increase, repair, armament, and equipment for the navy, including wear and tear of vessels in commission, coal for steamers, purchase of hemp, and one million two hundred thousand dollars for completing four first-class steamers, - - - - - - - - - 2,531,474 00

For ordnance and ordnance stores, including incidental expenses, - - - - - - - 218,420 00

For nautical books, maps, charts, instruments, binding and repairing the same, and all expenses of the Hydrographical office, - - - - 35,000 00

For contingent expenses that may accrue for the following purposes, viz: freight and transportation; printing and stationery; advertising in newspapers; books, maps, models, and drawings; purchase and repair of fire engines and machinery; repair of and attending on steam engines in yards; purchase and support of horses and oxen, and driving teams; carts, timber wheels, and the purchase and repair of workmen's tools; postage of public letters; furniture for Government houses; fuel, oil, and candles for navy-yards and shore stations; cleaning and clearing up yards; watchmen and incidental labor not chargeable to any other appropriation; labor attending the delivery of stores and supplies on foreign stations; wharfage, dockage, and rent; traveling expenses of officers; funeral expenses; store and office rent; stationery and fuel to navy agents and storekeepers; flags, awnings, and packing boxes; premiums and other expenses of recruiting; apprehending of deserters; per diem pay to persons attending courts-martial, and courts of inquiry, or other service authorized by law; pay to judge advocates; pilotage and towage of vessels; assistance rendered to vessels in distress, - - - - - - - - - 700,000 00

For the transportation of the United States mail between New York and Liverpool, between New York and New Orleans, and Havana and Chagres, and between Panama and Astoria, under the act of the third of March, eighteen hundred and forty-seven, - - - - - 874,600 00

For contingent expenses for objects not hereinbefore enumerated, - - - - - 2,000 00

To pay arrearages due for grading University square, and other expenses, for the construction of the depôt for charts and instruments, being a reappropriation in part of a sum carried to the surplus fund, heretofore appropriated for that purpose, - - - - - - - - 10,043 77

For furnishing the marine hospital building at New Orleans, - - - - - - - 7,500 00

For "meteorological observations," to be conducted under the direction of the Secretary of the Navy, - - - - - - - - 2,000 00

For the establishment of a depôt for naval stores, which the Secretary of the Navy is hereby required to cause to be located at or near the city of New Orleans, - - - - - - - 20,000 00

For the construction, extension, and completion of the following objects, and for the current repairs at the several Navy-Yards, viz:

At Portsmouth.

For completing quay wall and wharf, and wharf number one; wall west side of ship-house number four, and filling in; timber shed opposite number seven, and addition to smithery 1; brick powder-magazine; engine, fixtures, &c., for blowing fires to forges; and for repairs of all kinds, - - - - - - - - 50,551 00

At Boston.

For timber-shed number thirty-seven, and pier-wharf at angle number fifty-nine; coal-house near dry-dock, and pier-wharf in rear of carpenters' and joiners' shop; for eight knee-docks, and tracks for stowage of guns in gun park; for completing brick barn; and repairs of all kinds, - - - - - - - - 97,351 00

At New York.

For iron and copper store, cooperage, cob-wharf, and filling in timber pond; dredging channels and wharf in front of hospital lands; steam engine in smithery, steam-pipes, &c., and cistern for each reservoir; paving and flagging, and granite skids, and platforms for cannon, and for repairs of all kinds, - - - - - - 106,000 00

For the dry-dock, - - - - - - 350,000 00

For the purchase by the Secretary of the Navy of the land, above and under water, bounded by Flushing avenue, in the city of Brooklyn, in the State of New York, the United States navy-yard, hospital grounds, and the Wallabout bay to the channel, - - - - - - - 285,000 00

At Philadelphia.

For removing and extending ship-house G; completing wharf number two; dredging machine; and repairs of all kinds, - - - - - 14,500 00

At Washington.

For chain-cable forges, and fitting part of number eleven for a boiler shop; steam hammer for smith's shop, and alteration in hydraulic proving machine; converting joiner's shop in number twelve to mould loft, and steam hammer in place of old tilt hammer; ordnance workshops, and extending brass foundry; extending blacksmith's shop and iron store under N, and finishing shop for smithery; converting old foundry into stables, and for repairs of all kinds, - - - - - - - - 32,418 00

At Norfolk.

For extension of quay walls; completing slip forty-eight, and for the storehouse number nineteen; brick stables; steam hammer and engine; brick gun place, coal-house, and landing wharf; culvert drill press; punching machine and cutting shears, and for repairs of all kinds, - 144,136 00

At Pensacola.

For two third-class officers' houses; completing timber shed number twenty-six; dredge machine scows; four warrant officers' houses, and guard house; coal-house; paint shop, and rail tracks; permanent wharf; drain in rear of officers' quarters; wharf and rail track in front of storehouse number twenty-six; paving, grading, planting trees and leveling, and for repairs of all kinds, - - - - - - - 159,625 00

For construction, in part, of a new timber shed at said navy-yard, - - - - - - - 50,000 00

For payment of such arrearages as the Secretary of the Navy may in law and equity decide to be due to Jerrison and Foster, - - - - - 7,000 00

At Memphis.

For completing commandant's house and storehouse; tarring-house; engine and machinery for saw mill; timber shed, and boat-builder's shop, and wall to enclose yard; embankment and excavations; machinery for ropewalk, and for repairs of all kinds, - - - - - 174,038 00

At Sackett's Harbor.

For the completion of officers' quarters, and for repairs of all kinds, - - - - - - 2,000 00

For Hospitals, viz:

At Boston.—For repairing hospital buildings and dependencies, fences and furnaces, painting, glazing, and whitewashing, - - - - 2,800 00

For the completion of the marine hospitals now building, viz:

At Pittsburg, - - - - - - - - 10,000 00
At Cleveland, - - - - - - - - 10,000 00
At Louisville, - - - - - - - - 10,000 00

For the purpose of erecting marine hospitals on the sites owned by the United States at the following places, viz:

At St. Louis, - - - - - - - - 10,000 00
At Natchez, - - - - - - - - 10,000 00
At Paducah, - - - - - - - - 10,000 00
At Napoleon, Arkansas, (so soon as the Government title to the site selected and purchased shall be perfected,) - - - - - - - 10,000 00
Also for the construction of a marine hospital on such site as shall be selected by the Secretary of the Treasury, on the lands owned by the United States, at Chicago, - - - - 10,000 00
At New York.—For purchase from the city of New York of water front to hospital lands; for surgeon's house; paving, guttering, and completing sewer, and for current repairs, - - 20,057 00
At Washington.—For current repairs, - - 100 00
At Norfolk.—For repairs of galleries, cells, bath-house, fence, and surgeon's house, - - - 1,400 00
And for making necessary repairs for the marine hospital at Norfolk, - - - - - 1,600 00
At Pensacola.—For bricking up ponds and drain, repairs to hospital, and for current repairs, - 6,378 00
At Mobile.—For necessary repairs of the marine hospital, - - - - - - - - 1,090 00

For Magazines, viz:

At Boston, - - - - - - - - 500 00
At New York, - - - - - - - - 500 00
At Washington, - - - - - - - - 200 00
At Norfolk, - - - - - - - - 1,938 00

Marine Corps.

For pay of officers, non-commissioned officers, musicians, privates, and servants, serving on shore, subsistence of officers, and pay for undrawn clothing, - - - - - - - 283,000 00
For provisions for marines, serving on shore, - 60,000 00
For clothing, - - - - - - - - 81,492 00
For fuel, - - - - - - - - 11,334 00
For military stores, repair of arms, pay of armorers, accoutrements, ordnance stores, flags, drums, fifes, and musical instruments, - - 8,000 00
For transportation of officers and troops, and for expenses of recruiting, - - - - - - 12,000 00
For contingencies, viz:
Freight, ferriage, toll, cartage, wharfage, compensation to judges-advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor; house-rent, in lieu of quarters; burial of deceased marines; printing, stationery, forage, postage, pursuit of deserters; candles, oil, straw, furniture, bed sacks, spades, axes, shovels, picks, carpenters' tools; keep of a horse for messenger, pay of the matron, washerwoman, and porter at hospital headquarters, - 22,000 00
For the relief and protection of American seamen in foreign countries, further to supply deficiencies in appropriations made for the service of the fiscal year ending thirtieth June, eighteen hundred and forty-eight, - - - - - 20,000 00
For improvements and repairs at the naval school at Annapolis, to be expended as follows:
For enclosing the grounds embraced in the new purchase, repairing the houses thereon, docking, grading, and improving the grounds, - 6,800 00
For repairing and tinning superintendent's house, 1,500 00
For building an arsenal, - - - - - 500 00
For raising the row of houses occupied by professors, one story, - - - - - - 6,000 00
For completing mess-room and lyceum, - - 500 00
For painting outside of houses, and other necessary repairs, - - - - - - - 1,500 00
For fire engines and apparatus, complete, - - 500 00
The Secretary of the Navy is hereby directed forthwith to enter into a contract with Samuel D. Dakin and Rutherford Moody, for the complete construction, within a reasonable time from the date of the contract, of a sectional floating dry-dock, basin, and railways, at the navy-yard at Philadelphia, according to the plan and specifications submitted by them to the Navy Department; and also to enter into a contract with John S. Gilbert and Zeno Secor, for the complete construction, within a reasonable time from the date of the contract, of a balance floating dry-dock, basin, and railways, at the navy-yard at Pensacola, according to the plan and specifications submitted by them to the Navy Department; and also to enter into a contract with one or the other of the respective parties above named, for the comple construction, within a reasonable time from the date of the contract, at the navy-yard at Kittery, of a floating dry-dock, basin, and railways, upon either of the above named plans that the said Secretary may prefer as best adapted to the said yard; the works at each yard to be of the largest dimensions proposed in said plans and specifications, - - 400,000 00

$9,878,136 77

An act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth day of June, eighteen hundred and forty-nine, and for other purposes.

Legislative.

For compensation and mileage of Senators and members of the House of Representatives and Delegates, - - - - - - - - $388,440 00
For compensation of the officers and clerks of both Houses of Congress, - - - - - 39,557 50
For stationery, fuel, printing, and all other contingent expenses of the Senate, - - - 75,000 00
For stationery, fuel, printing, and all other contingent expenses of the House of Representatives, and including the compensation of a clerk to the Sergeant-at-Arms, during the present session, - - - - - - - - - 117,756 50

Library of Congress.

For compensation of librarian, two assistant librarians, and messenger of the library, - - - 4,500 00
For contingent expenses of said library, - - 800 00
For purchase of books for said library, - - 5,000 00
For purchase of law books for said library, - - 1,000 00
For paying to Thomas Jefferson Randolph, executor of Thomas Jefferson, deceased, for all the papers and manuscripts of the said Thomas Jefferson, - - - - - - - - 20,000 00
For printing and publishing the said papers and manuscripts, - - - - - - - 6,000 00
For the purchase and printing of the papers and manuscripts of the late Alexander Hamilton, - 26,000 00

Executive.

For compensation of the President of the United States, - - - - - - - - 25,000 00
For compensation of the Vice President of the United States, - - - - - - - 5,000 00

Department of State.

For compensation of the Secretary of State, and the clerks, messenger, and assistant messenger in his office, including a salary of two thousand dollars per annum for a clerk, whose duty it shall be to examine claims of the citizens of the United States against foreign governments, and claims of the latter against the former, and to perform such other duties as the Secretary of State may designate, - - - - - - 28,300 00

For the incidental and contingent expenses of said department, viz:

For publishing the laws, and packing and distributing the laws and documents, including proof-reading, labor, boxes, and transportation, - 9,000 00
For publishing in newspapers of the States and Territories the laws of the United States, - 10,850 00
For stationery, blank books, binding, labor and attendance, furniture, fixtures, repairs, painting and glazing, - - - - - - - 4,400 00
For printing, (letter-press and copperplate,) advertising, books, and maps, - - - - - 2,000 00
For newspapers, - - - - - - - 200 00
For miscellaneous items, - - - - - - 1,000 00
For extra clerk hire, - - - - - - 2,000 00
For compensation of superintendent and four watchmen of the northeast executive building, 1,710 00

For contingent expenses of said building, viz:

For labor, fuel, and light, - - - - - 2,200 00
For miscellaneous items, - - - - - - 1,100 00
For the purchase of such scientific works as are necessary for the use of the Patent Office, - 1,500 00
For compensation of librarian, - - - - 300 00
For the collection of agricultural statistics, and other purposes, - - - - - - - 3,500 00
For defraying the expenses of chemical analysis of vegetable substances produced and used for the food of man and animals in the United States, to be expended under the direction of the Commissioner of Patents, - - - - - 1,000 00

Treasury Department.

For compensation of the Secretary of the Treasury, and the clerks, messenger, and assistant messenger in his office, - - - - - - 27,850 00
For compensation of the First Comptroller, and the clerks, messenger, and assistant messengers in his office, - - - - - - - - 28,550 00
For compensation of the Second Comptroller, and the clerks and messenger in his office, including the salary of an additional clerk, at twelve hundred dollars, authorized by the act of the third March, eighteen hundred and forty-seven, and hereby continued for one year, - - - - 16,450 00
For compensation of six additional clerks in said office for one year, at twelve hundred dollars each, - - - - - - - - - 7,200 00
For compensation of the First Auditor, and the clerks and messenger in his office, including the salaries of two additional clerks, authorized by the act of third March, eighteen hundred and forty-seven, at one thousand one hundred and fifty dollars each, and hereby continued for one year, and of an additional messenger six hundred dollars, - - - - - - - - 22,800 00
For compensation of the Second Auditor, and the clerks and messenger in his office, including the salaries of three additional clerks, at one thousand one hundred and fifty dollars each, authorized by act of third March, eighteen hundred and forty-seven, and the salaries of nine additional clerks, at one thousand dollars each, (said additional clerks being hereby authorized to be employed for one year,) and including two hundred and eighty-three dollars and twenty cents as compensation to A. B. Morton, for services in said office in eighteen hundred and forty-seven, - - - - - - 38,633 20
For compensation of thirteen additional clerks, which the Secretary of the Treasury is hereby authorized to employ for a period of twelve months from and after the passage of this act, at a daily compensation not exceeding three dollars, for the purpose of expediting, as far as possible, the settlement of the accounts of paymasters of the army of the United States, and the accounts for the arrears of pay of discharged and deceased officers and soldiers, recruiting officers' accounts, and the accounts of captains of companies, for company clothing and equipments, - - - - - - - - - 12,000 00
For compensation of Third Auditor, and the clerks, messenger, and assistant messenger in his office, - - - - - - - - - 38,350 00
For compensation of six additional clerks in said office for one year, two at twelve hundred dollars each, and four at one thousand dollars each, - - - - - - - - 6,400 00
For compensation of the Fourth Auditor, and the clerks and messenger in his office, including four hundred and two dollars for services rendered by William Brown in said office, in eighteen hundred and forty-seven, - - - - 20,552 00
For compensation of two clerks in said office, at one thousand dollars each, authorized by the act of third March, eighteen hundred and forty-five, and hereby continued for one year, - - 2,000 00
For compensation of the Fifth Auditor, and the clerks and messenger in his office, including the salary of an additional clerk, at eight hundred dollars per annum, - - - - - 15,600 00
For compensation of the Treasurer of the United States, and the clerks and messenger in his office, - - - - - - - - - 13,750 00
For compensation of the Register of the Treasury, and the clerks and messenger and assistant messenger in his office, - - - - - 28,800 00
For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, and packers in his office, - - - - - - - - - 84,788 75
For compensation of eight additional clerks in said office for one year, at one thousand dollars each, - - - - - - - - - 8,000 00
For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, 13,650 00

Contingent expenses of the Treasury Department.

In the office of the Secretary of the Treasury:
For blank books, binding, stationery, labor, compensation for carrying the department mails, translations, printing, including the public accounts, and for collecting and preparing information to be laid before Congress, - - - 15,200 00
For miscellaneous expenses, - - - - 2,800 00
For arrearages due to Robert Mayo, - - - 900 00
For the payment of a balance due on the treasury books to the legal representatives of John Habersham, late of Georgia, deceased, - - - 1,925 94
In the office of the First Comptroller:
For blank books, binding, stationery, printing, and labor, - - - - - - - - 1,700 00
For miscellaneous items, - - - - - 300 00
In the office of the Second Comptroller:
For blank books, binding, stationery, and printing blanks, including pay for the National Intelligencer and Union, to be filed, bound, and preserved for the use of the office, - - - 700 00
For labor, office furniture, and miscellaneous items, - - - - - - - - 800 00
In the office of the First Auditor:
For blank books, binding, stationery, labor, and printing blanks, - - - - - - 1,000 00
For miscellaneous items, - - - - - 750 00
In the office of the Second Auditor:
For blank books, binding, stationery, labor, and printing blanks, - - - - - - - 1,850 00
In the office of the Third Auditor:
For blank books, binding, printing, stationery, and labor, - - - - - - - - 800 00
For miscellaneous items, - - - - - 200 00
In the office of the Fourth Auditor:
For blank books, binding, stationery, printing, and labor, - - - - - - - - 750 00

For miscellaneous items, - - - - - 200 00

In the office of the Fifth Auditor:
For blank books, binding, stationery, and labor, - 375 00
For miscellaneous items, - - - - - 350 00

In the office of the Treasurer:
For blank books, binding, and stationery, - - 425 00
For labor, - - - - - - - - 375 00
For printing, - - - - - - - 200 00
For miscellaneous items, - - - - - 500 00

In the office of the Register of the Treasury:
For blank books, binding, printing, stationery, and labor, - - - - - - - 2,000 00
For miscellaneous items, - - - - - 1,000 00

In the office of Commissioner of the General Land Office:
For tract books, - - - - - - - 3,327 00
For stationery, including blank books and blank forms for the district land offices, pieces of parchment and printing patents, advertising land sales in newspapers and hand-bill form, public notices, and printing circulars, office furniture and repairs of the same, and pay of laborers employed in the office, - - - 25,828 75
For miscellaneous items, - - - - - 700 00

In the office of the Solicitor of the Treasury:
For blank books, binding, stationery, printing circulars and blank forms for returns of district attorneys, marshals, clerks of courts, collectors of the customs, and labor, - - - - 1,050 00
For statutes and reports of the several States, - 1,000 00
For cases for books and papers, - - - - 1,500 00
For miscellaneous items, - - - - - 200 00

For compensation of a superintendent and eight watchmen of the Southeast Executive Building, 3,420 00
For contingent expenses of said building, viz: for labor, fuel, and light, - - - - - 7,700 00
For rent of additional rooms and four watchmen, and including iron safes, hose to guard against fire, fuel, repairs, and labor, - - - - 6,965 00
For miscellaneous items, - - - - - 1,700 00

War Department.

For compensation of the Secretary of War, and the clerks, messenger, and assistant messenger in his office, - - - - - - - 17,850 00
For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office, - - - - 18,700 00
For the compensation of the Commissioner of Pensions, and the clerks and messengers in his office, including twenty-three thousand four hundred and twenty-two dollars and fifty-six cents for per diem compensation to twenty-seven additional clerks on bounty land business, 41,023 56
For compensation of the clerk and messenger in the office of the Commanding General, - - 1,500 00
For compensation of the clerks and messenger in the office of the Adjutant General, including one additional permanent clerk, at an annual salary of fourteen hundred dollars, - - - - 9,050 00
For compensation of clerks temporarily employed in said office, - - - - - - 1,000 00
For compensation of the extra clerk employed in said office one month and five days, during the fiscal year ending June thirtieth, eighteen hundred and forty-seven, - - - - - 100 00
For compensation of clerks and messenger in the office of the Quartermaster General, - - - 7,300 00
For clerks and messenger in the office of Clothing and Equipage, at Philadelphia, - - - 4,200 00
For compensation of clerks and messenger in the office of the Paymaster General, - - - 9,100 00
For compensation of clerks and messenger in the office of the Commissary General of Subsistence, - - - - - - - - 5,300 00
For compensation of three additional clerks in said office, for one year, at one thousand dollars each, - - - - - - - - 3,000 00
For compensation of the clerks and messenger in the office of the Chief Engineer, - - - 5,650 00
For compensation of the clerks and messenger in the office of the Surgeon General, - - - 2,650 00
For compensation of the clerks and messenger in the office of the Colonel of Ordnance, - - 8,650 00
For compensation of one clerk temporarily employed in said office, - - - - - 609 00
For compensation of the clerks and messenger in the Bureau of Topographical Engineers, - 4,900 00

Contingencies of the War Department.

For the incidental and contingent expenses of said department, and the various offices and bureaus connected therewith, viz:

In the office of the Secretary of War:
For blank books, binding, stationery, labor, and printing, and newspapers and periodicals, - 1,450 00
For books, maps, and plans, - - - - 1,000 00
For miscellaneous items, - - - - - 550 00

In the office of the Commissioner of Indian Affairs:
For blank books, binding, and stationery, - - 500 00
For labor, - - - - - - - - 100 00
For miscellaneous items, - - - - - 400 00

In the office of the Commissioner of Pensions:
For stationery, blank books, binding, printing blank forms and regulations, advertising, and fuel, - - - - - - - - 1,200 00
For miscellaneous items, - - - - - 800 00

In the office of the Commanding General:
For miscellaneous items, - - - - - 300 00

In the office of the Adjutant General:
For printing Army Register and orders, blank books, binding, and stationery, - - - - 1,200 00
For miscellaneous items, - - - - - 200 00

In the office of the Quartermaster General, including the office at Philadelphia:
For blank books, binding, stationery, labor, and printing, - - - - - - - 500 00
For extra clerk hire, - - - - - - 5,000 00
For miscellaneous items, - - - - - 200 00

In the office of the Paymaster General:
For blank books, binding, stationery, and fuel, - 1,000 00
For miscellaneous items, - - - - - 400 00

In the office of the Commissary General of Subsistence:
For blank books, binding, stationery, printing, advertising, labor, and fuel, - - - - 2,000 00
For miscellaneous items, - - - - - 150 00

In the office of the Chief Engineer:
For blank books, binding, stationery, fuel, and printing, - - - - - - - 700 00
For miscellaneous items, - - - - - 300 00

In the office of the Surgeon General:
For blank books, binding, stationery, printing, and fuel, - - - - - - - 185 00
For miscellaneous items, - - - - - 65 00

In the office of the Colonel of Ordnance:
For blank books, binding, stationery, printing, and fuel, - - - - - - - 400 00
For miscellaneous items, - - - - - 400 00

In the bureau of Topographical Engineers:
For blank books, binding, stationery, labor, and fuel, - - - - - - - - 750 00
For miscellaneous items, - - - - - 500 00
For compensation of superintendent and four watchmen of the Northwest Executive Building, - - - - - - - - 1,710 00

For the contingent expenses of said building, viz:
For labor, fuel, and light, - - - - 2,400 00
For rent of additional offices, and fuel for the same, - - - - - - - 8,500 00
For miscellaneous items, - - - - - 1,600 00

Navy Department.

For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office, - - - - - - 21,950 00
For compensation of the chief of the Bureau of Navy Yards and Docks, and of the civil engineer, draughtsman, clerks, and messengers in his office, including a salary of one thousand dollars for an additional clerk for one year, - 11,400 00
For compensation of the chief of the Bureau of Ordnance and Hydrography, and of the draughtsman, clerks, and messenger in his office, - 9,400 00
For compensation of the chief of the Bureau of Construction, Equipment, and Repairs, and of the assistant constructor, draughtsman, clerks, and messenger in his office, - - - - 13,100 00
For compensation of the chief naval constructor and the engineer in chief, - - - - - 6,000 00
For compensation of the chief of the Bureau of Provisions and Clothing, and of the clerks and messenger in his office, - - - - - 9,300 00
For compensation of the chief of the Bureau of Medicine and Surgery, and of the clerks, assistant surgeon, and messenger in his office, - 6,800 00

For contingent expenses of said department, and all the bureaus connected therewith, viz:
For blank books, binding, stationery, printing, and labor, - - - - - - - 4,000 00
For newspapers and periodicals, - - - - 200 00
For miscellaneous items, - - - - - 1,600 00
For compensation of superintendent and three watchmen of the Southwest Executive Building, - - - - - - - - 1,345 00

For contingent expenses of said building, viz:
For labor, fuel, and light, - - - - - 1,675 00
For the rent of additional offices, and fuel, for the use of the Navy Department, - - - - 3,000 00
For miscellaneous items, - - - - - 1,150 00
For payment of expenses of frigate Macedonian whilst employed under a resolution of Congress, in carrying provisions to Ireland, - - 16,000 00

Post Office Department.

For compensation of Postmaster General, three assistant postmasters general, clerks, messengers, assistant messengers, and watchmen of the said department, - - - - - 74,600 00
For compensation of four clerks, under the act of nineteenth May, eighteen hundred and forty-eight, for six months, at the rate of one thousand dollars each per annum, - - - - 2,000 00
For compensation to temporary clerks, - - 2,000 00
For compensation of the Superintendent of the Post Office building, - - - - - - 250 00

For contingent expenses of said department, viz:
For blank books, binding, stationery, fuel, oil, labor, printing, and day watchmen, - - - 6,160 00
For miscellaneous items, - - - - - 800 00
For repairs of the Post Office building, repairs of the furnaces, whitewashing, glazing, casing fireplaces, and mending office furniture, - - 500 00
For compensation of the Auditor of the Post Office Department, and the clerks and messenger, and assistant messenger in his office, - - - 85,800 00
For compensation to Robert B. Boyd, in lieu of his present compensation, the sum of forty dollars per month, as a watchman in the Post Office Department.—[Indefinite.]

For contingent expenses of said office, viz:
For labor, blank books, binding, stationery, printing blanks and circulars, - - - - - 7,700 00
For miscellaneous items, - - - - - 1,000 00

Surveyors and their Clerks.

For compensation of the surveyor general northwest of the Ohio, and the clerks in his office, - 8,300 00
For compensation of the surveyor general of Illinois and Missouri, and the clerks in his office, - - - - - - - - - 5,820 00
For compensation of the surveyor general of Louisiana, and the clerks in his office, - - - 4,500 00
For compensation of the surveyor general of Florida, and the clerks in his office, - - - - 5,500 00
For compensation of the surveyor general of Wisconsin and Iowa, and the clerks in his office, - 8,300 00
For compensation of the Commissioner of Public Buildings in Washington, - - - - - 2,000 00
For compensation to four assistants, drawkeepers at the Potomac bridge, including oil for lamps and machinery, firewood and repairs, - - 4,290 00

Mint of the United States.

At Philadelphia, viz:
For salaries of the director, treasurer, chief coiner, assayer, melter and refiner, engraver, assistant assayer, and four clerks, - - - - - 19,200 00
For wages of workmen, - - - - - 24,000 00
For incidental and contingent expenses, including fuel, materials, stationery, water rent, repairs and wastage, in addition to available funds on hand, - - - - - - - - 17,344 00
For specimens of ores and coins to be reserved at the mint, - - - - - - - - 100 00

At Charlotte, North Carolina, viz:
For salaries of superintendent, assayer, coiner, and clerk, - - - - - - - - 6,000 00
For wages of workmen, - - - - - 3,500 00
For incidental and contingent expenses, including fuel, materials, stationery, repairs and wastage, 2,100 00

At Dahlonega, Georgia, viz:
For salaries of superintendent, assayer, coiner, and clerk, - - - - - - - - 6,000 00
For wages of workmen, - - - - - 3,600 00
For incidental and contingent expenses, including fuel, materials, stationery, repairs, and wastage, 2,500 00

At New Orleans, viz:
For salaries of superintendent, treasurer, coiner, assayer, melter and refiner, and two clerks, - 12,900 00
For wages of workmen, - - - - - 19,000 00
For incidental and contingent expenses, including fuel materials, stationery, water rent, repairs, and wastage, together with an estimated excess of expenses over means for the previous year, of nine thousand two hundred dollars, and in addition to available funds on hand, - - - 29,200 00

Judiciary.

For salaries of the Chief Justice of the Supreme Court, and the eight associate judges, - - 41,000 00
For salaries of the district judges, - - - 63,700 00
For salaries of the Chief Justice of the District of Columbia, the associate judges, the judges of the criminal and orphans' court, - - - 10,700 00
For salaries of the Attorney General and the clerk and messenger in his office, - - - - - 6,100 00
For contingent expenses of the office of the Attorney General, - - - - - - - 500 00
For salary of the Reporter of the decisions of the Supreme Court, - - - - - - - 1,300 00
For compensation of the district attorneys, being two hundred dollars each, as prescribed by law, 7,400 00
For compensation of the marshals, as prescribed by law, - - - - - - - - 6,600 00
For defraying the expenses of the supreme, circuit, and districts courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending the thirtieth June, eighteen hundred and forty-nine, and previous years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the apprehension and safekeeping of prisoners, - - - - - 443,000 00
For repairs of the United States court-house at Detroit, heretofore made by William R. Noyes, under the direction of the marshal.—[Indefinite.]

Miscellaneous.

For payment of annuities and grants by special acts of Congress, - - - - - - 7 750 00
For the purchase of one or both of the bridges over the Eastern Branch, near the city of Washington, at a valuation to be made in such manner as the Secretary of the Treasury may direct, - 30,000 00
For compensation and contingent expenses of the auxiliary guard, - - - - - - 6,775 00
For annual repairs of the Capitol, attendance on furnaces in the crypt, attendance on water-closets, cleaning rotundo; for public gardener and laborers, and cartage on the Capitol grounds; tools, wire, twine, leather, nails, chains and posts, boxes, straw, whitewashing, manure, and trees for grounds; attendance at the western gate of the Capitol; repairs of public stables; flagging, enclosures, &c.; keeping in order the iron pipes that convey water to the Capitol and public offices, and repairing damage by freshets; brooms, brushes, wooden spades, and shovelling snow; erecting a suitable building for the keeper of the western gates, repairing western front of the Capitol, repairing abutments of Tiber creek bridge, and building protecting walls; painting exterior wood work of the Capitol and iron fences around the same; altering and enclosing wooden stairway from the roof of the Capitol to the opening in the dome; erecting iron fence on Pennsylvania avenue enclosing a part of the public grounds at the President's House; for enclosing public grounds at the north and south of the Capitol, at the western front of the Capitol, and the public grounds at the south front of the President's House, with wooden fences; grading said grounds; for suitable trees for planting nursery, - - - - - - - - - 17,497 50

For lighting Pennsylvania avenue from the Capitol square to the Treasury Department, and compensation for one lamp-lighter for the same, and for lighting Capitol and Capitol grounds, and President's House, - - - - - 6,000 00

For annual repairs and painting of President's House; gardener and laborers, manure, leather, nails, tools, cartage, &c., for the grounds about the same; repairs of the fence at La Fayette square, Fountain square, President's garden, and repairs of gardener's house, - - - 8,368 25

For grading, draining, planting, and enclosing with wooden fence the grounds south of the President's House, and extending to the canal, 6,000 00

For sprinkling Pennsylvania avenue during the session of Congress, - - - - - 1,000 00

For painting the Capitol, - - - - - 20,000 00

For compensation to James Crutchett for extra work done in making the necessary fixtures for lighting the Capitol with gas, - - - - 2,877 18

For paying for removing the mast and lantern above the dome of the Capitol, - - - 323 00

For the purchase and erection of lamps and lamp posts of iron, and for the laying of gas pipes, and for other necessary fixtures for lighting the Capitol grounds with gas, to be expended under the direction of the Commissioner of Public Buildings, - - - - - 10,000 00

For laying gas pipes from the main gas pipe at the Capitol to the foot of Fifteenth street, on both sides of Pennsylvania avenue, and for one hundred lamp posts and lamps and other necessary fixtures, and for work and materials rendered and supplied in establishing the same, to be expended under the direction of the Commissioner of Public Buildings, - - - - - 10,000 00

For laying eight hundred feet of gas pipe from the foot of Fifteenth street to the President's House, and sixteen hundred feet of branch pipe through the house, thirty single burners, pendents and brackets in the kitchen and passages below, twenty brackets in the bedrooms, fifty double brackets in the other rooms, five four-light chandeliers, four six-light do., six eight-light do., two twelve-light do., altering chandeliers in the East room, and for all other necessary fixtures for completing the same, to be expended under the direction of the Commissioner of Public Buildings, - - - - - - 5,000 00

For paying the Washington Gas Company for lighting the Capitol and Capitol grounds, including fixtures furnished, to the thirty-first of August, eighteen hundred and forty-eight, to be paid under the direction of the Committee on Public Buildings, - - - - - - 2,000 00

For grading, planting with trees, and enclosing with a substantial wooden fence for their protection, the public mall from seventh street westward to the Potomac river, - - - 3,628 00

For necessary repairs of the public property at the lazaretto, at Philadelphia, - - - - - 832 00

For survey of the coast of the United States, including compensation to superintendent and assistants, - - - - - - 165,000 00

For the further prosecution of the survey of the northern and northwestern lakes, - - - 25,000 00

For payment to clerks of the district courts of the United States, for statements of the proceedings under the bankrupt act, made in pursuance of the resolution of the House of Representatives of the twenty-fifth March, eighteen hundred and forty-four, at the rate of fifteen cents for each application for relief under said act, - - - - - - - 6,166 20

For the discharge of such miscellaneous claims, not otherwise provided for, as shall be admitted in due course of settlement at the treasury, 5,000 00

For services rendered by the marshal of the northern district of Florida in removing intruders from the military reservation, and from within the Indian boundary in Florida, - - - 304 05

For salaries of assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis, - - - - - - - 11,500 00

For additional salaries of treasurers of the mint at Philadelphia and branch mint at New Orleans, 1,000 00

For salaries of ten clerks, authorized by the act of sixth August, eighteen hundred and forty-six, including an increase of one hundred dollars per annum to the salary of each of said clerks from the first day of July, eighteen hundred and forty-eight, - - - - - 9,000 00

For salary of chief clerk to the assistant treasurer, New York, - - - - - - - 1,500 00

For contingent expenses under the act for the safe-keeping, collection, transfer, and disbursement of the public revenue of sixth August, eighteen hundred and forty-six, - - - - 15,000 00

For compensation to special agents to examine books, accounts, and money on hand in the several depositories, under the act of sixth August, eighteen hundred and forty-six, - - - 5,000 00

For the support, clothing, and medical treatment of insane paupers of the District of Columbia, - 5,700 00

For the warden, clerk, physician, chaplain, three assistant keepers, five guards, messenger, and three inspectors of the Penitentiary of the District of Columbia, - - - - - - 6,283 80

For the support, attention, and medical treatment of twelve transient pauper medical or surgical patients in the Washington Infirmary, to be expended under the supervision of the Commissioner of Public Buildings, - - - - 2,000 00

For bringing to the seat of government the votes for President and Vice President of the United States, - - - - - - - 9,000 00

For expenses of loans and treasury notes, - - 15,000 00

To make good a deficiency in the fund for the relief of sick seamen, - - - - - - 12,000 00

To enable the Clerk of the House of Representatives to pay for two thousand seven hundred and sixty copies of the Congressional Globe and Appendix for the second session of the twenty-ninth Congress, delivered to the members of the House of that Congress, under the resolution of first March, eighteen hundred and forty-seven, - - - - - - - - 8,208 00

To enable the Clerk of the House of Representatives to pay for two thousand seven hundred and sixty copies of the Congressional Globe and Appendix of the present session, under the resolution of first March, eighteen hundred and forty-seven, when they shall have been delivered to the members of the House of Representatives, - - - - - - - - 16,560 00

To enable the Secretary of the Senate to pay James A. Houston for three hundred and fifty bound copies of the proceedings and debates of the Senate, for the present session, as published by him, and for an analytical index to the same, to be furnished to the members of the House of Representatives and Senate, - - - - 2,500 00

To provide for a deficiency in the appropriation for the contingent expenses of the Senate, for the year ending June thirtieth, eighteen hundred and forty-eight, - - - - - - 15,000 00

For payment of the first volume of the fifth series of the Documentary History, under contract with the Secretary of State, - - - - - 24,327 00

To pay for three hundred and fifty copies of a compend of the revenue laws of the United States, compiled by Thomas F. Gordon, at the instance and for the use of the Treasury Department, - - - - - - - - 4,270 00

For furniture and fixtures for the custom-house building, including the post office, United States court-room and offices, at Wilmington, North Carolina, - - - - - - - - 2,250 00

For continuing the construction of the custom-house in the city of Savannah, - - - - 30,000 00

For the purchase of a site for a custom-house in Charleston, South Carolina, - - - - 100,000 00

For continuing the construction of the custom-house in the city of New Orleans, - - 130,758 00

For paying the outstanding claims on account of the new custom-house at Boston, and for completing the work, - - - - - - - 12,500 00

For repairing the custom-house at Wiscasset, in the State of Maine, and for purchasing the land on which it stands, - - - - - - - 2,200

For repairing and painting the custom-house at Portland, in the State of Maine, - - - 300 00

For refunding certain duties paid by colleges, academies, schools, and seminaries of learning in the United States, on philosophical apparatus, instruments, books, maps, and charts, agreeably to the provisions of an act passed July thirtieth, one thousand eight hundred and forty-six, entitled "An act reducing the duty on imports, and for other purposes," - - 7,000 00

For grading and graveling Four-and-a-half street, from Maryland avenue to the Arsenal grounds, and flagging the west side, - - - - 4,750 00

For grading and graveling Indiana avenue, from Third street to the Capitol Hill, and constructing culvert under the same, - - - - 13,600 00

For paving the remainder of the centre space of Pennsylvania avenue to Fifteenth street, - 4,000 00

For paving Fifteenth street, in front of the Treasury Department, and of the street in front of the President's House to Seventeenth street, to be executed in the same manner as was prescribed for the paving of Pennsylvania avenue, - - - - - - - - 12,700 00

To reimburse to the city of Washington the amount advanced to the Commissioner of Public Buildings to finish the repair of the Potomac bridge, - - - - - - - 1,200 00

For expenses of the survey of the boundary line between the United States and the British provinces, - - - - - - - 4,813 75

For continuing the publication of the works of the Exploring Expedition, including the printing of the charts, the pay of the scientific corps, salary of the horticulturist, and care of the collection, - - - - - - - 38,753 00

For the purpose of restoring, by reconstruction under the direction of the Secretary of State, the maps showing the demarcation of boundary under the treaty of Washington, of August ninth, eighteen hundred and forty-two, which were destroyed by fire, at the city of Washington, on the night of April seventeenth, eighteen hundred and forty-eight, and of procuring the authentication thereof, - - - - - 10,000 00

For payment to Virginia of money paid by that State, under judgments of her courts against her, to revolutionary officers and soldiers, and their representatives, for half-pay and commutation of half-pay, - - - - - - 81,273 17

For the payment to Richard Fields of the balance due him on the certificate of the commissioners of Washington city, of June the twenty-fifth, eighteen hundred and forty-seven, awarded and decreed to him under the sixteenth article of the treaty with the Cherokee nation of Indians of eighteen hundred and thirty-five-six, - - - - - - - - 600 00

To pay Samuel Walker for work done at the Norfolk hospital, - - - - - - - 50 00

Light-house Establishment.

For supplying the light-houses (containing two thousand nine hundred and seventy-six lamps) with oil, tube-glasses, wicks, buff skins, whiting, and cotton cloth, transportation, and other expenses, on the same, and for repairing the lighting apparatus, - - - - - - 140,394 62

For repairs and incidental expenses, refitting, and improvements of light-houses, and buildings connected therewith, - - - - - - 78,889 67

For salaries of two hundred and seventy-three keepers and fifteen assistant keepers of light-houses, (seventeen of them charged with double and three with triple lights,) including twelve hundred dollars for salary of an inspector of lights on the lakes, - - - - - - - 114,948 33

For salaries of thirty-one keepers of floating lights, 16,650 00

For seamen's wages, repairs, and supplies of thirty-one floating lights, - - - - - - 79,265 02

For weighing, mooring, cleansing, repairing, and supplying loss of beacons, buoys, chains, and sinkers, - - - - - - - - 33,466 28

For expenses of superintendents in visting [visiting] the light-houses annually, and examining and reporting the condition of each, - - - 2,000 00

For superintendents' commissions on four hundred and sixty-five thousand seven hundred and thirteen dollars and ninety-two cents, at two-and-a-half per cent., - - - - - - 11,640 35

For completing the light-house on Minot's rock, Boston harbor, Massachusetts, - - - - 10,000 00

For completing the sea-wall for the protection of the light-house on Fairweather Island, near Black Rock, Connecticut, - - - - - 5,000 00

For completing the construction of a light-house at Monroe, Michigan, - - - - - - 3,522 00

For completing the construction of a light-house at Wangoshance, Michigan, - - - - - 38,365 42

For completing the construction of a light-house at Carysfort reef, Florida, - - - - - 29,970 74

For completing the construction of a light-house on Sand Key, Florida, - - - - - - 39,970 74

For a light-boat to be stationed on Bartlett's reef, Long Island sound, - - - - - - - 12,000 00

For the erection of a beacon-light on the south-west ledge in the harbor of New Haven, Connecticut, or for the removal of said ledge, as the Secretary of the Treasury may deem best, - - 5,000 00

For the construction and equipment of six revenue cutters, - - - - - - - - 90,000 00

Surveys of Public Lands.

For surveying, in addition to the unexpended balance of former appropriations, viz:

For surveying the public lands, including incidental expenses, to be apportioned to the several districts according to the exigencies of the public service—the part to be applied to the surveys of the mineral regions of Michigan, Wisconsin, and Iowa, and to the location of private claims in Florida, to be disbursed at augmented rates, - - - - - - - 115,000 00

For surveying in Florida, under the act of June twenty-eighth, eighteen hundred and forty-eight, directing certain surveys in the State of Florida, 15,000 00

For carrying into effect the act of first July, eighteen hundred and forty-eight, for the relief of the bona fide settlers under the acts for the armed occupation and settlement of a part of the Territory of Florida, - - - - - - 1,500 00

For clerks in the offices of the surveyors general, to be apportioned to them according to the exigencies of the public service, and, if necessary, to be employed in transcribing field-notes of surveys, for the purpose of preserving them at the seat of government, and for other purposes, 22,950 00

For detached surveys in the southern part of Missouri, at a rate not exceeding five dollars per mile, on account of the difficulties in surveying lakes and swamps, - - - - - 4,000 00

For correction of erroneous and defective surveys in Illinois and Missouri, at a rate not exceeding six dollars per mile, - - - - - - 1,200 00

For retracing in the State of Mississippi, to supply lost field-notes, and for the location of private claims, - - - - - - - - 2,400 00

For the location of private claims and correction of surveys in Louisiana, exclusive of the Greensburg district, - - - - - - - 14,230 00

For retracing in the State of Alabama, to supply field-notes destroyed by fire, - - - - - 6,050 00

For additional compensation to certain deputies, as set forth in the report of the surveyor general of Florida, - - - - - - - - 3,000 00

For mineral land service, to carry out the requirements of the acts of the first and third March, eighteen hundred and forty-seven, viz:

For compensation of geologists, assistant geologists, laborers, packmen, and incidental expenses attending the geological examination and survey of the mineral lands in Michigan, Wisconsin, and Iowa, including the amount required for the third and fourth quarters of the year ending the thirtieth of June, eighteen hundred and forty-eight, - - - - - - 40,000 00

For compensation of agent, assistant agent, and incidental expenses in collecting the rents required by the leases and permits issued to miners and others in Michigan and Wisconsin, 3,400 00

Intercourse with Foreign Nations.

For salaries of the ministers of the United States to Great Britain, France, Russia, Prussia, Spain, and Brazil, - - - - - - - 54,000 00

For outfit of minister to Russia, - - - - 9,000 00

For salaries of secretaries of legation to the same places, - - - - - - - - 12,000 00

For salary of minister resident to Turkey, - - 6,000 00

For the salary of the dragoman to the legation to Turkey, - - - - - - - - 2,500 00

For salaries of the chargés des affaires to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, the Papal States, Chili, Peru, New Granada, Venezuela, Buenos Ayres, Bolivia, Guatamala, and Ecuador, - - - 76,500 00

For contingent expenses of all the missions abroad, 30,000 00

For contingent expenses of foreign intercourse, - 30,000 00

For intercourse with the Barbary Powers, - - 9,000 00
For the salary of a consul general at Alexandria, 3,000 00
For paying John Hogan for services and expenditures as political agent in St. Domingo, and in full satisfaction of all his claims for extra expenses and services in the years eighteen hundred and forty-two and eighteen hundred and forty-three, - - - - - - 1,250 00
For salary of consul at London, - - - - 2,000 00
For salary of the commissioner to the Sandwich Islands, - - - - - - - - 3,000 00
For paying Joshua Dodge, late special tobacco agent of the United States to the various governments of Europe, in full compensation for his services, and for contingent and other expenses incurred by him during the period of his three missions as said special tobacco agent, and for services rendered to the tobacco interest of the United States, - - - - - - 4,500 00
For paying John Randolph Clay, late secretary of legation at St. Petersburg, on account of his services as chargé d'affaires at said court, from the twenty-seventh day of January, eighteen hundred and forty-six, to the eighteenth day of August, eighteen hundred and forty-seven, after the rate of four thousand five hundred dollars per annum, (deducting his pay as secretary of legation at two thousand dollars per annum,) - - - - - - - - 3,910 76
For paying Eben Ritchie Dorr for diplomatic services at the Republic of Chili, from the seventeenth day of June, eighteen hundred and forty-four, until the nineteenth day of August, eighteen hundred and forty-five, - - - - 5,262 00
For paying Jacob L. Martin, late secretary of legation of the United States at Paris, for his services as chargé d'affaires of the United States near the French Government, from fifteenth day of September, eighteen hundred and forty-six, to the first day of July, eighteen hundred and forty-seven, being the time intervening between the recall of our late minister, (Mr. King,) and the arrival of Mr. Rush, after the rate of four thousand five hundred dollars per annum, (deducting his pay as secretary of legation,) - - - - - - - - 2,193 00
For compensation to William M. Blackford, as chargé d'affaires to the Republic of New Granada, being the usual return allowance to chargé d'affaires to foreign courts, - - - - 1,125 00
For compensation to Stanhope Prevost, consul of the United States at Lima, for diplomatic services rendered in the absence of the chargé d'affaires from that country, - - - - 1,800 00
For paying Peter Parker, secretary of legation and Chinese interpreter at Canton, for his services as chargé d'affaires of the United States at said place, from the twenty-eighth day of June, eighteen hundred and forty-seven, to the twenty-eighth day of June, eighteen hundred and forty-eight, being the interval between the death of Alexander H. Everett, late commissioner at Canton, and the probable arrival of the present commissioner, John W. Davis, Esq., after the rate of four thousand five hundred dollars per annum, (deducting his salary as such secretary,) - - - - - - - - 2,000 00
For paying A. T. Donnett, for services as acting chargé d'affaires to Portugal, from nineteenth April to twenty-fourth December, eighteen hundred and forty-one, - - - - - 3,069 86
For paying to Joseph Graham and to George Lee Brent, in full compensation for their services and expenses as special agents and bearers of despatches from Buenos Ayres to Paraguay, in the year eighteen hundred and forty-six, on a mission instituted by the chargé d'affaires of the United States at Buenos Ayres, to offer the mediation of the United States to adjust and settle hostilities then pending between the Argentine Confederation and the State or Province of Paraguay, - - - - - - - - 3,575 00
For interpreters, guards, and other expenses of the consulates at Constantinople, Smyrna, and Alexandria, - - - - - - - - 1,500 00
For salary of a commissioner to reside in China, - 5,000 00
For salary of the interpreter and secretary to the said mission, - - - - - - - - 2,500 00
For the relief and protection of American seamen in foreign countries, - - - - - - - 75,000 00
For clerk hire, office rent, and other expenses of the office of the consul of the United States at London, - - - - - - - - - 2,800 00
For the expenses of running and marking the boundary line between the United States and Mexico, and paying the salaries of the officers of the commission, - - - - - - - 50,000 00
For salary of the consul at Beyroot, - - - - 500 00
For the balance of the amount agreed to be paid in liquidation of the claims of the citizens of Georgia, to be ascertained and allowed by the arbitrament and award of the President of the United States, under the fourth article of the treaty with the Creek nation of Indians, of the eighth of January, eighteen hundred and twenty-one, - - - - - - - - - 141,055 91
To the Creek nation of Indians, or to the order of the delegation of Indians aforesaid, in satisfaction of the claims of thirteen hundred "Creek Indian emigrants," friends and followers of General M'Intosh, who were emigrated to the West in eighteen hundred and twenty-nine, by Colonel Crowell, under the conduct and control of Luther Blake, as provided in the ninth article of the treaty of twenty-fourth January, eighteen hundred and twenty-six, - - - 43,333 33⅓
4,956,420 19⅓

An act making appropriations for the support of the army for the year ending the thirtieth of June, one thousand eight hundred and forty-nine.

For the pay of the army, - - - - - $1,634,382 00
For commutation of officers' subsistence, - - 555,351 00
For commutation of forage for officers' horses, - 104,256 00
For payment in lieu of clothing for officers' servants, - - - - - - - - 36,170 00
For expenses of recruiting, - - - - - - 40,560 00
For three months' extra pay to non-commissioned officers, musicians, and privates, on reënlistment, - - - - - - - - - 12,500 00
For three months' extra pay to the officers, non-commissioned officers, musicians, and privates, engaged in the military service of the United States in the war with Mexico, under the act entitled "An act to amend the act entitled 'An act supplemental to an act entitled An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes,'" approved July nineteenth, eighteen hundred and forty-eight, - - - - - - - - 3,000,000 00
For the regular supplies of the quartermaster's department, consisting of fuel, forage in kind for the authorized number of officers' horses, and for the horses, mules, and oxen of the quartermaster's department at the several military posts and stations, and with the armies in the field, and for the horses of the first and second regiments of dragoons, the eight companies of light artillery, and the regiment of mounted riflemen; of straw for soldiers' bedding, and of stationery, including company and other blank books for the army, certificates for discharged soldiers, blank forms for the pay and quartermaster's department, and for the printing of division and department orders and army regulations, - - - - - - - - - 600,000 00
For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers on public service; expenses of courts-martial and courts of inquiry, including the additional compensation to judge-advocates, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed in the erection of barracks, quarters, storehouses, and hospitals, the construction of roads, and other constant labor, under the direction of the quartermaster's department, for periods of not less than ten days, under the act of second March, eighteen hundred and nineteen; expenses of expresses to and from the frontier posts and armies in the field, of escorts to paymasters, other disbursing officers, and trains, where military escorts cannot be furnished; expense of the interment of non-commissioned officers and soldiers; hire of laborers; compensation of clerks to the officers of the quartermaster's department; compensation to wagon and forage masters, authorized by the act of the fifth of July, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures necessary to keep the first and second regiments of dragoons, the eight companies of light artillery, and the regiment of mounted riflemen complete, including the purchase of traveling forges, blacksmith's and shoeing tools, horse and mule shoes, iron, hire of veterinary surgeons, medicines for horses and mules, - - - - - - - 350,000 00
For the purchase of horses required for the first and second regiment of dragoons, the eight companies of light artillery, and the regiment of mounted riflemen, - - - - - - 100,000 00
For constructing, repairing, and enlarging barracks, quarters, storehouses, hospitals, stables, wharves, and ways, at the several posts and army depôts; for temporary cantonments, gun houses for the protection of cannon, including the necessary tools and materials for the objects enumerated, and for the authorized furniture for barrack rooms of non-commissioned officers and soldiers; rent of quarters for officers, barracks, and hospitals for troops, where there are no public buildings for their accommodation, for store horses [houses] for the safekeeping of military stores, and of grounds for summer cantonments, - - - - - - - - - 300,000 00
For mileage, or the allowance made to officers for the transportation of themselves and baggage, when traveling on duty without troops, - 75,000 00
For transportation of the army, including the baggage of the troops, when moving either by land or water; of clothing, camp, and garrison equipage, and horse equipments, from the depôt at Philadelphia to the several posts and army depôts; of subsistence from the places of purchase, and from the places of delivery, under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms for the foundries and armories to the arsenals, fortifications, frontier posts, and army depôts, - - - - - - - - 1,500,000 00
For subsistence in kind, in addition to one hundred and eighty-six thousand seven hundred and fourteen dollars and forty-four cents in the treasury, - - - - - - - - 1,127,428 56
For medical and hospital departments, - - 112,000 00
For contingencies of the army, - - - - 20,000 00
For armament of fortifications - - - - 100,000 00
For purchase of ordnance, ordnance stores, and supplies, - - - - - - - - 150,000 00
For current expenses of the ordnance service, - 100,000 00
For the manufacture of arms at the national armories, - - - - - - - - - 360,000 00
For repairs, improvements, and new machinery at Harper's Ferry armory, - - - - - 53,091 00
For repairs, improvements, and new machinery at Springfield armory, - - - - - - 81,000 00
For arsenals, - - - - - - - - 130,338 00
For purchase of land at Springfield, Massachusetts, adjacent to the new arsenal and public buildings, - - - - - - - - - 10,000 00
For purchase of land at Springfield, Massachusetts, to be flowed by raising dam at upper water shop, - - - - - - - - - 5,000 00
For expenses of repairing drawings of a uniform system of artillery, - - - - - - - 3,000 00
For the two contemplated military stations on the line of communication with Oregon, - - 30,000 00
For arrearages of the military and geographical surveys west of the Mississippi, - - - 20,000 00
For arrearages on account of the appropriations heretofore made for works of fortification at Mobile point, - - - - - - - - 59 92
At the Rigolets, Louisiana, - - - - - 852 00
At Fort Lafayette, New York, - - - - - 726 46
To pay to Captain John Caldwell the amount expended by him in the purchase of blankets and clothing for the second regiment of Ohio volunteers, while acting as assistant quartermaster for that regiment, in Mexico, - - - - 701 34
$10,612,416 28

An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same.

In Maine.

For a fog-bell at the light-house on Pond Island, at the mouth of the Kennebec river, - - $750 00
For buoys and beacons in Casco bay, - - - 1,000 00

In Massachusetts.

For a light-house at the mouth of Parmet river, in Truro, Cape Cod, - - - - - - - 3,500 00
For a light-house and keeper's house at Sankaty head, Nantucket, - - - - - - - 12,000 00
For a small harbor light at Hyannis, - - - 2,000 00
For a beacon light on Palmer's Island, New Bedford, - - - - - - - - - 3,500 00
For a light-house on Wing's Neck, Buzzard's bay, 3,500 00
For a spar buoy at the mouth of Little Woods Hole harbor; one on the westerly part of Mutton shoal; one on the southwest point, and one on the northwest point of Hawe's shoal; one on the easterly point of Tom's shoal, in Muskeket channel; and three at the mouth of Parmet river, Truro, - - - - - - - - 500 00

In Rhode Island.

For a dolphin on Long Bed, in Providence river, in lieu of the buoy now placed there, - - 120 00
For a spar buoy at each of the following places, to wit: off Plumb beach point; on Manna rock; on Flat rock; and on Bill Dyer's rock, near Wickford, - - - - - - - - 200 00
For two buoys and a spindle at the mouth of Pawcatuck river, - - - - - - - 200 00

In Connecticut.

For a light-boat to be placed on Eel Grass shoal, in Fisher's Island sound, - - - - - - 5,000 00

In New York.

For three lamps on the Hudson river; one at the extreme part of West Point; one at the bend of the river, about two miles north of Catskill landing, on the west side of the river; and one as Pryne's Hook, two miles north of the city of Hudson, - - - - - - - - - 150 00
For three spar buoys at the mouth of Port Jefferson harbor, Long Island, - - - - - - 180 00
For eight spar buoys to guide vessels into Niagara river from Lake Erie, and into Black Rock harbor, - - - - - - - - - 400 00
For a light-house upon the North Brother, near Hurl Gate, East river, if a title to the site can be obtained upon satisfactory terms, - - - 10,000 00

In Pennsylvania.

For a light-house on the stone pier in the river Delaware, near Fort Mifflin, - - - - 5,000 00

In Maryland.

For a light-house on Blackstone's Island, Potomac river, - - - - - - - - - 3,500 00
For a spar buoy in Potomac river, above Rozier's Bluff, on the Maryland side, between Alexandria and Fort Washington, - - - - 50 00
For five spar buoys to be placed on the Great shoal in Wicomico river, - - - - - - 250 00

In Virginia.

For two light-houses on Sand Shoal Island, to be placed so as to guide vessels in the best and safest manner into Sand Shoal inlet, or to be placed so as to guide vessels into Matchapungo inlet, - - - - - - - - - - 10,000 00

In North Carolina.

For a beacon light on the upper jettee, Cape Fear river, - - - - - - - - - 3,500 00
For a beacon light on Campbell's Island, same river, - - - - - - - - - - 3,500 00
For a beacon light at Orton's Point, same river, - 3,500 00
For a light-boat at the Horse Shoe, same river, between the New inlet and Prince's creek, - 10,000 00
For two beacon lights placed in the best manner at Price's creek, same river, - - - - 6,000 00
For two light-houses placed in the best manner upon the west channel of the same river, and a keeper's house on Oak Island, - - - - 9,000 00
For a buoy on the Western bar, and another at the Rip off the point of Oak Island, same river, 500 00

In Georgia.

For a light-boat to be placed off the knoll north of Tybee Island, Savannah river, - - - 10,000 00

In Florida.

For the removal of the light-house on Amelia Island to such other site thereon as the Secretary of the Treasury shall deem best suited to the exigencies of commerce, - - - - - 6,000 00

In Mississippi.

For a light-house on the west end of Ship Island, 12,000 00

In Louisiana.

For a bug-light at Proctorsville, on Lake Borgne, 500 00

For a light-boat on Ship Shoal, near Dernier, or Last Island, - - - - - - - 15,000 00

For a light-boat in Atchafalaya bay, as designated on the chart drawn by Captain Foster, provided the Fifth Auditor shall deem the same necessary for the protection of commerce, after causing a full examination to be made, - - - 12,000 00

In Wisconsin.

For a light-house to guide vessels through the passage from Lake Michigan to Green Bay, called Port du Mort, - - - - - - 3,500 00

For a light-house at Port Washington, - - 3,500 00

For a bug-light on the Government pier at Milwaukee, - - - - - - - - 500 00

In Michigan.

For twelve buoys to be placed on the St. Clair flats, in St. Clair river, - - - - - 800 00

For two beacon light-houses on Detroit river, one near Mamajuda, and the other on or near Grass Island, or at such places as may be decided upon by the Fifth Auditor, after a survey, - - 7,000 00

In New Jersey.

For providing surf-boat, rockets, carronades, and other necessary apparatus for the better preservation of life and property from shipwreck on the coast of New Jersey, between Sandy Hook and Little Egg Harbor, - - - - - - 10,000 00

To purchase lenses, and to fit up, under the direction of the Secretary of the Treasury, a light-house, to make trial of Mr. Isherwood's plan of discriminating one light from another, and of determining the distance of a vessel from a light, - - - - - - - - - - 6,000 00

$184,600 00

Act to establish the Territorial Government of Oregon.

For the services and expenses of such persons as have been engaged by the provisional government of Oregon in conveying communications to and from the United States, and the purchase of presents for such of the Indian tribes as the peace and quietude of the country requires, - - - - - - - - $10,000 00

For the erection of suitable buildings at the seat of government, - - - - - - - 5,000 00

For the purchase of a library, to be kept at the seat of government, for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law, 5,000 00

For the construction of light-houses at Cape Disappointment and New Dunginess; and for the construction and anchoring of the requisite number of buoys, to indicate the channels at the mouth of the Columbia river, and the approaches to the harbor of Astoria, - - - 15,000 00

$35,000 00

An act for the relief of the heirs of John Paul Jones.

To settle the accounts of the late Commodore John Paul Jones with the United States, upon the principles of justice and equity.—[Indefinite.]

To pay to the legal representatives of the said John Paul Jones, and the officers, seamen, and marines of the squadron under his command, being citizens of the United States, or their representatives, their respective proportions of the value, as estimated by Benjamin Franklin, of three prizes captured by the squadron under the command of the said Jones, and delivered up to Great Britain by Denmark, in seventeen hundred and seventy-nine.—[Indefinite.]

An act for the relief of Joseph and Lindley Ward.

To adjust and settle the claim of Lindley and Joseph Ward, arising upon their contract with the United States to furnish rations for the emigrating Indians of the Pottawatomie tribe, in eighteen hundred and thirty-eight.—[Indefinite.]

An act providing for the payment of the claim of Walter R. Johnson against the United States.

For his services, and payments made by him, in researches and experiments on American coal, under the direction of the Secretary of the Navy, - - - - - - - - $611 31

An act for the relief of the administratrix of Elisha L. Keen, deceased.

For advances to the United States in the years eighteen hundred and thirteen and eighteen hundred and fourteen, - - - - - - $594 00

An act in addition to an act for the relief of Walter Loomis and Abel Gay, approved July second, eighteen hundred and thirty-six.

For making the Cumberland road, and so far as they contracted to make the said road, or any part thereof, different from the original contract, and for keeping the same in repair.—[Indefinite.]

An act to provide for the compensation of Samuel Leech, for services in the investigation of suspended sales in the Mineral Point district, Wisconsin.

For services performed by him pursuant to instructions from the General Land Office, in taking testimony at Mineral Point, Wisconsin, during the past year; and for making a report in the cases of entry in that land district, in which patents have been withheld, on account of alleged frauds in making said entries, - - $550 00

An act for the relief of the legal representatives of George Fisher, deceased.

For the value of property taken or destroyed by the troops of the United States engaged in suppressing Indian hostilities in the year eighteen hundred and thirteen.—[Indefinite.]

An act for the relief of John Black, late consul of the United States at the city of Mexico.

For his diplomatic services to the United States in Mexico during the suspension of diplomatic intercourse between Mexico and the United States, from the tenth of May, eighteen hundred and forty-five, to the third day of April, eighteen hundred and forty-seven, inclusive.—[Indefinite.]

To cover his extraordinary expenditures incurred by him, the said Black, in consequence of his forcible expulsion from Mexico, and in bringing with him to the United States the archives of legation of the United States, - $1,124 00

An act to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States.

To purchase of Mrs. D. P. Madison, widow of the late James Madison, formerly President of the United States, all the unpublished manuscript papers of the said James Madison now belonging to and in her possession, - - $25,000 00

An act for the relief of Edward Bolon.

For services in keeping two prisoners of the United States, named Passmore, in the jail of Calhoun county, Florida, - - - - - - $1,174 00

An act for the relief of Thomas Brownell.

For medical services rendered to the officers and seamen attached to the naval station at Sackett's Harbor, - - - - - - - - - $50 63

An act for the relief of Samuel W. Bell, a native of the Cherokee nation.

His expenses incurred in going to and returning from Florida, in the year eighteen hundred and thirty-seven, and such daily pay for the time he was engaged on such mission, up to the time of his return to the Cherokee nation, as was paid to Richard Fields for similar services.—[Indefinite.]

An act for the relief of Jones and Boker.

For eight treasury notes, of which they were the lawful owners, and which were abstracted and stolen from the mail at the post office at Fayetteville, in the State of Arkansas, - - - $1,100 00

An act for the relief of Richard Bloss and others.

For the amount paid by them on the forfeited recognizance and bond for the appearance of Thaddeus P. Haskell.—[Indefinite.]

An act for the relief Joseph Wilson.

For such deficiency as he shall show to exist by reason of his making his deposits of the public money in the Phœnix bank, at Charlestown, Massachusetts, subsequent to the twenty-fifth of February, eighteen hundred and forty-two, after a final liquidation and distribution of the effects of said bank shall have been made; and shall also allow to said Wilson such reasonable and proper expenses as he has actually incurred and paid, or may incur and pay, in a suit now pending in the supreme judicial court of Massachusetts, and prosecuting the same to final judgment, brought to enforce the supposed priority of the claims of the United States over other creditors upon the assets of said bank in the hands of trustees.—[Indefinite.]

An act for the relief of Charles L. Dell.

For military services performed during the Seminole war, between the twenty-third of May and the twenty-ninth of November, eighteen hundred and forty.—[Indefinite.]

Anact for the relief of W. B. Slaughter, late Secretary of the Territory of Wisconsin.

To settle the accounts of W. B. Slaughter, late secretary of the Territory of Wisconsin, upon the principles of equity and justice, - - - $1,731 51

An act for the relief of the legal representatives of James Brown, deceased.

For such portion of the amount appropriated by an act of Congress, approved June thirtieth, eighteen hundred and thirty-four, entitled "An act for the relief of the legal representatives of James Brown," as remains due and unpaid, $4,149 60

An act for the relief of Phineas Capen, administrator of John Cox, deceased, of Boston.

For his services on board of one of its ships, and which said sum was fraudulently obtained from the treasury officers by a person unknown to, and unauthorized by, the heirs and the legal administrator of said John Cox, deceased, - $436 28

An act for the relief of William Ralston.

For his services as chaplain to the regiment of Tennessee cavalry, from the sixth of June, eighteen hundred and forty-six, to April twenty-one, eighteen hundred and forty-seven, - - $681 81

An act for the relief of Barclay and Livingston, and Smith, Thurgar, and Company.

For excess of duty paid by them to the collector of the port of New York, upon the importations of jute grass, under the name of India matting, India weed, hemp carpeting, or jute carpeting, under the tariff law of eighteen hundred and forty-two, and imported in the years eighteen hundred and forty-two, eighteen hundred and forty-three, eighteen hundred and forty-four, and eighteen hundred and forty-five, beyond what the same were legally chargeable with, - $1,200 00

An act to authorize the settlement of the account of Joseph Nourse, deceased.

To settle the account of Joseph Nourse, in conformity with the award and decree of the district court of the United States for the District of Columbia, as affirmed by the Supreme Court of the United States.—[Indefinite.]

An act for the relief of Stalker and Hill.

For a steamboat called the "James Boatwright," which was sunk in Indian river, in Florida, in the month of April, eighteen hundred and thirty-eight, while in the service of the United States.—[Indefinite.]

An act for the relief of William T. Holland.

For the mileage allowed by law to witnesses attending the courts of the United States from the city of Rio de Janeiro, in the empire of Brazil, to the city of Richmond, in the State of Virginia.—[Indefinite.]

An act for the relief of Alfred White.

In satisfaction of a judgment recovered against him by the United States, in the district court for the southern district of Mississippi, - - $54 45

An act for the relief of Thomas Scott, register of the land office at Chilicothe, Ohio, for services connected with the duties of his office.

For extra labor performed by persons employed by Thomas Scott, late register of the land office at Chilicothe, Ohio, in consequence of the transfer to said office of the business of certain other land offices, under the act approved June twelfth, eighteen hundred and forty, - - $500 00

An act for the relief of Bent, St. Vrain, and Company.

For provisions collected for the use of a detachment of United States troops on the waters of the upper Arkansas, in the year eighteen hundred and forty-three, under a contract made with Major Lee, commissary of subsistence at St. Louis, and recommended to be allowed by General Gibson, commissary general of subsistence, by letter to the Second Comptroller, dated May twenty-eighth, eighteen hundred and forty-four.—[Indefinite.]

An act for the relief of John Anderson.

For forty-eight thousand five hundred and seventy-four pounds of lead, received by the agent of the United States as rent for the use of a lead mine which belonged to said Anderson at the time the rent was paid, - - - - $2,333 82½

An act for the relief of Bennet M. Dell.

For the value of a certain building at Newnansville, in Florida, which was taken for the use of the United States by order of Colonel Francis R. Sanchez,, in the year eighteen hundred and thirty-five, and continued in the use of the United States as a blockhouse and magazine until eighteen hundred and forty-one, when it was abandoned and pulled down, - - - $750 00

An act for the relief of E. G. Smith.

For extra service, out of office hours, rendered by him in the preparation of the agricultural report in eighteen hundred and forty-four and eighteen hundred and forty-five.—[Indefinite.]

An act for the relief of Amzy Judd.

For the amount still due him as encouragement for his enlistment into the army of the United States, under the provisions of the act of Congress approved January twentieth, eighteen hundred and thirteen, - - - - - $24 00

An act for the relief of the legal representatives of William McKenzie, late a seaman on board the United States ship Vincennes.

For the sum due to William McKenzie, late a seaman on board the United States ship Vincennes, at the time of his death, as determined by the proper accounting officers of the treasury.—[Indefinite.]

An act for the relief of J. Throckmorton.

For any damage or loss sustained by him in consequence of the rescinding of a certain contract on the twentieth August, one thousand eight hundred and forty, without any fault and against the wish of the said Throckmorton, - - $1,000 00

An act for the relief of Elijah H. Willis.

For his services as inspector and measurer, in the discharge of the cargo of schooner Carpenter's Son, in the year eighteen hundred and forty-five, - - - - - - - - $26 65

An act for the relief of William Culver.

For work on, and for materials furnished for, the United States custom-house at the city of New London, in the State of Connecticut, - - $1,317 21

An act for the relief of the heirs of Matthew Stewart.

For all demands, under his claims as set forth in the report of Colonel Totten, of the Engineer Corps, dated nineteenth of January, eighteen hundred and forty-six, - - - - - - $148 48

An act for the relief of certain Tenneesee volunteers.

For the use and risk of horses, and for forage, from the first day of November, eighteen hundred and thirty-six, the date of the order of General Wool, until the day they were finally discharged, according to law, from the public service.—[Indefinite.]

An act to refund a penalty remitted by the Secretary of the Treasury to John Hardorp.

For the amount of a certain penalty incurred by him under the seventeenth section of the act of Congress entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," approved thirtieth August, in the year of our Lord eighteen hundred and forty-two, - - - - - - - - - $418 60

An act for the relief of Alborne Allen.

For the balance due on a contract for building a boat called the Æolus, on account of the Government, - - - - - - - - - $432 00

An act for the relief of B. O. Tayloe.

To ascertain, from the proof to be submitted by said Tayloe and by the Government, whether the buildings were returned to B. O. Tayloe by the Post Office Department "in a good and tenantable condition;" and if not, to ascertain the amount of damage sustained by said B. O. Tayloe.—[Indefinite.]

An act supplementary to "An act to authorize the Secretary of State to liquidate certain claims therein mentioned," passed eighteenth of April, one thousand eight hundred and fourteen

For advances made, for the use and benefit of the United States, prior to and since the taking of that portion of the late province of West Florida described in the act (approved eighteenth April, eighteen hundred and fourteen) to which this is a supplement, as included within the limits of the State of Louisiana, or of the Mississippi territory, by the United States.—[Indefinite.]

An act for the payment of the fourth regiment in the second brigade of the third division of the Vermont militia, for services at the battle of Plattsburg.

For one month's services of the officers and soldiers of the fourth regiment in the second brigade of the third division of the militia of the State of Vermont, who served at the battle of Plattsburg on the eleventh day of September, one thousand eight hundred and fourteen, for their military services on that occasion.—[Indefinite.]

An act for the relief of the widows and orphans of the officers, seamen, and marines of the brig-of-war Somers.

A sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel.—[Indefinite.]

An act for the relief of Ward and Smith.

For advances made by them for the use of the Navy Department in California, in the month of February, eighteen hundred and forty-seven, and to certify the amount to the Secretary of the Treasury.—[Indefinite.]

An act for the relief of Messrs. Cook, Anthony, Mahony, and others.

For amount of treasury notes which were deposited, enclosed in letters, in the post office at Van Buren, in the State of Arkansas, in March, anno Domini one thousand eight hundred and forty-three, and were afterwards stolen from the mail by one Charles Botsford, - - - - $600 00

An act for the relief of Charles M. Gibson.

For a wagon captured and destroyed in Middle Florida by the Seminole Indians, in February, one thousand eight hundred and thirty-nine, - $200 00

An act for the relief of Milledge Galphin, executor of the last will and testament of George Galphin, deceased.

For the claim of the late George Galphin, under the treaty made by the Governor of Georgia with the Creek and Cherokee Indians, in the year seventeen hundred and seventy-three.—[Indefinite.]

An act for the payment of Charles Richmond.

For his services as special marshal in aiding the marshal of the United States for the district of Michigan to preserve the neutral relations of the United States with the provinces of Upper and Lower Canada, in eighteen hundred and thirty-nine and eighteen hundred and forty, - $300 00

An act for the relief of the legal representatives of Thomas J. V. Owen, deceased.

For the use and occupation of his house at Chicago during the Black Hawk war, in the year eighteen hundred and thirty-two, as a cholera hospital, - - - - - - - - - - $200 00

An act for the relief of William B. Stokes.

For extra services preformed by John N. C. Stockton and Company, who were contractors for carrying the mail from Augusta, in the State of Georgia, to Mobile, in Alabama; said services having been rendered during the months of May, June, and July, in the year one thousand eight hundred and thirty-six, - - - - $4,775 00

An act for the relief of Samuel Grice.

For damages by the seizure of his boat by an officer of the United States army, in the year eighteen hundred and thirty-six, so far as said damages have not arisen from the negligence of said Grice.—[Indefinite.]

An act for the relief of John P. B. Gratiot and the legal representatives of Henry Gratiot.

For rent received by the agents for the United States of said Henry and John P. B. Gratiot, after deducting the amount appearing on the books of the treasury, found to be really due from said Gratiots, or either of them, to the United States.—[Indefinite.]

An act authorizing the payment of a sum of money to Robert Purkis.

As an evidence of the sense entertained by Congress of his valor and good conduct in having recaptured, alone and unassisted, a vessel called the Little Sarah, together with four seamen of the British navy, which prisoners were delivered to the district of Rhode Island, and as a compensation for the prisoners so taken, - $700 00

An act for the relief of William Hogan, administrator of Michael Hogan, deceased.

For the services rendered and moneys advanced by the said Michael Hogan, as agent or factor for the Navy Department at Valparaiso, - $16,831 87

An act to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw Academy.

For the buildings erected by Colonel Richard M Johnson, of Kentucky, for the use of Indian students at the Choctaw Academy, - - $10,000 00

An act for the relief of Benjamin Adams and Company, and others.

For the additional duties paid by them, severally, over and above five per cent. ad valorem imposed by the act of the second of March, one thousand eight hundred and thirty-three, on certain milled and fulled cloths, known by the name of "plains, kerseys, and Kendal cottons," which were imported by them, respectively, under the act of the fourteenth of July, one thousand eight hundred and thirty-two, - - $2,776 00

An act for the relief of Purser Benjamin J. Cahoone.

For the services of Mr. Fleming, late captain's clerk on board the United States frigate Congress, who performed the additional duties of purser's clerk during a part of the late cruise of said frigate, - - - - - - - - $237 67

An act for the relief of David A. Watterston.

For his salary for the fourth quarter of the year eighteen hundred and forty-four, and the first quarter of the year eighteen hundred and forty-five, - - - - - - - - - $87 85

An act for the relief of David Wilkinson.

For the benefits accruing to the public service from the use of the principle of the gauge and sliding lathe, of which he was the inventor, now in use in the workshops of the Government at the different national arsenals and armories, - - - - - - - - $10,000 00

An act for the relief of John Lorimer Graham, late postmaster in the city of New York.

For his disbursements from the post office fund, in leasing ground and buildings, and fitting the same for the principal branch post office in that city, under the direction of Chales A. Wickliffe, late Postmaster General.—[Indefinite.]

For having overpaid when postmaster, - - $2,704 31

A resolution in favor of David Shaw and Solomon T. Corser.

For carrying the mail on route number four, from Portland to Augusta, in Maine, - - - $3,000 00

A resolution for the relief of H. B. Gaither.

For taking charge of and keeping certain books relating to the payment of the Cherokees, in the year eighteen hundred and forty-one, under an implied contract with William Armstrong, agent for said Indians, - - - - - $240 00

RECAPITULATION.

For the deficiencies in former appropriations for the year ending June 30, 1848	$15,115,666 88
For revolutionary and other pensions	453,536 34
For the support of the Military Academy	143,472 00
For the service of the Post Office Department	4,451,700 00
For fortifications	583,600 00
For the support of the Indian Department	901,134 68
For the support of the navy	9,878,136 77
For the civil and diplomatic expenses of the Government	4,956,420 19½
For the support of the army	10,612,416 28
For the erection of light-houses, &c	184,600 00
Miscellaneous	151,161 05
Total	$47,431,844 19½

OFFICES CREATED AND THE SALARIES THEREOF.

By the act concerning certain collection districts, and for other purposes.

One surveyor, to reside at Cold Spring, fees.

One surveyor, to reside at Sag Harbor, fees.

By the act further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1848.

One clerk in the office of the Fifth Auditor, $800.

Eight clerks in the office of the Commissioner of Pensions, per diem $3 33.

For additional clerks in the offices of the Second and Third Auditors and Second Comptroller, each $1,000.

Eight clerks in the office of the Commissioner of the General Land Office, each $1,000.

By the act to make Ship Island, in the collection district of Pearl river, a port of delivery, and to authorize the appointment of a deputy collector for said port.

One deputy collector, to reside at Ship Island, fees.

By the act to provide additional examiners in the Patent Office, and for other purposes.

Two principal examiners, each $2,500.

Two assistant examiners, each $1,500.

Two clerks, each $1,200.

By the act to prevent the importation of adulterated and spurious drugs and medicines.

One examiner of drugs and medicines at Boston, $1,000.

One examiner of drugs and medicines at New York, 1,600.

One examiner of drugs and medicines at Philadelphia, $1,000.

One examiner of drugs and medicines at Baltimore, $1,000.

One examiner of drugs and medicines at Charleston, $1,000.

One examiner of drugs and medicines at New Orleans, $1,000.

By the act for dividing the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States, with circuit court powers and jurisdiction.

One clerk, fees.

By the act making appropriations for the civil and diplomatic expenses of Government, for the year ending the thirtieth day of June, 1849, and for other purposes.

Six clerks in the office of the Second Comptroller, each $1,200.

Nine clerks in the office of the Second Auditor, each $1,000.

Thirteen clerks in the office of the Second Auditor, each $3 per day.

Two clerks in the office of the Third Auditor, each $1,200.

Four clerks in the office of the Third Auditor, each $1,000.

Eight clerks in the office of the General Land Office, each $1,000.

Twenty-seven clerks in the office of the Commissioner of Pensions, each $3 33 per day.

One consul general at Alexandria, Egypt, $3,000.

One clerk in the office of the Adjutant General, $1,400.

Three clerks in the office of the Commissary General of Subsistence, each $1,000.

One clerk in the Bureau of Navy Yards and Docks, $1,000.

By the act to establish the Territorial Government in Oregon.

One governor and superintendent of Indian affairs, $3,000.

One secretary, $1,500.

One chief justice, $2,000.

Two associate justices, $2,000.

Three clerks of the district courts, who shall receive the same fees to which the clerks of the district courts of the late Wisconsin Territory received for similar services.

One clerk of the Supreme Court, who shall receive the same fees which the clerks of the district court of the late Wisconsin Territory received for similar services.

One attorney for the United States, who shall receive the same fees as were provided for the attorney for the United States for the Territory of Wisconsin, and in addition $200.

One marshal for the United States, who shall receive the same fees as were provided for the marshal of the United States for the late Territory of Wisconsin, and in addition $200.

One chief clerk of the Legislative Assembly, $5 per day.

One assistant clerk of the Legislative Assembly, $3 per day.

One Sergeant-at-arms, $3 per day.

One collecter of customs at the port of Astoria, who shall receive stated fees, and in addition $1,000.

Two surveyors of customs who shall receive stated fees, and in addition each $500.

OFFICERS WHOSE SALARIES ARE INCREASED.

By the act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, 1849, and for other purposes.

The salary of one recording clerk in the office of the Solicitor of the Treasury increased $200.

The salary of one clerk in the office of the Commissioner of Indian Affairs increased $200.

The salary of the Commissioner of Pensions increased $500.

The salary of R. B. Boyd increased to $480.

THE CONGRESSIONAL GLOBE.

PRINTED AND PUBLISHED AT THE CITY OF WASHINGTON, BY BLAIR & RIVES.

30TH CONGRESS, 1ST SESSION. FRIDAY, DECEMBER 10, 1847. NEW SERIES.....No. 1.

THIS is the first number of the CONGRESSIONAL GLOBE for this session—the first of the Thirtieth Congress. We shall print several thousand surplus copies, for the purpose of supplying those who may subscribe within a reasonable time—say by the 10th of January—with complete copies.

We will print the first number of the APPENDIX early next week, and will also print several thousand surplus copies of it, to supply all who may subscribe for it before the 10th of January with complete files. The APPENDIX will be printed like the CONGRESSIONAL GLOBE, and will contain the President's Message, the Reports of the Heads of the Executive Departments, and *all* the Speeches made in both branches of Congress which the members write out or revise.

It is believed that Congress will continue in session at least eight months, and that the CONGRESSIONAL GLOBE and APPENDIX will each make about 1,500 royal quarto pages.

The following are our prices for them:

For one copy of the CONGRESSIONAL GLOBE $2 00
For one copy of the APPENDIX 2 00
For six copies of either, or part of both 10 00

The money may be remitted by mail at our risk. Bank notes current where a subscriber resides will be received by us at par.

THIRTIETH CONGRESS,

FIRST SESSION.

SENATE OF THE UNITED STATES.

GEORGE M. DALLAS, of Pennsylvania, Vice President of the United States, and President of the Senate.

The names of Senators, with the expiration of the term of service of each. Democrats (32) in Roman, and the Whigs (22) in Italic letters.

FROM MAINE.		GEORGIA.	
John Fairfield	1851	Walter T. Colquitt	1849
James W. Bradbury	1853	*Jno. McPherson Berrien*	1853
NEW HAMPSHIRE.		KENTUCKY.	
Charles G. Atherton	1849	*John J. Crittenden*	1849
John P. Hale	1853	*Joseph R. Underwood*	1853
MASSACHUSETTS.		TENNESSEE.	
Daniel Webster	1851	Hopkins L. Turney	1851
John Davis	1853	*John Bell*	1853
RHODE ISLAND.		OHIO.	
Albert C. Greene	1851	William Allen	1849
John H. Clarke	1853	*Thomas Corwin*	1851
CONNECTICUT.		LOUISIANA.	
John M. Niles	1849	*Henry Johnson*	1849
Roger S. Baldwin (a)		Solomon U. Downs	1853
VERMONT.		INDIANA.	
William Upham	1849	Edward A. Hannegan	1849
Samuel S. Phelps	1851	Jesse D. Bright	1851
NEW YORK.		MISSISSIPPI.	
John A. Dix	1849	Jefferson Davis	(b)
Daniel S. Dickinson	1851	Henry S. Foote	1853
NEW JERSEY.		ILLINOIS.	
William L. Dayton	1851	Sidney Breese	1849
Jacob W. Miller	1853	Stephen A. Douglas	1853
PENNSYLVANIA.		ALABAMA.	
Simon Cameron	1849	Arthur P. Bagby	1849
Daniel Sturgeon	1851	Vacant	1853
DELAWARE.		MISSOURI.	
John M. Clayton	1851	David R. Atchison	1849
Presley Spruance	1853	Thomas H. Benton	1851
MARYLAND.		ARKANSAS.	
James A. Pearce	1849	Ambrose H. Sevier	1849
Reverdy Johnson	1851	Chester Ashley	1853
VIRGINIA.		FLORIDA.	
James M. Mason	1851	James D. Westcott	1849
Robert M. T. Hunter	1853	David L. Yulee	1851
NORTH CAROLINA.		MICHIGAN.	
George E. Badger	1849	Lewis Cass	1851
Willie P. Mangum	1853	Alpheus Felch	1853
SOUTH CAROLINA.		TEXAS.	
Andrew P. Butler	1849	Thomas S. Rusk	1851
John C. Calhoun	1853	Vacant	1853

(a) Appointed by the Governor, in place of *Jabez W. Huntington*, deceased.

(b) Appointed by the Governor, in place of *Jesse Speight*, deceased.

IN SENATE.

MONDAY, *December 6*, 1847.

In conformity with the Constitution of the United States, the First Session of the Thirtieth Congress commenced this day.

The Senate was called to order at twelve o'clock, by its presiding officer, the Vice President of the United States.

All the Senators were present except Mr. CLAYTON, of Delaware; Mr. PEARCE, of Maryland; Mr. CALHOUN, of South Carolina; Mr. BELL, of Tennessee; Mr. BENTON, of Missouri; Mr. YULEE, of Florida; Messrs. DAVIS and WEBSTER, of Massachusetts; Messrs. NILES and BALDWIN, of Connecticut; Messrs. COLQUITT and BERRIEN, of Georgia; and Mr. BAGBY, of Alabama.

Mr. ATHERTON presented the credentials of the Hon. JOHN P. HALE, elected a Senator of the United States, from the State of New Hampshire, for the term of six years from and after the 4th day of March, 1847.

Mr. CRITTENDEN presented the credentials of the Hon. JOSEPH R. UNDERWOOD, elected a Senator of the United States, from the State of Kentucky, for the term of six years from and after the 4th day of March, 1847.

Mr. JOHNSON, of La., presented the credentials of the Hon. SOLOMON U. DOWNS, elected a Senator of the United States, from the State of Louisiana, for the term of six years from and after the 4th day of March, 1847.

Mr. GREENE presented the credentials of the Hon. JOHN H. CLARKE, elected a Senator of the United States, from the State of Rhode Island and Providence Plantations, for the term of six years from and after the 4th day of March, 1847.

Mr. SEVIER presented the credentials of the Hon. JEFFERSON DAVIS, appointed by the Governor of Mississippi a Senator of the United States, from the State of Mississippi, to fill the vacancy occasioned by the decease of the Hon. Jesse Speight.

Mr. BREESE presented the credentials of the Hon. STEPHEN A. DOUGLAS, elected a Senator of the United States, from the State of Illinois, for the term of six years from and after the 4th day of March, 1847.

Mr. FAIRFIELD presented the credentials of the Hon. JAMES W. BRADBURY, elected a Senator of the United States, from the State of Maine, for the term of six years from and after the 4th day of March, 1847.

Mr. CASS presented the credentials of the Hon. ALPHEUS FELCH, elected a Senator of the United States, from the State of Michigan, for the term of six years from and after the 4th day of March, 1847.

The credentials having been severally read, the Senators therein named thereupon had the oath of office administered to them by the Vice President, and took their seats.

The following Senators, whose credentials were presented to the Senate at the last session of Congress, severally had the oath of office administered to them by the Vice President, and took their seats, viz:

Messrs. ASHLEY, MANGUM, FOOTE, HUNTER, MILLER, and SPRUANCE.

On motion of Mr. BREESE, it was

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate had assembled, and that the Senate is ready to proceed to business.

On motion of Mr. FAIRFIELD, it was

Ordered, That the daily hour of meeting be twelve o'clock, until otherwise ordered.

On motion of Mr. CAMERON, it was

Resolved, That each Senator be supplied, during the present session, with newspapers, as heretofore, not exceeding the cost of four daily papers.

On motion of Mr. MANGUM,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

First Session, Thirtieth Congress.

Alphabetical List (by States) of the Members of the Thirtieth Congress. Whigs (117) in Italics; Democrats (110) in Roman; Native American (1) in Small Capitals.

MAINE.
Hiram Belcher,
Asa W. H. Clapp,
Franklin Clark,
David Hammons,
Ephraim K. Smart
James S. Wiley,
Hezekiah Williams.

NEW HAMPSHIRE.
James H. Johnson,
Charles H. Peaslee,
Amos Tuck,
James Wilson.

RHODE ISLAND.
Robert B. Cranston,
Benjamin B. Thurston.

VERMONT.
Jacob Collamer,
William Henry,
George P. Marsh,
Lucius B. Peck.

MASSACHUSETTS.
Amos Abbott,
John Quincy Adams,
George Ashmun,
Joseph Grinnell,
Artemas Hale,
Charles Hudson,
Daniel P. King,
John G. Palfrey,
Julius Rockwell.
Robert C. Winthrop.

CONNECTICUT.
James Dixon,
Samuel D. Hubbard,
John A. Rockwell,
Truman Smith.

NEW YORK.
Ausburn Birdsall,
William Collins,
Harmon S. Conger,
William Duer,
Daniel Gott,
Nathan K. Hall,
John M. Holley,
Elias B. Holmes,
Washington Hunt,
David S. Jackson,
Timothy Jenkins,
Daniel B. St. John,
Orlando Kellogg,
Sidney Lawrence,
William T. Lawrence,
Frederick W. Lord,
William B. Maclay,
Dudley Marvin,
Joseph Mullin,
Henry C. Murphy,
William Nelson,
Henry Nicoll,
George Petrie,
Harvey Putnam,
Gideon Reynolds,
Robert L. Rose,
David Rumsey,
Elisha Sherrill,
John J. Slingerland,
George A. Starkweather,
Peter H. Sylvester,
Frederick A. Tallmadge,
Cornelius Warren,
Hugh White.

NEW JERSEY.
Joseph E. Edsall,
Dudley S. Gregory,
James G. Hampton,
William A. Newell,
John Van Dyke.

PENNSYLVANIA.
John Blanchard,
Jasper E. Brady,
Richard Brodhead,
Charles Brown,
Chester Butler,
John Dickey,
George N. Eckert,
John W. Farrelly,
John Freedley,
Moses Hampton,
John W. Horabeck,
Charles J. Ingersoll,
Joseph R. Ingersoll,
Alexander Irvin,
Lewis C. Levin,
Job Mann,
Abraham R. McIlvaine,
Henry Nes,
James Pollock,
Andrew Stewart,
John Strohm,
William Strong,
James Thompson,
David Wilmot.

DELAWARE.
John W. Houston.

MARYLAND.
John G. Chapman,
John W. Crisfield,
Alexander Evans,
Thomas W. Ligon,
Robert M. McLane,
J. Dixon Roman.

VIRGINIA.
Archibald Atkinson,
Thomas H. Bayly,
Richard L. T. Beale,
Henry Bedinger,
Thomas S. Bocock,
John M. Botts,
William G. Brown,
Thomas S. Flournoy,
Andrew S. Fulton,
William L. Goggin,
Richard K. Meade,
James McDowell,
John S. Pendleton,
William B. Preston,
Robert A. Thompson.

NORTH CAROLINA.
Daniel M. Barringer,
Nathaniel Boyden,
Thomas L. Clingman,
John R. J. Daniel,
Richard S. Donnell,
James J. McKay,
David Outlaw,
Augustine H. Shepperd,
Abraham W. Venable.

SOUTH CAROLINA.
James A. Black,
Armistead Burt,
Isaac E. Holmes,
Robert Barnwell Rhett,
Alexander D. Sims,
Richard F. Simpson,
Joseph A. Woodward.

GEORGIA.
Howell Cobb,
Hugh A. Haralson,
Alfred Iverson,
John W. Jones,
Thomas B. King,
John H. Lumpkin,
Alexander H. Stephens,
Robert Toombs.

ALABAMA.
Franklin W. Bowdon,
Williamson R. W. Cobb,
John Gayle,
Sampson W. Harris,
Henry W. Hilliard,
George S. Houston,
Samuel W. Inge.

MISSISSIPPI.
Albert G. Brown,
Winfield S. Featherston,
Jacob Thompson,
Patrick W. Tompkins.

LOUISIANA.
John H. Harmanson,
Isaac E. Morse,
Emile La Sère,
Bannon G. Thibodeaux.

OHIO.
Richard S. Canby,
John Crowell,
John D. Cummins,
Rudolphus Dickinson,
Daniel Duncan,
Thomas O. Edwards,
Nathan Evans,
James J. Faran,
David Fisher,
George Fries,
Joshua R. Giddings,
William Kennon,
Samuel Lahm,
John K. Miller,
Jonathan D. Morris,
James Ritchey,
Joseph M. Root,
William Sawyer,
Robert C. Schenck,
John L. Taylor,
Samuel F. Vinton.

KENTUCKY.
Green Adams,
Linn Boyd,
Aylett Buckner,
Beverly L. Clark,
Garnett Duncan,
Richard French,
John P. Gaines,
Charles S. Morehead,
Samuel O. Peyton,
John B. Thompson.

TENNESSEE.
Washington Barrow,
Lucien B. Chase,
William M. Cocke,
John H. Crozier,
Meredith P. Gentry,
William P. Haskill,
Hugh L. W. Hill,
Andrew Johnson,
George W. Jones,
Frederick P. Stanton,
James H. Thomas.

INDIANA.
Charles W. Catheart,
George G. Dunn,
Elisha Embree,
Thomas J. Henley,
John Pettit,
John L. Robinson,
William Rockhill,
Caleb B. Smith,
Richard W. Thompson,
William W. Wick.

ILLINOIS.
John A. McClernand,
Orlando B. Ficklin,
Abraham Lincoln,
William A. Richardson,
Robert Smith,
Thomas J. Turner,
John Wentworth.

MISSOURI.
James B. Bowlin,
James S. Greene,
Willard P. Hall,
John Jamieson,
John S. Phelps.

ARKANSAS.
Robert W. Johnson.

MICHIGAN.
Kingsley S. Bingham,
Robert McClelland,
Charles E. Stuart.

FLORIDA.
Edward C. Cabell.

TEXAS.
David S. Kaufman,
Timothy Pillsbury.

IOWA.
Shepherd Leffler,
William Thompson.

WISCONSIN T.
John H. Tweedy.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 6, 1847.

At twelve o'clock M., BENJAMIN B. FRENCH, Esq., the Clerk of the House for the last Congress, (and who by the tenor of his appointment continues to hold office until a successor is elected,) rose and said, that as the hour of twelve o'clock had arrived, he would, in pursuance of usage, call over the list of the members by States, for the purpose of ascertaining the names of those present, and whether a quorum was in attendance.

No one objecting—

The Clerk proceeded to call the roll by States, commencing with the State of Maine; when it appeared that all the members were present except Messrs. KING, of Georgia; BOWDON, of Alabama; BROWN, of Mississippi; GAINES, of Kentucky; COCKE, of Tennessee; FICKLIN, of Illinois; and PILLSBURY, of Texas.

The Clerk then announced that a quorum being present, it was competent for the members to proceed to the election of a Speaker.

Whereupon Mr. JOHN Q. ADAMS moved that the members proceed to the election of a Speaker of the House for the Thirtieth Congress, the members voting *viva voce.*

The question being put by the Clerk, it was agreed to.

Mr. DANIEL P. KING, of Massachusetts, Mr. JAMES A. BLACK, of South Carolina, and Mr. RICHARD W. THOMPSON, of Indiana, were appointed tellers.

The Clerk then proceeded to call the roll alphabetically, and having called it through—

The tellers reported that the whole number of votes given was 220; necessary to a choice 111; of which—

Mr. Robert C. Winthrop, of Massachusetts, received	108
Mr. Linn Boyd, of Kentucky	61
Mr. Robert McClelland, of Michigan	23
Mr. John A. McClernand, of Illinois	11
Mr. Henry C. Murphy, of New York	1
Mr. Howell Cobb, of Georgia	3
Mr. James J. McKay, of North Carolina	5
Mr. John P. Gaines, of Kentucky	1
Mr. Joseph R. Ingersoll, of Pennsylvania	1
Mr. Timothy Jenkins, of New York	1
Mr. James Wilson, of New Hampshire	2
Mr. Charles J. Ingersoll, of Pennsylvania	1
Mr. Charles Hudson, of Massachusetts	1
Mr. John Gale, of Alabama	1
	220

The following is the vote in detail:

For Mr. Winthrop—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boyden, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Goggin, Gott, Gregory, Grinnell, Hale, N. K. Hall, J. G. Hampton, Moses Hampton, Haskell, Henry, Hilliard, Holley, Elias B. Holmes, Hornbeck, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Kellogg, D. P. King, W. T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Richard W. Thompson, John B. Thompson, Toombs, Vandyke, Vinton, Warren, White, and Wilson.

For Mr. Boyd—Messrs. Atkinson, Bayly, Bedinger, Black, Bocock, C. Brown, Burt, Chase, B. L. Clark, Howell Cobb, Cummins, Daniel, Dickinson, Faran, Featherston, Fries, French, Green, W. P. Hall, Haralson, Harmanson, Harris, Hill, Inge, Charles J. Ingersoll, Iverson, Jackson, Jamieson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, Sidney Lawrence, Lumpkin, Maclay, McClernand, McKay, McLane, Mann, Miller, Morris, Morse, Murphy, Petrie, Pettit, Peyton, Phelps, Rhett, Richardson, Richey, Robinson, Rockhill, Sims, Robert Smith, Stanton, Strong, Thomas, Robert A. Thompson, Turner, and Wick.

For Mr. McClelland—Messrs. Bingham, Cathcart, Clapp, Franklin Clark, Collins, Edsall, Hammons, Henley, Isaac E. Holmes, Jenkins, James H. Johnson, Nicoll, Peaslee, Peck, Sawyer, Smart, Starkweather, Charles E. Stuart, Thurston, Wentworth, Williams, Wiley, and Wilmot.

For Mr. McClernand—Messrs. Bowlin, Brodhead, La Sere, Leffler, Ligon, Meade, Simpson, James Thompson, Jacob Thompson, William Thompson, and Woodward.

For Mr. McKay—Messrs. Beale, W. R. W. Cobb, G. S. Houston, A. Johnson, and Venable.

For Mr. Murphy—Mr. Birdsall.

For Mr. Howell Cobb—Messrs. Boyd, Lord, McDowell.

For Mr. C. J. Ingersoll—Mr. W. G. Brown.

For Mr. Gaines—Mr. J. W. Jones.

For Mr. J. R. Ingersoll—Mr. Levin.

For Mr. Jenkins—Mr. McClelland.

For Mr. Hudson—Mr. Palfrey.

For Mr. Gayle—Mr. P. W. Tompkins.

For Mr. Wilson—Messrs. Tuck and Giddings.

No member having received a majority of the whole number of votes given on the first ballot, there was no election.

The roll was then called a second time, when the tellers reported that the whole number of votes given was 219; necessary to a choice 110; of which number—

Mr. Winthrop received	109
Mr. Linn Boyd	82
Mr. Howell Cobb	3
Mr. Robert McClelland	13
Mr. McClernand	5
Mr. James Wilson	2
Mr. Joseph R. Ingersoll	1
Mr. Rhett	1
Mr. Burt	1
Mr. Harmanson	1
Mr. Hudson	1
	219

The following is the vote in detail:

For Mr. Winthrop—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boyden, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingham, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Hilliard, Holley, Elias B. Holmes, Hornbeck, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Richard W. Thompson, John B. Thompson, Toombs, Van Dyke, Vinton, Warren, White, Wilson.

For Mr. Boyd—Messrs. Atkinson, Bayly, Bedinger, Birdsall, Black, Bocock, Bowlin, Charles Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. B. Cobb, Collins, Cummins, Daniel, Dickinson, Faran, Featherston, Fries, French, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Jackson, Jamieson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Ligon, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Nicoll, Petrie, Pettit, Peyton, Phelps, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Sims, Robert Smith, Stanton, Strong, Thomas, James Thompson, Robert A. Thompson, Turner, Venable, Williams, and Wiley.

For Mr. McClelland—Messrs. Bingham, Edsall, Jenkins, James H. Johnson, Lord, Peaslee, Peck, Smart, Starkweather, Charles E. Stuart, Thurston, Wentworth, and Wilmot.

For Mr. McClernand—Messrs. W. G. Brown, Simpson, William Thompson, Wick, and Woodward.

For Mr. Howell Cobb—Messrs. Boyd, Brodhead, and Andrew Johnson.

For Mr. Wilson—Messrs. Giddings and Tuck.

For Mr. Burt—Mr. Iverson.

For Mr. J. R. Ingersoll—Mr. Levin.

For Mr. Hudson—Mr. Palfrey.

For Mr. Rhett—Mr. Jacob Thompson.

For Mr. Harmanson—Mr. I. E. Holmes.

No member having yet received a majority of all the votes given, there was no election.

The roll was then called a third time, when the tellers reported that the whole number of votes given was 218; necessary to a choice 110; of which number—

Mr. Winthrop received	110
Mr. Boyd	64
Mr. McClernand	8
Mr. McClelland	14
Mr. Rhett	7
Mr. Howell Cobb	4
Mr. Wilson	2
Mr. Burt	4
Mr. Woodward	1
Mr. French	1
Mr. Hudson	1
Mr. Jacob Thompson	1
Mr. I. E. Holmes	1
	218

The following is the vote in detail:

For Mr. Winthrop—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boyden, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Hilliard, Holley, Elias B. Holmes, Hornbeck, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Daniel P. King, William T. Lawrence, Levin, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newell, Outlaw, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Richard W. Thompson, John B. Thompson, Toombs, Van Dyke, Vinton, Warren, White, and Wilson.

For Mr. Boyd—Messrs. Atkinson, Beale, Birdsall, Black, Bocock, Bowlin, Brodhead, Charles Brown, Chase, Beverly L. Clark, W. R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Faran, Featherston, Fries, French, Green, Willard P. Hall, Hammons, Haralson, Henley, Hill, Inge, Jackson, Jamieson, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, Mann, Meade, Miller, Morris, Morse, Murphy, Nicoll, Petrie, Pettit, Phelps, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Robert Smith, Strong, Thomas, James Thompson, Robert A. Thompson, Venable, Wick, and Williams.

For Mr. McClelland—Messrs. Bingham, Cathcart, Clapp, Jenkins, James H. Johnson, Lord, Peaslee, Peck, Smart, Starkweather, Charles E. Stuart, Thurston, Wentworth, and Wilmot.

For Mr. Burt—Messrs. Bayly, Harmanson, Harris, and Iverson.

For Mr. Rhett—Messrs. Bedinger, William G. Brown, R. W. Johnson, Simpson, Sims, Stanton, and Jacob Thompson.

For Mr. McClernand—Messrs. Boyd, Howell Cobb, G. S. Houston, G. W. Jones, Ligon, McLane, William Thompson, and Turner.

For Mr. Howell Cobb—Messrs. Burt, F. Clark, Wiley, and Woodward.

For Mr. Jacob Thompson—Mr. Edsall.

For Mr. Wilson—Messrs. Tuck and Giddings.

For Mr. I. E. Holmes—Mr. C. J. Ingersoll.

For Mr. Woodward—Mr. Andrew Johnson.

For Mr. Hudson—Mr. Palfrey.

For Mr. French—Mr. Peyton.

Mr. WINTHROP having received a majority of the whole number of votes given, he was declared duly elected Speaker of the House of Representatives of the United States for the Thirtieth Congress, and was thereupon conducted to the Speaker's chair by Mr. MCKAY, of North Carolina, and Mr. VINTON, of Ohio.

On taking the chair, Mr. WINTHROP addressed the House as follows:

Gentlemen of the House of Representatives of the United States:

I am deeply sensible of the honor which you have conferred upon me by the vote which has just been announced, and I pray leave to express my most grateful acknowledgments to those who have thought me worthy of so distinguished a mark of their confidence.

When I remember by whom this chair has been filled in other years, and, still more, when I reflect on the constitutional character of the body before me, I cannot but feel that you have assigned me a position worthy of any man's ambition, and far above the rightful reach of my own.

I approach the discharge of its duties with a profound impression at once of their dignity and of their difficulty.

Seven years of service as a member of this branch of the National Legislature have more than sufficed to teach me that this is no place of mere formal routine or ceremonious repose. Severe labors, perplexing cares, trying responsibilities, await any one who is called to it, even under the most auspicious and favorable circumstances. How, then, can I help trembling at the task which you have imposed on me, in the existing condition of this House and of the country?

In a time of war, in a time of high political excitement, in a time of momentous national controversy, I see before me the Representatives of the People almost equally divided, not merely, as the votes this morning have already indicated, in their preference for persons, but in opinion and in principle, on many of the most important questions on which they have assembled to deliberate.

May I not reasonably claim, in advance, from you all, something more than an ordinary measure of forbearance and indulgence, for whatever of inability I may manifest, in meeting the exigencies and embarrassments which I cannot hope to escape? And may I not reasonably implore, with something more than common fervency, upon your labors and upon my own, the blessing of that

Almighty Power, whose recorded attribute it is, that "He maketh men to be of one mind in a house!"

Let us enter, gentlemen, upon our work of legislation with a solemn sense of our responsibility to God and to our country. However we may be divided on questions of immediate policy, we are united by the closest ties of permanent interest and permanent obligation. We are the Representatives of twenty millions of people, bound together by common laws and a common liberty. A common flag floats daily over us, on which there is not one of us who would see a stain rest, and from which there is not one of us who would see a star struck. And we have a common Constitution, to which the oaths of allegiance, which it will be my first duty to administer to you, will be only, I am persuaded, the formal expression of those sentiments of devotion which are already cherished in all our hearts.

There may be differences of opinion as to the powers which this Constitution confers upon us; but the purposes for which it was created are inscribed upon its face in language which cannot be misconstrued. It was ordained and established "to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

Union, justice, domestic tranquillity, the common defence, the general welfare, and the security of liberty for us and for those who shall come after us, are thus the great objects for which we are to exercise whatever powers have been intrusted to us. And I hazard nothing in saying that there have been few periods in our national history when the eyes of the whole people have been turned more intently and more anxiously towards the Capitol than they are at this moment, to see what is to be done, here and now, for the vindication and promotion of these lofty ends.

Let us resolve, then, that those eyes shall at least witness on our part duties discharged with diligence, deliberations conducted with dignity, and efforts honestly and earnestly made for the peace, prosperity, and honor of the Republic.

I shall esteem it the highest privilege of my public life, if I shall be permitted to contribute anything to these results by a faithful and impartial administration of the office which I have now accepted.

The oath of office, as required by the sixth article of the Constitution, and as prescribed by the act of Congress of June 1, 1789, to wit: "*That I will support the Constitution of the United States,*" was then administered to the Speaker by Mr. JOHN Q. ADAMS.

The SPEAKER announced that the next act to be done in the organization of the House was to administer the oath (or affirmation) of office to the other members present, and to that end he would, therefore, direct the Clerk to call the roll by States, commencing with the State of Maine.

The roll was then called over, and the same oath (or affirmation) as stated above, was administered by the SPEAKER to all the other members present.

On motion of Mr. WHITE, it was

Ordered, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled, and that ROBERT C. WINTHROP, one of the Representatives from the State of Massachusetts, has been chosen Speaker, and that the House is now ready to proceed to business; and that the Clerk do go with said message.

Mr. C. J. INGERSOLL moved the following resolution:

Resolved, That a select committee be charged with the revision, amendment, and simplification of the rules of this House.

The resolution having been read by the Clerk—

Mr. C. J. INGERSOLL remarked that he had merely to say, in reference to this resolution, that at the beginning of the 28th Congress a committee was appointed for the purpose contemplated by this resolution—a committee of which Mr. Davis, the late Speaker, was a member. That committee was industriously employed for several days, and he recollected that they expunged about forty old laws. There were many laws which nobody understood. For his part, if others did, he confessed he did not understand them, and he wished to see this House disencumbered of a multiplicity of laws which were of no utility. The laws to govern the House should be as simple as possible. They were not now embarrassed with the slave question, which was involved on previous occasions: they could, therefore, now frame simple rules, by which the public would be benefited, and every gentleman who has had experience in such matters would be satisfied. At present they had more rules than were for their good. That was all he had to say.

Mr. TRUMAN SMITH suggested to the gentleman from Pennsylvania [Mr. INGERSOLL] a difficulty which would arise if the course he indicated were pursued. Adopt the resolution of the gentleman from Pennsylvania, and until the committee shall report the House would be without rules.

Mr. C. J. INGERSOLL. So much the better. We shall then be governed by the common parliamentary law, which is preferable.

Mr. TRUMAN SMITH apprehended that that would not answer the purpose; and, if he mistook not, the ordinary rules of the House must be adopted, at least temporarily, to enable them to consummate the organization of the House. Until rules were adopted they could have no Sergeant-at-Arms, as no authority for that appointment was found in the old parliamentary law. And, if he mistook not, there was no rule in the nature of the previous question in the parliamentary law.

Mr. C. J. INGERSOLL. So much the better.

Mr. TRUMAN SMITH, (in continuation.) The difficulties in which they would be involved would be interminable; to avoid which, he would move to amend the resolution by striking out all after the word "resolved," and inserting, in substance, "*Provided*, That the ordinaay rules and orders of this House in force at the end of last session shall be the rules and orders of this House until the third Monday of December, 1847, with the exception (and he made it at the request of some gentlemen around him) of the 33d, or one-hour rule—[several voices, "Oh, strike it out"]—and that a committee be appointed to take the entire subject into consideration.

Mr. BARRINGER said he held in his hand a resolution which, with the permission of the gentleman from Connecticut, [Mr. SMITH,] he would read, and submit as an amendment to the resolution of the gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] believing that it would accomplish the object contemplated by the gentleman from Connecticut. It was as follows:

Resolved, That the rules of the House of Representatives, as they existed at the close of the last session of Congress, be for the present adopted as the rules of this House, and that a committee be appointed to revise and report to this House such alterations and amendments therein as may be deemed advisable.

Mr. TRUMAN SMITH replied, that if a resolution were now adopted in that general form, the rules would become binding on the House for the entire session; and hence, instead of the words "for the present," in his amendment, he had preferred the words "until the third Monday of December, 1847." He, however, adopted the amendment of the gentleman from North Carolina, with a modification.

The Clerk, at the request of several gentlemen, again read the resolution as amended, as follows:

Resolved, That the rules of the House of Representatives, as they existed at the close of the last session of Congress, be, until the third Monday of December, 1847, adopted as the rules of this House, except the thirty-third rule; and that a committee be appointed to revise the rules, and report to this House such alterations and amendments as may be deemed advisable.

Mr. TRUMAN SMITH further urged the necessity of limiting the term of operation of these rules. If they adopted them indefinitely, it would be impossible to pass through this House any modification of them, and in many respects he desired to see them modified. The one-hour rule should be modified; and there were others that equally required modification, which he would not now allude to only in general terms, simply mentioning the object he had in view, and that was so to amend the rules and orders of this House as to enable the Speaker to maintain order, and make the proceedings of this body what they should be, as orderly and dignified in every respect as was the Senate or any deliberative body or assemblage in the Union. He had consulted several friends on the best mode of accomplishing this, but he would not now dwell on this point. He would simply reiterate his conviction of the necessity to limit the operation of the rules to the third Monday in December.

Mr. LEVIN moved that the House do now adjourn.

Mr. HOWELL COBB hoped the gentleman would withdraw that motion, for the House had not yet adopted a resolution to inform the Senate that this House was organized, and ready to enter upon business.

By general consent, Mr. HUNT submitted the following resolution; which was adopted:

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States and inform him that a quorum of the House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

Mr. HUNT and Mr. COBB of Georgia, were appointed said committee.

The question recurred on agreeing to Mr. TRUMAN SMITH's substitute for the resolution of Mr. C. J. INGERSOLL—

When Mr. C. J. INGERSOLL accepted the same as a modification of his own resolution.

After some suggestions, the resolution, as modified, was agreed to.

Mr. LEVIN moved that, when this House adjourn, it will adjourn to meet again to-morrow, (Tuesday,) at twelve o'clock. Agreed to.

Mr. LEVIN then moved that the House do now adjourn. Disagreed to.

Mr. LEVIN moved the following resolution:

Resolved, That BENJAMIN B. FRENCH be, and he is hereby, appointed Clerk of this House for the Thirtieth Congress.

Pending the question on the above resolution—

The House, at ten minutes before four o'clock, adjourned.

IN SENATE.

TUESDAY, *December* 7, 1847.

The following Senators appeared in their seats to-day, viz:

Messrs. BALDWIN and NILES, of Connecticut; CALHOUN, of South Carolina; COLQUITT, of Georgia; and PEARCE, of Maryland.

Mr. BUTLER presented the credentials of the Hon. JOHN C. CALHOUN, reëlected a Senator from South Carolina for six years from 4th March last.

Mr. NILES presented the credentials of the Hon. ROGER S. BALDWIN, appointed by the Governor a Senator from Connecticut, to fill the vacancy occasioned by the death of the Hon. JABEZ W. HUNTINGTON.

The credentials having been read, the Senators were severally qualified and took their seats.

A message was received from the House of Representatives, by Benjamin B. French, Esq., Clerk, informing the Senate that a quorum of the House had assembled; that ROBERT C. WINTHROP, one of the Representatives from the State of Massachusetts, had been chosen Speaker; and that the House was now ready to proceed to business.

Also, that the House had passed a resolution for the appointment of a joint committee to wait on the President of the United States, and inform him that a quorum of the House had assembled, and that the House was ready to receive any communication he might be pleased to make; and that Mr. HUNT, of New York, and Mr. COBB, of Georgia, had been appointed the committee on their part.

Mr. SEVIER moved that the latter message be taken up; which was agreed to.

Mr. S. remarked that the resolution of the House (inadvertently, no doubt) provided only for informing the President that the House was ready to receive his message, instead of both Houses, and he therefore moved to lay it upon the table; which was agreed to.

Mr. SEVIER then submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee be appointed, jointly with the committee appointed by the House of Representatives, to wait on the President of the United States, and inform him that quorums of the two Houses have assembled, and that Congress is ready to receive any communication he may be pleased to make.

The PRESIDING OFFICER appointed Messrs. SEVIER, MANGUM, and FAIRFIELD, said committee.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be instructed to communicate to the Senate a map of the country in the immediate vicinity of the Sault de Ste. Marie, in the State of Michigan, exhibiting the military reservation and the private land claims at that place; together with copies of any evidence respecting said claims to be found in the General Land Office.

Mr. HANNEGAN gave notice that he should, on to-morrow, ask leave of the Senate to introduce a bill for the relief of the heirs of John Paul Jones.

Mr. WESTCOTT gave notice that he should, on to-morrow, ask leave to bring in a bill further to carry into effect the provisions and stipulations of the ninth article of the Florida treaty, with respect to certain losses of Spanish subjects in West Florida.

Mr. SEVIER, from the committee on the part of the Senate, jointly with the committee appointed on the part of the House of Representatives, to wait on the President of the United States and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make, reported that they had performed the duty assigned them, and that the President stated that he would make a communication to each House forthwith.

The Annual Message was received from the President of the United States by Mr. J. Knox Walker, his Private Secretary.

After the reading of the Message had been proceeded with for some time,

Mr. SEVIER remarked, that the message was a long one, and that Senators already had it upon their desks. He therefore moved that its further reading be dispensed with, and that the usual number be printed; which was agreed to.

Mr. BREESE then moved that 5,000 extra copies of the message, and 2,000 of the message and documents, be printed.

Mr. ALLEN suggested, that as the message was very long, and on that account might be excluded from many of the newspapers, a larger number would be desirable. It was a document of very great importance, and looked for with great interest in the country; he would move to amend the motion, by making it read 25,000, instead of 5,000.

Mr. CRITTENDEN. What is the motion? Do I understand that it is to print 27,000 copies of the message?

Mr. ALLEN stated his amendment.

Mr. CRITTENDEN suggested that the smaller number would be sufficient, as the document would find its way to the public through the press.

The amendment was then agreed to, and the resolution, as amended, was agreed to.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 7, 1847.

Several other members appeared this day, were sworn to support the Constitution of the United States, and took their seats in the House, viz:

Mr. THOMAS BUTLER KING, of Georgia;

Mr. FRANKLIN W. BOWDON, of Alabama;

Mr. WILLIAM M. COCKE, of Tennessee; and

Mr. ORLANDO B. FICKLIN, of Illinois.

The Delegate from the Territory of Wisconsin, Mr. JOHN H. TWEEDY, also appeared, was qualified, and took his seat.

ELECTION OF CLERK.

The first business being the resolution moved yesterday by Mr. LEVIN, he modified the same to read as follows:

Resolved, That this House do now proceed to vote *viva voce* for Clerk.

The resolution was agreed to.

Mr. TOOMBS nominated THOMAS JEFFERSON CAMPBELL, of Tennessee.

Mr. BRODHEAD nominated BENJAMIN B. FRENCH, of Washington City.

Mr. HOLMES, of South Carolina, nominated SAMUEL L. GOUVERNEUR, of New York.

Mr. TOOMBS, Mr. BRODHEAD, and Mr. HOLMES of South Carolina, were appointed tellers.

The Clerk then proceeded to call the roll alphabetically, and, having called it through—

The tellers reported that the whole number of votes given were 225: necessary to a choice 113; of which—

Mr. Thomas Jefferson Campbell received	113
Mr. Benjamin B. French	109
Mr. Samuel Gouverneur	1
Mr. George Kent	1
Mr. Nathan Sargent	1
	225

The following is the vote in detail:

For Thomas J. Campbell—Messrs. Abbott, Green Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boyden, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Hilliard, Holley, Elias B. Holmes, Hornbeck, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newell, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepherd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Toombs, Van Dyke, Vinton, Warren, White, Wilson, and Winthrop.

For Benjamin B. French—Messrs. John Quincy Adams, Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jackson, Jamieson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Levin, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Nicoll, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Williams, Wiley, Wilmot, and Woodward.

For Samuel L. Gouverneur—Mr. Isaac E. Holmes.

For Nathan Sargent—Mr. Giddings.

For George Kent—Mr. Tuck.

Mr. CAMPBELL, having received a majority of the whole number of votes given, was duly elected Clerk of the House of Representatives of the United States for the Thirtieth Congress, and accordingly presented himself, took the oath of office, and entered upon the discharge of the duties thereof.

CHOICE OF SEATS.

Mr. ALEXANDER EVANS offered the following resolution:

Resolved, That the Clerk of this House, immediately after the passage of this resolution, place in a box the name of each member and delegate of the House of Representatives upon a separate piece of paper; that he then proceed, in the presence of the House, to draw from said box, one at a time, the said pieces of paper, and as each is drawn he shall announce the name of the member upon it, who shall then choose his seat for the present session: *Provided*, That before said drawing shall commence, the Speaker shall cause every seat to be vacated, and shall see that each seat continues vacant until it is selected under this order.

Mr. GEORGE W. JONES moved to lay the resolution on the table.

The question was decided by yeas and nays as follows: Yeas 77, nays 138.

So the resolution was not laid on the table.

THE PRESIDENT'S MESSAGE.

Mr. HUNT, from the joint committee on the part of the House to wait on the President of the United States and inform him that a quorum of the two Houses of Congress had assembled, and were ready to receive any communication he might be pleased to make, stated that the Committee had performed that duty, and that the President requested the committee to report that he would forthwith transmit to the House a message in writing.

And soon the SPEAKER laid before the House the Annual Message from the President of the United States, which was read, as follows:

Fellow-citizens of the Senate
and of the House of Representatives:

The annual meeting of Congress is always an interesting event. The Representatives of the States and of the people come fresh from their constituents to take counsel together for the common good. After an existence of near three-fourths of a century as a free and independent Republic, the problem no longer remains to be solved, whether man is capable of self-government. The success of our admirable system is a conclusive refutation of the theories of those in other countries who maintain that "a favored few" are born to rule, and that the mass of mankind must be governed by force. Subject to no arbitrary or hereditary authority, the people are the only sovereigns recognised by our Constitution. Numerous emigrants of every lineage and language, attracted by the civil and religious freedom we enjoy, and by our happy condition, annually crowd to our shores, and transfer their heart, not less than their allegiance, to the country whose dominion belongs to the people.

No country has been so much favored, or should acknowledge with deeper reverence the manifestations of the Divine protection. An all-wise Creator directed and guarded us in our infant struggle for freedom, and has constantly watched over our surprising progress, until we have become one of the great nations of the earth.

It is in a country thus favored, and under a Government in which the Executive and Legislative branches hold their authority for limited periods, alike from the people, and where all are responsible to their respective constituencies, that it is again my duty to communicate with Congress upon the state of the Union, and the present condition of public affairs.

During the past year the most gratifying proofs are presented that our country has been blessed with a wide-spread and universal prosperity. There has been no period since the Government was founded when all the industrial pursuits of our people have been more successful, or when labor in all branches of business has received a fairer or better reward. From our abundance we have been enabled to perform the pleasing duty of furnishing food for the starving millions of less favored countries. In the enjoyment of the bounties of Providence at home, such as have rarely fallen to the lot of any people, it is cause of congratulation that our intercourse with all the Powers of the earth, except Mexico, continues to be of an amicable character.

It has ever been our cherished policy to cultivate peace and good-will with all nations, and this policy has been steadily pursued by me.

No change has taken place in our relations with Mexico since the adjournment of the last Congress. The war in which the United States were forced to engage with the Government of that country still continues.

I deem it unnecessary, after the full exposition of them contained in my message of the eleventh of May, 1846, and in my annual message at the commencement of the session of Congress in December last, to reiterate the serious causes of complaint which we had against Mexico before she commenced hostilities.

It is sufficient on the present occasion to say, that the wanton violation of the rights of person and property of our citizens committed by Mexico, her repeated acts of bad faith, through a long series of years, and her disregard of solemn treaties, stipulating for indemnity to our injured citizens, not only constituted ample cause of war on our part, but were of such an aggravated character as would have justified us before the whole world in resorting to this extreme remedy. With an anxious desire to avoid a rupture between the two countries, we forbore for years to assert our clear rights by force, and continued to seek redress for the wrongs we had suffered by amicable negotiation, in the hope that Mexico might yield to pacific councils and the demands of justice. In this hope we were disappointed. Our minister of peace sent to Mexico was insultingly rejected. The Mexican Government refused even to hear the terms of adjustment which he was authorized to propose, and finally, under wholly unjustifiable pretexts, involved the two countries in war, by invading the territory of the State of Texas, striking the first blow, and shedding the blood of our citizens on our own soil.

Though the United States were the aggrieved nation, Mexico commenced the war, and we were compelled, in self-defence, to repel the invader, and to vindicate the national honor and interests by prosecuting it with vigor until we could obtain a just and honorable peace.

On learning that hostilities had been commenced by Mexico, I promptly communicated that fact, accompanied with a succinct statement of our other causes of complaint against Mexico, to Congress; and that body, by the act of the thirteenth of May, 1846, declared, that "by the act of the Republic of

Mexico, a state of war exists between that Government and the United States." This act, declaring "the war to exist by the act of the Republic of Mexico," and making provision for its prosecution "to a speedy and successful termination," was passed with great unanimity by Congress, there being but two negative votes in the Senate, and but fourteen in the House of Representatives.

The existence of the war having thus been declared by Congress, it became my duty, under the Constitution and the laws, to conduct and prosecute it. This duty has been performed; and though, at every stage of its progress, I have manifested a willingness to terminate it by a just peace, Mexico has refused to accede to any terms which could be accepted by the United States, consistently with the national honor and interest.

The rapid and brilliant successes of our arms, and the vast extent of the enemy's territory which had been overrun and conquered before the close of the last session of Congress, were fully known to that body. Since that time, the war has been prosecuted with increased energy, and I am gratified to state with a success which commands universal admiration. History presents no parallel of so many glorious victories achieved by any nation within so short a period. Our army, regulars and volunteers, have covered themselves with imperishable honors. Whenever and wherever our forces have encountered the enemy, though he was in vastly superior numbers, and often entrenched in fortified positions of his own selection, and of great strength, he has been defeated. Too much praise cannot be bestowed upon our officers and men, regulars and volunteers, for their gallantry, discipline, indomitable courage and perseverance, all seeking the post of danger, and vying with each other in deeds of noble daring.

While every patriot's heart must exult, and a just national pride animate every bosom, in beholding the high proofs of courage, consummate military skill, steady discipline, and humanity to the vanquished enemy, exhibited by our gallant army, the nation is called to mourn over the loss of many brave officers and soldiers who have fallen in defence of their country's honor and interests. The brave dead met their melancholy fate in a foreign land, nobly discharging their duty, and with their country's flag waving triumphantly in the face of the foe. Their patriotic deeds are justly appreciated, and will long be remembered by their grateful countrymen. The parental care of the Government they loved and served should be extended to their surviving families.

Shortly after the adjournment of the last session of Congress, the gratifying intelligence was received of the signal victory of Buena Vista, and of the fall of the city of Vera Cruz, and with it the strong castle of San Juan de Ulloa, by which it was defended. Believing that after these and other successes, so honorable to our arms and so disastrous to Mexico, the period was propitious to afford her another opportunity, if she thought proper to embrace it, to enter into negotiations for peace, a Commissioner was appointed to proceed to the headquarters of our army, with full powers to enter upon negotiations, and to conclude a just and honorable treaty of peace. He was not directed to make any new overtures of peace, but was the bearer of a despatch from the Secretary of State of the United States to the Minister of Foreign Affairs of Mexico, in reply to one received from the latter of the twenty-second of February, 1847, in which the Mexican Government was informed of his appointment, and of his presence at the headquarters of our army, and that he was invested with full powers to conclude a definitive treaty of peace, whenever the Mexican Government might signify a desire to do so. While I was unwilling to subject the United States to another indignant refusal, I was yet resolved that the evils of the war should not be protracted a day longer than might be rendered absolutely necessary by the Mexican Government.

Care was taken to give no instructions to the Commissioner which could in any way interfere with our military operations, or relax our energies in the prosecution of the war. He possessed no authority in any manner to control these operations. He was authorized to exhibit his instructions to the General in command of the army; and in the event of a treaty being concluded and ratified on the part of Mexico, he was directed to give him notice of that fact. On the happening of such contingency, and on receiving notice thereof, the General in command was instructed by the Secretary of War to suspend further active military operations until further orders. These instructions were given with a view to intermit hostilities, until the treaty thus ratified by Mexico could be transmitted to Washington, and receive the action of the Government of the United States.

The commissioner was also directed, on reaching the army, to deliver to the General in command the despatch which he bore from the Secretary of State to the Minister of Foreign Affairs of Mexico, and, on receiving it, the General was instructed by the Secretary of War to cause it to be transmitted to the commander of the Mexican forces, with a request that it might be communicated to his Government.

The commissioner did not reach the headquarters of the army until after another brilliant victory had crowned our arms at Cerro Gordo.

The despatch which he bore from the Secretary of War to the General in command of the army was received by that officer, then at Jalapa, on the seventh day of May, 1847, together with the despatch from the Secretary of State to the Minister of Foreign Affairs of Mexico, having been transmitted to him from Vera Cruz. The Commissioner arrived at the headquarters of the army a few days afterwards. His presence with the army and his diplomatic character were made known to the Mexican Government, from Puebla, on the twelfth of June, 1847, by the transmission of the despatch from the Secretary of State to the Minister of Foreign Affairs of Mexico.

Many weeks elapsed after its receipt, and no overtures were made, nor was any desire expressed by the Mexican Government to enter into negotiations for peace.

Our army pursued its march upon the capital, and, as it approached it, was met by formidable resistance. Our forces first encountered the enemy, and achieved signal victories in the severely contested battles of Contreras and Churubusco. It was not until after these actions had resulted in decisive victories, and the capital of the enemy was within our power, that the Mexican Government manifested any disposition to enter into negotiations for peace; and even then, as events have proved, there is too much reason to believe they were insincere, and that in agreeing to go through the forms of negotiation, the object was to gain time to strengthen the defences of their capital, and to prepare for fresh resistance.

The General in command of the army deemed it expedient to suspend hostilities temporarily, by entering into an armistice with a view to the opening of negotiations. Commissioners were appointed on the part of Mexico to meet the commissioner on the part of the United States. The result of the conferences which took place between these functionaries of the two Governments was a failure to conclude a treaty of peace.

The commissioner of the United States took with him the projet of a treaty already prepared, by the terms of which the indemnity required by the United States was a cession of territory.

It is well known that the only indemnity which it is in the power of Mexico to make in satisfaction of the just and long-deferred claims of our citizens against her, and the only means by which she can reimburse the United States for the expenses of the war, is a cession to the United States of a portion of her territory. Mexico has no money to pay, and no other means of making the required indemnity. If we refuse this, we can obtain nothing else. To reject indemnity, by refusing to accept a cession of territory, would be to abandon all our just demands, and to wage the war, bearing all its expenses, without a purpose or definite object.

A state of war abrogates treaties previously existing between the belligerents, and a treaty of peace puts an end to all claims for indemnity—for tortious acts committed, under the authority of one Government against the citizens or subjects of another, unless they are provided for in its stipulations. A treaty of peace which would terminate the existing war, without providing for indemnity, would enable Mexico—the acknowledged debtor, and herself the aggressor in the war—to relieve herself from her just liabilities. By such a treaty, our citizens, who hold just demands against her, would have no remedy either against Mexico or their own Government. Our duty to these citizens must forever prevent such a peace, and no treaty which does not provide ample means of discharging these demands can receive my sanction.

A treaty of peace should settle all existing differences between the two countries. If an adequate cession of territory should be made by such a treaty, the United States should release Mexico from all her liabilities, and assume their payment to our own citizens. If, instead of this, the United States were to consent to a treaty by which Mexico should again engage to pay the heavy amount of indebtedness which a just indemnity to our Government and our citizens would impose on her, it is notorious that she does not possess the means to meet such an undertaking. From such a treaty no result could be anticipated, but the same irritating disappointments which have heretofore attended the violations of similar treaty stipulations on the part of Mexico. Such a treaty would be but a temporary cessation of hostilities, without the restoration of the friendship and good understanding which should characterize the future intercourse between the two countries.

That Congress contemplated the acquisition of territorial indemnity when that body made provision for the prosecution of the war, is obvious. Congress could not have meant, when, in May, 1846, they appropriated ten millions of dollars, and authorized the President to employ the militia and naval and military forces of the United States, and to accept the services of fifty thousand volunteers, to enable him to prosecute the war, and when, at their last session, and after our army had invaded Mexico, they made additional appropriations and authorized the raising of additional troops for the same purpose, that no indemnity was to be obtained from Mexico at the conclusion of the war; and yet it was certain, that if no Mexican territory was acquired, no indemnity could be obtained.

It is further manifest that Congress contemplated territorial indemnity, from the fact that, at their last session, an act was passed, upon the Executive recommendation, appropriating three millions of dollars with that express object. This appropriation was made "to enable the President to conclude a treaty of peace, limits, and boundaries, with the Republic of Mexico, to be used by him in the event that said treaty, when signed by the authorized agents of the two Governments, and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof." The object of asking this appropriation was distinctly stated in the several messages on the subject which I communicated to Congress. Similar appropriations made in 1803 and 1806, which were referred to, were intended to be applied in part consideration for the cession of Louisiana and the Floridas. In like manner it was anticipated, that in settling the terms of a treaty of "limits and boundaries" with Mexico, a cession of territory estimated to be of greater value than the amount of our demands against her might be obtained; and that the prompt payment of this sum—in part consideration for the territory ceded—on the conclusion of a treaty, and its ratification on her part, might be an inducement with her to make such a cession of territory as would be satisfactory to the United States. And although the failure to conclude such a treaty has rendered it unnecessary to use any part of the three millions of dollars appropriated by that act, and the entire sum remains in the Treasury, it is still applicable to that object, should the contingency occur making such application proper.

The doctrine of no territory is the doctrine of no indemnity; and if sanctioned, would be a public acknowledgment that our country was wrong, and that the war declared by Congress with extraordinary unanimity, was unjust, and should be abandoned—an admission unfounded in fact, and degrading to the national character.

The terms of the treaty proposed by the United States were not only just to Mexico, but, considering the character and amount of our claims, the unjustifiable and unprovoked commencement of hostilities by her, the expenses of the war to which we have been subjected, and the success which had attended our arms, were deemed to be of a most liberal character.

The commissioner of the United States was authorized to agree to the establishment of the Rio Grande as the boundary, from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in north latitude about thirty-two degrees, and to obtain a cession to the United

States of the provinces of New Mexico and the Californias, and the privilege of the right of way across the isthmus of Tehuantepec. The boundary of the Rio Grande, and the cession to the United States of New Mexico and Upper California, constituted an ultimatum which our commissioner was, under no circumstances, to yield.

That it might be manifest not only to Mexico, but to all other nations, that the United States were not disposed to take advantage of a feeble Power, by insisting upon wresting from her all the other provinces, including many of her principal towns and cities, which we had conquered and held in our military occupation, but were willing to conclude a treaty in a spirit of liberality, our commissioner was authorized to stipulate for the restoration to Mexico of all our other conquests.

As the territory to be acquired by the boundary proposed might be estimated to be of greater value than a fair equivalent for our just demands, our commissioner was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed reasonable.

The terms of a treaty proposed by the Mexican commissioners were wholly inadmissible. They negotiated as if Mexico were the victorious, and not the vahquished party. They must have known that their ultimatum could never be accepted. It required the United States to dismember Texas, by surrendering to Mexico that part of the territory of that State lying between the Nueces and the Rio Grande, included within her limits by her laws when she was an independent Republic, and when she was annexed to the United States and admitted by Congress as one of the States of our Union. It contained no provision for the payment by Mexico of the just claims of our citizens. It required indemnity to Mexican citizens for injuries they may have sustained by our troops in the prosecution of the war. It demanded the right for Mexico to levy and collect the Mexican tariff of duties on goods imported into her ports while in our military occupation during the war, and the owners of which had paid to officers of the United States the military contributions which had been levied upon them; and it offered to cede to the United States, for a pecuniary consideration, that part of Upper California lying north of latitude thirty-seven degrees. Such were the unreasonable terms proposed by the Mexican commissioners.

The cession to the United States by Mexico, of the provinces of New Mexico and the Californias, as proposed by the commissioner of the United States, it was believed, would be more in accordance with the convenience and interests of both nations, than any other cession of territory which it was probable Mexico could be induced to make.

It is manifest to all who have observed the actual condition of the Mexican Government, for some years past, and at present, that if these provinces should be retained by her, she could not long continue to hold and govern them. Mexico is too feeble a Power to govern these provinces, lying as they do at a distance of more than a thousand miles from her capital, and, if attempted to be retained by her, they would constitute but for a short time, even nominally, a part of her dominions.

This would be especially the case with Upper California. The sagacity of powerful European nations has long since directed their attention to the commercial importance of that province, and there can be little doubt that the moment the United States shall relinquish their present occupation of it, and their claim to it as indemnity, an effort would be made by some foreign Power to possess it, either by conquest or by purchase. If no foreign Government should acquire it in either of these modes, an independent revolutionary government would probably be established by the inhabitants, and such foreigners as may remain in or remove to the country, as soon as it shall be known that the United States have abandoned it. Such a Government would be too feeble long to maintain its separate independent existence, and would finally become annexed to, or be a dependent colony of, some more powerful State.

Should any foreign Government attempt to possess it as a colony, or otherwise to incorporate it with itself, the principle avowed by President Monroe in 1824, and reaffirmed in my first annual message, that no foreign Power shall, with our consent, be permitted to plant or establish any new colony or dominion on any part of the North American continent, must be maintained. In maintaining this principle, and in resisting its invasion by any foreign Power, we might be involved in other wars more expensive and more difficult than that in which we are now engaged.

The provinces of New Mexico and the Californias are contiguous to the territories of the United States, and if brought under the government of our laws, their resources—mineral, agricultural, manufacturing, and commercial—would soon be developed.

Upper California is bounded on the north by our Oregon possessions; and if held by the United States, would soon be settled by a hardy, enterprising, and intelligent portion of our population. The bay of San Francisco, and other harbors along the Californian coast, would afford shelter for our navy, for our numerous whale ships, and other merchant vessels employed in the Pacific ocean, and would in a short period become the marts of an extensive and profitable commerce with China, and other countries of the East.

These advantages, in which the whole commercial world would participate, would at once be secured to the United States by the cession of this territory; while it is certain that as long as it remains a part of the Mexican dominions, they can be enjoyed neither by Mexico herself nor by any other nation.

New Mexico is a frontier province, and has never been of any considerable value to Mexico. From its locality, it is naturally connected with our western settlements. The territorial limits of the State of Texas, too, as defined by her laws, before her admission into our Union, embrace all that portion of New Mexico lying east of the Rio Grande, while Mexico still claims to hold this territory as a part of her dominions. The adjustment of this question of boundary is important.

There is another consideration which induced the belief that the Mexican Government might even desire to place this province under the protection of the Government of the United States. Numerous bands of fierce and warlike savages wander over it, and upon its borders. Mexico has been, and must continue to be, too feeble to restrain them from committing depredations, robberies, and murders, not only upon the inhabitants of New Mexico itself, but upon those of the other northern States of Mexico. It would be a blessing to all these northern States to have their citizens protected against them by the power of the United States. At this moment, many Mexicans, principally females and children, are in captivity among them. If New Mexico were held and governed by the United States, we could effectually prevent these tribes from committing such outrages, and compel them to release these captives, and restore them to their families and friends.

In proposing to acquire New Mexico and the Californias, it was known that but an inconsiderable portion of the Mexican people would be transferred with them, the country embraced within these provinces being chiefly an uninhabited region.

These were the leading considerations which induced me to authorize the terms of peace which were proposed to Mexico. They were rejected; and, negotiations being at an end, hostilities were renewed. An assault was made by our gallant army upon the strongly-fortified places near the gates of the city of Mexico, and upon the city itself; and after several days of severe conflict, the Mexican forces, vastly superior in number to our own, were driven from the city, and it was occupied by our troops.

Immediately after information was received of the unfavorable result of the negotiations, believing that his continued presence with the army could be productive of no good, I determined to recall our commissioner. A despatch to this effect was transmitted to him on the 6th of October last. The Mexican Government will be informed of his recall; and that, in the existing state of things, I shall not deem it proper to make any further overtures of peace, but shall be at all times ready to receive and consider any proposals which may be made by Mexico.

Since the liberal proposition of the United States was authorized to be made in April last, large expenditures have been incurred, and the precious blood of many of our patriotic fellow-citizens has been shed in the prosecution of the war. This consideration, and the obstinate perseverance of Mexico in protracting the war, must influence the terms of peace which it may be deemed proper hereafter to accept.

Our arms having been everywhere victorious, having subjected to our military occupation a large portion of the enemy's country, including his capital, and negotiations for peace having failed, the important questions arise, In what manner the war ought to be prosecuted? and what should be our future policy? I cannot doubt that we should secure and render available the conquests which we have already made; and that, with this view, we should hold and occupy, by our naval and military forces, all the ports, towns, cities, and provinces now in our occupation, or which may hereafter fall into our possession; that we should press forward our military operations, and levy such military contributions on the enemy as may, as far as practicable, defray the future expenses of the war.

Had the Government of Mexico acceded to the equitable and liberal terms proposed, that mode of adjustment would have been preferred. Mexico having declined to do this, and failed to offer any other terms which could be accepted by the United States, the national honor, no less than the public interests, requires that the war should be prosecuted with increased energy and power until a just and satisfactory peace can be obtained. In the meantime, as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves, by appropriating permanently a portion of her territory. Early after the commencement of the war, New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

These provinces are now in our undisputed occupation, and have been so for many months; all resistance on the part of Mexico having ceased within their limits. I am satisfied that they should never be surrendered to Mexico. Should Congress concur with me in this opinion, and that they should be retained by the United States as indemnity, I can perceive no good reason why the civil jurisdiction and laws of the United States should not at once be extended over them. To wait for a treaty of peace, such as we are willing to make, by which our relations towards them would not be changed, cannot be good policy; whilst our own interest, and that of the people inhabiting them, require that a stable, responsible, and free government, under our authority, should, as soon as possible, be established over them. Should Congress, therefore, determine to hold these provinces permanently, and that they shall hereafter be considered as constituent parts of our country, the early establishment of territorial governments over them will be important for the more perfect protection of persons and property; and I recommend that such territorial governments be established. It will promote peace and tranquillity among the inhabitants, by allaying all apprehensions that they may still entertain of being again subjected to the jurisdiction of Mexico. I invite the early and favorable consideration of Congress to this important subject.

Besides New Mexico and the Californias, there are other Mexican provinces which have been reduced to our possession by conquest. These other Mexican provinces are now governed by our military and naval commanders, under the general authority which is conferred upon a conqueror by the laws of war. They should continue to be held as a means of coercing Mexico to accede to just terms of peace. Civil as well as military officers are required to conduct such a government. Adequate compensation, to be drawn from contributions levied on the enemy, should be fixed by law for such officers as may be thus employed. What further provision may become necessary, and what final disposition it may be proper to make of them, must depend on the future progress of the war, and the course which Mexico may think proper hereafter to pursue.

With the views I entertain, I cannot favor the policy which has been suggested, either to withdraw our army altogether, or to retire to a designated line, and simply hold and defend it. To withdraw our army altogether from the conquests they have made by deeds of unparalleled bravery, and at the expense of so much blood and treasure, in a just war on our part, and one which, by the

act of the enemy, we could not honorably have avoided, would be to degrade the nation in its own estimation and in that of the world.

To retire to a line, and simply hold and defend it, would not terminate the war. On the contrary, it would encourage Mexico to persevere, and tend to protract it indefinitely. It is not to be expected that Mexico, after refusing to establish such a line as a permanent boundary, when our victorious army are in possession of her capital, and in the heart of her country, would permit us to hold it without resistance. That she would continue the war, and in the most harassing and annoying forms, there can be no doubt. A border warfare of the most savage character, extending over a long line, would be unceasingly waged. It would require a large army to be kept constantly in the field, stationed at posts and garrisons along such a line, to protect and defend it. The enemy, relieved from the pressure of our arms on his coasts and in the populous parts of the interior, would direct his attention to this line, and, selecting an isolated post for attack, would concentrate his forces upon it. This would be a condition of affairs which the Mexicans, pursuing their favorite system of guerrilla warfare, would probably prefer to any other. Were we to assume a defensive attitude on such a line, all the advantages of such a state of war would be on the side of the enemy. We could levy no contributions upon him, or in any other way make him feel the pressure of the war, but must remain inactive and await his approach, being in constant uncertainty at what point on the line, or at what time, he might make an assault. He may assemble and organize an overwhelming force in the interior, on his own side of the line, and, concealing his purpose, make a sudden assault upon some one of our posts, so distant from any other as to prevent the possibility of timely succor or reinforcements; and in this way our gallant army would be exposed to the danger of being cut off in detail; or if, by their unequalled bravery and prowess everywhere exhibited during this war, they should repulse the enemy, their numbers stationed at any one post may be too small to pursue him. If the enemy be repulsed in one attack, he would have nothing to do but to retreat to his own side of the line, and, being in no fear of a pursuing army, may reinforce himself at leisure, for another attack on the same or some other post. He may, too, cross the line between our posts, make rapid incursions into the country which we hold, murder the inhabitants, commit depredations on them, and then retreat to the interior before a sufficient force can be concentrated to pursue him. Such would probably be the harassing character of a mere defensive war on our part. If our forces, when attacked, or threatened with attack, be permitted to cross the line, drive back the enemy, and conquer him, this would be again to invade the enemy's country, after having lost all the advantages of the conquests we have already made, by having voluntarily abandoned them. To hold such a line successfully and in security, it is far from being certain that it would not require as large an army as would be necessary to hold all the conquests we have already made, and to continue the prosecution of the war in the heart of the enemy's country. It is also far from being certain that the expenses of the war would be diminished by such a policy.

I am persuaded that the best means of vindicating the national honor and interest, and of bringing the war to an honorable close, will be to prosecute it with increased energy and power in the vital parts of the enemy's country.

In my annual message to Congress of December last, I declared that "the war has not been waged with a view to conquest; but, having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico." Such, in my judgment, continues to be our true policy—indeed, the only policy which will probably secure a permanent peace.

It has never been contemplated by me, as an object of the war, to make a permanent conquest of the Republic of Mexico, or to annihilate her separate existence as an independent nation. On the contrary, it has ever been my desire that she should maintain her nationality, and, under a good government adapted to her condition, be a free, independent, and prosperous Republic. The United States were the first among the nations to recognise her independence, and have always desired to be on terms of amity and good neighborhood with her. This she would not suffer. By her own conduct we have been compelled to engage in the present war. In its prosecution, we seek not her overthrow as a nation; but, in vindicating our national honor, we seek to obtain redress for the wrongs she has done us, and indemnity for our just demands against her. We demand an honorable peace; and that peace must bring with it indemnity for the past, and security for the future. Hitherto Mexico has refused all accommodation by which such a peace could be obtained.

Whilst our armies have advanced from victory to victory, from the commencement of the war, it has always been with the olive-branch of peace in their hands; and it has been in the power of Mexico, at every step, to arrest hostilities by accepting it.

One great obstacle to the attainment of peace has, undoubtedly, arisen from the fact that Mexico has been so long held in subjection by one faction or military usurper after another, and such has been the condition of insecurity in which their successive governments have been placed, that each has been deterred from making peace, lest, for this very cause, a rival faction might expel it from power. Such was the fate of President Herrera's administration in 1845, for being disposed even to listen to the overtures of the United States to prevent the war, as is fully confirmed by an official correspondence, which took place in the month of August last, between him and his government, a copy of which is herewith communicated. "For this cause alone, the revolution which displaced him from power was set on foot" by General Paredes. Such may be the condition of insecurity of the present Government.

There can be no doubt that the peaceable and well-disposed inhabitants of Mexico are convinced that it is the true interest of their country to conclude an honorable peace with the United States; but the apprehension of becoming the victims of some military faction or usurper may have prevented them from manifesting their feelings by any public act. The removal of any such apprehension would probably cause them to speak their sentiments freely, and to adopt the measures necessary for the restoration of peace. With a people distracted and divided by contending factions, and a Government subject to constant changes by successive revolutions, the continued successes of our arms may fail to secure a satisfactory peace. In such event, it may become proper for our commanding generals in the field to give encouragement and assurances of protection to the friends of peace in Mexico in the establishment and maintenance of a free republican Government of their own choice, able and willing to conclude a peace which would be just to them, and secure to us the indemnity we demand. This may become the only mode of obtaining such a peace. Should such be the result, the war which Mexico has forced upon us would thus be converted into an enduring blessing to herself. After finding her torn and distracted by factions, and ruled by military usurpers, we should then leave her with a republican Government in the enjoyment of real independence and domestic peace and prosperity, performing all her relative duties in the great family of nations, and promoting her own happiness by wise laws and their faithful execution.

If, after affording this encouragement and protection, and after all the persevering and sincere efforts we have made, from the moment Mexico commenced the war, and prior to that time, to adjust our differences with her, we shall ultimately fail, then we shall have exhausted all honorable means in pursuit of peace, and must continue to occupy her country with our troops, taking the full measure of indemnity into our own hands, and must enforce the terms which our honor demands.

To act otherwise, in the existing state of things in Mexico, and to withdraw our army without a peace, would not only leave all the wrongs of which we complain unredressed, but would be the signal for new and fierce civil dissensions and new revolutions—all alike hostile to peaceful relations with the United States.

Besides, there is danger, if our troops were withdrawn before a peace was concluded, that the Mexican people, wearied with successive revolutions, and deprived of protection for their persons and property, might at length be inclined to yield to foreign influences, and to cast themselves into the arms of some European monarch for protection from the anarchy and suffering which would ensue. This for our own safety, and in pursuance of our established policy, we should be compelled to resist. We could never consent that Mexico should be thus converted into a monarchy governed by a foreign prince.

Mexico is our near neighbor, and her boundaries are coterminous with our own, through the whole extent across the North American continent, from ocean to ocean. Both politically and commercially, we have the deepest interest in her regeneration and prosperity. Indeed, it is impossible that, with any just regard to our own safety, we can ever become indifferent to her fate.

It may be that the Mexican Government and people have misconstrued or misunderstood our forbearance, and our objects, in desiring to conclude an amicable adjustment of the existing differences between the two countries. They may have supposed that we would submit to terms degrading to the nation; or they may have drawn false inferences from the supposed division of opinion in the United States on the subject of the war, and may have calculated to gain much by protracting it; and, indeed, that we might ultimately abandon it altogether, without insisting on any indemnity, territorial or otherwise. Whatever may be the false impressions under which they have acted, the adoption and prosecution of the energetic policy proposed must soon undeceive them.

In the future prosecution of the war, the enemy must be made to feel its pressure more than they have heretofore done. At its commencement, it was deemed proper to conduct it in a spirit of forbearance and liberality. With this end in view, early measures were adopted to conciliate, as far as a state of war would permit, the mass of the Mexican population; to convince them that the war was waged not against the peaceful inhabitants of Mexico, but against their faithless Government, which had commenced hostilities; to remove from their minds the false impressions which their designing and interested rulers had artfully attempted to make, that the war on our part was one of conquest; that it was a war against their religion and their churches, which were to be desecrated and overthrown; and that their rights of person and private property would be violated. To remove these false impressions, our commanders in the field were directed scrupulously to respect their religion, their churches, and their church property, which were in no manner to be violated; they were directed also to respect the rights of persons and property of all who should not take up arms against us.

Assurances to this effect were given to the Mexican people by Major General Taylor, in a proclamation issued in pursuance of instructions from the Secretary of War, in the month of June, 1846, and again by Major General Scott, who acted upon his own convictions of the propriety of issuing it in a proclamation of the eleventh of May, 1847.

In this spirit of liberality and conciliation, and with a view to prevent the body of the Mexican population from taking up arms against us, was the war conducted on our part. Provisions and other supplies furnished to our army by Mexican citizens were paid for at fair and liberal prices agreed upon by the parties. After the lapse of a few months, it became apparent that these assurances, and this mild treatment, had failed to produce the desired effect upon the Mexican population. While the war had been conducted on our part according to the most humane and liberal principles observed by civilized nations, it was waged in a far different spirit on the part of Mexico. Not appreciating our forbearance, the Mexican people generally became hostile to the United States, and availed themselves of every opportunity to commit the most savage excesses upon our troops. Large numbers of the population took up arms, and, engaging in guerrilla warfare, robbed and murdered in the most cruel manner individual soldiers, or small parties, whom accident or other causes had separated from the main body of our army; bands of guerrilleros and robbers infested the roads, harassed our trains, and, whenever it was in their power, cut off our supplies.

The Mexicans having thus shown themselves to be wholly incapable of appreciating our forbearance and liberality, it was deemed proper to change the manner of conducting the war, by making them feel its pressure according to the usages observed under similar circumstances by all other civilized nations.

Accordingly, as early as the twenty-second of September, 1846, instructions were given by the Secretary of War to Major General Taylor to "draw supplies" for our army "from the enemy, without paying for them, and to require contributions for its support," if in that way he was satisfied he could "get abundant supplies for his forces." In directing the execution of these instructions, much was necessarily left to the discretion of the commanding officer, who was best acquainted with the circumstances by which he was surrounded, the wants of the army, and the practicability of enforcing the measure.

General Taylor, on the twenty-sixth of October, 1846, replied, from Monterey, that "it would have been impossible hitherto, and is so now, to sustain the army to any extent by forced contributions of money or supplies." For the reasons assigned by him, he did not adopt the policy of his instructions, but declared his readiness to do so, "should the army, in its future operations, reach a portion of the country which may be made to supply the troops with advantage." He continued to pay for the articles of supply which were drawn from the enemy's country.

Similar instructions were issued to Major General Scott on the third of April, 1847, who replied, from Jalapa, on the twentieth of May, 1847, that, if it be expected that "the army is to support itself by forced contributions levied upon the country, we may ruin and exasperate the inhabitants, and starve ourselves." The same discretion was given to him that had been to General Taylor in this respect. General Scott, for the reasons assigned by him, also continued to pay for the articles of supply for the army which were drawn from the enemy.

After the army had reached the heart of the most wealthy portion of Mexico, it was supposed that the obstacles which had before that time prevented it would not be such as to render impracticable the levy of forced contributions for its support; and on the first of September, and again on the sixth of October, 1847, the order was repeated in despatches addressed by the Secretary of War to General Scott, and his attention was again called to the importance of making the enemy bear the burdens of the war by requiring them to furnish the means of supporting our army; and he was directed to adopt this policy, unless, by doing so, there was danger of depriving the army of the necessary supplies. Copies of these despaches were forwarded to General Taylor for his government.

On the thirty-first of March last, I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions towards defraying the expenses of the war. By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports, or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our navy, the revenue derived from impost duties, under the laws of Mexico, was paid into the Mexican treasury. After these ports had fallen into our military possession, the blockade was raised, and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico; and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our military and naval officers, and applied to the use of our army and navy. Care was taken that the officers, soldiers, and sailors of our army and navy should be exempted from the operations of the order; and as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were, in effect, the seizure of the public revenues of Mexico, and the application of them to our own use. In directing this measure, the object was to compel the enemy to contribute, as far as practicable, towards the expenses of the war.

For the amount of contributions which have been levied in this form, I refer you to the accompanying reports of the Secretary of War and of the Secretary of the Navy, by which it appears that a sum exceeding half a million of dollars has been collected.

This amount would undoubtedly have been much larger, but for the difficulty of keeping open communications between the coast and the interior, so as to enable the owners of the merchandise imported, to transport and vend it to the inhabitants of the country. It is confidently expected that this difficulty will, to a great extent, be soon removed by our increased forces which have been sent to the field.

Measures have recently been adopted by which the internal as well as external revenues of Mexico, in all places in our military occupation, will be seized and appropriated to the use of our army and navy.

The policy of levying upon the enemy contributions in every form, consistently with the laws of nations, which it may be practicable for our military commanders to adopt, should, in my judgment, be rigidly enforced, and orders to this effect have accordingly been given. By such a policy, at the same time that our own treasury will be relieved from a heavy drain, the Mexican people will be made to feel the burdens of the war, and, consulting their own interests, may be induced the more readily to require their rulers to accede to a just peace.

After the adjournment of the last session of Congress, events transpired in the prosecution of the war which, in my judgment, required a greater number of troops in the field than had been anticipated. The strength of the army was accordingly increased by "accepting" the services of all the volunteer forces authorized by the act of the thirteenth of May, 1846, without putting a construction on that act, the correctness of which was seriously questioned. The volunteer forces now in the field, with those which had been "accepted," to "serve for twelve months," and were discharged at the end of their term of service, exhaust the fifty thousand men authorized by that act. Had it been clear that a proper construction of the act warranted it, the services of an additional number would have been called for and accepted; but doubts existing upon this point, the power was not exercised.

It is deemed important that Congress should, at an early period of their session, confer the authority to raise an additional regular force to serve during the war with Mexico, and to be discharged upon the conclusion and ratification of a treaty of peace. I invite the attention of Congress to the views presented by the Secretary of War in his report upon this subject.

I recommend, also, that authority be given by law to call for and accept the services of an additional number of volunteers, to be exercised at such time and to such extent as the emergencies of the service may require.

In prosecuting the war with Mexico, whilst the utmost care has been taken to avoid every just cause of complaint on the part of neutral nations, and none has been given, liberal privileges have been granted to their commerce in the ports of the enemy in our military occupation.

The difficulty with the Brazilian Government, which at one time threatened to interrupt the friendly relations between the two countries, will, I trust, be speedily adjusted. I have received information that an Envoy Extraordinary and Minister Plenipotentiary to the United States will shortly be appointed by his Imperial Majesty; and it is hoped that he will come instructed and prepared to adjust all remaining differences between the two Governments in a manner acceptable and honorable to both. In the meantime, I have every reason to believe that nothing will occur to interrupt our amicable relations with Brazil.

It has been my constant effort to maintain and cultivate the most intimate relations of friendship with all the independent Powers of South America; and this policy has been attended with the happiest results. It is true, that the settlement and payment of many just claims of American citizens against these nations have been long delayed. The peculiar position in which they have been placed, and the desire on the part of my predecessors, as well as myself, to grant them the utmost indulgence, have hitherto prevented these claims from being urged in a manner demanded by strict justice. The time has arrived when they ought to be finally adjusted and liquidated, and efforts are now making for that purpose.

It is proper to inform you that the Government of Peru has in good faith paid the first two instalments of the indemnity of thirty thousand dollars each, and the greater portion of the interest due thereon, in execution of the convention between that Government and the United States, the ratifications of which were exchanged at Lima on the thirty-first of October, 1846. The Attorney General of the United States, early in August last, completed the adjudication of the claims under this convention, and made his report thereon, in pursuance of the act of the eighth of August, 1846. The sums to which the claimants are respectively entitled, will be paid on demand at the Treasury.

I invite the early attention of Congress to the present condition of our citizens in China. Under our treaty with that Power, American citizens are withdrawn from the jurisdiction, whether civil or criminal, of the Chinese Government, and placed under that of our public functionaries in that country. By these alone can our citizens be tried and punished for the commission of any crime; by these alone can questions be decided between them, involving the rights of person and property; and by these alone can contracts be enforced, into which they may have entered with the citizens or subjects of foreign Powers. The merchant vessels of the United States lying in the waters of the five ports of China open to foreign commerce are under the exclusive jurisdiction of officers of their own Government. Until Congress shall establish competent tribunals to try and punish crimes, and to exercise jurisdiction in civil cases in China, American citizens there are subject to no law whatever. Crimes may be committed with impunity, and debts may be contracted without any means to enforce their payment. Inconveniences have already resulted from the omission of Congress to legislate upon the subject, and still greater are apprehended. The British authorities in China have already complained that this Government has not provided for the punishment of crimes, or the enforcement of contracts against American citizens in that country, whilst their Government has established tribunals by which an American citizen can recover debts due from British subjects.

Accustomed as the Chinese are to summary justice, they could not be made to comprehend why criminals who are citizens of the United States should escape with impunity, in violation of treaty obligations, whilst the punishment of a Chinese, who had committed any crime against an American citizen, would be rigorously exacted. Indeed the consequences might be fatal to American citizens in China, should a flagrant crime be committed by any one of them upon a Chinese, and should trial and punishment not follow according to the requisitions of the treaty. This might disturb, if not destroy, our friendly relations with that empire, and cause an interruption of our valuable commerce.

Our treaties with the Sublime Porte, Tripoli, Tunis, Morocco, and Muscat, also require the legislation of Congress to carry them into execution, though the necessity for immediate action may not be so urgent as in regard to China.

The Secretary of State has submitted an estimate to defray the expense of opening diplomatic relations with the Papal States. The interesting political events now in progress in these States, as well as a just regard to our commercial interests, have, in my opinion, rendered such a measure highly expedient.

Estimates have also been submitted for the outfits and salaries of charges des affaires to the Republics of Bolivia, Guatemala, and Ecuador. The manifest importance of cultivating the most friendly relations with all the independent States upon this continent has induced me to recommend appropriations necessary for the maintenance of these missions.

I recommend to Congress that an appropriation be made, to be paid to the Spanish Government, for the purpose of distribution among the claimants in "the Amistad case." I entertain the conviction that this is due to Spain under the treaty of the twentieth of October, 1795; and, moreover, that, from the earnest manner in which the claim

continues to be urged, so long as it shall remain unsettled, it will be a source of irritation and discord between the two countries, which may prove highly prejudicial to the interests of the United States. Good policy, no less than a faithful compliance with our treaty obligations, requires that the inconsiderable appropriation demanded should be made.

A detailed statement of the condition of the finances will be presented in the annual report of the Secretary of the Treasury. The imports for the last fiscal year, ending on the thirtieth of June, 1847, were of the value of one hundred and forty-six million five hundred and forty-five thousand six hundred and thirty-eight dollars; of which the amount exported was eight million eleven thousand one hundred and fifty-eight dollars, leaving one hundred and thirty-eight million five hundred and thirty-four thousand four hundred and eighty dollars in the country for domestic use. The value of the exports for the same period was one hundred and fifty-eight million six hundred and forty-eight thousand six hundred and twenty-two dollars; of which one hundred and fifty million six hundred and thirty-seven thousand four hundred and sixty-four dollars consisted of domestic productions, and eight million eleven thousand one hundred and fifty-eight dollars of foreign articles.

The receipts into the treasury for the same period amounted to twenty-six million three hundred and forty-six thousand seven hundred and ninety dollars and thirty-seven cents, of which there was derived from customs twenty-three million seven hundred and forty-seven thousand eight hundred and sixty-four dollars and sixty-six cents; from sales of public lands, two million four hundred and ninety-eight thousand three hundred and thirty-five dollars and twenty cents; and from incidental and miscellaneous sources, one hundred thousand five hundred and seventy dollars and fifty-one cents. The last fiscal year during which this amount was received embraced five months under the operation of the tariff act of 1842, and seven months during which the tariff act of 1846 was in force. During the five months under the act of 1842, the amount received from customs was seven million eight hundred and forty-two thousand three hundred and six dollars and ninety cents; and during the seven months under the act of 1846 the amount received was fifteen million nine hundred and five thousand five hundred and fifty-seven dollars and seventy-six cents.

The net revenue from customs during the year ending on the first of December, 1846, being the last year under the operation of the tariff act of 1842, was twenty-two million nine hundred and seventy-one thousand four hundred and three dollars and ten cents; and the net revenue from customs during the year ending on the first of December, 1847, being the first year under the operation of the tariff act of 1846, was about thirty-one million five hundred thousand dollars; being an increase of revenue for the first year under the tariff act of 1846, of more than eight million five hundred thousand dollars over that of the last year under the tariff of 1842.

The expenditures during the fiscal year ending on the thirtieth of June last, were fifty nine million four hundred and fifty-one thousand one hundred and seventy-seven dollars and sixty-five cents; of which three million five hundred and twenty-two thousand and eighty-two dollars and thirty-seven cents, was on account of payment of principal and interest of the public debt, including treasury notes redeemed and not funded. The expenditures, exclusive of payment of public debt, were fifty-five million nine hundred and twenty-nine thousand and ninety-five dollars and twenty-eight cents.

It is estimated that the receipts into the treasury for the fiscal year ending on the thirtieth of June, 1848, including the balance in the treasury on the first of July last, will amount to forty-two million eight hundred and eighty-six thousand five hundred and forty-five dollars and eighty cents, of which thirty-one million, it is estimated, will be derived from customs; three million five hundred thousand from the sale of the public lands; four hundred thousand from incidental sources, including sales made by the Solicitor of the Treasury; and six million two hundred and eighty-five thousand two hundred and ninety-four dollars and fifty-five cents from loans already authorized by law, which, together with the balance in the treasury on the first of July last, make the sum estimated.

The expenditures for the same period, if peace with Mexico shall not be concluded, and the army shall be increased as is proposed, will amount, including the necessary payments on account of principal and interest of the public debt and treasury notes, to fifty-eight million six hundred and fifteen thousand six hundred and sixty dollars and seven cents.

On the first of the present month, the amount of the public debt actually incurred, including treasury notes, was forty-five million six hundred and fifty-nine thousand six hundred and fifty-nine dollars and forty cents. The public debt due on the fourth of March, 1845, including treasury notes, was seventeen million seven hundred and eighty-eight thousand seven hundred and ninety-nine dollars and sixty-two cents; and consequently the addition made to the public debt since that time is twenty-seven million eight hundred and seventy thousand eight hundred and fifty-nine dollars and seventy-eight cents.

Of the loan of twenty-three millions, authorized by the act of the twenty-eighth of January, 1847, the sum of five millions was paid out to the public creditors, or exchanged at par for specie; the remaining eighteen millions was offered for specie to the highest bidder not below par, by an advertisement issued by the Secretary of the Treasury, and published from the ninth of February until the tenth of April, 1847, when it was awarded to the several highest bidders, at premiums varying from one-eighth of one per cent. to two per cent. above par. The premium has been paid into the treasury, and the sums awarded deposited in specie in the treasury as fast as it was required by the wants of the Government.

To meet the expenditures for the remainder of the present and for the next fiscal year, ending on the thirtieth of June, 1849, a further loan, in aid of the ordinary revenues of the Government, will be necessary. Retaining a sufficient surplus in the treasury, the loan required for the remainder of the present fiscal year will be about eighteen million five hundred thousand dollars. If the duty on tea and coffee be imposed, and the graduation of the price of the public lands shall be made at an early period of your session, as recommended, the loan for the present fiscal year may be reduced to seventeen millions of dollars. The loan may be further reduced by whatever amount of expenditures can be saved by military contributions collected in Mexico. The most vigorous measures for the augmentation of these contributions have been directed, and a very considerable sum is expected from that source. Its amount cannot, however, be calculated with any certainty. It is recommended that the loan to be made be authorized upon the same terms, and for the same time, as that which was authorized under the provisions of the act of the twenty-eighth of January, 1847.

Should the war with Mexico be continued until the thirtieth of June, 1849, it is estimated that a further loan of twenty million five hundred thousand dollars will be required for the fiscal year ending on that day, in case no duty be imposed on tea and coffee, and the public lands be not reduced and graduated in price, and no military contribution shall be collected in Mexico. If the duty on tea and coffee be imposed, and the lands be reduced and graduated in price, as proposed, the loan may be reduced to seventeen millions of dollars, and will be subject to be still further reduced by the amount of the military contributions which may be collected in Mexico. It is not proposed, however, at present, to ask Congress for authority to negotiate this loan for the next fiscal year, as it is hoped that the loan asked for the remainder of the present fiscal year, aided by military contributions which may be collected in Mexico, may be sufficient. If, contrary to my expectation, there should be a necessity for it, the fact will be communicated to Congress in time for their action during the present session. In no event will a sum exceeding six millions of dollars of this amount be needed before the meeting of the session of Congress in December, 1848.

The act of the thirtieth of July, 1846, "reducing the duties on imports," has been in force since the first of December last; and I am gratified to state, that all the beneficial effects which were anticipated from its operation have been fully realized. The public revenue derived from customs during the year ending on the first of December, 1847, exceeds by more than eight millions of dollars the amount received in the preceding year under the operation of the act of 1842, which was superseded and repealed by it. Its effects are visible in the great and almost unexampled prosperity which prevails in every branch of business.

While the repeal of the prohibitory and restrictive duties of the act of 1842, and the substitution in their place of reasonable revenue rates levied on articles imported according to their actual value, has increased the revenue and augmented our foreign trade, all the great interests of the country have been advanced and promoted.

The great and important interests of agriculture, which had been not only too much neglected, but actually taxed under the protective policy for the benefit of other interests, have been relieved of the burdens which that policy imposed on them; and our farmers and planters, under a more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products.

Our commerce is rapidly increasing, and is extending more widely the circle of international exchanges. Great as has been the increase of our imports during the past year, our exports of domestic products sold in foreign markets have been still greater.

Our navigating interest is eminently prosperous. The number of vessels built in the United States has been greater than during any preceding period of equal length. Large profits have been derived by those who have constructed as well as by those who have navigated them. Should the ratio of increase in the number of our merchant vessels be progressive, and be as great for the future as during the past year, the time is not distant when our tonnage and commercial marine will be larger than that of any other nation in the world.

Whilst the interests of agriculture, of commerce, and of navigation, have been enlarged and invigorated, it is highly gratifying to observe that our manufactures are also in a prosperous condition. None of the ruinous effects upon this interest which were apprehended by some, as the result of the operation of the revenue system established by the act of 1846, have been experienced. On the contrary, the number of manufactories, and the amount of capital invested in them, is steadily and rapidly increasing, affording gratifying proofs that American enterprise and skill employed in this branch of domestic industry, with no other advantages than those fairly and incidentally accruing from a just system of revenue duties, are abundantly able to meet successfully all competition from abroad, and still derive fair and remunerating profits.

While capital invested in manufactures is yielding adequate and fair profits under the new system, the wages of labor, whether employed in manufactures, agriculture, commerce, or navigation, have been augmented. The toiling millions, whose daily labor furnishes the supply of food and raiment, and all the necessaries and comforts of life, are receiving higher wages, and more steady and permanent employment, than in any other country, or at any previous period of our own history.

So successful have been all branches of our industry, that a foreign war, which generally diminishes the resources of a nation, has in no essential degree retarded our onward progress, or checked our general prosperity.

With such gratifying evidences of prosperity, and of the successful operation of the revenue act of 1846, every consideration of public policy recommends that it shall remain unchanged. It is hoped that the system of impost duties which it established may be regarded as the permanent policy of the country, and that the great interests affected by it may not again be subject to be injuriously disturbed, as they have heretofore been, by frequent and sometimes sudden changes.

For the purpose of increasing the revenue, and without changing or modifying the rates imposed by the act of 1846 on the dutiable articles embraced by its provisions, I again recommend to your favorable consideration the expediency of levying a revenue duty on tea and coffee. The policy which exempted these articles from duty during peace, and when the revenue to be derived from them was not needed, ceases to exist when the country is engaged in war, and requires the use of all its available resources. It is a tax

which would be so generally diffused among the people, that it would be felt oppressively by none, and be complained of by none. It is believed that there are not, in the list of imported articles, any which are more properly the subject of war duties than tea and coffee.

It is estimated that three millions of dollars would be derived annually by a moderate duty imposed on these articles.

Should Congress avail itself of this additional source of revenue, not only would the amount of the public loan rendered necessary by the war with Mexico be diminished to that extent, but the public credit, and the public confidence in the ability and determination of the Government to meet all its engagements promptly, would be more firmly established, and the reduced amount of the loan which it may be necessary to negotiate could probably be obtained at cheaper rates.

Congress is, therefore, called upon to determine whether it is wiser to impose the war duties recommended, or, by omitting to do so, increase the public debt annually three millions of dollars so long as loans shall be required to prosecute the war, and afterwards provide, in some other form, to pay the semi-annual interest upon it, and ultimately to extinguish the principal. If, in addition to these duties, Congress should graduate and reduce the price of such of the public lands as experience has proved will not command the price placed upon them by the Government, an additional annual income to the treasury of between half a million and a million of dollars, it is estimated, would be derived from this source. Should both measures receive the sanction of Congress, the annual amount of public debt necessary to be contracted during the continuance of the war would be reduced near four millions of dollars. The duties recommended to be levied on tea and coffee, it is proposed shall be limited in their duration to the end of the war, and until the public debt rendered necessary to be contracted by it shall be discharged. The amount of the public debt to be contracted should be limited to the lowest practicable sum, and should be extinguished as early after the conclusion of the war as the means of the treasury will permit.

With this view, it is recommended that, as soon as the war shall be over, all the surplus in the treasury, not needed for other indispensable objects, shall constitute a sinking fund, and be applied to the purchase of the funded debt, and that authority be conferred by law for that purpose.

The act of the sixth of August, 1846, "to establish a warehousing system," has been in operation more than a year, and has proved to be an important auxiliary to the tariff act of 1846, in augmenting the revenue, and extending the commerce of the country. Whilst it has tended to enlarge commerce, it has been beneficial to our manufactures, by diminishing forced sales at auction of foreign goods at low prices, to raise the duties to be advanced on them, and by checking fluctuations in the market. The system, although sanctioned by the experience of other countries, was entirely new in the United States, and is susceptible of improvement in some of its provisions. The Secretary of the Treasury, upon whom was devolved large discretionary powers in carrying this measure into effect, has collected, and is now collating, the practical results of the system in other countries, where it has long been established, and will report at an early period of your session such further regulations suggested by the investigation as may render it still more effective and beneficial.

By the act to "provide for the better organization of the treasury, and for the collection, safekeeping, and disbursement of the public revenue," all banks were discontinued as fiscal agents of the Government, and the paper currency issued by them was no longer permitted to be received in payment of public dues.

The constitutional treasury created by this act went into operation on the first of January last. Under the system established by it, the public moneys have been collected, safely kept, and disbursed by the direct agency of officers of the Government in gold and silver; and transfers of large amounts have been made from points of collection to points of disbursement, without loss to the treasury, or injury or inconvenience to the trade of the country.

While the fiscal operations of the Government have been conducted with regularity and ease, under this system, it has had a salutary effect in checking and preventing an undue inflation of the paper currency issued by the banks which exist under State charters. Requiring, as it does, all dues to the Government to be paid in gold and silver, its effect is to restrain excessive issues of bank paper by the banks disproportioned to the specie in their vaults, for the reason that they are at all times liable to be called on by the holders of their notes for their redemption, in order to obtain specie for the payment of duties and other public dues. The banks, therefore, must keep their business within prudent limits, and be always in a condition to meet such calls, or run the hazard of being compelled to suspend specie payments, and be thereby discredited. The amount of specie imported into the United States during the last fiscal year was twenty-four million one hundred and twenty-one thousand two hundred and eighty-nine dollars; of which there was retained in the country twenty-two million two hundred and seventy-six thousand one hundred and seventy dollars. Had the former financial system prevailed, and the public moneys been placed on deposite in banks, nearly the whole of this amount would have gone into their vaults, not to be thrown into circulation by them, but to be withheld from the hands of the people as a currency, and made the basis of new and enormous issues of bank paper. A large proportion of the specie imported has been paid into the treasury for public dues; and after having been, to a great extent, recoined at the mint, has been paid out to the public creditors, and gone into circulation as a currency among the people. The amount of gold and silver coin now in circulation in the country is larger than at any former period.

The financial system established by the constitutional treasury has been, thus far, eminently successful in its operations; and I recommend an adherence to all its essential provisions, and especially to that vital provision which wholly separates the Government from all connexion with banks, and excludes bank paper from all revenue receipts.

In some of its details, not involving its general principles, the system is defective, and will require modification. These defects, and such amendments as are deemed important, were set forth in the last annual report of the Secretary of the Treasury. These amendments are again recommended to the early and favorable consideration of Congress.

During the past year, the coinage at the mint and its branches has exceeded twenty millions of dollars. This has consisted chiefly in converting the coins of foreign countries into American coin.

The largest amount of foreign coin imported has been received at New York; and if a branch mint were established at that city, all the foreign coin received at that port could at once be converted into our own coin, without the expense, risk and delay of transporting it to the mint for that purpose, and the amount recoined would be much larger.

Experience has proved that foreign coin, and especially foreign gold coin, will not circulate extensively as a currency among the people. The important measure of extending our specie circulation, both of gold and silver, and of diffusing it among the people, can only be effected by converting such foreign coin into American coin. I repeat the recommendation contained in my last annual message for the establishment of a branch of the mint of the United States at the city of New York.

All the public lands which had been surveyed and were ready for market have been proclaimed for sale during the past year. The quantity offered and to be offered for sale, under proclamations issued since the first of January last, amounts to nine million one hundred and thirty-eight thousand five hundred and thirty-one acres. The prosperity of the western States and Territories in which these lands lie will be advanced by their speedy sale. By withholding them from market, their growth and increase of population would be retarded, while thousands of our enterprising and meritorious frontier population would be deprived of the opportunity of securing freeholds for themselves and their families. But in addition to the general considerations which rendered the early sale of these lands proper, it was a leading object at this time to derive as large a sum as possible from this source, and thus diminish, by that amount, the public loan rendered necessary by the existence of a foreign war.

It is estimated that not less than ten millions of acres of the public lands will be surveyed and be in a condition to be proclaimed for sale during the year 1848.

In my last annual message I presented the reasons which, in my judgment, rendered it proper to graduate and reduce the price of such of the public lands as have remained unsold for long periods after they had been offered for sale at public auction.

Many millions of acres of public lands lying within the limits of several of the western States have been offered in the market, and been subject to sale at private entry for more than twenty years, and large quantities for more than thirty years, at the lowest price prescribed by the existing laws, and it has been found that they will not command that price. They must remain unsold and uncultivated for an indefinite period, unless the price demanded for them by the Government shall be reduced. No satisfactory reason is perceived why they should be longer held at rates above their real value. At the present period, an additional reason exists for adopting the measure recommended. When the country is engaged in a foreign war, and we must necessarily resort to loans, it would seem to be the dictate of wisdom that we should avail ourselves of all our resources, and thus limit the amount of the public indebtedness to the lowest possible sum.

I recommend that the existing laws on the subject of preëmption rights be amended and modified so as to operate prospectively, and to embrace all who may settle upon the public lands and make improvements upon them before they are surveyed, as well as afterwards, in all cases where such settlements may be made after the Indian title shall have been extinguished.

If the right of preëmption be thus extended, it will embrace a large and meritorious class of our citizens. It will increase the number of small freeholders upon our borders, who will be enabled thereby to educate their children and otherwise improve their condition, while they will be found at all times, as they have ever proved themselves to be, in the hour of danger to their country, among our hardiest and best volunteer soldiers, ever ready to tender their services in cases of emergency, and among the last to leave the field as long as an enemy remains to be encountered. Such a policy will also impress these patriotic pioneer emigrants with deeper feelings of gratitude for the parental care of their Government, when they find their dearest interests secured to them by the permanent laws of the land, and that they are no longer in danger of losing their homes and hard-earned improvements by being brought into competition with a more wealthy class of purchasers at the land sales.

The attention of Congress was invited, at their last and the preceding session, to the importance of establishing a Territorial Government over our possessions in Oregon; and it is to be regretted that there was no legislation on the subject. Our citizens who inhabit that distant region of country are still left without the protection of our laws, or any regularly organized government. Before the question of limits and boundaries of the Territory of Oregon was definitely settled, from the necessity of their condition, the inhabitants had established a temporary government of their own. Besides the want of legal authority for continuing such a government, it is wholly inadequate to protect them in their rights of person and property, or to secure to them the enjoyment of the privileges of other citizens, to which they are entitled under the Constitution of the United States. They should have the right of suffrage, be represented in a Territorial Legislature, and by a delegate in Congress, and possess all the rights and privileges which citizens of other portions of the Territories of the United States have heretofore enjoyed, or may now enjoy.

Our judicial system, revenue laws, laws regulating trade and intercourse with the Indian tribes, and the protection of our laws generally, should be extended over them.

In addition to the inhabitants in that Territory who had previously emigrated to it, large numbers of our citizens have followed them during the present year; and it is not doubted that during the next and subsequent years their numbers will be greatly increased.

Congress, at its last session, established post-

routes leading to Oregon, and between different points within that Territory, and authorized the establishment of post-offices at "Astoria and such other places on the coasts of the Pacific, within the territory of the United States, as the public interests may require." Post offices have accordingly been established, deputy postmasters appointed, and provision made for the transportation of the mails.

The preservation of peace with the Indian tribes residing west of the Rocky Mountains will render it proper that authority should be given by law for the appointment of an adequate number of Indian agents to reside among them.

I recommend that a surveyor general's office be established in that Territory, and that the public lands be surveyed and brought into market at an early period.

I recommend, also, that grants, upon liberal terms, of limited quantities of the public lands, be made to all citizens of the United States who have emigrated, or may hereafter within a prescribed period emigrate to Oregon, and settle upon them. These hardy and adventurous citizens, who have encountered the dangers and privations of a long and toilsome journey, and have at length found an abiding-place for themselves and their families upon the utmost verge of our western limits, should be secured in the homes which they have improved by their labor.

I refer you to the accompanying report of the Secretary of War for a detailed account of the operations of the various branches of the public service connected with the department under his charge. The duties devolving on this department have been unusually onerous and responsible during the past year, and have been discharged with ability and success.

Pacific relations continue to exist with the various Indian tribes, and most of them manifest a strong friendship for the United States. Some depredations were committed during the past year upon our trains transporting supplies for the army, on the road between the western border of Missouri and Santa Fé. These depredations, which are supposed to have been committed by bands from the region of New Mexico, have been arrested by the presence of a military force, ordered out for that purpose. Some outrages have been perpetrated by a portion of the northwestern bands upon the weaker and comparatively defenceless neighboring tribes. Prompt measures were taken to prevent such occurrences in future.

Between one and two thousand Indians, belonging to several tribes, have been removed during the year from the east of the Mississippi to the country allotted to them west of that river, as their permanent home; and arrangements have been made for others to follow.

Since the treaty of 1846 with the Cherokees, the feuds among them appear to have subsided, and they have become more united and contented than they have been for many years past. The commissioners, appointed in pursuance of the act of June twenty-seventh, 1846, to settle claims arising under the treaty of 1835–'36 with that tribe, have executed their duties; and after a patient investigation, and a full and fair examination of all the cases brought before them, closed their labors in the month of July last. This is the fourth board of commissioners which has been organized under this treaty. Ample opportunity has been afforded to all those interested to bring forward their claims. No doubt is entertained that impartial justice has been done by the late board, and that all valid claims embraced by the treaty have been considered and allowed. This result, and the final settlement to be made with this tribe, under the treaty of 1846, which will be completed and laid before you during your session, will adjust all questions of controversy between them and the United States, and produce a state of relations with them simple, well-defined, and satisfactory.

Under the discretionary authority conferred by the act of the third of March last, the annuities due to the various tribes have been paid during the present year to the heads of families instead of to their chiefs, or such persons as they might designate, as required by the laws previously existing. This mode of payment has given general satisfaction to the great body of the Indians. Justice has been done to them, and they are grateful to the Government for it. A few chiefs and interested persons may object to this mode of payment, but it is believed to be the only mode of preventing fraud and imposition from being practised upon the great body of common Indians, constituting a majority of all the tribes.

It is gratifying to perceive that a number of the tribes have recently manifested an increased interest in the establishment of schools among them, and are making rapid advances in agriculture—some of them producing a sufficient quantity of food for their support, and in some cases a surplus to dispose of to their neighbors. The comforts by which those who have received even a very limited education, and have engaged in agriculture, are surrounded, tend gradually to draw off their less civilized brethren from the precarious means of subsistence by the chase, to habits of labor and civilization.

The accompanying report of the Secretary of the Navy presents a satisfactory and gratifying account of the condition and operations of the naval service during the past year. Our commerce has been pursued with increased activity, and with safety and success, in every quarter of the globe, under the protection of our flag, which the navy has caused to be respected in the most distant seas.

In the Gulf of Mexico, and in the Pacific, the officers and men of our squadrons have displayed distinguished gallantry, and performed valuable services. In the early stages of the war with Mexico, her ports on both coasts were blockaded, and more recently many of them have been captured and held by the navy. When acting in cooperation with the land forces, the naval officers and men have performed gallant and distinguished services on land as well as on water, and deserve the high commendation of the country.

While other maritime powers are adding to their navies large numbers of war steamers, it was a wise policy on our part to make similar additions to our navy. The four war steamers authorized by the act of the third of March, 1847, are in course of construction.

In addition to the four war steamers authorized by this act, the Secretary of the Navy has, in pursuance of its provisions, entered into contracts for the construction of five steamers, to be employed in the transportation of the United States mail "from New York to New Orleans, touching at Charleston, Savannah, and Havana, and from Havana to Chagres;" for three steamers to be employed in like manner from Panama to Oregon, "so as to connect with the mail from Havana to Chagres across the isthmus;" and for five steamers to be employed in like manner from New York to Liverpool. These steamers will be the property of the contractors, but are to be built under the superintendence and direction of a naval constructor in the employ of the Navy Department, and to be so constructed as to render them convertible at the least possible expense into war steamers of the first class.

A prescribed number of naval officers, as well as a Post Office agent, are to be on board of them, and authority is reserved to the Navy Department at all times to "exercise control over said steamships," and to "have the right" "to take them for the exclusive use and service of the United States," "upon making proper compensation to the contractors therefor."

Whilst these steam-ships will be employed in transporting the mails of the United States coastwise, and to foreign countries, upon an annual compensation to be paid to the owners, they will be always ready, upon an emergency requiring it, to be converted into war steamers; and the right reserved to take them for public use, will add greatly to the efficiency and strength of this description of our naval force. To the steamers thus authorized under contracts made by the Secretary of the Navy, should be added five other steamers authorized under contracts made in pursuance of law by the Postmaster General, making an addition, in the whole, of eighteen war steamers, subject to be taken for public use. As further contracts for the transportation of the mail to foreign countries may be authorized by Congress, this number may be enlarged indefinitely.

The enlightened policy by which a rapid communication of the various distant parts of the globe is established, by means of American-built sea steamers, would find an ample reward in the increase of our commerce, and in making our country and its resources more favorably known abroad; but the national advantage is still greater, of having our naval officers made familiar with steam navigation; and of having the privilege of taking the ships already equipped for immediate service at a moment's notice; and will be cheaply purchased by the compensation to be paid for the transportation of the mail in them over and above the postages received.

A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels. They can be built in our country cheaper and in greater numbers than in any other in the world.

I refer you to the accompanying report of the Postmaster General for a detailed and satisfactory account of the condition and operations of that department during the past year. It is gratifying to find that, within so short a period after the reduction in the rates of postage, and notwithstanding the great increase of mail service, the revenue received for the year will be sufficient to defray all the expenses, and that no further aid will be required from the treasury for that purpose.

The first of the American mail steamers authorized by the act of the third of March, 1845, was completed and entered upon the service on the first of June last, and is now on her third voyage to Bremen and other intermediate ports. The other vessels authorized under the provisions of that act are in course of construction, and will be put upon the line as soon as completed. Contracts have also been made for the transportation of the mail in a steamer from Charleston to Havana.

A reciprocal and satisfactory postal arrangement has been made by the Postmaster General with the authorities of Bremen, and no difficulty is apprehended in making similar arrangements with all other Powers with which we may have communications by mail steamers, except with Great Britain.

On the arrival of the first of the American steamers, bound to Bremen, at Southampton, in the month of June last, the British post office directed the collection of discriminating postages on all letters and other mailable matter, which she took out to Great Britain, or which went into the British post office on their way to France and other parts of Europe. The effect of the order of the British post office is to subject all letters and other matter transported by American steamers to double postage, one postage having been previously paid on them to the United States, while letters transported in British steamers are subject to pay but a single postage. This measure was adopted with the avowed object of protecting the British line of mail steamers now running between Boston and Liverpool, and, if permitted to continue, must speedily put an end to the transportation of all letters and other matter by American steamers, and give to British steamers a monopoly of the business. A just and fair reciprocity is all that we desire, and on this we must insist. By our laws, no such discrimination is made against British steamers bringing letters into our ports, but all letters arriving in the United States are subject to the same rate of postage, whether brought in British or American vessels. I refer you to the report of the Postmaster General for a full statement of the facts of the case, and of the steps taken by him to correct this inequality. He has exerted all the power conferred upon him by the existing laws.

The Minister of the United States at London has brought the subject to the attention of the British Government, and is now engaged in negotiations for the purpose of adjusting reciprocal postal arrangements, which shall be equally just to both countries. Should he fail in concluding such arrangements, and should Great Britain insist on enforcing the unequal and unjust measure she has adopted, it will become necessary to confer additional powers on the Postmaster General, in order to enable him to meet the emergency, and to put our own steamers on an equal footing with British steamers engaged in transporting the mail between the two countries; and I recommend that such powers be conferred.

In view of the existing state of our country, I trust it may not be inappropriate, in closing this communication, to call to mind the words of wisdom and admonition of the first and most illustrious of my predecessors, in his Farewell Address to his countrymen.

That greatest and best of men, who served his

country so long, and loved it so much, foresaw, with "serious concern," the danger to our Union "of characterizing parties by geographical discriminations—*Northern* and *Southern*, *Atlantic* and *Western*—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views," and warned his countrymen against it.

So deep and solemn was his conviction of the importance of the Union and of preserving harmony between its different parts, that he declared to his countrymen in that address, "it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it, as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

After the lapse of half a century, these admonitions of Washington fall upon us with all the force of truth. It is difficult to estimate the "immense value" of our glorious Union of confederated States, to which we are so much indebted for our growth in population and wealth, and for all that constitutes us a great and a happy nation. How unimportant are all our differences of opinion upon minor questions of public policy, compared with its preservation; and how scrupulously should we avoid all agitating topics which may tend to distract and divide us into contending parties, separated by geographical lines, whereby it may be weakened or endangered.

Invoking the blessing of the Almighty Ruler of the Universe upon your deliberations, it will be my highest duty, no less than my sincere pleasure, to coöperate with you in all measures which may tend to promote the honor and enduring welfare of our common country.

JAMES K. POLK.

WASHINGTON, *December*, 1847.

The Message having been read—

Mr. BRODHEAD offered the following resolution:

Resolved, That the message of the President of the United States be referred to a Committee of the Whole on the state of the Union, and that 10,000 copies without, and 15,000 copies with the accompanying documents, be printed for the use of this House.

Mr. HUDSON moved to strike out 15,000 without the accompanying documents, so as to leave provision only for printing the message with the accompanying documents. Heretofore there was some propriety in publishing the message alone, but now, since the establishment of expresses through the country, there was probably not a section of the country that would not receive the message by private enterprise, printed in the daily and weekly papers, and it would be read by nineteen-twentieths of the entire population several days before the pamphlet which this House would issue could be transmitted to them. It was therefore entirely unnecessary, and a useless expense to print the message alone; but, with the documents, it was proper that it should be printed for circulation. He moved, therefore, to strike out that portion of the resolution relating to the printing of the message without the accompanying documents.

Mr. BRODHEAD would not question the truth of the statement of the gentleman from Massachusetts [Mr. HUDSON] that the message would reach the different portions of the Union before the copies which he desired this House to furnish could arrive there; but he had inserted the provision to furnish 15,000 copies without the documents, with the view of giving it to their constituents in a shape in which it could be preserved. This was his design; this had been the practice, and he only asked for the customary number.

Mr. SCHENCK, in corroboration of the observations of the gentleman from Massachusetts, [Mr. HUDSON,] remarked, that this message was now at Pittsburg and Cincinnati, and other parts of that section of the Union, unless the telegraphic wires were broken; for he was advised that arrangements had been made to transmit thither the entire message, where it would arrive before the House could take the vote on this resolution—certainly before the House would assemble here to-morrow morning. It was, therefore, unnecessary to print these extra copies of the message alone, and this, he was of opinion, was a very proper occasion to break through the custom to which the gentleman from Pennsylvania [Mr. BRODHEAD] had referred, and to discontinue this useless printing.

Mr. HOWELL COBB agreed with the observations of the gentleman from Massachusetts, [Mr. HUDSON,] and the gentleman from Ohio, [Mr. SCHENCK,] but he was willing to increase the number with the accompanying documents. He therefore was in favor of printing fifteen thousand copies with the accompanying documents, and none without.

[Cries of "Agreed," "agreed!"]

Mr. HUDSON suggested that the mover of the resolution had it in his power to accept that modification, and thereby save the necessity of incorporating it as an amendment by the vote of the House.

Mr. BRODHEAD accepted the modification suggested by the gentleman from Georgia, [Mr. COBB.]

Mr. ROBERT SMITH moved to add 5,000 additional copies to be printed in the German language.

[A voice: "And the Cherokee." Another voice: "And the Mexican."]

The amendment was negatived.

Mr. JAMES THOMPSON moved to amend by adding "10,000 copies without the accompanying documents." He thought it of importance to circulate copies of the message without the documents, in which shape it would be very acceptable to their constituents.

The amendment was negatived, and the resolution, as modified by the mover, was agreed to.

On motion of Mr. HILLIARD, it was

Resolved, That the daily hour to which this House shall stand adjourned shall be twelve o'clock, M., until otherwise ordered.

Mr. HENLEY moved a reconsideration of the vote of yesterday adopting a resolution respecting the rules of the House by which the one-hour rule was abolished. His object he explained to be to submit an amendment to retain the thirty-third rule.

[A voice: "Then I object."]

Unless the course he suggested were agreed to, until the Committee on Rules reported—and the duty intrusted to them would require some time—the House would be deprived of the salutary one-hour rule.

The SPEAKER suggested to the gentleman from Indiana [Mr. HENLEY] that he could accomplish his object better, and not embarrass the committee to whom the revision of the rules had been committed, by moving the adoption of the one-hour rule.

Mr. HOWELL COBB inquired if that would now be in order.

The SPEAKER replied that the gentleman from Indiana [Mr. HENLEY] might now give notice of his motion, one day's notice being requisite.

Mr. COBB inquired if that could be done when a motion was pending?

Mr. HENLEY persisted on his motion to reconsider.

Mr. CLINGMAN moved to lay that motion on the table.

Mr. JAS. THOMPSON moved that the House do now adjourn.

The motion to adjourn was agreed to, and the House was adjourned accordingly to twelve of the clock, M., to-morrow.

IN SENATE.

WEDNESDAY, *December* 8, 1847.

The Hon. JOHN M. CLAYTON, of the State of Delaware, and the Hon. JOHN DAVIS, of the State of Massachusetts, appeared in their seats to-day.

The Journal of yesterday having been read—

Mr. DAVIS, of Massachusetts, whose credentials as a Senator of the United States from the State of Massachusetts, for the term of six years from and after the 4th day of March, 1847, were presented at the last session, after having taken the oath of office, which was administered to him at the hands of the Vice President, took his seat.

The VICE PRESIDENT laid before the Senate the following letter, which was read:

WASHINGTON, *December* 7, 1847.

SIR: Holding the relation of printers to the body over which you preside, under a contract made in conformity with an act of Congress, it may have been expected that we should have been prepared to place on the desks of Senators, printed copies of the President's Annual Message at the time it was read by your Secretary. This has been the practice of our predecessors; and a failure on our part to be equally prompt, may, without explanation, operate injuriously against us.

We cannot but be sensitively alive to any imputation on our trust-worthiness, even by implication; and not less jealous of our reputation as printers, which may be affected by the fact, that Senators were indebted to a daily newspaper for copies of the Message, which the official printers had failed or neglected to furnish. We, therefore, deem it due to ourselves, and due to the Senate, whose printing we have contracted to execute, that we should state the cause of this unparalleled omission of a congressional printer, and thereon rest our appeal for the indulgence of the Senate, for the delay in furnishing the document in question, in the ordinary form. That cause was simply the refusal of the President of the United States to furnish us with a copy, according to well-established usage, in advance of its delivery to the two Houses of Congress.

We trust that this fact may be our sufficient apology to the Senate of the United States, to which we respectfully ask you to communicate it.

With sentiments of great respect, we are, sir, your obedient servants,

WENDELL & VAN BENTHUYSEN.

The Hon. G. M. DALLAS,
President of the United States Senate.

The VICE PRESIDENT laid before the Senate a report of the Secretary of State, made agreeably to law, accompanied by statements, showing the appropriations and disbursements for the service of the department, for the year ending June 30, 1847; which was read.

The VICE PRESIDENT presented a memorial of the Legislature of the Territory of Oregon, praying that the settlers in that Territory may be confirmed in their titles to the lands occupied by them; and the adoption of measures for the promotion of education; and for facilitating the navigation of the Columbia river.

Ordered, That it lie on the table, and be printed.

Mr. DIX presented a preamble and resolutions passed by the Legislature of the State of New York, requesting the Senators and Representatives of that State in Congress to vote for the passage of a law granting public land for the construction of a railroad from Lake Michigan to the Pacific, according to the plan proposed by Asa Whitney, a citizen of New York.

Ordered, That they lie on the table, and be printed.

Mr. DICKINSON presented resolutions passed by the Legislature of the State of New York, instructing the Senators and requesting the Representatives of that State in Congress, to use their best efforts to procure a repeal of certain provisions of the laws regulating the franking privilege and the postage on letters and newspapers.

Mr. DICKINSON then said: Serious exception has been taken to the clause of the postage law charging postage upon newspapers within thirty miles of the place where they are printed. That clause has been, it seems, received with great disapprobation by the public; and in moving to refer these resolutions, as I shall, to the Post Office Committee, when appointed, I shall think it proper to call the attention of the committee especially to this subject. I move, at present, that these resolutions lie upon the table.

Ordered, That they lie on the table and be printed.

Mr. DIX presented the memorial of Sarah Ann Hart, widow of B. F. Hart, late a purser in the navy, praying a pension.

Ordered, That it lie on the table.

Mr. DIX presented a memorial of Sarah Ann Hart, widow, and Monmouth B. Hart, Joel Kelly, and William Close, sureties of Benjamin F. Hart, deceased, late a purser in the navy, praying that a balance standing against him on the books of the treasury for certain stores which were lost by the wrecking of a United States vessel, may be cancelled.

Ordered, That it lie on the table.

Mr. DIX presented the memorial of Francis O. Dorr and Andrew C. Dorr, in behalf of their brother, Gustavus Dorr, late a captain in the army, who, they allege, was unjustly dismissed from the service for acts done while in a state of mental derangement, caused by an injury received while on duty, praying that he may be allowed a pension.

Ordered, That it lie on the table.

Mr. DIX presented the petition of Phœbe Wood and Sylvia Ann Wood, children of Jethro Wood, deceased, praying an extension of the patent granted to their father for an improvement in the construction of the plough.

Ordered, That it lie on the table.

Mr. ATHERTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That on Monday next, at one o'clock, the Senate will proceed to the appointment of standing committees, in accordance with the rules.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent:

Resolved, That ——— additional copies of the documents accompanying the President's annual message be printed for the use of the Senate.

Mr. ALLEN: The number is left blank, because, upon conversing with a number of gentlemen of this body, I found they were all agreed as to the necessity for printing an additional number, but they disagreed as to the number that was thought to be adequate. I believe it will be generally conceded, that there ought to be, of some of these documents, a very large additional number printed, and it has been suggested by some of the intelligent and experienced members of the Senate that it would be well, probably, to print a very large number of the report from the War Department and omit the printing of the others, because the events of the war in Mexico are of the highest degree of importance—as interesting not only the public feelings of the country, but interesting in a high degree the private feelings of so many families. I think, sir, that there are circumstances connected with the whole action of this Government which make the reports from all the departments peculiarly interesting this year. For instance, the same reason which gives extraordinary importance at this time to the report from the War Department, gives almost equal importance to the report of the Secretary of the Navy; so, too, as regards the report from the Treasury Department. The operation of the new system of finance which the country has recently adopted gives a transcendent importance to that report, in connexion with the report proceeding from that department of the Executive Government. So, too, of the report from the Post Office Department. That report will disclose the results which experience has elicited as to the efficacy and the policy of the new system of postage. The same reason, too, which gives importance to the reports of the Secretary of War and the Secretary of the Navy gives equal importance to the report from the State Department, as being the political feature of this war. It is perfectly manifest, therefore, that the reports from all the departments, owing to the peculiar circumstances of the country and the peculiar developments of the recently adopted policy of the Government, are of transcendent iuportance to the country. For these reasons I have left the number blank, in order that any gentleman may suggest a number with which it shall be filled, which may meet the general appropriation of the Senate. I will vote for the largest uumber which may be proposed. I ask the action of the Senate, at this time, upon the resolution.

Mr. CAMERON. I move to fill the blank with ten thousand, which will be about two hundred for each member of the Senate; and I am induced to do this because by the recent act in regard to printing, the additional number will add very little to the cost. After the types have once been set, very little cost attends the printing. Besides, the message will be published in all the newspapers, and the public will have an opportunity to read it; but the documents being so large will not obtain equal publicity unless distributed by order of the Senate.

Mr. NILES. I do not rise to oppose this motion, sir. I think it is a very important one. If my honorable friend from Ohio will move to reconsider the vote of yesterday, ordering the printing of twenty thousand copies of the message without the documents, and five thousand with, making twenty-five thousand in all, I might be inclined to sustain that motion. We are certainly beginning in a pretty liberal spirit in regard to the printing expenses of this body. And I wish to say a word at this time to my worthy friend from Pennsylvania, who, somehow, stuck an additional daily paper upon us. Now, three are more than I can find time to read; and, if a very distinguished gentleman, who was a Senator from Georgia some years ago, had been here when that motion was made, we should probably have had a very serious debate before what that gentleman would have denominated a gross abuse, and in fact a violation, as he thought, of the Constitution of the United States, would have received the santion of this body. However, that is a small matter. I admit, with the honorable Senator from Ohio, that in the present interesting condition of the public affairs, the documents which are laid before us, are perhaps of something more than ordinary importance; and I would therefore be prepared, sir, to increase the number that we may be disposed to publish of those documents. But in regard to the message standing alone, I consider it altogether idle; for I hardly think I should undertake the drudgery of sending off the number that would fall to my share, particularly after the circulation of the newspapers containing it. Therefore, I see no necessity for increasing the number of copies of the message by itself. And I think it better to include all the documents, as it would be difficult to make a discrimination which would meet the wishes of every Senator. If the honorable Senator will make the motion that I have suggested, I would prefer it to the one which he has now made.

Mr. ALLEN. I will say, that as to the form in which the motion is put, I have no particular solicitude; but if the reconsideration of the vote which was passed yesterday, to print 20,000 copies, should result in a modification so as to print 10,000 only, and the motion, as proposed to be amended by the Senator from Pennsylvania, should pass, to print no more than 15,000 copies of the message and 10,000 of the documents, I should have no objection: but if the object be barely to diminish the number of copies of the message, without increasing the number of the documents, why, then, I shall be inclined to oppose it.

Mr. NILES. I think the number proposed is too large: 15,000 of the message alone, and an adtional 10,000 with the documents, are too many. We are advancing pretty rapidly; we are making too much progress. I am the friend of progress, but I do not want to get along too fast. I propose the printing of 5,000 copies, which will be ample.

Mr. WESTCOTT. I would inquire how many 5,000 will give to each Senator. Not more, I believe, than about forty-eight copies. The reports from the officers of the army to the Secretary at War are very much sought for by the public; I have received numerous applications for copies of these documents. Persons having relations in Mexico would like to possess these documents in a suitable form for preservation, instead of the perishable newspaper. I hope the honorable Senator will withdraw his amendment, and that the original motion will be so modified as to reduce the number of the messages and increase that of the reports. If the copies of the message ordered yesterday had been furnished, I should have been in favor of using the whole number; but we will not receive them till to-morrow, probably, and in the mean time the message will be diffused throughout the whole country. I do not want to send off a single message unaccompanied by the documents. I am in favor of printing the largest number which has been suggested. It will not be too great for the wants of the country.

Mr. MANGUM asked for the reading of the resolution; and it was accordingly again read by the Secretary.

Mr. MANGUM. I would inquire, what are the documents accompanying the message? From what departments are the reports?

Mr. ALLEN. From all the departments; from the War, the Navy, the Treasury, and the Post Office Departments.

Mr. WESTCOTT. I wish for the reports from the War and Navy Departments.

The question being put on filling the blank with ten thousand, it was, upon a division, decided in the affirmative—ayes 32, noes not counted.

The resolution as amended was then adopted.

Agreeably to notice given yesterday, Mr. HANNEGAN asked and obtained leave to bring in a bill for the relief of the heirs of John Paul Jones; which was read a first and second time by unanimous consent, and considered in Committee of the Whole.

Mr. HANNEGAN. It is, I know, a rather unusual proposition. But I trust the extraordinary circumstances which occurred in relation to this bill, at the close of last session, will induce the Senate to suspend the rules and give it a third reading now. The bill is now in Committee of the Whole; and without detaining the Senate more than a very few moments, I will simply state that it is the identical bill which passed both Houses last session without a division; at all events, without a division in the Senate, for it passed this body by a unanimous vote. I believe that the action of the other House was equally unanimous. It passed the Senate on the last night of the session. On the way from the desk of the Secretary to the room of the Vice President, where the President was appending his signature to bills, it was lost in the lobby, and was not recovered till after the adjournment of Congress, when of course it could not be signed by the President. This circumstance would be remembered by the Senate. I will only add, that a widow and child need the passage of this measure; and I trust there is no indelicacy in remarking that prompt action on this bill is of essential importance to them.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be "An act for the relief of the heirs of John Paul Jones."

Ordered, That the Secretary request the concurrence of the House of Representatives on this bill.

Mr. NILES moved to reconsider the vote of yesterday ordering 25,000 copies of the message to be printed. He would then move to print 10,000, as we had now ordered 10,000 of the documents.

Mr. ALLEN had no objection. They ought to go out together.

The motion to reconsider having been agreed to,

Mr. NILES moved to amend the resolution by striking out twenty-five and inserting "ten."

Mr. MANGUM understood that 27,000 were ordered yesterday. He thought it would be best to print 10,000, and add them to the documents now ordered.

Mr. SEVIER. That is the motion.

The amendment was adopted, and the resolution as amended was agreed to.

Mr. DIX gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce the following bills:

A bill to establish a branch of the Mint of the United States, in the city of New York;

A bill for the relief of Mangle M. Quackenboss.

Mr. BREESE gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce the following bills:

A bill to reduce and graduate the price of the public lands;

A bill to grant to the State of Illinois the right of way through the public lands, and for other purposes;

A bill for the relief of Joseph Wilson;

A bill to authorize persons to whom reservations have been made under certain Indian treaties, to alienate the same in fee.

Mr. DICKINSON gave notice that he would, on to-morrow, or at some early day, ask leave of the Senate to introduce the following bill:

A bill to amend the act in relation to seamen navigating waters in vessels of the United States, &c.

Mr. GREENE gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce the following bill:

A bill for the relief of Robert Purkis.

Mr. ASHLEY gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce the following bills:

A bill to establish a general preëmption system;

A bill to divide the judicial district of Arkansas into two judicial districts.

Mr. HUNTER asked and obtained leave to withdraw from the files of the Senate the papers relating to the claim of the heirs of John B. Grayson, deceased.

Mr. BREESE asked and obtained leave to

withdraw from the files of the Senate the papers in the case of Nehemiah Brush.

Mr. SEVIER asked and obtained leave to withdraw from the files of the Senate the memorial of the Legislature of Arkansas, upon the subject of the removal of the raft of Red river; for the purpose of having it referred to the Committee on Commerce.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 8, 1847.

The SPEAKER announced as the first business in order, the motion of Mr. CLINGMAN to lay upon the table the motion of Mr. HENLEY to reconsider the vote adopting the rules of the last Congress, excepting the one-hour rule.

Mr. CLINGMAN said, upon reflection, he would withdraw his motion to lay upon the table, as the time for which the rules were adopted would expire on the third Monday of this month, when the whole subject would come up for consideration. He would suggest to Mr. HENLEY to let the motion to reconsider to go over informally until that time.

Mr. HENLEY assenting to Mr. CLINGMAN'S suggestion, the motion to reconsider was informally laid over until the third Monday of December.

DRAWING FOR SEATS.

The resolution submitted yesterday by Mr. ALEXANDER EVANS was then taken up. It was as follows:

Resolved, That the Clerk of this House, immediately after the passage of this resolution, place in a box the name of each member and delegate of the House of Representatives upon a separate piece of paper; that he then proceed, in the presence of the House, to draw from said box, one at a time, the said pieces of paper, and as each is drawn he shall announce the name of the member upon it, who shall then choose his seat for the present session: *Provided*, That before said drawing shall commence, the Speaker shall cause every seat to be vacated, and shall see that each seat continues vacant until it is selected under this order."

Mr. SIMS moved to strike out the words "for the present session" where they occur, and insert "for the present Congress." The amendment was not agreed to.

Mr. GEORGE W. JONES wished, if it were in order, to move the postponement of this resolution, for the purpose of completing the organization of the House by the election of all its officers.

The SPEAKER intimated that such a motion would be in order.

Mr. JONES then, before he made the motion, would give one or two reasons why they should at once proceed to complete the organization of the House.

If the House should now proceed to draw for seats, it would preclude the possibility of doing any other business during the day, for there would necessarily be much confusion attendant on the changes that would be made. To-morrow the House might not be able to elect a Sergeant-at-Arms, and he presumed the House would adjourn over the residue of the week to Monday next, according to usual custom, to give the Speaker an opportunity to appoint the standing committees. Unless, then, the Sergeant-at-Arms were now appointed, no money could be drawn. [Laughter.] And there were a good many geatlemen here who had travelled long distances, of the state of whose finances he knew nothing, but he thought it very probable that some of them were pretty well cleaned out. [Laughter.] In the present House there were many new members of Congress, who might have some delicacy in making known their condition; but when those new members had been here as long as some of them, they would find that it was not uncommon for members of Congress to be short of funds at the commencement of a session, and some of them at the end of it too. [Renewed laughter.] That was one reason why they should now proceed to complete the organization of the House. Another was, that he was always very unfortunate in lotteries, especially in drawing for seats. He had now a tolerably good position, and he was naturally desirous to retain it as long as possible, for come when this drawing might, he was satisfied he should find himself located in the Territories of the Oregon or California of this House. He therefore moved the indefinite postponement of this resolution.

The motion to postpone indefinitely was disagreed to.

Mr. STANTON thought, if the House would gamble for the seats of its members, or resort to lotteries to determine their respective positions, "a wheel" should be substituted for the box in which the ballots were to be deposited. This would be more consistent with the mode to be resorted to, and more fair to each member. He therefore moved to strike out the word "box" and insert the word "wheel."

The amendment was disagreed to.

Mr. PETTIT inquired if it was in order to move to postpone the consideration of this resolution for two hours? If it were, he would move a postponement to two o'clock,

The amendment was not agreed to.

The original resolution was then adopted, and the drawing and choice of seats was proceeded with.

ELECTION OF OFFICERS.

On motion of Mr. JAMIESON,

Resolved, That this House do now proceed to the election of Sergeant-at-Arms *viva voce*.

The SPEAKER announced that nominations would now be received; when

Mr. BOYD nominated NEWTON LANE.

Mr. POLLOCK nominated NATHAN SARGENT.

Mr. STARKWEATHER nominated CHARLES A. WHITNEY.

Mr. BOYD, Mr. POLLOCK, and Mr. PENDLETON, were appointed tellers.

The SPEAKER then directed the Clerk to call the roll; which having been done, the tellers reported that the whole number of votes given were 224; necessary to a choice 113; of which

Nathan Sargent received.....116
Newton Lane.....96
Charles A. Whitney.....12

The following is the vote in detail:

For Mr. Nathan Sargent—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boyden, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Hilliard, Elias B. Holmes, Hornbeck, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Levin, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Toombs, Tuck, Van Dyke, Vinton, Warren, White, Wilson, and Winthrop.

For Mr. Newton Lane—Messrs. Atkinson, Bayly, Beale, Bedinger, Black, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, W. R. W. Cobb, Cummins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jackson, Jamieson, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, McClernand, McDowell, McKay, Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Strong, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Williams, Wiley, Wilmot, and Woodward.

For Mr. Charles A. Whitney—Messrs. Bingham, Birdsall, Collins, Jenkins, James H. Johnson, Maclay, McClelland, McLane, Nicoll, Stanton, Starkweather, and Charles E. Stuart.

NATHAN SARGENT, having received a majority of the whole number of votes given, was declared duly elected Sergeant-at-Arms of the House of Representatives for the Thirtieth Congress; and, presenting himself at the Speaker's table, he was qualified according to law, and entered upon the discharge of the duties of his office.

On motion of Mr. CALEB B. SMITH,

Resolved, That this House do now proceed to the election of a Doorkeeper *viva voce*.

The SPEAKER announced that nominations would be now received.

Mr. C. B. SMITH nominated ROBERT E. HORNOR.

Mr. FICKLIN nominated CORNELIUS S. WHITNEY.

Mr. C. B. SMITH, Mr. FICKLIN, and Mr. LEVIN, were appointed tellers.

The SPEAKER then directed the Clerk to call the roll; which, having been done, the tellers reported the whole number of votes given were 224; necessary to a choice 113; of which—

Robert E. Hornor received.....117
Cornelius S. Whitney.....107

The following is the vote in detail:

For Mr. Robert E. Hornor—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boydon, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Hilliard, Elias B. Holmes, Hornbeck, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Levin, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Toombs, Tuck, Van Dyke, Vinton, Warren, White, Wilson, and Winthrop.

For Mr. Cornelius S. Whitney—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jackson, Jamieson, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Strong, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Williams, Wiley, Wilmot, and Woodward.

ROBERT E. HORNOR, having received a majority of the whole number of votes given, was declared duly elected Doorkeeper of the House of Representatives for the Thirtieth Congress; and, presenting himself at the Speaker's table, he was qualified according to law, and entered upon the discharge of the duties of his office.

On motion of Mr. ELIAS B. HOLMES,

Resolved, That this House do now proceed to the election of a Postmaster of the House of Representatives of the United States for the Thirtieth Congress *viva voce*.

The SPEAKER announced that nominations for Postmaster would now be received.

Mr. McDOWELL nominated JOHN M. JOHNSON.

Mr. BARRINGER nominated WILLIAM J. MCCORMICK.

Mr. MCDOWELL, Mr. BARRINGER, and Mr. POLLOCK, were appointed tellers.

Mr. McCLERNAND inquired if a motion to adjourn was in order?

The SPEAKER said a motion to adjourn was always in order.

Mr. McCLERNAND said, as the thirst for blood ought to be sated by this day's work, he would move that the House do now adjourn.

The question being put, it was rejected.

The SPEAKER then directed the Clerk to call the roll; which being done, the tellers reported that the whole number of votes given were 221; necessary to a choice 111; of which—

John M. Johnson received.....111
William J. McCormick.....110

The following is the vote:

For Mr. John M. Johnson—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, John W. Houston, Inge, Charles J. Ingersoll, Iverson, Jackson, Jamieson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Levin, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Nicoll, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Palfrey, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thibodeaux, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Williams, Wiley, Wilmot, and Woodward.

For Mr. Wm. J. McCormick—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boyden, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, Hornbeck, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newell, Outlaw, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Toombs, Tuck, Vandyke, Vinton, Warren, White, Wilson, and Winthrop.

JOHN M. JOHNSON, having received a majority of the whole number of votes given, was declared duly elected Postmaster of the House of Representatives to the Thirtieth Congress.

SMITHSONIAN INSTITUTION.

Mr. WHITE gave notice that on to-morrow, or some subsequent day, he would move to amend the rules of the House, so as to provide for the appointment of a Committee on the Smithsonian Institution.

CONGRESS LIBRARY.

Mr. COLLAMER offered the following resolution:

Resolved, (the Senate concurring,) That a joint committee of three members of each House be appointed to direct and superintend the expenditure of all moneys appropriated for the purchase of books for the Library of Congress, and all such other matters pertaining to the said library not otherwise provided for by law.

Pending said resolution, the House adjourned.

IN SENATE.

THURSDAY, *December* 9, 1847.

The VICE PRESIDENT laid before the Senate a communication from the Treasury Department, made agreeably to law, accompanied by copies of the Treasurer's accounts with the United States for the third and fourth quarters of 1846, and first and second quarters of 1847, as adjusted by the accounting officers of the treasury.

The VICE PRESIDENT also laid before the Senate a communication from the Second Auditor of the Treasury, made agreeably to law, transmitting copies of such accounts as have been rendered by persons charged or intrusted with the disbursement or application of moneys, goods, or effects, for the benefit of the Indians, from the 1st October, 1845, to the 30th September, 1846, inclusive; together with a statement containing a list of the names of all persons to whom goods, moneys, or effects, have been delivered within the same period, specifying the amount and object for which they were intended, the amount accounted for, and the balances (under each specific head) still remaining in their hands.

Mr. BREESE presented the petition of Dorothea Payne, widow of Adams Payne, deceased, a soldier in the last war with Great Britain, praying that she may be allowed a pension.

Mr. DOUGLAS presented the petition of David B. Sears, of Illinois, praying the right of preëmption to a certain tract of land.

Mr. CLARKE presented resolutions of the State of Rhode Island and Providence Plantations, in favor of a railroad from Lake Michigan to the Pacific coast, and the appropriation of public lands on the route, for the purpose of effecting that object; which were ordered to be printed.

Mr. HALE asked and obtained leave to withdraw from the files of the Senate the petition and papers of William Fuller and Orlando Saltmarsh.

Mr. NILES asked and obtained leave to withdraw the petition and papers of Walter Loomis and Abel Gay.

Mr. STURGEON asked and obtained leave to withdraw from the files of the Senate the memorial of Titian R. Peale and accompanying documents.

Mr. PEARCE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate a copy of the military reconnoissance of the route from Fort Leavenworth, in Missouri, to San Diego, in California, by Lieutenant William H. Emory, of the Topographical Engineers, with the map of the said route, and of the Arkansas, Del Norte, and Gila rivers; as also the report of Colonel Philip St. George Cooke's route to California, after diverging from the track of General Kearny.

Mr. BREESE moved that when the Senate adjourn, it adjourn to meet on Monday.

Mr. JEFFERSON DAVIS requested the Senator from Illinois to withdraw his motion for the present, as the report of the Secretary of the Treasury was expected every moment.

Mr. BREESE. Mine is not a motion to adjourn.

Mr. JEFFERSON DAVIS. I misunderstood the Senator.

The motion was then agreed to; and it was

Ordered, That when the Senate adjourn, it be to Monday next.

THE LATE SENATOR HUNTINGTON.

Mr. NILES rose and addressed the Senate as follows:

Mr. PRESIDENT: It is a painful duty devolved upon me to announce to the Senate that, during its vacation, one of its members has been removed by death.

The Hon. JABEZ W. HUNTINGTON, a Senator from Connecticut, died at his residence in Norwich, in that State, on the second day of November last. His sickness was short, but severe, which he bore with the Christian fortitude becoming a strong mind, and died with calmness and resignation and an abiding hope of a happy immortality.

Of the public services and private character of my late colleague, I deem it necessary to say but a few words on this occasion. Those who knew him best, and were enabled most justly to appreciate his abilities and manly virtues, will take care that justice be done to his memory.

With the advantages of a regular classical education, Mr. HUNTINGTON prepared himself for the legal profession, which he entered upon with a high promise of success, which his talents and industry soon realized. At an early age he attained a reputation and standing at the bar which commanded the respect of his professional brethren, and the confidence of the public.

In connexion with his professional business, he was for several years associated with the late Judge Gould in a law school, where his lectures evinced the extent and accuracy of his legal acquirements.

From this field of his labors he was removed in 1828 to take a part in the public councils of his State and country—first as a member of the State Legislature, then as a Representative in the twenty-first Congress of the United States, followed by a reëlection to the twenty-second, and again to the twenty-third Congress. During his five years service in the House of Representatives, he was distinguished for his industry and for his zealous and laborious devotion to public duties. In May, 1834, whilst one year of his congressional term remained, he was called to a seat on the bench of the supreme court of judicature of the State; the arduous and responsible duties of which he discharged for six years with faithfulness and ability, and to the general acceptance of the public. From this exalted station, in 1840 he was transferred to the Senate of the United States, to fill an unexpired term of four years, and was subsequently reëlected for six years from the 4th of March, 1845.

Of his services in this body—his remarkable industry—his habits of research and investigation—his zealous and laborious devotion to public business—it is not necessary for me to speak, as those of you who were associated with him in these high duties can bear testimony to his labors, his researches, and his ability.

If he sometimes displayed the ardor of the partisan, all, I think, will accord to him the merit of frankness, sincerity, and honesty in his opinions and purposes. If zealous as a politician, he was a sincere friend to his country, and ardently sought to advance what he believed to be its highest interests, its most enduring fame.

Both in his public career and in his irreproachable character in the walks of private life, it is sufficient to say that he well sustained the honor of the name he bore, distinguished as it has been in the public history of his native State.

In concluding these remarks, I hope to be excused for alluding to the unexampled bereavements which the Senate has sustained the past year in the death of four of its members, all in the prime of life, all endeared to their associates, and all sustaining a high and honorable standing here and before the country. May these dispensations of Providence admonish us that public honors and exalted station do not add the least strength to the tenure by which we hold our lives. May they remind us all that the exciting scenes which surround us, and the deep interest in questions which come before us, may concern us individually but for a day or an hour; and, by moderating the intemperance of partisan zeal, may they dispose the minds of all, at this interesting crisis of our public affairs, to act with moderation and justice, and with a single view to the best and highest interests of our common country.

Mr. NILES concluded by offering the following resolutions:

Resolved, unanimously, That the Senate, from a sincere desire of showing every mark of respect due to the memory of the Hon. JABEZ W. HUNTINGTON, late a member thereof, will go into mourning by wearing crape on the left arm for thirty days.

Resolved, unanimously, That, as an additional mark of respect for the memory of the Hon. Mr. HUNTINGTON, the Senate do now adjourn.

Ordered, That the Secretary notify the House of Representatives accordingly.

The resolutions having been adopted,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 9, 1847.

Another member, to wit, Mr. TIMOTHY PILLSBURY, from the State of Texas, appeared, was qualified, and took his seat in the House to-day.

Mr. JAMIESON said that, in order to complete the organization of the House by the appointment of the standing committees, and to afford the SPEAKER time, he moved that when the House adjourn it adjourn to meet on Monday next.

Agreed to.

The resolution moved yesterday by Mr. COLLAMER, providing for a Joint Committee on the Library, was taken up, read, and agreed to.

Mr. BRODHEAD gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill entitled "An act to repeal so much of the 13th section of the act entitled 'An act to establish certain post routes and for other purposes,' approved March 3, 1847, as authorizes a charge of postage on newspapers conveyed in the mail within thirty miles from the city, town, or other place in which the paper is or may be published."

CONGRESSIONAL CHAPLAINS.

Mr. POLLOCK offered the following resolution:

Resolved, (the Senate concurring,) That two Chaplains to Congress, of different denominations, be elected, one by each House, to officiate during the present session, and that they shall interchange weekly.

Mr. PETTIT rose to detain the House for a few moments only, simply to reiterate what he had heretofore said on the subject which this resolution presented to their consideration, and for the utterance of which he had been exposed to great reproach. He was impressed with the solemn conviction that this House had no power—that the two Houses of Congress together had no power—to appropriate the public money for religious purposes; and hence he was opposed to the passage of this resolution. To him the proposition was plain, that the National Legislature had no power at all to legislate on the subject of religion; and surely they could not appropriate money for purposes respecting which they had no power to legislate. No member on that floor would surely present the absurd proposition that they had power to legislate on the subject of religion in any form; for the framers of the Constitution had wisely prohibited their doing so by the provisions of that instrument, which was given to them for their government. When the States organized their Governments, in some of them there existed an established religion, in others there were various religions alike tolerated, while in some there was a great preponderance of one. The New England States were almost all puritanical; Maryland was almost exclusively Catholic—the universal religion, the Catholic faith, having been adopted by them. Other States had many religions. In order, therefore, to avoid a collision of creeds and the interests of these various denominations, and to avoid trampling on the rights and privileges of any, in the Constitution a provision was inserted prohibiting Congress from making any law respecting an established religion. If, then, Con-

gress could not legislate on the subject of religion, it certainly followed—this at least was clear to his mind—that they could not appropriate money where they could not legislate.

A few days since, in the presence of the Speaker and of the House, he held up his hand, and, solemnly appealing to the Supreme Being, promised to support the Constitution of these United States "so help me God;" and it was his sincere purpose to adhere to that solemn obligation. He was bound to support the Constitution as he understood it, and he could not recognise any power as possessed of the right to construe that instrument for him, or to control his actions under it.

He did not wholly object to the adoption of the resolution; for he was prepared with an amendment to provide substantially for the accomplishment of the same purpose. He did not object to the election or appointment of Chaplains and the opening of the deliberations every morning by an appeal to the Throne of Grace; and he had no doubt, constituted as they were, that this body would need such appeals. Whether they should be able to derive much good from them he did not know. It would be well for them if they should get a devout man to pray for them: he hoped they should get one, for they were assured that the "fervent prayer of the righteous availeth much." The prayer of any other would not be heard; and hence, by the choice of any other, they should not be profited.

But he had to the resolution a serious objection, and he now gave notice that he should offer an amendment and an addition to it. First, as an amendment, he should ask the House to strike out the words "different denominations," and for a very good and obvious reason, which must appeal to all men of common sense. Why was it, he asked, that the two Houses of Congress should be compelled to employ chaplains of different denominations under this resolution? If there were a religion at all, there must be a true, a universal, a catholic religion. But, as there were many sects, while there was orthodoxy, there was also heterodoxy. If, then, out of six hundred and forty different denominations into which the Christian world is divided, there be but one right and true religion—and he held that there could be but one right, and pure, and holy—this House might choose the right, and the Senate, under this resolution, must be content with the heterodox; or the House might be in this position if the Senate should first choose its chaplain, and elect from the true church. Under such circumstances the Senate would have pure and undefiled religion preached to them, but the House must submit to have broadcast amongst them that which was not true. He was aware that these chaplains were to exchange weekly, and thus one week they should listen to the proper authority, and their prayers might be acceptable at the Throne of Grace; but on the next week they would have one of a different denomination, whose prayers could not possibly be heard. Now—and he was not disposed to urge this subject further—how childish it was to prescribe such a limitation. If a majority of the Senate should prefer a Catholic, although a majority of this House might be Catholics, they would be prohibited in their selection to elect a chaplain of their own creed. The same observation would apply to all other denominations. And why, he would ask, if they were Methodists, should they not have a Methodist chaplain here? He repeated that the restriction in this resolution was childish and absurd; and he should first move to strike out the words "different denominations," so that all creeds and denominations should be at liberty to come and participate in the scramble for the prize.

He should next ask the House to add to the resolution this provision: "*Provided*, Such chaplains shall be paid by the members of the respective Houses, and the United States shall not be liable for their salaries nor any part thereof." He should ask for the adoption of this proviso, because he doubted the propriety of appropriating money from the public treasury for such purposes, while the Constitution of the United States retained its existing provision prohibiting legislation on the subject of religion. He had no objection, as he had said already, to commence each day's deliberations with prayer, and for the services of a chaplain he would pay as much as any one. He was not aware that he needed as much again as any other member the benefits of prayer, but he was willing to pay as much again. In this respect he was disposed to be liberal. If they continued the remuneration heretofore given—$500—the proportion of each would be $2 30; but he would pay $5 of that amount. It was not from a dislike of prayer that he thus objected, but from a conviction that they had no power to put their hands into the public treasury and take the money which was drawn from believer and unbeliever, Christian and Jew, Gentile and Mahometan, and pay for a religion in which so many who contributed to that common fund did not believe. He believed that they had no such power. He spoke prompted by a consciousness of doing right.

He would detain the House but little longer, though he would take occasion to say that he had spoken on this subject to his constituents over and over again, and they knew that he came here prepared to pursue this course so long as they honored him with a seat on this floor. He was aware that he had exposed himself to great aspersions, but this did not influence him. He could, if it were necessary, give some beautiful illustrations of the class of men that aspersed him—men, some of them, whose hair would not have grown but for Executive clemency. Yes, he had been denounced by men who had not been two weeks from within the walls of a penitentiary for the violation of the laws both of God and man—the shedder of a brother's blood. The denunciations of such men he heeded not, for he had acted from a consciousness of duty and of right; and he now in the same spirit asked the House to relieve him from the necessity of voting for a chaplain of a denomination different from the one the Senate should select, and relieve him from the unpleasant necessity of voting against this resolution. If a respectable chaplain could be obtained, he repeated his offer to pay double the amount that any other member should pay. He desired the services of a chaplain, but he was convinced this House had no power to appropriate money for such purposes. If it could be done for such purposes here, it could be done for like purposes elsewhere. The power by which they could do so here, would enable them to provide chaplains for every precinct and township in the country, and to compel the people to pay into the treasury money ostensibly for the support of the army and the navy, from which to pay for such chaplains as Congress might appoint for them. If they had power to do it here, they had power to do it over the whole Union, and thus the Constitution would be subverted. He desired the members of this House to pay their own chaplains as they paid for everything else. These were not services to be rendered to the Union, but to them individually, and hence they should pay for such services themselves. He concluded by moving to strike out the words "of different denominations," and add, "*Provided*, Such chaplains shall be paid by the members of the respective Houses, and the United States shall not be liable for their salaries or any part thereof."

The amendment having been read—

Mr. P. called for a division of the question, so that the vote might be taken first on the striking out, on which he asked for the yeas and nays.

The yeas and nays were not ordered, and the motion to strike out was negatived.

The question then recurred on the motion to amend, by adding the proviso.

Mr. P. called for the yeas and nays thereon, which were not ordered.

The amendment was then rejected.

The question again recurred on the original resolution.

Mr. PETTIT moved an adjournment. Lost.

The resolution was then adopted.

APPOINTMENT OF COMMITTEES.

Mr. HENLEY offered the following resolution:

Resolved, That the standing committees of this House be now appointed.

Mr. VINTON inquired whether the standing committees, if appointed, would not expire in ten days, with the rules under which the House now acted.

The SPEAKER replied that, by a resolution of the House, the existing rules were operative until the third Monday of the present month.

Mr. VINTON was understood to say that he desired to guard against a possible contingency to which he had referred, and also to divide the duties of one of the standing committees of this House, and therefore he offered a series of resolutions as a substitute for the resolution of the gentleman from Indiana, [Mr. HENLEY.]

[Of these resolutions we failed to procure a copy. They proposed to divide the duties of the Committee on Commerce between a Committee on Foreign Commerce and a Committee on Commerce among the States.]

Mr. COBB rose to a point of order. He desired to be informed whether the resolutions of the gentleman from Ohio could be received as a substitute for the resolution of the gentleman from Indiana, [Mr. HENLEY.] The gentleman from Ohio in fact offered a new rule in relation to a standing committee as an amendment to a resolution, which he apprehended was not in order. To such a course he objected.

The SPEAKER remarked, that if objection were made, one day's notice would be necessary before the House could act upon the proposition of the gentleman from Ohio.

Mr. VINTON would move then to amend the resolution of the gentleman from Indiana [Mr. HENLEY] by adding "except the Committee on Commerce," and a provision to limit the appointment of the committees to the present session.

Mr. HENLEY accepted the latter part of the amendment.

Mr. C. J. INGERSOLL inquired if it was proposed by this resolution to appoint the committees forthwith.

The SPEAKER replied that it was simply proposed to give the Chair authority to appoint the usual standing committees.

Mr. JAMIESON asked whether, the rules of the last Congress having by resolution been adopted by the present House to be in force until the select committee on that subject should report, the necessity for such a resolution as this was not thereby superseded, and the Speaker could not now proceed, without other authority, to appoint the committees?

Mr. STANTON, too, inquired whether the amendment of the gentleman from Ohio, even in its modified form, was now in order?

The SPEAKER understood it was simply an amendment to suspend the authority to appoint the Committee on Commerce, and he considered it in order.

Mr. VINTON reminded the House of the vast extent of this Union, the great amount of its commerce, and the growing importance of our commercial relations, not only between the several States of this Union, but with foreign nations, which furnished in his judgment, sufficient business for two distinct committees of this House, such as his resolutions contemplated. The internal commerce among the States would, of course, embrace the coasting trade between Boston and New York, or New York and New Orleans, which was as much internal trade as that between Chicago and New York, or Cleveland and Boston. He was desirous to see a committee on the internal trade of the Union appointed, because, great as that commerce now was, and great as were the resources of this country, we knew comparatively nothing of them—nothing of what we were doing; nor should we ever know anything of ourselves until we had a Home Department by which we could obtain statistics of our trade. With these views, he had proposed the appointment of such a committee, with the design of preparing for the establishment of a Home Department. If we had a committee to take into consideration the trade among the States, it would be enabled not only to direct attention to that important branch of commerce, but to lay before the House such facts as would enable them to know its extent, to provide for its encouragement, and to secure its appreciation by the people of the United States. Then, and not till then, should we be able to understand and realize not only what we are doing, but what we are capable of doing.

Mr. COLLAMER, without intending to embarrass the project of the gentleman from Ohio, thought the adoption of such an exception as he had now moved might obstruct the appointment of the other committees. It was very desirable that the Speaker should have before him all the committees that were to be appointed, that he might make proper selections of gentlemen to serve on each; and therefore he would propose an amendment whereby authority should be given not only to appoint all the other committees as

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heretofore, but two committees also, one on foreign and the other on internal commerce. He was aware that this, being an alteration of a rule, could not be done without one day's notice, if any gentleman objected; but by general consent it could be done at once.

Mr. RHETT inquired whether, if objection were made, it must not lie over one day.

The SPEAKER replied in the affirmative.

Mr. RHETT objected, then. If gentlemen desired this additional committee, let the other committees be organized, and then let this proposition come before the House in its proper course, when it could be gravely considered.

Mr. BOYD said he understood there was a document on the Speaker's desk from the Secretary of the Treasury, which he desired to have disposed of, as it would be necessary that it should be printed.

The SPEAKER remarked that he had before him several communications, which would come up in their order.

Mr. BOYD hoped general consent would be obtained for the disposal of these communications now.

Mr. VINTON urged his proposition to divide the duties of the Committee on Commerce at this time, to avoid a subsequent disbanding of that committee hereafter, or the appointment of two committees in addition to the Committee on Commerce.

Mr. HOLMES understood that his colleague [Mr. RHETT] had objected, to avoid embarrassing the Speaker in his appointment of standing committees. He did not understand his colleague as objecting to the resolution of the gentleman from Ohio, but to the form and manner of its introduction at this time. If he did not state his colleague's views right, he hoped he should be corrected.

Mr. RHETT had said not a word as to the merits of the proposition of the gentleman from Ohio.

Mr. HOLMES had so understood his colleague, and it was on that he was about to base his proposition. If the gentleman from South Carolina concurred in the proposition, was this not the time at which the House should determine on its adoption, because in the appointment of committees the Speaker should be able to select the qualifications and talent requisite for each? Now, if the committee on foreign commerce was to be a distinct committee, and they were to have another on internal commerce, let the Speaker know this, so that he may determine the character of each, and avail himself of the best talent the House furnished for that purpose. He concurred with the gentleman from Ohio in the opinion of the necessity for such a division of the labors of this committee. When he had the honor to preside over the Committee on Commerce, its time was occupied day after day with internal affairs, which prevented a proper investigation of important and complicated external matters. Two-thirds of its time was taken up with the consideration of such subjects as bounties on codfish, while the vastly more important subjects were greatly neglected. He trusted the House would now go into the consideration of the resolution of his friend from Ohio, and determine on having a committee whose attention should be directed to our increasing commerce, which the present position of China opens to us, which Oregon and California are likely to afford, which Polynesia, the German States, and other portions of the earth may furnish to us. This might now justify the appointment of a distinct committee, to consist of gentlemen whose views shall be enlarged beyond fishing bounties, and embrace the commerce between us and all the nations of the earth.

Mr. SCHENCK suggested to the gentleman from Vermont [Mr. COLLAMER] that there were two ways by which his amendment could be brought before the House. One was by general consent, which it was not probable he would obtain. The other was by a suspension of the rules, which he (Mr. S.) would now move.

The SPEAKER decided that motion to be out of order until all pending questions were disposed of.

Mr. SCHENCK hoped, then, that the gentleman from Indiana [Mr. HENLEY] would so amend his resolution as to provide for the appointment of these two committees.

Mr. HENLEY said it was evident the discussion of that subject would consume some time, and therefore he could not consent.

Mr. RHETT said, when he objected to the resolutions or amendments of the gentleman from Ohio, [Mr. VINTON,] it was not to avoid a discussion of the proposition, but to secure its mature consideration when it could be done thoroughly. The resolution of the gentleman from Indiana [Mr. HENLEY] was the ordinary one providing for the appointment of the usual standing committees, and with the rules which the House had adopted there could be no difficulty in so organizing the House. But the proposition of the gentleman from Ohio was open to weighty objections, and hence he deemed it inexpedient at this stage of their business to entertain a proposition which would necessarily involve discussion. He did not wish his colleague [Mr. HOLMES] to understand that he favored the proposition of the gentleman from Ohio. No; a proposition for a Home Department, such as was there contemplated, would be forever opposed by him. It was but a renewal of a proposition of Federalism in the time of Alexander Hamilton. What was the object of the gentleman from Ohio? His primary object he deemed utterly unconstitutional. It was to bring within the control of this House the subject of internal improvements—it was to get at power to improve rivers and make canals. Was not that his object? Would the gentleman deny it? It was by means of this committee to reach a point on which parties had long differed—it was to extend the power of this Government over internal improvements. There might be another object. By internal commerce between the States it might be intended to increase the power of this Government over and to regulate other things to which any man with such views of the Constitution as he entertained would be forever opposed.

Mr. HOLMES interposed to remind his colleague that this was a proposition to divide the duties of a committee between two committees, and he asked the gentleman from South Carolina to show him by what process of logic he could arrive at the conclusion that a division of power was an increase of power. The maxim had been *Divide et impera.*

Mr. RHETT continued. It had been urged that the Committee on Commerce could not discharge the duty intrusted to it. Many internal questions had been mentioned; there was foreign commerce as well as internal trade; and to this time they had gone on with no complaint that the Committee on Commerce was unable to do its duty. When that committee should come to this House and say it was unable to discharge the duty devolving on it, it would be time enough to appoint another committee. Would not the adoption of this amendment divide and tend to accumulate those duties? If a committee were appointed on foreign commerce gentlemen would be put upon it whose attention would be turned to the promotion of foreign commerce, and if a committee were created on internal commerce, gentlemen would serve upon it with congenial views and feelings. Now, could any man doubt—he put it to the candor of gentlemen on this floor—if they created these two committees that it would greatly extend the operations of both? Would the gentleman from Ohio have moved for the appointment of a committee on internal commerce for nothing?—if it could accomplish no object whatever? It would accomplish an object. The gentleman from Ohio saw it would. It would tend to consolidate the power of this Government over the States. It would tend to establish a Home Department, which many of them believed would be unconstitutional. He was opposed to this proposition now, and he should be opposed to it ever.

Mr. McCLELLAND said, if he had understood the gentleman from Ohio correctly, he had been misunderstood by the gentleman from South Carolina. He understood the object of the gentleman from Ohio to be to collect statistics and general information in relation to internal commerce, and not to give the proposed committee charge of internal improvements merely so far as they were recognised by this Government, and as they had been embraced in the powers of the Committee on Commerce as it had been heretofore constituted. If the power contemplated by the gentleman from South Carolina were to be given to this committee by this resolution, as a new power, he believed the gentleman from Ohio had misapprehended the object of his own motion. Why, the House had a committee whose express duty it was to act upon internal improvement projects—he alluded to the Committee on Roads and Canals. What was the duty of that committee but to introduce bills making appropriations for the construction of roads and canals?

But he disagreed in part with the gentleman from Ohio. He believed the committee as already constituted, possessed all the power it could have with the division which he contemplated. And he agreed with the gentleman from South Carolina, that the Committee on Commerce had always discharged its duty to the satisfaction of the House. This, however, might be a proper occasion to bring to the notice of the House the fact, that during the last session, the Committee on Commerce discharged duties that did not properly and appropriately belong to it, and from which it should be relieved. Claims for fishing bounties ought to have gone to the Committee of Claims, and other subjects referred to it should likewise have had other directions. But still that committee was able to discharge all the business given to it, to the satisfaction of the members and the benefit of the country.

During the last Congress the Committee on Commerce, for the two last months of the long, and one month of the short session, had nothing to do, having disposed of all the business before it; and if that committee were now constituted as it should be, it will be able to do all the duties the House may impose upon it. The appointment of two committees—the one on foreign and the other on internal commerce—will lead to invidious distinctions. The gentlemen to constitute the committee on foreign commerce must necessarily be taken from the Atlantic cities; and hence jealousies might be engendered which would tend to defeat the objects and purposes for which it was designed; whereas the single Committee on Commerce could be constituted by the selection of gentlemen for all sections of the Union.

Mr. VINTON, with the permission of the gentleman from Michigan, [Mr. McCLELLAND,] said his purpose was not to create a committee to whom power was to be given over internal improvements, but who should be charged with the consideration of "commerce among the several States," to use the language of the Constitution—that is, the home trade of the country, as distinguished from foreign commerce, or commerce with foreign nations.

Mr. McCLELLAND resumed. That was the question he was going to speak to. From the slight knowledge he had of the commerce of this country, he found it difficult to distinguish, on the lakes, the St. Lawrence, and the Mississippi, and the Hudson and other rivers, and the Atlantic coast, between foreign and internal commerce, and the difficulty became greater every day. He was not prepared now to say that he would not go with the gentleman from Ohio for such a division of the duties of this committee; but he suggested the propriety of not persisting in his motion at the present time. Hereafter there would be ample time for the consideration of the subject without obstructing the appointment of the standing committees as heretofore organized, and embarrassing the Speaker.

Mr. SCHENCK suggested, for the purpose of accomplishing the object of the mover, that, if the pending motion were not agreed to, he would afterwards move to suspend the rules, with the intention of offering the following:

Ordered, That the standing committees of this House be now appointed, except the Committee on Commerce, and that two other committees shall be appointed, to be called one the Committee on Foreign Commerce, and the other the Committee on Commerce amongst the States.

One word to the gentleman from South Carolina, [Mr. RHETT.] He did not intend to engage in a discussion of the constitutionality of internal improvements, which the gentleman from South Carolina apprehended would be involved in the question before the House; but he desired to say that he thought there was no occasion for doubt, nor any difficulty to apprehend. He would call the attention of the gentleman from South Carolina [Mr. RHETT] to the remarks of the gentleman from Ohio [Mr. VINTON] on the constitutional provision on which he based his proposition. That provision gave Congress power "to regulate commerce with foreign nations and among the several States." All these powers had been committed to a single committee, and the gentleman from South Carolina [Mr. RHETT] had said that a division of power could increase a power. The gentleman was alarmed at something; he was alarmed not only at the division of power, but at the division of action in carrying out of power. Now if they looked at this clause they would see that there was something more than he had mentioned; for the clause gave other powers by these words, "and with the Indian tribes."

We had already divided the action on this provision by adding to the Committee on Commerce a Committee on Indian Affairs; and if there was to be difficulty by division now, there must have been difficulty then. This proposition was only for a further subdivision, which became necessary in consequence of the increased business of the country—creating three instead of two committees; a Committee on Foreign Commerce, a Committee on Commerce among the States, and a Committee on Indian Affairs—three several committees, to each of which its appropriate division of labor would be assigned.

The subdivision of committees which appeared to give the gentleman from South Carolina so much concern, was not novel in this Government. It had been going on from its institution. There was formerly but one Committee on Commerce and Manufactures. That continued till 1819, when a division was made. Then again there were the Public Lands and Private Lands, which were once under the purview of one committee, but with which now two committees are charged. He also found in the same section of the Constitution a clause which gave to Congress power "to make rules for the government and regulation of the land and naval forces;" and why should not that be committed to one committee? Because convenience suggested the necessity of a division, and now all military matters were referred to a Committee on Military Affairs, and subjects relating to the navy to the Committee on Naval Affairs. The Committee on the Militia, too, was a subdivision from the Committee on Military Affairs. All these subdivisions were made for convenience sake, and for distinct action on particular subjects. It was useless, however, to go into further illustrations. If the resolution of the gentleman from Indiana [Mr. HENLEY] was adopted, the Speaker would appoint the usual committees. But if the proposition he had to make could be entertained, the Speaker would have all his committees before him, and he would be able to discriminate in the selection of gentlemen to serve on each. All the argument of the gentleman from South Carolina [Mr. RHETT] in opposition to this further subdivision was based on a probable abuse of power; but there could be an abuse of power by the Committee on Commerce as well as by a subdivision of that committee; that gentleman's argument, therefore, did not strike him as being very forcible. He reiterated, in conclusion, his intention to submit a motion to suspend the rules as soon as these motions were disposed of.

Mr. VINTON said, it was important that this resolution should be adopted to-day, which he was apprehensive would be consumed with the discussion of his amendment, and defeat the object of the gentleman from Indiana, [Mr. HENLEY.] He proposed, therefore, to withdraw his motion, giving notice that on Monday next he would again bring forward his proposition to divide the Committee on Commerce into two committees.

He here begged leave to say one word in relation to the intimations of the gentleman from South Carolina [Mr. RHETT] that he (Mr. V.) had in view a plan to pave the way for some law to regulate the slave trade between the States.

Mr. RHETT had not said that the gentleman had such an intention, but that such a committee might be induced to do so.

Mr. VINTON had only to say that he had no reference whatever to that subject. He had never, on this floor, made any proposition which he intended to have any bearing on that subject in any way.

The resolution of the gentleman from Indiana [Mr. HENLEY] was then adopted.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House sundry communications, to wit:

A letter from the Printers of the House, explaining why printed copies of the President's Message were not ready to be furnished to members on the day of its delivery to Congress by the President.

A letter from the Secretary of State, transmitting, in obedience to the 20th section of the act approved August 22, 1846, and the act making appropriations for the civil and diplomatic expenses of Government for the year 1836, the annual statements of the contingent expenses of the Department of State and of foreign missions for the year ending June 30, 1847; which letter and statement were referred to the Committee on the Expenditures of the Department of State.

A letter from the Treasurer of the United States, transmitting, in pursuance of law, copies of the Treasurer's accounts with the United States for the third and fourth quarters of 1846, and the first and second quarters of 1847, as adjusted by the accounting officers of the department. Laid on the table, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, in pursuance of law, an account of the receipts and expenditures of the Government for the year ending the 30th of June last; which letter and accompanying documents were laid on the table, and 10,000 extra copies were ordered to be printed.

A letter from the Second Auditor of the Treasury Department, transmitting copies of such accounts as have been rendered by persons charged with the disbursement or application of moneys, &c., for the benefit of the Indians, from the 1st of October, 1845, to the 30th of September, 1846, inclusive; together with a statement containing a list of the names of all persons to whom goods, moneys, or effects, have been delivered within the same time. Laid on the table, and ordered to be printed.

SMITHSONIAN INSTITUTION.

Mr. WHITE, in compliance with the notice he gave yesterday, introduced the following resolution:

Resolved, That the rules of this House be amended by adding one to the committees, to consist of nine members, which shall be entitled a Committee on the Smithsonian Institution. It shall be the duty of the said committee to supervise the proceedings of the Board of Regents, examine accounts and the condition of the funds of the Institution, suggest such alterations or amendments of the law under which the institution was established as may be deemed necessary, and report to the House from time to time, as the interest of the Institution may require.

Mr. HILLIARD said he supposed that the resolution would as a matter of course lie over.

The SPEAKER said that the resolution was now before the House.

Mr. HILLIARD deemed this resolution entirely unnecessary. The Regents of the Smithsonian Institution were selected, three from the Senate and three from this House. What possible necessity, then, could there be to justify the appointment of a committee to inspect the affairs of that institution? Besides, other departments of this Government were required to act in concert with them, and therefore there could be no reason to justify the bringing of the affairs of that institution into this arena of debate, that its progress might be embarrassed, its harmony of action impaired, and the objects which it had undertaken be defeated. He asked the gentleman what good he proposed to accomplish by it? He would impute no sinister motive to a gentleman of his enlarged and enlightened views, but still it must be borne in mind that the bill itself encountered great difficulties in its progress through the House during the last session. Much hostility was manifested to it, and therefore he again asked, what good could be anticipated from the appointment of such a committee?

Mr. H. believed they ought not to change the present relations of Congress to that institution. A committee appointed by this House would not share in the daily deliberations of the Board of Regents, and, without participating in them, it would be difficult to comprehend all its designs. The Board of Regents had endeavored in good faith to carry out the law passed by Congress; and, having done so, he said, let them go on; and if their affairs should hereafter call for the appointment of a select committee, appoint one when required, but do not now provide the means unnecessarily of constantly bringing on this floor, where they were so much oppressed with debate, the affairs of the Smithsonian Institution.

Mr. WHITE disclaimed all hostility to that institution, and declared his ardent desire to cooperate with the Regents. The bequest was a noble one, and it should be carried out in the same spirit. The committee which he proposed to create, on which he did not desire to be placed, would merely supervise the appropriations and review its affairs, and his could not, therefore, be considered a hostile motion. It was a new institution, under the care and guardianship of Congress, and such a committee might be necessary to report what was useful and requisite to carry out the design of the testator, which was to increase the diffusion of knowledge among men.

Mr. C. J. INGERSOLL suggested, to save time, that the resolution should be referred to the select committee on rules, who could take it into consideration and report thereon to the House.

Mr. WHITE had no objection to that course. He modified his resolution accordingly, and it was referred to the select committee designated.

On motion of Mr. J. R. INGERSOLL,

Resolved, That the Clerk cause to be furnished to the members of this House, during the present session, such papers as they may respectively direct; the expense thereof not to exceed the rate of thirty dollars per annum to each member, from the commencement of the session.

Mr. FRIES moved the following resolution:

Resolved, That a select committee of three be appointed by the Chair, whose duty it shall be to inquire whether the health of the members of this House does not require the removal of the gas apparatus by which it is now lighted; and that they report by bill or otherwise.

Pending the said resolution, the House adjourned.

IN SENATE.

MONDAY, *December* 13, 1847.

The Hon. JOHN BELL, of the State of Tennessee; the Hon. THOMAS H. BENTON, of the State of Missouri; and the Hon. DAVID L. YULEE, of the State of Florida, appeared in the Senate to-day.

CREDENTIALS.

Mr. TURNEY presented the credentials of the Hon. JOHN BELL, elected a Senator of the United States from the State of Tennessee, for the term of six years from and after the 4th day of March, 1847; which were read.

Mr. BELL, having taken the oath of office, which was administered to him at the hands of the VICE PRESIDENT, took his seat.

REPORTS FROM DEPARTMENTS.

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of finances.

Mr. ATHERTON moved that 5,000 copies of this report be printed, 200 of which should be for the use of the Treasury Department. This was the number printed last session.

Mr. BREESE, regarding this as a document of very great importance, moved that 20,000 copies be printed.

The question was then taken on the highest number, and decided in the affirmative—ayes 23, noes 17.

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of the Treasury, transmitting the report of the Commissioner of the General Land Office, exhibiting the operations in that branch of the public service during the fiscal year ending June 30, 1847; which was read, and ordered to be printed.

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of the

Treasury, transmitting, in compliance with the 22d section of the act of January 28, 1847, a statement showing the amount of treasury notes issued under its provisions, the amount of such notes redeemed, and the manner in which redeemed—none having been purchased or reissued under said act; which was read, and ordered to be printed.

[It appears from this communication that the amount of treasury notes issued under the authority of the act of 28th of January, 1847, was.....$17,573,400
Redeemed by the issue of half per cent. stock in lieu of notes surrendered.. 3,854,200
Received in payment of duties..... 79,700
Outstanding at date of report..... 13,629,500]

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 15th of January last, a report of the colonel of the corps of topographical engineers, communicating information upon the several subjects designated therein, as connected with the commerce of the western lakes and rivers; which was read, and ordered to be printed, together with 500 extra copies for the use of the Topographical Bureau.

RESOLUTIONS OF THE STATE OF MAINE.

Mr. BRADBURY presented the resolutions of the Legislature of Maine, in favor of a railroad from Lake Michigan to the Pacific coast, upon the plan of Asa Whitney, Esq., of New York; and requesting the Senators and Representatives from that State in Congress, by their votes and acts, to promote said object; which were ordered to be printed.

INCREASE IN COMMITTEES.

Mr. SEVIER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That during the present session of Congress, the Committee on Military Affairs consist of *seven* members.

Mr. MANGUM, after stating that a similar increase of members was desirable in the Naval Committee, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That during the present session of Congress, the Committee on Naval Affairs consist of *seven* members.

THE RIVER SABINE.

Mr. JOHNSON, of Louisiana, submitted the following resolution for consideration:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to remove the obstructions to the navigation of the river Sabine, and that the resolution of the Legislature of Louisiana, the report, and papers on file in relation thereto, be referred to the said committee.

ELECTION OF OFFICERS.

Mr. SEVIER offered the following resolution:

Resolved, That the Senate do now proceed to ballot for officers of this body.

The resolution having been agreed to, the Senate proceeded to the election of a Secretary.

On counting the ballots, it appeared that 48 votes had been given; of which Mr. Asbury Dickins received 46; Mr. B. B. French 1; and one blank.

Mr. Dickins was declared duly elected.

The Senate proceeded to the election of a Sergeant-at-Arms and a Doorkeeper.

On counting the ballots, it appeard that 49 votes had been given, of which Mr. Robert Beale received 37; Mr. Nuttall 6; Mr. Cranston Laurie 1; Mr. C. S. Whitney 2; Mr. J. B. Macy 1; and two blanks.

Mr. Beale was declared duly elected.

The Senate proceeded to the election of an Assistant Doorkeeper.

On counting the ballots, it appeared that 50 votes had been given; of which Mr. Isaac Holland received 49, and there was one blank.

Mr. Holland was declared duly elected.

MESSAGE FROM THE HOUSE.

The following message from the House of Representatives was received by Mr. CAMPBELL, their Clerk:

"Mr. PRESIDENT: The House of Representatives has passed a joint resolution for the appointment of a joint committee of three members of each House, to direct and superintend the expenditure of all moneys appropriated for the purchase of books for the library of Congress, and all such other matters pertaining to the said library not otherwise provided for by law, in which I am directed to request the concurrence of the Senate.

"Mr. JOHN QUINCY ADAMS, Mr. PRESTON, and Mr. MURPHY, have been appointed the said committee on the part of the House.

"The House of Representatives has also passed a joint resolution that two Chaplains to Congress, of different denominations, be elected, one by each House, to officiate during the present session, and that they shall interchange weekly; in which I am directed to request the concurrence of the Senate."

ELECTION OF CHAPLAIN.

On motion by Mr. SEVIER, the Senate proceeded to consider the resolution from the House of Representatives for the election of two Chaplains of different denominations, one by each House, to officiate during the present session, who shall interchange weekly.

The question being upon agreeing to said resolution, it was concurred in.

Mr. ATCHISON moved to proceed to the election of Chaplain.

Mr. WESTCOTT asked of the Chair whether it would be proper to proceed to the election until the concurrence of the Senate in the joint resolution had been communicated to the House. He had no objection to proceed to the ballot now, if, in the opinion of the Chair, there was no impropriety in it.

The CHAIR did not see any impropriety in an immediate election.

The motion of Mr. ATCHISON was then agreed to; and the Senate proceeded to ballot for Chaplain.

On counting the ballots, it appeared that 46 votes had been given; of which the Rev. Henry Slicer received 31; Rev. Mr. Gurley 7; Rev. David Smith 7; Rev. Mr. Matthews 1.

The Rev. Mr. Slicer was declared duly elected Chaplain on the part of the Senate.

STANDING COMMITTEES.

Mr. SEVIER moved to proceed to the election of the standing committees; which was agreed to.

Mr. MANGUM observed that the chairmen of the committees having been informally agreed upon, it would be useless to go through with the tedious process of balloting for them. He therefore moved that so much of the 34th rule as requires their appointment by ballot be dispensed with; which was agreed to.

On motion of Mr. MANGUM, the following chairmen of the several standing committees were appointed:

On Foreign Relations	Mr. Sevier.
On Finance	Mr. Atherton.
On Commerce	Mr. Dix.
On Agriculture	Mr. Sturgeon.
On Military Affairs	Mr. Cass.
On Naval Affairs	Mr. Fairfield.
On Militia	Mr. Rusk.
On Public Lands	Mr. Breese.
On Private Land Claims	Mr. Yulee.
On Indian Affairs	Mr. Atchison.
On Claims	Mr. Mason.
On Revolutionary Claims	Mr. Bright.
On the Judiciary	Mr. Ashley.
On the Post Office and Post Roads	Mr. Niles.
On Roads and Canals	Mr. Hannegan.
On Pensions	Mr. Johnson, La.
On the District of Columbia	Mr. Cameron.
On Patents and the Patent Office	Mr. Westcott.
On Retrenchment	Mr. Turney.
On Territories	Mr. Douglas.
On Public Buildings	Mr. Hunter.
To Audit and Control Contingent Expenses of Senate	Mr. Felch.
On Printing	Mr. Bradbury.
On Engrossed Bills	Mr. Downs.
On the Library (joint)	Mr. Pearce.
On Enrolled Bills	Mr. Rusk.

On motion by Mr. MANGUM, who suggested that the construction of the committees would not be finally agreed on before to-morrow, it was

Resolved, That the election of the remaining members of the several standing committees be postponed until to-morrow, at twelve o'clock.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 13, 1847.

The Journal of Thursday last was read and approved.

The Standing Committees, provided for by the Rules, the appointment of which was ordered on Thursday last by resolution, were, upon the reading of the Journal of this morning, announced, as follows:

Committee of Elections.—Messrs. Richard W. Thompson, Joseph Mullin, Lucien B. Chase, Nathaniel Boyden, Timothy Jenkins, John Van Dyke, and J. Dixon Roman.

Of Ways and Means.—Messrs. Samuel F. Vinton, Robert Toombs, James J. McKay, Charles Hudson, George S. Houston, Charles S. Morehead, James Pollock, Samuel G. Hubbard, and Henry Nicoll.

Of Claims.—Messrs. John A. Rockwell, John Crowell, John R. J. Daniel, William Nelson, David Wilmot, George G. Dunn, Thomas W. Ligon, Thomas S. Flournoy, and James H. Thomas.

On Commerce.—Messrs. Washington Hunt, Joseph Grinnell, Richard F. Simpson, Moses Hampton, Bannon G. Thibodeaux, John Wentworth, Dudley S. Gregory, Archibald Atkinson, and Kingsley S. Bingham.

On Public Lands.—Messrs. Jacob Collamer, Alexander H. Stephens, John A. McClernand, Garnett Duncan, Richard Brodhead, Harvey Putnam, John Jamieson, Alexander Evans, and Williamson R. W. Cobb.

On the Post Office and Post Roads.—Messrs. William L. Goggin, Joseph M. Root, Charles Brown, Daniel B. St. John, John S. Phelps, Elisha Embree, George W. Jones, Abraham Lincoln, and David S. Kaufman.

For the District of Columbia.—Messrs. John G. Chapman, Frederick A. Tallmadge, James McDowell, Washington Barrow, Orlando B. Ficklin, William Henry, Alexander D. Sims, Thomas O. Edwards, and Benjamin B. Thurston.

On the Judiciary.—Messrs. Joseph R. Ingersoll, George Ashmun, John Pettit, Nathan K. Hall, John H. Lumpkin, James Dixon, Richard French, John L. Taylor, and Richard K. Meade.

On Revolutionary Claims.—Messrs. Daniel P. King, Chester Butler, Franklin W. Bowdon, Robert L. Rose, Alfred Iverson, David Outlaw, Jonathan D. Morris, William A. Newell, and Ephraim K. Smart.

On Public Expenditures.—Messrs. Thomas L. Clingman, John Strohm, Henry Bedinger, Artemas Hale, Willard P. Hall, John W. Jones, Emile La Sere, Franklin Clark, and Harmon S. Conger.

On Private Land Claims.—Messrs John Gayle, Jasper E. Brady, James B. Bowlin, William W. Wick, David Rumsey, jun., John H. Harmanson, Patrick W. Tompkins, Richard S. Canby, and Andrew Johnson.

On Manufactures.—Messrs. Andrew Stewart, Amos Abbott, Joseph A. Woodward, John W. Houston, Joseph E. Edsall, Eliakim Sherrill, William G. Brown, John W. Crisfield, and James H. Johnson.

On Agriculture.—Messrs. Hugh White, Augustine H. Shepperd, William Sawyer, John G. Palfrey, Sampson W. Harris, William Rockhill, Hiram Belcher, William Thompson, and John I. Slingerland.

On Indian Affairs.—Messrs. Meredith P. Gentry, Daniel M. Barringer, Jacob Thompson, Abraham R. McIlvaine, Charles W. Cathcart, Joshua R. Giddings, Lucius B. Peck, Aylett Buckner, and Robert W. Johnson.

On Military Affairs.—Messrs. John M. Botts, Armistead Burt, James Wilson, Hugh A. Haralson, John Dickey, Linn Boyd, Dudley Marvin, William T. Haskell, and David Fisher.

On the Militia.—Messrs. John B. Thompson, James A. Black, John Blanchard, Robert M. McLane, John M. Holley, Charles H. Peaslee, Richard L. T. Beale, Winfield S. Featherston, and Rudolphus Dickinson.

On Naval Affairs.—Messrs. Thomas Butler King, Isaac E. Holmes, Robert C. Schenck, Hugh White, Thomas H. Bayly, Lewis C. Levin, Frederick P. Stanton, E. Carrington Cabell, and Amos Tuck.

On Foreign Affairs.—Messrs. Truman Smith, Henry W. Hilliard, Charles J. Ingersoll, George P. Marsh, R. Barnwell Rhett, John S. Pendleton, William Duer, Robert McClelland, and Daniel Duncan.

On the Territories.—Messrs. Caleb B. Smith, Robert B. Cranston, Howell Cobb, Julius Rockwell, James Thompson, Daniel Gott, Isaac E. Morse, Nathan Evans, and Timothy Pillsbury.

On Revolutionary Pensions.—Messrs. William

M. Cocke, Peter H. Silvester, John D. Cummins, John Freedley, Thomas S. Bocock, Richard S. Donnell, David Hammons, William Strong, and Sidney Lawrence.

On Invalid Pensions.—Messrs. Henry Nes, Andrew S. Fulton, George Fries, William T. Lawrence, Abraham W. Venable, Robert A. Thompson, George N. Eckert, James S. Wiley, and George Petrie.

On Roads and Canals.—Messrs. Robert C. Schenck, Elias B. Holmes, Robert Smith, Alexander Irvin, Asa W. H. Clapp, Cornelius Warren, Samuel O. Peyton, William A. Newell, and Job Mann.

On Patents.—Messrs. John W. Farrelley, William B. Maclay, Thomas J. Henley, John W. Jones, and John K. Miller.

On Public Buildings and Grounds.—Messrs. John W. Houston, William B. Preston, James J. Faran, Robert M. McLane, and Gideon Reynolds.

On Revisal of Unfinished Business.—Messrs. John W. Hornbeck, Frederick W. Lord, Artemas Hale, Thomas J. Turner, and Hugh L. W. Hill.

On Accounts.—Messrs. Linn Boyd, Dudley S. Gregory, George A. Starkweather, William Kennon, jr., and William Henry.

On Mileage.—Messrs. Hiram Belcher, Thomas Richey, Cornelius Warren, William A. Richardson, and James S. Green.

On Engraving.—Messrs. Lewis C. Levin, Henry C. Murphy, and Green Adams.

On the Library of Congress on the part of the House.—Messrs. John Q. Adams, William B. Preston, and Henry C. Murphy.

The following committees appointed at the first session stand through the Congress, viz:

Committee on Expenditures in the State Department.—Messrs. Daniel M. Barringer, John H. Crozier, Samuel Lahm, James Dixon, and William Collins.

On Expenditures in the Treasury Department.—Messrs. Joseph M. Root, Richard S. Donnell, Ausburn Birdsall, Aylett Buckner, and Winfield S. Featherston.

On Expenditures in the War Department.—Messrs. John H. Crozier, Richard W. Tompson, William Kennon, jr., David S. Jackson, and Abraham Lincoln.

On Expenditures in the Navy Department.—Messrs. Patrick W. Tompkins, Nathaniel Boyden, William B. Maclay, Beverly L. Clark, and Amos Tuck.

On Expenditures in the Post Office Department.—Messrs. James Wilson, Orlando Kellogg, Charles E. Stuart, Shepherd Leffler, and John B. Thompson.

On Expenditures on the Public Buildings.—Messrs. E. Carrington Cabell, James G. Hampton, William Sawyer, Elias B. Holmes, and William A. Richardson.

On Enrolled Bills.—Messrs. James G. Hampton and John L. Robinson.

The following members compose the select committee appointed on Monday last to revise the Rules of the House:

Messrs. Charles J. Ingersoll, Truman Smith, Howell Cobb, Caleb B. Smith, Daniel M. Barringer, Robert McClelland, John G. Chapman, Meredith P. Gentry, and Timothy Jenkins.

OBITUARY.

A message was received from the Senate announcing the decease of the Hon. JABEZ W. HUNTINGTON; when—

Mr. JOHN A. ROCKWELL, of Connecticut, rose and said—

Mr. SPEAKER: The melancholy duty has been assigned me to propose the usual tribute of respect to the memory of my deceased friend and colleague in the Senate, the Hon. JABEZ W. HUNTINGTON, whose death has just been announced. He died at his residence, at Norwich, on the 2d of November last, after an illness of a few days, at the age of fifty-nine.

I know not, sir, in what terms to discharge this duty, nor upon which most to dwell, the value of his public services or upon the purity and integrity of his private character.

He was long in public life. After having filled important offices in his own State, in the year 1829 he was chosen a member of this House, and so continued until May, 1834, when he was elected a Judge of the Supreme Court of Connecticut, which office he resigned when elected, in 1840, to the Senate of the United States, and that high office he has now resigned to render an account of his stewardship to the Almighty Ruler of the Universe.

How faithfully he discharged the duties of these offices, of his incredible labors, his inextinguishable ardor, his admirable intellect, his earnest and fervid argument, there are many before me who will bear testimony.

He was, by profession, a lawyer; and, from a long personal knowledge, I can bear testimony that he was a most thorough, learned, and accurate lawyer, belonging to the very highest rank in his profession in his own State, and with an accumulation of legal knowledge rarely equalled. The reported decisions of our State bear witness to his ability as a Judge of the highest court of the State.

While in Congress no man worked harder or more faithfully in the discharge of his public duties, and few had acquired as ample and valuable a store of political knowledge. He was also eminently practical, and knew well how to apply to the best advantage his profound and various learning. So devoted was he in the discharge of his trust, so unceasingly was he employed, that his health fell a sacrifice to his earnest zeal in the public service.

I am aware, Mr. Speaker, that the description which I have given is of a ripe and accomplished statesman, and such was the deceased. He was more, sir. He was a man of pure character, of unyielding, unsuspected honesty; a consistent, decided Christian in his profession and practice.

The Senate and country, and his own State especially, will feel the loss of a public man of such rare endowments. That State has thus been called upon again, and for the third time within comparatively a short period, to mourn the loss of a Senator in Congress.

I invade not the sanctity of private sorrow; I would not open afresh the wounds of the family of my deceased friend, nor mock their grief by the ordinary topics of consolation. Their thoughts dwell not now on his high station, his great talents, or important public services. They think of his private virtues, of his Christian life; and their consolation is, that, at the hour of death, in the full possession of his reason up to the latest moment, he calmly, humbly, but most confidently, committed his immortal interests to the Saviour whom he trusted.

May I not hope, sir, that these repeated signals of our mortality may check somewhat the turbulence of angry passions, and lead us all to the adoption of such a course in the discussion and decision of the important questions before us as will stand the test of that tribunal before which some of our number will probably appear during the session upon which we have entered.

Mr. ROCKWELL concluded by offering the following resolutions; which were read, and unanimously agreed to:

Resolved, That this House has heard with deep sensibility the announcement of the death of the Hon. JABEZ W. HUNTINGTON, a Senator in Congress from the State of Connecticut.

Resolved, That, as a testimony of respect for the memory of the deceased, the members and officers of this House wear the usual badge of mourning for thirty days.

Resolved, That the proceedings of this House in relation to the death of the Hon. Jabez W. Huntington be communicated to the family of the deceased by the Clerk.

Resolved, That this House, as a further mark of respect for his memory, do now adjourn.

The House accordingly adjourned.

PETITIONS, &c.

The following petitions were presented and referred under the rule:

By Mr. JOHN A. ROCKWELL: The petition of Robert Roberts, praying for an appropriation, either from the funds required under the treaty with Spain of 1819 or with France of 1831, for an indemnity for losses sustained by the capture of the ship Experiment in 1805.

Also, the petition of Jedediah Morse, a revolutionary soldier, for a pension.

Also, the petition of E. Goodrich Smith, for compensation for services.

Also, the petition of Lemuel Cushman, administrator of the widow of a revolutionary soldier.

Also, the petition of Esther Fish, the widow of a revolutionary soldier, for a pension.

Also, that the petition and accompanying papers of William Culver be taken from the files of the House of the last session, and referred to the Committee of Claims.

Also, that the petition of the heirs of Lieutenant Daniel Starr, with the accompanying papers, be taken from the files of the House at the last session, and referred to the Committee on Revolutionary Pensions.

Also, that the petition of Frances Allyer, with the accompanying papers, be taken from the files of the House, and referred to the Committee of Claims.

IN SENATE.

TUESDAY, *December* 14, 1847.

The VICE PRESIDENT laid before the Senate a report of the Register of the Treasury, made agreeably to law, accompanied by statements of the commerce and navigation of the United States.

Mr. DIX moved to lay the report on the table and to print it.

He then proceeded to remark, that this was the annual report of the department on the commerce and navigation of the country. It had been the custom to print an extra number of this document; he would therefore move that an extra number of 2,500 be printed, 250 of which should be for the use of the Treasury Department, and 250 for the use of the Register of the Treasury.

Mr. NILES inquired if this was about the usual number printed, or if it was larger than usual?

Mr. DIX said, he thought it was larger.

Mr. NILES resumed. He was not much in the habit of moving here the printing of extra copies of a document. But as, in his opinion, this report exceeded in importance all the other reports laid before the Senate, a little extra expenditure, for the purpose of laying it before the public, was necessary. It was an exposition of facts, not of theories, or of favorite views of any officer of the Government, or anybody else. It showed what our own citizens had done, what had been accomplished by the enterprise of the country. It exhibited the vast extent of our commerce and navigation. And on account of its importance, he would move to print 5,000 additional copies.

Mr. DIX concurred in what had been said by the honorable Senator as to the importance of this report. He approved of the motion, and would cheerfully second it.

Mr. WESTCOTT asked the Senator from New York, if the number assigned for the use of the Treasury Department would be sufficient. He did not know the fact, but he had been told that a greater number would be required to enable the department to distribute copies to other countries in return for similar favors received from them. He had understood this to be the case.

Mr. DIX replied, that he found that, at the last session, 1,750 extra copies had been printed, 250 of which were for the use of the Treasury Department, leaving 1,500 for general distribution. On the next day, on his motion, 250 additional copies were ordered for the use of the Treasury; and on the subsequent day, 250 additional for the Register. Thus, it appears that 500 were assigned to the Treasury Department. He would move to increase the number for the use of the department.

Mr. DAVIS, of Massachusetts, asked the Senator what use the Register made of them?

Mr. DIX replied, that the report was made by the Register, and was recorded there; and it was thought proper, perhaps, that there should be a number of copies there for inspection.

Mr. DAVIS would take occasion to say, that he concurred in what had fallen from the Senator from Connecticut as to the importance of this document. He did not know, however, that the usual number was not sufficient. It was, as he described it, a statement of facts, interesting, in an extraordinary degree, to every one. It disclosed facts connected with our foreign commerce. In his (Mr. D.'s) opinion, this exposition should be carried still further. We ought to know something more of our coasting trade, and to be enabled to estimate its value. Before the close of the session, he hoped Congress would take some trouble to gain information on this interesting point. He had no objection to the motion, but he hoped the Senator would not be too diffusive.

Mr. DIX explained, that the motion for the extra number for the use of the department was made last session by the Senator from Pennsylvania on his right, [Mr. CAMERON,] on whose motion 3,000 were ordered. He would now move that 5,000 extra copies be printed, and 500 for the use of the department, without reference to the Register.

The amendment was adopted, and the motion, as amended, was then agreed to.

PETITIONS.

Mr. JOHNSON, of Louisiana, presented the memorial of Mary L. Keen, widow and administratrix of Elisha L. Keen, deceased, praying the repayment of money advanced by her late husband for the use of the Government; which was referred to the Committee of Claims.

Mr. J. also presented the memorial of Ann B. Cox, widow and executrix of Nathaniel Cox, deceased, late navy agent at New Orleans, praying the payment of a balance standing to the credit of her late husband on the books of the treasury; which was referred to the Committee of Claims.

Mr. BREESE presented the memorial of Adelaide Snyder and Harriet Personeau, heirs of Jean F. Perry, deceased, praying the confirmation of their claims to certain lands in Illinois; which was referred to the Committee on Private Land Claims.

Mr. DIX submitted additional documents relating to the claim of Hugh W. Dobbin; which, with his petition on the files of the Senate, were referred to the Committee on Pensions.

Mr. D. presented the petition of Sarah Crandall, widow of James Coon, a soldier in the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Mr. D. presented the petition of James Womsby, a soldier of the revolutionary war, praying a pension; which was referred to the Committee on Pensions.

Mr. D. submitted additional documents relating to the memorial of Frances O. Dorr and Andrew C. Dorr; which, with the petition and papers on the table, were referred to the Committee on Pensions.

Mr. UNDERWOOD presented the petition of William Nation and Rachel Davis, heirs of Christopher Nation, deceased, a soldier in the last war with Great Britain, praying to be allowed bounty lands; which was referred to the Committee on Private Land Claims.

Mr. STURGEON presented the memorial of Eveline Porter, widow of Commodore David Porter, deceased, praying to be allowed a pension; which was referred to the Committee on Naval Affairs.

Mr. CASS presented the petition of Lemuel B. Nicholls, praying compensation for services in assisting in the emigration of the Creek Indians in 1827 and 1828, and for a horse lost while on that duty; which was referred to the Committee of Claims.

Mr. PEARCE presented the petition of Thomas P. McBlair, a purser in the navy, praying that certain payments made by him to officers holding acting appointments in the navy may be allowed in the settlement of his accounts; which was referred to the Committee on Naval Affairs.

Mr. UNDERWOOD submitted additional documents relating to the claim of John Bruce; which, with his petition on the files of the Senate, were referred to the Committee on Naval Affairs.

ANNEXATION OF TERRITORY.

Mr. DICKINSON submitted the following resolutions for consideration; which were read, and ordered to be printed:

Resolved, That true policy requires the Government of the United States to strengthen its political and commercial relations upon this continent by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; and that neither in such acquisition nor in the territorial organization thereof can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the right of the people thereof to form a free, sovereign State, with the powers and privileges of the original members of the Confederacy.

Resolved, That, in organizing a Territorial Government for territory belonging to the United States, the principles of self-government upon which our federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the Legislatures chosen by the people thereof.

THE RIVER SABINE.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. JOHNSON, of Louisiana; which was agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to remove the obstructions to the navigation of the river Sabine; and that the resolution of the Legislature of Louisiana, the report, and papers on file in relation thereto, be referred to the said committee.

Mr. NILES submitted the following resolution for consideration:

Resolved, That the Auditors of the Treasury, the chiefs of the bureaus of the Navy Department, and the Assistant Postmasters General, be entitled to seats on the floor of the Senate.

The consideration of the resolution being asked for at this time, objection was made, and it was laid over one day under the rule.

On motion by Mr. MASON, the Committee of Claims were authorized to employ a clerk.

STANDING COMMITTEES.

Mr. SEVIER moved that the Senate now proceed to the election of the standing committees. According to the arrangement of the last session, three members on each committee had been selected on his side of the Senate. The list had then been handed to the Senators on the other side, and they had filled it up. The Naval and Military Committees, which had been increased by order of the Senate, would stand five to two. He moved that the list be read, and voted on without losing time in balloting.

The motion was agreed to, and the Secretary read the following list, which was concurred in.

The following is a list of the committees in full, as they now stand:

On Foreign Relations.—Mr. Sevier, chairman; Messrs. Benton, Webster, Hannegan, Mangum.

On Finance.—Mr. Atherton, chairman; Messrs. Dickinson, Clayton, Hunter, Phelps.

On Commerce.—Mr. Dix, chairman; Messrs. Breese, Johnson of Maryland, Cameron, Davis of Massachusetts.

On Manufactures.—Mr. Dickinson, chairman; Messrs. Ashley, Upham, Butler, Clarke.

On Agriculture.—Mr. Sturgeon, chairman; Messrs. Turney, Spruance, Atherton, Corwin.

On Military Affairs.—Mr. Cass, chairman; Messrs. Benton, Crittenden, Davis of Mississippi, Dix, Badger, Rusk.

On the Militia.—Mr. Rusk, chairman; Messrs. Atchison, Greene, Fairfield, Underwood.

On Naval Affairs.—Mr. Fairfield, chairman; Messrs. Yulee, Miller, Bright, Johnson of Maryland, Cameron, Badger.

On Public Lands.—Mr. Breese, chairman; Messrs. Ashley, Corwin, Felch, Underwood.

On Private Land Claims.—Mr. Yulee, chairman; Messrs. Foote, Johnson of Louisiana, Downs, Berrien.

On Indian Affairs.—Mr. Atchison, chairman; Messrs. Sevier, Phelps, Downs, Bell.

On Claims.—Mr. Mason, chairman; Messrs. Westcott, Underwood, Bradbury, Baldwin.

On Revolutionary Claims.—Mr. Bright, chairman; Messrs. Bradbury, Upham, Rusk, Johnson of Louisiana.

On the Judiciary.—Mr. Ashley, chairman; Messrs. Butler, Berrien, Westcott, Dayton.

On the Post Office and Post Roads.—Mr. Niles, chairman; Messrs. Sturgeon, Pearce, Rusk, Corwin.

On Roads and Canals.—Mr. Hannegan, chairman; Messrs. Foote, Clarke, Sturgeon, Spruance.

On Pensions.—Mr. Johnson of Louisiana, chairman; Messrs. Felch, Phelps, Davis of Mississippi, Baldwin.

On the District of Columbia.—Mr Cameron, chairman; Messrs. Hunter, Miller, Foote, Greene.

On Patents and the Patent Office.—Mr. Westcott, chairman; Messrs. Turney, Davis of Massachusetts, Dickinson, Dayton.

On Retrenchment.—Mr. Turney, chairman; Messrs. Douglas, Mangum, Niles, Clark.

On Territories.—Mr. Douglas, chairman; Messrs. Bright, Clayton, Butler, Davis of Massachusetts.

On Public Buildings.—Mr. Hunter, chairman; Messrs. Yulee, Spruance.

To Audit and Control the Contingent Expenses of the Senate.—Mr. Felch, chairman; Messrs. Niles, Pearce.

On Printing.—Mr. Bradbury, chairman; Messrs. Cameron, Greene.

On Engrossed Bills.—Mr. Downs, chairman; Messrs. Mason, Baldwin.

On the Library.—Mr. Pearce, chairman; Messrs. Davis of Mississippi, Mason.

On Enrolled Bills.—Mr. Rusk, chairman; Mr. Upham.

Mr. HALE asked to be excused from serving on the committees on which he had been named. He hoped he would be indulged, for two reasons—one was personal to himself, and the other because, although the journals of the country had identified him with one of the two parties of which the Senate was composed, he had taken no part in the caucus by which these nominations were made. For these reasons he threw himself on the indulgence of the Senate, and hoped to be excused.

Mr. WESTCOTT moved that the Senator from New Hampshire be excused.

Mr. BADGER desired to say one word on the subject. He could not conceive any sufficient reason why the Senator from New Hampshire should be excused from taking his share of the duties which were imposed on all the members of this body. He is certainly fully capable of taking a part, and a distinguished part, in the labors of the committees. His talents and qualifications eminently fitted him for the task. The Senator had alluded to his political position. That could not be in any degree affected by his position on the committees, as the duties of those on which he had been placed were of a nature involving no political matters. As the Senator was fully capable of taking his share of the duties, he ought not to be permitted to evade a burden common to all.

Mr. WESTCOTT suggested that the Senator from North Carolina had lost sight of the ground of a personal nature which the Senator from New Hampshire had urged as a reason for being excused.

Mr. BADGER replied, that he also could assign personal inconvenience as a reason why he should be excused. He was as unwilling to be confined to the duties of the committees as any one; but when he came here, he did not expect to be exempted from labor. From the gentleman's appearance, he had sufficient physical ability, and his mental capacity was well known.

The question was then taken on excusing the Senator, and was carried in the affirmative—ayes 17, noes 16.

JOSEPH WILSON.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill for the relief of Joseph Wilson; which was read the first and second times by unanimous consent, and referred to the Committee on Naval Affairs.

THE PUBLIC LANDS.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill to reduce and graduate the price of public lands; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

SURETIES OF SWARTWOUT.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill to authorize the Secretary of the Treasury to make an arrrangement or compromise with Mangle M. Quackenboss and his coöbligors, or any of them, for claims on bonds given by them as sureties to the United States; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

COLLECTION DISTRICTS, ETC.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill concerning certain collection districts, and for other purposes; which was read the first and second times by unanimous consent, and referred to the Committee on Commerce.

BRANCH MINT AT NEW YORK.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill to establish a branch of the mint of the United States in the city of New York; which was read the first and second times by unanimous consent, and referred to the Committee on Finance.

REGULATION OF SEAMEN.

Agreeably to notice, Mr. DICKINSON asked and obtained leave to bring in a bill to amend the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed the 3d of March, 1813; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

Mr. DICKINSON. Under this somewhat farfetched title we have the act under which foreigners become citizens of the United States. The twelfth section of that act, however, enables them to become citizens only after declaring their intentions, without being at any time during five years out of the territory of the United States. It has

been decided, and undoubtedly the decision is correct, that involuntarily setting foot on a foreign shore prevents the person from receiving the benefit of the act. The object of this bill is to strike out the words "without being at any time," &c.; so that, if the persons to whom the act applies remain *bona fide* residents of the United States, although it may happen that by accident and involuntarily they set foot on foreign territory, they shall be entitled to all the benefits of the law. I move the reference of the bill to the Committee on the Judiciary, and ask its early consideration, in the hope that the benefits which it is proposed to extend to the many persons who have declared or may declare their intentions to become entitled to the privileges of citizenship, may be extended as speedily as possible.

By unanimous consent of the Senate, the bill then had a first and second reading, and was referred to the Committee on the Judiciary.

FLORIDA TREATY.

Agreeably to notice, Mr. WESTCOTT asked and obtained leave to bring in a bill further to carry into effect the provisions and stipulations of the 9th article of the Florida treaty with respect to certain losses of Spanish subjects in West Florida; which was read the first and second times by unanimous consent, and referred to the Committee on Foreign Relations, together with the papers on file relating thereto.

DAVID SHAW, ET AL.

Agreeably to notice, Mr. BRADBURY asked and obtained leave to bring in a joint resolution in favor of David Shaw and Solomon T. Corser; which was read the first and second times, by unanimous consent, and referred to the Committee on the Post Office and Post Roads, together with the papers on file.

NOTICES OF BILLS, ETC.

Mr. MILLER gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a joint resolution authorizing the erection, on the public grounds in the city of Washington, of a monument to George Washington.

Mr. GREENE gave notice that on to-morrow, or some early day, he would ask leave of the Senate to introduce a bill for the relief of Mary MacRae.

Mr. BREESE gave notice that on to-morrow, or at at some early day, he would ask leave of the Senate to introduce a bill to compensate John M. Moore.

Mr. UPHAM gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill changing the places and fixing the times for holding the circuit and district courts in the district of Vermont.

Mr. UNDERWOOD gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill to allow further time for satisfying certain land warrants, &c.

Mr. DOUGLAS gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill to divide the district of Illinois into two judicial districts.

COMMERCE OF THE LAKES, ETC.

On motion of Mr. DIX, it was ordered that two thousand additional copies of the report of the colonel of the Corps of Topographical Engineers, communicating, in compliance with a resolution of the Senate of the 15th January last, information upon the several subjects designated therein, as connected with the commerce of the western lakes and rivers, be printed for the use of the Senate.

Ordered, That said report be referred to the Committee on Commerce.

REFERENCE OF THE PRESIDENT'S MESSAGE.

On motion by Mr. SEVIER, it was ordered that the different portions of the President's message be referred to the appropriate committees.

PURCHASE OF BOOKS.

Mr. CAMERON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to furnish each member of the present Senate, who has not already received them, the same number of copies of the Constitution and other books ordered to be furnished to the Senators by the resolutions of February 18, 1847.

Mr. SEVIER moved a reconsideration of the vote just taken. He observed that there had been a battle about these books every year for the last seventeen or eighteen years; and he hoped that the Senator from Pennsylvania would permit the vote to be reconsidered, and not press the adoption of the resolution at this time.

Mr. CAMERON. The Senator from Arkansas has received, I believe, all these books, and I only ask that the new Senators may receive as many as he has received.

Mr. SEVIER had supposed that the Senator, when he made a motion of this kind, would have some data to go upon, that we might be informed as to the cost. It would probably be voting seven or eight hundred dollars in addition to the pay of each Senator, if these books are to be furnished—and where is it to end?

There seemed to be a particular anxiety upon this subject. He had seen great battles on the subject, and so bitter was the conflict, that the civil and diplomatic appropriation bill was nearly lost in consequence of it. He had seen the two Houses of Congress at daggers-points in regard to it. Now, where is all this to end? How much is it going to cost the Government? At the last session, we passed a resolution to put upon our tables some twelve or fourteen copies of the proceedings of this body; and to this expense you are going to add the expense of furnishing these books. Here was a very important matter about to be pushed through without reflection, and without anybody knowing anything of the matter; it was only by accident that he noticed the resolution. Let us take time to think before we go on.

But the Senator says I have received my portion of the books. I have taken mine, it is true, but they are no manner of use to me; and now, forsooth, because they have been heretofore distributed to Senators, every new Senator who comes in here must be supplied. There will be no end to it. He would further say, that his friend from Missouri [Mr. BENTON] had stated at the last session, that these books are often drawn and sold to booksellers in this city, and again purchased by order of Congress for distribution. There should be a stop put to this practice, especially at such a time as this, when we are pressed for money to carry on a foreign war in which the country is engaged. I think it is time to put a stop to these expenditures; and I think that these books, which can be found in the library and referred to at any time, and which any Senator may take to his room and have the use of for the whole of the session—books which are merely valuable for occasional reference while engaged in our congressional duties—need not be again procured for distribution to Senators. I hope the vote will be reconsidered, with the view of postponing the matter, at least, till we know the amount of the expense which will be necessarily incurred. I trust the Senator will agree to its postponement for a few days, that the honorable Senator from Missouri may be present when the vote is taken upon it.

Mr. CAMERON. I believe, sir, this debate is out of order, the resolution having been adopted.

Mr. SEVIER. I have moved a reconsideration of the vote.

Mr. CAMERON. I was perfectly willing that my friend, the Senator from Arkansas, should make his speech upon the subject; but I would be better satisfied, if there are objections to the resolution on the part of the new Senators, to hear those objections stated by them. It appears to me rather extraordinary, that a Senator who has been here so long, almost, that the memory of man runneth not to the contrary, and who has always received his due proportion in the distribution of these books, should be so averse, as the Senator from Arkansas says that the distinguished Senator is, to the extension of the same privileges to other Senators. The Senator from Missouri is certainly very high authority: I am always happy to see him here; but the business of this body, I apprehend, should not be delayed by reason of his absence.

I only rose, however, to reply to the remarks made by the Senator from Arkansas, that members of this body had received these books and sold them to the booksellers in this city. I have unlimited confidence certainly in the Senator from Arkansas, and am ready to attach much weight to any statement made by him; but I do not believe that any man who ever had the honor of a seat upon this floor would be guilty of so base an act as to receive these books and sell them. I would not make an assertion of that kind unless I were able to produce the names of those who were guilty of such uncreditable and ungentlemanly conduct.

Mr. SEVIER. I merely referred to what was stated by the Senator from Missouri, in his place in the Senate, at the last session, that such things had occurred.

The Senator assured us that books had been drawn by members of Congress, whether of this House or the other he did not expressly state, and that those books had been disposed of in this city to booksellers, and the same books purchased again and placed upon our tables; and I will add, that I have additional reason to believe that such things have been done. I have reason to believe that the books thus drawn have been sold by members of Congress. And, sir, in regard to these books, all I have to say is, that I have voted against their distribution from the time that I first became a member of this body.

They are of some little value certainly for reference, and nothing more; and for this purpose members of Congress have every facility afforded them—they have access to the library where these books, are to be found, and they may take them to their rooms and keep them throughout the whole session; there is, therefore, no necessity for distributing them. But I do not propose further to debate a matter of this kind. I shall content myself with asking for the yeas and nays.

Mr. NILES. It seems to me that the resolution is a very extraordinary one. Hitherto resolutions of this kind have been confined to a certain class of books which have been assumed to be necessary for Senators to possess. But it seems that this resolution embraces other books—books for distribution. If I understand the reading of the resolution, it is confined to those books which were ordered to be distributed among Senators at the last session. Now, in regard to this subject, generally, I can say with the Senator from Arkansas, that I have always regarded the practice of distributing books among Senators as not very creditable to the Senate. I have always believed that providing ourselves with political libraries at the public expense was not a very honorable proceeding.

I admit, as everybody must, that these publications are of considerable value; yet I can say for myself, that, however valuable that source of information may be, I have derived very little benefit from it. I have received no books since I have been a member of this body except what are called the State Papers, and these I have found of very little use to me. In regard to the books which were voted to Senators at the last session, consisting of thirty-odd volumes of the proceedings of Congress, going back to a very early period, I have received them; but they will be of no use for the short time I shall remain here, inasmuch as they were sent to me at my residence—though they might have been of some little use, if they had been allowed to remain here. I have continued to get along without any such aid in the discharge of my duties here, and I have not perceived that the light thus to be derived is very essential to guide us in the discharge of those duties. I have, therefore, not felt authorized to vote for any resolution for distributing books; nor can I vote for this proposition.

Mr. MANGUM. I hope that the vote will be reconsidered. This is a subject which has attracted the attention of Congress for the last fifteen years. My position in this body has imposed upon me almost the necessity of inquiring into this subject, as early as the session of 1833–4. Very large and improvident contracts have been made, involving the means in the treasury to the amount of several hundred thousand dollars; and Congress felt constrained to lay violent hands on these contracts, and agree to compromises, perhaps, exceeding the bounds of moderation. Notwithstanding efforts made ten or fifteen years ago, which, in this body, seemed entirely successful, to put an end to these expenditures, yet we are called upon, from time to time, to make appropriations to meet them. My impression is, that, under any action of this body, it will be impossible entirely to arrest what I regard as a discreditable and pernicious system. I hope that the vote will be reconsidered, and that some action

will be had that will lead to a diminution of the evil. My impression is, however, that it will be found impossible in one branch of Congress to arrest this dishonest practice, and prevent appropriations in some form for these objects. At the very heel of the last session, a resolution was passed making an appropriation of these books almost unanimously, though it had not my concurrence. I am perfectly willing, however, that Senators should receive these books now for the last time, though I shall not vote for the resolution. I hope it will be reconsidered, and that it will go to the Joint Committee on the Library, or some other committee, and that a bill will be reported to put an end to this system of expenditure, so unbecoming in a legislative body. I have no objections, sir, that, in some form or other, an appropriation should be made by which the new Senators shall be supplied with these books. I shall be content if this be done, though I cannot vote for it; but, this being done, I should, before other new claimants come, claiming to be placed upon the same footing with those to whom books have been already distributed, put an end to the system. I would not press the immediate adoption of what might be considered an invidious distinction; but I do hope that, after the distribution shall be made to those who are now Senators, we shall put an end to this evil forever.

Mr. FOOTE. I think it due to myself that I should not be misunderstood in regard to this question. I happen to be one of that class which is spoken of as new Senators, and the interesting question seems to be, whether we should receive these books, the titles of which I scarcely know, the value of which I cannot estimate, and in relation to which I am altogether uninformed. I am, therefore, entirely indifferent upon the subject; but, as I find that there is opposition existing to the proposition, I shall undoubtedly unite with that opposition. If there be any doubt as to the propriety of the measure, it should be voted down at once; it should not be tolerated for a moment. An evil practice should not be tolerated even for the shortest period.

I will not undertake to say, new as I am to the station I hold, that it would be improper to distribute these books according to the proposition; but I do undertake to say, that if the act be improper, I should scorn to receive the benefit of it. If I doubt the power of the donor, I should scorn to be the donee; if I doubt the right of the distributor, I should scorn to be the distributee. If books are distributed to me, I should certainly not receive them unless I felt conscientiously authorized to do so. I trust I shall never be found indulging in that sort of peddling of small wares; and I agree most fully with the Senator from Arkansas, that if they to whom the books have been heretofore distributed have disposed of them in the manner he states, such persons should be exposed and held up to public infamy.

Mr. SEVIER. I perceive that the resolution refers to a previous one. I should like to know what books were embraced in that resolution.

The Secretary then read the resolutions, as follows:

Resolved, That the Secretary be directed to procure for the use of the Senate 2,000 copies of the authentic copy of the Constitution, with an analytical index, and compilation of other public documents, recently printed and placed in the hands of the members, provided the price shall not exceed the sum of one dollar and twenty-five cents per copy.

Resolved, That 10,000 additional copies of the authentic copy of the Constitution, with an analytical index, &c., be procured for the use of the Senate, provided they will be furnished at a reduction of 20 per cent. on the price above stated.

Resolved, That the Secretary of the Senate be directed to furnish each member of the present Senate, who has not already received them, such books as were furnished to the members of the House of Representatives of the 26th and 27th Congresses, including the 14th volume of Register of Debates, the Congressional Globe and Appendix, published by Blair & Rives, and Elliott's and Madison's Debates, and Little & Brown's edition of the United States Statutes at large.

Mr. CALHOUN. I have been a good many years in this body, and believe I have voted steadily against all these propositions to distribute these books, and yet I have felt a good deal of embarrassment upon the subject. When the books have been offered to me, I have hesitated whether I should take them, but knowing they must go to somebody, I concluded in my own mind I ought to take them. I have always believed, that among the smaller abuses of the Government expenditures this is the greatest; and I am willing to give up to any new member that may desire them, that portion of the books which have fallen to my share. I have never derived five dollars advantage from them since the first day they encumbered the shelves of my library. I was not a little surprised when I received a letter from one of the messengers of this body, informing me that there were two boxes of books for me, for I knew not a word about the resolution which passed at the last session. The books were, by my direction, sent to my rooms in this city. I found them packed in two large boxes, which I have not opened, and which I do not believe I shall open during this session. I appeal to the new members of this body whether this thing ought to go on forever; and if not, when can there be a more favorable time for putting a stop to it. It is a very great abuse. These books have accumulated from year to year, and if the system be allowed to go on for ten years longer, as it has done for the last ten, a whole library will be voted to each new Senator. I shall vote for the reconsideration.

The motion for the ayes and noes was then withdrawn; and the question being put upon the reconsideration of the vote, it was decided in the affirmative.

Mr. MANGUM then moved that the resolution be referred to the Joint Committee on the Library.

Mr. CAMERON. I have no objection that it should be referred to that committee. My object in proposing the adoption of the resolution, was only to act courteously to the new Senators. I thought it better that the question should be determined at the early part of the session, than to defer it to the end; for I have heard complaints made regarding the introduction of resolutions of this description at or near the end of a session, when they are necessarily hurried through without much examination. I am glad that my friend from North Carolina has made this motion; I shall willingly support it.

Mr. MANGUM. I am sure that the Senator will feel that not the slightest exception has been taken by me to the early introduction of the subject, for we all know that these things are sometimes pressed through at the heel of the session and pass unobserved. Last winter this resolution I recollect was passed by a thin Senate, after the lighting of candles, on the last day of the session; and I will repeat, that as this practice has been so uniform, and has grown to be so inveterate, I really think some means ought to be taken to put an end to it. It cannot certainly be considered discourteous or unjust, if, after the distribution be made to those Senators who have taken their seats during this session, the door should be closed upon any future appropriation of this character.

Mr. HALE. As one of the new members of this body, permit me for myself individually to say, that I hope the matter will be disposed of without any reference to what may be considered the personal claims of the new Senators to be furnished with these books. It appears to me that it is not true policy to say that we will do wrong this once. I think the true way is, to begin to do right now. If the plea of "just this once" be allowed to prevail, that plea will be just as good at the next session as now. The true course will be to begin to do right now, and let me hope that such a course will be taken as will forever put a stop to the abuse which has so long existed.

Senators may recollect that at the 28th Congress an appropriation was made out of the contingent fund of the House. I hope it will now be effectually stopped, so that even indirectly it cannot be continued; and, as one of the new Senators to whom reference has been made, I am, for myself, perfectly willing to be made an example of in this instance—to have its first operation applied to myself.

Mr. MANGUM. The Senator from New Hampshire entirely misconceives my meaning if he understands me to say I would favor the doing wrong "this once." I said distinctly I would vote against it, as I have uniformly done heretofore; but I also said that I would be content that the distribution should take place to those who are new Senators; and I said, also that I apprehended that in some form or other it would unquestionably pass during this Congress.

Mr. SEVIER. "This once" has been the cry since this system commenced, and I believe with the Senator from North Carolina, that it will pass in some form or other before we adjourn.

The question being put on the reference to the Committee on the Library, the motion was agreed to.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 14, 1847.

The Journal of yesterday was read and approved.

On motion of Mr. BARRINGER, Mr. AUGUSTINE H. SHEPPERD was (owing to indisposition) excused from serving as a member of the Committee on Agriculture.

Mr. BOYD rose and said, in looking over the list of committees, he found he was appointed on two, whose duties were important and laborious, to wit, the Committee on Military Affairs and the Committee on Accounts. He thought it would be impossible to perform the duties incident to both, and he therefore asked the House to excuse him from service on the Committee on Accounts.

The SPEAKER put the question, "Shall Mr. BOYD be excused?" and it was decided in the affirmative.

So Mr. BOYD was excused.

PERSONAL EXPLANATION.

Mr. GIDDINGS rose and requested the attention of the House to an attack which had been made on him through the public press. [The floor was claimed by other gentlemen.] He rose to a privileged question, on which he desired to make a personal explanation.

The SPEAKER said: The Chair will take this occasion to state to the gentleman from Ohio and to the House, that, in his opinion, personal explanations are not privileged questions; they are appeals to the courtesy of the House. Privileged questions stand on a different footing. The gentleman from Ohio has the floor.

Mr. GIDDINGS then requested the Clerk to read an article which appeared in the National Whig of Friday, December 10, 1847; which he sent to the Clerk's desk:

The Clerk read as follows:

"TO THE EDITOR OF THE NATIONAL WHIG.

"PARTY TREACHERY.—I am not at all surprised at the course pursued during the late election of Speaker of the House of Representatives by Messrs. Giddings, Tuck, Palfrey, *et id genus omne*. Their minds are so utterly obfuscated by the madness of Abolitionism, that they can neither see nor feel what is due to themselves or the party to which they profess to belong, but of which they are the mere putrid excrescences. They must surely know that they possess neither that political standing nor intellectual caliber that would justify them in arrogantly opposing the will of one hundred and six men of profounder intellect, higher reputation, and more ardent patriotism. If they have an Abolition twist in their brains, their constituents should see the propriety of keeping them at home, and of thus preventing them from inflicting their folly on the House, or endangering the interests of their party by such 'fantastic tricks' as they are apt to indulge in. These, it is true, would be quite harmless, and only calculated to excite derision and contempt, if those who played them did not profess to belong to a party that must regard them and their follies with disgust. As a Whig, I utterly repudiate such men as political nuisances."

Mr. GIDDINGS interposed, and remarked that he did not desire the Clerk to read the residue of the article, if its reading were not called for by others. [Several voices: "Read, read."] He saw no necessity for the reading of more than that which concerned himself.

Mr. GAYLE said the gentleman from Ohio might be the proper judge of what concerned himself and of what was necessary for his own vindication, but he desired the House to hear what had been said of others.

The Clerk accordingly read the residue of the article.

Mr. GIDDINGS also desired the Clerk to read a few lines which appeared under the editorial head of the same paper.

The Clerk read as follows:

"We intend to prepare a full statement of the course of those Whigs who deserted their party on the occasion of the election of the officers of the House of Representatives, and to send two thousand copies of the *National Whig* in which it appears into each of the districts of those gentlemen, in order that their constituencies may be made acquainted with the facts in the case."

Mr. GIDDINGS then said: This paper was put into my hands on Saturday last, and is the first copy I have met with. It was established in this city some six months since, with the avowed purpose of promoting the election of General Taylor to the Presidency. The proprietors are not made known to the public through its columns in the ordinary manner, but their names are kept out

of view. Common fame speaks of the establishment as a joint-stock concern, held principally by a political clique of this city, but in the support of which some members of this House are interested. Of these facts, however, I can only speak from report. The editor does not avow himself, though it is said that he was formerly from New Orleans, and more recently an appointee under the Administration of Mr. Tyler; yet we have no very definite knowledge on this point; and it appears quite evident that the owners, the editor, and correspondents think it policy to keep hid from the public gaze. They appear to have formed a political cabal, with the Quixotic intention of guiding the Whig party in the coming Presidential contest.

I now call attention to the articles read at the Clerk's table. The first appears to have come from an anonymous correspondent; but it speaks familiarly of what passed in the Whig caucus, and is by many supposed to have emanated from a member of this body. If such be the fact, I hope he may be driven from his hiding-place, and compelled to stand forth to the public gaze.

It is no part of my present object to speak in explanation of the votes which I gave at the election of Speaker and Clerk. In the course which I then pursued, I was guided solely by the dictates of my own judgment and conscience, and am responsible only to my constituents and to my God. For the manner in which I discharged that duty, I shall at all times hold myself ready to give explanation to those whose will I was commissioned to execute, or whenever I may deem it due to my own fame. Intimations have gone out that gentlemen on this floor were greatly dissatisfied with my vote. On that point I will only say, if such be the fact, let them stand forth and avow their dissatisfaction in a manner becoming American statesmen; and neither they nor the country shall wait long for an avowal of the principles on which I acted. I came here not only to act upon all matters which shall come before us, but to be prepared to vindicate my official acts whenever such vindication shall be rendered proper. But, sir, I know too well what is due to my own self-respect and to the constituency which I represent, to enter upon any explanation in reply to such attacks as those contained in the paper just read. I, however, will say to the House that these assaults are perfectly understood. Their object is to browbeat members and intimidate them from following the dictates of their own judgment in the discharge of official duties. It remains to be seen how far their objects will be attained.

Certain letter-writers, also, whose communications have appeared both in New York and Philadelphia, appear to have acted in concert with the writers in the National Whig, and seem desirous of being regarded as whippers-in of the Whig party. Although I will neither name them nor the papers in which they appear, I will give as a specimen of their language a short extract from one of their letters, in which the writer, speaking of the votes of myself and my honorable friend from Massachusetts, [Mr. PALFREY,] says:

"I forbear for the time from enlarging upon this topic as I would desire; but abundance of occasion will be presented, when I shall do my duty fearlessly, and not hesitate to expose those who have attempted to use the Whig party as the stepping-stone to political ambition, and as the cover of schemes which no Whig should countenance or tolerate, come what may. I, for one, shall not shrink from this task, as they will discover before the session is over."

Others hold similar language, and I rose more for the purpose of disabusing the Whig party of all participation in such sentiments than from any personal consideration. In saying this, it may be proper that I should say that I have held my present seat in this body longer than any other Whig member. I also represent the strongest Whig district of the United States. In that district I have resided, man and boy, for nearly half a century. I grew up from a child with its advancing settlement, and contributed in some humble degree to the formation of its political character. It has never been represented except by Whigs; nor has it ever wavered in its political faith. And I should poorly discharge the trust reposed in me, were I to permit that people to rest under the imputation of being politically associated with sentiments like those alluded to. Sir, I am sure that I utter the feelings of every Whig in this Hall and elsewhere, when I say that we, as a party, have never used such instrumentalities, or employed such agents. And I trust in God the day is far distant when sentiments like these shall be harbored or acknowledged by a party to which I have from its formation been attached.

Here the subject dropped.

RULES OF THE HOUSE, ETC.

Mr. J. C. INGERSOLL, from the select committee appointed to revise the rules and orders of the House, by general consent made a report; which was laid on the table and ordered to be printed, and was made the special order of the day for Thursday next.

Mr. HENLEY moved to suspend the rules to enable him to introduce a joint resolution.

The motion was disagreed to.

Mr. TALLMADGE presented the memorial of James Monroe, of the city of New York, praying to be admitted to a seat as a member of the House of Representatives for the Thirtieth Congress, in the place of David S. Jackson, the sitting member. Referred to the Committee of Elections.

Also, a petition of Hannah Avery, late widow of King Avery, deceased, of Cornwall, in the State of New York, praying to be restored to the possession, use, and occupation of certain land occupied by her father, Hugh McClannon, in his lifetime situated within the tract of land at West Point, claimed by the United States. Referred to the Committee on the Judiciary.

Mr. LEVIN moved to suspend the rules to enable him to offer the following resolution:

Resolved, That the Postmaster of the House supply the members with wrapping paper and envelopes free of charge, and that he be directed to keep an account of the quantity of paper and the number of envelopes given to each, subject to the inspection of any member, when desired.

The question was put on suspending the rules, and agreed to; and so the resolution was received.

Mr. HOWELL COBB thought the resolution should be sent to the Committee on Accounts for examination. During the last Congress it was ascertained that great abuses had been perpetrated in relation to envelopes and wrapping-paper, of which many reams had been sent to the rooms of members, who had no use for them in the ordinary course of legislation. He hoped, therefore, that this resolution would not now be adopted, but that it would be sent to the Committee on Accounts, that the facts of the case might be reported upon to the House. He saw no reason why there should be a distinction drawn between envelopes and wrapping-paper and the stationery which members required, and which was provided for them to a limited amount. At any rate, he hoped the House would allow a committee to examine and report upon the subject, that they might vote understandingly. He moved the reference of this resolution to the Committee on Accounts.

Mr. LEVIN had no objection to the reference, though he was of opinion that his resolution would itself provide a remedy. It proposed that a record should be kept of the amount supplied to each, to which record every member could have access for examination. It seemed to him, therefore, that the remedy it provided was full and ample.

Mr. ROOT said there was a manifest impropriety in sending this subject to the Committee on Accounts. What was done at the last session—in the statement of which the gentleman from Georgia, [Mr. COBB,] he had no doubt, was correct—was not done under a rule of the House, but in accordance with a provision of a previous session.

Mr. COBB said that was true. The rule limiting the stationery of members to twenty-five dollars, was a rule of the 26th or 27th Congress, which, however, had been acquiesced in by the practice of this House ever since. It was not a rule of this, but of a preceding Congress.

Mr. ROOT said, hence the necessity of some resolution. There was a pressing necessity for doing something in this matter, but he apprehended this resolution would be found insufficient.

The question was then taken on Mr. COBB's motion to refer; which the Speaker was of opinion was lost.

A division was called for, and the motion was agreed to—77 in the affirmative, and 72 in the negative.

ELECTION OF CHAPLAIN.

Mr. POLLOCK moved that the House do now proceed to the election of Chaplain. Agreed to.

The SPEAKER announced that nominations would now be received.

Mr. LEVIN nominated Rev. R. W. CUSHMAN, Baptist.

Mr. ASHMUN nominated Rev. ORVILLE DEWEY, Congregationalist.

Mr. J. Q. ADAMS nominated Rev. R. R. GURLEY, Presbyterian.

Mr. McLANE nominated Rev. J. N. McJILTON, Protestant Episcopalian.

Mr. STANTON nominated Rev. LEVI R. REESE, Methodist Protestant.

Mr. PETTIT was excused from voting.

Mr. SAWYER was also excused from voting.

Mr. LEVIN, Mr. ASHMUN, and Mr. McLANE, were appointed tellers.

The SPEAKER then directed the Clerk to call the roll; which having been done—

The tellers reported that the whole number of votes given was 209; necessary to a choice 105; of which—

Rev. Mr. Gurley received 74
Rev. Mr. Cushman.....60
Rev. Mr. McJilton 30
Rev. Mr. Dewey.....29
Rev. Mr. Reese.....16

No candidate having received a majority of all the votes given, there was no election.

Mr. McLANE withdrew the name of the Rev. J. N McJilton.

Mr. POLLOCK was appointed a teller in the place of Mr. LEVIN.

The roll was again called, and having been gone through—

The tellers reported that the whole number of votes given was 207; necessary to a choice 104; of which—

Rev. Mr. Gurley received.....94
Rev. Mr. Cushman.....87
Rev. Mr. Dewey.....20
Rev. Mr. Reese..... 5
Rev. Mr. McJilton..... 1

No candidate having received a majority of all the votes, there was no election.

Mr. ASHMUN said, as he nominated the Rev. Mr. Dewey, he would withdraw his name, in order to enable the House to make choice of a Chaplain on the next ballot.

Mr. LEVIN moved to suspend the rules in order to enable him to move a resolution appointing a Chaplain. Disagreed to.

Mr. STANTON withdrew the name of Mr. Reese.

The roll was then called the third time, and the tellers reported that the whole number of votes given was 202; necessary to a choice 101; of which

The Rev. Mr. Gurley received.....102
The Rev. Mr. Cushman.....100

The following is the vote in detail:

For the Rev. Mr. Gurley—Messrs. Abbott, John Quincy Adams, Ashmun, Barrow, Belcher, Blanchard, Bocock, Botts, Bowdon, Brady, William G. Brown, Buckner, Butler, Cathcart, Chapman, Clingman, Cocke, Collamer, Collins, Conger, Crisfield, Dickey, Dixon, Daniel Duncan, Dunn, Edwards, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Hammons, James G. Hampton, Moses Hampton, Harris, Henry, Isaac E. Holmes, Elias B. Holmes, Hubbard, Hunt, Irvin, Iverson, Kellogg, William T. Lawrence, Sidney Lawrence, McDowell, Marsh, Marvin, Morehead, Mullin, Murphy, Nelson, Newall, Peaslee, Peck, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Sherrill, Slingerland, Smart, Caleb B. Smith, Robert Smith, Truman Smith, Stephens, Andrew Stewart, Charles E. Stuart, Strong, Sylvester, Tallmadge, Taylor, Tompkins, James Thompson, Richard W. Thompson, Tuck, Turner, Van Dyke, Warren, Wentworth, White, Williams, Wiley, Wilmot, Wilson, and Winthrop.

For the Rev. Mr. Cushman—Messrs. Green Adams, Barringer, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bowdon, Bowlin, Boyd, Brodhead, Burt, Canby, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Cranston, Crozier, Cummins, Daniel, Dickinson, Garnett Duncan, Eckert, Edsall, Embree, Featherston, Ficklin, Fries, French, Gentry, Giddings, Green, Willard P. Hall, Haralson, Harmanson, Haskell, Henley, Hill, Hilliard, George S. Houston, John W. Houston, Charles J. Ingersoll, Jamieson, Jenkins, Andrew Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, Daniel P. King, Lahm, La Sère, Levin, Ligon, Lincoln, Lord, Lumpkin, Maclay, McClelland, McIlvaine, McLane, Mann, Meade, Miller, Morris, Morse, Nes, Outlaw, Palfrey, Petrie, Peyton, Phelps, Pillsbury, Rhett, Reynolds, Richardson, Richey, Robinson, Rockhill, Simpson, Sims, Stanton, Starkweather, Strohm, Thibodeaux, Thomas, Jacob Thompson, John B. Thompson, Robert A. Thompson, William Thompson, Thurston, Toombs, Venable, Wick, and Woodward.

The Rev. Mr. GURLEY, having received a majority of all the votes given, was declared duly elected Chaplain for the present session of Congress.

GAS LIGHTS.

The SPEAKER announced the business first in order to be the resolution introduced by Mr. FRIES, several days since, to appoint a select committee to inquire if the health of the members did not require the gas apparatus removed from the House.

Mr. FRIES rose and said, since he offered his resolution for the removal of the gas apparatus, he had ascertained that the effluvia which had been found so offensive had arisen from the opening of the drain. This explanation was due as an act of justice to the gentleman who had put up the gas apparatus, and, as the gas might be found to answer a very valuable purpose, he asked permission to withdraw his resolution.

Leave was given, and the resolution was withdrawn accordingly.

EXECUTIVE COMMUNICATIONS, ETC.

The SPEAKER laid before the House the following papers:

A communication from the Secretary of the Treasury, transmitting the report from the Commissioner of the General Land Office, showing the operations in that branch of the public service during the last year. Referred to the Committee on Public Lands, and ordered to be printed.

A communication from the Secretary of the Treasury, transmitting, in compliance with the 22d section of the act of July 28, 1846, a statement showing the amount of treasury notes issued under its provisions, the amount redeemed, and the manner in which redeemed. Laid on the table, and ordered to be printed.

A communication from the Secretary of the Treasury, transmitting, pursuant to the resolution of the House of Representatives of December 3, 1791, a report of the receipts and expenditures of the Government for the year ending June 30, 1846. Laid on the table, and ordered to be printed.

A letter from the Third Auditor of the Treasury, transmitting a report upon the case of Thomas H. Noble, in obedience to a resolution of the House of Representatives of the 1st of March last. Referred to the Committee of Claims, and ordered to be printed.

A letter from the Clerk of the House of Representatives, transmitting a report of the expenditure of the contingent fund, from the 1st day of December, 1846, to the 1st day of December, 1847; the amounts paid for stationery furnished the post office of the House of Representatives and the Clerk for the use of the Clerk's office during the same period; and the balance of money on hand on the 7th day of December, 1847.

A letter from the Clerk of the House of Representatives, transmitting his report of the purchase of stationery necessary for the use of the House of Representatives during the present session. Laid on the table, and ordered to be printed.

HEIRS OF JOHN PAUL JONES.

A bill from the Senate for the relief of the heirs of John Paul Jones was taken up, and read twice by its title.

Mr. POLLOCK hoped that this bill would be allowed to pass through all its stages. The history of it was, that, at the last session, it passed by a large majority of this House, and by the Senate almost unanimously, with a trifling amendment, in which this House concurred. It was regularly engrossed and enrolled; but, on being carried to the President's room, it was accidentally dropped, and in that way failed to receive his signature and to become a law. Immediately on meeting for the present session, the Senate again took up this bill and passed it almost unanimously; and, as its merits were clear, there was, he supposed, no gentleman there who would not now give it his hearty support. These heirs have been before Congress for a quarter of a century, and justice required that they should now be gratified by the passage of this bill. He hoped, therefore, that the House would do what justice required—put this bill on its passage. He moved a suspension of the rules for that purpose.

Mr. BOWLIN said, in the passage of this bill through the House at the last session he opposed it, because he believed it to be wrong; but he should not now be mad enough to undertake to fight against it after the two Houses had declared their opinion respecting it. It should not, however, be forgotten, that one feature was found in it at the last session, which was amended on the motion of Mr. DANIEL, and by that amendment $900,000 was saved to the country. On examining the writing, an error was discovered, one of the greatest errors that was ever attempted by the legislation of this country. It was proposed by the bill that the heirs of Paul Jones should not only receive the proportion due to him as the commander in that expedition, but that they should be the legatees of all the American officers and seamen engaged with him. [A voice: It is not in this bill.] He did not know whether it was or not; and therefore he desired that it should go to a committee for examination. The bill came to this House in that condition last year. It involved as large an amount as $1,200,000, of which $900,000 was stripped from it by one amendment. He found that, contrary to every principle of justice and of right, people from Scotland, of whom we knew nothing, were made the legatees of American seamen and American officers who served with Paul Jones. This Government was the residuary legatee of these officers and seamen on the failure of others to appear; and what provision this bill contained on this point he did not know, and, not knowing, he asked that it might be referred and printed. He had no intention again to contest the passage of this bill, after the decision of the two Houses upon it, but he did desire to see that it was passed in no other shape than that in which it was when, at the close of the last session, it was designed for the President's signature. When he was satisfied of that fact, he should cease further to struggle against it.

Mr. POLLOCK had merely to say that this bill was in the precise form in which it passed the House at the last session.

[A voice: Let it be examined; it won't hurt it.]

Mr. BARRINGER voted for this bill at the last session, and should do so now; but there was great force in the remarks of the gentleman from Missouri, [Mr. BOWLIN,] and hence he concurred in the propriety of the reference.

After some conversation, in which Mr. BRODHEAD, Mr. T. B. KING, Mr. ROCKWELL of Connecticut, and others participated, the bill was referred to the Committee of Claims, and was ordered to be printed.

On motion of Mr. C. J. INGERSOLL, it was ordered that the petition and papers of Charles G. Ridgely, a captain in the Navy of the United States, now on the files of the House, praying reimbursement of certain expenditures, be withdrawn and referred to the Committee on Foreign Affairs.

INTERNAL COMMERCE.

Mr. VINTON moved the following resolution, in pursuance of previous notice:

Resolved, That the Committee on Commerce shall hereafter be called "The Committee on Commerce among the States," and shall have charge of all questions touching the regulation of trade among the several States of the Union. There shall also be added to the standing committees of the House a committee, to be composed of nine members, which shall be called "The Committee on Commerce with Foreign Nations." It shall have charge of all questions concerning the regulation of the trade of the United States with foreign nations.

Mr. JOHN W. HOUSTON moved to amend the resolution by adding the following proviso:

Provided, That it shall be the duty and power of the Committee on Commerce among the States to take into consideration all such petitions and matters and things touching the appropriation of the public money for the improvement of the navigation of rivers, lakes, harbors, bays, and inlets, both upon the seaboard and in the interior, and not of the said Committee on Foreign Commerce.

Mr. HOUSTON, in a word of explanation of his amendment, was understood to say, that, in his judgment, the effect of the resolution of the gentleman from Ohio would be to separate the improvements on the seacoast from those on the lakes and rivers, giving jurisdiction over the former to the Committee on Foreign Commerce, and over the latter to the committee on the commerce among the States. Such a division, he thought, would lead to great confusion and difficulty. The system of improvements had always been regarded one and entire. The object of his amendment was merely to preserve its unity. Should it prevail, he would vote for the resolution; otherwise, he should feel constrained to vote against it.

Mr. VINTON supposed, if a committee on commerce "among the several States" were created, that it would take charge of all the subjects referred to by the gentleman from Delaware. The committees proposed to be raised were committees on the foreign trade of the country and the home trade, pursuing that view which was adopted in the Constitution itself. The Constitution gave to Congress the power over the trade "with foreign nations" and "among the several States." Now, the trade "among the States" was as well the trade between North Carolina and New York along the seaboard as between Illinois and New York by the lakes. The one was as much trade between the States as the other. The committee proposed to be raised was, in the language of the Constitution, a committee which should have charge of the trade "among the several States." It would have full power over that trade to the extent it was conferred by that clause of the Constitution, whether that power was greater or less; and this House could give them no more. If he supposed it was necessary to adopt the amendment of the gentleman from Delaware, he certainly should not object to it; but he understood that it did not add to the proposition already made, but might be regarded as qualifying and restricting it.

The resolution and amendment were again read at the request of several gentlemen.

And, pending the question,

On motion, the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred under the rule:

By Mr. PUTNAM: The petition of Amzy Judd, praying for a grant of bounty land. Also, the petition of Anna Giffin, the widow of a revolutionary soldier, for a pension. Also, that the petition of Anna Giffin, with the accompanying documents, be taken from the files of the House of the last Congress, and referred to the Committee on Revolutionary Pensions.

By Mr. COCKE: The petition of George Hix, of Monroe county, Tennessee, praying compensation for depredations committed by Lieut. Fowler and company, in the service of the United States, in the Cherokee nation.

By Mr. GRINNELL: The petition of Elisha H. Holmes, with the documents connected therewith, for the renewal of his patent. Also, the petition of Joseph C. Delano, and other shipmasters and merchants of New Bedford, Massachusetts, for a beacon-light on Palmer's Island, in the harbor at that port. Also, the memorial of E. Sawin and others, of Fairhaven, Massachusetts, praying that the claim of Alborn Allen for a balance due him for a revenue boat built by him, under a contract with the collector of the port of Nantucket, be paid. And Mr. G. moved that the petition of said Alborn Allen, and the documents connected therewith, be taken from the files, and, with the memorial aforesaid, be referred to the Committee of Claims.

By Mr. ROCKWELL, of Connecticut: That the petition and accompanying papers of H. D. Johnson, be taken from the files of the House and referred to the Committee on Naval Affairs. Also, that the petition and accompanying papers of the legal representatives of —— Kennedy be taken from the files of the House and referred to the Committee of Claims. Also, that the petition and accompanying papers of Jacob Gideon, and of Caroline Sanders, executrix of William G. Sanders, be taken from the files and referred to the Committee of Claims. Also, the petition and accompanying papers of the heirs of John Cox, and referred to the Committee of Claims.

By Mr. HALL, of New York: The petition of Thomas Jenne, praying for bounty land. Also, the petition of Orange H. Dibble, of Buffalo, New York, praying for the payment of the balance of his claim on a contract for building a bridge across the Potomac at Washington. Also, the petition of Sarah Corbin, praying for a pension as the widow of a revolutionary soldier. Also, the petition of Sylvia Pond, praying that her pension as widow of a revolutionary soldier may be continued for life. Also, the petition of Eunice Goodell, praying for the continuance of her pension as the widow of a revolutionary soldier. Also, two petitions of masters and owners of vessels and other persons concerned in the navigation of the great lakes, praying for the establishment of a marine hospital at Buffalo. Also, the memorial of William Reddin and others, in relation to the collection and disbursement of hospital money on the great lakes. Also, the petition of Ira Baldwin, be taken from the files and referred to the Committee on Private Land Claims. Also, the petition and papers of Peter Coville taken from the files and referred to the Committee on Invalid Pensions.

By Mr. R. McCLELLAND: The petition of John R. Williams, of Detroit, Michigan, for damages. Also, the petition of the administratrix of Conrad Teneyck, deceased, late of Michigan.

By Mr. KING, of Massachusetts: Several petitions of Joseph Wilson, Mary Brown, Harriet Brown, Captain Thomas Morris, Tarlton Woodson, and Theodore Middleton.

By Mr. HAMPTON: Two petitions from citizens of Alleghany county, Pennsylvania, asking for a daily mail-route from the city of Pittsburg down the Ohio river by steamboats to some convenient and suitable point, thence west through New Lisbon, Canton, Massillon, and Wooster, to Mansfield. Also, the petition of John Gilbert, of Alleghany county, Pennsylvania, asking for an increase of his pension.

By Mr. WHITE: The petitions of Stephen A. Corey, of Saratoga county; of Samuel D. Sabine, of Saratoga county; of George Newton, of Fulton county; of Hugh Riddle, of Schenectady; of Henry R. Wendell, of Schenectady, New York. And the petition of Ruliff Van Brunt, presented in December, 1844.

By Mr. J. R. INGERSOLL: The petition of J. Randolph Clay for compensation as chargé d'affaires. Also, the petition of Henry Simpson, surviving administrator of George Simpson, deceased, for a commission for services in obtain-

ing a Government loan in 1813. Also, the petition of C. J. Macleilan, for additional remuneration for expenses, &c., incurred by the funeral from his hotel of a member of the House of Representatives.

By Mr. COLLAMER: The petition of J. P. Skinner and George B. Green.

By Mr. WILLIAMS: The petition of Andrew Blake, praying for the bounty that would have been allowed to the schooner Two Brothers, had not that vessel been lost: referred to the Committee on Commerce. The petition of A. A. Higgins, praying for the allowance of the fishing bounty to schooner Madison, of Orlando, lost at sea while pursuing her voyage: referred to the Committee on Commerce.

By Mr. MURPHY: The petition of Sarah Hildreth, widow of John Hildreth, a soldier who died in the service of the United States during the late war, for a pension: referred to the Committee on Invalid Pensions. The petition of Edward Quinn, formerly a seaman on board the frigate United States, who received an injury in the service, for a pension: referred to the Committee on Naval Affairs.

IN SENATE.

WEDNESDAY, *December* 15, 1847.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the report made to the Treasury Department by the Superintendent of the Coast Survey, showing the progress of that work during the year ending October, 1847; which was read.

On motion by Mr. DIX, it was

Ordered, That it be printed, and that 1,250 copies, in addition to the usual number, be printed for the use of the Senate, 250 of which to be sent to the Superintendent

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

"MR. PRESIDENT: The House of Representatives have chosen Royal R. Gurley, of the Presbyterian denomination, Chaplain on the part of the House.

"The House have appointed a Committee on Enrolled Bills, on their part, consisting of JAMES G. HAMPTON and JOHN L. ROBINSON."

PETITIONS.

The VICE PRESIDENT presented the petition of Mary D. Wade, widow of a deceased naval officer, praying a pension; which was referred to the Committee on Pensions.

Mr. JOHNSON, of Louisiana, presented the petition of Wm. Pumphrey, praying the confirmation of his title to certain lands in Louisiana; which was referred to the Committee on Private Land Claims.

Mr. ASHLEY submitted additional documents in relation to the petition of Elizabeth Pistole; which were referred to the Committee on Pensions.

Mr. STURGEON presented the memorial of Henry Simpson, surviving administrator of George Simpson, deceased, praying to be allowed a commission on a loan negotiated by the testator for the Government in the year 1813; which was referred to the Committee on Finance.

Mr. YULEE presented the petition of Henry Washington, praying redress for arbitrary and illegal conduct on the part of the surveyor general of public lands in Florida, in violating a contract entered into with him for executing certain surveys; which was referred to the Committee on Public Lands.

Mr. CASS submitted documents relating to the claim of T. S. Wendall, for the payment of a sum of money due him under the 4th article of the treaty of 1837 with the Saginaw Indians; which were referred to the Committee on Indian Affairs.

Mr. YULEE presented the petition of James Edwards, praying compensation for losses sustained in consequence of the destruction of his property during the Seminole war; which was referred to the Committee on Military Affairs.

Mr. Y. also presented the petition of James Edwards, administrator of Edward M. Wanton, deceased, praying compensation for losses sustained by the deceased, in consequence of the destruction of his property during the Seminole war; which was referred to the Committee on Military Affairs.

Mr. Y. also presented the petition of Eugene Van Ness and John H. Brush, executors of Nehemiah Brush, deceased, praying compensation for losses sustained by the deceased in consequence of the destruction of his property during the Seminole war; which was referred to the Committee on Military Affairs.

Mr. Y. also presented the petition of Gad Humphreys, praying indemnity for losses sustained in consequence of destruction of his property during the Seminole war; which was referred to the Committee on Indian Affairs.

Mr. Y. also presented the petition of George Center, praying indemnity for losses sustained in consequence of the destruction of his property during the Seminole war; which was referred to the Committee on Military Affairs.

Mr. CALHOUN presented the petition of Maria Caldwell Robertson, legal representative of James Caldwell, deceased, praying the payment of certain outstanding loan-office certificates issued to the said James Caldwell, and since lost or destroyed; which was referred to the Committee on Revolutionary Claims.

Mr. MASON presented the memorial of George H. Lee and others, members of the bar in the State of Virginia, praying an increase of the salary of the judge of the western district of Virginia; which was referred to the Committee on the Judiciary.

Mr. DIX presented the petition of Oliver C. Harris, praying an extension of his patent for a paint mill; which was referred to the Committee on Patents and the Patent Office.

UNITED STATES COURTS OF VERMONT.

Agreeably to notice, Mr. UPHAM asked and obtained leave to bring in a bill changing the places and fixing the times for holding the circuit and district courts in the district of Vermont; which was read the first and second time by unanimous consent, and referred to the Committee on the Judiciary.

WASHINGTON MONUMENT.

Agreeably to notice, Mr. MILLER asked and obtained leave to bring in a joint resolution authorizing the erection on the public grounds, in the city of Washington, of a monument to George Washington; which was read the first and second time by unanimous consent, and referred to the Committee on the District of Columbia.

Mr. ASHLEY presented the petition of citizens of Union County, Arkansas, praying the establishment of a mail-route from Magnolia to Holly Spring, in that State; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the petition of the Mexican Gulf Railroad Company, on the files of the Senate, be referred to the Committee on Finance.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the petition of Nathaniel Hoggatt, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the petition of Elizabeth Jones, representative of John Carr, deceased, and the petition of Thompson Hutchinson, heirs of Thomas Hutchinson, deceased, on the files of the Senate, be severally referred to the Committee on Pensions.

On motion by Mr. FAIRFIELD, it was

Ordered, That the memorial of Foxhall A. Parker, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. YULEE, it was

Ordered, That the petition of William C. Easton, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion of Mr. HALE, it was

Ordered, That the petition of the representatives of Robert Sewall, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. MASON, it was

Ordered, That the petition of the heirs of William Grayson, deceased, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. RUSK, it was

Ordered, That the petition of the heirs of David Noble, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. RUSK, it was

Ordered, That the petition of E P. Calkin & Co., on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. MILLER, it was

Ordered, That the petition of John Searing and others, heirs of Mary Allen, deceased, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. DIX, it was

Ordered, That the petition of John Martin, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. DOWNS, it was

Ordered, That the petitions of Calvin Reed, of George W. Walton, and of J. W. Nye, assignee of Peter Bargy and Hugh W. Stewart, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. PHELPS, it was

Ordered, That the petition of Maria Loubet, legal representative of Jean Baptiste Lomagne, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. ATCHISON, it was

Ordered, That the petition of Thomas Talbot and others, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. NILES, it was

Ordered, That the petition of Thomas Rhodes, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. NILES, it was

Ordered, That the petition of Walter Loomis & Abel Gray, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. DICKINSON, it was

Ordered, That the petition of Asa Andrews, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. HANNEGAN, it was

Ordered, That the petition of the heirs of Francis Cazean, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. UPHAM, it was

Ordered, That the documents on the files of the Senate, relating to alterations in the times and places of holding the circuit and district courts of the United States in Vermont, be referred to the Committee on the Judiciary.

On motion by Mr. CORWIN, it was

Ordered, That the petition of the heirs of Benjamin Harrison, and the memorial of Samuel Lamme, executor of Nathan Lamme, deceased, on the files of the Senate, be severally referred to the Committee on Revolutionary Claims.

On motion by Mr. CORWIN, it was

Ordered, That the memorial of Cadwalader Wallace, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. RUSK, it was

Ordered, That the petition of Bryan Callaghan, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. MASON, it was

Ordered, That the heirs of Presley Thornton, deceased, have leave to withdraw their petition and papers.

On motion by Mr. HUNTER, it was

Ordered, That William Saunders and William R. Porter, sureties of William Estis, have leave to withdraw their petition and papers.

On motion by Mr. FAIRFIELD, it was

Ordered, That Samuel A. Morse have leave to withdraw his petition and papers.

PAYMENT FOR HORSES, ETC.

Mr. ATCHISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reviving an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, as amended by an act entitled "An act to amend an act entitled 'An act to provide payment for horses and other property lost or destroyed in the military service of the United States,' approved October 14, 1837," and as still further amended by an act entitled "An act to amend an act entitled 'An act to provide payment for horses and other property lost or destroyed in the military service of the United States,' approved the 18th of January, 1837," approved August 23, 1842; and applying the provisions of the same to the volunteers who have been engaged in the military service of the United States since the 13th May, 1846, are now, or shall hereafter be in said service. And that said committee be instructed, also, to inquire into the expediency of paying the non-commissioned officers, musicians, and privates of said volunteers, for parts of rations when the United States shall fail to supply the same.

THE WAR WITH MEXICO.

Mr. CALHOUN submitted the following resolutions for consideration:

Resolved, That to conquer Mexico, and to hold it either as a province or to incorporate it in the Union, would be inconsistent with the avowed object for which the war has been prosecuted; a departure from the settled policy of the Government; in conflict with its character and genius; and, in the end, subversive of our free and popular institutions.

Resolved, That no line of policy in the further prosecution of the war should be adopted which may lead to consequences so disastrous.

On motion by Mr. CALHOUN, it was ordered that the resolutions be printed.

MILITARY HOSPITAL AT NEW ORLEANS.

Mr. DOWNS submitted the following resolution for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire whether the interest of the service does not require that a hospital or other additional means be provided at New Orleans, for the better accommodation of wounded, invalid, and other soldiers and volunteers going to or returning from Mexico. And, also, to inquire whether any further provision of law be necessary to provide ade-

quate means in all cases for the support and assistance of discharged soldiers or volunteers on their return home; and to report by bill or otherwise.

Mr. DOWNS, after the resolution had been read, stated, in explanation, that it was well known that a large portion of our troops were landed at and embarked from New Orleans; and it must be admitted by every one, that sufficient provision should be made for the accommodation of those who thus devoted themselves to the service of their country. There was an urgent necessity that the sick and disabled soldiers and volunteers returning from Mexico should be provided with shelter and medical attendance. Many of these were entirely destitute; and although there are means, to a limited extent, in the barracks and institutions of the city, still, so great is the number of the sick and wounded and disabled, that these means are altogether inadequate. It was therefore highly proper—it was essentially necessary—that some permanent arrangement should be promptly made for the relief and comfort of these men. He believed that he might be permitted to say, that both the Secretary of War and General Brooke, who are perfectly acquainted with these facts, and who are sensible of the necessity of some such provision as his resolution contemplated, would give their hearty concurrence to the proposed object. He had not thought it necessary, or indeed proper, to make any specific suggestions in reference to the mode of carrying into effect the object of his resolution. This will be much better left in charge of the able Committee on Military Affairs. He would only remark, further, that General Brooke is now in this city; and, should it be the wish of the committee, he would be willing to furnish them with any further information which they may require in relation to the subject.

The resolution having been considered by unanimous consent, it was agreed to.

PRIVILEGE OF THE FLOOR.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. NILES:

Resolved, That the Auditors of the Treasury and the chiefs of bureaus of the Navy Department be entitled to seats on the floor of the Senate.

The resolution was modified as follows:

Resolved, That the heads of the bureaus of the Treasury, War, Navy, and Post Office Departments be admitted to seats on the floor of the Senate.

The question on the resolution as modified was then propounded by the Chair; but some objection being heard—

Mr. NILES stated that he was not disposed to increase unnecessarily the number of those persons who, by the courtesy of the Senate, were admitted to the privilege of seats on the floor of the Chamber; but he thought there was a manifest propriety in extending this privilege to the individuals designated in his resolution. If any persons were entitled more than others to the privilege of admission, it must be those who, from the character of their official stations, had frequent occasion to be in personal intercourse with the chairmen and members of the committees, and of this class were the officers embraced in his resolution. Other officers of the Government, for this reason, are allowed the privilege of the floor. It was given to many as an act of courtesy and respect; such as those who had been members of the body; the members of the State Legislatures; and others who have received the privilege on account of meritorious services. But every Senator must admit that the officers who are connected with the details of the public service ought to be equally entitled to it, in order that Senators themselves may suffer no inconvenience in the discharge of their public duties.

The resolution was then agreed to.

PASSENGERS ON STEAM-VESSELS.

Mr. DAVIS, of Massachusetts, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire whether any further legislation is necessary in regard to navigation by steam for the preservation and protection of passengers.

ANNEXATION OF TERRITORY.

The Senate proceeded to consider the following resolutions, submitted yesterday by Mr. DICKINSON:

Resolved, That, in organizing a Territorial Government for Territories belonging to the United States, the principles of self-government upon which our federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the Legislatures chosen by the people thereof.

Resolved, That true policy requires the Government of the United States to strengthen its political and commercial relations upon this continent, by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; and that, neither in such acquisition nor in the territorial organization thereof, can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the Confederacy.

Mr. DICKINSON remarked, that he would not press the consideration of these resolutions at this time. He was anxious that there should be a full Senate when they were taken up, and this was not likely to be the case until after the holidays. He therefore asked that they should be passed over for the present.

They were accordingly passed over.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 15, 1847.

The Journal of yesterday was read and approved.

Mr. ROBERT SMITH asked leave to give notice of a motion for leave to introduce certain bills.

The SPEAKER said that the proper time for members to give notice for motions for leave to introduce bills and joint resolutions was when the States were called for petitions and resolutions.

Mr. ROBERT SMITH said he feared that time would never arrive.

INTERNAL COMMERCE.

The SPEAKER said that the first subject for consideration this morning was the amendment offered by Mr. J. W. HOUSTON to the resolution moved by Mr. VINTON yesterday, viz:

Resolved, That the Committee on Commerce shall hereafter be called "The Committee of Commerce among the States," and shall have charge of all questions touching the regulation of trade among the several States of the Union. There shall also be added to the standing committees of the House a committee, to be composed of nine members, which shall be called "The Committee on Commerce with Foreign Nations." It shall have charge of all questions concerning the regulation of the trade of the United States with foreign nations.

Mr. J. W. HOUSTON's amendment is as follows:

Provided, That it shall be the duty and power of the Committee on Commerce among the States to take into consideration all such petitions and matters and things touching the appropriation of the public money for the improvement of the navigation of rivers, lakes, harbors, bays, and inlets, both upon the seaboard and in the interior, and not of the said Committee on Foreign Commerce.

Mr. VINTON said, before the discussion was resumed, he would modify his resolution by inserting after the word "questions," where they occur in the resolution, the words "which may be referred."

The debate on the resolution and amendment was then resumed.

Mr. RHETT obtained the floor, and addressed the House. When I objected (said he) to the resolution of the gentleman from Ohio, [Mr. VINTON,] a few days ago, it was not with any expectation that I could arrest a policy which I knew the gentleman had so much at heart. Any one who has been on this floor for the last four years must have known the progress of things in this direction. It has been certain and accumulating; and in the last Congress there were not less than two-thirds of the members of this House, comprehending the whole North, with a large portion of the West, who were in favor of internal improvements. I could not hope, therefore, to arrest, in so feeble a form as the resisting of this resolution, the fearful strides of so gigantic a policy. But my object is, that, in the march of this Government in encroaching on the powers of the States, my course, at least, as a Representative on this floor, should be distinctly known.

What is the proposition of the gentleman from Ohio? He has moved for the establishment of a committee, first, for the purpose of obtaining information—as I understand, statistical information; second, with a view to exercise power on the basis of this information; and, third, the action of this committee and the statistics to be subsidiary and in themselves productive of a home department.

Now, first, as to the statistics of the gentleman from Ohio. His colleague [Mr. SCHENCK] said I need not be alarmed; that nothing at all was to be done; that whatever power this House has under the Constitution would be exercised, and no more. But does not the gentleman know that he and I differ as to what this power is?

Now, what has been the course of the division of powers in this House? Does not everybody know that when the Federal party have had the majority in this House, and wished to exercise powers for which they had no warrant—to amend the Constitution—the very first step has been to raise a committee? Was it not the case in 1819, when the Committee on Manufactures was established? Before that, duties were laid for revenue. It is true, incidentally, it was admitted they might look to the protection of manufactures. This was in 1819. The tariff of 1816 was a tariff of reductions from the war duties which were first imposed under it. The first reduction was to come in 1819. The Federal party came in, and insisted upon duties without reference to revenue; and they got them. That is the history of the Committee on Manufactures.

What has been the history of the Committee on Roads and Canals? This committee was established in 1824. In 1824, internal improvements had become very rife. The first thing was, that a Committee on Roads and Canals was moved here, and it was established. Although the proposition to give this Government power over roads and canals was distinctly submitted in the convention and rejected, that was no impediment at all to the establishment of that committee. Now, the same thing is to be done in this case. We have heard of a huge convention which met at Chicago during the last summer, in which men of all parties—Federalists and Democrats—met and determined, under the auspices of Mr. Webster, that this Government is omnipotent over all things within the whole limits of this Union; and I take it that this is nothing more than an efflorescence, a production of the Chicago convention—just as the tariff of 1824 was an efflorescence of the Pittsburg convention; and its friends have come now to ask for a new committee to give power and effect to this system.

I will now take up the purposes of the gentleman from Ohio—the objects for which he wants this committee. First, for information. Well, have we no information? The Government of the United States has already provided, first, for the registry of all foreign tonnage; second, for the registry of all tonnage among the States over twenty tons; and, third, for the license of all tonnage under twenty tons; and, accordingly, we had the annual report on tonnage and navigation laid on your table a few days ago. The commerce of Chicago, Erie, Louisville, Cincinnati, of every town, shines there, is laid down there.

Well, what more does the gentleman want? He intimated that this department might get together the statistics of the commerce within the States. Mark you, the Constitution does not say commerce *within* the States, but it is only "among" the States; in other words, the foreign commerce of the States with the other States. That is the commerce alone which this Government has any control over by virtue of this clause of the Constitution. Will that answer the purpose of the gentleman from Ohio? No; he wants statistical information concerning the productions of the State—how many barrels of flour, how many chickens, how many bushels of corn are raised—like the orders which were given out at the taking the last census. Now, according to my views, there is no such power in the General Government. The great principle and spirit of the Constitution is, that whatever the States are competent to do the States shall do; and what the States cannot do the General Government shall do, though under the express specifications of the Constitution. Now, will any man tell me the States are not able to take account of their own productions? Certainly no man in Massachusetts; for the other day I had sent to me from some one there a most minute report, showing all the productions of Massachusetts, from a hobnail to a steam engine. Now, does the State of Massachusetts want this Government to do what they are doing themselves? To send spies and inquisitors to every house in the Union to find out what they do every year, how much grain they produce, and how many pigs and chick-

ens they raise? Those were the orders issued by Mr. Webster, carrying out the principle of the Chicago convention, of the omnipotence of this Government in taking the last census. And what was the result? A portion of the people of the South—of Virginia, South Carolina, and other States—deemed it an outrage, and treated the marshal with contempt, telling him "Get you down about your own business." They held that the Constitution authorized, in taking the census, to ascertain the number of citizens and of persons on whom the three-fifths representation is based, and that there was no authority for going down into these domestic matters, which belong to the States. And this view was espoused, and ably, in an eloquent article by a distinguished Whig—the late Mr. Pleasants, of Richmond—who told the people to take no notice of the marshals. I repeat, that, in my judgment, the Constitution gives to the General Government no such power—all the power is over foreign commerce among the States; that which goes out of one State and enters into another.

Well, now, as to the other object of the gentleman. That is developed in the amendment made by the gentleman from Delaware. It is the power of this Government. The gentleman is not a mere philosopher—a mere caterer for statistics. His object is to extend the power of this Government; to add a new clause to the Constitution, whereby the General Government may exercise control over the commerce within the States as well as without—absolutely within the States themselves.

This system of harbor improvements by the General Government, that has sprung up so lately, is, in fact, the most pertinacious, and, if I may so speak, the most impinging of interests. The rivers have been very well content hitherto with clearing out a few snags, but the harbors are very pertinacious. I will not now go into a very extended argument on the subject of internal improvements, but I shall endeavor to show that this harbor interest is in itself unauthorized by the Constitution; or rather, that it is authorized by the Constitution, but not in the mode in which gentlemen who have hitherto advocated the interest have endeavored to establish. As I have before said, the fundamental principle of the Constitution is, that whatever the States are competent to do, they shall perform; and whatever they cannot do is devolved upon the General Government by express specification. Now, I ask any gentleman, are the States incompetent to improve their own harbors? Will any man say they are? Every one knows there is not a State in this Union so poor, so mean, as to be incapable of improving its own harbors. Why, then, should the General Government undertake, by assumption of power not delegated to it, to do what the States can do for themselves?

But, to come to another principle, which is even nearer to the point. When the Constitution has laid down a mode by which an object can be attained, it is exclusive of any other mode. Now, the Constitution has laid down a mode by which this object can be attained. In the origin of this Government, the good people of the United States were not indifferent to internal improvements, especially to the improvement of harbors. The truth is, that is the only species of improvements which was then thought of. Nobody then thought of making a wagon road under the authority of the General Government. That is a claim of power which sprung up at a later day, and which is now put an end to. The great object, then, was the improvement of harbors. Now, is there no mode provided for this? On this point we have both doctrine and example in the origin of this Government. We have many instances in which the States have applied to this Government for power to lay duties on tonnage. In 1792 or 1793, a petition came to Congress from the inhabitants of Kennebeck, then in the State of Massachusetts, for leave to lay duties on tonnage, with a view to reimburse them for moneys expended in building the piers in Kennebeck river. Congress authorized them to lay those duties. Many other cases have occurred. And in 1808, Baltimore, in the State of Maryland, and Savannah, in the State of Georgia, came simultaneously and prayed Congress to authorize them to lay duties on tonnage, with a view to the improvement of their harbors. Congress passed a law to authorize these States to lay duties, and they were laid; and I have now before me a report by Mr. Crawford, in 1822, of the whole amount raised by these duties in the city of Baltimore and the city of Savannah—in Savannah from 1811 to 1821, and in Baltimore from 1812 to 1821. And ever since have these States, as I understand, been authorized by this Government to lay these duties, with a view to keep their harbors in order. Now, these are only isolated cases, and if I had time, I should like to have brought forward others, in which this Government has authorized the States to lay tonnage duties. I know another case in the city of Charleston. Charleston lays tonnage duties, not with a view to erect and keep in repair harbors, but to support her marine hospital. These duties are now laid there for that object. Sir, the Constitution does not limit the States to the objects for which they may lay tonnage duties. They can do so for any purpose, provided the General Government gives them leave; and from the origin of this Government they have so applied in various cases, and there is not an instance, I believe, in which they have been refused.

Then, I say, here is a mode provided by the Constitution, in which the harbors of a State may be made and improved; and I maintain that this fact is conclusive that you cannot make and improve them in any other way. If you can, you give this Government unlimited power. The grant of a power is exclusive of other power; the designation of one mode is the exclusion of all other modes, if this Government be one of limited, express grants of power. And in this is seen the wisdom and justice of the Constitution. The Constitution, in all its provisions, is the greatest exemplification of justice to be found on the records of nations. Is not this provision right? What right have the people upon Lake Michigan to come to me, down in South Carolina, and ask that I should contribute to put their harbors in order? Is it not the dictate of the most common justice that those whose navigation is to be protected by an improvement should contribute and pay for that improvement? And what sort of interest, on the other hand, have the people of Indiana or Kentucky with the harbor in Charleston? Why should we call upon them to improve a harbor which they never saw, or of which they know nothing? It is precisely the principle of the Post Office Department, which lays so moderate a duty upon letters, that those who receive the benefit of the department sustain it. And this is a provision of the Constitution eminently just, eminently right.

And now I ask, then, of this House, why shall we extend the power of this Government over this interest? I ask my Democratic friends, who profess to act upon the principle of construction to regard the rights of the States, why they will go with the consolidationists? Why they will seek to accomplish an object unconstitutionally by the General Government when the States themselves have the power of doing it? Or do they suppose, when they want, they can add a power to this General Government, and that will be the end of it? Encroachment never stops; one encroachment leads to another; and there is but one way in which you can resist these successive encroachments on the States—that is, one by one. If any statesman supposes he can for his own interest interpolate one encroachment into the Constitution, and that there will be the end of it, he is acting with a gross ignorance of human nature. All experience proves the contrary.

Mr. Speaker, I ask gentlemen who represent sovereign and independent States here, if they are willing to come and humble themselves to supplicate from Congress as a favor what they can themselves accomplish as a right? I do not know how they feel; for my part I have very seldom come to ask for South Carolina any favor; I confess I always felt humiliated at the thought. Whether I esteem my native State more highly than other gentlemen, or whatever may be the fact, the idea of accepting favor from the General Government is most humiliating. I ask the Representatives of the proud State of New York, comprising within itself three millions of inhabitants, when you have the ability of taxing the commerce which enters your harbors—not your own commerce exclusively, but the commerce of other States—will you consent to come here as mendicants and beggars? Although my State is small, she has too much pride for that; and if other States will thus humble themselves, she will demonstrate that she has too much of the spirit of manly independence to stoop so low.

Mr. C. B. SMITH did not understand that it was proposed to exercise any power not conferred by the Constitution, as the gentleman from South Carolina [Mr. RHETT] seemed to apprehend. This was no proposal to extend the power of this Government. Did that gentleman deny the power to appropriate money for internal improvements? Why, the power had been exercised from the very organization of this Government to this day. There had never been a Congress convened under the Constitution which had not made appropriations for that purpose. The gentleman from South Carolina [Mr. RHETT] was alarmed by the introduction of this resolution; but he, (Mr. S.,) for one, avowed himself to be a friend to this measure; he wished to see a committee appointed specially for the promotion and fostering of the great interests to which the resolution referred, which this Government was bound to protect by means of internal improvements. He knew there was a modern distinction drawn between the Atlantic and the internal waters; but where, he would ask, was the authority found for such a distinction? Before they made appropriations, were they to enter into a chemical analysis of the waters to find the amount of salt with which they were impregnated? Were they to establish the position that this Government could promote no internal improvements unless they were on the seaboard, and the waters were impregnated with salt? Such a distinction was futile, absurd, and ridiculous. It was one that never was contemplated by the framers of the Constitution, and it was one which he trusted this Congress would dispose of in an emphatic manner.

Mr. RHETT was understood to ask if the gentleman from Indiana intended to represent that he drew a distinction between fresh and salt water.

Mr. C. B. SMITH had understood the gentleman from South Carolina [Mr. RHETT] to go beyond his associates; he had understood that gentleman to go against all appropriations for internal improvements. Now, he would ask that gentleman if light-houses were not under the power of the Government? Were not millions spent for buoys, breakwaters, and other protection and facilities for foreign commerce? Though the gentleman from South Carolina might see fit to deny that power, he would find, he (Mr. S.) presumed, but very few on this floor that would sanction and accede to that opinion. That power was settled clearly and conclusively—so conclusively that it could not be regarded as a subject of doubt and controversy; and the question now was, if they had not the right to make appropriations for internal improvements in our inland waters? They knew that the commerce on those waters was extensive and valuable; they knew that the welfare of the country was as intimately identified with this internal as with our foreign commerce. And must these vast interests be neglected? Must they of the Mississippi valley see the destruction of their property on the great lakes? Must they see the lives of their fellow-citizens sacrificed for want of appropriations for the improvement of their waters? Must they, amidst all these sacrifices and losses, when they asked Congress to make appropriations to remove obstructions, be told that their waters were fresh waters, and therefore no appropriations could be made? It must be within the knowledge of every gentleman that appropriations have been made for internal improvements ever since the organization of this Government.

It was, however, equally well known, that during the last four years, during which time he had had a seat on this floor, Congress had made liberal appropriations for such improvements, but that they had been withheld by the technical veto of the President. Such appropriations were made by the votes of both Whigs and Democrats, in a Congress in which the Democrats had a majority; but such votes, and the interests and the petitions of the people, were treated with scorn and contempt. He could bear testimony to the immense sacrifices of property which the West had been compelled to sustain, and to the immense loss of valuable lives, in consequence of the squeamishness of our President, because he regards the distinction drawn between salt water and fresh water improvements. He (Mr. S.) undertook to assert that the power of this Government over improvements can only find a limitation in the discretion of Congress. Gentlemen might seek to find it elsewhere, but elsewhere it

was merely imaginary. It was a position which he held could not be controverted, that the power to make improvements was a power to improve any rivers, whether their waters washed the shores of one State or a dozen; it was a power to improve any harbors, whether they were on the seaboard or the lakes; it was a power which was within the sound discretion of Congress. Congress alone could determine what appropriations to make to protect or to facilitate our commerce, whether that commerce was with "foreign nations" or "between the States." Congress has acted upon this view of its powers. It did so last year. It did so during preceding years. It made liberal appropriations for the lakes and rivers of the West, and for western harbors, too. Did any gentleman deny the power of Congress to improve the Mississippi river? He thought that would hardly be called in question now. Did any gentleman deny the power to make appropriations for the improvement of the Ohio river? He thought that, too, would be generally conceded. If, then, that power was conceded—if we have exercised it—he took it for granted that power would be again exercised by this Congress; but whether their act would become a law, he knew not. And if they were to legislate on this subject, was there not an evident propriety in having a committee to examine the various proposed improvements, that they might be guided to an enlightened decision? Should they leave a vast subject like this, which was likely to involve millions of dollars—a subject affecting a half or two-thirds of the population of this Union—a subject affecting the business of every internal State of this Union,—should they, he asked, allow these vast interests to find their way through this House without a committee to consider them, to examine them, to judge of the claims presented, and to ascertain which was the most entitled to the support and protection of this Government? Why appoint a committee on the subject of public lands? Why appoint a committee on the subject of commerce generally? Why appoint committees on such subjects and not appoint a committee on a subject like this, involving such immense interests? Why should this great subject be left without the protection of a committee whose province it should be to examine its claims? Four years ago, a report was made from a Special Committee on Rules, at the head of which, he believed, was the venerable gentleman from Massachusetts, [Mr. ADAMS,] which proposed a division of the Committee on Commerce such as was now proposed. That report, however, was never brought to the vote of this House, in consequence of its involving the question of slavery. The appropriate moment, then, had now arrived for establishing such a division, and creating a committee with special reference to internal improvements. He desired to place it on that ground. He had no desire to dodge the question. He desired to place it fairly before the country. The question of internal improvements is one which will command the vote of a large portion of this Union, unless it be the State of South Carolina. He was not in favor of a prodigal waste of the public money; he was not in favor of expending money in improving every little stream. No; but he desired to acknowledge the power of this Government to facilitate and to protect the commerce of this country, and he desired to see it judiciously administered. With this view he desired to see a committee appointed whose wisdom, and experience, and intelligence would enable them to report such objects to Congress as are worthy of the support of this Government.

Mr. ROOT said, when he first heard the subject mentioned by his colleague, [Mr. VINTON,] he thought very favorably of it; but, on reflection, he had become satisfied that it would be inexpedient. Having, however, once changed, he might possibly be induced to change his opinions again; and hence he rose now to express his opinion with no very great confidence. He should regret to see this resolution adopted; but he feared the advocacy of the gentleman from Indiana [Mr. C. B. SMITH] and the opposition of the gentleman from South Carolina [Mr. RHETT] made that result very probable. [Laughter.] He conceded that a majority was in favor of internal improvements; and it seemed to be expected that those who were in favor of internal improvements would be in favor of this new committee, and those opposed to internal improvements would object to it. If he was convinced by the argument of the gentleman from South Carolina, he should go against it; but he thought the best answer to that gentleman's argument was the observation of his colleague [Mr. HOLMES] on a previous day, that the division of one committee into two would not enlarge its powers. It had been suggested that there was a distinction between salt and fresh water improvements; and now they were to have a salt and a fresh water committee. [Laughter.] They were to be "divided and conquered." That certainly was not intended, but he inquired if that might not be apprehended? He feared the conflicting and distinct interests, which the proposed separation would create, would lead to divisions which he wished to avoid. The Committee on Commerce has now as much jurisdiction over internal improvements as the Committee on Commerce among the States would have. Where, then, was to be found a reason for a new committee? Why divide the labor of the one between two committees? He had never understood that the Committee on Commerce was a very hard-working committee. He did not believe they worked as hard as some others, though he admitted it had been a very able and faithful committee, doing all that belonged to it. Why, then, he repeated, raise two committees to do the work which had been conveniently done by one? The Committee on Commerce had already been constituted, in accordance with the old rule, by the Speaker; and, for one, he was willing to trust that committee; and he would here take occasion to avow that he was as strongly in favor of internal improvements, as they were called, as any other gentleman, and he represented a constituency which was deeply interested in them, and which was not troubled with such scruples as those which were entertained by the gentleman from South Carolina, [Mr. RHETT.] He feared the effect of raising this new committee. The commerce among the States was justly entitled to as much consideration as commerce with foreign nations. It was their duty to promote both. The commerce between the States and Canada was immense. And he would beg leave to suggest to the friends of this measure that they should need—especially while the present Executive was spared to them—all the united force of the friends of commerce among the States and commerce with foreign nations, and he should oppose any motion which would have the effect of dividing them, or of appearing to divide them. He believed the existing committee competent to discharge its duties, and it was the safer policy to leave that committee unchanged. He had no desire to dodge the question; but he thought it inexpedient to put a weapon into the hands of the opponents of internal improvements, especially such a weapon as the gentleman from South Carolina had shown a disposition to use, when he had indicated his conviction that in this movement was involved a spice of Abolitionism. He knew they asked for appropriations for internal improvements because they wanted to benefit commerce; and he knew they derived the power to make appropriations for such purposes from the same clause from which they derived their power to appropriate money for the promotion of foreign commerce. But he believed they should make a stronger stand when they confided all these interests to one committee than when they apportioned them between several; for it was as true now as it ever was, "divide and conquer."

Mr. BEDINGER rose and said: I will express, in as few words as possible, the reasons which will compel me to vote against the adoption of the resolution offered by the gentleman from Ohio. I believe it to be impolitic and unnecessary, if not unwise and dangerous; and I cannot avoid the apprehension that in the end it will produce more agitation and distraction to this House than information or advantage to the country. I, among others who oppose this resolution, may be thought over-cautious, and may be accused of starting at shadows; but it is better to be over-cautious in times like these, than to slumber in security until wakefulness and caution can no longer avail. I was sent here to be cautious, sir, and to be watchful; and I hope I shall not slumber at my post. And I confess I was very much pleased at the promptness and vigilance manifested by the gentleman from South Carolina [Mr. RHETT] on Thursday last, when he took this ball at the first hop, and called the attention of the House to the covert danger which the resolution contained. Sir, my experience, and that of older and wiser men than myself, teaches me to believe that the greatest danger to the institutions and freedom of this country is to be apprehended from the constant encroachments, or efforts at encroachment, of the confederated Government upon the rights and sovereignty of the individual States. My maxim is, to prevent, by every possible means, the greater Government from encroaching upon, and finally crushing, the lesser ones. I know that it is more customary, more fashionable, if I may use the term, just now, to manifest uneasiness and profess apprehensions at the power of the Executive. But, in my opinion, it is not from the Executive that any *real* danger need be feared to the liberties of this country, for the Executive is constantly and closely watched by millions of vigilant eyes. His slightest acts are scanned and criticised with jealous scrutiny; and his slightest aberrations from duty, or his smallest clutching at illegitimate power, meet with such instant and clamorous rebuking, that the eyes as well as the ears of all men are opened at once; and if there be indeed any danger, it is detected and crushed in the bud. No Executive in this country ever assumed to himself more power than the Constitution and laws guarantied to him, without awakening the wrath of the people, and being hurled with indignation from his high office. Executive encroachments are not, and never can be, *very* dangerous, because they are too easily detected, and too zealously opposed. But it is not so with the encroachment of the Federal Government. *That* is always more dangerous, because it is always more insidious. It assumes a thousand different shapes, and menaces the rights of the States and their liberties, seldom by direct attack, but often under the specious pretext of benefit and advantage; and the domestic history of this country has been little else than a series of struggles between the individual States to preserve their rights and their sovereignty, and the Federal Government to deprive them of both. And I repeat, that, to me, the great danger has always appeared from this tendency upon the part of the General Government, and the small disposition (which, I much fear, is becoming less every day) anywhere manifested to guard and protect the rights of the States against it. I know it is too customary now (and I am sorry it is so) to laugh at these fears when thus expressed. But if those who first detected this danger had suffered themselves to be laughed into silence and security, our country would not have stood in the eminent position which she now occupies. I repeat, sir, we cannot be too cautious—we cannot make efforts too strenuous to prevent the Federal, the more powerful, Government from crushing the weaker ones. It is as if, in partnership of individuals, the "firm" should be permitted to infringe the individual rights of the copartners, or as if a seventy-four should be suffered to run down and swamp her own boats. Now, sir, is there anything in the resolution of the gentleman from Ohio calculated to increase this dangerous power and tendency upon the part of the General Government? Let us read the resolution carefully, and mark well the phraseology: The committee "shall have charge of *all* questions touching the regulation of *trade* among the several States of the Union." Now, sir, I will admit, that if it be the intention of this House to carry the doctrine of internal improvements to the length avowed by the gentleman from Indiana, [Mr. SMITH,] (whose position I am glad to learn,) it may be necessary to appoint such a committee. But as I am unwilling to believe that the people of the United States will ever sanction this construction of the Constitution, I can see no necessity for such a committee at present. I repeat that I am glad to see the bold ground assumed by the gentleman from Indiana, [Mr. SMITH.] He is of opinion—if I did not misunderstand him—that the General Government has power to improve any river, any stream, any lake, or any harbor, within the whole area of this Union. I am willing to trust that issue to the people, sir; and never will I believe, that, with the injustice which the proposition bears upon its very face, and which was so forcibly exhibited by the gentleman from South Carolina, [Mr. RHETT,] they will sanction so monstrous a doctrine. But I was particularly struck with one remark of the gentleman from Indiana, [Mr. SMITH.] He said he would not advocate the improving by the General Government of every paltry little stream or harbor in the Union. Sir, I suppose we should

thank the gentleman from Indiana for even that admission. But who made him a judge of the importance or paltriness of the different rivers and harbors in this country, or who is to constitute any of us such judges? Is the size of the river to determine the constitutionality of the act of improvement? Who shall say which of the rivers in Virginia is most important to that State, except the people of Virginia themselves? Has the gentleman in his mind's eye only the great rivers and harbors of the West, and will he pay no attention to those of any other section? It is these very sectional preferences which render the exercise of the powers so dangerous. It would seem, from the admissions of the gentleman from Indiana, that there was "danger in the tainted gale," and that the apprehensions of the gentleman from South Carolina [Mr. RHETT] were not ill-grounded. The object of the resolution seems now to be avowed to be, to further and sustain the cause of internal improvements by the General Government. But there are other objections to the resolution. I desire to call the attention of the House particularly to its phraseology. *All questions* touching the regulation of *trade* among the several States of the Union are to be given it in charge. Sir, I want no such committee in this House. When this committee shall become weary with the investigation of the amount of wheat and corn, cotton and tobacco, &c., which the different States produce and exchange with each other, I ask, if we have not good cause to apprehend (judging of the future by the past) that they may deem it "*their duty*" to inquire into *other* matters which do not concern them, and which had better be let alone? It requires no gift of prophecy to foretell that there is even now a *black* cloud lowering upon our political horizon—I hope I am understood, sir; I say a *black* cloud—which is soon to burst, with more wind and thunder than anything else, I hope and believe; but yet with wind and thunder sufficient to distract this body and disturb the peace of the country; and I will not vote for any committee which *may* "deem it their duty" to add wind and thunder to such a cloud.

Mr. WOODWARD next obtained the floor.

[A message was here received from the President of the United States, by his Private Secretary, JAMES KNOX WALKER, Esq.]

Mr. THOMPSON, of Mississippi, appealed to the gentleman from South Carolina [Mr. WOODWARD] to yield the floor, to allow the message to be read, as he understood it related to the subject-matter now under consideration.

Mr. WOODWARD complying with the request—

VETO OF THE RIVER AND HARBOR BILL.

The SPEAKER laid before the House a message from the President of the United States, as follows:

To the House of Representatives:

On the last day of the last session of Congress, a bill, entitled "An act to provide for continuing certain works in the Territory of Wisconsin, and for other purposes," which had passed both Houses, was presented to me for my approval. I entertained insuperable objections to its becoming a law; but the short period of the session which remained afforded me no sufficient opportunity to prepare my objections, and communicate them, with the bill, to the House of Representatives, in which it originated. For this reason, the bill was retained; and I deem it proper now to state my objections to it.

Although, from the title of the bill, it would seem that its main object was to make provision for continuing certain works already commenced in the Territory of Wisconsin, it appears, on examination of its provisions, that it contains only a single appropriation of six thousand dollars to be applied within that Territory, while it appropriates more than half a million of dollars for the improvement of numerous harbors and rivers lying within the limits and jurisdiction of several of the States of the Union.

At the preceding session of Congress, it became my duty to return, with my objections, to the House in which it originated, a bill making similar appropriations, and involving like principles; and the views then expressed remain unchanged.

The circumstances under which this heavy expenditure of public money was proposed were of imposing weight in determining upon its expediency. Congress had recognized the existence of war with Mexico, and, to prosecute it to "a speedy and successful termination," had made appropriations exceeding our ordinary revenues. To meet the emergency, and provide for the expenses of the Government, a loan of twenty-three millions of dollars was authorized at the same session, which has since been negotiated. The practical effect of this bill, had it become a law, would have been to add the whole amount appropriated by it to the national debt. It would, in fact, have made necessary an additional loan to that amount, as effectually as if in terms it had required the Secretary of the Treasury to borrow the money therein appropriated. The main question in that aspect is, whether it is wise, while all the means and credit of the Government are needed to bring the existing war to an honorable close, to impair the one and endanger the other, by borrowing money to be expended in a system of internal improvements capable of an expansion sufficient to swallow up the revenues not only of our own country, but of the civilized world? It is to be apprehended that, by entering upon such a career at this moment, confidence, at home and abroad, in the wisdom and prudence of the Government, would be so far impaired as to make it difficult, without an immediate resort to heavy taxation, to maintain the public credit and to preserve the honor of the nation and the glory of our arms in prosecuting the existing war to a successful conclusion. Had this bill become a law, it is easy to foresee that largely increased demands upon the treasury would have been made at each succeeding session of Congress, for the improvement of numerous other harbors, bays, inlets, and rivers, of equal importance with those embraced by its provisions. Many millions would probably have been added to the necessary amount of the war debt, the annual interest on which must also have been borrowed, and finally a permanent national debt been fastened on the country and entailed on posterity.

The policy of embarking the Federal Government in a general system of internal improvements had its origin but little more than twenty years ago. In a very few years the applications to Congress for appropriations in furtherance of such objects exceeded two hundred millions of dollars. In this alarming crisis, President Jackson refused to approve and sign the Maysville road bill, the Wabash river bill, and other bills of similar character. His interposition put a check upon the new policy of throwing the cost of local improvements upon the national treasury, preserved the revenues of the nation for their legitimate objects, by which he was enabled to extinguish the then existing public debt, and to present to an admiring world the unprecedented spectacle, in modern times, of a nation free from debt, and advancing to greatness with unequalled strides, under a Government which was content to act within its appropriate sphere in protecting the States and individuals in their own chosen career of improvement and of enterprise. Although the bill under consideration proposes no appropriation for a road or canal, it is not easy to perceive the difference in principle or mischievous tendency between appropriations for making roads and digging canals, and appropriations to deepen rivers and improve harbors. All are alike within the limits and jurisdiction of the States, and rivers and harbors alone open an abyss of expenditure sufficient to swallow up the wealth of the nation, and load it with a debt which may fetter its energies and tax its industry for ages to come.

The experience of several of the States, as well as that of the United States, during the period that Congress exercised the power of appropriating the public money for internal improvements, is full of eloquent warnings. It seems impossible, in the nature of the subject, as connected with local representation, that the several objects presented for improvement shall be weighed according to their respective merits, and appropriations confined to those whose importance would justify a tax on the whole community to effect their accomplishment.

In some of the States, systems of internal improvements have been projected, consisting of roads and canals, many of which, taken separately, were not of sufficient public importance to justify a tax on the entire population of the State to effect their construction; and yet, by a combination of local interests, operating on a majority of the legislature, the whole have been authorized, and the States plunged into heavy debts. To an extent so ruinous has this system of legislation been carried in some portions of the Union, that the people have found it necessary to their own safety and prosperity to forbid their legislatures, by constitutional restrictions, to contract public debts for such purposes without their immediate consent.

If the abuse of power has been so fatal in the States where the systems of taxation are direct, and the representatives responsible at short periods to small masses of constituents, how much greater danger of abuse is to be apprehended in the General Government, whose revenues are raised by indirect taxation, and whose functionaries are responsible to the people in larger masses and for longer terms?

Regarding only objects of improvement of the nature of those embraced in this bill, how inexhaustible we shall find them. Let the imagination run along our coast, from the river St. Croix to the Rio Grande, and trace every river emptying into the Atlantic and Gulf of Mexico to its source; let it coast along our lakes, and ascend all their tributaries; let it pass to Oregon, and explore all its bays, inlets, and streams; and then let it raise the curtain of the future, and contemplate the extent of this Republic, and the objects of improvement it will embrace, as it advances to its high destiny, and the mind will be startled at the immensity and danger of the power which the principle of this bill involves.

Already our Confederacy consists of twenty-nine States. Other States may at no distant period be expected to be formed on the west of our present settlements. We own an extensive country in Oregon, stretching many hundreds of miles from east to west, and seven degrees of latitude from south to north. By the admission of Texas into the Union, we have recently added many hundreds of miles to our seacoast. In all this vast country, bordering on the Atlantic and Pacific, there are many thousands of bays, inlets, and rivers, equally entitled to appropriations for their improvement with the objects embraced in this bill.

We have seen in our States that the interests of individuals or neighborhoods, combining against the general interest, have involved their governments in debts and bankruptcy; and when the system prevailed in the General Government, and was checked by President Jackson, it had begun to be considered the highest merit in a member of Congress to be able to procure appropriations of public money to be expended within his district or State, whatever might be the object. We should be blind to the experience of the past if we did not see abundant evidences that, if this system of expenditure is to be indulged in, combinations of individual and local interests will be found strong enough to control legislation, absorb the revenues of the country, and plunge the Government into a hopeless indebtedness.

What is denominated a harbor by this system does not necessarily mean a bay, inlet, or arm of the sea on the ocean or on our lake shores, on the margin of which may exist a commercial city or town engaged in foreign or domestic trade; but is made to embrace waters where there is not only no such city or town, but no commerce of any kind. By it a bay or sheet of shoal water is called a *harbor*, and appropriations demanded from Congress to deepen it, with a view to draw commerce to it, or to enable individuals to build up a town or city on its margin, upon speculation, and for their own private advantage.

What is denominated a river, which may be improved, in the system, is equally undefined in its meaning. It may be the Mississippi, or it may be the smallest and most obscure and unimportant stream bearing the name of river which is to be found in any State in the Union.

Such a system is subject, moreover, to be perverted to the accomplishment of the worst of political purposes. During the few years it was in full operation, and which immediately preceded the veto of President Jackson of the Maysville road bill, instances were numerous of public men seeking to gain popular favor by holding out to the people interested in particular localities the promise of large disbursements of public money. Numerous reconnoissances and surveys were made during that period for roads and canals through many parts of the Union, and the people in the vicinity of each were led to believe that their property would be enhanced in value, and they them-

selves be enriched by the large expenditures which they were promised by the advocates of the system should be made from the Federal treasury in their neighborhood. Whole sections of the country were thus sought to be influenced, and the system was fast becoming one not only of profuse and wasteful expenditure, but a potent political engine.

If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power to clear out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain head, and make them navigable to their sources, can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet is deep enough to admit a schooner, to deepen it still more so, that it will admit ships of heavy burden? and has it not the power, when an inlet will admit a boat, to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats? and has it no power to improve those which are navigable only for flat-boats and barges? May the General Government exercise power and jurisdiction over the soil of a State consisting of rocks and sand-bars in the beds of its rivers? and may it not excavate a canal around its waterfalls or across its lands for precisely the same object?

Giving to the subject the most serious and candid consideration of which my mind is capable, I cannot perceive any intermediate grounds. The power to improve harbors and rivers for purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canalling, must be admitted without any other limitation than the discretion of Congress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuses is the power thus vested in the General Government! There is not an inlet of the ocean or the lakes, not a river, creek, or streamlet within the States, which is not brought for this purpose within the power and jurisdiction of the General Government.

Speculation, disguised under the cloak of public good, will call on Congress to deepen shallow inlets, that it may build up new cities on their shores, or to make streams navigable which Nature has closed by bars and rapids, that it may sell at a profit its lands upon their banks. To enrich neighborhoods by spending within it the moneys of the nation will be the aim and boast of those who prize their local interests above the good of the nation, and millions upon millions will be abstracted by tariffs and taxes from the earnings of the whole people to foster speculation and subserve the objects of private ambition.

Such a system could not be administered with any approach to equality among the several States and sections of the Union. There is no equality among them in the objects of expenditure, and, if the funds were distributed according to the merits of those objects, some would be enriched at the expense of their neighbors. But a greater practical evil would be found in the art and industry by which appropriations would be sought and obtained. The most artful and industrious would be the most successful; the true interests of the country would be lost sight of in an annual scramble for the contents of the treasury; and the member of Congress who could procure the largest appropriations to be expended in his district would claim the reward of victory from his enriched constituents. The necessary consequence would be, sectional discontents and heartburnings, increased taxation, and a national debt, never to be extinguished.

In view of these portentous consequences, I cannot but think that this course of legislation should be arrested, even were there nothing to forbid it in the fundamental laws of our Union. This conclusion is fortified by the fact, that the Constitution itself indicates a process by which harbors and rivers within the States may be improved—a process not susceptible of the abuses necessarily to flow from the assumption of the power to improve them by the General Government; just in its operation, and actually practised upon, without complaint or interruption, during more than thirty years from the organization of the present Government.

The Constitution provides that "no State shall, without the consent of Congress, lay any duty of tonnage." With the "consent" of Congress, such duties may be levied, collected, and expended by the States. We are not left in the dark as to the objects of this reservation of power to the States. The subject was fully considered by the convention that framed the Constitution. It appears, in Mr. Madison's report of the proceedings of that body, that one object of the reservation was, that the States should not be restrained from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates, and among them the support of seamen. Mr. Madison, treating on this subject in the Federalist, declares that—

"The restraint on the power of the States over imports and exports is enforced by all the arguments which prove the necessity of submitting the regulation of trade to the Federal Councils. It is needless, therefore, to remark further on this head, than that the manner in which the restraint is qualified seems well calculated at once to secure to the States a reasonable discretion in providing for the convenience of their imports and exports, and to the United States a reasonable check against the abuse of this discretion."

The States may lay tonnage duties for clearing harbors, improving rivers, or for other purposes; but are restrained from abusing the power, because, before such duties can take effect, the "consent" of Congress must be obtained. Here is a safe provision for the improvement of harbors and rivers in the reserved powers of the States, and in the aid they may derive from duties of tonnage levied with the consent of Congress. Its safeguards are, that both the State Legislatures and Congress have to concur in the act of raising the funds; that they are, in every instance, to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure being in the hands of those who are to pay the money and be immediately benefited, will be more carefully managed and more productive of good than if the funds were drawn from the national treasury and disbursed by the officers of the General Government; that such a system will carry with it no enlargement of Federal power and patronage, and leave the States to be the sole judges of their own wants and interests, with only a conservative negative in Congress upon any abuse of the power which the States may attempt.

Under this wise system, the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present Constitution. Many acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, it may be instructive to refer to some of them, as illustrative of the mode of improving harbors and rivers in the early periods of our Government, as to the constitutionality of which there can be no doubt.

In January, 1790, the State of Rhode Island passed a law levying a tonnage duty on vessels arriving in the port of Providence, "for the purpose of clearing and deepening the channel of Providence river, and making the same more navigable."

On the 2d of February, 1798, the State of Massachusetts passed a law levying a tonnage duty on all vessels, whether employed in the foreign or coasting trade, which might enter into the Kennebunk river, for the improvement of the same, by "rendering the passage in and out of said river less difficult and dangerous."

On the 1st of April, 1805, the State of Pennsylvania passed a law levying a tonnage duty on vessels, "to remove the obstructions to the navigation of the river Delaware, below the city of Philadelphia."

On the 23d of January, 1804, the State of Virginia passed a law levying a tonnage duty on vessels, "for improving the navigation of James river."

On the 22d of February, 1826, the State of Virginia passed a law levying a tonnage duty on vessels, for "improving the navigation of James river, from Warwick to Rockett's Landing."

On the 8th of December, 1824, the State of Virginia passed a law levying a tonnage duty on vessels, for "improving the navigation of Appomatox river, from Pocahontas bridge to Broadway."

In November, 1821, the State of North Carolina passed a law levying a tonnage duty on vessels, "for the purpose of opening an inlet at the lower end of Albemarle Sound, near a place called Nag's Head, and improving the navigation of said Sound, with its branches;" and in November, 1828, an amendatory law was passed.

On the 21st of December, 1804, the State of South Carolina passed a law levying a tonnage duty, for the purpose of "building a marine hospital in the vicinity of Charleston;" and on the 17th of December, 1816, another law was passed by the Legislature of that State for the "maintenance of a marine hospital."

On the 10th of February, 1787, the State of Georgia passed a law levying a tonnage duty on all vessels entering into the port of Savannah, for the purpose of "clearing" the Savannah river of "wrecks and other obstructions" to the navigation.

On the 12th of December, 1804, the State of Georgia passed a law levying a tonnage duty on vessels, "to be applied to the payment of the fees of the harbor-master and health officer of the ports of Savannah and St. Mary's."

In April, 1783, the State of Maryland passed a law laying a tonnage duty on vessels, for the improvement of the "basin" and "harbor" of Baltimore and the "river Patapsco."

On the 26th of December, 1791, the State of Maryland passed a law levying a tonnage duty on vessels, for the improvement of the "harbor and port of Baltimore."

On the 28th of December, 1793, the State of Maryland passed a law authorizing the appointment of a health officer for the port of Baltimore, and laying a tonnage duty on vessels to defray the expenses.

Congress have passed many acts giving its "consent" to these and other State laws, the first of which is dated in 1790, and the last in 1843. By the latter act, the "consent" of Congress was given to the law of the Legislature of the State of Maryland, laying a tonnage duty on vessels for the improvement of the harbor of Baltimore, and continuing it in force until the 1st day of June, 1850. I transmit herewith copies of such of the acts of the Legislatures of the States on the subject, and also the acts of Congress giving its "consent" thereto, as have been collated.

That the power was constitutionally and rightfully exercised in these cases does not admit of a doubt.

The injustice and inequality resulting from conceding the power to both Governments, is illustrated by several of the acts enumerated. Take that for the improvement of the harbor of Baltimore. That improvement is paid for exclusively by a tax on the commerce of that city; but if an appropriation be made from the national treasury for the improvement of the harbor of Boston, it must be paid in part out of taxes levied on the commerce of Baltimore. The result is, that the commerce of Baltimore pays the full cost of the harbor improvement designed for its own benefit, and, in addition, contributes to the cost of all other harbor and river improvements in the Union. The facts need but be stated to prove the inequality and injustice which cannot but flow from the practice embodied in this bill. Either the subject should be left as it was during the first third of a century, or the practice of levying tonnage duties by the States should be abandoned altogether, and all harbor and river improvements made under the authority of the United States, and by means of direct appropriations. In view not only of the constitutional difficulty, but as a question of policy, I am clearly of opinion that the whole subject should be left to the States, aided by such tonnage duties on vessels navigating their waters as their respective Legislatures may think proper to propose, and Congress see fit to sanction. This "consent" of Congress would never be refused in any case where the duty proposed to be levied by the State was reasonable, and where the object of improvement was one of importance. The funds required for the improvement of harbors and rivers may be raised in this mode, as was done in the earlier periods of the Government, and thus avoid a resort to a strained construction of the Constitution, not warranted by its letter. If direct appropriations be made of the money in the Federal treasury for such purposes, the expenditures will be unequal

and unjust. The money in the Federal treasury is paid by a tax on the whole people of the United States, and if applied to the purposes of improving harbors and rivers, it will be partially distributed, and be expended for the advantage of particular States, sections, or localities, at the expense of others.

By returning to the early and approved construction of the Constitution, and to the practice under it, this inequality and injustice will be avoided, and, at the same time, all the really important improvements be made, and, as our experience has proved, be better made, and at less cost, than they would be by the agency of officers of the United States. The interests benefited by these improvements, too, would bear the cost of making them, upon the same principle that the expenses of the Post Office establishment have always been defrayed by those who derive benefits from it. The power of appropriating money from the treasury for such improvements was not claimed or exercised for more than thirty years after the organization of the Government in 1789, when a more latitudinous construction was indicated, though it was not broadly asserted and exercised until 1825. Small appropriations were first made in 1820 and 1821 for surveys. An act was made on the 3d of March, 1823, authorizing the President to cause an "examination and survey to be 'made of the obstructions between the harbor of '*Gloucester* and the harbor of *Squam*, in the State 'of Massachusetts," and of "the entrance of the 'harbor of the port of Presque Isle, in Pennsyl-'vania," with a view to their removal, and a small appropriation was made to pay the necessary expenses. This appears to have been the commencement of harbor improvements by Congress, thirty-four years after the Government went into operation under the present Constitution. On the 30th of April, 1824, an act was passed making an appropriation of thirty thousand dollars, and directing "surveys and estimates to be made of the routes of such roads and canals" as the President "may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the mails." This act evidently looked to the adoption of a general system of internal improvements, to embrace roads and canals as well as harbors and rivers. On the 26th May, 1824, an act was passed making appropriations for "deepening the channel leading into the 'harbor of Presque Isle, in the State of Pennsyl-'vania," and to "repair Plymouth Beach, in the 'State of Massachusetts, and thereby prevent the 'harbor at that place from being destroyed."

President Monroe yielded his approval to these measures, though he entertained, and had, in a message to the House of Representatives on the 4th of May, 1822, expressed, the opinion that the Constitution had not conferred upon Congress the power to "adopt and execute a system of internal improvements." He placed his approval upon the ground, not that Congress possessed the power to "adopt and execute" such a system by virtue of any or all of the enumerated grants of power in the Constitution, but upon the assumption that the power to make appropriations of the public money was limited and restrained only by the discretion of Congress. In coming to this conclusion, he avowed that, "in the more early stage of the Government," he had entertained a different opinion. He avowed that his first opinion had been, that, "as the National Government is a Govern-'ment of limited powers, it has no right to expend 'money except in the performance of acts autho-'rized by the other specific grants, according to a 'strict construction of their powers;" and that the power to make appropriations gave to Congress no discretionary authority to apply the public money to any other purposes or objects except to "carry into effect the powers contained in the other grants." These sound views, which Mr. Monroe entertained "in the early stage of the Government," he gave up in 1822, and declared that—

"The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it, in the case of internal improvements, would be to appropriate the money necessary to make them. For any act requiring legislative sanction or support, the State authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the establishment of turnpikes and tolls, and the protection of the work when finished, must be done by the State. To these purposes the powers of the General Government are believed to be utterly incompetent."

But it is impossible to conceive on what principle the power of appropriating public money when in the treasury can be construed to extend to objects for which the Constitution does not authorize Congress to levy taxes or imposts to raise money. The power of appropriation is but the consequence of the power to raise money; and the true inquiry is, whether Congress has the right to levy taxes for the object over which power is claimed.

During the four succeeding years embraced by the administration of President Adams, the power not only to appropriate money, but to apply it, under the direction and authority of the General Government, as well to the construction of roads as to the improvement of harbors and rivers, was fully asserted and exercised.

Among other acts assuming the power, was one passed on the twentieth of May, 1826, entitled "An act for improving certain harbors and the 'navigation of certain rivers and creeks, and for 'authorizing surveys to be made of certain bays, 'sounds, and rivers therein mentioned." By that act, large appropriations were made, which were to be "applied, under the direction of the President of the United States," to numerous improvements in ten of the States. This act, passed thirty-seven years after the organization of the present Government, contained the first appropriation ever made for the improvement of a navigable river, unless it be small appropriations for examinations and surveys in 1820. During the residue of that administration, many other appropriations of a similar character were made, embracing roads, rivers, harbors, and canals, and objects claiming the aid of Congress multiplied without number.

This was the first breach effected in the barrier which the univeral opinion of the framers of the Constitution had for more than thirty years thrown in the way of the assumption of this power by Congress. The general mind of Congress and the country did not appreciate the distinction taken by President Monroe between the right to appropriate money for an object and the right to apply and expend it without the embarrassment and delay of applications to the State governments. Probably no instance occurred in which such an application was made, and the flood-gates being thus hoisted, the principle laid down by him was disregarded, and applications for aid from the treasury, virtually to make harbors as well as improve them, clear out rivers, cut canals, and construct roads, poured into Congress in torrents, until arrested by the veto of President Jackson. His veto of the Maysville road bill was followed up by his refusal to sign the "Act making appropriations for building light-houses, lightboats, beacons, and monuments, placing buoys, improving harbors, and directing surveys;" "An act authorizing subscription for stock in the Louisville and Portland Canal Company;" "An act for the improvement of certain harbors and the navigation of certain rivers;" and finally, "An act to impose the navigation of the Wabash river." In his objections to the act last named he says:

"The desire to embark the Federal Government in works of internal improvement prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees on Internal Improvements bills containing appropriations for such objects, exclusive of those for the Cumberland road, and for harbors and light-houses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which have been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials to Congress, presented but not referred, different projects for works of a similar character, the expense of which cannot be estimated with certainty, but must have exceeded one hundred millions of dollars."

Thus, within the brief period of less than ten years after the commencement of internal improvements by the General Government, the sum asked for from the treasury for various projects amounted to more than two hundred millions of dollars. President Jackson's powerful and disinterested appeals to his country appear to have put down forever the assumption of power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers in any degree navigable within the control of the General Government. But an immense field for expending the public money and increasing the power and patronage of this Government was left open in the concession of even a limited power of Congress to improve harbors and rivers—a field which millions will not fertilize to the satisfaction of those local and speculating interests by which these projects are in general gotten up. There cannot be a just and equal distribution of public burdens and benefits under such a system, nor can the States be relieved from the danger of fatal encroachment, nor the United States from the equal danger of consolidation, otherwise than by an arrest of the system, and a return to the doctrines and practices which prevailed during the first thirty years of the Government.

How forcibly does the history of this subject illustrate the tendency of power to concentration in the hands of the General Government. The power to improve their own harbors and rivers was clearly reserved to the States, who were to be aided by tonnage duties levied and collected by themselves, with the consent of Congress. For thirty-four years improvements were carried on under that system, and so careful was Congress not to interfere, under any implied power, with the soil or jurisdiction of the States, that they did not even assume the power to erect light-houses or build piers without first purchasing the ground, with the consent of the States, and obtaining jurisdiction over it. At length, after the lapse of thirty-three years, an act is passed providing for the examination of certain obstructions at the mouth of one or two harbors almost unknown. It is followed by acts making small appropriations for the removal of those obstructions. The obstacles interposed by President Monroe, after conceding the power to appropriate, were soon swept away. Congress virtually assumed jurisdiction of the soil and waters of the States, without their consent, for the purposes of internal improvement; and the eyes of eager millions were turned from the State Governments to Congress as the fountain whose golden streams were to deepen their harbors and rivers, level their mountains, and fill their valleys with canals. To what consequences this assumption of power was rapidly leading, is shown by the veto messages of President Jackson; and to what end it is again tending, is witnessed by the provisions of this bill, and bills of similar character.

In the proceedings and debates of the General Convention which formed the Constitution, and of the State Conventions which adopted it, nothing is found to countenance the idea that the one intended to propose, or the others to concede, such a grant of power to the General Government as the building up and maintaining of a system of internal improvements within the States necessarily implies. Whatever the General Government may constitutionally create, it may lawfully protect. If it may make a road upon the soil of the States, it may protect it from destruction or injury by penal laws. So of canals, rivers, and harbors. If it may put a dam in a river, it may protect that dam from removal or injury, in direct opposition to the laws, authorities, and people of the State in which it is situated. If it may deepen a harbor, it may, by its own laws, protect its agents and contractors from being driven from their work, even by the laws and authorities of the State. The power to make a road or canal, or to dig up the bottom of a harbor or river, implies a right in the soil of the State, and a jurisdiction over it, for which it would be impossible to find any warrant.

The States were particularly jealous of conceding to the General Government any right of jurisdiction over their soil, and in the Constitution restricted the exclusive legislation of Congress to such places as might be "purchased with the consent of 'the States in which the same shall be, for the erec-'tion of forts, magazines, dock-yards, and other 'needful buildings." That the United States should be prohibited from purchasing lands within the States, without their consent, even for the most essential purposes of national defence, while left at liberty to purchase or seize them for roads, canals, and other improvements of immeasurably less importance, is not to be conceived.

A proposition was made in the Convention to provide for the appointment of a "Secretary of Domestic Affairs," and make it his duty, among other things, "to attend to the opening of roads

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and navigation, and the facilitating communcations through the United States." It was referred to a committee, and that appears to have been the last of it. On a subsequent occasion, a proposition was made to confer on Congress the power to "provide for the cutting of canals when deemed necessary," which was rejected by the strong majority of eight States to three. Among the reasons given for the rejection of this proposition, it was urged that "the expense in such cases will fall on the United States, and the benefits accrue to the places where the canals may be cut."

During the consideration of this proposition, a motion was made to enlarge the proposed power "for cutting canals" into a power "to grant charters of incorporation, when the interest of the United States might require, and the legislative provisions of the individual States may be incompetent;" and the reason assigned by Mr. Madision for the proposed enlargement of the power was, that it would "secure an easy communication between the States which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones, as far as possible, ought to follow."

The original proposition and all the amendments were rejected, after deliberate discussion, not on the ground, as so much of that discussion as has been preserved indicates, that no direct grant was necessary, but because it was deemed inexpedient to grant it at all. When it is considered that some of the members of the Convention, who afterwards participated in the organization and administration of the Government, advocated and practised upon a very liberal construction of the Constitution, grasping at many high powers as implied in its various provisions, not one of them, it is believed, at that day claimed the power to make roads and canals, or improve rivers and harbors, or appropriate money for that purpose. Among our early statesmen of the strict construction class, the opinion was universal, when the subject was first broached, that Congress did not possess the power, although some of them thought it desirable.

President Jefferson, in his message to Congress in 1806, recommended an amendment of the Constitution, with a view to apply an anticipated surplus in the treasury "to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvements as it may be thought proper to add to the constitutional enumeration of the Federal powers;" and he adds: "I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied." In 1825, he repeated, in his published letters, the opinion that no such power has been conferred upon Congress.

President Madison, in a message to the House of Representatives of the 3d of March, 1817, assigning his objections to a bill entitled "An act to set apart and pledge certain funds for internal improvements," declares, that "the power to regulate commerce among the several States cannot include a power to construct roads and canals, and to *improve the navigation of water-courses*, in order to facilitate, promote, and secure such commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress."

President Monroe, in a message to the House of Representatives of the 4th of May, 1822, containing his objections to a bill entitled "An act for the preservation and repair of the Cumberland road," declares:

"Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this Constitution, equally in respect to each other and to foreign Powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations, and to prevent any on the trade between the States, was the only power granted.

"If we recur to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the States respectively, and the advantages anticipated from the transfer of the power to Congress, were among those which had the most weight. Instead of acting as a nation in regard to foreign Powers, the States, individually, had commenced a system of restraint on each other, whereby the interests of foreign Powers were promoted at their expense. If one State imposed high duties on the goods or vessels of a foreign Power to countervail the regulations of such Power, the next adjoining States imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other States, securing the duties to themselves. This contracted policy in some of the States was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering States; and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself, and with it all hope of realizing those blessings which we had anticipated from the glorious revolution which had been so recently achieved. From this deplorable dilemma, or rather certain ruin, we were happily rescued by the adoption of the Constitution.

"Among the first and most important effects of this great revolution was the complete abolition of this pernicious policy. The States were brought together by the Constitution, as to commerce, into one community, equally in regard to foreign nations and each other. The regulations that were adopted regarded us in both respects as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the States themselves no duties of any kind were imposed other than between different ports and counties within the same State.

"This view is supported by a series of measures all of a marked character, preceding the adoption of the Constitution. As early as the year 1781, Congress recommended it to the States to vest in the United States a power to levy a duty of five per cent. on all goods imported from foreign countries into the United States for the term of fifteen years. In 1783, this recommendation, with alterations as to the kind of duties, and an extension of this term to twenty-five years, was repeated and more earnestly urged. In 1784, it was recommended to the States to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign Powers into the United States for fifteen years. In 1785, the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the States, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786, a meeting took place at Annapolis of delegates from several of the States on this subject, and on their report the Convention was formed at Philadelphia the ensuing year, from all the States, to whose deliberations we are indebted for the present Constitution.

"In none of these measures was the subject of internal improvement mentioned or even glanced at. Those of 1784, 5, 6, and 7, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign Powers. It is manifest that the regulation of trade with the several States was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch, has never been set up. In support of the claim under the second, no reason has been assigned which appears to have the least weight."

Such is a brief history of the origin, progress, and consequences of a system which for more than thirty years after the adoption of the Constitution was unknown. The greatest embarrassment upon the subject consists in the departure which has taken place from the early construction of the Constitution, and the precedents which are found in the legislation of Congress in later years. President Jackson, in his veto of the Wabash river bill, declares, that "to inherent embarrassments have been added others, from the course of our legislation concerning it." In his vetoes on the Maysville road bill, the Rockville road bill, the Wabash river bill, and other bills of like character, he reversed the precedents which existed prior to that time on the subject of internal improvements. When our experience, observation, and reflection have convinced us that a legislative precedent is either unwise or unconstitutional, it should not be followed.

No express grant of this power is found in the Constitution. Its advocates have differed among themselves as to the source from which it is derived as an incident. In the progress of the discussions upon this subject, the power to regulate commerce seems now to be chiefly relied upon, especially in reference to the improvement of harbors and rivers.

In relation to the regulation of commerce, the language of the grant in the Constitution is, "Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes." That to "regulate commerce" does not mean to make a road or dig a canal, or clear out a river, or deepen a harbor, would seem to be obvious to the common understanding. To "regulate" admits or affirms the preëxistence of the thing to be regulated. In this case it presupposes the existence of commerce, and of course the means by which and the channels through which commerce is carried on. It confers no creative power; it only assumes control over that which may have been brought into existence through other agencies, such as State legislation, and the industry and enterprise of individuals. If the definition of the word "regulate" is to include the provision of means to carry on commerce, then have Congress not only power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehicles, all of which are necessary to commerce. There is no middle ground. If the power to regulate can be legitimately construed into a power to create or facilitate, then not only the bays and harbors, but the roads and canals, and all the means of transporting merchandise among the several States, are put at the disposition of Congress. This power to regulate commerce was construed and exercised immediately after the adoption of the Constitution, and has been exercised to the present day, by prescribing general rules by which commerce should be conducted. With foreign nations it has been regulated by treaties, defining the rights of citizens and subjects, as well as by acts of Congress imposing duties and restrictions, embracing vessels, seamen, cargoes, and passengers. It has been regulated among the States by acts of Congress relating to the coasting trade, and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon internal trade. It has been regulated with the Indian tribes by our intercourse laws, prescribing the manner in which it shall be carried on. Thus each branch of this grant of power was exercised soon after the adoption of the Constitution, and has continued to be exercised to the present day. If a more extended construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the power other than the will and discretion of Congress. It sweeps into the vortex of national power and jurisdiction not only harbors and inlets, rivers and little streams, but canals, turnpikes, and railroads—every species of improvement which can facilitate or create trade and intercourse "with foreign nations, among the several States, and with the Indian tribes."

Should any great object of improvement exist in our widely-extended country, which cannot be effected by means of tonnage duties, levied by the States, with the concurrence of Congress, it is safer and wiser to apply to the States, in the mode prescribed by the Constitution, for an amendment of that instrument, whereby the powers of the General Government may be enlarged, with such limitations and restrictions as experience has shown to be proper, than to assume and exercise a power which has not been granted, or which may be regarded as doubtful in the opinion of a large portion of our constituents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson, and I fully concur with them in opinion. If an enlargement of power should be deemed proper, it will unquestionably be granted by the States; if otherwise, it will be withheld; and, in either case, their decision should be final. In the meantime, I deem it proper to add, that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this Government, and the happiness of the millions over whom it spreads its protection, will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the Constitution.

JAMES K. POLK.

WASHINGTON, *December* 15, 1847.

Before the Clerk had progressed far in the reading of the message—

Mr. CLINGMAN rose and said, he would move that the reading be dispensed with.

[Cries of "No, no," from the opposite side of the House.]

It was not a veto message, (said Mr. C.;) it was nothing which the House could act upon.

[A voice: It is something that will act upon the House, I reckon.]

The House not manifesting a disposition to dispense with the reading—

The motion was waived, and the Clerk continued and completed the reading.

Mr. WENTWORTH moved that the message and accompanying documents be referred to the Committee on Commerce.

Mr. VINTON hoped that, instead of taking the direction proposed by the gentleman from Illinois, this message would be referred to a select committee, and that the printing of it would be postponed until the select committee should have had time to make a report upon this important document, so that the message and the reply to it might go out to the country together. In making this suggestion, it was his intention to move that a select committee should be raised, with the request that he himself should not be placed upon it.

Mr. WENTWORTH would state, in relation to the motion of the gentleman, that the Committee on Commerce would probably make an adverse report, and then both documents would be printed together. The Committee on Commerce had now nothing before them, and might as well occupy themselves upon that as anything else.

Mr. VINTON resumed the floor, and proceeded to say that he was fully aware that the Committee on Commerce, if they had time to do so, would do ample justice to the important subject discussed in this message. He had proposed a select committee, believing that, from the very elaborate discussion given to the subject by the President of the United States, it would require more time than the Committee on Commerce could bestow upon it. And he agreed with the gentleman from Illinois, [Mr. WENTWORTH,] that the message and the answer should go out together.

But he had risen chiefly for the purpose of making a remark upon one fact which he had heard stated in that message, among the very few things which he could understand; for, although he had listened with all the attention he was able to bestow upon it, yet he had been able to hear but a very small part.

The message undertakes (said Mr. V.) to prove, that if the internal improvements of the country had not been arrested by a former Executive of the United States, the prosecution of it would have involved this country in an enormous debt of some two hundred millions of dollars or more. Now, that is not the first time that that assertion has been made by the Executive of the United States. I have no doubt that the President of the United States, in making that communication to Congress, and through Congress to the people of the United States, believed that what is there stated is accurate and true. But the President of the United States, as I undertake to say, labors under a grievous error, in point of fact, when he says that the recommendation of appropriations to the amount of two hundred millions was made by the party which was then in power for a series of years. At the very time when the message was communicated to Congress, which is alluded to in the present message of the President of the United States, I served on the Committee on Internal Improvements. I know, sir, what was its policy, what its purposes; and I have at least a general recollection of what it did report and recommend; and now I undertake to say, that at no time did it ever enter into the intention of the Committee on Internal Improvements, or of the House of Representatives, or of that portion of the House of Representatives, or of the Congress of the United States who were the supporters of the system of internal improvements, that it was to involve this country in the first dollar of debt. I undertake to say that there never was a bill reported here that would have rendered it necessary to borrow a dollar of money to carry it into effect.

For years, sir, while this system of internal improvements was under discussion in this House, and appropriations were annually made towards it, it was the duty of the Committee on Internal Improvements, either by addressing a letter to the Secretary of the Treasury or in some other mode, to ascertain what would be the residuum remaining in the treasury at the end of the year, after meeting all the appropriations that were required by the Government; and the bills that were reported, that is, the appropriations that were proposed to be made at every session while that system had the favor of this House, the appropriations that were recommended to be made were always limited within what was ascertained would be the residuum remaining in the treasury after meeting the other expenses of the Government. And it never was the intention of the friends of internal improvement, it was no part of their desire, there was no advocate on this floor of a system of internal improvements which should be sustained by borrowing money and involving the nation in debt. At that time, at the time the act of 1824 was passed, to which the President alludes in the present message, the country owed a debt, if I recollect right, of something near one hundred millions of dollars—a small residuum of the debt of the war of the Revolution and the last war with Great Britain. It was passed at a time, said the gentleman from South Carolina, [Mr. RHETT,] this morning, when we were all Federalists and Democrats. If I may characterize that Congress, it was passed at a time when we were all Americans. There was no party in this House; but this body was then composed, it then contained within it a weight of character, and talent, and experience, far greater—without intending any disrespect to those that may be here now—far greater than I have ever seen in this House from that day to this.

The eighteenth Congress, that passed the internal improvement bill, contained in this body many men who have been great lights in the Union from that day to this. Most of them engaged in the debate on that bill; it was one of the most elaborate debates I ever heard upon this floor; it was free from all party bias. Men formed their opinions with reference to their views of the Constitution of the United States, after the most impartial and deliberate investigation of the powers conferred by it; and it is for that reason that I always respected that law as one of those that were entitled to be considered of vastly greater importance and authority than a bill passed in high party times, in high party excitement, and with reference to some party end. It is an authority with me that no party measure can have in this House.

Well, sir, it became a law. It directed that surveys and reconnoissances should be made of the United States; of those portions of the country, of those lines of communication that should facilitate commerce among the States in a national point of view, and the transportation of the mail of the United States, and that should promote the national defences of the country. Under that law, sir, a corps of engineers was employed by Mr. Monroe, the then President of the United States, at the head of which was an engineer of the highest eminence, General Bernard. His reconnoissances and surveys that were made, were made as much or more with reference to the military defences of the country than to its internal improvements. This examination was made for the purpose of obtaining for this Government that topographical information which would be necessary, not merely in a military point of view, but to facilitate the trade among the States, as well as the transportation of the mail of the country. It was made, for the most part, not under any special direction of Congress. Occasionally Congress passed a resolution directing a survey to be made; the President of the United States directed such to be made as he thought proper; and I believe in some instances these surveys and examinations were made at the request and instance of individual members of this body. But it was never understood by the friends of internal improvement, when they were making these surveys, which were always accompanied by estimates, that they pledged the country to anything. They were mere pioneers, sent forward into the country for the purpose of ascertaining whether the military defences of the country, whether its internal trade, required that internal improvements should be made.

Now, at that time the Government of the United States owed a debt of one hundred million dollars. In addition to paying the interest on that debt it had made a great appropriation for the purpose of liquidating the principal. By the funding act, which was then passed, ten millions of dollars were set aside annually for the purpose of liquidating the debt of the United States, which was to be applied before the other expenditures were met. Now, while that debt was in the process of being paid—while the Government of the United States were discharging ten millions of the public debt annually—it was at that time, and during that process, that these appropriations were made; and made, as I have already said, with reference to the residuum that should remain in the Treasury of the United States after meeting the appropriations made by law. Now, I well remember that while this process was going forward, it was the prevailing opinion in this House that, whenever the public debt of the country should be paid, the sinking fund of ten million dollars, which would then be disengaged, would necessarily be appropriated to some other object. It was supposed that the great interests of the country—that its industry would not be at so great a charge as that this ten million dollars annually raised for that purpose should at once be closed up. It is true, the friends of internal improvement looked forward to the period when that debt should be discharged as to the era when something valuable should be accomplished. It was supposed that the revenue of the country would remain the same, and it was supposed that this ten millions of dollars would be spent in increasing the civil and military and naval defences of the country, unless it were applied to this great system of internal improvements. That it would be spent somewhere was very evident; and it was a question among the friends of internal improvements whether, when that debt was paid, the sinking fund should be paid out to the people of this country for the labor and materials necessary for these great public works, or whether there should be in the place of it an enormous increase in the ordinary expenditures of the Government.

Now, it so happened that, just at the moment when this national debt was paid off, the Executive of the United States thought proper—at the very instant when the nation had greater ability than it had ever had before—the Executive of the United States thought proper to lay his hand upon that branch of appropriations, and to arrest it. And, sir, what followed, when that veto, which is alluded to in the present message of the President of the United States, was sent to the House? It was at a time when this Government was in the receipt of a large surplus revenue. The result of omitting to make any disposition of this sinking fund was, in the first place, largely to swell the expenditures and extravagance of the Government itself. That was the first result. The next consequence was, that, in the course of two or three years, an accumulation of about forty millions of surplus was found to be in the treasury of the United States, locked up—forty millions of dollars, which went to bring about a state of excitement in this country, of speculation, of financial derangement, that finally terminated in a convulsion which shook not merely the Government of this country, but all its industrial interests, to their very centre. Now, suppose, instead of the accumulation of this forty million of dollars in the treasury of the United States—which was loaned out liberally all over the country, going to inflate and expand its currency, and swell its business—suppose that ten millions of dollars had been annually appropriated to the improvement of your rivers and harbors; that it had been paid out over this country to the "toiling millions," (to use the language of the President,) for their labor and the materials that would have been necessary for these great public works: what would have been the consequence? It would have relieved your treasury from this penalty; it would not—as has been argued by the President of the United States—it would not have involved this country in a debt; it would have saved the country from the convulsion that followed. Sir, that would have been the effect of permitting that system, which was then wisely established, to have taken its course. But, sir, instead of that—instead of these moneys being appropriated in that mode, spreading their benefits over the country, enlarging the commerce of the country, building up your defences—instead of that, we all know where it went to, and what was the consequence.

Now in reference to that declaration of the President of the United States, that by the veto of the then President of the United States, and the arresting the then contemplated system of internal improvements, the country was saved from being involved in such a debt as he has estimated—a declaration

coming from authority so high and respectable as that of the President of the United States is calculated, among the honest people of this country, to create a prejudice not merely against the system of internal improvements, but against those who then contemplated the appropriation of a portion of the revenues of this country for that purpose. Mainly for this reason, (said Mr. V.,) before that false impression shall go out to the country, do I desire to take notice of it, and to say there is not, there never was a party in this House who contemplated to carry out the system of internal improvements by borrowing money and plunging the country into debt. I know of no gentleman on this floor who has been a more uniform friend of internal improvements than myself, and yet I never have seen the day when I would have voted appropriations for this system that would have added to the debt of the United States; or rather, I have never seen the day when I would have raised a loan for the purpose of carrying on internal improvements. Nor do I believe there is any such party. My view of the system of internal improvements is this: I would keep up the military, naval, and civil establishments of the country; if there was any surplus remaining, I would devote it to internal improvements. And I mean harbors on the seaboard as well as on the lakes, improvements on the exterior as well as the interior. I would devote it to those purposes that would facilitate intercommunication; that would build up the trade of the country not merely among ourselves but with foreign nations. And, sir, all the argument which is so elaborated by the President of the United States, who congratulates, or seems to congratulate, the country on having escaped from being involved in a debt that would not have been discharged—it is all an error, all a delusion; and it arose from the fact that the President of the United States cannot have given to the history of this subject that investigation which it requires.

Mr. V. repeated the wish, in concluding, that this message should go to the Committee on Commerce before it was printed, and when it was printed that the message itself and the reply to it should go out together to the people of this country, so that there might be fair play, and that all who read may have an opportunity to see both sides of this question before they formed their opinion upon it.

Mr. HARALSON did not rise to reply to the remarks of the gentleman from Ohio; for, if he understood that gentleman correctly, any discussion of this subject at this hour would be out of place. They were necessarily very much in the dark, for no gentleman could fully understand the positions taken in the message, and consequently could not properly make them the subject of discussion in this House. But the proposition of the gentleman from Ohio was, after he had replied at length to some portions of that message, that they should patiently wait and permit the reply to go forth before they sent the message itself. He was not apprized of the course of legislation it was usual to take with messages of this description, but it would seem to him that another motion other than that which had been made would be the proper one under the circumstances in which they are placed. If he understood this aright, it was a message from the President of the United States, giving his reasons why he had refused his assent to a bill of the last session of Congress; and, in the first place, any discussion of it before they had had an opportunity to read and understand it would be out of place. It seemed to him, therefore, that the motion should be to lay it upon the table and print it. That would be the proper motion to make on this occasion, and not to allow a reply to go forth before the message itself had been published to the country and understood by the House. It could not be concealed that its contents would be examined from day to day, and that replies would be made to it by the advocates of internal improvements on this floor. Already evidence had been furnished of the readiness of gentlemen to place themselves in opposition to the positions assumed in the message, and perhaps he should not be wrong in saying that there would be fifty replies to it on this floor, whence they would soon be sent to every corner of the land. Why, then, need they withhold the message until an argument in opposition to it should be sent to the country from a committee? The remarks of the gentleman from Ohio would not be withheld from the country, for they were already on the reporters' tables. Let, then, the message be printed. Let the whole go forth to the country with all the replies which gentlemen may think proper to make. With these views he moved to lay the message on the table, and that it be printed.

The SPEAKER intimated to the gentleman from Georgia, that he had coupled two motions together, one of which was, and the other was not debatable.

Mr. HARALSON presumed they could be divided, and the question taken first on one, and afterwards on the other.

The SPEAKER replied, that unless the motions were separated, one being debatable, the debate would be continued.

Mr. HARALSON then would modify his motion by moving, first, that the message be printed; giving notice that he should move to lay it on the table if this motion were agreed to.

Mr. BAYLY did not rise to enter into a general discussion of the questions which had been debated there this day, namely, the power of Congress over the subject of internal improvements. He should reserve himself for a more appropriate occasion to express his views on that question. But he rose to reply to the only position which he understood the gentleman from Ohio [Mr. VINTON] to assume. The gentleman from Ohio had informed them that the President of the United States, in his message, had stated, that but for the interposition of the veto of General Jackson, arresting the system of internal improvements by this Government, the country would have been involved in debt to the amount of $200,000,000 for improvements which were then contemplated. That he understood to be the point to which the gentleman from Ohio objected. The gentleman from Ohio says that he was here at that time, and that there was no party here that was in favor of involving this Government in debt for the purpose of carrying on internal improvements. He said, all that was then contemplated was the expenditure of the unappropriated balance in the treasury. Now, did not the gentleman from Ohio, in the fullness of his information, know, that at that time the debt of the United States had not been paid? and that, in addition to $10,000,000 that was set apart as a sinking fund, the law providing for the payment of the public debt also provided that all balances remaining in the treasury, after reserving a fund to meet contingencies, should go towards extinguishing the public debt? If, then, the money was taken from the treasury, which by law was set apart for the extinction of the public debt, was it not the same as if they had passed a loan bill to have met those appropriations? To contract a debt for a given object, or to obstruct the payment of one already in existence, by applying the funds appropriated for its extinction to that object, seemed to him to be the same thing in effect.

So far from the statement of the President of the United States being over the mark in this particular, if, as the gentleman said, the President had set down the amount of the debt that would have been contracted by this time to $200,000,000, in his (Mr. B.'s) opinion the President had greatly underrated it. What had been the experience of the country? Look at the condition of the States. Many of them were involved in bankruptcy, and were driven almost to the alternative of repudiation. The aggregate of these debts at this time exceed $200,000,000, and there were restraints against extravagance in the States which do not exist here. In the first place, there is the greater responsibility of the representatives, growing out of the smallness of their constituencies, and the short periods at which they return to them. In the second, there is the better local information. A member of a State Legislature, with very little geographical information, can judge pretty well of the importance of any projected improvement within his own State. But how is it here? Suppose an appropriation is asked for an improvement in Maine or Wisconsin, how am I to judge of its necessity? I have not the local information. How am I to obtain it? Rely upon its Representative? He will be interested in deceiving me. Rely upon the reports of engineers? They are proverbially deceptive.

But, more than all, there was a restraint upon the State Legislatures, which did not exist in the General Government—direct taxation. In the States the representative who voted for expenditures had to vote to raise the money—and by direct taxation. And they all knew with what terror a representative in any of the States would return to a constituency on whom he had voted to lay taxation in that form. However they might be deluded by arguments to believe that taxation is a blessing when levied in the form of a tariff, yet when raised in the shape of direct taxation, the argument would fail to carry conviction home, for then the appeal was made directly to the purse.

This was a powerful restraint in the States. There no one was the friend of increased taxation. But here the reverse is the case. Here was the great tariff interest, which was to be benefited by the indirect form of taxation, and which would vote expenditures without respect to the application of the money. There were also local interests combined with the tariff interest, and all representatives from the portions of the country that were to be benefited by the application of the money would vote for appropriations without those powerful restraints existing in the States.

Yet with all the restraints which existed in the States, we know what has been the result. But if the system had not been arrested here, where there are no such restraints, who can conjecture what the result would have been? Sir, there would have been but one limit to the appropriations, and that would have been the ability of the Government to raise money, by loans or otherwise. This system, when undertaken by this Government, will become, as it has been heretofore, one of plunder, the only limit to which is the power of the strong to take, and the ability of the weak to contribute. Impartiality in the appropriations is impossible. Inequality is inherent in the whole system. If no State receives more under it than its share—if no State receives more than she contributes—none would care anything about it; for they would only get back their own, diminished by the cost of collection and disbursement. If no State gets back more than it contributes, it had better collect and disburse for itself. If it does receive more than its just proportion, then other States must receive less, which would be unjust. So this is a system which, to make it desirable to any, you must make it unjust to some. Under this system the strong will always get all, and the weak none. It has always been so, and always will be so as long as human nature remains what it is. As long as such is the case, the only restraints upon extravagance will be those I have mentioned.

He said when he rose that he did not intend to go into an elaborate discussion, but simply to reply to the remarks of the gentleman from Ohio [Mr. VINTON] on one point; and he flattered himself that he had shown that the gentleman was in error. But suppose there was no disposition at the time referred to, to expend more money than the available balance in the treasury, did the gentleman believe that after they had once commenced the system, there would have been power to restrain it? No: they would have contracted a debt, boundless almost. What had been the experience of the country since? During the last session of Congress, in a time of war, when the Government was compelled to resort to heavy loans to sustain the war—at a time at which it was predicted in all quarters that we could not raise the money except at a great sacrifice, with the tariff of 1846 in existence—under such circumstances, by a large majority, appropriations were made for internal improvements to the amount of a million and a half of dollars. He repeated, this was during a time of war, when, to sustain the national honor, all its resources were necessary; and if at such a time bills of this sort could be passed, he would ask what, when the pressure of war was over, would be the end of the extravagance that would follow? Figures would scarcely tell the amount.

Mr. STEWART, of Pennsylvania, said it was not likely that the House would dispose of this subject to-day. He therefore moved that the House adjourn.

The motion was not agreed to.

Mr. STEWART suggested to the gentleman from Illinois to withdraw his proposition to refer to the Committee on Commerce, and substitute a motion for a special committee. He thought the subject was of sufficient importance to justify the creation of a special committee, and to entitle it to such a reference. He should even like to see it referred to a committee of one from each State of this Union. He had listened with attention to

this message; and it was nothing more nor less than a denial by the Executive of the right of this Government over internal improvements, not only on the lakes, but on the seaboard. It denied the power of this Government on that subject in all its parts. This was a new view of this subject. It had been reserved to the present President to make the grand discovery that every President who has preceded him has violated the Constitution. Why, the present Executive himself has violated the Constitution, if the views expressed in this message are well founded, for he has himself sanctioned appropriations which he now denounces as unconstitutional. This was an attempt on the part of the President to break down and destroy one of the most important and valuable powers conferred by the Constitution on Congress—the power of improvement, the power to improve the internal condition of our common country. This most valuable and beneficial power was now to be stricken down by the Executive arm; this great and salutary power was to be destroyed. And what then would be the condition of the great interior of the country? He asked gentlemen who represent the interior of the country and the great West, the country of the rivers, and lakes, and inland seas, how were returns of the public money, which was taken from all alike, to be made to the districts from which it comes, if this power is to be destroyed? The great West might pour out its money like its rivers to the Atlantic, but destroy this power and they would destroy the means which alone could carry it back again and diffuse it, like the fertilizing showers, over the whole country. Our navy, with its ship-yards, were on the seaboard; our forts and fortifications and light-houses are all on the seaboard; and all other sources of expenditure by this Government were now in Mexico and other foreign lands; and, according to this message, the interior of the country was to be severed from the benefits of all national disbursements, now and forever. He wished gentlemen from the West to tell him how any part of the money collected by this Government can be expended in the interior, if the power of internal improvement is not possessed by this Government.

Had not this power been exercised from the foundation of the Government to the present hour, and where was the debt or the danger? Gentlemen might as well tell him that there was danger in making appropriations to build fortifications because this power might be abused. The same objection might be made to appropriations for the army and the navy, for they too might be abused and debts might be contracted. There was no power possessed by this Government that might not be abused by bad men; the remedy for this is in the hands of the people. Debt was the objection raised by the President to create alarm and deter us from making internal improvements; but there was no difficulty about contracting debts for other objects. Was not the President now involving the country in debt by the prosecution of his war upon Mexico? And how much more valuable and important would be the disbursement of the millions and tens of millions which this war will require in the improvement of our internal condition? For his own part he would rather see this money thus expended than prostituted to the prosecution of a war which the President had himself made, without consulting Congress—the war-making power. The President not only assumes all powers of peace and war, but, in the message just read, he arrogates the right to prescribe to us our limits—"Thus far shalt thou go, and no farther." But where was the danger of debts, consolidation, and disunion, referred to so often in this message? This terrible power had been exercised from the foundation of this Government! A power which he affirmed was as clear and unquestionable as any other exercised by this Government.

He would ask the gentleman from South Carolina, [Mr. RHETT,] who denied the possession of this power, where he got the power to build forts and fortifications, and to cast cannon, and provide munitions of war, in the Constitution? Nowhere. But they exercised this power, because it was an incident to the power to raise armies. The power to make internal improvements was not an express, but an incidental power. Congress has the express right conferred by the Constitution to regulate commerce with foreign nations and between the States, and they had the express power to employ "all the means that were necessary and proper to carry into effect the foregoing powers." They had not only constitutional authority to regulate commerce among the States, but they have power to defend the country in war, and to transport the mails; and they had the express power to employ all the means that were necessary and proper to carry into effect these powers. And were not roads and canals necessary to regulate commerce among the States, defend the country, and transport the mails? And who but Congress could judge of the fitness and propriety of these means to be employed in carrying into effect these great and express powers? Congress, as the gentleman from Indiana [Mr. C. B. SMITH] had said, could alone judge. When they carried out an express power, they were to use the means that were necessary. And where was the limitation? The only limitation was this: that the means employed shall be "necessary and proper" to the end to be accomplished. Who shall prescribe to Congress where to build a fort? For this Government, it is conceded, has the right to build forts and fortifications. And why? It was not express, but incidental only to the war making power. Who, then, shall dictate to Congress where to build forts, construct fortifications, place buoys, erect light-houses, or construct harbors or roads? Who but Congress can judge of the place where it was necessary and proper to place them.

He apprehended there was no power more clear and undoubted than the great power of national defence and national improvement, and it was the last power that he would consent to surrender. But the President said in this message that the States, and not the Federal Government, would provide for these improvements. And must this Government, which is charged with the power to regulate internal commerce, transport the mail, and defend the country in time of war, be dependant on the States for the means of executing their great powers? The Constitution never contemplated such an absurdity.

Suppose a road would be more "necessary and proper" to the defence of the country than a fort, would the Government have the power then to make a road? Most unquestionably; for Congress was the judge of the fitness of the means without limitation. The Government could exercise that power even to the construction of a railroad to Oregon, or from north to south. A good system of railroads, in his judgment, would be much more available for the national defence than any system of fortifications that could be devised, and useful alike in peace or war.

If we had had our present railroads from the North to this place during the last war, this Capitol and the President's House would never have been sacked and burnt by a foreign enemy. If, as now, we could have transported forces from Boston, New York, Philadelphia, and Baltimore, this disgrace would never have occurred.

His view of the power of Congress over this whole subject was this: each of the express powers carries with it its own appropriate means of execution; without this, this Government could never have been put in motion. Congress was expressly invested with the essential power of employing all the means necessary for carrying into full effect the great substantive power conferred upon it. The constitutional provision, then, which gives to Congress power to regulate commerce between the States carries with it the power to improve rivers and harbors. Every express power carries its incidental powers with it: so the power to transport the mails carries with it the power to make mail roads, and do all other things which are necessary and proper to secure the transmission of the mail. The military power carried with it the power to make military roads, as well as supply cannon and fortifications, if equally necessary and proper for the national defence. The power of internal improvement was not, therefore, derived from one, but from several grants of power in the Constitution; it was the power to employ the means that were necessary to accomplish the great ends of Government. If gentlemen would look at the decisions of the Supreme Court, they would find this doctrine clearly laid down by Chief Justice Marshall on several occasions.

He well remembered the fact which had been alluded to by the gentleman from Ohio. The board of internal improvement, under the act of 1824, was organized by Mr. Calhoun, then Secretary of War. This board was employed several years in making a national map, with estimates amounting, as the President said, to more than a hundred millions of dollars, for the use of Congress, and which Congress was to take up and carry out, selecting the most important first, from time to time, when surplus means were on hand. But nobody ever dreamed of incurring a debt of one hundred millions of dollars, as was stated in the President's message, just read. Nor had this power ever been abused, nor could it ever be abused; for, before any object could be entered upon, it must receive the approval of a majority of the members of this House, and also of the Senate; and no object that was not national in its character could ever receive this high sanction. In this was the great security against the abuse of this power; and hence he contended the danger apprehended by the President was visionary and groundless. Such were briefly his views of the power of this Government over this whole subject.

He would again say that he hoped the motion of the gentleman from Illinois would be withdrawn, that this matter might go to a select committee, to report on the question whether the powers over internal improvements, comprehending our rivers and our harbors, on the lakes and on the seaboard, were alike to be stricken down by the Executive arm; whether these great and salutary powers, exercised from the foundation of the Government, by every Congress and every President, were now to be blotted out forever by the Presidential veto; or whether they were to be retained, to confer, as they had conferred, countless benefits and blessings on our common country.

Mr. SIMS obtained the floor.

Mr. BARRINGER appealed to him to yield to a motion to adjourn, as the hour was getting late.

[Cries of "No, no; let us settle this question before we adjourn!"]

Mr. SIMS declined to yield, and proceeded to say it was not his purpose at this time to trouble the House with an argument on the constitutional powers of Congress over internal improvements.

The message of the President (he said) was of a peculiar character. It arose under a peculiar grant of power to the President under the Constitution, which made him, if not a part, a *quasi* part of the legislative power of this country. The adjournment of Congress at the last session prevented him from returning the bill with his objections; and he had now sent in his objections at the earliest practicable moment. Under this state of the case, while they could not vote upon the bill, Mr. S. considered that it would be pursuing the spirit of the Constitution to spread the objections of the President upon the Journal, and the House could afterwards determine what action it would take on the subject. He moved, therefore, to amend the proposition of the gentleman from Illinois, [Mr. WENTWORTH,] so as to provide also that this message be spread upon the Journal.

The SPEAKER remarked that this motion was not necessary, as the message of course would go on the Journal.

Mr. SIMS then withdrew the motion.

Mr. SCHENCK said, he did not know that he understood distinctly what was said by the Chair to the gentleman from South Carolina, [Mr. SIMS,] and he would inquire, therefore, whether this message was to be considered in the character of a veto message, which was to be spread upon the Journal, and to require the subsequent action of the House?

The SPEAKER. The Chair understands from the Clerk there are various precedents in which similar messages have always been spread upon the Journal.

Mr. SCHENCK. I question whether the precedents are to be followed, and whether there is not some mistake about the precedents.

The SPEAKER. The Chair would state to the gentleman from Ohio, that all messages from the President of the United States are spread upon the Journal.

Mr. SCHENCK. So they are; but they do not go there to require the subsequent action of the House.

Mr. SCHENCK then proceeded to address the House at some length. He said: The paper which has just been presented from the President is of a character so anomalous, that it is not to be wondered at, Mr. Speaker, that we should have some

little doubt and discussion as to the most appropriate disposition to be made of it. It is no veto message. It is not a communication contemplated to be made by the Executive to Congress under any provision or clause in the Constitution. His objections to a river and harbor bill passed by the last Congress are made the pretext for sending his views here now to us in this shape—to us, a different Congress, who can engage in no legislation having reference to that bill. And yet it is not hard to understand the intention and object of the President, nor why such a message is sent here, and at this particular time. It is "a speech from the throne;" very literally, a *speech* from the throne, and nothing more nor less. It is the Executive argument against internal improvements, elaborately prepared, and then conveniently reserved until some fitting occasion should present itself when that subject was before the House for debate. If there had been any doubt about this cunning purpose of the President, it was made apparent by what transpired when the message was brought in. One gentleman, among the friends of the Executive, [Mr. THOMPSON, of Mississippi,] understood at once that the Private Secretary was charged with the delivery of something which "related to the subject-matter now under consideration," and so appealed to the gentleman from South Carolina [Mr. WOODWARD] to yield the floor to Mr. President. And when some gentleman from this side of the House—my neighbor from North Carolina, [Mr. CLINGMAN,] I believe—remarked that the communication "was nothing upon which the House could act," it was very significantly replied, and so loud that we could none of us avoid hearing, by another gentleman over the way, that it "was something which would act on the House, though!" I have no doubt, Mr. Speaker, but that gentleman has construed the object of the message with admirable accuracy. Why, sir, in the Annual Message of the President, sent to us last week, there was not one word to be found in its whole protracted length—not an allusion, I think—to the subject of rivers and harbors, or any improvements of the country. My constituents, and all the people in the great interior of the country, will be dissatisfied, if not astonished, by such omission of attention to these important interests. But here we have the explanation: the President was holding back to throw in his argument against these great interests when it might be supposed to have the most effect, and he makes of the bill of last session, which he refused to approve, the hook to hang that argument on. His friends have their cue now. These are the orders from the palace. But will the independent Democrats of the North and West be obedient to the royal behest? Will it "act" upon them? We shall see. I think not.

Considering this, then, as no more than the Executive speech, volunteered in the course of this debate, I am not entirely prepared to say that we should raise a select committee to consider and report upon it. My colleague [Mr. VINTON] makes that proposition; and the gentleman from Pennsylvania [Mr. STEWART] suggests that such a committee should consist of one member from each State of the Union. I regret to feel obliged to differ from both these gentlemen. I doubt if such consideration should be given to this paper, any more than we would dignify in that way any other argument made in the progress of the debate. It seems to me that the message should take the ordinary course, and lie upon the table, when there is no action of the House to be required as consequent upon it. I have no objection to its being printed, provided no extra copies are to be ordered. Indeed I wish to see and examine it further. Let us have it in the usual shape for the use of members. As to sending out a reply with it in the shape of a report, if that were even necessary, gentlemen may be sure that it will at once be made public through the newspapers, either in its entire length, or in the form of abstracts of its contents, in cases where editors or printers cannot accommodate the whole of it. For myself, I want it to go abroad and be read by the people. I am not afraid of its influence, nor of the issues it makes against those interests and claims of the country which it attacks and denounces.

But there is an additional reason against a reference to a select committee, in the pendency of the resolution of my colleague [Mr. VINTON] to substitute for the Committee on Commerce two committees, one to have charge of foreign commerce and the other of commerce among the States. In case of such separate committees being formed, the committee on commerce among the States would certainly be the proper and appropriate one for this reference.

Let me say a word here, Mr. Speaker, as to that proposition of my colleague. He moves that the present Committee on Commerce be made the committee on commerce among the States, and would create an entirely new committee for foreign commerce. At a proper time, I shall move an amendment, providing that directly the reverse be the organization and arrangement of those two committees; that the committee as it now exists shall be the committee on foreign commerce, and the new one to be raised the committee on commerce among the States. I find cause for this in the constitution of the present committee, without disparagement of the ability of any of the worthy and honorable gentlemen who compose it. Looking at its composition, it will be seen that it is made up of six members from the Atlantic States, (some of them, it is true, not immediately on the seaboard,) one from the extreme Southwest, and two only out of the nine from the West proper. There is, in fact, found upon it but one single member representing country on the Mississippi, the Missouri, the Ohio, or any of their tributaries, unless, indeed, in that category we place the honorable gentleman from Louisiana, [Mr. THIBODEAUX,] who has heretofore so worthily occupied a place on the Committee on Commerce, and whom I have before mentioned as coming from the extreme Southwest.

But to the message. I regret that I did not hear it more distinctly as it has been read from the Clerk's desk. It struck me, as far as I was able to gather anything of its contents, as being for the most part a serving up and elaborate presentation of the old arguments against the existence of any power of Congress to take care of the great commercial and interior interests of the country. But it certainly contains one thing that I heard, which, as far as I know, is entirely new. We have had various tests proposed, from time to time, on the part of those opposed to internal improvements, for determining whether appropriations from the national treasury and their application to such objects were constitutional or not. There is the *chemical* test referred to to-day, making all to depend upon the fact whether the waters to be improved are salt or fresh. Then, connected with that, is what I would call the *ichthyological* test, whether the fish which frequent the harbors or rivers, where you would expend your money, are from the sea or found only in fresh water. There is a *meteorological* test sometimes proposed, to be found by watching the course of the tides and the distance to which they ascend; and General Jackson, less contracted in his views of the Constitution than "Young Hickory," was willing to expend money freely for these purposes, so only that it should all be below a port of entry. That was a *legislative* test, and a very convenient one too, inasmuch as Congress has power by law to establish a port of entry where it will, even though it should be at the source of the smallest creek, or on the top ridge of the Alleghany mountains! We have also the *geographical* test, which determines the constitutionality of a work upon the question whether it lies within a State, or is cut by the dividing line of two or more. And I know not how many more of these solvents of constitutional doubts and difficulties there may be; but the President has now hit on one that is surely a novelty. If a patent is to be taken out for the discovery, I trust that no one will interfere with his claim. In that part of his message which seems to treat of the definition of the terms "river" and "harbor," and to be, as far as I could hear and understand, a sort of lecture therefore on the elements of geography, and after he has taken the bold ground that you cannot help nature at all, can make no improvements in aid of navigation, he comes to the conclusion that the constitutional difficulty is here: a harbor or inlet may by nature be deep enough to admit a schooner, but then you have no right to deepen it so as to admit ships of heavier burden; and there is no power, where a boat can go in, to do anything which might let in a schooner!

Hereafter, then, the Constitution is to be measured only by line and lead. [A laugh.] A vessel with a deep keel must take care lest it run against one of these constitutional shoals; but one of your flat-bottomed coasters might get into the same harbor and ride securely under the protection of the supreme law, the great organic law of the United States. It would bother gentlemen exceedingly, I think, to decide the character and constitutional privileges of one of those centre-board vessels to be found on the lakes and in the bays on the Atlantic coast, in which the Constitution could be let up or down [laughter] at the pleasure of the navigator. Hereafter all vessels that navigate along the shores of the United States, whether of the lakes or the ocean, instead of a chart, should be provided with a copy of this message, and your man in the bows, as in the approach to land he comes to soundings, must heave the lead as before; but instead of the usual sailor cries, "By the deep six"—"by the mark five"—"quarter less four," must cry, "*Con-sti-tu-tion-al*"—"*un-con-sti-tu-tion-al*," as he measures the depth of water over which he is sailing into port. [General merriment.] Then, at that last fearful cry of warning, "Put your helm down hard," will shout Skipper Polk. And so will not only your little venturous coaster, but the ship of state itself, be saved from wreck upon the shoals of the Constitution! It will be no objection, I suppose, that your constitutional powers, under this rule of navigation, will have to rise and fall with the tide.

Mr. Speaker, I repeat this is a rare and new test or discovery as to constitutional appropriations; and perhaps there may be in this, if in nothing else, an argument for sending the message to a select committee. Perhaps further examination will lead to other discoveries of views equally novel and important.

In truth, we have now at last ascertained what system of "protection" our President, and those of his party who think with him, are willing to favor. Not protection by providing for the safety of the *lives* and the *property* of the people; exposed to the perils of inland or seaboard navigation, any more than protection of their *labor* by discriminating legislation on another subject; but the snags, and rocks, and sandbars in your rivers, the bars which obstruct the entrance to your harbors,—all these are to have extended over them, according to this modern creed of Democratic construction, the protecting ægis of the Constitution!

I might say something here, Mr. Speaker, on what some may consider a slight inconsistency in the views of the Executive, who finds such formidable, such insuperable objections to expending a single dollar for works of improvement at home, and for the development of the great resources of our country, and nevertheless instructs his commissioner in Mexico to negotiate with the Government of that Republic (if he can find any there) to secure the right of way across the isthmus of Tehuantepec. (Mr. S. said he hoped he pronounced the name of the place correctly.) We should all learn better, he supposed, when we get some Mexican representatives here—not such "Mexicans" as gentlemen over the way have sometimes been pleased to hint at—but real Mexicans, direct from the "Halls of the Montezumas," coming here to take their seats in a Congress of the United States. They would perhaps teach us thick-tongued Anglo-Saxons to give due utterance to what seem now, to some of us, very strange and hard words. And he was more particularly anxious about it, as he enjoyed the distinguished honor of being chairman of the Committee on Roads and Canals, and, for aught he knew, that part of the message might yet be referred to that committee. From that other executive light, the second officer in the Government, the public has learned that this right of way over the isthmus is wanted, for the purpose of digging a canal. And now here is a President who cannot let our little coasting vessels go along the shores of our States without a risk of their stranding on the Constitution, but who is able to overleap a quarter of the continent and find authority to dig a canal to connect the waters of the Atlantic and Pacific oceans!

And now a word about one of those other tests of the constitutionality of works of internal improvement. Some decide that there can be no appropriation which is to be expended on any work lying entirely within the limits of a single State. Such work, they say, is necessarily *local*. Let me meet this common objection, and illustrate what it leads to by one or two plain instances.

There is the proposed canal around the falls at the Sault Ste. Marie. As the settlements on Lake Superior increase, and the great mineral wealth of that region is more and more made available, there is no improvement so short and easy of construction as a ship canal at that point, which would so immensely affect the interests of a large section of this Union. It is not only New York, Pennsylvania, Ohio, Michigan, and the country generally near the lower lakes, that is to be benefited by such a work, but through them all the commerce of the East, the West, and the whole country. All will be deeply interested in clearing from obstruction and keeping open any such great avenue of trade and travel. And yet that contemplated work lies all within the State of Michigan, and would be termed local, and not within the purview of national legislation and appropriation. And there, also, is the canal around the falls of the Ohio. It lies only in Kentucky, cutting no dividing line of States. But the whole Mississippi valley is deeply interested in that work; and the Mississippi valley is the granary of the Union. Every barrel of flour or of pork, every pound of tobacco or of hemp, and all the rich productions which float down the Ohio from upper Kentucky and Indiana, from Ohio, Virginia, and Pennsylvania, pay tribute to that canal. The tariff of tolls imposed there is laid upon every package of all the vast amount of merchandise ascending to the upper country; upon all the sugar, cotton, and other staples of the South. Is not the people of the whole wide country, as well as every farmer and trader in the interior States, interested in having that channel of commerce made a free national thoroughfare? Then the navigable waters of the Maumee river and bay, in Northwestern Ohio, they say, must not be improved, because lying altogether within the limits of my State. Yet, if the lines of the States into which the Northwestern Territory was divided had been run east and west, instead of north and south, as they are; or if the border difficulty between Ohio and Michigan had been settled otherwise than it was, improvements there would have been perfectly constitutional. And yet, in one case as in the other, the same population, the same country, the same interests would be affected and benefited by the improvement. Why, Mr. Speaker, in one sense every work of internal improvement may be said to be local. There is no disputing the truism, that every river, every canal, every road, every harbor and bay, must be *somewhere*. But these things must be considered in their connections, and in relation to the extent of country and population to be affected by them. That is the true test; and, if considered in that light, they are *national* in their character. I know of no more judicious and wholesome use of the treasure of the nation than to foster, encourage, and provide for them. Of this nationality of a work, or an appropriation, Congress must at last be the judge. It is the same sort of discretion which they must exercise in every other instance of the use of power conferred upon the legislative department; and I am sure there is nothing to be justly called latitudinarian or dangerous in the opinion, as applied to this or any kindred subject.

Sir, I have no wish, strongly as I favor this system of internal improvements, to see appropriations made for any but what I deem to be works of really national importance and interest. Neither do I desire to see the interests of the East and the West or the South separated, or treated as if antagonistic to each other. On the contrary, I deprecate any such feelings.

What I have said of rivers and harbors, applies equally to roads and canals—if only they be shown to be works proper for national consideration and undertaking. I am not one of those other modern constructionists who believe that the Constitution is not amphibious. It has life and energy to promote the prosperity of the country on land as well as on water—on the great table lands of the interior, as well as along the seacoast, the shores of lakes, or the channels of rivers.

I would contract no debt for these works. My colleague [Mr. VINTON] has, with his usual ability, triumphantly answered that portion of the message in which the President charges that if the system of improvements had been pursued, as conducted under former Administrations, the country would now have been involved in a debt of two hundred millions. It was most clearly proved that there has never been a party favoring internal improvements, who were willing to borrow money for conducting them. Nor is the position shaken by the reply of the gentleman from Virginia, [Mr. BAYLY.] He instances the course of the several States, and says that they borrowed money, expended it in improvements, and became overwhelmed in debt, and in some cases were brought to repudiation. Let me, in passing, here remark, as I do most proudly, that that charge can never attach to my own State. Although Ohio has been among the foremost in great works of internal improvement, and has contracted debt for that purpose, she has paid the interest always on her bonds with entire punctuality and untarnished honor, and provides also a sinking fund to discharge, as it shall be due, the principal; and her people are ready to submit to any burden of taxation which may be necessary to keep up her fair fame. But the gentleman from Virginia says that because the States so involved themselves, the General Government must have done the same; and by that proposition he would sustain the President's assertion. That is, *if* the United States had borrowed money and gone in debt, why then they would have been in debt.

But the gentleman from South Carolina [Mr. RHETT] is alarmed at the suggestion that a committee of this House—or a home department, if one should be established—might engage in the collection of statistics with a view to these internal improvements. And what if that should be done? It is but collecting information upon which to legislate understandingly. There is no cause to fear that inquisition which he apprehends. There needs no domiciliary visits to learn the resources of a country, its productions, its wants, the elements of its trade and prosperity. If the power to regulate commerce among the States is in Congress—and it cannot be denied, for there it stands recorded and granted in terms in the Constitution—then all the power to collect the necessary information for acting wisely in the exercise of such power follows as a necessary incident. It is so in other things. At this very time, and for two or three years past, the President has under appointment, and in the employ of Government, at least two parties—one under the direction, I remember, of Dr. Dale Owen—making a topographical survey of the lands in the far West—in that new proposed Territory of Minesota, and the great wilderness south of Lake Superior. Why are they there, and how engaged? They are ascertaining the heights of mountains, the qualities of soil, seeking for beds of ore, and studying the geological formation, as well as the external features of that wild and distant part of the public domain. We have had through the Executive, and are still to have, reports of their proceedings. I make no objection to it. But whence came such power in the Executive, or in any department of this Government, as would authorize expeditions of this kind? We have power to legislate, and the President has power to act, in reference to the proper management and disposition of the public lands. In order to legislate wisely and judiciously, and to manage these lands properly, it is required to have information in regard to them, their situation, character, and quality. The procuring by such means this information is incident to action on the main subject. But these are "statistics" of which the gentleman from South Carolina has such dread. Why, sir, it would seem as if that gentleman could see in each one of these innocent surveyors and scientific gentlemen, as he trudges through the swamps out there, or climbs the hill sides, with his barometer swung at his back, an armed enemy of our country; and when one of them, in his geological researches, goes pecking with his little hammer among the rocks and stones to see whether he finds gneiss, or sandstone, or lime, he frightens a strict constructionist as if he were battering away at the foundations of our constitutional liberty!

I understand, Mr. Speaker, too, that this President, so squeamish about constitutional power, has sent a party of naval officers to survey, explore, and bring home a report of the character and peculiarities of the shores and waters of the Dead Sea! Well, it may be all right; but where gets he power for that? He cannot find warrant, it seems, for surveying one of our own magnificent lakes. If it be not altogether Quixotic, it would seem that he must have some other object than the purposes of commerce or navigation in view in such an expedition: perhaps he has heard of, and hunts for those Dead Sea fruits, which we are told look fair to the eye, but turn to ashes on the lip, like many of the fruits of the modern Democracy which he professes.

All the powers needed for works of improvement, says the President are with the States, and by them only should be exercised, if at all, however national the object. And, as I understand the argument, he seeks to prove the efficiency as well as the propriety of this State system, as opposed to the exercise of any power by Congress, by pointing to the examples of Virginia and South Carolina and other States whose legislation for such purposes he cites. Sir, I wish to say nothing disparaging of any State, old or new; to make no invidious comparisons. But it will surprise, I know, the people of the West if we are to understand that the President means to enforce his view of the better plan and system of improvement by the example of Virginia, for instance. God bless the Old Dominion! She is identified with much of the best history of our common country, and I wish her all prosperity; but we can hardly be persuaded to take her, with her abstractions upon these great questions, and her practical working under them, as our guide. There is not a State in the Union more blessed by Heaven with abundance of natural resources for prosperity; but we cannot regard her as an instance of the best development of those resources in her institutions and public works. Perhaps it may be that we are too utilitarian in my part of the country. Born in the West, and educated with the habits of thought which prevail there, it may be that I regard too highly a spirit of progressive energy, stimulating to the development and improvement of all the capacities of our country and people, and leaning to the most liberal construction of the powers of the General Government. The Virginian may be wiser who prefers to sit down and indulge rather in speculation upon and opposition to the exercise of what he conceives to be doubtful powers. His political emblem, perhaps, should be Memory, looking back upon the past, and thus, with eye averted from her path, running a hazard of blundering as she advances. I confess that I prefer, for my State, that more cheerful goddess Hope, who gazes eagerly into the future, and cares little for the past, except as it may afford firm ground from which to leap again and more vigorously forward.

PROPOSITION CONCERNING MEXICO.

Mr. HOLMES, of South Carolina, asked the unanimous consent of the House to present and have printed certain resolutions which he intends to offer.

Objections were made, but the resolutions were read as follows:

Whereas this Confederacy was formed for the establishing a perfect union, and promoting the general welfare, it becomes those who are intrusted with regulating the Government so to direct its movements as to perfect that union and advance that welfare.

And whereas the *prosperity, felicity, safety,* perhaps *national existence,* is involved in the invasive war we are now prosecuting against our sister Republic of Mexico, this important consideration should lead us to the adoption of such measures as may result in doing justice to Mexico, and promoting the lasting welfare of the United States. Therefore—

Be it resolved, That it is inexpedient for the United States Government so to use its conquests as to extinguish the national existence of Mexico, but so to avail itself of the victories it has achieved, as to establish by treaty stipulations a lasting peace with Mexico, upon the basis of an entire free trade between the two Republics, such as exist between the several States of this Union.

Resolved, That we agree to recede all the territory we have taken from Mexico beyond the Rio Grande, upon the condition that our citizens have free ingress and egress into New Mexico and Upper California; the privilege of holding land and exercising their religion, and of carrying on trade as fully as any of the Mexican citizens of those provinces.

Resolved, That a further condition be the right of entry and departure of our shipping, both national and domestic, into and from the Mexican ports as unrestricted as in the ports of the United States, with all the rights of breaking *bulk,* taking in and discharging, purchasing and selling of cargoes, as in our own ports.

Resolved, further, That we stipulate for a right of constructing a railroad from the United States to the harbor of San Diego, and to any town in New Mexico or California.

Resolved, That it is expedient to keep possession of the Castle of San Juan de Ulua as a hostage to the fulfilment of the stipulation above recited.

The objections were insisted upon, and, the motion of Mr. SCHENCK prevailing,

The House adjourned.

IN SENATE.

THURSDAY, *December* 16, 1847.

Mr. MANGUM presented the credentials of the Hon. JOHN MCPHERSON BERRIEN, elected a Senator of the United States from the State of Georgia for the term of six years from and after the 4th day of March, 1847; which were read.

Mr. BERRIEN, having taken the oath of office, which was administered to him by the Vice President, took his seat in the Senate.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 9th instant, a report from the colonel of the Corps of Topographical Engineers, with a copy of notes of the military reconnoissance of the route from Fort Leavenworth, in Missouri, to San Diego, in California, by Lieutenant William H. Emory, of the Topographical Engineers, with the map of the said route, and of the Arkansas, Del Norte, and Gila rivers; as also the report of Colonel Philip St. George Cook's route to California, after diverging from the track of General Kearny.

On motion by Mr. PEARCE, it was

Ordered, That they be printed.

Mr. PEARCE then submitted the following:

Resolved, That one thousand additional copies of the notes of a military reconnoissance from Fort Leavenworth to San Diego, by Lieutenant William H. Emory, and of Colonel Cook's report, be printed for the use of the Senate; and that the Secretary of the Senate be directed to cause to be engraved or lithographed an equal number of the map accompanying Lieutenant Emory's report, and such of the botanical, geological, and other illustrations as the Committee on the Contingent Expenses of the Senate may approve and direct.

The resolution was laid over, under the rule, at the suggestion of the mover.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Senate, made in pursuance of the 20th section of the act of the 26th of August, 1842, showing the disbursements from the contingent fund of the Senate for the year ending December 4, 1847; which was ordered to be printed.

The VICE PRESIDENT also laid before the Senate a report of the proceedings of a town meeting, held in the city of Philadelphia on the 11th of December, 1847, in reference to the existing war with Mexico; which was laid upon the table.

On motion, it was ordered that when the Senate adjourn it be to Monday next.

Mr. HUNTER gave notice that at an early day he would ask leave of the Senate to introduce a bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under three several treaties between the United States and foreign Powers; which awards have been retained in the treasury in payment of debts due to the United States.

REPORT OF SECRETARY OF THE TREASURY.

On motion by Mr. ATHERTON, it was

Ordered, That the annual report of the Secretary of the Treasury on the finances be referred to the Committee on Finance, except so much thereof as relates to the reduction and graduation in the price of the public lands and the extension of the preëmption privilege, and to the mineral lands; which is hereby referred to the Committee on Public Lands: and except so much thereof as relates to military land warrants and certificates, which is hereby referred to the Committee on Military Affairs: and except so much thereof as relates to the donation of farms in Oregon to actual settlers and emigrants, and the grant of school sections; which is hereby referred to the Committee on Territories: and except so much thereof as relates to the light-house system, and the warehousing system, and to the establishment of ports of entry in Oregon; which is hereby referred to the Committee on Commerce.

Mr. BREESE moved that the Senate do now adjourn; but withdrew the motion at the request of Mr. FOOTE.

THE LATE SENATOR SPEIGHT.

Mr. FOOTE rose and addressed the Senate as follows:

Mr. PRESIDENT: A few days since, we were called upon to assume the customary badges of mournful respect in honor of a deceased Senator from Connecticut; and now, whilst the sentiment of fraternal grief is yet warm in our bosoms, and the tokens of sorrowing affection are still visible upon our persons, it has become necessary that I should give renewed pain to the sensibilities of Senators by passing in review before them another dispensation of Divine Providence, which, since the last annual assemblage in this Hall, has deprived the National Legislature of an upright and efficient member, the State of Mississippi of a faithful and approved political agent, and myself of a most worthy and esteemed colleague. The Hon. JESSE SPEIGHT died at his own residence, in the State of Mississippi, on Saturday, the first day of May last, after a long and painful illness, which came upon him here, whilst arduously engaged in the extraordinary labors of the last Congress, and which continued to oppress him sorely for several months, until at last he sunk into that grave where now quietly repose all that was mortal of the patriot, the philanthropist, and the statesman. I shall not attempt, on this occasion, to deliver a formal and elaborate eulogy upon my lamented friend, feeling that I shall best display the real respect which I entertain for the well-known republican simplicity of his own tastes by confining myself to concise and unostentatious delineation of his life and character.

JESSE SPEIGHT was born in the county of Greene, and State of North Carolina, a few years anterior to the close of the last century, where he continued uninterruptedly to reside, until his removal to the State of Mississippi, in the year 1837. Prior to his migration from the State of his nativity, he had officiated as a member of her Legislature, and had likewise supplied material aid in the reformation of her organic law, as a prominent member of the convention which assembled for that purpose in the year 1837. Before leaving North Carolina, he had represented one of the congressional districts of that ancient Commonwealth in the other wing of this Capitol for four consecutive terms, closing on the 3d of March, 1837; and I am assured that his whole political conduct at that critical period of our national history was eminently creditable to himself and satisfactory to his constituents. After his removal to the West, he successively represented a most intelligent and patriotic constituency, first in one branch of our State Legislature, and then in the other, and presiding over both, at different times, with such distinguished success as greatly to elevate his character as a public man, and multiply the number of his admirers. From the presidency of the Mississippi Senate, he was elected to a seat upon this floor, where he acted under the daily and hourly inspection of those in whose presence I now speak; and I trust that I shall not be deemed by any Senator who hears me at all extravagant, when I assert, that my lamented colleague, whilst connected with this body, gave constant evidence of his possessing a sound, acute, and practical intellect; habits of persevering industry seldom surpassed; inflexible honesty of purpose; a magnanimity of soul, which held him ever in readiness for the performance of generous and noble deeds, and which equally saved him, at all times, from the least participancy in aught that could be recognized as little, or sordid, or illiberal. He was blessed with unusual sweetness and uniformity of temper; and the unceremonious cordiality of his manners rendered his society particularly agreeable and attractive. In domestic life, he was strikingly amiable and exemplary; and his untimely decease has brought sorrow and disappointment to kind and innocent hearts, which his living presence never failed to inspire with sentiments of buoyant hope and elastic gladness of spirit.

Mr. F. concluded by offering the following resolutions; which were unanimously adopted:

Resolved, unanimously, That the Senate, from a desire to exhibit a profound respect for the memory of the Hon. JESSE SPEIGHT, late a member thereof, will go into mourning by wearing crape on the left arm for thirty days.

Resolved, That, as an additional mark of respect for the memory of the Hon. JESSE SPEIGHT, the Senate do now adjourn.

Ordered, That the Secretary inform the House of Representatives thereof.

Whereupon, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 16, 1847.

The Journal of yesterday was read and approved.

RULES OF THE HOUSE.

The Speaker announced the special order of the day, being the report heretofore made by Mr. C. J. INGERSOLL, from the Select Committee on Rules.

Mr. INGERSOLL said, that upon consultation with members of the committee, it had been agreed that the special order should be postponed until to-morrow. He therefore made that motion. And the question having been taken and decided in the affirmative, the special order was postponed accordingly.

MAIL CONTRACTS.

Mr. BOTTS asked the unanimous consent of the House to introduce a joint resolution authorizing and directing the Postmaster General to renew the contract with the Richmond, Fredericksburg, and Potomac Railroad and Steamboat Company, for the transportation of the great northern and southern mail between Washington and Richmond; and was about to address the House on the subject, when

Mr. G. S. HOUSTON inquired if it was in order to do so?

The SPEAKER replied, that at the adjournment yesterday, a question was pending which could only be set aside by general consent.

Mr. BOTTS was satisfied, if the House would permit him to make a brief explanation, that no objection would be made to the consideration of his resolution, which was on a subject in which they were all deeply interested.

Mr. G. S. HOUSTON called for the orders of the day.

Mr. BOTTS inquired if it was in order to move a suspension of the rules?

The SPEAKER replied that it was not, the pending question being that which was before the House at the adjournment yesterday.

VETO OF THE RIVER AND HARBOR BILL.

The House having resumed the consideration of the said message—

Mr. PETTIT, who was entitled to the floor, said that he wished to detain the House only for a short time. To reason was the province of man. To reason rightly, indicates, in the first place, a well-formed intellect; and, in the second place, a highly-cultivated and improved one. But to adhere pertinaciously to those opinions which were formed early in life, closing the mind to the light of experience, was characteristic of the dogmatist, and was unworthy of an intelligent being. The position which he occupied on the question involved in this message, was to him an unpleasant one; for, of all things, it was most pleasant for him to agree with those with whom he desired to agree—with those of whose course he had an intense and ardent desire to approve. Nothing but the sternest dictates of duty—settled, as he thought, on well-founded considerations—had brought him to differ from the conclusions and reasonings of the message under consideration. If any one man more than another had ardently wished and laboriously exerted himself to bring into power the present incumbent of the Executive chair, he might claim that for himself, though probably he had not labored so effectually as some others. Nor was there any member of this House that more cordially agreed with the Administration in all its prominent measures than he did. That distinction he might also claim for himself; and he cordially concurred with the Administration in its measures in regard to our commercial relations, our impost duties, the tariff law of 1846, and the annexation of Texas. There was no man there that would give a heartier and more cordial support to the war which we are and have been waging, and which thus far had resulted to the glory of our arms and the honor of our country. In these things he was an ardent and consistent supporter of the Administration. Others might claim for themselves a devotion to some particular measure, or to some distinctive policy of the country; but he claimed for himself to be a supporter of the Administration in all its prominent measures. He had laboriously defended them, and pertinaciously adhered to them from a consciousness of their being right; and it was from these considerations, and this course of reasoning, that he had come to the conclusion to differ from the argument contained in this message. Here was a subject which, of all others, was deeply interesting to his constituents; duty, therefore, imposed on him the necessity frankly and boldly to make known to the country what his views were. But allegations and assertions did not amount to arguments and reasons. Dogmas, how often soever uttered, could never have the force of truth. What, then, were the conclusions of this message? It had been said by some that they were

debating this message in the dark. Perhaps he had heard as much of this message as others, and perhaps from that source, and information obtained from others, he had as good an understanding of it as any other gentleman; and, if he understood the arguments and conclusions of this message, it was now for the first time that the Executive gave to Congress a total denial of the power—of the power of either House, or of the two Houses combined, or of the General Government in all its branches—to make any improvements whereby the commerce of the country should be protected from the billows and breakers, and transported in safety. He understood the position assumed by the President was, that such power did not exist in the General Government. Once he had understood the President of these United States to be in favor of improving salt-water harbors on the Atlantic and our great rivers, and erecting light-houses for the guidance of mariners and the protection of our commerce. That power, however, was now denied by this message, as he understood, not only in the interior, but on the seaboard also. Such he understood to be the conclusions of this message; such were its objects and allegations. He (Mr. P.) was not in favor of a wild and extravagant system of improvements. He who would attempt such a system would act rashly and imprudently; but to deny the right to make any improvements was to deny a right which was inalienable. He yesterday heard a well-known shrill voice argue on this subject, and it seemed to him that there was no distinction drawn between power and prudence—between a right and the ability to exercise that right. He desired here to draw that distinction, and, in commenting on this message, he should use no embittered language towards the President of the United States. He wished to exercise an unrestricted reason, and the right to reason with equal freedom he readily yielded to others.

He did not understand the President of the United States to admit that any clause of the Constitution gave them this power. The President took the ground in utter defiance of such power, and denied its existence at all. He sent in his veto a year ago, based on the principle of public policy—the want of money—all the resources of this Government being required for the proper and prudent management of the war with Mexico; and, if the President had now assigned that as a reason for not giving his assent to this bill, he (Mr. P.) would have listened to him with deference. But when the President told them that they had not the power to clear out an inlet or improve a harbor, he begged leave to say that he differed from the President.

He did not agree with gentlemen who had taken part in this debate who had asserted the right, under the clause conferring power to regulate commerce, to make artificial channels of communication. They had the power to regulate commerce with foreign nations and between the States; and the gentleman from South Carolina [Mr. RHETT] yesterday took the ground that this power did not confer the authority to regulate commerce, unless it passed from one State to another. That gentleman said that every vessel on these rivers and the Atlantic, of twenty tons burden, must be registered. Now take an illustration. If a vessel of a hundred tons sailed from Louisville to Maysville, in Kentucky, not touching Ohio at all, that need not be registered, according to the act of Congress. So, if they passed from Cleveland to Sandusky, must not the vessel be registered? No; it was not commerce with foreign nations, nor between the several States, and this Government was not intrusted with it at all. Now, he should not insist that, by virtue of the clause giving power to regulate commerce, they had authority to improve all the harbors and rivers and inlets of the country; but the question was, whether, by any and all of the clauses of the Constitution, they had authority to improve a harbor, river, lake, or inlet, for any purpose whatever. Because one clause of the Constitution does not authorize it, it did not follow that another did not. Had they, then, the power? It was not a question of expediency, but of power. He was an advocate of prudence now, and prudence forever; but what was their power? He believed it was good constitutional doctrine, that, whenever a subject was given in charge, all necessary measures to carry it out were rightful and proper. What was necessary now, he admitted, might not be necessary ten or twenty years hence. But the point to which he wished to address himself was, that where power existed in the Constitution over any subject, there existed also all the necessary power, as an incident, to carry it out. Under what authority had this Government erected the marble palace yonder for the General Post Office? Under the power to establish post offices and post roads. It was necessary to have a place in which to transact the business of the Post Office Department. And again, if no power existed to employ a mail carrier, because there was no specific grant of such power, the authority would exist to establish post offices and post roads; but there would be no power to carry out the business of the Post Office Department.

But, further, by what authority was the palace or chateau erected in which the President lives? By what power was the spacious temple in which they were now assembled built? There was no specific grant of power for either. It was an incident to the power to establish a Government. But it appeared that this power was denied for fear of extravagance. Expenditures must be kept within reasonable bounds. Our predecessors erected this stately mansion for the meetings of Congress; but, according to the doctrine now maintained, it ought not to have been erected. What but extravagance brought those marble pillars here, and the other marble decorations about this spacious Hall? Coarser material would have answered the same purpose. Now, was it really true that they had no power to make a building at all, lest they should be extravagant and involve themselves in debt? But, in the fullness of time, when our population shall have increased, the resources of this country shall have been developed, and we shall have become the greatest, the happiest, and the wealthiest country on earth, who shall say that this Government may not erect a temple of gold?

The power, he maintained, was indisputable. Now, how were these remarks applicable to the subject before them? They were designed to show that when a power was given, the means to exercise that power were necessarily incidental to it. Here, in the Constitution, in a few words, it was said, Congress should have power to declare war; but there was no power given to make peace. Power was given to raise and maintain armies; but where is the authority to clothe them? Was it not necessarily indicated? If it were not so, how could they arm the soldiers they had the power to raise? Must they continue to use the old guns which were borne in the revolutionary war? By what power could this Government purchase Paixhan guns for the public service? There was no such specific grant of power in the Constitution. How, then, could it be done by the general power to raise and maintain armies? Where was the power invested? Again, how could they build large and magnificent fortifications? How maintain large ship-yards and build docks? What portion of the Constitution authorized it? There is no such specific grant of power. But all these things were necessary appliances to enable this Government to carry out the powers which it undoubtedly possessed, for they were specifically given. If this modern doctrine were correct, he would ask by what power given by the Constitution they were enabled to move their army from place to place? It was by virtue of the general war power. The war power of this Government was unlimited. But again—another illustration. This Government had large manufactures of arms and munitions of war at Harper's Ferry and other places; but by what power did they transport them to the different sections of the Union? Could they employ carts and railroads for their transportation to the places where the soldiers stood ready to receive them, and anxious, with them, to defend their country? Yes, the war power clothed them with all necessary authority to use all the means requisite to accomplish the end. But there is no power, says the President, given by the Constitution to the General Government to clear out rivers and harbors, or remove a log from a road; that this must be done by the individual States. Well, suppose, then, in the transmission of munitions of war through one of those States which was eternally opposing the war, it should be found that a road was blocked up by logs—the State refusing to remove the obstructions, and the General Government without constitutional power to do it—what was to be done? This was a plain and familiar illustration, but it was one which clearly showed that, if the positions now assumed were correct, in time of war our cities on the seaboard might be beaten down into ruins, because this Government possessed not the constitutional power to cut a log out of a road. And so it would be with everything else. It was granted that they had power to make guns of various descriptions; and had they not power to transport them to such sections of the country as might require them? Must they lie where they were made? They had certainly no constitutional authority to remove them, according to these modern constructions of that instrument, if they could have nothing done by incidental power. They could not transport arms and enlisted men from New York to Pittsburg, in Pennsylvania, and thence to New Orleans, by the Ohio and Mississippi rivers, for there was nothing about that in the Constitution. Frequently men and arms were shipped from Pittsburg down the Ohio; and suppose a vessel so employed gets "snagged," or a tree had fallen into the river and obstructed its passage, where was the constitutional power to remove the obstruction? Suppose this transportation and this obstruction should occur during our war with Mexico; in an emergency, was the Government to wait until some State authority should clear the course for the passage of the vessel and our troops, that they might meet the well-organized arms of Mexico? Such a position was ridiculous, and yet the reasonings of the message come precisely to that. Gentlemen might say that, in an emergency, the Government might exercise this power; but where, he would ask them, was the grant of power? If this power was possessed in one case, it was possessed in all. This was the inevitable consequence of the reasoning of those whose arguments and conclusions he was reviewing.

But if this power to remove impediments exist at all, when shall they be removed? Is it a question of time? Shall it be done when the Government starts its vessel, or a week before, a year, or twenty years? The Father of his Country had left them the advice "in time of peace to prepare for war;" and if these things could be done as an incident of the war power, could they not be done when war was not upon us, in the exercise of their judgment, which taught them to be always ready for war? If not, by what power could they erect barracks in time of peace? If they could erect barracks, could they not make roads passable, over which their troops might pass?

Why might not they determine this question for themselves? In case of a war with Great Britain, should we not be attacked on the northeast coast, on the St. Lawrence, and on the lakes? On that thinly-settled and ill-protected frontier, it must be evident to all sagacious statesmen, that the attack must come; and could they not now make contracts for the transportation of munitions of war? could they not now build batteries? Or must they wait until the attack really came?

He understood that bills had been signed by the President making appropriations for the erection and maintenance of light-houses. But under what authority does the President sanction appropriations for light-houses, which are to aid commerce? If one thing could be done to aid commerce, could not another thing be done too? If light-houses and beacons could be erected to guide commercial vessels into particular channels, could not obstructions be removed from those channels to which the vessels were directed?

Before Mr. P. had concluded—

OBITUARY.

A message was received from the Senate, notifying the House of the death of Mr. Senator SPEIGHT.

When Mr. JACOB THOMPSON rose and said:

Mr. SPEAKER: The message just received from the Senate announces the melancholy fact, that since the adjournment of that body last spring, another of its members has fallen asleep to wake no more. The Hon. JESSE SPEIGHT, late a Senator from the State of Mississippi, is no longer numbered with the living. Death has been moving amidst our ranks, and has thrown his sable mantle over one of the most distinguished of the country. Elevated station, personal virtues, the affection of family and friends, the confidence of constituents, and the active and zealous discharge of

all the duties of life, could not shield him from a submission to that law which governs our race, that "it is appointed unto man once to die."

General SPEIGHT, my late colleague and friend, was no ordinary man, passing over the stage of life unnoticed, and leaving, when the curtain falls, no recollection behind him to distinguish him among the millions who had gone before him. The features of his character were striking and peculiar. His superior stature singled him out among his fellow-men, and commanded universal respect. This advantage of person, united with a strong natural mind, an unyielding integrity, and a benignant heart, was the key to that unvaried success which attended him in all his aspirations throughout his whole career. And to the records of his country we must turn to learn the history of his life.

He was born in the State of North Carolina. Without the advantages of fortune, and with a deficient early education, he first appeared in public life in the Legislature of the State; and in a short time he obtained the highest legislative honors by being elected Speaker of the State Senate. From this position, in 1829, he came to the House of Representatives of the United States, in which capacity he served his country with great zeal, industry, and fidelity, for six years. In 1835 he was elected a delegate to the Convention then called in the State of North Carolina for the revisal of her constitution. There the extension of the right of suffrage and religious toleration became the leading topics of discussion, in which he bore a conspicuous part as the advocate of the largest liberty of the citizen, in the freedom of conscience, and in the exercise of political power.

Thus having been honored by the State of his nativity, and having served her people with fidelity and efficiency, it was a difficult and severe trial to sever the ties which bound him to his constituents. But, prompted by a desire to provide for his own household, and invited by the prolific soil, the genial climate and rich productions of Mississippi, he became a citizen of that State in 1837. But in this land of his adoption he soon found himself surrounded by ardent friends, who were eager to do him honor; and in 1839 he was elected to the Legislature, and became the Speaker of the House of Representatives. In 1841 he was returned to the State Senate, and was elected the President of that body. In this office he continued until, in 1844, he was elected to the Senate of the United States—a position second in dignity and importance, and in the public consideration, only to the Chief Executive of this Government. He took his seat in that body in March, 1845; and that industry, zeal, fidelity, talent, and practical good judgment, which had ever marked his course as a public man, were here exhibited. In the active discharge of his duties in this station the hand of disease was laid upon him. But his strong frame and robust constitution apparently triumphed over the first assaults of the enemy; and, after weeks of patient suffering, he so far recovered as to return to his residence in Mississippi, where, surrounded by an affectionate family and sympathizing friends, he obeyed his final summons on the 1st of May, 1847.

An "aching void" has been left in the large circle which revolved around him as its centre, and which can be filled or satisfied by naught that I can say, or that this House may do.

As a friend, he was frank, sincere, and confiding; as an enemy, ready to pardon and forget; as a presiding officer in a deliberative body, he had no superior; as a public servant, he was true, industrious, and untiring.

But he is gone to that undiscovered country to which we are all fast hastening. On our way thither, while we cherish his virtues, we can but honor his memory.

Mr. T. concluded by moving the following resolutions:

Resolved, That this House has heard with deep sensibility the announcement of the death of the Hon. JESSE SPEIGHT, a Senator in Congress from the State of Mississippi.

Resolved, That, as a testimony of respect for the memory of the deceased, the members and officers of this House will wear the usual badge of mourning for thirty days.

Resolved, That the proceedings of this House in relation to the death of the Hon. JESSE SPEIGHT, be communicated to his family by the Clerk.

Resolved, That, as a further mark of respect, this House do now adjourn.

The House accordingly adjourned.

PETITIONS, &c.

The following petitions were presented and referred under the rule:

By Mr. GOTT: The petition of 25 citizens of Lysander, county of Onondaga, New York, praying for an immediate termination of the war with Mexico; and that proposals be made as soon as practicable to all nations with whom this Government maintains intercourse, for treaty stipulations which shall bind the parties to a settlement of all future international difficulties by peaceful arbitration.

By Mr. WOODWARD: The petition of Stalker & Hill, praying compensation for a steamboat lost in the service of the United States. Also, the petition of F. Sumter, administrator *de bonis non* of the late General T. Sumter, praying payment for money advanced to the colonies by the said T. Sumter during the war of the Revolution.

By Mr. CRANSTON: That the petition of Nancy Tompkins, with the accompanying documents, be taken from the files of the House and referred to the Committee on Naval Affairs. Also, the petition of Sally C. Wenwood and Eliza S. Wenwood. Also, that the petition and accompanying papers of —— Mayes be taken from the files of the House and referred to the Committee on Naval Affairs.

By Mr. FARRELLY: The petition of Catharine Henrietta C. Johnson, widow of Captain Hezekiah Johnson, late of the United States army, for a pension.

Mr. JACOB THOMPSON withdrew from the files of the House, and presented, a memorial of the heirs of Colonel David Hopkins, deceased, with accompanying papers.

By Mr. TAYLOR: The petition of Thomas Scott, late register of the land office at Chilicothe, praying compensation for extra services connected with the duties of his office; heretofore presented 1st April, 1844. Also, the petition of Samuel Reed, of Pike county, Ohio, praying payment for part of a tract of land purchased of the United States, the title to which has not been maintained; heretofore presented January 21, 1846.

By Mr. SCHENCK: The petition of James Morrow, asking payment of certain bills of promise due to him from the Government; referred to the Committee of Claims. Also, the memorial of James H. Couley, praying for an amendment of the act for his relief, passed and approved on the 3d of March, 1847; referred to the Committee on Naval Affairs. Also, the petition of Henry Recks, praying that a special act may be passed to authorize a warrant to be issued to him for the bounty land of his brother, a deceased volunteer; referred to the Committee on Private Land Claims. Also, that the petition and papers of Lieutenant James M. Gillis be withdrawn from the files and referred to the Committee on Naval Affairs.

By Mr. J. R. INGERSOLL: The memorial of Rutter & Etting, by Reuben Etting, surviving partner of the firm, asking for provision for the payment of claims to indemnify for depredations committed by the public and private armed vessels of France, between and during the years 1793 and 1800.

By Mr. ASHMUN: The petition of Hall J. Kelly, a pioneer in the exploration of Oregon, asking for a grant of land in that Territory. Also, the petition of Jonathan Moore, of Hadly, Massachusetts, a revolutionary soldier, asking for a pension.

By Mr. PENDLETON: The petition of the administrator of George Brent, praying for commutation pay and pension due said estate.

By Mr. PHELPS: The petition of citizens of Barry, Newton, and Jasper counties, in the State of Missouri, for a post route from Cassville to Sarcoxie.

By Mr. ROBERT SMITH: The petition of the legal representatives of Isaac D. Taulbee, praying remuneration for a horse lost in the Black Hawk war.

By Mr. BARROW: The petition of Mary Patton.

By Mr. WENTWORTH: The papers in the case of Daniel Wilson, an invalid soldier of the last war. Also, the papers in the case of George B. Hollenback, William Harris, and others, applicants for damages for losses sustained in the Black Hawk war.

By Mr. CHAPMAN: The petitions of Cornelius Manning and Catharine Hodges, widow of Benjamin Hodges, praying compensation for a slave taken by the British during the late war. Also, three petitions of citizens of Maryland, asking that the bridges across the Eastern Branch of the Potomac may be made free. Also, the memorial of Thomas Crown, for remuneration for losses sustained by him in consequence of a violation of a contract by the United States. Also, the petition of Frances Swann, administratrix of William J. Swann, for losses sustained during the late war with Great Britain. Also, the petition of Reynal Hilleary, for remuneration in lieu of bounty land.

By Mr. CROWELL: The petition of William S. Dilly, of Trumbull county, Ohio. Also, the petition of D. Ide and others, of same county. Also, the petition of Nathan Kinne and others, of same county.

By Mr. DUNCAN: The petitions of Hugh B. Branch, of Andrew J. Kriel, and of Henson Stevens. Also, the memorial of Harriet Burney.

By Mr. THURSTON: The petition and memorial of Elias Coon, of Connecticut, praying for fishing bounty on the schooner Congress, which was wrecked in 1844.

By Mr. PETTIT: The petition of Jacob Olinger, praying a pension for services in the revolutionary war.

By Mr. HARALSON: The memorial of Thomas L. Ross, postmaster at Macon, Georgia, setting forth certain inequalities in the operation of the post office laws.

TO THE EDITORS.

HOUSE OF REPRESENTATIVES, *December* 15, 1847.

Will the editors please to correct their report of a remark I made in the House yesterday, pending its proceedings in relation to Mr. GIDDINGS and the National Whig? From this it would seem that the reading of so much of the article in the Whig as called in question the conduct of other members was at my instance. This is a mistake. My purpose in what I said was to object to this. I had, and now have, a decided conviction that the House had no right to cause to be read a newspaper criticism on the conduct of any of its members, unless at the request of such members. This, I thought, was carrying the liberty of the press somewhat further than has been contended for even in this newspaper country. There was much noise and confusion at the moment, which was doubtless the cause of my being misunderstood.

Very respectfully,
JOHN GAYLE.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 17, 1847.

Mr. J. R. INGERSOLL asked the unanimous consent of the House to enable him to report a bill from the Committee on the Judiciary. To justify his call for this indulgence, he would briefly state the reason for making it. It has so happened that cases are depending in the Supreme Court of the United States—on its docket at least—which, in all other respects, are entitled to a hearing, except that the court has no jurisdiction over them. They were cases which were adjudged in the proper court of Iowa when Iowa was a Territory. Since she has become a State—a sister, in all respects, of the Confederacy—her Territorial records have become inaccessible to the process of the Supreme Court, and legislation is necessary to remedy the evil. An act of Congress was passed during the last session which was probably designed for the purpose, but it provided for another and a no less distinguished Commonwealth, which, although yet young, had already become venerable enough not to need the provision. The name of Michigan was inserted in the seventh section of the act of Congress, instead of that of Iowa, and the Supreme Court is still unable to act in the cases which are actually before it. The Committee on the Judiciary have had the subject under consideration, and have unanimously authorized the report of a bill supplementary to the act of 22d February last. To obviate the necessity of frequent legislation, this supplement, while it meets the particular emergency, and gives jurisdiction over the cases that are before the court, also guards against the occurrence of a similar necessity when other States shall be added to the Union. It contains anticipation as well as retrospect. It refers to the provisions of the former act, which were individual in their character, and it extends like remedy to all cases that may have occurred, or that may hereafter occur, of a similar nature.

Mr. I. would propose, if there were no objection, that the bill be placed at once on its passage.

Mr. McCLELLAND suggested a wish that the passage of the bill might be postponed until to-morrow.

Mr. INGERSOLL acquiescing in the suggestion—

The bill was accordingly read twice, and made the order of the day for to-morrow.

Mr. C. J. INGERSOLL said he understood that a member from the State of Virginia intended to announce to the House the death of one of its members elect, the Hon. G. C. DROMGOOLE. If that was true, he would move further to postpone the special order until to-morrow.

Mr. C. J. INGERSOLL, from the Select Committee to revise the Rules, made a further report; which was laid on the table, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. PETTIT rose and asked leave to make a personal explanation.

The SPEAKER said it would not be in order, except by the general consent of the House.

Such consent being given—

Mr. PETTIT said he wished to call the attention of the House and the country to a most puerile, miserable, silly, but not the less false, report of his remarks made yesterday for the Union. He did not know by whom; he knew Mr. Ritchie was the editor, and he held him responsible. He undertook to say that what he should here read as a report of his remarks must be known to every one, whether in the House or out of it, whether he heard him or not, to be utterly false, and intentionally so. No man understood him to say as follows; no man could have understood him so:

"If any man more than another could claim the honor of having raised Mr. Polk to the presidential chair, he could do it. If any one more than another could claim the introduction of the tariff of 1846 as his own measure, he could do it."

A miserable, puerile attempt at misrepresentation, (said Mr. P.) Such men are beneath those whom I described yesterday as without the power of reason. They are beneath contempt.

Mr. P. read a further extract:

"In short, if any one, then *he* himself might claim the honor of having brought about all the great measures of reform which the Government had recently adopted—from the great financial measures which had been adopted, and the improvements in the commercial interests of the nation, to the annexation of Texas and the glorious display of their arms upon the battle-fields of Mexico."

Now, surely he need not consume the time of the House to repeat that the man who wrote this knew it to be a falsehood. He did not understand me so. He could not have understood me so. No man, young or old, near me or remote from me, could have understood me to say any such thing. It is a miserable attempt of that paper to traduce, vilify, and misrepresent a man who cannot in everything agree with its "venerable" trash?

Sir, had I time, and the indulgence of the House would permit, I should like to read and comment upon an article in this morning's Union, under the editorial head; but I have not time. [Cries of "Go on; go on."]

Oh, no, (said Mr. P.) However, I will say that, after going on at some length in this article to discuss the subject of the message, Mr. Ritchie says, thoroughly as he understands the subject himself, (beginning as far back as the Virginia resolutions of 1798, I suppose,) [a laugh,] that Mr. Polk understands it far better than he! Masterly as are his abilities, and extensive as is his knowledge, that the President surpasses him! Well, (said Mr. P.,) that may be a wonder to him, but it is not to me. He (Mr. Ritchie) then goes on with a long string about the unconstitutionality of pulling out a stick or a stone, or a snag from the way where our army is being marched, or where we are transporting munitions of war; but, finally, at the tail of the article, he surrenders the question, and begs members of Congress to do what he (Mr. P.) said yesterday he was willing to do. He had said he was unwilling now to vote a dollar for such a purpose; that he was unwilling to go on at this time, when we were involved in war, and needed all the money we could raise, and more, to carry it on, to vote large appropriations even for such works of internal improvement as he believed this Government clearly had the power to make. He was willing to forego appropriations for works of this character now; but he would not be stultified from any such source, and told he had no *right* to vote for them; that this Government had no right to make them. It did seem that Mr. Ritchie, and perhaps those whom he eulogizes—that the President, and many who agreed with him, were incapable of discriminating between power and policy, between the existence of a power and the propriety of exercising it at this time; and they seemed to insist that if we have the power to do this thing, we must from necessity go on now and do it, and involve the country in all manner of expenditure and ruin. Mr. P. thought it was not so difficult a matter to understand the distinction between a power and the exercise of that power. It might not be politic or proper to exercise it now, but he would not consent that a document from the Executive should be placed on the records of the House which would cut them off forever from sustaining works of internal improvement of any kind, by denying to the Government any power over them, without entering his protest against it. Now, how Mr. Ritchie would report him again he did not know or care; it was too contemptible to be noticed.

THE SOUTHERN MAIL ROUTE.

Mr. BOTTS, by general consent, introduced a joint resolution authorizing the Postmaster General to renew his engagement with the Richmond and other railroads; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

OBITUARY.

Mr. MEADE, of Virginia, rose and said:

Mr. SPEAKER: In obedience to an honored custom, I rise to bring to the notice of this House an event which has already been announced to the public—I allude to the death of the Hon. GEORGE C. DROMGOOLE, of Virginia, a late member of this House. He died on the 27th day of April last, at his residence in the county of Brunswick, a few days after he had received intelligence of his re-election to Congress. His loss would have been sensibly felt at any period of his public life; but at this time, when, amidst the violence of party, his moderation, wisdom, and great experience in public affairs, are so much needed, the whole country must deplore the sad event.

General DROMGOOLE commenced his political life at an early age. But a few years elapsed after he became eligible to a seat in the Legislature of Virginia, before he was called upon by his native county to represent it in that body. Since then, with but two short intervals, he has continued in the public service. The reputation he acquired as a member of the House of Delegates, soon attracted the attention of his district, and at the early age of thirty-three, he was chosen to deliberate with Madison, Monroe, and Marshall, and other distinguished worthies, in the only Convention which has assembled in Virginia since the adoption of her first constitution.

He was afterwards sent to the Senate of that State, over which body he presided for many years with distinguished ability, until 1835, when he was elected to the Congress of the United States.

Here his great powers of mind have been felt and acknowledged, and their influence may be traced through the records of this body.

From the commencement of his political career, he continued steadily to ascend the path to distinction, inspiring his friends and constituents with the firm assurance that wherever he had fixed the goal of his aspirations, there his political life would terminate.

It would be hypocrisy in me, and at the same time useless here, to affect to believe that Mr. DROMGOOLE was without his blemishes; but it is easy for those who knew him as his constituents did, to forget them. Had he faults, they belonged to the weakness of human flesh; few ever reached that soul, where honor, humanity, and truth, dwelt together and worshipped. The companions of his youth will never forget how ardent and sincere were his attachments, and how his presence would always brighten up their hearts, and wake up emotions of young sympathy and affection. The friends of his maturer years think in sadness of his warm and generous nature, his wise counsels, and steady friendship. His mind was more solid than brilliant, and its productions more fitted for use than ornament. The influence which he exercised over the feelings and opinions of others, especially his constituents, was one of his most remarkable attributes. He seldom spoke in public from impulse; hence he was always courteous to adversaries, and seldom indulged in abuse of them, but was sometimes only humorously sarcastic. The confidence of his constituents gave to his opinions the force of oracles, and against them the arguments of adversaries were hurled in vain. I have seen him in many warm political contests, and never knew him to lose the equilibrium of his temper and his perfect self-possession. His coolness, and real and unaffected confidence in his own power and superiority, would often work his adversary into a rage, who would expend his energies in fits of desperation, and fall at last, apparently by the blows of his powerful antagonist, but in fact overcome by his own vehemence and extravagance. I have sometimes been opposed in these contests to this extraordinary man. These occasions never failed to give rise to reflections on the wonderful influence by which, apparently without much effort on his part, he controlled the action of others. Circumstances conspired, in the commencement of his public life, to give the subject of my remarks a favorable position among his fellow-men. His father, a native of Ireland, was one of the earliest settlers in his district. His was the voluntary duty to publish from his pulpit to his various congregations the Declaration of American Independence. As a minister of the Gospel, he had few equals in the powers of a strong native intellect; and few ever enjoyed to the same extent the love and affection of his people, who placed in him that implicit confidence which nothing but an irreproachable life can inspire. For more than fifty years he labored to raise his fellow-men to the same elevated platform on which he stood himself. He lived to an advanced age, exhibiting to the close of his life the rare instance of one who united in himself every human excellence. A few years only have elapsed since he left us. The sun of his evening life long lingered on the horizon, and often would the traveller turn an anxious look to the west, to see how much longer would the mellow rays of that unspotted light fall upon his path. And since it has gone down, a twilight rests over the district, by which we may trace on the tablet of every heart the character of EDWARD DROMGOOLE. The virtues of the father stood as a guarantee for the promises of the son, until his own great abilities changed doubt into assurance, and finally obtained from his country judgment for the attributes of a pure patriot and an able statesman.

I have alluded to the great weight of his opinions with his constituents. The present political position of the country had filled their minds, as it has the minds of all, with the most fearful apprehensions about the future fate of this great Confederacy. From him they expected to learn what might be the probable result of that extraordinary issue between the North and the South, about to be tried at the bar of this House. I have heard his reply to questions that would be asked him about this controversy—a reply that should sink deep in the hearts of politicians. It was, that he never doubted there still remained sense and virtue enough in the body of the people to adhere to the compact of their fathers and preserve this Union. The love of this Union was a passion with this distinguished man, and his faith in the continuance and prosperity of this Confederacy was such as no danger or crisis could shake.

The diminished majority by which he was elected to the present Congress would seem, to those at a distance, to indicate that he had lost ground with his party. No fears were ever entertained of his election, and it was well understood in his district that numbers of his friends withheld their votes with the kind intention of merely trying the chastening effect of a small vote and seeming indifference. But few ever doubted that he was the decided favorite of his district; and had every political friend of his been impressed with the belief that his vote was necessary, I hazard nothing in saying he would have been returned by a majority of eight hundred votes.

Mr. Speaker, I am sure no one is disposed to regret the little time I have occupied in endeavoring to give a short and imperfect sketch of the life and character of this justly distinguished man. In a few days more, sir, judging from the signs of the times, this House will be torn by every passion that can conspire to destroy the wisdom of its deliberations and contribute to a country's ruin.

It may have a salutary effect, and mitigate in some measure the ferocity of the war, to pause awhile and bend for a short space over the grave of one who, a few months ago, was himself actively engaged in the political conflicts which even then threatened the peace of the country. That voice which was then so often heard above the storm, and never unheeded, is now hushed in death. So must the passions which now disturb the bosoms of his survivors fret their brief hour, and finally subside in the silence of the grave.

What I have said, Mr. Speaker, about this gifted man was no less due to his own high character and extraordinary qualities, to this House, of which he was so long a distinguished member, than to the deep affection and abiding confidence of his constituents, who believe that his country, like themselves, with a single tear will wash away the remembrance of his faults, while with proud and lofty emotions she may contemplate in his character that "noblest work of God, an honest man."

Mr. M. concluded by moving the following resolutions:

Resolved, That this House deeply regrets the death of the Hon. GEORGE C. DROMGOOLE, a late member of the House from the State of Virginia.

Resolved, That the members and officers of this House will testify their respect for the memory of the deceased by wearing the usual badge of mourning for thirty days.

Resolved, That these resolutions be communicated to the nearest relatives of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

The resolutions were unanimously adopted, and the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December* 18, 1847.

Mr. HUNT, by unanimous consent, presented a preamble and resolution of the Legislature of the State of New York, in favor of the construction of a railroad from Lake Michigan to the Pacific Ocean, in the Territory of Oregon, on the plan proposed by Mr. Asa Whitney. Referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. McLANE asked leave to offer a resolution calling for information from one of the Executive departments.

The SPEAKER stated, as there was a special order pending for this day, the resolution could not be received unless by unanimous consent.

Mr. C. J. INGERSOLL said, as the report of the committee had been printed and laid on the tables of the members within the last five minutes, he was ready to proceed with the special order.

RULES OF THE HOUSE.

The SPEAKER announced the special order, being the report of the select committee on rules, as the first business before the House.

The first rule was a substitute for the thirty-third rule, usually called the hour rule, by which it was proposed to provide, that—

"It shall be in order to entertain a motion when made to limit the time which each member may occupy in debating any question in the House or Committee to a period not less than one hour: provided, that where the House has made an order fixing the time for discharging the committee from the further consideration of any bill, or other matter referred to it, (after acting without debate on all amendments pending or that may be offered,) debate by any one member before such order takes effect may be limited to one quarter of an hour, and thereafter the member who reported the measure under consideration from any committee, may debate the same for one hour; and any member shall be allowed in committee five minutes to explain the object, nature, and effect, of any amendment which he may offer; and all motions made to carry out this rule shall be decided without debate.

To this the following had been offered as an alternative in committee and reported to the House:

"No member shall occupy more than one hour and a half in debate on any question in the House or in Committee; but a member reporting the measure under consideration from a committee may open and close the debate: provided, that where debate is closed by order of the House, any member shall be allowed in committee five minutes to explain any amendment he may offer."

The SPEAKER announced the question to be on the proposed substitute for the substitute first reported by the committee.

Mr. POLLOCK inquired if it would be in order to move to amend the last substitute.

The SPEAKER remarked that the last substitute was in the nature of an amendment to an amendment.

Mr. HOWELL COBB thought the first substitute was reported as a distinct proposition, and not as an amendment.

The SPEAKER then intimated that he would entertain an amendment.

Mr. POLLOCK accordingly moved to strike out from the first line the words "and a half," so as to limit speeches to one hour, instead of one hour and a half, as the amendment proposed. He thought the experience of the House had demonstrated the necessity and the utility of the hour rule—it had certainly operated to the satisfaction of the House and of the country. One hour was a sufficient length of time for any gentleman in which to present his views on any one question, and with such a limitation an opportunity would be afforded to a larger majority of the members to be heard than if an hour and a half was the allotted period. He therefore moved to strike out the words "and a half."

Mr. COLLAMER did not propose to say much of the merits of this hour rule. He was willing that the House should adopt such a rule, and allow either one hour or one and a half, at its discretion; but what he rose for more particularly, was to call the attention of the House to the fact that there was a provision in this rule, which, in his judgment, required amendment. There was a provision, and an important provision it was, too, which gave to the member reporting a measure from a committee the privilege to open and to close the debate.

Mr. C. J. INGERSOLL suggested to the gentleman from Vermont that it would be better first to dispose of the hour rule, and afterwards other matters might be considered.

Mr. COLLAMER feared he should afterwards be deprived of the opportunity of accomplishing the purpose which he had in view, which was to suggest an amendment to this part of the substitute. He hoped, therefore, that the House would now listen to him. The expression used was, that "a member reporting the measure under consideration from a committee may open and close the debate." Now, suppose the case of a bill which came from the Senate—and it was well known that much of their business came from the Senate—which would be considered in committee and reported on either that it should be adopted or that it ought not to pass. The legitimate question then would be on adopting the report of the committee, and, as this rule stands, the member who made the report adverse to the passage would not have the right to the floor because the report was against the measure. He therefore proposed, at the proper time, to move to amend by inserting the word "on" before the words "the measure," so that it should read "but a member reporting *on* the measure," &c., may open and close the debate.

Mr. HOWELL COBB thought that idea was carried out by the rule. A measure is referred to a committee, and that committee reports against the bill; that it be disagreed to, or that it do not pass; and it was intended by this rule to give to the gentleman making such report the permission which the gentleman from Vermont desired to secure to him.

Mr. COLLAMER thought they might as well make it right and clear early as late. If they did not do so, it would, from its ambiguity, be subject to misconstruction.

Mr. C. J. INGERSOLL said, the word *on* was suggested in committee, and he was in favor of it, but the committee thought it unnecessary.

Mr. TRUMAN SMITH would ask for the indulgence of the House while he made a few remarks on the subject which was now under consideration. He had long entertained the idea that some essential and important modifications should be made in the rules of this House, with a view to secure great and prominent objects. It was, in his judgment, very important that the rules should be methodized, and, if possible, abbreviated. Several committees of this House have, for years past, reported revisions, but, from an apprehension that it might now lead to debate, the existing committee had reported only in part, suggesting certain important amendments and modifications, reserving for more mature consideration the other portions, a debate on which now might prevent the accomplishment of anything.

The object which the committee contemplated was, first, to secure a full and free discussion of all important topics when they were before the House; in the second place, to promote order and decorum; and, finally, to facilitate the transaction of the public business. If, however, these amendments should be sanctioned, they would accomplish a great deal. And here he desired very briefly to advert to the subject of the one-hour rule. It would be recollected that the hour rule was introduced during the twenty-seventh Congress—if he mistook not, about the middle of the second session of that Congress. It would also be recollected that they had then pending before them measures of very great importance, and it was believed that the hour rule was necessary. The experience of that and the previous session had taught them that it was necessary for the transaction of the public business, by placing them in a condition to act upon the great questions before them. It was a rule, however, which did not emanate from any committee. Notice was given of an amendment to the rules in the ordinary form, and it not only received his vote, but was sanctioned by a large majority of the House. But he was free to say that he had long entertained the opinion that the rule, to secure a full, fair, free, and adequate discussion of the great questions under consideration, required some modification, and he preferred the original modification which during the present session had been reported by the Special Committee on Rules. He thought it much better, in fact, than that now before the House for its action, though he had yielded in committee to the opinion of the majority, who preferred the substitute.

He did not, however, concur in opinion with the gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] who said that every gentleman in the House could satisfactorily discuss any question in the brief space of one hour. Ordinarily this could be done; but he denied that any gentleman possessed such powers of condensation as would enable him to bring all his arguments within that brief space, on all those great questions on which they were here called upon to act. For instance, there was the great question of the tariff—he cared not whether they called it a protective or a revenue tariff—on which no honourable member of this House could do it. There were gentlemen here who had studied that subject intently, and who had collected a large mass of statistics in relation to it, and was it to be believed that they could do justice to themselves and the subject by placing it properly before the House and the country in the brief period to which this rule limits debate? In the circumstances in which they were placed during the twenty-seventh Congress, such a rule was very proper, but it ought not now to be the rule of this body. He should prefer to throw open all subjects for free debate by any gentleman, to any extent that might be deemed reasonable. He admitted that the privilege of debate had been abused—yea, under his own observation, it had been shamefully abused; but such abuses were, to some extent, incident to our free institutions, and to our form of government. It was, however, very often impossible to speak satisfactorily on a question in the brief space of one hour. He would mention one illustration. During the last session he was charged with a bill which came from the Senate making appropriations for indemnities to those of our citizens who suffered spoliations by the French prior to 1800. This was put into his hands by the committee of which he was a member, and he spent several weeks in examining the whole subject, that he might come to the House prepared to place the facts before it.

In the Senate it was debated, two entire days having been occupied by the Senator who supported the bill, and a like period of time by the Senator who opposed it. He trusted no member of this House imagined for a moment that he came here contemplating that he should consume two days on that subject; but, if so much time was occupied in the Senate, how, he would ask, was it possible that he could do justice to the subject in one short hour? The hour rule, however, existed, and he was deterred from attempting more than a simple statement of the leading features of the case; he certainly could not attempt to set forth its facts and principles, which he had collected, and which were material to a correct understanding of the subject. In this Congress they were in different circumstances than was the twenty-seventh Congress: he was not aware of any great questions which required such a stringent rule for their prompt disposition. He desired to hear from his friend from Pennsylvania [Mr. C. J. INGERSOLL] what great questions they were likely to have before the House that would create a necessity for this rule? All the leading measures of the Administration were carried through the last Congress. They had disposed of the tariff of 1846; they had carried through their subtreasury law; they had adopted all their other great measures, to which he need not more particularly refer; and he therefore desired to ask the House what they had before them on this occasion other than the ordinary business of Congress? No gentleman could suppose that we were to have any further revision of the revenue laws. There might be some departmental reforms, but there would be no revision of the tariff. What measures of the Administration, then, were there to be brought forward that would require this rule? They might have the war with Mexico and kindred topics, and respecting them he begged leave to say that he desired a free, unrestricted, unlimited debate. If, then, the original substitute for the 33d rule were sanctioned by the House, the House at its pleasure might allow unrestricted debate, and at its pleasure pass an hour rule; and when it made an order for the closing of debate it could limit debate to a quarter of an hour, and thus the House would ever have its measures under its control. It was well known that the House of Representatives had, to a great degree—whatever it might have formerly possessed—lost its character of a deliberative assembly. It was well known that not one out of five hundred speeches there, produced any very great effect on the action of that body. It was well known that all great measures of policy were carried, not by the force of debate, but by consultation among themselves in private, as to the character of the measure and its various provisions. He had long felt a strong desire to see the accomplishment of an amendment in the character of this body, by a modification of its rules so as to make it in truth a deliberative body, and so that its debates could be listened to with respect. He wished to see their debates so regulated that they could listen with respect to each other and profit by the suggestions of honorable members who might occupy the floor.

He did not know that he ought at this time—he did not know that it would be entirely in order to recur to the other propositions embraced in the report submitted by the committee, and which would hereafter come under consideration.

The SPEAKER was understood to remind the honorable gentleman of the pending question, which was alone the subject of debate.

Mr. SMITH said he was not aware, then, that he had anything to add on the subject of the modification of the hour rule; but that, if the House should adopt the amendment proposed by the gentleman from Pennsylvania, [Mr. POLLOCK,] he should deem it his duty to urge the rejection of the entire amendment, and the adoption of the original rule proposed by the committee.

Mr. POLLOCK did not purpose long to occupy the attention of the House. He did not assume to be the peculiar champion of the hour rule; he, however, was decidedly in favor of it, and he certainly would be among the last members on this floor to do anything to infringe, directly or indirectly, upon the most perfect freedom of debate. In voting for the continuance of the hour rule, he believed he was not infringing at all upon the freedom of debate, or upon any privilege of any member upon this floor. He recognized to the fullest extent the right guarantied by the Constitution. The Constitution provided that Congress should make no law "abridging the freedom of speech or of the press," &c.

The regulation proposed to be reëstablished by the amendment which he had offered could not be regarded as an infringement on the liberty of speech. It was simply a regulation or a rule by which that right should be exercised. It was no more a restraint of the great right of freedom of speech than any other regulation or law is a restraint upon the rights of the people. Every law which is found on our statute-book to that extent may be said to be an abridgment of the natural liberty of the people; and every man, when he enters into society, gives up a part of his natural liberty.

The rule thus laid down, as the experience of every individual who is familiar with the proceedings and debates of the American Congress testifies, has been conducive of the best results. He fully appreciated the wisdom and policy of the twenty-seventh Congress. He believed the reforms then effected—of which the hour rule was one—had had a weighty influence upon the prosperity of the country.

Mr. J. R. INGERSOLL interposed, and (Mr. POLLOCK yielding) said he apprehended his friend from Connecticut [Mr. SMITH] was mistaken in supposing that the hour rule was not in existence when the tariff of 1842 was passed. The gentleman would find, on reference to the records, that that rule had then been adopted, and the debate upon that important bill was conducted under it.

Mr. POLLOCK (resuming) expressed his regret that the acts of that Congress had to so great an extent been blotted from our statute book; and he believed that the proceedings of the 28th Congress would yet produce results which would demonstrate the wisdom of the 27th Congress, and the folly of the two succeeding ones, whose measures had been so antagonistical to those then adopted. The hour rule found its origin in the 27th Congress. Among the many wise measures that were then introduced and passed, and have since become the settled policy of the country, was the hour rule. He regarded it as a Whig measure, and he should deeply regret that the first act of the Whig majority now on this floor should be the repeal of a rule which has received the sanction of every man familiar with the proceedings of Congress.

He referred to the experience of gentlemen in reference to this matter. They knew that when the period was limited for debate, many members talked as a matter of course till the time expired; if it was extended to one hour and a half, their speeches would be just one hour and a half long; be the time long or short, that time would be filled up. Such had been his observation as long as he had had the honor of a seat on this floor.

Another ground on which he advocated this hour rule was, that it was a sanitary regulation. From the manner in which this Hall was constructed, an individual to be heard required to exert all the power of his voice; every organ was called into exercise, or he could not be heard. Now, as a mere sanitary regulation, to prevent members who desire to speak from bringing upon themselves, by too long-continued exertion of the organs of the voice, that prevalent disease, the bronchitis, he was strongly in favor of the rule.

His friend from Connecticut [Mr. SMITH] had said that, out of five hundred speeches delivered here, not one affected or changed the proceedings. If that were true, why should those five hundred speeches that could be delivered in five hundred hours, be allowed to consume the time of the House for seven hundred and fifty hours?

It was very well known to members in this Hall that the usual mode was to speak an hour, and, by what was a universal understanding, to write out afterwards what gentlemen might have desired to add. The speeches made here were not intended to operate upon the House, but upon the country. When gentlemen got up and addressed "Mr. Speaker," they did not speak to the Speaker or the House, but to their constituents at home; and that not by means of a powerful voice, but by the aid of those powerful instruments the pen and the press. And in view of this, there was not a gentleman here who could not satisfactorily to this House discuss any of the questions which agitate the country. Not that he could, in the space of an hour, investigate and elucidate all the principles he might wish to present, but when he retires to his own room, by the midnight lamp, through the agency of the pen and the press, he might reach every nook and corner of this Confederacy with the reasonings and conclusions of his own mind, presented in the form which best suited him.

It has been suggested that the hour rule, as going to infringe upon the freedom of debate, was unconstitutional; but if such a limitation were a violation of the Constitution, the hour-and-a-half rule now proposed was equally so.

Now, in relation to the measures expected to come before Congress during the present session, the gentleman from Connecticut had told them that there were no great ones except the war measures. He (Mr. P.) presumed there were not. And was there a gentleman on this floor, he would ask, who wished more than an hour to discuss what had been again and again discussed by members upon this floor and in the other branch of Congress, in our State Legislatures, by the press, by every man in the community?

He was an advocate of this rule on every principle. He sincerely hoped it would be retained, and he believed that the consequences that would flow from it would be such as would advance the legislation of this House, and give to a greater number of members of this House the right of being heard on questions they wish to discuss.

Mr. WOODWARD was opposed to any alteration of the rules of this House upon this subject; and in expressing his views he should advert to what he considered a very fundamental mis conception of the question of the right of members to debate here one hour, two hours, or at all. It had nothing to do with the "freedom of speech" as secured by the Constitution. The provision of the Constitution in favor of the liberty of speech was to protect the people; to enable a man to entertain his own thoughts, and to declare them publicly on all occasions; to enable a man to express his opinions upon politics, upon public men, upon religion; to give men universally the right to do that for which Galileo was put to the rack. No man had a natural right to speak here; your rights here are conventional; the right of debate is conferred by this body. No individual in any assembly of men has a natural right to make a speech and compel everybody to listen to him. The right you have is a conventional right, a right conferred by this body itself; it has nothing in the world to do with that liberty of speech in the enjoyment of which this Constitution proposes to protect the citizens of the country. It does not confer the privilege of talking upon members of this body or anybody, or the necessity upon anybody to hear anybody who wants to make a speech.

He was in favor of a limited debate to one hour. It increased the quantity of time allowed to each man for debate; it increased the number of men. If it be a right, the way to protect it is to diffuse it, to divide it amongst the greatest number, and not to allow a few comparatively to consume the time of the country in making long-winded harangues delivered here to empty benches. He maintained that a division was a protection of the right. This rule enlarged the number of men who might speak here. He knew questions could not be well discussed, frequently, in the course of a single hour. But, in the gross, you would get a larger amount of argument from a number of speakers than you would from a few occupying a great while. He knew it would gratify the vanity of some to be allowed to speak at their own pleasure to exhaust the subject. Many of those fortunate enough to get the floor would be very glad to do so. He would not indulge gentlemen in this way; he would let more speak, he would let some speak less; the House would then get a greater amount of argument—more light on the subjects which came before it. He should, therefore, vote against this one hour and a half rule.

Mr. HENLEY wished to make a remark or two in relation to this hour rule. The gentleman from Pennsylvania [Mr. POLLOCK] had said it was adopted as a Whig measure in the 27th Congress. According to Mr. H.'s recollection, this was true. It was adopted then by the Whig party, as they then avowed and now avow, for the purpose of enabling them to go on and expedite business; so that the party then in a small minority might not be able, by interminable debate and delay, to prevent them from doing what they came to do, and what he believed they did do pretty much to their own satisfaction, if not to the satisfaction of the country. Now, it was very strange that this proposition to repeal the rule came from the same party who adopted it, in order, as they said, to enable them to go on and do the business of the country. Now they had got into the majority again, and they came forward to repeal this same rule. What was the reason? Was it that they might not be enabled to do business? Had they taken alarm from the judgment which the country had pronounced against them then? And were they to repeal this rule, so that they may attempt to justify themselves for doing nothing by saying, notwithstanding we had a majority, we were still unable to do anything from the delay which our opponents were enabled to make by interminable discussion, and in other ways? Was that the reason why gentlemen, leading Whigs, proposed a repeal of this Whig rule, as it was claimed to be? The truth was, this rule was opposed then to some extent by the Democratic party, because they were then in the minority; they had no responsibility for the carrying on the business of legislation; they cared not, perhaps, what was done, or rather, they thought it was better that nothing should be done, for they considered that the action of the party in power would be worse than to consume the time in debate. But when they got into power the Democratic party readopted it; they were driven to it because there is a sort of mania for speaking here.

The gentleman from Connecticut said no individual could do justice to the subjects to be discussed here in an hour. This might perhaps be the case on some extreme occasions. But did not the gentleman know perfectly well that if he could not do justice to a subject during his hour, some of his friends could take it up, and clear up the subject; and after you get through a discussion in this way you would find full justice done to it? Look into the debates of former years—of our forefathers, who certainly were as wise as we are, if they did not talk as much; look into the debates in the Convention which framed the Constitution; you see less than a square in a newspaper, which would cost a dollar for advertising, is as great a space as many of the speeches of Franklin, Jefferson, and such men occupy in delivering opinions upon subjects certainly of as much importance as any which can come before this House now. Their remarks were brief, to the point, easily understood; and we should certainly be following good examples if we made these men our models in speaking.

But a very great difficulty, alluded to by the gentleman from South Carolina, [Mr. WOODWARD,] is, that if gentlemen get the floor early, and are enabled to speak as long as they please, they may anticipate what many others would have had to say. It is a kind of vanity which the gentleman from South Carolina would give no encouragement to. Now, Mr H. confessed the great difficulty with him was, unless he did get the floor early, that some other gentleman would anticipate him and say precisely everything which he wished to, and then he certainly would not detain the House by repeating it, and so he was prevented from speaking at all.

He hoped the House would not now repeal the hour rule. Some convenience might result from its repeal, but it would be found necessary, and they would be obliged to adopt it again. The other rules reported by the committee he thought would work well, and he hoped would be concurred in, while the House refused to alter or repeal the hour rule, which the experience of this House proved had worked so well.

Mr. COBB, of Georgia, said, if he thought it was to be hoped for, he would ask this House to reject all the rules imposing any restriction upon free debate in this House. If the House would not go as far as that, he trusted they would at least meet on the platform of the rule now under discussion, without the amendment of the gentleman from Pennsylvania, [Mr. POLLOCK.] In reference to the history of the hour rule, Mr. C. said it was passed by the Whig Congress—the 27th Congress—and it was universally denounced in the section of the country from which he came, by the Democratic party. So far as there was any glory attached to the origin or continuance of that rule, he desired to wipe his hands of it. The Democratic majority did continue it during the 28th and 29th Congresses. Mr. C. was in the majority then; he voted against it: now he was in the minority; he should vote against it. He believed it to be wrong, and that the arguments urged by the gentlemen from South Carolina [Mr. WOODWARD] and from Indiana [Mr. HENLEY] in favor of it were in fact objections to it.

He desired to disabuse the House of one prominent erroneous idea, as put forth by the gentlemen from Pennsylvania, South Carolina, and Indiana. It was said the hour rule enables you to dispose of your business in a shorter time; that it curtails debate. That is not true, in my judgment. Gentlemen refer to the long debates of former times, to the night sessions, and say that it was impossible for the majority of the House to despatch the business of this House. This was true; it occurred in the 26th and in preceding Congresses; but this difficulty was not remedied by the hour rule. It was by a rule adopted also by the 27th Congress, for which they deserve vastly more credit than for the hour rule. The hour rule does not limit debate; but the rule by which they expedited the business of the 27th Congress was the rule giving to the majority of the House the power by resolution to conclude debate in Committee of the Whole on the state of the Union whenever they will. Previous to that it required a vote of two-thirds. The majority of the 27th Congress found they could never obtain two-thirds, and that their measures would be forever under discussion. They adopted a rule that a majority at any time might stop debate in Committee of the Whole on the state of the Union, and vote upon the bill, and when reported and you get into the House, you can call the previous question at any time. That is the rule of the 27th Congress, readopted by the 28th and 29th Congresses, and not the hour rule, which has been this potent instrument for facilitating business. So far as the hour rule is concerned, what matters it to the majority whether the same time is consumed by twenty members or by five? But under this other rule your majority, as our majority in the last Congress, have power to stop debate in the middle of a speech, and after vote, without debate, to have the bill reported to the House, in order to be acted on. Mr. C. trusted, then, that gentlemen would not give their support to the hour rule, on the ground that it expedited business. It did not.

But the gentlemen from South Carolina [Mr. WOODWARD] and Indiana [Mr. HENLEY] support the rule on the ground that it affords to a greater number an opportunity of speaking. Well, that may be true; but wherein do they discover benefit in that, or expedition to business? They say it avoids the consequences of having no limitation upon debate, when some one obtains the floor and anticipates them, saying what they intended to say. But that very state of things would lessen debate on this floor. What do I care to detain the House for the purpose of pressing upon the House or the country a certain argument, if some kind friend has done it for me? It saves me so much labor and time. It should never be an objection for me to the argument of a friend that he takes the views which I desired to present. I believe the rejection of the hour and of the hour and a half limitation would lessen debate, and make it legitimate and proper. Gentlemen who take part in the debate would discuss subjects fully, and when the arguments are fairly and thoroughly presented on both sides, there is an end of the debate. But under the rule as existing at the last Congress, a gentleman presents one or two views during his hour; another has an isolated view; he travels over all the ground before he gets to it; and so the ground is gone over and over, and the same arguments presented, perhaps in little different forms, by gentleman after gentleman. Read your debates under the hour rule, and see if this is not the case. In the discussion of the tariff act of 1842 seventy-five or eighty speeches were delivered, and see how the same ideas were presented over and over in them.

Mr. C. J. INGERSOLL, (in his seat.) There were ninety-two speeches on the Oregon question.

Mr. COBB. I am reminded by a friend that there were ninety-two speeches—a larger number than on the tariff—made on the Oregon question.

Throw open the debate, and let gentlemen discuss it till they have given a full examination of the subject, and presented all the views they wish to present. Well may gentlemen then be content with it, and we not desire to obtrude ourselves upon the House, when everything that we can say has already been said, and better than we could do it ourselves.

It seemed to him, therefore, that a restriction upon debate increased rather than lessened it.

The gentleman from Indiana [Mr. HENLEY] adverts to the early history of the country, and to the speeches of the patriots of that day. They had no necessity for such a rule; and for half a century we have been without limitation or restriction on the freedom of speech. And since the adoption of the rule to terminate debate, I see not why debate should not be free and full until so terminated. I would prefer to see all restrictions abolished; but, for the purpose of accommodating gentlemen who believe the hour rule the best, and also gentlemen who, like me, are opposed to all restrictions, I am willing to take the hour and a half rule. I would prefer to see both rules dispensed with; I believe they operate unfavorably on the despatch of business—certainly on an enlightened discussion.

Mr. C. B. SMITH, as a member of the committee, desired to say a few words on this subject. He believed the committee, at its earlier meetings, almost unanimously approved of dispensing with the hour rule, and authorized its chairman so to report; but, at a subsequent meeting, it was determined to offer, in the nature of a compromise, the rule which proposed to fix the limit at an hour and a half. Not that the committee was in favor of such a restriction, but from a fear that unless such a restriction were submitted the hour rule would be adopted. He never voted for it, and his experience had taught him that it was calculated to do more harm than good. He could not see why gentlemen should be confined to one hour in the expression of their opinion. For some the rule afforded an insufficient time, and for others it was too long; but gentlemen, seeing that the hour-rule was adopted, sometimes felt themselves called upon to speak out their hour, so that it would be perceived the rule worked both ways. All must have observed how anxiously gentlemen turned to the clock in the course of their remarks to see that they occupied the full hour allowed by the rule; but if there were no limit they would not attempt to speak an hour. He did not believe the result would be satisfactory if this rule were adopted. An hour was a short time for the discussion of an important question; it was too short to examine any question which required deliberation; too short to allow any gentleman to express his views to the satisfaction of himself and his constituents. He knew there had been abuses; fore some gentlemen, when there were no such restrictions, had consumed a week. It was true this had been done; and it was for the purpose of obviating the recurrence of this that the committee had agreed to the rule now before the House, changing the rule from one hour to one hour and a half, which would afford more time than would be desired by many gentlemen. If this rule were adopted, he did not suppose that every gentleman would feel bound to speak an hour and a half; and therefore it cut off the objections that might be made to some gentlemen speaking at an interminable length, and, on the other hand, to too great a restriction on the freedom of debate. If the proposition of the committee were concurred in, its practical operation, he thought, would afford satisfaction to the House. As he had already said, it was offered by the committee in the nature of a compromise between two extreme limits—the one-hour rule on the one hand, and no restriction whatever on the other.

Mr. VINTON entirely concurred in the views expressed by the gentleman from Georgia, [Mr. COBB.] He had been in this House fourteen years when there was no hour rule nor restriction on the right of speech. He had been here from four to six years under the rule, and he was very sure that in the transaction of business by this rule they had gained nothing. On the contrary, the debates of this House, he thought, had very greatly lost character and caste by the introduction of that rule, and the influence of the House, he was satisfied, had suffered very greatly by it. When there was no restriction on debate, if a gentleman who had the floor in any way misapprehended what had been said before, or if he fell into any mistake, he was always ready to give way for an explanation, because he did not dream that he was pressed for time. But under this hour rule, when a gentleman got the floor, no matter how he misrepresented another, no matter how he had misunderstood a preceding speaker, no matter how great the mistake into which he had fallen, it was with difficulty he could be induced to give way for explanation. Indeed it made gentlemen to some extent like a mastiff with a bone, they held on to what they had got in their power; the House had therefore lost in courtesy by this rule.

The gentleman from Indiana [Mr. SMITH] said that one hour was not sufficient for the expression of their views on any important question; but another gentleman from Indiana [Mr. HENLEY] said, if that were so, let one gentleman take up the subject where another left off—as if a gentleman would be willing to start in the middle of a subject. In one hour, a gentleman might not be able to make more than half, or peradventure one-third, of a speech; but he writes out a speech, and presents that to the country which was never delivered here, and consequently which nobody had had an opportunity to answer. When he first came here, if any gentleman had done so, it would have been deemed a mean thing, and a fraud on the House. But the hour rule made this, to some extent, necessary, and it would continue to be done as long as that rule is retained. He was in favor of the proposition as orginally submitted by the committee; but, as an amendment had been offered by way of compromise, he should go for that compromise, on the presumption that the committee was satisfied that it could not carry the best thing. Not being able to obtain the best, he should take the next best, and sustain the compromise. The report of the committee, as originally made by the chairman, [Mr. C. J. INGERSOLL,] in his view, appeared to provide for all the difficulties that had been experienced, and to answer every objection that could be made. It was true, it was sometimes necessary that there should be a restriction on the consumption of the time of the House. The right of debate, as a general thing, ought to be unrestricted. There should be a restriction only in case of emergency. If there was an emergency, then, as a matter of course, restriction ought to be put on debate, so as to meet the emergency; and such was the original proposition of the committee. It was cases of emergency which gave to the House the right to resort to restraint. And what more did they want? The House could thus be protected against abuse, and provide for imminent cases. The rule, as originally proposed, left debate open when no emergency existed, and did not require gentlemen to cut up their speeches into halves or thirds, for other gentlemen to take up, according to the plan of the gentleman from Indiana, [Mr. HENLEY.] It gave gentlemen who understood a subject an opportunity to make a statesmanlike speech upon it, which it would be next to impossible to do if they were to be limited to one hour. For the reasons he had given, and for many others which he might give, if he would be justified in trespassing upon the time of the House, he was in favor of the proposition originally made by the committee.

Mr. ROCKWELL, of Connecticut, said he would vote for the amendment of the gentleman from Pennsylvania, [Mr. POLLOCK,] to strike out "and a half," and then he should vote against the

substitute proposed by the committee, preferring the original proposition of the Committee on Rules. He differed with gentlemen who said that discussions on any question had no effect on the House. He did not think so; and he thought they had the ordinary effect which discussions have in deliberative bodies. He knew his own views had been often modified by the expression of the views of other gentlemen on this floor; but if it was true, as gentlemen had said, that a great mass of speeches made there were to go abroad, he did not know why they should listen to what was not designed to affect them there, but to operate on people a thousand miles off. Gentlemen could effect the same purpose by writing out their speeches and sending them home without consuming the time of the House with their delivery. There were, however, cases in which it was essential that a longer time than one hour should be allowed. For instance, the chairman of the Committee on Ways and Means, when he brought in the appropriation bills, should not be so restricted. No man in one hour could explain the provisions of those bills. The same remark would apply to other gentlemen on the introduction of important bills, though the exceptions to the rule should be rare, for those speeches were the best which were confined to the limit of one hour. If, however, the substitute were adopted as proposed, gentlemen would have as much trouble to fill up one hour and a half as many of them had now to occupy one hour, for they would be bent on occupying all the time allotted to them, certainly not to the edification of the House. There were very few gentlemen who understood the question on which they spoke that could not present their views in one hour.

Mr. MORSE desired to express his opinion on the subject before the House, and that was, that from the experience which he had had in two Congresses, he was satisfied that the hour rule was the best on the statute book. He was in favor of the amendment of the gentleman from Pennsylvania, [Mr. POLLOCK,] for reasons which had been urged against it. The gentleman from Indiana [Mr. C. B. SMITH] had told them, that if the one-hour rule were retained, gentlemen would feel themselves under some obligation to fill up the entire hour with debate. Well, and did not that gentleman see, that if they made an hour and a half the standard, they would immediately have fifty per cent. more useless discussion by gentlemen who talk for Buncombe? If gentlemen of reputation think they cannot talk less than an hour and a half, every other gentleman who rises would feel under the necessity of consuming the same time, for fear his constituents might think he was not able to make so long a speech as the chairman of the Committee on Foreign Relations or Ways and Means. In his judgment, it was better that fifty gentlemen should express their opinions one hour each, than that their ablest men in this body, or at the other end of the Capitol, should consume all the time. The difference of views was often as great as the difference of physiognomy. Each gentleman took a different view, and each one, as the representative of seventy thousand freemen, should be at liberty to express his views. What was this body? It was nothing but a great forum, where national questions were discussed, the subsequent decision being made by the people of the United States. The effect of this had been exhibited in a memorable instance. A year or two ago they saw that the opinion of the people on the Oregon question was decidedly in favor of 54 40; but the subject became the matter of discussion here; the minds of able men were engaged in its examination; and the result was, that public opinion was reversed; 49 was agreed to—the people approving of that line as a settlement of that important controversy. But did the House suppose that if gentlemen had been allowed to occupy three or four hours, and perhaps days, that half as much matter as was sent forth would have gone before the people? Certainly not.

But there was another point of view in which this matter should be looked at. The character of American eloquence had been deeply injured by the loose way of speaking which had prevailed there.

He desired, as a statesman, to see it corrected. Gentlemen had argued that it was impossible to acquit themselves properly in one hour. Now he had never found it necessary to speak more than one hour; he had also watched the speeches of others with some attention—the speeches of gentlemen who were considered statesmen—and he had scarcely ever heard any for which one hour would not have been sufficient, if all had been omitted which ought not to have been delivered. He had listened also to the debates in the French Chambers, and the British House of Lords and Commons—he had heard the speeches of Sir Robert Peel, Lord Stanley, the Earl Grey, and other distinguished statesmen, on very important subjects, and there, in the legislature of a nation having its armies and territories in every part of the globe, in the course of two years, he rarely ever heard a speech exceed forty or fifty minutes. But here every subject on every occasion must be discussed at immoderate length, and a morbid taste was generated throughout the land. If, then, he repeated, the standard were fixed at one hour and a half, they would have speeches an hour and a half long, being one half hour longer than for the last few years. But if it were unlimited, the result would be that some few gentlemen who stood high as leaders and distinguished men, would consume two or three days, and his word for it, every gentleman who desired to stand well before his constituents, would imitate the example, for that would be considered as the standard of worth in Congress.

He did not desire to trespass upon the time of the House. He had never occupied more than one hour at a time for the four years he had been in Congress, and he would repeat, that an hour would be sufficient if gentlemen could be called to order when they went beyond the subject-matter under discussion. He was therefore opposed to this proposition to add half an hour to the one hour. He was opposed to it because it had all the disadvantages and none of the advantages of the hour rule. The strongest argument in favor of the one-hour rule was found in the fact that both political parties of the country, at different times when in the majority they came to carry out the measures which they had been elected to accomplish, had found it necessary to adopt it and stand by it. It was almost impossible for the great parties to agree to and unite on any one subject, how trifling or great soever it might be, but here one had been found on which they had united, for they had found it absolutely necessary to place some limit on debate. A small minority, if there were no limit, could occupy much of the time of the House; but he desired by his vote to carry out the principle which had been established; and he should even prefer a limit of forty minutes to one hour.

Mr. WICK said that debate in this Hall had three objects. The first, and what might appear the most important, had reference to its operation on the House. The second, and what might perhaps by some be styled not so legitimate an object of debate, had reference to its effect on the public at large, or, as they there said, on the country. And lastly, it had reference to their personal rights, and the personal self-estimate of the individual members of the House themselves. He wished to say a few words on each of these points.

Debate had sometimes a slight effect on the opinions of this House. It sometimes brought members, he supposed, to pause and reflect—it stopped their career of thought and purpose; but to suppose that it convinced men that they were wrong, as to radical principles, was to suppose what had no existence whatever. The sole effect which debate had on individual members of the House was that which he had already mentioned—it stopped the career of thought, it set them right about facts, and might to some extent influence their hastily formed reflections; and therefore, as to the effect of debate, it was not so important as might be imagined. But the members of this House were the representatives of a great republican people, who were taking an interest in all that passes here, where political schemes, thoughts, imaginings, ideas, were in a manner brought forth and thrown on the country for consideration. This had grown into a usage of the people, because they imagined their representatives were wiser than they. In the administration of public affairs, the idea would seem to be improper that any appeal should be made to the people at home; but it was otherwise. The people look here for ideas, arguments, matters on which the mind may operate, and by which to settle the judgment on public concerns.

And, sir, as I think, and have said in substance, that an hour is sufficient for any gentleman to throw out suggestions calculated in their character to bring minds here to pause, to bring them to reflect upon conclusions which they may have hastily adopted, so also I think the hour rule, or something like it, is important in reference to the effect of debate upon the country at large; and I will give a reason why. There are many; I will content myself with one. I will not suppose that there is any member of this House who imagines that he is emphatically one of the "old salts" appertaining to this Hall; that wisdom will die with him; and that we, the others, who confessedly belong to the "small fry," ought to subscribe for their speeches, and send them out to the people, giving them the endorsement of our names and our franks. I will not suppose this; it would be indecorous. But I will say this, for the consideration of all: that while we are attempting to operate upon public opinion, it is a fact that the people will read a speech made by their own immediate Representative with more readiness, more favor and satisfaction, than they will the speech of a much greater man whom they know nothing about. So far, then, as the object is to operate on public opinion by debates in this House, that object can be much better effected by giving to as many as possible opportunity to address the House on any given subject.

But I said also that this subject has reference to the *proprium*, the individual and personal interest of members themselves. And it is; and if he be a new member who wishes an opportunity to disburden his mind of the reflections of many months, and throw them into a tangible form for his constituents to read, I will advise him thus early that, if he does not vote the hour rule, he will find himself in a most glorious mistake. Old members, who have long been here, and whom all the world admit to be capable of making the best imaginable speeches, are best known to the Speaker, and he will give them a kind of preference; and, therefore, if those of us less known, less famous for abilities, want to take part in the debates of this body, we must vote for the hour rule, and may be we will have half a chance. I advise gentlemen, then, in reference to their *proprium*, that they had better provide for the evil day. At the last Congress I sat here for twenty-nine days, every day some five, six, seven, or eight times jumping from my seat and calling "Mr. Chairman!" at the top of my voice. On the twenty-ninth day, at four and a half o'clock, post meridian, I at last got the floor. Everything had been said; nothing had been left of argument; and so I had to make some fun; and, when it went home in the shape of fun, some of my constituents I believe, thought I had been induced to trifle with too grave a subject.

Lest it might seem that the hour rule would legitimately bear upon him, (although it never had—the Speaker's hammer had never fallen upon him—he had always found time to say all he wanted to, and close before the hour did). Mr. W. said he would now yield the floor.

Mr. HOLMES said he did not rise to make an hour speech upon the hour rule, in this dense atmosphere. He rose with a far different purpose. He was in hope that they might enjoy an hour's pure atmosphere on the first pure day God had given us for some time. He therefore moved that the House adjourn.

[Cries of "Oh no, oh no;" "Yes, yes."]

The question being taken, the House, by a small majority, refused to adjourn.

Mr. THOMPSON, of Pennsylvania, (very indistinctly heard,) was understood to say, he was free to confess that the report of the committee did not come up to his expectations. He expressed his dislike at the proposition to lengthen the period limited for debate. Give three hours' limitation, and it was no trouble for gentlemen to occupy it. Let him ask how many people listened to discussions here. Why, this Hall was a great business room, a place to write letters to their constituents, to draw bills of exchange, to settle accounts, and to do business. He proposed that these desks be all removed. Give them a row of seats, where each gentleman should respectfully sit with his hat in his hand, and in place of writing and doing all sorts of business, they would do nothing in the world but listen; and that was the very thing which they wanted. It had been said that the British Parliament controls itself, and keeps order through a system of this kind. There is a table seated in

the centre, at which the member speaking stands; rows of seats are placed around for the members. They listen to the speaker while he interests them; the very moment his interest ceases, the confusion of the hall stops him at once. Would it not be so here? They must listen; they could not write; they must deliberate. If some facilities for writing were needed, a row of writing-desks might be placed around on the outside next the bar. Mr. T. urged this mode as the most feasible one by which the House could preserve order, regulate its debate, and expedite its business.

Is it not rather a ridiculous thing (said he) that reason should be measured by minutes and seconds—its convincing qualities should depend on its length? Why, sir, the member addressing the House under this rule is always in an unpleasant dilemma. He meditates what he intends saying; to accomplish it he urges with all speed and under steam pressure so as to be heard; the iron hand of the clock moves steadily on, and its iron heart beats regardless of many an imploring look to delay but for a moment. But it heeds him not; and when about to utter something that would convince the judgment and astonish the world, down comes the Speaker's hammer in its midst, and the contemplated light is forever extinguished—lost to the world. I have seriously reflected on this subject; I could not consent to abolish the hour rule without removing these desks. As a matter of economy it is a great reform; and I tell the gentleman from North Carolina, who is always in the Hall of economical reform, remove the desks and you shorten the session two months and save twenty thousand dollars of public money. But I will not trespass further, having stated my views thus briefly.

Mr. T. gave notice that he would move, at the proper time, the amendments indicated by him, if not reported by the committee.

Mr. GOGGIN was understood, in a word, to say that the hour rule had worked most admirably; and, with a view to move to adopt it and the rules as they had before stood, he moved that the whole report of the Committee on the Rules be laid on the table.

Mr. HOUSTON, of Alabama, inquired of the Speaker if the question could be divided? He was willing to vote to lay the first proposition on the table, but wished some of them to be adopted.

The SPEAKER. The Chair would inquire of the gentleman from Pennsylvania [Mr. C. J. INGERSOLL] who reported this, whether the report was intended to be considered as a whole or in part?

Mr. C. J. INGERSOLL. Oh, in part, surely.

The SPEAKER. Then the question is on laying the first proposition on the table.

Mr. GOGGIN. That is not my motion; my motion is to lay the whole subject on the table.

The SPEAKER. The whole subject is not now under consideration. The report having been made in separate parts, the motion only acts on the first.

Mr. C. J. INGERSOLL. I wish to ask a question of the Chair. I wish the Speaker to inform the House whether, if you lay this first proposition on the table without passing upon it, the hour rule is not repealed?

The SPEAKER. The hour rule is not in existence now; of course it cannot be repealed.

Mr. GOGGIN adhered to his motion.

The SPEAKER announced the question to be on the motion of the gentleman from Virginia to lay the first proposition on the table.

Mr. THOMPSON, of Pennsylvania, said that, after this question was decided, he would move that the House adjourn, with a view to offer on Monday the proposition which he had indicated.

The question was then taken on Mr. GOGGIN's motion to lay on the table, and decided in the negative.

So the motion was lost.

The question recurring on Mr. POLLOCK's amendment to the amendment of the committee,

Mr. BRODHEAD demanded the previous question.

Mr. COBB. On what will the previous question, if sustained, operate?

The SPEAKER. On the first proposition only. The Chair has already decided that all motions operate only upon the first proposition.

Mr. BRODHEAD. I wish to inquire if the previous question, if sustained, would not bring the House first to a vote on the amendment of my honorable colleague, (Mr. POLLOCK.)

The SPEAKER replied in the affirmative.

The demand for the previous question was seconded, and the main question ordered; which main question was on the amendment moved by Mr. POLLOCK, viz: Strike out from the amendment reported by the committee the words "and a half," so as to prevent any member from occupying more than one hour in debate.

This amendment being agreed to, the question then recurred on the amendment reported by the committee, as thus amended, viz:

"No member shall occupy more than one hour in debate on any question in the House, or in Committee; but a member reporting the measure under consideration from a committee may open and close the debate: provided, that where debate is closed by order of the House, any member shall be allowed in committee five minutes to explain any amendment he may offer."

And this amendment, as amended, was agreed to.

The question then recurred on adopting the amendment as one of the rules of the House.

The question was decided by tellers; ayes 118, noes not counted.

So the amendment was made the thirty-third rule of the House.

Mr. C. J. INGERSOLL said he was instructed by the committee to move that the substitute first reported for the hour rule be struck out. Agreed to.

The second amendment was read as follows:

"2. After any bill, resolution, or other matter is entered on the calendar, any member may register his name with the Clerk as intending to debate the same; and when such bill, resolution, or other matter is under consideration, the Speaker or Chairman shall call on each member to speak, in an order to be settled by lot, under the direction of the Speaker; provided that the member who reported the same from any committee of the House may, at his option, open and close the debate."

The question was put, and the amendment disagreed to.

The third amendment was read as follows:

"3. Members may address the House or Committee from the Clerk's desk, or from a place near the Speaker's chair."

The amendment was agreed to.

The fourth amendment was read as follows:

"4. The Speaker shall not entertain a motion to suspend the rules of the House, at any time, except on Monday of every week, and except during the last ten days of the session; provided nothing herein contained shall be construed to alter so much of the 133d rule as provides as follows: 'The House may, at any time, by a vote of a majority of the 'members present, suspend the rules and orders for the purpose of going into Committee of the Whole House on the 'state of the Union; and, also, for providing for the discharge of the committee from the further consideration of 'any bill referred to it, after acting, without debate, on all 'amendments pending, and that may be offered.'"

Mr. WOODWARD moved to amend the above so as to make the rule read—

"Except during the last ten days of the session, the Speaker shall not entertain a motion to suspend the rules of the House at any time except on Monday of every week; provided," &c.

Mr. WOODWARD's amendment was agreed to.

Mr. STUART, of Michigan, suggested some other modification in this proposed amendment to the rules reported by the committee.

Mr. C. J. INGERSOLL replied that it was merely a copy of one of the rules of the House.

Mr. STUART not persisting in his modification—

The fourth rule as amended was adopted.

The fifth rule was then read as follows:

"5. Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal."

It was agreed to.

The sixth proposed rule was read as follows:

"6. In Committee of the Whole on the state of the Union, all business shall be considered and concluded in the order of reference to them by the House, except general appropriation bills, and, in time of war, bills for raising money or men, and bills concerning a treaty of peace, which may be preferred at the discretion of the committee."

Mr. COLLAMER moved to amend the rule by adding between the word "Union" and the words "all business," after the first line, the words "and the Committee of the Whole House," so as to make it apply to the Committee of the Whole on the Union and the Committee of the Whole House.

Whereupon some conversation took place between Messrs. COLLAMER, ROCKWELL of Connecticut, SIMS, BARRINGER, C. J. INGERSOLL, and STANTON, as to the precise form in which this rule should be placed, and as to its consistency with others.

Mr. BARRINGER warmly urged the adoption of the rule prohibiting motions for suspension of the rules except Mondays and the last ten days of the session; and also the rule providing that the calendar shall be called and bills taken up in their order in committee. The former would save much time. He had seen for week after week and month after month the whole morning hour, and perhaps two or three hours each day, consumed in making motions to suspend the rules, a motion which had become so common as to be considered almost a test vote. The latter also would expedite business and prevent great consumption of time by motions to take up bills out of their order.

Mr. COLLAMER's amendment was agreed to, and then the amendment reported by the committee was agreed to, as thus amended.

NEW RULES ADOPTED.

The following are the new rules, as above severally adopted:

No member shall occupy more than one hour in debate on any question in the House or in committee; but a member reporting the measure under consideration from a committee may open and close the debate; provided, that where debate is closed by order of the House, any member shall be allowed in committee five minutes to explain any amendment he may offer.

Members may address the House or committee from the Clerk's desk, or from a place near the Speaker's chair.

Except during the last ten days of the session, the Speaker shall not entertain a motion to suspend the rules of the House, at any time, except on Monday of every week; provided nothing herein contained shall be construed to alter so much of the 133d rule as provides as follows: "The House may, at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and, also, for providing for the discharge of the committee from the further consideration of any bill referred to it, after acting, without debate, on all amendments pending, and that may be offered."

Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

In Committee of the Whole on the state of the Union, and the Committee of the Whole House, all business shall be considered and concluded in the order of reference to them by the House, except general appropriation bills, and, in time of war, bills for raising money or men, and bills concerning a treaty of peace, which may be preferred at the discretion of the committee.

SMITHSONIAN INSTITUTION.

The seventh proposed rule was then read as follows:

"7. In addition to the other standing committees of the House, there shall be one called the Smithsonian Committee, whose duty it shall be to superintend the affairs of the Smithsonian Institution."

Mr. C. J. INGERSOLL expressed a desire to postpone the consideration of this rule to a future day.

Mr. HILLIARD said he desired to occupy about ten minutes of the time of the House on this subject at this time. He thought this was the precise occasion on which a few words should be said.

Mr. C. J. INGERSOLL had no objection; but as the other rules had been disposed of, he wished to defer this for the present.

Mr. HILLIARD undertook to move the postponement to a day certain, and then proceeded as follows:

Mr. SPEAKER: It so happens, that I am the only member of the Board of Regents of the Smithsonian Institution now entitled to a seat on this floor. It is important to secure the good will of the country in behalf of an enterprise so elevated—one might say, so sublime.

There exists some misconception in regard to the Institution, and idle rumors are afloat which may affect it injuriously. Scientific establishments are not to go out and court popularity, but they must not be indifferent to public sentiment. Before entering upon the stormy and engrossing debates in which we shall presently be engaged, I desire, by a simple statement of facts, to give the House a view of the history, condition, and plans of an institution which so strongly appeals to us for protection.

Mr. Smithson's bequest was a noble one. He gave his whole property to found at the city of Washington "an establishment for the increase and diffusion of knowledge among men." America was selected as the field for so wide and benefi-

cent a design. Young, vigorous, rapidly increasing in numbers, this country afforded the best ground upon which to rest an establishment which was designed to enlighten mankind.

Entering into the spirit of this bequest, Congress passed an act making the most liberal provision for carrying it into practical effect. The whole sum, with its accumulated interest, was turned over to the establishment created by the act, composed of the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Attorney General, the Chief Justice, and the Commissioner of the Patent Office of the United States, and the Mayor of the city of Washington, during the time for which they shall hold their respective offices, and such other persons as they may elect honorary members. The sum amounted to five hundred and fifteen thousand one hundred and sixty-nine dollars, and a further sum of two hundred and forty-two thousand one hundred and twenty-nine dollars, being the accumulated interest upon that sum since it came into possession of the Government. The principal sum was forever to remain untouched, the interest was appropriated to the erection of the building and incidental expenses. The building to be erected was to meet the provisions of the act, which required it to contain suitable rooms or halls for the reception and arrangement, upon a *liberal scale*, of objects of natural history, including a geological and mineralogical cabinet; also, a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms. Another section provides that, in proportion as suitable arrangements can be made for their reception, all objects of art, and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging or hereafter to belong to the United States, which may be in the city of Washington, shall be delivered to the care of the institution, and so classed and arranged as best to facilitate the examination and study of them in the building to be erected. This at once empties the great Hall of the Patent Office, three hundred and fifty feet long, of its contents. It must be at once seen that the Smithsonian building ought, if it is to accommodate these great and various objects, to be of ample dimensions. This building, too, was to be erected without delay. The site was to be selected "*forthwith*," "and *so soon*" as that was done, the Board was to proceed with the erection of the building.

The Board of Regents faithfully studied the will of Mr. Smithson, and the law creating the establishment.

Two things were to be accomplished. First, to *increase* knowledge by original research; and then, second, to *diffuse* it by suitable and efficient agencies; or, in the language of the venerable and distinguished gentleman from Massachusetts, [Mr. ADAMS,] "to spread knowledge throughout the world."

The task devolved by Congress on the Regents was no light one. They were called on to organize and set on foot this establishment, so beneficent in its conception, so comprehensive in its design. The act of Congress prescribed certain parts of the plan, and left the other parts to be devised by the Board of Regents. That part of the plan which was embraced in the act of Congress had almost exclusive reference to the *diffusion* of knowledge. The means which provide for the *increase* have been supplied by the Regents.

We have been charged with being wildly extravagant—laying out large sums in purchasing old books. A story has been circulated that we paid $2,500 for an old and rare copy of the Bible. Now, sir, no man loves the Bible more than I do, but I could not have consented to an expenditure of that sort. I dare say no one member of the Board ever dreamed of such an expenditure.

Again, some have charged us with being too utilitarian, confining our operations to an improvement of the physical condition of mankind. We have certainly endeavored, in our plan of organization, to provide for the entire wants of mankind, and to meet the spirit of the age. We have brought into our service a gentleman who stands in the front rank of the science of the country—I mean Professor Henry, formerly of Princeton. His name is well known in Europe, and is associated with that of Farraday, and Arago, and Quatalet. I have before me the plan of organization adopted for the operations of the institution, to which I desire to call the attention of the House, but which, (as Mark Antony said on a much more important occasion, about the will of Cæsar,) pardon me, I do not intend to read. I wish every gentleman in the House would read it, for it would receive on all sides a warm and generous support.

I desire to submit a few remarks in regard to our building. We were authorized by Congress to expend $240,000 in its erection; but, in view of the wide field of knowledge to be cultivated, the Regents resolved to save a part of this sum and add it to the principal. Keeping in view the great interests to be provided for, it was resolved to erect a building of proportions sufficiently ample to meet the requirements of the act of Congress, and of a style which should not offend the eye. This has been effected, a contract has been entered into, and a plan of expenditure agreed upon, which, while the building is gradually constructed, will carry out the plan to full completion, and at the end of five years from the time of its commencement. So far from having expended the sum appropriated by Congress for the purpose, we shall have, after erecting the structure, providing for its warming and ventilation, and the enclosure of the grounds, $140,000 to return to the principal sum. In the mean while we are carrying on the operations of the institution, stimulating original researches, publishing contributions to science, and gradually increasing our library. At the same time we pay our debts as we go on This is, of course, accomplished by using the interest on the $240,000 for the building and the annually accruing interest on the principal fund for meeting the regular expenses of the institution.

The Transactions of the present year are highly interesting, and will soon be published in a volume which will compare well with similar publications in Europe.

With the building, so far it has gone, all paid for and every debt discharged, we shall have at the end of the year $10,000 more than we received from Congress.

Is there any necessity for a standing committee of this House? How is the Board of Regents composed? The act of Congress declares that it shall be constituted of the Vice President of the United States, the Chief Justice of the United States, the Mayor of the city of Washington, three members of the Senate, three members of the House of Representatives, together with six other persons not members of Congress. Each House of Congress, it will be perceived, has three members of the Board of Regents; and it is required by law that the Board shall submit to Congress at each session a report of the operations, expenditures, and condition of the institution.

At the last session, I presented a full report according to law, which I now have before me; it was printed and circulated. Another report is about to be presented, embracing the report of the building committee, a paper containing some three hundred pages, full of useful information, which I should be happy to see printed. Is it then necessary to appoint a committee? Is it proper? Is it becoming? A committee of this House appointed "to superintend the affairs of the Smithsonian Institution!" This committee will bring under its supervision the Vice President of the United States, the Chief Justice, three Senators, three Representatives, and six citizens at large, selected because of their character and attainments. May I most respectfully ask, who will superintend the affairs of that committee of five? Where is the necessity for thus complicating the machinery of an institution which ought to be left to enjoy the repose which science loves?

I hope, sir, that this institution, so important to this country and to mankind, will not be launched on the ever-heaving sea of politics. If that should happen, we should soon lose sight of land; storms and shipwreck would await us, and the hopes which crowned our noble enterprise in its commencement would perish with us.

I thank the House for the attention with which they have heard these remarks; it evinces the interest which they feel in an institution which claims their protection.

Mr. H. concluded by moving to lay the proposed rule on the table.

Mr. A. JOHNSON said he thought he understood the agreement between the gentleman from Alabama and the gentleman from Pennsylvania to be, that this subject should be postponed to a day certain.

Mr. C. J. INGERSOLL. My suggestion was, that the consideration of the subject be postponed to any given day, which the gentleman from Alabama might name.

Mr. HILLIARD. I have no choice at all, sir.

Mr. INGERSOLL indicating his wish that the gentleman from Alabama should name the day,

Mr. HILLIARD said he would move, if agreeable to the House, that it be postponed to this day twelve months.

Mr. A. JOHNSON addressed the Chair, and inquired if that motion was not debatable?

The SPEAKER replied in the affirmative.

Mr. C. J. INGERSOLL suggested to Mr. HILLIARD that his understanding was that it should be postponed to some day not distant, when the House could reach and dispose of it.

Mr. HILLIARD said he would withdraw the motion, as he preferred the gentleman from Pennsylvania should make his own motion.

The SPEAKER said the gentleman from Pennsylvania had not the floor to make the motion. The gentleman from Tennessee [Mr. A. JOHNSON] had taken the floor.

Mr. HILLIARD then remarking that he had been reminded that his pledge was to move a postment to a day within a reasonable period, said he would modify his motion so as to name the 3d day of January next.

The SPEAKER said the motion could not be altered without the consent of the gentleman from Tennessee, who had the floor.

Mr. HILLIARD appealed to the gentleman from Tennessee to permit the modification to be made.

Mr. JOHNSON had no objection, provided it did not deprive him of the floor.

The motion was accordingly modified by Mr. HILLIARD so as to postpone to the 3d day of January.

Mr. JOHNSON resumed the floor.

Mr. VINTON asked the gentleman to give way to permit certain communications on the Speaker's desk to be presented, referred, and ordered to be printed.

Mr. JOHNSON yielded accordingly; and

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting the report of the Superintendent of the Coast Survey, showing the progress of that work during the last year. Laid on the table, and ordered to be printed.

Mr. J. R. INGERSOLL moved that an extra number of two hundred and fifty copies be printed; which motion was laid over under the rule.

On motion of Mr. VINTON, the estimates of additional appropriations required for the service of the fiscal year ending 30th June, 1848, and for the fiscal year ending June 30, 1849, were referred to the Committee of Ways and Means.

Mr. ANDREW JOHNSON then proceeded in his remarks. He said the gentleman who had just closed his remarks had seen no propriety or necessity for the appointment of this committee. He seemed to think it would be humiliating and detracting somewhat from the dignity of these individuals—who were called "Regents," he believed, in the act establishing the Smithsonian Institution—to have their proceedings come under the supervision of a committee of this House. Now, his (Mr. J.'s) conceptions about dignity and position in this country were perhaps different from those of the gentleman from Alabama. According to his notions of government, this body occupied the highest and most elevated position. In this Democratic Government it was held that the people are sovereign, the source of all power: this body stands next to the people, next to the sovereignty, and, instead of detracting from their dignity, he thought it was assigning them their true position. He knew there were some who were really fascinated by that word "Regent," and the fondness for such things was increasing in our country.

He thought the gentleman from Alabama had demonstrated clearly to this House, in his opposition to the creation of this committee, the necessity of its creation. If all was done well, everything regularly transacted, if the money was judiciously expended, in the name of common reason would it injure or affect their proceedings to be supervised

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by a committee appointed by this body? Why, the very disposition to shrink from the supervision of a committee appointed by the popular branch of the Government ought to carry conviction to the minds of this House of the necessity of its creation.

He was no prophet, but when the bill was before this House for the establishment of this Smithsonian Institution, he had predicted—what had already become matter of fact—that this institution would be an incubus upon the treasury, that it would be a perpetual source of expenditure. The clause in Mr. Smithson's will "for the increase and diffusion of knowledge among men" read well, it was true. And the gentleman from Alabama undertook also to prove how great financiers the Board of Regents were, and said, after all the improvements are done, they would have over $100,000 left. And how was this done? Why, they had taken $242,000, supposed to be the interest which had accumulated on this fund, and put that upon interest—having bought treasury notes, he supposed, on which they were drawing interest; and by this means they had saved an immense sum. Did not every member know, who had paid any attention to the discussion of this subject when the bill passed placing $500,000 at the discretion of the Board of Regents, that not a dollar of it was there? They first placed a certain amount in the treasury that did not exist there, and then calculated interest on this fictitious amount, and then interest on the interest; which is the way in which they are to carry on their extensive works.

Mr. HILLIARD. Is the gentleman charging that upon the Board or this House?

Mr. JOHNSON. Charging what?

Mr. HILLIARD. Why, that a fictitious sum was placed in the treasury, &c.

Mr. JOHNSON. I was going on to prove the position that this institution would be an incubus upon the treasury.

Mr. HILLIARD. But does the gentleman charge the putting this fictitious sum in the treasury, &c., on the Board or on Congress? I wish him to answer on that point.

Mr. JOHNSON. On Congress. The bill of last session placed $500,000 in the treasury which was not there in reality. It is true the Government received it; but they acted as a faithful trustee, and loaned it out, and not a cent has ever been returned. In this state of the case, Mr. J. denied that the Government was justly bound to refund the money, and that very few of their constituencies would sanction it. It would have been much better if she had never consented to act as trustee of it; for, notwithstanding their flourishing with "Regents," &c., and talking of such a sum as in the treasury, it was not there, and the expenses of this institution came out of the treasury, which was already heavily taxed and burdened with debt to carry on the war. He insisted, now that they had commenced operations, that reports of their proceedings should be regularly laid before a committee of this House, who would thus have supervision over them, and be a check upon them. Such a restraint was needed in all Government establishments, and there was no reason in this case why this institution should be excepted.

Mr. J. having concluded—

Mr. C. J. INGERSOLL said, that until the House should adopt the rules of the last session as amended by the action of to-day, they would be without any rules, and he therefore moved the following resolution:

Resolved, That the rules of the House at the last Congress, together with the modifications of them this day adopted, be henceforth the rules and regulations of this House during this session of Congress.

Before the question was put on the above resolution—

Mr. HENLEY said he desired to move a resolution to amend the rules so as to provide for the appointment of a joint committee on printing.

The SPEAKER said the resolution of Mr. HENLEY was unnecessary, as one of the joint rules of the two Houses of Congress provided for the appointment of the joint committee on printing.

Mr. HENLEY said he would then move that the Speaker appoint said committee on the part of the House.

Mr. C. J. INGERSOLL's resolution was then agreed to.

And then the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. LA SERE: The petition of A. Bandouin and A. D. Robert, of the city of New Orleans, praying for remuneration for loss of a flatboat loaded with ice, caused by a collision with the steamer Col. Harney, a vessel belonging to the United States. Also, the memorial of John Crosby, of New Orleans, administrator of his brother, the late Purser Andrew D. Crosby, and on behalf of the children of the deceased, praying that a pension may be granted them for five years. Also, the memorial of Ann B. Cox, of New Orleans, asking payment of an admitted balance due to the late Nathaniel Cox, formerly Navy Agent at New Orleans. Also, the petition of Frederick Durrive, praying to be confirmed in the purchase of a tract of land. Also, the petition of Mary L. Keen, of New Orleans, asking the repayment of a sum of money disbursed by her late husband from his private money whilst attached to the recruiting station at New York. Also, the petition of A. G. Farragut, of the city of New Orleans, a Lieutenant in the Navy of the United States, praying that he may be promoted to the rank of Captain, &c.

By Mr. ROSE: The petition of Anne W. Angus, praying to be placed on the pension roll. Also, the petition of Moses Van Campen for the payment of certain revolutionary claims.

By Mr. TAYLOR: The petition of Thomas Scott, late register of the land office at Chilicothe, Ohio, praying for compensation for extra services in discharging the duties of his office: heretofore presented. Also, the petition of Samuel Reed, of Pike county, Ohio, praying compensation for land purchased by him of the United States, the title of which has not been maintained: heretofore presented.

By Mr. ABBOTT: The memorial of John Porter and 127 others, citizens of Newbury and Newburyport, Massachusetts, earnestly praying Congress and the Executive to take, as soon as possible, the necessary steps, by the use of all just and honorable means, for securing an immediate and permanent peace with Mexico.

By Mr. DUNN: The memorial of Lucian Q. Hoggatt and others, citizens of the counties of Lawrence and Monroe, in the State of Indiana, asking the establishment of a mail route from Salem, in the county of Washington, to Bloomington, in Monroe county, by way of Leesville, in Lawrence county, in said State, and for other purposes. Also, the memorial of Thomas B. Graham, of Daviess county, Indiana, asking compensation for a flatboat and cargo lost, by being struck and sunk by the Government steam frigate Alleghany, on the Mississippi river, near Memphis.

By Mr. ST. JOHN: The petition of Jesse Young, of Hector, Tompkins county, New York, a wounded soldier, praying for an increase of pension. Also, that the petition of the heirs of Benjamin Montagne be taken from the files of the House and referred to the Committee on Revolutionary Claims.

By Mr. HUNT: The petition of Lewis Benedict, asking the passage of a law authorizing him to locate a section of land.

Mr. LUMPKIN withdrew from the files of the Clerk's office the petition and papers of Samuel W. Bell, a Cherokee Indian, and they were referred to the Committee on Indian Affairs.

By Mr. PENDLETON: The memorial of Thomas ap C. Jones, praying to be restored to the list of navy pensioners for partial disabilities by wounds received in battle. Also, the petition of John Mason, of Virginia, asking payment for certain cannon manufactured by him for the naval service.

By Mr. GREGORY: The petition of Phebe Brown, widow of William Brown, deceased, a soldier in the war of the Revolution, for a pension.

By Mr. HALL, of New York: The petition of James Sloan and others, for an appropriation for the harbor at Buffalo, New York. Also, the petition of Ephraim F. Gilbert, of Erie county, New York, praying for the settlement and payment of his claims against the Government.

By Mr. WENTWORTH: The petition of sundry citizens of Illinois and Indiana, for the confirmation of the titles of certain Indian reservations to the purchasers thereof.

By Mr. COLLAMER: The petition of Thomas Raymond, for a pension. Also, the petition of Polly Aldrick, for a pension. Also, the petition of Silas Waterman, for a pension. Also, the petition of 72 ladies, for the abolition of slavery in the District of Columbia.

Mr. WICK withdrew from the files the petition of James McAvoy and the accompanying papers, and refiled the same, to be referred to the Committee of Claims.

By Mr. MULLIN: The papers of John B. Goodenough were taken from the files and referred to the Committee on Private Land Claims. Also, presented the petition of John O. Dickey. Also, the petition of Giles London.

By Mr. PHELPS: The petition of Pierre Choteau, jr. and others, legal representatives of Julian Dubuque, deceased, were withdrawn from the files of the Clerk's office and referred to the Committee on Private Land Claims. Also, the petition of George R. Smith, of Missouri, taken from the files of the Clerk's office and referred to the Committee on the Post Office and Post Roads. Also, the petition of William B. Edwards, praying for a pension, taken from the files of the Clerk's office and referred to the Committee on Invalid Pensions. Also, the memorial of Henry M. Shreve, praying compensation for the use of the steam snag-boat patented by him.

By Mr. GREEN: The petition of the inhabitants of township No. 59, range No. 12, of Shelby county, Missouri, praying the grant of a section of land in lieu of the 16th section.

By Mr. McILVAINE: The memorial of the "Kennet Monthly Meeting of the religious Society of Friends," in Chester county, Pennsylvania, praying that Congress may use all rightful and constitutional means to abolish slavery in the District of Columbia, and prevent the traffic in slaves between the States, and the accession of territory without the entire exclusion of slavery from the soil.

By Mr. HALE: The petitions of Joseph Holmes for bounty for the schooners Industry and Mary Bee.

By Mr. SMITH, of Connecticut: Memorials from sundry citizens of the United States, praying for indemnity on account of spoliations committed by the French anterior to 1800.

By Mr. SMITH, of Illinois: The papers in the case of Peter Shaffer were withdrawn from the files and referred to the Committee on Claims. Also, the memorial of Edward Keating, Mayor of the city of Alton, in the State of Illinois, praying Congress to grant to the city certain unsurveyed lands lying within the incorporated limits of said city, and being between the south line of the Government survey and the Mississippi river. Also, the papers in the case of John W. Hockett were withdrawn and referred to the same committee.

By Mr. HAMPTON: The petition and papers of John Moore White, of New Jersey, were withdrawn from the files of the House, and referred to the Committee on Revolutionary Claims. Also, the petitions and papers of John J. Adams, of New Jersey, were withdrawn from the files of the House and referred to the Committee on Patents.

By Mr. BUTLER: The petition of John Pettibone, with accompanying documents, in behalf of himself and the other heirs of Daniel Pettibone, praying compensation for the construction and use of the "Patent Rarefying Air Stove," now in use in the Capitol, and for the use of said patent in the public buildings of the Government.

By Mr. THOMPSON, of Kentucky: The memorial of P. J. Slaughter, asking for pay and bounty land for services in the army. Also, the memorial of Benjamin R. Harden, of the same kind.

By Mr. PILLSBURY: The petition of Bryan Callaghan, praying compensation for goods destroyed by the United States troops under Col. Harney

By Mr. ABBOTT: The petition of Moses Noyes, with the accompanying papers, were taken from the files of the House and referred to the Committee on Revolutionary Claims.

By Mr. CABELL: The petition of citizens of Hillsborough county, in the State of Florida, for a mail route from Millersville to Fort Brook, and from Fort Brook to Key West. Also, the petition of Nathan P. Bennis, a citizen of Leon county, in the State of Florida, for a grant of land for the purpose of experimenting in the manufacture of turpentine.

By Mr. PUTNAM: The petition of J. W. Nye, for an examination of his account and payment of money due him under a contract with the House of Representatives.

By Mr. McCLELLAND: The petition of Mrs. Elvira F. Smith (widow of the late Major Henry Smith, of Monroe, Michigan,) for a pension.

By Mr. NICOLL: The memorial of Benj. J. Cahoone.

By Mr. ROCKWELL, of Connecticut: The petition and papers of the heirs of Bernard Todd, deceased, to be taken from the files of the last House of Representatives and referred to the Committee of Claims.

IN SENATE.

MONDAY, *December* 20, 1847.

The Hon. DANIEL WEBSTER, of the State of Massachusetts, appeared in the Senate to-day.

A message in writing from the President of the United States, was received by the hands of J. KNOX WALKER, Esq., his Private Secretary.

The VICE PRESIDENT laid before the Senate a report from the Solicitor of the Treasury, in the case of John Pickett and others, owners of the brig Albert, made in pursuance of the directions of the act of 3d March, 1847; which was read.

The VICE PRESIDENT laid before the Senate the proceedings of a meeting of citizens in Philadelphia, approving the act of the Government in allowing the emigrant Mormons to rest on certain unoccupied lands; which were laid upon the table.

PETITIONS.

The VICE PRESIDENT laid before the Senate the petition of Charles S. Jackson, an officer of Customs in the port of Philadelphia, praying to be allowed certain items rejected by the accounting officer in the settlement of his accounts; which was referred to the Committee on Finance.

Mr. FELCH presented the petition of Elvira F. Smith, widow of Henry Smith, deceased, an officer in the army, who died of disease contracted in the service, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SEVIER presented the memorial of the sur-

vivors of the crew of the United States brig Somers, praying indemnity for the loss of their clothing and personal effects, occasioned by the capsizing of that vessel in the harbor of Vera Cruz; which was referred to the Committee on Naval Affairs.

Mr. CALHOUN submitted additional documents relating to the claim of Hugh Wallace Wormeley to a pension; which were referred to the Committee on Pensions.

Mr. MILLER presented the petition of Susan T. E. Williamson, widow of Charles L. Williamson, deceased, late an officer in the navy, praying a pension; which was referred to the Committee on Naval Affairs.

Mr. M. also presented the memorial of Joshua Shaw, praying that a balance of an appropriation due him under an act of Congress, and retained in the treasury, may be paid; which was referred to the Committee on Military Affairs.

Mr. M. also presented the memorial of the Vestry of Washington Parish, in the city of Washington, praying permission to purchase part of a public reservation in that city, for the purpose of enlarging their burial ground; which was referred to the Committee on the District of Columbia.

Mr. HANNEGAN presented the memorial of Timothy Upham, John Laighton, Thomas Hays, Michael W. Ash, Samuel McClelland, Robert C. Wetmore, James H. Suydam, and Allen Thomas, legal representatives of John Thomas, deceased, praying compensation for performing the duties of navy pension agents; which was referred to the Committee on Naval Affairs.

Mr. YULEE presented the petition of Jesse Turner, praying the confirmation of his title to a tract of land held under a Spanish grant, in Florida; which was referred to the Committee on Private Land Claims.

Mr. CRITTENDEN presented the petition of Leslie Combs, praying the payment of certain bonds issued to him by the late Republic of Texas; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. JOHNSON, of Maryland, presented the memorial of William M. Glendy, an officer of the navy, praying compensation for performing duties belonging to a higher grade than that held by him in the service; which was referred to the Committee on Naval Affairs.

Mr. J. also presented the memorial of Sarah Hebard, widow of Andrew Hebard, deceased, late a chief engineer in the navy, praying to be allowed a pension; which was referred to the Committee on Naval Affairs.

Mr. J. also presented the memorial of the seamen of the United States squadron in the Pacific ocean, praying the restoration of the spirit ration; which was referred to the Committee on Naval Affairs.

Mr. J. also presented the memorial of Mrs. Ann Chase, praying indemnity for losses at Tampico, in Mexico, in consequence of an outbreak of the populace on the commencement of hostilities; which was referred to the Committee on Foreign Relations.

MEMORIALS OF OFFICERS.

Mr. DIX presented the memorial of officers of the army, now serving in Mexico, praying the passage of an act granting pensions to the widows and orphans of such as may die in service.

Mr. D. also presented a memorial of officers of the army, now serving in Mexico, praying the passage of a law authorizing the retirement of officers of the army from active service on certain conditions.

On presenting these memorials, Mr. DIX said: I rise to present two petitions, to which I desire to invoke the attention of the Senate. It was not until yesterday that I was apprised of their contents, or I should have brought them here at an earlier day. They were left on my table in the city a week or ten days ago, when I was absent, sealed and addressed to an honorable Senator from Missouri, [Mr. BENTON,] not now in his place, who served for many years as chairman of the Committee on Military Affairs, with distinguished honor to himself and advantage to the country; and I greatly regret that he is not here to take charge of them. I am not in the habit, sir, as you know, of accompanying the presentation of papers with introductory remarks. In ordinary cases, it is doubtless more proper to await the action of appropriate committees on the subjects to which they refer. But I trust the nature of these may be deemed by the Senate to justify a departure from the usual practice.

They are petitions signed by the officers of the army at Puebla, on the 1st day of August last, just before it commenced its march towards the city of Mexico. The first is styled "A petition for a retiring list." It contains two hundred and thirty-three signatures, and prays for certain legislative provisions in respect to aged and disabled officers, which, without casting any new burden on the public treasury, would, in the opinion of the petitioners, add greatly to the efficiency of the army, and at the same time do justice to those who perform the drudgery, and encounter the perils of military service in the field. I will only say further in reference to this petition, that the plan suggested corresponds, to some extent, though not fully, with one proposed by a late commander of the army, (General Macomb,) and I believe recently recommended by the present Adjutant General, with a view to the same objects.

The second is styled "A petition for widows and orphans." It is signed by two hundred and twenty-two officers, and I believe the names, as far as they go, are identical with those borne on the first. It is also dated at Puebla, on the 1st day of August last, almost at the moment the army took up its march for the valley of Mexico; and when considered in connection with the surrounding circumstances and the brilliant events which followed with a rapidity of succession scarcely exceeded by those which signalized the first entrance of Buonaparte into Italy, it addresses itself with great force to the feelings, as well as the justice of Congress and the country.

I will not detain the Senate by entering into any detailed review of these events, with a view to enforce the appeal contained in the petition on the attention. I hope, however, I may be indulged in saying, in justice to those who bore a part in them, that the first conquest of Mexico cannot, as it appears to me, be compared with the second, either as to the obstacles overcome or as to the relative strength of the invaders. The triumphs of Cortez were achieved by policy and by superiority in discipline and in the implements of warfare. The use of fire-arms, until then unknown to the inhabitants of Mexico, was sufficient in itself to make his force, small as it was, irresistible. In the eyes of that simple and superstitious people, he seemed armed with superhuman power. Other circumstances combined to facilitate his success. The native tribes by which the country was possessed were distinct communities, not always acknowledging the same head, and often divided among themselves by implacable hostility and resentments. Cortez, by his consummate prudence and art, turned these dissensions to his own account; he lured the parties to them into his own service, and when he presented himself at the gates of the city of Mexico, he was at the head of four thousand of the most warlike of the natives, as auxiliaries to the band of Spaniards with which he commenced his march from Vera Cruz. Thus, his early successes were as much the triumph of policy as of arms. General Scott, and the gallant band he led, had no such advantages. The whole population of the country, from Vera Cruz to Mexico, was united as one man against him, and animated by the fiercest animosity. He was opposed by military forces armed like his own, often better disciplined, occupying positions chosen by themselves, strong by nature, and fortified according to the strictest rules of art. These obstacles were overcome by his skill as a tactician, aided by a corps of officers unsurpassed for their knowledge of the art of attack and defence, and by the indomitable courage of their followers. With half his force left on the battle-field or in the hospital, and with less than six thousand men, after a series of desperate contests, he took possession of the city of Mexico, containing nearly two hundred thousand inhabitants, and defended by the remnant of an army of more than thirty thousand soldiers. I confess I know nothing in modern warfare which exceeds in brilliancy the movements of the American army from the Gulf to the city of Mexico. I shall not attempt to speak of them in the language of eulogium—they are not a fit theme for such a comment. Like the achievements of General Taylor and his brave men on the Rio Grande, at Monterey and Buena Vista, the highest and most appropriate praise is contained in the simplest statement of facts.

Mr. President, the gallant achievements in the valley of Mexico, to which I have briefly referred, were due to the chivalrous men whose names are signed to this petition, and to their gallant associates in the field. The names of the volunteer officers who so nobly distinguished themselves are not borne on the petition. The subject concerns the regular army only, and the petitioners belong exclusively to that arm of the service. At the head of the list I find Winfield Scott, William J. Worth, John A. Quitman, Gideon J. Pillow, David E. Twiggs, James Shields, George Cadwalader, and Persifer F. Smith, all general officers; Harney, Clark, Riley, and Garland, among the colonels; and among the field and staff and lower commissioned grades, other names, too numerous to mention, which those who bear them have, by their gallantry, made familiar to their countrymen. I have already said that this petition was signed at Puebla, almost at the moment the army commenced its march from that city for the valley of Mexico. Sir, it is more than probable that the last time many of these gallant men held a pen was to inscribe their names upon this petition; and when this appeal to their countrymen was made, in full confidence, doubtless, that their prayer would be heard, their hands thenceforth dealt only with the weapons with which they were vindicating their country's honor in the field, and which none but Death, the conqueror of us all, could wrest from their grasp.

Mr. President, I will not undertake to give a summary of the contents of this petition. It is very brief; preparing, as the petitioners were, for the unequal contest which awaited them, and of which, perhaps, they alone did not doubt the issue, they had no words to waste even on the subject nearest to their hearts. I will read it, with the Senate's permission, in their own language:

"*To the Senate and House of Representatives of the United States of America:*

"We, the undersigned, officers of the United States Army, beg leave, most respectfully, to represent to your honorable bodies, that many of us are married and have left wives and children at home dependent upon us; that we are constantly exposed to danger and sudden death, not only on the field of battle, but by exposure to unhealthy and deadly climates; and that in going to the fight many of us have our hearts depressed by the melancholy conviction that, if we fall, our wives and children will be helplessly thrown on the cold charities of the world.

"We most respectfully ask our country to give us the assurance, if we offer up our lives in her service, that she will provide for our destitute widows and orphans: and that she may do so, we humbly petition your honorable bodies to pass such a law as you in your wisdom shall deem just—as shall give to the wives and children of officers and soldiers dying in the service of their country, pensions during the natural lives or widowhood of the wife, and during the minority of the children; and your petitioners, as in duty bound, will ever gratefully pray.

"PUEBLA, MEXICO, *August 1st*, 1847."

It is due to General Scott to say, that in signing the petition he added these words: "Without any desire of procuring for my own family any contingent benefit from the proposed change in the pension laws of the army, I entirely concur in the reasonableness of the foregoing petition, and can see no military or other objection to its being signed and presented."

General Quitman also signs with the following addition: "I approve the measure of placing the regular army on the same footing with the navy and volunteers."

This remark of General Quitman explains all. The army is not on an equally favorable footing in respect to widows and orphans with the navy or volunteers. Without complaining of the inequality, the petitioners respectfully ask that it may be rectified.

Mr. President, I have no doubt that, in reading and signing this petition, the recollection of wives and children thousands of miles away, many of whom were to become widows and orphans before this last missive could reach the capital, was to the signers far more trying than the scenes of danger and death, on which they were about to enter. If it was to them a moment of weakness—the only weakness pardonable to gallant men—the memory of a dozen battle-fields attests that it was the last. Some of them sleep in honorable graves; some are lying on beds of sickness in Mexico; many are still in the field, ready, as ever, to peril all in their country's cause: and others—I am sorry to say not a few—restored to their homes, are dragging about their scarred and mangled limbs, in the face of their friends and kindred, with lives held by the frailest tenure.

But, sir, I have said enough. It would be to distrust the right feeling of the Senate to say more. Less I could not say, in justice to myself, with this paper before me, on which I recognize the names of numerous friends and former associates, many of whom we shall see no more. It gives me pleasure, not unmixed with pain, to present their petition; and if the presentation has been accompanied with the manifestation of more feeling than becomes the performance of a public duty on this floor, I am sure it will be ascribed to a right cause. I will conclude, sir, by reading to the Senate an extract of a letter enclosed with the petition, with the single remark, that it was written, in behalf of the army, by Major Harvey Brown, a gallant officer, with whom I had the pleasure of being associated many years ago in the staff of a former commanding general of the army. It is dated at the National Palace, in the city of Mexico, on the 1st of October, two months after the petition was signed.

"I would also call to your notice the melancholy fact, that many of the officers, who have signed this petition, have since gloriously fallen in the service of their country, leaving destitute widows and helpless orphans. And being dead, they now emphatically speak, saying: 'We have offered up our lives to our country, and we now call upon her to provide a decent competence for our bereaved widows and fatherless children.'"

Is it too much, Mr. President, to ask that these petitions, with the names attached to them, may be printed? I know it is not the practice of the Senate to print petitions. But these are something more. As far as they go, they are lists of the gallant living and the honored dead, in Mexico. I make the motion to print.

The memorials were then referred to the Committee on Military Affairs, and ordered to be printed.

PRINTING OF MAPS.

Mr. BREESE. A few days ago, a report was made from the General Land Office, and accompanying that report were maps which it is necessary to have engraved. Upon an examination I have ascertained that the expense of engraving will not exceed $400. I therefore move that the Senate order the necessary number of those maps to be printed.

Mr. WESTCOTT remarked, that there was a map of the State of Florida accompanying that report, the engraving of which would occasion very little expense. He inquired if that map was embraced in the Senator's motion?

Mr. BREESE replied that it was included.

The motion was agreed to.

Mr. YULEE presented the memorial of Isaac Varnes, senior, praying indemnity for losses sustained in consequence of the occupation of his property as a military post, by troops of the United States; which was referred to the Committee on Military Affairs.

Mr. Y. also presented the memorial of Joseph Knox Boyd, praying compensation for his services in the recapture of the United States frigate Philadelphia, in the harbor of Tripoli, in the year 1804; which was referred to the Committee on Naval Affairs.

Mr. Y. also presented the memorial of William A. Christian, a purser in the navy, praying the allowance of certain items, suspended by the accounting officers in the settlement of his accounts, for payments made to the acting forward officers of the United States steamer Princeton; which was referred to the Committee on Naval Affairs.

Mr. Y. also presented the memorial of John Crosby, in behalf of the children of Andrew D. Crosby, deceased, late a purser in the navy, praying that they may be allowed a five years' pension; which was referred to the Committee on Pensions.

Mr. Y. also presented the memorial of John Crosby, administrator of Andrew D. Crosby, deceased, late a purser in the navy, praying to be allowed a credit on his accounts for payments made to certain acting forward officers on board the United States ship Ontario; which was referred to the Committee on Naval Affairs.

Mr. CASS submitted documents relating to the claim of A. Kearsley, receiver of public lands at Detroit, for compensation for extra clerk hire in his office; which were referred to the Committee on Public Lands.

Mr. DIX presented a memorial of citizens of Oswego, praying that a drawback of duties may be allowed on wheat imported from Canada into the United States, when manufactured into flour and exported; which was referred to the Committee on Commerce.

Mr. D. also presented the memorial of Benjamin J. Cahoone, a purser in the navy, praying the reimbursement of money advanced by him on public account; which was referred to the Committee on Naval Affairs.

Mr. BADGER presented the memorial of the religious Society of Friends at New Garden, North Carolina, praying the adoption of measures for the immediate termination of the war with Mexico; which was laid upon the table and ordered to be printed.

ORDERS.

On motion by Mr. RUSK, it was

Ordered, That the petition of Wm. H. Prentiss, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the petition of Bailie Peyton, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the petition of W. H. Bassett, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the petition of Abner L. Duncan, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the documents on the files of the Senate, relating to the claim of William De Buys, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. CLAYTON, it was

Ordered, That the petition of Bettriah Healy, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. UPHAM, it was

Ordered, That the petition of Abigail Garland, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. YULEE, it was

Ordered, That the petition of A. H. Cole, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. YULEE, it was

Ordered, That the petition of certain claimants for remuneration for supplies furnished to Florida Militia in the Seminole war, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. YULEE, it was

Ordered, That the petition of John G. Sanchez, administrator of Francis R. Sanchez, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. MASON, it was

Ordered, That the petition of Poarron Cogswell, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. ATCHISON, it was

Ordered, That the petition of Henry M. Shreve, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. FAIRFIELD, it was

Ordered, That the petition of Jesse D. Elliott, the petition of Thomas Brownell, and the petition of James McIntosh, on the files of the Senate, be severally referred to the Committee on Naval Affairs.

On motion by Mr. DOWNS, it was

Ordered, That the memorial of the members of the bar at New Orleans, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. DOWNS, it was

Ordered, That the petition of John Millikin, Ann H. P. Lawson, and others, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. DAVIS, of Miss., it was

Ordered, That the petition of Clements, Bryan and Company, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. DAVIS, of Miss., it was

Ordered, That the petition of Henry Childs, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of John L. Worden, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of Gustavus B. Horner, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of the legal representatives of Ethan Allen, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of Stephen Champlin, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of the heirs of Caleb Swan, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of Columbus Alexander and Theodore Barnard, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of Maria S. Nourse, widow of Joseph Nourse, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. CORWIN, it was

Ordered, That the petition of Joseph Radcliff, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. DIX, it was

Ordered, That the petition of Samuel Grice, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. ATCHISON, it was

Ordered, That Throckmorton & Bent, St. Vrain & Company, have leave to withdraw their petition and papers from the files of the Senate.

NOTICES OF BILLS.

Messrs. MANGUM, DIX, CRITTENDEN, and FOOTE, severally gave notice that on tomorrow, or at some early day, they would ask leave of the Senate to introduce sundry bills.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. BALDWIN presented a preamble and resolutions, passed by the Legislature of Connecticut, in favor of the construction of a railroad from Lake Michigan to the Pacific Ocean, according to a plan proposed by Asa Whitney, a citizen of New York; which were read, and ordered to be printed.

Mr. UNDERWOOD presented a report and resolutions adopted by the Legislature of the State of Kentucky, requesting the Senators and Representatives of that State in Congress to urge upon that body the importance of passing such laws as will enable the citizens of slaveholding States to recover their slaves when escaping to the non-slaveholding States; which were referred to the Committee on the Judiciary.

Mr. UNDERWOOD remarked, that during the last summer a case had come somewhat under his own observation, which he begged here to present to the notice of the Senate. A gentleman named Duncan had some time previous removed from Kentucky into Missouri; he lost a slave, and followed him into Detroit, and there arrested him. The slave was taken from the possession of the owner there, and an action of trespass was instituted against the claimant, on which the owner, in default of bail, at the instance of the slave, was put in jail. The slave was released. The gentleman remained in jail until, by correspondence with his friends in Kentucky and elsewhere—he (Mr. U.) amongst the number—he obtained satisfactory proof that he was the owner of the slave, and that the proceedings which had been commenced against him were altogether unjust. He took that opportunity to say, that Mr. Norvall, late a member of that body, and without personal acquaintance with the gentleman thus put in jail at the instance of his slave, took an active part in procuring his release. But in the meantime the slave had escaped into Canada; and there was the end of the matter. He then moved that the memorial be referred to the Committee on the Judiciary, in order that something might be reported which would meet the case.

On motion by Mr. UNDERWOOD, it was ordered that they be printed.

Mr. HALE presented resolutions passed by the Legislature of the State of New Hampshire, in opposition to any legislation by Congress on the subject of slavery, or the extension of slavery in any territory which may hereafter be acquired by the United States; which were read, and ordered to be printed.

Mr. HALE presented a resolution passed by the Legislature of the State of New Hampshire, in favor of the passage of an act for the removal of the terms of the circuit and district courts of the United States for the district of New Hampshire, from Exeter to Concord, in that State; which was ordered to be printed.

Mr. NILES presented a preamble and resolution passed by the Legislature of the State of Connecticut, declaring their opposition to the introduction of slavery, or involuntary servitude, except as a punishment for crime, into any territory which may hereafter be acquired by, or annexed to, the United States; which were read.

Mr NILES. I move, sir, that the resolutions which I have now submitted be printed. The preamble to these resolutions has no practical connection with the resolutions themselves. Whether the war proceeded from the act of Mexico, or

from the act of the President of the United States, is a matter which can have no influence whatever upon the question—as to the disposition of any territory which may be acquired in consequence of it; and I allude to this matter, sir, because I believe it was found embarrassing to this Legislature, and that it placed that body in a situation somewhat analogous to that in which some of my friends over the way found themselves in relation to the law recognizing the war with Mexico. They did not like the preamble to that act, and there are many in my State who dislike that preamble very much. The majority there, like the majority here, insisted that the act should not only be done, but done in the way in which they saw fit to have it done. The resolutions were passed. The yeas and nays were not called, and they passed without opposition, notwithstanding this repugnance to its preamble. However this may be, sir, I feel it my duty to say, as one of the representatives of that State, that I have no doubt that these resolutions speak the sentiments of the great body of the people of that State. With regard to the preamble, I think otherwise. The resolutions, I think, sir, speak the public sentiment of the State, and this conclusion I do not form entirely from the action of the General Assembly, still less do I arrive at it from the tone of the party presses of the State —they would probably lead me and every one to a different conclusion—for I regret to perceive, sir, in the press, on both sides, in that State, a shuffling course is pursued, and an endeavor is made to keep this question out of the sight of the people. An unwise policy, I think.

But however much it is to be regretted that the question should arise here or before the country, I apprehend that it does exist here and throughout the country, and that it will be impossible to avoid meeting it and looking it full in the face. For one, I could have regretted that the question should have come here—that in some way it would have been kept out of this body; but we have already matter on our table bringing up this question. We have, sir, the message of the Executive, one of the coördinate branches of the Government, informing us that a part of Mexico now belongs to this Union, and calling on us to establish a Territorial Government over it. Many persons have assumed the position to which I have referred, not, I apprehend, for the lasting interests of the country, but for temporary party purposes.

Many have assumed this position: that the question would not arise because they were opposed to the acquisition. Well, sir, that time has gone by; we are told that we have this territory, and are called on to recognize it as a part of the territory of the United States, and to establish the jurisdiction of our civil government over it. In regard, sir, to this position, which has been assumed by the Executive, I have nothing to say. I was somewhat startled at it, sir. As to how far it can be maintained, we shall see hereafter; for it will be brought up for consideration in the course of the session. But, sir, the other question is brought forward here, and we shall, I suppose, have it discussed. For one, sir, having felt it my duty at the last session to express my views in regard to it, it will be unnecessary for me to explain my course until the question actually comes up again. I certainly, sir, shall pursue such a course as I believe to be moderate and conciliatory and kind towards that section of the Union with which I shall probably differ on this subject. But I cannot consent to misrepresent my constituents. I cannot mistake their sentiments. I cannot mistake what I believe to be their interests.

I think the public sentiment of my State is the public sentiment of the whole North, and that they will adhere fully and with the utmost fidelity, in guarding the rights of all the States on this question so far as the Constitution and congressional enactments have secured those rights—or, in other words, that they will support the institution of slavery as a domestic institution in the States where it exists, and is guarantied by the Constitution. This is the common ground on which he hoped we might all stand. So far, sir, I believe the public sentiment of the North is well settled; and I believe it has equally well settled—that they are not desirous, by any action on their part, to be instrumental in enlarging the area of slavery. I believe the sentiment is, that there is no power in this Government to do that, and if there were, it would be unwise and unjust to exercise it. This question will probably lead to some debate, and I hope it will be discussed temperately as any other question which can come before this body. I hope it will be discussed with a proper regard to the rights of the States under the Constitution which binds us together, and with a proper regard to the interests and honor of the whole country.

For one, sir, I do not believe that there is any power in this Government which can constitute or originate or sustain slavery beyond the limits where the Constitution has carried it; and if we are to go beyond the Constitution, I am, as I have ever been, ready, here and elsewhere, to defend the existing institutions, and to resist every attempt to upturn them. And in regard to acquired territory I would leave it altogether voluntary, I would interfere with it in no way. Nothing in my opinion can be more clearly unjustifiable; but the question presented in these resolutions is entirely distinct. It is a question whether this Government shall become an agent in establishing or extending this institution in the country or out of it; whether it shall undertake to exercise the power of controlling questions of civil and private right which belong naturally to the local institutions of the several States. I think not, sir. I will not detain the Senate further at this time.

Ordered, That they be printed.

Mr. ATHERTON presented resolutions, passed by the Legislature of the State of New Hampshire, in favor of the repeal of so much of the "act to establish post routes and for other purposes," as enlarges the franking privilege and increases the postage on newspapers not sent from the office of publication; which were read and ordered to be printed.

Mr. A. also presented resolutions of the Legislature of New Hampshire, tendering the thanks of that State to Major General Zachary Taylor, and Major General Winfield Scott, and to the brave officers and soldiers under their respective commands, for their distinguished and gallant conduct during the several engagements with the enemy by whose act the war now exists, tendering sympathy to the friends and relatives of the brave men who have fallen; declaring that the course of our Government has been marked by a spirit of forbearance and conciliation, until the actual invasion of our territory; and recognizing, in the measures of the national Executive, a spirit of justice and a desire for peace, but, at the same time, wisdom, statesmanlike forecast, and patriotic energy; which were read, and ordered to be printed.

Mr. SEVIER then rose and asked that the resolutions be read again.

They were accordingly read.

Mr. SEVIER said they did not appear to be addressed to this body at all. He hoped, therefore, that the Senator from New Hampshire would withdraw them. Although he concurred in the sentiments of the resolutions, they were merely the proceedings of a State, in no way connected with the business of Congress. If they were not withdrawn, he would move to reconsider the vote just taken.

A member on the left of the Chair: For what reason?

Mr. SEVIER. Because it was entirely unusual to present resolutions to the Senate which were not addressed to the body, or had no reference to the course of the Senators from the State. He had never known an instance in which it had been done in the Senate.

Mr. ATHERTON. I have certainly no desire to do anything in the slightest degree in contravention of the established practice of the Senate. But I suppose that, according to the practice, resolutions passed on general subjects, as these have been, may be presented to Congress, although no express clause to that effect may be contained in them. I have no doubt that it was the design of the members of the Legislature that those resolutions should be presented to Congress. The resolutions were sent to me by them, and I presume, sir, that it was designed that all of them should be presented. I believe that a copy of them was sent to my colleague.

Supposing it to be the expectation of the Legislature that these resolutions should be presented, I thought it my duty to present them. If, however, that procedure be contrary to the usual practice of the Senate in presenting resolutions, unless there be an express request that they should be presented, I have certainly no wish to press them. I have supposed that, in the course which I have taken, there is nothing in contravention of established order. I am not aware that resolutions have been excluded on account of the absence of a special request that they should be presented. Resolutions, for instance, approving of the votes of Senators and Representatives, or instructing Senators and Representatives to pursue a certain course in regard to the discharge of their duties, have been frequently presented to Congress, although they contained no special request that they should be laid before either House of Congress. These resolutions being on general subjects might, I suppose, be presented. I shall be guided entirely, however, by the opinion of older members of the Senate, and if it be thought that these resolutions should not constitute a precedent, I shall withdraw them.

The motion to reconsider the motion, by which the resolutions referred to were laid upon the table, was then put and adopted.

The question recurring on the resolution to print—

Mr. ATHERTON rose and said: I will withdraw the resolutions for the present, for the purpose of examining the subject, and on more mature consideration will determine whether they ought to be presented or not.

Agreeably to notice, Mr. MANGUM asked, and obtained leave, to bring in a bill for the relief of John R. Bryan, administrator of Isaac Garretson, deceased, late a purser in the United States navy; which was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

Agreeably to notice, Mr. FELCH asked and obtained leave to bring in a joint resolution relating to errors and defective returns in certain surveys, plats, and field-notes; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill to compensate John M. Moore; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill authorizing persons to whom reservations of land have been made under certain Indian treaties, to alienate the same in fee; which was read the first and second times, by unanimous consent, and referred to the Committee on Indian Affairs.

Agreeably to notice, Mr. MASON asked and obtained leave to bring in a bill to change the times for holding the district courts of the United States for the western district of Virginia, and for other purposes; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill to grant to the State of Illinois a right of way through the public lands, and for other purposes; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

Agreeably to notice, Mr. UNDERWOOD asked and obtained leave to bring in a bill to allow further time for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

Agreeably to notice, Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill to grant to the State of Louisiana certain lands for internal improvements; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

Mr. ASHLEY submitted the following resolutions, which were considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate of the reasons which have prevented his compliance with a resolution adopted by the Senate the 11th February, 1846, at the first session of the 29th Congress, in the following words, to wit:

"*Resolved*, That the Secretary of the Treasury be directed to cause to be made an examination of the public lands subject to overflow in the State of Arkansas, by the Mississippi, Arkansas, White, Black, Red and St. Francis rivers, in said State; the quantity overflowed by the Mississippi and Arkansas rivers, lying between and included within the boundaries formed by those rivers, the Louisiana line and the Highlands westward of the lands so overflowed; and that he report the amount necessary to protect those lands from overflow, together with a plan for that object, at the present session of Congress."

THE CONQUEST OF MEXICO.

Mr. CALHOUN. I hope that the resolutions which I offered the other day may now be taken up, in order to fix a day for their consideration.

The resolutions were then taken up and read, as follows:

Resolved, That to conquer Mexico and to hold it, either as a province or to incorporate it in the Union, would be inconsistent with the avowed object for which the war has been prosecuted; a departure from the settled policy of the Government; in conflict with its character and genius; and in the end subversive of our free and popular institutions.

Resolved, That no line of policy in the further prosecution of the war should be adopted which may lead to consequences so disastrous.

Mr. CALHOUN. I shall be regulated in fixing the day by the wishes of the Senate. I have no particular desire in regard to a very early consideration of the resolutions. All I wish is, that there should be no unnecessary delay. If it be agreeable to the Senate, I propose that they be taken up on the first Tuesday in January next—two weeks from to-morrow.

Mr. ALLEN. I understand that the Senator from South Carolina has made a motion, and I suppose I am in order in rising to make a remark. I do not know that I have any particular objection to that motion; but as this is a matter of very grave importance, and comes from a source which entitles it to great consideration, and is on the face of the resolution, as I conceive, a little ambiguous, I ask the indulgence of the Senate, and the Senator from South Carolina, whilst I request him to explain the resolution, so far as to tell us whether it means to exclude the idea of any territorial indemnity from Mexico, or an incorporation into the body of the public domain first, and then as States into this Union, of any territory which we may acquire at the conclusion of this war? Or, whether its only application is to the idea of annihilating the sovereignty of Mexico, and incorporating the whole mass of territory into this Union? I ask whether it is to be understood in the one or the other of these senses? That is the matter, sir, which I am desirous of knowing before I vote in anywise in reference to it.

Mr. CALHOUN. I will answer the Senator from Ohio with a great deal of pleasure. It is not my intention to involve any question in reference to territorial indemnity, or any other subject apart from that which is presented in the resolution itself. I believe the pressing question at this moment is, whether we shall conquer Mexico, and hold her as a subjected province, or incorporate her into our Union. That, of course, would involve the nationality of Mexico; and it was to that point that my resolution referred. I think, sir, it is a question which ought to be first decided, because, Mr. President, if I am any judge at all of the operation of existing causes, the certain tendency of all that we are now doing is to the annihilation of the nationality of Mexico; and that we shall thus find ourselves, unless the greatest caution is exercised, at the end of another campaign, or at some future time, with eight or nine millions of Mexicans, without a government, on our hands, not knowing what to do with them, and forced to one or other of the alternatives which I have presented. This is a question which I consider as exceeding in importance all others at this time. After that is decided, we may then consider what course, in accordance with that decision, it may be wise to pursue. I, for one, wish to guide my own course, and I offered the resolution for the double purpose of bringing it before this body and before the country, and putting myself in reference to this Mexican question where I wish to stand.

Mr. DICKINSON. I believe my resolutions have precedence on the calendar, and were passed over informally. Are they included in the motion now before the Senate?

The PRESIDING OFFICER. They are not embraced in it.

Mr. CALHOUN. I perceive that one of the morning papers supposes that my resolutions were introduced with reference to those offered by the Senator from New York. Not at all. My resolutions were written several days before his were introduced. The Senator may fix any day he pleases for the consideration of his resolutions, either before or after the day fixed upon for the consideration of mine.

Mr. ALLEN. The subject of the Mexican war is one capable of being expanded very largely in the minds of men; and from the importance with which it seems to be put forth at this early period of the session, it is more than likely that it will embrace a large portion of the session in its discussion, giving rise to a very large diversity of sentiment in the members of this body. It may, therefore, be a matter well worthy of the consideration of the Senate whether a subject, comprehending so many remote consequences as are suggested by the Senator from South Carolina, and a subject which, at all events, is, in the judgment of every man, of very great importance, should not be considered with that deliberation which the Senate always bestows on grave national questions; and, therefore, whether it should not, in the first place, pass through one of the committees organized by this body for the due consideration of propositions before they are submitted to the final adjudication of the body itself. Several resolutions have already been presented, and who shall guaranty the Senate that a dozen others of a similar character may not be submitted to the Senate? Who shall say where this subject shall end, when it becomes divided up and adjusted to the different capacities and judgments of this body? This is but the beginning of the session, and we have two sets of resolutions. Before the day arrives for the action of the Senate upon this particular matter, we may have a dozen other resolutions; and I submit it to the better judgment of the body, whether it is not the proper course, under these circumstances, to refer the whole of these resolutions, in the first place, to the Committee on Foreign Relations. If it be in order, I shall make that motion.

Mr. CALHOUN. I do trust that the course suggested by the Senator shall not be pursued. What is the object of the reference? Reference is made to committees for the purpose of considering and perfecting details; but here there are no details to settle. In fact, it is a simple proposition. The Senate have only to determine whether it is intended or desired that the whole of Mexico shall be conquered—her nationality destroyed—and that we shall be placed in a position in which we shall be compelled either to hold her as a subjected province, or incorporate her into our Union. We have carried this business of reference far beyond the parliamentary rules, and have encroached, in my opinion, in no small degree on the rights of individual Senators here. As to the number of resolutions that may be offered, I have no reason to believe that there will be many. Only two have been introduced, and they upon entirely different subjects. One I understand refers to the slave question—mainly, at least—and the other to a question entirely aside from that. Sir, I do not believe that there will be a long discussion. Unless I am very greatly deceived, there will be no great division—at least there is not at present a great division in the country on this point, and I trust there will not be in this body. The end against which I wish to guard, is one which heretofore has not been contemplated. I do not know that such an end is now contemplated. I trust that it is not intended. But we may find ourselves in a position not intended, and from which we cannot extricate ourselves. My object in introducing the resolutions, is to guard against such a result. I trust they will have that effect, and that the Senator will not agree to refer them to the Committee on Foreign Relations.

Mr. ALLEN. I certainly did not desire to deprive any Senator of any of his just rights in this body, nor of any opportunity for the exercise of those rights; but I believe it would be difficult to find, on reference to the Journal, an instance of any one question being introduced in the form of a resolution, of such grave importance as this, which was not referred to one of the committees of this body. It would be very difficult to find an exception to the general rule—very difficult. This is a question affecting our foreign relations—clearly and emphatically so. It is not so merely in its meaning and effect, but it is so on the face of the resolution, and in so many words. Well, sir, it will not limit the range of discussion to send it in the first place to the committee. It will abridge the rights of no man—neither of the mover of the resolution, nor of any other gentleman on this floor. The only effect it will have, will be that which, by the standing rules of this body, is designed—the effect of subjecting the proposition to full scrutiny; first, the scrutiny of the committee, whose especial business it is made by the Senate to examine it; and, secondly, the scrutiny of the Senate itself, revising the judgment of its committee. It is only a precaution taken to guard against precipitate and hasty conclusions. It is a sort of second trial which is granted in favor of all questions whose magnitude entitles them to that consideration—that second review of the human understanding. It is upon that ground, sir, that the rules by which all our business is first submitted to committees are predicated. If we were at the end of the session, or near the end, when a reference of this subject to a committee would be to entomb it for the balance of the session, then the objection coming from the Senator from South Carolina would be an available one, because he would have a right to obtain the adjudication of the Senate upon his resolution. But we are at the commencement of the session—we are on this side of the holidays—we are in anticipation of our usual custom in the transaction of the heavier part of the public business, which is not taken up till after the holidays. There is, therefore, abundance of time. Sir, this resolution is no trifling affair. It presents a grave question, and in answer to the inquiry which I addressed to the Senator from South Carolina, he seems to consider—if I rightly interpreted his explanation—that there is no difference between territorial indemnity and the conquest and retention of the whole of Mexico; that the consequences, though not immediate, would be in their result precisely the same. That is the reading of the explanation as I understand it. Well, sir, what can be a graver question than that? Can the human imagination draw up for review a question graver, more solemn, more calculated to affect and agitate the public heart of this great country than such a question as this? presented, too, at a time when our armies are occupying the territories of that nation. I am one who does not believe that to take territorial indemnity is to take the whole of Mexico. I am one who does not believe that these two questions are the same, either in point of fact or of remote effect. The Senator from South Carolina, who has more reason to be satisfied with his own judgment than I have to be satisfied with mine, thinks differently. Well, sir, his thoughts are entitled to consideration. They are matured thoughts. They will receive the consideration of this country. They will have their effect upon the public mind of a large portion of this people; and it is for that reason that I desire all his thoughts should assume a shape not to be mistaken. When I am told that to obtain from Mexico territorial indemnity to any extent, is equivalent, in its remote consequences, to an utter annihilation of the sovereignty of Mexico and the incorporation of its entire mass of territory within this Union, with its ten millions of population, I desire time to inquire whether, why and wherefore, these propositions are the same—whether these remote and comprehensive effects are to follow from all acquisition of a portion of Mexico, as an indemnity to this Government, for the wrongs which it has sustained at the hands of Mexico. I desire that the committee to whom this subject should be referred, should have an opportunity of investigating that question, and ascertaining whether these two propositions are identical or not; because it is very manifest that the identity of these two propositions will make a very material difference in the estimation which the American people shall put upon them. I do not think that they are identical, sir, by any means. The subject, then, being one of such obvious and acknowledged importance—so much time being before us—so few inconveniences being at all likely to result from the reference to a committee—I cannot, sir, for my life, discover any grave reason why the reference should not take place. But I shall not only acquiesce, as I am bound to do, in the judgment of the Senate; but I shall acquiesce in that judgment, whatever it may be, without the least feeling of disappointment. And I assure the Senator from South Carolina that it is in no spirit of cavilling—from no disposition to disagree with him unnecessarily, or to get up discussion, that I make this suggestion. I act simply upon the same principle upon which the Senate itself acted when it established those rules under which its business is submitted to the various committees.

Mr. CALHOUN. I rise principally to correct an error into which the Senator from Ohio has fallen, doubtless from having misunderstood my remarks. I by no means said that I considered the annihilation of the nationality of Mexico and the

acquisition of a portion of her territory as identical; on the contrary, I said expressly that I did not understand the resolution as involving the question of territory at all. I agree with him that we may take a part—very large parts of Mexico without touching her nationality. My object is very different; and to satisfy the Senator I will tell him that I have changed not a single opinion, which I have ever expressed, in relation to this Mexican war. I hope that this will satisfy him.

Now, sir, if I understand the drift of the Senator's remarks, and of his motion, it is this—that he wishes these resolutions of mine to go to the Committee on Foreign Relations in order that they may make a report upon them before I myself have an opportunity of being heard upon them. I ask, is that fair? I introduced a general subject here, and the Senator proposes to take it out of my hands before I am heard—sending it to the Committee on Foreign Relations, where it is to be discussed and reported on in advance of my own explanation of it. Is there any precedent to be found in this or any other parliamentary body for a procedure of that kind? As he believes, there is no instance of such resolutions being introduced and not referred to a committee before discussion. I do not know an instance in which any such reference has been made. I myself at the last session introduced important resolutions on the subject of slavery. They were discussed here and everywhere.

Mr. ALLEN, (in his seat.) There is no committee of the Senate on slavery.

Mr. CALHOUN. You have a Committee on Territories, and that involved a territorial question. You may raise a special committee. There is no difference in that view between a special and regular committee. The whole drift of his motion —on which I shall say no more—is to take my own resolutions out of my own hand, so that the committee may make the first speech on them, to which I will be called upon to reply, instead of explaining my own resolutions. I submit whether that be fair.

Mr. SEVIER. I hope my friend from Ohio will withdraw his motion. I will only say, as one member of the Committee on Foreign Relations, that I have made up no opinion with regard to the resolutions of the honorable Senator from South Carolina.

Mr. ALLEN. Certainly. I have no disposition to force, even if I had the power, such a motion, if the committee are averse to the reference; and therefore, at the request of the honorable chairman of the committee, I beg to withdraw the motion I have made.

Allow me, sir, however, to take this occasion to remark, that I am gratified with the explanation which the Senator from South Carolina has made, and in relation to which he conceives that I was mistaken in supposing that he meant that the taking any territorial indemnity was identical with the annihilation of Mexico. I did certainly understand him to say that that was to be the ulterior consequence; and it was the identity of consequences that he had reference to, and not the identity of the particular measures at the moment. It was my purpose to negative the idea that the same consequences would flow, however remotely; that is to say, that the taking of territorial indemnity involved an ulterior necessity of annihilating Mexico altogether. But, if that be not the view of the Senator, I am glad to hear it. Because I presumed, on the first form of the proposition, there would be few opinions antagonistic to his; and I hope, upon the second—that is, as to territorial indemnity—I shall find the Senator aiding those who go for indemnifying the country for its osses in the way of lands.

The resolutions were then postponed until Tuesday, the 4th day of January next, and made the special order of that day.

ANNEXATION OF TERRITORY.

The Senate proceeded to consider the following resolutions heretofore submitted by Mr. DICKINSON:

Resolved, That true policy requires the Government of the United States to strengthen its political and commercial relations upon this continent by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; and that neither in such acquisition nor in the territorial organization thereof can any conditions be constitutionally imposed or institutions be provided for or established inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the Confederacy.

Resolved, That in organizing a Territorial Government for territory belonging to the United States, the principles of self government upon which our federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the Legislatures chosen by the people thereof.

Mr. DICKINSON then rose and moved that the resolutions offered by him be made the special order for two weeks from to-day at one o'clock.

Mr. BERRIEN. I beg to ask the Senator from New York, if it is his purpose to anticipate a discussion on the resolutions of the Senator from South Carolina?

Mr. DICKINSON. I do not fully hear the Senator.

Mr. BERRIEN. Is it the purpose of the Senator from New York, in the motion just submitted, to anticipate the discussion on the resolutions of the Senator from South Carolina?

Mr. DICKINSON. I do not know how the discussion of the resolutions offered by the honorable Senator from South Carolina can be anticipated in the consideration of what he himself considered an independent proposition.

Mr. SEVIER. I hope, Mr. President, that before we get into this sea of discussion we may dispose of some public measures which now press upon our consideration. I would suggest, that as the resolutions offered by the Senators from South Carolina and New York are antagonistical to a very great extent, they may, with propriety, be considered together. I hope, therefore, that the Senator from New York will allow his to be considered with the others. In the mean time I hope that we may be able to dispose of the bill for recruiting the ranks of the army, and also of the measures necessary to provide the means of feeding and clothing the soldiers engaged in fighting the battles of their country in Mexico.

Mr. DICKINSON begged to insist on his motion.

Mr. CALHOUN hoped that the Senator would fix an earlier day for the consideration of these resolutions than that fixed for those which he [Mr. C.] had offered.

Mr. DICKINSON was desirous only of an opportunity of explaining his resolutions before the entrance of any other subject, which, by giving rise to discussion, might prevent him from doing so.

Mr. CALHOUN suggested that the Senator could have the opportunity which he sought on the morning of the day after that fixed for the consideration of his [Mr. C.'s] resolutions.

Mr. DICKINSON. I am not so sure of that; and I prefer that my resolutions retain the priority, to which they are entitled in the order in which they were offered. I may not trespass long on the attention of the Senate in addressing it on the resolutions, but what little I have to say I desire to offer before discussion arises on other subjects.

Mr. CALHOUN. I must make a remark here. The Senate has already fixed a day for the consideration of my resolutions; and the Senator now proposes the day immediately preceding for the consideration of his—thus anticipating mine. That his resolutions shall pass without discussion is impossible. There will be, as I take it, great diversity of opinion on the subject, at least as the resolutions now stand. They may lead to a long discussion. Now I do not think that it would be treating my resolutions fairly, if, after having fixed a day for their consideration, the day immediately preceding should be set apart for the consideration of others which must give rise to discussion, in consequence of which mine may be cut off. If the Senator wishes to be heard, he can be heard on any intermediate day, or on the morning immediately after the day set apart for the consideration of my resolutions.

Mr. DICKINSON. I do not intend to supersede the Senator in any other sense than I indicate. I was without the bar when I learned that the Senator's resolutions were under consideration, and I inquired whether the motion made by the honorable Senator included the resolutions which I had the honor to submit. The reply was that they had been passed over informally and were not embraced in the motion of the Senator. It was then remarked by the Senator that the propositions were independent, and that mine could be set down for an earlier or later day. I therefore, in accordance with his suggestion, moved an earlier day, which was, I think, treating his resolutions with fairness and courtesy; whilst, according to his own rule, mine were treated rather unfairly, for I postponed their consideration till after the holidays, in order to meet the convenience of the Senate. I am willing that they should be set down for an earlier day; but the holidays are approaching, and I desire an opportunity to explain the resolutions before I shall be superseded by any other discussion. I do not know that any other Senators wish to speak on the resolutions. If they do, the further consideration of the resolutions can be postponed till the others shall have been discussed. I am quite willing to consent to such an arrangement. I desire only, as I have said, an opportunity to state my views in explanation of the resolutions before the question is embarrassed and superseded by other questions supposed in the public mind to have a similar bearing.

At the suggestion of the Senator himself, I moved that the consideration of my resolutions should be fixed for a certain day, and under that impression I voted for making them the order for Monday, not imagining of course that I was to be foreclosed and superseded.

Mr. CASS. The suggestion of the Senator from Arkansas is entitled to have consideration. We are all aware that the President has submitted to Congress the necessity of additional military forces, and the Military Committee has had no opportunity to examine the subject, but will soon meet and take it up. I hope whatever time may be fixed for the consideration of these resolutions, it may be distinctly understood that they are not to stand in the way of public business of a more pressing nature, demanding the immediate attention of Congress. I do trust that it may be distinctly understood before an order is made on this subject, that it will not be superseded by any other matters.

I must be allowed to say with regard to the resolutions of the honorable gentleman from South Carolina, with the greatest deference to his opinions, that I myself do not see their practical importance. I am perfectly willing to hear the views of the Senator. I know that they will be intelligent, striking, and that they will go to the public with the great weight of his character; but I must say that there is no man in this nation in favor of the extinction of the nationality of Mexico. The Executive has indicated his views, and they are totally inconsistent with the extinction of the nationality of Mexico.

With respect to the resolutions I have nothing to say. But I must remark, that I do think that it is exceedingly unwise, at this stage of the prosecution of the war, in either branch of Congress to say what we will do, or what we will not do. We may be driven from Mexico to-morrow—it is not a very likely event—but how would we look in the eyes of the world in that case, after having declared that we did not mean to seize the whole of Mexico!

If the resolution be intended as a vehicle of the opinions of the Senator from South Carolina, I shall hear him with a great deal of pleasure; and his views will, I doubt not, have great weight in the country; but I shall oppose any vote on the subject; as that would be, in my judgment, unnecessary and impolitic.

Mr. CALHOUN. I should be very glad indeed to think with the honorable gentleman from Michigan, that there is no person in the country who thinks of the extinction of the nationality of Mexico. Why, you can hardly read a newspaper without finding it filled with speculation upon this subject. The proceedings that took place in Ohio, at a dinner given to one of the volunteer officers of the army returned from Mexico, show conclusively that the impression entertained by the persons present, was, that our troops would never leave Mexico until they had conquered the whole country. This was the sentiment advanced by the officer, and it was applauded by the assembly, and endorsed by the official paper of that State.

But this is not the point. The question is not now whether such a thing is contemplated. I attribute no such motive to any one. I look at the progress of events. I look at what is proposed and the end of it—those consequences which I propose to avert by this resolution. Sir, let any man look at the progress of this war—let him consider how we got into it, not expecting to get into it at all, for certainly the Executive officers expressed, in the strongest manner, their conviction that there was not the slightest hazard of war at the time

when our troops marched to the Rio Grande. What next? After the war was commenced we were told that the Government was to conquer a peace; and what have we been told since? That we must carry on the war vigorously. Where is this to end? The whole progress towards the accomplishment of this avowed object of the President, to conquer a peace, has been marked by an earnest desire eagerly to prosecute the war; to go on and go on, until we find ourselves where no man expected. Sir, instead of being an abstraction, these resolutions are eminently practical; they are intended to present to the people of this country a *finale*, probably not now anticipated, but which will come if proper precautions be not taken. It is while the public mind is yet sound, and while the Senate, as I believe, is prepared almost unanimously to vote against such an end of the war, that I wish this expression of opinion to be made. Sir, we begin now to find the misfortune of entering into a war without a declaration of war—without a declaration setting forth to the people the causes of the war, and one upon which they may hold the Government responsible. We have got into a war by a recognition of war, and not a declaration, and hence the necessity for this resolution, to negative a result which we do not contemplate. No, sir, it is as practical as any measure that can be brought forward; for, until the question which arises upon these resolutions is decided, we shall be at a loss to know what amount of supplies, how many men, and how much money to grant. If it be declared, that it is not intended to conquer Mexico so as to destroy her nationality, this will throw a great deal of light upon our vote; but if it be contemplated to do this, then more men and more money will be required; and hence the decision upon these resolutions is the preliminary step to be taken. Sir, it was a good old practice in the early stages of this Government, when the President of these United States sent an address to Congress, that an answer to that address was prepared in a Committee of the Whole, and the whole affairs of the nation were discussed before any measures were adopted. That is the course pursued in the British Parliament, and in the French Chamber of Deputies. That practice has been dropped, and the various subjects now come before us piecemeal, and are referred to committees, and we have no opportunity of knowing what the state of the Union is, until we are called upon to vote upon the various propositions so submitted. Now, I hope that a discussion will be had, if discussion be necessary, and that a vote will be taken, though, if what I hear from the Senator from Michigan be correct, that no man contemplates the entire conquest of all Mexico, then we need not have a long discussion; and it will be very satisfactory to myself, at least, and I believe it will be highly satisfactory to the people generally, to have it declared that such a thing is not contemplated.

Mr. CASS. I do not see that the Senator from South Carolina has changed the aspect of the question. He speaks of the objects of the war. If by this is meant the objects to be attained by the prosecution of the war, every man, woman, and child, in the country, can understand them. They are satisfaction and indemnity. All we seek of Mexico, to use a phrase a good deal reprobated, but which has a good deal of sense in it, is to conquer a peace. That is the object that we have in view; we seek to prevail upon the Mexican Government to consent to an amicable adjustment; that is the object sought by the nation, and I do not see how it is to be attained by such resolutions as these. Now, the honorable Senator says that the decision of these resolutions may guide us as to the amount of force to be raised. I take it, sir, that most of us in the Senate, the Executive, and a great majority of this nation, intend to go on with the war until Mexico will consent to an honorable peace; and I take it, that a majority of the Senate, and of the House of Representatives, will vote the necessary means for this purpose. Now, what we are willing to do at one time, we may not be willing to do at another; we may accept to-day what we would refuse to-morrow; and we might have accepted yesterday, perhaps, what we would have refused to-day.

The course of obstinate infatuation on the part of Mexico, if persisted in, may compel us to do hereafter far otherwise than we would do now. I am not for agitating the question. When the time comes that we shall be called on to act constitutionally and lawfully, let us then act, but not by a previous declaration. The honorable Senator says that, at a certain meeting, a proposition was made that Mexico must be altogether annihilated. What, then, is it necessary for us to declare that such is not the intention? Some time since, a resolution was offered for annexing Cuba to this country, and yet nobody thought of offering a counter resolution that it should not be annexed; and if a proposition were made anywhere that England or France should be annexed to this country, no one would think of recording on the Senate Journals a solemn declaration that we would not. It seems to me, that these resolutions have no practical bearing, or if they have, that this is not the time for their discussion. I leave the question.

Mr. NILES. I have always been opposed to wasting much time on the discussion of abstract propositions, in which light I regard these resolutions, and especially the one of my honorable friend from New York. The discussion upon that resolution would not shed much light upon the principal question, which can only come up on a Territorial bill or a treaty. I regard the resolution of the honorable and distinguished Senator from South Carolina as pretty near an abstraction. That honorable Senator is rather fond of abstractions, and probably he has introduced a good many of them in the form of resolutions here. There does appear to me, sir, to be an intimate connection between the two great questions presented in these resolutions, and the whole legislation upon these subjects in regard to our peculiar, extraordinary, unexampled relations with a neighboring Power. We are called on by the Executive, in the discharge of his high functions, to provide additional means for the prosecution of this war; and with the view, as he tells us, of securing an honorable peace. Well, sir, in regard to the general proposition, I apprehend that there will be very little diversity of opinion here; I should hope so, sir, at least; for even these honorable gentlemen who—some of them, I believe, think that this war originated unnecessarily and somewhat aggressively on our part—must nevertheless see the condition the country is in; and that whatever may have been the origin of the war cannot now very materially bear upon the question. We must sustain the national character; we must in some way bring this war to a conclusion. Well, sir, if the proposition of the honorable Senator have a direct and practical bearing upon the bill which may come before us in pursuance of the recommendation of the President, then, sir, perhaps we may as well meet this great question in this form as in any other. I should think that the decision of the Senate upon the two questions which these resolutions present, would be matter of some importance to the Committee on Military Affairs, and would give some degree of direction to the course of action devolving on them, and in regard to the additional propositions which it may be their duty to bring before us in the prosecution of this war. As I have already observed, all parties will agree that this war should be brought to an honorable conclusion. What is an honorable conclusion of the war? Some may think that we have acquired honor enough already in its prosecution, and that we have prosecuted it as far as is justifiable.

There are but few, however, who think so. We want a treaty of peace; the war must be prosecuted for that object, and it is a legitimate object; but, at the same time, we who represent the interests of this great nation have or ought to have some little sagacity. We must look at the actual condition of things, and see what will be the result of pursuing this matter—and this question is distinctly presented in the second resolution; that is, what line of policy, in the prosecution of this war, may lead to a result which will be much more important, much more solemn in its consequences, than the attainment of an honorable peace. May not such a result follow? Is there not reason to fear it? and if so, it may not be amiss to look at it in advance, and as preceding the preparations which it may be necessary to make for the prosecution of the war. I believe it to be the general sentiment of this body that the conquest of this extensive country is not desired. The next question is, whether we may or not be thrown into a position in which such a result will become almost inevitable. The Senator from Michigan tells us we cannot see the end of the war—that we cannot now say what the terms of peace should be, because, what might be suitable at this time, might be very unsuitable at another time. Well, then, would it not be well to examine, and how we are best to secure the object we are all aiming at, that we may not be drawn into the necessity of taking possession of the whole of Mexico? Now both of these questions are presented in these resolutions, and the last one I regard as being of the greatest importance; and there may be difficulty in acting upon it, because there is nothing distinct in the terms of the resolution itself by which we are to reach the end desired. I believe I may say that we all wish to avoid the probable contingency whereby we shall be under the necessity of taking care of the whole population of that country, and extending our jurisdiction over it. Now these are great questions, which cannot be too carefully considered. I am not for abandoning this war; but, at the same time, I cannot but see that every step we take in the conquest of this country but increases our difficulty and renders the adjustment which I have alluded to a subject of greater difficulty. Sir, no one can mistake that it is the sentiment of the army—and the army of this country is now of sufficient importance to speak, and to be heard and felt—it is evidently, I say, their sentiment that this war is only to end with the entire conquest of Mexico. I have read the proceedings of the meeting to which the honorable Senator alluded. I read them with the most profound regret. Sir, we hear from our countrymen abroad in the service of their country, (and we hear the same from several quarters,) that we cannot make peace without the subjugation of the whole country. When we hear from the army, which ought to be subordinate to the civil Government, such language—that the army would consider itself disgraced if we did not take the whole country; and this spreading through the country, so calculated to take hold of the masses,—is it not time to view matters carefully, and to proceed with caution? I think so, for one. It is not necessary to go farther into this subject; it is not necessary to look at the consequences that will result to our institutions; it is not difficult to see the unhappy condition in which this country will be placed, and the alarming results which will follow from a change so great, so momentous, in our political condition, and in the extent of our territorial possessions. Sir, I think there is some propriety in acting upon these propositions in advance of acting upon measures connected with this war. I certainly should not have proposed anything of the kind myself; but, being here, I cannot see, looking at the signs of the times, but that there is a manifest propriety in examining these questions. I am one who think that we ought to have indemnity from Mexico; that we ought to prosecute the war, with the end of obtaining it, if there be any reasonable prospect of getting it, by a farther extension of our conquests. But if there is not such a prospect—if we have already proceeded far enough to be convinced that peace is not to be obtained by extending our dominion,—then comes the grave question, whether we shall fall back upon some such proposition as that which was offered by the distinguished gentleman from South Carolina at the last session, and content ourselves with the occupation of a portion of their territory, or whether we will make the calamities of war fall with increased force upon the enemy, and then induce them to make peace. But will they be induced to do this by breaking up the fragments of the Government they have, and resolving that country into the primitive condition of a population without a Government? I think it involves a serious doubt, whether, after we have done that, we shall not be farther from the end than we are at present. I will yield my objections against diverting the attention of the Senate to the discussion of abstract propositions, so far as those propositions have a bearing upon the subject that may come before us for our consideration. Believing this to be the case in regard to one of these propositions, I shall not offer any opposition to its discussion. I hope it will come up at an early day. I know there are important matters of business, important bills—one of them in relation to our foreign mail service—which, I hope, will be considered at an early day; and I greatly fear, that if these two propositions are taken up, the discussion will consume a month, at least, of our time, before we can do anything in regard to these important matters of business.

Mr. DICKINSON. Anxious as I am to obtain a discussion upon the resolutions which I have offered, I am not sufficiently anxious to desire that discussion to the exclusion of any important business. I believe, however, they are not altogether abstractions; and I believe I can call my honorable friend from Connecticut to witness they are not. I believe my honorable friend is one of the most practical members of this body, and that he never discusses abstractions; yet the honorable Senator, in presenting resolutions from the Legislature of Connecticut, so far departed from his usual practical course as to address the Senate at some length. I do not complain of this, for I acknowledge that the remarks of the Senator were entirely agreeable to my mind; and the honorable Senator has also favored the Senate with extended remarks upon the question now pending. If the resolutions had been abstractions, he certainly would not have discussed them. I believe, sir, that if some of these questions were settled, a greater good would be accomplished than if we were to pass all the bills which can be brought before this body. I will add, sir, that in conversing with the honorable Senator from South Carolina, an arrangement, which is entirely satisfactory, has been agreed upon, and, therefore, I withdraw my motion to make the resolutions which I have offered the order of the day.

ROUTE TO CALIFORNIA.

The Senate proceeded to consider the following resolution, submitted on Thursday last by Mr. PEARCE, and it was agreed to:

Resolved, That one thousand additional copies of the notes of a military reconnoissance from Fort Leavenworth to San Diego, by Lieutenant William H. Emory, and of Colonel Cook's report, be printed for the use of the Senate, and that the Secretary of the Senate be directed to cause to be engraved or lithographed an equal number of the map accompanying Lieutenant Emory's report and such of the botanical, geological, and other illustrations as the Committee on the Contingent Expenses of the Senate may approve and direct.

THE LATE GEORGE C. DROMGOOLE.

The following message was received from the House of Representatives by Mr. Campbell, their Clerk:

"Mr. PRESIDENT: I am directed to notify the Senate of the death of the Hon. GEORGE C. DROMGOOLE, late a member of the House of Representatives, from the State of Virginia."

The resolutions adopted by the House of Representatives on the occasion having been read—

Mr. MASON rose, and addressed the Senate as follows:

I discharge a melancholy duty, Mr. President, in asking the Senate to extend the customary evidences of respect to the memory of the very distinguished gentleman whose death has just been announced to us.

GEORGE COKE DROMGOOLE, a Representative elected from the State of Virginia to the present Congress, died at his residence in the county of Brunswick, in that State, on the 27th day of April, in the present year.

He had just closed the fifth term of his service in the House of Representatives, and been reelected by a constituency amidst whom he was born, when the irrevocable mandate was issued which now numbers him with the dead.

Nature had formed him for a statesman of the highest order, and, soon distinguished by popular favor, his inclinations and habits of mind at once directed him to the paths of public life. A clear head and sound heart assured alike unshaken loyalty to his country and inviolable faith to his friends.

When just entering upon manhood, he was chosen a delegate to the General Assembly of Virginia, and, with an interval of but two years, during which he declined a reëlection, from that time forth continued a Representative of the people until his career was closed in death.

In 1829 he was chosen a member of the Convention called to revise the Constitution of the State—a body selected with great care by the people of Virginia, composed of our wisest statesmen, and numbering amongst its members men who adorned and left their impress upon the age in which they lived.

From the House of Delegates he was transferred to the Virginia Senate, and whilst presiding officer of that body, in the year 1835, was elected to the House of Representatives of the United States.

It was my fortune to be associated with him in the public councils, both of our honored State and of this Confederacy, and to witness from their early development in youth to the maturity of riper years that solidity of mind and strong and clear discernment which so rarely accompanies the quick wit and ready thought that distinguished the career of this gifted man.

With ardent temperament and decided opinions, General DROMGOOLE always stood allied with party; but he made no enemies—ever more ready, in the stern conflicts of party, to disarm than to wound, or with ready and playful remark to turn aside acerbity.

In social life he enjoyed and deserved the strongest attachment of his friends; perhaps never more signally shown than in the incidents connected with the election which but a few days preceded his death, when his constituents, by a diminished vote, evinced, that although they could chasten, they would not dismiss their Representative.

Of his infirmities, sir, it may become him to speak, who himself has none; let their memory be buried in the tomb, where now reposes all that was mortal of the statesman, the patriot, and the friend.

I move, sir, the following resolutions:

Resolved, unanimously, That the Senate has heard with deep sensibility of the death of the Honorable GEORGE COKE DROMGOOLE, a representative elect from the State of Virginia, which has been communicated by the House of Representatives.

Resolved, That in testimony of their respect for the memory of the deceased, the Senators will wear the usual badge of mourning for thirty days.

Resolved, As a further mark of respect, that the Senate do now adjourn.

The resolutions having been unanimously adopted, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 20, 1847.

The Journal of Saturday having been read—

Mr. C. J. INGERSOLL rose to a question of the accuracy of the Journal. He submitted to the Speaker (for he had not been able to hear distinctly the reading of the Journal) whether it did not omit to state that that portion of the report of the Committee on Rules which was journalized as having been rejected, was recommended by the committee to be rejected? He believed there was no notice taken in the Journal of the recommendation of the committee.

The SPEAKER remarked that there was no written report made to that effect; that the rule first reported remained as a rule for the consideration of the House—the question being on its adoption. The gentleman from Pennsylvania stated, it was true, that the committee recommended it should be rejected. The Chair believed such verbal recommendations had not formerly been the subject of notice on the Journal.

Mr. C. J. INGERSOLL. It is not stated on the Journal that I moved its rejection.

The SPEAKER. The Journal will be amended so as to state the fact.

Here the conversation dropped, and the Journal, as thus amended, was approved.

The SPEAKER stated that, with the leave of the House, he would call for petitions in the order of the States, for reports from committees, and for resolutions in the order of the States, in the order prescribed by the rules of the House. If the House would submit to this, it would promote its convenience and the expedition of business.

The suggestion being acquiesced in, by the general consent of the House—

The SPEAKER proceeded to call for—

PETITIONS.

Mr. J. Q. ADAMS presented a petition praying for peace, and asked its reference to a select committee.

Mr. BOYD moved its reference to the Committee on Foreign Affairs.

Mr. GIDDINGS demanded the yeas and nays; which were not ordered.

Mr. C. J. INGERSOLL rose and (in reference to the prayer of the petition for peace) desired to ask, peace with whom? It does not say.

Mr. J. Q. ADAMS moved that the petition be read, as it was very short.

This motion being agreed to, the petition was read.

Mr. BOYD modified his motion, and moved the reference to the Committee on Military Affairs.

Mr. C. J. INGERSOLL begged leave simply to state, that during the last session of Congress, as every gentleman now here who was then a member of the Committee on Foreign Affairs would well recollect, a vast number of similar petitions were referred to that committee.

The SPEAKER reminded gentlemen that debate was not in order. If debate arose upon a petition, it must of necessity go over under the rules.

The question was then taken on the motion of Mr. BOYD to refer to the Committee on Military Affairs, and decided in the negative without a division.

Mr. BRODHEAD and Mr. SMITH, of Connecticut, simultaneously moved to refer it to the Committee on Foreign Affairs.

And the question being taken on this motion, it was agreed to: Ayes 120, noes not counted.

Mr. JOHN Q. ADAMS also presented a petition of Photius Kavasales, praying Congress to pass a law authorizing the petitioner to change his name, and moved its reference to a select committee.

Debate arising on the reference of said petition, it was laid over under the rule.

Also, the petition of John Mitchell, of the State of Maine, praying a pension for a wound received on board the United States ship Alabama while engaged in firing a salute in May last in honor of the victories achieved by Generals Scott and Taylor. Referred to the Committee on Invalid Pensions.

Also, the petition of John P. Andrews, of Salem, Massachusetts, praying for an amicable termination of the war with Mexico. Referred to the Committee on Foreign Affairs.

Other petitions were also presented—

From the State of Massachusetts: By Messrs. HALE and PALFREY.

From Rhode Island: By Mr. CRANSTON.

From Connecticut: By Mr. ROCKWELL.

From New York: By Messrs. HUNT, HALL, HOLMES, GOTT, and MACLAY.

From Pennsylvania: By Messrs. POLLOCK, HAMPTON, and STEWART.

From Maryland: By Mr. EVANS.

From Virginia: By Mr. BOCOCK.

From North Carolina: By Mr. BARRINGER.

From Georgia: By Mr. KING.

From Kentucky: By Messrs. FRENCH and BOYD.

From Tennessee: By Mr. GENTRY.

From Ohio: By Messrs. VINTON, CROWELL, and DICKINSON.

From Mississippi: By Mr. THOMPSON.

From Illinois: By Messrs. SMITH, LINCOLN, and FICKLIN.

From Alabama: By Messrs. HOUSTON, HILLIARD, and GAYLE.

From Missouri: By Messrs. JAMIESON and PHELPS.

From Arkansas: By Mr. JOHNSON.

STATE RESOLUTIONS.

Mr. CRANSTON presented certain resolutions of the Legislature of the State of Rhode Island, in favor of the plan of Asa Whitney for a railroad from Lake Michigan to the Pacific; which resolutions were laid upon the table and ordered to be printed.

Mr. PHELPS presented certain resolutions of the Legislature of the State of Missouri, asking Congress to create a new Territory west of the State of Missouri.

Also, asking a grant of land to aid in improving the navigation of the Osage river; which resolutions were appropriately referred and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. JOHN A. ROCKWELL, from the Committee of Claims, reported a bill for the relief of Phineas Capen, administrator of John Cox, deceased.

Also, a bill for the relief of Robert Roberts; which bills were read a first and second time and committed.

Also, an adverse report on the case of John R. Williams. Laid on the table.

Mr. DANIEL P. KING, from the Committee on Revolutionary Claims, reported a bill for the relief of Mary Brown, widow of Jacob Brown, a revolutionary pensioner. Read a first and second time and committed.

BILLS AND JOINT RESOLUTIONS.

Mr. BRODHEAD, notice having been given, obtained leave to introduce a bill relative to postage on newspapers. Read a first and second time and referred to the Committee on the Post Office and Post Roads.

Mr. HENLEY, notice having been given, obtained leave and introduced a joint resolution to amend an act entitled "An act to establish certain post routes and for other purposes," approved March 3, 1847. Read a first and second time and referred to the Committee on the Post Office and Post Roads.

Mr. ANDREW JOHNSON, having obtained leave, introduced a bill for the relief of Russell Goss. Read a first and second time and referred to the Committee on Invalid Pensions.

NOTICES OF BILLS.

Notices of motions for leave to introduce bills were given, as follows:

By Mr. PEASLEE: Of a bill for the settlement of the claims of New Hampshire against the United States, and also of a bill to change the place of holding courts in New Hampshire.

By Mr. N. K. HALL: Of a bill concerning costs in civil suits and proceedings in the name of the United States.

By Mr. E. B. HOLMES: Of a bill to erect fortifications and establish a military depôt at or near the mouth of Genesee river, on Lake Ontario, in the State of New York.

By Mr. CROZIER: Of a bill making an appropriation of the public lands for the benefit of the deaf, dumb, and blind.

By Mr. RHETT: Of a bill authorizing the several States in the Union to lay tonnage duties on all vessels or steamboats entering their ports or harbors, for the purpose of improving the navigation of the said States.

By Mr. GOGGIN: Of a bill making further appropriations of land to satisfy Virginia military land warrants for services during the revolutionary war, and for other purposes connected with such services.

By Mr. DUER: Of a bill to repeal so much of chapters 33 and 63 of the act of the last session of Congress as increase the franking privileges of members of Congress, and forbid the transmission of newspapers free of postage to a distance not exceeding thirty miles from the office of publication.

By Mr. TALLMADGE: Of a bill for the establishment of a branch of the mint of the United States in the city of New York.

Also, a bill for the rescue and protection of persons and property which may be shipwrecked on the Atlantic coast.

By Mr. THIBODEAUX: Of a bill relating to the collection district of New Orleans and for other purposes.

By Mr. LINCOLN: Of a bill to amend an act entitled "An act to raise for a limited time an additional military force and for other purposes," approved February 11, 1847.

By Mr. JOHN A. ROCKWELL: Of a bill to make appropriations of certain proceeds of public lands in aid of education, and also of a bill to revise the consular system of the United States.

By Mr. R. SMITH: Of a bill making an appropriation for the improvement of the Mississippi river; of a bill making provision for the widows and orphans of officers and soldiers killed in the present war with Mexico, or who have died in the service; of a bill to provide for completing the Cumberland road in the States of Ohio, Indiana, Illinois, and Missouri; and also of a bill granting lands to aid in the construction of certain railroads in the State of Illinois.

By Mr. CATHCART: Of a bill to reduce the minimum price of the lands acquired of the Miami Indians; and of a bill to provide for the prosecution of the work upon the harbor at Michigan City, in Indiana.

By Mr. JOHN W. HOUSTON: Of a joint resolution of the thanks of Congress to Major General Zachary Taylor, the officers and men under his command, for gallant conduct at the battle of Buena Vista; which were read, by common consent, for the information of the House:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and they are hereby tendered, to Major General Zachary Taylor, and through him to the officers and soldiers of the regular army and of the volunteers under his command, for their indomitable valor, skill, and good conduct, conspicuously displayed on the 22d and 23d days of February last, in the battle of Buena Vista, in defeating a numerous Mexican army, consisting of four times their number, and composed of chosen troops under their favorite commander, General Santa Anna, and thereby obtaining a victory over the enemy which, for its signal and brilliant character, is unsurpassed in the military annals of the world.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major General Taylor, as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major General Taylor in such manner as he may deem best calculated to effect the objects thereof.

RESOLUTIONS.

On motion of Mr. JOHN Q. ADAMS,

Resolved, That the same number of pages be employed for the use of this House that were employed previous to the twenty-seventh Congress—viz: twelve.

Mr. GRINNELL moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the President has authorized the fitting out a vessel to convey officers of the United States army, navy, or other persons to the Mediterranean, for the purpose of exploring and surveying the Dead Sea; and whether the Constitution and laws of the United States give the President authority so to do; and, further, whether the Constitution gives to Congress the power to pass laws authorizing the exploration, surveying, and improving the harbors and rivers of the United States.

Mr. C. J. INGERSOLL inquired why this resolution was directed to the Judiciary Committee?

Mr. GRINNELL said he thought that the Committee on the Judiciary was the proper committee to inquire into the subject.

The resolution giving rise to debate, was laid over, under the rule.

On motion of Mr. TRUMAN SMITH,

Resolved, That a select committe of five be appointed, whose duty it shall be to inquire into and ascertain the average value of the foreign silver coins in circulation in the United States which usually pass for one-eighth and one-sixteenth of a dollar; and that they consider what measures should be adopted to substitute for such coins the dimes and half-dimes of the United States, with liberty to report by bill or otherwise, as they see fit.

Mr. TRUMAN SMITH moved the following resolution:

Resolved, That the memorials and petitions from citizens of the United States who suffered by the spoliations of the French prior to the 30th of September, 1800, now on the files of the Clerk of this House, be taken therefrom and referred to the Committee on Foreign Affairs.

Mr. WICK said it was his desire to debate this resolution.

It was therefore laid over, under the rule.

On motion of Mr. NICOLL,

Resolved, That it be referred to the Committee on the Post Office and Post Roads to inquire into the expediency of abolishing the present postage on transient newspapers, and of substituting in its place the same postage as is now charged on newspapers regularly mailed by publishers thereof.

Mr. MURPHY asked leave to introduce the following joint resolutions:

Resolved, (the Senate concurring herein,) That Congress regards the enlightened policy of the sovereign Pontiff of Rome, in extending to his people toleration of political opinion, a liberal press, and constitutional guarantees, and in removing religious disabilities, as demanding its admiration, inasmuch as such measures are founded upon principles cherished by the people of the United States as the true basis of popular liberty, and because they are a voluntary and peaceful tribute of power to right, unstained by blood, unbought by human suffering, and equally worthy of a high religious functionary and a wise temporal sovereign.

Resolved, (the Senate concurring herein,) That, in view of these interesting events, a country to which the people of the United States are indebted not only for many of the arts which adorn life, but for many of the political institutions which they enjoy, it is expedient that diplomatic relations be opened by this Government with the Papal States, and that Congress concurs with the President in his late message in regard thereto.

Resolved, (the Senate concurring herein,) That the President be requested to transmit a copy of these resolutions to Pope Pius IX.

The SPEAKER stated that the rules of the House required a member to give at least one day's notice of a motion for leave to introduce a bill or joint resolution; and that it was not in order at this time to introduce bills or joint resolutions.

Mr. MURPHY moved to suspend the rules to enable him to introduce said joint resolutions. Disagreed to.

On motion of Mr. HUNT,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a system of commercial reciprocity between the United States and the province of Canada, with a view to the admission of the products of either country into the ports of the other on a footing of equality.

On motion of Mr. CONGER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Ruth Hornbeck, formerly widow of Wm. Scutt, for the services of said Scutt as a soldier of the Revolution; and that said committee be authorized for this purpose to withdraw from the files in the Pension Office all the papers of said Ruth relating to said application.

On motion of Mr. SLINGERLAND,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to remove the obstruction to the navigation of the Hudson river, in the State of New York.

On motion of Mr. S. LAWRENCE,

Resolved, That the Commissioner of Pensions send to this House the papers of John Manley, on file in his office, in aid of his application for a pension; and that such papers be referred to the Committee on Revolutionary Pensions.

On motion of Mr. GOTT,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to L. B. Canfield, for injuries received while in the service of the United States, and a captain in the 23d regiment of infantry, in the war with Great Britain in 1813; and that said committee be authorized, for this purpose, to withdraw from the files in the Pension Office all the papers of the said Canfield relating to said application.

On motion of Mr. McILVAINE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of so amending the post office laws, as to provide for the free transit of newspapers through the mail within the county in which they are published.

On motion of Mr. POLLOCK,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of providing by law for the allowance of reasonable compensation to the clerks of the District Courts of the States, for the labor performed by them in making out the returns exhibiting the operations of the late bankrupt law of the United States, called for by a circular of the Secretary of State, in execution of a resolution of the House of Representatives of the 28th Congress.

On motion of Mr. POLLOCK,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of giving to the postmaster at Northumberland, Pennsylvania, a fixed salary in lieu of the compensation at present received—the said office being a distributing office, and the per centage under the existing law being inadequate to the labor performed.

On motion of Mr. C. J. INGERSOLL,

Resolved, That the Committee on Foreign Affairs be instructed to inquire and report to this House on the expediency of abolishing the present missions by Chargés des Affaires to Sardinia and Naples, and substituting therefor, together with the mission lately recommended by the President to the Papal States, a full mission, by Minister Plenipotentiary or Ambassador, to Italy, with Secretaries of Legation to reside at Rome, Turin, and Naples.

On motion of Mr. ANDREW STEWART,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to Andrew Flanagan, an officer in the army during the late war with Great Britain.

On motion of Mr. ALEXANDER EVANS,

Resolved, That the Clerk cause the usual number of correct copies of the Rules and Orders of this House as amended, together with the Constitution of the United States and the Joint Rules and Orders of the two Houses, to be printed for the use of the House, and that he shall prepare correct indices thereto to be printed therewith.

Mr. McLANE moved the following resolution, which was read and laid over under the rule:

Resolved, That the Secretary of War furnish this House with the report and map of First Lieut. Emory, of the Corps of Topographical Engineers, of the route of the army under General Kearny from the Missouri to the Pacific, with such parts of the report of Lieut. Colonel Cook as are necessary to illustrate his deviation from the route of General Kearny; and also the report and map of Lieutenant Abert, of the Corps of Topographical Engineers, of his examination of the province of New Mexico; and also copies of any further reports in relation to the operations of the army in Mexico which have been received at the same department after the date of the annual report of the Secretary of War.

On motion of Mr. McLANE,

Resolved, That the accompanying copy of a memorial, addressed to the Postmaster General by certain merchants and traders of the city of Baltimore, be referred to the Committee on the Post Office and Post Roads, with instructions to inquire into the expediency of so amending the existing laws for the transportation of the mails as will allow the Postmaster General to contract for extra mail service as the interest of the commercial community may require.

On motion of Mr. LIGON,

Resolved, That the papers relating respectively to the claims of Samuel T. Anderson, Levi Collins, John Knight, and John Knott, now on file in this House, or with the Commissioner of Pensions, be withdrawn therefrom, and referred to the Committee of Claims.

Mr. GOGGIN moved the following resolution, which was read and laid over under the rule:

Resolved, That the President of the United States be requested to communicate to this House any instructions

which may have been given to any of the officers of the army or navy of the United States, or other persons, in regard to the return of President General Antonio Lopez de Santa Anna, or any other Mexican, to the Republic of Mexico, prior or subsequent to the order of the President or Secretary of War, issued in January, 1846, for the march of the army from the Nueces river across the "*stupendous deserts*" which intervene to the Rio Grande; that the date of all such instructions, orders, and correspondence, be set forth, together with the instructions and orders issued to Mr. Slidell at any time, prior or subsequent to his departure for Mexico as Minister Plenipotentiary of the United States to that Republic.

On motion of Mr. BEDINGER,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of manufacturing an additional number of arms at the national armories of Harper's Ferry and Springfield.

On motion of Mr. BOCOCK,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing by law that deputy postmasters, instead of the compensation now allowed them, shall receive the rate of commission specified in the act passed on the 1st day of March, 1847, entitled "An act to amend the act entitled 'An act to reduce the rates of postage,'" &c.; said commissions, however, to be computed on the quarterly receipts of their offices instead of on the annual receipts, as in said act provided.

2. *Resolved*, That the said committee inquire into the expediency of further providing that the Postmaster General be authorized, in his next settlement with the deputy postmasters, to carry back his compensation on the basis of the foregoing resolution, to the 1st day of March, 1847, and allow to said deputy postmasters any balance which may appear in their favor on such computation.

Mr. BOCOCK submitted the following resolution, which was read and laid over under the rule:

Resolved, That the Postmaster General be requested to communicate to this House what inconvenience, if any, would result from carrying back his settlement, as above indicated, to the 1st day of March, 1847; what amount would thereby be taken from the department; and any other facts in his knowledge tending to show the propriety or impropriety of such an enactment.

On motion of Mr. BARRINGER,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of increasing the commissions and emoluments of the postmasters of the small class of offices in the United States.

Mr. ISAAC E. HOLMES moved the following resolution, which was read and referred to the Committee of Ways and Means:

Resolved, That the moneys deposited with the several States and Territories, as a loan from the treasury of the surplus revenue, be now called for by the Government of the United States before resort be had to another loan.

Mr. T. B. KING moved the following resolution:

Resolved, That it shall be the duty of the Speaker, as soon as practicable after the passage of this resolution, to cause the desks to be removed from this Hall, the seats to remain as they are until some better arrangement can be made, which is confided to him; and that a large table be placed in front of the Clerk's desk for the use of the members.

Mr. JACOB THOMPSON moved the previous question.

Mr. McLANE moved to lay the resolution on the table; which was agreed to.

On motion of Mr. GARNETT DUNCAN,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency and propriety of extending the benefit of the provisions of the 9th section of the act of the 11th of February, 1847, entitled "An act to raise, for a limited time, an additional military force," &c., to such officers as may have been commissioned upon *promotion from the ranks* whilst in Mexico, during their term of service; and also, whether substitutes who may have taken the places of their principals, and served out their terms, should not also have the benefit of said section extended to them; and that said committee report by bill or otherwise.

On motion of Mr. CROZIER,

Resolved, That the Committee on Military Affairs be, and it is hereby, instructed to inquire into the expediency of paying volunteers for horses that may have been lost by them during the Mexican war, on account of their being thrown overboard during storms for the safety of vessels, and for such as may have died for want of reasonable and proper vessels and means of transportation, and for such other cases as they may think proper and right, not provided for by existing laws; and that said committee have leave to report by bill or otherwise.

Mr. COCKE moved the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War report to this House the number of regulars enlisted and volunteers received into the service of the United States since the commencement of hostilities between the United States and Mexico; what number of the same have been killed in battle, or died from wounds received in battle; what number have died from disease, and what number have been discharged as unfit for service in consequence of disability produced by disease. That he also report the strength of each regiment when mustered into service, and their strength according to the latest returns; and the State where raised, and the amount of the regular army at the time of the commencement of the war.

Mr. STANTON moved the following resolution; which was read and laid over, under the rule:

Resolved, That the President be requested to communicate to this House any correspondence which may have recently taken place with the British Government relative to the adoption of principles of reciprocity in the trade and shipping of the two countries; provided such communication shall not, in his judgment, conflict with the public interest.

Mr. GENTRY moved the following resolution; which was read and laid over, under the rule:

Resolved, That the President of the United States be requested to communicate to this House the instructions given to John Slidell as Minister Plenipotentiary and Ambassador Extraordinary to the Government of Mexico.

On motion of Mr. GEO. W. JONES,

Resolved, That the Committee on Revolutionary Pensions be instructed to report a bill reviving and extending the provisions of certain acts granting pensions to the widows of revolutionary soldiers, approved July 7, 1838, March 3, 1843, and June 17, 1844, the last of which will expire on the 4th of March, 1848.

On motion of Mr. CUMMINS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency and propriety of repealing so much of the thirteenth section of the act of the 3d day of March, 1847, entitled "An act to establish certain post routes and for other purposes," as prohibits editors and publishers of newspapers from sending their papers to subscribers by the mail, free of charge or postage, to the distance of thirty miles from the place of publication; and that said committee report to this House upon the subject at its earliest convenience.

On motion of Mr. VINTON,

Resolved, That the Committee on Commerce be instructed to inquire if any further laws are necessary for the protection of persons and passengers on board of vessels and boats navigated by steam in the waters of the United States.

On motion of Mr. DICKINSON,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of appropriating a sum of money out of the treasury, not otherwise appropriated, sufficient to pay for all advances made for the subsistence and transportation of volunteers, before they were mustered into the service of the United States, since the 3d day of March, 1847, and of the best mode to settle, adjust, and pay them off.

Mr. SCHENCK moved the following resolution, which was read and laid over under the rule:

Resolved, That the President of the United States be requested to communicate to this House, at as early a day as practicable, copies of all orders and communications sent by him, or from any department of this Government, to any officer of the United States, or other person claiming to act under the authority of the United States, within or for the Territory of New Mexico, together with all replies, reports, or communications from any officer or officers, civil or military, or claiming to be such under the authority of the United States, to the President, or to any department of this Government, such orders, communications, replies, and reports, having relation to the establishment and maintenance of civil or territorial jurisdiction at Santa Fé, or in the Territory of New Mexico, on either side of the Rio Grande, since the 22d day of September, 1846; and also, that the President be requested to inform this House whether any appointment of officers has been made, or any elections held for a delegate to Congress, members of a General Assembly or Territorial Legislature, or other local officers, under the organic law or constitution and the code of laws which were ordained and established by Brigadier General S. W. Kearny for the Territory of New Mexico, at Santa Fé, on the said 22d day of September, 1846; and also, whether any trials have taken place, and any or other punishment been inflicted upon persons at Taos or elsewhere, in said Territory of New Mexico, on the charge or for the crime of treason, or for any other civil crime or misdemeanor; whether such trials and executions were had or inflicted under civil or military law; and how the court or courts were constituted which entertained jurisdiction or rendered judgment in any such case; and also, that the President inform this House whether the appointment of a Governor, Secretary of the Territory, Marshal, United States District Attorney, Treasurer, and Judges of the Supreme Court, in New Mexico, made by General Kearny, on the 22d day of September, 1846, and claimed by him in the order of said appointments as "being duly authorized by the President of the United States of America," was in fact authorized by him, or has been since approved, sanctioned, or recognized; and whether he has authorized, recognized, sanctioned, or approved any subsequent appointment to civil office in said Territory of New Mexico; and also, that the President inform this House whether compensation or salaries for official services have been paid or allowed to such officers in the Territory of New Mexico; and, if so, out of what fund or appropriation of money, and by what authority of law.

On motion of Mr. HARMANSON,

Resolved, That the Committee on Commerce be, and is hereby, instructed to inquire into the expediency of extending the port of New Orleans to the upper limits of the city of Lafayette.

On motion of Mr. LA SERE,

Resolved, That the Committee on Commerce be instructed to inquire into and report upon augmenting the number of inspectors of the customs for the port of New Orleans.

On motion of Mr. WICK,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency and necessity of legislation to secure bounty lands to volunteers mustered into the service during the present war with Mexico, as non-commissioned officers, musicians, or privates, notwithstanding their subsequent promotion to company or regiment officers.

Mr. PETTIT moved the following resolution:

Resolved, That, if in the judgment of Congress, it be necessary to improve the navigation of a river to expedite and render secure the movements of our army, and save from delay and loss our arms and munitions of war, then Congress has the power to improve such river.

Resolved, That if it be necessary for the preservation of the lives of our seamen, repairs, safety, or maintenance of our vessels of war, to improve a harbor or inlet, either on our Atlantic or Lake coast, Congress has the power to make such improvement.

Mr. PETTIT moved the previous question.

Mr. SIMS moved to lay the resolutions on the table; on which motion the yeas and nays were ordered.

Mr. C. J. INGERSOLL called for a division of the question, so as to take separate votes on laying each resolution on the table.

Mr. PETTIT said, as both resolutions were alike, it was not in order to separate them.

The SPEAKER decided that the resolutions were distinct and separate propositions, and that, under the express rule of the House, any member might call for a division of them. He thought it was not too late for such a call, and that, the resolutions being divided, the motion to lay on the table would apply to them separately.

Mr. COLLAMER inquired if he understood the Speaker to say that the motion to lay on the table was divisible?

The SPEAKER replied to the gentleman from Vermont: That the question of order is not whether the motion to lay on the table is divisible, but whether the original proposition of the gentleman from Indiana is divisible. If the original resolutions are susceptible of division, as the Chair cannot doubt, and if a division of them is demanded under the express rule of the House, then the motion to lay on the table, and all other motions in regard to them, would seem to apply separately to the resolutions as thus divided.

Mr. SIMS appealed from the decision of the Chair.

The vote having been taken in the affirmative on the appeal—

Mr. BOYD rose and said, this was a question of some importance; he therefore called for tellers.

Tellers were ordered, and Messrs. BOYD and POLLOCK were appointed.

Mr. HUDSON rose and said the question was not understood where he sat.

The SPEAKER again explained that the gentleman from Indiana [Mr. PETTIT] offered two resolutions, which were divisible, if division were called for. The gentleman from South Carolina [Mr. SIMS] moved to lay the resolutions on the table. The gentleman from Pennsylvania [Mr. C. J. INGERSOLL] called for a division of the question, and the Chair, under what he conceived to be a fair construction of the rule, thought the question was still susceptible of a division, so that the vote would first be taken on laying the first resolution on the table, and afterwards on the second. The question, therefore, was, Shall the decision of the Chair stand as the judgment of the House?

The question was put, and decided by tellers: Ayes 63, noes 87. So the decision of the Chair was not sustained.

The SPEAKER stated that the proposition of the gentleman from Pennsylvania [Mr. C. J. INGERSOLL] to have the question divided was not in order under the decision of the House, and that the question now was on laying both these resolutions on the table; on which the yeas and nays had been ordered.

The question on laying the resolutions on the table was then put, and decided by yeas and nays, as follows:

YEAS—Messrs. Bayly, Beale, Bedinger, Black, Bocock, Bowdon, Boyd, Brodhead, William G. Brown, Charles Brown, Burt, Chase, Clapp, Franklin Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Eckert, Featherston, Ficklin, Flournoy, Goggin, Green, Hammons, Harmanson, Hill, George S. Houston, Inge, Charles J. Ingersoll, Jackson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, La Sère, Ligon, Lord, Lumpkin, Maclay, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morse, Murphy, Nicoll, Peaslee, Pillsbury, Rhett, Robinson, Simpson, Sims, Smart, Thomas, Jacob Thompson, Thurston, Turner, Venable, Williams, Wiley, and Woodward—70.

NAYS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Bingham, Birdsall, Blanchard, Botts, Brady, Butler, Canby, Cathcart, Chapman, Beverly L. Clark, Clingman, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dickinson, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Ed-

wards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Freedley, Fries, French, Fulton, Gayle, Gentry, Giddings, Gott, Gregory, Grinnell, Hale, Willard P. Hall, Nathan K. Hall, James G. Hampton, Moses Hampton, Henley, Hilliard, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jamieson, Jenkins, Andrew Johnson, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Sidney Lawrence, Lincoln, McClelland, McIlvaine, Marsh, Marvin, Morehead, Morris, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Peck, Petrie, Pettit, Phelps, Pollock, Preston, Putnam, Reynolds, Richey, Rockhill, John A. Rockwell, Julius Rockwell, Roman, Root, Rumsey, St. John, Sawyer, Schenck, Shepperd, Slingerland, Robert Smith, Truman Smith, Stanton, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Sylvester, Taylor, Tompkins, James Thompson, Richard W. Thompson, John B. Thompson, William Thompson, Toombs, Tuck, Van Dyke, Vinton, Warren, Wentworth, White, and Wilmot—124.

A motion to adjourn was here made and disagreed to.

The question was then put, "Is there a second to the previous question?" and the House refusing to second the previous question—

Mr. HOWELL COBB stated his intention to debate the resolutions, and they were laid over under the rule.

On motion of Mr. R. W. THOMPSON,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of paying to the heirs and devisees of Col. Francis Vigo, late of Indiana, deceased, the sum of money, with interest, advanced by him to General Roger Clark, while engaged in the prosecution of the Illinois campaign; and that the papers on the files of this House in relation thereto be referred to said committee.

On motion of Mr. DUNN,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of increasing the monthly and clothing pay of all non-commissioned officers and privates in the army of the United States, whether belonging to the regular or volunteer service, and of making such additional allowance as may be just and reasonable to all such officers and soldiers as aforesaid as have served out the full time of their enlistment, or may have been honorably discharged from the service during the present war with Mexico; and that they report by bill or otherwise.

Mr. JACOB THOMPSON offered the following resolution, which was read and laid over under the rule:

Resolved, That the Secretary of State be requested to communicate to this House all the information in his department touching and relating to the suppression of the slave trade, since the ratification of the treaty of Washington in the year 1842.

Mr. RICHARDSON offered the following resolutions:

Resolved, That the existing war with Mexico was just and necessary on our part, and has been prosecuted with the sole purpose of vindicating our national rights and honor, and of securing an honorable peace.

Resolved, That the rejection of our repeated overtures of peace leaves this Government no alternative but the most vigorous prosecution of the war, in such manner, consistent with the law of nations, as will make the enemy feel all its calamities and burdens, and until Mexico shall agree to a just and honorable peace, providing satisfactory indemnity in money or territory for past injuries, including the expenses of the war.

Resolved, That the amount of indemnity must necessarily depend upon the obstinacy of the enemy and the duration of the war.

Mr. RICHARDSON moved the previous question.

Mr. BOTTS moved that the resolutions lie on the table.

A motion was here made that the House do now adjourn, and decided in the negative, by yeas and nays: Yeas 58, nays 132.

Mr. SCHENCK moved a call of the House, on which motion the yeas and nays were ordered.

A motion was here again made that the House adjourn, and decided by yeas and nays in the negative: Yeas 96, nays 98. So the House again refused to adjourn.

The yeas and nays were then called on ordering a call of the House; and there were—yeas 107, nays 84. So the House decided there should be a call.

And then the House adjourned.

IN SENATE.

TUESDAY, *December* 21, 1847.

Mr. DIX, presented the memorial of David Whelpeley, praying compensation for his services in the expedition under General Pike to the sources of the Mississippi in 1805 and 1806; which was referred to the Committee of Claims.

Mr. D. also presented the memorial of Amos Holton, formerly a quartermaster in the army, praying that the accounting officers may be directed to audit and settle his accounts; which was referred to the Committee of Claims.

Mr. WESTCOTT presented the memorial of Charles L. Dell, praying compensation for military services performed by him in the Seminole war; which was referred to the Committee on Military Affairs.

Mr. W. also presented the memorial of Francis Martin; an officer of the Revenue service, praying compensation for services rendered by him in the capacity of a lieutenant in the navy in the Seminole war; which was referred to the Committee on Naval Affairs.

Mr. BREESE presented two memorials of citizens of the State of Illinois, praying that the right of preëmption may be allowed to the Illinois Central Railroad Company to the lands over which it is proposed to construct their road; which were referred to the Committee on Public Lands.

Mr. JOHNSON, of Maryland, presented the memorial of Lavinia Taylor, widow of a deceased soldier, praying a pension; which was referred to the Committee on Pensions.

Mr. FELCH presented the petition of Charles Bradbury, praying indemnity for French spoliations, prior to 1800; which was referred to the Committee on Foreign Relations.

Mr. DAYTON presented the memorial of Ann J. Hassler, widow of Charles A. Hassler, deceased, late a surgeon in the navy, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MASON presented the petition of Thomas N. Welch, administrator of Churchill Gibbs, deceased, an officer in the revolutionary army, praying to be allowed commutation pay; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. DIX, it was

Ordered, That the petition of Aaron Leggett, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. WESTCOTT, it was

Ordered, That the petition of Alexander Watson, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. WESTCOTT, it was

Ordered, That the resolutions of the Legislature of Florida, on the files of the Senate, relating to indemnification for losses by Indian depredations in the Seminole war, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of John Devlin, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of John McColgan, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. CORWIN, it was

Ordered, That the memorial of the heirs of William A. Slacum, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. BUTLER, it was

Ordered, That the petition of Milledge Galphin, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. FAIRFIELD, it was

Ordered, That the petition of William T. Sayward, and others, owners of the brig Canton, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That James Foster, and the heirs of John H. Stone, deceased, have leave to withdraw their petitions and papers.

On motion by Mr. MASON, it was

Ordered, That the heirs of John and Henry Banks have leave to withdraw their memorial and papers.

Mr. BRADBURY, Mr. BREESE, and Mr. BRIGHT, gave notice that on to-morrow, or at some early day, they would ask leave to introduce certain bills which they named.

On motion by Mr. MANGUM, it was,

Ordered, That the Vice President be authorized and requested to appoint a superintendent of the Senate's antechamber.

Mr. DAYTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any legislation be necessary to carry into effect the treaty between this country and France, of the 9th November, 1843, for the surrender of criminals who are fugitives from justice, and the 10th article of the treaty with Great Britain, of August 9, 1842, upon the same subject; and that said committee report a bill to carry the provisions of said treaties into effect, if the same shall appear to be necessary.

Mr. BREESE submitted the following resolution for consideration:

Resolved, That the Secretary of War be directed to inform the Senate if Fort Armstrong, on Rock Island, in the State of Illinois, is now occupied by a military regiment; and, if not, how long the same has been abandoned, in whose charge the same is, and on what terms; and also, that he communicate his opinion if the interests of the Government require that said site should be reserved from sale, for military purposes.

Mr. ASHLEY submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the provisions of the act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court of the United States in certain cases, and for other purposes," approved February 22, 1847, to all cases which have arisen before the Territorial courts of Iowa, or which may hereafter arise in the State of Iowa.

Agreeably to notice, Mr. MANGUM asked and obtained leave to bring in a bill to direct the Secretary of the Navy to purchase the patent-right of the conical ventilator; which was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a billl to repeal the act of 2d March, 1837, entitled "An act concerning pilots;" which was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill concerning testimony; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

Agreeably to notice, Mr. ASHLEY asked and obtained leave to bring in a bill to divide the district of Arkansas into two judicial districts; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

Agreeably to notice, Mr. FOOTE asked and obtained leave to bring in a bill for the relief of Susan E. Gordon; which was read the first and second times, by unanimous consent, and referred to the Committee of Claims.

REPORTS FROM COMMITTEES.

Mr. BALDWIN, from the Committee of Claims, reported a bill authorizing the payment of a sum of money to Robert Purkis; which was read, and passed to a second reading.

Ordered, That the report be printed.

This bill having had a second reading, the Senate proceeded to its consideration as in committee of the whole, when, on motion by Mr. GREENE, it was

Ordered, That it lie upon the table.

Mr. CASS, from the Committee on Military Affairs, reported a bill for the relief of Mary MacRea, widow of Lieut. Col. William MacRea, late of the United States Army, deceased; which was read and passed to the second reading.

Mr. WESTCOTT, from the Committee of Claims, reported a bill for the relief of the administratix of Elisha L. Keen; which was read and passed to a second reading.

Ordered, That the report accompanying the bill be printed.

Mr. FAIRFIELD, from the Committee on Naval Affairs, to whom was referred the bill for the relief of Joseph Wilson, reported it without amendment.

Ordered, That the report accompanying the bill be printed.

Mr. FAIRFIELD, from the Committee on Naval Affairs, reported the bill for the relief of Walter R. Johnson; which was read and passed to a second reading.

Ordered, That the report accompanying the bill be printed.

On motion by Mr. MASON, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the petition of Caleb Green; and that it be referred to the Committee on the Judiciary.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 21, 1847.

The Journal of yesterday was read.

Mr. HOUSTON, of Alabama, rose and inquired if his name was recorded on the Journal as he found it in the Union on a vote which was taken yesterday. After the resolutions on the subject of the Mexican war were introduced yesterday by the gentleman from Illinois [Mr. RICHARDSON] there were two motions made to adjourn. He was re-

corded in the Union as having voted on one of those motions in the affirmative. He had voted on each in the negative.

The SPEAKER stated that the gentleman was recorded on the Journal as having voted in the negative on both motions.

The Journal was then approved.

The SPEAKER announced the first order to be the calling of the States for petitions.

Mr. PETTIT rose to a question of order, and wished to know if the business first in order this morning was not that pending at the adjournment last evening, viz: the call of the States for resolutions.

The SPEAKER stated that the — rule of the House prescribed that during the first thirty days of the session the call of the States for petitions was first in order.

Mr. PETTIT. We adjourned yesterday upon a call of the House; and will not the business in which we were then engaged be the first in order this morning?

The SPEAKER replied that it had been uniformly decided that an adjournment suspends all proceedings in a call of the House. And the Chair would state, as he had stated yesterday, that the first business under the rule was the call upon all the States for petitions, then the call of all the committees for reports, and then the call of all the States for resolutions.

The CHAIR then commenced the call of the States for petitions, commencing with the Territory of Wisconsin, and going backwards.

Petitions were presented—

From Florida: By Mr. CABELL.

From Missouri: By Messrs. JAMIESON and HALL.

From Texas: By Mr. KAUFMAN.

From Tennessee: By Mr. J. H. THOMAS.

From Ohio: By Messrs. SAWYER, FARAN, and GIDDINGS.

Mr. GIDDINGS presented the memorial of certain citizens of the District of Columbia, representing—

"That the slave trade is now carried on in the District of Columbia to a large extent. Your petitioners, therefore, respectfully ask that all laws authorizing or sanctioning such trade within said District may be repealed.

"William Flaherty,	Columbus McLeod,
"William Blanchard,	Wm. Greer,
"George Savage,	John T. Whitaker,
"J. C. Greer,	James Handley,
"B. Milburn,	Martin Buell,
"C. S. Fowler,	J. F. Callan,
"T. M. Milburn,	H. Taylor,
"Charles C. Moore,	Thomas P. Vial,
"Joseph Scholfield,	Thomas Fitnam."

Mr. G. moved to refer this memorial to the Committee on the Judiciary, with instructions to inquire into the constitutionality of all laws by which slaves are held as property in the District of Columbia.

Mr. J. R. INGERSOLL said he rose to a point of order. He said his point of order was, that it was a mere abstract proposition which was proposed to be referred to the Judiciary Committee, and that no action could result from the reference of the petition.

Mr. CLINGMAN inquired if a motion to lay the petition on the table had been made.

After some conversation, the question was put on laying the petition on the table, and the vote stood: Yeas 97, nays 97, as follows:

YEAS—Messrs. Barringer, Barrow, Bayly, Beale, Bedinger, Birdsall, Black, Bocock, Botts, Bowdon, Boyd, Boydon, Brodhead, William G. Brown, Charles Brown, Buckner, Burt, Cabell, Chapman, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Cocke, Collins, Crozier, Daniel, Dickinson, Donnell, Alexander Evans, Featherston, Ficklin, Flournoy, French, Fulton, Gayle, Gentry, Goggin, Green, Willard P. Hall, Hammons, Harmanson, Harris, Hill, I. E. Holmes, George S. Houston, Inge, Jamieson, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, T B. King, La Sère, [Ligon,] Lumpkin, McClernand, McDowell, McKay, McLane, Meade, Miller, Morse, Murphy, Nes, Outlaw, Pettit, Peyton, Phelps, Pillsbury, Preston, Rhett, Richardson, Richey, Robinson, Roman, Sawyer, Shepperd, Simpson, Sims, Robert Smith, Stanton, Stephens, Thibodeaux, Thomas, Tompkins, Jacob Thompson, Toombs, Venable, Wick, Williams, Wiley, and Woodward—97.

NAYS—Messrs. Abbott, John Quincy Adams, Green Adams, Belcher, Blanchard, Brady, Butler, Canby, Clingman, Collamer, Conger, Cranston, Crowell, Cummins, Dickey, Dixon, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Faran, Farrelly, Fisher, Freedley, Fries, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henley, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, Jenkins, Kellogg, Daniel P. King, William T. Lawrence, Sidney Lawrence, Lincoln, Lord, McClelland, McIlvaine, Mann, Marsh, Marvin, Morris, Mullin, Nelson, Newell, Nicoll, Palfrey, Peaslee, Peck, Pollock, Putnam, Reynolds, Rockhill, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Sherrill, Slingerland, Smart, Truman Smith, Starkweather, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Sylvester, Tallmadge, Taylor, James Thompson, Richard W. Thompson, William Thompson, Thurston, Tuck, Turner, Van Dyke, Warren, Wentworth, and White —97.

The SPEAKER said the Chair had uniformly voted on the floor to give a respectful consideration to all petitions when presented in proper terms; he, therefore, now voted in the negative.

The motion to lay on the table was therefore rejected.

Mr. JOHN G. CHAPMAN said, as the memorial had reference to the District of Columbia, he therefore moved its reference to the Committee on the District of Columbia.

Mr. HOWELL COBB stating his desire to debate the memorial, it was laid over under the rule.

The call of the States for petitions was then continued, and petitions were further presented—

From Ohio: By Mr. R. DICKINSON.

From Louisiana: By Mr. HARMANSON.

From Alabama: By Mr. GAYLE.

Mr. BOTTS asked the consent of the House to offer a resolution; but—

Mr. PHELPS objecting, the resolution was not received.

The call of the States for petitions was then continued, and they were presented—

From Georgia: By Mr. T. B. KING.

From Virginia: By Mr. FLOURNOY.

From Maryland: By Mr. ROMAN.

From New York: By Messrs. LORD, KELLOGG, S. LAWRENCE, TALLMADGE, N. K. HALL, and E. B. HOLMES.

From Connecticut: By Mr. JOHN A. ROCKWELL.

From Massachusetts: By Messrs. PALFREY and JOHN Q. ADAMS.

From New Hampshire: By Messrs. J. H. JOHNSON and TUCK.

From Maine: By Mr. BELCHER.

BILLS INTRODUCED.

Mr. THIBODEAUX, notice having been given, obtained leave and introduced a bill relating to the collection district of New Orleans. Read a first and second time, and referred.

Mr. ROBERT SMITH, notice having been given, obtained leave and introduced a bill to provide for the completion of the Cumberland road in the States of Ohio, Indiana, Illinois, and Missouri. Read a first and second time, and referred to the Committee on Roads and Canals.

NOTICES OF BILLS.

Notices of motions for leave to introduce bills were given as follows:

By Mr. R. W. JOHNSON: Of a bill to settle the boundaries of the land districts which border upon the boundary line between Arkansas and Missouri.

By Mr. WENTWORTH: Of a bill to grant the right of way and of preëmption to all railroads which may be constructed over the public lands.

Also, of a bill for an additional district of the United States courts in the State of Illinois.

Also, a bill to establish a marine hospital at Chicago.

Also, a bill for the improvement of certain harbors and rivers.

By Mr. FICKLIN: Of a bill granting lands to aid in the construction of the Central Railroad, the Terre Haute and St. Louis Railroad, and the Northern Cross Railroad, in the State of Illinois.

Also, of a bill relative to the Cumberland Road, in Illinois.

By Mr. ROBERT SMITH: Of a bill to amend an act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preëmption rights."

Also, of a bill to establish a mail route from Belvidere, in the State of Illinois, to Shullsburg, in Wisconsin Territory.

Also, of a bill for a mail route from Elizabeth, in the State of Illinois, to Freeport and Rock Run, in the same State.

Also, of a bill for a mail route from Freeport, in the State of Illinois, to Monroe and Madison, in the Territory of Wisconsin.

By Mr. McCLERNAND: Of a bill to establish a national armory at Fort Massac, in the State of Illinois.

By Mr. FARAN: Of a bill to amend the act entitled "An act extending the jurisdiction of the district courts to certain places upon the lakes and navigable waters connecting the same," approved the 26th February, 1845.

By Mr. LA SERE: Of a bill for the relief of William De Buys, late postmaster at New Orleans.

By Mr. BOWDON: Of an act to increase the sale and promote the settlement of the public lands in the State of Alabama.

By Mr. W. R. W. COBB: Of a bill to reduce and graduate the price of the public lands to settlers and cultivators.

Also, of a bill to authorize soldiers to locate their land warrants in forty-acre tracts.

By Mr. MURPHY: Of a bill to establish the city of Brooklyn as a port of entry.

By Mr. HAMMONS: Of a bill to extend the provisions of the act of June 7, 1832, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," to every officer and soldier who served as specified in said act for the period of three months.

Mr. ADAMS asked the consent of the House to introduce the following resolution; which was read, considered, and agreed to by the House:

Resolved, That the Secretary of State report to this House the state of the claims of Aaron Legget on the Government of Mexico, decided under the convention of the 11th April, 1839, and such action as may have been had, and the papers relating thereto in the Department of State, since the report upon them of the Committee of Foreign Affairs in August, 1842, referring them for further consideration to the Executive branch of the Government.

REPORTS FROM COMMITTEES.

Mr. VINTON, from the Committee of Ways and Means, reported a bill making an appropriation to supply in part a deficiency in the appropriations for subsistence in kind of the army and volunteers during the year ending the 30th of June, 1848. Read a first and second time, and committed to the Committee of the Whole on the state of the Union.

In making this report Mr. VINTON said he would state that it was important that the bill be acted on immediately. He proposed after the bill was referred, to move that the House resolve itself into a Committee of the Whole on the state of the Union for the purpose of considering this bill. He held in his hand a communication from the War Department, which he would send to the Clerk's table, and asked that it might be referred with the bill.

The SPEAKER stated, that under the strict application of the rule it was not in order to act upon any bill which involves appropriations the same day in which it was introduced. It could only be done by general consent.

[A voice: "Suspend the rules."]

The SPEAKER stated further that no motion could be made to suspend the rules, except on Monday, unless it were during the last ten days of the session.

Mr. COLLAMER. Is there not an exception in the rule in favor of the appropriation bills?

The SPEAKER. There is an exception in favor of appropriation bills which enables the Committee of the Whole on the state of the Union to take up appropriation bills out of the order of their reference to the committee; which order is required by the rule to be observed with reference to other bills. But there is no rule which admits of a suspension for a purpose like this.

Mr. VINTON asked that the communication from the War Department be read; and after the House had heard it he would ask the general consent to go into committee to consider the bill.

Mr. C. J. INGERSOLL. If the gentleman will allow the other committees to report, which will take half an hour, probably there will be no objection.

The question was then taken and the communication was referred.

Mr. JOHN A. ROCKWELL, from the Committee of Claims, to which was referred the Senate bill for the relief of John Paul Jones, reported the bill back to the House with an amendment, accompanied by a report.

The bill and report were referred to the Committee of the Whole House, and the report ordered to be printed.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, to which was referred the memo-

rial of the Kennet Monthly Meeting of the Society of Friends of Chester county, Pennsylvania, praying for the abolition of slavery in the District of Columbia, reported that the committee asked to be discharged from the further consideration of the memorial, and that it lie on the table.

Also, from the same committee, to which had been referred a bill supplementary to an act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court of the United States in certain cases and for other purposes," reported the same with an amendment.

Mr. I. said the bill would involve no discussion, and asked that the House would act on it immediately.

On some remark from the SPEAKER, not heard by the reporter, Mr. I. did not press his desire for immediate action.

Mr. C. J. INGERSOLL, from the Committee on Foreign Affairs, reported a bill directing the mode of settling the claims of Charles G. Ridgely. Read a first and second time, and committed, and ordered to be printed.

Mr. VINTON rose and said that, instead of moving to go into Committee of the Whole on the state of the Union to-day on the bill which he had a few minutes ago reported, he would move that the letter from the Secretary of War, with the accompanying letter of the Commissary General of Subsistence, be printed, (they would probably be printed and laid on their tables to-morrow morning,) with a view to move to go into Committee of the Whole to-morrow.

The question being taken, the printing was ordered.

Mr. T. B. KING asked leave to offer a resolution.

Mr. GEORGE S. HOUSTON called for the orders of the day.

THE MEXICAN WAR.

The SPEAKER then announced that at the adjournment of the House yesterday the pending question was the motion of Mr. BOTTS to lay the resolution moved by Mr. RICHARDSON on the table.

Mr. BOTTS withdrew the motion to lay the resolution on the table, in order, he said, that the House might take a direct vote on the resolution.

Mr. STEPHENS inquired of the Chair if it was in order to have an amendment read, which he should offer in case the demand for the previous question was not seconded?

The SPEAKER replied that he believed it had been the practice of the House to allow propositions which it was intended to offer to be read, although it was not strictly in order. It had been allowed by the courtesy of the House.

The House acquiescing in this suggestion, and no objection being made to the reading—

Mr. STEPHENS sent up to the Clerk's table the proposition which he repeated he intended to offer as an amendment, in case the previous question were not sustained.

It was read, as follows:

Whereas it is no less desirable that the interests and honor of our country should be cordially sustained and defended so long as the present war with Mexico continues to exist, than that the conflict should not be unnecessarily prolonged, but should be terminated as soon as an honorable peace can be obtained; and whereas it is believed that a diversity of opinion prevails to a considerable extent as to the ultimate aims and objects for which the war should be prosecuted; and it being proper that this matter should be settled by the clear expression of the legislative will, solemnly proclaimed to the world:

Be it therefore resolved by the Senate and House of Representatives of the United States in Congress assembled, That the present war with Mexico should not be waged or prosecuted "with a view to conquest," either by the subjugation or dismemberment of that Republic.

Be it further resolved by the authority aforesaid, That it is the desire of the United States that hostilities should be terminated upon terms honorable to both parties, embracing a mutual settlement of the questions growing out of the "proper and rightful" boundary of Texas, and a full recognition and proper provision on her part to be made for all the just claims of our citizens against that country—the whole to be adjusted by negotiation, to be instituted and effected according to the constitutional forms of each Government respectively.

Mr. BOTTS rose and said he had a substitute for the resolutions of the gentleman from Illinois, which he should propose when in order, and he now asked that it be read.

Mr. PETTIT rose to a question of order, and inquired of the Speaker if it was in order to read these various propositions after the previous question had been demanded.

The SPEAKER replied, that if the gentleman from Indiana insisted on his objection, the paper could not be read. They had generally been allowed to be read as a matter of courtesy on the part of the House.

Mr. PETTIT not persisting in his objection—

The proposition of Mr. BOTTS was read, as follows:

1. *Resolved*, That among the highest duties that can devolve upon the Representatives of the People is the preservation of the national integrity, a strict observance of the limitations of the Constitution, and a firm resistance to Executive encroachment.

2. *Resolved*, That any war which has for its object the acquisition of territory by conquest, brings into question the national character, is in violation of the Constitution of the United States, in conflict with the genius and spirit of our institutions, and dangerous to the perpetuity of the Union.

3. *Resolved*, That the war in which we are now engaged was *not* brought on by the act of Mexico.

4. *Resolved*, That the war with Mexico was brought on by the unauthorized act of the President of the United States, in ordering the army under the command of General Taylor into territory then in possession of the Mexican Republic.

5. *Resolved*, That we have no right to claim indemnity for the expenses of a war brought on by the ill-advised and unprovoked act of our own public functionaries.

6. *Resolved*, That the honor of this nation does not consist in exacting territory from Mexico, to which we have no claim, and yielding to Great Britain territory the title to which was asserted to be "clear and unquestionable;" and that to evade the strong and pursue the weak does not present the honor, courage, or greatness of our people in their true light.

7. *Resolved*, That to exact indemnity from Mexico would devolve upon us the necessity of making a similar demand in all future wars, which would involve us in interminable conflict, or of surrendering a principle now insisted on as indispensable to the preservation of our national honor.

8. *Resolved*, That no new territory can be annexed to the United States by virtue of the war, without involving the agitation of domestic difficulties, begetting sectional animosities, and weakening the ties that connect us together.

9. *Resolved*, That if the conquest of territory be not the object of the war, we can perceive no good reason for continuing our troops in the heart of the enemy's country, by which their lives are unnecessarily exposed, and our resources uselessly expended.

10. *Resolved*, That a conquering nation has nothing to apprehend from an exhibition of magnanimity and generosity to a defeated foe; and that a victorious army may retire from the pursuit of carnage and slaughter without incurring the imputation of retreating from the scattered and discomfited forces of the enemy.

11. *Resolved*, That the most efficient, if not the only means of restoring a speedy and honorable peace would be, *under proper preliminary arrangements*, to withdraw our troops, already covered with glory and surfeited with success, to the true and legitimate boundary of Texas at the time of its annexation to the United States.

12. *Resolved*, That our institutions, founded on the rights of man, repudiate the doctrine that "might makes right," as the freebooter's plea and the pirate's law; and, so long as we offer an asylum to the oppressed, and recognize "life, liberty, and the pursuit of happiness" among the inalienable rights of man, we cannot insist upon the dismemberment of an empire as the price of peace.

13. *Resolved*, That if, upon the restoration of peace, the necessities of our commerce shall require a harbor in any part of the Mexican territory in California, we are able, and should be willing, to pay therefor, as would become a great and an honest people.

14. *Resolved*, That if it shall be determined by the people, through their Representatives, that this war shall be further prosecuted in Mexico, it then becomes the duty of all parties to protect our national flag and brave army, by furnishing all needful supplies of men and money to carry it on with vigor and effect.

Mr. RHETT rose, and inquired of the Chair if the previous question had been moved on the pending proposition of the gentleman from Illinois, [Mr. RICHARDSON]?

The SPEAKER replied in the affirmative.

Mr. RHETT. Then no observations are in order?

The SPEAKER. No observations are in order.

Mr. RHETT. I will only say, I hope the previous question will be voted down, in order that we may have a fair vote upon these various propositions.

The SPEAKER announced the pending question to be on seconding the demand for the previous question.

Mr. HOUSTON, of Alabama, said he believed the gentleman from Illinois [Mr. RICHARDSON] had demanded the previous question. Was it not now competent for him to withdraw, to receive an amendment, and then to renew it? Or might not both these propositions be offered as amendments, and then the previous question be renewed?

The SPEAKER replied, that there might be offered an amendment to an amendment, so that all these three propositions might be voted on.

Mr. McLANE wished to know, in case the demand for the previous question was seconded by the House, whether it would then be competent to consider amendments?

The SPEAKER replied in the negative.

Mr. WENTWORTH inquired whether it would be in the power of his colleague, in case he withdrew his demand for the previous question, to let in these two propositions and then renew it, so that the House might vote upon them?

The SPEAKER'S reply, if any, was not heard.

Mr. BOTTS said he hoped it would be the pleasure of the House to vote down the previous question, and then to refer all these propositions to the Committee of the Whole on the state of the Union, and make them the special order for some day not far distant.

Mr. THOMPSON, of Indiana, gave notice of a proposition which he should submit when in order, and asked for its reading.

The SPEAKER. If there is no objection, the proposition of the gentleman from Indiana will be read.

No objection being made—

The Clerk commenced the reading of Mr. THOMPSON'S resolutions; and before he had concluded—

Mr. C. BROWN rose and inquired if this was a new proposition? [Cries of "Yes, yes!"] Then he objected to these propositions.

The SPEAKER said, the reading having been commenced by general consent, the objection came too late.

[Cries of "Read, read!"]

The Clerk accordingly continued and concluded the reading of the resolutions, which are as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the opinion of Congress, the President of the United States should forthwith cause to be communicated to the Government of Mexico, that peace may be immediately established between the two countries upon the following terms, to wit:

First. That the boundary line between the United States and Mexico shall be as follows, to wit: beginning at the Gulf of Mexico, near the mouth of the Rio Nueces, and running thence northwest, with the course of said Rio Nueces, so as to include all the Texan settlements south and west of said river, made prior to the annexation of Texas to the United States; thence up the said Rio Nueces until it reaches the line which separated the Province of Texas, before her independence, from the Provinces of New Mexico, Coahuila, and Tamaulipas; and thence along said line, to the Rio Roxo or Red River.

Second. That the Government of the United States, disavowing the intention of acquiring or holding the same by conquest, will purchase from Mexico, with the consent of the Government of Mexico, the territory embraced within the following boundary, to wit: beginning at a point on the Gulf of Mexico as near as may be to the centre of the great desert or prairie which lies between the waters of the Rio Grande and the Rio Nueces; thence, following the course of the centre of the said desert or prairie, northwest, to the range of mountains which divide the waters of the Rio Grande from those that run eastward to the Gulf of Mexico, and pursuing said range of mountains until it strikes the line of north latitude 36° 30′; thence, by that parallel of latitude, west, to the Pacific ocean, so as to include within the United States the bay and city of Monterey, in Upper California.

Third. That, in consideration of the cession of the territory embraced within the foregoing boundary, the Government of the United States shall pay to the Government of Mexico such sum of money as may be agreed upon by and between commissioners to be appointed upon the part of each Government: *Provided*, That there shall be deducted out of the sum so agreed on whatever amount may have been due by Mexico to the United States before the commencement of the war, if the sum so agreed on shall exceed the amount so found to be due to the United States.

Fourth. That the Government of the United States shall ask from the Government of Mexico no indemnity whatsoever for the expenses of the war.

Fifth. That, so soon as a treaty of peace shall have been made and ratified by and between the two Governments, the army of the United States shall be withdrawn from every portion of the territory of Mexico now or at that time in its possession.

Sixth. That the Government of the United States will guaranty to the Government of Mexico that all persons, now citizens of Mexico, who possess property within the territory thus proposed to be ceded to the United States, shall continue to hold and enjoy the same under the laws and institutions of the United States.

Mr. TOOMBS asked the indulgence of the House to permit him to have read a resolution on this same subject, which he had prepared. He said it would occupy very little of the time of the House, as it was very short.

The Clerk read it, as follows:

Resolved, That neither the honor nor the interest of this Republic demands the dismemberment of Mexico, or the annexation of any portion of her territory to the United States as an indispensable condition to the restoration of peace.

Mr. VANDYKE said he too had some resolutions which he desired to have read.

The Clerk then read them as follows:

Resolved, That, in the opinion of this House, the order of this Government that General Taylor with his army should

take position on the bank of the Rio Grande, which resulted in the blockade of that river and the pointing of the guns of the United States upon a Mexican town on the other side, was unnecessary and unwise, was an act of aggression in itself, and the immediate cause of conflict between the two nations.

Resolved, That the invasion of the territories of Mexico south and west of the Rio Grande, either by sea or by land, and the storming and capturing of her towns and the slaying of her people within such territories, were acts of injustice, cruelty, and wrong; and that the requiring of Mexico, at the peril of her national existence, to enter into treaty stipulations with us, while her country is surrounded by our navy, her capital and chief towns in our possession, her country subjugated and her people crushed and prostrate beneath our power, and with our resistless cannon frowning upon her, and our conquering sword gleaming above her, is unreasonable and unfair towards Mexico, as one of the contracting parties, and unmagnanimous and unchristian in us.

Resolved, That the present war with Mexico should not be prosecuted any further for any purpose whatever; that the whole of our forces in the Mexican country should be withdrawn as speedily as possible, and placed on territory which belongs to this country; and that the Administration be furnished with all the men and money necessary to protect our troops now in Mexico, and to accomplish such withdrawal in the most practicable way, without harm or danger.

Resolved, That, after the withdrawal of our troops as aforesaid, east of the Rio Grande, the President of the United States be requested to send a commissioner or commissioners to Mexico, to settle the question of boundary between this country and Mexico, together with such other questions as may properly come before them.

Mr. G. S. HOUSTON thought it possible, by some sort of arrangement—by the unanimous consent of the House—that they could have all these propositions voted upon and disposed of at once. For one, he was now ready to vote upon them, and he supposed that every member on his side of the House was ready also. [Cries of "Order!"] He desired to see the previous question applied to all these propositions, and the House vote upon each in its order.

[Cries of "Order!"]

Mr. C. J. INGERSOLL inquired if his friend [Mr. RICHARDSON] had withdrawn the previous question? [Cries of "No, no!"] He hoped he would not.

The SPEAKER interposed, and reminded the gentleman from Pennsylvania that debate was not in order. The question was, "Is there a second to the demand for the previous question?"

Mr. STEPHENS called for tellers.

Mr. HILLIARD inquired what the previous question would operate upon, and whether, if there was no second, these propositions would not go over if any gentleman desired to debate them.

The SPEAKER replied that there was but one proposition before the House, and, if there was no second, it would go over if any gentleman desired to debate it.

Tellers were then ordered, and Messrs. THIBODEAUX and PECK were appointed; and having taken the vote, they announced 90 in the affirmative, and 102 in the negative. So there was no second.

Mr. STEPHENS then said that he proposed to debate this resolution.

The SPEAKER. Then it will go over, of course.

Mr. BOTTS said, if it were in order, he would move that all these several propositions be printed, and referred to the Committee of the Whole on the state of the Union, and made the order of the day for the 3d of January.

[A voice. The special order.]

Mr. STEPHENS inquired if the notice he had given to debate these propositions would not, as a matter of course, carry them over.

The SPEAKER required gentlemen to take their seats, that the House might proceed with its business.

[The members were standing over the whole surface of the floor, intently listening to the different propositions.]

The SPEAKER then announced that the gentleman from Georgia [Mr. STEPHENS] proposed to debate the only resolution before the House, the others having been read for information, and therefore were not in the possession of the House.

Mr. BOTTS supposed he could move to make them the special order of the day for the 3d January, by general consent.

Objections were made.

Mr. SCHENCK rose to a question of order. He understood the original resolution was offered yesterday, and if objection had then been made, it must have gone over; but the same rule did not now apply, and now the House might proceed to the debate.

The SPEAKER overruled the point of order, and called on the State of Illinois for resolutions.

INTERNAL IMPROVEMENTS.

Mr. WENTWORTH submitted a resolution, and on it he asked for the previous question.

The Clerk read the resolution as follows:

Resolved, That the General Government has the power to construct such harbors and improve such rivers as are "necessary and proper" for the protection of our navy and our commerce, and also for the defences of our country.

Mr. VENABLE moved to lay the resolution on the table.

Mr. WENTWORTH called for the yeas and nays on that motion.

Mr. VENABLE withdrew his motion.

A brief conversation ensued between Mr. GAYLE, the SPEAKER, Mr. G. S. HOUSTON, and Mr. WENTWORTH, on a point of order.

Mr. ROOT then called for tellers on seconding the demand for the previous question, and they were ordered.

Messrs. ROOT and MCCLELLAND were appointed tellers, and they reported 104 in the affirmative. There was therefore a second.

The SPEAKER stated the next question to be, "Shall the main question be now put?"

Mr. C. J. INGERSOLL, before he voted, desired the mover of the resolution to give him some information respecting a term used in it, as he was somewhat at a loss to know its precise meaning. What did the gentleman mean by the term "Government?"

The main question was ordered.

Mr. WENTWORTH called for the yeas and nays on the adoption of the resolution; and they were ordered.

Mr. CUMMINS asked for a division of the question, so that the vote should be taken separately on the portions referring to military and commercial purposes.

The SPEAKER said the call for a division came too late.

The main question was then put: "Will the House agree to the said resolution?" and the yeas and nays were as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Bingham, Birdsall, Blanchard, Botts, Boydon, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clapp, Franklin Clark, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Crowell, Crozier, Dickey, Dickinson, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Freedley, French, Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Green, Gregory, Grinnell, Hale, Willard P. Hall, Nathan K. Hall, James G. Hampton, Moses Hampton, Henley, Henry, Hilliard, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jamieson, Jenkins, Andrew Johnson, Robert W. Johnson, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Sidney Lawrence, Lincoln, McClelland, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Peck, Petrie, Peyton, Pillsbury, Pollock, Preston, Putnam, Reynolds, Richey, Rockhill, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Smart, Truman Smith, Stanton, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Sylvester, Tallmadge, Thibodeaux, Taylor, Tompkins, James Thompson, Richard W. Thompson, William Thompson, Thurston, Tuck, Turner, Vandyke, Vinton, Warren, Wentworth, White, Williams, and Wiley—136.

NAYS—Messrs. Bayly, Beale, Bedinger, Black, Bocock, Bowdon, Boyd, Brodhead, William G. Brown, Burt, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Daniel, Featherston, Ficklin, Flournoy, Fries, Hamilton, Harmanson, Harris, Hill, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, George W. Jones, Kaufman, Kennon, La Sere, Ligon, Lord, Lumpkin, Maclay, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morse, Nicoll, Peaslee, Phelps, Rhett, Robinson, Sawyer, Simpson, Sims, Thomas, Jacob Thompson, Venable, and Woodward—54.

So the resolution was agreed to. And then—

Mr. VINTON gave notice that he would call up the appropriation bill reported by him to-day, early to-morrow.

The House then adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. GOTT: The petition of citizens of Dewitt, Onondaga county, New York, praying for an immediate termination of the war with Mexico; and that this Government commence negotiations with foreign Governments as soon as practicable for securing treaty stipulations that shall bind the contracting parties to settle all future international difficulties by peaceful arbitration.

By Mr. GOGGIN: The petition of William Saunders and William R. Porter, sureties of William Estis, a paymaster in the late war with Great Britain. Also, the petition of —— Shiflett, of Virginia, praying to be placed on the invalid pension roll.

By Mr. PENDLETON: The memorial of George Taylor, praying indemnity for losses incurred by French spoliations prior to 1800. Also, the memorial of Cassius F. Lee, trustee of Hodgson, on the same subject. Also, the memorial of Mary D. Adam, attorney of Dunlap's heirs, on the same subject.

By Mr. BELCHER: The petition of Louisa Dascomb and 111 others, of the county of Franklin, in Maine. Also, the petition of Andrew Mitchell and 77 others; of Louisa S. F. Jenkins and 67 others; and of Benjamin Abbott and 145 others, of said county, all praying for a peace with Mexico. Also, the petition of Frederick V. Stewart and 105 others, for a mail route from Farmington to Kingsfield, Franklin county, Maine.

By Mr CROWELL: The petition of Amos Armstrong, a citizen of Summit county, Ohio, praying for a pension.

By Mr. FARRELLY: The petition of citizens of Mercer county, for repeal of the law requiring postage on newspapers circulating within thirty miles of the place of publication.

By Mr. WENTWORTH: The petition of citizens of McLane county, Illinois, for a donation of land and the right of way for a railroad connecting the upper and lower Mississippi with Chicago. Also, the petition from citizens of Iroquois and Will counties for a reform in the present land system.

By Mr. CRANSTON: The memorial of Philip Allen and others, asking payment for depredations on their property committed by the French Government prior to 1800.

By Mr. VINTON: The petition of Solomon Sturges and others, citizens of Muskingum county, Ohio, praying that measures may be taken for the restoration of peace with Mexico.

By Mr. CABELL: The petition of Moses E. Levy. Also, the petition of the heirs of Captain Henry Pawling for commutation.

By Mr. CHARLES BROWN: The memorial of Catharine Able, widow of a revolutionary soldier.

By Mr. HUNT: The petition of Calvin Bishop and others, for an appropriation for Buffalo harbor.

By Mr. NES: A petition numerously signed by citizens of Adams county, Pennsylvania, praying that the provision in the act of Congress of 3d March, 1847, requiring three cents postage to be paid on newspapers, &c., may be repealed.

By Mr. J. R. INGERSOLL: The memorial of S. Morris, Waler & Co., asking for a remission of duties. Also, the memorial of Satterlee Clark, asking for an appropriation for the payment of a balance due to him as paymaster, and extra allowance, &c., being the amount of a verdict against the United States.

By Mr. LA SERE: The petition of James W. Breedlove, late collector of the customs for the district of Mississippi, praying to be refunded the amount of counterfeit coin received by the cash clerk of the custom-house at New Orleans during his term of office.

IN SENATE.

WEDNESDAY, *December* 22, 1847.

Mr. GREENE presented the petition of Elizabeth Hamilton, widow of Alexander Hamilton, deceased, praying the patronage of the Government in the publication of the writings of her late husband; which was referred to the Committee on the Library.

Mr. ATCHISON presented the memorial of Henry M. Shreve, praying compensation for the use by the Government of a snag-boat, of which he is the inventor and patentee, and the purchase of his patent-right by the United States; which was referred to the Committee on Commerce.

Mr. HALE presented the memorial of the Yearly Meeting of Anti-Slavery Friends of Indiana, praying for the adoption of measures for the immediate termination of the war with Mexico, and for the immediate termination of slavery.

On presenting this petition, Mr. HALE said:

I suppose, Mr. President, as this petition prays for the exertion of all the powers of Government, so far as they extend, in relation to this subject, it includes within its purview slavery within the District of Columbia; and I am informed that the practice has obtained in the Senate, when petitions of this character are presented, to raise the question of reception, and that such a motion is laid upon the table, and there the matter drops. As this course does not accord with my own conviction of duty, I must urge a different disposition of this petition; and I hope that, if exception be taken, it will be taken without this side-blow of a motion to lay on the table.

With this view, if the question of reception be raised, I ask that it may be taken by yeas and nays.

The PRESIDING OFFICER. Those in favor of taking the question by yeas and nays will rise.

Mr. HALE. Was the motion made to lay the motion upon the table?

The PRESIDING OFFICER. The question is to be put as a matter of course.

Mr. HALE. I was not aware of the existence of such a rule; but that being the case, I would like to say a single word on the main question, as the motion to lay on the table is not debatable.

Mr. BERRIEN said he trusted that the established usage of the Senate would not be departed from on this occasion. When a petition of this sort is presented, the question of reception is raised by a motion to lay a petition on the table. He would now raise that question, by moving to lay the motion upon the table.

Mr. HALE. Upon that question I ask the yeas and nays.

Mr. MASON. What is the petition?

The Secretary read the heading of the memorial.

Mr. JOHNSON, of Maryland, inquired whether it would be in order to move a postponement of the question of reception till to-morrow?

The PRESIDING OFFICER. The question to lay on the table has precedence.

Mr. JOHNSON, of Maryland, then said that his only object was that the Senate might be full before the question was taken.

Mr. CALHOUN. What is the question?

The PRESIDING OFFICER. It is to lay the motion to receive the petition on the table.

Mr. CALHOUN. What is the subject-matter of the petition?

The PRESIDING OFFICER. The abolition of slavery in the District of Columbia.

Mr. HALE. If it be in order, I will state the subject-matter of the petition. The petition comes from the Yearly Meeting of Friends at Newport, Wayne county, Indiana, praying the termination of the war in Mexico; and also praying that all the powers vested in Congress upon the subject shall be exerted for the termination of slavery.

Mr. BUTLER. That does not say anything about slavery in the District of Columbia.

Mr. HALE. I remarked that that was included in the powers which the memorialists called on Congress to exert.

The question was then taken on the call for the yeas and nays. A sufficient number of members rising, the yeas and nays were ordered, and were taken, as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Badger, Bell, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cass, Davis of Mississippi, Dickinson, Dix, Downs, Fairfield, Felch, Foote, Hunter, Johnson of Maryland, Johnson of Louisiana, Mangum, Mason, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Westcott, and Yulee—33.

NAYS—Messrs. Baldwin, Clarke, Corwin, Greene, Hale, Miller, Phelps, Underwood, and Upham—9.

So the motion to receive the petition was laid upon the table.

Mr. HALE presented the memorial of David T. Burr and sixty-nine others, citizens of Pennsylvania, praying for such an alteration of the Constitution and laws as shall abolish slavery throughout the Union.

Mr. HALE said: I do not understand that there is a standing rule or order of the Senate that raises the question whether this petition shall be received, or the motion to receive it laid on the table. I ask whether the motion to receive the petition is debatable? Am I correct, sir, in supposing it is debatable?

The PRESIDING OFFICER. It is debatable.

Mr. HALE. So understanding it, sir, I wish to say a single word in vindication of the course which I deem it my duty to take on this occasion. It is with no desire to produce angry feelings, or excited discussion, but it is in discharge of my duty, under deep and the earnest convictions of my understanding, that I attempt to discharge that duty. What is the refusal of the Senate to receive these petitions? It is saying that there are some subjects on which the people shall not approach this tribunal.

In this day, speculation is adventurous. We venture to inquire into all the secrets of the material and the spiritual world. The researches of geological science have penetrated the bowels of the earth, and have there found the materials by which it is essayed to prove that

> "He who made the world, and its age reveal'd
> To Moses, was mistaken."

Nay, inquiry goes with adventurous flight to the very throne of Eternity, and undertakes to scan the laws by which He who sits thereon governs His own actions and the world he has created. And, sir, if speculation is thus adventurous, have we, in the United States of America, an institution which exalts itself above God—defying examination, or inquiry, or petition even? Most emphatically, sir, do I conceive that at the present day the people of the United States have a peculiar right to come and ask of this body a respectful hearing of their petitions, and a respectful hearing on this very subject. Sir, it is no mere abstraction. It is an element of political power in the formation of our Constitution; it is an element on which the Constitution of the other House is regulated; and it is an element in the political discussion and action of the present day, which is involving the nation in a foreign and aggressive war, at an expense of forty or fifty millions of dollars annually. And if the people of the United States are to be thus taxed, for a war growing immediately and directly out of an institution of this character, are they to be told that they shall not come and respectfully present their petitions upon this subject?

I have thus discharged my duty to those who sent me here; without any expectation of influencing the action of this body, without any desire to excite angry feeling or discussion. I ask that the petition may be received.

Mr. BERRIEN. The practice which has been adopted by the Senate has been the result of calm and deliberate consideration. It has protected us from those exciting discussions which, in another branch of the National Legislature, have too often occurred. I do not apprehend that anything which has fallen from the honorable Senator from New Hampshire, who presents this petition, is calculated to change the well-settled conviction of the Senate on this subject. I, therefore, sir, the question of reception being before the Senate, move to lay that question on the table.

The motion to receive the petition was then laid upon the table.

Mr. JOHNSON, of Louisiana, presented the petition of D. A. Watterston, praying compensation for services as clerk in the office of the Surveyor General of Louisiana; which was referred to the Committee on Public Lands.

Mr. MASON presented the memorial of William B. Slaughter, late Secretary of the Territory of Wisconsin, praying the repayment of money expended by him in the public service; which was referred to the Committee on Territories.

On motion by Mr. YULEE, it was

Ordered, That Joseph H. Waring have leave to withdraw his petition and papers.

On motion by Mr. GREENE, it was

Ordered, That the petition and papers of Elizabeth Hamilton, on the files of the Senate, be referred to the Committee on the Library.

On motion by Mr. HUNTER, it was

Ordered, That the petition of Joseph M. Sheppard, administrator of Richard Harris, deceased, and John Scott, administrator of Nimrod Farrow, deceased, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MILLER, it was

Ordered, That the memorials and petitions against the repeal of the pilot act, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of William W. Hall, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. CASS, it was

Ordered, That the petition of Thomas C. Sheldon, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. DICKINSON, it was

Ordered, That the petition of John Lorimer Graham, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. DIX, it was

Ordered, That the memorials and petitions on the files of the Senate, in favor of the repeal of the pilot act, be referred to the Committee on Commerce.

Mr. JOHNSON, of Louisiana, gave notice that on to-morrow he should ask leave of the Senate to introduce a bill continuing the pensions of certain widows.

Mr. WESTCOTT submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Patents and the Patent Office be instructed to inquire whether any modification of the present laws relating to Patents and the Patent Office be expedient.

Mr. CASS, from the Committee on Military Affairs, reported a bill to raise, for a limited time, an additional military force; which was read, and passed to a second reading.

Mr. CASS gave notice that he will call this bill up on the first opportunity, after it shall have been printed.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill concerning certain collection districts, and for other purposes, reported it without amendment.

Mr. ASHLEY, from the Committee on the Judiciary, reported a bill supplementary to the act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court, in certain cases, and for other purposes;" on which he asked for speedy action of the Senate, as the bill was applicable to cases now pending before the Supreme Court of the United States. It was intended to remedy a defect in existing laws on the subject.

The bill having had its first reading, was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed, and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The Senate proceeded to the consideration of the following resolution, submitted yesterday by Mr. BREESE, and it was agreed to:

Resolved, That the Secretary of War be directed to inform the Senate if Fort Armstrong, on Rock Island, in the State of Illinois, is now occupied by a military regiment; and if not, how long the same has been abandoned, in whose charge the same is, and on what terms; and, also, that he communicate his opinion if the interests of the Government require that said site should be reserved from sale, for military purposes.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business, and after a short time spent therein, the doors were opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 22, 1847.

The Journal of yesterday having been read,

Mr. LIGON rose to a correction of the Journal. He found that upon the motion of the gentleman from Tennessee [Mr. G. W. JONES] to lay on the table the memorial presented by the gentleman from Ohio [Mr. GIDDINGS] for the repeal of the laws authorizing slavery in the District of Columbia, his (Mr. L.'s) name was not recorded. He had voted "aye."

[*Note.*—The vote on this question stood yesterday, yeas 97, nays 97—a tie. The Speaker voted in the negative, making the vote stand yeas 97, nays 98. So the motion was lost.]

The SPEAKER stated that under repeated precedents in similar cases, the gentleman had a right to have his name recorded. That vote would change the decision of the House, as the Chair understood.

Mr. SIMS. I understand not. The vote of the Speaker added, would leave the result precisely the same. It would then be a tie-vote, and would not change the result.

The SPEAKER. The Clerk will announce the vote as it would be with the name of the gentleman from Maryland recorded in the affirmative.

The CLERK. Yeas 98, nays 97.

The SPEAKER. The 12th rule of the House provides that—

"In other cases (*i. e.* than of election by the House) he (the Speaker) shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, would make the division equal; and in case of such equal division, the question should be lost."

The vote of the Speaker would, therefore, make the division equal, and the motion to lay on the table would be lost. The Chair votes in the negative.

Mr. KAUFMAN inquired if, by the gentleman from Maryland [Mr. LIGON] changing his vote, the motion to lay on the table was not carried? And if the vote would not stand yeas 98, nays 96?

The SPEAKER replied that the gentleman from

Maryland did not change his vote. The gentleman voted in the affirmative, but his name was not yesterday recorded at all.

Here the conversation dropped, and the Journal as amended was approved.

Mr. PHELPS rose and asked leave to give notice of a motion for leave to introduce a certain bill.

The SPEAKER. The Chair, under the rule of the House, was going to call upon the States for petitions, upon the committees for reports, and then upon the States for resolutions, and when resolutions were being called for, notices of bills will be in order.

Mr. HOUSTON, of Alabama, inquired if the Chair had not given this construction to the rule of the House under which they were acting without its being brought particularly to his attention? Mr. H. was understood to say, if they were obliged to wait every morning for the call of the States for petitions, and then of the committees for reports, they would never get entirely through the call of the States for resolutions.

The SPEAKER. The rule of the House is express, as the gentleman will see, if he will allow the Chair to read it:

"23. As soon as the Journal is read, the Speaker shall call for petitions from the members of each State and delegates from each Territory," &c.

"25. The petitions having been presented and disposed of, reports from committees shall be called for and disposed of," &c. * * * * "Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions," &c.

The order, that the Chair "shall call for petitions" is peremptory, as the gentleman will perceive, and it has always been the practice of the House. Petitions are therefore in order.

COMMITTEE ON PRINTING.

Mr. HENLEY wanted to ask the Chair a question which related somewhat to the organization of the House. A committee was authorized, by the second section of the joint resolution providing for the letting out to contract the printing of both Houses of Congress, to be appointed upon that subject. He believed that committee had not been appointed?

The SPEAKER. No, sir.

Mr. HENLEY. I will then offer a resolution providing for it.

The SPEAKER. The resolution will be received by the general consent of the House.

Consent being given, the resolution was received; and the question being on its adoption—

The SPEAKER. The Chair would state that the joint resolution uses the word "chosen," and therefore he had some doubt whether he was authorized to *appoint* the committee. The gentleman from Indiana offers a resolution to authorize the Chair to appoint a Committee on Printing. The question is on agreeing to the resolution, which is as follows:

Resolved, That the Speaker be authorized to appoint a Committee on Public Printing, according to the provisions of the joint resolution entitled "A joint resolution directing the manner of procuring the printing for the two Houses of Congress," approved August 3, 1846.

Mr. HUNT wished to make an inquiry in reference to the order of business. After petitions, reports and resolutions were received, was it not then in order to take up the business on the Speaker's table?

The SPEAKER repeated the order of business prescribed by the rule, viz: the call for petitions, for reports, and for resolutions. By the 27th rule it was provided that "after one hour shall have 'been devoted to reports from committees and res-'olutions, [not to the presentation of petitions,] it 'shall be in order, pending the consideration or 'discussion thereof, to entertain a motion that the 'House do now proceed to dispose of the business 'on the Speaker's table and to the orders of the 'day." It would therefore seem that the morning hour should commence at the time at which the call for reports was begun under the 27th rule.

The SPEAKER then proceeded to call the States in order for petitions, commencing with the State of Maine. Petitions were presented—

From Massachusetts: By Messrs. HUDSON, GRINNELL, and PALFREY.

From New York: By Messrs. NICOLL, JENKINS, MULLIN, TALLMADGE, KELLOGG, and MACLAY.

From Maryland: By Mr. CHAPMAN.

From Virginia: By Mr. BOTTS.

From South Carolina: By Mr. BURT.

From Kentucky: By Mr. MOREHEAD.

When the State of Ohio was called—

Mr. GIDDINGS moved to consider the memorial presented by him yesterday in relation to the slave trade in the District of Columbia, which was laid over for consideration. The motion was disagreed to.

From Louisiana: By Mr. LA SERE.

From Illinois: By Messrs. TURNER, ROBT. SMITH, and LINCOLN.

From Missouri: By Mr. PHELPS.

From Michigan: By Mr. STUART.

NOTICES OF BILLS.

Notices of motions for leave to introduce bills were given as follows:

By Mr. HILLIARD: Of a bill to change the place of holding the United States circuit court for the middle district of Alabama, and for other purposes.

By Mr. PHELPS: Of a bill granting land to the State of Missouri for the improvement of the navigation of the Osage river.

Also, of a bill to pay to the State of Missouri two per cent. upon the proceeds of the sales of the public lands sold within the State of Missouri, or which have been reserved for the purpose of constructing a road to the State of Missouri.

By Mr. BINGHAM: Of a bill to grant alternate sections of land to the State of Michigan for the completion of the Clinton and Kalamazoo canal.

By Mr. R. W. JOHNSON: Of a bill to create a new judicial district in the State of Arkansas.

By Mr. McCLELLAND: Of a bill for the relief of Shadrach Gillet and others.

Also, of a bill to amend an act confirming certain land claims in the State of Michigan.

Also, of a joint resolution relating to errors and defective returns in certain surveys, plats, and field-notes.

REPORTS FROM COMMITTEES.

Mr. JOHN A. ROCKWELL, from the Committee of Claims, made an adverse report on the petition of Harriet Brown, widow of General Brown. Laid on the table, and ordered to be printed.

Mr. THOMAS, from the same committee, made an adverse report on the petition of the heirs of John Forsyth, deceased, late of the State of Georgia. Laid on the table, and ordered to be printed.

Mr. SIMS, from the Committee for the District of Columbia, reported a bill to authorize attachments on mesne process in the county of Washington, in the District of Columbia, to provide more speedy and effectual legal remedies in the said District, and for other purposes. Read a first and second time, committed, and ordered to be printed.

Mr. GENTRY, from the Committee on Indian Affairs, reported, that at a meeting of the Committee on Indian Affairs on yesterday, on motion of Mr. GENTRY, chairman of said committee, DANIEL M. BARRINGER, of North Carolina, was unanimously appointed chairman of said committee. The report was read, and laid on the table.

Mr. JOHN A. ROCKWELL, from the Committee of Claims, reported a bill for the relief of William Culver. Read a first and second time, committed, and ordered to be printed.

RESOLUTIONS.

Mr. LINCOLN moved the following preamble and resolutions, which were read and laid over under the rule:

Whereas the President of the United States, in his message of May 11, 1846, has declared that "the Mexican Government not only refused to receive him, [the envoy of the 'United States,] or listen to his propositions, but, after a 'long-continued series of menaces, have at last invaded *our* '*territory* and shed the blood of our fellow-citizens on *our* '*own soil*:"

And again, in his message of December 8, 1846, that "we 'had ample cause of war against Mexico long before the 'breaking out of hostilities; but even then we forbore to 'take redress into our own hands until Mexico herself be-'came the aggressor, by invading *our soil* in hostile array and 'shedding the blood of our citizens:"

And yet again, in his message of December 7, 1847, that "the Mexican Government refused even to hear the terms 'of adjustment which he [our minister of peace] was autho-'rized to propose, and finally, under wholly unjustifiable 'pretexts, involved the two countries in war, by invading 'the territory of the State of Texas, striking the first blow, 'and shedding the blood of our citizens on *our own soil*:"

And whereas this House is desirous to obtain a full knowledge of all the facts which go to establish whether the particular spot on which the blood of our citizens was so shed was or was not at that time *our own soil*: Therefore,

Resolved by the House of Representatives, That the President of the United States be respectfully requested to inform this House—

1st. Whether the spot on which the blood of our citizens was shed, as in his messages declared, was or was not within the territory of Spain, at least after the treaty of 1819, until the Mexican revolution.

2d. Whether that spot is or is not within the territory which was wrested from Spain by the revolutionary Government of Mexico.

3d. Whether that spot is or is not within a settlement of people, which settlement has existed ever since long before the Texas revolution, and until its inhabitants fled before the approach of the United States army.

4th. Whether that settlement is or is not isolated from any and all other settlements by the Gulf and the Rio Grande on the south and west, and by wide uninhabited regions on the north and east.

5th. Whether the people of that settlement, or a majority of them, or any of them, have ever submitted themselves to the government or laws of Texas or of the United States, by consent or by compulsion, either by accepting office, or voting at elections, or paying tax, or serving on juries, or having process served upon them, or in any other way.

6th. Whether the people of that settlement did or did not flee from the approach of the United States army, leaving unprotected their homes and their growing crops, *before* the blood was shed, as in the messages stated; and whether the first blood, so shed, was or was not shed within the enclosure of one of the people who had thus fled from it.

7th. Whether our *citizens*, whose blood was shed, as in his messages declared, were or were not, at that time, armed officers and soldiers, sent into that settlement by the military order of the President, through the Secretary of War.

8th. Whether the military force of the United States was or was not so sent into that settlement after General Taylor had more than once intimated to the War Department that, in his opinion, no such movement was necessary to the defence or protection of Texas.

By Mr. GEORGE S. HOUSTON, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reducing the maximum of compensation paid to railroads and steamboats for the transportation of the mail of the United States.

By Mr. PHELPS:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post-road from Brunswick, by the way of Compton's Ferry, to Chilicothe, in the State of Missouri.

By Mr. McCLELLAND, which was agreed to:

Resolved, That the Secretary of War be requested to furnish this House with a copy of the report from the Bureau of Topographical Engineers, in reference to the commerce of the lakes and western rivers, made in conformity with a resolution of the Senate of the 15th January last.

By Mr. KAUFMAN, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing, by law, postmasters to receive subscriptions to newspapers, periodicals, &c., and to transmit the same through the General Post Office to the publishers, and that said committee have leave to report by bill or otherwise.

By Mr. KAUFMAN, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of *reducing* the postage on letters to a uniform rate of five cents on each single letter.

By Mr. JAMIESON, which lies over:

Resolved, That the Sergeant-at-Arms be authorized to employ a clerk, who shall receive the same compensation as the Speaker's messenger.

By Mr. J. S. GREEN, which was agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the propriety of making provision by general laws for the relinquishment of the sixteenth sections of land, heretofore granted for the support of common schools, in all cases when such lands are of an inferior quality, and for the selection of other public lands for the same purpose in lieu of the lands thus relinquished.

By Mr. W. P. HALL, which was agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reviving the act entitled "An act to provide for the payment of horses and 'other property lost or destroyed in the military service of 'the United States," approved January 18, 1837, as amended by an act entitled "An act to amend an act entitled 'An act 'to provide payment for horses and other property lost in the 'military service of the United States,' approved October '14, 1837," and as still further amended by an act entitled "An act to provide for the payment of horses and other 'property lost or destroyed in the military service of the 'United States," approved August 23, 1842, and applying the provisions of the same to the volunteers who have been engaged in the military service of the United States since the 13th of May, 1846, are now, or shall hereafter be, in said service; and that said committee be also instructed to inquire into the expediency of paying the non-commissioned officers, musicians, and privates, of such volunteers, for parts of rations, when the United States have failed, or shall hereafter fail, to supply the same; and to report to this House by bill or otherwise.

SUBSISTENCE FOR THE ARMY.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state

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of the Union, (Mr. J. R. INGERSOLL in the chair,) and proceeded to the consideration of the following bill:

A BILL making an appropriation to supply in part a deficiency in the appropriations for subsistence in kind of the army and volunteers during the year ending the 30th June, 1848.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one million of dollars be, and the same is hereby, appropriated to supply in part a deficiency in the appropriations for the subsistence in kind of the army and volunteers during the year ending the thirtieth of June, one thousand eight hundred and forty-eight, to be paid out of any money in the treasury not otherwise appropriated.

Mr. VINTON called for the reading of the following letter:

OFFICE OF COMMISSARY GENERAL OF SUBSISTENCE,
Washington, December 17, 1847.

SIR: I have the honor to report that the appropriations applicable to "army subsistence" are nearly exhausted.

The whole sum now remaining to the credit of such appropriations does not exceed sixty thousand dollars; and that sum is absolutely necessary to meet the demands of the recruiting service.

Recent information from the principal commissaries of subsistence in Mexico, makes it necessary for me to respectfully ask that the early attention of Congress may be called to my "estimate" of the 9th of November, in which the deficiency in the former appropriations is stated, as drafts to the amount of five hundred thousand dollars may be daily expected to reach the United States, and, as above shown, this department has no means of paying them.

Most respectfully, your obedient servant,
GEO. GIBSON, *C. G. S.*

Hon. W. L. MARCY, *Secretary of War.*

Mr. VINTON desired only to say one word of explanation in addition to what was stated in these communications. The estimated deficit of the subsistence department for the present year (the year terminating the 30th June next) was a fraction below four millions of dollars. It appeared from the statement which had just been read from the Commissary's Department, that they were in daily expectation of drafts from Mexico to the amount of five hundred thousand dollars, with only sixty thousand on hand to cover demands upon them. They understood that the money had been received in Mexico upon these drafts. This bill appropriated a million of dollars. The Commissary General of Subsistence, who was before the Committee of Ways and Means, stated that they expected that the next train which would come down from Mexico would bring about the same amount of drafts additional. This bill, therefore, covered not only those drafts known to be on the way, but those supposed soon to be on the way, and those alone. The committee made this report of appropriations to meet a part of the estimated deficit—one million of dollars only, instead of three million nine hundred thousand and odd dollars, the estimated deficit of the year—for the purpose of enabling them to examine the details of that deficit more carefully than it was in their power thus far to do. It was to meet the drafts that were on the way—those on which the money has been already received, and those on which it would probably be received in a short time. As a matter of course, they must be met, or the credit of the country be dishonored. He presumed there would be no objections to making an appropriation thus far to cover the present and pressing exigency which was set forth in the communications from the department.

Mr. POLLOCK moved that the committee rise, and report the bill to the House.

Mr. CLINGMAN. Is it not in order to lay aside this bill to be reported to the House when the committee rises, and proceed to other business before the committee?

The CHAIRMAN replied in the affirmative.

Mr. CLINGMAN. Then I suggest to the gentleman from Pennsylvania [Mr. POLLOCK] that this course be pursued.

Mr. POLLOCK said it was necessary that this bill pass at once, and he therefore adhered to the motion which he had made. If the House desired, they could go back into committee after this bill was passed.

Mr. McKAY would suggest to his friend from Ohio, the chairman of the Committee of Ways and Means, [Mr. VINTON,] whether it was not better to allow this bill to be laid aside and take up the President's message. He understood that the gentleman [Mr. VINTON] had a series of resolutions referring the message. It was important at this stage of the session that some action should be taken upon it; it was now the 22d day of December. It was likely that there would be no debate, as he trusted there would be none, upon the resolutions which would be moved by the gentleman from Ohio, and it was important that the committees proceed at once to their respective duties.

Mr. VINTON said he had no objection to that course, and he would send up to the Clerk's table his resolutions.

The CHAIRMAN said he understood that no motion was made to rise; therefore, the resolutions would be taken up.

Mr. POLLOCK said he had made such a motion, and he insisted upon it.

Mr. VAN DYKE inquired if this was the proper time to offer an amendment to this bill? He understood that the appropriation of this million of dollars was intended to cover expenditures which were already incurred. If that was so, he had no objection to make; if it were not so, he wished to offer an amendment.

Mr. VINTON (in reply to Mr. VAN DYKE) said he had stated that the Commissary General informed them that $500,000 had been already raised in Mexico upon drafts which had been sold there, and which were on their way here; and they expected an additional amount of $500,000 of drafts on the same account by the next train which would come down from Mexico. Of course the money had been received upon these drafts in Mexico.

The committee rose, and the chairman reported the bill to the House without amendment, with the recommendation that the bill do pass.

The bill was then ordered to be engrossed and read a third time, and was engrossed, read a third time, and passed, and sent to the Senate for concurrence.

The SPEAKER laid before the House the following message from the President of the United States:

WASHINGTON, *December* 22, 1847.

To the Senate and House of Representatives:

I communicate herewith a report of the Secretary of the Navy,* containing a statement of the measures which have been taken in the execution of the act of 3d of March last, relating to the construction of floating dry-docks at Pensacola, Philadelphia, and Kittery. JAMES K. POLK.

REFERENCE OF THE MESSAGE.

On motion of Mr. VINTON, the House again resolved itself into Committee of the Whole on the state of the Union, (Mr. J. R. INGERSOLL in the chair,) and proceeded to the consideration of the Annual Message of the President of the United States.

Mr. VINTON moved the following resolutions:

First. *Resolved*, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as has reference to the relations of the United States with foreign nations; to the causes that brought on the war with Mexico; to the alleged invasion by Mexico of the State of Texas; to the commencement of hostilities; to the efforts made by the President of the United States to obtain a peace; to the cession by Mexico to the United States of a portion of her territory as an indemnity for our claims on her; to a release of Mexico from her liabilities to our citizens, and the assumption of their payment by the United States; together with the recommendation that the provinces of New Mexico and the Californias should be retained by the United States as an indemnity, that they should hereafter be considered constituent parts of our country, and the civil laws and jurisdiction of the United States extended over them; and the recommendation that the other Mexican provinces which have been reduced to our possession by conquest should continue to be held as a means of coercing Mexico to terms of peace; and that adequate compensation should be fixed by law for such officers, both civil and military, as may be employed to conduct such Government,—be referred to the Committee on Foreign Affairs.

Second. That so much of said message as recommends that Territorial Governments be established in New Mexico and the Californias, and the establishment of a Territorial Government in Oregon, be referred to the Committee on the Territories.

Third. That so much of said message as relates to the state and condition of the army, to its increase and its operations in Mexico, together with the report of the Secretary of War accompanying said message, be referred to the Committee on Military Affairs.

Fourth. That so much of said message as relates to the establishment of tribunals to try and punish crimes, and exercise jurisdiction in civil cases over American citizens in China; and so much as relates to the imposition and collection of duties on imports into the ports of Mexico by order of the President of the United States, and the disbursement of the moneys so collected, be referred to the Committee on the Judiciary, with instructions to said committee to inquire and report by what law or authority said duties are imposed and said moneys disbursed.

Fifth. That so much of said message as relates to the commerce, tonnage, and navigation of the country, and to the influence which the operation of the sub-treasury, the exclusion of the receipt of bank paper in payment of dues to the Government, and the tariff act of 30th July, A. D. 1846, have had and will have on the trade and currency of the country, together with so much of the accompanying report of the Secretary of the Treasury as relates to these subjects, be referred to the Committee on Commerce.

Sixth. That so much of said message as relates to the subject of manufactures, and to the influence of the tariff act of the 30th July, 1846, on the manufactures of the country, together with so much of the accompanying report of the Secretary of the Treasury as relates to this subject, be referred to the Committee on Manufactures.

Seventh. That so much of said message as relates to the conditional operations of the navy, together with the accompanying report of the Secretary of the Navy, be referred to the Committee on Naval Affairs.

Eighth. That so much of said message as relates to the revenue; of the public debt, to the increase thereof; to the creation of a sinking fund; to a duty on tea and coffee; to the collection, safe-keeping, and disbursement of the public moneys; to the coinage and the establishment of a branch mint at the city of New York; to the amendment of the sub-treasury act; to the estimated expenditures of the Government; together with so much of the accompanying report of the Secretary of the Treasury as relates to the subject, be referred to the Committee of Ways and Means.

Ninth. That so much of said message as relates to the public lands; to the graduation and reduction of the price thereof; to the amendment of the preëmption laws; to the surveying and bringing into market the lands in Oregon, together with so much of the accompanying report of the Secretary of the Treasury as relates to these subjects, be referred to the Committee on Public Lands.

Tenth. That so much of said message as relates to the Indian tribes, and our intercourse with them, together with so much of the accompanying report of the Secretary of War as relates to this subject, be referred to the Committee on Indian Affairs.

Eleventh. That so much of said message as relates to the condition and operations of the Post Office Department; to the collections of the British Post Office; of the discriminating postages on letters and other mailable matter transported in American mail steamers, together with the accompanying report of the Postmaster General, be referred to the Committee on the Post Office and Post Roads.

Twelfth. That so much of said message as relates to agriculture and to the relief which is therein alleged it has derived from the burdens of the protective policy under the operation of the tariff act of 30th July, 1846, and so much of the report of the Secretary of the Treasury as relates to this subject, be referred to the Committee on Agriculture.

Thirteenth. That so much of said message as recommends that provision be made for the families of those who have fallen or died in the service in Mexico, be referred to a Select Committee.

Fourteenth. That so much of said message as declares that it may become proper for our Commanding General in the field to give encouragement and assurances of protection to such friends of peace in Mexico as will establish a Government there able and willing to conclude a peace with us "and secure to us the indemnity we demand," be referred to a Select Committee.

Fifteenth. That so much of said message as relates to the manner in which the war with Mexico ought to be prosecuted and the policy that should be pursued in respect to it, be referred to a Select Committee.

Mr. CLINGMAN desired to offer an amendment to one of these resolutions, he did not know which. He moved it be read; and, as he might not have the opportunity again, he should accompany it with some remarks of explanation. The amendment is as follows:

Resolved, That so much of the President's message as relates to the acquisition of territory be referred to the Committee on Foreign Affairs, with instructions that, if they shall think it expedient that territory be acquired, then they shall state on what terms and conditions said territory should be received.

Mr. C. J. INGERSOLL. Does what the gentleman from North Carolina proposes as an amendment attach to the first resolution?

Mr. CLINGMAN replied that he did not know to what resolution it would come in as an amendment. He did not know that it was necessary to offer it now in order to make the remarks he wished to.

Mr. C. J. INGERSOLL. If the gentleman will allow me I will send up an amendment.

*For Report, see Appendix, page 40.

Mr. CLINGMAN would not, he said, allow of any suggestions, as he had a right to the floor. Mr. C. went on to say, that, a few days ago, when some remarks were made as to the black cloud hanging over the country, he understood what was meant, and he was now going to discuss that matter. He hoped that we should have a full discussion of it, and he did not think that any evil would result from it. It was known that, upon one subject, he had taken a different view from that of many of his friends, and that he had voted against the rule excluding abolition petitions. That matter was at an end. We go back (said Mr. C.) to the original position of the South, when the thirteen States became united; when, out of abundant caution, they provided that the Government which they established should be for the common benefit. Every State of the Union was to have a fair share in whatever was in prospect or possession. When the lower Mississippi was acquired, the South did not say to the Northern and Middle States, Keep your old rivers of the Potomac, &c., but you cannot complain if we deny you any share in this river, and the country around it. It had been contended that the Constitution limited slavery to the territory originally belonging to the Union. But twelve of the thirteen original States had slavery in them, and it was not reasonable to suppose that they would provide for their own exclusion from territory hereafter to be acquired. There was no limitation as to slavery in the Constitution, except the provision that the importation of slaves should not be prohibited by Congress prior to the year 1808. This provision, as he was aware, was the result of a compromise, by which the navigation laws were consented to. The Constitution covered all—bond and free—who were then in the Union, and all slaves who might be imported in twenty years afterwards. The idea of limiting slavery to the territory then in the Union did not enter the heads of the framers of the Constitution. The distribution of slaves into new territories did not increase the number of slaves.

A distinguished southern statesman [Mr. CALHOUN] had said that new territory acquired was held for the benefit of all, and that Congress could not prevent slaves from going into such territory. This, he thought, was a superficial view of the subject. He admitted that the territory was held in common for all; but it did not follow that it must be used in common. It might be divided. The army and the treasury belonged to all in common, but might be divided. Congress, he contended, had the same power over the Territories as a local legislature. But it was said that slavery was unnatural. Slavery was found in all ages and nations in the world. Some nations had not recognized property in land, but all nations had recognized it in persons. Every nation recognized it in persons till within five centuries ago. It was preposterous to call the southern institution of slavery peculiar. It was the northern institutions which were peculiar. It was evident that Congress had recognized property in persons. If you established slavery in all the States and Territories, or excluded it entirely, it would be a breach of trust. Our Government ought to divide new territory so as to accommodate the South and the North. It was seen, at an early day, that some of the States, then tolerating slavery, would soon be relieved from it; and therefore the old Confederation left the Northwestern Territory free from slavery. When Missouri came into the Union, a portion of the territory was also set apart as free territory. He did not contend that the Government would be justified in taking territory for the purpose of strengthening any one portion of the Union. But if northern territory were obtained, let it be free; if southern, let it be slave-holding; and if western, let it be divided. Able men had contended that Congress had power to exclude slavery, on the ground that it was inconsistent with a republican form of Government; but he could show that there was no such right. Some of his northern friends had considered the extension of slavery as unfair to the North; but he showed that, in the Convention, Rufus King and others had admitted that some regard should be had to the South, in reference to representation, because the South possessed most of the wealth of the country. But as a practical objection, that of increase of the political power of the slave States had no weight. There were no slaves imported, and every slave was now represented. It was only in this House that slaves were represented; and that representation could not be increased by the extension of territory in which slavery is tolerated. The number of non-slaveholding States, also, would be multiplied much faster than that of the slaveholding States.

There is no danger in the existence of mere political parties in this country: the danger lies in connecting party politics with abolitionism. We have always had, and always will have, parties. Their existence is safest when they exist on the general conduct of an administration. The majority and minority, coming in conflict in each State, enlighten each other. The danger is when you divide men into classes—when you try, for instance, to range the poor against the rich. Then you appeal to men's passions. The most dangerous divisions of the people are those which you make by geographical lines. There is a strong attachment to country, which this calls up. In every instance of this kind, the country in which they occurred has been broken to pieces. General Washington, foreseeing these things, warned us against geographical divisions. The framers of the Constitution apprehended evil from this; but their fears have hitherto proved themselves unfounded. It is remarkable, that, for the last fifteen or twenty years, the candidate for President obtaining a majority in the whole Union, also obtained a majority in both sections of the Union.

Several attempts have been made to get up these geographical divisions. The Missouri controversy was got up by northern politicians. The next that came, he was sorry to say, came from the South. He was sorry that this made it necessary for him to refer to politicians now among us; but justice compelled him to make the reference. After the settlement of the nullification difficulties, Mr. CALHOUN found himself in an uncomfortable situation. The United States Telegraph became his organ. Though shorn of its strength, it still had its influence. It abused southern men as "collar men;" it abused also northern politicians. He quoted from the Richmond Enquirer and the Pennsylvanian, of the same political party, in condemnation of its course. Some went even so far as to insinuate that the existence of the Union was intentionally threatened. But that he would not affirm or deny—he dealt only with facts.

Meetings were held at the North. One was held in Philadelphia; another in Boston, in which Harrison Gray Otis was one of the speakers. The Telegraph became more rabid in its attacks. Our friends at the North were cooled; and yet in the South (out of South Carolina) there were not five per cent. of the population in favor of the principles of nullification. They numbered only about as many as the abolitionists in the North.

In 1836, another attempt was made to get up this sectional feeling. It was represented that Mr. Van Buren was opposed to the South, and yet Mr. Van Buren was elected by both sections. In 1840, the attempt was again revived. The charge changed sides, and Mr. Van Buren's opponent was charged with abolition. Yet Harrison was elected by both sections of the country. Abolition seemed to kill whatever it took hold of. Did time permit, it might be shown that it was not southern influence that killed Mr. Van Buren in 1844 in the Baltimore Convention, but the politicians who doubted his availability killed him.

The leaders of the anti-slavery movement now say slavery must not be extended—the slave power must not be increased. But all slaves are now counted and represented. We are told that a southern man casts a vote for himself, and three votes for every five slaves. To this he might, with as much justice, reply, that a northern man votes once for himself, and casts five votes for every five of the free colored population. If the South should liberate her slaves, they would still be counted in the population. The charge that it degrades free labor, is unfounded. If such objectors would carry out their principles, they must vote to expel the black population and the Irish. It is unjust to call us slave or man-stealers. Slaves were brought into this country by northern ship-owners; and the South might as well ask the money paid by their ancestors to the ancestors of the northern people for bringing over the slaves, as the North now to ask for the liberation of the slaves.

We now hear again the language of Duff Green repeated at the North—"The time has come—the issue must be met;" and those who thus talk, boast of their bravery in meeting the issue. But those who are readiest to fling others into peril, are themselves generally the most craven cowards. When sectional grounds turn a presidential election, hen the Union is truly at an end.

Mr. C. here noticed the revolution in the bearing of one State or section upon another, compared with the state of affairs existing at the time of the formation of the Constitution, and continued: Some think the South would be feeble if the Union were dissolved. No man would regret a dissolution more than he; and yet the South could stand. She could increase her territory south, for there we have a weak neighbor. The North has a powerful neighbor. The South could thus easily be increased, while the laws of trade and commerce would also be in her favor. It is useless to taunt the South with being "traitors" to freedom, while they can boast of Marshall, Gaston, Henry, Jefferson, Davie, and Rutledge—while they can point to the valor displayed at Baltimore and New Orleans, or to the more recent glorious deeds in Mexico, where the troops from Kentucky, Tennessee, and South Carolina so distinguished themselves. Of South Carolina, he would say that her people were generous, liberal, manly, and brave. He knew General Butler well; and when he fell, he left no nobler soldier to fight the battles of the country. But what was to be the result of all this? Rufus King said the South would never come into the Confederacy; or, if it did, it would have the liberty at any time to withdraw from it. He (Mr. C.) was not empowered to speak for the South. Look at her history for sixty years. She had tasted of freedom, and it did not pall upon her taste. She would uphold the principles of the Constitution as long as human courage could uphold them. What the Circassian feels for liberty—what the Athenian felt at Thermopylæ—what the Spartan king felt for his country—this, and more than this, is due from every American citizen to the Constitution. But even if the Constitution should be changed, the South will submit to no degradation; and yet she will deal with the race intrusted by Providence to her care better than England does with her Irish or East India population. Nor would she ever extinguish them, as New England did the Pequod tribe of Indians. She will never sink to the level of Mexico, much less to that of St. Domingo. The "progressive democracy" of the North may go on as Rome did after the days of the Gracchi, or as France did in her revolution. It would be vain to expect that the stream divided would bear as much as when united. The separation would be sad. The same sun and moon would shine upon us, but that identity of mind and feeling would be gone; and the great constitutional edifice would fade, like the palace of Aladdin, in the mist of the morning. How could we contemplate such a state of things without sorrow? Could he ever gaze upon the gallant Scott as a mere Wellington or a Soult, or could the North look upon Taylor as an alien? Could any one separate Hardin from Clay, who fell side by side at Buena Vista? There was, he hoped, a strong, good common sense in the country, which would ever control the action of the Government—a community of interests which no party feeling could destroy. We had a common ancestry, history, and destiny. There were Adams and Jefferson; there were Bunker Hill and Yorktown; there were Franklin and Washington,—names whose power was like that of giants around the Constitution; such names and associations as no nation ever had. If we destroy that Constitution, we would deserve a situation as low as it might have otherwise been high.

Mr. C. having concluded, the resolutions of Mr. VINTON were again read.

Mr. CLINGMAN proposed his amendment; but, after a word of conversation, withdrew it for the present.

Mr. GIDDINGS rose and inquired what was the question now before the committee?

The CHAIRMAN. The question is on the whole undivided annual message of the President. There has been no division of the resolutions at all, and they are all open to consideration as a single resolution.

Mr. GIDDINGS. Has it not been usual, in considering the President's message, to consider the several resolutions separately in the order in which they stand?

The CHAIRMAN. It is for the committee to

determine how they will proceed. The resolutions are divisible, or they may be considered together.

Mr. GIDDINGS. Then, as a member of the committee, I call for a division of the question, and I ask for the reading of the first resolution.

The first resolution was accordingly read.

Mr. GIDDINGS wished to inquire whether that portion of the President's message which calls upon Congress to make an appropriation to pay for slaves lost on board the Amistad, by that resolution would be referred to the Committee on Foreign Affairs?

Mr. VINTON replied that that resolution referred to the Committee on Foreign Affairs all our relations with foreign countries. This, as he understood, was a claim set up on the part of Spain for an indemnity. It would therefore go to this committee.

The committee rose, and the chairman reported progress.

Mr. McKAY moved that the resolutions moved by Mr. VINTON in Committee of the Whole on the state of the Union on the President's message this day be printed. Agreed to.

Mr. BRODHEAD offered the following resolutions, which were read, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

Resolved, That so much of the message of the President of the United States to the two Houses of Congress at the present session, as relates to the existing war with Mexico, to the condition of our citizens in China, and the propriety of making payment to the Spanish Government in the Amistad case, together with the accompanying correspondence in relation thereto, be referred to the Committee on Foreign Affairs.

Resolved, That so much of the said message as relates to the condition and operations of the army, the propriety of increasing the same, and levying contributions upon the enemy, together with the report of the Secretary of War, be referred to the Committee on Military Affairs.

Resolved, That so much of the said message as relates to the establishment of a Territorial Government in Oregon, New Mexico, and the Californias, be referred to the Committee on Territories.

Resolved, That so much of said message as relates to the condition of the treasury, to the means of obtaining money to prosecute the war with Mexico, the propriety of imposing a duty on tea and coffee, the warehousing system, the constitutional treasury, and the propriety of establishing a branch mint at New York, be referred to the Committee of Ways and Means.

Resolved, That so much of said message as relates to the graduation of the price of the public lands, the amendment and modification of the laws granting preëmption rights to settlers, to the establishment of a surveyor general's office in Oregon, and the grant of lands therein to actual settlers, be referred to the Committee on Public Lands.

Resolved, That so much of said message as relates to our relations with the various Indian tribes, and the appointment of Indian agents west of the Rocky Mountains, be referred to the Committee on Indian Affairs.

Resolved, That so much of said message as relates to the condition and operations of the navy, to the increase of sea steamers, together with the report of the Secretary of the Navy, be referred to the Committee on Naval Affairs.

Resolved, That so much of said message as relates to the progress and condition of the mail service, the operation of the Post Office Department, and the postage arrangements with foreign Governments, together with the report of the Postmaster General, be referred to the Committee on the Post Office and Post Roads.

Mr. B. gave notice that he would, at a proper time, offer them as a substitute to those of the gentleman from Ohio, [Mr. VINTON.]

Mr. KAUFMAN offered the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a light-house at Sabine Pass, in the State of Texas.

SMITHSONIAN INSTITUTE.

In pursuance of the act establishing the Smithsonian Institution—

The SPEAKER reappointed Mr. HILLIARD, of Alabama, a regent of the said Institution; and added Mr. MARSH, of Vermont, and Mr. McCLELLAND, of Michigan, to the board of regents on the part of the House, in the place of Mr. HOUGH and Mr. OWEN, whose terms have expired.

Mr. TALLMADGE presented the petition of Major G. Tochman, attorney and counsel of the heirs-at-law of General Thaddeus Kosciusko, praying to give jurisdiction of their cases to the United States circuit court of the fourth circuit, and to take such measures as the Congress may deem proper to restrain Mr. D. Bodisco, Minister from Russia, from interfering with Major T.'s professional pursuits in this country.

On motion, the House adjourned till twelve o'clock, to-morrow.

IN SENATE.

THURSDAY, *December* 23, 1847.

The Hon. ARTHUR P. BAGBY, of the State of Alabama, appeared in the Senate to-day.

A message was received from the President of the United States, by the hands of Mr. WALKER, his Private Secretary, transmitting a report from the Secretary of the Navy, in relation to the measures adopted under the act of the last session in relation to the construction of floating dry docks at Pensacola, Philadelphia, and Kittery; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS.

Mr. DICKINSON presented the memorial of John Black, late consul of the United States at the city of Mexico, praying compensation for diplomatic services; which was referred to the Committee on Foreign Relations.

Mr. DAVIS, of Mississippi, presented the memorial of the Adjutant of the United States Military Academy at West Point, praying that he may be placed on the same footing with respect to pay and allowances as adjutants of regiments; which was referred to the Committee on Military Affairs.

Mr. JOHNSON, of Maryland, presented the memorial of the Secretary and Executive Committee of the American Colonization Society, praying that, in the removal of colored people to Liberia, they be exempted from the provisions of the acts of 22d February and 2d March, 1847, and left to the act of 2d March, 1819, or be allowed to carry two passengers to every five tons of measurement; which was referred to the Committee on Commerce.

Mr. CASS presented the memorial of Mary W. Thompson, widow of the late Lieutenant Colonel Alexander R. Thompson, of the United States army, deceased, in behalf of the widows and orphans of the army of the United States, praying that the present pension laws may be so amended as to make their pensions equal to those of the widows of revolutionary officers; and to continue them during life or widowhood, instead of five years only; and to include those families whose husbands and fathers have died in the military service from exposure and disease from the fate of an inhospitable climate.

On presenting this memorial,

Mr. CASS said: I hold in my hand Mr. President, the memorial of the widow of an American officer who has fallen in battle; and after the very eloquent eulogium pronounced upon those officers by the honorable Senator from New York—an eulogium not less true in its sentiments than eloquently expressed—I consider it perfectly unnecessary for me to do anything more than to present the memorial, and move its reference to the Committee on Military Affairs. I therefore move its reference to that committee.

The memorial was referred to the Committee on Military Affairs.

Mr. CASS presented the memorial of J. Kearsley, receiver of public moneys at Detroit, Michigan, praying remuneration for moneys expended by him for clerk hire; which was referred to the Committee on Finance.

On motion by Mr. BAGBY, it was

Ordered, That the documents relating to the claim of George S. Gaines, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. BAGBY, it was

Ordered, That the petition of Stephen Steele and James Daniel, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. DICKINSON, it was

Ordered, That Lyon and Howard have leave to withdraw their petition and papers.

RESOLUTIONS.

Mr. JOHNSON, of Md., submitted the following resolution for consideration:

Resolved, That the Secretary of War inform the Senate:

First. What has been the whole number of volunteer troops called into the service of the United States since the 13th May, 1846.

Second. Of the troops so called, what has been the whole number discharged from such service before their term of service had expired, and what the number mustered out of the service of the United States.

Third. What has been the whole number of troops in Mexico belonging to the regular army of the United States since the 13th May, 1846.

Fourth. What is the number of troops now in Mexico.

Fifth. What has been the whole number of officers and men belonging either to the regular army or the volunteers who have been killed or died of wounds received in battle since the 7th May, 1846.

Sixth. What has been the whole number of officers and men of the regular army or volunteers wounded in battle since the 7th May, 1846, who have not died of their wounds.

Mr. BALDWIN submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency and propriety of extending the benefit of the provision of the act of 3d of March, 1845, entitled "An Act renewing certain naval pensions for the term of five years," to all pensions of a similar kind which have expired since the passage of the act of 3d of March, 1847.

REPORTS FROM COMMITTEES.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom had been referred the joint resolution in favor of David Shaw and Solomon T. Corser, reported it without amendment.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom had been referred the documents relating to the claim of Thomas Rhodes, reported a bill for the relief of Thomas Rhodes; which was read and passed to the second reading.

Mr. BADGER, from the Committee on Naval Affairs, reported a bill for the relief of Commodore Foxall A. Parker, of the United States Navy; which was read and passed to a second reading.

Mr. FAIRFIELD, from the Committee on Naval Affairs, reported a bill to provide for the appointment of assistant pursers in the navy; which was read the first and second times by unanimous consent, and the further consideration thereof postponed until Monday.

[This bill authorizes the President of the United States to appoint, by warrant, twelve assistant pursers, whose compensation shall be $500 while on furlough or waiting orders, $750 while on shore duty, and $1,000 while on sea service. They are to be subject to all the rules aad regulations of the service; to give bond to the Secretary of the Navy in a sum not less than $10,000; and from and after two years from the passage of this act, all appointments of pursers to be made from assistant pursers.]

Agreeably to notice, Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill to continue the pensions of certain widows; which was read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

[The object of this bill is to continue in force the act of 17th June, 1844, for five years longer, from and after the 3d March, 1848.]

The following message was received from the House of Representatives, by Mr. Campbell, their Clerk:

Mr. PRESIDENT: The House of Representatives have passed a bill making an appropriation to supply in part a deficiency in the appropriation for subsistence in kind of the army and volunteers during the year ending the 30th June, 1847.

The said bill having been read a first and second time, by unanimous consent, was referred to the Committee on Finance.

THE MADISON PAPERS.

Agreeably to notice, Mr. CRITTENDEN asked and obtained leave to bring in a bill to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States.

The bill having been read a first time—

Mr. CRITTENDEN desired that it might have a second reading, with a view to reference.

The bill was then read a second time.

[This bill allows for all the unpublished manuscript papers of the late James Madison $25,000; $5,000 of said sum to be paid to her, and the remaining $20,000 to the Secretaries of State and Navy and Richard Smith, to be invested in the most advantageous manner for her benefit, and the interest to be paid over to her as it accrues; the same to be inalienable during her lifetime as a permanent fund for her maintenance, but subject to be disposed of as she may please by her last will and testament.]

Mr. CRITTENDEN remarked, that he did not know which would be the most appropriate committee to which to refer the bill; he supposed the Committee on the Library.

Mr. BERRIEN. If the honorable Senator will permit me, I will observe, that this bill, at the last session, passed this body almost without a dissenting voice, at least by a very decided majority. There was a very decided expression of the will of the Senate to make the purchase of these papers for the benefit of the venerable and estimable lady to whom they belong, and I do really hope that the feeling of the Senate will prompt them to dispense with the ordinary formal mode of reference to a committee; and with their permission I will move that the bill be now put upon its passage.

Mr. CRITTENDEN. I should be most happy if such a course should be taken, and perhaps there will be no objection on the part of the Senate. The bill is, in principle, exactly the same as that which passed at the last session. According to the arrangement with Mrs. Madison and some of her friends, and reduced to the form of a special contract, placed in my possession, it was agreed, that if the purchase of these papers should be made by Congress, only $5,000 of the purchase money was to be paid into her hands at present; the residue of $20,000 to be placed in the hands of Mr. Buchanan, Secretary of State, Mr. Mason, Secretary of the Navy, and Richard Smith, Esq., a respectable citizen of the District; to be held by them as her trustees, and to be used by them for her benefit; to be invested in stocks or otherwise, according to their best discretion, for her interests; to be inalienable during her lifetime, to constitute a perpetual fund for her maintenance, and subject to be disposed of only by her last will and testament. These are the provisions of the contract.

Mr. President, I do not propose to occupy the time of the Senate further than to remark, that I hold in my hand an able report made by a Committee of the House of Representatives, of which a distinguished member of that body—now no more—the late Mr. Dromgoole—was the Chairman, in which the papers are classified and described in such a manner as to convince every one who appreciates the character of Mr. Madison for virtue and wisdom, of their great value and importance to this country. Nothing, indeed, could come from the pen of Mr. Madison that would not be a precious relic in the eyes of the people of the United States. No statesman more judicious, more pure, more temperate, than he, has ever appeared in the political annals of this country. These are writings and memorials which will acquire additional value from the hand of time; they are not of that trifling and ephemeral character that will pass away, or whose value will be exhausted and forgotten in a moment. They are "for all time." They are the productions of a man living at a most important period in the history of this country, and a man who was himself one of the great founders of our institutions—one of the principal architects in erecting the mighty structure of this Republic.

It is to some extent to be attributed to the influence of his mighty work and most comprehensive mind that we hold our seats this day, and that this Government exists. Everything said and everything done by such a man must be calculated to reflect light upon our institutions; must be worthy to be read, to be studied, sir, and followed as an example by us, and handed down to our children—not merely the printed volumes, but the manuscript, in his own writing, to which we may point, and lay up forever in the repositories of the treasury.

I am one of those who believe, sir, that a letter of Mr. Madison's, in manuscript, one hundred and fifty years hence, will be worth more than whole volumes of ordinary printed works. The cost will be nothing in comparison with their value.

There are other considerations applicable to this subject, that are better understood than they can be expressed, by every member of this body. I shall say no more in reference to them; but when I consider the character of those works—their importance to the people of the United States—when I consider the character of the estimable lady to be benefited and to receive the value which we are to give for these papers, it seems to me, sir, that we will perform at once a public duty and a graceful act, in making the coming year happy to her who yet remains the relict of one who contributed so largely to make this mighty country what it is. I hope, therefore, that the motion made against the reference will be adopted, and that the Senate will now at once proceed to act finally upon this bill. If there be gentlemen, as there may be, who are opposed, upon principle, to the passage of such a law, I hope that they will be satisfied to discharge what they consider to be their duty, by voting against it—conscientiously and honorably as I know they will, if they vote at all—but that they will allow the friends of the measure to bring it to a final vote, by permitting the bill now to be put on its passage.

Mr. NILES. I hope the bill will have its usual reference.

Mr. CRITTENDEN. I will withdraw the motion for the passage of the bill, if the Senator from Connecticut means to oppose it.

Mr. ALLEN. What is the question before the Senate.

The PRESIDING OFFICER explained that the bill had been read a second time, and the question was on taking it up as in committee of the whole.

Mr. NILES. I have the floor, I believe, sir. I hope this bill will be referred to the committee. I think that this is not a subject to be acted upon without due consideration. This thing seems to be increasing upon us, and it is difficult to say where it is to end. If this bill is intended to authorize the purchase of valuable manuscripts connected with the history of this country, it certainly requires consideration, and, more than almost any other subject, demands the action of a committee. We do not know what those manuscripts are. We know something certainly of the character of Mr. Madison; we all have a just estimation of that; but we know not what these papers are—whether they consist of correspondence; whether they are his private journals, or what they are. We know nothing at all about them. And I beg leave to remind the Senate that we have already purchased what was supposed to be the most valuable part of the papers of Mr. Madison. We purchased them, sir, at an expense of thirty-five thousand dollars. I happened to be here at that time, and supposed we had purchased everything of any value connected with the history of the country—everything that was at all necessary to be preserved. But it now appears that everything valuable has been kept back; and after we make this second purchase, we may be called upon in after years to purchase what will still remain. Where this course of proceeding is to end, it is certainly difficult to foresee, if we are to be called on to make these appropriations for the heirs or widows of all our distinguished men. I hope the reference will be made.

Mr. CRITTENDEN. If it would be proper for me, I would be very glad to occupy a moment—not more—in reading a description of these papers as contained in the report made by Mr. DROMGOOLE. The honorable Senator from Connecticut, if I understand him aright, said that we do not know what these papers are. They are these:

Volume 1st. The papers relating to the Articles of Confederation and Constitution of Virginia; letters of James Madison to Jefferson, Monroe, Pendleton, Randolph, Washington, and Madison, senior, up to the commencement of the new government, with appendix containing notes of confederacies and confederation.

Volume 2d. The letters of the above named and others, during the administrations of Washington and Adams; republican view of the policy of those administrations; notes of conversations and papers connected with his confidential intercourse with Washington; his character; and explanation of the enigma in Giles's impeachment of Hamilton.

Volume 3d. The letters to foreign ministers and diplomatic functionaries, heads of departments, military and naval commanders, Presidents and ex-Presidents Jefferson and Monroe, and, if necessary, to George Joy, Henry Wheaton, C. J. Ingersoll, Andrew Stevenson, John Adams, J. Q. Adams, W. C. Rives, &c., to the close of either administration, or to include the whole correspondence with Jefferson and Monroe, as may be necessary to fill the volume; showing the policy of these administrations.

Volume 4th. Letters and writings on constitutional subjects.

Volume 5th. Essays and letters on political economy, law of nations, juridical, historical, natural history, &c., may make out this volume—may include also printed essays in French, political observations in 1795, and examination of British doctrine, &c.; some essays to be found with the papers relating to Washington; and possibly this fund and what may be taken from the miscellaneous mass, may make the 5th and 6th volumes, and leave the miscellaneous for the 7th.

Volume 6th. Miscellaneous.

This will give an adequate idea of the deep interest of these papers. I know perfectly well that it is the honest conviction of my friend from Connecticut which produces his opposition. It is an opposition, I am sure, contrary to his own feelings. A sense of duty alone impels him, for which I have the greatest possible respect; but I hope that upon reconsideration of this matter, and after this information as to the character of the papers, the honorable gentleman will be satisfied with such opposition as he may feel constrained to make by his vote, and allow us to act upon the bill.

Mr. NILES. If it be the wish of the Senate to act upon the bill at this time, I will withdraw my motion for reference, and merely ask that the question be taken by yeas and nays.

Mr. SEVIER. I hope the honorable Senator will postpone this bill for a day or two, until we look into it.

Mr. CRITTENDEN. Certainly, if the Senator wishes it. I have no objection.

Mr. SEVIER. I move its postponement until Monday.

Mr. CRITTENDEN. And let it be made the special order of the day for that day?

Mr. SEVIER. Certainly.

The further consideration of the bill was accordingly postponed, and it was made the special order of the day for Monday next.

Mr. CRITTENDEN. Will the bill be printed as a matter of course?

The PRESIDING OFFICER. Certainly.

Mr. SEVIER. The Senator from Kentucky referred to a report containing a description of the papers. I wish to have that report printed also. I hope it will be printed with the bill.

The question was taken on printing the report, and it was agreed to.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourns, it adjourn to meet on Monday next.

THE LATE GENERAL HAMER.

The following message was received from the House of Representatives, by Mr. Campbell, their Clerk.

"Mr. PRESIDENT: I am directed to inform the Senate of the death of the Hon. THOMAS L. HAMER, a Representative elect from the State of Ohio, and of the proceedings of the House of Representatives thereupon."

The resolutions adopted by the House of Representatives having been read,

Mr. ALLEN rose and addressed the Senate as follows:

Mr. PRESIDENT: On the first day of July of the past year, this body confirmed the nomination of THOMAS L. HAMER, of Ohio, to the rank of brigadier general, in the army of the United States. The announcement just made by the House, to the Senate, informs us officially, that that eminent citizen has ceased to live. The event of his death occurred at Monterey, in Mexico, on the second day of December last; and was, therefore, known to us, individually, long ago; but, by the rules observed on these mournful occasions, it could not be officially noticed till now, he having been a member elect to the present, not a member of the then sitting Congress.

But a short time previously to his death, General HAMER had passed along the line of battle, amidst all its dangers, exerting his intellect, his courage, and address, in aiding to achieve the third victory of our arms over the public enemy. He came out of that conflict unhurt, and with a vigor of constitution which justified the hope that he might be able, yet again, to exert his genius and valor, in upholding the rights of his country, and the honor of its flag. But otherwise was it ordered, and he retired from the battle-ground—the common resort of death—only to find it in one of those diseases ever incident to the multitudinous life of the camp, and which are known, in military annals, to be but little more sparing of the lives of men, than the unsparing sword itself.

To say that his death was a public loss, would be to speak truly, but to speak less than the truth. The death of that man, at any time, and in any state of public affairs, would have been a loss to his country, and a great one. But his death at that time, and in the then existing exigencies of the public service, was a national privation not to be appreciated, save by those who knew the peculiar character of the man, and its happy adaptation to such exigencies.

We were at the beginning of a war, in which, by the necessities imposed by free institutions, we were obliged to employ a mixed force of regulars and volunteers. To unite these forces under a common discipline—to fuse their various energies into one harmonious whole, and to direct them with full efficiency, has ever been, and will forever be, among the most serious difficulties of those placed in the command of armies. In the attainment of this object, there are required not only the talents to command the muscles of men, in virtue of commissioned authority, but that address, also, which moves the hearts of the soldiery because it springs from the heart of the General.

I would not, sir, willingly, do injustice to the living, even to do justice to the dead, could that be possibly necessary. Especially would I not do injustice to any one of those officers, whose conduct and the conduct of whose troops, in this war, have taught the world, that neither the genius nor the courage are wanting, to make this the first nation in it. Nor can I think that I do injustice to any, in uttering the opinion that, perhaps, no one of them, possessed in a higher degree, than did General HAMER, that inscrutable power which is expressed by the word—*address*, and by which a single individual is often seen to sway the discordant wills of thousands and to bind the whole, as by a spell, to his person and his purposes, more closely than mere official authority can ever bind men of various tempers, to a common object. It is for this reason that I esteem his death to have been a peculiar misfortune to the army and, therefore, to the nation.

In reviewing the lives of the eminent men of our country who have already passed away, no remark will be found more common than, that such a one, was a self-made man. There are now in this Senate and elsewhere around us men whose great abilities and public services will entitle them to be ranked with their illustrious predecessors, and of almost every one of whom, it will with equal truth be said, he, too, was a self-made man. Not one of them, however, will fall more emphatically within this description, than THOMAS L. HAMER.

Inheriting nothing from his parents, but the right truly to say they were respected and honorable people, he went alone from his native State of Pennsylvania, when but a boy, and settled in the county of Clermont, in the State of Ohio.

He began life as the instructor of a country school, devoting the hours otherwise unemployed, to study and, especially, to the reading of the law. In due time he was admitted to that learned profession and, removing to the adjoining county of Brown, commenced and continued its practice, with distinguished success. He had been at the bar, however, but a very short time when political events began to excite an extraordinary interest in the public mind. So deep and general did that interest soon become, and so strong were the passions which it called up from the repose of the eight preceding years, that it was scarcely possible for a young man, such as Mr. HAMER was, of admitted genius and eloquence, of an ardent nature, of a blameless character, and of decided political sentiments, to resist the importunities of his fellow-citizens, who sought to make him the representative of their wishes and opinions. He was accordingly elected and reëlected to the lower branch of the State Legislature, and by that body, elected its presiding officer. From this post he retired, intending to resume his place at the bar. But the same causes which had drawn him from it before, still acting and with accumulated force, he again yielded, and was, by the same constituency, three times elected to the nation's House of Representatives, from which we have just received this melancholy message. At the expiration of his third term, he again voluntarily retired, and once more resumed the practice of the law. It was in this situation, with abilities and legal learning, which, in that region of the State, admitted of no rivalry, and in the enjoyment of a corresponding practice and emolument, that he heard the call of his country upon her sons to arm. He obeyed, and was among the first to set an example, by himself volunteering as a common soldier. His friends and constituents followed his lead, and speedily, an organized body stood ready for the march.

Mr. HAMER was known personally and well to the President, with whom he had served in the House of Representatives, amid scenes no less trying to the firmness and fortitude of men, than the field of battle itself. The President, was therefore, under no necessity to ask who should be placed in command of the Ohio brigade. Mr. HAMER was appointed, and that too, without his solicitation; and, I believe, without his knowledge of such an event being in contemplation.

He accepted the commission, proceeded on duty, and lost his life in its performance; having been elected in his absence, again to Congress.

When the intelligence of this sad event came to the West, the Legislature of Ohio being in session, immediately adopted appropriate measures to express, in behalf of the whole people, their high appreciation of his virtues, abilities and services, and the profound sense felt by all, of the loss sustained in his death. The State stretched forth her hands and drew the dead body of her adopted son to her bosom. There it now reposes, amid the family, the neighbors, the constituency, who received it with sighs and with tears, for the same reason they had always before greeted his return among them with exultation and joy.

It would be but a commonplace and an insufficient eulogy upon Mr. HAMER, to say, that in all the relations he bore to the community, he exhibited the qualities appropriate to those relations. Society has a right to expect such a result even from a man of mere mediocrity. But from one in the powers of whose mind the discriminating partiality of nature was so manifest as in his, society has a right to demand such an exertion of intellect and exhibition of virtues as may tend to the advancement of its lasting welfare, and afford an example to the incoming generation. To this demand, the whole life of Mr. HAMER—his private and public manners, habits and sympathies; his benevolence, integrity and honor; his intelligence, industry, courage, genius and patriotism—all responded in a manner to entitle him to demand in his turn, the lasting gratitude of society. This he enjoyed when he lived, and when called to pass that boundary which nature has drawn between the living and the dead, he did so, with the consciousness that he laid down a life that might be reviewed by the intelligent and the just, with the approbation of every mind and of every heart which, like his own, was sound and strong and pure.

Long will his memory be cherished by the State. Long will his old constituents of Clermont, of Brown, of Adams and Highland, remember their affectionate friend, their faithful counsellor, their able representative. And many are the aged fathers among them who, to stimulate the emulation of their sons, will recount to them, in the winter's evenings, the scenes, the events, the sayings, and the anecdotes, of his brilliant and blameless life. Long will the widow and the children remember, fondly remember, the husband and the parent, in whose affections they were happy, in whose character they are honored, and in the imitation of whose virtues his sons will find the only reward which can bear any proportion to the magnitude of their loss.

Mr. ALLEN concluded by offering the following resolutions:

Resolved, unanimously, That the Senate has received with deep sensibility the message from the House of Representatives, announcing the death of Hon. THOMAS L. HAMER, a Representative elect from the State of Ohio.

Resolved, unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect to the memory of the deceased, will wear the usual badge of mourning for thirty days.

Resolved, That as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

The resolutions having been unanimously adopted,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 23, 1847.

On motion of Mr. THIBODEAUX, it was resolved that when this House adjourns to-day, it will adjourn to meet on Monday next.

The SPEAKER laid before the House a letter from the Secretary of the Territory of Wisconsin, transmitting, in pursuance of the third section of the "Act establishing the Territorial Government of Wisconsin," approved April 20, 1836, copies of the laws of said Territory, passed in 1847, for the use of Congress. Laid on the table.

OBITUARY.

Mr. MORRIS, of Ohio, rose and said:

Mr. SPEAKER: It becomes my painful duty to announce to this House the death of another of its members elect. Yes, sir, it is but too true that General THOMAS L. HAMER, Ohio's favorite son, is dead. He departed this life at Monterey on the 2d day of December, 1846.

His eulogy has been pronounced by popular assemblies and by men who are the most eminent, and his loss has been deplored by all. I cannot hope to equal, much less improve, upon what has been said out of this House. And we can now realize our great bereavement unaided by eloquence. It may not, however, be inappropriate for me to allude to a few incidents in the life of the deceased, with some of which I am personally familiar.

General HAMER was born in Pennsylvania, and came to Clermont county, Ohio, when he was a young man, (or rather a lad,) without money, without friends, and with no more than a common English education.

His first business effort was teaching a common school; next he became a student at law. He was admitted to the bar in 1821, and the same year he settled in Georgetown, Brown county, Ohio, which he made his permanent residence. He was a member of the Legislature of Ohio several sessions, and was once elected Speaker of the House of Representatives.

He was elected to Congress in 1832, and continued a member for six years. He then declined a reëlection, and devoted himself to business as a lawyer until 1846. The ability which he displayed during this period removed all doubt, if any before existed, of his capacity to adorn his profession in its highest departments, either on the bench or at the bar.

In June, 1846, he was unanimously nominated by a convention of the party to which he belonged, as a candidate for a seat in this House; and on the second Tuesday of October following was elected without opposition.

When our soil had been invaded by Mexico, and when the people were called upon to sustain the rights and honor of the nation by arms, General HAMER was amongst the first who crowded forward. He volunteered as a private, and as such entered camp Washington; he was there elected Major of the first Ohio regiment, and was soon after appointed a Brigadier General by the President, and this last promotion was, on his part, as I have been told, unsolicited.

In his brief military career he became a favorite of the army. His knowledge of men served to more than supply his want of a military education. He endeared himself to the private soldiery by kindness and attention, and his bravery and conduct, as well at the battle of Monterey as elsewhere, elicited at his decease from his commanding General the high encomium that "his place could not be supplied."

The intellect of General HAMER was clear and discriminating. He was cautious, energetic, affable, and his colloquial powers were peculiarly fascinating. The purity of his character in the private and domestic relations of life was never questioned.

General HAMER was unwearied in his efforts to improve himself, and, though nature had been liberal to him, it is mainly to this course on his part that we are to look for the reason of his great attainments as a statesman and lawyer.

His friends being aware of this, claimed that his career would be onward, and that, if he had lived, his final triumph would be the receiving of the highest honor which men can bestow on man.

Such was THOMAS L. HAMER; and though he is dead, his example may be of use to the living.

Mr. MORRIS concluded by moving the following resolutions:

Resolved, That this House has heard with deep and unfeigned regret of the death of General THOMAS L. HAMER, one of its members elect from the seventh Congressional district of Ohio.

Resolved, That this House, desirous to show due and proper respect for the memory of the deceased, will wear the usual badge of mourning on the left arm for thirty days.

Resolved further, That the Clerk forward to the family of the deceased a copy of the proceedings hereof.

Resolved further, That, as an additional mark of respect, this House do now adjourn.

The resolutions were unanimously adopted,

And the House adjourned.

IN SENATE.

MONDAY, *December* 27, 1847.

The Journal having been read—

Mr. BRADBURY, of Maine, rose and addressed the Senate as follows:

Mr. PRESIDENT: I rise for the performance of a duty too painful for language to describe.

One who was with us in this chamber at the last meeting of the Senate, attending to his official duties, assisting in our deliberations, and as confidently looking forward to the future as those who are now present, has suddenly fallen in our midst. He is now numbered with the dead.

Four times has the Senate already been called, during the few days of its session, to manifest the last tokens of respect for the honored dead, who have been prevented from entering upon the field of their labors in the present Congress. *Now*, the destroyer has entered these halls, and struck down his victim before our eyes.

The Hon. JOHN FAIRFIELD is no more. He died at his lodgings in this city on Friday last.

The sudden and startling announcement of his death preceded the intelligence of danger.

On the morning of that day he was in his usual health, and met his friends with his accustomed cheerfulness and cordiality. At noon he submitted to a surgical operation, to which, with undoubting confidence, he had looked for relief from an infirmity under which he had labored. His physical energies were not equal to his fortitude and courage. His system sank under the unabated anguish which followed, and at twenty minutes before eight o'clock in the evening, in the full possession of his mind, he breathed his last. Scarcely had the friends that were with him anticipated danger, when his pure spirit took its flight.

From an affliction so appalling it is difficult to divert attention, even to contemplate for a moment the life and character of the deceased. Governor FAIRFIELD was born at Saco, in the county of York, Maine, January 30, 1797. In that place he has ever resided. Distinguished by an ardent love of knowledge, an active mind, and great strength of purpose, on arriving at manhood he devoted himself to the study of the law, and entered a profession which has contributed its full share in the establishment and defence of constitutional liberty. At the bar he soon acquired such reputation that he received from the Executive of the State the appointment of Reporter of the Decisions of the Supreme Judicial Court.

While in the successful performance of the duties of this office, he was called by the electors of the first Congressional district, without solicitation or desire on his part, to take his place in the councils of the nation as a Representative in Congress. He received a reëlection; and it is well known that he discharged the responsible duties devolved upon him on trying occasions in a manner alike honorable to himself and to his constituents.

His services were now demanded in a different sphere. He was elected Governor of his native State; and so strong was his hold upon the confidence and regard of the people that he was thrice reëlected to the same exalted station. It was during this period of his public life, when great and unusual responsibilities were thrown upon him as the Chief Executive of the State, growing out of collisions with a foreign Power, that he displayed a *decision and firmness of character* which commanded the respect and fixed upon him the attention of the whole country. He became, emphatically, the favorite of his State; and he was now transferred from its Executive chair to a seat upon this floor, to fill a vacancy created by the resignation of his predecessor. In 1845 he received a reëlection to the Senate, for the term of six years. It may be remarked, as a singular fact, that in all the offices he has held he has never served out the regular term, but has been transferred, by promotion, to a higher place.

To you, Mr. President, who knew him well, and to the Senators long associated with him, and united by the ties of respect and friendship, I need not speak of his honorable career in this body.

You will bear witness to the sound judgment and ready zeal which he brought to the discharge of his varied duties; to that honesty of purpose which knows no guile; to that frankness and sincerity incapable of concealment; to that firmness of resolution which no difficulties could shake, nor dangers overcome; and to that purity of life, and *conscientious regard to his convictions of right*, which distinguished him as a man and a Christian.

How happily these qualities were blended in his character is known to you; how justly they were appreciated by the people of his native State is seen in the confidence they yielded and the honors they bestowed.

As a friend, he was devoted and sincere; and few there are who have secured the attachment of a wider circle, or bound them by stronger ties of affection. His loss to the public, to his friends, and, above all, to his deeply afflicted family, what words can express? I cannot attempt it now.

He has left behind, his example, his character, and the influence of his actions; and, in his sudden death, the admonition is again repeated, that "public honors and exalted station add no strength to the tenure by which life is held."

Mr. NILES, of Connecticut, then addressed the Senate as follows:

Mr. PRESIDENT: On this melancholy occasion, as probably no other member of the Senate has had so long and intimate an acquaintance with him whose decease has just been announced, I hope to be pardoned for adding a few words to what has so appropriately been said by his colleague. In closing the remarks which but a few days ago it became my duty to make in announcing the death of my late colleague, I took occasion to remind Senators of the little and brief interest which we have, individually, in the exciting questions that may be agitated here. I then little thought that the first example of that obvious truth would come so soon, or so near home to myself—that it would be found in one of my oldest and most intimate associates here. We came into the public councils here together twelve years ago, and although our associations were interrupted for a few years, they were renewed on my returning to the Senate at the commencement of my present term. I then came not at the commencement of the session, but in the spring, and under circumstances which may be fresh in the memories of some Senators present. I was then but the broken fragment of the man I was when I left the Senate a few years before.

Learning that two of my old friends and associates were together in the house where I now am, I joined them there. Those friends were SILAS WRIGHT and JOHN FAIRFIELD, both much younger than myself, and then both in full health, and with a fair prospect of a long career of public usefulness. But how inscrutable are the ways of Providence! They have both been removed, in the midst of their days and usefulness, from this world of conflict and trouble; whilst I, who had seemingly but a frail hold upon the mere selvage of life, have been spared to witness their departure.

The death of the first was a severe stroke to me, as it was to the whole country. Perhaps in our whole history no man has fallen in private life whose death produced so deep, so universal a sensation in the public mind. And the death of the second has been to me a blow equally severe, and in some respects more trying to my feelings, as I was with him at the time, and witnessed the last ebbing pulsations of departing life. The circumstances of his death, too—so sudden, so unexpected, and apparently so causeless—added a crushing weight to the severity of the shock. He died without a struggle, and I might almost say with a smile on his countenance, as his soul took its departure from its earthly tabernacle. A long and intimate acquaintance with Governor FAIRFIELD has enabled me justly, I think, to appreciate his character, both in his public and private relations; but this is not the time nor the place to attempt to delineate it, as any hasty efforts of mine would evidently do great injustice to his memory.

If he was not a brilliant star in our political galaxy, he was all he claimed to be—a plain, unassuming man, never attempting to shine or to attract attention to himself, but, with his strong sense, sound judgment, and practical views, was content with an honest and faithful discharge of his public duties.

The strong points in his character were sincerity and fidelity. If ever occasions have occurred in his time which tried the souls of men, he was one who was found "faithful among the faithless:" true to his constituents, true to his country, faithful to his party, faithful to his friends, and ever true to his principles.

His nature was gentle, kind, peaceful, and benevolent—apparently but little fitted for the fierce struggles and conflicts of political life. But with these qualities were united great energy of character, great steadiness of purpose, and no ordinary share of physical and moral courage. He combined also many of the higher and more substantial elements of popularity; and hence it was, as we have just been told, that he for many years possessed that strong hold upon the confidence and affections of his constituents, and of his friends, whether in or out of the State.

I could enlarge upon this theme with the warmth and ardor with which we all delight to dwell on the virtues of deceased friends, which, like the setting sun, seem to shine brighter as they take their departure. But I will say no more. He is gone; another star has fallen. He is removed from among us, at the very time when men like him, of matured judgment, of subdued passions, of peaceful wisdom, are most wanted in our public councils. The places that once knew him here and elsewhere—in the councils of the nation, in the councils of his State, in the circles of his friends, and in the family circle—(but that is a spot too sacred for me to intrude upon)—will know him no more forever. But may we not hope that his virtues and examples will long, long be cherished and remembered as the last legacy he has left his country.

Mr. NILES concluded by offering the following resolutions:

Resolved, unanimously, That a committee be appointed by the Vice President to take order for superintending the funeral of the Hon. JOHN FAIRFIELD, which will take place to-morrow at twelve o'clock meridian, and that the Senate will attend the same.

Resolved, unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Hon. JOHN FAIRFIELD, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape on the left arm.

Resolved, unanimously, That, as an additional mark of respect for the memory of the Hon. JOHN FAIRFIELD, the Senate do now adjourn.

The VICE PRESIDENT appointed the following Senators as of the Committee of Arrangements: Messrs. NILES, BERRIEN, BREESE, DIX, CRITTENDEN, and GREENE.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 27, 1847.

The Journal of Thursday last was read and approved.

FOREIGN SILVER COINS.

The select committee appointed under the resolution moved on the 20th instant by Mr. TRUMAN SMITH, to inquire into and ascertain the average value of the foreign silver coins in circulation in the United States which usually pass for one-eighth and one-sixteenth of a dollar, and to consider what measures should be adopted to substitute for such coins the dimes and half dimes of the United States, consists of the following members: Messrs. JULIUS ROCKWELL, THIBODEAUX, MURPHY, CHARLES BROWN, and GREEN ADAMS.

CONGRESSIONAL PRINTING.

The following members constitute the joint committee on the part of the House on Congressional printing, appointed on the 22d instant, viz: Messrs. CONGER, HENLEY, and J. B. THOMPSON.

CLERKS IN THE DEPARTMENTS.

Mr. GEORGE W. JONES asked the unanimous consent of the House to introduce a resolution. Mr. J. said he was not certain but that this was the first time he had craved the indulgence of the House for such a purpose. He was sure that the resolution would meet the approbation of nearly every member and of their constituents. He therefore moved the following preamble and resolution:

Whereas there are now some nine thousand applications for bounty land and treasury scrip, under the act of February 11, 1847, on file in the Pension Office, not yet examined, and the number daily increasing, (besides a large number of cases which have been partially examined and suspended for want of additional proof, which cannot, with the present clerks employed in that office, be disposed of with the other business of the office in the next twelve months,) causing great delay in adjudicating those claims and manifest injustice to the claimants: Therefore,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency and propriety of authorizing the Secretary of War to employ such additional number of clerks in the Pension Office, temporarily, as the exigencies of that office and the rights of applicants demand; and that the committee be requested to report by bill or otherwise, at the earliest practicable day.

Mr. HOUSTON, of Alabama, said he did not intend to object to this resolution, if it was necessary to employ an additional force in this bureau. His purpose was to suggest to the gentleman from Tennessee, [Mr. JONES,] that, as he understood, upon another bureau in the War Department, viz: the Second Auditor's, there was as heavy a press as upon this, and probably a more important one, he should so modify his resolution as to include this bureau. He understood that the resolution was confined to the Commissioner's office.

Mr. JONES was understood to say he had no objection so to modify his resolution, if it was the pleasure of the House.

Mr. BRODHEAD suggested to the gentleman from Tennessee, who moved this resolution, a modification in regard to the salary of the Commissioner of Pensions. Some years since, as he understood, the salary of this officer was reduced from the usual salary received by heads of bureaus to $2,500, he believed. He should receive as much as the other heads of bureaus. It was one of the most important of them, and passed upon a larger amount of claims than any other, perhaps, connected with the departments. He therefore suggested to the gentleman the propriety of referring this subject also to the Committee on Pensions.

Mr. JONES replied that this resolution was not intended to have anything to do with the salary of the Commissioner of Pensions. There was no necessity of being in a great hurry about that matter; if it needed to be increased, Congress could act upon it hereafter; but here were an immense number of claims and applications pending which could not be examined, and they were now coming in in greater numbers than they could dispose of, with their present force, in any reasonable time. He hoped, if the House were disposed to inquire into the sufficiency of the salary of the Commissioner of Pensions, they would do it another time, and not burden this necessary and pressing inquiry with matters which could be postponed.

Mr. BRODHEAD remarked, that he would not then press his suggestion by way of an amendment.

Mr. HOUSTON, of Alabama, moved to amend the resolution so as to instruct also the Judiciary Committee to inquire into the propriety and necessity of increasing the force in the Second Auditor's Office.

The SPEAKER ruled the amendment out of order; as the resolution, if so amended, would refer to two different committees.

Some conversation ensued between the SPEAKER and Mr. HOUSTON upon this point.

Mr. CROZIER said, it seemed to him that the committee to which his colleague proposed to refer this resolution was a very inappropriate one. Some years ago there were several committees instituted in this House—Committees on Expenditures in the several departments—viz., committees "on so much of the public accounts and expenditures as relates to the Department of State," and so of the other departments, one for each department. It would seem much more appropriate that the gentleman introducing this resolution should refer the subject to the Committee on the Expenditures of the War Department. He thought it very probable that all the departments of the Government would require a greater number of clerks; and as these committees come in contact with the departments, he thought it proper that general resolutions should be referred to each, making inquiries in reference to the departments with which they were respectively connected.

Mr. JONES said he could not consent to the reference of this resolution to the Committee on Expenditures in the War Department. His experience in this House had informed him that these committees upon expenditures in the departments did not assemble at all. He believed they had not assembled once for the last four years, or at least that they had never made any report, to his recollection, upon any subject. Again, he did not see the appropriateness of a reference of this nature to a committee upon expenditures.

There was one modification he would make, if it would meet the approbation of the House: that was, simply to strike out that part of the resolution directing an inquiry by the committee, and substitute a provision directly authorizing the Secretary to employ the clerks. The Secretary of War himself had reported to this House that additional clerks were needed in that office. The Commissioner of Pensions had informed the House, and individuals personally, when they had called to attend to the business of their constituents, that he could not by any possibility despatch the business now before him in any reasonable time, without this increase in the service.

Mr. GOGGIN said the whole subject-matter of this resolution was already, as he understood, referred to the appropriate committee by an order of the House; for he believed the resolution had passed referring to the appropriate committees the several parts of the President's message; and this subject was included both in the report of the Secretary of War and in the message of the President himself. If the resolution had not already passed, it would pass, at all events, in a few days; for it was indispensable, in order that the several committees might proceed to the discharge of their duties. This subject would then be properly referred. He moved, therefore, to lay the resolution on the table.

Mr. JONES hoped the gentleman from Virginia would withdraw the motion for a moment.

Before a response to this appeal was made by Mr. GOGGIN—

The question was taken, and decided in the negative.

So the House refused to lay the resolution on the table.

Mr. STANTON offered the following as an amendment to the resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to employ such additional number of clerks as may be necessary to perform the public business in any of the bureaus of the Department.

The SPEAKER ruled the amendment out of order, as being in the form of a bill, requiring legislation and a notice given of one day.

Mr. BARRINGER objected, then, to the amendment.

Mr. JONES said that his resolution proposed an inquiry into the necessity of giving the Secretary of War the power to appoint these clerks temporarily. He learned from the Commissioner of Pensions that he did not wish that any new permanent clerkships should be created in his bureau. He merely wished authority to employ them temporarily until the press of business could be despatched.

Mr. WHITE said there was a very great increase in the business of the several departments, as he was informed, and this subject would undoubtedly be presented to Congress from some other quarter. He was informed that there were now more than forty thousand land warrants in the office of the Commissioner of Public Lands that could not be signed as they were wanted, in consequence of the physical inability of the individuals employed in that office to perform all the duties which were there required. The other departments would require an additional force temporarily. He thought it would be better to refer this whole subject to a select committee, whenever a communication upon it was made to this House from the proper source.

Mr. SCHENCK wished to inquire whether there was any communication from the executive departments of the Government representing to Congress the necessity of this increase of force?

Mr. TOOMBS replied that there was. He could state to the gentleman that, in the printed estimates of this session to Congress, Mr. Edwards had asked for ten additional clerks, or rather for an appropriation to hire them by the day. No doubt if the subject was referred to the committee they would make such a report as was required; and if this authority was given, Mr. Edwards, who was one of our most efficient public officers, would exercise it in such manner as the public interests required. As to the substitute which the gentleman from Tennessee had offered, he was opposed to that.

Mr. SCHENCK said he had made the inquiry as to the necessity of this increase, only because he wanted this matter put on a fair basis. They had been in the habit for the last three or four years of receiving applications made through the various committees of this House for various appropriations. For instance, the Committee of Ways and Means would receive a communication from the department setting forth the necessity for some appropriation to supply a deficit in the estimates, or for some other purpose, instead of a plain straightforward application to Congress itself.

Mr. SAWYER, interposing, said the Secretary of War had made a request for this increase in the number of clerks in his annual report at the commencement of this session.

Mr. SCHENCK said the proper course to be pursued, when an application was made in a regular and direct way from one of the departments, was to make a proper reference of such communication, or such part of communication, to a committee of the House. Let that part of the report of the Secretary of War and of the Commissioner of Pensions be referred; and then, if there be an increase in the expenditures of the Government—if there be an appropriation for deficiencies, for furnishing supplies, or for additional clerical force to meet the calls upon any department, it would seem to be a response by Congress to a request from the proper quarter, instead of its being obtained in any way by indirection. He was opposed to the practice of applications being made from the different departments through the committees of the House or through individuals, without being plainly, openly made to Congress itself, letting the responsibility of the request and the demand lie upon those who are supposed to have the best knowledge of the necessity for them.

Now, if there was a passage in the report of the Secretary of War, or in the report of the Commissioner of Pensions, in which application was made for additional force, would it not be better to refer either in the resolution to those communications from the Executive Department, and let them seem to be the ground or occasion of the committee's inquiry into the subject, or else to refer these communications themselves? As it now appeared, here was a distinct substantive resolution offered, without the resolution itself imbodying the cause of the reference.

He submitted to the gentleman from Tennessee [Mr. JONES] whether it would not be better to make a reference to the Executive communication in the resolution itself, so as to show why it was that additional force was proposed to be given, and on whose application, letting the responsibility rest on them who know whether there is a necessity for it, and whether the resolution should not be modified accordingly.

Mr. JONES, of Tennessee, said, the President's message and the papers forming part of that message, had been referred to the Committee of the Whole on the state of the Union, and that committee had yet to take action upon them; but he thought it would be improper and unprecedented, in anticipation of such action, to take up detached portions of those papers; while to wait until the Committee of the Whole on the state of the Union had disposed of them before anything were done in relation to the subject which he had introduced to the House, would be to cause a very material delay in the adjustment of the claims of so many individuals. In Committee of the Whole a debate might arise which might possibly be protracted for two or three weeks, or even months, and during that time no additional assistance could be obtained, such as he contemplated. He saw, therefore, no impropriety in passing this resolution. The Secretary of War asked for an increase of clerks, and the Commissioner of Pensions made a like application; and the committee to which his resolution would be an instruction, would have all the documents before it, whereby it would be enabled to satisfy the House of the propriety of complying with those applications.

Mr. SCHENCK suggested the propriety of modifying the resolution of the gentleman from Tennessee, [Mr. JONES.] He did not object to the reference, nor to the instructions, but to a prevailing mode of obtaining supplies to meet deficiencies in the departments. There were appropriations made for the fiscal year, and these sometimes were exhausted in four months. The other day they had an application for a million of dollars to meet drafts to prevent their being protested; but, instead of a plain exposition being made to the House or to Congress of the necessity for such an appropriation, there was a private note sent to the Committee of Ways and Means, and that committee brought the matter before the House by presenting a bill making the appropriation. Now, he objected to this mode of doing business. He, for one, was desirous to see a better system introduced.

He was of opinion that, when the Executive found there was a deficiency in meeting the liabilities of any of the departments, it was proper that an application should be made openly to Congress, and that the legislation of Congress should show on its face that it was in fact a response to a call of the Executive, and thus there would be a proper responsibility. But it was evidently most improper, when there was a deficiency of a million of dollars, to ask the Committee of Ways and Means to supply that deficiency, and meet the drafts against the Government. It was right and proper that an application should be made at once to the House of Representatives through the Speaker, and in one half hour it could be referred, and thus take its course to the Committee of Ways and Means, for the purpose of meeting the exigencies of the Government. He wished to see this done directly, instead of accomplishing the same object by indirection, through a committee. He did not wish to be understood as charging any one with improper conduct, but he desired to see a correct historic register of Congressional proceedings and proper responsibility taken. He suggested, therefore, that this resolution should show that the application for additional assistance came from the Secretary of War and the Commissioner of Pensions, and that the action of the House was in response to an application and a statement made to it, or to a call from the executive departments. Whatever may have been the action of the House heretofore on demands by the Executive, made through either committees or individual members, he hoped for the future the call would be direct to the House, and that the House would recognize no other calls of such a nature which were not made on Executive responsibility.

Mr. ROBERT SMITH rose merely to remark that he was sorry to see the simple resolution introduced by the gentleman from Tennessee, [Mr. JONES,] to provide for cases in which so many gentlemen on that floor were interested, give rise to so much debate. A great deal had been said as to the best way of doing that which was contemplated by the resolution; but he was of opinion that the plan of the gentleman from Tennessee covered the whole case; and it was more especially to be preferred, as much time would be required to remedy all the difficulties in the departments of the Government. To wait for such general action, would be to do great injustice to those gallant men who have suffered in defence of their country. He had no objection to have the general subject taken up in the manner suggested by the gentleman from Ohio, [Mr. SCHENCK,] so that it could be brought up more fully and more properly; but it was sufficient for him to know that the present action of the House was necessary to meet the demands of the Pension Office. He therefore hoped the resolution would now be adopted.

Mr. G. S. HOUSTON said he had no wish to delay the action of the House, or consume much of its time; but, fearing that an impression might be created by the remarks of the gentleman from Ohio, [Mr. SCHENCK,] and that they might go forth to the country and be received as entitled to some weight with the people at home, he desired now at least to set that matter right. The gentleman spoke of a practice having grown up in this House by which the Executive and the heads of departments apply through committees for such appropriations as they may desire. The gentleman from Ohio seemed to be opposed to that proceeding, and desired that a kind of Congressional history should be kept; he wished the gentleman from Tennessee, [Mr. JONES,] and he called upon the House, so to modify the resolution that it should be referred, with a statement of the fact that the Secretary of War, or somebody else, asked for it. Now, what purpose could that answer, except that which the gentleman from Ohio [Mr. SCHENCK] had set forth? and was not the Congressional history just as well kept without it, inasmuch as they received recommendations from the heads of departments? If Congress authorized the employment of the clerks called for by this department, was not the history of that transaction complete? Why, then, should it be modified as the gentleman suggested? But there was something more than this. The gentleman, in his remarks, spoke of a practice having now grown up by which the heads of the executive departments made their communications to committees of this House. Now, he wished to say, on this point, that his explanation might go out with the gentleman's insinuation, that the practice has existed as long as the Government has existed.

Mr. SCHENCK interposed, and said that he had made no insinuation. What he had said was, that a practice prevailed in this House—he knew not how few nor how many years, for his Congressional experience had not been so long as that of the gentleman from Alabama, [Mr. HOUSTON]—he had said that a practice prevailed, and he had said that that practice was wrong, and he asked the House to correct that erroneous mode of legislation.

Mr. G. S. HOUSTON said it was true that he had been there a longer time than the gentleman from Ohio, [Mr. SCHENCK,] and he now repeated that his experience had taught him that the practice of communicating with the House through its committees, by the heads of the various departments of this Government, was no new practice. If he was not greatly mistaken, it had existed from the very beginning of the Government itself, and therefore it had not grown up within the last few years, as the gentleman from Ohio [Mr. SCHENCK] insinuated. The gentleman from Ohio spoke of a deficiency which was met by an appropriation that was made a few days ago, and he said that instead of calling on this House, that the country might be able to see and to judge of the propriety of that call from the department, the call was made on the Committee of Ways and Means—a committee of which he (Mr. H.) happened to be a member. That committee, very correctly in the estimation of the gentleman from Ohio, did what? Brought the papers before this House. Had the member from Ohio read the reports of the Secretary of War and the heads of bureaus in that department? Had the gentleman from Ohio read the estimates sent to this House by the estimating officers of this Government? If he has, I ask him why on earth he objects in this manner, creating difficulties which really do not exist, and giving rise to improper suspicions in the public mind? These deficiencies had all been estimated for.

Mr. SCHENCK rose and asked the gentleman from Alabama to permit him to explain. What he desired was, that when there was an immediate want for half a million or a million of dollars, a direct application should be made to this House, with a statement of the exigencies which made the call necessary, which this House should refer to the Committee of Ways and Means, instead of being communicated to that committee without such reference by the heads of departments. He hoped the gentleman from Alabama now understood him. He knew the general deficiencies were spoken of in the regular annual reports, but at the same time there was nothing from which to discover the necessity for raising a million of dollars immediately. All that he claimed was, no matter what had been the practice heretofore, that when an exigency arose, the Executive should make a direct application to this House, and let the House give it the proper reference.

Mr. HOUSTON. The gentleman from Ohio acknowledged that these deficiencies had been estimated for, and therefore the estimating officer had not sought to avoid any responsibility. The only object, then, of the gentleman from Ohio seemed to be, to require that this House should be informed that there were half a million or a million of drafts, and that there was no money in the treasury to meet them. Now, he would say to the gentleman from Ohio, that he might search the records of the legislation of Congress, and everything connected with it, on this subject, and he would not find, probably, a single instance where a thing of that sort had been done. And why? The reason was, that, when the departments of the Government desired action on any recommendation or estimate which they had already submitted, they do not communicate to the House, but simply and respectfully suggest to the committee that it was desirable that it should be acted upon at an early period.

The SPEAKER here requested the gentleman from Alabama to give way that a message might be received from the Senate; and Mr. HOUSTON yielded the floor accordingly.

DEATH OF SENATOR FAIRFIELD.

A message was received from the Senate, informing the House of the decease of the Hon. JOHN FAIRFIELD, a Senator from the State of Maine.

The resolutions of the Senate having been read—

Mr. HAMMONS rose and said:

Mr. SPEAKER: In raising my voice for the first time in this hall, it devolves upon me to perform the most painful and melancholy duty of my life.

The Hon. JOHN FAIRFIELD, Senator from Maine, on Friday last, at twelve meridian, was in the enjoyment of good health, with an unusual flow of spirits, surrounded with honors, and possessed of all the enjoyments that earth can afford; at a quarter before eight of the evening of the same day, he had bid adieu to time, and his pure and manly spirit had returned to Him who gave it.

Most of the morning of that day I spent with him in friendly and social converse; of the evening, in witnessing his poignant sufferings, his struggle with the King of Terrors, and in watching over his lifeless remains.

How sad, how sudden, how awful the change—a change which even now I can hardly realize!

In the meridian of his life, in the midst of his career of usefulness, and while in the full vigor of his intellect, he has fallen.

Governor FAIRFIELD was emphatically a self-made man. By his own industry and exertions he acquired an education, studied law, and at an early day took rank among the first of his profession. His fine talents and affable deportment soon arrested public attention; and he was called at an early age, from the enjoyments of private life and domestic happiness, to the performance of arduous and responsible public duties.

His public career, though not long, was brilliant. The office of Reporter of the decisions of the Supreme Court of Maine, two elections as a member of this House, four elections as the chief Executive of his native State, and two elections to the Senate of the United States—all in the brief period of about twelve years—were the rewards of his worthy and generous aspirations.

The complicated and arduous duties of all these high and honorable stations he discharged with faithfulness and distinguished ability, and to the entire satisfaction of those who had elevated him to power.

He possessed in an eminent degree all the elements of popularity, and had doubtless a stronger hold upon the affections of the people of Maine than any other man living. His popularity kept pace with his advancement, and, at the moment of his decease, I have not a doubt he possessed more numerous and devoted friends than at any former period of his life. Unshaken firmness, indomitable perseverance, and a sincerity that knew no guile, were the distinguishing traits of his character.

His whole life evinced an unwavering devotion to justice and to the great principles of popular rights.

In his death Maine has lost one of her worthiest and noblest sons—a man whom she delighted to honor; society has been bereft of one of its best and brightest ornaments; and the Senate of the United States of one of its ablest, most upright, and most useful members.

Of the loss to the partner of his bosom, and to the numerous pledges of their affection, it is vain to speak. The blow has fallen upon them with a crushing weight, which no language can portray, and which none but those who have been called to drink of the same bitter cup can conceive. May He "who tempers the wind to the shorn lamb" give them that support and consolation which no earthly power can bestow!

I will close this hasty and very imperfect sketch of my late friend's life and character by moving the adoption of the customary resolutions:

Resolved, That this House has heard with deep sensibility the announcement of the death of the Hon. JOHN FAIRFIELD, a Senator from the State of Maine.

Resolved, That, as a testimony of respect for the memory of the deceased, the members and officers of this House will wear the usual badge of mourning for thirty days.

Resolved, That the proceedings of this House in relation to the death of the Hon. JOHN FAIRFIELD be communicated to the family of the deceased by the Clerk.

Resolved, That this House will attend the funeral of the deceased in a body; and, as a further mark of respect for his memory, that it do now adjourn.

The House then adjourned.

IN SENATE.

TUESDAY, *December* 28, 1847.

Immediately after the Journal was read—

Mr. NILES, from the committee appointed to make arrangements for the funeral of the Hon. JOHN FAIRFIELD, reported that, in compliance with the wishes of the family and friends of the deceased, his remains will be removed to his late residence in Maine, and delivered to his family, to be there interred.

The body will be taken from Mrs. Scott's, where it now lies, to the depôt, this day at half-past four o'clock, P. M., where it will be delivered into the charge of the Hon. Mr. CLARK, a member of the House of Representatives from that State, who will accompany it to Saco, in said State, to be consigned to the charge of his family.

The committee further report the following resolutions, and recommend their adoption:

Resolved, unanimously, That, as a mark of respect to the memory of the Hon. JOHN FAIRFIELD, late a member from the State of Maine, the Vice President, the members of the Senate, and its officers, will, at half-past four o'clock in the afternoon of this day, accompany in procession his mortal remains from his late residence to the depôt, where they will be delivered to the Hon. Mr. CLARK, a member of the House of Representatives from the State of Maine, to be accompanied by him to the family of the deceased in said State, and that the Speaker and members of the House of Representatives be respectfully invited to attend.

Resolved, That the chaplain of the Senate be requested to deliver the funeral sermon of the Hon. JOHN FAIRFIELD at the Capitol the next Sabbath.

Resolved, That a copy of the foregoing resolutions be communicated to the House of Representatives.

Resolved, That the Secretary of the Senate be directed to pay from the contingent fund of the Senate, and place at the disposal of the Hon. FRANKLIN CLARK, for the funeral expenses of the Hon. JOHN FAIRFIELD, a sum equal to that usually expended in similar cases, to be ascertained and drawn for by the committee of arrangements.

Before the question on the resolutions was taken—

Mr. NILES suggested, that as it was unnecessary to communicate the last resolution to the House of Representatives, he would move that the question on its adoption be taken separately; which was accordingly done, and the resolutions were then unanimously adopted.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 28, 1847.

The Journal of yesterday was read and approved.

The SPEAKER, by consent, laid before the House the following communications:

A communication from the Secretary of the Navy, transmitting, in compliance with the law of March 3, 1809, an abstract of the expenditures under the head of contingent expenses of the Navy Department for the year ending September 30, 1847. Read, laid on the table, and ordered to be printed.

A letter from the Solicitor of the Treasury, transmitting a report, in obedience to a resolution of the House of Representatives of the 20th January, 1847, upon the claim of Matthews, Wood, and Hall. Referred to the Committee of Claims, and ordered to be printed.

A letter from the Solicitor of the Treasury, communicating, in compliance with the act of March 3, 1847, the result of his examination of the case of John Pickett and others, owners of the brig Albert. Referred to the Committee of Claims, and ordered to be be printed.

The SPEAKER presented the petition of the American Peace Society, praying that measures may be adopted to restore peace between the United States and the Republic of Mexico. Referred to the Committee on Foreign Affairs.

Also, the memorial of John Boyle, praying compensation for certain materials taken from his property and used by the United States. Referred to the Committee on Public Buildings and Grounds.

Also, a memorial of Ithamar Rogers, of the State of Maine, praying the release of his son from the military service of the United States, setting forth that his son was induced to enlist while laboring under insanity. Referred to the Committee on Military Affairs.

Also, a petition of Suffolk county, in the State of Massachusetts, praying a reduction of the postage on newspapers. Referred to the Committee on the Post Office and Post Roads.

THANKS TO GENERAL SCOTT AND ARMY.

Mr. HUNT, by general consent, gave notice that to-morrow, or on some subsequent day, he would ask leave to introduce the following joint resolutions:

JOINT RESOLUTIONS expressive of the thanks of Congress to Major General Winfield Scott and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847.

Resolved unanimously by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby, presented to Winfield Scott, Major General commanding-in-chief the army in Mexico, and through him to the officers and men of the regular and volunteer corps under him, for their uniform gallantry and good conduct, conspicuously displayed at the siege and capture of the city of Vera Cruz and castle of San Juan de Ulua, March 29, 1847; and in the successive battles of Cerro Gordo, April 18th; Contreras, San Antonio, and Churubusco, August 19th and 20th; and for the victories achieved in front of the city of Mexico, September 8th, 11th, 12th, and 13th; and the capture of the metropolis, September 14th, 1847; in which the Mexican troops, greatly superior in numbers, and with every advantage of position, were in every conflict signally defeated by the American arms.

2. *Resolved*, That the President of the United States be, and he is hereby, requested to cause to be struck a gold medal, with devices emblematical of the series of brilliant victories achieved by the army, and presented to Major General Winfield Scott, as a testimony of the high sense entertained by Congress of his valor, skill, and judicious conduct in the memorable campaign of 1847.

3. *Resolved*, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major General Scott in such terms as he may deem best calculated to give effect to the objects thereof.

The notice was entered on the Journal.

IMPOSTS.

Mr. HASKELL asked the general consent of the House to introduce the following resolution; which was read for information, viz:

Resolved, That the President of the United States be requested to communicate to this House copies of any regulations or instructions emanating either from the War or Treasury Department, under which any tax or impost duty is collected, or directed to be collected, on goods or merchandise shipped from any port in the United States, or from any foreign port, and landed or entered at Brazos Santiago, Point Isabel, or on the eastern bank of the Rio Grande; and that he also communicate under and by what authority such tax or duty is directed to be collected.

Objection being made, the resolution was not received.

Mr. T. B. KING presented a communication received by him, as chairman of the Committee on Naval Affairs, from the Secretary of the Navy, enclosing a letter from the Chief of the Bureau of Docks and Yards, asking for an appropriation for the dry dock at New York.

Mr. SAWYER, by general consent, moved the following resolution, which was read, considered, and adopted:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of excluding all white traders from the Indian territory, and confining the trade within said territory exclusively to Indians residing therein, who shall have free intercourse with each other for commercial and all other purposes connected with their interests and happiness, and to report to this House by bill or otherwise, as early as practicable.

OUTFIT FOR COMMISSIONER.

Mr. McCLELLAND asked the unanimous consent of the House to introduce a resolution instructing the Committee on Foreign Affairs to inquire into the expediency of allowing Anthony Ten Eyck, United States commissioner at the Sandwich Islands, an outfit. Objected to.

PETITIONS.

The SPEAKER proceeded to call for petitions in the reverse order of the States and Territories, commencing with the Territory of Wisconsin.

Petitions and memorials were presented as follows:

By Mr. TWEEDY: Of citizens of Potosi, Wisconsin Territory, asking an appropriation to complete the improvement of the landing at that place.

Also, of citizens of Wisconsin, praying an appropriation for the construction of a harbor at the mouth of the Manitouac river.

Also, for the completion of the harbor at Root river: referred to the Committee on Commerce.

Also, of the same, for a harbor at the mouth of the Sheboygan.

Also, for a light-house at Sauk harbor: referred to the Committee on Commerce.

By Mr. BINGHAM: Of citizens of Michigan, praying the establishment of a daily mail route from Detroit, Michigan, on the Grand River road, to Michigan, the capital of the State: referred to the Committee on the Post Office and Post Roads.

By Mr. WICK: The petition of Hamilton Lapham, praying for the extension of a patent right.

Mr. W. said, that the petition was directed to the Commissioner of Patents; but, having been received after the expiration of the patent right, and consequently too late for that officer to act upon it, he would present the same here, and move its reference to the Committee on Patents.

The petition was so referred.

By Mr. INGE: Of members of the bar, and other citizens of Alabama, praying that the district court of the United States for the middle district of Alabama may be permanently holden at the city of Tuscaloosa: referred to the Committee on the Judiciary.

By Mr. W. P. HALL: Of citizens of northern Missouri, asking a donation of lands to aid in the construction of the Hannibal and St. Joseph's railroad: referred to the Committee on Public Lands.

By Mr. CABELL: Preamble and resolutions of the General Assembly of Florida, relative to indemnity for losses sustained in the Seminole war: referred to the Committee on the Judiciary.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. C. B. SMITH presented the petition of John M. Sinclair and 210 other persons, of Jay county, Indiana, praying for the abolition of slavery and the slave trade in the District of Columbia, and moved its reference to the Committee on the District of Columbia.

Mr. CABELL moved to lay the petition on the table; which question was decided in the affirmative by yeas and nays: Yeas 76, nays 70, as follows:

YEAS—Messrs. Barringer, Barrow, Birdsall, Black, Boyd, Boydon, Richard Brodhead, William G. Brown, Charles Brown, Buckner, Cabell, Chase, Howell Cobb, Williamson R. W. Cobb, Cocke, Crozier, Cummins, Dickinson, Donnell, Garnett Duncan, Alexander Evans, Faran, Featherston, French, Fulton, Gayle, Gentry, Goggin, Willard P. Hall, Harmanson, Harris, Haskell, Hill, Hilliard, George S. Houston, Inge, Jamieson, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, Lahm, La Sère, McClernand, McDowell, McLane, Mann, Miller, Morehead, Morse, Pendleton, Peyton, Preston, Richardson, Richey, Robinson, Simpson, Sims, Smart, Robert Smith, Stanton, Stephens, Thibodeaux, Tompkins, Jacob Thompson, John B. Thompson, Toombs, Turner, Venable, Wick, Williams, and Woodward—76.

NAYS—Messrs. Abbott, John Quincy Adams, Green Adams, Bingham, Blanchard, Brady, Butler, Canby, Clingman, Collamer, Collins, Conger, Cranston, Crowell, Dickey, Dixon, Daniel Duncan, Dunn, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Giddings, Grinnell, Hale, Nathan K. Hall, Henley, Henry, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Kellogg, Daniel P. King, Sidney Lawrence, Lincoln, McClelland, Marvin, Morris, Mullin, Palfrey, Peck, Petrie, Reynolds, Rockhill, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Sawyer, Schenck, Slingerland, Caleb B. Smith, Truman Smith, Starkweather, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Sylvester, Tallmadge, Taylor, Richard W. Thompson, William Thompson, Tuck, Warren, and White—70.

So the petition was laid on the table.

A message was here received from the Senate, announcing that the Senate had passed resolutions in relation to the funeral of the Hon. JOHN FAIRFIELD, late a Senator from the State of Maine.

The resolutions were read; when,

On motion of Mr. WILLIAMS, it was

Ordered, That the Speaker of this House, its members and officers, in compliance with the invitation of the Senate, and as a mark of respect to the memory of the late Senator FAIRFIELD, will attend his remains and accompany them to the depôt at 4½ o'clock in the afternoon of this day, where they will be put into the care of the Hon. Mr. CLARK, to be accompanied by him to the family of the deceased, in the State of Maine.

On motion of Mr. WILLIAMS,

The House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. ROCKWELL, of Connecticut: The petition of C. L. Dabell and 710 others, citizens of the United States, praying that an appropriation be made by Congress for the purpose of building and stationing at or near Bartlett's reef, a floating light and bell-vessel, of dimensions adequate to the demands of the commerce of Long Island Sound. Also, that the petition and papers of Abel Gay be taken from the files and referred to the Committee of Claims.

By Mr. PENDLETON: The petition of Apollus Cooper's heirs.

By Mr. TALLMADGE: The memorial of merchants and others of New York, on the subject of expediting the mails. Also, the petition of Joseph Emerie, for a return of duties paid by mistake at the New York custom-house.

By Mr. CROWELL: The petition of John H. Clark and others, citizens of Braceville, Trumbull county, Ohio, praying for peace with Mexico. Also, the petition of Peter Snyder and others, heirs-at-law of John Snyder, deceased, for relief, &c.

By Mr. PECK: The petition of Gershom Carpenter and others, for the establishment of a post route from Northumberland, New Hampshire, to East Burk, Vermont, through Guildhall, Granby, and Victory, Vermont.

Mr. MORSE presented the petition of Andrew Brien and 110 others, praying for the establishment of an additional post route in Louisiana, and moved its reference to the Committee on the Post Office and Post Roads.

IN SENATE.

WEDNESDAY, *December* 29, 1847.

The VICE PRESIDENT laid before the Senate, a report of the Secretary of the Navy, made agreeably to law, accompanied by an abstract of expenditures, under the head of contingent expenses, as settled and allowed at the office of the Fourth Auditor of the Treasury, from the 1st day of October, 1846, to the 30th day of September, 1847.

The VICE PRESIDENT laid before the Senate, a report of the acting Secretary of the Treasury, made in pursuance of a resolution of the Senate of the 20th instant, accompanied by a report from the Commissioner of the General Land Office, in relation to the information required by a resolution of the Senate of the 11th February, 1846, respecting the public lands subject to overflow in the State of Arkansas, by the Mississippi, Arkansas, White, Black, Red, and St. Francis rivers, in said State, &c.; which was ordered to be printed.

The VICE PRESIDENT laid before the Senate, a communication from the acting Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office, in answer to a resolution of the Senate of December 7, 1847, respecting the military reservation and private land claims at Sault Ste. Marie, together with a map thereof.

PETITIONS.

The VICE PRESIDENT presented the petition of Thomas Thompson, a British subject, praying compensation for rescuing the crew of an American merchant vessel wrecked at sea; which was referred to the Committee on Commerce.

Mr. ATCHISON presented the petition of William W. Gitt, praying that the heirs and representatives of claimants to lands under the act of February, 17, 1815, for the relief of the inhabitants of the late county of New Madrid, Missouri Territory, in whose favor certificates have been issued, to locate the same upon the unappropriated public lands; which was referred to the Committee on Public Lands.

Mr. ATCHISON presented the petition of Daniel McKissick, praying that a patent may be issued to him for the lands settled by him in the Oregon Territory; which was referred to the Committee on Public Lands.

Mr. DICKINSON presented the petition of the Common Council of the city of Buffalo, New York, praying an appropriation for improving the harbor at that place; which was referred to the Committee on Commerce.

Mr. SEVIER presented the petition of Jonathan Lewis, praying compensation for depredations committed on his property by the Cherokee Indians, while residing among those Indians under a permit; which was referred to the Committee on Indian Affairs.

Mr. DOUGLAS presented resolutions passed by the Legislature of Illinois, instructing the Senators, and requesting the Representatives of that State, in Congress, to use their efforts to procure the assent of Congress to the sale of the salt springs in Gallatin county; and the ratification of all sales of salt springs heretofore made by the State of Illinois without the consent of Congress; which were read and referred to the Committee on Public Lands, and ordered to be printed.

Mr. BREESE presented a memorial of citizens of Illinois, praying that the right of preëmption may be granted to the Central Railroad Company, to the lands along the route of their road; which was referred to the Committee on Public Lands.

Mr. DIX presented the proceedings of a meeting of citizens of New York, in favor of the adoption of measures for expediting the mails between that city and New Orleans: referred to the Committee on the Post Office and Post Roads.

Mr. DIX presented a petition of the Common Council of the city of Buffalo, New York, praying an appropriation for improving the harbor at that place; which was referred to the Committee on Commerce.

Mr. DIX presented a petition of citizens of Buffalo, New York, praying an appropriation for improving the harbor at that place; which was referred to the Committee on Commerce.

Mr. WESTCOTT presented a petition of citizens of Hillsborough county, Florida, praying the establishment of a mail route from Tampa Bay to Manitu river; which was referred to the Committee on the Post Office and Post Roads.

Mr. JOHNSON, of Maryland, presented the memorial of David Myerle, praying indemnity for losses sustained by him in his efforts to produce water-rotted hemp for the use of the navy; which was referred to the Committee on Naval Affairs.

Mr. JOHNSON, of Maryland, presented the petition of the heirs and legal representatives of John G. Mackall, deceased, praying compensation for property destroyed by the enemy in the last war with Great Britain; which was referred to the Committee of Claims.

Mr. STURGEON presented the petition of the heirs and legal representatives of George Gibson, deceased, an officer in the revolutionary army, praying to be allowed commutation pay; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. BELL, it was

Ordered, That the memorial of the representative of William Russwurm, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DIX, it was

Ordered, That the memorial of Hugh M. McLean, on the files of the Senate, be referred to the Committee on Claims.

On motion by Mr. WESTCOTT, it was

Ordered, That the memorial of Richard S. Coxe, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. WESTCOTT, it was

Ordered, That the memorial of Thomas Douglas, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of Gilbert Stalker and N. B. Hill, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Md., it was

Ordered, That the petition of James F. Sothoron, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BREESE, it was

Ordered, That the petition of the heirs of Richard McCarty, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DOWNS, it was

Ordered, That the memorial of the forward officers of the late exploring expedition, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. BREESE, it was

Ordered, That the petition of Stephen Steele and James Damil, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. SEVIER, it was

Ordered, That Joshua Dodge have leave to withdraw his memorial and papers.

On motion by Mr. DOWNS, it was

Ordered, That George T. Sinclair have leave to withdraw his memorial and papers.

On motion by Mr. DOWNS, it was

Ordered, That the legal representative of William Shippen have leave to withdraw his memorial and papers.

On motion by Mr. HALE, sundry resolutions, presented a few days ago, from the Legislature of New Hampshire, relative to the courts in that State, were referred to the Committee on the Judiciary.

On motion by Mr. BALDWIN, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the resolution passed by the Senate, on the 23d instant, in relation to naval pensions; and that the resolution be referred to the Committee on Naval Affairs.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petition of Hugh Wallace Wormley, and from the further consideration of the memorial of John Crosby; and that the said petition and memorial be referred to the Committee on Naval Affairs.

Mr. DICKINSON gave notice that he would, at an early day, ask leave of the Senate to introduce a bill for the relief of Jeanette C. Huntington, widow and sole executrix of William D. Cheever, deceased.

BILLS REPORTED ON LEAVE, ETC.

Agreeably to notice, Mr. BAGBY asked and obtained leave to bring in a bill authorizing the payment of interest on the amount advanced by the State of Alabama to the General Government, pending the Creek hostilities in 1836 and 1837; which was read a first and second time, by unanimous consent, and referred to the Committee on Finance.

Agreeably to notice, Mr. ASHLEY asked and obtained leave to bring in a bill to establish a permanent general preëmption system in favor of actual settlers on the public lands; which was read a first and second time, by unanimous consent, and referred to the Committee on Public Lands.

Agreeably to notice, Mr. DICKINSON asked and obtained leave to bring in a bill for the relief of Asa Andrews, of Ipswich, in the State of Massachusetts; which was read a first and second time, by unanimous consent, and referred to the Committee of Claims. He also presented a document relating to the subject; which was referred to the said Committee, and ordered to be printed.

Agreeably to notice, Mr. BRADBURY asked and obtained leave to bring in a bill changing the time of holding the terms of the Circuit Court of the United States in the district of Maine; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

On motion by Mr. YULEE, it was

Ordered, That a member be appointed by the Vice President to fill the vacancy in the Committee on Naval Affairs, occasioned by the decease of the Hon. JOHN FAIRFIELD.

REPORTS FROM COMMITTEES.

Mr. CASS, from the Committee on Military Affairs, reported a bill providing for the further prosecution of the existing war between the United States and the Republic of Mexico; which was read and passed to a second reading.

[This bill authorizes the President, should the exigencies of the war require it, to call for and accept the services of additional volunteers, not to exceed the number of 20,000, that may offer, either as cavalry, infantry, or riflemen; to serve three years after they shall have arrived at the place of rendezvous, unless sooner discharged; to receive pay as volunteers under existing laws. The President has the power, when the regiment is reduced in rank and file, to discharge a part of the commissioned officers, leaving not more than three for sixty men, and not more than *two* for forty rank and file; and when a company is reduced to twenty, he may discharge the whole company, and receive a new company of not less than eighty rank and file; provided that nothing herein contained shall require the President to reduce the officers or discharge a company, if, in his opinion, the reduced company can be filled up by recruiting. The President is also authorized, when regiments of volunteers are reduced, to receive additional companies for such regiments, provided the whole is not increased beyond 1,000 rank and file. The volunteers raised under this act shall be discharged within six months after the ratification of a treaty of peace.]

Mr. CASS, from the Committee on Military Affairs, reported a bill to provide clothing for volunteers in the service of the United States; which was read and passed to a second reading.

Mr. JOHNSON, of La., from the Committee on Pensions, to whom was referred the bill to continue the pensions of certain widows, reported it without amendment.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to compensate John M. Moore, reported it without amendment. He also submitted a report on the subject, which was ordered to be printed.

Mr. WESTCOTT, from the Committee on Patents and the Patent Office, reported a Bill to provide for additional examining clerks in the Patent Office, and for additional fees in certain cases; which was read and passed to the second reading. He also submitted a communication from the Commissioner of Patents, relating to the subject; which was ordered to be printed.

Mr. WESTCOTT, from the Committee of Claims, to whom the documents relating to the claim of Lemuel B. Nicholls were referred, submitted an adverse report; which was ordered to be printed.

Mr. PHELPS, from the Committee on Finance, to whom was referred the memorial of Henry Simpson, administrator of George Simpson, deceased, submitted an adverse report; which was ordered to be printed.

On motion by Mr. DAVIS, of Miss., it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of James Edwards, administrator of Edward M. Wanton; and that it be referred to the Committee of Claims.

On motion by Mr. DAVIS, of Miss., it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of James Edwards; and that it be referred to the Committee of Claims.

On motion by Mr. ASHLEY, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the petition of John Bruce, and that it be referred to the Committee of Claims.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the petition of Milledge Galphin, executor of the last will and testament of George Galphin, deceased, submitted a report accompanied by a bill for his relief.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the memorial of William A. Christian, reported a bill for his relief; which was read and passed to a second reading.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the memorial of the heirs of Andrew D. Crosby, reported a bill for their relief; which was read and passed to a second reading.

Mr. UNDERWOOD, from the Committee on Public Lands, to whom was referred the bill to allow further time for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes, reported it without amendment.

SUBSISTENCE FOR THE ARMY.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House, making an appropriation to supply in part a deficiency in the appropriations for subsistence in kind, of the army and volunteers during the year ending the 30th June, 1848, reported it without amendment.

Mr. ATHERTON moved that the Senate proceed to the consideration of the said bill; which was agreed to.

The bill was then taken up for consideration as in Committee of the Whole.

Mr. ATHERTON said: It will be perceived that the bill only makes an appropriation in part to supply the deficiency which exists in the appropriation for the subsistence in kind of the army and volunteers for the current year. The remainder of the deficiency, which I believe will be about $3,000,000, is reserved for a more minute and particular examination. To show the necessity for passing this bill at this time, I ask that the letter accompanying it be read.

The Secretary then read the following letter:

WAR DEPARTMENT,
Washington, December 17, 1847.

SIR: I have the honor to lay before you a letter from the Commissary General, showing the pressing necessity of an early appropriation for the deficiency in the Commissary Department. It is exceedingly important to the public service that immediate provision should be made to meet the deficiencies, not only in that department, but also those in the other branches of the War Department, for which estimates have been made and submitted to Congress. Any delay in this respect will be highly detrimental to the public interest.

Very respectfully, your obedient servant,
W. L. MARCY, *Secretary of War.*

Hon. S. F. VINTON, *Chairman Committee of Ways and Means, House of Representatives.*

OFFICE OF COMMISSARY GENERAL OF SUBSISTENCE,
Washington, December 17, 1847.

SIR: I have the honor to report that the appropriations applicable to "army subsistence" are nearly exhausted.

The whole sum now remaining to the credit of such appropriations does not exceed sixty thousand dollars; and that sum is absolutely necessary to meet the demands of the recruiting service.

Recent information from the principal commissaries of subsistence in Mexico, makes it necessary for me to respectfully ask that the early attention of Congress may be called to my "estimate" of the 9th November, in which the deficiency in the former appropriations is stated, as drafts to the amount of five hundred thousand dollars may be daily expected to reach the United States, and, as above shown, this department has no means of paying them.

Most respectfully, your obedient servant,
GEO. GIBSON, *C. G. S.*

Hon. W. L. MARCY, *Secretary of War.*

Mr. JOHNSON, of Maryland. I rise, sir, not for the purpose of offering any opposition to the passage of this bill, but to ask the chairman of the committee, if he knows what is probably the entire deficiency in the estimates; and if he can also explain to the Senate, why it is, that the estimates were not sufficiently large at the last session.

Mr. ATHERTON. In reply to the honorable Senator from Maryland, I will say that it appears from the estimates which have been furnished, that the entire deficiency is $3,987,939 74.

Mr. JOHNSON, (in his seat.) Nearly four millions.

Mr. CALHOUN, (in his seat.) Up to this date?

Mr. ATHERTON. Nearly four millions for the current year. To show the reason for the deficiency in the estimate for the appropriation for the current year, I would ask that the letter from the Commissary General of Subsistence be read.

The Secretary then read the following letter:

OFFICE OF COMMISSARY GENERAL OF SUBSISTENCE,
Washington, November 9, 1847.

SIR: In submitting with this an "estimate of the probable amount that will be required to meet the deficiency in the former appropriation for the subsistence of the regular army and volunteers in the service of the United States from December 1, 1847, to June 30, 1848," I have the honor to make the following report in explanation:

At the time when this department was making heavy purchases for shipment to Vera Cruz, Mexico, and to the mouth of the Rio Grande, Texas, large shipments of breadstuffs, as well as other articles composing the army ration, were being made to Europe.

The shipments to Europe enhanced the price of produce in general nearly one-half of its previous value; and this enhanced price was kept up for some months.

My annual estimate of the probable price of the ration made November 10, 1846, was only fifteen cents. That estimate of course was made at the time without any expectation of such a rise in the price of produce, and fell far short of the cost of the ration by purchase.

The appropriation for the ten additional regiments of regular troops (authorized after my estimate of November 10, 1846) was made for only four months—say from March 1, 1847, to June 30, 1847. All the troops composing those regiments are now in service, will probably so remain up to June 30, 1848, and will have to be subsisted to that date.

Here will be seen a deficiency in the appropriation of one year, for this large body of troops.

All the volunteers who entered the service for "one year" were not mustered out of it at the expiration of their time; but many of them had to be subsisted for a longer period than they were appropriated for.

Since June 30, 1847, nine additional regiments of volunteers have been called into service without any additional appropriation being made to meet the expense of subsisting them. They have been subsisted so far out of the last annual appropriation.

The portion of the army under the command of Major General Scott, since it left Jalapa, has been almost wholly supplied with subsistence from the country in the vicinity of its operations, and at prices varying from twenty-six to thirty-two cents per ration—being an increase from eleven to seventeen cents per ration above the estimated price.

The "recruiting service" has tended greatly to increase the expenses of this department, as the complete ration, furnished under special contracts made throughout the country, costs nearly double the estimated price.

Owing to the nature of the climate of Mexico, and the imperfect storehouses, (the articles of subsistence being perishable,) much has been lost from decay and wastage,—as also from wrecks during transportation.

All these things combined will, I trust, satisfactorily show the necessity, as well as the correctness, of the estimated deficiency now asked for.

Most respectfully, your obedient servant,
GEO. GIBSON, *C. G. S.*

Hon. W. L. MARCY, *Secretary of War.*

No amendment being offered, the bill was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

THE MADISON PAPERS.

Mr. CRITTENDEN rose for the purpose of inquiring whether the bill for the purchasing of the papers of President Madison was not the order of the day for this day. It had been made the special order for Monday last; and he supposed, therefore, it was now the first business in order. He inquired if it would not come up for consideration at this time as a matter of course.

The PRESIDING OFFICER replied that it would require a motion to take it up.

Mr. CRITTENDEN then moved to proceed to the consideration of that bill.

The motion was agreed to; and the bill was taken up for consideration as in Committee of the Whole.

Mr. HALE rose and observed, that he wished the consideration of this bill might be postponed. The honorable Senator from Connecticut, [Mr. NILES,] who is not now in his seat, I believe, is desirous of addressing the Senate in opposition to it, and if that honorable Senator does not do so, I will for myself say, that I hope the bill will not pass. I hope it will not receive the favorable consideration of this body; for I think it is, in effect, though not exactly so in form, creating improperly a civil pension list, by granting, under the form of a purchase, a sum of money. I think that the whole system is radically wrong, and if in order, I will move that the further consideration of the bill be postponed until Monday next.

Mr. CRITTENDEN. I hope the motion will not prevail for its postponement to so late a day. Although, if the honorable Senator desires a short postponement, I should have no objection that it be passed by informally, so that it may remain the order of the day for to-morrow. If that will be satisfactory to the Senator, I shall have no objection to its being informally passed over.

Mr. HALE. I would inquire whether, if the bill be passed over informally, it will of necessity come up for consideration to-morrow?

Mr. CRITTENDEN. It will, I presume, come up of necessity to-morrow. If not, I will move that it be made the order of the day for to-morrow.

Mr. HALE. The Senator from Connecticut is absent, on account of news received of sickness in his family. He cannot be here to-morrow, and I hope, therefore, that the bill may be postponed until Monday.

Mr. CRITTENDEN. I trust that motion will not prevail. Many other Senators are absent, and it is hardly to be expected, in the ordinary course of things, that there will be at any time an entirely full Senate. I do not propose myself to occupy one moment of the time of the Senate. I hope the motion for postponement will not prevail.

The question being taken on the motion to postpone the bill until Monday next, it was not agreed to.

The bill was then reported to the Senate, and it was ordered to be engrossed and read a third time.

Mr. CRITTENDEN. The sense of the Senate has been so clearly manifested in favor of this bill, that I trust the honorable Senator will now withdraw his objections and permit the bill to be read a third time this day. I move that it be now read a third time.

The bill was read a third time by its title.

Mr. BUTLER. The question is now, I believe, on the passage of the bill; will it be in order to move that it be made the special order for to-morrow? I am not fully prepared to give my vote upon it, and if I am driven to a vote at this time, I shall be compelled to vote against it. I desire an opportunity to make a few remarks upon the subject, and perhaps I may propose to modify the bill. Will it be in order now to make a motion for its postponement until to-morrow?

The PRESIDING OFFICER. The Senator is at liberty to make that motion.

Mr. CRITTENDEN. I will only suggest to my honorable friend, that the bill, by a vote of the Senate, has passed beyond that stage when it would be subject to amendment, and therefore, if his object be to amend the bill, it cannot well be accomplished without retracing our steps. To allow the honorable Senator an opportunity to express any reasons that he may have against the passage of the bill, is a courtesy which I would be disposed, at all times, to extend; but I hope that the Senator will not press any motion for delay. I should be very much gratified if the bill might be allowed to pass to-day; and I hope the Senator will withdraw his proposition for postponement, unless there be some particular object to be accomplished by it.

Mr. BUTLER. I have so many difficulties on the subject, that if the vote be forced upon me now, I shall, very probably, be constrained to vote against the bill. I do not desire, however, to prevent its passage, provided it receive a slight modification. I am inclined to think that the papers of Mr. Madison will, in time to come, be more valuable than they are now; and if they are to be regarded as a legacy to the widow of that distinguished men, I would not deprive her, in the slightest degree, of the benefit to be derived from that legacy during her lifetime; but there is a provision in the bill, I perceive, that gives her the power to dispose of the fund appropriated to her use, by will. Now, if I could modify the bill in this way, to give five thousand dollars down, and twenty thousand dollars during her lifetime for such papers as a

committee might select, I would be entirely willing; but I would be very unwilling to give the benefit of this legacy to a stranger. I am entirely in favor of giving it to Mrs. Madison herself; but how far I would give her the power of disposing of it by will, I am not now prepared to say. I say to the Senator from Kentucky that I would be willing to give $5,000 down, and the remainder of the $25,000 in trust for her during her life time; and if the papers are worth more than that sum, I would go so far as to select from the papers so much of them as will amount to that value, leaving the rest to rise in value, as I believe they undoubtedly will, and to be purchased hereafter, in case it be deemed expedient. I firmly believe that these papers will be looked to in future times with much interest, and with great advantage, both to the statesman and the scholar, and I do not wish to deprive the widow of Mr. Madison of the benefit which she may ultimately derive from their increased value; but to give her the right to dispose of the purchase money by will, perhaps to an utter stranger, is a thing to which I am not prepared to consent.

Mr. BERRIEN. If this money is to be considered as a gratuity to Mrs. Madison, and for which no value is received, I would very readily agree with the suggestion of the honorable Senator from South Carolina, that that which is designed as a gratuity should be personal to her, enjoyed during her life, and terminate at her death. But if, as I suppose to be the case, it is a purchase of papers conceded by the honorable Senator, and felt I presume by the great majority of the Senate, to be of great and increasing value, as containing the opinions of one of the most enlightened statesmen of the early days of this Republic—if it is to be considered as a contract between the Government and Mrs. Madison as the possessor and proprietor of these papers, for which value is given, then I submit to my honorable friend that the money which is so given is no longer the money of the Government, but becomes the money of the other party to the contract, and subject exclusively to her disposal. Sir, the provisions in this bill are not introduced from any idea that this is a gratuity, but that for the sum which it is proposed to appropriate we receive a valuable consideration. I suggest, then, whether it would be proper that we should place any restraint upon the disposition of the money after its ownership has thus been changed, and I should hope that the honorable Senator, after witnessing the expression of the decision on the part of a majority of the Senate, that this bill should be allowed to pass, would not persevere in opposing its passage at this time, in order that it may avoid encountering the fate which it met at the last session in consequence of unnecessary delay.

Mr. BUTLER. I have not had time to examine the manuscripts, nor am I convinced that Congress ought to purchase the whole of them at this time; and I believe also, as has been already suggested, that these manuscripts will become more valuable hereafter, and I desire that Mrs. Madison shall receive the full benefit of her illustrious husband's works. I would be perfectly willing, as I have said already, to give Mrs. Madison all that she desires during her lifetime for such papers as may be selected by a committee. In this way everything that is necessary will be accomplished; but I must repeat, that if the bill be forced upon me as it stands, I shall very reluctantly (for it is contrary to my disposition to oppose a matter of this kind) be compelled to vote against it; for I am not now prepared to vote for it, and I am not willing to be forced into a vote before I am prepared. I only ask time to examine the matter, and it may be when I have made that examination, that I will yield up my objections, but I cannot give them up without an opportunity of satisfying myself in regard to them, for I should distrust myself in such a case as this, lest my feelings should get the better of my judgment.

Mr. CRITTENDEN. I certainly had hoped that the Senator would be content to yield his opposition after witnessing the manifest disposition of the Senate that the bill should pass. If the honorable Senator persists in his desire for the postponement until to-morrow, I will acquiesce.

Mr. BUTLER. I do desire its postponement, and perhaps I may give up my objections. I have not had time, or if I had, I have not availed myself of it, to examine the subject so as to enable me to vote intelligently.

Mr. CRITTENDEN. If the gentleman desires the postponement, I shall not resist it, for the bill will, I suppose, come up of necessity to-morrow.

Mr. WESTCOTT. I desire to make an explanation, in order to relieve myself from the imputation of inconsistency in voting, as I intend, against this bill, unless it be altered, in view of the vote which I gave at the last session.

The bill of last session proposed to give Mrs. Madison the same sum, twenty thousand dollars, to be invested in stocks for her use, and five thousand dollars to be paid to her immediately. I had no objection to that bill. I regarded that payment not as a gift or a pension, but as a consideration for the papers, which were well worth the money to the American public. My objection to the present bill is, that it creates trustees to take care of the fund for Mrs. Madison by act of Congress. There is no precedent for the creation of such officers. It is a dangerous precedent. I doubt the power, and have no doubt of the impropriety of such legislation by Congress. Congress has a right to purchase, but no right to fetter the payment of the consideration-money with the condition that it shall be vested in trustees. This is the first case of the kind since the adoption of the Constitution.

Mr. CRITTENDEN, (in his seat.) It was at the request of Mrs. Madison that such an arrangement was made.

Mr. WESTCOTT. That does not alter the case with me. Her consent would no doubt be given to a donation in any form as a matter of course. I object to the establishment of such a precedent, after which any person having a claim before Congress can make an arrangement for the appointment of trustees, and thus defraud *bona fide* creditors. If it were a mere gratuity, the objection would not apply; but as this is a consideration paid for the papers, the objection is with me insuperable. I cannot vote for the bill in its present form, although I have no objection, constitutional or otherwise, to giving the money in consideration for the papers out-and-out to Mrs. Madison.

Mr. BADGER. If I understood correctly the remarks which have been made by the honorable Senator from Florida, he has said that he voted for the bill of last session, but if pressed to vote on the present bill, he will vote against it for certain reasons which he has assigned. Now, if I recollect the terms of the bill which passed the Senate by a very large majority at the last session, it was liable to the objections stated by the honorable gentleman from Florida in a still higher degree than they can be possibly supposed to apply to the present bill. If I recollect aright the provisions of the bill of last session, it actually went so far as to preclude Mrs. Madison from anticipating any of the coming payments on account of interest before they should fall due. But what are the objections that it is an act of Congress creating trustees, and on which the honorable gentleman calls in question the right of Congress to pass such a bill?

With very great respect to the opinion of the honorable gentleman—and certainly, as a lawyer, as well as on other grounds, his opinion is entitled to the highest consideration—it does seem to me that he has presented an entirely new phase of constitutional difficulty. Congress proposes to buy from Mrs. Madison certain papers, and the bill assumes that these papers are worth twenty-five thousand dollars, which sum Congress proposes to pay to the proprietor of these papers, to be held for her interest. The proprietor of these papers is willing, and desires that payment should be made to her in the following manner: That of the twenty-five thousand dollars, five thousand should be paid to her immediately, and the remaining twenty thousand should be put in the hands of three gentlemen, to be held by them, by the last survivor, and executors, and administrators of the last survivor, upon trust; who will pay to her the interest; with power to her to dispose of the principal sum by her last will and testament. Where is the constitutional objection here? The money, according to this contract, that would be coming to, and be due to Mrs. Madison after the five thousand dollars are paid, and that to be paid into the hands of certain trustees, was the money of the Government, and would become the money of Mrs. Madison. Well, if the party who is to give the money, and the party who is to receive it, both agree to a certain disposition of it, how is it possible that there can be any constitutional difficulty? If Congress have the right to buy the papers, and pay away the money, certainly it has a right, with consent of the seller of the papers, to make such disposition of the money as may be agreed upon. Where, I again ask, is the difficulty? Why, Mrs. Madison may dispose of the principal fund by her will, and in consequence of this arrangement, the honorable Senator supposes that the just claims of creditors may be evaded.

Mr. WESTCOTT, (in his seat.) It is tying up the fund.

Mr. BADGER. What principle of constitutional law is opposed to "tying up the fund?" What principle of common law is opposed to it? However, sir, the bill is, I believe, to stand over, and I will not detain the Senate. Indeed, I should not have made any remarks at all on the subject, had it not been for the observations of the Senator from Florida; but aware of his distinguished legal reputation, I was afraid, lest it might go out that we were doing some strange things here, and that by our legislation we were about to disregard the obligations of debtors. It seems to me, as the honorable gentleman from Florida knows very well, that where a person has a power to be exercised, according to his best will and discretion, he must exercise it, if he do so at all, for the benefit of creditors. This is, therefore, the most beneficial form in which control over this fund could be exercised. The interest is to be given to this venerable relict of a most distinguished man; and at her death she will have an opportunity of bestowing that fund which has produced the interest, on the objects of her regard—on those who have lingered around her dying bed, and ministered to her in her declining years, and to whom she would be, therefore, disposed to leave a memorial of her kindness and testimony of her gratitude.

For one, I was sorry that my honorable friend from South Carolina felt it to be his duty—acting, as I know he did, from the purest and most honorable motives—to make the slightest objection to the passage of this bill. A similar bill was passed at the last session by a decided vote. This is one of those cases in which it may be truly said, that in order that this act may be really kind, it ought to be done promptly—early. The subject has been fully considered—the sense of the Senate has been fully declared—and never was there a case, as it appears to me, in which we could with more propriety, as was said by my friend from Kentucky, the other day, convert this into a New-Year's arrangement; shedding joy and gladness over the declining days of one so much esteemed for her own sake, as well as being the relict of so eminent a citizen of this Republic.

But under the rule, I suppose the subject lies over; and I will not trouble the Senate with any additional remarks.

Mr. WESTCOTT. The honorable gentleman from North Carolina has totally misconceived me; but as it is suggested that this bill will come up again to-morrow, I shall defer any further remarks.

On motion by Mr. BUTLER, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

RESOLUTIONS.

Mr. CASS submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the justice and propriety of providing for the fulfilment of the contract, entered into by the Secretary of War, on the 12th day of March, 1839, under the authority of the joint resolution of Congress of the 13th of February, 1839, "to contract with J. B. and P. Ferribault, for the purchase of the island at the confluence of the St. Peter's and Mississippi rivers."

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of allowing to the Registers and Receivers of the several land offices, for their services under the ninth section of the act of the 11th February last, the same compensation as is now allowed by law when money is paid on the entry and purchase of land.

Mr. SEVIER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of allowing a reason-

able compensation to such receivers of the public money as performed the duties of assistant treasurers of the United States.

On motion by Mr. BREESE, it was

Ordered, That two thousand extra copies of the report of the Commissioner of the General Land Office, with the accompanying maps and diagrams, be printed for the use of the Senate; and that two thousand additional copies of the map of surveys in Florida, accompanying said report, be also printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. Campbell, their Clerk:

Mr. PRESIDENT: The House of Representatives have appointed a Committee on Printing, on their part, in pursuance of the joint resolution of the two Houses, consisting of Mr. CONGER, of New York, Mr. HENLEY, of Indiana, and Mr. JOHN B. THOMPSON, of Kentucky.

I am directed to notify the Senate of the death of the Hon. EDWARD BRADLEY, late a member elect of the present Congress, from the State of Michigan; and of the proceedings of the House of Representatives thereon.

The message having been taken up for consideration—

OBITUARY.

Mr. FELCH rose and addressed the Senate as follows:

Mr. PRESIDENT: The announcement just received from the House of Representatives, arrests the attention of the Senate in the midst of its ordinary business, with the melancholy tidings of death! Again and again, since the commencement of the present session, similar announcements have called us to mourn, with the country, the decease of distinguished members of the present Congress, and to pay the tribute of respect to the memory of departed associates. If the melancholy expression of our feelings here cannot restore the deceased to life, nor recall to a seat in these halls the trusted agent of a confiding constituency, nor restore to the domestic circle its stay and support, it may at least show that we cherish a high regard for the memory of the departed; that we appreciate his virtues and his abilities, and sympathize with those who united with the deceased by closer ties, have felt even more keenly than we this sad dispensation of Providence.

EDWARD BRADLEY, whose death is thus announced, was born in the county of Ontario, in the State of New York, in April, 1808. At the age of twenty-six years he was appointed an Associate Judge of the Court of Common Pleas in his native county. Previous to this he had moved in the humbler walks of private life. Engaged chiefly in agricultural pursuits, with few advantages of early education, there was little in the influences by which he was surrounded to kindle his ambition, or to stimulate to those unceasing mental efforts which alone can secure high attainments and give assurance of future eminence. But his was a mind of no ordinary energies. Availing himself of every opportunity for improvement, he gathered knowledge from every source within his reach, acquiring strength in his struggles with adversity, and accumulating, in his contact with the world, the rich treasures of mental efficiency and practical information. The appreciation of his merits by his friends prompted him to still more ardent efforts, and a taste for forensic discussion induced him to become a devoted student of the law. In 1839 he removed to Michigan. Having been admitted to the bar, he devoted himself to the business of the legal profession, and soon acquired the reputation of an able lawyer and an eloquent advocate. In 1842 he was called by the suffrages of the district in which he resided to a seat in the State Senate, and ably and faithfully performed his duties in that station during his term. In 1846 he was elected a member of the House of Representatives of the thirtieth Congress. This last evidence of the high esteem in which he was held among those who knew him best was scarcely received when disease marked him for a victim. In July he left the place of his residence, intending to seek the restoration of his health by a protracted journey to the capital, and a temporary sojourn on the seacoast. The end of this journey he was destined never to reach. He arrived in the city of New York on the last day of July, and on the morning of the fifth day of August he was numbered with the dead. She who came to administer that aid and consolation which his debility required, returned with the lifeless remains of her husband to her stricken family—the widowed to the fatherless.

I am aware, Mr. President, that, in alluding in this place to the virtues of the deceased, I speak to those who have had no opportunity, by personal intercourse, to enjoy his friendship or to know his worth. He was called to the world of spirits when about to assume his position among the Representatives of this people. By his death, his constituents have been deprived of the services of an able Representative, and the country of a faithful guardian of the public weal.

Himself the architect of his own fortunes, his sympathies were with the struggling, the poor, and the oppressed. Ardent in his feelings and strong in his attachments, he was nevertheless tolerant to an opponent and forgiving to an enemy. At the bar, in the legislative hall, and in the popular assembly, his good sense and strong reasoning faculties always commanded attention and respect, and by his eloquence he carried persuasion and conviction to the hearts of his auditors.

If, in common with his fellow-men, he had his faults, they were trivial and easily to be forgiven; while his virtues, prominent and numberless, will long be the theme of praise, and his early death the subject of heartfelt sorrow.

In token of respect to his memory, I submit the following resolutions:

Resolved, That the Senate has received with deep sensibility the message from the House of Representatives announcing the death of the Hon. EDWARD BRADLEY, a Representative elect from the State of Michigan.

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect to the memory of the deceased, will wear the usual badge of mourning for thirty days.

Resolved, That, as a further testimony of respect for the memory of the deceased, the Senate do now adjourn.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 29, 1847.

The Journal of yesterday was read and approved.

OBITUARY.

Mr. STUART, of Michigan, rose and said:

Mr. SPEAKER: The melancholy duty has been assigned to me of announcing to the House the death of my lamented friend, the Hon. EDWARD BRADLEY, late a member elect of the present Congress from the second district of Michigan.

He was born in the town of East Bloomfield, in the county of Ontario, and State of New York, in April, 1808. At the age of twenty-six he was appointed an Associate Judge of the Court of Common Pleas of that county, the bar of which then numbered among its members several gentlemen of distinguished legal reputation.

The forensic displays of such men could not fail to produce upon a mind like Mr. BRADLEY's a powerful influence; and it is therefore probable that his choice of the legal profession may date from this period of his life.

At the expiration of his term of office he removed to Michigan, and in July, 1839, he located at Marshall, in the county of Calhoun, and entered upon the practice of his profession. His advancement was rapid, and he very soon ranked among the first at that bar—a position which all acquainted with its members will concede was as difficult of attainment as it was honorable to its possessor.

Mr. BRADLEY's early pursuits having been exclusively agricultural, his feelings, sympathies, and consequently his interests, were naturally and strongly identified with the producing classes. To become a *general* favorite, however, it was only necessary that he should be generally known; and in 1842 he was elected from his district to the State Senate. Though chosen to fill a vacancy, and serving but one year, he acquired the reputation of a powerful debater, a sound legislator, and a faithful and able representative. His great and varied powers of oratory were, however, best adapted to popular assemblies. In these, his depth of thought, his force and style of reasoning, combined with his inimitable sarcasm, told with prodigious effect; and hence, in a political canvass, as conducted in the West, he was an able and efficient champion.

At the general election in 1846, he was chosen a Representative to the present Congress; but early in the succeeding spring, it became but too evident that the disease which finally terminated his existence had seized him with an unyielding grasp. Favored with medical treatment of the most skillful character, he finally, after a severe and painful illness, partially recovered, and, having perfected his arrangements, left home, accompanied by his wife, to enter upon his duties here. The terrible ravages of disease were distinctly marked, and the fears of his friends were consequently increased. But, Mr. Speaker,

"Hope springs eternal in the human breast;"

and, guided by its seductive illusions, Mr. BRADLEY felt confident that travelling, change of climate, and, more than all, the eminent medical skill he should employ in New York, where he contemplated a protracted delay for that purpose, would restore him to health and happiness.

It is written, sir, that "man that is born of a 'woman hath but a short time to live, and is full 'of misery: he cometh up and is cut down like a 'flower; he fleeth as it were a shadow, and never 'continueth in one stay."

This melancholy truth was strikingly exemplified in the case of my late excellent friend. He reached New York on the 30th of July, and died on the morning of the 5th of August. In his death, in the eloquent language of another, "the poor 'have lost a friend, the bar an ornament, the peo-'ple a champion, the councils of the nation a states-'man, whilst his widow and children have lost a 'husband and a father."

"Thus vanish mortal dreams."

In token of respect, sir, I offer the following resolutions:

Resolved, That this House has heard with deep sensibility the announcement of the death of the Hon. EDWARD BRADLEY, late a member elect of the present Congress from the second district of Michigan.

Resolved, That as a testimony of respect for the memory of the deceased, the members and officers of this House will wear the usual badge of mourning for thirty days.

Resolved, That the proceedings of this House in relation to the death of the Hon. EDWARD BRADLEY be communicated to the family of the deceased by the Clerk.

Resolved, That this House, as a further mark of respect for his memory, do now adjourn.

The House then adjourned.

IN SENATE.

THURSDAY, *December* 30, 1847.

Mr. UPHAM presented two petitions from citizens of Ohio, praying the establishment of a daily mail between Pittsburg, Pa., and Mansfield, Ohio; which were referred to the Committee on the Post Office and Post Roads.

Mr. UNDERWOOD presented the petition of John Leroy, praying a pension, on account of the loss of an arm while carrying an express for the army in Mexico; which was referred to the Committee on Pensions.

Mr. WEBSTER presented the petition of Henry Hatch, praying indemnity for French spoliations prior to 1800; which was laid upon the table.

Mr. WEBSTER presented the petition of the American Peace Society, praying that the war with Mexico may be brought to a close without the further effusion of blood; which was laid on the table.

Mr. BREESE presented the petition of citizens of Clay county, Illinois, praying that the right of preëmption may be granted to the Illinois Central Railroad Company to the lands along the route of their road; which was referred to the Committee on Public Lands.

Mr. DIX presented the petition of Joseph Burchard, praying that certain duty bonds paid by him as surety for John S. Roulet, may be repaid to him; which was referred to the Committee on Finance.

Mr. BADGER presented the petition of citizens of Johnston county, North Carolina, praying the establishment of a post office at Bagby's store, in that county; which was referred to the Committee on the Post Office and Post Roads.

Mr. BERRIEN presented additional documents relating to the petition of Milledge Galphin, executor of George Galphin, deceased; which were referred to the Committee on the Judiciary.

On motion by Mr. WEBSTER, it was

Ordered, That the memorial of the President and Fellows of Harvard College, on the files of the Senate, be referred to the Committee on Finance.

On motion by Mr. DIX, it was

Ordered, That the petition of Maria Ostrander and the petition of Sarah Overbagh, on the files of the Senate, be severally referred to the Committee on Pensions.

On motion by Mr. RUSK, it was

Ordered, That the petition of Samuel W. Bell, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. CRITTENDEN, it was

Ordered, That Sarah E. Graham have leave to withdraw her petition and papers.

Mr. MANGUM submitted the following motion for consideration:

Ordered, That the Vice President be authorized and requested to have two movable desks provided for the reporter of the proceedings and debates of the Senate, and his assistants, upon the floor of the Senate Chamber, to be used only during the session of the Senate, and to accommodate two persons.

RESOLUTIONS.

Mr. BADGER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce inquire into the expediency of establishing additional floating and stationary lights; and also additional buoys, below and between the town of Wilmington, North Carolina, and the ocean.

Mr. CLAYTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making appropriations for the harbors in the river Delaware, at Port Penn, Delaware City, New Castle, and in the Christiana and Mahon's river. Also, for the erection of a light-house on the Burnt Pier opposite to Fort Mifflin; and that the report heretofore made by the Secretary of the Treasury, with the accompanying documents, on the expediency of a general law requiring vessels navigating the Delaware to carry lights in the night time, be taken from the files and referred to the said committee.

Resolved, That the Committee on Commerce be directed to inquire into the expediency of a law requiring coasting vessels of the United States to employ apprentices in the navigation of said vessels.

Mr. BAGBY submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be requested to transmit to the Senate all the papers on file in his office relating to the transportation of the mail by Jamieson and Williamson, between Montgomery and Tuscaloosa, and between Selma and Maplesville, Alabama.

Mr. CLAYTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That three hundred and fifty copies of the map of the coast survey of the Delaware bay and river be printed for the use of the Senate.

Agreeably to notice, Mr. DICKINSON asked and obtained leave to bring in a bill for the relief of Jeanette C. Huntington, widow and sole executrix of William D. Cheever, deceased; which was read a first and second time, by unanimous consent, and referred to the Committee of Claims.

REPORTS FROM COMMITTEES.

Mr. CORWIN, from the Committee on Public Lands, to which had been referred the petition of Cadwalader Wallace, made a report, accompanied by a bill for his relief.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

Mr. ATCHISON, from the Committee on Indian Affairs, to which had been referred the petition of Thomas Talbot and others, made a report, accompanied by a bill for their relief.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

Mr. DIX, from the Committee on Commerce, to which had been referred the petition of William Sayward and others, reported a bill to authorize the issuing of a register to the barque Canton; which was read.

On motion by Mr. DIX, the Senate proceeded to the consideration of said bill.

The bill having been read a second time, was considered as in Committee of the Whole, and no amendments being offered, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary notify the House of Representatives accordingly.

NOTICES OF BILLS, ETC.

Mr. YULEE and Mr. BERRIEN severally gave notice that on to-morrow, or at an early day, they would ask leave of the Senate to introduce certain bills, the titles of which they named.

Mr. DICKINSON gave notice of his intention to ask the Senate to take up the resolutions heretofore submitted by him.

REGENT OF SMITHSONIAN INSTITUTION.

On motion by Mr. BREESE, it was

Ordered, That a member be appointed by the Vice President to fill the vacancy in the Board of Regents, occasioned by the resignation of the Hon. LEWIS CASS.

Mr. DAVIS, of Missisippi, was appointed.

COMMITTEE ON PRINTING.

On motion by Mr. SEVIER, it was

Ordered, That a Committee on Public Printing on the part of the Senate, in pursuance of the joint resolution of the two Houses, be appointed by the Vice President.

Mr. BRADBURY, Mr. CAMERON, and Mr. GREENE, were appointed.

Ordered, That the Secretary notify the House of Representatives accordingly.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourns, it be to Monday next.

MILITARY STATISTICS.

The Senate proceeded to consider the following resolutions, submitted by Mr. JOHNSON, of Md., on the 23d instant:

Resolved, That the Secretary of War inform the Senate:

First. What has been the whole number of volunteer troops called into the service of the United States since the 13th May, 1846.

Second. Of the troops so called, what has been the whole number discharged from such service before their term of service had expired; and what the number mustered out of the service of the United States.

Third. What has been the whole number of troops in Mexico belonging to the regular army of the United States, since the 13th May, 1846.

Fourth. What is the number of troops now in Mexico.

Fifth. What has been the whole number of officers and men, belonging either to the regular army or the volunteers, who have been killed, or died of wounds received in battle, since the 7th May, 1846.

Sixth. What has been the whole number of officers and men, of the regular army or volunteers, wounded in battle since the 7th May, 1846, who have not died of their wounds.

Mr. CASS remarked, that a great deal of the information sought for by the resolutions of the honorable Senator from Maryland was contained in the report of the Adjutant General. That report had not yet been laid upon the desks of Senators, but he had no doubt that it would soon be placed before them. He hoped, therefore, the honorable Senator would permit his resolutions to lie over for a day or two, until that report was printed.

Mr. R. JOHNSON. I was aware that some of the information called for might be found in the report of the Adjutant General; but my purpose was to have all the information that is called for by these several resolutions together. My object was a double one—that the information which we have, or can have without some such inquiry as this, will not show the Senate or the country the number of men who have died of disease in Mexico. I propose—and, in my opinion, it is the only way in which to get the information—to inquire as to the number mustered into the service under the act of the 13th of May, 1847; the number of these discharged before their period of service expired; and the number mustered out of service. I suppose the difference between the number mustered into service, and the number mustered out of service, not accounted for by the number discharged in the meantime, will show the number of those who have died of disease, less the number of those killed in battle. I have asked, therefore, in addition, for the number killed in battle. The other motive which I had was, (and I am sure it is one in which I shall have the concurrence of the honorable chairman of the Committee on Military Affairs,) to lay before the Senate and the country information which I think will satisfy them, that the regular army is better in all respects than any volunteer troops. The committee has reported a bill to raise ten additional regiments of regular troops, and also reported a bill to raise more additional volunteers for the war in Mexico. My opinion has always been, not that less efficiency is to be found in volunteer forces—that would be contrary to the history of all times—but, as the Senator will readily apprehend, it is impossible that the same degree of discipline can be exerted over the volunteers as over regular troops; and I am perfectly satisfied, that in a climate like that of Mexico—a climate in the highest degree insalubrious—it is this want of discipline, to which the great mortality which has prevailed is owing. Now, we all know, from information that has been laid before us, that at the commencement of the last session of Congress, there were actually buried on the banks of the Rio Grande, of those who had died of diseases, twenty-five hundred men. Now, without saying at present what my opinion is in relation to this war, as I may do at some subsequent period of the session, I suppose it is perfectly obvious, for sometime at least, that the war is to be prosecuted, and it is all important, I think, that we should be furnished with this information upon which public opinion, the opinion of the Senate, and the opinion of the country, can be formed, which will enable us to determine what is the best description of force to be called into service. Now, I have no doubt that some of this information, in fact a great deal of it, may be found in the report of the Adjutant General; but certainly it can do no harm to have all the information spread before us at once. I hope, therefore, that the honorable Senator will make no opposition to the passage of the resolution.

Mr. CASS. No, certainly not, sir; I have no objection to obtaining information. I merely suggested that a great deal of it would be found in the report to which I alluded.

The question being taken, the resolution was adopted.

INCREASE OF THE REGULAR ARMY.

Mr. CASS. There is a very important bill, which was reported from the Committee on Military Affairs, which I am desirous should be taken up and acted upon—I mean the bill for raising ten additional regiments; and I move the postponement of the previous orders, and that the Senate proceed to the consideration of that bill.

Mr. CRITTENDEN. I hope the gentleman will allow that motion to remain for a few moments, until the special order from a former day has been disposed of. There is a bill now upon its passage, and which will not occupy, I believe, ten minutes, which I should be glad to have taken up if the Senator will withdraw his motion for the present; and unless he will do so, I shall feel constrained to oppose his motion, which I should not otherwise be disposed to do.

Mr. CASS. I have no objection.

THE MADISON PAPERS.

The Senate resumed the consideration of the bill to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States.

The question being upon the passage of the bill, upon which the yeas and nays had been ordered, it was determined in the affirmative, as follows:

YEAS—Messrs. Badger, Bagby, Baldwin, Bell, Berrien, Butler, Clarke, Clayton, Corwin, Crittenden, Douglas, Foote, Greene, Johnson of Maryland, Johnson of Louisiana, Mangum, Phelps, Sevier, Sturgeon, Upham, Webster, and Yulee—22.

NAYS—Messrs. Atchison, Atherton, Breese, Calhoun, Cass, Davis of Mississippi, Dickinson, Dix, Felch, Hale, Turney, Underwood, and Westcott—13.

So it was

Resolved, That the bill pass, and that the title thereof be "An act to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States."

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

INCREASE OF THE ARMY.

Mr. CASS renewed his motion to proceed to the consideration of the bill to raise, for a limited time, an additional military force.

Mr. CALHOUN. I hope the honorable Senator does not intend to press the bill to a decision at this time. The Senate is extremely thin, and it is a question of so much importance, as everything must be which is connected with the war, that I submit to the Senator, inasmuch as what supplies we shall grant must depend on what we shall determine in the next few days is to be done, that it would be proper to allow the consideration of this bill to be postponed. If the Senator is determined to press the question upon us at this early period, and before any one has had time to fix his own mind in regard to the subject, I shall be constrained to oppose the Senator's motion.

Mr. CASS. It is not with the slightest wish to express my views that I urge this measure, but because I think the good of the country requires it. It is simply a bill for raising ten regiments, the details of which were all arranged by this

body at the last session; it is, therefore, simply a question as to whether we will authorize this additional force. The bill is drafted in the same way as former bills for the same purpose, and all the Senate has to do, is to say whether ten additional regiments shall be authorized to be raised. This is a matter which is intimately connected with the progress and with the termination of the war, for it is designed to lead to its termination. The bill has been already reported some eight or ten days, and I therefore hope, that the honorable Senator will allow the consideration of the bill to be proceeded with now. And the honorable Senator will permit me to observe, that I do not see, in reference to his resolutions, how they are to bring the discussion of this subject before the Senate better than it may be brought by this bill. The object of the gentleman is one of three; it is either to operate upon the Senate, or upon the Administration, or upon the country. It is not to operate upon the Administration, because the President expressly says, that it is not the intention of the Administration to prosecute this war, with the view of extinguishing the nationality of Mexico.

The ground the Administration takes upon this subject is peculiarly clear—it is to make and secure an honorable peace. To attempt to prevent the American people from taking possession of Mexico, if they demand it, would be as futile in effect, as to undertake to stop the rushing of the cataract of Niagara.

I, myself, should think it a very unfortunate thing to extinguish the independence of that country, and annex it to our own; but the more the war is prolonged, the longer it is suffered to go on, the greater will be the danger of such an occurrence. What, then, is the issue? The Administration say, they do not intend to conquer all of Mexico. That project is disavowed, and the fighting line is disavowed, and the only thing that remains is to keep possession of what we have, and extend our operations as the position of the enemy may render necessary, and as our means may enable us. Now, in my view, this bill may be taken up and disposed of without determining at all this matter. That is a subject which is not involved in the present question. Why, then, should we stop, with the view of bringing the Senate to a decision upon this point, which decision, with all deference to the honorable Senator, seems to me to have no manner of connection with the subject before us?

Mr. CALHOUN. As the Senator has avowed his intention to proceed with this bill, and to press the question upon us now, I shall be compelled to oppose it.

Mr. CASS. For the personal accommodation of the Senator, I will consent that the bill shall lie over until Monday. Beyond that day I cannot consent that it shall be postponed.

Mr. CALHOUN. My ideas, sir, extend far beyond that. I am very happy to hear the Senator say that the President is entirely opposed to the conquest of Mexico and the extinguishment of her nationality; and I am very happy, also, to hear that the chairman of the Committee on Military Affairs repeats the same thing. That being admitted as among the greatest calamities that could happen, the important question comes up—how shall we escape it? Sir, we often get into situations which we never intended to get into. We got into this war although we never intended to get into it; for I will venture to say, that in this body, if the question had been propounded to them of war or no war, independent of the exigency of the occasion, there would not have been one-fourth of the Senate in favor of it. Now, my object is to guard, not against consequences that are contemplated, but against consequences that may follow from the measures proposed, which consequences are not contemplated. That is the object. Now, whether this additional force shall be granted, will depend on the fact whether the mode recommended by the Executive to carry on this war will not, in its practical consequences, end in the extinction of the nationality of Mexico. Now, I submit to the Senator himself, whether there is nothing due to those who differ from him in opinion in regard to this point? He may think that the policy recommended by the Administration will not end in the extinguishment of the nationality of Mexico; but I differ with him in that opinion; and until I am satisfied that he is correct, I am not prepared to vote in favor of the measure that is now proposed. Sir, though the honorable Senator himself is very properly opposed to the extinguishment of the nationality of Mexico, we know that there are many of a totally different opinion; and we know that there are many who believe that such will be the result, whether intended or not, of the measures proposed by the Administration. And I am one of those who entertain this belief. Now, I do think we ought to postpone action on the bill for some little time, until we shall have determined the course which it will be proper for us to pursue; and, with this view of the question, I shall vote against the motion of the honorable Senator.

Mr. CASS. Will the Senator allow me to read this short extract from the message of the President?

"It has never been contemplated by me, as an object of the war, to make a permanent conquest of the Republic of Mexico, or to annihilate her separate existence as an independent nation. On the contrary, it has ever been my desire that she should maintain her nationality, and, under a good government adapted to her condition, be a free, independent, and prosperous republic."

This is exactly the course of policy which the Administration intend to pursue. For my own part, I do not see the practical operation of any vote on the subject in this body disconnected from some practical measure. In the discussion of this subject I am aware we must expect animadversion. We must expect the origin, progress, and results of this war to be attacked. But it seems to me, we want that this bill may come to a discussion and a decision without entering upon the general question of the origin and progress of the war.

I had intended not to say a word about the Administration, or the manner in which this war arose. I thought there was a common ground, where we might all unite in regard to this additional force; and I repeat, I yet hope the Senate will take up the bill, and proceed to its consideration.

Mr. CALHOUN. A word only in reply. I am aware of the views of the President in regard to the war. I have examined with great care the policy which is recommended in the message, and, in my opinion, the result of that policy, if carried out, will tend to the precisely opposite course to that professed to be contemplated therein. If such should be the danger, we must guard against it in some way; but if this danger does not exist, then there will be no necessity for any steps on our part to guard against it. But with my present information, I am not prepared to give an intelligent vote upon the subject.

Mr. CLAYTON. There is not, so far as I know, any disposition on this side of the Chamber to delay voting supplies for the army; but I hope that the honorable Senator from Michigan will not press a vote upon this bill, or any measure of this description, until we have had an opportunity of reading the Report of the Secretary of War, and the documents accompanying that report. Sir, has any Senator on this floor read that report and the documents? I doubt it. They have not been printed; or, if printed, certainly not yet furnished to the Senate; and it seems to me that action at this time upon a subject of this importance, without affording an opportunity for perusing those documents, would be highly improper. And it will be perceived, also, by the honorable Senator, that the seats on this side of the Chamber are not filled, and I trust, therefore, that he will agree to a postponement of the measure, for the present at least, without naming a particular day for its consideration, because we cannot tell on what day the members of this body will be in attendance. Whenever they may be in attendance, and the reports furnished to us for our perusal, we shall be ready to act upon the subject. I have not seen a single copy of that important document, the report of the Secretary of War, nor have I seen the documents accompanying the President's message, nor the reports of any of the Secretaries.

Mr. CASS. I am not unwilling that the Senate should have an opportunity to examine those documents, but this is too important a measure to be delayed. I will consent that it shall be delayed until Monday, however, for the accommodation of Senators; but regarding it, as I do, as a measure of great public importance, I cannot consent to its postponement beyond that day. With regard to the report of the Secretary of War, it gives you all the details necessary to form an opinion upon measures of this description. It is entirely unnecessary to refer to the report of the Quartermaster General for details, because the great facts connected with the measure now proposed are spread before you clearly and conclusively in the report from the War Department. I say again, that if the gentleman will be satisfied with a postponement until Monday, I will agree to it; but further than that I cannot go.

Mr. BERRIEN. Beyond the consideration of the thinness of the Senate, there is, in my judgment, ample reason for the postponement of the consideration of this bill, until the Senate shall have discussed the resolutions submitted by the honorable Senator from South Carolina, as well as those which have been submitted by the honorable Senator from New York. Sir, we are called upon by this bill, and others that will succeed it, to add a force of thirty thousand men to the army of the United States. We have the recommendation of the President to that effect. We have his approval to us of the report of the Secretary of War, which discusses three modes of operation in Mexico. Certainly, sir, it seems to be the obvious dictate of common sense, that, before we proceed to increase the means of offensive military operations in Mexico, we should determine for ourselves—not at the bidding of the President, but for ourselves, as the constitutional depository of the war-making power—what are the objects to be accomplished by these measures. There is this, sir, beyond the suggestions which are made by the honorable Senator from Michigan, as to the operation of the resolutions which have been submitted—there is this consideration, that, without seeking to operate on the mind of the President—without seeking to influence the judgment of the American people, except as that judgment may be operated upon by the decision of this body,—we desire to ascertain what it is that Congress (the war-making power of this Government) proposes to accomplish by the further prosecution of the war. And that, I suppose, will be developed in the discussion upon the resolutions. The Secretary of War submits to us three plans for the future conduct of the war. He passes by, as unworthy of consideration, the notion of the withdrawal of the troops, and the restoration of peace, without further trampling on our down-trodden foe. He then suggests three modes of prosecuting the war. Have the Senate considered, are they prepared to decide with the information now before them, or will they preclude discussion, upon these different modes? Will they not enter upon the discussion with a view to ascertain the objects to be accomplished by its further prosecution? and whether, in the accomplishment of those objects, we should in advance subject the country to this expenditure? Sir, we have, according to the report of the Secretary of War, a force of about 43,000 men in the field, a small majority of them only consisting of regulars. The argument of the honorable Senator from Michigan is, that the situation of our gallant army in Mexico renders it necessary that it should be reinforced without waiting for details of the objects for which the war has been prosecuted. Now, look at the state of facts as disclosed by the report of the Secretary of War. It is evident that the army in Mexico was perfectly safe—flushed with victory, and confident in its strength—upwards of 32,000 strong—while the army of the enemy is scattered, dispersed, and Mexico is without an efficient Government, and destitute of resources and men to resist our arms. There can be nothing, then, in the condition of the American army which should lead us to precipitate the passage of this bill, before we ascertain the objects which it is proposed to accomplish. I desire to stand entirely uncommitted upon the subject of yielding the supplies demanded by the Executive, until I have an opportunity to decide as to the propriety of granting them. But the ground on which I place my opposition to the present consideration of this bill is, that it proposes a great increase of force, before we, the war-making power, have decided what are the objects to be accomplished; and I see great force in the suggestions of the honorable Senator from South Carolina, which seem to have escaped the observation of the Secretary of War. The Secretary sets forth three modes for the further prosecution of the war,—first, by defining a boundary, and holding Mexico to the observance of that boundary; secondly, by overrunning the whole of Mexico, and establishing permanent garrisons in the principal places; and thirdly, by holding what we already possess, and

taking such other places as we may deem it prudent to occupy. He overlooks the proposition which is stated by the Senator from South Carolina, that in adopting the latter mode, there is the utmost danger that it will run into the second—that it will render indispensable the subjugation of the whole of Mexico.

Sir, these are grave questions, and should not be precipitately pressed upon us.

Mr. CASS. I will merely remark, that the proper measures for raising and organizing this force, must necessarily, by many months, precede its arrival in Mexico. It will take a long time for the troops to be organized, and still longer to transport them to their several places of destination. It is a measure whose inception it is now necessary to commence, with a view to have the troops in Mexico in proper season; and let me observe to the Senator from Georgia and the Senator from South Carolina, that for my soul I cannot perceive the difficulty which strikes them. The Senator from South Carolina submits a proposition which can have no practical result. Here, on the other hand, is a measure which is practical. It proposes to raise ten regiments. If anybody deemed the war unnecessary, or believed it should not be further prosecuted, let him so declare by his vote upon the bill. The Senator seems to suppose that there is some magic in his resolutions, which is to be drawn out by the discussion upon them. It seems to me that the most proper plan in the world for the expression of the views of Senators, is upon the discussion of a practical measure like this. I trust, however, they will not delay the passage of the bill by any general discussion on the origin of the war; but if the Senate deem otherwise, it seems to me that a far better place for that discussion is upon this bill, than upon the abstract declaration which binds us to nothing. I say again, that if Senators are content with a postponement until Monday, I will agree to it; but if not, I shall ask the Senate to proceed to this consideration now.

Mr. ALLEN. I hope, sir, this bill will not be postponed until Monday; but, on the contrary, be proceeded with by the Senate immediately, and that we will adhere to this part of the public business until it be accomplished. There are two modes, sir, in which opposition to the policy of the Administration is made—one is in the form of an abstract proposition, and the other is in the form of a distinct practical measure. Whether this opposition shall assume one of these shapes here or not, is a matter of choice with those who have the right to make that opposition, as far as their power to make a choice is concerned. But whether it shall be allowed to take such a shape, depends upon those against whom this opposition is made. I desire that the diversity of sentiment which exists in this Senate shall be tested in the discussion and decision of practical measures.

Therefore, I propose that all the sentiments entertained in this Chamber may be made known in the discussion of this bill in reference to its postponement, in preference to the discussion of abstract propositions. Sir, there is much advantage to be gained, as we all know, by the form which an adversary chooses to assume. It is one thing, sir, to denounce the policy of the Government in the discussion of abstract propositions, and another, to take the responsibility of opposing measures for increasing the army and sustaining this war. I therefore, sir, as a friend to this Administration, and as one determined, as far as I may be able, to stand by its policy in this particular, desire that the opposition should be made to these measures in the face of the measures themselves, and with the responsibility which that opposition will impose. Sir, we are in a state of war, and in that state we must continue until peace puts an end to it. That war has its theatre two thousand miles from this Capitol, and the intercourse between the Government and the army consumes some two or three months' time.

Well, sir, under these circumstances, with that army cut, hacked, and bleeding in the achievement of its glorious victories, shall we leave them there, to occupy a country as large as our own, surrounded by ten millions of enemies, and subjected to all the perils to which their precarious situation exposes them, without taking the precaution to sustain them by additional reinforcements?

Sir, the vote of this Senate itself is a large part of the power which this Government must exert in the prosecution of this war to an honorable peace. It is the moral impression produced by the knowledge in Mexico, as to what is the determination of this Government, as evinced in its legislation, whether sustaining the President or not, which is to operate advantageously, or otherwise, in regard to the termination of the war. The vote of the Senate on this very question will have as much influence in bringing about peace, as the additional force which it is proposed to raise. The declaration as to whether we do or do not intend to prosecute the war till peace be the result, is of the utmost importance.

Sir, if this Senate wavers; if it evinces hesitation; if, instead of increasing the force, it persists in cavilling against its own Government, what, I ask, will be the effect of such a course upon the mind of the Mexican people? Will it not encourage them to further resistance? It is, therefore, that I say that the vote of this body upon this bill will, in my opinion, have as much influence upon the question of peace, as the marching of the troops themselves. For this reason I think it highly important that an early manifestation by the legislative department of the Government, as to its intention in this particular, should be made; and that it should speedily decide whether it will prosecute or abandon the war. And if it is to be abandoned, sir, I say the quicker the better; if it is to be prosecuted, the more vigorously the better. Let us then decide the matter at once, not shielding ourselves behind abstract propositions, but as in the contemplation of a great practical issue. I want the contest made upon measures; I desire the decision of the Senate as to whether they intend to adopt the one or the other of the two systems of policy—the prosecution of the war, or the abandonment of it. I reiterate, sir, there is but one question at issue, and that it has but two sides. However much the metaphysical ingenuity of some minds may seek to divide this question, there remains but the one—the simple question, either to prosecute this war until it is ended by a satisfactory peace, or to abandon the war, and withdraw our troops to the left bank of the Rio Grande. If it be the decision of the Senate that the latter policy be carried into effect, the sooner the better; if it be the decision of the Senate that the former plan be adopted, it ought to be executed immediately. But hesitation, sir, wavering, uncertainty, as to what will be the final action of Congress, is nothing but procrastinating a peace.

I do not speak of design, because I will not impute motives to honorable Senators; but I speak of the infallible tendency of the course pursued by them. Now, the Senator from South Carolina says that he has a question to be decided first. And what is that question? Why, that although the President and the country may be unanimously of the opinion that the war may be prosecuted with a view to secure an honorable peace, without the final extinction of the nationality of Mexico, yet that the measure before us may tend to that result. Well, what difference could it make should the Senate unanimously concur in the resolutions of the Senator from South Carolina? Why, the very moment this bill is called up, the whole argument would be renewed, because, as the Senator says, this measure might lead to that extinction. Then why need we, while we have this measure before us, go into the discussion of his resolutions? Why discuss a proposition separately, when the Senator himself confesses that the discussion upon this bill will embrace it? It will be for the Senator to show how it is that sustaining the army now in Mexico, by furnishing additional troops to take the place of those gallant men who have lost their lives in battle or by disease—I say, it will be for him to show how it is that this additional force, which is purely designed to replenish the wasted strength of the army, is to tend to the final subjugation of Mexico, and the extinction of her nationality. We want to replace the exhausted strength of the army to enable it to hold possession of its conquests, and by that possession compel Mexico to put an end to the war. That is what we desire; and what can be more proper and reasonable? I hope, therefore, that the bill will be taken into consideration and kept before the Senate until it is completed, and that our army will not be permitted to suffer for want of this additional force.

Without, sir, presuming to say what will be the final decision of this body, I cannot be mistaken in saying, that, whatever that decision may be, it will exert a momentous influence for good or for evil upon the interests of our common country.

Mr. CALHOUN. It appears now, sir, that the object in calling up this bill at present is not to pass the bill, but to get a parliamentary advantage—to compel the Senate to discuss this bill before an opportunity is afforded for discussing the resolutions which I have offered. It is a mere parliamentary move. The Senator shakes his head. Well, sir, if we follow the advice of the Senator from Ohio, we shall consume just as much time in discussing this bill as if we were first to discuss the resolutions. The Senator from Ohio talks of the necessity of proceeding to act upon this bill now, and tells us in the next breath that we are to have the whole discussion upon the subject of the war upon this bill.

Mr. ALLEN. The honorable Senator misrepresents what I said. What I said was, that we ought to take up this bill and go on with its consideration at one.

Mr. CALHOUN. Exactly. We are to go on with the discussion upon this bill instantly, we are told, both by the Senator from Ohio and the Senator from Michigan, and not let the discussion upon the resolutions have precedence. The Senator from Ohio says that it is a parliamentary advantage to have the discussion upon this bill previous to discussing the resolutions. Well, I acknowledge that it is so. I acknowledge that we should be tied up, in a great measure, in the discussion upon the bill, and prevented from going so freely into all these questions regarding the war as we would in discussing the resolutions. It will then be, strictly speaking, out of order. Besides this, we will not have (what is most important) in the discussion of the bill an expression of the sense of this body upon the great point as to whether Mexico is to be conquered and held as a subject province, or incorporated into the Union, or not. Sir, I know there are many, as staunch friends of the Executive as the Senator from Ohio, who believe that the policy recommended by the President, and now about to be carried out by this bill, will end in her subjugation and the extinguishment of her nationality. Now, sir, it is due to the country that this question should be distinctly presented, that the people of the country may see what is to be the probable result of the war, and determine whether they will meet it or not; for that is to be the end of the whole of the contest, unless the most decisive measures are taken on the part of the Senate to prevent it.

Sir, I cannot be mistaken. I wish to go into the subject. I deem it to be due to my constituents, to the American people, that this, the greatest of all questions, the extinguishment of the nationality of Mexico, should be distinctly voted upon by this body.

The Senator from Ohio is unwilling that I should have a vote upon this question, I presume. Sir, it is my object to have a vote upon my resolutions, and to have the response of the country upon the question embraced in them; for the debate will bring forth the response of the country. Now, according to my apprehension, there is no greater calamity that can befall this country than the subjugation of Mexico and the extinguishment of her nationality, and the transfer of all her territory to us. Sir, from the beginning I had great forebodings about this war, and my forebodings, among others, related to this very thing—the absorption of Mexico. And I reiterate, sir, that if it takes place, we are very near to the end of our political career. Sir, the Senator from Ohio made an announcement of doomsday, in the event of any delay in the action of the Senate upon this bill, although necessary information is to be extracted by that delay. The Senator need not suppose that discussion will be avoided by giving precedence to the consideration of this bill. He never can escape from a full and thorough investigation of the designs of the Executive in the prosecution of this war. My object is not opposition to the Administration. Whenever I intend to assail the Administration, I will do so directly, and to their face. My object is to have the sense of the Senate and the country upon a point which I deem of the first magnitude to the safety of the country and its institutions; and I do trust, sir, that the Senate will not deprive me of the opportunity of having a clear vote upon this point, after full discussion.

Mr. HALE. I regret the necessity of saying

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a word in relation to this matter at this time; but it has been my misfortune not to have read the message of the President as have those Senators who have already addressed you. I suppose, sir, that this message has been drafted with some care, and with some reference to the rules of grammatical construction. If I remember aright a rule that is laid down by Lindlay Murray, it is, that the perfect tense not only represents an action as passed and finished, but contains a direct allusion to the present time. What is the language of the President? "It has never been contemplated by 'me as an object of the war to make a permanent 'conquest of the Republic of Mexico, or to annihi-'late her separate existence as an independent na-'tion." It seems to me that there is here a most pregnant allusion to the present time. It appears that the Administration has begun to entertain a different notion, and I am confirmed in this belief by looking at another passage in the message, where the President says:

"If, after affording this encouragement and 'protection, and after all the persevering and sin-'cere efforts we have made from the moment Mex-'ico commenced the war, and prior to that time, 'to adjust our differences with her, we shall ulti-'mately fail, then we shall have exhausted all hon-'orable means in pursuit of peace, and must con-'tinue to occupy her country with our troops, 'taking the full measure of indemnity into our 'own hands, and must enforce the terms which 'our honor demands."

He does not tell us how much it will take to *fill his hands or satisfy his honor*, but he tells us that we have possession of New Mexico and California now; but he fails to inform us how much more territory will be a satisfaction for the further and more vigorous prosecution of the war which he recommends. And I am the more desirous of saying a word at this time by reason of the intimation which has been thrown out, that there are some who are opposed to the war, and prefer manifesting that opposition on an abstract resolution, and who yet will not take the responsibility of opposing the measures which the President recommends. Sir, I do not know but that my ideas may be peculiar upon this subject; but I believe that the war was commenced in falsehood, and prosecuted in injustice, and that the institutions of the United States are in more danger at this moment of annihilation than those of Mexico; and I have no sympathy with those gentlemen who tell us that this measure has no connection with the origin of the war. I think it has everything to do with it, and I would like to see gentlemen who think otherwise solve this problem, and inform us how long it will take, in the manner we are going on, to arrive at the end of the war.

I would that they would tell us how long must we persevere in a wrong cause before we shall come out right.

I would be glad if they would tell us another thing. I would like to hear them demonstrate to us how much better it is to conquer a peace than to keep a peace. Conquer a peace! that seems to be a sort of magical phrase, and the course recommended to effect it reminds me of the manner of treating a patient pursued by an old Spanish physician, who fancied that by letting blood and administering warm water, he could cure all diseases. In proceeding with this practice, it was found that his patients all died; the Doctor said that the reason was because he did not take enough blood from them. He took more from his next patients, and they continued to die, and upon a consultation as to whether some other mode of treatment might not be attended with better results, he said he would listen to the recommendation for a change of treatment, if he had not written a book upon the subject. Well, sir, the President has written a book, and requires of us that we should follow it. Now, recognizing no such obligation as that, I desire that this measure may be discussed; I desire that this subject should be discussed fully, freely, and fairly, as embraced in the resolutions proposed by the Senator from South Carolina and the Senator from New York, and that those of the Senator from South Carolina should take precedence of those offered by the Senator from New York; for the resolutions of the Senator from South Carolina relate to the question how much territory we shall rob Mexico of; and the Senator from New York tells us how to take care of the spoils after we have got them. I therefore think that the resolutions of the Senator from South Carolina should take precedence of those of the Senator from New York, and that they should both take precedence of this bill. I desire that the question should be presented in such a manner, that the whole country may understand it, and, sir, it is all involved in this ten regiment bill. It seems to me the question presented by the bill will determine the whole matter; if we are to go on and follow the course pointed out by the President, and give him ten regiments of regulars and twenty of volunteers in addition, then of course this bill is to be passed.

But if, as I believe, the war was commenced in error, here is the place to stop; and, with my consent, the first dollar shall not go from the national treasury, until the President informs us how much he supposes will be required to bring the army home by the shortest and cheapest route. For this purpose he shall have money; but not, with my vote, for continuing the war with an indefinite purpose. I think it is time that the country should understand what we are aiming at, and I think that the belief of a great majority of the people already is, that the war was not only a crime, but a blunder; and it is this which calls attention to it more forcibly than if it had remained simply a crime, an unfortunate one, certainly, when viewed in the best light. And I am willing that if the expression of this view should bring ever so much opprobrium, that it should come now. It seems to me that those who view the policy of the Administration as a miserable one should boldly and distinctly say so, and vote accordingly. Let us not be guilty of the miserable inconsistency of saying that this war is an error, and of still voting supplies to enable the President to carry it on. Let Congress, on whom the responsibility rests, and to whom the country will look in this matter, take the war into their own hands, and declare distinctly and unequivocally to the country what they intend, and what they desire.

I do not know that there is a single member on this floor who sympathizes with me in the view which I take, but I believe that this war marks the age as barbarous, and that we are vastly more in danger of bringing ruin and destruction upon our own institutions, than those of the country with which we are at war. I want the question presented boldly, not by way of problem or mere abstraction. For one, my mind is made up. Not the first dollar shall the President take by my vote, for either regular or volunteer force, until he comes forward and informs the country how much he does want in order to secure an honorable peace, and the mode in which he proposes to effect so desirable a result. The other day, the honorable Senator from Michigan told us that every man, woman, and child in the country knew what we wanted. I confess I heard this assertion with some astonishment; for if it be true, I could not class myself with either man, woman, or child—for I confess I did not know. Nor was I in the least enlightened when the honorable Senator added that it was indemnity and satisfaction.

Mr. CASS. I beg the honorable Senator's pardon; that was not my expression; indemnity and security were the words I used.

Mr. HALE. Well, I have not got any light yet.

Mr. CASS. That is not my fault.

Mr. HALE. No, sir, it is owing to my opacity probably; but waiving for the present the discussion, whether it is owing to the inability of the honorable Senator to impart, or of myself to receive light, and to proceed:

Indemnity and security. Indemnity for what? Security for what? Here endeth the first lesson. We do not know, we are as much in the dark as ever. I do not intend at this time to do more than to make these general remarks. On some future occasion I propose, not with the hope of influencing the action of the Senate, but to place myself aright before those who have sent me here, to express my views more fully in regard to the war. And permit me to say here, that I think the origin of the war lies a little deeper than any of the causes which have been assigned by those who have spoken upon the subject. I believe the origin of the war lies in the avowed object of the American Government to perpetuate the institution of American slavery. That I believe to be the true design and purpose of this war; and if it had not been for that cause we never should have had it. Believing this to be the fact, and that any exposition of the origin and cause of this war, which stops short of that, stops short of the truth, I shall endeavor on some subsequent occasion, with the indulgence of the Senate, to satisfy the country by reference to the official documents, that such is the origin and purpose of the war, and to indicate my own views of the true policy to be pursued in reference thereto.

Mr. SEVIER. What is the motion now pending? I understand it is a motion to take up the bill for the purpose of making it the order of the day for Monday next. I ask the yeas and nays upon that motion.

Mr. JOHNSON, of Maryland. I understand that the honorable Senator from Michigan has no objection that the consideration of the bill be postponed until Monday.

Mr. CASS. None at all; but if there is not to be an understanding that it shall be the order of the day for Monday, we may as well proceed to vote upon it now.

Mr. SEVIER suggested, that if the bill were taken up now, it might remain as unfinished business, and would come up on Monday as a matter of course.

The question was then put upon the motion of Mr. CASS to proceed to the consideration of the bill; and, the yeas and nays having been ordered, it was decided in the affirmative, as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Bradbury, Breese, Cass, Davis of Mississippi, Dickinson, Dix, Douglas, Felch, Foote, Rusk, Sevier, Sturgeon, Turney, and Westcott—19.

NAYS—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Calhoun, Clarke, Clayton, Corwin, Crittenden, Greene, Hale, Johnson of Maryland, Johnson of Louisiana, Mangum, Phelps, Underwood, Upham, and Yulee—19.

The Senate being equally divided, the Vice President gave the casting vote in the affirmative.

The bill having been read a second time—

Mr. MANGUM said: I hope that this bill will be allowed to be passed over for the present. I very much desire that it should not now be taken up, and, above all, that the final action upon it should not be had until all the great questions touching the policy of the Government in regard to the Mexican war have been discussed, and the sense of this body in relation to them clearly ascertained. For if we are called upon to act now, we must act affirmatively; for I suppose there is no one who will not be disposed to grant what may be deemed necessary. It will then amount to an affirmative of the necessity for still further prosecuting this war, the end of which no man can foresee. For myself, sir, in case I am driven to a vote upon a measure of this kind, before I have an opportunity of examining into these subjects, I shall endeavor so to vote as to throw the responsibility upon the Executive, and to assume only that degree of responsibility which will attach to a vote under such circumstances.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business; and, after some time spent therein, the doors were opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 30, 1847.

The Journal having been read—

Mr. JONES, of Tennessee, rose to a question of order. On Monday last he offered a resolution which was received by unanimous consent; and this, he apprehended, was virtually a suspension

of the rules for its consideration. When the House adjourned, that resolution was under consideration, and it seemed to him, that if the rules were suspended they would remain suspended until it was disposed of. Even the morning hour must yield to that resolution under the circumstances. That the rules were suspended for its consideration by common consent was evident, for it was not in order when he offered it, and yet it was received and considered. He hoped, therefore, that the House would now resume the consideration of that resolution, and dispose of it.

The SPEAKER said the gentleman from Tennessee was in error. There were other resolutions on the table which had been received by general consent, which, however, did not necessarily take precedence. There was also the President's message, with other documents, which were now unfinished business, although they had been received and partially considered, precisely as was the resolution of the gentleman from Tennessee. The Chair was of opinion that the general consent operated only to permit its introduction, but the adjournment while it was pending placed it with other papers received in the same manner. Since the other papers to which he referred had been left on the table by adjournments, the regular order of business had been proceeded with; and, if there were no objection, the Chair would now resume the call on the States for petitions.

No objection being made, the call for petitions was proceeded with, commencing the call of the States backwards, at the State where the call was suspended on Tuesday last; and petitions were presented—

By Mr. GOGGIN: Of Thomas U. Welch, administrator of Churchill Gibbs, a revolutionary soldier, for balance of half pay due to his intestate: referred to the Committee on Revolutionary Claims. Of the heirs of Colonel Charles Lewis, deceased, of the county of of Albemarle, for seven years half-pay, &c.: referred to the Committee on Revolutionary Claims.

By Mr. DANIEL DUNCAN: Of citizens of Delaware county, Ohio, praying the attention of Congress to the provisions of the treaty of Brownstown of 1808, and acts of Congress designed to carry into effect its stipulations. Of citizens of the counties of Sandusky, Seneca, Wyandot, Marion, and Delaware, for the same: referred to the Committee on Roads and Canals.

By Mr. MILLER: Of Jacob Brinkerhoff, and other citizens of Richland county, Ohio, for the establishment of a daily mail-route from Pittsburg, Pennsylvania, to Mansfield, Ohio: referred to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Of citizens of the county of Sandusky, Ohio, for a mail-route from Lower Sandusky to Cold Creek: referred to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR: Of citizens of Jackson county, Ohio, for a new mail-route from Jackson Court-House to Portsmouth: referred to the Committee on the Post Office and Post Roads.

By Mr. COCKE: Of Robert Ellis—heretofore presented, February 6, 1846—which was referred to the Committee on Revolutionary Pensions.

By Mr. CROZIER: Of citizens of the counties of Roane and McMinn, Tennessee, for a mail-route from Athens to Kingston, in said State: referred to the Committee on the Post Office and Post Roads.

By Mr. ANDREW JOHNSON: Of Rachel Salts, widow of John Salts, deceased, of Green county, Tennessee, for relief on account of disabilities incurred by her late husband in the late war with Great Britain: referred to the Committee on Invalid Pensions.

By Mr. BOYD: Of Sarah Stokes, widow of John Stokes, deceased, of Graves county, Kentucky, for a pension: referred to the Committee on Revolutionary Pensions.

By Mr. STEPHENS: Of Thomas L. Ross, postmaster at Macon, Georgia, for the attention of Congress to the reduced pay of postmasters: referred to the Committee on the Post Office and Post Roads.

By Mr. THOMAS BUTLER KING: Of Lieutenant David D. Porter, in behalf of Eliza Bache, widow of the late Lieutenant G. M. Bache, for remuneration for the property and money of her late husband, which were swept overboard from the United States brig Washington when he was drowned: referred to the Committee on Naval Affairs.

By Mr. GOGGIN: Of Thomas J. Randolph, for Congress to purchase or publish the manuscripts of Thomas Jefferson, late President of the United States: laid on the table, and the memorial and accompanying papers ordered to be printed.

By Mr. SIDNEY LAWRENCE: Of citizens of Warren county, New York, for Congress to pass a law to continue the pensions granted to widows of revolutionary officers and soldiers during their natural lives: referred to the Committee on Revolutionary Claims.

By Mr. N. K. HALL: Of the common council of Buffalo, New York, for an appropriation of $400,000, for the improvement of Buffalo harbor; and that it be passed in a separate bill for that purpose: referred to the Committee on Commerce.

By Mr. HUBBARD: Of the Legislature of Connecticut, that if any territory shall hereafter be acquired by the United States, or annexed thereto, slavery or involuntary servitude, except as a punishment for crime, shall be forever excluded from such territory: referred to the Committee on Territories.

By Mr. PALFREY: Of Elizabeth Howe and others, for peace with Mexico: referred to the Committee on Foreign Affairs. Of Charles Humphreys and 43 others, of Lancaster, Massachusetts, for peace with Mexico: referred to the Committee on Foreign Affairs.

By Mr. GRINNELL: Of Elijah Swift and others, of Falmouth, Massachusetts, for an appropriation to save the harbor of Great Wood's Hole: referred to the Committee on Commerce. Of Bartlett Pease, cooper of ship Columbia, for a pension: referred to the Committee on Invalid Pensions. Of Sylvester Bourne and others, for a buoy on a rock in Falmouth, Massachusetts: referred to the Committee on Commerce.

By Mr. J. Q. ADAMS: Of Francis Freeman, administrator of the estate of William H. Freeman, deceased: referred to the Committe of Claims. Of Esther Scolley, widow of John Scolley, a revolutionary soldier and officer, for a pension: referred to the Committee on Revolutionary Pensions. Of several widows of revolutionary soldiers, for a continuance of their annuities during the terms of their natural lives: referred to the Committee on Revolutionary Pensions. Of citizens of Philadelphia, for reduction of postage on all newspapers not containing over five hundred square inches: referred to the Committee on the Post Office and Post Roads. Of Jacob Kerr, in relation to several land warrants: referred to the Committee on Public Lands.

By Mr. PEASLEE: Of William M. Leighton and others, for remuneration for services in Wilkes's exploring expedition: referred to the Committee on Naval Affairs.

Petitions were also presented by Mr. ABBOTT and Mr. ASHMUN.

SLAVERY.

Mr. TUCK presented a petition of citizens of Philadelphia, praying the passage of a law prohibiting the international slave-trade: referred to the Committee on the Judiciary.

Mr. TUCK presented the petition of Joseph Lindsly and 70 others, citizens of Philadelphia, praying Congress to appropriate the proceeds of the public lands for the extinction of slavery in the United States, and moved its reference to the Committee on the Territories.

Mr. GAYLE moved that the petition be laid on the table.

Mr. BRODHEAD inquired of the Chair if a member expressed his desire to debate the petition it would not be laid aside under the rule?

The CHAIR said that the gentleman from Alabama [Mr. GAYLE] had moved that the petition be laid on the table, and that motion was not debatable.

Mr. BRODHEAD requested Mr. GAYLE to withdraw his motion to lay the petition on the table.

Mr. GAYLE declining to withdraw his motion—

The question was put on the motion to lay the petition on the table, and decided by yeas and nays—yeas 86, nays 70, as follows:

YEAS—Messrs. Barringer, Barrow, Bayly, Bedinger, Birdsall, Botts, Bowdon, Boyd, Boydon, Brodhead, William G. Brown, Charles Brown, Buckner, Burt, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Cocke, Crozier, Cummins, Daniel, Dickinson, Donnell, Garnett Duncan, Alexander Evans, Farran, Featherston, Ficklin, French, Fulton, Gayle, Gentry, Goggin, Green, Willard P. Hall, Hammons, Harmanson, Harris, Hill, Hilliard, George S. Houston, Inge, Charles J. Ingersoll, Jamieson, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, La Sere, Leffler, Lord, Lumpkin, McClernand, McDowell, McLane, Mann, Miller, Morris, Pendleton, Peyton, Pillsbury, Preston, Rhett, Richey, Robinson, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Stephens, Thibodeaux, Tompkins, John B. Thompson, William Thompson, Turner, Venable, Wick, Williams, and Woodward—86.

NAYS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Bingham, Blanchard, Brady, Butler, Clingman, Collamer, Collins, Conger, Cranston, Crowell, Dickey, Dixon, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Fries, Giddings, Grinnell, Hale, Nathan K. Hall, Henley, Henry, Hubbard, Hudson, Joseph R. Ingersoll, Irvin, Jenkins, Kellogg, Daniel P. King, Lahm, Sidney Lawrence, Lincoln, Marsh, Marvin, Mullin, Murphy, Palfrey, Peaslee, Peck, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Caleb B. Smith, Truman Smith, Starkweather, Andrew Stewart, Charles E. Stuart, Strohm, Sylvester, Taylor, Richard W. Thompson, Tuck, Vinton, Warren, and White—70.

So the petition was laid on the table.

On motion by Mr. SMITH, of Indiana, it was

Ordered, That when this House adjourns it will adjourn to meet on Monday next.

After some conversation between the SPEAKER and Mr. GAYLE on a point of order—

Mr. GAYLE moved to reconsider the motion by which the first petition presented by Mr. TUCK was referred to the Committee on the Judiciary.

Which motion was informally laid over.

Mr. TUCK presented the petition of David T. Burr and 68 others, inhabitants of Pennsylvania, praying Congress to adopt such measures as will abolish slavery throughout the United States, and moved its reference to the Committee on the Judiciary.

Mr. EVANS, of Maryland, moved to lay the petition on the table; which was agreed to.

The call of the States was continued, and a petition was presented—

From Maine: By Mr. SMART.

PRINTING FOR THE HOUSE.

Mr. STEPHENS, by leave, offered the following resolution:

Resolved, That the Committee on Printing be instructed to report to this House when the copies of the President's late annual message, with the accompanying documents, which were ordered to be printed, may be expected to be delivered for distribution; and whether any action of this House, and, if any, what, can facilitate the execution of the public printing of the House.

Mr. HUNT said he would state, in justice to the printers of the House, that he had been informed by them that the message would be printed and laid on their tables early next week.

The resolution was adopted.

REPORTS FROM COMMITTEES.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported a bill for the relief of the legal representatives of James Brown. Read a first and second time, committed, and ordered to be printed.

Also, a bill for the relief of Daniel Robinson; which was read a first and second time, committed, and ordered to be printed.

Mr. CROWELL, from the Committee of Claims, made adverse reports on the petitions of Wm. Brook, James Morrow, Patrick Cunningham, and Geo. B. Hollenback; which were laid on the table, and ordered to be printed.

Mr. GRINNELL, from the Committee on Commerce, reported a bill authorizing the Secretary of the Treasury to issue a register to the barque Sarah and Eliza; which was read a first and second time; when

Mr. GRINNELL moved that the bill be now put upon its passage.

The question was put, and the bill was ordered to be engrossed and read a third time.

Mr. COLLAMER, from the Committee on Public Lands, made an adverse report on the memorial of the Protestant University of the United States, asking a donation of land for its support. Laid on the table, and memorial and report ordered to be printed.

Mr. BRODHEAD, from the Committee on Public Lands, made an adverse report on the petition of N. P. Bennet. Laid on the table, and ordered to be printed.

GREAT SOUTHERN MAIL.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, reported a joint resolution concerning the transportation of the mail from Washington south.

The report having been read—

Mr. GOGGIN hoped the House would consent to consider it now.

The SPEAKER remarked, that he did not altogether understand the manner in which this amendment came before the House. It appeared that the Committee on the Post Office and Post Roads submitted a report on a resolution which had been referred to them, but it was not necessary that they should report an amendment.

Mr. GOGGIN replied, that the joint resolution which he had now reported from the committee was offered as a substitute for that which had been referred.

The SPEAKER suggested to the gentleman from Virginia to modify his proposition so that the question could be taken on the joint resolution reported from the Committee on the Post Office and Post Roads as an original proposition. A joint resolution had been referred to the Committee on the Post Office and Post Roads after it had been read, without being subjected to the action of the House. It was submitted to the committee for examination, and the committee therefore could strike out the original resolution and introduce any other.

Mr. GOGGIN then desired the joint resolution now before the House to be considered as the report of the committee, which he hoped the House would act upon at once.

Mr. HOUSTON, of Alabama, asked for the reading of the resolution, and it was read accordingly.

Mr. GOGGIN then remarked, that the question was on the resolution; that he understood to be the question now before the House for consideration.

The SPEAKER replied that a joint resolution was in the nature of a bill, and must go through the same forms. The question then would be on passing it to a second reading, and no debate would be in order until it had been read a second time.

Mr. GOGGIN expressed the hope that it would be read a second time now.

There being no objection, it was read a second time by its title.

Mr. GOGGIN hoped there would be no objection to further action on this subject at this time. He hoped that all sides of the House would concur in now disposing of it, for both the North and the South, the East and the West, were interested in its speedy disposal. The interests of the people everywhere were involved in this subject, and he asked it as a matter of favor that the House would now consider it, and put it on its passage.

Mr. HOUSTON, of Alabama, inquired if a motion to refer to the Committee of the Whole on the state of the Union was now precluded?

Mr. GOGGIN said the question now before the House was, whether it would proceed at once to the consideration of this joint resolution. If the gentleman from Alabama objected to that, he would say so.

Mr. JONES, of Tennessee, desired to make a motion that it be referred to a Committee of the Whole on the state of the Union, and that it be printed.

The SPEAKER said that the motion was in order.

Mr. JONES, in continuation, said there was more in this resolution than meets the eye at the first view. In it was involved not only what should be paid to a railroad company for transporting the mail from this place to Richmond, but a compensation to every railroad company in the Union. There was a difficulty existing between the Postmaster General and a railroad company.

Mr. GOGGIN rose to a question of order. Where a motion was made to refer to the Committee of the Whole House, was it in order to go into the merits of the whole subject?

The SPEAKER replied that it was not in order to take so wide a latitude.

Mr. GOGGIN hoped the House would adopt the proposition of the gentleman from Tennessee, and resolve itself at once into Committee of the Whole.

The motion to commit and print was then put and carried.

Mr. GOGGIN then moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up this joint resolution.

Mr. COLLAMER said that would not answer the purpose of the gentleman from Virginia, because the business before the Committee of the Whole must be taken up in the order in which it stood on the calendar, and the rule could not be suspended except on Monday.

The SPEAKER remarked that a motion was in order to go into Committee of the Whole.

Mr. GENTRY. But the object of the gentleman from Virginia would not be reached by that course.

Mr. GOGGIN, then, would withdraw his motion.

Mr. JONES, of Tennessee, said he would make a motion which would take precedence, and which he believed was now in order. It was, that this House do now adjourn.

The yeas and nays were called for, and Mr. JONES withdrew his motion.

Mr. HOUSTON, of Alabama, inquired if the House must not necessarily go into Committee of the Whole on this joint resolution, inasmuch as it involved an appropriation of the public money?

After a brief discussion on the difficulty in which the House was involved—

Mr. GOGGIN moved a reconsideration of the motion to commit, for the purpose of bringing it before the House for its action.

Mr. BROWN, of Pennsylvania, made some remarks to the gentleman from Virginia, but he was inaudible at the reporter's desk.

Mr. BOTTS hoped the House would consent to the motion of his colleague, the chairman of the Committee on the Post Office and Post Roads. By the adoption of that motion, they would get before them the question, and he hoped it would be disposed of. He was somewhat surprised at the opposition which was made by gentlemen on the other side to what he considered one of the plainest, clearest, simplest propositions—to a proposition, too, in which the whole community was deeply interested.

He did not blame gentlemen who looked on the other side of this question, for one side was always good until the other was told. He attached no blame, therefore, to those who rely simply on the dictum of the Postmaster General; but he took this occasion to say, that he held himself prepared to show, when the question came fairly before the House, that the Postmaster General had not only mistaken his duty, but had violated his duty, and had violated the law of the land; and that he had done so without having accomplished the object for which he professed to have acted. The Postmaster General had interrupted the communication of the country from New Orleans to Maine; he had subjected the country to most intolerable inconvenience and delay in the transmission of the mails, and he nevertheless paid more money out of the department for this inconvenience than for the despatch and regularity of the mails. There was sometimes a way of telling the truth by which false impressions could be conveyed.

Mr. JONES, of Tennessee, rose to a question of order. He believed, on a motion to refer, it was not in order to go into a discussion of the subject to be referred.

The SPEAKER replied, that the rule was not so broad as the gentleman from Tennessee appeared to suppose it to be. Debate on a motion to refer had not so wide a latitude as in Committee of the Whole; but on a motion to refer, debate sometimes arose which to some extent involved the merits of the question. He believed the gentleman from Virginia to be in order.

Mr. BOTTS had no disposition to discuss the merits of this bill at this time. On the contrary, if he could exercise his own discretion on the subject, he should prefer to hear what gentlemen had to say on the other side, and also to hear the gentleman who reported this resolution speak in its justification, before he (Mr. B.) said anything. He thought there was a most erroneous impression existing in regard to the merits of this whole subject, and he would prefer that the gentlemen opposite should make all their objections to the original resolution, and urge all their arguments, before he said another word on the subject. At this time, all that he desired was to obtain a fair hearing of this subject, and he was anxious that the House should adopt the motion to reconsider; for, if the joint resolution went to the Committee of the Whole, under the rule which the House adopted a week ago, it would be impossible to say when it would be reached. The subject involved in this resolution was one in which every part of the country had a deep interest. Public attention was called to it by the newspaper press on the one hand, and, on the other, by boards of trade and commercial associations in New York, Philadelphia, New Orleans, and other important commercial cities. The subject was one which demanded immediate action. It was not merely a question of inconvenience; it was a question of loss, great positive loss, to the trade and commerce of the country.

He would not, however, now go into an extended argument on this subject. He would only ask the House to favor them by reconsidering the question, that it might come up fairly for a discussion, and be properly understood.

Mr. BROWN, of Pennsylvania, would not say that the opponents of this proposition could prove their position as clearly as the gentleman from Virginia [Mr. BOTTS] said he could prove his, but he (Mr. BROWN) thought it would be shown that the Postmaster General had acted with good faith to these railroad companies and to the country. He had acted as liberally as he ought to have acted, and he (Mr. B.) thought it would be seen that this was but the beginning of a series of attempts to control the Post Office Department by the railroad companies, if they were encouraged by this House. If an opportunity were afforded to examine all the facts of the case, it would be seen that they must now, at the beginning, set their faces against this system of extortion, or throw the whole over to the care and management of these companies. The gentleman from Virginia had spoken of a clamor from one end of the country to the other on this subject; but were they, he asked, to be driven from the course which the department found it necessary to pursue, by the clamor of those who were interested, and cared for nothing beyond their own interests in the matter? He thought no gentleman would take that position.

But he was not disposed at this time to go into a defence of the Postmaster General, or into the particulars of this case. The Postmaster General had offered to this company all he deemed himself authorized to offer, either by law, by the action of his predecessors, or by his own judgment. He could offer no more, he could give no more; and now, after the company have refused to take it, the committee have gone so far as to require him to offer the contract to them again, and subject the Government, perhaps, to very heavy losses, in the payment of damages to the other company and individuals interested, for a violation of the contract entered into with them.

He was not prepared to say how far the new route might accommodate all parties when it should be fairly in operation. It might be found injurious to the public interests to transport the mail by that route; and if so, he would be willing to subject the Government to a loss by discontinuing it. But when every part of the country was calling for a reduction of the rates of postage, the department was called upon by the gentleman from Virginia, and those who were immediately interested, to increase the pay of carrying this mail beyond what was given to other railroads, and beyond what appeared a fair compensation for the service. This—all this—could be clearly and fully shown.

Mr. RHETT wished to make a single suggestion to the gentleman who brought forward these resolutions. It might be that he did not understand their purport; but if he did, there was one point which seemed worthy of the gentleman's consideration and that of the House. If he understood the second resolution, there was no provision at all made in it by which the Postmaster General could make any arrangement with the company with whom the contract now exists. The company would have the right then, it appeared to him, to run their boat daily over the route, and at the end of the year to require the whole sum, viz: $140,000, to be paid—the sum which the department stipulated to pay. Would it not be very unwise thus to put our hands into the mouth of the lion? It might be very expedient that the old route should be restored; but prudence dictated that some discretion should be left to the Postmaster General, so that he might be enabled to make some arrangement with the new line to pay them whatever damages they may sustain by discontinuing that route, and take it out of their power to bring in a demand of $140,000 at the close of the year, the same as if

the mail had been carried by them during the whole time.

Mr. GOGGIN hoped he should be pardoned, having had the honor to report this joint resolution, for claiming the attention of the House for a short time upon a subject which so deeply affected not only his own State, but the whole South, and the whole country. This resolution had received at the hands of the committee that attention which a subject of so much importance deserved. The committee had not, however, come to the conclusion which he adopted. He did not intend to support the resolutions, but hoped the House would put itself back upon the well-founded resolution of his colleague, [Mr. BOTTS,] in which he (Mr. B.) and his constituents were so deeply interested. The resolution of his colleague simply authorized the Postmaster General to renew the contract which had already existed for the transportation of the mail between this city and Richmond. The gentleman from Pennsylvania, his colleague on the committee, [Mr. BROWN,] had thought proper to tell the House that this company came here demanding an increase of pay at the hands of Congress. With all due respect for that gentleman, he must be allowed to say that he entirely misapprehended the nature of the question presented to the consideration of the House. The company demanded no increase of pay over what they had received since 1843. They came here not as petitioners; but the representatives of the people, in obedience to the potential voice of the people, as uttered through public meetings, not only in the Old Dominion, but everywhere, North and South, demanded that this House should consider and act upon this subject, and that with promptness and despatch. This company, or its friends here, did not present themselves asking this House to authorize the Postmaster General to make an increase of their pay. For a period, ever since 1843, this company had received at the hands of the late and of the present Postmaster General, under a joint resolution of Congress, and under an award of Mr. Tyler, the late President of the United States, the very sum which they now asked this House to authorize the Postmaster General to pay them. Mr. G. read from statistics exhibiting some of the details of the case in proof of this statement. Instead of the company making exorbitant demands for this service, as was represented, it had been adjudicated by Congress, and sanctioned by the President of the United States, that they were entitled to the same pay which it was now asked to give; and, ever since 1843, down to July of this year, (embracing two years of the administration of the present Postmaster General,) they had received it. But that officer now came to this House and said, in his annual report, that to allow this compensation *any further*, would be a violation of law.

This same compensation had been paid from 1843 to the time when the present Postmaster General came into power; and since that time, through his whole administration, until July 1, 1847, and then for the first time had he discovered that, to make any further payments at this rate, would be violation of law! At that time (July 1st) the contract expired; the company, however, had continued to carry the mail without a specific agreement. At the expiration of that quarter, namely, on the 1st of October, the Postmaster General refusing to pay the price authorized by joint resolution of Congress, and reducing the compensation from $260 to $237 50 per mile by railroad, and from $237 50, about 12 per cent. by steamboat, the company gave him notice that they could not contract for the service at that rate; and, on the 10th of the present month, being unable to conclude any arrangement, they suspended the service.

Mr. G. commented upon that portion of the report of the Postmaster General which refers to this mail service, and the argument therein brought forward to sustain the proposed reduction. That officer had told them, that if such a reduction were not made, other railroad companies would come forward demanding an increase of pay; and yet (said Mr. G.) he tells us, in the same report, that he has been able to conclude contracts with companies in every portion of the Union, by which a large amount of money is saved.

When this contract was made, it was under a schedule which required the company to perform the trip between this city and Richmond in eleven hours and a half; and yet they had actually been running for the last two years in compliance with a schedule which required them to run in nine hours and a half; and had done this without a dollar's increase of compensation. But the Postmaster General, not content with this, had chosen to send the mail by a circuitous route, from this city to Baltimore, thence down the bay to City Point, thence up the James river to Richmond, and up the Appomatox to Petersburg; making a distance of near four hundred miles, instead of one hundred and thirty miles by the direct railroad and steamboat route from this city! And by this circuitous route was the great southern mail of the United States now conveyed; thus seriously affecting social and business communication, and holding back for several days intelligence from the army. Instead of having reference to the expedition of the mail, the Postmaster General seemed to be experimenting upon the country, and endeavoring to show at how slow a rate it could be transported; for, instead of running through in nine hours and a half, as the company had by the direct route for two or three years, by this roundabout uncertain route it now took thirty hours; and we had already been without a mail in this city from the South for five days.

Mr. G. further commented at some length upon the impolicy of suffering such a mail arrangement to continue, and upon the serious injury to the community in all its interests resulting therefrom. He also condemned it on the ground of economy, and read from a communication of the Postmaster General, showing that all he expected to save by the change of route was $575 and odd cents; and this, Mr. G. said, by discontinuing the mail service between Richmond and the next largest city in the State, Petersburg; without which discontinuance, instead of a saving to the Government, the cost of mail transportation by this change of route would actually be increased about $8,000.

Mr. G. proceeded to show, that by the recent arrangement of the Postmaster General, there was a great loss of time, of money, and of the interests of the country. He also read sections of the law governing the department on this subject, which evidently contemplated such a state of things as that which now existed, and from which he argued that the Postmaster General had unnecessarily delayed the mail to thirty, instead of having it transmitted from Baltimore to Richmond in little more than nine hours. He trusted that this House would take such steps as would enable the country to enjoy the benefit of a more speedy conveyance of their correspondence, and that the railroad company in question would be permitted to realize the small profits to which they were entitled—profits which had been solemnly adjudged to the company heretofore both by the President and by Congress. He briefly explained the statement of the arrangement which the Postmaster General had entered into for the transmission of the mail, and the legal powers conferred on him, and commented on the fact that the Postmaster General had made no contract which Congress could not supersede. No contracts had been signed, and hence they had no guarantee for the speedy transmission of the mails, nor for the performance of the terms of any agreement into which the new contractors might enter.

The Postmaster General, in his annual report to the President, which he presumed each member had read for himself, communicated the information that the contracts were for a specific time, unless Congress should otherwise direct—admitting, therefore, that this House was not bound by any contract that the Postmaster General had made. To this he called the attention of the House, and also to the fact, that this railroad company had heavier mails to transmit than some others, and were exposed to expenses from which others were exempt, and consequently was entitled to a liberal compensation. He appealed, then, to the House not to tolerate this arrangement of the Postmaster General, especially at a time when so many of their countrymen were anxiously waiting to hear from their sons, brothers, and relatives, who were perilling their lives in defence of the honor of their country in Mexico. In estimating the relative value of services by companies, circumstances should be considered. It was not equitable to pay for services on the Potomac the same compensation that southern companies received. In the South there were no obstructions from ice, as in the Potomac. And it should not be forgotten that this company was not only required to transport the mails at any time the Post Office Department might require, but to build ice-boats, and keep open the navigation, which was for the general benefit of the country. And yet, with these restrictions and burdens, and with greatly enlarged mails, this company was expected to do this service for twenty-five per cent. increase of pay on stage routes.

He contended that the Postmaster General was not restricted, as he seemed to imagine, except that he should not pay more than three hundred dollars per mile. Within that sum the Postmaster General had a discretion, and that amount he was not asked nor expected to pay. He was asked only to give that which had been already paid, and which had been awarded to the company by the President of the United States and by Congress. The Postmaster General himself had acknowledged that the service on the Potomac was satisfactorily performed. He had also admitted that the service by the bay could not be as satisfactory as by the railroad and steamboat on the old route; and yet, with these facts before their eyes, they were to sustain great inconvenience, unless the company would be content to receive less than a fair compensation, which had been heretofore paid to them. This great nation, and the interests of twenty millions of people, were to be trifled with for a paltry saving of a few hundred dollars.

In justice to the Postmaster General, he would say, that he had been furnished with all the information he had required, cheerfully and promptly. The Postmaster General had evinced every disposition to facilitate a thorough examination of the subject; and he (Mr. G.) did not charge the Postmaster General with intentionally violating his duty to the country, or any law which he was required to carry out. But he was of opinion that the Postmaster General had been mistaken in his construction of the law. He was satisfied the law would not be so construed by Congress. If, then, he was mistaken, the sooner he was set right the better; for the sacrifice of the business men of the country was greater than they should be suffered to endure.

Within the last few days he had learned that a merchant in Richmond, having to remit $50,000 to New York, felt compelled to withdraw that amount from his business two days sooner than he would have been required to do if the mail were transported by the railroad. It had been said that the interests of the merchants of Richmond alone would be sacrificed to a greater amount than the sum in dispute between the Postmaster General and the railroad company by the present state of things in that department. It would be better, therefore, if Congress could not afford them relief, that the merchants should meet together and pay the difference themselves. This same view had been taken by the merchants of New York and elsewhere. And what was their own experience on this subject? Why, up to last night, they had not received a mail bearing tidings from their homes for five days. He heard one gentleman say the other day, when accounting for his absence from this House, that he had been to Richmond to get his letters. If a change could not be made in the arrangement for the transmission of the mails, he was satisfied many of them would find it more convenient to have their letters sent to Richmond than to the post office connected with this House, for from Richmond they could obtain them in advance of the usual mail conveyances of the department.

But there was another matter connected with these arrangements to which he wished to call the attention of this House, especially of those who were disposed to sustain the department. The Postmaster General had invoked their aid for the purpose of stopping private expresses throughout the country. But could it be expected that private expresses could be suppressed when the intercourse of the country was thus obstructed? Unless an improved system were adopted, instead of stopping those private expresses now traversing the country, hundreds of others would be soon started; for the country would not tolerate a mail arrangement which required thirty hours to do that which could be done in nine hours.

Mr. JOHNSON, of Arkansas, rose to a question of order.

Mr. GOGGIN. I have done.

Mr. JOHNSON. Well, then, as he had the

floor, he would say a word or two on this subject. He saw no good use to which this discussion could lead. But little could come out of it. It was a matter which had attracted no attention in the House until it was brought up to-day. Very few of them were sufficiently informed on the subject at present, and hence they could not make up their minds so as to dispose of it without further consideration. The Postmaster General was perfectly dead; the post office was abolished; nothing was left of it; and he asked for time to look upon the sad spectacle. He moved, therefore, to lay the whole subject on the table.

Mr. BROWN, of Pennsylvania, desired the gentleman from Arkansas to withdraw that motion, to give him an opportunity to make an explanation.

Mr. JOHNSON would be willing to do so if the gentleman would renew the motion to lay on the table.

A brief conversation ensued, which being unsatisfactory to Mr. JOHNSON, he refused to withdraw the motion.

Mr. SCHENCK moved that the House adjourn.

The motion, on a division, was agreed to; and the House adjourned to Monday next, at twelve o'clock.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. TAYLOR: The petition of sundry citizens of Jackson county, in the State of Ohio, praying for the establishment of a new post route from Jackson court-house to Portsmouth, in that State, by Zenos Keller's and Jackson Furnace.

By Mr. HALL, of New York: The petition of the Common Council of the city of Buffalo, praying for an appropriation for the improvement of the harbor of that city.

By Mr. DUNCAN, of Ohio: Petitions from citizens of Wyandotte, Marion, Seneca, Sandusky, and Delaware counties, in the State of Ohio, praying the attention of Congress to the provisions of the treaty of Brownstown of 1808, and acts of Congress designed to carry into effect its stipulations.

By Mr. CROWELL: The petition of Jacob Messersmith and others, citizens of Lordstown, Trumbull county, Ohio, praying for peace with Mexico. Also, the petition of William Cranage and others, citizens of Warren, Trumbull county, Ohio, praying for peace with Mexico.

By Mr. JOHNSON, of Tennessee: The memorial of Rachel Salts, widow of an invalid soldier, praying Congress to grant her some relief.

By Mr. DUNN: The petition of Elijah Milam, asking pay for a horse lost in the United States ranging service. Also, of Jane Suller and of Alexander McDonald, asking a pension. Also, of Caleb Bell, asking the arrearage of pay of Matthew Bell, who died in the United States army. Also, the petition of Daniel Hart, asking that a land warrant be issued to him as the legatee of his father for services in the revolutionary war.

By Mr. PALFREY: The petition of H. D. Pinney and others, of Tioga county, N. Y.; of Charles Humphreys and others, of Lancaster, Worcester county, Mass.; of Catharine C. Tenney and others, of Kennebunk, Me.; and of Elizabeth Howe and others, severally praying for peace with Mexico. Also, that the memorial of the President and Fellows of Harvard College, in Cambridge, Mass., praying for the remission of duties paid on a telescope, and for the privilege of importing books and philosophical apparatus duty free, be taken from the files and referred to the Committee of Ways and Means.

IN SENATE.

MONDAY, *January* 3, 1848.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, exhibiting the applications for pensions which have been rejected during the year 1847; which was referred to the Committee on Pensions, and ordered to be printed.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the Senate in relation to the further use and occupation of Fort Armstrong, on Rock Island, as a military site; which was ordered to be printed.

PETITIONS.

Mr. ASHLEY presented a memorial adopted at a convention held at Washington, in the State of Arkansas, composed of delegates from the several counties bordering on the Red River, praying an appropriation for removing the raft in that river; which was referred to the Committee on Commerce.

Mr. BREESE presented the petition of citizens of Montgomery county, Illinois, praying the establishment of a mail route from Shelbyville to Alton, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. BREESE presented a memorial of citizens of Fayette county, Illinois, praying that the right of preëmption may be granted to the Illinois Central Railroad Company, to the lands lying along the route of their railroad; which was referred to the Committee on Public Lands.

Mr. CORWIN presented the petition of Joseph Graham and George Lee Brent, praying compensation for services as special agents of the Government of Paraguay, under directions of the United States chargé d'affaires near the Argentine Republic; which was referred to the Committee on Foreign Relations.

Mr. MASON presented the petition of Thomas M. Corby, praying indemnity for French spoliations prior to 1800; which was referred to the Committee on Foreign Relations.

On motion by Mr. BALDWIN, it was

Ordered, That the petition of Thomas, Cowperthwaite & Co., on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. RUSK, it was

Ordered, That the petition of Frederick Vincent, administrator of Le Caze and Mallet, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. BELL, it was

Ordered, That the petition of the Eastern Cherokee Indians, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. CRITTENDEN, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Robert Armstrong, be referred to the Committee on Pensions.

On motion by Mr. SEVIER, it was

Ordered, That the petition of Sour John, a Cherokee Indian, on the files of the Senate, be referred to the Committee on Indian Affairs.

RESOLUTIONS.

Mr. BENTON submitted the following resolution for consideration, which was ordered to be printed:

Resolved, That there be printed for the use of the Senate —— copies of the four or memoir of Dr. Wislizenus, through the northern parts of Mexico, as physician to Col. Doniphan's column; being a history of the expedition of Col. Doniphan, with scientific observations upon the face of the country. Also, that there be engraved or lithographed for the use of the Senate, —— copies of the superficies map which accompanies the same. Also, the same number of the barometrical map of the profile of elevations above the level of the sea from St. Louis, in Missouri, on the line of march of said expedition, to Santa Fé, in New Mexico, and thence by Chihuahua, the Bolson de Mapini, Parras, Saltillo, and Monterey, to Reynosa, on the Rio Grande. Also, the same number of the geological map, and the same number of the table of meteorological observations which accompany the same.

Also, *Be it resolved*, That —— copies of the said memoir, with the accompanying maps, be printed for the use of Dr. Wislizenus.

Mr. JOHNSON, of Louisiana, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of passing an act granting a portion of the public lands in the State of Louisiana to every citizen soldier, or widow or orphan of every citizen soldier, who bore arms in defence of Louisiana in the years 1814 and 1815.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the resolutions of the Legislature of the State of Louisiana, on the files of the Senate, relating to the subject, be referred to the Committee on Military Affairs.

Mr. HUNTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate the correspondence of Mr. Wise, late Minister of the United States at the Court of Brazil, embracing a letter of Mr. Hamilton, her Britannic Majesty's Minister at the same Court, to Mr. Wise, dated the 24th of March, 1846; with a note from the Earl of Aberdeen of the 4th December, 1845; a letter from Mr. Wise to Mr. Hamilton, dated the 27th March, 1846; a letter from Mr. Wise to Mr. Hamilton, dated 31st July, 1846; and the papers accompanying the same—all relating to the subject of the slave trade: provided that the same may be done in his opinion, without detriment to the public service.

On motion by Mr. ATHERTON, it was

Ordered, That the Committee on Finance be discharged from the further consideration of the memorial of Joseph Bouchand, and that it be referred to the Committee on the Judiciary.

On motion by Mr. ATHERTON, it was

Ordered, That the Committee on Finance be discharged from the further consideration of the memorial of J. Kearsley, and that it be referred to the Committee on Public Lands.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. PRESIDENT: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

The VICE PRESIDENT signed the enrolled bill entitled "An act making an appropriation to supply in part a deficiency in the appropriations for subsistence in kind of the army and volunteers during the year ending the 30th of June, 1848;" and it was delivered to the committee, to be presented to the President of the United States.

Agreeably to notice, Mr. BERRIEN asked and obtained leave to bring in a bill making an appropriation for removing obstructions in the Savannah river; which was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

Mr. JOHNSON, of Louisiana, by unanimous consent, asked and obtained leave to bring in a joint resolution to create a board to ascertain and determine the amount of each of the claims of the citizens of the United States against Mexico; which was read, and passed to the second reading.

Mr. WESTCOTT, from the Committee on the Judiciary, submitted a report, accompanied by a bill for the relief of Peter Capella, administrator of Andrew Capella, deceased, and for the relief of John Capo, and for the relief of Elijah Petty and Hannah Petty, his wife, heirs of John Beardon, deceased.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

Mr. DOUGLAS, from the Committee on Territories, reported a bill for the relief of W. B. Slaughter, late Secretary of the Territory of Wisconsin.

The bill having been read a first time—

Mr. DOUGLAS remarked, that as this bill was asked for by the officers of the treasury, and was simply a bill to authorize them to settle certain accounts, he wished the bill would now be allowed to have its second reading.

The bill having been read a second time—

Mr. CLAYTON said, he apprehended that no possible objection could exist to the immediate passage of this bill, and he trusted it would now be disposed of.

Mr. WESTCOTT said he could not distinctly gather the purport of the bill from hearing it read, and it had not been printed. He recollected the case well. It was before the Territorial Committee at the last session—he believed the session before, also—while he (Mr. W.) was on that committee, and he was then opposed to the allowance of the claim. It was for two items: one for compensation to claimant for expenses of visiting Washington to settle his accounts as a public officer—secretary of Wisconsin Territory; the other item was for some two or three thousand dollars of public money lost by his placing it on deposite in a Territorial bank which broke. His excuse was, that the Territorial Legislature, by resolution, instructed him to make this deposite in that bank. This was no excuse whatever. The Territorial Legislature had no business with this money—no right to direct it to be so deposited—no power to control the claimant with respect to it. Mr. Slaughter was secretary of the Territory—a Federal officer and agent, independent of the Legislature of the Territory. He was subject only to the laws of Congress and the instructions of the Treasury Department, *and these did not allow this deposite at the risk of the United States*. It was his own fault or misfortune if he lost this money by placing it in a rotten bank. His complying with the resolution of the Legislature was an act done on his own personal responsibility. It would be opening the door to the allowance of hundreds of thousands of dollars of similar claims, to allow this.

Besides, it is not shown that this bank or its stockholders have been sued, or any means used to recover the money from those who have got it. The claim against the bank and its stockholders was not transferred to the United States, or the treasury officers given any authority to collect or secure it.

Mr. W. said he should vote against the allowance of this claim; but if he understood the honorable Senator from Illinois, [Mr. DOUGLAS,] this bill did not impliedly sanction the claim in any degree, but only directed the treasury to examine and settle the accounts on principles of equity

and justice. He desired to know of the Committee distinctly, whether his understanding was correct? If the bill sanctioned expressly or impliedly the items he had referred to, he should vote against it; if not, he should make no opposition.

Mr. DOUGLAS. The bill does not sanction the claim; it merely refers the settlement of the claim to the accounting officers of the treasury. The claim arises in this way: William B. Slaughter, Secretary of the Territory of Wisconsin, received a draft for Government funds to the amount of $10,000. The Legislature of the Territory appointed the cashier of the Mineral Point Bank temporarily its fixed agent. This draft was deposited in the custody of that fiscal agent, and the money checked out according as it was required. That bank failed, and there was a loss of something like $3,000, speaking in round numbers. The Legislative Assembly of the Territory has unanimously passed a resolution expressing their opinion that the money was deposited properly, in good faith, and for the best interests of the treasury, and that he ought to have a credit at the treasury for that amount of money. That is the principal item in the bill. All that the bill proposes is, to refer the matter to the officers of the treasury, with authority and instructions to settle the account according to the principles of equity and justice; they having more ample opportunities for collecting information upon all points relating to the matter than this body can possibly have.

Mr. WESTCOTT said, he conceived there was one matter as to which he did not coincide with his friend the honorable Senator from Illinois, [Mr. DOUGLAS.] It was the chief question in this case. It was as to the resolution of the Territorial Legislature being any justification or even excuse for the Secretary of the Territory putting this money in this bank. Mr. W. conceived he was bound to disregard the resolutions as the Territorial Legislature had no right to direct him.

Mr. DAYTON. Do I understand that the bill is now upon its third reading? It must, I apprehend, require the general consent of the Senate in order to have its third reading.

The PRESIDING OFFICER replied, that the proposition had been made that the bill be read a third time.

Mr. DAYTON. Had I understood that to be the case I should have objected, not because I have any specific objection to this bill beyond the objection which applies to a large class of cases standing upon our calendar. I have observed, for the last three or four years in this body, that whenever a claim is a little distrusted in committee, or in reference to which the committee have doubts themselves, and cannot act upon it in a manner satisfactory to themselves, they report a resolution in this general phraseology, "Resolved that the claim be settled by the proper officers of the department, according to the principles of equity and justice." Thus they have generally recognized the existence of a class of cases of this description, and applied to them a different rule from that which is applied in other cases. Now, if this bill is to be put on its final passage, I think I shall be constrained to vote against it. I think at least it ought to be allowed to lie over, and take its proper place upon the calendar. This case is similar to a large number of cases which have been reported on; and if the Senate pass it, and refer the matter to the department for adjustment, we shall have the same arguments addressed to us every day. I, for one, prefer that this case should stand as all other cases do. I am not aware of anything in it that entitles it to special precedence.

Mr. CLAYTON. The gentleman is mistaken in supposing that the committee had any doubt in regard to the propriety of allowing the claim. There was no difference of opinion whatever. It was understood that this individual was entitled to the amount, and the proper accounting officer was desirous of giving him the credit. He had no doubt of the propriety of it, but he thought that Congress ought to give him the authority to do what was sought to be done in the premises. There was not a shadow of doubt as to the propriety, but the committee did not report that he should be allowed the amount. They had merely authorized the officer of the department to give it him, if he be found to be entitled to it. This is not one of those cases which the honorable Senator from New Jersey has referred to. There was no doubt in the mind of the committee, and no doubt in the mind of the proper accounting officer of the treasury, as to the propriety or justice of allowing the amount. The only doubt was, whether that officer had authority to do justice in the case without the sanction of Congress. Now if, under these circumstances, it be thought necessary to delay a bill of this kind, I will offer no objection; but I certainly suppose the bill might pass the Senate without going through the ordinary form of being read on different days.

Mr. DOUGLAS here read a paragraph from the letter of the Comptroller of the Treasury.

Mr. BADGER. If I understood correctly the points of the case as given by the Senator from Florida, it seems to me that, without some further statement or explanation, there is very serious objections to the passage of this bill. I understand it to be an application, on the part of a disbursing officer of the United States, to be allowed a credit in his account with the treasury, for a sum of money which has been lost in consequence of being deposited by him, without authority of law, in a banking institution.

Mr. CLAYTON. He had the authority of the Territorial Legislature.

Mr. BADGER. Very well; he was a disbursing officer of the United States, subject to the laws of Congress, and prohibited by a law of Congress from depositing the funds of the United States in a banking institution. He was himself bound to keep them; and without sanction or authority from his superiors in office—without a dispensation given to him by those to whom he was responsible, and who on higher ground represented the interests of the United States—but by authority of a State Legislature, he unlawfully takes these funds, deposited them in a banking institution, and they are lost. Now, what does this bill propose to do? As I understand it, it proposes to legalize this transaction. If he was authorized by law to make the deposite, he would undoubtedly be irresponsible. If, in making it, he followed the line of his duty, he would have a right to demand, as a matter of justice and of law, that credit should be allowed to him. This bill directs the officer of the treasury to settle his account, not on principles of law—for it will be in express contravention of law; not to give him credit for losses he has innocently sustained in the discharge of his duty—for that he has a right to demand without the interposition of Congress; but they are to settle his account according to the principles of equity and good conscience; in other words, it is a direction, on the part of Congress, to the accounting officer of the treasury to disregard in this case the obligations of law, and apply one rule in the settlement of the accounts in this case, while the general law requires another rule to be applied in all circumstances. I must confess, sir, that with every disposition in the world to relieve a man who has suffered in the discharge of his duty, if anything could be shown by which it would appear that he was under a reasonable apprehension that he was doing his duty as if he had been directed by his superior officers, I should be anxious to interpose and relieve him. But it seems to me it would be a dangerous precedent for Congress to declare, that when an officer of the Government, having charge of the funds of the Government, shall think proper to make a deposite contrary to law, they will relieve him from the consequences of losses thus sustained. It would be a direct and open invitation, by the policy adopted here, to all officers similarly situated, to act in defiance of authority and in defiance of law, trusting to a relaxation of its provisions in their behalf. Under these circumstances, it seems to me that the honorable Senator from New Jersey is correct in saying that this bill ought to have a little more examination, and I move, therefore, that its further consideration be postponed until to-morrow.

The motion was agreed to.

Mr. ASHLEY, from the Committee on the Judiciary, to whom had been referred the bill to divide the district of Arkansas into two judicial districts, reported it without amendment, and submitted a report upon the subject; which was ordered to be printed.

PROCEEDINGS AND DEBATES.

The Senate proceeded to consider the following motion, submitted by Mr. MANGUM on the 30th December:

"*Ordered*, That the Vice President be authorized and requested to have two movable desks provided for the reporter of the proceedings and debates of the Senate, and his assistants, upon the floor of the Senate Chamber, to be used only during the session of the Senate, and to accommodate two persons."

Mr. SEVIER. I have no objection to this resolution, if the honorable Senator will consent to a modification of it, so as to refer the matter to a committee. I believe there has been a controversy for several years past regarding the place that should be occupied by the reporters, and they have at different times occupied seats in various places, all around this Chamber. They were placed where they now are by the direction of a committee, which had charge of the matter for several weeks; and after various selections had been made, it was determined that the gallery, where they now are, was the proper situation. We all have the same object in view—that is, the proper position of our reporters; but I think the Senate will find, upon inquiry, that they have at present the best position they can have. I hope, therefore, the honorable mover will consent to modify the resolution, so as to refer the matter to a committee.

Mr. MANGUM. I have no objection to the course proposed by the Senator, for I am aware it is only a matter of experiment. This subject has been very much examined heretofore, and various parts of the Chamber have been assigned to reporters, and those places afterwards abandoned on account of inconvenience or unsuitableness. It may be, that after trying the seats which will now be provided, they may not be found to answer. I think, however, that the experiment is worthy of being made; but I have no objection to refer the matter to a committee—say a committee of three.

Mr. SEVIER. I move, then, so to amend the resolution, as to direct that a committee of three be appointed by the Vice President to examine and report upon the subject.

Mr. WESTCOTT said he was in favor of extending the privilege asked for; but there was one matter to which he would call the attention of the committee to whom the resolution may be referred, as proper to be provided for. Provision should be made for turning the reporters out, in case they did not behave themselves, without Senators being, as in a former case, abused and vilified as being guilty of assailing and outraging the liberty of the press.

On motion by Mr. SEVIER, it was

Ordered, That the motion be referred to a select committee, consisting of three members, to be appointed by the Vice President.

Mr. MANGUM, Mr. SEVIER, and Mr. BREESE, were appointed the committee.

The bill for the relief of the administratrix of Elisha L. Keen, deceased, was read the second time, and considered as in Committee of the Whole.

Ordered, That it lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Joseph Wilson; and no amendment being made, it was reported to the Senate.

Mr. BADGER called for the reading of the report accompanying the bill, and it was read by the Secretary.

Ordered, That the bill be engrossed and read a third time.

The bill to provide clothing for volunteers in the service of the United States, was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be "An act to provide clothing for volunteers in the service of the United States."

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

TEN REGIMENT BILL.

The Senate then resumed, as in Committee of the Whole, the consideration of the bill reported from the Committee on Military Affairs to raise, for a limited time, an additional military force.

Mr. CASS rose and said:

Mr. PRESIDENT: This is the first of a series of bills, which the Military Committee is about to present to the Senate. They have commenced with the most important, and will ask the consideration of the others, in succession, till they have discharged the duty intrusted to them.

In presenting this bill, I do not propose to touch

any of the disputed topics, which divide the two great parties, under the banner of one or the other of which every citizen of our country is arrayed. I shall leave these, if introduced at all, to be introduced by others. I had hoped, till I heard the incidental discussion which arose a day or two since on the question of taking up this bill, that these exciting subjects would be postponed for some future opportunity, and that the propositions now submitted would be considered upon their military merits, taking it for granted, that the propriety of voting the additional force required would not be controverted. I was well aware, that we could not escape a full discussion of the origin of the war, its progress, its objects, and the whole course of the Administration connected with it. Nor indeed did I wish to avoid it. However severe may be the attack, I trust it will be as earnestly met, and easily repelled, for I consider the ground which the Administration occupies as perfectly impregnable. I am apprehensive, however, from the remarks which fell from some of the honorable Senators the other day, that the whole field of controversy is to be gone over, and that we are to fight this bill, necessary, as I deem its immediate passage to the public interests, inch by inch, till all the great party questions of the day are debated and exhausted. If it is to be so, I must of course submit; but the fault shall not be mine, nor will I provoke the contest by introducing any topics, which may properly lead to it.

There is one point, sir, where we all can meet, and that is the gallantry and good conduct of our army. This is one of the high places to which we can come up together, and, laying aside our party dissensions, mingle our congratulations that our country has had such sons to go forth to battle, and that they have gathered such a harvest of renown in distant fields.

The time has been—and there are those upon this floor who remember it well—when our national flag was said to be but striped bunting, and our armed vessels but fir-built frigates. The feats of our army and navy during our last war with England redeemed us from this reproach, the offspring of foreign jealousy; and had they not, the events of the present war would have changed these epithets into terms of honor; for our flag has become a victorious standard, borne by marching columns, over the hills and valleys, and through the cities, and towns, and fields of a powerful nation, in a career of success, of which few examples can be found in ancient or modern warfare.

The movement of our army from Puebla was one of the most romantic and remarkable events which ever occurred in the military annals of our country.

Our troops did not indeed burn their fleet, like the first conquerors of Mexico, for they needed not to gather courage from despair, nor to stimulate their resolution, by destroying all hopes of escape. But they voluntarily cut off all means of communication with their own country, by throwing themselves among the armed thousands of another, and advancing with stout hearts, but feeble numbers, into the midst of a hostile territory: the uncertainty of which, over the public mind, and the anxiety everywhere felt, when our gallant little army disappeared from our view, will not be forgotten during the present generation. There was universal pause of expectation—stopping, but still fearing; and the eyes of twenty millions of people were anxiously fixed upon another country which a little band of its armed citizens had invaded. A veil concealed them from our view. They were lost to us for fifty days, for that period elapsed, from the time when we heard of their departure from Puebla, till accounts reached us of the issue of the movement. The shroud which enveloped them then gave way, and we discovered our glorious flag, waving in the breezes of the capital, and the city itself invested by our army.

And similar circumstances marked the very commencement of the war, when the Mexicans first surrounded our troops, and shut them out from all communication with their country. This unexpected attack struck us all with astonishment, and we feared, as well we might, that numbers would overcome discipline and valor, which, however they might prolong, could not be expected to succeed in the contest. And hopeless indeed might have been the result, had not the honored soldier, who commanded our troops, had confidence in them, and they in him—had he not known how to lead and they to follow. And well and bravely did they all bear themselves in the critical circumstances which surrounded them; and our doubts soon gave way to certainty, and gloomy forebodings to glorious convictions. And the campaign thus commenced was vigorously followed up on the Rio Grande, and victory after victory, till the crowning triumph at Buena Vista, was heralded by every breeze and became familiar to our ears as household words.

During the whole of this war there has been a series of successes, which has been uninterrupted by a single serious disaster. I hold in my hand a table, prepared at the Adjutant General's Office, from the best materials which can be found there, exhibiting the actions fought with the enemy, and the forces engaged, and the losses sustained by each party. As we have official data, the true losses on our side are stated; but those on the side of the Mexicans are in some instances entirely omitted, and in others conjecturally estimated. This table shows the whole truth so far as we are concerned, and but a part of the truth so far as the enemy is concerned. Still, even under these circumstances it is one of the proudest trophies with which any army ever enriched its country.

Affair or battle.	*Date.*	*Forces engaged.*		*Number of killed.*		*Number of wounded.*		*Remarks.*
		Americans, regulars & volunteers.	Mexicans.	Americans, regulars & volunteers.	Mexicans.	Americans, regulars & volunteers.	Mexicans.	
1. Detachment under Capt. Thornton, 2d dragoons, in a reconnoissance on the Rio Grande, above Fort Brown, Texas....	April 25, 1846	63	200	10	unknown.	6	unknown.	
2. Detachment of Captain Walker's Texas Rangers, near Point Isabel,	April 28	30	100	10	unknown.	–	unknown.	
3. Fort Brown.....	May 4 to May 9 ...	750	4,000	2	unknown.	10	unknown.	
4. Palo Alto	May 8.....	2,300	6,000	4	100	42	300	
5. Resaca de la Palma.....	May 9.....	1,700	6,500	36	200	98	400	
6. Monterey.....	Sept. 21, 22, 23....	6,645	10,000	120	700	368	unknown.	
7. San Pasqual, U. Cal.....	Dec. 6.....	110	160	19	unknown.	15	unknown.	
8. Brazito, New Mexico...	Dec. 25, 1847.....	500	1,220	–	*200	7	–	*killed & wounded.
9. Los Angelos, California,	Jan. 8, 9.....	500	600	1	*80	14	–	*killed & wounded.
10. La Canada, New Mex...	Jan. 24	350	1,500	9	36	6		
11. Mora, New Mexico.....	Jan. 24	.....	.....	1	–	3		
12. El Embudo	Jan. 29	500	700	–	20	1	60	
13. Puebla de Taos	Feb. 4.....	300	800	6	150	46		
14. Buena Vista	Feb. 22, 23.....	4,759	20,000	267	*1,500	408	–	*killed & wounded.
15. Sacramento.....	Feb. 28.....	900	4,000	–	*600	5	–	*killed & wounded.
16. Vera Cruz	March 11 to 29....	11,000	5,500	12	*500	51	–	*killed & wounded.
17. Cerro Gordo	April 18	8,500	12,000	87	*1,200	353	–	*killed & wounded.
18. Calaboso, Cal., De Russy,	July 12	126	1,500	15	200	13		
19. Contreras.....	Aug. 19, 20	8,497	32,000	164	*4,000	865	–	*killed & wounded.
20. San Antonio								
21. Churubusco.....								
22. On Major Lally's march,	Aug. 10 to 19.....	1,200	2,000	9	unknown.	74	unknown.	
23. Molino del Rey	Sept. 8	3,251	14,000	201	*3,000	581	–	*killed & wounded.
24. Chapultepec	Sept. 11, 12, 13....	7,180	25,000	178	unknown.	673	unknown.	
25. Attack on Puebla.....	Sept. 13 to Oct. 12,	1,400	8,000	18	unknown.	53	unknown.	
26. Huamantla.....	Oct. 9	1,780	4,000	14	161	11	300	
27. Gen. Lane, Puebla.....	Oct. 12.....	3,100	4,000	–	–	–	a few.	
28. Atlisco	Oct. 19	1,500	2,000	1	219	2	300	
Total.....	.....	.....	.....	1,077	12,866	3,669	1,360	

The Adjutant General remarks, that he cannot vouch for the perfect accuracy of the above statements, as from their nature they must often be estimated. He adds, that the above table, although essentially correct, is not entirely complete, for he thinks there are yet wanting some reports, &c., of affairs, which have been lost or intercepted, and it may be, that the above statement may hereafter need amendment or correction.

If we recorded our history upon stone, as was done in the primitive ages of the world, we should engrave this series of glorious deeds upon tables of marble. But we shall do better; we shall engrave it upon our hearts, and we shall commit it to the custody of the press, whose monuments, frail and feeble as they appear, yet from their wonderful power of multiplication, are more enduring than brass or marble, than statues or pyramids, or the proudest monuments erected by human hands.

Let it be remembered, sir, that these battles were fought in a great measure by new and undisciplined troops, hastily collected at home, and rapidly marched to the seat of warfare; by men who had abandoned the duties and comforts of domestic life, and who made war, not a trade as in Europe, but a temporary employment, in order to defend the interest and honor of their country. And even the small regular army, which existed at the commencement of the war, had seen little actual service in the field, and that not with a civilized foe, but in murderous conflicts with Indian tribes, where there was much exposure to meet, and little glory to gain. Many of the officers and soldiers, and indeed a great majority of them, and some of the commanders too, saw the first gun fired in the very field which they illustrated by their deeds and moistened with their blood. Honor, then, to the highest and the lowest, to the greatest and the least. Honor to the living and the dead, those who survive to enjoy it, and to the memory of those who sleep in a soldier's grave, far from the land they loved so well.

And, happy am I to see upon this floor, at this moment particularly, one of the gallant officers who have inscribed their names high upon the military roll of their country; and there are others like him, in this city, who have returned from the campaign in which they distinguished themselves, bearing upon their persons ineffaceable marks of courage and patriotism. A kind Providence has permitted them to come back, and the plaudit of grateful millions, *Well done, good and faithful servants*, is the proud welcome which greets them.

Let modern philanthropists talk as they please, the instincts of nature are truer than the doctrines they preach. Military renown is one of the great elements of national strength, as it is one of the proudest sources of gratification to every man who loves his country, and desires to see her occupy a distinguished position among the nations of the earth.

I should have been proud to have been in Europe during our military operations in Mexico—proud to witness the effect of the skill and prowess of our army upon the statesmen and politicians and communities of the Old World. During the course of these events, there was no war there to attract the general attention, and to excite, by its uncertainties and vicissitudes, the solicitude of the Government. Our war was the event of the day, and many a steadfast gaze was cast across the Atlantic to watch the prospects and progress of the pattern Republic, as we are invidiously termed, in the new career into which we had entered. As we all know, our institutions have friends and foes in the other hemisphere. To both they are a light shining across the ocean, but inviting some and warning others, as the impressions our experiment has produced have been favorable or unfavorable.

The anti-republican croakers of the Old World, at the commencement of our Government, predicted, that it could not long resist the shocks of peace or war. When they found it could do both, an

do it successfully, they then denied our power to carry on a war without our own boundaries, should circumstances require such an exertion of national strength. This was our first great trial; for in the invasion of Canada, during the last war, the operations were so near, that they did not test our strength for distant warfare. The trial has been made, and has succeeded. No one will hereafter call in question our capacity to assert our rights, wherever these may require our interference. If the great experiment had failed, it would have taken ages to recover from the misfortune. But now, wherever the American flag is borne, or the name of American known, and that wherever is everywhere, the glorious feats of this war have proclaimed our power, and have announced that we have taken our position side by side with the mightiest nations of the world. Hereafter, in the wildest dreams of ambition, there will be no dream of conquering us; nor will any hostile foot pollute our shore but to escape from it, if it can, as best it may.

The present bill provides for raising ten additional regiments of infantry to serve during the war. The average number of each regiment in the field is rather less than three-fourths of the legal establishment; so that this measure, if adopted, will add about seven thousand five hundred men to the army. The organization is precisely that provided in the act which passed at the last session of Congress for raising an additional force; and as the details were then fully considered, and are well known to the Senate, I need not recapitulate them here.

The reasons which render this increase of force necessary, are so clearly and forcibly stated in the report of the Secretary of War, that I need do little more than request that that portion of the document may be read.

The following extract from the report of the Secretary of War, was then read by the Secretary:

"Our career of success, so disastrous to Mexico; our conquest of so many of her States and territories; the subjugation and occupation of her capital; the defeat and dispersion of her armies; the capture of most of her *materiel* of war, and the annihilation of her former commerce, have not yet brought peace, or the offer of such terms as could be accepted by the United States without national degradation. The war still continues; and it is proper to present some suggestions in regard to its further prosecution. In making these suggestions, I pass, without remark, the proposition that we should abandon all our acquisitions, and withdraw our troops from the enemy's country. Such a proposition could only be seriously entertained if we were in reality the vanquished party, and were convinced of our inability to prolong the contest with reasonable hopes of success.

"Our further operations must, in my opinion, be conducted in one of the three following modes: *first*, to take and hold an indemnity line, to recede from all places and positions now occupied in advance of it, and cease from all aggressive operations beyond that line; *second*, to overrun the whole country, and hold all the principal places in it by permanent garrisons; and, *third*, to retain what we now possess, open the lines of communication into the interior, and extend our operations to other important places, as our means and the prospect of advantages shall indicate—keeping a disposable force always ready, within approachable limits, to annoy the enemy, to seize supplies, enforce contributions, and frustrate his efforts to collect means and assemble troops for the purpose of protracting the war.

"A full discussion of the comparative merits of these modes of conducting our military operations would extend this communication to an unwarrantable length; I shall, therefore, confine my remarks to a few prominent considerations relative to each.

"With reference to a speedy peace, with proper indemnity and security—the only object of the war—the line policy is regarded as objectionable. If our present position cannot command acceptable terms of pacification from Mexico, retiring to an indemnity line would certainly fail to produce such a result; it would weaken the inducements of the enemy to put an end to hostilities. Restored, by our voluntary surrender, to the possession of his capital and important departments, and relieved from the pressure of our arms, and from all apprehensions of further conquest and annoyance, beyond the limits we might select, he would be left with more abundant resources than he now possesses to prepare, at leisure and in security, to strike an effective blow with concentrated forces at our detached posts. To hold these posts safely, to retain possession of the seaports we now have, (if that should fall within the policy,) and to prevent incursions into the territories which we might choose to appropriate to ourselves, would, in my opinion, require a force as large as would suffice to maintain what we now occupy, and to carry our operations still further in the interior of the enemy's country, and make him feel the calamities of war in a way best calculated to induce him to seek for peace. But if in this I am mistaken, and the line policy should enable us to reduce the number of our troops, still, it will not, as I conceive, thereby effect a reduction of our actual expenditures for the war.

"In consequence of the interruption of intercourse between the seaports in our possession and the central parts of Mexico, the collections on imports have hitherto been inconsiderable. If the line policy is adopted, this intercourse will continue to be interrupted, and, consequently, the receipts of revenue from this source will be small.

"Under the operation of the line policy, all expectations of lessening the burden of sustaining our troops, by deriving supplies and contributions from the enemy, would be disappointed. The supplies in the vicinity of our posts would be withdrawn from our reach, as soon as our design to seize and appropriate them was ascertained or suspected. But, were it otherwise, as our posts would be remote from the wealth and resources of the country, the amount which could be obtained would be inconsiderable.

"So far from deriving advantage from the line policy, by way of obtaining assistance from the resources of the enemy, towards the support of our troops, we should, I apprehend, confer upon a portion of the people of Mexico a direct benefit, by opening to them at our posts a market, in which we should become the purchasers of their products at an exorbitant price. These considerations, without bringing into view others, have led me to look to one of the other modes of operation I have mentioned, as preferable to that of occupying an indemnity line.

"In regard to the second mode suggested—that of occupying the whole country—the wide extent of territory embraced in the Mexican Republic, the many important points to be garrisoned, and the long lines of communication to be kept open, present difficulties of no ordinary magnitude, if our occupancy is to be of such a character as to supersede the Mexican authority, and require the temporary establishment of civil government. In carrying this plan into effect, it would not be reasonable to rely upon the favorable disposition, or even neutrality, of any considerable part of the Mexican people, until some assurance of the stability of our power was derived from its continuance. Our posts must therefore be strong, and our forces numerous, in order to secure the many and long lines of communication, to disperse and chastise the guerrilla bands which would obstruct them, and to suppress the more powerful aspirings of the people wherever they may be attempted. I cannot safely estimate the force requisite to carry into full effect this plan, at less than seventy thousand men. To insure the presence of that number in the enemy's country, and at places where they would be wanted, it would be necessary to raise a much larger force. The great expense of raising, organizing, and sending to their remote destination so large a body of troops as soon as needed to give effect to this plan, would, I apprehend, bring a very heavy, and perhaps embarrassing, demand upon the treasury.

"The third mode presented is, in my judgment, preferable to the others. Beyond certain limits, it admits of expansion and contraction; but, as a fixed condition, all now held is to be retained, and no part surrendered, but in compliance with treaty stipulations. This plan also contemplates further acquisitions extending to other important points, more or less numerous, as circumstances may warrant.

"Notwithstanding our victories have fallen with crushing weight upon the assembled armies of Mexico, most of those who hold in their hands the decision of the question of peace, have stood beyond the range of the physical evils inflicted by the war. By extending the theatre of it, and changing the mode of conducting it, they can be made to feel its pressure. In consequence of our liberal and humane policy, we have, as yet, scarcely touched the substance of the wealthy and influential classes in Mexico. As the Mexican army has long been to them the instrument of oppression in the hands of their successive rulers, its destruction has not deeply enlisted their sympathies, or alarmed their fears. Our army has afforded them better protection than their own; and thus, by our presence and our forbearance, they have, within certain limits, hitherto escaped exactions from either. But our successes have now opened the way to act upon and influence those who probably can, if they will, put an end to hostilities. By making them suffer the usual calamities of war, they must be made to desire peace.

"In addition to the troops required to garrison places to be retained, it is proposed to have in the field a competent force for aggressive operations; to strike the enemy whenever he may present a vulnerable point; to open avenues from the ports in our possession into the enemy's country; and to cover and to subject to our control some of his rich mining districts and productive agricultural regions. It is not deemed proper to point out in more detail the movements and objects contemplated in the further prosecution of the war upon this plan."

Assuming that this plan of operations recommended by the Secretary of War is the true one, (and, for myself, I have no doubt upon that subject,) we have then four great objects to be kept in view in estimating the force to be provided for the future conduct of the war:

1. The continued occupation of the important position we now hold.

2. The taking possession of such other commanding points as experience may show to be proper, and as the circumstances of the war may require.

3. The preservation of the necessary communication between our positions, as well from the sea-coast to the capital, as in other portions of the country which may be brought into subjection to us.

4. A strong force, independent of what is necessary for these purposes, which shall always be kept upon the alert, and ready to move whenever there may be any appearance of an outbreak on the part of the Mexican people.

The organization and maintenance of a large force may be the means of rendering its employment unnecessary. It is much better to render opposition hopeless, by the display of strength, than to excite it into action, by the exhibition of weakness, and then to be compelled to resort to desperate struggles to remedy evils which ordinary prudence would have prevented. It is true humanity also, and we owe it to ourselves, to our army who have done and suffered so much, to the enemy, and to the world. Remember, sir, that our troops are three thousand miles from home, in the midst of a hostile population of eight or ten millions, and that, by great exertions and unparalleled bravery, they have succeeded in a partial subjugation of the country. But we have no right again to expose them to such perils. There is a vast superiority of physical force opposed to them All experience shows, that in this condition an invaded people will suddenly break out into insurrections, and sometimes display an energy and courage, which they failed to exhibit upon the battle-field. Who would weigh with a critical balance the amount of opposition we have to apprehend, and the strength necessary to overcome it, and then coolly provide this calculated force, and leave events to take care of themselves? What kind of political arithmetic would that be, which would say, if so many troops have done so much, how many will it require to do so much more? I trust that the supplies we may vote will be given upon a far better principle: upon a principle which shall look, indeed, to results, but which shall make the most liberal arrangements for attaining them.

The proceedings of this Government are as well known in Mexico as here. They do not indeed travel upon the wings of the wind, but they travel with the power of the press, and are spread through the civilized world. Vigorous and prompt action will produce the happiest effect upon the state of things in Mexico. Nothing would conduce more to impress upon the people of that country the necessity of a peace than a unanimous determination in Congress to put forth all the strength of the nation till it is obtained.

I have caused the following abstract to be prepared from the report of the Adjutant General, exhibiting the entire strength of our present army, including regulars and volunteers:

Volunteers—Actual force, about		20,000
To complete the organization will require	12,500	
Twenty-five regiments of regulars—full legal complement, exclusive of officers	28,814	
Actual strength		21,533
To complete the organization will require	7,281	
During the last year, there were recruited—		
For the old army	11,018	
For the new army	11,162	
Forces in the field under General Scott—		
Regulars	17,101	
Volunteers	15,055	
Aggregate	32,156	32,156
Deduct the garrisons of Tampico and Vera Cruz	-	1,947
Makes, for all the operations between Vera Cruz and Mexico, including garrisons, together with the sick and disabled	-	30,209
The returns in the Adjutant General's Office do not show the actual distribution of this force.		
Under General Taylor, but temporarily commanded by General Wool—		
Regulars	3,937	
Volunteers	2,790	
Aggregate	6,727	6,727
Under General Price, in New Mexico—		
Regulars	255	
Volunteers	2,902	
Aggregate	3,157	3,157
On the Oregon route, under Lieutenant Colonel Powell, Fort Kearny—		
Volunteers		477
In California, under Colonel Mason—		
Regulars	216	
Volunteers	803	
Aggregate	1,019	1,019
Total land force employed in the prosecution of the war:		
Regulars	21,539	
Volunteers	22,027	
Aggregate	43,566	

It will be seen that we have in Mexico, under General Scott, besides the garrisons of Tampico and Vera Cruz, about 29,000 men, rank and file, excluding officers; and in the command of General Taylor, an aggregate of 6,727 men, officers included.

From the statements of the Adjutant General, it appears that the actual force kept up is less, by one-fourth than the legal force authorized by law. The continually renewing casualties of war, and other circumstances, occasion this difference. And it is not probable that the existing legal establish-

ment could by any effort, be made to keep in the field a greater numerical strength than is now there. So that, if the force of the army is to be materially augmented, this must be done by the creation of new corps, and by multiplying the arrangements for procuring recruits and volunteers. I have omitted in this enumeration, some bodies of volunteers which have been called out but have not yet joined the army. They cannot, if full, which it is not probable they will be, exceed 2,200 men, and do not change the question before us: if, indeed, they do more than keep up for a time the present number of volunteers in the field.

I know nothing more of the proposed plan of the campaign, than is disclosed in that part of the report of the Secretary of War, which has just been read to the Senate. I do not therefore presume to speak authoritatively upon the subject, and indeed it may well be that no fixed system of operations has been or will be prescribed by the Executive; but that after expressing its general views, the conduct of the war will be left to the discretion of the commander. But it is easy to see, that if the obstinate injustice of the Mexicans drives us to greater exertions, and to a more enlarged sphere of operations, there are a number of positions, which, from their importance, military or political, we must seize and hold. These can only be indicated by an exact knowledge of the country, and particularly of its great lines of communication, which must be commanded and guarded.

And the mining countries would claim their share of attention, in the efforts we may be called on to make. The rich districts of Zacatecas and San Louis yet contribute their supplies to the reduced treasury of the enemy. I have seen within a few days a letter from one of the most gallant and distinguished generals in Mexico, which estimates the revenue now derived from the mines at an amount so much higher than I was prepared to expect, that I am unwilling to state it here, as I am not at liberty to name my authority. But if this information is correct, or near it, the product is a most important portion of the national resources, which should be diverted from the Mexican treasury to ours. And he also gives it as his decided opinion, that by proper arrangement and directions, the produce of the taxes of the country may be made to bear the expenses of holding it in our possession. If so, and the same infatuation continues to prevail in the Mexican councils, we can hold on, as indeed we must hold on, and let the enemy pay the cost of a state of things whose existence is owing to themselves. Without the extinction of their independence, and the annexation of such a vast population to our country, with few sympathies to unite them to us, we can continue to govern them, and govern them with energy and justice, such as are new in their history, till the lessons of adversity shall have taught them to do us right, and till the experience of our sway and its operation around them, shall have brought them to a better state of feeling. We can then treat with efficient rulers, and after securing the just objects of the war, we can retire, leaving the Mexican people in the enjoyment of their independence, with a salutary conviction that it is better to provoke our friendship by justice, than to provoke our enmity by insults and aggressions.

The returns show that we have less than 20,000 men, rank and file, which exclude officers, in the midst of a hostile population, of eight or ten millions, differing from us in race, in language, in religion, in institutions, in prejudices, and indeed in all the characteristics, which constitute national identities, and separate the great families of mankind from one another. This is exclusive of our force upon the Rio Grande, amounting to about 6,000 rank and file, and which is hardly large enough to hold that region in peaceable possession, and to guard against the irruption of the Mexican troops. And it may be that this force will need augmentation with a view to onward operations, either directly upon San Louis, or by the more circuitous but less difficult route of Zacatecas to the central countries of Northern Mexico.

He who believes that this principal force of 28,000 men, and this auxiliary force of 6,000, including the sick invalids and disabled, are amply sufficient to hold in subjection the people already reduced to obedience, to carry the war further the longer it is protracted, and to meet its casualties, whether these are found in the battle-field, in the climate, or in popular tumults, may well vote against this bill, and refuse the augmentation it provides. But those who, like me, believe that this Government, founded by all for the good of all, is bound by the most sacred obligations not to expose its citizens to unnecessary peril, nor to push their exertions to the very limit of human endurance, but to make the most liberal arrangements for the prosecution of the war, and to hold the treasure of the nation light as dust when weighed in the balance with the life-blood of its sons, will cheerfully vote for this proposition, and hail its passage not only as a necessary measure of policy, but as a tribute to gallantry and patriotism.

Mr. CRITTENDEN. As we have heard the remarks of the honorable Senator, I will now, with his permission, move to postpone the further consideration of this bill, until after the Senator from South Carolina shall have an opportunity (to-morrow) of addressing the Senate upon the resolutions introduced by him.

Mr. CASS. I have no objection to the postponement of the bill, provided it is understood that after the honorable Senator from South Carolina has opened the subject, and made the remarks which he desires to make, that he will then give way to this bill. It is only upon the condition that he gives way to this measure, that I will consent to the postponement.

Mr. CALHOUN. Believing that I probably might not have the opportunity to speak to-morrow, I had a conversation with the Senator from Michigan, and expressed to him my desire of addressing the Senate. If I have that opportunity, it is all I ask.

Mr. CRITTENDEN. I move a postponement of the further consideration of this measure until the day after to-morrow.

Mr. CASS. I ask the honorable Senator if it is distinctly understood that this bill shall not be postponed beyond that day.

Mr. CRITTENDEN. I can only answer for myself, that I distinctly understand that the consideration of this measure shall be proceeded with on that day, if such should be the pleasure of the Senate.

Mr. CASS. I cannot agree to the postponement at the risk of having the bill overlaid by a long discussion. I am extremely desirous that the honorable Senator from South Carolina should have an opportunity of stating his views to the Senate, but further than that, as far as I am concerned, I cannot consent to go; and if it become necessary, I shall require a vote of the Senate.

Mr. CRITTENDEN. It depends, I suppose, very little upon my vote, or upon the vote of this side of the Senate, as to whether they will proceed with this measure in preference to any other. That matter will undoubtedly be governed by those who vote with the honorable Senator from Michigan, the Senator must be well aware.

Mr. CASS. If the Senator will pardon me, I expressly said that I speak only for myself.

Mr. CRITTENDEN. I say it depends very little on myself, or upon the votes on this side of the Chamber, as to what business shall be proceeded with. I moved to postpone this bill until the day after to-morrow.

Mr. CASS. I have only one word more to say: as to whether it shall be postponed, the Senate must decide.

Mr. FOOTE. I understood the other day that the precise motion now made would be made in some form by some Senator, for the purpose simply of accommodating the Senator from South Carolina; in other words, that the honorable Senator would claim at the hands of his friends, as a token of personal respect for him, the opportunity to address the Senate upon the resolutions which he has introduced. Ever since I heard that intimation, I have been exceedingly anxious to gratify the feelings of that distinguished gentleman. But it is evidently necessary that there should be a distinct understanding, as the honorable Senator from Michigan says, lest while consenting—anxious as some are to gratify his feelings—to the postponement of this measure, we shall be constrained to permit this bill to be interrupted in its progress; and if, in giving way to the honorable and distinguished Senator at this time, it will have the effect of creating any considerable delay in the passage of a measure so vitally important to the public interests, I shall reluctantly be obliged to vote against the postponement, much as I desire to accommodate the honorable Senator, unless there be a distinct and formal understanding that this bill shall be proceeded with immediately after he has delivered his views to the Senate.

Mr. ATCHISON. Will it be in order to move that the Senate go into Executive session?

The PRESIDING OFFICER. A motion is pending to postpone this bill until the day after to-morrow.

Mr. CRITTENDEN. I have no objection to withdraw that motion; but with regard to any understanding that this bill shall be proceeded with, I am not disposed to commit myself, nor am I authorized to enter into any understanding which will in any way commit Senators upon this side to any particular course. I should myself be glad that the Senator from Michigan should proceed, as he will of course be able to do, notwithstanding any votes that may be given on this side of the Chamber.

Mr. CASS. I trust, if the subject is not postponed expressly with a view to accommodate the Senator from South Carolina, we shall go on with the consideration of the bill, for there is no more important question which can be presented to the American Senate.

Mr. ATCHISON. I move that the Senate proceed to Executive business.

Mr. CASS. I demand the yeas and nays upon that motion.

Mr. ATCHISON. That will decide the question whether the Senate will proceed or not.

Mr. CRITTENDEN. The effect will be to leave the gentleman's measure exactly where he wants it to be. It will be merely passed by, and remain one of the orders of the day for consideration to-morrow, leaving to the Senate then to decide whether they will proceed with it, or allow the gentleman from South Carolina to proceed with his resolutions. I think if the Senator from Michigan will take a moment's reflection, he will see that that is the course which will suit his purpose best.

Mr. CALHOUN. I certainly am desirous of knowing in advance whether I can have an opportunity of speaking to-morrow or not. I introduced my resolution before the Senator's bill was reported, and fixed a day for its consideration. Now, if I am to be prevented from addressing the Senate, by reason of a measure subsequently introduced, which has obtained a parliamentary advantage, all that I can say is, it will be the first occurrence of this kind that I have ever known. All I ask is, the opportunity of being heard. I do not choose to speak upon this bill, and my reason for it is, that it does not give me the scope which I desire. I wish to have it understood whether I am to have to-morrow or not.

Mr. CASS. I hope the honorable Senator will do me justice; he will recollect, and the Senate will recollect, that at the very time his resolution was introduced, and the day fixed for its consideration, I then stated to the Senate that, for myself, I should endeavor to get this bill up to the exclusion of all other business. I am not actuated, as the Senator seems to infer, by a desire to exclude him from an opportunity of addressing the Senate. I only desire that this measure shall be proceeded with without delay, believing it to be the most important business that can be brought before the Senate.

Mr. WESTCOTT said he should vote against any course calculated to postpone the passage of this bill a single hour. He deeply regretted that any one had supposed there was any discourtesy towards the Senator from South Carolina [Mr. CALHOUN] in insisting on its being acted on before any other business. He disclaimed any such intention on his part. The Senator from South Carolina was, of all others, that member of the Senate towards whom he should be most anxious to avoid disrespect or discourtesy. But (Mr. W. said) he conscientiously regarded the passage of the bill, as imperatively demanded by every dictate of prudence and wise policy. He did not consider the decision of the Senate on this bill, as at all connected with the resolutions of the Senator from South Carolina. No matter what was the ulterior policy adopted by us—even if it was resolved to withdraw our army from Central Mexico, and adopt the defensive line policy, still, in his opinion, this bill should be passed forthwith. It will take months after the bill becomes a law to get the troops into the field. After it passes the Senate there may be delays elsewhere. Sir, (said Mr.

W.,) great as is the confidence I have in the skill, valor, and prowess of our gallant soldiers in Mexico, unforeseen and unexpected circumstances may involve them in difficulties, making reinforcements necessary. The orders of the Government to sustain the army by taking supplies from the enemy, have just about this time been received by the army. Three weeks hence we may, and some believe that we shall, get information that the effect of the enforcement of these orders, may be the requirement of an additional force there forthwith, to suppress outbreaks and insurrections. I will not say I anticipate this, but it is not improbable. Our fellow-citizens of the army are in a foreign land, in the midst of eight or ten millions of embittered foes, who are ready to avail themselves of any opportunity to massacre every one of them. They are scattered over Mexico in several different towns, and divided into detachments not very strong in numbers. They are in a different climate from that they have lived in—they are peculiarly liable to be attacked by disease. Armies are more subject to epidemics than those who compose them are when at their homes.

If any disaster should occur to any of our brave men in Mexico, which the giving the reinforcements afforded by this bill could have prevented, and if the immediate passage of this bill was delayed by any act or vote of mine, I should feel as if the blood of those thus sacrificed was upon my hands. Another argument forced itself upon his mind. He believed, if even it was not already too late to reason on the question, every hour's delay tended directly to produce the very result deprecated in the resolutions of the Senator from South Carolina. If it could be averted, it was only by sending additional troops to Mexico at once, and by vigorous means, making her feel the war in every portion of the country, and forcing her to sue for peace. Indecision here, delays here, opposition here, encouraged our enemies in Mexico to hold out, and finally the country would become such a mere wreck, that we should be compelled to take it all and govern it. Vigorous and speedy measures would coerce her people to a peace while they had strength left to sustain themselves when the war was closed. Under these circumstances, (said Mr. W.,) anxious as I am to listen to the Senator from South Carolina upon his resolutions, I feel that I am right in resisting any and every postponement; and, for one, I am willing to sit here without an adjournment, till the final vote is taken; and I trust the Senate will do its duty, and if any detriment is occasioned by delay, let the responsibility fall elsewhere.

Mr. BADGER. When the Senator from South Carolina introduced his resolutions, something like a fortnight ago, he made them the order of the day for to-morrow, and at the last day of the session of the Senate, the honorable chairman of the Military Committee called up the bill which is now under consideration in this Senate, with, as I understood, the avowed design to keep the measure before the Senate, to the exclusion of the resolutions of the Senator from South Carolina, which, by a previous order of this body, were to be taken up to-morrow. This was done, sir, against the remonstrance of the Senator from South Carolina. It was done, in my judgment, sir, contrary to the usages of this body. It was, in my opinion, an exhibition of a want of courtesy towards the Senator from South Carolina. The subject matter of the resolutions have been known and announced to the Senate. The Senate has designated a day on which they shall be taken up and considered, and this bill was called up on the last day of the sitting of the Senate but one, before the resolutions of the Senator from South Carolina were regularly to come up before this body for consideration, with the avowed purpose of giving it precedence over these resolutions, and probably preventing the Senator who had brought the subject before the Senate from being heard, and having the subject-matter of his resolutions considered.

Now, in my judgment, nothing but some extreme public necessity—nothing but a plain case, involving the public good, and requiring immediate consideration, should have precedence over these resolutions. An object of this kind alone, which could only be accomplished by giving it precedence over these resolutions, would be sufficient justification for such a course being pursued. Now, where is the necessity? Wherefore is it that this particular bill is now to be considered and passed through with such hot haste? The Senator from Florida, it is true, tells us that he entertains serious alarm lest in the next three weeks our gallant troops, who have covered themselves with honors, who have defended themselves against three times their number, may suffer some great calamity—may be overborne by superior numbers. Well, if any Senator expects any such thing, does he expect these ten regiments to be raised?—does he expect that at the slow and limping pace at which measures are passed through Congress this can by any possibility be made available? It cannot, sir. It must be manifest, that whether this bill is acted upon before the vote is taken upon the resolutions of the Senator from South Carolina is a matter of the utmost indifference, if the actual application of the force intended to be raised is for the purpose either of relieving the troops or prosecuting the war—either to preserve our army, or to annoy or overbear the enemy. This strikes me, sir, as being the actual position of the question before the Senate. It resolves itself into this: Shall the Senate, without any plain reason founded on the public good, without any exigency demanded by the present state of the war, without any possible reason to believe that any good purpose can be served by it, set the example of putting aside a previous subject, and thereby offering, as it appears to me, a want of courtesy, without example, as far as I know, in this body towards an honorable Senator who has introduced the subject for consideration. Well, what is now proposed? How is it that this wrong movement is to be redressed? Why, it is supposed by the postponement of the consideration of this bill until the day after to-morrow, in order to give the Senator an opportunity to be heard, without a distinct understanding that after that shall have been done, the consideration of this bill is to be resumed. Suppose the course pursued in calling up this bill had not been pursued; suppose to-morrow had arrived, the resolutions had come in their order—as in my judgment they ought to be permitted to do—what would have been the result? Why, not only that the Senator from South Carolina would have had an opportunity to be heard upon his resolutions, but others would also have had an opportunity to be heard—for I do not know but many others may desire to be heard upon these resolutions, if, as he suggests, there is no such scope in the bill as in the resolutions. Is it to be understood that the subject is to be taken up merely to allow the Senator from South Carolina to express his views, and then that a narrower ground, a more restricted range is to be given to other gentlemen who may desire to be heard upon the matters at large which are embraced in the resolutions? I hope we shall resume the ground which I believe the resolutions ought to occupy. But what does the honorable chairman of the Committee on Military Affairs propose? Surely he does not expect to force this measure through the Senate without debate. Surely he does not expect that this is a measure which can be passed silently through this body. The bill must be discussed as well as the resolutions. If members of this body are disposed to spend three or four weeks in the discussion of the subjects embraced in the resolutions, they may be equally disposed to discuss this bill. The discussion must come sooner or later. I hope, then, that the Senate will postpone this subject until the day after to-morrow, that the Senator from South Carolina may be heard to-morrow, and that the Senate may then determine whether they will discuss this bill, or whether the discussion upon the resolutions is to be prosecuted to its termination. I cannot come to an understanding that, after the Senator from South Carolina has delivered his views, the bill is to be taken up, and the discussion prosecuted to its termination.

Mr. CASS. I merely want to relieve myself from the charge of a want of courtesy towards the Senator from South Carolina, who is almost the last man to whom I should wish to exhibit the slightest discourtesy. That honorable Senator will recollect, that at the time I introduced this bill, I gave notice that I would endeavor to bring it up at the very earliest opportunity; and the Senator must know, also, that it has been out of my power to do it sooner, in consequence of the stroke of Providence having fallen upon one of our number, and in consequence of the observance of solemnities which were due to the occasion; and now comes the very first day on which the Senate could vote on this subject, and the Senator says, it is a mark of discourtesy on my part to urge the consideration of the measure. Let me ask the Senator whether, if he regarded a particular subject, as vital to the interests of the country, he would regard the desire to proceed with that measure to the exclusion of all others, as any mark of disrespect? Would he not insist upon its immediate consideration, even at the hazard of being accused of a want of courtesy? Would he not do this himself? I am one who believe that there is an absolute necessity for this measure. The Senator from Florida very properly suggests, that a state of things may arise, in which it would be vitally important, that the troops proposed to be raised by this bill, should be in Mexico; and an honorable Senator from North Carolina suggests the slow and limping progress of measures through this body. Why, that very consideration shows that there ought to be no delay.

Who can tell what may happen three months, or even three weeks hence? This is my view of the matter, and I trust it redeems me entirely with honorable gentlemen on both sides from the imputation of want of courtesy. If this measure be postponed, and the resolutions taken up, no man can tell when the discussion will be terminated; and in the meantime this important measure—a measure in which the honor and interests of the country may be involved, and without which the lives of our citizens may be hazarded—will be postponed. I think it is no discourtesy to any gentleman to ask for the consideration of measures so intimately connected with the public interests, before the Senate shall be addressed upon other matters. I repeat, that I shall hear the honorable Senator with the greatest pleasure to-morrow. I never hear him without pleasure. I never disagree without I doubt my own judgment; and with the understanding that to-morrow shall be devoted to the hearing of the Senator, and that the bill shall be proceeded with on the next day, I shall cheerfully acquiesce, but further than that I cannot go.

Mr. BUTLER. I do not rise to vindicate the views of my colleague, but I do rise to demand for him the ordinary course which is conceded by all parliamentary usage. He has heretofore given notice of his purpose to express his views to the Senate, and the motion of the honorable Senator from Kentucky is nothing more nor less than to give him an opportunity of doing so to-morrow. The majority of this Senate has of course the power to forward this bill; but why does the honorable chairman of the Military Committee desire so earnestly to avoid discussion? Is he distrustful of discussion on this subject? And does he suppose that in the course of one day's discussion the minds of Senators here will be so modified as to take from him the power of his own measure? It may be he distrusts his own friends. I am not prepared to say what the result will be—whether the Senate will be disposed again to lay down the resolution and take up the bill. I do not say that I have any opposition to offer to the measure which the Senator has introduced, nor will I admit that he has a right to assume that any member will be the less ready to support that measure in consequence of any discontent that may take place; but I do say that the light to be derived from discussion should be had. Discussion should be permitted to proceed before we are called upon to vote upon any measure of importance. I am very far from agreeing with the gentleman, that I am to take counsel from apprehension, that from a hasty announcement in this body, we are to rush to the rescue of our gallant army, as though it were menaced with danger. I shall not take counsel from any such apprehensions; and I think it is but a reasonable request on the part of my colleague, that he should be heard before the subject is prejudged.

Mr. FOOTE. I desire to make a single remark—not more; nor would I have troubled the Senate in my present feeble state of health, but for the allusion which was made by the Senator from North Carolina to Senators on this side the Chamber; for I confess I am one of those who are ambitious of being recognized as patriots, and I am also ambitious of not being recognized as discourteous. How far the Senator from North Carolina can reconcile it with his views to fulminate accusations of discourtesy, without resting those accusations upon any good and sufficient grounds, I leave to himself to determine. So far as my poor judgment goes, however, I consider the accusation which he

has made is not capable of being sustained by evidence. What is the fact? I stated before, and the Senator will justify me in the assertion, that he claimed the other day, with that urbanity which characterizes his demeanor, as an act of courtesy from his friends, that he should be allowed to be heard upon his resolutions upon the day fixed by him for taking them up. As soon as the proposition was made, my heart responded to the call, and I thought all on this side were inclined to be in unison, and that this act of courtesy should be extended. Now, the truth is, the Senator from North Carolina and those associated with him, have the control of the whole matter. This plain practical proposition has been submitted to them, that a formal understanding should arise in this Chamber, that the Senator from South Carolina should be allowed to be heard upon his resolutions, and that the consideration of this bill should then be proceeded with. How easy to agree to such a plain proposition! But is agreement manifested? With whom then is the discourtesy, when it is proposed to do all that is asked for by the Senator from South Carolina—to do all that it may be necessary to enable the Senator to be heard on these questions? What is the answer? None at all. Answer most significant; an answer significant to the scheme—I hope it may not be considered discourteous to use the word—to postpone this vital question. It is not for me to remind the gentleman from North Carolina—who is as distinguished for his knowledge of the common law as for his learning and eloquence—that it is an established principle of the law, (to give the maxim without using the Latin,) "so far as the reason of the law extends, so far the law operates, and no further." Now, the reason of this courtesy is plain; it goes as far as we are willing to admit it, and cannot go farther. What does the Senator from North Carolina say?—that in violation of reason and common law, the instant the Senator from South Carolina is heard on the subject, then all the other Senators shall also be allowed the same privilege. Is this in accordance with reason? Does courtesy require that all should be heard? Have all participated in the concoction of this resolution? We are willing to act upon reason—to carry it out—to enforce it. The Senator from North Carolina says that all other Senators must also be heard. Why, it is obvious, and it must be obvious to the Senator, that by insisting that all others must be heard, he makes a refusal to hear any Senator; an act of discourtesy, the avoidance of which he seems to have so much at heart. I, for one, sir, am most anxious to hear the views of the distinguished Senator from South Carolina. As to the result of discussion in this Chamber, I fear nothing. There is too much patriotism here to permit us for a moment to doubt as to what will be the action of this body when the interests and honor of the country demand such action.

Mr. BADGER. I was endeavoring to obtain the floor immediately after the honorable chairman of Military Affairs took his seat, for the purpose of saying to him that I was very much astonished to hear him intimate that I designed to charge him with a want of courtesy towards the Senator from South Carolina. I know that that honorable Senator would be as far from offering an act of discourtesy as the Senator from Mississippi. When I spoke of that act as contrary to the usages of the Senate, I spoke of those usages, and have observed them for a very short period. It is possible for gentlemen to do an act of discourtesy without being aware of it; but I can assure the Senator from Mississippi that he is entirely mistaken if he supposes that any scheme has been concerted on this side of the Chamber. For my own part, I came from a part of the Union where schemes are not very much indulged in, where they are not held in very high estimation. All I intended was to express my own opinion; and according to the views I entertained, it was discourteous to the honorable Senator, and a violation of the usage of the Senate. I certainly did not suppose that either the Senator from Michigan or the Senator from Mississippi designed to offer a discourtesy to the Senator from South Carolina. But it seems, sir, I am claiming too much, when I decline to enter into any agreement or understanding, that as soon as the Senator from South Carolina has expressed his views, his resolutions are to be laid aside, and the consideration of the bill resumed, on the ground that the courtesy of the Senate is completely exhausted, after the Senator from South Carolina has had an opportunity to be heard. Now, upon this point I entertain an entirely different view from that of the Senator from Michigan; and when he claims the privilege of acting as his judgment dictates, it is but right that I should claim the same privilege. It has been suggested that ample range for debate would not be afforded on this bill. If so, and if courtesy requires that the Senator from South Carolina should be heard, with this "ample room and verge enough" for the expression of his ideas, it follows, of course, according to the same principle of common fairness, that other Senators who differ totally from him, if there be any such, or entertain a multiplicity of opinions, should be permitted the same opportunity for the expression of those opinions. For these reasons, I am of opinion that this matter should be passed over without any such understanding as is proposed, and that the discussion which is to arise upon the resolution should arise in regular order, and be prosecuted to its final termination. At the same time, I agree with the Senator from Michigan, that the claims of courtesy towards any member of this body ought to yield to subjects of necessity—to measures which are demanded by the circumstances of the country; but in this case I cannot see that any such necessity exists; and, as I hold it to have been originally wrong that the resolutions of the Senator from South Carolina should have been supplanted or deprived of their priority, on this subject I hope the Senator from Michigan will allow me to correct his recollection, while I disclaim imputing to him any intentional discourtesy, of which I know him to be incapable. He is certainly in error when he supposes that at the time when the resolutions of the Senator from South Carolina were made the special order of the day for to-morrow, he gave notice that he would, in the *interim*, call up his bill; because the resolutions of the Senator from South Carolina were submitted on the 15th of December, and on the 20th of December they were made the order of the day for to-morrow. The bill now under consideration of the Senate was reported to the Senate on the 22d of December, being two days after the resolutions of the Senator from South Carolina had been made the order of the day for to-morrow, and one week after the resolutions had been submitted to this body. Therefore, it was impossible for the Senator, unless by the spirit of prophecy, to give notice on the 20th that he would call up a bill that was not reported from the Military Committee until the 22d.

Mr. CASS. I have no hesitation in saying that the Senator has a better knowledge of chronology than I have; but I recollect distinctly that my object in making that intimation was to meet a remark of the Senator from South Carolina, and it was in connexion with what was said by the Senator from Ohio.

Mr. ATCHISON. I would like to make an inquiry, sir, as to whether this question is debatable. If I understand the motion, it is to go into Executive session.

The PRESIDING OFFICER remarked that he had suffered the debate to proceed, under the expectation that it would lead to an amicable arrangement on the subject of the postponement of the bill. Upon the pending motion, however, debate was not in order.

Mr. SEVIER. The Senator from South Carolina introduced his resolutions some days ago, and intimated his intention of addressing the Senate to-morrow. Now there is not a single dissenting voice against that being done, although every one is impressed with the importance of this measure, and of the necessity of a speedy action upon it. When the resolutions come up, by way of a trial of strength, I will move that they be laid upon the table.

Mr. DICKINSON. It will be recollected that I introduced certain resolutions some days previous to the introduction of the resolutions of the honorable Senator from South Carolina, and that when my resolutions were reached, I intimated a determination to call them up immediately after the holidays. The Senator from South Carolina, however, thought proper to move to make his resolutions the special order on the very day which I had intended to appoint for the consideration of my own. Of this, however, I do not complain. I waived the intention of calling up my resolutions, although I thought these contained a very important principle. I refrained from calling them up, lest it would interfere with business more practical. Anxious as I am to obtain discussion upon them, yet I am willing that they should remain until these practical measures are disposed of. Although I propose to keep them before the Senate, yet I do not propose to bring them forward to the exclusion of those measures which the public service requires.

Mr. MANGUM. I have no doubt that the Senator from Arkansas is perfectly correct in saying that there is no intention on the part of any one to prevent the Senator from South Carolina from being heard to-morrow; and for the very reason, that this has been almost the constant usage in this body. I think a great deal more consequence has been attached to the importance of immediate action on this bill than it is entitled to. There is no disposition to deprive the Administration of the opportunity of presenting their measures in their own good time; and although I must say that, if I had my choice, I would prefer to hear the discussion upon the resolutions—to hear an expression of the sentiments entertained by the Senator previous to being called upon to grant supplies to any extent; yet if the Administration measures are urged on the ground of a pressing public necessity, I am unwilling to take the responsibility of occasioning any delay in regard to those measures which they deem of the highest magnitude. It is true, that the resolutions of the Senator from South Carolina open a much wider range of debate; but if it be the sense of the Senate, that the discussion should be delayed and the supplies proceeded with, I shall not offer any impediment, nor will any one on this side of the Chamber, I am convinced, although I am not authorized to speak for others. If it be the sense of the Senate to renew the discussion on the bill as soon as the Senator from South Carolina shall have expressed his views, be it so. I am not apprized that there is any disposition here unnecessarily to postpone final action upon any measures of the Administration.

Mr. FOOTE. When I used the word "scheme," it was certainly not with any discourtesy towards the Senator from North Carolina. It was merely in allusion to the postponement of business, there being conflicting views in regard to the expediency of first taking up one subject or the other, and in reference to gentlemen who might be inclined to seize upon what might, perhaps, be properly termed parliamentary advantage. And while I am up, I will remark, that if the Senator from North Carolina understands me as using the word "scheme" in any disrespectful sense, in reference to himself, or in reference to the State of North Carolina, he is entirely mistaken. But while the honorable Senator repels the idea of the application of such a term to the character of his State, I hope he does not mean to imply that I came from a part of the country where schemes are more apt to be adopted than in North Carolina. If I had understood the Senator as intending such an intimation, I should have repelled it at the moment, with promptitude, and perhaps with some heat. The State of Mississippi, high as she stands, is free from injury, even at the hands of the Senator from North Carolina. Possibly some disrespect was intended to the State of Mississippi. Possibly it was intended to hurl the arrow which was pointed at her many years ago. I will take the liberty of saying that there is not strength enough in the bow he bends to wing the arrow to the mark.

Mr. BADGER. It was my intention, as soon as the Senator had taken his seat, had he done so without hurling such a military weapon, to say to him that I did not think of the circumstance which might have led to the suspicion, which might have given the appearance of discourtesy to what I said. I had no such intention, and I assure him that even if I were not satisfied of the strength of Mississippi, on this floor and elsewhere, I entirely disclaim the intention of assailing her. She is connected with North Carolina by many ties of association; and I assure the honorable Senator that if he does not make up a conflict upon this floor before he is assailed by me, he will pass through his senatorial career (and long may it be) in the most agreeable manner, and that he will never have occasion, as far as I am concerned, to make the Senate the arena of any unpleasant observations. And, indeed, I had not the least idea that the Senator had used the word "scheme" offensively. I am sure the word dropped from him

unguardedly, and I was far from taking offence at it, for I am not "sudden and quick in quarrel"—I am not anxious to find cause of offence, nor desirous to signalize myself in contests of this kind. Perhaps there might have been another consideration—that feeling on the subject a tolerably clear conscience, I would not have been much disturbed if I had supposed the Senator was aiming the word opprobriously at my State.

Mr. FOOTE. I trust I shall be excused for trespassing a single moment further upon the time of the Senate. Notwithstanding the express disclaimer of the Senator from North Carolina in the first half of his remarks, there is something yet in the tone and bearing of the honorable Senator, which, without explanation, conveys the impression that he has not that respect for the State of Mississippi which is due to her.

Mr. BADGER. I have expressly disclaimed intending any offence to Mississippi.

Mr. FOOTE. Sir, so I understood the Senator, and yet from the whole tenor of his remarks we are as much at a loss as to the intention of the Senator as before. He certainly did disclaim an intention of offending, and yet the disclaimer was accompanied by a suggestion which weakened its value, and served to produce some little merriment. He had stated, that he was not aware of the circumstance that would make allusion so painful.

Mr. BADGER. No, sir; the Senator mistakes me. I did not say that I was aware of the circumstance which might make the allusion painful. I said that when I made the remark I did not think of any circumstance which might make the allusion painful.

Mr. FOOTE. Very well, sir, I am entirely satisfied.

Mr. MANGUM. I was remarking that I think there has been a degree of interest in regard to the priority of proceeding between this bill and the resolutions greatly disproportioned to the importance of the question. There is no design, I am persuaded, to take from the Administration the opportunity of controlling the measures which they may propose. Yet it cannot be denied that the Senate has the right to act first upon such subjects as they may deem proper, but under the circumstance of this bill being pressed by the friends of the Administration, though I have a bare preference the other way, I will yield that preference, and agree to proceed with the consideration of the bill; though in the meantime I desire that its consideration should be postponed until the day after to-morrow, and I now move its postponement until that day; and I hope that the motion will meet with unanimous concurrence, and that all dispositions to give preference to any other matter will vanish.

Mr. DOUGLAS. I am afraid I will find myself constrained to give a vote which may be considered wanting in courtesy to certain Senators, if I am to judge from the opinions which I have just heard expressed. I would not willingly be discourteous to any Senator; but I am unable to perceive how it is that a refusal to postpone the business of the country, or the necessary measures of legislation for the prosecution of the war, in order to take up an abstract question having no practical bearing upon our legislation, can be considered an act of discourtesy. I am equally unable to perceive how it is that the resolutions of the Senator from South Carolina will give a broader field for the discussion of the war question, including its consequences. Those resolutions do not seem to me to fairly bring up the subject of the war. They simply assert the principle of opposition to the annexation of Mexico—a proposition, the affirmation of which never has been, and perhaps never will be, presented to us for action. It is an evasion of the real question, by the presentation of a false issue, if, indeed, it presents any issue. What do the resolutions mean? Do they mean that the Senator is opposed to the acquisition of any territory and to all indemnity? or that he is opposed to the annexation of the whole of Mexico? They may be construed to mean the one or the other, and perhaps with equal plausibility. They strike me, sir, as furnishing a successful example of that saying of Talleyrand—that language was given to man by the Deity to enable him to *conceal*, not to express, his ideas. I am opposed to the postponement of the legislation of the country for the purpose of taking up any such abstract, idle propositions. I shall oppose them from a sense of duty, whether offered by the Senator from South Carolina, or contained in the resolutions of the Senator from New York. The war bills are the true measures upon which to discuss the origin, progress, and results of the war. If gentlemen desire to make speeches against the war, I wish to have them made on the bills providing for the prosecution of the war, so that the proper responsibility shall attach to their speeches and acts. The supporters of the war are willing to take the responsibility of speaking and voting for the war measures: let our adversaries take the responsibility of their acts in the same way. I repeat, that I mean no unkindness or discourtesy to any Senator. But I must be permitted to say, that this doctrine of courtesy is being carried to great lengths. I begin to think there was some force in an incident which I once witnessed in this Chamber: A Senator was making a speech against a measure on constitutional grounds; a friend of the measure desired a brother Senator to go to the Senator who was opposing the bill, and ask him to vote for it as an act of courtesy, adding, that he would much sooner violate the Constitution than be deemed discourteous. I suppose, therefore, if we are called upon to withhold the recruits and supplies from our army in Mexico, upon the score of courtesy to any Senator, we are bound to yield to the request. I trust that gentlemen will pardon me if I shall feel constrained to give my vote for attending to the public business first—for the discussion of abstractions afterwards.

Mr. WESTCOTT said he desired to say a few words to correct a misconception of the Senator from North Carolina, [Mr. BADGER,] and also a misapprehension of the Senator from South Carolina, [Mr. BUTLER,] with regard to the remarks he made a few moments since. The first Senator seemed to think that he (Mr. W.) was apprehensive of immediate, impending, imminent danger to our army in Mexico.

Mr. BADGER. I did not understand him as saying immediate danger, but that there would be danger three weeks hence.

Mr. WESTCOTT continued: And the last Senator imagines that he (Mr. W.) was laboring under great alarm and "consternation" as to its safety. He (Mr. W.) had not supposed anything in what he said, or the manner in which he said it, would have caused such thought.

Mr. BUTLER corrected the Senator, and said he had alluded to the remarks that apprehensions were now entertained of news being received in three weeks that would show the necessity of these troops—and he had not referred to the Senator as expressing any fears of "imminent" danger.

Mr. WESTCOTT. Both Senators had misunderstood him. He had as much confidence in the army as any man had, but he could not calculate closely the amount of force that might be needed in Mexico, so as to send the smallest number. He would be liberal in men and money, and, above all, be prompt. He would provide against possible though unexpected contingencies. The remark of the Senator from North Carolina, that months would ensue before these troops could be raised, furnishes a complete answer to the argument of there being no immediate necessity for these troops. It was well known that many of our volunteers there desired to be discharged and to return home, but who could not be allowed to do so till their places were supplied by new levies. This should be done as soon as practicable. Until the new regiments of regulars provided by this bill are sent to Mexico, none of the volunteers or other troops there can be withdrawn, whatever their claims to such favor. Though he did not anticipate disaster, much less defeat to our soldiers in Mexico, he would be prepared for any casualty, not only what was likely to occur, but what was possible. As to the discourtesy imputed, he denied that there was any in fact. He repeated, the bill was an independent measure, proper and necessary, whatever was decided upon as to the policy to be pursued towards Mexico. He said he could vote for the resolutions of the Senator from South Carolina, if convinced they were founded in wisdom and right, even after this bill passed. There was no inconsistency in such a course. He should listen to the Senator attentively, and if satisfied, he should vote for the resolutions, and if not so persuaded, he should vote against them. He did not hesitate to say that he believed one position assumed by a distinguished statesman, a citizen of Kentucky, [Mr. CLAY,] though he had never supported that gentleman, to be correct. It was, that Congress had the constitutional right to direct and control the President by law or resolution, as to the management of a war. Mr. W. did not, as some gentlemen did, limit this right to the declaring the objects of the war; in his opinion, the Senate and House of Representatives could properly and constitutionally at any time dictate to the President how the army should be employed, and regulate how the supplies should be disposed of; and (said Mr. W.) I would exercise this right whenever I believed the Executive was doing, or was about to do, wrong. As to his opinions of the Executive, and of the course pursued with respect to this war, this was not a proper occasion to express them. His votes, and speeches, and acts heretofore, displayed them; they were well known. When the question as to the policy to be settled upon as to Mexico came up, he should express his views as to that. But as it respects this bill, he regarded delay as exceedingly injudicious. If it could possibly be hoped there would be no delay after it passed the Senate, he should still urge it in this Chamber; but with the probability of delay in the other House, the duty to dispose of it here, forthwith, was made still more imperative.

Mr. CALHOUN. I rise to say that I am perfectly satisfied with the course which is suggested by the Senator from Arkansas and the Senator from North Carolina—either will be satisfactory to me.

Mr. DAVIS, of Mississippi. I deem it proper to say, as one of the Military Committee, that this bill was pre-passed by a committee, under the impression that more troops were necessary to be raised immediately. The chairman of the committee, in accordance with the views of a majority of said committee, announced his intention to bring it up at the first possible moment, and press it to its speedy passage. And it is now one week, I believe [Mr. CASS: Two weeks]—one week was enough for the purpose; but it seems two weeks have elapsed since the announcement was made. We had hoped that one week would have been sufficient to have secured its passage; for we believed that a great and pressing emergency existed.

It appeared plainly manifest to us, that if any military movements took place in Mexico—that would naturally excite the military ardor of the people of the United States—it would require all the intervening time between the present period and the time when the yellow fever would set in, to organize and forward the drafts of troops necessary to carry on active operations. The Senator from Florida is not wrong in supposing that there is ground for apprehension in regard to our troops in Mexico, and that further soldiery will be required in the battle-field. For what has been the cause of so much loss of life already? I would ask, if it has not been owing, in a considerable degree, to the tardiness in furnishing the supplies, as well as the deficient quantity? But for the small amount of forces furnished, the battle of Buena Vista would never have been fought; and if General Scott, sir, had had a powerful army, with which to have followed close upon the heels of retreating Santa Anna, no fortifications would have been thrown up, and no fighting would have taken place, or resistance been made, before the walls of Mexico. What induced Santa Anna at Buena Vista to attack General Taylor, but the belief that his troops were numerically exhausted, and were not sufficient in number to repel such an attack. Shall we, by a repetition of these errors, invite similar attacks again?

Sir, all history has taught us, that where civil governments at home assume to direct military operations abroad, ruinous evil has been the result. Shall the Senate delay to decide whether it is necessary to send additional forces to Mexico? The Executive, with the information that he has in his possession, has been induced to call for these additional forces. If it be so—if the same delay is again to take place in the transmission of troops—we must then expect to see, what we have seen, a few of our gallant soldiers outflanked by a superior force, and obliged to fight their way through the serried ranks of the enemy. May it not be so again? Then, why expose the lives of your countrymen, while disputing upon questions that have no practical bearing? We are all anxious to hear the sentiments of the distinguished Senator from South Carolina, not that I am of

opinion that the fate of this bill can be affected by any vote upon his resolutions. I can accept his resolutions, and still vote for this bill. If, indeed, we do not wish to annex Mexico—if we wish her to maintain an independent government, and to conclude this war by an honorable peace—I ask, why hesitate to pass this bill, and grant an adequate force and sufficient supplies? But the Senator wishes to be heard upon this question. If other gentlemen wish to answer him, these resolutions can be laid upon the table, the public service attended to, and then a wide discussion can be entered upon—a discussion which I, for one, would be inclined to listen to with much interest.

Mr. SEVIER. I hope this bill will be postponed, and made the special order at one o'clock on Wednesday.

Mr. CRITTENDEN. I wish to make a single remark. I think that my honorable friend from Mississippi is a little mistaken in supposing that any of the disasters of this war are attributable to the tardy legislation on the part of Congress. I have been here the whole time, and if any blame is to be attached to Congress for tardy legislation, of course I must come in for my share of that blame. When was it that we have been guilty of any tardiness in granting any supplies of men or money that were demanded by the Executive? We began by authorizing the Executive to accept the services of fifty thousand volunteers, and that force was never exhausted until the fall of last year. There have been military resources open at all times to the President, which he might have exercised, and which he has exercised, by calling out men to serve during the war. This is the remark I intended to make. I am satisfied the honorable Senator meant no rebuke to the Senate; he has been more meritoriously engaged, and is evidently under a misapprehension if he supposes that any such charge can possibly be made upon Congress.

Mr. DAVIS. It is very far from my intention to rebuke the Senate; but I believe that I am borne out in what I have stated by proof. We did pass a bill authorizing the raising of fifty thousand volunteers, but all other supplies were cut down—I mean camp and garrison equipage.

Mr. CRITTENDEN. One word as to that—my recollection is fresh—that when the appeal was made for supplies, they were at once granted; there was not a dollar asked that was not granted, not an item of supply demanded, that was reduced in amount. I think the Senate will find this to be the case. Not a dollar was refused. We were guided by the estimates that were furnished, and voted their full amount.

Mr. DAVIS. I intended to refer the honorable Senator, when I was up, to an item that was stricken off from the Quartermaster's estimate.

Mr. CRITTENDEN. I did not know anything about that, it was not in this body.

Mr. DAVIS. It was stricken off in the House of Representatives; the item was for camp and equipage supplies.

The question being taken on the postponement, it was agreed to.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business, and, after a short time spent therein, the doors were opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 3, 1848.

The Journal of Thursday was read, and, having been amended at the instance of Mr. GOGGIN so as to state the reference to the appropriate committee of a petition presented by him, was approved.

THE SOUTHERN MAIL.

The SPEAKER announced the pending question to be upon the motion of the gentleman from Arkansas [Mr. JOHNSON] to lay on the table the motion of Mr. GOGGIN to reconsider the vote by which the resolution relative to the transportation of the mail between this city and Richmond was referred to the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee, inquired if it would not be in order this morning to move to suspend the rules to enable him to offer a resolution.

The SPEAKER replied that it would be, after the pending motion to lay on the table was disposed of.

Mr. BOTTS said he did not know whether the gentleman who made the motion to lay on the table [Mr. JOHNSON] was in the House; but if he was, he would inquire if he would withdraw it to afford him (Mr. B.) the opportunity on Monday—which was the only day on which, under the rules, it could be done—to ask the House to suspend the rules, for the purpose of enabling him to submit a proposition to refer this whole subject to the Committee of the Whole on the state of the Union, and make it the special order for to-morrow.

The SPEAKER. The Chair would state to the gentleman from Virginia, that if his colleague [Mr. GOGGIN] withdraws his motion to reconsider, the motion to lay on the table falls, as a matter of course. Then, the resolutions being already referred, the gentleman will have only to move that they be made the special order.

Mr. JOHNSON, of Arkansas, rose and withdrew the motion to lay on the table.

The question recurring on the motion of Mr. GOGGIN to reconsider the vote by which the resolutions were referred—

Mr. GOGGIN withdrew that motion.

Mr. BOTTS then asked and obtained the general consent to submit a motion making the resolutions relative to the transportation of the southern mail the special order of the day for to-morrow.

The motion having been agreed to, the said resolutions were accordingly made the special order for to-morrow.

ADDITIONAL CLERKS.

Mr. JONES, of Tennessee, offered the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency and propriety of authorizing the Secretary of War to employ such additional number of clerks in the Pension Office, temporarily, as the exigencies of that office and the rights of applicants for bounty lands, treasury scrip, and pensions demand. And that the committee be requested to report by bill or otherwise at the earliest practicable day.

Mr. COCKE desired to offer an amendment to the resolution, so as to give to the Commissioner of Pensions, instead of the Secretary of War, the power to employ the clerks which might be necessary. Unless his colleague should see fit to adopt such a modification, he would move it as an amendment.

Mr. JONES, of Tennessee, believed it was contrary to the practice of the Government to authorize the head of a bureau to appoint the clerks. The Secretary of War was the head of that department; the Pension Office was a bureau of that department, and consequently, he thought, should be under the direction and control of the Secretary of War. He could not accept the amendment; and, to stop further debate, he demanded the previous question on the adoption of the resolution.

The demand for the previous question was seconded, and the question was put on agreeing to Mr. COCKE's amendment, viz: strike out the words "Secretary of War," and insert "Commissioner of Pensions."

The amendment was disagreed to.

The question was then put on agreeing to Mr. JONES's resolution, and it was agreed to:

CONTESTED ELECTION FROM NEW YORK.

Mr. THOMPSON, of Indiana, from the Committee of Elections, reported the following resolution; which was read, considered, and adopted:

Resolved, That the parties to the contested election from the sixth Congressional district of the State of New York be, and they hereby are, authorized to take testimony of such witnesses as either of them may require, by depositions, in conformity to the laws of the State of New York in force at the time of taking such testimony on the subject of contested elections in that State: *Provided*, That the parties may, by agreement under their hands, regulate the mode of giving notice, and other matters of form, at their discretion; but if no such agreement shall be made, then each party shall give to the other such notice of the time and place of taking such depositions as are prescribed in the aforesaid laws of New York: *Provided, also*, That when such depositions are taken, they shall, together with the agreements or notices aforesaid, be sealed up by the officer taking the same, and directed to the Speaker of this House.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. SMITH, of Indiana, inquired whether this was not the only day upon which resolutions could be offered under the rules.

The SPEAKER stated that, under the rules of the House, each alternate Monday was set apart for calling the States and Territories for resolutions.

Mr. COLLAMER called for the orders of the day.

RESOLUTIONS.

The SPEAKER then commenced the call of the States for resolutions, beginning with Maine; and,

On motion of Mr. HAMMONS,

Resolved, That the petition of Daniel H. Warren for a pension and for arrearages of pension, with the accompanying papers, be taken from the files of the Clerk, and referred to the Committee on Invalid Pensions.

On motion of Mr. ASHMUN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of repealing all laws which make it criminal for citizens to transport letters and newspapers by individual or private means.

THE MEXICAN WAR.

Mr. HUDSON moved the following resolution:

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of requesting the President of the United States to withdraw to the east bank of the Rio Grande our armies now in Mexico, and to propose to the Mexican Government forthwith a treaty of peace on the following basis, namely: That we relinquish all claim to indemnity for the expenses of the war, and that the boundary between the United States and Mexico shall be established at or near the desert between the Nueces and the Rio Grande; that Mexico shall be held to pay all just claims due to our citizens at the commencement of the war, and that a convention shall be entered into by the two nations to provide for the liquidation of those claims and the mode of payment.

Mr. HUDSON called for the previous question on the resolution.

Mr. THOMPSON, of Mississippi, moved to lay the resolution on the table.

Mr. BURT begged leave to suggest to the gentleman from Massachusetts that the resolution could not appropriately go to the Committee on Military Affairs, but could be more appropriately sent to the Committee on Foreign Affairs.

The SPEAKER intimated that debate was not in order.

Mr. BURT replied that he merely desired to make the suggestion to the gentleman from Massachusetts.

The SPEAKER again announced the first question to be on laying on the table.

Mr. C. J. INGERSOLL asked if all debate was precluded by the present posture of affairs.

The SPEAKER said it was entirely.

Mr. THOMPSON then withdrew the motion to lay on the table, as he found that the resolution simply proposed an inquiry as to the "expediency" of doing something.

The previous question was seconded, and the main question ordered to be now put.

Mr. STEPHENS moved to lay the resolution on the table.

Mr. COBB, of Georgia, rose to a question of order. He suggested to the Chair that it was not in order to move to lay on the table a resolution or bill after the House had directed the main question to be now put. The main question to be put was on the adoption of the resolution, and the House had directed that the vote on the main question should now be taken; therefore the motion to lay on the table was not in order.

The SPEAKER remarked, that if this was an original question, the Chair would have no difficulty in sustaining the position of the gentleman from Georgia; but the precedents were against him, the House having heretofore permitted a motion to lay on the table to be acted upon after the main question had been ordered. Repeated precedents might be quoted in cases which arose on decisions of the three last Speakers, where appeals were taken to the House from decisions of the Chair, and reversed by votes of the House. The Chair, therefore, according to precedent, but with a perfect willingness to have his decision set aside, decided the motion to be in order.

Mr. H. COBB said, the Chair was undoubtedly right as regarded the precedents; but believing the precedents to be wrong, to try the sense of the House upon it, he now appealed from the decision of the Chair, and asked for the yeas and nays thereon.

The yeas and nays were ordered.

The SPEAKER restated the question and the grounds of his decision.

The question was then put, Shall the decision of the Chair stand as the judgment of the House? and it was decided in the affirmative by yeas and nays—yeas 91, nays 85.

So the decision of the Chair was sustained.

Mr. J. R. INGERSOLL asked leave to offer a resolution to settle the point for the future. He believed the Chair to be right and the precedents to be wrong, and hence he desired to provide by resolution for such cases hereafter.

Objections were made, and the resolution was not received.

The question was then put on laying the resolution on the table, and was decided in the negative by yeas and nays, as follows:

YEAS—Messrs. Green Adams, Barringer, Barrow, Boydon, Burt, Cabell, Chase, Clingman, Williamson R. W. Cobb, Cocke, Crozier, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Farrelly, Fulton, Gayle, Gentry, Goggin, James G. Hampton, Moses Hampton, Haskell, Hill, Hilliard, I. E. Holmes, John W. Houston, Inge, Joseph R. Ingersoll, Jenkins, John W. Jones, Thomas B. King, Lincoln, McClernand, Morehead, Mullin, Peyton, Preston, Putnam, Reynolds, John A. Rockwell, Shepperd, Sherrill, Stephens, Thibodeaux, Tompkins, John B. Thompson, Toombs, and Van Dyke—54.

NAYS—Messrs. John Quincy Adams, Ashmun, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Blanchard, Botts, Bowdon, Brodhead, Brady, William G. Brown, Charles Brown, Butler, Canby, Cathcart, Beverly L. Clark, Howell Cobb, Collamer, Collins, Conger, Cranston, Crowell, Cummins, Daniel, Dickey, Dickinson, Dixon, Nathan Evans, Faran, Featherston, Ficklin, Fisher, Fries, French, Giddings, Green, Grinnell, Hale, Willard P. Hall, Nathan K. Hall, Hammons, Harmanson, Harris, Henley, Henry, George S. Houston, Hubbard, Charles J. Ingersoll, Irvin, Jamieson, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kellogg, Kennon, Daniel P. King, Lahm, La Sère, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, McClelland, McDowell, McIlvaine, McLane, Mann, Marsh, Marvin, Meade, Miller, Morris, Morse, Murphy, Nes, Peaslee, Peck, Petrie, Phelps, Pillsbury, Rhett, Richardson, Richey, Robinson, Rockhill, Julius Rockwell, Root, Rumsey, Sawyer, Schenck, Simpson, Sims, Slingerland, Caleb B. Smith, Robert Smith, Truman Smith, Stanton, Starkweather, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Sylvester, Taylor, Thomas, James Thompson, Jacob Thompson, Richard W. Thompson, William Thompson, Thurston, Tuck, Turner, Venable, Vinton, Warren, Wick, Williams, Wilson, and Woodward—125.

So the House decided that the resolution should not be laid on the table.

And the question recurring on its adoption—

Mr. BRODHEAD demanded the yeas and nays; which were ordered.

Mr. SCHENCK moved a reconsideration of the vote by which the main question was ordered to be now put.

Mr. McLANE inquired if the gentleman from Ohio voted.

Mr. SCHENCK replied that he was within the bar, but did not vote, no division having been taken on the question.

Mr. McLANE raised the question, then, of the right of the gentleman to move a reconsideration.

The SPEAKER said, the rule of the House had been, when no formal division was made, that any gentleman was allowed to move to reconsider.

Mr. HOUSTON, of Alabama. Does the Chair decide that the vote by which the previous question is seconded can be reconsidered?

The SPEAKER. The question is upon reconsidering the vote by which the House has ordered the main question to be now put.

The motion to reconsider was put, and decided in the negative, by yeas and nays: Yeas 90, nays 92, as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boydon, Brady, Butler, Cabell, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly Fisher, Fulton, Gayle, Gentry, Giddings, Goggin, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Hilliard, John W. Houston, Hubbard, Hudson, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nes, Pendleton, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, Toombs, Van Dyke, Vinton, Warren, and Wilson—90.

NAYS—Messrs. Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bowdon, Brodhead, William G. Brown, Charles Brown, Burt, Catheart, Chase, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Dunn, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Hammons, Harmanson, Harris, Henley, Hill, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, Jamieson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Ligon, Lumpkin, McClelland, McClernand, McDowell, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, John B. Thompson, William Thompson, Thurston, Turner, Venable, Wick, Williams, and Woodward—92.

So the House refused to reconsider the vote on ordering the main question to be now put.

The question again recurred on the adoption of the resolution; which was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Ashmun, Belcher, Blanchard, Botts, Boydon, Brady, Buckner, Collamer, Conger, Cranston, Crowell, Dickey, Dixon, Nathan Evans, Fisher, Giddings, Grinnell, Hale, Nathan K. Hall, Henry, Hubbard, Hudson, Kellogg, Daniel P. King, McIlvaine, Marsh, Marvin, Julius Rockwell, Root, Rumsey, Schenck, Caleb B. Smith, Truman Smith, Strohm, Richard W. Thompson, Tuck, Vinton, Warren, and Wilson—41.

NAYS—Messrs. Green Adams, Barringer, Barrow, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bowdon, Brodhead, William G. Brown, Charles Brown, Burt, Butler, Cabell, Cathcart, Chase, Beverly L. Clark, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Collins, Crozier, Cummins, Daniel, Dickinson, Donnell, Duer, Garnett Duncan, Dunn, Edwards, Embree, Alexander Evans, Faran, Farrelly, Featherston, Ficklin, Fries, French, Fulton, Gentry, Goggin, Green, Willard P. Hall, Hammons, James G. Hampton, Moses Hampton, Harmanson, Harris, Haskell, Henley, Hill, Hilliard, Isaac E. Holmes, George S. Houston, John W. Houston, Inge, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, Jamieson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, Lahm, La Sère, Lawrence, Leffler, Ligon, Lincoln, Lumpkin, McClelland, McClernand, McDowell, McLane, Mann, Meade, Miller, Morris, Morse, Mullin, Murphy, Nes, Peaslee, Peyton, Phelps, Pillsbury, Preston, Putnam, Rhett, Reynolds, Richardson, Richey, Robinson, Rockhill, John A. Rockwell, St. John, Sawyer, Shepperd, Sherrill, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strong, Sylvester, Thibodeaux, Taylor, Thomas, Tompkins, James Thompson, Jacob Thompson, John B. Thompson, William Thompson, Thurston, Toombs, Turner, Van Dyke, Venable, Wick, Williams, and Woodward—137.

So the resolution was disagreed to.

Mr. BRODHEAD said he deemed it very important that the President's Message should be taken up and referred to the various standing committees; and he therefore moved that the House resolve itself into Committee of the Whole on the state of the Union. Disagreed to.

On motion of Mr. GRINNELL,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of amending the act passed at the last session entitled "An act to regulate the carriage of passengers in merchant vessels," so that the area for each passenger shall be the same in all cases, and report by bill or otherwise.

On motion of Mr. KING, of Massachusetts,

Resolved, That the Commissioner of Pensions be requested to transmit to the Committee of Claims the petition and accompanying documents of Lavinia Gardner, of Massachusetts, widow of David Gardner, one of the crew of the "Bon Homme Richard," commanded by John Paul Jones.

Mr. GRINNELL gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill to authorize the Secretary of the Treasury to license yachts, and for other purposes.

On motion of Mr. THURSTON,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of building a breakwater on Block Island, in the State of Rhode Island, and that they report by bill or otherwise.

On motion of Mr. MURPHY,

Resolved, That the Committee on Commerce inquire into the expediency of reporting an appropriation for the removal of the rocks in the harbor of New York, in the East River, at its junction with the river Hudson, obstructing the navigation to the naval station in that harbor.

Mr. JENKINS gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill to regulate the compensation of postmasters, to exempt certain newspapers from postage, and to reduce the postage on transient newspapers.

On motion of Mr. DUER,

Resolved, That the Committee on Commerce be directed to inquire into the expediency of allowing a drawback of the duty paid on Canadian wheat, upon its exportation after having been manufactured into flour in this country.

Mr. DUER gave notice that on to-morrow, or a subsequent day, he would ask leave to introduce a bill to alter the terms of the circuit and district courts for the northern district of New York, and for other purposes.

Mr. N. K. HALL moved the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That there be printed, for the use of this House, five thousand copies of the report of Col. J. J. Abert, of the Corps of Topographical Engineers, which was communicated to the Senate on the 13th ultimo by the Secretary of War, in answer to the resolution of the Senate of the 17th of January last.

Mr. N. K. HALL gave notice that on to-morrow, or on some subsequent day, he would ask leave to introduce a bill or bills making appropriations for the repairs and improvement of the harbor at Buffalo, New York.

Mr. MULLIN moved the following resolution; which was read, and laid over under the rule:

Resolved, That the Secretary of the Treasury be requested to communicate to this House the amount of revenue collected in the several collection districts on the northern frontier of the United States during the year ending the 1st day of December, 1847; together with the names of all persons employed in each district, and the offices they respectively hold, and the amount paid to each between the 1st day of September, 1846, and the 1st day of December, 1847; and whether the number of persons employed in the said districts has been increased or diminished during the period last aforesaid, and the reasons for such increase or decrease.

On motion of Mr. NEWELL,

Resolved, That the Committee on Commerce be instructed to inquire whether any plan can be devised whereby the dangerous navigation along the coast of New Jersey, between Sandy Hook and Little Egg Harbor, may be furnished with additional safeguards to life and property; and that they report to this House by bill or otherwise.

On motion of Mr. STEWART, of Pennsylvania,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing the names of Alexander McClean, Peter Myers, and Joseph Taylor, soldiers of the late war, on the invalid pension list.

On motion of Mr. MANN,

Resolved, That the petition and papers relating to the claim of the heirs of Colonel Archibald Laughery, who was killed by the Indians in 1781, while in the service of the United States, praying for the military bounty lands to which their ancestor was entitled, be taken from the files of the House and referred to the Committee on Public Lands.

Mr. C. J. INGERSOLL moved the following resolution; which was read, and laid over under the rule:

Resolved, That the President be requested to inform this House whether any official notice has been taken by this Government or its Minister in England, by correspondence or otherwise, of the threatening and offensive terms in which the British Secretary for Foreign Affairs is credibly reported to have spoken in his place in the Commons House of Parliament, lately, of what he treated as the want of public faith in the United States punishable by Great Britain.

Mr. DICKEY moved the following preamble and resolution; which were read and laid over under the rule:

Whereas, in the prosecution of the war with Mexico, a state of things now exists which threatens the very existence of her nationality, and may be made to react upon the institutions of our own beloved country, creating a domestic conflict about the disposition of the territory that may be acquired either by conquest or purchase that may rend asunder this glorious Union:

And whereas war is at all times a great evil, always to be avoided when it can be done with honor, and always to be terminated whenever it can be done with justice to the belligerents:

And whereas, in the prosecution of the war with Mexico, the United States has sacrificed the lives of thousands of her citizens, either by disease or on the field of battle, has expended all her revenues, and contracted a debt of many millions of dollars:

And whereas, if further prosecuted with a view of obtaining "indemnity for the past and security for the future," it will cost us millions upon millions of money, thousands upon thousands of valuable lives, and requiring increased taxation to sustain the credit of the Government, and all that we shall get in return for this sacrifice of life, and expenditure of money, and taxation of the people, will be the jurisdiction, either civil or military, of the territories conquered, and the revenues and public property belonging to the Government of Mexico:

And whereas, as by the law of nations we cannot appropriate the property of private citizens of Mexico by way of indemnity, and may realize nothing from territory which we may acquire from Mexico, the sooner the war is brought to an honorable termination the better it will be for the people of the United States, who have to bear all its burdens:

And whereas the people of the United States, from the nature of their pursuits, must desire a state of peace rather than military strife and violence; the agriculturist, the manufacturer, the mechanic, the laborer, the merchant, the man of science, of literature, of law, of medicine, and the teacher of the divine precepts of our holy religion, all of whose occupations are peaceful, must desire that the war with Mexico be terminated at the earliest period that it can be accomplished with honor and with justice: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a committee of five members of the Senate and five members of the House of Representatives be appointed, whose duty it shall be to invite a conference with the President of the United States, to advise and consult upon the best mode of terminating the existing war with Mexico in a manner honorable and just to both belligerents; and that the committee report to each House, respectively, the result of the conference, either in open or secret session, as may be by them deemed advisable.

On motion of Mr. BRODHEAD,

Resolved, That the petition of Benjamin White, of Pennsylvania, be taken from the files of this House, and referred to the Committee on the Public Lands.

Mr. J. R. INGERSOLL moved the following resolution; which was read, and laid over under the rule:

Resolved, That from and after the passing of this resolution, it shall not be in order to entertain a motion to lay upon the table after a second to the previous question, notwithstanding any practice or precedents to the contrary.

On motion of Mr. BLANCHARD,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of locating a national foundry in the town of Hollidaysburg, Blair county, Pennsylvania.

On motion of Mr. BROWN, of Pennsylvania,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of relieving vessels exclusively engaged in the coasting trade from the necessity of taking out an annual license, and from other exactions now required by law.

Mr. HAMPTON, of Pennsylvania, moved the following preamble and joint resolution; which were read, and laid over under the rule:

Whereas, in pursuance of the existing war with Mexico, a large portion of the territory of that Republic has been reduced into our possession by the army and navy of the United States, and for this and other causes it has become difficult if not impracticable to restore a permanent and honorable peace by any treaty that could be ratified by any constitutional authority in Mexico which would be recognized and observed by the people and States of that Republic, and sanctioned by the President and two-thirds of the Senate of these United States; and, as a protracted war will necessarily be attended with a vast expenditure of blood and treasure on the part of the United States, and probably result in the complete conquest and permanent subjugation of the whole of Mexico; and as the said territory is now *free*, and must remain so until its character be changed by local laws enacted by the citizens thereof:

And whereas it is believed that the people of that country are anxious to secure for themselves and their posterity that degree of tranquillity, liberty, and protection, which we enjoy, and that the prosperity of the people of both countries, and the cause of humanity, peace, and civilization, would be promoted by their voluntary union under one confederacy, and the consequent vast enlargement of our home market, and free interchange of their staples and specie for our products and manufactures:

Be it therefore resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any of the States or Territories within the limits of the Republic of Mexico, now occupied by the armies of the United States, or under the military government thereof, may be admitted, from time to time, as States or Territories of the American Union, upon the free and voluntary application of a majority of the people of such State or Territory for that purpose, and the presentation by them to Congress of a republican constitution or form of government, in conformity with the provisions of the Constitution of the United States.

THANKS TO GEN. TAYLOR—THE WAR.

Mr. HOUSTON, of Delaware—previous notice having been given—introduced the following joint resolution of thanks to Major General Taylor:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and they are hereby tendered, to Major General Zachary Taylor, and through him to the officers and soldiers of the regular army and of the volunteers under his command, for their indomitable valor, skill, and good conduct, conspicuously displayed on the 22d and 23d days of February last, in the battle of Buena Vista, in defeating a numerous Mexican army, consisting of four times their number, and composed of chosen troops, under their favorite commander, General Santa Anna, and thereby obtaining a victory over the enemy, which, for its signal and brilliant character, is unsurpassed in the military annals of the world.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major General Taylor, as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major General Taylor in such manner as he may deem best calculated to effect the objects thereof.

Mr. EVANS, of Maryland, desired to offer an amendment, which he sent up to the Clerk's table, and moved the previous question on the adoption of the amendment and resolutions.

The SPEAKER stated that the resolutions were not now open to amendment.

Mr. CUMMINS inquired if they could now be considered as a matter of course if objections were made.

The SPEAKER replied, that the resolutions having been received, they would now be read a first time by their title. After the first reading, if objections were made, they would lie over for a second reading until to-morrow.

The resolutions having been read a first, and, no objection being made, a second time—

Mr. JAMIESON moved their commitment to the Committee on Military Affairs.

Mr. EVANS now proposed to offer his amendment, and renewed the demand for the previous question thereon.

The SPEAKER replied, that their commitment being called for, that question was first in order.

The question then being on committing to the Committee on Military Affairs—

Mr. GAYLE demanded the yeas and nays.

Mr. JAMIESON withdrew the motion to commit.

Mr. SCHENCK renewed it.

Mr. HOUSTON, of Delaware, said, he apprehended there would be no objection to the adoption of the resolution. No gentleman in this House would vote against a resolution of thanks to General Taylor and the officers of his command.

The SPEAKER reminded the gentleman from Delaware that debate was not in order.

Mr. EVANS again intimated his desire to offer the following amendment:

Resolved, That the capitulation of Monterey meets with the entire sanction and approbation of this Congress; and that the terms of that capitulation were as creditable to the humanity and skill of the gallant Taylor as the achievement of the victory of Monterey was glorious to our arms.

Some conversation ensued between the SPEAKER, Mr. SCHENCK, Mr. EVANS, and others.

Mr. HOUSTON, of Delaware, to obviate all difficulties, moved the previous question on the original resolution

The previous question was not seconded.

The SPEAKER again announced the question to be on the motion to refer to the Committee on Military Affairs.

Mr. HENLEY moved to amend, by adding an instruction to the committee to add the words "engaged as they were in defending the rights and honor of the nation." On this he asked for the yeas and nays.

Mr. ASHMUN moved to amend the amendment by adding the words "in a war unnecessarily and unconstitutionally begun by the President of the United States."

Mr. McLANE said, before he recorded his vote, he desired——

The SPEAKER interposed, and informed the gentleman from Maryland that debate was not in order; if it became the subject of debate, it would go over until to-morrow.

Mr. McLANE said he had an amendment to offer.

The SPEAKER said no amendment was in order at present.

After some further conversation, the yeas and nays were ordered on Mr. ASHMUN's amendment to the amendment; and, being taken, they resulted as follows:

YEAS—Messrs. John Q. Adams, Ashmun, Barringer, Barrow, Belcher, Botts, Brady, Buckner, Canby, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Alexander Evans, Nathan Evans, Fisher, Fulton, Gayle, Gentry, Giddings, Goggin, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Haskell, Henry, John W. Houston, Hubbard, Hudson, Irvin, Kellogg, Thomas Butler King, Daniel P. King, Lincoln, McIlvaine, Marsh, Marvin, Mullin, Nes, Newall, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Toombs, Tuck, Van Dyke, Vinton, Warren, and Wilson—85.

NAYS—Messrs. Beale, Bedinger, Birdsall, Black, Bowdon, Brodhead, William G. Brown, Charles Brown, Cathcart, Chase, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Cummins, Daniel, Dickinson, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Moses Hampton, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Jamieson, Jenkins, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Lord, Lumpkin, McClelland, McClernand, McDowell, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Phelps, Pillsbury, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, William Thompson, Thurston, Turner, Venable, Wick, and Williams—81.

Mr. HOUSTON, of Delaware, inquired if it would be in order to move to lay the amendment as amended on the table.

The SPEAKER replied in the negative.

Mr. COBB asked for the reading of the amendment as amended.

Mr. HALE asked for the reading of the resolution as well as the instructions, as amended.

The instructions as amended having first been read—

Mr. COBB rose and said: The amendment offered by the gentleman from Indiana, [Mr. HENLEY,] as amended by the gentleman from Massachusetts, [Mr. ASHMUN,] presented such a remarkable issue that he must propose to discuss it.

The subject accordingly lies over until to-morrow, under the rule.

BILLS INTRODUCED.

Previous notice having been given, leave was granted, and bills introduced, as follows:

By Mr. PEASLEE: A bill for the settlement of the claims of New Hampshire against the United States; which was twice read, and referred to the Committee on Military Affairs.

Also, a bill to change the place of holding courts in New Hampshire; which was twice read, and referred to the Committee on the Judiciary.

By Mr. ROCKWELL, of Connecticut: A bill to revise the consular system of the United States; which was read a first and second time, and referred to the Committee on Foreign Affairs.

And on motion, the House adjourned.

IN SENATE.

TUESDAY, *January* 4, 1848.

Mr. STURGEON presented the petition of Jones and Boker and others, praying the repayment of certain treasury notes purloined from the post office where they had been deposited for transmission by mail; which was referred to the Committee on the Post Office and Post Roads.

Mr. HALE presented the petition of Henrick Aiker, praying an extension of his patent for an improvement in the saw set; which was referred to the Committee on Patents and the Patent Office.

Mr. BELL presented the petition of Betsey McIntosh, a Cherokee, praying payment of the money awarded her by the Board of Cherokee Commissioners, under the 17th article of the treaty of 1835; which was referred to the Committee on Indian Affairs.

Mr. CAMERON presented the petition of the Kennet Monthly Meeting of the religious Society of Friends, in Chester County, Pennsylvania, praying the abolition of slavery in the District of Columbia, and the slave-trade between the States; also the rejection of any proposition for the acquisition of territory, unless provision be made for the expulsion of slavery therefrom.

The motion to receive the memorial being objected to—

Ordered, That it lie on the table.

Mr. CAMERON presented the proceedings of a town meeting in Philadelphia, held on the 18th December, 1847, approving the measures pursued by the Administration in the prosecution of the war with Mexico.

In presenting these proceedings, Mr. CAMERON remarked, that he agreed with those composing the meeting in every particular, and that he should deem it his duty, as a Senator, to act in accordance with their wishes.

RESOLUTIONS.

Mr. CASS submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War communicate to the Senate such military reports as have been received by him from the commander of our army in Mexico since the transmission of his annual report, and that the same be printed with his annual report.

Mr. BUTLER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs inquire into the expediency of giving the President authority to promote from the regular army such officers as he may think proper to select to any new grade of command, to continue during the war with Mexico, with a provision that such officer or officers shall not lose at the termination of the war their original commissions, or any of the rights incident thereto.

OREGON.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill to create the office of Surveyor General of public lands in the Territory of Oregon, and to grant donation rights to settlers therein, and for other purposes; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Maryland, gave notice of his intention to ask leave, at some future day, to introduce a bill.

Mr. BADGER, from the Committee on Military Affairs, to whom was referred the memorial of Charles L. Dell, reported a bill for his relief; which was read, and passed to the second reading.

The engrossed bill for the relief of Joseph Wilson was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The joint resolution to create a board to ascertain and determine the amount of each of the claims of the citizens of the United States against Mexico was read a second time, and referred to the Committee on Foreign Relations.

The bill providing for the payment of the claim of Walter R. Johnson against the United States was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed, and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the administratrix of Elisha L. Keen, deceased.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

The Senate proceeded to consider, as in Committee of the Whole, the bill concerning certain collection districts, and for other purposes; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed, and read a third time.

The said bill was read a third time.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The Senate proceeded to consider, as in Committee of the Whole, the resolution in favor of David Shaw and Solomon T. Corser; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed, and read a third time.

The said resolution was read a third time.

Resolved, That this resolution pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this resolution.

The bill for the relief of Thomas Rhodes was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. SEVIER called for the reading of the report, and it was read by the Secretary.

Ordered, That the bill be engrossed, and read a third time.

CONQUEST OF MEXICO.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of the special order of the day, being the following resolutions, submitted by Mr. CALHOUN, on the 15th December:

Resolved, That to conquer Mexico and to hold it, either as a province or to incorporate it into the Union, would be inconsistent with the avowed object for which the war has been prosecuted; a departure from the settled policy of the Government; in conflict with its character and genius; and in the end subversive of our free and popular institutions.

Resolved, That no line of policy in the farther prosecution of the war should be adopted which may lead to consequences so disastrous.

Mr. CALHOUN said: In offering, Senators, these resolutions for your consideration, I have been governed by the reasons which induced me to oppose the war, and by the same considerations I have been ever since guided. In alluding to my opposition to the war, I do not intend to notice the reasons which governed me on that occasion, further than is necessary to explain my motives upon the present. I opposed the war then, not only because I considered it unnecessary, and that it might have been easily avoided; not only because I thought the President had no authority to order a portion of the territory in dispute and in possession of the Mexicans, to be occupied by our troops; not only because I believed the allegations upon which it was sanctioned by Congress, were unfounded in truth; but from high considerations of reason and policy, because I believed it would lead to great and serious evils to the country, and greatly endanger its free institutions.

But after the war was declared, and had received the sanction of the Government, I acquiesced in what I could not prevent, and which it was impossible for me to arrest; and I then felt it to be my duty to limit my course so as to give that direction to the conduct of the war as would, as far as possible, prevent the evil and danger with which, in my opinion, it threatened the country and its institutions. For this purpose, at the last session, I suggested to the Senate a defensive line, and for that purpose I now offer these resolutions. This, and this only, is the motive which governs me. I am moved by no personal nor party considerations. My object is neither to sustain the Executive, nor to strengthen the Opposition, but simply to discharge an important duty to the country. But I shall express my opinion upon all points with boldness and independence, such as become a Senator who has nothing to ask, either from the Government or from the people, and whose only aim is to diminish, to the smallest possible amount, the evils incident to this war. But when I come to notice those points in which I differ from the President, I shall do it with all the decorum which is due to the Chief Magistrate of the Union.

When I suggested a defensive line, at the last session, this country had in its possession, through the means of its arms, ample territory, and stood in a condition to force indemnity. Before then, the successes of our arms had gained all the contiguous portions of Mexico, and our army has ever since held all that it is desirable to hold—that portion whose population is sparse, and on that account the more desirable to be held. For I hold it in reference to this war a fundamental principle, that when we receive territorial indemnity, it shall be unoccupied territory.

In offering a defensive line, I did it because I believed that, in the first place, it was the only certain mode of terminating the war successfully; I did it, also, because I believed that it would be a vast saving of the sacrifice of human life; but, above all, I did so because I saw that any other line of policy would expose us to tremendous evil, which these resolutions were intended to guard against. The President took a different view. He recommended a vigorous prosecution of the war—not for conquest: that was disavowed—but for the purpose of conquering peace; that is, to compel Mexico to sign a treaty making a sufficient cession of territory to indemnify this Government both for the claims of its citizens and for the expenses of the war. Sir, I opposed this policy. I opposed it, among other reasons, because I believed that if the war should be ever so successful, there was great hazard to us, at least, that the object intended to be effected by it would not be accomplished. Congress thought differently. Ample provisions, in men and money, were granted for carrying on the war. The campaign has terminated. It has been as successful as the Executive of the country could possibly have calculated. Victory after victory has followed in succession, without a single reverse. Santa Anna was repelled and defeated, with all his forces. Vera Cruz was carried, and the Castle with it. Jalapa, Perote, and Puebla fell; and, after two great triumphs of our army, the gates of Mexico opened to us. Well, sir, what has been accomplished? What has been done? Has the avowed object of the war been attained? Have we conquered peace? Have we obtained a treaty? Have we obtained any indemnity? No, sir: not a single object contemplated has been effected; and, what is worse, our difficulties are greater now than they were then, and the objects, forsooth, more difficult to reach than they were before the campaign commenced.

Now Senators have asked what has caused this complete discomfiture of the views of the Executive for which men and money were granted? It is not to be charged to our troops; they have done all that skill and gallantry was capable of effecting. It must be charged somewhere, and where is it to be charged, but upon the fact that the plan of the campaign was erroneous; that the object pursued was a mistake? We aimed at indemnity in a wrong way. If we had aimed directly to it, we had the means to accomplish it directly; they were in our hands. But, sir, we aimed at indemnity through a treaty. We could not reach it by a treaty with Mexico, and Mexico, by refusing to treat simply, could defeat the whole object which we had in view. We put out of our own power, and in her hands to say, when the war should terminate.

We have for all our vast expenditure of money, for all the loss of blood and men, we have nothing but the military glory which the campaign has furnished.

We cannot, I presume, estimate the expenses of the campaign at less than forty millions of dollars. I cannot compute the sum with any degree of precision, but I believe I may say about that sum, and between the sword and disease, many thousands of lives, probably five, six, or seven thousand have been sacrificed; and all this for nothing at all.

But it is said that the occupancy of a defensive line would have been as expensive as the campaign itself. The President has assigned many reasons for that opinion, and the Secretary of War has done the same. I have examined these reasons with care. This is not the proper occasion to discuss them; but I must say, with all possible deference, they are to my mind utterly fallacious. I will put the question in a general point of view, and satisfy the minds of Senators that such is the case.

The line proposed by myself, extending from the Pacific Ocean to the Paso del Norte, would have been covered by the Gulf of California, and wilderness peopled by hostile tribes of Indians; and for its defence, nothing would have been needed beyond a few vessels of war stationed in the Gulf, and a single regiment. From the Paso del Norte to its mouth, we can readily estimate the amount of force necessary for its defence. It was a frontier between Texas and Mexico when Texas had not more than 150,000 of a population; without any standing army whatever, and very few troops. Yet for seven years Texas maintained that frontier line; and that, too, when Mexico was far more consolidated than she is now, when her revolutions were not so frequent, her resources in money were much greater, and Texas her only opponent. Can any man believe that Mexico, exhausted as she now is, prostrated as she has been, defeated—can any man believe that it will cost as much to defend that frontier as the last campaign has cost? No, sir. I will hazard nothing in asserting that the very interest of the money spent in the last campaign would have secured that line for an indefinite period, and that the men who have lost their lives would have been more than sufficient to defend it.

So much for the past; we now come to the commencement of another campaign; and the question is, What shall be done? The same measures are proposed. It is still "a vigorous prosecution of the war." The measures are identically the same. It is not for conquest—that is now as emphatically disowned as it was in the first instance. The object is not to blot Mexico out of the list of nations, for the President is emphatic in the expression of his desire to maintain the nationality of Mexico. He desires to see her an independent and flourishing community, and assigns strong and cogent reasons for all that. Well, sir, the question is now, What ought to be done? We are now coming to the practical question. Shall we aim at carrying on another vigorous campaign under present circumstances?

Mr. President, I have examined this question with care, and I repeat, that I cannot support the recommendations of the President. There are many and powerful reasons, stronger than those which existed at the commencement of the last campaign, to justify my opposition now. The cost in money will be vastly greater. There is a bill for ten additional regiments now before the Senate, and another bill providing for twenty regiments of volunteers has been reported, making in all, not less, I suppose, than twenty-five thousand troops; raising the number of troops in the service—as, I presume, the chairman of the Committee on Military Affairs can inform you—to not much less than seventy thousand in the whole. Well, sir, the expense will be much more than that of the last campaign. It will cost not much short of sixty millions of dollars.

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Now, sir, what is the condition of the money market at present? Last year it was most flourishing. An unfortunate famine in Europe created a great demand for our agricultural products. The balance of trade was in our favor. If money poured out at one end of the sub-treasury, it poured in at the other. But how stands the case now? We stand now with a drain both ways. The exchanges are in our favor, and therefore, instead of gold and silver, drafts founded on exports will be remitted. The exchanges in Mexico must be met either by remittances in gold and silver, or by drafts drawn in favor of British merchants, or other capitalists there, which must be cashed here and also transmitted abroad. Now, sir, what will be the operation of this state of things? How long can this continue? What is the present price of treasury notes and of stocks in the market? Are they above par? No, sir. I see them quoted below par. I understand the treasury notes are sensibly below par, and stocks still lower. Now, what is to be the result? So long as treasury notes are below par—so long as they are the cheaper medium—the end of it will be, that treasury notes will go into the treasury, and specie come out of it. There is very great danger that at last your treasury will be drained to the bottom.

Now, sir, in this state of things, what can possibly follow? A great commercial crisis—a great financial crisis—even, possibly, a suspension of the banks. I do not pretend to deal in the language of panic; but there is danger of all this, of which there was not the slightest apprehension at the commencement of last session. At present, there is great danger. The great difficulty in prosecuting your campaign will be to obtain money. Men you may raise, but money it will be difficult to get. I lately conversed with a gentleman who ought to know these things better than myself, and he supposed that forty millions of dollars would be required, either in the shape of treasury notes or stocks, to carry on the campaign. I asked at what price money could be had; and the reply was, that it would be at the rate of ninety for one hundred; which would be rather more than seven per cent., I believe.

But, sir, these are not the only objections, formidable as they are. The farther you proceed, the difficulties will increase. I do not see the slightest chance that can tend to the realization of what it is avowed the prosecution of the war is intended to accomplish. The object is to obtain a treaty. We no longer hear of conquering a peace, but of obtaining an honorable treaty; the meaning of which is, neither more nor less than that we are to obtain a treaty from Mexico, giving us a cession of land equal to the whole indemnity already stated in the former part of my remarks. Well, sir, as it strikes me, whether the war is successful or unsuccessful, it must certainly end in the defeat of the object, for the attainment of which it is avowedly prosecuted. If the war be unsuccessful, I need not argue the point. If we should be baffled in our arms—as I trust we will not be, and I think is not very likely to be the case—but if circumstances should prove unfortunate for us, and we should not be able to accomplish, in a military point of view, what is characterized as a vigorous prosecution of the war, then certainly there will be no treaty. I take higher ground. I insist upon it that the more successfully this war is prosecuted the more certain will be the defeat of the object designed to be accomplished, whilst the objects disavowed will be accomplished.

How is a successful war to be carried on? What is the object of it? What is it intended to effect? I can see but one thing to be effected. It is to suppress all resistance in Mexico, to overpower and disperse her army, to overthrow her civil Government, and to leave her without any further power of resistance. Well, Mr. President, if that be done, what is the result? How are you to get an honorable peace? It takes but one party to make war—two parties to make peace. If all authority in Mexico be overthrown, if there be no legitimate power with whom to negotiate, how are you to accomplish those objects which it is proclaimed this vigorous prosecution of the war is intended to effect? Sir, you are defeated by your success. That will be the clear and inevitable result. But what do you accomplish? The very object which you disavow. For if the war should be so prosecuted, where will be the nationality of Mexico? Where her separate existence? Where this free Republic with whom you desire to treat? Gone! We have blotted her out of the list of nations. She has become a mere mass of individuals without any political existence, and the sovereignty of the country, at least for the time being, is transferred to us. Now, Mr. President, this is not only a conclusion from reasoning upon this subject, but it is one to which, if I understand the President aright, he comes, with a single exception, and that a mere contingency not likely to take place. The President has very much the same conception of the object of a vigorous war as I have presented. He says that the great difficulty of getting peace results from this, that the people of Mexico are divided under factious chieftains, and that the chieftain in power dares not give peace because his rival would then be able to turn him out; and that the only way to remedy this evil and obtain a treaty, is to put down the whole of them. Well, what is to be done then? Is the thing to stop there? No. We are then to build up again, and establish, under our power and protection, a republican form of government from the citizens who are well disposed, which he says are numerous, and are prevented from obtaining it, only by fear of those military chiefs. And it is with this government, sir, which is to grow up under the encouragement and protection of our army—to be established by their authority—that it is proposed to treat, in order to obtain peace. I must confess I am a little at a loss to see how a free and independent republic can grow up under the protection and authority of its conqueror. I do not see how such a government can be established under his authority. I can readily understand how an aristocracy—how a kingly government—a despotism, might be established by a conqueror. But how a free and independent republic can grow up under such circumstances, is to me incomprehensible. I had always supposed that republican government was the spontaneous work of the people—that it came from the people—from the hearts of the people—that it was supported by the hearts of the people, and that it required no support—no protection from any quarter whatever. But, sir, it seems that these are antiquated notions—obsolete ideas—and that we may now manufacture republics to order, by authority of a conquering government.

But suppose, sir, all these difficulties surmounted: How can you make a free government in Mexico? Where are your materials? It is to be, I presume, a confederated government like our own. Where is the intelligence in Mexico adequate to the construction of such a government? That is what she has been aiming at for twenty-odd years; but so utterly incompetent are her people for the work, that it has been a complete failure from beginning to end. The great body of the intelligence and wealth of Mexico is concentrated in the priesthood, who are altogether disinclined to that form of government. Then the owners of the haciendas—the large planters of the country—who comprise almost all the remaining mass of intelligence, are without opportunities of concert, and destitute of the means of forming such a government. Sir, such a government would be impossible; and if put up, would tumble down the very next day after our protection was withdrawn.

It appears to me to be a far more plausible plan, if it is determined to have peace, to sustain the Government that now exists in Mexico, or rather, to refrain from putting it down. Let it grow up and mature itself. I have conversed with several of the officers of the army—men of intelligence—on this subject, and all agree in the opinion that the mere shadow of a government which now remains at Queretaro, will have no authority whatever; and that if we were to make a peace in any degree conformatory to our view of what a peace ought to be, the very moment we withdraw, it would all be overthrown; and what then? The very country assigned to us by the peace for an indemnity, we must either hold defensively and be brought back ultimately to the defensive line, which would be the end of the whole of it; or, return and renew this war till it terminates in the conquest of the country.

I protest utterly against this Government undertaking to build up any government in Mexico with the pledge of protection. The party placed in power must be inevitably overthrown, and we will be under the solemn obligation to return and reinstate them in power; and that would occur again and again, till the country would fall into our hands precisely as Hindostan fell into the hands of the English. This very conquest of Hindostan, which we have been censuring for years and years, ever since I recollect, was the result of mistaken policy, leading on from step to step, each one deeper and deeper—scarcely any design of conquest being entertained; but ultimately conquest became unavoidable, and it was necessary not only to hold the country, but to conquer the adjacent territory.

Well, sir, if this contingency follows—if the Executive fails in establishing another government there under our encouragement and protection, and if the Government itself shall refuse to make a treaty with us on such terms as we will accept in regard to indemnity, then the President himself agrees that he must take the very course which I have said would be the inevitable consequence of a vigorous prosecution of the war. The President says in substance, after having attempted to build up such a government—after having employed the best efforts to secure peace upon the most liberal terms, if all fail—I now give his own words—if all fail, we must hold on to the occupation of the country; we must take the measure of indemnity into our own hands, and enforce such terms as the honor of the country demands. Now, sir, what is this? Is it not an acknowledgment, that if this factitious government, which is aimed at, cannot be built up, we must make a conquest of the whole country and occupy it?—can words be stronger?—"Occupy the country." Take the full measure of indemnity—no defensive line—no treaty; and enforce terms—terms on whom? on the government? No—no—no. It is to enforce the terms on the people individually; that is to say, to establish a government over them in the form of provinces.

Well, the President is right. If, in the vigorous prosecution of the war, as the President proposes, the contingency should fail—and the chances of its failure are many—there will be no retreating. Every argument against calling back the army, as they designate it—against taking a defensive line—which is now advanced, will have double force after you have spent sixty millions of dollars, and have acquired possession of the whole of Mexico. The interests in favor of keeping us there will be much more influential then than now. The army itself will be larger. Those who live by the war—a large and powerful body: the numerous contractors, the sutlers, the merchants, the speculators in the lands and mines of Mexico, and all engaged every way, directly or indirectly, in the progress of the war, and absorbing the whole expenditures—will be all adverse to retiring, and will swell the cry in favor of continuing and extending conquest. The President talks, sir, of taking indemnity into our hands then; but why not take indemnity now? We are much nearer indemnity now than we will be at the end of the next campaign, when we shall have sixty millions added to the expenditure of the last forty. What will you then have to indemnify you? Nothing but a Mexican population, on whom you are to impose taxation in all forms and shapes, and amongst which you will have to maintain an army of at least forty thousand men—according to the Senator from Mississippi, [Mr. DAVIS,] not a very large number, for he says that the seventy-three thousand men now there are in danger. That, then, is no indemnity at all. You will never get

enough in that way to meet your expenditures. It will all have to come out of the pockets of the people of the United States; and, after all the talk of indemnity—of pushing on this war vigorously to success—at the end of the next campaign, instead of indemnity, you will have a heavy pecuniary burden imposed upon the present and succeeding generation.

Well, Mr. President, we have now come to the solemn question proposed by these resolutions. I have shown where this line of policy will, in all probability, lead you—I may say, will inevitably lead you, unless some unexpected contingency should prevent. It will lead to the blotting out of the nationality of Mexico, and the throwing of eight or nine millions of people without a government, on your hands. It will compel you, in all probability, to assume the government, for I think there will be very little prospect of your retiring. You must either hold the country as a province, or incorporate it into your Union. Shall we do either? That's the question. Far from us be such an act, and for the reasons contained in the resolutions.

The first of these reasons is this: it would be inconsistent with the avowed object for which the war has been prosecuted. That needs no argument, after what has been said. Since the commencement of the war till this moment, every man has disavowed the intention of conquest—of extinguishing the existence of Mexico as a people. It has been constantly proclaimed that the only object was indemnity. And yet, sir, as events are moving on, what we disavow may be accomplished, and what we have avowed may be defeated. Sir, this result will be a dark and lasting imputation on either the sincerity or the intelligence of this country: on its sincerity, because so opposite to your own avowals; on your intelligence, for the want of a clear foresight in so plain a case as not to discern the consequences.

Sir, we have heard how much glory our country has acquired in this war. I acknowledge it to the full amount, Mr. President, so far as military glory is concerned. The army has done nobly, chivalrously; they have conferred honor on the country, for which I sincerely thank them.

Mr. President, I believe all our thanks will be confined to our army. So far as I know, in the civilized world there is no approbation of the conduct of the civil portion of our power. On the contrary, everywhere the declaration is made that we are an ambitious, unjust, hard people, more given to war than any people of modern times. Whether this be true or not, it is not for me to inquire. I am speaking now merely of the reputation which we bear abroad—everywhere, I believe; for as much as we have gained in military reputation abroad, I regret to perceive, we have lost in our political and civil reputation. Now, sir, much as I regard military glory; much as I rejoice to behold our people in possession of the indomitable energy and courage which surmount all difficulties, and which class them amongst the first military people of the age, I would be very sorry indeed that our Government should lose any reputation for wisdom, moderation, discretion, justice, and those other high qualities which have distinguished us in the early stages of our history.

The next reason which my resolutions assign, is, that it is without example or precedent, either to hold Mexico as a province, or to incorporate her into our Union. No example of such a line of policy can be found. We have conquered many of the neighboring tribes of Indians, but we never thought of holding them in subjection—never of incorporating them into our Union. They have either been left as an independent people amongst us, or been driven into the forests.

I know further, sir, that we have never dreamt of incorporating into our Union any but the Caucasian race—the free white race. To incorporate Mexico, would be the very first instance of the kind of incorporating an Indian race; for more than half of the Mexicans are Indians, and the other is composed chiefly of mixed tribes. I protest against such a union as that! Ours, sir, is the Government of a white race. The greatest misfortunes of Spanish America are to be traced to the fatal error of placing these colored races on an equality with the white race. That error destroyed the social arrangement which formed the basis of society. The Portuguese and ourselves have escaped—the Portuguese at least to some extent—and we are the only people on this continent which have made revolutions without being followed by anarchy. And yet it is professed and talked about to erect these Mexicans into a Territorial Government, and place them on an equality with the people of the United States. I protest utterly against such a project.

Sir, it is a remarkable fact, that in the whole history of man, as far as my knowledge extends, there is no instance whatever of any civilized colored races being found equal to the establishment of free popular government, although by far the largest portion of the human family is composed of these races. And even in the savage state we scarcely find them anywhere with such government, except it be our noble savages—for noble I will call them. They, for the most part, had free institutions, but they are easily sustained amongst a savage people. Are we to overlook this fact? Are we to associate with ourselves as equals, companions, and fellow-citizens, the Indians and mixed race of Mexico? Sir, I should consider such a thing as fatal to our institutions.

The next two reasons which I assigned, were, that it would be in conflict with the genius and character of our institutions, and subversive of our free government. I take these two together, as they are so intimately connected; and now of the first—to hold Mexico in subjection.

Mr. President, there are some propositions too clear for argument; and before such a body as the Senate, I should consider it a loss of time to undertake to prove that to hold Mexico as a subjected province would be hostile, and in conflict with our free popular institutions, and in the end subversive of them. Sir, he who knows the American Constitution well—he who has duly studied its character—he who has looked at history, and knows what has been the effect of conquests of free States invariably, will require no proof at my hands to show that it would be entirely hostile to the institutions of the country to hold Mexico as a province. There is not an example on record of any free State even having attempted the conquest of any territory approaching the extent of Mexico without disastrous consequences. The nation conquered have in time conquered the conquerors by destroying their liberty. That will be our case, sir. The conquest of Mexico would add so vast an amount to the patronage of this Government, that it would absorb the whole power of the States in the Union. This Union would become imperial, and the States mere subordinate corporations. But the evil will not end there. The process will go on. The same process by which the power would be transferred from the States to the Union, will transfer the whole from this department of the Government (I speak of the Legislature) to the Executive. All the added power and added patronage which conquest will create, will pass to the Executive. In the end, you put in the hands of the Executive the power of conquering you. You give to it, sir, such splendor, such ample means, that, with the principle of proscription which unfortunately prevails in our country, the struggle will be greater at every Presidential election than our institutions can possibly endure. The end of it will be, that that branch of the Government will become all-powerful, and the result is inevitable—anarchy and despotism. It is as certain as that I am this day addressing the Senate.

Sir, let it not be said that Great Britain furnishes an example to the contrary—that she holds provinces of vast extent of population without materially impairing the liberty of the citizens, or exposing her to anarchy, confusion, or corruption. It is so. But what is the explanation? Of all Governments that ever existed, affording any protection whatever to liberty, the English Government far transcends them all in that respect. She can bear more patronage in proportion to her population and wealth, than any Government of that form that ever existed; nay, to go farther, than can despotism in its most absolute form. I will not go into the philosophy of this. That would take me farther from the track than I desire. But I will say in a very few words, it results from the fact that her Executive and the House of Peers, the conservative branch of her Government, are both hereditary. The Roman Government may have exceeded, and did exceed the British Government in its power for conquest; but no people ever did exist, and probably never will exist, with such a capacity for conquest as that people. But the capacity of Rome to hold subjected provinces, was as nothing compared to that of Great Britain, and hence, as soon as the Roman power passed from Italy beyond the Adriatic on one side, and the Alps on the other, and the Mediterranean, their liberty fell prostrate—the Roman people became a rabble—corruption penetrated everywhere, and violence and anarchy ruled the day. Now, we see England with dependant provinces of vastly greater territorial extent, and probably not less in population—I have not examined—we see her going on without impairing personal liberty or exposing the Government to violence or anarchy. Yet the English have not wholly escaped. Although they have retained their liberty, and have not fallen into anarchy and despotism, yet we behold the population of England crushed to the earth by the superincumbent weight of debt. Reflecting on that Government, I have often thought that there was only one way in which it could come to an end—that the weight of the superstructure would crush the foundation—that the wealth accumulated in part by these very conquests by the higher classes, would crush the laboring masses below. But has she obtained indemnity from all her subjected provinces? On the contrary, instead of drawing the means of supporting herself from them, has she not been compelled to resort to the labor of her own population to hold them in subjection? And has she not thrown a burden upon them, which, with all their industry and skill—with all their vast accumulation of capital and power of machinery, they are incapable of bearing without being reduced to poverty? Take even her earliest and nearest conquest—the neighboring island of Ireland—is it not to this day a source of heavy expense, and a burden to her, instead of a source of revenue?

But while the English Government has such vast power of holding subjected provinces in subjection without impairing her liberty, without the evils incident to it, our Government, of all free Governments that ever existed, has the least capacity to bear patronage proportionate to its wealth and power. In this respect, the genius of the two Governments is precisely the opposite, however much alike in their exterior forms, and their laws and customs. The cause of this difference I cannot undertake to explain on the present occasion, but must content myself by saying that it results from its Federal character, and the nature of its conservative principles. Shall we, then, with these certain and inevitable consequences in a Government better calculated to resist them than any other, adopt such a ruinous policy, and reject the lessons of experience? So much, then, Mr. President, for holding Mexico as a province.

I come now to the proposition of incorporating her into our Union. Well, as far as law is concerned, that is easy. You can establish a Territorial Government for every State in Mexico, and there are some twenty of them. You can appoint governors, judges, and magistrates. You can give the people a subordinate government, allowing them to legislate for themselves, whilst you defray the cost. So far as law goes, the thing is done. There is no analogy between this and our Territorial Governments. Our Territories are only an offset of our own people, or foreigners from the same regions from which we came. They are small in number. They are incapable of forming a government. It would be inconvenient for them to sustain a government, if it were formed; and they are very much obliged to the United States for undertaking the trouble, knowing that, on the attainment of their majority—when they come to manhood—at twenty-one—they will be introduced to an equality with all the other members of the Union. It is entirely different with Mexico. You have no need of armies to keep your Territories in subjection. But when you incorporate Mexico, you must have powerful armies to keep them in subjection. You may call it annexation, but it is a forced annexation, which is a contradiction in terms, according to my conception. You will be involved, in one word, in all the evils which I attribute to holding Mexico as a province. In fact, it will be but a Provincial Government, under the name of a Territorial Government. How long will that last? How long will it be before Mexico will be capable of incorporation into our Union? Why, if we judge from the examples before us, it will be a very long time. Ireland has been held in sub-

jection by England for seven or eight hundred years, and yet still remains hostile, although her people are of kindred race with the conquerors. A few French Canadians on this continent yet maintain the attitude of a hostile people; and never will the time come, in my opinion, Mr. President, that these Mexicans will be heartily reconciled to your authority. They have Castilian blood in their veins—the old Gothic, quite equal to the Anglo-Saxon in many respects—in some respects superior. Of all nations of the earth they are the most pertinacious—have the highest sense of nationality—hold out longest, and often even with the least prospect of effecting their object. On this subject also I have conversed with officers of the army, and they all entertain the same opinion, that these people are now hostile, and will continue so.

But, Mr. President, suppose all these difficulties removed; suppose these people attached to our Union, and desirous of incorporating with us, ought we to bring them in? Are they fit to be connected with us? Are they fit for self-government and for governing you? Are you, any of you, willing that your States should be governed by these twenty-odd Mexican States, with a population of about only one million of your blood, and two or three millions of mixed blood, better informed, all the rest pure Indians, a mixed blood equally ignorant and unfit for liberty, impure races, not as good as the Cherokees or Choctaws?

We make a great mistake, sir, when we suppose that all people are capable of self-government. We are anxious to force free government on all; and I see that it has been urged in a very respectable quarter, that it is the mission of this country to spread civil and religious liberty over all the world, and especially over this continent. It is a great mistake. None but people advanced to a very high state of moral and intellectual improvement are capable, in a civilized state, of maintaining free government; and amongst those who are so purified, very few, indeed, have had the good fortune of forming a constitution capable of endurance. It is a remarkable fact in the history of man, that scarcely ever have free popular institutions been formed by wisdom alone that have endured.

It has been the work of fortunate circumstances, or a combination of circumstances—a succession of fortunate incidents of some kind—which give to any people a free government. It is a very difficult task to make a constitution to last, though it may be supposed by some that they can be made to order, and furnished at the shortest notice. Sir, this admirable Constitution of our own was the result of a fortunate combination of circumstances. It was superior to the wisdom of the men who made it. It was the force of circumstances which induced them to adopt most of its wise provisions. Well, sir, of the few nations who have the good fortune to adopt self-government, few have had the good fortune long to preserve that government; for it is harder to preserve than to form it. Few people, after years of prosperity, remember the tenure by which their liberty is held; and I fear, Senators, that is our own condition. I fear that we shall continue to involve ourselves until our own system becomes a ruin. Sir, there is no solicitude now for liberty. Who talks of liberty when any great question comes up? Here is a question of the first magnitude as to the conduct of this war; do you hear anybody talk about its effect upon our liberties and our free institutions? No, sir. That was not the case formerly. In the early stages of our Government, the great anxiety was how to preserve liberty; the great anxiety now is for the attainment of mere military glory. In the one, we are forgetting the other. The maxim of former times was, that power is always stealing from the many to the few; the price of liberty was perpetual vigilance. They were constantly looking out and watching for danger. Then, when any great question came up, the first inquiry was, how it could affect our free institutions—how it could affect our liberty. Not so now. Is it because there has been any decay of the spirit of liberty among the people? Not at all. I believe the love of liberty was never more ardent, but they have forgotten the tenure of liberty by which alone it is preserved.

We think we may now indulge in everything with impunity, as if we held our charter of liberty by "right divine"—from Heaven itself. Under these impressions, we plunge into war, we contract heavy debts, we increase the patronage of the Executive, and we even talk of a crusade to force our institutions, our liberty, upon all people. There is no species of extravagance which our people imagine will endanger their liberty in any degree. But it is a great and fatal mistake. The day of retribution will come. It will come as certainly as I am now addressing the Senate; and when it does come, awful will be the reckoning—heavy the responsibility somewhere!

Mr. President, with these impressions I cannot approve of the policy recommended by the Executive, nor can I, with my present views, support it. The question is now, what shall be done? It is a great and difficult question, and it is daily becoming more and more difficult. What is to be done? Sir, that question ought not to be for me to answer—I, who have used every effort in my power to prevent this war, and after its commencement have done everything in my power to diminish the evil to the smallest possible amount. But I will not shrink from any responsibility, whether it properly belongs to me or not. After saying that I cannot support the course recommended by the Executive, I will proceed to state that which I would propose as the best to be pursued. Well, then, I will say that there is not the smallest chance of our disentangling ourselves from this Mexican concern, which threatens us so much—there has not been, in my opinion, the smallest chance, from the commencement of the war until this time—but by taking a defensive line; doing that now which the President recommends should be done finally after the conquest, and taking indemnity into our own hands. To do this depends on our own volition, and not on the fleeting consent of Mexico. Sir, if time had been allowed to the Senate when the message of the President recommending war was before them; if time had been allowed to the Senate, I would have announced the course of policy which I thought right; but time was not permitted. My opinion was, that we should have simply voted Taylor the means of defending himself. That ought to have been done. There then should have been a solemn report from the proper committee, going into all the circumstances, showing that the Republic of Mexico had not yet recognized these hostilities, recommending a provisional army to be directed to a proper point, giving time to the Mexican Congress and Mexican people to have considered whether they would avow or disavow the attacks upon us; and if no satisfaction were obtained, not to make war in this set form, but seize upon the portions of the country contiguous and most convenient to us, and then have assumed the defensive line. These are my views; but, unfortunately, we were all acting here under an urgency, without time to reflect. We were pushed on, and told, If you do not act to-day, nothing can be done.

Well now, sir, as to where the defensive line should be at the present time, I do not presume to offer an opinion. I suggested a line at the last session. I am not prepared to say what would be the proper one at the present time; but I do say that we must vacate the central parts of Mexico. We must fall back, if you choose to use that word, or take a line that shall cover ample territory for indemnity.

For my part, I am not for charging Mexico with the whole expense of the war; but I would take ample territory, and hold it subject to negotiation. Now, sir, I know it will be said that this will be as expensive as the war. I think I have said enough to show that that cannot be; that it will fall far short of it; but I will not repeat the argument. But admitting it should: admitting that, by no means concludes the argument; for the sacrifice of men would be infinitely less, and, what is more important, you will thereby be able to disentangle yourselves. That is the only way by which it can be done. You are tied at present, as it were, to a corpse. My object is to get rid of it as soon as possible.

I look not to Mexico; I look to our own country and her institutions. I look to the liberty of this country, and nothing else. Mr. President, if we but preserve our liberty by a proper course of moderation, acting justly towards our neighbor, and wisely in regard to ourselves—if we remain quiet, resting in idle and masterly inactivity, and let our destinies work out their own results, we shall do more for liberty, not only for ourselves, but for the example of mankind, than can be done by a thousand victories.

Sir, I find I am becoming old; I almost feel that I live among strangers. If I have expressed anything that is uncongenial to the feelings of this body, put it down as proceeding from the old associations of thirty or thirty-five years ago, which are still clinging around me. Sir, this is not the first time that I have taken my stand against war. When General Jackson recommended letters of marque and reprisal against France, I arose alone in the Senate and remonstrated against such injustice. And in point of fact, the treaty which was subsequently concluded with France, was ratified with the express understanding, which was known to our Government when the treaty was formed, that it would require a vote of the Chambers, on the part of France, to sustain it, as it would require a vote to sustain it on the part of this country; and that they were no further responsible than to use their best efforts to obtain that vote. And yet, though it was acknowledged that the Executive of France had done all in his power to obtain the vote, we were nearly pushed into a war. Nothing but the interposition of Great Britain prevented it. As for myself, standing on this side of the Chamber, I raised my voice singly against it.

Mr. President, in my opinion, all parties are interested in giving this matter the only direction that can be given to it with any prospect of a favorable result. Let me say to the friends of the Administration, if you go on, and some accident does not meet you—if you go on in the prosecution of this war from year to year,—you will find that it will overthrow you. Do you not see that, as far as the internal affairs of the Government are concerned, you are reversing the policy of which you have heretofore professed to be the advocates? What party has been opposed to the re-creation of a great national debt? The Democratic or Republican party. Well, sir, this war is involving you in a greater debt than the opposite party could have done, perhaps, in any circumstances short of war. This very campaign, which you look upon so lightly, will be almost as great a charge upon the country as the debt of the Revolution. What party has always been against the extension of the patronage of the Executive? Well, sir, you are doing more towards the extension of that patronage, and, above all, towards the continuance of that extension, than has ever been done under our Government. Well, sir, what party professes to be most in favor of a metallic currency? And do you not see that, as your treasury notes and stocks accumulate, you are in danger of being plunged again in the paper system to the utmost extent? What party has always been in favor of free trade? Do you not see that, by accumulating charges and burdens upon the people by the debts which have now been contracted, you never will, during your time, have an opportunity of making any considerable reduction in the tariff?

Sir, I know what is at the bottom of the course of policy which is recommended to be pursued. It is that pride of opinion to which we are all subject. No doubt it was thought that that course of policy would lead to the consequences which were contended for; but it has not. But, sir, the alternative is pressing. You will have but the choice between that and worse, in my opinion. It is magnanimous and honorable to retract, when a course of policy which has been pursued turns out to be wrong. It would do great credit to the party in power to act now precisely as they would have acted if they had had all the lights of experience at the commencement of this war which they now have. It would be doing a high act of patriotism to sacrifice their feelings of individual pride to the good of the country.

Now let me say, that in asserting that a defensive line was the only alternative to the plan recommended by the President, I have put out of the question the course which most of you advocate—taking no indemnity of territory; because I believe that the voice of the country has decided irrevocably against it; and that to keep it as the alternative would but render more certain the adoption of the policy recommended by the Executive, and, in consequence, the conquest of the whole country. Let me say further, to my friends on the other side of the Chamber—for I regard them as such—(it is our good fortune to differ in politics here, without permitting our personal feelings to be affected)—that they have contributed by their course to give the public opinion that strong and fixed determination not to terminate the war without some suitable in-

demnity. I do not allude to your voting on the bill recognizing the existence of war between the Republic of Mexico and the United States. No one knows better than myself, that you voted for the bill with the view of furnishing immediate relief to General Taylor and his army—and not in reference to the war; that you even protested and remonstrated against that interpretation being put upon your vote. But after the bill passed, and the war was authorized, most of you have continued to vote appropriations to prosecute the war with the object expressed of acquiring territory as an indemnity. Now, I must say, I cannot see how the two can be reconciled—how your vote to acquire territory can be justified, and at the same time your opposition to the acquisition of territory as means of indemnity, when it is acknowledged on all sides, that that is the only means by which it can be acquired. The people will find it hard to believe that it was necessary to vote so much money for the purpose of getting territory for indemnity, which you intend to throw away when you get it. But, whatever may be the causes which have led to this state of public opinion, it has, beyond all doubt, decided against any conclusion of this war that does not involve territorial indemnity to some extent. Hence, I repeat, the alternative whether this war shall go on and consummate itself, is between taking a defensive line and adopting the course pointed out by the Executive, and that the decision must be made now; for if it be passed over until another session, the end will be, I doubt not, the subjugation of the whole country, thereby involving us in all the difficulties and dangers which must result from it.

Now, I have delivered my opinion with that candor and frankness which, I hope, become my position on this floor. I shall now propose nothing; but if I find that I can be supported in these my views, I will undertake to raise a committee to deliberate, after consulting with those officers who are now fortunately in this city, upon the best defensive line that can be taken. If it should be fortunately adopted, we may not get peace immediately. The war may continue for some years, but we will accomplish that all-important consideration, the extrication of ourselves and the country from this entanglement with Mexico.

Mr. SEVIER moved to lay the resolutions upon the table.

Upon this motion the yeas and nays were demanded.

Mr. CALHOUN said he hoped the motion would be allowed to prevail. It was perfectly right, in the present circumstances, that the motion should prevail. He would take it as a personal favor that no opposition should be offered to it.

Mr. SEVIER observed that it was, of course, to be expected that this speech would be replied to; but he was desirous that this debate should be suspended for a time, in order to proceed with the consideration of the army bill.

The motion to lay on the table was then agreed to.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business; and, after some time spent therein, the doors were opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 4, 1848.

The Journal of yesterday having been read and approved—

Mr. GOGGIN rose and reminded the House that yesterday the resolutions in relation to the great southern mail were made the special order for this day, at one o'clock; but, for the accommodation of many gentlemen who desired to be elsewhere this morning, he moved a reconsideration of the vote of yesterday, with the intention, if it were agreed to, to follow it up by amendment to make it the order of the day for to-morrow, at one o'clock.

Mr. BOTTS supported the motion to reconsider. He said many gentlemen desired to attend the debates at the Senate end of the Capitol, and he was disposed to indulge them, by not pressing the motion to go into Committee of the Whole to-day; more particularly as he desired to make an effort to remove some erroneous impressions which appeared to exist in the minds of several gentlemen on the subject embraced in this resolution. He would, therefore, accept the proposition to modify his resolution so as to make it the special order for to-morrow, at one o'clock, if the motion to reconsider should be agreed to.

Mr. JONES, of Tennessee, thought the object of the gentleman from Virginia could be better obtained by moving to postpone the special order to to-morrow.

The SPEAKER replied that the order of the day was in Committee of the Whole on the state of the Union, and could not therefore be reached by a motion in the House.

The motion to reconsider was then put and agreed to; and Mr. BOTTS modified his resolution as he had indicated, to make the subject therein specified the special order for to-morrow, at one o'clock.

The SPEAKER announced the question to be on the adoption of the resolution of the gentleman from Virginia.

Mr. HOUSTON, of Alabama, inquired if that did not require a two-thirds vote.

The SPEAKER replied, that it was adopted by a two-thirds vote yesterday, and the same vote was therefore now necessary.

Mr. HOUSTON inquired if the motion was now properly before the House to suspend the rules for the reception of this resolution under the existing rules, which prohibited a motion to suspend on any day but Monday. He made that point of order.

The SPEAKER replied, that if this were an original motion, the gentleman from Alabama would be correct; but this was a motion to reconsider a vote by which a resolution was yesterday adopted under a suspension of the rules. The motion to reconsider was therefore now in order.

Mr. BOTTS reminded the Chair that no motion had been made to reconsider the vote by which the rules were yesterday suspended.

The SPEAKER assented, and said that the resolution was introduced yesterday under a suspension of the rules; and the vote by which it was adopted having been reconsidered, the resolution now came before the House for its action.

Mr. HOUSTON, of Alabama, inquired if he was to understand that it was the same resolution.

The SPEAKER replied, that as the adoption of the resolution had been reconsidered, the resolution itself again came up for the action of the House, and it was competent for the gentleman from Virginia to modify it, which he had done. It was therefore substantially the same resolution, and the question was on its adoption, which would require a two-thirds vote.

Mr. GOGGIN said the motion had been made this morning in a spirit of accommodation to gentlemen on all sides of the House.

The resolution was agreed to.

REFERENCE OF PRESIDENT'S MESSAGE.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. JOSEPH R. INGERSOLL in the chair,) and proceeded to the consideration of the resolutions offered by Mr. VINTON, referring the annual message of the President of the United States to appropriate standing committees.

Mr. BRODHEAD said that he had had the honor some days since to offer a resolution for the appropriate reference of the several topics in the President's message, which he desired to have referred to the Committee of the Whole on the state of the Union as a substitute for those which had been offered some days since by the honorable gentleman from Ohio, [Mr. VINTON.] He now asked that those offered by the gentleman from Ohio be now read; when this was done he should move his own as a substitute. He then submitted the following:

Resolved, That so much of the message of the President of the United States to the two Houses of Congress, at the present session, as relates to the existing war with Mexico, to the condition of our citizens in China, and the propriety of making payment to the Spanish Government in the "Amistad case," together with the accompanying correspondence in relation thereto, be referred to the Committee on Foreign Affairs.

Resolved, That so much of the said message as relates to the condition and operations of the army, the propriety of increasing the same, and levying contributions upon the enemy, together with the report of the Secretary of War, be referred to the Committee on Military Affairs.

Resolved, That so much of said message as relates to the establishment of Territorial Governments in Oregon, New Mexico, and the Californias, be referred to the Committee on the Territories.

Resolved, That so much of the said message as relates to the condition of the treasury, to the means of obtaining money to prosecute the war with Mexico, the operations of the tariff of 1846, the propriety of imposing a duty upon tea and coffee, the warehousing system, the constitutional treasury, and the propriety of establishing a branch mint at New York, be referred to the Committee of Ways and Means.

Resolved, That so much of the said message as relates to the graduation and reduction of the price of the public lands, the amendment and modification of the laws granting pre-emption right to settlers, to the establishment of a Surveyor General's Office in Oregon, and the grant of lands therein to actual settlers, be referred to the Committee on Public Lands.

Resolved, That so much of the said message as relates to our relations with the various Indian tribes, and the appointment of Indian agents west of the Rocky Mountains, be referred to the Committee on Indian Affairs.

Resolved, That so much of the said message as relates to the condition and operations of the navy, to the increase of sea steamers, together with the report of the Secretary of the Navy, be referred to the Committee on Naval Affairs.

Resolved, That so much of the said message as relates to the progress and condition of the mail service, the operations of the Post Office Department, and the postal arrangements with foreign Governments, together with the report of the Postmaster General, be referred to the Committee on the Post Office and Post Roads.

Mr. BRODHEAD desired to state a few reasons why he had offered the substitute which had just been read.

Mr. SMITH, of Connecticut, rose to a point of order. He inquired of the Chair whether they were not to take up the resolutions originally offered by the gentleman from Ohio [Mr. VINTON] *seriatim*—whether the first question in order was not whether the first resolution should pass or not?

The CHAIRMAN replied that it was perfectly in order for any gentleman to move an amendment to the first resolution.

Mr. SMITH said the gentleman offered an entire set of resolutions as a substitute for the entire set of resolutions of the gentleman from Ohio. He inquired whether the first question was not on agreeing to the first resolution of the gentleman from Ohio?

The CHAIRMAN replied in the affirmative, but that the gentleman from Pennsylvania had the right to offer his amendment like any other amendments.

Mr. BRODHEAD resumed the floor, and proceeded to address the committee. He had two principal objections to the resolutions submitted by the gentleman from Ohio, [Mr. VINTON.] The one was to the reference of that portion of the President's message which relates to the finances of the country, and the other to the disposition which that resolution proposed to make of that portion of the President's message which has reference to our relations with Mexico. He objected to the gentleman's resolutions because he proposed a reference of that portion of the message which related to the sub-treasury and the tariff of 1846 to the Committee on Commerce. Such a reference was contrary to the precedents in this House. Heretofore this subject had always been referred, so far as his knowledge of the practice of the House extended, to the Committee of Ways and Means. He knew very well that the tariff act of 1846 was reported by the Committee of Ways and Means, and also that the sub-treasury law came from that committee. He thought it was now right that all questions relating to the finances of the country should, in like manner, be referred to the Committee on Finance, which was styled in this House the Committee of Ways and Means. All questions relating to the revenues of the country properly belonged to the consideration of that committee. It was certainly a more proper committee than the Committee on Commerce for such a reference. The principal purpose of tariff laws was to raise revenue for the purpose of carrying on the operations of the Government. He did not know what purpose the gentleman from Ohio had in thus proposing a departure from the practice which had heretofore prevailed here. It might have been from motives of delicacy, because the gentleman was chairman of the Committee of Ways and Means, and did not desire himself to propose to give that committee the charge of this subject.

He objected, furthermore, to the manner in which the gentleman from Ohio proposed to dispose of that portion of the message having reference to our relations with Mexico. He thought this part should be referred to the Committee on Foreign Affairs and to the Committee on Military Affairs. Wherever a subject could be referred to a standing committee, it was preferable to referring it to a select committee. The gentleman proposed

to raise, independently of the standing committees, independently of the Committee on Foreign Affairs and of the Committee on Military Affairs, three select committees on this portion of the message. Mr. B. thought three select committees, in addition to those heretofore established, were altogether unnecessary. He compared the first resolution of Mr. VINTON, referring to the Committee on Foreign Affairs, and that which refers to a select committee the manner and policy of the war, and said it seemed to him that the jurisdiction of these two committees would in some measure conflict; that they would be considering the same subjects, and making reports covering the same grounds here. For these reasons, he hoped that his substitute would be adopted.

Mr. GIDDINGS said, although it was something like speaking to empty benches to rise to address the committee at this time, yet he felt disposed to embrace the present opportunity to call the attention of those few who should have the kindness to listen to him, to the circumstances of the case which was now presented by the President of the United States for our consideration. He did so the more readily, because there were many members who had not heretofore been participants in the consideration of this subject; the older members would at once recognize an old acquaintance in the claim now presented, and most of the gentlemen now present would recollect very distinctly the nature of the claim which they were now called upon to meet upon the part of the Spanish Government. In 1839, perhaps as early as April, certain persons who were Spanish subjects, traders in slaves, took from the coast of Africa fifty-two or fifty-three negroes, and brought them to Cuba. They were landed in the month of May, or perhaps in the last of the month of June, and placed in the baracoons of Havana. They remained there some twelve or fourteen days, when they were transferred by bill of sale from the original importers to Montez and Ruiz, who shipped them on board the Amistad, and sailed for Principe, on the southern end of the island. When five days out from Havana, they rose upon those who held them in subjection, and slew the captain and cook, sent the two sailors on shore in a boat, and ordered their owners, Montez and Ruiz, to guide the ship to Africa. Montez and Ruiz guided the vessel so far north as to come to anchor near the east end of Long Island, where the ship and negroes were taken possession of by Lieutenant Gedney, in the employ of the United States. They were taken to New Haven, in the State of Connecticut, and Lieutenant Gedney filed his claim in the district court of that State for salvage on both ship and negroes.

Montez and Ruiz there filed their claims to these negroes, whom they claimed as their property. Claims were also put in by the owners of the Amistad; and several other claimants filed their claims before the said court. The vessel was awarded, upon due consideration, to the claimants—saving to those who had taken possession of it their salvage, which amounted to one-quarter or perhaps to one-third its value. The negroes, who were the principal subject-matter of litigation, were adjudged to be free persons, holding the right to their liberty, possessed of the natural rights with which they were created. They were therefore released by the decree of said court, from which an appeal was taken to the Supreme Court of the United States; and there, upon the unanimous judgment of that court, without a dissenting voice—more than half of whom were slave owners—the judgment of the district court was ratified and confirmed, and these persons were declared to be in the full possession of their inalienable rights, and those who held them in bondage flagrant violators of the law of nations. The negroes were thus set at liberty. This took place in 1840—perhaps in January—when the final judgment was rendered in the Supreme Court of the United States. Subsequently to that, viz: in 1844, the claimants of these negroes came into this body, and through the Spanish Minister presented their claims against the United States for the value of the blood, the sinews, and the bones of those negroes who were thus set at liberty.

Mr. G. regretted most sincerely that the former chairman of the Committee on Foreign Affairs [Mr. C. J. INGERSOLL] was not present at this time. If he were, he should feel compelled to treat the subject in a different manner; yet, though absent, duty compelled him to say, that in that report he had falsified the solemn record of the Supreme Court of the United States, and, founding his report upon the falsehood, had come into this House and declared that Congress was bound to pay over $70,000 to the claimants of these slaves. He did not charge the Committee on Foreign Affairs, or the chairman who drew up this report, with any intention of falsification. The gentleman's report commenced with a flagrant violation of truth. He said, "on the 26th August, 1840, a vessel of the United States took possession, &c., of the Spanish schooner on the coast of Connecticut," &c.

Now, sir, the records of the court show that the vessel was taken possession of on the 26th August, 1839, instead of 1840. And on this false assumption declares, page 10th of the report, that "the proof is that they (the negroes) were at least fourteen months in Cuba." "The owner of these alleged barbarians, adjudged by the court to be Africans just kidnapped from their savage state, as put on the record for them, states they were kidnapped from Africa on the 15th April, 1839, and then transported to Cuba on the 12th June, 1839."

By thus stating the arrival of the Africans at Havana in 1839, as was really the case, and then saying they were taken on the coast of Connecticut in August, 1840, which is untrue, the committee represented the negroes to have been fourteen months in Cuba, instead of fourteen days. This false statement is in contradiction to the alleged facts that they were *bosales*, or negroes newly imported, instead of "*ladinos*," or negroes long resident in Cuba. This fact was important, as it is understood by all that the treaty between Spain and the United States, and the laws of that kingdom, interdict the slave-trade.

He regretted that the gentleman who penned this report was not present; but present or absent, it became his duty to stamp it with the character which belonged to it.

Again, at a subsequent period, at the first session of the last Congress, this same report was again put forth and re-adopted by the Committee on Foreign Affairs, and the chairman of the present Committee on Foreign Affairs [Mr. SMITH, of Connecticut] put his hand to it that it was true.

[The committee at this time being quite thin—Mr. SMITH, with many others, being absent—Mr. G. said he wished some of the boys would run and tell his friend he was talking about him. He wanted to drive every man out from behind the bush on this subject.]

He did not believe that the gentleman who was at present at the head of the Committee on Foreign Affairs would intentionally endorse such a misstatement. The fact was, he supposed the gentleman did not know whether it was true or false; because it was a question in which slaves were involved, he did not examine it. It was the habit of northern men to shrink from the investigation of any subject in which the peculiar institution was involved; they did not like to approach it. And now what was the consequence? Why, his friend from Connecticut, having admitted the truth of that report, and confirmed it, the gentleman from Pennsylvania [Mr. BRODHEAD] now moved to refer the subject again to the very men who had made this report.

[Mr. SMITH now entering the Hall, Mr. G. repeated the declaration that the gentleman had endorsed and adopted this report, and it bore his impress.]

Mr. SMITH, (interposing.) How bears my impress?

Mr. GIDDINGS. Why, as a member of the Committee on Foreign Affairs, by assenting to it.

Mr. SMITH. As a member of the Committee on Foreign Affairs! Well; I hope I am not to be held responsible for all the Committee on Foreign Affairs did during the last Congress.

Mr. GIDDINGS. There is nothing on the record which shows that my friend from Connecticut dissented from it. As I said before, I do not believe he examined the question. But where is his counter-report? Where is his solemn protest? Where does he contradict this declaration—this flagrant falsehood? How has he raised his voice against this doctrine, which is so unjust in itself, and which is tending to overthrow our Government and our liberties?

Mr. SMITH. If the gentleman from Ohio will permit me to refer him to the yeas and nays, I think he will find that this question came up in the House, and that my name is there recorded.

Mr. GIDDINGS. I beg pardon; there is no such thing on the record. This report never came before the House. [A laugh.]

Mr. SMITH. If there is no such thing it is because this question could not raise strength enough to get the yeas and nays.

Mr. GIDDINGS. I know that; and therefore it was important that my friend should have had strength enough in his own breast to speak the truth, to declare the facts.

He repeated, he wanted every man to take open, bold ground, as freemen and the representatives of freemen.

This was not the whole. When the general appropriation bill was under consideration in the Senate at the last session, an amendment was attached to it giving $50,000 as a compensation for these slaves to the claimants. This amendment came down here; and, after hearing the exposé of his venerable friend who set before him [Mr. ADAMS] of some fifteen minutes, there were only twenty-three persons willing to vote for it in committee, and in the House only forty. It was hurled unceremoniously from this body, and stamped with the express disapprobation of the House; and, having lain over only from that time—the close of the last session—they were recommended by the President to make this appropriation, to tax their constituents, to pay over this money to these dealers in human flesh.

The object of his motion was not to send this subject to the Committee on Foreign Affairs; and, in naming a select committee, he said he had no desire or wish to be placed upon that committee. But it was his desire that the venerable gentleman from Massachusetts, [Mr. ADAMS,] who had stood in the relation of counsel to this case from its commencement, should be placed upon it; and then he should like to see placed upon it some of the ablest statesmen and lawyers on the other side of the case; so that both sides of the question might be fully presented, and that we should not hereafter have the records of the country falsified.

It was his object, therefore, to send this subject to a select committee, that a report might be drawn up and sent to the people, that they might be thoroughly informed in relation to it. He did not know but that it was his duty to speak more at length on this matter; but would only say that the President had urged them—to do what? To sustain the Spanish slave trade. He asks us to tax the people, to take that which they earn by the sweat of their brows, to pay men engaged in the slave trade for the failure of their speculations. This was a subject not agitated by him; it was urged upon them by the President, and it had been again and again urged upon them by the Committee on Foreign Affairs. He wished to disabuse the minds of any who thought he had agitated this question. He would take this occasion to say that he had never agitated the question of slavery here, but to redeem the North from all participation in it—from all unconstitutional participation in it. He held in his hand a resolution which had been passed by the Legislature of South Carolina, and he rejoiced that he had one occasion to speak with approbation of the action of South Carolina on the subject of slavery.

The honorable gentleman here read the resolutions to which he referred, which were understood to deny any right to the free States to interfere with slavery in the South, and also to Congress under the Constitution to exercise any control over it. These, he said, were sentiments which were concurred in by the North. For himself he responded most heartily to the resolutions. They had no power to cause the abolition of slavery in the South, nor had Congress the right to require the North to give the institution of slavery any support. He desired emphatically to repeat, that they had here no power whatever in connexion with the institution of slavery. This position was so clearly sustained by the Constitution that he who runs may read. The doctrine then of the South Carolina resolutions was true. We have no right to interfere with it; we never had any right to interfere with it. Every movement heretofore by which this House has taken jurisdiction of it was a violation of the Constitution. And yet the President now asked them to interfere with that around which the Constitution had thrown a barrier. He asked them to do that which the peo-

ple had no right to meddle with, to establish, uphold, or put it down, and he hoped this House would refuse to gratify the President in this particular. Would the Representatives of the North make such a concession? Would the Whig party yield their assent to such dogmas of the President? If the chairman of the Committee of the District of Columbia were present he would ask him if there was any probability of their repealing the laws of Congress by which they had exercised jurisdiction over this subject in this District? He directed attention to the slave pen in view of this Capitol, in which there was more sighing, and weeping, and groaning, and more human suffering than imagination could paint. From all connexion with such cruelties he wished the people that he represented to be absolved. He hoped, therefore, that Congress would refuse to entertain the subject, and not, as invited by the President, tax the people to perpetuate and encourage the infliction of pain and misery. He desired to wash his hands of it.

He called the attention of the House to the effect of such interference. It was to encourage the slave trade on the coast of Africa; it was to involve us in the crime of piracy. This interference with slavery had involved us in a war, in which now so much American blood was being poured out, and the treasures of the nation were squandered with an extravagance heretofore unknown to this nation. Were, then, the gentlemen of the North prepared to respond to the call of the President to sustain the Spanish slave trade? Their action on this important subject at this session of Congress, would make an interesting chapter in the biography of many American statesmen. He called upon Representatives of the people from every section of the Union to come forward and meet this question without excitement. The position which he had laid down, and which he should now sustain, was that this House had no right to interfere with the subject. They had no right to sustain it in any State of this Union. They had no right to impose on any free State the duty of meddling with it. He hoped, then, that this position would be sustained, for to do otherwise would involve a violation of the Constitution. They of the North had neither the power nor the constitutional right to interfere with it. If that institution were a blessing, let the South take all its blessedness to themselves. If it were a curse, let the North be saved from its malign influences. That the North might be redeemed from that curse, he called upon the Northern Representatives to come forward and say to slavery, "Thus far shalt thou go and no farther."

As to the right of the negroes of the Amistad to do what they did, he had no doubt. They were kidnapped from Africa, and had a right to defend themselves by all the laws of God and man: they had the right, too, to rise on their captors, and hurl them into the deep, to achieve their own liberty, just as would the citizens of the North if they should be seized and carried to the Havana for a like purpose. The position of the parties (the Spaniards and negroes) was one of war; but when the negroes came on our shores, they were entitled to all the rights of hospitality from our people. We had no right to interfere between them and their captors. They were free men, and they had the rights of freemen. But we took from them their ship, and gave it to the Spanish claimants. This was wrong. If we were now called to give the negroes the value of the ship, he would vote for it. But he would only add, that he desired to send the case to a select committee, in order that we may have full reports on both sides of the question.

The CHAIRMAN then rose to put the question, but said he did not feel at liberty to do so in the present condition of the committee. One of its standing rules was to this effect: "Whenever 'the Committee of the Whole on the state of the 'Union, or the Committee of the Whole House, 'finds itself without a quorum, the chairman shall 'cause the roll of the House to be called, and 'thereupon the committee shall rise, and the chair-'man shall report the names of the absentees to 'the House, which shall be entered on the Jour-'nal." There being now less than a quorum present, he directed the Clerk to call the roll.

Mr. HUDSON inquired how it had been ascertained that there was no quorum present—there had been no count.

The CHAIRMAN reiterated the terms of the rule, which he said were imperative.

Mr. HUDSON said his question was, how this finding of the want of a quorum had been ascertained, as no vote had been taken.

The CHAIRMAN replied that there was evidently no quorum present; and as the question was now to be taken on the amendment, it became the duty of the Chair to order the roll to be called.

Mr. HUDSON said the Chair had no official knowledge of the want of a quorum until it had been ascertained by a count.

Mr. BOYD also asked how the want of a quorum had been ascertained. He desired to know by what test the fact had been discovered.

The CHAIRMAN replied that his own eyes had ascertained the fact, and in such circumstances the rules made it the imperative duty of the Chair to order the roll to be called.

Mr. McKAY rose and said, while they had been discussing this matter, the pages had been to the Senate, and brought in a sufficient number of members to constitute a quorum. This, he was of opinion, was contrary to the spirit of the rule, and he hoped the Doorkeeper would avoid this in future, and that, on a recurrence of such a circumstance, the Chair would order the doors to be closed.

Mr. BRODHEAD, in exculpation of the Doorkeeper, stated that the pages had acted under his directions.

There being a quorum now present, the question was taken on the amendment of the gentleman from Ohio, [Mr. GIDDINGS,] which was determined in the negative.

The question then recurred on the substitute of the gentleman from Pennsylvania, [Mr. BRODHEAD.]

Mr. VINTON desired to say a word or two in explanation of what had been spoken of by the gentleman from Pennsylvania, [Mr. BRODHEAD.] That gentleman had said that it had been the universal rule heretofore to refer to the Committee of Ways and Means whatever concerned the finances and the revenues of the country. In that the gentleman was correct, and he would find that the first resolution proposed to make such a reference of all such matters—not only all that relates to the sub-treasury act, but everything else that belonged to the revenues of the country.

But the gentleman from Pennsylvania said that that part of the President's message which relates to the "operation" of the sub-treasury act should not be disposed of as was proposed by his (Mr. V.'s) resolutions. The President, in his message, explained, in the first place, the operation of the sub-treasury act and the provisions of law on the subject of the revenue. But the President said further, that the sub-treasury act had had a salutary influence on the country, and on the commerce of the country; and he takes great credit to himself for its beneficial influence on the commerce of the country in contradistinction to the revenues.

[Here a message was received from the President of the United States, announcing that he had approved and signed the bill making appropriations for subsistence in kind, &c.]

Mr. VINTON then resumed: The President of the United States had thought it important to call the attention of the House and of the country to the influence the sub-treasury had had on the commerce of the country; the Committee on Commerce then was surely the appropriate committee to have that part under investigation, for the influence of the sub-treasury on the commerce of the country did not strictly and appropriately belong to the Committee of Ways and Means. So far as it relates to the revenues of the country it does belong to the Committee of Ways and Means, and no further. If it had had such an influence as the President seemed to suppose on the commerce of the country, it was proper that the Committee on Commerce should act upon it. It was that committee's appropriate province.

But the President does not stop there, for he says that the tariff act of 1846 had had a beneficial influence on the agriculture of the country. He did not understand the gentleman from Pennsylvania to object to the reference designed for that part of the President's message. It certainly was no part of the duty of the Committee of Ways and Means to inquire into the operation of measures on the agricultural interests of the country, except so far as related to the raising of revenue. In his resolutions, therefore, apportioning the President's message, he had followed the topics in their order as touched upon by the President, and had made such a division as the subjects themselves suggested.

The gentleman from Pennsylvania also objected to the raising of a select committee to whom shall be referred all that portion of the President's message which relates to the manner in which the war shall be hereafter conducted, and the policy which was to be pursued. That portion of the President's message which relates to the commencement of hostilities, &c., the gentleman from Pennsylvania thought should go to the Committee on Foreign Affairs. But the question was as to the manner in which the war shall hereafter be prosecuted, and the policy that shall be pursued; and every gentleman who reflected on that subject, would see that it was as much a domestic as a foreign question. The policy which had been marked out by the President of the United States, involved proposals to incorporate part, if not the whole of Mexico, into this Union, or that we should hold it as an indemnity for the expenses of the war. Here, then, were great questions, which, if carried out, would, in the end, have a vastly greater influence on our domestic institutions and our prosperity than on Mexico herself.

It is indeed possible, as is said in the message, that these great national movements may in their effects prove beneficial to Mexico; but, if such shall be the result, it will be attained, if at all, at a greatly disproportionate cost to the United States. I trust that a subject so great and so important as this, one of the greatest, certainly, that ever has been presented by any Executive to the American people, will be sent (where it ought to go) to a select committee—a committee of gentlemen selected for this especial duty. The Committee on Foreign Affairs, as proposed in the resolutions of the gentleman from Pennsylvania, will have a broader scope for their consideration and action than ever was before given to any committee in this country.

I do not, however, mean to discuss the subject; the time will not permit; but I will say this, that in reading the message, I was impressed with the conviction, and I do now solemnly believe, that in that state paper there are presented a greater number of weighty and momentous questions—more new questions especially, on international law—than in any Executive message that has appeared within a quarter of a century past.

Mr. McCLERNAND rose, and expressed a desire to address the committee on the subject before it; but not feeling able at this moment, on account of the state of his health, he moved that the committee do now rise.

The motion prevailing, the committee rose accordingly.

PETITIONS.

Petitions were presented and disposed of as follows, viz:

By Mr. TRUMAN SMITH: Of officers of the army of the United States in Mexico, for a further provision by law for the support of the families of such officers and soldiers as fall in battle or die in the public service. Also, of officers of the United States army in Mexico, for an asylum in behalf of invalid soldiers. Also, of officers of the United States army in Mexico, for a retiring list of such officers as, by age, infirmity, or other cause, become incompetent to discharge their field duties, and that their places be filled in a course of regular promotion. Also, of Mrs. F. P. Gardner for a pension, &c.

The latter petition was referred to the Committee on Military Affairs.

In presenting the first three petitions, Mr. SMITH remarked that they were dated August 1st, and consequently before the army entered into the basin of Mexico, and before the several battles which ended in the capture of the city of Mexico. Many of the petitioners who had asked Congress to make provision for the families of those who should fall in battle, were well known to have already fallen since they signed the petition. However much doubt he felt in relation to the justice of the war, or its origin, or the policy of sending our armies into the heart of Mexico, he could never hesitate in his advocacy of a measure of simple justice to those who had fallen in their country's service. He moved that the memorials be printed, and referred to the Committee on Military Affairs.

Mr. HOWELL COBB informed the gentleman that the memorial had already been printed, (by order of the Senate,) and laid upon their tables.

The motion to print was then negatived, and the reference ordered.

Mr. SMITH also presented the petition of the widow of Abm. C. Fowler, praying a pension: referred to the Committee on Military Affairs.

By Mr. CHASE: Of L. P. Cheatham, for compensation for losses incurred in the removal of the Cherokee Indians: referred to the Committee of Claims.

By Mr. MOREHEAD: Of Alfred F. Jones, for an amendment of the patent law: referred to the Committee on Patents.

By Mr. KENNON: Of citizens of the State of Ohio, to place Henry Johnston of said State on the pension roll: referred to the Committee on Revolutionary Pensions.

By Mr. TALLMADGE: Of Mr. R. L. Schieffelin, for the settlement of claims relative to property lost in the war of 1812.

By Mr. VAN DYKE: Of Robert Davidson, for confirmation of certain land titles.

By Mr. N. EVANS: Of T. Campbell, for a pension: referred to the Committee on Revolutionary Pensions.

By Mr. MILLER: Of 192 citizens of Richland county, Ohio, for a daily mail-route from Pittsburg, Pennsylvania, to Mansfield, Ohio: referred to the Committee on the Post Office and Post Roads.

By Mr. SCHENCK: Of L. G. Curtiss, editor of the Cincinnati Commercial, in relation to the printing of the Cincinnati post office letter list: referred to the Committee on the Post Office and Post Roads.

Mr. CHARLES BROWN presented the proceedings of "a great Democratic meeting, held in Philadelphia, December 18, to sustain the Administration and the war."

Mr. BROWN said, as the proceedings had been extensively published and read, he would not ask to have them printed or read, but merely laid on the table of the House for its use; which motion was agreed to.

By Mr. EMBREE: Of H. M. Leeds and others, of the counties of Vanderburgh and Posey, Indiana, for a mail-route from Evansville to Cynthiana, in Posey county: referred to the Committee on the Post Office and Post Roads.

By Mr. TOMPKINS: Of G. T. Swann, S. R. Adams, and Charles Scott, relative to the construction of a railroad from Jackson to Brandon, Mississippi: referred to the Committee on Roads and Canals.

By Mr. TURNER: Of C. M. Dewey and 112 others, for permission to C. M. Dewey to flow certain Government lands in the Winnebago Swamp, Illinois: referred to the Committee on Public Lands.

Also, of the Legislature of Illinois, respecting Government lands: referred to the Committee on Public Lands.

By Mr. W. R. W. COBB: Of Jonathan Tipton, for a revolutionary pension: referred to the Committee on Revolutionary Pensions.

By Mr. HARRIS: Of J. P. Montgomery and others, of Alabama, for a mail-route from Wetumpka to Medowee, Alabama: referred to the Committee on the Post Office and Post Roads.

By Mr. W. R. W. COBB: Of sundry persons, for a mail-route from Jasper to Springville, Alabama: referred to the Committee on the Post Office and Post Roads.

By Mr. LEFFLER: Resolutions of an Iowa City meeting, in favor of a railroad from the Mississippi river to the Pacific: referred to the Committee on Roads and Canals.

Also, of the Iowa Legislature, for a grant of six sections of United States Government land to the Des Moines College, (Presbyterian,) Iowa: referred to the Committee on Public Lands.

By Mr. WM. THOMPSON: Of E. Drown and 172 others, of Iowa, for a change in mail-route No. 4,581, from Burlington to Fairfield: referred to the Committee on the Post Office and Post Roads.

Also, of William Eaton and 13 others, of Iowa, for an extension of the act of July 27, 1842, in relation to bounty lands for military services: referred to the Committee on Revolutionary Pensions.

By Mr. TWEEDY: Memorial of the Legislative Assembly of Wisconsin, praying for the construction of a road from the Falls of St. Croix to La Pointe, on Lake Superior, heretofore presented March 31, 1845: referred to the Committee on Roads and Canals. Like memorial for a road from Prairie du Chien to La Pointe, heretofore presented April 7, 1846. Petition of citizens of Wisconsin, for appropriation for same object, heretofore presented March 9, 1846: referred to the Committee on Roads and Canals.

By Mr. LINCOLN: Of James Semple and others, against the petition of the city of Alton, Illinois, praying a relinquishment of certain lands therein described: referred to the Committee on Public Lands.

By Mr. CLINGMAN: Of numerous families of the Cherokee nation, for remuneration on account of alleged breaches of faith upon the part of the United States agents commissioned to make arrangements respecting lands given to the Cherokee nation: referred to the Committee on Indian Affairs.

TEXAS VOLUNTEERS.

Mr. KAUFMAN gave notice that on to-morrow, or some subsequent day, he shall introduce a joint resolution providing for the payment of the regiment of Texas volunteers called into the service by Colonel Curtis, commanding officer at Camargo.

REPORTS FROM COMMITTEES.

Mr. THOMAS BUTLER KING, from the Committee on Naval Affairs, reported a bill making an appropriation of $150,000, to be applied towards the construction of a dry dock in the harbor of New York. Read and committed.

Mr. STANTON, from the same committee, made an adverse report on the petition of Catharine Clark, widow of Joseph Clark. Laid on the table.

Mr. SCHENCK, from the same committee, reported a bill for the relief of Edward Quinn. Read and committed.

Mr. SMITH, of Connecticut, from the Committee on Foreign Affairs, reported a bill to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801. Read and committed.

Mr. COCKE, from the Committee on Revolutionary Pensions, made an adverse report on the petition of Mary Patton. Laid on the table.

Also, from the same committee, reported a bill making further provision for surviving widows of the soldiers of the Revolution.

Mr. C. said he hoped the House would allow the bill to be engrossed and read a third time.

After some remarks by Mr. SIMS, who moved the commitment of the bill, and by Mr. JONES, of Tennessee, in opposition to the motion to commit and in favor of the bill, the question on committing the bill was disagreed to.

The bill was then ordered to be engrossed and read a third time.

Mr. STRONG, from the Committee on Revolutionary Pensions, made adverse reports on the petitions of Catharine Abel, Sarah Nixon, and Eunice Goodell. Laid on the table.

Also, from the same committee, reported a bill for the relief of Elizabeth Clapper. Read and committed.

Mr. LAWRENCE, of New York, from the same committee, made adverse reports on the petitions of Alexander Wallace and Mary Corwin. Laid on the table.

Mr. FULTON, from the Committee on Invalid Pensions, reported bills for the benefit of Harriet Barney, widow of Joshua Barney; for the relief of Anthony Walton Bayard; and for the relief of George Newton; which several bills were read and committed.

Mr. VENABLE, from the same committee, reported a bill for the relief of Russell Goss. Read and committed.

Also, from the same committee, made adverse reports on the petitions of Joseph Coberly and Peter Coville. Laid on the table.

Mr. FARRELLY, from the Committee on Patents, reported bills to provide for additional examiners at the Patent Office; for the relief of Captain Henry M. Shreve; and for the relief of Calvin Emmons; all of which were read and committed.

Mr. HENLEY, from the same committee, reported bills for the relief of John J. Adams, and for the relief of E. Goodrich Smith; which bills were read and committed.

Mr. HOLMES, of South Carolina, from the Committee on Naval Affairs, reported a bill for the relief of David Myerle. Read and committed.

Mr. KING, of Massachusetts, from the Committee on Accounts, reported the following resolution:

Resolved, That the allowance to each member of the House for stationery and other articles charged to them by the postmaster, be limited to the sum of thirty-five dollars for the long, and twenty-five dollars for the short, session of each Congress.

The resolution was agreed to.

The committees having been called through for reports—

The SPEAKER announced that the next subject in order was the unfinished business, viz: resolutions lying over under the rule.

The resolution moved by Mr. McKAY several days since, authorizing the printing of 10,000 extra copies of the report on commerce and navigation, was taken up and referred to the Committee on Printing.

The resolution moved by Mr. J. R. INGERSOLL, on the 18th December last, directing "that 1,000 copies of the report of the Secretary of the Treasury upon the coast survey be printed for the use of the Superintendent of the Coast Survey," was taken up and referred to the Committee on Printing.

The resolution moved by Mr. BRODHEAD, on the 20th of December last, "that the usual number of copies of a bill relating to postage on newspapers be printed for the use of the House," was taken up and referred to the Committee on Printing.

RELATING TO THE WAR.

The resolution moved by Mr. GOGGIN several days since was next taken up, viz:

Resolved, That the President of the United States be requested to communicate to this House any instructions which may have been given to any of the officers of the army or navy of the United States, or other persons, in regard to the return of President General Antonio Lopez de Santa Anna, or any other Mexican, to the Republic of Mexico, prior or subsequent to the order of the President or Secretary of War, issued in January, 1846, for the march of the army from the Nueces river, across the "*stupendous deserts*" which intervene, to the Rio Grande; that the date of all such instructions, orders, and correspondence, be set forth, together with the instructions and orders issued to Mr. Slidell at any time prior or subsequent to his departure for Mexico as Minister Plenipotentiary of the United States to that Republic.

Mr. McLANE proposed, before the question was put, to give a reason why he was opposed to the adoption of the original resolution. The information called for was already on record, within the reach of every member of this House. Documents had been printed giving all the instructions furnished to Mr. Slidell, together with despatches from General Taylor, by which General Taylor advised the President to send him to the Rio Grande. These despatches furnished advice not only on military, but on political grounds, and they presented General Taylor not only as an accomplished military chieftain, but as a statesman and a patriot, ready to support the Government under which he served as a commissioned officer. They presented him in the light of a public servant capable of going beyond the scope of military duty: they showed that he thoroughly understood, and was acquainted with, the political considerations involved in the movement in which he was engaged; that he understood the Rio Grande to be the boundary which the annexation of Texas had forced between us and Mexico; and he therefore induced the President to send him to the Rio Grande as a political movement. Mr. McL. was understood to say, that ample information was contained respecting Mr. Slidell's instructions and General Taylor's despatches in the document to which he referred: it contained all the correspondence connected with Mr. Slidell's mission, and therefore he should vote against reprinting and republishing the document.

Mr. McL. moved to amend the resolution of Mr. BOTTS, by adding thereto the following:

"*Provided*, That the same documents have not already been printed and laid before the House."

Mr. EVANS, of Maryland, explained that the information sought to be obtained by this resolution, and the document to which his colleague referred, were very distinct and different in their character.

Mr. ASHMUN presumed the gentleman from Maryland had no desire to mislead and misinform the House as to the document in question. The

character of that gentleman forbade such a supposition. And yet the positive assertion that, by the last Congress, a call was made on, and fully answered by the Executive, giving all the information which this resolution called for, astonished him, (Mr. A.,) who was a member of that Congress. During the last Congress, a resolution was offered by a gentleman from Mississippi calling for the correspondence of General Taylor, and he (Mr. A.) had the honor of offering an amendment similar to this resolution, for the purpose of obtaining all instructions and despatches in connection with the return of Santa Anna, on which the yeas and nays were taken; but, instead of the gentlemen on the other side consenting to the call, he held in his hand a book which showed that they voted against it, and it did not pass.

Mr. McLANE rose to explain. Having had an opportunity again to hear the resolution read, he was understood to say that he had mistaken its object. He was now ready to vote for the call proposed.

Mr. ASHMUN was sure the gentleman from Maryland was laboring under a misapprehension when he made the assertion he had now withdrawn. He (Mr. A.) was about to read a call for General Taylor's correspondence to show him the error which he had now so frankly acknowledged. There was no call for these papers. It was attempted, but it was refused by the political friends of the gentleman from Maryland. The instructions to Mr. Slidell never had been furnished, though he believed there was a call of the Senate for the correspondence between Mr. Slidell and Mr. Buchanan. The President's war message contained papers on that subject; but Mr. Slidell's instructions had never been furnished, nor did any one know under what instructions Mr. Slidell went to Mexico. This resolution called for communications between President Polk and Santa Anna, to which he now understood the gentleman from Maryland withdrew his objections.

Mr. BAYLY said he desired to offer an amendment to the resolutions.

The CHAIR reminded the gentleman from Virginia that there was one amendment already pending, offered by the gentleman from Maryland, [Mr. McLANE.]

Mr. BAYLY thought it had been withdrawn, but was informed that it had not. He then observed that the resolutions ought to be amended. All he wished was, that the usual qualification should be appended which had always accompanied important calls for information in relation to our foreign affairs, viz: if compliance with the call should not be incompatible with the public interest. The resolution, as it stood, was exceedingly broad; it embraced all orders given to officers, whether of the army or navy, touching the return of *every* person who had been admitted into Mexico, not only Santa Anna, but every other person. It surely could not be proper, in the present posture of our affairs, to insist on such a call in an unqualified form. He asked, therefore, that the qualification which had been usual in all similar calls from the foundation of the Government should be appended to this one, viz: "if not incompatible with the public interest."

Mr. GOGGIN said, that as he had had the honor to present the resolution, and the gentleman on the other side had avowed his readiness to vote for it, he would move the previous question.

Mr. THOMPSON, of Mississippi, desired to propose an amendment, which he hoped would be accepted as a modification, and which he wished read for information.

It was read, and was substantially as follows: "that the President also communicate any orders, if any were given, in relation to the return of Paredes to Mexico."

Mr. GOGGIN said he was perfectly willing to accept this as a modification of his resolution; and, having done so, he renewed his call for the previous question.

Mr. BAYLY said that if the motion for the previous question should prevail, he would be deprived of the opportunity to move the modification he had indicated—a modification which had never, as he recollected, been refused.

Mr. GOGGIN said that the acceptance of such a modification would, in his judgment, be equivalent to giving up the resolution entirely.

The question being on seconding the call for the previous question, it was decided by yeas and nays as follows: Ayes 98, noes not counted. So the call was seconded.

Mr. KAUFMAN moved to adjourn. Lost.

The question then being, Shall the main question be now put?

The yeas and nays were demanded and ordered; and, being taken, resulted as follows: Yeas 108, nays 65.

Mr. HOUSTON, of Alabama, then moved to lay the resolution on the table.

Mr. COBB, of Georgia, inquired of the Chair if the morning hour devoted to the consideration of resolutions had not expired?

The SPEAKER said it had; and read the 27th rule.

Mr. COBB, of Georgia, moved that the House proceed to the orders of the day.

Mr. HAMMONS moved that the House adjourn. Disagreed to.

Mr. ASHMUN inquired of the Chair, if the House refused to proceed to the orders of the day, whether the resolution would not still remain before the House.

The SPEAKER answered in the affirmative.

The question to proceed to the orders of the day was then put, and disagreed to.

And the question on Mr. HOUSTON's motion to lay the resolution on the table was also disagreed to.

After some suggestions, inquiries, and conversation between the SPEAKER and various members, which, amid the confusion, escaped the ear of the reporter—

The SPEAKER observed that some doubt had been expressed as to whether the amendment offered by the gentleman from Maryland [Mr. McLANE] had been withdrawn.

Mr. McLANE said that he had not withdrawn the amendment; and, as it had not yet been acted upon, he believed it was his right still to modify it. He would therefore modify it by adding the usual qualification, "if, in his opinion, it shall not be incompatible with the public interest."

Some confusion here took place, several gentlemen rising at once and insisting that the gentleman from Maryland had no right to make the modification after the previous question had been ordered.

The CHAIR decided that every member had a right to withdraw or modify any amendment he might have offered previous to any independent action of the House on such amendment.

From this decision Mr. TOOMBS took an appeal.

The question of order was debated at some length, and the question being on sustaining the decision of the Chair—

Mr. KAUFMAN moved that the House adjourn. Disagreed to.

The question on the appeal was then put, to wit: "Shall the decision of the Chair stand as the judgment of the House?"

It was decided in the negative by yeas and nays: Yeas 52, nays 115.

So the decision of the Chair was reversed.

Mr. McLANE then withdrew his amendment.

Mr. WICK moved that the House adjourn. Disagreed to.

Mr. BAYLY asked to be excused from voting on the question on agreeing to the resolution, which motion he withdrew before a decision on the subject was had.

The question was then put on agreeing to the resolution, and it was decided by yeas and nays in the affirmative: Yeas 145, nays 15, as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Beale, Bedinger, Belcher, Bingham, Blanchard, Botts, Bowdon, Boydon, Brady, Buckner, Burt, Butler, Cabell, Canby, Cathcart, Chapman, Beverly L. Clark, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dickinson, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Faran, Farrelly, Featherston, Ficklin, Fisher, Freedley, French, Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Green, Gregory, Grinnell, Hale, Willard P. Hall, N. K. Hall, Moses Hampton, Harris, Haskell, Henley, Henry, Hilliard, John W. Houston, Hubbard, Hudson, Inge, Charles J. Ingersoll, Joseph R. Ingersoll, Andrew Johnson, George W. Jones, John W. Jones, Kellogg, T. B. King, Daniel P. King, Lahm, Wm. T. Lawrence, Leffler, Ligon, Lincoln, Lord, Lumpkin, McClelland, McIlvaine, McKay, McLane, Mann, Marsh, Marvin, Morehead, Morris, Mullin, Nelson, Nes, Newall, Outlaw, Pendleton, Peyton, Phelps, Preston, Putnam, Reynolds, Robinson, Rockhill, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, Schenck, Shepperd, Sherrill, Simpson, Sims, Slingerland, Caleb B. Smith, Truman Smith, Stanton, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Silvester, Tallmadge, Thibodeaux, Taylor, Thomas, Tompkins, Richard W. Thompson, John B. Thompson, William Thompson, Thurston, Toombs, Turner, Van Dyke, Venable, Vinton, Warren, Wilson, and Woodward—145.

NAYS—Messrs. Boyd, Brodhead, Charles Brown, Howell Cobb, Williamson R. W. Cobb, Daniel, Hammons, Hill, George S. Houston, Jamieson, Kaufman, Kennon, Miller, Richey, and Sawyer—15.

So the resolution was agreed to;
And then the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. ABBOTT: The petition of James Burns, of Newburyport, in the State of Massachusetts, praying for pecuniary aid, in consideration of wounds received while on board the frigate Constitution, in her conflict with a French ship of war.

By Mr. MEADE: The petition of Nathaniel Harrison, praying for a pension.

By Mr. JOHNSON, of New Hampshire: The petition of Jared W. Williams and others, for an increase of inspectors of the customs.

By Mr. CROWELL: The petition of John Jennings and others, citizens of Trumbull county, praying for peace with Mexico.

By Mr. ECKERT: A petition of citizens of Schuylkill county, praying for the repeal of so much of the post office laws as prohibit newspapers from being carried to all post offices within the counties in which they are published.

By Mr. JOHNSON, of Tennessee: The memorial of Lewis Roberts, praying Congress to grant him pay for services rendered during the last war with Great Britain as artificer.

By Mr. GIDDINGS: The petitions of S. Benedict and 26 others; of the Green Plain Quarterly Meeting of Friends; of J. M. Newcomb and 20 others; of D. A. Gould and 21 others, all citizens of Ohio, against the Mexican war. Also, of Joseph A. Dougdale and 39 others, citizens of Ohio; of Charles G. Adams and 26 other citizens of Pennsylvania, praying Congress to take measures to separate the Federal Government from the support of slavery.

By Mr. TWEEDY: The petition in behalf of Thomas A. Boyd and others, legal representatives of Colonel George Boyd, deceased, late sub Indian agent at Green Bay, Wisconsin, praying for the just settlement of his accounts. Also, the petition of citizens of Racine, for a road from that place to the seat of government of Wisconsin; and another petition for an appropriation for a road from that place to Jonesville, heretofore presented, January 22d, 1846; and three other petitions from citizens of Racine, Burlington, and Delavan, for an appropriation for roads from Racine to Beloit, heretofore presented March, 1846. Also, the petition of citizens of Wisconsin, for an appropriation on the road from Milwaukie to Green Bay, heretofore presented January 6th, 1846; another for the same object, presented January 9th, 1846. Also, the petition of citizens of Brown and other counties, for same object, heretofore presented January 28th, 1846. Also, the petition of citizens of Milwaukie, for appropriations on certain roads, heretofore presented January 28th, 1846. Also, nine petitions of citizens of Wisconsin, for an appropriation for a road from Milwaukie to Fond du Lac, heretofore presented January 20th and 31st, 1846. Also, the memorial of the Legislative Assembly of Wisconsin, praying for the construction of a road from the Falls of St. Croix to La Pointe, on Lake Superior, heretofore presented March 31st, 1845. Also, a like memorial for a road from Prairie du Chien to La Pointe, heretofore presented April 7, 1846. Also, the petition of citizens of Wisconsin, for an appropriation for the same object, heretofore presented March 9, 1846.

By Mr. S. D. HUBBARD: The petition of the inhabitants of Derby, in the State of Connecticut, asking an appropriation for the improvement of the harbor.

By Mr. N. K. HALL: The petition of Bersheba McDaniel, a revolutionary pensioner, praying for a continuance of her pension. Also, the petition of Dolly Tracy, widow of Solomon Tracy, a soldier of the Revolution, praying for a pension.

By Mr. DUER: The petition of citizens of the United States residing on the northern lakes and river St. Lawrence, praying an allowance of a drawback of the duty paid on Canadian wheat, upon its exportation after having been manufactured into flour in this country.

By Mr. CROWELL: The petition of H. Kilheffer and other citizens of Summit and Medina counties, Ohio, for a tri-weekly mail-route from Hudson to Brunswick, in Medina county.

Mr. DUNCAN, of Ohio, moved that the memorial of John Ambrozine, praying to surrender the bounty land to him patented, be taken from the files of the House and referred to the Committee on the Public Lands.

By Mr. BLANCHARD, of Pennsylvania: The petition of a number of citizens of Hunterdon county, Pennsylvania, for the equalization of the rates of postage.

By Mr. ROCKHILL: The petition of Lemuel Robinett, praying an extension of his pension, on account of his disability resulting from wounds and injuries received during the war of 1812, while in the service of the United States.

By Mr. STROHM: A memorial of the Caln Quarterly Meeting of the Religious Society of Friends, in Lancaster county, Pennsylvania, praying Congress to adopt measures for the immediate extinction of slavery and the abolition of the slave-trade in the District of Columbia and the Territories of the United States; and also to abolish the slave-trade between the States.

By Mr. ABBOTT: The petition of Waldo and Fisher, and 69 others, citizens of Lowell, Massachusetts, protesting against any alteration in the act of Congress passed July 4, 1836, depriving defendants of any rights they now enjoy.

By Mr. BUTLER: Petitions of citizens of Pennsylvania, asking Congress to pass a law that all regular newspapers may be carried in the United States mails free of postage within the county where printed, and to any distance not over thirty miles out of the county where printed. Also, the petition of Isaac Porter, asking Congress to redeem $276 of

Continental money, according to the resolutions of Congress under which the same was issued; said money having been received by petitioner's father for medical services rendered during the war of the Revolution.

HOUSE OF REPRESENTATIVES.*

WEDNESDAY, *January* 5, 1848.

The Journal of yesterday was read and approved.

Mr. JOHN P. GAINES, a Representative from the State of Kentucky, appeared this day, was sworn to support the Constitution of the United States, and took his seat in the House.

MR. SLIDELL'S INSTRUCTIONS, ETC.

Mr. VENABLE rose to a privileged question. He moved the reconsideration of the vote of yesterday on the resolution of the gentleman from Virginia, [Mr. GOGGIN,] calling on the President of the United States for information. He had voted for the resolution under the operation of the previous question, by which all amendments were excluded. His purpose at present was to move a reconsideration, with a view to insert, after the request for information, the words, "if, in the judgment of the President, it be not inconsistent with the public interest." The high and gentlemanly courtesy which has at all times been observed by the different departments of this Government towards each other seems to have been overlooked in this instance; and he felt it due to himself, as well as to this House, to make continual claim in favor of so desirable a manner of intercourse. It was certainly true that the amenities and courtesies of life, if not a constituent part, were very ornamental attendants upon moral excellence. The manner of demand could in no way control the action of the President. It was the false position occupied by this House in relation to the proprieties of intercourse with the Executive which he wished to remedy. He believed that he spoke for all the friends of the Administration in this House, when he said that all desire the information called for to be communicated; but none, he trusted, were satisfied to depart from the respectful and courteous mode of communication which he believed had at all former times been practised, and to which this resolution presented a solitary exception.

Mr. ASHMUN moved to lay the motion to reconsider on the table; which motion was decided in the affirmative—yeas 107, nays 87.

Mr. SAWYER rose to a privileged question. He moved (he said) a reconsideration of the vote by which the resolution of Mr. ASHMUN was adopted, instructing the Committee on the Post Office and Post Roads to inquire into the expediency of the repeal of all laws which made it criminal for individuals or companies to carry mail matter out of the mail. There was more in the resolution, he thought, than met the eye.

After some conversation between Mr. SAWYER and the SPEAKER, the motion was ruled out of order, because it appeared that the resolution had *not* been adopted.

Mr. S. then said, he should take some occasion to express his views on this subject.

The SPEAKER laid before the House the following communication from the President of the United States, viz:

WASHINGTON, *January* 4, 1848.

To the House of Representatives of the United States:

I communicate herewith a report of the Secretary of War, with accompanying documents, being in addition to a report made on the 27th of February, 1847, in answer to a resolution of the House of Representatives of the 1st of that month, requesting the President to communicate to the House of Representatives all the correspondence with General Taylor since the commencement of hostilities with Mexico, which has not yet been published, and the publication of which may not be deemed detrimental to the public service; also, the correspondence of the Quartermaster General in relation to transportation for General Taylor's army; also, the reports of Brigadier Generals Hamer and Quitman of the operations of their respective brigades on the 21st of September, 1846.

JAMES K. POLK.

Referred to the Committee on Military Affairs, and ordered to be printed.

The SPEAKER also presented a communication from the Secretary of War transmitting a report of the Commissioner of Pensions, with a list of pension claims rejected during the past year; and a communication from the Treasurer of the United States, transmitting copies of accounts of receipts and disbursements for the Post Office Department for the year ending June 30, 1847.

SMITHSONIAN INSTITUTION.

The SPEAKER also laid before the House a report from the Regents of the Smithsonian Institution, showing the operations, expenditures, and condition of that Institution for the past year.

Mr. HOUSTON, of Delaware, moved to lay the report on the table, and that it be printed.

Mr. JOHNSON, of Tennessee, called for a division of the question, so as to take the question separately on each branch of the motion.

The question was divided accordingly, and the report was ordered to be laid on the table. The question then recurring on the motion to print—

Mr. JOHNSON, of Tennessee, opposed the printing at present. The House saw, in the proposition to print this cumbrous document, a beginning of what had been anticipated by some who were opposed to this institution. Here was a long report, accompanied by many documents, and this House was called upon to print them; and he expected they would have a proposition soon to print an extra number. It was true the law establishing this institution provides that the Regents should make a report to the House; but before this report was printed, before an order to print was made, the committee on the Smithsonian Institution ought to be established, and ought to report to the House the propriety of having this report and the accompanying documents printed.

Perhaps it might be considered by some, as he from the beginning had opposed this institution, that he had some personal dislike to those connected with it, or that he was operated upon from some other unworthy consideration, that produced his opposition to it. He availed himself of this occasion to disavow anything of this kind. He wanted this committee established; he wanted every thing connected with this institution referred to this committee. Let that committee report the result of their investigation to this House.

But while he was upon the floor, there were some other things to which he would advert, for it was very difficult for him to get the floor here on any given subject. He had had the honor of making a few remarks the other day upon the resolution providing for the establishment of a committee upon the Smithsonian Institution; but before he had concluded his remarks the House adjourned, and the resolution had laid over from that day. The whole thing was left in the fog, and no one could tell when it would be reached again.

He had no personal hostility to this institution. He appreciated and approved the design of the donor. He thought the motives and intentions of Mr. Smithson were good; but this thing had received an improper direction, and was already beginning, as he had remarked, to result in a large annual expenditure to this Government, and Congress were called upon to appropriate sum after sum for printing and for other expenses in getting up this institution, which was to result in no good to the Government or the country. What good could result from this institution, with its peculiar organization? Why, it would have been much better, and would no doubt have fulfilled the good intentions and motives of the man's heart, had he bequeathed this sum to the United States to be expended in erecting school houses of some description in this District, and in the districts throughout the country, in which the common children of the country could be educated. It would have been diffusing knowledge among men more profitably, more in accordance with the design of the donor. But what good has this institution done, as now organized?

Mr. BOTTS here rose to a question of order; and called for the special order of the day, viz: the joint resolution concerning the transportation of the mail from Washington south, which had been made the special order for this day, at one o'clock.

THE GREAT SOUTHERN MAIL.

The House then resolved itself into Committee of the Whole, (Mr. SMITH, of Indiana, in the chair,) and proceeded to the consideration of the said special order.

The joint resolution was read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and directed to make engagements with the Richmond, Fredericksburg, and Potomac Railroad and Steamboat Company, for the transportation of the great northern and southern mail between the city of Washington and the city of Richmond; and that he pay for said transportation the highest price now paid by the Post Office Department for transporting the mail once per day on any other railroad and steamboat route in the United States, and no more; and that the said Postmaster General be authorized to allow to the contractors, under the recent arrangement, such an equivalent as, in his judgment, shall be fair and equitable for the routes hereby dispensed with.

Mr. JONES, of Tennessee, moved to amend the resolution, by striking out all after the word "more," in the 11th line, and inserting—

"*Provided*, That in making such contract or engagement with the Postmaster General, the said Richmond, Fredericksburg, and Potomac Railroad and Steamboat Company shall agree and engage with the Postmaster General to pay to the Post Office Department such amount or sum of money as, in his judgment, shall be a fair and equitable equivalent to the contractors for transporting the mail from Baltimore to Petersburg and Richmond on the bay line, and to the contractors from Washington to Richmond under the recent arrangement, as will indemnify said contractors by reason of the discontinuance of the said routes hereby dispensed with."

Mr. BOTTS proceeded to address the committee. He said, if he could approach the consideration of this question without having to encounter preconceived impressions, based, as he believed, upon a misapprehension of the merits of the question, he should enter upon it with no doubt at all as to the result to which this committee and this House would come. But he was aware that he had the very difficult task to perform of first removing erroneous impressions, and then of substituting other impressions in their stead. As he said a few days ago, it was not to be wondered at that gentlemen on the other side of the House should have adopted the sentiments by which they appeared to be influenced, when they were guided only by the reports, letters, and documents emanating from the Post Office Department on this subject. An attempt had been made through some of the public prints to give to this question a party and a political character; and it had been said that this was an attempt—on his (Mr. B.'s) part he presumed, and not on the part of the committee by which this subject had been reported upon—to attack the Administration through the Post Office Department. Now, he was particularly desirous to disabuse the minds of the members of this House on that subject. When he wanted to attack this Administration he should march in a more direct line than that which the Post Office Department sometimes pursued. He should not imitate the example of the worthy Postmaster General, and take so circuitous a route to accomplish his purpose. But no, he had no political object to accomplish. He had neither personal nor political considerations influencing his course on this question. And why should there be? This was a contest between two companies, in each of which he had both personal and political friends—men that he would be as willing and anxious to serve—men whom it was his duty to serve, as much of one company as the other. But he had no such motives influencing him on this question. He had looked alone at his duty to the people—not only of that district, but of a very large portion of the entire country; and he must be permitted to say, that in his examination of this subject he had endeavored to bring to it as much impartiality as it was possible to do. This, he might add, was one of the very few questions that he had ever known brought before this House for its consideration to which there were not two sides. To this question it appeared to him there was but one side. The truth of the matter was precisely this: The great difficulty under which the country is laboring, from New Orleans to Maine, was the result of a personal difference—a personal squabble between the Postmaster General and the President of a railroad company; and he would not undertake to say which of the two gentlemen had proved himself the more obstinate of the two. He meant to make no allegation or charge against the head of the Post Office Department. He believed that gentleman, in his construction of the law, was honest and sincere; but he believed the differences had degenerated into personal pride and obstinacy; and unless these personal difficulties could be settled, the country was asked to submit to this intolerable grievance

* For greater convenience and despatch in the publication of this work, hereafter the proceedings of the House or Senate will be first inserted, as they may be received by us.

for three years and a half, to accommodate the obstinacy of these parties. He said this, because, in a conversation which he had had with the Postmaster General some time ago, that gentleman frankly admitted, that if this was an original question, he would put the construction upon it that he (Mr. B.) gave to it. It was said that a different construction had been put on the law by some of the Postmaster General's predecessors, and it was therefore supposed that Congress had legislated on it. Permit him, however, to say, that from the time of the construction of the railroad to Richmond from Aquia creek, the great southern and northern mail had been transported on that road until within the last few weeks. That line was direct and certain. The performance of the service undertaken by that company had been of such a character, as was shown by the correspondence between the railroad company and the Post Office Department, as to give entire satisfaction to the department. The company had never been subjected to a fine for the loss of a mail in a single instance. That fact was stated by the company, and it had not been denied. They had had the mails carried, not merely from this city to Richmond, but the mail of the North had been carried through to Richmond and Petersburg in eight or nine hours every day, with certainty and despatch. But now what was the state of things? Why, the mail starts from Richmond, goes down the James river one hundred and fifty or one hundred and sixty miles, it comes up the Chesapeake bay two hundred miles to Baltimore, and it then came back a distance of forty miles to Washington, before they could obtain their letters. How many lost mails there had been since this arrangement had been entered into, he could not undertake to say. Other members on this floor had as much information on this subject as he had, for many of them received more mail matter than he did. Of one thing those gentlemen would bear witness, that sometimes there were two, three, four, and even five mails due at one time; and was this a grievance that ought to be remedied or not? If the law does not authorize the Postmaster General to contract for carrying this mail by this direct and certain route, he ought to be empowered to do it by Congress. But no legislation was needed in his (Mr. B.'s) judgment to authorize the Postmaster General to do this. The authority already exists, and all he should ask of the House was, that it should require the Postmaster General to execute the law as it stands on the statute book. He supposed all the House could require at his hands was, that he should show that the Postmaster General was authorized to contract with this company; and, in the second place, that, being so authorized, it was proper he should exercise his authority. If he established these two points, he presumed he should have established sufficient to settle the judgment of the House. But he would go beyond that point, and he would show that the law not only authorized the Postmaster General to make this contract, but, according to both the letter and the spirit of the statute, by a very fair interpretation, the Postmaster General was actually required to do it, and he violates the law if he does not do it. Now, what is the law? By an act approved January 25, 1839, it was enacted—

"That the Postmaster General shall not, by virtue of the authority vested in him by the second section of the act entitled 'An act to establish certain post-routes and discontinue others,' approved 7th July, 1838, allow more than three hundred dollars per mile per annum to any railroad company in the United States for the conveyance of one or more daily mails upon their road."

Thus far, then, it seemed that the Postmaster General was authorized to allow three hundred dollars per mile per annum for the conveyance of one or more daily mails. He had so much discretion allowed to him, but he was not to allow more than three hundred dollars per mile. There was, however, a proviso, which he would read to the House. It was as follows:

"*Provided*, That nothing in this act contained shall be construed so as in any way to remove or impair the limitations upon the power of the Postmaster General imposed by that section."

This proviso, then, does nothing more than continue in force the second section, which he would now read:

"Sec. 2. *And be it further enacted*, That each and every railroad within the limits of the United States which now is or hereafter may be completed, shall be a post-route, and the Postmaster General shall cause the mail to be transported thereon: *Provided*, He can have it done on reasonable terms, and not pay therefor, in any instance, more than twenty-five per centum over and above what similar transportation would cost in post coaches."

Now, put these two sections together, and to what do they amount? That the Postmaster General is authorized to contract with this company for the transportation of the mail, provided he does not pay more than 25 per cent. more than the same transportation can be done for by post-coaches, and that he does not pay more than $300 per mile per annum. Well, but the Postmaster General told them, in his report, that he has offered the maximum compensation allowed by law, viz: $237 50 per mile per annum. But was there anything found in the law of such a sum as $237 50? No; but they found the maximum mentioned, and that was $300. How, then, did they suppose, did the Postmaster General arrive at this maximum of $237 50? The whole difficulty grew out of the words "similar transportation," and it was for the committee to determine what "similar transportation" means. Brought up, as he was, a very plain man, he looked altogether at facts, and not abstractions, that he might arrive at practical results, and endeavor to give a true construction to what was presented to him to decide upon, without exercising any extraordinary ingenuity to come at wrong conclusions. To him it appeared that the words "similar transportation" meant this and nothing more—the transportation of the same mail. Well, over and above the amount for which the same mail could be transported by post-coaches, the Postmaster General was authorized to pay the railroad company 25 per cent. Was not that a reasonable construction? If it did not mean that, what did it mean? The letter and spirit of the law authorized the Postmaster General to pay 25 per cent. more than would be required to transport the same mail by post-coaches, for the greater certainty and despatch of railroad transportation. Such, however, was not the construction of the Postmaster General.

Instead of ascertaining what it would cost to transport that particular mail in post-coaches over that road, which was the very worst—he knew it, because he was born almost in the centre of the route, between this point and the town of Fredericksburg; every gentleman who had travelled over it also knew that it was the worst road in the United States—instead, he repeated, of ascertaining what it would cost to carry the mail over that route in post-coaches—not only the worst road, but the largest mail in the United States—the Postmaster General goes to the national road, to the great Cumberland road, the very best in the United States, and ascertained that the mail was carried over that road for about one hundred and ninety dollars per mile, to which he adds twenty-five per cent. The Postmaster General reduced mountains to a plain, and quagmires to a national turnpike, and made no difference between them. On such premises he had based his calculation, and offered a sum which he conceived was a fair average. No matter what might be their condition, they had all to adapt themselves to the Postmaster General's Procrustean bed; for he would allow no more than twenty-five per cent. over and above the sum that was paid on the great national road. In this, he believed, the Postmaster General was in error. To him it was clear that, so long as the Postmaster General could obtain this service over this route at twenty-five per cent. increase on the amount required for such service in post-coaches, if that amount did not exceed $300 per mile per annum, he was bound to continue the contract with this railroad.

And how was it to be ascertained? That perhaps was the next question that presented itself to the committee. How was the Postmaster General to ascertain for what amount the mail could be carried over the road? He could only say that this company had proposed to carry the mail and perform the entire service required for less than it could be done for by any other route whatever. The Postmaster General pays now for the transportation of the way mail exclusively from Washington to Richmond the sum of $13,000; and, in answer to an inquiry from him, the Postmaster General admitted that the difference between the way mail and the great northern and southern mail was, that the latter was five or six times larger than the former. He (Mr. B.) supposed it to be ten times larger; but he was willing to take the Postmaster General's lowest statement. If, then, the way mail was worth $13,000 for its transmission in twenty-three hours, how much more was it worth to transport that mail, together with five times more mail matter, in nine hours? Gentlemen would perhaps answer that question for themselves; but he begged to state that the railroad company had offered to do that service for very little more than double the amount that was paid for the transportation of the way mail alone. To this the Postmaster General had not agreed; and now the Post Office Department was paying more for the circuitous, difficult, and uncertain route, than was required for a route that was expeditious and certain.

But it was said that this was extortion. It was asserted that the company was claiming something that was not right. He would submit to the good sense of this committee if it were not ridiculous—he did not use the term in an offensive sense—to talk of extortion when the whole matter in controversy was but about the sum of $2,700? What extortion could there be in that? This railroad company was a private corporation. It was built up by the enterprise of our people at a cost of a million and a half of dollars, on whose stock, which had never been at par, not six per cent. had ever been paid. Was it not the duty of Congress to foster and encourage public and private enterprise to build up these roads, not merely that the mails might be transported with greater despatch, but for the transportation of troops and munitions of war when the necessities of the country required it? But what company would do it if they were to be broken down instead of fostered by the National Government, so that they could derive no profit from the capital invested in such an enterprise?

Mr. B. went on to say that he considered this as a very large quarrel about a very insignificant sum of money—a quarrel in which the department ought never to have engaged.

But (said Mr. B.) it is further urged that this same company did once carry the mail between these same points for $237—the sum now offered; they were once very willing to accept of that as an adequate compensation; and the Postmaster's inference is, that therefore they ought to be willing to take that sum now. It was deemed a fair price once, and therefore it is a fair price now. But I say that what might have been a very fair compensation in 1838 is not, necessarily, a fair compensation in 1847; a price that was then fair may now be very unfair—and for these reasons: In the first place, the company have added fifteen miles of railroad to the former route. Do gentlemen suppose this cost them nothing, or that the mail is to have the advantage of passing for fifteen miles more over rails, and that the Government is to pay nothing for the advantage? But, besides this, the mail is now required to be carried in less time and with increased speed; and the company will be under the necessity of incurring very considerable cost and inconvenience, purely for the sake of accommodating the department. Then consider the increased amount of matter to be carried, in comparison to what was transported in 1838. What a vast increase has since then taken place in the amount of printed matter circulated through every part of the Union, and also of letters. The late reduction of postage, as everybody knows, has produced a largely increased amount of correspondence; insomuch that, according to the Postmaster General's own showing from a deficit in the resources of the department of six or seven hundred thousand dollars, the deficit has now shrunk to about thirty-two thousand; and he tells us that he anticipates a surplus by the next year of some two hundred and thirty-seven thousand dollars. I admit that so vast a difference as this may have arisen, in part, from the discontinuance of some mail routes altogether, and a reduction in the amount of others. But still, admitting this, the result shows an infinite increase in the amount of mailable matter daily transmitted throughout the country. And when we take all these facts into view, it does by no means follow, that because twenty-nine thousand dollars was once a fair compensation for carrying the mail a given distance on a given route, the allowance now of thirty-two thousand dollars for carrying it that same distance, and by that same route, is not a much less price in proportion.

And now, I ask, what is the Post Office Department actually paying, at this very moment, for carrying the mail from Washington to Petersburg?

[Mr. B. here read from a memorandum in his hand the items making up this amount, but so rapidly and in so low a tone that they could not be caught at the reporter's seat; the aggregate, however, was given at $37,477.] Yet at the same time he is paying for the transportation of the way-mail over the same distance, and $5,800 more was paid from Petersburg to Richmond. This last item he had taken off, and added instead but $2,200, which raised the aggregate to $49,200, leaving a balance against the department of $2,523 more money paid under the new than under the old contract. But it seems to me that the Postmaster General rather forces his balance-sheet in this case. He takes off the $5,800 paid between Petersburg and Richmond. But does he mean, as a permanent arrangement, that there shall be no mail between these two points? As matters now stand, he takes the mail from Richmond down to City Point, on the Potomac, and there it is detained for twenty-four hours; incurring this enormous detention merely for the sake of discontinuing this little item of five or six thousand dollars to carry it direct to Petersburg. The mail has to wait there, because one mail goes down the river and one goes up, and it must wait until the other boat makes her slow way up through fogs, and every other cause of delay. He must either encounter this detention of twenty-four hours, or incur the expense of a new boat; he may take either horn of the dilemma, I care not which. But I say that such a detention of the great southern mail cannot and will not be submitted to much longer.

But it has been urged again, that this railroad company ask more for the same distance than is paid to the railroad companies at the North; and for that reason the Postmaster General is not justified in complying with the demand. I answer this objection by saying, in the first place, that I think the Postmaster General is mistaken in point of fact. It is certainly not my intention to raise the slightest imputation on his veracity; he asserts, no doubt, what he believes to be true; but then there is a way of telling what is in itself true, so as to convey an impression which is wholly erroneous. I say that the fact is not so; but if it were so, it has nothing to do with the matter. Does the Postmaster General, or does anybody else, expect that railroad companies at the South must necessarily convey freight or passengers or the mails at the same rate as companies do at the North? One would really suppose that this company and their road belonged to the Government. It does not belong to the Government; the road is private property, and its proprietors, if they accommodate either the public or the Govarnment, are entitled to a fair profit on the capital invested. Northern railroad companies have charters which give them very handsome dividends upon their stock, without reckoning the price of freight at all. But the rights of southern companies are not the same; and if freight and transportation are exacted from them at the same rates, they must stop, or do business at a loss. Who is going to keep up a railroad at a dead loss for the sake of accommodating the public or the Postmaster General? I say he pays more now than this company ask. I make that assertion. And to prove it, take for example what he pays to the company who carry his mail from here to Baltimore. He allows them $300 per mile for carrying "*one* or more" daily mails. The company run two daily lines, and carry two daily mails. But does any man suppose they run their second line *for the sake* of carrying a second mail? Who does not know that it is run to accommodate the travel between the two cities? Under their contract the mail which arrives here from the South at five o'clock is carried to Baltimore that night; and the other line carries a little mail, made up of the letters which have arrived here after five in the evening and before five the next morning. The Postmaster General chooses thus to divide his mail between the two routes, and pays for both. This would be all right if the second line carried the mail only, or ran for that end, when it would not run otherwise; but it is notorious it runs for passengers, and so it would if there were no mail aboard. But as the line is to run at all events, the mail bag is thrown in, without any additional trouble or expense to the company whatever. It is precisely the same to them whether the matter they convey is divided into two separate mails or not.

Another distinction the Postmaster General attempts to make is wholly unwarranted by law. He admits that the mail hence to Richmond is a mail of the first class; but then he insists on a deduction for so much of the route as is carried over by steamboats. Why? For what good reason? The expedition is as great. The cost to the company is in some cases greater. In 1842 Congress directed the company to keep an iceboat that should be able to cut its way when the river was obstructed by ice. The company obeyed: it kept an iceboat, as the law required. And it did more: it kept two iceboats. I have myself travelled on these boats when the ice on the river was three or four inches in thickness. Why, then, should this arbitrary deduction be made in their compensation? The company offered the department to accept of the $237 50 per mile, provided no such deduction was to be made when the mail was carried by steamboats; but even this the Postmaster General would not agree to. Again, the company asked that a fair allowance should be made them for keeping up an establishment of wagons and horses and suitable agents for bringing up the mail from the wharf, when it landed, to the General Post Office in this city, (a distance of two miles,) but this reasonable and just demand met a like rejection. Here was ground on which the department might have met the company, and none of this difficulty and public loss would have been experienced. The offer was a reasonable and a fair one, but he would not comply with it.

As I said in the outset, this dispute has by degrees degenerated into a matter of mere personal pride and obstinacy on both sides. Perhaps it is not quite in order to state it, but I have been informed that every member of Mr. Polk's Cabinet disagrees with the Postmaster General in the matter; and I understand, further, that a proposal has been suggested by one who, if not formally one of the Cabinet, is as near to it as a man can be without actual admission within the door, (I allude to the gentleman who conducts what is called "the organ" in this city,) to submit the whole question to the Attorney General of the United States for his opinion. But no; the Postmaster General would assent to no such thing. Why did he refuse, if he is so confident that his interpretation of the law is right? But more than that: the Attorney General has been called on by a member of the Post Office Committee of this House; but he declines giving an opinion, unless it is called for by the Postmaster General.

Mr. GOGGIN here explained, that the Attorney General had not positively refused, but had said that the practice had been not to give law opinions unless called on by the head of a department or the Postmaster General.

Well, said Mr. BOTTS, then I will substitute the word "declined" for the word "refused;" for I really can see no other difference. He did not, in fact, give the opinion when we asked him for it, but said he would if the Postmaster General would ask it.

Under these circumstances, we have no remedy left us but to come to Congress and ask redress of this public evil from their hands. And be it here remembered, that unless Congress will do what is now asked of it, its refusal will, in effect, go to break up the revenues of the department altogether. Can gentlemen expect that the entire South of this Union, and all the mercantile seaboard, are going to be subjected to such an intolerable grievance as this for three years and a half, to gratify the obstinacy of the Postmaster General? No, sir: they will take relief into their own hand; they will establish private expresses, and carry their own letters for themselves. Drive them to this, and the whole revenues of your department are broken up. More than that: a course like this goes directly to encourage the substitution of the telegraph. This has been its effect already. I get my news from Richmond by telegraph, instead of waiting for its circumnavigation by the circuitous route of the James river and the Potomac. In a late interview with the Postmaster General, he inquired whether I was on my way to Richmond to spend the holidays at home. I replied to him, in a jocular spirit, that I was going to Richmond to get my letters, and save the trouble of sending them round by mail. An honorable Senator lately told me, that, arriving here on a Saturday evening, he came in advance of a letter he had written at Richmond on the Tuesday previous. Is this to be borne?

Mr. B. here went into local geographical details, showing how the Richmond mail was carried, and the causes of its frequent and great detentions. He stated that his Virginia friends assured him that they were sometimes without any account of the proceedings of Congress for ten days together.

And now, said Mr. B., I believe I have answered all the objections I have heard made in any quarter to the allowance of the terms demanded by the railroad company. A word or two on the amendment proposed by the gentleman from Tennessee, and I have done.

That gentleman says he is willing to do what I ask—(and he thereby admits that the thing is reasonable and ought to be done)—but on what condition? Why, that the railroad company shall pay all the damages which may thereby accrue to other companies between the same two points. Sir, he might as well ask me to do it. This railroad company are not bound, as I before said, to carry your mail unless they please; they have a right to decline your offers, and they have declined. And now you say, if you give them what they ask, they must pay all the damages that may accrue to everybody else. In my opinion, the case is clear. The companies now holding the contract are entitled to compensation for any loss or inconvenience that may accrue to them from a change of arrangement, however illegal the contract which they hold may be. It is not to be supposed that all the railroad companies over the country are intimately familiar with all the internal arrangements and regulations of the Post Office Department. They may enter into contracts for the mail which are not strictly legal; still, if these are taken from them, they are justly entitled to compensation. It is provided by law that every proposal for a mail contract shall be accompanied by a written guaranty for its due performance, and that no proposal shall be considered binding unless accompanied with such guaranty; but in the present case no such guaranty has been given, and therefore, in strictness of law, it is no contract. Still, as I said, I think the holders of it should be compensated. And I therefore propose that the department make to them such an allowance as is fair and just. But the gentleman from Tennessee proposes to take this allowance out of the pocket of the railroad company, and to leave the amount to the discretion of the Postmaster General. I shall be surprised if, in that case, the company have not to pay what will be more than equal to all the profit they can make out of their contract. For there seems to be an antipathy against them on the part of the head of the Post Office Department, and a little personal pride is become involved in the matter. Party, too, has crept in, as if party has anything to do with such a thing as this. I conjure gentlemen to look well and examine their own motives. There is nothing of party in the affair. I invoke the House to do what is demanded of them by the whole mercantile interest of the seaboard, from Richmond to Maine. All the boards of trade have sent up the most urgent remonstrances, and the whole South unites with the North in calling for an abatement of this great nuisance. I ask gentlemen to discharge a great and obvious duty to the country. I ask them to relieve the Postmaster General from his supposed difficulty. I desire not to be misunderstood. I am asking for nothing like a vote of censure upon that officer. No such thing is intended or desired; but I merely ask that that which the whole population of the seaboard of the entire Union agree in believing to be the fair and true interpretation of the law may be forthwith carried into effect.

Mr. LINCOLN said that he had made an effort some few days since to obtain the floor in relation to this measure, but had failed. One of the objects he had then had in view was now in a great measure superseded by what had fallen from the gentleman from Virginia who had just taken his seat. He begged to assure his friends on the other side of the House, that no assault whatever was meant upon the Postmaster General; and he was glad that what the gentleman had now said, modified to a great extent the impression which might have been created by the language he had used on a previous occasion. He wanted to state to gentlemen who might have entertained such impressions, that the Committee on the Post Office was composed of five Whigs and four Democrats, and their report was understood as sustaining, not im-

pugning, the position taken by the Postmaster General. That report had met with the approbation of all the Whigs and of all the Democrats also, with the exception of one, and he wanted to go even further than this. [Intimations were here informally given to Mr. L. that it was not in order to mention on the floor what had taken place in committee.] He then observed that if he had been out of order in what he had said, he took it all back, [a laugh,] so far as he could. He had no desire, he could assure gentlemen, ever to be out of order—though he never could keep long *in* order.

Mr. L. went on to observe, that he differed in opinion, in the present case, from his honorable friend from Richmond, [Mr. BOTTS.] That gentleman had begun his remarks by saying that if all prepossessions in this matter could be removad out of the way, but little difficulty would be experienced in coming to an agreement. Now, he could assure that gentleman that he had himself begun the examination of this subject with prepossessions all in his favor. He had long and often heard of him, and, from what he had heard, was prepossessed in his favor. Of the Postmaster General he had also heard, but had no prepossessions in his favor, though certainly none of an opposite kind. He differed, however, from that gentleman in politics, while in this respect he agreed with the gentleman from Virginia, [Mr. BOTTS,] whom he wished to oblige whenever it was in his power. That gentleman had referred to the report made to the House by the Postmaster General, and had intimated an apprehension that gentlemen would be disposed to rely on that report alone, and derive their views of the case from that document alone. Now, it so happened that a pamphlet had been slipped into his (Mr. L.'s) hand before he read the report of the Postmaster General; so that, even in this, he had begun with prepossessions in favor of the gentleman from Virginia.

As to the report, he had but one remark to make: he had carefully examined it, and he did not understand that there was any dispute as to the facts therein stated: the dispute, if he understood it, was confined altogether to the inferences to be drawn from those facts. It was a difference not about facts, but about conclusions. The facts were not disputed. If he was right in this, he supposed the House might assume the facts to be as they were stated, and thence proceed to draw their own conclusions.

The gentleman had said that the Postmaster General had got into a personal squabble with the railroad company. Of this, Mr. L. knew nothing; nor did he need or desire to know anything, because it had nothing whatever to do with a just conclusion from the premises. But the gentleman had gone on to ask whether so great a grievance as the present detention of the southern mail ought not to be remedied? Mr. L. would assure the gentleman that if there was a proper way of doing it, no man was more anxious than he that it should be done. The report made by the committee had been intended to yield much for the sake of removing that grievance. That the grievance was very great, there was no dispute in any quarter. He supposed the statements made by the gentleman from Virginia to show this were all entirely correct in point of fact. He did suppose that the interruptions of regular intercourse, and all the other inconveniences growing out of it, were all as that gentleman had stated them to be; and certainly, if redress could be rendered, it was proper it should be rendered as soon as possible. The gentleman said that, in order to effect this, no new legislative action was needed: all that was necessary was, that the Postmaster General should be required to do what the law, as it stood, authorized and required him to do.

We come, then, said Mr. L., to the law. Now the Postmaster General says that he cannot give to this company over $237 50 per railroad mile of transportation, and 12½ per cent. less for transportation by steamboats. He considers himself as restricted by law to this amount; and he says, further, that he would not give more if he could, because, in his apprehension, it would not be fair and just.

Mr. HILLIARD here wished to be set right in his apprehension of the facts of the case, and he made some inquiry not distinctly heard across the Hall; and, after a brief conversation, expressing himself satisfied, resumed his seat.

Mr. LINCOLN proceeded. I had the impression that the service rendered under the present contract cost the Government more than if the mail were carried by the railroad company, in consequence of its passing over a longer route. Understanding this, my view of the question remains unchanged.

And now as to the law: I am not disposed to discuss it at any very great length; for, as the appeal is here to the law-making power, which can alter the law whenever a modification is required, there does not seem any necessity of very nicely discussing what it is as it now stands. If it shall be clearly shown what naked justice requires, it will be easy to make the law conform to that requirement. But let us look at it as it stands.

There are three laws which have a bearing on this question: the first authorizes the Postmaster General to give to a contractor 25 per cent. more for the transportation of the mail over railroads than for similar transportation in mail-coaches; another law says that the Postmaster General shall not allow more than $300 per mile for daily transportation, provided that his contract does not conflict with the provisions of the law first referred to. Then there is a third law which directs the Postmaster General to classify the sorts of service rendered It was this which caused him to give less for transportation by steamboats than over railroads; he graduated the compensation for this at a point midway between that by railroad and that by mail-coaches. The difference between railroad and coach being but 25 per cent., he placed the price for steamboat transportation at 12½ per cent. above the one and below the other. I do not understand that this construction of the law by the Postmaster General is held in any quarter to be wrong. The fact that the law allows him to pay $300 for daily transportation and for more frequent than daily, has been alluded to; but, as I understand, the position is not taken that he is authorized to allow this company $300 per mile. If it is, I shall proceed to examine it. All must admit that all the laws on the subject are extremely loose and general in their language; that they admit of different constructions; and that no one construction that can be given them leaves the mind entirely satisfied. The law allows $300 to be paid for transporting the mail daily or oftener, thereby fixing the compensation for one transportation and for two at the same amount. This alone is enough to show that the law is not very definite in its provisions, and in fact it is hardly possible to put an equitable construction upon it. It refers to a prior law, and says it is not to be construed so as to interfere with it.

From the whole of what the gentleman from Virginia has said, I understand his sense of the matter to be, that we are in this case to be governed by the old law. Now, I ask the lawyers in this House (I suppose there are some) [a laugh] whether I am not right when I say, that where a law has been passed in terms so general as to require a construction to be put upon it, (and this is the case with most laws,) and constructions of its provisions are accordingly given, and a second law is afterwards passed referring to the first, this second law is held to recognize and to confirm the constructions put upon that first passed? If this is so, then I say that the Postmaster General was not wrong when he insisted that the latter law, when it referred to the former, meant to refer to it as construed; in which case the construction seems to be confirmed and strengthened by the last passed.

But, looking only to the original construction itself of the old law, the gentleman from Virginia says that Mr. Kendall's construction of the terms "similar transportation by mail coaches," was wrong, and that he ought to have construed it to mean transportation of the same mail not only, but by the same route. But, now, suppose there was no mail-coach transportation on that route, what must his construction be in that case? What did the present Postmaster General in fact do? He took the most expensive mail-coach route in the nation. He took the prices allowed for coach transportation on different portions of that route, and averaged them, and then built his construction of the law upon that average. It came to $190 per mile. He added 25 per cent. to that rate, and offered the result to this railroad company. The gentleman from Virginia says that this was wrong: I say it was right.

But the gentleman says he ought to have reckoned coach transportation on that specific route. Well, if he had done so, he would have added 25 per cent. upon $5,000, and no more; for the Postmaster General tells us that before he made his contract with this railroad company, the same mail had been carried for between $5,000 and $6,000. The company now get $28,000, and are not satisfied. Had he taken the same rate then, where would they have been? If there had been a coach line, he would not have gained anything by that. For I have inquired at what rate the mail could be carried by coaches from Washington to Richmond, and I have heard that the lowest bid ever made was $28,000. If he had added 25 per cent. to that, it would have been more than the company asks. This fact, and one other item that I obtained, are all that I had to enable me to get at justice in this case. An old gentleman, whose very good looks prepossessed me in his favor, and would incline me to believe any statement he should make, told me that he had been a stockholder in the road, and had never got over 5 per cent. dividend on his stock. The same source of information admitted that since the construction of the railroad, mail-coaches had been wholly disused. It is a bad road, and always has been, and the mail could not now be carried over it in coaches for three or four times what it might have been, had not the railroad been constructed.

I think that abundant reasons have been given to show that the construction put upon the law by the Postmaster General is the right construction, and that subsequent acts of Congress have confirmed it. I have already said that the grievance complained of ought to be remedied. But it is said that the sum of money about which all this difficulty has arisen is exceeding small—not more than $2,700. I admit it is very small; and if nothing else were involved, it would not be worth the dispute. But there is a principle involved; and if we once yield to a wrong principle, that concession will be the prolific source of endless mischief. It is for this reason, and not for the sake of saving $2,700, that I am unwilling to yield what is demanded. If I had no apprehensions that the ghost of this yielding would rise and appear in various distant places, I would say, pay the money, and let us have no more fuss about it. But I have such apprehensions. I do believe, that if we yield this, our act will be the source of other claims equally unjust, and therefore I cannot vote to make the allowance.

And now, I suppose, I may, without being out of order, tell what I was willing, in committee, to yield for the sake of removing this evil. I was willing to give as damages what the department would have to pay the Bay Company for breach of contract, be it $2,700, or whatever amount. Be it what it might, it would be so much money gone; it would never rise again.

Mr. L. insisted that the true and great point to which the attention of this House or the committee should be directed was, what is a just compensation? Inasmuch as this railroad and steamboat company could afford greater facilities than any other line, the service ought to be done upon this route; but it ought to be done upon just and fair principles. If it could not be done at what had been offered, let it be shown that a greater amount was just. But, until it was shown, he was opposed to increasing it. He had seen many things in the report of the Postmaster General and elsewhere that stood out against the river route. Now, the daily steamboat transportation between Troy and New York was performed for less than one hundred dollars per mile. This company was dissatisfied with two hundred and twelve or two hundred and thirteen dollars per mile. It had not been shown, and he thought it could not be shown to them why this company was entitled to more, or so much more, than the other received. It was true, they had to encounter the ice, but was there not more ice further north? There might possibly be shown some reason why the Virginia line should have more; but was there any reason why they should have so much more? Again, the price paid between Cincinnati and Louisville for daily transportation was not two hundred and thirteen dollars per mile, or one hundred dollars, or fifty; it was less than twenty-eight dollars per mile. Now, he did not insist that there might not be some peculiar reasons connected with this route between this city and Richmond that entitled it to

more than was paid on the routes between Cincinnati and Louisville, and Troy and New York. But, if there were reasons, they ought to be shown. And was it supposed that there could be any, or so peculiar reasons, as to justify so great a difference in compensation as was claimed by this company? It did seem that there could be none.

These reasons actuated him in taking the position he had taken, painfully refusing to oblige his friend from Virginia, which he assured the gentleman he had the greatest inclination to do.

In relation to the report of the committee, let him state one thing: It proposed that the Postmaster General should again offer this company what he had already offered and they had refused. It was for the reason that the Postmaster General, as he understood, had informed them that he was not himself going to renew the proposition. The committee supposed—at any rate, he (Mr. L.) supposed—that as soon as the company should know that they could get what he had offered them, and no more—as soon as all hope of greater compensation was cut off—that instant they would not take ten thousand dollars a year for the privilege of doing it. Whether this was actually the case he did not profess positively to know; it was a matter of opinion, but he firmly believed it. In proposing to offer them the contract again, as he had already said, the committee yielded something, viz: the damage that the Government would have to pay for the breaking up of the present arrangement. He was willing to incur that damage; some other gentlemen were not; they were further away from the position which his friend from Virginia took. He was willing to yield something, but could not consent to go the whole length with the gentleman.

In relation to what the damage would be, it would of course depend upon what was shown to this House and to the Senate to be fair and reasonable. It was a general principle of law that this Government could not be sued upon any contract. It was a principle of the common law that no judgment can go against the State, and it had been confirmed by the Supreme Court of the United States in repeated instances. Now, how was this company to get anything for their damages? Why, simply by coming here and laying their case before Congress.

Mr. L. concluded by remarking that this was all he wished to say. If there was any portion of his hour left, he would only ask that it should be passed to his credit for some future occasion.

Mr. ROOT obtained the floor, and, by request, yielded to

Mr. MEADE, who sent up to the Clerk's table the following substitute, which he wished to offer for the resolution and amendment under consideration, viz:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized in future to contract with the railroad companies for the transportation of the mail at a price not exceeding $250 a mile for transporting the mail once a day, and $300 for transporting the same twice a day: *Provided*, That for such service performed in the night time an additional compensation, not exceeding 15 per cent. on those sums, may be given.

The amendment not being in order at this time, it was not received.

Mr. ROOT resumed the floor, and remarked that, being a member of the Committee on the Post Office and Post Roads, as he happened to dissent from the report of the committee, it was perhaps incumbent upon him to state some of the reasons by which he was governed. He differed in opinion as to the law which governs this matter from the gentleman from Illinois who had just addressed the committee. He was not about to inflict upon the committee a law argument. This whole matter was treated by the gentleman from Illinois precisely as if the House were sitting as a court of equity, having before them the railroad company, the Post Office Department, and such of the good people of the United States as were interested in the expedition of this mail; and he seemed to consider that the only question was, what is right between the parties? He was very anxious to do right. He would give $2,700, which was considered so great a sum, if it was right. He insisted that they should be governed by what was right. But before Mr. R. spent much time or breath in arguing what was right, he thought it was better first to inquire whether they had the power to enforce the right when ascertained. This railroad company, it was said, were asking an exorbitant price for their services, (and railroad companies often did this,) and it would be setting a bad precedent to pay them. Well, did not every man who has got anything to furnish for Uncle Sam get as enormous prices as he could? Why were we paying such enormous prices for steamboats, flatboats, and every old hulk that can be mustered about the mouth of the Mississippi? Because it is right? No, but because the Government deem it better to employ them in carrying on this war than to go without their services. Now, the question to be considered was, what was the very lowest rate for which these services could be obtained? That they could ascertain perhaps; perhaps not. It was doubted by the gentleman from Illinois. When they had ascertained that, the next question was, had we better employ this railroad and steamboat company to do this service, or go without it? Well, the head of the Post Office Department had done the business in this way. He had tried to ascertain the lowest amount for which he could get this important service performed. The company told him so much. He would not give that; he would give as much, wanting about $2,700, and he would give them no more. Well, there they were; the two parties in a regular Yankee twist about it; both manifesting too much of a chaffering, peddling disposition. He did not say which was right. He had no doubt the railroad company tried to get as much as they could, and the Postmaster General tried to get it done for as little as possible. But what he found fault with was, that they higgled so long about so small a sum upon the performing of so important a service. Well, they separated upon that. The Postmaster General entered into another arrangement. Did he save money by it? Mr. R. believed not. He had actually expended more money, rather than yield to this unconscionable demand. The consequence was, that day after day, and week after week, this mail—one of the most important mails in the United States service—was delayed for days behind the ordinary time of running. He had as little interest in this as in any other mail in the United States; but he gave notice that, if they came west of the mountains and attempted to perform any such antics, the people there would have a short way to correct it. Private expresses were not unknown there, and just as long as the Post Office Department sent the mail along as fast as it could be carried by private enterprise, so long would the people patronize the department, and pay the rates of postage which were imposed by law; but when the department attempted to keep the mail back, and by penal enactments to compel the people to send their mail matter in it, they would find themselves mistaken. The thing would not work in the West; he did not believe it would work anywhere. Go along; keep up with the progress of the age; give us intelligence in the earliest possible manner; charge us reasonably or unreasonably, but go along; we will not be delayed. In this matter time was material. It was admitted upon all hands that this delay ought to be done away with. Although he felt little personal interest in the matter, he felt it was due to the people of the United States that it should be attended to. That they should stop and higgle in a question of this importance for the sum of $2,700, and delay the whole mail communication of the country over this route for days at a time, appeared to him like practising upon the old adage, "penny wise and pound foolish."

But, then, a great principle was to be maintained here. Why, nobody would vote censure upon the head of the Post Office Department; nobody would set an example by which other companies could take advantage. Could other companies get away from the contracts into which they had entered, and which every man knew the Postmaster General had obtained on as favorable terms as possible?

Mr. R. repeated that the main question was, had we better employ this railroad company to transport the mail, though we gave them $2,700 more than the department had offered them—more than the service was really worth? He was willing to admit, for the sake of argument—though he did not know it to be so—but, admitting it, should this important mail be delayed, and sent around by a circuitous route of four hundred miles, for the mere sake of saving $2,700? But we did not save it. We had already lost more than $2,700 by the delay; and if the arrangement was kept up six months, the Government would lose not only $2,700, but $27,000. How? The people interested in the expeditious performance of this mail service would not submit to such delay. They would establish private expresses. Penal enactments might be piled up here, but they could never be enforced against the common understanding of the country that they were absurd and oppressive. He repeated, he felt very little interest in this matter. He did not know but it would have been better for this department, for the present head of the department, and for the whole country, that this arrangement should remain as established, until a lesson was taught, which it was important for the head of the department to learn, and to learn speedily, that it would not do to delay the mails, and then dream that the business and the entire community could be compelled by penal enactments to wait for them. No; they must be sent ahead; the whole country demanded it. There was as great a disposition to hurry mail matter through as there was among travellers to hurry along; and it was very well known that in the case of most persons, let them have little business or none at all, they would patronize the fastest boat, or the fastest conveyance. It was no matter whether they were at the end of their journey in one day or five days; if there was a line by which they could reach it in eleven hours, they would be sure to take it. And so in private concerns; he said that men would not stop to higgle for a dollar or two when serious delay would be the consequence.

The gentleman from Illinois gave it as his opinion, that the moment the question was settled that this company could not get any more, they would take the contract, and not be willing to give it up for $10,000 per annum. He did not doubt the honesty of that opinion, but he must doubt the reasoning on which it was predicated. No doubt the company would do it if it was for their interest; they went for their interest; but there was one fact stated, that upon this railroad there was attached to the locomotive a train of three cars—a very heavy business! A daily train of three cars! When they carried the mail, they devoted one of these cars to mail matter, and the other two to freight and passengers. Mr. R. denied the justice of the gentleman's comparing this railroad to the railroads in Massachusetts, New York, Ohio, or Michigan. Three cars in a daily train! one going to carry Uncle Sam's mail and the other two for freight and passengers, and the company demanding more for carrying the mail upon such an extensive establishment than they would in Massachusetts or New York! His colleague [Mr. SCHENCK] suggested that when they do the business by retail, they always charge more. This was exceedingly retail. [A laugh.] Another fact in this connection: it appeared that about one-tenth of the receipts of this company were for carrying the mail. Then one-third of their force earned one-tenth of their income; and that, it was contended, was unreasonable! He knew nothing about it, but so it was stated. Instead of the company being so anxious to carry the mail as to be willing to pay $10,000 for the privilege, he said that, however it might be done in Virginia, in the backwoods of the West the company would be likely to offer themselves to private expresses to transport for them the mail by direct and expeditious route, while the Government mail was delayed and sent by a circuitous route for the sake of a small saving.

The gentleman from Illinois, in maintaining the reasonableness of the compensation offered by the Postmaster General, of $237, less 12 per cent. per mile upon the river, referred to the fact that the mail was carried on the Hudson, between New York and Troy, for $100 per mile. One reason for this, Mr. R. supposed, was, that they could not do all the business there with three cars. Another reason was, that they did not go in the winter. This line had to run constantly, winter and summer. The gentleman from Illinois certainly did not suppose that mails were carried by steamboat between New York and Troy during the winter.

Mr. RICHARDSON (interposing) was understood to say that he believed the Postmaster General's report stated that, for three months in the year, the mail was not carried on this route.

Mr. ROOT, continuing: Well, for three months they did not carry it, and during that time they could not run for $237 per mile. He referred to

other reasons why the mail service could be performed for less compensation upon the Hudson and other routes. One of these was, the great competition existing between the different lines, and the advantage which the carrying the mail gave. Passengers would take the line by which the mail was carried, even though it went no faster.

In concluding, Mr. R. repeated that the single question to be considered was, for how much could this service be obtained? The company might ask $2,700 more than was a fair compensation, but would it not be better to give them $2,700 and have the mail expedited, than to have it delayed and the revenues of the department seriously impaired, as he thought they would be. A bad precedent! Was there any danger of setting precedents, at this day, by which people were to be incited to plunder this Government? In war, and paying more per month for old steamboats than their whole value, we were talking about this bad precedent of paying $2,700 more than it was said to be worth for the transportation of the mail for a year for one hundred and thirty miles, and upon one of the most important routes in the country. For these reasons, he differed with the committee. He did not feel bound to inquire whether this company made as favorable an offer as they could afford; but he confined himself to the question, whether it would not be better to give them the sum which they demanded than to dispense with their services. He was of the opinion it would be.

Mr. JONES, of Tennessee, obtained the floor; and, indications being given of a desire that the committee rise, he inquired of the Chair, in case this subject were not disposed of to-day, whether it would continue before the committee as the special order?

The CHAIRMAN replied that, in his opinion, it would so continue until disposed of.

On motion of Mr. JONES, the committee then rose, and

The House adjourned.

IN SENATE.

WEDNESDAY, *January* 5, 1848.

The VICE PRESIDENT laid before the Senate a report of the Treasurer of the United States, accompanied by accounts of receipts and disbursements for the Post Office Department for the year ending 30th June, 1847.

PETITIONS.

Mr. HALE presented the petition of the heirs of Moses White, deceased, a revolutionary officer, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. DICKINSON presented additional documents in relation to the claim of John Lorimer Graham; which were referred to the Committee on the Post Office and Post Roads.

Mr. YULEE presented the petition of the widow and legal representatives of Reuben Lassiter, deceased, praying compensation for a slave shot by a party of volunteers in the service of the United States in the Seminole war; which was referred to the Committee of Claims.

Mr. SEVIER presented the petition of Albert Pine, praying that compensation may be made to a company of Arkansas cavalry, commanded by him, for horses lost or stolen while in the service of the United States; which was referred to the Committee on Military Affairs.

Mr. CAMERON presented the petition of Susan C. Randall, widow of Archibald Randall, late District Judge of the United States for the Eastern District of Pennsylvania, praying compensation for services rendered by her late husband as circuit judge; which was referred to the Committee on the Judiciary.

Mr. CASS presented the petition of William Woodbridge and Henry Chipman, late judges of the United States, in the Territory of Michigan, praying compensation for services not incident to their judicial office; which was referred to the Committee on the Judiciary.

Mr. DIX presented the petition of Mary M. Foot, widow of Lyman Foot, late a surgeon in the army, praying that provision may be made for herself and family, in consequence of the death of her husband while in the discharge of his duty in Mexico; which was referred to the Committee on Military Affairs.

Mr. DIX presented the petition of Marvin W. Fisher, praying compensation for the use of his invention for charging percussion caps by the Government, and the purchase of his patent right; which was referred to the Committee on Military Affairs.

Mr. DAVIS, of Mississippi, presented additional documents relating to the petition of Hugh W. Dobbin; which were referred to the Committee on Pensions.

Mr. DICKINSON presented the petition of certain citizens of the county of Orleans, New York, praying that the franking privilege may be abolished, and that the rates of postage on newspapers be reduced; which was referred to the Committee on the Post Office and Post Roads.

NOTICES OF BILLS.

Mr. ASHLEY gave notice that, on to-morrow, he should ask leave to introduce a bill to alter and amend the judicial system of the United States.

Mr. JOHNSON, of Louisiana, gave notice that, on to-morrow, he should ask leave to introduce a bill to provide for the survey of the mouth of the Red river, in the State of Louisiana.

PRINTING OF DOCUMENTS.

Mr. CLAYTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be instructed to inquire and report why none of the copies of the President's Message, with documents, or of the reports of the Secretaries and Postmaster General, with documents, have been furnished for the use of the Senate, and when the said copies may be furnished by the Printers.

Agreeably to notice, Mr. HUNTER asked and obtained leave to bring in a bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under three several treaties between the United States and certain foreign Powers, which awards have been retained in the treasury in payment of debts due to the United States; which was read the first and second times by unanimous consent, and referred to the Committee on Finance.

Agreeably to notice, Mr. JOHNSON, of Maryland, asked and obtained leave to bring in a bill for the relief of the legal representatives of Martin Fenwick; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Maryland, from the Committee on Commerce, to whom had been referred the memorial of the American Colonization Society, reported a bill exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa, from the provisions of the acts of 22d of February and 2d of March, 1847, regulating the carriage of passengers in merchant vessels; which was read, and passed to the second reading.

Mr. ASHLEY, from the Committee on the Judiciary, to whom had been referred the memorial of Richard S. Coxe, made a report upon the subject, accompanied by a bill for his relief.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

Mr. DIX, from the Committee on Commerce, to whom had been referred the bill to repeal the act of 2d of March, 1837, entitled "An act concerning pilots," reported it without amendment.

Mr. DIX, from the Committee on Commerce, to whom had been referred the bill making an appropriation for removing obstructions in the Savannah river, reported it without amendment.

Mr. RUSK, from the Committee on Revolutionary Claims, to whom was referred the petition of Thomas N. Welsh, submitted a report, accompanied by the following resolution:

Resolved, That the Secretary of the Senate do send the petition and other papers accompanying it to the Secretary of War, with this report.

The Senate proceeded, by unanimous consent, to consider the said resolution; and the resolution was agreed to.

Mr. BRADBURY, from the Committee of Claims, to whom had been referred the memorial of George Harvey, made a report thereon, accompanied by the following resolution:

Resolved, That the prayer of George Harvey, agent for the owners and consignees of the English ship James Mitchell, ought not to be granted.

Ordered, That the report be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. Campbell, their Clerk:

Mr. PRESIDENT: The House of Representatives have passed a bill making further provisions for surviving widows of the soldiers of the Revolution, in which they request the concurrence of the Senate.

The President of the United States yesterday approved and signed the enrolled bill entitled "An act making appropriations to supply in part a deficiency in the appropriations for subsistence in kind, of the army and volunteers during the year ending June 30, 1848."

The bill from the House of Representatives making further provisions for surviving widows of the soldiers of the Revolution was read the first and second time by unanimous consent, and referred to the Committee on Pensions.

The engrossed bill for the relief of Thomas Rhodes was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

The bill to authorize the appointment of Assistant Pursers in the navy was passed by informally.

PRIVATE BILLS.

The following bills were severally read a second time, and considered as in Committee of the Whole:

Bill for the relief of Foxall A. Parker, of the United States navy.

Bill for the relief of the heirs of Andrew D. Crosby.

Bill for the relief of William A. Christian.

On motion by Mr. SEVIER, it was

Ordered, That they severally lie on the table.

BOUNTY LAND WARRANTS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to allow further time for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes.

Mr. SEVIER said he hoped the chairman of the committee from which this bill was reported would explain the reason which existed for its passage. This was a rule which had been generally followed heretofore. There are (continued Mr. S.) extensive tracts of land reserved for military bounty land, which land is exempted from taxation, much to the injury of the districts in which they lie. I think it is time that this system should be put an end to. There may be individual cases which are deserving of special legislation; but we ought to pause, I think, before we adopt any general law embracing a class of cases which have been already provided for, more especially when we all know that doubtful claims of thirty years' standing invariably grow stronger and better as they grow older.

Mr. BREESE. This bill was introduced to the notice of the Senate by the honorable Senator from Kentucky, who is not now in his seat. It was referred to the Committee on Public Lands, and received an attentive consideration. I apprehend that the honorable Senator from Arkansas is entirely mistaken as to the scope and object of the bill. This bill is intended to meet cases where parties holding land warrants have neglected to locate their claims. The law relating to such cases expired in July last, and persons who have applied since that time for their lands have not been able to obtain them. There is no danger, as the gentleman supposes, in extending this law. We do not know the number of unlocated claims growing out of the Revolution and the late war, and it is merely proposed to extend the law relating to them for five years longer. It is never too late to do justice.

Mr. SEVIER. My honorable friend is entirely mistaken in regard to this bill. There are large tracts of land in my own State, and in Maine, which have been set apart to satisfy the claims of the soldiers of the last war. The names of the claimants are put into a box and drawn out con-

secutively, and the location is determined by such drawing. There are warrants, I admit, for revolutionary services, but warrants for services in the late war I have never heard of. A large portion of my State—millions of acres—have been set apart, as I have said, to satisfy these claims, and the claimants have had thirty years in which to bring them forward; there is no one who has not had his number assigned to him and had his patent. I would like to know why, at this late day, after thirty years have elapsed, we are to be called upon to pass a law to give them five years longer, and for what purpose? Why simply to have their locations determined by drawing, which has already been done. This is the whole purpose.

Mr. BREESE. The Senator is in part correct in regard to claims for military services in the last war. Patents were issued. The soldiers had nothing to do. The whole matter was transacted in Washington city. But these are not such cases; these are cases of land warrants which have been omitted to be located under the act of 1812-'13. I have had numbers of these warrants sent to me from Illinois; but as this is a bill which has been introduced by the Senator from Kentucky, who is not now in his seat, and who takes great interest in it, I hope it will be passed over for the present.

Mr. SEVIER. Only one word: If there have been land warrants granted under peculiar circumstances, I know nothing about them. All I have to say is, that if five years further are to be granted to the claimants, I suppose some good reasons can be given for it. I would like to hear them.

Mr. ALLEN. I would inquire of the Senator from Illinois, whether there is a report from the Land Office upon this subject?

Mr. BREESE. There is none.

Mr. ALLEN. I would like, before I vote for this bill, to see a report setting forth the facts in the case. It is something new to my ears—entirely so.

The question being taken upon the motion for postponement, it was agreed to.

WIDOW'S PENSIONS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to continue the pensions of certain widows; and no amendment being made, the bill was reported to the Senate.

Mr. DAYTON. May I ask the chairman of the Committee on Pensions to state what this bill is.

Mr. JOHNSON, of Louisiana. It is, sir, for the purpose of continuing the pensions of certain widows who are very old, and in distressed circumstances. I trust there will be no objection to its passage. The measure has been recommended from the War Department, and has received the unanimous concurrence of the committee.

Mr. DAYTON. What is the bill?

Mr. WESTCOTT. It is the very same bill in substance as that from the House which was before the Senate a few minutes ago.

Mr. JOHNSON. I was not aware of the fact that they were the same until the circumstance was mentioned by the Senator from Florida. It would be more proper, perhaps, to take up that bill. I move, therefore, that this bill be laid upon the table.

The motion was agreed to.

ADDITIONAL VOLUNTEER FORCE.

The bill providing for the further prosecution of the existing war between the United States and the Republic of Mexico was read a second time, and considered as in Committee of the Whole.

Mr. CASS said it was the disposition of the Military Committee that this bill should be deferred until the ten-regiment bill should have been disposed of. He thought it better to go on with the discussion upon that bill, and let this be taken up after its passage. He therefore moved that it be laid upon the table; which motion was agreed to.

LATE SECRETARY OF WISCONSIN.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of William B. Slaughter, late Secretary of the Territory of Wisconsin.

Mr. DOUGLAS. I think that when this bill was up the other day, there was a slight misapprehension on the part of some Senators in regard to the true state of the facts. I will detain the Senate for a moment in an exposition of what I understand to be the law and the facts in the case. By the act of 1792, it is provided that the official duties of the Secretary of any Territory shall be controlled by such laws as are in force in each Territory. I understand this to be the law now in force, and applicable to the official duties of the Secretary, or which was in force at the time of this transaction. Mr. Slaughter was Secretary of the Territory of Wisconsin, and, as Secretary, was required by law to be the disbursing officer for the payment of moneys for the necessary and incidental expenses of the Legislature of the Territory. The Secretary of the Treasury furnished him a draft for $10,000, to pay these expenses. I have reason to suppose, in fact—I think the evidence will be satisfactory to the Senate—to show that the draft was deposited with Samuel B. Knapp, the cashier of the Mineral Point Bank, under the authority and by the direction of the Legislature of the Territory. Search has been made for copies of the documents by which the deposite was authorized and directed, and they cannot be found at the present time. But I am confident that such is the fact, and I think that the statement of the Comptroller of the Treasury is conclusive on the point. After stating the fact to which I have referred, the Comptroller goes on to say that the claim arises from his having deposited, under the direction and by virtue of a resolution of the Legislature of the Territory, the money, &c. [Mr. DOUGLAS continued to read from the letter of the Comptroller, in corroboration of this point.] It will appear, therefore, by this statement, that Mr. Slaughter, being Secretary of the Territory of Wisconsin, received this draft from the Secretary of the Treasury, for the purpose of being applied to the payment of the expenses of the Territory; that he was required to be governed by the instructions and laws of the Legislature of the Territory; that the Legislature of the Territory instructed and directed him to make this deposite with Mr. Samuel B. Knapp, the cashier; that he made the deposite in obedience to the directions of the Legislature, which he was bound to obey. And we have also a resolution here, which was read the other day, passed by the Legislature, specifically approving of the act, and saying that he ought to be remunerated for the loss. If there can be any doubt upon this point, I can have read several letters showing the facts as they occurred. I have one from Mr. Dodge, Governor of the Territory, in which he states, that he informed the Secretary of the Treasury of the deposite. The deposite was made in a specie paying bank—a bank which was considered by every one to be perfectly safe. Mr. Slaughter made this deposite as he was required to do. The fact of the deposite having been made was reported to the Secretary of the Treasury here, who sanctioned the act by allowing the deposite to remain without being withdrawn, and Mr. Slaughter went out of office, leaving the money where it had been deposited under the instructions of the Legislature, and with the knowledge, and, therefore, it is to be presumed, with the consent, of the Secretary of the Treasury. The bank afterwards broke, and the money was lost. I think, under these circumstances, there cannot be any hesitation in authorizing the accounting officer of the Treasury to settle this account upon principles of justice and equity. I do not deem it necessary to occupy any more of the time of the Senate in relation to a matter that is so clear as this.

Mr. WESTCOTT. I did not intend to say another word against the bill, but to let it pass, as, on examination of it, I find it does not sanction the claim, but only directs its examination by the treasury officers, and payment, if they find it to be just and equitable. But the remarks of the Senator who has just taken his seat, makes it necessary to say a few words. The act of 1792 has no more to do with this call than a statute of Missouri. It is an old, obsolete act respecting the Territories then (in 1792) existing north and northwest of the Ohio, and has expired twenty-five years ago. [Mr. W. here, at the request of Mr. BERRIEN, referred to the act.] The Secretary of Wisconsin held his office under the act organizing the government of that Territory, called the Organic Law, passed in 1836; and under that law he was expressly required to account to the Secretary of the Treasury of the United States for these funds. [Mr. W. here read part of the act of 1836.] Again, if I understand correctly, he was not ordered to deposite this money with the broken bank, by the Legislature, before it failed; but after the bank broke, the Legislature passed resolutions asking Congress to pay the money lost, &c. When he made this deposite, also, (if I am correct as to dates,) the sub-treasury law of 1840 was in full force, forbidding such arrangements.

Mr. BUTLER. It was entirely competent, certainly, for the committee to have allowed or disallowed the claim; but the view I take is this—that it is better to refer the matter to a safe and proper tribunal, than that a committee should assume the jurisdiction and decide peremptorily upon the case. I was entirely in favor of referring the claim to the officers of the treasury, for I have no reason to suppose that under such reference any injustice will be done.

In reference to this claim, I do not see how the laws which have been referred to can have any bearing upon it. Then the only question is, whether Mr. Slaughter acted as a prudent man would have done? whether, at the time and under all the circumstances, it was not to be regarded as a safe deposite? He acted as the Legislature directed him, and it would be wrong, sir, to compel him to pay the money.

Mr. DOUGLAS. One word in reply to the Senator from Florida. I am still under the impression that the act of 1792 was intended to apply to the Secretary of the Territory. I was aware of the existence of the act of Congress to which the gentleman alluded. That act merely makes the Secretary of the Territory responsible to the Secretary of the Treasury, so far as regards the settlement of accounts, and that such settlement was to be made at the Treasury Department. It is true, that act also says that the money shall be expended by the Secretary of the Territory; but was the Secretary to expend this money according to his own discretion, without authority of law? or was he to expend it according to law? My understanding is, that he was to expend it according to the law of the land. What was that law? Why, it was the law that was in force in the Territory at the time the deposite was made. Such, sir, I have always understood to be the practice, not only in Wisconsin, but in Iowa, in the neighborhood of which I have lived for many years. I think that the facts which I have already stated to the Senate abundantly show that this officer acted in good faith, as a prudent man should act. I think they show that he acted with great prudence and great caution; that there was no fault, no neglect on his part; and that it was in consequence of neglect elsewhere that the money was lost. I think, therefore, as a matter of justice, if we were voting now, we ought to vote him the money. But the committee does not propose to appropriate the money; they only propose to say to the accounting officers of the treasury—those officers who have been accustomed to settle the accounts of the treasury from the commencement of the Government—you are authorized to make this settlement upon principles of equity and justice. Sir, is it to be supposed that the officers of the Treasury Department would concurrently have tendered their request to Congress to do justice to this man, unless injustice had been done him? I think, sir, we ought to give them an opportunity to do him justice.

Mr. CASS. I move that that bill be laid upon the table for the present.

Mr. DOUGLAS. I presume there will be no more discussion upon it.

Mr. CASS. Then I will withdraw the motion.

Mr. BADGER and Mr. CAMERON rising simultaneously.

Mr. BADGER said: I think it due to this case to make a single observation—

Mr. CASS. Will the Senator excuse me?

Mr. BADGER. Certainly.

Mr. CASS. The Senator from Pennsylvania intends to discuss the bill. I therefore move that it be laid upon the table.

The motion was agreed to.

TEN-REGIMENT BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to raise, for a limited time, an additional military force.

Mr. CRITTENDEN moved to amend the bill, by striking out all after the enacting clause, and inserting the following:

"That the President be, and he is hereby, authorized, should the exigencies of the war require a further increase

of force, to call for, and accept the services of, additional volunteers, not exceeding thirty thousand, who may offer their services, either as cavalry, infantry, or riflemen, to serve three years after they shall have arrived at the place of rendezvous, unless sooner discharged; to be raised and organized in the same manner as are provided for volunteers under existing laws, and to have the same pay, rations, and allowances, including land or scrip, according to grades; and to be subject to the same regulations and to the rules and articles of war."

SEC. 2. *And be it further enacted*, That where companies of volunteers, which are now or may hereafter be in service, shall become reduced in rank and file, the President be, and he is hereby, authorized to discharge a part of the commissioned officers, leaving not more than three for sixty rank and file in the company, and not more than two for forty rank and file; and where the company shall be reduced below twenty rank and file, he may discharge the whole company, officers and men, and receive a new company of not less than eighty rank and file, in lieu of said discharged company: *Provided*, Nothing herein contained shall require the President to reduce the officers, or to discharge a company, if, in his opinion, the reduced companies can be filled up by recruits.

SEC. 3. *And be it further enacted*, That where regiments of volunteers, which are now or may hereafter be in service, shall become reduced, the President be, and he is hereby, authorized to receive additional companies of volunteers for such regiments: *Provided*, The additional companies so received for any regiment shall not increase its numerical strength beyond one thousand rank and file.

SEC. 4. *And be it further enacted*, That the provision in the 2d section of the act entitled "An act to encourage enlistments in the regular army," approved January twelfth, eighteen hundred and forty-seven, be, and the same is hereby, extended to include the recruits who may hereafter enlist for the first and second regiments of dragoons, and the regiment of mounted riflemen, and the non-commissioned officers, musicians, and privates of volunteers who may engage to serve during the war with Mexico, or for the term of three years, as provided by this act.

SEC. 5. *And be it further enacted*, That the volunteers raised under this act, and whose term of service may not sooner expire, shall be discharged within six months after the ratification of a treaty of peace with Mexico.

Mr. CRITTENDEN said: I do not propose, on this occasion, to say more than will be barely necessary to explain the amendment which I have had the honor of offering to the bill now before you. The bill which is now under consideration for raising ten additional regiments, and the bill lying upon the table to succeed it, authorizing the President to accept the services of twenty thousand volunteers, have severally been reported from the Committee on Military Affairs in accordance with the recommendation of the Secretary of War, and are supposed to be necessary to meet the requirements and exigencies of the present war with Mexico. The bill now before you, sir, proposes to raise ten thousand men, or ten additional regiments; and what I propose is, to give to the Government the necessary numerical force, only changing the form of its organization from a regular to a volunteer force. And I desire to assign, very briefly, the reasons which have induced me to adopt this course.

The bill before you for raising the ten regiments places upon Congress the responsibility of declaring that under the present existing circumstances it is proper and necessary that this force should be raised. Is there any such present necessity perceived by the Senate of the United States? I think not, sir. We have from the Secretary of War a discussion of various plans upon which it has been suggested that this war ought to be prosecuted. The Secretary, in discussing them, recommends the plan which he prefers, viz: to hold all those portions of Mexico which are now in our possession, and, in addition to the force which would be necessary to accomplish such a purpose, to have an active force raised, not with a view of marching over and conquering the whole country, but with the view of being prepared to make occasional conquests, should circumstances require it. This is his plan. Now, is an additional force necessary, I would ask, to accomplish the designs of the Secretary, taken even in their utmost latitude? This, sir, would be a question of a very indefinite character indeed, if our experience had not, in some degree, become a practical one. And what is our experience? What have been our experiences in this war? and what have been the results of the war?

General Scott landed at Vera Cruz with a force of about twelve or thirteen thousand men, a considerable number of whom were volunteers. With this force he succeeded in taking the strong castle of San Juan de Ulua and the city of Vera Cruz. Pressing forward with his victorious army, from Vera Cruz he entered the capital, breaking in pieces and scattering to the winds with a force of less than ten thousand men, the armies of Mexico in his triumphant career. General Taylor, with a still smaller comparative force, at the battle of Buena Vista, completely broke the power of Mexico; and so in every action would (no matter, sir, how disproportionate in number) the American troops have been victorious. And, sir, with what a small amount of force these achievements have been accomplished.

General Scott, as I have already stated, fought all those distinguished battles before the city of Mexico, and took the capital of the country with less than ten thousand men; and General Taylor, with not more than six or seven thousand men, the most of whom were volunteers, gained several distinguished victories. Indeed, General Taylor, with less than four thousand men, beat Santa Anna with an army twenty thousand strong, and that, too, not by a sudden surprise, not by a sudden burst of valor, not in a moment of enthusiasm on one side and panic on the other, but in a hard fought battle, continued from the rising to the setting of the sun, occupying, in fact, the whole of nearly two days. Thus, we see that not only are the sword and shield of Mexico broken and cast into the dust, but her Government is dispersed and almost annihilated by our conquering army. She has no army, and scarcely can she be said to have a government; it consists of nothing more than disorganized factions. And if Mexico now lies prostrate before you, without an army or government; with here and there only a body of guerrillas, instead of an army to oppose you; what, in the name of Heaven, if this is all that is left to her, do you want with ten thousand more troops? Sir, since these conquests have been achieved, what has been done? Our army now reposing on the Rio Grande consists of three or four thousand regulars. Nay, I will give the exact number—it consists of three thousand nine hundred and thirty-seven regulars. At the battle of Buena Vista you had but two or three hundred regulars, all the rest were volunteers. In place of that army, less than five thousand strong, which constituted the force in that portion of the country upon that field of battle, you have now, sir, a force amounting in the whole to upwards of ten thousand men. Do you want any more there?

I have already stated the force with which General Scott obtained possession of the capital; how is it with him now, sir? He has been receiving additional reinforcements almost daily since that time; and there is now at Tampico and Vera Cruz together, a force amounting to 32,156 men, 17,101 of whom are regulars, and the remainder, 15,055, volunteers. These statements are extracts made from the report of the Adjutant General.

General Scott's army has been almost trebled in number since he gained those battles. His force is larger by fifteen thousand than when he landed at Vera Cruz. It is this much stronger than at the time when he conquered the whole region of the country between Vera Cruz and the capital; and cannot he hold this country with the same force with which he conquered it? How, upon the facts declared to us in official public documents, can any argument be found to prove the necessity of sending any further troops there? General Scott took possession of the city with six thousand men, and of that whole region of country with not more than twelve thousand; and now, when he has with him thirty-two thousand men, what more can he require? Suppose it requires as many men to hold a country as it does to conquer it, has not General Scott already doubled the number of his force since he entered the Mexican territory? Make what deduction you please on account of casualties and disease—make a deduction of five thousand—and it leaves fifteen thousand men for active service. Where, I ask, can fifteen thousand of such men as ours be employed? What fortress is there that will not open its gates at the sight of our banners? There is not one that will not. And yet we propose to add thirty thousand men to the force already there. Sir, these facts lead my mind irresistibly to the conclusion, that for any purpose of conquest even, it is not necessary to have more men in Mexico. If you have done what you have with that number of men, if they have accomplished such victories, surely you have a positive rule established by actual achievement, as to what your army can do.

Cannot double the number of force with which these victories have been gained conquer all Mexico? Why did you lead your armies from Vera Cruz to the capital? Because there you expected to find the more vital parts of the Republic. Well, you have done all this, and still the cry is for more troops. You have had your forces doubled, and you want to double them again. If you pass this bill, sir, what will then be the strength of your armies in Mexico? What number of men have you there now? I have shown you that under General Scott there are upwards of thirty-two thousand, and under General Wool upwards of ten thousand more, making an aggregate of forty-three thousand American soldiers now within the limits of Mexico.

I reckon only those who are in the heart of Mexico, leaving out those who are stationed in California and at other distant posts. There are southward and westward of the Rio Grande from forty-two to forty-three thousand American soldiers; and during this whole time the recruiting service is going on rapidly. Scarcely a week passes by in which reinforcements of troops are not being landed in Mexico. Now, there are forty-three thousand troops, as I have said, independently of what these bills propose, and the laws of this country now authorize the enlistment of some eight or nine thousand more, to fill up the ranks of your armies. There is also still a deficiency of upwards of six thousand men in your volunteer service, which may at any time be supplied. This, then, is your state of preparation in Mexico! So far as the authority of law extends, these troops are at your command. Besides these, there is an addition yet to be made, by which your army will be still further increased. The regiment called for from the State of Michigan, has not yet appeared in the field; two other battalions, also, one from Alabama and the other from Mississippi, from some cause or other, have not yet been mustered into the public service, and are not included in the calculation. These regiments, added to those which you have the legal authority to send, will make our force there about sixty thousand strong. Add these ten regiments, and you will then have seventy thousand American soldiers beyond the Rio Grande, exclusive of those distributed throughout the United States, at various posts, and in California and New Mexico. Add again, to this estimate, the number that is proposed to be raised by the other bill which has been reported to us, and you will have an army of from ninety to one hundred thousand men. Sir, can all these troops be necessary? Does not this estimate startle the ears of Senators? I confess, for one, that I have been greatly startled, while reading the reports from which I have gathered these statements, at the vast army which we are now maintaining. And another more startling consideration, which ought not to be forgotten or omitted, is the enormous cost of every regiment. I am told by those who have entered into calculations on the subject, that the average cost of officers and men is nearly one thousand dollars per man. This subject becomes, then, a matter of some consequence to us. Suppose our object be to conquer Mexico, and to incur no unnecessary expense; these ten regiments will add to our expenses nearly ten millions of dollars; no small item in the aggregate expenditures of such a contest. I think, therefore, for these reasons, that it is highly necessary for us to determine whether all these troops are to be raised, and all this cost incurred.

I am perfectly willing to meet every possible contingency of casualty or disease, but I confess I cannot foresee, at present, any contingency which will justify this increase. I am willing to authorize the President to call out whatever force he may require, under such contingency as may hereafter occur; but I would not authorize that force to be raised now. I am willing to lodge in the hands of the Executive the power, if an emergency demand it, to call out thirty thousand additional men for the war; and I would have such force consist of volunteers.

Now, are not volunteers as good, have they not proved themselves as efficient, as regulars? Is not Buena Vista a bright and burning evidence of their efficiency in the field? They may be called out for the same period of service, and are entitled to a discharge under the same circumstances, and the difference in cost is great. I would substitute them, therefore, for these ten regiments of regulars; and I would accordingly give power to the President to call out the thirty thousand additional troops, in case circumstances require the adoption of such a course. In my view, there is no necessity for anything else than this to be done.

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Gentlemen have appealed to the authority of information obtained from officers of the army. Why are they here, sir? Why are they here reposing in Washington and all parts of the country, if it is not that they are satisfied that the war has closed, that no more battles are to be fought, no more laurels to be won? They have given us ample evidence, by the bravery which they have heretofore displayed, that they would not leave the field of their victories if they were not fully convinced that nothing more remained to be done. There is not one who does not believe that the war is at an end. There may be a few skirmishes here and there with parties of guerrillas; but so far as armies are concerned that will stand before American forces, they are never to be seen again in Mexico. This is the opinion of every officer I have spoken with, and it is also my opinion. From all the facts to be gathered from official reports, we can come but to one inevitable conclusion, viz: that their armies are broken to pieces; that the country is given over to the control of factions; and that they can no longer make head against us. You have now an army there of forty-three thousand men. They are capable of going where they please, and staying where they please, in all the wide domains of Mexico. I therefore can see no necessity for a further increase of force at present, even if it were the conquest of the whole country that was contemplated; but when it is to limited assaults only to which it is proposed to confine this war, there appears still less necessity for such increased provision. It is with these views, and with no feelings of captiousness, from no spirit of opposition, and no disposition to scan the merits or conduct of this war, but simply taking it as it is, that I have been induced to offer the amendment which I have presented; whilst I question the propriety of any additional force being now added to our already large and increasing army in Mexico.

Mr. CASS then rose and remarked that he wished to correct one or two errors into which the Senator from Kentucky had fallen; and having shown, from the returns of the Adjutant General, that the number of men under General Wool was only six thousand seven hundred, and not ten thousand, as had been stated by the Senator, he was interrupted by

Mr. CRITTENDEN, who observed that he had fallen into an inaccuracy in summing up the forces under General Wool, on account of which he readily admitted that a reduction of upwards of three thousand men was to be made from the aggregate number, which he had stated.

Mr. CASS proceeded: The Senator had taken one position and eloquently supported it, on which he begged to differ with him. The Senator seemed to think that an additional force was entirely unnecessary, after the country had been conquered. But all experience showed they might gain a battle and get possession of a country without being able to retain it. Portugal and Spain were full of lessons upon this subject. To march to the capital of a country was one thing, and then to diffuse the forces over it, in various positions, in order to hold the people in subjection, was another and quite a different thing. Our armies in Mexico had gained a series of victories as brilliant in themselves as honorable to the national character. But they were now to break up as a mass, to spread themselves into various detachments, else it would be impossible to hold the Mexican people in obedience.

They would be now exposed to popular tumults, and liable to be cut down by detachments, and still the more, the further they would be compelled to march. Besides, it was important that the Mexican people should be convinced, by the exhibition of our overwhelming force, that resistance was out of the question. What we wanted was, to produce a moral effect upon the people of Mexico—to satisfy them of our strength, and their weakness, and to avoid fighting battles by showing them that, if fought, they would certainly be gained by us.

It was also important to note that the regiments now in the field did not average more than eight hundred and fifty men to each, which was nearly three hundred short of the legal establishment. This bill would not give more than seven thousand five hundred men to the army. The calculation of the honorable Senator was based on the legal establishment. Now, no legal establishment can be kept full. The reports of the Adjutant General show, that there must be a deduction of more than one quarter, leaving the force on foot less than three-fourths of the legal establishment. This is the result of experience. It is not probable, therefore, that the number of the regular army in Mexico can be much, if it all, increased but by raising new corps, and establishing new recruiting rendezvous.

The honorable Senator, in all his calculations, looks to the numbers on the statute book, not to the numbers on the returns. The continually-recurring casualties of battle, of climate, and of all the other circumstances which make war hazardous, are a perpetual drain, which keeps down the force far below the strength authorized by law.

With respect to the cost, the Senator or himself must be under a misapprehension. The cost of a regiment of infantry was about $279,000 per annum. It was true, that all the expenses might be charged upon the soldiers—bounty lands, medical staff, and quartermaster's staff. But the actual cost of each regiment of infantry was the sum he had stated. A regiment of dragoons, of which they had three, cost something like $700,000. If he understood the Senator from Kentucky aright, he proposed to raise thirty thousand men at the discretion of the President, to be called out by him when he pleased. So far as regarded himself, he (Mr. CASS) was perfectly willing that it should be left to the discretion of the President; but the demand of the Senator, that all the force should be composed of volunteers, brought up the old question. He (Mr. CASS) had no disposition to do injustice to the volunteers. Far from it. No man had a higher opinion than he of the gallantry and efficiency of volunteers. But the addition to the regular force which the bill proposed was entirely justified alike by experience and the exigencies of the present time.

Mr. CRITTENDEN said that the Senator from Michigan had introduced rather a new principle, which made war more alarming than ever. It was this: that it would require a much greater military force to be kept in a subjected country, than had been required to conquer it. The Senator said that there might be a sudden rising of the people, and they must be prepared at all times and everywhere, to suppress such hostilities. How many men would be required for that purpose? The gentleman had given them no information as to that. He had prescribed no rule, and there was no experience, military or civil, on such a subject. Now he (Mr. C.) thought that it was pretty reasonable to suppose that those who had gone into a country, prepared for their reception, and had taken all its fortresses and dispersed its armies, were able to hold that dismantled country, and defy that conquered people. Had the Senator attempted to show that what was done by twelve thousand men could not be repeated by thirty thousand? It was admitted that Scott had about thirty thousand men—double the force which he had when he conquered and took the city of Mexico. Was there any pressing emergency now? What did the gentleman want? He was one of great intelligence and great weight in that body—acquainted, as might be supposed, with the peculiar views of the Secretary of War; and what reason, it might then with propriety be asked, did he assign for this immediate increase of the forces in Mexico? What did he propose to do with them? Was there anything to be done for which the present force was not perfectly competent? Did they want to take Queretaro, the present seat of Government? Did they want to go to San Luis Potosi?—to Zacatecas? Well, was there anywhere to which the forces now in Mexico could not go? He contended that they had proof in what had been already accomplished, that the forces now in Mexico were adequate to any emergency.

But the Senator from Michigan seemed to think that they ought not to be content until they had force enough to act by intimidation and terror. Well, how many men did that require? He believed that neither the great Frederick nor any other warrior of ancient times had drawn any rule as to the amount of force by which a people could be terrified into submission. They had beaten the Mexicans when they were not terrified; they had conquered them in field after field; they had broken them into pieces like a potsherd; they had doubled their forces since that day; and yet they were told that they were not in safety unless they had more troops—more forces. It was not a military effect that the gentleman wished to accomplish, for he could not point out any military operation which could not be effected by the army now in Mexico. But the Senator wanted an army large enough to produce a great moral effect. A religious effect could hardly be expected, it was to be supposed, in a Catholic country like Mexico, by such means. It was a moral effect, then, that was intended; and to produce it, they were called upon to make this addition to the army. He (Mr. CRITTENDEN) could not consent to raise armies for such a purpose. He was willing to raise armies to fight battles, but not to produce a "moral effect." For all military purposes, they had ample forces now in Mexico. Yet, in order to meet any possible contingency, although he did not apprehend any danger, still he was willing to provide for any possibility of danger, and give to the President the power of calling out thirty thousand volunteers, if, in the exercise of his discretion, they should be deemed necessary.

The Senator from Michigan seemed to think, though he was not very distinct on the subject, that these regulars were much better than so many troops enlisted for the same time and called volunteers. Why? Both were subject to the same laws—engaged for the same term of service—to some extent consisted, perhaps, of the same materials. Why, then, were they to be regarded as better when called regulars than when styled volunteers? Was there anything in the name? Not at all. The volunteers would be just as effective as if they were called regulars. Their obligations to their country would be as strong, and as sensibly felt. There can be no difference as to their capacity to render service, or in their preparation. If the President were of opinion to-morrow that there was an exigency which demanded it, he would be authorized to call for thirty thousand men, and no expenses would be incurred until they were mustered into the public service. But pass this bill for ten thousand regulars, and there would be at once from five to six hundred officers under pay, and each of the men under pay, as fast as enlisted. Not so with volunteers.

Again, which description of force was most easily raised? The volunteers, of course. There was something in the name of volunteer that appealed to the hearts of their free-born countrymen, with a strength much greater than that which belonged to any argument or appeal employed by the officer recruting for the regular army. If expedition was the object, the volunteer was undoubtedly the force which should be raised. The call on Kentucky for two regiments of volunteers was received there about the first of October, and the Governor, to give opportunity to those living in distant parts of the State to participate in the honor of serving the country, gave as long a period as possible for the rendezvous—about twenty days—and by the first of November, two full regiments embarked at Louisville for the seat of war. How long would it take, he asked, to enlist two regiments in Kentucky? Every other gentleman could easily turn to his own State and answer that question for himself. He did not believe that two regiments of regulars could be raised in two years in Kentucky. Yet two regiments of volunteers were filled within thirty days, and ten or a dozen captains went away with tears in their eyes, because there could not be assigned them places in the army.

Such men went to the wars with spirit, courage, and ambition. They had homes to which to return, and trusted to bring back good names. That was the feeling that sustained them and enabled them, with but little discipline, to accomplish everything in the field. For all the reasons which he had urged, he therefore hoped that the amendment would be adopted in preference to the original bill.

He had already said that he had no captious spirit about this thing at all; and he had avoided any allusion to parties. He did not wish to revive the controversy about the war. The question before them did not require it. Supposing the war to be ever so just—their desires of conquest ever so unlimited—in his judgment, they had already a force capable of accomplishing everything. He was therefore opposed to the additional expense, and the exposure of additional thousands of his countrymen to the dangers of that climate. Let the President have the power of calling for thirty regiments of volunteers, and he can have them immediately, if he believed that they were needed.

Mr. CASS said he had but one remark to make. The honorable Senator from Kentucky, with an emphasis not to be mistaken, talked about the moral effect to be produced by the presence of the army in Mexico. He (Mr. C.) had used the term "moral effect," but he did not say an effect of morality. He did wish to produce a moral effect, as contradistinguished from the physical effect of their military operations. There was nothing at all in the remark to justify the little slur of the Senator, and surely it must have been apparent to all, that it was a great deal better to intimidate than to kill the Mexicans. The Senator had asked him how many troops were needed to produce that moral effect; and, in reply, he could only say, that he intended to vote for the bill, because it provided such an augmentation of the military force in Mexico as would be likely to produce that desirable effect. The Senator could hardly expect a statement of the force necessary, to be given with mathematical precision.

Mr. CRITTENDEN only wished to know how the Senator would employ his additional force?

Mr. CASS said he would answer the Senator with a great deal of pleasure. They might suppose a case in which a nation might sit down, every man, woman, and child, to be killed. But it never has been so, and never will be so in Mexico. The national obstinacy will stop at a point far short of this. He believed that they must occupy the posts which they had taken, and extend their lines of communication as far as necessary—the great roads to the east and to the west. There were other great positions also to be occupied. No man could point them out who was not well acquainted with the topography of their country. There were some positions that appeared very advantageous; among these would appear to be Queretero, which stood at the junction of the joint line of communication between northern and western Mexico, and it would probably be difficult to open the communication between that region and the country now held by us. As he remarked yesterday, the rich mineral region of Zacatecas and San Luis must also be taken and held. They must either withdraw or extend their operations, and remain inactive. The former course was out of the question, and the latter would leave an interminable war upon our hands. We must of necessity extend our operations—wisely, indeed, as circumstances might require, but rapidly as the amount of force would allow.

With respect to the remarks of the Senator with reference to the volunteers and regulars, he had only to say, that he believed that a mixed force was by far the best. He believed that the regulars submitted better to wholesome discipline and restraint, than men who elected their own officers. The honorable Senator himself knew the fact from his own experience. The enlisted soldier became a part of the army, part of a great machine, and the principal duty he had to learn was the duty of obedience. All this was known and felt by every man who became a recruit in the regular army. Not so with the volunteers. The honorable Senator here did not volunteer with any such state of feeling, nor, indeed, could it be so from the composition of both officers and men. They were formed of the very best material our country afforded. They had gone into battle, and had fought, he was about to say, as men never had fought before. They would do stern duty to the utmost, so long as they were kept in motion, and would do it with the more alacrity as the danger was the more pressing. But the moment they stopped, then a spirit of dissatisfaction would begin to spread, increasing the more, the longer they remained stationary. The duties of the camp and the post, of police, and all the routine of stationary service, was irksome to them. And for that reason, they yielded more readily to the diseases of the climate than the regular soldiers. Every one knew, that the strict subordination in which the regular soldier was held, contributed essentially to the health and efficiency of the army.

Mr. CRITTENDEN said he did not wish to continue the discussion, much less a controversy on the subject. He confessed that he did not yet understand exactly what the Senator meant by the moral effect which he intended to produce. Had the Senator ever sat down, and, according to any rule of philosophy, calculated how many men with arms by their side were necessary to produce the moral effect of which he spoke? or how many men with arms in their hands were needed for the same purpose? Did he not see that if war was to be carried on, or military objects effected in that way, how completely they were under the moral influence of the Mexicans? There they were, ten or fifteen thousand strong, in the heart of Mexico, with ten millions of people. Mexico had, therefore, a hundred thousand to one; and therefore, in order to counteract the "moral effect," if mere numbers produced it, it must be necessary for the United States to send nine or ten millions to Mexico. It would certainly be necessary to do that, in order to counteract the moral influence of the present overwhelming number of Mexicans! No, it was not mere numbers that produced "moral effect;" it was the battles of Buena Vista, Chapultepec, Contreras, and Churubusco. These were the great witnesses which produced effects—witnesses of the power of one party, the subjugation and conquest of the other. It was the arms of the United States that had produced the moral effect. They had prostrated Mexico. She felt it and knew it. She was now nothing but a huge undigested mass of vanity and faction. Her armies had been scattered, her authorities broken to pieces; and it was to protect themselves in the midst of such a people as that, that 30,000 men were pronounced insufficient, needing a reinforcement of 10,000 regulars and 20,000 volunteers. The law at present gave the privilege of recruiting 8,600 men for the regular army. When these men were raised, where would be the necessity for more? Would they recruit more than that number in the course of the present year? They did recruit a few more during the last year—11,000 men. But, in six months, was it likely that any more would be recruited by two sets of recruiting officers at the same places?

Mr. CASS. The Senator had asked if more could be raised by two sets of recruiting officers in the same places. But it was not intended to send the two sets to the same places.

Mr. DAVIS, of Mississippi, then said: It is not my purpose at this time to go into a discussion of the ten-regiment bill, but to address myself especially to the amendment of the Senator from Kentucky. I have been surprised at the introduction of that amendment; I certainly did not expect it.

The gentleman has not anticipated the ground upon which I would oppose the substitution of that amendment for the bill. He seems to rest it on the supposition that we are to oppose the substitution of volunteers for regulars because regulars are better than volunteers. I take no such ground, and fortunately stand in an attitude in which I can have no prejudices for one or the other, having served with both. But, sir, the question lies deeper and far beyond the mere availability of the one over the other. And I would say to the honorable Senator from Kentucky, who has seen service, that if he will revert to the period when he returned from his campaign, and met the aged patriot, who wrung his hand and enquired for his son who had died on the field of battle—when he met the mother who, with tears streaming down her cheeks, put to him the same question, he will at once say, however necessary it may be to call forth the chivalry of the country to fight its battles, let us not send such men, to be wasted in the mere duties of the sentinel, by the attacks of disease and an unfriendly climate, whilst engaged in a service where neither patriotism is elicited, nor glory is to be won. If this country were invaded, I would turn to the great body of the militia—for I use the terms "volunteers" and "militia" as synonymous—for its defence. But when we carry on a foreign war, and especially when defensive operations, merely, are carried on, we have reached a point where regulars are the force which should be employed in the nice routine of the service, in which the duties are not sufficiently important to justify that disruption of society, that injury to the commercial interests of the country, which would result from gringing out men of that high class, which the honorable Senator from Kentucky has correctly said constitutes the great body of the volunteers. There is a great difference in the material of the volunteers and the regular force. There is an enthusiasm that spreads over every neighborhood when the call for volunteers goes forth. When Kentucky is called on to send her regiment, and every county its company, an enthusiasm bursts out everywhere, and the State pours forth its best material—material too good for common use.

The gentleman inquires why it is that we prefer regulars? I will answer: we prefer regulars, first, because they are cheaper; secondly, because they can be maintained in better discipline. They will maintain a better state of police. They will be healthier, and therefore more effective, in proportion to their numbers, for mere garrison duties. As long as you keep the high-bred gentlemen for the battle, they will bear any privation, submit to every restraint, and discharge to the utmost every duty. But do you expect that those men, who have broken all the endearing ties of home in order to fight their country's battles, will sacrifice themselves to the mere duties of the sentinel—will be content with the performance of the police of a garrison? Will they be suited better for the one, or as well for the other, as men of a lower grade in society, and more accustomed to such duties?

But the gentleman has made an argument which I regard as more congenial to his feelings. He has alluded to the gallantry of the army, and the battles won by small forces, affording evidence against the necessity of this increase of our force. But it is one thing to beat the enemy and another to hold him in subjection, and the argument of the honorable Senator, which rests upon the supposition that Mexico is conquered, I hold to be by no means indisputable. Is Mexico conquered? Is any part of it conquered? Conquest, as laid down by some writers, is of three kinds. Ruin is one of these kinds of conquest; but we have not ruined Mexico, and God forbid we ever should. The moral feeling of this country would never justify such a course. Another mode of conquest is, to hold a country by controlling its government. That is not suited to the genius of our country. We send no proconsul abroad—no provincial army to direct the government of the country. We recognize as the great basis of all institutions self-government. The other mode of conquest is by colonizing a country. We cannot do that. In neither of these modes, then, have we conquered Mexico. We have not even suppressed the hostility of the Mexican people. I hazard the assertion, that there is more hostility against us in Mexico now than there was at the beginning of the war. Mexico is not conquered.

But the honorable Senator asks, how will you employ this large force? Not to take cities; not to fight battles. And I agree with him that our army could now march through all South America and defeat every enemy. But we want this force to hold towns and posts in Mexico—to convince the Mexicans that resistance is idle, and beyond all this, to afford protection to all the citizens of Mexico who are ready to recognize our authority and give us supplies. These are some of the great objects to be obtained. To effect them, large bodies of men will be needed. We must garrison our posts with forces adequate to make a sortie, if necessary, and not be shut up when any partisan chief chooses to come and sit down before their gates.

Again, the army of General Scott, which achieved such victories before the city of Mexico, did it at a heavy sacrifice of blood, and that resulted from the want of force. The length of their lines was far inferior to that of the enemy's. Our gallant men fell under the converging fire of the foe, and therefore their blood was spilled like water.

American courage, the skill of the officers, and the science of our incomparable staff, achieved those victories, and God forbid that they should ever be tested again at such a fearful sacrifice. But that army in its present state is not combined, whilst there are many posts without a garrison, which we ought to hold.

Then again, the resources of Mexico, must contribute to the support of that army. We cannot afford to keep down anarchy in Mexico at the expense of our treasury. We must not depend on the petty amount of property that might be wrung from the poor rancheros. Such a thing has never been contemplated by our Government, nor practised by our officers. In Zacatecas you can have possession of the mint. In Potosi are the richest mines in Mexico; and if, as has been stated, the annual produce of these mines amounts to nearly twenty-five millions, and we claim the revenue which the Mexican Government extracted from mining operations, and by protecting the entrance of goods into the country, furnish a new source of revenue from the duties on imposts, then we have something to support our armies, without touching private property, and the expenses of the war are borne by Mexico herself.

The object now is, not to prepare to fight a battle, but to prevent a battle. The great object now is, to allow the ability which yet remains in Mexico to establish federal government on republican principles, to exert itself. We have taught Mexico salutary lessons. We have convinced them that they are not what they supposed they were; and I hope it will not excite a laugh when I mention that supposition to have been, that they were the greatest military power on the continent; for it was not until after the battle of Buena Vista that they began to doubt it. Let us now give them an opportunity to create a government somewhat stable, and capable of adhering to its obligations. I reject the idea of taking her Federal Government under our protection as altogether impracticable, and because it would certainly tend to render it odious to the people. Our policy should be directed by the purest reason and most patriotic motives to that end which will hasten a peace and leave Mexico the power to erect again her nationality.

If I believed that this additional force were unnecessary, I should vote against the bill. If I believed that regulars were not better calculated to occupy garrisons, and that the gallantry of our volunteers in the field should decide this question, I would vote against it. But I believe the force to be necessary, and that these regulars are the proper force. The Senator from Kentucky spoke of giving a discretionary power to the President to call out thirty thousand volunteers. Well, I doubt not the wisdom of the Executive—I doubt not his nerve to encounter that responsibility. I would be quite willing to make him responsible, and to rely upon the good feeling, patriotism, and intelligence of the country, to sustain him in calling out these men for the present purpose, and still further for the ultimate object, when the forces may be reduced, of recalling the volunteers, now making sacrifices beyond the duty which they undertook to perform. And at this moment, sir, the honorable Senator from South Carolina, before me, recalls to my mind, appropriately, in this connection, the fact that the regiment which has covered the Palmetto State with laurels and cypress, now numbers only about one hundred and fifty fit for active service. I would recall that regiment at once. I would return its members to their social and commercial duties, and substitute for them a regular regiment, equally able to perform, at all events, the duties they have now to discharge.

I did not rise for the purpose of making any extended remarks, and have been led to say more than I intended. I hope the amendment will not be adopted.

Mr. CALHOUN said that there were two or three points of difficulty still unexplained in answering the objection to the bill. If he understood aright the Senator from Kentucky, during a period of the last fifteen months not more than about eleven thousand recruits had been enlisted.

Mr. CASS here interposed, and said that the Senator from Kentucky was in error. More than twenty thousand had been enlisted in the course of little more than a year.

Mr. CRITTENDEN referred to the report of the Adjutant General, to show that the number was but a little over eleven thousand

Mr. CASS explained that that was exclusive of the new regiments which had been raised.

Mr. CALHOUN continued: He would, then, assume the number stated by the chairman of the Military Committee. If only twenty thousand men were raised during the last year, it was very evident that in the present state of the market—for the recruiting had taken up a great deal of the loose portions of society disposed to enlist—it would be very difficult indeed to raise, during the present year, the men necessary to fill these ten additional regiments. Well, they had been told that this additional force was required immediately, when, in all probability, with the strongest recruiting force, it could not be obtained in less than six or eight months after the passage of the bill, allowing the greatest success. Yet they had been emphatically told that this force was so immediately necessary, that not a day could be allowed here for debate. He did not doubt that regulars were the best description of force. He wished to know if the eight thousand included the entire deficit.

Mr. CASS replied, that the general deficiency amounted to eight thousand men.

Mr. CALHOUN. That, added to the ten regiments, would make eighteen thousand or twenty thousand to be raised. Then the defect must be in the recruiting service. Eight thousand was very near the number which it was proposed to raise by this bill; and yet a deficit to that extent existed in the present force. The remedy seemed to be in the creation of a sufficient number of recruiting officers—not of generals nor colonels—not of officers of the higher grades, but of officers suited for that service.

This business of war was a serious one. War created the means of its own continuance. It called into being mighty influences which were interested in carrying it on; and few nations ever terminated war, so long as they possessed the means of carrying it on. A single regiment could not be raised without the creation of new interests in favor of the war. If these views were correct, the cheaper plan would be to strengthen the recruiting service, rather than create additional regiments, officers and all. The volunteers, if their services were needed, could be called out at once. The spirit of gallantry which characterized the people, was not yet exhausted, notwithstanding the disasters of the war, as far as deaths were concerned, and all the regiments had been thinned to an extraordinary extent. He presumed that the mortality had been not less than twenty per cent. Yet recruits, he had no doubt, could be still had plentifully. If, then, the chairman of the Committee on Military Affairs wanted an immediate augmentation of the military force, he should ask for volunteers.

He (Mr. C.) was glad to perceive that the Senator from Mississippi [Mr. DAVIS] was not averse to a defensive line at the proper time. In his (Mr. C.'s) opinion, the present was the proper time. In view of that policy he would prefer regulars to volunteers. He objected, though, to regulars, because that force gave greatly increased patronage, and greatly added influence to the support of the war. He knew not how other gentlemen felt; but as for himself, he was convinced that the patronage of this Government had gone beyond all bounds, and already exercised a most dangerous control over the deliberations of Congress. He felt the awkwardness of his position. He was utterly averse to pursuing this war for any view yet presented, even taking the strong view presented by the Senator from Mississippi. He put it to that gentleman, Was there any certainty of peace? and if not, where would the country stand? That was the question. It would be in a position worse than ever. Every step they took only plunged them deeper and deeper into difficulty. If his memory served him, the Secretary of the War Department stated seventy thousand men as adequate to conquer and hold in subjection all Mexico. Was that not the view of the Secretary? He could not at the moment lay his hand on the report of the War Department; but if he had not correctly stated the views of the Secretary, any Senator could set the matter right. The Secretary then disavowed the plan of entire subjugation. The Executive disavowed it; and yet a force, according to the Senator from Kentucky, of ninety or one hundred thousand men, was demanded. He could not believe that it was the intention of the Executive, because it had been again and again disavowed. But when he saw such a force asked for in the report of the Secretary; when he saw, in the President's message, the declaration which he had quoted yesterday, to the effect that he himself believed, that unless in a certain contingency they must take possession of the country, and take the measure of the indemnity into our own hands, he could not but think that there was a strong impression on all sides that the end would be to conquer and hold Mexico.

If they could have the question first submitted to the deliberative consideration of that body, and it were decided what was to be the proper course of conducting this war; if it were known whether they were to go on, or take a defensive line, they would then act understandingly. But voting and voting, without knowing what was to be ultimately done, threw him, and he believed every member of the Senate, into a state of great difficulty to determine how to vote.

The question was then taken upon agreeing to the amendment proposed by Mr. CRITTENDEN, and it was determined in the negative, as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Berrien, Clarke, Clayton, Corwin, Crittenden, Dayton, Greene, Hale, Mangum, Miller, Pearce, Phelps, Spruance, Underwood, Upham, and Webster—19.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Bradbury, Breese, Butler, Cameron, Cass, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson of Maryland, Johnson of Louisiana, Mason, Rusk, Sevier, Sturgeon, Turney, and Westcott—26.

Mr. JOHNSON, of Maryland, moved to amend the bill, by inserting, in the 5th line of the first section, after the word "President," the words, "if in his opinion the exigencies of the war require such a further increase of force."

The amendment was agreed to.

No further amendment being made, the bill was reported to the Senate.

The amendment having been concurred in, the question was upon ordering the bill, as amended, to be engrossed and read a third time.

It was suggested that the bill might be ordered to be engrossed, and the question on its passage deferred until to-morrow.

The bill was ordered to be engrossed and read a third time.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 6, 1848.

The Journal of yesterday was read and approved.

The SPEAKER commenced the call of the States for petitions, commencing at the Territory of Wisconsin; when

Mr. JONES, of Tennessee, moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the special order; which was agreed to.

GREAT SOUTHERN MAIL.

The House accordingly resolved itself into Committee of the Whole (Mr. SMITH, of Indiana, in the chair) on the joint resolution concerning the transportation of the mail from Washington south.

Mr. JONES, of Tennessee, who was entitled to the floor from last evening, addressed the committee. As a member of the Committee on the Post Office and Post Roads, which reported the resolution now under consideration, and disagreeing with the majority of that committee, he desired to trespass upon the patience of the committee for a short time, in order to submit a few reasons why he occupied the position that he did with reference to this question.

He had endeavored to give to this controversy between the Post Office Department and the Richmond and Fredericksburg Railroad and Potomac Steamboat Companies a fair, a candid, an impartial investigation; and, in order to the full understanding of this question, it seemed to him it was right that they should look to the several laws which had been passed by Congress for the government of the Postmaster General in making contracts with such companies for the transportation of the mail. They should look, also, to the time at which they were passed, at the circumstances and causes which induced their passage.

They found that the first law on this subject was the act of July, 1838. [Mr. J. read an extract from the law. It enacts, in substance, that each and every railroad within the limits of the

United States which was then completed, or thereafter might be, should be considered a post route, and the Postmaster General should cause to be transported thereon the mail of the United States, provided the service can be obtained on reasonable terms; and provides that he shall not pay therefor, in any instance, more than twenty-five per centum over and above what similar transportation might cost in post-coaches.]

This law of 1838 (continued Mr. J.) declared every railroad in the United States a post route, and required the Postmaster General to have transported over these post routes, over these railroads, the mail of the United States, under two restrictions: the one, that he could get it done for a fair and reasonable compensation; and the other limited the compensation not to exceed 25 per centum over and above what "similar transportation" would cost in post-coaches.

This law was passed in July, 1838. In December of that year, Mr. Kendall, then Postmaster General, reported to the President, and through the President to Congress, his action under that law—the construction which he had given to that law. He informed Congress and the country that he had found great difficulty in arriving at what Congress meant by "similar transportation." He very properly reasoned that it could not have reference to the speed of the mail, because no post-coach could come in competition, in point of speed, with a railroad car. He says, also, that Congress could not have meant by "similar transportation" the same mail; for, if it had intended the same, it would have used the word *same* instead of "similar." The rule, then, which he adopted was this: He informed Congress, and through Congress the country, that he had taken the highest compensation then paid upon any post road in the United States for the daily transportation of the great western mail from Baltimore to Wheeling, from Wheeling to Columbus, and thence on west; and the highest rate paid on that route at that time, Mr. Kendall informed Congress, was $190 per mile per annum. This, then, being the highest compensation paid where the mail was carried in post-coaches, the railroads employed to carry the mail could not be thought in justice to have any reason to complain—they never did then complain—at taking compensation of 25 per centum more. It was true this western route was over a better road than that between this city and Richmond, which the gentleman from Virginia yesterday spoke of as one of marshes and quagmires. But what was the compensation then paid from this city to Richmond, the service for which was to be superseded by this route? It was $5,445. Then, if Mr. Kendall had selected this same mail, instead of the great mail over the Cumberland road, and added 25 per centum, it would have made the sum of six thousand eight hundred and some odd dollars which he would have paid to this company, being $52 per mile, instead of $237 50, which he offered them under his construction of the law, arrived at in the way he took, by selecting the compensation paid for the transportation of the mail over the Cumberland road in post-coaches, (which was the highest compensation paid in the United States,) and adding thereto 25 per centum.

When the Postmaster General gave this construction to the law, all the railroads throughout the country who were then called upon to carry the mail, acceded, he believed, to the proposition made by the department, acquiesced in the construction of the Postmaster General, and took the mails at $237 50 per mile; every one, he believed, except the road now under consideration between this city and Richmond. That road declined. But shortly after that, shortly after Mr. Kendall made his report in December, 1838, he knew not for what cause, but from some cause, perhaps from the indications manifested in Congress in relation to the subject, this Richmond and Fredericksburg railroad acceded to the terms prescribed by Mr. Kendall, the Postmaster General, and contracted with the department for carrying the mail upon their railroad for $237 50 per mile per annum from the 1st of January, 1839, to the 1st of January, 1843. This was over the railroad part of the route from Fredericksburg to Richmond. That settled the construction, it seemed, which Mr. Kendall gave to the law, and all the railroad companies throughout the country acquiesced in that decision. Not one of them, after the 1st of January, 1839, contended that the department had any power to pay more than $237 50 per mile for a daily mail. But another difficulty arose which induced the passage of the law of the 25th of January, 1839.

[Mr. J. read an extract from this law. It provided in substance, that the Postmaster General should not, in virtue of the authority vested in him by the law of 1838, allow more than $300 per mile for the conveyance of one or more daily mails over any post route.]

Now, what gave rise to the necessity of the passage of this law? Was it that Mr. Kendall, then Postmaster General, had given a wrong construction to the act of 1838? Was it that the railroads of the country refused to carry the mail at the compensation he offered them? He did not so understand it. But when the Postmaster General gave that construction adding 25 per cent. over and above the $190 per mile paid on the Cumberland road, making this $237 50 now offered to this railroad by the present Postmaster General for transporting a daily mail, other railroads—the road from Washington to Baltimore, from Baltimore to Philadelphia, and from Philadelphia to New York—over which the mail was transported twice a day, came forward and said, Why, Mr. Postmaster General, you have, under the law of 1838, given such a construction as to pay to railroads $237 50 for one daily mail. Is it reasonable—is it just that we should carry two mails per day, and receive only the same compensation? Now, in order, as he understood, to obviate this difficulty, and to settle this question also, Mr. Kendall himself drew up this section of the law, and it was introduced and passed through both Houses of Congress, and became a law of the land. Well, why did he put in "one or more daily mails?" He understood the reason was, that it occurred to him, if the law said more than one daily mail, these companies would come forward and say, under the law of 1838, we are entitled, by your own construction, to $237 50 per mile, and by this subsequent act we are entitled to receive $300 for an additional daily mail, thus making, as he feared, $537 50 per mile, instead of $237 50. He consequently put in one or more daily mails, and the law accordingly provided that he should not give more than $300 per mile per annum for "one or more daily mails."

Well, if the act of 1839 had stopped there, it would have been, in his (Mr. J.'s) opinion, though he was not versed in the legal rules of construction; it would have seemed to his plain, unsophisticated, common-sense view of the question, that it would have been a virtual repeal of the act of 1838, and would have authorized the Postmaster General to pay $300 per mile for one or more daily mails over these railroads. Then, in order to authorize the Postmaster General to pay more for double daily service than he had done for single daily mails, this act of 1839 was passed. But, in view of the construction which Mr. Kendall had placed upon the act of 1838, which he had reported fully to Congress, (and he had reported what he had offered to this very company,) he said, having offered all that the law admitted and more than justice or good policy would sanction, had not the law been passed, the department would not feel itself responsible for any delay which might ensue, and the details were given that Congress might correct the matter, if to them it seemed necessary.

Now, with this express declaration before them, the Congress of 1839 passed this act prohibiting the Postmaster General from paying more than $300 per mile per annum for one or more daily mails. But then, in order to continue in force the law of 1838, and sustain the construction given to that act by Mr. Kendall, a proviso was added to this section, and passed. [Mr. J. read this proviso.]

Now, with Mr. Kendall's construction of that section—with his action upon that construction reported to Congress, and his telling them if they disagreed with him that they could pass such other laws as in right and justice might seem proper, they passed this proviso of the law of 1839, maintaining the law of 1838, and sustaining the construction placed upon it by Mr. Kendall. This construction had been acquiesced in by every Postmaster General from that time to the present day. Mr. Niles, Mr. Granger, and the present Postmaster General, all concurred in this opinion; and with regard to what was said yesterday respecting the Attorney General having declined to give an opinion when called upon by the committee, he had only to say, that if the Attorney General's opinion was asked on the construction of this law, he (Mr. J.) had no knowledge of it.

Mr. BOTTS explained, and added, with respect to his remarks of yesterday as to the opinions of the Cabinet, that there was a slight inaccuracy in the published report of them. He did not say that perhaps it was not in order to state the opinions of the Cabinet, but that he did not know, but had been informed, that they differed from the Postmaster General.

Mr, JONES continued: If the opinion of the Attorney General had been asked on this subject, it had been done without any information on his part; but the Attorney General was called upon for his opinion as to the damage to which the bay company would be entitled if their contract was annulled and their service discontinued. The Attorney General declined to give any written opinion, but he was willing to give the committee the benefit of his views and opinions on the subject.

The honorable gentleman then re-stated the provisions of the law governing the Postmaster General, and the acquiescence of various railroad companies in the Postmaster General's construction of those laws, and said, if the Postmaster General could give this company $300 per mile per annum for transporting the mail, the law of 1838 was repealed, and the proviso of 1839 became a nullity.

The construction of the present Postmaster General, he repeated, had been assented to and sustained by every Postmaster General since 1838 to the present time. It had also been acquiesced in by every railroad company in the country, with the exception of this railroad to the city of Richmond. If, then, the present Postmaster General was wrong in anything he had done in his negotiations with this company to carry the mail over their road, Mr. Kendall and the other Postmaster Generals since 1838, were wrong also in their construction of the law. What was that construction? It was, that the Postmaster General could not give more than 25 per cent. over the amount paid for mail transportation in stage coaches, which he had shown was $237 50 per mile per annum. And if this construction was correct, as he believed it to be, should it not be continued? And at every letting, should not the Postmaster General ascertain the amount by a fair average of the cost of post-coach transportation, and to that add 25 per cent. as the maximum amount of compensation to be paid to these companies? Suppose, instead of the cost of post-coach transportation having come down, it had gone up to $300 per mile, would not these companies come here and demand that the 25 per cent. should be added to the maximum amount? He claimed to be both a southern and a western man; he was interested in the welfare and accommodation of both sections; but he was of opinion that there was as great an extent of country and as large a population supplied by the western mail as by the southern mail. In fact, he believed there was a greater amount of mail matter carried over the Cumberland road to the West, by the Ohio river, than through Virginia to the South. Nevertheless, the highest price paid for that western mail transportation was $115 per mile per annum. Carrying out, then, the Postmaster General's construction of the law—adding 25 per cent. on such rates—and the sum was $160 per mile per annum for the compensation of this railroad company, which he was of opinion was an ample compensation for any railroad in the United States.

When the law of 1838 was passed, the mail to Richmond and Fredericksburg was carried by steamboats and stage-coaches at a charge of $5,445 per annum; but when this railroad was constructed, Mr. Kendall, the then Postmaster General, offered the contract to that company, but they declined it under his construction of the law. Afterwards, a contract was made at $237 50 per mile per annum from the 1st of January, 1839, to the 1st of January, 1843. When that contract expired and had to be renewed, the company came to Mr. Wickliffe, the Postmaster General, and urged that he was authorized under the law to pay them $300 per mile per annum, and they said they would not carry the mail for less. The Post Office Department declined to give them that amount. The department, sustaining the construction of Mr. Kendall, could not accede to the terms they desired to impose. The company then submitted the ques-

tion to Mr. Tyler, the President of the United States, and he, by some sort of reasoning, or perhaps without any reason, satisfied his mind on the subject, and awarded $260 per mile per annum. At that rate they took the contract, and continued to carry the mail until the 1st July last. It was true they knew there was no written contract, but the arrangement was for a term of four years from the 1st July, 1843, to the 1st July, 1847, and Mr. Tyler decided that they should have $260 per mile per annum. That arrangement the present Postmaster General found in existence when he came into office, and he did not disturb it. He paid the company according to the rates fixed by Mr. Tyler; but could it be inferred from that that the Postmaster General acquiesced in the decision of Mr. Tyler? He thought no such conclusion could be arrived at.

Well, when that term expired on the 1st July last, this company again came forward and made another bid; they demanded as compensation the sum of $293 per mile per annum, and the Postmaster General declined to give it. He did not believe the law allowed him to do so. He offered what he believed was the maximum allowed under existing laws of Congress, which was a full and ample compensation, if not too much. He offered them $237 50 per mile per annum, and on such terms they declined to take it. Finally, they modified their bid; they came down from the terms they first demanded, and proposed to carry the mail on the terms fixed by the award of Mr. Tyler.

Great stress had been laid on the fact that this was a Southern railroad, and that it could not afford to carry either the mails or passengers on terms as moderate as the railroads of the North. Farther north there was more freight and more travel, it was said, and consequently the railroad companies could afford to charge cheaper rates. But go a little further south. Pass Petersburg, and from that place to Weldon, and they would find that the mails were carried for $237 50 a mile, and both ways in the night. That company acquiesced in the construction of the Postmaster General; and, on going further, it would be found that other southern companies did so too. From Weldon to Wilmington the mail was carried at the same price. From Charleston to Augusta, too, the mail was carried for $237 50 a mile. Go still further south, and they would find that the railroad company from Augusta to Atalanta carried the mail for the same price. But, after they left that railroad, the mail was carried by post coaches, and by them these same mails were carried at $128 a mile. He had never been able to satisfy his mind why it was, that whenever a railroad was put into operation, the charge for freight and the fare for passengers were decreased one-half, and sometimes to one-third, and yet the transportation of the mails should require an increased compensation! And yet in all cases—and Congress had recognized the principle—railroads reduced the price of passengers and freight, and received an increase on former rates for transporting the mail. By the rule which produced the reduction in the former cases, the mail should be carried at half the rates paid for their transportation by post-coaches instead of 26 per cent. more. What was the compensation of northern railroads? Why, between this city and New York the mails were carried both ways for the maximum rate of $300 per mile per annum. Go further north; and between New York and Buffalo it would be found that less than $100 per mile per annum was paid each way, being less than $200 both ways—greatly less than this southern company required for one daily mail. The railroads connecting New York and the New England States, none of them exceeded $100 per mile, and they carried the mail twice a day. One reason, he supposed, was, that the State of New York—and to her credit be it said—when the railroad companies became refractory, and talked of throwing off the mails, passed a law requiring them to transport the mails according to the laws of the Post Office Department, under a penalty of $100, to be paid to the people of New York, for every day they failed to comply with their contract. Such was the law of New York.

But he understood that, in the State of Connecticut, some difficulty arose also between a railroad company and the department about the transportation of the mail, and the Postmaster General was constrained to resort to the post-coaches. For near two months the difficulty existed; but the people then, in their sovereignty, became indignant at the conduct of that company, and they sent petitions to the Legislature to deprive the company of its charter, and consequently of all its powers and privileges, for they would not sanction the exercise of privileges by a company that would not be subservient to the public interests. In consequence of this movement of the people, the company resumed the transportation of the mails, and there had been no more difficulty in that quarter.

But great stress had also been laid on the fact that this line carried the mail more expeditiously from the North and this city to New Orleans than by the bay route since the 10th of December last. If, however, he was correctly informed, there had been no delay in the transmission of the southern mail. True, the people of Virginia might be discommoded and disconcerted—and he regretted that as much as anybody, and he would do everything in his power, consistently with his public duty, to give them every mail facility they desired,—but still he asserted that all the inconvenience to which they were subjected was the delay and uncertainty of their local mail, and it was to be attributed to local causes. The Postmaster General had offered the company $100 per mile per annum for the transportation of the local mail, which, being a second-class mail, was all he was authorized to give. The Postmaster General had done all in his power, and all that the laws required, to have the local mail carried by this company to Richmond, and for that service he had offered the highest price authorized by law.

He considered the great difficulty in this case not to be in regard to the correctness of the course pursued by the Postmaster General, for he believed that a large majority of the members of the House, without respect to party, were of one mind on that subject, (for he was happy to say that there was no such thing as party involved in the subject.) The difficulty was not as to what the Postmaster General had done, but as to what the House ought now to do. Here was the question. Suppose, then, that the House should do as the resolution of the gentleman from Virginia [Mr. Botts] proposed, and give this railroad company the price they demanded, it would be only what had been already once offered to them by the Postmaster General. By their rejection of the offer he was forced on the adoption of some other course; and he accordingly opened a negotiation for the transportation of the mail by another company, who were willing to carry it over a line of 350 miles for $34,500. The Postmaster General told the House that this was $575 less than was demanded by the railroad company. On these terms this second company offered to make a contract irrevocable for three years and a half, until the 1st of July, 1848. If, under these circumstances, Congress should adopt the resolution proposed, what would become of the contract which the Postmaster General had been compelled to make with this second company? And what would become of the local mail line hence to Richmond? The company which must suffer loss by the new arrangement could not sue the Government. And why not? Because we had adopted the false assumption of the Old World that the king could do no wrong. Applying this principle to our own Government, it was held that the Government would do no willful wrong, but would, in all cases and at all times, do what was right as soon as a clear case was presented to it. So that the company, whatever damage it might sustain, could not right itself by suing the Government. The contract with them had been legally made; not, it might be, in all the forms of law, but legally and in fact. Would a Government held to be so pure and just that it never would do wrong, repudiate its own contract—a contract entered into legally, and by the proper functionary? If not, it would not perpetrate so great an injustice to this company—it must pay the mall the damages they might have sustained. Suppose the company, standing on its contract, should hold its boats in readiness, and so continue to hold them for the three years and a half to which their contract ran, ready to transport the mail, would they not be entitled to be indemnified for this entire expense? But the gentleman from Illinois [Mr. Lincoln] thought that all the company would have to do would be to come to Congress, show their case, and get whatever was right. But Mr. J. would venture the opinion, that if the company should be thrown on the necessity of adopting this course, the cost to the Government would prove in the end to be far greater than the whole price agreed to be paid them. Their claim would be presented to Congress after Congress, and it might be fifty years before the claim was finally settled. It was not too much to say, that if such a course as that was forced upon the company, when the whole account came to be summed up, with all the accumulated costs from delay, it would probably amount to several hundred thousand dollars.

Mr. J. went on to say, that, under this persuasion, he had offered an amendment which the gentleman from Richmond [Mr. Botts] seemed to think very inconsistent. That gentleman appeared to be under the impression that Mr. J. was willing that his resolution should be adopted by the House; but in this he was wholly mistaken; for Mr. J. never had been. He was satisfied in his own mind that the entire delay and inconvenience so much complained of had been caused solely by the refusal of the railroad company to accept the reasonable terms offered to them by the Postmaster General for the transportation both of the great southern mail and also of the local or way mail between this city and Richmond. Under this settled belief, he thought it no more than just, that if they got the new contract proposed by the resolution, they ought to be held to repay to the Government whatever damages might become due to the company from whom the contract was taken. If, indeed, he had been satisfied that the department was in error, and violated the provisions of the law in refusing what the company had demanded, then he would not only be in favor of giving them the contract, but of indemnifying the injured company for these damages; but he was convinced of no such thing. He believed that the Postmaster General had been thrown upon any other resources he could find, by the refusal of the company to accept his just offer. Thus laid under necessity, he had employed the bay company; and Mr. J. held he had done right. As to the difficulties and delays which had been suffered by the community, Mr. J.'s own constituents were as much and more interested in the regularity of the mails than those residing in the immediate neighborhood between here and Richmond. Yet, speaking for them as well as himself, he was ready to declare that he never would yield one iota of law and justice, though the refusal might perchance cause the mail to arrive a day or two later at his home.

On the whole, then, believing the company to be wholly in the wrong, and that the whole loss and inconvenience sustained by the community had been occasioned by their obstinate refusal to accept a just and legal offer, he was unwilling that their former contract should be restored to them, unless they would consent to remunerate the department for all damages due to the company, which must, in that case, lose the contract they now held.

Mr. MURPHY said, if this question only related to Virginia, or was confined to any local interests whatever, he would content himself with a silent vote. It was, however, an important one, affecting the business of the whole country. This mail route was a necessary link in the chain of communication between the great commercial points of the country; and, so far as those points constitute the places of exportation and importation of the exports and imports of the whole country, it affects the whole business of the country. By the present arrangement, the correspondence north and east with the south and southwest, is delayed a business-day in transportation. That this is a serious detriment, and should be remedied, no one will deny.

What, then, shall be done? The Post Office Department, as now constituted, is necessarily a monopoly. The law prevents any interference by private individuals, and punishes with pains and penalties such as violate it. He believed in obeying the law while it existed, and he should require obedience to it from all. He did not agree with the gentleman from Ohio, [Mr. Root,] who addressed the committee yesterday, that if any portion of the public should be aggrieved, they ought to establish private expresses. He was a lover of law, but he should seek a remedy by making it

adequate for the purposes designed. It was the duty of Congress to provide the necessary mail facilities, expeditiously as well as cheaply, especially on the main routes. He was sorry to see it made a question by gentlemen on this floor, between the Postmaster General and the railroad company. In his judgment, that officer had nothing to do with it. He had done his duty according to the law, and the constructions of it, which had all the force of law. Had he done otherwise, he would have violated his duty. He is, in this matter, the mere agent of the law; and has "eyes to see and tongue to speak" only as it gives them to him. The question was, then, between Congress and the company; and as we are possessed of it legislatively, and not judicially, we should dispose of it for the public good. For his part, he was satisfied, from the statements made to the committee—and he knew nothing more of it—that the price asked was not exorbitant. In fixing that compensation, reference should be had to the circumstances by which the railroad company is surrounded. It appears that it yields little or no income to its proprietors, although it runs only once a day. The travel upon that route is limited, and is divided between it and the bay line. The case presented by the gentleman from Illinois, of the route from New York to Troy, is not a parallel one. That route sustains rival lines, without reference to the mail service; and all the compensation received, beyond the expense of the mere handling of the mail, is clear profit to the line which obtains the contract. The peculiarity of this route is more apparent, when we consider that the travel of the North and East, from New York to Baltimore, is enjoyed by a single line. At Baltimore it is divided between this company and the bay line; and beyond Richmond, it again unites in one line. So that the price paid either one side or the other, can form no measure of compensation. He was no special friend of corporations. He did not belong to a party which encouraged them. On the other hand, he had no horror of them *per se*. They were good in their place. They were, he had found, good servants, but bad masters. He would, therefore, always oppose them when they took advantage of the monopoly which their great wealth gave them to exact unjust terms. But he did not consider such the case now. He would consent to pay such sum, not exceeding the former contract price, as the service could be obtained for; and would vote for the amendment read yesterday by the gentleman from Virginia, [Mr. MEADE.] He could see no advantage in passing the resolutions of the committee. They proposed the same thing that the Postmaster General was authorized and willing to do, and the company refused to consent to. He had seen no evidence that the company would recede to that point. The resolutions would probably be a nullity. But it is said that a yielding, as it is called, by Congress, will form a precedent for exactions from other companies. He did not believe it. Public opinion always controlled these matters. The case in Connecticut, referred to by the gentleman from Tennessee [Mr. JONES] this morning, shows that strongly. The railroad company there submitted when the public declared it in the wrong. He feared public opinion did not do so now, at least so far as he could gather it in his own section of the country. Should the amendment of the gentleman from Virginia [Mr. MEADE] be adopted, he would also provide that the damages sustained by the bay company should be paid them. There must be legislation for particular cases. It is absurd to suppose that the same sum can be fixed as a compensation in all cases. Circumstances will vary it, and the price must be made adequate for the service required by special law, in those cases where the discretion vested in the Postmaster General is not sufficiently broad.

Mr. MEADE said that the proposed measure would prove to be a nullity. It would be perfectly idle to pass the resolutions of the committee, without knowing that the Richmond Railroad Company would accept the terms. We would simply direct the Postmaster General to offer to the company the same terms it had heretofore rejected. The object of the substitute which he had offered yesterday, and which was read for information, was to relieve the present law of its ambiguity. If he understood the remarks of his colleague, [Mr. BOTTS,] he perceived no difference between him and the Postmaster General in their construction of the law. The only difference between them was about a matter of fact, to wit: What would it cost to transport the mail between Washington and Richmond in stage-coaches? The Postmaster General had adopted, as his rule, in pursuance of the opinions of his two predecessors, the highest price actually paid to stage-coaches, which was $190 per mile. His colleague thought it would cost much more: how much more, was a matter of conjecture. He said the road between this city and Richmond was the worst road he ever saw. I presume (said Mr. M.) that he never travelled between Atalanta and Montgomery, or between the latter place and Greensboro', in Alabama. On these routes, $140, or less, per mile, was paid. The object of the substitute which he (Mr. M.) proposed to offer, was to render the rule certain, and relieve the department of all doubt hereafter. If the Postmaster General had committed an error, it was in making a joint contract with the railroad and steamboat companies. He could, Mr. M. thought, have agreed with the Richmond Railroad Company at $237 50 per mile. He then ought to have advertised for competition on the river, and might have, by that means, lessened the cost of transportation between Washington and Aquia creek some four or five thousand dollars. The misfortune was, however, that the principal owner of the steamboat company had, as he understood, also a controlling influence on the railroad company, and, by a combined action, secured the contract to both companies. It was known to the Representative from Virginia that the Richmond Railroad Company had no authority to connect itself with another company; and, in all future contracts, this difficulty might be avoided by the Postmaster General making a separate contract with the railroad company, and inviting competition on the river. He (Mr. M.) regarded the price offered by the Postmaster General as high enough; and he had no doubt the railroad company would accept it. Public opinion would force them to accept it; for he had learned that the people of Richmond themselves sustained the Postmaster General in this controversy. The inconvenience to the public was not so extensively felt. The country between this and Richmond might feel the change, and perhaps the people of Petersburg, in some small degree. The northern mail arrived now at Petersburg only two hours later than it did before, and this time was made up before it arrived in Wilmington. The steamboats from that place left their wharf at the same hours they did before this change.

My colleague has (unintentionally, I have no doubt) misrepresented the present amount paid by the Postmaster General. When the mail is taken off the road between Richmond and Petersburg, there will be a saving, and it will not involve a delay of twenty-four hours. In a few days, the City Point road will be in operation; the mail from Richmond will be deposited there, and in thirty minutes will be in Petersburg.

The miscarriage of letters spoken of by my colleague, must have been owing to other causes; for we know the steamboats have performed their trips with great regularity, and the mail from Richmond in wagons arrives here regularly once a day. Mr. M. would (he said) add another resolution to the substitute which he had proposed, and would read it for the information of the committee. This substitute would be as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized in future, to contract with the railroad companies for the transportation of the mail of the first class, at a price not exceeding two hundred and twenty-seven and a half dollars per mile, for transporting the mail once a day, and three hundred dollars for transporting the same twice a day: *Provided*, That for such service performed in the night-time, an additional compensation, not exceeding 15 per cent. on those sums, may be given.

Resolved, That the Postmaster General be, and he is hereby, required to cause the great northern and southern mail to be transported by steamboat and railroad on the usual route, until otherwise directed by law: *Provided*, The same can be done for the prices herein prescribed; and he shall make such compensation, by way of damages, to the bay company, for withdrawing from his contract, as to him shall appear just and reasonable.

Several members here proposed that the committee rise.

Mr. BROWN, of Pennsylvania, said he had no wish to prolong the debate at all. But he did think there was more in this question than the mere matter of a few thousand dollars, as he feared, from the arguments which had been made, was the general impression on the minds of the committee. He did not consider it in that light at all; if he did, he certainly should not detain the committee, because he thought their time was more perhaps than the mere sum at issue. It was not the beginning, but one of a series of attempts made by this company to extort from the department more than the law authorized. The question was, should they sustain this department in the just construction of the laws of Congress, or should they yield to the extortions of this company, and thus take away the sustaining hand of Congress from the department when they should attempt to resist extortions of this kind in future? All who had read the report of the Postmaster General would see that the case was not such as was represented by the gentleman. The department had said, we will give to you all that the law authorizes, and nothing more. On the other hand, there had been a series of attempts, some of them most cunningly devised, and some of them the most outrageous attempts he had ever witnessed on the part of individuals or companies, to coerce the department and require it to come to the terms which they laid down. Since his friend from Virginia had told him he (Mr. B.) did not understand the subject, he had examined it fully, and he had come to a conclusion decidedly stronger than that to which he before had uttered against the company, and in favor of the course of the department and of Congress. In the first instance, the company had attempted to get from the department more than any other company had received for the same purpose. This attempt was resisted, and, for the purpose of preventing the issue now made to Congress, the company submitted to an arbitration; and if gentlemen would read the stipulation upon which the arbitration was entered into, drawn up by the then president of the company, they would see what was the case referred to the then President of the United States, Mr. Tyler. The question was, what compensation should be paid? and Mr. Tyler decided that so much should be paid, making the sum that was paid. But he (Mr. Tyler) said, I decide no other question, no other question having been submitted but the mere amount of money that should be paid to this company. But he (Mr. B.) asked, where was the law at this time? It was trampled under foot. The question whether the department had authority under the law to pay more or not was not submitted. Then what followed? The department continued to pay that sum of money to the railroad company in good faith during the time the contract would have been made, had it been made for the usual term of four years. Then, immediately after this contract expired, the Postmaster General notified the company that he could under the law pay them $237 50 per mile, and no more, in the first instance; and then the company commenced and attempted to reason the Postmaster General out of his decision, and the decision of Mr. Kendall and Mr. Wickliffe before him.

The gentleman from Ohio [Mr. ROOT] said it was chaffering. But the language of the Postmaster General was uniform: I can give you, under the law, $237 50; this I will give; I can give you no more. The company attempted to reason the Postmaster General out of it. Failing in this, what did they do? They wrote to the Postmaster General that if he would give it to them, they would continue to carry the mail until Congress decides the question. The Postmaster General said, if in this proposition there was any expectation that the department would recommend to Congress, or that the Postmaster General would countenance the payment of any larger sum than $237 50 per mile, he would not give it to them, but would go on and make a contract with another route. Upon that the company offered—the president wrote that they were willing to continue the service in this manner; that they did not expect that the Postmaster General would appeal to Congress for any more, but that they would carry it under his proposition. The Postmaster General accepted the offer under the explanation given by the company. This was in June. The company went on, without any explanation or complaint, to carry the mail to October, through all the intervening months of July, August, September, and to the 26th October; but on the 26th October they had a meeting of the company, and then notified the Postmaster General that they could not carry

it upon those terms. But before he came to this, he should have mentioned that the Postmaster General was in negotiation first with the Portsmouth road, and for some reason, which was never given, they withdrew the offer they had made, and which he was willing to accept.

The Postmaster General was in negotiation, but in consequence of this offer of this Richmond and Fredericksburg railroad to carry the mail until Congress decided it, he broke off the negotiation. Mr. B. noticed other details in the history of the proceedings of this company on this subject, mentioning the resolution adopted by the State directors, (and the State owned two-fifths of the stock,) requesting their president to have the mail further carried by their company, until Congress decided the question; and the fact that the president of the company said that this resolution had done material injury to the company; for, since it passed, the Postmaster General had assumed a higher tone, and now they were not likely to get anything more than the Postmaster General believed the law authorized him to pay; thus showing clearly, Mr. B. argued, that the attempt was, to extort from the department a larger sum than the Postmaster General believed he was authorized to pay.

The Postmaster General had never signed the contract to pay this sum of money. Mr. B. had understood that he had declined to do it, because he thought it was contrary to law. He hoped that Congress would not sanction such attempts on the part of railroad companies to obtain from the department more than the head of it thought was right. He argued that the offer of the Postmaster General was a most liberal one, as he had taken the highest compensation paid to post-coaches, and added 25 per centum—the highest that then was paid, and much higher than any that was paid now. If the compensation were now for the first time to be ascertained, it would be much lower than $237 50 per mile.

Mr. B. noticed and replied to one or two suggestions of Mr. BOTTS and other gentlemen who had spoken on that side, and passed on to argue the manifest propriety and necessity of now sustaining the bay line which had taken the contract, so as to prevent combinations hereafter between different companies, and to induce them, respectively, to step forward to the relief of the department when it was involved in difficulty with any one company.

His constituents and himself were very much in the situation of the gentleman from New York [Mr. MURPHY] and his constituents; they were considerably interested in the transmission of the mail, being a commercial people. Independently of that, he believed, not his immediate constituents, but some of the people of Philadelphia, a part of the citizens of which city he represented, were very deeply interested in the stock of that railroad. They did formerly own more than all other stockholders; and the former President of the company was a citizen of Philadelphia. They were also interested, as all our commercial community of the North were, in the transmission of the mail south with despatch. But it was a curious fact, that nearly all the Charleston passengers now went by the bay route. He had remarked particularly, when travelling over the road this fall, that when the two conductors came in, one with the bills of the bay line, and the other of the railroad line, nearly every passenger, as far as his observation extended, took the bay route. And, if it was true, as the gentleman from New York remarked, that this railroad company did not carry the passengers, why was it? Did the bay route offer better facilities for the transportation of men than the railroad, and not for the transportation of the mail also?

He would appeal to the gentleman from New York, and ask what propriety there was in our citizens demanding that the Post Office Department should send the mail by this railroad line at a much greater expense because it went through perchance in a very little less time, when they themselves, in travelling, took the bay route on account of the great saving? He also contended, in reply to Mr. ROOT, that a gentleman in travelling *would* be willing to go a little further, and suffer some delay, rather than submit to the unreasonable exactions and extortions of a little more direct conveyance.

He had in his hand the terms of the contract for carrying the mail through from Baltimore to Charleston in 74½ hours, which was a difference of only about eight hours for this whole distance from the time made by railroad route. But a great clamor had been raised, they had been told by the gentleman from Virginia, against the Post Office Department, for the interruptions upon this bay line. He believed it was true, that in December, there had been various interruptions to the performance of this line. He had in his hand a statement of all the interruptions, and the reasons for them, which had taken place in December, 1847, and in December, 1844–'45–'46. In December, 1846, there was but little snow and ice, and, consequently, few interruptions; but he found, that in December of 1844 and '45, the interruptions were greater than they had been in December, 1847, although this was a new line just started. But because the contract had been changed, all the interruptions, all the irregularities, were set down to the account of the Postmaster General. Every gentleman who did not get his letters exactly at the hour expected, imputed it to the Posmaster General's new arrangement. But this statement in his hand, as he had before said, showed that there was only eight hours difference between Baltimore and Charleston; and the question was, whether the department should submit, on account of this small difference, to the extortion of the railroad company; whether this company should be allowed to come before Congress and have its demand complied with, which he deemed was to coerce the Government to pay them for carrying the mail an illegal sum; more than the law allowed —more than justice demanded.

Mr. B. having concluded, at two o'clock and eight minutes the committee rose and reported progress.

Mr. STANTON moved the usual resolution to close the debate in committee on the joint resolution at half-past two o'clock.

Mr. STUART, of Michigan, inquired of the Speaker if the gentleman reporting the joint resolution would be allowed an hour to close the debate after the time specified in the resolution for terminating it arrived.

The SPEAKER said that that would be a question for the chairman to decide when the time arrived.

The House again resolved itself into Committee of the Whole, (Mr. SMITH, of Indiana, in the chair.)

Mr. GOGGIN said he hoped the committee understood that his connection with this resolution, or rather his desire to have any sort of connection with it, arose solely from the fact that he happened to be connected with the committee who reported it. It was not from any desire to be connected with the subject, certainly, that he should now trespass for one moment upon the time or patience of this House. He thought it but fair, however, when this joint resolution had been so fully, and, he might say, so ably discussed by gentlemen on the other side of the House, that those who were opposed to it—in other words, that those who advocated a substitute for the resolution reported, should be heard also in advocacy of their views in opposition to the report.

The gentleman from Illinois [Mr. LINCOLN] had yesterday thought proper to go into what occurred in committee in connection with this subject. He regretted that the gentleman should so far have trespassed, unintentionally he had no doubt, upon the rules of the House; but as he stated that every member upon that committee, of both political parties—that all those with whom he was associated united in support of this resolution, he thought proper to notice the remark.

Mr. LINCOLN here interposed, and (Mr. G. yielding) said that the gentleman had misunderstood him. He had said a majority of one party and the whole of the other had supported the resolution in committee.

Mr. GOGGIN (resuming) said it was very unimportant how the question was decided, as far as parties were affected in this House. The great object of gentlemen, on all sides, he hoped, was to do justice to the subject. He had congratulated himself, when this subject was introduced and referred to the committee, that it was one of those subjects which would be brought forward during this session of Congress in which no party feeling could be or would be exhibited. He did not look at it in any light as connected with the political party with which he associated, nor was he governed by what might be the views and feelings of the company who came here, as gentlemen chose to represent them, "asking relief at the hands of Congress." His object had been, through all this controversy, to do what he believed to be right and proper, regardless of party considerations, and regardless, too, of the views of the railroad company.

The gentleman from Pennsylvania, [Mr. BROWN,] who had just addressed the committee, had gone somewhat more into the details and facts connected with this affair than other gentlemen who had spoken; and without going back and pursuing the order of the debate as presented to them by the speeches of gentlemen, he begged leave, in the first place, to pay his respects to the gentleman from Pennsylvania. He had called upon that gentleman, and had trusted he would, before he sat down, have exhibited the award made by Mr. Tyler upon this subject.

[Mr. BROWN here handed him the paper.]

The gentleman had just given him the document. He had not now time to examine it; but his object in making the inquiry was to ascertain, and, if he was not greatly mistaken, it would be ascertained, on an examination of that paper, that the award of Mr. Tyler was for one year only; that the question submitted was not how much should be paid to this company for three or four years, or for the time for which the contracts were made, but simply for one year.

Mr. BROWN (interposing) said, the law authorized the Postmaster General to contract for four years, and for no other term. The question was submitted, and the award of Mr. Tyler had no reference to time, but merely authorized the Postmaster General to contract. The Postmaster General deemed that the contracts were made only for four years, and that he had no right to offer any contract until the four years had passed.

Mr. B. here said another word of explanation, which was entirely lost at the reporter's desk.

Mr. GOGGIN repeated he had not the time to read the paper; but the fact, as was seen upon the slightest reference to it, stood unchanged and unchangeable upon it, that this award was for one year's service. Now, keeping in view this fact, let them observe that the Postmaster General, in justifying his contract with the bay company, put himself on his dignity, and said, to have made the payment any longer to the railroad company would, in his opinion, have been in violation of the law; and if so, let him (Mr. G.) ask if he had not been violating the law ever since he came into office, as he had no authority or justification for paying the sum from the award of Mr. Tyler, because that award was only for one year. When gentlemen talked about the violation of contracts by the insolence of chartered monopolies, let them remember that here was a violation of the law by the very head of the department, who set up here to administer the law. Let him not be told that Mr. Johnson, the Postmaster General, felt himself authorized to do this because Mr. Wickliffe and Mr. Kendall had done it. No; if, when he came into his office, he had found that the company received pay unfairly, and more than the law authorized, was it not the duty of a vigilant officer to discontinue it at once?

So far from this, the Postmaster General continued this payment, this violation of law he now said, from the time he entered his office to the 1st July, 1847! And not as the gentleman from Pennsylvania had said, did the company wait until the very heels of the session of Congress, but they notified the department as far back as the 26th October that they should refuse to carry the mail unless the compensation to which they thought themselves entitled under the law were given, it being the very compensation which this same Postmaster General had paid them up to that time.

He wanted to call attention to the remarkable disclosure made by the gentleman from Pennsylvania, of what he gave as his experience as a traveller upon this road. The gentleman was taking a trip south of Philadelphia somewhere, he supposed. That, as far as his observation extended, nearly all the passengers south went by the bay line and not by the railroad. The gentleman told them nearly all the passengers went by the bay line now, and undoubtedly the gentleman supposed that soon all of them would go by that route; and when that took place, he wanted to ask the

gentleman if he would have the company compelled to run their cars daily for the sake of the mail solely; to be paid for it what, in the opinion of the Postmaster General, might be the value of the service.

The gentleman from Pennsylvania had said it was an attempt to extort upon Congress—extort upon Congress, or upon the department having control of this matter; when it was in proof before this committee and before the country, that, so far from its being extortion, this very Postmaster General and his predecessors had actually been paying the very amount asked by this company to them, under the award of Mr. Tyler, from 1843 to 1847. Did that look like an extortion? If it was extortion now, was it not extortion then? And he very much questioned whether, if they referred to the journals of 1843, they would not find the gentleman from Pennsylvania voting with him (for they both had the honor to have been members of this House then) for the resolution by which the Postmaster General told them he was authorized to pay $237 50 per mile on the steamboat part of the route. He believed that no division was taken on that question, and hence the whole House were considered as having voted for it. Not under ordinary circumstances, but under peculiar circumstances, which rendered it necessary that Congress itself should take, as it did take—it might be at the instance of the Postmaster General himself—this whole matter into its own hands, did it pass this resolution, and it became the law of the land, allowing the steamboat between this city and Aquia creek $237 50 per mile per annum for the transportation of the mail.

Gentlemen talked about the railroad and steamboat companies being united; but did it occur to gentlemen, when they raised this outcry against the Virginia steamboat company, how the mail was transported between this point and New York by the contractors? He was informed that on one portion of that route—between Philadelphia and Bordentown—at the option of the contractors, the mail was carried in steamboats instead of by railroad. This information he had from the First Assistant Postmaster General, who had ever manifested a disposition to afford to the committee every facility in acquiring information in relation to this subject. Yes, he repeated, that fact he had from Major Hobbie himself—that for a portion of that route the contractors had a discretion to transport the mails by steamboat instead of by railroad for a distance nearly equal to that from this place to Aquia creek, without any reduction of their compensation.

Mr. THOMPSON, of Mississippi, rose (it being half-past two o'clock) and inquired if the time had not arrived at which the House had ordered that the debate should be terminated? If it had, he raised the question of order whether the gentleman from Virginia was not violating an order of the House by continuing his remarks?

The CLERK, at the request of several gentlemen, read the rule of the House which provided that the chairman of a committee, or other member who reported a bill or resolution from a committee, should have the right to open and close the debate, and that five minutes should be allowed for the explanation of amendments.

Mr. THOMPSON inquired if the chairman of the Committee on the Post Office and Post Roads in this case had any other privilege than the right to speak for five minutes?

The CHAIRMAN was of opinion that the gentleman from Virginia, [Mr. GOGGIN,] being the chairman of the Committee on the Post Office and Post Roads, which had reported this resolution, was entitled to one hour after the point of time fixed for the conclusion of the debate.

Mr. C. J. INGERSOLL remarked that the explanation of the Chairman perfectly accorded with the opinion which prevailed in the Committee on Rules when the rule which had been read was prepared.

Mr. THOMPSON, of Mississippi, said it appeared to him that to continue the debate was to violate an order of the House; he therefore appealed from the decision of the Chair.

Mr. DUER and Mr. McLANE made inquiries, that they might have a correct understanding of the case which had arisen; which being answered—

Mr. THOMPSON, of Mississippi, said this would be the first decision of the committee under this new rule, and hence it was necessary to have it clearly understood whether debate could be continued one hour after the time fixed by the House for the termination of debate; and whether, when they said debate should close at half-past two o'clock, they meant half-past three o'clock.

Mr. C. J. INGERSOLL said it was intended by the rule to give the chairman of a committee, or person by whom the report should be made, the opportunity to conclude the debate. But how was it to be known when he was to begin his hour, unless it was from some point of time to be fixed? It might so happen that, up to the time fixed to close debate, the floor might be occupied by other gentlemen; and, if the construction given by the gentleman from Mississippi was the correct one, the chairman would be allowed no privilege whatever.

Mr. STANTON explained: When he first submitted his resolutions to close debate, he fixed upon half-past three o'clock; but he afterwards changed it to half-past two, with the understanding that the gentleman from Virginia would be allowed an hour after that time.

Mr. THOMPSON, of Mississippi, said, on voting on the resolution of the gentleman from Tennessee, he had not acted on such a presumption; and there was no exception in favor of the gentleman from Virginia in the resolution.

Mr. SIMS remarked that the rule was applicable to the House as well as to the Committee of the Whole. Now, suppose that, in the House, the previous question should be moved before the mover of a proposition had occupied his hour in debate, could he enjoy that privilege after the previous question had been called for? He was understood to contend that such person would then only be entitled, with the movers of amendments, to five minutes for explanation.

Mr. STANTON remarked, that in offering his resolution, he had put the question to the Speaker whether the chairman would be entitled to one hour after the extreme limit of debate; and the Speaker replied, that the chairman of the committee would answer that question when the circumstance arose. He thought the gentleman from Virginia was now entitled to proceed.

Mr. STUART, of Michigan, made a like statement, and concluded by moving that the committee rise and report progress, for the purpose of extricating themselves from the difficulty in which they were involved, by reconsidering the resolution by which the House had ordered the debate to be terminated.

The committee accordingly rose, and its chairman reported progress.

Mr. JOHNSON, of Tennessee, inquired if it was then in order to move to discharge the Committee of the Whole?

The SPEAKER replied that it would not at that time be in order. He then proceeded to state that it was a question with the Chair, whether it was not his duty to rule the report of the chairman of the Committee of the Whole out of order; for the House had passed a resolution directing that the committee should close all debate at a certain time, which was past, act on pending amendments, and then report the resolution to the House. The order was positive, and the time which was fixed by that order was past; but the chairman reported that the committee had risen without having discharged that duty.

Mr. COBB, of Georgia, reminded the Chair that this was not a novel case. Committees of the Whole had heretofore risen when they had found it impossible to dispose of all pending amendments, reported that fact to the House, and had leave to sit again on a subsequent day. This was the case, he believed, at the close of the tariff debate.

The SPEAKER yielded to the suggestion of the gentleman from Georgia.

Mr. STUART, of Michigan, then moved a reconsideration of the resolution by which the House had fixed a limit to debate.

Mr. STANTON impressed upon the House the fact that the determination of this question now would be a settlement of the question, whether a chairman of a committee or mover of a resolution should be entitled to one hour after the time fixed by a resolution for terminating debate. He was proceeding to state the circumstances as they had arisen in Committee of the Whole, when—

Mr. SCHENCK called him to order.

Mr. STANTON said, he was simply remarking on what he supposed had given rise to the difficulty in which they found themselves placed, and which caused the committee to rise. If the Committee of the Whole had determined that the gentleman from Virginia was entitled to occupy one hour after half-past two o'clock, as he (Mr. S.) thought he was, the difficulty might have been obviated.

Mr. SCHENCK was in favor of a reconsideration, but it was for the purpose of submitting a motion to extricate the Committee of the Whole from the difficulty in which it had been involved by the operation of the singular rule which had been presented for their government. He did not think a motion to stop debate was at this time in order; but they had seen the necessity of incorporating in every resolution which the House might hereafter adopt to stop debate, a provision to give the gentleman who should have made the report an opportunity to address the committee if he desired to avail himself of such a privilege. He proposed, for a few moments, to call the attention of the House to this rule.

The SPEAKER remarked that the gentleman from Ohio would not be in order in pursuing the course he prescribed for himself.

Mr. SCHENCK said he did not propose to discuss the merits of the rule, but simply to give his views of the construction of the rule, to show the necessity of reconsidering. The House had passed a resolution fixing half-past two o'clock for the termination of all debate; but the House could not know whether the member who reported a measure desired to speak on it or not. It might, nevertheless, be found, when the time arrived, that such member was either speaking or desired to speak, and he might claim further time for that purpose. Well, if the committee permitted him to proceed, they would defeat an order of the House, which directed the committee to close debate, act on amendments, and report to the House; and if they did not permit him to proceed, would they not deprive him of a right secured by one of the standing rules? It was obvious, therefore, that the question should now be settled, that it might be known for the future what construction the rule was to bear. They must agree upon one of two things, unless it was intended that they should pursue the course adopted in some debating schools, and divide their hour, using part at the opening and the other part at the close of debate. At present, there was no exception giving the chairman of the Committee on the Post Office and Post Roads two hours. The rule provided nothing more than that he should open and close debate. He could hardly think it was intended that the chairman should divide his hour. He thought the fair construction was, that he should have an hour to open and an hour to close debate. This might be supposed to be a fair construction of the rule. But then the question arose whether, if the mover had not had his closing hour at the time the committee was directed to terminate debate, it would not defeat the order of the House to permit him to occupy his hour beyond such limit. To obviate such a difficulty hereafter, it would be found to be necessary to make an exception in favor of the gentleman who reported the measure, if he should desire to avail himself of it.

Mr. GENTRY interposed to explain. Having been a member of the committee that reported the rule, he thought he could make a statement of the intention of the committee that would save the gentleman from Ohio the necessity to argue the question. The understanding of the committee was, that the order to terminate debate was to be executed with a qualification in favor of the person who made the report, who was to be allowed to occupy another hour in addition to the one he might have had at the opening. With this understanding, a sub-committee was appointed to draw up the rule under which they were now acting.

Mr. STANTON suggested that a resolution of the House could not override the rules of the House, and therefore no such qualification was necessary as the gentleman from Ohio [Mr. SCHENCK] had suggested.

Mr. SCHENCK resumed. This was the first time the difficulty had arisen by which the committee had been broken up. How many more times there would be a recurrence of such a thing, he could not pretend to say. He thought it important, therefore, that the House should now adopt some practice by which the committee should be regulated. It was true, as the gentleman from

Tennessee [Mr. STANTON] had said, a resolution could not repeal a rule, but a resolution might be prepared which would be in conformity to the rule, and as the rule now stood, he claimed that it was necessary to make the exception. The gentleman from Tennessee said the exception could be made in committee; but if it were, it would be in conflict with the order of the House. As the matter now stood, if they obeyed the rule, they would disregard the order of the House; but this could at all times be avoided by so qualifying their resolutions that it shall correspond with the rules. He should vote to reconsider the resolution to stop debate, that a resolution might be adopted that would be in conformity with the rules of the House.

Mr. SMITH, of Indiana, thought all this difficulty could have been obviated by allowing the Committee of the Whole to decide the appeal pending when the committee rose. It was a new rule under which they were acting, and if the committee had settled its construction, the House would doubtless have concurred, and the difficulty would have been settled. Having been a member of the committee by which the rule was reported, he could state that the understanding in committee was that which the gentleman from Tennessee [Mr. GENTRY] had already made known. Every member of the committee understood, whenever a limit was placed on debate, that the mover should have one hour beyond that for explanation and reply. On that point there was no difference of opinion.

Mr. STEPHENS. Not necessarily one hour.

Mr. SMITH continued. Only one hour could be occupied in opening; but the mover would have the right to claim one hour in closing the debate, if he desired to occupy so much time. But how was the chairman of a committee to avail himself of this right if the construction which some put on this rule was correct? It would often occur that he would not be able to do it until after the time fixed to close debate had arrived. It was true, the order of the House said that debate should close at a precise time; but the rules of the House as positively give the mover the right of reply, and the exception therefore might be claimed under a standing rule of the House. There was a fundamental rule of the House conceding this right, and the House therefore, by resolution, could not deprive a member of the rights given to him by the rules.

Mr. S. thought it not necessary to be so particularly technical respecting the rule. He, however, regarded it as an important matter, and it was so regarded by the Committee on Rules. It was now for the House to settle the point, and it could be settled at once by one vote, though the easiest way would have been for the committee to have decided it, by voting on the pending appeal.

Mr. COBB, of Georgia, said it was important that they should have time for reflection before they gave a vote which would establish a precedent; therefore, that they might have an opportunity to examine the subject, he would move that the House do now adjourn.

The motion was agreed to,

And the House adjourned.

IN SENATE.

THURSDAY, *January* 6, 1848.

Mr. TURNEY presented the credentials of the Hon. DIXON H. LEWIS, elected a Senator of the United States, from the State of Alabama, for the term of six years from the 4th of March, 1847.

Mr. LEWIS then appeared, and was qualified, and took his seat.

The VICE PRESIDENT laid before the Senate a report from the Department of State, showing the number of clerks, messengers, and other persons employed in that office, including the Patent Office.

Also, from the Department of War, transmitting, in compliance with a resolution of the 4th instant, the military reports received from the commanders of our army in Mexico since the transmission of the annual report.

Also, from the Post Office Department, in compliance with a resolution of the 30th ultimo, containing the papers in relation to the services of Jemmison & Williamson.

RESOLUTIONS FROM STATE LEGISLATURES.

Mr. YULEE presented a preamble and resolutions from the Legislature of Florida, in favor of the passage of a law by Congress to reimburse the expenses of Florida volunteers, incurred previous to being mustered into service.

Mr. ALLEN presented resolutions from the Legislature of Ohio, in favor of placing the name of Henry Johnson on the pension roll.

The preamble to the resolution says that Henry Johnson, of Washington county, Ohio, one of the heroic Johnson boys who delivered themselves from savage captivity and the prospect of a horrid death, by killing two Delaware Indians, after having spent a youth of hardship as a ranger on the frontier, enduring the severest privations, with the most inadequate compensation, is now passing through an old age of indigence; that it is right and proper that acts of noble daring should receive some reward from a grateful and admiring country.

Mr. BUTLER presented resolutions from the Legislature of South Carolina, in relation to the establishment of a branch mint in the city of Charleston.

MEMORIALS AND PETITIONS.

Mr. ALLEN presented a petition signed by 125 citizens of Ohio, praying for a reduction of the present rates of postage, and the abolition of the franking privilege; which was referred to the Committee on the Post Office and Post Roads.

Mr. ALLEN also presented a petition signed by 25 citizens of Ross county, Ohio, praying Congress to adopt measures to bring the existing war to a speedy termination; which was referred to the Committee on Military Affairs.

Mr. DICKINSON presented a paper on the subject of the patent plough of Jethro Wood; which was referred to the Committee on Patents and the Patent Office.

Mr. CASS presented a petition from Patrick Marantette, asking compensation for provisions and clothing furnished to the Pottawatomie Indians; which was referred to the Committee on Indian Affairs.

Mr. CORWIN presented a memorial from the Society of Friends, held at New Garden, Chester county, Pennsylvania, asking for the termination of the war with Mexico, by the withdrawal of our troops; against the acquisition of territory, or, should any be acquired, for the prohibition of slavery there; and for a tribunal for the arbitration and peaceful settlement of all international difficulties.

Mr. CORWIN moved that the petition be referred to the Committee on Foreign Relations, and printed. The petition was accordingly referred, when—

Mr. WESTCOTT called the attention of the Senate to the fact, that the Senate, at its last session, refused to print a similar memorial from the Society of Friends. Regarding the practice of the Senate as settled by this decision, he moved to lay the motion to print on the table.

Mr. CORWIN said, he did not recollect what had been the action of the Senate on memorials of this character. But he thought the Senator from Florida must be mistaken in saying that the Senate had refused to print any memorial asking for the establishment of a tribunal for the peaceful settlement of international disputes. He had no recollection that either here or in the House of Representatives, any objection had at any time been made against such petitions. This was a very short document, and its printing would involve a very trifling expense. He hoped, therefore, that the request would not, in this instance, be refused.

Mr. WESTCOTT repeated it as his understanding, that the general practice of the Senate was against the printing of memorials and petitions of a private character. Such as emanated from legislative bodies only had been allowed to be printed. But as the question might be as well taken on the printing, he would withdraw his motion to lay the motion on the table.

Mr. SEVIER said it was not usual to print papers of this kind until they had been referred to the Committee on Printing. He would say to his friend from Ohio, that the expense incurred by the Senate for printing was very considerable. We are now engaged in the prosecution of a war which requires all the money we have to spare. And if we are to open the door to this new expenditure, it was impossible to see where we could stop.

Mr. CORWIN said, if the refusal to print this small affair was put on the ground of economy, he had no alternative but to withdraw his motion. He accordingly withdrew the motion to print.

Mr. ATCHISON presented documents in relation to the claim of Marguerita Reneau, a half-breed Osage, for compensation for land reserved to her under the treaty of 1825; which was referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

By Mr. MILLER, from the Committee for the District of Columbia: A joint resolution authorizing the erection on the public grounds in the city of Washington of a monument to George Washington.

Mr. M. asked the indulgence of the Senate to take up the resolution and dispose of it at once. It did not appropriate any money, nor involve any principle.

Mr. SEVIER thought it had better lie over until Monday; which was agreed to.

Mr. BRADBURY, from the Committee on Printing, to whom was referred the resolution inquiring into the causes of the delay in printing the message and accompanying documents, read a letter from the contractors, stating that the cause of the delay is simply on account of the magnitude of the documents, which will be upwards of 1,300 pages, and that 1,000 copies would be delivered on the 15th day of January instant; and also had informed the committee that they have now ready for delivery, if desired, a document of 940 pages, embracing the message, report of the Secretary of State and documents, the report of the Secretary of the Treasury and documents, and the report of the Secretary of War and documents; and that the committee had directed the printers to deliver one copy to each member of Congress, and to reserve the remainder until all are completed.

BOUNTIES TO VOLUNTEERS.

By Mr. BADGER, from the Committee on Military Affairs: A bill to promote the filling up of vacancies in the regiments and companies of volunteers now in the service of the United States.

The bill having been read a first time—

Mr. BADGER said he would ask the unanimous consent of the Senate to take up this bill for consideration. Many officers now here had been sent home for the purpose of filling up the vacancies which had occurred in their corps. These officers find themselves in great difficulty, inasmuch as the existing law authorizing a bounty of twelve dollars to every soldier of the regular army to be paid him on enlistment has not been extended to the volunteer corps. They have, therefore, found it impossible to raise volunteers to supply the deficiencies in the different corps. The interests of the service require that the regiments should be filled without delay. In the New York regiments alone there are twelve hundred required; and it is indispensable that they should be raised and transported without delay. They ought to be in Mexico before March, that they may have left Vera Cruz before the setting in of the sickly season, which usually commences in April: so that any delay in the action on this bill might prevent the sending the troops in such a condition as to ensure their efficiency on reaching the seat of war. The object of this bill is to extend the bounty now allowed to regulars, to such volunteers as may be recruited to fill vacancies in the regiments now in the service. The emergency is great, and as some delay may take place in the passage of the bill to increase the army, which is now pending, it is to be hoped that this bill will be permitted to pass through to-day. There was no division of opinion in the committee as to the propriety of the measure, and probably there would be none in the Senate.

The bill was then read a second time, and taken up as in Committee of the Whole.

Mr. JEFFERSON DAVIS asked if the first and second regiments of dragoons and the mounted riflemen had not been accidentally omitted.

Mr. BADGER replied that the omission was not accidental, but the object of the committee was to confine the provisions of the bill to the actual emergency. But he had no objection to the amendment.

Mr. JEFFERSON DAVIS then moved the amendment, so as to make the bill read thus:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act entitled "An act to encourage enlistments in the regular army," approved January twelfth, eighteen hundred and forty-seven, be, and the same is hereby, extended to include such non-commissioned officers,

musicians, and privates, as may be recruited to fill vacancies in the first and second regiments of dragoons and the regiment of mounted riflemen, and in regiments or companies of volunteers now in the service of the United States, during the war with Mexico.

Mr. DOWNS suggested the propriety of extending the bounty to all new regiments, instead of confining it to those volunteers who might be recruited to fill vacancies.

Mr. RUSK said that was provided for by the second section of the act which this bill proposed to extend.

Mr. CASS stated that the bill was drafted to meet the necessities of the service.

The amendment of Mr. DAVIS having been agreed to, the bill was reported to the Senate as amended; and the amendment having been concurred in, the bill was ordered to be engrossed for a third reading, and was then read a third time and passed.

BILLS INTRODUCED.

By Mr. JOHNSON, of Louisiana: A bill to provide for a survey of the mouth of Red river, in the State of Louisiana.

Also, by the same, a joint resolution providing for the payment of certain claims under the treaty between the United States and Mexico, of April 4, 1839.

[The joint resolution authorizes the Secretary of the Treasury to ascertain the amount unpaid of the sums awarded by the Board of Commissioners appointed under the treaty with Mexico, of the 4th April, 1839, including principal and interest, and pay the amount so found to the owners of the certificates issued for the amounts awarded.]

MESSRS. RITCHIE AND HEISS.

Mr. MASON submitted the following resolution:

Resolved, That the editors of the Union, a newspaper printed at Washington, and who were late printers to the Senate, be hereafter entitled to the same access to the floor of the Senate which is now extended to others who were former like printers.

Mr. M. said that the resolution had been drafted with some care, and on consultation with several Senators, some of whom had voted in the affirmative on the propositions of last session, and he therefore presumed there would be no objection to its adoption.

Mr. MANGUM. Let it lie over.

And, of course, the resolution lies over under the rule.

On motion, *Ordered*, That when the Senate adjourns, it adjourn to meet on Monday.

Mr. DICKINSON gave notice that he should, on Monday, ask the Senate to take up the resolutions he had offered some time since.

PURSERS.

The bill to provide an additional number of pursers in the navy coming up for consideration as in Committee of the Whole—

Mr. BADGER moved to amend the bill in the first section, by striking out the words "by warrant," and inserting "by and with the advice and consent of the Senate." He thought that the pursers in the navy ought to be put on a footing with commissioned officers in the service, instead of merely occupying the rank of warrant officers. His amendment proposed this change.

Mr. DICKINSON suggested the propriety of postponing the bill to allow time to examine the subject.

Mr. BADGER said he had no objection to postponement.

On motion of Mr. YULEE, the bill was then laid on the table for the present.

LAND WARRANTS.

The Senate then proceeded to the consideration of the bill to extend the time for locating military land warrants.

The bill being under consideration, as in Committee of the Whole—

Mr. UNDERWOOD. I was not in my seat when the motion was made the other day for the postponement of this bill; but I have been informed of the objections that were made to the bill, and I rise for the purpose of obviating them. I understand that my friend over the way doubted whether warrants for bounty lands to soldiers in the late war with Great Britain are in existence. My information on this subject is based not only upon the statutes, but upon the statements of the Commissioner of Pensions, and the Commissioner of the Land Office. The bill upon your table is but a transcript of former laws upon the subject. The provisions of the general law were renewed in 1842, and continued for five years, and that act consequently expired in the past year.

Mr. U. read from the act and also from communications received from the Commissioner of Pensions, and the Commissioner of the Land Office. Now, continued Mr. U., all that the bill on your table proposes to do is to prevent the statute of limitations from applying against the soldiers of the late war, and to grant them an additional five years for producing satisfactory proof of their claims and receiving lands.

Mr. SEVIER reiterated his objections to the passage of the bill. Pass such a law as this, he said, and no man knows how many old claims will be brought forward, which have been heretofore rejected by Congress. I believe we have already paid more land claims for military services than we ever had troops in the field. I hope, at least, that some data will be procured from the Land Office, to show how many claims are yet outstanding. This bill, I suppose, is to pay all the old Virginia claims.

Mr. UNDERWOOD. I will say to my friend over the way, that I have no objection whatever to procure all the information which he seems desirous of examining before voting upon the bill; but I take occasion now to correct a mistake into which he has, no doubt unintentionally, fallen. He said that the provisions of this bill, he supposed, would satisfy all the Virginia claims. That is a mistake. Virginia had two regiments in the Revolution—a State regiment and a Continental regiment. As far as the Continental regiment was concerned, they were to receive lands at the hands of this Government; but so far as the State line of Virginia troops are concerned, there is no provision made for them here.

Mr. RUSK. I have the information which is desired by the Senator from Arkansas, in a letter from the Commissioner of Pensions.

The letter was read.

On motion of Mr. CASS, the bill was then laid on the table for the present.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to increase the army of the United States.

The bill was read a third time; and, the question being on its passage—

Mr. HALE said: Feeling compelled, from my convictions of duty, to take a course in reference to this bill in which I am aware very few Senators will entirely coincide, I have thought, humble as is the sphere in which I move, that it was due to those who placed me in the position I occupy, to let my vote upon the bill go out accompanied with the reasons which have induced me to take the course which I am about to take. I would have been glad if older and abler Senators had favored the Senate with their views in opposition to this bill. I would have been glad if the action of the Senate upon the bill had been delayed until the documents coming from the several departments, and which we are well nigh getting, had been placed before us, so that we might have had all the light that could be thrown upon that which, in my mind, is a dark subject at the lightest; but seeing that the bill is likely to go through the forms of legislation, and become a law without having those lights before us, I have thought it necessary to trespass briefly upon the time of the Senate, in order to express the views which I entertain. It may be said that I do not stand much in need of light, because I have already declared that I stand here prepared to vote against the war in all its forms; against any measures for the supply of troops, either regulars or volunteers, (and if there are any other kinds, I go against them;) because I stand prepared to vote against the appropriation of a single dollar beyond the simple amount—as I have before suggested—which will be sufficient to bring home your troops by the shortest and cheapest route. Entertaining these views, before entering upon the discussion of the bill, I want to say a word in regard to a sentiment which I have heard avowed here and elsewhere, and it is, that when the country is engaged in war we lose all discretion, we have nothing to do but grant the supplies that are demanded of us, on appeal being made to our patriotism—patriotism can only find rightful action in a support of the war; that there is no patriotism anywhere else, and that the Administration, which has been so fortunate or unfortunate as to plunge the country into a war, has only to appeal to the country, and expect to receive no other response except hearty and unanimous support. And this doctrine has been carried so far, and in such high places, that the President of the United States has denounced as treason the opposition of Congress, although his mode of prosecuting the war did not accord with their convictions. I recollect but one incident in my reading of history which is analogous. It is stated by an English historian, that when Queen Elizabeth had summoned her Parliament, and they were about to organize for business, she sent her messenger to them with this royal mandate: she told them to be very careful that they did not meddle with affairs of State, "because," said she, "such things are altogether beyond the compass of your narrow understanding." Well, our royal President did not follow exactly in the footsteps of Elizabeth. He did not question the understanding of Congress, but their patriotism. Now, let us see where this doctrine will carry us. Let us see to what it will lead. Suppose you should have an exceedingly bad and corrupt Administration—mind, I do not say that this is such an Administration, or that we are ever likely to have such a one—but suppose that such a thing were possible, and that the measures of the President had become exceedingly odious, oppressive, burdensome, and intolerable, and that notes of disapprobation were beginning to be heard from the people assembled in their primary meetings; that the tones of indignation at last penetrate the walls of the palace, and the President, finding that he could not stand against the united will of an injured people, what has he to do? Ought he to desist in his course of wrong-doing, or to retrace his steps? No, sir; this is not the path to popularity; according to his new school of ethics and morals, he has only to go on and plunge the country into war, and, if he can manage so skillfully as to involve the country in two wars at once, so much the better—so much the more glory for him; a popularity greater than that of a Washington or a Jackson. This is the inference, the plain and unmistakable inference. War, instead of being, as it is said to be by all writers on ethics or politics, the direst calamity which Heaven in its wrath can send upon a nation, is converted by this alchemy into a healing Bethesda, in which political profligacy and corruption of the darkest hue may wash itself and be clean. Sir, I utterly deny the soundness of this doctrine, that Congress ought to have no voice beyond granting the supplies. If there ever is a time when opposition should be vigilant, scrupulous, watchful, noticing everything that is wrong, it is at a time when, through the acts of the Administration, the country is burdened with an unnecessary war. When the fruits of industry are consumed for the support of such war, and when we are surrounded by all the horrors which war brings in its train, if there ever is a time that should put men upon their individual judgment, reflection, and responsibility, it is such a time; and such is our position now, and we are there by the unadvised, unconstitutional, and illegal acts of the President. I propose, I say, to do what I may, feeble as it may be, to place the country right. I have never learned in that school of moral or political science, that by persevering in an unconstitutional and wrong course, we shall ever come out right.

And, sir, there is another view that is sometimes taken, which certainly does not accord with my own convictions, and upon which I wish to say a word or two at this time, (and I do it with deference to the opinions of abler men about me,) and which relates to the course which those should take who believe the war to be wrong, radically wrong. Why, I think I have heard an idea something like this: The country is engaged in a war which is unjustifiable; we confess it is wrong to go on—we see clearly it is wrong; nevertheless, we are now at war, and the President calls on us for supplies of men and money, and Senators say they will vote men and money; but by some sort of a process which escapes my comprehension, they imagine they are going to throw the responsibility on the President. I confess I do not understand how they are to escape from their due share of responsibility; they must share the responsibility with the President, let the character of

the act be what it may. If the war be wrong, put an end to it at once. I have no doubt the President will be exceedingly gratified with opposition of this kind. You will hear nothing about a factious opposition in the organ of the Administration. The President would care little for the opposition of the whole world, if it were an opposition of this kind. It is very like Sam Weller, who happened to find himself in prison, and a person whom he met was bewailing the misfortune of having a thousand pounds left to him by will, which circumstance had been the occasion of his imprisonment. "I wish," exclaimed Sam, "all my enemies would try to ruin me in that way." Just so with the President. You tell him he is wrong, while at the same time you vote him all the men and money that he asks you for.

Believing that the cause of this war is radically wrong, I hold it to be the first, the plainest, and the simplest duty of those who think as I do, to withhold supplies, and compel the President to do what we believe to be right. Believing there is a strict and pertinent analogy between the course to be pursued by Congress, and that which is taken by the British Parliament, I consider that the course of those who think the war wrong, is plain and clear, and admits of no mistake. Upon a question of voting supplies, I think the very first thing to be inquired into by Congress, is, whether the object for which the supplies are demanded is a correct and legitimate object. If it be determined that the object is a proper one, let the supplies be granted; if otherwise, withhold them. This is my understanding of the nature of our Constitution. I have heard our Government spoken of as a government of checks and balances, but when you speak of the President having the power to make war unconstitutionally and illegally, I cannot understand the cause or propriety of that course of conduct which would sustain him in his unconstitutional act.

Believing, then, that the question of this war is a question which ought to be discussed; that it lies at the very bottom of the question of supplies, I will proceed to give my views to the Senate and the country, of this war. And, as I suggested the other day, in the few remarks which I had the honor to submit, I believe that the cause of the war lies a little deeper than any that has been assigned by those who have expressed their opinions upon the subject. I believe that the question, whether it arose from the march of General Taylor to the Rio Grande, or whether any of those incidental and temporary movements were the immediate cause of the war, is entirely irrelevant. The cause, sir, lies deeper than any of these; and when I speak of the causes of the war, permit me to say, that I do it with no desire to introduce exciting or angry discussion, or to arouse unpleasant feeling; but having a duty to perform here, I must do it fearlessly—I must do my duty as an American Senator, feeble as it may be. And when we speak of the causes of this war, I must avow my conviction, beyond a cavil or a doubt, to be, that it lies in the avowed policy of the American Government—a policy which was avowed four years ago—to make the extension of human slavery one of its primary motives of action. And when I say this, let me be understood. I refer to the principle avowed in the diplomatic correspondence which preceded the annexation of Texas to the United States. And permit me to say, that in approaching this question, I do it with a desire and a disposition to do full justice to the officers of this Government who were engaged in that correspondence. I will do them the justice to say, that what they did, they did manfully and aboveboard. There was no concealment. They came out boldly. Their course was very different from that of a set of men we have among us, called Northern men with Southern principles—men who profess to be against slavery, but who are nevertheless enlisted in the slaveholding interest, ready to do slavery's bidding. That was not the case with the men to whom I have referred. They came out boldly and avowed the object at which they aimed, and the means by which they proposed to attain it. Let this be ever said to their credit.

In that correspondence, the objects of this Government are as evident, as much beyond controversy, as anything can possibly be. No, sir. If the fingers of a hand were sent from the throne of Eternal light, to write this upon the wall over your head, it would not flash conviction more readily to the mind than is done by a perusal of that correspondence. I will not go through the whole of it, but will content myself with sending to the Clerk and asking him to read an extract from this letter:

"DEPARTMENT OF STATE,
"*Washington, August* 8, 1843.

"SIR: A private letter from a citizen in Maryland, then in London, contains the following passage:

"'I learn, from a source entitled to the fullest confidence, 'that there is now here a Mr. Andrews, deputed by the abo-'litionists of Texas to negotiate with the British Govern-'ment; that he has seen Lord Aberdeen, and submitted his '*project* for the abolition of slavery in Texas; which is, that 'there shall be organized a company in England who shall 'advance a sum sufficient to pay for the slaves now in Tex-'as, and receive in payment Texas lands; that the sum thus 'advanced shall be paid over as an indemnity for the aboli-'tion of slavery; and I am authorized by the Texan Minis-'ter to say to you, that Lord Aberdeen has agreed that the 'British Government will guaranty the payment of the in-'terest on this loan, upon condition that the Texan Govern-'ment will abolish slavery.'"

This proposition, it will be seen, was exceedingly simple and easy to be understood. It announced, not that there was a scheme on foot amongst a set of fanatical politicians, to decoy away the slaves, not to steal them—nothing of that sort; but a proposition had been entertained, by which the Government and slaveholders of Texas agreed to abolish slavery, and for this agreement on their part, it was said that a company had agreed to advance a stipulated price. What right had our Government to interfere? The Secretary says, "a movement of this sort cannot be contemplated in silence." I agree it should not; but what should every American heart have said when it was found that a scheme of this kind was on foot? Should they not have burst out in thankful aspirations to Almighty God, that such a scheme of benevolence as that, had even been thought of. I think the Secretary says well in saying that they could not look on in silence.

The Secretary further says, "such an attempt upon any neighboring country would necessarily be viewed by this Government with very deep concern."

Certainly, they should have looked on with deep concern—as deep as that with which affection watches by the side of dying love—now gathering hope from the symptoms that the smiles of health will again smooth the cheek of love, and then trembling lest the pall of despair should settle on our hopes.

Again, he says: "It cannot be permitted to succeed without the most strenuous efforts on our part to arrest a calamity so serious to every part of our country." A calamity so serious to every part of the country; so serious to New Hampshire, to Massachusetts, and the other New England States! And, sir, this bill which is now before you is one of the measures which are to be adopted to redeem the pledge thus made. In the same letter it is said:

"The establishment, in the very midst of our slaveholding States, of an independent Government, forbidding the existence of slavery, and by a people born, for the most part, among us, reared up in our habits, and speaking our language, could not fail to produce the most unhappy effects upon both parties."

When I saw it formally announced by the Government that it could not produce any but "unhappy effects," I thought that I was mistaken in the reading. I thought it must be a mistake of the printer; but I found that it was no mistake—that the announcement was really made. What a mistake, then, did the Pilgrim Fathers make in coming to found a colony in the New World, where they might avoid the consequences of slavery. Had they not slavery enough at home, that they bade farewell to everything that bound their hearts to the land of their birth—the land where the bones of their fathers reposed—and came over and founded the institution of American slavery? Was it for this that the May Flower sailed from the coast where slavery prevailed? Was it for this that those patriots wandered from England to Holland, and from Holland here? In Heaven's name, was not England oppressive enough? One more extract, and I leave the letter:

"Few calamities could befall this country more to be deplored than the establishment of a predominant British influence and the abolition of domestic slavery in Texas."

Few calamities could befall the country like this!

I had understood, up to the time when I read this declaration, that the institution of slavery, for good or bad, was a State institution. I thought it was one which the General Government had no right to touch. Everything that I had ever heard upon the subject had tended to take that institution from the cognizance of the General Government, and make it exclusively a subject of State policy. But here I find it baptized, and made one of the gods before which the whole people are to bow down and worship.

From this cause, whether remote or immediate, this war proceeded. Can any man deny this? We may have our doubts whether, if there had been more caution and prudence, this war would have been precipitated upon us at so early a period. But is it not evident that the whole matter springs from this? Was not annexation itself an act of war? War was existing between Mexico and Texas at the time. By the very fact of annexing to ourselves one of the belligerent nations, we incurred the responsibility of fighting her battles. If this, then, be the cause of the war, I come next to the question, how this war commenced? Well, sir, it may seem exceedingly strange that one should be found asking that question at this time, when the President has told us over and over again so many times how it commenced—that it commenced by the act of Mexico. Said the President, in his message to Congress of the 11th May, 1846:

"In my message at the commencement of the present session, I informed you that, upon the earnest appeal both of the Congress and Convention of Texas, I had ordered an efficient military force to take a position 'between the Nueces and Del Norte.' This had become necessary, to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union; and, under these circumstances, it was plainly our duty to extend our protection over her citizens and soil.

"This force was concentrated at Corpus Christi, and remained there until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican Government would refuse to receive our Envoy.

"Meantime, Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to be the boundary of that Republic. Its jurisdiction had been extended and exercised beyond the Nueces. The country between that river and the Del Norte had been represented in the Congress and in the Convention of Texas; had thus taken part in the act of annexation itself, and is now included within one of our Congressional districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31, 1845, recognized the country beyond the Nueces as a part of our territory, by including it within our own revenue system; and a revenue officer, to reside within that district, has been appointed, by and with the advice and consent of the Senate. It became, therefore, of urgent necessity to provide for the defence of that portion of our country. Accordingly, on the 13th of January last, instructions were issued to the General in command of these troops to occupy the left bank of the Del Norte."

And in his Annual Message to Congress, on the 8th of December, 1846, he repeats the assertion, and he not only repeats the declaration that war exists by the act of Mexico, but he says every honorable effort has been made by me to prevent the war, but all proved in vain, and the war has come, notwithstanding he was so exceedingly opposed to it. Now I desire to examine this matter. The President is not satisfied with thus telling us that the war arose from the act of Mexico, and that he had used every honorable exertion to avoid it. He comes forward in his message this year and tells us fourteen times distinctly, and several times impliedly, that it arose from the act of Mexico. It seems a part of the President's religion, to accompany his more solemn acts with the continual declaration that "war exists by the act of Mexico," as it was of the followers of Mohammed, to preface their more serious sayings with the oft-repeated avowal that there was "no God but Allah, and Mohammed is his prophet." Now let us examine this matter: did it commence by the act of Mexico? Such is not my reading. The taking possession of Texas was of itself an act of war. Sir, at the time of the American Revolution, when France signed a treaty of alliance with us, Great Britain was not long in finding out that that was an act of war. But suppose that act was not one of war, what follows?

One of the fundamental conditions of the joint resolution for annexing Texas to the United States, was war.

"First, said State to be formed, subject to the adjustment by this Government of all questions of boundary."

"Subject to the adjustment of all questions of boundary." That was the very first condition which the American Congress fixed to the act of

annexation. Well, is it necessary for me to stand here to-day to tell the American people that, if there is a question of boundary existing, and one party goes and occupies the territory to the extreme verge of the claim, that is an act of war? Why, I think the President himself, in the course of the controversy with Great Britain, must have found that this was the case, although one of the first acts of his administration was to tell the people, in his Inaugural Address, that our title to Oregon was clear and unquestionable. I saw the President, amid the dripping of the storm, standing at the east front of this Capitol, reminding the people how young a man he was; and yet he would have the whole of Oregon. I almost expected to hear him say—

"You'd scarce expect one of my age
To speak in public on the stage."

I know not whether I was most amused at the juvenility of the President, or his determination to seize upon the whole of Oregon. He would not even submit the question to arbitration, because that would be admitting that Great Britain had some sort of title there. Nothing short of the whole would satisfy him. Why, a man could hardly be recognized as a Democrat in the Eastern States, unless he was for claiming the whole of Oregon. He must go for 54 40, or he was no Democrat; and one State Legislature was so violent in the cause, that they were for claiming 54 49. I wonder it never occurred to the President to send our officers and take possession of the territory up to that line. Why did he not do this? Because he knew, and everybody knew, it would be an act of war. He knew it would be so considered by Great Britain, and resented by her. Well, so it was here. The sending of General Taylor to the Rio Grande was, beyond all controversy, an act of war. But I propose to give you the President's own account of it. In his message of May, 1846, he says:

"The movement of the troops to the Del Norte was made by the Commanding General, under positive instructions to abstain from all aggressive acts towards Mexico, or Mexican citizens, and to regard the relations between that Republic and the United States as peaceful, unless she should declare war, or commit acts of hostility indicative of a state of war. He was specially directed to protect private property and respect personal rights

"The army moved from Corpus Christi on the 11th of March, and on the 28th of that month arrived on the left bank of the Del Norte, opposite to Matamoros, where it encamped on a commanding position, which has since been strengthened by the erection of field works. A depôt has also been established at Point Isabel, near the Brazos Santiago, thirty miles in rear of the encampment. The selection of his position was necessarily confided to the judgment of the General in command.

"The Mexican forces at Matamoros assumed a belligerent attitude; and on the 12th of April, General Ampudia, then in command, notified General Taylor to break up his camp within twenty-four hours, and to retire beyond the Nueces river; and in the event of his failure to comply with these demands, announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24th of April. On that day, General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that 'he considered hostilities commenced, and should prosecute them.' A party of dragoons of sixty-three men and officers were on the same day despatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed, or were preparing to cross, the river, 'became engaged with a large body of these troops, and, 'after a short affair, in which some sixteen were killed and 'wounded, appear to have been surrounded and compelled 'to surrender.'"

He kept the troops at Corpus Christi until it was rendered certain that the Mexican Government had refused to receive Mr. Slidell. Well, on the 10th day of November, this commission was appointed; and, not being much acquainted with matters of diplomacy, I, of course, take what the President said as being what he meant.

Mr. Slidell's Letter of Credence.

"JAMES K. POLK, *President of the United States of America.*

"GREAT AND GOOD FRIEND: I have made choice of John Slidell, one of our distinguished citizens, to reside near the Government of the Mexican Republic in the quality of Envoy Extraordinary and Minister Plenipotentiary of the United States of America. He is well informed of the relative interests of the two countries, and of our sincere desire to restore, cultivate, and strengthen friendship and good correspondence between us; and, from a knowledge of his fidelity and good conduct, I have entire confidence that he will render himself accepiable to the Mexican Government, by his constant endeavors to preserve and advance the interest and happiness of both nations. I therefore request your Excellency to receive him favorably, and to give full credence to whatever he shall say on the part of the United States. And I pray God to have you in his safe and holy keeping.

"Written at the city of Washington the tenth day of November, in the year of our Lord one thousand eight hundred and forty-five, and of the independence of the United States the seventieth. Your good friend,

"JAMES K. POLK.

"By the President:

"JAMES BUCHANAN, *Secretary of State.*

"To his Excellency DON JOSE JOAQUIM HERRERA, President of the Mexican Republic."

"And pray God to have you in his holy care and keeping!" How pious the President is! He prays for his enemies. This was written on the 10th of November. Now, I want to read another document, to show how Mr. Polk was treating his good friend on the 15th of June preceding. In a confidential communication from the War Department, dated June 15, 1845, to General Taylor, I find the following:

"The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande del Norte, such a site as will consist with the health of the troops, and will be best adapted to repel invasion, and to protect what, in the event of annexation, will be our western border. You will limit yourself to the defence of the territory of Texas, unless Mexico should declare war against the United States.

"Your movement to the Gulf of Mexico, and your preparations to embark for the western frontier of Texas, are to be made without any delay."

Well, now, what do you think of this pious President? On the 15th of June, he ordered the troops to be ready to embark for the coast of Mexico, and five months afterwards, he sends a messenger to General Herrera, and by the hands of this messenger, a supplication to Almighty God, "to have him in his safe and holy keeping;" lest this prayer should fail, he had taken the precaution to send General Taylor with his army, five months before, to take him in his care and keeping. Well, I will not detain the Senate long on this part of the matter. It seems to me it is too plain for cavil; and if I had the issue to be tried before twelve good men and true, the first witness I would call would be James K. Polk—for I never knew a witness who was conscious of telling the truth, who found it necessary to repeat so often the same assertion. Why does the President go into so long and labored an effort to prove that we had good cause of war? If this were the case, and we had not commenced it, instead of being to our credit, it would have been a disgrace to us. It would have shown us a pusillanimous nation. It is, therefore, a *felo de se* of his argument. Because, if this were the case, it shows that we should have done what the President has labored to show we have not done. The President may conquer Mexico, but he can never succeed in conquering the truth. He may direct as many guns to bear upon it as it would require to silence a Mexican battery, but he will not be so successful.

Well, if this was the cause of the war—if this was the manner in which the war commenced, what are we carrying it on for now? What do we propose? What do we want? Why, in the message of the President to Congress, in 1846, he tells us that it was not conquest that he desired; but in the message of this year he modifies it a little. Now, the conquest he disavows; that is, he does not mean to take the whole of Mexico. I suppose that he means to divide it, very much as Lord Aberdeen divided Oregon with him, to take what he wants, and leave the rest. He says "it was never contemplated by me to make a permanent conquest of Mexico, or to destroy her nationality." Well, sir, actions speak louder than words; and I need not admonish gentlemen on this floor of this fact, for I have proof in my hand. What does the President tell you? I heard it asserted by a Senator the other day that Senators voted for the appropriation of the war under a protest. That they did it for nothing else than to relieve General Taylor from the critical position in which he was placed. The President came and made the thrilling announcement that American blood had been shed on American soil. And while every heart palpitated at such an outrage, Senators, anxious to relieve General Taylor, were now willing to vote the supplies required, even though the bill for raising them was accompanied by the declaration which, at that time, they believed to be untrue, that "war existed by the act of Mexico." They gave their votes under the protest that it was expressly for the relief of General Taylor. And what does the President now say to those Senators? Why, he says you did not mean any such thing. You could not have meant it. You knew that indemnity must be acquired. Senators, when you passed that vote, you all meant to get territory. The President has said so. He is your Executive officer—surely he ought to know; and the President has a right to say it, because actions speak louder than words. You voted him the men and the money; you gave him the sword and the purse; and you gave him unlimited license to conduct the war as he pleased, and now you must pass this bill. Give him the ten regiments of regulars, and afterwards twenty regiments of volunteers, and let him thus, according to the Senator from Kentucky, increase his available forces in Mexico to ninety thousand, and go on subjugating that country, and what will he tell you at the next session? He now tells you:

"Congress could not have meant, when, in May, 1846, they appropriated ten millions of dollars, and authorized the President to employ the military and naval forces of the United States, and to accept the services of fifty thousand volunteers, to enable him to prosecute the war; and when, at their last session, and after our army had invaded Mexico, they made additional appropriations, and authorized the raising of additional troops for the same purpose,—that no indemnity was to be obtained from Mexico at the conclusion of the war; and yet it was certain that, if no Mexican territory was acquired, no indemnity could be obtained.

"It is further manifest that Congress contemplated territorial indemnity, from the fact that, at their last session, an act was passed, upon the Executive recommendation, appropriating three millions of dollars with that express object. This appropriation was made 'to enable the President to conclude a treaty of peace, limits, and boundaries with the Republic of Mexico, to be used by him in the event that said treaty, when signed by the authorized agents of the two Governments, and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof.' The object of asking this appropriation was distinctly stated in the several messages on the subject which I communicated to Congress."

Vote him now the men and money he now asks, and what will he tell you at the next session? Why, that Congress intended to overrun all Mexico! He will say, You meant that I should carry destruction throughout the whole of that country; that

"I should dip my sword in blood, and write my name
On desolated lands and cities."

And he would have a right to say so! Vote him the men and the money he wants—let him have ninety thousand troops there,—and he will enact scenes that, perhaps, we little think of; and, at the next session, he will come and tell us that that was what we meant. And he will have a right to do so, because actions speak louder than words. We certainly, in giving our votes, must be supposed to have some object to attain: that object the President can construe for himself.

In regard to the amendment which has been proposed to this bill, instead of making it better, it leaves it more obnoxious still. It leaves it to the President's discretion whether to embody these troops or not; but that is the very thing we ought not to do. He has had discretion enough. Was it not at his discretion that our troops were marched to the Rio Grande? It seems to me that the true course is, to take the discretion into our own hands, and make specific appropriations for specific objects. Then we shall know for what objects they are made.

But the President says now, he does not want the conquest of the whole of Mexico, but he wants indemnity and security. Well, these are words easily pronounced. But we had a good old lesson in New England, requiring the definition of words to be given. Indemnity for what?—security for what? I find the indemnity he wanted was not only indemnity for our claims, and for all the expenses of the war, but, in addition to all this, he wanted to drive a bargain with them—he was not willing to make peace unless they would sell him a part of their country with its inhabitants; for I read, in the 5th and 6th articles of the treaty proposed by our Government to Mexico, as follows, viz:

"ART. 5. In consideration of the extension of the limits of the United States, as they are defined by the preceding article, and by the stipulations which are further contained in article 8, the United States abandon forever against the United Mexican States all reclamation on account of the costs of this war; and, besides, agree to pay to the United Mexican States, in the city of Mexico, the sum of ——.

"ART. 6. In full consideration of the stipulations contained in articles 4 and 8 of this treaty, the United States agree to assume and pay all sums at present due to claimants, and those which may be hereafter established, according to the convention concluded between the two Republics, in the city of Mexico, on the 20th of January, 1843, to provide for the payment of what shall be decided in favor of the claimants, according to a convention between the United States and the Mexican Republic, on the 11th of April, 1839. And the United States equally agree to assume and pay all reclamations of citizens of the United States against the Government of the United Mexican States, not

previously decided, to an amount not exceeding three millions of dollars, which have arisen prior to the 13th of May, 1846, and which shall be adjudged to be due by a commission established by the Government of the United States, whose decisions shall be definitive and conclusive: *Provided, always*, That in deciding on the validity of the said demands, the commission shall be guided and governed by the principles and rules prescribed by the first and fifth articles of the unratified convention, concluded in the city of Mexico on the 20th of November, 1843, and in no case shall they give judgment in favor of any claim not embraced by these principles and rules. And the United States, for the present and the future, exonerate the United Mexican States from any of the said demands whatsoever, which may be admitted or rejected by said board of commissioners."

He requires payment of our unliquidated claims, he requires the expenses of the war, and in addition to these, he requires that they shall sell him just as much territory as he sees fit to buy at his own price; this is the indemnity and security he wants. Are Senators prepared to sanction these views? Can they face the indignation of the world, after having insisted on them? Here is a Government enfeebled—broken down—a people distracted—having a natural attachment to the homes of their birth—to the soil beneath which moulder the bones of their fathers; and because they do not choose to sell their country and themselves, the President says the war must be prosecuted and carried into the vital parts of Mexico. Well, now, the course of the President seems to me decidedly reprehensible. Perhaps I have commented upon it in a manner not quite becoming to this place—I hope not.

I cannot help remarking, in justice to him, that he has not shown a disposition for war in all cases. I think, in the management of the Oregon treaty, he exhibited a Christian meekness to a surprising degree. But he did not inherit the blessing of the meek. He did not get the land. He would not submit to arbitration. Well, how did he settle it?

Let Mr. Pakenham, the British Minister, tell his own story:

"WASHINGTON, *June* 13, 1846.

"MY LORD: In conformity with what I had the honor to state in my despatch (No. 68) of the 7th instant, the President sent a message, on Wednesday last, to the Senate, submitting for the opinion of that body the draft of a convention for the settlement of the Oregon question, which I was instructed by your Lordship's despatch (No. 19) of the 18th May to propose for the acceptance of the United States.

"After a few hours' deliberation on each of the three days, (Wednesday, Thursday, and Friday,) the Senate, by a majority of 38 votes to 12, adopted, yesterday evening, a resolution advising the President to accept the terms proposed by her Majesty's Government. The President did not hesitate to act on this advice; and Mr. Buchanan accordingly sent for me this morning, and informed me that the conditions offered by her Majesty's Government were accepted by the Government of the United States, without the addition or alteration of a single word.

"I have the honor to be, &c.

"R. PAKENHAM.

"The Right Hon. the EARL OF ABERDEEN."

He takes it just exactly as it was cooked up for him, very much as sick children are directed to do when they have an unpalatable dose of medicine to take—"shut your eyes and open your mouth, and down with it." Now, I have not a word to say against the settlement of the Oregon question; but it seems to me that it would have read a little better in history, if it had not been preceded by so much blustering and bragging. And it was a little amusing to see the effect it had on our eastern Democracy. The man who did not go for 54 40 was a Federalist, a traitor; and some were so zealous that they even got up to 54 49. Upon them the treaty came like a thunderclap, and they had to reverse the steam so suddenly that it came nigh producing a fatal collapse in the party.

But, sir, the President is not so entirely warlike in his nature as his conduct to Mexico would indicate; he has other and milder qualities; he merely has none of that ferocious spirit characterized by the poet as—

> "That stern joy which warriors feel
> In foemen worthy of their steel."

It is a colder country at 54 40. Now, if right in the position I have taken here, the question is, What is the duty of the American Senate? What are they to do? To go on and vote these ten regiments? The honorable Senator from Kentucky the other day said he did not know why regulars were preferred to volunteers. I do not know that I do. But Yankees guess sometimes.

War is to be made, sir, not only upon Mexico, but on the free laborers of the country, and the first onslaught is to be made in the shape of a tax on tea and coffee, and it is the patronage which the creation of these ten regiments is to give him, which he thinks will enable him to effect it; and the President has probably come to the conclusion, taught by the experience of the past, that with the patronage of ten regiments at his command, "*some things may be done as well as others.*"

I think the Senator from Kentucky, with his great acumen, if he looks through his glasses, may discover why the President prefers regulars.

Well, why cannot Senators who think with me, that the war is wrong, radically wrong, come out and declare so by their votes? Why sit here denouncing the President, and then be guilty of the inconsistency—with all deference I say it—of voting men and money to carry on the war? Why, it is said it would be unpopular to withhold the supplies. Are we afraid to trust the people with a great question of right? Sir, I think those who are afraid to trust the people, underrate them. Are men afraid to do that which is right because it may not be popular? Sir, it is this ghost of the unpopularity of opposition to the war which seems to sit like a nightmare upon American statesmen. Sir, I think there was much more truth than poetry in what was said by a western man. He said he got caught by opposing the last war, and he did not mean to get caught again; he intended now to go for war, pestilence, and famine. And I think there is a good deal of that feeling in the country now. Men are afraid to take a bold stand.

It is said the people have already decided this matter; that they have settled that the war shall be prosecuted. I deny it entirely. I do not believe it. The people have settled it! I have never met among the people, one in ten, who thought the war was right, or thought that it would be right further to prosecute it.

I believe, sir, that the heart of this whole people is sick of this miserable, temporizing policy, which is putting justice, and right, and truth out, in order that expediency may walk in and govern, control, and direct our actions. I wish that the experiment might be tried by Congress of acting and voting on this matter according to the convictions of their own understanding, as expressed by themselves when they speak of the character of this war. I listened, the other day, with great pleasure, to the remarks of the honorable Senator from South Carolina. I trust I heard with profit the suggestions which he threw out when speaking on his resolutions. But I confess that I was somewhat astonished that a man of his great experience, his vast learning, his keen observation, could really think that there could be any virtue in the passage of these resolutions. I would like, indeed, to see those resolutions passed, not that I think their passage would do any good in the world in the present emergency; but they might, if adopted, serve as a sort of landmark, showing with what rapidity and what proclivity we have travelled the road to ruin. But that there would be any virtue in them, I have not the least idea. Pass these resolutions unanimously, in both branches of Congress, and let the President append to them his usual declaration that the war was commenced by Mexico; nay, you may go beyond that, and, with all the forms and solemnities with which you could imbody them, you may make them part of the written fundamental Constitution of the land; and what would they be worth? Not the paper upon which they are written; for the very moment that they stood in the way of a popular majority, they would be utterly set at naught. He that is not persuaded of that, has not read, it seems to me, the first primer of our history. I think that the resolutions themselves contain much that is just and true, and that the passage of them might be of some consequence in the way which I have suggested. But that their passage would check the downward tendency of affairs is altogether out of the question.

I believe that the people desire us to go right, and that we have not faith enough in the people. Nothing is more common than to find aspirants for public favor, flattering the people and continually praising their intelligence and patriotism, and everything which gives value and dignity to the human character. But you do not find these eulogists of the public virtue at all prepared to venture a little upon the intelligence which they vaunt so much. There is faith in expediency, in policy, in everything but justice, truth, and right.

The present is, I believe, a critical period in our history. I believe that it is presumptuous in us to affirm, as the President has affirmed in his message, that the great question of the capability of man for self-government has been settled. It is not settled, sir. We are now settling it. Whether the manner in which we are settling it will favorably or unfavorably affect the condition of mankind hereafter, yet remains to be seen in the future. We are settling the question not only for ourselves, but for all who are to come after us. If here the experiment of self-government should fail, who can estimate the consequences to our race? We are to-day writing our history. We are impressing that little space which we occupy between the past and the future, with footsteps which will be indelible. Whither are those footsteps now tending? Shall those who are to succeed us find that the course which we are now pursuing led to the broad fields of liberty, of peace, and of prosperity? Or shall it be, that we are only erecting monuments marking the by-paths that lead to the pitfalls of destruction? These are questions that must come home to the heart of every man who loves his country, and prizes its free institutions, and sees the dangers which now threaten them. Are we so blind, so fanatical, so stupid, as to believe that the great laws of the physical and moral world are to be reversed in our favor? Are we emphatically the children of destiny? Can we take our destiny in our own hands, and control it? Not so. It seems to me that there is a light streaming down the pathway of ages, illuminating the destiny of nations, and that it is written in glaring characters—Retribution. It is a law in operation all around us—in the physical, moral, and political world. It is true of nations as of individuals, "whatsoever a man sows, that shall he also reap." I would ask those disposed to look at this question in the light of history, to go back, and by its aid trace the long vista of ages that have elapsed. Let them go back, if they will, to the morning of creation, when all the sons of God shouted together for joy, that Almighty Power had spoken a new world into being; and they will not find it recorded in any page of that history, that any nation ever sowed the seeds of war and slavery, and reaped the fruits of peace and liberty. No! that passage remains to be written; and it requires no very great effort of the imagination to fancy that we can now hear the voice of all nations of the past sounding a solemn warning in our ears. Let us beware, lest that fate which has constantly followed such a course of policy, may soon be ours.

I have thus endeavored to discharge my duty. I am quite aware of the imperfection of the effort. But, before I conclude, I wish to say a single word personal to myself, and to let you know, sir, and the Senate know, that if it be fanaticism which I have uttered, I am not alone responsible for it. It is not peculiar to myself, sir, nor those with whom I act. We had, a year or so ago, in the State of New Hampshire, a pair of democratic organs, and it was rather doubtful whether they were entirely harmonious. But, in May, these New Hampshire "Patriots" came together—they had an annexation—and when they came together they undertook to define the true democratic faith upon this very doctrine of slavery. I read from the "New Hampshire Patriot" of 27th May, 1847.

[Mr. HALE here read extracts from the New Hampshire Patriot, contending that the Democrats of slave States were friendly to abolition, and would ultimately effect it; but as we have not the paper, we do not undertake to give the extracts.]

That is "New Hampshire Patriot" Democracy—about twelve months old. So, if I am fanatical, I am not without authority for my fanaticism; and a man may, it seems, entertain all the sentiments which I have advanced without being cast out of the pale of the Democracy as it is now organized. But I leave the subject. I thank the Senate for the patience, kindness and candor, with which I have been heard. It is no pleasant duty that I have performed. It is not agreeable to my feelings to occupy the place of an Ishmaelite here—my hand being against every man, and every man's hand against mine. If any remarks have fallen from me, offensive to the feelings of a single Senator, (of which I am wholly unconscious,) I can assure him from the bottom of my heart that they were altogether unintentional. I have endeavored to deal with principles and measures, not with men. I believe that the institutions of the country are endangered. I believe that the course in which we

are proceeding, unless our career be arrested, will most inevitably conduct us to destruction; and I have thrown out these suggestions, in the hope of doing something, however feeble the attempt, in order to excite correct public sentiment on this all-vital question.

Mr. BERRIEN asked for the yeas and nays on the passage of the bill.

Mr. R. JOHNSON moved that the Senate now adjourn, but withdrew his motion at the request of Mr. CASS, and

The Senate went into the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 7, 1848.

The Journal of yesterday was read and approved.

Mr. GOGGIN rose, as soon as the Journal of yesterday had been read, and moved that the House do now resolve itself into Committee of the Whole on the state of the Union, for the purpose of proceeding with the consideration of the resolution reported by the Committee on the Post Office and Post Roads.

COMMITTEE CLERK.

Mr. VINTON desired the gentleman from Virginia to withdraw that motion, to give him an opportunity to make a report from the Committee of Ways and Means.

Mr. GOGGIN assented on condition that the gentleman from Ohio would renew his motion.

Mr. VINTON then asked the unanimous consent of the House to allow him to offer a resolution which he had been some time ready to submit.

General consent having been given—

Mr. VINTON then said he had been instructed by the Committee of Ways and Means to report a resolution; which was read.

[The resolution authorizes the committee to employ a clerk, at the usual compensation.]

Mr. HOUSTON, of Alabama, inquired what the "usual allowance" was? The phraseology of the resolution was somewhat indefinite. What the usual allowance was he did not know, nor was he aware that the House did.

Mr. VINTON had not inquired what the usual allowance was, nor had he deemed it necessary to do so. Under this resolution, no more would be paid than it had been usual to pay to other clerks, which he believed was $4 a day.

Mr. HOUSTON, of Alabama, believed there was but one other committee that had a clerk; and, therefore, they might have some difficulty in arriving at a conclusion as to what was a "usual allowance."

Mr. HENLEY moved to amend the resolution by inserting the words "$4 per diem for the time he shall be necessarily employed by the committee."

Mr. JAMIESON, believing the terms "usual allowance" were not sufficiently explicit, desired to see the resolution amended or modified.

Mr. VINTON said he understood $4 a day was the sum which had been usually paid to clerks employed by the committee on which he served. One thing further: he knew that clerks had been employed by committees, and sometimes by select committees, for the last twenty years, and they had all been paid at the same rate.

Mr. JAMIESON. Four dollars a day?

Mr. VINTON. Precisely.

The amendment was then agreed to, and the resolution as amended was adopted.

Mr. VINTON renewed the motion of the gentleman from Virginia.

Mr. KING, of Massachusetts, called the attention of the House to the fact that there were various papers on the Speaker's table which it was desirable to dispose of.

Mr. ROCKWELL also said that, by the rules of the House, this was private bill day, the rule fixing which could not now be suspended, he believed, without a two-thirds vote. He would, however, take occasion to say that there were very few reports before the House, and only a few bills which had been printed.

The SPEAKER read the rules referred to, and said, if there was no private business of that nature ready for the action of the House, the question would recur on the motion to reconsider, which was pending at the adjournment yesterday, and which had preference over all other business.

Mr. CONGER, from the Committee on Printing, asked the unanimous consent of the House to allow him to make a report.

Mr. GOGGIN would not object if it should lead to no debate.

The SPEAKER said the question first in order was the motion to reconsider, which took precedence of all other business.

Mr. JAMIESON said there was no necessity for a motion to reconsider, with the construction which had been given of this rule by the gentleman from Ohio [Mr. SCHENCK] and the gentleman from Indiana, [Mr. SMITH.] The best course would be to go into Committee of the Whole and settle the question of appeal there, which would decide the question.

Some other conversation ensued, which was ended by Mr. CONGER reporting, in answer to the resolution of the House, referred a few days since, on the subject of the printing of the House.

[The report stated that the President's message and accompanying documents would form a document of unusual length, (some thirteen hundred pages,) part of which would be submitted to-day, and the residue by the 15th January.]

Mr. HENLEY, in connexion with that subject, gave notice of an amendment of the rules to give the Committee on Printing power to report at all times.

Mr. THOMPSON, of Mississippi, then gave notice, that if the House resolved itself into Committee of the Whole, he should insist upon the appeal which he took yesterday.

THE NEW RULE RELATING TO DEBATE.

The motion to reconsider was then negatived, and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. SMITH, of Indiana, in the chair.)

The CHAIRMAN stated the pending question to be on the appeal.

Mr. SIMS, before voting on the appeal, desired to say a few words. He found among the catalogue of rules one which provided that "no member shall occupy more than one hour in debate on any question in the House or in committee; but a member reporting the measure under consideration from a committee may open and close the debate, provided that where debate is closed by order of the House any member shall be allowed, in committee, five minutes to explain any amendment he may offer." That was the one-hour rule, as adopted at the present session. The 36th rule of the last Congress, which had also been adopted, provided that "no member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of any matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken." The 133d rule provided for the suspension of the rules and orders for the purpose of going into committee and for discharging a committee from a bill. In addition to this, it was the rule as well as the practice that debate might be closed by the previous question; and the question now was as to the interpretation which should be given to these rules, taken in connection and in harmony with each other. Under the old 36th rule, the mover was entitled to speak two hours, but he was not to speak for a second hour until everybody desiring to do so had spoken once; but what was the proviso to the new rule? It was the exclusion of a conclusion. It was intended to apply to debate closed in Committee of the Whole by order of the House, and excluded the conclusion that the preceding rule had any application to such subject. It was designed to show that the preceding rule was not to be interpreted as giving to the mover one hour to speak in addition to his opening hour, when debate was closed by order of the House. A member reporting the measure under consideration may open and close the debate; but this right was to be operated upon by this proviso, otherwise every member who may not have spoken would also have the right to speak one hour. And if the interpretation contended for in committee were sustained, it would also prolong debate for one hour after the previous question had been ordered. After sustaining this position by argument and illustration, he concluded with the expression of a hope that the decision of the Chairman would be reversed.

Mr. POLLOCK wished to say but a single word. Should the interpretation of the gentleman from South Carolina [Mr. SIMS] prevail, the object of the committee in fixing an hour to terminate debate would be defeated, and the intention of the House, and of the rules it had established, would become a nullity. In the interpretation of all rules, intention was to be the polar star. The intention of those who made the rule must in every case govern its interpretation. Now, the purpose of this rule was to secure to the reporter of a bill, or other measure, the opportunity of explaining the merits of it in detail, in reply to all objections which might have been adduced against it. The gentleman from South Carolina insisted that the proviso attached to the rule excluded this. The gentleman said that it was the definition of a proviso, that it was "the exclusion of a conclusion." That might be a very good definition; but, in order to determine what the conclusion to be excluded was, it was necessary to look at the proviso and the whole resolution. The gentleman knew that at the time a point was fixed to close the debate, the debate was not then, *ipso facto*, closed; it was not closed until the point of time arrived which the House had fixed. The true question to be settled was, *when* the debate closed? And he held that it would not be considered as closed until the reporter of the bill had had the opportunity of speaking one hour. When, for instance, the House said that all debate should cease at half-past two o'clock, then, as soon as half-past two arrived, the debate ceased as to all other members of the House; but the right of the person who introduced the bill to speak for one hour still remained. This, Mr. P. believed to be the true intention of the rule; and could the House, by a mere majority, suspend one of the rules of the House? It could, indeed, repeal a rule; but it could not suspend it. To suspend a rule required a vote of two-thirds. Believing such to be the true intent and meaning of the rule, and that great inconvenience must ensue from any other interpretation, he hoped the decision of the Chair would be sustained.

Mr. DUER said he wished to be enlightened on this subject. He wanted to vote intelligently upon it. It seemed to be presumed that there was a collision between two rules of this House. The members were now in Committee of the Whole, under an order to take the resolution out of committee at a particular hour. But it was said that this order was subject to a rule which gave to the chairman of a committee introducing a bill or other proposition the right of closing the debate. Now, if there was any collision between these two directions of the House, he did not see why the one must be held subordinate to the other, so that the second did *pro tanto* repeal the first. If, indeed, the second order were adopted at a later period, in point of time, it would be so; but all the rules were adopted at one and the same time. But was there, in point of fact, any collision between them? He did not see any. The chairman of a committee introducing a bill had a right to debate it *when debate was in order*, and then only. It was said that he had a right to speak for one hour; but the right to close the debate did not of itself give him the right to speak for an hour in doing it. A rule of the House said that no member should speak on the same question more than one hour, but not that he should in all cases be allowed to speak for an hour. Suppose, when the hour fixed arrived, the chairman should waive his right, and another member happened to be on the floor, could that member insist he had a right to speak an entire hour? Certainly not. The right of the chairman of a committee to speak was subordinate to the rules of the House. Mr. D. could not understand that it must override them all. There was no practical difficulty; both rules might be reconciled, if the chairman, one hour before the appointed time, would rise in his place and claim his right to the floor. The reasonable construction of the rule would be that the House could not close its debate without allowing him this privilege.

Gentlemen were now in Committee of the Whole, and this Committee of the Whole was like any other committee of the House; it had no more power than any other committee. Gentlemen were in committee, under an order of the House, to take the question out of committee at a given hour; and the committee had no right to say that in passing such a resolution the House was acting out of or-

der. If the House meant that the chairman should first have a right to speak an hour to close the debate, it should have said so; but if it had not, the committee were under the order of the House, and must obey it. The question of the propriety of its course was not a question before this committee. Under these circumstances (Mr. D. said) he should vote to reverse the decision of the Chair.

Mr. STANTON observed that it was not necessary to inquire what might have been the individual intention of members of the committee who had passed the rule about which this discussion arose, in order to decide what its true interpretation was: it must, like other rules, be construed in conformity with other previous decisions of the House. The gentleman from South Carolina [Mr. SIMS] confined himself to the rule and its accompanying proviso, and contended that a just construction of the proviso would reverse the decision of the Chair. He said that a proviso was the exclusion of a conclusion. This was very true; but the conclusion here excluded was the conclusion that, without the proviso, would arise from the rule itself. Mr. S. here quoted both the rule and proviso. Now, what was the conclusion which this proviso excluded?

Mr. SIMS here interposed to remark that the matter to which the proviso referred was the closing of a debate in Committee of the Whole; and it excluded everything else but the right of a member moving an amendment to speak for five minutes in explanation of the amendment he had offered.

Mr. STANTON, resuming, insisted that in this the gentleman was mistaken. In the absence of the proviso, the conclusion from the rule would be, that no member could speak save for five minutes in explanation of an amendment. As to the position taken by the gentleman from New York, [Mr. DUER,] that gentleman must see what was the manifest intention of the House in passing this new rule, and if the rules did conflict he must be governed by that. Mr. S. here read all the rules relating to the subject. The general rule had existed ever since 1844—the new one had been adopted during the present session. It was true, indeed, that all the rules had been adopted at once; but this last one, which now began for the first time, was obviously intended to qualify and control those which had existed previously. If there was any conflict, that last formed was to override the rest. But the true course was to interpret them all so as to avoid any collision, considering the older rules as modified by the later.

Mr. COBB thought it important to have a decision now upon the case; not for the sake of the particular member more immediately concerned, (viz: Mr. GOGGIN,) but for the direction and government of the House on future occasions. There were substantial advantages in confirming the decision already made by the Chair. Mr. C. would lay down two legal principles, which he thought ought to guide the House in arriving at its conclusion: the first was, that, when two laws or two rules conflicted on their face with each other, if they could be so construed that both should stand, that was the construction which ought to prevail; but when this could not be done, then the fullest force should be given to the act last past. Now, in this case, the rule last adopted by the House provided that the chairman of a committee or other person introducing or reporting a bill or other measure should have the privilege of opening and closing the debate upon it in Committee of the Whole, he being subject, of course, in both cases, to the hour rule. This was an unquestionable right guarantied to him by that rule. It was now proposed to deprive him of that right by virtue of a mere order of the House to close debate at a certain hour.

Mr. SIMS again interposed. He read the rule, and argued to show that it secured the same right to every other member of the House to speak one hour which it secured to the chairman to speak two hours; if the order of the House cut off the one, it cut off the other also.

Mr. COBB thought not. The hour rule was not the grant of a right, but the restriction of a right already existing, viz: the right of speaking for an unlimited time.

Mr. STANTON interposed to explain, but spoke in a tone too low to be heard by the reporter.

Mr. COBB thought the argument of the gentleman from South Carolina [Mr. SIMS] presented no valid objection to the interpretation of the rule for which Mr. C. contended, because no man pretended that the hour rule gave the right to any member to speak for an hour: all it did was to provide that he should not exceed an hour. The enactment last adopted should in all cases govern; and a right secured to an individual by a standing rule of order could not be taken away by a simple order of the House. A temporary order could not repeal a rule.

Mr. SIMS again broke in, and was explaining, when—

Mr. COBB said, if the gentleman from South Carolina would have the least possible degree of patience, he would find that Mr. C. was just coming to notice the point he had made. It was said the order of the House was passed by virtue of another rule, and therefore, though not itself in strictness a rule, it had all the binding force of the rule under which it was made. Admitting this, still, if there was any conflict, the last rule made must prevail. If a prior rule conflicted with that which secured the chairman of a committee his hour to close debate, it was the duty of gentlemen to give effect to the latter rule. But Mr. C. did not think there was any real inconsistency between them; both could stand. If the committee should support the decision of the Chair, its only effect would be to allow the member making a report or introducing a bill the right of speaking on it for one hour after the closing of the debate by the rest of the House. What harm could in practice arise from this? What was the reason and object of the rule? It was to secure to a majority of a standing or other committee of the House, reporting a bill or other proposition to the House, to be heard in its support after all the objections had been urged which could be brought against it. But, under any other construction of the rule, this right might be evaded and lost. How could the chairman of a Committee of the Whole know when to give the floor to the privileged member introducing the bill? He could not, unless the hour to close debate had been fixed for days or hours beforehand. Suppose the House should order a debate to close in committee at two o'clock, and Mr. C. should obtain the floor a quarter before one, must the chairman, when Mr. C. had spoken just a quarter of an hour, stop him, and give the floor to the man who reported the bill under consideration, that he might have his hour to speak? Point after point would arise in practice under such a construction, and the House would be involved in endless difficulties; but construe the rule as he had explained it, and as the decision of the Chair presumed it to be, and no difficulty whatever could ensue.

It was apprehended by some gentlemen that this interpretation would throw some advantage into the hands of a dominant majority in the House. He did not see how. But, even if it should give them some slight advantage, all parties would enjoy this in succession. The Whigs would have it now, but (said Mr. C.) *we* shall have it, you know, next Congress. [A laugh.]

The debate upon the question of order was further continued by Messrs. WICK, SCHENCK, and SIMS, in explanation.

Mr. SMITH, of Connecticut, said, of all the frivolous questions that had ever been raised in this House, this capped the climax, in his judgment. The great question which was now occupying the attention of the House of Representatives of the American Congress for almost two entire days was, whether the gentleman reporting a bill should have the hour *next before* the point of time when the clock ticked one, two, or three, or the hour *next after* that point of time! That, sir, (said Mr. S.) is the question we have under debate here, and in relation to which we have a vast array of orators here. [General laughter.] This is the great constitutional question! [Renewed laughter.]

Mr. S. did not rise for the purpose of debating this question; but his sole object was to call the attention of the House to the unhappy, the truly deplorable condition of his friend from Virginia, [Mr. GOGGIN,] in the parturition of about half a speech. [A laugh.] What was to become of the rest of that speech he did not know. [Renewed laughter.] Now, he prayed, he humbly submitted that this most frivolous, most contemptible discussion might be brought to a period here, and the House come to a vote. It was of no consequence how it was settled, one way or the other.

[General cries of "Question!" "question!"]

Mr. WOODWARD had but a few plain propositions to make. He could not regard it a matter of no importance whether we should give a loose construction to our rules, and thus produce a hundred times over the loss of time already incurred in this debate.

The honorable member from Georgia [Mr. COBB] has remarked that the right in question has been guarantied by the rules of the House; and the honorable member now occupying the chair said yesterday that the rule limiting debate was in derogation of this right.

Now, sir, the right of a chairman of a committee to make *two* speeches is no more guarantied than the right of an ordinary member to make one speech; and an order of the House limiting the time of debate is no more in derogation of one of those rights than the other. It equally destroys both. Why should the right of a chairman of a committee to make a second speech be regarded more sacred than the right of a member to make a first speech?

But, sir, gentlemen speak as though this right to speak a second time was a personal thing, given to a chairman for his individual benefit. This is a mistake. It is a right created for the benefit of the House, like the whole privilege of debate; and an order of the House limiting the one must have an equal effect in limiting the other. It is, sir, a misconception to regard the order of the House as going directly to any matter of right. It goes to the matter of debate, and says, absolutely, there shall be no further debate. The gentleman from New York [Mr. DUER] has properly conceived it. No rule of construction, therefore, will effect your object. You must either amend the rules, or else hereafter, in each case that may arise, make an exception in the order in favor of the right in question.

Mr. GREEN, Mr. STUART, of Michigan, Mr. C. J. INGERSOLL, Mr. GENTRY, Mr. RHETT, and Mr. STANTON, also participated in the discussion of the merits of the question involved in the appeal; on which the vote was taken by tellers, and sustained the decision of the Chair by 101 to 73.

So the committee has decided that a mover is entitled to speak one hour, or the residue of an hour partly occupied, after the time fixed by an order of the House to terminate debate.

THE SOUTHERN MAIL.

The House then again resolved itself into Committee of the Whole on the state of the Union, (Mr. CALEB B. SMITH, of Indiana, in the chair,) and resumed the consideration of the resolution relating to the transportation of the great southern mail.

Mr. GOGGIN, of Virginia, resumed his closing argument; and, after briefly alluding to the consumption of time by the consideration of the appeal, which he thought was an apt illustration of the mode of conducting business by the Post Office Department,—a circuitous course to gain an immaterial object—he returned to the subject under discussion.

The committee had been informed by the gentleman from Pennsylvania, [Mr. C. BROWN,] that this was not a question between Virginia and the department, for that gentleman told them that a large portion of the stock of this company was owned in Philadelphia. He was glad to hear the gentleman from Pennsylvania make such a statement, and he hoped it would impress on the minds of the members of the committee itself, so that when they came up to vote, they might do so with the conviction that the North as well as the South had an interest in this matter. He hoped they would further bear in mind, that the Postmaster General had not only struck at the interest of this company by depriving them of the transportation of the mail, but so as to operate on them by the loss of passengers. This line arrived at Petersburg now in advance of the regular mail some nine or ten hours, so that the passengers by this line had to be there until the mail arrived before they could proceed southward. This new arrangement, therefore, not only deprived them of the Post Office patronage, but it interfered with them as a chartered company—not with Virginia alone, but with stockholders who were residents of Pennsylvania and other northern States.

So much for the gentleman from Pennsylvania. He desired now to say one word of the argument of the gentleman from Tennessee, [Mr. G. W.

JONES,] which had failed to satisfy his mind that he was in error. What was the position of the gentleman from Tennessee? That gentleman told them—so he was reported in this morning's Intelligencer—that the Post Office Department, previous to the arrangement with this railroad company, paid $5,445 for the transmission of the mail. That was correct; but it was in 1834, before the railroad was completed. But did the gentleman know the fact, that subsequently $190 a mile per annum was paid for the transportation of that mail? And, further, had the gentleman from Tennessee forgotten that the Postmaster General had informed them that he paid $13,000 for the transportation of the way mail from Washington to Richmond—130 miles in twenty-three hours? Now, if they could lessen the time one-half—that is, if, instead of occupying twenty-three hours by post-coaches, it could be done in eleven and a half hours—would not the Postmaster General be authorized to pay $26,000 to carry that mail, with the addition of twenty-five per cent.? This railroad company could perform that service in nine hours, and for this facility and despatch it was surely entitled to double compensation; and it was a singular coincidence, that within a few dollars, the company had heretofore received a sum to which it was so obviously entitled.

The gentleman from Tennessee had spoken of the mail service from Weldon to Wilmington, which he said was performed for $237 50 per mile, and that gentleman told the committee that that mail ran in the night, which he appeared to look upon as a great disadvantage. But he would see the disadvantage also under which the railroad from Washington to Richmond labored. That company, instead of having the track clear, for the repairs of the road, during *the day*, and when they could employ their hands (they being slaveholders, as were the owners of the Weldon road, generally—a fact which he made no doubt *some* gentlemen had already remarked) in the pine fields near the road, in cutting wood and preparing for generating steam for their engines—were compelled, necessarily, to keep their hands always on the look-out for the cars *in the day time;* and therefore *this* company had to employ an additional number of hands, that is, one set to do the work off the road, as stated, another set to remain constantly on it, to attend to the cars at their stations, and another also to do the necessary repairs, subject to the frequent interruptions by the passing of *mail* trains in the *daytime;* but not so in regard to the Weldon road, for on that, as the gentleman [Mr. JONES] had told us, the *mail* service was performed in the *night-time.*

The gentleman from Tennessee [Mr. JONES] referred to a delay which now takes place, and admitted it to amount to twelve hours. He was right in his admission, but wrong as to the time. There is a delay of eighteen, instead of only twelve hours.

Mr. JONES here explained, and said that, by reference to a statement in the papers of this morning, furnished by the department, it would be seen that, under the former arrangement, when the mail was transported over the Richmond and Fredericksburg railroad, the mail going south was required to leave New York (say) on Monday, at 4½ o'clock, p. m., and arrive at Charleston on Thursday, at 11½ o'clock, a. m. Under the present arrangement, by the bay line, the southern mail is required to leave New York at 9 o'clock, a. m. (say) on Monday, and arrive at Charleston on Thursday, at 11½ o'clock, a. m.—the same time as under the former arrangement. The only difference is, the mail at present is required to leave New York at 9 in the morning, instead of 4½ in the evening—being seven and a half hours earlier; and this seven and a half hours is the only delay—if, indeed, that can be considered a delay—in the transportation of the Great Southern mail by way of the Chesapeake bay.

Mr. GOGGIN resumed. He was not talking about the New York route, but the Postmaster General's circuitous route to Richmond. In the forty miles between here and Baltimore, there was a delay of five hours which was not included in the computation of the Postmaster General. The five hours, added to the twelve hours admitted by the gentleman, and one hour's delay elsewhere along the line, made, in all, no less than eighteen hours. But, even if it was but twelve hours, how was the department going to arrange so as to overcome that? Time and tide waited for no man; though it seemed that the gentleman from Tennessee [Mr. JONES] expected they would wait for the Postmaster General, while his mail-bags were making their slow, and winding, and foggy way, down the James river, and up the Appomattox, and round by Baltimore. Must the country endure a delay like this, in order to allow the head of the Post Office Department to make this experiment of his bay route? Mr. G. did not mean to say, or to intimate, that that officer desired this: he did believe he meant what was right; he did not assail him personally, but he did assail his figures and plans.

Mr. STUART, of Michigan, here interposed, but what he said the reporter could not hear with sufficient distinctness to understand it.

Mr. GOGGIN strongly objected to these interruptions, and hoped, if he must submit to them, that they would be allowed out of his hour. In reply to some interrogatory Mr. STUART had put to him, Mr. G. said, I stand not here to speak for the railroad company, but for seventy thousand of the people of Virginia. He was not privy to the views or wishes of that company, and he denied the gentleman's right to ask him such questions. If he made any reply to them it would be merely out of courtesy. On that ground, he would say to the gentleman that he did not know, of his own knowledge, what the company would be willing to do; but he would tell the gentleman what he had heard from others, not from them: he understood the company thought it would not be for their interest to accept what they themselves had formerly offered to take. If they thought proper to evade or disobey the laws and to withdraw all support from the department, they could make much more money by establishing private expresses than the amount offered them by the department. And would it be wonderful if men were driven to resort to such measures? Although the law imposed a fine of $150 on all who ran a private express, and $100 on the owner of any steamboat or railroad who should transport packets, and exacted a fine of $50 even on the transmission of a single letter, which a man, in the urgency of business or of family anxiety, might send by a private messenger because he could not get it on in time by mail, even this might not be sufficient to deter a company from meeting the public exigency. The course pursued by the Postmaster General invited to such a course; and, unless something better was done to remedy the grievance under which the country was laboring, before another year there would be hundreds of such expresses established and continued on private account.

But the gentleman from Tennessee [Mr. JONES] asked what was to become of the other mails—the way-mails from here to Richmond? That gentleman's object seemed to be not so much to facilitate the transmission of intelligence through the country, and thereby to serve the people, as to save the Post Office Department from all harm. But he would take leave to tell that gentleman that every mail contract contained a saving clause allowing the Postmaster General to discontinue any mail route on certain conditions, and he could discontinue these. Was the gentleman answered?

As to the great southern mail, that gentleman's amendment threw the cost of discontinuing the existing contract on the railroad company, and not on the Post Office Department. Was there any justice in this? There was none.

Mr. G. proceeded to say, that when he had addressed the committee on a former day, he had endeavored to show there was no valid legal contract in existence to carry the mail from Washington to Richmond, and consequently that no damages would accrue if that which purported to be a contract should be taken away. I have, said Mr. G., in my hand a copy of the paper which thus purports to be a mail contract, which is to be executed between the Postmaster General and the bay company. There is another for carrying the daily local mail to Richmond, which has a provision that the Postmaster General may at any time discontinue it on certain conditions. But in this report he talks about the exclusive privileges of these railroad companies. Let us try the Postmaster General by his own rule; let us see if he has not done the very thing which he charges so severely on these companies. All who will look at the instructions from the Post Office Department, as published in all the papers, will find that the contracts are to contain the express right reserved to the department of discontinuing a post route.

Mr. JONES here interposed, and inquired of the gentleman from Virginia [Mr. GOGGIN] if he had not in his possession a copy of the telegraphic correspondence between the Postmaster General and the bay line company after the railroad company had notified the department that they would not carry the mail upon the terms offered by the department after the 10th of December, in which the bay line company proposed to carry the mail from Baltimore to Richmond and Petersburg for $34,000 per annum, until the 30th June, 1851, upon the *express condition* that the contract should be IRREVOCABLE?

Mr. GOGGIN, resuming, said he held the very paper the gentleman was talking about, and had been just going to read it when the gentleman interrupted him. What he complained of was, that in this paper the Postmaster General gave to this bay company—a company which failed to render the service required of it—a privilege not rightfully contained in any mail contract: [Mr. G. here read the paper.] The paper allowed the contractor to relinquish his contract if he chose, and preferred it to a change in its conditions. But the corresponding right of the department to withdraw the contract by allowing one month's extra pay was *expunged* by black lines, not drawn around it, but through and across it. That right was here wholly dispensed with.

But even if this agreement was signed, this expunging of so important a clause in it would be of no avail, because it was accompanied by no written guarantee. On this subject the law was express. He cared not how the Postmaster General might choose to construe it, the law was express that before any mail contract could be of binding force it must be accompanied with written guarantees. In this case there were no such guarantees, and, therefore, though signed, the contract was not executed. The gentleman from Tennessee talked as if Mr. G. was in possession of documents which he wished to conceal and was ashamed to show to the House.

Mr. JONES said, certainly not, Mr. Chairman. The correspondence to which I referred, was furnished to the gentleman from Virginia, [Mr. GOGGIN,] in answer to inquiries as chairman of the committee. It had been before the committee—he had seen it there—but it had not been printed; the House was not in possession of the correspondence. He wished the House to know the fact, that the bay line company proposed for and received the contract to carry the mail, upon condition that the contract should be irrevocable—nothing more.

Mr. GOGGIN said the papers were there, subject to the examination of anybody that wished to read them. Mr. G. further remarked, that the Postmaster General, not having control of the Telegraph, had not even adverted once in his report to the existence of that lightning line. The reason might perhaps be that it would contrast too creditably with his own foggy circumnavigation. Certainly it was a little remarkable that the existence of such a medium of communication was nowhere even mentioned. Yet, on the 29th of November last, (just before the assembling of Congress,) he availed himself of its aid, and sent to the Telegraph office a proposition as to a change of contract for transporting the southern mail by this bay company.

Let it not be forgotten that the first bid was made by the Postmaster General himself, through his assistant, and not by the company. The communication inquired of the company, if the department should wish to send the mail on the bay route, what would you ask to carry it? And an early answer was demanded. This was signed by Mr. Hobbie, and sent by the wires. An answer was received at three o'clock and ten minutes the next morning, offering to take the daily mail for thirty-four thousand dollars for three years and a half, not subject to revocation within that time, with the notice that ample security would be given. Security was promised, but the department had asked for it in vain. The proposal was made first on the part of the department, and, so much afraid was the Postmaster General that it should not be consummated before Congress should assemble, that it was sent by lightning, and an immediate response required; and the company, seeing that they had got the department in their power, insert-

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ed the condition that the contract should not be subject to revocation.

What right had the Postmaster General to agree to such a condition, when the law directed him to insert in every contract a clause making it revocable at the will of the department? Yet he says in his report that these contracts would remain firm unless Congress should direct otherwise. By the resolution Congress was asked to annul this quasi agreement; for contract it was none. The Postmaster General made on the back of the paper an endorsement, which Mr. G. read, (but of which we failed to obtain a copy.)

What he more especially desired to call the attention of the country to was the fact, that while the Postmaster General represented it as an outrageous thing that the railroad company was connected with the steamboat line, (which was not a fact,) yet in this contract with the bay company an individual was largely concerned who was at the same time the proprietor of a railroad south of Richmond; and thus the Post Office Department had itself connected a railroad with a water line, the very thing it charged upon this company.

Here the hour allotted to Mr. G., to his great seeming surprise, expired. He thereupon offered an amendment, (given below,) which was read for information.

The question was first put on the amendment of Mr. JONES, of Tennessee, viz:

"*Provided*, That in making such contract or engagement with the Postmaster General, the said Richmond, Fredericksburg, and Potomac Railroad and Steamboat Company shall agree and engage with the Postmaster General to pay to the Post Office Department such amount or sum of money as, in his judgment, shall be a fair and equitable equivalent to the contractors for transporting the mail from Baltimore to Petersburg and Richmond on the bay line, and to the contractors from Washington to Richmond under the recent arrangement, as will indemnify said contractors by reason of the discontinuance of the said routes hereby dispensed with."

This amendment was agreed to: Ayes 80, noes 65.

Mr. BROWN, of Pennsylvania, moved to amend the resolution as follows:

Resolved, That the construction heretofore given by the Post Office Department, and particularly that of the present Postmaster General, to the laws of 1838, 1839, and 1845, regulating and restricting the compensation to be paid for carrying the mail on railroads, is hereby approved and confirmed.

Ruled out of order by the Chair.

Mr. JONES, of Tennessee, moved further to amend the resolution, by adding thereto the following:

Resolved, That it shall be the duty of the Postmaster General to arrange and class the service hereafter to be required of the railroad companies, including those in which the service is partly by steamboats, in the transportation of the United States mails, into four classes, according to the size of the mails, the speed and frequency with which the mails are or shall be required to be conveyed, and the importance of the service; and it shall be lawful for him to contract for carrying the mail with any such railroad company, or any steamboat company, or any railroad and steamboat company, either with or without advertising for such contract: *Provided*, That for the first class service in conveying the mail on any railroad, he shall not pay a higher rate of compensation than $2.0 per mile per annum, nor for second class service on any railroad a greater compensation than $150 per mile per annum, nor for third class service on any railroad a greater compensation than $100 per mile per annum, nor for the fourth class service on any railroad a greater compensation than $50 per mile per annum; nor shall he pay for the conveyance of the mail on steamboats, or on the steamboat portion of a railroad and steamboat route, a greater compensation than above specified for the several classes, less than twelve and one-half per cent.

Mr. JONES occupied the five minutes allowed to him under the rule in explanation of his amendment. I propose (said he) that the Postmaster General shall class the service hereafter to be required of the different railroads throughout the Union, for the transportation of the mails, into four classes, and for such transportation he shall not allow greater compensation than that specified in the amendment for each class of service respectively. Under this arrangement, I suppose, as a matter of course, those larger mails, such as those between this city and New York, being required, as at present, to be carried twice a day, will be of the first class, and be entitled to the maximum compensation of two hundred dollars per mile. The large daily mails—such as the great southern and also the great western mail—will be entitled to the highest pay for that class, one hundred and fifty dollars—the other two classes being the one the greater, and the other the less, local or way mail, and paid as proposed in the amendment.

This country has partially made the experiment of cheap postages, and I am gratified to know that, thus far, it has succeeded well—far beyond what some of us expected, and fully equal to the hopes and expectations of its most sanguine friends. Sir, the friends of this great reform, in advocating its adoption, referred, with confidence, to the reduction of postages in England. There the postages had been reduced to almost nothing—one penny a letter. But there, as I understand, scarcely anything is paid for transporting the mails; there the mails are transported mostly over railroads; many of them receive no pay at all for carrying the mails; others receive, perhaps, about a penny a mile—not quite two cents, or some other nominal and insignificant sum; while but one railroad in that country, if I am correctly informed, receives what would be considered as pay for carrying the mail, and that one is required to run in the night, without a passenger train, but solely for the transportation of the mail. I am not for adopting this policy towards the railroads in this country. No, sir; I am in favor of paying them liberally. In my amendment, I propose to allow what to me appears to be ample compensation, being nearly twenty-five per cent. higher than is now paid for any post-coach service in the United States. The highest pay for any post-coach service at present being one hundred and twenty-eight dollars per mile; add twenty-five per cent. on that amount, and it will make one hundred and sixty dollars per mile. I propose to pay for the most important daily railroad service one hundred and fifty dollars. My firm impressions are, that railroads can better afford to carry the mail for the sum now proposed than post-coaches can for the compensation now received.

Mr. J. soon after withdrew his amendment, giving notice that he would avail himself of a different time and mode of reaching his object.

Mr. BOTTS now obtained the floor, and wished to address the Chair, but was pronounced out of order unless he rose to explain an amendment. He thereupon said he would offer one, and offered the original resolution slightly modified.

Mr. B. said he only desired to state to the committee the position in which they would be placed by the adoption of the amendment of the gentleman from Tennessee, [Mr. JONES.] He verily thought, when he heard it read, that the gentleman had offered it in sport; little dreaming that the House would ever think of passing it. Here was a controversy between the Post Office Department and a railroad company. The department offered $30,000—the company demanded $32,000.

Here Mr. B. was called to order by Mr. THOMPSON, of Pennsylvania, who called for the reading of the rule which forbade the grafting of one bill or resolution on another, &c.

Mr. BOTTS. What? Cannot I explain another amendment as introductory to the discussion of my own? May I not be allowed to make my speech in my own way?

The CHAIRMAN reminded Mr. B. that the rule allowed each gentleman offering an amendment five minutes to explain that amendment. It might be difficult for the Chair to decide in that time whether a gentleman was speaking exactly in order or not.

Mr. BOTTS. I should indeed think it an exercise of great ingenuity if the Chair could now tell what I mean to say. The railroad company refused the $30,000 offered by the department, and hence it is that this question has come before Congress. The Post Office Committee has reported a resolution providing that that offer is to be renewed; and thereupon the gentleman from Tennessee proposes an amendment declaring that the company may have the contract at that price, if they will only consent to pay all damages which the Postmaster General in his discretion shall impose upon the company for refusing his offer—which is pretty much the same as saying, "you may carry our mail for nothing, if you choose." Thank you for small favors.

Mr. JAMIESON moved to recommit the resolution and amendment.

The CHAIRMAN ruled it out of order.

Mr. HALL, of Missouri, moved the following amendment:

Resolved, That nothing in this resolution shall be so construed as to require any increase of the present expenditure in the Post Office Department.

In explaining his amendment he said its object was that his constituents might not suffer from any action Congress might take on this subject. There was in his district a very peculiar arrangement for the transportation of the mail. It was carried from the eastern extremity of the district quite to the western, through six counties, a distance of two hundred and thirty miles; and, in order to convey a letter from one county seat to another, situated but twenty-five miles apart, it was made to travel a circuitous journey of more than three hundred miles, and was two weeks upon the way, while a traveller could pass from one point to the other in five hours. This was but a specimen, a small part of the inconvenience suffered by the people of his district from year to year. They had applied to the department for relief, but it was refused, because the department could afford no more expenditures in that quarter. Mr. H. had thought that now brighter prospects began to dawn upon them; but if the expenditures of the department were to be increased in the eastern portions of the Union, his people would have to groan on and suffer on for years to come. It was true, gentlemen said it would cost the department but some $2,700 more; but the expenditure of a single thousand dollars in his district would give his constituents all they desired; and so great an anomaly as the carrying a letter three hundred miles to a town twenty-five miles off, and keeping it two weeks in reaching a point which a man on horseback could reach in five hours, would be put an end to. Till that was done, he must object to any increase of expenditure here.

Mr. HASKELL moved that the committee rise. Lost.

Mr. JAMIESON renewed his motion to recommit with instructions. Not in order.

Mr. BOTTS was understood to have withdrawn his amendment.

The question was put on Mr. HALL's amendment, and it was agreed to.

Mr. MEADE's substitute next came up, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized in future to contract with the railroad companies for the transportation of the mail at a price not exceeding $237 50 a mile for transporting the mail once a day, and $300 for transporting the same twice a day: *Provided*, That for such service performed in the night-time an additional compensation, not exceeding 15 per cent. on those sums, may be given.

Resolved, That the Postmaster General be, and he is hereby, required to cause the great northern and southern mail to be transported by steamboat and railroad, on the usual route, until otherwise directed by law, provided the same can be done for the prices herein prescribed.

Mr. MEAD said, his object in offering his substitute was, to furnish a fixed rule by which the Postmaster General should be governed in making his contracts. He recapitulated the terms proposed by his amendment. He understood that there were some in this House who thought $237 50 per mile was too much. He begged them to remember that the whole nation was interested in keeping up at least one line of railroads from here to New Orleans, for the national defence of the country. And he wished to state the fact that there was no railroad between this city and Charleston, South Carolina, the stock of which was worth seventy cents on a dollar; and it was with great difficulty now that, under immense debts, these railroads could keep themselves up. The stock of the railroad between this city and Richmond was not worth more than $75 per $100. The railroad from Petersburg to Roanoke was not worth more, and the railroad from Roanoke to Wilmington was not worth more than 20 per cent.

If the proviso of the gentleman from Tennessee [Mr. JONES] was retained, the consequence would be, that we should be without the means of transporting the mail from Petersburg south; for while we had in the bay line a competitor with the railroad line from this city to Richmond, after we get to Petersburg there is no competition whatever with the railroad; and if the Petersburg and Wilmington road should say that they would not carry the mail for less than $237 50 per mile, this whole mail must be transported by post-coaches, which would cost a great deal more, while the cars continued to run to carry the travellers. He repeated, that while he was for limiting this compensation to the smallest reasonable amount, yet he considered it was policy to give a fair and liberal compensation to these roads, with a view of keeping up these lines of communication from here to New Orleans, which, at some future time, might be of such essential service to the country.

Mr. DUER inquired how much increase of compensation the gentleman proposed over the present rates?

Mr. MEADE. None. He proposed the same price which was offered by the Postmaster General, and about $13 less than the railroad had received previously.

It was the policy of the resolution which he offered as a substitute to disconnect the railroad from the steamboat altogether, and, by so doing, we could have the mail transported from this city to Aquia creek for $5,000, instead of $13,000, which was now paid. And, as he said yesterday, the Postmaster General, if he had committed any error at all, had committed it in suffering the railroad company to connect itself with the steamboat company in disregard of its charter.

Mr. JONES, of Tennessee, moved to amend the substitute of Mr. MEADE by striking out the provision for an additional compensation of 15 per cent. for night service.

Mr. MEADE said that 15 per cent. was a reduction from 25 per cent. which the Postmaster General was now authorized to pay.

Mr. JONES briefly advocated his amendment. He said that he made this motion because he was opposed to allowing additional compensation for night service. The mail is carried from Petersburg, Virginia, to Weldon, North Carolina, both ways, in the night; also, from Augusta, Georgia, to Atalanta, in the same State, a distance of 171 miles, both ways, in the night; and yet no additional compensation is paid to either of them in consideration of this night service. I am aware that it has been said, on behalf of the Richmond and Fredericksburg company, that it is an advantage to the company to run the mail train in the night, as it will not then interfere with the burden trains on the road. Mr. J. said that he was surprised to learn that the gentleman from Virginia, [Mr. GOGGIN,] from his remarks this morning, had fallen into the same error as to the advantage of night or day service, but upon far more erroneous reasoning. If I understood the gentleman aright, he said the company owning the road from Petersburg to Weldon is composed of slaveholders; that, in the daytime, those slaves were engaged in the woods in procuring wood, and in the night they attended at the stations, to supply the trains with fuel and water, and thus the expense of a double set of hands is avoided. I am a southern man myself—have been accustomed to slavery all my life; and, so far as my knowledge extends, it is the custom in the South, in the employment of slaves—as I presume it is where free labor is employed—in all cases where the business engaged in requires hands day and night, that a double set of hands is employed; and nowhere in the South have I ever heard that the same hands were employed by day and night in any business by their owners. I do not live in the neighborhood of a railroad; but I doubt not that these railroad companies, as well as everybody else, under similar circumstances, employ one set of hands for day service and another set of hands for night service. I am assured by gentlemen around me, who live in the vicinity of those southern railroads, that such is the fact. I hope my amendment will be adopted.

The question being taken on Mr. MEADE's substitute, it was rejected.

Mr. GOGGIN moved to amend the resolution so as to substitute the following:

Whereas it is the duty of the Postmaster General to provide for due celurity, certainty, and security in the transportation of the mail, in order to relieve him from any embarrassments under which he may labor by reason of existing laws (as he construes them) or the usages of his department, as they are now said to exist:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized to renew the engagements heretofore existing for the transportation of the great northern and southern mail by the Richmond, Fredericksburg, and Potomac Railroad and Steamboat Company, at a price not less than that which has been paid by the present Postmaster General, as well as his predecessors, for the regular and satisfactory transportation of the said mail up to the month of July last.

Disagreed to by tellers: Ayes 49, noes 107.

Mr. ROCKWELL, of Connecticut, moved that the committee rise and report the following recommendation to the House:

"That it be recommitted to the Committee on the Post Office and Post Roads, with instructions to inquire and report whether any and what further legislation of a general character is required in relation to the transportation of the mail by railroads and steamboats."

Mr. JAMIESON moved to amend Mr. ROCKWELL's amendment as follows:

Resolved, That, by way of amendment to the several propositions before the committee, the committee recommend to the House a recommitment of the same to the Committee on the Post Office and Post Roads, with instructions to report a bill granting equal mail facilities throughout the Union.

Disagreed to.

Mr. HALL, of Missouri, moved to amend Mr. ROCKWELL's amendment, by adding after the word "steamboat" the words "or by any other mode."

Mr. ROCKWELL accepted Mr. HALL's amendment as a modification.

Mr. McKAY moved to amend Mr. ROCKWELL's amendment by adding the following:

"Also, to ascertain the terms upon which the department can be released from the contract with the bay company for the transportation of the mail; also, the terms upon which a contract can be made with the Fredericksburg and Potomac Railroad Company for the transportation of said mail."

Mr. ROCKWELL accepted Mr. McKAY's amendment as a modification.

The question was then taken on Mr. ROCKWELL's amendment, and decided in the negative—ayes 85, noes 92.

The committee then rose and reported the joint resolution as amended.

On motion, it was ordered that when this House adjourns it will adjourn to Monday next.

And, on motion, the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. DUNN: The petition of Gideon Walker, asking pay for services as an enlisted soldier, from the year of 1782 to 1785.

By Mr. SYLVESTER: The petition of Skelton Felton, praying for a pension for wounds received while in the service of the United States, during the late war with Great Britain.

By Mr. COCKE: The petition of William C. Mallicoat, and 124 other citizens of Grainger county, in the state of Tennessee, praying Congress to establish a post route from Thorn Hill, in said county, to Blain's Cross Roads.

By Mr. PHELPS: Petitions of citizens of Newton and Jasper counties, Missouri, for a semi-weekly post route from Bolivar, via Dade C. H., to Neosho.

By Mr. NICOLL: The memorial of James Wilson, Smith, Thurgar & Co., Barclay & Livingston, Davis, Brooks & Co., Newbold & Cruft, and others, of the city of New York, praying to be refunded the amount of duties paid by them upon merchandise destroyed by the great fire which occurred in that city July 19, 1845.

By Mr. McILVAINE: The memorial of the "New Garden Monthly Meeting of Friends," held in Chester county, Pennsylvania, praying that Congress shall adopt immediate and efficient measures to terminate the existing war with Mexico by the withdrawal of the American troops from the Mexican soil, and against the acquisition of any territory; but, if territory shall be acquired, that the perpetual prohibition of slavery be made a primary condition; and in favor of a system of arbitration of all national differences.

By Mr. HOLMES, of New York: The petition and other papers of Captain Thomas Dewar, asking pay for money advanced while in the service of the United States in the last war with Great Britain.

By Mr. McCLELLAND: The petition of Mrs. Catharine Hoffman, widow of the late Lieutenant Colonel William Hoffman, for a pension.

By Mr. CROWELL: The petition of Job Johnson, and others, citizens of Ohio, for a new mail route from Pittsburg, Pennsylvania, to Mansfield, in Ohio.

By Mr. PENDLETON: The petition of Lewis McKenzie, praying to be paid money advanced for transportation of troops.

By Mr. TAYLOR: The petition of Thomas Scott, late register of the land office at Chillicothe, Ohio, praying compensation for extra services connected with the duties of his office; heretofore presented, April 1, 1844. Also, the petition of Samuel Reed, of Pike county, Ohio, praying payment for part of a tract of land purchased of the United States, the title to which has not been maintained; heretofore presented, January 21, 1843.

By Mr. WHITE: The petition of George F. De la Roche and William P. Sanger, praying compensation for services rendered in the Navy Department. Also, the petition of Horatio Sprague; heretofore presented.

By Mr. MORSE: The petition of Valery Gainnie, praying for the correction of an error in an act of confirmation of land.

By Mr. GRINNELL: The petition of citizens of Wareham, Sandwich, and Rochester, Massachusetts, praying that a new collection district may be established with a port of entry at Wareham, to include the towns of Wareham, Sandwich, and that part of Rochester called Sippican.

By Mr. ABBOTT: The petition of J. F. Mahanahan and 105 others, citizens of Lowell, Massachusetts, praying that the thirteenth section of the act of Congress of July 4, 1836, may be so far modified that no patents valid and operative in the law shall be surrendered.

By Mr. ROCKWELL, of Connecticut: That the petition and papers of William Queen be taken from the files and referred to the Committee of Claims.

By Mr. CROWELL: The petition of Billings, Chaffee, and others, citizens of Medina and Summit counties, in Ohio, for a tri-weekly mail route from Hudson to Brunswick. Also, the petition of L. W. Curtis and others, citizens of Trumbull, Portage, and Summit counties, Ohio, for a tri-weekly mail route from Warren, in Trumbull county, to Hudson, in Summit county. Also, the petition of Peter Allen and others, citizens of Kinseman, Trumbull county, Ohio, praying for peace with Mexico.

By Mr. MEADE: That the petition of Samuel Jones be taken from the files of the House, and referred to the Committee on Revolutionary Claims.

By Mr. BEALE: The petition of Samuel Butler, praying to be placed upon the list of invalid pensioners.

By Mr. DICKINSON: A petition from citizens of Crawford county, Ohio, praying Congress to repeal so much of the act of March 3, 1847, as repeals that part of the act of the 3d of March, 1845, which allows newspapers to be sent through the mail free of postage.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 10, 1848.

The Journal of Friday last was read and approved.

THE SOUTHERN MAIL.

When the House adjourned on that day, the pending question was on agreeing to the amendments reported by the Committee of the Whole, to wit: the amendment of Mr. JONES, of Tennessee, and the amendment of Mr. HALL, of Missouri, as published with the proceedings of that day.

The question on agreeing to these amendments coming up to-day—

Mr. GOGGIN moved to recommit the resolution and amendments with the following instructions: "To report upon all the facts in relation to the subject-matter of the said resolution, with such modification or alteration of the same as may be deemed expedient."

Mr. GOGGIN remarked, in support of this motion to recommit, that the Committee on the Post Office and Post Roads had reported no facts accompanying their resolution. In order to enable them to do so, and to do justice to the original mover of the resolution, he wished it recommitted; and he hoped the question would be disposed of without further delay.

Mr. BRODHEAD said the gentleman from Virginia desired this bill to be recommitted for the purpose of having the facts reported to the House. He thought the facts had been sufficiently stated to the House, as well by the Postmaster General as by those who had discussed the question here. The gentleman desired to get rid of this bill, and, therefore, he (Mr. B.) thought the best way to dispose of it would be to lay the whole subject on the table. He therefore made that motion.

The question being taken, it was decided in the negative: Yeas 69, nays 124.

The motion then recurred on agreeing to the motion to recomait with instructions, when—

Mr. JONES, of Tennessee, moved the previous question, which was seconded, and the main question ordered to be now put, viz: Will the House agree to the first amendment reported by the Committee of the Whole, (Mr. JONES's?)

The yeas and nays on this question were announced as follows:

YEAS—Messrs. John Quincy Adams, Bingham, Birdsall, Black, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Cathcart, Chase, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickey, Dickinson, Daniel Duncan, Edsall, Embree, Nathan Evans, Faran, Farrelly, Featherston, Ficklin, Fries, French, Gentry, Willard P. Hall, Hammons, Harris, Henley, Hill, Elias B. Holmes, George S. Houston, Charles J. Ingersoll, Jamieson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McKay, Mann, Marvin, Miller, Morris, Morse, Nelson, Peaslee, Peck, Pettit, Peyton, Phelps, Pillsbury, Putnam, Rhett, Richardson, Richey, Robinson, Rockhill, Rose, Rumsey, Sawyer, Sherrill, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather,

Charles E. Stuart, Thomas, James Thompson, Jacob Thompson, John B. Thompson, William Thompson, Turner, Venable, Wentworth, Wick, Williams, Wiley, and Woodward—97.

NAYS—Messrs. Abbott, Green Adams, Ashmun, Barringer, Barrow, Bayly, Beale, Bedinger, Belcher, Blanchard, Bocock, Botts, Boydon, Brady, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Conger, Cranston, Crisfield, Crowell, Crozier, Dixon, Donnell, Duer, Garnett Duncan, Eckert, Edwards, Fisher, Flournoy, Freedley, Fulton, Gayle, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Haskell, Henry, Isaac E. Holmes, John W. Houston, Hubbard, Hudson, Joseph R. Ingersoll, John W. Jones, Kaufman, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Levin, Lincoln, McDowell, McIlvaine, Marsh, Meade, Morehead, Mullin, Murphy, Nes, Newall, Nicoll, Outlaw, Palfrey, Pendleton, Pollock, Preston, Julius Rockwell, John A. Rockwell, Root, St. John, Schenck, Shepperd, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, Robert A. Thompson, Toombs, Van Dyke, Vinton, Warren, White, and Wilson—96.

The SPEAKER voted in the negative, thus equalizing the vote, whereby the amendment was lost.

The question was then put on agreeing to the second amendment reported by the Committee of the Whole, (Mr. HALL's,) and decided in the affirmative: Yeas 101, nays 91.

The question was then put on ordering the joint resolution to be engrossed and read a third time, and it was decided in the negative without a division.

So the joint resolution was rejected.

THE PRESIDENT'S ANNUAL MESSAGE.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. J. R. INGERSOLL, of Pennsylvania, in the chair,) and proceeded to the consideration of the resolutions referring the President's annual message to the various appropriate committees.

Mr. McCLERNAND having the floor, addressed the House as follows:

Mr. CHAIRMAN: It is due, perhaps, to the committee, that I should renew the apology now, which I felt constrained to offer the other day when I appealed to the committee to adjourn this question temporarily, to enable me to speak upon it under more favorable circumstances. Certainly, sir, upon no other ground than that of physical indisposition, would I have ventured so far from my humble course here as to have asked so great a concession. In return, gentlemen, for your kindness and consideration, I can only offer you the humble tribute of my thanks and gratitude, which I beg you to accept.

These, Mr. Chairman, are critical and portentous times; an accidental conjuncture threatens the success of the cherished principles of Democracy, and all who are friendly to the present republican Administration are imperiously called upon to come forth promptly and boldly in its defence. All who profess to be Democrats should now prove their faith by their works. For one, sir, I propose to do this; and, that I may do it with the more success, I shall indulge in a somewhat extensive range of debate.

First, sir, it is my purpose to review the great measures that distinguished the internal or domestic policy of the present Executive Administration, and in like manner, on some future occasion, its external or foreign policy—especially the justice of our cause in the existing war with Mexico; thus affording, as a whole, a general survey of the conduct of our Government on the most important events of modern times.

Proceeding, sir, at once to the first and present branch of my pregnant theme, I will be allowed to premise that great and fundamental changes have occurred in the administration of the Government within a few years past. Upon the accession of the Democratic party to the control of Congress in 1843 and 1844, they found the policy lately before established by the Federalists in full operation. True, President Tyler, as if directed by some divine power, arrested that fearful and fatal consummation—a United States bank; but other measures little less mischievous survived to afflict the country. The mandamus and distribution acts still blotted the statute book; the question of the policy and power of this Government to engage in schemes of internal improvement remained to be settled; the black tariff to be replaced by a revenue tariff; the constitutional treasury to be restored; and the graduation principle, if possible, ingrafted upon the present land system. In short, a thorough work of reform and restoration challenged our best efforts. And how was that work performed? We shall see.

Upon the meeting of the twenty-eighth Congress in 1843 and 1844, the members of the House of Representatives found themselves much embarrassed by a serious and important question, that stood in the way of the very organization of the body, which forced them to choose between disregarding what purported to be a law, and excluding several of the States from a voice in the proceedings of the body. This was the work of the mandamus act, which deserves to be explained. The Constitution declares that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

This provision of the Constitution is of plain and obvious import; but a Federal Congress was not content to obey it. Rendered arrogant by the possession of ill-gotten power, they assumed the dictatorial authority to demand of the States to "make such regulations" as the Constitution left only to Congress to make: in other words, they assumed to do indirectly what they were afraid to do directly. They passed a law requiring of such of the States as elected Representatives by "general ticket" to cease to do so, and elect by "districts." The design of the law was obvious: it was to force New Hampshire, Georgia, Mississippi, and Missouri—four Democratic States—to abandon the mode of electing by general ticket, and to elect by districts. And the immediate effect of the law would have been to exclude the Representatives from those States, almost all of whom were Democrats, from a seat in the House. Such, sir, would have been the effect of the law. Well, what was the result? The States compromised by the usurpation disregarded the law; and a Democratic Congress, true in their devotion to the Constitution and to State rights, repealed it. They repealed it for numerous reasons, any one of which would have been sufficient to justify the act. It was unconstitutional, because it affirmed a subordination of the States to Federal authority, unknown to the Constitution; because, by a sort of legislative alchemy, it converted one power into two—the power of Congress to do a particular act into a compound power to require the States to do the same act. It was inexpedient, because it was designed to take immediate effect, which would have caused several of the States to incur the expense and trouble of holding extra sessions of their Legislatures to give the mandate effect. It was wrong, because its motive and its object was to constitute a miserable, paltry, party triumph. And for that and other reasons, it was expunged from the statute-book; and thus the way was opened to the great and brilliant political reformations which have followed under Mr. Polk's administration.

The first of these, Mr. Chairman, to which I shall give my attention, is that which recent and present circumstances seem to demand should be first noticed: I refer to the bold and patriotic stand taken by the President upon the subject of internal improvements by this Government under existing circumstances. I shall speak first to this subject, because justice to truth and the President demand that the attacks made upon both should be immediately repelled. Well, sir, what, then, has been the course of the President upon this perplexing question? Upon succeeding to the Presidency, like President Jackson, he found himself much embarrassed by its inherent difficulties; which difficulties have been greatly aggravated by the conflicting legislation of Congress upon the subject. It is a fact, that for more than thirty years after the organization of the present Government, no act was passed by Congress appropriating public money for river and harbor improvements. It appears that our predecessors accorded this power to belong to the States peculiarly. Warned by the experience of other nations, they held that an absolute money power was absolute despotism: and, therefore, such of them as assisted in framing the Federal Constitution, through a jealous fear, were unwilling to unite such a power with that of the sword, which was given to this Government. Such a conjunction—the purse and the sword—they thought would prove as disastrous to liberty here as it had elsewhere. Hence, in 1817 and 1818, Congress, in pursuance of this example of abstinence from the exercise of doubtful powers, passed the following declaratory resolutions in the *negative;* and that, too, after a protracted and elaborate debate, in which such statesmen as Barbour of Virginia, Blount of Tennessee, Cobb of Georgia, Desha of Kentucky, Holmes of Massachusetts, and Ringgold of Maryland, took an active and conspicuous part in the negative. The resolutions are as follow:

1st. *Resolved*, That Congress has power, under the Constitution, to construct post-roads and military roads: *Provided*, That private property be not taken for public use without just compensation.

Yeas 82, nays 84.

2d. *Resolved*, That Congress has power, under the Constitution, to construct roads and canals necessary for commerce between the *States: Provided*, That private property be not taken for public purposes without just compensation.

Yeas 71, nays 95.

3d. *Resolved*, That Congress has power, under the Constitution, to construct canals for military *purposes: Provided*, That no private property be taken for any such purpose without just compensation therefor.

Yeas 81, nays 83.

Such, sir, was the course of Congress upon this subject down to 1817 and 1818, and such the ground upon which it was rested. Yet, sir, according to the history of organized power everywhere, we find that in 1829, when General Jackson had succeeded to the Presidency, that this early and long-continued practice and construction of the Constitution had been overthrown, and a most loose and latitudinous one adopted in its stead. Wild and extravagant schemes of internal improvement had become the order of the day. During the immediately previous administration of Mr. Adams, it had found the greatest favor and had been pushed to excess; so much so, that in less than ten years after its introduction, more than $200,000,000 had been asked for various objects of internal improvement. President Jackson saw that the alarming evil demanded a speedy remedy, and he then boldly and nobly stepped forth to save his country from a career of corruption, bankruptcy, and ruin, as he had before saved her from the arms of a foreign foe upon the ever-memorable plains of New Orleans. He vetoed or refused to sign the following acts:

"An act making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, improving harbors, and directing surveys." "An act authorizing subscription for stock in the Louisville and Portland Canal Company." "An act for the improvement of certain harbors, and the navigation of certain rivers." And finally, "An act to improve the navigation of the Wabash river."

In his objections to the last-mentioned act, he says:

"The desire to embark the Federal Government in works of internal improvement prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees on Internal Improvements bills containing appropriations for such objects, exclusive of those for the Cumberland road, and for harbors and light-houses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which have been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials to Congress, presented, but not referred, different projects for works of a similar character, the expense of which cannot be estimated with certainty, but must have exceeded one hundred millions of dollars."

Much, sir, was thus done by President Jackson to correct a growing evil, the consummation of which must be corruption, bankruptcy, and ruin; but still, much remained to be done. The rule he laid down only reached a part of the evil, and did not go far enough, as he afterwards admitted. It was reserved for Mr. Polk to extend the rule, and strike at the root of the whole evil—to finish the work commenced by his illustrious predecessor. And how did he finish it? Simply by referring the subject of river and harbor improvements to the States, who may clearly take cognizance of it, with the consent of Congress. But I will let the President speak for himself. He says:

"The Constitution provides that 'no State shall, without the consent of Congress, lay any duty of tonnage.' With the 'consent' of Congress, such duties may be levied, collected, and expended by the States. We are not left in the dark as to the objects of this reservation of power to the States. The subject was fully considered by the convention that framed the Constitution. It appears, in Mr. Madison's report of the proceedings of that body, that one object of the reservation was, that the States should not be restrained from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates; and among them, the support of seamen. Mr. Madison, treating on this subject in the Federalist, declares that—

"'The restraint on the power of the States over imports 'and exports is enforced by all the arguments which prove 'the necessity of submitting the regulation of trade to the 'Federal Councils. It is needless, therefore, to remark fur- 'ther on this head, than that the manner in which the re- 'straint is qualified seems well calculated at once to secure 'to the States a reasonable discretion in providing for the 'conveniency of their imports and exports, and to the United 'States a reasonable check against the abuse of this discre- 'tion.'"

"The States may lay tonnage duties for clearing harbors, improving rivers, or for other purposes; but are restrained from abusing the power, because, before such duties can take effect, the 'consent' of Congress must be obtained. Here is a safe provision for the improvement of harbors and rivers in the reserved powers of the States, and in the aid they may derive from duties of tonnage levied with the consent of Congress. Its safeguards are, that both the State Legislatures and Congress have to concur in the act of raising the funds; that they are in every instance to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure being in the hands of those who are to pay the money and be immediately benefited, will be more carefully managed and more productive of good than if the funds were drawn from the national treasury, and disbursed by the officers of the General Government; that such a system will carry with it no enlargement of Federal power and patronage, and leave the States to be the sole judges of their own wants and interests, with only a conservative negative in Congress upon any abuse of the power which the States may attempt.

"Under this wise system, the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present Constitution. Many acts were passed by the several States levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress."

Such, Mr. Chairman, is a brief outline of the history of internal improvements by this Government, and such has been Mr. Polk's course upon that subject. Who now shall reproach him for broaching a new and untried theory? Who now shall condemn him for exercising, according to the dictates of his conscience, an unquestionable constitutional power, for vetoing one or two bills, the titles of which professed to be what was belied by their enactments?—which united in grotesque and corrupt conjunction Great Wood's Hole, Little Sodus bay, Hog Island channel, and the like nomenclature, with the mighty Mississippi and great lakes, which would have taken from the treasury, in time of war, perhaps millions of money, and thereby lessened the ability of the Government to feed and clothe our armies and maintain their success in the field; which would have created a *national debt pro tanto*, and thereby, perhaps, a national bank—thus leading ultimately to the corruption and consolidation of the Government, and consequently to despotism. I too, sir, voted against these bills, for which I also have been abused; but with no other effect than to confirm me in a fearless and faithful discharge of my duty. I also voted against certain resolutions declaratory of the power of Congress over the subject of internal improvements, which were adopted here a few days ago. I voted against these resolutions for many reasons, and, among others, because I thought they were thrust upon the House out of time and propriety; because the previous question was asked upon them before they were read at the Clerk's desk, which was ordered by the combined vote of the Federal side of the House—thus cutting off all debate, consideration——

Mr. BRODHEAD. And amendment.

Mr. McCLERNAND. Yes, sir, and amendment. I voted against it, because it appears to be artfully drawn up, so as to afford a constitutional sanction to profligate bills already vetoed, or which may hereafter deserve to be vetoed; and because, too, I thought I discovered a covert blow in it, aimed at the President, as was proven to be true by the declaration made immediately upon the passage of the resolution, that "a bill would be founded upon it which would be passed over the President's head."

I have reason to believe, sir, that the plan proposed by the President will prove satisfactory to the State I have the honor in part to represent. Bounded on the west by the Mississippi, on the south by the Ohio, on the east by the Wabash—three great rivers, floating a vast amount of commerce and navigation—she would be furnished with ample means, at the lowest rate of tonnage duties, to improve and perfect the navigation of these and other rivers, including the Illinois and Rock rivers, in which she is immediately and greatly concerned. Bounded on the north by Lake Michigan, there she would be equally well supplied with the means of improving and securing her only two harbors, at Chicago and Little Fort; the trade at which, especially at Chicago, the pride of our State, is now quite large, and is rapidly increasing. It will not only accomplish all this, but more; it would exempt Illinois from the burden of paying heavy and perpetual contributions for the improvement of harbors and the navigation of rivers in which she is not interested. And this reasoning should apply with equal force to Indiana, Kentucky, Mississippi, Arkansas, Iowa, and Missouri—whose rich and populous city of St. Louis would afford abundant means to make and preserve one of the best harbors in the world—and, in fact, with more or less force to all the States. Upon the ground of expediency, therefore, upon which I place this argument, the plan proposed by the President should prove generally acceptable.

But, sir, time presses, and I must pass on more rapidly. Early during Mr. Polk's administration, the question of the repeal of the law distributing the proceeds of the sales of the public lands among the States, came up for consideration. This measure originated with the great man of Ashland, (Mr. Clay,) who continued to urge it with his great talents and influence, until it obtained the sanction of Congress. General Jackson, with different views of public policy, regarded the measure as of dangerous tendency, and, therefore, arrested its consummation by the Executive veto We all recollect the fierce partisan war that was waged against the "Old Hero" for this act, and how he bore himself triumphantly in the contest. Thus defeated, the measure remained inoperative until 1841; when a "Federal Congress" exhumed it from the grave, and galvanized it into a sort of *quondam* rickety existence. Tradition tells us then that it was *distribution*, and that other short-lived and execrable shape, the *bankrupt law*, came forth as twin and dependant offspring of the same act of political adultery. They came forth as the formidable shapes that sprang from the brain of Lucifer to guard the gates of Hell:

"The one seem'd woman to the waist, and fair;
But ended foul in many a scaly fold,
Voluminous and vast!—a serpent arm'd
With mortal sting; about her middle round,
A cry of hell-hounds never ceasing bark'd
With wide Cerberean mouths full loud, and rung
A hideous peal; yet, when they list, would creep,
If aught disturb'd their noise, into her womb,
And kennel there."

Such was the image of that frightful moral prodigy, the bankrupt law, with its foul and double features of voluntary and involuntary bankruptcy; which mocked at the faith of contracts, and afforded a sanctuary for near fifty thousand debtors against the demands of their creditors.

"The other shape,
If shape it might be called that shape had none,
Distinguishable in member, joint, or limb;
Or substance might be called, that shadow seemed,
* * * What seemed his head
The likeness of a kingly crown had on."

This, sir, was the likeness of distribution, with its shadowy and conditional operation to disperse the proceeds of the sales of the public lands among the States, when the revenue from imports, taxed at a certain maximum rate of duties, should prove sufficient to support the Government. This measure was objectionable on many accounts. It was objectionable, because its tendency was to perpetuate a land system which has already drawn more than $100,000,000 from the infant communities of the west and southwest, as the price of the homes they have found in the wilderness, and dignify by their courage and patriotism; which has drawn from Illinois alone more than $10,000,000, and which, aggravated by distribution, would tend to degrade the States to the character of mendicants at the throne of Federal power, by the hope of receiving periodical alms. Distribution, sir, is the entering wedge of a high restrictive tariff, which must tax the people of the new States unequally as consumers, to buy more and more lands, to be sold chiefly to themselves at an advanced price, in order that the proceeds thereof may be distributed among all the States; and for these, and other reasons unnecessary here to be mentioned, the distribution act was repealed.

Yes, sir, distribution was not only repealed, but Mr. Polk and the Secretary of the Treasury, Mr. Walker, cogently recommended the antagonistical democratic measure of the graduation and reduction of the price of the public lands to settlers and cultivators. They recommended this measure; and I, as a member of the Committee on Public Lands, had the honor of bringing it in a legislative form before this House. And what was the result? It was strenuously opposed by the whole Federal phalanx; particularly by the gentleman from Vermont, [Mr. COLLAMER,] whose abilities now grace the head of the Land Committee; by the distinguished gentleman from Ohio, [Mr. VINTON,] who has been promoted to be chairman of the Committee of Ways and Means; and by the eloquent gentleman from Georgia, [Mr. STEPHENS,] with whom I have the honor to be associated on the Land Committee, and I hope not without the prospect of moving his bowels to compassion for the meritorious but much-abused class of pioneers and settlers. It was thus opposed; yet, sir, after one of the most tremendous struggles which ever occurred in Congress, it was passed by this House, and afterwards by the Senate, with some modification, which caused it to be lost for the want of time for its further consideration.

It is to be regretted, sir, that so important a measure should have been lost. Its enactment into the force of a law would have been attended with the most beneficial consequences. It would have reduced and graduated the prices of the public lands according to their actual value, and thus strengthened the liberties of the country by increasing the number of independent freeholders. It would have increased our agricultural surplus, and thereby our national wealth, by extending the area of agricultural labor. It would have hastened the period for lopping off a cumbrous and expensive branch of Federal patronage. It would have secured to the Government a fair equivalent for the public lands. In fine, it would have crowned the labors of a Democratic Administration with complete success. Lost, however, as the measure was, it is still the merit of a Democratic President and Congress that its principle was, for the first time, concurrently approved, under their auspices, by two departments of the Government.

But, sir, as glorious as are these results, another equally, if not more glorious, remains to be added. I refer to the liberation of the country, and its labor and interests, from the shackles of a restrictive and oppressive tariff. As Jefferson had contributed to redeem the country from the despotism of the alien and sedition laws—as Jackson, with a bold hand, had struck down that harlot of iniquity, the United States Bank—as Van Buren had released the Government from a corrupting connection with State banks, and poised it upon its own self-acting and self-preserving powers, under the Constitution; so President Polk, emulating these great examples, has contributed powerfully, by his well-directed and persevering efforts, to relieve the country from the blighting system of commercial restrictions. The oppressive and unjust tariff of 1842, enacted by a Federal Congress, was in full operation when Mr. Polk came to the Presidency; and, like all other enactments founded in the interests of favored classes, was strong in its very principle of exclusion. Five hundred thousand manufacturers, with all their influence of capital, business, and association, sustained it with the unity of a common interest and the activity of one will. Clad in purple and tinselled with gold, they contended for the retention of a profit of 50, 100, and 150 per cent. per annum upon capital, against more than four millions of agriculturists, artisans, and navigators, whose only object was to obtain a fair reward for labor. The contest was for a long time doubtful. Once tawdry wealth overcame honest toil; but justice and the democracy of numbers finally triumphed, and the "black tariff" of 1842 was replaced by the revenue tariff of 1846. Happy, glorious result!—the emancipation of labor from the bonds of capital!—a second declaration of independence! The grand and instructive event should ever stand as a light and a guide for the future!

Whatever, sir, may be the policy of other na-

tions, that of the United States consists preëminently in free trade. Experience not only bears testimony to this great truth, but God himself has stamped it with an omnipotent hand in the everlasting features of the country—in its vast extent, its diversities of soil and climate, its superior adaptation to the production of breadstuffs and cotton, the great staples for feeding and clothing mankind—which, in our hands, must eventually secure to us the control of the commerce and exchanges of the world. Hear, sir, what the great man who presides over the Treasury Department says of its beneficent operation and promise in his late report:

"The new tariff has now been in operation more than twelve months, and has greatly augmented the revenue and prosperity of the country. The net revenue from duties (see table NN) during the twelve months ending 1st December, 1847, under the new tariff, is $31,500,000; being $3,528,593 more than was received during the twelve months preceding, under the tariff of 1842. The net revenue of the first quarter of the first fical year, under the new tariff, was $11,103,257 41; whilst in the same quarter of the preceding year, under the tariff of 1842, the net revenue was only $6,153,826 53. If the revenue for the three remaining quarters should equal in the average the first, then the net revenue from duties, during the first fiscal year of the new tariff, would be $44,425,029 64. If, however, the comparison is founded on all the quarterly returns for forty-eight years, (as far back as given quarterly in the treasury records,) and the same proportion for the several quarters applied to the first quarter of this year, it would make its net revenue $40,388,045 (per table C.)" * * * * *

"Comparing the first twelve months ending the 1st of December, 1847, under the new tariff, with preceding years, we find proofs of increased prosperity. The revenue has largely augmented; so also have the imports, exports, and tonnage, our imports of specie, our coinage at the mint, our agricultural and mineral products, our commerce and navigation, the business upon our lakes, rivers, and coastwise—upon our railroads and canals—whilst in every direction manufactories are being established or enlarged, and new manufacturing towns and cities are springing into existence." * * "Instead of ruin, we find prosperity; the manufacturers receiving fair profits, and the workingmen augmented wages and employment." * * "And now, when, under our successful example, the ports of Europe are most probably about being more widely opened to all our exports, shall we check the advancing spirit of the age, and extinguish the dawning light of commercial freedom? Everywhere nations are being aroused upon this subject; their statesmen are resisting the interested classes, and exposing the injury and injustice of shackles upon trade, and will soon enroll the names of other countries on the great international league of commercial freedom for the benefit of mankind. It was our own country and her public functionaries who proclaimed these great truths before they had received the sanction of other nations." * * *

"With such results already from our efforts, we have every motive to persevere until the free-trade doctrines of Great Britain and America—the two great nations of kindred blood and language—shall open the ports and disenthral the commerce of the world." * * * * *

"France, Russia, Germany, Austria, Italy, Prussia, Switzerland, Holland, Belgium, Denmark, and Sweden, and even China, have moved, or are vibrating or preparing to move in favor of the same great principle; and if our own country and Great Britain adhere to their present enlightened policy, the rest of the world must lose their commerce, or adopt, as they will, our example."

I come now, Mr. Chairman, to speak of the last measure in the series of the triumphs of this Administration to which my limited time will allow me to give attention at present. I refer, sir, to the constitutional treasury, upon which that great and virtuous statesman, President Van Buren, fell; but which, under Mr. Polk's recommendation, has superseded the act of 1789, for the custody of the public money. This measure, like the revenue tariff, was strenuously opposed by the horde of bankers, brokers, stock-jobbers, and usurers; many of whom, as custodiers of the public treasure, had speculated upon it, from the repeal of the constitutional treasury in 1841, by a Federal Congress, to the date of its restoration, in 1846, by a Democratic Congress; and who, therefore, were unwilling to give it up. The country may now congratulate itself upon a better state of things. The taxes drawn from labor are no longer subject to bank failures and bank frauds—they cannot be prostituted to party purposes—they are in the responsible custody of the law. The simplicity of such a system of finance, in its direct provisions, for the collection, safe-keeping, and disbursement of the public revenues, by officers appointed, and penally and otherwise bound for that purpose, should commend it to the especial favor of the friends of State rights and republican virtue. But hear, again, what the Secretary of the Treasury (Mr. Walker) says of the operation of the constitutional treasury:

"The receipts and disbursements of the Government in specie, during the last eleven months, have amounted, together, to the sum of $96,894,402 49; and not a dollar has been lost to the treasury, nor any injury inflicted upon any branch of commerce or business. The constitutional treasury has been tried during a period of war, when it was necessary to negotiate very large loans, when our expenditures were being increased, and when transfers unprecedented in amount were required to distant points for disbursement. During the last eleven months, the Government has received, transferred, and disbursed more specie than during the whole aggregate period of fifty-seven years preceding since the adoption of the Constitution. * * * During the year ending 30th June, 1847, our imports of specie were $24,121,239, (see table T,) most of which, under former systems, must have gone into the banks, to have been made the basis of issues of their paper to the additional amount of fifty or sixty millions of dollars. Such an expansion, during the last spring and summer, accompanied by still higher prices, and followed by a greater fall, and by bankruptcies in England to an extent heretofore unknown, finding our banks and credit greatly expanded, and reacting upon this expansion, would have produced a revulsion here exceeding any that has heretofore occurred in the country. A general suspension of the banks would probably have resulted; depressing the wages of labor and prices of property and products; affecting injuriously the operations and credit even of the most solvent, and producing extensive bankruptcies. From this revulsion we have been saved by the constitutional treasury, by which the specie imported, instead of being converted into bank issues, has been made to circulate directly to a great extent as a currency among the people—having been recoined here during the last eleven months by the new orders of this department under the act of 9th February, 1793, and the zealous coöperation of the able and efficient head of the mint at Philadelphia, to the unprecedented extent of $20,758,048 12; and there are thousands of our citizens now solvent and prosperous, who have been saved from ruin by the wholesome operation of the constitutional treasury. The banks that so unwisely opposed the system have been rescued, probably, from another suspension; their stockholders, depositors, and note-holders from severe losses; and the country and Government from the ruinous effects of a depreciated paper currency. If the union of the Government with the banks had continued, and their suspension and the depreciation of their paper occurred during the war, requiring large specie disbursements, which suspended banks could not furnish, consequences the most disastrous to the honor and the interests of the country must have ensued. The Government is now disconnected from banks, and yet its stock and notes are at par, although we have been constrained to contract heavy loans, and to keep larger armies in the field than at any former period. But during the last war, when the Government was connected with banks, its six per cent. stock and treasury notes were depreciated twenty-five per cent., payable in bank paper twenty per cent. below par; thus amounting to a loss of forty-five cents in every dollar upon the operations of the Government * * * * * * Now, for the first time in our history, although failures in England of the most unprecedented magnitude have occurred, including banks and bankers, yet our banks and credit are sound and stable, and the business of the country is still prosperous and progressive."

This quotation, Mr. Chairman, closes my hasty and, I fear, very imperfect sketch of the internal or domestic policy of Mr. Polk's administration; my vindication of the model President—the man who has conducted one of the most brilliant wars of any age—who has effected the greatest state reforms of modern times—who, unambitious and unaspiring, rose upon the spontaneous suffrages of his countrymen to the highest civil station on earth, in which he stands forth the faithful reflex of their sentiments and opinions, and the admired representative of a great nation. Yes, sir, all this, and more, has been achieved under the auspices of Mr. Polk's administration; upon which we, his friends, tender you, his opponents, the issues offered by great principles. Will you meet these issues? We challenge you to meet them. If you are still for a national bank, a restrictive tariff, distribution, schemes of internal improvement, *et alia enorma* of Federalism; if you would still pursue a policy which must unavoidably make the rich richer and the poor poorer—which must dangerously strengthen this Government, at the expense of the States and the people,—say so. Do not skulk behind a military chieftain, nor seek to shield yourselves by a temporary excitement or prejudice, which, when passed away, must leave you sunk still deeper in the mire of your political sins.

Yes, sir, under Mr. Polk's administration, the column to Democracy has been completed. Based upon truth, crowned with victory, inscribed with "equal rights," "free trade," "cheap lands," "constitutional treasury," "hard money," and the "onward march of liberty," it will ever stand an imperishable monument of the fame of its architect and the glory of the Republic.

But what, sir, have our opponents been doing in the mean time? Without recurring to the past, I will speak only of the present. We know you have voted that Mexico commenced the present war by her aggressions. We know you have voted to place *the army and navy of the United States*—50,000 volunteers and $10,000,000—at the disposal of the President, to wage this war on our part. And we know that you have now turned round and voted that this same war was not commenced by Mexico, but unnecessarily and unconstitutionally by President Polk. We also know that southern *pro*-slavery men and northern *anti*-slavery men, of the same political party, have united in electing our worthy and distinguished Speaker, who, in moving the exclusion of slavery from Oregon, where it could not exist, introduced and provoked the agitation of the principle of the Wilmot proviso, for which he should be held responsible or applauded, according to the judgment of the patriotic people.

Mr. STANTON said, he had not anticipated a debate at this time on the subjects touched upon by the gentleman from Illinois who had just taken his seat; but as that gentleman had discussed, or given notice of his intention to discuss, the whole range of policy pursued by the present Administration, Mr. S. presumed it would be in order for him to take up at least one portion of it. And he was induced to do this the rather because it was his misfortune to differ in opinion from the President on one of the topics adverted to in the message, while in regard to all the others he entirely and cordially concurred with him. In saying that he differed from the Executive on one subject, he referred to what had been said by the President in his messages at the opening of this and also at the last session of Congress on the policy of works of internal improvement by the General Government. Mr. S. said, he could not agree with some gentlemen on the other side of the House in the sentiment that the veto power lodged by the Constitution in the hands of the President was an arbitrary power, and regal in its character. While he doubted not that the President had been perfectly honest and conscientious in his use of it in relation to certain projects of internal improvement, he considered the power itself but as the vote which the Constitution gave to the President to countervail that of one-sixth of the members of the Senate and House of Representatives. One-sixth of both Houses, when added to a simple majority, made up just two-thirds of the entire number of members. He said, therefore, that the veto was but the vote which the Constitution put into the hands of the Executive. And he thought that members of Congress had no more right to complain of the manner in which the President used the constitutional vote given to him, than he had to complain of the manner in which the members used their own. Mr. S. went on to observe, that not only did he believe the President to have been conscientious in his use of the veto, but that it required great firmness on his part to do what he did on this subject, inasmuch as it brought him into direct collision with many of the greatest men in his own political party, as well as some of the most distinguished of the Administrations which had preceded him. It took some moral courage to maintain his ground against the opinions of such men as Calhoun and Cass, as Buchanan and Walker, not to mention the present Secretary of War, Mr. Marcy. He could not have forgotten that the Secretary of War of the present Administration had made a report to the President of the United States, which the President had sent both to the Senate and the House of Representatives, recommending many of those very measures which in the veto message were denounced as unconstitutional. Mr. S. must, therefore, be permitted to say, that what the Executive had done in this matter required great moral firmness, and that the fact itself was strong presumptive evidence that, in taking such a step, the President had but followed a strong conviction of duty. Mr. S. repeated, that it was nevertheless his misfortune to differ from the President; and he desired the opportunity of saying a few words, in order that he might point out some of the grounds of that difference.

He understood the message to take the position that Congress, under the Constitution, possessed no power to facilitate navigation for the benefit of the country. The most of the President's argument in support of this position was either of a metaphysical or a philological character: that part of it which was historical would be found on examination to be inaccurate in point of facts. As to the metaphysical and the philological reasoning of the President, Mr. S. should on this occasion say nothing; but in relation to the historical portion, he might refer you to a speech of a distinguished Senator from South Carolina at the last session of Congress, where they would find the historical facts put very differently from the man-

ner in which they were set forth in the message. And though Mr. S. could not entirely agree in some of the very nice distinctions drawn by the Senator, yet he regarded his argument as unanswerable in respect to the sense to be put on the constitutional power intrusted to Congress of "regulating commerce." Before he had examined that able argument, Mr. S. had held the opinion that Congress had not the power of facilitating navigation now claimed; but the Senator's speech had changed his opinion. The honorable Senator based himself upon contemporaneous construction, upon the action of the States, and upon the action of Congress at the introduction of the Constitution. Before the adoption of that instrument, as was well known, the States claimed the right of regulating commerce by facilitating navigation, that power which the President now denied to Congress as unconstitutional. On the adoption of the Constitution, Congress claimed the right of doing the very thing which the States had done previously. On the 7th April, 1789, just one month after the Federal Government had gone into operation, an act passed both Houses authorizing the erection of light-houses and the maintenance of buoys, beacons, &c., and provided that the cost of such erection and maintenance should be borne by the treasury of the United States, with the proviso, however, that this should continue but for a single year, unless, previously to the expiration of that period, the States respectively in which the light-houses, &c., were situated should cede to the United States the land on which they stood.

Mr. S. said he considered the error into which the President had fallen to be this: he confined himself to one particular class of improvements, which were cotemporaneous with the adoption of the Constitution, thus drawing a distinction in the application of its language which did not in fact exist. He confined the power given by the Constitution to one particular class of improvements, which did not essentially differ from those in respect to which he denied it. What was the use of light-houses, buoys, and beacon-lights, unless it was to aid commerce, by facilitating navigation? And why was this whole class of subjects placed under the Department of the Treasury, if they had not that object? If a light-house or a buoy showed to the approaching mariner a rock or a shoal, and thus prevented him from shipwrecking his vessel upon it, and was for this end allowed to be built or placed by the direction of Congress, why was it not equally constitutional for Congress to effect the same end by removing the rock or the shoal, and taking it out of the way? And if it was in conformity with the Constitution to place a beacon-light or erect a light-house for this object on the shores of the Atlantic, why was it not equally in conformity with that instrument to place one on the banks of the Mississippi, to show to the pilot of a steamer a dangerous snag? And if it was constitutional to save the boat by placing a light upon the snag, why was it not equally so to cut the snag away or root it up?

Mr. S. said it was with great regret he was compelled to differ on this subject from many of those with whom he had been in the habit of cooperating; but he must be permitted, with great respect, to ask them to show him the difference, in principle, and in view of the Constitution, between these two operations; and further, to say whether the President must not have been mistaken in point of fact when he said that this power had not been exercised by Congress for the last thirty years. Mr. S. did not mean to be understood as impugning the accuracy of the facts stated by the President, or charging him with misrepresenting them; but he thought the President's mistake arose, as he had already said, in confining his application of a constitutional power to one class of improvements only, where there was no essential ground for such a distinction.

The President himself had declared, in the words of a former message of his to Congress, that Congress had from the foundation of the Government erected light-houses and placed buoys and beacon lights "to render navigation safe and easy." Now, if Congress had the power, and from the beginning had exercised the power of doing this, why might it not do whatever else was necessary to effect the same desirable end?

[Here Mr. S. quoted the passage in the message to which he had referred, and in which the President says he shall not question or disturb the authority for such works.]

And accordingly the President had last year signed a bill appropriating $500,000 for light-houses on the coast. Mr. S. said that he had himself voted against the bill, because no appropriations were made for the West; in this he now admitted that he had done wrong; but he thought the President himself had been equally wrong in voting money to facilitate commerce by building light-houses, while he refused it for improving rivers and harbors. The President put himself, in the one case, upon precedent for his justification; but if precedent was to govern his interpretation of the Constitution, Mr. S. could show him as many precedents one way as the President could show the other way.

Mr. S. had said that it required great moral courage on the part of President Polk to oppose himself to the opinions of great men of his own political party. In so doing, he placed himself in opposition both to the opinions and the course of action of Andrew Jackson. So far as the doctrine of the veto agreed with and confirmed the opinions put forth and acted on by President Jackson, Mr. S. had heretofore stated that he approved of, and was ready to maintain it. He believed as Jackson did, that the system had been carried too far; and it was probable that in the bills vetoed by President Polk there were contained some items to which this remark would justly apply. But Mr. S. held in his hand the evidence that, whatever might have been the opinions of General Jackson, he had approved bills for objects as objectionable to the full, in point of principle, as any of the bills he had vetoed. In the very last year of his administration he approved and signed a bill for improving the harbor of Oswego, on Lake Ontario, in the State of New York. In the year 1836 he signed a bill to build a breakwater on Staten Island. In the year 1837 he approved and signed a bill for improving the navigation of the Hudson river, and another for the navigation of the Mississippi. Andrew Jackson was not the man to do things by inches—to work by piecemeal. When he went into a reformation at all, he went into it boldly, alone, and on a great scale. He considered neither himself nor his party. Look at his attack on the Bank of the United States. Had he deemed it right to go as far in denying the power of Congress as President Polk had done, he would have done so openly and left his deed on record. But Mr. S. denied that he ever did; and if he did, he had contradicted his own principles by the very last bill he ever signed.

Mr. S., in taking the position he now did, feared not to plant his foot on ground consecrated by the name of that great man. Great he was; great in soul; and of that there was the evidence all around us. If any man doubted it, let him look at those noble public buildings whose erection marked the era of his administration. But let any one now walk up near our War Department, and he would find that a company of private individuals were putting up a building for which that department were to pay them a rent of $15,000 per annum, (so at least he was informed.) Such were not the ideas of Andrew Jackson. Look at the public buildings of the Government, and see the enduring monuments of his greatness of soul. There was seen the largeness of his conceptions. Mr. S. desired to see a continuance of the same way of thinking.

But it was said that a light-house was a building, and Congress had power to put up such a building, because it might purchase the ground on which to erect it; and when the ground was purchased, Congress had the right by the Constitution of exclusive legislation there. Its language was:

"To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals dock-yards, and other needful buildings."

To the same effect was the reasoning in the veto message:

"Congress did not even assume the power to erect light-houses or build piers without first purchasing the ground, with the consent of the States, and obtaining jurisdiction over it."

This language went upon the idea that jurisdiction over a plot of ground gave Congress power to do anything it pleased within those limits; it might put up any building it deemed of public utility there. Was this so? Then Congress might erect a church there, or a paper-mill; for nobody would deny that these were buildings of public utility. If it might put up a light-house, simply because it had exclusive jurisdiction over a bit of land it had purchased, it might build a church by the side of it. No; if it had the power at all, it must come from some other clause than this of the Constitution. The power conveyed here must be held as it was restricted by the provisions in other parts of the instrument. It could not do anything on this plot of ground than what other grants of the Constitution empowered it to do; otherwise all Congress had to do was to get the soil of a certain State or part of a State conveyed to it, and straight it became omnipotent within those limits, and might do just what it pleased.

While Mr. S. was speaking, there were very great and important works going on, between which and those vetoed by the President no sound and just distinction could be satisfactorily shown; yet to these no man thought of objecting. He would ask gentlemen whether the United States officers engaged in that useful and important work had a right to traverse the States, and do all the acts necessary to perfect that great undertaking, if the Government, under whose orders they acted, possessed no power to aid commerce by facilitating navigation?

It was held by some that because Congress had no jurisdiction over the soil of the States, it had therefore no power to construct works of internal improvement within their limits. But great rivers, like the Mississippi and Missouri and Ohio, were public highways, and no question of jurisdiction arose in regard to them. Any one might remove an impediment out of such a public highway without encroaching on the jurisdiction of any one of the States. What, in fact, had the question of jurisdiction to do with the matter? Nothing at all.

But a gentleman from South Carolina last session justified the erection of light-houses, buoys, &c., because Congress had maritime jurisdiction over the coasts of the United States. But what was maritime jurisdiction? Only the power to judge of contracts and the infringement of them which related to vessels and those who navigated them; and it was the same jurisdiction which was enjoyed by the State governments. It had nothing whatever to do with the power to execute works of internal improvement to facilitate navigation.

But Mr. S. would refer the committee to some other persuasive arguments employed by the President against the power for which Mr. S. contended. He said:

"If the power to clear out or deepen the channels of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain-head and make them navigable to their sources can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet is deep enough to admit a schooner, to deepen it still more, so that it will admit ships of heavy burden; and has it not the power, when an inlet will admit a boat, to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats, and has it no power to improve those which are navigable only for flat-boats and barges?"

That was the President's argument. If the United States Government might improve the navigation of rivers near their mouths where their channels were deep, therefore it must have the same power at the rivulets and springs which formed their source. This was much like the argument that because Congress had the power to use post roads for the conveyance of the public mail, therefore it might make post roads in every quarter of the country, and to every man's door. Was not the argument as good in the one case as in the other? Because Congress had the power to build vessels of war, might it therefore become a part owner and build ships for the purposes of commercial enterprise? Because it might construct mail steamers, could it run steamboats to Canton and to all the islands of the Pacific? If the President had power to purchase a right of way from the Atlantic to the Pacific, across the isthmus of Darien to Chagres, had he therefore an equal right to purchase a right of way from one ocean to the other, across Europe and Asia? Yet Mr. S.'s argument against such a power was much like the President's argument against the power of internal improvement. At the last session, Mr. S. had said that, as the Government were building a steamship at Pittsburg, it must possess the power of taking her down to the ocean; and if bars intervened in the river, it must have the power of

removing them; and if it might remove them when the ship was just upon them, it might remove them by anticipation, a year beforehand; and if it could remove a year before, it might remove them ten years before. To this my colleague had replied, that if his argument was sound, then Congress might build a ship on the top of the Rocky Mountains, and dig a canal from thence to the ocean. His colleague's answer was about as good as the President's. He put it to gentlemen to show how one of these arguments was any stronger than the other.

Mr. S. thought he had shown that an argument just as strong as that in the message against the power to improve navigation might be made against any power granted in the Constitution. But it was said that this power of internal improvement was a fascinating, a seductive power, and, once admitted, would be sure to lead the Government beyond all bounds of prudence. And if it were, was not the love of military glory, was not the thirst of conquest equally fascinating, and might not this be as well urged against the war power in the Constitution?

Mr. S. regretted to differ in opinion from the President, the more on account of the consequences which must follow the adoption of the Executive doctrines. Let the President's positions once be conceded, and the result must be to blow out every light-house from Maine to Texas—to sweep away every pier, and sea-wall, and breakwater, and buoy, and light-boat on the ocean and the lakes.

The President contended that Congress had the power to authorize the States to levy tonnage duties for the purpose of making works of internal improvement for themselves. Mr. S. had arrived at a very different conclusion. The Constitution gave to Congress the power of laying tonnage duties, provided they be uniform throughout the Union. If Congress should grant this power to the States, and the right to make works of internal improvement was incidental to the power of laying tonnage duties, why might not Congress, who possessed the power in its integrity, make works of the same kind? Congress possessed the whole power; the States must possess it only in part.

According to the argument of the President, Congress was to judge what works might be made and what might not: it could prevent, but not make them; it might hamper, and encumber, and embarrass those who would exercise the power, but it could not use it themselves. But Mr. S. insisted that if Congress could interfere with the power at all, it could exert the power itself. But the President saw that Congress had often granted this power to the States, and he brought precedents in warrant of such a proceeding. But if precedent constituted the warrant, Congress had as often exerted this power itself as it had granted it to the States; and so it was just as good a warrant for the one proceeding as for the other. The argument from precedent was equally good both ways.

But, though such were Mr. S.'s views, he was ready to consent to any arrangement by which this long-vexed question might at length be settled. If this plan of granting to the States the right to impose tonnage duties and apply the proceeds to the improvement of these rivers and harbors, he was willing the thing should be so arranged: but he did not see how this was possible. Suppose, for example, the State of Louisiana should ask of Congress the right to impose tonnage duties to be applied to the levees, &c., in that State, did gentlemen suppose that all western States washed by the waters of the Mississippi would assent to the grant? What guaranty would they have that Louisiana would make a proper use of the money? What security would they have that she would not apply it to her own exclusive benefit, in ways never intended by Congress? He granted that in such cases as in the harbors of New York, and Boston, and Baltimore, the plan might perhaps work well; but on the great streams of the West, unanimity was morally impossible, and there the plan would be fruitful only of dissensions and discord.

Mr. S. said he had no intention of indulging in a prolix argument on these constitutional questions. He was fully aware that what he might say in regard to them was likely to have but little weight with the committee, and as little influence on the action of Congress. He made these remarks mainly in justification of himself, and because he had the misfortune to differ on these points from the President, and from a certain portion of his own political friends.

In the other doctrines of the message he agreed entirely in sentiment with the Executive.

The chairman of one of the most important committees of this House had said that he never would consent to increase the public debt for the sake of carrying on works of internal improvement: this was the fixed determination of his party. If so, then most clearly this was not a time in which Congress must embark in such enterprises, because, if they did, a public debt must be created. Gentlemen had said they were willing to apply to this object a part of the revenue, when the public revenues were abundant, and when the condition of the country would justify it, but under no other circumstances. So far as that gentleman was willing to confine the appropriation of the public revenue to great works of a clearly national character, Mr. S. was prepared to go with him; but the treasury was not now in a proper state for any such undertakings. The nation was at war: it was engaged in a war which Mr. S. believed to be right in itself, and to have, from the beginning, been unavoidable. On that subject he had fully expressed his own convictions on a former occasion, and he should not now again go over the ground. Nor was it now in place. The question as to the commencement of the war was now settled, and our present duty was to look to its termination; and Mr. S. hoped that the principal action of the present Congress would be directed to that end. He should not give his views at length upon the subject, but he would say thus much: he agreed in the opinion expressed by a distinguished Senator, that the tendency of things was to the subjugation of the whole of Mexico. He believed it to be unavoidable, and he thought it desirable. At all events, come it would, sooner or later. The subjugation of the entire country would require seventy thousand troops. The President had asked for that number, and Mr. S. hoped the House would grant them—not to conquer Mexico: no; if she should offer proper terms of peace to-morrow, he held that we were bound to accept them. But he confessed he had no idea that they would have a Government willing to do this; and, unless they did it, and that shortly, neither they nor we could prevent the accomplishment of what he believed to be the great design of Providence in this whole movement. He apprehended none of those dangers which some gentlemen saw to our own liberties. He, for one, was in favor of pushing on the war, and giving the President every dollar he asked for. He did not fear such difficulties as some foresaw in carrying out the war to its results. Meanwhile, it was the duty of Congress to provide for the payment of the interest on the public debt. He was prepared to vote for that object. But, while he was ready to tax tea and coffee for this end, he would not consent to do this even for what he deemed necessary and constitutional works of internal improvement. He hoped the House would not endeavor by measures of this kind to embarrass the treasury; but if they should, Mr. S. trusted he should be found where the honor of his country demanded. If we should find no Government in Mexico with which to treat, we must then hold on to what we had conquered, and subject the population to rightful authority—to civilized laws, and the principles of humanity. We must restrain them from mischief, as we would serve a thief by placing him in the penitentiary. Should we now withdraw our troops, we should subject ourselves, and the Mexicans too, to all the cost and misery of a renewal of the war, and all must be done over again.

Mr. S. was for going on with the war, and not stopping till we reached results. He had no fear of the consequences. But if Mexico would consent to do us justice to-morrow, none would be more ready than he to accept any reasonable proposals. But he never could consent to leave the Mexican people in their present condition. They themselves did not desire it. He believed they would in their souls regret the hour when our troops should be withdrawn. The only result would be a renewal of the war, with added miseries, and it must end at last in the absorption of the whole of Mexico. But Mr. S. did not mean to enter on this subject now. He believed the war to be right, and was ready and prepared to give the Executive all the necessary means to carry it on with vigor.

Mr. STEWART obtained the floor, but yielded to a motion by Mr. HOUSTON, of Delaware, that the committee rise; which motion prevailing, the committee rose.

USE OF THE HALL.

Mr. J. Q. ADAMS asked the unanimous consent of the House to introduce a resolution granting the use of the Hall of the House to the Colonization Society, for the occasion of its anniversary, on the evening of the 18th inst.

Objection being made,

On motion of Mr. WENTWORTH, the rules were suspended, and the resolution was agreed to.

CLERKS IN THE PENSION OFFICE.

On motion of Mr. COCKE, the rules were suspended, to enable him to report, from the Committee on Invalid Pensions, a joint resolution authorizing the Commissioner of Pensions to employ additional clerks, temporarily, in the Pension Office; which was read twice, and committed to the Committee of the Whole on the State of the Union.

Mr. COCKE, for the purpose of obtaining instant action upon the joint resolution, moved a reconsideration of the vote by which the joint resolution was committed; which motion was not agreed to, on a division—ayes 48, noes 70.

Mr. T. B. KING, (by unanimous consent,) from the Committee on Naval Affairs, asked that said committee be discharged from the further consideration of the case of Thomas M. Newell, and that it be referred to the Committee of Claims. Agreed to.

The House then adjourned.

IN SENATE.

MONDAY, *January* 10, 1848.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made agreeably to law, accompanied by a statement of the expenses of the national armories, together with an account of the arms made and repaired therein during the fiscal year ending June 30, 1847.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Senate, made in compliance with the eleventh section of the act of the 26th of August, 1842, showing the persons employed in the office of the Secretary of the Senate during the year 1847, and the amount paid to each.

PROCEEDINGS AND DEBATES.

The VICE PRESIDENT laid before the Senate a letter from James A. Houston, in relation to the publication of the reported proceedings and debates of the Senate; which was read, and referred to the select committee on the subject.

PETITIONS.

Mr. CLAYTON presented a memorial of the representatives of the religious Society of Friends for the States of New York, Vermont, Michigan, and other places adjacent, praying the adoption of peaceful measures for terminating the war with Mexico.

Mr. CLAYTON moved that the memorial be read and printed.

The memorial having been read, the question was stated to be upon the motion to print.

Mr. ATHERTON. I believe, sir, that, under the rule, the memorial goes to the Committee on Printing. If not, I move that it be so referred.

Mr. CLAYTON asked for the reading of the rule.

It was read by the Secretary.

Mr. CLAYTON. I perceive that it must go to the committee, under the rule.

The motion to print was accordingly referred to the Committee on Printing.

Mr. ATCHISON presented the petition of Charles Findlay, representative of P. Choteau, jr., praying payment of certain moneys due him under the treaty of August 8, 1831, between the United States and the Shawnee Indians; which was referred to the Committee on Indian Affairs.

Mr. CALHOUN presented a memorial of pilots of the bar and harbor of Charleston, South Carolina, praying the repeal of the act of March 2, 1837, concerning pilots; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FELCH presented the petition of citizens

of Washtenaw county, Michigan, praying the repeal of all laws of Congress which in anywise sanction the existence of slavery in the United States; the motion to receive which was laid upon the table.

Mr. FELCH presented the petition of citizens of the county of Washtenaw, Michigan, praying the adoption of measures to prevent the acquisition of additional territory, unless on condition that slavery be prohibited therein; which was referred to the Committee on Foreign Relations.

Mr. FELCH prasented the memorial of Catharine Hoffman, widow of Lieutenant Colonel William Hoffman, deceased, late of the army of the United States, praying a pension; which was referred to the Committee on Pensions.

Mr. WESTCOTT presented a memorial of the Governor, members of the Legislature, and other citizens of the State of Florida, praying that compensation may be made to Tony Proctor, a free colored man, for services as an interpreter to the Seminole Indians in 1823 and 1824; which was referred to the Committee on Indian Affairs.

Mr. WESTCOTT said: I ask to be indulged in one or two remarks in relation to this petition at this time. It is not signed by the individual for whom relief is asked. The application is in behalf of an old free negro who, for seventy years past, has been the faithful interpreter for the Spanish Government and that of the United States with the Seminoles; and the petition is signed by the Executive and Legislative authorities of the State of Florida. Tony Proctor, the interpreter, was long in pay of the United States, but, for some cause, sixteen months' pay has been withheld from him. He is now upwards of one hundred years old. I hope my friend the Senator from Missouri, chairman of the Indian Committee, [Mr. ATCHISON,] will notice this fact, and he will see that if the relief asked is not granted forthwith, it will probably come too late. I hope the delay, too usual in Congress, will not be allowed in this case.

Mr. DAYTON presented the memorial of Mary Brognard, widow of John Brognard, a non-commissioned officer attached to the allied French corps in the revolutionary war, praying a pension; which was referred to the Committee on Pensions.

Mr. DAYTON presented the petition Aaron Carman, praying that letters-patent may issue to him for an improvement invented by him in the construction of the plough; which was referred to the Committee on Patents and the Patent Office.

Mr. BREESE presented the petition of John H. Kinzie and others, assignees of certain Pottawatomie Indians, praying the relinquishment of the reversionary interest of the United States in the lands purchased by them; which was referred to the Committee on Indian Affairs.

Mr. MASON submitted additional documents relating to the claim of Richard G. Dove; which, with his petition on the files of the Senate, were referred to the Committee of Claims.

Mr. MASON presented the petition of Archibald Williams and Charles Griffin, praying compensation for supplies furnished the Florida militia in the Seminole war; which was referred to the Committee of Claims.

Mr. MASON presented the petition of Leroy Hammond, praying compensation for the use of his wagon and team in the military service of the United States during the last war with Great Britain; which was referred to the Committee of Claims.

Mr. MASON presented the petition of John H. Williams, praying to be allowed the bounty granted by the act of 1833, on his reënlistment in the marine corps; which was referred to the Committee on Military Affairs.

Mr. MASON submitted a document relating to the claim of John H. Williams, for pay due him as a private in the marine corps; which was referred to the Committee on Naval Affairs.

Mr. MASON presented the petition of Abel Gray, a sergeant in the marine corps, praying compensation for extra duty performed by him; which was referred to the Committee on Naval Affairs.

Mr. MASON presented the petition of John H. Williams, praying compensation for services as schoolmaster on board the United States ships Java and Delaware; which was referred to the Committee on Naval Affairs.

Mr. BUTLER presented an abstract of the report of a committee of the Chamber of Commerce of Charleston, South Carolina, recommending the establishment of a branch mint at that place. Referred to the Committee on Finance.

Mr. BRIGHT presented the petition of D. C. Buell, praying compensation for a horse lost in the military service of the United States; which was referred to the Committee of Claims.

Mr. BELL presented the petition of Mary Connelly, widow of a deceased revolutionary soldier, praying a renewal of her pension; which was referred to the Committee on Pensions.

Mr. BRADBURY presented the petition of Patrick Walker, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. CAMERON presented the petition of the Philadelphia Female Anti-Slavery Society, praying the adoption of some plan for the immediate peaceful dissolution of the Union; the motion to receive which was laid on the table.

Mr. CAMERON presented the petition of John Stanert, a soldier in the last war with Great Britain, praying arrears of pension; which was referred to the Committee of Claims.

Mr. BADGER presented a memorial of merchants and others, and a memorial of masters of vessels and others, engaged in the navigation and commerce of the port of Wilmington, North Carolina; also, a memorial of pilots on the Cape Fear river and bars, severally praying the establishment of additional lights and buoys in the Cape Fear river; which were referred to the Committee on Commerce.

On motion by Mr. ATHERTON,

Ordered, That leave be granted to withdraw the documents on the files of the Senate relating to the claims of the State of New Hampshire against the United States.

On motion by Mr. MANGUM,

Ordered, That the petition of Michael Hanson, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. ATCHISON,

Ordered, That the petition of Thomas H. Noble, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BRADBURY,

Ordered, That the petition of William Davis, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. BRADBURY,

Ordered, That the petition of Ebenezer Whitten, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. CORWIN,

Ordered, That John P. Converse have leave to withdraw his petition and papers.

NOTICE OF BILLS.

Mr. FELCH gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill to apply certain alternate sections of the public domain towards the completion of works of internal improvement in the State of Michigan, and for other purposes.

Mr. RUSK gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to introduce a bill to establish an additional district court in Texas.

Mr. DOUGLAS gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to introduce a bill to establish the Territory of Minesota.

RELATIONS WITH MEXICO.

Mr. HANNEGAN submitted the following resolutions for consideration:

Resolved, That no treaty of peace can be made with Mexico, having a proper regard for the best interests of the United States, which does not establish as a boundary between the two nations the most suitable line for military defence.

Resolved, That in no contingency can the United States consent to the establishment of monarchical government within the limits of Mexico by the intervention of any European Power.

Resolved, That it may become necessary and proper, as it is within the constitutional capacity of this Government, for the United States to hold Mexico as a territorial appendage

The resolutions having been read—

Mr. HANNEGAN said: I ask that the resolutions be printed; and as it would not be strictly in order, I shall refrain from saying anything in relation to them at present. I ask that they be made the order of the day for this day two weeks, inasmuch as by that time the bills will have been disposed of which are now before the Senate. I will only add, that the resolutions are not entirely abstractions. They propose something definite and pointed.

It was then ordered that the resolutions be printed for the use of the Senate, and that they be made the special order for this day two weeks.

CHANGES OF REFERENCE.

On motion by Mr. ASHLEY,

Ordered, That the Committee on Public Lands be discharged from the further consideration of the petition of Martin Fenwick; and that it be referred to the Committee on Private Land Claims.

On motion by Mr. JOHNSON, of Louisiana,

Ordered, That the Committee on Pensions be discharged from the further consideration of the memorial of Anna J. Hassler; and that it be referred to the Committee on Naval Affairs.

On motion by Mr. RUSK,

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of Charles M. Gibson, and from the further consideration of the memorial of A. H. Cole, of Florida; and that they be severally referred to the Committee of Claims.

BILLS INTRODUCED.

Agreeably to notice, Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill for the issuing of patents in a certain class of cases, and for other purposes; which was read the first and second times by unanimous consent, and referred to the Committee on Private Land Claims.

Agreeably to notice, Mr. BRIGHT asked and obtained leave to bring in a bill authorizing the Secretary of War to surrender certain bonds of the State of Indiana, held by the United States, to the agent of the State for said State of Indiana; which was read the first and second times by unanimous consent, and referred to the Committee on Finance.

TERRITORIAL GOVERNMENT.

Mr. HANNEGAN said, several days ago I gave notice that I would ask leave to introduce a bill to establish a territorial government in Oregon. Upon reflection, I thought it proper and just to my friend, the Senator from Illinois, that he should have charge of the bill; and I have given it to him, and I believe he is now prepared to present it.

Mr. DOUGLAS then asked and obtained leave to bring in a bill to establish the Territorial Government of Oregon; which was read the first and second times by unanimous consent, and referred to the Committee on Territories.

REPORTS FROM COMMITTEES.

Mr. ASHLEY, from the Committee on Public Lands, to whom was referred the bill to establish a permanent preëmption system in favor of actual settlers on the public lands, reported it without amendment.

Mr. JOHNSON, of Louisiana, from the Committee on Land Claims, to whom had been referred the petition of Nathaniel Hoggatt, reported a bill for his relief; which was read and passed to a second reading.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom had been referred so much of the President's message as relates to the subject, reported a bill amending the act entitled "An act granting half-pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers," passed July 4, 1836; which was read and passed to the second reading.

Mr. UNDERWOOD, from the Committee of Claims, to whom had been referred the petition of Maria L. Nourse, reported a bill to authorize the settlement of the account of Joseph Nourse, deceased; which was read and passed to the second reading.

Mr. U. submitted a report on the subject, which was ordered to be printed.

Mr. UNDERWOOD, from the Committee of Claims, to whom had been referred the petition of Edward Bolon, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. BALDWIN, from the Committee of Claims, to whom had been referred the documents relating to the claim of Loomis and Gay, reported a bill in addition to an act for the relief of Walter Loomis and Abel Gay, approved July 2, 1836; which was read and passed to the second reading.

Mr. B. also submitted a report on the subject, which was ordered to be printed.

Mr. BALDWIN, from the Committee of Claims, to whom had been referred the petition of Joseph Watson, submitted an adverse report; which was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to whom had been referred a resolution relating to errors and defective returns in certain

surveys, plats, and field notes, reported the same without amendment; and submitted a special report on the subject, which was ordered to be printed.

Mr. BREESE, from the Committee on Public Lands, to whom had been referred the memorial of the Legislature of the State of Illinois respecting the Saline Reservations, reported a bill confirming former sales by the State of Illinois of the Ohio Saline Reservations, and authorizing the sale of the residue of such reservations; which was read and passed to the second reading.

Mr. DOWNS, from the Committee on Indian Affairs, to whom had been referred the petition of George S. Gaines, submitted an adverse report; which was ordered to be printed.

Mr. YULEE, from the Committee on Private Land Claims, to whom had been referred the petition of William Marvin, reported a bill for his relief; which was read, and passed to the second reading.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill making an additional appropriation for the dry dock at the Brooklyn navy-yard; which was read, and passed to the second reading.

Mr. YULEE said: I would ask the immediate action of the Senate on that bill. A communication has been received from the Secretary of the Navy, transmitting one from the chief of the Bureau of Construction, in which Congress is informed, that the appropriation for the dry dock at Brooklyn is entirely exhausted, and that they are without the means of making payments for the work during the present month. I believe that the communication states, that there is not enough to carry them through the month of December, which has just expired. They ask an appropriation of $150,000, in order to go on with the work. The Committee on Naval Affairs in the House have reported a bill precisely similar to that reported by the Committee on Naval Affairs of the Senate. It is necessary that action should be immediate on this bill, in order to prevent detriment to the structure, and to meet the public engagements contracted already, and daily occurring. Will the Secretary have the goodness to read the communication to which I have referred, as it will inform the Senate of all the facts in the case?

The SECRETARY read the communication

The bill was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate, and ordered to be engrossed and read a third time.

Mr. CRITTENDEN said that he feared that very partial attention had been directed to the bill before the Senate. It was one of very considerable consequence, and yet, for one, he did not exactly understand its objects.

The bill was again read.

Mr. CRITTENDEN. I have no objection.

Mr. DICKINSON. At the last session, we passed a bill making an appropriation for this work, when the merits and demerits of the subject were fully discussed, and the whole policy gone over and approved.

The bill was then read a third time, and passed.

ASSISTANT PURSERS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the appointment of assistant pursers in the navy.

The amendment heretofore submitted by Mr. BADGER, to strike out the words "by warrant," and insert "by and with the advice and consent of the Senate," was agreed to.

Mr. YULEE said, that as he was desired by Senators near him to explain the necessity of this bill, he would do so very briefly.

There were eighty-one vessels attached to the naval establishment a year ago. This number has been increased during the past year to meet the necessities of the service on the Mexican coast. There are sixty-four pursers in service, of whom, there are—

Now at sea	33
On duty at shore stations	14
Unfit for active sea service from age and infirmity	4
Recently returned from sea and settling accounts	4
Detailed for vessels now fitting for sea	3
Waiting orders	6

There are fifty-four vessels in commission at the present time, so that there are in fact now twenty-one vessels without pursers, the duties being performed by their commanding officers.

This consequence is detrimental to the service, and unjust to the officers obliged to act as pursers of their own vessels, who are generally not conversant with accounts, and whose appropriate duties totally conflict with the functions of a purser. Several very hard cases have grown out of this deficit in the number of pursers. Several officers of the navy, whose brilliant achievements on the coast of Mexico entitle them to the thanks of the country, and would have brought to them high promotion in most other countries, where the rule of lineal promotion is less rigidly observed, have returned home to be mulcted in damages, instead of being rewarded for their meritorious conduct. Some of them have balances of one or two thousand dollars found against them for the want of formal vouchers, although there can be no doubt of the actual expenditure. And the monthly pay to which the law entitles the officers thus situated is subject to be abstracted from the support of their families, and carried to the credit of the Government.

This is all wrong. Now, what is the remedy? The most economical and advantageous mode of supplying the deficit in the number of pursers, is that recommended by the Secretary of the Navy and reported by the committee. The assistant pursers will receive a less salary than the pursers are allowed, and will fully answer the necessities of the service in the class of smaller vessels. The alternative is between the increase of the number of pursers, or the addition proposed by this bill to the corps. There can be no question that this is the preferable measure; for, besides the advantage on the score of economy, the Executive will be able to make his selections for the grade of purser after a trial of capability and according to the relative merit of the persons filling the grade now proposed.

Mr. WESTCOTT offered the following amendment to the first section:

Provided, That no person shall be nominated or appointed an assistant purser until he shall have first passed an examination before a board of pursers of the navy as to his qualifications for such office, in like manner as assistant surgeons of the navy are now required by law to pass such examination.

Mr. WESTCOTT observed, that he offered this amendment at the suggestion of several Senators who coincided with him in opinion as to its importance. The first object of it was to decrease the Executive patronage. It prevented the selection of mere office-hunting political partisans without qualification, and in reward for political services; and if such are chosen, it would ensure, at least, that they have the necessary education and intelligence. This law provides that all pursers are to be appointed hereafter from these assistant pursers. These assistant pursers should have mercantile knowledge—skill as accountants—both of which attainments are professional, and, in fact may be called scientific. They should be examined as to these and other qualifications by a board of pursers before they are selected. No man can then become a purser or an assistant purser, unless he possesses at least the qualifications I have alluded to. The effect of a similar rule as to surgeons in the navy, and as to surgeons in the army, and as to cadets at West Point, and midshipmen seeking promotion, has been salutary. I hope this amendment will be adopted before the bill is sent to the House.

Mr. YULEE. I hope that my colleague will consent to withdraw this amendment, or else that it will be voted down. I do not think it at all important that the bill should be thus amended; and I trust, upon reconsideration, my colleague will withdraw it. Sir, it may be very proper that the surgeons and assistant surgeons of the army and navy should be subjected to an examination as to their professional and scientific attainments, inasmuch as perhaps it may not be in the power of the President, without the aid of a board of gentlemen schooled in the profession, to decide upon their qualifications; but in respect to pursers, sir, there is no necessity for any other qualification than the ordinary one of being a good accountant, and the higher and more important qualification of integrity, which the board cannot decide, but which is very properly committed to the President and the Senate to decide. My colleague is mistaken in regard to the duties of these pursers. They do not make purchases: they simply distribute the articles purchased, and disburse the money that is placed in their custody for the payment of the officers and men of the navy. That is all. The highest and most important qualification is integrity. I do not conceive that it is at all necessary that the bill should be amended as proposed by my colleague, and I trust he will withdraw his motion.

The question being taken on agreeing to the amendment, it was decided in the negative.

No further amendment being made, the bill was reported to the Senate, and the amendment concurred in. The bill was then read a third time, and passed.

TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill, on its third reading, to raise for a limited time an additional military force.

Mr. JOHNSON, of Maryland, said:

My purpose, Mr. President, in now addressing the Senate, is to give my opinion upon certain points connected with the present war, which it seems to be conceded may be properly discussed upon the present bill. They are these—

First. Is the war a just and honorable one, or is it unjust and dishonorable?

Second. Has it been heretofore properly prosecuted?

Third. How should it hereafter be prosecuted?

Fourth. What end, consistently with the good name of the nation, should be attained by it?

Mr. President, upon each of these propositions I propose to present my views with the frankness and freedom which become a Senator, and at the same time with the deference which I sincerely feel for the opinions of those upon both sides of the Chamber with whom I shall be found to differ.

Nothing, sir, is more annoying to me than to refer at any time to anything personal to myself, and it is especially so, to do so in the presence in which I stand. But there may be circumstances which render it a duty. I feel myself in that condition, and I therefore ask the kind indulgence of yourself and the Senate to say a word or two of a personal character.

To those who know me, Mr. President, it is, I am sure, unnecessary to disclaim that I am actuated on this occasion, neither in what I shall say or do, by any other motive than the single motive of duty to my country. If I could be mad enough to desire any other political post of honor than the one which I now hold, (sufficient, one would think, to satisfy the cravings of any ambition,) I hope I know myself well enough to be able to say with truth, that I should scorn to obtain it by pandering to popular passion or official power. But, sir, I am proud to state, that I have no such desire; that there is no office in the gift of the present Executive which I would accept, and none in the power of the people to give that I would take. In the school of political ethics in which I have been taught, I have imbibed as my first and last lesson, the duty to do what you believe to be right, and confidently abide the result. Be it the approbation of your fellow men, or not, you have then the approbation of your own conscience, transcending, infinitely transcending in true value, any reward that can flow from human source.

As to popularity, sir, I estimate it as nothing if it is sought after. Its real worth is when it follows good ends, accomplished by good means. It becomes disgrace when catered for.

I would not avow any political opinion which I did not sincerely entertain, nor conceal one which I did entertain, to win any honor which my countrymen could bestow. Honor so won, if I was capable of so winning it, would be to me but hourly abasement.

Sir, I need not say that I came into this body differing with the Administration upon almost every subject of our public civil policy. This difference, decided as it was in the beginning, so far from having been diminished, has been but more and more strengthened and confirmed. I believe they misapprehend the true policy of the country, and fundamentally err upon great and vital points of constitutional power. I may be mistaken, but I believe as sincerely as I believe my own existence that the day will come, and is rapidly coming, when this will be seen to be the general opinion of the

people, and that until then, the country will be deprived of many a blessing which the Constitution was intended to bestow. But, sir, new questions have arisen, and are now agitating the nation. We are at war; and upon one of the questions growing out of it, I find myself differing, perhaps, with most of the Senators on this side of the Chamber—not I hope with all—with whom it is my pride and pleasure generally to agree. I need not say, Mr. President, to you or to them, that this difference exists, if it does exist, because I am unable from a sense of duty to have it otherwise. Party ties, party prepossessions, party associations, strong as they ever are and should be, can never be sufficiently strong to make an honorable man violate what he feels to be his duty to his country. And when in that duty is involved his country's reputation, they should be and are weaker than the spider's web.

Nor upon this occasion do I feel any other concern than that which the mere fact of difference creates, because I know so well the Senators who are around me, that whatever regret they may feel that our opinions are not upon all points identical, I should cease to have (what I am sure I now have) their respect and esteem, if I surrendered my own judgment, and paltered with my own conscience upon a measure vital in that judgment to the true fame of our common country. We differ, sir, but we differ as friends. We differ, sir, but we differ as patriots. We have alike the true honor of the country at heart; we are only not agreed, perhaps, as to what that true honor demands.

Sir, he libels them, and libels me who doubts our high and patriotic purposes. He violates the decorum of private life and the decencies of official relation, where it exists, who intimates that we are capable, under any state of things, or for any purposes, of taking sides with the enemies of our country. We aim alike at her honor; we disagree, if we do disagree, as to the true mode of vindicating and maintaining it. Mr. President, all of the good and liberal of my countrymen will, I have no doubt, when they shall have seen what I am about to say, do me the justice to believe that my motives are pure and patriotic. There may be, and perhaps are, mere followers of the party camp, whose hope it is to feed on the spoils of the contest, who may profess to doubt it; but none such do I drop a syllable to satisfy. Bred in the corruption of the motto of the political freebooter, that the spoils belong to the victor—fighting not for principle, but for plunder—they are as feculent as their motto, and beneath the notice of honest men: only, indeed, to be shunned as you would shun any loathsome toad that might be in your pathway.

Is the war just and honorable, or not?

I think it is, and I hope, for the good name of my country, that such will be the judgment of Christendom. Sir, I wish to be clearly understood. I am not inquiring into the conduct of the Executive, into its prudence or its constitutionality. My single proposition now is, that as between the United States and Mexico, the former had just cause of war on the 15th May, 1846, when the war act of that date was passed, and that on that day war in fact existed by means of the unjust and illegal act of Mexico. Sir, I repeat before going further, that I sincerely trust, as I love the fair fame of my countrymen, that I may be able to make this plain. Sir, I should bow in deep and heartfelt mortification for that fame if I did not believe it to be plain. I would not have it even to be involved in the slightest obscurity or doubt, from the dread of the judgment which the civilized world would then be compelled to pass upon us. We live in an age when nations, as individuals, lose their power and usefulness, and sink into degradation, if they perpetrate acts of wrong and injustice. We are, thank God, surrounded by a moral atmosphere as necessary to healthful national existence as the atmosphere we breathe is necessary to individual life. If we discard it, if we sink below it, if we substitute for it that which is inseparable from violence and injustice, the punishment is at hand. The decay begins and progresses, until we are involved in hopeless ruin.

National character is national power; and the purer, the more elevated, the more spotless that character, the greater the power. I trust, therefore, in God, that I am right in the opinion that this war is upon our part just and honorable. If not—if not clearly just and honorable—then will we be pronounced by the judgment of the world a band of murderers. No other sentence can then be passed upon us. If we are right, we are worthy descendants of sires who knew no moral blemish, who estimated the national honor above all price. If we are wrong, we have disgraced the inheritance of freedom they have left us, brought dishonor upon our land, and aimed a fatal blow at constitutional freedom itself.

If I speak strongly, it is because I feel strongly. I wish to give offence to none: I take no offence if others hold a different opinion. I am here to justify my own before the Senate and the country, and I mean to do it with the freedom that belongs to each of us.

I have an instinctive repugnance to believe my country wrong in any war in which she can engage; and I rejoice that in this instance my feelings and my judgment are one. I now proceed with the attempt to maintain that judgment. I have not time, sir, nor health, to state all the facts which our difficulties with Mexico have developed applicable to this question; nor, if I had, should I deem it necessary to trespass so much upon the time of this body. My purpose is to refer only to such as I am sure cannot be successfully denied, and which are of themselves, in my judgment, conclusive of the controversy.

In 1834, the Mexican Congress passed a decree requiring all citizens to surrender to the Government their arms. The Legislature of Coahuila and Texas, by decree, remonstrated against it and other acts repealing the constitution of Mexico of 1824, by which they had changed the Government from a Federal to a Central one.

For this, General Cos, under the order of Santa Anna, at the head of his army, broke up the Legislature of Coahuila and Texas, and arrested all the officers of the Government, marched over the Rio Grande, and established his headquarters at San Antonio, leaving a garrison at Lipautitlan, on the Nueces, and one at Goliad. The Texans then commenced the revolution, retook Goliad, Lipautitlan, and San Antonio, in 1836.

The boundaries of Coahuila and Texas, as these departments were laid off into one State by the constitution of 1824, was the Nueces, running for upwards of one hundred miles up that stream, and then by a line across from that point to the Rio Grande. The territory below that line, between the Nueces and the Rio Grande, was a part of the State of Tamaulipas. Tamaulipas granted it to various individuals, by what were called colony-grants, under which many settlements were made. These colonists, or the greater portion of them so entitled to this portion of the territory, joined in the Texas revolution, and were represented in the convention of Texas which subsequently declared the independence of that Republic. The day after the battle of San Jacinto, 31st April, 1836, Santa Anna surrendered as a prisoner. In about six weeks afterwards, he entered into a treaty with the Government of Texas, acknowledging the Rio Grande as their southwestern boundary, upon condition that General Filisola, (then at the head of five thousand troops, being all that were left to the Centralists to maintain their power,) should be permitted to retire west of the river, and that he himself should be released. These conditions were complied with; Filisola being permitted to retire with all his force to the west of the river, and Santa Anna, in October afterwards, released. The treaty contained also various stipulations about the release of prisoners and the surrender of property. General Rusk, then at the head of the Texan forces, and under the order of the Texan Government, transmitted a copy of the treaty to General Filisola, who recognized it, and at once complied with all the obligations it imposed upon him.

In 1836, 18th December, the Texian Congress passed a law describing the Rio Grande as their southwestern boundary. After this, Filisola was superseded in command by the appointment of General Urea, who immediately commenced raising an army to re-invade Texas. General Rusk, who was still at the head of the army of Texas, and stationed at the Gaudaloupe, ordered the families between that post and the Rio Grande to retire to his rear, or to remove to the western bank of the river. The most of them did retire to his rear, but many of the Mexicans elected to cross the river and settle on the opposite side. For the purpose of facilitating the removal of those occupying the country and of watching the movements of the Mexican army, and preparatory to an advance upon Matamoros, he despatched General Felix Huston with a sufficient force to take possession of Corpus Christi, and that was done. General Huston exercised more authority between the Nueces and the Rio Grande than Urea did, who was stationed at Matamoros, with a force of about ten thousand men. At one period, Urea crossed the river with the greater part of his command, and encamped a few miles east of the river; but in a very short period he recrossed to the western side. In this condition things remained until 1843, the Mexicans having no army to the east of the river, and the Texans having a few troops at Corpus Christi and San Antonio. With these troops, however, the Texans frequently made excursions to Lacido, a place upon the Rio Grande, and several times crossed it. The Mexican troops made two incursions, crossing the river both times, coming as far as San Antonio, and upon each occasion were immediately driven back to the west bank. In '43, also, an armistice was agreed upon, under which the Mexican army was to remain on the west and the Texans on the east side of the river. This armistice was in the same year revoked, and the war declared to be renewed. The proclamation of General Woll, who was then in command of the Mexican force, issued by direction of Santa Anna, declared that all Mexicans found within three leagues of the river, would be considered as "favoring the usurpers of that territory," (meaning by the territory, the whole of Texas,) be tried by court-martial, and capitally punished. There were, during this period, at a post called Lacido, on the east side of the river, some citizens under a military organization, and organized simply with a view of defence against the Indians, mustered only upon such occasions, but claiming to be citizens when Hays or McCullough was there with the Texian rangers. From the commencement of the revolution in '34 to the independence declared by Texas in '36—from that period to the admission of Texas into our Union in '45—and from '45 up to the present hour, no Mexican document can be found, military or civil—no Mexican officer, military or civil, has ever been known to contend that the territory lying between the Nueces and the Rio Grande belonged to Mexico by any other title than that which she maintained to the whole territory between the Sabine and the Rio Grande. Under the colony-contracts granted by Tamaulipas, the settlers, at an election in Texas, in '41 or '42, of members of Congress, voted at Corpus Christi, claiming to be citizens of Texas, and their votes were received and recognized by the Government. The evidences to the title, too, to the lands so settled upon, including all transfers, from the time of the revolution of '34 to the present time, are recorded amongst the land records of Texas. On the 1st of March, '45, the alternative resolutions for the admission of Texas into the Union were passed. On the 29th of December, '45, Texas was admitted, and on the same day an act was passed to extend the laws of the United States over the State of Texas. On the 31st December, '45, Texas was constituted a revenue district, and the city of Galveston, the only port of entry, having annexed to it, amongst other ports, as ports of delivery, the port of Corpus Christi, a port on the west side of the Nueces. Under that act, a revenue officer of the United States has been appointed for Corpus Christi. On the 2d February, '47, Congress, by an act establishing additional post-roads in the State of Texas, established, amongst others, one from Brazos Santiago via Point Isabel to Fort Brown, opposite Matamoros, and one from Corpus Christi to Brazos Santiago, a point south of Point Isabel, near the mouth of the Rio Grande.

Now, as before stated, Texas was annexed under the first of the alternative resolutions of the 1st March, 1845.

[The first resolution provides, That Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

That the foregoing consent of Congress is given upon the condition, that the said State be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

The second resolution provides, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the first resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic, then that a State to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States shall be agreed upon by the Governments of Texas and the United States; and the sum of $100,000 is hereby appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct.]

Immediately upon the annexation, the Minister of Mexico, General Almonte, demanded his passports, upon the ground that the annexation itself was a state of hostility to Mexico, and from that period to the march of General Taylor from Corpus Christi to the Rio Grande, the frequent efforts of the American Government to terminate the controversy by negotiation failed; and before that march, the Mexican Government were collecting their forces upon the Rio Grande, with the avowed design, not of taking possession only of the territory between the Nueces and the Rio Grande, and conceding to the United States that portion of Texas which lay west of the Nueces, but of disputing with the United States the title to the whole of the country between the Rio Grande and the Sabine, and upon the ground that the whole and every part of that territory was still a portion of Mexico by virtue of her original and paramount title. Now, the proposition which I seek to maintain is this, that as between the Government of the United States and the Government of Mexico, the former had, in this condition of things, a perfect right, and the same right for the purpose of repelling the threatened invasion, to march her troops into the territory between the Nueces and the Rio Grande, as into any territory situated between the Sabine and the Nueces. The question is not, whether such a movement of the troops was, under all the circumstances, judicious and prudent. It is not whether, by a different course, an actual conflict might not have been avoided; but whether, as a matter of right, as a matter of self-defence, the United States had not, under the law of nations, full and perfect authority and justification to make such a movement.

Now, what are the clear and indisputable facts? The United States had received the Republic of Texas into the Union without antecedently defining her boundaries, and under a constitution which reiterated what had been, as far back as 1836, a part of her original constitution as an independent Republic—that the Rio Grande, from its source to its mouth, was her southwestern boundary. The United States extended all her laws over the State of Texas, as so admitted. They had assumed actual jurisdiction at Corpus Christi. They knew that there were citizens between the Nueces and the Rio Grande who claimed to be citizens of the State of Texas so admitted. They knew that for nine years the State of Texas had existed as an independent nation.

Who proposed withdrawing Taylor on the 13th May? Who denied then that we had good right to repel the Mexicans and to invade, for the purpose of avenging the outrages, any and every part of Mexico? She had refused to negotiate; she had considered annexation as war; she had terminated all diplomatic relations; she had refused to receive our Minister upon a mere quibble of the then President, because he was afraid of his own power—threatened with downfall, because it was believed he was willing to negotiate at all. She had mustered an army on the Rio Grande with the declared object of invading all Texas and recovering the whole to her own sovereignty. Her then Government owed its existence to this very determination. She had never maintained any peculiar title to what is now called disputed territory. What, in this state, were the United States to do? Were they bound to remain still and wait the invasion? or were they not authorized to meet the threatened invasion, even upon the admitted territory of the invader? Who doubts, that with nations, as with individuals, the right of self-defence gives the right to strike the first blow? To prevent an injury is easier than to repair it. Sir, where is the writer on the law of nations who holds a different opinion? There are some propositions so plain, that they admit of no illustration; they furnish their own best illustration, and this is one of them. We had a clear, undeniable right to meet Mexico at the very outermost limits of Texas, and repel her there; or if we deemed it advisable, an equally clear and undeniable right to anticipate her by striking the first blow on her own admitted territory. But it is said that the place of conflict was on Mexican territory. If it was, the argument in our behalf would not be in the least enfeebled. She was there intending to go further. She was there to drive our army back to the Sabine. She was there to reconquer Texas—the whole and every part of Texas—and not to retain a portion only, upon the ground that such portion was not Texas.

But even the fact is not as alleged. Whether this portion of the territory was or was not rightfully a part of Texas, was, at least, a matter of dispute. Texas claimed it. Texas, over a portion of it, exercised jurisdiction. Citizens residing on it, claimed to be citizens of that Government. Mexico had in vain attempted to recover it. The Constitution of Texas included it. The United States had exercised, after the admission of Texas into the Union, sovereignty over part of it—the highest act of sovereignty, the taxing power. She had received Texas into the Union without any other definition of boundary, reserving the right only as between themselves, Texas, and any other Power who might question the justice of the boundary, to settle it by negotiation. Without a breach of honor to Texas, the United States could no more have surrendered, without inquiry and negotiation, to an absolute and armed demand this portion of the territory, than they could have surrendered to such a demand the entire State.

All, then, that can be said is, that the title of Texas to this part of her territory was open to dispute. Such a dispute is to be settled but by two means, by negotiation or by force. If the negotiation was refused, if Mexico elected the other alternative—force, can she complain if we meet her with force? But suppose her design was not actual force, but to get possession only of the disputed ground. Had not the United States the same right to take possession, and hold whatever they possessed, until the question of title was decided by negotiation? The very question of title might have been affected by the fact of possession. Mexico might have relied upon it as conclusive of the inability of Texas, and the United States as their successors, to prevent it, and as demonstrating that the original sovereignty had not been lost by the revolution. This, the United States had a right to guard against; their own honor bade them guard against it. If actual possession, by Mexico, could weaken the title of Texas, it was their duty to strengthen it by also taking possession. Pending a question of disputed territory, not actually possessed by either, who ever contended that it was the duty of one of the parties to suffer the other to take possession, and then try the title? No, sir, no lawyer would give such advice. No statesman would so act. Things should, in such a case, be suffered to remain in "*statu quo.*" Neither should seek to get advantage of the other. If I am right in this, and Mexico designed taking possession, then she cannot complain if we also take possession; and especially not, if she knew that, notwithstanding such possession, we were willing at any time to negotiate on the question of title.

Sir, it has been said, that to march into the disputed territory is an act of hostility. I concede it. But then to threaten to march—to prepare to march—to muster an army to march, and with the avowed purpose of taking forcible possession and holding, is also an act of hostility. This Mexico did first, and we had then a clear right to anticipate her, upon every principle of the national law, by marching ourselves, and placing ourselves in a condition successfully to meet and repel her. Between nations, as between individuals, aggression may be met by aggression—assault may be met by battery. But it is said revolution gives no title unaccompanied by actual and undisturbed possession and jurisdiction. As a general principle the proposition is true; but what is actual and undisturbed possession? Does it mean that the revolutionary government is to have a soldier on each foot of her asserted domain? Does it mean that every inhabitant within her territory is to acknowledge and submit to her sovereignty? Or does it only mean, that such government is to have possession, claiming exclusive title to the whole of her asserted bounds, and possess the power and determination to make that title good by force, against the original sovereignty? I say it means this and nothing more.

See the result of a different doctrine. We declared our independence in 1776; the war continued seven years. Suppose no treaty of peace had been made recognizing our limits, but England had simply retired from the contest in disgust with the struggle, as she might well have done, would not our title at that moment have been as good to every foot of our glorious Thirteen, as it was to the very battle-fields of Saratoga and Yorktown? And yet, how inconsiderable a part of our country was ever trodden by the American soldier, or within actual reach of his arm. And yet, how many hearts throughout the contest beat high with true loyalty to England, and were striking or were burning to strike for her standard. No, sir; the proposition is not true as it is sometimes understood. It means only the ability to make the usurpation good by force of arms, when the usurper's title is by force of arms assailed. Subject to this test, who can doubt that Texas had the ability to maintain her title to any part of the territory claimed by her between the Nueces and the Rio Grande? Let the facts give the answer. After her declaration of independence, and after she had by force driven the Mexican troops across the latter river, they afterwards returned but twice, and were each time driven back; and from the period of the last incursion, in 1843, no Mexican soldier ever crossed the river, and no civil officer of Mexico ever exercised jurisdiction over it. Texas then claimed the territory—Texas drove Mexico from it—Texas had apparently the power, and certainly the will, to drive her from it whenever she invaded it. If these were the facts—and I appeal to the honorable Senator from Texas for their truth—what doubt is there, that to that part of her constitutional limits she has a perfect title? Sir, a word or two more, and upon this point I have done. What Senator, what American, would be now content to abandon the territory, make the Nueces the boundary, and fight only for that boundary? For peace, to put an end to the war, to spare the further effusion of blood, some might be found who would by negotiation agree to that limit if Mexico would surrender all title to the rest of Texas. But who is there who would now propose to fall back to the Nueces, and abandon at once the intermediate territory, the very fields of Palo Alto and Resaca de la Palma, to Mexico, and fight her only to the banks of the Nueces? I believe, I hope, for the honor of a common allegiance, that there is not one. I have said that I trusted, for the sake of our heretofore stainless character, that the opinion I have thus feebly endeavored to maintain, was correct—that the war is on our part a just one.

If not, sir, why is it not? It is because without justification we invaded Mexican soil. It is because without justification we caused Mexican blood to be spilled upon Mexican ground. It is because they were met at their own homes, which we invaded; upon their own fields, dear to them as love of country is dear—consecrated to them by all the associations which bind man to the soil of his birth, in the holiest of all duties—the defence of home and country; and have, without right, without excuse, without palliation, given them to the sword—slaughtered them by hundreds and thousands, and driven the survivors away. Sir, would not such a tale of wrong, of itself, cover our country with ignominy? But it is not yet half

told. What else have we done? We have seized upon it as a pretext for other, and, if possible, yet deeper enormities. We have published to the world a falsehood. We have endeavored to conceal the true character of our outrage. We have stated that the contest was of their own seeking, not ours; and upon this degrading perversion, have pursued them with still more frightful outrage. We at once called into the field 50,000 soldiers—placed the whole naval power of the Government at the disposition of the Executive—intrusted him with ten millions of dollars, and carried on the war thus begun—took possession of their towns, bombarded Monterey—carried it almost by storm, slaughtering men and women by hundreds and thousands. Still the story is not told. The damning dishonor is not yet as dark as the truth. Another Congress assembled—we of the Senate composing it in part. We authorized additional troops to be raised—we placed additional funds in the hands of the President.

We hear of an intention to strike outraged Mexico in yet more vital points. We do not arrest it—we suffer the expedition to go on. Before the Mexican blood is yet dry upon the fields of Palo Alto, Resaca de la Palma, Monterey, and Buena Vista, Vera Cruz is bombarded. Her churches fall under the dreadful aim of the mortar; the blood of her women and children runs in streams through her before peaceful and happy streets; her almost every thoroughfare is obstructed by the mangled bodies of her slaughtered citizens, until at last her valor can hold out no longer before the mighty and crushing power of our arms. She surrenders. Yet still our vengeance is not glutted. Innocent, unoffending, outraged Mexico has yet more cities to be laid waste or conquered—more hearts to be wrung—more gallant blood to be shed—more women and children to be slaughtered—more agony in every form to suffer. We have not yet had our fill of blood. We march on in fiendish progress. At Cerro Gordo, Cherubusco, Chapultepec, Molino del Rey, our march of slaughter is renewed, and goes on with yet more fearful violence. Mexican blood moistens every plain. The cries of Mexican agony startle every ear, and still the work goes on. We lay siege to the city of Mexico itself; bombard its peaceful dwellings; make her streets to run with human blood; and slaughter again women and children, until resistance becomes unavailing. We get possession of the capital, and yet carry on the contest. Sir, can our country have done such deeds? Is she so deeply steeped in crime? Has she no honor left? Are we Christian and civilized men, or are we robbers and murderers? I hope she will pardon me the inquiry; and yet if the war was unjust, if it was not provoked, if it was our act and not the act of Mexico, every human heart, animated by a single human feeling, can but answer in the affirmative.

But no, sir; no, sir; it is not so. She is high-minded, just, and honorable. She is civilized, not savage. Her citizens are moral and Christian. Those scenes are in the eye of God and man to be justified, because necessary to our honor, and forced upon us in vindication of our violated rights. Mexico is answerable for all these sad and sickening results. The war is just, because she commenced it. It does exist by her act; and, so help me God, but for that conviction, as I reverence truth and detest falsehood, I would never have voted for the act of the 15th May, 1846.

Without concluding, Mr. JOHNSON gave way to a motion to adjourn; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 11, 1848.

The Journal of yesterday having been read and approved—

The SPEAKER proceeded to call the committees for reports.

Mr. LIGON, from the Committee of Claims, reported bills for the relief of Jacob Gideon; for the relief of Bent, St. Vrain & Co.; and for the relief of J. Throckmorton; which several bills were read and committed.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported bills for the relief of John Anderson, of Missouri; for the relief of Joseph C. Doxey; for the relief of S. Morris Waln; and for the relief of Alborne Allen; which several bills were read and committed.

Mr. ROCKWELL, from the same committee, made adverse reports on the petitions of John O. Dickey, Roswell Fitch, and George Reeder; which were laid upon the table.

Mr. ROCKWELL, from the same committee, reported the following resolution:

Resolved, That the Clerk of the House be directed to cause to be prepared an alphabetical list of private claims which have been before the House of Representatives from the commencement of the fourteenth Congress to the close of the twenty-ninth Congress, with the proceedings of the House of Representatives and the Senate thereon; showing the names of the claimants; the nature or object of each claim; at what session and in what manner it was brought before the House; to what committee it was referred; the nature of the report, and the number of the report, if printed, and, if not, the date of the report; the number of the bill, distinguishing between Senate and House bills; the manner in which the claim was disposed of by the House; and in cases where it passed both Houses, the date of the act of Congress; the whole to be compiled from the journals of the House of Representatives, and by reference, when necessary, to the journals of the Senate, the reports of committees, the bills of the two Houses, and the laws of the United States; and that the Clerk be authorized to employ a suitable person, with a compensation not exceeding the sum paid the engrossing clerks of this House, to be paid out of the contingent fund of the House.

Mr. FICKLIN moved to lay the resolution on the table, but withdrew it at the request of the mover.

Mr. ROCKWELL, in advocating the passage of the resolution, said this work would be prepared with great labor, and would be found exceedingly valuable. Every one must be aware of the fact that a great variety of tricks and frauds were every year resorted to by persons interested in private claims, and the object of this resolution was to furnish a safeguard by the publication of the document to which the resolution referred. It was well known that, after adverse reports had been made on private claims, the friends of the claims caused them to be withdrawn from the files of the House, and after the lapse of a few years they were again revived and attempts were made to smuggle them through the House in ignorance of any previous action upon them. In this way he had no doubt that yearly thousands and tens of thousands were drawn improperly from the treasury. The publication, therefore, of an alphabetical list of all the claims which have been before Congress, a statement of the action had thereon, the year, the name of the committee making the report, the number of the report, and other particulars, would save much trouble to the House and its committees and large sums to the Government at an inconsiderable cost.

Mr. FICKLIN had withdrawn his motion to lay on the table with the view of giving the honorable member who reported the resolution an opportunity to make an explanation of its object. It was doubtless of some importance to have such a work, but he apprehended the present resolution embraced claims extending over too great a space of time. It seemed the gentleman desired to embrace claims which had come here year after year, and Congress after Congress, from the 14th Congress to the present time, which he very much feared would make the work too voluminous. It would embrace too many things, and he begged to suggest to the honorable mover that it would make a volume so large as to be useless for the purposes designed, inasmuch as it would be too large for convenient investigation by members of this House. Again, he should move, before taking his seat, to strike out so much of the resolution as applies to employing a clerk for the purpose contemplated. One clerk could not compile the information and present it to this House during the present session of Congress; whereas, during the recess, the Clerk of the House, with the force he had, could compile it, and present it at the next session. It was suggested to him that the Committee of Claims had a clerk of its own, who had nothing to do during the recess, who might be employed in this business.

Mr. HENLEY asked the gentleman from Illinois to allow him to make an explanation. He had just been informed, from correct authority, that a gentleman employed in the Congressional Library had been for two years engaged on a work such as was here contemplated, which he had nearly completed. Some means should therefore be taken to ascertain the merits of that work. He would suggest that this resolution should be laid on the table, or recommitted to the committee, with instructions to inquire into the state of forwardness and merits of the work to which he had referred.

Mr. FICKLIN said the suggestion of the gentleman from Indiana was an additional reason why action should not be pressed upon the resolution at this time. If the Librarian of Congress had such a work in preparation, it would be unnecessary to compile a work which was already prepared. He would, however, now move to strike out that part of the resolution which provides for the employment of a clerk.

Mr. HOUSTON, of Alabama, suggested that the resolution should be laid upon the table. He was by no means inclined to believe that the case was so strong as presented by the gentleman from Connecticut. Such gross violations of propriety as the withdrawal of adverse testimony must be very extraordinary cases indeed; though he admitted that it was not an unusual circumstance for the House to give permission to withdraw papers from the files of the House. The gentleman from Connecticut, however, would find the adverse as well as the favorable reports in the Library of Congress, to which reference could be had whenever necessary and desirable. What benefit, then, could be derived from the publication of so voluminous a work as that contemplated by the honorable gentleman's resolution? He hoped it would be laid on the table for the present, that they might have an opportunity to make inquiries on the subject.

Mr. POLLOCK said he entertained no doubt of the merit of the resolution. Any man who had served upon the Committee of Claims must be aware that there were hundreds of cases in which, if there had been an adverse report, it could never come to the knowledge of the committee. Many cases had occurred where a claim had been allowed, and the money drawn from the treasury, and some years after that very same claim was renewed, and possibly with success. Mr. P. himself knew one case where this happened twenty-five years after the claim had been paid; and it would have been allowed a second time, had not, by a mere accident, a receipt in full been discovered in the Treasury Department. But, as it had been stated that a similar work was in preparation, Mr. P. would move to recommit the resolution, with instructions to ascertain whether such a work was preparing by one of the clerks of the House. The necessity for some such digest must be evident to all. He had not a doubt its effect would be to save to the Government thousands of dollars every year.

Mr. GIDDINGS expressed his hope that the resolution would pass. Its necessity was fully apparent to his mind. He adverted to the case of a claim brought before the Committee on Indian Affairs, accompanied by ample and most satisfactory documents. Mr. G. examined them, and could find no deficiency. Yet still he had a vague impression that the claim had at some time been examined, and had not till this very morning discovered that the whole matter had undergone a most thorough examination, and $10,000 been allowed and paid. This would be four or five times the cost of making the proposed index. As the thing stood, a claim might be brought in which had once been referred to some other committee; but, being unaccompanied with any bill or report, there was no clue to discover the fact. The work proposed would show at a glance every claim which had ever been referred to any committees of the House, to what committee it had gone, and when and where and what was the result.

Mr. G. referred to another very striking case, which occurred about ten years since. Mr. G. was on the Committee of Claims, and examined a certain claim referred to that committee. The accompanying testimony was full and conclusive; yet he was not wholly without a suspicion that all was not right. Yet, on examining and reëxamining the proof, he found there was no escape, and he accordingly reported a bill allowing the claim. But while the bill was actually on its passage, a messenger came to him from the claimant, who was on his death-bed, saying that the whole claim was fraudulent, and without a shadow of foundation, and begging that it might be immediately withdrawn. The man's conscience was in agony in view of a coming world, and would not let him die without this act of justice. It turned out that the claim had once been disallowed, but the whole testimony had been withdrawn, and a new set of papers substituted in their place. He mentioned this case as an illustration of the need there was for the work proposed.

Mr. STANTON moved to lay the resolution on the table.

Mr. ROCKWELL said, if that motion were persisted in, he should demand the yeas and nays.

Mr. STANTON thereupon withdrew it.

Mr. THOMPSON, of Mississippi, did not mean to oppose the resolution, but wished its consideration deferred a little. To refuse it on account of the expense would be penny wise and pound foolish. But he would like to have some estimate of the extent and cost of the work. Would it be comprised in one volume, or extend to three or more? All the reports made on petitions and claims were printed, and were to be found in the library of the House. It would be a useless expense to republish them. All that was needed was to have the substance in a very condensed form. He presumed every gentleman or committee to whom a claim was referred, would, as a matter of course, resort to the library, and examine what had been reported on it before.

Mr. ROCKWELL explained. His resolution was a mere transcript of a similar one which had passed in the Senate. All that was required was an alphabetical index of the names of the claimants, the nature of the claim in few words, to what committee it had gone, and what had been done in regard to it. It was to extend to all the committees in the House, and not to be confined to the Committee of Claims. As to a personal examination of all the previous reports as they lay scattered through a thousand volumes of reports in the House Library, it could not be done. The thing was out of the question. If that must be the course on each claim, a member need not have more than one claim referred to him in a session. All his intervals of time would be little enough to examine that one claim.

Mr. THOMPSON said, if it was to be nothing but an index of claims, he should vote for the resolution.

Mr. FARAN expressed his hope that the resolution would pass. Such a book was greatly needed for the protection of the Government. Claims rejected were often presented anew with different testimony, and their former rejection never suspected. This was the more necessary at this Congress, as so large a portion of it were new members.

Mr. ROCKWELL opposed the motion to recommit as unnecessary. He had no objection to the recommitment if he could see any good to come out of it. But he could see no good whatever. No gentleman could have served in that House for a single session without becoming convinced of the need of some such safeguard as the resolution proposed. It was as much needed here, and more, than it had been in the Senate, because more claims were presented here. As to its being done by the clerk of the Committee of Claims, that officer had his hands full during the whole session, and in the recess he had as much as he could do in bringing up the record of the minutes of the committee. The work should be committed to some competent person, and should be done by one hand, and not parcelled out among different clerks.

Mr. R. did not know what might be doing by the House librarian; but he could not conceive that he would be likely to furnish such a work as this resolution proposed. He was probably engaged on some index of a general character, but which would serve a different purpose from this. The book would save thousands upon thousands to the Government, and would pay its own cost a thousand fold.

Mr. HENLEY had no doubt whatever of the importance of the document desired, nor had Mr. H. the least desire to defeat the resolution. He knew a little of these matters himself. But he understood that precisely such a book as that proposed was already in progress by the librarian of the House, and nearly completed. Would it not be better to recommit the resolution and inquire into the facts before employing a person to do what it was possible had been done already?

The question being on the motion to recommit, and the ayes being 68—

Mr. HENLEY demanded the yeas and nays, but the House at first refused to order them. They were ordered, however, on a count by tellers.

THE PRESIDENT'S ANNUAL MESSAGE.

On motion of Mr. VINTON, the House then resolved itself into Committee of the Whole, (Mr. JOSEPH R. INGERSOLL in the chair,) and proceeded to the consideration of the annual message of the President of the United States, and the resolutions offered by Mr. VINTON, referring the same to the various appropriate committees.

Mr. STEWART, of Pennsylvania, said, that when he obtained the floor, it had been with no design or desire to reply to the remarks of the gentleman over the way from Illinois, [Mr. McCLERNAND,] in laudation of the President and the policy of his administration. He had had a very different object in view. But he felt so strongly tempted to say a few words in reply that he could not wholly refrain, but would occupy only a few minutes in making a few passing remarks on some of the positions the gentleman had taken.

The eloquent gentleman from Illinois had pronounced a most splendid and high-wrought eulogium on the President of the United States. It was a eulogy not on any one of the departed, but on the living, ruling, reigning President of the day. The gentleman informed the members of the House that ours was "a MODEL President." As for such Presidents as Washington, and Madison, and Jefferson, they sank into utter insignificance before the finished perfection of James K. Polk, the "model President," now living. And the gentleman went on to say that it had been reserved for this, our model President, to build up the great *Democratic column* that was to stand as the bright and enduring monument of his administration. Well, sir, inquired Mr. S., and what sort of a column is it? And how has it been erected? In the first place, in order to clear a place for it to stand on, this model President began by tearing down and utterly demolishing the great Democratic column which Washington, and Jefferson, and Madison, and Monroe, had, by their joint labors, built up. And when he had got this down, then he set himself to work to build up a new one in its place —a column of military glory. Built of what? Why, sir, of the bones of the best portion of the American people, victims of the climate and of the sword in a foreign land, and he has cemented it with their blood. The old Washington and Jefferson column—a column of wisdom and of peace —had long stood amidst the storms of our political atmosphere; and when and how was that erected? At the foundation lay the great system of internal improvements, recommended first by Washington himself, and sustained as the policy of every subsequent Administration—rivers, harbors, and all. (The gentleman quite forgot to tell us that in knocking down the old column, he had utterly demolished the only system by which his own constituents and his own district and State ever had, or ever would receive a single dollar out of the United States treasury; this he entirely omitted to mention.) The second stone in this glorious old Washingtonian column was the great protective system. This he has laid flat with the ground, that he might replace it by a system which takes off taxes from the labor of foreigners to impose them on the necks and the strong arms of our own native laboring population—a system which must soon come to direct taxation, in order to sustain the extravagance and gratify the ambition of this our model President. The old Democratic column of Jefferson and Washington being thus demolished, how is this new Polk column constructed—this magnificent column which has called forth to so enthusiastic a degree the admiration of the honorable gentleman from Illinois? The first, the foundation stone of this stupendous structure, was the sub-treasury; and so worthy was this of its important position that in a little while the Administration would not have a single dollar to place in its vaults; no, not one bit of coin to jingle against another; and Congress would soon be refreshed by an appeal from this model man to repeal the great sub-treasury law. The next stone in this modern Democratic column was the present glorious WAR—a war of which the gentleman from Illinois boasted, and which had been brought on by the President himself. In that the gentleman was certainly right. The war was brought on by the President alone, by his own individual act, without submitting the question of its propriety to Congress, then in session at the other end of the avenue. For all that has followed that act he is responsible, and he may have the glory and responsibility together. Next came a great and overshadowing navy. And the stone that next was laid was a tremendous national debt. Yes, that was his Jeffersonian Democracy; that was his admiration for Jeffersonian doctrine. Next was built into this column a vast standing army of ninety or one hundred thousand men; and to crown the whole, a system of oppressive taxation to discharge the debt, imposed not on foreigners, but upon the labor and domestic industry of the people of the United States. Here stood the magnificent Democratic column of Mr. Polk's administration—a column built up with the skulls and bleaching bones of our best citizens, cemented by their blood! It is set up for the admiration of mankind. And the gentleman from Illinois seems to revel, with his model master, in the contemplation of so sublime a piece of Executive architecture. They seem to revel in delight at the view. But they have quaffed their cup of glory to its very dregs, its dregs of bitterness and gall. Now let them swim in the oceans of blood that had been spilt! Let them sport their pleasure-boat in the rivers of tears shed by orphan children and their widowed mothers! They appeared delighted to look around them; they listened with rapture to the music of the groans of the dying—of the cries of children made fatherless—of the agonized shrieks and despairing cries of the widows which the sword had made. But, while thus gaily sailing and listening to the music so grateful to their ears, there was a phantom—a ghost—a horrible shadow, which rose suddenly to "sear their eyeballs" in the midst of this joyous revelry. What was it? The gentleman raised his eyes and looked across the way to this side of the House, and cried out to us, in a hollow voice, that seemed to shake with sudden fear, "Don't get behind that military chieftain!" Aye, sir; he saw a shadow dressed in arms, with nodding plume, and he turned pale at the sight. And why were we not to gather behind this "noble old chieftain?" Was it because he never led his followers but to victory? But, sir, if the mere shadow of that nodding crest so affrighted the gentleman, how will he sustain himself when he beholds the living reality in breath and being? How will his heart beat when he hears the rattling of grape and canister? when the roar of small-arms and great guns falls upon his ears? What will be the feeling at the White House then? Sir, the gentleman and his party, his model President and all, will fly before him as did the Mexicans at Buena Vista.

The gentleman told us another thing. He was not content with holding up Mr. Polk as the model President: he said he was the "reflex of popular opinion." Yes, sir; that was it; "the reflex of popular opinion." Aye, indeed? Mr. Polk the reflex of popular opinion in this country! Why, sir, I will point the gentleman, on that subject, to another "reflex" (an humble one, it may be) of public opinion. Let him cast his eyes on this side of the House and on that side; at the last session Mr. Polk's majority in this House was nearly two to one; but where is the majority now, sir? Here is a little "reflex" for the gentleman to look on, and for the President too.

Mr. McCLERNAND interposed to make some remark in reply; but, owing to his position and some noise in the Hall, it was wholly lost to the reporter.

Mr. STEWART resumed. Yes, sir, here is one "reflex," and there will be another "reflex" when old Rough and Ready comes. He will drive the gentleman and his party where they never will be seen again. I leave this reflex to the gentleman and his reflections; let him contrast it with the splendid column which his model President has built of the bones and blood of armies and navies, of debt and taxation, piled up mountain high, for the admiration of posterity.

But enough of this. I rose for the purpose of examining a recent report of the Secretary of the Treasury, which has been lauded here and elsewhere as "the greatest production of the age;" a document which has been printed in German, and in I don't know how many other languages, and has been profusely circulated among the people; and it is working in every direction that effect for which it was intended by misleading and deceiving the people on the subject of the tariff of 1846. I will here say, in my place, that never did an official paper emanate from any civilized Government in the world which contained so many *falsehoods*, (I cannot use any milder term,) falsehoods so numerous and so gross. Falsehoods, not in hundreds or in thousands misstated, but false-

hoods in millions and hundreds of millions of dollars. That its statements are false, I am prepared to prove from the Secretary's own reports. I will show from his own figures that he has fallen into mistakes, or misstatements of the truth, in one case of eighty-two millions; in another instance of one hundred and seventy-five millions; in another of four hundred and one millions, and in another of four hundred and twenty-three millions. I do not say, I will not positively charge, that these misstatements were made with design; with that question it belongs not to me to meddle; but I say that his own figures prove the fact to be so. I will give the Secretary's own figures, exposing their gross, their palpable misstatements, book and page, and I pray gentlemen to take them and show them to Mr. Walker, and let him deny or explain them away if he can. This wonderful effort of financial ability, this greatest production of the age, is so replete with monstrous errors, that it is not wonderful that the honorable Secretary should have fainted (as he is said to have done) under the amazing task of producing them, and endeavoring to put them forth as truth. Sir, it is an easy thing to prove the truth to be true; but the task of working error into truth is too great for even the sublime genius, the herculean ability of Mr. Walker himself; and I say it is no wonder he fainted under the attempt.

Sir, the honorable Secretary has in his report three great objects in view. The first is, to prove that low duties always produced increased revenue; the second is, to prove that the reduction of duties has produced not only an increase of imports but of exports, and especially of the exports of breadstuffs and provisions; and the third is, to show that, by reducing the duties and increasing imports, he has benefited the farming, mechanical, and manufacturing interests of the country. Yes, to show that importing foreign goods by millions on millions, and sending money out of the country to pay for them, is the way to help the interests of American labor! Yet so says the Secretary.

The first position this report attempts to establish is, that his project of reducing duties has produced an *increase of eight millions* of dollars in the revenue. So far is this from being true, or anything like the truth, that I will show that instead of bringing into the treasury eight millions *more*, it has actually brought $7,202,657 less than would have been received during the last year had the tariff of 1842 remained in operation; a blunder of the small amount of fifteen millions of dollars in a single year.

If gentlemen will look at the first pages of the three last annual reports of the Secretary, they will find that, by his own showing, the tariff of 1842 produced in 1845 $27,528,112; in 1846, $26,712,667; and in 1847, under Mr. Walker's tariff of 1846, he received only $23,747,864, almost three millions less than was received in 1846, and nearly four millions less than in 1845. Now, sir, by looking at the late report of the Secretary, it appears that last year we imported about ten and a half millions more dutiable goods than in 1845, which, at 32 per cent., the average duties under the tariff of 1842, would yield $3,416,429, which, with the excess received in 1845 over 1847, $3,718,288, makes $7,202,657 more revenue which would have been received if the tariff of 1842 had not been repealed. This is mathematically true; and yet, in the face of these facts, the President and Secretary say the revenue has been increased more than eight millions of dollars.

In his report of last session, he gives his own estimate for the proceeds of the present or last year (1847) at $27,835,731; yet it has actually produced but $23,147,864, more than four millions less than his own official estimate. Yet both he and the model President say that the tariff has more than realized the most sanguine hopes of its friends! I confess I do not comprehend statements like these. Perhaps the Secretary may explain them.

Now as to the modus operandi, the legerdemain, the sleight-of-hand, by which falsehoods are made to appear true, the plan by which he attempts to make it out that he has received more revenue under the tariff of 1846 than was received under that of 1842. How is this done? It is done by cutting up the years; taking a few months of one year and four or five months of another—five months under the tariff of 1842 and seven under the tariff of 1846. Everybody knows the tariff of 1846 was passed in July, and did not go into operation till December; during this time imports paying duties were almost entirely arrested. The fact being that the duties would in a few months be greatly reduced, a very large amount of goods which would have come in and paid duty according to the then existing tariff of 1842, were withheld till the duties came down. They were piled up in warehouses or kept in bond till the tariff of 1846 and low duties took effect; besides, goods which had paid heavy duties were reëxported, and the duties withdrawn from the treasury. During this period, of course little revenue, in comparison, was coming in, though the country was still nominally under the tariff of 1842. Now these are the months which this very fair and candid Secretary takes for his estimate of the produce of the tariff of 1842. As soon as the reduced tariff of 1846 went into operation, all these goods, which had been held back waiting for the reduced duties, were at once poured in, and in pours revenue by millions. The goods and duties withdrawn from the tariff of 1842 now return under the tariff of 1846; and these are the months which this truth-seeking Secretary takes, as showing the comparative product of this model tariff, contrasted with five months of the tariff of 1842, giving a little over seven millions, when, for two years before, the revenue had exceeded an average of twenty-seven millions! And this is put forth as a fair comparison. This is no deception. Oh, no; this is fair. This is the way to bring truth to the people! He might as well compare the strength of a giant and that of a child, by putting down what the giant could lift when on his sick bed and in his last hours, and what the child could lift in the vigor of health and under a sudden and violent excitement. Would this be a very satisfactory way of proving that the child was stronger than the giant?

The next thing the learned Secretary attempts to prove is, that under low duties more revenue is always obtained than under high duties. To show this, he selects ten years' income under a high tariff, and ten years under a low one. He selects ten years, from 1832 to 1842, under the compromise bill, for his *low* tariff; and ten years, from 1824 to 1832, eight years under the high tariff of 1824 and 1828, with two years under the tariff of 1842, as the *high* tariff period. Now, I assert, that in the very years on which he relies, and which he has selected for the comparison, his own figures prove, not that he got less revenue under the high than the low paid, but they prove that he got *eighty-two* millions more under the high tariff than he did under the low. For the proof, I refer gentlemen and the Secretary to his own official report on the finances in 1845, page 956. Here you have his own report. Take it down, gentlemen; I desire you to take a minute of what I state; for what I say I can prove. I hope the chancellor of the exchequer that was [Mr. McKay] will pay special attention to these statements. I say, on Mr. Walker's own showing, that under the ten years of low tariff the receipts were $214,885,858, and that under the high tariff years the receipts were $297,842,215. The difference in favor of the high tariff is $82,956,356—$8,295,635 per year; and yet the Secretary and the President say that all experience proves that low tariffs give the most revenue! Whether such statements proceeded from ignorance or design he would not say, but it was one or the other. I refer (said Mr. S.) to day, to date, book, and page. Let them look at it. I want Mr. Walker himself to look at it. I suppose when he sent us his book, with all these confident statements, supported by figures too, he thought it would answer its purpose. He owes it to his character for truth and candor to admit or deny this statement, or authorize some friend to do it for him on this floor. Will it be done? We will see.

And now for his positions on the subject of exports. The Secretary affirms that the balance of trade is always in our favor under a low tariff; that our exports exceed our imports, and that the exports of breadstuffs and provisions are especially increased. Now I say that, deducting the imports during the ten years of high tariffs, selected by the Secretary for comparison, from the imports during the ten years of low tariffs, and it would appear that the balance against the country under the low tariff was $401,976,076—equal to $40,197,607 a year; and deducting during each period the goods reëxported, the balance against the country would be increased to the sum of $423,455,724. And how had it been paid? By two hundred millions of State bonds, sent to Europe to pay for goods; a mercantile debt of nearly an equal amount, resulting at the end of the low duty period, in 1840, '41, and '42, in repudiation and bankruptcy, State, national, and individual, throughout the land. Yet we are told by the President and Secretary that low duties produce prosperity, national and individual, and especially the prosperity of the farmers and laborers of the "toiling millions."

But this is not all. Take the exports from the imports during these ten years of low duties, and it will be found that the debt against the people of the United States in favor of foreigners is $176,166,242. What a sum of national prosperity is here exhibited!

Such is the evidence in favor of Mr. Walker's position that low tariffs always turn the balance of trade in our favor. Such are the happy effects of his policy of free trade. Low tariffs always have been and always will be the ruin of the country. Let any man look at the scenes of general distress which always have followed this insane policy; the ruin of flourishing establishments, the multiplication of bankruptcies, the advertisements of sheriffs' sales, the destruction of credit and confidence, the prostration of enterprise, the stagnation of trade and general condition of discontent and misery which have invariably succeeded the adoption of these false and visionary theories, and he will find one of the best criterions to judge of their political soundness. And such, I say, will always be the consequences of a repetition of the experiment. Mr. Walker says that they never have followed. I say they always have. Their whole theory is a mistake, and practice will ever so prove it to be; and when it is put forth in the very face of facts which every intelligent man knows, it is difficult to resist the conclusion that it is done to deceive; that there is an object to be attained by misleading the public mind.

Again: the Secretary asserts that low duties have always been accompanied by a greatly increased export of breadstuffs. And he attributes the sudden augmentation in those exports during the last season not to the famine in Ireland and over the south of Europe, not at all, but solely to his model tariff of 1846! That is what has done it all. Low duties, not starvation, have induced the people of the Old World suddenly to eat Indian meal, and call out for American flour and American beef. But I wish to ask him—and I put the same question to southern gentlemen in this House—if this reduction of duties is the thing which has produced so large an export of breadstuffs, pray why had it not in this same degree increased the exports of cotton and tobacco? The export of cotton under this model tariff of our model President has been less by four millions of dollars than the average exports of ten years past, from 1835 to 1845.

What did this? What produced this falling off under this beautiful free-trade policy? Was that, too, the fruit of the tariff of 1846? Why has there been no increased export of cotton? Southern gentlemen—cotton growers—how is this? And you, ye tobacco growers, how comes it that, under Mr. Walker's patent machine to increase exports, the export of tobacco has fallen off a million and a half? What say you to that? Was this the happy effect of the tariff of 1846? The Secretary tells us that the starvation in Europe has had little or nothing to do with the consumption there of our breadstuffs; nothing whatever. Well, the starvation has ceased, breadstuffs are down, and now the redoubtable Mr. Secretary Walker is like to be caught in his own trap! I tell you that in a few weeks more, the corn laws in England, sliding-scale and all, will be in full operation. They were merely suspended, not repealed, during the famine; and now, when the famine is over, and Mr. Walker is caught in Sir Robert Peel's trap, the corn laws go into full effect on the first day of March next, and then exports cease, the revenue falls off, and Mr. Walker will have to appeal to us to restore the tariff of 1842, to replenish his empty subtreasury, and feed the starving armies, civil and military, at home and abroad.

He next tells us with infinite satisfaction that his report in favor of free trade and British goods in 1845 was reprinted in England; that "Sir Robert Peel raised his eyes to the *light of truth.*" No wonder Sir Robert raised his eyes in astonishment. No wonder that he suspended the duties

on breadstuffs, and let them in to feed Ireland that was starving. But when that fit of starvation is relieved, the protection to British agriculture as well as manufactures is at once restored.

The Secretary asserts that under high tariffs the export of breadstuffs has always fallen off. The whole experience of the past, he says, establishes this general fact; and he wants our farmers to look at the fact. Now, I aver that for four years under the highest tariff we ever had—I mean the "bill of abominations," the tariff of 1828—we exported to Great Britain (England, Scotland, and Ireland) *a hundred times* as much breadstuffs as we did during four years from 1835 to 1839, under the low tariff or compromise bill of 1833. Yes, I repeat it; during four years of the operation of the "bill of abominations," our exports of breadstuffs (wheat, flour, corn, and corn meal) were one hundred times greater to England than during four years under the compromise bill. Yet the Secretary says the exports of breadstuffs have uniformly been less under a high than under a low tariff!

Here Mr. HOLMES, of South Carolina, called for the proof of Mr. STEWART's position.

Mr. STEWART. The gentleman shall have it. I will give it to him. Here it is. I have got it from official reports, carefully revised by an officer of this House. Here is the result. He would give the details in tabular form hereafter; they were ready, but he had no time to read them now; his brief hour was fast running away, and with all the haste he could make he would not be able to get half through what he wished to say. But he would furnish the gentleman from South Carolina [Mr. HOLMES] with the information he desired; he could only give him the aggregates.

In four years, from 1835 to 1839, under low duties, we imported from Great Britain $253,000,000 worth of goods, equal to $63,000,000 a year, and she took from us, during this period of low duties, $94,629 worth of breadstuffs, equal to $23,657 per year! Well, now for the high tariff of 1828, which lasted four years, from 1828 to 1833. During this time, we took from Great Britain $142,000,000 worth of goods, equal to $35,000,000 a year; and she took from us, under this enormously high tariff, $9,504,241 worth of our breadstuffs, equal to $2,376,060 per year. We, under the high tariff, taking about half as much of her goods, and she taking one hundred times as much of our breadstuffs. Yet the Secretary and President say that low duties always have and always will increase the exportation of our breadstuffs! Yet the Secretary says that if we do not take more British goods in pay for our breadstuffs, "England will have to pay specie for our breadstuffs, and not having it to spare, she will take less or pay less for our cotton."

Yes, let the gentleman from South Carolina [Mr. HOLMES] put these amounts down and disprove them if he can. Let him take it to Mr. Walker; if he does not, I will send it to him, and call upon him to vindicate himself from the charge of having given his official sanction and the weight of his high station to these gross misstatements, calculated, if not intended, to deceive the people. He has stuffed every page almost of his report full of breadstuffs. But I am mistaken if he will not be sick of his breadstuffs before all is over. [A laugh.] In 1836 we imported eighty-six millions worth of British goods, and she took from us in breadstuffs the heavy amount of $1,684; that is, we take $460 from her in her manufactures to every single cent she takes from us in the form of our breadstuffs. And let it not be forgotten that of those very manufactures more than one-eighth part of the whole value is made up of British breadstuffs consumed in the making of the goods. (When I say Britain, I mean England, Ireland, and Scotland, not her dependencies.)

The gentleman from Illinois [Mr. MCCLERNAND] congratulates himself very highly on the repeal of the tariff of 1842. Now, he probably forgets that his own district consumed, in 1836, $373,913 worth of British goods to every $732 she took of its agricultural products—assuming that his district consumes in proportion to all others. Yet we are congratulated on the great increase in the export of breadstuffs under low duties!

What I have here stated I hold myself bound to maintain. The statements cannot be successfully contradicted. They will not be contradicted. I doubt whether it will be attempted. They may reply, but they cannot and will not attempt to disprove these facts. They are afraid to deny and ashamed to admit them. [A voice: It will be answered, probably, by a personal attack.] Well, so be it. I am used to personal attacks, but they have not and cannot deter me from the fearless discharge of my duty on this floor.

Again: the Secretary says another thing. He says that by the tariff of 1846 duties have been reduced from 100 and 200 per cent. down to 20 and 30 per cent.; that three-fifths of the duty has been taken off of iron; and more than one-half the duty off of coal; and yet he says the price of iron is higher than it was before, and of coal too. Well, sir, if the fact is so, who then is benefited by the reduction of the duty? The foreigner, most clearly, and the foreigner alone. American consumers pay more for their iron than they did before. The amount of the change is this, that the foreigner brings his iron into our market, and the treasury loses three-fifths of the former duty. Of such a state of things this model of a Secretary congratulates Pennsylvania, and alludes to the result of the late elections as speaking her approval of his financiering!

I will tell you one way in which he lowers duties. He takes off one-half the duty on brandy and puts it upon tea and coffee. He relieves the rich man's brandy, and burdens with a heavy hand the tea and coffee of "the toiling millions." And for this he got the votes of Pennsylvania! He takes nearly one-half of the duty off of hats, and 50 and 30 per cent. off of cloths and shoes. What for? To increase revenue. How will this increase revenue? By increasing imports. He says he has reduced the duties one-third, so that now he must import one hundred and fifty millions worth of goods to get the same revenue that one hundred millions gave under the tariff of 1842, and he must send fifty millions of dollars to pay for them. So the foreigner sells us fifty millions to displace fifty millions now made at home, without paying our treasury one cent more revenue—foreigners have all the benefit, and Americans bear all the loss. That is the beautiful policy of our model President and his model Secretary, and a pretty pair of models they are! [A laugh.] But, there is a shadow over them! Old Rough and Ready is coming to correct all this anti-American policy and see justice done to the American people. Under this precious doctrine of Mr. Walker, we must import six millions more of foreign iron to get the duties we did, and leave so much of our own iron under the ground. Why must we take so much more of British iron, while England will not take any more of our cotton?

Once more: this Secretary tells us that the uniform effect of a high tariff is to oppress labor, and that of low tariffs is to favor it. It will soon, he says, become "an axiomatic truth," that ALL TARIFFS *are a* TAX *upon* LABOR. A tax on foreign goods a tax on our own labor! Indeed! I will adopt the maxim, but with an amendment. I move to insert the word "foreign." All tariffs are a tax on foreign labor. So they are, when foreign labor comes in competition with our own. But, to encourage the latter, Mr. Walker takes the duty off of foreign labor and puts it on our own. The reduction inures to the benefit of the foreigner, and the treasury loses the revenue.

He says that low duties are always followed by public prosperity; and he very modestly says it was the effect of his report of 1845, which was published for the use of Parliament, that produced the repeal of the British corn laws. Sir, the corn laws are not repealed; they never were repealed. They were temporarily suspended, it is true; and in a very few weeks they will again go into effect. The Secretary says it is susceptible of mathematical demonstration, that in all countries, this and every other, the public prosperity is advanced by low duties. I deny it. I say the very reverse is the result of the whole experience of this country, and I will proceed to prove it by the Secretary's own official reports.

[Here the Chairman's hammer fell, and Mr. S. resumed his seat.]

Mr. VENABLE next obtained the floor. He regretted that the time allotted to him would prevent him from taking such notice of the remarks of the gentleman from Pennsylvania [Mr. STEWART] on the tariff as he should like to do. He trusted on some other occasion he should have the opportunity; and if he should not, he knew there were abler and more experienced individuals in this House who would do full justice to the position the gentleman had taken. But he assured the gentleman that his friend General Taylor, whom he had so unceremoniously introduced, would not thank him for presenting the issue of a high tariff in connection with his name—an issue which had always been avoided by him, an issue as to committing himself upon which General Taylor was exceedingly cautious.

But there was another question upon which he should ask the indulgence of this committee—a question which to his mind presented one of the most important, one of the most profoundly interesting issues which had ever been raised. He was admonished that this was an old question; he knew it was to some uninteresting; but for more than thirty years he had been a close observer of the political history of this country, with the small portion of intellect he possessed; and after all the lights that had been thrown upon it from this observation and experience, he still felt, as he had ever felt, that it was one of the most important questions which had ever been agitated in this country. He referred to the question involved in the able and luminous message of the President lately received upon the subject of internal improvements.

He felt under obligations to the gentleman from Pennsylvania [Mr. STEWART] and to the gentlemen from Ohio [Mr. VINTON and Mr. SCHENCK] for coming up so boldly to the mark as they had, for taking a platform so broad and so wide as could not be mistaken. They had been told by the gentleman from Indiana [Mr. C. B. SMITH] that the only limit to the power of Congress to make internal improvements was the will of Congress. That all those fancied securities which it had been supposed were erected by the Constitution had been swept away. Those who, like him, maintained the rights of the States and a strict construction of the Constitution, had been accustomed to believe that their broad rivers and their fair lands belonged to them, and that they were not merely the tenants of the General Government. If State rights and State sovereignty were a phantom, it was high time they should be informed of it, so that they might recognize their allegiance and their obligations in all respects to the General Government. He had not so learned the Constitution or the cotemporaneous construction of it. Those venerable sages and patriots who gave it to us as a rich legacy, a safe hope in every peril, and a sure pledge in every storm, had no such thing in view when they declared that all powers not delegated by the Constitution to the United States, nor prohibited by it to the States, are reserved to the States respectively and to the people.

And permit him to say that he never felt more gratified in his life—and he knew the Democratic party of the country would feel and acknowledge their obligations to the distinguished gentleman from Ohio [Mr. VINTON] for the compliment, the unwilling compliment, he paid the President of the United States for this veto message. Immediately after it was read, that gentleman, who was so well acquainted with the political history of the country, was so electrified, so afraid of its influence on the public mind, that he asked for the appointment of a committee of one member from each State, that they might have a chance to exercise their ingenuity to frame a reply to go out along with it; for he proposed that the message should not be printed until the committee should make their report. There was no parallel to it, except when, in the discussion of Mr. Jay's treaty, Mr. Ames poured forth that burning tide of eloquence, and when it was feared, if the vote were then taken, it would go in accordance with it, a member rose and asked that the House adjourn. The distinguished chairman of the Committee of Ways and Means felt that something must be done to foil the blow and break the edge of this polished shaft. He thanked him for the compliment. It was well deserved; it was justly earned by one of the ablest and most forcible documents that had ever been communicated to Congress. It swept away all the distinctions, which troubled gentlemen so much, of salt water and fresh water, and all others, by taking away from Congress entirely the power to make internal improvements.

They had been told by the gentleman from Ohio [Mr. VINTON] that there was a time when all were Federalists and all were Republicans; that those were palmy days, when all the rancor of partisan

feeling was softened down; a proud period in American history, when all were Americans. Yes, he remembered it; it was during Mr. Monroe's administration. He could quote Mr. Monroe in the latter part of it against Mr. Monroe on his first accession to power. Mr. Monroe committed the mistake of selecting a Cabinet opposed to each other. It was the great blunder of his administration. He did not blame Whigs for being Whigs, and taking Whig advisers; the very instinct of self-preservation required it. Mr. Monroe, by way of conciliating the difficulties which arose during the war of 1812, (for he came into power in 1816, at the close of that war,) remembering the Hartford Convention, and the formidable difficulties that threatened a dissolution of the Union, made a mistaken effort to conciliate them. Mr. Monroe commenced with the Republican creed, and ended with a Federal administration, as the history of the country would show. Read Mr. Monroe's message when he commenced his administration, and you would see that he utterly denied the power of this Government over internal improvements; and then his messages when he closed, and you would say, not "how are the mighty fallen," (for he never was an admirer of Mr. Monroe or his administration,) but you would say that a wonderful change had come over the spirit of his dream.

He would here turn to the honorable gentleman from Tennessee, [Mr. STANTON,] who yesterday gave the House his views, differing from the President. The gentleman told them, and they had been told by other gentlemen, that the bright, great names of Madison, Monroe, Jackson, and others, had all approved bills appropriating for internal improvements. He had learned that great names would not sanctify error. He felt as great respect and veneration for General Jackson as any one could feel. His brow was entwined with a chaplet of never-failing laurels; his name was written with a ray of light upon the page of his country's history; and withered be the tongue which would seek to darken that name, or the hand to rob him of those laurels. Yet he felt no more respect for General Jackson's errors than for those of other men; they would do more harm, and therefore were the more to be feared. It was reserved for Mr. Polk to clear away all the difficulties from the question, and take the ground that our Government has no constitutional ability to make internal improvements whatever; for if they opened the door, they opened the Pandora's box from which numberless evils would fly out. Upon this question of the views of the framers of the Constitution as to the power of the General Government over works of internal improvement, he had before him the first volume of the Madison Papers, (from which he could not stop to read,) which showed that when the express right was sought to cut canals, and that, too, moved by Dr. Franklin as an amendment to the clause to establish post-roads, it was rejected by the Convention that made the Constitution. It seemed to him, if anything on the face of the earth could exclude an inference, this would. If the right of the Government to make internal improvements was so clear and undoubted, why had its advocates sought to locate it under every clause of the Constitution? He spoke of those different clauses; that giving power to Congress to regulate commerce, to establish post-roads, &c.; and, finally, the general-welfare clause, under which anything could be done, and all the powers of the Government could be consolidated in a single individual.

There was nothing he venerated more than he did this Union; there was no richer legacy that he wished to leave to his children and to posterity than the Union pure and unsullied. But, as much as he loved it, as much as he should dread to see it sundered, there was one thing which he dreaded much more, and that was consolidation—the concentration of all the powers of the States around the Federal Government. Such were the sentiments of Jefferson, Madison, and of many members of the Convention. They all feared, more than aught else, a consolidation of all power in the hands of the General Government. And he would here read a single piece of history on this matter, which a friend had put into his hands. When Congress, in New York, in 1789, immediately after the adoption of the Constitution, was fixing a place for the seat of the Federal Government, and the bill passed the House by which it was located on the Susquehanna, it was expressly provided that Maryland and Pennsylvania should clear out the river and make the harbor. There was not a single dissenting voice maintaining the right of Congress to do it. Here was a cotemporaneous exposition of the Constitution. Mr. Madison, and other gentlemen who discussed the bill, admitted that, unless Maryland and Pennsylvania made the arrangement, the Government would be placed in the power of those States. Mr. Madison, one of the fathers of the Constitution, one of its best exponents, if internal improvements had been the order of the day, would have risen in his place and said, Congress has the power; let us take possession of this river, (which was then legally made a public highway,) and we will clear it out, and make such improvements as are necessary. But no such thing did we hear from him. In the name of the State he in part had the honor to represent, he (Mr. V.) protested against the Federal Government's laying hands on their soil, clearing out their rivers, or improving their harbors, and leaving them merely the child's bauble, the paraphernalia of State sovereignty.

It was with extreme regret that he heard the gentleman from Tennessee [Mr. STANTON] in a part of his remarks yesterday, because he believed the gentleman had been a prominent actor in the great triumph they had achieved towards free trade and getting rid of the "American system." The gentleman had been found fighting side by side with those who contended for these great and glorious principles. He was distressed to hear him surrender, as it struck him, the strongest position their party occupied. The public mind had been enlightened on the subject of the tariff and a United States bank. We have met the enemy, (said Mr. V.,) and swept them with victory—a victory proclaimed from one end of the country to the other; and now, he feared, the gentleman was giving his aid to the enemy to rally his scattered legions.

The honorable gentleman from Ohio [Mr. VINTON] said it had never been intended by the friends of internal improvement to prosecute the system by creating a public debt. If so, why were they told by the gentleman from Indiana, and all who had spoken on that side, that by a capricious veto the President had deprived the country of the benefit of these works of internal improvement? Did they not tell them that the credit of the country was sinking, its resources being exhausted, and that direct taxes would have to be resorted to; and yet did we not hear from them murmurs and complaints that this was a tyrannical exercise of the veto power, depriving the country of those improvements to which it was entitled from the General Government? He said to his friend from Tennessee, Beware how you rise and give your support to this doctrine. Beware how you open the door of Congress and acknowledge this power; how you open the door by which uncounted millions may be appropriated. We were told in the contest of 1840, that the United States bank was an "obsolete idea," that the people had passed judgment on it, and that sentence of death was executed, and why make the bank an issue? And yet Mr. Tyler, when he had the moral courage to veto the bank bill, received the loud curses of the Whigs, and was ranked with every traitor from Judas Iscariot down. Ah! it was not dead. He warned his friend from Tennessee it was like the benumbed serpent; once warm it again into life under Whig nursing, and it would come forth from its scaly folds ready for ruin and destruction. Revive this gigantic scheme of internal improvements; saddle the country with a debt of $200,000,000, destroy its credit, and you would hear from one side of this Hall to the other the Whig party calling out for a great "regulator," a remedy for the distresses of the people, a United States bank. He recollected the spasms, the dying throes of that monster. Whatever might be said of General Jackson, the glorious victory of New Orleans was small compared with the moral courage with which he seized that monster by the throat and gave it its death struggle. Our liberties survived the shock, it was true; but he was unwilling that they should again be put to so severe a test. He warned his friend from Tennessee. Let it not be a barren triumph; aid not to introduce and re-establish a system by which debt after debt is to be accumulated, and such burdens as should bring back a high tariff, a United States bank and all the evils of their train. He portrayed vividly the corrupting influence of the bank over individual members of Congress—the despotic influence of a creditor over a debtor—and its blighting influence upon the trade and general interests of the country; the numberless abuses and corruptions of the system of log-rolling to which appropriations for internal improvements would inevitably give rise, and the influence which might be brought to bear through both these systems upon Presidential elections.

He commented more particularly upon the designation given by Mr. STANTON to a portion of the President's message of "philological" and "metaphysical."

Mr. STANTON (Mr. V. yielding at his request) wished to make a single remark. The gentleman seemed to have taken it upon himself to give him a sort of lecture to-day upon his opinions, for which he was very much obliged. But if the gentleman represented him as saying that the President's message generally was of that character—that it was metaphysical or philological, he was mistaken; he had said no so such thing. He had spoken of the power to regulate commerce, of that part of the President's argument, and also of the historical part of the President's message, and had argued contrary to the conclusions at which the President arrived, as the gentleman would distinctly recollect.

Mr. VENABLE. I distinctly recollect.

Mr. STANTON said, with the gentleman's leave, he would now trespass upon his indulgence to reply to another part of his lecture. [Cries of "No, no."]

He would say but a single word. He had said that he would sooner trust to the General Government the power to make works of internal improvement than to moneyed corporations. He would sooner have the Government of the United States make the navigation of the Ohio free than to have the canal around its falls in the hands of a corporation who levied immense taxes upon all the commerce of the West. And he thought it more democratic that the Government should do it than to confide such an immense power—a power in which the whole country were so vitally interested—to a corporation.

Mr. VENABLE, resuming, said that everything he had said had been with the most profound respect for the gentleman from Tennessee, and nothing unkind had been intended. He had intended to state that the gentleman had said that so far as the question of the power to regulate commerce was concerned, the President's message was philological and metaphysical. If by that he intended that he most clearly set forth his meaning by his words, and that his conclusions from his premises were clear and irresistible, he agreed with the gentleman. With reference to the historical parts of the message, he had not been able to see in what respect they were incorrect; but as he had not examined it particularly, he would not now dispute that point with his friend from Tennessee.

He further contested some of the positions taken by Mr. STANTON, and enforced his views in opposition to the entire system of internal improvements.

His friend from Tennessee, he said, misunderstood him. His purpose had not been to read a lecture to the gentleman. It would have been a presumption on his part, of which he hoped he never should be guilty. But he could not let the opportunity pass to express his hope that no friend of Democratic principles, when, after thirty years of conflict, they had well nigh succeeded, when they saw their flag waving in triumph, would now in any degree yield to the enemy. He could say this of the Whig party, that for the last ten or twelve years they were the best people in the world to run when there was no prize to win; but when they came to the ballot-box in the Presidential contest, the gentleman from Pennsylvania would find that they would not clog old "Rough and Ready" with any such burdens as he seemed disposed to place upon him. He had never said that he was in favor of a United States bank, or in favor of a high protective tariff. He knew nothing about them. For many years he had been too much engaged in military life to turn his attention to them. He would be clogged neither by these nor the Wilmot proviso. Upon these subjects he had been exceedingly cautious in his

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communications, as was manifest from his letter to a gentleman in Mobile. He (Mr. V.) did not come to this House as a President-maker; but one thing he would say, that he would sustain the claims of no candidate who either withheld his opinions from the public, or who did not unequivocally adopt the Democratic creed. No man was more willing to vote thanks to our gallant officers and soldiers; but he desired to know whether the hero of Buena Vista stood pledged to the doctrines held by the gentleman from Pennsylvania.

There was, however, another question of grave importance to which he wished to direct attention for a few minutes. Within a few days they had had a resolution submitted by a gentleman from Massachusetts [Mr. HUDSON] in favor of withdrawing our troops from beyond the Rio Grande, and giving up all indemnity. Well, but after the House had been forced to a vote upon it, and after a reconsideration by nearly a tie vote, there was not more than forty-one votes in this House to stand by it. Again, there was another resolution offered—a vote of thanks to General Taylor—and he had nothing to say against that gallant soldier, for he had fought well. But when the gentleman from Indiana [Mr. HENLEY] offered an amendment to express the fact that General Taylor and the army under his command were engaged in fighting for the rights and honor of the country, another amendment was offered by a gentleman from Massachusetts [Mr. ASHMUN] declaring the war to have been unnecessarily and unconstitutionally begun by the President of the United States. There were eighty-five members of this House who stood up to sustain the amendment of the gentleman from Massachusetts. Now, all he (Mr. V.) had to say at this time was, that he was a friend of the Administration, and he justified Mr. Polk in every step he had taken during this war. He believed it was a war in defence of the honor, the glory, and the rights of the country, and his whole heart and soul were in it. This Congress was the grand inquest of the nation; of this House, one branch of Congress, eighty-five gentlemen had voted that Mr. Polk had violated the Constitution—that every drop of blood which had been shed, every bone that now whitened the plains of Mexico, every agony that had been produced, was attributable to the President's unnecessarily and unconstitutionally commencing this war. This the gentlemen opposite had declared by their votes, and he called upon them to impeach the President. They had a majority in this House, and therefore they could impeach the President if he had been guilty of unnecessarily and unconstitutionally involving this country in war. He called upon them as honest men and as brave men to come up and bring the question fairly and fully before the public.

He repeated, if they believed it, as doubtless they did; if they had voted in good faith, and that he would not question; if they were firm men, as he knew they were; if they were brave men, which none could doubt, let them come up to the scratch. He knew one Senator from Massachusetts had disqualified himself for trying the impeachment by a speech he had made at Springfield; but if eighty-five gentlemen of this House believed the President to be a murderer; if they believed Mr. Polk had wantonly, unnecessarily, and unconstitutionally brought on the war; if he had unnecessarily and unconstitutionally steeped one nation in blood and clothed another in mourning—if he had been guilty of so high an offence, he would be deserving of the malediction of the present age and the execration of posterity; and he called upon the majority in this House to present articles of impeachment. If the President had stained the page of history with blood, let them wipe it out. Let gentlemen stand forth and say, "this blood shall not be on our skirts." He (Mr. V.) courted such a result. He again called upon gentlemen in the majority to file their impeachment. The President was ready to meet them, and the voice of the people would sustain him. He would also be sustained by those gallant legions who had gained and covered themselves over with glory in all their battles. The President was ready to meet any articles of impeachment the gentleman might prefer; and no man should fear who was surrounded by the breastworks of truth and justice.

He trusted at some future time to have the opportunity again to speak of this war; but he now asked, if the proposition were true that the President had wantonly, in violation of the Constitution, made an aggressive and cruel war, that gentlemen on the other side, they being in the majority, would boldly appeal to the people of this great country to condemn the President as the author of so much agony and ruin which had been inflicted on a sister Republic. If we have no just claim on Mexico—if the glorious stars and stripes are to be trailed in the dust—why, let it be known and seen; for he could not discover how our officers and soldiers could cover themselves with honor and glory, if the war and our conquests were unconstitutional and iniquitous. He (Mr. V.) stood on the broad platform of the President's message. He did not believe any peace could be assented to that did not obtain indemnity for the past and security for the future, together with the expenses of the war.

Mr. ROCKWELL, of Connecticut, next rose, but said it was not with the intention to occupy more than ten or fifteen minutes of the time of the Committee. He merely rose to say a few words on one of the topics which had occupied no inconsiderable portion of the time of the House for the last few days. He was, he confessed, somewhat amused yesterday on listening to the full and elaborate defence of the measures of the Administration by gentlemen who addressed the committee. The state of feeling must be, indeed, very agreeable with which the President and the Secretary of the Treasury witnessed the success of all their measures—if they were so successful as gentlemen described them. He (Mr. R.) had supposed, however, there had been some trouble attendant on their measures, and that to sustain the burdens which the country has now to bear had given sore affliction to the mind of the Secretary of the Treasury. To enable the Government to meet these expenses, the Secretary of the Treasury recommended, first, a duty on tea and coffee; and, in the second place, he had taken the position that the only way to raise sufficient revenue was to reduce the price of the public lands. Such were his great schemes of finance.

Mr. R. did not design, however, on this occasion, to go into these matters, and show their inconsistency. He had no intention to go into an examination of the statements of the Secretary of the Treasury, who seemed to have more regard for some abstract mode of argument than for practical details and the preparation of just estimates of the means that were necessary to meet the demands on the treasury. Nor did he mean to undertake to settle the important difficulties of this war, which afflicted his friends on the other side of the House; nor those which troubled them respecting the improvements of harbors and rivers; and he could only express the hope that his friend from Tennessee [Mr. STANTON] would receive with due meekness the admonition which had been administered by the gentleman from North Carolina, [Mr. VENABLE.] In such matters it was not for him (Mr. R.) to interfere. But there was one single point in the remarks of the gentleman from Tennessee, in relation to the subject of harbors and rivers, on which he had risen to say a word. He had had occasion to refer to the President's message on this subject, and he must confess that some of its statements had struck him with great surprise. The purport of one of these statements was, that the system of harbor and river improvements had, in fact, originated during the administration of Mr. Adams, and that it was greatly restrained, and almost abolished, during the administration of General Jackson. In short, that it lay at the door of his (Mr. R.'s) side of the House, and that the remedy was to be ascribed to the other. He thought, however, that they were not entitled to the undivided honor; and hence the statement had been made in ignorance, or with a desire to deceive the public mind.

With regard to this matter, he would refer to a few facts to show that the President had not truly presented them to the country. The President states, in his message, that the power to appropriate money for internal improvements was never claimed for thirty years after the organization of the Government. Now, it so happened that it was claimed, and sustained by an able argument by Mr. Gallatin, in 1808, in a report which he at that time made to Congress. He would advert for a moment to the resolution under which it was made.

The honorable gentleman here read Mr. Worthington's resolution of the 2d March, 1807, which was offered and adopted as a substitute for two others, which contemplated some improvements in the Chesapeake bay, &c. The substitute was adopted by the Senate almost unanimously, the yeas and nays being taken, for there were but three in the negative, and twenty-two in the affirmative. Those in the negative were from the States of New Jersey, Rhode Island, and New-Hampshire.

Thus at that early period not only was that right claimed, but the Secretary was directed to make a full inquiry, and report thereon, and that report he (Mr. R.) had before him. He should not, however, undertake to read it, for it embraced twenty pages of the volume which he held in his hand, going minutely into the details of the subject. He, however, read extracts specifying different classes of public works, and recommending an expenditure of twenty millions of dollars, which improvements, at an annual appropriation of two millions, could all be accomplished in ten years. This, then, afforded evidence to contradict the express declaration of the President, which he had so recently made to the country.

But that was not all. In 1818, Mr. Calhoun made a report on this subject when he was in the Department of War. From that report the honorable gentleman read various extracts, and also from other documents, to sustain the position which he had taken that the President had not truthfully represented the origin of this claim. The honorable gentleman also proceeded to controvert another statement of the President's message, which set forth that during Mr. Adams's administration many appropriations were made embracing roads, rivers, harbors, and canals.

The idea conveyed by this was, that some new doctrine was established by Mr. Adams's administration, which was not the fact. No appropriations were made during that administration for the construction of roads, except such as had been provided for from the beginning of the Government. The roads for which appropriations were made were those of the Territories, for which the Government had always and does still provide. The honorable gentleman here read from a Congressional report a statement of appropriations made and the objects to which they were devoted, to show that they were for roads lying in Wisconsin, Michigan, Arkansas, and Florida. There was, however, one bill signed by Mr. Adams for a road in Maine. In explanation of this, and to show that General Jackson signed bills of a similar character, the honorable gentleman read an extract from some work, the title and contents of which were not distinctly heard at the reporter's desk. He then proceeded to show that the accusation that Mr. Adams approved and signed bills for making and improving canals was not true. By voluminous documentary evidence, he proceeded to sustain the administration of Mr. Adams, and to show that it had been misrepresented by the President, and with that view referred to the course pursued and the appropriations made during the administrations of General Jackson, Mr. Van Buren, and Mr. Tyler.

He further read that part of the message which states that, prior to 1826, there had been made no appropriations for the improvement of navigable rivers. This statement, he said, was also erroneous. In 1824, an act was passed appropriating $75,000 for the improvement of the Ohio and Mississippi rivers; in 1825, an act for removing obstructions from the mouth of the Grand river,—

and this in the very face of the declaration of the President, that, prior to 1826, the time fixed upon as being the time Mr. Adams came into power, there was no appropriation for the improvement of any navigable rivers. Here was another gross misstatement of facts. But he had not intended to go at all at length into this subject.

There was one other view contained in this message, which appeared rather from the reading of it from beginning to end, than from any particular clause: that was, that General Jackson checked and arrested the system of internal improvements; that he had found it in a very prosperous condition, plunging the country into bankruptcy and immense expenditure; and that by his timely interference this system was destroyed. That was totally untrue. There never was a more gross misstatement. What were the facts? By referring to the report which he held in his hand, which gave the details of every single measure of this character, it would be found that, prior to 1826, between 1805 and 1824, the appropriations of this character for roads were $965,112. From this report it appeared that the whole amount appropriated during Mr. Adams's administration for roads, harbors, rivers, and everything of that character, was $2,311,475 26; and during General Jackson's administration, which it was claimed had checked this whole system, what did they suppose was the whole amount of these appropriations? Why, 10,582,000 and odd dollars—more than four times as much as was appropriated during Mr. Adams's administration. And during Mr. Van Buren's administration, after this system had been killed, as was claimed—when it was entirely dead—the amount of bills of the same character approved by him was 2,223,000 and odd dollars. In the first year of Mr. Van Buren's administration, $2,000,000 of this was appropriated; so that these appropriations, in one year of Mr. Van Buren's administration, after this much-boasted execution of this whole system by General Jackson, amounted to as much, within a very small sum, as the whole amount appropriated during Mr. Adams's entire administration. It further appeared from this report that the whole amount ever appropriated for works of internal improvement was $17,199,223, of which they had seen that more than ten and a half millions were for bills approved by General Jackson.

Now, he was persuaded that, upon this subject, the country at large were not at all aware of the facts, and, from the reading of this message, an impression was conveyed totally adverse and directly opposed to the real facts as he had shown them to exist. But it was said that these works were of a different character from those works which were signed during Mr. Adams's administration. Such was not the fact. With regard to the appropriations embraced in the bill which was vetoed by Mr. Polk at the last session, a very large part of them were for the very same works which were commenced during General Jackson's administration. Now, it appeared to him, in view of these well known facts, that the statement made by the President of the history of this system was grossly untrue and deceptive, and unworthy of any Chief Magistrate. He ought to have known the truth concerning this matter; he ought to have been informed in relation to it. If so, he should not have sent forth a document intended to convey a false impression. If he was ignorant of the facts, he ought to have informed himself before making a statement upon the subject. Whatever might be the case, the message was calculated to produce an entirely erroneous impression upon the country.

In relation to the apportionment of these appropriations among the different sections of the country, he had but a word to say. He had said that the whole amount of appropriations of this character ever made was about $17,000,000. From these, his section of the country, or his State, had never been particularly benefited, although upon the Atlantic seaboard, and very largely interested in foreign and domestic commerce. Of this amount of $17,000,000, the New England States had received, in round numbers, $1,106,000; the Middle States, including Virginia, $5,927,000; the South and Southwest, exclusive of Virginia, $4,395,000; and Indiana, Illinois, Michigan, Wisconsin, and Iowa, $5,770,000.

His honorable friend from South Carolina near him [Mr. HOLMES] wanted he should see how much had been expended in South Carolina. He would endeavor to oblige the gentleman, if he could, by ascertaining the amount. He referred, playfully, to the proposed appropriation for Charleston harbor, which was last session struck out in the House, and remarked that it was struck out probably against the gentleman's vote.

Mr. COBB inquired if it was not understood that it was stricken out because no gentleman from South Carolina would vote for the bill?

Mr. ROCKWELL replied, that he could not undertake to say what was the understanding in the House. It was suggested by those around him that it was not put in because his friend from South Carolina went behind the Speaker's chair, and did not vote.

Mr. HOLMES. I voted directly against it.

Mr. ROCKWELL. Against the bill? But how did the gentleman vote upon the particular item for this harbor?

Mr. HOLMES'S reply was not heard by the reporter.

Mr. ROCKWELL concluded by remarking that the subject was one of great national importance, and not confined merely to local interest. And no portion of the country received as little as his did, not only in proportion to the number of vessels engaged in commerce, both foreign and domestic, but in proportion to the number of harbors which needed to be improved, and to the entire population.

Mr. LINCOLN obtained the floor.

The committee rose and reported progress, and then the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. GOTT: The petition of citizens of Syracuse, New York, praying Congress to put a stop at once to the bloody and desolating war with Mexico, and that proposals may be made as soon as practicable to all the nations with whom this Government maintains intercourse for treaty stipulations which shall bind the parties to the settlement of all future international difficulties by peaceful arbitration.

By Mr. CROWELL: The petition of Levi Nichols and others, citizens of Warren, Trumbull county, Ohio, for a further reduction of postage. Also, the petition of John P. Converse, praying an allowance of his expenses whilst acting as special agent for the Post Office Department, in settling the claims of certain toll-bridges against Converse & Reese, mail contractors from Sandusky to Detroit. Also, the petition of A. Doolittle and others, citizens of Trumbull, Portage, and Summit counties, for a tri-weekly mail route from Warren, Trumbull county, to Hudson, in Summit county.

By Mr. DICKINSON: A petition from the heirs-at-law of John B. Beaugrand, praying Congress to carry into effect the provisions of the 6th article of the treaty of the 17th March, 1842, with the Wyandot Indians. Also, the petition of H. Burret and 188 others, citizens of Ohio, praying Congress to improve and protect the harbor of Perrysburg, on the Maumee river. Also, the petition of citizens of the counties of Crawford and Wyandot, Ohio, praying Congress for a tri-weekly mail route from Bueynes, by Oceola, Upper Sandusky, and Carey, to Findley, Hancock county.

By Mr. ROSE: The petition of John Morrison, of Geneva, New York, a soldier in the war of 1812, for an increase of pension.

By Mr. ST. JOHN: The petition of Solomon Hersey, praying compensation for property destroyed in the late war with Great Britain, &c.

By Mr. HALL, of Missouri: The petition of Sol. Frazier and others, praying the establishment of a post route from Brunswick, via Utica, to Gallatin, Missouri. Also, the petition of sundry citizens of Daviess county, Missouri, upon the same subject.

By Mr. TURNER: The petition of James Bernard and 180 others, praying for a mail route from Dixon, Illinois, to Rock Island. Also, the petition of Moses W. Allen and 200 others, praying Congress to bring the war with Mexico to a speedy close.

By Mr. GIDDINGS: The petition of E. Wade and forty-eight other inhabitants of Cleveland, Ohio, praying that the amount paid for two females, sold as slaves in the District of Columbia on an execution in favor of the United States, may be refunded to the purchaser, he having manumitted said slaves. Also, the petition of John C. Vinton and thirty-eight other citizens of Ohio, praying such change of constitution and laws as to relieve the Federal Government from all support of slavery.

By Mr. ROCKWELL, of Connecticut: The petition of sundry citizens of Windham county, Connecticut, praying Congress to take the necessary steps for securing an immediate and permanent peace with Mexico, by withdrawing our troops from her territory, restoring her the provinces which we now occupy, and for the appointment of commissioners, &c.

By Mr. WENTWORTH: The petition of Geo. F. Bloom and Henry S. Bloom, of Will county, Illinois, for a pre-emption. Also, the petition of several ladies and gentlemen of Warrenville, Du Page county, Illinois, for a speedy termination of the war.

By Mr. FULTON: That the petition and accompanying papers in the case of Benjamin Holland, on file in the Clerk's office, be referred to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *January*, 11 1848.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made agreeably to law, exhibiting the expenditure from the contingent funds of the department, its bureaus and offices, during the fiscal year ending June 30, 1847.

PETITIONS.

Mr. BRADBURY presented the memorial of John O. Means, praying compensation for services as purser on board the United States brig Dolphin, in the year 1843; which was referred to the Committee on Naval Affairs.

Mr. MASON presented the memorial of Thomas Jefferson Randolph, executor of Thomas Jefferson, deceased, formerly President of the United States, praying Congress to purchase the manuscript papers of said Thomas Jefferson; which was referred to the Committee on the Library.

Mr. CASS presented the petition and papers of I. C. Montague and others, citizens of Memphis, Tennessee, praying that bounty lands may be granted to the soldiers of the regular army who served in the battles of Palo Alto, Resaca de la Palma, and Monterey; which was referred to the Committee on Military Affairs.

On motion by Mr. CASS, the petition of Shadrach Gillet and others, on the files of the Senate, were referred to the Committee on Private Land Claims.

NOTICES OF BILLS, ETC.

Mr. HUNTER, Mr. BREESE, and Mr. DIX, severally gave notice that on to-morrow they would ask leave of the Senate to introduce certain bills.

Mr. DICKINSON stated, that the discussion on the Military bill had extended further than he had anticipated, and he thought it proper that he should notify the Senate that he would call up his resolutions to-morrow, during the morning hour; not for the purpose of having a general discussion upon them, but merely in order to submit some remarks which he had intended to make upon them at an early period.

RESOLUTIONS.

Mr. DAYTON submitted the following resolution for consideration, which lies over under the rule:

Resolved, That the President be requested to furnish to the Senate (if in his judgment not incompatible with the public service) copies of the letter referred to in his message, of General Scott, of 20th May, 1837, and of the letter of General Taylor of 25th October, 1846, on the subject of "forced contributions in Mexico," and of all other correspondence on that subject (if any) not heretofore communicated.

Mr. BALDWIN submitted the following resolution for consideration, which lies over under the rule:

Resolved, That the President of the United States be requested to communicate, for the information of the Senate, the correspondence between the Commissioner from the United States and the Commissioners appointed by the Government of Mexico to negotiate with him, during the suspension of hostilities, after the battles of Contreras and Churubusco; and any other information which may enable the Senate to understand the terms, progress, and issue of that negotiation, so far as he may deem the same not incompatible with the public interests.

On motion by Mr. BADGER, the Committee on Military Affairs were discharged from the further consideration of the memorial of Isaac Varnes, senior, and it was referred to the Committee of Claims.

BILLS INTRODUCED ON LEAVE.

Agreeably to notice, Mr. ASHLEY asked and obtained leave to bring in a bill for the relief of Creed Taylor; which was read the first and second time, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

Agreeably to notice, Mr. ASHLEY asked and obtained leave to bring in a bill to alter and amend the judicial system of the United States; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

Agreeably to notice, Mr. FELCH asked and obtained leave to bring in a bill to apply certain alternate sections of the public domain toward the completion of the Clinton and Kalamazoo canal, in the State of Michigan; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. MASON, from the Committee of Claims,

to whom had been referred the bill for the relief of Susan E. Gordon, reported it with an amendment.

Mr. M. also submitted a report on the subject, which was ordered to be printed.

Mr. CASS, from the Committee on Military Affairs, reported a bill for an increase of the medical staff of the army for a limited time; which was read, and passed to the second reading.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to whom had been referred the petition of Jones & Boker, submitted a report, accompanied by a bill for their relief; which was read, and passed to the second reading.

Mr. SEVIER, from the Committee on Indian Affairs, to whom had been referred the bill authorizing persons to whom reservations of land have been made under Indian treaties to alienate the same in fee, reported the same without amendment.

DONIPHAN'S EXPEDITION.

The Senate proceeded to consider the following resolutions, submitted by Mr. BENTON on the 3d instant:

Resolved, That there be printed for the use of the Senate ——— copies of the tour or memoir of Dr. Wislizenus, through the northern parts of Mexico, as physician to Col. Doniphan's column; being a history of the expedition of Col. Doniphan, with scientific observations upon the face of the country. Also, that there be engraved or lithographed for the use of the Senate, ——— copies of the superficies map which accompanies the same. Also, the same number of the barometrical map of the profile of elevations above the level of the sea from St. Louis, in Missouri, on the line of march of said expedition, to Santa Fé, in New Mexico, and thence by Chihuahua, the Bolson de Mapimi, Parras, Saltillo, and Monterey, to Reynosa, on the Rio Grande. Also, the same number of the geological map, and the same number of the table of meteorological observations which accompany the same.

Also, *Be it resolved*, That ——— copies of the said memoir, with the accompanying maps, be printed for the use of Dr. Wislizenus.

On motion of Mr. DIX, the resolutions were referred to the Committee on Printing.

EDITORS OF THE UNION.

The Senate proceeded to consider the following resolution, submitted by Mr. MASON on the 6th instant:

Resolved, That the editors of the Union, a newspaper printed at Washington, and who were late printers to the Senate, be hereafter entitled to the same access to the floor of the Senate which is now extended to others who were former like printers.

The resolution having been read, and the question being upon its adoption—

Mr. MANGUM said: I hope the question will be postponed until another day. The matter seems to attract no attention whatever on the part of the Senate.

Mr. WESTCOTT (from his seat.) The Senator mistakes the subject of the resolution.

Mr. MANGUM. What is the resolution, then?

Mr. WESTCOTT. It does not refer to the reporters of the Senate. It is to admit Ritchie & Heiss to the privilege of the floor of the Senate. I believe they are not now officers or printers of the Senate. I would inquire of the Senator as to this fact. I think the resolution proposes to give the same privilege as former printers to the Senate now have. I did not hear the reading distinctly, but I believe this is the purport.

At the request of Mr. CAMERON, the resolution was again read.

Mr. CAMERON then moved that the resolution be amended by inserting the words "and publishers" after the word "editors." He believed that Mr. Heiss was known not as editor but as publisher of the Union.

Mr. HANNEGAN. Before any question is taken on the resolution, I would suggest that, as the Senator who introduced it is not now in his place, it would be as well that it be permitted to lie upon the table for the present.

Mr. WESTCOTT. I wish to say one word. I am not opposed to this resolution. Regarding it as an act of clemency—a pardon by the Senate—a mere act of grace—I shall vote for it, and I presume on that ground no Senator will oppose it; and if considered now, it will be adopted.

Mr. SEVIER. The resolution is very clear and explicit in its terms, being intended merely to extend to those gentlemen the same courtesy as others in a like situation are entitled to claim.

The question being taken on the amendment, it was agreed to; and the question then being on the adoption of the resolution as amended—

Mr. BERRIEN said: I suppose that the purpose of the mover of this resolution might be accomplished by rescinding the resolution of the last session. I am not aware, myself, what are the privileges which are referred to; but I am perfectly content that the purpose of the resolution shall be accomplished. I think that the sense of the Senate, regarding the occurrence which induced the resolution of the last session, was expressed by the passage of that resolution. That purpose being accomplished, I am perfectly willing to see the object of this resolution attained. But I think, though I will not urge it, I think it would be more pertinently accomplished by rescinding the resolution of last session.

Mr. MASON, having returned to his seat, said: When I introduced the resolution, I had hoped that it would be met by those who voted for the resolution of last session, in the spirit in which it has been met by the distinguished Senator from Georgia. I am gratified with it. The resolution is drawn with an earnest desire not to provoke discussion; and although I should acquiesce cheerfully in a proposition to rescind the former resolution, yet I had thought, and still think, and I am still further strengthened in this opinion, by conversations which I have had with gentlemen around me; that the resolution will be more acceptable in the form in which it now stands.

Mr. DAYTON. If the question be put upon the resolution as it now stands, my impression is that it will be adopted.

The question was then put on agreeing to the resolution as amended, and it was decided in the affirmative.

WIDOW OF COL. McREA.

The bill for the relief of Mary McRea, widow of Lieut. Col. William McRea, late of the United States army, deceased, was read the second time, and considered as in Committee of the Whole.

Mr. TURNEY called for the reading of the report in this case, and it was read by the Secretary.

Mr. CASS sent to the Secretary's table a letter from Mrs. McRea, which was read.

Mr. PEARCE said: When this bill was before the Senate at a former session, I felt it my duty to oppose it, and I shall be compelled to do so now. I think the report contains a very erroneous statement. I find it stated, that if an officer of the navy dies in the service, his widow will be entitled to a pension; and that, as both military and naval pensions are now paid out of the treasury, there is no good reason for discriminating between widows of officers of the army and those of officers of the navy. Well, all this is a mistake. The widow of a naval officer, as I understand it, if the officer be killed in battle, or die from exposure in the service, receives a pension; but not where the officer spends a life in the service, receiving its honors and emoluments, and dies from old age. It is true, that when the naval pension fund, created from the earnings of the navy, had accumulated to a large amount, Congress very improvidently passed a law, by which all widows of naval officers were entitled to pensions from the time of the death of their husbands, without reference to the cause or the manner of their death; and so great were the arrearages which were granted to widows under these circumstances, that one of them, I know, received the amount of about twenty thousand dollars. By means of these heavy arrearages being granted, the fund became exhausted, and Congress then repealed the act, and now there is no general provision on the subject. This bill is the introduction of a new principle, and one which I think entirely indefensible. Why do we give pensions to the widows of officers of the army or navy? I think it is to repair to them, in some degree, the injury sustained by them in the loss of their husbands, which has been brought on by exposure in the service. It is partly for this object, and partly to stimulate officers in the performance of their duty.

Mr. DIX. Will the Senator allow this subject to pass by informally, as the honorable Senator who was chairman of the Committee on Military Affairs last year, and who made this report, is not now in his place?

Mr. PEARCE acquiesced, and a motion being made to that effect, the bill was laid upon the table.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration, on its third reading, of the bill to raise, for a limited time, an additional military force.

Mr. JOHNSON. I have said all that I proposed to say upon the part of the subject to which I called the attention of the Senate yesterday. It is possible, however, that in what I am about to offer to the consideration of the Senate, I shall incidentally refer to it again.

I rise this morning, sir, to speak, in the first place, of the actual conduct of this war under the management of the President of the United States. The war was recognized as existing on the 13th of May, 1846. We are now in the month of January, 1848, and to all appearance, the restoration of peace is as far off and even further than it seemed to be on the 13th of May, 1846. The whole power of the nation, so far as he has deemed it advisable to ask to have that power devolved upon him, has been placed in the hands of the Executive. Not an occasion—although there have been so many and such glorious ones—has presented itself in which the American arms have not been triumphant. And yet there is no peace. My opinion is, and has been throughout, that the reason is to be referred exclusively to the want of vigor with which the war has been prosecuted. We have had an ostentatious and asserted vigor, but we have had nothing else, as far as the President is concerned.

I am very far from imputing—because I am incapable of making a charge which I do not believe to be true—I am very far from imputing, that this want of actual vigor has been intentional on the part of the Executive. So far from it, I believe that he has been deluding himself, from time to time, with the idea that peace was to be obtained without the effusion of blood; a sad delusion, one which must hereafter constitute a great and overwhelming account of responsibility against himself.

I said yesterday, that it was the march of our troops from the Nueces to the Rio Grande that was, in my opinion, the immediate cause of the war. I say to-day what I have had occasion to say in other places, over and over again, that I believe that that march of itself, if it had been made with a proper force, would not actually have led to such a result. I have no doubt that if, instead of sending the small but gallant band—the heroes of Palo Alto and Resaca de la Palma—to the Rio Grande, he had sent from five thousand to eight thousand men, not a drop of blood would have been shed, and no Mexican ever have ventured to have trodden the soil on this side of the river in hostile attitude. But, sir, the war commenced, was recognized, and fifty thousand troops, with an unlimited amount of treasure, were freely placed at the disposal of the Executive, together with an implied promise, such as to give the President the assurance (if such were needed) that this unlimited amount could, if the expression may be excused, be made still more unlimited. And yet what has he done? Instead of calling out twenty, or thirty, or forty, or fifty thousand men, as he was authorized to do by the act of the 13th of May, 1846, he and the officers at the head of the War Department called them out by driblets, and announcing to the country from time to time that they had a sufficiency of force to conquer a peace. What has been the consequence? That which every man of intelligence who speaks as he thinks must acknowledge, that great, and mighty, and extraordinary as have been the triumphs of the American arms, they have hardly furnished us anything but the glory attending them. They have, to be sure, illustrated the American character for valor and military skill; but they have served no other purpose. And why, Mr. President? Because each struggle has been at such fearful odds, that the gallant officers in command have been unable to follow it up, or profit by the result.

Sir, look at the history of the campaign on the Rio Grande. General Taylor, who, with a few thousand men, marched to Monterey, and succeeded, after a dread and fearful conflict, in carrying that almost impregnably fortified town, was so far crippled that he was unable to hold even the prisoners that he might take. What happened afterwards? The plan of the campaign is changed; some new light dawns upon the mind of the Executive, and Mexico is to be stricken in a different

part. There is a point still more vital to be assailed—a point still more certain, if assailed, to lead to the restoration of peace, and of the vindication of our outraged rights. What is done? General Taylor is stripped of what was supposed to be the very flower of his command. The enemy approached. Eight or ten millions of the public property were exposed to be lost, unless preserved by the gallantry and indomitable valor of the few soldiers left behind to guard it. Almost with electric speed it becomes known at the city of Mexico, and an army such as she had never before marched into the field was organized, amounting to some twenty or twenty-five thousand troops, and led on by their greatest chief.

Mr. President, much as his previous successes had satisfied every American that Taylor, and the officers and men under his command, were competent to accomplish almost any triumph that human power could accomplish, was there one who did not then tremble for their fate? And the fact that they were not utterly annihilated may be considered almost a military miracle. Disparity of force was comparatively nothing before the energies of American soldiers; and in the annals of former military triumphs, the proudest of them all will hereafter be regarded as nothing in comparison with the victory of Buena Vista. They are all thrown in the shade by the brilliant light of an exploit which, whilst it electrified the American heart, astounded the world.

Let us look now, sir, to the campaign of last year. General Scott was compelled to assail the city of Vera Cruz with between 12,000 and 14,000 troops, and to carry, at all hazards, a castle supposed to be impregnable. He succeeded in accomplishing it; but he has done little or nothing beyond that. Every battle which was fought between Vera Cruz and the city of Mexico was fought with a disparity of numbers actually appalling. That noble leader was forced to march a distance of one hundred and fifty or two hundred miles (I forget the exact distance) into the enemy's country, and for a great portion of the way through a dense population, to assail a city containing 180,000 or 200,000 inhabitants, surrounded by fortifications, which were supposed to be impregnable, and without even the means of keeping up his communication with the seaboard for the purpose of getting supplies. These supplies found their way to him from time to time by the gallantry of the escort, who were obliged to fight foot by foot almost every mile of their progress. And at the end of all his great and extraordinary triumphs, Scott finds himself in the city of Mexico with only some 6,000 soldiers. Now, sir, who does not believe that, if he had started with an army of 30,000 men, although he might then have been deprived of the glory of his many victories, we might have been in possession of the city of Mexico perhaps without the shedding of a drop of blood—American or Mexican? Who can doubt that it is the duty of an Executive managing a war declared to exist by a Christian people, to do what the honorable Senator from Mississippi [Mr. DAVIS] said it would be the effect of this bill to accomplish—not to ensure a triumph on the battle-field, but to avoid a battle by accomplishing success by force of numbers; to break down the moral power of the enemy; to conquer a peace by demonstrating to that enemy that resistance is in vain? All at once (I find no fault with it; on the contrary, I rejoice at it) the eyes of the Executive have been opened. All at once it seems to be perceived by him, that the war heretofore has not been vigorously prosecuted, except on paper. Well, whose fault is it, Mr. President? Who would have borne the dread responsibility, if our gallant little army on the Rio Grande had been sacrificed? Who would have had the equally tremendous responsibility, if those gallant spirits now in the halls of the Montezumas had been sacrificed? The nations of the world would have said, with one accord, the Executive of the United States. Upon him the responsibility for the useless and cruel expenditures of blood and of treasure would have rested. Sir, I make bold to say, in speaking in the presence of those who know infinitely more upon such subjects than I do, that if the President had called out the 50,000 volunteers after hearing of the battles of Palo Alto and Resaca de la Palma, there never would have been another blow struck in Mexico, and peace long since restored. The Mexicans, to be sure, have a high and indomitable spirit, (I speak particularly of that portion of them who have in their veins the true Castilian blood;) but they know there may be a point at which resistance ceases to be a virtue, and they would have seen that that was their condition when they saw a determination on the part of the United States to exert their whole power in the accomplishment of the purpose for which war had been declared.

Who can doubt that, if the Executive of the United States had announced that the purpose of the war was merely to procure indemnity for wrongs, and to vindicate outraged character, and to maintain the honor of our flag, and had placed fifty thousand troops in Mexico, as he might have done, it would have led to a cessation of hostilities? Sir, I think we have no peace, because the President of the United States has not exerted the power which Congress placed in his hands, and which was intended to be exerted. I think, and I therefore charge upon him, that the American blood which has been so freely poured out, has been thus freely poured out because of his error. I think, and I therefore charge upon him, that the millions of money which have been spent, and have yet to be spent, have been and are to be spent because of his error. This is all that I propose to say, Mr. President, on the manner in which this war has been conducted.

And this leads me to consider very briefly what should be, in my judgment, the mode of its further prosecution. There are only three modes to be resorted to. The first is, to withdraw the troops altogether—if not to the Nueces, to this side of the Rio Grande. The second, to withdraw them to what is termed a defensive line; and the third, to carry on the war in the heart of the Mexican territory until Mexico agree to terms of peace. I prefer the last.

Mr. President, in saying that I prefer the last, I do not wish to be misunderstood. I prefer the last if the end to be obtained is not one which, in my judgment, would tarnish the American name. I prefer the last, if the object to be accomplished is merely the vindication of our violated honor, and indemnity for our heretofore violated rights. But if the purpose of this war with the President of the United States is to annihilate the nationality of Mexico—if it is the forcible dismemberment of her territory, then I say, on my responsibility as a Senator and a man, I would not give him a dollar.

Sir, we live at a time when character is of immense value with nations, as we know it to be with individuals; and if there be any one thing which more than another stains national character, it is using national power to inflict national injustice. And if there be any national crime more crying and enormous in the opinion of all Christendom than any other, it is the forcible dismemberment of the territory of a weaker nation.

When I say, Mr. President, that I am for fighting the war out, I mean that I am for fighting it out in order to "accomplish the purpose which we seek to have accomplished; that is, to have American rights recognized, and American honor vindicated; and so recognized, and so vindicated, as to furnish full and complete security against any subsequent violation.

The first two points to which I have referred—the proposition for withdrawing the troops, and that for taking a defensive line—I have already said I cannot concur in. To withdraw the troops altogether, in my judgment, would be national dishonor; and I cannot, therefore, entertain the idea for a moment. To take a defensive line would not, in my judgment, lead to peace, but would, on the contrary, be perpetual war; and so far as expense is to be mentioned in any comparison with the other calamities of war, it would be attended with infinitely greater expense than that of fighting it out. Now, sir, the objection to carrying the war on is, the expenditure of money with which it will be necessarily attended, and the consequent derangement of the whole financial condition of the country. My impression is, from some examination which I have given the subject, and with an anxious desire to arrive at a satisfactory result, that the war may be carried on in Mexico without the expenditure of a single American dollar, and of course without affecting the pecuniary condition of the American people, or the pecuniary condition of the Government itself. The resources of the Mexican Government, Mr. President, even under all the disadvantageous circumstances under which that Government has existed, are infinitely greater, it seems to me, than is generally supposed. The fact is, that until a comparatively recent period—indeed, until a short time before the commencement of the war with ourselves—the expenditures of their Government have been about $21,000,000 annually. And it has been appropriated to these purposes: They have had an army of 30,000 men always on pay, costing the Government about $10,000,000. They have had a civil-list bill of about $6,000,000, and interest to be paid on the public debt to the amount of $5,000,000, making $21,000,000. Their army has been punctually paid, their civil list punctually met, and the interest on the public debt, until, as I have said, a comparatively recent period, has been met with equal punctuality. From what resources, sir? The products of their mines, when they are in full operation; and for a series of years, when in such full operation, they have produced $25,000,000 per year; they charge what is termed a transit duty on all the bullion that is drawn from the mines, until it reaches the port of exportation. The transit duty is paid in the form of a permit, granted on the part of the Government, to convey the bullion from town to town, the permit being renewed at each terminus until it reaches the place of exportation; and when it gets there, it is subject to an export duty of one per cent. The average amount of these transport duties, until the bullion reaches the place of exportation, is about two-and-a-half or three per cent. The gross amount of bullion drawn from the mines, as I have said, is about $25,000,000. The Senate will easily perceive then, the amount derived from this source, with an average of two-and-a-half or three per cent. as transit duty, and with a specific export duty of one per cent. upon the value of every pound of bullion exported. The next source of revenue and the amount that it raises, it is almost impossible to calculate, or rather, to speak more correctly, the amount it would raise if peace was restored to Mexico, if that country was restored to quiet, and business operations were permitted to go on in their ordinary course. This source is the stamp tax. They charge what is termed a stamp tax, on every description of contract transferring every description of property of or exceeding the value of $500. That is to say, every contract between man and man relative to property worth $500, is to be written upon stamped paper, for which the parties pay to the stamp officers six dollars. But according to their laws, contracts of this description are left in the hands of a notary, and are recorded among the official transactions of the notary, making it necessary for the parties to the contract, if they desire to have in their possession evidence of the contract, to obtain official copies; and the result is, that each one of the parties almost invariably takes a copy of the contract. The copy is also written on stamped paper, and for the copies there is paid six dollars each.

There is another source, and that is a duty on the sale of everything that is sold. Nothing passes from hand to hand by way of sale that does not pay a specific duty, regulated by the amount of the value of the articles so passing. Now, I will not estimate the amount thus derived; it is sufficient for my purpose to state the fact as I understand the fact to be, that the amount of revenue received from these sources has been abundantly sufficient to enable the Government of Mexico to meet punctually its disbursements to the amount of $21,000,000. This amount would support any army which we might put into the field; and this we would have a perfect right to appropriate. Not to seize and confiscate individual property, which is abhorrent to every sense of justice, which would be an act of barbarism, a dishonor to the age in which we live, and a stain upon our national character; but to appropriate the public revenue of the country so as to enfeeble the power of their Government, to reduce the military to the same standard as private citizens, and prove, by the fact that we are thoroughly able to enforce it, that the restoration of peace depends on their submission. Now, I believe as confidently as I can anything of which we have any certain knowledge, that by pursuing a course of this description for the purpose of enforcing a termination of this war, we shall not only obtain money as much as is necessary for the support of our army, but that of the money so spent, no portion of it will come from the people of the United States.

Now, I know the objection that may be raised

as to the consequence that may result from taking possession of the whole country. I think I can see almost as clearly as does the honorable Senator from South Carolina, [Mr. CALHOUN,] the result of incorporating the whole of Mexico into this Union; and if I believed that the object was the incorporation of the whole of Mexico into the Union by the further prosecution of the war, much as I should hang my head in mortification and shame for the honor of my country, I would willingly submit to the withdrawal of the troops, rather than prosecute the war an hour longer. But I do not believe that such is to be the result. I do not believe that the people of the United States would suffer an Executive officer to perpetrate such a wrong, if the Executive even had it in contemplation. I do not believe that they would ever themselves assist an Executive to accomplish such an object. I would have much less confidence in them than I have, if I thought it possible, that the mere lust of rapine, the mere lust of territory, would lead them to dishonor the American name by blotting from existence a neighboring and feebler nation.

I am for prosecuting the war, because I believe the consequence will be to bring Mexico the earlier to her senses, and to prompt her cheerfully to accept terms of peace. And this brings me to say a word or two on what should be, in my opinion, the terms of such a peace.

Now, sir, I speak for myself, though I have no doubt that I speak the sense of most of the friends around me. My honorable friend from South Carolina the other day, in the speech which he did us and the country the honor to deliver, said he believed the people of the United States were irrevocably determined on taking indemnity for the wrongs which we have suffered from Mexico, in territory. I hope he is mistaken. I believe he is mistaken. I believe the people of the United States would be to-morrow contented by a treaty which would make the Rio Grande the boundary. I believe they would be contented with such a treaty, for the purpose of terminating the war, rather than that Mexico should be compelled by the force of our arms to dismember herself. Now, in expressing this hope, and in expressing the opinion that the war might be honorably terminated by taking the Rio Grande as the boundary, I wish it not to be supposed that I am opposed to the acquisition of additional territory. I am against the acquisition of territory by force. I am not opposed to the acquisition of territory of itself, but for one consideration which weighs in my judgment, and which has had heretofore and still has a controlling operation. Mr. President, I fear, I greatly fear, the conflict to which such an acquisition would lead. The honorable Senator from New Hampshire [Mr. HALE] told the Senate the other day that the true origin of this war lay in the settled purpose on the part of the South to perpetuate and extend slavery. I am not alluding to this now with any design to try conclusions with the honorable Senator on the question of slavery. Sir, he will pardon me for telling him that that is a subject which no southern man on this floor, when he can avoid it, desires to discuss. He will permit me to tell him (and I do it with all good feeling, and with all the respect in which I hold him as a Senator of the United States) that it has been owing to the exciting discussions on this subject in the North, that slavery now exists in many of the southern States. He will permit me to tell him, that as far as I know, it has been his course, and that of those whose sentiments he speaks, on this subject, which has done more than anything else towards its perpetuation.

The greatest practical advocates of slavery have been the Senator himself and his particular constituents. Sir, I have my opinions upon this subject as deeply instilled as can have the Senator from New-Hampshire. They were almost born with me; they have been confirmed by the experience of every day of my life. They have been strengthened by the experience of all I have seen around me. I do not choose to express them on this floor, unless the question is pressed home. But whilst I have fixed and unalterable convictions as to the mere institution of slavery itself as a political or civil institution, I have another conviction as deeply and irrevocably fixed; and that is, a conviction that the southern States owe it to themselves, one and all of them, to stand on their own rights, to vindicate their own equality, and exclusively at their own time, and without the interference of others, to meddle in their own way with this peculiar institution. Notwithstanding this, Mr. President, I cannot be blind to all the indications of the times. I cannot but say that the opinions entertained in the North, however erroneous I may think they are, are still honestly entertained. I cannot but say that the Senator from New Hampshire would be false to the implied promise which he has given to the State which sent him here, if he were not to make this condition; I cannot but perceive that it is a popular feeling, which is sweeping like a whirlwind at the North; but there is an equally determined and steady feeling at the South. If these feelings be further excited, there can be but one result; that is, deadly conflict or amicable separation. And when I look at either, Mr. President, my heart sickens at the reflection. Sons of a common ancestry, bound together by common ties, glorying in a common renown, looking in common to a still more glorious future, I cannot but feel my heart sink within me, even at the possibility of such a result. And it is because I believe it will follow, if the state of things to which I have alluded shall be brought into existence, and not because I am opposed merely to the acquisition of territory, that I gave my cordial support to the resolution offered upon that subject by the distinguished Senator from Georgia at the last session.

Sir, I am not to be driven into a different course by being told that such a course leaves us a pecuniary loss. With me, Mr. President, loss of money is nothing to the loss of character. With me the boundless wealth of the world would be as nothing, compared with what I should esteem the incalculable loss attending the destruction of our national character. But, sir, it is not true that a peace accomplished on the terms to which I have referred would leave us without indemnity. Sir, we have indemnity in the history of this war. It is to be found in the many glorious battle-fields which it has presented to an astonished world. It is to be found in the delight which electrified every American heart at the result of every battle. It is to be found in the security which it furnishes against the disturbers of our peace hereafter. A few hundreds of millions (even if it should go to hundreds) that may be expended, will be forgotten even while spoken of, while the glory and renown which it has heaped upon the American character will be remembered as long as time itself shall endure. I am not, therefore, to be told that peace on such terms would leave us losers, in the true, high, and moral sense of the term.

A word on another subject, and I cease to trouble the Senate. I have already indicated, Mr. President, my preference of a regular over a volunteer force. Now, sir, that preference is founded (and I have but a word or two in the way of reason to assign for it) on the opinion which information in my posession has enabled me to form, that the expense of a regular force is much less, and their efficiency infinitely greater; above all, that the sacrifice of human life is less.

Mr. Secretary Poinsett, in his letter of March 21, 1838, to the honorable Mr. Speaker Polk, now President, speaking of the comparative expense of the two description of forces, says that

"The difference of expense between the employment of this description of troops (meaning volunteers and militia) and regulars is at *least as four to one*, independently of the wastage attending their ignorance of every administrative branch of the service; the enormous expense of marching them to and from distant points for short periods of service, and the great increase that will be made to the pension list, under the provisions of the act of the 19th March, 1836."

Now, sir, the Senate will find how inefficient this description of force is—I mean as compared with regular forces—by turning to document 297, of the 2d session 25th Congress. They will there find that volunteer forces were called out in the years 1832, '36, '37, and '38, to serve in the Florida war, in the Black Hawk war, in the war against the Cherokees, and in the State of New York at the time of the border difficulties, to the number of 55,324. They will find, I am satisfied, aside from the additional expense attending the employment of these forces, and for the purpose now in view, (the superior efficiency of the regulars,) that the mortality among volunteers and militia, compared with regulars, is as ten to one. Sir, to what is this owing? It is owing principally to the fact that the officers are unable to subject them to the same state of discipline, and to prevent the exposure which leads to disease.

From the statements to be found among the papers from the War Department, it appears that the number of men enlisted for the line of the regular army (the old establishment) for the first five months of 1847, and from January 1st to January 1st, was 4,605, the number offering to be enlisted during the same period, and rejected by the recruiting officers because of physical infirmity, was 4,847—more than twice the amount actually received.

Now, I do not mean to underrate the volunteers. God forbid that I should! But I make bold to say, that at least one-half of those who were rejected as unfit for the regular service may be found in the ranks of the volunteers. The chances of mortality in that corps are of course very much increased.

I have said, Mr. President, all I intend to say upon this point; and I ask the attention of the Senate only a moment or two longer, while I add a word or two by way of conclusion. Sir, I have heard it said by some that this war should be prosecuted because its tendency was to ameliorate the condition of Mexico. I have heard it said that we were constituted missionaries by Heaven, even by fire and by sword and by slaughter, to carry the light of civilization into that benighted land. I have heard that it has been stated even in the pulpit that we have been selected by Divine Providence to purify a dark and false religion—to break down their old, ancient, and degraded superstitions—to bring them into the blaze of the true faith, and to substitute for it the holier and purer light of the Protestant religion. I have heard it stated, Mr. President, that the war is to be prosecuted in order to enlarge the "area of freedom." I hold to no such doctrine. No, sir.

We need not, for the sake of enlarging the area of freedom, become propagandists. No physical force is on our part called for to break the bands which bind other people in subjection. There is a silent, but potent, moral power progressing through the world, rapidly tending to that consummation. It has its origin in the lesson which our example is teaching. Here is seen perfect personal and political freedom, combined with unexampled national happiness, prosperity, and power. Here is seen that individual equality which nature stamps upon the heart as a right, protected and enjoyed amongst ourselves to an extent never before known, and shielded by a national arm that the nations of the world would in vain attempt to strike down. Yes, sir, our institutions are telling their own story by the blessings they impart to us, and indoctrinating the people everywhere with the principles of freedom upon which they are founded. Ancient prejudices are yielding to their mighty influence. Heretofore revered and apparently permanent systems of government are falling beneath it. Our glorious mother, free as she has ever comparatively been, is getting to be freer. It has blotted out the corruptions of her political franchise. It has broken her religious intolerance. It has greatly elevated the individual character of her subjects. It has immeasurably weakened the power of her nobles, and, by weakening it, in one sense has vastly strengthened the authority of her crown, by forcing it to rest for all its power and glory upon the hearts of its people. To Ireland, too—impulsive Ireland, the land of genius, of eloquence, and of valor—it is rapidly carrying the blessings of a restored freedom and happiness. In France, all of political liberty which belongs to her is to be traced to it; and even now it is to be seen cheering, animating, and guiding the classic land of Italy, making the very streets of Rome itself to ring with shouts of joy and gratitude for its presence. Sir, such a spirit needs no inactivity, and needs no incentive. It admits of neither enlargement nor restraint. Upon its own elastic and never-tiring wing, it is now soaring over the civilized world, everywhere bearing its magic and abiding charm. I say, then, try not, seek not to aid it. Bring no physical force to succor it. Such an adjunct would serve only to corrupt and paralyze its efforts. Leave it to itself, and, sooner or later, man will be free. Sir, as to this war and its influence upon ourselves, there is much to rejoice at and be proud of. The struggle of 1776 demonstrated the deeply seated love of freedom in our sires, and their stern and indomitable purpose to enjoy it or die. The war of 1812 demonstrated the capacity of our institu-

tions to bear such a trial; and nobly was the test borne, and the capacity illustrated. The present war has again demonstrated, not only that such mere capacity continues, but that no nation exists endowed with greater military power. Mr. President, the result cannot but redound to our future peace and happiness. It furnishes ample indemnity for all the wrongs and obloquy we have heretofore suffered, and ample, ample security against their recurrence. Such a result has won for us national glory, and that is national power, stronger than thousands of fortresses, and as perpetual as, I hope in God, will be our nation's love of virtue and of freedom.

Mr. CLAYTON. Before I give my vote on this bill, sir, I desire to know from the honorable chairman of the Committee on Military Affairs, whether either of the commanders-in-chief of the American army, General Scott or General Taylor, has requested such an addition as he proposes to make to the American army; whether either of them has desired the department to recommend to Congress the raising of thirty regiments—these ten regiments of regulars, and the twenty regiments of volunteers.

Mr. CASS. Before answering the specific question proposed by the gentleman from Delaware, I desire to correct some erroneous opinions which have been advanced, respecting the amount of the force which we have now in the field, and the number to which the proposed augmentation would carry it. The Senator from South Carolina, in his remarks the other day, carried the force we should have, if the proposed bill pass, to seventy thousand, and the Senator from Kentucky carried it still higher, to at least ninety thousand men. These estimates are far beyond the amount we shall have in the field, as the following statement will show:

1. REGULAR TROOPS.

On the 30th of November last, agreeable to the return of the Adjutant General, we had in the field, including officers and men	19,818
New companies and recruits at sea, or on their way to the seat of war	1,691
Aggregate regulars	21,509

2. VOLUNTEER FORCES.

In the field, including officers and men	21,124
Recruits on their march	100
In California, 603, and recruits at sea, 200	803
Aggregatev olunteers	22,027
Aggregate regular and volunteer forces	43,536
Which force was thus distributed:	
Under General Scott	32,153
Under General Wool, temporarily charged with the command of General Taylor	6,727
Under General Price, in New Mexico	3,157
On the Oregon route	477
Under Colonel Mason, in California	1,019
Total	43,536

The following statement will show the amount of force we shall have under General Scott, in the event of the passage of this bill, and of the volunteer bill:

On the 30th of November last, the date of the Adjutant General's report, which includes officers and men sick and disabled, and the garrisons of Tampico and Vera Cruz, there were under General Scott's command in Mexico—	
Regulars	17,101
Volunteers	15,055
Total	32,156

To these are to be added one regiment of volunteers from Michigan, and two battalions, one from Alabama and one from Mississippi, which, if full, would amount to 2,200 men. But, as remarked by the Adjutant General, they cannot be full; and he estimates that they will probably do no more than keep the volunteer establishment to its preëxisting number.

And I am happy to have this opportunity to relieve the solicitude so manifestly felt and avowed, the other day, by the honorable Senator from Kentucky, respecting the regiment of volunteers from Michigan, by assuring him, that I have received a letter from the Colonel, written upon the route, and that he is ere this at Cincinnati or upon the Ohio, with six companies of his regiment; and, I trust, the others have already followed him.

The Adjutant General, agreeably to a table in my hand, estimates the number of fighting men, or in military language, bayonets, including the garrisons at Tampico and Vera Cruz, and sick and disabled, at 28,852.

Of this number, the Adjutant General calculates that there are not more fit for duty than	24,000

FORCE PROPOSED TO BE RAISED.

Ten regiments of infantry, the legal establishment of each being 1,000 men. But this can never be kept full, and experience shows that there must be a deduction from it of about 25 per cent., making this force, say	7,500
A volunteer force of 12,500 to supply vacancies in the existing volunteer establishment, which, subject to the same deduction, would give, say	9,500
Making a total of bayonets fit for the field	41,000
Or an actual total, including the garrisons of Vera Cruz and Tampico, and the casualties, of	45,852

How many of the above are twelve months' volunteers the returns do not show. Their terms must expire soon, and they cannot, therefore, be calculated upon in the prosecution of the campaign.

The provision for raising 20,000 new volunteers is not included in the above, because the measure is a mere precautionary one, which ordinary prudence suggests, and the force is not to be called out but in the event of some unforeseen occurrence which may render it necessary.

It will thus be seen, sir, that if these bills pass, the force they will enable the Government to add to the troops under General Scott will probably bring the number of fighting men to about 41,000, and that no reasonable calculation can be made on more than between 45,000 and 46,000.

The error of the honorable gentleman from Kentucky consists in this, that he assumes, as he did in his remarks on this subject a few days since, the number of the legal establishment if it were full, as the number which the Government can keep in the field. Now, sir, all experience shows, that such a result is not practicable. Large deductions must be made, and it appears from the reports of the Adjutant General, that the actual force maintained is, as I have already stated, about twenty-five per cent. less than the full number allowed by law. Recruiting depôts cannot be kept filled, even by the most strenuous exertions, and the perpetually recurring casualties of war, occasion a constant drain, which must as be constantly supplied. And a considerable deduction must be at all times made on account of sickness. I need not enter into any particular detail upon this subject. The considerations cannot escape the most casual observer.

If therefore all the men raised under these two bills are sent to General Scott, they will give him the force I have already indicated. It is obvious that the force under General Wool can, under no circumstances, be diminished, for it is barely sufficient to protect the country subjected to us upon the Rio Grande.

To come now, sir, to the question asked by the honorable Senator from Delaware, I have to say that the Government has received from General Scott an estimate of the force he deems necessary to carry into effect the plan of operations which is recommended by the Secretary of War. I will read so much of his *projet* as relates to this subject:

"Augment this army to fifty thousand men to enable them to occupy, at the same time, nearly all the State capitals and other principal cities; to drive guerrilla and other robbing parties from the great highways of trade; to seize into our hands all the ordinary revenues of the country, internal as well as external, for the support of the occupation, and to keep the central Government in constant motion and alarm, until constrained to sue for peace."

Having thus answered the question of the honorable Senator from Delaware, I yield him the floor.

Mr. JOHNSON, of Maryland. What is the date of that letter?

Mr. CASS. I do not believe that I have got the date. But the letter says that if the operations should be continued till October, the augmentation of the forces would be necessary. I presume, therefore, that the letter was written in September.

Mr. WEBSTER. Is the letter to be found amongst the documents which have been published?

Mr. CASS. No. The Government did not deem it prudent to publish the letter; but it is now thought proper to make known the portion of it which has been read.

Mr. WEBSTER. I understand that the honorable Senator from Michigan endeavors to show that in the opinion of General Scott, on the communication of the project of the Government to him—I do not ask for particulars further than they are disclosed in the portion of the letter read—for the further military operations of the army of the United States in Mexico, there will be needed an augmentation of that force to the amount of fifty thousand men.

Mr. CASS. An augmentation making the force amount to fifty thousand men.

Mr. WEBSTER. I understand—that the force be augmented till it amounts to fifty thousand.

Mr. CASS. That is the amount at which he estimates the force necessary to carry on the military operations.

Mr. WEBSTER. In other words, that is the force which the projects of the Government will render necessary.

Mr. BADGER. Will the honorable chairman of the Committee on Military Affairs allow me to ask on what plan of a campaign—on what system of the future prosecution of the war, does General Scott say that fifty thousand men will be necessary?

Mr. CASS. If the gentleman will pardon me, I do not believe it to be necessary to state anything further. I have read all that has a bearing on the question before the Senate.

Mr. CRITTENDEN. With the permission of the honorable Senator from Delaware, who is entitled to the floor, I would now take the opportunity of correcting a slight misapprehension under which I labored on a former occasion, when I stated the amount of military forces now in the field in Mexico, by making the statement as I derive it from public documents, and in regard to which I am happy to find, that as far as it goes, I have the pleasure of agreeing very much with the honorable Senator from Michigan. There are now in Mexico, when the regiments from Michigan and the two battalions now on the way shall have reached the army, forty five thousand seven hundred men. In addition to that, the Executive is now invested with the power of enlisting upwards of seven thousand regulars, besides twelve thousand five hundred volunteers, to supply the place of those who have not engaged for the war—making in all sixty-five thousand men. If you add to that, upon a conjectural estimate—I suppose not far from the truth—five thousand seamen and marines, also engaged in the war, you will then have a numerical force, naval and military, amounting to seventy thousand men. If, again, you add to that, the proposed increase of the army by the whole amount of these two bills, twenty thousand volunteers and ten thousand regulars, you will have an army of a hundred thousand men, besides the numerous employees of one character or another, following the army—making an aggregate of at least one hundred and ten thousand men. At this moment, including the sailors, and marines, and followers of the army, you are paying and feeding not less than from fifty-five thousand to sixty-five thousand men. This is the statement, sir, on which, as I conceive, the Senate has to vote upon this bill.

Mr. CASS. If the honorable Senator from Kentucky will allow me, I must repeat the correction which I made the other day, and at the same time refer him to the statement presented but a few minutes since. I repeat, sir, that the provision for raising twenty thousand new volunteers does not bear upon the question before us. Not a man will be raised, nor a dollar expended, unless a state of things should happen which cannot be reasonably anticipated. And, in such an event, prudence requires that the Government should be enabled to act and to call out an *arriere* force, which is the object of that portion of the bill. Why the honorable Senator includes five thousand seamen and marines in his estimate of the means for prosecuting the war in the interior of Mexico, I cannot conjecture. Surely they will add nothing to the force to be employed by General Scott in the subjugation of the Mexican Government and people. I repeat, sir, the error of the honorable gentleman consists in his considering the legal establishment and the aggregate force as the same thing. I have shown the deduction it is necessary to make from the former, in order to exhibit the real amount of the latter. After this is done, the Senator will find that the force I have stated of from forty-one thousand to forty-six thousand is the true one, which will be placed at the disposition of General Scott, and which is less by some thousands than the force he considers necessary to carry on the plan of operations recommended by the Secretary of War. The Executive, therefore, in calling upon Congress to pass the bills under consideration, has had the best authority—that of the commanding general himself—for the amount of force recommended.

Mr. CRITTENDEN. I am well aware of the casualties to which the army in the field is subject, and especially when exposed to such a climate as that of Mexico, which renders it very difficult to know what portion of the troops is effi-

cient, and I only stated, that from the official returns, there appeared to be forty-five thousand men now in Mexico.

Mr. CASS, (in his seat.) Forty-three thousand.

Mr. CRITTENDEN. And the two regiments from Michigan, which the gentleman supposes, I will be very happy to hear are on the way, besides the two battalions also on the way to join the army.

Mr. CASS. Will the Senator pardon me if I interrupt him one moment? These twenty-two hundred men will no more than suffice to fill up the volunteer forces.

Mr. CRITTENDEN. Still there would be left in round numbers forty-five thousand men, together with the five thousand seamen and marines actually engaged in this war; making an aggregate force of fifty thousand men in Mexico. Now, what is to be deducted from this number on account of the casualties of battle, and of climate, to which the gentleman referred? I cannot well make a calculation; but I am startled at the estimate which the Senator presents, that one-fourth of these are to be struck down! Why, that cannot be; and, sir, the gentleman must recollect that under these inevitable casualties, which I admit, you have been all the time endeavoring to supply the ranks of enlistments throughout the country. Enlistments have been continually going on. You can hardly take up a newspaper in which you do not find a notice of the sailing of some detachment of troops for Mexico. Not a week passes in which a vessel with soldiers does not sail from some port in the United States. That has been the case throughout the war. Now, is it possible, that this devouring war consumes men faster than you can ship them thither? Why, when I was journeying to this place, there were some hundreds of regulars going on from Newport on the Ohio river; and I see in the newspapers frequent notices of the transportation of troops to Mexico. We have been all the time diligently recruiting, and will not the deficit be supplied in that way? Another thing is to be borne in mind: nearly the whole amount of those troops which have been thus despatched, have not encountered the casualties of the field. The casualties, which battle brought upon the forces, occurred before the arrival of these reinforcements. The twenty thousand men that have gone there lately, have not been engaged in a single battle. They arrived in the healthy season. They were healthy and robust men that went. Is it indeed true, that 25 per cent. of all these fresh troops have fallen under the influence of the climate and disease? No; I trust not. We have not less than thirty-five thousand men, making every possible deduction, besides those sick and temporarily disabled. Is not that a sufficient force? Mexico, sir, will be conquered in six weeks, and we shall all know it and admit it. The question will then no longer be about defensive lines, and about diplomacy, and negotiation, and treaty; but about the conquered prize lying at our feet. Beyond all doubt, the question then will be, "What shall we do with this conquered prize?" Sir, San Luis Potosi and Zacatecas, I venture to say, will be taken, from every account, in less than six weeks from this day. Will Mexico, then, be conquered? She is now conquered, as everybody knows. There is nothing left, then, but Queretaro. Our conquests are becoming so spacious that I can scarcely describe them by their proper names, and I dare say I am not correct in the pronunciation now; and Queretaro is spared only because there glimmers the last flickering light of a government which rests in the country. There is the phantom of a Congress and Government, and Queretaro remains uncaptured, not from any want of power, but because you would there nurse that government into something with which you can make a treaty. Why, I see that General Scott has been giving passports to the legislators who constitute this government to go safely to what they call their new seat of government! This is the condition of things in Mexico. Surely, surely, we may now safely assume that Mexico is conquered.

Mr. CLAYTON. I have not yet obtained from the honorable chairman of the Committee on Military Affairs the precise information which I sought. I did not desire to excite a discussion on the question as to the amount of military force at present in Mexico; but I put the question whether our military commanders in Mexico had recommended this measure on which we are called upon to vote. In reply to the inquiry, as I understand, the honorable chairman of the committee says that one of them (General Scott) did, some time during the last year, write a letter recommending that, in a certain event, the military establishment in Mexico should be increased to fifty thousand men. Will the honorable Senator tell me the date of the letter?

Mr. CASS. It was written after the arrival of its writer in Mexico; but how long after, I do not know.

Mr. CLAYTON. After the capture of the city?

Mr. CASS. Certainly; he distinctly alludes to that event.

Mr. CLAYTON. It was written, then, after the capture of the city of Mexico. There is no intelligence, as I understand, from General Taylor that any additional forces were requisite. Am I right in the conjecture?

Mr. CASS. What did the honorable Senator ask?

Mr. CLAYTON. Did General Taylor on any occasion recommend such an addition to the military force?

Mr. CASS. I understand the Senator as inquiring whether General Taylor had made the same recommendation as General Scott. I have told all I know about the recommendation of General Scott, and do not know whether General Taylor made a similar recommendation.

Mr. CLAYTON. There is nothing, then, from General Taylor. He has made no recommendation to add to the troops in Mexico; and as to General Scott, the honorable chairman is able to inform me, that some time last year, as he thinks, "after the capture of the city of Mexico," General Scott wrote to the department informing them, that if certain things intended to be done by the Administration were attempted, 50,000 men would be required to be added to the army.

Mr. CASS. I beg your pardon, sir—raise the forces to 50,000 men; not add that amount.

Mr. CLAYTON. That's the very understanding I had, and was corrected in it. Well, that increase of the army to 50,000 men, as I understand from the reading of the letter from General Scott, was to be made in case the Administration should design to subjugate—to reduce all Mexico.

Mr. CASS. Oh! no.

Mr. CLAYTON. That is the amount of it, as I understand. If in error, I will be happy to be corrected.

Mr. CASS. The Senator is at liberty to put his own construction on the letter; but the object was stated to be "to keep the Central Government in motion." I will read the passage again.

[Several Senators: We shall be glad to hear it again.]

Mr. CASS then read the passage already given, and added: The substance of the letter has been given in a St. Louis paper which came here within the last few days.

Mr. CLAYTON. Well, that is what I call reducing or subjugating the country. Others will put their own construction on it. This increased force, then, is not recommended by General Scott; but he says to the department, "if you propose to take all the capitals of the States of Mexico—if you intend not only to put down the guerrillas and bandits, but to keep the Central Government of Mexico constantly in motion, allowing it no fixed place in which it can treat with you—if you purpose also to take possession of the revenues of the country, then you will require such an addition to the army now here as will raise it to fifty thousand men." General Scott, it will be perceived, does not recommend that such an addition shall be made to the army; he only says to the War Department, that if they design to adopt a certain course of procedure, it will be necessary to increase the army to that amount. Pray, sir, what do you call keeping the Central Government in motion, occupying the State capitals, and seizing the revenues of Mexico? I call it subjugation of the country and an annihilation of the Government of Mexico. Well, now, the President of the United States disavows that in his message. He declares that he is opposed to the annihilation of Mexico as a republic; yet the proposition now is, to augment the forces in Mexico, on the ground that such an increase is necessary, in order to attain objects which are, as I consider, tantamount to the entire subjugation of the country.

It has been stated by my friend from Kentucky—and I think he has fully sustained it—that the force at present under the command of Scott and Taylor, or Wool in the absence of Taylor, amounts to forty-five thousand men; and we are now called on to increase the army to thirty thousand more, in order to overrun all Mexico, in order to occupy the capitals of all the States of Mexico, and to seize upon the entire revenues of the country. In other words, as I understand it, to annihilate Mexico as a nation, and to destroy her Government, does not require anything like the force which the honorable chairman of the Committee on Military Affairs now asks the Senate to vote. If you add thirty regiments—twenty regiments of volunteers and ten regiments of regulars—to the troops already in the field, you will have a vastly greater force than the commanding general of the army considers necessary for all the purposes specified in the letter. It is well known to my brother Senators here, that during the last session and the previous one, I voted upon all occasions, when bills were presented to this body to increase the army of the United States, or to furnish supplies for the army, in favor of those bills. I took the ground that whether the Administration of the country was right or wrong in the inception of this war, I should vote more troops and more supplies for our armies, in order to sustain the honor and interests of the country, so long as my vote might be needed to sustain that honor and those interests. Nor shall I, in the course which I am about to take with regard to this bill, in the least change my purpose in regard to this matter, as originally formed. If the same issues were now before me which were presented at the last session, I should vote precisely as I voted then. But totally different is the question now presented. On all former occasions, the President of the United States, and his friends on this floor, disavowed any intention of conquest, or acquisition of territory by conquest. They invariably declared that their object was not to obtain Mexican territory by robbery or conquest. They fought, it was declared, for a fair and honorable peace, and for indemnities for the injuries which we had received at the hands of Mexico. But what now is the issue presented to the American Senate by the bill upon your table? Allow me here to read from the message of the President, so that there may be no ground for any allegation of misstatement or equivocation. Let us hear from the President himself, the objects which he has in view, and the purposes for the accomplishment of which he desires these additional troops. The President says:

"In the mean time, as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves, by appropriating permanently a portion of her territory. Early after the commencement of the war, New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

"The provinces are now in our undisputed occupation, and have been so for many months; all resistance on the part of Mexico having ceased within their limits, I am satisfied that they should never be surrendered to Mexico."

And again he says, on the same page:

"Besides New Mexico and the Californias, there are other Mexican provinces which have been reduced to our possession by conquest. These other Mexican provinces are now governed by our military and naval commanders, under the general authority which is conferred upon a conqueror by the laws of war. They should continue to be held as a means of coercing Mexico to accede to just terms of peace."

The question then arises, What are these "terms of peace"—what the President conceives to be "just," and on which he means to insist? By turning to the eighth page of his message, you will find an answer to this inquiry. You will then discover the views of the Executive with regard to "just terms of peace." It has been said, in the progress of debate, that the President attempted to negotiate after the battles of Contreras and Cherubusco; that he made an effort to treat with the Mexican commissioners, having sent Mr. Trist to Mexico for that purpose. In his message he communicates the purport of the instructions given to Mr. Trist, and his own "ultimatum:"

"The Commissioner of the United States was authorized to agree to the establishment of the Rio Grande as the boundary, from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in north latitude about thirty-two degrees, and to obtain a cession to the United States of the Provinces of New Mexico and the Californias, and the privilege of the right of way across the isthmus of Tehuantepec. The boundary of the Rio Grande, and the cession to the United States of New Mexico and Upper California, constituted an ultimatum which our Commissioner was, under no circumstances, to yield."

Here we have the President's "just terms of peace," as he calls them; his "ultimatum" is definitely announced, and we are no longer left, as during the last two sessions, to conjecture—to guess at the objects and intentions of the President of the United States in regard to Mexico. It is now certain that he has demanded as an ultimatum, and means to demand hereafter as his ultimatum, the cession to the United States of the Californias, and the whole of New Mexico—a territory embracing at least six hundred and ninety thousand square miles of land—more than twice the entire territorial extent of the "old thirteen States" at the time of the American Revolution! And I am called upon to give a vote which shall enable the President to enforce these "terms of peace!" I am called upon to give a vote that shall enable him to compel Mexico to cede the whole of New Mexico and the Californias to this country: I have no choice left. I can at once take up my position, and say whether I am in favor of the acquisition and conquest of all this vast region, or whether I am opposed to it.

I must confess that I do not understand the argument of my honorable friend from Maryland, [Mr. JOHNSON.] He concluded, as I understood, with an expression of his resolution to vote for this bill. He told us to-day, that if the people of the United States were consulted, he verily believed the great mass of them would decide against the acquisition of any territory on the western side of the Del Norte. The Senator thought that the people of the United States would go with him for acquisiion of territory by way of indemnity and not by way of robbery, but in payment of the debt which is justly due us by Mexico. He thought that the people would go with him so far as to defend the country between the Neuces and the Rio Bravo; but he had no doubt that the people of the United States were clearly opposed, and would so declare themselves whenever called upon, to the acquisition of any territory on the other side of the Rio Bravo. Now I cannot understand how my friend, having arrived at these conclusions, being thus satisfied as to the popular will, can reconcile it to himself to vote for this immence addition to the army of the United States, when the object of the augmentation of the military establishment is plainly avowed by the President to be the extension of his conquests over the whole of this country on the other side of the Rio Bravo, and the acquisition of both the Californias and New Mexico. If my honorable friend can reconcile that by the exercise of all his ingenuity, I should like to hear him do so. For my part, I cannot comprehend it. Without reflecting on his course, however, my business is to point out my own.

Before I proceed further in the argument on this question, I desire to say, for one, that I never have been, and I am not now, willing to acquire one acre of ground from Mexico, or any other nation under heaven, by conquest or robbery. I hold that, in all our transactions with the other nations of the world, the great principle ought to be maintained of us that "honesty is the best policy," and that an honorable reputation is of more value to a country than land or money. I hold that any attempt on our part, merely because we happen to possess superior strength, to compel a weaker nation to cede to us all that we choose to demand as indemnity, whilst we at the same time admit that we ask for more than she owes is, is nothing else but robbery. If a man owes me a sum of money, and if, when I meet him on the highway, he replies to my demand that he has not wherewithal to meet it, and I should insist, with a pistol pointed to his breast, that he should deliver to me a deed of his farm, at the estimate which I choose to put upon it, I think there could not be much difference of opinion as to the nature of that transaction. I should like to know how my friend from Maryland, who is an able lawyer, would defend, under an indictment, the man guilty of such conduct. Would it be any palliation, or excuse, or justification of the conduct of his client, in such a case, that the money was justly due him? Could there be found in Christendom a court and jury that would hesitate as to the verdict in such a case? And what, let me ask—as a friend near me [Mr. WEBSTER] suggests—what would be the value of the deed obtained in such circumstances? If the possessor of it should even go "unwhipt of justice," would he not be the object to which the scornful finger of every honest man would be pointed, so long as he lived upon the earth? I hold—and, however old-fashioned the notion may be, I shall maintain it so long as I have a seat here—that character is as valuable to a nation as it is to an individual; and inasmuch as I would scorn as a private citizen to despoil my neighbor of his property in these circumstances and with these avowals, so, as a public man, I never can sanction, in the slightest degree, such a course of conduct on the part of the Government of the country.

We are one of the strongest nations of the earth. We have been amongst the weakest. In times gone by, we have suffered from the cruelty, the tyranny, and injustice of other nations, and have uttered loud complaints. We have now waxed strong, and can put the foot upon the neck of a sister republic, and compel her to yield to the terms we ourselves dictate. The question now comes up, and it addresses itself to every genuine lover of his country, whether the acquisition of all this territory, in those circumstances, would compensate us for the loss of the reputation—that high national character which we have hitherto sustained? Do not understand me as opposing the just claims of my own country. I would go as far to enforce those claims consistently with the honor of the country as any man living. So far as the prosecution of war for the purpose of securing just indemnity for these claims might be concerned, I would go as far as he who, on the other side of the Chamber, goes farthest. But the President distinctly tells you that when Mr. Trist made the proposition to the Mexican Commissioners to negotiate, the terms were to be defined by him, and that they were to be submitted to by Mexico at "the cannon's mouth."

Here Mr. C. yielded to a motion to adjourn; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 12, 1848.

The Journal of yesterday was read and approved.

The SPEAKER announced as the question first in order this day the motion of Mr. POLLOCK to recommit the resolution yesterday reported by Mr. ROCKWELL, from the Committee of Claims, authorizing the employment of a clerk to compile and classify all the claims which have been before Congress from the 14th to the 29th Congress, inclusive, in alphabetical order, showing what action, if any, has ever been had on said claims by Congress.

Mr. ROBINSON moved the usual resolution to terminate all debate in Committee of the Whole on the President's message this day, at two o'clock, p. m.

Mr. STEPHENS moved to lay the resolution on the table, which was agreed to: Yeas 99, nays 74.

So the resolution was laid on the table.

Mr. COCKE made an ineffectual effort to get the House into Committee of the Whole, for the purpose of taking up the joint resolution, reported by him a few days since, authorizing the employment of an additional number of clerks in the Pension Office.

The SPEAKER then again announced the unfinished business, to wit: the motion to recommit the resolution yesterday reported by Mr. ROCKWELL, of Connecticut, from the Committee of Claims.

And this proposition being taken up, a debate of some length ensued, in which Messrs. ROCKWELL of Massachusetts, COBB of Georgia, and ROCKWELL of Connecticut, took part.

The resolution was then recommitted.

REPORTS FROM COMMITTEES.

Mr. DANIEL, from the Committee of Claims, made an adverse report upon the petition of George Hix. Laid on the table.

Mr. D., from the same committee, reported abill for the relief of William Hogan, administrator of Michael Hogan, deceased. Read and committed.

Mr. CROWELL, from the same committee, reported bills for the relief of the securities of Elijah J. Weed, late quartermaster of marines, deceased; for the relief of Aurelia Brereton; for the relief of the legal heirs of John Snyder, deceased; and for the relief of Thomas Scott; which several bills were read and committed.

Mr. JOHN QUINCY ADAMS (speaking in an exceedingly low tone of voice) was understood to say that the petitioner had deceased during the recess of Congress, and that the bill should, therefore, be amended so as to accrue to the benefit of his heirs.

The SPEAKER suggested, as the bill was already referred to the Committee of the Whole House, the desired amendment might be made by them when the bill came up for consideration.

Mr. CROWELL, from the Committee of Claims, made adverse reports on the petitions of William Harris, Charles Foreman, Eli Ackley, Martin L. Patterson, Samuel Reed, William Greer, and upon a memorial of the Legislature of Illinois. Laid on the table.

Mr. THOMAS, from the same committee, made adverse reports on the petitions of Daniel Brown, A. R. S. Hunter, and Martin Thomas. Laid on the table

Mr. T., from the same committee, reported bills for the relief of Reginald *alias* Nick Hillary, and for the relief of James McAvoy. Read and committed.

Mr. FLOURNOY, from the same committee, reported a bill for the relief of the legal heirs and representatives of Nathaniel Cox, deceased, formerly naval agent at New Orleans. Read and committed.

Mr. DUNN, from the same committee, reported bills for the relief of William Ralston; for the relief of Charles Benns; for the relief of John W. Hockett; and for the relief of the heirs of Matthew Stewart; which several bills were read and committed.

Mr. THIBODEAUX, from the Committee on Commerce, to which it had been referred, reported a bill relating to the collection district of New Orleans, and for other purposes. Read and committed.

Mr. GRINNELL, from the same Committee, reported a bill for the relief of Barclay & Livingston, and Smith, Thurger & Co. Read and committed.

Mr. COLLAMER, from the Committee on Public Lands, asked to be discharged from the consideration of the papers of Jacob Keer, and that they be referred to the Committee on Private Land Claims. Agreed to.

Mr. COLLAMER, from the same committee, reported the following resolution, which was agreed to:

Resolved, That 5,000 copies of the report of the Commissioner of Public Lands be printed for the use of the members of this House.

Mr. PUTNAM, from the same committee, reported a bill for the relief of Amzy Judd. Read and committed.

Mr. DUNCAN, of Kentucky, from the same committee, reported a bill giving further time for satisfying claims for bounty lands, and for other purposes. Read and committed.

Mr. D., from the same committee, asked to be discharged from the consideration of the petition of James Vangorden, and that it lie on the table. Agreed to.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, asked to be discharged from the consideration of the petition of citizens of Northumberland county, Pennsylvania, and that it lie on the table. Agreed to.

Mr. KING, of Massachusetts, from the Committee on Revolutionary Claims, asked to be discharged from the consideration of the petition of Isaac Beall, and that the petitioner have leave to withdraw his papers. Agreed to.

Mr. KING also asked that the Committee on Revolutionary Claims be discharged from the consideration of the petition of —— Welch, administrator of Churchill Gibbs, and that it be referred to the Secretary of War. Agreed to.

Mr. WICK, from the Committee on Private Land Claims, made an adverse report on the petition of Thomas Jenne. Laid on the table.

Mr. BARRINGER, from the Committee on Indian Affairs, made an adverse report on the petition of John A. Bryan. Laid on the table.

Mr. GIDDINGS, from the same committee, reported a bill for the relief of Joseph and Lindsley Ward. Read and committed.

Mr. BOYD, from the Committee on Military Affairs, reported a bill to amend an act entitled

"An act to raise for a limited time an additional military force, and for other purposes." Read and committed.

Mr. KING, of Georgia, from the Committee on Naval Affairs, reported a bill to authorize certain promotions in the naval service; and a bill to direct the Secretary of the Navy to settle certain accounts of pursers in the navy who have been required to act as pursers of the vessels of which they were placed in command during the existing war with Mexico. Read and committed.

Mr. HOLMES, of South Carolina, from the same committee, reported a bill for the relief of Ann W. Angus. Read and committed.

Mr. WHITE, from the same committee, reported a bill for the relief of Elizabeth Mays; and a bill for the relief of Nancy Tompkins. Read and committed.

Mr. SCHENCK, from the same committee, reported a joint resolution for the relief of J. Melville Gilliss and others; and bills for the relief of James Glynn and others; and for the relief of James H. Conley. Which several bills and joint resolution were read and committed.

Mr. SCHENCK, from the same committee, reported the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the legality of the order of the Secretary of the Navy giving assimilated rank to surgeons, assistant surgeons, and pursers, and the expediency of repealing or continuing the same by law; and that the committee report by bill or otherwise.

Mr. POLLOCK expressed a desire to debate this resolution, which he maintained would carry it over to another day. He inquired (in consequence of some remarks from a gentleman near him) if the morning hour had expired.

The SPEAKER replied, that it was competent for any gentleman to move to go into Committee of the Whole.

Mr. POLLOCK said, perhaps then he would accomplish his object by moving that the House do now resolve itself into Committee of the Whole on the state of the Union.

Mr. HILLIARD begged the gentleman from Pennsylvania not to press that motion.

Mr. SCHENCK desired to call the attention of the gentleman from Pennsylvania to the fact that this was a mere proposition to inquire.

Mr. POLLOCK said he had, then, misunderstood the proposition. If it was as represented by the gentleman from Ohio, [Mr. SCHENCK,] he had no objection to it.

Mr. RHETT said it appeared to him the Committee on Naval Affairs were asking the House to instruct them to do that which they had power to do without such instructions. If there had been any illegality, why did not the Naval Committee proceed to investigate it? Why did they seek for instructions? Were they afraid to discharge their duty unless they should be compelled to do it by the House? He saw no necessity for such a resolution, and he therefore moved to lay it on the table.

Some explanations having been made between Mr. SCHENCK and Mr. EVANS, of Maryland—

Mr. RHETT desired the attention of the House to the 92d rule, which is in these words:

"It shall be the duty of the Committee on Naval Affairs to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment."

The rule prescribed the duty of the committee, and hence they required no further instruction.

The question was then taken on laying on the table, and it was decided in the affirmative by a vote of 75 to 58.

Mr. STANTON, from the Committee on Naval Affairs, reported a bill to amend the act of the 3d of March, 1847, entitled "An act to establish certain post routes, and for other purposes."

Mr. STANTON asked that the bill might be now put on its passage.

The bill provides that the officers, seamen, and marines of the navy of the United States, in service on any of the coasts of Mexico, may receive letters free of postage, thus placing the navy on the same footing in this respect with the officers, musicians, and privates of the army in Mexico.

Mr. GOGGIN moved to commit the bill to the Committee on the Post Office and Post Roads.

Mr. STANTON inquired if that was debatable?

The SPEAKER replied in the affirmative.

Mr. STANTON then proceeded to urge the passage of the bill. No one, he presumed, would refuse to put our officers and seamen in the same position that the officers and men of the regular army were put in by a law of a previous session of Congress; for they were equally exposed to hardships and perils in the service of the country, and sometimes on shore as well as on the ocean.

Mr. GOGGIN said, when it came fairly before the House, he should desire to discuss it; but he desired first to inquire how this matter had been taken from the Committee on the Post Office and Post Roads, and committed to the Committee on Naval Affairs.

Mr. STANTON explained. It was to supply an omission in an act heretofore passed, from the advantages of which the navy was excluded, that the Committee on Naval Affairs had directed him to report this bill. He had not anticipated any opposition to this bill, nor had he believed that it required the consideration of the Committee on the Post Office and Post Roads. It was simply designed to supply an omission, which he had hoped would have met with a general acquiescence.

Mr. RHETT said, what the gentleman from Tennessee had said was perfectly true. There was an omission of the navy in the law to which he referred, but still this bill was defective; for our mails not only go to Mexico, but are sent to the Pacific, to the Mediterranean, and to Europe. If, therefore, our officers and sailors in the Gulf of Mexico are to be exempt from postage, the same principle should be applied to those who were on still more distant stations—in the Pacific, in Europe, or with the squadron in the Mediterranean. He did not say that he was opposed to the proposition of the gentleman from Tennessee, but he thought it should be referred to the Committee on the Post Office and Post Roads, a general measure being preferable to a partial one, and that committee being the one best qualified to adjust all the details. He thought the motion of the gentleman from Virginia was the correct one.

Mr. STANTON replied that this measure was of no actual importance to the Post Office Department, for letters were already sent by the Navy Department to their foreign stations, by both public and private vessels. This bill was merely designed to obviate any invidious distinction.

Mr. RHETT continued. If what the gentleman from Tennessee said was correct, there was no earthly necessity to pass this bill. If the Navy Department could send letters to other stations, she could send also to the Gulf squadron. But he did not understand that the Post Office Department had been established to give everybody gratuitous facilities to send correspondence to foreign countries. In every aspect, therefore, this bill should be subjected to an examination by the Committee on the Post Office and Post Roads.

The motion to commit was then agreed to.

Mr. STANTON, from the Committee on Naval Affairs, reported a bill for the relief of Charles Reeder, W. R. Johnson, and Thomas P. Jones. Read and committed.

Mr. BOTTS, from the Committee on Military Affairs, asked to be discharged from the petition of Ithamar Rogers, and that it be laid on the table. Agreed to.

Mr. B., from same committee, asked to be discharged from the petitions of certain officers of the army of the United States in Mexico; of Frances P. Gardiner, widow of the late Geo. W. Gardiner; of Frances Fowler, widow of the late Abraham Fowler; of Mary M. Foot, widow of Lyman Foot; and of the widows and orphans of sundry officers of the army; and that they be referred to the Committee on Revolutionary Pensions.

Mr. SMITH, of Connecticut, said he did not know what the Committee on Revolutionary Pensions had to do with the question, whether it was proper to grant pensions to the widows of the officers and soldiers of our present army in the event of their falling in the public service. [A voice: "We are revolutionizing Mexico."] A revolution in Mexico! He knew not how even our Mexican war could bring the subject within the province of the Committee on Revolutionary Pensions. He humbly apprehended that that committee had nothing to do with it; but that it properly belonged to the Committee on Military Affairs, which had jurisdiction over this entire subject; and, as he had entire confidence in that committee, as well as great respect for its members, he hoped this matter would be sent back to it.

Mr. BOTTS begged to say that it was not of the slightest consequence to him whether the subject were sent back or referred to some other committee; but he begged also to call the attention of the gentleman from Connecticut [Mr. T. SMITH] to the 90th rule of this House, which provides and prescribes what shall be the duties of the Committee on Military Affairs, in these words:

"It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence, which may be referred to them by the House, and to report there opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment."

The gentleman would therefore see that the duties of the Committee on Military Affairs were so specific and so distinct from the objects here contemplated by the proposed reference, that the Committee on Military Affairs had deemed it proper to ask to be discharged from its consideration. Still, he held that it was competent for this House, at its discretion, to refer such matters to the Committee on Military Affairs, the Committee on Invalid, or the Committee on Revolutionary Pensions, neither of which was expressly charged with the consideration of such questions. But as the Committee on Military Affairs would have much business to occupy its members, and the Committee on Revolutionary Pensions would not be so much oppressed with business, it was thought, in giving it a special reference, it might with much propriety be sent to that committee. For himself, however, he was perfectly indifferent respecting the disposition the House might make of it.

Mr. HARALSON, as a member of the Committee on Military Affairs, begged to state, that it was clearly his conviction that this subject should be sent to the Committee on Revolutionary Pensions. It more appropriately belonged to that, or the Committee on Invalid Pensions, than to the committee of which he was a member. It was not material to which of the two Pension Committees it was referred; but to one it was obvious it should go, for it was an application for a pension. Pension was the object sought, and nothing else. How, then, could it be sent to the Committee on Military Affairs, consistently with the rule which prescribed their duties?

It had been said that the widows of our officers and soldiers who might fall in the Mexican war were not "invalids," nor the widows of soldiers of the "revolutionary war." True. But neither were they a part of the "military establishment and public defence," and hence the Committee on Military Affairs was not the appropriate committee. Certainly it was less appropriate, the memorial being an application for a pension, than either of the two committees, both of which had the subject of pensions committed to them. He should vote to send it to the Committee on Revolutionary Pensions, though it was true the rule prescribing the duty of that committee did not itself embrace this subject. But that was a more appropriate reference than either of the others.

The honorable gentleman read the 95th and 96th rules prescribing the duties of the two Pension Committees—the one being "to take into consideration all such matters respecting pensions for services in the revolutionary war, other than invalid pensions," and the other being charged with those invalid pensions which were the exception in the first of the two rules. There was no Committee on Pensions other than those enumerated, and it would be perhaps most appropriate to send this subject to a special committee. If the motion to refer to the other committees should fail, he should certainly move such a reference. The duties of the Committee on Military Affairs would be onerous enough without giving them in charge the subject of pensions.

Mr. ADAMS, of Massachusetts, said the application was for a system of rewards for officers and soldiers now in the service of the country. This necessarily involved a question which was contrary to the genius of our institutions, and it should be well considered before a system was established for the future involving such weighty consideration. He was understood to advocate the reference to the Committee on Revolutionary Pensions, but the venerable gentleman was not distinctly heard at the reporter's desk.

The motion to refer to the Committee on Revolutionary Pensions was then agreed to.

Mr. HILLIARD, from the Committee on Foreign Affairs, reported a bill to regulate the diplomatic intercourse of the United States with foreign nations. Read and committed.

Mr. C. J. INGERSOLL, from the same committee, reported a bill for settling the claims of the heirs of Richard W. Meade, deceased. Read and committed.

Mr. RHETT, from the same committee, reported a bill for the relief of the legal representatives of Benjamin Hodges, and a bill for the relief of the legal representatives of Cornelius Manning. Read and committed.

Mr. LAWRENCE, of New York, from the Committee on Revolutionary Pensions, made an adverse report on the petition of Anna Smith and others. Laid on the table.

Mr. HAMMONS, from the same committee, made an adverse report on the petition of James Hillman. Laid on the table.

Mr. SYLVESTER, from the same committee, asked that the committee be discharged from the petitions of Peter Rife and Silvia Pond, widow of Beriah Pond, and that they be laid on the table. Agreed to.

Also, an adverse report on the petition of Esther Scolley. Laid on the table.

Mr. DONNELL, from the same committee, made adverse reports on the petitions of Joseph Carter and Benjamin Johnson. Laid on the table.

Also, that the committee be discharged from the further consideration of the resolution of the House relative to the expediency of allowing a pension to Artemas Conant, and that it be referred to the Committee on Invalid Pensions. Agreed to.

Mr. FULTON, from the Committee on Invalid Pensions, reported a bill for the relief of John Mitchell; a bill for the relief of Jesse Young; and a bill for the relief of Silas Waterman. Read and committed.

Mr. HENLEY, from the Committee on Patents, reported the following resolution:

Resolved, That the Commissioner of Patents be requested to communicate to this House what legislation is necessary to provide room in the Patent Office building for the arrangement of models in such a manner as to give the examiners such access to them as is necessary for them in the discharge of their duties.

Read and agreed to.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following communications:

A communication from the Secretary of State, transmitting, in obedience to the act of the 20th of April, 1818, and the eleventh section of the act of 26th of August, 1842, a report of the names and compensation of the several persons employed in the Department of State, and also in the Patent Office, during the last year. Laid on the table.

A communication from the Secretary of War, transmitting, in obedience to the act of 2d April, 1794, a report of the expenses of the national armories, with an account of the arms made and repaired therein during the fiscal year ending June 30, 1847. Laid on the table.

A communication from the Secretary of War, transmitting, in compliance with the 20th section of the act of August 26, 1842, a statement of the expenditures from the contingent fund of that department during the year ending June 30, 1847. Laid on the table.

A communication from the Secretary of War, transmitting, in compliance with a resolution of the House of the 22d ultimo, a report in reference to the commerce of the lakes and western rivers. Laid on the table.

A communication from the Secretary of the Treasury, transmitting, in compliance with the 20th section of the act of the 26th of August, a report of the expenditure of the contingent fund of that department. Referred to the Committee on Public Expenditures.

A report from the Commissioner of Public Buildings of the manner in which all appropriations for the public buildings and grounds have been applied during the past year. Referred to the Committee on Public Buildings and Grounds.

A report from the Clerk of the House of Representatives, transmitting a report of the names and compensation of the several persons employed in his office during the past year. Laid on the table.

SENATE BILLS,

The following bills from the Senate were taken up, read a first and second time, and referred:

A bill for the relief of Joseph Wilson.

A bill concerning certain collection districts, and for other purposes.

A bill for the relief of the administrator of Elisha L. Keen, deceased.

A bill providing for the payment of the claim of Walter R. Johnson against the United States.

A bill supplementary to an act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court in certain cases, and for other purposes.

A bill for the relief of Thomas Rhodes.

A bill providing for the appointment of assistant pursers in the navy.

A bill to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States.

A bill to provide clothing for volunteers in the service of the United States.

A bill to promote the filling up of vacancies in the volunteer corps now in the service of the United States.

A bill making an additional appropriation for the dry dock at the Brooklyn navy-yard.

A resolution in favor of David Shaw and Solomon T. Corser.

BILLS PASSED.

The bill to authorize the issuing of a register to the barque Canton, was read a first and second time.

Mr. GRINNELL moved that the bill be now put on its passage.

The question was put, and the bill was read a third time, passed, and returned to the Senate.

The bill of the House authorizing the Secretary of the Treasury to grant a register to the barque Sarah and Eliza, engrossed by order of the House some days since, was taken up, read a third time, passed, and sent to the Senate for concurrence.

BILLS INTRODUCED ON LEAVE.

By Mr. HOLMES, of New York: A bill to erect fortifications and establish a military depôt at or near the mouth of the Genesee river, in the State of New York. Read twice and referred.

By Mr. RHETT: A bill declaring the assent of Congress to the acts passed by the States laying tonnage duties to improve the navigation within the States. Read and referred.

By Mr. BINGHAM: A bill to apply certain alternate sections of the public domain to the completion of the Clinton and Kalamazoo canal, in the State of Michigan. Read and referred.

Mr. SIMS presented resolutions of the Legislature of the State of South Carolina relative to the establishment of a branch mint at Charleston, in said State. Referred.

Mr. TAYLOR gave notice that on to-morrow, or on some subsequent day, he should ask leave to bring in a bill to extend the time for locating Virginia military land warrants in the State of Ohio, and returning surveys thereon to the General Land Office.

THE PRESIDENT'S ANNUAL MESSAGE.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole, (Mr. J. R. INGERSOLL, of Pennsylvania, in the chair,) and proceeded to the consideration of the annual message of the President of the United States and the resolutions referring the same to various appropriate committees.

Mr. LINCOLN, who was entitled to the floor from last evening, addressed the committee. Without wasting the time of the committee with any preliminary remarks, he would proceed at once, he said, to the consideration of the subject he proposed to discuss.

Some of the gentlemen on the other side of the House, if not all of them, who had addressed the committee within the last few days, had, if he had understood them correctly, spoken somewhat complainingly of the vote which was given some week or ten days since in this House, by which it was declared that the present war with Mexico was "unnecessarily and unconstitutionally commenced by the President of the United States." He agreed with them, if he understood them properly, so far as to say that such a vote ought not to have been given wantonly; that it was wrong, if so given; that no member ought to have given such a vote, unless he thought he was voting in accordance with the truth. He was one of those who had voted thus, and he proposed to present some of the reasons which actuated him in so doing.

When this war first commenced, he did not expect it would last so long as it had already done. It was then his opinion, that all those who, for the reason of not knowing enough, or of knowing too much, on the subject, as they understood it, could not conscientiously approve the course of the President of the United States in relation to the commencement of the war, should, nevertheless, as good and patriotic citizens, remain silent upon that question until the war should have terminated. And, in accordance with that view, he had, up to the time he arrived in this city, at the commencement of this session, never expressed his opinion in relation to whether or not the war was justly commenced on the part of the President of the United States. He had tried to act upon that principle, believing he was doing right in so doing. He found that view had been taken by some with whom he agreed in political sentiment, and especially by Mr. Ex-President Van Buren.

He (Mr. L.) was inclined to think he would have adhered to that view even yet, were it not that the President himself and some of his friends would not permit those to be silent who wished to be so upon that question. The President himself, as was well known, in his messages, especially in his late annual message to Congress, attempted to argue every silent vote given in favor of supplies for the war into an approval of his conduct in the commencement of it, and of his mode of prosecuting the war. He would not refer to particular instances in relation to this point, with the single exception of this: take, for instance, the declaration in the late message, in which the President tells us, that when he announced to Congress that hostilities had commenced, Congress, by a vote approaching very nearly to unanimity, declared the war to exist by the act of Mexico; only two in the Senate and fourteen in the House, he says, dissenting. Now, what he wished to refer to was this: that the President here attempted to prove, that with this small exception, the members of the Senate and the House of Representatives were for backing him in the declaration that "war exists by the act of Mexico;" whereas the same journal which told him that only fourteen members of the House of Representatives voted against this declaration, when forced in as a preamble to the bill and coupled with supplies—that same journal told him that sixty-seven voted against it when disconnected with the question of supplies. So that the President came forward and attempted to prove, by telling what is the truth, what he could not prove if he told the whole truth; thus dealing unfairly with those who had silently voted supplies, and compelling them, in justice to themselves, to speak out and prevent, if possible, this kind of misrepresentation.

But, in addition to this, one of his colleagues [Mr. RICHARDSON] came into this House with a resolution in its terms expressly endorsing the justice of the President's conduct in the beginning of the war. So that he found himself here, if he was inclined to give the President his supplies, and say nothing about the original justice of the war—if he was inclined to go with him, to look ahead and not back, in a position that he could not do so. He should feel compelled to vote on this resolution in the negative. And as the President and his friends would not allow them to do as he wanted to do, and as Mr. Van Buren approved, he had set himself about examining what position was the right one on the justice of the war. He had never particularly examined this question before. He had refrained from so doing for the reason he had stated. When this question was suddenly sprung upon the House the other day, on the part of his own political friends, declaring the war to have been unnecessarily and unconstitutionally commenced on the part of the President, he did not then desire to vote upon the question. He preferred to know something more upon the subject. But he voted under the impression then on his mind; which impression was still on his mind, and which, possibly, could be removed. If it could be, and if it should be removed, he should take great pleasure in reversing his vote.

He would now attempt to show why it was that in the investigation he had made he arrived at the

conclusion he had. It was some two or three weeks ago, when, it might be remembered, he introduced resolutions of inquiry. They followed a short time, some three or four days, after the movement of his colleague, [Mr. RICHARDSON,] and they followed in consequence of it, and would not have been introduced if the gentleman's resolution had not. He had introduced those resolutions, those interrogatories, with the view of getting at the direct question, as he understood it, of the justice of the President's conduct in the commencement of this war. It was not for him to say that he certainly understood the true question correctly—he only acted for himself. The President, however, told us, in his first message, that hostilities were commenced, or blood was shed—American blood was shed upon American soil. And of so much importance did the President deem the declaration that the place, the very spot where blood was first spilled was our own soil, that he followed it up, and repeated that declaration in almost the same language in every successive message, certainly in every annual message since. The President seemed to attach great importance to the assumed fact that the soil was our own where hostilities commenced. He (Mr. L.) agreed with him on the importance of it, if he understood the President. It was his opinion that that was the very point on which rightfully the President should be justified or condemned. The President felt, as doubtless every intelligent man felt, that ownership, title, was not itself a simple fact, it was rather a conclusion drawn from one or more single facts; and, feeling this, he seemed to be sensible that the bare statement that we owned the soil needed to be supported by the facts on which it rests. Accordingly, in his annual message in December, 1846, he came forward with a string of proof on that point. He (Mr. L.) proposed to examine that proof, and to show that it in no way attached to the question. First, he made an issue which was a false issue. After going on to state certain facts, he said:

"But there are those who, conceding all this to be true, assume the ground that the true western boundary of Texas is the Nueces instead of the Rio Grande; and that, therefore, in marching our army to the east bank of the latter river, we passed the Texan line, and invaded the territory of Mexico."

Now, he said, this was an issue ingeniously framed for the admission of improper testimony. If the President had desired to meet the exact point of issue, he would have said, the soil on which hostilities commenced, I declare to be ours. There are those who say it is not. Now for the proof. Did he make any such issue? Did he not, instead, make an issue of two affirmatives, and speak in one part of his message of one river, and in another part of the other river, leaving all the intermediate space to play upon? After stating the issue as he had described, the President went on then with his proof. He (Mr. L.) had analyzed and classified the various items, facts, and declarations, which made up the whole proof brought forward by the President of the correctness of his position.

The first item was, that the western boundary of Louisiana, as we purchased it of France, was the Rio Grande.

The next was, that the Republic of Texas always claimed the Rio Grande to be her western boundary. Then came a class of declarations, the amount of which was, that she had always—upon paper, in her constitution, by forming her congressional districts, in laying out her counties, collection districts, &c.—claimed it to be her western boundary. And then that a treaty was made by her with Santa Anna, in which Santa Anna recognized the Rio Grande as the western boundary of Texas.

Next came a declaration, or a class of declarations, that jurisdiction had been by Texas, or by the United States since Texas was admitted into the Union, exercised, not upon the eastern bank of the Rio Grande, but between the two rivers.

And, lastly, it was declared that the Congress of the United States understood, at the time Texas was admitted into the Union, that the boundary of Texas extended beyond the Nueces.

This was the whole testimony which Mr. Polk brought forward; and he told us it was a simple statement of facts, that clearly proved that in marching the army from the Nueces to the Rio Grande he did not invade the territory of Mexico. He proposed for a little while to examine this proof, item by item, for the purpose of showing that it was not the proof at all which was necessary to sustain the President in the position which he took.

First, as to the declaration that the Rio Grande was the western boundary of Louisiana, as purchased by France. All knew that that purchase was in 1803; and the President himself told us that by the treaty of 1819 we sold the land east of the Rio Grande—to the Sabine, he believed—to Spain. He wanted to make but a single remark upon this point. How the line that divided your land and mine still remains the dividing line after I have sold my land to you, was to him past all comprehension. And how a man, with the honest purpose of telling "the truth, and nothing but the truth," could have ever thought of introducing such a piece of "proof," was equally incomprehensible.

The next point was, the declaration that the Republic of Texas always claimed the Rio Grande as her western boundary. That was not true in point of fact. She did not "always" claim it. She did claim it, but not always. The constitution by which she was admitted into the Union—which, being her last act as a Republic, might be said to be her "last will and testament," "revoking all others"—made no such claim. But suppose it were true that she had always claimed it, had not Mexico always claimed that it was not so? If Texas had always claimed that the Rio Grande was her western boundary, had not Mexico always claimed directly the reverse? So that it was nothing but claim against claim, and there was nothing proved until you got behind the claims, and saw which stood upon the best foundation. And what he here said in reference to these claims of his was equally applicable to all the President said about Texas, under her republican constitution, having always claimed to the Rio Grande; and her laying out her congressional districts, towns, counties, &c., all stood on the same ground. You might just as well say I could get a valid title to your land by writing a deed and signing it, as to say that Texas could get the land of another by, at home, including within her boundary, upon paper, a certain piece of territory, when it was itself where she dare not go. The thing was preposterous!

Next came the declaration that Santa Anna, by his treaty with the Republic of Texas, recognized the Rio Grande as the western boundary of Texas. Now, he would just say, if anybody wanted to be amused by seeing a very little thing called by a very big name, let them turn to Niles's Register, volume 50, page 336, and they would see the thing that Mr. Polk called a treaty, and would find it to be a most extraordinary thing, too. It might be said he referred to a curious place for a treaty. He should have thought so, too, on the start; but he had tolerable proof that the President himself never saw it except there. It was not in the State Department; it was there he got track of it, from being on the track of the President. He believed, too, that during the first ten years of its life, it was never called a "treaty;" that until it became necessary to dignify it by the name of "treaty," for the purpose of lending the President some support, it was never called a "treaty." Santa Anna, in making it, did not assume to act as a magistrate, or as the authorized officer of the Republic, but only as commander-in-chief of her army. He did not recognize the independence of Texas; he did not stipulate for the termination of the war; he did not say anything, from beginning to end, about boundary. All he did say was to stipulate that the forces of Mexico should evacuate Texas, passing to the other side of the Rio Grande. And then by another article it was expressly stipulated that the Texan forces should not go within five leagues—it did not say of what; but the stipulation being made for the purpose of preventing a collision between the two armies, as a matter of course it meant five leagues from the Rio Grande. Now, it was most strange, if this thing was a treaty of boundary, that Texas should have expressly stipulated in it that her forces should not go within five leagues of it. Who ever heard of a nation entering into a treaty of boundary, and agreeing not to go within five leagues of the boundary agreed on? The fact was, it was nothing more or less than an article of agreement, and it was so called on its own face, entered into by Santa Anna, by which to get his liberty. He stipulated that he would not himself take up arms, nor encourage the Mexican people to do so, during the existing war, leaving it expressly understood that there was no termination of the war. Nobody supposed it was a treaty, because it was well known, as it has many times been stated, that Santa Anna, being a prisoner of war at the time, could not have made a treaty, if he had tried to do so. But he never intended to make—he never made—any such thing. There was no mark, no characteristic about it of a treaty at all.

He next came to notice the declaration of the President, that Texas before annexation, and the United States since annexation, had exercised jurisdiction over the country between the two rivers—the Nueces and the Rio Grande. This testimony was good as far as it went; but, according to the President's own admission, it did not go to the place where it was claimed to go. It possibly might go there, but it did not by fair implication; for he did not understand that exercising jurisdiction over territory between two rivers necessarily implied the exercise of jurisdiction over the whole territory between them. For instance, he himself exercised jurisdiction over land between the Wabash and the Mississippi rivers; but, so far from his exercising jurisdiction over the *whole* of the land between these two rivers, the lot which he owned was only one hundred and fifty feet deep, and fifty feet wide. He knew, then, from actual experience, that it was *possible* [a laugh] to exercise jurisdiction over a piece of land between two rivers without owning the *whole country* between them. And when you come to examine this declaration, this was just the amount of it. The President did not say anything more.

He now came to examine the last of the President's "proofs," viz: that Congress, at the time they admitted Texas, understood the boundary of Texas to extend beyond the Nueces. He (Mr. L.) understood it so. There was no dispute between them, at least between the President and him, (Mr. L.,) as to the understanding that Texas extended beyond the Nueces. He agreed with the President that it did. But did the President say, did anybody say, that it extended clear to the Rio Grande? It might be said, it was true, that there were people who understood a man could not cross a river without going all the way to the next river. That was, at least, a possibility; and he understood it might be a probability, when it suited the purpose of the person, if there were not in this case a little matter, called truth, that forbid saying so.

Having now gone through with the examination of all this testimony—all the different classifications of it—he wished to remark, that if any man should show that immediately surrounding the place where hostilities commenced there was a peaceable Mexican settlement; that Mexicans had inhabited there for many years; that they had never submitted, either by force or by consent, to the authority of Texas or of the United States,—if any man should declare that to be true, there was nothing to any one message of the President of the United States that contradicted it; and he wished the House and the country particularly to remark the apparent carefulness upon the part of the President of the United States not to say yea or nay on that point. In courts of justice he had often seen, when men were arraigned and defended by able counsel, the counsel striving to befog the consideration of a point, working round in some way to divert attention from a point which they knew they dare not admit, and could not deny; and if he had ever seen such a case, here was the evidence of just such another. [A laugh.]

He now wished to state briefly what he understood to be the true rule for the purpose of determining what was the boundary between Texas and Mexico. In the first place, the President said that that country belonged to France; we bought it; then we sold it to Spain; then Mexico revolutionized against Spain; and afterwards Texas revolutionized against Mexico, and became the owner of—something. What, and how much, he was about to state. She did not purchase it. If she got it in any way, she got it by revolution; one of the most sacred of rights—the right which he believed was yet to emancipate the world; the right of a people, if they have a government they do not like, to rise and shake it off. In the exercise of that right, the Texans shook off the Mexican yoke. But how far? Did the nation—did the people revolutionize by lines? Certainly not.

They revolutionized exactly to the extent that they took part in it. When they rose up and shook off the old Government, so much of the country was theirs. And where were the people that did not rise? They remained with the old Government. It was this right of revolution, and it could not be a perfect right if it could not be exercised until every individual inhabitant was in favor of it. It would be no right. Minorities must submit to majorities.

Just such was the case with the Tories in the American Revolution. They were obliged to submit to the majority—the great body of the people, who rose and put them down by force. Now, he said, when the Texan people rose up and shook off the Mexican Government, they put down the minority among them who were not disposed to go with them and became owners of the soil themselves; the country belonged to Texas. But if there were an isolated portion of people who took no part in the movement, over whom the revolutionary party, by force or otherwise, had never been able to extend their power, then that people and the country they occupied were not included within the boundaries of the territory revolutionized. No rule could be more just, more republican, more in conformity with natural right. Why, under the rule that one portion of the people have the right to rise and shake off their Government, another portion have precisely the same right to remain as they were. When they rise up, they have a right to put down the minority. But if there were on the Rio Grande a portion of people who had never been disturbed by them—at least successfully—who had never consented to go, it seemed to him in violation of common sense to claim that the people who chose to remain there, and who did remain there notwithstanding all the force that could be brought to bear upon them, belonged to the revolutionary government.

That was his understanding of this subject, and he believed it was the right understanding. He had proposed by the resolution he had offered to get the President of the United States to talk to the House on this point, which he seemed exceedingly anxious to avoid. Other people talked about it; he would like to have the President do so; and he had framed some interrogatories for this purpose. He (Mr. L.) now declared here, that if by party zeal, if by listening to representations which were erroneous, he had been induced to suppose what was not true in relation to this Mexican settlement east of the Rio Grande; if the President would come forward frankly and give them facts, not arguments, remembering that he sits where Washington sat, and answering as Washington would have answered—remembering that a nation should not be evaded, that the Almighty would not be—and would show that he sent the army among a people acknowledging allegiance to us on the eastern bank of the Rio Grande,—if he would show this by facts, he (Mr. L.) would be most happy to reverse his vote. He would go the other way—would go with him.

But if he could not, or would not; if on any pretence or no pretence he refused to do it, he (Mr. L.) should then be fully convinced, of what he more than suspected, that the President was deeply conscious of being in the wrong in this matter; that he felt the blood of this war, like the blood of Abel, was crying from the ground against him; that originally he must have had some strong motive—what it was he would not now stop to inquire—for involving the two countries in war; that, having that motive, he had trusted to avoid the scrutiny of his own conduct by directing the attention of the nation, by fixing the public eye upon military glory—that rainbow that rises in showers of blood—that serpent's eye that charms but to destroy; and thus calculating, had plunged into this war, until disappointed as to the ease by which Mexico could be subdued, he found himself at last he knew not where.

Whoever carefully examined this last message, would find that, like one in the half insane excitement of a fevered dream, in one place the President said that Mexico has nothing but land; in another part, he expects to support the army by military contributions. And again, that the war is waged for the good of Mexico, to prevent foreign interference; that it is for the honor of the nation, and particularly for security for the future. In another place, that, with the exception of territorial indemnity, there is no object for the war; and, after saying this, he proposes that we should take by act of Congress all he asked for indemnity last fall, and the whole province of California besides: take all, according to his own statement, that we are fighting for, and still to fight on! If that was really all he wanted, why did it not occur to him that when we had got it we should stop? He talked like an insane man. He did not propose to give Mexico any credit at all for the country we had already conquered; he proposed to take more than he asked last fall, and not give her any credit, but to fight on.

In another place, we are told that we must have indemnity for the expenses of the war. It was strange that it did not occur to the President that it would be a little difficult to get indemnity after the expenses had transcended in amount the whole value of her territory. She had nothing but land, the President told us, and, after we have got all that, where is the indemnity?

The President says, again, that the national independence of Mexico is to be maintained. How to be maintained, after we own all her territory? How are we to keep up the national independence, the separate existence of Mexico, after we have taken all her territory? And lest it should be thought by some that he was talking in a speculative and not a practical point, he would say that the President proposed, as appeared from looking at the map, that we should take almost one-half of the Mexican territory; that was, the unsettled half, which was certainly worth more than the settled half. In the unsettled part, we could establish land offices, sell the lands, and introduce an American population into the country. But when we came to take the other half, the land already belonged to individuals, and we could derive little benefit from it; for he believed it was not proposed to kill the Mexican population, to drive them out, to confiscate their lands and their property, or to make them slaves. How, then, could we derive any benefit from the densely-settled portion? And if we were already entitled to the best half, how much longer should we prosecute the war before we should be entitled to the worst half? The question, then, was not a speculative, but a practical question, pressing close upon us; and yet the President seemed never to have thought of it at all!

Then, again, in relation to the mode of prosecuting the war, or of securing peace, the message declared that we were to prosecute it more vigorously, until at last it dropped down in a sort of desponding tone, and told us that the continued successes of our arms may fail to secure a satisfactory peace, and perhaps we may wheedle the Mexican people to throw off their rulers and adopt our Government. And then it concludes that we may fail in this, and goes back to the old thing, and recommends a more vigorous prosecution of the war, which it was just admitted might fail to secure the end desired.

In all this, the President showed himself dissatisfied with the conclusions he had assumed. He took up one suggestion, and tried to argue us into it, but argued himself out of it; he then took up another, and went through the same process, and returned to the first; showing himself dissatisfied with all, and appearing like a man on a hot shovel, finding no place on which he could settle down. [Laughter.]

Again, in relation to the termination of the war, the President nowhere, if he had read the message right, intimated any opinion as to when this war would come to an end. It did not seem to have occurred to him to say anything about that. Now, if he remembered right, General Scott was thrown into disfavor, if not into disgrace, by the same Administration for intimating, when the war commenced, that peace could not be conquered in less than four or five months. It was now more than twenty months before this last message was written; it had been prosecuted most vigorously; officers and men had done all that it was thought men could do, and hundreds of things never before dreamt of; and the President, who was so impatient at a veteran officer for having expressed the opinion that it would take at least four or five months, came to Congress with a long and elaborate messege, in which he did not even express an imaginary conception of his own as to when it would terminate! How was this? Was it not true, as he had said before, that Mr. Polk was lost—that he did not know where he was—that he did not know what to do? He was not satisfied with any position. He forgot to take up the points that arose most obviously out of what he did say. All this went to show that he was most completely bewildered, and he (Mr. L.) should be most happy to be assured that there was not something about his conscience that was more harassing than all his mental perplexities.

Mr. L. having concluded—

Mr. JAMIESON obtained the floor.

The Committee then rose, and the House adjourned.

IN SENATE.

WEDNESDAY, *January* 12, 1848.

Mr. CASS presented a petition from Elizabeth A. Mellon, widow of the late Captain Charles Mellon, killed by the Seminole Indians in 1837. The petitioner tells Congress that "the trifling pittance of *five years' pension* is but a poor remuneration for the loss to his family in a pecuniary point of view, to say nothing of the fireside and domestic circle made desolate by the bereavement," and earnestly asks Congress to take immediate and efficient steps in the premises; which was referred to the Committee on Pensions.

Mr. YULEE presented a petition from citizens of Florida, asking the removal of the land office in the Alachua district from Newnansville to Flemington; which was referred to the Committee on Public Lands.

Also, additional documents in the case of Isaac Varnes; which was referred to the Committee on Claims.

Mr. HALE presented the following petitions:

From Mary Wellington and 23 others, earnestly praying Congress to take the necessary steps for securing an immediate and permanent peace with Mexico, by withdrawing the troops from her territory, restoring to her possession the provinces which we now occupy, and offering the amplest atonement in our power for all the wrongs which may have been inflicted.

Also, from Catharine C. Tenny and 140 other ladies of Kennebunk, in Maine, praying in the name of our country, whose resources are diminished, whose internal harmony is disturbed, and whose sons are perishing; in the name of bereaved mothers, wives, and daughters; in the name of our sex, exposed to insult and outrage; in the name of our common humanity, which is degraded and brutalized by war; and in the name of the religion of Jesus Christ; to put an end to the present aggressive war, by withdrawing the troops and appointing commissioners of peace.

Also, from Jeremiah Phillips and 149 other inhabitants of Ohio, asking a speedy termination of the war.

Also, from Thomas C. Reick and 106 citizens of Indiana, asking the immediate withdrawal of our troops from Mexico.

Also, from Seth Henshaw and 106 other citizens of Indiana, asking that Congress would refuse any further supplies for the prosecution of the war.

Also, from 318 ladies in Leominster, Massachusetts, asking a speedy termination of the war with Mexico.

Also, a memorial, thirty-six yards in length, signed by 2,931 ministers and laymen of the Unitarian church, asking the withdrawal of our troops, making atonement to Mexico for wrongs inflicted, and for the appointment of commissioners to make a speedy and permanent peace. The memorial says:

"Solemnly impressed with the conviction that the existing war between the United States and Mexico is in violation of the will of God, who has made of one blood all nations; of the Christian religion, which commands forbearance, forgiveness, mercy, and love, alike between States and persons; and the spirit of humanity, which seeks to unite mankind in universal brotherhood; and, therefore, deliberately condemning it and uttering our protest against its continuance, we, the undersigned, ministers and laymen of the Unitarian denomination, do, as Christians, earnestly pray Congress and the Executive to take necessary steps for securing an immediate and permanent peace with Mexico, by withdrawing the troops of this nation from her territory, restoring to her possession the provinces which we now occupy, offering the amplest atonement in our power for the wrongs which may have been inflicted by us, and appointing commissioners empowered to adjust questions in dispute betweed the two sister Republics."

Mr. HALE, in presenting the last petition, asked leave to say a single word. He had been requested by the signers of the memorial to make an explanation, in order to obviate any impression that it

was of a sectarian character. It was true that it was the result of a meeting of the ministers and laymen of the Unitarian church, but it had been their desire to obtain the coöperation of other religious sects, and they regretted that time had not allowed the gratification of this desire. They had consequently been obliged to confine the memorial to members of their own denomination. As he had so recently received the indulgence of the Senate while expressing his views on the subject, he would not say a word more, except to express his sincere gratification at being selected to present this petition. No mark of confidence which had ever been conferred on him had given him a prouder satisfaction, whether he looked to the respectability of the petitioners or the sentiments expressed in the petition.

The whole of these petitions were then referred to the Committee on Foreign Relations.

REPORTS FROM COMMITTEES.

Mr. SEVIER, from the Committee on Foreign Relations, reported the joint resolution to create a board to ascertain and determine the amount of each of the claims of the citizens of the United States against Mexico, with amendments containing a proviso that nothing contained in said resolution shall be so understood as making the United States answerable for the payment of such claims or any of them; provided, further, that said board shall not continue in session more than one year from the day which may be fixed by the President for its first sitting.

Mr. DOWNS, from the Committee on Private Land Claims, reported a bill for the relief of the legal representatives of Jacques Moulon; which was read a first time.

Mr. WESTCOTT, from the Committee on the Judiciary, reported a bill for the relief of Richard Bloss and others.

Also, from the same committee, asked to be discharged from the further consideration of the petition of the heirs of Abner L. Duncan.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported the following bills, which were read a first time:

A bill for the relief of Ferdinand Fellany;

A bill for the relief of Elizabeth Pistole, widow of Charles Pistole;

A bill for the relief of Peter Engels, senior.

Mr. J., from the same committee, reported adversely on the petition of Geo. Petty.

Also, from the same committee, asked to be discharged from the further consideration of the memorial of Mary D. Wade, and that it be referred to the Committee on Naval Affairs.

Mr. ASHLEY, from the Committee on the Judiciary, asked to be discharged from the further consideration of the memorial of George Lee and other members of the bar of the western district of Virginia.

Also, from the same committee, reported a bill to change the time for holding the district courts of the United States in the western district of Virginia, with amendment.

Mr. YULEE, from the Committee on Naval Affairs, reported the following bills, which were read a first time:

A bill for the relief of the legal representatives of Captain Jesse D. Elliot;

A bill for the relief of the forward officers of the late Exploring Expedition;

A bill directing the Secretary of the Navy to purchase from Doctor J. P. Espy his patent right for the conical ventilator, for the use of the United States.

Mr. Y., from the Committee on Private Land Claims, reported a bill for the relief of Jesse Turner; which was read a first time.

Also, from the same committee, asked to be discharged from the further consideration of the petition of Commander Wm. M. Glendy.

Mr. CAMERON moved to postpone the previous orders, with a view to take up the bill for the relief of William B. Slaughter, late Secretary of State of the Territory of Michigan; which motion having been agreed to, the bill was considered as in Committee of the Whole, read a third time by unanimous consent, and passed.

ACQUISITION OF TERRITORY.

The following resolutions, submitted by Mr. DICKINSON on the 14th ultimo, came up:

Resolved, That true policy requires the Government of the United States to strengthen its political and commercial relations upon this continent, by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; and that neither in such acquisition nor in the territorial organization thereof can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the Confederacy.

Resolved, That, in organizing a territorial government for territories belonging to the United States, the principles of self-government upon which our federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the Legislatures chosen by the people thereof.

Mr. DICKINSON said:

We are admonished by the exigencies of the times and the prevailing sentiment of the American people, to strengthen our political and commercial relations upon this continent by the annexation of such contiguous territory as can be justly obtained, as well for the positive benefits the acquisition may confer, as to shut out forever, as far as practicable, the pernicious influences, and impertinent intermeddlings of European monarchy. And while the circumstances under which this policy may properly be enforced, are too varied and contingent to be enumerated or suggested, the state of our relations, both foreign and domestic, demand that it be fully declared before the world. We have been compelled by misguided Mexico to resort to the *ultima ratio* of nations for an adjustment of grievances. With her capital, her ports, her fortifications and principal towns in our possession, she spurns all proposals for accommodation, and we have no alternative left, consistent with national spirit or self-respect, but to retain of the possessions allotted us by the tribunal of her own selection, ample indemnity for the wrongs she has heaped upon our Government and people. But should she in some sane moment consent to negotiate, she can furnish indemnity only in territory, and this Government can accept of no terms but such as give full compensation; so that whether we have peace or war, treaty or no treaty, the question of territorial acquisition cannot be avoided. Had we remained at peace with Mexico, the same policy of acquisition would sooner or later have been presented; and should a treaty of peace be negotiated, and a full indemnity be paid in money, of which there is no prospect, the question of extending our possessions could not long be postponed. Although clearly demanded by national interests and almost universally favored by the American people, this policy has been embarrassed by an element of irritation calculated to arrest, if not defeat it altogether. Some who profess to favor it, do so only upon condition that domestic slavery shall be prohibited by Congress in any acquired territory; others, with marked determination, oppose any increase with such restrictions; and both these classes propose to cooperate with the opponents of acquisition unless their peculiar views respectively are adopted.

Believing that a policy so eminently national should not thus be defeated or put at hazard; that the legislation of Congress can have little influence over the domestic regulation of territory; that its temporary government is a matter of secondary importance compared with the policy of acquisition; and that its domestic regulation may be safely intrusted to those most deeply interested in the institutions they may establish, I have introduced these resolutions. They were presented that the Senate might form and pronounce its judgment before the country, upon the two great questions embraced therein, which engage so large a share of the public consideration. They do not, as is supposed by some, bring here, with it profitless discussions and exciting consequences, the vexed question of slavery, for it was here before them; but they propose to transfer it hence, and leave under the Constitution all questions concerning the erection or prohibition of this institution in the territories, to the inhabitants thereof; that its intrusion may not hereafter arrest the policy, defeat the measures, or disturb the councils of the nation. They were offered in the hope that all who believe in the great cardinal principle of freedom—the capacity of man for his own government, would harmonize conflicting opinions, and unite upon this common ground of justice and equality.

The people of the original States declared that to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity, they established the Constitution. Although the Articles of Confederation which gave place to this instrument, provided for the admission of Canada to the Union, and the comprehensive terms employed to explain the objects of the Constitution, show that no narrow territorial boundaries were contemplated, it is apparent that few statesmen at that early period foresaw the early growth we were destined to attain. The wisest and ablest of the time timidly negotiated for years, at the close of the last century, for the right of navigating the Mississippi, and proposed to fix upon that river as the western boundary of the United States forever.

And in negotiating for the territory of Louisiana, our Government sought to procure only a portion, and the greatest share was virtually taken upon compulsion. The policy which from one acquisition has already given to this Union four sovereign States, and holds others in reserve, was at the time assailed with a virulence and denunciation, and threats of disunion, which may be profitably consulted rather than copied by those who are alarmed by, or propose to repeat, the cry of territorial aggrandizement.

Louisiana, too, was a Spanish province, contained a foreign population, strangers to our form of government, and was transferred with its people from Spain to France, and from France to the United States, within a few hours; and yet, what State has been more faithful to the Union, or more ably represented?

Territory beyond the Mississippi was then regarded as almost without the pale of probable civilization, and the expedition of Lewis and Clark to the mouth of the Columbia, where the mail of the United States is now regularly distributed, was hailed as an epoch in the history of North American enterprise and daring.

But the tide of emigration and the course of empire have since been westward. Cities and towns have sprung up upon the shores of the Pacific, and the river we essayed to fix as our western, now passes nearest to our eastern boundary. From three, our population has increased to twenty millions—from thirteen, to twenty-nine States, with others in the process of formation and on their way to the Union. Two great European Powers have withdrawn from the continent, yielding us their possessions; and from the northern lakes to the Gulf of Mexico, from the St. Lawrence to the Mississippi, numerous aboriginal nations have been displaced before the resistless tide of our prevailing arts, arms, and free principles; and whoever will look back upon the past, and forward upon the future, must see, that, allured by the justice of our institutions, before the close of the present century, this continent will teem with a free population of upwards of a hundred million souls. Nor have we yet fulfilled the destiny allotted us. New territory is spread out for us to subdue and fertilize; new races are presented for us to civilize, educate and absorb; new triumphs for us to achieve for the cause of freedom.

North America presents to the eye one great geographical system, every portion of which, under the present facilities for communication, may be made more accessible to every other than were the original States to each other at the time they formed the Confederacy; it is soon to become the commercial centre of the world. And the period is by no means remote, when man, regarding his own wants and impulses, and yielding to the influences of laws more potent than those which prescribe artificial boundaries, will ordain that it shall be united in political as well as natural bonds, and form but one political system, and that a free, confederated, self-governed republic, represented in a common hall in the great valley of the west—exhibiting to an admiring world the mighty results which have been achieved for freedom in the western hemisphere. Then will a more perfect Union be formed, and justice be established upon enduring foundations—the domestic tranquillity ensured, the common defence be provided for, the general welfare promoted, and the blessings of liberty secured to posterity.

Our form of government is admirably adapted to extended empire. Founded in the virtue and intelligence of the people, and deriving its just powers from the consent of the governed, its influences are as powerful for good at the remotest limits as at the political centre.

We are unlike all communities which have gone before us, and illustrations drawn from comparing

us with them, are unjust and erroneous. The social order which characterizes our system is as unlike the military republics of other times, as is the religion of the Saviour of men to the impositions of Mahomet. Our system wins by its justice, while theirs sought to terrify by its power, Our territorial boundary may span the continent, our population be quadrupled, and the number of our States be doubled, without inconvenience or danger. Every member of the Confederacy would still sustain itself, and contribute its influences for the general good; every pillar would stand erect, and impart strength and beauty to the edifice. In matters of national legislation, a numerouspopulation, extended territory, and diversified interests, would tend to reform abuses which would otherwise remain unredressed, to preserve the rights of the States, and to bring back the course of legislation from the centralism to which it is hastening. One-half the legislation now brought before Congress would be left undone, as it should be; a large portion of the residue would be presented to the consideration of State Legislatures; and Congress would be enabled to dispose of all matters within the scope of its legitimate functions without inconvenience or delay.

The present political relations of this continent cannot long continue, and it becomes this nation to be prepared for the change which awaits it. If the subjects of the British Crown shall consent to be ruled through all time by a distant cabinet, Mexico cannot long exist under the misrule of marauders and their pronunciamentos; and this was as clearly apparent before as since the existence of the war. If, then, just acquisition is the true policy of this Government, as it clearly is, it should be pursued by a steady and unyielding purpose, and characterized by the sternest principles of national justice. It should not rashly anticipate the great results which are in progress, or thrust aside the fruits when they are produced and presented. The national existence of Mexico is in her own keeping, but is more endangered at this time by her own imbecility and stubbornness—her national ignorance and brutality—than from the war we are prosecuting and all its consequences. She has been hastening to ruin for years upon the flood-tide of profligacy and corruption; and if she is now rescued, and her downfall arrested and postponed for a season, it may justly be attributed to the salutary influences of the chastisement she has received. But a majority of her people belong to the fated aboriginal races, who can neither uphold government or be restrained by it; who flourish only amid the haunts of savage indolence, and perish under, if they do not recede before, the influences of civilization. Like their doomed brethren, who were once spread over the several States of the Union, they are destined, by laws above human agency, to give way to a stronger race from this continent or another. What has been the national progress of Mexico? When our population was three millions, hers was five; and when ours is twenty, hers is eight; and while we have attained the highest rank among the nations of the earth, she has fallen so low that there is little left to wound her feelings or degrade her character. She has existed as an independent government, if her fretful and confused being may be thus dignified, almost a quarter of a century, and has changed her government by military revolution, during that period, as many times as she has existed years. She has an extended and somewhat populous territory, without an authorized government or the means of instituting one, or the virtue or intelligence to uphold it. The rights of her people are ill defined and worse protected. She has now neither army or navy, or means of national defence —no treasury or system of revenue. She has national antipathies and resentments, but neither national spirit nor national virtue; and has thus far dragged out her wretched existence, like the eagle of mythology chained to the rock, gnawing at her own vitals. Her valuable mines, rich agricultural regions, and Pacific harbors, present a tempting occasion for European rapacity to revive upon this continent their execrable proposal to regulate the balance of power, in furtherance of which, England has already commenced seizing upon South American possessions.

And should our army now be withdrawn, leaving her deluded people the prey of the ferocious spirits who have hastened her downfall, we may expect to see some supernumerary of the House of Bourbon placed at their head to play automaton to the British Cabinet. The policy of extending our jurisdiction over any portion of Mexican territory, is a question between Europe and America—between monarchy and freedom—and not between the United States and the Republic of Mexico; and we should not hesitate to extend our protection to such provinces as are held by us in undisturbed possession now, and patiently await the development of the future. Should the progress of events, without injustice on our part, open to the enterprise of our citizens the rich mining and agricultural districts of that country, and infuse among this semi-barbarous people the blessings of civilization; should the valuable trade which has been monopolized by England be enjoyed by the States, and our mint coin the money of the world; and should a passage across the Isthmus be obtained, placing the mouth of the Columbia within two weeks sail of New Orleans, and valuable Pacific harbors permanently secured, so indispensable to the protection of our vast trade in that sea, and our settlements upon that coast, there would be no occasion for lamentation or alarm. The day is not far distant when all this and much more will be realized, through a process as fixed and unyielding as the laws of gravitation. And whenever the period which determines whether entire Mexico shall come within the jurisdiction of the United States, or become a colonial dependant upon European power, the duty of this Government will admit of neither doubt or hesitation.

But we have the question of territorial extension directly presented for our consideration. The President, in his annual message, recommends that the provinces of New Mexico and California, now quietly held by us, be permanently retained as indemnity, and subjected to the civil jurisdiction of the United States. Upon this just recommendation of the Executive we shall soon be called to act; and while the great mass of the American people will approve the suggestion, some will crave our sympathies while they mourn over what they are pleased to term the "dismemberment of Mexico." Let those who may, indulge this misplaced and sickly sentiment. Such of the Mexican people as may have the good fortune to fall within our jurisdiction, should it be the entire population, will be objects of envy rather than of commisseration, and may regard it as a special interposition of Providential favor. They will find a repose which they have never experienced, and a protection for life, liberty, and property, to which they are strangers. They would exchange a lawless and irresponsible despotism for a government of opinion; wild and debasing habits for rational civilization; the precarious subsistence of savage life for the wholesome rewards of productive industry; the devastations of war for the arts of peace. Our Government would rear in their midst the genial influences of equality, and secure to the hand of industry the bread of its earning. It would elevate their condition in the scale of moral and social being, and infuse amongst them the vigilance and manly spirit which actuates our people. It would leave them with all just relations to each other, enjoying the religion they venerate, and the altars where they are wont to worship. To them, the consequences of a "dismemberment" would be such as were experienced by the inhabitants of Louisiana and Florida, when France and Spain were respectively "dismembered" of these fertile territories. Russia "dismemberad" Poland, that the order of despotism might reign at Warsaw. But America "dismembered" monarchy, that the blessings of civil liberty might be extended upon the continent. While the object of the Government is not "dismemberment," our troops cannot be withdrawn without fatal consequences, and deep and lasting dishonor; and if Mexico persists in her course of blind injustice, the results are easily anticipated. The war with Mexico is not a war of conquest. Conquests were not its objects; and yet, they may be amongst its fortunate incidents. A nation engaged in war may, by the law of nations, rightfully conquer all the territory it can subdue, and hold it as its own. So much are conquests deemed the property of the conqueror, that when a treaty of peace is made, the territory conquered is deemed the property of the conqueror, unless the treaty stipulates for the surrender; nor does this conquest extinguish a debt due the conqueror before the commencement of the war. The conquests we have gained in Mexico are ours, without yielding to her any equivalent. We have won the sovereignty over them honestly, fairly, and legally, by the law of nations; and in treating with her, she is entitled to just what we may think proper to give her for relinquishing her right to re-conquer them, and it is worth just what good judgment may dictate. And whenever she proposes to treat upon this principle, we are morally bound to treat with her. We cannot virtuously continue the war for the mere purpose of making further conquests; but we can virtuously continue it to the subjection of the whole of Mexico, if she will not make peace with us upon just and honorable terms, or, if we choose, upon such terms as shall have due reference to the territory we have acquired by conquest. The question of boundary was a fair subject of negotiation. We proposed negotiation, which she refused. She proffered war, which we accepted, and she has no right to complain of the result of the issue she herself tendered us, and we have a right to enjoy what the chances of war have thrown into our hands. The disparity of force has been in her favor. What we could have brought into the field has had no influence in producing results. The strength was immeasurably on her side, when, upon her own soil, her population, or even her forces in the field, are compared with our invading army. Under like circumstances, when we were only three millions strong, we contended successfully against the power of Great Britain; and Spain contended in like manner against the forces of Napoleon.

Neither national justice nor national morality requires us tamely to surrender our Mexican conquests; nor should such be the policy of the Government, if it would advance the cause of national freedom, or secure its enjoyment to the people of Mexico. But, whatever may be the policy touching Mexican conquests, we cannot, if we would, restore New Mexico and California to that Government, for the reason that they will not be restored. The laws which control the policy of territorial acquisition are beyond the control of legislation. Fountains of tears may be shed over the dismemberment of Mexico; supplies to our gallant army may be refused, and it may be called back from its field of glory, or compelled to *retreat* therefrom to a "defensive line," or be disbanded and dismissed; and the people holding these provinces will not consent to go where there is only anarchy, violence, and oppression. Give back those provinces! As well return to Great Britain what was once her colonial possessions; give back Louisiana to France, Florida to Spain, Texas to Mexico.

Neither the solemnities of legislative enactments nor the sanctions of the treaty-making power can compel them to return; and if it is attempted by strength of arms, it will require a greater force than has yet been engaged in the Mexican war. These provinces are ours by every principle of justice and of international law. They have been purchased upon the battle-fields of Mexico by a bravery which finds no parallel in the history of mankind. The consideration has been too dearly paid, and our title-deeds are written in the best blood of our sons. Let, then, the laws of humanity and peace be extended over them, and they dedicated forever to the cause of freedom.

The principle declared by the last clause of the first resolution, that no conditions can be constitutionally imposed upon any territorial acquisition, inconsistent with the right of the people thereof to form a free, sovereign State, with the powers and privileges of the members of the Confederacy, I deem too obvious for serious argument. Whatever laws Congress may constitutionally enact for the regulation of the territories of the United States, are subject to be altered or repealed at pleasure. The ancient Medes and Persians declared their edicts unalterable; but no such power is vested in the American Congress; and those who propose to have it enact "unalterable and fundamental" laws, employ terms which, if they have duly considered, they do not comprehend. Every State admitted to the Union, from the moment of its admission, enjoys all the rights of sovereignty common to every other member of the Confederacy. The State constitution carries along with it its own definitions of sovereignty, and if any State is prohibited from all the rights of every other, then it is not a sovereign State. If it is admitted with a constitution authorizing domestic slavery, it may change

its constitution so as to prohibit it at its pleasure. If its constitution at the time of its admission prohibits slavery, it may change so as to authorize it, and this, too, regardless of any legislation upon the subject by Congress or otherwise, before its admission to the Union. In other words, every State, after its admission, may, in virtue of its own sovereign power, establish or abolish this institution, whatever may have been the conditions imposed, or attempted to be imposed, upon it during its territorial existence.

The second resolution declares that the principle of self-government upon which the federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic regulation of territory to the legislatures chosen by the people thereof.

It must be conceded by all, that Congress has no inherent power over this subject, and no more right to legislate concerning it than the British Parliament, unless such authority is delegated by the Constitution. The only clause of the Constitution which is supposed to confer upon Congress the right to legislate for the people of territory, is as follows:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," &c.

In providing legislation for the District of Columbia, and for places occupied by the Government of the United States for fortifications and other erections required by the public service, the Constitution thus confers the power upon Congress:

"To exercise exclusive legislation in all cases whatever, in such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings"

By the clause of the Constitution first above cited, it is evident that territory is mentioned in its material, and not in its political sense, for it is classed with "other property," and Congress is authorized to dispose of and make all needful rules and regulations respecting both. In the other section they are separated, and Congress is authorized to legislate over all places occupied for public structures, but no such authority is extended to territory. The language of the Constitution is that of great precision—free from repetition—and every word was well weighed in its positive and relative sense. And if its framers had supposed the phrase "needful rules and regulations" authorized legislation over places belonging to the United States, and used for public service, they would scarcely have authorized legislation over such places in express language in another section. Again, in providing legislation for the District of Columbia, Congress is authorized to "exercise exclusive legislation" over it. Now, if the words "needful rules and regulations" were deemed proper and apt language to confer legislative authority over the internal affairs of a territory, why were they not employed to authorize legislation over the District? And to reverse the order of the inquiry, if it was intended to confer upon Congress the power to legislate over territory, why was it not given in the same express terms as in authorizing legislation for the District? From this view, there is little doubt that a strict construction would deny to Congress the right to legislate for the domestic affairs of the people of territory without their consent.

Congress has, however, upon various occasions, exercised legislative power over the subject, especially in incorporating into the law organizing territories the provisions of the ordinance of 1787; and this has been acquiesced in by the people of the territory. This ordinance was framed under the old Confederacy, for the government of the Northwestern Territory, and the sixth article forbade slavery or involuntary servitude therein. Its validity has often been questioned, and its passage was pronounced by Mr. Madison to be "without the least color of constitutional law." But whether authorized or not, having been passed before the adoption of the Constitution, the act has no authority as a precedent for like practice under it. In erecting territorial governments since the adoption of the Constitution, the action of Congress has not been uniform. In organizing the Northwestern Territories, the provisions of the ordinance relating to slavery have been extended to some, and withheld from others standing in the same geographical relation to the States, and such forms of organization as have been proposed by Congress have met with general acquiescence. But this has neither given the right to Congress nor taken it from the people of the territory. The Missouri compromise cannot be regarded as an ordinary act of legislation, upon the majority principle. It was rather in the nature of a compact, not adopted as such to be sure, but assented to or acquiesced in by all the States through their representatives in Congress or otherwise. Whether it has force in the Territories or not, depends upon the construction of the Constitution already discussed; but it has no binding force upon a State beyond that of moral obligation. In the annexation of Texas, the Missouri compromise line was extended by a majority vote; but it was disregarded by that State in her domestic organization, nor has any department of the General Government or any other power, save her own people, any control over it. This furnishes a practical illustration of the value of "unalterable" provisions by Congress in the organization of territory. It is not denied that if the people of the territory acquiesce in, or adopt the form of domestic government proposed for them by Congress, it becomes their own, having all the force of law until they "alter or abolish it." But this gives to Congress no constitutional right to enforce its legislation upon the people of the Territories against their will, and much less does it prohibit the people of the State in embryo, from exercising their own inherent right of sovereignty in their domestic affairs.

The resolution declares that the domestic policy of the people of a Territory should be left with them; and if that power resides in Congress, as is contended, it should be delegated to the people of the Territory, and be exercised by them.

From the Declaration of Independence to the adoption of the Constitution, every act of those who erected our system of goverment indicates a prevailing confidence in the capacity and integrity of the people, and a lively distrust of delegated power; and if we permit ourselves to depart from the letter of the Constitution in search of its true spirit and meaning, we should keep steadily in view this great popular and controlling feature. But it is not my purpose to discuss further the abstract right of Congress to legislate upon this subject.

Whatever power may or may not rest in Congress under the Constitution, that instrument could not take from the people of territories the right to prescribe their own domestic policy; nor has it attempted any such office. The principles declared by this resolution are older and stronger than written laws and paper constitutions—principles which lie at the foundation of free institutions, and from which laws and constitutions emanate—inculcating the doctrine that the inherent, original power of self-government was derived by man from the Sovereign of the universe; and that government is the creature of man, and not man the creature of government.

The republican theory teaches that sovereignty resides with the people of a State, and not with its political organization; and the Declaration of Independence recognizes the right of the people to alter or abolish and re-construct their government. If sovereignty resides with the people and not with the organization, it rests as well with the people of a Territory, in all that concerns their internal condition, as with the people of an organized State. And if it is the right of the people, by virtue of their innate sovereignty, to "alter or abolish," and re-construct their government, it is the right of the inhabitants of Territories, by virtue of the same inborn attribute, in all that appertains to their domestic concerns, to fashion one suited to their condition. And if, in this respect, a form of government is proposed to them by the Federal Government, and adopted or acquiesced in by them, they may afterwards alter or abolish it at pleasure. Although the government of a Territory has not the same sovereign power as the government of a State in its political relations, the people of a Territory have, in all that appertains to their internal condition, the same sovereign rights as the people of a State. While Congress may exercise its legislation over territory so far as is necessary to protect the interests of the United States, the legislation for the people should be exercised by them under the Constitution.

The mental and physical organization of man teaches that he is better fitted for self-government than for the government of his neighbor; and if he is incapable of discharging this duty to himself, he should not be intrusted with the destiny of others.

That system of government—whether temporary or permanent, whether applied to States, provinces, or territories—is radically wrong, and has within itself all the elements of monarchical oppression, which permits the representatives of one community to legislate for the domestic regulation of another to which they are not responsible; which practically allows New York and Massachusetts, and other Atlantic States, to give local laws to the people of Oregon, Minesota, and Nebraska, to whom and whose interests, wishes, and condition, they are strangers.

Nor is this objection raised here for the first time. Prominent in the catalogue of grievances alleged by our fathers against the British king and his ministers, was one "for suspending our own legislatures, and declaring themselves invested with power to legislate for us."

Whenever or wherever a community of individuals have been subjected to the dominion of some external authority, it has been upon the plea of necessity—the same plea by which tyrants and usurpers have justified their enormities from the foundation of the world.

The genius of the federative system is self-government. It is the foundation upon which the ark of our political safety rests. Our fathers proclaimed, that to secure the inalienable rights vouchsafed to man, governments were instituted, deriving their just power from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

All experience has indicated man's capacity for the exercise of this exalted attribute, and wherever civilized and intelligent men have been cast together without the benefit of conventional forms of government, they have proceeded to enact them. They who planted the germ of a powerful empire upon the Pilgrim's rock before landing from the Mayflower, drew up and signed the following model charter of liberty:

"Having undertaken for the glory of God, and the advancement of the Christain faith, and the honor and being of our country, a voyage to plant the first colony in the northern part of Virginia, we do by these presents, solemnly and mutually, in the presence of God, and of one another, covenant and combine ourselves together into a civil body politic, for our better ordering, and preservation, and furtherance of the ends aforesaid. And by virtue hereof, do enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and officers from time to time as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience."

And the inhabitants of Oregon, three thousand miles distant, in the absence of that guardian care which Congress has been wont to extend to other territories nearer the political centre, established and have in successful operation a provisional government, in which, of their own volition, without the assistance of "ordinances," "provisos," or "unalterable fundamental articles," they prohibited domestic slavery throughout the territory.

The great experiment of self-government has been fairly tried, and has either succeeded or failed. If it has taught that, after all, man, by reason of inherent defects of character, is incapable of its successful exercise except in populous communities matured by age, and that he must remain in pupilage until that season has arrived, we should boast no more that the mysterious problem of human government has been solved, but read the Declaration of Independence backwards, and cause the clause which proclaims that gratifying truth, to be expunged, or amended by a "proviso." We should acknowledge the theory of free government to be a fable; that the darkness of the human intellect has been found to predominate, and that the gloomy sophisms of the timid, and the malignant speculations of the envious, have prevailed.

I have already shown that the whole structure of our system favored the idea of domestic government by the people of territories; that it was their right, and the question is fully presented, whether, in view of their capacity for its judicious

exercise, it is expedient to leave their internal policy under the Constitution with themselves. Any system which denies this in theory or in practice, or which seeks to withhold it from the primary settlements until they shall become populous and mature States, is founded in the same spirit of popular distrust, by which the few have, from the earliest history of man, under the plea of necessity, been endeavoring to restrict the many in the exercise of freedom. It inculcates a system of slavery tenfold more abject than that it professes to discountenance. It is the same spirit which has murmured its distrust at the extension of our territorial boundaries, and trembled for the perpetuity of the Union on the admission of a new State; which looks upon free suffrage with consternation, and with holy horror upon the naturalization of foreigners: which would itself enslave one race, lest they should tolerate a system which holds in bondage another. It is the offspring of bigotry and intolerance, and should have fulfilled its mission during the middle ages. All experience has shown, that tens of thousands in the sparse settlements are as competent to judge of their own condition, and are as much devoted to the support of law and order, as are the hundreds of thousands in populous towns and cities; and that all questions concerning their domestic policy may be safely confided to them. When our country has been disgraced by violence and disorder, and disregard of law, it has been confined to the populous towns and cities, and has not extended to the border settlements. Should the domestic legislation of territories be left with their local legislatures, it would transfer from the halls of Congress the bootless sectional struggles which have created bitterness at home, and served to degrade our institutions in the eyes of the world. It would leave local communities, territories as well as States, to consult their own interests, wishes, and sense of propriety, and to erect or prohibit, continue or abolish, such institutions as may not be repugnant to the principles of the Constitution. It would leave the Federal Government free to pursue its onward course, unembarrassed by matters of sectional moment, over which its control is questionable, and must be partial and temporary. It would relieve the benevolent statesman from the strife and irritation which now beset him, and allow his energies to be devoted to the best interests of the nation, and the amelioration of the condition of man. It would harmonize with the genial spirit of the Constitution, and uphold its symmetrical frame work. It would practically acknowledge man's capacity for self-government, and vindicate the integrity of his race. The same spirit by which freedom is nourished would be nourished by it, and society be bound together by ties of amity and interest.

Then would our territorial soil be *free*—not by restrictions, provisions, and the threatening mandates of Federal legislation, but free and sacred to the cause of freedom; free for its people to lay the foundations of its government on such principles, and organize its powers in such form as to them shall seem most likely to effect their safety and happiness, freedom of opinion, of the press, of religion, of education, of commercial intercourse. Having vindicated for the people of Territories the same rights of self-government enjoyed by every other political community, I forbear to speculate whether they will be less discreet in its exercise than would those who desire to subject them to the influences of an external government.

Let those who fear to intrust a free people with their own domestic concerns lest they should prove too weak or wicked to conduct them judiciously, resort to the mistaken and mischievous policy of restrictive legislation—a system founded in blind and selfish conceits, and as impotent in effect as it is narrow in design. Such territory as we acquire will be free, and thus I would leave its people and its domestic government; free as the people of New York or of Virginia to lay the foundation of their government on such principles, and organize its powers in such form as to them shall seem most likely to effect their safety and happiness. If they shall fail to do this, the experiment of self-government will fail with them.

It is nought to me how various, crude or inconsistent are the speculations upon the principles which these resolutions contain, and what would be their effect if established. They stand upon the immutable basis of self-government, and will ultimately be vindicated and sustained by the American people in every section of the Union. But they will be opposed upon grounds as various as the motives by which the opposition is induced. This is already evidenced by sections of the public press which I notice, not as newspaper paragraphs merely, but for the interests they represent. Already the Charleston Mercury, of South Carolina—a paper of conceded ability and extensive local influence—declares that their effect would be to prohibit forever slavery in the acquired territory, and therefore, as a guardian of the slave interest, calls for their rejection; and papers in other sections which employ the slave question as a stalking-horse to minister to the appetites of the morbid, and alarm the fears of the timid, discover in them not only the effect, but the design to propagate and extend slavery. But I leave the theories to be adjusted by those who are thus enabled to penetrate the future, and draw opposite results from the same premises; I leave the practical tests with those who shall be charged with the high responsibilities of their own government—under our glorious free system, under the Constitution it has framed, and the Providence which has watched over it.

It would doubtless be well for these antagonisms who fear that all newly-acquired territory may be pre-occupied and monopolized, either by free labor on the one hand, or by slave labor on the other, as the case may be, unless their favorite ideas are indulged, to remember that there are other dangers, either real or imaginary, to which it may be exposed if left to the free government of its own people. Our institutions invite the children of every clime to sit down under the wide-spreading branches of the tree of liberty, and we have no prohibitory, or even *protective* impost duties upon social manners and customs, political opinions or religious rites. It may be that the rugged Russian, allured by the gentle breezes of Mexico, may fall down from his hyperborean regions with his serfdom and his military rule, or the Turk choose to regale himself there with his pipes and mocha, his Georgian houri's sensual delights and Mohammedan divinity. Or, what is equally probable, as our Pacific possessions place us in direct communication with Asia, that the plains of Mexico may be desecrated by the trundling of the car of Juggernaut, or the subjects of the celestial Emperor—the brother of the sun and moon—may hurry thither and ruin all agricultural interests by converting it into an extensive field of hyson.

But let those who entertain them dismiss all selfish and idle fears, regard others as wise, and as virtuous, and as capable of their own government as themselves, and all will be well. The spirit of freedom will enlarge her own boundaries and people—*the* area, in obedience to laws stronger than the laws of Congress. The rich heritage we enjoy was won by the common blood and treasure of the North and South, the East and the West, and was defended and vindicated by the same, in the second war of independence; and in the present war with a reckless and semi-barbarous foe, the the brave sons of every section of the Union have fought and fallen side by side; the parched sands of Mexico have drunk together the best blood of New York and South Carolina. These recollections should renew and strengthen the ties which unite the members of the Confederacy, and cause them to spurn all attempts at provoking sectional jealousies and irritations, calculated to disturb the harmony and shake the stability of the Union. In the language of Mr. Jefferson, they who indulge "this treason against human hope will signalize their epoch in future history as the counterpart of the model of their predecessors."

Mr. YULEE then gave notice of his intention to offer the following as a substitute:

Resolved, That the territory belonging to, or which may be acquired by, the United States, is the common property of the Union, and the sovereignty over the same rests in the people of the several States composing this Union.

Resolved further, That the Federal Government has no delegated authority, nor the territorial community any inherent right, to exercise any legislative power within the said territories by which the equal right of all the citizens of the United States to acquire and enjoy any part of the common property may be impaired or embarrassed.

Mr. HALE gave notice of his intention also to offer a substitute, which he sent to the Chair, as follows:

Resolved, That it should be one of the fundamental rules and conditions on which all territory shall hereafter be acquired, by purchase, conquest, or otherwise, that slavery and involuntary servitude, except for the punishment of crime, whereof the party shall be duly convicted, shall be forever prohibited in said territory.

Mr. CASS moved that the further consideration of the subject be postponed, and that the several resolutions submitted be printed; which motion was agreed to.

SPECIAL ORDER.

The Senate then proceeded to the consideration of the bill to raise an additional military force.

Mr. CLAYTON said: The resolutions of the Senator from New York, [Mr. DICKINSON,] and the various propositions for amending them which have been presented by others, and which have been the subject of discussion this morning, furnish a very extraordinary commentary, I think, sir, on this war, the objects to be attained by it, and the course we are now about to pursue. It seems to be taken for granted by gentlemen, that we are to acquire a great amount of territory; but before we obtain an acre, there is a violent contest what we shall do with it.

Mr. President, yesterday, when the Senate adjourned, I had adverted to the subject of the indemnity due by Mexico for the claims of our citizens. I had said, what I maintain now, and what I shall at all times hereafter maintain, that the just claims of my countrymen against Mexico ought to be asserted and supported in every suitable and proper manner. But I did not then state—what I think it right to state now, in order to prevent any error in the public mind—that the amount of those claims has been greatly overrated. There has been an erroneous impression in regard to their amount, and I will state what I believe to be that amount, subject, of course, to be corrected, if in error, by gentlemen who may follow me in the debate.

I understand that the whole amount of claims presented to the Commissioners was $6,291,605. Of this sum, $2,260,140 were allowed by the Commissioners on the part of Mexico; and the Mexican Government was providing to pay that amount without any controversy as to its justice at the time when the war broke out. It appears, then, that there was a sum of $928,628 claimed by the citizens of the United States, which was disallowed by the Mexican Commissioners. This was subject to controversy; and whether our claim for that amount was right or wrong, remains to be decided by the Commissioners appointed by both Governments. Three million three hundred and thirty thousand eight hundred and thirty-seven dollars of the claims of our citizens had not been examined by the Commissioners. I make this statement, as I have said, in order to prevent an erroneous impression in regard to the amount of these claims.

Mr. WEBSTER, (in his seat.) Mr. Trist was authorized to claim $3,000,000.

Mr. CLAYTON. It is true that Mr. Trist was authorized to negotiate, on the ground that the whole sum due to us in the aggregate was three millions. It will not be contended, I presume, that we went to war for the recovery of this claim. I have not heard that the true object of the war was the recovery of this money. Other causes were alleged for the war in which we were involved on the 13th of May, 1846. The great cause assigned by the President for the war at that time was, that American blood had been shed upon American soil. I do not propose to go into the discussion of the question at this time whether that assertion was or was not true. There are other matters which invite my consideration, and to which I think it important to call the attention of the Senate. But I desire, sir, in the progress of this discussion, to have it distinctly understood, as far as I am concerned, that I have been always ready and anxious to vindicate the honest claims of my countrymen upon Mexico, and that neither by the votes which I am about to give upon these bills, nor by any vote which I shall in future be called on to give in reference to this war, do I desire it to be understood that I am denying the justice of the fair claims of the citizens of this country upon Mexico for indemnity. What I meant to say yesterday, and mean to repeat to-day, is, that the amount of these claims was small compared to the value of the enormous quantity of territory which the President declares shall be ceded by Mexico to us before there can be a just and honorable peace between the two countries. It has been said that the proposition was made by the American Commissioner to give them twenty millions of dollars. I know not from any official information, for the territory required to be ceded, how the

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President estimates the difference between the claims of our citizens and the value of the land which he intends to demand of Mexico at the cannon's mouth. But he says, in his message:

"As the territory to be acquired by the boundary proposed might be estimated to be of greater value than a fair equivalent for our just demands, our Commissioner was authorized to stipulate for the payment of such *additional* pecuniary consideration as was deemed reasonable."

And this is a clear admission on his part of a fact, otherwise notorious to all the world, that the cession he demanded was beyond—ay, vastly beyond—the value of the indemnities we had a right to ask.

The honorable chairman of the Committee on Military Affairs tells me to-day that he has ascertained the date of the letter from General Scott to our Government in which the suggestion is made, that in a certain event more troops will be necessary to be added to the army. That letter, he says, is dated so far back as the 18th of September, and I suppose the extract he has read from it is nothing more than the suppressed part of the General's official letter of that date, in which he recounts his victories. It is the part of that letter marked by the asterisks, I suppose. It is clear, then, from the statements of the honorable chairman of the Committee on Military Affairs, that General Scott has never recommended to the Administration of this country, or to any department of this Government, the passage of these bills to raise thirty more regiments for the war. He has made no such proposition; upon his head none of the responsibility of these measures can rest; it must rest on the heads of those who have suggested it. Although the President has generally recommended in his message an increase of the army, he has not told us how many regulars, how many volunteers, or how many troops of all kinds should be added to the army. Sir, General Scott has never desired such an increase of the forces in Mexico. It would only embarrass and distract him in his position at present, however useful such an addition might have been before he left Vera Cruz, and penetrated into the interior of Mexico. At this time, these measures would add thirty thousand more mouths to be fed in Mexico. Sir, it is not consistent with the known character of this great captain to ask for more troops than can be usefully employed in the service of the country. Before he left this place for Mexico, in conversation with him, I observed to him, that when he arrived in Mexico he would meet a very formidable enemy, and that he might, perchance, be defeated in the difficult mountain passes of that country. He smiled, and replied to my observation: "Sir, give me a column—a granite column of American regulars, consisting of four or five thousand men—and I will whip any Mexican army that can be brought into the field, if it should rain Mexicans for a week." That was the fixed deliberate opinion of that distinguished commander at that time. Well, sir, when he was fighting the battles of Contreras, Churubusco, Chapultepec, and Molino del Rey, it really seemed as if it did rain Mexicans for about a week. But he vindicated the opinion he gave of the prowess of American soldiers by the brilliant victories which he gained in those ever-memorable and glorious battles. He entered the city of Mexico, as he tells you, with an army of less than six thousand men.

Let us look a little into the history of this most extraordinary campaign, after General Scott departed with his gallant little army from Vera Cruz, and led it into the interior of the enemy's country. Let us see the comparative amount of the American and Mexican forces that were engaged in those battles which were fought previous to the entry of the American army into the city of Mexico. It will show us that there is no necessity whatever for such an increased force to be added to the army of the United States.

The first great battle after the capture of Vera Cruz was that of Cerro Gordo.

The Commanding General, in his despatch to the Secretary of War, says:

"Our whole force present, in action and in reserve, was 8,500; the enemy is estimated at 12,000, or more. About 3,000 prisoners, 4,000 or 5,000 stand of arms, and 43 pieces of artillery, were taken. By the accompanying return, I regret to find our loss more severe than at first supposed—amounting in the two days to 33 officers and 398 men: in all, 431, of whom 63 were killed. The enemy's loss is computed to be from 1,000 to 1,200."

Of the next battle, sir, in which our army was engaged against the Mexicans, the General speaks in his despatch of the 18th September, from which I read the following extract:

"This army has been more disgusted than surprised that, by some sinister process on the part of certain individuals at home, its numbers have been, generally, almost trebled in our public papers—beginning at Washington.

"Leaving, as we all feared, inadequate garrisons at Vera Cruz, Perote, and Puebla—with much larger hospitals; and being obliged, most reluctantly, from the same cause, (general paucity of numbers,) to abandon Jalapa, we marched [August 7–10] from Puebla with only 10,738 rank and file. This number includes the garrison of Jalapa, and the 2,429 men brought up by Brigadier General Pierce, August 6.

"At Contreras, Churubusco, &c., [August 20,] we had but 8,407 men engaged—after deducting the garrison of Augustin, (our general depôt,) the intermediate sick and the dead; at the Molinos del Rey [September 8] but three brigades, with some cavalry and artillery—making in all 3,251 men—were in the battle; in the two days—September 12 and 13—our whole operating force, after deducting, again, the recent killed, wounded, and sick, together with the garrison of Mixcoac (the then general depôt) and that of Tacubaya, was but 7,180; and, finally, after deducting the new garrison of Chapultepec, with the killed and wounded of the two days, we took possession [September 14] of this great capital with less than 6,000 men! And I reassert, upon accumulated and unquestionable evidence, that, in not one of those conflicts, was this army opposed by fewer than three and a half times its numbers—in several of them by a yet greater excess.

"On the other hand, this small force has beaten on the same occasions, in view of their capital, the whole Mexican army, of (at the beginning) thirty-odd thousand men—posted, always, in chosen positions, behind intrenchments, or more formidable defences of nature and art; killed or wounded, of that number, more than 7,000 officers and men; taken 3,730 prisoners, one seventh officers, including 13 generals, of whom 3 had been Presidents of this Republic; captured more than 20 colors and standards, 75 pieces of ordnance, besides 57 wall-pieces, 30,000 small-arms, an immense quantity of shot, shells, powder, &c.

"Of that enemy, once so formidable in numbers, appointments, artillery, &c., twenty-odd thousand have disbanded themselves in despair, leaving, as is known, not more than three fragments—the largest about 2,500—now wandering in different directions without magazines or a military chest, and living at free quarters upon their own people. * * * The Government will find itself without resources; no army, no arsenals, no magazines, and but little revenue, internal or external. Still such is the obstinacy, or rather infatuation, of this people, that it is very doubtful whether the new authorities will dare to sue for peace on the terms which, in the recent negotiations, were made known by our Minister."

This official report fully sustains the statement made by the Senator from Kentucky, who declared that, in his opinion, Mexico was now to be considered and treated as a conquered country. Their army is utterly broken up and annihilated; their revenues are destroyed; the real Government of Mexico is almost annihilated; and it is under these extraordinary circumstances that we are called upon, with an admitted army of nearly seventy thousand men, and with forty-five thousand actually in Mexico, to vote thirty thousand more troops to be sent to that country by the President, for the purpose of securing what he calls "indemnity for the past," and "security for the future." What that cant phrase means I do not exactly understand; but I have been told by an ingenious friend, that indemnity for the past means the half of Mexico, and security for the future the other half. If this, sir, be the right interpretation of these terms, then I unhesitatingly say to my friends on the other side, that I am utterly opposed to adding indemnity for the past and security for the future. I am called upon to vote these troops, for the purpose of securing a cession of the country which the President has expressly set forth in his message. Neither the Commander-in-chief of the army, nor General Taylor, (whose great name must always be associated with whatever relates to this war,) appears to have been consulted. I do not believe that that gallant old "Mexican Whig," Zachary Taylor, after having beaten Santa Anna, with an army of less than one-fourth the number of that which was arrayed against him, has ever asked for more forces, for the purpose of defending himself against the wretched bands of guerrillas which infest the country where his forces are encamped. No, sir; practical men have not recommended this addition. The recommendation comes from the Executive here. It comes from men who fight battles on paper at home—from men who never

> ——"set a squadron in the field,
> Nor the division of a battle know
> More than a spinster."

In the very outset of the inquiry to which our minds are directed when we are called on to vote upon these bills, we are met by the question—which I beg leave, most respectfully, to suggest to gentlemen on the other side of the Chamber—whether this Government was formed for the purpose of acquiring foreign territory by conquest or rapine; and, whether it be in the true constitutional competency of Congress to wage war for the purpose of acquiring territory by conquest. I deny it, sir. I hold this Government to be a government of specific and delegated powers, and I do not find it enumerated anywhere, either by express words or necessary implication, that any such power as that was ever ceded to this Government. The preamble to the Constitution expresses the purposes for which this Government was formed, "to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." They were not to ensure the blessings of liberty to any other than the American people. The object was to establish justice, not to perpetrate injustice and robbery by indulging a love of plunder and a thirst for conquest or territorial aggrandizement. These were not the objects for which the fathers of the republic met and established the American Constitution. No, sir! no, sir! They have specified the objects for which they made that Constitution, and among those which are enumerated, I do not find any such power, nor can I see how it can be pretended that this Government was formed for the purpose of acquiring territory by conquest. The spirit of our Constitution is pacific, not warlike—defensive, not aggressive. It is for the "establishment of justice," not for aggrandizement or plunder.

But, sir, we are rapidly approaching that state of things which will make the conquest and annexation of all Mexico inevitable; and these bills are a part of the process by which, if they become laws, we shall, in my humble judgment, be driven to this result. These bills propose a reduplication of this mighty mass of thirty thousand men, composing our army now in the city of Mexico.

The measure brings with it imminent peril to our own institutions. You may say to me now, as the honorable chairman of the Committee on Military Affairs said when he introduced this bill, that no such purpose as that of the annexation of all Mexico is contemplated by anybody. Although I thought he was right when he made that declaration, I have since been convinced that he was under a very great error. We have now before us a resolution offered by an honorable Senator, declaring that it may become necessary and proper, and that it is constitutional, to annex the whole of Mexico to this country, either as a part of the States or as a province.

Why, sir, what have you seen lately in the public prints from all parts of the country—from New Orleans to New York? Sir, I have cut, from a newspaper published in the city of New York, a brief extract, which I will read. A writer, commenting on the late speech delivered by the honorable Senator from South Carolina, makes these observations:

"Our schoolmasters, our tin pedlars, our country lawyers, our missionaries, our printers, our mechanics, and our farmers, are already there, [in Mexico.] There the bulk will stay. Does Mr. Calhoun or Mr. Polk mean to give a bill of sale of these men, with their industry, their intelligence, and their lives, to a weak, sickly, uneducated, dismembered, patched-up Mexican Government—such a one as will be left after the slice, which all admit must, at all events, be taken off from it? We doubt their right thus to transfer, or even abandon, American citizens. No; they must be protected, and sheltered, and governed."

Yes, sir, these adventurers, who have gone down

with your army, constituting, as they will, with the increased forces which you propose to send to Mexico, an armed emigration to take possession and colonize the country with the bayonet, will claim hereafter that you are bound to "shelter and protect them." They will demand it, on the ground that they are American citizens; they will say that you placed them there, that you encouraged them to go there, and that you are now bound to protect them. A gentleman said to me the other day—and I confess I was not a little astonished at the statement—that there are not less than fifty thousand of these emigrants, in various parts of Mexico, not directly connected with our army. Sir, I ask the attention, and the serious attention, of every gentleman on this floor to these facts. We are about to send to Mexico an armed emigration, and when we get them there, how shall we get them away? Do you not see, from the public papers, already, that some of those who are in the city of Mexico (I do not refer to the army) are proposing a permanent occupation of the country? If a statement in the Government paper, published this day, in this place, be correct, it is proposed by those who are now in the Halls of the Montezumas, that a railroad shall be constructed to Vera Cruz, and a magnetic telegraph to Tampico. Now go on for a few years more in this way, and you may then legislate as much as you please; but you can never legislate them all back. They will knock at the door of your Union for admission, and you cannot keep them out. Is any one, I ask, in favor of such a state of things? If there be any who are in favor of it, I wish to hear them now; for one, I take my stand against it. I think there is wisdom in the proposition of the honorable Senator from South Carolina, that we should now erect a landmark for ourselves, by which we shall be guided hereafter.

What will be the consequence of the annexation of twenty Mexican States to the American Union? Of all men in the United States the most interested in making this inquiry solemnly, and examining it patiently and carefully, are the gentlemen of the South. There are in Mexico not less than eight millions of human beings, (men, women and children,) of a race totally different from ourselves—a colored population, having no feelings in common with us, no prejudices like ours; but, on the contrary, with prejudices directly the antipodes of all of ours, and especially bigoted on this very subject of slavery.

Do you suppose that if you annex to the American Union these eight millions of people, backed by the millions of colored men in this country, they will remain idle spectators of the proceedings of this Government, stimulated as they will be by Abolitionists of the most fanatical cast? What, then, must become of that peculiar institution of ours, which has existed for so many years in this country? You answer me, that you will not suffer that institution to be disturbed. The honorable Senator from Maryland said, you will not suffer the right to hold colored men in slavery to be discussed. No, sir; but how will you prevent it when these men shall have been admitted into the American Union, and these Mexican States shall have become American States? You will be voted down. Your institutions will be voted down, and you may, and for that probably will, rend the Union to atoms! These are the legitimate results of your annexation of all Mexico, and you may as well take the opportunity to meet and prevent them at once. If you do not fear such results, vote your armed emigration; but if you believe that it will lead to this, pause with me, and arrest these proceedings now.

My honorable friend from Maryland, in the progress of the discussion, alluded to the revenues of Mexico, and said that he thought the American army might be hereafter supported out of these revenues. I do not propose to discuss the financial questions connected with this bill at length, though I do invoke the serious attention of the American Senate, as an honorable Senator has already done, to the crisis which must be produced by adding twenty or thirty millions annually to our already enormous expenses, those expenses which we cannot now escape and are bound to incur. I say bound, because I wish it to be understood that I mean to vote supplies, and I take it for granted that others are equally resolved to vote them for our army in Mexico as long as that army remains there. I intend, as far as my vote will go, to vote the munitions of war, the clothing for the troops, and for everything as far as may be necessary to sustain the honor of the American army in a foreign country. But there I stop; and I say, with the forces which you have there, and the twenty thousand men which you have a right now by law to recruit, your further progress in arming the people for this war shall be arrested, so far as my vote will go to arrest it. Should any real danger to our army ever require more men, I would grant them; but now it is evident that you have no occasion for any more troops for any legitimate purpose of the war. The whole revenue of Mexico was but twenty-one million dollars, when in her best and palmiest state. It is now, as General Scott tells you, almost annihilated. He, who has the best means of knowing, gives you this information. But suppose the revenue to be twenty-one millions of dollars, would that be sufficient to support an army of sixty thousand men? Sir, if you look at the official documents which have been sent to us by the Secretary, you will see that it will be entirely inadequate to defray half the enormous expenses to which we should be subjected. But what is meant by the honorable Senator from Maryland? Does he desire to take every dollar from Mexico, and prevent her from supporting any government? What policy would there be in that? We wish to treat with the Government of Mexico, yet we drive that Government from place to place—keeping them, as has been said, in "perpetual motion." We drive them continually from place to place, and yet we expect to treat with a Government thus in motion, and from which we have taken every dollar of its revenue. Is there wisdom in this? Is it not, in fact, an effectual obstruction to the obtaining any treaty? It must end in the utter annihilation of the sovereignty and independence of that nation. You will have a mass of population scattered over an immense region without a government, because you will not permit them to have one. You are to beat them, drive them, shoot them, and in every way punish them, and you say you are to do it for the purpose of procuring an honorable peace. Sir, I have nothing to say now about the question of humanity as involved in this matter; but I put it again to honorable Senators on the other side, is this good policy? Is it expedient? Are you resolved never to permit Mexico to have a government that can treat with you? If you send down thirty thousand more men, which these bills call for, it is in vain to say that there can be an independent government in Mexico.

In reference to the suggestion, sir, which held out the idea that Mexico can be annexed to this country as a province, I wish to say but a very few words. I think that every statesman who reflects on the subject will agree with me, that it is utterly impossible for us long to hold that or any other country as a province. If you annex it to the American Republic in any form, its final destiny is fixed and certain. Your own institutions, your sense of justice, your love of the great principle of human liberty, will compel you to admit it finally into the Union. Hold it as a province, like one of the despotic governments of Europe! Hold a country which was once a republic, sir, as a province, enslaved, and enslaved by a sister republic! It is vain; the idea is altogether impracticable. It cannot be entertained by an American statesman for a moment. Depend upon it, sir, you cannot evade the great question. Now is the time to say whether you will admit Mexico into the American Union or not.

I do not propose, Mr. President, to review the ground which was so ably taken by the honorable Senator from Kentucky, who preceded me in the debate, in reference to the existing army in the field, the number of troops in Mexico, and their sufficiency for all legitimate purposes in this war. I have here the report of the Adjutant General, and I presume that every honorable Senator has had the report upon his table. It appears by it (and I will barely read one or two extracts, for the purpose of confirming what has been stated already) that the aggregate regular and volunteer forces in Mexico, independent of the Michigan regiment and the Alabama and Mississippi troops which have not yet gone to Mexico, amount to forty-three thousand five hundred and thirty-six men. The Michigan, Alabama, and Mississippi troops will raise the number above forty-five thousand men. There was great propriety, I think, in the suggestion of the Senator from Kentucky, to add to the number (forty-five thousand men) the five thousand sailors and marines now in Mexico, to ascertain the entire effective force already there.

There are, then, sir, by a fair calculation, already fifty thousand men in Mexico. According to the letter which was read by the honorable chairman of the Committee on Military Affairs, General Scott considered that force sufficient, not only for the legitimate purposes of the war, but also for holding all the capitals of all the States of the Mexican Confederation, all its provinces, towns, and fortified places; for the purpose also of seizing all the revenues of the nation, and of driving the Central Government from place to place, "keeping it in constant motion;" in other words, that the force was sufficient, according to the judgment of the Commanding General, to annihilate the sovereignty of Mexico. Why, then, do you want more? On what ground do you base the requisition for thirty thousand additional troops, when you have already a force adequate, according to the Commanding General, for the subjugation of the whole country? If you send these thirty thousand additional troops there, you will have thirty thousand additional mouths to feed, greatly increasing the difficulties of the Commander-in-chief in the field, if not rendering them absolutely insuperable. You will thus raise the price of supplies, by increasing the demand for them. At the same time, your army being inactive, occupying the garrison towns and fortified places of Mexico, you incur all the hazard of mutiny and insubordination among that immense mass of men, a great portion of them being kept in the great capital of that Republic, and the others diffused and scattered among the principal towns. Reflect, sir, on the difficulties which must inevitably surround an army in such circumstances—the danger not merely from disease and the climate, but from that military insubordination into which they would be so likely to fall, when they have no enemy to encounter in the field. As to the idea of fighting any more battles in Mexico, that I hold to be perfectly preposterous. Battles with whom? A single regiment, sir, of volunteers, would be sufficient, at this very moment, to defeat any Mexican forces that could probably be brought into the field. Who is there in Mexico that has under him, or has the least expectation of having under him, any considerable Mexican force? No one. Santa Anna has a few guerrillas under him, assassins and cut-throats; but they, like assassins and cut-throats in other parts of the world, are fleeing before regular forces, and dare not face them, and never will dare face any army there.

I conclude, then, Mr. President, that if a case could possibly be stated in which an American Congress would be justified in withholding its consent to an Executive application for more troops, that case is now before us. There are some individuals who seem to think that no possible emergency can arise in which a patriotic statesman can withhold his vote for furnishing supplies of men or money during a state of war. With all such persons I beg most respectfully to differ; and I am quite willing, if gentlemen desire, to measure patriotism with them on this very question. We are placed here as guardians, in some sense, of the lives of the American people; and from our age—as there are many grey heads to be seen in this Chamber—it is expected of us that we shall restrain the impulses which prompt men to rush to every battle-field, when there is no occasion whatever for their services.

Sir, is it indeed true that a man cannot vote against a bill to send additional troops into the field, unless he be, as some say, a "Mexican Whig," or at heart an enemy to his country? No such assertion as that was made by my honorable friend from Maryland, [Mr. JOHNSON;] but just the reverse. He did justice to the motives of those who vote against the measure. But such language I have heard from the lips of others, and never without despising it and its authors. I shall vote, I trust, from a high sense of public duty; and I say that, in this case, I might with more propriety retort upon the friends of the Executive that he desires, by the passage of this bill, to get a large army of military office-holders to electioneer for his party in the next presidential campaign. I might make such a charge against him with much more propriety than the charge to which I have alluded can be directed against gentlemen not dis-

posed to vote in favor of this bill. If this bill passes, the President will have the appointment of five hundred and forty additional commissioned officers. The Executive has already exercised more patronage than any of his predecessors in office. This war, calling into existence a mighty army of seventy thousand men, has given him more patronage, independently of other considerations, than any President ever exercised before him. If patronage be an object to the Executive, may he not well be satisfied? I will not lightly make an accusation against the Chief Magistrate of the country. I make no charge against him that it is his object to carry this bill through the halls of Congress, in order that he may obtain this patronage; but I am one of those who are very fearful and jealous of Executive power and Executive patronage. I have lived long enough and seen enough here to satisfy me that there is imminent danger to our institutions from that very source. I will not, where there is the slightest danger to be apprehended from it, lend my aid to increase that Executive patronage. Sir, the fathers of the republic, when about to make the American Constitution, had fears, and just such fears as I entertain, on this great question. They had fears that the great temptations to which the Executive would be exposed to increase his power and patronage, *flagrante bello*, might lead him to defeat the settlement of controversies with foreign Powers, and to protract any war in which we might be engaged. Reasoning upon the subject in the abstract, and without reference to any particular individual, the framers of the Constitution thought that such a danger existed; and James Madison was one of the very men who, apprehending danger from this source, attempted, in the Convention which made the Constitution, to guard against it by removing from the President even concurrent action with the Senate in the formation of treaties of peace, restricting that power to two-thirds of the Senate.

Let me read from the proceedings of that Convention, the passages which bear on this point, as they are quite pertinent in the present connection. You will find them under date of September, 1787, page 524 of the "Madison Papers:"

"Mr. MADISON moved to authorize a concurrence of two-thirds of the Senate to make treaties of peace, *without the concurrence of the President.* The President, he said, would necessarily derive so much power and importance from a state of war, that he might be tempted, if authorized, to impede a treaty of peace.

"Mr. BUTLER seconded the motion.

"Mr. GORHAM thought the security unnecessary, *as the means of carrying on the war would not be in the hands of the President, but of the Legislature.*

"Mr. BUTLER was strenuous for the motion as a necessary security against ambitious and corrupt Presidents. He mentioned the late perfidious policy of the Stadtholder in Holland, and the artifices of the Duke of Marlborough to prolong the war, of which he had the management."

Sir, Mr. Madison's motion failed, and we have no resource against the evil he designed to prevent, but in the suggestion of Mr. Gorham.

It is evident, then, that the fathers of the Constitution contemplated the very step which I am now about to take; and unless in our hearts and judgments we can approve of the objects for which the war in Mexico is waged—unless we can agree with the President in his ultimatum as announced in that portion of his message in which he declares that he will make no peace unless it give him all the Californias and New Mexico,—unless we concur in that ultimatum, we are bound as honorable men to refuse him any more men for the purposes he has avowed. In so refusing to grant him any more men for the prosecution of the war with such objects, I hold myself as acting in the very spirit of the Constitution, and according to the requisitions of the fathers who made it.

Mr. President, the honorable chairman of the Committee on Military Affairs, when he introduced this bill to the consideration of the Senate, submitted with it some remarks to which I desire to invite your attention. That I may not misquote or misrepresent the honorable Senator, I will read from his speech as published by the reporter of the Senate:

"In presenting this bill, I do not propose to touch any of the disputed topics which divide the two great parties, under the banner of one or the other of which, every citizen of our country is arrayed. I shall leave these, if introduced at all, to be introduced by others. I had hoped, till I heard the incidental discussion which arose a day or two since on the question of taking up this bill, that these exciting subjects would be postponed for some future opportunity, and that the propositions now submitted would be considered upon their military merits, taking it for granted that the propriety of voting the additional force required would not be controverted. I was well aware that we could not escape a full discussion of the origin of the war, its progress, its objects, and the whole course of the Administration connected with it. Nor, indeed, did I wish to avoid it. However severe may be the attack, I trust it will be as earnestly met, and easily repelled, for I consider the ground which the Administration occupies as perfectly impregnable."

It sometimes happens, sir, that a man by blowing a trumpet may invite an opponent into the field, who would have been very quiet if he had not been defied. The honorable Senator has uttered this note of defiance, and I suppose it was intended for gentlemen on this side of the Chamber. He has thrown the gauntlet at our feet, and dares us to take it up. He says that the entire ground of the Administration is "impregnable;" that an attack upon it can be "easily repelled," and will be, he trusts, "as earnestly met." Now, sir, although one of the humblest of the members on this side of the Chamber, yet I will take up the glove, and I desire to see how easily the champion of the Administration will repel one or two attempts on my part to question the propriety of the course of the Administration in carrying on this war.

Many years ago, there was a certain personage in our State of Texas, then a province claimed by Mexico, by the name of Don Antonio Lopez de Santa Anna. He met some American troops—if I recollect the history of times gone by—at a certain place called Goliad, and induced them to surrender to him, under the promise that they would be fairly and honorably treated as prisoners of war. He took out every man of them the next day, and shot them, one by one, deliberately, in cold blood! He violated his solemn pledge before God and man; and, bloody ruffian, murderous villain, as he is, he slew hundreds of my countrymen, after pledging his honor to give them quarter. On another occasion, this same Don Antonio Lopez de Santa Anna massacred some hundreds more of our countrymen, at a place called the Alamo. These things are fresh in the recollection of every American. There is not an honest American heart that did not burn with indignation against this ferocious ruffian, on account of these atrocious acts. Well, sir, when this war was declared, in May, 1846, the President of the United States, the head of the Administration and of the Executive Government, gave this same Santa Anna, with all his titles, a free pass through the American fleet, into Mexico.

Mr. JOHNSON, of Maryland, (in his seat.) On the same day on which war was declared.

Mr. CLAYTON. On the very day, as my honorable friend remarks, on which the war was declared, the President of the United States issued his order to let pass the perjured assassin, without let or hinderance, into Mexico. This, sir, is one of those points on which I desire to see the chairman of the Committee on Military Affairs so easily repel the attack which he has invited. I am bound, sir, to hold up the conduct of the President, in this instance, not only to the Senate, but to the American people; and I ask the champion of the Administration, or any gentleman on the other side of the Chamber, to demonstrate to us the ease with which he can repel the charge of misconduct, gross misconduct, on the part of the President of the United States, in admitting that murderous ruffian into Mexico. What, sir, have been the consequences of that act? Why, let me, in reply, take up a newspaper which is good authority with my honorable friends on the other side. In the "Union" of this morning, I find the following paragraph:

"We have received a file of the 'North American,' printed in the city of Mexico, from the 3d of November to the 7th of December. We find the following in the 'American' of the last-named date. It has already appeared in the New Orleans papers:

"'ONCE MORE.—Senors Cuevas, Atristain, and Couto, the 'Mexican peace commissioners, are still in the city, we hear, 'but of course can effect nothing. It is now said that they 'will not go to Washington as long as Santa Anna is in the 'country. The Government dare not even pay their expen-'ses; nor would the commissioners dare go there and make 'a treaty; for the Napoleon of the West may turn up again 'some day, and then President Anaya and the commissioners 'would be shot. Oh! what a deplorable condition have this 'people reduced themselves to!'"

I ask, would not the ejaculation have been more appropriate—"Oh! to what a deplorable condition has the President of the United States reduced this people and his own country!" Upon his head, sir, and no other, must this sin rest; and if the honorable gentleman on the other side of the Chamber has ingenuity enough to extricate the President from this position, he shall indeed be, in all time hereafter, my Magnus Apollo! If he can point out any mode of salvation for the President from this charge, it will reflect infinite honor on his character as an advocate. This same Don Antonio Lopez de Santa Anna, who murdered our countrymen at Goliad and Alamo, being admitted to pass free into Mexico, has waged war against our country on all occasions since his admission. He has rallied thousands and tens of thousands of Mexicans that no other man could have rallied against us. He fought us at Buena Vista—at Cerro Gordo—at Contreras—at Churubusco—at Molino del Rey—at Chapultepec—and at the city of Mexico. He fought till he was driven from the capital to the mountains, where he now remains with his guerrillas, ready to murder the peace commissioners of his own country if they should dare to treat with us. Such is the man whom the President of the United States introduced into that country, and this is the state of things to which the American people have been brought by the conduct of the Executive.

I might here, sir, request the honorable chairman to repel another charge made by the Senator from Maryland. Why was the gallant Taylor left without more than five thousand four hundred troops—nearly all volunteers—to resist the attack of this same Santa Anna with twenty thousand Mexicans, at the bloody but glorious battle of Buena Vista? And why was the no less gallant Scott left so long without sufficient troops to move from Puebla upon the capital of Mexico? During all this time the President had the power to call upon his unexhausted fund of fifty thousand volunteers, and refused to send them succor. But I must not dwell on these things. They were sufficiently urged by the Senator from Maryland.

The present times, sir, do not resemble the early days of the republic. We hear much, especially from honorable gentlemen on the other side of the Chamber, of Jefferson and his democracy. These are not the days of Jeffersonian democracy. The measures of the President of the United States are not like those of the fathers of the Republic. No, sir. Let us recur to an incident in the history of the administration of Thomas Jefferson, at the period when great excitement prevailed with regard to the title to the lower Mississippi, in the year 1803, when the whole West was in a flame, lest some foreign nation should occupy the mouth of that mighty river, and impede the growing prosperity of the great valley of the West. At that moment, sir, when the minds of men all over the American Union were peculiarly excited, an effort was made in the Senate Chamber of the United States, on the 16th February, 1803, by Mr. Ross, from Pittsburg, to induce the American Congress and the American Executive to seize and take possession of the mouth of the Mississippi, and the country which was necessary for our prosperity; and to hold it without reference to negotiation or treaty. Allow me to read the resolutions of Mr. Ross. They will be found in the Senate Journal, for the year 1803, page 266.

Resolved, That the United States have an indisputable right to the free navigation of the river Mississippi, and to a convenient place of deposite for their produce and merchandise in the island of New Orleans.

That the late infraction of such, their unquestionable right, is an aggression hostile to their honor and interest.

That it does not consist with the dignity or safety of this Union to hold a right so important by a tenure so uncertain.

That it materially concerns such of the American citizens as dwell on the western waters, and is essential to the union, strength, and prosperity, of these States, that they obtain complete security for the full and peaceable enjoyment of such their absolute right.

That the President be authorized to take immediate possession of such place or places in the said island, or the adjacent territories, as he may deem fit and convenient, for the purposes aforesaid; and to adopt such other measures for obtaining that complete security as to him in his wisdom shall seem meet.

That he be authorized into call into actual service any number of the militia of the States of South Carolina, Georgia, Ohio, Kentucky, Tennessee, or of the Mississippi territory, which he may think proper, not exceeding fifty thousand, and to employ them, together with the military and naval forces of the Union, for effecting the objects above mentioned.

That the sum of five millions of dollars be appropriated to the carrying into effect the foregoing resolutions; and that the whole or any part of that sum be paid or applied, on warrants drawn in pursuance of such directions as the President may, from time to time, think proper to give to the Secretary of the Treasury.

And on page 274, you find these resolutions pro-

posing that the President should take immediate possession, entirely changed by the Democratic Senators in Mr. Jefferson's confidence:

Resolved, That the President of the United States be, and he is hereby, authorized, whenever he shall judge it expedient, to require of the Executives of the several States to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march, at a moment's warning, eighty thousand effective militia, officers included.

Resolved, That the President may, if he judges it expedient, authorize the Executives of the several States to accept, as part of the detachment aforesaid, any corps of volunteers, who shall continue in service for such time, not exceeding —— months, and perform such services as shall be prescribed by law.

Resolved, That —— dollars be appropriated for paying and subsisting such part of the troops aforesaid, whose actual service may be wanted, and for defraying such other expenses as, during the recess of Congress, the President may deem necessary for the security of the territory of the United States.

Resolved, That —— dollars be appropriated for erecting, at such place or places on the western waters as the President may judge most proper, one or more arsenals.

I have here the speech made by Mr. Ross, in support of his resolutions, proposing to seize the mouth of the Mississippi and the adjacent territory, without negotiation; and the speech, sir, is very much a counterpart of some that I have heard during the discussions that have taken place since this war commenced. Mr. Ross urged that it was convenient and necessary to seize upon the territory. Certainly he had the right to say so. He insisted that we should not wait for negotiation; and of course, as usual in such cases, he urged that those who held the territory had no title to it. But what was the course adopted in those days of Jeffersonian democracy? Did Mr. Jefferson march upon and seize the territory, or point our cannon into the windows of New Orleans, and thus provoke a conflict? Did any such spirit as that which seems to rage here with an unbridled fury pervade the Democracy of that day? No, sir; no, sir. The love of justice had not abandoned the American bosom; the honor of the American character was still dear to American statesmen. Thomas Jefferson, with his friends, dropped the proposition of Mr. Ross to seize on the country on the Mississippi, sent an Envoy Extraordinary to join Mr. Livingston in France; and they negotiated the celebrated treaty of 1803, by which Louisiana was ceded to this country, for the sum of fifteen millions of dollars. Negotiation—treaty—these were the means resorted to by the Democracy of ancient days. Alas! sir, it seems to me as if there were a spirit now pervading a portion of my friends on the other side of the Chamber, which disposes them to seize and hold territory without negotiation, without treaty, without regard to the consequences upon the character of the country. From all this I entirely dissent. I am not one of those who have denied, or mean hereafter to deny, that indemnity may be received by my country from Mexico in the way of the acquisition of territory. What I have maintained is, that I will not agree to rob for it. Buy any territory that may be necessary for the good of the country; buy the harbor of San Francisco and the adjacent territory, for the use of our people; buy it on fair and honorable terms, and I shall not object to it. But take nothing by violence. If you intend to do that, I wash my hands of it. I refuse to acquiesce in any such procedure, on the ground which I have already stated—that I hold the national character for justice and honesty of far more value to my countrymen, now and in all ages to come, than all the lands and all the money which could be acquired by a war of rapine, and all the military glory that could be achieved in the wars of a century. Lose that which excites in your own bosom a proper feeling of self-respect, and you are a lost man. Let your country lose its self-respect, by the folly or wickedness of its rulers, and she is degraded to such a degree that it will require the power of better men than we are, exerted for a century to come, to restore her to the position from which she has fallen.

Mr. SEVIER. Will the Senator have the goodness to tell me the date of Mr. Ross's resolutions?

Mr. CLAYTON. I shall send the book to the honorable Senator, so that he may examine the resolutions.

I have now consumed enough of the time of the Senate, and trespassed sufficiently on its patience. In concluding, I beg leave to tender to the honorable gentlemen here my thanks for the kind and patient attention with which they have heard me, and to assure those on the opposite side of the house, as well as my friends here, that it is painful for me to differ from those for whose character as gentlemen and patriots I have high respect; and that although now impelled by a sense of duty to record my protest against their course, I shall always be ready to coöperate with them in sustaining the true honor and the solid glory of our common country.

The usual hour of adjournment having arrived—

Mr. PEARCE signified his intention of addressing the Senate to-morrow on the bill before them.

Mr. BUTLER gave notice that at the proper time—understanding that in this stage of the bill it would not be in order to move an amendment—he would submit a motion to recommit the bill, for the purpose of striking out all after the enacting clause, and inserting the following as a substitute for the bill:

"That the regular army shall be increased as follows, viz: To each company of the artillery, infantry, and rifle regiments, there shall be added —— privates, and to each company of the regiments aforesaid, as many subalterns as will provide two first lieutenants and two second lieutenants, respectively: *Provided*, That the said troops shall be required to serve during the war with Mexico, but may be sooner discharged by order of the President."

Mr. BUTLER. I may, perhaps, without impropriety, now indicate the object of this amendment. I am very well satisfied, from all that I have heard here, that the President intends to carry on invasive operations in that part of Mexico, whether additional force be placed at his disposal or not. It becomes a question whether we shall be bound to raise such a force as is provided by the bill under discussion, or whether a different, and in my opinion, a better mode may not be adopted. It seems to me, that the question resolves itself into this simple proposition: The President has advertised both Houses of Congress, that the only mode in which he proposes to bring this war to a conclusion, by a treaty of peace, is to reduce Mexico to such a state of coercion that she will be obliged to accept of the terms thus arbitrarily dictated. All other modes of settling the controversy with Mexico seem, by the recommendation of the President, to be discarded, and that single proposition to be assumed. If, then, we are to carry on invasive operations in the heart of Mexico, I think we should pause, at least at this stage of the proceedings, and say, whether we shall accede to that proposition of the Executive.

For myself, I have consulted with no party on this subject; but I do feel that we have been from the commencement of the war, and are now, making materials for a most eventful history. I submit no other remarks at present; but give notice, that to-morrow I propose to explain my views not only on that amendment, but perhaps, if I should be allowed, on some other topics involved in that discussion.

The substitute was ordered to be printed.

On motion by Mr. PEARCE, the Senate proceeded to the consideration of Executive business; and, after some time spent therein,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 13, 1848.

The Journal of yesterday was read and approved.

Mr. EVANS, of Maryland, rose to a privileged question, and moved to reconsider the vote by which, on motion of Mr. RHETT, the following resolution, yesterday reported by Mr. SCHENCK from the Committee on Naval Affairs, was laid on the table, viz:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the legality of the order of the Secretary of the Navy giving assimilated rank to surgeons, assistant surgeons, and pursers, and the expediency of repealing or continuing the same by law; and that the committee report by bill or otherwise.

Mr. E. was proceeding to support his motion, when he was reminded by

The SPEAKER that the motion to lay on the table not being debatable, the motion to reconsider was not.

Mr. SCHENCK asked the general consent to make some explanations in regard to the resolution.

Objections were made. The question was taken on the motion to reconsider, and decided in the affirmative: Ayes 93, noes 60.

The question then recurred on the motion to lay on the table, and the question being taken, the motion was negatived—62 to 82.

The question recurred on the passage of the resolution—

Mr. SCHENCK then spoke in favor of the adoption of the resolution. He said he was satisfied yesterday, when the vote was taken on this resolution, as reported from the Committee on Naval Affairs, that its character and spirit were not generally understood. He was exceedingly sorry that a debate should have arisen on this subject at this time; he should have preferred that the resolution, which was one simply directing an inquiry, should have been allowed to take its course, and that discussion should have been reserved until the report should come from the committee with all the information they would be able to furnish to the House. In this, however, he had been disappointed, and therefore he felt compelled now to call the attention of the House to the simple fact, that this is a resolution of inquiry only. It was designed to instruct the Committee on Naval Affairs to inquire into and report on the legality of the order of the Secretary of the Navy giving assimilated rank to surgeons, assistant surgeons, and pursers, and the expediency of repealing or continuing the same by law; and that the committee report by bill or otherwise. He did not understand that, in reporting this resolution, or in its adoption, any gentleman of either the committee or the House would be committed to anything. The whole question involved in this resolution would be still open until the report of the committee should come in. The only question was, Shall the committee inquire into the subject, and report thereon to the House?

He regretted that he should be compelled to make any remarks on so simple a question; but how were they met? Why, the gentleman from South Carolina [Mr. RHETT] met them with the objection that it was supererogatory; that the committee had the subject already before them, and might report without any instruction. The gentleman based his position on the 92d rule, which provides that "it shall be the duty of the Committee on Naval Affairs to take into consideration all 'matters which concerned the naval establishment, 'and which shall be referred to them by the House, 'and to report their opinion thereupon; and also to 'report, from time to time, such measures as may 'contribute to economy and accountability in the 'said establishment." This was the rule; but the gentleman would perceive that it was not applicable, inasmuch as this subject had not yet been "referred to them by the House." It might be that matters of this kind might be taken in charge without any formal reference; but when a gentleman appeals to a rule in matters of this kind, it was a little extraordinary that he should do so when the terms of the resolution do not sustain the position assumed. If the committee had before them the report of the Secretary of the Navy, there would be no difficulty to encounter; but it would be recollected that the report of the Secretary of the Navy was yet in Committee of the Whole on the state of the Union, and not in possession of the Committee on Naval Affairs. The adoption of this resolution, therefore, was the only legitimate means of getting this subject before the committee for its action. And what was it that they asked the House to instruct them to do? To report on the legality of certain orders of the Secretary of the Navy. And was the House aware of what these orders were? Had members of the House made the investigation for themselves?

The honorable gentleman then proceeded to state the circumstances attendant on the issuing of the orders of the Secretary of the Navy Department, showing that assimilated rank had been conferred on surgeons, assistant surgeons, and pursers, from lieutenant to commander. He quoted the orders of Mr. Secretary Bancroft, and others more recently made by Mr. Secretary Mason, which give, for instance, a purser of less than twelve years' standing rank with a lieutenant, and exceeding that term rank with a commander. The question which it was desired that the Committee on Naval Affairs should answer was, whether such orders were legal? Whether the Secretary of the Navy had the power and the right to confer such rank in the naval service? The Secretary of the Navy had certainly the right to issue orders regulating the executive administration of its affairs. He had the right to issue rules and regulations for its government; but had he the right to issue orders affecting its organization? He thought it would be

found the Secretary of the Navy had no such right.

The honorable gentleman then proceeded to cite the legislation of Congress, under their constitutional power, in 1815, delegating the framing of a code of rules and regulations to the Board of Navy Commissioners, and the adoption of that code in 1817, which rules and regulations operated as law for its government to this day, regulating this matter of rank and precedence of the different officers of the navy, but giving to pursers and other civilians of the navy no rank whatever.

Were, then, these orders of the Secretary of the Navy, giving assimilated rank, legal or illegal? If they were legal, it might be necessary in some measure to modify them. If they were not legal, it was very desirable that the Naval Committee should report that fact to the House. He would not detain the House by going into the merits of the question of rank itself to any extent. He would content himself with hoping that gentlemen would inform themselves of some of the leading features of some of these orders of the Secretary of the Navy. It was claimed, he was aware, that these civilians, on going into the navy, were liable to find themselves subordinate to men much younger than themselves; and in such a position their feelings were often sensibly affected. Now, how this could be, he could not understand. Surgeons in the navy occupied the position of surgeons only, and were not brought in collision with naval officers at all. If, however, they were to have assimilated rank, they would come in collision with the officers of the navy—heart-burnings and difficulties would be engendered—and the harmony of the service would be disturbed. But, again, it was argued that surgeons were men of education, and on that ground they should take rank. Well, and were not other civilians in the service men of education, and equally entitled on that ground to rank? There were professors of mathematics, and teachers, and chaplains, whose very business was education. Should the rank of lieutenant, and captain, and commander, be given to these men of education? Would they put epaulettes on the shoulders of their chaplains, and give them rank in the church militant?

But it was also said, that it was to protect the social rights of these civilian officers that this was done. This the honorable gentleman proceeded to combat, and contended that it was unjust to the officers in the service to give a purser, after twelve years' service with the rank of a lieutenant, the additional rank of a commander, simply by an order of the Secretary of the Navy—a rank to which officers of the date of 1818 have not yet attained in the service. The office of purser was designed to be given to experienced merchants and accountants—men of character and intelligence, and with a knowledge of business; but what was the fact which every day's experience forced upon them? Why, that the pursers of the present day were taken from among lawyers, and editors of newspapers, and politicians, as a reward for partisan services. And such men, in a brief period, were elevated to a rank which efficient naval officers could not attain until they had arrrived at the age of fifty or sixty years.

Mr. HOUSTON, of Delaware, inquired if, by virtue of the assimilated rank, any authority was conferred on the surgeons, assistant surgeons, and pursers? whether it gave any actual priority, or was not merely an honorary distinction?

Mr. SCHENCK was understood to say, in reply, that he understood the regulation as not intended to give command to surgeons or pursers, but it gave them rank and precedence.

He returned to the course of his argument. Under this regulation of the Secretary, a purser might be appointed to-day, and in twelve years he would take rank of a lieutenant who had now been long in active service, and who, before he could reach the same rank with this non-combatant commander, might be fifty-five or sixty years old. What a spectacle would our naval service present! Military men—men who had spent all their lives in the most arduous and exposed service of the country—obliged to stand aside, and see put over their heads men who entered the navy but yesterday, and who never had fired a gun or struck a blow in conflict with an enemy; promoted to a rank they could not hope for years and years to attain, not for any military service, but as mere civilians.

Let any one look at the pay which officers of the navy in the lower ranks of the service were receiving. A man who had been serving for years received a compensation not any greater than was paid to the clerk of one of the committees of this House. He might have been forty or fifty years there, and yet he got but a bare subsistence. What, then, was it which attached such men to the naval service? (And in answering that question, as well as in all the statements he had made, he knew what he was saying, for he had connections and intimate and warm friends among navy officers, and friends, too, among the surgeons in the service.) Was it the pay—pay that was not as great, in some cases, as what was paid by this House to one of the assistant clerks of this House, or a clerk of a committee? No; it was the pride of rank. And whatever moralists and sentimental people might talk or write about the weakness of being tickled with so empty a distinction, yet it was well known to every man versed in the feelings of human nature, and especially of human nature as it was actually found in every military and naval service under heaven, these honors were dear to the human heart; so dear as to be preferred to any pay that could be offered; aye, to the safety of life itself. The purser was rewarded by the law with pay; and, that his compensation might in some degree be graduated by what was supposed to be his increase in experience and skill, it was increased every five years that he continued in the service. The addition was made, not on account of an actual increase in the services rendered, but on the ground of his increase of age and the presumption that his professional knowledge and skill had increased in the same ratio. The pay being all their reward, it was raised much above what was allowed to naval officers, though the latter performed military services which exposed their lives to hazard. And why? Because the larger pay was meant to be an equivalent in lieu of rank. The officer did not get so much pay, but he received rank as more than an equivalent to the greater pay received by non-combatants, by other officers not military. At sea, who worked the ship? Not the surgeons; not the pursers. And when the vessel reached her destined port, who must stick by her? Not the surgeons; not the pursers. These gentlemen might leave the ship the moment they could get their foot on terra firma, and (as he believed) without even the formality of asking leave. In battle, where were they? While the military officer was at his post upon deck, pointing the guns, the surgeon must, and the purser might, go below; they might retreat into the cockpit, and be snug below the water line, with the magazine and the naval stores. Mr. S. might instance a thousand other things to illustrate the argument.

But what was proposed by the new regulation of the Secretary? To give to these mere civilians rank over the heads of those who performed military services on shipboard, and earned their rank in that way alone; and the alternative lay between this and continuing them as they were, compensated not by rank and military honor, but by larger pay, as they always had been.

But Mr. S. had said a thousand times more than he had intended. The subject had drawn him on, and he would now go back to the terms of the resolution which had been offered, and which contained a respectful request that the Naval Committee might be directed to examine the subject, and, as there existed doubts at least, if nothing more, as to the legality of the Secretary's order, might be permitted to examine into that question; and, on the question of expediency, might inquire whether, if legal or not, the order was likely to be productive of beneficial effects, and report to the House whether it ought to be repealed or modified, or confirmed so as to give it the force of law.

Mr. RHETT said, that when he had moved yesterday to lay the resolution of the gentleman from Ohio on the table, it was not because he had any objection to the inquiry proposed; and those who had voted with him were as far as himself from being against investigation on this or any other subject. They had laid the resolution on the table because they thought it an irregularity in the Committee on Naval Affairs to ask this House for a power which had already been delegated to them. The gentleman from Ohio considered that committee as possessing no authority or right to investigate any subject, unless it had been expressly referred to them by a vote or order of the House. What said the rule which specified their official powers? [Mr. R. here read the rule.] Now, as he understood this rule, it empowered the committee to inquire into any subject connected with the naval service, and, in addition, to take charge of any matters relating in any degree to the navy which might be referred to them by order of the House. Their powers on these subjects were analogous to those of the Committee on Foreign Affairs.

By what authority, otherwise, had the Naval Committee reported such a resolution to the House? According to the gentleman's own argument and his own interpretation of the rule, the committee had no right to report anything to the House unless first ordered. The resolution was itself a report; and if the gentleman was right, he had done what neither he nor his committee had any right to do. But Mr. R. believed no such thing. He maintained that the gentleman had the right to make this or any other report connected with naval affairs which they might deem proper and expedient. And he had objected to passing the resolution, on the ground that it was needless, granting a power which was already in possession of the committee. Mr. R. had, besides, another objection in his mind, though he had not expressed it. The very subject to which the resolution referred, with many others of the same general character, in relation to the good of the service, was in the report of the Secretary of the Navy, which accompanied the Executive message. If the gentleman would allow that message to be referred, he would then have the subject before his committee in his own way, and according to his own understanding of the rule. But this he would not do. He and his friends had refused to have that part of the message referred to them which related to naval affairs, and then they came with a resolution asking to be instructed to take up and consider one particular part of the general subject. Where was the consistency or propriety of such a course?

Mr. SCHENCK here interposed to say that the Naval Committee, being prepared to take up this subject of comparative rank, had hardly thought it necessary to be kept waiting in idleness until the message should be distributed and referred to the several committees of the House. The Executive message of 1838 was not referred to this day. If the Naval Committee at that time had waited for its reference, their first report would have remained yet to be made.

Mr. RHETT resumed. The gentleman held that his committee could take up no subject until it was expressly referred to them by the House; yet they wanted to act and to report on this subject of relative rank. If so, why did they vote against having it referred to them? And why, instead of that, did they come to the House and ask for instructions to take it up?

Mr. SCHENCK said, the members of the Naval Committee supposed the subject pertinent to the general duty of such a committee; and they had accordingly directed him to ask, in its name, that the subject might be referred to them.

Mr. RHETT repeated his argument on the inconsistency of first saying that a committee could make no report until ordered by the House, and then reporting a request for instructions because they thought a certain matter came within their jurisdiction. The gentleman never could get out of his own dilemma; to use a significant phrase, he had "sewed himself up." Mr. R. was surprised the honorable gentleman had not spoken his hour out; he ought to have spoken an hour at least on a subject over which he had such unquestionable jurisdiction, and in which he professed so intimate an acquaintance. This was quite a new system of parliamentary proceeding. The Committee of Ways and Means reported the appropriation bills without any special reference from the House. They were ordered to report these bills within thirty days after the commencement of the session; yet, where were they? He supposed it must be accounted for in the gentleman's new principles, because the subjects had not been by direct votes specifically referred to them. To Mr. R. it seemed a very queer notion, and something entirely new.

But to the merits of the resolution itself. The gentleman from Ohio was totally out in his supposition that the Secretary of the Navy had ever thought of assuming the power of giving any officer in the naval service a relative rank he did not already possess. His order addressed itself to

remedy a state of things which certainly ought not to continue. As it now stood, surgeons and pursers on board our ships of war were treated by naval officers as their inferiors. They might have been in the navy for a course of years, and rendered the most valuable service; and yet they were treated as not on a footing with any officer in the ship—as a class of persons not gentlemen, but holding a sort of equivocal position between the forecastle and wardroom. The Secretary was aware that many of these individuals were men of education and refinement, learned men, men of high talent and cultivated mind, and very far superior to some of those who as military officers had pointed the guns and performed the military parts of the service.

Mr. SCHENCK inquired whether the scope and intent of the order was then merely that surgeons and pursers should be admitted to mess with officers in the wardroom?

Mr. RHETT was understood to say that the order was meant to operate only as a recommendation of these gentlemen to the courtesy and respect of the naval officers. The surgeons and pursers considered themselves wronged and slighted by the existing state of the service, and complained that they were not treated as gentlemen.

Mr. SCHENCK here quoted the regulations of the navy in regard to the admission of individuals on shipboard to the wardroom, and repeated the question he had before put.

Mr. RHETT replied that the rule had respect in practice only to the relative rank of these gentlemen on shipboard and to their personal accommodation.

Mr. SCHENCK. Does it not entitle them to the rank conferred, not only on shipboard, but on shore, and wherever they may be?

Mr. RHETT repeated that it merely commended them to the courtesy of the officers, and provided for their more comfortable accommodation. Could the gentleman suppose that the Secretary was so stupidly ignorant of his duty and his powers as to imagine that any order or regulation of his could confer rank in the navy? These individuals had no commissions as naval officers—these could be conferred by the President alone. Nor could he increase their pay a single dollar—that was fixed by law. He attempted no such absurdity. If the pay they granted to lieutenants was not enough, (as the gentleman seemed to think,) Mr. R. was willing to increase it. The Secretary's order, however, did not confer on surgeons or pursers any real advance of rank or emolument—it only was intended to secure to them a little more courtesy and respect and somewhat better accommodations on shipboard. The Secretary had an undoubted right to make a regulation to this effect. Similar things had been done without question or censure by his immediate predecessors.

He concluded by repeating his conviction that the gentleman's resolution was needless, and ought to be laid on the table.

Mr. STEPHENS called for the orders of the day.

The CHAIR reminded Mr. S. that the question of reconsideration was a privileged question, and took precedence of the ordinary business of the House.

Mr. ROOT moved the previous question.

Mr. EVANS was very desirous of the floor, and wished Mr. R. to withdraw his motion, promising to renew it after some remarks. But Mr. R. refused.

The previons question was seconded, and, under its operation, the resolution was agreed to: Ayes 83, noes 79.

ADDITIONAL CLERKS IN PENSION OFFICE.

Mr. JONES, of Tennessee, said he desired to move, if in order, to discharge the Committee of the Whole on the state of the Union from the further consideration of the joint resolution reported by his colleague, [Mr. COCKE,] chairman of the Committee on Revolutionary Pensions, providing for the employment of additional clerks in the Pension Office.

The SPEAKER. It is not in order.

Mr. JONES. Cannot the House, by general consent, discharge the Committee of the Whole on the state of the Union from the further consideration of the subject?

The SPEAKER. The House can, by unanimous consent, do anything.

Mr. JONES. Then, sir, I hope no gentleman will object. This is a subject of urgent and pressing necessity, in which the constituents of every member of this House are interested. These additional clerks must be authorized, and the sooner the better. For the information of the House, I will state that, by conference with my colleague, [Mr. COCKE,] the chairman who reported this resolution, it is proposed, should this subject be taken from the committee, in order to free the measure from the rule which requires that every proposition containing an appropriation shall be first considered in Committee of the Whole on the state of the Union, to move to strike out so much of the resolution as proposes to make an appropriation to pay these clerks, and pass the resolution providing merely for the employment of additional clerks in the Pension Office, leaving the appropriation to pay them to be passed in the general appropriation bill. There is, I am satisfied, a general disposition of the House to pass this measure in some form. I hope no objection will be made.

Objection being made, the committee were not discharged.

Mr. BOYD moved the usual resolution to terminate all debate in Committee of the Whole on the President's annual message, and the resolutions referring the same to the appropriate committees, to-morrow, at two o'clock.

Mr. HALL, of New York, moved to lay the resolution on the table; which question was decided in the affirmative: Yeas 100, nays 94.

Mr. C. J. INGERSOLL, from the Committee on Foreign Affairs, made a report to accompany a bill yesterday reported by him "to settle the claim of the heirs of Richard W. Meade, deceased."

RETURN OF SANTA ANNA TO MEXICO.

The SPEAKER laid before the House the following message from the President of the United States:

WASHINGTON, *January* 12, 1848.

To the House of Representatives of the United States:

I have carefully considered the resolution of the House of Representatives of the 4th instant, requesting the President to communicate to that House "any instructions which may have been 'given to any of the officers of the army or navy 'of the United States, or other persons, in regard 'to the return of President General Lopez de Santa 'Anna, or any other Mexican, to the Republic 'of Mexico prior or subsequent to the order of 'the President or Secretary of War, issued in 'January, 1846, for the march of the army from 'the Nueces river, across the 'stupendous deserts' 'which intervene, to the Rio Grande; that the date 'of all such instructions, orders, and correspond-'ence be set forth, together with the instructions 'and orders issued to Mr. Slidell at any time prior 'or subsequent to his departure for Mexico as 'Minister Plenipotentiary of the United States to 'that Republic," and requesting the President also to "communicate all the orders and correspond-'ence of the Government in relation to the return 'of General Paredes."

I transmit herewith reports from the Secretary of State, the Secretary of War, and the Secretary of the Navy, with the documents accompanying the same, which contain all the information in the possession of the Executive which it is deemed compatible with the public interests to communicate.

For further information relating to the return of Santa Anna to Mexico, I refer you to my annual message of December 8, 1846. The facts and considerations stated in that message induced the order of the Secretary of the Navy to the commander of our squadron in the Gulf of Mexico, a copy of which is herewith communicated. This order was issued simultaneously with the order to blockade the coasts of Mexico, both bearing date the 13th of May, 1846, the day on which the existence of the war with Mexico was recognized by Congress. It was issued solely upon the views of policy presented in that message, and without any understanding on the subject, direct or indirect, with Santa Anna or any other person.

General Paredes evaded the vigilance of our combined forces by land and sea, and made his way back to Mexico from the exile into which he had been driven, landing at Vera Cruz after that city and the castle of San Juan de Ulua were in our military occupation, as will appear from the accompanying reports and documents.

The resolution calls for the "instructions and 'orders issued to Mr. Slidell, at any time prior or 'subsequent to his departure for Mexico, as Min-'ister Plenipotentiary of the United States to that 'Republic." The customary and usual reservation contained in calls of either House of Congress upon the Executive for information relating to our intercourse with foreign nations, has been omitted in the resolution before me. The call of the House is unconditional. It is, that the information requested be communicated, and thereby be made public, whether, in the opinion of the Executive, who is charged by the Constitution with the duty of conducting negotiations with foreign Powers, such information, when disclosed, would be prejudicial to the public interest or not. It has been a subject of serious deliberation with me, whether I could, consistently with my constitutional duty and my sense of the public interests involved and to be affected by it, violate an important principle, always heretofore held sacred by my predecessors, as I should do by a compliance with the request of the House. President Washington, in a message to the House of Representatives of the 30th of March, 1796, declined to comply with a request contained in a resolution of that body, to lay before them "a copy of the 'instructions to the Minister of the United States 'who negotiated the treaty with the King of Great 'Britain," "together with the correspondence and 'other documents relative to the said treaty, ex-'cepting such of the said papers as any existing 'negotiations may render improper to be dis-'closed." In assigning his reasons for declining to comply with the call, he declared that "the na-'ture of foreign negotiations requires caution, and 'their success must often depend on secrecy; and, 'even when brought to a conclusion, a full disclo-'sure of all the measures, demands, and eventual 'concessions which may have been proposed or 'contemplated, would be extremely impolitic; for 'this might have a pernicious influence in future 'negotiations, or produce immediate inconveni-'ences, perhaps danger and mischief, in relation to 'other Powers. The necessity of such caution 'and secrecy was one cogent reason for vesting the 'power of making treaties in the President, with 'the advice and consent of the Senate—the princi-'ple on which that body was formed confining it 'to a small number of members. To admit, then, 'a right in the House of Representatives to de-'mand, and to have, as a matter of course, all the 'papers respecting a negotiation with a foreign 'Power, would be to establish a dangerous prece-'dent." In that case, the instructions and documents called for related to a treaty which had been concluded and ratified by the President and Senate, and the negotiations in relation to it had been terminated. There was an express reservation, too, "excepting" from the call all such papers as related to "any existing negotiations" which it might be improper to disclose. In that case, President Washington deemed it to be a violation of an important principle, the establishment of a "dangerous precedent," and prejudicial to the public interests, to comply with the call of the House. Without deeming it to be necessary on the present occasion to examine or decide upon the other reasons assigned by him for his refusal to communicate the information requested by the House, the one which is herein recited is in my judgment conclusive in the case under consideration.

Indeed, the objections to complying with the request of the House contained in the resolution before me, are much stronger than those which existed in the case of the resolution in 1796. This resolution calls for the "instructions and orders" to the Minister of the United States to Mexico, which relate to negotiations which have not been terminated, and which may be resumed. The information called for respects negotiations which the United States offered to open with Mexico immediately preceding the commencement of the existing war. The instructions given to the Minister of the United States relate to the differences between the two countries out of which the war grew, and the terms of adjustment which we were prepared to offer to Mexico in our anxiety to prevent the war. These differences still remain unsettled, and to comply with the call of the House would be to make public, through that channel, and to communicate to Mexico, now a public enemy engaged in war, information which could not fail to produce serious embarrassment in any fu-

ture negotiation between the two countries. I have heretofore communicated to Congress all the correspondence of the Minister of the United States to Mexico, which, in the existing state of our relations with that Republic, can, in my judgment, be at this time communicated without serious injury to the public interest.

Entertaining this conviction, and with a sincere desire to furnish any information which may be in possession of the Executive Department, and which either House of Congress may at any time request, I regard it to be my constitutional right and my solemn duty, under the circumstances of this case, to decline a compliance with the request of the House contained in their resolution.

JAMES K. POLK.

[The reports from the Secretary of State, Secretary of War, and the Secretary of the Navy, with the accompanying documents, mentioned in the above message, will be found in the Appendix to the Congressional Globe.]

The reading of the message having been concluded—

Mr. GOGGIN moved that it be laid on the table and printed.

Mr. SMITH, of Connecticut, moved its reference to the Committee on Foreign Affairs.

Mr. GOGGIN, after a moment's conversation, withdrew the motion to lay on the table.

Mr. HOUSTON, of Alabama renewed it.

Mr. SMITH, of Connecticut, demanded the yeas and nays on this question; which were ordered.

The SPEAKER suggested, that in order to avoid difficulty, if there were no objection, the question would be divided, so as to be taken upon laying on the table and upon printing separately.

This suggestion was acquiesced in; and the question to lay on the table was announced to be first in order.

Mr. GIDDINGS inquired of the Chair, as a question of order, if, after the question to lay on the table was taken, it would then be in order to move an amendment to the motion to print.

The SPEAKER replied, that as the question on printing would be an entirely separate question, he would suggest that the question of order would rather relate to it than to the present question.

Mr. ADAMS, of Massachusetts, rose and inquired of the Chair if the motion to lay on the table was debatable?

The SPEAKER replied that it was not; but that after it had been taken, the question would come up on the motion to print, and that would be debatable.

Mr. ADAMS. Well, I hope it will not be laid on the table The President of the United States, as I understand, in his message denies the right of this House to the information which they have called for.

The SPEAKER reminded the gentleman from Massachusetts that he could only proceed in his remarks, while the motion to lay on the table was pending, by the general consent of the House; and he repeated, that the motion to print would come up after this was disposed of, and would be debatable.

Mr. ASHMUN made a point of order, whether debate could not proceed while the motion to lay on the table and print was pending, as the motion to print of itself was debatable?

The SPEAKER expressed the opinion that debate was not in order, and stated his reasons therefor.

Mr. HOUSTON, at the suggestion (he said) of some of his friends around him, withdrew the motion to lay on the table.

The question then recurring on the motion of Mr. SMITH to refer to the Committee on Foreign Affairs and print—

Mr. ADAMS rose and spoke briefly as follows:

Mr. SPEAKER: The state of my voice is such that it is not in my power to make to this House the observations which I should otherwise have felt it my duty to make upon this case. I will state, sir, that the reason why I have felt it my duty to take this course is, that I consider it a novel thing, and a thing affecting the rights of this House, and of the constituency of this House—the people of the United States. It denies, sir, as I understand it, the power, the constitutional power of this House to call for that information. I believe it is the first time in the history of this Union that it has been denied. In the case to which the President refers, when a call was made upon President Washington, there was (as the message now states) an exception for cases which he might think not proper to be inquired into at the time.

Now, sir, the President has not added what was the action of the House upon that; and the action of the House was in direct opposition to the resistance of President Washington to their call. The House formally declared—and I wish the Journal might be looked to to see—the House formally declared, against President Washington, their right to call for such information. That was their action; and, as far as I know—although the very memory of Washington, by everybody in this country, at this time, (and by none more than myself,) is reverenced next to worship—the President was wrong in that particular instance, and went too far to deny the power of the House; and as to his reasons, I never thought they were sufficient in that case. And I have always been of the opinion, and most assuredly that has been the opinion of the Democratic party, to which I do not profess to belong, [a laugh,] they have unanimously disapproved of that act of President Washington, as interfering with the rights of this House, and of their constituents, the people of the United States.

I say I cannot enter into an argument upon this subject; but I consider it of such importance that I am certainly indisposed to lay this message upon the table. I desire it may be printed; that it may go to the whole country; that it may be decided upon by the people as well as by this House. I think this House ought to sustain, in the strongest manner, their right to call for information upon questions in which war and peace are concerned. They ought to maintain their right, and maintain it in a very distinct manner, against this assertion on the part of the President of the United States. Now, I should be perfectly satisfied to refer the message to the Committee on Foreign Affairs, whatever my feelings may be in respect to their firmness in resisting this claim set up on the part of the President of the United States. If the Committee on Foreign Affairs will take it, and will examine the Constitution of the United States, its principles, the history of the administration of the Government from that time to the present, and will make a report upon it, I shall be satisfied. As to a select committee, I shall be perfectly satisfied that a select committee should be appointed by the Speaker, instead of referring it to the Committee on Foreign Affairs. And, as a mark of respect to the President of the United States, I should go for a select committee, provided I am not to be a member of it myself.

I therefore myself, in the first place, hope that a select committee, of which I shall not be a member, will be appointed; and if that is not in conformity with the opinion of a majority of this House, that it shall be referred to the Committee on Foreign Affairs. All the messages of the President are usually referred.

I should say much more, sir, if I had the power.

Mr. KING, of Georgia, said he did not propose to discuss this question, or to say five words upon it at this time. He hoped the suggestion of the venerable gentleman from Massachusetts [Mr. ADAMS] would prevail, and that a select committee would be appointed, and the honorable gentleman be made the chairman thereof.

Mr. K. rose to make the motion to refer the message to a select committee, if it had not already been made by the gentleman from Massachusetts.

The SPEAKER announced that the question first in order would be on the reference to the Committee on Foreign Affairs; if that was negatived, the next question would be on referring to a select committee.

Mr. HOLMES, of South Carolina, said he had no objection to the message going to the Committee on Foreign Affairs or to a select committee; but he had a very great objection, after the remarks made by the venerable gentleman from Massachusetts—whose authority upon this subject would carry great weight—that it should go to that committee prejudged.

That gentleman has remarked that the President had taken high ground, and he admitted that it was no more than the ground taken by General Washington. But to avoid any conclusion that might be drawn from that high precedent, the venerable gentleman endeavored to negative that authority, and produce in array against it the decision of the then Democratic House of Representatives, who unquestionably did negative, as far as they could, the authority of that great character. He would to God that the President of the United States, in every act that he might in future do, should have not only as good authority, but as sterling reasons as for what this day he had had the resolution and magnanimity to do. If the name of Washington, independent of the mighty associations that war had thrown around him, acquired any additional lustre in the administration of civil life, it was for the noble stand he took in defence of the prerogative of the Executive on two great occasions—the one when, in issuing his proclamation at a time when the Democracy were in phrensy to precipitate us in mighty conflict with France, he had to breast himself to the storm to save the country from its impending peril; the other, upon an occasion when the House of Representatives demanded to know from him all the secret negotiations that transpired respecting the treaty of Mr. Jay, and he firmly stood up against denunciations the most violent, and which would have been overwhelming to any other man, against Executive power that ever came down upon any man in this country. And if President Polk had not acted as he had; if he had revealed to this House, when there was war between the two nations, all the correspondence, which was secret in its very nature, which might again be necessary to be carried on for a similar purpose; if he had given up the power with which the Constitution had invested the Executive, he would have withdrawn from himself, and the country, perhaps, one of the surest means of restoring peace, by means of private persons, or by men at the head of or connected with the Government of Mexico. It was well known that he was no admirer of the President in many respects; but he was an admirer of the admirable balances in the Constitution—the prerogatives of this House, of the other House, and of the Executive—each designed for independent action, and in imitation of nature's laws, by their very antagonism producing harmony. Upon this occasion, if upon no other, he (Mr. H.) gave him the meed of his admiration.

Mr. SCHENCK said they were upon a trial of right, which he, for one, should like to see carried out to a fair conclusion, between the President and the Representatives of the people of the United States. The House asked him for certain correspondence, and for the instructions to Mr. Slidell, late Minister to Mexico. They had been advised again and again that in that correspondence, in those instructions—at least in what took place under those instructions between our Government and the Government of Mexico—was to be found, in a great degree at least, the justification of the war. The President came and asked supplies—men and money to carry on this war—to maintain him in the position, he said, of honorable fair-dealing towards Mexico, with whom we were at war; and as the justification, they were told, was to be found in connection with the history of this portion of the war, they inquired of him whether or not he could give them light upon this subject; and he declined to do so, and declined upon the pretext that by it would be made public to the country and to Mexico the matters in relation to the passport of Santa Anna and the instructions of Mr. Slidell. The 111th rule of this House provided as follows; and he wished it to be read by the Clerk:

"Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, clerk, sergeant-at-arms, and doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon."

If the President of the United States (continued Mr. S.) had been willing to trust the Representatives of the people of the United States, there would have been no difficulty about this communication. He could have marked it "confidential;" then it would have been the duty of the Speaker to have advised the House that it was a confidential communication, and to have had the House cleared of all persons except the members and officers, while they took up the subject of the information which was necessary for their wise and judicious action in time of war.

What said the President of the United States? He did not allude at all to the fact that he might

have made it confidential if he chose to do so; he flatly, positively refused to make any communication; and that in the face of the fact that he might have made it confidential. He said, in almost direct terms, to the Representatives of the people, You are not fit to be trusted with the question whether this should be kept secret or not; all that you have to do is to vote what appropriations I ask; do you leap in the dark, at my bidding, and what I tell you do you take as a settled fact no longer to be made question of. He (Mr. S.) held that the Representatives of the people of the United States, that Congress, when called upon to carry on a war, ought to have all the light which the President or all the departments could give; and that to deny this was to make a direct issue between the President of the United States and the Representatives of the United States, as to their capacity of judgment upon such subjects. They were here, in time of war, called to carry it on—either to carry it on with a "vigorous prosecution," (to use a favorite phrase of the President and his friends,) or in that way which would lead most speedily to an honorable peace; but while they were asking to know all about the history of this war, in order that they might form the best and soundest judgment as to the course which they ought to pursue, they were met by the Executive, saying that this was not the thing for them to do; that all they had to do was to hear his royal behests, and make this place a "bed of justice," like the old French Parliament, in which nothing else was necessary except to register his royal edicts. He (Mr. S.) was not willing thus to leap in the dark; thus tamely to obey Executive order. If the information was of a delicate nature, if it was not to be made public, the President knew that the Representatives of the people would have judgment enough to know it—to know that the two hundred members of this body were as well qualified as he to judge whether the interests of the country would be advanced or not by keeping this matter secret and confidential. But, he says, "you are not able to keep this matter; you do not deserve to have it; you are not of the character which warrants me in giving it to you, and therefore, thought I migh make it confidentially, I will not make it all."

Who is there here (asked Mr. S.) who is ready to "go it blind?" Who is there so craven and miserable, so destitute of the spirit of a freeman, or a representative of freemen, as to be willing to crawl to the throne, and say to this monarch, we recognize the propriety of your orders—tell us what you want, we are ready to give it to you; we are ready to take from you our instructions, and to go with you in all matters of appropriations you may see fit to require, asking no questions? He was not willing. He wanted to exercise his judgment; he wanted to know all the facts; to know as much as the Executive knew. He wanted him compelled to give the information to the Representatives of the people, or else that the Representatives of the people take such a stand as would ultimately bring him to terms.

He denied that the precedent of Washington's administration was applicable here. It was an evasion of the question. Here was an absolute denial of all information whatever.

It was a trial, he repeated, between the power of the Representatives and the rights and privileges of the Representatives of the people to vote and act judiciously and understandingly, by reason of having all the facts before them; and the President, who denied to them the right to have the facts, information and light, said they had nothing to do but to act in the dark and grant such supplies as he demanded. He was glad the issue had been made. He hoped the subject would not be referred to any standing committee, but that a select committee would be raised for the purpose of inquiring specially into this matter, which did not belong peculiarly to the Committee on Foreign Affairs, or to any standing committee, but referred to the privileges of the whole House; to the rights of the Representatives of the people; to a question between two coördinate branches of the Government, unnecessarily, and, he must think, almost insultingly, made by the President against this House, and involving the rights of the whole people. A select committee should be raised, and the inquiry be made what should be done to guard and vindicate the rights of the House and of the people.

Mr. HOUSTON, of Alabama, rose, but said he should not detain the House with any lengthened remarks. He desired, however, to reply to some remarks, as he understood them, of the gentleman from Massachusetts, [Mr. ADAMS;] for indeed he did not hear them very distinctly, from the position which he occupied.

But first he would say a word respecting the remarks of the gentleman from Ohio, [Mr. SCHENCK,] who seemed to desire to know from the President something of the character of the war which they were called upon to prosecute. Now, with what sort of grace did that come from a member of this House who had already voted under the solemn obligations of an oath that the war was commenced unnecessarily and unconstitutionally? At an earlier period, the gentleman from Ohio might with some propriety have asked for information, but the time was past; the gentleman from Ohio had taken his course; and now, so far as information was concerned, that gentleman might be given over to hardness of heart and reprobateness of mind.

He desired now, for a moment, to compare this question, which was at present occupying the attention of the House, with that to which allusion was made by the President of the United States in the message on the Speaker's table, and on which the gentleman from Massachusetts [Mr. ADAMS] had this day commented. The gentleman from Massachusetts—though he confessed he had not heard him very distinctly—contended that the case now before the House differed from that which occurred during the Presidency of General Washington in this: that the call on President Washington was not mandatory, but was submitted to his discretion to decide upon what papers he would communicate to the House. He repeated that he did not hear the gentleman from Massachusetts very distinctly, but such was his understanding of what the gentleman from Massachusetts had said, and if his impressions were not erroneous, he would say a word or two in reply.

After pausing for a few moments, Mr. HOUSTON proceeded. The gentleman from Massachusetts had not corrected him, and hence he assumed that he was not mistaken. He would read to the House the resolution which constituted the call on President Washington, to see if that call was not as mandatory as the call upon Mr. Polk:

"*Resolved*, That the President of the United States be requested to lay before this House a copy of the instructions to the Minister of the United States, who negotiated the treaty with the King of Great Britain, (communicated by his message of the first instant,) together with the correspondence and other documents relative to the said treaty; excepting such of the said papers as any existing negotiation may render improper to be disclosed."

Mr. C. J. INGERSOLL called the attention of the gentleman from Alabama to an authority which he held in his hand, which was understood to be Marshall's Life of Washington, on the subject in question.

Mr. HOUSTON continued. He said he read from the Journal, which gave ample information on the point under consideration, showing satisfactorily that the call on President Washington was as mandatory in its character as the late call of this House on President Polk. But Washington refused to communicate such papers as existing negotiations rendered improper to be disclosed.

But there was another point on which, while he was up, he would say a word. President Washington, in his message, from which an extract had been copied into the message now on the Speaker's table, after stating that which, to the common understanding of every man, must appear evidently proper—that negotiations required secrecy, and without secrecy they could not be carried on—commented on the power of the House to call for papers from the Executive. He took the ground to which the gentleman from Massachusetts had alluded, that the House of Representatives was bound to carry out all treaties. Upon that point the House of Representatives discussed President Washington's message for a considerable length of time in Committee of the Whole on the state of the Union.

The committee reported three resolutions as follows:

"1. *Resolved*, As the opinion of this committee, that it is expedient to pass the laws necessary for carrying into effect the treaty lately negotiated between the United States and the King of Spain.

"2. *Resolved*, As the opinion of this committee, that it is expedient to pass the laws necessary for carrying into effect the treaty lately negotiated between the United States and certain Indian tribes northwest of the Ohio river.

"3. *Resolved*, As the opinion of this committee, that it is expedient to pass the laws necessary for carrying into effect the treaty lately negotiated between the United States and the Dey and Regency of Algiers."

The first and second of these resolutions were adopted, and the third ordered to lie on the table.

Another resolution was then immediately introduced, with a preamble, which brought up the whole question referred to by the gentleman from Massachusetts, as follows:

"The House having taken into consideration the treaty of amity, commerce, and navigation between the United States and Great Britain, communicated by the President in his message on the 1st day of March last, are of opinion that it is in many respects highly injurious to the interests of the United States; yet, were they possessed of any information which could justify the great sacrifices contained in the treaty, their sincere desire to cherish harmony and amicable intercourse with all nations, and their earnest wish to coöperate in hastening a final adjustment of the differences subsisting between the United States and Great Britain might have induced them to waive their objections to the treaty. But when they contemplate the conduct of Great Britain in pursuing, since the treaty was signed, the impressment of American seamen and the seizure of American vessels [laden with provisions] contrary to the clearest rights of neutral nations—whether this be viewed as the construction meant to be given to any articles in the treaty, or as contrary to, and an infraction of, the true meaning and spirit thereof—the House cannot but regard it as incumbent on them, in fidelity to the trust reposed in them, to forbear, under such circumstances, taking at present any active measures on the subject: Therefore,

"*Resolved*, That, under the circumstances aforesaid, and with such information as the House possesses, it is not expedient at this time to concur in passing the laws necessary to carry the said treaty into effect."

This resolution was afterwards referred to the Committee of the Whole on the state of the Union, and the discussion continued for many days; after which, it was determined at last to report a bill to carry out the provisions of the Jay treaty; and although the House overruled the two resolutions embracing the principles set forth by Washington in the afterpart of his message, yet it was not thought expedient to take any notice of the fact that he withheld the correspondence and documents called for; thus evincing their acquiescence in the opinion of Washington, that the communication of the information called for would prejudice the public good.

Let the House look at the message now on the table. A call had been made on the President to communicate the instructions which he had given to a foreign Minister, who was charged with the mission to settle difficulties existing between this Government and the Republic of Mexico—difficulties which yet existed. This call related to a transaction which was not yet closed—to difficulties which yet existed, and about which we have been negotiating. We were not in the position in which President Washington was when he refused to give papers sought to be obtained; for in that case, the treaty had been ratified and submitted to the House of Representatives, and they had been called upon to make appropriations to carry it out. In that case, President Washington refused to comply with the call, because he believed it would be injurious to the public interests; and yet, here the President was arraigned as a tyrant, because he withheld correspondence in regard to difficulties which were yet open for adjustment.

The gentleman from Ohio, [Mr. SCHENCK,] with his characteristic fairness and liberality, had thought proper to appeal to the prejudices of the people and of this House, because President Polk had done that which had been done by his predecessors. This the gentleman from Ohio represented as in fact saying to the House of Representatives, "You are not fit to be intrusted with the secrets of the Government. I have done so and so, and you *must* vote the supplies." It really appeared to him, that when the gentleman from Ohio resorted to such a mode of attack on the President, he was driven to an extremity. Let them, for a moment, look at the precedents which the books contained.

He held in his hand a message to the House of Representatives from President Monroe, in answer to a call of the House of Representatives for information relative to some difficulty which had grown up in relation to Commodore Stewart, which he requested the Clerk to read.

The Clerk read it accordingly, as follows:

"*To the House of Representatives of the United States:*

"I should hasten to communicate to you the documents called for by the resolution of the House of Representatives of the 4th instant, relating to the conduct of the officers of the navy of the United States in the Pacific ocean, and of

other public agents in South America, if such a communication might now be made consistently with the public interest, or with justice to the parties concerned. In consequence of several charges which have been alleged against Commodore Stewart, touching his conduct while commanding the squadron of the United States in that sea, it has been deemed proper to suspend him from duty, and to subject him to trial on those charges. It appearing, also, that some of those charges have been communicated to the department by Mr. Prevost, political agent at this time of the United States at Peru, and heretofore at Buenos Ayres and Chili, and apparently with his sanction, and that charges have likewise been made against him by citizens of the United States engaged in commerce in that quarter, it has been thought equally just and proper that he should attend here, as well to furnish evidence in his possession applicable to the charges exhibited against Commodore Stewart, as to answer such as have been exhibited against himself. In this stage, the publication of those documents might tend to excite prejudices which might operate to the injury of both. It is important that the public servants in every station should perform their duty with fidelity, according to the injunctions of the law and the orders of the Executive in fulfilment thereof. It is peculiarly so that this should be done by the commanders of our squadrons, especially in distant seas, and by political agents who represent the United States with foreign Powers, for reasons that are obvious in both instances. It is due to their rights and to the character of the Government, that they be not censured without just cause, which cannot be ascertained until, on a view of the charges, they are heard in their defence, and after a thorough and impartial investigation of their conduct. Under these circumstances, it is thought that a communication at this time of those documents would not comport with the public interest, nor with what is due to the parties concerned. JAMES MONROE.

"WASHINGTON, *January* 10, 1825."

He would read another very short message of Mr. Monroe, which, though somewhat different in its character, bore on the general question. It was as follows:

"*To the House of Representatives of the United States:*

"In answer to a resolution of the House of Representatives, of December 24th, requesting the President of the United States to lay before the House such information as he may possess, and which may be disclosed without injury to the public good, relative to the determination of any sovereign, or combination of sovereigns, to assist Spain in the subjugation of her late colonies on the American continent; and whether any Government of Europe is disposed or determined to oppose any aid or assistance which such sovereign or combination of sovereigns may afford to Spain for the subjugation of her late colonies above-mentioned, I have to state that I possess no information on that subject not known to Congress which can be disclosed without injury to the public good. JAMES MONROE.

"WASHINGTON, *January* 12, 1824.

He also held in his hand a message of General Jackson, in response to a call of the House of Representatives, of which he would read the closing paragraph, in relation to differences between the United States and the Republic of Buenos Ayres:

"This fact, it is believed, will justify the opinion I have formed, that it will not be consistent with the public interest to communicate the correspondence and instructions requested by the House, so long as the negotiations shall be pending. ANDREW JACKSON.

"WASHINGTON, *December* 28, 1832."

Thus, then, it would be seen that Presidents Monroe and Jackson, and almost every other, doubtless, if he had an opportunity to examine the records to show, had been, according to the argument of the gentleman from Ohio, [Mr. SCHENCK,] disposed to be destructive of the rights of the House of Representatives, and unwilling to confide to them the secrets of the Government. In the denunciations of the gentleman from Ohio were included not only Presidents Monroe and Jackson, but President Washington, and, if he mistook not, the gentleman from Massachusetts [Mr. ADAMS] also.

Mr. BARRINGER desired to ask the gentleman from Alabama whether, in all the cases cited, the resolutions calling for information did not expressly qualify the call by words which gave the President a discretion in determining whether their communication would be consistent with the public interest?

Mr. G. S. HOUSTON replied in the negative. He had communicated one resolution to the House of a different character. With respect to the call on President Washington, he would say, that the resolution which terminated in a call was discussed in the House of Representatives for many days; it was referred to the Committee of the Whole on the state of the Union, and there long debated; and yet, after that, President Washington refused to comply with it.

He did not know that there was anything further that he could say that would throw any light on the subject. He would only add, that, so far as the present message was concerned, there was ample authority to sustain it. President Polk could intrench himself behind the authority of Washington, and Monroe, and Jackson, without going into an examination of the messages of others. Negotiations with Mexico were still an open question. The difficulties between the two Republics must necessarily be matter of negotiation. If, then, the instructions to our Minister were published, they would be known to the world, and might embarrass negotiations. It was well known to gentlemen, that when Ministers were sent to foreign Governments, they had often given to them a discretion, if they could not obtain one object to accept another. He did not know that that was the case in this instance, but if it were, he asked the House if it would be proper at this time to publish such instructions to the world? If those instructions were produced here, they would very soon find their way into the newspapers. Even treaties confided to the Senate they had not been able to keep secret, for, in a most extraordinary and unprecedented manner, they had obtained publicity while under consideration in executive session. What, then, would be the fact here?

Mr. TOOMBS desired to see this matter referred to some committee; but, not having had the opportunity which his friend from Alabama had had to examine it, he was not satisfied what that committee should be.

Mr. HOUSTON was understood to disclaim having had any opportunities to consider this subject which were not open to every other member; but he was scarcely audible at the reporter's desk.

Mr. TOOMBS had only to remark, that the question now was, not whether the President of the United States may not under certain circumstances withhold information, whose publication would be inconsistent with the public service, for such power must be lodged there; but the question was, whether this was such a case. The decision of the House must depend on that fact, because, though the President may in certain circumstances withhold documents from the two Houses of Congress, it did not follow that he could capriciously do so whenever he chooses. This message should therefore go to some committee—either a special committee or the Committee on Foreign Affairs—for examination. He was free to confess, he repeated, that the power existed to withhold information when the public interests would be injured by its publication; but the question was, whether all the diplomacy and all the instructions connected with this subject ought not to be laid before the country. The authorities which had been read by the gentleman from Alabama were not germain to the question; for no man disputes that under some circumstances information may be withheld. Whether the President was justified in the course he had pursued would be the subject of inquiry by a committee; and therefore he moved the previous question.

Mr. C. J. INGERSOLL begged the gentleman from Georgia to withdraw that motion to enable him to make an explanation.

Mr. TOOMBS assented.

Mr. C. J. INGERSOLL then begged, in the first place, to put the House in possession of what really did occur at the time referred to by the gentleman from Alabama. He held in his hand the Life of General Washington, by Marshall, from which he read the following passages:

"This dissatisfaction was not concealed. On the 2d March, Mr. Livingston, after stating that the treaty lately negotiated with Great Britain must give rise to several important and constitutional questions, laid upon the table a resolution requesting the President 'to lay before the House a copy of the instructions to the Minister of the United States who negotiated the treaty with the King of Great Britain, communicated by his message of the 1st of March, together with the correspondence and other documents relative to said treaty.'

"On the 7th March, he amended this resolution by adding the words, 'excepting such of the said papers as any existing negotiation may render improper to be disclosed.' After some debate, Mr. Madison proposed to modify the amendment of Mr. Livingston, so as to except such papers as, in the judgment of the President, it might be inconsistent with the interest of the United States at this time to disclose. This proposition was rejected by a majority of ten voices, and the discussion of the original resolution was resumed. The debate soon glided into an argument on the nature and extent of the treaty-making power."—*Marshall's Life of Washington, chap.* 8, *p.* 651—654.

The Judge then added the following remarks:

"The situation in which this vote placed the Executive was peculiarly delicate. In an elective government, the difficulty of resisting the popular branch of the legislature is at all times of serious magnitude; but it is particularly so when the passions of the public have been strongly and generally excited by exertions which have pervaded the whole of society. The popularity of a demand for information—the large majority by which, in the present instance, that demand was supported—the additional force which a refusal to comply with it would give to suspicions already insinuated, that circumstances had occurred in the negotiation which the Administration dared not expose, and that the President was separating himself from the representatives of the people—furnished motives, not lightly to be overruled, for yielding to the request which had been made.

"But these considerations were opposed by others, which, though less operative with men who fear to deserve the public favor by hazarding its loss, possess an irresistible influence over a mind resolved to pursue steadily the path of duty, however it may abound with thorns.

"That the future diplomatic transactions of the government might be seriously and permanently affected by establishing the principle that the House of Representatives could demand as a right the instructions given to a foreign minister, and all the papers connected with a negotiation, was too apparent to be unobserved. Nor was it less obvious that a compliance with the request now made would go far in establishing this principle. The form of the request, and the motives which induced it, equally led to this conclusion. It left nothing to the discretion of the President with regard to the public interests; and the information was asked for the avowed purpose of determining whether the House of Representatives would give effect to a public treaty."—*Marshall's Life of Washington, p.* 652, 653, 654.

There was the authority of Mr. Madison, Mr. Livingston, and Mr. Marshall, which, to say the least of it, was very great authority. He had not been able to hear what had fallen from the gentleman from Massachusetts, which was much to be regretted, as that gentleman's great familiarity with the subject, and his great experience, were all calculated to give to whatever he said great weight on the minds of members of this House. But, without knowing what that gentleman did say, after having presented great authorities, he desired to submit to the House, with great deference, one or two brief suggestions.

And, in the first place, he begged to say, that there was a distinction, as shown by the gentleman from Alabama, which must be obvious to every mind, between the past and the present. It must be remembered that President Washington was called upon to exhibit his past instructions, whereas Mr. Polk was called upon to communicate those which relate to the present or the future. And surely in this must be seen a striking difference, as was shown by the gentleman from Alabama, though that gentleman did not go half far enough. In the one case, it was a case of peace, and in the other of war. He was prepared to concede to the gentleman from Georgia, [Mr. TOOMBS,] that a part of the argument was correct. This House had the right, and it must exercise the right on many great occasions, to insist on having communications from the President; but it would not be denied that there was also a large class of cases in which the President was empowered to withhold information. In addition to cases which had been given, they all would recollect the time when the gentleman from Massachusetts, standing in his place in this House, told them that a large portion of the secret service money under his administration had been disposed of; but to that hour it had not been made known how. This was a common every-day thing. And who in such cases was to be the judge of the propriety of making the communications? The President was the judge. And if the President exercised his discretion improperly, what remedy had this House? This House had the power to impeach him, and that was all it could do.

But a word or two respecting the argument of the gentleman from Ohio, [Mr. SCHENCK.] That gentleman said, here were two hundred gentlemen who were all capable also of judging of this matter. Why, that was the very reason why information should often be withheld. No better reason could be given than that furnished by the argument of the gentleman from Ohio. Even a smaller body at the other end of this Capitol could not keep from the public information privately confided to it. How, then, could private instructions be secretly communicated to a body so large as this without danger of being disclosed? But the gentleman from Ohio, in a burst of what he supposed was eloquence, had intimated that the President was a monarch, and that they were there to execute his behests. Now, in his judgment, the question was, whether the President was right or wrong. If the President was right, it was no monarchical power. It was a power which, in the nature of things, must be lodged in somebody. Why, then, should this go to the Committee on Foreign Affairs? He really could not see what that committee had to do with it. It was, if anything, a great question of constitutional law; and, if it was necessary to commit it, it should be com-

mitted to the Committee on the Judiciary, or to a select committee. It assuredly was not a subject which belonged to the Committee on Foreign Affairs. The President certainly was fortified in his position by the opinions of many great men.

He knew not if it would now be in order to move to refer this subject to the Committee of the Whole. If it were, he would make that motion before he sat down; for what could any standing committee do but make majority and minority reports, just as in Committee of the Whole they would have majority and minority speeches?

Mr. TOMPKINS suggested to the gentleman from Pennsylvania to embrace in his motion a proposition to make it also the special order for an early day.

Mr. C. J. INGERSOLL assented, and said he had no objection to say to-morrow, except that it was private bill day.

Some gentlemen suggested Monday, and others Tuesday.

The SPEAKER suggested, that to make it the special order would require a suspension of the rules.

Mr. TOMPKINS said, if it could not be made the special order for an early day, he should prefer a select committee.

Mr. SCHENCK thought the best way to consider it was to send it to a committee, and get a report upon it, which they could have printed.

M. C. J. INGERSOLL repeated that there would be majority and minority reports, as well as speeches. The best course would be to send it to the Committee of the Whole on the state of the Union, and make it the special order for some early day, which could be done on Monday next.

Mr. COLLAMER said he had been desirous that this subject should take the usual course, be referred to a committee, (whether a special committee or one of the standing committees, he cared not,) and then to a Committee of the Whole House, and then a regular discussion be had. But gentlemen on the other side seemed unwilling for this; they had commenced their remarks, and seemed all ready prepared and furnished for a discussion, with their authorities before them, all dog-eared down and ready for reference, while those on Mr. C.'s side of the House had never left their seats, since they heard the message, for the first time.

Mr. THOMPSON, of Mississippi, here interposed, and wished to be allowed to move for the printing of the message; but Mr. COLLAMER declined to yield the floor.

He proceeded to remark, that what was said on his own side of the House was merely in answer to an *ex parte* argument that seemed to have been already prepared, cut and dry, on the other side.

Mr. HOUSTON said something, not distinctly heard by the reporter, but understood to be a disclaimer of preparation.

Mr. COLLAMER said, that though they on his side had not enjoyed the opportunity from a previous knowledge of the contents of this Executive document to digest at leisure an argument in reply, yet, what had been said in defence of the message ought not to be permitted to go off as if there was no answer to be made to it. Mr. C. should speak to the case as he understood it, as the gentlemen on the other side had put it, and as the President himself put it. The only precedent quoted and relied on by him was the case of Jay's treaty, and the action which was had in regard to it. Let us see what was the decision of the House of Representatives on President Washington's message refusing the correspondence asked for by resolution. The ground insisted on by Washington was, that as the treaty negotiated by Mr. Jay with Great Britain had been ratified by the Senate, it became, according to the provision of the Constitution on that subject, the paramount law of the land, and as such bound all, and bound the House of Representatives with others. It bound the House to vote the requisite supplies to carry the treaty into effect, since it was always the duty of that House to provide for carrying a law into effect until it was repealed. As a treaty, therefore, was a law to all, and could not be repealed, it was a law to Congress, and they were bound to make the necessary appropriations to fulfil it. As to the papers called for, the President said he had submitted all of them to the Senate, who were the proper authority to judge of the propriety of the treaty. Mr. C. said that he did not find on the record that this ground taken by President Washington had been overruled by the House. It was true, that the House had afterwards voted the supplies, but had not any where denied the positions taken in the message.

Now, if the existing President put his present refusal to furnish the correspondence with Mr. Slidell on this precedent of the refusal of Washington in the case of Jay's treaty, what were the necessary correlatives to constitute the one a justification of the other? When Congress declared war, but without any manifesto, they delivered the war over to the Executive, to carry it on at his discretion, he being the sole judge of the mode of doing this. He might carry it on and bring it to an end in any way that might seem to him best. Congress had lost all control of the matter; they had given it all over to the President, and therefore had no right authoritatively to demand any further information from him in regard to it. Now, the ground taken by the President was, that this case of the war with Mexico was a parallel case to that of Washington in relation to Jay's treaty. But no power of logic could show it to be parallel. The comparison not only did not run upon all fours, it had not as many as two legs to run on. It was said that Congress had made the war and committed it to the President to carry it on at his discretion, and therefore Congress had no right to demand these papers from him. Was this so? Were the cases alike? Were gentlemen prepared to say that Congress, by declaring this war without any manifesto of the reasons, so committed it unconditionally to the President's management and control that they had lost thereby all control of the subject? If so, then this was a parallel case, and Congress was bound to give the President whatever he asked, and to demand no explanations or information he chose to withhold.

Mr. C. said he was aware that there were some gentlemen not a little inclined to this view of the matter. Many seemed to think that, as the nation was at war, Congress must appropriate for the expenses of the war, and the President must conduct it in his own way. So he must, if it was left to his own discretion. That was the only thing left him to do: he had no choice: he *must*, in that case, be governed by his own discretion; and the whole duty of Congress consisted in supplying him with the requisite means.

But Mr. C. denied that because Congress had not, at the time it declared war to exist with Mexico, declared the purpose or ends for which it should be waged on our part, therefore it could not make such declaration now. Suppose that the President should now say that, in his discretion, the war should be carried into Great Britain, was it possible that Congress had no voice or control in the matter, but must vote him the men and money to do so? Had the judgment of the President obligatory force on that House? Had they lost all control of it? Mr. C. utterly denied it. He insisted that the same power which made the war might at any time declare the ends and objects for which it should be waged, and for which alone; and might graduate its supplies of money and of men to meet that end and provide for it, and for it only.

Mr. C. did not see the President was so much to blame for using his own discretion when Congress had given him no other guide. All Congress had to do was to manifest their will as to the end for which the war should be carried on. If the President told them he was going to conquer all Mexico, and Congress did not approve of that purpose, all they had to do was to grant men and money on condition that the purpose it did like should be the end to which alone they should be applied. Put that in their bill, and then the President would have a guide.

Mr. C. did not intend now to go into the subject; but he said that because Washington thought and declared that he had communicated the papers asked for to the only proper organ to judge of treaties, and that Congress was bound to make the appropriations to carry Jay's treaty into effect, no man could make that a case parallel with this, unless he could first show that Congress had lost all control of the conduct of the war, and was forced to conform itself to the discretion of the President.

Mr. TOMPKINS obtained the floor, and, after some desultory conversation with his friends, moved an adjournment.

Mr. VINTON inquired of the Chair whether, if the House should now adjourn, this would be the pending question to-morrow?

The CHAIR said that, under the rules, to-morrow was set apart for the consideration of private bills, and it would require a vote of two-thirds to set that order aside. But if the subject were postponed to a day certain, it would then be in order on that day to move to go into Committee of the Whole and take up this as the pending question.

Mr. TOMPKINS thereupon moved to postpone the subject to Tuesday next, to make it the special order for that day, and that the message be printed; which motion prevailed.

And the House adjourned.

IN SENATE.

THURSDAY, *January* 13, 1848.

The VICE PRESIDENT laid before the Senate a report from the Secretary of War, exhibiting the contracts made by authority of the department during the year 1847.

MEMORIALS AND PETITIONS.

Mr. ASHLEY presented a petition from E. H. Featherstone and forty-six other citizens of Arkansas, asking the establishment of a mail route from Mount Ida, the county seat of Montgomery, to Ultima Thule, via Dallas, the county seat of Polk, in said State; which was referred to the Committee on the Post Office and Post Roads.

Mr. DOUGLAS presented a petition from citizens of Illinois, asking the right of way and a donation of land to aid the State in the construction of a railroad to connect the upper and lower Mississippi with the great lakes at Chicago; which was referred to the Committee on Public Lands.

Mr. CAMERON presented a petition from Geo. C. Mitchell, asking that a certain sum of money improperly collected from him may be refunded; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAYTON presented a petition from Frederick Dawson, James Schott, and Elisha Dana Whitney, asking payment for certain vessels furnished Texas, and given up by that Republic on her annexation to the United States; which was referred to the Committee of Claims.

Mr. DAVIS, of Mississippi, presented a petition from Henry V. Keep, of Vicksburg, asking compensation and allowances for services in the army of invasion in Mexico; which was referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. SEVIER, from the Committee on Foreign Relations, reported a bill for the relief of John Black, late consul at Mexico; which was read a first time.

Mr. NILES, from the Committee on Post Offices and Post Roads, reported a bill for the relief of Joseph Caldwell; which was read a first time.

Also, from the same committee, a bill for the relief of Creed Taylor; which was read a first time.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported House bill making further provision for surviving widows of the soldiers of the Revolution, without amendment.

Mr. RUSK, from the Committee on Military Affairs, asked to be discharged from the further consideration of the petition of George Center, and that it be referred to the Committee of Claims; which was agreed to.

Mr. BRADBURY, from the Committee on Printing, to whom was referred the resolutions submitted by Mr. BENTON, for the printing of the tour or memoir of Dr. Wislizenus, illustrative of the expedition of Colonel Doniphan, made the following report:

"That there be printed for the use of the Senate five thousand copies of the tour; and that there be lithographed a like number of the maps accompanying the same. Also, two hundred for the use of Dr. Wislizenus.

Which report was agreed to.

BILLS INTRODUCED ON LEAVE.

Mr. HUNTER asked and obtained leave to introduce a bill supplemental to an act passed the 9th day of July, 1846, entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia."

The bill having been read twice—

Mr. HUNTER expressed a hope that the Senate would indulge him by allowing the passage of the bill at this time. It was a mere formal matter, and was precisely similar to a bill which passed the Senate last session.

An objection being interposed—

On motion of Mr. HUNTER, the bill was re-

ferred to the Committee on the District of Columbia.

Mr. BREESE asked and obtained leave to introduce a bill to provide for the compensation of Samuel Leech, for services in the investigation of suspended sales in the Mineral Point district, Wisconsin; which was read twice, and referred to the Committee on Public Lands.

RESOLUTIONS.

Mr. MANGUM submitted the following resolution:

Resolved, That the President of the United States be requested to lay before the Senate all the plans, estimates, and calculations presented by General Scott, as in his opinion best adapted to attain the objects of the war; and his opinion touching the military means necessary to accomplish the objects of our Government, in any and all alternative views that have been considered by the Executive or suggested by General Scott to bring the war with Mexico to a close, if not inconsistent, in the opinion of the President, with the public service.

Mr. M. said he hoped that the resolution would be considered at once. It was necessary to have all the information which it embraced to enable them to vote understandingly on the bills before the Senate.

The consideration of the resolution having been objected to, it lies over under the rule.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of making provision by law to prevent the losses sustained by the public in consequence of intelligence conveyed by the daily express established by individuals to and from New Orleans.

The following resolution, submitted by Mr. DAYTON on the 11th instant, was considered and agreed to:

Resolved, That the President be requested to furnish to the Senate (if in his judgment not incompatible with the public service) copies of the letter referred to in his message, of General Scott of 20th May, 1847, and of the letter of General Taylor of 25th October, 1846, on the subject of "forced contributions" in Mexico; and of all other correspondence on that subject, if any, not heretofore communicated.

The following resolution, submitted by Mr. BALDWIN on the 11th instant, was considered and agreed to:

Resolved, That the President of the United States be requested to communicate for the information of the Senate the correspondence between the Commissioner from the United States and the Commissioners appointed by the Government of Mexico to negotiate with him during the suspension of hostilities, after the battles of Contreras and Churubusco, and any other information which may enable the Senate to understand the terms, progress, and issue of that negotiation, so far as he may deem the same not incompatible with the public interest.

The bill from the House of Representatives to grant a register to the barque Sarah and Eliza was read with a view to reference; when—

Mr. DIX requested that the Senate would consent to immediate action on the bill, which was one of mere form, to which there could be no objection.

The bill was then considered as in Committee of the Whole, reported without amendment, read a third time, and passed.

The bill for the relief of J. M. Moore was then taken up for consideration as in Committee of the Whole, and the amendment reported from the committee having been agreed to—

Mr. JOHNSON, of Louisiana, moved to amend the bill by striking out the proviso.

The PRESIDING OFFICER. That is the amendment reported from the committee.

Mr. BREESE. I would inquire whether the amendment has been concurred in.

The PRESIDING OFFICER. It has.

Mr. BREESE. I move then to reconsider the vote by which the amendment was concurred in.

Mr. UNDERWOOD. I hope it will not be reconsidered. This case of Mr. Moore presents to my mind one of rather a remarkable character. The foundation of the claim is, that the principal officer of the department for a number of years was incompetent to perform the duties, and Mr. Moore was called on as chief clerk to perform the duties of Commissioner. There is no reason why we should pay him in both capacities. It seems to me that the proper principle for the Government to act upon is, to require the whole time of the officers in the employment of the Government; and if he receives full compensation as chief clerk, I do not see why we should also pay him a Commissioner's salary. I know there is one illustrious example to the contrary. I refer to the case of Mr. Butler, who received compensation as head of two departments, making his salary, instead of five or six thousand, amount to ten or twelve thousand. Congress, perceiving that this was a great abuse, legislated on the subject, and passed a law, if my recollection serves me right, in 1836 or 1837, providing that thereafter this abuse of receiving compensation for two offices at the same time, shall not be practised. You have, therefore, on the statute book a legislative condemnation of the practice, which, by this bill, you are attempting to introduce again. If the law is wrong, why not repeal it, and go back to the old practice of allowing double salaries, or salaries for two offices at the same time? I hope the vote will not be reconsidered.

The reading of the report accompanying the bill was asked for by Mr. BREESE, and it was read by the Secretary.

Mr. BREESE. The report goes fully into the merits of this case, sir. It appears that Mr. Moore has been chief clerk of the Land Office for about five-and-twenty years, and that an immense amount of labor has devolved upon him in consequence of his discharging the duties of Commissioner. It is not proposed that he shall have the salaries of the two offices given him, but that he shall have the salary of a Commissioner, deducting that which he would be entitled to receive as chief clerk. If this bill passes, he will not receive compensation for the two, (although, as he performed the duties of both offices, he should receive compensation for both;) but as the service which he rendered as Commissioner was not continuous, but was performed at different times, a few days at a time, it is proposed to compute the amount of service rendered, and pay him accordingly. As chief clerk, Mr. Moore has been for years exerting all his energies to protect the interests of the Government, and has been instrumental in one instance alone, without mentioning any other, of saving to the Government several thousand dollars. I refer to the purchase of parchment for the use of the departments; he has saved more to the Government in that one article than all the compensation which he has received, and all which it is proposed to give him. It seems but an act of justice that he should receive compensation as a Commissioner; and I am sorry to see any opposition offered to the passage of the bill.

Mr. WESTCOTT. I desire to obtain some information, on one point, of the honorable Senator from Illinois, [Mr. BREESE.] The Senator has referred to precedents allowing the salaries of two different offices to the same person, who had performed the duties of both; and if I heard correctly, those precedents were stated in the report of the committee. I have been able to make but a cursory perusal of the report of the committee; but I am under the impression that all the precedents there referred to are of allowances by the departments in former years, and not by Congress. There is a wide difference. I would inquire if there is a single instance in which Congress has sanctioned the allowance of double salaries. I have understood they have always refused it, and did so in President Monroe's case. If there is a case of such allowance by Congress, I hope it will be stated. So far from this being the case, I have understood that the practice of making such allowances as were made so improperly to Mr. Butler and others, had become such an evil—I was about to use a harsher term—such an iniquity, that, in 1842, Congress passed an act positively forbidding such allowance. Congress doubtless acted on the principle that an officer owed all his time to the public in the office he regularly held, according to the usages as to the hours of service, and that it was incompatible for him to hold, permanently, and do the duties of another and a different office at the same time. He should doubtless receive the salary of the highest office that he did the duties of; but the law contemplates that each office is to be filled by a different person, and the respective duties done by different persons. It is a violation of law for one to fill both and do the duties of both. Officers are, and are intended to be, checks on each other. I think, to make the allowance in this case, would be to base it upon a violation of law; and besides, it would repudiate and disregard the principles of the act of 1842, which I think Congress should rigidly adhere to. It was a wise and salutary law, and its principles should not be disregarded to meet a special case.

Mr. BREESE. The honorable Senator is altogether mistaken. The act of 1842, to which he refers, was only meant to prevent the treasury officers from making compensation for the duties of two officers. It was all very right for Congress to forbid the officers of the treasury from doing it, but here is a case that rests upon its own merits—of an individual who has spent the best energies of his youth in the service of the Government, and has saved to the Government thousands and thousands of dollars, and who has performed the duties of Commissioner of the Land Office faithfully, and at the same time the duties of chief clerk, laboring incessantly, and dragging out a miserable existence upon the mere pittance of chief clerk of that office. Sir, it seems to me to be a strong case, and one which appeals powerfully to our favorable consideration.

Mr. BADGER. I feel bound to interrupt this discussion to ask the Senate to proceed with the special order of the day.

Mr. BREESE. I hope the bill will be passed over informally then, so that it may be taken up at an early day.

The bill was then passed over informally.

The Vice President signed the enrolled bill to authorize the issuing of a register to the barque Canton.

On motion of Mr. R. JOHNSON, the Senate proceeded to consider as in Committee of the Whole, the bill exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa from the provisions of the acts of the 22d February and 2d March, 1847, regulating the carriage of passengers in merchant vessels; which motion was agreed to.

The bill was then reported without amendment, and was read a third time and passed.

On motion, it was

Ordered, That when the Senate adjourns it be to Monday next.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration, on its third reading, of the bill to raise, for a limited time, an additional military force.

Mr. PEARCE. It would have been agreeable to me if I could have deferred for a few days the remarks which I propose to make in reference to the subject now under consideration of the Senate. Like my colleague, however, I shall be compelled to be absent for a few days on business, and I have therefore to throw myself on the indulgence of the Senate.

With much that my colleague has said in that part of his remarks which he addressed to the Senate on the second day, I cordially agree; but there are other points in dispute, upon which his opinions and mine are wholly and widely variant. I regret this variance, not only because we represent a common constituency, but because I have long entertained for my colleague such high respect and regard, that it is painful for me to differ with him here on any subject, and particularly painful to have a collision of opinion upon a question of such fundamental importance.

I had occasion, sir, at the last session of the Senate, to present to this body my views upon a part of this subject, and if it had been my colleague's purpose to controvert the position which I then assumed, and overthrow the arguments which I endeavored to sustain, he could not have addressed himself more directly to the purpose than he has done. Sir, I do not complain of this. But it is a fact which compels me either to abandon the ground I have formerly taken, or to reaffirm it and sustain it as best I may. Besides, sir, the Legislature of my State is now in session, my term of service here is drawing to a close, and it is right that I should possess that body fully with the opinions I entertain upon this important subject, that they may be the better enabled to determine in whose hands to place the trust with which I have hitherto been honored. Sir, I do not shrink from the issue; and I am consoled by the conviction that in the opinions which I entertain, and which I am about to express, I but reflect the sense of those whom I represent.

Like my colleague, I am anxious to maintain the honor of my country, to vindicate her reputation from the least blemish, and particularly to rescue her from any probable charge of rapacious aggression, of grasping cupidity, and lust of conquest. But, in my opinion, this cannot be done by merely affirming the justice of a war, in the justice and constitutionality of which I have no faith; much

less can it be done by sustaining the President in a course by which, in my opinion, we should be practically subverting the Constitution; wresting from Congress, to whom alone the Constitution has confided them, the issues of war and peace; making him the supreme controller of affairs; making him, in fact, if we look at the matter in view of its consequences, the master of our fate, and the more dangerously so, because he rules, under the form of free institutions, in the spirit of a despot.

Sir, I do not pretend to deny that the United States has just claims against Mexico for indemnity due to our citizens; but I do deny that those claims were the cause of this war, or that they would be the just cause of any war. I deny that they would have justified Congress in declaring war against Mexico. Sir, war is a last and direful alternative of nations, the *ultima ratio regum*, and the last resort of republics also. It should never be undertaken without an unavoidable necessity. All Publicists tell us this. The language of Vattel is, that there must be a clear right coupled with a sort of necessity, and this is consistent with the principles of common sense and humanity.

Now, let us see what are the causes which have produced this war. The President has paraded before us an exaggerated statement of these claims, as if they were the causes of the war; and yet he affirms that Mexico brought on the war by her illegal and unjust act by shedding American blood upon American soil. Sir, these claims against Mexico, for indemnity due to our citizens, have existed for a series of years, it is true—some for a longer, and others for a shorter time. But I ask if Mexico has resisted pertinaciously the payment of these claims? I ask, if the resistance or neglect to pay, on the part of Mexico, is even comparable to that which we have experienced at the hands of stronger nations? and I ask, if it becomes us to adopt one rule of right—one measure of patience in regard to a weak nation, and another rule of right, and a greater measure of patience in regard to a strong and haughty people? I trust there is no Senator who will not repel with scorn such an imputation. Yet I fear we are about to forget the rule of equality in regard to this particular transaction.

Now, in 1839, Mexico entered into a convention with us, by which she agreed to form a commission for the ascertainment of the claims due to our citizens. That commission sat, and adjudicated many of the claims; but being limited in point of time, they were not all decided. Some of them, not receiving the confirmation of the commissioners, were referred to an umpire, who had not time to decide, and some were not acted on at all. Well, Mexico did not withhold from us or refuse the payment of those claims which were admitted by the commissioners. On the contrary, she manifested a disposition to meet the payment by levying forced contributions upon her citizens for that purpose, and concluded another convention in 1843, providing for the organization of another commission for the adjudication of the claims not settled by the first. In consequence of her embarrassed condition and exhausted treasury, Mexico was unable to make payment of the adjudicated claims as stipulated; but she entered into an arrangement with General Thompson, the Minister of the United States, to pay the claims by instalments, showing that she acted in good faith, and with no disposition to withhold the payment. She paid all the arrears of interest at eight per cent., and three instalments of principal; nor was it until the negotiation of the annexation treaty, the expulsion of Santa Anna from power, and his exile from Mexico, that they failed to make the payments. Whether annexation was the cause of such failure, or whether it arose from their inability to pay, I cannot undertake to say; but I think the latter the more probable cause. One thing is certain, that Mexico made great efforts; and if she did not make punctual payments, it was rather to be attributed to her distressed condition than to any want of faith. Well, who is there who does not recollect that we ourselves have been delinquent in this way in reference to the claims of Great Britain against us? I refer to the debts due the British merchants, recognized by the treaty of 1783, and not paid, I believe, for twenty years after that date. I remember too, sir, that our claims against Great Britain for the negroes carried off at the close of the war of 1812, were not settled finally till 1836, although provided for in the treaty of peace. Who does not recollect the claims for spoliation by Naples and Denmark, and the more remarkable case of spoliations by France, the most flagrant of all—committed in the wantonness of power—in very scorn of our rights—without the slightest justification, and persisted in, repeated, and boldly defended with the most offensive effrontery, and yet endured by this country through successive administrations from 1806 until 1831—when a distinguished gentleman, who was formerly a member of this body, [Mr. RIVES, of Virginia,] negotiated the treaty of indemnity; and then France, adding further wrong to the heaped up injury which we had sustained so patiently, withheld the payment of the money for four years longer? General Jackson did indeed, in 1835, address Congress on the subject, and suggest reprisals as a proper mode of redress; and he asked three millions of dollars to be placed at his disposal to enable him to act as circumstances might require. But Congress neither adopted his recommendation of reprisals, nor voted him the three millions, and the Senate chose rather to allow the defeat of the fortification bill.

Sir, France was not feeble; her treasury was not exhausted. She was the most elastic Power in Europe, as was manifested by her immense payments made to the allies after the restoration of the Bourbons. Yet, sir, we submitted to all this from France; and it was only in 1835 that we recovered from her the indemnity that was due for spoliations committed in 1806 and 1813. Neither was the indemnity which we obtained from her a complete and full one. It was a partial and imperfect indemnity. Our robbed merchants got only a dividend of their claims. And yet we talk of violated honor; and the President rants about our claims against Mexico—some of them, by the by, of a very questionable character—some of them, in fact, grossly fraudulent, as I have been informed by a distinguished gentleman from South Carolina, and such as never could be properly demanded by our Government under the treaty with Mexico. I speak of those contracts for land upon which enormous demands for indemnity were founded, which demands this Government was asked to enforce. Sir, take it altogether, and I do say that there never was urged in a legislative body so unreasonable a proposition as that it is just and necessary to wage a war for the mere procrastination of payment of claims like these against a weak and impoverished Government. And yet this is urged as though it was a sufficient cause for war; when everybody knows, who reflects at all upon the matter, that such has never been heretofore regarded as a justifiable cause of war. No, sir; I will tell you what was the cause of this war: it was the unauthorized act of the President in taking possession of territory to which this country had no title, to which Congress had not authorized him to make claim, and against making a claim for which they had warned him by the very terms of the resolution of annexation.

Sir, my colleague has gone fully into this question, and I have no doubt that he thought he had demonstrated the correctness of his position; but he took good care not to mention the Mexican claims as being the cause of the war. He did not consider that they were the cause of the war, however much the President paraded them in his messages.

Mr. JOHNSON. I never thought they were.

Mr. PEARCE. But he put it upon the ground that this Government was bound to vindicate its title to the territory up to the Rio Grande, and he cites a variety of facts which, as he thinks, belong to the consideration of this question, and which, in his opinion, are conclusive. Well, now I think, that the facts which he has cited—some of them at least—do not belong to the consideration of the question, and that neither one nor all of them are conclusive. I think I can demonstrate this, and that I can show, on the other side, facts which are strong as chains of adamant. I pass over that part of his speech in which my colleague speaks of the revolution of Texas. Nobody doubts the gallantry of those citizens of Texas who achieved their independence. Sir, as far as their gallantry is concerned, their spirit of heroic adventure, their bold and daring exposure of life, I believe there is nothing to surpass it. Nobody questions their right to revolt from Mexico to establish an independent government, and to claim all the territory over which they could extend and enforce their jurisdiction. But my colleague says:

"The boundaries of Coahuila and Texas, as these departments were laid off into one State by the constitution of 1824, was the Nueces, running for upwards of one hundred miles up that stream, and then by a line across from that point to the Rio Grande. The territory below that line, between the Nueces and the Rio Grande, was a part of the State of Tamaulipas. Tamaulipas granted it to various individuals by what were called colony-grants, under which many settlements were made."

I make no objection to this statement, sir; I only desire to add something to it, to make it a little more specific. In 1824, the departments of Coahuila and Texas were united, without change of their former boundaries, provisionally, as one State—it being understood, that when Texas had strength and population enough, she should be made a separate State.

The united State of Coahuila and Texas ran across the Rio Grande, but the boundary of Texas proper never did; her limits stopped at the Nueces. My colleague went on to refer to the treaty to which Santa Anna was a party, at the time he was prisoner in Texas; and he relied upon the authority of that miscalled treaty as conclusive.

Sir, my colleague is a distinguished lawyer; he stands at the head of his profession in Maryland, and that is praise enough for any man. He is the successor, sir, of Martin, Pinkney, and Wirt, and wears their mantle gracefully. But I must express my utter astonishment at hearing from him, that this miscalled treaty between Santa Anna and the Texas authorities is conclusive on the question of boundary. Why, sir, it was no treaty at all. Santa Anna was a prisoner; and if he had not been, we all know that the constitution of Mexico contains a provision, that when the President of the Republic is at the head of the army, his civil functions cease. He was in captivity; and if he had not been, he would have had no authority to conclude a treaty under the constitution of his country, which is like our own in that respect. A treaty, when signed, requires ratification by the Senate; and a treaty made by Santa Anna was of no more value than blank paper. It might have had a moral obligation as far as he himself was concerned; but it had not even a legal obligation upon himself, having been extorted by duress.

Mr. FOOTE. Will the Senator allow me to inquire whether he refers to the constitution of 1824?

Mr. PEARCE. Will the Senator have the kindness to inform me whether there was any other constitution?

Mr. FOOTE. The Senator can answer my inquiry, or not, as he pleases.

Mr. PEARCE. I am not furnished with any information as to any new constitution. I believe there was none. The constitution of 1824 was said to be overthrown, because its federal character was abolished and the central form substituted. It was not abolished in the whole, but only changed in part, and therefore this provision remained in full force. If it were not so, and the whole constitution were destroyed, then Santa Anna had no constitutional power at all, and could in no manner bind his country.

Mr. JOHNSON, of Maryland. Where do you read from?

Mr. PEARCE. I read from a work entitled "Texas and the Texans," which I understand to be the production of the Senator from Mississippi, and one which I have read with great pleasure:

"That the President Santa Anna, in his official character as chief of the Mexican nation, and the Generals Don Vincente Filisola, Don Jose Urea, Don Joaquin Ramires y Sesma, and Don Antonio Gaona, as chiefs of armies, do solemnly acknowledge, sanction, and ratify, the full, entire, and perfect independence of the Republic of Texas, with such boundaries as are hereafter set forth and agreed upon for the same. And they do solemnly and respectively pledge themselves, with all their personal and official attributes, to procure, without delay, the final and complete ratification and confirmation of this agreement, and all the parts thereof, by the proper and legitimate Government of Mexico, by the incorporation of the same into a solemn and perpetual treaty of amity and commerce, to be negotiated with that Government, at the city of Mexico, by ministers plenipotentiary to be deputed by the Government of Texas for this high purpose."

Why, I say, upon the very face of the instrument itself, it was not a treaty. It was nothing else than the personal obligation of Santa Anna to procure the adoption of such a treaty by the legitimate authority. Now, allow me to call the attention of the Senate to the opinion of General Lamar. I understand that Santa Anna was a pris-

oner in the hands of the Texans, and they were deliberating whether they should shoot him a-la-Mexique, try him for offences against the laws of civilized war, or send him back to Mexico. Now, what says General Lamar in the paper addressed by him to President Burnet?

Mr. JOHNSON. What is the date of that letter?

Mr. PEARCE. It is a letter from General Lamar, the Secretary of War of Texas, to the President and Cabinet of Texas, and dated 12th May, 1846:

* * * "What good can they hope to result from an extorted treaty? General Santa Anna is our prisoner of war, and, as such, may be ready to enter into any agreement which our rights may require or our selfishness exact; but when restored to liberty and power, will he feel any obligation to comply with terms which he had no agency in dictating? What he assents to whilst a prisoner he may reject when a freeman. Indeed, the idea of treating with a man in our power, who views freedom in acquiescence and death in opposition, seems to me more worthy of ridicule than refutation. * * * With me such pledges are lighter than the 'moonshine's watery beam.' I trust them as I would 'a dicer's oaths.' But, independent of this consideration, it may be very well doubted whether Santa Anna, with every disposition to fulfil any agreement which he may now enter into, will, on his return to Mexico, have the power to do it. It was public opinion which drove him into war with Texas, and the same public sentiment, on his arrival at home, may keep him in the attitude of avowed if not of actual hostility to this country. * * * The advantage proposed to be gained from his supposed or probable integrity cannot, of consequence, be realized, even with every willingness on his part to redeem his pledges. I doubt not in the least that as soon as the news of his defeat and imprisonment shall be sounded within the walls of Mexico, that instant will be lost all his authority in the land, as he has long since lost the affections of his people. He will be powerless either for good or ill. I am, therefore, decidedly opposed to all negotiation or arrangements with him; first, because he is a prisoner, and not free to act; secondly, because he is faithless and unworthy of confidence; and thirdly, because of the great certainty of his inability to fulfil his promises, even with the desire to do it."

Well, but my colleague says that Texas fulfilled the contract on her part, General Filisola accepted it, and marched his men back to the Rio Grande, &c. So he did; but that did not constitute it a treaty, General Filisola not being the ratifying power.

It might have been an appeal to Santa Anna's honor; it undoubtedly was so; but as a treaty, it had no obligations; it was a treaty made by a captive, and ratified by a runaway; and I take it, sir, that no validity will be ascribed to it by any fair man who understands the facts.

My colleague next relies, sir, on the action of the Texan Congress regarding the boundary of the State, and says, that they passed a law describing the Rio Grande as the boundary. I should like to know how the mere act of the Congress or Legislature of any country, can authorize the fixing their boundaries where they please to put them on paper; how the declaration of any Congress or Government can make a right or authorize a claim in such a case. It can do nothing more than assert a claim; and I venture to go a little further, and say that, I presume that in the case of Texas, it was not done *bona fide*. They did not deem that they were to take in Santa Fé, or any of the valley of the Rio Grande. They claimed a great deal of territory in order to secure a part.

Sir, I do not make this statement from any personal knowledge that I have; but I will refer to the authority of an honorable Senator here, and I beg leave to read from a speech made by the honorable Mr. ASHLEY, at the second session of the 28th Congress:

"And here I will add, that the present boundaries of Texas—I learn from Judge Ellis, the President of the convention that formed the constitution of Texas, and also a member of the first Legislature under that constitution—were fixed, as they now are, solely and professedly *with a view of having a large margin in the negotiation with Mexico*, and not with the expectation of retaining them as they now exist in their statute book."

Sir, this authority is worth all my colleague's array of proofs. But my colleague says, that after the retreat of Filisola across the river, General Rusk, who was still at the head of the army of Texas, and stationed at the Gaudaloupe, ordered the families between that part and the Rio Grande to retire to his rear, or to remove to the western bank of the river. The most of them did retire to his rear, but many of the Mexicans preferred to cross the river and settle on the opposite side. Now, sir, how was this taking possession of the country? You may make a solitude, and call it peace; or you may empty a country of its population, and call it occupancy or possession; but you acquire no right by the misapplication of terms. The portion of the people friendly to Texas withdrew to the rear of General Rusk—that is, beyond the Guadaloupe, which is further east, even, than the Nueces. Certainly they were not taking possession of the country which they thus abandoned. Certainly they were not occupying the valley of the Rio Grande, when they fled from it to the east of the Guadaloupe to avoid the horrors of a border war. So the Mexican population withdrew to the western bank of the river, and the country was deserted.

But my colleague rests his argument upon the ground that if Texas had not actual possession, she had it potentially, as Doctor Johnson would have said—that is, that she had the power to occupy it. Well, sir, I deny that the power to take possession would give a constructive possession. It is not a legal position that can be maintained. As between individuals, actual possession of every acre of a tract of land is not necessary to a right. If we have the title to the whole, and the actual possession of a part, the residue not being possessed by another, the actual possession of a part will operate the constructive possession of the whole. It is so with nations. But Texas had no right by possession, as I shall demonstrate to be the case; and the mere power to possess, if she had been able to take and maintain possession, which I do not admit, would not give a constructive possession. A right to the whole, coupled with a possession of a part, would answer. But Texas was a revolutionary government, and could not divest the title of Tamaulipas and other Mexican States to the lands lying within their respective and undoubted limits, except by taking and holding possession. This she never did, either by her settlers or her soldiers, for the occasional passage of troops across the country was not possession; and, in fact, the Mexicans crossed it thus, as well as the Texans. Predatory excursions and border forays were never held to make a possession.

But my colleague says that General Rusk, for the purpose of facilitating the removal of those occupying the country and of watching the movements of the Mexican army, and preparatory to an advance upon Matamoros, despatched General Felix Huston with a sufficient force to take possession of Corpus Christi; and that was done. This was true, sir; and this is a good point—I mean as to the right of Texas up to that limit, which, indeed, I freely admit to have been the frontier of Texas. Beyond this they did not go; beyond this they had no possession, in the legitimate sense of the word; and therefore I deny that the establishment of the port at Corpus Christi established the claim of Texas up to the Rio Grande.

Texas had no establishments there; she had erected no forts; she had no civil officers in that country—no, I believe, not so much as a justice of the peace or a constable. But it is said, as proof of possession of this country, that at an election held at Corpus Christi in 1842, certain settlers came from the disputed territory and voted. And it is asserted that Texas thereby and then established her authority—not where they voted, but where they did not vote. Well, I assert exactly the reverse, and I ask whether, if her authority had been established on the Rio Grande, she would have required her citizens to travel one hundred and fifty miles to give their votes? Why, if Texas had established any authority or jurisdiction on the Rio Grande, she would at least have had the election so held as to accommodate these poor fellows who were so desirous of exercising their elective franchise. Now, I care not whether these people went to Corpus Christi to vote or not; nobody knows who they were or whence they came, how they were induced to come, whether they were the poor fishermen of Padre Island, or straggling herdsmen who attended their flocks like the Nomades of the eastern world. The whole thing wants precision to make it valuable as a fact; and if Texas had not even an election precinct on the Rio Grande country, that of itself is sufficient proof that she had no establishment there which could constitute possession.

The other fact which my colleague cites as an authority to prove the right of Texas is what he stated, on the authority of the Senator from Texas, that certain purchasers of the colony-grants of Tamaulipas had then deeds recorded in Texas. We do not know where they were executed and acknowledged. This, too, wants precision, detail, and finish, to give it certainty and make it available. But suppose that be so, and what does it amount to more than this, that some shrewd, hedging fellows, knowing that the country was claimed by Texas, and supposing that it might one day be acquired by it, thought it prudent to have these deeds recorded in Texas, as well probably as at Matamoros, as future evidence of their title. The fact, indeed, is stated a little too broadly, for it is said this was done as far back as 1834, when, in fact, the revolution in Texas only took place in 1835. At all events, assuming the fact in its fullest extent, it only proves that Texas had no clerks nor record officers in this region of one hundred and fifty miles breadth.

My colleague says that no Mexican authorities were to be found there, and that Mexico had lost the right she once had. Now I propose to refer to a few authorities to show you the other side of the question; and I think that these authorities cannot be overthrown. I shall invoke first the authority of the Senator from Missouri, whose elaborate research, and whose accurate and minute information have been the boast of his friends and the admiration of his opponents. Now, let me read from a speech made by that Senator after the formation of the annexation treaty. It will be recollected that he introduced a bill for the annexation of Texas, and in that bill he submitted several propositions as the bases of his proposed arrangement. Here is what he says on the subject of boundary:

"The bill which I ask leave to bring in, besides authorizing and requesting the President to treat with Mexico and Texas for an adjustment of boundaries, and for the annexation of the latter to the North American Union, proposes some bases for the treaties expected to be made. Boundary is one of these; and in this the basis conforms to the geographical divisions of the country—to our natural and proper limits—to the line first indicated in President Jackson's proposition, as communicated by Mr. Van Buren to Mr. Poinsett in 1829; and it conforms to the boundary designated in Mr. Randolph's report in 1803, and to the resolution of the House of Representatives, adopted in pursuance to that report, and already read to the Senate. Leaving the Rio Grande and all its valley and waters to the Mexicans, and the Mississippi valley and all its waters to the United States, it proposes to follow the mountain heights from near the South Pass, in the Rocky Mountains, called Fremont's Pass, in the map of the Topographical Bureau, along the Sierra Obscura, (Dark Mountain,) until it subsides into a plain as it approaches the Gulf of Mexico; and then reaching the Gulf by a line in the desert prairie to the west of the Rio Nueces, (Walnut river.) This is the boundary between the United States and Mexico pointed out by the finger of Nature, agreed upon by eminent statesmen, as proper for Mexico as for ourselves, and written down in the book of fate, and the law of nature, as the true and permanent boundary between the two first Powers of the New World. Soon or late, that boundary will be established.

"The Rio Grande del Norte (Great River of the North) is a Mexican river by position and possession, and to the Mexicans may it forever belong. The Mississippi, and all its waters, are ours, and to us the dismembered parts must return. The country east of the Nueces, (and including it,) from position, geographical affinities, soil, products, and natural dependence, is appurtenant to the valley of the Mississippi, and must and will go where congruity and homogeneity attract it. No wise man, in an age of commerce, wants a great river (beyond its natural frontier) for a national boundary; it is a boundary fruitful of expense, and of every species of collision and collusion. A mountain and a desert plain is far better; and these we have between us and Mexico; and it would be just as unwise for us to project a segment, or a salient angle, of our frontier across this plain and mountain into the natural limits of Mexico, as it would be in her to make the same projection of a segment, or angle of herself, across the same plain and mountain, into our natural dominion."

Sir, it is not in the Senate only that this doctrine has been announced. I find a distinguished member in the other House, in a report made by him in regard to the Texas question, made an important confession.

On the 3d of January, 1845, Mr. C. J. INGERSOLL, in his report, said:

"The stupendous deserts between the Nueces and the Bravo rivers are the natural boundaries between the Anglo-Saxon and Mauritanian races. There ends the Valley of the West—there Mexico begins."

This is the opinion of the chairman of the Committee on Foreign Affairs of the other House. Now let me turn to another authority. I propose to read from a letter from Mr. Donaldson, our Chargé d'Affaires at Texas, to Mr. Buchanan, Secretary of State:

"It is the policy of those who are on the side of Mexico in the present crisis to throw upon the United States the responsibility of a war for the country between the Nueces and the Rio Grande. That territory, you are aware, has been in the possession of both parties. Texas has held in peace Corpus Christi. Mexico has held Santiago. Both parties have had occasional possession of Loredo, and other higher points.

"Mexico, however, has threatened a renewal of the war

for the whole of Texas, if she accepts the proposals for annexation to the Union. If she undertakes such an expedition, she of course puts upon the hazard of war the whole claim, and gives us the right of going not only to the Rio Grande, but wherever else we may please."

At page 78 of the same document, in a letter of Mr. Donaldson, to the Secretary of State of Texas, I find this:

"My position is, that we can hold Corpus Christi, and all other points up the Nueces. If attacked, the right of defence will authorize us to expel the Mexicans to the Rio Grande.

"It is better for us to await the attack than run the risk of embarrassing the question of annexation with the consequences of immediate possession of the territory to the Rio Grande. You will find that I have guarded every point."

He had no idea of the advance of the army to the Rio Grande, or of an attack upon Mexico. He appears to have acted with such caution and prudence as became his position. "The right of defence would authorize us to expel the Mexicans to the Rio Grande." Sir, how expel the Mexicans to the Rio Grande, if Texas had possession up to that river? Here you have the authority of your own negotiator for the fact, that Mexico held this territory and not Texas. But you have the same authority in a dozen places. Again:

"The occupation of the country between the Nueces and the Rio Grande, you are aware, is a disputed question. Texas holds Corpus Christi—Mexico holds the Brazos de Santiago, near the mouth of the Rio Grande. The threatened invasion, however, of Texas, is founded upon the assumption that she has no territory independent of Mexico.

"You can safely hold possession of Corpus Christi and all other points up the Nueces; and if Mexico attempt to dislodge you, drive her beyond the Rio Grande."

Mr. JOHNSON. Disputed question.

Mr. PEARCE. "Disputed question." So it was, sir. And while it was a disputed question, he shows what part was in possession of Texas and what part in possession of Mexico:

"You will have observed, that in my correspondence with this Government, there has been no discussion of the question of limits between Mexico and Texas. The joint resolution of our Congress left the question an open one, and the preliminary proposition made by this Government, under the auspices of the British and French Governments, as the basis of a definite treaty with Mexico, left the question in the same state. And although this Government has since indicated a point on the Rio Grande for the occupation of our troops, I did not consider this circumstance as varying the question, since the President, but a few weeks before, issued a proclamation suspending hostilities between Texas and Mexico, the practical effect of which was to leave the question precisely as it stood when our joint resolution passed—Mexico in possession of one portion of the territory, and Texas of another. * * * The proclamation of a truce between the two nations, founded on propositions mutually acceptable to them, leaving the question of boundary not only an open one, but Mexico in possession of the east bank of the Rio Grande, seemed to me inconsistent with the expectation that, in defence of the claim of Texas, our troops should march immediately to that river. What the Executive of Texas had determined not to fight for, but to settle by negotiation, to say the least of it, could as well be left to the United States on the same conditions. * * *

"I at once decided that we should take no such position, but should regard only as within the limits of our protection that portion of territory actually possessed by Texas, and which she did not consider subject to negotiation."

If it had been in the occupation of Texas, would she have been obliged to fight for it? Sir, the inconsistency is too palpable to make it necessary any longer to dwell upon it. Again, he says at page 90:

"There were many circumstances making it inexpedient, in my judgment, after the issue of the proclamation referred to, for Texas to attempt a forcible possession of the Rio Grande, relying on the aid of the United States to maintain it."

Why attempt to obtain possession, if she already had it; and if she had not, what becomes of the argument? Sir, the argument is scattered to the winds by the testimony of our own agents, which we cannot controvert, and which we cannot doubt. I might as well give the Senate, perhaps, some additional authorities. I find these facts recognized by the Secretary of War, as well as by Senators and our diplomatic agents. I find in a letter of the Secretary of War to General Taylor, of July 30, 1845—

"The Rio Grande is claimed to be the boundary between the two countries, and up to this boundary you are to extend your protection, only excepting any posts on the eastern side thereof which are in the actual occupancy of Mexican forces, or Mexican settlements over which the Republic of Texas did not exercise jurisdiction at the period of annexation, or shortly before that event."

And another letter of our Secretary, to the same officer, was as follows:

WAR DEPARTMENT, *July* 8, 1845.

SIR: This department is informed that Mexico has some military establishments on the east side of the Rio Grande, which are, and for some time have been, in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of aggression, unless an actual state of war should exist. The Mexican forces at the posts in their possession, and which have been so, will not be disturbed as long as the relations of peace between the United States and Mexico continue.

WM. L. MARCY.

Brigadier General Z. TAYLOR.

Well, now, sir, you will recollect that in his march he was met at San Colorado by officers who remonstrated against his passage; and at San Isabel he found that the custom-houses had been set on fire. How did this happen, if Texas had possession of this country? How did it happen that he found none but Mexicans there, burning their houses and flying from his troops? The Texans were our friends. They would not have fled from friendly forces, and burned their houses, as if our troops were barbarians, coming to waste with fire and sword. No, they were Mexicans. Well, our army encamped—where? In the Mexican corn and cotton fields bordering the river; they placed their batteries on the bank of the river commanding the city of Matamoros, so as to spot any house in the town. So wrote our officers from the very place. Sir, the Senator from Missouri well said, that such an act as this was an act of unparalleled outrage—a seizure of a slice of the Mexican Republic. I will mention another fact in connection with this subject, which is worth remembrance. It is this: that Texas framed a new constitution when she came into this Union, and took especial care not *to specify her boundaries*. I looked over it to-day, and found that she has left that matter entirely open, I presume because the act of annexation by which she came into the Union made provision for the establishment of the boundary by the Government of the Union. [The first of these annexation resolutions provides, that Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

That the foregoing consent of Congress is given upon the condition that the said State be formed, subject to the adjustment, by this Government, of all questions of boundary that may arise with other Governments.]

Now, why were these words introduced into that resolution? Did not the speech of the Senator from Arkansas, from which I have read, furnish a key to this mystery, which seems to have oppressed the minds of some gentlemen? That Texas was not admitted with the limits which she had prescribed for herself, but with such as might be rightfully and properly assigned to her, to be subject to settlement by negotiation with this Government, is as clear as any proposition can be.

Mr. CALHOUN. Will the Senator yield the floor that I may make a short explanation in reference to that treaty? It is a treaty which I negotiated in reference to the admission of Texas, and which was rejected by the Senate.

In making that treaty, and entering into it, I by no means assumed that the Rio del Norte was the western boundary of Texas. On the contrary, I assumed that the boundary was an unsettled one between Mexico and Texas. No provisions were made in reference to it, because Texas, by the provisions of that treaty, was to come into the Union as a Territory; and as such, the right of the Government of the United States to settle the boundary was unquestionable: there was an express provision to that effect. It was different in reference to the resolutions under which Texas was actually admitted into the Union. They proposed to admit her as a State, not as a Territory; and, coming in that character, it would have been necessary to have had the consent of Texas to establish a boundary between her and Mexico. Those resolutions, to avoid the difficulties which might result, very properly contained a provision which provided that the matter in dispute should be settled by the Government of the United States.

I am far from thinking that the treaty which I negotiated established the Del Norte as the boundary. Immediately after the negotiation, I despatched a messenger to our chargé in Mexico, and, among other things, intimated to him that the Government of the United States was prepared to settle the boundary on the most liberal terms. What boundary was contemplated at the time, it is unnecessary to state, and would be improper, perhaps, on the present occasion.

Mr. SEVIER. If the Senator from Maryland will indulge me a moment, I would here remark, that when the treaty was before us, the Senator from Missouri, some time in April, introduced a resolution calling on President Tyler to furnish us with the boundary line of Texas. That call, if I remember right, was referred to the State Department, and we had, in response, a map, now on file, defining the boundary, with broad blue lines, from the mouth of the Rio Grande to its sources. To strengthen our position as friends of the measure of annexation, we were furnished also with a memoir, giving us the quantity of land then claimed, the billions of acres, and thousands of square miles, computing the whole of it, from the mouth to the source of that river. That was the boundary for which we contended at that time. There was a difficulty about this boundary. Will the Senator pardon me a few moments longer? Those of us who supported the treaty never had the slightest difficulty, in our own minds, as to the title to that portion of the country below New Mexico, or the Santa Fé country; about that portion we did have some difficulty, as we thought it a fair subject for negotiation, and we went upon the ground that it was held by revolution—that the arms of Texas had conquered it.

I would observe, that a former Senator from South Carolina [Mr. McDUFFIE] and Mr. Walker, of the Treasury Department, who were advocates with him of the treaty, never heard from him, or Tyler, or any one else in favor of the treaty, that the Nueces, or any other than the Rio Grande below the Nueces, was the proper boundary of Texas. The map coming from his own department, to which I formerly referred, and the constitution of Texas, both represented the Rio Grande as the boundary. If there had been a different view entertained about the boundary at that time, I suppose I should have heard something of it. I may take occasion, at some future period, to dwell at length upon this subject.

Mr. PEARCE. I have heard the Senator from South Carolina with a great deal of pleasure. I had not forgotten that map of Texas, and I think I know all about it. If I recollect distinctly, in the memoir which accompanied it, the intelligent officer who made the map, Lieutenant Emory, stated that he felt himself bound to designate the boundaries of Texas as prescribed in her ordinance, not meaning to assign them as the true boundaries. It exhibited the boundaries as claimed by Texas, and I was not unaware of the position of the Senator from South Carolina on this point, nor did I mean to say that the objection taken by the Senator from Missouri properly applied to this treaty. Probably, if I had not been interrupted, I should have made the explanation which the Senator himself has just offered.

But the argument of the Senator from Missouri was conclusive to me of the want of title to the whole of the country, from the source of the Rio Grande in the region of eternal snows, to its mouth, in the clime of perpetual flowers. If the Senator from Arkansas will pardon me the remark, I have often heard him say, that this Santa Fé country was the weak point of this case. I am afraid he did not characterize it exactly right after all, I have heard of such a point as it is elsewhere. It is called Point no Point. It has not the semblance of argument; there is not the fragment of a fact to sustain it. He, himself, admits that Texas never had a soldier at Santa Fé, except as a prisoner. All the Texans that were ever there were either taken prisoners by the Mexicans or killed. The Mexicans had undoubted sway there, they had dominions there for centuries, and the Senator from Missouri knew that well; and he stated that they had possession of it for a hundred years before La Salle ever saw the coast of Texas. Well, sir, we must all admit, that the only armed force in the disputed territory on the lower as well as the upper Del Norte was a Mexican force. I allude to the armed company at Loredo, commissioned by the Mexican Government. Very possibly the object was to protect the people from Indian incursions, as I think I have heard stated by the Senator from Texas himself.

Mr. RUSK. Loredo is in the bounds of Texas, as defined in the constitution of 1824.

Mr. PEARCE. I know it is not in Tamaulipas.

It was within the boundary of the United State of Coahuila and Texas, but not in Texas itself. In 1824, Texas was not yet created into a separate State; Coahuila extended across the country, as all the maps show, to the Nueces. The only military post then on the lower Rio Grande was the post of Loredo, at which were stationed armed men, commissioned by Mexican authority.

But my colleague referred to several acts of Congress, as authorities, to sustain him in his position. The first act, of December, 1845, extending the laws of the United States to Texas, was cited by him as one of these authorities. I confess I am at a loss to know how any inference can be drawn from that, in favor of our right, or the right of Texas, to the country between the Nueces and the Rio Grande. It affirms no limits of Texas. As the resolution of annexation applied only to Texas, as properly limited, so this law provided that over Texas proper, with her rightful limits, the laws of the United States should be extended. Well, then my colleague referred to the act of February, 1846, making Corpus Christi a port of delivery, and Galveston a port of entry. But Corpus Christi was within the limits which Texas maintained by force of arms—within the bounds of revolutionized Texas; and, undoubtedly, we took Corpus Christi into the Union when we admitted Texas, and we had as good a right to establish a port of delivery there, as we had to establish a port of entry at Galveston. Corpus Christi was the frontier settlement of Texas, and having been always since the revolution under her jurisdiction, was as little disputed as Nacogdoches itself. Here the possession was unquestioned, and the title absolute; but this fact could give no color to a claim to territory beyond her reach, and not subject to the sway of Texas. But the act of February 2, 1847, is also invoked in aid of the argument. Sir, this act was passed long after the war was recognized by Congress; indeed it was a conseqeence of the war, and cannot apply to a state of things existing at the commencement of hostilities. It provided, among others, for a post route from the Brazos to Fort Brown. I well recollect the history of that act and the proceedings, while it was pending here. Some objection was made to it, as likely to be quoted in aid of the boundary question, when it was explained by more than one member. Allow me to refer to it, and to read a few remarks of the honorable Senator from Texas on the subject. When it came here, after its passage in the House of Representatives, it was objected that it might involve some question as to the boundary of Texas:

"Mr. RUSK said if he could suppose that this provision would involve any question as to the boundary rights of Mexico or Texas, he would not urge it. The establishment of this route would prevent the necessity of sending the letters to the army through a circuit of five hundred miles. He had another reason for pressing this route. Texas ever since her annexation had been worse supplied with mail routes than she was before. There were five or six counties entirely destitute of accommodation. If the bill were amended and sent back to the House, great delay must be the consequence; and the Postmaster General was now waiting for its passage, to make the necessary contracts."

The honorable Senator from Texas then disclaimed the view of raising the question of boundary on the bill.

Mr. RUSK. Will the Senator allow me to interrupt him for a moment? My remarks were not exactly reported, though I did state the substance of what had just been read. I remarked that I did not look on the bill as involving at all the question of boundary; that if it did, and no motion was made to strike out the clause, I should do it.

Mr. PEARCE. The Senator says, that the report is substantially correct, though not exactly so. I knew that the question had been raised in the House of Representatives, and that it was put on a footing which I, myself, recognized as legitimate. I find that when this bill was introduced into the House, Mr. VINTON moved to amend it.

Mr. VINTON moved to amend the bill by adding to the second section the following:

Provided, That nothing in this act shall be understood to contain an expression by Congress of its opinion as to the question of boundary between the territory of the United States and Mexico.

In the discussion which followed, I find that Mr. Dromgoole made the following remarks:

"Mr. DROMGOOLE resuming, said he supposed that neither the transportation of the mail, nor the establishment of a post office, or of a custom-house, were conclusive facts in regard to a boundary, whenever the two nations should see fit to enter into negotiation respecting it. But admit that this is disputed boundary, and then having possession of it, we have the complete right to govern the country during the possession, even if it be a military possession. We have not only the power to establish post offices, post routes, and custom-houses, but to introduce civil government, not only on this side of the Rio Grande, but through all the provinces of Mexico which had been overrun by our arms, we had the right to establish governments during the time we occupy them. None of these were conclusive; they were mere acts which we might do because we had possession of the country."

Now, sir, this is perfectly right, and I may add that it is characteristic of the intelligent, adroit, and skillful parliamentarian who made the remark. It was necessary to supply our army with postmasters, and certainly he had authority to do so—the country being in our possession by military occupation. We had, undoubtedly, as good a right to establish a post route to Fort Brown as to send troops there. But I need not argue this point further. The ground of the passage of the law was not that we had a title to the country, and it cannot be invoked for that purpose. It is proof only of our military occupation of the country of which it was a consequence.

Well, now, the next position to which I ask the attention of the Senate, is this: that, as we were entitled to the east bank of the river—that being assumed, though I think I have shown that it was not so—the President was bound to march the forces of the United States to the Rio Grande, in order to dispossess the Mexicans.

Mr. JOHNSON. I did not say so.

Mr. PEARCE. I am aware that the Senator did not take that position; it is the language of the President himself, and I find it repeated in the Union of to-day. I hold that if Texas had a rightful claim to the country, it being in possession of Mexico, this gave him no right to march the troops of the United States there. That was an act of war, which, under the Constitution of the United States, the President had no right to commit; this is solely at the discretion of Congress, and is usurpation in the other branch of the Government, no matter under what circumstances it may be done. I make this declaration under high authority. Let me remind the Senate of the example given by the Senator from North Carolina [Mr. BADGER] at the last session. When Mr. Jefferson addressed a confidential communication to Congress, and invited their attention to the condition of a certain portion of the State of Louisiana, then held by Spain, in violation of the treaty of 1803, he represented to Congress that he had tried negotiations in vain, but did not feel at liberty to send the United States forces into that part of Louisiana, because, as he said, that act, Spain being in possession, might change the relations of the country, and transfer them from a state of peace to a state of war. That territory clearly belonged unto us alone; but it was not taken possession of by order of the President. Spain for a long time retained possession of the port of Mobile and the Florida parishes, as they were called. Nor were the latter taken possession of by the arms of the United States until, in 1810, the country was revolutionized by a set of private adventurers, who set up a government for themselves. In that state of affairs, Congress not being in session, Mr. Madison issued a proclamation, and took possession, because, otherwise, as he said, these parishes would have been considered derelict. He took it out of the hands of the private adventurers, who had ousted the Spanish authorities and taken possession of it. Mr. Madison did not take possession of Mobile till 1813, after the passage of the secret act of Congress of that year, authorizing him to do so. Now, I say, then, upon the strength of the authorities, that if Mexico had possession of the territory, or any part of the territory, between the Nueces and the Rio Grande—even if they had commanded it from the opposite bank of the river, as they might have done at Matamoros—the President had no right to take possession of that portion of it in the possession of Mexico. This is not the only instance of the forbearance with which this Government has submitted to the holding of country claimed by us by foreign nations. How long was it before certain British posts, included within the limits of the United States by the treaty of 1783, actually came into our possession? Great Britain held them, I think, from 1783 till after Jay's treaty and the defeat of the Indians by General Wayne. Yet we declared no war against Great Britain. General Washington never thought of sending an army to take possession of these posts.

Mr. HANNEGAN. They were held by Great Britain till 1795.

Mr. PEARCE. A period of twelve years. Let me refer also to the northeastern boundary question, in dispute, from the treaty of 1783 down to the settlement by the treaty of Washington in 1842. I think both Houses of Congress, by a unanimous vote, declared our title to the boundary as we claimed it, and yet Great Britain occupied a portion of the territory; even her military forces were there, and not only so, but a citizen of the United States was arrested on the soil claimed by us, was carried away and incarcerated in a British dungeon, yet neither General Jackson, during whose administration the controversy existed, nor Mr. Van Buren, during whose administration the incident, which I have just related occurred, ever thought of marching the United States troops there, and taking possession of the country. He knew that Congress alone could authorize such a proceeding. That dispute was settled by negotiation, and if one-half the forbearance had been exercised towards weak and prostrate Mexico, which was manifested towards Great Britain in that controversy, we should have had no war—not a drop of blood would have been shed, not a dime in your treasury would have been wasted.

I know another instance more recent and more flagrant. Let me remind the Senate of the case of the Caroline. There, undoubtedly, American blood was shed upon American soil—shed by British troops—led by a British officer, who was applauded and promoted for the act; and yet Mr. Van Buren did not take the law into his hands—he did not make war against Great Britain—he did not ask Congress to make war. That was an act of hostility undoubtedly, but Mr. Van Buren was content to settle the matter by negotiation. I wish to know, sir, whether the United States intend to reverse the time-honored maxim—

"Parcere subjectis, debellare superbos?"

Shall we make war on the weak, and not upon the strong? I fear we have forgotten that maxim in our course towards Mexico, and trample upon her who is least able to resist us. I do not doubt that it is the duty of the President of the United States to repel invasion when made within our acknowledged limits. But I deny that that is war. I deny that there can be a state of war, properly so called, unless the Congress of the United States have exerted their powers, and declared war. It is not for the President to put the country in a state of war, certainly not to invade a territory claimed by us without right, and then to vindicate himself by the declaration, that the territory of the United States was invaded; that American blood had been shed upon American soil. Sir, I blushed for the President when he made that monstrous assertion. Now, as to the further prosecution of the war, the President tells us very distinctly in his message, that we are to have no peace, with his consent, until complete indemnity shall be obtained from Mexico—"indemnity for the past and security for the future," well characterized yesterday by the Senator from Delaware, as one-half of Mexico for indemnity, and the other half as security! I agree with my colleague in his declaration, that in the triumphs of our arms we have obtained ample indemnity. I do not like to boast of the prowess of my countrymen, but certainly I have been as much struck by their achievements in Mexico, as by the story of any battles that I have ever read. I know nothing to compare with them, unless it be the defeat of the Russians at Narva, by Charles XII of Sweden. As to indemnity for the expenses of the war, when, let me ask, have we ever sought compensation in damages from other nations with whom we have been at war? We have had but three wars: the war of the Revolution—a just one, I take it—was the first one in which we were engaged, and I do not see why we should not as well demand indemnity for its expenses as for the one in which we are now involved. But nobody dreamed of demanding indemnity for that war. The war of 1812 was a just war, as I believe—eminently a just war—provoked by British aggression, by the impressment of our seamen, by injuries in violation of our commercial rights. We waged that war for three years, and settled it, as I suppose everybody agreed, without any loss of national honor, but without receiving or demanding any indemnity. We spent from one to two hundred millions in that war, and did not get a penny back. I never heard that Mr. Madison and his Cabinet,

and the wise men who were in this Chamber then, and who ratified the treaty of peace, were reproached for sacrificing the honor of the country in not obtaining pecuniary indemnity. Sir, I despise, I scorn this demand of pecuniary indemnity for violated faith, whether made by an individual or a nation. I never heard of such a thing amongst gentlemen. I have had the curiosity to examine Jonah Barrington's account of the celebrated Kilkenny Club, renowned for being composed of the most chivalrous gentlemen that ever pulled trigger. By their rules, the reparation of personal insults and wrongs is reduced to a regular system. Every offence was strictly defined, and the appropriate degree of punishment prescribed. If the offence were slight, the party aggrieved might be satisfied with an exchange of shots. If a little more aggravated, it was requisite that one party should be blooded. When the offence was of a very grave nature, somebody was to be well blooded; and there was scarcely any offence which required, according to these rules of chivalrous honor, that the combat should be mortal. Certainly, in no instance is it recorded in the annals of the Kilkenny Club that pecuniary compensation was to be demanded by the party offended. Sir, Barrington records no instance in which the offender was called upon to pay for the powder and ball consumed, the pistols used, and transportation to the field of honor—that is to say, the hack-hire! Now, I am unwilling to place a nation in a lower scale than a private individual; neither have I one rule for Mexico and another for England.

What is the condition of Mexico? Before I reply to that inquiry, let me say, that I am perfectly disposed to demand of Mexico compensation in damages, not for the violation of national honor, but for the injuries done to our citizens in their commerce. We are their guardians—guardians of their pecuniary rights, which we are bound to maintain as against Mexico and all the world, and to see repaired by pecuniary indemnification. I hold it to be perfectly right to demand indemnity of Mexico on that ground. If she cannot give indemnity in money, let us take it in land. But do not let us make that a pretext for robbing Mexico. She is prostrate and bleeding at your feet. Your armies have triumphed in every combat, from that of Palo Alto to the last battle at Chapultepec. She has been completely vanquished—her towns stormed and bombarded—her seaports in your possession or beleagured by your fleets—her Government fugitive, and your armies, in the fashionable phrase of the day, "revelling in the Halls of the Montezumas." What more do you want? Is not this enough? Did you ever hear of the bully who, when he had knocked his man down, thought it his vulgar duty to pull out his eyes?

Do you recollect, sir, the epistle of Tom Crib to Big Ben?

> "What! Ben, my old hero, is this your renown—
> Is this the new go—kick a man when he's down?
> When the foe has knocked under to tread on him then?
> By the fist of my father! I blush for thee, Ben."

Did you ever hear of a duellist who, when he had shot his man, insisted on bowie-knifing him on the spot? Mexico cannot bring an army into the field. Her revenues are exhausted. She is helpless and hopeless, except in your mercy. Yet you propose to carry the war farther—"into the vitals of the country." Not satisfied with the blood already shed, do you thirst for more? Do you desire more towns to bombard, fresh armies to defeat? When there are none of these to be found, will you rejoice in the slaughter of the miserable guerrilleros?

Mr. President, let us take care that the disgraceful guerrilla warfare of Spain be not renewed upon this continent! Is there to be no end to this state of things? I do not believe that the violated honor of the country requires such vindication. That honor is in much greater danger of being tarnished by our own conduct in the further prosecution of this war.

But, it is said, Mexico must sue for peace! Will you persist in this, when she is too proud to sue for peace? You must know that she is anxious for peace. I know that a treaty of peace can be obtained from Mexico. I make that assertion after a perusal of the correspondence between the Mexican commissioners and Mr. Trist. She offers ample indemnity for everything but the expenses of the war. She proposes to cede California, from its junction with Oregon to the thirty-seventh degree of latitude. This comprises nearly two hundred thousand square miles of territory, as I have been told—thrice the territorial extent of Virginia, and larger than all the New England States, New York, and Pennsylvania together; and it includes the harbor of San Francisco—the coveted object of our desire—and which, sir, alone is worth more than the claims of our citizens against Mexico. Well, Mexico gives very sufficient reasons why she should not cede more. She says that Lower California commands her province of Sonora, and that she cannot be asked to give up what would make her vulnerable in her weakest point. She cannot give up all Upper California, because a portion of it is necessary to maintain the land communication between Lower California and the other portions of her dominions. She cannot give up New Mexico, because the people there are loyal; they are devoted to Mexico. They abhor union with this country. She cannot, therefore, give up New Mexico. It is cruel to insist that she should give it up. I do not want it; and with my vote New Mexico will never be added to this Union—never, sir, never! Besides, it is inconsistent with the essential principle of our Government—the consent of the governed.

What were the objects of the formation of this Union? Let me read you, sir, from the Constitution:

"We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general weitare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

"To establish union"—"to ensure domestic tranquillity"—these were amongst the glorious objects for which our Constitution was formed. Sir, do you imagine that our union will be promoted—that our domestic tranquillity will be ensured by compelling these refractory communities to enter our Union, in spite of all the differences of blood, religion, race, and color, and filled with mortal hatred of us as they now are? No man can be so foolish, sir, as to suppose that by such means our union will be promoted. Is such a union possible? It reminds me of the story in "Le Diable Boiteux." You may remember, sir, the story of the two demons, who quarrelled and raised such an uproar in Lucifer's dominions, that he was compelled to interfere. He commanded them, under infernal pains and penalties, to embrace and swear to be friends forever. We did so, said the demon, and have hated each other mortally ever since: such, sir, will be the consequence of that union, which you wish to bring about. Such will be the fraternal union, between the United States and Mexico. I see it predicted, sir, that if we should annex Mexico, she would be to us, what Ireland is to Great Britain—a perpetual source of bloodshed, embarrassment, annoyance, endless disquietude. I do trust, that the country will not sanction such an idea—that the Senate will not sanction it—that in the progress of this discussion, all will come to perceive the truth, as I think that I perceive it.

I have said that, in my opinion, we can now obtain satisfactory terms from Mexico. I do not mean to say, that the terms offered by the Mexican Commissioner were precisely such as I would accept, but they afford, at all events, a proper basis for negotiation.

If we do not stop here, when and where shall we stop? Are we to become the ocean-bound Republic, spreading over the whole continent? That is what some gentlemen contemplate. I recollect that one very ultra gentleman said some time since that the day was fast approaching when "even China would be a component part of the United States." Are our dreams of ambition boundless? If we go on in this way enlarging our boundaries, must we not eventually be broken into fragments? Must we not come at last to dissolution, like the circle in the water, which by "broad spreading is dispersed to naught?" The bands which unite our country, if stretched so far, must inevitably snap. We must stop now or never. If we persist in this course, we must come to the project of my friend from Indiana, [Mr. HANNEGAN,] and then, I take it, the dissolution of the Union would be inevitable. I do not know that in such a case the event would be matter of regret.

Let me trouble you with a few words more on the subject of the expenses of this war, in connection with the bill more immediately the subject of discussion. I have examined the statement of the Secretary of the Treasury for this year, and I find that the expenses of the current year, taking the quarter which has expired, will amount to seventy-five millions. I confess I was startled when I saw the statement. The Secretary says:

The total receipts and means for the year ending June, 1848, are estimated at		$42,886,545 80
The expenditures for the first quarter, which are ascertained, being	$16,409,194 69	
And the estimated expenditures for the rest of the year being as follows:		
Civil list, foreign intercourse, and miscellaneous	$5,488,180 42	
Army proper, including volunteers	19,080,865 58	
Fortifications, ordnance, arming militia, &c.	2,036,446 50	
Indian department	1,720,650 26	
Pensions	1,053,523 66	
Naval establishment	10,241,072 47	
Interest on public debt and treasury notes	2,220,577 18	
Treasury notes outstanding, and payable when presented	237,139 31	
The whole expenditures will be		58,615,660 07
Leaving an excess of expenditures over means, 1st July, 1848		$15,729,114 27

When the war commenced, we had a surplus of twelve millions in the treasury, and Congress adopted new financial measures, which were expected by the Administration to improve the condition of the treasury. But we have spent the twelve millions surplus, all the current revenues which we have received, increased as they are said to have been by the new tariff, besides thirty-eight millions, according to my computation, of loans and treasury notes. In January last, the Secretary came to us for twenty-three millions, which he said would be ample. But, in a month, he asked for authority to re-issue five millions of treasury notes, and now another loan of eighteen and a half millions is demanded for the service of the present year. I apprehend it will be necessary to raise more than that for the excess of expenditure in the year 1849. This is a woful state of things. I venture to say, that if you continue your military operations as they are now conducted, before eighteen months, either your treasury will be bankrupt, or you will be obliged to adopt some new and extraordinary financial measures. I, for one, shall be prepared for the crisis.

It is not just, sir, that the coming generation should suffer for the folly of the present. It is not just to keep glory for the present age and taxes for the next. If you will have the glory, you ought to have the taxes along with it. I believe the only way to bring the people to a just sense of the enormity of this war is to let them feel the cost of it. My colleague spoke of the revenue to be derived from Mexico, and ventured the opinion that the war could be sustained in this way, without the cost of a dollar to our treasury. But, is it to be expected that Mexico, in her present depressed condition; kept down by an enemy holding her powerful towns, overrunning her country; her industry paralyzed; her trade and business broken up; her people ground to the dust by military oppression—will furnish any thing like the amount which he has represented as accruing to her treasury in time of prosperity? You won't get a dollar which is not forced from her at the point of the bayonet. He speaks of the duty upon contracts, and says that they might now be stamped by your authority, and that thus a considerable revenue would be obtained. But, sir, they will not make these contracts, especially when there is a probability that, if made, they will be invalidated when the present state of things shall terminate. Sir, this is all illusion, and if you could get the whole revenue which Mexico raised in a period of peace and prosperity, you would get but twenty-one millions, and your military operations are costing you nearly fifty millions. The Secretary of the Treasury, sanguine as he is, does not estimate these resources half so high as my colleague.

He has not been able, he says, to obtain any reliable statement of the amount of duties realized in Mexico on exports. The duties on specie might amount to half a million. The receipts from duties on imports, in a time of peace, have varied from six to twelve millions. What probability is there, that these would be half the first sum, when our armies were covering the whole country?

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Even the Secretary thinks that no large portion of the internal revenue could be collected under our military; and he, with all his eagerness to present a favorable view of this project, admits that he has no sufficient data on which to base any reliable estimate as to this source of revenue. So that I caution the country against these delusive conjectures. As for the 10,000 men proposed by the bill, I will not vote for one of them.

I believe with the Senator from Kentucky, [Mr. CRITTENDEN,] that we have troops enough for all the legitimate purposes of this war, and more than enough; and while I would not deny them food and clothing, I would not now give for the war another soldier until I saw a disposition on the part of the Executive to bring about a peace.

I look at the honor of the country in a different aspect from that in which it seems to be regarded by some Senators, to whom I do not impute any other than patriotic motives. I think they are entirely mistaken. For myself, I am willing to take the reproach of consistent dullness, by adhering to the doctrines which I have here announced, and refusing to vote a man more until I see a better disposition on the part of the Executive to make peace. I believe that the favorable opportunity to make peace was allowed to pass unimproved. I believe that if this Government had not demanded too much, they could have made a peace perfectly satisfactory to the country, and that it still may be obtained on just and honorable terms. I will not increase the forces in Mexico for the purpose of overrunning and annexing the country. It would be a lasting reproach to us to do so. I wish to see the United States disposed to settle this controversy in a spirit of magnanimity more glorious even than all the victories we have gained.

Mr. BADGER rose and signified his intention of addressing the Senate on the bill under consideration.

Mr. JOHNSON, of Maryland. I ask the indulgence of the Senator from North Carolina. I rise to put a question to my friend and colleague, to which I hope he will reply now, if he can, and if not, at some future time, when he shall have reflected on the answer. If I am right in my recollection, my friend was not here on the 13th of May, 1846, when the law of that session passed.

Mr. PEARCE assented.

Mr. JOHNSON. If I am right, then, as to the opinions of my colleague at that time, if he had been here he would not have voted for the law as it passed. If I am right as to the reason which would have influenced him in giving that vote, it would have been because of the preamble to that act. The question I now wish to propound is, whether he would have voted for that law without the preamble?

Mr. PEARCE. Yes; I should have done so.

Mr. JOHNSON. Just so.

Mr. PEARCE. But I beg to say something further. It was necessary that some military provision should be made, and the exigency seemed to require a very large provision. Our army had been placed, by the act of the Executive, in a position of great peril. It was not for me to say that that army should be sacrificed. Not for a hundred millions would I have sacrificed one of its gallant officers or one of its brave men. Perhaps I may add, that it is very likely that I would have gone further then than now, because I had not then so fully investigated the subject. An amendment was proposed in the House of Representatives by Mr. Schenck, which fully met my views. The amendment was as follows:

"Mr. SCHENCK then sent up to the Clerk's table, where it was read in part, the following amendment, which he gave notice of his intention to offer at the proper time:

"Strike out all after the enacting clause, and insert—

"Whereas it has been communicated to Congress by the President of the United States, that this Government is now at war with Mexico, and a call has been made on Congress for means to prosecute hostilities on the part of the United States; and

"Whereas Congress is informed that, in a war thus commenced, losses have occurred to the army of the United States employed by the President on the bank of the river Del Norte, and that such army, if not already lost, is in an exposed and perilous situation, and requires speedy relief and reinforcement: Therefore,

"*Be it enacted, &c.*, That while Congress will not sanction or approve the forcible occupation, under the orders of the President of the United States, of territory between the rivers Nueces and Del Norte, by the armed forces of the United States, nor of any hostilities which have been carried on by order of the President against the Government or people of Mexico, yet, to enable the President of the United States to relieve and to extricate the army of the United States from the position in which it has become involved, and to prevent any invasion or encroachments upon the territory of this Union, and to protect and defend, to the fullest extent, the citizens and people of the United States, as far as the same may be in any way affected or endangered by hostilities with Mexico, the President is hereby authorized, in addition to all the military and naval forces of the United States, to call for," &c.

That proposition, sir, would have met my entire approbation; and if that had failed, I should have been unwilling to place myself in the position of denying supplies to our army in peril. I should be disposed to take care of my own household first, and it would be only in the flush of victory that I should feel inclined to spare those with whom we are warring.

Mr. BADGER. I understand that the honorable Senator from South Carolina [Mr. BUTLER] desires to occupy the attention of the Senate when the consideration of this subject shall be next resumed. I shall, therefore, very cheerfully yield to him—hoping, however, that I may be allowed to follow him. With that understanding, sir, I would now move an adjournment.

Mr. CASS. If the Senator will pardon me, I would inquire of the Senator from Maryland whether I am to understand him as having said that the expenditures of the present year will be seventy-five millions.

Mr. PEARCE. I stated that the estimates for the present year, including the actual expenses of the first quarter, would amount to seventy-five millions, but I have now reason to suppose that I was mistaken. The Senator from Connecticut [Mr. NILES] has satisfied me that sixteen millions, the expenses of the first quarter, were carried out under the same title, and, as I supposed they were not, I fell into that error in my calculation. But I believe that further deficiencies will run the actual expenditures of the year to seventy millions of dollars.

Mr. CASS. Did the Senator give an estimate of the expenses of the war?

Mr. PEARCE. I stated the fact, sir, that you had twelve millions in the treasury at the commencement of the war. There can be no doubt about that. I then said that there was authorized to be borrowed, or issued in treasury notes—the same as a loan—the sum of thirty-eight millions, including the five millions authorized to be reissued by the act of last session. Will the Senator have the kindness to say whether I am mistaken?

Mr. CASS. I merely wanted to know what his estimate was.

Mr. PEARCE. I should be very glad if the Senator would furnish me with means of making a better estimate, if I am wrong.

Mr. CASS. If the request had been made, I should have complied with it with a great deal of pleasure.

Mr. PEARCE. No doubt. If the gentleman wishes to put me upon a cross-examination——

Mr. CASS. Oh no, by no means.

Mr. WESTCOTT. I voted in the affirmative on the motion to adjourn to Monday next. At the request of several Senators, who seem to have labored under some misapprehension with regard to it, I now beg to move a reconsideration of that question.

On this motion the yeas and nays were demanded and ordered, and being taken, the result was—yeas 22, nays 21.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded, and ordered.

Mr. CASS. I move that the Senate do now adjourn.

Mr. DAYTON. What will be the effect of the adoption of the motion just made?

The PRESIDING OFFICER. The Senate will stand adjourned until to-morrow.

Mr. JOHNSON, of Maryland. Is the motion in order?

Mr. BERRIEN. The Senate, by a resolution adopted this morning, determined that when it should adjourn, it should adjourn until Monday next. A motion has been made to reconsider that vote, and the motion for reconsideration has been adopted. But the resolution has not been rescinded—the question was about to be put upon that resolution. If we adjourn now, therefore, we shall adjourn over to Monday next.

Mr. CASS. Then I will withdraw my motion.

Mr. SEVIER. This is certainly a very clear case. The reconsideration puts the question back to where it was this morning, before any action was had upon it. A motion to adjourn at that period would certainly have been in order, as it now is in order.

Mr. CASS. I believe I will take the advice of my friend from Arkansas, and adhere to my motion.

The Secretary then proceeded with the call of the yeas and nays, and the result was: Yeas 21, nays 22.

The question recurring upon the original motion, it was adopted.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 14, 1848.

The Journal of yesterday was read and approved.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, to whom was referred Senate bill for the relief of the administratrix of Elisha L. Keen, deceased, reported the same without amendment. Committed.

Mr. THOMAS, from the same committee, made adverse reports on the petitions of Daniel Brown and A. Conkling. Laid on the table.

Mr. COLLAMER, from the Committee on Public Lands, reported the following resolution, which was read and agreed to:

Resolved, That a synopsis of the geological observations on the mineral lands of Lake Superior, made during the last session under the direction of Dr. Jackson, United States Geological Surveyor, be, and the same is hereby, ordered to be printed as a part of the report of the Commissioner of Public Lands.

Mr. TUCK, from the Committee on Naval Affairs, reported a bill for the relief of Stephen Champlin; which was read and committed.

Mr. WHITE, from the same committee, reported the following resolution; which was read and agreed to:

Resolved, That the Committee on Naval Affairs inquire into the expediency of continuing the pension of Martha L. Downs five years from the 20th March, 1847, and report by bill or otherwise.

Mr. FULTON, from the Committee on Invalid Pensions, asked that the said committee be discharged from the petition of Levi M. Roberts, and that it lie on the table. Agreed to.

Mr. SMITH, of Illinois, from the Committee on Roads and Canals, to whom was referred a bill to provide for completing the Cumberland road in the States of Ohio, Indiana, Illinois, and to Jefferson city, Missouri, reported the same back to the House without amendment. Committed.

The bill from the Senate for the relief of W. B. Slaughter, late Secretary of the Territory of Wisconsin, was taken up, read, and referred.

Mr. JAMIESON, by general consent, introduced a bill for the relief of N. C. Orear. Read and referred.

Mr. CONGER, from the Committee on Public Printing, to which was referred the resolution of the House providing for the printing of 1,000 extra copies of the report of the Secretary of the Treasury upon the coast survey, made a report, and recommended the adoption of the resolution; whereupon, the question was put on the resolution, and it was agreed to.

PRIVATE BILLS.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of

the Whole (Mr. COBB, of Georgia, in the chair) on the private calendar.

The bill for the relief of Robert Roberts, and the bill for the relief of Phineas Capen, legal administrator of John Cox, deceased, of Boston, were taken up, considered, and laid aside, to be reported to the House.

The next bill in order was the bill for the relief of Mary Brown, widow of Jacob Brown. The bill provides for the granting of a pension to Mrs. Brown, of Clarksburg, Massachusetts, at the rate of twenty dollars per month, to commence January 1, 1847, to continue during her natural life. The petitioner is the stepmother of Major Jacob Brown, who was killed while conducting the military operations at Fort Brown, on the Rio Grande, and the widow of Jacob Brown, senior, a soldier of the revolutionary war, who died in October last, in the eighty-third year of his age. She is now seventy-four years of age, and, by the death of her husband, and the more recent death of his son, she is deprived of the means of support which she heretofore enjoyed, of which a revolutionary pension of twenty-four dollars, received by her husband, was a part. To her husband she was married more than forty years ago, which did not bring her within the provisions of the general pension law; but all the circumstances furnished a case which appealed to the sympathies of the House. For the last thirteen years of the life of her husband, he was very infirm, and suffered extremely by sickness, by which their means were limited, and now she is entirely destitute. A provision in the bill put this pension on the ground of the services of her step-son, but it was opposed by several gentlemen as the introduction of a principle that might lead to invidious distinctions, and very objectionable as a precedent in the bestowal of the bounties of the Government in the shape of pensions, however much they might sympathize with the applicant.

Mr. GIDDINGS having moved to strike out the enacting words of the bill, a debate of considerable length arose thereon, which was participated in by Messrs. GIDDINGS, KING of Massachusetts, HASKELL, JOHNSON of Arkansas, ROCKWELL of Massachusetts, HENLEY, CUMMINS, SAWYER, POLLOCK, S. LAWRENCE, FICKLIN, BOWLIN, McLANE, JAMIESON, LAHM, JONES of Tennessee, TOMPKINS, and TURNER.

Mr. GIDDINGS, pending the debate, withdrew his motion to strike out the enacting words of the bill, and moved as an amendment that the bill be recommitted, "with instructions to report a general bill, including all such cases as may be considered proper." This amendment was ruled out of order by the Chairman.

Mr. GIDDINGS then moved that the bill be reported to the House with the recommendation that it do not pass.

Mr. FICKLIN moved to amend the bill by adding as a proviso, "that this pension is granted in consideration of the gallantry and death of Major Jacob Brown, (her step-son,) in command of the fort opposite Matamoros, and shall not be regarded as a precedent in other cases."

Mr. BOWLIN moved to amend the bill by inserting after the word "Massachusetts" the following: "A good seventy-four years, and was born before the close of the Revolution."

The foregoing propositions of amendment were offered pending the debate.

After Mr. TURNER concluded his remarks—

Mr. STUART, of Michigan, obtained the floor, and, on his motion, the committee rose and reported to the House the bills for the relief of Robert Roberts and of Phineas Capen.

The committee reported progress on the bill for the relief of Mary Brown, widow of Jacob Brown.

And then, on motion, the House adjourned to Monday next.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 17, 1848.

The Journal of Friday was read and approved.

Mr. BOYD rose to offer a resolution.

The SPEAKER stated, that under the rules, it was his duty to call for resolutions to-day; and having left off at Delaware on last resolution Monday, he would commence with Maryland.

Mr. BOYD said the resolution he wished to offer was always in order. It was, therefore, sent up to the Clerk's table and read. It provided for the termination of the debate on the President's message at three o'clock to-day.

Mr. THOMPSON, of Mississippi, demanded the yeas and nays on its adoption.

Mr. STEPHENS inquired of the Chair if the resolution was in order.

The SPEAKER replied, such a resolution was always in order.

Mr. STEPHENS, remarking that the resolution was the same as had already been offered several times and voted down, requested the gentleman from Kentucky to withdraw it, and not consume the time of the House by the call for the yeas and nays.

Mr. BOYD said, if he might be allowed to respond, he must say, that in his judgment, the President's message should have been distributed among the various committees long since—indeed the very first week of the session, so that the committees might have had the various subjects before them, so as to act upon them and report. He did not feel himself disposed to yield this question to any other that could come up. He thought it of more importance at this time to refer the President's message, and that the committees and the House act upon the various subjects to which their attention was called, than to consider any other subject. He must, therefore, decline to comply with the request of the gentleman from Georgia.

Mr. STEPHENS granted it was very important to have the message referred to the committees. There were grave questions brought before the House in that message. But it was equally important to this House and the country that these questions be gravely considered and deliberated upon in this House before the reference of the message. This House had consumed but three days in the consideration of these momentous questions, than which, he hesitated not to say, no questions more momentous had ever been presented to Congress since the organization of this Government.

The SPEAKER reminded the gentleman that the motion to suspend the rules was not debatable. Incidental remarks were sometimes allowed by the indulgence of the House, but certainly no extended remarks were in order.

Mr. STEPHENS moved, then, to lay the resolution on the table.

Mr. BOYD said, if the gentleman from Georgia would withdraw the motion, he would modify the resolution so as to provide that debate should cease in three hours after the message was again taken up in Committee of the Whole on the state of the Union.

Mr. STEPHENS, declining to comply with the request, renewed his motion to lay on the table, and demanded the yeas and nays; which were ordered.

The vote was announced to be 92 in the affirmative and 94 in the negative, as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Green Adams, Barringer, Barrow, Blanchard, Botts, Boydon, Butler, Canby, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Freedley, Gayle, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, J. W. Houston, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nes, Newall, Outlaw, Palfrey, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, St. John, Schenck, Shepperd, Sherrill, Caleb B. Smith, Truman Smith, Stephens, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, Toombs, Tuck, Vinton, Warren, White, and Wilson—92.

NAYS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bowdon, Bowlin, Boyd, Brodhead, Wm. G. Brown, Burt, Cathcart, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, Fries, French, Fulton, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, G. S. Houston, Inge, Jamieson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, McClelland, McClernand, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Williams, and Wiley—94.

So the resolution was not laid on the table.

The question then recurred on the adoption of the resolution.

Mr. TUCK moved to amend it by inserting a substitute providing "for the termination of debate at three o'clock on the 1st day of February next, unless sooner disposed of."

Mr. BOYD modified his resolution so as to provide for the termination of debate after the House shall again have been in Committee of the Whole thereon for two hours.

Mr. STEPHENS moved to postpone the resolution and amendment to this day week, and on this he asked for the yeas and nays.

After a suggestion and a few observations from Mr. J. R. INGERSOLL and Mr. STEPHENS, the yeas and nays were ordered, and being taken, were—yeas 99, nays 98, as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Green Adams, Barringer, Barrow, Blanchard, Botts, Boydon, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Freedley, Gaines, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, John W. Houston, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nes, Newall, Outlaw, Palfrey, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, St. John, Schenck, Shepperd, Sherrill, Caleb B. Smith, Truman Smith, Stephens, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, Toombs, Tuck, Vinton, Warren, White, and Wilson—99.

NAYS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, French, Fries, Fulton, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Jamieson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Nicoll, Peaslee, Peck, Petrie, Peyton, Pillsbury, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Williams, and Wiley—98.

So the resolution was postponed to Monday next.

RESOLUTIONS.

The SPEAKER then proceeded to call the States, commencing at Maryland, for resolutions.

Mr. ROMAN offered the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the propriety of making appropriations for the improvement of the harbor of Havre de Grace, Maryland, by removing obstructions from the entrance thereof, and that they report by bill or otherwise.

Debate arising, it was laid over.

Mr. McLANE offered the following resolution:

Resolved, That the Secretary of War furnish to this House the report and map of Lieutenant Emory, of the Topographical Engineers, of the route of the army under General Kearny from the Missouri river to the Pacific ocean, with such parts of the report of Captain Cook as related to his deviation from such route, and the report and map of Lieutenant Abert, of the same corps, of his examinations in the Province of New Mexico; and also the reports of such military commanders serving with the army in Mexico as have been received since the transmission of his annual report to Congress, and already furnished to the Senate for publication, with the documents accompanying said report.

The resolution being read—

The SPEAKER stated that all resolutions calling on the Executive Departments were required by the rule to lie over one day.

Mr. McLANE moved a suspension of the rules, for the purpose of considering the resolution, and also moved the previous question.

Mr. SCHENCK suggested to Mr. McLANE to modify his resolution, so as to include—

"Also, the manuscript journal kept during that expedition by Captain Abraham R. Johnston, of the 1st dragoons, up to the time of his death, when killed in the battle of San Pascual, in California."

Mr. McLANE accepted the modification.

The question was then put on suspending the rules, and it was agreed to, two-thirds voting therefor.

The previous question was then seconded; and, under its operation, the resolution was adopted.

Mr. BOTTS offered the following resolution, which was read, and laid over under the rule:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interests, the specific object for which he applied to the last Congress for an appropriation of three millions of dollars, and the grounds on which he gave the assurance that such an appropriation would be the means

of securing a speedy peace with Mexico; and that he also state whether any effort or proposition has been made by the Executive or its agent or agents for the disposition of said fund or any part thereof; or whether such agent or agents have been authorized to make propositions to the Mexican authorities, or any Mexican officers, civil or military, or to any citizen or citizens of Mexico, for the disposition of the whole or any part thereof; and that he be requested to furnish all instructions and correspondence, together with all the facts and circumstances relating thereto; and if no disposition has been made, or attempted to be made, of said fund for the purpose of securing peace as promised, to state his reasons therefor.

On motion of Mr. FULTON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Martinsville, in the county of Henry, to Floyd Court-house, Virginia.

Mr. GOGGIN moved the following resolution; which was read and laid over under the rule:

Resolved, That the President of the United States be requested to cause to be communicated to this House any correspondence on file in any of the departments of the Government in regard to the duties at this time paid on American tobacco sent to the United Kingdom of Great Britain and Ireland since the year 1840, together with any instructions given by the President of the United States or any officer of this Government to the diplomatic representatives thereof in England and in other countries in regard to a diminution of such duties.

On motion of Mr. MEADE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of amending the laws on the subject of the transportation of the mails, so as to fix a maximum price for transporting the same on railroads and steamboats, and designate the route of mails of the first class, and report by bill or otherwise.

On motion of Mr. CLINGMAN, it was

Resolved, That Isaac Shaw have leave to withdraw from the files of this House the papers in support of his claim for a revolutionary pension, with a view to their being presented to the Pension Office.

On motion of Mr. OUTLAW, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to reopen Roanoke inlet, in the State of North Carolina, at or near Nag's Head; and that they have leave to report by bill or otherwise.

On motion of Mr. BARRINGER, it was

Resolved, That the petition and papers of Francis M. Holton, for an invalid pension, be withdrawn from the files of this House and referred to the Committee on Invalid Pensions.

On motion of Mr. McKAY, it was

Resolved, That the Committee on the Post Office and Post Roads be, and they are hereby, instructed to ascertain on inquiry, and report to this House, the terms upon which the Postmaster General can be released from the contract made by him during the past year for the transportation of the great southern mail from Baltimore down the bay; also, the terms upon which the Richmond and Fredericksburg Railroad and Potomac Steamboat Company or Companies will engage to carry the same.

On motion of Mr. RHETT, it was

Resolved, That the Committee on Printing do inquire into the expediency of printing the remaining correspondence which has not been printed between the Governments of Great Britain and of the United States relative to the duties imposed by Great Britain on American rough rice or paddy.

Mr. HOWELL COBB moved the following resolution, which was read and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Committee on Revolutionary Pensions of this House the papers on file in the office of the Commissioner of Pensions in the case of Catharine Freeman, an applicant for a pension as the widow of a revolutionary soldier.

On motion of Mr. TOOMBS, it was

Resolved, That the Committee on Commerce inquire into the expediency of establishing by law a port of entry at Augusta, Georgia.

Mr. KING, of Georgia, moved the following resolution, which was read and agreed to:

Resolved, That the Postmaster General be directed to report to this House, as soon as practicable, what measures are necessary to impose and regulate the payment of postages on letters and other mailable matter received from foreign ports at the ports of the United States, and sent from the ports of the United States to foreign ports; and also what measures are necessary to impose and regulate postage on mailable matter sent by sea from one port to another in the United States.

Mr. CLARK, of Kentucky, moved a resolution referring petitions to committees.

On motion of Mr. BOYD, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of relinquishing the Cumberland road, with all its fixtures, bridges, and materials prepared for making the same, to the States respectively within which the same is situated.

On motion of Mr. FRENCH, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Grayson, in Carter county, Kentucky, via the precinct on Little Sandy, and Daniel Horton's, to West Liberty, in Morgan county, and from thence via Hazle Green, to Jackson, in Breathitt county.

Mr. JOHNSON, of Tennessee, moved the following resolutions:

Resolved, That, in addition to the standing committees of this House, there shall be one called the Smithsonian Committee, whose duty it shall be to superintend the affairs of the Smithsonian Institution.

Resolved, That the report made by the regents and accompanying documents be referred to the Committee on the Smithsonian Institution, whose duty it shall be to examine the same in connection with the original journal and other documents from which they have been made, and report to this House whether, in their opinion, it is necessary to print all or any portion of them, or not; and that said committee be, and is hereby, authorized and required to take into consideration the propriety and expediency of suspending all further operations of the Smithsonian Institution until the treasury of the United States be relieved from the heavy and pressing burden created by the existing war between the *anarchy* of Mexico and the American Union. And, further, that said committee be authorized and required to procure the aid of three architects, distinguished in their profession, associated with two responsible and highly-reputed scientific practical builders, who shall take into consideration the site, the design, and material of which the present building is composed, and report the result of such examination to this House. And, further, that said committee take into consideration the propriety of so changing and remodelling the present design of the Smithsonian Institution as to convert it into a "university," in the extended sense of the term, including the manual labor feature, as to embrace agriculture, horticulture, and all the various branches of mechanism, or as many of them as may be deemed practicable and useful to the country.

The SPEAKER ruled the resolution out of order.

Mr. JOHNSON moved to suspend the rules that the resolution might be received.

The question was put on suspending the rules, and the motion was disagreed to.

Mr. COCKE presented a memorial and certain resolutions of the Legislature of the State of Tennessee, in favor of the construction of a railroad from Lake Michigan to the Pacific ocean.

Mr. STANTON presented a similar memorial and resolutions to those presented by Mr. COCKE.

Mr. CHASE offered the following resolution:

Resolved, That it is inexpedient to order our troops to retreat from the positions which they have gallantly won in Mexico, for the purpose of falling back upon a defensive line.

Mr. STEPHENS moved to lay the resolution on the table; which motion was decided in the affirmative—yeas 96, nays 89, as follows:

YEAS—Messrs. Abbott, John Q. Adams, Green Adams, Barringer, Barrow, Blanchard, Botts, Boydon, Buckner, Butler, Cabell, Canby, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Garnett Duncan, Eckert, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Freedley, Fulton, Gaines, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Kellogg, Thomas Butler King, Daniel P. King, W. T. Lawrence, Levin, Lincoln, McIlvaine, Marvin, Morehead, Mullin, Nes, Newall, Outlaw, Palfrey, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, St. John, Schenck, Shepperd, Sherrill, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Toombs, Tuck, Vinton, Warren, White, and Wilson—96.

NAYS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bowdon, Boyd, Brodhead, William G. Brown, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, Charles J. Ingersoll, Jamieson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McKay, Mann, Meade, Miller, Morris, Morse, Nicoll, Peaslee, Peck, Peyton, Phelps, Pillsbury, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Thomas, James Thompson, Jacob Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Williams, and Wiley—89.

On motion by Mr. THOMAS, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of providing by law for the payment to the widows, heirs, or legal representatives of such volunteers in the Mexican war who may have been killed in battle or died before the end of their term of service, the same pay as they would have received had they served the full time for which they entered the service; and that they report by bill or otherwise.

On motion by Mr. JONES, of Tenn., it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency and propriety of providing by law that it shall be the duty of the Postmaster General to arrange and class the service hereafter to be required of the railroad companies, including that in which the service is partly by steamboats, in the transportation of the United States mails, into four classes, according to the size of the mails, the speed and frequency with which the mails are or shall be required to be conveyed, and the importance of the service; and it shall be lawful for him to contract for carrying the mail with any such railroad company, or any steamboat company, or any railroad and steamboat company, either with or without advertising for such contracts: *Provided*, That for the first class service in conveying the mail on any railroad he shall not pay a higher rate of compensation than $200 per mile per annum, nor for the second class service on any railroad a greater compensation than $150 per mile per annum, nor for the third class service on any railroad a greater compensation than $100 per mile per annum, nor for the fourth class service on any railroad a greater compensation than $50 per mile per annum; nor for carrying the mail on steamboats, or on the steamboat portion of a railroad and steamboat route, a greater compensation than is above specified for the several classes, less twelve and a half per cent.; and that they report by bill or otherwise.

Mr. CUMMINS offered the following resolutions, which were read, and laid over under the rule:

Resolved, That by the Constitution of the United States, the power is conferred upon Congress to appropriate the money of the United States for the construction of such works of internal improvement as are necessary for the national defence and for the safety and preservation of the military marine of the country, which works may incidentally be used for the advancement and protection of commerce, so far as the same are suitable for that purpose.

Resolved, That by the Constitution of the United States, the power is not conferred upon Congress to appropriate the money of the United States for the construction of works of internal improvement within the limits of any State in the Confederacy, the object of which work is for the regulation of commerce only, and not for national defence; but such power, when assumed and exercised by Congress, is derived not from a faithful construction of the Constitution itself, nor from its letter or spirit, but by a latitudinous construction of that instrument, and an unwarrantable implication of power, dangerous alike in principle and in practice.

Resolved, That the example of those States which have engaged in an indiscriminate and combined system of internal improvements has clearly proved the dangerous tendencies and corrupting influences of such a policy, and which should admonish the National Legislature not to impose upon the people of the United States an onerous public debt, involve their Government in hopeless bankruptcy, and subject the halls of legislation to unscrupulous demands and corrupting appliances for a partial distribution of the national revenues, to be expended for local and selfish purposes, which are the necessary consequences of such a system.

Resolved, That no appropriation shall be made by Congress for any improvement which is not of itself, separately considered, of sufficient national importance to entitle it to the favorable consideration of the National Legislature.

Resolved, That to defray the current expenses of the Government, and for the vigorous and successful prosecution of the existing war with Mexico, all the revenues and means of the United States are necessary, and the same ought not to be diverted or appropriated to objects of less importance or doubtful expediency until an honorable peace is obtained.

Mr. CROWELL moved the following resolution:

Resolved, That the Secretary of the Treasury be requested to inform this House if any secret inspectors or any additional inspectors have been appointed in New Hampshire within the last three years; if any have been so appointed, what was the occasion of such appointment, and also the places where they reside, the duties they have performed since their appointment, and the compensation they have severally received, and at what times; also, to lay before the House copies of any letters received at the Treasury Department representing the necessity of such appointment, and also copies of the accounts of any such inspectors, if any have been so appointed.

Mr. C. moved to suspend the rules, for the purpose of considering the resolution.

The question was put, and the motion to suspend was disagreed to. So the resolution lies over.

Mr. GIDDINGS moved the following preamble and resolution, and asked for the previous question thereon:

Whereas, on Friday last, three armed persons, engaged in the internal slave trade, entered a dwelling in this city, and violently seized a colored man, employed as a waiter in the boarding-house of several members of this body, and, in the presence of his wife, gagged him, placed him in irons, and, with loaded pistols, forced him into one of the slave prisons of this city, from which, it is reported, he has since been despatched for the slave market at New Orleans:

And whereas said colored man had been employed in said boarding-house for several years, had become well and favorably known to members of this House, had married a wife in this city, and, under a contract to purchase his freedom for the sum of $300, had, by great industry, paid that sum within about $60:

And whereas outrages like the foregoing have been of common occurrence in this District, and are sanctioned by the laws of Congress, and are extremely painful to many of the members of this House, as well as in themselves inhuman: Therefore,

Resolved, That a select committee of five members be appointed to inquire into and report upon the facts aforesaid; also, as to the propriety of repealing such acts of Congress as sustain or authorize the slave trade in this District, or to remove the seat of Government to some free State.

Mr. BRODHEAD rose and inquired if the previous question was demanded?

The SPEAKER replied in the affirmative.

Mr. GAYLE moved to lay the resolution on the table.

The yeas and nays were asked and ordered.

Mr. WICK rose to a point of order. He submitted to the Chair that no member had a right to offer a resolution, with a preamble prefixed, reciting a long list of facts, of which the great majority of the members could not possibly have any knowledge. In reference to this particular case,

he (Mr. W.) had been casually informed that the facts stated in the preamble were untrue, or that facts important to be known were suppressed. Yet he could not bring himself to vote upon such casual information. Evidence would enable him to vote, and nothing short of it.

The SPEAKER overruled the point of order, but said the facts stated might amount to a good reason to be excused from voting.

Thereupon, without asking leave of the House, Mr. WICK excused himself.

Mr. MEADE. I ask the gentleman from Ohio if he will swear that these facts are true?

The SPEAKER. Debate is not in order upon the motion to lay on the table.

Mr. GIDDINGS. Would it be in order for me to answer the gentleman?

The SPEAKER. It would not.

Mr. MEADE. I understand from the gentleman from Ohio——

The SPEAKER. The Chair must insist upon the rule of order. If one gentleman is allowed to make remarks, another will be equally entitled to answer. No debate is in order.

The question being taken to lay the resolution on the table, it was decided in the negative: Yeas 85, nays 86, as follows:

YEAS—Messrs. Green Adams, Atkinson, Barringer, Barrow, Bayly, Beale, Birdsall, Black, Botts, Bowdon, Boyd, Boydon, Brodhead, William G. Brown, Buckner, Cabell, Chapman, Chase, Franklin Clark, Beverly L. Clark, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Crisfield, Crozier, Daniel, Donnell, Garnett Duncan, Edwards, Faran, Featherston, Ficklin, French, Fulton, Gaines, Gayle, Gentry, Goggin, Green, Willard P. Hall, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Charles J. Ingersoll, Andrew Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, La Sère, Ligon, Lumpkin, Maclay, McKay, Meade, Miller, Nicoll, Outlaw, Peyton, Phelps, Pillsbury, Preston, Rhett, Richardson, Richey, Roman, Sims, Stanton, Stephens, Thibodeaux, Taylor, Thomas, Tompkins, Jacob Thompson, John B. Thompson, Toombs, Turner, Venable, and Williams—85.

NAYS—Messrs. Abbott, John Quincy Adams, Bingham, Blanchard, Butler, Canby, Cathcart, Collamer, Collins, Conger, Cranston, Crowell, Dickey, Dickinson, Dixon, Duer, Eckert, Edsall, Embree, Nathan Evans, Farrelly, Fisher, Freedley, Fries, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henley, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jamieson, Jenkins, Kellogg, Daniel P. King, Lahm, W. T. Lawrence, Sidney Lawrence, Leffler, Lincoln, McIlvaine, Mann, Marsh, Marvin, Morris, Mullin, Newall, Palfrey, Peaslee, Peck, Petrie, Pollock, Putnam, Rockhill, Julius Rockwell, John A. Rockwell, Rose, Root, St. John, Sawyer, Schenck, Sherrill, Caleb B. Smith, Truman Smith, Charles E. Stuart, Strohm, Sylvester, Tallmadge, Richard W. Thompson, William Thompson, Thurston, Tuck, Vinton, Warren, Wentworth, White, and Wilson—86.

The question recurring on seconding the demand for the previous question—

Mr. JAMIESON inquired if it would be in order to move a reference of the resolution at this time?

The SPEAKER. Not while the previous question is pending.

Mr. JAMIESON. I hope whoever has moved the previous question will withdraw it, and let a select committee be raised to inquire into the facts. I gave the vote against the motion to lay on the table for this purpose.

Mr. DUER. Is it in order to move an amendment to the resolution?

The SPEAKER. No motion is in order at this time while the demand for the previous question is pending.

The question is on seconding the demand for the previous question, and tellers are asked upon this question.

Mr. HARALSON desired to inquire whether the rule had been suspended to allow the resolution to be acted on?

The SPEAKER replied in the negative.

Mr. HARALSON. Well, if I desire to debate the resolution, will it not lie over under the rule?

The SPEAKER. It will not; the previous question has been demanded, which, if sustained, will cut off debate, and bring the House to a direct vote.

Tellers were ordered, and the question was again announced to be on seconding the demand for the previous question.

Mr. GIDDINGS. Will it be in order, after the vote is taken on seconding the demand for the previous question, to modify the resolution?

The SPEAKER'S reply was not heard.

Mr. GIDDINGS wished to modify his resolution before the question was put.

Mr. GOGGIN rose to a point of order. He wished to know if the gentleman from Ohio [Mr. GIDDINGS] did not call the previous question before the resolution was sent to the Chair, and before it was read; and whether he had a right to demand the previous question before the resolution was in possession of the House?

The SPEAKER said the question had frequently been raised, and it had been decided that it was in order, in such a case, to move the previous question. He therefore overruled the point of order.

Mr. JAMIESON rose and moved a reconsideration of the vote by which the House had refused to lay the resolution on the table.

The SPEAKER. Did the gentleman vote in he majority?

Mr. JAMIESON. I did, sir.

The SPEAKER. The question, then, is on the reconsideration. In the mean time the gentleman from Ohio wishes to modify his resolution.

Mr. GIDDINGS rose to a question of order.

Mr. STEPHENS also rose to a question of order.

There being much confusion in the Hall—

The SPEAKER said the Chair would entertain no motion till gentlemen had all taken their seats.

Order having been restored—

Mr. STEPHENS stated his point of order, viz: whether it was competent for the gentleman to modify his resolution after a vote of the House upon it? The vote of the House had been taken upon laying the resolution on the table; and would it now be in order for the gentleman to modify it, so as to make it a very different thing? He understood that any gentleman might modify his resolution before action had been had by the House; but here had been action.

The SPEAKER stated that he had found repeated precedents for allowing a modification after a vote upon laying on the table.

Mr. STEPHENS. By a decision of the House?

The SPEAKER. By a decision of the House.

Mr. GIDDINGS then modified the first preamble to his resolution, by inserting between the word "whereas," where it first occurs, and the words "on Friday," the words "it is represented that;" and modified the resolution by striking out the words "or to remove the seat of Government to some free State" at the end thereof.

After some further conversation between Mr. STEPHENS and the SPEAKER—

Mr. STEPHENS appealed from the decision of the Chair that it was in order for the mover of a resolution to modify it after a vote of the House upon laying it on the table.

Mr. INGE understood that the gentleman from Missouri [Mr. JAMIESON] had moved to reconsider the vote on laying on the table.

Mr. RHETT wished to inquire of the Chair, in case the gentleman from Ohio had the power of altering his resolution and making it a different thing from what it was when the House refused to lay it on the table, if it would not then be competent to repeat the motion to lay on the table.

The SPEAKER. The Chair would so decide.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER said he did not consider such a motion in order while a question of order was pending.

Mr. STEPHENS, in consequence of the reply of the Chair to the gentleman from South Carolina, [Mr. RHETT,] withdrew his appeal.

The SPEAKER announced that the resolution, as modified, was now before the House.

Mr. HARALSON moved to lay it on the table.

Mr. ATKINSON called for the yeas and nays.

Mr. JAMIESON desired to know the position of his motion to reconsider. He desired to set himself right on this matter. He desired distinctly to understand whether his motion to reconsider was in or out of order. If it were in order, he desired a vote upon it, and that it should be the first motion voted upon. He had the floor, and was recognized by the Chair, and being so recognized, he made his motion; and hence he claimed for it precedence, and objected to the vote being first taken on the motion of the gentleman of Georgia to lay on the table.

The SPEAKER reminded the gentleman from Missouri that debate was not now in order. The Chair further observed that, after deliberate consideration, he came to the conclusion that the motion to reconsider was not in order.

Mr. BOYD said the motion of the gentleman from Missouri was certainly in order at the time it was made, and it ought to be entered on the Journal.

Mr. JAMIESON appealed from the decision of the Chair which permitted his motion to reconsider to be overridden by the motion to lay on the table.

The SPEAKER explained. The resolution having been modified, the motion to reconsider necessarily fell to the floor; for, the character of the resolution being changed, it was not subject to a motion to reconsider.

Mr. JAMIESON was proceeding with some remarks on his motion, when—

The SPEAKER interposed, and reminded the gentleman that debate was not in order.

After some conversation, in which Mr. ROOT, Mr. JAMIESON, and the SPEAKER took part—

Mr. JAMIESON withdrew his appeal.

Mr. COBB, of Georgia, rose to a question of order. He said he objected to the practice which had been permitted to prevail, by which gentlemen submitted resolutions and moved the previous question thereon, thus getting a forced vote on their resolutions. His question was, whether this was in order? Before members of this House should be required to vote on any resolution, they should have the opportunity to look into the merits of the question upon which they were called upon to vote; but the prevailing mode was a violation of parliamentary law and the rights of members.

The SPEAKER said the motion for the previous question had been pending some ten or fifteen minutes; but, if it were not so, the Chair, governed by decisions of this House, would overrule the point of order of the gentleman from Georgia. The House again and again had decided that the mover of a resolution can call for the previous question thereon.

Mr. COBB said the Chair was right as to the practice, but he believed the practice was wrong. He would not now press the point, in the expectation that he should have an opportunity to vote upon it hereafter.

The question was then taken on Mr. HARALSON'S motion to lay on the table, and was decided in the affirmative, as follows:

YEAS—Messrs. Green Adams, Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Birdsall, Black, Botts, Bowdon, Boyd, Boydon, Brodhead, William G. Brown, Buckner, Burt, Cabell, Chapman, Chase, Franklin Clark, Beverly L. Clark, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Crisfield, Crozier, Cummins, Daniel, Donnell, Garnett Duncan, Eckert, Featherston, Ficklin, French, Fulton, Gaines, Gayle, Gentry, Goggin, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Charles J. Ingersoll, Jamieson, Andrew Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, La Sère, Levin, Ligon, Lumpkin, Maclay, McKay, McLane, Meade, Miller, Morehead, Nicoll, Outlaw, Peyton, Phelps, Pillsbury, Preston, Rhett, Richardson, Richey, Roman, Shepperd, Simpson, Sims, Stanton, Stephens, Thibodeaux, Thomas, Tompkins, Jacob Thompson, John B. Thompson, Robert A. Thompson, Toombs, Turner, Venable, and Williams—94.

NAYS—Messrs. Abbott, John Quincy Adams, Bingham, Blanchard, Butler, Canby, Cathcart, Collamer, Collins, Conger, Cranston, Crowell, Dickey, Dickinson, Dixon, Duer, Dunn, Edsall, Edwards, Embree, Nathan Evans, Faran, Farrelly, Fisher, Freedley, Fries, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henley, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jenkins, James H. Johnson, Kellogg, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Lincoln, McClelland, McIlvaine, Mann, Marsh, Marvin, Morris, Mullin, Newall, Palfrey, Peaslee, Peck, Petrie, Pollock, Putnam, Julius Rockwell, John A. Rockwell, Rose, Root, St. John, Sawyer, Schenck, Sherrill, Caleb B. Smith, Truman Smith, Starkweather, Charles E. Stuart, Strohm, Sylvester, Tallmadge, James Thompson, William Thompson, Thurston, Tuck, Warren, Wentworth, White, and Wilson—88.

On motion of Mr. EVANS, of Ohio, it was

Resolved, That the Commissioner of Pensions be requested to send to this House the declaration of Henry Haynes for the purpose of procuring a pension, and the papers and evidences accompanying the same, and that the same be referred to the Committee on Revolutionary Pensions.

On motion of Mr. SCHENCK, it was

Resolved, That William A. Poor, of Maryland, have leave to withdraw his petition and papers from the files of this House, to be used by the petitioner in prosecuting his claim at the Executive Departments.

On motion of Mr. FRIES, it was

Resolved, That the Secretary of War be directed to furnish the Committee on Invalid Pensions with the papers of Arthur Wilson, an invalid pensioner; also, the Committee on Revolutionary Pensions with the papers of Samuel Pool, an applicant for pension.

On motion of Mr. MILLER, it was

Resolved, That the Commissioner of Pensions be requested to deliver to the Clerk of this House the papers on file in his office relating to the application of Sarah Dunham for a pension, and that they be referred to the Committee on Revolutionary Pensions.

On motion of Mr. DICKINSON, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing for the adjustment of the unpaid claims due by members of the Wyandot Indians to the citizens of the United States, agreeably to the stipulations of the sixth article of the treaty with that people, concluded March 17, 1842.

On motion of Mr. RICHEY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting to widows who were married to revolutionary officers or soldiers prior to the year 1812 all the benefit of the several acts and resolutions passed or to be passed in favor of widows who were married to revolutionary officers or soldiers prior to the year 1794.

On motion of Mr. LAHM, it was

Resolved, That the papers on file in the Clerk's office in relation to the application of James Hillman, of Ohio, for a pension, be taken from the files, and that the same be referred to the Committee on Revolutionary Pensions.

On motion of Mr. KENNON, it was

Resolved, That the papers in the case of Bryan, Manypenny & Co., be taken from the files of the House and referred to the Committee on the Post Office and Post Roads.

Mr. FISHER moved the following resolution, which was read, and laid over under the rule:

Resolved, That the Secretary of the Treasury is hereby requested to communicate to this House, at his earliest convenience, the amount of money, in the aggregate, paid or due for services to the officers and clerks of the independent treasury since it took effect to the 1st day of January, 1843; and, further, that he communicate, in detail, the amount of public money transferred, by whom, in what manner, and to what places transferred, under the independent treasury law, with the cost of transferring the same, either directly or indirectly.

Mr. HAMMONS moved to reconsider the vote by which the resolution referring the papers of James Hillman to the Committee on Invalid Pensions was passed.

Mr. FARAN requested that the motion to reconsider might be laid over for a day or two; which was assented to by Mr. HAMMONS.

On motion of Mr. LA SERE, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into and report upon the expediency and necessity of establishing a naval depôt at or near the city of New Orleans.

Mr. WICK offered the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of directing, by law, that naval officers, while at the seat of government, on leave or duty, shall appear in the dress or undress uniform of their proper rank and corps respectively.

The resolution was disagreed to.

On motion of Mr. CATHCART, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of so amending the 9th section of the act to raise for a limited time an additional military force, and for other purposes, approved February 11, 1847, so that those soldiers who have, by their services in Mexico, entitled themselves to warrants under said act, and who are preëmption claimants upon the Miami lands in Indiana, may be permitted to lay their warrants upon their improvements, as others who are both soldiers and settlers are allowed to do upon the balance of the public lands.

Mr. ROBINSON offered the following resolution, which was disagreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for the compensation of State adjutant generals for services in reference to raising and forwarding volunteers to their places of rendezvous, and in superintending the same until they are mustered into service, and of making such law retrospective.

On motion of Mr. WICK, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of extending the bounty land law, or some such modification thereof, so as to secure the benefit thereof, entirely or in part, to the surviving soldiers of the Indian wars and of the last war with Great Britain.

On motion of Mr. DUNN, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the payment to the heirs of the officers and soldiers killed in battle the amount of all treasury notes, other property, or money, in the possession of such officer or soldier at his death, and which was lost in consequence thereof.

On motion of Mr. HENLEY, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of so amending the act entitled "An act to provide for raising a regiment of mounted riflemen, and for establishing military stations on the route to Oregon," approved May 9, 1846, as to provide for the discharge of all such non-commissioned officers and privates of said regiment as may desire it at the termination of the present war with Mexico.

Mr. TOMPKINS moved the following preamble and resolutions, which were read, and laid over under the rule:

Whereas, in the judgment of this House, the people of the United States, by the terms of the Constitution and the genius of our Government, are sovereign, and that with them, through their Representatives in Congress, rests the question of war, one of the highest attributes of sovereignty:

And whereas the people, as sovereign-and as payers of the expenses in money and in blood, have a right at all times and under all circumstances to know what specific object is proposed to be accomplished by a war prosecuted in their name and at their cost:

And whereas the people have not, in due constitutional form, through their Representatives in Congress, declared war against the Republic of Mexico, nor declared for what specific object the same shall be prosecuted:

And whereas millions of the people's money have been expended, an onerous debt incurred, and thousands of valuable lives sacrificed in the prosecution of the existing war with Mexico, it is incumbent on those public functionaries who projected and are directing the said war, to communicate to this House, for the information of the true sovereign, the people, the specific object to be accomplished by the prosecution of the war with Mexico, and specifically the means by which the object is to be accomplished: Therefore,

Resolved, That the President of the United States be respectfully requested, if in his opinion it will not conflict with the public interests, to inform this House what specific object he proposes to accomplish by the prosecution of the war with Mexico, and specifically by what means he proposes the accomplishment of the object; and,

1st. Whether or not it is his object and design to subjugate the whole of the Mexican people, and to conquer and hold the whole of the Mexican territory, or any portion of the said people, or any part of the said territory, and what portion and what part?

2d. In the event of subjugation and conquest, partial or entire, what does he propose to do with the people subjugated and the territory conquered and held? Is it his object and design to organize governments there? If so, what kind and character of government shall be vouchsafed to the subjugated Mexicans, civil or military, republican or otherwise, territorial merely, or as free States, to be admitted into this Union?

3d. What rights, civil and political, are to be extended to the subjugated Mexicans? Is it intended to guaranty to them the right of suffrage and representation in the Congress of the United States?

4th. Is it intended to despoil the Mexican churches or churchmen of their property or estates, or to levy contributions on either, to aid in paying the expenses of subjugating the people?

5th. Is it intended, in the event of conquest, that the titles of individuals to land in the conquered territory shall be respected?

And, 6th. What proportion of the fertile and valuable land situated within the territory proposed to be conquered and held is unappropriated to individual claimants or owners?

On motion of Mr. THOMPSON, of Mississippi,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Memphis, Tennessee, via Robinson's, Llewellyn's Cross Roads, College Hill, to Oxford, Mississippi; also, from Ripley, Mississippi, via Campbelltown, to Aberdeen, Mississippi.

On motion of Mr. FEATHERSTON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Bellefontaine to Grenada, in the State of Mississippi.

On motion of Mr. RICHARDSON, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency and necessity of furnishing non-commissioned officers, musicians, and privates in the volunteer corps now in the service of the United States with clothing *in kind*.

Mr. WENTWORTH moved a resolution, referring the President's message in relation to the veto of the river and harbor bill, to the Committee on Commerce, with instructions; which was decided out of order by the Speaker.

On motion of Mr. WENTWORTH, it was

Resolved, That the Committee on the Judiciary inquire whether any alteration of the Constitution of the United States is necessary in order to refer the election of either postmasters, or land officers, or revenue officers, or officers of any other kind now appointed by the President, by and with the advice and consent of the Senate, directly to the people; and if no such alteration is necessary, then to inquire into the expediency of reporting a bill referring the election of such officers directly to the people, from and after the 4th of March, 1850.

BILLS INTRODUCED.

Previous notice having been heretofore given, bills were introduced as follows:

By Mr. COGGIN: A bill making further appropriations of land to satisfy Virginia military land warrants for services during the revolutionary war, and for other purposes connected with said services.

By Mr. CROZIER: A bill to promote the edycation of the indigent deaf and dumb; which was read twice and referred to the Committee on Public Lands.

By Mr. TAYLOR: A bill to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

By Mr. FARAN: A bill to amend the act entitled "An act extending the jurisdiction of the district courts to certain cases upon the lakes and navigable waters connecting the same," approved the 26th of February, 1845.

By Mr. HARMANSON: A bill providing for the final settlement of certain confirmed claims in Louisiana, and for other purposes. [This bill was introduced under a suspension of the rules.]

Also, a bill to grant lands to certain parishes in the State of Louisiana as a leveeing fund.

By Mr. LA SERE: A bill for the relief of William DeBuys, late postmaster at New Orleans.

By Mr. CATHCART: A bill to reduce the minimum price of the Miami lands in Indiana.

By Mr. SMITH, of Illinois: A bill to grant to the State of Illinois the right of way through the public lands, and for other purposes.

By Mr. TURNER: A bill to amend an act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preëmption rights," approved September 4, 1841.

By Mr. LINCOLN: A bill to amend an act entitled "An act to raise for a limited time an additional military force, and for other purposes," approved February 11, 1847.

NOTICES OF BILLS.

Notices of motions for leave to introduce bills were given as follows:

By Mr. McKAY: Of a bill to regulate the cost of collecting the revenue from customs, and also to require all public moneys, from whatsoever sources received, to be paid into the treasury before the same can be disbursed.

By Mr. COBB, of Georgia: Of a bill to regulate and equalize the compensation of the district attorneys of the United States.

By Mr. LUMPKIN: Of a bill to divide the State of Georgia into two judicial districts.

By Mr. JOHNSON, of Tennessee: Of a bill to change the title of an act, approved on the 10th day of August, 1846, entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," to that of the "Washington University for the benefit of the indigent children of the District of Columbia," in memory of and out of respect to George Washington, the Father of his Country.

By Mr. COCKE: Of a bill to repeal so much of the first section of an act approved June 18, 1846, as authorizes the President of the United States, when the war with Mexico shall be terminated by a treaty of peace, to select from the number of major generals and brigadier generals then in service "the number to be retained without regard to the date of their commissions."

By Mr. STANTON: Of a bill for the relief of the heirs of Matthew Rea, a lieutenaat in the revolutionary war.

By Mr. SAWYER: Of a bill to reduce and graduate the price of the public lands to actual settlers, and for other purposes.

By Mr. DICKINSON: Of a bill for the improvement and protection of the following harbors on Lake Erie, in the State of Ohio, to wit: the head and mouth of Sandusky bay; the harbor at Huron; the harbor at Vermillion; the harbor at Black river, and the harbor at Perrysburg.

By Mr. SMITH, of Indiana: Of a bill to discourage speculations in the public lands of the United States and to appropriate them in limited quantities to actual settlers.

By Mr. HENLEY: Of a bill to extend the right of suffrage to all white male inhabitants of the District of Columbia who have resided therein twelve months next preceding the election at which they propose to vote.

By Mr. TOMPKINS: Of a bill to provide pensions for all the officers and soldiers, regular and volunteer, who have been injured and permanently disabled in the service in the existing war with Mexico.

By Mr. FICKLIN: Of a bill to cede to the several States, on certain conditions, the public lands within their respective limits.

Also, a bill to grant to the State of Illinois alternate sections of land along the line of the Cairo and Chicago railroad, to aid in its completion.

By Mr. McKAY: Of a joint resolution authorizing and directing certain reports and public documents, which are required by law to be made by the President and the several executive departments to either or both Houses of Congress, to be

prepared and printed ready for delivery at the commencement of each session.

By Mr. SMITH, of Illinois: Of a joint resolution explanatory of the 9th section of the act of February 11, 1847, entitled "An act to raise, for a limited time, an additional military force, and for other purposes."

By Mr. TURNER: Of a joint resolution annexing New Mexico and Upper and Lower California to the United States, and to extend the laws of the United States over said territories.

And then the House adjourned.

IN SENATE.

MONDAY, *January* 17, 1848.

Mr. BRADBURY presented the credentials of Mr. WYMAN B. S. MOOR, appointed by the Governor of Maine to fill the vacancy occasioned by the death of Mr. FAIRFIELD. Mr. MOOR was duly qualified and took his seat.

The VICE PRESIDENT laid before the Senate a report from the Commissioner of the Public Buildings, showing the expenditures made during the year 1847.

Mr. WEBSTER gave notice that he would, to-morrow, ask leave to introduce "A bill to make attachments which are made under process issuing from the courts of the United States, conform to the laws regulating such attachments in the courts of the States."

Mr. WEBSTER said, that if it should be the pleasure of the Senate to allow him the indulgence, he would shortly state the object of the bill. It was the same bill which had passed the Senate last session, without opposition, and was reported by the chairman of the Committee on the Judiciary. He would ask the indulgence of the Senate and of the chairman of the Judiciary Committee, to allow the bill to pass, without being again referred, in order to prevent delay, as immediate action on it was of great importance.

PETITIONS.

Mr. JOHNSON, of Louisiana, presented the petition of Susan Decatur, widow of the late Commodore Stephen Decatur, praying the renewal of her pension; which was referred to the Committee on Naval Affairs.

Mr. FELCH presented the memorial of Asa Whitney, praying for a grant of land to enable him to construct a railroad from Lake Michigan to the Pacific ocean; which was referred to the Committee on Public Lands, and ordered to be printed.

Also, the memorial of A. Edwards, register of the land office at Kalamazoo, Michigan, praying the repayment of money advanced by him for extra clerk hire; which was referred to the Committee on Public Lands.

Also, the petition of Charles Richmond, praying compensation for services as special marshal during the disturbances in the provinces of Upper and Lower Canada, in the years 1839 and 1840; which was referred to the Committee of Claims.

Mr. CAMERON presented the petition of A. W. and J. H. Foster, editors of the "Pittsburg Daily Dispatch," praying that the list of letters remaining in the post office at Pittsburg may, in compliance with law, be published in their newspaper, it having the largest circulation; which was referred to the Committee on the Post Office and Post Roads.

Also, the memorial of the Provident Association of Clerks, in the city of Washington, praying certain amendments to the charter of said association; which was referred to the Committee on the District of Columbia.

Also, a memorial of the Caln Quarterly Meeting of the Religious Society of Friends, praying the abolition of slavery in the United States, and the slave trade in the District of Columbia, and between the several States; a memorial of the Association of Friends for promoting the abolition of slavery, and improving the condition of the free people of color, praying the abolition of slavery in the District of Columbia and Territories of the United States, and of the slave trade between the States, the prohibition of slavery where it does not already exist, and the repeal of all laws providing for the arrest of fugitive slaves; and six petitions of inhabitants of Pennsylvania, praying the adoption of measures for abolishing slavery throughout the Union. The motions to receive were severally laid upon the table.

Mr. HANNEGAN presented the petition of Robert Piatt, only surviving son of Major Daniel Piatt, praying the payment of an undrawn portion of seven years' half-pay due him under the resolve of Congress of 24th August, 1780; which was referred to the Committee on Revolutionary Claims.

Also, the petition of Robert Piatt, praying a final settlement of his account as a deputy purchasing commissary; which was referred to the Committee on Military Affairs.

Mr. ASHLEY presented the petition of James Wilkins, praying payment for cattle taken by Indians in Florida; which was referred to the Committee on Indian Affairs.

Mr. TURNEY presented resolutions passed by the Legislature of Tennessee, approving the plan proposed by Asa Whitney for constructing a railroad from Lake Michigan to the Pacific ocean, and in favor of a grant of public land for that object; which was referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. CORWIN presented the petition of A. G. Melvin and others, citizens of the United States, praying that the public domain may be given in suitable quantities to actual settlers, without price; which was referred to the Committee on Public Lands.

Also, the petition of citizens of Ohio, praying the adoption of measures for the reëstablishment of peace between the United States and Mexico; which was referred to the Committee on Foreign Relations.

Also, the petition of citizens of Ohio, praying the abolition of slavery in the District of Columbia, and the slave trade between the States; the motion to receive which was laid upon the table.

Mr. BREESE presented a memorial of citizens of Illinois, praying that the right of preëmption may be granted to the Illinois Central Railroad Company to the lands over which it is proposed to construct their road; which was referred to the Committee on Public Lands.

Mr. DAVIS, of Mississippi, presented the petition of Robert M. Martin, a volunteer in the war with Mexico, praying to be allowed bounty land; which was referred to the Committee on Pensions.

Mr. UNDERWOOD presented the petition of Mary M. Telfair, heir of Israel Pearce, praying the payment of certain final settlement certificates; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. STURGEON, it was

Ordered, That the petition of Titian R. Peale, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. BERRIEN, it was

Ordered, That the petition of Moses E. Levy, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by HUNTER, it was

Ordered, That the administrator of Isaac Garretson have leave to withdraw his petition and papers.

On motion by Mr. BALDWIN, it was

Ordered, That the widow of Samuel Gibbs have leave to withdraw her petition and papers.

On motion by Mr. MILLER, it was

Ordered, That George Townley have leave to withdraw his petition and papers.

Mr. MANGUM, from the Select Committee to whom was referred a motion authorizing the Vice President to cause desks to be provided for the reporter of the Senate and his assistants, upon the floor, in submitting a report, remarked, that upon examination of the subject referred to the committee, it was found, that without any inconvenience, suitable accommodation could be afforded to the reporters of the Senate on the floor of the Chamber; and, as it was of course very desirable that every proper facility should be extended to them, the committee unanimously reported in favor of providing the proposed accommodation.

The Senate proceeded to consider the report, and on concurrence therewith, it was

Ordered, That the Secretary of the Senate have two moveable desks provided, as soon as may be, in the angles of the Senate Chamber, at the ends of the Chord, to accommodate each one reporter.

Mr. MANGUM, by direction of the same committee, submitted the following resolution for consideration:

Resolved, That a select committee of five be appointed by the Vice President, to inquire into the expediency of removing the reporters from the marble gallery to more suitable places to be provided for them at the ends of the circular gallery, and of preparing the marble gallery for the use of the ladies.

Mr. BREESE. I had the honor of serving on the special committee, of which the honorable Senator, [Mr. MANGUM,] who has offered the resolution, was the chairman, and I concurred in the report. At the same time, sir, I must say, that when in committee I was anxious the report should embrace the subject-matter of the resolution now offered, as I believed then, as I do now believe, that a much more commodious position for the reporters can be had in the Chamber than they now occupy; but it was thought we had not the power under the resolution to make any suggestion upon the subject. Accordingly, and to get the power, the honorable chairman was instructed by the committee to report the resolution he has reported, and which is now before the Senate for consideration. I hope, sir, it will be adopted, as I feel assured the committee to be raised by it will report a plan which will be acceptable to the Senate, by which the reporters will be better accommodated than they now are, and the ladies also, by properly fitting up the marble gallery now occupied by the reporters.

The resolution was considered by unanimous consent and agreed to: Whereupon,

Mr. MANGUM, Mr. SEVIER, Mr. BERRIEN, Mr. BREESE, and Mr. ALLEN, were appointed the committee.

Mr. RUSK, from the Committee on Enrolled Bills, reported that they presented to the President of the United States, on the 14th instant, the bill to authorize the issuing of a register to the barque Canton.

A message was received from the President of the United States, by Mr. WALKER, his Secretary, informing the Senate that he had approved and signed the bill to authorize the issuing of a register to the barque Canton.

REPORTS FROM COMMITTEES.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Nathaniel Kuykendall; which was read a first time.

Mr. BREESE, from the Committee on Public Lands, reported a bill to provide for the compensation of Samuel Leech, for services in the investigation of the suspended sales in the Mineral Point district, Wisconsin; which was read a first time.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported a bill granting a pension to Abigail Garland, widow of David Garland, deceased; which was read a first time.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill for the relief of Thomas Brownell; which was read a first time.

Mr. BRADBURY, from the Committee of Claims, asked to be discharged from the further consideration of the petition of Amos Holton.

RESOLUTIONS.

Mr. CASS submitted the following resolution for consideration:

Resolved, That the Secretary of the Department of War furnish the Senate with the report and map of the examination of New Mexico, made by Lieutenant J. W. Abert, corps of Topographical Engineers, while attached to the command of General Kearny.

Mr. CAMERON submitted the following, which was ordered to be printed:

Whereas, a defalcation is reported to have occurred in the United States mint at Philadelphia, which by law is made a depository of the public money:

Resolved, therefore, That the Senate will appoint a committee from its body to examine the books, vouchers, and money in the mint, with authority to command the attendance, and examine them upon oath, of all the persons employed by the Government there.

On motion by Mr. BERRIEN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire whether any and what legislation is necessary to secure the more regular and speedy transmission of the great Northern and Southern mail; and that they have leave to report by bill, resolution, or otherwise.

On motion by Mr. DAYTON,

Resolved, That the Solicitor of the Treasury be directed to communicate to the Senate copies of the articles of submission, the award, the opinion of the arbitrator, and the proceedings and the minutes in his possession connected therewith, in the matter of the Pea Patch Island, before the Hon. John Sergeant, sole arbitrator, appointed by the parties in interest to decide upon the title to said island.

GENERAL SCOTT'S PLAN.

The following resolution, submitted by Mr. MANGUM, came up for consideration:

Resolved, That the President of the United States be requested to lay before the Senate all the plans, estimates, and calculations presented by General Scott, as in his opinion being best adapted to obtain the objects of the war;

and his opinion touching means necessary to the military accomplish the objects of our Government, in any and all alternative views, that have been considered by the Executive or suggested by Scott to bring the war with Mexico to a close; if not inconsistent, in the opinion of the President, with the public service.

Mr. CASS. I would ask the Senator to consent to the postponement of the consideration of the resolution till to-morrow. The Senator from Arkansas [Mr. SEVIER] is absent, and there can be no harm from twenty-four hours' delay.

Mr. MANGUM. I have no objection to postponement, except that the information sought by the resolution is of vast importance to the formation of an intelligent opinion in reference to measures now pending before the Senate; and which, allow me to say, are pushed to a consummation with a degree of zeal and pertinacity which I have rarely witnessed upon any occasion so early in the session. It would give me great pleasure to comply with the suggestion of the honorable Senator from Michigan, were it not that the information which is desired is of the very highest importance at this very moment, in order to enable the Senate to act intelligently. I hope, therefore, that the Senate will proceed to the consideration of the resolution. I will make no other remark unless it should be deemed necessary. I hope the resolution will be adopted.

Mr. CASS. I do hope the Senator from North Carolina will consent to a postponement of the resolution. If he do not, I must be compelled to vote against it. I cannot conceive that, in the present condition of affairs, whilst we are actually engaged in war, it would be proper to communicate the plans of the Government. It would give the enemy information vastly useful to them in making their preparations. We can easily conceive that such would be the case. It is true that the usual discretionary power is given to the Executive, but I conceive that the objection which I have just stated has sufficient force to make the call improper at this time. The Senator says that the measures before the Senate have been pushed very pertinaciously. I cannot conceive why the Senator has made such an assertion. The bill for raising ten regiments was introduced three weeks since—four weeks since, I believe—and we are now in the second week of its discussion. There has been no disposition in any part of the Senate to force that bill through without discussion. All we have asked is, that it should be considered, discussed, and voted upon. If this be "pertinacity," we are pertinacious. But I do not think that this is pertinacity. I do not say that there is an instantaneous need of this additional force. But I hold, as was better said by the honorable Senator from Mississippi, [Mr. DAVIS,] than it can be said by me, that that force ought to be raised and sent to Mexico before the sickly season sets in; and that, in order to effect that, we should hasten our preparations as much as possible. It will take some time to put the bill through the Senate, and still longer in the House. We may be advanced far in the session, do the best we can, before these bills can be passed, and the Government be put in possession of this force. I repeat, then, that I cannot perceive any ground for the charge that the measure has been pertinaciously urged upon the Senate. I renew the suggestion, that the resolution be allowed to lie over till to-morrow.

Mr MANGUM. I did not charge pertinacity, in reference to this measure, upon any portion of the Senate. I alluded exclusively to the honorable chairman of the Committee on Military Affairs; and I submit to the Senate, and to all who have observed the proceedings of the body in reference to this measure, whether the charge has not been sustained by the facts. Sir, when the honorable Senator from South Carolina was about to be denied the benefit of the usual course of the Senate in reference to the consideration of his resolutions, I appeal to the recollection of Senators, whether there was not great pertinacity exhibited in the effort to refuse him an opportunity of addressing the Senate. All must remember the events of last Thursday—the repeated calls of the yeas and nays on the question of adjournment, with reference to this very question. All must remember the earnestness with which the honorable chairman of the Committee on Military Affairs urged the necessity of early, if not immediate, action on the bill before them. However, I leave that, sir, as a small matter, and pass to one of vastly greater importance. I allude to the sentiment enunciated here by the honorable Senator this morning, that it would be eminently improper for the Congress of the United States to be informed of the Executive's designs and the Executive's instructions to the commander-in-chief of the army in Mexico. I protest, sir, most solemnly, against this attempt to exact that degree of faith from the legislative bodies of this country which shall induce them to rely upon an Executive who discloses only by glimpses, not even by halves, the purposes believed to be entertained by him. I hold, sir, that the great legislative faculty of the country should not be exercised at all upon a question so momentous as this, upon mere faith reposed in the Executive branch of the Government, who does not deign to communicate to us more than glimpses of his policy. I regard it as so important that I look upon the question now pending as bringing up the great issue between despotism and liberty. I regard the measures here presented to us—only half disclosed to us—as looking to a spirit of universal domination, and an absolute conquest of the whole of Mexico. If the country is ripe for that, in my poor judgment, the country is ready to surrender its free institutions. The policy, as half disclosed by the honorable chairman of the Committee on Military Affairs, in the extract from a letter which was read here the other day, indicates, in my opinion, designs, from which the inference is inevitable and cannot be resisted, that Executive policy seeks for universal domination in Mexico, and the conquest of the whole country. That, in my humble judgment, raises the question, distinctly and emphatically, between despotism on the one hand, and liberty on the other; and the more so, sir, as the Executive of this country does not deign to communicate to us his views, and as the honorable chairman of the Committee on Military Affairs, the trusted and able organ of the Administration here, tells us to our faces that it would be improper to communicate to us the designs of the Executive. I oppose, sir, such a course of policy; and I frankly say, that, under avowals of this character, anxious as I am to strengthen the arm of the Government for all legitimate purposes—an anxiety which has been evinced by all my votes upon this question—I shall feel myself driven to the necessity of refusing supplies, either of men or money, for any increment of the army, so long as this doctrine avowed by the Senator from Michigan shall be maintained.

Sir, my attention is directed to an order to which I have noticed a reference, but now seen for the first time. I will not detain the Senate by reading it. I suppose it is familiar to other Senators. I understand that this order on the part of the general commanding-in-chief is to occupy every important position throughout Mexico.

A SENATOR. Read the first clause.

Mr. MANGUM. This is marked "order 376," and is as follows:

"HEADQUARTERS OF THE ARMY,
"*Mexico, December* 15, 1847.

"1. This army is about to spread itself over, and occupy the Republic of Mexico, until the latter shall sue for peace in terms acceptable to the Government of the United States."

"The whole of the Republic!" Sir, it cannot be disguised. The disguises are too thin. The veil is too transparent. All the disavowals that we have had, that the President does not entertain any purpose of conquest, come at last to this, that the Executive means to illustrate his administration by absorbing the whole of Mexico, if the sense of the country will sustain him. I desire to know, sir, whether the general-in-chief, for any legitimate or proper or reasonable purpose, desires or has suggested this increase of the army, amounting to thirty regiments, the bills for which are now upon your table. Yet we are not to have this information! It would be eminently improper to disclose the views of the Executive in regard to Mexico! Disclose them to whom, sir? Not to the Mexicans. The general order of the commander-in-chief has already disclosed his purposes, presumed to be the purposes of the Government in regard to the future policy, to the Mexicans themselves; but eminently improper to disclose them to the American people, who, I trust, are not yet ripe for this scheme of wholesale rapacity and rapine, in which I fear we have already too much indulged. I hope, sir, the resolution will be adopted.

Mr. CASS. The honorable Senator from North Carolina, from a general charge has proceeded to make an individual charge. He charges me with pertinacious obstinacy.

Mr. MANGUM. I mean it in no improper sense. I imputed to the Senator only a marked degree of zeal and pertinacity.

Mr. CASS. No one knows better than I do the courteous and honorable bearing of the gentleman from North Carolina. He may, like all of us at times, under the influence of party zeal, from which none, perhaps, are wholly free, use harsher expressions than need be; but his present charge, as applicable to me in any circumstances, is incorrect, and I mean to prove that it is so to his satisfaction. He instances two facts in support of his allegation: first, that I opposed the discussion of the resolutions of the honorable Senator from South Carolina. Now, I was not opposed to the discussion. I beg the honorable Senator's pardon, but he must allow me to remind him that I was in favor of the discussion. I was anxious to extend to the honorable Senator from South Carolina all the indulgence which he asked. All I insisted on was, that if this most important bill were laid aside for the purpose of taking up a subject which, so far as it related to the measures immediately before us, might be called abstract, as soon as an opportunity had been conceded to him to express his views, the subject should be laid upon the table, and the bill be taken up. That was the only objection that I ever made in reference to that matter; and that was precisely the arrangement into which the Senate itself fell. Such, then, was the amount of my pertinacity in that case. As to the adjournment, it has been many times a matter of conscience with me to vote for adjournment, under the impression that we did less mischief out of this Chamber than in it; but here is a case in which the interests of the country required prompt action, and therefore I opposed the adjournment. We had before us a bill whose importance cannot well be overrated. We had been giving to it one and a half hour's discussion daily—six hours a week allotted to one of the most important measures in its consequences ever presented to the Senate! I objected to adjourn over till Monday, and that is adduced as another proof of my pertinacity! Really, I cannot see it.

Now, with respect to the motion before the Senate, all I ask is, that this matter should be allowed to lie over till to-morrow, when the honorable gentleman from Arkansas, [Mr. SEVIER,] specially charged with it, shall have collected the necessary information. I do not say that it will not be proper then to communicate the information, nor have I said that it would be improper to give any of the information which is sought. The gentleman has asked, to whom the information is to be disclosed? Why, to the Mexicans. I do not, of course, intend to say, that that is his object; but that will be the effect of the resolution.

Mr. MANGUM. The Senator misconceives my meaning. The Mexicans have already had intelligence of the designs of the President to the utmost limit; and if the information is withheld, it is because there is an unwillingness, somewhere, that it should be laid before the American people. As to the Mexicans, they have been already advertised of the views of the Executive.

Mr. CASS. If the Senator only wants that information, the American people have got it as well as the Mexicans. I take it, Mr. President, that in all countries during the prosecution of a war, the specific plan of the campaign should not be made public. Surely, prudence requires that only the general intentions of the Executive Government should be made known in such circumstances. But where, in the name of wonder, would be the sense in telling Mexico, that the 1st of June we mean to take Vera Cruz, and Puebla on the 20th—that on such a day, such and such troops, or subsistence, or munitions of war, would be despatched to a certain point? It is not the specific, identical plans of campaign made between the commander-in-chief and the Government, which should be laid before the Legislature of the country and the enemy. A thousand reasons will occur to everybody, showing that such a procedure, if not impossible, would be highly injurious. I repeat, there is no wish to refuse any information which may, with propriety and safety, be communicated. My only object is to delay action on this resolution for a short time, until the necessary information can be supplied. All I contend for is, that the broad principle assumed by the honorable Senator from North Carolina, is neither safe in itself, nor justified by the practice of any government—

to wit: that at all times it is right to call upon the Executive to disclose its specific plans of carrying on a war. The adoption of such a principle, it is obvious, would be attended with the most injurious consequences.

Now, with respect to the progress of the war, it is said that General Scott is going on from town to town, and from city to city, conquering all before him. I am very glad to hear it. I hope that the commanding general will continue to go on in this way. If he does so, I have no doubt he will conquer Mexican obstinacy and thus conquer a peace. I have already expressed my opinions with regard to the war in Mexico, and have nothing to say on the subject now, except to tell the Senator from North Carolina, what I had the honor to say to the Senator from South Carolina, that the adoption of any resolutions in this Senate with regard to any danger—if danger there be—in the progress of this war, would be but as the idle wind. You might as well stand by the cataract of Niagara, and say to its waters "flow not," as to the American people "annex not territory," if they choose to annex it. It is the refusal of the Mexican people to do us justice that prolongs this war. It is that which operates on the public mind and leads the Senator from North Carolina to apprehend a state of things which he fears, but which, for myself, I do not anticipate. Let me say, Mr. President, that it takes a great deal to kill this country. We have had an alarming crisis almost every year as long as I can recollect. I came on the public stage as a spectator before Mr. Jefferson was elected. That was a crisis. Then came the embargo crisis—the crisis of the non-intercourse—of the war—of the bank—of the tariff—of the removal of the deposites—and a score of others. But we have outlived them all, and advanced in all the elements of power and prosperity with a rapidity heretofore unknown in the history of nations. If we should swallow Mexico to-morrow, I do not believe it would kill us. The Senator from North Carolina and myself may not live to see it, but I am by no means satisfied that the day will not come in which the whole of the vast country around us will form one of the most magnificent empires that the world has yet seen—glorious in its prosperity, and still more glorious in the establishment and perpetuation of the principles of free government and the blessings which they bring with them.

Mr. ALLEN. I was not aware that this resolution was before the Senate at all, and therefore it will not be supposed that I intend to address the Senate on its subject-matter. It seems to me, sir, that this Government has always proceeded upon the assumption that in certain cases it is proper to refrain from giving publicity to some portions of the public business until the whole has been consummated. It is upon that ground that these doors are so often closed upon the public. It is upon that ground that this Senate has so often refused, also, to entertain resolutions calling for matter touching the foreign relations of the country before the matter was consummated. For the same reason, a part of the appropriations of this Government to the "secret-service fund" is placed under the guarantee of the President's honor, and he turns the key and closes the door upon the public with regard to that secret-service money. I speak of these things, sir, as evidence of the fact, that thus far this Government has proceeded upon the ground that some parts of the public business, in some stages of its transaction, ought to be withheld from the general observation of the world. Where the line should be drawn, sir, is a great and a delicate question. How much, if any, of the public business should be so withheld from the notice of the public is a very serious question, and one on which I entertain opinions quite different from those so often expressed by most of the members of this body. The line I think to be this: that whenever the act sought to be made public barely affects the relations between any branch of the Government and its own constituency, it ought to be made public, every part and parcel of it; but when the act sought to be disclosed affects the relations of our Government with a foreign Government, then the national interests and the national safety may require that, until all is consummated, none should be made known. Hence the resolution, which I have submitted so often in this body, to open the doors of the Senate, and have no secret sessions as applicable to nominations, contained always the exception as to treaties, and that exception predicated upon the reasons which I have given.

I am not prepared to say whether I shall vote for or against this resolution, because I have read it only this morning, and not ten minutes ago. I desire an opportunity to examine the resolution. I wish to ascertain whether any of the information there called for, would, if disclosed, of whatever character it may be, prejudice the interest of the country. Perhaps, sir, in a time of war, when so large national interests are involved—perhaps, in such circumstances, a great deal more than ordinary care should be taken to see, that in our anxiety to bring everything before the public, we do not inflict injury on the public interests. But, as I said, I will not go into this business. I will go as far as the farthest man here, in a general resolution, describing what part of the public business shall be kept secret, and what shall be made public. The sentiments of the Senate in regard to the question vary with the cases which exist at the moment, as everybody knows; and the same vote which closes the doors to-day may open them to-morrow. We ought to have a general rule, applicable to all cases. I remember a famous struggle which we had upon this floor, in regard to a resolution which I had the honor to submit, calling for certain military orders issued by President Tyler, the object of which was to transfer a portion of the regular forces of the United States near to the scene which was going on in one of the States of the Union, involving a question of its constitutional government. Well, upon that subject the Senate would not entertain the proposition. They laid it upon the table and kept it there, in defiance of all the efforts which I could make to get it up. I alleged that if rumor were correct, the President was doing a thing he had no right to do, and which seriously perilled the public peace, and, what was more, the public rights of a portion of the citizens of the country. The Senate, however, thought that it was not proper to call for the documents. I will not say that in that case the Senate was wrong, and that I was right; but I speak of this as one of the historical reminiscences of the past, to which we ought sometimes to refer when we start propositions of this kind, and which may reflect some light upon the case now before us. I pledge myself to vote for the most ultra resolution which any man can conceive, for which he will himself vote, laying down a general rule with regard to the description of public business to which this Senate has a right, and for which they have a right to call. I say, therefore, to the Senator from North Carolina, let him draw up a general resolution, declaratory of the rights of the Senate upon this subject, and he cannot carry his resolution too far—he can not throw open the door too widely—he cannot let in too much sunlight—to lose my support; for I have been one entertaining very ultra ideas on this subject of making everything public. But I want time to consider the particular resolution which he has submitted, and therefore desire that it may be laid on the table until we make a question declaratory of the rights of the body in this respect—a question which shall result in the adoption of a resolution applicable in all time to come, and by which we shall measure all succeeding administrations. I move, sir, the resolution be laid upon the table.

Mr. MANGUM. I hope that the honorable Senator will withdraw his motion for a moment.

Mr. ALLEN. Certainly.

Mr. MANGUM. It is impossible, without a violation of propriety and decorum, to allude to what has been done in the Senate when sitting in a different capacity, and I shall not do so.

Mr. ALLEN. The resolution to which I had reference was submitted in open Senate.

Mr. MANGUM. I am aware of that, sir. But in answer to what has been said by the honorable Senator from Michigan on this subject, I have only to remark, that it is perfectly competent for the President, in what I regard a proper deference to the Senate, (which is a portion of the executive, and exercises also a share of the legislative faculty of this Government,) to make all communications to us in the strictest confidence. Is it to be maintained here, sir, that we, who must give efficiency and consummation to all these great measures, acting not upon Executive, but upon our own respective responsibilities—is it to be contended that we are to be refused, in secret session, such information as it may be deemed improper to communicate in public? I have inserted in the resolution, in a proper feeling of decorum towards the Executive, the usual clause—"if compatible with the public service." I protest, sir, against the doctrine that the Executive can withhold from us any information which is necessary to intelligent action on our part. What! deny us the means of acting understandingly and intelligently on the measures submitted by the Executive! Sir, an absolute despotism could not ask for more—need not seek for more than that. As regards the views of the honorable Senator from Ohio, it seems to me that he has considerably modified his opinions on this subject. The distinction now is, that in all matters which touch our internal interests and affect our constituency, the Executive is bound to give us all the information which we may demand; but that in those cases which affect our foreign relations, and which may very often involve matter of vastly greater delicacy, and perhaps higher responsibility, the Executive is not to communicate information to us. I confess I cannot discern the grounds on which such a distinction is drawn. I believe the injunction of secrecy has been removed from the discussion of the Oregon question in private session. It was insisted then that the discussion should be open; and, if I be right in my recollection, the honorable Senator then entertained a somewhat different opinion from that which he has enunciated here to-day. If, therefore, on a renewal of the motion, this resolution should be laid on the table, I shall regard it as a decisive expression of the judgment of the Senate, that upon a great question, involving a vast expenditure of money, deeply affecting the future policy of the Government, the principle is asserted that we are to sit here as puppets of the Executive will, voting for whatever measures may be recommended to us, without the Executive condescending to put us in possession of those facts which we deem essential to the formation of a just estimate of his policy. Sir, I hope that such a judgment will never be affirmed by the Senate.

Mr. CALHOUN. The hour for taking up the special order has arrived, and I believe my colleague has the floor. I suggest that the resolution of the Senator from North Carolina be passed over till to-morrow.

Mr. MANGUM. I have no objection to that, sir.

The resolution was then passed over informally till to-morrow.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration, on its third reading, of the bill to raise, for a limited time, an additional military force.

Mr. BUTLER. The bill upon your table, sir, proposes to raise ten additional regiments, or ten thousand men, rank and file, in addition to the regular army now existing, and under the control of this Government. This bill has been reported by the Military Committee in conformity with the recommendation of the President; and we are also informed that it will be followed by another bill, giving to the Executive authority, whenever he may think proper to exercise it, to call out twenty thousand volunteers. These are the measures which will form the subject of our authoritative action at this time. By the existing laws, the President of the United States has the basis of an army of sixty thousand men. There are thirty regiments of regulars, I believe, and about the same number of volunteers, which have been authorized to be called into service during this war. I cannot be precise, however, as to the number of men who have been actually in service; but it is certain, that if all the regiments of regulars were filled up, there would be about twenty-eight thousand six hundred, or very nearly thirty thousand men; and I understand there are about thirty thousand volunteers. It is true, that of this number we have not now in the field, or under the actual command of officers, more than forty-five thousand; but it is sufficient to say, that the President of the United States, as commander-in-chief of the army of this nation, has the power to call out at this time—if we put the means in his power to pay them—sixty thousand armed men. He now asks that we should add to this number ten regiments, to be raised by enlistments; and, I suppose, by another bill, twenty thousand volunteers, to be placed at his disposal, making in all ninety thou-

sand men. These, together with the seamen and marines, which are also a portion of the army, would make, if they were called into actual service, one hundred thousand men.

History generally takes notice of the more prominent points in the progress and policy of nations; and it must certainly be remarked in after times, that the largest army ever raised to be concentrated upon one single object, by the Republic of the United States of America, was an army for the invasion of her nearest neighbor, and the only other republic on the North American continent. Posterity, sir, will have a right to inquire, why it was that the councils of the United States had thought proper to exert the highest attribute which, perhaps, can be exerted, for carrying on a war of this description. We are indeed told by the President—or those who speak for him on this floor—that, although this number of men may be at his disposal, although he may call them out under the authority of existing laws, yet he is not likely to have over one-third of that number actually in service.

Sir, this leads me to another question which I am bound to notice in passing—why is it that the Executive, as we are informed, cannot raise the number of troops which, by law, he has authority to raise for carrying on this war in the heart of Mexico? Why is it? Does it arise from popular aversion against entering into such a service as this? If it were a war for the defence of our own soil, do you believe that five times that number could not be called into requisition? Sir, at the voice of the Executive of the United States, ten times that number would spring up, ready to defend the national honor and the soil of this Republic. And I must here make another remark: if all parties in the United States were to concur in the justice and propriety of carrying on this war, I would answer for it, that the President could not say, that it was out of his power to raise the number of troops which the laws of the country authorize him to raise. But, sir, the very fact, that he is unable to raise these troops by the means which have been put in his power, is, I think, one of the omens which a wise ruler should regard in administering the trust, the sacred trust, that is committed to him.

Before, sir, I proceed further to discuss this bill, I must be permitted to advert to some of the tendencies of this war. And, in doing so, I beg leave to address myself particularly to the propositions for amendment which I have had the honor to submit. I do not propose by the amendment on your table, to withhold from the President the troops, or such number of troops, as may be required; but I propose to raise them in a different manner. And I know that I am likely to incur the censure of those who sustain the measures of the Executive, and perhaps I shall encounter the criticisms of those who, speaking *ex cathedra*, may find fault with the measure which I have suggested. Sir, I have not brought forward my proposition without consulting those who are better acquainted with the subject than I am myself, nor have I brought it forward for the purpose of thwarting the measures of the President. But, sir, this is a conjuncture of affairs which calls upon every man, who feels an interest in the welfare of the Republic, to express himself freely, fearlessly, and openly, upon all matters that come before us. This is not the first time that I have found it necessary to differ with the President, as regards some of the measures which he has advised, for carrying on this war; and I am happy that I did contribute at the last session to upset some of those measures which, in my opinion, would have been inconsistent with the public interests. I have introduced this amendment for no such purpose. But I think that this is a conjuncture of affairs, in which every man should make his views clearly understood. It is a time when every one should pause and look around; for I solemnly believe that every step we are taking, we are going deeper and deeper into the labyrinth of a dangerous and inextricable policy, from which we may find no clue for an honorable and safe retreat.

There are those who look on the fair side of things always; and if the President had recommended that we should put at his disposal two hundred thousand men, I believe there are men on this floor, and in the other branch of Congress, who would have voted for it, if on no other ground than that it came from the Executive, who is responsible for this war. I believe they would have voted for any number of men which the President might have called for, and for all the schemes—the magnificent and splendid schemes—to be carried into operation by the Executive, that would require an army of two hundred thousand men. Yes, sir, if we are to go on with this enterprise of conquering and subjugating the Republic of Mexico—either with a view of absorbing the whole of that Republic, and making it a part of this Confederacy, or of making her a dependant province—it would not be an extravagant proposition for the President to ask for two hundred thousand men to enable him to do it with security and safety. There are those, sir, who, looking at objects in the distant horizon, sometimes neglect to look at the clouds which hang above our heads, and which are ready to burst upon us. And that is the case with some gentlemen on this occasion, who, while they are indulging themselves in splendid visions of revolutionizing Mexico, and making her a part of this Republic, or making her in some degree dependent on us, are neglecting to look at the dangers which surround our institutions. I therefore have introduced this amendment, in some measure, that I might have an opportunity of examining more particularly into the tendency of the measures that are hereafter to be proposed. My amendment—for I mean to address myself more particularly in the first instance to that—goes only so far as to add to the different regiments of the army—the riflemen, the infantry, the artillery, and the dragoons—(although by some unguarded omission the dragoons seem to have been left out)—to add, I say, to each of these regiments, three hundred men. By adding thirty men to each one of the companies, it will give a regiment, on paper, of thirteen hundred men; and for this increase I only propose to add two subordinate officers—and in some cases none at all—provided, however, there be five officers to each company; and in this way I shall raise seventy-five hundred; not so many, to be sure, as the President has asked for and the committee recommended. But I can raise in this way seven thousand five hundred men without the necessity for more than a very few additional officers. I have this recommendation in favor of my system—that it will certainly be the most efficient mode of raising additional troops for active service. I think this position cannot very well be controverted—that raw troops, infused and mingled with disciplined soldiers, are more readily assimilated and rendered efficient; and all military men will tell you so. They will be better officered, too, having those officers who are experienced. I know there are those who entertain the belief that officers can be selected from civil life, equal in every respect, for such a war as this, to trained and educated officers already in the army. I believe, Mr. President, there never was a greater heresy; but if the truth were known, and the testimony of officers of the army obtained, we should be entirely satisfied that those battles which have so signally illustrated the American character in this war, from the battles of Palo Alto and Resaca de la Palma to those of Contreras and Churubusco, were to be attributed to the skill and ability which were displayed by the officers of our army who were educated at West Point. I know there have been splendid achievements performed by the volunteer corps; but the truth is, that both the soldiers and officers of the volunteer corps relied with an abiding confidence in all operations of the army upon the science and skill of those who directed the operations.

Well, sir, in raising a force of this kind, you put them under just such men, not officers from civil life, but those already trained and accustomed to the service. The soldier himself will be better trained, and he will be better taken care of; he will have the greater security; it will be a measure recommended by considerations of humanity. I think this proposition cannot be disputed, that it will be a more efficient corps, and that the transition to efficient soldiers will be more easy and expeditious.

My next proposition is, that it will be cheaper. We have a right to look at the ten-regiment bill which passed Congress at the last session, with a view to ascertain the true character of this bill. And what was the character of that bill? I do not mean to say that the President intends to ask for four brigadier generals and the full complement of other officers as on that occasion; but whether that be the case or not, it is very certain that under the bill before you there must be ten entire regiments raised; and for the purpose of officering these regiments, you must have ten colonels, ten lieutenant colonels, twenty majors, one hundred captains, and three hundred lieutenants. Now, in point of cost, there is very great difference between the two: the one has the recommendation of being cheaper, and, when raised, are more efficient. There cannot be a difference of opinion on these two propositions. But the objection to the plan I have suggested is, that the President cannot raise the number of troops that he desires in the mode which I have suggested; in other words, that it becomes necessary, when the President wishes to raise a body of troops, to appoint intelligent officers in the first place, otherwise he cannot get them. That is the argument. I have heard it said, if you adopt this plan the men cannot be raised, because the officers under whom they are to serve are already appointed. It does seem to me, sir, however, that the men can be readily raised. I can see no reason why they cannot. I do not see why men will not enlist without having the excitement of a political movement every time we call for additional troops. If this be the case, it is high time that we should examine into the true merits of this war, especially in regard to the character of the troops to be employed in it. However, sir, I have submitted the amendment for what it is worth. If the troops should be raised under it, they will stand thus: General Scott now has at his command about thirty-one thousand in the aggregate, about two thousand of whom are in garrison at Tampico and Vera Cruz. The remainder are now under his immediate command in and near the city of Mexico. I understand from military men who are recently from there, that he has a movable column of twenty thousand to carry on offensive operations. I do not pretend of my own knowledge to say what the number of his available force is; but if seven thousand be added to those which it is said are now under his control, he will at least have twenty-seven thousand; and there are to be recruited under the existing laws, to fill the old regiments, six or seven thousand more: add these, and he will have at least thirty-four or five thousand—a number sufficient, not only for garrison duty, but for active operations at any point to which they may be directed. Why, sir, Bonaparte had not more, when he made his first campaign in Italy, than thirty-five or forty thousand men. And what is it that these troops are to be required to do? Not to fight battles. We are told they are not to fight battles. What are they to do? They are to overrun the Mexican States, to disarm the population, to confiscate the public property, to sequester the revenues, and to become the armed jailers to those persons who will not take their *parole*. The soldiers we are to raise now are not soldiers who are to be animated by the love of glory and the spirit of military adventure; their office is neither more nor less than to be armed tax-gatherers or jailers. They are to sweep through the country, for the purpose of gathering treasures, and keeping in awe a feeble and distracted population. But, sir, the experiment has not been made; and though General Scott has recommended an addition, which will make the number of troops amount to fifty thousand, I am satisfied that the Executive will carry on his operations whether that number be added or not. I, for one, will be perfectly willing to accelerate, as far as I may be able, all operations that may be necessary to bring the war to a successful issue; but it does seem to me, that if we grant seven thousand regulars, to be added to the army in the manner I propose, (which is as much as has ever been employed under any general of this country in the service,) it will be sufficient for any purpose that can be desired in order to bring this war to a close; and I trust in God it is the last war of invasion in which we shall ever be engaged. But while I have thus intimated my purpose to concur, to some extent, in raising the number of men which the President may require for his immediate purposes, I cannot shut my eyes to the tendency of the measures which are likely to be adopted as the permanent policy of this Government. The President has told you in his message that it is not his design to carry on this war for the subjugation of all Mexico, or the destruction of her nationality. But I have seen enough, sir, to satisfy me that the current of consequences is carrying the measures recommended

even by the Executive himself far beyond his control.

Since the discussion of this subject commenced, within the last fortnight, there have been demonstrations of public opinion not to be mistaken. I have heard it openly avowed that this war is not to be carried on merely for the purpose of making peace with Mexico under a satisfactory treaty; but that it is to be prosecuted with the more obnoxious design of conquering Mexico and bringing her into subjection, either as an independent province, or to be annexed as a part of our territorial government. Sir, it is not to be disguised. When my colleague first intimated that such would be the tendency of the measures recommended by the President, the friends of the President on this floor—and I have no doubt they spoke by authority—repudiated the idea, and said nothing was further from the intention of the President than such a design. I cannot impute to the Chief Magistrate any design under the cover of any ambiguous terms. He has said—and I believe he was honest when he said it—that it was not his purpose to subjugate Mexico and destroy her nationality. But if the President should be unable to control the tendency of his own measures, what difference will it make to the people whether the result arises from design, from ignorance, or from his inability to control the tendency of the measures which he himself proposes? The effect will be the same. Are we any nearer peace now than we were at the commencement of the campaign, which has fulfilled the most sanguine expectations of all those who were interested in the accomplishment of the designs of the Executive? I can never forget the time when that campaign was under discussion in private circles—the deep anxiety that I felt on the subject—(I mean the campaign which may be denominated the Vera Cruz expedition.) There were men who foreboded the greatest evils—men who looked at it with a distrustful eye—who denounced it as rash and unmilitary, and one likely to result in disastrous consequences. Gentlemen will recollect the deep anxiety which was felt by all who had friends or relatives in that expedition, at the time of the landing of General Scott at Vera Cruz. And when it was ascertained that they had landed in safety upon that soil which was destined to cover the bones of so many of our gallant soldiers, the common feeling throughout the United States was a feeling of joy at the prospect of approaching peace. Peace was then confidently calculated upon, but no peace came. General Scott was then in the most difficult of all situations. He had not only to fight his way against an enemy, and a formidable enemy, but he had to fight for the escape of his army from the effects of the climate, to save his men from certain destruction; for if he had not been able to pass the heights of Cerro Gordo, the climate would have destroyed more than would have fallen by the sword of the Mexicans. And with what number of men was it that General Scott landed? Not over thirteen thousand; and with not over eight thousand he passed the heights of Cerro Gordo. He was obliged to use the utmost expedition, or risk the consequences to be apprehended from the diseases of the country. He was reduced to the necessity of risking the issue of an unequal contest in passing that which was regarded as the most impregnable of any position which had been erected by the Mexican Government. If the incidents and events attending these battles had been written, the reader would have felt his cheeks glow in reading them. He would have found recorded, names which are destined to go down to posterity, at whose mention the American heart will exult. There are many who did not feel the excitement incident to that first, and perhaps I may say most important, victory which was gained during this eventful campaign. If not the most important, it must undoubtedly be regarded as the most splendid achievement of the campaign. I shall not undertake to describe the achievements before the walls of Mexico; it has been better done by the honorable Senator from New York. But these battles did not bring peace. The army is in Mexico—is there any peace? Have we not the right to ask the question, what have been the important results proceeding from those splendid and magnificent victories? Their soil has been enriched by the blood of those who have sacrificed their lives to maintain what they regarded to be the honor of their country. But, Mr. President, while we can take pride in the heroism of our countrymen, and rejoice with those who survive—and every one can profit by the history which will be written of the dead—we must recollect that that history is written upon tombstones—that it will be found in the neglected graves of our soldiers, whose bones and blood are now enriching a foreign soil; in the tears of widows, in cries of orphans, and statutory provisions for your maimed soldiers. These are the only fruits, as far as we have seen, of those splendid achievements. Have you a right to expect any other? Is there any prospect that there will be any other? I hope there may be other results.

The President has told us that the only mode by which he can obtain a peace is, by the entire subjugation of the people of Mexico, so as to reduce them to an unconditional submission. That is the only alternative left. But there are other and more prominent reasons why we have no peace, and one is from our own divisions. This war has encountered a most formidable opposition at home; and all Europe is against us. Where in all history have you found such opposition as there is to this war at this very time? I do not know what party ought to be responsible. The majority of the popular branch I understand to be against it, and we have only to look at this Senate to see the formidable array of those who countenance that opposition. A wise magistrate should take counsel from the signs of the times. Lord North pushed the current of his measures so far that he could not control them, because he would not take counsel of those eminent statesmen of their time—Fox, Pitt, and Burke. I have no right to allude to names, but let the Executive understand this much, that some of the highest names of this country are now giving him counsel—not directly, but in the form of expressed opinions—to which, if he is wise, he should give something like the attentive consideration that is due to so formidable and imposing an exhibition of public sentiment.

I cannot concur myself (and I have said so on another occasion) in the mode in which those who are opposed to the war propose to terminate it. In my opinion, it would have been best for us to concur in the most effectual measures for bringing it to a close; and it is possible that if we had all concurred in passing measures for bringing this war to a close, by this time Mexico would have found it hopeless to hold out any longer; but she has taken hope from the opposition to the war which has existed among ourselves; but that is not, in my opinion, the most prominent source—certainly it is not the only source—of her inducement to protract this war. I think Mexico has a right to complain of the exacting terms which we have been demanding of her as the price of peace. Why, sir, when the ten-regiment bill was under discussion at the last session, I recollect the honorable chairman of the Committee on Foreign Relations, (acting, no doubt, as the organ of the Administration,) advertised the whole country—before, sir, the territory was reduced to subjection by our arms, and before we had any right of conquest over it—that the least that would be demanded of Mexico, in any negotiation for peace, would be New Mexico, and all of California.

Mr. CALHOUN, (in his seat.) Upper California.

Mr. BUTLER. All of California, Upper and Lower. And, sir, I thought at that time that it was one of those declarations that was very well calculated to offend the pride and arouse the jealousy of any nation. No nation on earth, that had a spark of national pride, could submit to be told in advance that she was to be despoiled of nearly one-third of her territorial dominions, and that before we had obtained anything by right of conquest. But, sir, this is not all. The President of the United States has gone further, and told us, in his late annual message, that only New Mexico and Upper and Lower California had been conquered; but that he would not, under any circumstances, sign a treaty ceding them or any part of them to Mexico again. He has gone further, Mr. President, and, what struck me as somewhat remarkable at the time, he has assumed that they are our territorial dominions now, and that the Government of the United States has a right to appropriate them by extending their civil jurisdiction over them. This is nothing more nor less than assuming that we have a good title to these territories by conquest. It does seem to me, as it seemed then, (and upon perusal of books upon the subject I am still more satisfied,) that it is entirely against all the weight of authority in the laws of nations. There is no such thing as one nation *flagrante bello* acquiring title to the territory of another, until there shall have been a treaty of peace made, or an abandonment of right on the part of the conquered nation, or unless such circumstances exist as to induce the other nation to recognize the right thus claimed. I know no instance, in modern times, of title to any territory being consummated and perfected by the law of the strongest, although, during war, it is one of the modes of annoying an enemy to take possession of the territory of that enemy, if it can be seized upon by either of the belligerents.

War does not consist merely in fighting. War has other modes in which it may be conducted; and one of the modes in which it ought to be conducted is, to seize the property of your enemy, for the purpose of depriving him of the means which he otherwise would have of sustaining himself or the contest. This, sir, is one mode of carrying on a war; and so, I say, as we hold possession of this territory, we are but carrying on the war legitimately. It is not war to fight, because there is nobody to fight. But if the United States advertise Mexico, that under no circumstances can these territories, or any part of them, be ceded or given back to her, under a treaty of peace, why talk about negotiation? Why speak of making a peace under the form of a treaty? Why resort to such a miserable mockery? Why seek to disguise your course under such miserable pretences? Negotiation for what? You will say, "Mexico, you must negotiate; but if you do, it is with this distinct understanding, that we are to hold all we have, and compel you to give up as much more as we can." Why, if she were as strong as you, she would never submit to that, because it would be degradation: and because she is a weak nation, is it any reason that a neighbor should presume upon her defenceless condition, and extort terms from her which would be unworthy in her to grant in any negotiation with an equal? What right has the Republic of the United States to graduate the scale of nations, in point of dignity and influence? If we were to consult what should be the proper example, under the influence of Christian civilization, it would be, sir, as far as possible, to raise the dignity of the only Republic on this continent, and hold it as equal with the proudest despotism or monarchy on earth. This would be right, sir. The laws of nations are made up of precedents like this.

We should set an unworthy example, were we to act otherwise in reference to a weak power that is prostrate at our feet. It would be abhorrent, sir, to my notions of justice, I know there are those who insist that there is no wisdom in magnanimity. Before God, I believe there is more wisdom in the impulses of a warm heart than in the devices of a crafty head, and especially if it is a crafty head looking forward to gratify certain designs of ambition.

I know, sir, very well that all I shall say on this subject may have very little influence, but I intend to require the friends of the President to vindicate the proposition, that before we have acquired a title according to the laws of nations by a treaty of peace, we should assume to be the owners of the land; that we have the right to extend over it our own laws, and invite our citizens to settle upon it. Where does such law come from? It has been said, sir, that a victorious country is rarely deaf to the suggestions of ambition and avarice, and I am afraid we will find in ourselves an exemplification of the remark. No, sir, as a matter of policy we should not insist on it. We have no right to insist upon it, if we intend to have negotiations upon anything like principles of equality and justice. But as I have thus far disapproved of the mode heretofore pursued, with a view to obtain—what all speak of as desirable, and what all are anxious to obtain—an honorable and speedy peace, I may be asked, what course would you suggest? Perhaps, sir, my opinion will have very little influence; but as I have taken the liberty to indulge somewhat in censures upon the measures of others, I ought not to withhold my own opinions as to what would be the proper measures to be adopted.

But before I do so, I am compelled cursorily to look back to those measures which preceded the admission of Texas into this Union, and to the situation of Texas before that union was consummated, and to examine upon what title she held the land

which she claimed to possess—whether by title acquired by her at the time of the revolution, or whether by title acquired by conquest subsequently. For a title acquired by a revolution, and a title by subsequent conquest, are very different things. They are essentially different. Texas, as I understand, when she raised the standard of resistance to what she regarded as encroachments on the part of the Mexican Government, comprehended not only the limits of Texas proper, but also the district of Coahuila; thus including territory lying on both sides of the river. She had no right at this time to any part of the territory comprised within the limits of Tamaulipas; and if she acquired any right to this territory lying between the Nueces and the Rio Grande, it is not, sir, (and I undertake to say so, as a lawyer,) by any right incident to her in consequence of her revolution. I will point out to you, as far as I can, the extent of her title under the revolution.

As I understand, sir, sometime in 1835 General Cos passed through Tamaulipas. Leaving a garrison at Goliad, he pushed forward and took up his quarters at San Patricio. Thence he sent a detachment of soldiers to take possession of some cannon at a village in the neighborhood. Well, the first symptom of the revolution was the rising of the people of this little village to prevent their cannon from being taken. They were not content to limit their exertions simply to prevent the taking of their cannon, but they raised an army and drove back General Cos, and reduced him to the necessity of entering into stipulations that he would never take up arms against Texas again. Well, this was the commencement of the revolution. In 1836, Santa Anna brought his army to the Rio Grande, which he crossed, and re-took all these posts again, marking his course in blood and ashes as he passed along; and not in the ashes of inanimate substances only, but in the ashes of the soldiers. He drove them before him. He passed the Brazos, and was going on, when, at San Jacinto, he was met and overthrown by the Texan army. There he was taken prisoner. The revolution of Texas was thus consummated, as far as it could be consummated, by the capture of this prisoner and the reduction of Filisola to their terms, which were the restoration of all prisoners and property in his possession. Santa Anna entered into a treaty, not only to give up all prisoners and property, but all that territory lying between the Nueces and the Rio Grande. Now, I am not one of those who maintain that this treaty gives a title. I am very far from meaning any such thing; but I resort to it for another purpose. The revolution having been conducted under the organized Government of Texas proper, gives, it seems to me, the right to all the land on this side of the Nueces. But, as regards Tamaulipas, that was a distinct and separate State. What right had Texas to this? If she acquired any right, it must have been by conquest. Now, what was the nature of the possession by which she could establish her right of conquest? Why, these are the circumstances that are relied on, that some of the inhabitants who had taken refuge under the flag of General Rusk, returned and settled there by his permission. At the same time, the Texas flag was hoisted at Corpus Christi. So that possession of the west bank of the Nueces was kept until, on another military demonstration on the part of Mexico, the inhabitants again applied for protection, and he ordered them to retire beyond the river: they did so, and after the danger was over, returned to their possessions. These are the evidences of possession, and they are the evidences of the possession of only a part of this territory—a possession which, in the language of lawyers, might have given a color of title to her by constructive possession of the whole. And such, I think, would have been the legal inference, if Mexico had not had a previous and older title of possession to a part of the territory lying along the Rio Grande. But the fact is so. She had custom-houses there; the citizens recognized the laws of the Mexican Government, and debts were collected under these laws.

Such was the situation of affairs when annexation took place. Mexico had possession of a part, and Texas of a part, lying on the banks of the respective rivers, leaving the intervening space divided by a shadowy line which could not very well be distinguished. Under these circumstances, the annexation took place, and General Taylor was ordered with his army to Corpus Christi, on the right bank of the Nueces, and in a part of the disputed territory. Now, was there a perfect title in legal contemplation in the Republic of the United States? I have no doubt, sir, Texas had as good a right as Mexico; there was concurrent possession. This was exactly the position in which neither had exclusive right to the whole. There was no exclusive right in either, so far as regards a definite certain title. Under these circumstances, General Taylor was ordered down to Corpus Christi, with a view to occupy the territory of Texas, to protect it from the invasion of Mexico. Now comes the most difficult and debatable point at issue, upon which it seems to me the merits of this war must ultimately turn. General Taylor was there, and by direction of the Government, and he had a right to remain there until he received further orders from home. An Envoy Plenipotentiary, Mr. Slidell, was sent to Mexico with a view to negotiate, if he could, and settle the boundary. We all know the result of this negotiation. Herrera, who was then in power, was perfectly willing to receive him, as he said, as Commissioner to settle the boundary; but he could not receive him as Plenipotentiary. It might have been an idle objection, but our Government insisted that the cup of reconciliation was exhausted, and that he should be received in the character in which he was sent to Mexico. After Mr. Slidell was recalled, or after he took his passports, it must be recollected the march of General Taylor to the Rio Grande took place. Now, sir, I am not going to excuse the President. He placed General Taylor there to communicate information; and what was the purport of that communication? It was to this amount: "I advise you, in a military point 'of view, to move the army. If the settlement is 'to be effected by arbitrament, there is no neces-'sity of striking a blow." This was the information and advice which General Taylor gave the United States. Now, sir, did the army move from Corpus Christi, under the authority of the Government, to bring on a collision, or to run the risk of bringing on a collision, upon the supposition that the cup of reconcilement had been exhausted, and not in the hope that negotiations might be satisfactorily concluded? Or did General Taylor take possession under the honest apprehension that Mexico intended to seize upon the territory to the exclusion of the United States? If this Government, under the apprehension that this was the state of things, took possession of the territory, with the view of preventing Mexico, under an armed force, from having a lodgment there, I hold it to be entirely justifiable, because, sir, war does not consist always in an actual overt act. War sometimes must be anticipated; and if Mexico had marched her army and made such overt demonstrations, or marched an armed force with a view of taking possession of the territory, and General Taylor informed his Government that such was the case, and the Government ordered him to move his army, with a view to defeat that intention on the part of Mexico, it was nothing but what the Government was bound to do. On the other hand, a very different inference must be drawn, if the President of the United States, who is the representative of all the people of the United States, indifferent to consequences, sent the army with a view of informing Mexico that negotiations were terminated. It presents a very different state of things. The Secretary, indeed, states that all the means of reconcilement were exhausted, and that the only alternative remaining was the sword.

Now, if the President of the United States took possession of this territory, either with too much negligence, or a reckless indifference to consequences, he has not performed the part of a wise and circumspect Chief Magistrate; and the act is only to be just fied, it seems to me, on the ground of a reasonable expectation that Mexico would be induced to conclude negotiations.

Mr. DAVIS, of Mississippi. If the Senator will permit me, I would suggest that General Taylor, in marching to the Rio Grande, met the Mexican army about half way—on the banks of the Little Colorado—and was informed by the commander of the Mexican forces, that if he crossed that stream, it would be held an act of war.

Mr. BUTLER. I understand all that.

Mr. DAVIS. The Mexican army moved first.

Mr. BUTLER. I do not recollect dates; but I understand the order to General Taylor was issued before the Mexican army advanced.

Mr. DAVIS. I do not know at what time the Mexican army proceeded to this point, but we do know that General Taylor found them in position, and they must, therefore, have moved first. That is a fair inference.

Mr. SEVIER. The order was given to General Taylor in January; in February it was received by him, and in March he was in motion.

Mr. BUTLER. I shall concur with the Senator readily in this point of view, for I regard both as having possession. I think that General Taylor was right to advise the Government to anticipate the Mexican army. I have always been under the impression, however, that the order to move was issued long before. However, sir, I do not think it makes a great deal of difference, as far as regards the situation of affairs now. All concur in desiring to bring this war to a close by as honorable a peace as can be very well effected. And how is it to be done?

Now, sir, having come to the conclusion that we are bound to maintain the rights of Texas to the territory between the Nueces and the Rio Grande—(and I certainly think we are bound by the most solemn of pledges, for we have an act of this very body reciting that American blood had been shed on American soil—there it stands on your statute book, the most solemn of all declarations)—that this territory did belong to Texas, and to this country by annexation; and though it was a subject of honest dispute between Texas and Mexico, and between the United States and Mexico, yet we have passed judgment upon it, and said to Texas, it is a part of her territory; and in consequence of that pledge, it seems to me we never can yield one foot of land this side of the Rio Grande. But, sir, that is as far as I will go as an *ultimatum* of any proposition of peace to that Government. I would insist, in the first instance, in every measure, that to the Rio Grande we are bound, under the most solemn of pledges, to protect the rights of Texas. But then the question may be asked—and it is a proper question—how would you establish any other line for separating the territories of the United States from those of Mexico? Will you fall back upon any line which separates Oregon from Mexico? I think not, sir. But by way of making it as acceptable as possible to Mexico, and with a sincere desire to terminate this war, I would not hesitate, if it were to be done to-morrow, to send the most illustrious embassy to Mexico and propose to her terms of peace upon this *ultimatum*, with the right, however, to demand from her to say what line she should run by way of compensating us for the claims we have against her, and I should think it no degradation. If it were a strong Government, and we were actually engaged in a contest to be decided by force of arms, it might be otherwise. But Mexico, prostrate and feeble as she is, it is no degradation to make any terms by which we can terminate this unhappy, this disastrous war.

I know the suggestions which I make are not likely to be adopted, but I think that what I have already intimated as the limit is one from which we cannot depart. We are bound to say to Mexico, we cannot give you any land on this side of the Rio Grande, but we will leave you to say what line you will agree to run from the Rio Grande to the Pacific. I would give her the option, in the first instance, to say what line she would agree to, though I do not say I would be bound by it; but I say I would not hesitate to give her the right to indicate the line she would adopt. Perhaps she might adopt the thirty-seventh degree, and I might be asked the question, would you be satisfied with that line?

I have no hesitation at all in stating, that it is our interest to encourage and countenance Mexico as an independent republic; and let whatever line may be agreed on—be it thirty-seven or thirty-eight—all the territory we want, or all it is said we want, will fall into our possession inevitably. There is no way of preventing the American people from settling in the territory now claimed, and which, it seems to be presumed by the President, is to fall into our possession. But I may be asked, if Mexico propose a line, would you adopt it? If there is any one thing which the policy of this Government dictates more than another, it is to terminate this war. And, sir, we cannot, at this conjuncture, make too great sacrifices to terminate the war. I speak now as a southern man; and if I were only to have in view what must ultimately

be the interests of the southern States, I would enter most fully into the mad schemes of taking possession of the whole of Mexico, because in that way slave labor might be employed, whilst I have no idea that any slaveholder will ever go into that country north of thirty-two degrees. But, as I have said, if Mexico would propose terms, I would consult the councils of moderation and justice, and endeavor to sustain rather than annihilate a neighboring republic.

But I may be told that they are not capable of self-government. I believe they will have to go through the changes to which other nations are subject. They will, perhaps, have to endure an irksome fermentatton before they arrive at that degree of refinement and intelligence which will fit them for a republican form of government. But, as I have said, if Mexico were wise, she would give all we claim. I believe it would be to her interest to give up all territory between the Rio Grande and the Sierra Madre.

But I have no hope that she will be governed by any such policy. I am, however, for peace; and for the purpose of securing it, I am willing to make any sacrifice, except of the power and dignity of the country. And I believe it will be a sacrifice of neither to offer, in the most conciliatory manner, such terms of negotiation as that republic might be induced to accept. Well, I may be told that she will reject your terms—that she will not only cling to the Nueces, but that she will give you no line this side of the boundary between Mexico and Oregon. Well, sir, if she acts thus, what then can we do?

Suppose that Mexico rejects all overtures liberally made to terminate this war, what are we to do? Prosecute this war, devastate the country, sequester the revenues, disarm the populace, reduce them to such a state that they can make no resistance, but must appeal to us, and ask to be annexed to our Confederacy? Is this desirable, sir, as a matter of policy? Is it desirable that we should reduce her to such a condition that we cannot refuse to receive her into the Union? Well, sir, this, it seems to me, must be the legitimate consequence of pushing these aggressive and invasive operations further. Suppose you take the whole of her territory—or suppose you have the whole under your control—how much do you contemplate permanently retaining? Will you take more than New Mexico and the two Californias, by way of indemnity, for the just claims which you have against that Government? I ask, how much will you take? I again repeat the question. Let the President and his Cabinet indicate this to-morrow. What prevents them from doing it now, at this very moment, instead of overrunning the whole country, and after incurring all the expense attending further invasive operations, being compelled to content themselves with what they have at present? What prevents the President from taking by his army now as much as he wants? You can do nothing more by carrying on the war than you have already done. I understand the Senator from Mississippi has said that it is nothing more than an experiment; and after you have made that experiment, and Mexico will not come to terms, you can only then take a defensive line.

Mr. DAVIS, of Mississippi. My position was, that holding the interior of Mexico would conduce to peace; that when deprived of all hope of further resistance, which could result only from the presence of a powerful and well-organized army, she must then give indications of a disposition to treat stronger than she has heretofore given. They have heretofore (and I say it without unkindness to any one) continually looked to divisions at home as likely to produce a recall of the army; and they can be cured of that heresy only by the presence of an army sufficiently powerful to show the concentrated will of this nation. That was the policy which I recommended. Further than that, I believe that it would be proper to take a line along the mountain ridge, which could be easily held; and that if our jurisdiction were extended over it, the country behind that line would immediately become quiet—not a line territorial in its nature, beyond which we could not conduct our operations, but from which we could effectually make sorties, and not restricting us at all from holding other posts in the interior of Mexico. I will say, in this connection, that my remarks the other day, in relation to the dangers which might threaten the army, were not made in reference to General Scott's column, which is, I believe, twenty thousand strong, and no more, though it is constantly represented as otherwise. That is not that column which is placed in danger. It is the column of General Wool, numbering six thousand men, and holding a series of posts, with a long line of communication, and threatened, as I have been recently informed, with an army of fifteen thousand, and the militia numbering, as has been stated, fifteen thousand, and having immediately on its flank a valley which could turn out thirty thousand men. That little army, I thought, was in danger, and I think it may yet be in danger. Then, again, there is a smaller force in New Mexico, and a still smaller one in California. These are the positions which I wished to reinforce; and hence the necessity of adding new regiments, instead of strengthening old ones; not of sending men to Gen. Scott, but of strengthening other columns, as well as to hold new posts, and to relieve garrisons. But I will not longer trespass on the time of the Senator, and beg his pardon for this interruption.

Mr. BUTLER. I understand the Senator from Mississippi to say, that after we have overrun Mexico, if she will not sign a treaty of peace, he then proposes to take a line, to have the better place to fight from. After he has whipped her, then he would take a line to fight from. Now, the Senator seems to anticipate that peace can be brought about by taking an advantageous position from which to attack the enemy, and thus carry on the war. The Senator's calculations are certainly different from mine. If we overrun all Mexico, and then obtain peace, it is only such a peace as a conquering nation may dictate to a people that have passed under the yoke. And if this do not make peace, he must then take a line, not to hold the territory comprised within it, but as one of the modes of making more effective sorties upon a prostrate people.

Mr. DAVIS. It is a part of the same plan, and I would adopt it now.

Mr. BUTLER. I have said, and I would say again, I would much rather take no territory at all, than consent to carry out the magnificent schemes entertained by some gentlemen on this floor. Why infuse the lifeless blood of a ruined Republic into the healthy veins of this Confederacy? Are you not tainting your own, by attempting to communicate life to them? Or, if you do no more, you can reduce them to a province; and this seems to be the project of the Senator from Indiana. When you have it as a province, how will you govern it? By your armies, by prætors, consuls, or what kind of magistracy?—who will be responsible for such an office?

Mr. FOOTE. If the Senator will allow me, I would remark, that in the proposition of the Senator from Indiana, as I understood, the word "province" was stricken out.

Mr. HANNEGAN. Certainly, sir.

Mr. BUTLER. Well, sir, all seem to anticipate that ultimately we should be driven to the alternative of either taking Mexico as a province, or of annexing her to this Republic. That must be the case. Why, what does the President say? You must either use your army to overcome and subjugate Mexico, or for the purpose of giving support to one of the factions there which is in favor of peace: that is to say, the United States must keep an army there until one of the factions is strong enough to form such a government as to enable them to go through the forms of negotiation. I have never heard, sir, nor read in any history, of any people who permitted a foreign army to give protection to any party into which the country was divided, that had survived the protection itself. Why, any people that will call upon an army for protection is incapable of self-government and unworthy of protection. I know, that Philip of Macedon, under pious pretexts—ambitious princes make great puppets of piety—contrived to have himself invited to take a part in the sacred war, for the purpose of giving protection to the weak against the profane and stronger party, and we all know the result. It was the protection of the wolf to the meek lamb. There never was a wiser remark, and one that should be more practically alluded to, than that made by the prophet Ezekiel to the council of Israel—where a proposition was discussed whether that harassed people should place themselves under the protection of Egypt, as their safest reliance against the power of Assyria: If you do, you will rest on, not a weak, but a broken reed, that will cut the hand that rests upon it. If we make a colony of Mexico, and our army be withdrawn, how long will she remain in that condition? Such a government could not stand without the perpetual guarantee of a standing army; and to undertake to sustain a portion, or a faction, with a view that they might sign a league-treaty of peace, it does seem to me, sir, that it is one of those calculations that will aggravate the evil instead of relieving it. I protest against the use of the army for any such purpose; and, as far as my vote goes, it shall never be given for it. No, sir; let us make a treaty of peace as soon as we can, before the current of consequences carry us too far. I do not even hope that any suggestion of mine can lead to such a result. I believe that these mad schemes, in spite of every warning voice, are destined to go on, and that we shall find ourselves, when they are accomplished, in a worse condition than any in which this Republic has ever been placed. I will but ask, if such be your opinion, why give the President any troops at all? Or, if it be your design to enable him to overcome all Mexico, give him a sufficient number to accomplish the purpose. But the boast has been, that this Government has undertaken to accomplish with twelve or fifteen thousand troops what they should have taken fifty thousand to accomplish. I think the expedition to Vera Cruz, to invade Mexico with twelve or fifteen thousand men, was an inexcusable liberty which the Government took with human life. It was realizing, what had been said before, that in the calculations of American war, human life is the chiefest of all its elements. Yes, sir, the Government has gone on, and made liberal drafts upon the patriotism and gallantry of its citizens; and it is for this reason, if for no other, that I would be in favor of adding more men. But I have other reasons. There is a portion of the volunteers now in the field that ought to be recalled, and others enlisted in their place. Some of them were enlisted to serve for one year. The Government, taking advantage of the circumstance of their being already in Mexico, induced them to enter the service for the war. And such has been the fate of the South Carolina regiment. They had offered their services for a year. Their pride—the regard which they entertained for the honor of their State, and their obligations to the Constitution of the United States—induced them to volunteer; and they have been drawn on, in the expectation that this war would soon close, to continue in the service. I am willing, if for no other reason than to relieve these volunteers, to send other troops into the field, with a view to procure their recall. But the main reason upon which I will give my vote, if I vote for this bill at all, is on the ground that I want the experiment made as soon as possible; the sooner the better for the safety of the Government. I know that all my suggestions of moderation will have very little weight; but if we are to go on with the war, let it be in such a manner as will lead to its most speedy termination.

This being the first war of invasion, it is full of startling suggestions, and should be regarded as full of admonitory instruction. The Constitution presupposes that all the supplies for carrying on the war should be exclusively under the control of Congress. Yet we are told that in part, and with fallacious calculations, a large part of the revenue to support this war is to be found in the contributions to be raised from the enemy's country. By a tariff, somewhat legislative in appearance, and by military coercion, the Mexican revenues are to be directed into the treasury-chest of the army. How much will be collected in this manner, is entirely a matter of uncertain conjecture. By way of encouragement as to the means of carrying on the war, this source of supply is prominently paraded—rather to hide the public debt, which must be enormous, than for anything else. But suppose it could be demonstrated that the army had a self-supplying revenue—what a commentary would it be on the futility of the supposed controlling power of Congress over the military responsibility of the Executive as the commander-in-chief of the armies of the republic! It would place him in the condition of Charles the First, who contended for the right of carrying on war by the arbitrary collection of ship-money, without the advice or control of Parliament. A general with the ambition of Cæsar, placed in such a situation, could, at the head of a strong army, put his government at de-

fiance. We may not see such results in our time; but the example of to-day is the precedent of to-morrow. But when the fires of virtuous patriotism that were kindled on the altar of our country by the founders of the Republic shall have burnt down under the ambitious lust of conquest, there will be no rebuking influence left to purify and restrain lawless ambition.

The Senate then proceeded to the consideration of executive business; and, after a short time so occupied, the doors were opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 18, 1848.

The Journal of yesterday was read and approved.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole, (Mr. J. R. INGERSOLL in the chair,) and resumed the consideration of the resolutions proposing to refer the President's message to the various appropriate committees.

Mr. JAMIESON, (who was entitled to the floor,) after referring to a question which had been up in Committee of the Whole, and on which he had made some remarks, observed that it would probably be best for him to embrace the present opportunity to extend those remarks, and unite what he had then said with what he purposed to say now.

Every gentleman was apprized of the fact that under the hour-rule it was impossible for any gentleman to do justice to himself or to any one of the important topics contained in the President's message. Mr. J. had always opposed the rule, and he expected ever to be opposed to it. He had always looked upon it as a violation of the power conferred upon the members of the House of Representatives by the Constitution. It was a muzzling of debate; it was a curtailing of the right which each member of the House was entitled to enjoy, of expressing at large every view he might think it proper to take.

In starting out, (said Mr. J.,) in making the remarks I purpose to make before this committee, I shall start in a form and fashion of my own; and I shall propose to myself in the outset a sort of text, or a question, which I desire should be presented before Congress and before the country. And this question, with all I intend to speak upon it, has reference only to the war portion of the Executive message. The question is this: *Will our country ever be in the right?*

This is a very important question for our wise men to look into; and for the reason that, as through more than three-score years and ten of our national existence, we have never once been in the right, it is highly important for them to consider whether they can form or devise any plan by which we may, at some time, be right for once. It is a question for the counsels of our wise men. For seventy-two years we have never yet been right, but always wrong. Cannot their united wisdom devise some way or means by which, for one time, we may get in the right? We may go back to the days of Washington and John Adams —the father of that venerable man there—and the days of Madison and Jefferson, and all the departed patriots of our Revolution, and listen a little to what they said, because they all denied the power which was then claimed—the divine right of kings to control the people. Yes, sir; they had the audacity to come out and to proclaim to the world that we—the old Thirteen—we have a right to be free and independent, and we will acknowledge your divine right to control us no longer. Yes, they did this. But in all this they had their opponents then, who looked upon the ground taken by these Presidents and sages as wrong, as wicked, as against the authority of Heaven, and who thought that it was all done under the frown of the Almighty.

Why, sir, here was the man Adams, who, to be sure, had had some hand in producing the revolution; he wrote a great many fine articles in a book called the Federalist, (I wish it had had some other name;) but this man, after the Government had endured for more than a quarter of a century, brought us into the greatest danger of an unconstitutional and a wicked war. Thus, sir, we were wrong in the Revolution, wrong under the elder Adams, and wrong again in 1812, when the man Madison had the audacity to do the same thing; and I see a man over there (looking toward a part of the hall where Mr. Clay stood among some of his friends) who had the audacity to sustain him. (I wish he would only do the same now.) In some portions of the country, this war of 1812 was deemed so wicked, that they kept their militia marching round and round the boundaries of their own State, but forbade them to cross the line. The war was so impious, so wicked, so against all the precepts of Christianity, so Heaven-daring, that it was wrong for a moral and religious people to rejoice in the victories of our own armies. Sir, the war was declared wrong from the pulpit, wrong from the stumps, wrong everywhere—all wrong, all wicked. Sir, not only that; so wrong was it held to be, that they held a Convention at a place called Hartford, to take sides against their own country, and in favor of the enemy. It was held by people so religious, that they raised blue-lights on their coast to give notice to the enemy whenever one of our gallant little barques entered on the broad field of the ocean, that they might be taken.

Sir, it was held most wicked for that wicked President to take the ground that Great Britain had no right to clear the decks of our ships of what men she chose to select, and take them by force into her own service. They claimed the right to board our vessels of war because she had a stronger fleet than we had. The President was held to be the wickedest of men, because he proclaimed, that if this was continued there must be war.

And now, I say, the question arises, (and I want the country to keep it in view,) Shall we ever be in the right? We were not right in the Revolution, we were not right in 1812, and we are still further from being right now. The Mexican Government (I have all the documents here, but I cannot stay to read them) has only committed for a course of twenty-eight years in succession, one hundred of the most outrageous depredations on our flag and on all the rights of our people. Yes, sir; they have only done that. From 1816 to 1845, they have committed only one hundred of the greatest outrages that were ever known. And yet here this wicked Jim Polk (and on the same ground stood Andrew Jackson, and his Secretary of State, Mr. Forsyth) has had the audacity to say that outrages like these formed just cause for immediate war. What Jackson said of them, Polk has repeated. But here we are wrong again. Mexico, according to the resolution offered by the gentleman from Virginia, [Mr. BOTTS,] is in the right, the United States in the wrong. Polk has but taken the ground which Jackson took, and Jackson based himself on the reports of his minister, Mr. Forsyth, whose report stated numerous cases of murder, and every form of outrage that ever was committed. Yet in all this we were wrong—it was all wrong—all wicked. And, if so, even the very Whigs themselves, at the first session of the 29th Congress, lied, because, by their votes, they sustained the President.

And here is the predicament we are in. We are once more in the wrong, notwithstanding these hundred cases of the most violent outrages—outrages on our common flag, on our people, their liberty and their lives; notwithstanding the official reports by Mr. Forsyth of numerous murders; notwithstanding hundreds of our American citizens were seized and thrown into prison, and at last put into the mines, where they dragged out a life far worse than death itself; and notwithstanding the further fact, that two independent sister republics came to the conclusion (through those alone who had the power to act in the premises) to marry—to make a marriage-contract between them. This was done by the people of the two republics, (who held the sovereign power,) and not by this wicked Polk; and Texas was received by the United States just as Ohio and Missouri had been received, viz: with their own limits and boundary as stated by themselves, without any reserve about the river Nueces. We received her as we did all the other new States, according to their own defined limits—they being the only authority that can control that matter, but subject to the action of the treaty power. We all know that there is but one power upon earth that can clip a State of one inch of her claimed terrritory, and that is the treaty power. But I have no time to go into that question now. I say there is but one power on earth that can clip a sovereign State of one single inch of her territory. We received Missouri; we received Ohio, and Indiana, and Illinois, just as we received Texas, viz: with the boundaries presented to us when they asked to be received. You knew these boundaries no better when these States were received than we knew the bounds of Texas when we received her. Yet this man Polk, notwithstanding all this, had the audacity—aye, and that, too, when Congress was in session—to send General Taylor from Corpus Christi to the Rio Grande. Why did he do that when Congress was in session? Why did he take upon himself such a vast power? The answer is very plain, and it is this: No hostilities had yet taken place, and therefore there was no need for the action of Congress. The Executive is bound by his office and his oath to maintain the boundaries of every State, and he must act up to the power conferred on him. Yet, in the face of day, though Mexico had not engaged in any hostilities yet, there was no declaration of war, nor a drop of blood shed. Yet this President had the hardihood to protect Texas in her boundaries; and he would have been perjured if he had not. That is what he has done; and this is the great crime of which he has been guilty. This man Polk had the audacity to order General Taylor to advance to the Rio Grande, and that brought on the war—a war wholly unconstitutional and against all right and honor and justice. Why did he do that? Did we limit Texas to the Nueces? Did we not take her with the Rio Grande for her boundary? The treaty power was the only thing you held over her; and did not Polk call upon her to settle the question by this very power? But Herrera would not agree to it. And was it not on that very ground that Paredes rose and overturned the Government of Herrera? I have here a letter from Herrera declaring that it was on that very ground he was overturned by his rival. The only power to settle the question of boundary was the treaty power. If any other power on earth should dare to say to one of the sovereign States of this Union, You are coming beyond your bounds—stand back; the moment that should be done, the Executive is bound to sustain the State. Did this man Herrera declare that he claimed only to the Nueces? Did he not send an army of fourteen thousand men, and did not Ampudia land on the east bank of the Del Norte and order General Taylor back to the Nueces until the question of boundary should be settled by negotiation? Yet Mexico still claimed to the Sabine.

But Mr. Polk was very wrong in another thing. Here comes Arista to the east bank of the Rio Grande, and tells Taylor that he must remove his forces out of Fort Brown, and go behind the Nueces. "You have no business here. This is disputed territory. True, you have received Texas with her boundary as extending to the ancient limits of Louisiana, but you must retire." Ah, indeed! And what do you promise on your part, suppose I do? If Taylor would consent to break up his camp and retire behind the Nueces, what did Arista promise in return? Would he engage that if our troops retired, there should be no contest of arms? Did he, standing on the east side of the Del Norte, give any pledge that he would wait there for the negotiation, and would have no conflict of arms? No, *sir*. No, SIR. Was old Rough and Ready so blind as not to see what his object was?

When he was making these promises, what did your Government, what did old General Taylor think of it? What did every wise man, every patriot, every one who saw an inch into Mexican character, think of it—of the fact that he was directing our army to do a certain thing without a corresponding obligation on the other side? The object, therefore, was to take advantage. Well, if Arista or Ampudia could have broken up General Taylor, with his little, brave, noble band, and driven them from their post on the Rio Grande, and scattered them to the Nueces; and if he had followed them very quickly and overrun them, they would have come still deeper into the interior of Texas; and before Texas could have organized to have sustained herself, and before the surrounding States could have come to her aid, she would have been overwhelmed—murdered, as her brave citizens were at the Alamo and other places. That would have been your *fix;* and yet, notwithstanding all this, when this was probable—when every man of any mind could have seen that this was the object of this order—when any statesman or any

general fit to command a squad of twenty could have seen it, yet this, it is said, has brought upon us this wicked war.

And now, to be a little ironical again, I will put a question according to old Guthrie, [a laugh,] in the rule of three. If we have always been wrong; if we have sprung and leaped—not crawled, not walked—but jumped from weakness, from a handful of men, and from poverty to wealth, and have always been under the frown of the eternal I AM; if we have jumped from poverty to be the mightiest power on earth—to a power that can feed and fight the combined world—[a voice: "the 'combined' world"]—yes, the combined world; I won't alter a solitary phrase I mention; if we have done all this, and always been in the wrong, what, according to the rule of three, would have been our power if we ever could have been right in one instance? And again—(to go back a little, for in attempting to speak on this subject, under the restrictions of the hour rule, I cannot be systematic)—if this old wicked Madison and wicked Jimmy Polk have brought upon us two wars wickedly, and we have stood up one to four in Mexico, and stood equal against the mighty British Power; if we have been enabled to do this in two wicked wars that have excited the frowns of Heaven itself, what could we have done if we had been right? If our brave boys that have been out yonder in Mexico—and I will draw no distinction between Missourians, Indianians, Illinoisans, Mississippians, Tennesseeans, and those from any other State in the Union—I will just say this in one round word, we all are of the same blood; we are of the same Anglo-Saxon race, and when we meet upon the field of battle we are all one by the other, and one just as brave as the other.

It is very true there may be some difference in marksmanship. The western people, from using guns every day, have the advantage simply in taking bead, but there is no difference in their bravery. That very Indiana regiment that I stopped on, the other day when I was called to order, I want to say something more about; and in mentioning that regiment, Illinois wants no praise; Missouri wants nothing to be said, nor any other State. But one thing is very strange, that this regiment from Indiana, although it had more officers and men that fell than any solitary regiment at the battle of Buena Vista, except my friend RICHARDSON's regiment, (where is he?—he is not present,)—I believe the report says, it stood twenty-one rounds; it fired twenty-one rounds; and it lost more officers and men than any other solitary regiment that fought at Buena Vista,—yet, like those cowardly Missourians, reported by the very same officer at the battle of Ocheechubbee, after they were perfectly overwhelmed by the deadly fire, they fell back upon the baggage, and could not be brought to order. There never was, and there probably never may be—there never was anything entered on the record like these two battles of Sacramento and Brazito. Not that I claim any precedence for the Missourians above any other people in the several States of the Union. I admit you are all as brave as we are; we claim no preference. But I claim the marksmanship; and you will see that there, at Sacramento, in thirty minutes, (for the main work was done in thirty minutes,) by nine hundred men, there were as many of the enemy slain, or nearly so, as were slain at the battle of Buena Vista, where 5,000 of our boys were contending against 20,000 odd Mexicans. According to the official reports, I know it is called a three hours' battle; but, mark you, in thirty minutes nearly all the work was done; more than five hundred men, by nine hundred, were laid dead upon the field. They met them arm to arm, shoulder to shoulder, knife to knife, not in open field, as was done at Buena Vista; but they attacked them in strong natural and artificial defences, and drove them from those works in thirty minutes, and left more than five hundred dead upon the field; killed and wounded more than their own number. This was the mighty work that markmanship did; there was no more bravery. Again, at Brazito there were only three hundred engaged, and the order was given that the No. 1 men should fire; they had no cannon there; no big guns; nothing but the rifle that they took the bead on. There were only three hundred against a force of more than seventeen hundred, charging with their cavalry. These men had just gone through the ninety miles *jornada*. It is defined by some to be the journey of a day, but incorrectly: it is a desert, without wood or water. In going through, the rule is, never to touch one mouthful of victuals, because if you touch food you want water, and you may parch with thirst and die. These jornada were passed through by Doniphan's men—one of ninety miles, two of sixty miles, and one of forty miles. They passed round, as it were, one-fourth of the circumference of the globe. At Brazito, the No 1 were ordered to fire first, to lay low, and whenever the enemy approached within seventy yards to fire. One hundred and fifty of them took their beads, and that No. 1 pretty much killed or crippled each their man; and that was panic enough for the enemy; and what made it worse was, that most of them were shot in the head, and they took up the panic that our boys had taken bead upon the head on purpose. Rogers, who fought at Brazito, and commanded a company there, was the same man who fought at Ocheechubbee; he was wounded at Ocheechubbee, in command of his part of the regiment. He commanded the same company from Callaway at Sacramento that he commanded at Brazito. A good portion of the same officers commanded at Brazito and Sacramento that commanded at Ocheechubbee. Although their colonel was killed; although every solitary officer that was in battle was shot down, and a lieutenant from my own county assumed the command at his part of the regiment, and himself was soon shot down, yet they mostly retired to their baggage; although they were put in the brunt of the battle, ahead of the regulars; and although there were very many of the Missourians shot down at the battle of Ocheechubbee, and they would have suffered still more but for the relief furnished by Foster, (as I recollect,) with my battalion of regulars; although they were swamped in the mud, and were fighting at the distance of a pistol-shot for hours, until they were literally cut to pieces,—still they mostly retired, like this Indiana regiment, to the baggage.

Well, I presume after this that Missouri and Indiana would go for old "Rough and Ready." They will join the gentleman from Pennsylvania, [Mr. STEWART,] and will say, that although you stand up against the war; although you stand up against every act of General Taylor; although you stand up against the President; although the President has brought about this war unconstitutionally; and although old General Taylor, knowing the fact, has been fighting in an unconstitutional war, and therefore committing murder upon murder, yet you may think we will stand up to him; you may do it also; you may show your consistency, and we will show ours.

There is another point to which I will briefly turn the attention of the House; and I desire to injure no gentleman's feelings, yet I must speak out boldly. The gentleman from Illinois, from the Hardin and Baker district, [Mr. LINCOLN,] took a strange position before the American Congress for such a Representative. Yes, sir; look back and see what your Hardin did. He was a Whig, to be sure; he and I met here on this floor, and we disagreed, as far as politics are concerned; yet he went from your district, (referring to Mr. LINCOLN,) and fell nobly at Buena Vista. You have a Baker, too, from your district, and that Baker went along under General Scott, and he, too, was in the bloody battle, and at Cerro Gordo commanded when the noble Shields fell with a grape through his lungs. Coming from the district that had thus been represented, both here and in Mexico, it is astonishing to me how the gentleman could make the speech here which he has.

I take the ground, therefore, that it is not necessary—that it has never been considered by those who have gone before us a debatable question, whether we are in a war which is right or wrong. The question for a Washington, a Jefferson, a John Adams, a Samuel Adams, a Hancock, or a Henry, would have been, are we in war? are we at war with an enemy? If so, it devolves on us to sustain the honor and credit of the country, and bring her out the best way we can; and after the war is over, we may inquire as to whether the war was got into right or wrong; or, as statesmen, we may inquire before we get into a war whether we have just cause or not. But the patriotism of these old patriots, the men of the Revolution, of the patriots of the last war, would not permit one of you to inquire into or debate the question, when in war, whether we are in the right or wrong; but, are we in war? and if so, we must get out in the best way we can. My motto is, and I believe it will become the motto of this country, the sentiment given by Decatur, "May our country always be right; but our country, right or wrong!" I believe, sir, that the sentiment of Lawrence, who raised his voice above the rushing of the elements, above the cannon's roar, and shouted "Right or wrong, never give up the ship," is the sentiment which will be adopted in this country.

In concluding, I want to say that all I want in the world of those who have taken sides here—if any one has (for I am charging it upon nobody)—if there is any one here or elsewhere who is going to take sides against his country, let him come right up to the issue and stand boldly upon it. Let there be no working around it, no attempting to avoid it by procrastination, by incidental matter. Come to it at once; declare your object; let the world know it; and I will venture to state a thing that I had occasion to state not long since in another place—and it is my own statement, it does not come from the other end of the Capitol—that if they take that ground they will be entombed so deep, and the clods will be so heavy upon them, that they will never be resurrected until the very last trump from the archangel.

Mr. JONES, of Georgia, rose and said, that to discuss all the topics properly belonging to the pending war would consume more time than was allotted to him by the rules of the House. He must therefore content himself with a brief allusion to the leading facts connected with the origin, present condition, and probable sequel of our belligerent relations to Mexico. The magnitude and importance of this subject demanded of us the most profound and deliberate investigation. It was not a common question, involving as it does the interests of every citizen, from the centre to the circumference of this broad Union. Feeling, as he most sensibly did, the weight and responsibility that rested upon them, he confessed that it was with no ordinary solicitude and trepidation that he now rose to address the committee; and he could not but hope that the wisdom and experience of that body would prove amply commensurate to the task that lay before them.

War in its mildest aspect was a great evil; and, paradoxical as it may appear, it was sometimes a necessary evil. It might be a crime or a virtue according to circumstances; for all guilt and all innocence are predicated upon and founded in the motives and the principles that impel to action. Suffice it to say, that that war is just which originates in a just cause or causes, that is conducted on just and magnanimous principles, and that is protracted to a just extent. There is a scholium by a learned author upon the political economy of war which reads thus:

"There are no principles flowing from nature which warrant what, in the proper sense of the term, is called *revenge* amongst nations. Natural justice extends not further than satisfaction and security. Nations acknowledge no superior tribunal on earth: the inflicting of punishment is, therefore, an unwarrantable usurpation of power, which may entitle a people to the exercise of national ferocity, Gothic barbarity, but not to the national right!

"Nations have but a limited right of reparation and defence: no more violence is lawful than that which is sufficient to afford satisfaction and security; neither are acts of hostility entitled to any further continuance; for in either of these cases compulsion and defence would be destitute of a just cause; the defender would consequently become guilty of an aggression, and give the original aggressor a just right for defence, as far as the limits of a just and lawful defence are exceeded."

From this we conclude that antagonistic nations cannot be simultaneously right. Both parties may be in error. One may be right and the other wrong; and each alternately right and wrong.

Again, he would read from that celebrated author (Vattel) upon the law of nations, the following impressive paragraph:

"Whoever entertains a true idea of war—whoever considers its terrible effects, its destructive and unhappy consequences,—will readily agree that it should never be undertaken without the most urgent reasons. Humanity revolts against a sovereign who, without necessity, or without very powerful reasons, lavishes the blood of his most faithful subjects, and exposes his people to the calamities of war, when he has it in his power to maintain them in the enjoyment of an honorable and salutary peace. And if to this imprudence, this want of love for his people, he moreover adds injustice towards those he attacks, of how great a crime, or rather of what a frightful series of crimes, does he not become guilty! Responsible for all the misfortunes which he draws down on his own subjects, he is moreover loaded with the guilt of all those which he inflicts on an innocent nation. The slaughter of men, the pillage of cities,

the devastation of provinces—such is the black catalogue of his enormities. He is responsible to God and accountable to human nature for every individual that is killed, for every hut that is burnt down. The violences, the crimes, the disorders of every kind attendant on the tumult and licentiousness of war, pollute his conscience, and are set down to his account, as he is the original author of them all. Unquestionable truths! alarming ideas! which ought to affect the rulers of nations, and, in all their military enterprises, inspire them with a degree of circumspection proportionate to the importance of the subject."

Entering, as Mr. J. did, into Congress at this advanced stage of the war, it would naturally and reasonably be expected that he would direct his attention to the future rather than the past. In order, however, to be correct in their deductions, it was necessary to be correct in their premises. They must

"Watch the wheels of nature's mazy plan,
And learn the future by the past of man."

An ancient and erudite Latin author (Virgil) has said, "Happy is he who traces effects up to their causes." Mr. J.'s views on the origin of this war might be told in a few words. It was the bitter fruits of the joint operation of the presumption and folly of Mexico, and the blunders and mal-administration of the affairs of this Government. Both Governments had, in all probability, departed from the line of national rectitude, and may have acted alternately and reciprocally aggressive. And yet had General Taylor's army not been ordered from Corpus Christi, on the Rio Nueces, to the eastern bank of the Rio Grande, there had been no war. That the citizens of Mexico did commit, anterior to the war, numerous outrages upon our citizens and spoliations upon their property, was not denied; and that she also had neglected an equivalent indemnity, was as frankly admitted. It was true that she liquidated the claims of our citizens to the extent of $2,026,139 68, a part of which has been paid.

[Mr. J. here read an extract from a report made by the honorable John Forsyth, in 1837, and made some allusion to the opinions of Presidents Jackson and Van Buren. He then continued:]

That the annexation of Texas to the United States produced deep and lasting heartburnings in the bosoms of Mexicans, was a fact well known in both countries. The Mexican Minister, then resident in Washington, entered his solemn protest against that transaction, and looked to it as a *casus belli*, demanded his passports, and returned to Mexico.

[Here Mr. J. quoted the President's message of 1845, and also a letter from Mr. Slidell, dated Mexico, December 24, 1845, and then said:]

That while we believe that annexation was justifiable under the then existing state of things, we could not but apprehend that that transaction tended to sever the affections of Mexico from her *alma mater;* and he could only hope that the fruits of that transaction might not prove as did—

——"the first fruit
Of that forbidden tree, whose mortal taste
Brought death into the world, and all our wo,
With loss of Eden."

And he ardently desired that it might not prove an Achan in the camp, or a Jonah on board our ship of state. It had been alleged that the rejection of the Hon. John Slidell as Minister Plenipotentiary at the Court of Mexico completed the catalogue of aggressions that justified the Government of the United States in waging war. Such, however, was not his opinion, after full investigation of the diplomatic correspondence on that subject. Mexico would have been willing, she proposed repeatedly, to receive him in the capacity of a commissioner to negotiate a boundary between the two republics, but the Administration persisted in demanding that he should be received with plenary powers. And this has been used as a flimsy pretext for prosecuting a war, which has cost our country thousands upon thousands of valuable lives, and millions upon millions of dollars; and, to complete the budget of blunders, and to render more palpable his *consistency*, he has since despatched a *commissioner* in the person of Mr. Trist. Thus do they—

"Wire in and wire out,
And leave a body still in doubt,
Whether the snake that made the track
Was going south or coming back."

That the removal of General Taylor and his forces from Corpus Christi, on the Nueces, to the Del Norte, thereby traversing the modern Mesopotamia, was the prime and proximate cause of hostilities, is now the settled opinion of the people, and has been liberally endorsed by the leading friends as well as the opponents of the Administration. It was then that we crossed the Rubicon; it was then the die was cast; and the sanguinary calamities of Pandora's box were then spread out on both nations. That was the crowning act of Executive folly.

To prove that the desert country between the Nueces and the Rio Grande was disputed territory, Mr. J. referred to a great variety of documentary testimony. He quoted from a speech delivered by Mr. Senator ASHLEY on the annexation resolutions, as follows:

"The third [of his own resolutions] speaks for itself, and enables the United States to settle the boundary between Mexico and the United States properly. And I will here add, that the present boundaries of Texas, as I learn from Judge Ellis, the President of the Convention that formed the Constitution of Texas, and also a member of the first Legislature under that Constitution, were fixed as they now are, [that is, extending to the Rio Grande,] solely and professedly *with a view of having* a large margin in the negotiation with Mexico, and not with the expectation of retaining them as they now exist in their statute book."

Again: Mr. Donelson, our Chargé to Texas, or the agent sent on to effect annexation, in a communication of the 23d of June, 1845, to Mr. Buchanan, upon the same subject, speaking of the country between the Nueces and the Rio Grande, says:

"That country, you are aware, has been in the possession of both parties. Texas has held in peace Corpus Christi; Mexico has held Santiago, [near Point Isabel;] both parties have had occasional possession of Loredo, and other places higher up."

Again, in a subsequent letter, dated July 11, 1845, Mr. Donelson says to Mr. Buchanan:

"SIR: You will have observed that in my correspondence with this Government and Texas there has been no discussion of the question of limits between Mexico and Texas. The joint resolution of our Congress left the question an open one, and the preliminary proposition made by this Government, under the auspices of the British and French Governments, as the basis of a definitive treaty with Mexico, left the question in the same state." "I at once decided that we should take no such position, [on the Rio Grande,] but should regard only as within the limits of our protection that portion of territory actually possessed by Texas, and which she did not consider as subject to negotiation."

He had also the authority of the gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] who, when he introduced the resolution of annexation, said upon this subject:

"The stupendous deserts between the Nueces and the Bravo [the Rio Grande or del Norte] rivers are the natural boundaries between the Anglo-Saxon and the Mauritanian races. There ends the valley of the west. There Mexico begins. Thence, beyond the Bravo, begin the Moorish people and their Indian associates, to whom Mexico properly belongs, who should not cross that vast desert if they could, as on our side we, too, ought to stop there, because interminable conflicts must ensue from either our going south or their coming north of that gigantic boundary. While peace is cherished, that boundary will be sacred. Not till the spirit of conquest rages will the people on either side molest or mix with each other; and, whenever they do, one or the other race must be conquered, if not extinguished."

Mr. J. here read largely from speeches delivered by the Hon. T. H. BENTON, the distinguished Senator from Missouri, whose testimony he thought would be convincing in the court of Democracy, to prove that the "stupendous desert" formed no part of the old Spanish Texas. Amongst other things, Mr. J. read the following:

"With respect to Texas, her destiny is fixed. Of course I, who consider what I am about, always speak of Texas as constituted at the time of the treaty of 1819, and not as constituted by the Republic of Texas, comprehending the capital and forty towns and villages of New Mexico, now and always as fully under the dominion of the Republic of Mexico as Quebec and all the towns and villages of Canada are under the dominion of Great Britain. It is of this Texas—the old Spanish Texas—of which I always speak; and of her I say, her destiny is fixed. Whatever may be the fate of the present movement, her destination is to return to her natural position—that of a part of the American Union.

"I adhere to this discrimination between the two Texases, and now propose to see which of the two we are asked by the President of the United States to incorporate into the American Union."

Mr. BENTON then went on to show what provinces this line includes, their population, their towns, their cities, &c.

"These," he says, "in addition to old Texas; these parts of four States; these towns and villages; these people and territory; these flocks and herds; this slice of the Republic of Mexico, *two thousand miles long and some hundreds broad*—all this our President has cut off from its mother empire, and presents to us and declares it is ours till the Senate rejects it. He calls it Texas! and the cutting off he calls *re*-annexation! Humboldt calls it New Mexico, Chihuahua, Coahuila, and Nuevo Santander, (now Tamaulipas,) and the civilized world may qualify this *re*-annexation by the application of some odious and terrible epithet."

Mr. J. also read the following resolution, offered by Mr. BENTON when the Tyler treaty was before the Senate:

Resolved, That the incorporation of the left bank of the Rio del Norte into the American Union by virtue of a treaty with Texas, comprehending, as the said incorporation would do, a part of the Mexican departments of New Mexico, Chihuahua, Coahuila, and Tamaulipas, would be an act of direct aggression on Mexico, for all the consequences of which the United States would stand responsible."

The late Hon. Silas Wright, who stood so eminently distinguished in the councils of this Union, in a speech delivered at Watertown, in the State of New York, spoke thus:

"I felt it my duty to vote against the ratification of the treaty for the annexation. I believed that the treaty, from the boundaries that must be implied from it, embraced a country to which Texas had no claim, over which she had never asserted jurisdiction, and which she had no right to cede." "It appeared to me then," he continued, "if Mexico should tell us, 'We don't know you: we have no treaty to make with you;' and we were left to take possession by force, we must take the country as Texas had ceded it to us; and, in doing that, we must do injustice to Mexico, and take a large portion of New Mexico, the people of which have never been under the jurisdiction of Texas. This to me was an insurmountable barrier; I could not place the country in that position."

Mr. J. would abstain from any further quotations, except to state that Mr. Calhoun, at the period before referred to, attempted to repel charges brought against his treaty, and sought to show that we never meant to claim the territory embraced in the act of Congress of Texas; but that, on the contrary, we were very desirous to open a friendly negotiation with Mexico for the purchase of such a boundary as would be most convenient. To express this purpose to the Mexican Government, Mr. Calhoun wrote to Mr. Green, on the 19th of April, 1844:

"You are enjoined by the President to assure the Mexican Government that it is his desire to settle all questions between the two countries which may grow out of this treaty, or any other cause, on the most liberal and satisfactory terms, *including that of boundary.*"

Such testimony, from such sources, (continued Mr. J.,) could not fail to prove that the course of the President was diametrical to the views of the most distinguished statesmen of his own party. Thus out of their own mouths they were condemned.

Mr. J. then proceeded to show that the march of General Taylor's army through the desert was in obedience to the orders of the President, by reading a communication from Mr. Marcy, Secretary of War, to Brigadier General Taylor, of the date of 13th January, 1846, thus:

"SIR: I am directed by the President to instruct you to advance and occupy, with the troops under your command, positions on or near the east bank of the Rio del Norte, as soon as it can be conveniently done with reference to the season and the routes by which your movements must be made."

Mr. J. then proceeded, and said, in order to make manifest the political fidelity and integrity of the President, it was only necessary to call the attention of the committee to the following facts: On the 15th of June, 1845, we find that Mr. Bancroft, then of the War Department, informed General Taylor that the point of his ultimate destination was the Rio Grande del Norte; thus moving upon the disputed territory, which Mr. J. regarded as forbidden ground, as the action of Congress had indicated a willingness to treat for the settlement of that boundary. It had been left open to future negotiation.

In the November following, Mr. Slidell was despatched to Mexico in the capacity of a Minister Plenipotentiary, to conclude a settlement of boundaries of the territory into which General Taylor, a few months thereafter, was ordered to march, and to possess with an armed force; and, even so late as March 12, 1846, Mr. Buchanan, by official communication, urged Mr. Slidell not to leave Mexico, knowing, at the same time, that General Taylor was advancing with his army to the Rio del Norte. Thus we perceive the obvious union of the hands of Esau and the voice of Jacob.

Far be it from Mr. J. unjustly to impugn the motives of the President or any of the high functionaries of the Government. It was no pleasure to him, nor was it his custom, to indulge in acrimonious animadversion towards any individual, either in high or low station; and, while he should express himself unreservedly of their acts, he desired to judge charitably of their motives.

That which had happened was irrevocable. Let us guard well the future.

Mr. J. then alluded to the action of the House a few days since, in the adoption of the amendment of the gentleman from Massachusetts, [Mr. ASHMUN,] declaring that this war "was unnecessarily

and unconstitutionally begun by the President of the United States," and, not having had an opportunity to record his vote upon that subject, he would embrace this opportunity to define his position on that point. He laid it down as a proposition that was susceptible of proof, that, notwithstanding the offences of Mexico were such as might have justified, in the opinion of many, preparation for war on the part of the United States, the Chief Magistate of this Union was not authorized insidiously to adopt such a course as would inevitably result in hostilities, irrespective of the voice of Congress then in session; and more especially, as the war-making power was, by the framers of the Constitution, wisely and cautiously withheld from the Executive Department. Nor was it confided to the Judiciary Department of this Government. In Congress, and Congress only, was this power vested. To prove which, Mr. J. first read Story on the Constitution, (vol. 3, p. 59, ch. 21,) on the power to declare war and make captures, as follows:

"§1163. The next power of Congress is to 'declare war, grant letters of marque and reprisals, and make rules concerning captures on land and water.' [See the 11th clause, 8th section, 1st article of the Constitution of the United States.]"

Also, section 1165 of the same chapter, thus:

"The only practical question upon this subject would seem to be, to what department of the National Government it would be most wise and safe to confide this high prerogative, emphatically called the last resort of sovereigns, *ultima ratio regum*? In Great Britain, it is the exclusive prerogative of the Crown, and in other countries it is usually, if not universally, confided to the Executive Department. It might by the Constitution have been confided to the Executive, or to the Senate, or to both conjointly."

He also read the following from the same authority:

"The representatives of the people are to levy taxes to support a war, and therefore have a right to be consulted as to its propriety and necessity. The Executive is to carry it on, and therefore should be consulted as to its time, and the ways and means of making it effective. The coöperation of all the branches of the legislative power ought, upon principle, to be required in this, the highest act of legislation, as it is in all others. Indeed, there might be a propriety even in enforcing still greater restrictions, as by requiring a concurrence of two-thirds of both Houses."

Again, p. 64: "§1172. The power to declare war is exclusive in Congress."

From chapter 37, section 1486, page 342, he read the following:

"The power of the President, too, might well be deemed safe, since he could not of himself declare war, raise armies, or call forth the militia, or appropriate money for the purpose; for these powers all belong to Congress. In Great Britain, the King is not only commander-in-chief of the army and navy, and militia, but he can declare war; and in time of war, can raise armies and navies, and call forth the militia of his own mere will."

He thanked God that the rights and privileges of the American people were not yet subject to the prerogative of a crowned head.

Mr. J. also read at length from the Letters of "Helvidius," (alias President Madison,) on the proclamation of neutrality of 1793, as follows:

"Every just view that can be taken of this subject admonishes the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the Constitution, that the power to declare war, including the power of judging of the causes of war, is *fully* and *exclusively* vested in the Legislature; that the Executive has no right, in any case, to decide the question whether there is or is not cause for declaring war; that the right of convening and informing Congress, whenever such a question seems to call for a decision, is all the right which the Constitution has deemed requisite or proper; that for such, more than for any other contingency, this right was specifically given to the Executive.

"In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the Legislature, and not to the Executive department. Besides the objection to such a mixture of heterogeneous powers, the trust and the temptation would be too great for any one man; not such as Nature may offer as the prodigy of many centuries, but such as may be expected in the ordinary succession of magistracy. War is, in fact, the true nurse of Executive aggrandizement. In war, a physical force is to be created; and it is the Executive will which is to direct it. In war, the public treasures are to be unlocked; and it is the Executive hand which is to dispense them. In war, the honors and emoluments of office are to be multiplied; and it is the Executive patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered; and it is the Executive brow they are to encircle. The strongest passions and most dangerous weaknesses of the human breast—ambition, avarice, vanity, the honorable or venal love of fame—are all in conspiracy against the duty of peace.

"Hence it has grown into an axiom that the Executive is the department of power most distinguished by its propensity to war; hence it is the practice of all States, in proportion as they are free, to disarm this propensity of its influence."

Mr. J. remarked, that we have had many Presidents, but only one WASHINGTON. The President that assumes the authority to exercise the war-making power *per se*, snatches away the columns that support the temple of liberty, strikes a direct blow at the foundation of our republican institutions, and constitutes himself the master and not the servant of the people. Such a course would be to demolish the fundamental principles of free government, and establish a monarchy upon its ruins. And such a course would be the triumph of the one-man power over the sovereignty of the people; and such is the tendency, but he forbore to say such was the design, of the present Administration. But he would say that the course pursued by the President was an assumption of authority unknown in the administration of his predecessors. When the limits between the boundaries of Spain and the United States were unsettled, Mr. Jefferson refused to order our troops to take possession of the disputed territory, upon the express ground that "Congress alone was constitutionally invested with the power of changing our condition from peace to war." How diametrical had been the course of "the powers that be;" and how often is it the case that—

"Man, proud man,
Dress'd in a little brief authority,
Plays such fantastic tricks before high Heaven
As make the angels weep."

And how appropriate is the language of Solomon to the signs of the times: "When the righteous are in authority the people rejoice, but when the wicked beareth rule the people mourn."

Then, he asked, under all the circumstances, shall the Congress of the United States—shall the Representatives of a great and a free people—shall I, a Rrepresentative from the noble State of Georgia, one of the good old Thirteen—from the land of Gwynett, and Hoil, and Walton, of Oglethorpe, and Crawford—with folded arms sit mutely down, and, with closed lips and silent tongue, see the great tree of liberty, planted and cultivated by our ancestors, and under whose genial branches the nation has prospered and reposed in safety for more than half a century; shall I see it quivering in every branch beneath the scathing halberd of every Executive folly and usurpation, and make no effort to protect it from Executive misrule and party violence? Shall we witness its eradication, and make no attempt to arrest the spoiler's blow? Shall we not sound the tocsin of alarm, and arouse the slumbering indignation of a too confiding people? I know not what course others may pursue; for myself, I can only say that—

"Though perils did abound as thick as thought could make them,
And appear in forms more horrid,
Yet my duty, as does a rock against the chiding flood,
Should the approach of this wild river break,
And stand unshaken"—

by the Constitution.

"For great were the hearts and strong the minds
Of those who framed, in high debate,
The immortal league of love that binds
Our fair broad empire State with State."

And what, sir, is the condition of Mexico? The reverses and the vicissitudes of that Republic have been varied and multitudinous. After the conquest of Cortez, dating from 1521, she remained as a Spanish colony for more than three hundred years; and in 1821, having shook off the fetters of Castilian bondage, she became an independent republic. But, as early as 1835, we find her relapsing into consolidation and centralism. In 1848, we find her realizing the horrors of anarchy. What was right in regard to the things of yesterday may be wrong when applied to those of to-day. Our present relations to Mexico are not what they were in the incipiency of this unhappy conflict. A few years ago, and she was not without hope. She had the courage and the energy to gain her independence, but lacked the virtue and intelligence to maintain it. Hers was a delusive dream, and widely different has been the reality. And the history of her brief career strikingly exemplifies that Scriptural admonition, "Let him that thinketh he standeth take heed lest he fall." For now, in her public and private relations, as well as in her civil and military affairs, she bleeds at every pore. Iturbide and Hidalgo, Allende and Morelos, Bustamente and Santa Anna, have each, in their turn, risen, and reigned, and fallen, and Mexico is independent Mexico no more. Torn to pieces by the treachery and the intrigue of her corrupt and ambitious leaders, and galling and cringing beneath the iron yoke of a bloated and a mercenary priesthood at home, and driven from seaboard to mountain, and from mountain to seaboard, by the invincible soldiery of Taylor and of Scott; too proud and too obstinate to yield, and yet too feeble much longer to defend and protect her silver sierras and her verdant valleys; unwilling to abandon her firesides and her altars, and that soil which she has so long and so profusely watered with the blood of her heroes—she presents a melancholy picture of humiliation and disgrace, unequalled, in modern times, by the tragic fate of unfortunate and down-trodden Poland. And, though "grim-visaged war hath" not "smoothed his wrinkled front," the watch-word and war-cry of patrician and plebeian is, "God and Liberty!" Imagination portrays the last gallant platoon of her army clambering up the pyramid of Cholula, and with Warsaw's last champion—

"Oh, heavenly cry, our bleeding country save!
Is there no hand on high to shield the brave?
Yet, though destruction sweep these lovely plains,
Rise, fellow-men, our country yet remains;
By that dread name we wave the sword on high,
And swear with her to live, for her to die."

Or, rallying within the moss-covered walls of her ancient cemeteries, and clustering around the crumbling tombs of their fathers and their mothers, and exclaiming—

"When Hope's expiring throb is o'er,
And even Despair can prompt no more,
This spot shall be the sacred grave
Of the last few who, vainly brave,
Die for the land they cannot save."

To be brave is to be generous; to be noble is to be just; and to be great is to be good. The American eagle, guided in her upward and her onward flight by the dauntless spirit of her unwavering chivalry, and sustained and supported by the indomitable prowess of American arms, now spreads in triumphant grandeur his broad and potent pinions over that magnificent palace where once rose up the spacious halls and the golden domes of the Montezumas.

The banner of our country now waves in victory upon the embattled heights of Monterey, and throws out its star-lit scintillations from the lofty towers of San Juan de Ulua, and along the walls of the great city of the Cross; while the sepulchral voice of death whispers from the Aceldamas of Buena Vista and Cerro Gordo, and comes up in wailing notes from the gory plains of Chapultepec, Churubusco, Contreras, and Molino del Rey, the cry "enough!" "enough!" while the Alameda and Plazas of her political capital and her commercial emporium are the *Champ de Mars* of our army. The sceptre of the ancient Aztecs has well nigh departed, and the hope of the Mauritanian race has fled forever. Exhausted and emaciated, she is tottering on the verge of national annihilation, and to be, or not to be, is now the question. She is now left to choose between desperation and disgrace. But I would ask this House and this country, has the virtue and the magnanimity of our patriot fathers degenerated in the bosoms of her sons? Let me hope not. I would ask, shall the hitherto spotless fame of our gallant army and navy be tarnished by a participation in the sanguinary scenes of savage warfare? Shall they become polluted by the spoils of war and Vandalic licentiousness! Never, never! True glory is the reward of virtue, and not of vice.

The mighty and the numerous tribes of the red men of the forest have given back, and yet further back at the approach of our ancestors and ourselves. Twice have the legions of Albion's Isle acknowledged the supremacy of our arms; and the victors of Castile and Arragon more recently succumbed to the sons of Washington. Looked up to as the model Government of the world, and holding out the ægis of freedom to every land, let us not be unmindful that "righteousness exalteth a nation, and sin is a reproach to any people." A great cause has been committed to our keeping. Let us be faithful to the trust. The political destinies of 20,000,000 of people are perhaps suspended on the deliberations of the 30th Congress. Our fathers pledged their lives, their fortunes, and their sacred honor to bequeath us freedom, many of whom paid down the price. Over this rich boon let us watch with a vigilance that never sleeps, and guard with a jealousy that admits no encroachment, and protect it with a valor that never surrenders.

There are other facts connected with this sub-

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ject which I should like to notice, but the want of time urges me to a reluctant conclusion. Though not satisfied with the manner in which the war now pending was commenced, I must be allowed to say, that, from the moment the first gun was fired up to the present time, no man has advocated the defence of his country more zealously than myself, and I shall always advocate its defence to any extent that circumstances may require. I will stand by the country in glory or in gloom, in peace or in war. But will the time never come when we may honorably bury the tomahawk, and pass round the calumet of peace—when we may "beat our swords into ploughshares and our spears into pruning-hooks?" But, until that period shall arrive, let our conduct resemble the emblem of our armorial insignia. Let the Caduceus of Pax always accompany the spear of Mars. Mexico is, to all intents and purposes, a conquered nation; her marauding banditti and her guerrilla parties are our only enemies. Such a foe is unworthy the steel of our victorious armies. But because Mexico is conquered, it does not follow of necessity that her rights are extinguished, unless we are prepared to assert that "might is right," and that "to the victor belong the spoils," and that this nation is bound together "by the cohesive power of public plunder." Who is ready to endorse such a sentiment? I am not. To condemn the folly and the blunders of the Administration, is not to oppose the war. Those who have disapproved of the course of the Chief Magistrate—and they are not a few, for Whigs and Democrats have denounced it *ab initio*—but those who have done this are denominated aiders and comforters of the enemy. Now, in the name of all the gods, upon what meat doth this our Cæsar feed, that he has grown so great?

"But he stands upon a slippery place
Makes nice of no vile hold to stay him up."

I hope never to see the day when an Executive ukase shall bridle the mouths of statesmen, or become the doorkeeper of our lips and the arbiter of our thoughts. In the land of Washington there is no anti-war party when defence is necessary. Blistered be the foul tongue of slander, and scorched the lying lips of those who would dare utter such a libel upon the patriotism and valor of the American people. The sin of aid and comfort lies not at the door of the Whig party. They never furnished Mexico with a general to command her armies. Nor will they ever blur the escutcheon of their country's fame, or obstruct the progress of their country's glory. The valor and the success of the intrepid Scott and the indomitable Taylor scorns the allegation of aid and comfort on the part of the Whigs. The mangled and bleeding bodies of Butler and Clay, and McKee and Hardin, and others, declare it false; and the smoking blood and the bleaching bones of half our fallen soldiery in heaps upon the plains of Mexico are enough to crimson with shame the accuser's face. But a day of reckoning is fast approaching, yea, even at the door. A few more official blunders, a few more encroachments upon the sovereignty of the people, a few more vetoes, and the epitaph of the present Administration will be written on the wall, "Weighed in the balance and found wanting." Soon shall those who welcomed the coming, speed the parting gust. Soon shall the authors of those portentous clouds that now lower around our country's horizon, from the deep anguish of their troubled bosoms exclaim, "Alas! alas! had we but served the country with half the zeal that we have served ourselves, the people would not in our declining years have forsaken us, and left us for all coming time to care for ourselves." And their final soliloquy (to be pronounced on the 3d of March, 1849) will be, Farewell, a long, a last farewell to longing hopes and fond expectations, to palaces and power. We have touched the highest point of all our greatness, and now, from the zenith of our earthly bliss, we fall to rise no more. Like a bubble on the waves, or a bright exhalation in the evening, we vanish from the gaze of men, and our names are to be struck from the catalogue of worthies, and hurried by the relentless current of universal disapprobation to the far-off regions of the world's forgetfulness, finally to sink beneath the obscure eddies of oblivious waters.

Mr. J. was proceeding to give his views in regard to the manner in which the war should be closed, but was interrupted by the expiration of his hour.

Mr. ROBINSON said, he would claim the indulgence of the committee for a few minutes only, while he called their attention to two or three points that had been made in this debate. He did not expect to follow the poetical gentleman from Georgia, who had just taken his seat, through the windings of his remarks for his hour. There were but one or two topics in the gentleman's speech on which he should touch. One of them was the recent charge made against the Executive for withholding from this House the instructions given to Mr. Slidell, our late Minister to Mexico. A fresh charge against the Executive in reference to this war! And, although he had given this subject some little attention, he must say, of all the extraordinary issues, of all the extraordinary objections that had been made in reference to this war, this, it seemed to him, was the most extraordinary, and had the least foundation. He had not examined the precedents in relation to this matter; but the idea that this House had the right to call upon the President of the United States to lay before the world any and all the instructions given to his diplomatic agents pending negotiations, was an idea so preposterous that there was not a man in the land but must see at once that it had no foundation in reason—not one; not a man even who knew how to be a horse-jockey but must treat it as ridiculous. Why, if you have a right to demand the President to make public the instructions to Mr. Slidell, you have a right to call on him for his instructions to Mr. Trist; and if you have that right, you have also the right, in the event of his appointing commissioners to meet commissioners of Mexico at some intermediate place, the very moment they have started, to call upon him for the instructions given them; which instructions may be published here, and, sent on the wings of the wind, may reach Mexico; and our *ultimatum* may be in the hands of the Mexican commissioners before our commissioners may reach there. Any man who knows how to sell a dozen of eggs or a horse, knows how utterly futile it would then render the efforts of our agents to obtain any fair or reasonable terms from Mexico.

A Plenipotentiary's instructions are always graduated. He is told, if he cannot get this, take that; here is the least you must accept, but take more if you can get it. But if the Minister on the other side is advertised beforehand as to what is the least you will take, does any suppose he will be stupid enough to offer you more? Moreover, in this case the instructions were given to Mr. Slidell *before* the war commenced. He (Mr. R.) apprehended he was instructed to ask much less *then* than our Government ought to be willing to accept *now*, after Mexico has put us to the enormous sacrifice of blood and treasure, which has resulted from the war she wickedly commenced.

But the gentleman from Ohio [Mr. SCHENCK] asked, are you tame and craven enough to vote appropriations for carrying on a war until you know all the purposes that are to be accomplished by it? Why, in the name of common sense, what had the instructions to Mr. Slidell to do with this war? They were never acted on by Mr. Slidell. So far from having anything to do with the commencement of this war, they were not submitted to the Mexican Government at all; for you know Mr. Slidell was rejected; he was not entertained as our Minister. His instructions were unknown to the Mexican Government, and whatever they may have been, could have formed on their part no motive for the war. They would not even *hear* any proposition of peace. It was a mere pretext. A pretext gotten up on the occasion for the purpose of justifying some tender-footed gentlemen who come here from war districts to vote against supplies.

He had not examined the historical precedents in reference to this matter of calling for the instructions or the correspondence in the hands of the Executive that may have passed between him and diplomatic confidential agents. By recollection alone, however, he could recur to a few historical facts that would disclose the impropriety of publishing to the world these instructions and correspondence pending negotiations. In 1831 or 1832, pending a difficulty between this Government and France, the correspondence between Mr. Rives, who was so fortunate as to bring it to a conclusion, so far as bringing about a convention went—the correspondence between that distinguished gentleman and the French Government and his own Government was published; published before the French Chambers made the necessary appropriation of twenty-five millions of francs, stipulated in that convention. What was the result? They all recollected that Mr. Rives intimated that he had overreached the French Minister in that negotiation; that he had gotten more than he was authorized to take as his minimum; and the consequence was that it came well-nigh defeating the payment of the indemnity they had stipulated to pay. It well-nigh brought about a war between this Government and that. It was true, also, that during the administration of the venerable gentleman from Massachusetts, there was a mission got up, and commissioners were started to the Congress of Panama, and, on being inquired of as to their instructions, he declined to communicate them, but referred the House to the Senate, and said he would leave to that body to communicate or not as they saw fit. That gentleman not only claimed the right, on the part of the Executive, to withhold instructions, but he claimed the right to get up a mission without any authority of law, and then called on Congress to make appropriation for it. They recollected the excitement that grew up on that matter. But it seems to me those who got up this case upon the Executive were in search mainly of a very different affair than these instructions to Slidell. They expected to plow up a mare's nest in reference to the loudly-clamored but false accusation of a collusion between Santa Anna and Mr. Polk in reference to his return to Mexico. Mr. Polk, however, had withheld nothing on this point. He states that the order to Commodore Conner was given without collusion or correspondence with Santa Anna or any one else.

So much in reference to that point. He passed to another—the pretext made by the gentleman from Georgia, the gentleman from Illinois, [Mr. LINCOLN,] and others, who opposed the war, in reference to the march of the army from Corpus Christi to the east bank of the Rio Grande. That movement, it was alleged, was the cause of this war; and the whole opposition to this war, sifted down, centered in that; and that foundation taken from them, their whole superstructure fell to the ground. He should not go into an argument in reference to the boundary line between the United States and Mexico, as to whether the Rio Grande was the true one or not, or whether Mr. Polk ought to have taken the army there or not. He referred the gentleman from Georgia and the gentleman from Illinois to the able speech of the able Senator from Maryland, [Mr. JOHNSON,] delivered the other day in the other wing of this building, wherein he not only ably and clearly demonstrates that the Rio Grande is our proper boundary, but that Mr. Polk gave no just cause of offence in sending the army there. But there was one point in the controversy to which he should call their attention. The gentleman from Illinois [Mr. LINCOLN] intimated, in a set of resolutions submitted by him to this House, that General Taylor, who was then in command of the army, had intimated more than once that the army ought not to have been marched to the Rio Grande, and inquired of Mr. Polk upon this subject. Now, he presumed that that gentleman, and every other gentleman who had read the political history of the country, the history of passing events, knew very well what were the facts. But, at the risk of repeating what gentlemen knew, that those out of this House

who should read his remarks, and who might not have access to the documents, might know all about it, he intended, with some degree of deliberation, step by step, to examine this matter.

He did it for the purpose of showing that the Whig party, or at least that portion of it who wished to make General Taylor their candidate for the Presidency, when they held that this movement was the cause of the war, were doing it as a mere pretext, and were hypocritical in making the charge.

What were the facts? The resolutions of annexation passed the Congress of the United States on the 1st of March, 1845, before Mr. Polk came into office. On the 6th of March thereafter, General Almonte, then the Mexican Minister to this country, demanded his passports and went home, alleging as the reason for this that his Government would regard the act as cause of war. His Government at home went accordingly to issuing their war pronunciamentos, and raised and organized an army with the avowed purpose of reconquering Texas to the Sabine. In view of these events, the Government and people of Texas demanded of this Government protection. Mr. Polk had come into power finding these resolutions of annexation the law of the land. He could do no less, according to his sworn constitutional duty, than afford them the protection they asked. In the month of June, 1845, he selected General Taylor, over the heads of all other officers, his seniors in rank, and made him his confidential officer to command the forces for the protection of Texas. On the 15th June, (to which the gentleman from Georgia referred,) it is true, he told General Taylor his ultimate destination would be the Rio Grande; but on the 8th July the President very materially modified his instructions. Through the Secretary of War, he wrote as follows:

"WAR DEPARTMENT, *July* 8, 1845.

"SIR: This department is informed that Mexico has some military establishments on the east side of the Rio Grande, which are, and for some time have been, in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of aggression, unless an actual state of war should exist. The Mexican forces at the posts in their possession, and which have been so, will not be disturbed as long as the relations of peace between the United States and Mexico continue.

"WM. L. MARCY.

"Brig. Gen. Z. TAYLOR."

This was dated July 8. Mr. R. said it was a very material modification of the first letter of instructions given by Mr. Bancroft, the acting Secretary of War. This letter was received and acknowledged by General Taylor before he left New Orleans. On the 30th July, before General Taylor had yet taken his position in Texas, the Secretary of War wrote him a third and still more definite letter as to the objects of his mission. He wished to call the attention of the House to this letter particularly, for he held that upon it the whole argument turned; and he wished to show that the President, in giving his instructions to General Taylor, was discreet, cautious, as much so as a man need be. The Secretary of War wrote thus to General Taylor:

"He [the President] has not the requisite information in regard to the country to enable him to give any positive directions as to the position you ought to take, or the movements which it may be expedient to make. These must be governed by circumstances. While avoiding, as you have been instructed to do, all aggressive measures towards Mexico, as long as the relations of peace exist between that Republic and the United States, you are expected to occupy, protect, and defend the territory of Texas, to the extent that it has been occupied by the people of Texas. The Rio Grande is claimed to be the boundary between the two countries; and up to this boundary you are to extend your protection, only excepting any posts on the eastern side thereof which are in the actual occupancy of Mexican forces, or Mexican settlements over which the Republic of Texas did not exercise jurisdiction at the period of annexation, or shortly before that event. It is expected that, in selecting the establishment for your troops, you will approach as near the boundary line—the Rio Grande—as prudence will dictate. With this view, the President desires that your position for a part of your forces, at least, should be west of the river Nueces."

This was the 30th July, 1845. Several other letters of like tenor and effect were written to General Taylor during that summer and fall. He would read short extracts from one or two of them only. On the 23d of August, of the same year, the President again said to General Taylor, through Secretary Marcy:

"The information hitherto received as to the intentions of Mexico, and the measures she may adopt, does not enable the Administration here to give you more explicit instructions in regard to your movements than those which have already been forwarded to you."

What "instructions" were these? Why, they were "to occupy, protect, and defend the limits of Texas to the extent that it has been occupied by the people of Texas, or to the extent that the Republic of Texas had exercised her jurisdiction. Well, with these two letters of instructions of the 8th of July and the 30th of July before him, the one telling him that there were Mexican posts on this side of the Rio Grande, and the other that he was only to occupy and defend the territory of Texas, as occupied by the people of Texas, or over which Texas had exercised jurisdiction, what did General Taylor do in the premises? In answering the letter of the 30th of July, he acknowledged its receipt on the 15th of August at Corpus Christi, and said:

"Our last mail (which was saved with difficulty from the wreck of a schooner on the 13th instant) brought your communications of July 28 and 30—the latter enclosing a letter of the Secretary of War of the same date. I am gratified to find that my measures thus far have met the approbation of the Government and General-in-chief, and, particularly, to find that I have but anticipated the wishes of the President in taking up a position west of the Nueces."

He had already got beyond the river Styx, or beyond the Rubicon, as the gentleman over the way said.

Now, on the 4th of October, with his instructions before him, that he was only to occupy and defend Texas so far as Texas had been occupied by its people, or so far as the Government of Texas had exercised jurisdiction, he says, writing from Corpus Christi:

"For these reasons, our position thus far has, I think, been the best possible; but, now that the entire force would soon be concentrated, it may well be a question whether the views of the Government would be carried out by our remaining at this point."

General Taylor was down there on the Rio Grande, two thousand miles from this Capitol; he had facilities for knowing how far Texas had occupied the country or exercised jurisdiction that Mr. Polk had not. Hence, Mr. Polk had given him a *carte blanche*—had allowed him to use his own discretion in the premises. With this power and those instructions before him, he said: "It is with great deference"—he seemed to be aware, said Mr. R., here, that he was treading on ground that properly belonged to the Cabinet and not to the field—"that I make any suggestion on topics 'which may become matter of delicate negotiation; 'but if our Government, in settling the question 'of boundary, makes the line of the Rio Grande an 'ultimatum, I cannot doubt"—he could not doubt what? That to move an army would bring on war? That it would be an invasion of Mexico?—"I can-'not doubt that the settlement would be greatly fa-'cilitated and hastened by our taking possession at 'once of one or two suitable points on or quite 'near that river."

There, then, General Taylor gave it as his deliberate opinion, that it would not be an invasion of Mexico; that it would not probably bring on a war between the two countries, but that it would "facilitate and hasten" peace by moving the army to the Rio Grande. Now you talk of making this same General Taylor your candidate for the Presidency. Suppose he had been your President, could you expect him to have acted otherwise as President than he advised the President to act when general of your army?

But further, in the same letter:

"Our strength and state of preparation should be displayed in a manner not to be mistaken. However salutary may be the effect produced upon the border people by our presence here, we are too far from the frontier"—not beyond it, then, (said Mr. R.)—to impress the Government of Mexico with our readiness to vindicate, by force of arms, if necessary, our title to the country as far as the Rio Grande. The 'army of occupation' will, in a few days, be concentrated at this point, in condition for vigorous and efficient service. Mexico having as yet made no positive declaration of war, or committed any overt act of hostilities, I do not feel at liberty, under my instructions, particularly those of July 8, to make a forward movement to the Rio Grande, without authority from the War Department."

Again, under the same date, he says:

"In case a forward movement should be ordered or authorized, I would recommend the adoption of Point Isabel and Laredo as the best adapted to the purposes of observing the course of the river and covering the frontier settlements of Texas."

He recommended (said Mr. R.) these two points—one at the mouth, the other a good way up the stream—as best adapted to do the very thing he was sent there to do, to wit: to cover and protect the frontier of Texas. So much for that letter, merely adding, by way of a parenthesis, that it has been frequently brought as a complaint against the President, that he sent him there with too small a force. But, bearing on this point, General Taylor added, in a postscript: "Should any auxiliary 'force be required, I propose to draw it wholly 'from Texas. I do not conceive that it will be-'come necessary, under any circumstances, to call 'for volunteers from the United Stares." Yet he had ample authority to do so, (said Mr. R.,) as may be seen in the very letter of instructions of the 13th of January, 1846, which finally took him there.

Just here he would pause a moment. This letter was written on the 4th of October. Why was it that the President of the United States did not, in accordance with the suggestions of Gen. Taylor, then give him the order to go to the Rio Grande, where he suggested he ought to go? Why, because this much-abused President, who was charged with precipitating the country into a war with Mexico wantonly, wickedly, was so anxious to avert this calamity. He was about making application, through Mr. Black, our consul at Mexico, for sending a Minister there, and asking that Government if they would receive him. Application was made, Mexico agreed to receive one, and early in November, Mr. Slidell was sent.

Pending this attempt at negotiation, the President thought it unwise to comply with the suggestions of General Taylor. The General was a little ahead of him. Mr. Slidell was sent there. He arrived at Vera Cruz the 30th November; he reached the capital the 6th December, and was finally rejected, not later than the 24th, he believed the 21st of December. He had recently seen it stated, in a great manifesto, issuing, he believed, from Lexington, that the President, whilst his minister of peace was wending his way to the capital of Mexico, gave the fatal order to the army to march from Corpus Christi to the Rio Grande. So far from that being true, Mr. Slidell reached the city of Mexico on the 6th December, and was rejected on the 21st; and the order for the advance of the army was not given sooner than the 13th January, when all attempts at negotiation had failed. I say all attempts had failed; for in five days after Herrera's rejection of Mr. Slidell, his own Government was overthrown by Paredes, who had revolutionized against him, *because* he (Herrera) had agreed to receive a minister of peace from the United States in the month of October previous. I say this was the ground of that revolution, as was openly avowed by Paredes, and subsequently acknowledged by Herrera, when appointed a commissioner to treat with Mr. Trist. (See his letter, Executive Document No. 1, page 41, of this Congress.) The order was given on the 13th January, after the Mexicans had refused to receive Mr. Slidell at all, to look into his instructions, or talk about making a treaty. Now, let us see the order of the 13th of January. On the 13th January, 1846, the Secretary of War, writing to General Taylor, says:

SIR: I am directed by the President to instruct you to advance and occupy, with the troops under your command, positions on or near the east bank of the Rio del Norte, as soon as it can conveniently be done with reference to the season and the route by which your movements must be made. From the views heretofore presented to this department,"—[what views? asked Mr. R. The views submitted by General Taylor on the 4th October previous]—"it is presumed Point Isabel would be considered by you an eligible position. This point or some one near it, and points opposite Matamoros and Mier, and in the vicinity of Laredo, are suggested for your consideration. But you are left to your better knowledge to determine the post or posts which you are to occupy, as well as the question of dividing your forces with a view to occupying two or more positions."

This is the final order for the advance of the army after it was known that Mr. Slidell would not be received; and in that final order the President, through the Secretary of War, only complied with the suggestions of General Taylor, and told him he presumed these points would be considered eligible, because recommended before.

He did not review this matter for the purpose of attaching blame to General Taylor; not at all. He believed he did right; that his suggestions were at the time good. He did it merely for the purpose of showing the hypocrisy of the party who denounced Mr. Polk and lauded General Taylor. On the 13th January, the Secretary of War distinctly told General Taylor:

"In the positions you may take in carrying out these instructions and other movements that may be made, the use of the Rio del Norte may be very convenient, if not necessary. Should you attempt to exercise the right which the United States have in common with Mexico to the free navigation of this river, it is probable Mexico would interpose resistance. You will not attempt to enforce that right without further instructions."

The Secretary of War here tells General Taylor that if the free navigation of that river is disputed, without further orders from the department, not to undertake to enforce it. But General Taylor, not only without order, but in violation of order, did undertake to enforce the right to the exclusive navigation of the Rio Grande. He (Mr. R.) would not say this was wrong; he believed General Taylor did right; he mentioned it merely for the purpose of showing that the man whom some of them proposed to make the President of the United States was ahead of the President all the time. He believed if General Jackson had been there, he would not only have gone up to the bank of the Rio Grande, but he would not have waited there for Arista to cross over and attack him; he would have taken the initiative. He believed he would have been justified in so doing, for a man was not bound to wait until he was knocked down before he attempted to defend himself; he might anticipate the blow, and prevent it if possible.

But in order to show beyond all question or cavil what were General Taylor's views as to what would be the *effect* of his movement to the Rio Grande, he (Mr. R.) would quote from still another letter, and one written, too, *after* he had received the order to go. It is his letter dated "Corpus Christi, Texas, February 4, 1846," in which he says:

"In reply to the call of the Secretary for information as to what means, if any, will be required 'to enforce and maintain our common right to navigate' the Rio Grande, I would respectfully state, that until I reach the river and ascertain the condition of things in the frontier States of Mexico, temper of the people, &c., I cannot give any satisfactory answer to the question. I have every reason to believe that the people residing on the river are well disposed towards our Government. *Our advance to the Rio Grande will itself produce a powerful effect*, and it may be that the common navigation of the river will not be disputed. It is very *important* to us, and will be *indispensable* when posts are established higher up, as *must* ultimately be the case."

Here he talks of the "*powerful effect*" his "*advance itself*" would have, and evidently thought that so far from producing a war, it would *avert* that very calamity. The navigation of the river was "important" to us—"indispensable"—as posts "*must*" be established higher up that river.

Mr. R. said he wished now to quote one other letter of General Taylor's, and he would leave this branch of the subject. It is his despatch of April 26, after hostilities had commenced, as follows:

"HEADQUARTERS, ARMY OF OCCUPATION,
"*Camp near Matamoros, Texas, April* 26, 1846.

"SIR: I have respectfully to report that General Arista arrived in Matamoros on the 24th instant, and assumed the chief command of the Mexican troops. On the same day he addressed me a communication, conceived in courteous terms, but saying that he considered hostilities commenced, and should prosecute them. A translation of his note, and copy of my reply, will be transmitted the moment they can be prepared. I despatch this by an express which is now waiting. I regret to report that a party of dragoons, sent out by me on the 24th instant, to watch the course of the river above on this bank, became engaged with a very large force of the enemy, and after a short affair, in which some sixteen were killed and wounded, appear to have been surrounded and compelled to surrender. Not one of the party has returned, except a wounded man sent in this morning by the Mexican commander, so that I cannot report with confidence the particulars of the engagement, or the fate of the officers, except that Captain Hardee was known to be a prisoner, and unhurt. Captain Thornton, and Lieutenants Mason and Kane, were the other officers. The party was sixty-three strong.

"Hostilities may now be considered as commenced, and I have this day deemed it necessary to call upon the Governor of Texas for four regiments of volunteers, two to be mounted, and two to serve as foot. As some delay must occur in collecting these troops, I have also desired the Governor of Louisiana to send out four regiments of infantry as soon as practicable. This will constitute an auxiliary force of nearly five thousand men, which will be required to prosecute the war with energy, and carry it, *as it should be, into the enemy's country*. I trust the department will approve my course in this matter, and will give the necessary orders to the staff departments for the supply of this large additional force.

"If a law could be passed, authorizing the President to raise volunteers for twelve months, it would be of the *greatest importance* for a service so remote from support as this.

"I am, sir, very respectfully, your obedient servant,
"Z. TAYLOR,
"*Brevet Brig. Gen. U. S. A., commanding.*
"The ADJUTANT GENERAL OF THE ARMY,
"*Washington, D. C.*"

Mr. R. said he had quoted this letter for two purposes: First, to show that General Taylor, while on the bank of the Rio Grande, opposite Matamoros, considered himself *still in Texas*. He so dates his letter—distinctly "TEXAS." Second, to show, that inasmuch as hostilities were then commenced by Mexico, the war should be prosecuted with "*energy*," and carried into the "ENEMY'S COUNTRY." Though then where his affected votaries and advocates for the Presidency now declare was already in the "enemy's country," he did not so think, he did not so speak; but he was in favor of getting over there without delay.

Mr. R. said he might here pause again, and ask the country what they thought of the consistency, the political honesty, of a class of politicians whose whole artillery was levelled at Mr. Polk, because he had, in obedience to General Taylor's own suggestions, ordered him to go where he wanted to go—where he expressed so strongly the opinion he could produce such a "powerful" and "salutary" effect by going—yet, at the same time, advocate this general's claims for the Presidency, for and in consideration of the identical acts which they declare are sufficient to authorize the impeachment of Mr. Polk? Such a course is, however, characteristic of them throughout their whole history. It is worthy of them. It appears to be the last shot in their locker. They have been struggling for power ever since I recollect, and long before; yet they have succeeded in securing but one single Congress in about twenty years—that which came into power in 1841—and we all know what was the end and fate of that. When they attempted to put their principles into practice, they at once became so odious, that they were swept out of power by an overwhelming torrent of indignation. Since then, they have sunk the old issues; they stand upon them no longer; they are now attempting to get into power by taking sides against their own country when it is engaged in a foreign war. Who doubts the issue, let them rally under what leader they may?

There was one other pretext to which he wished to turn the attention of the committee, in reference to the commencement of this war. It had frequently been stated here and elsewhere, that the Congress of the United States were in session at the time this order was given, and were wholly unapprised of it; that they were taken by surprise. Let them see how much truth there was in that statement. On the 1st December, 1845, some time before this order was given, and six months before the war commenced, the President of the United States, in his annual message, told Congress:

"The moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coast of Mexico, and to concentrate an efficient military force on the western frontier of Texas. Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the Gulf was ordered to coöperate with the army."

Now, here, in his annual message in December, 1845, the President distinctly told Congress that he had ordered the army to take a position between the two rivers, and repel any invasion of the Texan territory. But still more. Mr. Secretary Marcy, in his report of the same date, said:

"The ready acceptance on the part of Texas of the terms of annexation proffered by this Government excited the ill-will of the Government of Mexico. That republic menaced the immediate commencement of hostilities against the United States, and set on foot, as it was said, extensive preparations to invade and subjugate Texas. Pursuant to your directions, an army of occupation was assembled in that State, and Brigadier General Taylor assigned to the command of it. He was instructed to repel Mexican aggressions, and protect the country from Indian invasions; to regard the Rio del Norte as its western boundary; and to select a position for his forces with reference to this frontier; but to leave unmolested Mexican settlements, and also military posts, should there be any such posts on the east bank of that river, which were in the occupation of Mexican forces previously to the period when Texas assented to the terms of annexation."

Here they found that the Secretary of War, in his annual report in December, 1845, reasserted the fact that General Taylor was sent between these rivers and ordered to protect Texan territory up to the Rio del Norte. Yet you allege (said Mr. R.) that in the spring of 1846 you were taken all by surprise.

Still more, they found in the letter of the commanding general, (General Scott,) accompanying the President's message of this date, the following:

"The movements of troops in the direction of Texas have been numerous. There are now in that country detachments from the four regiments of artillery, the whole of the 2d dragoons, the 3d, 4th, 5th, 7th and 8th regiments of infantry, which (about 4,000 men) compose the army of occupation, under Brevet Brigadier General Taylor, an officer of high merit. What detachments he may have made from Corpus Christi, or what provisional posts occupied, under the instructions of the War Department, time has not yet permitted us to learn. But from his known character, that of his general staff, commanders of corps, officers and men, there is no doubt the army of occupation will be more than sufficient for any defensive exigency likely to occur in that quarter."

They saw (said Mr. R.) in all these annual reports, in reference to this movement, that Congress was fully apprized of it. It was known what General Taylor was doing there, where he was, how far his instructions went. With what grace, then, (he asked,) can you come before the country in 1846, in the month of May, and tell them you were taken by surprise? that you had never read the documents laid on your tables for the very purpose of giving information on this subject?

General Taylor, notwithstanding he was ordered to take up his line of march as early as January, did not move from Corpus Christi until the 11th March, 1846. With the army he arrived on the banks of the Rio Grande on the 28th of that month. Now, if Mr. Clay's allegation had anything in it in the world—if it had any foundation, they saw how far he had missed the mark; that was to say, if the order to General Taylor to go to the Rio Grande, or his actual march to that river had any influence in preventing the reception of Mr. Slidell, he (Mr. Clay) was sixty days wide of the mark; because, notwithstanding the order was given the 13th January, he did not commence his march until the 11th of March, and did not arrive at the Rio Grande until the 28th of that month. On the 12th April General, Ampudia ordered General Taylor to withdraw. On the 24th, General Arista notified General Taylor that hostilities had commenced; and on that day Ampudia crossed over the river, and the attack was made on Thornton's command. Here, then, the first gun was fired, the first blood was spilt, by order of Ampudia; not by order of Mr. Polk or of General Taylor.

He would not pursue this subject further. Suffice it to say, it now reached Washington that our army down there was surrounded; that it had been attacked; a division of it had been cut off. Congress moved promptly, and passed a war-bill; they placed at the command of President Polk ten millions of dollars, fifty thousand volunteers, the army and navy and militia, and told him to prosecute this war to a speedy termination.

Now, he asked those who were here and voted for this war bill then, with what grace they could now turn round and declare that Mr. Polk was the author of this war. Why did they not tell him to bring back our army within our rightful limits, our proper jurisdiction? They had gone too far. For the purpose, however, of bringing reproach upon a Democratic Administration, of obtaining a pretence wherewith to attack the Democracy, they were ready to acknowledge that they voted a lie.

They were ready to stultify themselves, too, by telling the country they knew nothing of what was in the President's annual message and accompanying documents, laid on their tables five months before. They were ready to calumniate the very acts of their own favorite chieftain, (General Taylor.) And in relation to boundary, they repudiate the established and hitherto acknowledged geography of the country, its political history, and even trample under foot the authority of their own leaders, most of whom have always acknowledged the Rio Grande to be the true boundary. They do more still; they assign as a cause of this war, what Mexico herself has never assigned: she says she is fighting about Texas—Texas to the Sabine, not to the Nueces.

Congress had now been in session seven weeks; this was the seventh week of the session. So far as this House is concerned, those of us on this side of the House (said Mr. R.) are utterly powerless in respect to the control or management of business. We can do nothing. Our votes, however, have shown that we have attempted to further the public business—that we have at least not attempted to retard it. We have voted, day after day, to refer the President's message, that the standing committees of the House might take it, parcel it out, and bring bills forward in accordance with or against its recommendations, as they see fit; in short, that we might go to work. The opposition, however, who had the power, had refused this, and the message was not yet referred. You told the country, (continued Mr. R.,) that if you got the power, you would stop th s war; that it is a wicked, unconstitutional one; that the Demo-

cratic party ought to be overthrown, and you put in power. Well, so far as this House is concerned, you are in power. What have you done? Have you come forward with a single tangible proposition? Not one. On the contrary, some of you have voted one day that the troops ought to be withdrawn, that the war was "unnecessarily and unconstitutionally commenced by the President of the United States;" yet another portion of you refuse to take this stand. We ask you to come forward, in obedience, if you please, to the mandate of Mr. Clay, and declare what you think ought to be the objects of this war. We do not deny you the right to make this declaration; whether the President is bound to obey it, is another question. Come forward—declare what is your object. If you go for stopping the war, for bringing back our troops, say so. The result cannot be more humiliating to the pride and glory of the country than it will be to sit still and do nothing. You are bound, according to your promises, to do something, and to do it quickly. As long as you sit here refusing supplies, and voting that the war was "unnecessarily and unconstitutionally commenced by the President," whatever may be your *motives* for such a vote, its *effect* is to afford "aid and comfort" to the enemy.

The gentleman from Illinois [Mr. LINCOLN] said this was the first time he had ever ventured to make such a declaration. That was a very remarkable statement. He had never ventured to tell the people of Springfield district, Illinois, when electioneering for his seat, that the war was unnecessary and unconstitutional; but after he got here he could venture to declare it! How many gentlemen were in a like predicament, who had gotten here without committing themselves on this question, perhaps the subsequent events of the session would declare. The country, however, looked to them to take their position. You must do one of three things, said Mr. R. You must bring your army to the Nueces, where you say the line is; you must take a line in advance of that; or you must go on and prosecute the war, according to the suggestion of the President of the United States. Which course you will take you ought to declare, and declare quickly. If our soldiers in Mexico are to be withdrawn, and no more supplies are to be granted, it ought to be known as quickly as possible, in order that the Executive may conform to the emergencies of the question. If it is to be done, instead of sitting here day by day and making charges against the President, you should come out and declare it boldly before the country, and acknowledge our disgrace in the face of the civilized world.

Mr. TUCK then obtained the floor, but gave way to a motion that the committee rise; which was agreed to, and

The House adjourned.

IN SENATE.

TUESDAY, *January* 18, 1848.

Mr. NILES presented a petition from R. Stokes, surviving partner of the firm of Stockton & Stokes, asking compensation for services in carrying the United States mail; which was referred to the Committee on the Post Office and Post Roads.

Mr. DIX presented a petition from settlers and ccoupants on the Tonawanda reservations, asking to be confirmed in their titles; which was referred to the Committee on Indian Affairs.

Mr. DIX also presented a petition from Edward Mills, asking to be restored to the rights and benefits of a contract made with the Post Office Department for carrying the mail from New York to Bremen, which contract was transferred without his assent to the Ocean Steam Navigation Company; which was referred to the Committee on the Post Office and Post Roads.

Mr. YULEE presented a petition from the professors of mathematics of the navy, asking an increase of pay; which was referred to the Committee on Naval Affairs.

Mr. HANNEGAN presented a petition from David Williamson, asking to be compensated for the benefits which the Government has derived from the use of his inventions.

Mr. HANNEGAN, in presenting this petition, spoke of the great value of the machines, and the advantages which the Government, as well as the public generally, had derived from these admirable inventions of the petitioner. It was true he had obtained a patent, but the term had expired before the petitioner was able to receive any pecuniary advantage from it. In the mean time, the machines had been adopted by the Government, and all the leading factories throughout the country; and he would further state, that machines for steamboats were now manufactured at one-half the cost of the labor before their invention. He understood that there were above one thousand of these machines now in use in Cincinnati, and he had been informed that about three hundred were in use at the different United States arsenals. The inventor was now reduced in his circumstances, and was well entitled to some compensation for the benefits derived from his efforts.

REPORTS FROM COMMITTEES.

Mr. CAMERON, from the Committee on the District of Columbia, reported a bill to amend the charter of the Provident Association of Clerks; which was read a first time.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported a bill for the relief of Elizabeth Jones and the other children, if any, of John Carr; which was read a first time.

Mr. JOHNSON, from the same committee, also reported a bill for the relief of Thompson Hutchinson; which was read a first time.

Mr. BALDWIN, from the Committee of Claims, made an adverse report on the petition of Hugh Munro McLean; which was ordered to be printed.

Mr. BALDWIN, from the same committee, also asked to be discharged from the further consideration of the memorial of John Stanert, and that it be referred to the Committee on Pensions.

RESOLUTIONS.

On motion of Mr. CASS, it was

Resolved, That the Secretary of the Department of War furnish the Senate with the report and map of the examination of New Mexico, made by Lieutenant J. W. Abert, Corps of Topographical Engineers, attached to the command of General Kearny.

Mr. YULEE submitted the following resolution, which was ordered to be printed:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the following statements:

1st. A statement of the amount of all revenues received through each custom-house, and the moneys expended at each to defray the collection, from the earliest practicable period, to June 30, 1847, classifying the receipts and expenditures under different heads, as far as the books of the department will permit.

2d. A statement of the quantity of land sold, the amount received therefor, how paid, and the expenses of collection in each land district, from the earliest practicable period, to the 30th of June, 1847, dividing the expenditures under the usual different heads.

3d. A statement of the whole amount of revenue received into the treasury each year from the earliest practicable date to June 30, 1847, giving the source from whence the same were derived.

4th. A statement of the expenditures of the Government from the earliest practicable time to June 30, 1847, separating the same under different heads of expenditure, as far as can be done from the records.

5th. A statement of the importations and exportations of domestic and foreign goods in American and foreign vessels to and from each country from the earliest practicable period to 30th June, 1847.

6th. A statement of the tonnage of each district and State, and of the losses of vessels, from the earliest practicable period to June 30, 1847.

7th. A statement of the American tonnage engaged in foreign trade and in the coasting trade and fisheries, and seamen employed, and of foreign tonnage entered and cleared, and the number of their crews from each port and State, from the earliest practicable period to June 30, 1847.

8th. A statement of the amount of moneys received on account of the marine hospital fund in each district and State, and the expenditures of the same places from the same fund, and from appropriations each year, from the earliest practicable period to the 30th June, 1847.

Be it further Resolved, That the Secretary of the Senate cause the said statements to be printed and bound in separate volumes, under direction of the Register of the Treasury, and that five hundred extra copies be printed for the use of the Treasury Department, and that — extra copies be printed and bound, and placed in the Library of Congress for the use of the members of both Houses and the committees thereof.

Mr. BALDWIN submitted the following resolution, which lies over under the rule:

Resolved, That the President of the United States be requested to communicate to the Senate any information he may possess in regard to the extent and value of the public domain, if any, belonging to the Republic of Mexico; and also in regard to the power of that Republic, under the fundamental laws thereof, to cede to any foreign Government, whether monarchical or republican, the sovereignty and dominion over any of the members of that confederacy or the people thereof.

Mr. BAGBY submitted the following, which he moved to have printed, giving notice at the same time that he should call them up at some early date for the purpose of having a direct vote on them:

1. *Resolved*, That the Constitution of the United States is a compact between coequal sovereigns, by which they and each of them delegated certain specified powers to form a General Government for the benefit of all the common parties to said compact, and such as might become parties to it.

2. *Resolved*, That the powers not thus delegated by the parties to said compact to the General Government, nor any department thereof, remain with the States respectively, or with the people.

3. *Resolved*, That the Government of the United States possesses no powers except such as are expressly granted to it by the Constitution, or such as are necessary and proper to carry the granted powers into effect.

4. *Resolved*, That the power to construct roads, cut canals, make harbors, or improve the navigation of rivers, in any one or more of the States or Territories of this Union, is not among the powers expressly granted to the General Government by the Constitution, nor is the exercise of such a power necessary and proper to carry any of the granted powers into effect.

5. *Resolved*, That the power to build piers and docks, erect buoys and light-houses, and improve the harbors on the lakes, if it exists at all, is not derived from the power to regulate commerce, but from the power to provide and maintain a navy.

6. *Resolved*, That the Government of the United States does not possess the power to create, originate, ordain, establish, or carry on commerce between or among the States of the Union; but only to regulate such commerce as the States or the people thereof may create, originate, ordain, establish, and carry on between or among themselves.

7. *Resolved*, That any attempt by the General Government, under any pretext whatever, to construct roads, cut canals, or improve the navigation of any river within the limits of any one or more of the States of the Union, or within any territory, is a palpable violation of the Constitution; and if it be within the limits of a State or States, is a direct and dangerous encroachment on the rights and sovereignty thereof."

Mr. BAGBY said that nothing was further from his intention than to consume any portion of the time of the Senate at present in discussing the resolutions he had the honor to submit, or any other proposition not intended to be followed up by some act of practical legislation. He had an aversion to abstractions generally. He could not be mistaken, however, in supposing that these resolutions related to and embraced subjects of vast and momentous importance to the people of the United States; and he should, as soon as the measures for the continued vigorous prosecution of the war were disposed of, ask the deliberate action of the Senate upon them. At present, he moved that they lie upon the table, and be printed.

The motion was agreed to.

Mr. WEBSTER, in pursuance of notice, obtained leave to introduce a bill to make attachments which are made under process issuing from the courts of the United States conform to the laws regulating such attachments in the courts of the States; which was read a first and second time.

The following are the provisions of the bill as it passed:

Be it enacted, &c., That whenever, upon process instituted in any of the courts of the United States, property has been or shall be attached to satisfy such judgment as may be recovered by the plaintiff in such process, and any contingency occurs by which, according to the laws of a State, such attachment would be dissolved upon like process pending in or returnable to the State courts, then such attachment or attachments made upon process issuing from or pending in the courts of the United States within such State shall be dissolved, the intent or meaning of this act being to place such attachments in the courts of the States and the United States upon the same footing.

Mr. WEBSTER. As I stated yesterday, this bill was before the Senate last year and passed without objection. I will state its object, sir, very shortly; and if no Senator should object to it now, I hope it will go through the forms of legislation without being again referred to the committee; and I wish particularly to draw the attention of the gentleman who is at the head of the Committee on the Judiciary. There are, in the courts of the New England States, processes called attachments, which are levied upon the property of the defendant in the suit. Various laws, at different times, have been passed by the States to palliate what seems to be the severity and injustice of the old long-continued modes of practice. By a law passed in 1794, process in the courts of the United Statas was made dependent upon processes in State courts, as they then stood. In the course of legislation it has been found quite necessary for the purposes of justice to alter and modify these processes. But the law of Congress does not follow these modifications, and my object now is to render the proceedings upon process issued out of the courts of the United States, conformable to the practice of the State courts in the same States. The object is so plain that, without detaining the Senate further unless some gentleman wishes further explanation, I should be glad if the bill would be permitted to be read a third time and passed.

Mr. ASHLEY. I would ask if this is the same bill that was before the Senate last year?

Mr. WEBSTER. Exactly the same, word for word.

Mr. ASHLEY. This bill received the unanimous concurrence of the Committee on the Judiciary, from which it was reported without an amendment. The committee, however, is now somewhat differently constituted from what it was then.

The bill was then read a third time and passed.

THE SUBJUGATION OF MEXICO, ETC.

The Senate proceeded to consider the following resolution, submitted on the 13th instant by Mr. MANGUM:

Resolved, That the President of the United States be requested to lay before the Senate all the plans, estimates, and calculations presented by General Scott, as in his opinion best adapted to attain the objects of the war; and his opinion touching the military means necessary to accomplish the objects of our Government in any and all the alternative views that have been considered by the Executive or suggested by General Scott to bring the war with Mexico to a close, if not inconsistent, in the opinion of the President, with the public service.

Mr. MANGUM said: The resolution, as at first introduced, contained the usual clause, "if it be not incompatible with the public interests," because it is regarded as due to official decorum, when a matter is to be laid before the Senate in open session. The resolution, as now modified, leaves it to the discretion of the President to lay the information before the Senate, either confidentially or otherwise. It becomes necessary, therefore, to strike out the latter part of the resolution as it originally stood, because I do not recognize any right in the President to withhold from this body any information that may be necessary to bring them to a correct determination. I think, sir, that under our system we are entitled to all the information which pertains to the official discharge of our duties.

Mr. SEVIER. It is not my purpose to discuss this resolution; but I must be allowed to say, that calling upon the President for the plan of a campaign recommended by the commanding general seems to me to be wholly without example. And I believe, sir, that the view which I entertain in relation to it is also entertained by many gentlemen here.

Mr. S. moved to lay the resolution upon the table.

Mr. MANGUM demanded the yeas and nays; which were ordered; and being taken, resulted as follows:

YEAS—Messrs. Allen, Ashley, Atherton, Bagby, Bradbury, Butler, Cameron, Cass, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Hannegan, Hunter, Lewis, Moor, Sevier, Sturgeon, Turney, and Yulee—22.

NAYS—Messrs. Badger, Baldwin, Bell, Berrien, Bright, Calhoun, Clarke, Dayton, Greene, Johnson of Louisiana, Mangum, Miller, Niles, Pearce, Phelps, Rusk, Spruance, Underwood, Upham, and Webster—20.

So the resolution was laid on the table.

The following bills were severally considered as in Committee of the Whole, and were ordered to be engrossed for a third reading, and were subsequently read a third time and passed:

The bill for the relief of Miledge Galphin, administrator of the last will and testament of George Galphin, deceased.

The bill for the relief of Thomas Talbot and others.

THE TEN-REGIMENT BILL.

The Senate then proceeded to the consideration of the special order, being the bill to raise an additional military force for a limited period; when—

Mr. BADGER addressed the Senate at length in opposition to the bill, and to the views of the Executive, in relation to the war with Mexico.

[At Mr. B's request, no report of his remarks is published in the Congressional Globe. His speech, prepared by himself, will be found in the Appendix.]

Mr. FOOTE then signified his intention of addressing the Senate upon the bill before them; but as the hour of adjournment had arrived,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 19, 1848.

The Journal of yesterday having been read and approved—

The SPEAKER proceeded to call the committees for reports.

Mr. CROWELL, from the Committee of Claims, reported a bill for the relief of John P. Converse. Read and committed.

Mr. DANIEL, from the same committee, made an adverse report upon the petition of William B. Norris. Laid on the table.

Mr. ROCKWELL, of Connecticut, from the same committee, made an adverse report on the petition of A. H. Hughes. Laid on the table.

Mr. GAYLE, by the unanimous consent of the House, moved the following resolution, which was read and agreed to:

Resolved, That the Postmaster General be requested to communicate to this House a copy of any instructions he may have given to the postmaster at Mobile, in relation to the postage to be charged on steamboats not in the employ of the Government.

Mr. COLLAMER, from the Committee on Public Lands, reported a bill to amend an act entitled "An act to reorganize the General Land Office," approved July 4, 1836; which was read three times, passed, and sent to the Senate for concurrence.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, reported the following resolutions; which were read and adopted:

Resolved, That the Committee on the Post Office and Post Roads be discharged from the further consideration of the petition of Landon G. Chambers, of Virginia, asking to have refunded to him certain money lost in its passage through the mail.

Resolved, That the Committee on the Post Office and Post Roads be discharged from any further consideration of the subject to them referred relating to the sending of letters and newspapers free of postage to those engaged in the navy of the United States, in the Gulf squadron, or off the coast of Mexico, the same being already provided for by law.

Mr. LINCOLN, from the same committee, reported a bill for the relief of William Fuller and Orlando Saltmarsh. Read and committed.

Mr. KAUFMAN, from the same committee, reported a joint resolution for the relief of George R. Smith. Read and committed.

Mr. MEADE, from the Committee on the Judiciary, made an adverse report on the petition of J. H. Overstreet and George B. Didlake. Laid on the table.

Mr. BOTTS, from the Committee on Military Affairs, to which was referred the Senate bill to provide clothing for volunteers in the service of the United States, reported the same without amendment; and thereupon it was read a third time, passed, and returned to the Senate.

Mr. BURT, from the same committee, reported bills for relief of Bennet M. Dell; to increase the efficiency of the regiments and corps of the army, and to provide for disabled and infirm officers; and to found a military asylum for the relief and support of invalid soldiers of the army of the United States; which several bills were read and committed.

Mr. McILVAINE, from the Committee on Indian Affairs, made an adverse report upon the petition of David Robb. Laid on the table.

Mr. GRINNELL, from the Committee on Commerce, to which was referred the bill of the Senate concerning certain collection districts, and for other purposes, reported the same back to the House without amendment; and it was then read a third time, passed, and returned to the Senate.

Mr. KING, of Georgia, from the Committee on Naval Affairs, to which was referred bills from the Senate for the relief of Joseph Wilson; providing for the payment of the claim of Walter R. Johnson against the United States; and a bill making additional appropriation for the dry dock at the Brooklyn navy-yard; reported the same back to the House without amendment. The bills were committed.

Mr. LEVIN, from the same committee, reported a bill to amend an act entitled "An act making appropriations for the naval service for the year ending the 30th day of June, 1848," approved March 3, 1847. Read and committed.

Mr. STANTON, from the same committee, reported a bill for the relief of certain forward warrant officers in the navy. Read and committed.

Mr. TUCK, from the same committee, reported a bill for the relief of H. D. Johnson. Read and committed.

Mr. C. J. INGERSOLL, by unanimous consent, moved the following preamble and resolution; which was read and agreed to:

Whereas Francis Harper died on the 18th of March, 1837, after his election from the 3d district of Pennsylvania to be a member of the House of Representatives of the United States, and his death was omitted to be announced to the House as usual during the 25th Congress: Therefore,

Resolved, That the Clerk cause the usual monument to be erected in the Congressional burying-ground to the memory of the said Francis Harper.

Mr. LAWRENCE, of New York, from the Committee on Revolutionary Pensions, reported bills for the relief of John Manly, and for the relief of Sarah Stokes; which were read and commited.

Also, from the same committee, an adverse report upon the petition of T. Campbell. Laid on the table.

Mr. DONNELL, from the same committee, reported a bill for the relief of Esther Russell. Read and committed.

Mr. FULTON, from the Committee on Invalid Pensions, made an adverse report upon the petition of Wm. B. Edwards. Laid on the table.

Mr. FARRELLY, from the Committee on Patents, reported a bill to promote the progress of the useful arts; which was read, and committed.

Mr. HENLEY, from the same committee, made an adverse report upon the petition of Joseph Nock. Laid on the table.

Mr. HOUSTON, of Delaware, from the Committee on Public Buildings and Grounds, reported a bill to pay James Crutchett $2,000 for lighting the Capitol and Capitol grounds; which was read, and, after a short debate, committed.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, to which was referred the bill of the Senate supplementary to the act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court in certain cases, and for other purposes," reported the same with an amendment. The amendment was read, and the bill informally laid on the Speaker's table.

Mr. VINTON, from the Committee of Ways and Means, reported a bill to authorize a loan not to exceed the sum of eighteen millions five hundred thousand dollars; which was read, and committed.

Mr. McKAY gave notice that on to-morrow he would, on the part of the minority of the Committee of Ways and Means, report a substitute for the bill just reported by Mr. VINTON.

PRESIDENT'S MESSAGE.

On motion of Mr. BRODHEAD, the House resolved itself into Committee of the Whole, (Mr. J. R. INGERSOLL, of Pennsylvania, in the chair,) on the President's annual message and the resolutions referring the same to appropriate committees.

Mr. TUCK rose and said that he was glad, in view of the important questions pending before the country, and in regard to the critical condition of the country at the present time, that the effort which had been made to close debate on the motion to refer the President's message had not been successful. He believed when the attempt was made, and he still believed, that more time might be profitably occupied in discussing the important topics contained in that message; and he felt that it was somewhat unreasonable in the gentleman from Indiana [Mr. ROBINSON] to ask that debate should be closed, when he had consumed about one-eighth of all the time which had been given to the consideration of this document. He was the more surprised, because the gentleman from Indiana, [Mr. R.,] who was so able a defender of the President—as able as any honest man could desire to have—had failed, like all his associates, to give to this House and to the country any information respecting the amount of patriotism or foresight possessed by the President when he admitted Santa Anna and his troop of powerful friends into Mexico. He had expected that, before disposing of the President's message, the people of the United States would have been able to obtain some light on that subject. The "pass" given by the President of the United States to Santa Anna and some thirty or forty of the most intelligent Mexicans in his train, to him, most assuredly, looked like giving "aid and comfort to the enemy," if it were not indeed the creation of an enemy; and if it were in the power of the friends of the President on this floor to give the information which was so loudly demanded by the country, and show that it was an act that could be deemed either patriotic or prudent, he hoped it would be given before this debate came to a close. It had been said that the delay which had been attributed to this body was a giving of

"aid and comfort to the enemy;" but it should not be forgotten that this House had already appropriated one million of dollars to supply the wants of the army. Could not this House, then, now take breath and deliberate? Or was it required that they should daily appropriate a million of dollars, under the penalty of being deemed "aiders and comforters of the enemy" if they hesitated to yield to such exorbitant demands? He hoped not. He knew not how it was out West; but on listening to the speeches delivered on this floor, by which there had been so many impeachments of the motives not only of the citizens of this country, but of the members of this House, who chose to express their own honest and deliberate opinions in relation to this war, and the circumstances by which it was attended, he could no fail to remember a rule, which was of universal application in his section of the country, to this effect: that they who were the most ready to impute improper motives to others, were the most likely to be operated upon by corrupt influences themselves. He was satisfied, however, by his knowledge of the gentleman from Indiana, that this rule was not of universal application in the western country.

He should now proceed hastily—and more his allotted time would not permit—to submit his views in relation to the subjects which had been embraced in the discussion of the message of the Executive. And, first, he proposed to examine the remote causes of the Mexican war. It could not fail to be discovered that the subject of American slavery had attracted the attention of the whole country, and he proposed, in examining that part of the subject which relates to the causes of the Mexican war, to examine the connection therewith of the subject of American slavery. It would not be necessary to detain the committee with a reference at any great length to the acts which preceded the annexation of Texas; but, in inquiring into the cause of the present excitement in relation to the subject of slavery, and the remote causes of the present war, it should be remembered, that after Mexico became independent of Spain, in 1827, she abolished slavery in all the Mexican dominions. That was in 1829; but, subsequently, the Texans refused to recognize the Mexican decree against slavery, and they held their slaves in opposition to the laws of Mexico. It became evident that a crisis must soon come, and the battle of San Jacinto was to determine their right to hold slaves in opposition to the laws of the country of which Texas had formed a part. The result was well known; and it was also known that the annexation of Texas to the United States soon became the subject of anxious consideration, in which our fellow-citizens all over the Union felt deeply interested, and arrayed themselves on the one side or the other. To the praise of the Democracy of the North be it said, and of the New Hampshire Democracy in particular, there was a strong opposition to that scheme. They spoke out their sentiments in denunciation of it; and, to use their own language, it was viewed by them as "a scheme black as ink, and as dark as hell."

He would not occupy the attention of the committee by reading extracts from the New England newspapers which were entitled to speak for the Democracy of the North. Suffice it to say, that they warmly opposed the scheme of annexation; but as soon as it became incorporated into the Democratic creed—as soon as it became an article of faith of the Democratic party—the Democracy of the North—the Democracy of New Hampshire—were called upon to turn right about. Not to turn about without reason, but against reason—against the convictions of their best judgment and the promptings of conscience. It had been said that this matter had been accomplished by northern men with southern principles; but to this he would not subscribe. It was done by northern men with no principles at all—by that class of men that had ever been a curse to this country since the organization of our Government. It was not by southern men in the North, for such was their confidence in the North in the soundness of their principles, that if southern men had been amongst them, they would assuredly have been converted in a short time.

In the investigation of the causes of the present excitement on the subject of slavery, for the purpose of understanding the character of this war, he proposed to read some extracts which he believed would demonstrate the purpose of Texan annexation. He would not delay the committee by reading these extracts, if he were not deeply impressed with the fact that this was a material point. Nor should it be forgotten that the men from whose correspondence he was about to read were men who, from the position in which they had been placed, were authorized to speak for the country, and that their opinions became a part of the documentary history of the country, and precedents for ourselves and our posterity in all future time.

The first extract with which he would trouble the committee was from a letter written by Mr. Upshur, the Secretary of State, to Mr. Murphy, Chargé to Texas. It was dated Washington, August 8, 1843. Speaking of a proposition to abolish slavery in Texas, Mr. Upshur wrote as follows:

"A movement of this sort cannot be contemplated by us in silence. Such an attempt upon any neighboring country would necessarily be viewed by this Government with very deep concern; but when it is made upon a nation whose territories join the slaveholding States of our Union, it awakens a still more solemn interest. It cannot be permitted to succeed without the most strenuous efforts on our part to arrest a calamity so serious to every part of our country.

"If such an attempt were confined to the 'Abolitionists of Texas,' it would scarcely merit grave consideration. Their numbers, it is believed, are very small; and the state of public opinion in that country is by no means favorable to the success of their enterprise."

Again:

"But there is another view of this subject still more important to us, and scarcely less important to Texas herself. The establishment in the very midst of our slaveholding States of an independent Government, forbidding the existence of slavery, and by a people born, for the most part among us, reared up in our habits, and speaking our language, could not fail to produce the most unhappy effects upon both parties. If Texas were in that condition, her territory would afford a ready refuge for the fugitive slaves of Louisiana and Arkansas, and would hold out to them an encouragement to run away which no municipal regulations of those States could possibly counteract. Even if this Government should interpose for the protection of the slaveholder, it would be very difficult so to arrange the subject as to avoid disputes and collisions. The States immediately interested would be most likely to take the subject into their own hands. They would perceive that there could not be any security for that species of property, if the mere crossing of a geographical line could give freedom to the slave; they would perceive that the protection thus offered to the slave would remove from his mind that dread of consequences which restrains him from the commission of the worst crimes; they would feel that the safety of themselves and their families was endangered; they would live in continual uneasiness and alarm, and in the constant exercise of a painful and harassing watchfulness."

Having read these and some other extracts of the same character from the same letter, which is found in Senate document No. 341 of the 1st session of the 28th Congress, he proceeded to read also from a letter published in the same document, written by Mr. Murphy to Mr. Upshur, on the 24th of September, 1843, from Galveston. Mr. Murphy, after stating that—

"The constitution of Texas secures to the master the perpetual right to his slave, and prohibits the introduction of slaves into Texas from any other quarter than the United States;" adds—

"If the United States preserves and secures to Texas the possession of her constitution and present form of government, then we have gained all that we can desire, and also all that Texas asks or wishes."

Again:

"Seeing that this surrender of sovereignty by Texas to Mexico at once liberates all the slaves in Texas, and that England thereby gains all she wants, and more than she ever expected, can the Government of the United States longer doubt what to do?"

Mr. Murphy wrote to Mr. Upshur that England desired to procure the abolition of slavery in Texas. To this fact he begged to call particular attention. There was no apprehension of any interference from England, except to promote the abolition of slavery. On this subject Mr. Murphy says, in his letter of the 23d September, 1843:

"England is anxious to get rid of the constitution of Texas, because it secures in the most nervous and clear language the rights of the master to his slave, and it also prohibits the introduction of slaves into Texas from any other nation or quarter than the United States."

And in his letter of the 28th September, 1843, Mr. Upshur says:

"The movements of Great Britain with respect to African slavery have at length assumed a character which demands the serious attention of this Government. So long as we were permitted to believe that the effort to abolish slavery was confined to private individuals, actuated by a sense of justice or a feeling of philanthropy, we were content to leave the issue to the calm reason of our own people, and the guarantee of our Constitution and laws. As a domestic question, the Government does not possess, and, it is presumed, will never attempt to exercise any authority over it. But it now wears a different aspect, and presents itself in a much more formidable attitude." * * * *

"The States in which slavery exists would have good reason to apprehend the worst consequences from the establishment of a foreign non-slaveholding State upon their immediate borders."

Of Mr. Murphy, and the gentleman to whom he wrote, he would say but little, as they had both gone to that bourne from whence there was no return. He was an ardent and subservient agent to the prime movers in this matter, and his letters indicated an obsequiousness to them which would ally him to our northern doughfaces, as would appear from the following extract from a letter to Mr. Upshur, which he wrote in reference to what he called "growing fanaticism, and the evils it was likely to bring upon my country:"

"The eloquent manner in which you have portrayed those evils has deepened those impressions; and, added to the darkshaded picture which you have so justly drawn, the present prospect which England has of possessing herself in part or in whole of the province of Texas, giving her the opportunity and advantage to work her own will in regard to abolition, I feel a whirlwind of emotion in my bosom which I will not attempt to describe. Let the Government of the United States take some immediate *quick step* on this subject. You have in this correspondence enough to justify immediate and prompt action.

"Pardon me if I am solicitous on this subject. I feel the deep interest at stake. Our whole southern interests are involved in this negotiation, and with it the interests of the Union itself. The great blow to our civil institutions is to be struck here, and it will be a fatal blow if not timely arrested."

This gentleman, it would be seen, was both impulsive and patriotic, but it was a patriotism with prospective rewards. If such gentlemen were called to be patriotic when sacrifices were to be made, the call would be answered by an echo only. "You may call spirits from the vasty deep," but will they come? No; these gentlemen were patriots when the temptation was reward. But to proceed: Mr. Upshur, in his letter of the 22d September, 1843, in which he expresses great anxiety that the people of Texas should understand how solicitous this Government was for her interests, says:

"So far as this *Government* is concerned, it has every desire to come to the aid of Texas in the most prompt and effectual manner. How far we shall be supported by the people, I regret to say, is somewhat doubtful. There is no reason to fear that there will be any difference of opinion among the people of the slaveholding States; and there is a large number in the non-slaveholding States with views sufficiently liberal to embrace a policy absolutely necessary to the salvation of the South, although, in some respects, objectionable to themselves."

This language was not to be mistaken; but whether the people of the North could be brought to sustain measures such as those indicated, he was not prepared to admit. Politicians, whose sympathies could be influenced by rewards, must be separated from the people. In relation to that class of men, that eccentric statesman of Roanoke was right when, in 1820, he said: "You northern doughfaces! we have bought you once, and when we want you, we can buy you again dog-cheap."

It was such men who, a few years ago, elicited the remark that the Democracy of the North would stand anything—men who were self-constituted leaders. The people, however, in contradistinction to their small squad of leaders, were faithful and true, and they will submit to nothing that is not in accordance with the convictions of their conscience and their best understanding.

Need he go further to prove that the whole scheme of the annexation of Texas was accomplished for the purpose of building up the institution of slavery? In this letter Mr. Upshur says:

"The States in which slavery exists would have good reason to apprehend the worst consequences from the establishment of a foreign non-slaveholding State upon their immediate borders."

But in his letter to Mr. Everett, of the 28th September, 1843, he says:

"Although the first and most disastrous effects of such a state of things would be felt in the slaveholding States, they would extend to and embrace important interests in every other part of the country. We must contemplate it, therefore, as a national question, and endeavor to ascertain its bearing upon the United States, as such, and upon the several portions of the United States. It is worthy also of consideration as a measure of humanity, with reference to the slaves themselves."

There was no denying then that it was all slavery, though Mr. Upshur here thought proper to claim that humanity to the slave was mixed up with it.

Mr. T. said he would, in two remaining extracts, call the attention of the committee to a construction of the Constitution which might well occasion alarm, not to the North only, but to the whole country. It was a novelty in constitutional

analysis which, if true, pledged this Government, now and forever, to the protection and propagation of slavery. He called attention to this construction, as being a very essential and proper cause of the anxieties of the people in respect to slavery.

In the same letter, last quoted from Mr. Upshur, he goes on to say:

"Although those non-slaveholding States are as much opposed to the institution as England herself, yet the Constitution of the United States lays them under obligations in regard to it, which, if duly respected, would secure the rights of the slaveholder."

Mr. Calhoun, Secretary of State, in a letter to Mr. Pakenham, under date of April 18, 1844, in regard to Texan annexation and slavery, says:

"It is with still deeper concern the President regards the avowal of Lord Aberdeen of the desire of Great Britain to see slavery abolished in Texas, and, as he infers, is endeavoring, through her diplomacy, to accomplish it, by making the abolition of slavery one of the conditions on which Mexico should acknowledge her independence. It has confirmed his previous impressions as to the policy of Great Britain in reference to Texas, and made it his duty to examine, with much care and solicitude, what would be its effects on the prosperity and safety of the United States, should she succeed in her endeavors. The investigation has resulted in the settled conviction that it would be difficult for Texas, in her actual condition, to resist what she desires, without supposing the influence and exertions of Great Britain would be extended beyond the limits assigned by Lord Aberdeen; and that if Texas could not resist the consummation of the object of her desire, it would endanger both the safety and prosperity of the Union. Under this conviction, it is felt to be the imperious duty of the Federal Government, the common representative and protector of the States of the Union, to adopt, in self-defence, the most effectual measure to defeat it. * * * To hazard consequences which would be so dangerous to the prosperity and safety of this Union, without resorting to the most effective measures to prevent them, would be, on the part of the Federal Government, an abandonment of the most solemn obligation imposed by the guarantee which the States, in adopting the Constitution, entered into to protect each other against whatever might endanger their safety, whether from without or within."

Mr. T. read other passages to the same effect.

Now, before this Government made any further progress, even of one step, he wished to know—the people of the United States wished to know—if that sentiment was well founded. They were anxious to know if the Constitution, by which this Union was cemented, required this Government to support the institution of slavery.

This was a point which must be settled. If they had a jurisdiction which authorized them to sustain it, they must necessarily possess the power by which they could restrain it.

Let gentlemen from the South consider whether to establish a construction which makes it our duty to sustain slavery, will not inevitably introduce the doctrine that we may constitutionally restrain and abolish it. Let us have a construction liberal for the purposes of slavery and of freedom also; but not a construction free as regards slavery, but strict as regards freedom.

It is because the entire strength of the Executive branch of the General Government has been put forth to strengthen and maintain the institution of slavery, that the people of the free States have become alarmed and excited upon this subject; it is because our Secretaries of State and diplomatic Ministers have dared to stretch forth the strong arm of the General Government for the *protection* of slavery, that we of the North have shown such deep sensibility on this subject. Is it not just and right that we of the North should take this stand? Are we to sit still, with our arms folded, and behold all the great functionaries of this Government wielding its vast power in defence of an institution which we all abhor, and which we contend is not known nor ever recognized in the Constitution? Do not southern gentlemen perceive that if the power of the General Government may be wielded in defence of their peculiar institution, the time may come when the same power may be invoked to restrain and to suppress it?

When our forefathers met to form the Constitution, they came from every section. Those who came from the North came with feelings of bitter hostility to and abhorrence of slavery. They had come crowned with laurels from the revolutionary conflict. They had just written, in characters of living light, the declaration—the truth of which they had sustained with their blood—that men are born free and equal. They had said—

"We know no crime in color'd skin,
Nor think the God above
Could fix the brand of slave upon
The children of his love.
To them a charter he unfurl'd—
A birthright fair,
To man, his heir—
'Twas freedom to the world."

Such was the sentiment of the men of the North, who had periled their lives, their fortunes, and their sacred honor, in defence of the principles of universal liberty, and of the doctrine that liberty is the gift of God, and not of any Government or potentate. With such sentiments, they went to the work of forming a constitution. They went with a deep, and settled, and immovable prejudice against the institution of slavery, to which the South clung as necessary to their prosperity. They believed that when the child first breathed, he was furnished with a charter from God, which secured to him life, liberty, and the pursuit of happiness; and, unless the history of the world shall be falsified for the future, we cannot take away that right and be safe; for the God above will send upon us fearful retributions for acting in violation of the rights which he has given.

Laboring under the difficulties and dangers of this difference between the North and the South, as shown by the debates, in regard to slavery, the entire control of the institution was reserved to the States wherein it existed. Nothing in regard to it was delegated to the General Government, but the States were left in the same position as under the Confederation. To make this still plainer, article tenth of the amendments was adopted, by which it was declared that the powers not delegated were "reserved to the States respectively or to the people." Such was the sentiment on which the compact was based, and in that spirit the North has always acted. But there was a great mistake pervading the minds of many men in relation to the anti-slavery movement. Perhaps he himself did not fully understand it; yet he was certain that he should not abandon his deep-settled convictions in regard to the policy of the Government, and a free expression of them because of being denounced as an abolitionist. He had long since resolved to care more about the correctness of his opinions than about the epithets that it might suit the interests or the malice of some people to apply to him. The people saw that the institution of slavery was sustained by positive laws, and the gentleman who applied to him and others the epithets of "Federalists," "Abolitionists," &c., would not find those who were so denounced desirous to overthrow the provisions of the Constitution, or to disregard the obligations of any law made in accordance with it. On the contrary, many would be found in that class that were willing to sacrifice all in the defence of constitutional liberty. They believed they could have no liberty but according to law; certainly not in disregard of law. They were willing to keep the guarantees of the Constitution. The people of the free States hold the blessings of personal liberty as sacredly as the slave States do the privileges of slavery. The free States delegated no more power to the Federal Government to involve them in slavery than the slave States did to involve them in its abolition. The people of the free States were not obliged to shed one drop of blood nor pay one cent of their money to support it. If Virginia claimed the right to sustain slavery, New Hampshire also claimed the right to be exempt from it or to contribute to its support. They were on the defensive, and, being sustained by the literature, the moral sentiment, the religious convictions of every civilized and christian nation, they should not recede. They should stand firm, immovable, on their solemn convictions:

"——— constant as the Northern Star,
Of whose true, fixed, and resting quality
There is no fellow in the firmament."

They claimed an exemption from the sin and the shame, the expenses and the retribution of slavery:

"We ask not ye shall snap the links
That bind you to your dreadful slaves;
Hug, if you will, a corpse that stinks,
And bear it with you to your graves:
But that you *may* go, coupled thus,
You never shall make slaves of us."

Under the Constitution of the Federal Union they demanded an exemption from all connection with slavery, and until they were exempted this country would never have quiet. He did not say to the South, he did not believe that *they* would have quiet at any time if they adhered to slavery; for they could not have peace until the South got rid of it themselves, for it was an institution which was derogatory to the honor of man, and was a violation of the laws of God; and, unless they had the power successfully to oppose the decrees of Heaven, they could not stand on that institution and prosper.

He admitted there were difficulties that surrounded the subject, but he claimed exemption from all connection with the institution. This was a position which he had assumed elsewhere as well as here. Gentlemen had talked of the fanaticism of abolitionists, but they should bear in mind that the excitement in this country in relation to the institution of slavery had grown out of the aggressions of the slave power on the free States, and in consequence of its having been proclaimed to the world that we live under a Constitution that compels this whole Union to sustain and extend the institution of slavery. He admitted it was "fanaticism" which disturbed the peace of this Union and introduced agitation and danger into the halls of Congress; but it was the fanaticism of slavery and not of anti-slavery. I charge the President with fanaticism, not only for involving us in war in behalf of slavery, but for recommending, in his message to the two Houses of Congress, that they should take the money of the nation and pay, not for slaves, but rather for free men unsuccessfully attempted to be reduced to bondage by Spanish pirates. Such a recommendation ought at once to meet with an emphatic condemnation.

Mr. T. here referred to the exactions of the slave power, not only in the monopoly of influence, patronage, and office, but also in applying the national purse and army to subserve slavery. He said, at the close of the war of 1812 a large number of fugitive slaves, free negroes, and Indians, established a settlement in Florida on the Apalachicola river, built a fort, and commenced the cultivation of the neighboring country; but our national forces, paid for their service by a common treasury, in obedience to the request of slaveholders, attacked that fort, blew up the magazine, destroyed three hundred negroes on the spot, and returned several hundred more to bondage. This was the valley of Wyoming on the escutcheon of slavery, and would not be forgotten.

He also said the Seminole war and the millions spent in it were in defence of and for the extention of slavery. He spoke of the enactment of slave laws in the District of Columbia, which had within a few days countenanced kidnapping and crime worse than murder, under their own eyes. He said that Northern Representatives did not dare to inquire into these evils on account of their subservience to slavery.

He alluded to the expenditures in negotiations to recover indemnity from England and other nations for self-emancipated slaves, and to prevent West Indian emancipation. He said it was believed that hundreds of millions had been paid to sustain, defend, and indemnify slavery prior to the Mexican difficulties. Talk not of fanaticism at the North against slavery, when such immense sums have been exacted from us for its support. Talk rather of the fanaticism of those who understand their mission to be to propagate slavery; who announce in legislative resolutions that it is a problem yet to be solved whether a Republican Government can long continue which does not tolerate domestic slavery.

He next proceeded to examine the immediate causes of the war, and said it was a work of supererogation to adduce more proof; that he thought the President himself was convinced, and he did not believe that one in a hundred of the people doubted, that the war was unnecessarily commenced by the President. Let us (said he) recur to some facts. First, the President took possession of the land between the Nueces and the Rio Grande, which, if not clearly Mexican territory, was in dispute. This was an act of war. He blockaded the mouth of the Rio Grande, and thereby cut off supplies to the Mexican army then at Matamoros, in their own country. This was an act of war.

He built a fort opposite Matamoros, supplied it with cannon, pointing into the heart of that city, and manned it with a force capable at any moment of sending destruction among the Mexicans. This was an act of war.

All this happened ten days before hostilities by Mexico were commenced. At length Captain Thornton, with a company of dragoons, attacked a large force, and some sixteen were killed and wounded. This was the first blood that was

poured out on the valley of the Rio Grande. War was forced upon the Mexicans, and it was next to impossible to make them fight. Let the preamble asserting that the war was begun by Mexico ever bear the name of the "lying preamble."

This is a war for the maintenance and extension of slavery; the people see it, know it, and feel it. It will end in the complete subjugation of Mexico, by the necessity of the case, unless speedily arrested. The people demand that it cease; that if there be no other way to stop it, it should be starved to death by the same vote which has declared it unnecessary. Shall slavery, he asked, be extended by the national arm? Shall we permit this war, conceived in sin, and brought forth in iniquity, to be waged any longer? Shall we invoke the fearful judgment upon us of Him who rules in heaven and on earth, and without whose notice not a sparrow falls to the ground?

He regretted that his time would not permit him to examine the array of fearful apprehensions that this war brought before him.

The multiplication of slaves; the multiplication of military heroes, scarcely less calamitous; a standing army; a Mexican proconsulate, an intolerable Executive patronage, and the eventual failure of our republican experiment, were the objects which he saw in the distance; and he besought gentlemen to consider and to unite in one patriotic effort to extricate the country from the ruinous gulf she was entering.

He was willing distinctly to state his position in regard to supplies and to the acquisition of territory. As to supplies, it was his conviction to grant none, except to bring the army home by the shortest route. Thus let us restore the nation *status ante bellum*. We had virtually declared the war to be wrong on our part. Let it, said he, not be ours to say—

"We know the right, and we approve it too;
We know the wrong, and yet the wrong pursue."

As to territory, (he said,) he thought we now had more than was profitable, and all that anything but extravagant folly could desire. Yet, as territory was so likely to be acquired, he was irrevocably pledged to the reënactment of the ordinance of 1787, or otherwise to the passage of the Wilmot proviso.

Mr. T. said he knew the denunciation against men entertaining such sentiments as those he had expressed; but his convictions were deep, and his course was plain. He should stand by his country, and should give "no aid or comfort" to sustain a war that dishonored the country, and endangered our dear-bought privileges. He should stand by his country, as Burke, Barrè, and Chatham stood by England in the time of the Revolution. They gave sound advice, and solemn remonstrance, which, if observed, would have saved the colonies. He should stand by his country, should denounce this war, expose the hypocrisy, ambition, and wickedness of its authors; should also, to the extent of his ability, warn the people against the danger of sustaining it. If this was treason, men might make the most of it.

The hour allotted to Mr. T. here expired.

Mr. McLANE next addressed the committee, and said he somewhat regretted that it was his fortune to follow in debate the gentleman from New Hampshire, whose allusions to the subject of slavery were offensive to the pride and refinement of every gentleman, he hoped, from every State of our Federal Union, who respected and venerated our Federal Constitution. If, in the course of his remarks, he should have occasion to refer to the same subject, he should do so with great respect for the local institutions of every State in the Union, be it free or slave, however much he might, as the representative of a slave State, feel wounded at the offensive allusions so freely offered in this House by gentlemen who regarded themselves as men of a single idea.

Mr. McL. continued, and said, that but for the extraordinary declaration made by this House, at the motion of an honorable gentleman from Massachusetts, [Mr. ASHMUN,] denouncing this war as "unconstitutional," &c., &c., I should not think it within my range to engage the attention of the committee with the origin of the Mexican war. Whatever opinion I might have entertained, I could not have reconciled myself to a voluntary expression of sentiment, the record of which on the Journal of this House necessarily discredited our own Government, and falsified the records of both branches of the National Legislature. Sir, had we thought it wise to abandon the war, and withdraw our armies to the east of the Rio Grande, and adhere for the future to a defensive war with Mexico, it would be, in my judgment, unnecessary, if not derogatory, to raise an issue of veracity with a former Congress—appealing to partisan zeal at home or abroad to determine whether *we* or *our predecessors* have voted "*a falsehood.*" But to make such a declaration after we have refused to withdraw our armies, exposes to insult and shame the brave men we have pushed forward into Mexico—*aiding*, and *comforting*, and *encouraging* their enemies, while we chill and demoralize public sentiment at home, and render it impossible to raise succor and reinforcement for those whom we refuse to *recall*, on the same day and hour that we discredit and dishonor their service.

I regret that a majority of this House have taken a very different view of our mutual obligations; and, in my judgment, insensible to the honor of the Government and the pride of our illustrious soldiers, they would attach their falsification of the national record to a vote of thanks, by which it was proposed that the Congress of the United States should convey to General Taylor some light expression of the respect and admiration felt for him by his fellow-citizens. This association of such a declaration with the name of General Taylor, will appear still more unfortunate when some reference is had to the particular acts of the President, which constituted the illegality or *unconstitutionality* of the war. There are those in opposition, sir, who consider the annexation of Texas as the *first* and great violation of law that caused the war, and the military and civil conduct of the President as the *immediate occasion* of the war; others, who justify the act of annexation as *legal* and *constitutional*, without regard to its wisdom or expediency, are obliged to rest the *illegality* and *unconstitutionality* of the war upon the orders of the President, which they allege were issued without the concurrence of Congress, and immediately caused the war. It would be difficult, sir, to determine which of these propositions involves the most inconsistency, supposing either to be the ground of complaint against the Government of the United States. If the annexation of Texas was the illegal and unjustifiable *casus belli*, then the occupation of any part of Texas, east or west of the Nueces, was necessarily an immediate act of offence on the part of the American Executive. But it was also necessarily the result of that obligation to execute the law of annexation imposed by the Constitution on the President.

On the other hand, if the act of annexation was *legal* and *constitutional*, but regarded by Mexico as an act of war, then no movement of the Executive connected with the defence of the new territory, even without the concurrence of Congress, can be treated as the cause of the war. Sir, the course of the Opposition on this point renders it necessary to look back a little at the history of this "*act of annexation.*" I shall not, however, weary the committee with more on this point than a review of facts, which confute the declaration that the President, by his own illegal act in occupying the territory west of the Nueces, without the concurrence of Congress, caused the war. It will not be denied, sir, that the act of annexation was a formal act of the law-making power of our Government. The army of the United States was not moved beyond the Sabine until a convention of the people of Texas had accepted the terms of annexation offered by Congress. This was in the summer of 1845, when the Government of the United States assigned General Taylor to the command of the army of observation, destined to defend and protect the soil of Texas, informing him that his ultimate destination would be the western frontier of Texas, on or near the Rio Grande. (See Mr. Bancroft's despatch in June or July, 1845.) In December, 1845, Congress was informed that General Taylor had been assigned to the defence of the country west of the Rio Grande. In the same month, and after receiving this information, Congress, by a formal act, consummated annexation, and extended American jurisdiction over the whole of Texas, without reserve or limitation. A reference to this act of admission of the State of Texas (29th December, 1845) will show that it was the State of Texas that was admitted, with a constitution already formed, affirming the declaratory statutes which defined the boundary west to the Rio Grande; and with such boundary she was admitted a *State* into the Union. This act of Congress settles the question at issue, and establishes the *concurrence* of Congress with the President in taking possession and sovereignty over the country west to the Rio Grande; for on the same day another act was passed, extending, in general terms, the laws of the United States within the State of Texas.

Mr. CRISFIELD here interposed, to say that his colleague was wrong in point of fact.

Mr. McLANE said, that if he was wrong in the statement he had made, the burden and all the injury would rest upon him.

Mr. BOYD and Mr. CRISFIELD here made some additional remarks, which were not audible to the reporter, being addressed to Mr. McLANE, near whom both gentlemen were seated.

Mr. McLANE replied, that it was to him a matter of indifference, whether the Texan constitution of 1836 did or did not define her boundary.

Mr. KAUFMAN, of Texas, being appealed to by several gentlemen around him, (interposing,) said: The constitution of the *Republic* of Texas did *not* define the western boundary of that State. It was defined, however, by a *law* of the first Congress of the Republic of Texas, passed in December, 1836. The constitution of the *State* of Texas declares all *laws* of the *Republic* of Texas *in force* not repugnant to the United States Constitution, or the annexation resolutions.

Mr. BOTTS asked the gentleman from Texas whether the boundary of Texas, as described by the act of her Congress of 1836, included Santa Fé?

Mr. KAUFMAN replied that it did; that it included all the territory east of the Rio Grande, from its mouth to its source; and that the Congress of the United States which passed the annexation resolutions, approved March 1, 1845, understood that Texas included Santa Fé; for it provided that States formed *out of the territory of Texas north* of 36½ degrees should be free States; while Santa Fé is *south* of 36½ degrees north latitude. Mr. K. further said, that the Republic of Texas, previous to annexation, had established post routes from Bexar to Laredo, on the east bank of the Rio Grande, and from Corpus Christi to Point Isabel, *and that every portion of territory east of the Rio Grande, from its mouth to its source, and north to the 42d degree of north latitude, was included by different acts of the Congress of the Republic of Texas, previous to annexation, within the limits of some organized or established county of said Republic!*

Mr. McLANE continued. Subsequently (he said) Congress organized the revenue districts in Texas, in such wise that one district was bounded on the west by the *Nueces*, another on the east by the Nueces, and the west by the Rio Grande; and the Senate confirmed the nomination of revenue officers assigned to the districts so located. Sir, I would remark that I am not now engaged with an examination of the boundary question between Texas and Mexico; I am considering the calumny thrown upon this Government by the declaration that the occupation of the country between the Nueces and the Rio Grande was the illegal and unconstitutional act of the President, without the concurrence of Congress. Sir, I think it just to get rid of this issue, before I engage with any examination of the real origin of the war; for I consider the declaration, so often repeated by the Opposition, that the occupation of the country between the Nueces and the Rio Grande was the act of the President, without the concurrence of Congress, to be in itself a *calumny*.

I present, therefore, in this connection, to the attention of the committee, that in June, 1845, General Taylor had indicated to him the extent of country to the Rio Grande, claimed as Texas, under the act of annexation, receiving at the same time his orders to defend and protect that territory; while Congress, in December, 1845, on their first meeting were informed fully by the President of his action in Texas—to which they took no exception; but, on the contrary, legislated, without restraint and without limit, for all the territory claimed as Texas; and particularly committed itself to this territory west of the Nueces, by further and particular legislation in the establishment of a custom-house and revenue district west of that river. Upon this state of facts, I feel constrained to regard as a calumny the assertion that the territory west of the Nueces was occupied by the ille-

gal and unconstitutional order of the President of the United States *without the concurrence of Congress*.

Sir, I have seen it suggested from the Opposition that the war, though just and honorable as the result of annexation as between Mexico and the United States, yet, as between the different branches of this Government, there exists a responsibility with the Executive, peculiar and painful, created by the rash act of the President in ordering the troops to the Rio Grande, provoking the state of active hostilities.

Such a conclusion could only result, sir, from the struggle of a generous spirit, under the impulse of patriotism, called to an unwilling association with the Opposition. Such an assault on the President, like the broad declaration affirmed by this House, and already referred to, must be refuted by a simple review of the history of annexation; and coming from the Opposition, under all the existing circumstances, it is even more unwarrantable than the abstract denunciation of the illegality and unconstitutionality of such an order. In repelling this assault upon the wisdom and capacity of the President in one particular act of administration, it must be observed, that even in view of the act of territorial occupation west of the Nueces, this advance to the Rio Grande was not made for months after our armies were posted west of the Nueces, and for months after Congress had actually extended American laws and American life into that territory; nor until months after General Taylor, who was intrusted with the defence and protection of Texas, had repeatedly urged and advised the movement, upon high considerations of military and political propriety; nor until months after the organization of the Mexican armies on the banks of the Rio Grande river, under peremptory orders to cross that river, and seek our people at Corpus Christi, or wherever else they might be found. This movement, made with caution, with care, in a purely defensive spirit, subordinate and secondary to the occupation of the country west of the Nueces, which was made six months before the advance to the Rio Grande was ordered; and this movement, which was withheld for months, at the express command of the President, that every possible effort to settle differences by negotiation might be exhausted, is seized upon by one branch of the Opposition as an *illegal* and *unconstitutional* act, by another as an unwise one, and by both, as the cause of the war, proximate or remote.

Sir, one other ground of reproach is relied on by the Opposition, which is to attach the responsibility of this war to the President. He is denounced, sir, for electing the alternative joint resolution for the admission of the State of Texas into the Union, rather than the resolutions which proposed negotiation. Sir, not to remark that the President's predecessor had already made the election, let me only suggest that *Congress* authorized the *election;* and that it savors somewhat of presumption, to argue *now*, in the dark, that a different election would have avoided war. For one, sir, I believe the alternative election of negotiation would have lost Texas altogether.

Mr. Chairman, I think the war—

1st. In its origin, just, honorable, and necessary, (I mean unavoidable.)

2d. I think it is being prosecuted with the avowed object of conquering a peace, which would secure indemnity for the past and security for the future.

3d. I think indemnity and security may consist in pecuniary, territorial, or commercial conditions, altogether or severally.

4th. I think the war-power under our Federal Constitution omnipotent under the recognized laws of nations, as established on principles of humanity and civilization.

5th. I would inquire how shall this war-power be exercised in the further prosecution of the existing war with Mexico.

What, sir, are the facts which develop the origin and history of this war? In 1836, the Republic of Texas accomplished a revolution with the *sword*—consisting of the people of the department of Texas, and portions of the people of Tamaulipas and Coahuila—who, after driving the Mexican armies beyond the Rio Grande, and at once organizing a Government, declared that river to be their western boundary; and, from that time to the present, maintained complete and undisturbed possession of the soil west to the Rio Grande; so far as concerned their intercourse with the United States and the nations of the earth who had recognized their national independence—England, France, and other great Powers inclusive. Within these limits of boundary, they exercised in their intercourse with these nations all the rights of sovereignty; and even in their relations with Mexico, actually making peace on the recognition of such boundaries, stipulating for the withdrawal of the Mexican armies to the west of the Rio Grande, and the release of the Mexican commander-in-chief, and further maintaining such boundary against all subsequent efforts of Mexico to obtain a permanent footing on that soil from which her armies had been driven in the war of the revolution; while the people who continued to inhabit such territory were recognized as citizens of Texas, tendering their allegiance, and being represented in the Congress of Texas, and, I believe, in the very Convention that accepted our terms of admission. These acts of sovereignty have been often referred to in this House. As one act of such sovereignty, Texas became a State of our Federal Union, bringing with her the old quarrel with *Mexico*, which, at the time of annexation, was the Mexican claim to *all* of Texas; and this quarrel, to the extent of war with Mexico, or other Powers interfering with the "act of annexation," I cheerfully assume as the price of Texas.

Sir, observe the conduct of the two Governments in their intercourse, now that the act of annexation has transferred this intercourse to the Federal Administration; see the insolence of Mexico and the forbearance of the United States; see the declaration of Almonte, withdrawing from our country on the passage of the act of annexation; see every subsequent stage of the controversy between Mexico and the United States, and every despatch of every minister, in every change of a changing Government. The offence was the act of annexation. That act was the act of Congress, and the occupation of any part of Texas was an offence in the eyes of Mexico; but the occupation of any and every part was the *duty* of the President, and had necessarily the *concurrence* of Congress, in virtue alone of the original act of annexation, which was a just, a wise, a constitutional act, and in advance sanctioned by the will of the people of the United States, and ratified by the people of a free and sovereign republic, holding dominion from the Sabine west to the Rio Grande. See the subsequent and subordinate ground of complaint, arising out of the disputed boundary question—supposing the major offence of annexation reconciled; and, in this connection, observe the cautious, forbearing, conciliating course of the American Executive, holding the American forces on the extreme eastern border of the disputed territory until every effort for a peaceful adjustment of differences seemed hopeless; and further observe the cautious, defensive policy adopted in occupying and defending the soil of this new State.

On the other hand, sir, see the offensive, hostile, aggressive spirit with which the Mexican army was ordered to take *forcible* possession not only of that territory which, in some collateral issues of the negotiation, had been styled *disputed*, but also of the territory of *Texas* all the way to the *Sabine*. Surrendering then, sir, all the advantage which results from the acknowledged sovereignty of Texas to the Rio Grande, and the transfer of that sovereignty to the Federal Government, we can afford to stand upon the issue of *opposition*, now very naturally adopted by our beaten and desperate enemy, and acknowledge, for the moment, that Texas, to the Nueces, was legally and rightfully occupied by our troops, and that all beyond, to the Rio Grande, was *disputed territory*. For, sir, the American Government took *defensive* possession, and the Mexican Government *offensive* possession of this territory, contemporaneously—hostilities occurring at a moment when the American general was ordered to act defensively, and the Mexican to invade and act offensively.

What can be more conclusive to establish the necessity, the justice, and the obligation of honor, imposed upon our Government to recognize and engage in the prosecution of such a war? What more conclusive to establish the wisdom and forbearance of the Executive? And yet the Congress that recognized such a war are branded as voting a "falsehood," and the Executive arm is paralyzed by the denunciation of a majority of this House—a denunciation powerless but for insult, since we hear nothing of impeachment, the only legitimate fruit of such a denunciation.

Satisfied, then, sir, that the war is just, honorable, and necessary, I desire, in the second place, to ascertain if it is prosecuted with an honorable and intelligent purpose. The war message of May, 1846, and every subsequent annual message and special message, have all declared that the war is prosecuted with the sole object of conquering a satisfactory peace; and these Executive declarations have been understood to involve the principle of demanding indemnity, both for the expenses of the war, and the past injuries and wrongs inflicted by Mexico upon citizens of the United States. In view, then, of these two positions, and the repeated rejection of our peaceful overtures, I see no course left to this Government, but the continued prosecution of the war, until the *power* that governs Mexico is subdued; we then dictate our own terms, and accomplish our avowed purpose of conquering a peace. I thus distinguish, sir, between the conquest of peace and the subjugation of the *power* that governs a country, and the subjugation or annihilation of the country itself, with all its institutions and municipal existence.

Here, sir, arises an interesting inquiry. Such a subjugation of the *power* that governs Mexico once accomplished, what *indemnity* shall be demanded? This inquiry must be resolved before we can wisely apply our war-making power in the further prosecution of the war; for, in the enunciation of my third proposition, I have stated, in terms somewhat comprehensive, the scope of international indemnity. I feel constrained, sir, to pass over, without consideration, the idea of a simple *pecuniary* indemnity, or a *pecuniary* guarantee of security for the future in our relations with Mexico. I distrust, utterly, all expectation of ever obtaining such. So, sir, in regard to mere abstract *territorial acquisition*. I cannot believe that the mere acquisition of a portion of the Mexican territory, embracing even the valley of the Rio Grande, to the whole extent of territory comprised east of the *Sierra Madre*, and including New Mexico and California—which, though somewhat beyond the recommendation of the President, has been *suggested* by very eminent military authority—would in itself constitute a satisfactory indemnity for the war alone; much less would such an acquisition, in my judgment, give us *security* for the future. Such an acquisition of territory, combined with certain fixed commercial relations, and the occupation of such points on the seacoast and in the interior as would ensure their faithful exercise and enjoyment, might, perhaps, satisfy the just demands and expectations of a wise American policy. Nothing short of such a result, sir, would constitute a satisfactory peace, in my judgment. To accomplish this result, the existing Government of Mexico must be absolutely subjugated. When this crisis is reached, American statesmen, who may be intrusted with the administration of Government, in my opinion, will take a yet more comprehensive view of this question of *indemnity;* and, rejecting altogether the idea of *territorial acquisition*, they would, perhaps, guarantee to the whole people of Mexico republican government, civil and religious liberty, equal rights and equal laws, in their relation of independent several States, or in any independent confederate relation they may desire to assume. None of the evils incident, or believed to be incident, to the denationalization of Mexico, could then occur; but, like the other inhabitants of the North American continent, who have been subjugated by the United States, they will enjoy that degree of civilization and independence for which they may be fitted, and the free and glorious civilization of our people will press onward until it covers the American continent. The commercial relations thus secured with seven or eight millions of people, from whom, though adjacent in territory, we have been almost excluded by the prejudices of an eighth or tenth of the Mexican nation, in alliance with the arts and intrigues of European traders and missionaries, would constitute an ample, a glorious *indemnity;* while the liberated millions of Mexico would bless the sword of the conqueror, and spurn the rude despotism of the privileged classes, who now sport with and oppress them. To this end, sir, I would myself be willing at this time to prosecute the war. The power to declare war, and make rules for the government of our armies, and

our captures on land and sea, is ample to fill the measure of glory and freedom which I think this war will yet secure to the Mexican people. I would desire at once, sir, to extend our revenue laws over Mexico, and push the war vigorously to the occupation and subjugation of every Mexican State. When these brilliant results should be accomplished—and the task is more simple than we generally concede—I, for one, shall be content to leave with our existing Government the adjustment of a satisfactory peace.

But, sir, I do not presume to press these views at this time. I am quite content to support the policy of the Administration, as presented in the President's message, and take at once the territoral indemnity recommended by him; though I would venture to hope his recommendation might be extended to include the valley of the Rio Grande south to Tampico, as well as New Mexico and California. Such an acquisition of territory, combined with the measures recommended by the President, or the extension of a judicious revenue system over Mexico, and a continued prosecution of the war, would constitute, in my judgment, a policy which will yet receive the sanction of the American people.

Sir, in viewing the more enlarged and comprehensive policy indicated in the remarks I have just submitted, I would observe that such a policy, though it certainly embraces the *whole of Mexico* in its influence, and is intended to give moral and physical life to the people and institutions of that portion of the American continent, must not be confounded with the simple proposition of the denationalization of Mexico and the annexation of that country and people as an integral and sovereign portion of our own Confederacy. Nine-tenths of the people of Mexico are hardly less aboriginal, and certainly not so well cultivated and advanced, as the *Choctaw*, or even the *Cherokee* Indians, who, as a people, though conquered, are still left to the enjoyment of civil and religious freedom; instituting their own fundamental laws, and enacting their own municipal regulations, under the most improved and independent system of republican government within the territory and jurisdiction of the United States, yet not constituting an integral and sovereign portion of the Confederacy itself. Nevertheless, sir, their laws, their public schools, their civil and religious cultivation, present types of a civilization in few respects inferior to our own.

The principal and main objection, sir, that I have heard advanced against the partial acquisition of Mexican territory, will doubtless be applied to the policy here indicated, and lies in the supposed extension of *slavery* among a people and over territory from which it is now excluded by municipal law. This objection, sir, I regard as of little weight—not because I am in anywise insensible to the outrage which such a forced extension of such an institution over an unwilling people would constitute. I regard this objection, sir, of little weight, because I do not believe the act of acquisition, of itself, would necessarily extend this institution over the territory so acquired. Still less do I believe *that the subjugation of all Mexico*, and the subsequent government of that country by the inhabitants thereof, under free and republican institutions, would ever result in the extension of slavery beyond the limits where it now exists. Further, sir, I do not believe that any act of the Federal Government of the United States can either *create* or *abolish* slavery *anywhere*, within or without our present limits. The powers of our Federal Government over the institutions of slavery are limited, 1st, to their *enumeration*, in fixing the ratio of congressional representation; 2d, to their arrest and restoration when *fugitives from labor;* and 3d, to prohibit their importation or their immigration from abroad subsequent to the year 1808. Territory acquired by the United States with *slavery* existing therein as a domestic municipal institution, as *Florida* and *Louisiana*, would remain slave territory without regard and without the sanction of treaty stipulations to make it so, or to guaranty its existence.

On the other hand, territory acquired without the existence therein of this municipal institution, would remain *free*, so far as any power of Congress to create it there, or to declare that it should exist there, is concerned. The people who may have abolished it therein, or who may have failed to create it there, are alone possessed of sovereignty over it—being a purely *domestic*, *local*, and *peculiar institution*, recognized by the Federal Constitution as such within the limits of such sovereignty as may have established it—*an institution* recognized as existing in virtue of a sovereignty apart from, and independent of, the Federal Constitution, *though not inconsistent with it*. Hence it is, sir, I believe territory acquired by the United States, either by *purchase* or *conquest*, and inhabited by people who become citizens of the United States, will maintain and establish such municipal institutions as are most acceptable to their own *will* and *wish*, if consistent with the Constitution and laws of the United States and the reserved rights of the States. Entertaining these views on the subject of slavery, I may be permitted to say that I feel, as the representative of a southern State, wounded and offended at the style of language so often indulged in by gentlemen on this floor, who treat this question as men of a single idea, denouncing the institution and those who live in its midst; and though myself born north of Mason and Dixon's line, I still lived sufficiently in the midst of the black and slave race to understand that they were capable of far more enlightened and Christian principles of action, and love to their neighbors and fellow-men, than I have ever witnessed in the conduct of any branch of the Abolition party, here or elsewhere. And, in conclusion, I would say, that I hold the opinion that Congress is under the obligation to vote promptly men and money for the vigorous prosecution of a war that will conquer a glorious and satisfactory peace, reducing Mexico to complete subjection, leaving us to dictate terms, which I would have illustrate our humanity, our wisdom, and our justice.

Mr. TOMPKINS, of Mississippi, addressed the committee. He did not propose (he said) to answer the arguments of the gentleman who last had the floor, [Mr. McLANE,] though it would give him much pleasure to do so; and possibly in doing it, though it might seem arrogant, he might do some service. Neither would he undertake to answer the gentleman from New Hampshire, [Mr. TUCK,] who he thought had said some things that might interest that portion of the country to which he especially belonged; although he (Mr. TOMPKINS) trusted he should never be capable of any action on this floor that did not affect and promote in some degree the great interests of the whole country. He confessed the speech of the gentleman from Maryland was an able speech, ingeniously delivered—delivered in an interesting manner. The gentleman threw into it much of what was now-a-days called Mesmerism; for he seemed to chain to his lips the audience that surrounded him. But he trusted that some other gentleman would take him up and deal with him with more effect than he perhaps would be able to do, as he intended to speak on another question.

They were in the Committee of the Whole on the state of the Union, having specially before them the annual message of the President; but, as they were discussing the question of the war, and the objects to be accomplished by it, and as the gentleman from Indiana yesterday [Mr. ROBINSON] occupied the principal portion of his time in discussing the special message of the President, and complimenting him for his lofty independence in refusing to give to this House, the representatives of the people, the true sovereigns of the country, information vital to them, to that point he should now direct his remarks. Having had the floor on that question, and supposing it would come up yesterday morning—and it seemed he was not alone in so supposing, for the reporters so understood it, and it was so published in the papers of the ensuing morning—he should take this occasion to give his views in relation to that document sent to the House last week by the President of the United States, in which he refused to communicate to the Representatives of the people any of the facts or of the particulars of the arrangement by which he restored to Mexico one of the ablest generals Mexico could ever boast; who found the country distracted, its armies disbanded, its revenues exhausted; yet out of this chaos, this anarchy, had organized armies, had brought forth resources, and covered, bathed as it were, the flowery plateau of Mexico with the richest blood of American soldiers. And when they ask how this occurred, they were told it was beyond the sphere of their duties and power; that to ask it was an impudent infringement of the Executive prerogative. It seemed to him that upon this point they should not be divided into Whigs and Democrats—that they ought to know no party but our country; but if they were so divided, it must be the friends of the Constitution and of the people on the one hand, and the friends of the Executive and his prerogative on the other. And now let him examine this question.

The House had asked, not only in relation to the instructions given to our minister, Mr. Slidell, but in relation to the instructions given the commander of our fleets in relation to the return of Santa Anna, who was then an exile from his country, in Cuba, that they might know with what influences the people of this country, their resources and their blood, had been contending, and had still to contend. The Executive told them, no; this thing belongs to me, in my Executive capacity, and it is acquired by the strength and splendor of my Executive prerogative! The President seemed to think, if he could quote a name that is revered, that dwells in the core of every heart of every citizen throughout this vast Confederacy, that he would be protected against the odium, the indignation, which the sovereignty of this land would feel against him, and so he quoted the message of President Washington. This thing was sprung upon gentlemen on this side of the House; they were perfectly ignorant of the contents of the message until it was read, although on the other side gentlemen were informed of it, were prepared for the advocacy of its doctrines, by having authorities to sustain the President ready dog-eared, the leaves turned down. Mr. T. did not charge that the President furnished them; but one of two things was absolutely certain—either that information was communicated to them of the character of this message, that they might prepare for it; or else that the defence was prepared and sent to the advocates of Executive prerogative on this floor. One of these things was certain; for immediately on the reading of the message they came forward prepared with the documents.

Mr. HOUSTON, of Alabama, here interposed; but

Mr. T. did not yield. He did not mean to impute to the gentleman anything improper, but he could not yield to the gentleman any of the short time allotted to him. The gentleman, he hoped, would not consider him discourteous; for he [Mr. HOUSTON] had a very able argument, and had the authorities very nicely furnished him; and we on this side (said Mr. T.) had no such authorities.

Mr. HOUSTON again addressed the Chair, and was proceeding to speak; but—

Mr. T. continued. Therefore he must excuse him for not yielding the floor on this occasion. He intended no disrespect, nor did he intend to impute anything improper to the gentleman. The precedents cited by the Executive were not such precedents as suited the case before them.

Mr. HOUSTON again wishing the floor; but Mr. T. declining to yield—

The CHAIRMAN remarked that upon this subject the range of debate was necessarily extensive; the Chair, nevertheless, should feel it to be his duty to arrest remarks of a personal character, though he did not consider those of the gentleman from Mississippi to be such.

Mr. TOMPKINS, continuing. I avow no intent of that kind.

The gentleman (continued Mr. T.) showed an ability in the advocacy of a principle which he deemed a very dangerous principle in a republic, and which he was sorry, very sorry, to behold. [A laugh.] He meant nothing improper.

What were the precedents? The Executive stated but one single one; yet the gentleman, either in the preparation made for him, or which he had made himself, from being previously informed of the contents of the message—for he could not have made it after it was announced from the Clerk's table, because it was not one hour after that the authorities were read by the gentleman; so that he was either the retained counsel of the Executive by implication, or was furnished with the authorities.

Mr. HOUSTON again interrupted.

Mr. TOMPKINS. I make no personal assault. I do not want to be interrupted.

Mr. HOUSTON still persisted. I am aware (said he) that the gentleman does not want to be interrupted in such a course of remark as he sees fit to indulge in.

[Cries of "Order."]

The CHAIRMAN said he understood the gentleman from Alabama rose to order.

Mr. HOUSTON, (continuing.) I wish to say, with reference to the declaration of the gentleman from Mississippi, that I was not a retained counsel——

Mr. TOMPKINS, (who still retained his position on the floor.) No; I said only by implication.

Mr. HOUSTON. That I represent the people of my district in what I say and do here, and am not the retained counsel of the President of the United States or anybody else. The gentleman says it must have been prepared for me. It is true I knew what subject the message was on——

[Cries of "Order, order!"]

Mr. TOMPKINS. Well, it was a sealed package; and the gentleman comes out and declares he knew what was in it, and nobody on this side of the House knew. So far from repelling anything which I have stated, the gentleman confirms all the remarks I have made.

The CHAIRMAN called to order, and repeated that he would take the liberty of saying, that when a gentleman was on the floor, and made observations of a personal character, he felt it his duty at once to call him to order. If he made misstatements, intentionally or otherwise, (and it could not be supposed that any gentleman would make them intentionally,) it was merely a mistake in his argument.

Mr. TOMPKINS. No; it is not a mistake, if the Chairman pleases. [A laugh.] I will go on, nevertheless. Let us turn our attention to the precedent quoted in the message, and the precedents of the gentleman who comes forth as the advocate —I will not say as the retained counsel, either express or implied—of the Executive prerogative, and see whether they fit the case before us.

What (asked Mr. T.) were the precedents? The message of President Washington, which was quoted was in relation to the treaty-making power —a power conferred by the Constitution upon the President and Senate; and treaty negotiations, as recognized by the practice of European Governments for centuries, had peculiarly the feature of secrecy. But we had lived long enough to know that in a republican form of government, where there are not those who are born to govern, where there are not those who are God's anointed, but where the people of the country are the true sovereigns, and where, like the true sovereigns in every country, they have a right, and it is their duty to know everything that is going on, they require no public servants to keep secrets from them; because that which is concealed is generally disastrous to the public liberty and their negotiators can afford to be frank and honest, and they are the only sovereigns in the world who can afford to conduct their negotiations upon these exalted principles. The precedents quoted by the gentleman from the dog-eared book were only precedents affecting the treaty-making power, and none of them, as he should presently show, affecting the war power, or touching it in any manner, except incidentally through the treaty-making power.

It was true, when they looked back to the precedents from the organization of the Government, in which the right to maintain secrecy was claimed, they found that they related only to negotiations then pending, and not to negotiations which had been consummated. What was sovereignty in the hands of the people—the sovereignty which reposed in the twenty millions of heads and hearts of the United States—worth, if the public servants of that sovereignty could conceal from them, after they were completed, any negotiations with foreign republics which might seriously affect their interests at home or abroad? It was not the species of sovereignty which was exercised by the people of the United States. Intelligence, honesty, freedom, were the grand characteristics of American sovereignty, and it rested with all the people. Those who were the mere public servants, whether executive, ministerial, or representative, had no right to close the book of their public transactions against their masters, and say, this you shall not read; and yet they found men ready to advocate from dog-eared books the doctrine that they should be concealed.

That was the character of all the precedents which had been resorted to; but it would be found that no solitary precedent in question went to establish the power in the Executive to say, we will plunge this people into war; we will waste your treasure, and pour out the fountains of your blood; and will never disclose the objects we wish to accomplish. And yet the gentleman found a dog-eared book in which he fancied he found precedents to sustain this Executive prerogative. Prerogative! one of the highest attributes of monarchy!

He was going now, in the absence of all authority, (because he conceived the gentleman could not find a dog-eared precedent on that subject in the Government of the United States at all,) to refer to certain facts which had some bearing on this subject—not that he had any great respect for the authority which he was now about to resort to. But he would allude, in opposition to the present position of the Executive, to his actions and opinions when he was Mr. Representative Polk, a member of this House, and would bring them up against his action and opinions now that he was Mr. President Polk—not that they would have any just weight, but they would serve to show the inconsistency and insincerity of his opinions now or then. He wanted to invite the attention of the committee to the history of the Panama mission. When Mr. President Polk—then Mr. Representative Polk—was on this floor, that proposition was brought up, and the discussion upon it excited a greater degree of interest than any discussion which had ever taken place since the organization of the Government. The debate upon that proposition took a range, assumed a brilliancy and power, that had perhaps been unsurpassed by the debate on any other proposition that had ever occupied the attention of Congress. In that brilliancy and power—no, not in that brilliancy and power, but in the rage of that debate—Mr. Representative Polk participated, and he only quoted him as an authority for the purpose of testing his consistency. Now, when the President submitted to Congress that proposition, a resolution was offered by Mr. Hamilton—he believed from South Carolina—which would be found in House Journal, 1st session 19th Congress, page 63, and read in these words:

"*Resolved*, That the President of the United States be requested to transmit to this House, copies of all documents, or parts of correspondence [not incompatible with the public interest to be communicated] relating to an invitation which has been extended to the Government of this country 'by the Republics of Colombia, of Mexico, and Central 'America, to join in the deliberations of a Congress to be 'held at the Isthmus of Panama,' and which induced him to signify 'that ministers on the part of the United States would be commissioned to join in those deliberations.'"

This resolution was introduced on the 16th of December, 1825. Now, mark you, when this resolution was first submitted, Mr. Hamilton, the mover, inserted in it these words, in brackets, "not incompatible with the public interest to be communicated," which clothed the President with a discretion. It was postponed, and subsequently, on the 31st day of January, 1826, Mr. Hamilton, still having the power over his resolution, no vote having ever been taken upon it, modified it by striking out these words, "not incompatible with the public interest to be communicated." "Whereupon Mr. Webster moved to amend the said resolution by restoring the words so stricken out. And on the question, Shall the resolution be so amended? it passed in the affirmative." This would be found at page 219 of the same Journal. Then it went over for a few days more, until the 3d of February, and the proceedings upon it then would be found on page 217 of the same Journal, thus recorded:

"The House resumed the consideration of the resolution submitted by Mr. Hamilton on the 16th of December ultimo, calling on the President of the United States for copies of the documents and correspondence relating to the invitation given to the United States to send ministers to the Congress of Panama; and the question recurred on the motion made yesterday by Mr. Ingham to refer the resolution to a select committee, with instructions to strike out these words: 'so far as in his opinion the public interest may allow.'"

The vote was taken on this proposition by yeas and nays; and among the yeas were all the opponents of Mr. Adams's administration. He had heard it remarked by some since this discussion sprung up that that venerable gentleman, who, nurtured amid the scenes of the Revolution, and breathing its richest spirit of freedom, had been a pillar of the Constitution, and a culminating star in our political firmament, had involved himself in inconsistency in assailing this message, while he did not communicate everything to Congress when he acted in the Executive capacity. But (holding up the Journal from which he had been reading) he said, let the gentlemen, the advocates of the President and his prerogative, range through this and the Senate's Journal of the same session, and they would find that, like a true republican servant of the people, Mr. Adams had always communicated, when called on, everything it was necessary for the representatives of the people, or of the State sovereignties, or the people themselves, to know. But, among those yeas, what names did they suppose stood conspicuous? Polk and Hamilton—the mover of the resolution, and the present Executive. Now, however, he being the Executive, and being asked for information touching the war, and not the treaty power—information interesting to the people, because it affects not only their treasure but their blood—he poises himself upon the Executive prerogative, and with uplifted hands and a look of horror, cries, Your call is unconstitutional, because it is unconditional, and contravenes *my* prerogative. It looked a good deal like Ritchie, who, after making the proposition to rob the Mexican churches to pay our expenses in the Mexican war, which proposition fell with a dead stillness upon the American ear, but presently awoke a general hiss, which Mr. Polk perceiving, folded about him the cloak of his Executive prerogative, shook his royal head at Ritchie: the truckling instrument, with trembling hands extended towards heaven, swore by the living God [a general laugh] that he had never said any such thing.

The motion of Mr. Ingham so to amend was to make the call on Mr. Adams absolute and unconditional. There is Mr. Representative Polk among them, with the ayes, to make it such; to rob the then Executive of all discretion in relation to it; to make it a call of the representatives of the sovereignty that could brook no equivocation or evasion on the part of their servants. I wonder he did not cite that precedent in his message the other day, [a laugh,] or dog-ear it for his advocates on this floor. He found voting with Mr. Polk all the Democrats of that day—all those who were the opponents of Mr. Adams's administration—all those who swore at its commencement that "it should be pulled down, though it was as pure as the angels in heaven"—all of them voted to make this an absolute, unconditional call. The noes prevailed then. But when the resolution came up on its final passage, 125 voted for it, and 40 against it; and among those forty, whose name did they suppose was there found? Mr. Representative Polk's. He couldn't *poke* it in the other time; and he thought he would *poke* it out now. [A laugh.] And why did he vote in the negative? Because it was not an unconditional, absolute call. And be it known that Hamilton, the mover of the resolution, when they could not stamp the unconditional character upon it, also voted nay upon its passage. Mr. T. would dog-ear this for the benefit of the advocates of Executive prerogative on this floor, that they might turn to this point and examine it at their leisure.

But the next time, the question came up on a proposition to appropriate money. The Senate having consented to and advised the appointment of ministers, the next question before the House was upon an appropriation which was proposed to be made to cover the expenses of the mission; and when this was under consideration, this same Mr. Representative Polk introduced a series of resolutions. It was on the 11th April, 1826, and would be found on page 426 of the same Journal. This was the first of the series:

"1. *Resolved*, That it is the constitutional right and duty of the House of Representatives, when called on to defray the expenses of foreign missions, to deliberate on the expediency or inexpediency of such missions, and to determine and act thereon as in their judgment may be most conducive to the public good."

But now Mr. Polk said that the Representatives of the people had no right to demand of him information, although it might be in connection with the war-power of the Government—one widely different from the treaty-power, and one vested by the Constitution in the people through their Representatives.

However, Mr. T. would not rest there. Mr. Polk was not a silent actor upon these views of his. He was not willing that the Journal alone should speak his sentiments, but he was determined that the true sovereigns should know what James K. Polk, the Representative, did not only, but what he was able to say by word of mouth upon the

question. He would read an extract from the speech of Mr. Polk, delivered in the House, upon those resolutions of his, on the 11th April, 1826, and which was found in the Reports of Congressional Debates, vol. 2, part 2, page 166:

"Some gentlemen seemed to entertain the opinion, that so soon as the other departments of the Government had determined to depute a foreign mission, the House of Representatives had no right to question its propriety, but were bound, as a matter of course, when called upon for an appropriation merely, to grant the necessary supplies to carry it into effect; that they had no right to deliberate, consider, and exercise a sound judgment on the subject; but were mere passive agents, to record the decrees of the President and Senate. For himself he was of a different opinion." [I am of a different opinion now, (said Mr. T.,) and he has changed.] "He believed when the Representatives of the people were called upon to appropriate the people's money for any purpose, they should not do it hoodwinked, or upon the faith of others, but should exercise a sound discretion and do it understandingly."

The expenses of that mission (said Mr. T.) were some forty-five or fifty thousand dollars, and yet we heard from Mr. Representative Polk such high-sounding terms about the people's right and the people's money. But now, when Mr. Executive Polk calls upon us to vote away hoodwinked hundreds of millions of the people's money and tens of thousands of the lives of our proudest chivalry, and we ask to be informed of the objects to be accomplished, he says: "Ah, you rascals! you Mexican Whigs! you afforders of 'aid and comfort' to the enemy! you are bound to do it, and do it hoodwinked, for I am the Lord's anointed; it is my prerogative. If you have any doubt about my prerogative, I refer you to the gentleman from Alabama with the dog-eared books." [Laughter.]

In the extract of Mr. Polk's speech, which he had just read, he (Mr P.) declared it to be not only the right, but the duty, of the people's Representatives, when called upon to vote appropriations of the people's money, for *any* purpose, to exercise a sound discretion, and *not* to do it on the faith of others. That was all the House asked now; that his principles then should prevail. That was all they desired—all they asked. They claimed under our Constitution, under the genius of our Government, in the name of our revolutionary fathers, fired by their spirit, baptized as that spirit was in the blood of the Revolution, that they had a right to demand and know, whenever the war power was exercised, how it was exercised, and for what purposes.

These were the sentiments of Mr. Polk when a Representative, when he was courting the people, appealing to the sovereign will to grant him promotion and power; but now, when he had attained that giddy height, to which, perhaps, his young ambition at that day never aspired, he had changed his tone. Mr. Polk felt then as Gloster did when he was seeking to make his way to the British crown through the blood of the innocent princes. He could not effect his object without courting the populace of London. And when waited upon by the mayor and the officers of the corporation, with a seeming devotion to popular rights, like that exhibited by Mr. Polk in the extract he had read, in a subdued and humble tone, accosted them thus:

> "I do suspect I have done some offence
> That seems disgracious in the city's eye,
> And that you come to reprehend."

But when he had made his way to the throne, when the blood of murdered princes and nobles bubbled beneath the wheels of the royal car, and the crown of the ancient Britons bound his blood-stained brow, and Richmond had collected a few of the hardy barons and the free spirits of the realm to rescue the sceptre from Richard's arrogant and despotic hand, Richard, on hearing Richmond's forces enumerated, stormed from the insolent height of his royal prerogative—

> "Why, our battalia trebles that account;
> Besides, the King's name is a tower of strength,
> Which they upon the adverse faction want."

Now, Mr. Polk seemed to think that *his* name, fortified by the Executive prerogative, was "a tower of strength," to which the Representatives of the people must yield; that we (said Mr. T.) are merely of "the adverse faction;" but we must teach him, and may do it by reading his own speeches to him, this lesson—that the people are King.

But, for fear Mr. Polk's friends would not be satisfied with this extract, he referred them to Mr. Polk's first speech. It was elaborate—one among the ablest speeches he had ever made here or anywhere in his life—and perhaps now, since he has bid adieu to those frank, generous, republican feelings which then seemed to actuate him; since a sense of the rights of the people had ceased to inspire him, he never would make such a speech again. It would occupy too much time to read from it, and his friends would find it in the first part of the 2d volume of the Register of Debates.

He (Mr. T.) must draw a hasty distinction between the treaty power and the war power. The Constitution vested in the President and Senate the power to make treaties; and the question arose, should the House, or not, without inquiry into the propriety of the treaties made, or their operation upon the people, as affecting the interests, the prosperity, the liberty of the American people—should it blindly vote appropriations to carry them into effect? He agreed with Mr. Representative Polk that they should not. Suppose the President and Senate should surrender New York to the English, as the Spaniards surrendered Gibraltar, ought the House to vote the appropriations which might be necessary to carry the treaty into effect? He admitted this was an extreme case, but it exhibited more clearly the principle. The representatives of the people would be derelict to the highest obligations of freemen to vote appropriations to carry into effect a treaty without understanding how that treaty was to affect the public interests. But widely different was the case of war. The Constitution did not rest that power with the President and Senate. When the people adopted the Constitution, they retained the right—being the true sovereigns—of the war-making power, to be exercised through their representatives in Congress; and this information now called for of Mr. Polk was in relation to war. Congress wanted to know, in relation to this war, what was to be accomplished; and how it was to be accomplished. And most especially did they want to know for what purposes Santa Anna was sent back by the President to head the army of Mexico; and how it could contribute to the accomplishment of the objects he had in view in the prosecution of war.

The gentleman from Maryland [Mr. McLane] was for a vigorous prosecution of the war until it resulted in an advantageous and honorable peace. Mr. T. would like to know what that was. Why, if the Administration should take it into their heads to withdraw the army to this side of the Nueces, to the occupied portions of Texas, would not its friends swear lustily, and with exalted brow, that the President had brought about a glorious and advantageous termination of the war? And if we should point to the bloody fields of Mexico—to Monterey, Buena Vista, and other fields made glorious by American blood and valor—to the gauntness of the treasury and the homes made desolate by the wasting effects of this war, they would say this waste of treasure and flow of blood has been stopped by the peace, and therefore it is advantageous and honorable; just as the friends of the Administration swore (as pious as they are, they do swear sometimes) when the President set out with his claim to the whole of Oregon up to 54° 40′, that our title up to that line was "clear and unquestionable;" and when, a short period after, a treaty on the line of 49° was made, giving away three hundred and fifty miles of territory in length, and in breadth extending from the shores of the Pacific to the snow-clad peaks of the Rocky Mountains, they all swore it was the most glorious treaty that had been made since the organization of the Government—[a laugh;]—and so there were many advocates of the Executive "prerogative" who would come forward with their dog-eared books, and swear that whatever treaty the President might make with Mexico was the most glorious and advantageous one ever made, excepting, he supposed, the Oregon treaty, which this same favorite President had made too.

But the gentleman and other gentlemen said that indemnity for the past and security for the future must be secured. How? Mexico has no money to pay, it was admitted. Well, if we were to depend upon territorial indemnity, he wanted to know of the President how much of the territory of Mexico was appropriated to individual claimants; for, of course, as far as thus appropriated, it would bring no benefit to the treasury; and all the benefit that could be received as indemnity, when the lands were thus appropriated, would be by the imposition of duties on imported goods within those regions. And how did the Administration and its friends propose to indemnify us for the waste of American blood that consecrated almost every spot where our army had marched in Mexico? And for those priceless lives of the very flower of American chivalry, as it were, that had sunk down under disease—disease superinduced by the neglect of this Government—to inglorious graves, till every valley and hill-side of Mexico were filled with their mouldering ashes. They proposed to indemnify us for the lavish waste of treasure, but said nothing about human life, human suffering, human wretchedness, all the untold woand mourning, tears and groans, that fill thousands of homes within our own land. These seem to be left entirely out of the account by these zealous gentlemen who were grasping for more sand, more rocks, more wildernesses filled up with impenetrable chaparral, for more rivers, whose tortuous and turbid currents defied the skill of the navigator. These mighty considerations were entirely overlooked, while the President and his friends were talking about indemnity for the expense of the war, and for the debts due from Mexico. And how was this indemnity to be got if not from customs? From the public lands? He had brought forward a resolution, which lay over under the rule, asking what portion of the territory of Mexico had not been appropriated, and he wanted that answered, so that it might be known how much we could sell when we had finally possessed ourselves of it. The waste of blood was not counted, for who should set down a price upon the blood of an American freeman? The advocates of the President and his dog-eared "prerogative," rash and reckless as they were derelict to all the principles of American freedom, dare not.

Then how were we to get full indemnity for the vast amount of treasure already wasted in that enterprise? Would the subjugation of all Mexico indemnify? Would not that involve occupancy, and occupancy perpetual war? When we looked to the Castilian or Aztec races blended in the present population of Mexico, did we not find a deep-seated feeling of nationality and implacable stubbornness their strongest characteristics? How long was a portion of Spain occupied by the Moorish invader? Pent up in fortified positions for eight hundred years, without conciliating or subduing the neighboring Spaniard, in one prolonged, unceasing struggle, unending war, he was at last expelled, and the Spanish foot alone again pressed Spanish soil. It was not so much the Spanish sword as the subtlety of the Spanish Jesuit that subjected the Aztec race to Spanish rule. It was bacause they were induced to believe that their moral condition would be improved by embracing the religious faith of the Spaniard, admitting him into their communities, that thus their political institutions, by gradual approaches, and more by persuasion than by force, were revolutionized, and political power concentrated in the hands of the Spaniards.

When we looked again to their struggle with Spain for political independence, we saw the same implacable spirit displayed which marked the two races blended in them. When every fortified position and stronghold throughout their land was in the occupancy of the royal forces of Spain, still the Mexicans, struggling for national independence, were unsubdued. Hope and national pride urged them on to continued exertions, even where hope with other people would seem to falter. Judging from these facts, were we not led to believe, that to maintain our occupation of Mexico in the event of conquest, would require an armed force to be always kept there, at least as great as that which was necessary for the conquest, entailing upon us expenses which never could be met by the revenues of that country should we seize them all; and creating a drain for military purposes upon our population, and a waste of human life that never could be compensated for by any advantages that could result from the conquest; because eight millions of people, implacable, revengeful, and faithless, were to be held in submission to a government forced upon them against their will. Would not the war then be interminable? Would not every outbreak and flame of revolt have to be quenched in the proudest blood of American chivalry? How was that to be indemnity for the past or security for the future? How could they talk of security by means of

treaty when they demonstrated to us that there was no Government there with which we could treat, upon which we could place any reliance? How could we expect a treaty with an "anarchy"—a mob which deserved not the name of a Government, according to their own representation? How could gentlemen reconcile to themselves to take such a course? They proved by the President's message, as well as by their own speeches, that they could not reasonably calculate upon indemnity for the past, nor upon security for the future; and yet they talked loudly about "indemnity and security." How was it?

Now, allow him for a moment to direct the attention of the committee to what was called for by the resolution of the House besides the instructions given to Mr. Slidell. In connection with this war, in connection with this waste of blood and treasure of the sovereign people of the United States, the people's representatives had called upon Mr. Polk to tell them what arrangement was made with Santa Anna in relation to his return to Mexico. He was an exile at Havana, engaged, Mr. T. did not know whether to call it in the very classical pursuit or in the high military exercise of fighting chickens in the cockpit! Rumor said that Mr. Slidell Mackenzie had been sent by the Government to Havana to negotiate with Santa Anna for the return to Mexico of himself and suite, which he believed consisted of about forty general officers. This rumor was credited by the people, and, on Mr. Mackenzie's return to New Orleans, it made him so much a lion that his own room was not sacred to his occupancy and labor, and, to avoid the lion-hunters, he (Mr. T.) was informed by a respectable Democrat of the Southwest, who was then at New Orleans, he was obliged to seek the house of a relation in a more sequestered spot upon the Mississippi coast, near Pascagoula bay, where it was said he was occupied some week or more in translating his Spanish documents and preparing his papers for his report here at the seat of Government.

Mr. T. then took a hasty examination of the state of affairs in Mexico at that time. Herrera's Government had been friendly to the United States and to peace. The revolution which placed him in power was the only one which Mexico had known for some time that did leap from the hearts of the people. It was a popular exertion, which had overthrown a military despotism. And yet our Executive would not permit that Government, thus friendly to our claims and to peace, to exist; but, by the embarrassment he pressed upon it, and plotting for the restoration of Santa Anna, overthrew Herrera, and placed the affairs of Mexico in the hands of a bitter enemy of the United States. Just before the return of Santa Anna, our glorious chieftain, General Taylor, whose skill and intrepidity as a general were equalled by the clearness of his head and the greatness and goodness of his heart, had met the Mexican forces and overthrown them on the banks of the Rio Grande. Their army was scattered, and their resources destroyed; a miserable remnant of it had taken refuge at Monterey, which by degrees grew into a large force. They were, however, without any general in whom the people had confidence, and who could cluster around him, in time of the national peril, the military spirit of the country. Where could they find such a general? How were they to obtain him? There was but one attainable to them; he was then an exile—had been driven out for abuse of power; he was a general of skill, of exhaustless resources of mind and energy of action, who could strike out of chaos the means to prosecute the war with vigor. That general was Santa Anna; and the President of *this* country sent him back to Mexico to head her armies and slaughter our soldiers. We knew it; everybody knew it. The President, in his message of December, 1846, admitted that he had permitted him to return. But now we have something a little more definite on this point. He read from the "Union" of the 14th January, 1848:

[Private and confidential.]

U. S. NAVY DEPARTMENT, *May* 13, 1846.

COMMODORE: If Santa Anna endeavors to enter the Mexican ports, you will allow him to pass freely.

Respectfully, yours, GEORGE BANCROFT.

Commodore DAVID CONNER,
Commanding Home Squadron.

There was the pass granted him by Mr. Bancroft, Secretary of the Navy.

He would now read to the committee an extract from Commodore Conner's letter to the Navy Department, dated on board the Princeton, Sacrificios, August 16, 1846:

* * * "I have allowed him [Santa Anna] to enter without molestation, or even speaking the vessel, as I was informed by the senior English naval officer here (Captain Lambert) she carried no cargo, and would not be allowed to take any in return. I could easily have boarded the Arab, but I deemed it most proper not to do so, allowing it to appear as if she had entered without my concurrence. It is now quite certain the whole country—that is, the garrisons of every town and fortress—have declared in his favor. But, unless he has learned something useful in adversity, and become another man, he will only add to the distractions of the country and be hurled from power in less than three months."

Here we saw that Mr. Polk gave Santa Anna a passport into Mexico, and was determined to conceal from the people, the true sovereigns, his objects in thus returning him, and carried his doctrines so far as to induce the gallant commodore to adopt the same principles, and declare he thought it best to let him pass, without its appearing to be by his concurrence. And still the friends of Executive prerogative cry out against the people who wanted to know how their power was exercised, "Aid and comfort!" The gentleman from Indiana [Mr. ROBINSON] told them yesterday that every moment they delayed to act upon granting the supplies demanded by the President—voting them "hoodwinked," as Mr. T. supposed—they were affording "aid and comfort to the enemy. What did he think of the "aid and comfort" furnished by the President in sending them Santa Anna and forty able generals to head and direct their forces against us; to create resources where all was exhaustion; to establish order where all was anarchy? And what did he think of men who sustained the Executive in this "aid and comfort," and justified him in refusing that information to the people, whose sovereign right it was to demand and receive it?

In connection with this, he would ask the attention of the House to what Santa Anna's opinions were, as declared in a letter written by him, March 8, 1846, more than five months before his return to Mexico. Mr. T. read from the documents accompanying the President's message of December, 1846, at page 37 of the document, [an extract of a letter of Santa Anna, in which he made an elaborate statement of the views by which he had been governed, showing that his great object had been so to manage his power in Mexico as most effectually to resist the "ambitious efforts," as he denominated them, of the people of the United States.]

These (said Mr. T.) were the sentiments expressed as early as the 8th of March, 1846, and probably known to the President of the United States, of the man who was restored to the Mexican army to head and direct them against the forces of the United States; and it was in relation to this extraordinary movement, this suicidal folly, on the part of our President, involving such terrible cost in treasure and blood to the people of the United States, and in connection with the war-power of the Government, that this House had asked to be informed by the President. Yet he put on the frown of his prerogative, and said, Your call is unconstitutional, because it is unconditional.

Mr. T. was here interrupted by the cry of "Mr. Chairman," from a dozen competitors for the floor, the hour having expired.

Mr. HALL, of Missouri, obtained the floor, and, declining to give way to a motion to rise, proceeded to address the committee. He said:

Mr. CHAIRMAN: It is with great reluctance that I decline giving way for a motion that the committee rise. But feeling that the speech of the honorable gentleman, who has just taken his seat, should be answered at once, I am constrained to proceed with my remarks without delay. If anything I may say shall appear harsh or unkind, I hope that I shall not be suspected of an intention to wound the feelings of any one on this floor. Such a design I most emphatically repudiate. If I shall speak warmly, it will be because I feel deeply the importance of the subject under discussion. In this conviction, it may not be improper to state, that while I cannot expect to rival the *peculiar* and *fantastic eloquence* of the member from Mississippi, I do trust that I shall be as respectful as himself in manner, and fully as respectable in matter.

Sir, the subject which that gentleman has dragged by the ears into this debate has been announced as one of vast and transcendent importance. It has been declared to be "a trial of right between the President and the Representatives of the people of the United States." For having, through motives of public policy, and under convictions of solemn duty, declined to give us certain information, the Executive has been denounced as evincing the spirit of a tyrant, and striving for the powers of an emperor. Through the eagerness to find fault, the gentleman from Mississippi has overlooked the precedent of the illustrious Father of his Country, and charged Mr. Polk, for adopting the sentiments of Washington, with aiming at the overthrow of popular rights and the subversion of popular liberty. I was prepared to hear almost anything from the other side of this House; but I must express my amazement at the denunciations which have come from that quarter since the receipt of the message now upon the Speaker's table. What wrong has the President done by that communication? What crime has he committed? Why, sir, he has quoted the language of Washington with terms of approval, and declared his adherence to certain views of that great exemplar—

"The very head and front of his offending
Hath this extent—no more."

And are gentlemen so blinded by party phrensy, or so infatuated by party attachments, as not to perceive that every blow struck at Mr. Polk falls upon him he has imitated?—that every assault upon the character of the present Executive for having issued the message of the 12th instant, is a *direct* assault upon the character of Washington, whose pen first gave the doctrines of that message to the world, whose mind first conceived and whose tongue first uttered them? If Mr. Polk did wrong by writing that message, General Washington did wrong also. If Mr. Polk, in that communication, has advanced the doctrines of despotism, General Washington was guilty of the same offence. If Mr. Polk has attempted to destroy the usefulness of this House, General Washington attempted no less. And is it true that Washington, in his civil administration, essayed to destroy the fabric which, through eight years of war and bloodshed, he had built up? Is it true that, when President, he sought to be a monarch? Is it true that, when Chief Magistrate, he declared "that all Congress had to do was to hear his royal behests and obey his royal decrees? Is it true that the Father of his Country attempted to strangle our Republic in its cradle? This charge has been substantially made by the gentleman from Mississippi. He has asserted that the President, in his message to this House on Wednesday last, struck a blow at the independence of this body and the rights of the people. What is the ground on which is rested this startling and momentous accusation? I will read a short extract from that message in answer to this inquiry. Mr. Polk says:

"It has been a subject of serious deliberation with me, whether I could, consistently with my constitutional duty and my sense of the public interest involved and to be affected by it, violate an important principle, always heretofore held sacred by my predecessors, as I should do by a compliance with the request of the House. President Washington, in a message to the House of Representatives of the 30th of March, 1796, declined to comply with a request contained in a resolution of that body, to lay before them a 'copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain,' together with the correspondence and documents relative to said treaty, '*excepting* such of said papers as any existing negotiations may render *improper to disclose.*' In assigning his reasons for declining to comply with the call, he declared, that 'the nature of foreign negotiations requires caution, and their success must often depend on secrecy, and 'even when brought to a conclusion, a full disclosure of all 'the measures, demands, and eventual concessions which 'may have been proposed or contemplated, would be extremely impolitic, for this might have a pernicious influence 'in future negotiations, or produce immediate inconveniences, perhaps dangers and mischief, in relation to other Powers. The necessity for such caution and secrecy was one 'cogent reason for vesting the power of making treaties in 'the President, with the advice and consent of the Senate, 'the principle on which that body was formed confining it 'to a small number of members. To admit, then, a right in 'the House of Representatives to demand and have, as a '*matter of course*, all papers respecting a negotiation with a 'foreign Power, would be to set a dangerous precedent."'

Now, sir, the only principle set forth in this message is contained in the language I have just read. But that principle did not originate with Mr. Polk. It had its origin many years ago, in the Cabinet of the first, and best, and greatest of our Presidents. If, therefore, the denunciations we have heard be deserved, they attach properly to General Washington, the originator of the harmful sentiment, and not to Mr. Polk, the *second-hand*

propagator of it. Yes! General Washington is responsible for all the consequences and tendencies of that principle. He it was, who devised it. He it was, who, if the gentleman from Mississippi be right, first contemplated the odious project of reducing the members of this House to mere scribes, and the recorders of Presidential edicts. He it was, who, if those opposed be correct, had the coldness of heart, and the depravity of soul, in full view of the French people struggling to tear asunder the fetters of a cruel despotism, and to walk forth into the daylight of freedom, to desire to carry his country backwards to the midnight prison-darkness from which outraged, unfortunate, insulted France, was striving with such energy to emerge. This is the revolting, terrible conclusion to which the sentiments of the members on the other side must irresistibly drive them. Gentlemen of the opposition, it is vain for you to attempt to escape from this conclusion. Every effort to extricate yourselves, only entwines you more and more in difficulties and embarrassments. I beg you, therefore, to stop. I beseech you to pause and retrace your steps before it is too late. I entreat you to consider whither you are going. You commenced, only a few months since, denouncing the President as responsible for the war with Mexico. You have now arrived at the point of virtually denouncing the Father of his Country, by declaring that the principles he promulgated are the seeds of tyranny. How much further will you advance upon your present course, or how much longer will it be, at your past rate of progress, until you rejoice over the reverses of your country? Most of you already affirm that the present war was unconstitutionally and unnecessarily begun by the Executive. Some of you declare that it is wicked and unjust. From the latter position I fear, I very much fear, that it is but a short step into the ranks of the enemy. Far be it from me, Mr. Chairman, to impugn the motives of any gentleman on this floor. It is not for me to penetrate into the hidden recesses of the human heart and to find out what motives lie concealed there. I apprehend, however, that the members on the other side have been indulging in dangerous experiments of late, and that their patriotism has been subjected to very severe tests. If those experiments be persevered in, their love to their country will soon disappear like the waters of those streams in Mexico which sink into the earth a few miles from their sources and are lost forever.

Mr. Chairman, the gentleman from Mississippi seemed to be aware of the dilemma in which he was involving himself, and, in order to avoid it, he insisted that there is no resemblance between the call made upon Mr. Polk and that made upon General Washington. A very slight investigation will sweep away all ground for this pretext. Both calls were for information. The information requested by both related to instructions and documents concerning negotiations with a foreign country. The only difference between them is, that the call upon General Washington was for information relative to negotiations which had already been perfected, while the call upon Mr. Polk was for information relative to negotiations now pending and undetermined. General Washington refused the information desired, on the ground that his compliance might have a pernicious influence on future negotiations. Mr. Polk refuses the information desired, on the ground that his compliance might have a pernicious influence on existing negotiations. General Washington's refusal sprung from an apprehension of a remote danger. Mr. Polk's refusal springs from an apprehension of an immediate danger. General Washington thought his yielding to the call of the House would *possibly* produce mischief in relation to other Powers in time to come. Mr. Polk thinks his yielding to the call of the House would *probably* produce mischief in relation to other Powers at the present time. In this way, sir, the comparison of the calls upon General Washington and Mr. Polk might be carried to a great length. But it has been pursued sufficiently far to show, that every reason, whether prudential or otherwise, which justifies General Washington for not answering the call of the House, more than justifies Mr. Polk. For what can be more manifest than this, that, if it be impolitic to disclose "all the demands, measures, and eventual concessions which have been made or contemplated in relation to a treaty" already established, it is a thousand times more impolitic to disclose all the demands, measures, and eventual concessions, made or contemplated, in relation to a treaty under negotiation. It cannot be denied, that the very house which made the call alluded to upon General Washington, entertained this notion of the subject. In that call, while all papers relating to Jay's treaty were requested, yet an exception was carefully made of all papers which any then existing negotiation might render it improper to disclose. Indeed, I understood the gentleman from Mississippi to recognize the justness of this distinction. I understood him to declare, expressly, that it would be wrong for the President to communicate to us information touching any existing negotiation. But, strange to tell, in the next breath he denounced Mr. Polk for declining to do that wrong.

There is another circumstance connected with this matter which is worthy of our consideration. It is the fact so ably commented upon by the gentleman from Alabama the other day—the fact, that though the Congress of 1796 controverted some of the opinions advanced by General Washington in his reply to their call, yet they did not, in any manner or form, express or intimate a doubt as to the correctness of the position taken in that reply, and now assumed by Mr. Polk. No, sir, no. The men who participated in the Convention which formed our Federal Constitution, and knew well and intimately its full scope and meaning, silently acquiesced in the correctness of the sentiments which have been assailed with so much bitterness and decency by the gentleman who preceded me. This, however, is not to be wondered at. That honorable member is doubtless wiser than our fathers. He belongs to that great and astonishingly-intelligent party which not only comprises all the *elite* of the Union, but has discovered that true patriotism consists in opposing the Administration, right or wrong.

But the gentleman from Mississippi accuses the President of gross inconsistency. He says that Mr. Polk, when a Representative in Congress, asserted the constitutional right of this body to withhold appropriations of money for carrying into effect a treaty, and that now he asserts the Executive has the right to withhold information from us concerning foreign negotiations. If there be any inconsistency in this course, we are very blind. I will venture to affirm, that there is not a single member on this side of the House who does not hold to the views of Mr. Polk's speech of 1826, declaring that Congress may constitutionally refuse money for the purpose of defeating a treaty stipulation if they think proper to do so; and yet we are equally unanimous in the opinion that it is optional with the President to give us information or not relative to the making of a treaty. It is sheer nonsense, or worse, to pretend that the two doctrines are not compatible the one with the other. The charge of inconsistency against the Executive is ridiculous, and the imputation groundless.

The gentleman from Mississippi urged still further that Mr. Polk, some twenty years ago, voted for an unconstitutional call for information upon the President of the United States, and that now he considers such a call unconstitutional. Does that gentleman think that we have neither eyes to see, nor ears to hear? It was only this morning that Mr. Polk's response to the call of the House was laid upon our tables. That response contains twenty-nine pages, and embraces a numerous and extensive correspondence; and still the honorable member pretends that Mr. Polk has characterized the call we have made upon him as unconstitutional! Sir, no one has ever doubted the right of Congress to request information of the Executive. All that is contended for is, that when that information relates to foreign negotiations, it is discretionary with the President to furnish it or not, as he may think right and proper. The gentleman from Mississippi made several other efforts to fix the charge of inconsistency upon Mr. Polk; but they were so absolutely childish, that it would be an insult to the understanding of this House to notice them in detail. From the pomp and circumstance with which that very worthy member paraded his authorities, I really apprehended some astounding developments, which would completely annihilate us of the Democracy. I supposed, as a matter of course, that in a little while we would be

"Gone glimmering through the things that were."

I am exceedingly relieved to find, that in the gentleman's agonizing throes, the sentiment of Horace has been realized:

"The mountain labors, and a little mouse is brought forth!"

I am satisfied, Mr. Chairman, that the singular errors the gentleman from Mississippi has committed have not been the result of any natural obliquity of intellect. They are to be attributed solely to the nature of his political associations. It is a rule, I believe universally true, that "evil communications corrupt good manners."

Mr. Chairman, what is the basis of the accusation that General Washington and Mr. Polk, (I say General Washington and Mr. Polk, for they cannot be separated in this controversy,) by declining to give this House certain information, struck at its rights and insulted its dignity? What was the reason of their refusal? It was, that the House of Representatives might divulge information, to the great injury of the public interests. Is not this position correct? Who believes that any information, of any character, could be kept secret by this House for twelve hours after it was communicated? "In the multitude of counciliors," it is said, "there is safety;" but there is no secrecy. The denunciations, therefore, which we have heard against General Washington and Mr. Polk are, that they spoke the truth. This is not the first time that Mr. Polk has been assailed for telling the truth. He has been vilified, abused, and calumniated by partisan presses and partisan orators, from one end of the Union to the other, because, at the commencement of the last session of Congress, he said, that they who attacked the war as wicked, did, in fact, give aid and comfort to the enemy. For this he has been branded as wishing to suppress the freedom of speech, and to overturn the Constitution of the country. And yet, who does not know that he spoke only the truth? Who does not know that every denunciation of the war by our citizens is proclaimed throughout the whole length and breadth of Mexico? Who does not know that the speeches of honorable members of Congress have been published in Mexican newspapers, and read at the head of Mexican armies, to incite them to attack our troops? Who does not know that the people of Mexico have read and thought over these productions until they believe there is a Mexican party in this country, and Mexican Representatives on this floor? Who does not know that the war has been prolonged by American pens and American speeches? It is futile to deny it; it is folly to attempt to conceal the fact that peace would long since have been established if we had all been as anxious for an honorable termination of hostilities as some of us have been to reach the places of power by overturning the Administration. Sir, much of the blood that waters Mexican soil has flowed because of the conduct of some of our countrymen here at home. That blood cries aloud for vengeance against the defamers of their country. Those cries shall be heard. Americans who have inspirited the enemy to fight on, shall not be forgotten. Oblivion is a mercy they shall never know. The forked lightnings of popular indignation shall yet descend upon the foreheads of these untimely disputants, and burn upon their brows a mark of reprehension which shall remain there forever and ever. Their names shall go down to posterity along with the names of those who opposed the war of 1776 and 1812, as negative examples to deter future generations from the commission of similar outrages.

Mr. Chairman, it is no new thing for a President of the United States to declare that information requiring secrecy cannot be intrusted to this House. The gentleman from Alabama read to us, the other day, two messages from President Monroe, and one from President Jackson, announcing that certain information could not be furnished this body, because the disclosure of it would do injury to the public good. True, as is said, the resolutions to which those messages were responsive contained exceptions of such information as it might be improper to disclose. But the information was not denied because of that exception. On the contrary, both of those Presidents boldly and distinctly state, that the information is withheld, because to impart it would be detrimental to the public interest. Did any one say, when those messages were received, that they contained the sentiments of tyrants? Oh, no! It was left to the gentlemen on the other side, with their profound understandings, their extensive and varied inform-

ation, their enlarged experience, their keen perceptions, and their ardent patriotism, to disclose the hidden danger, and "to see things not to be seen."

But, sir, not only have Presidents entertained the opinion that certain information could not with propriety be communicated to Congress, but almost every Congress which has assembled since the formation of our Government has expressed the same opinion. In nearly all the resolutions which have ever passed this House or the Senate, asking for information, a proviso has been inserted excepting and excluding such information as it might be improper to make public. Now, why was this? What does it mean? Does it not mean that they who passed those resolutions thought that Congress could not keep secret confidential communications? And are we more faithful than our predecessors? Is this the only House of Representatives out of thirty which has been trustworthy? I believe that there are one hundred and twelve members belonging to this House who were members of the last Congress. The last House of Representatives passed numerous calls for information, but all of them contained the usual exception. That body, therefore, thought that one hundred and twelve members having seats on this floor, could not be intrusted with information the disclosure of which would injuriously affect the public welfare. I know, sir, that we have a much better opinion of ourselves than our predecessors had. But I have yet to learn that immodesty is a virtue; I have yet to learn, that they who consider themselves immaculate are freest from blemishes; I have yet to learn, that they who think they can do no wrong, are surest always to do right. Mr. Chairman, let us reflect upon some of the occurrences of the present session of Congress. Many resolutions have been introduced by different members. One of those, introduced by a Representative from Massachusetts, was so odious, that though a simple resolution of inquiry, it received but fifty-four votes out of one hundred and seventy-nine that were cast. But a gentleman from New York introduced a series of resolves, so hideous in all their features, that, contrasted with them, the Massachusetts bantling is beauty itself. I ask the indulgence of the committee whilst I read one or two of those resolves.

"*Resolved*, That the invasion of the territories of Mexico, south and west of the Rio Grande, either by sea or by land, and the storming and capturing of her towns, and the slaying of her people within such territories, were acts of *injustice*, *cruelty*, and *wrong*; and that the requiring of Mexico, at the peril of her national existence, to enter into treaty stipulations with us, while her country is surrounded by our navy, her capital and chief towns in our possession, her country subjugated, and her people crushed and prostrate beneath our power, and with our resistless cannon frowning upon her, and our conquering sword gleaming over her, is unreasonable and unfair towards Mexico, as one of the contracting parties, and *unmagnanimous* and *unchristian* in us.

"*Resolved*, That the present war with Mexico should not be prosecuted any further for any purpose whatever; that the whole of our forces in the Mexican country should be withdrawn as speedily as possible, and placed on territory which belongs to this country," &c.

Now, sir, I do not question the probity of the mover of these resolves. I admit that he is entirely honest; but being honest, he must believe that every advance of our armies into the heart of Mexico is over right and justice; that every Mexican who falls before the arms of our soldiers falls a victim to wrong and outrage; that every Mexican city we take, every Mexican town we enter, every Mexican fort we storm, is in the course of rapine and cruelty; that all our boasted victories are the rewards of iniquity, and all our bright trophies burning proofs of our dishonor. Being honest, he must needs rejoice at any event which would snatch our standards from their high places of triumph, and trail them in the dust, tattered and torn, before the shouts of an exulting foe. Being honest, he would necessarily exult over the discomfiture of our generals, and recognize, in the murder of our troops by Mexican arts, the hand of a just and an avenging Deity. Being honest, he would consider it a duty to disclose any information which would expose our weakness, and build up the strength of the enemy. And if, perchance, through his means, our forces should be driven this side the Del Norte, he would think that he had performed a service to his race which should gain for him the esteem of all good men in this world, and everlasting bliss in the world which is to come. I know not what others may wish, but for myself, anxious though I am for light and knowledge, yet convinced that "Mexico, in her intercourse with us, has been faithless in the fulfilment of her treaty engagements; and the obligations imposed by the law of nations, and the code of personal honor;" convinced that "she has been guilty of the most open violation of the truth, and of the most contemptible and disgraceful crimes known to the Old Bailey Calendar;" convinced that the property of our citizens has been illegally seized by Mexican officers; that our vessels have been condemned without the shadow of law; that some of our citizens have been incarcerated in Mexican prisons without cause, and that others have been butchered and robbed by Mexican officials, with impunity; convinced that the wrongs we have borne at the hands of Mexico are such as no free people should ever submit to, and that this war has been forced upon us by Mexico, in the prosecution of her nefarious designs; convinced of all this, I, for one, cannot desire the communication of any information to this House, constituted as it is, the disclosure of which can, in the slightest degree, be detrimental to the public interest in the present posture of affairs.

But the President has usurped authority; he has violated the Constitution. That is the cry which has been rung through this House. By the second section of the second article of the Constitution of the United States, it is ordained, "that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided that two-thirds of the Senators present concur." This clause excludes the House of Representatives from any participation in the making of treaties. But is it not plain, that if this House can demand and have as matter of course all the papers relating to a foreign negotiation, it can generally defeat and always embarrass the legitimate action of the treaty-making power, by disclosing those papers? The admission of such an unqualified right makes this House at once, to all intents and purposes, a part of the treaty-making power. But this is not all. The fifth section of the first article of the Constitution declares that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy." By this clause, each House of Congress is constituted the exclusive judge of what it shall keep secret. We cannot interfere with the Senate in this respect, nor can the Senate interfere with us. Now, are not all the departments of this Government coördinate? Is not each independent of all the others? Can either interfere with the legal action of any other? If, in our opinion, it be necessary to suppress the publication of any part of our Journals, in order the better to enable us to conduct our business and discharge our duties, no power on earth can compel us to make those Journals public. And so I contend, that if the President of the United States believes that any papers or documents relating to a negotiation—a subject peculiarly intrusted to him by "the charter of our liberties"—should be kept secret, it is not competent to us to require him to publish them to the world. I am aware that the assertion of this sentiment by the Administration is said to be usurpation, tyranny, despotism, an infringment of the rights of Congress, an enlargment of Executive discretion, and everything else that is bad and wicked. No one will oppose more strenuously than myself any and every illegal act on the part of the Executive. But I cannot be induced, by a cry of Executive usurpation, to interfere, or to seek to interfere, with Executive rights. I am for the compromises of the Constitution; upon the maintainance of those compromises depends our chief safety. But I am altogether deceived if the history of the country does not show that those compromises are in as much danger from Congressional as Presidential aggression. It was Congress, and not the President, that originated the system of internal improvements, which was only partially stayed by the veto of Jackson, and which has threatened, and still threatens, to reduce our States to mere dependencies upon the Federal Government, and to result in consolidation—the worst possible form of despotism. It was Congress, and not the President, that sought to fasten upon the country an overshadowing moneyed corporation, which had begun to declare its decrees were the will of the people—a corporation which has become "an obsolete idea" only through the independence of one of our Chief Magistrates. It was Congress, and not the President, that established that infamous robber system, cloaked under the name of protection, which is calculated, if not intended, to strip one part of the Union for the benefit of another, and has already once brought us to the very verge of destruction. We are all old enough to remember when one of our sister States, stung beyond endurance by the tariff of 1828, declared that disunion was preferable to the wretched state of existence to which she was reduced, and assumed a hostile attitude towards the Federal Government. We can never forget the alarm and excitement, the intense alarm and excitement, which that singular affair produced. The sun of our Republic seemed about to set in blood. Our political organization appeared tottering to its fall. The fires of sectional animosity flashed upon the skies. The rocking of the earthquake was felt. The ocean was boiling and raging from the violence of the commotions beneath. Our gallant bark of state was rushing and plunging headlong upon that rock of civil discord, around which lay scattered the remnants of so many former republics. At this time of great need, the Executive arm was wielded to our rescue. At this time, (thank God for it,) at this time, there stood at the helm of affairs a man whose arm never trembled and whose eye never failed him; and steering us clear of the peril which threatened, he conducted us into the haven of safety, and showed at our mast-head "the stars and stripes," bearing upon their ample folds the thrilling motto, "The Union must and shall be preserved!" I am gratified that Mr. Polk has avowed the determination to adhere to the compromises of the Constitution. Let him remain firm to that determination, and the cup of his fame will be full. Let him remain firm to that determination, and "the star of his civil reputation will be fixed high in the political firmament," far above the clouds and storms of party warfare. Let him remain firm to that determination, and his exit from the Presidency will be as honorable as his entry into it; his countrymen will follow him to his retirement with gratitude, and proclaim him the worthy successor of the illustrious man of the Hermitage.

Mr. GAYLE, (interposing.) I ask the gentleman to say whether he endorses that declaration of President Polk.

The CHAIRMAN. Does the gentleman from Missouri yield the floor?

Mr. HALL. No; like the gentleman from Mississippi, I cannot yield.

Mr. GAYLE, (taking up his sentence above.) If he does, I call him to order.

Mr. HALL disavowed intending any personal remark.

He further proceeded to argue, that gentlemen, by their denunciations of the war here, gave encouragement to the enemy; their speeches, he said, were read at the head of the Mexican troops, and tended to inspire them and prolong the war.

Mr. H. having concluded his remarks—of which we have not been able to give anything more than a reference to some of the points—

Mr. BARROW obtained the floor, and yielded to a motion that the committee rise; which was agreed to,

And the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. McILVAINE: The memorial of "a meeting of the friends of peace," held in Chester county, Pennsylvania, praying that no more money be appropriated for war or preparations for war; and that measures be taken for so amending the Constitution as to abolish the army and navy of the United States, and to release the people and the Government from all obligation to maintain a military system.

By Mr. ROSE: The petition of John and Elizabeth Bellinger, praying Congress to grant them a pension.

By Mr. JOHNSON, of New Hampshire: The petitions of Esther Alexander, Isabel Bugbee, Mary Bemis, Pheba Cobb, Martha Chapman, Mary Chase, Abigail Coburn, Marcey Howard, Charity Harlon, Susannah Knight, L. Roberts, Sarah Strickney, Marcy Wood, and Anna Watson, for an extension of the widows' pension act of June 17, 1844.

By Mr. PILLSBURY: The memorial of E. B. Cogswell, praying for payment of services as armorer to Texas Indians. Also, the memorial of G. W. Crawford, praying for payment of supplies furnished to volunteers on the way to Mexico. Original papers lost in the steamer New York.

By Mr. C. E. STUART: The petition of Patrick Marauette, of St. Joseph county, Michigan, praying that his claim against the Pottawatomies of the Nollawasepe, as audited by General Mitchell, United States Commissioner of Indian Claims, may be allowed and paid to him.

On motion of Mr. BOWLIN, ordered, under the rule, that the memorial of the Legislature of the State of Missouri, asking the donation of the swamp, or submerged lands, destroyed by the earthquakes of 1811 and 1812, and reported by the public surveyors as not surveyable, by reason of being under water, together with the accompanying documents, be taken from the files in the Clerk's office, and referred to the Committee on the Public Lands. Also, the petition of McKnight, Brent, and Wood, asking compensation for flour destroyed at the town of Moro, in New Mexico, by the troops of the United States in the conquest of that place. Also, the memorial of the Bloomfield Convention, in the State of Missouri, asking, in aid of the legislative memorial, that the swamp, or submerged lands in Missouri, destroyed by the earthquakes of 1811 and 1812, be donated to the State of Missouri, upon condition of their reclamation. Also, the petition of William W. Gitt, asking the extension of the act of 1815, and acts in furtherance thereof, passed for the benefit of the sufferers by earthquakes, in the county of New Madrid, in the State of Missouri. Also, the petition of Martin Shea, Mary King, Totengen Schribal, Allen Link, Joseph Potterfield, and Henry Keeton, asking respectively for preëmption rights to certain lands which they have respectively occupied and cultivated. Also, the petition of John Jarratt, asking the confirmation of a land claim in the State of Missouri. Also, the petition of John Pyatt, asking the confirmation of a land claim in the State of Missouri. Also, that the petition and papers of William Triplett, applying for the confirmation of a land entry, be taken from the files of the Clerk's office and referred to the Committee on Private Land Claims.

By Mr. BAYLY: The petition of Lieutenant A. Garland, of the marine corps, for compensation for services rendered as a purser on board the frigate Brandywine in 1840-'41.

By Mr. CRANSTON: The petition of the heirs of Micah Whitmarsh, for commutation, &c.

By Mr. ROSE: The petition of Nathan Beard, praying Congress to grant a pension. Also, the petition of Patience Corbin, praying to be placed on the pension roll.

By Mr. TWEEDY: The petition of citizens of Milwaukie, for an appropriation on the road from the seat of justice in Dodge county, Wisconsin Territory, to Milwaukie; also, the petition of citizens of Dodge county, for the same object, heretofore presented January 16th, 1846. Also, the petition of citizens of Wisconsin, for appropriation on the road from Milwaukie to Fond du Lac, from Milwaukie to Watertown, and from Milwaukie to Hustis Rapids, heretofore presented March 16th, 1845. Also, the petition of William M. Dennis and others, of Watertown, asking an appropriation on the road from Milwaukie to that place, heretofore presented March 31st, 1846. Also, the petition of citizens of Wisconsin, for an appropriation of $5,000 on the road from Milwaukie to Madison, heretofore presented January 20th, 1846. Also, the petition of Daniel Wells, jr., and 146 other citizens of Milwaukie county, Wisconsin, for an appropriation on the road from Milwaukie to Madison, heretofore presented December 17, 1845; also, four petitions of citizens of Wisconsin for same object, heretofore presented December 29, 1845, January 30, 1845, February 3, 1846, and March 4, 1846. Also, the petition of citizens of Sheboygan, for an appropriation on the road to Fox river, via Taychuda, heretofore presented January 30th, 1846. Also, the petition of citizens of Washington county, for an appropriation for the road from Sauk Harbor to Dekorra, heretofore presented January 20th, 1846. Also, the proceedings of a meeting at Green Bay, and the petition of citizens of Brown county, Wisconsin, for an appropriation to open a road to Copper Harbor, and other roads in said Territory, heretofore presented January 28th, 1845.

By Mr. CROWELL: The petition of J. N. Fitch and others, citizens of Ashtabula county, Ohio, praying for peace with Mexico, and for withdrawing our troops from that country. Also, the petition of John B. Lane and others, citizens of Trumbull, Portage, and Summit counties, for a tri-weekly mail-route from Warren, in Trumbull county, to Hudson, in Summit county.

By Mr. SHERRILL: The petition of Benjamin P. Smith, praying the passage of a law granting a pension to the petitioner.

By Mr. S. D. HUBBARD: The petition of George Read and others, of Deep River, Connecticut, for an alteration of postage and abolition of the franking privilege.

By Mr. ROSE: The memorial of citizens of the county of Ontario, State of New York, on the disease of the potato.

By Mr. MEADE: The petition of J. T. Roper, Collector of the Customs at Petersburg, Virginia, for an increase of salary.

By Mr. WENTWORTH: The petition of John H. Bryant, Austin Bryant, Owen Lovejoy, and other citizens of Bureau county, Illinois, praying the withdrawal of our troops from Mexico, and the entire abandonment of the war against that country.

By Mr. STUART, of Michigan: The petition of George W. Peck and others, citizens of Michigan, that a mail route be established from Michigan, in the county of Ingham, to Allegan, in the county of Allegan, through Oneida, Chester, and Vermontville, in Eaton county, and Hastings, in the county of Barry.

By Mr. McCLELLAND: The petition of Stephen Bowerman, of Michigan, praying the House to adopt a legislative telegraph of his invention, for taking the yeas and nays.

By Mr. BOWLIN: The petition of Wyatt Richards, asking to change the location of his bounty land, received for services during the late war with Great Britain, its location falling upon swamp and worthless lands in the Arkansas district. Also, the petition of George Maguire, of St. Louis, Missouri, asking compensation for his services as Acting Superintendent of Indian Affairs at St. Louis, for the time between the death of General Clark and the appointment of his successor.

By Mr. HUNT: The petition of F. F. Backus and other physicians of Rochester, New York, asking Congress to pass a law to prevent the importation of spurious and adulterated medicines. Also, the petition of A. Kelsey and other citizens of Western New York, asking a drawback of duty on Canadian wheat manufactured (for export) in the United States. Also, the petition of citizens of Kendall, New York, praying to be relieved from the present tax on newspapers, and for the abolition of the franking privilege.

By Mr. EDWARDS: Petitions from General S. F. McCracken and 69 citizens of Fairfield county, Ohio; from Evan Campbell and 83 citizens of Brown county, Ohio; from John Sparks and 63 citizens of Adams county, Ohio, residents on the road of the Zanesville and Maysville Company, praying a donation of certain public lands for the completion of said road.

By Mr. CHAPMAN: The memorial of the Provident Association of Clerks, for certain amendments to their charter of association.

By Mr. GREEN: The petition of sundry citizens of Northeast Missouri, praying the establishment of a mail route from Alexandria, Missouri, to Fort Des Moines, in the State of Iowa.

By Mr. CHAPMAN: The petition of Horatio Dyer, legal representative of Charles Smith, a captain in the Maryland line, for revolutionary services.

By Mr. WENTWORTH: The petition of certain masters of vessels and sailors, for a light-house at Port Washington, Wisconsin.

By Mr. ABBOTT: The memorial of Elizabeth Balch and 320 others, inhabitants of Newbury and Newburyport, Massachusetts, earnestly praying Congress and the Executive to take, as soon as possible, the necessary steps, by the use of all just and honorable means, for securing an immediate and permanent peace with Mexico.

By Mr. CROWELL: The petition of Eli Odell and other citizens of Trumbull, Portage, and Summit counties, for a tri-weekly mail route from Warren, Trumbull county, to Hudson, in Summit county.

By Mr. ROOT: The petition of 300 citizens of Cleveland, Ohio, praying that the war with Mexico may be terminated. Also, the petition of 200 citizens of Litchfield, Ohio, praying that the slave-trade in the District of Columbia may be prohibited. Also, the petition of 40 citizens of Elegrin, Ohio, praying that the war with Mexico may be terminated.

By Mr. TURNER: The memorial and petition of George Edmonds, agent of the Des Moines Rapids Improvement Company, praying the passage of an act to authorize said company to improve the Des Moines Rapids, on the Mississippi river.

By Mr. ROSE: The petition of Sarah Mandeville, praying to be placed on the pension roll.

By Mr. NES: The petition of Jesse John, Daniel Sheffer, William W. Hammersly, and J. A. Gardner, signed by one hundred and fifty-three citizens of the county of Adams, in the State of Pennsylvania, respectfully praying that the provisions in the act of Congress of March 3, 1847, requiring postage to be paid on all newspapers circulating in the mail within thirty miles of the office of publication, and also that part of the same act requiring the prepayment of three cents postage on each transient newspaper sent in the mail, be repealed, and that such other modifications of said act be made as shall more effectually provide for a uniform system of cheap postage on letters, &c.

By Mr. SCHENCK: The memorial of sundry citizens of Preble county, Ohio, praying for a reduction of postage on small-sized newspapers.

By Mr. DICKINSON: A petition of P. Carlin and 82 others, citizens of Hancock county, Ohio, praying Congress to reduce and equalize the postage on newspapers.

By Mr. MANN: The petition of the heirs of Nehemiah Stokely, who was a captain in the revolutionary war, for commutation pay. Also, the petition of the heirs of Robert Laughlin, late of Westmoreland county, Pennsylvania, deceased, praying compensation for property destroyed during the revolutionary war.

By Mr. McILVAINE: The memorial of George W. Phillips and others, praying for a post-route from Pennington-ville, Chester county, Pennsylvania, to the Buck Tavern, in Lancaster county.

By Mr. KENNON: The petition of John Pettis and 72 other citizens of Harrison county, Ohio, praying for a proportionate reduction of postage on all newspapers not containing more than 500 square inches in size.

By Mr. POLLOCK: The petition of legal representatives of James Green, a soldier of the revolutionary war, for a pension.

By Mr. TAYLOR: The petition of John Copeland and 64 others, citizens of Adams county, in the State of Ohio, praying for a reduction of postage upon newspapers of small dimensions.

By Mr. GRINNELL: The petition of John Richardson and others, of Boston, asking the repeal of the law extending the patent granted to William Woodworth, for his invention of a machine for planing, &c. Also, the petition of William Harding, master of the schooner Albatross, for the remission of a penalty under the revenue laws.

By Mr. PILLSBURY: The memorial of C. H. Pix, for payment of rent of buildings occupied by judge of the admiralty court, &c., at Galveston, Texas.

IN SENATE,

WEDNESDAY, *January* 19, 1848.

The VICE PRESIDENT laid before the Senate a communication from the War Department, covering a report from the Commissioner of Indian Affairs, respecting losses sustained by the Seneca Indians through a late sub-agent, made in compliance with the fourth section of the act of 27th June, 1846.

Also, from the Treasury Department, in relation to an accidental clerical omission in the report on the statement of the finances; which was ordered to be printed, and appended.

Also, from the War Department, showing the number of persons employed in the Indian Bureau.

PETITIONS AND MEMORIALS.

Mr. MANGUM presented a petition from Ann Kelly, widow of Daniel Kelly, gunner in the navy, praying a pension; which was referred to the Committee on Naval Affairs.

Mr. STURGEON presented a petition from the Philadelphia College of Pharmacy, praying the adoption of measures to prevent the importation of spurious drugs, medicines, and chemicals, into the ports of the United States; which was referred to the Committee on Finance.

Mr. BAGBY presented additional testimony in the case of Hugh Wallace Wormley; which was referred to the Committee on Naval Affairs.

Mr. JOHNSON, of Louisiana, presented a petition from William Darby, praying remuneration for losses sustained in preparing the map of Louisiana, commonly called Mellish's Map; which was referred to a select committee of five members.

On motion of Mr. J., the Vice President was authorized to appoint the committee; and the Vice President accordingly appointed Messrs. CORWIN, JOHNSON of Louisiana, RUSK, FOOTE, and CASS, to constitute said committee.

On motion of Mr. NILES, the papers in the case of Major Larabee were taken from the files and referred to the Committee on Pensions.

Mr. NILES said: Mr. President, there is on the files of the Senate the petition and accompanying papers of Major Charles Larabee, praying for an increase of his pension, or for arrears of pension, which he thinks he is justly entitled to. I presented this petition last session, and then took occasion to make a few remarks on the case, to ask the attention of the Committee on Pensions to it. From want of time, I presume, there was no action upon it. In justice to Major Larabee, who is one of my constituents, I cannot now forbear to say a few words respecting the merits of this claim, and the peculiar hardship of the case of the petitioner. Major Larabee entered the army several years before the last war with Great Britain, I believe, in the humble rank of a private, or perhaps of a sergeant, and by his good conduct, his fidelity, and his bravery, left the army with the brevet rank of a major conferred upon him for his gallant and honorable conduct. Before the war began, he was engaged in the battle of Tippecanoe, and he was in that fierce and bloody fight at Brownstown, the very first battle of that war, and in that action lost his right arm, which was so shattered that it had to be amputated at the shoulder. But though thus wounded and maimed, he continued in the service, and was actively employed during the whole war, and was in other actions, of which the battle of Plattsburg was one.

Soon after the war he left the army, and in 1830 received his pension, commencing in 1827. Being but a lieutenant when wounded, he received a pension as such only, although he sustained the honorable rank of a major when he left the service. His pension is only twenty-five dollars per month, a small sum for an officer of the rank of a major, and wishing to sustain in society the character belonging to that rank. If his pension was to go back, as is done in the case of officers of the navy, there would be a considerable sum due him for arrears of pension. There were several years which intervened between the time he left the army when his pay as an officer ceased, and that of the commencement of his pension. For this period, at least, it appears to me, he is justly entitled to receive his pension; but this would be inadequate relief. It appears to me that this is a proper time to revise our invalid pension laws, as there are now many who will be claiming relief under them. There are, I apprehend, defects in our laws; they will probably require amendment to do justice to the numerous meritorious officers and soldiers who have been wounded in the present war. It is my opinion, without having particularly examined this subject, that the present laws do not make a sufficient distinction between those whose disability is such as to wholly deprive them of the capacity to support themselves, and those whose disability is partial, and not essential disability for civil employment. In the former case, the sacrifice of the wounded officer or soldier is great; it is, in a pecuniary point of view, alone, equal to the value of a man's services for life. It is in reality much more than this, as it is no small thing to be wounded and lose a limb for life.

I would not encourage a spirit for war, or a desire for military fame and distinction among the young men of the country; but those who possess this spirit and who hazard their lives, their limbs, and their health in the service of their country, I would deal justly and liberally with. Without saying more, I commend this case to the examina-

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tion and careful consideration of the committee, and trust that they will be able to afford some relief to the petitioner, either by a general law or a special act confined to this particular case, which is certainly one of great hardship.

REPORTS FROM COMMITTEES.

Mr. WESTCOTT, from the Committee on the Judiciary, reported a bill for the relief of Mormon Douglass, late United States Attorney in East Florida; which was read a first time.

Mr. ASHLEY, from the Committee on the Judiciary, reported a bill changing the time of holding the terms of the Circuit Court of the United States for the district of Maine; which was read a first time.

Mr. ASHLEY also, from the same committee, reported a joint resolution in relation to the rendition of judgments against the United States in certain cases; which was read a first time.

Mr. ASHLEY also, from the same committee, asked to be discharged from the further consideration of the petition of Leslie Combs, and that it be referred to the Committee of Claims.

Mr. SEVIER. I can see no reason why there should be a change of reference in this case.

Mr. BERRIEN. This is a claim arising from the result of negotiation between the United States and Mexico, when Texas was yet an independent Republic. It is not a claim presented as growing up subsequently to the time of her admission into the Union. It is a question, therefore, depending on the principles of international law. After the union of Texas with this Republic, such claims would properly belong to the Committee of Claims; but the claim having arisen prior to the union, I submit that the subject properly belongs to the Committee on Foreign Relations.

Mr. MANGUM. I hope the committee will not be discharged; if they should be, the subject ought not to go to the Committee on Foreign Relations; for it is undoubtedly, as it seems to me, entirely a distinct claim. It is one which necessarily requires the application of accurate and precise legal knowledge. And as these are very interesting questions, and as it is probable that they will occupy much of the attention of Congress in future, I hope we shall have the benefit of all the learning of the distinguished Committee on the Judiciary.

Mr. BERRIEN. I shall be perfectly willing to acquiesce in the suggestions of the Senator from North Carolina, if he can indicate to me any one principle of municipal law which will be brought into discussion in the consideration of this claim. The question is, what is the responsibility which the United States incurs in consequence of her associating with herself, and incorporating into the Union, a foreign State? If that is not a subject for the consideration of the Committee on Foreign Relations, I know not what is.

Mr. WESTCOTT. I disagree entirely with the honorable Senator. I conceive that by far the most difficult and delicate question involved in this claim is a question of municipal law.

The question was put on discharging the Committee on the Judiciary, and it was determined in the negative.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, made an adverse report on the petition of John Searing; which was ordered to be printed.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, asked to be discharged from the further consideration of the memorial of Gad Humphreys, and that it be referred to the Committee of Claims.

Mr. MANGUM submitted the following resolution, which lies over:

Resolved, That the President of the United States be requested to inform the Senate whether the general orders No. 376, issued by General Scott at Headquarters, Mexico, bearing date 16th December last, were issued upon instructions from the Secretary of War; and if so, to lay such instructions before the Senate; and also, any opinion of General Scott in regard to the necessary military means to carry said instructions into effect which may be on file.

Mr. ASHLEY submitted the following resolution, which lies over:

Resolved, That the Committee on Printing be instructed to inquire into and report to the Senate the manner in which the printing of the Senate has been executed; whether it has been done in conformity with the terms of the contract, either as to the quality and size of the paper furnished, or the manner in which the printing has been done; also, that they inquire and report whether the documents printed and distributed by the printers to Congress are correctly printed from the originals sent to their office.

On motion of Mr. DOWNS,

Ordered, That the memorial of John Hagan, E. Lackett, and Sherman Johnson, owners of the slaves compelled by mutiny on board the Creole to enter the port of Nassau, and liberated by the authorities of that place, be taken from the files and referred to the Committee of Claims.

On motion of Mr. BRADBURY, the vote confirming the adverse report in the case of Amos Holden was reconsidered, and the papers, with additional evidence, referred to the Committee of Claims.

Mr. RUSK, in pursuance of notice, introduced a bill to establish an additional district court of the United States in the State of Texas.

On motion, Mr. BRADBURY was excused from serving on the Committee on Printing; Mr. CAMERON from the Committee on Commerce; Mr. YULEE from the Committee on Private Land Claims; and Mr. DICKINSON from the Committee on Patents.

The PRESIDING OFFICER stated that he was somewhat embarrassed as to the intention of the Senate in regard to these appointments; whether the chairmen were to be designated by him, or merely appointed to complete the number.

Mr. MANGUM. I understand that the practice of the Senate has been that the Chair simply appoint a member of the committee. I believe that, under parliamentary rules, every committee has a right to make its own chairman; but it has been the invariable practice here to accede to the rule, when the appointment is given to the Chair, that the first named on the committee shall be chairman. Still I think it is within the competency of the committee to displace that chairman at any time and appoint another. But when a vacancy occurs, the usage, I think, has been simply to appoint a committee man.

Mr. SEVIER. In regard to the practice of the Senate, I happen to recollect one instance which occurred in relation to a committee of which I was a member—I mean the Committee on Indian Affairs. Judge White had been our chairman for many years. I happened to be the second on that committee. When Judge White resigned his seat in the Senate, the then Presiding Officer of the Senate appointed Mr. Tipton to be chairman.

Mr. CALHOUN. I think the practice has been different. I know there have been cases where the chairmen have been appointed by the Presiding Officer; but I think the principle is, that the Chair appoints the committee men, and it belongs to the committee, where it is not otherwise provided for, to say who shall be chairman.

Mr. YULEE said that he had occasion recently to make some little examination of the subject. A vacancy occurred in the Committee on Naval Affairs, and a motion was made, in the terms usual on such occasions, and a member was appointed in the usual manner, and the committee, on examination of the question, found that the precedents were unbroken, that when appointments were made to fill vacancies by the Presiding Officer, under the authority of the Senate, the member appointed takes his place at the foot of the committee. The committee always appointed their chairman unless the Senate thought proper to designate the chairman. This was the case with the Committee on Foreign Relations; but the Committee on Naval Affairs, referring to the precedent of the Committee on Finance, and an unbroken series of precedents, considered that to be the rule existing. The case referred to by the Senator from Arkansas did not fall under the observation of the Committee on Naval Affairs.

Mr. SEVIER read from the Senate Journal the case to which he had referred, to show that it was competent for the Vice President to appoint any Senator he pleased.

The PRESIDING OFFICER then put the question, "Shall the appointments be limited to filling up the number?" and

It was decided in the affirmative.

THE TEN-REGIMENT BILL.

The Senate having resumed the consideration of the bill to raise, for a limited time, an additional military force—

Mr. FOOTE said: The Senator from North Carolina [Mr. BADGER] concluded his speech of yesterday with the mention of what he was pleased to entitle "the flickering light of military glory." What does this mean? Does he so much condemn the war, that he is of opinion, with some other distinguished gentlemen of his party, that no permanent honor can be acquired in a war so unjust and unconstitutional? I knew before that the venerable Senator from Massachusetts [Mr. WEBSTER] had expressed, some months ago, his opinion, in very plain language too, that no real glory could be achieved in such a war. His words on this point are worth quotation; for they seem to me to indicate a settled design, not to say a deliberate conspiracy, in certain quarters, to prevent our military chieftains of this Mexican war from deriving any eminent civic advancement from their immortal exploits. "Sir," said the Senator from Massachusetts, on the occasion referred to, "I need 'not say that I have as much respect for distin-'guished military achievement as any man. I 'would not see any laurels that belonged to it 'withered. I honor those who are called on, by 'professional duty, to bear arms in their country's 'cause, and who do their duty well. I would ob-'scure none of their fame. But I will say here, 'and to them, that it is the solemn adjudication of 'nations, and it is the sentiment of the Christian 'world, that war waged for vicious purposes, or 'from vicious motives, tarnishes the lustre of arms, 'and darkens, if it does not blot, what other-'wise might be a glorious page in the history of 'the nation that makes it." Well, sir, the Senator from North Carolina, and others coöperating with him in this discussion, claim to have proved that this war was entered upon by the President, not in defence, nor to avenge national injuries and insults, but in order to secure a plausible pretext for forcibly seizing upon, and permanently retaining, the Californias and New Mexico. He denounces the act as a great crime, and quotes poetry depictive of his contempt and indignation against such vile conduct; so that between the two distinguished gentlemen, the case is easily made out. Neither General Taylor nor General Scott could have gained any laurels worthy to adorn the brow of a patriot, since the war is judged to be both waged for "vicious purposes" and from "vicious motives," and thus is "the lustre of arms" seriously "tarnished." This, too, is not mentioned to be the opinion of a single individual, however distinguished, nor even of many; but "the adjudication of nations," and "the sentiment of the Christian world." No wonder that the Senator from North Carolina talks about the flickering light of military glory. This word *flickering* is quite expressive. It is usually applied to the blaze of a candle or lamp just in the act of becoming extinct. And, sir, is it possible that all the glory which certain gentlemen lately saw in the achievements of our brave officers and men who have fought in Mexico, is about becoming eclipsed? Shall we say of the lustre of Buena Vista, "*Sic transit gloria mundi?*" Has the old dread of military chieftains suddenly come upon distinguished gentlemen? Is Cicero's famous maxim—"*Arma cedunt togæ*"—about to be realized? Has some magnetic process been going on, in order to win distinguished gentlemen back to their old faith, and prevent them from running after new idols? I have understood that the celebrated lecturer on electro-magnetism is in the city, and, if applied to, might perchance suggest the means of succeeding in this magnetizing scheme. Well, I am really afraid that if the blaze of military glory is flickering, it may be expected to go out shortly.

Mr. BADGER. If the Senator will allow me to interrupt him, I will say that the expression

which I used was used inadvertently. The term I intended to use was very different. I meant the dazzling light of military glory. I was not aware, until the Senator informed me, that I had used the word *flickering*.

Mr. FOOTE. Well, sir, dazzling is the word, then. I am not sure that this helps the case much. If the glory of arms is dazzling, why then we infer that there is nothing substantial in it, but it is altogether delusive. Sir, it is not my business to advocate the claims of military men to high civil stations on account of their military distinction alone. Nor shall I seriously interfere in this matter at all; but whether General Taylor's glory, as one of the officers in this war, be or be not either flickering or dazzling—fading into extinction, or merely delusory—I feel bound to say a few words in vindication of this commander, against the peculiar advocacy which the Senator from North Carolina has thought proper, on the present occasion, to originate in his behalf. He asserts that the movement of General Taylor to the Rio Grande brought on the war; and he further says that General Taylor is not at all responsible for the movement. Indeed! General Taylor not responsible? Why, it is one of his chief glories in the war that he is responsible. The movement was necessary; he perceived the necessity of approaching the Rio Grande—did advance to it—and lo! the collision of arms. The whole correspondence of General Taylor with the Government is of the same import, and is all alike calculated to fix upon him the chief responsibility of the movement, and secure to him the glory of having acted with singular acuteness, energy, and good sense, at this delicate crisis.

[Here Mr. F. read from various documents, in maintenance of what he had asserted, and then proceeded as follows:]

Sir, no man can examine this correspondence between General Taylor and the Secretary of War, without being perfectly satisfied of these facts: 1st. The Administration entirely confided in his judgment and energy, and designed from the first to endow him with an ample discretion as to his movements on the southwestern frontier. 2d. That every movement in the direction of the Rio Grande was taken, either upon his own judgment, in the absence of special instructions from Washington, or in obedience to instructions founded upon his own previous advice; and 3d. That there was not one of these movements, from first to last—from the location of his troops on the west bank of the Nueces, up to the earliest battle with the enemy—which he did not execute with great alacrity, and, as there is good reason to believe, with a full conviction that what he was doing was necessary to the honor of his country, and to his own personal fame. And now, when the glorious battles of Palo Alto, Resaca de la Palma, Monterey, and Buena Vista have been fought; when General Taylor's fame and popularity are placed beyond question, by his conduct upon those immortal fields of bloody and perilous strife, I must regard it as one of the most illiberal, unfair, and, but for the respect which I bear certain gentlemen here, I would say unmanly and contemptible efforts I have ever heard of in my life to shuffle him, by sly device and quibbling sophistry, out of all the responsibility of those acts, without which he would never have been, as he is, his country's pride and the world's admiration. Sir, so decided are my opinions on this subject, that, as much as I admire General Taylor, (and I do so as highly as any one in the Republic, out of the pale of those who are struggling to make political capital out of his popularity,) so help me Heaven, if I thought, as I am far from doing, that he would give his sanction, for an instant of time, to such miserable special pleading as we have heard here from his professed friends, I should feel compelled to give up entirely my present profound respect for his character as a man of justice and magnanimity. I will not believe, sir, that were General Taylor now in our midst, he would fail to set gentlemen right on this subject; and I confidently believe that he would tell them that he would scorn all popularity or character which was to be obtained by a resort to technical subterfuges, that would not be very respectable even in a justice's court, in a case where the whole matter in controversy only amounted to some fifteen shillings or less. I am almost tempted to exclaim, in the language of Falstaff—

"Call you this backing your friends?"

Sir, it seems to me, that in the progress of the debate which has been going on for some days past in this body, not a small number of the topics which have been introduced, and more or less strenuously urged upon our attention, have either no legitimate connection with the grave and momentous question before us, or have been heretofore so repeatedly discussed in legislative halls, and in popular assemblies, that but little either of profit or entertainment could be reasonably anticipated from a renewed examination of them at the present time. I may be in error, sir; but if I do not egregiously mistake the indications of public sentiment which are reaching us every hour, there has never been more unanimity exhibited in this country than is now displaying itself in regard to the origin, progress, and future prosecution of the pending war with Mexico. Sir, the patriotic citizens of this Republic, almost every where, heartily approve the whole course of the Administration thus far in the management of this war, and are resolved that it shall not languish for want of the necessary supplies, both of men and money, to ensure its vigorous prosecution. Thank Heaven, we have not yet reached—and God forbid we should ever reach—that sad period in our history as a free people, when a factious combination anywhere will be able to plunge the natal land of Washington and Jackson, of Jefferson and Franklin, into that deep and irretrievable disgrace which I fear that a few degenerate sons of heroic sires in different parts of the Republic have been, for some months past, laboring most assiduously to provide for us. Not yet—nor ever, I trust—are we to realize those scenes so memorable in Athenian annals, when Demosthenes, whose fervent and fearless eloquence shook even the Macedonian despot upon his throne, felt constrained, by a high sense of patriotic duty, to launch the arrows of his blasting invective against certain factious orators of his day; who, swayed by party feeling or the mad ambition to rule, or some motive still more inglorious, sought to get up a party in Athens opposed to timely measures of defence against the dangerous encroachments of Philip. Far from us, and from our posterity, be that moment of disgrace and desperation, when an American Senator shall find it necessary to the freedom and honor of his country to denounce any portion of his countrymen in such language as burst in lightning and in thunder from the lips of the noblest champion of Grecian liberty, when he exclaimed—

"But not only is our full conviction of these facts necessary to our safety—not only is it necessary that we should resolve to take vengeance on Philip by all the operations of war,—but it is equally necessary that we should prosecute, with the most determined hatred, those who make harangues in his favor. Let us be strongly convinced how impossible it is to vanquish the foreign enemies of the republic, until we punish her domestic foes—these ministers of Philip. But I appeal to Jupiter, and all our other gods, you have neither power for such an attempt, nor inclination. For to such excess are you arrived, either of infatuation or phrensy, (I am unable to express myself,) that I am frequently alarmed lest some demon precipitately hurry the republic to destruction; when, either for the sake of some personal invective or invidious remark, some malignant ridicule or trivial pleasantry, you command those mercenaries of Philip to speak in your assemblies, and laugh when they are scurrilously abusive. Nor is this the severest mischief, however severe; for you have, at least in part, given up the republic to their administration, and rendered it less dangerous for them to offer you the most pernicious measures, than for others to propose that counsel which concerns your interests and honor alone."

No one, Mr. President, who listened to the able argument of the Senator from Maryland, a few days since, could have avoided being forciby struck with the peculiar cogency of that part of it which was devoted to establishing the important position, that the pending war with Mexico is both just and honorable. Perhaps I should have been still more impressed with the views of the Senator from Maryland, had I not been led, from his high reputation as a jurist and a statesman, to anticipate such an effort as would comport with the peculiar dignity of his own chivalrous State, and be not unworthy of the successor in this body of the first of American orators—the illustrious Pinkney. I fear, though, that the logical artillery of the honorable Senator was hardly felt to play with any decided effect upon the convictions of those most proximate to him in this Chamber; among whom, if he should, perchance, have effected a conversion or two, I shall regard it as matter of special gratulation. But, whatever fortune the Senator may have had in this respect, such an argument as he has presented here will certainly not fail to receive a just appreciation at the hands of his countrymen; and the day can never by possibility arrive when he will regret the expression of views at once so wise and so noble. Long will the "star-spangled banner" of our fathers wave in triumph "over the land of the free and the home of the brave," whilst sentiments of lofty patriotism in our national councils shall attend upon the valorous achievements of our heroic armies upon the fields of a just and defensive war.

The speech of the Senator from Maryland, so far as it was in vindication of the justice and honor of the war, could scarcely have failed of its intended effect in any quarter, as it would seem to me, except where compelled to encounter that great enemy to truth, against which the venerable Senator from South Carolina, the other day, so solemnly warned us, and which he was pleased to denominate "pride of opinion." When this pride of opinion was thus, with something of dramatic emphasis, exercised by the distinguished Senator from the noble Palmetto State, I confess that I scarcely knew precisely what quality of the mental man might be probably alluded to. But I have since ascertained, from some who profess to be particularly wise in such matters, that this same pride of opinion is a morbid condition of the human intellect, brought on, most commonly at least, in understandings of a certain elevation and expansive force, by multiplied successes achieved over vigorous opponents in the arena of logical digladiation—that it is a *status* of moral being very much disrelished by those who are over-eager to make proselytes either in religion or politics, and of which those are apt to complain most dolorously when they suspect its existence in others, who, in the impartial judgment of mankind in general, are most subject to the access of the malady themselves. Now, as pride of opinion is commonly understood to be precisely "antagonistical" to what is known among practical politicians under the dread name of inconsistency, (which latter quality is quite celebrated as a grievous impediment to high civic advancement,) I am not entirely able to perceive why it might not be permitted to escape severe criticism on this side of the Atlantic, where most of our leading statesmen, unmindful of illustrious examples elsewhere, of the formal and public disavowal of opinions once ascertained to be clearly erroneous, are every now and then heard to insist, with an earnestness which is the customary attendant of perfect sincerity of heart, that though it may be quite possible for the wondrous magnet to lose more or less of its characteristic polarity, and for Phœbus himself, some of these cold and cloudy days, in a moment of sudden caprice, perchance, to permit the regular succession of the seasons to become fatally disturbed, yet that the operative powers of their minds are not at all subject to the great law of change which is impressed upon the whole universe besides, and that they have the happiness still, in the noon or evening of life, as the case may be, to entertain the self-same opinions upon all the public questions which have divided parties in this their day and generation, which they adopted upon their first entrance into the tangled and thorny pathways of modern statesmanship.

Mr. President, the learned and able Senator from Maryland has made it wholly unnecessary that the Administration now in power should be hereafter defended against a number of charges growing out of this Mexican war. Did I not know that the course of that Senator had not been at all actuated by a desire to conciliate the political party with which it is my honor to hold connection, I should thank him, in the name of those associated with me, for the seasonable and effectual relief which he has thus afforded us, and which his conscience and patriotism have forced him to afford us, from the insidious and persevering hostility of an unscrupulous press, sustained and encouraged as it is by a furious band of unblushing demagogues, who occupy themselves night and day in traducing the Government of their own country, and in bewailing the wrongs and sufferings of those whom they denominate "our republican brethren in Mexico." Had a friend of the ruling Administration, however elevated in point of character and energetic in the field of debate, given utterance to many of the striking and important truths so startlingly announced by the Senator from Maryland, there is reason to believe that the work of conviction would have scarcely consummated in the

minds of many deluded citizens, who will now see that to doubt the justice and honor of this war, and all the minor points involved in this sweeping proposition, is to stultify their own understandings, and to close their hearts to all the ennobling sentiments which swell and animate the bosom of the patriot. Who will ever be unblushing enough hereafter to deny the honor and justice of this war? Who will hereafter deny that the Rio Grande was the boundary line of Texas before annexation, and of our country since? Who will dare to call in question the authority or policy of marching our army to the left bank of this now famous river? Who will doubt the previous determination of the Mexican Government, as promulged in grave public documents, to carry on a cruel and devastating war upon all our peaceful citizens who might, at the period of intended invasion, be found west of the Sabine? Who will not now perceive that a large military force had been already concentrated in the neighborhood of Matamoros, which was already to light up the flames of war along our whole frontier, before the movement of our heroic army from the west bank of the Nueces? Thus might I have indulged in the language of interrogation a few days ago. Alas! we can do so no longer. Several gentlemen, standing high with their party, and of deservedly respectable rank in a learned profession, have lately attempted to put the country afloat again upon the ocean of disputation. But I trust they will forgive me for saying, what I think all, save themselves, must have most sensibly felt, that I could not perceive anything which fell from either of them at all calculated to weaken the force of the argument of the Senator from Maryland, as to any of the points discussed by him. These, I proclaim, so far as partisan opposition is concerned, are settled points; in the language of the law-books, *res adjudicata.* The arena of controversy, as to all these questions heretofore so fiercely disputed, should be regarded as being now forever closed; and, according to the Senator from Maryland, the President is only to blame for not having caused a larger force to march under command of General Taylor than that distinguished officer saw assembled around him upon the battle-fields of Palo Alto and Resaca de la Palma. So that the President was not censurable for ordering the march to the Rio Grande, but for not discovering the intention of the enemy still earlier than he did, and for failing to assemble a sufficient body of men under the standard of our country, to have at once demoralized the foe, and have caused him to abandon his hostile design forever. I am persuaded, that if the Senator had looked into this matter somewhat more carefully, he would have ascertained that there was as little ground for condemning the Executive on this score, as for ordering the march to the Rio Grande; as it is at least certain, beyond contradiction, that General Taylor had full authority to procure the increase of his army to any extent which he might judge necessary; and that though he had but a small force, in point of numbers, to contend with the large army at the moment known to be concentrating upon the Rio Grande, yet his army was just as large as he desired it to be, or supposed to be at all necessary, and that he had been seasonably given the power to increase his force according to his discretion. How the admission of the Senator from Maryland, as to the justice and honor of the war, can be made to harmonize with a position afterwards taken, that though Mexico was entirely to blame, yet that the President is to blame also; and that it was the duty of the President, though commander-in-chief of our army, and bound, by his oath of office as such, first to consult Congress before he sent a single order to our commander at Corpus Christi, directing him, in accordance with his own views of the propriety, as antecedently expressed to the Government, to place the troops under his command in an attitude which might enable them to defend the soil of our country from threatened invasion—I shall leave to the Senator himself and the country to determine. I shall not debate this point; a discussion of it, as it strikes me, would be wholly profitless; and I was too highly gratified with nearly all that fell from that distinguished gentleman, to seek controversy with him upon subordinate questions. I would rather believe that any apparent inconsistency in the views of the Senator from Maryland arose from haste and inadvertence—from a natural unwillingness to part company altogether with those who have been heretofore his political associates; or from a disposition, sometimes evinced by legal gentlemen, to show to those around with how much skill and adroitness they are able "to confute, change hands, and still confute." Instead of censuring the Senator from Maryland for what may have appeared to savor somewhat of illiberality and unfairness, I would prefer saying, that whilst the distinguished Senator was speaking, I observed the tempestuous excitement which he was awakening around him; and discerning in countenances wont to be serene, the signs of rising wrath, I could not help recurring to that scene of elemental conflict, so vividly portrayed by a poet of our times, when he exclaims:

"The sky is changed! and such a change! oh night!
And storm, and darkness, ye are wondrous strong, yet lovely in your strength,
As is the light of a dark eye in woman! Far along,
From peak to peak the rattling crags among,
Leaps the live thunder! Not from one lone cloud,
But every mountain now hath found a tongue;
And Jura answers from his misty shroud
Back to the joyous Alps, who call to him aloud."

And pursuing the description a little further, I would beg leave to say of the Senator from Maryland:

"Now where the quick Rhone thus hath cleft his way,
The mightiest of the storms has ta'en his stand:
For here not one, but many make their play,
And fling their thunderbolt from hand to hand,
Flashing and cast around: of all the band,
The brightest through these parted hills hath forked
His lightnings—as if he did understand,
That in such gaps as desolation worked,
There the hot shafts should blast whatever therein lurked."

Sir, the President has been much complained of in this discussion for having suggested, in his second annual message, that "aid and comfort" had been imparted to Mexico in this war by a few persons in this country, who are exerting a zealous opposition to the further prosecution of hostilities. I deem this complaint wholly unfounded, and will endeavor to demonstrate it to be so.

Sir, in this age of cultivated reason, which may be emphatically called the age of moral influences, when the mind of man is every day achieving new victories, more brilliant and decisive than the old, over the serious impediments of various kinds which have heretofore obstructed its progress along the pathways of knowledge—when the matured thoughts of gifted and powerful minds, upon subjects both practical and speculative, by means of innumerable printed volumes, the newspaper press, periodicals, literary and scientific, convenient mail arrangements, steamboats, and other vessels of great celerity of motion upon the water, railways and the electric telegraph upon the land, are communicated almost with the rapidity of lightning from the closets of the learned to the toiling millions of all civilized countries under the sun—when arguments, and statements of facts, and the beautiful embellishments of poetic fancy, and the dazzling and overwhelming influence of inflammatory eloquence, are constantly finding their way to the palaces of the great and the cottages of the humble, penetrating towns, and villages, and country places, and reaching even the most retired nooks and corners of social existence—dreadful, oh! dreadful, is the responsibility, both to God and man, of him who perverts truth, or propagates falsehood, or sophisticates for the delusion of the masses, or shows a reckless disregard of the consequences likely to be produced in the minds and conduct of others, by what he either utters as a public speaker, or throws upon paper for more extensive dissemination.

There are distinguished statesmen in this country, whose speeches and letters are read with attention, and are known to wield an influence not inconsiderable among all nations where the art of printing has been introduced, and with which we have heretofore established relations of commercial intercourse. Some of these personages have been at one time members of this body; some are, perchance, bustling and noisy politicians still, who delight in frequenting the thoroughfares of social life, and in keeping their political friends in remembrance of their own peculiar merits. But there is still another class of American great men, whose opinions are interesting to the world: I allude now to the Nestors or Methuselahs of party; a few of whom have retreated long since to the calmer walks of private life, but who still, through some dim loophole of "philosophic retiracy," occupy themselves alternately in watching the ominous and exciting fluctuations of the stock-market, or in spying out the "signs" in the political or financial sky; and who are heard, ever and anon, to whisper to themselves, and a few infatuated and interested votaries around them, with something perchance of doting dignity and Delphic solemnity of manner commingled: "*Felix qui potuit rerum cognoscere causas.*" There are others, perhaps wiser still, who have chosen to bury themselves in rural solitude—absorbed, it may be, in the comfortable and more primeval business of tending herds, and "mending fences," raising for market far other "stock" than that which is known familiarly on 'Change; who talk eloquently of bullocks or "virgin heifers," on holyday occasions; and who, every now and then, are seen emerging from their dearly-prized places of repose, in order once more, if they can, to seize the direction of the understandings and sensibilities of their countrymen. Some of these personages—unmindful of the example of the distinguished Senator from Massachusetts, who, when the Oregon question was under discussion in this body, for some days, and perhaps weeks, refused positively to enter into the debate then in progress, and finally declared, in most emphatic terms, the obligation which he felt to be resting on his conscience, whilst the title of his country to territorial domain was undergoing diplomatic discussion, not to breathe a single syllable calling that title in question—have not hesitated, in this war with Mexico, when questions much more important than claims to disputed territory were pending between the two countries; when millions of money and the most precious blood of the nation were all placed at hazard upon the issue of arms; when national honor and individual fame were both in a condition to be dangerously affected by imprudent and mischievous speaking and acting, to arrange, in the most ostentatious manner, for the fulmination of fierce and fervid harangues, denunciatory of their own country, and commendatory of the enemy; at a moment, and under such circumstances, too, as must have made known to themselves, in advance, the material fact, that almost as soon as their speeches should be delivered, they would be read in the United States, and thus serve to dispirit their own countrymen, and indispose them, more or less, for the hard service of the tented field; would circulate in Mexico, and encourage the enemy to renewed hostilities; would be republished across the Atlantic, and come back with a rebound from foreign shores, to multiply the original effect, both here and in Mexico. These gentlemen could not well avoid knowing all these things, and yet have they been wholly unmindful of them. Indeed, a few are reported to have grown more furious under the just censures with which they have been visited. Will any man say now that these persons were not warring against their own country?—that they have not, morally speaking, joined the enemy? Well do we know the opinion and feelings of our own noble officers and soldiers on this melancholy subject. The speech of the heroic Doniphan at St. Louis, last summer, the recent statements of Wynkoop and Morgan, which we have all read in the newspapers, have administered most damning proof against these mischievous and meddlesome harangues, and will eventually consign them, one and all, if they shall not speedily exhibit satisfactory signs of a genuine repentance, to an infamy as undying as their offences, whilst unatoned for, are unpardonable, either upon earth or in heaven.

Hear what the heroic Colonel Burnet said the other day in Philadelphia, at a dinner given in honor of him:

"He (Colonel Burnet) could not refrain from thanking the company assembled for the compliment done his regiment and himself—that it did not exactly become him to speak of the policy of the war, but he would give some general views in regard to the feeling in Mexico, and that in order to prosecute the war with effect, we should be united as a people. [Three cheers.] Colonel Burnet said Santa Anna had prepared a document made up from speeches and editorials put forth in this country concerning the war, among which was the declaration of an American Senator that he would not vote for supplies. These things operated against us very much."

Let no man hereafter complain of the President; he told but the truth about this matter, and with a republican boldness and simplicity becoming his character and station. As our executive sentinel upon the watch-tower of the nation, he but imparted seasonable notice to his countrymen of the fierce dangers with which moral treason was rapidly

encircling them. Had he not administered this warning, he would have proved himself as faithless as those whose treachery he has been censured for denouncing. I will not pursue this disagreeable subject further. I am pained at feeling it to be my duty to refer to it at all. But the denunciations which have been so lavishly poured forth upon the head of the President, even in this debate, in connection with this part of his executive conduct, has rendered it necessary that the whole truth should at last be told. I hope not to be misunderstood upon this delicate point; no one is more than myself an advocate for the utmost freedom of debate upon all public questions, consistent with the established rules of decorum and a due regard to the present safety and true honor of this great Republic. And if any one of the speakers alluded to can clearly make out the case for himself, that his country was really in the wrong, and in danger of getting more and more in the wrong in regard to this Mexican war; that his particular interposition was evidently needed in order to check the Government in a career of folly and madness in which it was fast rushing to destruction, as has been alleged; and that he did really interpose with the *bona fide* intention of rescuing the nation from infamy and danger, either actual or impending; why then, he may perchance escape condemnation for what appears *prima facie* to be so very censurable. But wo be to them if they fail in their justificatory proof on this point; for I tell them, and all of them, that it were better that they should never have been born, or that, being born, they should have died in infancy, or that they should now have a millstone tied about their recreant necks and be cast into the bottomless sea, than to stand convicted before the present generation and all posterity of having joined, in soul and voice, with the enemies of their country. A distinguished citizen of Kentucky—a leader of the party opposed to the Administration—said, in a public speech delivered by him last summer in the city of Philadelphia, amidst the acclamations of patriotic thousands, that, "without now inquiring into the origin of the war, (I quote from memory, and hope not to do injustice,) it was the duty of every American citizen to give his head, his heart, and his hand to his country." The same gentleman, it is said, a short time before, in New Orleans, had expressed himself as being in favor of a vigorous prosecution of the war; spoke fiercely of vindicating the wrongs of his countrymen, and actually talked about going into battle himself, with the view of slaying a Mexican, or at the least taking one prisoner. This was all very deliberately and patriotically said, and contains the strongest rebuke upon the class of men to whom I have been referring that could well be imagined. I hope the distinguished statesman and sage of Ashland has not yet changed his mind about this matter; the spirit breathed by that gentleman during the last war, and which broke in thunder upon a certain son of New England, in the other wing of this Capitol, for daring to oppose the then pending war with Great Britain, when he told him that he polluted the very carpet upon which he was treading, was the true American spirit, and is known to have awakened a hearty response from every hill and valley of the Republic.

Mr. President, I do not feel that I hazard anything in asserting that if the pages of history, ancient and modern, shall be ransacked, it will be impossible to find a case precisely analogous to the one under consideration. In fact, the only attempt which I have seen made to justify by precedent, is the case of certain distinguished orators of Great Britain during our revolutionary war, vindicating the then colonies in Parliament, and struggling to put an end to a long course of oppression and violence, in which George the Third and his ministers had involved themselves. The inapplicability of this case to the one under examination is too obvious to need more than a bare suggestion. We were then, or our forefathers were, British subjects—fellow-subjects of those who defended us, and who only defended one portion of the British nation against the wanton aggressions of another. Now, I have not yet heard any one assert that Santa Anna, Ampudia, Canales, and their myrmidons were our fellow-citizens; though I have certainly often heard Mexico in this debate called a sister Republic. I suspect, that if gentlemen will look into this matter specially, they will find that, passing over the Athenian case alluded to, there is nothing that approximates to the conduct which I have been reprehending, in all republican history, except, perhaps, the single instance of opposition presented to Hannibal, touching the war which he had unauthorizedly and wickedly commenced with the Roman Republic. For, it will be recollected that Hannibal had, without consulting the Carthaginian Senate, by a deliberate breach of an existing treaty between Carthage and Rome, suddenly crossed the Iberus, pushed his vast army through Gaul, and over the Alpine heights, and precipitated it down upon Italy, almost before any one either in Carthage or Rome knew that he had yet left Spain at all. Well, Hannibal, after a series of brilliant victories over the Roman armies opposed to him, despatched his brother to Carthage, to demand additional supplies of men and money of the Senate. That brother is reported by Livy to have thus expressed himself: "The nearer their prospect was of finishing 'the war, the more vigorous support of every kind 'ought to be afforded to Hannibal; for that it was 'carried on at a great distance from home, in the 'heart of the enemy's country. The consumption 'of money and corn was great; and so many engagements, while they ruined the Roman armies, 'had diminished in some degree those of the conqueror. It was, therefore, necessary to send a 'reinforcement, and likewise to send money for 'the pay, and corn for the maintenance of the 'troops, who had merited so highly of the Carthaginian nation."

In this moment of general exultation, it is said that Hanno, the chief of the faction opposed to Hannibal, though he knew the war to be unjust and unauthorized, and was full of anxiety as to its ultimate consequences to Carthage, acted with great dignity and composure; nor did he utter a syllable in opposition until, stung by certain sarcastic reflections which were cast upon him, he replied briefly in his own defence, and commenced his speech with these memorable words: "I should have remained silent this day, lest, in a time of general joy, 'I might utter some expression tending to damp 'it." And after denouncing Hannibal and his unprincipled ambition at some length, he finally refused to vote supplies, expressly on the ground that Hannibal, who needed them, "had deluded his country with groundless hopes." Now, as I believe that the same accusation cannot be justly preferred against General Scott in this case, who avows himself to be in need of the troops proposed by this bill to be sent to him, I beg leave here to observe, in addition, that whatever the necessity was at the time of General Scott's demand for aid, that necessity may have been greatly enhanced since he has been directly heard from, inasmuch as we have just learned that a proposition has been brought forward lately in the Mexican Congress, having in view the raising of forty thousand soldiers for immediate offensive operations. That I do not misunderstand General Scott's application for additional troops, will at once be obvious to all who will examine his letter, an extract of which has been read here, and runs thus: "Augment the 'army to fifty thousand men, to enable it to occupy 'at the same time nearly all the State capitals and 'the principal cities; to drive guerrillas and other 'robbing parties from the great highways of trade; 'to seize into our hands all the revenues of the 'country, internal as well as external, for the support of the occupation, and to keep the Central 'Government in motion and alarm, until constrained to sue for peace." And now, what say the Hannos of the American Senate? Why, they fiercely attack the whole arrangement for augmenting the army in Mexico; assert that no more troops are needed; that General Scott has not actually requested reinforcements; and indirectly charge him with a scheme of annihilating the nationality of Mexico, though he expressly speaks of keeping the Government in motion and alarm, which, both among governments and men, I have always heard heretofore to imply vitality and capability of continued existence.

Mr. President, I listened to the speech of the honorable Senator from Delaware, [Mr. CLAYTON,] the other day, with feelings of unmixed surprise and mortification. The Senator commenced by denouncing our claim to territorial indemnity at the hands of Mexico as dishonest; and even charged us with an attempt to commit the vilest robbery upon our weak and defenceless neighbor. Being but a *novus hospes* within this Hall, I am not prepared to say whether such language is in strict accordance with what I hear so much talked about, in different circles, under the name of Senatorial usage; but I take leave to say, in reply, that, in the first place, my mind is not able to perceive the legal analogy between territorial indemnity obtained in a just and honorable war—for the recognition of which, I believe, the distinguished Senator himself voted, and also for supplies, both of men and money, to aid its prosecution—and a lawless attempt, by putting in bodily fear, to deprive an innocent and unoffending traveller on the highway—which was the case he cited—of his personal goods and chattels; and secondly, that the implication of dishonesty against all on this side of the Chamber, which his words conveyed—if they were not, indeed, intended to be meaningless—will not, I fear, be regarded by the public in general as entirely in keeping with the character which I am glad to learn that the honorable Senator has heretofore sustained for courtesy and high-breeding.

Mr. CLAYTON. Will the honorable Senator allow me to correct him? I think the Senate will bear me witness that I made no accusation of dishonesty against the Senator or his party. The Senator is entirely mistaken; I made no such charge.

Mr. FOOTE. The honorable Senator does not deny, still, that he brought the charge of robbery against the whole Democratic party, but says he intended no accusation of dishonesty. Now, how he can reconcile the charge of robbery with perfect honesty of purpose, I leave to him to explain.

Now, it is certain that where I reside, and in all the neighboring country, highway robbery is regarded as quite a serious affair, both against law and morals, insomuch that it is uniformly punished, when the perpetrator is detected and brought to justice, by death upon the scaffold. It would seem, though, that the Senator from Delaware has been accustomed to quite a different code of ethics, and that, in his judgment, robbery, or the taking away of personal goods and chattels, by violence, from the person of the owner, by putting him in serious bodily fear, may be in Delaware (I hope there is some mistake about this matter, though) a very creditable, virtuous, and praiseworthy act, and the robber himself may be altogether a decent and estimable gentleman. I know that Mr. Jefferson has charged upon Mr. Hamilton, that he entertained the opinion that it was quite possible for a man to be honest in private life, and yet practise gross corruption in his public capacity: but I belong to a class of politicians who believe that out of the heart of man are all the issues of life; that no honest and pure-minded man is either capable of stooping to the perpetration of iniquity himself, or of giving his sanction to it in others; and that corruption in a public man necessarily implies the existence of private dishonesty. But the honorable Senator disclaims any design of being personally offensive to any on this side of the Chamber; and with this explanation I am bound to be satisfied. I commend the Senator to a more circumspect employment, hereafter, of the terms of declamatory rhetoric.

The Senator from Delaware insists that the troops proposed to be raised by this bill are not necessary in Mexico; and, in support of this view, relates an anecdote relative to General Scott, which, it strikes me, was rather amusing in itself, and more humorously told, than calculated to reflect honor upon the commander-in-chief, whom I certainly hold in the most profound estimation. He says, that before General Scott went to Mexico at all, in conversation with friends here, he said, "Give me a column of five thousand American troops, and I will take the capital of the enemy, if it rains Mexicans for a week." I suspect there must be some mistake about this matter, as I have always understood, and have yet reason to believe, that he was supplied with a much larger force than five thousand men, at his own request; and that all the additional troops who have gone to him since have been sent because he stood in want of them.

Mr. CLAYTON. I wish to say to the honorable Senator that he misunderstands what I said. I did not say that General Scott had asserted that with four or five thousand men he could take the capital in a week, or within any other specified time. I did mention this, however—an anecdote, as the gentleman termed it: I said General Scott had stated, when speaking of the relative prowess of Mexicans and our own countrymen, that he did believe that with a single granite column—to

use his own expression—of American soldiers, he could whip any Mexican force that could be brought against him, if it should rain Mexicans for a week.

Mr. FOOTE. The Senator from Delaware was pleased to read from a newspaper an account of some fifty thousand persons not belonging to the army proper, mere attendants upon its movements, who, he says, are actually about settling in Mexico, and who, with true Yankee enterprise, are already preparing to establish a railway from Vera Cruz to the city of the Aztecs, and intend also to supply the ancient capital of Montezuma with the blessing of the electric telegraph; and of these things the Senator most dolorously complains. Well, indeed I cannot join him in his solemn jeremiad; on the contrary, I had heard of all these things before, and had rejoiced over them exceedingly. I hope that American enterprise will shortly connect every city in Mexico by railways, and that the electric telegraph may speedily supply commercial communication between every important place of trade on the Pacific coast, and those parts which are located on the shores of the Atlantic.

He says, that if we send ten additional regiments there, they will never come back; the country is so very delightful, they will never leave it. Indeed, he says, "If you wish them to return, you will be cruelly disappointed; it will be like calling spirits from the vasty deep: they will not come when you do call them." Well, sir, if they do not come back, because they shall have bettered their fortunes in Mexico, and find that they are more likely to live happily and prosperously there than in the United States, I shall certainly not bewail their new-found felicity; and if the spirits that the wizard Glendower was wont to call around him had at any time half as good an excuse for not obeying his summons, I am of opinion that he should have put up with the loss of their society without complaining.

The truth is, that I have suspected for a long while that Mexico was a sort of earthly paradise; and I hold in my hand a book, written by a person sustaining very particular relations with myself, in which I find Mexico described in the most glowing terms imaginable; and, by way of strengthening the suggestions of the Senator from Delaware as to its desirableness as a country hereafter to be settled by enterprising men of our own race, I will read the poetic description of Italy, by Goldsmith, which the author just alluded to has not hesitated to apply to Mexico:

> "Whatever fruits in different climes are found,
> That proudly rise, or humbly court the ground;
> Whatever blooms in torrid tracks appear,
> Whose bright succession decks the varied year;
> Whatever sweets salute the northern sky,
> With vernal tints that blossom but to die,—
> These, here disporting, own the kindred soil,
> Nor ask luxuriance from the planter's toil;
> While sea-born gales their gelid wings expand,
> To winnow fragrance round the smiling land."

The whole South will doubtless feel particularly grateful to the Senator for so seasonably and solemnly warning them against the dangers likely to arise to their peculiar domestic institutions from the annexation of Mexico. As the Senator from Delaware was one of those special friends of the South who voted for the Wilmot proviso last winter, it cannot be at all doubted that he occupies the very best possible attitude for assuming the guardianship of our peculiar local concerns. The honorable gentleman will forgive me, though, I trust, for exclaiming, in the name of one southern State, "*Timeo Danaos, et dona ferentes.*" With all due deference to the honorable Senator's judgment about the matter, sir, I am of opinion that it will be easy, in the event of any considerable acquisition of territory from Mexico hereafter, to reconcile all the local interests and feelings heretofore existing on the subject, upon principles which I may yet state before this session of Congress shall draw to a close.

Mr. CLAYTON. I voted for what is commonly called the Wilmot proviso, as my wish was to defeat the appropriation bill to which it was an amendment, by every means in my power.

Mr. FOOTE. The members of this body will not fail to recollect the imposing and exultant manner in which the Senator from Delaware paraded before us, towards the close of his speech, the celebrated resolutions of 1803, providing for a reseizure of "the place of deposit," as it was called at the time, in the island of Orleans, and supplying the President with an armed force to resist all future aggressions on the part of Spain. The resolutions, when amended, it seems, left out the proposition to seize violently "the place of deposit," and increased the military force proposed to be raised from "fifty" to "eighty thousand" "effective" men; yielding to the President full power, "whenever he should judge it expedient, to require of the Executives of the respective States to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning," all these eighty thousand effective militia, "officers included;" and these resolutions, in their modified form, were enacted into a law, as I find, in a short time thereafter.

Now, what is the comment of the honorable Senator from Delaware upon this transaction? Why, he says—

> "Did Mr. Jefferson raise an army to march upon and seize the territory, or to point our cannon into the windows of New Orleans, and thus provoke a conflict? Did any such spirit as that which seems to rage here with an unbridled fury, pervade the democracy of that day? No, sir—no, sir. The love of justice had not abandoned the American bosom. The honor of the American character was still dear to American statesmen. Thomas Jefferson, with his friends, dropped the proposition of Mr. Ross to seize on the country on the Mississippi, sent an envoy extraordinary to join Mr. Livingston in France, and they negotiated the celebrated treaty of 1803, by which Louisiana was ceded to this country for the sum of fifteen millions of dollars. Negotiation—treaty, (the Senator continues,) these were the means resorted to by the democracy of ancient days."

I have several observations to make on this part of the honorable Senator's speech, any one of which might, of itself, be deemed decisive; and first, in the case mentioned, Spain had neither invaded our territory, nor threatened to do so. She had only refused to permit us to continue in the enjoyment of a place of deposit for goods or produce, which our citizens upon the Mississippi and its tributaries might be inclined to land at any time upon the island of New Orleans, within her territory.

> "By the treaty of *friendship, limits,* and *navigation* of 1795, it had been solemnly agreed that his Catholic Majesty would permit the citizens of the United States, for the space of three years from the date thereof, 'to deposit their merchandises and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores;' and the King of Spain furthermore bound himself 'either to continue this permission, (if he found, during the three years specified, that it was not prejudicial to the interests of Spain,) or, if he should not continue it, then to assign to said citizens of the United States, on another part of the banks of the Mississippi, an *equivalent establishment.*' On the 16th of October, 1802, Juan Ventura Morales, the Spanish Intendant of the Province of Louisiana, issued a decree, which, in violation of said treaty of 1795, prohibited the bringing in or depositing American merchandise within the limits of the city of New Orleans; and this decree was issued without assigning the '*equivalent establishment,*' mentioned in the treaty, elsewhere upon the banks of the Mississippi. Among the documents submitted by the President of the United States to Congress was one from William E. Hulings, some time before appointed vice consul of the United States at New Orleans, two from William C. C. Claiborne, Governor of the Mississippi Territory, and a third from James Garrard, the Governor of Kentucky. Mr. Hulings announces to the Governor of the Mississippi Territory the fact that the decree of the Spanish Intendant, already described, had been posted up in the city of New Orleans on the 18th of October; states that 'the port of New Orleans is shut against foreign commerce, and not against foreign commerce only, but against the *American deposit* in this city. No mention is made,' he says, 'of any other place appointed for a deposit.' Governor Claiborne's letters, one to the Spanish Intendant and the other to Mr. Madison, testify high indignation at the faithless conduct of the Spanish Government; and he says to the Secretary of State: 'This late act of the Spanish Government at Orleans has excited considerable agitation at Natchez and its vicinity. It has inflicted a severe wound on the agricultural and commercial interests of this Territory, and will prove no less injurious to the whole western country.' The Governor of Kentucky, in his communication to the President of the United States, under date November 30, 1802, says: 'The citizens of this State are very much alarmed and agitated; as this measure of the Spanish Government will, if not altered, at one blow cut up the present and future prosperity of their best interests by the roots. To you, sir,' he continues, 'they naturally turn their eyes, and on your attention to this important subject their best hopes are fixed.'"

This, then, is the history of the affair. Mr. Jefferson says, in his annual message of 1803—anterior, of course, to the introduction of resolutions by Mr. Ross—"previously," (that is to say, previously to the period of excitement on the subject,) "a proposition had been authorized to negotiate for the purchase of Louisiana from Spain;" which proposition was then pending. Spain had some time before ceded to France the whole country then called Louisiana, but had not yet relinquished actual possession of the same. Whilst the temporary occupancy existed, the right of deposit was discontinued by Spain, which she had a clear right to do under the treaty of 1795; but she had failed to "assign the equivalent establishment," as she was bound to do. This was hardly just cause for immediate hostilities; yet Congress authorized the creation of an extensive military establishment, and gave the fullest discretion to the President on the whole subject. No warlike movement, it is true, was immediately made by Mr. Jefferson. But why? Because he had then a negotiation pending with Napoleon (not with Spain at all) for the purchase of the whole country. The Senator from Delaware will now easily perceive, doubtless, that there was no necessity for "pointing our cannon at the windows of New Orleans" at all. The honorable Senator will scarcely now contend that there is really any analogy between the two cases under review. But he will allow me to tell him, I trust, in a spirit of unalloyed kindness, that the number of errors which he has committed in connection with this affair is really surprising. He appears to think that Ross's resolutions proposed to "seize on the country on the Mississippi." Why, this was not the case. They only proposed "to take immediate possession of such place or places in the said island or adjacent territory as the President might deem fit and convenient for the purpose of deposit." Nothing more. This, the Senator will see at once, by a reëxamination of the resolutions. And why was this proposed? Simply because the original "place of deposit" had been discontinued, and no equivalent establishment assigned. What the honorable Senator means by talking about pointing cannon at windows in New Orleans, I am not able to divine. He surely does not mean to cast censure upon the officers in command at Fort Brown. But it really looks very much like it. The Senator will not find it a very easy matter to fix the responsibility of pointing the cannon at windows in Matamoros upon the President or Secretary of War; for I am positively assured that no precise orders on this particular point ever emanated from Washington.

But what if I open to the Senator a fact or two more in regard to Mr. Jefferson and the Democratic party of that time, in order to enable him to appreciate the almost Jackson-like energy of that high-souled Executive? Spain publicly protested against the cession of Louisiana to the United States by France; and her citizens bordering on Louisiana and Mississippi had committed various aggressions upon our population.

Mr. Jefferson refers to these acts of violence in his annual message of 1805, thus:

> "Inroads have been recently made into the territories of Orleans and the Mississippi. Our citizens have been seized, and their property plundered in the very ports of the former, which had been actually delivered up by Spain; and this by the regular officers and soldiers of that Government. I have, therefore, found it necessary at length to give orders to our troops on that frontier to be in readiness to protect our citizens, and to repel by arms any similar aggressions in future."

The Senator from Delaware has referred us to the pure times of Jeffersonian Democracy, and would have us to understand that Mr. Jefferson and the Democrats of his time were a particularly gentle and forbearing body of men, and that they especially evinced this temper and disposition towards Spain; and the Senator recommends, in a very solemn and imposing manner, to us of this generation, their example and precepts. He seems particularly struck with Mr. Jefferson's preferring, in the instance of Louisiana, negotiation to war—negotiation by which so much valuable territory was to be peaceably acquired. I am charmed to hear that the Senator would have been a territorial annexationist in 1803, had he acted then as a politician, and hope that he may yet abandon the no-territory ground upon which his party have now pitched their political tents for the campaign of 1848.

As the Senator from Delaware appears to be so much enamored of the charms of Jeffersonian Democracy, I will do myself the honor of calling his attention to the letter of Mr. Jefferson, written in 1807, to our minister, Mr. Bowdoin, in Paris, which appears to me to be strikingly marked with the true democratic spirit of that period:

> "Never did a nation act with more perfidy or injustice than Spain has constantly practised against us; and if we have kept our hands off of her till now, it has been purely out of respect to France, and from the value we set on the friendship of France. We expect, therefore, from the friendship of the Emperor, that he will either compel Spain to do us justice, or abandon her to us. *We ask but one month to be in the city of Mexico.*"

I imagine that, by this time, the Senator from

Delaware is getting a little tired of Jeffersonian Democracy. He will excuse me, though, I hope, for one more experiment upon his patience. In a letter written by Mr. Jefferson in 1785, to A. Stewart, Esq., he uses the following language:

"I learn from an expression in your letter, that the people of Kentucky think of separating, not only from Virginia, (in which they are right,) but also from the Confederacy. I own I should think this a most calamitous event, and such a one as every good citizen should set himself against. Our present federal limits are not too large for good government, nor will the increase of votes in Congress produce an ill effect. On the contrary, it will drown the little divisions still existing there. Our Confederacy must be viewed as the nest from which all America, North and South, is to be peopled. We should take care, too, not to think it for the interest of that great continent *to press too soon upon the Spaniards.* Those countries cannot be in better hands. My fear is, that they are too feeble to hold them till our population can be sufficiently advanced to gain it from them, *piece by piece. The navigation of the Mississippi we must have.* This is all we are, as yet, ready to receive."

Now, I will tell the Senator, that if he is a Jeffersonian Democrat, I am one too; and as such, I fully believe that our Confederacy "must be viewed as the nest from which all America, North and South, is to be peopled;" and I am decidedly in favor, with Mr. Jefferson, of getting fairly and honestly the whole continent, "piece by piece." And this I hold, moreover, to have been the doctrine of the Democratic party always heretofore; and the opposite, or no-territory ground, has been that of the Federalists of the olden time, and of their Whig successors since.

The usual hour for adjournment having arrived, Mr. FOOTE gave way to a motion to adjourn; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 20, 1848.

After the Journal of yesterday was read—

Mr. BRODHEAD said, he rose for the purpose of announcing to the House the death of another of its members. My late friend and colleague, (continued Mr. B.,) the Hon. JOHN W. HORNBECK, died at Allentown, Pennsylvania, his place of residence, on the evening of the 16th instant; and the painful and melancholy duty of making that fact known to this body has been assigned to me. Having performed that service, I hope I will be allowed to say a few words in reference to his life and character.

The late JOHN W. HORNBECK was a native of New Jersey, and a graduate of Union College, at Schenectady, New York. His father was a highly honorable, intelligent, and useful physician, and his whole family distinguished for their many virtues. Shortly after having graduated with great credit to himself, he removed to Pennsylvania, commenced and pursued the study of the law, and in due season was admitted to practice. About this time, it was my good fortune to form his acquaintance, and to the time of his death continued to enjoy his friendship. For the last few years, we labored in the same profession, and frequently at the same bar. We often trimmed the same lamp, and read the same books together. I knew him well, and no one of his numerous friends esteemed him more highly. Though of opposite politics to myself, I can say with truth that his motives were pure and impulses patriotic.

As a lawyer, he ranked among the best in his profession. His merits more than equalled his pretensions. To *be* and not *seem*, was one of the rules upon which he always acted. He appeared to know that it was only by virtue that he could arrive at honor. His, too, was a chaste ambition, which is said to be but a spark too much of heavenly fire.

So largely did he enjoy the confidence of his fellow-citizens, that he was elected a member of the present Congress in that large, intelligent, and patriotic district, composed of the counties of Lehigh and Bucks. But, shortly after his election, his friends began to fear that his health was permanently impaired, and soon discovered that that fatal, though deceptive disease, consumption, was upon him. He continned, however, to discharge the duties which his profession devolved upon him, and came here at the opening of the session to take his place in this great arena of national concerns. He only had strength enough to assist in the organization of the House, and about ten days since sought his home to meet his fate in the midst of his family and friends, and to have the consoling presence of the partner of his bosom in his dying hour. His wife, his devoted wife and children, have lost a kind husband and father, and the country an intelligent and patriotic Representative.

I offer the following resolutions:

Resolved, That this House has heard with deep regret the announcement of the death of the Hon. JOHN W. HORNBECK, late a member of the present Congress, who died at his residence, in Allentown, Pennsylvania, on the evening of the 16th instant, and that the members will testify their respect for the memory of the deceased, by wearing the usual badge of mourning for thirty days.

Resolved, That the Clerk of the House be directed to communicate a copy of these proceedings to the family of the deceased; and that, as a further mark of respect for the memory of the deceased, this House do now adjourn.

And the House adjourned.

IN SENATE.

THURSDAY, *January* 20, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Navy Department, containing a report from the acting Commissioner of Pensions, showing the number of claims on the navy pension fund rejected during the last year.

MEMORIALS AND PETITIONS.

Mr. ATCHISON presented a petition from David H. Leeper, praying confirmation of a title to a New Madrid location; which was referred to the Committee on Public Lands.

Mr. STURGEON presented a petition from citizens of Greene county, Pennsylvania, praying the establishment of a mail route from Greensboro' to Taylor's store, in said county; which was referred to the Committee on the Post Office and Post Roads.

Mr. HANNEGAN presented a petition from Robert Piatt, praying compensation for his services as deputy Commissary of Purchases in the last war with Great Britain; which was referred to the Committee on Military Affairs.

Mr. H. also presented a memorial of Robert Piatt, legal representative of Daniel Piatt, praying for a balance of seven years' half pay; which was referred to the Committee on Revolutionary Claims.

Mr. BREESE presented a petition from the heirs of Robert Morrison, praying for confirmation of their title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. B. also presented a petition from the heirs of Josiah Bleakley, praying confirmation of their title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. PEARCE presented a petition from James C. Wilson, clerk in the War Department, praying an increase of compensation; which was referred to the Committee on Military Affairs.

Mr. DOUGLAS presented a petition from G. Edmunds, jr., for himself and the Des Moines Rapids Improvement Company, praying the assent of Congress to the making a canal round the Des Moines rapids, in the Mississippi river; which was referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. DOWNS, from the Committee on Indian Affairs, reported a bill for the relief of Samuel W. Bell, late of the Cherokee nation; which was read a first time.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, reported a bill to increase the efficiency of the army by a retired list for disabled officers; which was read a first time.

Mr. DAVIS, from the same committee, also asked to be discharged from the further consideration of the petition of Eugene Van Ness and John M. Brush, executors of Nehemiah Brush, and that it be referred to the Committee of Claims.

Mr. WESTCOTT, from the Committee of Claims, made an adverse report on the petition of David Whelpley.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill supplemental to an act entitled "An act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes;" which was read a first time.

RESOLUTIONS.

Mr. BERRIEN submitted the following resolution:

Resolved, That the President of the United States be requested to furnish to the Senate copies of the letters, reports, or other communications which are referred to in the letter of General Zachary Taylor, dated at New Orleans, July 20, 1845, and addressed to the Secretary of War, and which are referred to as containing the views of General Taylor, previously communicated, in regard to the line proper to be occupied at that time by the troops of the United States.

Mr. CALHOUN suggested as a modification—

"And any similar communication from any officers of the army on the same subject, unless he be of opinion that a communication of the same be inconsistent with the public interests."

Mr. BERRIEN accepted the modification, and the resolution, as modified, lies over under the rule.

Mr. HANNEGAN submitted the following resolution, which was ordered to be printed:

Resolved, That a select committee be appointed to inquire whether it may be necessary to adopt any measures for the future construction and preservation of the monuments to the memory of deceased members of the Senate, and also under what circumstances monuments have been so erected and may hereafter be erected.

Mr. DICKINSON submitted the following resolution, which lies over under the rule:

Resolved, That Jesse E. Dow be admitted to a seat in the reporter's gallery, from which he was excluded by an order of the Senate of March 16, 1846.

BILLS INTRODUCED ON LEAVE.

By Mr. ATHERTON: A bill supplemental to an act entitled "An act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue."

By Mr. DOUGLAS: A bill granting to the State of Illinois the right of way and a donation of public land for making a railroad connecting the Upper and Lower Mississippi with the chain of the northern lakes at Chicago.

INSTRUCTIONS TO GENERAL SCOTT.

The following resolution, submitted yesterday by Mr. MANGUM, came up for consideration:

Resolved, That the President of the United States be requested to inform the Senate whether the general orders No. 376, issued by General Scott at headquarters, Mexico, bearing date 16th December last, were issued upon instructions from the Secretary of War; and if so, to lay such instructions before the Senate; and, also, any opinion of General Scott in regard to the necessary military means to carry said instructions into effect which may be on file.

Mr. CASS inquired whether the usual clause referring the disclosure to the Executive discretion was contained in the resolution; and if not, he suggested that it should be there. He also suggested that the addition made by the Senator from South Carolina, of requiring the reports of all the officers of the army, extended the scope of this inquiry far beyond that designed by the Senator from North Carolina. He suggested whether it would not be better to let the resolution lie over till to-morrow, till the effect of the addition to the resolution should be ascertained.

Mr. MANGUM. I am extremely unfortunate, sir. I cannot please the gentleman in any way. The resolution which I presented the other day was drawn, as I then stated, with a due regard to that official decorum which has always been observed towards the Chief Magistrate of the United States. I proposed to insert the usual qualification, "if in his opinion the same may be communicated consistently with the public interests." It was objected to. I afterwards inserted an amendment, that the resolution might be answered either confidentially or otherwise. That necessarily excluded the latter clause; because I suppose the principle will not be affirmed here, particularly when sitting in another capacity, that anything that is necessary to enlighten us in regard to any matter pending before us which may be in the possession of the Executive—which can be taken by us confidentially only, if the Executive chooses to give it to us in that way—is not a part of Executive business, which we are as much entitled to as the Executive himself. I say, too, that as legislators, we ought, unless there is some particular reason which makes it improper that it should be communicated to the public, to be put in possession of the fullest information. However, in this respect, I endeavored to restrict the call for the communication which might be covered by the resolution, and simply asked to be informed if an order had been issued from the Executive or War Department to the General commanding in chief in Mexico, directing him to overrun all Mexico; if instructions to that effect had emanated from the War Department, or from the Executive Department; and if so, we desire to see those instructions simply as to that point, and restricted to that point. If there

are other matters of a general character which it may be deemed improper to give to the public, let the information be confined to that point solely. I do not desire to have the information in all the ramifications into which it may be pursued, but simply in regard to this point.

The point is this: Did an order to the General-in-chief issue from the Executive or War Department, directing him to cover the whole of Mexico, or to take possession of all the strong points? If this be the case, then I desire to know the opinion of the General-in-chief in regard to the extent of the military means necessary to effect that object. It is particularly, vastly important, in regard to these thirty regiments that are asked for in addition to the military force already authorized by law. And, sir, who are the best judges of the extent of the military means necessary in any of these military movements? General Taylor and General Wool, on one line of our defences, are unquestionably much higher authority than can be derived from any other source, either in this country or out of it. In regard to the other division of our forces, sir—those in the city of Mexico and on the line between that city and Vera Cruz—where is there authority to be found higher than that of General Scott? There is none, sir; and I believe the inclination of General Scott is to ask ample means for the accomplishment of the object which he seeks to attain. I think, sir, that he will not risk the safety of his army, nor will he risk his exalted military reputation, in embarking upon an enterprise without the means which will enable him to accomplish what he undertakes. I therefore take it for granted that he asks for the amplest means; and if the means asked for by him will not amount to so much as the thirty regiments, I think it will be an unanswerable argument against the application of the Secretary of War for these regiments.

Sir, I desire to extract nothing that ought to be withheld. I desire to ask for nothing that will embarrass the Executive, or in any way complicate our relations with Mexico. There is no such purpose. I desire two objects, which must be apparent to the honorable chairman of the Committee on Military Affairs. I desire first to know the scope and extent of the Executive purposes on this subject; I have a right to know them, and the country has a right to know them; and after having ascertained the extent and scope of the Executive purposes, I desire to ascertain the extent of the means necessary to accomplish those purposes. Knowing these things, there will not be much difficulty in forming a decision as to the course which we ought to take when we come to vote upon the bills which are presented to us for increasing the forces. I feel very sure that there is an oversensibility—a sort of tender-footedness, if I may use such an expression—in regard to marching up to the point, and conveying direct information, on the part of the honorable chairman of the Committee on Military Affairs—I mean it in no offensive sense—a sort of skittishness, sir, which is not, I think, what we have a right to expect. If the gentleman desires to make the resolution entirely decorous by adding the ordinary clause of qualification, a proposition of that sort will be acceded to with great pleasure on my part.

Sir, I have not seen within the halls of one or the other of these Houses of Congress for many years anything even approaching to such a degree of sensibility as seems now to be felt by the honorable chairman of the Military Committee, as if we were to sit here with resolutions on our table asking only for that which already belongs to history, and the communication of which might be regarded very much as a matter of course, without adopting them. Is it intended that we shall not have the information which will enable us to act understandingly? I hope not, sir, for the sake of the spirit of our institutions; for the sake of this Executive's sense of right, I hope it may not be even implied that no decent investigation shall be permitted, that no light shall be afforded us.

Mr. CASS. I disclaim entirely any tenderness on this side of the Chamber with regard to an examination of the policy of the Administration in the prosecution of this war. The tenderness which we feel has reference to the rights of the country. We do not wish any information to go out from the departments which would be useful to the enemy. That is the only motive which influences us. We are perfectly willing, and I, for one, am anxious, that every proper information should be spread before both Houses of Congress; but, as I said the other day, and beg to repeat now, the honorable Senator must be himself aware that there are many things which a wise and discreet Government will not disclose in the face of the enemy.

Mr. MANGUM, (in his seat.) We do not want that.

Mr. CASS. If we are "tender-footed," then, it is for the country. But the honorable Senator says that he desires this information for two purposes: first, in order to ascertain the objects of the Executive; and second, the opinions of the generals in command. I hope that the Executive will communicate fully to the Senate and to the House the whole objects it has in view. I hope that the Executive will say, in so many words, that its object is, in any circumstances, to conquer Mexico.

Mr. MANGUM, (in his seat.) To conquer Mexico?

Mr. CASS. I repeat, to conquer Mexico.

SEVERAL SENATORS. The whole?

Mr. CASS. The whole, but not to hold it all. To conquer Mexican injustice—to conquer Mexico until she seek a fair and honorable peace; and I hope that the Executive will carry on its operations in every part of the Mexican country till that object be accomplished. If I know my countrymen, they will sustain the President in doing so. That I take to be his purpose, and the manner of obtaining that object must be determined by the Executive in consultation with military men who understood the country and the situation of the Mexican Government. I do not profess myself to know the country, and do not speak *ex cathedra* on the subject. I believe it would be proper to communicate all important facts relating to the general operations of the campaign, withholding those which relate to the numbers, material, and destination of the troops, with other information which might be useful to the Mexican Government. With this exception, I believe that everything else had better be laid before Congress and the public. I do not believe the Executive has any secrets to withhold. I have no doubt that General Scott acted under full instructions from the Government, though I do not know the fact. I do not doubt it, because no commanding general, in the circumstances in which he was placed, would so act without the instruction—expressed or implied—of this Government. And the order he issued is just such an order as, in the existing state of things, an American general should have issued. These are to go forth to the army and the enemy, and are to be followed by prompt and vigorous execution. With these impressions, if the honorable Senator from North Carolina will permit a clause to be inserted in his resolution allowing the exercise of Executive discretion in this case, in order to withhold such information, if any there be, as might be useful to the enemy, I would vote for his motion.

Mr. CRITTENDEN. I do not know, sir, that during the whole period of my service here I have ever witnessed more jealousy with regard to calls for information than has been exhibited on the present occasion. The Senator who has just taken his seat does not believe that the Executive has a single secret in relation to this war that he desires to withhold, and yet he is signalized by the continual opposition which he makes to every appeal to that department of the Government for information. That Senator may well be a little sensitive under the application of the term "tender-footed" upon this subject; for, certainly, he has manifested a high degree of readiness upon all occasions to question and scrutinize very closely any and every resolution offered merely for the purpose of inquiry and information. Now, why is this? Here is a great subject upon which we are legislating—a question of peace and war—of raising armies; and, when we ask the opinion of our military officers, who are engaged in the war and are acquainted with the country in which the war is carried on, on this great question, it is treated as though it were a State secret, and we are not permitted to appeal to the Executive Department for information, or communications received from these officers. This is most strange and unaccountable. We are subjected to a sort of trial by the ordeal here, and made to walk blindfold over burning red-hot iron. We want light to guide us. We want all the information that the Government possesses; and are we not entitled to it? Talk about secrets, and the importance of keeping secrets! Sir, this has a very diplomatic sound; there is a tinkling of wisdom in this sort of governmental art of keeping secrets! We are to carry on war by keeping secrets! No, sir. The world has long since come to regard secrets according to their true value. There are no secrets but those not worth keeping in this world, and the whole idea of keeping secrets is a sort of mystery with which little Governments surround themselves for the purpose of obtaining a coloring—a complexional dignity. There is no worth in them.

The people—Congress—have a right to know everything concerning the projects of the Government and the purposes of this war—everything of the least importance. You may keep secret things of no consequence. If you employ an agent, or a spy, or a mercenary, keep his name secret, in God's name, if you have such a one in your employ; but if the information relates to public affairs—to anything which interests the people of the United States in any public political aspect and point of view, they have a right to know it. They have set up no department of this Government for the purpose of keeping knowledge, wisdom, and information a secret from them. I know there are limits prescribed by prudence, and all will recognize them when a case is made out. But this is the stereotyped argument employed on every application for information: "Oh! there are some things which every Government must keep secret," and therefore the Government must keep everything secret! The gentleman is willing to enlighten us with his information, but he does not want to enlighten the Mexicans. What an argument! Enlighten the Mexicans—give information to our enemies—when we ourselves are walking in darkness here, not knowing what our own functionaries think we ought to do! To refuse to give it to us, and say that they refuse it out of kindness and charity to us, lest it should operate as information to the Mexicans, when the very gentleman who makes use of this argument proclaims that he wants it distinctly understood that he is for conquering Mexico. What other secrets can you have? What secret will the gentleman pretend to have? Does our success depend upon secrets? Is that the way to carry on the war, or to facilitate the prosecution of the war? Our enemies have learned by this time that we are strong-handed enough to work our pleasure, be it what it may. The general orders issued in the heart of Mexico tell them that we intend to take and occupy San Luis Potosi; that we intend to take possession of Zacatecas; and that, if that phantom of a Government is allowed to sit longer at Queretaro, it is simply by our toleration of it. What is the secret? That you intend to go by this or that road? Where is the mighty secret in that? or where is the secrecy in saying that you were to take possession of their cross-roads in Mexico, which the gentleman seems to think so exceedingly important to the success of your military operations? He himself has given the Mexicans all information about it. They have all the information that he has been pleased to communicate to us. But what has General Scott or General Taylor communicated to our own Government as to the most proper course to be pursued? That is what we want to know? It is all idle to talk of keeping secrets lest Mexico should know them.

The gentleman from Michigan is, I think, making considerable progress on this subject. I understood him to say, when the resolutions of the Senator from South Carolina against destroying the nationality of Mexico were before the Senate, that they presented a proposition with which every one must agree. The other day he thought we might swallow Mexico whole and not be the worse for it. Now he says, and wishes it distinctly to be understood, that he goes for the conquest—the entire, total conquest of Mexico. I think, then, that he is making some progress. He tells us what we are to do with Mexico—swallow her, as he said, whole! That would, I think, make us a very misshapen sort of Republic, if we could perform that operation. But we are now "warring for peace.' Well, Mr. President, it seems to me that we have, as I said, already conquered Mexico. Where is her army? Where her treasure? Where any of the material of war with which she could contend against us? She is powerless and disarmed, and

stands unresisting before you, and you talk of keeping secrets from her; of keeping secrets from us lest this poor, down-trodden Republic shall have some light shed upon her mind as to the further proceedings which we intend to adopt in relation to the prosecution of this war! This argument cannot satisfy the Senate or the country. It ought not to satisfy the country. You have got peace, in effect, now. Mexico is at this moment at your feet, and subject to your dictation. The general orders from your commander issued to your armies show that he is intending to spread them over that country, making them a sort of armed collectors of revenue. That seems to be the employment which now remains for your armed forces in Mexico. Is she not conquered when she has no army left—no Government left—no material of war—no money—no credit? When a nation is thus depressed and disarmed, what is wanting to her conquest and subjugation? She is conquered, sir; and everybody will acknowledge it in six weeks from this time, as I verily believe. And this war, and this country, and this peace, will become a proper subject for the legislative department!

I hope to see that question come speedily, and then it will depend upon the wisdom and discretion of Congress on what terms and in what manner it is to be determined; whether Congress will declare that we shall swallow Mexico whole, in the figurative but strong language of the honorable Senator, or what else we shall do; what member of her we shall swallow—whether a leg, or an arm, or the head; in what manner we shall address ourselves to the new species of cannibalism prescribed to the American people. All this we will have determined by Congress. Its appetite will regulate us in what we are to do. This, however, is going beyond the question, and I have been led into these remarks by those to which I am attempting to reply. The question is on obtaining from the President of the United States that information which is necessary for our intelligent action. Is this war to shut up these departments, and restore the ancient time when diplomacy dwelt in darkness, or when the arcana of State were to be kept within the *inter penetralia* of the temple where the people with unclean feet had no right to go; where the people had no right to meddle with the mysteries of State? These days have passed by, and I hope and trust that the Senate will find no sort of objection to the passage of this resolution. If the gentleman desires, the clause allowing the exercise of discretionary power to the President may be added; if there be any little secret spot, any plague spot, in all the communications upon this subject, it can be kept back. Give us only what is useful to us. That is all that is wanted; that is all that is asked for. But it seems that gentlemen are not willing—I need not say gentlemen—the honorable Senator is not willing that we should be permitted even to interrogate the President. I hope we may be allowed to interrogate him, and that we may have this information.

Observe how this thing operates. Amongst the information called for, there is embraced a letter from General Scott, and that is communicated to the honorable Senator himself, and a part of it is read to the Senate. Now, he knows that it is contrary to all legal rules of documentary evidence to read only a part. We have a right to the whole. Is the light to be measured out in this way?—a portion given to one member and a portion to another—whilst those who are blessed with the full blaze of day are to have the whole of it; the great body of us being left to wonder in ignorance of those great subjects which demand our most solemn consideration and responsible action? It cannot be so, sir. The gentleman, if I understand aright, has read an extract from a letter. We insist, if the letter can be confided to the head of a committee it may be confided to the Senate, either in confidence or not, as the President pleases. I have no feeling of captiousness upon this subject, and not the slightest personal feeling. I think it is the right of the Senate to have this information; and that if access to the Executive departments by the legislative bodies is to be precluded in this way, we must become nothing but the shadow of a legislature. It is altogether contrary to former practice to refuse this inquiry. Few, indeed, have been the instances in which such a resolution has been opposed, and never upon the vague generalities now put forward.

Mr. CASS. One word, Mr. President. I cannot suffer myself to be misunderstood by the exertion of the great talents of the honorable Senator from Kentucky, nor by his manner, always imposing, though often sarcastic. I must say that the honorable Senator has exhibited great ingenuity in putting his own construction on my meaning. I wish now to give my own. In the first place, the extract read to the Senate was all that related to the subject. The Government determined upon a certain plan of operations, and to carry that into effect asked for fifty thousand men. General Scott has submitted some three or four plans, without giving the preference to one. The Government had adopted one of those plans, and asked for the necessary legislative measures to carry it into effect. All that relates to this plan was contained in the extract that I read, and the Senate was thus put in possession of the views of the Government and the commanding general on the topic which occupies their attention. All else was, in fact, but speculation. Well, now, the honorable Senator from Kentucky seems to think that I see a secret in everything, whilst he sees a secret in nothing. The subject is exceedingly clear. I did not say that there were any secrets at all involved in this call. All I maintained was the great principle in all Governments, that during the time of war, caution was to be exercised in giving publicity to specific plans of the campaign. In that connection there must be secrets.

Mr. CRITTENDEN, (in his seat.) Certainly there may be.

Mr. CASS. What sort of war would it be in which there were no secrets? War is a game played by intelligent and experienced men, not by men who show their hands to their adversary. The thing is impossible. No such war has ever been waged successfully, and no such war will be waged so long as men are compelled to resort to wars. No secrets! They are dishonorable! Everything should be known! And a commanding general who sits down before a city must begin by sending to his opponent with the summons to surrender, a true abstract of his force, of his munitions of war, and his means of subsistence! And from day to day this must be renewed with the morning report, because there should be no secrets! And when he proposes to make a movement, with the same abhorrence of secrecy, he must send in with a flag of true his *projet* of operations—where he will march such a day—where he will encamp such a night—and what he proposes to do, and with what amount of men and material! This may all be very chivalric, but it would not be very well received in this age of the world. No, sir; there must of necessity be secrets with regard to the conduct of the war. With respect to the general operations which the Government directs, I see no objections to disclosing them.

The honorable gentleman says that I advocated the swallowing of Mexico; and he will pardon me for saying it, but in a sneering tone he asks, shall it be done limb by limb; and, sir, would it affect digestion? Mr. President, I will not stop to dispute with the honorable Senator about words. He may talk sarcastically of a just indemnity, of taking Mexican territory, limb by limb, and swallowing it. There are few things, however serious, which may not be turned into ridicule. It is, however, no test of truth. Mr. Jefferson spoke of the gradual augmentation of our country, which he foresaw and approved, and called it extending freedom, piece by piece. Now, sir, I prefer this expression of Mr. Jefferson, piece by piece, to the expression of the honorable Senator from Kentucky, limb by limb; though, if we cannot get the territory that we are justly entitled to without that expression, I am willing to take it limb by limb.

My allusion to this subject was in this wise: The honorable Senator from South Carolina, in his speech a few days since, deprecated the absorption of all Mexico, which measure, if adopted, he considered to be fatal to this Government. Now, sir, what was my remark in reference to this? Rather light in manner, perhaps, but sufficiently clear in its meaning: that this Government would stand a great deal of killing; and that I did not believe even the swallowing of all Mexico would be fatal to it, though I was not myself in favor of the measure. I was satisfied with taking a reasonable territorial indemnity, if the Mexicans would cede it, leaving the subsequent relations of the two countries to be determined by subsequent events. Well, sir, I repeat again, that I have no belief that if Mexican independence were annihilated to-morrow, and the whole country annexed to the United States, it would kill us. And I believe there is nothing under heaven which can kill this Government but the people themselves. That is my opinion of its power of vitality. Ever since I have been upon the stage of action, our country has been killed by prophets of evil, crying "Wo, wo, to Jerusalem!" Cassandras predicting a crisis to-day, and destruction to-morrow; yet we have gone on from increase to increase. And where our final boundaries are to be, He who controls the fate of empires alone can tell. I did not suppose that the honorable Senator from Kentucky could misunderstand me, or have converted a figure of speech, such as swallowing a nation, into an argument to be refuted by a serious analogy to the human body. War and conquest are means to attain an end, and they are controlled in their general operations by the law of nations. They are to be directed by the Executive Government upon its responsibility, subject, of course, to the supervision of Congress, with the great object, in the present instance, of making a speedy and honorable peace with Mexico. The honorable Senator says that we are now "in effect" at peace. What this qualification "in effect" means, I do not know. The Mexican Government is resisting; a fugitive sometimes travelling from place to place; still resisting, still unable or unwilling to do us justice. When Mexico is willing to do us that justice which you, Mr. President, and I believe all this side of the Senate believe, and some portion on the other, to be due to us, then, and not till then, we may relax our exertions, as we shall have conquered a peace. But I repeat, what I before said, that the longer Mexico continues her obstinate rejection of reasonable indemnity, and the greater the exertion she compels us to make, the greater will be our demands, and the heavier her losses. What we would have accepted last year, or even at the commencement of the present campaign, we may well refuse now; and what we would accept now, we may well refuse after a few months. And how much the public sentiment of this country may demand a year or two years hence, if the war continues so long, I do not pretend to predict. We may have to make the great experiment so dreaded by the Senator from South Carolina and the Senator from Kentucky, and annex the domains of Mexico to our own. This is the penalty which national injustice has often been called to pay, and which Mexico may be preparing for herself.

Mr. CRITTENDEN. I know that in time of war, in the conduct of armies and campaigns, the general does not communicate to the enemy the route by which he intends to march, or the plan which he has adopted for attaining his objects. But the information now sought for of the Executive is of an entirely different character. The argument of the honorable Senator, it is evident, is one to which he has been driven by the necessity of his case; and I say again, although there may be secrets, and certain circumstances which it may be important to keep concealed for the time, those now asked for are not of that description. I really wonder how the gentleman can repeat in this solemn style, without a smile upon his face, the asseveration that it would be dangerous to communicate this information, as it would be advantageous to the enemy! As well might it have been said, during the war against the Seminoles, that information should not be given lest the Seminoles might get it! Because, in another state of affairs, it might be proper to withhold information, it does not follow that everything is to be kept a secret. If, as the Senator says, the Executive has no secrets that it is not willing to reveal, why this opposition to these resolutions of inquiry? The Senator now tells us the contents of the letter from General Scott, a portion of which he read the other day. I ask if this sort of verbal information is to be communicated, instead of the official information to which the Senate is entitled? Is the inquiry of the Senate to be stifled by some gentleman taking upon himself the responsibility of getting up here and speaking for the Government, and giving us what he reports as the substance of information? No; we have a right to the information in its authentic and official form—in that we may see what it contains—no more and no less. To that we have a right.

I have every confidence in the honorable Senator. His statement to me personally in relation to

a matter of private confidence would be as satisfactory as any testimony; but, as he will perceive, that is not the question now. We have a right to the official information, that our constituents may see and read it; and that it may go to them, not in the unauthenticated form of verbal communication here, but in the authentic form of a Government document. He knows and perceives this; and I ask again, with great deference to the honorable Senator, and without detracting, or intending to detract, from his just and deservedly eminent station here and in the country at large, why is it that the secrets so important to be kept should be communicated to him, standing on the same footing with us, but withheld as sacred from us? 'Is there to be a chosen body of enlightened legislators here, and another body who at their peril are to follow them without information and in darkness? Will the gentleman contend for that, and does not he see that to this his argument leads? He is furnished with information, and any other Senator may be furnished with information, and he is to deal it out to the Senate according to the exigency of the case; and his knowledge of that portion of light, or of twilight, is to ensure their concurrence in the measure proposed? There is to be a great distinction of light and knowledge; and when we ask for more, we are told it may be mischievous, and may get to those to whom we do not wish to give information! This argument is of universal application. It applies equally to your call for useful information as to any other. To every inquiry you will have the reply: "Secrets! secrets! Government secrets! All nations must have secrets; you cannot expect us to give you the secrets! There is an impenetrable region into which the curiosity of the profane must not seek to enter!" This is, I must say, a novel doctrine and a new sort of argument—a new sort of application altogether of a principle acknowledged by all in its proper place, and with its just appreciation. I hope, sir, such a doctrine is not to be sanctioned by a vote of the Senate refusing the information asked for in the resolution.

Mr. ALLEN. I understood the honorable Senator from North Carolina to say that he had no objection to the insertion of the usual words in the resolution, "if not incompatible with the public interest," so as to leave it discretionary with the President.

Mr. MANGUM. I said so, sir.

Mr. ALLEN. I shall have no difficulty, then, in voting for the resolution—none whatever. So far as the general order that has appeared in Mexico is concerned, it is not to be supposed that any general officer under any circumstances would issue an order of that magnitude without the authority, either express or implied, of his Government. I do not suppose, therefore, that any secrets can be disclosed upon this subject. I am glad that the subject of "secrets" has attracted so much attention in this body, as I think it is always of advantage to the interests of the country that the question of "secrets" should be considerably canvassed. I shall therefore embrace this occasion for renewing my ancient motion for opening the doors of the Senate on all occasions save one. But why, sir, are we so much affrighted at "secrets," when we ought to begin by making our own acts public? It is only because a large portion of our own acts are not made public that I am now not permitted to recur to facts which I could adduce, with overwhelming influence, on the discussion of this question of secrecy. But, sir, I shall tender my ancient resolution, and I shall test the spirit of publicity which is now displayed in words in this discussion. I believe, sir, that, if every document upon file in the Department of State and in the Department of War were this day opened to the full light of the sun, the Government would be strengthened far more than weakened by the disclosure. It is rather an Executive habit than an Executive necessity; it is because the preceding Executives have done this thing that the present Executive does it. He feels himself more bound by precedent than by principle upon this subject. His predecessors have uniformly acted upon the principle that the disclosure of some parts of the information in their possession might tend to the prejudice of the public interest. And it is upon the authority of the practice of his predecessors that the Executive acts, rather than upon the existence of any secret reason for his conduct.

I am willing, as far as my vote is concerned—if I could give it detached from other considerations—to vote to let in the full blaze of the sun upon every transaction that paper contains growing out of this war. I should like myself to see the estimates made by the generals-in-chief commanding those two columns in Mexico, and also their advice given to the Executive at the incipient stages of the war—advice sought because one of the parties from whom it was sought was at the head of the American army, and had therefore a right to be consulted by the Executive, who is not a military man. I should like to see all these things, sir, so that I might know to what extent any one or all of these generals may be responsible—I do not say for the origin of the war, but for the manner in which it has been prosecuted. Sir, I do not speak authoritatively. I am not now at the head of any committee which authorizes me to go into the several departments and make inquiry in relation to these subjects. I am not charged particularly or expressly with any branch of the Senate's business, and therefore I know nothing personally as to what facts are or are not contained in the archives of the Executive Department Now, sir, upon another branch of this subject.

The honorable Senator from North Carolina, who has had the lead upon the question of opening the doors and admitting all the information that may be in the possession of the Executive, agrees with me upon this question, and I shall introduce my ancient resolution to-morrow, or at the next meeting of the Senate. I hope then to have the aid (so potential in all matters in which he takes part) of the honorable Senator. But the honorable Senator from North Carolina wants the information called for by this resolution, and other information, for a certain purpose. Now, what is this purpose? Why, it is to know what are the political designs of the Executive in regard to the war—that is to say, what are his desires as to the result of the war. Now, the President of the United States is only one branch of the Government of the United States. Congress is another. A leading statesman of this country, whose voice, possibly, is as potential within as it is without these walls, has laid it down as a right belonging to the two Houses of Congress, not that they should call upon the President to know what he means, but that they should express what they mean should be the end and objects of the war. Therefore, if the honorable Senator from North Carolina has any extreme solicitude upon this subject, it is of far more importance for him to know what Congress means, than to know what the President means, because the President cannot act without the consent of Congress. Now, if the Senator desires to know what Congress means to do, what object they desire to accomplish, the mode in which he can ascertain it is simply to offer a resolution declaring what Congress means shall be the objects aimed at in the prosecution of this war. It is of no consequence, sir, upon this great question, to quibble about what the President may secretly design. We are told by this high authority with the gentleman and his friends, that it is the right and duty of Congress to declare what shall be the objects and purposes of this war. Let them come up to the mark and lay before us their views.

Mr. SEVIER. I would suggest, Mr. President, that the time has arrived for the consideration of the special order of the day.

Mr. ALLEN. Yes, sir, I am doubtless trespassing upon the time that ought to be devoted to my honorable friend's speech. I have, however, but a few words more to say, and really I did not intend to enter at all into the discussion; but the debate seems to have spread itself out to such an extent that I could scarcely avoid engaging in it. I shall vote for the Senator's resolution when the addition is made which he says he is willing to make. I desire that addition made, because this has always been the practice, out of respect to the Executive branch of the Government; as, for instance, we use the word "request" when we address the Executive, and the word "direct" when we address the various subordinate departments. It has been for the purpose of expressing these views that I have trespassed upon the time of the Senate.

Mr. MANGUM. I am extremely reluctant, sir, to encroach upon the time which belongs to the honorable Senator from Mississippi, but some remarks have been made which absolutely demand some reply.

Mr. FOOTE. It will give me much pleasure to give way to the Senator.

Mr. MANGUM. I have very few observations to make, and they will occupy but a few moments; and I must begin by congratulating the honorable Senator from Ohio on the advance he has made within a few days in regard to disclosing all secrets; and I congratulate the Senator from Georgia on the prospect he has of the powerful assistance of the Senator from Ohio upon that resolution of his which was laid upon the table this morning, calling for information as to the communications of the commanding generals about the period of the beginning of this war, either of advice, suggestions, or otherwise.

This resolution, sir, was drawn with great care, (hastily, to be sure,) and was not designed to trench on anything that might be supposed to affect injuriously the interests of the country. But, sir, the honorable chairman of the Committee on Military Affairs very properly says that many things should be withheld on account of the contest in which we are engaged. But does he mean to say that he is to be intrusted with information which we are not to be intrusted with? We want light on this subject. As one of the minority, sir, how can I look into the Executive mind and discover the purposes which are there intended? Let the world have the information, sir, and the world will either sustain you or refuse to sustain you. I should like to know from the honorable chairman of the Committee on Military Affairs what we are to do when the conquest of Mexico is complete. If there is no Government to treat with us now, what will we do with Mexico then, sir? These are important matters, that involve ultimately, in my judgment, the stability of our free institutions. For one, I would like to know, if the Republic of Mexico falls into our hands, what is to be done with it? This is the main point that I desire light upon. I do not care a fig for the views expressed to-day, further than they relate to this point.

Will the honorable chairman of the Committee on Military Affairs condescend to inform us what he means to do with Mexico after it is conquered? Will he enlighten us as to the distinct purposes of the Executive respecting her? What shall be done with this unfortunate Republic after it falls into our hands? I think that Congress has a deep and profound interest in this inquiry. Sir, I care not a fig, as I have already said, whether the resolution passes or not, if the honorable chairman of the Committee on Military Affairs, in his official capacity, will only give me light on this single point. He goes for the conquest of Mexico, which, I take it, implies the annihilation of that Government. How, then, are you to make peace? I only wish to add a single remark, in reference to the honorable Senator from Ohio, in regard to his "ancient" resolutions. I shall go for any additional light—for the removal of any secrecy, and for the obtaining of any information that may be necessary to aid us in the discharge of our duties.

Mr. ALLEN. Will the honorable Senator accept of the amendment?

Mr. MANGUM. I said I would do so.

Mr. DOUGLAS. Do I understand that the modification is made?

The PRESIDING OFFICER. It is.

The question was then taken on the resolution as amended, and it was adopted.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to increase, for a limited time, the military force of the United States.

Mr. FOOTE, (in continuation,) said:

Mr. PRESIDENT: I think it must be acknowledged that this debate has been marked with peculiar rancor on the other side of the Chamber, and that terms of scurrilous reproach have been freely indulged towards the President of the United States, equally derogatory to the dignity of this body, unfit to be applied to the first magistrate of this great nation, and entirely unmerited in point of fact. One gentleman has not hesitated openly to charge the Executive with falsehood in regard to his declaration of the objects of the war; which is nothing more than a coarse version of what is reported in a paper, which I hold in my hand, to have emanated from a distinguished Senator now in my eye, at Springfield, last September, about "pretexts, evasions, pretences, after-thoughts,"

&c., &c. Another gentleman charges falsehood by inuendo, and assumes, with something of peculiar grace, and certainly with more than the ordinary dramatic emphasis, to blush for the President. Another charges "dishonesty," "robbery," "pillage," and "murder;" another, "hypocrisy;" another, "a violation of the Constitution;" another, "the usurping of powers properly belonging to Congress." Now, if the President be half as guilty as he is accused by honorable Senators of being, he ought, for the honor of the country, to be immediately impeached; and I a little wonder, under all the circumstances, that a great Hastings affair has not been before now gotten up, considering the lusty menaces which we know to have been thundered forth in various quarters, and the pregnant fact, that at least one member of this body is reported to have already declared that he is impeachable. I wish distinguished Senators would recollect the wise requisition of the common law, that even jurors, who only determine the facts of the case, must be *majores omni exceptione;* and that Justice was by the ancients painted blind, in order to indicate that all who approached her sanctuary should do so free from all preconceived prejudice, and exempt from all exterior influence. I take the liberty of reminding honorable Senators, whilst indulging these suggestions, of one of the most imposing judicial scenes which is recorded in ancient annals—the trial of Lucius Cataline by the Roman Senate. The beautiful sentences with which Julius Cæsar commenced his noble speech on the occasion contain a maxim which I fear is almost too elevated for even this Christian generation: "*Omnes homines, qui de rebus dubiis consultant, ab odio, amicitia, ira, atque misericordia vacuos esse decet. Haud facile animus verum provident, ubi illa officiunt. Neque quisquam omnium lubidini simul et usui parvit. Ubi intenderis ingenium, valet. Si lubido possidet ea dominatur; animus nihil valet.*" Now, if certain menaces which we have all heard of in regard to grave proceedings elsewhere against the first magistrate of the nation, were as honestly announced as they have been indecently paraded before the country, there may be yet some possibility of illustrious Senators, when called on to perform a high judicial duty, with the Chief Justice of the United States presiding in this Chamber, either challenging themselves or being challenged by others, on the score of incompetency to discharge the highest functions belonging to the body. I hope to witness no such painful and perplexing predicament; but if it should occur, it would, perchance, not be without a salutary influence in the way of example.

Mr. President, before I conclude what I have to say upon this occasion, I feel called upon to notice, and, if possible, in some degree to counteract, certain views expressed a few days since by the venerable Senator from South Carolina; and, in doing so, I believe that he at least will not question my sincerity in declaring, that such is my high respect for his extraordinary powers of intellect, and his numerous virtues, it is to me most painful to differ with him in opinion on any great public question. It would certainly be my wish to remain silent, notwithstanding my dissent from his views, but that I shall be compelled by a sense of duty to vote in opposition to the honorable Senator's profound and ingenious reasonings; and if I fail to state sound and substantial grounds for doing so, I shall incur the risk of being misunderstood by the whole country.

I understand the Senator from South Carolina to oppose the measure under consideration, on the ground that no additional troops are necessary for the attainment of any legitimate object, or for any object heretofore avowed by the Executive. He argues that the conquest of the interior regions of Mexico has advanced so far, that, if the troops now there are not speedily withdrawn to what he calls a defensive line, we will incur the hazard of annihilating the nationality of Mexico, and of thus failing to obtain a treaty of peace at all, for want of a valid Government with which to conduct our future negotiations. Mr. President, I will not undertake to decide whether or not the Senator from South Carolina be right in supposing that Mexico is in such imminent danger of losing her nationality. This may or may not be the case. It is certain that those who are best acquainted with the precise condition of things in Mexico think otherwise. The President still continues to avow his warm desire and confident expectation that a treaty will yet be effected with the Mexican Government, which will be at the same time honorable to us and neither unjust nor ungenerous to our obstinate adversary; and such is my respect for his wisdom and thorough sincerity of heart, that I do not feel at liberty to refuse him any aid which I am capable of rendering for the eventual attainment of this long-sought object. General Scott, too, seems still to calculate upon an early pacification, and has just announced a most imposing, and as I think, most judicious plan, for bringing it about; and I have too high an esteem for him, also, both as a commander and a patriot, not to feel a most decided deference for his judgment about this matter. *Cui libet credendum est in sua arte,* is as much a maxim in military affairs as in the concerns of civil life; and I freely acknowledge that the Commander-in-chief in Mexico, with his extensive experience as an officer, and his familiar acquaintance with the resources, devices, and present temper of the foe, is to be presumed to enjoy a peculiarly favorable opportunity of determining whether or not we will be at all likely to succeed in ultimately conquering a peace; and so long as he seems to testify a generous confidence in his being able eventually to accomplish that for which we have been so long struggling, I should as soon do anything else which might be calculated to put the honor of the country in danger as refuse to vote him supplies of men and money to any extent which may be judged necessary to the complete and early success of his military operations. I can never consent, for one, to withdraw our army to any merely defensive line, so long as any hope of obtaining a treaty of peace may remain; nor will I consent to do so, so long as there may be a chance of practical pacification, of a nature to be relied on, independent of treaty, provided a treaty turn out to be unattainable. I cannot perceive any possible advantage which would be likely to accrue from the adoption of a defensive line; but, on the contrary, I behold manifold evils and inconveniences, too obvious in themselves, and too often insisted upon heretofore, in different forms to need any special citation at this time. This defensive-line project seems to be with the distinguished Senator from South Carolina, a perfect panacea for all the troubles of this Mexican war, in whatever stage of it we may be. Last winter, when General Taylor had only penetrated the States in the neighborhood of the Rio Grande, a withdrawal to a defensive line was earnestly recommended. Now we have attacked and captured the strong castle of San Juan de Ulua, taken Vera Cruz, Jalapa, Perote, Puebla, and Mexico, and are proceeding rapidly to seize all the remaining strong places, to possess ourselves of the public revenues, put down guerrilla warfare, and seduce the enemy to such straits as must infallibly render him in a short time altogether hopeless of being able to make further resistance; and the Senator from South Carolina, with a consistency which seems to bid proud defiance to everything like change of circumstances, is heard to exclaim, still more emphatically than before, "Why do you not fall back to my defensive line?" with this notable alteration, which the events of the last twelve months have been able alone to effect, that the honorable Senator does not find it convenient to tell us now where this same defensive line of his should run; and he proposes, therefore, to convoke a council of officers to settle this important point. A strange council this would be, by the by; as it would be composed necessarily of gentlemen, all of whom would infallibly and very promptly declare their opinion to be, that nothing on earth could be imagined more injudicious or perilous than the adoption of any defensive line whatsoever. I hope not to exhibit the appearance of dogmatism on this point; but, after the most diligent inquiries which I was capable of instituting, I feel authorized to assert my belief, that it would be exceedingly difficult, if it would not be impossible, to find in the whole army a single officer of respectably high grade, who would risk his reputation as a military man so far as to give sanction to the adoption of the defensive line policy recommended by the honorable Senator. But, says the Senator from South Carolina, if you remain in the central portions of Mexico much longer, and especially if you increase the strength of your army there, you will break down the Central Government, and destroy the last vestiges of nationality. As I before observed, this may be so, or it may not be so; but no matter what may be the precise effect of remaining in Mexico, in regard to our own municipal condition, I am of opinion, that as we marched into the country in order to achieve indemnity for the past, and security for the future, we never can honorably withdraw our troops until we obtain them both in the most unequivocal manner. And though it is true, as urged by a Senator on the other side of the Chamber, that we went to war for free trade and sailors' rights in 1812, and came out of it in 1815, without having secured either; notwithstanding, the delay of a few months, as we now know, through the instrumentality of the battle of New Orleans, would have given us all for which we assumed hostilities; yet I can see no sufficient reason in this melancholy example of national discredit, which should induce us now to yield to the triple counsels of the yet surviving sages who negotiated the treaty of Ghent, and who are at present so happily agreed in the policy of getting out of this war with Mexico by a resignation of all the objects for which it has been heretofore prosecuted; so far even as to strike down our national flag again without further ceremony, and confess, by implication at least, that we went to war unjustifiably, and have spilled blood and wasted treasure without even the appearance of decent pretence, much less of full justification.

The Senator from South Carolina thinks, though, that our remaining in Mexico may, by putting an end to Mexican nationality, effectually prevent our reception of indemnity and security, through the medium of a treaty of peace; inasmuch, as though one nation may make war, it requires two to make a peace. Here I differ with him again; it requires two to agree upon a peace by treaty; but whether we get a treaty by remaining in Mexico or not, we are certain, at any rate, of obtaining a practical pacification, accompanied with all we have demanded, and perchance more, whether Mexico shall have intermediately lost her nationality by our failure to retreat to a defensive line at a great distance from her capital, or shall have retained it.

The venerable Senator from South Carolina will permit me to remind him of the fact, that he was opposed to the invasion of Mexico last winter, at the point of Vera Cruz, in part at least, because he deemed the Castle of San Juan de Ulua impregnable, and not alone from a fear of destroying Mexican nationality; and this excessive fear as to the extent of injury which our inveterate enemy may happen to receive at our hands, I consider one of the most remarkable events in this age of misdirected philanthropy and "idle and masterly inactivity." Let me recur to the pages of classical history for a moment. Livy informs us, that when Scipio Africanus proposed to the Roman Senate to enter upon his scheme of invading Africa, the aged Fabius Maximus, always a remarkably cautious man, and in whom we may well suppose that the effluxion of years had greatly cooled the fervor and diminished the hopefulness of earlier days, opposed the scheme most stoutly, and even inveighed against Scipio as a rash, visionary, ambitious young man, who was willing to expose his country to unnecessary peril, in order to gratify his morbid and eager cravings after military fame. The noble old Roman—for still Roman he was, despite his fondness for "idle and masterly inactivity," in attempting to counteract the scheme of invasion—spoke of "the enormous 'expense of the undertaking; not a single harbor 'open to our fleet; no part of the country at peace 'with us; no state our ally; no king our friend; 'no room anywhere, either to stand or advance." Well, Fabius failed in his attempt to defeat the African expedition, as a greater than Fabius did last winter, in regard to the expedition to the coast of Mexico, whose complete success is now one of the most glorious pages of our history as a nation. Scipio sojourned for a few months in Sicily, as General Scott did at the island of Lobos last year; and finally landed on the African coast and strided rapidly from victory to victory, overturning in his impetuous course several large armies under Syphax and Hasdrubal; and finally prepared to strike a fatal blow at the vitals of Carthaginian nationality. Now, what would have been the surprise of his own country, and the regret of all posterity, had Fabius Maximus, in this moment of exultation and hope, exclaimed in the Roman Senate-house, as we have heard in this debate, that he always had thought this expedition would end in

misfortune, and that now it must be apparent to all, since Carthage was actually about to lose her nationality, and would be therefore unable to appoint commissioners after awhile to make a treaty of peace? This melancholy page in Roman annals has not descended to us; and the war with Carthage was ultimately closed on terms that the Romans themselves, so far as I have heard or believe, never complained of. There was no talk in the Roman Senate such as we have had here now, that to deprive Carthage of any portion of her territory, by way of indemnity, would be as bad as highway robbery, and that a treaty of peace even for that purpose would be a mere nullity, on account of its having been extorted by force; as more than one of the profound jurists on the other side of the Chamber have not hesitated to avow.

But the Senator from South Carolina takes what he calls "higher ground," and urges that if Mexican nationality be extinguished, we shall be forced in the end, either to fall back to his defensive line, or to do what he supposes to be much worse, either to incorporate all Mexico within our limits, or establish a provincial government there. I take issue with the Senator at once as to both these alternatives. I deny that, in the case he has stated, if it ever should occur, we should be forced either to *incorporate* Mexico and her whole people, Indians, negroes, half-breeds, and all, in the sense in which the Senator from South Carolina uses that term, or that we should be compelled to treat her as a *province*, in the Roman sense of that term; or that, not doing either of these things, we then should be compelled to fall back to a defensive line. I will discuss these points more fully after a while; but I desire, at first with great and heartfelt deference to the Senator's excellent memory, to set him right, if I can, in regard to certain points of Roman history, a correct understanding of which is, perhaps, material to this branch of the controversy. The following paragraphs of the honorable Senator's speech contain the errors which I suppose him to have committed:

"What is the object of a vigorous prosecution of the war? How can it be successful? I can see but one way of making it so, and that is by suppressing all resistance on the part of Mexico, overpowering and dispersing her army, and utterly overthrowing her Government. But if that should be done—if a vigorous prosecution of the war should lead to that result, how are we to obtain an honorable peace? With whom shall we treat for indemnity for the past and security for the future? War may be made by one party, but it requires two to make peace. If all authority is overthrown in Mexico, where will be the power of entering into negotiation and make peace? Our very success would defeat the possibility of making peace?

"In that case the war would not end in peace, but in conquest; not in negotiation, but in subjugation; and defeat, I repeat, the very object you aim to accomplish, and accomplish that which you disavow to be your intention, by destroying the separate existence of Mexico, overthrowing her nationality, and blotting out her name from the list of nations, instead of leaving her a free Republic, which the President has so earnestly expressed his desire to do.

* * * * * * *

"The President is right. If the vigorous prosecution of the war should be successful, and the contingency on which he expects to make a treaty fails, there will be no retreat. Every argument against calling back the army and taking a defensive line will have double force, after having spent sixty millions of dollars, and acquired the possession of the whole of Mexico, and the interests in favor of keeping possession would be much more powerful then than now. The army itself will be larger; those who live by the war, the numerous contractors, the merchants, the sutlers, the speculators in land and mines, and all who are profiting directly or indirectly by its prosecution, will be adverse to retiring, and will swell the cry of holding on to our conquests. They constitute an immense body of vast influence, who are growing rich by what is impoverishing the rest of the country.

* * * * * * *

"That it would be contrary to the genius and character of our Government, and subversive of our free popular institutions, to hold Mexico as a subject province, is a proposition too clear for argument before a body so enlightened as the Senate. * * * * * * *

"Let it not be said that Great Britain is an example to the contrary; that she holds provinces of vast extent and population, without materially impairing the liberty of the subject, or of exposing the Government to violence, anarchy, confusion, or corruption. It is so. But it must be attributed to the peculiar character of her Government. Of all governments that ever existed, of a free character, the British far transcends them all in one particular, and that is, its capacity to bear patronage without the evils usually incident to it. She can bear more, in proportion to population and wealth, than any government of that character that ever existed. I might even go further, and assert than despotism itself in its most absolute form. I will not undertake to explain why it is so. It will take me further from the course which I have prescribed for myself than I desire; but I will say, in a few words, that it results from the fact that her Executive and the House of Lords, (the conservative branches of her Government,) are both hereditary, while the other House of Parliament has a popular character. The Roman government exceeded the British in its capacity for conquest. No government ever did exist, and none probably ever will, which, in that particular, equalled it; but its capacity to hold conquered provinces in subjection was as nothing compared to that of Great Britain; and hence, when the Roman power passed beyond the limits of Italy, crossed the Adriatic, the Mediterranean, and the Alps, liberty fell prostrate; the Roman people became a rabble; corruption penetrated every department of the government; violence and anarchy ruled the day, and military despotism closed the scene. Now, on the contrary, we see England, with subject provinces of vastly greater territorial extent, and probably of not inferior population, (I have not compared them;) we see her, I repeat, going on without the personal liberty of the subject being materially impaired, or the government subject to violence or anarchy!"

Now, I shall not here stop to discuss the meaning of the term province. It is obvious that the Senator's view of the matter is, that the extension of territorial dominion by Rome had the effect of prostrating her liberties. I confess I never met with this opinion before. It is certainly not in Gibbon, or Niebuhr, nor do I think it can be found in the pages of any other philosophic historian who has written of that wonderful people. On the contrary, the freedom of Rome commenced with territorial conquests, grew and strengthened continually with further conquests, and never became very seriously impaired, until the god Terminus began to think of receding. "But though Terminus," says Gibbon, "had resisted the majesty of Jupiter, he submitted to the authority of the emperor Hadrian." The first emperor of Rome for the first time announced the no-territory policy to Roman ears; and accordingly, the same illustrious historian just quoted, says "the principal conquests of the Romans were achieved under the republic; and the emperors, for the most part, were satisfied with preserving those dominions which had been acquired by the policy of the Senate, the active emulation of the consuls, and the martial enthusiasm of the people. The seven first centuries were filled with a rapid succession of triumphs, but it was reserved for Augustus to relinquish the ambitious design of conquering the whole earth, and to introduce a spirit of moderation into his councils."

The Senator from South Carolina was pleased to designate a period in Roman history as the commencement of the ruin of free institutions nearly four hundred years anterior to the age of the Antonines, selected by Mr. Gibbon as the beginning of the decline and fall of Roman power. He says: "As soon as the Roman power passed from Italy beyond the Adriatic on the one side, and the Alps on the other, and the Mediterranean, their liberty fell prostrate." Well, if the Senator is correct in this statement, Roman liberty perished before the five hundred and fiftieth year from the building of the city, and nearly two hundred years before the reign of Augustus; as Illyricum, beyond the Adriatic, was certainly subdued as early as the year five hundred and fifteen, *ab urbe condita;* Spain was conquered by Scipio in the year five hundred and forty-seven of the same era; and the Macedonian kingdom was overthrown, and all Greece delivered from the tyranny of Nabis about ten years later. To recognize Roman liberty as having been prostrated thus early, would be to take away from the honor of free institutions more than I am willing to do, and would inevitably cast a multitude of great names, heretofore associated with the career of Roman liberty, into a dim and dusky eclipse, which would be seriously dispiriting to the champions of freedom throughout the world.

The truth is, sir, that there never was a year when Rome was free that she was not advancing rapidly along the pathways of territorial conquest. Let me cursorily mention a few names of conquered and annexed peoples, who had fallen before the Roman power anterior to the period of prostration specified by the Senator from South Carolina; commencing with the Albans, we have, then, the Latines, the Sabines, the Fidenatians, the Faliscians, the Venetians, the Prenestines, the Campanians, the Samnites, the Hernicians, the Tiburtians, the Privernians, the Apulians, the Etruscans, the Umbrians, the Marcians, the Pelignians, the Equans, the Volsinians, the Lucanians, the Tarentines, the Bruttians, the Sallentines, the States of Sicily, Carthage, Spain, Sardinia, Corsica, the Ligurians, &c., &c., &c. How wonderful it must seem to the Senator from South Carolina, that Roman liberty was not prostrated much earlier, even than the date of its extinction which he has specified!

But I will not pursue this topic further; and, indeed, should not have discussed it at all, but for the apprehension which I felt, that the powerful argument of the honorable Senator from South Carolina on this point, being wholly unanswered, might have an effect upon the public mind more or less detrimental in its character.

If the Senator had ascribed the prostration of Roman liberty to her badly-balanced frame of government, into which "the most incongruous and antagonizing elements had found entrance, and maintained unceasing discord;" to her defective system of jurisprudence, which, until the days of Justinian, was confessedly one of the most imperfect ever known; to her want of the representative and confederative principles of government; to her want of trial by jury, and her want of the means of rapidly communicating intelligence from place to place of her extended empire; and had ended with asserting that corruption, the means of perpetrating which, had been supplied to some extent by a system of robbery and confiscation in foreign and remote regions, which is impossible in this country under our Constitution, had aided in this sad work, I should have concurred with him most heartily. But to give all these considerations the go-by, and ascribe the downfall of Roman freedom to a single cause, and that not the true one, strikes me to be hardly as practical as to settle the matter summarily, by repeating the language of poetry, and saying, with Byron—

"The Goth, the Christian, Time, War, Flood, and Fire,
Have dealt upon the seven-hilled City's pride;
She saw her glories, star by star, expire,
And up the steep, barbarian monarchs ride,
Where her car climed the Capitol."

But let us advance a little further in examination of the honorable Senator's view of the dangers likely to arise to our institutions from the incorporation or provincialization of Mexico; one of which he says we will have to do in a short time, if we do not come over to his defensive line theory. The complete denationalization of Mexico, he says, will bring us to the necessity of choice between these alternatives.

Admitting the denationalization of Mexico to be at hand, then I contend, that without falling back to a defensive line, and without establishing a provincial government, or the incorporation of her people, in their present condition at least, measures could yet be taken, without varying at all from the policy necessary to be pursued in order to ensure a vigorous prosecution of the war, and, indeed, in pursuance of the military occupation policy now promulged by General Scott, that would inevitably lead to the gradual civilization and Americanization of Mexico, and, possibly, her eventual annexation to the Confederacy, when qualified for this honor. I am proposing nothing for present adoption; it would be presumptious in me to do so. The views which I am about to express are my own, and may be, for aught I know, in their entirety, confined to myself; nor is any other person, official or unofficial, at all responsible therefor. Though I am happy to believe, that they will be generally concurred in by those whom I represent here, and in the main, judging from their published views, by two distinguished citizens of my own State, whose high reputation for abilities, for moral worth, and profound acquaintance with this particular subject, will secure, for any opinions which they may be known to approve, the utmost respect from their countrymen. I allude to the late Governor of Mexico, General Quitman, and another personage, whose name, for certain delicate public reasons, I may not mention here, but who was once my predecessor on this floor, and has since associated himself in deathless connection with the great principles of free trade, and who may well be recognized as the Cobden and Mansfield combined, of this Western World.

Thus premising, I proceed to declare, that if hereafter driven, by stress of circumstances, such as have been anticipated by the Senator from South Carolina, to despair altogether of the effectuation of a treaty with Mexico, and we should be forced to keep possession of the country, in spite of our willingness to surrender it to its own present inhabitants on fair and honorable terms, why, even then, I should not unite with the Senator from South Carolina in the sentiments of profound hopelessness, to which he has given such eloquent expression in our midst; but should endeavor to educe as much good as practicable from what might be considered by many as only unmixed evil.

And upon some such plan as I will proceed now

to suggest, I should hope still further to provide for the happiness and glory of our own country, and the ultimate diffusion and perpetuity of the great principles of civil and religious liberty. And,

1. After such a temporary occupancy of Mexico by our armies, as is now taking place, I would gradually prepare the country, State after State of it, for the reëstablishment of civil government, taking care, in due season, to introduce our invaluable territorial system—that noble nursery of State sovereignties—and to intrust the inhabitants of each territory, as soon as it might be deemed entirely safe to do so, with the indispensable power of self-government.

2. Whilst a temporary military occupation of Mexico might be deemed necessary, I would station detachments of troops at three prominent points in the interior—Orizaba, Mexico, and San Luis Potosi—with a view of giving protection to the three commercial points of Alvarado, Vera Cruz, and Tampico; thus securing the mining districts from encroachment from any quarter, and establishing peace and perfect social order throughout the whole extent of the region thus occupied.

3. The next step which would be advisable would be the introduction of our system of import duties, bringing with it the blessings of free trade to Mexico, for the first time, and all their civilizing and Americanizing influence. By this means, the commercial monopoly heretofore enjoyed by Great Britain would cease forever; our valuable agricultural and manufacturing products heretofore, to a great extent, prohibited, would find ready entrance into the country, and be seen to float quietly along all the channels of domestic trade; the beneficial effect of which, in a moral point of view, will be easily inferred by those who have given their attention, heretofore, to such considerations, and which will be found beautifully and powerfully illustrated by one of the most distinguished writers of the present day, in a speech delivered in the great city of Manchester, in the month of November last, an extract from which I beg leave to submit. Mr. Alison, the historian, on taking the chair at the Athenæum soirée, in Free Trade Hall, on the occasion referred to, after a few introductory remarks, thus expressed himself:

[Here Mr. FOOTE read from Mr. Alison's speech a considerable extract, and continued thus:]

4. *Our system of land laws.* There is ascertained to be an immense body of valuable public land in Mexico, heretofore unappropriated, there being, as I am assured, from twenty-five to thirty millions of acres of the richest lands in the world yet unoccupied in the State of Vera Cruz, and a proportionate quantity in most of the States which have not yet become densely peopled. By bestowing farms of moderate extent upon actual settlers, the whole country would soon become occupied by a population equal to any under the sun, in all that is necessary to good government and high social advancement.

5. There are resources in Mexico not necessary to be particularly specified, which might be conveniently and legitimately applied, after paying the present national debt, to general education purposes.

6. Religious toleration, heretofore prohibited, would now prevail, and every man be allowed to worship God according to his own conscience.

7. Our system of trial by jury would be sure very early to commend itself to respect and adoption.

8. These and other regulations which will occur to all astute minds at once, without suggestion, cannot but work wondrous effects in the next five or ten years. Eight years ago, he who is now speaking used the following language:

"Surely it would not have required a large amount of prophetic sagacity, fifty years ago, to have predicted, that if ever a struggle should occur between the Anglo-American population of North America, or rather of the United States, and that enervated and mongrel race, who have been described in the preceding chapters of this work, precisely such results as have taken place in Texas, in the progress of the war carried on there for independence and liberty, would be seen to arise. The mind of one who would not have anticipated such results, could not have formed any acquaintance with the brightest pages of ancient historic lore; nor have read, with soul on fire, of the imperishable glories of Marathon, and Platæa, and Salamis. Perhaps as little astuteness is necessary now to foresee that the period is not far remote, when Anglo-American heroes, and statesmen, and moralists—the descendants of those British colonists of whom we have just been reading, whose early settlements only dotted, here and there, for a few miles, the bleak and barren Atlantic coast of North America—will be seen, with the consent of good men and true of all nations, to bear 'forward and aloft, over the land and over the sea,' that very banner of moral regeneration spoken of in the first page of this work, until even 'amidst the murmurs of the Pacific sea,' and over the beautiful plains and valleys of eastern Mexico a voice shall be heard saying, *'There is no God but the God of truth, and justice, and brotherly kindness; and his favorites are the spreaders of knowledge, and the heroic yet merciful chastisers of wicked men and nations.'*"

The scenes herein described have been, in part at least, realized; and they are destined to be still more fully realized, if we shall dare to do our duty, regardless of illiberal cavils and factious opposition.

In answer to the objections of the Senator from South Carolina, it has become necessary to take a short view of the character of the population at present in Mexico. There are said to be now about seven millions of people; their number having rather diminished than increased in the last ten years. Of these about four millions are, as they have been described by the Senator from South Carolina, Indians—who, though gentle in their manners, docile, obedient, orderly, and industrious in their habits, are yet nothing more than Indians in their capacity for exercising political rights. They live together in towns and villages, have property in common, and enforce their former tribal usages, except so far as they may be restrained by special law. They are cultivators of the soil exclusively, and constitute no part of the population of Mexico subject to do military service. They have not enjoyed political rights; in other words, they have not voted at elections since 1833. Nor are they desirous of being allowed to do so. Whatever they may become in future, under judicious and humane regulations, such as we have applied to our Chickasaw, Choctaw, and Cherokee Indians, remains to be seen. In the present state of things, though, no man of sound practical intellect, I suppose would think of intrusting them with all the rights of American citizenship. An experiment of this kind formerly tried in Mexico is known to have been a total failure.

Three millions remain to be disposed of. Of these the military aristocracy, the twenty-two thousand office-holders, and their servile dependants, constitute perhaps a body of two hundred thousand. These, with a portion of the priesthood, and their dependants and servitors, are known as the aristocratic party.

The peons, or *villeins appendant*, as they may be called, are a mixed race, slaves in the most unfavorable sense of the word, and transferable with the soil which they till. They are said to number about seven or eight hundred thousand souls, and constitute the chief resource of the military aristocracy for recruiting their armies.

The negroes are too inconsiderable in point of numbers or influence to be entitled to any serious regard in this view of the Mexican people.

The remainder, in number more than two millions, are the puros or democrats of Mexico, the friends of republican institutions, always friendly to our people and government, and especially so in this war, as is provable by much and satisfactory evidence; far more friendly with us certainly than to their cruel oppressors, the military tyrants. The puros are the bone and sinew of the country, the most intelligent, virtuous, and orderly people in Mexico. They recognize us, and justly, as their deliverers, and are full of apprehension at the prospect of our surrendering them again to the cruel oppression from which they stand now released.

As the retention of Mexico by the United States, should we be forced to retain it, is objected to by some on the ground of the enormous expense likely to be attendant upon our doing so, I will here submit a few facts calculated to allay all fear on this point.

1st. It is estimated by our Secretary of the Treasury, in his annual report, that the domestic commerce between the States of this Confederacy amounts annually to the sum of $500,000,000. Upon the basis supplied by this estimate, when a general free-trade intercourse shall have been once established between the States of this Union and Mexico, this new branch of domestic trade would amount to $166,000,000. Of which, if we suppose the trade to Mexico to be $33,000,000, we have an increase of more than $32,000,000 complete. Under the control of British councils, and by the instrumentality of prohibitory and peculiar duties, many of our most valuable staples—such as flour, tobacco, manufactures of cotton, &c., have been heretofore excluded. This would be no longer the case were Mexico part of the Union.

2d. For our produce and manufactures, we should receive from Mexico—1. Their great staple exports, gold and silver. 2. Their other mineral products, derivable from mines almost wholly untouched, consisting of quicksilver, copper, and tin. 3. Their valuable woods, consisting of mahogany, &c. 4. Cochineal, logwood, and other dye-stuffs. 5. Coffee, cocoa, and wine, of a flavor equal almost to any in Europe. 6. Hides. 7. Tobacco, equal to the best Cuba tobacco. 8. Silk, of which there is a considerable quantity manufactured at present; and, under the fostering protection of free institutions, the quantity could not but be greatly enhanced in a short period of time. 9. Sugar, to the raising of which the greater part of Mexico is admirably adapted in point of soil and climate; and it is a fact, (not a little remarkable it is, too,) that though the State of Vera Cruz possesses native resources, as a planting region, but little inferior to the island of Cuba itself, until the landing of our army under General Scott, there was no loaf sugar to be found in the vicinage of the city of Vera Cruz, except what was most inconveniently and expensively brought there on the backs of mules, from the Pacific slope, a distance of four hundred miles.

3d. The quicksilver mines of Mexico have not been regularly worked; but enough is known of them to authorize the opinion that they are greatly the most valuable which have ever been discovered. The article of quicksilver, in consequence of its having been, to a great extent, monopolized by the Rothschilds, has lately reached a price in market which may well be deemed enormous. The opening of the mines of quicksilver under our supervision and direction would at once cheapen the article everywhere. The value of quicksilver as an *amalgam*, so indispensable as such in mining operations, is too well known to justify extended remark on this head.

4th. I feel bound to add, that without the Isthmus of Tehuantepec, which can never be fully and availably under our control, except as an incident to the annexation of Mexico low enough down to embrace it, we can hardly calculate upon retaining the permanent possession either of California or Oregon. The difficulty of reaching any place on the Pacific coast from the densely-settled portions of the United States, and the immense consumption of time now unavoidable in performing such a journey, seem to make it more than probable, as one sagacious and profound statesman of New England has already predicted as to Oregon, that at no distant day, if no canal or railway across the isthmus shall ever be effected, an independent State or States will be likely to spring up on the Pacific, which will claim and hold all the territory rightfully belonging to us in that part of the world. With the isthmus and a canal across it; all danger on this score would be effectually obviated. With the isthmus and a convenient commercial communication between the two great oceans, this Republic will at once become the greatest commercial nation in the world.

5th. Lastly. If we fall back to a defensive line, the military aristocrats will reorganize under the protection of Great Britain, or some other foreign Government, and then we shall have a war on our hands which will be interminable. The fact that Great Britain has long struggled to control the destinies of Mexico—that she is known to be quite jealous of our present prospects in that country—that Lord Palmerston has recently, in Parliament, thrown out very distinct intimations of a disposition to seize upon the whole of Mexico, as indemnity for certain debts due to British subjects—together with the striking fact that the British Government is known to be already in possession of the pass of Nicaragua, should solemnly admonish us not to withdraw our troops and evacuate the country too lightly, nor, in the emphatic language of the day, without having obtained complete indemnity for the past, and entire security for the future; by which I understand full indemnity in money or territory, and full security for ourselves and our posterity. I am satisfied, sir, for the present, with having presented this hypothetical view of the compensating advantages likely to arise from the annexation of Mexico, in case the obstinacy of that nation, encouraged as she has been

from this country to continue the struggle of arms, should finally constrain us to take possession of all the country, and hold it forever.

Mr. FOOTE having concluded his remarks—

On motion of Mr. CLARKE,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 21, 1848.

The Journal of yesterday was read and approved.

Mr. JAMIESON rose, as soon as the Journal had been read, and desired permission to make a personal explanation. There being no objection, he proceeded to say that there were some errors in the report of his remarks, made on Wednesday last, as published in the National Intelligencer of yesterday morning, which he desired to correct. The reports in the Intelligencer were generally very correct, and, in the main, the report of his own remarks was correct, except in a few particulars. In the first place, the name of "Adams" was used in the first and eighth lines of the sixth paragraph, first column, instead of "Madison." In the ninth paragraph were these words: "We received her as we did all the other States, according to their own defined limits, they being the only authority that can control that matter, but subject to the action of the treaty power." This sentence alludes to Texas, and he certainly did not wish to be understood as saying that Congress could have no hand in fixing the limits of a State when she applies to be admitted into this Union. But when she has been admitted, Congress has no further control over her limits. That distinction he wished to make. Before admission, Congress may exercise its influence in fixing the limits of a State about to come in; but, when once in, Congress has no power over them.

In the second column, the name of "Herrera" is sometimes used for "Paredes," which might lead to some confusion. He wished to be understood to say that Paredes overturned the Government of Herrera for having consented to receive a minister from the Government of the United States.

In another part of the speech, the word "day" was used instead of the word "dead," in the sentence giving a translation of the word *jornada*, which has been defined to be "the journey of the dead." When he wrote out his speech he might make some other changes in the report, of which, however, he would say that it was more accurately given than he could have anticipated.

PRIVATE BUSINESS.

Mr. ROCKWELL, of Connecticut, moved a resolution terminating debate in committee on the bill for the relief of Mary Brown, widow of Jacob Brown.

Mr. HOLMES, of South Carolina, suggested an amendment to the resolution, which was ruled out of order.

After some remarks by Mr. STEPHENS as to the resolution being in order at this time, and objecting to its reception,

The SPEAKER ruled the resolution out of order.

The bill of the Senate, for the relief of Milledge Galphin, executor of George Galphin, deceased, was taken up, read, and referred to the Committee on the Judiciary.

The Senate bill for the relief of Thomas Talbot and others was taken up, read, and referred to the Committee on Indian Affairs.

The bill for the relief of Robert Roberts, reported to the House by the Committee of the Whole on Friday last, was taken up; and, after some remarks by Mr. DANIEL, Mr. ROCKWELL of Connecticut, and Mr. THOMAS,

Mr. THOMAS moved to strike out that part of the bill allowing interest.

After some further debate by Messrs. ROCKWELL of Connecticut, MULLIN, DANIEL, POLLOCK, and SIMS,

Mr. DANIEL moved to recommit the bill to the Committee of Claims, with instructions "to indicate the fund out of which the claim shall be paid." Agreed to.

The bill for the relief of Phineas Capen, legal administrator of John Cox, deceased, of Boston, was next taken up, and ordered to be engrossed, read the third time, passed, and returned to the Senate.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole on private bills, (Mr. SCHENCK in the chair.)

The bill first in order was the bill for the relief of Mary Brown, widow of Jacob Brown, to which amendments were pending when the Committee of the Whole were last in session.

Mr. BOWLIN said he had heretofore offered an amendment, to obviate the constant struggle which had been sustained in this House against the principle under which the Government had sought to pension the widows of the soldiers of the Revolution. There was a principle involved in that rule, and the abandonment of the rule was the abandonment of the principle. The principle was, that no pension should be allowed to any widow who did not live in the time of the Revolution. The year 1794 was therefore fixed as the limitation; so that no marriage since that year could entitle the widow to a pension. It was considered that no lady would be likely to marry under twelve years of age; and therefore every woman married previous to this period must have lived through the trying times of the Revolution. If this bill pass, therefore, it should carry on its face the reason for extending the law to the present case in the terms of his amendment—namely, that she was born before the close of the Revolution, and did live within that trying period—thus bringing within the equity of the principle the existing law. But if you pass the bill without such an amendment, you establish a precedent allowing a pension to the widow of a revolutionary soldier who was not married till the year 1813; and if the claim be allowed without qualification in one instance, it cannot be refused in any.

Mr. STUART, of Michigan, was in favor of reporting the whole subject back to the House, without further action in committee, and proceeded to speak on the merits of the case. The amendment of the gentleman from Missouri [Mr. BOWLIN] was based, not on the fact of her marriage, but on the fact that she was born and lived during the period of the Revolution.

Mr. BOWLIN here interposed and explained his amendment.

Mr. STUART resumed. He understood the gentleman's reasoning in favor of his amendment, and only wished to show its fallacy. If Congress pensioned widows at all, it was done on account of the services of their husbands. It was of no consequence when the widow was born. The consideration on the part of the Government was this: because your husband afforded signal service in the war of the Revolution, we will aid you in sustaining yourself. That was the consideration, and not because of her birth during the Revolution, or before it, was she entitled to a pension, but because her husband was a soldier. In this was the equity of the case. It was of no consequence (he said) whether she had lived through the revolutionary struggle, or whether, from necessity or choice, she had not married until after the year 1794. He was opposed to the passage of the bill, not because he was opposed to its principle, for he was in favor of that, in all its length and breadth. Under the present law, there were but about five thousand pensioners; and it would not increase the list much if we were to pension the widow of every revolutionary soldier. If we were even to double the number, it would not cause any very startling expenditure of money. The danger was not in paying these soldiers too much, or doing too much for their widows. He could not, in the present case, admit the claim of this lady on the score of her relationship to Major Jacob Brown; for, by the time of the end of the present war, many cases of this character would come up; and he doubted not, if they could be all looked up at this time, they would amount to as many as two thousand cases. If this case was peculiar on this score, he must confess he could not see it. He could easily perceive why it should add to the reputation of this lady, and entitle her to the consideration of the country. This whole case, he contended, was only one among a thousand reasons why a general law on this subject should be passed. But it had been urged that to pension every widow of revolutionary soldiers would cost too much. Mr. S. deprecated this argument in strong terms. Let it be once understood that they would not take care of their widows, and he would warn the House that volunteers would no more come into the service.

In conclusion, Mr. S. said he made these remarks to justify himself in voting against the resolution, whether amended or not. He should do so, as he had before said, with the hope of getting up a general law upon this subject; and if it were not for this expectation, he would vote for every individual claim of this class that might be presented. He moved that the committee rise and report the whole subject to the House, with a recommendation that it be referred to the Committee on Revolutionary Pensions, with instructions to report a general bill.

Mr. ATKINSON said it might be that he was not so keenly alive to the principles of justice and sympathy as other men. He did not believe that this House had the right to dispose of money belonging to the people by conferring it on any object which, in their opinion, may be deserving of the national sympathy and compassion. The powers of Congress were strictly defined. They must act on the principle of law, and not upon the principle of sympathy or their own ideas of justice; because that which would excite the sympathy of one man might excite the ridicule of another, and the contrary. He would go as far as any to support the widows of revolutionary soldiers, but must protest against Congress putting its hand in the public purse out of sympathy merely. Mr. A. considered that the various reasons given by gentlemen for their support of this bill, in themselves furnished argument against the principle involved in this special legislation.

After further debate upon the merits of the case by Messrs. D. P. KING, DICKINSON, JOHNSON of Arkansas, and ROCKWELL of Massachusetts—

Mr. BOYDON, in support of the bill, remarked that he was at first a little surprised at the observations of some of the gentlemen upon the other side of the House, and particularly those of the gentleman from Virginia, who had taken occasion to read us a lecture upon the danger of trusting our sympathies, or even the principles of justice, unless we had rules prescribed to us by which we were governed in administering it. The gentleman had taken occasion to go into a long discussion of our pension laws, and seemed to be greatly alarmed at the idea of voting a small pension to the poor widow, whose only prop and stay in her declining years had fallen, through this Mexican war, in fighting the battles of the country. From the great solicitude of the gentleman for the safety of the treasury, he hoped that the gentleman from Virginia would manifest this degree of solicitude when we were called upon (as we shortly should be) to vote fifty thousand more men and some fifty millions of dollars to carry on this war of conquest of Mexico. For his (Mr. B.'s) part, he thought that, both as a matter of conscience and in a pecuniary point of view, it was much better to vote a few thousand dollars for the support of the widows and families of those brave men who had already fallen in battle, than to vote fifty thousand men and fifty millions of money to conquer the sister Republic of Mexico, and to make thousands more widows and orphans, who would eventually be supported out of the national treasury. Mr. B. was about to state his views as to the course he intended to pursue in relation to the families of those who had fallen in this Mexican war, when—

Mr. ATKINSON, (interposing,) said, that whenever the time should come, he would be found ready and willing to support the defenders of our rights and liberties. He would take the liberty of calling upon Whigs to support their consistency by refusing men and means to carry on a war which they had denominated, by a solemn vote, unnecessary and unconstitutional; which damnable act would ever follow them with odium. As for himself, he voted for the war, and gloried in it. All he asked of gentlemen was for them to stand up and refuse now to vote men and means to carry on the war, and they would be damned in the estimation of the people.

Mr. BOYDON remarked that as it suited the gentleman to put questions, he would propound one to the gentleman. Reminding the gentleman of the present state of the treasury, he desired to know of the gentleman from Virginia whether he would come up to the point directly to borrow money, and likewise to levy a direct tax upon the people of the United States to repay this borrowed money. Or did he intend to vote for treasury notes, to pay the hard earnings of our soldiers in what the Democratic party have been in the habit

of denominating rag-money? He should like to hear the gentleman upon these questions.

Mr. ATKINSON replied: I will tell the gentleman, that whatever may be necessary for the defence of the rights and honor of the country, I am willing to lay a tax, either directly or indirectly, on all the property in the United States. He would tell any gentleman that he would do anything for the preservation of the honor of his country. These (said Mr. A.) are my views. All that astonishes me is, that men will declare the war unjust, and yet vote means to support it.

Mr. BOYDON resumed. Oh! yes; here is Democratic consistency and economy for you! When the national treasury was almost exhausted, when the specie was flowing out at both ends, and nothing to supply its place but treasury notes, the gentleman would vote any number of men and any amount of money to overrun and conquer all Mexico. Yes, when her army had been destroyed—nay, totally annihilated, by some fifteen thousand American soldiers, (and a braver and more gallant body of men never entered a battle-field,) and when our forces since the annihilation of the Mexican army had been trebled, and when Mexico lay panting at our feet, bleeding at every pore, he would still vote any amount of men and money the Executive might require, and, for the purpose of concealing the true object of those men and this money, called it voting men and money for the defence of the honor and liberty of the country. May God deliver us from such a defence of the honor and liberty of the country! Oh yes; and the gentleman has constitutional scruples; he can find no authority in the Constitution for voting a pension to this poor widow. Oh! no; no authority for voting this pension. Talk about the Constitution! Who does not know that that sacred instrument has long since ceased to have any binding influence upon the present Executive? I would ask the gentleman from Virginia (said Mr. B.) in what article, what section, or what clause of that once sacred instrument he finds authority to dignify the President of the United States with the title of conqueror, and to authorize him, under and by virtue of that high title, to levy any amount of taxes he pleases upon eight millions of people, and to appropriate them to such purposes as his imperial majesty may see fit? Talk about the Constitution, and the defence of the liberty and honor of the country, after sanctioning such high-handed and tyrannical measures!

The CHAIRMAN here remarked that the debate had wandered away from Mary Brown.

[Cries of "Go on; go on!"]

Mr. BOYDON proceeded to say that when he rose he had intended to submit but one or two observations to the committe, but that he had unconsciously been led off by the remarks of the gentleman from Virginia. He desired to say that he should not only vote for this pension for Mary Brown, but that he should vote to pension the widow of any American soldier that had fallen in this war. Could any man stand up here and say that the Government should do less for this poor and aged woman than the brave and gallant Major Brown had done for his stepmother? But the gentleman from Virginia remarked that it was wrong and unsafe to trust our sympathies in such a case, and, moreover, that the case should not be decided upon the principles of justice.

Mr. ATKINSON here again interposed, and remarked: Because we could never come to any conclusion upon that principle.

Mr. BOYDON. There may be men who cannot safely trust their sympathies; but, for his part, he had always relied upon his, and thought they could be trusted, especially when they led to charitable and benevolent deeds. The gentleman said he was willing to tax his constituents to defend the liberties of the country. But that was not an answer to the question he had asked him. Why does the gentleman answer in this evasive way? He would repeat the question. Would the gentleman vote a direct tax upon his constituents for carrying on this war for the conquest of a sister Republic?

Mr. ATKINSON replied, he would vote any tax which might be necessary to prosecute the war vigorously, in order to secure an honorable peace. He would ask the gentleman from North Carolina if he would do that? Let him say yes or no to it.

Mr. BOYDON said he had no difficulty in answering this or any other question that he or any other gentleman desired to propound to him. He was glad of the opportunity to declare that, as at present advised, he would not vote a single man nor a dollar of money for the purpose of carrying on this war for the conquest of Mexico. He would vote to supply the men now in Mexico; he would pension their widows if they fell; he would go still further—he was willing, if thought necessary, to vote the most liberal provision for the families of all who fell or died in the service.

Mr. McLANE desired the gentleman from North Carolina to inform him whether he would vote means to reinforce and make safe the army now in Mexico or the navy off its coast?

Mr. BOYDON. Does the gentleman from Maryland expect to humbug this House or the country with the idea that our army is or can be in any danger in Mexico, or our navy off its coast are in any danger? Sir, when Mexico had an army of forty or fifty thousand, did we not whip them and annihilate their large army with a mere handful of our brave soldiers?

Mr. McLANE said the gentleman from North Carolina had kindly volunteered to answer any question, or he should not take the liberty to interrogate him. He (Mr. McL.) desired to know if he did not think the army a forlorn hope when it first went to Mexico?

Mr. BOYDON. No, sir, no; I never had any such idea. What, sir! Mexicans whip an American army? No, sir, no. I never dreamed of such a thing. I always relied with the utmost confidence upon our triumphing, no matter how great the odds. I have always thought the more Mexicans there were the surer they were to take to their heels. But still, if our army was supposed really to be in any danger, no man would be more prompt than myself to vote all that might be necessary to extricate them from all danger—to render them perfectly safe. But, sir, as to voting money, I suppose no man thinks of that now; nor do I suppose that the Executive or any of his friends would now think of such a thing. What, sir! Have not the orders already gone forth, and are not our men just about to plunge into the mines of Mexico? Money indeed! Does anybody suppose that our men cannot shovel out just as much gold from those Mexican mines as their hearts can desire? Sir we are a most fortunate people. Just at the moment that all supposed our sub-treasury was about to suspend specie payments, lo and behold! the Mexican mines come to our relief. But this is not all, Mr. Chairman. That splendid financier now at the head of the Treasury Department, within the last week, in looking over the rubbish in the money-box, has discovered near seven millions in one corner which had been entirely overlooked.

Mr. ATKINSON. If our men were so secure in Mexico, and if they could command so much money there, he could not see why the people should be taxed to carry on the war. But Mr. A. objected to this latitude of debate, and would move that the committee rise, report the bill to the House, and recommend that it be rejected.

Mr. BOYDON. I am sorry to have been misapprehended by the gentleman from Virginia. He certainly is the only gentleman in the House who could misunderstand my remarks.

Mr. ATKINSON. Certainly, I supposed the gentleman from North Carolina to be serious; and, regarding him as somewhat of a leader among the Whigs, and supposing him to be speaking by authority, I had no idea that the gentleman could jest on so grave a subject as the pension of Mary Brown.

Mr. BOYDON. Just one word. I supposed it would be taken for granted by those on the other side of the House that I spoke in jest; but as I understood the doctrine of the Executive——

Mr. ATKINSON. Were you in jest when you said the war was unjust?

Mr. BOYDON. I have never said that the war was just or unjust. But I will now take occasion to say—as I happened not to be present to vote on a certain resolution—that I believe the war to have been unnecessarily and unconstitutionally commenced by the Executive, without any warant therefor whatever.

The committee then rose, and reported progress, and the House adjourned to Monday.

When the above bill for the relief of Mary Brown, widow of Jacob Brown, was under discussion in committee, on Friday, January 14—

Mr. SIDNEY LAWRENCE said: The report of the Committee on Invalid Pensions called upon the House to grant relief in this case upon two grounds—first, on the ground that the petitioner was the widow of a revolutionary soldier; and, second, on the ground that she was the step-mother of Major Brown, who fell defending the fort which bears his name, on the Rio Grande, upon whom she was dependant for support. What I desire to say, Mr. Chairman, is, that so far as the first branch of this case is concerned, it belongs, under the rules of the House, to the Committee on Revolutionary Pensions. That committee have now that matter under consideration, and at a proper time will present their views to the House by report. I shall not now intimate what those views will be. The petitions before us are precisely of this character; they ask for pensions in cases where the marriage took place at a later period than now provided by law, viz: 1794; and until that committee has an opportunity of discussing this subject among themselves, and coming to some conclusion thereon, and presenting that decision to the House for their approval, amendment, or rejection, I hope no action will be had involving this principle by which the committee would be forestalled.

If the petitioner is in fact the widow of a revolutionary officer or soldier, and can be brought within the range of the existing system, or of any extension of the system which may be adopted, I shall most heartily rejoice; I should be glad to see the bounty of the Government extended to every son and daughter of the Revolution. These venerable relics of those days that "tried men's souls" are entitled to our warmest sympathies. All the noble and finer feelings of our nature are at once enlisted in their behalf, and we are ready, at the first impulse, to grant them any relief they may ask or require. But in legislating upon these subjects, we must not allow ourselves to be carried away by our sympathies. We must be governed and controlled by general principles; and our laws should, as far as possible, be of a general character. In this way equal justice is done to all.

Would any gentleman on this floor advocate the passage of this bill granting a pension to Mrs. Brown, as the widow of a revolutionary officer, who was married to her thirteen years subsequent to the limitation now fixed for similar cases, and not be willing to extend the same relief to all similar cases, coming down to this new limitation, of soldiers as well as officers? I trust this case is not to be advocated and carried through because she was the widow of an officer. No, sir; let officers and soldiers stand upon the same ground, and share alike in our sympathies and our bounty. If this bill should pass, I should regard it as an expression in favor of extending the limitation down at least to the period of the marriage in this case. If this is the disposition and wish of the House, let it be done by a general law, so as to bring in all intervening cases, thousands of which are quite as meritorious as this. Had this case stood alone on its merits as a revolutionary case, the Committee on Invalid Pensions would probably have asked to be discharged from its consideration, as it would not have been properly within the purview of their duties. As it was connected with the present war with Mexico, the committee supposed they had jurisdiction of the case, although that part of the case had been referred to the Committee on Military Affairs. This confusion and collision among the committees I have anticipated.

It grows out of the manner in which the reference is made, each member being allowed to refer his petitions and papers under the rule to what committee he pleases. The consequence is, many cases are misdirected in the reference. I see no way to avoid this difficulty except by the committees themselves. On examining the papers referred, they can tell at a glance whether they are properly referred; and if improperly, they can give them a proper direction. In this way, with a little attention, the whole difficulty may be avoided. If not, we shall find, as in this instance, the same subjects in the hands of two committees, and may have conflicting reports involving the same principle. If this is allowed, interminable difficulties will grow out of this practice, and embarrass not only the action of the committees, but the House. With regard to the second branch of this case, it will be recollected, that a few days since, the Com-

mittee on Military Affairs were discharged from the consideration of sundry memorials, numerously signed by officers and men engaged in the Mexican war, praying for relief for the families of those who fell in that service.

These memorials were referred on the motion of the honorable and venerable gentleman from Massachusetts, [Mr. J. Q. ADAMS,] to the Committee on Revolutionary Pensions. That committee have now that whole subject in charge, and without indicating what the result of their deliberations may be, I may, perhaps, be permitted to say that they will be disposed to do justice to the subject. It is a subject which will require time to examine, and until such examination is made, I trust no action will be had calculated to embarrass the action of the committee. Mr. Chairman, I have very carefully refrained from saying anything upon the merits of this application for a pension. It would be improper for me to do so, as I should commit myself upon these two important subjects now before the committee, of which I have the honor to be a member; upon the first of which I am now preparing a report to submit to the committee, and if they approve, through them to the House.

IN SENATE.

FRIDAY, *January* 21, 1848.

The Journal having been read—

Ordered, That when the Senate adjourns, it adjourn to meet on Monday.

A message was received from the House of Representatives, communicating the death of the Hon. J. W. HORNBECK, a Representative in that body from Pennsylvania, and the proceedings thereupon.

Mr. CAMERON then rose and addressed the Chair as follows:

It is my duty, Mr. President, to detain the Senate for a moment before I move the customary resolutions which here mark the death of one of our number.

JOHN W. HORNBECK, a member of the House of Representatives from the State of Pennsylvania, died at his residence, in the county of Lehigh, a few days since.

It was not my fortune to have been acquainted with him; but from those who knew him well, I learned that he was a native of New Jersey; that he graduated at Union College, in New York; and that he settled, about sixteen years since, at Allentown, Pennsylvania, where he studied law, and where he was, till the time of his death, a repected and successful member of the bar.

He was a man of learning and of ability, of quiet and unobtrusive but of social habits, and of a disposition so kind and benevolent—so willing to serve others rather than himself, that he won the esteem and love of all who came within his circle. Honorable, high-minded, and generous, he commanded the respect of all, and died, as he had lived, without an enemy.

His election was a tribute to his private virtues. Living in a district opposed to him in politics, he was elected by a decided majority over a man of sterling worth and high character.

At the meeting of Congress, he came here to fulfil his trust; but the disease which had marked him for its victim made such rapid inroads upon his constitution, that he was compelled to leave his seat the first week of the session. He returned to his home, where he died in the midst of his family and friends. Those whom he had cherished and protected were around him to smooth his pillow in the last struggle between time and eternity; and he died, as the good man only can die, calmly relying upon the mercy of the Redeemer. Whilst we mourn his early death we should rejoice that his life was so pure as to warrant the hope that he has only exchanged mortality for a happy immortality.

It only remains for me to submit the following resolutions:

Resolved, That the Senate has received with deep sensibility the message from the House of Representatives announcing the death of the Hon. JOHN W. HORNBECK, a Representative from the State of Pennsylvania.

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect to the memory of the deceased, will wear the usual badge of mourning for thirty days.

Resolved, That as a further testimony of respect for the memory of the deceased, the Senate do now adjourn.

The resolutions were unanimously agreed to,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 24, 1848.

The Journal of Friday was read and approved.

Mr. JACOB THOMPSON introduced to the House his colleague, Hon. ALBERT G. BROWN, Representative elect from the fourth congressional district of the State of Mississippi, who was qualified, and took his seat.

CLERKS IN THE PENSION OFFICE.

Mr. COCKE rose and inquired if it was in order to move to discharge the Committee of the Whole from the further consideration of the joint resolution authorizing the Commissioner of Pensions to employ an additional number of clerks in his office.

The SPEAKER said it would require a suspension of the rules to introduce and pass the resolution. This being Monday, a suspension of the rules was in order.

Mr. COCKE would move, then, a suspension of the rules for that purpose; and should the rules be suspended, and the resolution taken from the Committee of the Whole on the state of the Union, he would move an amendment to strike from it that feature that contained an appropriation of money.

The question was then taken, and the motion was agreed to.

The question then being on discharging the committee, it was agreed to.

The next question being on the adoption of the resolution—

Mr. COCKE moved to amend it by striking out the appropriation. He believed (he said) that every member of the House deemed it of great importance that the resolution should be passed, and passed immediately. He therefore moved the previous question.

The SPEAKER. The first question, if the demand for the previous question is seconded, will be on the amendment of the gentleman from Tennessee.

Mr. COBB appealed to Mr. COCKE to withdraw the demand for the previous question. Many gentlemen, he said, had voted for the suspension of the rules to bring the gentleman's resolution before the House, expecting, as was no doubt known to the gentleman from Tennessee, to move an amendment. He trusted the gentleman would not insist upon the previous question, and endeavor to force this resolution through without affording those friendly to it an opportunity to move such amendments as they thought proper. He saw no necessity for it, now that the House had indulged the gentleman by discharging the committee, and he hoped the demand would be withdrawn.

Mr. COCKE, in response to the appeal, withdrew the demand for the previous question.

Mr. COBB said his object in asking the gentleman from Tennessee to withdraw the demand for the previous question was not to discuss the resolution, or to throw any obstacles in the way of its passage; but he believed this joint resolution proposed to introduce a new feature into the legislation of Congress upon matters of this kind, which he thought this House ought not to sanction. He proposed to amend this bill by striking out the name of the Commissioner of Pensions, and inserting in lieu thereof the Secretary of War, or without any name at all, (for he did not know that it would be necessary, in order to vest in the usual power, the head of the department, the authority to make these appointments,) that they may be appointed in the usual manner. Why, he submitted to the House that there was no necessity, and there was an evident impropriety in giving to the heads of bureaus the appointment of their clerks, when they held the heads of the departments responsible for the conduct of the bureaus, and the clerks employed therein.

It was the universal custom, it was the law of the land, that all these appointments should be made by the head of the department. The present officers in the office of the Commissioner of Pensions were appointed by the Secretary of War. The recommendation of the Commissioner had its proper influence, but the head of the department was held responsible for the conduct of all the clerks employed in the various offices in the department, and he should have the power of appointing such assistants to aid him in the discharge of his duty as he saw fit. Why take from him the power which was given him by law, and which it had invariably been the practice for him to exercise? He saw an evident impropriety in it, and he trusted the House would, without any hesitation whatever, strike out the name of the Commissioner of Pensions, and say the necessary number should be employed. He was anxious to vote for this resolution, but he could not in its present shape.

He was informed that this whole subject had been before one of the standing committees, having reference to additional force to be employed, not only in the Pension Office, but in other offices where they were required. If so, the whole should be provided for at once. But he rose simply to call the attention of the House to the fact, that this power was vested in the head of the department by law, and there is no reason why it should be removed.

Mr. JOHNSON, of Tennessee, said that it seemed to him that the resolution was very unlimited in the authority which was proposed by it to be conferred upon the Commissioner of Pensions. Now, what did it provide for? To authorize the Commissioner of Pensions to create an additional number of officers without any limit—to give him a *carte blanche* to create any number of officers that he might think proper to bring into his office. He thought this was a very serious objection to the resolution, in connection with the objection of the gentleman from Georgia. He thought it was an unheard-of proposition. There was no precedent for taking the appointing power from the head of the department and conferring it upon some head of a bureau—upon some subordinate. It was a change—an innovation upon the system that had been established and practised upon since the organization of the Government, he supposed. He did not know but he might vote for the resolution; but he was not prepared to sanction the conferring this unlimited power of appointment in any case, nor for authorizing a subordinate officer to do what was peculiarly and clearly the province of the head of the department to do. It was proposed to authorize the Commissioner of Pensions to bring into his office any number of clerks he might think proper. He would say here, he had as much confidence in the Commissioner of Pensions as in any other head of a bureau. He did as much, perhaps more, work than any other head of a bureau. He believed the Commissioner of Pensions was one of the hardest-working men attached to the Government. Mr. J. said this for him, although he might differ with him in political sentiments.

But there were some other things to which the attention of this House and the country should be called. Here was a proposition to create an additional number of officers. There was no proposition to increase the number of hours they were to work. Go to the various departments of this Government in this city, and among the whole thousand officers—for there was about that number belonging to the various departments here—and how many hours' work did they do? They went to the office at nine in the morning, and if you were there one minute after three, not a man was to be found. Six out of twenty-four hours they worked; and here was a proposition to increase this number of office-holders, who worked only six hours out of the twenty-four. Oh! what a patriotic army you would have if this resolution passed! There would be an immense "volunteer force," [a laugh] if a "call" of this kind was made. Suppose there were only five hundred clerks in the various departments in this city, and suppose that their labor was increased two hours a day—that they were required to work eight hours instead of six hours a day—why it would make a difference of one thousand hours saved to the Government. If this one thousand hours was divided by six, (the number of hours now worked by each,) it would be equal to an increase of 166 officers, without any increase of expense to the Government. Now, was eight hours a day too much for them to work? Could they not work eight hours out of twenty-four? Here was a proposition to increase the number of officers, but not of the hours they were to work. Go into the country, into our cities and villages, and you would find young men who go into the store and sell goods all day, and at night retire to the counting-room and journalize and ledgerize, and bring up all their accounts for the next morning, and do more work in one night than some of your Government clerks did in a whole week. Just bring up the number of hours; in some offices there were

too many clerks; deploy them, concentrate your forces upon some other point, and you could have the business of the country performed without augmenting the number of officers that were constantly increasing and preying upon the vitals of the country.

He knew in this particular atmosphere it was a little dangerous to talk about office-holders. Many of them had nothing to do but write letters to puff particular individuals, and he who dare raise his voice against this interested clique, this set of political vampires, who were fixed upon the Government, and who cared not for the interests of the people, he knew was treading on dangerous ground. They wrote letters to the newspapers in various sections of the country, and would misrepresent and vilify, he expected, any individual who dare expose abuses of this sort. He had almost as soon set his foot into a nest of electric eels; he had as soon come in contact with the bohan upas, as with this miserable class of pensioners upon the public treasury, who, instead of attending to the business of their offices, busied themselves in this way. But he would speak, let the consequences be what they might. Now go along down Pennsylvania Avenue of an evening, and who do you find there? Why these office-holders, lounging about the hotels and places of public resort—some of them with pencil and paper in hand collecting and noting down facts for a letter. A most enlightened set of gentlemen! Go to the pistol gallery, where a man was marked out with chalk to be fired at, and he would not be much surprised if you found office-holders there; go to the billiard table, and he would not be much surprised if they might be found there; go to the faro bank; go to the ten-pin alley; and—he would not pursue this matter too far or enter into the details—but he should not be much astonished if they might be found at all these places.

He was for having this work performed. He wanted all these warrants issued to those entitled to them. But in attempting to accomplish a good he did not want to effect a greater evil. Deploy your forces; commence work a little earlier and continue it a little later; and only two hours additional time per day would be equal to one hundred and sixty-six additional clerks, supposing there to be only five hundred now employed.

But it might be said to him, are you opposed to giving these warrants out to the poor volunteer, who has fought the battles of his country? No, sir. He wanted him to have his warrant at the earliest practicable period, to enjoy the benefit, and his course in this House had evinced clearly, conclusively, that he was as much the friend of the volunteer as anybody else. But he was not in favor of increasing the number of officers of this Government. It was time to stop. When they got into a little *squeeze*, it was not, work a little longer, commence a little earlier and work a little later, but give us an additional number of men. Now, it did seem to him that they could set about it and so arrange this thing, if all were so disposed, as that two and perhaps three times the labor might be performed by the same number of men, and they only work a reasonable number of hours.

For two reasons he was opposed to the form in which the resolution now stood; in the first instance, that it proposed to change the appointing power; and next, that it gave unlimited discretion to the Commissioner of Pensions as to the number of officers he might appoint, and to the salaries which they were to receive. Was the House prepared for a resolution of that sort? Not a word was said about increasing the number of hours they were to work; but the number of clerks was to be increased! He hoped, before the question was taken on the adoption of the resolution, it would be so amended by the House as to increase the number of hours, to deploy the forces employed in the various bureaus, so as to render them most effective, and, if new appointments were indispensably necessary, that it would not be left without some limit, and that they would be made by the head of the department, the proper officer. In this form it would be much more acceptable.

Mr. THOMPSON, of Indiana, moved the previous question.

The SPEAKER announced, if the demand for the previous question was sustained, the amendment of the gentleman from Georgia, [Mr. COBB] not having been received, the question pending would be first on the amendment of the gentleman from Tennessee, [Mr. COCKE,] and then on the adoption of the resolution.

Mr. JONES, of Tennessee, rose and appealed to the gentleman from Indiana [Mr. THOMPSON] to withdraw the demand for the previous question, until he could have that portion of the Constitution read which related to the appointment of officers.

Mr. THOMPSON not hearing the request, and making no reply—

Mr. JONES asked then for the reading of the clause before the question on seconding the demand for the previous question was taken. It was read as follows:

"He [the President] shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments."

The demand for the previous question was not seconded; the vote being 92 in the affirmative, and 92 in the negative.

Mr. JONES, of Tennessee, said he understood the question was on striking out the appropriation from the bill. On that he desired to say a few words. But first, there was in it a proposition which he thought not only highly objectionable, but in direct conflict with the Constitution, which provides that "Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments." Now, this bill does not propose to vest these appointments in the President, in a court of law, or in the head of any department, but in the Commissioner of Pensions. And why was this provision inserted in this bill? Why was such a precedent to be set by this Congress? If he was correctly informed, there was no law on the statute-book authorizing the head of a bureau to exercise the appointing power. How, then, was this bill to be reconciled with the provision of the Constitution to which he had called the attention of the House? It could only be by assuming the position that these additional clerks were not officers of the Government. And were they not officers of the Government? If they were not, the ground might be assumed with equal success that all other clerks in the departments were not officers of the Government, and their appointment might be assumed by the heads of the various bureaus. Did the fact that these clerks were to be appointed temporarily change their character? Were not clerks employed by the day as much clerks as those appointed for the year? He took it that temporary clerks were officers within the meaning of the Constitution, as much so as if they were appointed permanently; and he hoped the House, when it should have disposed of the amendment now pending, would sustain a motion to strike out the words giving the appointments to the Commissioner of Pensions, and vest the appointments in the Secretary of War. In making such appointments, he had no doubt the Secretary of War would confer with the Commissioner of Pensions, and he would perhaps appoint those whom the Commissioner of Pensions should recommend. He supposed there would be no opposition to the motion to strike out the appropriation, inasmuch as it would relieve the House from the difficulty which that provision created, for its erasure would obviate the necessity of going into Committee of the Whole upon it. He hoped the appropriation would be stricken out; and then, if the previous question were not sprung upon him, he would move to strike out "Commissioner of Pensions," and insert "Secretary of War."

Mr. McKAY concurred with the views expressed by the gentleman from Tennessee, [Mr. JONES.] A provision to vest these appointments in the heads of bureaus was certainly in conflict with the Constitution. The general rule was, that appointments were made by the President, by and with the advice and consent of the Senate; but the Constitution authorized Congress to vest the appointment of inferior officers in the courts of law, or in the heads of departments, which any one would see, who would take the trouble to examine this resolution, was not the object here contemplated. But he had another reason why he was opposed to its adoption. This subject of appointing inferior officers had been under consideration by the Committee of Ways and Means, who deemed it necessary to provide some salutary regulation to restrict the appointing power and guard it from abuse. The corps of clerks was numerous, and additions were now proposed to be made to them—additions that were indefinite; and if this were allowed to pass, there would be no end to the appointments. It was time there should be a stop put to this system. Clerks were sometimes appointed that were wholly incompetent to discharge the duty which they undertook. He did not charge this on the present Administration any more than others that had preceded it, for it was chargeable on both Whigs and Democrats. What the country wants is, that capable men, faithful men, and men who will do their duty, shall be placed in office; and to correct existing evils, the Committee of Ways and Means have directed one of its number to prepare a bill to secure efficiency in the clerks of the departments. Why, he asked, should clerks be appointed without examination or any test of their qualifications? He thought they should first be appointed on trial, or for a period of probation; and, as a bill would soon come from the Committee of Ways and Means to accomplish the object which he had indicated, he hoped this bill would be postponed until they could have the whole subject before them, and be enabled to make some general regulation. With these views, he would move the postponement of the bill to this day week.

Mr. COCKE was a little surprised to see the disposition manifested by gentlemen on the other side of the House to defeat this bill. It certainly was a little remarkable that a proposition to employ some twenty-five clerks by the Commissioner of Pensions should occasion such a fluttering amongst those gentlemen.

The SPEAKER interposed, and reminded the gentleman that the pending question was on the motion to postpone to a day certain.

Mr. COCKE said he should not now attempt to discuss the merits of this bill; but he desired to notice one fact which had fallen from his colleague on the other side of the House, [Mr. JOHNSON, of Tennessee.] He alluded to the piece of information furnished to the House by his colleague, that the office-holders of this Government spent their time in billiard saloons, ten-pin alleys, oyster houses, groggeries, and places of filth and abomination. He had not been aware of the existence of such a state of things. He was not a frequenter of such places, and therefore had no personal knowledge on the subject; but they had received the information from his colleague, who must have visited them, he presumed, or he would not have acquired that information.

The SPEAKER again interposed, and reminded the gentleman that the pending question was to postpone to a day certain.

Mr. COCKE resumed, and, in answer to an inquiry from Mr. KENNON, said these additional clerks were now proposed to be appointed with an implied understanding that Congress would make provision for their payment of the usual compensation of three dollars per diem. He desired, if it were in order, to reply to the constitutional argument of his colleague, and also to the remarks of some others, that these officers were appointed as rewards for political partisanship; but, not having an opportunity now to do so, he simply expressed the hope that this bill would not be postponed, but that it would be passed to-day; and therefore he moved the previous question.

The call for the previous question was not seconded: the vote being 76 in the affirmative, and 92 in the negative, as taken by Messrs. BRODHEAD and COCKE, the tellers.

The question was then taken on the motion to postpone to Monday next, and it was decided in the affirmative.

CLOSING OF DEBATE.

Mr. BOYD submitted a resolution to close debate in Committee of the Whole on the state of the Union on the motion to refer the President's message to various appropriate committees at three o'clock this day, unless sooner disposed of.

Mr. VINTON moved to strike out all after the word "resolved," and to insert a substitute, providing that all debate thereon should close at two o'clock, p. m., on Wednesday next, at which time the committee shall proceed to vote upon all pending amendments and amendments to be offered.

The amendment was agreed to, and the resolution as amended was adopted.

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REFERENCE OF PRESIDENT'S MESSAGE.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union—but withdrew the motion.

Mr. HOWELL COBB renewed it.

And the question being taken, and decided in the affirmative—

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. JOSEPH R. INGERSOLL, of Pennsylvania, in the chair,) and resumed the consideration of the President's message, and of the resolutions referring the same to the appropriate committees.

Mr. BARROW, of Tennessee, who had the floor from a previous day, rose and addressed the committee in nearly the following terms:

If we look into the history of the Convention which framed the Constitution, we find that two prominent ideas prevailed among some of the most conspicuous men in that body. The one was, that the executive power should be but the reflex of the legislative power, and be dependant on it; the other was a somewhat dissimilar opinion, that the legislative power would swallow up the executive. Hardly, however, had half a century gone round, when it was discovered that the simple ideas of our revolutionary fathers were quite too simple, and were wholly unfounded in fact. Some ten or fifteen years ago, we beheld a President of the United States assuming almost unlimited power; while the legislative body, on the other hand, had ceased, in effect, to be an independent body, but had become the mere registrar of the edicts of the Executive. Then we were constantly hearing of new assumptions of power by the Executive; Presidential vetoes were become matters of everyday occurrence, and there was not power in the Legislature to override or resist them. This House saw a President of the United States very coolly pocket a bill which had been submitted for his consideration and approval. These things were done by a President whose popularity was unbounded—overwhelming; a President whose military achievements added yet further strength to the might of an indomitable will. The man I refer to, as every one must be sensible, is Andrew Jackson—a man for whom, though I often differed from him in sentiment, I ever entertained a very great respect, and who, compared with some of his successors at this day, towered as far above them as the tallest giant rises above a pigmy.

When these things happened, many good men, who deeply regretted their occurrence, comforted themselves with the belief that when he left the Executive office, it would relapse again to the level where the Constitution had placed it, and that so large an amount of power would never be attempted to be wielded by any inferior man. But what have we witnessed? Hardly twelve years have passed before we find a power actually exercised of which Andrew Jackson would never have dreamed, but from the use of which, great as he was, that bold man would have shrunk back; and exercised, too, (and its exercise gravely defended in this House,) by a man who, while occupying the chair once filled by Washington, is inferior to any but one who ever was seated there: and in saying this, I mean no personal disrespect to the President of the United States. Can his friends and advocates on this floor point us to any great achievements, civic or military, which ought to have placed him in that seat? Can they, will they, attempt to deny that he has exercised a power which Andrew Jackson never pretended to assume, and never would have attempted to use in all the height of his ascendency—I mean the war power?

This being the fact, ought not the fear to sink anew, with added conviction, on the mind of all, that, as the Executive power can thus be employed by a very inferior man, it ought to be watched with the utmost care? and should we not all recollect that eternal, unsleeping jealousy is the price we must pay for liberty? There seems to be something about the office itself, drawing after it, as it does, so vast an amount of patronage, which renders it almost omnipotent for evil.

I have said that the President of the United States has exercised the war power—a power reserved under the Constitution exclusively to the legislative department of this Government. Had I time, I would gladly go into an argument to prove this, and would discuss the origin of the present war. But I have not time for this, purposing, as I do, to touch on other topics to which I think it proper to allude. I will say, however, that, anxious as I have been to hear something which might shake, if it were but for an instant, the opinion I am constrained to hold upon that subject, (and I have been sensible that it could not be examined with too much attention,) I have never felt the opinion stagger for a single moment that the war was commenced unconstitutionally and unnecessarily by the President of the United States.

I had prepared, on the first day of the present session, a resolution which I intended to offer, declaring that the existing war with Mexico was unnecessary; that it might have been avoided; and that, in bringing it on, the President was guilty of usurping a power not conferred on him by the Constitution; but, owing to some cause—indolence, perhaps, or modesty, or something else—I never presented it. I have, however, enjoyed the opportunity of voting for and sanctioning the amendment moved by my honorable friend from Massachusetts, [Mr. ASHMUN,] and I can truly say that I never voted for anything more willingly in all my life than I did for that amendment. And why? Our opponents taunt us, and ask why we do not impeach the President? Why, do they really think us to be fools? Do they imagine we have not more common sense than to undertake an impossibility? For why should we even hope to succeed in condemning a President when a majority of his triers were to consist of his own party? I hope we have more sense than that. But, as the grand inquest of the nation, we have passed upon this President a rebuke which will continue to blister his name so long as he lives upon this earth, and which will affix a stain upon his remembrance while history endures. And let it stay there. I stand here as the chosen representative of seventy thousand of the free people of Tennessee; and, whenever a President of the United States shall attempt to deprive me of the exercise of that power which the Constitution has conferred on me as their representative, and on them through me, I will resist him to the last. I say again, let it stay there. I am ready to vote the declaration in that amendment to-morrow. I have no fear, in giving such a vote, of the dissent of my constituency. They know their rights, and they have, before this day, stood up in defence of them against the man they loved. Still less do I fear anything from the power of the President. I want the declaration contained in that amendment to stay there. It is the only way in which we can reach the President. Let it stay there as a caution to him, and as a warning to all who shall come after him.

And now, having made such remarks as I deemed to be called for on that subject, I will call the attention of the committee for a few minutes to a branch of the Executive message which has not yet been noticed here—I mean his call upon Congress to raise an additional force, both of regulars and volunteers, to that we have already in the field. As I understand, it is recommended by the President, by the Secretary of War, and I will add, by the chairman of the Military Committee in the Senate, that there be raised ten additional regiments of regulars, and also twenty regiments of volunteers, if so many shall be thought necessary. This is an important increase in the army of the United States, and is a measure which demands at our hands the utmost deliberation.

As much as the Whigs in the last Congress were censured for voting for the bill which recognized the existence of the war, I should myself have acted as they did. I was not then here; but in all the region where I was, the utmost anxiety was felt for the extrication of our brave little army. I would have voted for the bill as they did, and should not have been ashamed of that vote; on the contrary, I could justify such a vote before the country and before my God. I would have voted the bill under a protest, notwithstanding the preamble which was forced upon them by the tyranny of a relentless party majority. And why? For the reason I have already given—because the whole country was in painful apprehension for the safety of the gallant Taylor and his brave little army. They had not time to inquire; they rushed almost *en masse* to his rescue. I was in favor of their course. If I should arrive at a spot where I found my father actually engaged in conflict with another man, and blood had already been shed, I would not stop to inquire how he got into the fight, nor to weigh nice questions as to which party might be in the right—I should rescue him at once from the grip of his adversary, and would have examined afterwards into the grounds of the quarrel. That was the feeling which actuated me; and I rejoiced then, and rejoice now, that the Whig party did not allow themselves to be put in a false position by a preamble which was forced on them with that design by a despotic majority.

But that was a very different case from that now presented. Then we were fighting with a nation whose resources had not been exhausted, and who had a respectable force organized for action, while our own force was small and comparatively feeble. But where and what is she now? She lies bleeding and prostrate before us; her seaports are all taken, her forts have surrendered to our arms, and it is admitted by the official organ of the Administration that she is utterly broken down. The organ, remarking on the speech of Mr. REVERDY JOHNSON, in the Senate, has this passage:

"Does Mr. JOHNSON's historical reading afford him an instance of the power of any *other* country, so extensive, so intrenched, and so distant from its foe, so completely broken in pieces by war, in so short a time as our arms have taken utterly to break down the power of Mexico."

Here is an admission from a high authority that the case before us is widely different from that when the first bill of supplies was passed. Here they own that Mexico is "utterly broken down;" that she lies powerless at our feet. Yet it is in this posture of things that the President asks us to increase our army until it shall amount to some seventy-five or one hundred thousand men. It is certain, from all the best informed calculations, that we have at this time an army of forty-five thousand men; when the regiments shall be filled up by recruits and volunteers, it will rise to sixty-five thousand. Take off fifteen thousand for the sick and those otherwise disposed of, and still we shall have an effective force of fifty thousand men—perhaps I should say fifty thousand "bayonets," as that is the fashionable word. With this force at his disposal, the President comes to this House, and through his subordinates recommends us to increase the army by thirty thousand men more. Why is it that he asks this amount of force? Does he tell us boldly, as "Old Hickory" would have done, what he wants with these men? Does he say why the people, through their representatives, must grant him so great a military force? No; in reply to the interrogatory of this House, he wraps the cloak of official dignity around him, and tells us that we are attacking the Executive prerogative. I say, for one, that to me his reply is wholly unsatisfactory.

There is in this matter one point which has not, I believe, been touched upon, but which he will be able neither to overlook nor overleap. If the Senate of the United States were in executive session, deliberating on the ratification of a treaty, and if, to aid their deliberations, they were in need of certain other information in possession of the Executive, and should apply to the President to communicate it, could he with any face refuse to send it? Now, though we of this House are not the treaty power, yet we are the war power; and having sent to the Executive for information we deem material in forming our judgment on a grant of additional troops, could not the President have given us that information under the seal of confidence? And would he not have done so had there not been something behind which will not

bear the light? But I have no more time to spare on this part of the subject at present, though I hold it to be of the utmost importance to the liberties of the people of this country. It strikes me as singular, that while the President admits a deficiency of eight thousand regulars and twelve thousand volunteers to fill up the regiments already in the field, he should still ask for so large an additional number of new regiments. It seems he does not expect these recruits to be raised. For myself, I am willing to give a liberal bounty, any amount that may be necessary, to raise the army we have to that number which General Scott himself declares to be sufficient to overrun all Mexico. [Here Mr. B. quoted a despatch of Major General Scott, in which he says, that augmenting the army to fifty thousand men will enable it to occupy all the State capitals, to drive off the guerrillas, to get possession of all the revenues, and to alarm the Government into making peace.] Here we have the highest military authority declaring that an army of fifty thousand men is sufficient for the conquest of all Mexico. General Scott asks no more; and I have shown, that without the increase now asked for, we shall have that number of men in the field. If the President's design is the subjugation and annexation of all Mexico; if he wants these new regiments to absorb Mexico, to "swallow" her, (according to the modern beautiful figure,) then I am utterly opposed to the granting of men for any such purpose. I am ready to do anything for the maintenance of the country's honor, to secure our true national glory; I am willing to maintain the army in its present strength, in the expectation that thereby we may obtain peace; but I will vote only for volunteers—not for regulars. I would be willing to vote thirty regiments instead of ten; but they must be volunteers, or I will not vote for them.

Why do I prefer them? For many reasons. They are more easily raised. That is evidenced by the facts furnished in the last two years. Every man of the fifty thousand volunteers authorized under the act of May, 1846, could have been raised within three months from the call. They could be raised now; and if volunteers were necessary, Tennessee, Kentucky, and the other States of the South and West, and of the North and East, too, would furnish volunteers in one-third the time they would regulars. It is also evident from the fact that you cannot get the recruits necessary to make up the number of regulars authorized by law. Without meaning any offence to the regular army, privates or officers, for whom I have the highest respect—and as an evidence of the fact, I will mention that years ago, when it was not so fashionable as it is now to praise the regular officers, when they had not that halo of glory which now surrounds them, I was not in the habit of joining the outcry against West Point and its pupils which demagogues often raised against this most worthy set of men—I repeat, that I prefer volunteers to regulars. The volunteers have higher incentives to action, to gallant deeds, to patriotic daring. They come generally from men who have been better educated, from men who possess some stake in the community, and who rush forward to battle with a thousand incentives not offered to the regular private. In the first place, the regular private has no chance for promotion. Cast your eye, if you please, over the number of regular soldiers who have distinguished themselves in the recent battles in Mexico, and how many have been promoted? Not more than twenty, or twenty-five, or fifty at the outside. The incentives that the volunteer possesses are numerous and powerful. Why, when he goes into battle, he fancies not only that the eye of his immediate commander and fellow-soldiers, not only the eye of the people of the United States, but of the whole world, are upon him, and he knows well if he performs any individual act of gallantry and daring, that there is no point so high he may not reach it; and when striking terror into the hearts of the enemy by some chivalrous feat which, of itself, may decide the fortunes of the battle, visions of glory rush upon him and render him invincible—visions not stopped by the Legislature, by Congress, or the Cabinet, but bounded alone by that highest civil station in the world, within the gift of the people of the United States, the Presidential chair itself. Here, then, are incentives that make the volunteer force invincible—that generally make it preferable to the regular army for the service of this country.

There are a hundred other reasons which I might mention why I prefer the volunteer to the regular, if we are to have more force. I have not time to advert to them, but there is a very striking one to which I wish to call the attention of this committee. After this war is over, the volunteer returns to his family. He has no further ambition—no desire to keep up a standing army that he may have a share in its spoils. His object is accomplished; he has defended his country; he has added to the renown acquired by his ancestors, and he goes back to receive his reward in the smiles of his wife and the congratulations of his friends and compatriots. He sinks at once from military into civil life. What is the case in regard to regulars? They very often have no other means of support; they have not left a little farm to go and join their brethren in the defence of their country; and it becomes, therefore, almost a necessity of existence, that they should use all their efforts to continue the army at the point which it has reached while they are there. Is not this a danger which should startle us?—which should make all those who are hesitating upon this subject prefer the volunteer to the regular increase of the army? I could talk half an hour about the dangers of a standing army; I could bring to your recollection hundreds and hundreds of instances, especially to the recollections of the other side of the House, where denunciations of a scathing character have been made against all those who are in favor of an increase of the regular army. But I have not the time, and therefore must hasten on to other topics.

Sir, another reason why I prefer the volunteer to the regular increase of the army, asked for by the President of the United States, is, that I have no desire to increase the already overshadowing patronage of the Executive of the United States. And I must here in my place give my thanks to my colleague, [Mr. JOHNSON,] who this morning decried the increase of the Executive patronage, or the increase of officers in the departments of the Government, in such eloquent terms. He deserves the thanks of his constituents, and as certainly the thanks of the whole country; and I trust when a copy of his remarks appears in print, he will send me five hundred, and I will distribute them all over my district; for we have heard of him in Tennessee as almost the giant of the Democratic party; and when this giant steps forward and says the stream of Executive patronage is becoming too immense to be any further swelled, to go on corrupting and to corrupt, his constituents and the people of the whole of Tennessee will open their eyes and say, This must be so, coming as it does from a man who has been so good a party man, (and I use the term in no offensive sense.)

What is the increase contemplated by the proposition of the chairman of the Committee on Military Affairs in the Senate? It amounts to an increase of patronage on the part of the Executive of at least five hundred and forty officers of various descriptions, from a major general, I presume, and brigadier generals, down to second lieutenants. I have no desire to lend my aid in increasing the power of the Executive even to this extent, and especially the power of an Executive who has now more patronage within his gift than was ever allowed to such men as Washington, Madison, Andrew Jackson, or any other of his predecessors.

Well, in addition to these general reasons for my opposition to the increase of the army by regulars, I have some personal reasons—personal to the Executive, not disrespectfully so, but personal because the facts out of which they grow have characterized his action in similar cases heretofore. Now, Mr. Chairman, I will admit that, in the present state of parties in this country, it is very doubtful whether the doctrine heretofore avowed, "to the victors belong the spoils," will ever be destroyed or got rid of, however much many honest men may wish it. In our civil contests, it is probable that success will be crowned by office and emolument; and many distinguished and able men there are who say it is best for this Government that it should be so. But this is applicable to our civil affairs: in our military affairs there ought certainly to be a difference; in our military affairs we are one people, one country—Whigs and Democrats alike rushing forward to defend their country; and the truth of this assertion has been as much exemplified in the Mexican war as in many other events which have taken place during our existence as a nation. Yet, with this union, which ought to be sustained and preserved by every man in this Government when fighting against a foreign Power, what do we behold in the President of the United States? He has had the appointment, at various times, of sixteen major generals and brigadier generals, or of fourteen, and two have declined to accept. Look at the list, from Lieutenant General Benton down to the smallest brigadier generals—for there are some small brigadier generals—and you will find that not one solitary man has ever been taken from the Whig party; a party, to say the least, which has furnished one-half of the volunteers who have rushed forward to share in the glory acquired in the Mexican war. Not one, except Cadwalader, and he is a neutral; and, without meaning the slightest disrespect for him, I would not give a fig for a neutral, for neutrals always bend over to the side of power. Now, with that single exception, what do you behold? These sixteen generals (or these fifteen, at any rate) taken from the Democratic party, while our friends of the Whig party are doing as much hard fighting in Mexico as our friends of the Democratic party. What is the case in regard to other officers? Ten colonels, ten lieutenant colonels, twenty majors, a number of quartermasters, assistant quartermasters, commissaries, &c., have been appointed in these ten regiments, and what was the result, sir? If I am not mistaken, in looking into the subject with care, I do not think, out of the whole number, a dozen Whigs have been appointed. If I am mistaken, let some gentleman correct me. And besides this, some five or six hundred or more inferior officers have been appointed. The President might have got over the difficulty by saying, Well, as I consider this a political affair, I want my friends taken care of out of the large offices, and you may have a share of the inferior offices, especially as those inferior offices come in contact with the men, and one-half the men are Whigs. But out of these five or six hundred officers, I request any man to show me fifty Whigs. Well, the Whigs fight as well as the Democrats, and the Democrats as well as the Whigs; for, as much of a partisan as I may be esteemed, it does seem to me, if I had been in the Presidential chair, I should have blushed with shame could I have had the hardihood to have conferred every one of these offices, when we are in mortal combat with a foreign Power, upon my own party, at the same time proclaiming to the world that I am a patriot, and the President, not of a party, but of the whole American nation. Now, if the President and his friends can show me that there was not material in the Whig party to make a portion of these generals, then I will make my bow to him, and say the President has done right. But, as long as I can point to the names of Campbell, McKee, Hardin, Clay, (the gallant son of a noble sire)—as long as I can point to two gentlemen on this floor, one my own colleague, [Colonel HASKELL,] and the other a distinguished gentleman from Kentucky, [Major GAINES,] so long I will say that any man who takes that position is entirely mistaken. It is well known we have such materials as these men furnish, to say nothing of the very many gallant Whigs in the regular service. It was impossible for the President of the United States to make such a mistake, unless he did it designedly, and with the view of doing what has never been done before—of carrying partisan feelings into the apportionment of military honors and appointments among those gallantly engaged in the defence of our common country.

Now, to sum up, in a few words, my objections under this head: the President shows himself so much of a partisan and so little of a patriot that I am unwilling to give him any increase of power and patronage, such as would be conferred by establishing ten additional regiments of regulars. I do not want to impugn the motives of any man; but we are all aware that an important election is approaching, and five or six hundred additional electioneerers thrown into different towns in this Union, under the titles of captains, lieutenants, &c., will be possibly empowered to add very much to the strength of the party in power, and of those who are expected to follow in the footsteps of the present incumbents of office. I do not impute any bad motives to those gentlemen who may receive the appointments, if these additional regiments of regulars are raised; but it is human nature to admire the power which has

favored us, and to endeavor to keep that party in power from whom we have received office.

I now come to a very important matter, and one to which, in the very short time yet allowed to me, I shall not be able to do anything like justice. Mr. Chairman, this is a startling crisis; these are alarming times. And yet the people seem to be sleeping over the edge of a dreadful precipice. Such a crisis has not arisen since the foundation of this Government. Talk to me of your embargo laws, your tariff excitements, your Florida war, or your last war with Great Britain—there never has occurred in the whole course of our national existence so fearful, so momentous a crisis in our affairs as now stares us in the face. We are called upon to "swallow" eight whole millions of people, to subjugate and annex a large territory to this; a territory inhabited by men of a different blood, of a different color, and, above all, of a different religion! And this proposition is now made in high places; and yet you do not see the whole people rising up, as if moved by one spirit and actuated by a common sense of danger, and saying to this spirit of aggression and conquest which now seems to govern the Executive and some of his friends, "Thus far shalt thou go, and no further." That very apathy, that very failure thus to rise up, almost congeals my very heart's blood; for it is an evidence that the people are not as wide awake to the danger as they ought to be.

Some gentlemen may say that these are not the opinions of the Executive. But there is not a man of observation or sense in this House that does not know it is the intention of the dominant party. Look at the declarations of some of its prominent members in the Senate; look at the toast drunk at the late 8th of January supper by a distinguished Senator from New York, [Mr. DICKINSON:] "A more perfect Union, embracing the whole American continent;" look at what you hear and see every day in the streets; converse with any gentlemen of the Democratic party that will avow their real sentiments—and I have conversed with such—and they will tell you that upon the banners that party will raise at the next election will be "The whole of Mexico;" and they prophesy under that as signal a defeat to the Whig party as when, under the cry of "The whole of Oregon," they rallied and elected their President, who was committed to that as "clear and unquestionable." But they were discomfited—I may say, disgraced—for, while avowing sentiments of that kind, they yet were willing to vote a compromise yielding a large part. I say this in no unkindness to any of the gentlemen who were involved in this proceeding; for many of them I have all proper regard.

Sir, I object to the subjugation of Mexico; I am opposed to the dismemberment of a sister Republic. I am opposed to it, because it is fraught with evils that may lead to revolution, to ruin, to death. I would like, sir, to go on upon this subject, but I have not the time, and there are some other matters to which I wish to call your attention. (By the by, this is a most tyrannical rule, and if I had any time I would rail against it, [a laugh;] but I shall not, as my immediate predecessor [Mr. EWING]—an able man upon all subjects which he touched—is said to have done, take half my hour in complaining of it.) I would like at length—and may do it hereafter—to give my reasons for opposing the subjugation and annexation of the whole of Mexico. But there are one or two things to which I must advert.

Gentlemen refer to the annexation of Texas, and say, as we suffered no inconvenience from that, neither can we from the subjugation and annexation of Mexico The case is entirely dissimilar. Texas constituted bone of our bone and flesh of our flesh. The Texans were our brethren, our fathers, our cousins; they were linked to us by blood and by birth. And so far as immigration is concerned—another parallel sometimes referred to—let the flood of immigrants from the Old World come upon us by 500,000 a year, and what is the effect? It is only like that of the broad Mississippi rolling its mighty volume of water into the ocean—it tinges the blue waves a few miles out, and then is swallowed up in the boundless expanse. The immigrants become absorbed in our population; they become assimilated to our manners and customs, and soon, because they most generally speak the same language and are of the same blood. This is a growing theme, on which I should like to dwell for half an hour. But I must pass on.

I wish, Mr. Chairman, distinctly to avow my sentiments on one subject, and that is, the acquisition of territory. I am opposed to the acquisition of territory, sir, by violence or conquest; and I am willing to say that such territory as may be deemed necessary for any of our purposes that are legitimate should be obtained by treaty or negotiation. I am opposed to the acquisition of territory by conquest or violence, by the dismemberment of a neighboring Republic. I could state a thousand reasons had I the time. But I warn my political opponents, Pause before you take the step that is now contemplated by many of your most distinguished leaders.

Sir, when men go on for a series of years prospering and to prosper, they may be so blinded by success as to think that it is always to continue, until they take some step which dashes from them their cup of prosperity, and reduces them to discomfiture, if not disgrace. Such has been the case with the President of the United States, in my opinion, in regard to this Mexican war; and although, when a man gets through this life without meeting the reward of his acts, we are taught to believe he will suffer it in another world, there are many examples in which moral retribution overtakes him in this life; and that moral retribution, I think, has already overtaken Mr. Polk. Among the reasons, in my opinion, which induced him to bring on this war, was one that had enabled him to obtain the Presidential chair—that was, the addition of new territory. And what has been the result of this effort to lay the foundation for a new triumph? Where is the moral retribution? It consists in this: He selected as one of his military agents a plain, blunt, simple-hearted, noble-natured man, who had not been known extensively through this country; who was a soldier, an officer in the last war; who distinguished himself in Florida, but whose greatest distinction always has been that he has discharged his duty, placed in whatever situation he may have been, be it high or of inferior character. That man was a colonel, a brigadier general by brevet; and he it was whom Mr. Polk, passing over the hero of Lundy's Lane, the commander-in-chief of the army of the United States, and who would naturally have been selected as the proper person for the command of the army in Mexico, selected as his instrument to carry into effect his designs, whatever they may be. Now, what is the result? At this very moment this almost undistinguished, this almost unknown officer has arrived at such a height of fame, that all the efforts of the President and his party cannot prevent, as the prospect now is, his being his successor. Here is a moral retribution! The very act, the very course of conduct, which probably from his secret heart the Executive had looked to as the foundation for his own further aggrandizement and the continued success of his own party, has been the cause of bringing forward a man who, in all the elements of distinction, of greatness of soul and generosity of nature, is far above him.

While I am upon this subject, I will take a few moments to read a short extract from a paper which came into my possession this morning. It is the "Baltimore Sun" of the 24th, (to-day,) containing the speech of General Taylor, recently delivered at Lafayette, Louisiana, above New Orleans; and I am charmed to see, to mark the difference of language in regard to our prostrate foe, characterizing a man who has achieved a greater triumph probably than any ever before achieved in this country, and a man who, situated here a thousand miles from the scene of action, does not seem satisfied unless he can plunge the steel of his warriors into the very vitals of that prostrate country. Hear what General Taylor says, on the 16th of this month, in a speech delivered at Lafayette, Louisiana:

"The object nearest to his heart had been to bring the war to a speedy termination—to restore peace and amity between two neighboring Republics, who had every motive to cultivate mutual good-will, and whom he would prefer to see vying with each other in the arts of peace, than contending on the field of battle.

"He had always hoped and believed, that, by that spirit of forbearance and magnanimity which a great and powerful nation should always practise towards a feeble and prostrate enemy, peace might be restored on terms consistent with the honor, the rights, and the interests of both nations."

Mr. FEATHERSTON next obtained the floor, and proceeded to speak an hour in reply to the gentleman from Tennessee, [Mr. BARROW,] and the gentleman from Mississippi, [Mr. TOMPKINS,] in justification of the war, and of the President's message in answer to the call of the House for the instructions to Mr. SLIDELL, &c.; a full report of which will be found in the Appendix to the Congressional Globe.

Mr. DIXON next obtained the floor, but yielded at the request of—

Mr. POLLOCK, who moved that the committee rise; which was negatived.

Mr. DIXON, of Connecticut, said he voted, a few days since, with the majority of this House in favor of the proposition of the gentleman from Massachusetts, [Mr. ASHMUN,] that the war in which we are engaged with Mexico was unnecessarily and unconstitutionally commenced by the President of the United States. He should now attempt to prove that that proposition was true. He could not flatter himself that in the discussion of this question he should be able to offer anything that was new to the committee. The subject had been so thoroughly discussed, not only in this House, but by the press throughout the country, that it was impossible to impart to it any novelty whatever. In what he should say it would be necessary to question the accuracy of the President of the United States; but he should endeavor to do so with a becoming sense of the great importance of the President's high office. He did not mean to impeach the President's personal veracity; he would not assume that the President had wilfully intended to deceive this House or the people of this country. That was a position in which he would not place the President; but he would say that he thought the President had committed many most grievous errors. He happened, a few days since, to meet with an extract from some remarks made on an occasion somewhat similar to the present by a statesman of lofty standing in the British House of Lords, and he was struck with the freedom with which he spoke of averments made by the King in his speech from the throne. The statesman to whom he referred believed that some things said by the King in his speech were not true, and he charged falsehood unhesitatingly upon it.

Mr. D read the following extract from Thackeray's Life of Lord Chatham in support of his position:

"Some persons I see have been shameless and daring enough to advise his Majesty to support and countenance this opinion (the disavowal of certain proceedings by the Court of Spain) in his speech from the Throne. Certainly my lords, there never was a more odious, a more infamous falsehood imposed on a great nation: it degrades the King's honor; it is an insult to Parliament. His Majesty has been advised to confirm and give currency to an absolute falsehood. I beg your lordship's attention, and I hope I shall be understood when I repeat, that the Court of Spain having disavowed the act of their Governor, is an absolute falsehood. * * * If the falsehood of this pretended disavowal had been confined to the Court of Spain, I should have admitted it without concern. I should have been content that they themselves had left a door open for excuse and accommodation. The King of England's honor is not touched till he adopts the falsehood, delivers it to his Parliament, and makes it his own."

He had read this extract for the purpose of showing that the freedom of debate in this House during this and the last session of Congress was not greater than that which was exercised in the Parliament of Great Britain. But in the progress of his remarks he should not avail himself of the privilege claimed by others: it would be enough for him if he could show that the President had been guilty of gross mistakes—whether they were intentional or not was not important to his purpose.

In considering the question connected with this pending war, he begged leave to call the attention of the committee to one point made by the President, viz: by whom was the war commenced? Why was this question so anxiously argued by the President? Why is the question by whom the war was commenced made so important in the elaborate arguments contained in the various messages of the President? It by no means follows as a matter of course that a war is unjust on the part of the nation commencing it. On the contrary, the presumption should be, that the party commencing war had just cause of war. Who commenced our war of 1812 with Great Britain? In defending that war and its justice, who has ever denied that it was commenced by us? The question who commenced the present war with Mexico is not thus labored by the President because its answer would decide of course the justice of the contest, but for another reason. He well knows

the importance to him of showing that Mexico commenced hostilities; because if not commenced by Mexico, then they were commenced by himself. Congress did not begin the war; but, on the contrary, declared the war to exist already on the 11th of May, 1846. It was not commenced by the war-making power of this country; and if not by Mexico, then it follows, as the night the day, that it was commenced by the President of the United States. There is no escape from this conclusion, and hence the struggles, constant but ineffectual, on the part of the President to show that Mexico was the aggressor. When they were told on the 11th of May, 1846, that war existed, Congress, the war-making power, had done nothing to bring on the war; and, if it was not brought on by Mexico, no one would doubt that the assumption of the war-making power by the President was an unconstitutional act.

Here let him for a moment call the attention of the committee, many of whose members were not in the last Congress, to the fact, that when this war was acknowledged by the House of Representatives, almost every member of the Whig party then in this House voted against the declaration that the war was commenced by the act of Mexico. They had been taunted, within a few days past, with inconsistency of conduct. It had been charged against them that they had voted in favor of this war, avowing it to be the act of Mexico in the last Congress, when now, for party purposes, they attempt to convince the people that it was the act of the President. He could not believe that any one who was present in the last Congress would bring a charge so entirely unfounded. But if the Whig party had not at that time justified their position, they would have much to excuse them in subsequent events. Could they foresee what has since taken place? Could they foresee that Mexico was to be invaded in the manner she has been? Could they have foreseen that in little more than one year the whole of Mexico would have been subjugated, and that the war would be carried into the vital parts of Mexico? No, by no means. It was then the general opinion, both here and elsewhere, that the war would soon come to a close. It was supposed that General Taylor was surrounded by four or five times his own number, and it was the object here at the time to furnish him with supplies and reinforcements, and this they did while protesting against the preamble of the bill. He (Mr. D.) was not here at the time the bill passed. If he had been, he should undoubtedly have voted with his political brethren on that occasion; for he did not pretend to possess more wisdom than they had. He was, however, necessarily absent in Connecticut; but when he heard how his Whig friends had voted, he perfectly understood their feelings on that occasion. He repeated, that their intention was to furnish supplies to our army, then surrounded in an enemy's country and exposed to imminent danger.

And here let him allude to another topic which was introduced by a gentleman last week. Mr. D. then quoted from the published debates an extract, showing that it had been charged on the Whig party that it was a mere pretext to assert that this war was brought on by the President without notice being given to Congress. To sustain this accusation, reference was made to the message of the President to the first session of the last Congress. The President, in that message, states that he had, at the request of the Texan Congress, sent a force to take a position for its protection; and gentlemen said that was fair warning to the country, and that it was absurd to suppose that the country was taken by surprise. But, sir, look at that message. The President in that document informed us that the acquisition of Texas had been a bloodless achievement; that the sword had had no part in the conquest. Was that giving us notice of war with Mexico? He told us further, in the same document, that he had appointed an envoy to the Mexican Government, and that he should recommend no ulterior measures, anticipating, as he did, a peaceful settlement. Yet the gentleman from Indiana [Mr. ROBINSON] proclaimed here that if we did not take notice from that message that war with Mexico was intended, we were guilty of culpable neglect in not reading the documents laid on our tables. Sir, the danger then was of war in another quarter, and no man here then apprehended war with Mexico. That danger, gentlemen who were in favor of this war aided to avert. But to return. The President informed them that he did not send troops to Texas until he had been urged to do so by the Congress of Texas. He said he sent them on the urgent appeals of the Texan Congress and Texan Convention; and this he presumed was of great importance in an argument to show that the President commenced the war. But what were the facts? On the 15th day of June, they would find, by an examination of the documents in the Library of Congress, Mr. Bancroft, then acting as Secretary of War, wrote to General Taylor, informing him that his ultimate destination was the banks of the Rio Grande. He had, in the month of March previous, directed General Taylor to take a position at the mouth of the Sabine, so as to enable him thereafter to march to the frontier. On the 16th, one day after these orders were given, the Texan Congress met. How, then, could it be on the appeal of the Texan Congress that these movements were made? And when did the Texan Convention pass any resolution on that subject? If any such resolution was passed, it must have been subsequent to the date of the order of which he had spoken. No such resolution was passed before the 8th of July, long after the order was given to General Taylor to proceed to Corpus Christi; and yet the President told them and the country that the order was issued on the appeal of the Texan Congress. He did not say that the President intended to deceive them; but he did say that the statement of the President was unfounded in fact, and that the documents presented to Congress show it to be so.

The President, in the various defences which he has presented to this House and to the country for the war in which we are engaged, makes it also an important question whether the title to the soil where the first blood was shed was American or Mexican soil. The President claims it to be American soil. He says that on the day on which hostilities were first commenced, the ground on which the first conflict took place was part and parcel of the soil of American territory. That was a proposition which he (Mr. D.) intended to dispute. And here let him say, while they were discussing the question of the commencement of the war, it was of no consequence what our previous causes of complaint against Mexico might be. If we had cause of war, it was sufficient for them to know that the war-making power had not commenced war for the causes then existing. He did not deny that we had cause of war; but the question which he was discussing was, who commenced the war, and not whether we had cause of war; for he repeated, if we had cause of war, the war-making power had not commenced war for those causes. He did not even undertake now to say that we had the right to commence hostilities for the grievances of which we had complained. If he had been called upon to vote on the question of war for those causes, he should have voted against it. He did not think all the means had been exhausted for the adjustment of the difficulties which had existed, and therefore he should not have given a vote to authorize the President to adopt the last resort of nations. But if they admitted that they had sufficient cause of war, that did not help the President, because, as he had said, the war was not commenced for them. The President was not the war-making power.

Well, Texas was annexed to this Union, and the members of this House knew well that the annexation resolutions could not have passed if it had not been understood that the boundary question was to be left open. And how was it passed through the other House of Congress? It was by the adoption of another resolution which it was thought would have been preferred; but the late incumbent of the Presidency, at the last hour of his administration, made his choice of resolutions, and went on to consummate annexation, being, however, himself thereby bound to settle the question of boundary by negotiation. Here, then, was the first link in his chain of proof that the boundary was an unsettled question. Again: it must be recollected that a treaty had been prepared and presented to the other House of Congress for the annexation of Texas, but it was defeated, for the sole and only reason, or at least as a principal reason, that the boundary question was settled in that treaty precisely as the President has now taken on himself to settle it. It was objected to it that it embraced a vast region of Mexican soil, and on that ground it was defeated. That was the state of feeling which prevailed then.

The gentleman from Maryland [Mr. MCLANE] told them the other day that the constitution of the State of Texas was adopted with the boundary of the Rio Grande, and that the last Congress approved that constitution without crossing a *t* or dotting an *i*. He also asserted that the last Congress admitted Texas as a State of this Union, with a constitution extending her boundary to the Rio Grande. If this were true, there would be some force in the argument founded on the assertion. But the gentleman was mistaken in the fact. I admit, sir, that the last Congress, in admitting Texas as a State, did proceed with indecent haste; but the vortex into which we rushed was not so dark and deep as the gentleman supposes. The constitution of the State of Texas contained a proviso that all the laws of Texas not inconsistent with the annexation resolutions should remain in force. What laws of Texas were inconsistent with those resolutions, except that extending the boundary to the Rio Grande? Point out to me a single law of Texas thus inconsistent. No, sir; the law thus excepted was that settling the boundary of Texas. Why, previously they had abandoned all claim to the Rio Grande. He had before him a letter from Mr. Andrew Jackson Donelson, our chargé to Texas, in which he writes to this Government that Texas had abandoned that claim. They did not mean to fight for it; and surely what she was unwilling to contend for, it was unnecessary for this country to fight for. Texas had abandoned all claim to the Rio Grande; and when she came into this Union, she came with the express understanding, both on her part and ours, that the settlement of the boundary question was one which the General Government must undertake, and that it was not for Texas, much less the President of the United States himself, to undertake to settle it.

We took Texas with an uncertain western boundary; we took her with a line yet unsettled. All the question of boundary was left to negotiation: all was "as broad and general as the casing air." And there was far more cause for such negotiation in the case of Texas than in the case of Oregon. Had the President pursued the same course with Oregon that he has done with Texas, if he had marched an army to the line he claimed instead of leaving the question to be settled by the proper department of the Government, would any of those who now advocate his course have then attempted to defend it? Could any man in that case have pretended that he did right? No. He took no such course; he left that boundary question just where he should have left this.

But it is said that negotiation had been tried and had failed; that the President did everything in his power to settle the question by negotiation, and that it was not till all those efforts failed he resorted to extreme means. Now, I say it was not for him to judge when "extreme means" should be resorted to, and what they should be. That was a question for Congress and Congress alone. But the President tells us that the march of our army to the Rio Grande did not take place until after the mission of Mr. Slidell had been rejected by Mexico. The President had a meaning in using these words. They have been carefully selected. He says the march of the troops did not take place till the 11th of March. Yes; but when was the *order* for the march given? On the 13th of January. At that time he had no knowledge that Mr. Slidell had been rejected. Instead of having the least reason at that time to think he would not be received, there is no proof that he had even received the first letter from our consul, Mr. Black. On the 27th of December, Mr. Slidell wrote to Mr. Buchanan, enclosing him the first refusal (which was not final, however) by the Mexican Government to receive him; and Mr. Buchanan's letter to him of the 25th of January says that he had received Mr. Slidell's letter on the 20th of the same month, (and it so happens that this is the only letter which refers to the date of the receipt of any of Mr. Slidell's despatches.) Yet the President had ordered the march of General Taylor on the 13th, seven days before he got the first intimation of any rejection of our minister. Yet he tells us that the army had not marched till after the rejection. Did he intend to deceive us? Could this have been intended to produce a false impression? [A voice: Yes, to be sure it was. Other voices: It was a downright lie—a

perpendicular lie on the part of the President.] Whatever I may think, I cannot use that language. I choose to prove it such. But certain it is that he ordered the army to advance long before he heard that our minister was rejected. The order was issued on the fatal 13th of January, and the giving such an order under the circumstances was an act of usurpation on his part that renders him liable to impeachment.

Mr. RHETT here interposed with a question as to dates.

Mr. D. replied, that he had been very careful in what he had stated. There was no evidence that the President had received the slightest hint from Mr. Slidell of his first rejection till seven or eight days after the order to march was given. Nor was this first act of rejection final, for Mr. Slidell tells Mr. Buchanan that it is still his opinion that he shall be received. And instead of putting the order for the march on the ground of the rejection, Mr. Buchanan, on the 25th of January, 1846, says to Mr. Slidell: "The President, IN ANTICIPATION of your probable rejection, ordered the army to march to a position on the Rio Grande." Yet, in the message the President lays stress on the fact that the march did not take place till after the rejection. His Secretary says he gave the order "*in anticipation*" of the rejection. When the letter giving an account of it was received, the President had reason to believe that our Minister would still be received. Mr. Slidell tells him that his own reception would depend on the President's settlement of the Oregon question: if he should settle that question peaceably, he would be received; but if he went to war with Great Britain, he would not. Now, the President knew at that time just as well as he did afterwards, that he did not mean to have a war with England. He very well knew in his own conscience that he would "back out," as the illustrious gentleman from Massachusetts [Mr. ADAMS] had predicted on that floor that he would do. He had no intention of fighting Great Britain. (If I am not mistaken, that is not the sort of fight the President is fond of.) He very well knew that he would abandon all to which he said "our right was clear and unquestionable," and that then he would turn on a weak neighbor, and make up by taking from her for what he had given away to a strong one. The truth is, the President thought he might take any course with Mexico that he pleased, and thus might save a little of that perishable article called "glory." The gentlemen on the other side fell, therefore, into a great mistake when they said that the President did not proceed to extreme measures till all negotiation was at an end. All negotiation was not at an end. On the contrary, the final rejection itself of Mr. Slidell was put by Mexico, in part, on the very fact that our troops had made an advance into territory she claimed as her own.

And now I come to the question of title. Admitting all the President says to be true as to the march to the Rio Grande, I ask, was the left bank of that river a part of the United States? Was the soil on which the first blood was shed "American soil?" Even if it had been, the President had no right to take such a course as he did; but was it ours or not? And here I am fully aware that I am treading on dangerous ground. I know full well, that if a man says he does not believe the region on this side of the Rio Grande is American soil, he will instantly be denounced as a traitor. I have no fear of such denunciations. None at all. I am quite willing to be called a traitor, if that is treachery. At least I find myself in excellent company—with some who once had very high standing. They were told, that because they doubted our right to the country along the left bank of the river, and expressed that doubt, they were "giving aid and comfort to the enemy." The President, however, is remarkably silent on that point in his last message. We hear not a note on that string. And why? Because he is stung to the quick by the consciousness that he has given the enemy far greater "aid and comfort" himself. He ordered Mr. Bancroft to ask that the British captain who introduced Paredes into Vera Cruz shall be discharged from the service. By a late arrival we learn that he was so discharged. If bringing in Paredes was good reason why a British captain should be dismissed from office, why is not the bringing in of Santa Anna equally good reason why an American President should be found worthy of the same condemnation? I call on the American people to discharge the President from office for admitting Santa Anna, as he demanded the discharge of the British officer who admitted Paredes. When I say that I am denounced in very good company, I allude to gentlemen of high standing, public men, eminent men, not of the Whig party. The first I shall name, is a gentleman whom I shall mention with the utmost respect. I mean the former chairman of the Committee on Foreign Affairs, [Mr. C. J. INGERSOLL]—a gentleman whose opinions come with great weight—whose opinion on any question is entitled to very great consideration. The opinions expressed on this floor by that gentleman, occupying that official situation in the House, are matters of history; they may be called a part of the "*res gestæ*," and, as he was presumed to present our extreme claims, are evidence against us. They were given in the strong and peculiar language which that gentleman is accustomed to employ, and which is always striking, powerful, full of meaning, and highly attractive to the members of this House. The part of the speech I allude to will be recollected in a moment by every gentleman who heard it, and by many who did not, but have seen it in print. It was as follows:

"The territorial limits are marked in the configuration of this continent by an Almighty hand. The Platte, the Arkansas, the Red, and the Mississippi rivers, without counting great though minor streams in that vast terraqueous region of cotton, sugar, lead, and other mighty staples, which have, in a few years, kept pace with steam itself in marvelous development—those rivers are naturally our waters, with their estuaries in the bay of Mexico.

"The stupendous deserts between the Nueces and the Bravo rivers are the natural boundaries between the Anglo-Saxon and the Mauritanian races. There [in that desert] ends the valley of the West. There Mexico begins. Thence, beyond the Bravo, begin the Moorish people and their Indian associates, to whom Mexico properly belongs, who should not cross [what? the Bravo? no; but] THAT VAST DESERT [between the Nueces and Bravo] if they could, as on our side we too ought to stop there, because interminable conflicts must ensue either on our going south or their coming north of that gigantic boundary. While peace is cherished, that boundary will be sacred. Not till the spirit of conquest rages will the people on either side molest or mix with each other; and whenever they do, one or the other race must be conquered, if not extinguished." * *

"To Mexico we offer explanation for our incorporation of Texas—explanation which she will be satisfied with. I shall refrain from argument—from arguing the extent of that explanation. Although the public correspondence between the two North American republics has become angry, I am happy to be authorized to assure this House that those best acquainted with the true state of things apprehend little or no danger of war. The main sinew of war (money) will heal the breach and end the controversy amicably. It affords me great satisfaction to state that hostilities are not probable with Mexico."

He thus told us that there existed between the Nueces and the Rio Grande "stupendous deserts," which formed a natural boundary between the Anglo-Saxon and the Mauritanian races; and that whichever of them should cross (not the Rio Grande, but) that desert, would either conquer or be conquered by the other. That peace was safe so long as that desert was not crossed; and that it never would be until the spirit of conquest was raging in one nation or in the other. The gentleman seems to have been inspired: he must have had the spirit of prophecy; while thus treating of contingencies yet future, he was in reality writing history, and facts have justified every word he uttered. True, he told us that money would settle the question. There was no danger of bloodshed—money, money would do everything. But he did not know, he could not anticipate, the utter madness and folly which would rule the hour. The gentleman doubtless would have settled the question; so would any man in his senses. But our President first gets us into a fight, and then asks for money to settle the question.

But this honorable gentleman is not the only traitor. There is another, not less distinguished than he. Probably gentlemen anticipate me when I say that I have reference to an eminent Senator from Missouri. No one will contradict me when I affirm that there exists not in all the country a man better or so well acquainted with the entire question of the Texan boundary. He has made it his study. He wrote upon it (as he is rather fond of telling the Senate) more than twenty years ago, under the signature of La Salle. What does he say? His language is so strong, that, had I used anything like it, I should have been branded as a traitor of the deepest dye. I quote his language. We all remember it. He declares that the territory on the left bank of the Rio Grande, where the President sent our army, is NOT "American soil"—it is Mexican soil. It is not ours; it is hers. He affirms that the true boundary lies not in the river, but in the desert, "the stupendous desert," between the Rio Grande and the Nueces, and was along the heights which divide the itrbutary sreams running into the two rivers. He introduced a bill to the following effect:

Extract from Mr. Benton's bill to provide for the annexation of Texas to the United States.

"1. The boundary of the annexed territory to be in the desert prairie west of the Nueces, and along the highlands and mountain heights which divide the waters of the Mississippi from the waters of Rio Bravo del Norte, and to latitude 42° north."

And are we now to be told that what was once Democratic truth is now a Whig lie? Because the President usurped our power to take possession of that portion of territory, must we therefore say that it is American soil?

But my witnesses end not here. I have more, and not less distinguished. The Hon. Silas Wright—the late lamented Senator from New York—in giving the reasons to his own constituents why he voted against the treaty of annexation, stated as one principal one that the Texas to be annexed overran the Mexican soil. Now, will gentlemen tell us that Silas Wright was ignorant of the question? That he did not understand the subject? Or will they take the other horn, and say he was a traitor, and belied his knowledge of the truth? Are we not safe in following such an authority?

But I have yet further witnesses. I have one that these gentlemen will hardly venture to accuse either of ignorance or treachery. It is the honorable Secretary of War himself. Mr. Secretary Marcy has given us another proof that the east bank of the Rio Grande was not "American soil." He states in his letter to General Taylor that there were certain military posts on the east bank of the Rio Grande, which were in possession of the Mexicans, aad which were not to be disturbed. Not to be disturbed? Why not? Military posts in possession of a foreign nation upon American soil! And they must not be disturbed! Who ever heard of such an absurdity? These Mexicans are spoken of somewhere in the documents as having been there so long as to have contracted "usages." They had held these posts so long that it was their "usage" to consider them as their own; and so foreign military posts on American soil were not to be disturbed. (Anthony Wayne received orders of a different tenure.) Were the Mexicans, then, invaders when they occupied these positions on this side of the river? They had been there so long as to have settled "usages," and yet when blood was shed there, it was shed upon "American soil."

I have more testimony. What did General Taylor write to this same Secretary? He tells him that at Point Isabel the Mexicans fired their custom-house and other buildings, and that he considered this as an "act of hostility." I agree with him: it was unquestionably an act of hostility. Was it not an act of hostility when the Russians fired Moscow on the approach of Bonaparte? Surely: who ever thought it otherwise? And why was not the same thing an act of hostility at Roint Isabel? Yet we are told by the President that all the soil was ours. Mexicans, Mexican military posts were on it, and had long been there; yet it was "American soil," and when Mexican troops came there it was invasion, and justified the war. But I go still further. In 1836, General Jackson sent a messenger, Mr. Morfit, of this city, (it is so long ago now that I suppose the gentleman and his very name are forgotten, but President Jackson mentions it in his message;) and this agent, sent to examine everything relating to the boundary, makes to the President his official report. In that document, he says that the Nueces was the boundary before the last revolution. The country was afterwards *claimed* by Texas up to the Rio Grande, up that river to latitude thirty degrees, and thence due west to the Pacific. It was their intention to insist on this, on all this, as part of Texas; but, on further consideration, he says, they found it would be *inconvenient* to go to the Pacific. But suppose they had persisted in that claim. Suppose they had claimed across to the Pacific, would the President have been justified in sending a fleet round by sea and taking San Francisco by way of protecting Texas? Yet he might with just as much justice have done this as order our troops to the Rio Grande. The Texan convention, Mr. Morfit says, contained representatives from all Texas, and "from San Patricio, *on the Nueces, the extreme western boundary*, to the Sabine." It has, to be

sure, rather a Spanish sound, even that "San Patricio." And, in the Texan State constitution, district No. 19 of Texas is said to be that same "San Patricio."

But, it is said, Texas made a treaty with Santa Anna. I call the attention of the committee to that point; and I ask if President Polk had commanded in person, and lost the battle of Buena Vista, (not a thing hard to be supposed,) and had been taken prisoner by the Mexicans, and he, while in captivity in the halls of the Montezumas, had made a treaty ceding a part of Louisiana, would gentlemen have been willing to assent to that instrument? Would they have admitted it to be of binding validity? It is a remarkable fact, that, after this so-called treaty had been made by Santa Anna, Gorostiza, the Mexican minister here, sent to General Jackson the protest of the Mexican nation against any treaty that the captive Santa Anna might have made, because when he made it he was under duress. Yes, this Napoleon of the West was a prisoner to General Houston, against whom he would have made a very brilliant affair, if it had not unfortunately ended in his discomfiture, and his being found hidden in the grass. Well, he wrote a letter to General Jackson, as Napoleon did to George III., in which, while he said and swore he would suffer a thousand deaths and I know not how many tortures rather than yield one inch of ground to Texas, yet, still, as the Texans would not be satisfied and would not be quiet otherwise, he was willing to yield to their wishes; and he asked Old Hickory to give his aid in carrying into effect his treaty with Texas. And here is the answer of Andrew Jackson to this redoubtable letter. He knew that the treaty was nothing, and he tells him so. In reference to the agreement you have proposed, we are forbidden to recognize it, because you are a prisoner: so, Mr. Santa Anna, I'll have nothing more to do with you.

"HERMITAGE, *September* 4, 1836.

"SIR: I have the honor to acknowledge the receipt of your letter of the 4th of July last, which has been forwarded to me by General Sam Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texan frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico, in her domestic as well as her foreign relations.

"The Government of the United States is ever anxious to cultivate peace and friendship with all nations, but it proceeds on the principle that all nations have the right to alter, amend, or change their own government, as the sovereign power (the people) may direct. In this respect it never interferes with the policy of other Powers, nor can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations, or remove the causes of misunderstanding, is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

"In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden, by the character of the communications made to us through the Mexican minister, from considering it. That Government has notified us, that as long as you are a prisoner, no act of yours will be regarded as binding by the Mexican authorities. Under these circumstances, it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted as forming the basis of our intercourse with all foreign Powers, makes it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war, and in substituting in their stead the blessings of peace, is a divine privilege. Every Government and the people of all countries should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other, and their interest in the general principles which apply to them all as members of the common family of man.

"Your letter, and that of General Houston, commander-in-chief of the Texan army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the mean time I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken, and can add to the number of those scenes of bloodshed which have already marked the progress of their contest, and have given so much pain to their Christian friends throughout the world.

"This is sent under cover to General Houston, who will give it a safe conveyance to you.

"I am, very respectfully, your obedient servant,

"ANDREW JACKSON.

"To Gen. ANTONIO LOPEZ DE SANTA ANNA."

But what says President Polk? He says that this treaty of Santa Anna's is an argument to prove that American blood had been shed on American soil. I am not surprised at that; but I confess I was surprised when I found that so distinguished a lawyer as the Senator from Maryland [Mr. REVERDY JOHNSON] had brought it forward as worthy of consideration.

Here Mr. D.'s hour expired, and the hammer of the Chairman fell.

Mr. BEDINGER then obtained the floor, but yielded to a motion that the committee rise; which prevailing,

The committee rose and reported progress,

And the House adjourned.

IN SENATE.

MONDAY, *January* 24, 1848.

Mr. RUSK presented the credentials of Hon. SAM HOUSTON, elected a Senator of the United States from the State of Texas for the term of six years, from the 4th March, 1847.

The credentials having been read, Mr. HOUSTON was qualified, and took his seat.

MEMORIALS AND PETITIONS.

Mr. WEBSTER presented a petition from Robert Shaw and other respectable merchants of Boston, complaining of the unjust operation of the eighth section of the tariff act of 1846, and praying that it may be amended, so that the standard of weight and measure, on which the *ad valorem* duties were assessed, might be fixed and uniform; which was referred to the Committee on Finance.

Mr. WEBSTER also presented a petition from citizens of Bedford county, Pennsylvania, praying for a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. WEBSTER also presented a memorial from ministers and laymen of Unitarian congregations, praying for the adoption of measures for the speedy restoration of peace; which was ordered to lie on the table.

Mr. WEBSTER also presented a petition, similar in its import, from citizens of Billerica, Massachusetts; which was ordered to lie on the table.

Mr. BERRIEN presented a petition from J. J. Flournoy, praying the adoption of a mode of settling international disputes by arbitration; which was referred to the Committee on Foreign Relations.

Mr. LEWIS presented a petition from the General Assembly of the State of Alabama, praying for the establishment of a national armory in the neighborhood of Tuscaloosa; which was referred to the Committee on Military Affairs.

Mr. BAGBY presented a memorial of the Legislature of the State of Alabama, praying the passage of a law for reducing and graduating the price of the public lands; which was referred to the Committee on Public Lands.

Mr. DICKINSON presented papers in relation to the patent of Jethro Wood; which were referred to the Committee on Patents.

Mr. DICKINSON also presented a petition from citizens of Nunda, New York, praying a reduction in the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. BRADBURY presented a petition from Amos Doughty, a soldier of the last war, praying for a pension; which was referred to the Committee on Pensions.

Mr. ASHLEY presented a petition from Reynolds May, praying to be released from a judgment obtained against him by the United States; which was referred to the Committee on the Judiciary.

Mr. R. JOHNSON presented a petition from Alexander Murdoch, praying the return of duties on articles imported for the Presbyterian church; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. ATCHISON, from the Committee on Indian Affairs, reported a joint resolution for the relief of Jonathan Lewis; which was read a first time.

Mr. BALDWIN, from the Committee on Claims, reported a bill for the relief of Jeanette C. Huntington, widow and executrix of William Cheever, deceased; which was read a first time.

Mr. BREESE, from the Committee on Public Lands, reported a bill to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of these warrants; which was read a first time.

Mr. BREESE, from the same committee, reported, without amendment, a bill granting a right of way to the State of Illinois, and a donation of public lands for making a railroad to connect the Upper and Lower Mississippi with the chain of northern lakes at Chicago.

Mr. DAYTON, from the Committee on Patents, reported a bill for the relief of Oliver C. Harris; which was read a first time.

Mr. UPHAM, from the Committee on Revolutionary Claims, made an adverse report on the petition of Gustavus B. Horner.

Mr. FELCH, from the Committee on Public Lands, reported a bill for the relief of John Millikin and others, to secure certain rights to preemption in the State of Louisiana; which was read a first time.

Mr. WESTCOTT, from the Committee on Claims, made an adverse report on the petition of Don Carlos Buell.

Mr. BADGER, from the Committee on Military Affairs, reported a bill placing the officer who performs the duty of adjutant at the Military Academy on an equality, as to pay and allowances, with the adjutants of regiments; which was read a first time.

Mr. HUNTER, from the Committee on the District of Columbia, reported, without amendment, a bill supplemental to an act passed the 9th day of July, 1846, entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia."

RESOLUTIONS.

On motion by Mr. HUNTER,

Resolved, That the President of the United States be requested to communicate to the Senate, if not inconsistent with the public interest, the correspondence of Mr. Wise, late Minister, &c., of the United States at the court of Brazil, with the Department of State of the United States, and with the Minister and Secretary of State for Foreign Affairs of Brazil, with the accompanying papers, as embraced in his despatches from number 53 to number 64 inclusive, and in his de-patch from off the capes of Virginia, dated October 9, 1847, and in his letter to the Secretary of State, dated at Washington, November 3, 1847; and the despatches of Mr. Buchanan, Secretary of State, to Mr. Wise, number 30, dated the 2d February, 1847, and number 33, dated 29th March, 1847; all relating to the imprisonment of Alonzo B. Davis, a lieutenant of the United States navy, and three seamen of the United States, by the police authority of the city of Rio de Janeiro, on the 31st of October, 1846.

On motion by Mr. WESTCOTT,

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of increasing the salary of the United States District Judge for South Florida.

On motion by Mr. WESTCOTT,

Resolved, That the Commissioner of Patents be directed to report to the Senate such information as he may have in his possession, or may obtain, that he deems important with reference to further legislation by Congress, for the prevention of the explosion of steam-boilers used in boats, or for engines on railroads, and whether any amendments to the patent laws are advisable to effect such object.

Mr. CAMERON submitted the following resolution; which lies over:

Resolved, That the Committee on Printing be authorized to employ a clerk, to whom the usual per diem compensation shall be paid, out of the contingent fund of the Senate.

The following resolution submitted by Mr. BERRIEN, was taken up for consideration:

Resolved, That the President of the United States be requested to furnish to the Senate copies of the letters, reports, or other communications which are referred to in the letter of General Zachary Taylor, dated at New Orleans, 20th of July, 1845, and addressed to the Secretary of War, and which are so referred to as containing the views of General Taylor previously communicated, in regard to the line proper to be occupied at that time by the United States.

Mr. BERRIEN hoped the resolution would be acted on. He had had a conversation with the chairman of the Committee on Military Affairs, who had stated that he had no objection to the adoption of the resolution.

The resolution was then agreed to.

WASHINGTON MONUMENT.

Mr. MILLER moved to postpone the previous orders, for the purpose of taking up the joint resolution authorizing the erection on the public grounds in the city of Washington of a monument to George Washington.

The motion having been agreed to, the bill was considered as in Committee of the Whole, and reported without amendment; and the question being on its engrossment—

Mr. ALLEN expressed a desire that the joint resolution might be postponed until the Senator

from Missouri, who might be expected in his seat to-morrow, should be present.

Mr. MILLER hoped there would be no further postponement. The resolution had been already too long postponed, and it was desirable that no further delay should take place. He had been given to understand that the Senator from Missouri did not desire the resolution to be delayed on his account.

The joint resolution was then ordered to be engrossed, and was read a third time, and passed.

A message was received from the President of the United States, communicating the information called for by Mr. DAYTON's resolution of the 13th instant, relative to "forced contributions" in Mexico.

PUBLIC DOMAIN IN MEXICO.

The following resolution, submitted by Mr. BALDWIN, was taken up for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate any information he may possess in regard to the extent and value of the public domain (if any) belonging to the Republic of Mexico; and also in regard to the power of that Republic, under the fundamental law thereof, to cede to any foreign Government, whether monarchical or republican, the sovereignty and dominion over any of the members of that Confederacy, or the people thereof.

Mr. HANNEGAN asked for a second reading of the resolution; and after it had been read, remarked, that before the vote of the Senate was taken on the resolution, he should desire to have some explanation of it offered by the mover.

Mr. BALDWIN. I will state, Mr. President, in a few words, the object which I have in view in moving that resolution. The President of the United States, in his message at the opening of the session, has informed Congress that the Republic of Mexico has no means of indemnifying us for the claims of our citizens except by a cession of her territory or a portion thereof. He has also stated in his message, that it must have been the intention of Congress in their act of the last session, and particularly in the appropriation of three millions, with a view to negotiate with the Government of Mexico, to acquire a cession of territory from the Republic; and to acquire probably the cession of territory of greater value than the amount of the claims which might be due to our citizens. Now, sir, the object of the first part of the resolution is to inquire whether the President possesses any information, and if so, to request him to communicate it to the Senate, in regard to the extent and value of the public domain of Mexico, which it is in the power of that Government to cede to the United States—whether Mexico has any public domain whatever—whether she has any land, any means, any available property which may be converted into the means of paying the United States claimants; or whether the President, in his recommendation to pursue the war for the purpose of acquiring territory, has in view simply the acquisition of dominion over the people, or any part of the Mexican Republic. And, sir, if the latter be the object—if Mexico has no public domain—if we are not seeking the acquisition of property as such, but are seeking simply for the acquisition of dominion, then, sir, the object of the second part of the resolution is to inquire of the President whether he possesses any information, and if so, to request him to communicate the information to the Senate, in reference to the power of the Mexican Republic to cede, either to the Government of the United States, or to any foreign Government, either of the States of that Confederacy, the sovereignty of either of the States of that Confederacy, or any portion of the people thereof.

I ask this information, sir, to enable me to act intelligently, and to enable the Senate to act intelligently, not only upon the recommendation of the President, but upon the resolutions which are now pending before the Senate—the resolutions offered by the Senator from Indiana, [Mr. HANNEGAN,] asserting the right of the United States to acquire the dominion, and the possibility that it may become necessary to acquire the dominion, over the Republic of Mexico. I ask it for the purpose of enabling me to act intelligently upon those resolutions. I ask it also in reference to the resolutions of the Senator from New York, [Mr. DICKINSON,] asserting that it is the true policy of the Government of the United States to strengthen its commercial relations and its political relations; also, the annexation of contiguous territory, wherever it may be justly acquired. I wish to know, also, whether Mexico has the power of ceding to the United States any portion of the sovereignty over any of the members of that Republic—whether we can lawfully and justly acquire the sovereignty, either by demanding a treaty of cession or in any other way. For it must be known to the members of the Senate, that when Mexico was an empire, under the government of Iturbide, he was required to take an oath, on entering upon the administration of the Government, that he never would cede or alienate any portion of its territory. We all know, that when the Government was overthrown, and a confederated republic was established in its room, by the union, for that purpose, of the nineteen States composing the Republic of Mexico, that union was based upon the same principles upon which our Government is founded, the Constitution of the United States having been adopted as the model of that of the Mexican Republic. And, sir, need I ask whether any authority could be derived from a constitution modelled after our own for the cession to a foreign Government of any portion of the sovereignty over any of the territories of States composing that Republic? Does any citizen of the United States suppose that it would be competent for this Government to cede, in payment of the claims of a foreign Government against us, any one of the States of this Union? Did the State of Maine, or the State of Massachusetts, hold to any such doctrine, when the northeastern boundary question was in agitation before the country? Did the Government of the United States suppose that they could, for the purpose of settling that great national controversy, cede to Great Britain any portion of the State of Maine, without the assent of that State first obtained? If, then, these are the doctrines of this Republic, I wish to know whether, when the President of the United States recommends to Congress to obtain a cession of territory from the Mexican Republic, and to pursue this war into "the very vitals of that Republic," until thereby such cession is obtained—I wish to know whether the Mexican Republic has the right to make this cession, before I can decide intelligently the question whether this Republic can in honor make the demand of Mexico. I wish first to know whether Mexico has the power to comply with that demand consistently with the fundamental principle upon which that Government is based. We all know, that by the general principles of the law of nations, it is not competent for a Government to dismember itself by the cession of the sovereignty over any portion of its people to a foreign Power; and that if it attempts, for the promotion of its own interests, to make such a cession, it is optional, by the law of nations, with that member of the Government which it is attempted to cede away to a foreign jurisdiction, to assent to such a cession and yield obedience, or not, as it may be able to sustain a position independently or not. But, sir, who are the parties in the present case? What are the principles upon which our Government is based, and upon which the Mexican Republic is based by its constitution, modelled after our own?—and to what result do the considerations deducible from these institutions lead us, other than I have stated, unless there be in the possession of the President information which he may have it in his power to communicate to the Senate which would change the result? Our Government is based, sir, as we all know, upon that great declaration, that the right of sovereignty is inalienably in the people. The Mexican Government was, as I have remarked, based upon the same principle; and are we, who sent forth this declaration of popular right—a declaration at war with the then existing institutions of the world, and utterly at variance with the great dogma upon which they were based, of the divine right of kings to govern and the duty of the people to obey,—are we, I ask, who claim to have discovered and promulgated for the first time the inalienable right of sovereignty in the people, now about to ask of a sister Republic that she shall transfer to another Government a portion of her people, loyal to their own Government and desirous of remaining under its protection? The object of my resolution is to seek for such information as the President may possess, other than that which we can derive only from our knowledge of the institutions of these two Republics, which will enable us to judge of the propriety of demanding and endeavoring by force of arms to compel that Republic to make a cession of a part of itself, with a portion of its people, thereby transferring them as property to be governed by the people of the United States.

The United States, it is true, sir, have heretofore acquired territory by the cession of other Governments. But in what circumstances have these acquisitions been made? In the first place, the United States, claiming the proprietorship of all the territories included within the original jurisdiction of the States which had extensive domains, held that, inasmuch as those territorial domains had been acquired by the common efforts of the Confederacy, the jurisdiction should be ceded to the Government of the United States, under certain conditions; and after a long struggle a compromise was made, by which the United States acquired the territory and jurisdiction which they claimed, and which had been also claimed by the ceding States. That was the first instance, if such it can be called, of an acquisition by the Government of the United States of that which they claimed to be already their own, by the cession of the States within whose original territorial limits the domain was included. The next instance, was the cession of Louisiana by France. But that was the cession of a distant colony, claimed by a monarchical Government in the Old World. We stood in that case upon an entirely different principle from that now assumed in seeking a cession of territory by a sister Republic on our own continent. Then came the cession of the Floridas—a cession made under similar circumstances to that of Louisiana, the territory being but an appendage to a monarchy of the Old World. Next we have the cession of Texas. That was a cession made by the people themselves, who claimed to have established an independent Government—who claimed to possess the sovereignty of the territory which they undertook to transfer and annex to the Union. They yielded up voluntarily, in convention, by the unanimous consent of the people, the sovereignty which they felt they were, of themselves, unable to maintain.

But, sir, we are now called upon for the first time, by the President of the United States, to enter upon the career of conquest—to seek the acquisition of territory by a forced cession from a sister Republic, of territory now under the dominion of the people of another Government. We now seek to transfer that people to our Government, and to transfer them, as an appendage to this Republic—or a "territorial appendage," in the language of the resolution—and perhaps that may be inferred to be the object of the recommendation contained in the message of the President. But I can hardly suppose, that it is now seriously intended by any one to incorporate that domain as an integral part of the United States—to invite them to come in and participate in the government of this Republic. If incorporated at all, we are asked to incorporate them as a "territorial appendage" to this Government. Now, the object of the resolution, which I have had the honor to submit, is to ascertain from the President of the United States, whether he possesses any information which he can communicate to the Senate, showing that such a cession can be made of the Republic of Mexico, in consistency with the fundamental law of the Republic?

Mr. HANNEGAN. So far as the first branch of the resolution of the Senator from Connecticut is concerned, I do not know, sir, that I have any objection to offer. But I presume the answer to it would necessarily be, that the President has no information upon the subject. It amounts to nothing. I pass, then, to the second branch of the resolution. The Senator, in the course of his remarks, thought proper to refer to certain resolutions which I had the honor to submit to the Senate a short time since. I was not in the Senate on Thursday last, at the moment when the Senator introduced his resolution, and I knew nothing of its introduction, or of its import, till I heard it read this morning at the Secretary's desk. With regard to my own resolutions, I do not feel myself called upon to say anything on them now; but with reference to the second branch of the resolution offered by the honorable Senator from Connecticut, I must make a few remarks. I object to that part of the resolution on several grounds. And, in the first place, I remark, that that information which it calls upon the President to communicate to us is presumed to be as fully in the possession of the members of this body as it can be in

that of the President himself. The resolution asks the President to communicate information relative to the fundamental law of a foreign Government. Well, sir, it is, I believe, to be presumed that we ought to know as much as the Executive about the fundamental law of a foreign Government. The call is therefore altogether unnecessary.

The question discussed at some length by the Senator from Connecticut is one, not for us, but for Mexico to determine. It is for Mexico to say whether, under her fundamental law—if fundamental law she has—there is power to cede any or every foot of territory she possesses. That power Mexico herself has already recognized. She has already exerted that power. Pending the negotiations anterior to the annexation of Texas, Mexico, as every member of this Senate well knows, made the offer to Texas of a recognition of her independence, on condition that she should refuse annexation to the United States; thereby admitting that she had the power to dispose of any portion of her territory at her will. She always claimed Texas as hers till that period. I did not catch distinctly the whole of the remarks made by the Senator from Connecticut, but if I understood the purport of his argument, he holds that the power of making a cession of territory may belong to a monarchy, but does not exist in a republic. The Senator shakes his head. Does he then deny the existence of that power in a monarchy? If he does, he denies a principle as old—I was about to say—as time; certainly one coexistent with the monarchical form of government. There never was a monarchy upon the face of the earth where the question could be raised as to the right to dispose of her territory or dominions, or any part of them—never. It is quite enough to refer to the treaties of peace concluded at the termination of wars between great monarchies, in order to show, that under that form of government the power of ceding territory was always exercised. That right has always been exercised in monarchical governments, and I will briefly show that the majority has asserted the same power in this country. But I contend here that Mexico, being neither a monarchy nor a republic, nor an aristocracy, but an anarchy, must have the right somewhere. The Senator speaks of a fundamental law in Mexico, about which he would call upon the President to deliver a message. What is that fundamental law? What has it been from 1832, till the present hour? Why, sir, it has been nothing but the arbitrary will of each successive military despot who has raised himself to supreme power by his sword.

But with regard to the power of making a cession of territory in a republican Government, we know that the majority have twice decided in this body that it existed here. First, in the settlement of the northeastern boundary, you find, by the unanimous vote of the Senate recorded upon your Journals, that it was declared that the whole of that disputed territory was the property of the United States, and yet, by the Ashburton treaty, a large portion of the territory thus declared to be ours was surrendered. I repeat, by a unanimous vote of the Senate (if I am in error I can be corrected; but I believe I am right) the whole of that territory was declared to be the property of the United States, and yet a treaty ratified by the Senate surrendered a large portion of that territory, and the most valuable in a military point of view. Then, again, the second instance is afforded in that blackest feature in our history—the settlement of the Oregon question—in which, after almost every department of the Government had declared that our title to the whole of Oregon was unquestionable, we yielded up a large part to England. There exists, then, in this Government, as in a monarchical Government, the power of ceding territory; and I cannot see why the exercise of that power can be denied in an anarchical Government, such as that of Mexico. At any rate, to what does the Senator's argument amount, when we come to bring it directly home to the case as it exists? Mexico has for a series of years urged war upon us. She has urged war upon us by every act which has ever been held a just cause of war; nay, by a series of acts, running through a period of twelve or thirteen years, from the hour in which Texas declared herself independent. From the battle of San Jacinto down to the battle of Palo Alto, there has not been an hour in which Mexico was not resolved to provoke a war with the United States. The whole history of the intercourse between the two nations proves, as clearly as the sunshine, that that was the studied and constant effort of Mexico. On another occasion, however, I shall take an opportunity of entering at length upon that subject, and of demonstrating, I think irrefragably, the soundness of the position which I have thus assumed. Mexico, then, urges us into this war. She forces upon us a conflict involving an immense sacrifice of life and expenditure of treasure; and at the close of this conflict, the Senator from Connecticut, according to the doctrine this day enunciated, would suffer Mexico to go "scot free," insisting only that she should say she was sorry for her conduct.

Sir, I do not approve of such a course of policy. I hold, that in common with all nations that have ever existed, we have a right to make this offender pay the penalty of her transgression. She has no gold wherewith to reimburse us; but she has land, and that land we want, and I hope and trust we will get. I call, if it be in order, for a division of the question.

Mr. BALDWIN. The Senator from Indiana says, that the information sought by the resolution is presumed to be in the possession of every department of the Government. Undoubtedly, it is always presumed that we are acquainted with the general historical facts in regard to the Republic of Mexico. But when the President of the United States recommends to Congress a specific course; when he recommends to Congress the acquisition of dominion by forced cession of that Republic; and when a knowledge of the fundamental institutions of that Republic does not lead us to the conclusion that she has the power which the President asks us to demand her to exercise, then it appears to me that it is proper and respectful to the President himself to ask that he shall communicate to the Senate the information which he possesses, and which has led him to a different conclusion. I have endeavored to show, that upon our own knowledge of the fundamental principles upon which that Government is based, we could not, either upon any principle recognized by ourselves, or upon any principle to be found in the law of nations, infer that such an authority existed; and it is because I have felt that we could not, from our own knowledge, perceive that Mexico had the power, which it is necessary she should possess, to enable her to make the cession we require, that I deemed it due to the Executive to call upon him for any information he may possess which has led him to arrive at a different conclusion. But, sir, the Senator from Indiana says that this is not a question for us—it is for Mexico alone to decide whether she has the power to cede or not. Is this so, sir? Are we called upon to expend millions of the public money for the acquisition of territory, without being permitted to inquire into the nature of the title which we may get? Is it enough that the Mexican Republic, under the pressure of our arms, will be willing to vacate her own jurisdiction? Does that satisfy the United States that they thereby shall rightfully acquire sovereignty over that people? I desire that the President may inform us upon what principle recognized by ourselves—upon what principle recognized by the Republic of Mexico, the sovereignty of the people is transferable, like property, for the payment of claims against that Government. Is that the doctrine of the American people? Do they hold that sovereignty is no longer inalienable, as it was declared to be by our fathers in the days of the Revolution? Do they hold that it is a commodity to be transferred from one people to another, in payment of demands against that confederated Government, which it may not be convenient for that Government to discharge, except by ceding a portion of the Confederacy to another government? How would this doctrine be regarded, if its application were attempted by a foreign government either to the people of this country or to the people of Mexico? My friend from Indiana has introduced a resolution affirming that this Government could not look with complacency upon the establishment of monarchical government over any portion of this continent. But, sir, Mexico owes to subjects of monarchical governments a debt immensely greater than the amount due by her to our citizens. Mexico owes, as we are informed—if I mistake not, by Mr. Slidell—a debt of one hundred and fifty millions of dollars, of which, by far the largest portion is due to the subjects of monarchical governments in Europe. If Mexico has a right to pay her debts by the cession of her territories, has not any other government, whose duty it is to protect its own citizens, and obtain indemnity for their just claims, the same right that we have to demand that the claimants shall be paid in territory? And how can we, a sister republic, stultify ourselves before the world in making a solemn declaration that we will not look with complacency upon the establishment of any monarchical government upon this continent—that we will resist the cession of any territory to any foreign government, when we are ourselves asserting the right of Mexico to transfer dominion over the States of that Confederacy, in satisfaction for the claims of our own citizens? I should like to be consistent before the world. I would make no avowal of right, claimed by us, which I would not equally concede to any other government.

But, sir, I deny entirely the power of Mexico to cede either to a monarchical government or to this Republic, any portion of the sovereignty of the people of that Confederacy, without their consent. I deny that the Government of Mexico has a right to cede to the Government of the United States a jurisdiction over Tamaulipas, for the purpose of satisfying the demands of our citizens against the Mexican Government, which it is not convenient for her at this time to discharge. I deny that she has any more power to do so than the United States would have to cede one of the States of this Union, for the purpose of discharging any claims which might exist against the Government on the part of the people of any foreign government. I ask, Mr. President, is it in the power of any of the States of this Union—of Mississippi, for example, or of any other State, owing debts which at this moment it may not feel itself able to discharge—to cede a portion of its sovereignty for the purpose of discharging the debt? Has this Republic that power? If not, why? Because, like every other free government, ours is based upon the great principle that sovereignty vests in the people, and is ever inalienable without the assent of the people. We are, I believe, about to enter on a career for the establishment of a new principle which calls for the avowal by this Republic of the doctrine that we can deprive another people of their sovereignty, in order to obtain payment of the claims which we have against them. This, sir, is entirely in accordance with that spirit of rapacity which in other countries has led to the conquests made by kings claiming to govern by divine right. We hold a different theory. We have promulgated a different doctrine heretofore. We claim that all men are to be regarded as capable of self-government—that in regard to their political rights they stand on the broad platform of equality, liberty, and freedom. It is our boast, sir, to cherish these principles—to manifest our sympathy wherever the spirit of republicanism exists. Europe now feels the influence of our example, and the great principles of free government begin to be acknowledged. Are we, then, now about to establish a different doctrine? Are we about to relapse into despotism? Are we to offer in our policy a justification of the conduct of those who have claimed by the divine right of kings to indulge in rapacity and conquest? I hope not. And if the President of the United States asks us to wage the war with Mexico, for the purpose of forcing from her a cession of her territory, it is due to him—it is due to ourselves—that we should respectfully ask of him to inform us upon what principle in the Government of that Republic we are authorized to demand that cession. I wish the President to inform us whether if Mexico should cede to us this territory which we are thus seeking to acquire, we should thereby acquire a right, independently of the will of those thus ceded to us, to exercise dominion over them; or whether we shall then be obliged to make a new treaty with those who are thus attempted to be transferred, before we shall acquire any right whatever over them. I do not deny—it is not necessary that I should deny—the power of one republic, feeling its inability to maintain its own sovereignty, to merge itself in that of another, as was done by the Government of Texas; though I do deny the power of this Republic to acquire territory in the manner in which Texas was acquired without the consent of the people. But, says the gentleman from Indiana, Mexico is not a republic, and it has always been conceded that a monarchy had the power to cede territory. I have

an extract from a well-known writer on international law which applies to this subject:

"A nation ought to preserve itself; it ought to preserve all its *members*; it cannot abandon them; and it is under an obligation to them of maintaining them in the rank of *members* of the nation. It has not, then, a right to traffic with their rank and liberty on account of any advantages it may promise itself from such a negotiation. They are united to the society, to be its members; they acknowledge the authority of the State to promote in concert their common welfare and safety, and not to be at its disposal like a farm or a herd of cattle."—*Vattel, B. 1, ch. 21.*

This is the basis upon which that Confederacy was formed. The States of which it was composed united themselves with the Confederacy forming the Republic of Mexico, for the purpose of being protected and governed by it, not for the purpose of being transferred, like cattle, to another government for the discharge of the debts of the Republic. The doctrine that these States supposed that they might be dismembered and ceded away by the Federal Government is equally at war with the principles of our own Government and those of the Government of Mexico.

But, says the Senator from Indiana, Mexico is not a republic—she is an anarchy. If so, I ask, when did she cease to be a republic? When the United States declared war against her—when the act of Congress, May 13th, 1846, was passed, it was declared that "by the act of the Republic of Mexico a state of war existed between that Republic and the United States." We therefore recognized Mexico as a republic at that period. When did she, then, cease to be a republic? If she has ceased to be a republic, it is owing to the conquests of our arms. But I trust that that conclusion is not yet so complete that Mexico has ceased to be one of the nations of the earth. I trust that the time never will arrive in which Mexico shall cease to be an independent republic, maintaining and cherishing the great principles upon which our own Government is based, and under which we have enjoyed, for so many years, such a remarkable degree of prosperity.

Mr. HANNEGAN. I shall detain the Senate but an instant, and beg the indulgence of the Senator from Rhode Island, who has the floor on the special order. As to the position now assumed by the Senator from Connecticut, that if Mexico has the right to cede her territory to us for any purpose, she has the right at the same time to cede it to European monarchies, I have only to say that it involves a far higher principle than has yet entered into this discussion—a principle which I presume never will be settled, until the hour shall arrive, when the attempt shall be made by any European Power to establish a government upon this continent, out of any existing government. It involves a far higher principle than any involved even in this war. It will be time enough to discuss it, when the day arrives, which brings it up before us. The Senator asks, if Mexico has ceased to be a republic—by whose act has she lost that character? He asks, if we have not gone there with the sword and firebrand, pulling down her altars, and in lieu of an established government, giving the land to wild anarchy. I refer the Senator to history, for a reply to these questions. I refer him to the history of Mexico, from the downfall of Iturbide to the present hour, for the proof of her having been an anarchy. Her history is made up of a continued series of bloody revolutions, in which might and the sword have alone been regarded. She has no fundamental government or fundamental law that has ever been recognized. Santa Anna, and Bustamente, and Paredes—one military usurper after another, has by his arbitrary will constituted her fundamental law; and we, instead of being her despoilers, have gone to her, as it were, to scatter the manna of heaven. Texas wrested herself from the clutches of that anarchical Government, and see what she is to-day—a government of civilization, law, and Christianity. Similar will be the result, I doubt not, with regard to all the territory that we may take from Mexico, if we take any. I do not know that we shall be able to take any; but so far as the subject-matter of these resoutions is concerned, I must contend that they are improperly before the Senate at this time; that however germane they may become hereafter, (and certainly I think they never can be,) they are not now. When we have a treaty with Mexico which includes within its terms the cession of territory by Mexico to the United States, then will be the proper time, if ever, for the Senator from Connecticut to present his resolutions. Entertaining these views, in which I have been strengthened by the reflection which I have given the subject during the delivery of the honorable Senator's remarks, and with the most profound respect to the Senator, I move to lay the resolution on the table.

Mr. BALDWIN. I ask for the yeas and nays.

The yeas and nays were then ordered, and being taken, the result was as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Bradbury, Breese, Bright, Cameron, Cass, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Houston, Hunter, Lewis, Mason, Moor, Sevier, Sturgeon, Turney, Westcott, and Yulee—28.

NAYS—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Clarke, Clayton, Corwin, Crittenden, Dayton, Greene, Johnson of Maryland, Johnson of Louisiana, Mangum, Miller, Niles, Pearce, Phelps, Spruance, Underwood, Upham, and Webster—22.

So the resolution was laid on the table.

The following message was received from the House of Representatives by Mr. Campbell, their Clerk:

Mr. PRESIDENT: The House of Representatives have passed an act for the relief of Phineas Capen, legal administrator of John Cox, deceased, of Boston; in which I am directed to ask the concurrence of the Senate.

The Speaker of the House of Representatives has signed an enrolled bill, which I am directed to deliver to the Senate for the signature of its President.

The VICE PRESIDENT signed the enrolled bill authorizing the issuing of a register to the barque Sarah and Eliza.

The following bills from the House of Representatives, severally had a first reading:

An act to amend an act entitled "An act to reorganize the General Land Office," approved July 4, 1836.

An act for the relief of Phineas Capen, legal administrator of John Cox, deceased, of Boston.

MR. HANNEGAN'S RESOLUTIONS.

On motion by Mr. MANGUM, the Senate proceeded to the consideration of the special order of the day.

The PRESIDING OFFICER. The special order of the day is the resolutions submitted on the 10th instant by the Senator from Indiana.

Mr. HANNEGAN. When I introduced these resolutions to the Senate, I named this day for their discussion, as a distant day, not anticipating that the debate on the military bill would be protracted so long. It is now obvious, I think, that that debate will not be closed in two weeks, and I therefore propose, if the Senate will allow me, to postpone the consideration of my resolutions till the second Monday in February, and ask that they be made the special order for that day.

The resolutions were accordingly postponed to, and made the special order for the second Monday in February.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BUTLER. I ask the indulgence of the honorable Senator from Rhode Island whilst I make some explanation of a statement made in the course of my remarks the other day, relative to the march of General Taylor from Corpus Christi to the Rio Grande. On that occasion, my distinguished friend from Mississippi, [Mr. DAVIS,] from the kindest motives, diverted my attention in some measure by reference to facts upon which I intended to have founded a somewhat more elaborate argument than I presented to the Senate. Since that time, I have found that it would be but just to myself that I should advert again to the subject, especially as I have reason to believe that both my friend and myself labored under some degree of misapprehension with regard to the real state of the facts. I have had an opportunity of receiving from several officers of the army a very minute detail of all the facts connected with the transaction to which I have referred. General Taylor received his orders to move from Corpus Christi in the month of January. These orders were published to the army; they were known to the traders between Corpus Christi and the Rio Grande; and, as my informant gives me to understand, it was notorious in Matamoros, before General Taylor moved at all, that he intended to take up a position upon the Rio Grande. On the 11th of March, the army was set in motion; on the 22d or 23d of that month, it reached the Little Colorado, one hundred and ten miles from Corpus Christi, and only forty miles from Point Isabel. At the Colorado, General Taylor heard the sound of a bugle beyond the western bank. There was some parley, and Major Mansfield was despatched to the other side of the river, to learn the cause of the bugle being sounded. The Major was informed by a person at the head of a very small party, who represented himself to be the Adjutant General of the Mexican troops, but who was, as I understand, an apothecary from Matamoros, commanding eight or ten men, and who had, no doubt, sounded the bugle very magnificently, and went home loudly proclaiming that he had driven back General Taylor, that his object was not at all to oppose military resistance to the march of General Taylor, but only to warn him against crossing that river, as, if he did cross it, it would be deemed an open act of hostility. Well, General Taylor continued his march, and as he approached Point Isabel, the custom-house and other public buildings were consumed by fire, and a settlement of about fifty inhabitants was broken up; from which time the American forces occupied the country from Point Isabel to Fort Brown, opposite Matamoros. Well, now, the inference which I intended to draw, and which I shall not now take the liberty of drawing in anything like an argument, was simply this: that General Taylor had given notice of his march under orders of his Government; that there was no declaration of hostilities on the part of Mexico at all, until that march commenced; and that, in my solemn conviction, there never would have been any attack on the forces at Corpus Christi, had not General Taylor, under the order of the President of the United States, gone on the disputed territory.

Mr. DAVIS, of Mississippi. I thank the honorable Senator for the very kind and complimentary language which he has employed in reference to myself. I cannot, however, agree with any one of the references which he has drawn. I have nothing to say as to minute details which he has given with respect to distances and so on, the only vital question being who acted first—who gave the first order? That order came from Mexico—not to fight with General Taylor for the country between the Nueces and the Rio Grande, but to invade and reconquer the State of Texas. That order first emanated at the seat of government in Mexico before any order was issued from the seat of government in the United States. And now, sir, as to the time at which the Mexican forces moved to take possession of the Little Colorado. I believe they had been there for months. Their emissaries had been in General Taylor's camp, in order to learn his position and movements. General Taylor never gave notice of his march. He made his preparations for the march, and no doubt the spies and reconnoitering officers were cognizant of his intentions. But I believe the Mexicans had been at the Colorado for months; and when they gave notice that if he crossed the Little Colorado it would be considered an act of war, the Mexicans but took the initiatory, as they have always taken it; for Mexico has always struck the first blow in every battle-field on which we have met her. On some other occasion, however, I may dwell more at length on this point. I shall not now trespass longer on the time of the Senator from Rhode Island.

Mr. BUTLER. Though I may in some measure encroach upon the time of the honorable gentleman from Rhode Island, yet I cannot suffer myself to be thus far misrepresented. The information which I acquired was obtained not from one officer merely, but from three or four who happened to be in the same room. They knew this much, that from January, when General Taylor received his orders, until the 11th of March, when he put his army in motion, there had elapsed a period of forty days, and that during that time, not only the officers in General Taylor's camp spoke of his projected movement upon the Rio Grande, but the traders who were there by implied license, attached to the army, had an opportunity to learn the same information, and it was notorious that he would march. Not that he advertised the enemy, because the gentleman will understand that at the time General Taylor marched on the Rio Grande, it was with no purpose of meeting an enemy. The Administration had not assumed to

go there for the purpose of making war. General Taylor received no orders to disguise his movements; and the intelligence was as well known in Matamoros four or five days after he received his orders, as it was in his own camp. I am very far from questioning the military sagacity of the honorable Senator from Mississippi, and it may have been that orders had been issued by Paredes to cross the Rio Grande and attack General Taylor at Corpus Christi, but the act must rest on conjecture. It can never be reduced to anything like historical certainty.

Mr. CLAYTON. I am reluctantly compelled also to solicit, for a moment, the indulgence of the Senator from Rhode Island, in order to set myself right with regard to some observations made by the honorable chairman of the Committee on Foreign Relations during this debate. I had taken occasion to remark that the resolutions as introduced by Mr. Ross, in the Senate of the United States, in 1803, were not supported by the Jeffersonian Democrats of that day, by any act of legislation on their part, and that the whole course of the Administration of that period was adverse to or directly in conflict with the policy which now seems to have been adopted by those who claim to be the followers of Mr. Jefferson. The honorable chairman of the committee undertook to show that I was in error, and sent to the Secretary's table the act of 3d March, 1803, authorizing the President of the United States to call out eighty thousand militia, for certain purposes authorized by that act; and the honorable chairman inferred, from the act itself, that I was in error when I said that the Administration of that day had not sought conquest or seizure of any portion of the territory of Spain or France. Sir, I was entirely right in what I said in reference to this subject, as I think the Senator will admit, when he looks at the fourth section of the act to which he himself referred. That section, on its face, explicitly declares that the act was passed authorizing the President to call out militia "for the security of the territory of the United States"—not for the purpose of seizing upon the island of New Orleans, where the right of deposit had been denied us; not for the purpose of conquering or seizing any portion of the Spanish territory, but as the act expressly, and in so many words, declares—"for the security" of our own possessions.

It will be recollected by gentlemen conversant with the history of that period, that by the treaty with Spain of October, 1795, ratified in 1796, the right of deposit at New Orleans had been secured for persons trading on the Mississippi. The intendant of New Orleans violated that treaty by a proclamation denying the right of deposit to our western traders. It was afterwards conceded by Spain, that this was a downright violation of a clear treaty right, as beyond all doubt it was. But what was the course of our Government in relation to that case? I have now before me the correspondence which took place on this subject, and to it I beg to call the attention of the honorable chairman of the Committee on Foreign Relations.

[The honorable Senator then gave in a condensed form the historical details, which are here given more at length, in order that the whole matter may be clearly understood.

By the 4th article of the treaty with Spain of October 27, 1795, it is provided:

"His Catholic Majesty has likewise agreed that the navigation of the said river (Mississippi) in its whole breadth, from its source to the ocean, shall be free only to his subjects, and the citizens of the United States, unless he should extend this privilege to the subjects of other Powers by special convention."

By the 22d article of the same treaty, it was declared, that

"His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandise and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and his Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain; or, if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment."

So early as March 29, 1801, Mr. King, the Minister of the United States at London, informed his Government of the probability of the cession of Louisiana by Spain to France; of the injurious effect of this cession upon the union or welfare of the United States; and of the importance of committing the interests of the United States to an able representative at the court of France.

Mr. Madison, Secretary of State, in a despatch to Mr. Livingston, the Minister of the United States in France, dated the 28th September, 1801, informed him of the rumored transfer of Louisiana by Spain, and instructed him, that the United States desired to obtain that country by purchase.

Mr. King, the 20th of November, 1801, communicated to his Government a copy of the treaty between France and Spain, of March 21, 1801, by the fifth article of which, Louisiana was confirmed to France.

February 5, 1802, Mr. King, at London, communicated to his Government intelligence, that it was definitively settled by France to send a colony to Louisiana and Florida, under General Bernadotte; and Mr. Livingston, at Paris, corroborated the information, the 26th of February, 1802, with the addition that "ten thousand troops had had been assigned to General Bernadotte."

In March, 1802, Mr. Livingston represented to Mr. King, in London, and to his own Government, the uncertainty in which he was kept by the French Government; but exhibited the danger which would attend the occupation of Louisiana by France; that it was impossible to say what influence it might exert over the western country, with the key of its trade in their possession, and an undefined and illimitable territory around.

On May 1, 1802, Mr. Madison, Secretary of State, instructed Mr. Livingston of the painful apprehension with which the cession of Louisiana to France was viewed by the United States, and to use proper means to divert France from her contemplated colony, to ascertain whether the cession extends to the Floridas, and to learn the price at which New Orleans and the Floridas would be yielded to the United States; and Mr. King, in London, was informed that the Administration was aware of the troubles which might arise from the reported cession of Louisiana, and that it was their primary object to obviate such an event.

Mr. Madison, Secretary of State, instructed Mr. Pinckney, Minister of the United States at Spain, under date of May 11, 1802, that if the cession of Louisiana by Spain to France have failed for any cause, and Spain still retain New Orleans and the Floridas, it is the wish of the President that every effort and address be employed to obtain the arrangement by which the territory on the east side of the Mississippi, including New Orleans, may be ceded to the United States, and that in every view it would be a most precious acquisition. He also authorizes him to propose advantageous offers and guarantees to Spain.

On May 28, 1802, Mr. Livingston communicated to his Government more positive intelligence respecting the cession, applied to the Spanish minister in France to know the terms of cession, asserted the right of the United States to be made a party to any convention affecting the free navigation of the Mississippi; but received only a general answer, admitting the fact of the cession having been made.

On the 16th August, 1802, Mr. Livingston informed the Secretary of State that General Victor was appointed to command the expedition to Louisiana, instead of Bernadotte; that his force was limited to three thousand men, and his supplies to two millions of francs; that there are symptoms of ill humor between France and Great Britain; and that the claim of France under the cession extends to the Floridas.

And again, on 1st September, of the same year, Mr. Livingston was informed by the French Government that his propositions on the subject of Louisiana were premature, and that possession must be first taken by France. He informed his Government that he had reason to believe the Floridas were not included in the cession, and that the armament (for Louisiana) will be ready in about six weeks.

Mr. Livingston, under date October 28 and November 2, 1802, communicated to the President the state of European affairs, and that he thought the conduct of France had excited the suppressed hostility of Europe. That in England especially, events tended to a rupture; and that in this feeling the minority and majority coincided. That the military expedition to Louisiana had received a check; and, desiring to profit by events, Mr. Livingston asked from his Government more distinct authority and more explicit instructions.

And again, on November 11, 1802, Mr. Livingston addressed a letter to the Secretary of State, stating that the difficulty which had temporarily arrested the expedition to Louisiana was removed. That orders had been given for the immediate embarkation of troops (two brigades) for Louisiana. That the Government of France would give no reply to his notes concerning their objects, the limits of Louisiana, or the rights of the United States under the treaty with Spain. And, judging from the temper of General Victor, attempts might be made upon Natchez as the rival of New Orleans, and that the territory of the United States might not be exempt from danger.

On November 27, 1802, Mr. Livingston informed the American Minister in Spain, that the Spanish Intendant at New Orleans had prohibited the deposit of American effects, as stipulated by the treaty of 1795; and that, as the proclamation of the Intendant was interpreted, the war was spent against the external commerce of the United States from that port. He dwelt on the importance of the right of the department to the western States, the general irritation, and difficulty to restrain it; and instructed him, while presuming on a prompt disavowal by Spain, to urge measures to repair the past, and ensure for the future an observance of the treaty.

December 12, 1802. The President of the United States intimated to Congress that the cession of Louisiana to France might render necessary a change in the foreign relations of the United States.

January 29, 1803. Mr. Madison informed Mr. King that a special mission to France had been resolved on; and that while the United States wished to preserve peace with all, they are bent on the maintenance of their rights.

1802, December 23, Mr. Madison, Secretary of State, in a letter to Mr. Livingston, says:

"In the latter end of the last month we received information from New Orleans of the interdiction of the deposit there, for our merchandise, stipulated by the treaty with Spain, without an equivalent establishment being assigned. A copy of the proclamation is enclosed. * * * Should it not be revoked before the time of the descent of the boats, in the spring, both the injury and the irritation from it will be greatly increased. The House of Representatives passed a resolution, the 19th of this month, calling for information on the subject. The result of their deliberations cannot be anticipated; but I may hazard the remark, that while we have no clear foundation on which to impute this infraction to orders of the Spanish Government, *it would be contrary to* DUTY, *to* POLICY, *and the* CHARACTER *of our country, to resort for redress, in the first instance, to the use of force.*"

January 24, Mr. Livingston to Mr. Madison writes thus:

"From the disposition I know to be entertained by Victor, I have no doubt they will provoke an Indian war, by paying them rations; and that in their solicitude to acquire wealth, they will act over again the tyranny of St. Domingo. *It will be necessary, therefore, to take the position that will best* GUARD YOU *against the effect of these evils.*"

1803, February 5. Mr. Livingston to Mr. Madison:

"The Louisiana armament is still on board. The Floridas not yet ceded."

1803, February 18. Mr. Livingston to Mr. Madison:

"From the best accounts I have from Holland, the armament will be detained there till the last of March."

These references will all be found in the second volume of American State Papers, under the head of "Foreign Relations."

I next quote from Marbois's Louisiana, page 230.

1803, January. Mr. Jefferson to Mr. Monroe:

"WASHINGTON, *January* 10, 1803.

"DEAR SIR: I have but a moment to inform you that the fever into which the public mind is thrown by the affair at New Orleans, stimulated by the mercantile and generally the federal interest, threatens to OVERBEAR OUR PEACE. In this situation we are compelled to call on you for a temporary sacrifice of yourself, to PREVENT THIS GREATEST OF EVILS to the present prosperous tide of our affairs. I shall, to-morrow, nominate you to the Senate for an extraordinary mission to France, and the circumstances are such as to render it impossible to decline.

"Accept affectionate salutations,

"THOMAS JEFFERSON."]

March 3, 1803, the act referred to by the honorable chairman of Foreign Relations [Mr. SEVIER] was passed—"An act directing a detachment from the militia of the United States, and for erecting certain arsenals," by which the President was authorized to call on the Executives of the States for eighty thousand militia; and the object of the act distinctly avowed, in the fourth section, to be "FOR THE SECURITY OF THE TERRITORY OF THE UNITED STATES." This is

the object and the only object avowed in the act. It is thus clearly proved to have been an act passed not for conquest, but to meet the threatened danger of a French aggression.

Not a man was ever called for. The idea of seizure for conquest never was entertained for a moment, and the whole controversy was speedily settled by the treaty of 1803, which ceded Louisiana to the United States.

Such is the history of this most interesting period in our national affairs. It was distinguished for the moderation, prudence and forbearance of our rulers. The resolutions of Mr. Ross, to which I referred on a former occasion, were first deprived of their hostile characteristic, "to authorize the 'President to take immediate possession of such 'place or places in the *island of New Orleans or the* '*adjacent territories*, as he may deem fit and con-'venient"—every Democrat voting to strike it out. See files of National Intelligencer for February 28, 1803. The bill reported in pursuance of the resolutions, as amended and adopted on the same day by the same party, avowed its object to be the same with these resolutions as thus amended—"the security of the territory of the United States," threatened, as we have seen, with invasion of the French army under General Victor.

Those who may desire to prosecute this interesting inquiry further, will find the whole pacific policy of the Republican party fully explained in the then existing organ of that party, by recurring to the files of the National Intelligencer for 1803; February 23, 28; March 9, 14, 23, 30, and April 22. The essay published in that paper under the last date, shows that the party at that day scouted the whole doctrine on which this Mexican war has been and is now supported. They demanded a disavowal by Spain of the act of the intendant at New Orleans, which denied to us our treaty right of deposit, instead of declaring war on account of it; and they obtained it without bloodshed. But in 1846, when the first aggression against us was committed on the Rio Grande, our Government treated the act of the Mexican officer who took Thornton's dragoons, as an act of war, instead of demanding a disavowal of it, as the Republican party did in the case of Spanish aggression in 1803. The Opposition in 1803 clamored for war on account of the proclamation of the Spanish intendant at New Orleans denying our right of deposit. The answer given to this clamor by the Democratic party is fully set forth in all their speeches and meetings at that day on the subject. The writer I have referred to in the party organ on the 22d April, 1803, thus meets the clamor:

"To involve the nation in all the horrors of war for the unlawful act of a subordinate officer, would be the height of political depravity. It would introduce a rule of which we could not complain, and under which this nation, at any future time, might be involved in war by the unlawful or wanton act of any of her officers. It would be virtually transferring the all-important question of war and peace from the Representatives of the people and the Government of the country to the captain of a frigate. The act of an individual officer is not an act of the nation till sanctioned by the nation to which he belongs, as it is impossible for the most vigilant and best regulated government to control the actions of its agents and subjects on all occasions. Hence it follows, that the Government, by declaring war, would have committed an act of injustice against Spain, *establishing a precedent* which might prove fatal to the future peace of this nation, *and justly merited the execration of the world.*'

Had these principles been applied in 1846 by our Executive; had a demand been made (as was then urged by the opposition in this Chamber) on Mexico, to avow or disavow the act by which it was alleged that American blood had been shed on American soil, and repair any injustice, there would have beeen no war. Such a demand was made by the Government when the Leopard made the infamous attack on the Chesapeake, and the consequence was a disavowal, which saved us the necessity of treating the attack as war. But in the case of Mexico, the principles which formerly governed us were abandoned, and the act which was unilateral, and not even avowed or justified by Mexico herself, was immediately declared to be war by us, without allowing the Mexican Government any opportunity to disavow it. This was as hostile to the true principles of international law, as it was in direct opposition to the whole former course of this Government.

Mr. HANNEGAN. Really, sir, I think it hardly fair that the Senator from Rhode Island should be called upon at this late hour of the day, to go on and address the Senate.

Mr. CLARKE. It was my expectation to have occupied the floor at the appointed hour; but as so much time has been taken up in the discussion this morning, and so much more will probably be required to finish it—so far as regards myself, I will readily give way, if it be the wish of the Senate that the present discussion should continue. Indeed, I should myself prefer that the special order should be postponed until to-morrow, as it is now so late, that in all probability I should not be able to conclude my argument to-day, even if I should commence it. I wait the pleasure of Senators in regard to it.

Mr. SEVIER. It is not my purpose to interfere with the time which belongs to the gentleman if he desires to go on now, but I wish to make a brief explanation in regard to what has been stated by the honorable Senator from Delaware. It will be recollected, that when the Senator addressed the Senate upon the ten-regiment bill, he referred to Mr. Ross's resolutions, with a view of contrasting the policy of Mr. Jefferson with that of Mr. Polk in reference to the disputed territory:

"*Resolved*, That the President of the United States be, and he is hereby, authorized, whenever he shall judge it expedient, to require of the Executives of the several States to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, 80,000 effective militia, officers included.

"*Resolved*, That the President may, if he judges it expedient, authorize the Executives of the several States to accept, as a part of the detachment aforesaid, any corps of volunteers, who shall continue in service for such time, not exceeding —— months, and perform such services as shall be prescribed by law.

"*Resolved*, That —— dollars be appropriated for paying and subsisting such part of the troops aforesaid, whose actual service may be wanted, and for defraying such other expenses as, during the recess of Congress, the President may deem necessary for the security of the territory of the United States.

"*Resolved*, That —— dollars be appropriated for erecting, at such place or places on the western waters as the President may judge most proper, one or more arsenals."

I supposed he had not traced those resolutions through to their ultimate disposition, and I therefore asked him to give me the date of the resolutions, and he did so by sending the Journal to my desk. I then traced the subject from the period to which the Senator had alluded to the final disposition of the resolution—and what was that? I found they had been referred, in secret session, to a select committee; and in the formation of that committee, for reasons not apparent to me, the mover of the resolutions was not included. Mr. Breckenridge, of Kentucky, was chairman of the committee. That committee, to whom Ross's resolutions were referred, reported an act carrying out every substantial provision contained in them. And what were these provisions? Why, that in time of profound peace, the President was authorized to raise an army of eighty thousand men, and was further authorized to establish on the western waters two public armories; and, finally, the bill wound up with an appropriation of a million or so of money to carry these objects into effect. When I perceived this, the conviction on my mind was, that the honorable Senator, in the hurry and heat of debate, had not taken time to trace the thing to its final conclusion.

My friend from Mississippi, a day or two afterwards, in commenting on this matter, referred to these resolutions, and in his haste, I suppose, omitted to refer to what I certainly deemed important, which was, the passage of the act to which I have referred, as carrying out the objects of the resolutions. I then put the matter right as I understood it. Now, the Senator from Delaware again says that here is a case in which the father of democracy, to whose church we all profess to belong, at the instance of the Federal party of that day refused to do what? Why, in a time of peace, to seize the territory of an adjoining Power. Now, there was in the treaty of 1796 with Spain, a provision by which the rights of the Government were secured to a depôt at New Orleans for the term of three years; and there was a provision also, that if the Spanish Government, for any reason of hers, should choose to deny the right of this Government to that depôt in New Orleans, then for the term of three years she was bound to give us another location for said depôt. This was in 1796. The time for the assignment of the depôt to either place had run out by the limitation of this treaty; the people of this country—the people of the western States, thus deprived of an outlet for their produce, had resolved to obtain it. A claim was set up by Mr. Jefferson, that inasmuch as we owned the navigable waters of the Mississippi, and owned the head of the navigable stream, we had a right, under the law of nations, to follow the river into the ocean. That was the point of discussion, if my memory serves me right, by our minister at the French court, as well as by our statesmen at home. Well, sir, we could not get that, and then with closed doors we passed the act of March, 1803, before referred to, of which Ross's resolutions were the foundation.

Now, no man here, or anywhere else, would ever have made out what the law really meant from its terms, unless he had taken the precaution of connecting it with the resolutions upon which it was founded. Upon this claim, therefore, the law was passed, and upon no other; for there was no other. My friend referred to the act as an evidence that the party of which Mr. Jefferson was the head, intended to act thus in reference to the acquisition of Louisiana. Well, I say now—and I shall, if I have the opportunity, at some future time, proceed to demonstrate, that every opportunity to acquire territory, to wit: Louisiana, the Floridas, and Texas, has been obtained by the democratic party of this country.

But this is not all. I have said that this act was passed, if I recollect rightly, on the 3d of March, 1803; and at that very time our Ministers were in Paris treating for this very country with Napoleon Bonaparte. They were treating for this very depôt. He refused to sell us the depôt, but proposed to sell the whole of Louisiana. That is the history of the matter. We sent our Ministers there to purchase a depôt. They refused to sell a depôt; but, being about to go to war with England, and being likely to lose the territory of Louisiana by conquest, France proposed to sell it to a friendly Power. Well, in the month of April, just one month after the passage of the bill, we succeeded in making a treaty, by which we acquired the whole of Louisiana. Thus that matter was accomplished. Again, in 1806, still in the time of this great patriot, Mr. Jefferson, the Senate still, with closed doors, conceived that it was very desirable for this Government to own the country lying on the Mississippi river, and between that river on one side, and the Perdido on the other. Thus, the father of democracy submitted to the Senate, with closed doors, his proposition to seize this territory also; and a law was passed for that purpose. And under the act passed thus secretly—covered up with diplomatic phraseology—it was proposed to obtain possession of this territory. This act passed in 1806, and was carried into effect in 1810 or 1811, after we had admitted Louisiana into the Union. A man by the name of Thomas took a fancy to revolutionize that portion of the country. He expelled the Spanish inhabitants from it and made it his own, including Baton Rouge, calling it Fredonia. Mr. Madison took possession, without the authority of any law, and, at the next session, an act was passed making it a part of Louisiana. But this is not all. We had afterwards a war with the Seminoles; and in the time of peace with Spain we followed these Indians into St. Marks and Pensacola, expelling from those places Spanish authority. All this was done without the authority of law; and one of the reasons assigned for such procedure, on our part, was not that we had any claim to Florida, but that the British had built, during the revolutionary war, a fort near the junction of the Flint and Chatahoochee rivers, which fort was occupied by hostile Seminole Indians and negroes.

I can refer my friend to another case—I mean the case in which the country lying upon the Aris- took was contended for between us and Great Britain. This was a case happening in our own time, when Governor Fairfield, whose death we have recently been called to deplore, at the head of our own troops marched his forces into the disputed territory, and took possession of it without the sanction of Congress. There are numerous cases, all tending to the same point, that whenever it becomes impracticable to obtain territory by purchase, we take it by force. All that strip of country lying between Natchez and Baton Rouge was taken possession of in that way, and we have done so in all cases when we could not obtain territory by negotiation; and this course has been pursued throughout the world in all times by all powers: territories to which we have claim by negotiation, we take by force if we can, and think it expedient to do so.

Mr. FOOTE. I regret that it seems so difficult

to settle completely the point now under discussion. It would really seem that enough had been said in the former debate on this subject, to convince even the Senator from Delaware, that he had committed a serious error in regard to the Ross resolutions, and the action of the Jeffersonian Democracy in 1803. The honorable Senator still insists, as he has formerly done, that Mr. Jefferson, and the Democrats associated with him, were as little inclined to efficient measures against Spain; that the proposition to seize upon territory adjacent to New Orleans, which the Senator from Delaware still supposes to have been imbodied in Mr. Ross's resolutions, was relinquished in consequence of negotiation being preferred to measures of a warlike character and tendency. I read the other day, for the elucidation of this point, an extract from the annual message of Mr. Jefferson, issued in October, 1803, showing that previous to the introduction of the Ross resolutions, negotiations for the acquisition of Louisiana had been in progress at Paris—and the negotiation was not preferred simply as an alternative to war in the case mentioned; but negotiations for the purpose mentioned having been, for some time, already in progress, it was supposed judicious not to interrupt them, as would inevitably have been the case by the adoption of measures of a decidedly hostile character. The truth is, as has been repeatedly explained, that the Ross resolutions did not contemplate the seizure of territory at all, but simply the restoration of the place of deposit, in the island of New Orleans which had been discontinued by the action of the Spanish authorities. No one can examine the history of this case, as several times already exhibited, without being convinced of the total want of analogy between it and the troops in the neighborhood of the Rio Grande. I will not elaborate this point more at present, but am satisfied again to refer to the extract from Mr. Jefferson's annual message of October, 1803, explanatory of the actual facts of the case, and shall submit the point in dispute without further discussion.

Mr. CLAYTON. If I understood the honorable Senators on the other side, they mean to maintain this position: that Mr. Jefferson and the Democratic party ever since, have proceeded on the principle that they will take what they want and what they can get from other nations in any way in which they can get it; if they cannot get what they want by negotiation, they will take it by force. The honorable chairman of the Committee on Foreign Relations distinctly avows now, that this has been the past policy of the Democratic party from the time of Mr. Jefferson down to this day; and therefore, he says, they are only acting in the same spirit—that of Jeffersonian democracy—when they propose that what they cannot get by negotiation they will proceed to take by force. Sir, this is exactly the issue between the honorable Senator and myself. I not only seek to vindicate the memory of the statesmen of those times, but I seek also to show that I was previously right when, in the course of this debate, I pointed out the strong contrast between the conduct of this Government in reference to Mexico and the conduct of Mr. Jefferson and the Adminstration party of 1803 in reference to Spain and France. Sir, I have nothing to do now with the question, nor do I intend to be drawn into the discussion of it by the remarks of the honorable chairman of the Committee on Foreign Relations, as to the conduct of the various Administrations in regard to this matter of the acquisition of territory from the time of Mr. Jefferson. I think that on a former occasion, the course of the Government in 1806 was placed in a very satisfactory point of view before this Senate in the discussion which took place between the honorable chairman of the Committee on Foreign Relations and the honorable Senator from Maryland, [Mr. PEARCE.] I will not, therefore, trespass upon ground which has been so well occupied before; all I wish is, to bring the honorable chairman back to the point from which he set out, and that he and the honorable Senator from Mississippi should acknowledge that they have mistaken the spirit of Jeffersonian democracy in 1803, in endeavoring to attribute to the Administration of that time a disposition to take by force that which they could not obtain by negotiation. Now, what application has the honorable chairman given to the act of which he speaks? The fourth section of the act of 1803 expressly declares the object for which the act was passed: to authorize the President of the United States to call out eighty thousand militia; for what purpose? In its own words, for the security of the territory of the United States; not for the purpose of seizing upon the island of New Orleans, or any portion of the country of the Lower Mississippi; not for the purpose of taking an acre of ground anywhere by violence. I think this has already been clearly shown, and I do not intend to dwell upon it now. Mr. Livingston, in 1802, wrote to the Secretary of War, informing him that the Emperor of France was about to send ten thousand men to take possession of the country lying at the mouth of the Mississippi, and General Victor was ordered to march thither with his two brigades; and from the known temper and disposition of that general, there was every reason to believe that he would march and seize upon the territory. The act of 1803 proceeded from that cause, and the gentleman cannot make it appear that there was any other object than the security of our own territory contemplated. We know from the history of the times how that territory was situated.

Sir, I know I have had my full share in the discussion of this subject, and that I cannot again trespass upon the time of the Senate. I will not read the letters of the Secretary of War. I will, however, take the liberty of handing them to the reporters, that they may be published to the world, and it will be seen from them whether my attempt to vindicate the character of those who administered the Government at that time has been successful or not.

Mr. SEVIER. Only one word, sir. The Senator from Delaware has referred to the fourth section of the act as being intended to protect the United States against invasion.

Mr. CLAYTON. I referred to the whole act. It avows throughout the purpose for which it was passed.

Mr. SEVIER. The Senator says it avows its purpose. Well, I ask if any man, in either country, ever heard or ever dreamed of a time when France and England were both at peace, or France intending to invade the United States.

Mr. CLAYTON. Yes, sir. I refer the honorable Senator to the substance of these letters, with which he seems not at all acquainted. I refer him also to the American State Papers, which he has in his possession.

Mr. SEVIER. I have read those documents, but I have not drawn the same conclusion from them which the honorable Senator from Delaware has drawn. No, sir; France expecting a rupture with England, was on the eve of sending a force to protect her commerce. Not having a naval force sufficient to cope with England, she was for sending men to her possessions on this continent. The Senator talks about the territory between Natchez and Baton Rouge. Well, we all know that was claimed by Spain as belonging to her. And it was with a view not only of protecting her own possessions, but those of Spain also, that she took this precaution. Well, this happened in 1802; and it is really remarkable, if we had expected an invasion from France, that earlier and more efficient preparation had not been made, and that the fact was not noticed by Mr. Jefferson in his annual message of that year. No, sir, France never designed to invade this country. She was our early ally, and with all the opprobrium that was heaped upon her, she could not be driven into hostilities towards this country. She has always been friendly to us, and I hope she ever will be. The documents which he has read, show that it was the intention of France, in sending troops to this country, solely to protect French Louisiana from invasion by England. I before remarked, sir, that it is very difficult for us to ascertain the true meaning of an act, without looking back to the circumstances which existed at the time of its passage. In this way we may discover its object. Another act of a similar character, covering up its true meaning, was the act purporting to enable the President to carry on more efficiently our diplomatic intercourse between this country and foreign Powers; when, in reality, the true intention of the act was to enable the President to purchase Louisiana. Now it happens, as far as my argument is concerned, that these cases are not at all applicable to the case to which the Senator designed to apply them; for I have endeavored to show, and shall probably endeavor to show it again, that our title to the country between the Nueces and the Rio Grande, which the Senator has assimilated to the cases to which he has referred, is clear. I regret this controversy; but I think, when the Senator looks upon it dispassionately, he will admit that we have a good claim, as I said before; and if we cannot obtain our rights by negotiation and purchase, we will be compelled, from the necessity of the case, to maintain them by force.

Mr. CLAYTON. I will only say, sir, that in looking into the documents to which I have called the attention of the Senate, I find that there is much additional evidence. There are many other letters which, if the honorable Senator will examine them, will perfectly convince him that France entertained a deliberate design to seize upon that region of country; that it was a favorite object with her for a long period; and that there was every reason to believe, on the part of Mr. Livingston—and he so wrote to his own Government—that the French Emperor entertained this project; and as he refused to give any information as to the object of the expedition, or any explanation of the limits of Louisiana, which he intended to claim, Mr. Livingston had every reason to believe that the territories of the United States were in danger. That was the object, and the only object of the act of March, 1803, to protect the territories of the United States. Sir, I have done.

Mr. PEARCE. The Senator from Arkansas having referred to a controversy between him and myself at the last session of Congress, the Senate will indulge me, I hope, not in arguing the question afresh, but in re-stating what I then endeavored to maintain.

It will be recollected that the Senator from North Carolina [Mr. BADGER] had charged the President with being the author of the war, by ordering the movement of General Taylor's army from the Nueces to the Rio Grande, which he considered an act of war. He sustained himself in this position by the authority of Mr. Jefferson. In 1805, Mr. Jefferson informed Congress, by a secret message, that immediately after the acquisition of Louisiana, he had opened negotiations with Spain, to obtain from that Power the delivery of certain portions of Louisiana, which she held in violation of the rights transferred to us by France; that his negotiations had been utterly vain; that he could not venture to take possession of these portions of Louisiana in the possession of Spain, because such an act might transfer the relations of the country from a state of peace to a state of war, which was not within the constitutional competency of the Executive, and belonged solely to the legislative power.

To this the Senator from Arkansas replied, that the example of Mr. Madison was contrary to that of Mr. Jefferson, and that Mr. Madison had of his own authority seized upon what were called the Florida parishes. To this I replied, that Mr. Madison did not assume to have any other authority than that to which Mr. Jefferson limited himself. The situation of the Florida parishes was peculiar. A body of private individuals, in 1810, seven years after the acquisition of Louisiana, had driven out the Spanish authorities in Baton Rouge, and had set up an independent government, though professing their willingness to come into the Union. In this condition of things, Mr. Madison had issued his proclamation reciting these occurrences—saying that the territory in question had always been claimed as being within the limits of Louisiana; that a crisis had at length arrived subversive of the Spanish authority; and that, under the *peculiar circumstances* of the case, forbearance on the part of the United States to occupy the territory in question might be construed into a dereliction of their title; to which he added, that though the laws of the United States had not yet been extended over this territory, yet they had been so framed as to be adapted to them, and contemplated their application to this region at some future time. Congress was not then in session; but as soon as they met, Mr. Madison laid before them an account of his proceedings, which, if not expressly, at all events impliedly, recognized the paramount authority of the legislature over the subject. The difference between this case and the march of the troops to the Rio Grande is palpable. Mr. Madison did not think himself authorized to seize upon such parts of Louisiana as still remained in the occupancy of Spain, and, consequently, the country east of the Perdido and south of the State of Geor-

gia and the Mississippi territory remained in possession of these authorities.

In January, 1811, Congress passed a secret resolution, declaring that a due regard to the safety of the United States required them to provide for the temporary occupation of these territories, and subject to negotiation. Mr. Madison would not act without the authority of Congress; he knew that he could not rightfully do so; and therefore he asked to be armed with that authority which Congress only could confer. The bill which followed this resolution conformed to it. Still Mr. Madison did not suppose the contingency had arrived until in 1813, when the secret act of July 12 was passed, which authorized the President to take possession of the Perdido country. Then, and then only, did Mr. Madison employ the military force of the United States for this purpose. Now, the difference is this: Mr. Polk, while Congress was in session, and without their authority, and without invoking their constitutional power, by his own authority, seized upon the valley of the Rio Grande; while Mr. Jefferson considered that such an act on his part would exceed his power, because it might transfer the relations of the country from a state of peace to a state of war. And Mr. Madison, in relation to the Perdido country, recognized the same doctrine; and, in regard to the Florida parishes, only occupied a territory of which the foreign authorities were no longer in possession, and which was likely to be considered derelict, if, under the peculiar circumstances of the case, the United States should quietly permit it to remain in the possession of the private adventurers who held it.

Mr. SEVIER. The Senator and myself are still at variance in our opinions. My position was, that the southern boundary of Louisiana was fixed by this Government, by an act of Congress on her admission into the Union. Well, after this act was accomplished, a man of the name of Thomas, at the head of some Tennesseeans and Kentuckians, expelled the Spanish authority east of a line formed by the river Iberville, Lake Maurepas, and Pontchartrain, and thence to the Perdido; and when he had done so, he organized there a separate government, and called the country Fredonia; and after having established such government, Thomas applied to this Government either to guaranty his republic, or to annex it to this Union. Well, what was done?

Mr. Madison, in a time of peace, sends his forces and takes from these revolutionary patriots the country acquired by their revolution, without the authority of Congress. Well, the Senator goes back to the act of 1806, for the authority for this act. Why, in 1806 the Government of Fredonia had no existence. After this had been done, the President asks Congress to aid in this—what shall I call it?—robbery? That is a harsh term; yet it is precisely similar to the terms employed in reference to our proceedings now. Mr. Madison applies to Congress to add this country, thus seized in time of peace, without the warrant of law, to the State of Louisiana; and Congress does it accordingly, and the act is now on your statute book. Mr. Madison first seized the country from those who had revolutionized it, and Congress sanctioned the plunder, if I may so call it, by adding it to Louisiana. Louisiana embraced it within her limits; and there it is at this day represented by my honorable friend Mr. JOHNSON.

The further consideration of the subject was postponed until to-morrow.

CLERK TO SIGN LAND PATENTS.

On motion by Mr. BREESE, the bill from the House of Representatives to amend an act entitled "An act to reorganize the General Land Office," approved July 4, 1836, was read a second time, and considered as in Committee of the Whole.

Mr. BREESE asked for the reading of a paper, which he sent to the Secretary, setting forth the number of land patents remaining unsigned; which was read accordingly.

Mr. UNDERWOOD. I dislike to be frequently intermeddling in what may be regarded as little matters. I know the effect which such things have upon the personal standing of Senators, but I cannot allow such a bill as this to pass, having been in the minority of the committee, without stating to the Senate how I think the matter ought to be disposed of. When I first came into Congress in the other branch of this building, there was no Secretary to sign patents. It was alleged then, that as the land patents that were issued were numerous, it was necessary to have such an officer, and one was accordingly created with a salary of $1,500. And no other duty under the sun was assigned to him than that of signing these patents; and now we are informed that he cannot discharge that duty, and that there has been an accumulation of patents, to the extent of some thirty or forty thousand, and we are called on to appoint an assistant Secretary. Now, the question is, can one man do it? We made some experiments in the Committee on Public Lands the other day, and though it may seem trifling to refer to such things, yet it will serve to explain this matter in a way that no man can doubt, the capacity of a single officer to sign all these land patents, and even double the number if necessary. He then proceeded to show, by calculation of time, that one person would be fully capable of performing the labor within less than two months.

Mr. BREESE. I apprehend that no individual can be found who could accomplish it in that time; for it must be remembered that the Secretary must sign the name of the President as well as his own, and this, too, upon parchment. No one can labor day after day in that way, as the Senator seems to suppose, without danger of seriously impairing his intellect. The bill makes no appropriation at all; it does not propose to pay the Secretary one single dollar for his services. It is highly necessary that these patents should be issued, as they are the only evidence of title which the parties have. Under these circumstances, I cannot see how the bill can be objected to.

Mr. UNDERWOOD. I have seen patents filled out with the President's name by the clerks in the office, so that the Secretary would only have to sign his own name. If you, instead of passing this bill, give a reasonable remuneration to some clerk for doing the work, you will have it speedily done. My word for it, there are hundreds of individuals in this city who would be glad to undertake the work for two months' salary.

Mr. JOHNSON, of Louisiana. I can see no objection to the passage of the bill, especially as it does not propose any salary for the officer who is to be engaged.

Mr. UNDERWOOD. I take it for granted, that if we employed a person to do our work, that we will not refuse to pay him.

Mr. BREESE. There is no salary proposed to be paid in this bill.

Mr. UNDERWOOD. That is all very true; you do not propose to pay now, but he must be paid at some time or other.

Mr. MANGUM. I would inquire of the honorable chairman of the committee how many patents there are unsigned?

Mr. BREESE. By the report it appears that there are now fifty-seven thousand, and that they increase at the rate of seven thousand a month.

Mr. MANGUM. I propose, sir, with the sanction of the honorable chairman, that this bill be committed, with instructions to the committee to amend it, by providing for the employment, for a fixed period, and for a reasonable compensation, of a person who shall sign these patents; and when the arrears are once brought up, there can be no difficulty in keeping from falling behind.

This motion was subsequently withdrawn.

No amendment being made, the bill was reported to the Senate, and ordered to be read a third time.

The said bill was read a third time by unanimous consent, and passed.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 25, 1848.

The Journal of yesterday having been read and approved—

The SPEAKER announced the first business in order to be the call of the committees for reports.

Mr. THOMPSON, of Pennsylvania, by general consent, moved the following preamble and resolution; which were read and agreed to:

Whereas the great loss of life on the lakes and western waters, by means of fire, explosions, and collisions of steamers and vessels within the last few years, but too clearly indicates either the insufficiency of the laws in regard to the inspection of boilers and hulls, or that they are not faithfully executed: Therefore,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency and necessity of any additional legislation or new regulation on the subject of the inspection of boilers, hulls, rigging, and finding of steamers and vessels, and report by bill or otherwise.

Mr. INGE, by general consent, presented a memorial of the Legislature of Alabama, relating to the establishment of a foundry and armory in said State. Referred to the Committee on Military Affairs.

Mr. McCLELLAND, by general consent, moved a resolution instructing the Committee on Commerce to inquire whether any further legislation is necessary for the better security of the lives of passengers on steamboats, &c., on the northern lakes, &c. The resolution was agreed to.

REPORTS FROM COMMITTEES.

The committees were called for reports, and reports were made—

By Mr. VINTON, from the Committee of Ways and Means: A bill making appropriations for the support of the Military Academy for the year ending 30th of June, 1849.

Also, from the same committee: A bill making appropriations for the payment of revolutionary and other pensions of the United States for the year ending 30th June, 1849; which bills were severally read and committed.

By Mr. DANIEL, from the Committee of Claims: A bill for the relief of Stalker and Hill. Read and committed.

By Mr. ROCKWELL, of Connecticut, from the same committee: A bill for the relief of Reuben Perry and Thomas P. Ligon. Read and committed.

Also, from the same committee: An adverse report on the petition of the administrators of Samuel Holgate. Laid on the table.

By Mr. DUNN, from the same committee: A bill for the relief of Joseph Girard, and a bill making provision for the widows and children of officers and soldiers of the United States who have died or may die while in the service or after their discharge, on account of sickness or wounds incurred while in the service; which bills were read and committed.

By Mr. HUNT, from the Committee on Commerce: A bill for the relief of the owners of the Spanish brig Restaurador, and a bill to establish the collection district of Brunswick, in the State of Georgia; which bills were read and committed.

By Mr. GRINNELL, from the same committee: A bill to amend the first section of an act to regulate the carriage of passengers in merchant vessels; a bill supplementary to an act for the relief of sick and disabled seamen, and for other purposes; and a bill for the relief of the Red River Railroad Company; which several bills were read and committed.

Also, from the same committee: An adverse report on the petition of Ferdinand N. Clarke.

By Mr. PUTNAM, from the Committee on Public Lands: An adverse report on the petition of James Chapman. Laid on the table.

Mr. COLLAMER, from the same committee, to which had been referred the bill of the House entitled "An act further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office," reported the same back to the House with an amendment. Committed.

By Mr. DUNCAN, of Kentucky, from the same committee: A bill for the relief of Benjamin White. Read and committed.

Also, from the same committee: Adverse reports on the petitions of the Legislature of Missouri, concerning the landing at Potosi; of James Dossett, and Edward Keating, mayor of Alton. Laid on the table.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, reported a resolution, providing that sundry communications from the Post Office Department in relation to southern mail transportation, be taken from the Speaker's table and referred to the Post Office Committee.

The SPEAKER said the resolution could only be received by the unanimous consent of the House. Objection being made, the resolution was not received.

On motion of Mr. EMBREE, the Committee on the Post Office and Post Roads was discharged from the consideration of the joint resolution of the House to amend an act entitled "An act to establish certain post-routes, and for other purposes." Laid on the table.

Mr. JONES, of Tennessee, from the Committee

on the Post Office and Post Roads, to which had been referred the Senate bill for the relief of Thomas Rhodes, reported the same back to the House, with a written report adverse to the passage of the bill. Laid on the table.

By Mr. McDOWELL, from the Committee for the District of Columbia: A bill giving the assent of the United States to an act of the General Assembly of Maryland, passed at December session, 1844, chapter 287. Read and committed.

By Mr. J. R. INGERSOLL, from the Committee on the Judiciary: Asking to be discharged from the consideration of the resolution of the House of the 17th instant, relative to the payment to the heirs of officers and soldiers killed in battle in Mexico the amount of treasury notes, or other property, or money, and that it be laid on the table.

By Mr. RUMSEY, from the Committee on Private Land Claims: A bill for the relief of Lewis Benedict. Read and committed.

By Mr. HARMANSON, from the same committee: A bill for the relief of Anthony Bessee. Read and committed.

By Mr. JOHNSON, of Arkansas, from the Committee on Indian Affairs: A bill for the relief of Joseph Perry, a Choctaw Indian. Read and committed.

Mr. WILSON, from the Committee on Military Affairs, to which the House bill for the settlement of the claims of New Hampshire against the United States was referred, reported the same back to the House. Committed.

By Mr. STANTON, from the Committee on Naval Affairs: A bill for the relief of G. F. De La Roche and W. P. S. Sanger. Read and committed.

Mr. KING, of Georgia, from the same committee, to which was referred Senate bill providing for the appointment of assistant pursers in the navy, reported the same back to the House with an amendment. Committed.

Mr. SMITH, of Indiana, from the Committee on the Territories, to which had been referred the bill of the Senate for the relief of W. B. Slaughter, late Secretary of the Territory of Wisconsin, reported the same back to the House with an amendment.

By Mr. COCKE, from the Committee on Revolutionary Pensions: A bill for the relief of Jonathan Moore, of the State of Massachusetts.

Also, from the same committee: A bill for the relief of Robert Ellis. Read and committed.

Also, from the same committee: An adverse report on the petition of Jedediah Morse. Laid on the table.

By Mr. FREEDLY, from the same committee: A bill for the relief of Catharine Fulton, widow of Samuel Fulton. Read and committed.

Also, from the same committee: Adverse reports on the petitions of George Taylor and Marshal Gentry. Laid on the table.

By Mr. STRONG, from the same committee: A bill for the relief of Tilpha White.

Also, from the same committee: A bill for the relief of Anna Yarrington. Read and committed.

Also, from the same committee: An adverse report on the petition of Ann Pearsey. Laid on the table.

By Mr. WILEY, from the Committee on Invalid Pensions: A bill for the relief of Hugh Riddle. Read and committed.

By Mr. WM. T. LAWRENCE, from the same committee: A bill for the relief of Thomas Badger. Read and committed.

Also, from the same committee: An adverse report on the petition of William Sparks. Laid on the table.

By Mr. KENNON, from the Committee on Accounts, the following resolution, which was read and agreed to:

Resolved, That the Sergeant-at-Arms be directed to pay Mrs. Ellen S. Bradley, widow of the Hon. Edward Bradley, late of Michigan, deceased, his mileage, as allowed by the Committee of Mileage, from Marshall, his place of residence in Michigan, to New York city, where, on his journey to Washington, to take his seat as a member of this House, he died.

By Mr. SMITH, of Indiana, from the Select Committee on Rules of the House: The following amendment to the 133d rule: "Insert after the word 'committee' (where it last occurs in the last clause of the said rule) the following words: *'of the Whole House and the Committee of the Whole House on the state of the Union.'*"

Mr. HOLMES, of New York, by general consent, presented resolutions of the State of New York, in favor of a repeal of the law of the last session of Congress imposing postage on newspapers. Read and referred.

REFERENCE OF PRESIDENT'S MESSAGE.

The House resolved itself into Committee of the Whole (Mr. J. R. INGERSOLL, of Pennsylvania, in the chair) on the President's annual message, and the resolutions referring the same to appro committees.

Mr. BEDINGER addressed the committee at length. His remarks prepared for the Congressional Globe are omitted at his request, but will be found in the Appendix, revised by himself.

Mr. ROMAN then obtained the floor, and spoke for about an hour; a report of his speech will also be found in the Appendix, prepared by himself.

Mr. GREEN, after some merited compliments on the speech of the gentleman who had just resumed his seat, with whose manner and style of delivery he was greatly pleased, observed, that however he might have been attracted by the gentleman's rhetoric, he could by no means subscribe to his sentiments, from which, indeed, he differed widely. For this difference he felt bound to give some reasons: not with any expectation of enlightening the committee, or presenting any new facts to their notice, but simply for the purpose of vindicating the vote he should give; this he considered as due both to himself and to those whom it was his honor to represent here.

The principal, and, indeed he might almost say, the only point in the argument of gentlemen on the other side of the House which he rose to notice, was the charge upon the President that he had commenced this war unnecessarily and unconstitutionally—a charge urged with great dexterity by gentlemen who had themselves voted to declare and to support the war. He hoped to draw these gentlemen out, and to exhibit the true position they occupied in relation to the war.

In attempting to do the President justice, and vindicate him from the injurious charge preferred against him, Mr. G. would call the attention of the committee to a few facts.

The vote in this House of eighty-five men declares (said Mr. G.) that the war with Mexico has been unnecessarily and unconstitutionally commenced by the President of the United States. Now, let it be noted, that this vote extends no further than to the commencement of the war: it does not say that the war is unconstitutional *now*, but only that the manner of beginning it was so. I ask the particular attention of the committee to this point. Will you say that it is unconstitutional now? Since no man can answer in the affirmative, I hold the affirmative in the vote is limited exclusively to the commencement of the war. The declaration extends in its range only up to the 13th of May, 1846. And who makes it? Eighty-five members of this House! Do they, in this assertion, represent the sentiments of their constituents? I know not. I cannot pretend to know as to the whole body; but I can answer for one. I refer to a gentleman from Illinois, who said that he voted for that proposition "doubtingly." I so understood him to say. If I misrepresent him I do it innocently—it is so in his reported speech. Nor do I greatly wonder that gentlemen should so vote in high party times like these, and just before a Presidential election. Such a consideration may have had its influence upon them; I do not say it had. But, I repeat it, the question is this: Is the war with Mexico *now* unconstitutional? is it unjust? and will you declare it to be so? Let the people fully understand the extent and application of the declaration you have made. Then we shall know where to find you. Then the people will know the ground you mean to stand on; and in the great contest which is coming in 1848, it is not hard to predict what the result will be.

The President made the war, and he made it unnecessarily and unconstitutionally; and then the corollary is, that he is personally guilty of all the blood which has been shed in the contest. Now, they mean, I presume, to limit this blood, of which the President is guilty, to that shed previously to the 13th May, 1846; for since that time, whatever amount of it may have been shed, it is all chargeable to Congress, and not to the Executive. I hold the war to be constitutional and just; and before I sit down I hope to be able to prove that the President was fully justifiable in advancing our army to the bank of the Rio Grande. If in this I am wrong, I am at least innocently wrong.

I do not say that the President is *justified* because Mexico owes us money, because she has perpetrated outrages on our commerce and the persons of our citizens, or even because she has insulted us as a nation; for, though these things may present very good arguments why Congress should declare war against her, they do not justify the President in going to war. His only constitutional right in the case is to repel invasion and repress insurrection. But if I show that he was sanctioned and supported in what he did by the Constitution itself, and by law passed under the sanction of the Constitution, then the injurious charges which have been preferred here against him must be hurled back on the heads of those who make them.

On the 13th May, Congress declared this war. "Aye, say they, but you compelled us to vote the war, by appending—I was going to use a word of which I should afterwards have been ashamed—a falsehood to the bill of supplies." I do not complain of those who voted conscientiously in the matter, and who thought the preamble untrue. But what, I ask, is a declaration of war? A declaration of war is nothing more than this—the official public declaration, by competent authority, that war exists. When this declaration is made by the proper authority, that is a declaration of war. It is the annunciation of a fact; neither more nor less than that. It is not a proclamation by the Executive, as was made in the war of 1812, that necessarily constitutes a declaration of war; for the Constitution says that "Congress shall have power to DECLARE WAR." Any act of Congress, then, that announces the fact that war exists, is, to all intents and purposes, a declaration of war; and so it is held by every writer on international law to whose writings I have had access. Now, then, if Congress, by virtue of the power granted to them in the Constitution, declared this war, then is it a constitutional war; and gentlemen will not deny that the war is now constitutional, whatever they may say about its origin; for truth has and must have the same force and effect on their minds that it has on ours. They will not run in the face of plain facts. When a resolution was introduced here, some days since, declaring that our troops ought to be withdrawn from Mexico, but forty or fifty members of this House were found voting in its favor; I conclude of course that all the rest of this body were and are against such a declaration. But if they believed the war now, at this day, to be in itself unconstitutional, could they possibly refuse to declare that our army ought to be recalled? Their oath to the Constitution would compel them to do so. Their moral obligation, as men and as citizens, must have constrained them to vote for and not against such a resolution. Hence I am warranted in inferring that you do, in your conscience, believe the existing war to be at this time a constitutional war. And now for some of the consequences.

The war of 1812 was conceded to be constitutional, at least by a large portion of the people of the United States. And on that point let me read a sentence from a very high authority, and one which, I am well assured, will not be objected to by gentlemen on that side of the House. Mr. Clay, in 1847, at Lexington, speaking of the Federalists and war of 1812, says:

"The war being *constitutionally* declared, it became their (the Federalists) duty to have given it their *hearty* coöperation. But the mass of them did not. * * * * They lost, and justly lost, the public confidence."

Now, if a war is constitutional, those who are guilty of opposing it lose (according to this authority) the public confidence. I ask again, is the present war now constitutional? Has it been so, or not, since 13th May, 1846? And if it has, then I ask you, gentlemen, have you given it your "hearty support" and coöperation? Examine your own bosoms for an answer; and if they answer no, then are you not placed by this very exalted authority in the same category with the tories in 1812? and, Mr. Clay being judge, are you not likely, "in consequence," to "lose the public confidence?" I do not charge treason upon any one: I will not use THAT phrase by you called stereotyped, of "giving aid and comfort to the enemy;" but this I will say: admitting, as you con-

tend, that the President is guilty of all the blood shed in this war previously to 13th May, 1846, are not you, who prolong and support the war and give means to carry it on, guilty, in an equal degree, of all the blood which has been shed since that day? Extricate yourselves, if you can, out of that dilemma! You have great logical as well as rhetorical powers: I admit the ability which is to be found in your ranks: try your reasoning powers on this position which I have assumed: show, if you can, on your own principle, that you are not as guilty for all the blood shed in this war since May, 1846, as the President is for all the blood shed in it before that day. Prove that he is guilty, and yourselves not guilty. I shall be delighted to hear you. And if you can prove this to the satisfaction of any man of common sense, I will own you to be possessed of a magic power with which I am wholly unacquainted.

But all these questions are merged in the great question whether we shall sustain this war and prosecute it with vigor; whether we shall oppose or shall coöperate with the great war party in the country, (if parties on such a matter we must have.)

But I have not conceded that the President has done any unconstitutional act, or is guilty of one drop of the blood shed in this war. The subject presents a grave inquiry, and one which has occupied the greatest minds this land contains. Did such a one as I claim to shed any new light upon it, it would be presumptuous indeed. I set up no such pretension; I only express my own views in my own vindication.

The charge adduced against the President of the United States is a weighty one; and, for one, I say, if he has been guilty of the unconstitutional act of which he is accused, let no party zeal, let no personal partiality, seek to cloak the criminality of so serious an abuse of place and authority. I say, in that case, expose him, though the party and all its interests be scattered to the four winds of heaven. No; let us stand by the Constitution, and by no man who violates it. But, on the other hand, I am not willing to give up the President without a full investigation of the charge brought against him.

To judge of the President's course, we must consider well the relations of the United States to Mexico when the President acted as he has done. I am not going back into old grievances. Whatever, however numerous, however aggravated they may have been, they could never justify the President in making war on Mexico, though they might very properly influence the minds of Congress to do so. The question is, whether, under relations then existing between the two countries, it was the President's right and his duty to advance our army to the left bank of the Rio Grande? We say it was both his right and his duty. And for proof of this, we adduce the following facts: On the 4th of July, 1845, the annexation of Texas was completed; and from that hour it was the duty of the President to protect her as a State of this Union to her utmost limits.

In reply to the gentleman who has just taken his seat, (and whom I consider as "the greatest Roman of them all,") I admit that a President of the United States has no right to declare war; but it is his right and his duty to repel invasion and to suppress insurrection without any action of Congress at all. If either invasion or insurrection should be known to him to exist, and he should wilfully neglect to repel the one or to suppress the other, he would be guilty of a violation of his oath of office. This is admitted by Mr. Clay, and by many other distinguished men who think with the gentleman. But when the act of annexation took place, the Mexican Government solemnly protested against it, and warned us that she would consider annexation as tantamount to a declaration of war. Hence Mr. Clay, Mr. Gallatin, and other manœuvring politicians of the day, constantly say that it was that act of annexation which produced the war—that it was virtually war with Mexico.

Well, if *this* was war with Mexico, then the war was made by Congress and not by the President, for it was Congress who passed the resolution to annex. Virtual war was then made by Congress; and so the Mexican minister considered it, and he accordingly demanded his passports, and withdrew from his official position near this Government. And Mexico so considered it, for she thereupon threatened to invade Texas, and commenced raising troops with that avowed purpose. Now, whether Mexico had just cause for so regarding it or not, still I say, as she did so regard it in fact, and did commence preparations to invade Texas, it was the duty of the President to look at the facts as they stood, and to act in view of them. When Mexico warned us that annexation would, in her understanding, be war, and when she accordingly openly prepared for war, I say it was the President's duty to prepare for the consequences. We had elected him President; the President is bound to repel invasion. Mexico had threatened invasion, withdrawn her minister, and commenced to raise armies—will any man deny that he was bound to prepare to repel invasion? However unfounded the views Mexico chose to take, still she took them, avowed them, gave us warning of them, and acted upon them; and that being the case, our President must govern himself accordingly.

It is a rule of international law, that while territory is in dispute between two nations, neither of them may take armed possession of it. But that rule did not apply as between Mexico and the United States to the territory on the Rio Grande. The rule, in the abstract, is true; but it did not apply here; first, because Mexico was in hostility against the United States. She had said we had virtually made war upon her by annexing her province to our Republic. She was mustering troops; she was openly preparing to invade us. The rule has application only to nations in a state of peace. This was not peace. We had offered negotiation, and Mexico had refused it. I have not time now to prove this; I could, if my time would allow. I will refer gentlemen to the able speech of the gentleman from Indiana, [Mr. Robinson,] who has shown that General Taylor and Mr. Polk are equally guilty of beginning the war, if either of them is guilty at all. Mexico had collected and was augmenting her armed forces on the west bank of the Rio Grande; and I noticed, as the able gentleman from Maryland [Mr. Roman] was speaking, that he dropped incidentally an expression which casts light on the true state of things between us and Mexico at that time. He said that our consul, Mr. Black, in his letter, informed Mr. Buchanan, our Secretary of State, that Mexico had "agreed to SUSPEND *hostilities*," and try the effect of negotiation. "To suspend hostilities!" What does that mean? A state of peace? Are "hostilities" another word for "peace?" If she was willing to suspend hostilities, then hostilities existed, or they could not be suspended. And they were, in fact, suspended for a time. Negotiation was tried; but after negotiation had failed, then, and not till then, the last resort of nations was appealed to. Second. There is another reason why the rule about not taking armed possession of territory in dispute does not apply, and that reason is found in the absolute necessity. This may be considered as a new principle, and quite a new way of disposing of that admitted rule of national law. But all such rules have their origin in necessity and in right. If Mexico was going to take military possession of the disputed territory, as she avowedly was, and that disputed territory extended from the Rio Grande to the Sabine—it was of necessity that we should have the same right. Therefore, I hold that the President did no more than what he was bound to do as a means of resisting invasion.

The last ground you take is this: we had a right to annex Texas and protect her, but not to go to the Rio Grande. I will ask gentlemen one question: when did you first get the idea of the distinction between Texas to the Nueces and Texas to the Rio Grande? The treaty of annexation was rejected, because it extended Texas to the Rio Grande. But did the Tyler treaty extend Texas to the river? Did it expressly recognize the river as her boundary? No, sir; it recognized only whatever territory Texas was rightfully entitled to. It left the question of boundary precisely where the resolution of annexation left it. Then I have this corollary for gentlemen: If the Tyler treaty was opposed because it extended Texas to the Rio Grande, and if it be true that the resolutions of annexation left the boundary just where the treaty left it, then, I say, it was the duty of the President to defend Texas where both left it; and that gentlemen themselves being judges, was up to the Rio Grande; for that was the very ground on which they rejected the treaty. How would the Tyler treaty have disposed of the disputed territory? Only in one way; because, in the absence of any specified boundary, no other could be practically recognized but the utmost that Texas claimed; and this was precisely that which the President did recognize, and which he was bound to defend. It was not for him to say to the State of Texas, your line runs here, and does not run there. But, it is said, the annexing resolutions left the boundary to be adjusted. Yes it did; and did not the President try to adjust it, and did not Mexico refuse to adjust it? Now, then, I ask gentlemen, under that resolution of annexation, supposing all endeavors to adjust the boundary failed, *what then?* I ask gentlemen to tell me. The resolutions did not look to that case. I ask again, if efforts should be made to fix the boundary, and they should fail, *what then?* Will gentlemen tell me?

But in the absence of adjustment, what must be the boundary? There was but one answer. The question not being settled, the President must defend to the utmost verge of our claim. There were certain facts which showed conclusively to his mind that it was the duty of the President to defend to the Rio Grande. Bear in mind the hostile position in which Mexico stood, her threats to invade Texas not only between the Rio Grande and the Nueces, but the whole of Texas up to the Sabine, to reconquer her "revolted province," as she was pleased to term it. Had Mexico ever abandoned her claims to Texas east of the Nueces? No; except in the offer made to Mr. Trist. Gentlemen on the other side assumed that if our army had never gone beyond the Nueces, there would have been no war. Was nothing else in controversy? Why, after we had whipped Mexico, overrun and occupied half of her territory, she then turns round and says through her commissioners to Mr. Trist, If you will make peace, we will agree to the Nueces as the boundary. If she had before that abandoned her claim to the east of the Nueces, what surrender did she make? And still the gentleman from Maryland [Mr. Roman] said that offer ought to have been accepted.

Mr. ROMAN, interposing, was understood to say that the true boundary was at the desert, and was the correct one.

Mr. GREEN was glad to see that the gentleman was advancing. He hoped he would go on until he came on to good orthodox ground on this question.

The law of Texas (continued Mr. G.) did claim to the Rio Grande. The gentleman from Maryland said that law was repealed. How? Why, repealed by the people in convention when they formed her constitution. But that constitution only contained a provision that the laws of the republic, not repugnant to it, nor to the Constitution of the United States, or the resolutions of annexation, were to continue in force. Well, was this law of 1836 repugnant to the terms of annexation? It said that the Rio Grande was the western boundary; the terms of annexation said the boundary should be settled by negotiation; the President tried to negotiate, and failed. Then all attempts at negotiation and adjustment failing, what became of the boundary *ipso facto?* Was it to be an indefinite, intangible thing? Was there no point on which we could fix and say, this is our boundary? True, the question was in contest, but the law made the Rio Grande the boundary, and that law could only be modified by "adjustment" under the terms of annexation. The question not being settled, and settlement being impossible, but one thing remained, viz: that the President, having the power to repel invasion, was bound to defend up to the extreme verge of our claim.

The original boundary of Texas before it was incorporated into the American Union was the Rio Grande. Upon that point we had Mr. Clay's remarkable speech. That boundary was acknowledged by Santa Anna in the treaty made by him with Texas in 1836. It was an important fact, that in this stipulation the bone of contention was the independence of Texas on the one side, and her subjugation on the other, from the Rio Grande east—a fact which appeared on the very face of the stipulation, and an important fact in determining what now constituted the length and breadth—the boundary of Texas. In 1836, this law having been passed by the Congress of Texas declaring the Rio Grande to be the western boundary of the Republic, with that boundary she was ac-

knowledged independent by several of the great Powers of the world. Now, an acknowledgment of independence he had authority for saying was synonymous with acknowledgment of title. In 1836, having made this solemn declaration by law to the world, that her western boundary was the Rio Grande, Texas applied for admission into our Confederacy. General Jackson, in his message at that time, said: (Mr. G. read an extract from this message, in which it was declared that the title of Texas to the territory she claimed was identified with her independence, and she asks us now to acknowledge that title, with the avowed design of seeking admission into our Union.) General Jackson opposed annexation at that time, under those circumstances. He knew that there might be those who would differ from General Jackson in this opinion; still it was high authority, and entitled to respectful consideration. "The title to Texas was identified with her independence!" Five of the leading Powers of the world acknowledged her independence; and, consequently, General Jackson being judge, admitted the validity of her claim to its whole extent.

It might be said in reply, suppose Texas had claimed all the way to the city of Mexico, would the acknowledgment of her independence have been an endorsement by the Powers making this acknowledgment of the validity of her claims to that extent? Mr. G. would answer that argument. Suppose she had claimed the whole of Mexico: Did they suppose she would have been acknowledged independent? No; because the truth would have been the reverse. The acknowledgment of independence was only the recognition of an old fact, not the promulgation of a new one; and hence that acknowledgment would not have been made unless the fact recognized did actually exist. Hence, with that boundary, she never would have been acknowledged independent.

Another fact: about the time that annexation was sought, Mexico offered to acknowledge the independence of Texas on certain conditions. The question of boundary was to remain unsettled. Suppose that this then had taken place, and that Mexico had afterwards threatened to invade Texas, would not Texas have been justified in going even upon disputed territory, if they pleased, in defence against that invasion? They had not only the right to have used all the means in their power upon soil clearly theirs, but when war was threatened, they had the right to push their army, in defence, even into the disputed territory.

Mexico having refused to make any adjustment—having refused to negotiate, Texas having claimed to the Rio Grande, there being no possible way of making an arrangement, ought not the President, armed as he was with the power to repel invasion, and it being his sworn duty, under the Constitution, to exercise that duty when emergency required it, to have placed his army on the left bank of the Rio Grande? Did he do more than his duty? If he had done otherwise, would he not have been guilty of gross dereliction of duty? Mr. G. read an extract from a speech from the other end of the Capitol, in which the arguments were presented in a succinct form, going to show that the title of Texas to the Rio Grande rested precisely on the same ground as her title to the territory east of the Rio Grande, and that, if we had no right to place our army on the bank of the Rio Grande, we had no right to go west of the Sabine. Was independence an ability to maintain your rights against all others? Did not Texas show her ability to do this?

In 1843, an armistice was entered into between Texas and Mexico, in which it was agreed that no Texan forces should go west of the Rio Grande, and that no Mexican forces east of the Rio Grande. This was not peace, but a *quasi* peace; and, in the absence of other authority upon this point, was a pretty good authority, showing that Mexico, as well as Texas, recognized the Rio Grande as the turning point of the dispute; it was made the line of demarcation.

One other consideration: If the President had been justified in his course, and (whether he was justified or not) the war now being constitutional, there was but one course we could pursue, and that was, to prosecute this war. Gentlemen on the other side had said, show us your plan; tell us the objects of the war; tell us what you are fighting for; and then we will judge of the propriety of it, and vote supplies or withhold them, as our judgment may dictate. The objects of the war! What were the objects of the war of 1812? Would any of them tell him? How did we learn the objects of that war? Did Congress declare them in the act declaring the war? Or did the President declare them in his proclamation of war? When you voted (said he) 50,000 volunteers to the President, when you placed at his disposal ten millions of money, and the whole army and navy, did you not know what the objects of the war were? Yes, you did; for when you read the act which made these appropriations of men and money for the vigorous prosecution of the war, you saw that the objects were specified in it. You say you were compelled to vote for it, because General Taylor was down there in danger. You may say you were compelled to vote to extricate General Taylor; but were you compelled to vote to *prosecute* the war? I am not now speaking of the preamble, but of your act, by which you voted to prosecute it. Prosecute it for what? To obtain an honorable peace. We have not obtained it, and it becomes our duty to prosecute it still, until our original design shall be attained.

War having existed by the act of Mexico, the President having the right, in defence against threatened invasion, to go to the utmost verge of the claim of Texas, because that claim was acknowledged by the five great Powers who recognized her independence—Texas having been annexed with this claim, and the Mexicans attacking us and shedding the blood of American citizens—was it not, in truth, in fact, an invasion of our rights, which no man could submit to who had the blood of an American trickling through his veins? Mexico said she would reconquer her "revolted province." The United States said, Stay your hand; cannot we amicably settle this difficulty? Mexico says, no; we will hurl from power any one who entertains propositions of peace; we are determined to reconquer Texas. Now, with these facts before us, could we do anything but place our army upon the point which was most eligible and the best adapted to defend the country against assault? The conclusion seemed to him irresistible.

Ah! but, said gentlemen, we do not mind prosecuting the war for the purpose of obtaining a peace; but then a war of conquest! "Conquest" seemed to haunt their imaginations. How was this conquest brought about? We took up arms to defend our rights, and to repel invasion. In order to do this most effectually, we took our position on the Rio Grande; and now, because conquests had grown out of it; because we had overrun the territory of Mexico, defeated and dispersed her armies, we were told it was a war of conquest! Why did not gentlemen say so in the war of 1812? Was not Canada invaded? Was it then a war of "conquest?" And did gentlemen fall back aghast, horror-struck? Let gentlemen profit by the example of those who opposed the war of 1812. He granted there were points of dissimilarity between the two wars, but there were points also of similarity, worthy of being considered by every man who was called to act upon it. What they said and did must go to the world; and it would live after the ephemeral reputation which they might acquire upon other subjects had passed away.

One gentleman said he stood by his country, but he was against the President. But as between the President, who, by the Constitution, was the commander-in-chief of all our forces, and the Mexicans, he did not exactly say, but he left a very strong suspicion. He (Mr. G.) did not make any charge of treason. He did not pretend to say, in a court of conscience, in a court of morals, he would be found guilty of treason, because he might have been actuated by good motives; but the consequence of gentlemen taking such a position was, to incite the enemy to a more vigorous and persevering opposition. However praiseworthy might be their motives, still the consequence of such a course was inevitably to give encouragement to the enemy.

Mr. PALFREY obtained the floor, and gave way to a motion to rise; which prevailing—

The committee rose and reported progress.

Mr. DONNELL moved to reconsider the resolution terminating all debate in Committee of the Whole on the President's message to-morrow at two o'clock.

And then the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred under the rule:

By Mr. GRINNELL: The petition of N. J. Knight, esq., and others, of Truro, Massachusetts, asking that a light-house and buoys may be established at Parmot river. Also, the petition of Z. D. Bassett and others, of Hyannis, for a light at that port.

By Mr. WENTWORTH: That the papers of widow Mary Stanton, presented at a previous session, be taken from the files, and again committed to the Committee on Revolutionary Pensions.

By Mr. HOLMES, of New York: The memorial of Hervey Ely and 70 other citizens of Rochester and its vicinity, asking that the principles of the laws regulating drawbacks and warehousing shall be so extended to our trade with Canada as that Canadian wheat may be imported into the lake and river ports of the northern frontier, admitted to entry under bond, manufactured into flour in the United States, and that, upon the exportation thereof, the bonds thus given may be discharged, under such regulations as Congress may provide.

By Mr. KENNON: The petition of David Berry, and 45 others, citizens of the State of Ohio, praying that Henry Johnson may be placed on the pension roll.

By Mr. CLINGMAN: The petition of Samuel J. Finch and others, praying the discharge of all the married men in the North Carolina regiment after twelve months' service.

By Mr. BAYLY: The memorial of A. Hunter, marshal of the District of Columbia, praying that provision may be made for maintaining in jail persons committed to his keeping as marshal.

By Mr. LUMPKIN: The petition of William Hardin, of Georgia, praying that he may be indemnified for expenses incurred and actually paid by him as enrolling agent of the United States.

By Mr. SHERRILL: The petition of Marsh Farrington, of Dutchess county, New York, for a pension

By Mr. STRONG: The petition of George Rock, praying for a pension.

By Mr. POLLOCK: The petition of John P. Pursell and 28 others, citizens of Northumberland county, Pennsylvania, praying that newspapers, &c., may be transmitted free of postage within thirty miles of the place of publication, and for other alterations in the post office laws.

By Mr. BRADY: The petition of citizens of Franklin county, Pennsylvania, praying for the repeal of so much of the act of the 3d of March, 1847, as imposes postage on newspapers circulating within thirty miles of the office of publication.

By Mr. GOGGIN: The petition of William T. Holland, clerk of the United States consul at Rio de Janeiro, for an allowance of compensation for attending as a witness to give testimony in a case of slave trading on board the whaling bark "Fame," of New London.

By Mr. CROWELL: The petition of N. B. Stone and L. Swift and others, citizens of Summit county, Ohio, praying the reduction of postage one-half on all papers containing not more than five hundred square inches. Also, the petition of Alexander Scott, of Canfield, Trumbull county, Ohio, for relief, &c.

By Mr. DICKINSON: The petition from citizens of Wyandot county, Ohio, praying Congress to reduce the postage on juvenile newspapers of small dimensions. Also, the petition of citizens of Seneca county, Ohio, praying Congress to carry into effect the provisions of the treaty of Brownstown, and of the acts of Congress relating thereto for a road southwardly from Lower Sandusky.

By Mr. ECKERT: The petition of citizens of Tremont, Schuylkill county, praying for the establishment of a post office at that place.

By Mr. WENTWORTH: The petition of sundry citizens of Illinois for a mail route from Sycamore, Coltonville, South Grove, Lindenwood, White Rock, Paine's Point, Daysville, and Oregon, to Mt. Morris.

By Mr. CHAPMAN: The petition of Stephen G. Hogan, of Baltimore city, for a pension.

Also, the petition of Richard Mackall for compensation for property destroyed by the enemy in the war of 1812.

By Mr. THOMPSON, of Pennsylvania: The memorial of Mrs. Eliza A. Mellow, widow of Captain Charles Mellow, late of the United States army, praying for a continuance of pension. Also, the petition and documents of John Morrison, of Pennsylvania, a revolutionary soldier, and a soldier under General Wayne, from 1791 to 1794, until after the treaty of Port Grenville, praying for a pension, being at present ninety-eight years of age.

By Mr. SCHENCK: The petition of sundry citizens of Ohio for a mail route from Hamilton, in the county of Butler, State of Ohio, through Dantown, Morning Sun, Fairhaven, and Beechy Mine, in Ohio, and Boston, in Indiana, to the city of Richmond, in Indiana.

By Mr. ROSE: The petition of Mrs. Sally Ketchum, asking to be placed on the pension roll.

By Mr. TUCK: The petition of H. P. Daniels and 168 others, inhabitants of Lowensworth, New Hampshire, praying that measures may be adopted to close the Mexican war. Also, the petition of Mehitable Marble for a pension. Also, the petition of Moses Noble and 19 others, citizens of Newcastle and Portsmouth, New Hampshire, praying that the duties on fish may be made specific, and at the rates provided by the tariff of 1842. Also, the petition of Amos Cram and 101 others, citizens of Meredith, New Hampshire, praying for the repeal of the laws enacted by Congress in support of slavery in the District of Columbia, and that an adequate compensation may be allowed to the owners of slaves.

On motion of Mr. DUNCAN, of Ohio: The petition of Levi Nichols was taken from the files of the House and referred to the Committee on Revolutionary Claims.

By Mr. McILVAINE: The memorial of Jesse James and others, citizens of Chester county, Pennsylvania, praying Congress to adopt measures for an early peace with Mexico by the withdrawal of the army, the restoration of the conquered provinces, and the appointment of commissioners to adjust the existing difficulties between the two Republics.

By Mr. NES: A petition numerously signed by citizens of Adams county, in the State of Pennsylvania, believing

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aggressive war to be inconsistent with the precepts of our holy religion, and those precepts of universal justice and liberty, which lie at the base of our political institutions; and believing our war with Mexico at present to be of this kind, and calculated to impair the confidence of the civilized world in the equity and permanence of republican institutions, respectfully solicit the honorable Senate and House of Representatives of the United States to put a speedy termination to it.

By Mr. PUTNAM: The petition of James C. Fuller, and fifty-two others, of Skaneateles, New York, praying for the passage of a law prohibiting the buying and selling of human beings in the District of Columbia.

By Mr. BARROW: The petition of twenty-eight privates of the first regiment of Tennessee volunteers, praying that Congress will so alter the law relative to "bounty land warrants" as to make said warrants receivable at the land office, &c.

By Mr. EDWARDS: The petition of James B. Austin, and one hundred and twenty-six citizens of Fayette county, Ohio, asking a reduction of postage on newspapers.

By Mr. PENDLETON: The memorial of Josiah Colston.

By Mr. TAYLOR: The petition of Jacob Row, and fifty-seven others, citizens of Pike county, Ohio, praying a reduction of postage on all newspapers not containing more than five hundred square inches. Also, the petition of James Hughes and ninety others, citizens of Jackson county, Ohio, praying a reduction of postage on newspapers not containing more than five hundred square inches.

By Mr. STUART, of Michigan: The petition of A. C. Van Raalte and others, citizens of the counties of Allegan and Ottawa, in the State of Michigan, praying for an appropriation of twenty thousand dollars for the erection of piers at the mouth of Black river, in Ottawa county, Michigan.

By Mr. T. BUTLER KING: The memorial of Christian Howsen, of New York, praying Congress to authorize a contract to be made with him for the transportation of the United States mail from New York to Glumstradt, in Denmark.

By Mr. HOLMES, of South Carolina: The memorial of John Strohecker, praying indemnity for slaves captured by the authorities in the Island of Bermuda, and for which our Government ought either to demand indemnity or pay themselves.

On motion of Mr. EMBREE, the petition and papers of James Monroe, in relation to the loss of certain horses in the war of 1812, were referred to the Committee of Claims.

By Mr. CROWELL: The memorial of M. Sutliff and B. F. Hoffman, and others, citizens of Warren, Trumbull county, Ohio, praying Congress to express an opinion on its constitutional power over the institution of slavery.

By Mr. KENNON: The petition of William Rowles and 82 other citizens of Monroe county, in the State of Ohio, praying Congress to grant a suitable quantity of land, free of charge, to actual settlers not possessed of other lands; and that the General Government shall no longer traffic in the public lands.

By Mr. ROCKHILL: The petition of Henry Cooper and others, citizens of the United States, praying Congress to pass a law granting a preëmption of eighty acres of any land owned by the United States that had been offered at public sale and still remains unsold to the head of any family of the late sufferers in Ireland, who was the head of such family at any time since September, A. D. 1846, which suffering was caused by the late famine in that country.

IN SENATE.

TUESDAY, *January* 25, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, covering a report of the names of the clerks in the different bureaus pertaining to that department.

PETITIONS AND MEMORIALS.

Mr. DICKINSON presented a memorial from a society of citizens of the State of New York, on the subject of the disease in the potato, and on the evils likely to be the result; which was referred to the Committee on Agriculture.

Also, a petition of S. J. Bowen, praying remuneration for services in the office of the Second Auditor of the Treasury; which was referred to the Committee on Finance.

Mr. ATHERTON presented two petitions from citizens of Charlestown, Massachusetts, praying for the repeal of a patent granted to William W. Woodworth; which was referred to the Committee on Patents.

Mr. DIX presented joint resolutions of the Legislature of New York, praying for the repeal of the law of last session relative to the postage on transient newspapers; which was referred to the Committee on the Post Office and Post Roads.

Mr. YULEE presented a remonstrance from citizens of Florida, against the removal of the land office from Newnansville; which was referred to the Committee on Public Lands.

Mr. FELCH presented a petition from Peter Godfrey, praying for leave to locate a new section of land in lieu of one of which he has been deprived; which was referred to the Committee on Public Lands.

Also, a petition from Peter W. Knaggs, praying leave to locate a new section of land under similar circumstances; which was referred to the Committee on Public Lands.

Mr. WESTCOTT presented a petition from A. A. Fraser, and others, praying remuneration for losses sustained by the unlawful seizure of the Brig Douglas, while engaged in the pursuit of lawful commerce; which was referred to the Committee on Claims.

REPORTS FROM COMMITTEES.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, reported a bill to provide additional quarters near New Orleans for United States soldiers or volunteers returning from or going to the seat of war in Mexico.

Mr. D. said: Before I send the bill up to be read, I desire to state briefly the reasons which operated on the committee in requesting the speedy action of the Senate upon it. The committee found that the appropriation of last Congress provided only for volunteers landing at New Orleans and other ports, disabled, or without the means of returning to their homes. Being limited by the resolution, the committee considered themselves bound to confine themselves to New Orleans, and they have been confirmed in the belief that the best site for the erection of an hospital is a location near the barracks there. The best proof of the superiority of that location is afforded by the fact, that during the prevalence of the epidemic last season, no case of yellow fever originated in that vicinity. Of the volunteers going to and returning from Mexico, from five to seven hundred are now in private hospitals, at the expense of one dollar per day. By the erection of an hospital on the public grounds near the barracks at New Orleans, the committee are satisfied that the saving to the country, if the war should last twelve months—and it can hardly be supposed that it will terminate so speedily as all desire—would be very considerable, and that at all events the loss would be very small, even if we should be blessed with an immediate peace. In addition to this, we have had under consideration the necessity of procuring some building for the purpose of accommodating the troops on the way to and returning from Mexico; and in connection with this I may state, that the battalion from my own State, remaining at New Orleans for transportation to the seat of war, have suffered extremely from exposure to the inclemency of the season. I am informed, in a letter from the surgeon, that fifty men out of the three companies are already in the hospital, and five deaths have occurred. Surely every motive of humanity which enters into the protection of men engaged in the service of the country claims, with added force, our consideration to those whose health have been thus impaired whilst in the service of the United States, and upon the very threshold of the Mexican campaign. Nothing can serve more to discourage volunteers and recruiting in the United States, than this detention, and the sickness and deaths incident to such exposure. With these remarks, I ask for a reading of the bill.

The bill having been read a first time—

Mr. CRITTENDEN said: This is, I understand, the first reading of the bill. The Committee on Military Affairs unanimously agreed in recommending that this bill should be passed with as little delay as possible. If there be no objection, then, I ask that the bill may have its second reading; and, as it has been carefully engrossed in a clear hand, I hope that the Senate will also allow it to be read a third time and passed to-day.

The bill was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and, no amendment being made, it was reported to the Senate, read a third time, and passed.

Mr. FELCH, from the Committee on Public Lands, reported a bill for the relief of Henry Washington; which was read a first time.

BILL INTRODUCED ON LEAVE.

Mr. ASHLEY introduced a bill to amend the act entitled "An act extending the jurisdiction of the district courts to certain cases upon the lakes and navigable waters connecting the same," approved 26th of February, 1845; which was read twice.

ACQUISITION OF TERRITORY.

Mr. BAGBY submitted the following resolutions for consideration:

Resolved, That Congress has no constitutional power to abolish or to prohibit slavery in any State or Territory in this Union.

Resolved, That conquest is a legitimate means of acquiring territory, and so recognized by the laws and the universal practice of civilized nations.

Resolved, That if territory is hereafter acquired by the United States, either by treaty or conquest, it shall not be competent for the treaty-making power, or Congress, to exclude slavery from such territory, either by treaty stipulation or by act of Congress; but such territory shall be equally free and open to the citizens of all the United States, without any limitation, prohibition, or restriction, in regard to slaves, or any other description of property whatsoever.

On presenting these resolutions, Mr. BAGBY said:

Mr. PRESIDENT: Perhaps there is something in the nature of our free and happy political institutions, to justify a departure from what, under a different form of government, might be considered the proper course for us, in our legislative capacities, to pursue. It is admitted, at least by me, as a general rule, that all propositions introduced into legislative bodies, ought to be such as are intended to be followed up by some act of practical legislation. On the other hand, it is one of the axioms of the republican creed, that a frequent recurrence to first principles is indispensably necessary to the preservation of liberty. The resolutions which I hold in my hand, and which I shall presently ask leave to introduce, relate to a subject of very great moment, as I conceive, to the prosperity, and of still more transcendent importance to the tranquillity of the country, and one on which it is peculiarly desirable at this time to have a clear and decided expression of opinion, and to settle, if possible, definitively and forever.

The first of these resolutions simply asserts what I understand to be the true position in relation to the powers of this Government over the question of slavery. The second contains a proposition, from the correctness of which I apprehend no one will dissent, and which I should not have thought of bringing before a body so enlightened as this, but for the extraordinary remarks made here repeatedly, and continually, in regard to the acquisition of territory, if any should be acquired by conquest in the war in which we are now engaged with Mexico. A stranger to the history of this war, and one ignorant of the provisions of our Constitution and principles of government, and of the code of nations, to read speeches almost daily delivered by Senators in the Opposition, would think that the acquisition of territory was a thing forbidden by the laws of nations, prohibited by the Constitution, and unsanctioned by the great principles of an elevated national morality. So far from these things being so, I repeat, in the language of the second resolution, that conquest is a legitimate mode of acquisition, and so recognized by the laws and the universal practice of civilized nations. If any Senator is disposed to controvert this distinct substantive proposition, it will be much more convenient, and his arguments will be much better understood, than by mixing them up with other matter, to which they have no proper affinity, in a general discussion upon the merits of the Mexican war, and the manner in which it should be conducted. I apprehend, however, that when the question is fairly stated, and stripped of all disguise, none will be found of sufficient temerity to controvert it.

I do not intend now, sir, to go at all into the discussion of the Mexican war. I do intend, however, with the permission of the Senate, before the debate is closed upon the bill now pending to increase the army, to offer my views in regard to it, in reference to the origin and conduct of the war, the objects for which it should be further

prosecuted, and to declare clearly, openly, distinctly, and explicitly the course which, in my humble judgment, the Government of the United States ought to pursue towards Mexico. The third resolution, sir, differs materially from any hitherto presented upon the subject. If this resolution, Mr. President, is unjust to any State of this Union, or any citizen of any State of this Union, and I can be convinced of it, I shall be the first to abandon it. If, on the contrary, it shall be found to be fair, and just, and equal in its effect and operation upon all the States and all the people of all the States—if it be true that territory acquired by the joint blood and treasure of a common country ought, in the language of the resolution, to be equally free and open to the citizens of all the States of this Union, without any limitation or restriction in regard to slaves or any other description of property whatsoever—I think I have a right to expect the unanimous vote of the Senate in favor of it. How far this (to my mind) reasonable expectation is to be realized belongs to the future, and I shall not attempt to decide it in advance. I flatter myself, however, that I shall, at the proper time, be able to make this proposition so plain that he who runs may read, and the wayfaring man, though a fool, cannot err in regard to it. At present, I respectfully ask that the resolutions be printed.

The resolutions were then ordered to be printed.

On motion by Mr. BREESE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Cairo city, by Thebes, in Illinois, to Cape Girardeau, Missouri.

The resolution offered some days since by Mr. CAMERON, for the appointment of a committee to examine the books and money in the Philadelphia Mint was taken up, and postponed to Tuesday fortnight.

SUSPENSION OF GENERAL SCOTT.

Mr. CASS. I believe the hour has now arrived for taking up the special order of the day.

Mr. CRITTENDEN. I did not distinctly hear the honorable Senator.

The PRESIDING OFFICER. The Senator has moved to take up the special order.

Mr. CRITTENDEN. Before that is done, I wish to remark, that there is a subject of considerable importance now occupying much of the attention of the public, and which excites much conversation, in reference to which I desire to ask a question or two of the honorable chairman of the Committee on Military Affairs. The questions to which I desire to obtain an answer are—first, whether General Scott has been recalled or suspended from the command of the army in Mexico; and, secondly, whether General Worth has been relieved from his arrest, or whether he also has been suspended?

Mr. CASS. If the honorable Senator from Kentucky should not receive my answer as any proof of my fitness to discharge the duties of chairman of the Committee on Military Affairs, I hope he will at any rate receive it as affording some evidence of my imperturbable humor. I would remark to the honorable Senator, however, that I know nothing upon this subject that is not fully within the control of every member of the committee; and if he had gone where I went, the same information would have been given to him which has been given to me; and I am at liberty to say, that the Administration will freely communicate on military subjects with any member of the Military Committee who may ask for information. With respect to the distinct questions put by the honorable Senator, I feel myself at perfect liberty to communicate all the facts in my possession, as I was expressly authorized to do. They are simply these: General Scott is suspended from the command of the army in Mexico, and the command now devolves upon the next officer in rank, who is General Butler. General Scott, as I understand, will attend the court of inquiry directed to be held at Perote, for the purpose of investigating all the difficulties which have arisen—as the Senate and the country well know many difficulties have arisen—between the higher officers, by whom mutual charges have been made. With regard to the other question put by the honorable Senator, I believe that General Worth has been suspended from his arrest.

A SENATOR. Relieved?

Mr. CASS. Take either term you please. Whether finally relieved depends, I presume, on the result of the court of inquiry. I believe I have now given all the information that the honorable gentleman wants.

Mr. CRITTENDEN. I am obliged to the honorable gentleman for his information, and I am willing to receive it as evidence of his courtesy at least, if not of his imperturbable character. I only supposed that his station as chairman of the Committee on Military Affairs, on which I have the honor of serving under him, was such as to afford him the means of answering the questions which I submitted with respect to matters in regard to which I am not altogether indifferent. I confess I have heard with some little astonishment the announcement just made, that General Scott has been removed from the command, in the presence of his army, on charges made by a subordinate officer. However, I do not intend, now to make that the subject of any remarks.

THE TEN-REGIMENT BILL.

The Senate then resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. CLARKE said: It is due to myself, and to the constituency whom I have the honor in part to represent on this floor, that I should assign, as plainly and as briefly as may be, the reasons which will govern my vote on the bill now before us for discussion. I consider it second in importance to no measure that can demand our attention at the present session, not only from the principles and consequences involved, but also as being the first of a series of measures designed to enlarge the means of extended offensive warfare against Mexico. I had hoped that before Congress was urged to the passage of any important act, a particular expression of its views might have been made, defining to what extent, and to what ends, the war with Mexico should be further prosecuted. We are informed by the President, in his last message to Congress, that the destruction of the nationality of Mexico is not contemplated by him—that he designs not to blot her from an existence among the nations of the earth. We had also from the honorable chairman of the Committee on Military Affairs, who speaks by authority, the same assurance. The object contemplated was the dismemberment, not the subjugation of Mexico. Other things, however, cast their shadows before us. The veil has been partially lifted, and the future is opened cautiously, but unmistakably to view. And first in the category of these indications, sir, there were certain resolutions offered by the honorable Senator from New York, [Mr. DICKINSON,] which propose that it be resolved that we form a territorial government for certain territories in Mexico; although our right to the territories in our possession is but the right of conquest. In the next place, sir, there were resolutions submitted by the distinguished Senator from Indiana, [Mr. HANNEGAN,] declaring the constitutionality of territorial acquisitions. Next, sir, was a letter from Major General Scott, dated, I believe, the 15th of September last, in which he tells the Secretary of War, that if the Government intend to occupy with its troops all the principal towns in Mexico, and keep the central Government in motion and alarm, it would be necessary to augment his forces to fifty thousand men. The fourth indication which has struck my mind, sir, was the avowal of the honorable chairman of the Committee on Military Affairs, that the entire conquest of Mexico was intended. The fifth, sir, is the general order of the Major General commanding in Mexico, dated 15th December, 1847; which general order, if I understand it, covers the whole ground of the conquest and occupancy of the territories of that Republic. To the first article of that order, I desire to call the attention of the Senate:

"The army is about to spread itself over and to occupy the Republic of Mexico, until the latter shall sue for peace, in terms acceptable to the Government of the United States."

Thus has dismemberment been transformed into subjugation.

When the Emperor Napoleon, in the pride and plenitude of his power, impelled by his lust for conquest and glory, had trodden down with his iron heel the ancient dynasties of Europe—Holland was subjugated; and in his memorable decree of annexation, remarkable for its brevity, he says "Holland is annexed to France." One step more, and we shall have annexation. In a few brief years, where was this mighty conqueror? Stripped of his power—a prisoner in the hands of his oldest and strongest foe—doomed to an exile for life upon a rock in the sea—and France, his own beautiful France, at the mercy of her allied foes, was circumscribed within her ancient limits of sovereignty, resting on her greatness and reposing on her glory—yielding up the spoils she had hidden in her bosom. Sir, I trust that such may not be the fate that is reserved for us. I am entering into this discussion with no captious view of opposing any measures, come whence they may. I do not propose to discuss the controverted causes of the war The first and primary cause was the admission of Texas for extension of slave-power; but that is no longer a question for practical use, for the lone star of that Republic has become merged in our glorious constellation.

The more immediate causes are to be found in the ill-advised march of General Taylor to the Rio Grande—whether provoking hostilities or repelling them—whether invading territory in possession of Mexico, or driving Mexican forces from Texas and her soil—I leave with the honorable Senators from North Carolina, Maryland and Delaware, who have spoken—abler hands than mine. It is sufficient to say, that the war has been sanctioned by the legally constituted authorities of the nation, and must be prosecuted to a just and honorable peace: such a peace as humanity dictates, and the interests of the country require—a just peace—surrendering no right, and inflicting no wrong. I therefore approach this discussion unfettered and free. My duty here requires me to judge of measures for the interests of my country alone; and, whatever vote I may give shall be from the best convictions of duty, and an earnest desire to promote the general welfare.

The two bills reported to the Senate by the Committee on Military Affairs propose to augment the regular army 10,000 men, and the volunteer force twenty regiments, equal to 20,000 men. It is asked, and I ask it in sincerity and soberness, why, and for what end, is this additional force to be embodied and sent forth into a conquered country, at a moment when the advices from Mexico lead us to believe that peace may be had upon terms of our own dictation; when commissioners from the yet remnant of a Government at Queretaro, existing only by the forbearance of the commanding general, have sought your ambassador, and found, unfortunately, his powers withdrawn; when, to avert utter subjugation, it is confidently said that Mexico invites you to other negotiations leading to a treaty, if not of amity, of peace, and desires to rescue her national existence from ruin? Why is it necessary to increase our military force? Why send more men to enforce greater humiliation?

From the able report of the Secretary of War, (and, sir, I take great pleasure in subscribing to its ability,) it appears that we have now in the army 43,536 men; of whom there are—

Regulars	21,509
Volunteers	22,027
With Scott, at Tampico, Vera Cruz, and Mexico	32,156
With Taylor, (now Wool,) on the Rio Grande	6,727
In Santa Fé, and on Oregon and Santa Fé route	3,634
In California	1,019
In Mexico	43,536
Add Michigan and other volunteers	2,000
	45,536

To this should be added the whole naval force in the Gulf of Mexico, and the whole force in the Pacific. These forces have been as efficient in their own sphere of action as any portion of our force engaged in the brilliant and gallant exploits redounding to the honor of their country.

May we not fairly add, as the actual efficient naval force, 4,464 men? and if so, we have at present a force in and around Mexico amounting in the aggregate to 50,000 men. In addition to this, the existing laws authorize the recruiting and imbodying of 8,000 men for the regular army; and the President has authority to accept 12,000 volunteers. All this, making 20,000, added to the preceding estimate of 50,000, gives the present force, as authorized by law, at 70,000 men. Pass this bill, and the bill for twenty regiments of volunteers, and you cannot have less than 95,000 men engaged in seeking indemnity and security from Mexico, already prostrate before you.

These things being so, the first question to my mind is, why and for what are these additional forces wanted? And, secondly, where are we to get the ways and means to maintain them? It was said by the honorable Senator from Kentucky some days since, that our forces had cost the country, for the last year, $1,000 per man. On the other hand, it is stated by the honorable Senator from Michigan at $279,000 for a regiment, only, however, for pay, rations, and clothing, without allowance for excess of expenditure in a foreign country. I have examined the subject, and will submit the calculations that I have made. How many men have been in the field, on an average, for the past year? Not over 30,000.

Say Scott, on all his lines	18,000
Taylor	8,000
Santa Fé, &c	4,000
	30,000
Expenses last year, (besides outstanding claims,)	$58,000,000
Deduct $28,000,000 for ordinary expenses, including army and navy or peace establishments	28,000,000
And you have	$30,000,000

Which averages $1,000 per man, besides bounty, pensions, and so forth. Now, sir, add to the army the ten regiments now proposed by this bill, and the bill for volunteers, and you have 95,000 men in the field; and these proposed measures cannot but enhance your expenditures twenty million dollars.

Scott had at Vera Cruz, 29th March	13,000
He marched 8th April to Cerro Gordo with	11,000
Discharged his volunteers	3,700
Went to Jalapa with	7,300
Thence to Perote, leaving garrisons at Jalapa and Perote of	2,000
And entered Puebla with	5,300

Here he waited until August 7, for reinforcements; and, according to the Secretary's report, received there about 5,000 men under the command of General Pierce. Leaving a garrison in Puebla of 500, besides the force withdrawn from Jalapa, he commenced his victorious march to Mexico with 10,000—took it, established and maintained himself. Of these 10,000, at least 2,000 were killed, wounded, or disabled, leaving 8,000, of which only 6,000 entered the city, and dispersed the whole Mexican army.

In Tampico and Vera Cruz there are probably now	2,000
At Jalapa, Perote, and Puebla	5,000
	7,000

Which being deducted from Scott's whole force of 32,156, gives him in Mexico and the country immediately about it, no less than 25,156. At the last accounts, General Scott was arranging an expedition from this force—wholly unnecessary for holding Mexico and its suburbs—to Potosi and the mining districts of Zacatecas; and, as yet, wisely leaves Queretaro untouched, for there only can be found the remnant of Mexican authority. Probably before this bill can become a law—indeed long before this force can reach the Mexican territory, these mining districts, the wealth of which the diffidence of the Senator from Michigan could not allow him to name—this Eldorado, which for centuries has been the envy and the ruin of grasping and unprincipled ambition, will have yielded to our forces, having nothing to resist them, and thus Mexico—its mines and its wealth—its pride and prowess—its altars and its holy emblems of faith—its power, and even its national existence, are at the foot and the mercy of a conquering and triumphant foe. More than we should desire is ours—and why want more men?

Now, let us glance at the financial aspect of the case. We have had in general estimates the amount supposed to be necessary for the incoming year. These estimates are predicated upon the present force now in the field, and are independent of the troops proposed to be raised by this and the volunteer bill. The Secretary of the Treasury asks for a duty on tea and coffee, to support the troops and honor of the country. This is sound doctrine. Let the Administration propose a direct tax, and prevent the incurring of a debt of more than a hundred millions.

Sir, I have examined some estimates from the Treasury Department on the state of our finances, and the means at our command for carrying on the war.

By the report of the Secretary, it appears that you received up to June 30, 1847—

From customs	$23,747,864
From land	2,498,355
Miscellaneous	100,570
Actual receipts	26,346,789
Last six months of tariff of 1842, and first six months of tariff of 1846: July 1, 1846, there was in the treasury	$9,126,439
Whole resources, except loan and treasury notes,	$35,473,228
Expenditures during same fiscal year	59,451,177
Expenses over receipts, not including loans or treasury notes	$23,977,949
Add $9,126,439 in the treasury, makes	33,104,388

The $9,126,489 in treasury is absorbed and lost, and a deficiency of $23,997,949 is supplied by loan, and is a debt on interest for the country to pay.

The estimated receipts into the treasury for the year ending June, 1848, are—

From customs (three last quarters estimated)		$31,000,000
From lands		3,500,000
Miscellaneous		400,000
		34,900,000
I propose to reduce for over estimate—		
Customs	$4,000,000	
Lands	1,000,000	
Miscellaneous	300,000	
	$5,300,000	
		29,600,000

If the revenue is more, the worse for the country producing such excessive importations.

Expenditures for year ending June 30, 1848:

By estimate made December, 1846, as per report,	$45,781,784
Add to this the additional appropriation already asked for by the Secretary, (vide letter November 24, 1847)	13,932,735
	$59,714,519
Already asked additional for Quartermaster's Department	4,000,000
	$63,714,519
Leaving an excess of expenditures over receipts for the year ending June 30, 1848	$34,114,519
Add to this the deficiency of the preceding year	23,977,949
War debt, June 30, 1848	$58,092,468

Besides the $9,126,439 in treasury, July 1, 1846; and the residue is, or must be, supplied by loans.

These estimates all undeniably prove that large amounts of money are immediately needed, and that large loans will be required to furnish the means indispensably necessary to the public credit. Sir, I am opposed to the creation of a national debt. If we will incur responsibilities in a war of conquest, we should boldly meet the emergency, by imposing such taxes as will ensure full faith in the plighted honor of the nation.

In the report of the Secretary of the Treasury, I find, amidst its heresies and speculations upon free trade, one paragraph, sound and incontrovertible, proposing taxation as the true basis of national faith. I will read it. I can admire "a rich jewel" even "in an Ethiop's ear." I commend it to the consideration of Senators, for its true and just views of our duties:

"It is a sound rule, when contracting a public debt, to provide, at the time, such revenue as will be adequate for the prompt payment of the interest, and the gradual but certain extinguishment of the principal of the debt. So long as this rule is pursued, there is no danger of any alarming accumulation of public debt, nor any apprehension that the public credit will be impaired or embarrassed. To refuse the tax at this time, would be to accumulate a large debt, with an augmenting amount of interest, and with no certain means provided for the liquidation of such engagements. The credit of nations is best maintained when, for all their obligations, adequate provision is made at the time; and there is danger that increasing debts, without any additional revenue, might expose our finances to great hazard."

With one short extract, sir, from the report of General Hamilton, I will trouble the Senate. He speaks of "incorporating as a *fundamental maxim* 'in the system of public credit of the United 'States, that the *creation* of debt should *always be* 'accompanied with the means of extinguishment, 'which is the true secret for rendering *public credit* 'immortal."

Sir, I commend this doctrine to the attention of the Administration, and recommend imposing sufficient taxes, rather than depend, at this emergency, upon loans.

During the past fiscal year, the products of the country have borne high and unexampled prices. A general prosperity pervaded our whole business and monetary concerns. The cotton crop—I agree, sir, the ruling crop of the country—exceeding but little 1,800,000 bales, ruled at prices high and exorbitantly remunerating. The influence of the new tariff and the sub-treasury had not been felt; there were short crops of breadstuffs in continental Europe—a famine in Ireland—and in England the product falling far below the general average, created an extraordinary demand for the surplus of the rich harvests of our country, and elevated prices to an unexpected height. Cotton advanced to points ranging from 10 to 14 cents; flour $9; corn $1 30.

At such prices was a portion of the exports of the country valued, and at that unusual and extraordinary valuation the whole exports by custom-house returns amount to $158,648,000, and exceeded by $26,000,000 the export of any preceding year. This amount of export, under a home valuation—and that valuation based upon an excited and inflated market—is not the true test of the value of our exports, nor of our ability to import and consume the product of other countries—it is alone the net proceeds of these exports, such as are realized and returned to the country, that makes the true, ascertained, and certain value.

Now, sir, I submit, that from this statement of exports, as rendered by the Secretary of the Treasury, there should be deducted—losses by sea, damage to cargoes on the voyage, reduced receipts of sales less than the cost or valuation at home, charities—the holiest and the best of all exports to suffering humanity—and losses by bankruptcies, and the actual amount realized to the country did not exceed $140,000,000

Imports for fiscal year, ending June, 1847	$146,545,638
Specie	24,000,000
In foreign goods	$122,545,638

Upon this estimate, the excess of imports over the net proceeds of exports has created a balance against us of $6,545,638

In addition, in consequence of the extreme monetary pressure in England, stocks have been returned, and sold to an amount estimated at $10,000,000

Which added to imports over exports	6,545,638
Leaves an actual balance of exchange	$16,545,638

The import of specie was a safe one for the country, although yielding no revenue; and about 80 per cent. of it has gone, and is rapidly going, to restore the balance of trade, and equalize exchanges. A year since, or thereabouts, exchange on England was four per cent.—or something like six per cent. below par. Now it is at a premium of eleven per cent.—all of one and a half per cent. above par; and the exports in specie are kept back only because foreign gold cannot be had; and the shipper sustains a loss of one per cent. on the shipment of American gold. The greatest distress prevails in all the great marts of business and commercial cities of the country. Money is worth one and a half per cent. per month in eastern markets. The banks are prudently contracting their loans and curtailing their issues to reach a point of safety. The circulating medium of the country is diminishing—sales are limited—manufactures and industrial pursuits checked, if not paralyzed—and specie is rapidly going out to Mexico and to Europe. That specie, which is alone the measure of all values and the basis of all exchanges, whether foreign or domestic, must, and will be applied to pay present and future balances of trade. And, amidst this, sir, where is the national treasury, and what are its means? Exhausted by the expenses of the war—drained almost to exhaustion, it is asking Congress for relief. I will read a short extract from a mercantile journal:

"A few sales of sterling bills show that no material change has yet been produced in the pecuniary relations of the United States and Great Britain. Specie continues to be shipped in a moderate way, and for a few days past not much has come in from any quarter. The sub-treasury has, however, been drained into the banks, until it has but about seven hundred and fifty thousand dollars on hand, and is constantly paying large drafts, while the receipts are small, as almost all the duties are paid in treasury notes. At this rate the box, deemed and taken to be a treasury, will soon be in such a condition that it will be convenient to scrape the bottom. The banks have some six millions of coin, chiefly American gold, which is worth less than sovereigns to ship for England by one per cent. The Government, in conformity to the doctrines of the sub-treasury, has kept the mint hard at work in coining, at a damage of one per cent. beyond the labor of coining. The banks and merchants are looking with increased interest to the expenditures of the Government. The state of the country is such, that if the Mexican war is to keep up its large drains, prudent men will preserve the contracted position which they have been gaining for two or three months past. These facts in the city will be likely to reach the country in low prices for produce, so compelling a present payment of the expenses

of the war by the very process of making a debt upon posterity."—*Journal of Commerce.*

In this state of the monetary concerns of the country generally, and more especially of the treasury itself, I ask if it is not madness to impose upon it such heavy additional charges as thirty regiments of troops, or even as the ten regiments proposed by the bill under discussion, must inevitably do; and those troops not needed for any purpose, except for the entire conquest of Mexico, and hardly for that.

I see nothing, Mr. President, in the financial prospects of the country, for the coming year, to improve our condition; nor in the Secretary's estimates, which must necessarily be hypothetical, which gives me any assurance of improvement, or essential relief. The Secretary's conjectural estimates for the year ending June, 1849, are—

Customs	$32,000,000
Lands	3,000,000
	35,000,000
Bounty lands in market will reduce	1,000,000
	$34,000,000

The average duties upon imports, including free goods, are about 19 per cent. upon gross importations, making it necessary, in order to realize $32,000,000 from the customs at the present rates of duty, to import to no less a sum than $170,000,000 in that year. How vain is the expectation of such an import, and how utterly ruinous to the country, if the views of the Secretary should be realized. I will venture the prophecy that your exports for that year cannot exceed $120,000,000.

And, I ask, how is the balance to be paid? The business relations of the country can bear no further exhaustion. And no such import will be made, nor will any such amount be received from customs. Let prudent statesmen consider whether this is a time to plunge into unnecessary extravagance; or rather, should not our honest efforts be for peace? Let this drain of excessive expenditure cease, and a just and honorable conclusion of the war restore the country to its right and proper position. Stocks are below par; treasury notes are at 98¾, and that only because they are receivable for duties, and made equal to specie.

Now, sir, the Secretary asks for a loan for $18,500,000, since, however, reduced to $12,000,000; and already has he increased his wants to the Committee of Ways and Means, $3,700,000, making $16,000,000. Add four millions revenue less than his estimate, and it makes twenty millions. Sir, he will want $24,000,000. Pass this bill, and the volunteer bill, and he cannot require less than $40,000,000.

With what prospect of success can he go into the money market for such a loan, or any considerable portion of it, in the present financial and commercial condition of the country? Such a loan if required could not be obtained at over ninety for the one hundred dollars, and I fear could not be got at that, for much of the money is wanted out of the country—in Mexico. The existing means will allow no such abstraction from the commercial and business wants of the country.

If a loan of twenty millions can be realized by your law, it must be paid into the treasury in specie; and that specie, or a large part of it, will either go to Mexico or to England in payment for English funds furnished by bankers there in support of our armies. All this will increase our commercial embarrassments now at a fearful point, and render sales of produce and mercantile engagements of an extremely limited character.

Sir, the merchants of the country are but the distributing agents of the great producers of the world, and this commercial embarrassment, now experienced by them, will next be felt seriously and with greater effect by our own producing and agricultural communities. The want of means to advance and transmit the produce from the interior to the market must cause a severe decline in prices, and the South and the West producing the great staples of the country, will find, in the reduction of prices, their share of the great financial crisis, caused by supporting a foreign war, and abstracting for that war the means necessary for the profitable exchanges of their products. I have heard prices named to which cotton and breadstuffs must go, fearfully alarming, and the aggregate reduction estimated at two hundred millions. Nothing can avert this but an extraordinary demand for breadstuffs beyond any calculations that the wants of Europe would seem to indicate.

Next, sir, in the course of inflictions, the labor of the country will experience its saddening influence. Its profitable employment will be checked or suspended, and then the blow will be felt most severely; because the daily necessities of that class renders it less able to avert the force.

The contraction of the ordinary circulating medium of the country is another consequence of this abstraction of specie. For every dollar in specie, sound specie-paying banks are safely allowed to put into circulation four dollars in bills, and these bills employed in the daily uses and payments of the community will be withdrawn in that ratio from circulation. A loan of twenty millions of dollars, either in funded stock or treasury notes, cannot but contract the sound circulating medium sixty millions of dollars, the specie upon which that calculation is based, having thus been withdrawn for the support of our armies in Mexico. With such a contraction of the currency, it is painful to think to what point of depression prices would go, and the consequent general and individual distress we shall be called upon to endure. In a war of defence, the treasury of the country, like its blood, would be poured out like water. In a war of conquest, even for indemnity and security, no such feeling would prevail. If, then, the men are not needed, as I have shown, for any object short of the entire subjugation and conquest of Mexico—and the means are not to be obtained unless at great sacrifice and utter commercial distress—I ask why pass this bill, or press it to a hasty and immediate decision? These additional troops, if sent into Mexico, can only be employed in extending conquest over the entire Republic. Drive the Government to disband itself, and with whom will you make a peace? To whom can you restore the whole or any part of Mexico? To whom is her nationality to be intrusted? and by whom is it to be maintained? Take it, and you must keep it. "How will you escape it!"

In the distracted condition of Mexico, with a population mixed and incongruous; groaning under the despotism of military power, and changing her rulers only to exchange one degradation for another; with no fixed principles of government—a degraded population, far inferior to the Aztec race in civility and personage, accustomed only to obey—their condition cannot, perhaps, but be improved. But to incorporate such a disjointed and degraded mass into even a limited participation of our social and political rights, would be fatally destructive to the institutions of our country. There is a moral pestilence attached to such a people which is contagious—a leprosy that will destroy—

"Like a mildewed ear, 'twill blight its wholesome brother."

This stupendous scheme of subjugation, sequestration, and annexation, cannot but shock the public sense of the country, and cause reflecting men to estimate the dangers before them. The leprous distilment will infuse itself into the system only to poison and destroy.

"It cannot and it will not come to good."

In God's name, let the danger be avoided before it is too late. Our own dissensions are sufficient to distract the harmony of the country and try our institutions to their utmost tension.

Stop this unholy lust for conquest. No longer endanger the blessings of freedom so signally our own. Let discord be driven from amongst us, and the bright example of our institutions, restored to their purity, continue to shine forth for the imitation and emulation of all mankind.

Mr. DIX obtained the floor, and the Senate then went into executive session; after which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 26, 1848.

The Journal of yesterday was read and approved.

The SPEAKER announced as the business first in order, the motion of Mr. DONNELL to reconsider the vote by which the resolution terminating all debate in Committee of the Whole on the President's message this day at two o'clock was adopted.

Mr. COBB, of Georgia, moved to lay the motion to reconsider on the table.

Mr. BOYD moved a call of the House, which motion was decided in the negative: Yeas 71, nays 118.

The question to lay the motion to reconsider on the table was put, and decided in the negative: Yeas 96, nays 100.

The question was now put on the motion to reconsider, and decided in the affirmative: Yeas 102, nays 98.

The vote by which it was resolved to terminate the debate having thus been reconsidered, the question recurred on agreeing to the resolution.

Mr. HOLMES, of New York, moved to lay it on the table; which motion was carried: Yeas 105, nays 95.

So the resolution was laid on the table.

Mr. HOUSTON, of Delaware, moved that the House resolve itself into Committee of the Whole, for the purpose of taking up the joint resolution to pay James Crutchett for lighting the Capitol and Capitol grounds.

The SPEAKER said it could only be done by the unanimous consent of the House.

Mr. HOUSTON said he felt persuaded no objection would be made if he were allowed to state the reasons why this bill ought to pass without delay.

But objection being made, the motion could not be received

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following Executive communications, viz:

A message from the President of the United States, transmitting the annual report of the Inspectors of the Penitentiary for the District of Columbia.

A communication from the Secretary of the Treasury, transmitting a communication from the Superintendent of the Lighthouse Establishment in relation to proceedings under the act of the 3d of March last, authorizing the erection of certain lighthouses, and for other purposes.

A communication from the Secretary of War, transmitting a report of the Commissioner of Indian Affairs, with a statement of persons employed in the Indian Department during the year 1847.

A communication from the Secretary of the Treasury, transmitting the annual report of the officer charged with the superintendence of the revenue marine service.

A communication from the Secretary of War, transmitting a statement of contracts made under the authority of that department during the year 1847.

A communication from the Secretary of War, transmitting the names of the clerks and other persons employed in the several bureaus of that department during the year 1847.

A communication from the Secretary of War, transmitting, in compliance with the resolution of the House of the 17th instant, copies of reports of such military commanders serving in the army in Mexico as have been received since the transmission of his annual report to Congress.

A communication from the Secretary of the Navy, transmitting a report showing the names of persons who have applied for relief under the navy pension laws, and whose claims have been rejected, and the reasons of the rejection of the same.

A communication from the Postmaster General, transmitting, pursuant to the resolution of the House of the 17th instant, a report of such measures as are rendered necessary by the present state of our foreign mail service.

A communication from the Postmaster General transmitting a list of clerks and other persons employed in that department during the year ending December 31, 1847, with a statement that their services are necessary in that department, and that they have been usefully employed during the year aforesaid.

A communication from the Postmaster General, transmitting, in obedience to a resolution of the House, a copy of a letter from that department to the postmaster at Mobile, in relation to the postage to be charged on the steamboats not in the employ of the Government.

SENATE BILLS.

The following bills from the Senate were taken up, read, and appropriately referred:

An act to make attachments which are made under process issuing from the courts of the United States conform to the laws regulating such attachments in the courts of the States.

An act to provide additional quarters near New Orleans for United States soldiers and volunteers

returned from or going to the seat of war in Mexico.

The joint resolution of the Senate authorizing the erection on the public grounds in the city of Washington of a monument to George Washington, was taken up, read three times, passed, and returned to the Senate.

An act exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa, from the provisions of the acts of the 22d of February, 1847, regulating the carriage of passengers in merchant vessels, was then taken up.

Mr. SIMS moved that the bill be committed to the Committee on Commerce.

Mr. GRINNELL, from that committee, expressed his earnest hope that the bill might not be committed, but might receive its third reading, and be put immediately on its passage. Its provisions had been examined by a number of gentlemen on both sides of the House, who united in approving them. It was important it should pass without delay, as there was a vessel now at Baltimore waiting to take out a company of emigrants, but whose sailing must be delayed, should the bill be sent to a committee, where it might not be reached for a long while. He hoped the gentleman from South Carolina would consent to withdraw his motion to commit.

Mr. SIMS, however, insisted on his motion; and the question was taken upon it and decided in the negative.

The bill was thereupon read a third time and passed.

REFERENCE OF PRESIDENT'S MESSAGE.

On motion of Mr. ROOT, the House resolved itself into Committee of the Whole, (Mr. JOSEPH R. INGERSOLL, of Pennsylvania, in the chair,) on the President's annual message and the resolutions referring the same to the appropriate committees.

Mr. PALFREY, of Massachusetts, was entitled to the floor, having moved last evening for the rising of the committee, and now rose in his place and addressed the committee during the hour allowed him under the rule.

He commenced by observing that, on the 22d of December last, (a day consecrated to all time by the admission that the subject of slavery was a legitimate subject for discussion in that House, and at the same time desecrated to all time by the adoption of measures in the other end of the Capitol for the admission into this Union of a foreign nation, for the purpose of the support and extension of slavery,) a gentleman from North Carolina [Mr. CLINGMAN] had addressed a Committee of the Whole House on a subject which he denominated "the political aspect of the slavery question." And he would do the gentleman the justice to say that he had treated the subject with great courtesy, moderation, calmness, and dignity; and he thanked him for it. Mr. P. should not be surprised if from that day the subject should have assumed new associations, and that it should be esteemed the commencement of a new era in the discussion of the slavery question, and in the entire history of American liberty. He accepted the omen. He trusted the time was now gone by when so great and all-important a question should be staved off, and, as if by general consent, put out of the national councils. He hailed with pleasure another auspicious indication. He had lately read in a Southern Review an article written in an excellent tone and with much ability, the style and general tone of which was as good as its arguments were weak. He had heard some time since of a proposed plan to establish within this District a newspaper, the object of which should be the defence and maintenance of the slave institution; but he had learned with high satisfaction that since then another paper had not only been proposed, but had been successfully established, and was now in full operation, conducted with great ability, and enjoying a wide and daily extending circulation, with a design directly the reverse.

On the day he had referred to, in the outset the Committee of the Whole had risen as soon as the gentleman from North Carolina concluded his speech. Mr. P. regretted that he had not enjoyed an opportunity of hearing the whole of that gentleman's speech, some private business having accidentally called him out of the Hall; but he saw what he presumed to be a correct report of the speech in the National Intelligencer the morning following, and he had come to the House with the intention of making some comments upon it; but immediately after the reading of the Journal, the death of a member had been announced, and the House adjourned. It had not again gone into Committee of the Whole for several days. Two weeks had since then been occupied in committee in discussions on the Mexican war, on the Executive views on the subject of internal improvement, and some other matters, until the impression originally made by the speech of the honorable gentleman from North Carolina [Mr. CLINGMAN] had in a considerable degree faded from the minds of the members of the House. But it had at length been revived again by the recent remarks of the gentleman from New Hampshire [Mr. TUCK] and the gentleman from Maryland, [Mr. MCLANE.] Mr. P. had endeavored yesterday to obtain the floor to address the committee, but had been unsuccessful.

He understood the gentleman from Maryland [Mr. MCLANE] to say, that he regarded the subject of slavery as one not suitable for discussion in this House. Mr. P. was not of the same opinion. But if a question was to be raised on that point, he would ask that gentleman to remember that at the beginning of the session of the thirtieth Congress, on the first day of the session, a set speech was addressed to that body, in which the political aspects of the subject of slavery were brought forward by a gentleman from the South—a gentleman representing the State of South Carolina, and he presumed, therefore, representing a slaveholding constituency. The gauntlet was then thrown down in a manner, he admitted, the most courteous and chivalric, but thrown down from that quarter. It was not those, be it remembered, who agreed in sentiment with Mr. P., who had introduced the subject of slavery into the thirtieth Congress; it came in from the South.

He had said that he did not agree with the gentleman from Maryland [Mr. MCLANE] in the sentiment that slavery was not a proper subject for discussion in that hall. He held that the slavery question was the political question of the day—a question which underlay every other, and had done so for the greatest part of a century, and which must ultimately determine the fate of all the others. It was nothing to him, that, as the gentleman said, the free States had a large majority on this floor. [Mr. P. here quoted the speech, in which it was stated that there existed in the House a majority of fifty votes on the side of the non-slaveholding States.] This was true, notwithstanding those provisions of the Constitution which gave an amount of power to the slave States which the framers of that instrument never anticipated nor ever intended to convey. It was true, notwithstanding certain important facts, such as these: That fourteen slave States (being all but Virginia) contained an aggregate population equal to the united population of the free States of Ohio and New York; yet, while those two free States had a representation of four members at the other end of the Capitol, those fourteen slave States had twenty-eight members. So in the House of Representatives: while Ohio and New York had fifty-five votes, the same amount of population in the fourteen slave States had seventy-six votes—the difference of twenty-one votes being the representation of the slave interest. When we came to the electoral college, the relative vote stood one hundred and four against fifty-nine—the free States having but little more than half. Yet, notwithstanding these effects of slave representation, it was nevertheless true that the free States had in that hall a preponderance of votes. The gentleman, in stating this, had stated what was true; but he had not stated the whole truth: he had not done so, because it did not belong to his argument; of course he intentionally disguised nothing. But Mr. P. said that this, which the gentlemen had stated, was not the whole disparity. The difference was not between a few gentlemen acting as members of the national councils; it was between fifteen millions of white non-slaveholding people and some three hundred thousand white slaveholding people of this Union—between fourteen thousand of thousands on the one side, and three hundred thousand on the other. There were about three millions of voters in this country, of whom about a hundred or a hundred and fifty thousand were themselves slaveholders—being twenty or thirty to one of the whole voters of this Union.

Besides all this, did that gentleman need to be told by Mr. P. of the great power arising from the concentrated energy of a mass of men held and bound together by the conviction of a great common interest which was vital to them all? A power which enabled them, however few, to bribe, to retain, and to intimidate the leaders of the inert masses? That gentleman had not now to learn the extensive commotion and excitement which had been produced some years since throughout this country on the subject of Free Masonry, because the apprehension got abroad that these secret societies, spread like a connected net-work over the entire land, were everywhere united by a secret purpose inimical and dangerous to the security and happiness of the rest of the community. But what was the union or the dreaded efficiency of the Free Masons when compared with the high intelligence and the over-mastering sense of a common interest which held together all slaveholders?

But why speculate about these things? Look at facts. And first look at the patronage of this Government as dispensed in different divisions of this country. Mr. P. had in his hand a little memorandum, for the exact accuracy of which he would not vouch, but which he was fully assured was not far from the truth. It showed that while the white non-slaveholders were to the slaveholders as fifty to one, the public offices of the Union had been shared in the following ratio:

The Presidency, at the close of Mr. Polk's term, will have been in Northern hands for 12 and Southern hands for nearly 50 years. Of 27 Supreme Court Judges, appointed since 1789, 11 were from the North and 17 from the South; Attorney Generals, 5 from the North and 14 from the South; 10 Speakers of the House of Representatives from the North, 21 from the South; 16 Presidents of the Senate *pro tem.* from the North to 61 from the South; and 54 Northern to 80 Southern foreign Ministers. So of Chief Justices, Cabinet, naval, and military officers throughout.

But what then? If the value of these offices lay simply in the honor and the emolument attached to them, they would not quarrel about them; let them go; they were industrious and frugal, and they could do without the emolument; and as to honor, they could seek it elsewhere, as they were accustomed to do, in the pursuits of literature and science, in the fields of discovery, and in great public enterprises. They were used to this. Then let the honor of office go along with the emolument. But the real importance of this relative apportionment of office lay in this: that it marked the relative apportionment of POWER, in the direction and control of public measures connected with the fame and the welfare of the nation. That, and that only, was the reason why they adverted to the subject at all.

One of the first acts of the Federal Government (an act passed within five years after the adoption of the new Constitution) was the heinous act—for he could designate it by no milder term—was the *heinous* act of the —— of February, 1793—an act which placed the liberty of every free man at the mercy of every miserable petty magistrate in the country whom a kidnapper could bribe to do his dirty work. Let the kidnapper come before one of these subalterns of the law, the very lowest on all the roll, and present before him a man whom he calls a slave, and let him but convince him, by any means, no matter of what sort, that the man is what he represents him to be, and the warrant of that petty justice shall be good against all the world for his detention and deportation. Such a law insulted, if it did not endanger, the liberty of every white man in the land. The Governor of the State of New York would be as liable to such warrant as the most friendless negro. The law made no distinction between the two. And why did it not endanger him? His only security was in the force that might rescue him, or in the fear of that force. The Constitution of the United States secured to Mr. P., if he should be sued for twenty dollars, a trial by jury; but if a man claimed his personal liberty, he had no jury to protect him. Let but his kidnapper procure a magistrate's warrant, and he might be dragged to the auction-block, and sold as a slave. The man might take his wife from his side, his infant from the cradle; and should he resist, the law armed the ravisher with the whole power of the country to strike him down.

But he would look at this subject a little further, though the clock warned him that he must pass

rapidly on. Let gentlemen remember the Creek and Cherokee disturbances. One cause, and a principal one, of that entire trouble, was, that these tribes were accused of giving a refuge to runaway slaves. From just the same cause sprang the fatal Seminole war, which, according to a high authority, cost the country twenty millions of dollars.

But let him look at a much greater subject: those great rights of the Saxon race, the right of petition, the right of speech, and of the press. For many a year, in that House, the petitions of a free people were brought to the foot of the Speaker's chair, and there spurned beneath the table. And even now, how were they treated? Given to a committee, with the understanding, as well known and as regularly acted on as if it were one of the rules of the House, that that committee were to bury them, never to be heard of more. The same thing might virtually be said of the liberty of speech and the freedom of the press: what were they all good for on the great question of the age? What safety was there for life or limb, if a man should dare to speak or to write on that greatest of questions—a question which ought to interest all men more than any other connected with our social condition—the question of slavery? What was the liberty of American citizens in some parts of this Republic? The constitution of Massachusetts was established in 1780, and by it black men were made citizens of the State. Emancipation, there, was the fruit of no legislative act. A poor black fellow had sued a white man in 1783 for an assault and battery, and the defence set up had been that the black man was the white man's slave. The counsel of the defendant insisted on the fact that no law had been passed in Massachusetts emancipating slaves within the State, and this fact was admitted; but it was urged that the Bill of Rights declared that all men were born free and equal, and had a right to life, liberty, and the pursuit of happiness, and therefore, no one citizen was the slave of another. And the court held the plea to be valid, the argument sound, and the master was fined, and otherwise punished.

The constitution of Massachusetts in 1780 made colored men citizens of Massachusetts. The Constitution of the United States, adopted in 1789, declared that every citizen of the United States was entitled to equal protection in all the States; and yet citizens of Massachusetts, under the broad ægis of the State's protection, if they went into another State, might, by the laws of that State, be scourged, imprisoned, and sold into slavery. Yes, a man might thus be used who had as much right to tread the soil as the proudest native who traced his lineage from the best blood of the State.

The State from which he came had sent one of its most venerable citizens, pure, grave, dignified, intelligent, learned, and had deputed him to go to South Carolina and look into this matter, and inquire into the legal question. A judge of the Supreme Court, and one, too, of Carolina's own honored sons, had declared it was not law. They sent a highly respected and revered citizen of Massachusetts to go to South Carolina, and in a peaceful amicable manner to try the question in a court of law, and have it put at rest. But, instead of being greeted with southern hospitality and treated with southern courtesy, he had been assaulted, was not allowed to enter the court, nor even to tarry in the city of Charleston, but was driven off with ignominy, and the repetition of such an act made penal by statute.

In other times a remedy would have been sought; but they could not raise a regiment or equip a ship. The State had stripped itself of that right, at the mere thought of the exercise of which he shuddered, and the matter had been given up, though the time had been when resistance would have been made. Nor, on the whole, did Mr. P. know that the occurrence was to be regretted. The excess of an offence not unfrequently led to its cure. He had said to Mr. Hoar, on his return to Boston, that he could not regret the sufferings through which he had passed, because long observation had taught us that the night was blackest just before the dawn. There were some evils so extreme that they operated in their results to enlighten the public mind, and in regard to which all toleration and tranquility ceased. The very odiousness of the evil attracted the public attention to it, and thus provided for its eventual removal.

Mr. P went on to observe that a recent event had brought into more conspicuous regard "the political aspect of the slavery question, (he thanked the gentleman from Maryland for the phrase—it was a most appropriate and accurate one.) Not long since this Government had annexed a foreign State to the American Union for the sake of strengthening the interests and cause of slavery within our own borders. (He was speaking now, be it recollected, only of the political aspect of slavery—not of its moral or social aspect.) And what had been the first result of that act? The repeal of the tariff of 1842. Yes, two men, who had no more right to pass upon our interests than two strangers from Europe or Hindostan, had, by their votes in the Senate, created the majority by which that repeal was effected; and the next result was the war with Mexico.

Gentlemen distinguished between the occasion and the cause of the Mexican war, but nobody doubted if annexation had not taken place that we should have had no war. Mr. Calhoun thought otherwise; thought he could set fire to a barrel of gunpowder and extinguish it when half consumed! In carrying on this policy—and Heaven only knew how much further it would go—we had already spent a hundred millions of dollars at least in what this House had declared to be an unconstitutional and unjustifiable war. Never mind the money, if it was buried in the deep blue sea "deeper than ever plummet sounded," if it had not been the means of so much misery. Let the money go; but it had been the occasion of the death by violence of thousands and thousands of people who had never done any injury to us; it had carried widowhood and orphanage to thousands of homes of a sister republic, to thousands of our own homes; it had left a black page upon our country's history for posterity to read—a page of sorrow and disgrace.

Of this institution, bearing such fruits, the gentleman from North Carolina was the apologist, and the gentleman from Maryland thought it ought to be treated with reverence and respect.

From this point Mr. P. proceeded to a somewhat minute examination of various points made by Mr. CLINGMAN in his remarks, reading sundry passages and commenting upon them. The remark of Mr. C. that slavery was "a natural and wide-spread institution," he said, bore a strong resemblance to the declaration of Rousseau, that "the savage state of society is the natural and blissful state of man." Slavery was "natural" to man in a certain sense; to a low state of civilization. It was natural to man to hold slaves as it was to drape himself with fig-leaves or bear-skins, or, as was contended to be natural by a Scotch philosopher of the last century, to go on all-fours and feed on acorns. But liberty—liberty, justice, humanity, were natural to man just as it was to calculate eclipses, to build marble houses to dwell in, to write books of philosophy and poetry, and to cultivate the graces of social life. The gentleman said it was a "wide-spread" institution. Wide-spread where? In England, France? in the civilized nations of Christendom? or in Guinea, and Mozambique? It had lately been abolished in Sweden, Holland, Denmark; and now, in civilized and christianized nations besides the United States, it only remained in Brazil, in the Spanish colonies. Of it in Brazil he knew nothing; but in the Spanish colonies the institution was stripped of the most reprehensible features which attached to it in our country.

In reply to the defence of the institution of slavery by Mr. CLINGMAN, on the ground of the inferiority of the African race, he alluded to notable examples of greatness, both individual and national, exhibited by that race in ancient as well as modern times. He denied that the experiment of British West India emancipation had been a "failure," and vindicated its success. He also, in reply to remarks of Mr. C., with reference to the settlement in the northern and western States of a large proportion of foreign immigrants, and to other facts, argued that the superior greatness and prosperity of the northern in comparison with the southern States was to be ascribed to the influence of their free institutions. His readings (he said) had induced him to believe that it was the opinion of the fathers of the Constitution that slavery was to be an ephemeral thing; and he referred to the writings of Washington to show that he himself expressed a willingness to vote for its abolition when the favorable time arrived. The first abolition society in this country (he said) was formed within the first year of the existence of the Constitution. It sent a memorial to Congress in 1790, which was signed by Benjamin Franklin; who knew some things as well as some men of the present day, certainly, about the Constitution which he had aided to form. It was also signed by Lafayette, the same man who said that the good sense of the American people would help them to settle amicably all their difficulties, and who had declared that he never would have drawn the sword in defence of American independence if he had known that the institution of slavery was to be established under it.

He took up the classification by Mr. CLINGMAN of the abolitionists into their several divisions, remarking upon the peculiarities of each, and giving his own views and position with reference to the question.

A gentleman had spoken of the abolitionists in the House as "excrescences" upon the Whig party! Six "putrid excrescences," which should be lopped off. The Whig party, numbering a majority of but five in the House, lop off six of the number as "putrid excrescences!" [A laugh.] It would hardly leave a very good working majority. The chairman of the Committee of Ways and Means would not tell them it was very good financiering. [Renewed laughter.] It would be very much like that of the British soldier—

> "A soldier I am, and live on my pay;
> I spend half a crown out of sixpence a day."

Mr. HENLEY having obtained the floor, he commenced by remarking upon the speech of Mr. PALFREY, and the manner in which it had been received by the House. When he (Mr. H.) first came into this House, an abolition speech was not delivered here without great excitement, even of the Whig party. The only thing remarkable in the gentleman's speech was, that it was listened to with a great deal of attention, and with apparent approbation by all the Whig members from the South, so far as he observed. [A laugh.] He had no remarks to make on this floor in relation to the subject of slavery. He was opposed to that institution; his own private opinion was that it was an evil; he believed it an evil to the slave and to the slaveholder; but it belonged to the compromises of the Constitution to sustain that institution. He meant to stand by those compromises. But he could not help remarking upon the change of sentiment in this House within a few years, as exhibited in the fact that the remarks of the gentleman met with the entire approbation of the Whig party of the South. [Renewed laughter.]

He had some remarks to make in reference to the very singular and extraordinary speech of the gentleman from Mississippi, [Mr. TOMPKINS,] which the gentleman told the House he had prepared for another occasion, but which he finally delivered on the annual message of the President, with which it had no connection. He would not undertake before this House, either for its amusement, or for any other purpose, to play the political mountebank. It was not his intention to play such antics either here or elsewhere.

That gentleman had made frequent allusion to the course pursued by the gentleman from Alabama, [Mr. HOUSTON.] It was known that that gentleman [Mr. H.] had been proverbially respectful and polite to every gentleman on this floor. But the gentleman from Mississippi had characterized the books from which that gentleman had read as "dog-eared" by the President of the United States, or by some one under his direction. It was in vain that the gentleman from Alabama explained, and assured the gentleman from Mississippi that this was a mistake; that they had not, as the gentleman from Mississippi very classically characterized these books, been "dog-eared" by the President or anybody else; but that he [Mr. HOUSTON] had understood that such a message was to be received—indeed, it was anticipated everywhere—and had looked up some authorities. It was in vain; still the gentleman from Mississippi insisted a half a dozen times that the book was "dog-eared." Now, one less acquainted with the course of debate in this House, and not so charitable as he (Mr. HENLEY) was disposed to be, would suspect that there might be in the speech of the gentleman from Mississippi more of the "dog" than of the "ears"——

Mr. TOMPKINS. What does the gentleman say? I did not hear him.

Mr. HENLEY, continuing. But he would not suppose it to be so; having seen the gentleman's course since he had been here, he (Mr. H.) was sure it would be an unjust conclusion, although he was sure it was one which the gentleman would be liable to have drawn from his speech by others.

He had been told that there lives in the South a plain, honest, straightforward, independent planter, who had a seat on this floor at the last Congress; that in the canvass when running for reelection, the gentleman who opposed him went on to the stump and told the people, "Gentlemen, your purpose is to select the individual most competent to give you character and weight in the House of Representatives—in the national councils. An individual, in order to maintain himself there, should be possessed of oratorical power, should be an able speaker, a good debater. You have Mr. Roberts and myself both before you; when you have heard us, you will be able to decide which of us shall be able to make the best oratorical display before the Congress of the nation. We shall make an exhibition of our talents in that respect to-day, and you will decide accordingly." That exhibition was made, (said Mr. H.;) the result was, the eloquent gentleman who had the "oratorical" powers beat the honest, straightforward planter, and took his seat upon this floor; and in pursuance of his plan, Mr. H. supposed, had made the display of his speech to give character to himself and to his constituents. The House had heard it, the country had been informed of it, and what did it amount to? He would not be disrespectful to the gentleman from Mississippi; but, in all good humor—as the gentleman was fond of good humor, and quoted from Shakspeare and other high authorities—he would say, it amounted to but little more than the hollow sounding of an empty cider barrel, drained of its contents in the "coon" canvass of 1840. [Laughter.] We read of olden time that the "asses snuffed up the east wind." A minister once asked his footman what he could infer from that account? After some deliberation, he replied, he should infer "it would be a long time before they would grow fat upon it." So, if this gentleman's constituents expected to "grow fat" upon this oratorical display, they had as little prospect of it as had the asses of old from the east wind.

The gentleman quoted from Shakspeare. Let him follow his example, and quote one passage which he thought very applicable to the gentleman's speech:

"Gratiano speaks an infinite deal of nothing, more than any man in all Venice: his reasons are as two grains of wheat hid in two bushels of chaff; you shall seek all day ere you find them, and when you have them they are not worth the search."

Mr. H. had nothing more in relation to the gentleman from Mississippi. But he wished to notice some of the remarks of the gentleman from Tennessee, [Mr. BARROW.] The gentleman said, as parties now stood, particularly in the Senate of the United States, they could not impeach the President for a violation of the Constitution in reference to the Mexican war; but if they had a majority of Whigs in the Senate, then they would bring forward articles of impeachment. What did he mean by this? That a Democrat was incompetent to sit on a jury to try the President of the United States if he had violated the Constitution of the United States? That was obviously his meaning. He presumed the gentleman was a lawyer: would he challenge a juror because he was a Democrat, when the individual to be tried was also a Democrat? He would, on the ground which he had taken on this question!

The gentleman from Tennessee said he would have voted for the act recognizing the existence of the war, and making appropriations to carry it on, under "protest." And what was that protest? The gentleman would have been unwilling to vote for it with a preamble declaring "whereas war exists by the act of Mexico;" but not if it had said, "whereas, by the act of the President of the United States, an unconstitutional war exists: therefore resolved, that men and money be appropriated to prosecute it." The gentleman would not like to have voted for it when it declared the truth; he revolted at the idea of voting for the prosecution of an honorable war, forced upon us by Mexico; but he would have voted to prosecute a dishonorable war, begun by the President of the United States! That was his position. Let him make the best of it.

But the gentleman said he would have voted, had he had a seat on this floor at that time, men and money to extricate General Taylor. This pretext was idle. Before the forces authorized by that act could reach General Taylor, it was well known that the forces called by that general and General Gaines from the South had reached him. But if the gentleman and his party had merely desired to give aid to General Taylor and his army, and if they supposed the President of the United States had been guilty of a violation of the Constitution in placing our forces in that situation of peril on the Rio Grande, what was their obvious duty to have done? If the President had been guilty of sending the army into Mexican territory, we were the aggressor, and the gentlemen were bound, believing as they professed to believe, to have voted to call back the army. Suppose the President of the United States ordered our fleet to bombard the city of London—it was a much grosser case, but he might do it—in violation of the Constitution, and in usurpation of power which did not belong to him, would we not deprive him of power, impeach him, and make the *amende honorable?* The Whigs should have done that in this case, if they believed as they said they did; or they should have voted, as true Americans, to prosecute the war to a speedy and honorable termination.

The gentleman from Tennessee said he blushed to make the statement before the Congress of the United States that the President had confined the appointments he had made in the army almost exclusively to his own political party; and he condemned this course. What had the State of Kentucky done? what had North Carolina done?—where there were Whig Governors. When appointments were to be made in the forces raised there, not a single solitary Democrat was appointed by those Whig Governors.

Mr. BOYDON (interposing) said the gentleman was greatly mistaken. In his State there were three appointments made, and one of them was a Democrat.

Mr. HENLEY. Were there only three officers to be appointed in North Carolina under the ten-regiment bill?

Mr. BOYDON. That is all; the rest were elected.

Mr. HENLEY. I remember the regiment called out in North Carolina desired to have their own choice of officers, and the Governor refused.

Mr. BOYDON. North Carolina raised but one regiment, and the Governor made the appointment of the officers, and appointed two Whigs and one Democrat.

Mr. HENLEY. But not according to the desire of the regiment.

Mr. BOYDON. Everybody was satisfied, as far as I know, except a few Democrats; and they afterwards became satisfied, and it was admitted it was the best appointment that could possibly have been made.

Mr. HENLEY. "All were satisfied except a few Democrats!" [A laugh.] Very well, I accept the gentleman's explanation!

In Kentucky (continued Mr. H.) sixteen Whigs, and no Democrat, were appointed by State authority. But the President of the United States did make Whig appointments from that State. And yet the gentleman from Tennessee blushed that the President had made the appointments altogether from his own party!

In the State of Virginia, where the Governor was Democratic, and these appointments emanated from the Governor, he understood a number of them were made from the Whig ranks.

Mr. PRESTON. In the State of Virginia the power of appointment was taken from the Governor and vested in a Council, and the appointments were divided two and one. The Governor had not the power of appointment.

Mr. HENLEY. Well, who were the Council? Was it Democratic?

Mr. PRESTON. It was a Democratic Council.

Mr. HENLEY. Very well; that is what I want. It was done by the Democrats.

Notwithstanding so much noise had been made (Mr. H. continued) about the President appointing Democrats, he was free to acknowledge that he (Mr. H.) would confine the appointments in the army to Democrats if you could not find a Whig who was in favor of the war. This he declared to the world.

He enumerated Generals Taylor, and Scott, and Wool, who belonged to the Whig party. Both divisions of our army in Mexico were led by generals of the party opposed to the President, while other distinguished soldiers could have been ordered to take those commands. Those Whig generals were permitted to retain command when the President could have ordered them home, or assigned them stations at New York, New Orleans, or elsewhere; and yet the gentleman from Tennessee [Mr. BARROW] blamed the President. There was General Cadwalader, but the gentleman despised him; he was a neutral, and the gentleman from Tennessee had no respect for neutrals.

Mr. BARROW did not wish to interrupt the gentleman from Indiana in the course of his remarks, but he could not allow himself to be represented as saying that he despised General Cadwalader. He had used no such expression respecting General Cadwalader, for whom he entertained the highest respect.

Mr. HENLEY was not conscious that he had used the word "despised." If he had, it was inadvertently.

Mr. THOMPSON, of Indiana, inquired if the gentleman from Indiana spoke of General Taylor as one of Mr. Polk's Whig appointments.

Mr. HENLEY said General Taylor had received an appointment from the President, and he used the term Whig in its ordinary acceptation. The Whigs claimed General Taylor to be a Whig, and he would leave it to that party to settle the question between them.

Mr. H. then proceeded to read extracts from the speech of Mr. BARROW, quoting portions in which that gentleman had said he was willing to give liberal bounties to any amount that should be necessary to raise that number of men which General Scott said would be sufficient to overrun all Mexico, and he commented on this declaration as in conflict with another in which the gentleman from Tennessee had expressed himself to be opposed to the acquisition of territory. To overrun Mexico, he argued, was equivalent to the subjugation of her; and yet the gentleman said that he was opposed to "the subjugation and annexation of Mexico." The gentleman from Tennessee was willing to vote such a number as would give us an effective force of fifty thousand men in the field, if they were volunteers. But he was opposed to the acquisition of territory either by "violence or conquest," and he warned his political associates to pause before they took the step that was now contemplated. The step which the gentleman alluded to was the acquisition of territory, and for what Mr. Polk had done in relation to it the gentleman from Tennessee predicted that retribution would overtake him, either in this world or another. This reminded him of a French nobleman who was both priest and prince, who said as a priest he would not shed any man's blood, but as a prince he would lead his army to victory. The footman of that nobleman asked, if the devil should come for the prince, where would be the priest? So in this case—if the devil should come for Mr. Polk, where would be Mr. BARROW?

The CHAIRMAN called the gentleman from Indiana to order.

Mr. HENLEY said he was not speaking of the member from Tennessee. He was speaking of Mr. BARROW when he got home.

The CHAIRMAN said it was contrary to parliamentary rules to mention any member by name, and in that respect the gentleman from Indiana was out of order.

Mr. HENLEY apologized to the committee for any violation of the rules of which he might have been guilty. He supposed he was understood, and therefore he was content. He had attained the object he had in view.

He then desired to say a few words respecting the Presidential candidates whose names were now before the people. He desired to discuss the improbability, he might say the impossibility, of General Taylor's being the candidate of the Whig party, viewed in reference to the position which he had taken. They had heard much of the dangers to be apprehended from military chieftains; and he asked if the Whigs were willing to take as their candidate a man who was so lately a colonel in the army, and who owed his elevation to his

present position in the war? The running of General Taylor as the candidate of the Whig party would be a military evolution. And who was at the head of that movement? John C. Calhoun, the only man in the United States who advocated General Taylor's defensive line. John C. Calhoun stood, then, in the front rank. And who stood next? Colonel James Watson Webb, the editor of the New York Courier and Enquirer, who had been a Whig for a long time. With what scrupulous tenacity he had adhered to the Whig party was well known. He did not propose to speak of that gentleman, for his course was too notorious. Well, who came next? General James Gordon Bennett, of the New York Herald, who would make a better soldier than many we now have, for he was a man of talent, and energy, and industry. He was a man marked by success wherever he goes. True, he attacked Whigs as well as Democrats, and cared but little for either, provided he could make money by his paper. That he declared to be his object. Well, the next was General Duff Green, who, if not exactly an Ishmaelite, with his hand against every man, appeared to have every man's hand against him. And who follows? A motley crew; not the Whig party proper, but those who call themselves "no-party men" all over the country. Yes; Gen. Taylor was to run as a no-party candidate. He was to be supported by the odds and ends of all parties. He said this without meaning to be disrespectful. In this motley crew would be seen those disappointed office-seekers who had failed to be gratified by the present Administration. In his own State he knew who would be found marching in the ranks of General Taylor's supporters. He alluded to the members of the Society of Friends. The Quakers would be seen marching in the procession huzzaing for a military President of the United States. There would be, too, Daniel Webster, Robert C. Winthrop, and other distinguished men from other sections of this Union; and, as they marched along, they would hear from the front "Hail Columbia," and from the rear "Hark from the tombs." It would be a motley crew—a strange association. Three Whig editors were lately in conversation on this subject, one of whom said he would not support General Taylor unless he would declare his sentiments on the great questions of the day; another would not go for him unless he would declare himself to be against the acquisition of territory; but the third avowed his readiness to go for him any how, and to "go it blind." And so it was: two-thirds would be governed by principle, and one-third would "go it blind." The editor of the New York Tribune, a conscientious and able leader of the Whig party, said he would not support General Taylor unless he ran as a Whig, pledged to preside as a Whig, and would agree to carry out Whig principles. And so said many honest Whigs all over this Union. They remembered well an election in which they went "for Tyler therefore, without why or wherefore." They remembered, too, how bitter had been their disappointment, and that they had sworn they never again would vote blindly for any man for that high office. They were afraid of being again "Tylerized."

Mr. H. then referred to opinions expressed on this subject in Alabama, and the different views taken in the extreme sections of the Union of General Taylor's soundness of opinion on the question involved in the Wilmot proviso; each, though differing in themselves, satisfied with the belief that General Taylor accorded with them—with the fanatical slavery man as well as the fanatical abolitionist. He also spoke of Whig conventions, at which it had been resolved to run General Taylor, and elect him if they could. That was all fair. But what did General Taylor say? Mr. H. read an extract from a letter written by General Taylor, in which he had positively said that in no case would he permit himself to be the candidate of any party. The Whig party, he understood, would hold a convention for the nomination of candidates. It would, of course, be a party convention. But General Taylor said he would not take the nomination of a party. Again, the Whigs said they would run no man unless he would make pledges. But General Taylor said he would make no pledges; that he knew nothing of the bank, the tariff, and other prominent party questions, for he had never studied them. The Whigs, then, would go for no man unless he gave them pledges; but they would go for General Taylor, who had refused to give any pledge before he was placed in a position from which he could not be removed in less than four years. Strange inconsistency!

He concluded, therefore, that the Whig party could not sustain General Taylor, unless they abandoned their principles, and rendered themselves ridiculous before the whole Union and the world, and that General Taylor could not be their candidate. Of General Taylor personally he would not speak. That he was honest, brave, and a high-minded man, and that he had done the country great service in this just war in which we are engaged, he did not doubt. And he respected General Taylor for it. General Taylor was too honest to stand before the country in the attitude in which he would be placed as the candidate of the Whig party. He was too good a man for that.

He knew not how much time he had left; and, therefore, he would proceed to remark, that the Whigs knew that the people of this Union loved peace, and hence they try to convict the President of having involved us in an unjust war; but, like witnesses who have conspired to convict a man of murder, while they agree in the crime, they differ as to the means by which it was accomplished. Here some asserted that the removal of our army to the Rio Grande was the cause of war; others that it was the refusal of Mexico to recognize our minister, and allow him to assume his functions; and others, that it was for the extension of slavery. There were some who took other ground respecting the origin of the war; but the great Whig party agreed in this, that the war was unnecessarily and unconstitutionally begun by the President of the United States.

They had heard something said on the subject of treason. And what was treason? The Constitution defined treason thus:

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

Now, what was "giving aid and comfort" to an enemy? If they could get at that, they could know what treason is, and who was guilty of it. At the time of the late war he believed the crime of treason was committed. The Federal party, as was said by the National Intelligencer, then acted as traitors to the country. In England, less criminal acts would have subjected those who were guilty of them to the gibbet; but in this country a man could not be convicted of treason for any thing he could say. The freedom of speech was perfect; but the country would decide whether a man was guilty of treason. The Federal party were doubtless guilty of treason, but they were not punished as traitors, except by the scorn and contempt of the people; and to the people he was willing to leave any who should now pursue an analogous course. There was doubtless treason committed during the late war, if the traitor could have been found to be punished. He alluded to the burning of blue-lights on the coast to warn the enemy of the movements of our forces. If there were any now pursuing a similar course, they were guilty of treason. And were there not blue-lights here burning? Could not "aid and comfort" be given by speeches on this floor?

Mr. H. spoke of speeches delivered here in denunciation of the war having been circulated in Mexico, and some of the consequences arising therefrom. Aid and comfort and encouragement were given to the Mexicans, and those who were opposed to the subjugation of Mexico were thus contributing to that end. To save the nationality of Mexico they should agree at once to send a sufficient force to prosecute the war vigorously. They could get a treaty of peace in no other way. They might have made a treaty after the battle of Monterey, with the Rio Grande as the boundary; but every succeeding battle had increased the difficulties in the way of conquering a peace. It was his opinion that we should have had no war if it had not been said here that annexation would be cause of war.

To the people he was willing to consign the Federalists of the present day. He had no doubt posterity would do them justice. He would "rather be a dog and bay the moon" than to belong to such a party. He believed the judgment of the present Whig party would be that of the Federalists of 1796.

Mr. H. having concluded—

Mr. THOMPSON, of Indiana, obtained the floor, but yielded to a motion that the committee rise; which prevailing—

The committee rose and reported progress.

Mr. JOHNSON, of Tennessee, gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill to increase the pension of Henry Click.

And then the House adjourned.

IN SENATE.

WEDNESDAY, *January* 26, 1848.

Mr. DICKINSON presented a petition from citizens of New York, praying the establishment of a port of entry at Rouse's Point; which was referred to the Committee on Commerce.

Mr. HUNTER presented a petition from the President of William and Mary College, Virginia, praying for compensation for the use of, and damage done to, the college buildings, by the French troops, in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

On motion of Mr. FELCH, the petition of Ambrose R. Davenport was ordered to be taken from the files of the Senate and referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. TURNEY, from the Committee on Patents, reported a bill further to extend the patent of Jethro Wood; which was read a first time.

Mr. T. expressed a hope that it would be taken up, and passed at once. It had passed the Senate last session, but was lost in consequence of its failing to be reached in the House.

The bill was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. ALLEN wished to hear some good reason offered for the passage of the bill. He should move to strike out the enacting clause whenever the bill came up.

The PRESIDING OFFICER. The bill is now before the Senate.

Mr. ALLEN. I move, then, to strike out the enacting clause.

Mr. TURNEY. I do not know on what ground the Senator from Ohio objects to this bill, or for what reason he desires its rejection. I am inclined to think that he may not have had an opportunity of examining the grounds on which the committee have recommended the passage of this bill. The inventor of this improvement in the plough received no benefit from the patent during the first term, and, indeed, exhausted his fortune in the continued efforts which he was obliged to employ in order to obtain his rights. He is now dead, having left a family of four daughters, for whose benefit an extension of the patent for the short period of seven years, is now proposed by the bill before the Senate. I will only add that the bill passed at the last session of Congress; that it has been unanimously reported by the committee; and that I am quite at a loss to know on what ground objection is now made to its passage.

Mr. DICKINSON. This bill originates in the State of New York, and numerous petitions and memorials in regard to it have been presented at previous sessions. Before coming here, I happened to be employed as counsel in regard to this patent, and still sustain to it professional relations. When the question was up before, I declined voting on it for the reason now stated, and I shall decline to vote now, unless the Senate shall order otherwise. I have, therefore, nothing to say as to the merits of the case, and make this statement in order to explain my silence.

Mr. DAYTON. I have only a single remark to make in reference to this bill. I hesitate not to say, that if any of these applications for extension of patent rights deserves attention, this certainly does. It is a meritorious application. I have become acquainted with the case, and have no hesitation in asserting, that every rule by which the extension of patent rights has been regulated applies to it.

Mr. BERRIEN. I am uninformed of the facts of this case, except in so far as they have been communicated by the committee who have examined the claim of the petitioners, and have unanimously, as I understand, recommended this bill. A motion is made to strike out the enacting clause

of the bill, and I should be very glad, if there be any reasons why we should act in opposition to the unanimous recommendation of the committee, that those reasons should be stated. Certainly, I must conform my vote to the recommendation of the committee, in the absence of any explanation leading me to a different conclusion.

Mr. CAMERON. It was my duty some years since to examine this case as a member of the committee to whom it was referred. I gave it a good deal of attention, and on that occasion also, the committee unanimously recommended a bill in favor of the petitioners. It has been said that this bill will impose a tax on ploughs; but it may be said with equal force, that every patent imposes a tax. The improvement in this case has been great, and acknowledged. It enhances the value of the plough, and has been of essential service to the agriculturist. The inventor, as has been stated, did not derive any benefit from it, and I entirely agree in the propriety and justice of making a provision which will secure for a short time to his descendants a share in the benefit of the improvement.

Mr. PHELPS. I have had the honor of serving on one or two of the committees which have had this subject under their consideration, and I recollect very well, that when it first came before the committee, some objections were made to the recommendation of such a bill. But, as I am happy to find from the remarks made by Senators, these objections are no longer pressed. This is a very meritorious case, and clearly comes within the class of applications which merit the interposition of Congress, in the manner proposed by this bill.

Mr. NILES. I wish to inquire of the chairman of the committee whether this patent has been once renewed?

Mr. TURNEY replied in the affirmative.

Mr. NILES. I do not know much about this case; but I have generally felt it to be my duty to oppose this sort of legislation, as being a kind of legislation unjust to the public, and which is virtually in violation of a fair contract made between the patentee and the community—a contract, sir, by which the former ought to be bound, and of which the community, on the other hand, should have all the benefits to which by the laws they are justly entitled. That contract secures to the inventor the exclusive use and enjoyment, or exclusive benefit of his invention, for a period of fourteen years; and if that be not sufficiently ample to indemnify him, then there is a defect in the law. But the law does not stop there. It authorizes a renewal of this exclusive right for another period of fourteen years, or seven years, I am not quite certain which. I am told that it is for seven years, making twenty-one years during which the patentee is secured in the exclusive enjoyment of the benefit accruing from his invention. Now, if that be not enough, the evil should be remedied, as all general evils should, by general and not by special legislation. At the same time, I do not say but that there may be extreme cases—and they must be very extreme cases—which may justify the setting aside of the general law. Such an extreme case must be one in which, without any fault on the part of the patentee, he has failed to receive the benefit which the law was intended to secure to him. In no other case would it, I think, be just towards the public to give our assent to any such legislation. Whether this is such a case I am not prepared to say, as I have not examined the subject so closely as to be able to express any opinion. If the committee are entirely satisfied on their part that it is one of those cases which justify such legislation, I might be disposed to agree to their recommendation. That point ought to be made clear. Unless it be made apparent that the law has substantially failed to secure to the patentee the privileges which it is designed to extend to patentees, it is quite certain that the bill ought not to pass.

Mr. TURNEY. I think the facts of this case have been fully made out, and justify the committee in their recommendation; and in this view of the subject, I am happy to find myself sustained by the gentlemen who have spoken. A report in favor of these petitioners has been made at three sessions of Congress. Throughout the whole term of the patent and its extension, the patentee failed to reap the benefits to which he was legally entitled, after having exhausted his private fortune in the work of perfecting his invention, and in the attempt to secure his rights. I am as much opposed to the extension of patents generally as the Senator from Connecticut can be, or any other gentleman on this floor; but after a careful examination of the facts in this case, the evidence appears to my mind to be entirely conclusive in its character, in the establishment, first, that this invention is one of immense value to the community; and, secondly, that the inventor received no benefit from it; but that, on the contrary, the whole of his private fortune was exhausted in the effort to relieve himself from the embarrassments which resulted in the effort to establish his right.

Mr. JOHNSON, of Louisiana, remarked that he had assented to the taking up of this bill on receiving the assurance that it would not lead to discussion. Already a considerable portion of the morning hour had been exhausted, and he therefore felt himself constrained to ask that it be passed over informally, if it should not be postponed.

Mr. NILES inquired whether the bill made any provision for assignees?

Mr. TURNEY replied, that there were no assignees. The patentee had formed a connection with certain parties who refused to render any account whatever of the sales which they had made, and that was one reason why he had failed to reap the benefit to which he was entitled.

Mr. STURGEON. I would ask the chairman of the committee whether it is intended that the benefit which it is proposed to extend by this bill shall accrue exclusively to the heirs of Jethro Wood? There has been some doubt in my mind about this bill; and the difficulty has been increased by a fact which came to my knowledge some time since in Pittsburg, in conversation with persons engaged in the manufacture of the iron work of these ploughs. I was informed by one of these persons that agents of the patentee had, whether rightfully or wrongfully, extorted from them some six or eight thousand dollars for the privilege of casting the iron. Some of the manufacturers refused to comply with the demands of these agents. I am not able to say whether they were *bona fide* agents of the patentee or not, but I should like some explanation with regard to the subject before I vote upon this bill. If the benefit is to accrue exclusively to the heirs of Jethro Wood, I am disposed to acquiesce in the recommendation of the committee.

Mr. WESTCOTT remarked that he had opposed the bill formerly reported, but had no objection to the present bill, inasmuch as it was not liable to the objections which he had entertained against the former one. He agreed with the Senator from Connecticut as to the impolicy of renewing patents; but, as that gentleman had remarked, there were cases in whose favor an exception might properly be made. The present he believed to be one of those cases.

Mr. ALLEN. I wish to make a few remarks on this bill. There is one decisive answer to all the arguments which I have heard advanced in its favor; and it is this: If, with the law on their side, these people have been unable to make anything out of this invention, how will they be enabled, by having the law continued on their side, to realize any profit from it? We are told, that although for twenty-one years this patentee has been guarded by the law, he has yet failed to realize profit from his invention. How, then, I would ask, do you propose to change this state of things by the passage of this act? We are told that all the wrongs of these meritorious people have been the result of the bad choice of agents; but surely it cannot be pretended that this is a state of things for which a remedy can be provided by law. If we undertake to redress such grievances, I think we are likely to sit here much longer than the usual period of the long session. These are misfortunes for which acts of Congress can provide no remedy. Has not that been proved clearly enough in this very case itself? Here we have had an act of Congress existing for twenty-one years, and yet wholly inadequate to prevent the evils which have been, in fact, the result of the indiscretion of the persons themselves.

But there is another view of the subject. The Constitution authorizes Congress to secure for a limited term the absolute and exclusive use of certain inventions to the inventors. This is all right. But why was not the exclusive right made perpetual? For the plain and obvious reason that it would be contrary to the general interests of the community if an unlimited monopoly were thus given in inventions. There must be a period put to the enjoyment of this exclusive right. The right of every man in the community to copy an idea which one man conceived is suspended. You have no right to give a piece of iron a given form for twenty-one years because A alone must give it that form, and you have no right to copy A's idea in iron. It is a restraint upon the whole community, from which they must be released as soon as may be consistent with the rights of the individuals who have had the good fortune first to conceive the idea. It is the fate, sir, of inventors to die unrewarded by their inventions. It is the fate, in every age, of the genius which bestirs itself in the investigation of these secret principles of nature or of art, to die unrequited. Acts of Congress cannot change it. We may not impose a penalty upon the country in order to effect a change in this apparently unavoidable destiny of inventors. This bill proposes nothing more nor less than to impose a tax upon every plough made under this patent in the United States. This is the amount of it. And, sir, we are asked to impose this tax of fifty cents upon each of these ploughs by the very same arguments by which we are informed that all these fifty cents hitherto imposed have been snatched from the rightful owner by dishonest agents. We are asked to tax the users of these ploughs, not for the benefit of the inventor, because we are told that the law has hitherto failed to secure to him the proceeds of his invention, but for the benefit of those who for twenty-one years have been committing these frauds upon the inventor. I do not, then, see any just ground on which we can proceed to impose this tax upon the farming interests of the country.

Mr. TURNEY. I can assure the gentleman from Ohio that there is no ground for his apprehension, that the benefit of this bill will not accrue to the heirs of the inventor. The rights of the patentee have been established by the decision of the Supreme Court, and the extension of the patent right for the short period proposed by the bill will be of more value than it was during the whole of the two terms which it has existed. I may take this opportunity of remarking, that our patent laws seem to require some revision, in order more effectually to secure the benefits of their inventions to inventors. The gentleman from Ohio is not strictly correct in designating this as a tax on ploughs. Every purchaser will have his choice, and if the ploughs made under this patent are enhanced in value in consequence of the improvement, it is, I think, reasonable that the inventor should have the benefit of it.

Mr. DAYTON remarked, that this was rather a small matter on which to originate a debate. The subject had been examined by three committees, differently constituted, and all had reported unanimously in favor of a bill for the relief of the petitioners.

The question was then put on the motion to strike out the enacting clause of the bill.

The yeas and nays being demanded by Mr. ALLEN, were ordered, and taken, with the following result:

YEAS—Messrs. Allen, Ashley, Atchison, Bagby, Baldwin, Benton, Breese, Bright, Cass, Douglas, Downs, Felch, Hannegan, Niles, Spruance, and Sturgeon—16.

NAYS—Messrs. Atherton, Badger, Bell, Berrien, Butler, Calhoun, Cameron, Clarke, Corwin, Davis of Mississippi, Dayton, Dix, Foote, Greene, Houston, Johnson of Louisiana, Mangum, Mason, Miller, Moor, Pearce, Phelps, Rusk, Turney, Underwood, and Westcott—26.

So the motion to strike out the enacting clause of the bill was lost.

Mr. BALDWIN then offered the following amendment: Strike out the words "exclusive of all assignees and licenses."

Mr. WESTCOTT briefly opposed the amendment.

Mr. BALDWIN remarked, that he had offered the amendment in order to protect the rights of assignees, and was proceeding to explain more fully the objects of the amendment, when

Mr. ALLEN suggested, that as the time had arrived for taking up the special order, and as the discussion, now involving a legal point, was likely to be protracted, the bill should be passed over informally.

The bill was then passed over informally.

Mr. JOHNSON, of Louisiana, from the Committee on Private Land Claims, reported a bill for

issuing of patents in a certain class of cases, and for other purposes, with amendments.

Mr. ASHLEY, from the Committee on the Judiciary, reported, with an amendment, a bill to amend the act entitled "An act extending the jurisdiction of the district courts to certain cases upon the lakes and navigable waters connecting the same," approved February 26, 1845.

Mr. BENTON gave notice that he should, to-morrow, ask leave to introduce a bill to amend the sixty-first and ninety-fifth rules of the articles of war, relative to the practice in courts-martial.

On motion of Mr. PHELPS,

Resolved, That the Joint Committee on Printing be directed to inquire into the causes which have prevented the printing of the annual report of the Secretary of the Treasury, with the annexed tables, and why the same have not been furnished to the members of the Senate.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. DIX said: Mr. President, it was my wish to address the Senate on the resolutions offered by the Senator from South Carolina, [Mr. CALHOUN,] and not on this bill. I should have preferred to do so, because I am always unwilling to delay action on any measure relating to the war, and because the resolutions afford a wider field for inquiry and discussion. But as the debate has become general, and extended to almost every topic that can well be introduced under either, the force of the considerations by which I have been influenced, has become so weakened, that I have not thought it necessary to defer longer what I wish to say.

Two leading questions divide and agitate the public mind in respect to the future conduct of the war with Mexico. The first of these questions is, Shall we withdraw our forces from the Mexican territory, and leave the subject of indemnity for injuries and the adjustment of a boundary between the two Republics to future negotiation, relying on a magnanimous course of conduct on our part to produce a corresponding feeling on the part of Mexico? There are other propositions, subordinate to this, which may be considered as parts of the same general scheme of policy, such as that of withdrawing from the Mexican capital and the interior districts, and assuming an exterior line of occupation. I shall apply to all these propositions the same arguments; and if I were to undertake to distinguish between them, I am not sure that I should make any difference in the force of the application. For whether we withdraw from Mexico altogether, or take a defensive line which shall include all the territory we intend to hold permanently as indemnity, the consequences to result from it, so far as they affect the question of peace, would, it appears to me, be the same.

The second question is, Shall we retain the possession of the territory we have acquired until Mexico shall consent to make a treaty of peace which shall provide ample compensation for the wrongs of which we complain, and settle to our satisfaction the boundary in dispute?

Regarding these questions as involving the permanent welfare of the country, I have considered them with the greatest solicitude; and though never more profoundly impressed with a sense of the responsibility which belongs to the solution of problems of such magnitude and difficulty, my reflections have, nevertheless, led me to a clear and settled conviction as to the course which justice and policy seem to indicate and demand. The first question, in itself of the highest importance, has been answered affirmatively on this floor; and it derives additional interest from the fact, that it has also been answered in the affirmative by a statesman, now retired from the busy scenes of political life, who, from his talents, experience, and public services, justly commands the respect of his countrymen, and whose opinions on any subject are entitled to be weighed with candor and deliberation. I have endeavored to attribute to his opinions, and to those of others who coincide with him wholly or in part, all the importance which belongs to them, and to consider them with the deference due to the distinguished sources from which they emanate. I believe I have done so; and yet I have, after the fullest reflection, come to conclusions totally different from theirs. I believe it would be in the highest degree unjust to ourselves, possessing, as we do, well-founded claims on Mexico, to withdraw our forces from her territory altogether, and exceedingly unwise, as a matter of policy, looking to the future political relations of the two countries, to withdraw from it partially, and assume a line of defence, without a treaty of peace. On the contrary, I am in favor of retaining possession, for the present, of all we have acquired, not as a permanent conquest, but as the most effective means of bringing about, what all most earnestly desire, a restoration of peace; and I will, with the indulgence of the Senate, proceed to state, with as much brevity as the magnitude of the subject admits, my objections to the course suggested by the first question, and my reasons in favor of the course suggested by the other.

I desire, at the outset, to state this proposition, to the truth of which, I think, all will yield their assent: that no policy which does not carry with it a reasonable assurance of healing the dissensions dividing the two countries, and of restoring, permanently, amicable relations between them, ought to receive our support. We may differ in opinion, and, perhaps, hopelessly, as to the measures best calculated to produce this result; but if it were possible for us to come to an agreement in respect to them, the propriety of their adoption could scarcely admit of controversy. This proposition being conceded, as I think it will be, it follows, that if the measure proposed—to withdraw our forces from Mexico—be not calculated to bring about a speedy and permanent peace; but, on the contrary, if it be rather calculated to open a field of domestic dissension, and possibly of external interference, in that distracted country, to be followed, in all probability, by a renewal of active hostilities with us, and under circumstances to make us feel severely the loss of the advantage which we have gained, and which it is proposed voluntarily to surrender,—then, it appears to me, it can present no claim to our favorable consideration. I shall endeavor to show, before I sit down, that the policy referred to is exposed to all these dangers and evils.

I do not propose to enter into an examination of the origin of the war. From the moment the collision took place between our forces and those of Mexico on the Rio Grande, I considered all hope of an accommodation, without a full trial of strength in the field, to be out of the question. I believed the peculiar character of the Mexicans would render any such hope illusive. Whether that collision was produced in any degree by our own mistakes, or whether the war itself was brought about by the manner in which Texas was annexed to the Union, are questions I do not propose to discuss now; and if it were not too late, I would submit whether the discussion could serve any other purpose but to exhibit divided councils to our adversary, and to inspire him with the hope of obtaining more favorable terms of peace by protracting his resistance. No one can be less disposed than myself to abridge, in any degree, the legitimate boundaries of discussion. But I am not disposed to enter into such an investigation now. The urgent concern is to know, not how the war originated, not who is responsible for it, but in what manner it can be brought to a speedy and honorable termination; whether, as some suppose, we ought to retire from the field, or whether, as appears to me, the only hope of an accommodation lies in a firm and determined maintenance of our position.

The probable consequences of an abandonment of the advantages we have gained may be better understood by seeing what those advantages are. I speak in a military point of view. While addressing the Senate in February last on an army bill then under consideration, I had occasion to state, that the whole of northern Mexico as far south as the mouth of the Rio Grande and the 26th parallel of latitude was virtually in our possession, comprehending about two-thirds of the territory of that republic, and about one-tenth of its inhabitants. Our acquisitions have since been augmented by the reduction of Vera Cruz and the Castle of San Juan de Ulua, the capture of Jalapa, Perote, and Puebla, the surrender of the city of Mexico, and the occupation of the three States of Vera Cruz, Puebla, and Mexico, with nearly two millions and a half of souls. It is true, our forces have not overrun every portion of the territory of those States; but their chief towns have been reduced, the military forces which defended them captured or dispersed, their civil authorities superseded, their capital occupied, and the whole machinery of government within the conquered States virtually transferred to our hands. All this has been achieved with an army at no one period exceeding fifteen thousand men, and against forces from three to five times more numerous than those actually engaged on our side, in every conflict since the fall of Vera Cruz.

I had occasion, on presenting some army petitions a few weeks ago, to refer to the brilliant successes by which these acquisitions were made; and I will not trespass on the attention of the Senate by repeating what I said at that time.* But I cannot forbear to say, that there is a moral in the contest, the effect of which is not likely to be lost on ourselves or others. At the call of their country our people have literally rushed to arms. The emulation has been to be received into the service, not to be excused from it. Individuals from the plough, the counting-house, the law-office, and the workshop, have taken the field, braving inclement seasons and inhospitable climates without a murmur; and, though wholly unused to arms, withstanding the most destructive fire, and storming batteries at the point of the bayonet with the coolness, intrepidity, and spirit of veterans. I believe I may safely say, there has been no parallel to these achievements by undisciplined forces since the French revolution. I am not sure that history can furnish a parallel. As to the regular army, we always expect it to be gallant and heroic, and we are never disappointed. The whole conduct of the war in the field has exhibited the highest evidence of our military capacity. It confirms an opinion I have always held—that a soldier is formidable in ratio of the importance he possesses in the order of the political system of which he is a part. It establishes another position of vital importance to us: that, under the protection of our militia system, the country may, at the termination of every contest, lay aside the more massive and burdensome parts of its armor, and become prepared, with energies renewed by that very capacity, for succeeding scenes of danger.

Mr. President, the political condition of Mexico has been gradually approaching a dissolution of all responsible government, and of the civil order, which constitutes her an independent state. This lamentable situation is not the fruit alone of our military successes. The factions, by which that country has been distracted, each in turn gaining and maintaining a temporary ascendency, and often by brute force, lie at the foundation of the social and political disorder which has reigned

*The reference alluded to is contained in the following extract:

"I will not detain the Senate by entering into any detailed review of these events with a view to enforce the appeal contained in the petition on the attention. I hope, however, I may be indulged in saying, in justice to those who bore a part in them, that the first conquest of Mexico cannot, as it appears to me, be compared with the second, either as to the obstacles overcome, or as to the relative strength of the invaders. The triumphs of Cortez were achieved by policy and by superiority in discipline and in the implements of warfare. The use of fire-arms, until then unknown to the inhabitants of Mexico, was sufficient in itself to make his force, small as it was, irresistible. In the eyes of that simple and superstitious people he seemed armed with superhuman power. Other circumstances combined to facilitate his success. The native tribes, by whom the country was possessed, were distinct communities, not always acknowledging the same head, and often divided among themselves by implacable hostility and resentments. Cortez, by his consummate prudence and art, turned these dissensions to his own account; he lured the parties to them into his own service, and when he presented himself at the gates of the city of Mexico, he was at the head of four thousand of the most warlike of the natives, as auxiliaries to the band of Spaniards, with which he commenced his march from Vera Cruz. Thus his early successes were as much the triumph of policy as of arms. General Scott, and the gallant band he led, had no such advantages. The whole population of the country, from Vera Cruz to Mexico, was united as one man against him, and animated by the fiercest animosity. He was opposed by military forces armed like his own, often better disciplined, occupying positions chosen by themselves, strong by nature, and fortified according to the strictest rules of art. These obstacles were overcome by his skill as a tactician, aided by a corps of officers unsurpassed for their knowledge of the art of attack and defence, and by the indomitable courage of their followers. With half his force left on the battle-field or in the hospital, and with less than six thousand men, after a series of desperate contests, he took possession of the city of Mexico, containing nearly two hundred thousand inhabitants, and defended by the remnant of an army of more than thirty thousand soldiers. I confess I know nothing in modern warfare which exceeds in brilliancy the movements of the American army from the Gulf to the city of Mexico. I shall not attempt to speak of them in the language of eulogium. They are not a fit theme for such comment. Like the achievements of General Taylor and his brave men on the Rio Grande, at Monterey and Buena Vista, the highest and most appropriate praise is contained in the simplest statement of facts."

there for the last twenty years. To most of the abuses of the old colonial system of Spain, she has superadded the evils of an unstable and irresponsible government. The military bodies, which have been the instruments of those who have thus in succession gained a brief and precarious control over her affairs, though dispersed, still exist, ready to be re-united and to renew the anarchy which we have superseded, for the time being, by a military government: and this brings me to the first great objection to the proposition of withdrawing our armies from the field.

I have already said that no policy can deserve our support which does not hold out the promise of a durable peace. Nothing seems to me more unlikely to secure so desirable a result, than an abandonment of Mexico by us at the present moment without a treaty, leaving behind a strong feeling of animosity towards us, with party divisions as strongly marked, and political animosities as rancorous, perhaps, as they have been at any former period. Even when her capital had fallen, humbled and powerless as she was, party leaders, instead of consulting for the common good, were seen struggling with each other for the barren sceptre of her authority. Our retirement as enemies would, in all probability, be the signal for intestine conflicts as desperate and sanguinary as those in which they have been engaged with us—conflicts always the most disastrous for the great body of the Mexican people, for, on what side soever fortune turns, they are certain to be the victims. You know, sir, there are two great parties in Mexico, (I pass by the minor divisions)—the "Federalistas" and "Centralistas." The former, as their name imports, are in favor of the federative system; they are the true republican party. With us, in former times, the terms "Federal" and "Republican" designated different parties; in Mexico, they are both employed to designate the friends of the federative system. The Centralists are in favor of a consolidated Government, republican or monarchical in form, and are composed of the army, the clergy, and I suppose a small portion of the population. I believe our only hope of obtaining a durable peace lies in the firm establishment of the Federal party in power—the party represented by Herrera, Anaya, Peña y Peña, Cumplido, and others. I understand Herrera has been elected President of the Republic; and this is certainly a favorable indication. But, unfortunately, I fear this party would not succeed in maintaining itself, if Mexico were left to herself at the present moment with an imbittered feeling of hostility towards us. The military chiefs, who controlled the army, and who might rally it again, for political uses, if we were to retire without a treaty, are for the most part enemies of the federative system, and conservators of the popular abuses, to which they owe their wealth and importance. Nothing could be more unfortunate for Mexico than the reëstablishment of these men in power. It would bring with it a hopeless perpetuation of the anarchy and oppression which have given a character to their supremacy in past years—a supremacy without a prospect of amelioration in the condition of the Mexican people—a supremacy of which the chief variation has been an exchange of one military despot for another.

Calamitous as the restoration of this party to their former ascendency would be for Mexico, it would hardly be less so for us. Relying on military force for their support, their policy would be to continue the war as a pretext for maintaining the army in full strength, or, at least, not to terminate it till peace would ensure their own supremacy. It is believed that these considerations have been leading motives in the resistance they have opposed to us. It is true, the republican party has been equally hostile, so far as external indications show; but the fact is accounted for by their desire to see the war continued until the army and its leaders, the great enemies of the federative system, are overthrown. Undoubtedly the obstinate refusal of Mexico to make peace may be very properly referred to the natural exasperation of every people whose soil is invaded; but there can be little doubt that it has been influenced, in no inconsiderable degree, by considerations growing out of party divisions, and the jealousy and animosities to which those divisions have given rise. My confidence in our ability to make an amicable arrangement with the federal party, if it were in undisputed possession of the Government, arises from the belief that their motives are honest, that they have at heart the public welfare, and that they must see there is no hope for Mexico but in a solid peace with us. My utter distrust of the Centralists arises from the belief that their objects are selfish, and that, to accomplish them, they would not hesitate to sacrifice the liberties of the people and the prosperity of the country. But whether I err in these views or not, I feel quite confident I do not err in believing that if our armies were to be withdrawn from Mexico, without a peace, the flames of civil discord would be rekindled in that unhappy country, and burn with redoubled violence. I should greatly fear that the military chiefs would succeed in reëstablishing their ascendency, and that no probable limit could be assigned to the duration of the war. If I am right, our true policy is to stand firm, and, if possible, united, until wiser counsels shall prevail in Mexico, and a disposition shall be shown to come to an amicable arrangement with us on reasonable terms.

The objection I have stated to the proposition of withdrawing our forces from Mexico, concerns only the relations which now exist, or may exist hereafter, between the two countries. If there were no other objection, the question might be decided upon considerations touching only their domestic interests and their mutual rights.

But I come to the second objection—one perhaps of graver import than the first, because it supposes the possibility, if not the probability, of an interference in her affairs by other countries, if we were to retire without a treaty and without commercial arrangements, which it would be in our power to enforce. The President alluded to the subject in his annual message at the opening of Congress, and expressed an apprehension of danger from that source. I participate in it. I shall assign the grounds on which it rests; and I only regret that, in stating them with the minuteness necessary to make them fully understood, I shall be compelled to draw much more largely than I desire on the patience of the Senate.

Senators are doubtless aware that the right of intervention in the affairs of this continent was formally asserted in the French Chamber of Deputies, in the year 1845, by M. Guizot, Minister of Foreign Affairs, as the organ of the Government of France. He regarded the great powers on this continent as divided into three groups, namely: Great Britain, the United States, and the States of Spanish origin; and he declared that it belonged to France "to protect, by the authority of her name, the independence of States, and the equilibrium of the great political forces in America." To this declaration, I have thought it not out of place, in connection with the subject under discussion, to call the attention of the Senate; not for the purpose of undertaking the formal refutation, of which I think the whole doctrine of intervention, as it has been practically enforced in Europe, is clearly susceptible, but for the purpose of denying it as founded upon any well established principles of international law, and, if it had such a foundation, of denying its applicability to the political condition of this continent. To enter fully into the examination of this important subject, would require more time than it would be proper for me to devote to it. I propose only to pass rapidly over a few of the principal considerations it suggests.

The declaration of M. Guizot was the first public and official intimation, by a European government, of an intention to interfere with the political condition of the independent communities on the continent of America, and to influence by moral, if not by physical agencies, their relations to each other. And if it had been presented in any other form than that of an abstract declaration, not necessarily to be followed by any overt act, it would have behooved us to inquire, in the most formal manner, whether this asserted right of interposition derived any justification from the usages of nations, or from the recognized principles of international law; or whether it was not an assumption wholly unsupported by authority, and an encroachment on the independence of sovereign States, which it would have been their duty to themselves and the civilized world to resent as an injury a wrong.

Am I in error in supposing this subject derives new importance from our existing relations with Mexico, one of the states of Spanish origin, which M. Guizot grouped together as constituting one of the great political forces of this continent, among which the "equilibrium" was to be maintained? Sir, more than once, in the progress of the war, the governments of Europe have been invoked, by leading organs of public opinion abroad, to interpose between us and Mexico. Is it not, then, appropriate briefly to state what this right of intervention is, as it has been asserted in Europe, what it has been in practice, and what it would be likely to become, if applied to the States of this continent? I trust it will be so considered.

The doctrine of intervention to maintain the balance of power is essentially of modern origin. From the earliest ages, it is true, occasional combinations have been formed by particular States for mutual protection against the aggressions of a powerful neighbor. History is full of these examples. Such a coöperation is dictated by the plainest principles of self-preservation, for the purpose of guarding against the danger of being destroyed in detail; and it is founded upon such obvious maxims of common sense, that it would have been remarkable if it had not been resorted to from the moment human society assumed a regular form of organization. These defensive alliances were deficient in the permanence and methodical arrangements which distinguish the modern system of intervention. Hume saw, or fancied he saw, in them the principle of the right of intervention to preserve the balance of power which is asserted at the present day. But it could only have been the principle which was developed; they certainly never attained the maturity or the efficient force of a regular system.

The modern doctrine of intervention in the affairs of other States, which has sprung up within the last two centuries, is far more comprehensive in its scope. It has grown into a practical system of supervision on the part of the principal European powers over their own relative forces and those of the other States of Europe; and though it may, in some instances, have been productive of beneficial effects in maintaining the public tranquillity, it has as frequently been an instrument of the grossest injustice and tyranny. From the first extensive coalition of this nature, which was formed during the long series of wars terminated by the peace of Westphalia, in 1648, down to the interference of Great Britain, Prussia, Austria, and France, in the contest between the Sultan and Mehemet Ali, in 1840, a period of nearly two centuries—an interference designed, in some degree, to prevent what was regarded as a dangerous protectorate over the affairs of the Porte by Russia—the exercise of the right has been placed, theoretically, on the same high ground of regard for the tranquillity of Europe and the independence of States. Practically, it has often been perverted to the worst purposes of aggrandizement and cupidity.

If we look into the writers on international law, I think we shall find no sufficient ground for the right of intervention. Grotius, who wrote in the early part of the seventeenth century, denied its existence. Fenelon, who wrote about half a century later, denied it, except as a means of self-preservation, and then only when the danger was real and imminent. Vattel, who wrote nearly a century after Fenelon, and a century before our own times, regarded the States of Europe as forming a political system, and he restricted the right of entering into confederacies and alliances for the purpose of intervention in the affairs of each other, to cases in which such combinations were necessary to curb the ambition of any power which, from its superiority in physical strength, and its designs of oppression or conquest, threatened to become dangerous to its neighbors. De Martens, who wrote half a century ago, acknowledges, with Vattel, the existence of the right under certain conditions, though he hardly admits it to be well settled as a rule of international law; and he limits its exercise to neighboring states, or states occupying the same quarter of the globe. But, according to the two last writers, who have, perhaps, gone as far as any other public jurists, of equal eminence, towards a formal recognition of the right, it only justifies a union of inferior states within the same immediate sphere of action, to prevent an accumulation of power in the hands of a single sovereign, which would be too great for the common liberty.

I am confident, Mr. President, that no one can rise from a review of the history of modern Europe, and from an examination of the writings of her public jurists, without being satisfied that the

right of intervention, as recognized by civilized nations, is what I have stated it to be—a mere right, on the part of weaker states, to combine for the purpose of preventing the subversion of their independence, and the alienation of their territories, by a designing and powerful neighbor; a right to be exercised only in cases of urgent and immediate danger. It is simply a right of self-preservation, undefined, undefinable, having no settled or permanent foundation in public law, to be asserted only in extreme necessity, and when arbitrarily applied to practice, a most fruitful source of abuse, injustice, and oppression. One clear and certain limitation it happily possesses—a limitation which, amid all its encroachments upon the independence of sovereign States, has never until our day been overpassed. By universal consent, by the unvarying testimony of abuse itself, it is not to be exercised beyond the immediate sphere of the nations concerned. It pertains rigidly and exclusively to states within the same circle of political action. It is only by neighbors, for the protection of neighbors against neighbors, that it can, even upon the broadest principles, be rightfully employed. When it traverses oceans, and looks to the regulation of the political concerns of other continents, it becomes a gigantic assumption, which, for the independence of nations, for the interests of humanity, for the tranquillity of the Old World and the New, should be significantly repelled.

Mr. President, a review of the history of Europe during the last two centuries will bring with it another conviction in respect to the right of intervention—that no reliance can be placed on its restriction in practice to the objects to which it is limited by every public jurist who admits its existence at all; and that nothing could be so discouraging to the friends of free government as an extension of the system to this continent, if the power existed to introduce it here. Though the combinations it is claimed to authorize may, in some instances, have protected the coalescing parties from the danger of being overrun by conquering armies, the cases are perhaps as numerous, in which their interposition has been lent to break down the independence of states, and to throw whole communities of men into the arms of governments to which their feelings and principles were alike averse. The right, as has been seen—(and it cannot be too often repeated)—with the utmost latitude claimed for it by any public jurist, goes no further than to authorize a league on the part of two or more weaker states to protect themselves against the designs of an ambitious and powerful neighbor. In its practical application, it has more frequently resulted in a combination of powerful states to destroy their weaker neighbors for the augmentation of their own dominions or those of their allies. From a mere right to combine for self-preservation, they have made it in practice a right to divide, dismember, and partition states at their pleasure—not for the purpose of diminishing the strength of a powerful adversary—but under the pretence of creating a system of balances, which is artificial in its structure, and, in some degree, incongruous in its elements, and which a single political convulsion may overturn and destroy. Do we need examples of the abuse of the power, I will not call it a right? They will be found in the dismemberment of Saxony, the annexation of the republic of Genoa to the kingdom of Sardinia, and the absorption of Venice by Austria. There is another and a more aggravated case of abuse to which recent events have given new prominence. In 1772, Russia, Prussia, and Austria, under the pretence that the disturbed condition of Poland was dangerous to their own tranquillity, seized upon about one-third of her territories, and divided it among themselves. In 1793, notwithstanding her diminished proportions, she had become more dangerous, and they seized half of what they had left to her by the first partition. Sir, she continued to grow dangerous as she grew weak; and in two years after the second partition, they stripped her of all that remained. In 1815, the five great Powers, at the Congress of Vienna, from motives of policy, and not from a returning sense of justice, organized the city of Cracow and a portion of the surrounding territory, with a population of about one hundred thousand souls, into a republic, under the protection of Austria, Russia, and Prussia, with a guarantee of its independence in perpetuity. Russia pledged herself, at the same time, to maintain her share of the spoil, as the kingdom of Poland in name and form, with a constitutional government. She kept her pledge seventeen years, and then virtually incorporated it as an integral part into the Russian empire. The little republic of Cracow was all that remained as a monument of the dismembered kingdom. A year ago, it was obliterated as an independent state by the three great powers of eastern and northern Europe, in violation of their solemn guarantee, and assigned to Austria. The name of Poland, the fountain of so many noble and animating recollections, is no longer to be found on the map of Europe. The three quarters of a century which intervened from the inception to the consummation of this transaction are not sufficient to conceal or even to obscure its true character. The very magnitude of the space over which it is spread only serves to bring it out in bolder and darker relief from the pages of history.

If the United States, in the progress of these usurpations, has not remonstrated against them, and contributed by her interposition to maintain the integrity of the states thus disorganized and dismembered in violation of every rule of right, and every suggestion of justice and humanity, it is because we have been faithful, against all movements of sympathy, against the very instincts of nature, to the principle of abstaining from all interference with the movements of European powers, which relate exclusively to the condition of the quarter of the globe to which they belong. But when it is proposed or threatened to extend to this continent and to ourselves a similar system of balances, with all its danger of abuse and usurpation, I hold it to be our duty to inquire on what grounds it rests, that we may be prepared to resist all practical application of it to the independent states in this hemisphere.

Mr. President, the declaration of M. Guizot could hardly have been made without the previous approbation of the government, of which he was the organ. The same sovereign occupies the throne of France—the same minister stands before it as the exponent of his opinions. Is the declaration to be regarded as a mere idle annunciation in words of a design never intended to be carried into practice? Let me answer the question by the briefest possible reference to circumstances. France was the coadjutor of England in the attempt to induce Texas to decline annexation to the Union. Failing in this, she attempted to accomplish the same object indirectly, by persuading Mexico to recognize the independence of Texas, on condition that the latter should remain an independent state. These terms were offered to Texas, and rejected. In the year 1844, I believe less than twelve months before M. Guizot's declaration was made, (and the coincidence in point of time is remarkable,) a book on Oregon and California was published in Paris by order of the King of France, under the auspices of Marshal Soult, President of the Council, and M. Guizot, Minister of Foreign Affairs, and written by M. de Mofras, who was attached to the French legation in Mexico. The first part of the work is devoted to Mexico, and certainly contains some remarkable passages. He speaks of the establishment of a European monarchy as a project which had been suggested as the only one calculated to put an end to the divisions and annihilate the factions which desolated that beautiful country.* He says the Catholic religion and family relations, with the ancient possessors of the country, would be the first conditions required of the princes, who should be called to reconstruct there a monarchical government. He then adds:

"The infantas of Spain, the French princes, and the archdukes of Austria, fulfil these conditions, and we may affirm that, from whichever quarter a competitor should present himself, he would be unanimously welcomed by the Mexican people.

"What, then, are the interests of France in these questions?

"The establishment in Mexico of a monarchy of any description whatever, resting upon a solid basis, should be the first object of our policy; for we know that the instability attached to the actual form of its government, brings with it disadvantages for our commerce, and inconveniences for our people."

He adds, that if Mexico is to preserve her republican form of government, her incorporation into the Union of the North would seem more favorable to France than her existing condition, on account of the development of commerce and all the guarantees of liberty, security, and justice, which his compatriots would enjoy; and that England would lose, under such an order of things, what France would gain. Thus, though the dismemberment and absorption of Mexico by the United States, are regarded by M. de Mofras as preferable to the commercial monopoly and the "species of political sovereignty," as he denominates it, which England has exercised in that country, the first object of France, according to him, should be a reconstruction of monarchy in Mexico, with a foreign prince on the throne, and this prince from some branch of the Bourbon family. The opinions contained in this book are not put forth as the mere speculations of a private person. They are the opinions of an agent of the government: the publication is made by order of the king, and under the auspices of his two chief ministers, and so stated in the title page. I do not mean to hold the government of France responsible for all the opinions contained in that work; but, can we believe that those I have quoted, concerning as they do so grave a subject as the international relations of France with Mexico, and of Mexico with the United States, would have been put forth without modification under such high official sanctions, if they had been viewed with positive disfavor? It appears to me, that we are constrained to view them, like the declaration of M. Guizot, though certainly to a very inferior extent, as possessing an official character, which we are not at liberty wholly to disregard, when we consider the one in connection with the other.

And now, sir, I ask, do not these opinions and declarations, especially when we look to the open and direct interference of Great Britain and France, by force of arms, in the domestic affairs of some of the South American republics within the last two years, furnish a just ground of apprehension, if we should retire from Mexico without a treaty and as enemies, that it might become a theatre for the exercise of influences of a most unfriendly character to us? With the aid of the monarchical party in Mexico, would there not be danger that the avowed design of establishing a throne, might be realized? The chances of open interposition are unquestionably diminished by the results of the war; but I am constrained to believe the chances of secret interference are increased by the avidity imputed to us for territorial extension. Ought not this danger to influence, to some extent, our own conduct, at least so far as to dissuade us from abandoning, until a better prospect of a durable peace shall exist, the advantage we have gained as belligerents? We know a

* The day after this speech was delivered, Mr. D. received from a friend in New York, who could have had no knowledge of his intention to speak, much less of the topics he designed to discuss, a translation from a speech delivered to the Cortes of Spain on the 1st of December, 1847, by Señor Olozoga, a man of great distinction, and supposed to be the same individual who was a few years since first minister of the Crown. By this speech it appears that as recently as 1846, a year after M. Guizot's declaration was made, and two years after M. de Mofras's book was published, large sums were expended by Spain for the purpose of establishing a monarchy in Mexico, and of placing a Spanish prince on the throne. The close connection of the governments of France and Spain by the marriage of the Duke of Montpensier, the son of Louis Philippe, to the sister of Queen Isabella, gives additional importance to these developments:

"No one, either on this floor or elsewhere, can deny that the project has been entertained of establishing a monarchy in Mexico, and to place a Spanish prince on the throne. This project, conceived in the time of the Conde Aranda, would have saved our colonies from the sad fate they have suffered; but brought forward on this occasion, it was the most absurd idea that could have been conceived. But we have not only to deplore having excited political animosities and the consequences this has produced in that country; we have also to lament the money lost and thrown away upon Mexican soil. And in order that the Cortes may not believe I am about to make accusations of so grave a character without possessing proofs to corroborate them, I now hold in my hand a statement of the sums expended and drawn from the treasury in Havana in the year 1846, signed by the Señor Navarro as auditor, and Mugica as treasurer. In this statement there is an item which says: 'Paid bills of exchange remitted by the minister plenipotentiary of her Majesty in Mexico for matters belonging to the service, $100,000.' But much greater than this was the authority our minister in Mexico possessed for disposing of the public funds. I do not know whether he has made use of it. I do not even know his name. I suppose he will employ them with scrupulous honesty; but is the Spanish people so bountifully supplied with millions that they can afford to send them to the New World, for the purpose of sustaining political intrigues in that distant region? How many meritorious military men, who have shed their blood for the good of their country, and whose means of support have been cut down to the lowest possible point, might have been aided by these large sums? How much misery might have been alleviated by the money which has been thrown away in this manner? And where do they find authority for squandering millions to foster foreign intrigues?"

great majority of the Mexican people are radically averse to any other than a republican form of government; but we know, also, the proneness of a people among whom anarchy reigns triumphant, to seek any refuge which promises the restoration of tranquillity and social order.

Mr. President, any attempt by a European power to interpose in the affairs of Mexico, either to establish a monarchy, or to maintain, in the language of M. Guizot, "the equilibrium of the great political forces in America," would be the signal for a war far more important in its consequences, and inscrutable in its issues, than this. We could not submit to such interposition if we would. The public opinion of the country would compel us to resist it. We are committed by the most formal declarations, first made by President Monroe in 1823, and repeated by the present Chief Magistrate of the Union. We have protested, in the most solemn manner, against any further colonization by European powers on this continent. We have protested against any interference in the political concerns of the independent states in this hemisphere. A protest, it is true, does not imply that the ground it assumes is to be maintained at all hazards, and if necessary, by force of arms. Great Britain protested against the interference of France in the affairs of Spain in 1823; she has more recently protested against the absorption of Cracow by Austria as a violation of the political order of Europe, settled at Vienna by the allied sovereigns, and against the Montpensier marriage as a violation of the treaty of Utrecht; but I do not remember that in either case she did anything more than to proclaim to the world her dissent from the acts against which she entered her protest. It has always seemed to me to be unwise in a government to put forth manifestoes without being prepared to maintain them by acts, or to make declarations of abstract principle until the occasion has arrived for enforcing them. The declarations of a President having no power to make war without a vote of Congress, or even to employ the military force of the country except to defend our own territory, is very different from the protest of a sovereign holding the issues of peace and war in his own hands. But the former may not be less effectual when they are sustained, as I believe those of Presidents Monroe and Polk are, in respect to European interference on the American continent, by an undivided public opinion, even though they may not have received a formal response from Congress. I hold, therefore, if any such interposition as that to which I have referred should take place, resistance on our part would inevitably follow, and we should become involved in controversies, of which no man could foresee the end.

Before I quit this part of the subject, I desire to advert to some circumstances recently made public, and, if true, indicating significantly the extent to which Great Britain is disposed to carry her other encroachments on this continent, as in every other quarter of the globe. On the coast of Honduras, in Central America, commonly called the Musquito coast, there is a tribe of Indians bearing the same name, numbering but a few hundred individuals, and inhabiting some miserable villages in the neighborhood of Cape Gracias a Dios, near the fifteenth parallel of north latitude. Several hundred miles south is the river San Juan, running from Lake Nicaragua to the Caribbean sea, a space of about two degrees of longitude, with the town of Nicaragua at its mouth, and a castle or fort about midway between the town and the lake. The lake is only fifteen leagues from the Pacific, and constitutes, with the river San Juan, one of the proposed lines for a ship canal across the isthmus. Great Britain has recently laid claim to the river San Juan and the town of Nicaragua, if she has not actually taken possession of the latter. I have seen a communication from the British consul-general at Guatemala, asserting the independence of the Mosquitos as a nation. I have also seen a communication from the British consul at Bluefield, on the Mosquito shore, asserting that "the Mosquito flag and nation are under the special protection of the crown of Great Britain," and that "the limits which the British Government is determined to maintain as the right of the King of the Mosquitos" "comprehend the San Juan river." By Arrowsmith's London Atlas, published in 1840, the Mosquito territory covered about 40,000 square miles, nearly as large an area as that of the State of New York; but it did not extend below the twelfth parallel of latitude, while the river San Juan is on the eleventh. I have seen the protest of the State of Nicaragua against the occupation of the town of Nicaragua on the river San Juan, which, as the protest declares, has been from time immemorial in her quiet and peaceable possession. The state of San Salvador, one of the Central American republics, also unites in the protest, and declares her determination, if the outrage shall be carried into effect, to exert her whole power until the usurper "shall be driven from the limits of Central America."

I understand, for I speak only from information, that Great Britain has for some time claimed to have had the Mosquitos, a mere naked tribe of Indians of a few hundred persons, under her protection.* Through her influence they appointed a king, who was taken to Belize, a British station on the bay of Yucatan, and there crowned. It is said, also, that on the decease of the king, he was found to have bequeathed his dominions to her Britannic Majesty. It appears to be certain that she has, under this pretence of protection, extended her dominion over an immense surface in Central America; that she has at least one vessel of war, the Sun, commanded by an officer bearing an English name, "Commander Trotter, of the Mosquito navy," as he is styled in a letter written by the British consul at Bluefield, and that she is still further extending herself, against the remonstrance of the Central American States. But these states, besides being physically weak, are distracted by internal feuds; and if the proceedings complained of be not the unauthorized acts of British agents, which Great Britain will disavow, it is hardly to be expected that a usurpation, so unjustifiably consummated, will be abandoned on an appeal to the justice of the wrong-doer. Whether our government should remain quiescent under this encroachment upon near and defenceless neighbors, is a question worthy of consideration. Under any circumstances, it seems to me to afford little assurance of non-interference with the affairs of Mexico, if our forces were to be withdrawn without a treaty.

There is another consideration which ought not to be overlooked. In July last, Lord George Bentinck made a motion for an address to her Britannic Majesty, praying her to take such measures as she might deem proper to secure the payment of the Spanish government bonds held by British subjects. Those bonds amount to about three hundred and eighty millions of dollars, and on about three hundred and forty millions no interest whatever has been paid; and including this debt nearly seven hundred and thirty millions of dollars are due to British subjects by foreign governments—a sum equal to about one-fifth of her national debt. He contended, that "by the law of nations, from time immemorial, it has been held that the recovery of just debts is a lawful cause of war, if the country from which payment is due refuses to listen to the claims of the country to whom money is owing." He quoted authorities to show that the payment of the debt, or the interest on it, might be enforced without having recourse to arms, though asserting the right to resort to force to compel it. He referred to the rich colonies of Spain, and especially Cuba, to show that there was wealth enough in its annual produce and revenue "to pay the whole debt due by Spain to British bond-holders." He referred to the naval force which Spain possessed to show that there would not be "any very effective resistance," and that "the most timid minister" need not fear it. Having, in the course of his remarks, called the attention of the Minister of Foreign Affairs to the subject, Lord Palmerston, in responding to his call, entered into an extended statement in respect to the foreign debt due to British subjects. He drew a distinction between transactions by one government with another, by British subjects with a foreign government, by British subjects with the subjects of another government, and between debts and acts of injustice and oppression. This distinction, however, he treated as matter of expediency and established practice. He assented to the doctrine laid down by the noble lord who made the motion for an address, and he said, if it were the wise policy of England to lay down a rule that she would enforce obligations of this character with the same rigor as those of a different character, she would have a full and fair right, according to the laws of nations, to do so. And he concluded by saying that England had not refrained from taking the steps urged by his noble friend, because she was "afraid of these states, or all of them put together;" that it was not to be supposed the British Parliament, or the British nation, would long remain patient under the wrong, and that they had ample power and means to obtain justice.

I pass over the doctrines put forth in the speech of Lord George Bentinck, and sanctioned by Lord Palmerston, though I believe it not perfectly clear that they can be maintained to the full extent, by an appeal to any well established principles of international law. You know, sir, that we have sometimes found British statesmen, even those holding places nearest to the throne, at fault, both in respect to matters of principle and matters of fact, though it is certainly but justice to concede to them the possession of more enlarged views of policy, combined with greater practical talent and tact, than is often to be found in the councils of European sovereigns. I pass over also an offensive allusion to the failure of two or three of the States of this Union to pay their debts, "as a stain upon the national character," (I use his own language,) when it is well known that the suspension of payment was temporary, and from overruling necessity; that in most instances resumption has taken place; and that, in all, the most earnest efforts have been made to resume the discharge of their obligations. This imputation was cast upon us at the moment when our people, with one heart, were sending abroad their agricultural surplus to feed the famished population of Ireland, not merely in the way of commercial exchange, but in the form of donations, in ship-loads, public and private. And so far as the commercial portion is concerned, I believe our merchants have for months been draining our banks of specie, to send abroad to meet their own pecuniary obligations, while for a time at least they were unable to draw on their debtors in England for the proceeds of the breadstuffs by which her subjects had been fed. But I pass by all this, and come to the important fact that Mexico was among the indebted foreign States enumerated in a report, on which the motion of Lord George Bentinck was founded. What is the extent of her indebtedness I do not know, but I understand about seventy millions of dollars—and I believe it was but recently that the public domain in California was mortgaged to the creditors for a portion of this amount, though the lien is now said to be discharged.

I appeal to honorable Senators to say, with these facts before them—with this public and official assertion of a principle, which, according to Lord Palmerston, the British government has only abstained from practically enforcing through mere considerations of policy—whether, if our forces were withdrawn from Mexico, and that country should become a prey to the anarchy and confusion which has reigned there so long, and which, if renewed, would in all probability become universal and hopeless—whether, I say, there would not be a temptation too strong to be resisted to reduce the principle thus proclaimed to practice? whether some portion of the Mexican territory might not be occupied as a guarantee for the payment of the debt due to British subjects, and thus another principle be violated, which we are committed to maintain? I do not mean to say that this consideration, if it stood alone, should absolutely control our conduct. But as auxiliary to the graver considerations to which I have referred, it appears to me that it may properly be allowed some weight—enough, sir, perhaps, to turn the scale, if it were already balanced—though, I think, there is sufficient without it to incline us decisively to the side of continued occupation.

Besides, British subjects have other extensive pecuniary interests in Mexico: they have large commercial establishments and heavy investments of capital in the mining districts. If the political affairs of that country should fall into inextricable confusion, it is not to be supposed that these great

*Extract of a letter from the Supreme Government of the State of Nicaragua to the Supreme Government of the State of San Salvador.

"A tribe with no recognized form of government, without civilization, and entirely abandoned to savage life, is suddenly made use of by enlightened England for the purpose of planting one of her feet upon the Atlantic coast of this State; or rather, for the purpose of taking possession of the port for communication between Europe, America, and Asia, and other important countries at the point where the grand inter-oceanic canal is most practicable."

interests will be abandoned by Great Britain; and yet it is extremely difficult to see by what interposition on her part they could be secured without the danger of collision between her and us.

Mr. President, in what I have said in respect to the danger of foreign interposition, I have not relied upon the ephemeral opinions of the day, or on opinions expressed in public journals abroad, however intimately those journals may be supposed to be connected with governments, as the organs of the views which it is deemed advisable to throw out, from time to time, for the public consideration or guidance. I have resorted to no irresponsible sources. I have presented opinions and declarations proclaimed with more or less of official sanction, and for the most part, with the highest—I mean the declarations of ministers, speaking for their governments to the popular body, and as the responsible representatives of sovereigns, holding in their own hands the authority to enforce, or attempt to enforce, what they proclaim. How far these declarations, taken in connection with the acts referred to, should influence our conduct, is a question on which we may not all agree. But it appears to me that it would be a great error in statesmanship to treat them as wholly unworthy of our consideration. Jealousy of our increasing power, commercial rivalry, political interests, all combine to give them importance. It is the province of a wise forecast to provide, as far as possible, that these adverse influences shall find no theatre for their exercise. To abandon Mexico would, it seems to me, throw wide open all the avenues for their admittance—one power for commercial monopoly, and the other for political control—and perhaps impose on us the difficult and dangerous task of removing evils which a proper vigilance might have prevented.

It may be, Mr. President, that we shall have an early peace. I sincerely hope so. In this case, we must withdraw from Mexico; and it may perhaps be said that the dangers I have referred to as likely to result from our absence at the present moment may possibly be realized. These dangers, whatever they may be, we must incur whenever she shall tender us a peace, which we ought to accept. But there is a wide difference between retiring as belligerents and enemies without a treaty, and as friends under an amicable arrangement, with solemn obligations on both sides to keep the peace. In the former case, probably one of the first acts of Mexico would be to reassemble her army, and her government might fall under the control of her military leaders. In the latter, amicable relations being restored, and military forces being unnecessary, at least to act against us, the peace party would have better hopes of maintaining themselves, of preventing the army, which is now regarded as responsible for the national disasters, from gaining the ascendency, and also of excluding influences from abroad, which would be hostile to her interests and fatal to the common tranquillity of both countries.

In the references I have made to France and Great Britain, I have been actuated by no feeling of unkindness or hostility to either. Rapid and wide-spread as has been the progress of the latter, we have never sought to interfere with it. She holds one-third of the North American continent. She has established her dominion in the Bermudas, the West Indies, and in Guiana, on the South American continent. She holds Belize, on the bay of Yucatan, in North America, with a district of about fourteen thousand square miles, if we may trust her own geographical delineations. We see her in the occupation of territories in every quarter of the globe, vastly, inordinately extended, and still ever extending herself. It is not easy to keep pace with her encroachments. A few years ago the Indus was the western boundary of her Indian empire. She has passed it. She has overrun Affghanistan and Beeloochistan, though I believe she has temporarily withdrawn from the former. She stands at the gates of Persia. She has discussed the policy of passing Persia, and making the Tigris her western boundary in Asia. One stride more would place her upon the shores of the Mediterranean; and her armies would no longer find their way to India by the circumnavigation of Africa. Indeed, she has now, for all government purposes of communication, except the transportation of troops and munitions of war, a direct intercourse with the east. Her steamers of the largest class run from England to Alexandria; from Alexandria there is a water communication with Cairo—some sixty miles; from Cairo it is but eight hours overland to Suez, at the head of the Red Sea; from Suez her steamers of the largest class run to Aden, a military station of hers at the mouth of the Red Sea, from Aden to Ceylon, and from Ceylon to China. She is not merely conquering her way back from Hisdoostan. She has raised her standard beyond it. She has entered the confines of the Celestial Empire. She has gained a permanent foothold within it; and who that knows her, can believe that pretexts will long be wanting to extend her dominion there? Though it is for commerce mainly that she is thus adding to the number and extent of her dependencies, it is not for commerce alone. The love of power and extended empire is one of the efficient principles of her gigantic efforts and movements. No island, however remote, no rock, however barren, on which the cross of St. George has once been unfurled, is ever willingly relinquished, no matter how expensive or inconvenient it may be to maintain it. She may be said literally to encircle the globe by an unbroken chain of dependencies. Nor is it by peaceful means that she is thus extending herself. She propagates commerce, as Mohammedanism propagated religion, by fire and sword. If she negotiates, it is with fleets and armies at the side of her ambassadors, in order to use the language of her diplomacy, "to give force to their representations." She is essentially and eminently a military power, unequalled on the sea and unsurpassed on the land. Happily, the civilization, which distinguishes her at home, goes with her and obliterates some of the bloody traces of her march to unlimited empire.

Much less has any unkind feeling dictated my reference to France. Our relations with her have usually been of the most friendly character. From the foundation of our Government there has existed, on our side, a strong feeling of sympathy in her prosperities and her misfortunes, which no temporary interruption of our friendship has been able to eradicate. There is reason for this feeling: it would not have been creditable to us as a people if it had proved a transient sentiment. She stood forth at a critical period in our contest for independence, and rendered us the most essential service by her coöperation and aid. The swords of Washington and Lafayette were unsheathed on the same battle-fields. Our waters and our plains have been crimsoned with the generous blood of France. The names of Rochambeau, De Grasse, and D'Estaing are identified with our struggles for freedom. They have become, in some degree, American, and we give them to our children as names to be remembered for the gallant deeds of those who bore them. It is not surprising, under such circumstances, that in the survey of the European system, we should have been accustomed to regard France as the power most likely, in the progress of events, to become the rival of England on the ocean as she has been on the land: and with a large portion of our people, if the wish has not been "parent," it has, at least, been companion "to the thought." For this reason, the declaration of M. Guizot was considered, independently of all views of right, as peculiarly ungracious, and as a demonstration of feeling totally inconsistent with the ancient friendship by which the two countries have been united. I have never believed it to be in accordance with the sentiments of the French people. And so strong has been my reliance on their right judgment and feeling, that I confess I have thought it not unlikely that an interposition in our affairs, so completely at variance with amicable relations, which ought to be held sacred, might be arrested by a more decisive interposition at home against its authors.

I repeat, I have spoken in no spirit of unkindness either towards Great Britain or France. I desire nothing but friendship with them—close, cordial, constant, mutually beneficial friendship. I speak of them historically, as they exist and exhibit themselves to the eyes of the civilized world.

Thus far, I have considered the probable consequences of retiring from Mexico, as they are likely to affect our political relations with her, and possibly with other States. I now turn, for a single moment only, to a different class of considerations—I mean considerations arising out of our claims to indemnity for injuries. Although the war was not commenced to secure it, this is one of the avowed objects for which it has been prosecuted. Shall we abandon the position we have taken, and leave this object unaccomplished? Shall we not rather retain what we have acquired, until our just claims are satisfied? To do otherwise would be to have incurred an enormous expenditure of treasure and blood to no purpose—to have prosecuted the war till we had the means of indemnifying ourselves in our own hands, and then voluntarily to relinquish them. Such a course seems to me utterly irreconcilable either with justice to ourselves or with sound policy. If I am not mistaken in the views I have expressed, it would be an abandonment of indemnity without getting rid of the war, on which we must now rely to procure it. These considerations do not apply to the policy suggested by the honorable Senator from South Carolina. He proposes to take indemnity into our own hands by occupying a portion of northern or central Mexico, and holding it without a treaty. My remarks are only applicable to the policy of withdrawing from Mexico altogether, and leaving the adjustment of differences to future negotiations.

Having thus declared myself in favor of the occupation of Mexico until she shall consent to make peace, I deem it proper to say, in connection with this subject, that I have been uniformly opposed, and that I am still opposed, to all schemes of conquest for the acquisition of territory. In this respect, I concur in what the Senator from South Carolina has said, and for nearly the same reasons. I am opposed to all such schemes, because they would be inconsistent with the avowed objects of the war; because they would be incompatible with justice and sound policy; and because, if successful, they would be utterly subversive of the fundamental principle of our political system, resting as it does on a voluntary association of free and independent States. I have been uniformly in favor of the most energetic measures in the prosecution of the war, because I believed them most likely to bring it to a close. In carrying our arms to the enemy's capital and occupying his territory, I can see nothing inconsistent with the principles of justice or the usages of civilized States. In the prosecution of a war undertaken to procure a redress of injuries, the territories or property of an enemy may be seized for the express purpose of compelling him to do justice. More may be taken than would constitute a fair indemnity for actual injuries, provided it be done with the intention of restoring the surplus when he shall consent to make peace on reasonable terms. It is in this spirit, and with this intention, that my coöperation has been given to the vigorous prosecution of the war. We have a right to insist on a fair boundary; we may exact indemnity for injuries; we may demand indemnification for the expenses of the war, if we please. But here all right ceases; and if, when this is conceded, we have more on our hands, we are bound, on every principle of law and good conscience, to make restitution. It is admitted on all hands that Mexico is incapable of indemnifying us in money. But she may do so by ceding to us territory which is useless to her, which she has not the ability to defend, and which may be useful to us. I have always been in favor of acquiring territory on just terms. The acquisition of California has always appeared to me very desirable, on account of its ports on the Pacific. I have uniformly voted for acquiring it, when the proposition has come before us. I believe, on the first occasion, I was in a minority of ten or eleven. My opinion is unchanged. Indeed, it is confirmed by the fact, that California has, by our military operations, become forever detached from Mexico. If it were to be abandoned by us, its forty thousand inhabitants would undoubtedly establish an independent government for themselves, and they would maintain it if undisturbed by foreign interference. I take the actual condition of things as I find it, and with an earnest desire to fulfil all the obligations it devolves on us in a spirit of justice towards Mexico and towards the people of California.

I concur also in what the honorable Senator from South Carolina has said in relation to the influence of war on our political institutions. No man can deplore it under any circumstances, more than myself. Independently of the evils which it always brings in its train, there are considerations connected with our political organization and the nature of our social progress, which render it doubly pernicious in its tendencies. The final suc-

cess of the experiment we are making in free government may depend, in some degree, on a steady maintenance of the spirit of peace, in which our political system had its origin, and in which it has thus far been administered. Great as is our capacity for war, our whole scheme of government is averse to it. The greatest possible economy in expenditure; the least possible patronage in the hands of the Executive; the smallest pecuniary exactions from the people, consistent with our absolute wants; the absence of all demands on the public treasury, which call for unusual contributions of revenue or promote excessive disbursements; the exemption of the country from all exigencies which devolve on the legislative and executive departments of the government the exercise of extraordinary powers;—these are the conditions under which the ends of our political organization are most likely to be fulfilled. Sir, none of these conditions belong to a state of war. Extravagant disbursements; extraordinary contributions of revenue, present or prospective—present, in augmented burdens of taxation, prospective, in the shape of loans and anticipations of income, leading ultimately to taxation; extraordinary powers summarily, and sometimes arbitrarily exercised;—these are the inseparable companions of war; and they are inimical to the very genius of our social system.

There are considerations, which, in my judgment, render a war with Mexico peculiarly unfortunate, and which justify all the efforts we have made to bring it to an amicable termination. We are mutually engaged in carrying out on this continent the experiment of free government, which in all other ages has proved abortive. We are trying it under eminently auspicious circumstances. We have no strong Governments around us, founded upon antagonist principles, and adverse in their example and influence to the success of ours. We are sustained by the faculty of popular representation, which was unknown, or at least imperfectly known, to the free states of antiquity, and by force of which we have been enabled to carry out, on geographical areas of indefinite extent, an organization which had previously been deemed applicable only to communities of limited population and territory. It is natural, under these circumstances, that the friends of free government, wherever they are to be found, should turn to us as the last hope of liberal institutions. They look to us for examples of moderation and forbearance in our intercourse with foreign nations—especially those having forms of government analogous to our own—and for an exemption from the evil passions which have embroiled the countries of the Old World, and involved them, century after century, with brief intermissions, in wars of ambition and revenge. In asserting the superiority of our own form of government, the strength of the argument will be weakened, if we shall be found no more exempt than those, which are less popular, from strife and contention with neighboring States. Regarding the success of our institutions as affecting deeply the welfare of our race, and vindicating the competency of mankind to self-government, I have always esteemed it peculiarly unfortunate that any cause of alienation should have existed of sufficient magnitude to induce the two principal republics of the western hemisphere to turn their arms against each other. The cause of liberal government is injured, and far more deeply injured, than it has been by the dissension of the republics in the southern portion of the American continent.

These are considerations which it were well for us always to keep in view—in peace, that we may not rush hastily into war; in war, that we may spare no honorable effort for a restoration of peace.

There is yet another consideration of a kindred character. While the monarchies of Europe are at peace with each other, and social improvement is advancing, on the continent at least, with unparalleled rapidity, almost the only wars now waging among neighboring States are between us and Mexico, and between some of the South American republics. I desire, as much as any one can, to see these dissentions composed, and to see these republican States resume the fulfilment of their great mission among the nations—the maintenance of the principles of political liberty, and the cultivation of the arts of civilization and peace.

In these views I concur with the Senator from South Carolina. But here I am constrained to separate from him. When we come to practical measures, our paths lie wide apart.

It is for the very reasons I have just stated, that I cannot assent to the policy he proposes. I believe it calculated to prolong the war, not to terminate it; to keep alive the spirit of animosity which divides us from Mexico, instead of restoring the friendly relations which ought to exist between us. I am in favor, then, of standing as we are. And, sir, if she shall refuse to make peace; if we must continue in the occupation of her capital and three-fourths of her territory, it may be in the order of Providence that we shall, through this very necessity, become the instruments of her political and social regeneration. In the party conflicts which distract her, the means may be found of consolidating her government on a republican basis, of healing her dissensions, and of uniting her to us in bonds of friendship by an exercise of magnanimity and forbearance in the final adjustment of our difficulties with her. I believe even now something of the salutary influence of our presence in her capital and principal sea-ports, begins to be felt. The abolition of transit duties, the reduction of the impost on foreign articles of necessity and convenience, and a freer commerce among the Mexican States, may, if continued, strike a fatal blow at the anti-commercial system by which her people have been oppressed, and the internal abuses by which her rulers have grown rich—a system of mal-administration not even equalled by that which exists in old Spain. The higher improvement in government, in the arts, and in civilization under all its forms, which distinguishes our own people, may, by force of actual contact, be communicated to the Mexicans, and lay the foundation of an improved social order. Startling as the reflection is, it is nevertheless true, that civilization, and even christianity, have sometimes been propagated by arms, where they would otherwise have been hopelessly excluded. Thus, the very passions which seem fitted only to desolate human society, may, in the hands of Providence, become the agents of its advancement. Let us, then, hope and trust that the contest in which we are engaged with a neighboring power, deplorable as we all consider it, may be an instrument of social and political amelioration to our adversary.

The Senator from South Carolina has said, in his emphatic language, that we are "tied to a corpse." It is a striking figure, Mr. President, and partakes strongly of the boldness in which the illustrations of that distinguished Senator are always conceived. Mexico is, indeed, prostrate—almost politically inanimate, if you please—under the oppressions which have been heaped upon her, year after year, by unscrupulous rulers. But I should be sorry to believe her beyond the power of resuscitation, even by human means. I do not expect, as our contact with her becomes more intimate, to see her, like the dead body touched by the bones of the prophet, spring, at a single bound, to life and strength. But I hope to see her—possibly through our instrumentality—freed from the despotic sway of her military rulers, and rising, by sure degrees, to the national importance I wish her to possess—order and tranquillity first, next social improvement and stable government, and at last an honorable rank among the nations of the earth. I contemplate no direct interference with her government—no permanent system of protection to be exercised over it—no alliance with her beyond what may be necessary to secure to us the objects of peace. But I do contemplate a treaty, stipulating for commercial arrangements, for protection and security to our own citizens in their future intercourse with her, and no withdrawal of our forces without it, at least until all chance of obtaining one shall prove hopeless. If we were to retire now, all commerce between her and us would cease and be transferred to our rivals, our frontier would be a line of war, not a boundary between peaceful neighbors; and unless the tide of conquest should be poured back upon her under the provocations such a condition of our relations would almost necessarily superinduce, no citizen of the United States could be expected, for years to come, to plant his foot on Mexican soil. War dissolves the political and commercial relations of independent States, so far as they rest upon voluntary agreement. It is only by a treaty of peace that they can be revived, or new relations be substituted for the old.

Mr. President, advocating as I do the occupation of Mexico until she shall consent to make peace, it may be incumbent on me to state in what manner I think it can best be maintained. And here I must say, I think the estimates of the effective force in the field have been greatly overstated. I propose no specific plan for adoption. I leave all practical measures in the hands of those to whom they belong. I only purpose to state what suggests itself to my mind, as advisable. I think we should find it most advantageous to remain much as we are, excepting to occupy such ports on the Pacific as our fleet may reduce and maintain as commercial avenues to the interior. It may, however, become necessary to occupy San Luis Potosi and Zacatecas for the protection of the mining operations in those States, and the agricultural districts near the city of Mexico, to command supplies for the army. I should consider an army of twenty-five thousand well-disciplined, effective men, the smallest number adequate to the purpose of maintaining positions, keeping open communications from the coast to the interior, and dispersing the enemy's troops if they shall be reëmbodied; but in order to keep up such a force, we should require a nominal organization of at least forty thousand men, with full thirty thousand under pay. Without the general staff, the twenty-five regiments of regulars now in service, and the ten new regiments proposed by the bill, will constitute such a force; and when the latter shall be raised and brought into the field, a portion of the volunteers may be discharged, if it shall be found prudent to do so. Many of the regiments are greatly reduced in numbers, and, as I understand, are anxious to return home. I doubt now whether there are more than twenty-five thousand effective men in all Mexico, though the rolls show over forty thousand. [General Cass, chairman of the Committee on Military Affairs, here said, the Adjutant General was of opinion that they did not exceed twenty-four thousand.] Some of the returns, on which the Adjutant General's report is founded, are of as early a date as August last. It will be recollected that last summer, when there was great anxiety in relation to General Scott, statements of the number of his troops were published here. They were founded on the returns in the Adjutant General's office—and in his official report of the battles before the city of Mexico, General Scott complained that his force had been greatly overstated. He said it had been "trebled" in these returns, if I recollect rightly, and that the army had been "disgusted" by the exaggeration. The returns of the army now should, in like manner, be subjected to great deductions in order to obtain the real effective force. If the ten regiments proposed by the bill are authorized, months will be required to raise them; they will not probably, as the chairman of the Committee on Military Affairs has stated, give many more than seven thousand men, and in the mean time the army will become constantly diminished by the casualties of service. For these reasons, and for those given—and so ably given—some days since by my honorable friend from Mississippi, [Mr. Davis,] I support the bill. I support it for another reason, which has governed me from the commencement of the war: to place at the control of the Executive the men and means deemed necessary to bring it to an honorable termination.

As hostilities are now suspended, the chief province of the army will be to maintain internal tranquillity, support the civil authorities in the execution of the laws, to free the country from the robber and guerrilla bands by which it is infested, and subserve the great purposes of government by affording security to liberty, property, and life—a security the Mexicans have not often fully enjoyed. The very exercise of these beneficent agencies will tend to disarm hostility towards us with the thinking portion of the population. It will place our armies in a most favorable contrast with hers, which have been scourges rather than protectors to their own countrymen. I would, if possible, have no more bloodshed. I would make our armies the protectors, not the enemies of the Mexican people, and render them subservient to the eradication of abuses and to the institution of a better civil administration, under Mexican magistrates, abstaining from all interference with the frame of the government, and changing in its action only what, by universal consent, requires to be changed. If this course were to be adopted and steadily pursued, I should

earnestly hope its effect would be, at no distant time, to make the capital, under our protection, the centre of an influence which would lead to the reëstablishment of the federative system on a durable basis, and give to that distracted country the settled order which is alone necessary to make her happy and prosperous.

To abandon the city of Mexico would, I fear, put an end to all these prospects and hopes. That city is the political as well as the financial centre of the Republic. It is there governments have been instituted and deposed, armies levied, revenue systems devised and carried into execution. So long as we hold it and control the adjoining districts, I believe nothing but imprudence or mismanagement can raise up a formidable opposition to us. If we abandon it, all the resources of the country, which it commands, will again be at the control of its rulers, to be employed against us in the renewal of active hostilities. Before it was captured, energetic movements seemed to me our true policy. Now that it is in our undisputed possession, our leading object should be to introduce better commercial and financial systems, and let them work out under our protection their legitimate results.

Great qualities are necessary in him who is charged with the execution of these delicate and responsible functions. He should have prudence, self-control, a knowledge of civil affairs, of the country, of the people, and their character, and, if possible, their language. Established institutions, existing usages, sometimes prejudices, even, must be respected. Some of the most disastrous reverses which have befallen armies of occupation, have had their origin in violations of the prevailing customs and feelings of the people. To avoid this fatal error, everything depends on the discretion and wisdom of the directing authority.

It may be, that all reasonable expectations will be disappointed; that the hostility of Mexico will prove unappeasable; that she will prefer the political disorganization, which now exists, to an amicable arrangement with us. If so, circumstances must dictate the course to be pursued when this conviction shall be forced on us. But, sir, let us not adopt such a conclusion hastily. Let us rely on the influence of more rational motives to give us peace.

And now, sir, I submit whether this course had not better be pursued for a while, if I am right in supposing the temporary occupation of Mexico, under discreet officers, may lead to a stable peace, rather than to withdraw our forces, and leave the adjustment of difficulties to the uncertain chance of a restoration of a responsible government, to be terminated at last, perhaps, by the renewed arbitrement of arms.

I have thus stated with frankness the views I entertain in respect to the future conduct of the war. Notwithstanding the anxious consideration I have given to the subject, they may be erroneous. It is a question of great difficulty, on which differences of opinion may well exist, and on which a mistaken course of policy may lead to the most unpleasant consequences. Whatever faith I may entertain in the soundness of the opinions I have advanced, I certainly should have more if they were not totally at variance with those of gentlemen possessing, from longer experience, much higher claims than myself to public confidence. But I have not on this account thought proper to withhold them, knowing, as we do, that, from the very contrariety and conflict of thought and conviction, valuable deductions may sometimes be drawn.

Mr. President, I feel that I have already trespassed too long on the indulgence of the Senate; but I am unwilling to close without asking its attention for a very few moments to some considerations connected with our future growth and progress, and with the influence we must, in spite of ourselves, exert over the destinies of Mexico. They are no new opinions: they have been expressed years ago, both in public and private.

Sir, no one who has paid a moderate degree of attention to the laws and elements of our increase, can doubt that our population is destined to spread itself across the American continent, filling up, with more or less completeness, according to attractions of soil and climate, the space that intervenes between the Atlantic and Pacific oceans. This eventual, and, perhaps, in the order of time, this not very distant extension of our settlements over a tract of country, with a diameter, as we go westward, greatly disproportioned to its length, becomes a subject of the highest interest to us. On the whole extent of our northern flank, from New Brunswick to the point where the northern boundary of Oregon touches the Pacific, we are in contact with British colonists, having, for the most part, the same common origin with ourselves, but controlled and moulded by political influences from the Eastern hemisphere, if not adverse, certainly not decidedly friendly to us. The strongest tie which can be relied on to bind us to mutual offices of friendship and good neighborhood, is that of commerce; and this, as we know, is apt to run into rivalry, and sometimes becomes a fruitful source of alienation.

From our northern boundary, we turn to our southern. What races are to border on us here, what is to be their social and political character, and what their means of annoyance? Are our two frontiers, only seven parallels of latitude apart when we pass Texas, to be flanked by settlements having no common bond of union with ours? Our whole southern line is conterminous, throughout its whole extent, with the territories of Mexico, a large portion of which is nearly unpopulated. The geographical area of Mexico is about 1,700,000 square miles, and her population something more than 7,000,000 souls. The whole northern and central portion, taking the 26th parallel of latitude as the dividing line, containing more than 1,200,000 square miles, has about 750,000 inhabitants—about two inhabitants to three square miles. The southern portion, with less than 500,000 square miles, has a population of about six and a half millions of souls, or thirteen inhabitants to one square mile. The aboriginal races, which occupy and overrun a portion of California and New Mexico, must there, as everywhere else, give way before the advancing wave of civilization, either to be overwhelmed by it, or to be driven upon perpetually constructing areas, where, from a diminution of their accustomed sources of subsistence, they must ultimately become extinct by force of an invincible law. We see the operation of this law in every portion of this continent. We have no power to control it, if we would. It is the behest of Providence that idleness, and ignorance, and barbarism, shall give place to industry, and knowledge, and civilization. The European and mixed races, which possess Mexico, are not likely, either from moral or physical energy, to become formidable rivals or enemies. The bold and courageous enterprise which overran and conquered Mexico, appears not to have descended to the present possessors of the soil. Either from the influence of climate or the admixture of races—the fusion of castes, to use the technical phrase—the conquerors have, in turn, become the conquered. The ancient Castilian energy is, in a great degree, subdued; and it has given place, with many other noble traits of the Spanish character, to a peculiarity which seems to have marked the race in that country, under whatever combinations it is found—a proneness to civil discord, and a suicidal waste of its own strength.

With such a territory and such a people on our southern border, what is to be the inevitable course of empire? It needs no powers of prophecy to foretell. Sir, I desire to speak plainly: why should we not, when we are discussing the operation of moral and physical laws, which are beyond our control? As our population moves westward on our own territory, portions will cross our southern boundary. Settlements will be formed within the unoccupied and sparsely-peopled territory of Mexico. Uncongenial habits and tastes, differences of political opinion and principle, and numberless other elements of diversity will lead to a separation of these newly-formed societies from the inefficient government of Mexico. They will not endure to be held in subjection to a system, which neither yields them protection nor offers any incentive to their proper development and growth. They will form independent States on the basis of constitutions identical in all their leading features with our own; and they will naturally seek to unite their fortunes to ours. The fate of California is already sealed: it can never be reunited to Mexico. The operation of the great causes, to which I have alluded, must, at no distant day, detach the whole of northern Mexico from the southern portion of that republic. It is for the very reason that she is incapable of defending her possessions against the elements of disorder within and the progress of better influences from without, that I desire to see the inevitable political change which is to be wrought in the condition of her northern departments, brought about without any improper interference on our part. I do not speak of our military movements. I refer to the time when our difficulties with her shall be healed, and when she shall be left to the operation of pacific influences—silent, but more powerful than the arm of force. For the reason that she is defenceless, if for no other, I should be opposed to all schemes of conquest. Acquisition by force is the vice of arbitrary governments. I desire never to see it the reproach of ours. For the sake of the national honor, as well as the permanency of our political institutions, I desire not to see it. The extension of free government on this continent can only be arrested, if arrested at all, by substituting war for the arts of peace. Leave it to itself, and nothing can prevent the progress of our population across the continent. Mr. Jefferson, with his prophetic forecast, foretold this result forty years ago. He prophesied the peaceful progress of our people to the Pacific. He foresaw them forming new settlements, and, when strong enough to maintain themselves, organizing independent societies and governing themselves by constitutions and laws analagous to our own. It is true, he believed the area of freedom might be enlarged, advantageously to ourselves and others, without extending to the same broad limits the area of our jurisdiction. It was the progress and the triumph of great principles of political right, to which his philosophical mind instinctively turned as to the legitimate aim and boundary of our ambition and desires. Since his day the public mind in this country has greatly outrun his anticipations of our progress. It looks to the extension of our Constitution and laws over regions which were formerly considered beyond our reach as integral portions of the same system of government. Modern improvements have given great strength to this prevailing sentiment. It is possible by steam power, if we can succeed in making the proper application of it, over so broad a surface, to reach the Pacific ocean from Lake Michigan, or the Mississippi, in eight or nine days—a period of time less than that which was required to travel from Boston to Philadelphia, when the Congress of the American colonies first assembled in the latter city. Under these circumstances, the extension of our political boundary so as to embrace all territory we may justly call our own, seems no longer to be considered a questionable policy. If other districts, not now within the territories of the Union, shall found independent governments, and shall desire to unite themselves to us on terms mutually acceptable, it is a question which concerns only them and us, and in which no stranger can be permitted to intrude. When the time comes for the settlement of any such questions, they will doubtless be considered with all the solemnity which belongs to propositions involving the public welfare. To those with whom the decision belongs let us leave them, with the assurance that the wisdom which has governed and guided us so long, will still point out to us the path of liberty, tranquillity and safety.

One position we have assumed, and I trust it will be maintained with inflexible firmness—that no Power beyond this continent can be permitted to interfere with our progress, so long as there is on our part no violation of its own rights. I would resist, at the outset, as matter of the gravest offence, all indications of such interference. If the abstract right could be asserted on grounds of international law, there has been nothing in the nature of our extension, or the means by which it has been accomplished, to warrant its application to us. From the formation of our Government, for nearly three-quarters of a century, military power—brute force—has had no agency in the conquests we have achieved. We have overrun no provinces or countries abounding in wealth. Our capital has witnessed no triumphal entries of returning armies, bearing with them the spoils and trophies of conquest. Our ships have not been seen returning from subjugated districts, freighted with the tributes of an extended commerce. In the extension of our commercial intercourse, we have not, like our Anglo-Saxon mother, been seen hewing down with the sword, with unrelenting and remorseless determination, every obstacle which opposed itself to her progress. Our career

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thus far has been stained by no such companionship with evil. Our conquests have been the peaceful achievements of enterprise and industry—the one leading the way into the wilderness, the other following and completing the acquisition by the formal symbols of occupancy and possession. They have looked to no objects beyond the conversion of uninhabited wilds into abodes of civilization and freedom. Their only arms were the axe and the ploughshare. The accumulations of wealth they have brought were all extracted from the bosom of the earth by the unoffending hand of labor. If, in the progress of our people westward, they shall occupy territories not our own, but to become ours by amicable arrangements with the governments to which they belong, which of the nations of the earth shall venture to stand forth, in the face of the civilized world, and call on us to pause in this great work of human improvement? It is as much the interest of Europe as it is ours, that we should be permitted to follow undisturbed the path which, in the allotment of national fortunes, we seem appointed to tread. Our country has long been a refuge for those who desire a larger liberty than they enjoy under their own rulers. It is an outlet for the political disaffection of the Old World—for social elements which might there have become sources of agitation, but which are here silently and tranquilly incorporated into our system, ceasing to be principles of disturbance as they attain the greater freedom, which was the object of their separation from less congenial combinations in other quarters of the globe. Nay, more: it is into the vast reservoir of the western wilderness, teeming with fruitfulness and fertility, that Europe is constantly pouring, under our protection, her human surplusses, unable to draw from her own bosom the elements of their support and reproduction. She is literally going along with us in our march to prosperity and power, to share with us its triumphs and its fruits. Happily, this continent is not a legitimate theatre for the political arrangements of the sovereigns of the eastern hemisphere. Their armies may range, undisturbed by us, over the plains of Europe, Asia, and Africa, dethroning monarchs, partitioning kingdoms, and subverting republics, as interest or caprice may dictate. But political justice demands that in one quarter of the globe self-government, freedom, the arts of peace, shall be permitted to work out, unmolested, the great purposes of human civilization.

Mr. President, I trust there will be nothing in the final adjustment of our difficulties with Mexico to impair, in any degree, the moral of our example in the past. Our course, heretofore, has been one of perpetual exertion to bring about an amicable arrangement with her. I trust we shall persevere in the same course of conduct, whatever unwillingness she may exhibit to come to terms. Entertaining the opinions which I have expressed, I naturally feel a deep solicitude, as an American citizen, that our public conduct should comport with the dignity of the part we seem destined to perform in the great drama of international politics. I desire to see our good name unsullied, and the character we have gained for moderation, justice, and scrupulousness in the discharge of our national obligations, maintained unimpaired. In these, let us be assured, our great strength consists; for it is these which make us strong in the opinion of mankind.

In what I have said concerning the progress of our people over the unpopulated regions west of us, and in respect to our responsibilities as a nation, I trust I shall have incurred no imputation of inconsistency. On the contrary, I trust I shall be considered consistent in all I have said. I regard our extension, as I have endeavoured to foreshadow it, to be the inevitable result of causes, the operation of which it is not in our power to arrest. At the same time, I hold it to be our sacred duty to see that it is not encouraged or promoted by improper means. While I should consider it the part of weakness to shrink from extension, under the apprehension that it might bring with it the elements of discord and disunion, as our political boundaries are enlarged, I should hold it to be the part of folly and dishonor to attempt to accelerate it by agencies incompatible with our obligations to other nations. It is the dictate of wisdom and of duty to submit ourselves to the operation of the great causes which are at work, and which will work on in spite of us, in carrying civilization and freedom across the American continent.

In advocating a continued occupation of the cities and territory we have acquired in Mexico, until she shall assent to reasonable terms of peace, I trust also that I shall be deemed consistent with myself. Deprecating war as the greatest of calamities, especially for us, I desire to see this war brought to a close at the earliest practicable day. I am in favor of whatever measures are most likely to accomplish this desirable end. I am opposed to an abandoment of our position:

1st. Because I believe it would open a field of domestic dissension in Mexico, which might be fatal to her existence as an independent state or make her take refuge in the arms of despotism;

2d. Because it might lead to external interference in her affairs of the most dangerous tendency both to her and us; and

3d. Because I fear that we should only gain a temporary suspension of hostilities, to be renewed under great disadvantages to us, and with every prospect of a longer and more sanguinary contest.

Mr. President, it is this last consideration, which weighs most heavily upon my own mind. I hold it to be indispensable to the public welfare, under all its aspects, that we should have, at the termination of this contest, a solid and stable peace. Unpromising as the condition of things seems at the present moment, my hope still is, that firmness tempered with prudence, will give us, not a mere outward pacification with secret irritation rankling within, but substantial concord and friendship, which shall leave no wound unhealed. And, sir, we should be satisfied with nothing short of an accommodation of differences which will enable the country with confidence to lay aside its armor, and to resume the peaceful pursuits to which, by the inexorable law of our condition, we must look for prosperity and safety.

My advice, then, (if I may presume to advise,) is, to stand firm, holding ourselves ready at all times to make a peace, and carrying into our negotiations for that purpose a determination to cement a future good understanding with our adversary, by an adjustment of our differences on terms of justice, moderation, and magnanimity.

Mr. DIX having concluded,

Mr. PHELPS indicated a wish to address the Senate; but the hour being late,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 27, 1848.

The Journal of yesterday having been read and approved—

Mr. BOYDON rose and asked leave to make a personal explanation.

The SPEAKER stated that no remarks were in order except by the general consent of the House.

No objection being made—

Mr. BOYDON proceeded to state, that he found in the report of the "Union" of what took place in the House yesterday, when the gentleman from Indiana [Mr. HENLEY] was speaking, a statement representing him (Mr. B.) as having said that he never had heard the least complaint against the appointments, by the Governor of North Carolina, of the officers of the regiment raised in that State. He did not complain, or insinuate that there was any intention on the part of the reporters to misrepresent what he said. So far from that, he had been surprised at the general accuracy with which the reporters of the House were able to give what was said here; for, for his part, he could not hear one-tenth of what was said in any portion of the House. But he desired to correct the statement in this particular: as it now stood, it left him in the position of being totally ignorant of what had been said in North Carolina on the subject, or of wilfully misrepresenting the facts.

What he intended to say, and what he supposed he did say, was, that he thought at this time there was no dissatisfaction at the appointments made, except among a few Democrats—a small portion of the Democratic party—*at this time:* and he said this, because there had recently been published a communication of General Taylor, speaking in the very highest terms of our (North Carolina's) officers, and also a letter from General Wool to Mr. Badger, one of the Senators from that State, in which he spoke in terms of the most exalted commendation of the soldiers, and especially of the officers, of the North Carolina regiment; and he supposed, from these publications, and from the publications of several Democratic soldiers in that regiment, that everybody was now satisfied. But he was free to say that the complaints had been loud and bitter among the Democratic party throughout the State; and by no means did he wish to be understood as having denied his knowledge of that fact.

While on the floor, he should like to correct one statement of the gentleman from Indiana, [Mr. HENLEY,] in which he charged the Governor of North Carolina with refusing to give the appointment of the officers to the soldiers in that regiment. So far from that being the fact, the Legislature of North Carolina, upon the recommendation of this very Whig Governor, passed an act to its final reading, giving the appointment of these very officers to the soldiers; and on the motion of one of the leaders of the Democratic party, the passage of the bill was reconsidered, and the appointment of these officers was given to the Governor, on the ground that there was not time for the regiment to organize and elect their own officers in time to be ready to leave for the service; but, at the same time, that very Legislature passed a law giving the appointment of the officers to the men in any regiments that might hereafter be raised in that State.

REPORTS FROM COMMITTEES.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported bills for the relief of Archibald Bull and Lemuel S. Finch; for the relief of B. O. Tayloe; for the relief of the legal representatives of David Gardner, of Southborough, Massachusetts; and for the relief of Medford Caffey; which several bills were read and committed.

Also, an adverse report on the petition of William Darby. Laid on the table.

Mr. ROCKWELL, of Connecticut, after having made a few explanatory remarks, reported back to the House from the Committee of Claims the resolution which had been recommitted to that committee some days since, authorizing the Clerk of the House to employ a suitable person to compile from the Journals of the House of Representatives, in alphabetical order, a list of all the private claims that have been presented to Congress, from the fourteenth Congress to the twenty-ninth Congress, inclusive, showing the action of Congress thereon, whether partial or full, the nature and object of each claim, &c.

After some debate, participated in by Messrs. EVANS of Maryland, ROCKWELL of Connecticut, ROCKWELL of Massachusetts, and SMITH of Illinois—

Mr. SMITH, of Illinois, moved that the whole subject be referred to the Committee on Accounts, with instructions to call Mr. Simon Brown and Mr. James Young before them, with a view to ascertain and report to this House the probable cost of the work.

The debate was resumed, and continued by Messrs. POLLOCK, ROCKWELL of Connecticut, and COBB of Georgia.

Mr. COBB then moved to lay the subject on the table. Decided in the negative: Ayes 67, noes 80.

After some general remarks by Mr. HENLEY and Mr. HOUSTON, of Delaware—

Mr. EVANS, of Maryland, moved the previous question, which was seconded, and the main question ordered.

Mr. COBB, of Georgia, again moved to lay the resolution on the table; on which motion he also asked the yeas and nays, which were taken, and resulted as follows: Yeas 86, nays 97.

The House refusing to lay the resolution on the table—

The question was put on the first amendment reported by the committee, to the resolution, viz: in lieu of the words "some suitable person," insert the name of "James Young, of Washington;" and it was agreed to.

The question was now put on the second amendment, viz: add at the end of the resolution the following: "And that the Clerk of the House furnish such aid by the clerks in his office as may not be inconsistent with the discharge of their ordinary duties;" and this amendment was agreed to.

REFERENCE OF PRESIDENT'S MESSAGE.

On motion of Mr. SMITH, of Indiana, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. JOSEPH R. INGERSOLL, of Pennsylvania, in the chair,) and resumed the consideration of the annual message of the President of the United States, and of the resolutions referring the same to appropriate committees.

Mr. THOMPSON, of Indiana, who was entitled to the floor from yesterday evening, addressed the committee during the allotted hour.

He did not know (he said) that he should have felt himself at all called upon to address the committee upon the several subjects towards which its attention had been directed for the last week or ten days, if it were not that he felt a kind of necessity for doing what he had never before done in his life—that was, to define his position. About four weeks ago, he was represented by a newspaper in New York as having made a speech of some hour's length upon this floor, advocating the entire conquest and subjugation of Mexico. On the day before yesterday, he was represented by the "Union" of this city as having made another speech justifying the entire course of policy pursued by the present Administration in the origin, prosecution, and objects of the war with Mexico. For fear, therefore, that somebody should suppose he might possibly have made a speech of this kind, he deemed it expedient to take this opportunity to declare what were the sentiments he really entertained upon this question; and he thought he should convince gentlemen before he got through that he had never made the one or the other of those speeches.

His chief purpose in now rising was to notice several of the positions taken by gentlemen upon the other side of this chamber—positions which he thought they had taken with great care and great reflection, with a view to defend the Administration, not only in the origin, but in the progress of this war; and more especially to notice some of the remarkable features which he found in the speech made several days ago by the gentleman from Maryland, from the Baltimore district, [Mr. MCLANE.] He did not hesitate to characterize this as a remarkable speech, not only because it was delivered on this floor with great ingenuity, with great power, and with great eloquence, but because it went a bow-shot—a hundred bow-shots—beyond all the speeches which had been made on this floor in the assumption of positions which he (Mr. T.) considered to be erroneous, and which not only did injustice to the Congress of the United States and the people of the United States, but manifest, marked injustice to the distinguished commander of our army, General Taylor. The gentleman, in his conception, had entirely mistaken the great questions of history which were involved in the origin and prosecution of the war, and had made these questions, thus misstated by him, subserve what he thought he should be able to show were exclusively and entirely the party purposes of this Administration.

The gentleman's speech, as originally written out by himself, he presumed, and published in the "Union," contained the assumption—in order to justify the President of the United States in the issuance of the order of 13th January, 1846, for the march of the army to the valley of the Rio Grande—that the President, in his message of December, 1845, had communicated to Congress the fact that General Taylor had been ordered to march the army *to* the valley of the Rio Grande. [Mr. T. read this passage of Mr. McLANE's speech.] Now, he had carefully looked into the history of this thing; he had examined all the public documents upon which he could lay his hands, and nowhere did he find, from the beginning to the end of all the communications which had emanated from the President of the United States in December, 1845, or prior to that time, the declaration that General Taylor had been ordered to march the troops under his command *to* the Rio Grande. There was no such message, no such document to be found, no such political fact recorded in the history of the country. The President of the United States did communicate to Congress, in December, 1845, that he had assigned General Taylor to the command of the army, and that his position was to be taken *between* the Neuces and the Rio Grande; but not that he was to march *to* the Rio Grande. The Secretary of War, at the commencement of that session, communicated to Congress intelligence of the fact that General Taylor had been assigned to the command of the country between the Nueces and the Rio Grande, with the "*ultimate destination*" to the Rio Grande, with a purpose of *ultimately* occupying the valley of the Rio Grande; but nowhere, either in the message of the President, or in the report of the Secretary of War, was there any communication made to Congress that General Taylor was assigned to the command of the army, and ordered to march *to* the Rio Grande.

But, in the published speech of the gentleman in pamphlet form, he found a much greater mistake upon this subject. It was there declared that the President, in December, 1845, gave notice to Congress that General Taylor had been assigned to the defence of the country "west *of* the Rio Grande."

Mr. McLANE explained that this was a misprint. It should have been "west *to* the Rio Grande." He requested the gentleman from Indiana to read from the document which he handed him.

Mr. THOMPSON read as follows from the President's message of 31st December, 1845:

"Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces."

Also, the following from the despatch of Mr. Bancroft, of June 15, 1845, to General Taylor:

"The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande del Norte, such a site as will consist with the health of the troops, and will be best adapted to repel invasion, and to protect what, *in the event of annexation*, will be our western border."

Mr. THOMPSON (continuing) said, neither of the positions was true, so far as the history of the country was concerned. There was no such order issued to General Taylor, no such fact communicated to Congress. He was ordered to take position *between* the Nueces and the Rio Grande, with the "ultimate" object of protecting the Rio Grande valley; and the extracts now read, at the request of the gentleman, proved this beyond controversy, and proved nothing more. The last extract was part of an order issued *before* annexation, and proved nothing whatsoever in the present controversy—for under it General Taylor took position at Corpus Christi, and remained there many months.

But the next position, erroneous, as he conceived it to be, into which the gentleman had fallen, was the assumption, that by the act of Texas in the formation of her constitution, with which she was admitted into this Union, she adopted the statute of the Republic of Texas of 1836 as a part of her fundamental law; and that, by the admission of Texas into the Union, after the resolutions of annexation were passed, with that constitution she became, as a consequence, a part of this Union, to the extent of boundaries laid down in that statute. He understood that the gentleman from Maryland assumed, first, that the constitution of Texas defined her boundary line; then, that he changed his position, when the gentleman from Texas [Mr. KAUFMAN] came to his aid, and assumed that the Congress of Texas, having in 1836, affirmed the Rio Grande to be the western boundary, the constitution recognized and continued that law, and hence, that she was admitted into the Union with that boundary. Let them look into the history of that question. If Texas had the right to pass that act, and thereby acquired the boundary claimed by it, and if the Congress of the United States did adopt that claim, of course there would be no question about it. But if Texas had no right to pass that law; if she acquired no title by it, then the whole claim set up by the President in behalf of the United States, and in his own defence founded upon it, fell to the ground.

Now, the boundary of Texas before her revolt against Mexico was just as well defined as is the boundary between the District of Columbia and Maryland and Virginia. Originally the territory of Texas constituted a very small portion of what she afterwards possessed. Having been constituted a State, with Coahuila, of the Mexican Confederacy, the boundary between Texas and Coahuila, and Tamaulipas, and which, as he had before said, was clearly known, was the Nueces. How, then, did she acquire boundary beyond that river? The gentleman admitted that the Texas which revolutionized was the Texas which was admitted. Then, she acquired no title but by revolution—no title that she had not maintained by the sword; and if she had maintained title to the Rio Grande by the sword, why, then, the Government of the United States would be compelled to recognize that title. But Texas never did, never has, and never would, except as aided by the power of the United States, maintain title by the sword to one foot beyond San Patricio county. The Nueces was the geographical division between her and Tamaulipas, and San Patricio was her western county, extending to the Nueces; but Texas, after her revolution, extended that county a short distance beyond the west bank of the Nueces, so as to take in Corpus Christi.

Texas passed an act by her Congress, in 1836, predicated on the right which she claimed to have acquired under her compact or agreement with Santa Anna. That compact or agreement gave her no power, no right, with reference to boundary. It was an agreement which, as was shown by the gentleman from Connecticut, [Mr. DIXON,] the other day, General Jackson repudiated—refused to recognize as of any binding validity upon anybody. What right, then, did Texas acquire under it? Why, by virtue of the constitution of Mexico of 1824, Santa Anna had no power to make a treaty; he was not the acting President of Mexico. It was true, if he had been at home, in the city of Mexico, he would have been; but the constitution of 1824 prescribed that whenever the President of the Republic of Mexico was in the field commanding her armies, the Vice President should perform the functions of President. When in the field, he was nothing but a military commander; his functions as President had ceased; and as military commander he had no right to make an agreement, except one personal to himself. He did make such an agreement while a prisoner of war, in the hands of the Texans, for the purpose of regaining his liberty, having no reference whatever to *permanent* boundary, and which would have been utterly nugatory if it had had. There was no right acquired by Texas on the subject of boundary in consequence of that agreement. But if there had been, it was predicated on the idea that the agreement should afterwards be ratified—be made into a treaty by commissioners to be appointed on the part of Texas, who should meet commissioners on the part of Mexico, *in the city of Mexico*. No commissioners were appointed on either side. But Texas, of her own will, passed the law of 1836, defining her boundary line to be the Rio Grande. She had no right to do it. It was an act of usurpation—the usurpation of territory over which she had acquired no control by revolution, by this compact, or by treaty.

Then, if the act of 1836 was not passed by authority on the part of Texas, if she acquired no right by it, how could we have acquired a right by it, even though we had adopted it? Unquestionably we could acquire none. But, in point of fact, we did not recognize the act of 1836 as being obligatory upon us by the terms of annexation. Everybody knew that the cause of the rejection of the Tyler treaty was, that it proposed to annex Texas, to the Rio Grande, to the United States. The gentleman shook his head. Mr. T. referred him to the course of debate on that question; to the resolutions introduced by the distinguished Senators who opposed that treaty, and he would there see that one of the prime causes of opposition to it was, that it proposed to annex a part of Mexico. By many of the distinguished men of the gentleman's own party it was opposed on that very ground. The terms of annexation, as provided in the joint resolution, were so shaped as to avoid the difficulty which had been encountered in the annex-

ation of Texas by the Tyler treaty. And they were made so with design—done, not simply for the purpose of procuring Texas, but done by a party, banded together from one end of the country to the other, with the express and deliberate view of deceiving the people of the country on that very question. Why, need we now to be told that all over this country, when the opponents of annexation declared that annexation was identical with war, its advocates ridiculed the idea and endeavored to make the country believe there would be no war? But gentlemen now turned about and frankly acknowledged they had been wrong. The gentleman from Maryland told the House the other day that we procured the *war* as "the cost of annexation." Yes, sir, he spoke most truly; the sad experience of the last two years had not failed to convince even the warmest advocates of annexation of that fact. The joint resolutions of annexation, he believed and declared, were shaped with especial reference to deceive the people of this country on the question of annexation.

Texas, therefore, he repeated, having acquired no title by the act declaring her boundary to be the Rio Grande, none could have been conferred on the United States, if we had adopted that act. But we did not. In the constitution of Texas with which she was received into the Union, and which was adopted after the joint resolutions for annexation had passed, there was an express provision that all acts of her Congress were affirmed and continued in full force, except those in derogation of the Constitution of the United States, or in violation of the terms of annexation. Now, the joint resolutions of annexation, as one of their most prominent features, contained a provision that the question of boundary should be left to be settled by negotiation; and if the question of boundary were to be settled by negotiation, how could this act of 1836 be otherwise than inconsistent with the joint resolutions? That act fixed the boundary without negotiation, declared the Rio Grande to be the western boundary, and, as a matter of course, by the express terms of annexation, had no binding force.

But the gentleman from Texas [Mr. KAUFMAN] told the committee, the other day, that the act of 1836 was regarded by Texas as conferring jurisdiction upon her to the Rio Grande. And to what extent? Why, the gentleman said, from the mouth of the Rio Grande to its source. Mr. T. had been astonished to hear that declaration from the gentleman from Texas—that Texas had jurisdiction and occupancy from the mouth to the source of the Rio Grande! Why, the gentleman seemed to have forgotten that we were now in the *military* possession of that country. Although, according to the argument of that gentleman, and of others, we annexed this whole country, from the mouth to the source of the Rio Grande, to the United States, as part and parcel of Texas, yet the President of the United States was now exercising *military jurisdiction* over a part of this territory, and the people there, under this martial law, were now being called upon to determine of themselves whether they would be *annexed* to the United States or not! And not only this, but the President of the United States was also trying to buy that country! or to hold it as indemnity for the expenses of this war! though, at the same time, the gentleman from Texas, the gentleman from Maryland, and others, told us it was a part of Texas as actually annexed to the United States!

But the gentleman from Maryland went further, and, in order to show that the Congress of the United States had recognized the Rio Grande as the boundary line, alluded to another fact, which he declared to exist, viz: that Congress had organized revenue districts in the State of Texas in such way as that one was bounded on the west by the Rio Grande. Mr. T. would be very much obliged to the gentleman if he would show him that part of the history of the proceedings of Congress from which he derived this information—if he would show him anywhere on our statute books a single act of Congress which defined the Rio Grande as the western boundary line of any collection district. Congress did pass an act establishing *one* revenue district in Texas. [Mr. T. read from the act declaring that Texas should be one collection district, and Galveston a port of entry.] Yet the gentleman told them that there were *two* revenue districts established, the western boundary of one of which, he informed them, was the Rio Grande. The fact was, as appeared from the act which Mr. T. held in his hand, that Corpus Christi was the extreme western port of delivery, and nowhere in the revenue district was there any port beyond Corpus Christi.

Mr. McLANE (Mr. T. yielding for explanation) was understood to admit that the port of delivery established by this law was at Corpus Christi; but there was an inspector of customs appointed under the law to reside at Point Isabel, on the Rio Grande.

Mr. THOMPSON replied, that if the President had appointed inspectors at Point Isabel he had violated the laws.

Mr. GRINNELL, with the consent of Mr. T., remarked, that by an understanding with the members from Texas during the last session, it was agreed that the disputed territory should not be embraced within these revenue districts.

Mr. T. resumed, and said the law proves that though ports of delivery were established at several places, there were none at Point Isabel, nor beyond Corpus Christi. Congress never legislated for the disputed territory until after the war was commenced. After the commencement of the war, they would find that post routes were established from Brazos de Santiago to Point Isabel and Fort Brown. Before the war there were none beyond Corpus Christi, and hence gentlemen were in error in supposing that Congress had recognized the disputed territory by the establishment of post routes, as some had supposed. The post routes established since the commencement of the war had been rendered necessary to facilitate communication with the army. The reason why Congress did not establish post routes beyond Corpus Christi was, because the county of San Patricio was only originally recognized as extending to the Nueces river; but Texas, after she acquired her independence, exercised civil jurisdiction beyond it to a short distance, so as to embrace Corpus Christi. It was true, however, that since this war had commenced she had extended her jurisdiction to the Rio Grande, so far as her legislation could do it. This he found, from the Intelligencer of this morning, was attended with some embarrassment. The paper to which he referred contained a paragraph, which was in these words:

"From the settlements on the Rio Grande to the county seat at Corpus Christi it is full five days' journey, through *a wilderness country, almost destitute of water*, NOT A HABITATION IN THE WHOLE DISTANCE, *and dangerous to travellers on account of the Indians and bands of lawless Mexicans.* When persons residing on the Rio Grande border of the county are cited to appear at Corpus Christi, it takes at least two weeks to comply with the citation, besides subjecting them to the difficulties and dangers of the road."

It would be seen, then, that it was an easy matter to acquire territory; for, so soon as Texas was annexed to the United States, the Texan Congress passed an act to extend her boundary to the Rio Grande; and thus it was that the "stupendous desert" was legislated into Texas, and constituted part of it. This part of the public history of the country was perfectly familiar to every gentleman to whom he addressed himself; but there were some peculiar features of it, growing out of the recognition of Texas itself, which show that till this war commenced, Texas did not consider her title to the Rio Grande to be good. He had here an extract written by one of the Presidents of Texas, who was now sitting as a United States Senator at the other end of the Capitol, which sustained him in this position.

[Mr. T. here read several extracts bearing on that point, one of which was from a letter written by General Hunt to Mr. Forsyth, in which General Hunt said that Texas had territory estimated at 200,000 square miles.] But what was Texas as now bounded by the gentlemen around him? A territory of 480,000 square miles! From less than 200,000 square miles she had become a country of 480,000 square miles, although General Hunt, who was sent here from Texas after she acquired her independence, and after the passage of the act of 19th December, 1836, said the extent of her geographical limits was 200,000; that she claimed no more, and exercised jurisdiction over no more.

But he had other authority. In 1837, after the passage of this act, the Congress of Texas passed a resolution to send a flag of truce to treat with the Mexican authorities at Brazos Santiago, thus recognizing Mexican authority on this side of the Rio Grande. If they would look at the debates of that time—if they would read the Journal of proceedings of the Texan Congress, they would find that this now disputed territory was, by all parties, acknowledged to be the territory and the property of Mexico, and to be in the occupancy of the Mexican people. And yet the gentleman from Baltimore told them that Mexico had taken an *offensive* position there, and we a *defensive* one. Why, the people who were in the valley of the Rio Grande were born there, and reared there. It was their home; and they were interfered with in their homes by the troops which the President of the United States sent there. Talk of those people taking an *offensive* position! Why, how could they *offensively* occupy a place where they had been born and raised, and the possession of which they had never yielded up to anybody. The valley of the Rio Grande was not a part of Texas; and the President had no authority to issue the order of the 13th January, 1846, sending our troops there. He had said, if the history of this annexation movement was written, it would show that it was all a plan of deception from the beginning; and that our Government had been plunged into this difficulty by a concealment of the truth regarding it. Why, at the very time that we were discussing in this country the question of annexation, and the probabilities of a war which it would bring on, our *chargé d'affaires* to Texas had the power in his possession to order American troops beyond the line of the United States into Texas. He had power to do this before the consummation of annexation. He had authority from the President in his pocket to do that which the President himself had no power to do—to march the troops of this Union beyond the line of the Union.

Mr. McLANE. Was that a Whig or a Democratic President?

Mr. THOMPSON. It was the act of John Tyler to which you and your party became *particeps criminis*—for when we cast him off as no longer worthy of our attention, he became fit material for you to use. It was done by the Administration of President Tyler, and the present President of the United States ratified and confirmed all he had done in regard to the annexation of Texas.

Mr. T. proceeded to say, that the very order of the 28th June, 1845, which sent General Taylor from Fort Towson was issued before the consummation of annexation. Texas refused to come into the Union until she received a secret pledge from our *chargé d'affaires* that we would maintain her boundary to the Rio Grande; but no such pledge was made known to the people of the United States. If they would look to the letter of General Houston, some time since published in the National Intelligencer, they would learn the fact of this pledge having been given by Mr. Murphy, our *chargé* to Texas. And who authorized him to make such a pledge? Was he authorized by the Constitution, the laws, or the people of the United States? No. Yet, that he made that pledge, Mr. T. had no sort of doubt. When General Howard, his successor, was called upon to execute it, like an honest man, he told them he had no power to do so. After his death, Mr. Donelson was sent to do what he refused to do, but the people of the United States were at no time informed of it during those secret negotiations.

What authority had the President of the United States to march our troops to the Rio Grande? If the territory belonged to Mexico, and was in the possession of Mexico, he had no right to do so. If it was merely disputed territory, he had no right to do so. Even though claimed by Texas, the President had no right to do so, for it was occupied by Mexican citizens.

Was it necessary for the defence of the country? The gentleman from Maryland said that our troops were not marched there until months after General Taylor had *repeatedly advised and urged* the movement. Now words were very significant things, and a single word might sometimes do much mischief. Other gentlemen had asserted that General Taylor advised the movement to the Rio Grande, but they had not said that he "*repeatedly urged*" it. Rank injustice had been done to that gallant old soldier, for he never either *urged* or "repeated" his advice of such a movement. On the contrary, he retracted the remarks he had made on that subject, in his letter of October 4, 1845. He explained and took them back; and yet the gentleman from Maryland [Mr. McLANE] arose in his place here and said he "repeatedly *urged*"

the marching of the army to the Rio Grande. General Taylor never did *positively* recommend it; he wrote *hypothetically* when he wrote on the subject, and great injustice was done to that distinguished man, who had braved all the dangers of the camp and the field to bring the war to an honorable termination, by a charge that he had interfered with the *political* policy of the Government.

Mr. McLANE desired the gentleman from Indiana to read an extract from General Taylor's correspondence which he handed to him, to settle the question of fact.

Mr. THOMPSON complied with the request of the gentleman from Maryland, and read from General Taylor's letter of November 7, 1845, as follows:

"The position now occupied by the troops may perhaps be the best while negotiations are pending; at any rate, until a disposition shall be manifested by Mexico to protract them unreasonably." * * * * *

"On the hypothesis of an early adjustment of the boundary, and the consequent establishment of permanent frontier posts, I cannot urge too thoroughly upon the department the necessity of occupying those posts before the warm weather shall set in."

Mr. THOMPSON then asked what this amounted to? It was *hypothetical* merely. General Taylor had been informed, both by Mr. Bancroft and Mr. Marcy, that his *ultimate* destination was the Rio Grande; and on the hypothesis that the army was destined by the Government to occupy that territory, he wrote that *if it were to be done*, for certain reasons, it was better that it should be done at once. But as a *political* recommendation to this Government, General Taylor never did make the recommendation that our army should be marched to the valley of the Rio Grande. He (Mr. T.) could not consent that such an impression should be sought to be made without denial; which denial he now made, and would not retract, without evidence greatly more than he had seen.

Mr. T. read sundry extracts from the same letter, and said that there was no difference of opinion as to what that letter contained. He repeated that General Taylor's recommendation was *hypothetical*—only conditional upon the fact that the Government intended to pursue the policy which had been already indicated to him by the Secretaries of War and the Navy.

He then proceeded to say that they had been told by gentlemen on this floor, that the refusal of the Mexican Government to receive Mr. Slidell, justified the movement. There was something exceedingly singular in that part of the history of our country. If he understood it, it was this: Our Government learned, through Mr. Black, our consul, that the Mexican Government would receive, not an envoy extraordinary, but a commissioner. Such a commissioner never was sent; but an envoy extraordinary was sent. That minister was Mr. Slidell, who went to Mexico and presented his credentials. He was not received by the administration of Herrera. The refusal to receive him was communicated to this Government in a letter of the date of the 27th December, which was not received here until the 23d January—*ten* days after the issuance of the order of the 13th January to General Taylor. In the mean time, this Government had given orders for marching our troops to the Rio Grande, and had sent our navy to Vera Cruz. He had heard it said by gentlemen that this question was not susceptible of debate, for that Herrera and Paredes had both rejected Mr. Slidell. Now, he found in the "Union," of February 10, 1846, this paragraph:

Mr. T. read from the Union newspaper of the date quoted, a paragraph setting forth that Mr. Slidell had not met with the slightest insult, but was received into society as an elegant and accomplished gentleman. The paragraph further stated, that he had not been received, neither had they *declined to receive him;* and that, judging from appearances, there was no reason to believe *that he would not be as acceptable to the Government of Paredes as to that of Herrera.* That (said Mr. T.) was long after the orders had been issued to General Taylor. If they would look at the letter written by Mr. Slidell to the President of the United States, of the date of the 14th January, one day after the issuance of the order to General Taylor—that fatal order, which had plunged this country into war—they would find that Mr. Slidell said himself that Paredes was a gentleman, and had received him as a gentleman. Yet they were told by gentlemen on this floor, and by the President himself, and by his whole party, that Mr. Slidell was rejected by the Mexican Government, and that the order was issued in consequence thereof. Now, there was nothing in the history of this transaction to sustain that assertion—for it is a mere *assertion.* On the contrary, he believed this Administration did not desire that Mr. Slidell should be received; for they had, as it seemed to him, deliberately resolved to plunge the country into war; and hence it was that this House could not get the President to give them the instructions to Mr. Slidell. And if any one was honest enough and bold enough to call upon the President to give them information in relation to the origin of this war, he was "giving aid and comfort to the enemy." Such was the language used on the other side of the House towards gentlemen on this, as if that oft-repeated and stereotyped phrase could now be dignified by repetition in this Hall.

They were told at the beginning of the war that we were fighting Mexico because she owes us debts and would not pay them. He feared, if this were so, that some of the States of this Union would be exposed to the danger of a war. The gentlemen from Mississippi and himself and colleagues, perhaps, might get into a scrape, as well as some on this side the mountains, if it were so. And even the gentleman from Maryland might not escape. According to his argument, if Great Britain should declare war because some of our States did not pay their debts, the war would be just on her part, and unjust on ours. But this was all a mere pretence. The truth was, the Administration was determined to bring on the war, and to do it, they sent Mr. Slidell to Mexico, with the determination that he should be rejected. At the same time, a fleet was placed in the Gulf, and the army prepared for marching to the Rio Grande. If they would look at the reasons for the ultimate rejection of Mr. Slidell, it would be seen that they were assigned by Paredes to be that the army was marching into Mexico on the north, while the navy was ready to blockade the Mexican ports on the Gulf. It was not to be expected that Mexico should treat under such circumstances. It was contrary to the Mexican character that they should be forced to negotiate, and the President knew it. And Paredes did not improperly judge the Administration; for, while a pretended pacificator was sent by our Government to Mexico, provision had already been made for moving our army to the Mexican frontier, and placing our navy in her ports; which the President must have known would cause the Spanish spirit to rebel. In "*anticipation*" of the rejection of Mr. Slidell, it was said the order was given. Yes; it was designed that it should be so; and in anticipation of the desired result, General Taylor was sent to the Rio Grande. Thus the ball was opened. Then came that famous act, with a falsehood on its face, declaring that war existed by the act of Mexico, by which the minority here were placed in the position either to refuse supplies, or to swallow that false "preamble." Under the power which the rules gave them, the majority forced it down. But if the fact were as the preamble asserted, what occasion was there for the preamble at all? No such preamble was adopted in 1812. Then they were content with a simple declaration of war, without a preamble. But when this act of Congress was passed, under the pretence that General Taylor required more men, what did the President do? Why, instead of going to the defence of General Taylor, he organized a portion of the forces placed at his disposal and sent them to New Mexico and California, to make conquest of those countries, in violation of the spirit of the Constitution and of the letter of the law.

He sent forces there with instructions to establish *civil* governments, when he had only power to hold them, even after conquest, by *military* government. The result was the beautiful state of things in both New Mexico and California which now exists. The oath of allegiance to this Government was directed to be administered to the inhabitants of those countries; and, in case of refusal, they were to be treated as traitors and hung. Legislatures were to be organized, officers both appointed and elected, and the people directed to vote on the question of *annexation to the United States!* And this voting, too, be it borne in mind, was to be had under fear of being charged with treason if they refused obedience to the laws thus imposed on them by the sword. If they should now ask for admission into this Union under these circumstances, we should doubtless be told that they were exceedingly anxious to be annexed, when the whole, in point of fact, was done by the power of the sword—that stern arbiter, which has settled the fate and destiny of millions before.

This was the same power with which Tamerlane overrun the countries of the East—by which, as history proved, so many other portions of the globe have been subdued and desolated. It was the power of the purse and the sword now doing that which, under institutions such as ours, was confided alone to the people—a power, too, which was exercised in the name of Democracy, but which was used as a deadly stab at the vitals of the nation. So far as the question of power was concerned, he did not care whether Mr. Slidell was or was not rejected by the Mexican Government. The President of the United States was equally guilty of a violation of the Constitution of the United States when he issued the order of the 13th of January, whether Mr. Slidell was or was not rejected. Mr. Buchanan, the Secretary of State, pointed out, in his letter to Mr. Slidell, the course which the Executive ought to have pursued. He said, if Mr. Slidell was finally rejected, he should report that fact to the President, and it would be his *duty* to lay it before Congress. But did he do it? The Representatives of the people were then sitting in this Hall—here was the war-making power of the Union—here, by their Representatives, were the people of this country, in whose hands alone were these great issues placed by the Constitution. Why, then, did not the President pursue the course pointed out by the Secretary of State, by the Constitution, and by the past practice of the Government? It did not answer his designs to do so. It would not have comported with those *secret* purposes to which he had already referred. He believed as sincerely as he believed that we were all ultimately responsible to a God of justice, that if the people of this Union had not been cunningly, cautiously, and most studiously deceived by the annexation party, they never would have consented to annex Texas. It had brought a train of calamities along with it, from the effects of which we may never recover. And now when these calamities were coming fast upon us, when the storm was gathering over our heads, we were told here in Congress—he heard the argument this morning—that they must look carefully to all expenditures from the Federal treasury, that the Administration might have *more* money to carry on the war. Everything connected with the *home* department of this Government was to be treated with neglect—their rivers were to be unimproved, their harbors unprovided for, the ordinary expenses of the Government retrenched, the resources of the country undeveloped, the industrial pursuits of the people neglected, and everything that tended to a nation's wealth and prosperity abandoned, that millions on millions of money might be expended on a war begun and prosecuted under the pretence—to use the language of the gentleman from Maryland—that it was our duty to give *moral* and *religious* institutions to the Mexicans! And what were the moral and religious institutions which gentlemen were so solicitous to give to Mexico? With regard to the "*moral*" institutions we were giving to Mexico, he saw an article in this morning's *Union*, which would perhaps afford some light respecting them.

Mr T. read the paragraph referred to, which stated that licenses had been issued for *three gaming-houses* in the city of Mexico, at the rate of five hundred dollars a month. A most admirable device to improve the morals of the Mexican people! He had always thought that the Democratic party had been ever opposed to monopolies; but here they were giving a monopoly to Mexican gambling-shops, under pretence that it was to levy contributions for the support of the army!

Having but a minute left, he would not attempt to pursue the subject further, but take occasion some other time to do so.

Mr. RHETT next obtained the floor, and addressed the committee. [A full report of Mr. R.'s speech, revised by himself, will be found in the Appendix.]

Mr. R. having concluded—

Mr. GOGGIN obtained the floor;

Whereupon the committee rose and reported progress;

And the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. EVANS, of Ohio: The petition of Don L. Byam and 34 others, citizens of Jackson township, Muskingum county, Ohio, praying Congress to take such immediate measures as are best calculated to put an end to the existing war with Mexico; and that our Government make proposals to Mexico of such terms for peace as shall be just as well as honorable; that, as our soldiers have exhibited worthy examples of valor, our Government shall exhibit an example of American generosity and moderation.

By Mr. GOGGIN: The petition of Edwin Porter, of Virginia, praying for a settlement of his Post Office Department accounts.

By Mr. CHAPMAN: The petition of citizens of the District of Columbia for an act of incorporation.

By Mr. PENDLETON: The petition of the heirs of Jas. Conway.

By Mr. ROSE: The memorial of the professors and students of the Medical College of Geneva, New York, on the disease of the potato. Also, the memorial of the citizens of Waterloo, Seneca county, New York, on the disease of the potato.

IN SENATE.

THURSDAY, *January* 27, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Department of State, showing the returns of American seamen registered during the year ending the 30th September, 1847.

Also, from the War Department, containing a report of the expenditures for the contingent expenses of the military establishment for the year 1847.

MEMORIALS AND PETITIONS.

Mr. BENTON presented a memorial from John Charles Frémont, praying an investigation, by a committee, into claims on the Government, originating in California, partly in the establishment of the independence of California, before the war with Mexico was known, and partly since in carrying on military operations under the authority of the United States, and afterwards in supporting the civil government there. For part of these claims the drafts drawn by the petitioner had been protested, and for these and other claims the Secretary of War had answered that "special legislation" was necessary. For this special legislation the present petition was presented, and it asked the speedy action of Congress, that the far distant claimants might not wait too long for tardy justice. The claims were meritorious; they were for personal services rendered in war—for supplies furnished—for sacrifices made, and all in a spirit of patriotism and honor. They had given California to the United States, and the gift was worth infinitely more than the cost even when all just claims were paid, and all justice done to the settlers. The nature and amount of the claims required a careful investigation; the good should be paid at once; the bad should be silenced forever; and now is the time to do it. The petition asked the establishment of a commission in California, to audit and allow the claims, the amounts to be paid there to the claimants by the proper officers of the pay, the quartermaster, and the commissary departments. Auditing the accounts *there*, and payment *there*, were the great points of security both to the Government and the claimants. Nothing should be paid at Washington to agents or speculators; none but claimants in their own persons should be paid at Washington.

To go to paying claims here would open the door to unbounded fraud, which would not be closed in ten, nor twenty, nor fifty years; he (Mr. B.) believed he might say seventy-five years; for Congress was now paying revolutionary claims of that age, and the California claims, if allowed to fall into the hands of agents and speculators, would be a rich mine to be explored for a long time, and the longer the richer, especially after the death of Mr. Frémont. The establishment of a commission to act on the spot, was the proper way to do justice and prevent frauds in future. The petition avowed that the petitioner knew almost every transaction on which a liability of the United States could arise. Where he did not know the transaction himself, he knew the man that did, and they could be equally prompt and correct, before a commission, in verifying an honest claim, and detecting a false one.

What the petition now specially asked was, that the committee to be charged with the question should take evidence upon the spot, to ascertain the general nature and the general amount of the claims, with the view to judge the necessity of a commission and the amount of the appropriation necessary to be made. For this purpose the petition asked that the testimony of persons now in the city might be taken on oath, and reported to Congress as a guide to its action. Evidence enough was now in the city to enlighten Congress on these points. Military and naval officers were now in the city who knew the general character and the probable aggregate amount of these claims. Citizens of California, of character, and not interested in the claims, were also present. Their testimony could easily be obtained; and the petition prayed that they should be summoned and examined.

Mr. B. then presented three reasons why the course in settling the claims should be adopted which the petition recommends: *First*, Justice to the claimants, who, unless they were paid at home, would become the prey of agents and speculators. *Secondly*, Justice to the United States, which, unless it settled face to face with the claimants, and closed up the business at once, would have to pay false claims for an indefinite time. False claims would cost less to the speculator than true ones; even the true would be got at half price or less, but the false much lower; and, when dependant upon vouchers here, the false and the true would be about on an equal footing. *Thirdly*, Justice to Mr. Frémont himself. This justice was of a twofold character—one to his purse, the other to his reputation. He was already under protest for large sums, and expected more—$40,000 or $50,000 in the whole. He was also liable for what was got from the inhabitants for the troops under his command, both under the revolutionary movement for independence, and afterwards, when the war was carried on for the direct benefit of the United States, it having also got the benefit of the revolutionary movement. Justice to his reputation required the course he recommended. In no other way could false claims be prevented from rising up to be charged to his operations. In no other way could his reputation be shielded from false accounts, founded on false charges of his having "*taken property forcibly*" from the people. Either of these reasons ought to be sufficient to have the commission established, and the business closed up at once: the three put together—justice to the claimants, to the public treasury, and to the reputation of Mr. Frémont—he (Mr. B.) hoped would be sufficient, not merely to secure a reference of the petition to the proper committee, (the Military,) but also to authorize the establishment of the commission which was prayed for.

The petition was referred to the Committee on Military Affairs.

Mr. UNDERWOOD presented a memorial from the board of managers of the American Indian Mission Association, asking the adoption of measures for improving the condition of the various Indian tribes; which was referred to the Committee on Indian Affairs.

Mr. CRITTENDEN presented a petition from the Hon. George Poindexter, asking compensation for the occupation and use of his property by volunteers mustered into the service of the United States during the war with Mexico; which was referred to the Committee of Claims.

REPORTS FROM COMMITTEES.

Mr. ASHLEY, from the Committee on the Judiciary, reported a bill for the relief of Reynolds May, accompanied by a report; which was ordered to be printed. The bill was read a first time.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill for the relief of the widows and orphans of the officers, seamen, and marines, of the brig of war Somers; which was read a first time.

Mr. YULEE, also, from the same committee, reported a bill for the relief of Purser Benjamin J. Cahoone; which was read a first time.

RESOLUTIONS.

Mr. BAGBY said: Mr. President, on Tuesday last I had the honor to present three resolutions declaratory of certain fundamental principles, with respect to the truth and correctness of which, I am clearly and without a shadow of doubt thoroughly convinced. These resolutions, without amendment, alteration, or modification, contain and express the convictions of my most deliberate judgment, upon the great and delicate questions to which they relate. They disclaim and deny the power of Congress, and of the treaty-making power, to interfere with the question of slavery in any State or Territory of this Union, or adopt any limitation, prohibition, or restriction, in regard to slavery in any territory hereafter acquired. So far, so good. It has occurred to me, upon reflection, however, that they do not protect all the points I intended to secure. I hold in my hand an additional resolution, which, I think, is necessary in order to complete the series, and which is intended to negative the idea entertained in quarters entitled to great respect, that there is a power in the inhabitants of the territory to exclude slavery. The resolution I hold in my hand, declares that there is no such power in the legislature or the people of a territory; that they possess no political power, except such as is conferred upon them by the act of Congress authorizing them to form a territorial government; and that, inasmuch as Congress does not possess this power, they cannot delegate it to the territories, or the inhabitants thereof. I ask, sir, that this resolution be laid upon the table, and printed; and when my original resolutions are taken up, I shall move it as an amendment.

Mr. BAGBY then submitted the following resolution, which he desired to have printed and appended to those he had submitted some days since:

Resolved, That neither the people nor the Legislature of a Territory have any constitutional power to exclude slavery from such Territory; and that the people or Legislature of a Territory possess no other political power than such as is delegated to them by Congress in the act authorizing them to form a territorial government. And inasmuch as Congress has no power to exclude or prohibit slavery in any territory of the United States, they cannot delegate such a power to the Legislature of a Territory or the people thereof.

On motion of Mr. DOWNS, it was

Resolved, That the Committee on Public Lands be instructed to inquire whether, by the provisions of the 5th section of the act of 4th September, 1841, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant preëmption rights," the right of preëmption was suspended by the commencement of hostilities with Mexico; and if so in the opinion of the committee, then to report a bill to revive said right of preëmption to confirm all claims that have been allowed by the officers of the Land Office under the law as originally passed, and to report by bill or otherwise.

The following resolution, submitted by Mr. CAMERON some days since, was taken up for consideration:

Resolved, That the Committee on Printing be authorized to employ a clerk, to whom the usual per diem compensation shall be paid out of the contingent fund of the Senate.

Mr. CAMERON stated that the committee were entirely unable to discharge their duties without the aid of a clerk. The new law in reference to the execution of the public printing had devolved an immense amount of labor upon the committee, rendering the assistance which was asked altogether indispensable.

Mr. CLAYTON did not exactly understand why the Committee on Printing should have a clerk, when other committees, whose labors were arduous, were not allowed that assistance. He believed that the Committee on Claims was the only committee which was allowed a clerk; but, as all knew, the amount of business devolving on that committee was very great, and much writing had to be done.

Mr. CAMERON said that he had not anticipated the opposition of the Senator from Delaware. He would read a portion of the law relative to the public printing, from which his friend from Delaware would at once perceive that it was necessary that the committee should have a clerk. It was their duty to audit the accounts of the contractors for the public printing, and it was necessary to keep a set of books. So onerous indeed were the duties which this committee were called on to discharge, that the gentleman who had been appointed chairman of the committee at the commencement of the session, had declined serving, and his successor now talked of declining also. He felt assured that when the Senator from Delaware understood the real state of the case, he would not offer any opposition to the resolution

Mr. CLAYTON replied that the argument adduced in favor of the appointment of a clerk for the Committee on Printing, applied with equal force to all other committees of that body, especially to the committee whose duty it was to audit the accounts of the Senate. It was an innovation; and with all deference to the Senator from Pennsylvania, he could hardly suppose that there could be writing enough in that committee to justify the appointment of a clerk. If the committee were

allowed a clerk, the other committees would, in all probability, also be eventually supplied with clerks. It appeared to him that the necessity of the case was not such as to justify the appointment of this clerk, and therefore he must oppose the resolution.

Mr. CAMERON thought that the Senator from Delaware must have forgotten that this was a new committee, acting under the new arrangement for the public printing, the entire supervision of which devolved on them. Already there were great complaints about the manner in which the work had been executed. If the Senate thought proper to refuse the clerk, he said that he would be obliged to decline serving on the committee.

Mr. CLAYTON suggested that the resolution might be allowed to lie over informally till an opportunity had been afforded for further investigation of the subject. If now driven to a vote, he must vote against the resolution.

Mr. CAMERON said that he preferred a division on the question now.

The question was then put, and on a division—twenty voting in the affirmative, noes not counted—the resolution was adopted.

JESSE E. DOW.

The Senate proceeded to consider the following resolution, submitted by Mr. DICKINSON on the 20th instant, and it was agreed to:

Resolved, That Jesse E. Dow be admitted to a seat in the reporter's gallery, from which he was excluded by an order of the Senate of 16th March, 1846.

THE PUBLIC PRINTING.

The Senate proceeded to consider the following resolution, submitted by Mr. ASHLEY on the 19th instant; which was modified by the mover so as to read as follows:

Resolved, That the Committee on Printing be instructed to inquire into, and report to the Senate, the manner in which the printing of the Senate has been executed; whether it has been done in conformity with the terms of the contracts, either as to the quality of the paper and size of the pages furnished, or the manner in which the printing has been done; also, that they inquire and report whether the documents printed and distributed by the printers to Congress are correctly printed from the originals sent to their offices.

Mr. DICKINSON asked whether the law on the subject of the public printing could be strengthened by the passage of any resolution? The law required that the Committee on Printing should perform the very duty which this resolution prescribed, and therefore it appeared to him that this resolution was altogether unnecessary.

Mr. ASHLEY remarked that he had received an anonymous communication, pointing out upwards of twenty mistakes in two pages of the document containing the President's message. Finding that the statement thus communicated to him was correct, he had felt it to be his duty to introduce the resolution. He did not, of course, wish to deal at all unjustly or unkindly with the contractors for the public printing, or indeed to make any *exposé*, but only asked the committee to inquire and report whether the work had been properly executed. He hoped that the resolution would be passed.

Mr. CAMERON observed that he was not present when the Senator from Arkansas rose, but he would merely remark that the committee had directed their attention to the subject to which that resolution referred. The committee had been informed yesterday by the contractor, that the paper which had been used thus far was not of the quality ordered by him; the parties with whom he had made the contract for paper having failed to fulfil their engagement. If the printer did not amend in the course of the work, the committee would introduce a proposition adapted to the case, for the action of the Senate. They entertained great hopes, however, that there would be an improvement in the execution of the work. He would add, that there should be allowances made in this case. The organization of so large an establishment, in which, he believed, no less than one hundred and twenty persons were employed, was an undertaking of considerable difficulty, and it could hardly be expected that all the details could be so completed at once as to ensure perfection in the work to be executed. As for himself, he had not a very favorable opinion of the new mode of executing the public printing, and he had opposed the passage of the law authorizing it to be done in this way. He was of opinion that under the former system the work would have been done more economically, and in superior style; still it was proper that just allowances should be made for the difficulties under which the contractors labored, and that the best should be made of the new system.

Mr. DICKINSON said that he had a very good opinion of the new mode of executing the public printing, and regarded the principle established by it as eminently just and proper. It had broken up the old corrupt system of monopoly, by which large fortunes had been accumulated in a year or two out of the public purse. He believed that it had thus far been eminently successful, though its working was not entirely perfect. The Senator from Arkansas had stated that he had received complaints with regard to the execution of the public printing, through an anonymous source. He (Mr. D.) would not insinuate that business competition had something to do with that communication; but he would take the liberty of reminding the Senator of the excellent suggestion made by a member of the Irish Parliament, that every anonymous author should be obliged to subscribe his name to his work. As to typographical errors, the documents printed under the former system have not been exempt from them. If the new establishment, when once fully organized, prove inadequate or inattentive, let it be dealt with as severely as the law requires. But he hoped that at least a fair trial would be allowed the new system; and he did not doubt that, under the supervision of the committee charged with the subject, a fair trial would be given to it.

Mr. NILES remarked, that the joint committee appointed for the supervision of the public printing had no authority to pass the accounts of the contractors. It was the duty of the committee in each House to examine these accounts; and, as a member of the Senate committee, he wished to say, that unless the printing were executed substantially in conformity with the contracts—which it had not been thus far, as he had been informed—the accounts of the contractors would not be passed by that committee. Formerly the printing had been well executed—executed in good style, with promptitude: that did not appear to be the case at present. The whole subject, however, would come under the supervision of the committee, whose duty it was to audit the accounts of the contractors.

Mr. ASHLEY said, he certainly had not supposed that his resolution would have given rise to debate. The Senator from New York had entirely misapprehended his remark with regard to the anonymous communication. He had not acted on this communication; and it had only directed his attention to the matter. On examination, he had found that pages 800 and 803 of the document referred to were so marred by errors of the press as to require translation into plain English in order to be understood. It was discreditable to file such documents. The excuse which the contractors had offered relative to the quality of the paper they had used did not afford any explanation of these typographical errors. He did not know any of the parties who had contracted to do the work, and would not have moved in the matter, had not his attention been directed to it by the communication to which he had referred, the allegations in which he had ascertained to be correct. He found that not only in the quality of the paper, but also in the size of the page, there was a departure from the terms of the contract. There was a diminution in the size of the page to the extent of seven or eight per cent. He hoped that the resolution would be at once passed.

Mr. WESTCOTT said that he believed he had reason to congratulate himself on the vote which he gave when the proposition to have the public printing executed by contract was first made. He had protested against it then, and predicted that the very state of things now presented would occur early in the first session of Congress. But he was willing to lend his aid to any judicious movement for separating the public printing from the public press, although opposed to the idea of huckstering it out to the lowest bidder, who would execute it in a bungling manner, and delay it so as to retard the public business. He was perfectly satisfied that they never would have the public printing properly executed until they had a publishing office under the control of Congress, separated from the public press, and altogether free from the inconveniences of the paltry huckstering system of giving it out by contract. He was aware that this system would incur the objection that it would increase the patronage of Congress; but he was prepared to show that it was the only mode in which the public printing could be at once economically and properly executed. With regard to the present contractors, he did not blame them. The documents annexed to the President's message are this year exceedingly voluminous; they were five times the size of those of former years. It was utterly impossible for the contractors to avoid delay in furnishing these documents. If they had had a public printing office, they could have had the work done at the end of the first week of the session. But the contractors could not have furnished it promptly without losing all their profits, and thirty or forty thousand dollars besides. As it was, he believed they would lose by their contract. He thought Congress were as much to blame as the contractors. It was quite true that many errors of the press had occurred in the documents; but he would appeal to the chairman of the Committee on Printing—himself a practical printer—whether these imperfections in the work were not attributable to the circumstances under which it was executed. He did not see any necessity for the resolution. The contractors themselves were much annoyed by the difficulties in which they were placed, and Congress certainly ought to treat them in a spirit of liberality.

Mr. CAMERON remarked, that the Senator from Arkansas had been appointed a member of the Committee on Printing, but had not yet attended any of its meetings. The Committee would have been very happy to have had the opportunity of availing themselves of his services. The resolution, he repeated, could not do any good; the committee were already acting in the matter. He thought it was reasonable that the contractors should be allowed a few days to complete their arrangements. It was true, the work had thus far been imperfectly executed. But there were two sides to the question; as had been remarked, the documents were this year very voluminous. The President's message and accompanying documents amounted to seventeen hundred pages, whilst hitherto they had not exceeded eight hundred pages. Besides, there appeared to be a combination in the District against the contractors. Everybody connected with printing in the city seemed to have, in some degree, combined against them. The contractors, therefore, had a right to some sympathy; still he was for keeping them to their contract, although he believed the price to be too low. Common kindness required that they should deal liberally with the contractors, and at least give them the opportunity of making such arrangements as would enable them to execute the work hereafter more perfectly than it had been done.

Mr. ASHLEY explained that he had been appointed on the committee without his knowledge, and after the introduction of his resolution. He still insisted on the passage of the resolution, which, he remarked, went further than the law.

Mr. TURNEY said that he was at a loss to understand the remarks which had been urged in extenuation of the manner in which the public printing had been executed. It was admitted on all hands that the work had not been properly executed, but it was alleged that the contractors had been placed in circumstances of great difficulty and embarrassment. Well, certainly they had been placed in that situation by their own act, and he could not see with what propriety that could be presented as an excuse for their failure to comply with the terms of the contract. He hoped that the resolution would be adopted.

Mr. CASS suggested, that as the hour for taking up the special order had already passed, this resolution should be passed over.

The question was then taken on the resolution, and it was adopted.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WALKER, his Secretary, announcing that he had approved and signed, on the 26th instant, "An act concerning certain collection districts, and for other purposes; and "An act to provide clothing for volunteers in the service of the United States."

BILLS INTRODUCED ON LEAVE.

Mr. BENTON asked and obtained leave to introduce a bill to amend the 65th and the 91st articles of war, in relation to the practice of courts martial and courts of inquiry in the army of the United States; which was read twice, and referred to the Committee on Military Affairs.

[This bill provides that the above-mentioned articles shall be so amended—

1st. That all deliberations and proceedings in courts martial and courts of inquiry shall be in open and public session.

2d. The accused shall have a right to counsel.

3d. That all evidence and any paper offered and rejected by decision of the court shall be entered in an appendix at the request of the party offering the same, for the consideration of the revising authority.

4th. That all questions to the admissibility of evidence or papers shall be open to objection before being decided upon.

5th. That in all decisions and in all the findings of the court, the yeas and nays, upon the demand of the minority, shall be entered on record.]

On motion of Mr. UNDERWOOD, the Senate proceeded to consider, as in Committee of the Whole, the bill granting compensation to Samuel Leech, for services in investigating suspended sales in the Mineral Point land district, in the State of Wisconsin; and no amendment having been offered, the bill was ordered to be engrossed, and was subsequently read a third time and passed.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. PHELPS addressed the Senate, and, before concluding, the usual hour of adjournment having arrived, gave way to a motion to adjourn; and

The Senate adjourned.

[A full report of Mr. P.'s speech will be found in the Appendix.]

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 28, 1848.

The Journal of yesterday was read and approved.

Mr. DANIEL moved to reconsider the vote by which the resolution was yesterday passed authorizing the Clerk to employ James Young, of Washington, to compile a statement of all the claims that have been before Congress from the 14th to the 29th Congress inclusive, showing the names of the claimants, the action of Congress thereon, &c.

After some remarks by Mr. DANIEL, in support of his motion, and by Mr. ROCKWELL, of Connecticut, in opposition—

Mr. ROCKWELL moved to lay the motion to reconsider on the table; which motion was decided in the affirmative: Yeas 89, nays 87.

So the motion to reconsider was laid on the table.

THE PRIVATE CALENDAR.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole on private bills, (Mr. MCCLELLAND, of Michigan, in the chair.)

The following bills were taken up, considered, and laid aside to be reported to the House:

A bill for the relief of the representatives of James Brown;

A bill for the relief of Edward Quinn;

A bill for the relief of George Newton;

A bill for the relief of Russell Goss;

A bill for the relief of Alborne Allen.

The following bills were taken up, and, being objected to, were laid aside:

A bill for the relief of Mary Brown, widow of Jacob Brown;

Senate bill for the relief of the heirs of John Paul Jones;

A bill directing the mode of settling the claims of Charles G. Ridgley;

A bill for the relief of William Culver;

A bill for the relief of Daniel Robinson;

A bill for the relief of Elizabeth Clapper;

A bill for the relief of Mrs. Harriet Barney;

A bill for the relief of Anthony Walter Bayard;

A bill for the relief of Calvin Emmons;

A bill for the relief of Henry M. Shreve.

The bill to provide for additional examiners in the Patent Office was taken up, and, on motion, it was ordered to be reported to the House, with the recommendation that it be referred to the Committee of the Whole on the state of the Union.

Mr. SAWYER here moved that the committee rise and report; and, on a division of the question, no quorum voted.

Mr. ROCKWELL, of Connecticut, moved that the 126th rule of the House be enforced, which requires the Chairman, whenever the committee finds itself without a quorum, to have the roll called, and report the names of the absentees to the House, which names are to be entered on the Journal.

The CHAIRMAN accordingly ordered the roll to be called; when it appeared that 158 members answered to their names.

The committee then rose, and the Chairman reported the names of the absentees to the House, for the purpose of entering the same on the Journal as required by the rule.

The committee then again resumed its session; when the following bills were taken up, and, being objected to, were laid aside, viz:

A bill for the relief of John Anderson, of Missouri;

A bill for the relief of William Hogan, administrator of Michael Hogan, deceased;

A bill for the relief of the legal representatives of John Snyder, deceased;

A bill for the relief of the heirs and legal representatives of Regnal *alias* Nick Hillary;

A bill for the relief of James McAvoy;

A bill for the relief of Barclay & Livingston, and Smith, Thurgar & Co.;

A bill for the relief of the legal heirs and representatives of Nathaniel Cox, deceased, formerly navy agent at New Orleans;

A bill for the relief of Charles Benns;

A bill for the relief of John W. Hockett;

A bill for the relief of William Ralston.

A bill giving further time for satisfying claims for bounty lands, and for other purposes, was taken up; and, on motion, it was ordered to be reported to the House with a recommendation that it be referred to the Committee of the Whole on the state of the Union.

A large number of other bills were taken up and read, but, the reports accompanying them not being printed, they were informally laid aside.

The committee then rose and reported to the House:

A bill for the relief of the representatives of James Brown;

A bill for the relief of Edward Quinn;

A bill for the relief of George Newton;

A bill for the relief of Russell Goss;

A bill for the relief of Alborne Allen:

which several bills were ordered to be engrossed and read a third time; and were engrossed, read a third time, passed, and sent to the Senate for concurrence.

The CHAIRMAN also reported that the Committee of the Whole had directed him to report to the House, with the recommendation that they be referred to the Committee of the Whole on the state of the Union—

The bill to provide for additional examiners in the Patent Office; and

The bill giving further time for satisfying claims for bounty lands, and for other purposes.

The said bills were accordingly committed to the Committee of the Whole on the state of the Union.

Mr. SIMS moved to discharge the Committee of the Whole from the bill to authorize attachments on mesne process in the county of Washington, in the District of Columbia, and to provide more speedy and effectual legal remedies in said District, and for other purposes, and that said bill be referred to the Committee of the Whole on the state of the Union. Agreed to.

On motion of Mr. ROOT, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. J. R. INGERSOLL, of Pennsylvania, in the chair,) on the President's message, and the resolutions referring the same to appropriate committees.

Mr. GOGGIN, being entitled to the floor, said, as this was one of the days set apart by the rules of the House for the consideration of private bills, he had come to the House unprepared to make any remarks, and he therefore moved that the committee rise. Agreed to.

The committee rose and reported progress.

On motion of Mr. HALL, of New York,

Resolved, That the Secretary or Register of the Treasury shall be, and he is hereby, authorized to annex to the annual report of the Register of the Treasury on the commerce and navigation of the United States, the statement or report of the collector of customs of the commerce, tonnage, and business of the port or district of Buffalo Creek, which was received at the Treasury Department on or about the 13th day of December last, and too late to be included in the said annual report of the Register of the Treasury, and that said statement or report of the said collector shall be printed with and be annexed to the said copies of said report of the Register of the Treasury, heretofore ordered to be printed for the use of this House.

BILLS INTRODUCED.

By Mr. DUER: A bill to alter the terms of the circuit and district courts of the United States for the northern district of New York. Referred to the Committee on the Judiciary.

By Mr. MCCLERNAND: A bill to establish a national armory at Fort Massac, in Illinois. Read a first and second time, and referred to the Committee on Military Affairs.

Also, an act of the Legislature of Illinois and the petitions received during the last Congress, upon the same subject, were referred to the same committee.

PERSONAL EXPLANATION.

Mr. COCKE rose to make a personal explanation. Leave being granted by the House—

Mr. C. proceeded to say, that a few days since, in replying to some of the remarks of his colleague over the way, [Mr. ANDREW JOHNSON,] he found himself reported as saying, that "he had not been 'aware of the existence of such a state of things; 'he was not a frequenter of such places; and 'therefore had no personal knowledge on the sub-'ject; but they had received the information from 'his colleague, who must have visited them, he 'presumed, or he would not have acquired that 'information."

Now, Mr. C. felt it to be due to his colleague here to say, that he had no knowledge at all of his colleague's having been in the habit of frequenting places of the description named; what he had said was in mere pleasantry, and intended by way of repartee. If his colleague was accustomed to frequent places of the sort he had described, Mr. C. had no knowledge of it, nor had he ever heard of any such thing. Lest, however, he might unintentionally have done his colleague injustice, or in any way injured his feelings or reputation, he volunteered this explanation, which he hoped would remove any such impression from the mind of his colleague or of any other person.

Mr. JOHNSON, of Tennessee, replied, that he was well satisfied with the explanation which had been made. A consciousness of his own course of conduct, as well as the amicable relations which had always subsisted between his colleague and himself, convinced him that nothing offensive or injurious could have been intended in the remarks he had made. He had looked upon what had occurred, at the time and since, as a mere playful repartee, not intended to injure him, or be seriously understood by any one.

Mr. COCKE added, that he had hoped that that portion of his remarks would not have been published in the report of his speech, and he regretted that they had been.

Mr. ROCKWELL, of Connecticut, moved that the House do now adjourn. Disagreed to.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following Executive communications:

A communication from the Secretary of State, transmitting, in compliance with the act of March 2, 1799, an abstract of the returns made to the department by the collectors of customs, pursuant to the act of May 28, 1796, for the relief and protection of American seamen, showing the number of seamen registered in each port of entry of the United Sates for the year ending the 30th of September, 1847. Referred to the Committee on Commerce.

A communication of the Secretary of War, transmitting, in conformity with the fifth section of the act of March 3, 1809, a statement of the expenditures, during the year 1847, from the appropriation for contingent expenses of the military establishment. Referred to the Committee on Expenditures in the War Department.

Mr. WHITE asked the unanimous consent of the House to introduce a resolution. Objected to.

NOTICES OF BILLS.

Mr. BOWLIN gave notice of a motion for leave to introduce a bill to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July 9, 1838; and a bill to ascertain and fix the fees taxable in favor of the attorney of the United States for Missouri, for services rendered in the Circuit Court of the United States for the district of Missouri.

Mr. SLINGERLAND gave notice of a motion for leave to introduce a bill making appropriations to improve and remove the obstructions to the navigation of the Hudson river, above and below the city of Albany, in the State of New York.

On motion of Mr. J. R. INGERSOLL, the usual number of the annual message of the President of the United States was ordered to be printed.

On motion of Mr. RICHARDSON, the bill from the Senate to provide for the compensation of Samuel Leech for services in the investigation of suspended sales in the Mineral Point district, Wisconsin, was taken up, read, and referred to the Committee on Public Lands.

On motion of Mr. J. R. INGERSOLL, the House proceeded to consider the bill from the Senate entitled "An act supplementary to the act entitled 'An act to regulate the exercise of the appellate jurisdiction of the Supreme Court in certain cases, and for other purposes;'" to which the following amendment, reported by the Committee on the Judiciary, was pending, viz: Strike out after the enacting clause, and insert:

"That all and singular the provisions of the act to which this is a supplement, so far as may be, shall be, and they hereby are, made applicable to all cases which were pending in the supreme or other superior courts of and for the late Territory of Iowa, at the time the said Territory was admitted into the Union as a State, and to all cases in which judgments or decrees have been rendered in said supreme or superior court of the said late Territory of Iowa, and not hitherto removed as aforesaid by writ of error or appeal.

"SEC. 2. *And be it further enacted*, That all and singular the provisions of the said act to which this is a supplement, so far as may be, shall be, and they hereby are, made applicable to all cases which may be pending in the supreme or other superior court of and for any Territory of the United States which may hereafter be admitted as a State into the Union at the time of its admission, and to all cases in which judgments or decrees shall have been rendered in such supreme or superior court, at the time of such admission, and not previously removed by writ of error or appeal."

Mr. HALL moved to amend the amendment by inserting between the word "act," where it first occurs, and the words "to which," the words entitled "An act to regulate the exercise of the appellate jurisdiction of the supreme court in certain cases, and for other purposes," approved February 22, 1847.

The amendment to the amendment was agreed to.

Mr. THOMPSON, of Iowa, moved further to amend the amendment:

"*And be it further enacted*, That all cases, together with all process, records, orders, judgments, decrees, and proceedings, of Federal character or jurisdiction, and not legally transferred to the State courts of the State of Iowa, pending prior to and at the time of the admission of the said State of Iowa into the Union, in the district or supreme courts of the said Territory of Iowa, are hereby transferred to the district court of the United States for the district of Iowa; and it shall be the duty of the respective clerks of the said courts of the said Territory of Iowa, or their successors in office, with whom the records and proceedings of said cases may be found, upon application by any person or persons interested therein, to make and certify a full and complete copy of the records thereof, and transmit the same, together with all the original process, pleadings, and other papers filed in such case or cases, and which may be removed without mutilating the records of said courts, to the clerk of the said district court of the United States; and when the said records, papers, and proceedings shall be thus certified to the said last-mentioned court, its jurisdiction shall be deemed as full and complete as that of the court in which the said case originated had been prior to the said admission of the State of Iowa, or as if the said case had been originally instituted in said district court of the United States."

This amendment was agreed to.

The question was then put on the amendment to the Senate bill as amended, and it was agreed to.

The bill as amended was then read a third time and passed, and returned to the Senate for concurrence in said amendment.

Mr. HENLEY moved that the House proceed to the consideration of business on the Speaker's table, and that the message from the President of the United States in relation to the return of General Santa Anna to Mexico, and the instructions to Mr. Slidell, &c., be referred to the Committee of the Whole on the state of the Union.

Pending which motion,

The House adjourned.

PETITIONS, &c.

The following petitions were presented and referred under the rule:

By Mr. HOLMES, of New York: The memorial of Dr. Hartwell Carver, praying for a charter to build a railroad from Lake Michigan to the Pacific Ocean.

By Mr. CROWELL: The petition of W. H. Haley and others, citizens of Warren, Trumbull county, Ohio, praying for peace with Mexico.

By Mr. SLINGERLAND: A petition of Daniel Palmer and 42 others, citizens of New York. Daniel Palmer, at the early age of seventeen years, volunteered in the service of his country in the late war between the United States and Great Britain; in that war he was deprived of his right leg; since that time he had been allowed a trifling pension, until he enlisted in the Mexican war; and now he prays Congress to allow him his pension that was suspended while he was enlisted in the Mexican war; also, to allow him bounty for his land or treasury scrip, amounting in all to $160. Also, a petition of Colonel H. W. Dobbin and many of the general officers under whom he served in the late war with Great Britain, praying Congress to grant him a pension for his services in the late war with Great Britain.

IN SENATE.

FRIDAY, *January* 28, 1848.

Mr. GREENE presented a resolution from the Legislature of Rhode Island and Providence Plantations, instructing her Senators, &c., to oppose any proposition to lay a tax on tea and coffee; which was laid on the table.

Mr. WESTCOTT presented a petition from citizens of Appalachicola, in the State of Florida, praying that Mount Vernon may be purchased by the United States.

Mr. W. stated, that he understood that there were similar petitions, signed by some three hundred thousand persons, in the hands of other Senators, who were waiting an opportunity to present them. Until these petitions were before the Senate, the best disposition to be made of the one he now presented would be to let it lie on the table.

The petition was then laid on the table.

REPORTS FROM COMMITTEES.

Mr. STURGEON, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Messrs. Cook, Anthony, Mahon, and others; which was read a first time.

Mr. PEARCE, from the Committee on the Library, reported a bill to authorize the purchase of the papers of Alexander Hamilton; which was read a first time.

Several adverse reports were considered and agreed to.

BILL INTRODUCED ON LEAVE.

Mr. RUSK, on leave, introduced a bill to authorize the President to increase the naval establishment of the United States; which was read twice, and referred to the Committee on Naval Affairs.

RESOLUTIONS.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the construction of a light-house on Raccoon Point, Dernier Isle, in the State of Louisiana; and into the expediency of an appropriation for a floating light in Atchafalaya bay, State of Louisiana.

Mr. MILLER submitted the following resolution; which lies over:

Resolved, That the President of the United States be requested to inform the Senate whether he has caused to be laid and collected any taxes, duties or imposts, upon goods and merchandise belonging to citizens of the United States, exported by such citizens from the United States to Mexico; and also what is the rate of such duties, and what amount has been collected; and also by what authority the same have been laid and collected.

The resolution submitted some time since by Mr. HANNEGAN, for the appointment of a select committee to examine in what manner the monuments erected to deceased Senators had been constructed and preserved, was taken up and agreed to.

On motion of Mr. HANNEGAN, the committee was ordered to consist of five members, to be appointed by the Vice President.

The VICE PRESIDENT appointed Messrs. HANNEGAN, MANGUM, HUNTER, CRITTENDEN, and DOUGLAS, to compose said committee.

GENERAL ORDERS.

On motion of Mr. BAGBY, a bill to authorize the settlement of the accounts of Joseph Nourse, deceased, was taken up. The bill was then read a second time, and considered as in Committee of the Whole. No amendment being offered, the bill was ordered to be engrossed for a third reading, and was then read a third time, and passed.

On motion of Mr. UPHAM, a bill for the relief of Richard Bloss and others, was taken up. The bill was then read a second time, and was considered as in Committee of the Whole; an amendment reported by the committee was agreed to, and the bill was reported as amended. The amendment was concurred in, and the bill was ordered to be engrossed for a third reading, and was then read a third time and passed.

On motion of Mr. JOHNSON, of Louisiana, a bill making further provision for the surviving widows of the soldiers of the Revolution was taken up. The bill was then read a second time, and considered as in Committee of the Whole. No amendment being offered, the bill was ordered to be engrossed for a third reading, and was then read a third time and passed.

On motion of Mr. TURNEY, the Senate resumed the consideration of the bill further to extend the patent of Jethro Wood.

Mr. BALDWIN, having withdrawn the amendment previously submitted by him, moved the following proviso, to come in at the end of the bill:

Provided, nevertheless, That the owner of any plough heretofore constructed on the principle of said invention, or his assigns, shall continue to have the same right to use and dispose of such plough for use, that he or they would have had if this act had not been passed.

The bill was then passed over informally.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. CASS. I have been desired to state that it is the wish of my friends on this side of the Chamber, that this debate should be brought to a close within the most reasonable time. There is no disposition on this side of the Chamber to interfere in the slightest degree with the freedom of debate, or to prevent the fullest expression of opinion on the part of every member of the Senate; but we believe that it is very important that the debate on this subject should be speedily brought to a close. There are other important measures which await the action of this body, which must necessarily be delayed till this bill be disposed of. It has occurred to us that hereafter, every gentleman who addresses the Senate on this bill, should terminate his speech on the same day. We will have great pleasure in sitting as late as may be necessary; but we do hope that no Senator will hereafter occupy more than one day. I am requested, further, to state, that it is our hope that this debate may be brought to a close, if not at the end of next week, as early in the week after as possible.

Mr. PHELPS then resumed and concluded his remarks. [A report of Mr. P.'s speech will be found in the Appendix.]

Mr. DOWNS then obtained the floor, and the Senate proceeded to the consideration of executive business; and, after some time spent therein, the doors were re-opened, and

The Senate adjourned till Monday.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 29, 1848.

The Journal of yesterday was read and approved.

Mr. ROCKWELL, of Connecticut, moved the usual resolution terminating the debate on the bill for the relief of Mary Brown, widow of Jacob Brown, in ten minutes after the House shall again resolve itself into Committee of the Whole on private bills.

Mr. HALL, of New York, moved to lay the resolution on the table. Disagreed to.

The question was then put on the resolution, and it was agreed to.

DEFINITE APPROPRIATIONS.

Mr. VINTON, from the Committee of Ways and Means, reported a bill making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849. Read and committed.

Also, a bill to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1848.

Mr. V. said, that before the vote was taken on the motion to commit the bill, he desired to state that he should call it up for the action of the House upon it as soon as the bill and the papers which accompanied it could be printed. It proposed to appropriate a large sum of money, between twelve

and thirteen millions of dollars, in addition to a million appropriated early in the session, to supply the deficiency in the appropriations of the last session of Congress for the expenses of the now current fiscal year. The House would, therefore, see the necessity of prompt action upon it, as seven months of the year had already passed away.

The Committee of Ways and Means had been prevented from reporting this bill at an earlier day by circumstances not under its own control. It will be recollected, that at the beginning of the session a million of dollars was appropriated to meet the immediate wants of the department until the residue of the deficiency could be inquired into. On looking into the estimates, it was found that the Paymaster General had reported to the Secretary of War, at the commencement of the session, that he could not estimate for the deficiency in his department till he received further returns from Mexico. About four weeks ago, the Secretary of War transmitted to the committee the Paymaster's estimate of the deficiency in that branch of the service, amounting to three million seven hundred and seventy-one thousand dollars. It was laid before the committee the day after its receipt; but as it was not accompanied by a detailed statement of the items, the committee directed him to write to the Secretary of War for such a statement, both from the Paymaster and Quartermaster's Departments. He believed every diligence and effort had been used by the department to comply with the call of the committee at as early a day as practicable, but it was not till within the present week that the information had been received by the committee.

There was another bill, also, which required the prompt attention of the House, and which he would avail himself of this occasion to give notice of his intention to call up at an early day. He had reference to the loan bill. He had imagined that the fortunate discovery of an error, which showed there were in the treasury near seven millions of means at its command more than was supposed to exist there, had obviated the necessity of immediate action on that bill. But two days ago he had received a letter from the acting Secretary of the Treasury, stating that its immediate consideration was highly necessary. It is known to the members of the House that the annual report of the Secretary of the Treasury has not yet been printed. The examination of the statements and tables appended to that report are absolutely essential to a correct understanding of the state of the finances. It was his intention to have accompanied the bill with a written report, which could not be made without the aid of that document. The reporting of the bill had been delayed as long as the committee thought themselves justified in withholding it, for the purpose of seeing the Secretary's report in print; but, as it was not printed, he refrained from making a written report, for fear that, without the aid of that document, he might fall into some great mistake, which for a time might mislead the House and the country. He himself had called several times at the printing office to inquire about that report; other members of the committee, he believed, had done the same thing. It was not yet forthcoming. He did not feel able or willing to enter upon the discussion of that bill till he had had an opportunity to read and thoroughly study the Secretary's report. The request of the acting Secretary of the Treasury was, however, so urgent for immediate action, that he should, on Wednesday next, move to take up that bill, and leave it to the House to decide whether they would consider it before they had had an opportunity to see that report. He was directed by the committee to bring this subject of the public printing to the notice of the House.

The appropriation bills for the next fiscal year, commencing on the 1st of July next, are in the course of preparation, and those not already presented will be reported as soon as practicable. It will be recollected that it is but a short time since the reports of the different departments which accompany the President's message have been printed and laid on our tables. The reports of the different bureaus to the heads of the departments give the detailed operations of the Government, and show the necessity of such appropriations as are discretionary. He had felt it to be his duty to read these reports, and compare them with the estimates, before presenting the annual appropriation bills, as that was the proper source to look to for explanation respecting the estimates. There is a rule of the House that requires the appropriation bills to be reported within thirty days after the appointment of the Committee of Ways and Means. He wished to say a word about that rule, and the reason of its adoption. Formerly, the fiscal year commenced with the calendar year on the 1st of January. It followed, of course, that, if the appropriations were not made by the 1st of January in each year, the operations of the Government were carried on without any provision for payment. Everything was carried on in anticipation of and upon the faith that Congress would make the appropriations: and thus it sometimes happened in the long sesion that the year was almost half gone before the appropriations were made to meet the necessary expenditures of the Government. This state of things every year occasioned much embarrassment to the Executive Departments, and was attended with heavy losses to such of the public creditors as could not wait for the tardy movements of Congress. To remedy this evil, this rule of the House was adopted. It was found to be an inefficient remedy, because of the impossibility of making the appropriations by the time the fiscal year commenced. It was finally wholly obviated by changing the commencement of the fiscal year from the 1st of January to the 1st of July. So that if the appropriations were now made, no part of them would be wanted for more than three months to come. This rule, however, was left to stand among the rules of the House, though now of little practical utility. He would endeavor to see that the appropriations were all made in time to meet the wants of the Government, and that no detriment to the public service should arise from want of timely action of the House upon them.

Mr. ASHMUN said, the chairman of the Committee of Ways and Means had given notice, as he understood, that he would call up a very important bill on Wednesday next, on account of the urgent request of the Treasury Department, and that he would do this in advance of the printing of the report of the Secretary of the Treasury. Mr. A. rose that he might call the attention of the House and of the country to this state of things. Here was the House, in the very last days of January, still without a copy of so important a document as the great fiscal report from the Treasury Department.

Here Mr. BOYD raised an inquiry in relation to order, but the SPEAKER ruled Mr. A. to be in order.

Mr. ASHMUN said, gentlemen need not feel sensitive; he was not going into any extended remarks. His object was to call the attention of the House and of the public to what had been stated as the cause of this unprecedented delay, and to put to any member of the Committee on Printing, who happened to be present, the inquiry, when they were to expect the copies of this report to be laid on their tables? He saw a gentleman from New York [Mr. CONGER] in his seat, who belonged to that committee. He would thank that gentleman to answer, if he could, the inquiry he had put.

Mr. CONGER said, that, as a member of the Committee on Printing, he could only say that he had had an interview with the public printer some two or three days since; and that officer had then informed him that the body of the report had been taken back repeatedly, by order of the Secretary of the Treasury, for alteration; and he gave that as the reason for the delay which had occurred. It was this interruption, coming from the department itself, which had prevented an earlier delivery of the printed copies of the report; and he had added, that *if the manuscript should not again be taken out of his hands*, the copies would be ready for delivery in two or three days. A part of it was now in type. That was the only explanation Mr. C. had to give in answer to the inquiry of the gentleman from Massachusetts: that was the explanation he had received from the public printer.

Mr. McKAY would like to know of the gentleman from New York, [Mr. CONGER,] what changes those were which he stated, on the authority of the public printer, to have been made in the report? Were they in the tabular statement?

Mr. CONGER. The committee were not informed.

Mr. McKAY said, that having heard the rumors which were circulating in the House that the tables accompanying the report of the Secretary of the Treasury had been withdrawn and altered, or others substituted in lieu thereof, he had seen the Register of the Treasury, whose business it was to prepare those tabular statements, and had mentioned these rumors to him; and he now stated, upon his authority—the authority of Mr. Graham, an excellent and very honest man—that there was not the slightest foundation in the world for the rumor; that not a single table had been altered; that the tables were there now as they were first presented in the report.

He was not going into a commentary or criticism upon the statements made by the honorable chairman of the Committee of Ways and Means. He was glad to learn from that gentleman that he had determined to call up on Wednesday next the bill giving the Government authority to borrow a sum of money to meet the exigencies of the public service.

With regard to the delay that had attended the execution of the public printing, the whole House must be aware that it was owing to causes which were apparent to all. In the first place, the system of printing had been changed. Formerly, the printing had been done by printers appointed by the House. Now, it was done by contract. He had voted against that law himself. He presumed his friend from Massachusetts [Mr. ASHMUN] and the honorable chairman of the Committee of Ways and Means voted for it.

Mr. ASHMUN begged the gentleman's pardon. He did not vote for it. He had always thought it a "penny-wise and pound-foolish" operation.

Mr. McKAY, (continuing.) At any rate he would cast no imputation on the printers. He hoped they would be able to perform their contract: they said they would. The documents this session were very voluminous; the President's message and accompanying documents made a document nearly twice as large this year as last year. Owing to the existence of a state of war, the reports of all our generals, Secretaries of War and the Navy, and, in fact, of all our officers, were much larger, and made a document of nearly two thousand pages. Was not this an explanation of the delay?

But, in regard to the remark made by the gentleman from Massachusetts, that the House would be called on Monday next to act upon the bill reported by the chairman of the Committee of Ways and Means——

[A voice: "On *Wednesday*."]

No, (said Mr. McK.;) the gentleman from Ohio, [Mr. VINTON,] if he understood him correctly, gave notice that he would call up on Monday next the bill making appropriations to supply deficiencies.

Mr. VINTON (Mr. McK. yielding) said he had stated that, as soon as the bill which he had this morning reported to supply deficiencies could be printed, with the accompanying documents, he would call it up.

Mr. McKAY (resuming) supposed it would be printed, with the documents, by Monday.

In regard to the deficiency bill, the House (said Mr. McK.) were already in possession of full information—of every item of information which could have any bearing upon it. There was nothing at all in the Secretary's report in reference to these deficiencies, except his financial statement, and that was published weeks ago, during the second week of the session.

Mr. ASHMUN (interposing) said, with reference to the statement of the gentleman from North Carolina about the tables connected with the report of the Secretary of the Treasury, he had this moment been informed by the public printer that the Secretary of the Treasury had now, at this moment, in his possession these tables.

Mr. McKAY. Well, I am authorized by the Register of the Treasury, Mr. Graham, to state that the tables have undergone no change at all since they were sent in accompanying the Secretary's report, when it was first laid on the table.

Mr. CONGER wished to make a further statement on this subject, and (Mr. McK. yielding) he said he (Mr. C.) had not only been informed by the printer, at this instant, of the same fact which was communicated by him to the honorable gentleman from Massachusetts, but that the proofs of this document, which he understood was now ready to be laid upon their tables, were now in the hands of the Secretary of the Treasury for revi-

sion; that he (the Secretary) had not yet sent them back to him, and this was the cause of the delay.

In relation to the President's message, he wished further to state what the public printer had informed the Committee on Printing was the cause of the delay of that document; that he had furnished and was furnishing that document as fast as the lithographic maps contained in it were furnished to him.

This statement he deemed it a matter of justice to the printer to make.

Mr. McKAY (resuming) said the proof-sheets, he supposed, had been sent to the Secretary of the Treasury. Everybody knew, that of large voluminous documents like this, the proof-sheets were placed, for revision, in the hands of the Secretary, or the person making the reports, to secure accuracy. But, to show that the gentleman was utterly mistaken, here (said Mr. McK., holding up a printed copy of the report of the Secretary of the Treasury) is the document itself. How was it possible for it, or parts of it, to be in the Treasury Department, when the printed document was now in their document room? And every gentleman, by going up to the document room, (for the practice was now changed, and, instead of the documents being placed on the desks of the members, they were taken up to the document room,) could supply himself with a copy.

Mr. ASHMUN. Will the gentleman allow me to state, that the public printer tells me they were placed there this morning for the first time?

Mr. McKAY. No matter about that. I contradict, positively, peremptorily, the statement that any alteration has been made in the tables at the department. And the gentleman from New York, on the Committee of Printing, [Mr. CONGER,] himself, only a day or two ago, asked this House for permission to have an addition made to this report of something which had been received since the report was communicated.

He had but one remark in reference to the statement of the honorable chairman of the Committee of Ways and Means in regard to the time in which the appropriation bills should be reported. There was a rule of the House requiring them to be reported within thirty days after the appointment of the committee. That time had elapsed; and the honorable chairman said the failure to comply with the rule and the delay were owing in a great degree to a want of the documents which were necessary. Now, he admitted, that in regard to one or two of these bills, which the committee were required peremptorily to report within thirty days, that was a good justification. The navy appropriation bill, for instance, could not be reported, because the explanations were all contained in that part of the documents accompanying the President's message which came from the Navy Department, and the message and accompanying documents had been but a few days printed entire; but in regard to the civil and diplomatic bill, which was the large bill, he hazarded the assertion here, from some familiarity with the business of the committee, that there was no gentleman who would find any information at all in the voluminous documents accompanying the message which had the slightest bearing upon any item in that bill; and so in regard to the Indian appropriation bill. Now, two years ago, with a view of obviating this very difficulty, a resolution passed the two Houses of Congress requiring the estimates to be prepared and printed in advance, so as to be laid on the tables of members at the opening of the session. That had been done for the last two sessions. The document was now in the document room, and every gentleman could go up and get it.

He concurred with the honorable chairman, and did not think it of any importance to report within the first thirty days. He would be glad if the committee would take time to examine these bills and retrench and cut down, as he thought could be done with regard to the public service. The great matter was not that they should be reported within the first thirty days. He thought that was a bad rule, and ought to be repealed, in consequence of the change of the commencement of the fiscal year. More time should be allowed to the committee to prepare their bills; but after the bills were reported to the House, the great cause of complaint was, that the House would never act upon them; that they were not taken up till the close of the session, and then were hurried through without anything like due deliberation; and in short sessions, frequently on the very last night of the session, the two Houses were compelled to make appropriations which their own judgment would revolt at if they had time to deliberate. Now, what he wanted was this—that when the chairman of the Committee of Ways and Means made the motion to take up these bills, the House would do so, and act upon them in time, and let them go to the Senate, so that they would not be compelled to hurry them through at the very last hours of the session. Millions had been voted away in this way without anybody's knowing anything at all where it had gone until it was too late to remedy it.

He gave notice that he should, at an early day, ask leave to introduce a resolution authorizing and requiring all these public documents, which the President and the heads of the departments were required to communicate annually to Congress, to be printed in advance—making it the duty of the President and the heads of the departments to have them prepared and printed, ready to be laid on their tables at the opening of the session. There could not then be any ground, more than two months after the commencement of the session, for gentlemen to get up and say, for want of diligence on the part of the printer, because these documents have not been sent in, we cannot act promptly on these various subjects. He hoped, therefore, the House would pass his resolution when he introduced it, and it would remove and obviate many of the inconveniences and complaints which they now suffered.

As the gentleman from Ohio had given notice that he would call up the loan bill on Wednesday, understanding that there was a communication on the Clerk's table which related to this subject, he asked that it might be taken up and referred to the Committee of Ways and Means.

The SPEAKER stated that the first question would be on the motion of the gentleman from Ohio, [Mr. VINTON,] that the bill reported by him be referred to the Committee of the Whole on the state of the Union, and, with the accompanying papers, be ordered to be printed.

Mr. HUDSON, referring to the remarks which had been made in relation to the document which had been handed to them this morning, said it had been stated, he believed, that the delay in printing that document was occasioned by its revision or the retention of the proof in the hands of the Secretary. On the other hand, it had been suggested that the statement could not be true; that there must be some misrepresentation in the case, because they had the document now upon their tables. He was informed by the public printer that the proofs were now in the hands of the Secretary of the Treasury, and that the public printer had express directions from him not to deliver the document until these proofs were revised; and that the document had been sent in this morning at the bidding of the Committee on Printing of the two Houses, the public printer considering himself under obligation rather to obey the mandate of the Committee on Printing than the request of the Secretary of the Treasury; and that, while this document was now on their tables, several of the proof sheets were in the hands of the Secretary, and not returned by him, or had not been returned when these documents left the printing-office.

Mr. BROWN, of Pennsylvania. Will the gentleman say when these proofs were sent to the Secretary?

Mr. HUDSON (not hearing the request) continuing, said he would also, while he was on the floor, make a single remark upon the delay that seemed to be charged—to some extent, perhaps, upon the Committee of Ways and Means in submitting their report—by the gentleman from North Carolina.

Mr. McKAY (interposing) said he made no complaint. He thought it desirable, on the contrary, that the committee should take more time in preparing their bills. He only said he thought the documents were not wanted to enable them to act upon the deficiency bill and upon the civil and diplomatic appropriation bill.

Mr. HUDSON had understood the gentleman to intimate that some of the bills might have been reported at an earlier day, and he had seemed to intimate that there had been some unnecessary delay. He (Mr. H.) had only to say in reference to this, that there was no member of that committee who was more desirous of sifting the whole matter of appropriations, and very justly, who kept more constantly sending to the departments for further information, or who was more desirous of waiting till that information was obtained, than the gentleman from North Carolina, [Mr. McKAY.] He did not mention this in the way of complaint, but rather to commend the gentleman for his fidelity in this case, and to account further for the delay (if any had existed) on the part of that committee in preparing their bills.

The question was then taken on the motion of reference and the printing, and it was agreed to.

The SPEAKER laid before the House the following communication from the Secretary of the Treasury, which was referred to the Committee of Ways and Means:

"TREASURY DEPARTMENT, *January* 29, 1848.

"SIR: Since the date of my last communication, fixing the amount of the loan of twelve millions of dollars, a letter (a copy of which is hereto annexed, dated the 21st instant,) has been received from the Secretary of War, giving the information that he had submitted to the Committee of Ways and Means estimates to the amount of $3,808,000 since the commencement of the session, in addition to those heretofore submitted; I have therefore the honor to request that the loan should be granted for the sum of $16,000,000, which, it is believed, will be all that will be necessary to ask for during the present session of Congress.

"I have the honor to be, very respectfully, your obedient servant,

McCLINTOCK YOUNG,
"Acting Secretary of the Treasury.

"Hon. R. C. WINTHROP,
Speaker of the House of Representatives."

Mr. ASHMUN wished to correct a statement which he had made, personal to himself, in reply to the gentleman from North Carolina, [Mr. McKAY.] When the gentleman referred to the resolution in relation to letting out the printing at contract, and intimated that he (Mr. A.) had voted for it, he had replied at the spur of the moment that he considered it a foolish operation. On examination, his memory was corrected; he did vote for it. And the error which he made was this: that, when the proposition was made to cut down Ritchie & Heiss to the contract price, he had voted against his political friends, and in favor of the Democratic printers. This had led him into the error.

Mr. FARRELLY moved to reconsider the vote by which the bill to provide for additional examiners in the Patent Office was referred to the Committee of the Whole on the state of the Union; which motion lies over for the present.

The Senate bill to authorize the settlement of the accounts of Joseph Nourse, deceased, was taken up, read, and referred to the Committee of Claims.

PERSONAL EXPLANATION.

Mr. HENLEY said: Mr. Speaker, I have risen this morning to a personal explanation; and I will remark, that I think if all explanations of this character were as brief and explicit as the one I am about to make, they would not be so unpopular in this House. Some time since, sir, a member from Pennsylvania [Mr. HAMPTON] wrote to his district, for publication, a letter, containing the charge that the amendment offered by me to the joint resolution of thanks to General Taylor and his army for their achievement at Buena Vista, was intended to defeat or embarrass it. This I did not think proper to notice But now, sir, another member from that State [Mr. NES] has repeated the same charge, for the purpose, I suppose, of screening himself from the odium of his vote on the amendment of the gentleman from Massachusetts. It is unfair for any man to attempt to throw the burden of his own sins upon another. I will read the paragraph to which I wish to allude:

"But an attempt is also made to prejudice the public mind against me by connecting this subject with a vote of thanks to General Taylor. It must be borne in mind that an amendment has been offered by a member from Indiana to the resolution of thanks, *designed to embarrass it*, to which the amendment of Mr. Ashmun was a counter-movement."

Of the propriety and parliamentary courtesy of members writing letters for publication, impugning the motives of others, I leave for the judgment of the House and the good sense of the people to determine. What I desire to say is, that if either or both of the members from Pennsylvania intend to say that I "*designed to embarrass*" the vote of thanks to General Taylor and his army, they utter what, in point of fact, is not correct. They have no means of knowing my designs, and have no right to speak of them in this unqualified manner. It was the very furthest from my "*designs*" to em-

barrass this vote of thanks, but to place it in a light in which it would be worth having—to express to the world that the thanks were tendered by a grateful people in good faith, for noble deeds done in defence of the rights and honor of the nation, and not in prosecuting an unnecessary and an unconstitutional war. I consider this amendment as having been made necessary to defend the army in general, and General Taylor in particular, against the foul accusations that have been made here and elsewhere, to the effect that this war is a lawless invasion of the territory of an innocent neighbor, and our army little better than a band of robbers; and I shall offer it to every proposition of a like character which may be proposed while I am a member of this body.

I believe that no honors can be won in an unjust cause, and no thanks would be acceptable to a brave and generous mind, from those whose denunciations have been so often thundered forth against the justice of the cause in which this brilliant achievement was performed.

PRIVATE BILLS.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole on private bills, (Mr. CHAPMAN, of Maryland, in the chair.)

The first bill taken up was the bill for the relief of Mary Brown, widow of Jacob Brown; to which an amendment moved by Mr. BOWLIN was pending, viz: insert after the word "Massachusetts" the words "aged seventy-four years, and born before the close of the revolutionary war."

The question on the amendment was put, and it was agreed to.

After a short discussion on points of order, the time limited by the resolution for debate on this bill expired.

Mr. FICKLIN moved to amend the bill by adding the following proviso:

"*Provided*, That this pension is granted in consideration of the gallantry and death of Major Jacob Brown, (her stepson,) in command of the fort opposite Matamoros, and shall not be regarded as a precedent in other cases."

Disagreed to.

Mr. STUART, of Michigan, moved that the bill be reported to the House, with the recommendation that it be recommitted to the Committee on Revolutionary Claims, with instructions to report a general bill.

Mr. ROMAN moved to amend Mr. STUART'S motion by adding the following:

"Providing pensions for all widows of revolutionary officers and soldiers: *Provided*, said widows were born prior to the adoption of the Constitution."

Disagreed to.

Mr. CUMMINS moved to amend Mr. STUART'S motion by inserting the Committee on "Revolutionary Pensions" in lieu of "Revolutionary Claims."

Mr. STUART accepted Mr. CUMMINS'S suggested modification.

Mr. HALL, of New York, moved to amend the bill by striking out "$20 per month" and inserting "$4 per month." Disagreed to.

Mr. SMITH, of Illinois, moved to amend the bill by striking out "$20 per month" and inserting "$8 per month." Agreed to.

Mr. POLLOCK moved that the bill be reported to the House with the recommendation that it be committed to the Committee on Revolutionary Pensions, with instructions to report a bill granting a pension to the widows of revolutionary officers and soldiers who were married prior to the year 1800.

The CHAIRMAN ruled the amendment of Mr. STUART, of Michigan, and the amendment of Mr. POLLOCK out of order.

Mr. STUART, of Michigan, appealed from the decision of the Chair.

The question on the appeal was stated and put to the committee.

The decision of the Chair was sustained.

The committee then rose and reported the bill to the House.

Mr. COLLAMER moved the previous question, which was seconded; and, under its operation, the amendments of the Committee of the Whole were agreed to.

And the bill was ordered to be engrossed, and was engrossed and read a third time: Yeas 119, nays 47.

And then the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. CROWELL: The petition of Hannah Wightman, formerly widow of John Hart, deceased, for a pension.

By Mr. JOHNSON, of Tennessee: The petition of Jesse Coal and other citizens of Shady Valley, Johnson county, Tennessee, praying the establishment of a mail route from Taylorsville, via Shady Valley, to Paperville.

By Mr. MORSE: The memorial of Jean Baptiste Grange, praying permission to locate a tract of land.

On motion of Mr. GREEN, the papers and petition of Cornelius Washburn and others, of Missouri, on the files of the House, were referred to the Committee on Public Lands. Also, the papers relating to the claims of Reuben Gentry and others, for Indian depredations, were withdrawn from the files of the House, and referred to the Committee on Indian Affairs.

By Mr. TURNER: The memorial and petition of Captain N. Wall and others, paying for an act to regulate and define the duty of officers and hands employed in the navigation of the Mississippi and other western rivers.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 31, 1848.

The Journal of Saturday having been read and approved—

Mr. CONGER, on leave, made a personal explanation relative to the remarks of the gentleman from North Carolina, [Mr. McKAY,] on Saturday last, while the printing of the report of the Secretary of the Treasury was incidentally under discussion. That gentleman is reported, in the Intelligencer of this morning, to have made the following remark:

"And the gentleman from New York, on the Committee of Printing, [Mr. CONGER,] himself, only a day or two ago, asked this House for permission to have an addition made to this report of something which had been received since the report was communicated."

He (Mr. C.) did not hear the remark at the time, or he should immediately have taken occasion to correct the error into which the gentleman had, inadvertently, without doubt, fallen. The gentleman from North Carolina [Mr. McKAY] had probably made the statement upon what he deemed good authority; but he (Mr. C.) felt it due to himself and the public to state, that so far from his having made any such request of the House as is stated, he knew nothing whatever of any request of the kind having been made by any one.

Mr. McKAY said he had not seen the report of his remarks this morning in the Intelligencer, but he had stated in substance what the gentleman now read. Some gentleman from New York had made a motion to append something which had subsequently been received to the report of the Secretary of the Treasury, as he then supposed, but had since learned it was to the report on commerce and navigation. It was this fact that had led him into the error.

FORTIFICATION BILL.

Mr. VINTON, from the Committee of Ways and Means, reported a bill making appropriations for certain fortifications of the United States for the year ending the 30th June, 1849. Also, a bill making appropriations for the support of the army and of volunteers for the year ending 30th June, 1849; which bills were read twice and committed.

RESOLUTIONS.

The regular order of business was the call of the States for resolutions.

On motion of Mr. PHELPS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing post routes from Oceola, St. Clair county, via Quincy, to Hickory Court-House, Missouri.

On motion of Mr. HALL, of Missouri,

Resolved, That the Committee of Claims be instructed to inquire into the propriety of authorizing the Secretary of the Treasury to employ such an additional number of clerks in the office of the Second Auditor as are required by the exigencies of that office.

Mr. GOTT moved the usual resolution to close the debate in the Committee of the Whole on the President's annual message, and the resolutions referring the same to the appropriate committees, on Tuesday, the 1st day of February, at two o'clock.

Mr. CROZIER moved to amend the resolution by inserting the "1st day of March," in lieu of the "1st day of February." Lost.

Mr. COLLAMER moved to lay the resolution on the table; which motion was decided in the negative: Yeas 31, nays 136.

Mr. FISHER moved to strike out "1st day of February," and insert the "4th day of February." Lost.

The resolution was then agreed to.

On motion of Mr. GREEN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Alexandria, Clarke county, Missouri, to Winchester, in said county. Also, from Alexandria to Canton, in Lewis county; and also from Alexandria, by way of Francisville, Wood's Mill, Bloomfield, Drakesville, Princeton, and Knoxville, to Fort Des Moines, in the State of Iowa. Also, from Kirksville to Lancaster, Missouri.

On motion of Mr. McCLELLAND,

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the propriety of granting to Anthony Ten Eyck, Esq., commissioner to the Sandwich Islands, an outfit.

Mr. STUART, of Michigan, moved the following resolution:

Resolved, That the Committee on Accounts be instructed to inquire into the expediency of allowing the Sergeant-at-Arms to employ a clerk, and also to specify the compensation for the same.

Mr. COCKE moved to lay the resolution on the table. Agreed to.

On motion of Mr. CABELL,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for the survey and sale of so much of the public lands which have been or may hereafter be returned to the Land Office of the United States "unsaleable," as the settlers therein shall desire to purchase at the *minimum* price of one dollar and twenty-five cents per acre.

On motion of Mr. CABELL,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing, by law, the fees of district attorneys, marshals, clerks, commissioners, and other officers of the courts of the United States, so that the same shall be in force in all the States.

On motion of Mr. CABELL,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of having a custom-house erected at Appalachicola, in the State of Florida; also, into the expediency of having a marine hospital erected at the same place.

Mr. CABELL asked leave to present a preamble and resolutions of the Legislature of the State of Florida, relative to the expenses of the Florida volunteers previous to their being mustered into the service of the United States.

Also, the preamble and resolutions from the same source in relation to the Florida volunteers in the Seminole war.

Objection being made—

Mr. CABELL moved to suspend the rules.

The question was put, the rules suspended, and the preamble and resolutions received and referred.

On motion of Mr. TWEEDY,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making appropriations at the present session for the erection of a light-house at Sank Harbor, in the Territory of Wisconsin; and also for the improvement of the harbor of Sheboygan, in said Territory; and that they report by bill or otherwise.

On motion of Mr. WILLIAMS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing by law for registering foreign vessels purchased and repaired by citizens of the United States.

On motion of Mr. LEFFLER,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of setting apart a sufficient quantity of the public lands in the vicinity of the Mississippi river to cover, at the minimum price, the estimated cost of the improvement of the Des Moines and Rock river rapids, said lands to be designated under the authority of the State of Iowa, sold by the Government of the United States, and the proceeds applied to said improvements, under the direction of the Secretary of War.

Resolved, That if the above plan should be deemed inexpedient, then that said committee be instructed to inquire into the expediency of setting apart thirty per cent. of the net proceeds of the sales of the public lands for the said purpose within the following district, to wit: thirty miles on each side of the Mississippi, from the southern extremity of the Des Moines rapids to the mouth of the St. Peters; the fund arising from which to be applied, under the direction of the Secretary of War, exclusively to said improvements; and that said committee report by bill or otherwise.

Mr. KAUFMAN presented a preamble and resolutions of the Legislature of Texas in relation to the passage of a law for the payment of the volunteers called out from that State under the requisitions of Colonel S. R. Curtis. Referred to the Committee on Military Affairs.

On motion of Mr. THOMPSON, of Iowa,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing a new land district in the State of Iowa, with a land office at Fort Des Moines, in Polk county, and report by bill or otherwise.

Mr. CABELL moved the following resolution; which was read, and laid over under the rule:

Resolved, That the President of the United States be requested to cause to be communicated to this House the number and names of the commissioned officers in the military service of the United States who have been at any time attached to the army of the United States in Mexico, and who are now absent from said army on leave, or for any other purpose.

Mr. JOHNSON, of Arkansas, presented the memorial of the children of Eli Whitney, the inventor of the cotton-gin, and moved its reference to a select committee of nine members.

The question was put on its reference as above, and it was so referred.

Mr. JOHNSON, of Arkansas, in pursuance of previous notice, introduced a bill to confirm the boundary line between Missouri and Arkansas.

The bill was twice read, and—

On motion of Mr. JOHNSON, the bill was ordered to be engrossed; and was engrossed, read a third time, passed, and sent to the Senate for concurrence.

Mr. JAMIESON moved the following resolution, which was read and laid over:

Resolved, That the Committee on Accounts be instructed to inquire into the expediency of authorizing the Sergeant-at-Arms to employ a clerk.

Mr. HARRIS presented certain joint resolutions of the Legislature of Alabama favorable to the plan of Asa Whitney for a railroad from Lake Michigan to the Pacific Ocean.

Mr. TURNER asked leave to introduce a joint resolution to annex Upper and Lower California to the United States.

It being objected to, the question was stated on granting leave, on which the yeas and nays were ordered; but, before any question was taken—

Mr. BROADHEAD stated his desire to debate the motion on granting leave, and it was laid over under the rule.

On motion of Mr. RICHARDSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post-route from Kinderhook, in Pike county, Illinois, to Hannibal, in the State of Missouri.

On motion of Mr. BROWN, of Mississippi,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post-route from Shieldsborough, Hancock county, Mississippi, by way of Gainesville, Columbia, and Monticello, to Gallatin, Mississippi; and also, from Bolivar, Mississippi, by Augusta, Ellisville, Paulding, and Decatur, to Hillsborough.

Mr. FEATHERSTON moved the following preamble and resolution, which were read and agreed to:

Whereas the Government of the United States owns a large quantity of land in the State of Mississippi, lying in the Mississippi bottom, which is subject to overflow, and is thereby rendered worthless; and whereas the said lands would be of great value, were they reclaimed; and whereas it is thought practicable to reclaim said lands by the construction of a levee on the east bank of the Mississippi river, in said State, to prevent their annual inundation: Therefore,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of ceding to said State so much of said lands as may be necessary to construct such levee, provided the State of Mississippi will appropriate a part of her public lands for such purpose, each appropriating according to the quantity owned by them respectively.

Mr. EMBREE moved the following resolution, which was read and laid over under the rule:

Resolved, That the President of the United States be requested to furnish to this House copies of all correspondence between the Secretary of War and Major General Scott, and between the Secretary of War and Major General Taylor, from the 1st of September, 1845, to the 1st of December, 1847, which has not been heretofore published, and which may not be incompatible with the public interest.

Mr. HARMANSON moved the following resolution, which was disagreed to:

Resolved, That the Committee on Public Lands inquire whether the proviso in the distribution act of 1841, suspending that act in the event of a war with a foreign Power, also suspends the preëmption law which is in that act; and if so, to take such action, at as early a day as may be practicable, to reënact the preëmption law, and to grant such further relief to the preëmptioners as they may deem necessary.

On motion of Mr. LA SERE,

Resolved, That the Committee on Commerce be instructed to inquire into and report upon the necessity of erecting light-houses at the following points on the coast of Alabama, Mississippi, and Louisiana, viz: One on Horn Island, one on Ship Island, one at the mouth of Bayou Grand Sable, due north of the pier or landing for Mississippi city, one at the mouth of the river Tauchipaho, and one on Proctor's Shell Bank.

On motion of Mr. CUMMINS,

Resolved, That the Committee of Claims be instructed to inquire into the justice and expediency of causing to be paid to the officers and seamen who, in the year 1804, volunteered their services under Captain Stephen Decatur, to recapture or destroy the brig Philadelphia, then lying in the harbor of Tripoli, the value of said vessel, which was, by the commander of the squadron, promised to said officers and men as a reward for their courage and enterprise, but which has never been paid to them.

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the justice and expediency of causing the names of the surviving officers and seamen, and the widows of such as may have died, who, in the year 1804, volunteered under Captain Stephen Decatur to recapture or destroy the brig Philadelphia, then lying in the harbor of Tripoli, to be entered on the pension roll; and that said committee report by bill or otherwise.

On motion of Mr. CROWELL,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the propriety of causing the sum allowed for the removal and subsistence under the Cherokee treaty to be paid to such Cherokees as were not required, under the provisions of those treaties, to remove west of the Mississippi.

On motion of Mr. DICKINSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Lower Sandusky, in Sandusky county, Ohio, to Port Clinton, in Ottawa county, in the same State.

Mr. GIDDINGS moved the following resolution:

Resolved, That a select committee of five members be appointed to inquire into and report to this House whether the slave trade is carried on within the District of Columbia; if so, by what legal authority it is sustained; and whether any modification of the existing acts of Congress on that subject is expedient at this time.

Mr. GIDDINGS moved the previous question.

Mr. HOLMES, of South Carolina, moved to lay the resolution on the table.

The question was decided in the negative: Ayes 81, noes 91.

Mr. COBB rose to a question of order. He raised the point that it was not in order upon the introduction of a resolution to move the previous question, and thereby cut off the House from its consideration, when the rule of the House expressly provided that in the event of debate the resolution goes over. He submitted it was contrary to the spirit of the rule, which, by providing that in case of debate arising the resolution should lie over, obviously contemplated that there would be opportunity for debate if members wished.

The SPEAKER said, he could only state, as he had already stated several times during the session, that, under the precedents which could be read, to almost any extent from the Journal, he was bound to decide that the previous question might be moved, and if sustained, it would bring the House to a direct vote. The question had been raised again and again, and repeatedly during the present session had the previous question been moved and sustained by the House under similar circumstances. The Chair could only be governed by that rule of parliamentary law which declared that "instances make order." If an alteration of the rules was desired, the Committee on Rules and Orders could report an amendment to the rules to meet the case.

Mr. COBB knew the Chair was correct with reference to the precedents; but he thought the practice had been erroneous, and he wished a decision on the subject by the House. With reference to forming a new rule, he thought there might be some difficulty about the wording of it.

Mr. SMITH, of Indiana. Has not the House already decided at this session, upon appeal, that the decision of the Chair is correct?

The SPEAKER replied, he believed there had been such a decision.

Mr. COBB said, he had no recollection of it. He had taken an appeal of this kind, but had withdrawn it.

The SPEAKER read a precedent applicable to this case, under date of August 5, 1846, and said there were repeated decisions of the same sort during the last session and previous sessions.

The question, he said, was on the appeal taken by the gentleman from Georgia from the decision of the Chair.

Mr. BURT desired distinctly to understand the question which had been raised by his friend from Georgia, [Mr. COBB.] He understood the point of order which he made——

The SPEAKER reminded the gentleman that the previous question having been moved, the appeal was not debatable.

The CHAIR stated the question. When resolutions are offered on Monday, under the rules of the House, if they give rise to debate, they go over to a succeeding day. The gentleman from Ohio moved a resolution, and followed it immediately with a call for the previous question; and the question before the House is, whether the call for the previous question can cut off the operation of the rule which requires that resolutions giving rise to debate shall go over to a subsequent day. Under repeated decisions of the House the Chair decides that the previous question is in order: the gentleman from Georgia appeals from the decision, and the question before the House is on the appeal.

The question, "Shall the decision of the Chair stand as the judgment of the House?" was taken by tellers, and decided in the affirmative: Ayes 105, noes not counted.

So the decision of the Chair was sustained.

The question on seconding the demand for the previous question was then put, and the House refused to second the said demand.

Mr. STEPHENS then rose, and stated his desire to debate this resolution, and it was laid over.

On motion of Mr. EVANS, of Ohio,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the benefit of the act of 7th June, 1832, granting pensions to surviving officers and soldiers of the revolutionary war who served for a period of less than six months, and that they report by bill or otherwise.

Mr. CROWELL moved to reconsider the vote by which the resolution of Mr. STUART, of Michigan, authorizing the Sergeant-at-Arms to employ a clerk, was laid on the table. Decided by tellers: Ayes 81, nays 67.

The vote being reconsidered, the resolution was before the House.

Mr. FICKLIN stated his intention to debate the resolution, and it was laid over under the rule.

Mr. COCKE moved the following resolution, which was read and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Clerk of this House the papers in the cases of Joseph Graham and George Kirk, applicants for pensions under the act of June 7, 1832, and that they be referred to the Committee on Revolutionary Pensions.

On motion of Mr. JOHNSON, of Tennessee,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing a new and complete tent for the army, which shall protect the men from the water and the weather, be easily and quickly pitched and struck, and combine size, lightness, durability, and strength, with compactness of packing and facility of transportation.

Mr. BOYD moved the following resolution, which was read and agreed to:

Resolved, That, upon the application of any member of Congress, it shall be the duty of the Commissioner of Pensions to deliver the papers in the case of any rejected application for a pension, upon said member receipting for the same.

On motion of Mr. FRENCH,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Mount Sterling, Kentucky, via the Beaver Ponds, on Red River, and the Estille Steam Furnace, to Irvine, in Estille county.

On motion of Mr. MOREHEAD,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency and propriety of passing a law allowing the owners of what are commonly known as "Bowie claims" to land in the State of Arkansas, to enter the same at the minimum price, and that they report by bill or otherwise.

Mr. DUNCAN, of Kentucky, moved the following resolution; which was read, and under a special suspension of the rules of the House, and the operation of the previous question, agreed to:

Resolved, That the President is requested, if consistent with the public interest, to furnish this House with a copy of General Taylor's answer to the letter dated January 27, 1847, which was addressed to General Taylor by the Hon. W. L. Marcy, Secretary of War, and a copy of which was communicated to this House on the 1st day of March last.

On motion of Mr. HARALSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a post route from Griffin to Newnan, in the State of Georgia.

On motion of Mr. LUMPKIN,

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety and expediency of establishing a national foundry in Cass county, Georgia, at or near the point where the Western and Atlantic Railroad crosses the Etowah river, and report to this House by bill or otherwise.

On motion of Mr. KING, of Georgia,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Albany, in Baker county, to Thomasville, in Thomas county, and from Barrington Ferry, in McIntosh county, to Waresboro', via Pendaver's Store, in Wayne county, and Allabahan Creek, to Waresboro', in Ware county, Georgia.

On motion of Mr. STEPHENS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of giving the Postmaster General power by law to allow deputy postmasters extra compensation in certain cases where extra services are rendered, and particularly the postmaster at Union Point, Georgia, and that they report by bill or otherwise.

On motion of Mr. HOLMES, of South Carolina,

Resolved, That the Committee on Naval Affairs be in-

structed to inquire into the expediency of increasing the rank in the navy, and that they report by bill or otherwise.

On motion of Mr. BURT,

Resolved, That the Committee on Military Affairs be instructed to inquire into the justice and propriety of causing an appropriation to be made for the purchase of the island at the confluence of the St. Peter's and Mississippi rivers, agreeable to a contract entered into for that purpose by the Secretary of War on the 12th day of March, 1839, in obedience to a joint resolution of both Houses of Congress of the 13th of February, 1839.

Mr. SIMS moved the following resolution; which was read, and under a special suspension, agreed to:

Resolved, That the President of the United States be requested (if in his opinion not incompatible with the public interest) to lay before this House the documents and correspondence not already published relating to the final adjustment of the difficulties between Great Britain and the United States concerning duties on rough rice or paddy.

Mr. CLINGMAN moved the following resolution, which was read:

Resolved, That the Secretary of War be directed to transmit to this House copies of all written communications, suggestions, and plans of campaign submitted to the War Department by Major General Scott in October and November, 1846; also, copies of all charges preferred against Major General Scott, upon which the President has ordered a court of inquiry, and suspended him from his command; together with copies of all communications received from General Scott since the capture of Vera Cruz.

Mr. CLINGMAN moved to suspend the rules, that the resolution might be put upon its passage.

The yeas and nays being taken on the motion to suspend, resulted: Yeas 95, nays 82.

Two-thirds not voting in the affirmative, the rules were not suspended; and the resolution accordingly lies over.

On motion of Mr. McKAY,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of repealing so much of the law as requires mounted volunteers to furnish their own horses, and receive a daily allowance for the use and risk, and to provide that after such repeal they shall be mounted at the public expense, whenever mounted volunteers may be needed.

Resolved, further, That, in case the committee should think it inexpedient to repeal said law, they will inquire whether public economy would not be promoted by suspending its operation during the continuance of the present war with Mexico.

On motion of Mr. SHEPPERD,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of granting a pension to Elizabeth Wright, of North Carolina; and that the Secretary of War communicate to said committee the papers on file in the pension bureau relating to her application.

On motion of Mr. BARRINGER,

Resolved, That the Committee of Claims be instructed to inquire and report whether any further legislation is required in relation to claims against the Government of the United States, and that they report by bill or otherwise.

Mr. BOTTS moved the following resolution; which was read, and lies over under the rule:

Resolved, That the President of the United States be requested to communicate to this House (if not incompatible with the public interest) under what law or provision of the Constitution, or by what authority, the Secretary of the Treasury of the United States has, by his sanction and approval, established a tariff of duties in the ports of the Mexican Republic; and that he also communicate to this House by what legal, constitutional, or other authority, he has undertaken to appropriate the revenue thus derived to the support of our army in Mexico, without the sanction of the tax-laying and appropriating power of Congress, as established by the Constitution of the United States.

Mr. BOTTS offered the following resolution, and moved the previous question:

Resolved, That the Committee on the Expenditures in the Treasury Department be, and they are hereby, instructed to inquire into the practical operation of the law entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August 6, 1846; and to ascertain whether its provisions have been at any time, or in any manner, violated; and if so, how, by whom, and under what authority or instructions; and that they also ascertain the amount of annual expenditures required for its complete organization and operation; and that they also inquire into any other violation of duty or abuse of power that may have occurred in the Treasury Department, and report the same to this House; and that they have leave to send for persons and papers.

The demand for the previous question was seconded, and, under its operation, the resolution was agreed to.

Mr. MEADE offered the following resolution; which was read, and laid over under the rule:

Resolved, As the settled opinion of this House, that it would be inexpedient and unwise to annex the whole of Mexico to this Union; and that the territory lying north of the line proposed by Commissioner Trist to the Mexican Government is sufficient indemnity for the expenses already incurred in the present war.

On motion of Mr. FULTON,

Resolved, That the Committee on the Judiciary inquire into the expediency of changing the times of holding the district courts of the United States for the western district of Virginia, and of increasing the salary of the judge of that district.

On motion of Mr. BROWN, of Virginia,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of making an appropriation of land in the Oregon Territory to the officers and men who explored that Territory in the years 1804, '5, and '6, or to their heirs, where they are dead; and that they report by bill or otherwise.

On motion of Mr. PENDLETON,

Resolved, That the Committee on Accounts be instructed to inquire into the propriety of allowing to John Lee, hostler to the House of Representatives, the same amount of extra compensation as was allowed to the hostler to the Senate and the messengers of the House for the last Congress, as he has been accustomed to receive in common with said persons.

On motion of Mr. PRESTON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Christiansburg, in Montgomery county, Virginia, to Newport, in Giles county, Virginia.

On motion of Mr. PRESTON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Franklin Court-House, by Canada's Gap, to Floyd Court-House, Virginia.

On motion of Mr. BOCOCK,

Resolved, That leave be given to withdraw from the files of the Pension Office the papers of Elizabeth Williamson, of Elizabeth Simpson, of Sarah Victor, of Ann Hancock, and of Susan Oglesby, and that they be severally referred to the Committee on Revolutionary Pensions; also, that leave be given to withdraw from the files of this House the papers presented in the case of Charles Lewis.

On motion of Mr. BEALE,

Resolved, That the memorial of the officers and crew of the United States schooner Shark, and accompanying documents herewith presented, be referred to the Committee on Naval Affairs; and that the said memorial, omitting the signatures, be printed.

On motion of Mr. GOGGIN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into and report to this House, as far as practicable, how many (if any) postmasters or assistant postmasters are engaged in the service of the department who cannot read or write, with the names of all such persons, the date of their appointment, and the office at which they are engaged.

BILLS AND RESOLUTIONS INTRODUCED.

By Mr. HAMMONS: A bill supplementary to an act entitled "An act supplementary to the act for the relief of certain officers and soldiers of the Revolution." Referred to the Committee on Revolutionary Pensions.

By Mr. WENTWORTH: A bill for the preservation and repair of the harbor already begun at the city of Chicago, in the State of Illinois. Read and referred.

Also, a bill authorizing a term of the United States circuit court and district courts at Chicago, Illinois. Read and referred.

By Mr. SMITH, of Illinois: A bill making an appropriation for the improvement of the Mississippi river. Read and referred.

By Mr. JOHNSON, of Arkansas: A bill to establish a judicial district in the western part of the State of Arkansas. Read and referred.

By Mr. McCLELLAND: A bill to amend an act confirming certain land claims in the State of Michigan. Read and referred.

Also, a bill for the relief of Shadrach Gillet and others. Read and referred.

Also, a joint resolution relating to errors and defective returns in certain surveys, plats, and field-notes. Read and referred.

By Mr. KAUFMAN: A joint resolution providing for the payment of the regiment of Texas volunteers called into the United States service by Colonel Curtis, the commanding officer at Camargo. Read and referred.

By Mr. PHELPS: A bill to pay to the State of Missouri two per cent. upon the proceeds of the sales of the public lands sold in the said State, for the purpose of constructing a road through said State.

Also, a bill granting to the State of Missouri certain lands for the improvement of the navigation of the Osage river. Read and referred.

By Mr. CATHCART: A bill for the prosecution of the work upon the harbor at Michigan City, in the State of Indiana. Read and referred.

By Mr. HENLEY: A bill to extend the right of suffrage in the District of Columbia. Read and referred.

By Mr. SAWYER: A bill to reduce and graduate the price of the public lands to actual settlers, and for other purposes. Read and referred.

By Mr. STANTON: A bill for the relief of the heirs of Matthew Rea, a lieutenant in the revolutionary war. Read and referred.

By Mr. COBB, of Georgia: A bill to regulate and equalize the compensation of district attorneys of the United States. Read and referred.

By Mr. LUMPKIN: A bill for dividing the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States with circuit court powers and jurisdiction. Read and referred.

By Mr. HOLMES, of South Carolina: A bill creating the office of Assistant Secretary of State, and for other purposes. Read and referred.

NOTICES OF BILLS.

By Mr. TWEEDY: Of a bill to amend an act entitled "An act granting certain public lands to the Territory of Wisconsin, for the purpose of opening a canal connecting the waters of Lake Michigan with Rock river."

By Mr. HOUSTON, of Alabama: Of a bill to cede to the State of Alabama the public lands lying within the State for the purpose of education.

By Mr. THOMPSON, of Iowa: Of a bill to amend an act entitled "An act granting certain lands to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines river, in said Territory," approved August 8, 1846.

By Mr. SAWYER: Of a bill to remove the United States land office from Upper Sandusky, in the State of Ohio, to Defiance, in said State.

By Mr. DUNN: Of a bill granting to the State of Indiana the refuse lands within her limits for education and other purposes.

By Mr. McCLERNAND: Of a bill to create the office of surveyor general of the public lands in the Territory of Oregon, and to grant donation rights to settlers therein, and for other purposes.

By Mr. PHELPS: Of a bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, and the acts approved October 14, 1837, and August 23, 1842, amendatory of the same, and for other purposes; of a bill to establish the western judicial district in the State of Missouri; and of a bill for the relief of George W. Kidd.

By Mr. HALL, of Missouri: Of a bill to grant certain public lands to the State of Missouri, for the purpose of aiding to construct a railroad from the town of St. Joseph, in the State of Missouri, to the town of Hannibal, in said State, and for other purposes.

Also, a bill for the relief of the volunteers engaged in the military service of the United States.

Also, a bill for the establishment of certain post routes in the State of Missouri.

By Mr. FARAN: Of a joint resolution directing the payment of certain volunteers and regulars under limitations therein prescribed.

By Mr. TURNER: Of a bill appropriating a portion of the public land for the improvement of Rock river, in the State of Illinois.

By Mr. BROWN, of Mississippi: Of a bill to grant alternate sections of the public lands in the State of Mississippi, for the improvement of certain rivers in that State.

By Mr. VENABLE: Of a bill to retrocede all the District of Columbia to the State of Maryland, except the public buildings and grounds.

By Mr. CUMMINS: Of a bill granting pensions and annuities to certain widows of officers and soldiers of the revolutionary war.

Also, of a bill to amend an act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," passed on the 11th day of February, 1847.

Also, of a bill granting pensions to the officers and men who in 1804 volunteered, under Captain Stephen Decatur, to recapture or destroy the brig Philadelphia, then lying in the harbor of Tripoli.

And then the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. PUTNAM: The petition of inhabitants of Luzerne, Pennsylvania, asking reduction of postage on newspapers, and particularly on small papers designed for juvenile reading. Also, the petition of inhabitants of the county of Orange, New York, for the same purpose. Also, a like petition of inhabitants of Litchfield, Connecticut. Also, the petition of Eunice Crossman, of Sheldon, New York, the widow of a revolutionary officer, praying to be placed on the pension roll.

By Mr. DUNCAN, of Ohio: The petition of E. H. Field and others, of Franklin county, Ohio, praying for a reduc-

tion on newspaper postage. Also, the petition of John McDowell and 35 other citizens of Scioto county, Ohio, praying Congress to reduce the rate of postage at least one-half on all newspapers containing not more than five hundred square inches.

By Mr. COCKE: The petition of George Kirk, of Greene county, in the State of Tennessee, a soldier of the Revolution, praying Congress to grant him a pension.

By Mr. BINGHAM: The petition of T. Snow and others, of Oakland county, Michigan, for a change in the rates of postage. Also, the petition of citizens of Oakland county, same State, for a like purpose. Also, resolutions of the State of Michigan, and letter of J. I. Conger, in relation to the harbor at the mouth of Clinton river, in said State.

By Mr. JOHNSON, of New Hampshire: The petition of Benjamin G. Pickens, praying for an invalid pension for disabilities incurred during his service in the United States army. Also, the petition of B. Wright, a soldier of the late war with Great Britain, asking a pension for disabilities incurred while serving in the army of the United States.

By Mr. WENTWORTH: The petition of Charles B. Collins, for a railroad across the American continent to the Pacific. Also, a petition for a mail route from Wilmington, in Will county, via Major, in Grundy county, to Pontiac, in Livingston county, Illinois. Also, the petition of John Schofield, for a pre-emption right.

By Mr. DICKINSON: The petition of A. F. Parker and 160 other citizens of Hancock county, Ohio, praying for the establishment of a mail route from Tiffin, in Seneca county, Ohio, west on the Van Buren, Independence, and Ridgeville free turnpike, to Defiance, in Defiance county, Ohio. Also, two petitions from Thomas F. Johnson and 115 other citizens of Crawford county, Ohio, praying for a reduction of postage on juvenile newspapers of small dimensions. Also, the petition of citizens of Sandusky county, Ohio, for the same purpose. Also, the petition of citizens of Crawford county, Ohio, praying for the reduction of postage on newspapers generally.

By Mr. McLERNAND: The petition of John Tucker, of Franklin county, Illinois, praying Congress to pass a law authorizing him to locate a land warrant.

By Mr. TWEEDY: A memorial of the Legislative Assembly of the Territory of Wisconsin, praying for an appropriation for the erection of a penitentiary in said Territory—heretofore presented December 17, 1845. Also, a memorial from the same body, praying for the appropriation of Fort Howard to the Territory of Wisconsin, for educational purposes—heretofore presented April 3, 1846.

By Mr. HUDSON: The memorial of Collins Stevens and others, praying that they may be protected against a foreign infraction of their patent.

By Mr McCLELLAND: The memorial of Charles Howard and other citizens of Detroit, praying Congress to extend the principles of the laws regulating drawbacks and warehousing to our trade with Canada, so that Canada wheat may be imported into the States on the northern frontier, admitted to entry under bond, be manufactured into flour in the United States, and upon the exportation of the flour the bonds may be cancelled, under such regulations as Congress may provide.

By Mr. WHITE: The petition and papers of B. M. Bonton, asking compensation for the use of his invention and machines in making percussion caps, used by the army of the United States.

By Mr. CROWELL: The petition of Edmund Oviatt and others, citizens of Trumbull county, Ohio, praying the reduction of postage one-half on all papers containing not more than five hundred square inches. Also, the petition of Dan. Eaton and other citizens of Youngstown, Mahoning county, Ohio, praying Congress to issue $150,000,000 of treasury notes for a national currency.

By Mr. EDWARDS: The petition of Joseph Linville and 67 citizens of Fairfield county, Ohio, asking an alteration of the post office laws relating to postage on newspapers.

By Mr. LA SERE: The memorial of the Chamber of Commerce of New Orleans, praying that the limits and jurisdiction of the ports of Shieldsborough and Mississippi City be extended so as to include the harbors of Cat Island and Ship Island and the adjacent waters.

IN SENATE.

MONDAY, *January* 31, 1848.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, transmitted, in compliance with a resolution of the the 20th January, asking whether the general order No. 376 was issued under instructions from the War Department, &c.

[The Secretary of War says that "no particular instructions have been given to General Scott for issuing the order referred to; but it is presumed that he has taken that step in consequence of the general instructions given to him on the subject of levying contributions, and of making the resources of the enemy's country available as far as may be within the rules of civilized warfare, for the maintenance of our troops in Mexico, and defraying the expenses incident to the present state of hostilities."

The Secretary gives an extract from General Scott's despatch dated the 18th September, 1847, wherein the Commanding General submits certain suggestions to the Government, which are in effect as follows:

Premising that he has no official information as to the number of troops ordered since the march of General Pierce's detachment, but assuming the force *en route* at 6,500, and that 4,000 more are soon to follow, the General-in-chief states that he can hold the capital, garrisoned by 7,500 men, against any external attack or combined with an internal insurrection, and have an ample surplus force to occupy Puebla, Perote, Jalapa, the National Bridge, the Paso de Obejas, Santa Fé, and Vera Cruz.

As a modification of this plan, it is added, that with a total of thirty thousand, the principal mining district of the country may also be occupied, and a secure transit given to gold and silver bullion, which, paying the customary duties, would cover a considerable part of the expenses of occupation. General Scott further suggests, that to augment the army to fifty thousand, would enable it to occupy all the State capitals and principal cities, to drive guerrillas and robbing parties from the great highways of trade, to seize into our hands all the revenues of the country, and to keep the Central Government in constant motion and alarm until constrained to sue for peace.

To withdraw the army from the interior of the country, and occupy the strong points within the boundaries which the United States intend to hold permanently, and, in the act of retiring, to blow up the citadel in the capital, the fortresses of Chapultepec, Perote, San Juan de Ulua, and the walls of Vera Cruz, (unless it be preferred to garrison the last two,) destroy all iron guns captured, and carry off all made of brass, with all ordnance stores of value, (the only cannon foundry in the Republic we have already destroyed,) and a strict blockade of the ports not garrisoned by our troops, would of course be essential in the *conquest of a peace*.]

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of War, in answer to a resolution of the 24th instant, calling for copies of letters, reports, and other communications referred to in the letter of General Taylor, dated at New Orleans, 20th July, 1845. [This communication gives a number of letters addressed by General Taylor to the Adjutant General, some of which are headed confidential.]

Also, a message from the President of the United States, communicating a report of the Director of the Mint, showing the operations of the mint and branches during the year 1847.

[From this document it appears that there have been deposited, during the year 1847, at the mint and its branches, $23,069,603 in gold and silver; while there have been coined, during the same period, in gold, $20,221,385; in silver, $2,374,450: total of gold, silver, and copper coin, $22,657,671 69.]

MEMORIALS AND PETITIONS.

Mr. NILES presented a petition from citizens of Windham, Connecticut, asking the reduction of postage on newspapers of a small size; which was referred to the Committee on the Post Office and Post Roads.

Mr. N. also presented a petition from citizens of Middlesex, in the same State, relating to the same subject; which was referred to the same committee.

Mr. DIX presented a petition from Priscilla Decatur Twiggs, widow of Major Levi Twiggs, who fell at the storming of Chapultepec, and mother of George Decatur Twiggs, who fell at the engagement at the National Bridge. She asks that some provision may be made for her relief and that of her daughters, leaving the principles upon which it may be granted, and the extent and mode in which it may be accomplished, to the wisdom and justice of Congress; which was referred to the Committee on Pensions.

Mr. ATCHISON presented seven memorials from the General Assembly of Missouri: one asking donations of public lands for the improvement of the Osage river; which was referred to the Committee on Public Lands. A second, for the organization of a Territory *west* of Missouri; which was referred to the Committee on Territories. [This memorial states that the territory lying west of the State of Missouri, extending from the territory occupied by the Cherokees to the northern line of the State, and west to the Plains, is now occupied by some thirty thousand Indians. If organized into a Territory, and opened to settlement by the white man, it would in five years rank in wealth and population among the first States in the Union. In one county in the Platte purchase, organized in 1839, with not more than twenty miles square in its limits, there is now a population of fifteen thousand. How much more is that country worth to the Union than the entire territories occupied by the Indians.] A third, asking that provision may be made to pay volunteers full pay as mounted men during their term of service; and if they have had the misfortune to lose their horses, also pay for the horses thus lost, as it was caused principally by the lack of forage, which should have been furnished by Government; which was referred to the Committee on Military Affairs. A fourth, that the small claims to lands derived from the French and Spanish Governments may be confirmed, and the final adjustment of all provided for; which was referred to the Committee on Foreign Relations. A fifth, asking Congress to donate to Missouri certain public lands, for purposes of internal improvement; which was referred to the Committee on Public Lands. A sixth, against the repeal of the tariff of 1846 and the repeal of the sub-treasury law; which was referred to the Committee on Finance. A seventh, requesting their Representatives to vote in accordance with the 8th section of the act of Congress "to authorize the people of Missouri to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories;" which was ordered to be printed.

Mr. DAYTON presented a memorial from the Newcastle Agricultural Society, asking the renewal of a patent granted to Obed Hussey, for a reaping machine; which was referred to the Committee on Patents.

Mr. CORWIN presented a petition from citizens of Warren county, Ohio, asking a mail route from Springsborough to Ridgeville; which was referred to the Committee on the Post Office and Post Roads.

Mr. HANNEGAN presented a petition from James M. Kibben, asking the relinquishment of certain reversionary interests of the United States in certain reservations; which was referred to the Committee on Indian Affairs.

Mr. H. also presented a petition from Isaac C. Elston to the same purpose; which was referred to the same committee.

Mr. BENTON presented a petition from John Baldwin, asking that the United States will pay such portions of the award made in his favor by the Mexican Commission as have not been paid; which was referred to the Committee on Foreign Relations.

[Mr. B. explained the object of the memorialist, stating the grounds on which he sought redress; one of which was, that under the treaty of 1843, certain revenues were set apart by Mexico for the payment of her indebtedness to the United States, which revenues had been seized upon by the order of the United States Government, and were now collected by the military and naval forces of the nation.]

Mr. BERRIEN presented a memorial from the Central Railroad and Banking Company of Georgia, asking the remission of duties on certain railroad iron imported for the use of their railway; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. MASON, from the Committee of Claims, reported a joint resolution for the relief of Clements, Bryan & Co.; which was read a first time.

Mr. JOHNSON, of Louisiana, from the Committee on Private Land Claims, reported a bill to authorize the Secretary of the Treasury, with the approbation of the Attorney General, to purchase for the United States the interest of Balie Peyton in the tract of land upon which the light-house stands at the Southwest Pass, at the mouth of the Mississippi river, accompanied by a report; which was read a first time.

Mr. BREESE, from the Committee on Public Lands, reported, without amendment, the bill to create the office of surveyor general of the public lands in the Territory of Oregon, and to grant donation rights to settlers thereon, and for other purposes.

Mr. BREESE also, from the same committee, asked to be discharged from the further consideration of the resolution relating to the allowance of compensation to such receivers of public money as performed the duties of assistant treasurer, and that it be referred to the Committee on Finance.

Mr. BALDWIN, from the Committee of Claims,

reported a bill for the relief of William H. Prentiss; which was read a first time.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill to authorize the accounting officers of the Treasury to settle the accounts of certain acting officers therein named; which was read a first time.

On motion of Mr. YULEE, the bill was considered as in Committee of the Whole by unanimous consent, was read a second time, considered as in Committee of the Whole, and read a third time and passed.

Mr. BRIGHT, from the Committee on Revolutionary Claims, made an adverse report on the petition of Maria Caldwell Robertson.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill in amendment of an act entitled "An act to reduce the rates of postage, limit the use and restrict the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," passed March 3, 1845; which was read a first time.

[This bill allows the rates of commission authorized to be paid to postmasters by the first section of that act on the amount of postage received in each quarter, and in due proportion for any period less than a quarter. All postmasters whose commissions have been diminished by having been paid on the amount received in a year instead of a quarter, shall be permitted to resettle and adjust their accounts according to the first section of this act. And the Postmaster General is authorized to employ such additional clerks as may be found necessary for the settlement of the accounts of postmasters under this act.]

On motion of Mr. CLARKE, the prior orders were postponed, and the Senate proceeded to the consideration of the bill further to extend the patent of Jethro Wood. The proviso introduced as an amendment by Mr. BALDWIN was then agreed to, and the bill was read a third time and passed.

Mr. WESTCOTT moved to take up the bill to provide for an additional number of examining clerks in the Patent Office, and to allow fees in certain cases.

The motion having been agreed to, Mr. LEWIS was about to move an amendment, when—

Mr. BREESE called for the reading of the bill; but before it was read through, moved that the further reading be dispensed with, and the bill postponed until to-morrow, as it must be evident from what they had heard that such a bill could not pass without leading to considerable discussion.

The motion was agreed to.

PERSONAL EXPLANATION.

Mr. SEVIER asked the indulgence of the Senate for a few moments, in order to correct a misrepresentation of remarks made by him a few days since. He found an article in the "National Intelligencer" of Saturday last, under the imposing caption, "Acquisition of desired territory by force, and not of right, boldly avowed as the principle of the Administration," in which it was attempted to show that he had affirmed such a principle. Now, he had never broached such a doctrine. He had never contended, he did not now contend, that any power had a right to take territory to which it had no claim. In the remarks made by him, on which the article in question affected to be a commentary, he had distinctly and explicitly maintained that the claim to the right of navigating the Mississippi was the ground on which the action of the Government had been predicated, and that the claim on which the act of 1806 rested was the title which the United States Government believed they had by virtue of the purchase of Louisiana. He did not, however, charge the "Intelligencer" with deliberate misrepresentation, as the report of his remarks was not quite correct. In justice to the reporter, it was proper to add, that the report was submitted to him, (Mr. S.;) but being engaged on committee business at the time, he was hurried, and did not notice the omission of a single word that obscured the sense. On the same occasion he had spoken of the Perdido as the eastern boundary. In the report it was made southern boundary, and he desired to correct that error, lest the "Intelligencer" should perhaps make it the ground of assailing him on the score of geographical knowledge.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. DOWNS. I had no intention, Mr. President, when this bill first came up in the Senate, to say anything upon the subject. I thought, sir, that our progress in this war with Mexico was such—we having advanced to the interior of that country, taken possession of its capital, and accomplished everything, practically, that the army and the President could have accomplished—that at the meeting of this Congress, when it came together, it would, in its deliberations upon this subject, rather indicate what further steps should be taken in the matter, and would occupy their time in action rather than words. I had no expectation whatever, when this bill was first introduced, that its passage would be delayed, and that the measures recommended by the President would be opposed.

I find, however, that I have been very much mistaken. When it was proposed, for the first time, to take up this bill, I happened not to be in the Senate on that day, and I believe it was the only day in which I was absent since the commencement of the session; but, upon inquiring, I found that opposition was made to such consideration, and there was a very close vote as to whether the bill should be taken up. I understood from that fact, at that time, that some obstructions would be thrown in the way of its passage; but, still, I did not anticipate that decided opposition to the bill, which has since been manifested on the other side of the Chamber.

Mr. President, as we have had so much discussion, and so much difference of opinion as to the origin of this war, and as, perhaps, we shall hereafter have a difference of opinion as to the question by whom the opposition to the bill was commenced, I wish to place on record the history, as I understand it, of this debate. In so doing, it will be necessary for me to allude to the course of certain Senators upon this all-important subject; for in relation to the history of the action of the Senate, in the debate on this bill, I do not, for one, desire to have the question left in doubt as to who commenced or protracted this war of discussion. When the attempt was first made, sir, to call this bill up for consideration, the objection, as I understood from the "Official Proceedings," to taking it up was not one of direct opposition to the bill, but simply whether it should be taken up or not at that time. At all events, that appeared to be the light in which it was regarded by the chairman of the Military Committee.

We soon, however, came to another stage of procedure in this matter. Some days after, when the bill was again called up, an amendment was offered by the Senator from Kentucky, [Mr. CRITTENDEN,] to change the provisions, &c. Still I did not understand that to be opposition to the bill; for, if I understood the Senator's remarks on that subject, it was not denied that the President should be properly sustained in the conduct of this war. And I am more confirmed in that opinion, from an incident that occurred about that period. In some preliminary discussion at that time, I recollect very distinctly that the honorable Senator from Kentucky seemed to be very much surprised at an incidental remark that fell from the Senator from Mississippi—viz: that the prosecution of the war had been delayed, or procrastinated, by Congress. I confess that I was very much of the opinion of the Senator from Kentucky, and I thought that the objection of the Senator from Mississippi was not so well founded as he affirmed it to be. I supposed that there had been no serious objection at the former session designed against the particular measures recommended for the prosecution of the war. I did not understand from the amendment of the Senator from Kentucky that such opposition was intended, but that there was only some difference of opinion as to the details of this particular measure. But, Mr. President, we soon arrived at other stages of this business. It was remarked the other day, by an honorable Senator on the other side, (I do not now recollect which,) that the chairman of the Committee on Military Affairs, and those connected with him in the support of this bill, were "making considerable progress"—that he had at first disclaimed all idea of the conquest of all Mexico, but that he now seemed to be disposed to regard it as not so unreasonable, or so monstrous—that such an idea might be tolerated—and that therefore he was making some progress.

Now, I must say, in reply, that those who are thus charging us with inconsistency, are changing the position which they had assumed at the commencement very rapidly. It is they who have been making progress; but I must be allowed to say it is a progress backwards. From the time when the bill was first proposed to the present moment, they have manifested an increasing opposition to the prosecution of this war. Not only do they find fault with the suggestions of the President of the United States, with the suggestions of the War Department, with the reports of the chairman of the Committee on Military Affairs, and with all the authorities usually allowed on such occasions, but they resist and contest them at every point, and have denounced in the strongest terms the prosecution of the war. That was the stage, in the course of their procedure upon this subject, marked out by the Senator from Delaware. But they did not stop there. There was still another stage. Where they will stop in their onward career, I cannot say; for, soon after, another honorable Senator (the Senator from Connecticut) offered a resolution which took still higher ground: in the first place, that Mexico had no public domain; and, secondly, if she had, she had no power to cede any of said territory to us; and, therefore, our idea of acquiring territory for indemnity was altogether futile. Such has been the progress of the opposition to this bill; and I must confess, sir, that every additional step that has been made has but astonished me the more. These latter positions assumed by an honorable Senator have especially astonished me more than all the rest. What are they? Why, that Mexico has no public domain, and that we can get nothing from her. Well, sir, I will not stop to discuss that question, for I care very little whether she has any public domain or not, though I understand the fact very differently. I understand that Mexico has a public domain. I think it very immaterial, and that the acquisition of territory for the public land it brings into the country is of no great advantage. In regard to public lands generally, and in respect particularly to the immense territory we have held, I think they bring in but very little income to the Government. I venture to say, that on examination in respect to the value of the public lands in this country, after deducting the expenses of surveys, purchases, and the other necessary expenses, it would be found that it has been by no means a money-making business. There are other advantages in the acquisition of territory besides the mere value of the land. The increase of population, of commerce, and consequently of revenue resulting from such acquisition, must be taken into account. Suppose we had never received a dollar out of the immense territory acquired by the acquisition of Louisiana, would not the acquisition, considering the millions of revenue received at New Orleans, have been a sufficient inducement to its acquirement? I believe Mexico has a public domain to cede; but whether she has or not, I do not care a straw. We want the territory for the spread of population, the increase of our commerce, and the extension of our liberties, just as we wanted Louisiana and the valley of the Mississippi, Floridas, and Texas. I shall not follow the Senator in his argument on this point. He cited from a work on international law, of which I profess to know but little. I shall not, then, follow him in that quotation. But I should think that such law as that which he cited is at variance with the practice of all nations, contrary to common sense, and not to be tolerated in this age of the world. How, I would ask, did we acquire the very ground on which this Capitol stands? Tradition records, that the Indians once lighted their council-fires on this very hill; would the Senator then have it, that we have no title to this, the site of our Capitol, and that the remnant of these Indians could at any time justly eject us from its possession? But if the Senator's argument should be correct, that Mexico has no power to cede territory, how will that help his cause? It will only make it the more necessary for us to take it, if she cannot cede it.

Such, then, sir, is the history of the opposition, thus far, to this bill. Before I proceed further, however, I will advert to an argument made by the honorable Senator from Vermont, who last addressed the Senate. In the conclusion of his remarks, he complained of the exercise of what he was pleased to term, an almost despotic military power, in the hands of the President of the United States in Mexico, and declaimed, at some length, against the dangers of an abuse of a mili-

tary authority. But does not this military power continue to be exercised by the President, in the very necessity of the case, and because that legal provision has not yet been made by which he would have been relieved of that responsibility? So far from being desirous to hold California and New Mexico by military tenure, rather than by the organization of civil government, the President has been anxious to be relieved of that responsibility, which the circumstances of the case have devolved upon him, and the gentleman from Vermont can at any time contribute his share in the removal of that much of the military power of the President, by establishing civil or territorial government.

There is another preliminary remark which I desire to make, and it is in reference to the astonishing distrust manifested on the other side of the Chamber, with respect to the recommendation of the President, the Secretary of War, and the chairman of the Committee on Military Affairs. I believe it has hitherto been generally considered, that in cases where the honor and interest of the country are involved in a controversy with a foreign Power, party spirit should be assuaged. And I think the history of the country shows, that in the highest party times, when such cases have arisen, party spirit has subsided. It was so, I recollect, some years ago, when the question of the northeastern boundary was in agitation. Then, nearly by unanimous consent—indeed, I believe it was unanimous—means were placed at the disposal of the President to meet any contingency which might arise. So it was also, I believe, at the commencement of this war; but the spirit of party opposition has gradually arisen, and every measure suggested for the prosecution of the war is now most scrupulously scrutinized.

I now proceed to give some of the grounds of my vote upon this bill, in addition to the reasons given for its passage by the chairman of the Committee on Military Affairs, and so eloquently sustained by another member of the committee, (the Senator from Mississippi,) whose heroic and skillful exploits in two of the most brilliant battles—and I regret to say, also, as his own honorable wounds but too clearly attest, the most bloody battles of the war—Monterey and Buena Vista—add a weight to whatever he says on this subject, which, it seems to me, ought to be conclusive. I felt sure it would be so then, but I find I was mistaken. His arguments have not been answered; they never can or will be answered on this floor or elsewhere. Still, opposition to the bill appears to have constantly increased from that day to this. My thanks, and the thanks of this body and of the country, are due to the honorable Senator from Mississippi, [Col. DAVIS,] who is on the military committee, for what he said on the amendment offered by the Senator from Kentucky. That amendment seemed almost to have reduced the friends of this bill to the necessity of undervaluing the efficiency of volunteers, or to adopt the amendment. There is a difference of opinion on this subject, both in the army and elsewhere. The honorable Senator was identified with both arms of the service, regulars and volunteers, and could have no partiality for either. Few men occupy the same position in this particular; he has said, therefore, all that is proper or necessary on the occasion, and, I have no doubt, satisfied both parties, that for the services contemplated regulars are to be preferred. While expressing, then, my thanks to that Senator, and my full concurrence in all he said on the respective merits of volunteers and regulars, giving preference to neither in their appropriate sphere, but doing ample credit to both, I take occasion to state a fact, and an opinion of volunteers, I once heard from a very distinguished officer of the regular army in the war of 1812, now no more, and who, like my friend from Mississippi, bore about him wounds received on the battle-fields of his country, and which, I believe, at last carried him prematurely to the grave—I mean the late General Ripley. I thought the fact stated, and the opinion given, a little extravagent. I now believe them both perfectly true. He said, that in all the annals of American warfare, American volunteers, in any thing like equal numbers, never had been beaten, and never could while our present institutions existed. The battle-fields of New Orleans, Buena Vista, Cerro Gordo, Brazito, Sacramento, and others, attest the truth of what he said.

In the debates on this bill, there has been, I think, some incorrectness in the statements of those who oppose the bill, no doubt unintentional, as to the force now authorized and required by the Executive and the committee, calculated to lead to error. It has been variously stated by different speakers, from ninety to a hundred thousand men, and the increase contemplated by the bill now under consideration, and the bill for twenty regiments of volunteers, as increasing the actual force in service thirty thousand men. I do not so understand it. As I understand it, from the reports of the Adjutant General's office, the present forces authorized are:

Regulars	30,350
Volunteers	32,816
Total authorized	63,166

If we add to this the ten regiments contemplated by this bill, we make the whole amount 73,166. The force in actual service, from the last returns, are:

Regulars	50,333
Volunteers	20,286
Volunteers from Michigan and Alabama, on their way	2,200
Making, in all, in actual service	42,719

From these statements, it will appear that the number that can be kept in service, of those authorized by law, is about two-thirds. This calculation will give for the actual force in service, after the ten new regiments are added, about 48,925—say fifty thousand men. And if the twenty additional regiments of volunteers be added to the forces previously authorized, the number that would be actually kept in service, according to this mode of calculation, would be 62,000. This bill, and the bill authorizing the twenty regiments of volunteers, does not, as has been represented, add thirty thousand men to the number in actual service. They do not necessarily add a single man to either arm of the service; they only authorize the President to do so, if he deems it necessary.

While on this branch of the subject, I desire to make a few remarks in reply to the arguments offered against the bill, and in favor of the amendment submitted by the Senator from South Carolina, [Mr. BUTLER,] which is still pending. That amendment proposes, instead of increasing the number of the regiments, to add a certain number of men to each company. I do not know much about military affairs, sir, but I confess that this amendment struck me as rather extraordinary, particularly when it was considered that the peace establishment of the United States had been already very much augmented in the manner proposed in the amendment; and above all, after the remarkable manifestations which the army had given of its efficiency under the present organization. The experiment of making that change in this organization appeared to me to be of doubtful expediency, to say the least of it. A slight departure, even from an established system which has proved so eminently efficient, might be attended with danger. I do not say that there would positively be danger in making the change proposed by the amendment, but I prefer leaving the organization of the army precisely as it is at present. The Senator from South Carolina recommends his amendment on the score of economy. In some cases, great economy is the worst economy. We cannot expect, when we go to war, that we can prosecute it without expense. I perfectly agree with gentlemen, who declare that when we go to war, we must pay for it. We must tax the people. I regard as one of the consequences of this war, the necessity of imposing taxes to meet the expenditures. I admit that at once, and am ready to go as far as any reasonable man, in the imposition of taxes, for the purpose of defraying the expenses of this war. The expense I know must be great, and for it we must provide. But considerations of economy are not to enter into the calculations of a people, when they find it necessary to enter into a war. The great object of war is success, and that is to be sought at any cost. We are now engaged in war, and we must prosecute it to a successful close. It is no time now to sit down, and counting the cost, cut off some of the odds and ends. If economy is our object, why not strike off half of the officers of the army? If we are to adopt this economical policy, why not proceed to cut down all the officers? I have no fear as to our inability to meet the expenses of this war. We have met them thus far, and we shall be fully able to meet them hereafter. I cannot, therefore, concur in the amendment of the Senator from South Carolina.

In the course of the argument on that amendment, something was said about the patronage of the Executive, and in reference to that, I have a few words to offer. I know that complaints have been made with reference to the patronage disposed of by the Executive in the appointment of the principal officers of the army engaged in this war. But I think, sir, that an attentive examination of the army list will furnish evidence of some justification for the conduct of the Executive. At the head of the list, there does seem to be a considerable preponderance of Democratic names; but if you look further down, you will discover that the officers appointed by the Executives of those States in which Whig influence prevails, have been selected from the ranks of that party. For myself, I would never permit such distinctions of party to operate in the selection of officers for the armies of the country; and never, in any recommendations which I have made, have such distinctions been permitted to exercise the slightest influence. In the defence of the honor and interests of the country, Whigs and Democrats alike have participated, and should fairly share in the offices and emoluments of the army. If the President had acted in this matter in the exclusive spirit that has been alleged against him, I should have condemned him most emphatically. But when I find that the spirit of exclusiveness in appointments to office commenced on the other side, before the general staff was organized, I believe that the President was not at all to blame in attempting to make something like a balance, by appointing a large number of Democrats.

Mr. MANGUM. If the honorable Senator will allow me, I would remark, in reference to my own State, that such a course as he describes was not adopted by the Executive of that State; and that a very meritorious and scientific gentleman of the Democratic party received an appointment; indeed, I believe that all the appointments were made irrespective of party considerations. As the Senator is aware, we had a Whig Executive in that State.

Mr. DOWNS. I am very glad that the honorable Senator interrupted me, because if in error, at any time, I shall always be happy to be corrected. I recollect an instance in the gentleman's own State, which sustains me in the position I have assumed with respect to these appointments of the Executives of the States. I had the pleasure of being introduced, last summer, to a gentleman who commanded one of the new regiments in the regular army, (Colonel Wilson,) and ascertained the fact, that although a man of wealth and standing in the community, having volunteered when the first call was made on the country, and been elected to some subordinate office, yet, contrary to general expectation, he did not receive from the State Executive the command of one of the regiments, and that, in consequence of the neglect, the President appointed him to the command of one of the new regiments. But I regarded it as a very strong case in point, and I had it in view when I made the remark which elicited the interruption of the honorable Senator.

Mr. MANGUM. The fact is as stated by the honorable Senator. Colonel Wilson was afterwads appointed by the Executive here, and two strong letters from the Whig Senators of this body were written recommending him to the appointment. That was the spirit which, so far as I know, characterized the public authorities of North Carolina.

Mr. DOWNS. I have no knowledge of the proceedings in North Carolina except in this instance, which, I confess, struck me as one of those affording a justification of the course of the President. I did not, however, intend to refer to a particular case, but to speak generally of the course which had been taken in making the appointments. I do not pretend to go into all the instances occurring in the several States, but I speak of the general result, and I believe that, upon investigation, it will be found that a large portion of the appointments of officers were made from the party which is opposed to the President in their political views. This, sir, I believe, has been the liberal course of the Executive on this subject.

Before I quit this part of the subject, there is one other reason which I will state, why I prefer regular forces to volunteers. Their duties are very

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much the same, and as the war is conducted their period of service will be much the same, yet the difference between the officers of this description of force is very material.

The volunteer officers not holding their commissions from the United States, there is no opportunity for promotion. They may go there and fight for years, and though they perform the same duties as are performed by the officers of the regular army and achieve as gallant exploits, yet they can receive no advancement. Those who begin as captains will be captains still, and those who command as lieutenants will be lieutenants still.

There was a remark made by the honorable Senator from South Carolina who last addressed the Senate upon this subject, and who offered an amendment to this bill, in which I cannot concur. It seemed to be based upon the idea that the engagement of volunteers or the enlistment of regular troops could not be accomplished. He says:

"Why is it that the Executive, as we are informed, cannot raise the number of troops which by law he has authority to raise, for carrying on this war in the heart of Mexico? Why is it? Does it arise from popular aversion against entering into such a service as this? If it were a war for the defence of our own soil, do you believe that five times that number could not be called into requisition? Sir, at the voice of the Executive of the United States, ten times that number would spring up, ready to defend the national honor and the soil of the Republic. And I must here make another remark. If all parties in the United States, were to concur in the justice and propriety of carrying on this war, I would answer for it that the President could not say that it was out of his power to raise the number of troops which the laws of the country authorize him to raise. But, sir, the very fact that he is unable to raise these troops by the means which have been put in his power, is, I think, one of the omens which a wise ruler should regard in administering the trust—the sacred trust—that is committed to him."

Now, I do not understand the President as taking any such ground. I have never understood that there has been a single case in which a call has been made for volunteers in which that call has not been fully and completely answered In Kentucky, Tennessee, and, in fact, in all the States, the last calls were not only responded to at once, but more men were offered than could be received.

Mr. BUTLER. I beg to interrupt the Senator for a moment. He has not exactly stated my proposition. In contending, as I did contend, that if the additional troops called for were necessary, they could be supplied in the manner proposed by my amendment to the bill, I asked the question, why not raise them in this way? One answer was, that the men would prefer entering a new organization. But my proposition was, that if additional troops were needed, they could be added to the old regiments, instead of incurring the expense of creating new ones.

Mr. DOWNS. I do not see, in the remarks of the Senator, any distinction between the two descriptions of forces. On the contrary, the ten regiments authorized by the bill of last session were filled up with extraordinary rapidity. I do not know that there is any complaint in the recruiting for the old regiments. Almost every newspaper that was received from New Orleans announced the arrival of fresh troops, to fill up the reduced companies.

But while upon this subject, permit me to make another remark, as an additional reason for the passage of this bill. There is no doubt that recruiting in the new regiments will be more rapid than in the old regiments. And the reason is, that when you appoint officers from civil life, they go into the country where they are known, and, consequently, the men the more readily undertake to serve under them.

I do not know certainly how many of our troops in Mexico were lost in battle and by disease, respectively, but I suppose at least as many were lost by the last as by the first. Many at any rate fell by disease, and in consequence of the late period in which they arrived at Vera Cruz.

If we then pass this bill at once, we can send them off at an early period, so as to escape the diseases of the climate, which have been heretofore encountered. But if we continue to debate the bill indefinitely, if we go on talking without acting, we shall not only do as was done last session, but the evil will be much greater than last year; because this is a very long session, and may be extended indefinitely to the midst of summer; whereas, last year, the delay could not extend beyond the fourth of March. It was for reasons of this kind, as stated by the honorable chairman of the Committee on Military Affairs, that I thought it would be far preferable to pass this bill without any unnecessary delay.

As the remarks which I shall make are in a great degree in answer to arguments which have been made in opposition to the bill, I must say that I should not have spoken at all, if it had not been for those arguments.

I now wish to advert to another of the positions assumed by the honorable Senator from South Carolina, and lest I should be mistaken, I will quote the language of the gentleman:

"But, sir, that is as far as I will go as an *ultimatum* of any proposition of peace to that Government. I would insist, in the first instance, in all measures of negotiation, that to the Rio Grande we are bound, under the most solemn of pledges, to protect the rights of Texas. But then the question may be asked—and it is a proper question—how would you establish any other line for separating the territories of the United States from those of Mexico? Will you fall back upon the line which separates Oregon from Mexico? I think not, sir. But, by way of making it as acceptable as possible to Mexico, and with a sincere desire to terminate this war, I would not hesitate, if it were to be done to-morrow, to send the most illustrious embassy to Mexico, and to propose to her terms of peace upon this *ultimatum*, with the right, however, to demand from her to say what line she should run by way of compensating us for the claims we have against her, and I should think it no degradation."

Now, I have a very great objection to the first proposition considered in this extract. I object totally and peremptorily to sending any more ambassadors to Mexico. We have sent too many already. The President was right at first, however, because our true policy is for peace, where it can be honorably obtained. Yet, although the President at the early stages of this war did make them these offers of peace, nothing has been done towards the conclusion of a peace by them. Even now, after they are completely overthrown, their capital taken, and army destroyed, still terms of peace are rejected.

Under these circumstances, we ought not to send them another ambassador, high or low. We have made propositions many times, and they would not accept them—we have now conquered them—they are in our power. Shall we, then, solicit again until they consent to treat with us? If I were to send an embassy at all, it should not be with such an ultimatum as the honorable Senator from South Carolina proposes. Why should we now agree to take the Oregon boundary as the extent of our title, giving them to understand that we expect nothing more, and leaving to themselves to propose a boundary for indemnity?

This would be giving them new life or encouragement. If the President could be so weak as to present such a proposition, they would say at once "there is some mystery in this sudden change, some difficulty in the affairs of the American Government," which would encourage them to persevere in hostilities, under the impression that we would ultimately be compelled to give up our conquests; and this would be a reasonable conclusion from such a proposition.

I now come to some general remarks which I wish to make upon the question of the war with Mexico. And first, sir, I have to say that there is one thing which has appeared to me very singular in this discussion on the part of gentlemen on the other side of the Chamber. The President in his message has declared what he thinks as the right course to be pursued; and gentlemen of the Democratic party generally, have concurred with the views he has taken; while those on the opposite side object to the policy in the most decided manner. But they do not tell us what they would do. It is very easy to find fault, but not so easy to tell us what would be the right course to pursue.

The studied silence of our opponents on this subject is the more surprising, because we had indications, before the meeting of this session of Congress, that the objects of the war ought to be declared, and the President compelled to abide by them. Mr. Clay, in his Lexington speech, said:

"I conclude, therefore, Mr. President and fellow-citizens, with entire confidence, that Congress has the right, either at the beginning or during the prosecution of any war, to decide the objects and purposes for which it was proclaimed, or for which it ought to be continued. And I think it is the duty of Congress, by some deliberate and authentic act, to declare for what objects the present war shall be longer prosecuted. I suppose the President would not hesitate to regulate his conduct by the pronounced will of Congress, and to employ the force and the diplomatic power of the nation to execute that will. But if the President should decline or refuse to do so, and, in contempt of the supreme authority of Congress, should persevere in waging the war for other objects than those proclaimed by Congress, then it would be the imperative duty of that body to vindicate its authority by the most stringent, and effectual, and appropriate measures. And if, on the contrary, the enemy should refuse to conclude a treaty containing stipulations securing the objects designated by Congress, it would become the duty of the whole Government to prosecute the war with all the national energy, until those objects were attained by a treaty of peace. There can be no insuperable difficulty in Congress making such an authoritative declaration. Let it resolve, simply, that the war shall, or shall not, be a war of conquest; and, if a war of conquest, what is to be conquered. Should a resolution pass disclaiming the design of conquest, peace would follow in less than sixty days, if the President would conform to his constitutional duty."

This is frank and decided. I do not see any reasonable objections to the course suggested.

I do not know what the President's opinions are—I speak only for myself—but I would be very glad, and I think the President would also be gratified, if Congress would adopt such a course. Why has not this course been adopted?

There has been another announcement of this principle, and a very emphatic one, from another quarter.

I read only this morning, this decided declaration of opinion from a gentleman in another department of the General Government:

WASHINGTON, *January* 7, 1848.

"MY DEAR SIR: To all human appearance, the termination of this miserable war with Mexico is more remote than when the first blow was struck. In my judgment, it was unnecessarily and unconstitutionally commenced by marching our army into disputed territory in the possession of Mexico. And I think that Congress, who unquestionably have the power, should put an end to the war on just and honorable principles.

"After agreeing upon the terms on which a treaty should be made, they should call upon the Executive by resolution to offer a peace to Mexico upon that basis, and, during the negotiation, hostilities should be suspended. If the President shall refuse to do this, in the military appropriation bills the army should be required to take such positions as shall carry out the views of Congress. These bills the President could not veto, and he would be bound by their requirements. This may be done by the House.

"JOHN McLEAN."

This is perfectly frank and clear, and admits of no doubt.

If gentlemen approve of this doctrine let them subscribe to it boldly. There it is. I want a simple response—yes or no. Do you approve of it, or do you not? I have, and the people have, a right to demand from gentlemen on the other side, what are their views?

I have no idea that there will be any peace until the Presidential election is over; and is it to be supposed that the people are going to vote in the dark?

I do hope, then, that those gentlemen who differ with us so much, and find so much fault, will propose a plan of their own, or, at all events, that they will say on this question, yea or nay. Let them sign the bond. Here it is in unequivocal terms.

I want to know whether they will propose to withdraw the army, to give up, not only the indemnity of millions, which our citizens claim, but say that all the blood and treasure which has been spent in this war, shall be thrown away; or whether, in the spirit of the suggestion made by the honorable Senator from South Carolina, go to Mexico, and fall on our knees, and entreat that she will make peace on her own terms.

Mr. BUTLER. I beg the Senator will allow me to say, that I never assumed any such proposition; and I do not think that my language, on the occasion referred to, at all justifies such an inference as has been drawn. I am quite at a loss to know how the gentleman could have arrived at such a conclusion. I certainly said that I would allow Mexico the privilege of indicating a line,

without at all pledging myself to accede to it. I did not wish to extort terms from her, under duress, at the mouth of the cannon. So far as regards the indemnity due us, whatever be the amount, I stated that I would insist on an adjustment of it, allowing Mexico, simply, freedom in the conduct of the negotiation—giving her the privilege of indicating such boundaries as would be most favorable to permanent peace between the two Republics. I said nothing to authorize the extravagant proposition of the Senator from Louisiana.

Mr. DOWNS. The gentleman, I hope, did not understand me as saying he used those identical words, "falling on our knees." That was a mere figure of speech. I did think, however, and still think, that that was very much the meaning of the language employed by the honorable Senator.

In the line of argument which I have marked out for myself on this subject, I shall next proceed to consider the causes of the war. It is said that the President made this war by ordering the troops to the Rio Grande. I differ from this opinion totally.

I believe the war could not have been avoided, that it was the natural consequence of the conduct and the folly of the weak and imbecile Government of Mexico.

If it were necessary to look for other causes of the war than this conduct of Mexico, I could suggest another cause much more probable than that of the conduct of the President.

I believe it grew out of the obstinacy of the Mexican Government, in insisting upon her claim to the dominion of Texas, after all the principal nations of the world had recognized her as an independent republic. But if I should look for other causes than this at home, and if I should say that it arose not alone from the perversity of Mexico, but from the actions and opinions of certain persons within the United States, I should be much nearer the truth than by attributing it to any act of the President or of General Taylor. It was more owing to the position taken by certain persons in this country. I allude to the announcement made, in 1844, from a very high quarter, that the annexation of Texas was a cause of war. Mr. Clay, in his letter of 1844, says:

"I consider the annexation of Texas at this time, without the assent of Mexico, compromising the national character, and involving us certainly in war with Mexico and probably with other foreign Powers."

This cry has been kept up ever since, and is the more likely to be the cause of the war than any act of the President.

Now I do not say that this declaration was the cause of the war; very far from it; but if we are to attribute it to any cause arising within the country, this is the cause to which I would point. There were peculiar circumstances which gave to this declaration extraordinary weight with Mexico at that time.

The very fact that two great Powers of Europe, England and France, interfered in a most unusual and extraordinary manner to prevent annexation, encouraged Mexico in the delusion that she must make this a cause of war with us, and that she would be sustained in it by the public opinion, at least of those countries, if not the civilized world. They, in addition to the feelings of dread at our rapid encroachments in greatness, commerce, and power, had peculiar reasons for opposing our policy on this question.

It was natural that Mexico should adopt the suggestions of the shrewd diplomatists of those nations, and resolve to fight it out.

There was another reason also: the Oregon dispute was then existing. Mexico, in this whole affair, has been unfortunate. One of these misfortunes is, that this Oregon question existed at the time Mr. Slidell was sent as our minister. There is every probability he would have been received, and the dispute settled, if Mexico could have foreseen what occurred a few months afterwards; if it had not been for the idea that we were likely to be involved in war with England on account of the Oregon question, she would have listened to reasonable terms, and the controversy would have been settled in 1845. I think, then, that those who impute this war to the President of the United States, or to General Taylor's march to Rio Grande, should be very cautious how they use such a weapon.

I do not know what are the intentions or purposes of gentlemen on the other side in this matter, but I have a right to guess; and though I cannot divine their purposes, as they keep so close on the subject, if they do intend, by the position which they assumed here, to fight the battle of annexation over again, I shall not shrink from the contest, though I did think that that question had been settled, and the people believed that it had been settled. It was a question about which we differed, and which we fought manfully. One party prevailed; and I, for one, was willing to let the question rest forever. But if you throw down a gauntlet, I will not hesitate to take it up.

While on the subject of the opinions of distinguished men, I wish to refer to another opinion. I allude, sir, to Mr. Gallatin and his pamphlet on the Mexican war. He says, too, that annexation was actual war. I cannot view that document in the same light I do the speech or letter of the distinguished statesman of Kentucky. I may be wrong in this, but so it is, I differ in opinion equally from them both; but while I listen with respect and attention to one of them, the great Kentuckian, I cannot read the lucubrations of the other without indignation. And this feeling is not because I undervalue the admonitions of the aged, as the young are too apt to do; I am myself old enough to have got over that weakness, if I ever had it. I listened not long since in this body, not only with respect and attention, but almost with filial reverence, to opinions and arguments of a distinguished Senator, [Mr CALHOUN,] to not one of which scarcely could I bring my mind to assent. I shall listen, whenever they speak, to other (Mr. D. here looked towards Messrs. BENTON and WEBSTER) distinguished Senators with like feelings. I feel, sir, and I believe that the people of the United States feel, that such men as I have just alluded to, have a right to speak, and ought to be listened to with profound respect on questions of national honor and of foreign war. They were born in this land, and have grown up with this country; they have done the state some service; their history, for almost half a century, is their country's history—

"The page of her story is filled with their names!"

American genius has been appreciated, and American eloquence admitted and illustrated by them. Yes, sir, to such men, on all subjects, I will listen with respect, however I may differ with them. Not so, sir, with him who comes from other lands—first breathed other than American air—once owed allegiance to another Power—has another native home, and attachments, and feelings, and prejudices, and opinions, and sympathics, more or less influenced, as they must be, by recollections of that native home. He school Americans in American honor and national decorum! No, sir; every impulse of my heart tells me no, and compels me to say it; I cannot and will not resist it. Doubtless we have committed errors in our foreign policy; we may commit others; we should be more than human if we did not. But such as, I believe, it ever has been, under all parties, through all the vicissitudes of the most eventful period in the world's history for seventy-two years, so I hope and believe it will continue, long after we have passed away, and when even these solid walls, that have outlived the flames of one foreign war, shall moulder to decay and fall in ruins—American in origin—the inspiration of American mind, sustained by American arms and hearts, but uninfluenced by anything that is not indigenous to our soil—foreign governments, foreign presses, foreign bayonets, foreign opinions of any, whether domiciliated at home or abroad, or anything else foreign. Yes, sir; right or wrong, successful or unsuccessful, Whig or Democratic, I want it to be American, all American, and nothing but American.

Let it not be said I am a Native American, and decry foreigners, and would deprive them of all power. Far from it! I have always taken an opposite course in all my public life on this subject; nor have I changed my opinion in the least. I stand now where I ever have on this subject, where I stood in the legislative halls of my own State when this subject was agitated in 1839, and where, on a still more memorable occasion, in the Louisiana Convention, 1844–'45, when a strong attempt was made, principally by those opposed to my party in politics, to disfranchise, in some degree, foreigners. In one of the most protracted and animated debates that I believe has ever occurred in America on the subject, I so effectually, with other Democratic friends, sustained the rights of our adopted citizens, that a meeting of the naturalized citizens of New Orleans voted medals to some half a dozen of us, at the head of which was our eloquent leader on the occasion, my good friend Bernard Marigny, who, though born in a land then foreign, has, without changing his allegiance or the ties of his native home, become an American citizen by the process of annexation; and as good a one as ever lived in it. Yes, sir, give them almost all rights, as the Federal Constitution has; but I would request only, that on questions of national honor and foreign war, they should not at least speak first and loudest, if they speak at all.

I now come to another branch of the subject, viz: the position assumed by Senators on the other side, that the President of the United States was the cause of the war; that he brought it on by the ordering the removal of the troops to the Rio Grande. I disagree totally from this opinion. My opinion is, that if this war was brought on by any cause within the control of this Government, it was produced by other hands than those of the President of the United States.

And I think an examination of the facts connected with the history of the matter will convince every impartial mind of its truth. Whether annexation was a declaration of war or not, Mexico considered it so, and made war accordingly; and the President had no option—he did not make it. Here are the facts on this point: Under date of August 23, 1843, the Mexican Minister of Foreign Relations, in the name of his Government, addressed to our minister in Mexico the following language:

"The Mexican Government will consider equivalent to a declaration of war against the Mexican Republic the passage of an act for the incorporation of Texas with the territory of the United States, *the certainty of the fact being sufficient for the proclamation of war*, leaving to the civilized world to determine with regard to the justice of the cause of the Mexican nation in a struggle which it has been so far from provoking."

On the 12th of June, 1844, just two months after the signature by Mr. Calhoun of the treaty for the annexation of Texas, Santa Anna, then the President of Mexico, announced to the Government of the United States, "that Mexico was resolved again to undertake vigorously the campaign against Texas, for which she held in readiness a large army," and further expressed the determination of Mexico upon the point, as follows:

"That in no manner will she consent to dismember her territory—rather will she carry the war to any extreme which may be necessary to sustain her rights; and that as nations do not die, THE RIGHT OF RECONQUERING THAT TERRITORY SHALL REMAIN TO OUR CHILDREN AND OUR GRAND-CHILDREN; THAT THIS WAS THE OPINION OF THE GOVERNMENT AND OF THE MEXICANS."

Santa Anna followed up this declaration by issuing in the same month (June, 1844) a requisition for thirty thousand men, and $4,000,000, to "carry on the war against Texas." Generals Canalizo and Woll were placed in command of the force raised upon this requisition, and having advanced to Mier, on the Texan frontier, Woll, at the head of his invading army, put forth a general order under date of June 20, 1844, menacing "every individual within one league of the left bank of the Rio del Norte with the traitor's doom."

Mr. Bocanegra, then the Mexican Minister of Foreign Relations, styled the act of Congress providing for annexation, in his circular letter to the various European ministers then resident in Mexico, under date of May 31, 1844, "a declaration of war between the two nations."

On the 6th of March, 1845, the Mexican minister protested against the act of annexation, and demanded his passports. Our minister in Mexico was refused all intercourse with that Government, and was told, on the 2d of April, by the Mexican Minister of Foreign Affairs—

"That the Government of Mexico cannot continue diplomatic relations with the United States upon the presumption that such relations are reconcilable with the law which the President of the United States has approved in regard to the annexation of the department of Texas to the American Union; that this determination is founded upon the necessity which Mexico is under of maintaining no friendship with a republic which has violated her obligations, usurped a portion of territory which belongs to Mexico by a right which she will maintain at whatever cost."

On the 4th of June, 1845, President Herrera issued a proclamation, announcing the intention of Mexico to resist by arms the annexation of Texas, and affirming—

"That the law of the United States in reference to the annexation of Texas to the United States, does in nowise destroy the rights that Mexico has, and will enforce, upon that department."

Affixed to this proclamation, and published with it, were two decrees of the Mexican Congress—one setting forth that "the Mexican nation calls upon all her children to the defence of her national independence;" and the other announcing that the Government would "call to arms all the forces of the army, according to the authority granted to it by existing laws."

On the 24th of April, 1846, Paredes issued a manifesto, expressing the determination in regard to the annexation which his Government had taken immediately upon its accession to power in the beginning of that year, and while General Taylor was still at Corpus Christi. In this manifesto, Paredes says:

"On resuming, *in the beginning of the year*, the heavy responsibility of guiding the destinies of the nation during a short period, I DETERMINED RESOLUTELY TO CHANGE ITS POLICY FROM THE WEAK AND PERNICIOUS SYSTEM OF TEMPORIZING, *which has been observed with regard to the United States of America, notwithstanding the perfidy with which that Government prepared for the* OCCUPATION OF TEXAS, *its treacherous violation of the existing treaties which guaranteed the limits of the Republic*, AND THE INSIDIOUS ACT BY WHICH IT INCORPORATED ONE OF OUR DEPARTMENTS WITH ITS OWN CONFEDERACY.

"The old grievances, the offences against the Mexican nation, which have been incessantly repeated since 1836, had been CONSUMMATED BY THE INSULT OF SENDING US A MINISTER, *to be accredited near our Government in the character of a residing minister*, AS IF THE RELATIONS BETWEEN THE TWO REPUBLICS HAD NOT SUFFERED ANY DISTURBANCE BY THE DEFINITE ACT OF THE ANNEXATION OF TEXAS. AT THE VERY TIME WHEN MR. SLIDELL APPEARED, THE TROOPS OF THE UNITED STATES WERE OCCUPYING OUR TERRITORY."

In this same manifesto, issued on the 24th of April, 1846, and professing to state his policy and the grounds of it, ever since he assumed power in the beginning of the year, he further tells us, that at that time he "had sent orders to the general-in-chief of the division of our northern frontier, to act in hostility against the army which is in hostility against us," &c.

On the 4th of October, 1845, General Taylor advised the march to the Rio Grande, in these words:

"For these reasons, our position thus far has, I think, been the best possible; but, now that the entire force will soon be concentrated, it may well be a question whether the views of Government will be best carried out by our remaining at this point. It is with great deference that I make any suggestions on topics which may become matter of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or two suitable points on or quite near the river. Our strength and state of preparation should be displayed in a manner not to be mistaken. However salutary may be the effect produced upon the border people by our presence here, we are too far from the frontier to impress the Government of Mexico with our readiness to vindicate, by force of arms, if necessary, our title to the country as far as the Rio Grande. The 'army of occupation' will, in a few days, be concentrated at this point, in condition for vigorous and efficient service. Mexico having as yet made no positive declaration of war, or committed any overt act of hostilities, I do not feel at liberty, under my instructions, particularly those of July 8, to make a forward movement to the Rio Grande without authority from the War Department.

"In case a forward movement should be ordered or authorized, I would recommend the occupation of Point Isabel and Laredo as best adapted to the purposes of observing the course of the river and covering the frontier settlements of Texas."

On the 13th of January, 1846, orders were issued in conformity with this suggestion, but carefully guarding against war, in these words:

"WAR DEPARTMENT,
"*Washington, January* 13, 1846.

"SIR: I am directed by the President to instruct you to advance and occupy, with the troops under your command, positions on or near the east bank of the Rio del Norte, as soon as it can be conveniently done, with reference to the season and the routes by which your movements must be made. From the views heretofore presented to this department, it is presumed Point Isabel will be considered by you an eligible position. This point, or some one near it, and points opposite Matamoros and Mier, and in the vicinity of Laredo, are suggested for your consideration; but you are left to your better knowledge to determine the post or posts which you are to occupy, as well as the question of dividing your forces with a view to occupying two or more positions.

"In the positions you may take in carrying out these instructions and other movements that may be made, the use of the Del Norte may be very convenient, if not necessary. Should you attempt to exercise the right which the United States have in common with Mexico to the free navigation of this river, it is probable that Mexico would interpose resistance. You will not attempt to enforce this right without further instructions.

"It is not designed, in our present relations with Mexico, that you should treat her as an enemy; but, should she assume that character by a declaration of war, or any open act of hostility towards us, you will not act merely on the defensive, if your relative means enable you to do otherwise."

These orders were received on the 4th of February, 1846, and were executed according to their spirit, as the despatch of 16th February shows:

"I have taken occasion to represent to some citizens of Matamoros, who were here with a large number of mules for sale, and who are represented to have considerable influence at home, that the United States Government, in occupying the Rio Grande, has no motive of hostility towards Mexico, and that the army will, in no case, go beyond the river, unless hostilities should be commenced by the Mexicans themselves; that the Mexicans living on this side will not be disturbed in any way by the troops; that they will be protected in all their rights and usages; and that everything which the army may need will be purchased from them at fair prices. I also stated, that until the matter should be finally adjusted between the two Governments, the harbor of Brazos Santiago would be open to the free use of the Mexicans as heretofore. The same views were impressed upon the Mexican custom-house officer at Brazos Santiago, by Captain Hardee, who commanded the escort which covered the reconnoissance of Padre Island."

On the 11th March, the army marched from Corpus Christi; and on the 24th, General Taylor, with a part of his command, arrived at Point Isabel; and on the 28th, he arrived with the main body on the bank of the Rio Grande opposite Matamoros. Here I will read from the minutes of the interview between Generals Worth and La Vega on the same day, showing his refusal to allow him communication with our consul:

"*Gen. Worth.*—Is the American consul in arrest, or in prison?

Gen. La Vega.—No.

Gen. Worth.—Is he now in the exercise of his proper functions?

Gen. La Vega, after apparently consulting with the Licenciado Casares for a moment, replied that he was.

Gen. Worth.—Then, as an American officer, in the name of my Government and my commanding general, I *demand* an interview with the consul of my country.

(No reply.)

Gen. Worth.—Has Mexico declared war against the United States?

Gen. La Vega.—No.

Gen. Worth.—Are the two countries still at peace?

Gen. La Vega.—Yes.

Gen. Worth.—Then I again demand an interview with the consul of my Government, in Matamoros, in the presence, of course, of these gentlemen, or any other that the commanding general in Matamoros may be pleased to designate.

General La Vega reiterated that the consul was in the proper exercise of his functions; that he was not in arrest, nor were any other Americans in arrest at Matamoros; that he would submit the *demand* to General Mejia, adding that he thought there would be great difficulty.

This *demand* was repeatedly made in the most emphatic manner, and a reply requested; General La Vega stating the consul continued in the exercise of his functions, and that General Worth's demand would be submitted to General Mejia.

No reply having been received from General La Vega relative to the demand for an interview with the American consul, the question was again introduced by General Worth, and the demand for the last time reiterated.

General La Vega then promptly refused to comply with the demand, replying, without waiting for the interpretation, "No, no."

Gen. Worth.—I have now to state that a refusal of my demand to see the American consul is regarded as a belligerent act; and, in conclusion, I have to add, the commanding general of the American forces on the left bank of the river will regard the passage of any armed party of Mexicans in hostile array across the Rio Grande as an act of war, and pursue it accordingly."

General Ampudia arrived at Matamoros on the 11th April, and on the 12th addressed this letter to General Taylor, "by explicit and definitive orders, from my [his] Government:"

"Your Government, in an incredible manner—you will even permit me to say an extravagant one, if the usage or general rules established and received among all civilized nations are regarded—has not only insulted, but has exasperated the Mexican nation, bearing its conquering banner to the left bank of the Rio Bravo del Norte; and in this case, by explicit and definite orders of my Government, which neither can, will, nor should receive new outrages, I require you, in all form, and at latest in the peremptory term of twenty-four hours, to break up your camp and retire to the other bank of the Nueces river, while our Governments are regulating the pending question in relation to Texas. If you insist in remaining upon the soil of the department of Tamaulipas, it will clearly result that arms, and arms alone, must decide the question; and in that case, I advise you that we accept the war to which, with so much injustice on your part, you provoke us, and that, on our part, this war shall be conducted conformably to the principles established by the most civilized nations; that is to say, that the law of nations and of war shall be the guide of my operations, trusting that on your part the same will be observed.

"With this view, I tender you the considerations due to your person and respectable office.

"God and Liberty!

"HEADQUARTERS AT MATAMOROS,
2 *o'clock, p. m., April* 12, 1846.
"PEDRO D'AMPUDIA.

"Señor General-in-Chief of the
United States Army, Don Z. TAYLOR."

General Taylor's Answer.

"HEADQUARTERS, ARMY OF OCCUPATION,
Camp near Matamoros, Texas, April 12, 1846.

"SENOR: I have had the honor to receive your note of this date, in which you summon me to withdraw the forces under my command from their present position, and beyond the river Nueces, until the pending questions between our Governments, relative to the limits of Texas, shall be settled. I need hardly advise you, that, charged as I am, in only a military capacity, with the performance of specific duties, I cannot enter into a discussion of the international question involved in the advance of the American army.

"The instructions under which I am acting will not permit me to retrograde from the position I now occupy. In view of the relations between our respective Governments, and the individual suffering which may result, I regret the alternative which you offer; but, at the same time, wish it understood that I shall by no means avoid such alternative, leaving the responsibility with those who rashly commence hostilities.

"Señor General D. PEDRO DE AMPUDIA."

On the 15th of that month, considering this an act of war, General Taylor blockaded the mouth of the Rio Grande. This is his report:

"In my last despatch I advised you, that on receipt of General Ampudia's summons to fall back from my position, I ordered a blockade of the mouth of the Rio Grande, deeming this measure perfectly proper under the circumstances, and, at the same time, the most efficient means of letting the Mexican commander understand that this state of *quasi* war was not to be interpreted to his advantage only, while we reaped the inconveniences attending it. On the 17th instant, pursuant to my instructions, Lieutenant Renshaw, of the navy, warned off two American schooners about to enter the river with provisions. Yesterday, I received from General Ampudia a communication on the subject, a translation of which, and my reply, are herewith transmitted. I trust that my course in this matter will meet the approval of the department. It will, at any rate, compel the Mexicans to withdraw their army from Matamoros, where it cannot be subsisted, or to assume the offensive on this side of the river."

Ampudia's reply.

"DIVISION OF THE NORTH, *Second General in Chief.*

"From various sources worthy of confidence, I have learned that some vessels, bound for the mouth of the river, have not been able to effect an entrance into that port, in consequence of your orders that they should be conducted to Brazos Santiago. The cargo of one of them is composed in great part, and of the other entirely, of provisions, which the contractors, charged with providing for the army under my orders, had procured, to fulfil the obligations of their contracts. You have taken possession of these provisions by force, and against the will of the proprietors, one of whom is vice consul of her Catholic Majesty, and the other of her Britannic Majesty; and whose rights, in place of being religiously respected, as was proffered, and as was to be hoped from the observance of the principles which govern among civilized nations, have, on the contrary, been violated in the most extraordinary manner, opposed to the guarantee and respect due to private property."

On the 16th of April, General Ampudia recognized a state of war, in his letter concerning Colonel Cross, in these terms:

"In reply to your note which I received yesterday, I have the honor to state, that if Colonel Cross, Quartermaster General of the forces under your command, had been found at any of the military posts under my orders, his lot would have been that of a prisoner of war, treated with the consideration due his rank, and according to the rules prescribed by the law of nations and of war, well considered in his situation as a prisoner."

On the 24th of April, General Arista arrived, assumed the command, and notified General Taylor of the existence of war; and on the same day, giving the word and the blow at the same time, Captain Thornton and his command were attacked and defeated, as the following despatch will show:

"HEADQUARTERS, ARMY OF OCCUPATION,
"*Camp near Matamoros, Texas, April* 26, 1846.

"SIR: I have repectfully to report, that General Arista arrived in Matamoros on the 24th instant, and assumed the chief command of the Mexican troops. On the same day he addressed me a communication, conceived in courteous terms, but saying that he considered hostilities commenced, and should prosecute them. A translation of his note and a copy of my reply will be transmitted the moment they can be prepared. I despatch this by an express which is now waiting.

"I regret to report that a party of dragoons, sent out by me on the 24th instant to watch the course of the river above on this bank, became engaged with a very large force of the enemy, and after a short affair, in which some sixteen were killed and wounded, appear to have been surrounded, and compelled to surrender. Not one of the party has returned, except a wounded man, sent in this morning by the Mexican commander, so that I cannot report with confidence the particulars of the engagement, or the fate of the officers, except that Captain Hardee was known to be a prisoner, and unhurt. Captain Thornton and Lieutenants Mason and Kane were the other officers. The party was sixty-three strong."

Next comes General Taylor's letter to Ampudia, of the 22d of April, explaining his course up to this time.

"On breaking up my camp at Corpus Christi, and moving forward with the army under my orders to occupy the left bank of the Rio Bravo, it was my earnest desire to execute my instructions in a pacific manner; to observe the utmost regard for the personal rights of all citizens residing on the left bank of the river, and to take care that the religion and customs of the people should suffer no violation. With this view, and to quiet the minds of the inhabitants, I issued orders to the army, enjoining a strict observance of the rights and interests of all Mexicans residing on the river, and caused said orders to be translated into Spanish, and circulated in the several towns on the Bravo. These orders announced the spirit in which we proposed to occupy the country, and I am proud to say that up to this moment the same spirit has controlled the operations of the army. On

reaching the Arroyo Colorado, I was informed by a Mexican officer that the order in question had been received at Matamoros; but was told at the same time that if I attempted to cross the river, it would be regarded as a declaration of war. Again, on my march to Frontone I was met by a deputation of the civil authorities of Matamoros, protesting against my occupation of a portion of the territory of Tamaulipas, and declaring that if the army was not at once withdrawn, war would result. While this communication was in my hands, it was discovered that the village of Frontone had been set on fire and abandoned. I viewed this as a direct act of war, and informed the deputation that their communication would be answered by me when opposite Matamoros, which was done in respectful terms. On reaching the river, I despatched an officer, high in rank, to convey to the commanding general in Matamoros the expression of my desire for amicable relations, and my willingness to leave open to the use of the citizens of Matamoros the port of Brazos Santiago, until the question of boundary should be definitively settled. This officer received for reply, from the officer selected to confer with him, that my advance to the Rio Bravo was considered as a veritable act of war; and he was absolutely refused an interview with the American consul, in itself an act incompatible with a state of peace. Notwithstanding these repeated assurances on the part of the Mexican authorities, and notwithstanding the most obviously hostile preparations on the right bank of the river, accompanied by a rigid non-intercourse, I carefully abstained from any act of hostility—determined that the onus of producing an actual state of hostilities should not rest with me. Our relations remained in this state until I had the honor to receive your note of the 12th instant, in which you denounce war as the alternative of my remaining in this position. As I could not, under my instructions, recede from my position, I accepted the alternative you offered, and made all my dispositions to meet it suitably. But, still willing to adopt milder measures before proceeding to others, I contented myself, in the first instance, with ordering a blockade of the mouth of the Rio Bravo by the naval forces under my orders—a proceeding perfectly consonant with the state of war so often declared to exist, and which you acknowledge in your note of the 16th instant, relative to the late Colonel Cross. If this measure seem oppressive, I wish it borne in mind that it has been forced upon me by the course you have seen fit to adopt. I have reported this blockade to my Government, and shall not remove it until I receive instructions to that effect, unless, indeed, you desire an armistice, pending the final settlement of the question between the Governments, or until war shall be formally declared by either; in which case, I will cheerfully open the river. In regard to the consequences you mention as resulting from a refusal to remove the blockade, I beg you to understand that I am prepared for them, be they what they may.

"In conclusion, I take leave to state, that I consider the tone of your communication highly exceptionable, where you stigmatize the movement of the army under my orders as 'marked with the seal of universal reprobation.' You must be aware that such language is not respectful in itself, either to me or my Government; and while I observe in my own correspondence the courtesy due to your high position, and to the magnitude of the interests with which we are respectively charged, I shall expect the same in return."

No volunteers were called for except two companies from Texas until the 26th of April, though full authority had already been given for the same. See despatch of that day:

"Hostilities may now be considered as commenced, and I have this day deemed it necessary to call upon the Governor of Texas for four regiments of volunteers, two to be mounted and two to serve as foot. As some delay must occur in collecting these troops, I have also desired the Governor of Louisiana to send out four regiments of infantry as soon as practicable. This will constitute an auxiliary force of nearly five thousand men, which will be required to prosecute the war with energy, and carry it, as it should be, into the enemy's country. I trust the department will approve my course in this matter, and will give the necessary orders to the staff departments for the supply of this large additional force."

From these facts, I think it results clearly that the war did not commence by the act of the President; that it was commenced by Mexico, as she had determined from the first, and that nothing would have prevented it, sooner or later. But if there was any cause which brought on the crisis at this particular time, it was, first, the blockade of the mouth of the Rio Grande, which, in the language of General Taylor, must necessarily compel the Mexicans either to retreat or to cross the river and fight him; and, secondly, the failure of that general to call for volunteers, as he was authorized to do, after he arrived on the Rio Grande, and was informed of the hostile intentions of the Mexicans. He arrived there nearly a month before the attack on Captain Thornton, and if he had then called on Texas and Louisiana for volunteers, the rapidity with which they flew to his assistance afterwards shows that they might have arrived at the scene of action before the 24th of April. It can hardly be supposed if two or three thousand additional troops had been with General Taylor that the Mexicans would have crossed the river. These events occurred without the knowledge of the President of the United States, and before the facts could be communicated to him and any order given. No orders or authority was ever given to blockade the mouth of the river; on the contrary, General Taylor was instructed not to insist on the joint navigation of that river if it should be objected to by the Mexicans. General Taylor was repeatedly reminded of the ample authority given him to call for volunteers, and he, and not the President, was the best judge of what was necessary. He had a generous confidence in his army, that it was able to withstand the force which the Mexicans could bring against it, and subsequent events have proved that he was correct. But the Mexicans did not know it at that time. They had no idea of our prowess; but I do not think they would have crossed the river against a large force.

I do not blame General Taylor for the course he adopted. It may have precipitated the war a little sooner than it would otherwise have occurred; but still, as it must have occurred at last, and as we made a glorious beginning on the fields of Palo Alto and Resaca de la Palma, I see no cause to regret it. All I wish to say is, that for these events the President of the United States is not responsible.

Before I close, there is another fact which I wish to submit to the consideration of the Senate. Those on the other side of the House contend that the President brought on the war by ordering the army to the Rio Grande, a territory either belonging to Mexico, or in dispute. Whatever difference of opinion may exist on the question of boundary, it was clearly the duty of the President to recognize the Rio Grande as the true boundary. Acts of Congress had recognized it as such; they were the laws of the land, and he was bound to obey them, whatever opinions may have been entertained by the Mexican Government, or others, on the question of boundary. That he was right in considering this American territory, and the Mexican troops as invading it, is clearly proved by the proceedings of this body, on the 12th of May, 1846, when the bill recognizing the war was under consideration. I will here extract from the Journal of the Senate:

"On motion by Mr. CRITTENDEN, to amend the bill by striking out, section 1, line 4, the words 'to prosecute said war to a speedy and successful termination,' and in lieu thereof insert, '*to repel invasion, and otherwise prosecute hostilities, until the country be secured from the danger of further invasion.*'"

This was determined in the negative—yeas 20, nays 26. How can it be contended, after this, that the President made this war, or that it was not made on American soil? How could the Senator from Kentucky [Mr. CRITTENDEN] call it "invasion," unless the Mexican army had crossed over into American soil. He, and they who voted with him, must have so considered it at the time. How can they, then, say now that the President made this war?

On motion of Mr. DOUGLAS,
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 1, 1848.

The Journal of yesterday, which was unusually long, having been partially read—

Mr. GOGGIN hoped it would be the pleasure of the House to dispense with the reading of the Journal. It consisted almost entirely of resolutions, which it could not be necessary to read; whereas, if the reading were dispensed with, more time would be allowed in Committee of the Whole on the President's message, on which debate was to be closed at two o'clock, by order of the House.

Mr. J. Q. ADAMS objected. If the reading of the Journal were now dispensed with, it would be the establishment of a precedent which might bring with it evil consequences. He therefore required an enforcement of the rules.

The SPEAKER said, that as objections were made, the Journal would be read—the motion to suspend requiring unanimous consent.

The Clerk read the Journal accordingly.

PRESIDENT'S MESSAGE.

The House resolved itself into Committee of the Whole on the state of the Union, on the motion of Mr. GOGGIN, (Mr. STEPHENS, of Georgia, in the chair,) and resumed the consideration of the resolution to refer to appropriate committees the annual message of the President.

Mr. GOGGIN, who was entitled to the floor, then proceeded to address the committee. Before he proceeded with the remarks he intended to make, he desired to return his thanks to the committee for the very kind indulgence which it extended to him on Friday last, when the debate was postponed for his convenience. He then proceeded, and said he should endeavor, in the short space of time allotted him, to present to the committee some few views of the topics which had been discussed with so much ability by other gentlemen. The debate had assumed a wide range, and not only had the political action of this House in relation to this war been assailed by gentlemen on the other side, but unworthy motives—most unworthy motives—had been attributed to the majority; to those who had thought proper, as they had done, to act in a manner becoming freemen, and to differ with the gentlemen on the other side. Yes, most unworthy motives had been attributed to them; and the gentleman from South Carolina, [Mr. RHETT,] who addressed the committee a few days since, with a sort of new-born zeal which he appeared to possess, declared that the President of the United States has, under the Constitution of the United States, authority, without the aid of Congress, to place this nation in a state of hostilities—attempting to draw a distinction between a state of hostilities and a state of war. For his part, he (Mr. G.) could not see the distinction as it was seen by the gentleman from South Carolina. With all respect to that gentleman's judgment, to him (Mr. G.) it appeared to be a distinction without a difference. He chose to look at the Constitution of his country for himself, rather than to the readings of the Constitution—of that sacred instrument of the gentleman from South Carolina. The United States Constitution, as he read it, declares that Congress shall have power to declare war, and to raise and support armies, giving to the President of the United States only the power to conduct the war when the war-making power shall declare that it exists. The Executive had no authority, without the aid of Congress, to take the initiative step in placing this country in a state of war, or—if the gentleman from South Carolina would so have it—in a state of hostilities.

Mr. SIMS interposed.

Mr. GOGGIN hoped the gentleman would not interrupt him; he had but a short time at his own disposal.

Mr. SIMS was understood to say that the gentleman from Virginia had misconceived the remarks of the gentleman from South Carolina, [Mr. RHETT,] who was absent.

Mr. GOGGIN resumed. He had understood the gentleman from South Carolina as he had been understood by other gentlemen on this floor, and as he had expressed himself on this floor at the last session of Congress. Heretofore, the gentleman from South Carolina had assumed the same position which he (Mr. G.) understood him to assume on Thursday last. But it had not been his practice to indulge in denunciation of gentlemen to whom he was opposed, by charging on them that they were inclined to trample on the Constitution of their country—that Constitution which they, in common with all others, had sworn to support; and he was unwilling to believe that gentlemen on the other side were less patriotic than he claimed to be himself. He made no such charge of a want of patriotism; but when gentlemen on the other side of this Chamber hurled at his side such charges, from which they claimed themselves to be exempt, he could not but except to such denunciations, and to say that it was in his view an indication of a consciousness on the part of those gentlemen of their own weakness. "The attempt and not the deed confounds us."

He hesitated not to say, as he had said heretofore, that the President of the United States had violated the Constitution, by unnecessarily, improperly, and unconstitutionally, beginning the war with the Republic of Mexico. That position he had taken here. That opinion he thought proper to reiterate on this floor, and he would continue to repeat it, in spite of all denunciations here or elsewhere. He charged no treason on any one before the country; he accused no one of the commission of perjury before God or man; but he thought the President had mistaken his duty, and exceeded the authority which was given to him by the Constitution. His fault had been that he had listened to unwise counsels, and his authority had been perverted. He (Mr. G.) said this, notwithstanding the danger to which he exposed himself of being charged with giving aid and comfort to the enemy.

And now as to the gentleman from South Caro-

lina, over the way, [Mr. RHETT.] He desired here to say to that gentleman, and all those friends of his who stood beside that gentleman in times that tried men's souls, that he meant not to derogate in the slightest degree from the high stand they took at that time, as men of honor and integrity; and of the proud head of that party, he could with great truth say, that there was no man for whose private virtue and excellence of character he cherished a more unfeigned respect. At the same time, he would say that he considered him as having wholly mistaken his duty; but while he acknowledged the high principles under which they had all acted, he would like to know by what right the gentleman from South Carolina undertook to read lectures on political consistency and fidelity to the Constitution to gentlemen on that side of the House? Was his right derived from the memorable proclamation by Andrew Jackson, or from the bloody Force Bill, for which his present political chief had voted? Did it come from that "old hero," whom no man had once denounced in stronger terms than the gentleman? While the gentleman was speaking, Mr. G. could not help thinking of one "R. Barnwell Smith," who figured in the drama of nullification; and if the gentleman were no longer Romeo, it could be proved beyond dispute that he still belonged to the House of Montague. Was it for that gentleman to say to the Whigs of that House, that nine out of ten of them were the very men who prolonged the war? Mr. G. never had heard such a charge brought by either side in a political contest before—to brand a whole party, and that in time of war, with giving aid and comfort to the enemies of their country, and prolonging the very war they continually denounced! Who commissioned that gentleman to come here and read to the members of this House lectures on political morals and regard for the Constitution?

Had that gentleman been himself such a devoted friend to the Constitution, such an attached admirer and lover of this Union? Let any one listen for a moment to the language he had used in the South Carolina convention in March, 1833: "I 'cannot palter with conscience or play the hypo-'crite: nor can Carolina, consistently with her 'honor or truth, dissemble as to her true situation. 'I boldly declare it, (and I believe I express the 'feelings of the freemen I represent,) under the 'Government as administered, *I have no ardent at-'tachment to the* UNION OF THESE STATES." And yet that was the gentleman who stood up here and denounced the whole Whig party as guilty of prolonging this war! Whence, Mr. G. would again ask, had that gentleman his authority? Did he get it from his own consistency, prudence, loyalty to the Constitution, and love to this Union? Hear him again: "No; for here is the bill of blood 'by which the little of the Constitution that was 'left is scattered to the winds; and the sword and 'the purse of the Confederacy are placed in the 'hands of an insolent and brutal dictator." Were the Whig party to be alarmed by the denunciations which a gentleman hurled at them who had spoken in this strain of vituperation of one of the best and the purest men his own party contained? Happily that distinguished man had survived the hate of his enemies, and his ashes now slept peacefully beneath the shades of his own beloved Hermitage. Mr. G. was not to be disturbed by missiles from such a quarter; and he utterly denied, after such a public course as that gentleman had pursued, his right to come into that House and read gentlemen lectures on political morals. Whom was it that President Jackson sought to arrest in their mad career over the Constitution and liberties of their country, as he understood them? In regard to whom did he use that memorable language in his message to both Houses on January 16, 1833?

Speaking of the South Carolina ordinance, he said: "If these measures cannot be defeated and 'overcome by the power conferred by the Consti-'tution on the Federal Government, the Constitu-'tion must be considered as incompetent to its own 'defence; the supremacy of the laws is at an end; 'and the rights and liberties of the citizens can no 'longer receive protection from the Government of 'the Union."

He trusted that the language of the gentleman from South Carolina [Mr. RHETT] which Mr. G. had read to the House would stand unobliterated "to the last syllable of recorded time," as a proof that the old hero of New Orleans, and the Constitution of our glorious Union, and the great and patriotic Whig party of 1848, had all managed, by some means, to survive the dread-inspiring anathemas of the gentleman from South Carolina. That gentleman had been too recently initiated into the secrets of the Cabinet to learn his own lesson; and yet he came to talk to members of that House about the powers and prerogatives of the President, and based his entire speech on the doctrine that the Executive had a right to withhold from the people and the people's representatives all knowledge of the ends and purposes for which he had begun or was still prosecuting the existing war. This was the gentleman, the privileged gentleman, who, with one other member of that House, had been allowed to inspect public official papers which were withheld from the less favored eyes of other Representatives. It must be apparent, that though the gentleman had not yet found his way to the White House, and might not have approached the presence of a political chief who had given his vote for the odious force bill, he had got as far at least as the State Department, and had been allowed to examine records for which the House had called in vain. The gentleman had said, "So help him God, if he believed the President guilty of a violation of the Constitution, he would vote to impeach him to-morrow." Could not the gentleman see, even from his own case, that a man might attempt the grossest violation of the Constitution of his country, and yet not even be arrested? Why had he not impeached General Jackson? There had been a Democratic majority at the time in the House, yet they never voted an impeachment.

At the last session, that gentleman had voted with the Whigs against the insertion of the preamble into the bill of supplies which declared that this war existed by the act of Mexico. Yes; this same gentleman who now read lectures to the Whigs in support of the action of the President in relation to this war, when it was the will of the House to insert that declaration in the preamble of the supply bill, had voted against it, in company with the Whigs and with some of Mr. G.'s colleagues from Virginia. Of this he did not complain: he wished to have no controversy with his colleagues about the vote they had then given; but when the gentleman from South Carolina got up here and charged the Whigs with prolonging this war, and yet had refused to say the war was begun by Mexico, what were the inferences to be drawn from his vote? Somebody surely must have commenced the war; the gentleman refused to declare that it was the Mexicans: then it must have been somebody in the United States. It was not Congress: who then was it? Who, in the United States, had unnecessarily and unconstitutionally began the war?

The gentleman had stood shoulder to shoulder with the Whigs in declaring that it was not begun by Mexico; and yet, in five minutes after giving that vote, had voted the supply bill with the preamble in its front, thereby voting in direct and open contradiction of his own speech. Now, when a gentleman of this sort charged inconsistency on the Whigs, it would perhaps be as well he should look first at his own.

But Mr. G. had another fact for the gentleman on the subject of impeaching the President. What had a great Democratic Senator said when the treaty for annexing Texas was pending before the Senate? "They, the President and his Secretary 'of State, made the war themselves, and made it 'unconstitutionally, perfidiously, clandestinely, 'and piratically. The secret orders to our navy 'and army were piratical; for they were without 'law to waylay and attack a friendly Power with 'whom we have a treaty of amity; and as a mem-'ber of a court-martial I would sentence to be shot 'any officer of the army or navy who should dare 'to attack Mexican troops, or ships, or cities, 'under that order."

Mr. STUART, of Michigan, here said something to Mr. G. which, from the relative position of the parties, was wholly lost to the reporter.

Mr. G. replied, that if the gentleman had waited a moment, Mr. G. was coming to that point; he should not conceal the fact. When gentlemen had had a Democratic majority, and John Tyler was the President of the United States, if he violated the Constitution, why had they not impeached him?

Mr. STUART, of Michigan. Because we did not think so.

Mr. G. said, he had not been aware before that the gentleman from Michigan had been a member of that Congress; the records of the House, he believed, did not show it. Mr. G. was talking to gentlemen who were then members of Congress, and who might have impeached President Tyler. Was the gentleman from Michigan one? If not, he begged that gentleman would not take Mr. G.'s remarks to himself.

But now Mr. G. must, for a little while, pay his respects (all in a very friendly way) to his colleague over the way from the Harper's Ferry district, [Mr. BEDINGER.]

Mr. G. should not attempt to follow any of that gentleman's flights of fancy: oh! no; the gentleman was quite too poetical for him—he could not hope to match him in poetry; his muse never would keep pace with the gentleman's, who, every one knew, made her *eagle* flight among the clouds. But descending into the humble area of debate in that House, the gentleman had warbled for a moment even among the "crabs" and "crawfish" of the Whig party. The stoop was great. He supposed the gentleman likened the Whigs to shell-fish, because they were known to carry shields wherewith to defend the Constitution. But if the Whigs were a "crab-party," how was it with the party of the gentleman? Was there no "crab" movement on their side of the House? They came into power with a holy horror of all banks—the very name filled them with disgust and terror; but no sooner were they snugly ensconced in power and place, than forthwith they set up to build for themselves one of the grandest Government banks that the wit of man could contrive, and baptized it the sub-treasury, the constitutional treasury, &c. Was not that proceeding a little in the "crawfish" order? Was not this "crabbing" it somewhat? Then they had a very pious hatred of bank rags, and preached to the people that gold and silver were the only constitutional currency; but it so happened that they found a plentiful scarcity of the golden shiners, so they resorted to an overflowing issue of treasury notes as a currency, good enough for the people, while they reserved what gold there was for those pure patriots who had been rewarded with an office. Another crab movement. Then they proclaimed themselves the irreconcilable, the deadly enemies of a protective tariff. But now they find it necessary to resort to a tariff again to replenish their exhausted treasury. Very crab-like. They came here asserting our clear and unquestionable right to the "whole of Oregon," up to 54° 40', and they vowed they would have it, all or none. But no sooner did they see the old British Lion rising up from his lair and shaking the dew-drops from his mane, than they crawfished back to 49°, a distance of four hundred miles; and there they stood with their coats off, panting; but after a while they thought it best, on the whole, to put their coats on again, bid adieu to Old England, and turn about and shake their fists at the South, and swear that they would have all Mexico. Now, after all this, one would really think that the poetic gentleman from the Ferry (who was so great an adept in natural history) might have perceived that he and his party were quite as worthy as the Whigs of the title of "the crab and crawfish party." Mr. G., however, would make use of no such language—he applied no terms of that description to gentlemen who happened to differ from him in political sentiment.

Mr. G., having but little time, must hasten on, and call the attention of the House to the instance the gentleman had taken from the Administration of the venerable gentleman from Massachusetts, of a refusal to communicate certain documents to the House, as a justification of his leader in refusing to comply with the call of the House for the instructions to Mr. Slidell. But if the gentleman had crawfished back a little further in the record, he would have found that President Adams had communicated the very documents asked for to the Senate, and that he referred the House to that body, who might impart them or not, as they should deem most for the public good. The instance quoted, therefore, did not sustain his case.

But the gentleman complained of the Whigs for giving encouragement to the Mexicans in holding out against our arms, because their speeches were read, as he said, at the head of the Mexican line when drawn up on the field. Why, did the gentleman think so little of his own poetical and elo-

quent speech as to suppose that the same mail which carried the weak and dull speeches of the Whigs had not carried his? And did he suppose the Mexicans could not tell which had the most weight? But were the Representatives of American freemen to be estopped from the liberty of speech, lest what they uttered on that floor should reach the Mexican camps? Mr. G. had supposed, heretofore, that his colleague went for liberty of speech and liberty of the press; but it seemed that the gentleman had lately endorsed the good old Austrian doctrine of passive obedience and non-resistance. Mr. G., for the gentleman's especial benefit, would read him a scrap or two of Austrian orthodoxy. Here it was, and in the form of a catechism too:

"*Question.* What must subjects abstain from, [besides treason?]

"*Answer.* They must abstain from talking unreasonably on the events of the war.

"*Question.* And why so?

"*Answer.* Because, as they are not aware of the real circumstances of such events, they easily can deceive the populace with their discourse.

"*Question.* What must citizens and country people do not to be suspected?

"*Answer.* They must keep quietly at home, mind their own business, work and pray." [Laughter.]

Was that what the gentleman would have us do? Was that his doctrine for Whig Representatives, that they should "not talk unreasonably of the events of the war," that they should "stay at home, work and pray," while the gentleman and his party came here and denounced them, and compared them to crabs?

One reason why Mr. G. wanted to see the instructions from the Government was, because he desired to know whether the President had given instructions which warranted the forcible inculcation of the Roman Catholic faith and worship on our troops? Whether the observance of the ceremonies of the Romish church was to be enforced, by his order, at the point of the bayonet, upon Americans enlisting or volunteering in the public service? Upon that subject he wished to bring to the notice of the committee one fact or two.

Mr. G. here read the following from the Protestant Union of December 15, 1847, in which an article was copied from the National American, published in Philadelphia:

"We yesterday had the pleasure of conversing with Sergeant Willis, of Captain Naylor's company of Philadelphia Rangers, lately from Jalapa, he having arrived at home on Tuesday. Sergeant Willis confirms the account, hitherto published in the Sun, of the FORCED KNEELING of the American troops to the *Catholic Host*, by order of Colonel Childs, Military Governor of Jalapa. The orders were issued to the officer of the day, Colonel Roberts, of the second regiment Pennsylvania volunteers. Both regulars and volunteers, officers and men, were compelled to obey the order at the peril of their lives. As the Host passed by, the men were brought to present arms, then dropped to one knee, the bayonet facing to the ground, the but of the musket reversed under the right arm, while the left hand lifted the cap from the head and hung it upon the cock of the musket. The men were, during the whole morning, drilled to this ceremony by the officer of the guard. The men protested. The officer of the guard replied, 'My orders are to drill you to the performance of this duty. If you refuse the performance of it, you know the consequences.' Colonel Roberts kneeled down with the men."

Now, he wished to call attention to the fact, that here, while our glorious Constitution—

Mr. HARALSON interrupted; but

Mr. GOGGIN declined to yield, asking the gentleman, as a matter of favor, to permit him to go on. If he had made any allusion to the gentleman he would cheerfully give way.

He wished to call the attention of the House and the country to the fact, that here, for the first time, had the attempt been made, under the history of our glorious Constitution, which declares that the freedom of speech, the freedom of thought, the freedom of religion, should be preserved sacred and inviolate to the descendants of those patriot ancestors of ours who fought and bled at Bunker Hill, Yorktown, Monmouth, and Trenton, who bequeathed this richest heritage of constitutional freedom to their descendants, that their sons who were called out to fight the battles of their country in subsequent times were to have any particular religion forced down their throats at the point of the bayonet. He said nothing against the Catholic religion; he expressed no opinion upon that; but if the attempt had been made to compel the army, or any portion of it, to receive the Protestant religion, he would have protested against it with equal warmth. Why, what would the wives, the sisters, the mothers—those whom we hold dearest and above all others—think that their husbands, brothers, and sons, in addition to the hardships they were called upon to undergo in fighting the battles of their country, should be called to bear these indignities at the point of the bayonet?

But his colleague [Mr. BEDINGER] said, that Santa Anna was admitted into Mexico for the sake of "getting up a row," (to use his own language.) Had it come to this, that the Administration of the Government, that the President of the United States and his Cabinet had nothing more to do than to carry on negotiations by which the exiled President of Mexico, who was engaged in the high amusement of cock-fighting at Cuba, should be brought home and introduced into his country for the sake of "getting up a row?" This, he (Mr. G.) must say, with all due respect to the President and his coadjutors, was miserably small game for one who occupied the Executive chair of this country. "To kick up a row," forsooth! And he did "kick up a row." Yes, Mr. Polk, (if he might be permitted to follow his colleague in his poetical flights,) after Santa Anna had got into the country, after the battle of Buena Vista, Cerro Gordo, and all the blood and carnage resulting, might be supposed to have closet musings something like this:

"Ah! he is indeed a cantie chiel,
And well in war can flaunt his banner;
Thousands brave will rue the hour
I gave our foe his Santa Anna."

And did his colleague endorse the suspension of General Scott? Was it the object now, on the eve of a Presidential election, to arrest that proud, noble, gallant old hero, just about the time he was going to conquer a peace, to bring him home, that the glory of that achievement might enure to another? Were the Administration about to bring him home, following the course which they had pursued towards Santa Anna, to "kick up a row" in the Whig party? If gentlemen thought so, they mistook their man. General Scott was not the man to be used for that purpose. No, (said Mr. G.,) he is a Virginian; but I claim him not as a Virginian merely, but as an *American*, an American patriot and an American general; as a citizen belonging, like General Taylor, not to any section of the country, but, like the gallant hero of Palo Alto, Buena Vista, and a hundred other fields, who was born down in his district, as a gallant commander, a noble Whig general. They were Whigs, and the Democrats found it very convenient to call on Whig generals. He (General Taylor) was not the man more than General Scott to bring about difficulties in the Whig ranks. But he would ask again if this could be the object in recalling the gallant hero (Scott) just at this particular time? He did not say it was. But, as the gentleman admitted that the President had thought proper to admit Santa Anna into Mexico for the purpose of "getting up a row"——

Mr. BEDINGER interposed, and (Mr. G. yielding) said he merely wished to state that he had not said that the object of the President in suffering Santa Anna to pass our squadron at Vera Cruz was to "kick up a row." He had said that we had nothing to fear from Santa Anna, because, in the words of the gentleman from Mississippi, (Mr. TOMPKINS,) his capacity was about equal to the management of a cock-fight.

Mr. GOGGIN, resuming, said he left the gentleman and the country to distinguish between the carnage of the battle-field and that of a cock-fight. He referred to those bloody fields where American skill and courage had coped, and coped successfully, though with fearful loss of life, with the forces of Mexico, commanded and stimulated to effort by Santa Anna, and asked if he were such a man as his colleague supposed him to be?

His colleague had told them that the President of the United States had communicated to the House of Representatives all the instructions given to Mr. Slidell compatible with the public interest to be made known, and all the facts relative to the admission of Santa Anna into Mexico. Now, nothing had been given relative to the return of Santa Anna, save that pass which was marked "private and confidential." As if the object of the President was to throw dust in the eyes of the people, when this House called for information in reference to the return of Santa Anna, "*and all other persons*" who might have been admitted into Mexico, the President, or the Secretary of State under his direction, communicated information in regard to a little boy who came home with Lieutenant Frémont, and omitted entirely to mention anything about Almonte, Rejon, and the host of generals who were permitted to return with Santa Anna, and who, when they landed at Vera Cruz, were received, not amidst the roar of our cannon, but amidst the modest blushes of Commodore Conner, who told us (although he had this pass from the President in his pocket) that *he did not think it best to seem to know* that Santa Anna was on board, though he could have boarded the vessel which contained his person.

Now, he wanted to call the attention of the House and of the country to the remarkable disclosure made in the "Union" of the 13th April, 1846. Under its editorial head, that paper of that date, referring to the Courier des Etats Unis, said:

"According to that journal, the different sections of the republican party in Mexico had, at the latest dates resolved to *unite* against the common danger, and had taken measures to invite Santa Anna to return to Mexico, and assume the position of chief of the republican party. Their overture had been favorably received by the exiled President."

Here, then, was a proposition made *from Mexico* "to invite Santa Anna to return," and "assume the position of chief of the republican party." He was called back, not by Mr. Polk alone, but he united, it appeared, with the Mexicans in furnishing them this "aid and comfort" in the person of Santa Anna.

Again, the "Union" of the 9th of April copied extracts from Havana, which say, under date of February 20:

"The ex-President (Santa Anna) has his emissaries going backward and forward continually between Havana and Mexico, and *his ex-Ministers, who are here along with him*, are very sanguine of his return to his native land *much sooner than most people* are aware of."

He also read an extract from the "Union" of 10th February, 1846, which said:

"The Santa Anna party is growing stronger every day in Vera Cruz. It is confidently asserted, that if he were to make his appearance at any time, he would be supported by an immediate pronunciamento."

Here, with these facts (continued Mr. G.) staring the Administration in the face, and knowing that Santa Anna would be hailed as the deliverer of his country, this order was given, nevertheless, to Conner, not to molest Santa Anna, but to "allow him to pass." Santa Anna accordingly landed; and, as would be seen by the "Union" of August 26, the officers of the garrison of Vera Cruz declared in his favor, and expressed a purpose "*in nowise to change the character of the war;*" and that "Santa Anna had the glory to establish 'the Republic; whatever may have been his 'errors, he was a firm supporter of public liberty 'and national honor. For this we proclaim him 'leader of this great enterprise."

Then, as if alarmed when he (Santa Anna) had taken his stand—when he had issued his proclamation, and declared his objects—the President and his party being alarmed, as if a master-spirit had been conjured up by them to lead our enemies, these were the soft tones with which the "Union" saluted us:

"It is impossible to conjecture what effect will be produced on the Mexican policy by the arrival of Santa Anna. His reinstatement in power seems not improbable. *He is a soldier by profession.* Almonte seems to share his counsels, and *he*, from the first, has fully committed himself on the question of *war for Texas.* * * * It [the administration of Mr. Polk] must negotiate sword in hand."

He read other extracts from the "Union" on this subject, one of which, under date of September 18, 1846, declared that there was no foundation for the rumors afloat respecting the pass said to be furnished Santa Anna by the President of the United States.

Now, (said Mr. G.,) there was some necessity for calling for information in regard to these things—for facts which the country had a right to know, which might be locked up in the secrets of the department, and withheld from the public.

He had but little time, and must hasten on. As the gentleman from Maryland [Mr. MCLANE] had thought proper the other day to introduce into this debate the conduct of General Taylor, and charge him with prolonging this war, let him (Mr. G.) read what General Taylor said a few days after the battle of Palo Alto. This was part of a letter from General Taylor to the Adjutant General of the army, at Washington:

"HEADQUARTERS, ARMY OF OCCUPATION,
"*City of Matamoros, May* 18, 1846.

"SIR: I have the honor to report that my very limited means for crossing rivers prevented a complete prosecution

of the victory of the 9th instant. A ponton train, *the necessity of which I exhibited to the department last year*, would have enabled the army to have crossed on the evening of the battle, take this city, and all the artillery and stores of the enemy, and a great number of prisoners—in short, to destroy entirely the Mexican army."

This, then, had been exhibited to the department a year before; and the President and the department—who complained of Congress that they had failed to do their duty—though apprized of what was necessary to be done, never thought proper to take this step.

It was said that General Taylor advised the march to the Rio Grande. But the fact was, that General Taylor said *if* the Rio Grande *was to be insisted upon* as our *ultimatum*, then he would advise the march. Bring not the charge (said Mr. G.) upon General Taylor of having brought on or prolonged the war. If ever a patriot heart beat in a patriot bosom; if ever a soldier showed that he was the friend of the Constitution and laws of his country, General Taylor had shown it in what he would now read. When he had reached Corpus Christi; when he had planted his army on the western frontier of Texas; when, if ever, had he been an ambitious man, and desired to make for himself a name and fame at the expense of his country, it might be anticipated that he would have been anxious to push forward and meet the enemy, General Taylor wrote, under date of August 15, 1845: "Nor do I fear that the reported concentration of troops at Matamoros is for any purposes of invasion."

He read extracts from other letters of General Taylor while at Corpus Christi, under dates of August 20, September 6, October 11, 1845, and January 7 and February 16, 1846, all announcing that everything was quiet at the Rio Grande, and ascribing the rumors and "exaggerated accounts of Mexican preparations to resist our advance, if not indeed to attempt an invasion of Texas," "to personal interests connected with the stay of the army here," and expressing the hope "*that they will receive no attention at the War Department.*" This was the language (said Mr. G.) of a patriot—of a man who knew his duty, who had something of the true citizen-soldier in him, and who would not involve his country in a war for the sake of any laurels which he might thereby heap upon his own brow. He also referred to the fact that Mr. Buchanan, under date of 27th January, stated the fact that the army had been ordered forward to the Rio Grande *in anticipation* of the rejection of Mr. Slidell, and noticed various other facts going to show that the order for the advance of the army did not arise, and could not have arisen, from a knowledge of the rejection of Mr. Slidell, or any real danger of invasion by the Mexicans, or of disturbance while our army lay at Corpus Christi.

But he wished to call the attention of the House and the country to the position taken by Mr. Polk in his annual message in December, 1845, in which he communicated to the country a remarkable fact, which seemed, in a great measure, to have been overlooked. After speaking of having sent "a strong squadron" to the coast of Mexico, and having ordered our army to the western frontier, and stating that "the result has been that Mexico has made *no aggressive movement*," and that "the peace of the two republics has not been disturbed," the President said, after they had remained in this situation for many weeks, without any movement of a hostile character on the part of Mexico, "*I deemed it important, if possible, to put an end to this state of things.*" What was this state of things? (asked Mr. G.) Why, a state of peace, a state of quiet, a state in which Mr. Polk himself seemed to rejoice; yet afterwards, forgetting himself, he said he deemed it necessary to *put an end* to "this state of things;" and therefore he commissioned Mr. Slidell to go to his "great and good friend," the President of Mexico. Mr. Slidell presented himself, and the Mexicans agreed to receive him as a commissioner; but——

Here the hammer fell, and Mr. G.'s hour expired.

Mr. MORSE next obtained the floor, and addressed the committee during the remaining minutes allotted to debate. The pertinacity with which gentlemen on this (the Whig) side of the Chamber had refused, on several occasions, to permit the message of the Chief Magistrate of this country to take the usual course of reference, he said, would seem to indicate on their part some special reasons for debating this war; and none appearing very obvious to his mind, perhaps some less charitable person than himself would be apt to suppose that they had desired to prejudice and condemn beforehand the measures of this Administration, and this without any just sense of responsibility; for he presumed that in thirty-five minutes, when the committee would be called upon to vote, there would be no division on the question of committing the several portions of the message to the appropriate committees. But, be that as it might, some two months of the session had been taken up in arguing the merits of the war in which we found ourselves involved with a sister Republic—Mexico. Having been, in legal parlance, an aider, abettor, and adviser, so far as his humble action as a Representative on this floor went, in all the acts which had been supposed to have been instrumental in bringing on this war, he felt bound to say something in defence of the course pursued by the Executive and the majority of this House. He was satisfied with the masterly, unanswerable, and to this hour the unanswered, message of the President on this subject. If he desired another argument, he would rest his case upon an argument made in another branch of this Capitol by a distinguished Senator who ordinarily voted with the gentlemen on this (the Whig) side of the House, [referring to Mr. JOHNSON, of Maryland]—a gentleman whose sympathies and feelings by no means were to be presumed to be favorable to the Executive and the Administration. And that same Senator himself, as if frightened by the sound himself had made, had endeavored to answer the unanswerable arguments of his own speech. How grand, perfect, and unanswerable was the argument! How lame and impotent was the conclusion!

He would not allude for one moment to the charges and the brilliant denunciations that had been hurled against the Administration and all who support it on this floor, but with a view to what shifts and resorts gentlemen were driven, and how prone human nature is to believe what we wish to be true; and how desirous gentlemen were to show that some of the measures of the Administration had been the means of plunging this country into an unnecessary, unholy, and unconstitutional war. But perhaps it would be as well for gentlemen to be somewhat chary in their language, for he thought in his short time he should be able to demonstrate that if this "fatal order," as gentlemen were pleased to term it, of the 13th of January, which emanated from the War Department, were the cause of the war, that gentlemen were equally to blame, more to blame, because entertaining different views, and were justly responsible for every dollar that had been expended, and for every drop of American blood that had been shed in this controversy.

It was known to the country at large, it was known to every member of this body, in the month of January, that this order had gone forth. The *National Intelligencer*, from the 1st of February up to the time the war was recognized by this House—and he presumed the gentlemen opposite would not question that authority—was full of comments on the Administration, and the measures of the Administration, and of the advance of the army to the Rio Grande. From day to day this fact was commented on. How was it, then, that those gentlemen who have now such constitutional scruples about the simple order of the Chief Magistrate of this country for the removal of the troops, as though that was the cause of the war—how did those gentlemen reconcile with those scruples the fact, that though the order was known to this country, not one single man endeavored to arrest its execution? Not a single man made the attempt. They knew how easy a thing it was for a resolution to be offered; for this House, as they had seen yesterday, was flooded with resolutions on all subjects on which inquiry could be made, even to so trifling a subject as the unexpended balance of some hundred dollars.

Mr. GIDDINGS. Will the gentleman give way?

Mr. MORSE replied that he had only thirty minutes of his time left, and as he had made no allusion to the gentleman from Ohio, he did not choose to be interrupted. He had done injustice to no gentleman. He defied gentlemen to show that any single member on this floor, or on that of the Chamber at the other end of the Capitol, when they saw this hostile movement, this "unholy," this "damnable usurpation," for which gentlemen said the President should be impeached, took measures to arrest it.

Mr. COLLAMER inquired if any gentleman here knew of the movement?

Mr. MORSE would anwer the gentleman.

Mr. COLLAMER granted that in the month of February a resolution was introduced into this House, but it was suppressed.

Mr. MORSE would answer the gentleman from Vermont. Because, forsooth, the President of the United States had not thought proper to communicate each and every order given to the generals of our army, gentlemen assumed that the fact of this order having been given was not known. The question was, was the fact known? He asserted that it was known, as well known as any other fact connected with the history of this Administration. It was published in the newspapers of the day, and the passage of our army across the desert of Sahara was publicly debated.

Mr. TOOMBS. When did the army start?

Mr. MORSE. When? Why, the order was given in January, and, although the army did not start until March, the fact that the order was given was known a few days after, and Mr. Clayton, a distinguished Senator from Delaware, had stated in the Senate Chamber that he called Mr. Calhoun's attention to it at the time, but that Senator declined meddling with the matter, because at that time we had negotiations going on in relation to the Oregon question, which the Senator from South Carolina thought might be injuriously affected by an interference with this movement of our army in Texas. Thus, then, it appeared that these gentlemen, who called themselves the peculiar friends of the Constitution, calmly looked on, although it was known that the order was given—known and published in the newspapers—known to members of this House, and there was not a single step taken in relation to it.

Mr. COLLAMER said that Mr. Garrett Davis offered a resolution of inquiry in this House.

Mr. MORSE said further, that that "fatal order" was by no means the cause of war. The causes of the war existed long anterior to the issuing of that order; and the march to the Rio Grande was no more the cause of the war than the march on Concord or Lexington. If he were compelled to look beyond the stupidity and imbecility of the Mexican Government, which, through a long course of years, had refused to acknowledge the fixed fact that a certain portion of territory was a part of the United States, for cause of war, he might find a key to it in hints and intimations which were given in this body when the subject of annexing Texas was discussed. There might be found causes for the war, for there it was asserted that annexation would involve us in war; and that it ought to involve us in war, for Mexico would thereby be degraded. Much was said that was calculated to excite Mexico; for annexation was denounced as affecting her national honor, and thus she was urged into a war, which, however, she would not have attempted to prosecute but for the prospect of our being engaged in a war respecting Oregon. There were gentlemen perhaps on this floor who agreed with the gentleman from Indiana, [Mr. THOMPSON,] who addressed the House the other day, in believing that it was the deliberate design of this Government to plunge this country into a war by that "fatal order." But did these gentlemen conceal from themselves the fact, that long before General Taylor reached the Little Colorado, Mexico had sent forces there, some hundreds of miles from the capital? Were those gentlemen not aware of the fact that preparations had been made by Mexico to support an army there, and that resources had been placed at her disposal for that purpose? Did gentlemen conceal the fact that war was actually declared long before we thought proper to recognize it as having been declared by the Mexican Government? But that was not all. He agreed with gentlemen who had addressed the House on this subject that the President could not make war. The President could commit an act of hostility. He might order a frigate to bombard a town of a peaceable neighbor, but that did not make a war. How then did gentlemen reconcile their present denunciations with their course during the last Congress?

Mr. TOOMBS said he did denounce the "preamble" in the face of the ferocious majority on the

other side of the House, as the gentleman from Louisiana very well knew.

Mr. MORSE required to be shown more than denunciation; he desired to be shown some resolution to satisfy him that they attempted to awaken the attention of the country to it, if they had deemed it so pregnant with evil. Perhaps the President of the United States might have said, with some propriety—

"Hadst thou but shook thy head or made a pause
When I spake darkly what I purposed,
Or turned an eye of doubt upon my face
As bid me tell my tale in express words,
Deep shame had struck me dumb, made me break off,
And those thy fears might have wrought fears in me.
But thou didst understand me by my signs,
And didst in signs again parley with sin;
Yea, without stop, didst thou let thy heart consent."

The gentlemen opposite would not find a sufficient excuse in alleging that their only sin was a sin of omission. The President of the United States was their agent—he was the Executive power of this Government—sworn to execute the laws and Constitution of this country; and if they supposed at the moment that he had gone beyond the letter of the law, why did they subsequently confirm his acts? He need not tell gentlemen, for they had many lawyers in their ranks, that an approval of the act of their agent made it their own, with all its responsibilities. Gentlemen told the House and the country that they voted under protest—they assumed that they voted against the preamble, which states that the war was brought on by the act of Mexico, but they did vote for it with that preamble. That was an incontrovertible fact; and to use the language of an old distinguished leader of their party, before he would have voted a deliberate and damnable lie, the bones of General Taylor and his army might have been left to whiten the plains of Mexico. But did they deny that they had now the majority in this House? Would they, then, be deterred from voting supplies? They could not succeed in making the country believe in their sincerity by the utterance of mere denunciation, and malignant attacks on the Executive of the Union and on the minority in this House. They could only satisfy the country of their sincerity by efforts to stop this "unholy and damnable" war. He had often heard gentlemen make speeches on one side, and vote on the other; but he had never known men vote first and talk after. The gentlemen opposite knew that they intended to vote the supplies. Why, then, would they endeavor to lessen the force of this Government by assailing an important part of it—its Chief Magistrate? He would not repeat the accusation that they were giving "aid and comfort to the enemy." He permitted no man to question his motives, and he questioned none. But could it be denied that they permitted this war by not opposing it? They had the power, and yet they dared not stop this war. It was in vain to tell him "you have a majority in the other House." They could stop the war in ten days if they were sincere; and with their power and expressed opinions he would do it. Their Committee of Ways and Means could report a bill making a certain appropriation and no more, which they could pass with the declaration that the war was unholy, unnecessary, and unconstitutional, and Mr. Polk would not dare to disobey. Unless they did this, could they expect men to believe in their sincerity?

Now, while he did not think that this "fatal order," which had been so often repeated that it was familiar to the whole country, was really the means of bringing on the war, yet he thought it could be satisfactorily shown that that order was made on the suggestion of General Taylor. He thought the correspondence which had taken place between the Secretary of War and General Taylor showed that the Secretary of War, on all occasions, deferred to the better judgment of General Taylor, and every order that was given was given to carry out the views suggested by him. But there was another act for which the Chief Magistrate of this country was not responsible, which, on the contrary, was made by General Taylor, not only on his own responsibility, but in defiance of the suggestions of the Secretary of War. General Taylor cut off the supplies of the Mexicans by blockading the Rio Grande, while the President and the Secretary of War desired him to let the navigation of the river be free. Yes, and the first thing the Government knew of it was from a communication written by General Taylor, in which he said he had blockaded the Rio Grande and cut off their supplies, which would either cause the Mexicans to abandon their position or come over and fight him. He did not say that General Taylor desired to bring on a war, but he gave the order to blockade the Rio Grande in defiance of the will of the Executive, when he knew it would bring on a war. General Taylor was positively instructed to do nothing; he was desired to be conciliatory; he was simply told to take a position on the Rio Grande. But when General Taylor was ordered to take such a position, was he told to plant his batteries with his guns pointed to the windows of Matamoros? Were there not other points which General Taylor could have chosen, to secure our rights and prevent the Mexican army crossing into the territory east of the river, without selecting a position opposite Matamoros?

He now proposed to make a few observations in relation to the future policy and conduct of this Government to bring about what seemed to be a desideratum, an honorable peace. He would say to his friends opposite, let us know the course you intend to pursue. If you are sincere in the views you have expressed, I conjure you, in the name of humanity, to stop this war. He desired to hear how the host of unredressed wrongs and injuries committed by the Mexicans could be wiped out? In any event, he appealed to the majority to relieve them from the responsibility and terminate this war. Let them present an undivided front to the Mexicans.

The Mexican people did not understand the position of parties in this country; but if they saw, by unanimity of action here, that this country was determined to prosecute the war vigorously, whether Mr. Clay, or General Taylor, or any other man, were President, they would come to terms. For what were the gentlemen opposite continuing this war? They say they want no territory; they say the war was unjust and unconstitutional: why, then, would they continue it? Was it from a love of blood and carnage? Honor enough they had had; for, from the time the first blow was struck on the Rio Grande until our troops had secure possession of the city of Mexico, they had obtained a series of victories that had never been equalled. If he could conscientiously think with the gentlemen for a moment, he should not hesitate as to what course he should pursue. The majority on the other side had the power to do it. The war could not go on without their consent. They said it would inoculate the body politic to incorporate Mexico in this Union; why, then, did they not take steps to end all further hostilites, and settle on terms of peace? From the decisive vote given the other day, when only forty voted to withdraw our troops and terminate the war, he presumed that it was the intention of gentlemen to prosecute the war, and to prosecute it vigorously. Why, then, should they get up domestic quarrels here? Why should they agitate questions which could not, in the natural course of things, arise for years to come? Why tell these people that, though willing to conduct the war until an honorable peace can be made, yet, fight as long as they might, offer all the obstacles to a settlement of hostilities that they might, we would not ask for one foot of land, nor for any indemnity beyond three or four millions of dollars? He would not say this was giving "aid and comfort to the enemy," but he would ask gentlemen, without attributing to them any improper motives, if the Mexicans would not thereby be induced to hold out, and to endeavor to protract the war? What had the Mexicans to lose? They carried on a guerrilla warfare, and he doubted if they could get another army. They knew that diseases and the climate were infinitely more fatal to our armies than their own soldiers. But if the Whigs would unite with the Democrats, and declare that they intend to carry on the war vigorously, and that until peace was secured, Mexico must pay the expenses, they would have an interest in bringing about a peace. We have acquired New Mexico and California without such difficulties; and if we went on and established territorial government in Mexico, with the declaration that if we did not keep the country absolutely we should hold it in trust, it would be the means of effecting that which they all professed to desire. But if the Mexicans found divisions in the councils of this country; if they found that a large portion of the people of the United States would be willing to abandon the advantages gained, the evils would be greater than the loss of the money expended.

He had stated, in the outset of his remarks, that there was no resolution offered here calling for information in relation to the order for the movement of our army. He had been furnished with a resolution which was submitted on the 3d of February, 1846, by the gentleman from Massachusetts, [Mr. ASHMUN,] which he would read:

"*Resolved*, That the President of the United States be requested to communicate to the House of Representatives any information in his possession, not heretofore communicated, which affects the relations existing between the United States and the Republic of Mexico; and particularly whether the army or navy, or any part of either, had been ordered to move towards that Republic, and what occurrences have come to the knowledge of the President to require such a movement: *Provided*, The information can, in his opinion, be communicated without detriment to the public interest."

Now, this was only sufficient to show that it was known on the 3d of February that the order had been given. This shows that they had reason to know that fact. But in the month of March it was made public; and if Mr. Garrett Davis offered a resolution, it was never carried further.

Mr. ASHMUN said the political friends of the gentleman from Louisiana refused to allow it to be acted upon.

Mr. MORSE said the resolution, if offered, would require a suspension of the rules, as he was informed, and required one day's notice, unless unanimous consent were given. That was objected to——

[The hour allotted to Mr. M. here expired, and also the time during which the debate should continue.]

The CHAIRMAN then stated that the question was on the substitute of the gentleman from Pennsylvania [Mr. BRODHEAD] to the series of resolutions of the gentleman from Ohio, [Mr. VINTON,] but that the latter would be taken up first for amendment *seriatim*, before the vote was taken on the substitute.

The Clerk then read severally the 1st, 2d, 3d, and 4th resolutions, to which no amendment was offered. They were as follows:

1st. *Resolved*, That so much of the annual message of the President of the United States to the two Houses of Congress, at the present session, as has reference to the relations of the United States with foreign nations—to the causes that brought on the war with Mexico—to the alleged invasion by Mexico of the State of Texas—to the commencement of hostilities—to the efforts made by the President of the United States to obtain a peace—to the cession by Mexico to the United States of a portion of her territory as an indemnity for our claims on her—to a release of Mexico from her liabilities to our citizens, and the assumption of their payment by the United States; together with the recommendation that the provinces of New Mexico and the Californias should be retained by the United States as an indemnity—that they should hereafter be considered constituent parts of our country, and the civil laws and jurisdiction of the United States extended over them; and the recommendation that the other Mexican provinces which have been reduced to our possession by conquest should continue to be held as a means of coercing Mexico to terms of peace, and that adequate compensation should be fixed by law for such officers, both civil and military, as may be employed to conduct such government,—be referred to the Committee on Foreign Affairs.

2d. That so much of said message as recommends that territorial governments be established in New Mexico and the Californias, and the establishment of a territorial government in Oregon, be referred to the Committee on Territories.

3d. That so much of said message as relates to the state and condition of the army, to its increase, and to its operations in Mexico, together with the report of the Secretary of War accompanying said message, be referred to the Committee on Military Affairs.

4th. That so much of said message as relates to the establishment of tribunals to try and punish crimes, and exercise jurisdiction in civil cases over American citizens in China, and so much as relates to the imposition and collection of duties on imports into the ports of Mexico by order of the President of the United States, and the disbursement of the moneys so collected, be referred to the Committee on the Judiciary, with instructions to said committee to inquire and report by what law or authority said duties are imposed and said moneys disbursed.

The fifth resolution was read, as follows:

5th. That so much of said message as relates to the commerce, tonnage, and navigation of the country, and to the influence which the operations of the sub-treasury, the exclusion of the receipt of bank paper in payment of dues to the Government, and the tariff act of the 30th of July, A. D. 1846, have had, and will have, on the trade and currency of the country, *together with so much of the accompanying report of the Secretary of the Treasury as relates to these subjects*, be referred to the Committee on Commerce.

Mr. VINTON was understood to say, that as the report of the Secretary of the Treasury had been referred, this resolution required amendment. He therefore moved to strike out the words "together with so much of the accompanying report

'of the Secretary of the Treasury as relates to 'these subjects.''

The amendment was agreed to.

The sixth resolution was read, as follows:

6th. That so much of said message as relates to the subject of manufactures, and to the influence of the tariff act of the 30th July, A. D. 1846, on the manufactures of the country, *together with so much of the accompanying report of the Secretary of the Treasury as relates to this subject*, be referred to the Committee on Manufactures.

On motion of Mr. VINTON, it was amended by striking out the words which were stricken from the fifth resolution.

The seventh resolution was passed without amendment. It is as follows:

"7th. That so much of said message as relates to the condition and operations of the navy, together with the accompanying report of the Secretary of the Navy, be referred to the Committee on Naval Affairs.

The eighth resolution was read, as follows:

8th. That so much of said message as relates to the revenue, to the public debt, to the increase thereof, to the creation of a sinking fund, to a duty on tea and coffee, to the collection, safe-keeping, and disbursement of the public moneys; to the coinage, and the establishment of a branch mint at the city of New York; to the amendment of the sub-treasury act; to the estimated expenditures of the Government, *together with so much of the accompanying report of the Secretary of the Treasury as relates to these subjects*, be referred to the Committee of Ways and Means.

Mr. VINTON moved to amend, by striking out the words which had been stricken out of the fifth and sixth resolutions.

Mr. WILMOT moved to amend the amendment by inserting the following:

"And that said committee be instructed to report a bill which shall provide for raising annually, during the continuance of the war with Mexico, and until the payment of the public debt, the sum of five millions of dollars, to be assessed on personal property, stocks, and money at interest, and apportioned among the States as provided by the Constitution."

Mr. WILMOT inquired if, under the rules of the House, he had not five minutes allowed him to explain his amendment?

The CHAIR replied in the affirmative.

Mr. WILMOT then proceeded to say, that he had offered this amendment because he was opposed to a tax on tea and coffee, and that he should be compelled to vote against any proposition to that effect that might be offered. He believed the course which he proposed by this amendment was the proper one for meeting all extraordinary demands on the Government. For the ordinary expenses of the Government he was willing that the money should be raised by duties on imports; but for all extraordinary expenses there should be an appeal made to the people. This was the straightforward way of doing business, and the Secretary of the Treasury, he was sorry to see, had not the courage to recommend that upon which he insisted when out of office. As a free-trade man, he should have adhered to the doctrines of this amendment. The Secretary of the Treasury should have known that it was impolitic to create a debt without providing the means for its payment, and for the purpose of providing the means for the extinguishment of the debt he now submitted this proposition. He preferred this mode for another reason: it was to avoid imposing all the burdens of the Government on the poor and laboring part of the community. Tax tea and coffee, and nine-tenths of it would be paid by the laboring part of the people. And why, in God's name, (he asked,) should this be so? Why should they not tax the manufacturers of the country, and the capitalists of the East and the South, to the amount of a fair proportion of the expenses of the Government? The people of this country would shrink from no sacrifice which they were required to make for the prosecution of a war that was just and necessary. They would pay the tax which his amendment proposed to impose cheerfully. And the tax should fall on those on whom this amendment would impose it. It should fall on commerce and on great commercial cities. It should fall on men who have means; who have money at interest, and large sums in the stocks, and who owned much personal property. It should not fall on those who fight our battles; on the same class of men that sustained their country's honor on the bloody field. To throw on them the burden of maintaining the war might grind them down for years to come. The plan now proposed, he repeated, was the honest and straightforward plan. It was the manly course, and the true way to meet the question.

[Here the Chairman's hammer fell, announcing the expiration of the gentleman's five minutes.]

Mr. GENTRY moved to amend the amendment so that it should provide that the committee should inquire into the expediency of bringing in such a bill.

The amendment suggested by Mr. GENTRY having been accepted, the question was taken on the amendment as modified, by tellers—Messrs. POLLOCK and MCCLELLAND—and it was decided in the affirmative by a majority of 93 to 29.

The amendment of Mr. VINTON was then adopted as amended.

The ninth and other resolutions were then read, as follows:

"9th. That so much of said message as relates to the public lands, to the graduation and reduction of the price thereof, to the amendment of the preëmption laws, to the surveying and bringing into market the lands in Oregon, together with so much of the accompanying report of the Secretary of the Treasury as relates to these subjects, be referred to the Committee on Public Lands.

"10th. That so much of said message as relates to the Indian tribes and to our intercourse with them, together with so much of the accompanying report of the Secretary of War as relates to this subject, be referred to the Committee on Indian Affairs.

"11th. That so much of said message as relates to the condition and operations of the Post Office Department, to the collection in the British post office of discriminating postages on letters and other mailable matter transported in American mail steamers, together with the accompanying report of the Postmaster General, be referred to the Committee on the Post Office and Post Roads.

"12th. That so much of said message as relates to agriculture, and to the relief which is therein alleged it has derived from the burdens of the protective policy, under the operation of the tariff act of July 30, A. D. 1846, and so much of the report of the Secretary of the Treasury as relates to this subject, be referred to the Committee on Agriculture.

"13th. That so much of said message as recommends that provision be made for the families of those who have fallen or died in the service in Mexico, be referred to a select committee.

"14th. That so much of said message as declares that it may become proper for our commanding generals in the field to give encouragement and assurances of protection to such friends of peace in Mexico as will establish a government there, able and willing to conclude a peace with us, 'and secure to us the indemnity we demand,' be referred to a select committee.

"15th. That so much of said message as relates to the manner in which the war with Mexico ought to be prosecuted, and the policy that should be pursued in respect to it, be referred to a select committee."

The three last resolutions were amended, on the motion of Mr. VINTON, by adding thereto "of nine members," the number of which the select committees were to consist not having been specified.

Mr. BRODHEAD moved that the resolutions which he had submitted as a substitute be taken up for amendment *seriatim*.

They were taken up and read accordingly, and the following were passed without amendment:

Resolved, That so much of the message of the President of the United States to the two Houses of Congress at the present session as relates to the existing war with Mexico, to the condition of our citizens in China, and the propriety of making payment to the Spanish Government in the "Amistad case," together with the accompanying correspondence in relation thereto, be referred to the Committee on Foreign Affairs.

Resolved, That so much of the said message as relates to the condition and operations of the army, the propriety of increasing the same, and levying contributions upon the enemy, together with the report of the Secretary of War, be referred to the Committee on Military Affairs.

Resolved, That so much of the said message as relates to the establishment of Territorial Governments in Oregon, New Mexico, and the Californias, be referred to the Committee on Territories.

The Clerk then read the fourth resolution, as follows:

Resolved, That so much of the said message as relates to the condition of the treasury, to the means of obtaining money to prosecute the war with Mexico, the propriety of imposing a duty upon tea and coffee, the warehousing system, the constitutional treasury, and the propriety of establishing a branch mint at New York, be referred to the Committee of Ways and Means.

Mr. WILMOT moved to amend this resolution by adding the words which, on his motion, had been ingrafted on the 8th resolution of Mr. VINTON's series.

Mr. MEADE moved to strike out the words "five millions," and leave a blank for the amount. Lost.

Mr. MCKAY moved to strike out that portion which required the annual tax of five millions dollars, to be continued not only during the war, but during the continuance of the public debt. If this war was prolonged; if there was no reasonable probability that it would be brought to a close within a short time; if the rumors were not true that were flying all over the country that a treaty of peace has been concluded, whether by authorized or unauthorized agents of this Government; if, he repeated, there was no reasonable probability that this war would be brought to a close while this Congress was in session, he should feel it to be his duty, as a Representative of the people, to vote to raise the means, by an appeal directly to the pockets of the people, for the prosecution of the war. In doing this he had no doubt he should be sustained by the approbation of those who had sent him here. He hoped the war would be brought to a close in a short period; and, if so, there would be no necessity for such a provision as this amendment would make. He knew the people of this country were patriotic enough, if they believed the war was commenced constitutionally, to provide the means to carry it on and to bring it to a successful termination; but if the war was brought to a close within a reasonable period, there would be no necessity for any extraordinary provision, as the ordinary revenues of the Government would be amply sufficient to meet the public debt as well as the current expenses. He therefore moved to strike out the words "and until the payment of the public debt."

Mr. ASHMUN asked the gentleman from North Carolina [Mr. MCKAY] to modify his amendment by inserting the words "created by the war" after the words "public debt."

Mr. MCKAY declined so to modify his amendment; on which the question was taken, and it was rejected.

The words "and other," a mere verbal correction, were added after the word "personal," and before "property," in Mr. WILMOT's amendment.

Mr. VAN DYKE moved to add, after "public debt," the words "occasioned by the war." Agreed to.

Mr. HENLEY moved to add, after the word "debt," the words "created under the Administration of John Tyler." Lost.

Mr. JONES, of Tennessee, desired to insert the word "Whig" before the word "Administration."

Another proposition was made to add the words "of Martin Van Buren."

Mr. COBB, of Georgia, appealed to the Chairman to rule all these amendments out of order. The amendment of the gentleman from Pennsylvania [Mr. WILMOT] was itself an amendment in the second degree, which was as far as they could go. It was an amendment to the amendment of another gentleman from Pennsylvania, [Mr. BRODHEAD.]

The CHAIRMAN said the proposition of the gentleman from Pennsylvania [Mr. BRODHEAD] was offered as a substitute for the series of resolutions submitted by the gentleman from Ohio, [Mr. VINTON.]

Mr. COBB, of Georgia, replied that a substitute was not recognized by the parliamentary law. A substitute was in the nature of an amendment, and must be so treated.

The question was then taken on Mr. WILMOT's amendment, and was agreed to.

The residue of Mr. BRODHEAD's resolutions were then read as follows, and passed without amendment.

Resolved, That so much of the said message as relates to the graduation and reduction of the price of the public lands, the amendment and modification of the laws granting preemption rights to settlers, to the establishment of a surveyor general's office in Oregon, and the grant of lands therein to actual settlers, be referred to the Committee on Public Lands.

Resolved, That so much of the said message as relates to our relations with the various Indian tribes, and the appointment of Indian agents west of the Rocky Mountains, be referred to the Committee on Indian Affairs.

Resolved, That so much of the said message as relates to the condition and operations of the navy, to the increase of sea steamers, together with the report of the Secretary of the Navy, be referred to the Committee on Naval Affairs.

Resolved, That so much of the said message as relates to the progress and condition of the mail service, the operations of the Post Office Department, and the postal arrangements with foreign governments, together with the report of the Postmaster General, be referred to the Committee on the Post Office and Post Roads.

The question then recurred on the amendment of Mr. BRODHEAD—his series of resolutions—as a substitute for those of Mr. VINTON.

The question being taken on striking out Mr. VINTON's resolutions, and inserting those of Mr. BRODHEAD, it was decided by tellers in the negative: Ayes 81, noes 95.

Mr. VINTON'S resolutions, as amended, were then agreed to; and, on motion of Mr. COBB, the committee rose, and reported the resolutions, as amended, to the House.

Mr. COLLAMER addressed the House nearly as follows: I have listened with a good deal of attention to the debates which have occurred in this House on some of the subjects contained in the President's message, and I was desirous to extract, if I could, some general principle out of them. I have heard gentlemen discuss them now for many days; I have seen the array of parties in this House, or rather of the leaders who speak here, and who have explained their respective views on the great questions which are now agitating the country; and I have heard them, with regret, indulging in apparently but ill-disguised personalities in regard to the motives of gentlemen opposed to them. This has, for the most part, been done very modestly, with entire decorum, in point of form; yet one thing has been observable throughout: men have evidently been inclined to think and to say that those who disagreed with themselves in opinion on the great points of public policy, especially in regard to this war, were enemies to their country. They have at least permitted the community so to understand it, and this, I may say, on both sides.

Now, a man may differ from me in opinion on a question deeply affecting our common country, and yet, surely, be no enemy to that country. The truth is this: men erect in their own minds a standard of national prosperity, and of the ends and means of Government in its promotion; and then they take it for granted that everything which crosses their track must of course be hostile to the prosperity of the country, because, with them, the prosperity of the country is estimated according to the standard in their mind.

And now, to travel back a little, we may ask, what are the great ends and purposes for which government is created? I have an idea, more or less perfect, of those ends, and it is this: whatever advances a nation in its social condition, considered as physical, rational, and moral beings, is the legitimate end to be pursued by its government. And the means to accomplish this consist in the improvement of the country, the improvement of the means of mutual intercourse, whatever tends to make us a homogeneous people, and promotes the advance of the entire society in comfort, intelligence, and morals.

I have been but a short time here; it is not more than five years since I became a member of this House; but with that amount of Congressional experience, and after carefully listening to the remarks of gentlemen here, I am constrained to conclude, that there are in this body gentlemen who have erected in their minds very different standards of national prosperity from that which I deem just and proper. According to their conceptions, the prosperity of a nation consists in what most advances its military glory; in whatever extends the area of territory possessed; in whatever gives eclat to the nation, by blood, by gunpowder, by feats of arms. With them that is national prosperity. If they think that to be the true end and the proper means for a government, they will very naturally conceive that those who would obstruct this end—who would put a stop to such a career of prosperity, are enemies to their country, traitors to its government. The fundamental difference between us, then, lies in the question,—What is it which constitutes national glory? I am justified in this conclusion by a review of what has recently happened in our history. What was the great enterprise on which we embarked when we adopted other than ordinary measures for the increase and extension of our territory, by the annexation of Texas, is not, and cannot, with honest and candid men, be a matter of dispute. The people in one portion of the Union said that Government ought so to use its power, as to cause that power to operate on slavery. At this doctrine the people of the South became alarmed. Their alarm, I think, was unfounded; but it was real, and they resorted to the annexation of Texas with a view to counteract the action they apprehended in another quarter. When the thing was announced by the official organ of the Government, the object was not cavilled about. Look at the language of Mr. Upshur and of Mr. Calhoun. When they announced the formation of the treaty of annexation to Mr. King, and to Mr. Pakenham, and to Mr. Shannon, officially, as the organs of this Government, they avowed the object to be to prevent the abolition of slavery in Texas by the influence of England, and the effect of such abolition on slavery here. The object was not disguised. The man who says that such was not the design of that movement, charges the organs of his Government with deliberate falsehood, or else is endeavoring to humbug the people. But what was the difficulty in this matter? Both parties had formerly held, and uniformly maintained that this Government had no power to act in any way on the subject of slavery. The question was not in which way Government should act upon it, but whether it could act at all. The people held that Government had nothing to do with it whatever.

Now, I ask, was not the treaty-making power of this Government by the Texan treaty invoked to exercise its powers in reference to slavery? Most certainly it was. And those who were in favor of the treaty, in invoking such action by this Government, took the very ground before occupied only by the extreme abolitionists, viz: that Government could touch the subject in any way. But in regard to that treaty, we had it officially announced that the power of the Government was exerted to effect slavery. Being thus driven to the wall, the only question which remains for us is, in which way it shall effect it? There is, however, but little question I presume on that point.

I say, that the annexation, as made, was unconstitutional; but we are not going, on that account, to dissolve the Union, nor do I say that we are not bound by the act, practically, unconstitutional as it was. What I mean to say is, that when once men have resolved to go ahead in a course of that kind, neither the Constitution nor any other obstacle can long stand in their way. The whole question lies in a nut-shell, and it has been settled by the Supreme Court of the United States, who have declared that when the treaty power of this Government has annexed any territory to the Union, then we have legislative power over it, and not before. We may annex by the treaty-making power, but the legislative power has no jurisdiction till the territory is actually brought, by treaty, into the Union. But in the case of Texas, the treaty was rejected, and Texas could not constitutionally be annexed in any other way.

No one function of this Government lies, at the same time, in two different branches of the Government. If a certain function of Government belongs to the treaty power, then it does not belong to the legislative power. So I understand Mr. Madison. [Here Mr. COLLAMER quoted from the writings of Mr. Madison, in which he lays down the doctrine asserted by Mr. C., viz: that the same power cannot belong to each of the departments. The same specific function in no case belongs to any two branches, and cannot be exercised separately by each of them; such action would be unnatural in theory and dangerous in practice.] The annexation (Mr. C. went on to say) was attempted to be effected by treaty: none could doubt that this would have been constitutional; but if the function of annexing belonged to the treaty power, then, according to Mr. Madison, it could not be exercised by any other branch of the Government. But we overrode Mr. Madison and the Constitution too, and made a contract by legislative action which could only lawfully be made by the treaty power, until we got the territory actually into the Union, and so within legislative jurisdiction. It was all an anomaly—a gross and palpable contravention of the Constitution.

The treaty was rejected; and why? Because it went to the Rio Grande? Exactly for that reason, the joint resolution of annexation avoided that difficulty; it annexed only what should be found properly to belong to Texas. We had already settled, by the rejection of the treaty, that the territory up to the Rio Grande did not properly belong to her. Then came the President and took military possession of that very portion of territory, the inclusion of which in the treaty caused the treaty to be rejected. It was in possession of the Mexicans, who had farms, towns, and forts there. That was possession. There was no escape from this statement of fact. The country was taken military possession of by our army under the orders of the President, while it was in the actual possession of the Mexican people. Mr. C. insisted that annexation could only be made either by treaty or the sword. We annexed Texas by the sword. He affirmed the act of the President to be unconstitutional. But to say this was not to say that therefore the war was unconstitutional. The President might involve us in a war any day he pleased; he had only to insult a foreign minister and refuse to apologize, and we should be in a war forthwith. We had for a long time a difficulty with Great Britain. If the President had marched an army to Quebec, there would have been war at once, though the act of doing so would not have been constitutional; but this would not render the war itself unconstitutional.

Thus the war with Mexico was begun, and it went on much in the same way. Our army got into a situation of peril; the President communicated that fact to Congress, and said that war existed by the act of Mexico. Then came the bill of supplies; and many on Mr. C.'s side of the House voted for it. The question was, whether our army should be relieved; and they voted the bill, notwithstanding its preamble, to effect that object. Our army then crossed the river, and pushed into what none denied to be the territory of Mexico. It entered Matamoros, and pushed on to Monterey. More supplies were voted. Congress at one time were told that our army was in danger, and there was glory ahead; next we heard that the halls of the Montezumas were in view; and so from one glorious prospect to another; yet all the while the Executive was declaring that he had no such thing as conquest in view. Well, no man could put his finger on any particular act, and say this is conquest. Why, what was conquest? It was the taking of territory with a view to retain it. The matter was perfectly plain. It was true that at the last session and in the session previous, Mr. C. had not been without his suspicions; he did suspect, strongly, that more was meant by the operations of our army than a mere taking and temporary holding of forts and passes. He saw expeditions fitting out for California, with instructions to take and to hold it; so that if, at the end of the war, a treaty should be made on the basis of the *uti possidetis*, the United States might retain it in their hands. That arrangement looked to something more than our controversy with Mexico; he suspected from that time that the true object was conquest. But the Executive message utterly denied all such purpose—no conquest was intended. And thus we had been led on from step to step, till at length we were here. And what was our condition now? We were told that our armies were to be spread all over Mexico, and all the capitals of the several States were to be seized and taken possession of, and the General Government was to be kept in constant agitation without a quiet spot to set its foot upon. But all this was not to destroy the nationality of Mexico. Oh! no; nothing further from the intention of the Executive. It was much like the case of a man who should say to another, I have no intention of killing you; oh! no; while at the same time he was firing cannon balls through his vital parts. This profession was all quibble. We were taking every means in our power to destroy her nationality, so that there would be nobody left in power to make a treaty with; but we meant no conquest—oh! no, not at all.

The President told Congress that his object was to obtain indemnity; but there was evidence that that was not the real end in view. He sent Mr. Trist, who corresponded with the head of the Mexican Government. The terms of the treaty he was to make were not expressed in the message. These were blank in the agreement; and when the Mexicans said that they were willing to accommodate on the subject of the boundary line, as to whether it should run along by the Nueces or pass through the midst of the "stupendous desert," he said he would refer that question to his Government. But there was a *sine qua non* in the instructions. They must surrender to us the whole of New Mexico. This, they contended, was more than we could pretend to demand as indemnity. Oh! yes, replied Mr. Trist, and therefore we are willing to pay you for it. They then put to him a question which never was answered: Is it worthy of you, as a republican and christian nation, to compel us to sell our country? It never could be answered. It was manifest that the President's object was not indemnity, but something much beyond it. So much more that he was ready to pay for it. Now, Mr. C. said, he regarded all territorial acquisition made by treaty at the close of a war as conquest. The treaty was the child of the war; it was produced by the war; and what we get by the treaty we get by the war; call it purchase or whatever else you like, it was con-

quest, and only conquest. With this avowal by the President of his intention virtually to destroy the whole country and annihilate its Government—having arrived at this point in the war, the question presented itself, What are we to do?

The war had thus far been conducted with this disguised design; but he had now reached the point where this masquerade was necessary no longer. We had in Mexico an army, with general officers looking for viceroyalties and governorships. We had politicians, too, looking for posts and places of a civil kind; and we had a shipping interest whose interests were largely involved in the transportation of men and munitions of war. And, lastly, we had a people infatuated by the delusion of military glory, and carried away by the hurrah of national fame and conquest. When the great and governing passions of a people were once roused by the desire and confident hope of obtaining, by force of arms from others, that which by their own industry they never could hope to acquire, we had reached a point where the statesman must pause and inquire, what was to be done? Men were gathered into large assemblies and told that it was our duty and our destiny to go ahead from conquering to conquer, and whoever dared to resist the onward rush was straightway denounced as a traitor. We had now got up to the point where there was no longer any need for keeping up the thin disguise. The chairman of the Military Committee in the Senate of the United States—a man high in political station, in personal, confidential intercourse with the President—announced in his place that we have a right to go on and conquer Mexico; that we have a right, if she does not cede to us all we want, to take from her whatever we want by force; and it was maintained openly that this was a great Democratic principle. Could it be expected of Mr. C. that he should seriously and coolly undertake to do battle against a doctrine such as this—a doctrine which would have disgraced a barbarous age six hundred years ago? Yes, the avowal had at length been made. Yet it was but an honest and unmasked avowal of the real principle on which the war had been conducted from the beginning, though hitherto under some weak disguise and various excuses, changing with the changing circumstances of the drama. Now it stood naked, without a veil, in the open light of day, and Mr. C. had heard no reproof of the principle thus avowed.

Mr. C. really did not know, under such circumstances, where or how to begin. He called upon all who had any respect to the memory of our forefathers, who, in declaring the war of our Independence, professed to have a decent respect to the opinions of mankind, and called upon the God of battles to help the right. But here Mr. C. called upon all who loved right, and loved their country, to denounce and renounce a train of measures so monstrous. He called upon all who had any regard for justice, or fear of God, who was its living embodiment, to join their efforts to wipe this foul stain from the hitherto fair name of our country.

He would fain speak with coolness on every fit subject of discussion in this House, but he could not do it. The subject stirred too deeply within him. The abhorrence, the indignation he felt rendered coolness impossible.

Mr. McKAY here interposed to explain. The gentleman from Vermont should not do injustice to the member of another branch of Congress. The ground taken by the individual to whom he had referred was, that, when we had a just claim against another nation, and she was unable to pay us in money, we had a right, if she refused to pay us in territory, to take what was necessary by force. He had not stated the doctrine so broadly as the gentleman represented.

Mr. COLLAMER, resuming, said that he had no reference to the explanations which the gentleman had made afterwards. He was speaking to the doctrines promulgated at the time, and not to what he had afterwards said in the way of explaining it away.

The CHAIR here called Mr. C. to order, reminding him that it was out of order to speak of what was said in a coordinate branch of Congress.

Mr. COLLAMER replied that what he had been commenting upon had been promulgated in a public journal, and put forth by the official reporter of the Senate. However, there was nothing peculiar in the declarations to which he referred; the only thing which rendered it remarkable was its being somewhat premature. Under the principle avowed, the President had only to set up a claim against any foreign nation, no matter whether well or ill-founded, and then he could take as much of their territory as he chose and was able to take. He had only to raise a claim, and then raise an army. The principle covered the whole. After the promulgation of doctrine like this to our own people and before the world, Mr. C. hoped there would be no more petty piddling excuses about sending troops here or there, no more nice inquiries into dates; the broad doctrine was openly avowed, that whatever we claimed we had a right by force to take.

I will endeavor rapidly to state some of the principles which I hold on this subject, and which go to show clearly, to demonstrate that the acquiring of territory by force of arms is an act of dangerous tendency, and ought not to be countenanced.

In the first place, by doing so we do violence to the first principles of our Government. Our Government is based upon the principle that mankind are competent to self-government; therefore, to go to a people and compel them, at the point of the bayonet, to come into our Government, is a total subversion of the very fundamental principles of our Government.

In the next place, we have pretended that we are competent to our own Goverment—that mankind can govern their own passions. What does this say to the world? Why, that the republicans of America cannot govern their own passions; that they have ungovernable desires to take other people's property; that they have been preying upon a weaker neighbor, and are seriously preparing to swallow up her very existence as a nation. We do not govern ourselves, our own passions, in the view of the world, if we adopt any such proceeding.

In the next place, however much may have been said about destroying the nationality of Mexico, we should destroy our own nationality by such an act. We shall cease to be the people that we were; we cease to be the Saxon race Americanized—the people coming from a proud intelligent ancestry, capable of reducing to successful practice a government within ourselves. We shall take in seven or eight millions of people in no way homogeneous, incapable of being reduced to common feelings, common interests, common desires with us.

Again, we are told we must go on with the war, because we must have "indemnity." One single word upon that. What do the Executive and those people who talk about it mean to be understood when they talk about "indemnity?" Do they expect we are to attain dollars and cents to put into the treasury, to replenish the outlays of millions which we have incurred? Now, what is there in Mexico from which we can obtain one single dollar? Can we derive anything from any or all her lands? I take it that nobody supposes we could take away lands which are now in the hands of individual proprietors. Through the whole of Mexico there is not an acre fit for cultivation which is not granted away or hypothecated, and which has not been for a hundred years. I know that gentlemen consider that this people are exceedingly hungry for land. They say it runs in our race. I know it did when we fought the Indians for land, and drove them across the Ohio. When St. Clair was defeated by the Indians, and when our men returned to bury their dead, they found the Indians had filled the mouths of all our dead men with earth! Whatever may be the bait held out on this score, there can be none obtained; and I verily believe, it appears very obvious, that a large part of those people who talk of "indemnity" know that there is no land from which a dollar can be obtained. Therefore this story about getting "indemnity" is a delusion, a perfect and groundless delusion, however hungry our people may be for land.

But it is said we must stay and fight it out, because we cannot make peace. That plea is equally false. Was there not, in the Trist treaty, an offer made by the Mexicans for peace? If you would stop this hungry hankering desire for conquest, you could make peace in thirty days. The only difficulty was, then, that this Government insisted on the whole of New Mexico as well as California. The pretence, therefore, that you have got to go on, and you have got so far that you can better go on than go back, is all a delusion and falsehood. I do not charge any man with lying about it, but it is a perfectly unfounded assertion.

The next objection I have to the conquest of Mexico is, that I consider, when the people are baited on by the desire of conquest and deluded by the idea of military glory, we are mortgaging our own country for a debt of millions and hundreds of millions. A yet undisclosed debt is to be incurred in this war of conquest, and what is to become of it? It is to become a mortgage, a lien on all the industry, all the results of industry, all the lands, and all the property of this country, for a succession of generations to come.

My next objection is, if the laws of nations are not to be utterly overridden and treated as mere moonshine, as our Constitution is too often treated—if any respect is to be had to the opinions of mankind, and the laws of mankind—if we conquer Mexico, we must take all her debt with her. I do not undertake to say it will ever be paid; I do not undertake to say how rife repudiation will ever become; but this I know, if the laws of nations are to be regarded, every dollar is to be paid. I cannot stop to read authorities on this point; but I refer gentlemen to Vattel, book 2, section 203; in which, after treating of this subject at some length, he says: "For a conqueror to refuse to pay the debts of the 'country which he has subdued, would be robbing 'the creditor with whom he is not at war."

Do you not perceive, in all the orders given to our commanding officers, they are required carefully to avoid touching foreign property? Well, who owns this debt against Mexico? England, France, and other nations besides ours—I do not know how many uncounted millions. Therefore, when you conquer the territory, you incur the debt; you are to count up your own millions with the millions which Mexico owes too. All this would have to be paid if you do not utterly override the laws of nations.

Another reason which is assigned why the army should not come home is, that we should incur national disgrace and national dishonor. I do not profess to be quite as nice a judge of honor as many men, not being very well versed in the peculiar principles of what is called the code of honor. I know something about the laws of common honesty, and I take it that whatever is national honesty is consistent with national honor. I once heard a man remark, that he never knew a person appeal to his honor but he had *used up his honesty*. I think there is considerable foundation for the remark; and my idea is, that whatever can be done with honesty can be done with honor.

The question then is, Can we honestly come home? "Oh! but somebody will say something about your running away." Is it possible that, after these repeated successful battles, anybody will charge us with running away? Is it necessary that, after you have your adversary down, you should keep your foot on his neck and strip him, and take your pay in his clothes? If that is honor, it belongs to some code with which I am not acquainted. No, it is national honor and national magnanimity to come home. We have done enough and more than enough.

But it is said it is our "destiny" to go. Why, it seems to me, if such a thing is destined to be done, it does not require much aid from us. If I am *destined* to have my neighbor's horse, am I therefore destined to go and steal him? It seems to me, I would let "destiny" work, and I should get him honestly by-and-by. This plea of "manifest destiny" was first avowed in this House in reference to the Oregon question by a gentleman from Illinois, [Mr. BAKER.] At that time it produced general laughter; it was matter of general derision through the House. Now it is adopted as one of the popular issues of party! It was our "destiny" to go up to 54° 40'. Well, the President settled the question upon a line some five degrees lower, and did not the people acquiesce?

But it is said, in behalf of the conquest, that thereby we should do good to the people of Mexico! A doctrine of this kind was the doctrine of the crusades; it is the very doctrine with which Cortez disgraced the christianized world when he overrun Mexico before. It is the plea which has been at the foundation of every conquest and crusade which has disgraced the world. It will not do for a people to adopt the idea that their institutions are better than any body's else, and undertake to force them upon others at the point of the bay-

onet; much less does it become the people of the United States.

The hour here expired, and Mr. COBB obtained the floor, and, on motion, the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. HARALSON: The petition of sundry citizens of Heard, Carroll, and Paulding counties, in the State of Georgia, praying the establishment of certain mail routes therein named.

By Mr. KENNON: The petition of G. D. Kinnear and 60 others, citizens of Belmont county, Ohio, praying a proportionate reduction of postage on all newspapers not containing more than five hundred square inches in size.

By Mr. POLLOCK: The petition of Jane Lynn, of Union county, Pennsylvania, widow of a revolutionary soldier, praying for a pension.

By Mr LUMPKIN: The petition of Willian Fuller, praying compensation for mail services on the mail route from Augusta to Savannah, in the State of Georgia.

By Mr. DICKINSON: The petition of Eli Dresbach and 140 others, citizens of Seneca county, Ohio, praying Congress to carry into effect the provisions of the Brownstown treaty and of the several acts of Congress relating to the construction of a road southerly from Lower Sandusky, Ohio. Also, petitions from citizens of Wyandot county, relating to the same subject. Also, petitions from citizens of Sandusky county, relating to the same subject.

By Mr. THOMPSON, of Indiana: A memorial from the trustees of the Wabash and Erie canal, in Indiana, praying for the passage of a law to confirm to the State of Indiana the selection of lands heretofore made by commissioners appointed by the State, under the act of Congress granting to the State certain lands to aid in the construction of said canal.

By Mr. GIDDINGS: The petition of R. P. Harrison and 13 others, citizens of Kirtland, Ohio, for releasing the free States from all support of slavery. Also, the petition of G. W. St. John and 32 others, citizens of Morgan, Ohio, for closing the war with Mexico by withdrawing the army. Also, resolutions of a meeting at Taneytown, Pennsylvania. Also, the petition of Isaac Haynes and 103 others, citizens of Ohio, for a reduction of postage. Also, the petition of David Jackson and 127 others, citizens of Ohio, that no more supplies may be given to carry on the war with Mexico. Also, the petition of David Jackson and 127 others, citizens of Ohio, for the abolition of slavery in the District of Columbia.

By Mr. CROWELL: The petition of S. M. Prentiss and others, citizens of Portage county, Ohio, praying the reduction of postage one-half on all papers containing not more than five hundred square inches.

By Mr. T. BUTLER KING: The petition of the Central Railroad and Banking Company of Georgia, praying that certain bonds given by said company for duties on railroad iron may be cancelled.

By Mr. HAMPTON, of Pennsylvania: The petition of citizens of Alleghany county, Pennsylvania, praying for the reduction and equalization of postage on juvenile publications.

IN SENATE.

TUESDAY, *February* 1, 1848.

Mr. DICKINSON presented a petition from citizens of the State of New York, praying that Rouse's Point may be made a port of entry; which was referred to the Committee on Commerce.

Mr. DOWNS presented a petition from citizens of the parish of Natchitoches, Louisiana, praying the confirmation of their land titles in that State; which was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. BREESE, from the Committee on Public Lands, reported a bill to repeal a part of the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights." The bill having been read a first time—

Mr. DOWNS expressed a wish that the bill might now have its second reading.

Mr. PHELPS expressed his regret that there was a disposition to press a bill of such importance through the Senate. He desired time to examine its provisions, and was therefore reluctantly compelled to object to its second reading at this time.

Mr. MANGUM, from the Committee on Foreign Relations, asked that the Committee be discharged from the further consideration of the memorial of the New Garden Monthly Meeting of Friends, asking the termination of the war with Mexico, the withdrawal of our troops, &c., and that it be laid on the table.

RESOLUTIONS.

On motion of Mr. BENTON,

Resolved, That the Military Committee, to which has been referred the petition of John Charles Frémont, in relation to California claims on the Government of the United States, be authorized and directed to take testimony, written and oral, in regard to said claims, and, for that purpose, to summon witnesses now in or near the city of Washington, and to administer oaths to said witnesses, and take their testimony in writing, and that the committee have leave to employ a clerk.

On motion of Mr. ASHLEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Powhatan, in Lawrence county, Arkansas, via Walcott, to Willis, in Greene county, in said State.

On motion of Mr. BREESE,

Resolved, That the Committee on Public Lands be instructed to inquire what legislation (if any) is necessary for the disposal of the lands lying upon the Illinois river, in the State of Illinois, and known as the "lost lands," and to report by bill or otherwise.

On motion of Mr. BREESE,

Resolved, That the Secretary of the Treasury be directed to inform the Senate what quantity of the public lands lying in the State of Illinois has been granted for military bounties since the 1st day of January, 1819; the price at which they were held by the United States; when granted; and also the quantity relinquished to the United States under the operation of the act of 24th of April, 1820.

The resolutions submitted some days since by Mr. BAGBY, relative to the powers of the General Government, were taken up in their order, when

Mr. BAGBY stated that he had no intention to ask the Senate to consider the resolutions at this time. He was desirous that the important bill now before the Senate should be first disposed of. He would therefore move that the resolutions be informally passed over, until that business be terminated, when he would call them up for consideration.

The resolutions were then informally passed over.

The following resolution, submitted on Friday, the 28th of January, by Mr. MILLER, was taken up and adopted:

Resolved, That the President of the United States be requested to inform the Senate whether he has caused to be laid and collected any taxes, duties, or imposts, upon goods and merchandise belonging to citizens of the United States, exported by such citizens from the United States to Mexico; and, if so, what is the rate of such duties, and what amount has been collected; and, also, by what authority of law the same have been levied and collected.

On motion of Mr. RUSK, the Senate proceeded to the consideration of the bill to allow further time for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes.

Mr. RUSK moved to amend the bill by striking out, in the 8th line of the 1st section, the words, "in the war of the Revolution or."

Mr. UNDERWOOD said, that having introduced the bill, he would make a single remark in reference to the amendment. He did not know that there was any revolutionary soldiers whose claims for military bounty land were unsettled. In drafting the bill, however, he had inserted a provision for their benefit in case there should be any left. There were some nine hundred soldiers of the last war who had claims to bounty lands which were still unsatisfied. His friend on the right [Mr. RUSK] had information from the proper department on the subject, and it might be that these were all the claims which were yet to be adjusted. He believed that the amendment had been submitted in order to remove the apprehensions of some friends over the way lest the bill might otherwise open the door to the unsatisfied Virginia military land warrants. The bill had nothing to do with that subject, which it did not at all look to or embrace. That subject would come up for consideration, when he should report a bill, of the introduction of which he had given notice. He would again express the hope that the amendment would be withdrawn, lest there might be a single revolutionary soldier left who was entitled to military bounty land who could receive it only because his claims were manifest by the records of the department, and who would be entitled only to one hundred acres of land if he should successfully establish his claim. It seemed to him, therefore, to be better to allow the clause in the bill to remain. It was inserted in former laws on the subject, and he did not see any necessity to strike it out in the bill now before the Senate. He added, that he deemed it proper to make this explanation without having any very decided feeling one way or the other with regard to the amendment.

Mr. RUSK said, that the only object he had in view in offering the amendment was to obviate the objections raised the other day against the bill, that it might open the door to the claims of revolutionary soldiers. He did not know whether there were any such claims in existence. This was simply a renewal of the law which expired in July last. However, he presumed that there would be no difficulty after the explanation of the gentleman who had reported the bill, and therefore he would not press the amendment.

Mr. PHELPS had designed to offer the same amendment which had been submitted by the Senator from Texas, and he hoped that it would not be withdrawn. If there were no revolutionary claims, as had been stated, he did not see the necessity for retaining the clause in the bill which the amendment proposed to strike out. It was useless, and therefore, on the very supposition that there was no case to be provided for, the clause was clearly unnecessary. But the bill, as he understood it, admitted of a construction which would allow a vast amount of those claims for land bounties, hitherto the subject of so much discussion in both branches of Congress. His objection to the bill was, that it admitted of a construction which would again open the door for all the Virginia claims. To avoid that construction, which it seemed was not contemplated by the gentleman who reported it, he would desire to see the amendment made.

Mr. UNDERWOOD hoped that the bill would be amended as was desired; but he assured the Senator from Vermont that if the bill were susceptible of the construction which he had described, former bills were liable to the same objection. Each renewal of the law had been open to the same objection. The Senator was mistaken on the subject. The bill as it stood only related to the bounties which it proposed to give to the officers and soldiers of the revolutionary army, upon the continental establishment, and had nothing whatever to do with the promise of bounties made by the Legislature of Virginia. But lest any difficulty should arise from the retention of the clause to which objection was made, he hoped that the amendment would be agreed to, so that the bill might at once pass, and these nine hundred soldiers of the late war receive the bounties to which they were entitled.

The question was then taken on the amendment, and it was agreed to.

The bill, as amended, was then reported to the Senate, read a third time, and passed.

The Senate then proceeded to consider the bill supplementary to the act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court in certain cases, and for other purposes," as amended by the House of Representatives; when the further consideration was postponed, and the amendments ordered to be printed.

On motion of Mr. WESTCOTT, the prior orders were postponed, and the Senate proceeded to consider the bill to provide for additional examining clerks in the Patent Office, and for additional fees in certain cases, as in Committee of the Whole.

Mr. LEWIS moved to strike out the words after the enacting clause, and to insert the printed amendment which he sent to the chair.

Mr. JOHNSON, of Louisiana. What is the amendment?

Mr. WESTCOTT explained, that the amendment was simply a substitution of the bill passed by the House of Representatives, which was considered as more satisfactory than the bill which had originated in the Senate.

Mr. JOHNSON, of Louisiana. I am in favor of the House bill.

The amendment was agreed to, and the bill was reported to the Senate as amended. The amendment having been concurred in, the bill was read a third time and passed.

[This bill provides for two additional examiners in the Patent Office, at salaries of $2,500, and two additional assistant examiners, at salaries of $1,500 per annum, and for three clerks at $1,200 each per annum.]

The VICE PRESIDENT said that he thought it respectful to the Senate to give notice of his intention to be absent from the city for some days. He made this statement, in order that Senators might be prepared to go into an election for a President *pro tem.* at their meeting to-morrow morning.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. DOUGLAS addressed the Senate at great length. [A full report of Mr. D.'s speech will be found in the Appendix.]

On motion of Mr. BELL,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 2, 1848.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. RHETT said that yesterday, unconscious of offence to any one, he was absent from his seat, preparing the speech he delivered last week for the press, and therefore had not the opportunity of correcting at the time they were made several misconceptions and perversions (unintentional, no doubt) of the gentleman from Virginia, [Mr. GOGGIN.] His first misstatement—that which in reality is the cause of his heat and personalities—is as follows:

"Was it for that gentleman to say to the Whigs of that House that nine out of ten of them were the very men who *prolonged* the war? Mr. G. never had heard such a charge brought by either side in a political contest before—to brand a whole party, and that in time of war, with *giving aid and comfort to the enemies of their country*, and *prolonging* the very war they continually denounced! Who commissioned that gentleman to come here and read to the members of this House lectures on political morals and regard for the Constitution?"

Now, (said Mr. R.,) I said nothing whatever in my speech about the Whig party "giving aid and comfort to the enemies of their country." I did not charge them with "prolonging the war." What I said was this: that nine-tenths of them (and this expression, he admitted, was entirely too strong) would be very sorry to hear to-morrow that a peace was concluded, and that they were very willing that the war should continue until the next Presidential election, although they denounced it. And, sir, I assigned my reasons for this opinion. They looked to the war as the grand lever for lifting them to power in the next Presidential campaign. He had not expressed that opinion lightly; he had said so because he believed it. Nor did this imply any charge of a want of patriotism on their part. Why might not the Whig party——

Here Mr. T. BUTLER KING called Mr. RHETT to order. The gentleman had asked leave to make a personal explanation; but, instead of doing this, he was going into an elaborate statement of reasons in vindication of a former speech, and explaining why he had brought certain charges on the Whig party.

The CHAIR replied to Mr. KING, that it was not competent for the Chair to decide what a gentleman might think necessary to a personal explanation. The House had unanimously given permission to the gentleman to explain, and the Chair could not interfere.

Mr. KING thought that if gentlemen, when allowed by the courtesy of the House to make personal explanations, abused that courtesy by going into attacks on political opponents, they ought to be stopped.

Mr. PENDLETON moved that the gentleman from South Carolina have leave to proceed.

Mr. T. B. KING. To proceed in order, not *out* of order.

The CHAIR ruled that Mr. R. might proceed.

Mr. RHETT said he had no wish to be out of order; he had been explaining that in making certain charges on the Whig party, he had spoken only what he believed; but that he had by no means intended to charge on his political opponents any want of patriotism or fidelity to their own principles. And in saying this, it did not follow that he put any "brand" on the Whig party. They may conscientiously believe that the Mexican war, for the next six months, was a far less evil than the continued ascendency of the Democratic party. Many, too, may be of opinion that the debt which the war must create will be of greater benefit to the country, from the protection it will afford to our manufacturing interest, by the increased duty on imports it will require, than the direct evils of the war itself. But even *had* he asserted what the gentleman charges he did, "that the Whig party was in favor of *prolonging the war*," it would have been nothing to be offended at; it would not have been without justification. Here, where the supplies must originate, the Whig party have a majority, and can, therefore, by declaring their determination to refuse the supplies, stop the war at once. Congress has been in session two months, and they have not done this. More than this, the Committee of Ways and Means, entirely under their control, has reported a loan bill of eighteen millions of dollars to this House. If they will not stop the war when they can at any day, but, on the contrary, propose the supplies, is it an exceptionable charge that they are willing it should continue or be prolonged?

The next error of statement by the gentleman from Virginia is as follows:

"That gentleman had been too recently initiated into the secrets of the Cabinet to learn his own lesson; and yet he came to talk to members of that House about the powers and prerogatives of the President, and based his entire speech on the doctrine that the Executive had a right to withhold from the people and the people's representatives *all* knowledge of the ends and purposes for which he had begun, or was still prosecuting, the existing war."

This basis of his *entire speech*, Mr. R. said, he had unfortunately never heard of before. He knew of no call upon the Executive to communicate to this House "the ends and purposes for which *he* had begun, or was still prosecuting, the existing war." That point, therefore, had never, to his knowledge, been made in the debate, or in the House. There had been a call upon the President to communicate to this House the instructions given by the President to Mr. Slidell in his mission to Mexico. To that point he had spoken, and had contended that the President had a right to withhold the information the House required; but even this point was by no means the basis of his speech. It formed but a *part*—one only of many other false positions assumed in the debate which he controverted.

The next error is no better than those he had already noticed:

"The gentleman had said, 'So help him God, if he believed the President guilty of a violation of the Constitution, he would vote to impeach him to-morrow.' Could not the gentleman see, even from his own case, that a man might attempt the grosest violation of the Constitution of his country, and yet not even be arrested? Why had he not impeached General Jackson? There had been a Democratic majority at the time in the House, yet they never voted an impeachment."

The charge here is that my professions are not honest, because, being in Congress, I did not carry them out with respect to General Jackson. Without saying anything with respect to General Jackson, who only carried out laws which Congress had passed, it is enough to repel the charge of inconsistency, for me to state that I was not a member of Congress during any part of General Jackson's administration.

The gentleman from Virginia further says:

"At the last session, that gentleman had voted with the Whigs against the insertion of the preamble in the bill of supplies which declared that this war existed by the act of Mexico. * * * When the gentleman from South Carolina got up here and charged the Whigs with prolonging this war, and yet had refused to say the war was begun by Mexico, what were the inferences to be drawn from this vote? Somebody, surely, must have commenced the war; the gentleman refused to declare that it was the Mexicans; then it must have been somebody in the United States. It was not Congress; who, then, was it?"

Sir, said Mr. R., I refused to vote that Mexico "*begun the war*," as I have refused here to vote that the President "*begun the war*." Both of these positions, I have argued, were erroneous; and a large portion of my speech (to which the gentleman seems so *carefully* to have attended) was devoted to establish the proposition that Congress alone, under the Constitution, can begin or declare war, and that by the act of May, 1846, Congress did declare and begin the war.

Again, the gentleman from Virginia says:

"The gentleman had stood shoulder to shoulder with the Whigs in declaring that it was not begun by Mexico; and yet, in five minutes after giving that vote, had voted the supply bill with the preamble in its front, thereby voting in direct and open contradiction of his own speech. Now, when a gentleman of this sort charged inconsistency on the Whigs, it would perhaps be as well he should look first at his own."

Mr. R. said that if he had been guilty of inconsistency, he shared it with the whole Whig party in the last Congress, with but a very few exceptions. But, in truth, there was no inconsistency at all. Everybody knows that a preamble is no part of a law. He had voted against an incorrect preamble; and, when he voted for the law, he voted for all in it that constituted the law, which did not include the preamble. So far as the law was concerned, the preamble was nothing but a little blacking on paper. He should always deem it his duty to vote for any law he approved of, in spite of any preambles.

The last matter he would notice was not personal as regards his argument, but personal as regards his conduct. The gentleman had quoted from a speech delivered by him (Mr. R.) in the South Carolina Convention which repealed the ordinance of nullification:

"Had the gentleman been himself such a devoted friend to the Constitution, such an attached admirer and lover of this Union? Let any one listen for a moment to the language he had used in the South Carolina Convention in March, 1833: 'I cannot palter with conscience or play the 'hypocrite; nor can Carolina, consistently with her honor 'or truth, dissemble as to her true situation. I boldly declare it, (and I believe I express the feelings of the freemen 'I represent,) under the Government as administered, *I have* '*no ardent attachment to the* UNION OF THESE STATES.' And yet that was the gentleman who stood up here and denounced the whole Whig party as guilty of prolonging this war! Whence, Mr. G. would again ask, had that gentleman his authority? Did he get it from his own consistency, prudence, loyalty to the Constitution, and love to this Union? Hear him again: 'No; for here is the bill of blood by 'which the little of the Constitution that was left is scat-'tered to the winds; and the sword and the purse of the 'Confederacy are placed in the hands of an insolent and 'brutal dictator.'"

The gentleman seemed to regard this as a great outrage against the Constitution and the Union, so much so as to render any man who had been guilty of it for ever after incapable of speaking about either the Constitution or the Union. Sir, said Mr. R., we, in South Carolina, as consicentiously believed, in that day, that we were upholding the Constitution of the United States as those opposed to us.

Mr. ROCKWELL, of Connecticut, here called Mr. R. to order, and objected to his proceeding. This was not a personal explanation; it was the commencement of a discussion on the subject of nullification.

The CHAIR said that the gentleman was speaking under the unanimous permission of the House. There was no question before the House, and therefore the remarks of the gentleman could not be objected to as irrelevant. The gentleman from South Carolina had received unlimited permission to say whatever he might deem necessary to a personal explanation, with this only restriction, that of avoiding personalities in debate. It seemed, therefore, to the Chair, that as the gentleman was invading no rule of the House, (all rules being suspended,) it had no power to interpose to arrest the gentleman's course of remark. He ruled the gentleman from South Carolina to be in order.

Mr. ROCKWELL took an appeal from the decision of the Chair.

The SPEAKER required Mr. ROCKWELL to reduce his appeal to writing; which he was proceeding to do, when—

Mr. RHETT said, that if he had been right before, he certainly must be right now; for he had just got to the real point, and he submitted whether in such a state of things an appeal could lie?

Mr. BURT said, he trusted the gentleman would save the House the question by consenting to withdraw the appeal.

Mr. ROCKWELL said, he had no objection to do so if the gentleman would confine himself, in his further remarks, to what was strictly personal. He thereupon withdrew the appeal.

Mr. RHETT then resumed. I was observing, that so far from being violators of the Constitution, on the contrary, after the proclamation of President Jackson, we considered ourselves as alone carrying the ark of the Constitution. And I do not doubt, if the gentleman from Virginia had been in a similar situation, he would have used language at least as strong as that which he correctly says I used towards the Union. As he has spoken of the "immortal resolutions of 1798," I must presume he would have been with the Republicans of Virginia in the eventful struggle by that great State against the alien and sedition laws.

Mr. GOGGIN here interposed to explain, and said, that he was not correctly represented in this part of the report of his remarks. He had not spoken of the resolutions of 1798, but of the great Whig party of 1848.

Mr. RHETT. Well, sir, it will be no shame to him to suppose that he would have been with his native State in her resistance to that first great aggression on the Constitution and the rights of the States.

Mr. SMITH, of Indiana, here interposed. It was important, he said, that the House should decide what were and what were not the rights of members of the House when allowed to make personal explanations here. He would therefore raise a point of order as to the gentleman's further proceeding, and would reduce it to writing.

He did so, and his point of order was read at the Clerk's table. It was, in substance, that the

gentleman from South Carolina, having been allowed by the unanimous permission of the House to make a personal explanation, had no right to extend his remarks beyond what was strictly personal to himself, and to go into an answer to the speech of the gentleman from Virginia, [Mr. GOGGIN.]

The CHAIR said that this was an abstract point of order, and, if it even should be decided in the affirmative, would still leave the question whether the gentleman from South Carolina [Mr. RHETT] was departing from what was personal, and going into a reply to the gentleman from Virginia. This question the Chair did not feel itself authorized to decide.

Mr. SMITH. Has the gentleman from South Carolina a right, then, to make a speech of an hour in reply to the gentleman from Virginia, under the pretext of making a personal explanation?

The SPEAKER. The Chair has made no such decision.

Mr. SMITH then said he would modify his question of order.

The CHAIR remarked, that permissions to make personal explanations always had been abused. (He did not say that they had or had not in the present case.) The only remedy for the evil would be for the House to make some specific rule for that end. There being none such at present, the Chair ruled the gentleman from South Carolina to be in order.

Mr. SMITH modified his point of order so as to declare that the gentleman from South Carolina abused the courtesy of the House by explaining and defending positions taken by him in a former speech made in the House; and he took an appeal from the decision of the Chair.

The SPEAKER. The gentleman specifies no particular remarks as being out of order.

Mr. STEPHENS moved to lay the appeal on the table.

Mr. SMITH demanded tellers, which were ordered.

Mr. GENTRY inquired of the Chair whether, if the appeal should not be laid upon the table, it would be debatable?

The CHAIR doubted if it would be.

The question being taken, the appeal was laid upon the table: Ayes 97, noes 36.

Mr. RHETT resumed. What he had been saying when called to order was personal to himself. He had been observing that the gentleman from Virginia, if put in like circumstances, would, he doubted not, have used the same or even stronger language than that to which he objected.

Suppose, after Virginia had passed these laws, the Government of the United States had sent frigates and sloops-of-war up the James river to Richmond, and had quartered on the outskirts of that city a portion of our army, under the command of the general-in-chief, with the avowed purpose of reducing Virginia to submission by force of arms, would the gentleman from Virginia have been very much enamored with "the Government as administered?" and would he have then been willing to make the profession of being "*ardently attached to the Union of these States?*" I do not ask him as a Democrat, who solemnly believed these laws to be enforced to be unconstitutional; but I ask him, as a Virginian, could he have suppressed feelings of indignation and alienation [would he, if he could, have suppressed them?] against a Government and Union which had thus added threats and insults to its oppression? Sir, such was our position in South Carolina when your ships-of-war were in the harbor of Charleston, and a portion of your army on Sullivan's Island. But although the gentleman would have said as I did, that "under the Government, as administered, I have no ardent attachment to the union of these States," I doubt whether he—I doubt whether any Republican in Virginia in 1798—would, under such circumstances, have said what I added in this speech, overlooked entirely by the gentleman from Virginia in his quotations from it. Certainly the gentleman would not have said more if he desired to have his professions believed; and I think it would have been far more graceful if he had not compelled me to produce it as a sequence to his quotation.

I will send it to the Clerk's table to be read.

Mr. BOTTS. I object.

Mr. RHETT. Then I will read it myself. He then read the following:

"But, Mr. President, let me not be misunderstood. When I speak of the Union, I speak of it as it now is, not as it once was. I speak of the Union with its abuses, not as it ought to be, without them. I speak of the Union without the Constitution—destroying the Constitution and the great principles of liberty it was intended by our fathers to perpetuate and secure. *For the Constitution of the United States, and the Union it was intended to create, I will yield to no one in my devotion and attachment.* It has been for such a Union that we have struggled for years, and the hope of reforming it from what it is alone has rendered our situation tolerable under its oppressions."

Mr. COLLAMER asked leave to make a personal explanation.

[Many voices objected.]

Mr. COBB obtained the floor, and was about to proceed in addressing the Chair.

Mr. COLLAMER earnestly pressed for liberty to make a very brief explanation.

[Objections and some confusion.]

Mr. COLLAMER. I do not wish to explain what I said, but only to correct an error. [We have since learned from Mr. C. that the error he wished to correct in the report of his speech was, that he was reported to refer to certain remarks made in the Senate by the chairman of the Military Committee, (Mr. CASS,) instead of the chairman of the Committee on Foreign Relations, Mr. SEVIER.]

Objection being made to Mr. COLLAMER's proceeding—

Mr. COBB was again commencing; when

Mr. VINTON asked to say a word from the Committee of Ways and Means.

This, too, was objected to, and a good deal of confusion arose. The House at length agreed to hear Mr. VINTON, who said that he had given notice, on Saturday last, that he would on this day call up the loan bill. It was important that that bill should be acted on; but, as there existed great impatience in the House to close the debate on the pending resolutions, he should at present content himself with expressing the hope that the debate would be closed this day. If, however, it should not be closed, he here gave notice that at one o'clock to-morrow he should move the previous question.

Mr. GOGGIN wished to make a very brief explanation, but the House would not hear of it; and

The SPEAKER announced that the question first in order to-day was the concurrence by the House in the resolutions reported yesterday by the Committee of the Whole, referring the President's message to appropriate committees; which question was pending when the House adjourned yesterday.

Mr. COBB expressed his willingness to yield to gentlemen for personal explanations, but the gentleman from Ohio [Mr. ROOT] having objected to any being made, it would be of no avail, and he would therefore proceed with his remarks. And he would, in the outset, say to the gentleman from Ohio, [Mr. VINTON,] who had just intimated his desire that this debate should be brought to a close, that they upon his side of the House were disposed to close the debate, and supposed it would have been closed when the resolutions were reported from the Committee of the Whole on the state of Union. But immediately on their being reported, the gentleman from Vermont [Mr. COLLAMER] obtained the floor, and re-opened the discussion. Any time they thought proper to close it and take the question, he thought he might safely say, that they on his side of the House would unite with them in bringing this protracted debate to a close.

Mr. BRODHEAD appealed to Mr. COBB to yield the floor, to allow him to move an amendment to the resolutions, being, as was understood, the substitute moved by him in Committee of the Whole on the state of the Union.

Mr. COBB signified his willingness to yield, if he did not thereby lose his right to the floor. But

The SPEAKER, on the point being raised by Mr. TOOMBS, decided that he could not yield for this purpose and retain his right to the floor.

Mr. COBB therefore declined to yield, and moved an amendment to the 8th resolution, to add after the word "personal" the words "and other," so as to include "other" than "personal" property in that upon which it is proposed to levy the tax.

Mr. COBB then proceeded to address the committee. It has been solemnly asserted (said he) during the present session of Congress, and entered in the form of a solemn vote by the party in the majority upon this floor upon the records of this House, that the war in which we are now engaged with Mexico was "unnecessarily and unconstitutionally begun by the President of the United States." I take it that gentlemen, in voting this declaration, intend to convey fully the idea which the language employed by them imports—that the war is an unnecessary one, that it could easily have been avoided by the exercise of proper wisdom, discretion, and foresight on the part of the President, if he had been actuated by proper motives in the various measures which he has taken in reference to it—in order to sustain the charge that the war was thus unnecessarily and unconstitutionally begun by the President, and in seeking to make him responsible before the country for all the blood which has been spilt and all the treasure which has been expended in the prosecution of this war. The effort is made to put the responsibility of the war upon the order given by the President of the United States for the removal of our army from Corpus Christi to the Rio Grande. That, sir, is the head and front of the offending of the President of the United States, on account of which he is charged with having brought such a calamity and disgrace upon his country as necessarily result from having the country involved in war with a foreign nation.

It may not be amiss, when we are examining as to the necessity of this war, as to the original causes which brought it about, and seeking to find the individual upon whom the responsibility is justly chargeable, to inquire what was the state of feeling and what were the opinions which were entertained, not only on the part of gentlemen on this side, but on the other side, of the House, (for we were not alone the advocates and supporters of annexation,) during the progress of annexation. It may be of some service to us to know, at the time when these resolutions proposing the annexation of Texas to the United States were under consideration by the Congress of the United States, what were the objections which were then urged by the opponents of that measure to the introduction of the Republic of Texas into the Union as one of our free and sovereign States. I need not remind gentlemen who were here during that discussion; I need not remind those who are familiar with the views taken of this question by the public men of the country belonging to the opposite party, and the public press, which express, or are supposed to express, their sentiments, what were their feelings, views, and opinions in reference to the result which would come upon the country if annexation was carried out as proposed by the friends of that measure. But it seems really that the memory of these gentlemen requires to be refreshed upon this subject. They have forgotten that at the time the measure was pending before Congress, and before the country, we, who were the friends of the measure, were met by them with the declaration, which then sounded all over the country as a great objection to annexation, that, in the event that annexation was carried out, war with Mexico would be the necessary result. We were told at that time, if you carry out this work of perfidy and iniquity towards the Republic of Mexico, you will necessarily give to that Republic cause of offence, such as will inevitably involve you in a state of war. These things should not pass away from the memory of gentlemen. They ought to recollect that at that time they held up before us the black picture of war between the United States and Mexico, and upon the consciences of those who supported that measure they endeavored to throw all the blood and all the waste of treasure which would result if the annexation was perfected.

Sir, if this was true, if the position then assumed by gentlemen was well founded, if they were honest and sincere in the declaration that they then sent forth to the country, I ask how it is now that all this responsibility which then rested upon the friends of the measure in advocating, supporting, voting for the resolutions of annexation, is to be wiped out and forgotten, and the whole of it to be brought up and charged upon the conscience of the President of the United States, for having, as they now declare, involved us in a war which was "unnecessary," and which could have been avoided if proper prudence, discretion, and foresight had been exercised by him? Not only did gentlemen then declare that war would be the result of annexation, but they went one step further, and declared that the annexation of Texas was *ipso*

facto war. Sir, I desire to call the attention of the House and the country to the declarations that were then put forth before the country by the opponents of annexation, and to compare them with the declaration which they had now so solemnly, under the obligations of their official oaths, put upon the records of Congress, charging the President of the United States with having involved the country in an unnecessary and unconstitutional war. They then not only declared that annexation would result in war, but that the annexation of Texas *per se* was war. Now, if the annexation of Texas, by the act itself, was war, and war was thus commenced between the Republic of Mexico and the United States, I desire to know how it is that this same war was begun by the President of the United States? But to show what were the declarations of these gentlemen at this time, I will read a single paragraph from a speech—and it was the first speech delivered in the Houre of Representatives on the resolutions for the annexation of Texas—delivered on January 4, 1845, by the honorable gentleman from Pennsylvania, [Mr. J. R. INGERROLL:]

"A question had sometimes been made whether annexation with Texas would lead to war with Mexico. Mr. I. did not consider that to be a true statement of the case. Annexation with Texas was of itself, and of necessity, war with Mexico. How could it be otherwise? A war existed between these two countries. Whether civil or foreign in its nature, whether fiercely or sluggishly carried on, was not the point. * * * If Texas should become a part of the United States, that part kept alive the war in which it was engaged, and every part of the United States adopted and assumed it."

It is due (Mr. C. said) to the honorable gentleman from Pennsylvania, who I see is not in his seat, to state, that in the examination of the vote upon the amendment of the gentleman from Massachusetts, [Mr. ASHMUN,] declaring the war to have been unnecessarily and unconstitutionally begun by the President of the United States, I do not find that he voted in the affirmative; and I have not read this extract for the purpose of involving him in personal inconsistency, but as an exposition of the ground taken by the gentlemen of the opposite party pending the question of annexation, as a sentiment which was responded to by a very large proportion of the people of this country who agree with, and belong to, the same political party with the gentleman.

I desire, however, to call your attention to an extract of a speech made by the gentleman from Vermont, [Mr. COLLAMER,] in which that gentleman reiterated, and with equal force, the sentiments expressed by the gentleman from Pennsylvania; and I do find that the gentleman from Vermont is one of the number who have now declared upon the records of this Congress that this war was unnecessarily and unconstitutionally begun by the President of the United States. The gentleman from Vermont said, in a speech delivered in this House on the 23d January, 1845:

"My next objection is, that it is a war with Mexico. It is not, as has been insisted, only a matter for which Mexico may declare war, but will not. Mexico claims Texas as a revolted province, and is now at war with her to reduce her. This Mexico has the undoubted right to do, if she can. Of this right none can deprive her, without her consent. This is an existing war; and, let who would participate, Mexico may prosecute it without any new declaration of war."

Such was the declaration of the gentleman from Vermont at the time that the joint resolutions for the annexation of Texas were pending before Congress. He declared that the moment the resolutions were passed, and became the law of the land, war existed between Mexico and the United States. If so, I want to know at what time that war ceased, and at what time the present war was begun by the President of the United States, as gentlemen affirm it was.

Here is the plain, positive, unequivocal declaration that *annexation is war;* and yet we are now solemnly told, and gentlemen have entered upon the records of Congress their declaration, that the war exists, or was begun by the President of the United States. I would like to be informed whether there has been any cessation in the war alluded to by the gentleman from Vermont, as having been begun by annexation; and, if so, where was the commencement of the war which gentlemen now declare to have been unnecessarily and unconstitutionally begun by the President of the United States? It is with the gentleman and his party to reconcile these conflicting statements.

Mr. VINTON interposed, wishing to ask the gentleman from Georgia one question, and (Mr. C. yielding) inquired if the friends of annexation, at the time of annexation, admitted it was war?

Mr. COBB. No, sir. They did not admit it; nor do the friends of annexation involve themselves in any inconsistency by assuming one position at that time and another now. We stand on the same ground now which we then occupied. We declared then that annexation was no just cause of offence to Mexico; that it ought not rightfully to involve this country in any war. Sir, a distinguished Senator from Massachusetts, [Mr. WEBSTER,] since the declaration of war, has declared the same thing, which we did previous to that event.

Mr. COLLAMER (Mr. COBB yielding) inquired whether, after the annexation of Texas, the President, in his next annual massage, did not state that we were in a state of peace?

Mr. COBB. Yes, beyond all question, the President did so state. But how does that relieve the gentleman from the inconsistency of his position? Are you bound by whatever the President says?

Mr. COLLAMER (Mr. COBB again yielding) stated that he had then said that he thought annexation was war; but as Congress must receive information from the President as to the state of the country, especially of its foreign relations, and as the President, after annexation had been consummated, said we were in a state of peace, if this information was correct, the war must have begun from some other cause.

Mr. COBB. Do I understand the gentleman from Vermont to say, then, that the President satisfied him that he [Mr. COLLAMER] was originally wrong? [A laugh.] Do I understand the gentleman from Vermont no longer to believe that annexation was war?

Mr. COLLAMER. It was an act of war by the law of nations; but the President did not treat it so, and therefore I took him on his own ground.

Mr. COBB, (resuming.) If the gentleman takes the President by the ground he assumes, he must allow that his mind has been convinced of his former error by the agency of the President. The gentleman cannot say at one time before Congress that such and such are his opinions, and afterwards, when he asserts contradictory opinions, say he does so on the ground, that although he believes he was at first right, yet he is told by the President of the United States that he was wrong. Are the gentlemen on that side of the House willing thus to place themselves in the attitude before the country of pinning their faith to the sleeve of the President? Or is it an attempt to justify themselves in so glaring an inconsistency by the attempt to throw the burden of it off of their own shoulders and on to the President of the United States? Were gentlemen to come here under the solemnities which were thrown upon the official acts of members of this House, and put upon record the solemn declaration of a fact, and afterwards say to the country, I did it not because I believed it, but because the President took that position? That was the sum and substance of the explanation of the gentleman from Vermont; and I seriously doubt whether a better one can be given by any of the gentlemen who are involved with him in this awkward position before the country. I apprehend that these things may have passed away from the memory of the honorable gentleman from Vermont, and I recommend to him to bestow rather more reflection upon them before he undertakes to reconcile these contradictory statements of opinions.

I have the speeches before me assuming the same position, of other gentlemen, some of whom are now members of this House, and who, like the gentleman from Vermont, have now voted that the war was unnecessarily and unconstitutionally begun by the President. I will not trouble the House by reading further; my object is simply to present the fact to the attention of the House and the country, that the Whig party, in reference to the annexation of Texas and the war, now occupy a position wholly irreconcilable with the one taken by them at the time the resolutions for the annexation of Texas were pending before Congress. There were three classes of opinions expressed by gentlemen who were opposed to annexation: one class contended that annexation would be cause of war; another that it would necessarily involve the country in war; and the third took the strong position assumed by my friend from Vermont, that annexation was war *per se*. Now, I appeal to the candor of gentlemen on the opposite side of the House to say with what propriety, with what justice do you call down the indignation of this country upon the head of the President of the United States for a war which some of you say was the necessary consequence of annexation, and which others of you say was identical with the act of annexation? I ask you to wipe out this record; blot it out; let it not go down to posterity side by side with the contradictory statement made by you on a former occasion.

But I wish to inquire for a moment what are the reasons and motives which govern gentlemen on the other side of the House in thus changing their position on this question. Why are you not now disposed to hold the consciences of the men who originally brought about the annexation of Texas—who advocated by their votes, sustained and passed through both Houses of Congress, this measure—and who thus, as you then said, brought about this war,—responsible for the waste of blood and treasure which has been occasioned by it? I confess, in looking over the whole subject, and endeavoring to satisfy my mind whether or not any good reason exists for this change, I have been unable to discover any. I can find but one reason, which I am compelled to believe has been the controlling one in bringing about this change of position on your part; and it is this: so long as you continued to charge that annexation involved us in war—that annexation was *ipso facto* war—so long was the present President of the United States irresponsible. No point could be made upon Mr. Polk, no attack could be pushed against this Administration in consequence of this war, unless some means were resorted to to place the origin of it on other grounds than the act of annexation, which existed prior to Mr. Polk's coming into power. I see no other reason for this glaring inconsistency, unless it be the attempt to relieve gentlemen on the opposite side of the House, who participated in bringing about annexation, from their due proportion of the responsibility, if responsibility they will have it, of involving the country in war. What other motive could actuate gentlemen? Why is it that the eloquence of gentlemen against annexation has been hushed? I confess myself unable to find any other motives.

I desire to call attention for a moment, among the facts connected, as is alleged by gentlemen, with the commencement of this war, to the order of the President of the United States through the Secretary of War, for the march of our army from Corpus Christi to the Rio Grande. I desire to place before the country, and before my immediate constituents, facts which not only justify the President in the issuing of that order, but which, if he had failed to do it, would have rendered him justly reprehensible before Congress and the country for a failure to do his duty. If he had failed to give that order, if he had failed to make the necessary preparations for the defence of the territory of the State of Texas, as claimed by that State, gentlemen who now charge the responsibility of this war upon him would have been eloquent in their denunciations of the imbecility and want of energy on the part of the Executive. What are the facts? Annexation had taken place when the present President came into power; the Mexican minister had notified this Government previous to annexation what would be the opinion of his Government if annexation were carried out, that it would be just cause of war. Immediately after the joint resolutions of annexation had received the sanction of the different departments of this Government necessary to give validity to them, and had become a law, the minister of Mexico enters his solemn protest against the act, demands his passports, and by order of his Government destroys the existing diplomatic relations between the two Governments, and returns to his own country. Now, on the return of their minister from this Government to Mexico, what is the feeling existing on the part of the Mexican Government? I ask gentlemen to reflect for a single moment. They were determined at that time, and had so declared before the world, upon the reconquest of Texas; they were making all their arrangements and preparations for war. War was the only alternative, as determined by the Republic of Mexico long prior to the issuing of the order of the President of the United States for the advance of our troops from Corpus Christi. I wish to call attention to the orders issued from the War Department of Mexico, under date of July

12, 1845, wherein the officers in command throughout the different States of that Republic were called upon to recruit and raise the necessary troops for the defence of the territory, including the whole of Texas.

"OFFICE OF WAR AND MARINE,
"*Section of Operations.*

"The United States have consummated the perfidy against Mexico by sanctioning the decree which declares the annexation of the department of Texas to that Republic. The injustice of that usurpation is apparent, and Mexico cannot tolerate such a grave injury without making an effort to prove to the United States the possibility of her ability to cause her rights to be respected. With this object, the Supreme Government has resolved upon a declaration of war against that Power, seeing that our forbearance, instead of being received as a proof of our friendly disposition, has been interpreted into an acknowledged impossibility on our part to carry on a successful war.

"Such an error, on the part of the United States, will be advantageous to Mexico, because, suddenly abandoning its pacific attitude, it will to-morrow communicate to Congress the declaration of war, and excite the patriotism of its citizens to sustain the dignity of the nation and the integrity of its territory, now treacherously attacked, in utter disregard of all guarantees recognized in this enlightened age.

"You will readily appreciate the importance of this subject, and the necessity of preparing the troops under your command to march towards any point which may require protection against these most unjust aggressions. I am directed by the Provisional President to enjoin you, as general-in-chief of your division, and as a citizen of this Republic, to hold yourself in readiness to repel those who seek the ruin of Mexico. The Government is occupied in covering the deficient points on the frontiers, and in collecting the necessary means, so that nothing may be wanting to those whose glory it will be to defend the sacred rights of their country.

"I have the honor to communicate for your intelligence, and to direct your conduct.

"God and liberty! GARCIA CONDE.

"MEXICO, *July* 12, 1845."

This was July 12, 1845. I could follow it up by reading other similar orders, down to the 12th of August of the same year, when we have orders from General Arista to the troops in his command, in which he says to them that "*the time to fight is come*," and that "the supreme Executive" "*had demanded a declaration of war* from Congress against that unjust nation," (the United States.)

When did all this occur? It occurred prior to the issuing of this order by the President of the United States, which gentlemen undertake to assign as the cause of the war—twelve months prior to the removal of our troops from Corpus Christi.

Immediately before the annexation of Texas—before the passage through Congress of the joint resolutions for that purpose, and not only so, but at the very time when this state of things existed in Mexico—a revolution was gotten up in that Republic, for the express purpose of destroying the administration of Herrera, because Herrera manifested a willingness to treat with our Government. Herrera's administration had, through Mr. Black, given intimation to this Government, that our minister or commissioner, as you please, would be received by the Republic of Mexico. Well, at this very time, in the department of San Louis Potosi, where this revolution against Herrera's government was gotten up, a manifesto was adopted by the army of reserve, declaring that the government of Herrera ought to be overthrown; for what reason? Because it had permitted a minister from the United States to put his foot on Mexican soil. But here is an extract from the manifesto; it justified the movement against Herrera's administration on the ground that it—

"Had repeatedly thwarted the purpose of the army to move upon Texas, and at the same time allowed the army to be vilified for its inaction by official journals; that it had admitted a commissioner, [meaning Mr. Slidell,] with whom it was endeavoring to arrange for the loss of the integrity of the Republic; that it had reduced the country almost to a state of anarchy, in the midst of which it existed, without revenue, without power, and almost without will; that these evils demanded an immediate remedy, and that the Administration confessed its total incompetency and powerlessness; that it had lost all respectability, so necessary to a Government, and had allowed a plenipotentiary of the United States to set foot in the country, and reside in the capital, with a view to bargain for the independence and nationality of the country, for which have been made so many sacrifices."

That was the ground on which the administration of Herrera was sought to be overthrown at that time. I am now appealing to witnesses furnished by the Republic of Mexico herself, to show where was the origin of the war, how it was commenced, and by whom. It may, perhaps, be recollected, that when, on a former occasion, I alluded to this fact of the government of Herrera being overthrown, in consequence of its pacific disposition towards the United States, a question was raised as to the correctness of that position. I now refer gentlemen to the manifesto which I have just read, which they must consider conclusive on the point, that those who were the prime movers in getting up this insurrection against the administration of Herrera, did it on the ground that it was pacifically disposed towards the United States.

But I have still stronger authority for this assertion, in the correspondence which took place very recently at the city of Mexico, between Mr. Trist, the commissioner on the part of the United States, and the authorities of the Republic of Mexico, in which it appears, from the letter of Herrera himself, when appointed a commissioner on the part of Mexico to treat with the commissioner on the part of the United States, that he refused to accept his appointment on the ground that his Government had been overthrown because it had attempted to settle this very difficulty by peaceful negotiations. When this refusal was returned to the authorities of Mexico, they did not question the fact on which it was based, but, by way of confirmation of my position on this question, said, why Herrera should be one of these commissioners for this very reason. I think, then, that I am fully sustained in the position that the government of Herrera was overthrown, because it manifested pacific dispositions towards the Government of the United States, and the government of Paredes was established in its place.

The state of things which brought about this result was going on there; manifestoes and pronunciamentos were being sued; the world was notified of the intention of Mexico to go to war for Texas; nevertheless the President of the United States, in his effort to bring about a peaceable settlement of the difficulties, appoints Mr. Slidell minister to the Republic of Mexico, and Mr. Slidell goes: for what purpose? Gentlemen say that the President had no purpose save involving the country in war. Why did he send this minister there? It is apparent from the correspondence at the time that the government of Herrera was disposed to receive him when he was first sent; but in consequence of the effort which was then going on, and which resulted three or four days after in his overthrow, the government of Herrera positively declined to receive our minister. When that information was received by the President of the United States, this order for the advance of our army was issued. Now, I ask if, upon a review of these facts—if, looking at the repeated declarations of Mexico, that the annexation of Texas to the United States would be just cause of war—if, looking at the preparations which had been made by the Republic of Mexico for the purpose of carrying on the war—at the refusal of that Government even to receive our minister, and the refusal based on a mere pretext, as I have high authority (which gentlemen on the opposite side of the House will admit) for saying,—when all this had been done, I ask if it was not the duty of the President of the United States to put the army of this Government in such a position as to protect the State of Texas within such limits as Texas claimed?

Why, if there had been a doubt as to the proper western boundary of Texas, this would have influenced our Government whilst negotiations were pending; but as soon as they had failed, when there was no reasonable prospect that they would be resumed, I appeal to the candor of every one whether it was not the duty of the President of the United States to pursue such a policy as to give protection to the State of Texas, such as Texas claimed it to be; in other words, if the matter in dispute was to be settled by arms, if Mexico still persisted in her determination to wage war upon the United States for the reconquest of Texas, their "revolted province," as they termed it, was it not the duty of the United States to be in such a position by her army as that she could protect the whole territory of one of the sovereign States of this Union as that State claimed it? I put it to gentlemen on the other side to say, if, with this full conviction resting on his mind that Mexico was determined to wage war for the reconquest of Texas, it was not the duty of the President of the United States not to keep our troops at any post in the interior of the State of Texas, not at any point which he believed was not the proper boundary of Texas? When that question was answered, when gentlemen told him that, with such a conviction resting on their minds, they would permit a portion of the country which they believed to be the territory of the United States to be invaded by the troops of Mexico, then I will be prepared to attach some weight to their denunciations against the President of the United States for his removal of our forces from Corpus Christi to the Rio Grande. But no gentleman will take such a position, I am satisfied.

Sir, there were other things that transpired immediately after the failure of these negotiations and the issuing of this order, which, instead of casting any reproach on the President of the United States, only evidenced his foresight and his wisdom in the conduct of the existing difficulties between the two countries. I allude to the fact of the orders issued on the 6th and 17th of April by Paredes, instructing the Mexican army upon the Rio Grande, to cross the Rio Grande and *take the initiative of the war*, which they had declared already to exist, or which they had declared should exist on account of the annexation of Texas—an act, they said, of injustice to the Republic of Mexico. They instructed their army to take the initiative. Now, if they had known of the order and removal of our troops from the Nueces to the Rio Grande, and if the Republic of Mexico considered it, as gentlemen on the other side now consider it, to have been the commencement of the war, how could Paredes direct his troops to *take the initiative of the war?* If, on the contrary, he did not know it, it showed a determination on the part of that Government to commence this war without any reference to the removal of our troops from Corpus Christi to the Rio Grande. The truth is, at that time the proposition which was presented to the President of the United States under these considerations was the defence of all of Texas, as Texas claimed, or the abandonment of all of Texas.

But I desire to allude to another consideration, which operated with great weight on the mind of the President at the time this order was given; I refer to the recommendation given to the War Department from the commanding general of the army in Texas. I refer to this recommendation of General Taylor for the purpose of replying particularly to the gentleman from Indiana, [Mr. THOMPSON,] who, in reply to the gentleman from Maryland, [Mr. MCLANE,] as to the subject of the recommendations of General Taylor, declared, as I understand, that General Taylor had retracted his original recommendation made to the President of the United States in favor of the removal of our troops from Corpus Christi to the Rio Grande. That may be the construction of this correspondence by the gentleman from Indiana; but, so far as I have been able to judge of it, the very contrary of this is the fact: so far from retracting his recommendation in his letter of October 4, 1845, General Taylor's letter of November 7, 1845, is in stronger terms, and recommends the advance of the army on the supposition of the very state of things in which the President ordered it. This is an extract from his despatch of the 4th of October:

"It is with deference that I make any suggestions on topics which may become matter of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or two suitable points on or quite near that river. Our strength and state of preparation should be displayed in a manner not to be mistaken. However salutary may be the effect produced upon the border people by our presence here, we are too far from the frontier to impress the Government of Mexico with our readiness to vindicate, by force of arms, if necessary, our title to the country as far as the Rio Grande. The 'army of occupation' will, in a few days, be concentrated at this point, in condition for vigorous and efficient service. Mexico having as yet made no positive declaration of war, or committed any overt act of hostilities, I do not feel at liberty, under my instructions, particularly those of July 8, to make a forward movement to the Rio Grande, without authority from the War Department."

In this despatch General Taylor recommends that the troops be removed to some point on the Rio Grande, and he puts in the condition, that in the event the United States make "the line of the Rio Grande an ultimatum." Is this recommendation one of a military character? Does he recommend that the army take position as one where they can successfully contend with the army of Mexico? No; it is on political reasons, because such a movement on the part of our army will have the happiest *effect on the negotiations going on between the two Governments.* Did the President of the United States take advantage of this recommendation of the commanding general to order our troops forward to the Rio Grande? If the Presi-

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dent had been as anxious as gentlemen now allege to find some pretext on which he might so direct the movement of our troops as to involve the two countries in war, here was the unqualified recommendation of the commanding general of the army in favor of the movement. But did he at this time act upon the recommendation? No; he deliberated upon it, and it was not until some time afterwards that he actually issued the order, which was recommended by General Taylor, and which gentlemen now say was the cause of the war.

But in November 7, 1845—for we now come to consider what the gentleman from Indiana said was the retraxit of General Taylor—so far from its being a retraxit, if the House would attend to its reading, they would see that the President of the United States acted literally upon its recommendation. On November 7, General Taylor writes thus:

"The intelligence from Mexico, however, tends to modify, in some degree, the views expressed in that communication. The position now occupied by the troops may, perhaps, be the best, while negotiations are pending, or at any rate, until a disposition shall be manifested by Mexico to protract them unreasonably."

In this, he modifies the political recommendation which he made in his previous despatch, as to the probable effect of the advance of the troops to the Rio Grande upon the subject of negotiations; but still urges on the President of the United States, that in either of two events—the *failure to negotiate*, or the *effort on the part* of Mexico *unnecessarily to protract the negotiations*—then this order ought to be carried out. Was that a retraxit? What did the President do? I put it now to the candor of the gentleman from Indiana, if he is willing to abide by the recommendation of General Taylor? Will he justify the President if he only made the order under the exact state of circumstances in which it was recommended to be made by General Taylor? The very hypothesis on which General Taylor recommended the removal of our troops, viz: the failure to negotiate, had come to pass before the President gave the order. And not only this, but the other hypothesis, viz: a disposition was shown on the part of Mexico "unreasonably to protract negotiations." And still it is said that the President of the United States, in issuing that order, justified as he was by the state of things which existed in the Republic of Mexico; justified by the warlike attitude assumed by that Republic towards the United States; justified by the preparations for war which that Government had made; justified by the recommendation of our military commander who was there on the spot, and who was intrusted to a considerable extent with the management of the difficulties existing between the two Republics,—it is said that the President, in issuing this order, justified by these considerations, commenced an unnecessary and unconstitutional war, for which the most bitter denunciations are heaped upon him by gentlemen who, at the same time, shout hosannahs to the general who, writing from the scene of difficulty, perhaps had more influence on the mind of the President in issuing that order than any other man! I know not to what extent the President was influenced by this recommendation, but I have no hesitation in saying he ought to have been operated upon by it.

These were the circumstances under which the order for the advance of our troops from Corpus Christi to the Rio Grande was issued.

I come now to consider another position, and that has reference to the fact that the policy of the President of the United States, in reference to the defence of the western frontier of Texas, was communicated to Congress by the President prior to the issuing of the order. I say the policy indicated by that order, and which that order was intended to carry out, was communicated by the President of the United States in his annual message to Congress at the commencement of the session, in the course of which that order was issued. To show this, I will read a short extract or two from the message of Mr. Polk in December, 1845.

"The jurisdiction of the United States, which at the formation of the Federal Constitution was bounded by the St. Mary's on the Atlantic, has passed the Capes of Florida, and been peacefully *extended to the Del Norte.*"

Here is a declaration in the message of the President of what he considers the western boundary of Texas, viz: the Rio del Norte.

Again, in the same message, he informs Congress:

"Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the Gulf was ordered to coöperate with the army."

What was the Texan territory which the President told the country at that early day the army was placed between the Nueces and the Rio del Norte for the purpose of defending? It is immaterial how we may differ here about the line between the Nueces and the Del Norte. We are inquiring now as to the policy of the President of the United States. What line did he inform you was the line to defend—which the army was placed between the Nueces and the Del Norte to defend? In the extract first read, the President informed Congress that, in his judgment, the western boundary of Texas was the Rio del Norte; he then says, in the last extract, that our troops had been ordered between the Nueces and the Rio Grande for the purpose of protecting the territory of Texas—that territory which, in his judgment, extended to the Rio del Norte.

But the Secretary of War, in his annual report accompanying this message of the President in December, 1845, gives information of the same thing. He says:

"The ready acceptance on the part of Texas of the terms of annexation proffered by this Government excited the ill will of the Government of Mexico. That Republic menaced the immediate commencement of hostilities against the United States, and set on foot, as it was said, extensive preparations to invade and subjugate Texas. Pursuant to your directions, an army of occupation was assembled in that State, and Brigadier General Taylor assigned to the command of it. *He was instructed* to repel Mexican aggressions, and protect the country from Indian invasions; *to regard the Rio del Norte as its western boundary, and to select a position for his forces with reference to this frontier;* but to leave unmolested Mexican settlements, and also military posts, should there be any such posts on the east bank of that river, which were in the occupation of Mexican forces previously to the period when Texas assented to the terms of annexation."

Sir, there is the communication made both by the President of the United States and the Secretary of War, at the commencement of the session of Congress in 1845, showing us, clearly as language can express, that the President considered the Rio Grande as the western boundary of Texas, and that an order had already been issued, and the troops posted there, for the purpose of protecting to the Rio del Norte. Was any movement made in Congress about it? None; and yet the troops, we were informed by the President, were in what gentlemen claim to be disputed territory, between the Nueces and the Rio Grande, and which march is now claimed by gentlemen to have been the commencement of the war.

The gentleman from Illinois, [Mr. LINCOLN,] a few days ago, introduced a resolution inquiring of the President as to the particular spot on which American blood was spilt in the commencement of this struggle. I ask him and his party to say what particular spot of territory it was that the army first placed their foot upon, that constituted the commencement of this "unnecessary and unconstitutional" war? Where was it? If the Nueces be the boundary, and if all between it and the Rio del Norte be disputed territory or the territory of Mexico, which cannot be touched by the troops of the United States without bringing on a war, where was it that our troops commenced the war? On what spot was it that they planted their footsteps, and thereby brought about this war? Is not Corpus Christi the other side of the Nueces? And was not the army of the United States at Corpus Christi on the other side of the Nueces? You are stickling about the commencement of this war; tell me how it was that you sat quietly, without opening your mouths in complaint, and allowed the army of the United States to plant themselves on the western border of the Nueces, thus commencing the war, as you now claim? There were the troops at Corpus Coristi, on the western bank of the Nueces. If the marching of the army between the Nueces and the Rio Grande by the President was the commencement of the war, I want to know how gentlemen are to draw the distinction between Corpus Christi and any other point on the west side of the river; for you say the Nueces is the boundary of Texas, and when our troops passed that river that the war commenced? I repeat, gentlemen were notified of this thing, that long before the troops commenced their march the order had issued. But what were gentlemen on the opposite side in this House, and in the other branch of Congress, doing at that time? Look at the position of affairs then: the step had been taken which, it is now declared by a solemn vote of this House, was an unnecessary and unconstitutional commencement of the war by the President; consider the horrors of war, and of one brought on unnecessarily and unconstitutionally by the President of the United States; look at the tremendous consequences resulting from permitting the President with impunity to commence and carry on such a war; and yet gentlemen, who were informed of this state of things, who saw the country on the very verge of a calamitous, unnecessary, and unconstitutional war, put forth no effort to restrain the Executive. A distinguished Senator from Delaware [Mr. J. M. CLAYTON] says he put the matter into the hands of a gentleman in this House. But did he not know that the Democratic majority here was larger than in the Senate, and, from the very organization of so large a House, and the difference in its rules from those of the Senate, a resolution of inquiry could not be brought in with anything like the ease it could be in the Senate, where, by the courtesy of that body, it might be brought up almost any morning? yet he sits still and contents himself with merely handing over the subject to a member of this House.

But I pass on, and come now to the bill declaring a state of war to exist between this Government and the Republic of Mexico; and here I will detain you but a single moment. Now, after this order had been given, and the two countries involved in hostilities or war—I care not which—I call upon gentlemen on the opposite side to say if the time had not arrived, in case it had not before, for them to arrest this profligate Administration, which had thus unnecessarily and unconstitutionally involved us in war? If you believed the advance of the troops was unnecessary and unconstitutional, ought you not, in justice to the Mexicans, upon whose rights aggressions had thus been made—in justice to the Constitution of our country, which, as freemen and as statesmen, you should venerate, to have interposed and endeavored to save the country from the calamitous consequences of that act? But, by referring to the proceedings of Congress at that time, we find no effort was made for the purpose of bringing our army back from this unnecessary and unconstitutional war. I read from the proceedings in the House upon the war bill:

"Mr. E. B. HOLMES offered the following amendment, which, by ayes 8, noes 122, was rejected:

"*Provided*, That the provisions of this (the first) resolution do not, nor shall they be deemed to, apply to that portion of the country west and south of the river Nueces, except so far as to withdraw, and, if need be, to rescue our army from the region of the Rio Grande."

There was an effort on the part of the gentleman from New York to save his country, to rescue the Constitution, and avert from both nations the horrors of a war thus unnecessarily and unconstitutionally made by the President of the United States, as gentlemen have since declared; but what favor did it receive in this House? It was rejected by ayes 8, noes 122. Where were then the friends of this most remarkable declaration, which has now been entered on the records of Congress? Where were then those who looked upon the removal of our troops from Corpus Christi to the Rio Grande as the commencement of the war—as the unnecessary and unconstitutional act of the President of the United States? They manifested no disposition to stand by the gentleman from

New York—a gentleman who did his duty; did what he was bound to do, entertaining the opinions he entertained; who made, I presume, an honest effort to bring back the army from the Rio Grande to the Nueces.

Here the hammer fell, and Mr. C.'s hour expired.

Mr. STEPHENS then obtained the floor, and addressed the committee. [A full report of Mr. S.'s speech will be found in the Appendix.]

Mr. BROWN, of Pennsylvania, said he had not intended to address the House when he entered the Hall this morning; but, after listening to what had just fallen from the gentleman from Georgia, [Mr. STEPHENS,] he felt it his duty to speak. It was from feeling, and not from any previous preparation, that he now rose.

The gentleman from Georgia had told the House that the people would rise in their majesty and put down this war. He would like that gentleman to show him the time or the place in which the people had ever yet risen to put down any war in which the country had been engaged. They never had "put down" any war that they themselves, through their representatives, declared. And though this present war had not been formally, and in so many words declared by their representatives here, yet a vote of supplies, both in men and money, had been passed, which was equivalent, in effect, to the most explicit and formal declaration of war.

The House and the country had been told, he did not know how often, that the President had himself made the war; yet the gentleman himself admitted that the annexation of Texas (which was done by the votes of Congress) was considered as itself an act of war. Yes; and the gentleman might have gone further, and said that Mexico considered it in the same light. She had withdrawn her minister the moment that act was consummated, and had thus placed herself in the attitude of war. She complained of the annexation as an outrage; and, if gentlemen would read the several notes addressed by the Mexican Government to our minister, Mr. Slidell, they would see that all they treated about was the compensation that we were to make to Mexico for having robbed her of Texas. Now, Mr. B. took it for granted, that in the instructions given to Mr. Slidell, none would be found as to making satisfaction to Mexico for the act of annexation. No such intention could for a moment have been entertained anywhere. The gentleman would look in vain for any act under Mr. Polk's administration which admitted annexation to be a matter of war. On the contrary, search where he might, he would find in every instruction given, the strongest disposition manifested in favor of peace, and that on terms honorable to all parties.

The gentleman from Georgia had said that the true origin of this war never would be known until the secrets of Mr. Slidell's instructions should come forth to light. If so, then it was obvious that there was nothing to be found in all the public documents to show its origin in this Administration. Let gentlemen search and look; they would find, in all the instructions given, whether to General Taylor or Mr. Slidell, no disposition to exasperate; but, on the contrary, everything calculated to soothe and to conciliate. On the first remonstrance of Mexico, the President had withdrawn our vessels of war lest Mexico should appear to negotiate under some shadow of duresse. All had been done sedulously to avoid all irritation, so that the fullest opportunity might be afforded for negotiations of peace.

From the very beginning this had been the temper of this Government. When Almonte, the Mexican minister, threatened to withdraw, declaring that annexation would be understood by Mexico as war, everything had been said to him to convince him that we had no wish or purpose of making war. Mexico had got the idea that our President cherished some secret covert purpose hostile to Mexico, and intended finally to go to war with her. And the Whigs seemed to be possessed with the same imagination. They dreamed that in the secret instructions to Mr. Slidell would be found some directions showing that it was the policy of the Administration to get up a Mexican war, in order to found a claim on her for territory. Now, Mr. B. had risen merely with a view to show that no such purpose ever had existed, but that, contrary to our wishes and efforts, the war had been forced upon us by Mexico herself.

Mr. Buchanan, writing to our consul, (Mr. Black,) informed him that he had received an intimation that Mexico was inclined to treat for peace; and directing him to inquire, in a very delicate and cautious manner, whether such was the case. In reply to the inquiry, the Mexican Government said, that an envoy, if sent by us, would be received; but not a word was added as to the time at which he was to come: yet when he came, the complaint was, that he had come too soon—before he was expected—before they were ready for him. He waited till they should get ready—all the while telling them that, on our part, he was ready to treat; but, as had been observed by the gentleman from Georgia, [Mr. COBB,] the administration of Herrera was overthrown precisely because it had shown a willingness to make peace with the United States. Paredes and his army were determined there should be no peace: they appealed to the national pride and obstinacy; and succeeding, the people put down Herrera, and set up Paredes in his place.

This was the very moment that Mr. Slidell was waiting, and even suing, for an opportunity to negotiate. So opposed were they to every idea of making peace with us, that while our minister was at their door waiting to make a treaty of peace, they chose a man for President on the express ground that he would make no peace. Could it, then, be true that the cause of the war was the advance of our troops to the Rio Grande? No such charge had ever been made by Mexico herself. The Whigs indeed said so: but where could they find the least trace of such an accusation by the Mexicans? They said, that even when nations were actually at war, that was no reason why a public minister could not be received from the hostile Power: at the same time they refused to receive ours, unless he came to treat about the reparation we were to make them for having annexed Texas to the United States. Annexation was no cause of war. The Whigs themselves now admitted this. Mr. Webster had admitted it; so had Mr. Reverdy Johnson: the Whigs began to give it up. They knew full well that annexation was no just cause of war. Indeed, Mr. B. thought that in their great anxiety to preserve peace, Mr. Polk's administration had stooped too low. Mr. B. was for peace; he considered peace to be the mission of this Union; but the desire of peace might be carried too far. He would not say, that previously to the actual annexation of Texas, our Government had been too submissive and conciliatory; but he would say, that in his judgment, there had been rather too much of this since Texas was annexed. To make inquiry beforehand of Mexico whether, if we sent a minister he would be received, was certainly stooping too low; it looked too much like suing for peace. The instructions to our minister, when they should be published, would evince to all by how strong a desire for peace the Administration had been actuated. Mr. B. called upon gentlemen, he challenged them to show where this Administration had, in any single instance, urged on our armies, where there was the least opening for pacific negotiation. After the glorious victories of Palo Alto and Resaca our army paused, and an opportunity was given for negotiation. After the most gallant capture of Monterey, another pause took place, and another chance was given to make peace. After the immortal field of Buena Vista, the same thing took place. After the bombardment of Vera Cruz and the capture of the castle of San Juan de Ulua, we sent a commissioner to offer them peace. When, afterward, our victorious army had cut its way to the very gates of Mexico, instead of pushing on to a triumphant entry, we paused again. We abstained from burning their capital, and asked them even then to make a treaty of peace. We sent the messenger of peace side by side with the messenger of war. We had not then asked them either for land or money, and they treacherously pretended to meet our overtures, and an armistice was concluded; but, immediately after, they had used it most perfidiously in strengthening their fortifications. They refused the olive branch we held out to them, and compelled us to renew the fight. Mr. B. would now ask the gentleman from Georgia, [Mr. STEPHENS,] whether the Whigs would have been willing to accept what Mexico offered to Mr. Trist as the basis of a treaty?

Mr. COLLAMER said the gentleman seemed to pause: was it in expectation of a reply? If so, he was ready to answer him.

Mr. BROWN (resuming) said, he had not expected an answer. He had no doubt that the gentleman from Vermont, [Mr. COLLAMER,] and perhaps some twenty or thirty gentlemen on that side of the House, of his own way of thinking, would have accepted them and gone behind the Nueces; but he well knew that the gentleman from Georgia [Mr. STEPHENS] would consent to no such degrading terms. That gentleman, he was well assured, wanted, when he went home to honorable constituents, to tell them he had voted for an *honorable* peace.

But, supposing the march of our troops to the Rio Grande was, as gentlemen affirmed, the true cause of the war, had not General Taylor himself repeatedly urged that very measure on the Government? Let gentlemen examine his correspondence, and they would find that he recommended that our army should take post on the Rio Grande three months before the advance was actually ordered. And after it had taken place, he wrote to the department that the effect had been salutary. While it was, in one aspect of it, a war-measure, in another aspect it was a peace-measure, and its effect would be to hasten pending negotiations and bring about a peace. The gentleman from Georgia had shown that he had a heart as well as a mind. General Taylor well knew that no laurels worth the wearing could be won by a war with Mexico. He never would think of putting a crown upon his head that was stained with blood. But if the march he advised was an unnecessary and the war an unconstitutional one, the act was murder in the sight both of God and man. If so, then all those who had voted supplies to carry it on, were accessories after the fact. If the war was unjust; if in going to the Rio Grande we were marching into the possessions of a friendly Power; if we were carrying bloodshed and death into the midst of friends and peaceful neighbors, how, in the name of Heaven, would gentlemen vote a dollar for such a purpose? And how dare they, on their own showing, deny that they were accessories to a murder? They were the men who had placed ten millions of money and fifty thousand men in the hands of the President to enable him to make that very advance. By that act they said to him, "Go on; you are in the right; go ahead." That was the meaning of the vote of supply. The act itself spoke plainly; and no speeches of gentlemen here could succeed in frittering its meaning away. The eyes of the people were wide open to what was doing, and gentlemen attempted in vain to blind them.

From one passage in a letter of General Taylor's, Mr. B. inferred that he must have recommended something which did not appear, but on which the Government had acted, before the spot was selected opposite to Matamoros. The general says he is happy to find that his recommendations met the approbation of the Government. And when the Executive directed him not to interfere with the military posts of Mexico on the river, but to take post somewhere upon its banks, the general said that this was "in accordance with his own views previously expressed," or words to that effect. Mr. B. took it for granted that he must have laid down some general plan of operations, which embraced his own advance to the river, but did not propose any direct interference with the Mexican posts. He tells the department that he had anticipated the order to remove west of the Nueces. Yet the Opposition attempted to turn the whole argument against the war on the order to advance to the river. This might be important in a party view.

Somehow or other, these gentlemen and the Mexicans always came to agree. The Mexicans, when the prefect of Tamaulipas came to meet General Taylor, told him that advancing beyond the Nueces was war. In this the Whigs agreed with them. Whenever the one took up a notion, and laid any stress upon it, the other always agreed in it. They had once insisted that annexation was the cause of the war, but now that was given up, and it was all put in that "fatal order" to advance to the Rio Grande. It was surely, then, important to know what was the real object of the order. General Taylor recommended it as a peace-measure. [Mr. B. here quoted a letter of General Taylor's, dated on the 14th of October, recommending that if the Administration meant to insist on the Rio Grande as our boundary, it was important for our army to occupy certain points

on that river.] And, again, when on the march, he wrote that the measure had had a happy effect, and that his anticipations in that respect had been justified.

The gentleman from Vermont [Mr. COLLAMER] had yesterday given the House some salutary lessons against imputing to each other evil motives; but what sort of motives had the gentleman from Georgia [Mr. STEPHENS] imputed to the President? If it was possible the gentleman could believe what he said, he ought at once to vote to impeach the President The gentleman had charged the President with a desire to place General Taylor in a position where he must either be whipped or cut off. Yes, the gentleman had directly charged the President of the United States with a desire to see an American army whipped, and its commanding general cut off. Did the gentleman really believe this? Could there be a higher crime committed on the earth than to form such a wish and attempt to put it into effect? But, no; the gentleman did not believe it—he could not believe it. There was not a man in the United States who did believe it. No American could be brought to believe that the Executive or his Cabinet entertained a wish to see an army of Americans cut off. Such a wish would be quite too contrary to the gentleman's darling theory, that the President, without authority or necessity, had rushed into an unconstitutional war.

The gentleman from Georgia had indulged in one beautiful flight. He had invoked the Genius of Liberty—that Genius who had watched over the birth of Washington; and had said that this same Genius came down again to protect Taylor's army at Buena Vista. Very beautiful. Now, Mr. B. presumed that this Genius of Liberty must be some celestial being—a spirit from above, not from beneath—it came from heaven on both missions. But what a position did the gentleman place himself in, and all his Whig friends! They were all denouncing as wicked and damnable the war in which we were engaged, and yet a good being, direct from heaven, the very same that watched at the birthplace of Washington, came down, and with guardian wings protected Taylor and his army while they were slaughtering and butchering, by thousands, poor, innocent, unoffending Mexicans! Only think of it. It reminded Mr. B. of the language of a smuggler, who, writing to an accomplice, told him that Providence had favored them with a very dark night, so that they got the whole cargo safely landed. [A laugh.]

But thus it was with their friends over the way. To-day the cause of the war was one thing, to-morrow it was another. One day they declared the war unconstitutional, unnecessary, and mere murder and robbery, and the next day they voted supplies to carry it on. One day they voted a refusal to withdraw our armies, and the day following they voted that what our army was doing was unconstitutional and unnecessary. And they crowned all by informing the world that the Genius of Liberty hovered over them for protection while they were massacring the innocent and the unoffending.

If Mr. B. believed one half of what these gentlemen said, he never could vote a supply bill. He would not do it. How could he? A potential voice from Ashland had declared that Congress were bound to declare the purpose and objects of the war. Yet here had Congress been two months in session, and what had been done? Before Congress met, it had been predicted that the minority would combine to interrupt business, and thwart everything attempted by the majority. And how had that prediction been accomplished? Mr. B. insisted that they had done all they could do to further the business of the nation. They had done their utmost to stop unnecessary debate; they had tried to prevent adjournments. When they had voted to fix a day to close debate, their vote had been rescinded by gentlemen on the other side. The war, which now seemed to pause, might break out afresh, and our army in Mexico might be destroyed; and yet Congress had not declared the object for which the war was carried on. Mr. B., for one, was very anxious to hear what the majority would say on that point—for what they had voted to carry on the war and furnished the means. On Mr. B.'s side of the House, the declaration was already made. They had always had but one end in view, one story to tell; they were warring to compel a peace. They had been driven into the war by the acts of Mexico, and now they were determined to carry it on till they had obtained peace—an honorable and a permanent peace—such a peace as should give security for good neighborhood hereafter. He was not for such a termination of the war as should encourage Mexico to renew her old course of robbing and imprisoning our citizens, and then refusing us indemnity, and cheating our commissioners with forged papers. To secure this, we must make her feel that when she made peace, it must be peace, and not a mere pretext for *quasi* war and underhand robbery. He was not for offering Mexico a premium for such a course, by withdrawing our armies without due security for the future. This was the object of the Administration and its friends, an honorable and a secure peace. What was the object on the other side? He wanted to hear. Why did gentlemen carry on this war? Let the people know. The awful voice from Ashland had said that the world ought to know. Well, let it be known.

Did the gentleman from Georgia believe that this House possessed the treaty-making power? One of the judges of the Supreme Court said it had, and that Congress ought to indicate the terms of a peace. Yes; this House, he supposed, were to propose to Mexico a treaty. The Constitution, indeed, declared that the treaty power belonged exclusively to the President and Senate; but a judge of the Supreme Court held that it belonged to the House, or at least to Congress. "We, the Representatives of the people," (as a gentleman on the other side had said, just as if the President was not as much elected by the people as the members of that House,) could no doubt make treaties as well as propose them, and fix the terms. He supposed the two Houses would soon be for resolving themselves into one body and voting a new constitution, as they did in Mexico. At all events, this was a new mode of making treaties, and he should like to see it carried out. Meanwhile he called upon gentlemen to state their object in this war. The people would then understand them better; they would then begin to know what it was they really wanted. The President and his friends in that House wanted a war to obtain an honorable peace; but gentlemen on the other side wanted no war, and a dishonorable peace. If they could get any other sort of a peace than that, he wished they would let the people know how they were going to get it.

Mr. B. said he, for one, was not afraid to tax the people; he was not afraid to appeal to the people. The gentleman from Georgia [Mr. STEPHENS] had said that this war was odious; but Mr. B. had seen no evidence of it. The war always had been popular with his people; and the people were willing to bear any necessary burdens when their country was at war; and so they would continue to be until it was brought to an honorable close. They wanted no war of offence; all they asked was, that other nations would let us alone.

He considered the whole thing as unfortunate. It was to be regretted that Mexico could not see her true interest. But if she would not see, ought she not to suffer for her obstinate blindness and folly? Gentlemen need not fear; the people were ready to bear any tax in an honorable and a just war. They so believed the present war to be; and Mr. B. had not the remotest doubt they would cheerfully pay for it. See how they rushed to fill up the ranks of the volunteer regiments, everywhere, save in some parts of New England, (and there the call for volunteers had not been a very loud one.) In his own patriotic State, instead of raising one regiment, they had raised two; they could have raised a brigade—aye, a division, had there been need. Men of all parties there were ready to fight for their country. They would not thus rush to battle if they believed it was a bad cause. They had eyes to see, as well as gentlemen in Congress. The war was popular; not that the people loved war for its own sake, but they believed this war had been unjustly forced upon us. He denied that the gentleman from Georgia had any grounds for saying that the war was unpopular and odious. If every man would now go home, and put the question of his return on the question of this war, he imagined they would find Whigs in that House "few and far between." In the city of Brotherly Love, look at the public meetings which came together to sustain the President. Half the names of the most prominent men were from the opposite party. There was patriotism in that city. The gentleman from Georgia said that some of the officers who fought at Buena Vista were of as pure blood as any the country contained. What the gentleman meant exactly by "pure blood" he knew not; he presumed integrity and pure moral character. The gentleman had cited the names of Hardin and Clay. Well, what did such men go to Mexico for? To fight in an unjust, unconstitutional, unnecessary war? No; gentlemen mistook the feeling within those walls for the feeling outside; but they were mistaken. Was Pennsylvania, was Kentucky opposed to this war? Did they want an insecure, inglorious peace? Mr. B. had mistaken the whole character of this war, if it was not one which the people would cheerfully support. He meant men of heart, men of principle—not men of pocket. Let Mexico, then, and let our own soldiers, know what we are fighting for. Let all understand it was to secure an honorable and a permanent peace; not to cover the retreat of brave men, and patch up a dishonorable peace that must lead again to war.

If that was what we looked to, if our gallant little army were to make their way home with clouds of Mexicans at their heels, like the retreat of the ten thousand under Xenophon, then let us send back the flags that had been deposited in triumph at the War Office—leave not a relic of all our victories; speak no more of Hardin or of Clay, erect no monument over the gallant dead; it would be erected, not to gallant and honored defenders of their country's honor, but to MURDERERS!

Here Mr. B.'s hour expired, and Mr. C. B. SMITH obtained the floor,

And the House adjourned.

IN SENATE.

WEDNESDAY, *February* 2, 1848.

The VICE PRESIDENT being absent—

On motion by Mr. BENTON, seconded by Mr. MANGUM, it was resolved that the honorable DAVID R. ATCHISON be appointed President of the Senate *pro tempore*.

RESOLUTIONS, ETC.

Mr. JOHNSON, of Louisiana, presented a resolution passed by the Legislature of that State, in favor of the passage of a law granting a portion of public lands to each of the officers and soldiers, or their legal representatives, who served, or may serve, in the war with Mexico; which was read, referred to the Committee on Military Affairs, and ordered to be printed.

Also, a resolution of the said Legislature, in favor of the passage of an act to indemnify citizens of the United States for losses by French spoliations prior to 1800; which was read, referred to the Committee on Foreign Relations, and ordered to be printed.

Also, resolutions of the said Legislature, in favor of the passage of a law authorizing the State of Louisiana to select other school land in lieu of such as are unfit for cultivation; which were read, referred to the Committee on Public Lands, and ordered to be printed.

Also, a memorial of the said Legislature, praying an enlargement of the powers of said Legislature, in reference to the selection and disposition of the sixteenth sections or school lands; which was referred to the Committee on Public Lands, and ordered to be printed.

MEXICAN SPOLIATIONS.

In presenting the memorial of Philo B. Johnson, praying indemnity for injuries to his person and property, committed by Mexican citizens—

Mr. NILES said, that though the memorial went somewhat into detail, yet he should request that it be read. He would state briefly the substance of it. The memorialist was one of the claimants for spoliations by the Mexican Government. He had been subjected to gross outrages in the year 1831, at or near Tabasco. He was an old sea captain, now a resident of New York, but a native of the State which he (Mr. N.) represented. His whole life had been spent on the high seas, and having, unfortunately, lost all his property, has presented himself as a claimant for redress, on account of the injuries which he had sustained at the hands of the lawless agents of the Mexican Government. The subject had some bearing on the great question before that body and the coun-

try, in regard to the character of claims of citizens of the United States against Mexico, of which they heard so much. It would seem to be admitted on all hands, that it has become the duty of this Government to take care of those who had just and honest claims against Mexico. This question had become one of some importance in relation to the present war with Mexico. It was part, perhaps an especial part, of the indemnity claimed from Mexico. It had been contended, however, amongst others by an honorable and distinguished gentleman, who had written a pamphlet on the subject, and who had been long in office under this Government, that these claims, being merely a debt, could not, according to the usages of nations, be made the subject of a war, or even, if he (Mr. N.) was not mistaken, enter into the considerations connected with the existing state of war. Now, these transactions took place years ago. The public mind was not, perhaps, much informed on the subject. But these claims had been in part acted upon—so far, at least, as they had come under the adjudication of the convention to which they were referred; and whether they had or had not assumed the shape and form of debts, in their original character they were not debts—not at all. Of course, by the law of nations they could not interfere to provide for the settlement of a debt which any citizen of the United States might have against the Government of Mexico; that did not come within the province of the Government. But these were claims arising under our treaties with Mexico, and under the laws of nations, for spoliations on our commerce, and for the robbery and plunder of the property of our citizens, who were doing business in Mexico, thus involving the grossest violation of our flag. The present was one of those cases; the vessel in charge of the memorialist was violently seized and taken possession of. He was himself violently seized, put in the stocks, and incarcerated in a prison. He was compelled, at the point of the bayonet, to carry in his own vessel a military force, to aid in the civil wars of the country, first by one party, and then by the other. This was a fair sample of the general character of these claims. They arose from violence, from spoliation, from a gross disregard of the sober obligations of national law. Every one of these claims afforded in itself, distinctly considered, if not promptly met and redressed, a justifiable cause of war. He did not say that this war arose from these claims at all; but he did say, that this case and others showed that the conduct of the Mexican Government towards the United States had been not only unfriendly, but had been marked by every species of injustice, violence, and rapacity, unexampled in the commercial intercourse of any people making the slightest claim to civilization. It was not necessary to say anything more on the subject, as the memorialist asked that his story of wrongs might be read. He would conclude by moving that it be read.

The memorial, having been read, was referred to the Committee on Foreign Relations.

CADETS.

Mr. BENTON submitted the following resolution; which was ordered to be printed:

Resolved, That the President be requested to cause the Senate to be informed of the order, or law, by virtue of which the following words, in relation to the *promotion* of cadets, have been inserted in the Army Register of the United States, page 45, for the year 1847:

"Cadets acting as supernumerary officers in the army, in virtue of their brevets, will be successively *promoted* to vacancies of the lowest grade which may first happen in the particular arm to which they may have been attached, according to the order of rank established at the Military Academy."

LIGHTING THE CAPITOL.

Mr. HUNTER, from the Committee on Public Buildings, reported a bill to pay James Crutchett two thousand dollars for lighting the Capitol and Capitol grounds; which was read, and passed to a second reading.

Mr. HUNTER asked the unanimous consent of the Senate that the bill might have a second reading now.

Mr. NILES objected to the second reading, pronouncing the plan by which the Capitol grounds were lighted to be a humbug.

After an explanation by Mr. HUNTER that the bill was merely to meet a present emergency—

Mr. NILES withdrew his objection, and said that he should defer what he wished to say until the subject should come up on its merits.

The bill was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate, read a third time, and passed.

BRIG DOUGLASS.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the memorial of A. A. Frazier, for himself and Alvin Baker, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the memorial of A. A. Frazier, for himself and Alvin Baker, owners of the brig Douglass, praying indemnity for the losses caused by the alleged wrongful seizure by a British cruiser, be referred to the Secretary of State; and that the Secretary of State be directed to communicate to the Senate the originals or copies of all depositions and other documents and papers in his department relating to said case; and likewise such correspondence as may have been had with the British Government, or its officers, and our own in relation thereto, which, in his opinion, may be made public consistent with the public interests; and that the Secretary of State do also make a report on said case as presented to his department.

PRIVATE BILLS.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the petition of Joseph de la Francia, submitted a report, accompanied by a bill supplementary to "An act to authorize the Secretary of State to liquidate certain claims therein mentioned," passed the 18th of April, 1814. The bill was read, and passed to a second reading, and the report ordered to be printed.

Mr. WESTCOTT, from the same committee, to whom was referred the petition of I. Bigelow, administrator on the estate of François Cazeau, submitted a report, accompanied by a bill, for the relief of the legal representatives of François Cazeau, late merchant at Montreal. The bill was read, and passed to a second reading, and the report ordered to be printed.

Mr. ASHLEY, from the same committee, to whom was referred the bill to authorize the Secretary of the Treasury to make an arrangement or compromise with Mangle M. Quackenbos and his coöbligors, or any of them, for claims or bonds given by them as sureties to the United States, reported it without amendment.

PENSIONS TO THE ORDNANCE CORPS.

Mr. DAVIS, of Mississippi, said, that under existing laws, the enlisted men of the ordnance corps were exempted from the benefit of the pensions allowed to men wounded and disabled in the service of the United States. The attention of the Military Committee had been drawn to the fact, and he was instructed to report a bill to meet the case. Before introducing it, he would merely remark, that he supposed that the exemption in the original law resulted from the fact, that these men were enlisted under the title of "artificers, armorers, and master workmen," though regularly enlisted as soldiers, and liable to serve in the field. In their appropriate employment as artillerists, they were exposed to more hazard than any other branch of the service. They were exposed to many accidents and casualties from the explosion of the combustible materials which they handled. They were also used in battle, generally in all siege trains, and were placed in charge of the artillery accompanying great marching armies. They had been used in this war in working rocket and howitzer batteries, and he had before him a statement relative to a single company engaged in working a mountain howitzer in Mexico, which, in successive battles in the valley of Mexico, lost, out of the one hundred and twenty men of which it was composed, in killed and wounded, twenty-three men—five killed and eighteen wounded. Some of the wounded men were totally disabled, and had not been discharged, because no pension provision had been made for them; and if discharged, their disability from wounds received in battle rendering them unable to obtain subsistence, they would have been thrown upon the charity of the country. In view of these considerations, the present bill had been prepared, and was presented with a request that, by unanimous consent of the Senate, it should be passed to-day, or as soon as the Senate thought proper.

The said bill was read the second time, by unanimous consent, and considered as in Committee of the Whole; and, no amendment being made, it was reported to the Senate, engrossed, read a third time, and passed.

Mr. JOHNSON, of La., from the Committee on Pensions, to whom was referred the memorial of Francis O. Dorr and Andrew C. Dorr, submitted an adverse report; which was ordered to be printed.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill to establish an additional district court of the United States in the State of Texas, reported it without amendment.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the petition of Thomas, Cowperthwaite, & Co., reported a bill providing for the purchase and distribution of the decisions of the Supreme Court of the United States among the several States and Territories; which was read, and passed to the second reading.

The following message was received from the House of Representatives, by Mr. Campbell, their Clerk:

Mr. PRESIDENT: The House of Representatives have passed a bill entitled "An act to confirm the boundary between Missouri and Arkansas;" in which they desire the concurrence of the Senate.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BELL addressed the Senate in opposition to the bill, and, without concluding, gave way to a motion for adjournment.

[A full report of Mr. BELL's speech will be found in the Appendix. The following is a synopsis of his remarks:]

Mr. BELL made an apology for troubling the Senate with any remarks after the discussion which had taken place. He could not agree with those who had said, that if no debate had arisen they would have permitted this bill to pass. He would not have done so, because he did not consider that his voice was his own, and that it was to be used to make converts here, but that the country demanded its exercise for their advantage. He stated, that in his section of country there had been a universal opinion that the war should be vigorously prosecuted, and that all necessary supplies should be granted. It was necessary for him therefore to give the reasons which would compel him to vote against this bill. The Whig party had heretofore voted all supplies. He had come to Washington in the belief that he would vote for this bill, and he wished to show that the change which had taken place in his mind had been produced by the change which had taken place in the policy of the Administration.

He would not inquire whether General Taylor's order of January 13, 1846, necessarily led to the war—which party commenced it—whether it was constitutional or unconstitutional—whether it might have been avoided or not, although he thought it might—or whether it was just or unjust; for if it were the latter, he would wish to throw a veil over it, and blot out the record of it forever.

He disclaimed any sympathy with the Mexican Government, or her gasconading chiefs, although he felt much for the unoffending portion of the people. He did not hold Mexico as entirely guiltless of the war. The annexation of Texas might have produced some hostile feeling in the people and Government of Mexico. In the consummation of that act he did not think we had shown sufficient respect to the feelings of other nations. He thought all peaceful overtures for a settlement of our difficulties should have been tried, and had they failed, there would have been cause of war. There was, in his opinion, due to us some fair and reasonable and moderate and defensible indemnity from Mexico. But the sending out more men was a very different question. It involved questions far transcending any question of mere indemnity—questions which were connected with our own interests, and with the welfare of our own institutions.

He then went on to notice the aspersions which had been thrown on those who opposed the war, and which could only be excused on the ground of excited enthusiasm. But it was not thus that the freedom of speech was to be suppressed. He adverted to the remarks attributed to a general officer, once a member of this Senate, which he hoped were erroneously imputed to him in a morning paper. He thought that he was as free from party

influences in his views on the subject of the war as any one who might be disposed to question him. They who opposed the war were not from one section, but from all sections of the country. He would undertake to say, from the state of public opinion as far as he had ascertained it, two-thirds of the country were against the war, and desirous for peace. Considering that our military achievements had been sufficient to satisfy our national honor, they would be willing to strangle the hydra to-day. This might not be the case ten months hence.

Rather than call on the opponents of the war to be silent, it would be, in his opinion, more magnanimous for its advocates to pause and take such a course as would tend to the termination of the contest. Suppose the war should be continued, and blood should flow more copiously, he asked on whom would be the responsibility?

Mr. B. then proceeded to examine what is the policy of the President in the further prosecution of this war. He held that the chairman of the Committee on Military Affairs had not been sufficiently explicit on this point. By one, it was said that the object is to conquer peace; another, that it is to obtain indemnity for the past and security for the future. The President has been more candid. He says we ought to keep California and New Mexico. Would a treaty to this extent be satisfactory? What more do you want? More territory? Yes. What more? Would his friend from Mississippi answer?

Mr. FOOTE said he would be satisfied himself with the territory stated by the President, if the condition of Mexico would enable its Government to give sufficient security for the permanence of such a treaty stipulation. He did not speak for any one but himself.

Mr. BELL wished to know what further was wanted. If it was not money nor indemnity which was meant by asking for security, what did the message mean by ample indemnity for the past and security for the future? Were these mere expletives? Since the failure of Mr. Trist's negotiations, and our splendid successes, a change had come over the policy of the Administration. Since that, the policy of obtaining security for the future had been adopted.

He would say that the Administration and their advocates would not be satisfied with the mere cession of California and New Mexico. The chairman of the Military Committee would not say the Administration would be satisfied with this cession, because it would bring no security for the future. Nor would it do so. It would give no security for a permanent peace. That cession would not be satisfactory to the Administration or its advocates.

Did the Administration desire the fortress of San Juan de Ulua? He knew it had no confidence in any of the chiefs in Mexico. He concluded that it neither wanted nor expected a treaty, until, by the triumphs of our arms, a party should be elevated to power, with whom a secure peace might be negotiated.

It was a part of the policy of this Government, as had been disclosed by the able Senator from New York, [Mr. DIX,] to prevent the interference of any foreign government in the affairs of Mexico. And this was a key to the cabalistic phrase, "security for the future." It was the policy of the Administration to prevent any such interference. This policy may have been modified by more recent circumstances, of which he could know nothing. If a treaty had been made, it would be submitted to the action and responsibility of the Senate. The President would throw the responsibility of ratifying such a treaty on the Senate, as he was bound to do, by the course which he took in his annual message; and he (Mr. B.) said, that if in other respects the treaty was a fair one, he would give his aid to the President, to relieve him from any responsibility on the subject.

Mr. B. complained of the masked policy of the Administration. The people had been led to expect an early peace; and now, they are to understand that no treaty can be made with the Mexican parties which now rule that country. This war is to be prolonged until we can create a government which can give us indemnity for the past, and the assurance that no transatlantic Power shall be permitted to interfere with the concerns of Mexico, or obtain foothold there. He would not say that such an event was impossible.

If California and New Mexico would be deemed sufficient, why not fall back on them and hold them? Oh! it will be answered, we have now possession of much more, and we cannot go back. The common apology, "force of circumstances," is brought forward. It was so twelve months ago. We had possession of a third of Mexico, but the force of circumstances drove us on to pass into the heart of the country, and make the Mexicans feel our revenge. Force of circumstances now compels us to go on until we can coerce a treaty, which, like an *ignis fatuus*, eludes us as we pursue it.

Pass this bill, and let the troops go out, and they cannot be recalled in less than one year. He computed the cost of an army of forty thousand or fifty thousand men in Mexico, at forty millions. If you could get ten millions out of Mexico, there would remain thirty millions for us to pay; and this would be five times the value of California and New Mexico—a barren and useless region.

He referred to a movement of the Puros—as stated in a morning paper—in opposition to a treaty; and this is the very party on which the Administration relies for peace. The Administration could not expect a treaty based on the idea of security for the future, while the existing party in Mexico remained in power.

He believed that the Administration was embarrassed by the double policy it had adopted—which was, to hold out a desire to make a treaty with any existing government, while it was operating to raise up a new party into power in Mexico.

The avowal of the chairman of the Military Committee—that he knew no more of the policy of the Administration in the prosecution of the war than was disclosed in the official reports and public documents—he regarded as an extraordinary one. The argument of the honorable chairman was based on those official reports and documents. The chairman said circumstances might arise which would endanger our army; that an *emeute* might take place; that our troops were in the midst of ten millions of hostile population, a million of whom were able to bear arms. If it could be shown our army is in real peril, he would vote ten or thirty regiments immediately. He assumed that there are 45,000 troops in Mexico, 32,000 of whom are under Scott. He reviewed what our troops had already done, by a greatly diminished number, against five or six times the number of Mexicans, by both General Taylor and General Scott, in order to show that our troops now in Mexico were sufficient for every purpose of defence or aggression.

He complained that the chairman of the Military Committee had given no estimate of the number of troops which he thought necessary to hold the various posts. There were no data, therefore, before the Senate, to enable it to form an opinion on this subject. He went on to calculate the forces which, in his opinion, would be sufficient. About 5,000 men would be enough to hold the line of coast; and, allowing for 5,000 disabled, there would be still above 20,000 effectives under Gen. Scott. He believed that General Scott felt sufficiently strong to overrun the country, as it was understood that troops had already left Mexico for the interior. The troops now in Mexico are sufficient to take and garrison fourteen of their largest towns.

Another object of the war is to make the people of Mexico feel the pressure of the war, to seize the revenues, &c. The Senator from Michigan urged the immediate seizure of Zacatecas, because of the great revenue to be acquired from it. He pointed out the errors to which we were subject when we attempted to compute the revenue from the mines and other sources. General Scott, by a single stroke of the pen, struck out the whole revenue from internal trade, amounting to four and a half millions. The full amount of revenue which could be derived would not be more than a million. In order to make the people of Mexico feel the burdens of the war, you at once abolish the duty which was most oppressive on them. You relieve the people, instead of bringing the calamities of war upon them. You make them friendly to us, and that is what you mean. We have pursued a policy of alleviation on one hand, and of oppression on the other. One must be abandoned. He concluded that the Administration desired no peace with any party now in power.

Mr. CASS said he would answer as far as regarded his own views as to the objects of the war. The Senator had put several questions, and seemed to expect Senators to jump up and answer. He would only answer that they wanted security. He would not say what; but would leave that to be determined by the Executive, in whose discretion he had entire confidence. As to security, it was asked against the instability of the Government, and also against an intractable people. He would not say what the President might demand. We may not want an open boundary; we may want a mountain ridge. Since the submission of the resolutions of the Senator from Indiana, [Mr. HANNEGAN,] his inclinations pointed to the Sierra Madre, which would be an impassable boundary. The Senator from Tennessee assumed that we could make no treaty with the present Government, in the opinion of the Executive, because it could not give security for the future; and when he assumed this, he must have penetrated deeper into the policy of the Administration than he (Mr. C.) had. The Administration would be willing to make a treaty with any Government; but it would hold indemnity until it was assured of the permanence of the Government. But we are not come to the point where the nature of the security is to be fixed.

He disavowed having used the language that he knew nothing of the policy of the Administration, except what was disclosed in the official reports. The Senator from Tennessee probably had in his mind a remark made by him (Mr. C.) in reference to the plan of the Secretary of War, and a very deep plan it was. Speaking of that, he had said that he knew nothing more of the plan than what he gathered from the official report. For, although he had conversed with the Secretary, he had obtained no additional information.

Mr. FOOTE made some brief explanation, which was not understood in the gallery.

Mr. BELL here threw himself on the indulgence of the Senate. If there was no objection on the part of Senators on the other side, he would postpone the residue of his remarks until to-morrow.

Mr. DOWNS said he had understood a rule was adopted that Senators should conclude on the same day. Acting with that impression, he had hurried his remarks on Monday to a conclusion, omitting much which he had intended to say, because he was unwilling to trespass on the patience of the Senate, and to infringe what he had believed to be the general understanding. He did not oppose an adjournment, but he thought it due to himself to make this explanation.

Mr. BELL said, that after these remarks, he considered himself bound to proceed.

Mr. TURNEY suggested that the weak condition of his colleague's health was well known to the Senate, and he hoped that an adjournment would be agreed to. He moved that the Senate adjourn.

The motion to adjourn was withdrawn, for the purpose of receiving the following message from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In answer to a resolution of the Senate of the 13th January, 1848, calling for information on the subject of the negotiation between the Commissioner of the United States and the Commissioners of Mexico during the supension of hostilities after the battles of Contreras and Churubusco, I transmit a report from the Secretary of State and the documents which accompany it.

I deem it proper to add, that the invitation from the Commissioner of the United States to submit the proposition of boundary, referred to in his despatch No. 15, of the 4th of September, 1847, here with communicated, was unauthorized by me, and was promptly disapproved; and this disapproval was communicated to the Commissioner of the United States with the least possible delay.

JAMES K. POLK.

WASHINGTON, *February* 2, 1848.

On motion by Mr. MANGUM, it was ordered that it lie on the table and be printed.

[For the documents mentioned in the above message of the President, see Appendix.]

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 3, 1848.

The Journal of yesterday was read and approved.

Mr. THOMPSON, of Kentucky, from the Committee on Printing, to which was referred, on the 3d January last, the resolution relative to the printing of extra copies of a report communicated by Colonel J. J. Abert to the Senate on the 13th

of December last, reported the following resolution:

Resolved, That five thousand extra copies of Colonel J. J. Abert's report, which was communicated on the 13th of December last, in answer to a resolution of the Senate of the 17th January, 1847, be printed for the use of this House.

The resolution having been read—

Mr. McCLELLAND moved to amend it by adding at the end thereof the words, "and that two hundred and fifty of the said extra copies be assigned for the use of the Topographical Bureau."

The amendment was agreed to, and then the resolution as thus amended was agreed to.

Mr. HARALSON asked leave to make a personal explanation. Objected to.

Mr HUNT gave notice that on to-morrow or some subsequent day, he would ask leave to bring in a bill for the relief of the legal representatives of Abraham Hogeboom.

Mr. PILLSBURY asked leave to make a very brief personal explanation. Objected to.

THE MESSAGE—THE WAR, ETC.

The SPEAKER announced the unfinished business first in order, viz: the concurrence by the House in the report of the Committee of the Whole, in their resolutions referring the President's annual message to appropriate committees, and agreeing to the amendment of Mr. COBB, of Georgia, to the 8th resolution reported by the Committee of the Whole, viz: Add between the word "personal" and the word "property" the words "and other," so as to make it read, "to be assessed on personal and other property," &c.

Mr. SMITH, of Indiana, then proceeded with his remarks. He should not consume any portion of his time, he said, in discussing the origin of the war with Mexico. That question had been thoroughly discussed, not only during this session, but during the last session. The members of this House, and the country, were in possession of all the information necessary to enable them to form a conclusion satisfactory to themselves. He had only to say, in regard to that matter, that this House, during the present session, had decided, upon a solemn and deliberate vote, by yeas and nays, that this war was unnecessarily and unconstitutionally commenced by the President of the United States. He had had the good fortune—and he deemed it extreme good fortune—to have the opportunity of recording his vote in favor of this sentence of condemnation. In giving this vote, his heart concurred with his judgment. And he desired to say no more at this time in regard to the origin of this war, than to express his concurrence with the decision so solemnly made by this House. It was a decision which the people of the country would approve and endorse; and whatever might be the opinion of individuals, carried away by partisan excitement, when that excitement shall have been dissipated by the lapse of time, the deliberate sentiment of the American people would sanction that vote of condemnation in regard to the origin of this war.

But he desired to speak more particularly in reference to questions of more practical utility—questions which concerned the future rather than the past. However this war might have been begun, on whomsoever should rest the responsibility of its origin, we are in the midst of it; its evils are now pressing upon us, paralyzing the energies of the country, drying up its resources, and wasting its best blood. It became them, the Representatives of the American people, sent here to deliberate upon questions affecting their interests, to devise some means by which this war may be brought to a close, and its calamitous consequences curtailed, if they cannot be prevented.

He desired to occupy a few moments in the examination of some of the evils which were likely to result to the country from the continuance of this war, and in the consideration of questions connected with the finances, as they were to be affected by the prosecution of it. They had had laid on their tables, and on which they would be called to act in a day or two, a bill proposing to add eighteen millions and a half to our public debt. It became them carefully to inquire how far that debt was likely to be increased by the continuance of this war, and how far the Representatives of the people were required by their duty to increase that debt.

What was the amount of our debt at present? They were sometimes told that gentlemen on this side of the House, who stood opposed to the measures of the national Administration, were in favor of a national debt; but, for one, he intended to testify, by his vote and action, that that charge did not apply to him. He regarded the accumulation of a national debt as an evil of the greatest magnitude, and one which every consideration of duty and patriotism required them to ward from the country. The amount of our public debt, as we were informed by the Secretary and the President at the commencement of the session, was $45,659,659 40. To what amount was it proposed to increase this debt? The President had already recommended loans to the amount of thirty-nine millions, viz: balance for 1848, eighteen and a half millions; and for 1849, twenty and a half millions—making a total of thirty-nine millions, which he told Congress and the country would be required to continue the prosecution of the war up to the close of the next fiscal year, the 30th June, 1849. Well, according to the President's and Secretary's estimate, we have, then, in prospective, on the 30th June, 1849, a public debt of the amount of $84,659,659 40. This looks like a burden of debt well calculated to set the people to reflecting, even assuming the estimates made by the Executive Department of the Government to be correct. But, he would ask, how much might the actual expenditures reasonably be calculated to exceed these estimates? At the last session of Congress, the President came forward with a recommendation for a loan of twenty-three millions. [Mr. S. read a short extract from the message containing this recommendation, in which the President estimated, if the war continued till the 30th June, 1848, that an additionel loan of twenty-three millions would be required, on the assumption that there was constantly retained in the treasury four millions to meet any contingencies; if such surplus were not provided for, a loan of nineteen millions would be sufficient.]

Now, the President of the United States, (continued Mr. S.,) at the last session of Congress, informed Congress that a loan of twenty-three millions would be amply sufficient to continue this war until the 30th June, 1848, and that it would also enable Government to retain four millions in the treasury. We have not yet reached that period; the 30th June, 1848, is some months hence; and yet, at the commencement of the present session of Congress, the President comes forward and informs us, through his Secretary of the Treasury, that an additional loan of $18,500,000 is necessary now to continue this war up to the 30th June, 1848! And, at the same time, he tells us that three millions is all that is necessary to be retained in the treasury; so that, adding to this eighteen and a half millions this additional million, it appears that nearly twenty millions additional are necessary, and that the estimates at the last session of Congress fell short by about twenty millions of dollars. How and why was this gross blunder made? Are we to attribute it to the errors of the Secretary of the Treasury? Was his judgment in regard to the finances of the country so poor that he fell into such grievous mistakes as these are? Or has there been an attempt to cover up and conceal from the country the enormous national debt which this war is creating? He cared not which horn of the dilemma the Administration and its friends chose; in either case, it was conclusively shown that no confidence could be placed in the estimates emanating from that source.

This estimate, as now made, showed the public debt to be eighty-four millions on the 30th June, 1849. The estimate was made on the assumption that the Government would receive all the revenues estimated in the Secretary's report, and would only be required to expend the amount which is there estimated. Let him ask if any reliance was to be placed on these estimates? What were the estimates last year? Why, the Secretary of the Treasury, after the war began, estimated that the receipts of the Government for the year ending 30th June, 1847, would be, in round numbers, $31,335,000; the actual receipts were $26,346,000, showing a deficiency of $4,988,000—almost five millions. He estimated the expenditures of the Government, for the same year, at $55,241,000; whereas the report now on their tables showed that the actual expenditures were $59,451,000; making an excess of over $4,000,000. The facts as now before us, then, showed that the estimates of the Secretary of the Treasury, in regard to the receipts and expenditures of the last year, made a difference of $9,198,906.

Well, was it not fair to presume that the President's estimates in regard to the expenses of this and the next year, are as erroneous as they then were for the year 1847? He thought that presumption a fair one. If it were, then we should be required to add to the national debt, as already estimated, $18,397,000, which would make a debt that we should be owing on the 30th June, 1849, of over $103,000,000: a sum largely beyond the entire amount of the national debt created by the last war with Great Britain!

Let him refer to a single fact, for the purpose of showing what degree of confidence was to be placed in the estimates of the Executive. In the annual report of the Secretary of the Treasury during this session, we are told that an additional loan of $18,500,000 would be required for the present year. The President, in his message, said the same thing. A few weeks ago, we were informed by the Secretary of the Treasury *ad interim*, that a mistake had been discovered in their estimates, amounting to within a fraction of $7,000,000; that they found themselves in possession of $7,000,000 more than they had estimated. Well, if that was true, what was the natural consequence? What was the inference that every sensible man would be likely to draw? Why, that the loan that was proposed might be reduced that sum; and the Secretary in fact tells us that the loan may be reduced to $12,000,000. But scarcely had the report containing this information been printed, when we were informed by the Secretary of the Treasury that his previous estimate was erroneous, and we were now called on to extend the loan to $16,000,000. He (Mr. S.) ventured the prediction, that before this session of Congress closed, we should be told that the amount of the loan is not sufficient, and be called on for an additional amount.

But, placing it upon their own estimates, making the allowance for errors for this and the succeeding year, which he had shown had existed in the estimates of the last year, and our public debt would be on the 30th of June, 1849, $103,000,000 and over, requiring an amount of $6,183,448 to meet the interest upon it at six per cent. It became matter of very grave interest to this country to inquire how this debt was to be paid. How were we to meet it? How were the people of the United States to cancel the heavy amount of obligations which the present Administration were incurring for them? Why, the bill authorizing a loan at the last session contained a pledge of the proceeds of the public lands for the payment of the interest and principal. Did any gentleman believe we could avail ourselves of anything from that source?—that the proceeds of the public lands would be sufficient to meet a quarter of the interest on the public debt as it was likely to exist on the 30th of June, 1849? No gentleman who looked into the matter could imagine such a thing. Before the war began, while the country was on a peace establishment, when the commercial, manufacturing, and agricultural interests were prosperous, only between two and three millions were received from the sales of the public lands; and could gentlemen, even if the receipts were to continue as large, expect to pay $6,000,000 out of that?

But how did the case stand with reference to this subject? Why, the very same Congress that made that pledge of the proceeds of the public lands passed a bill voting away sixteen millions of acres of public lands as bounty lands! He made no objection to that act; he voted for it; he was willing to accord to the men and their wives and children who sacrifice their lives and health in this war that bounty which was due to their services; but what he blamed Congress for was, for not providing other means to meet the accumulation of interest and principal of this debt. The number of individuals entitled to bounty lands, if the forces which were now called for were put in requisition, would not be short of 100,000 men; they would draw 16,000,000 of acres, which, at the minimum Government price, would amount to $20,000,000. How many years, allowing the income of the lands to be $3,000,000 a year, would be required to take up these military land warrants? Some seven years. During all that time every gentleman must perceive our revenue from the sales of the public lands is cut off; and this fund pledged for the redemption of the principal and interest of the public debt—a fund which produces not enough to pay the interest, much less the principal of the public debt—is entirely absorbed, and cannot be applied even to

the extent it would go to this purpose, to which it is pledged in the loan bill of the last session.

He believed we had reached a point in the prosecution of this war and in the finances of the country which appealed to the patriotism of those who brought this war upon the country—those who stand by the Administration and defend it—he believed we had reached a crisis which required them to come forward now and test the partiality of the American people for this war by imposing the necessary taxes to meet the interest and provide for the payment of the principal of the public debt.

He here avowed himself to be in favor of the plan of levying direct taxes if this war was to be continued. He did not desire to continue this war on credit, without any means being provided to meet even the interest on the debt to be created. He would ask if such a course would be honest? Was it just? He was not willing to go on year after year in the prosecution of a war to gratify the ambitious designs of our rulers, accumulating a national debt for the next generation to pay, and at the same time impose no burdens on ourselves nor provide any means for its redemption. It was neither just nor honest to do so. At the commencement of this Government, in the first report made by the Secretary of the Treasury under the administration of Washington, a recommendation was made of this principle, which an attempt was made to establish, that no loan should at any time be obtained without at the same time providing the means by which the debt should be paid. He would read a short extract from that report:

"Incorporating, as a *fundamental maxim*, in the system of public credit of the United States, that the creation of debt should *always be accompanied by the means of extinguishment;* that this is the *true secret for rendering public credit immortal;* and that it is difficult to conceive a situation in which there may not be an adherence to the maxim."

It would need no prophet to foretell, if we continued this war in this manner one year longer, that not only would the stocks of this Government be hawked about Wall street seeking buyers at a depreciation, but no buyers would be found. We had heard a great deal said about the last war with Great Britain, and this war has been compared with that. Those who were opposed to this war had been compared to those who were opposed to that war; but there was a striking difference between the friends of the two wars. The friends of the last war in Congress were willing to meet the crisis like men. They were not opposed to the imposition of burdens on their constituents to meet the expenses of the war; and during the very first year, $1,725,000 were raised by internal duties, and three millions by direct taxation among the States. This was the course then pursued. Why do not the friends of this war, who tell us the war is so popular with the people, make some such provision to meet the expenses now incurred? The first thing done by the friends of the late war was to double the duties on imports; whereas, since this war was commenced, duties had been cut down fifty per cent. Surely in this there was a great difference. If there was necessity for measures of that kind at that time, it was doubly necessary now. Why, the expenses of this war were greatly, very greatly, beyond the expenses of the late war with Great Britain. He would refer to the expenses of this Government for a period of years, embracing the period of the late war with Great Britain, to show that he was correct in this position. From the 31st December, 1811, to the 31st December, 1812, the expenses of this Government were $17,829,498 70. From the 31st December, 1812, to the same day of 1813, the expenses were $28,082,396 92. From the same day of 1813 to 31st December, 1814, they were $30,127,686 38. Thus, in three years, embracing the whole period of the war with Great Britain, the national expenses, including all the expenses of the war, as well as the civil establishment, were $76,039,582 20.

Now, what were the expenses contracted by this war? The expenses of the Government, from the 30th June, 1846, to the 30th June, 1847, were $59,451,177 65. That was for a period but one month after the war was begun. For the year from the 30th June, 1847, to the 30th June, 1848, the estimated expenses were $58,615,660 07. And the estimates for the next year were $55,644,941 72. The aggregate for these three years was $173,711,779 44, or an excess over the expenditures during the late war of $97,672,197 44; more, in fact, than double the expenses of the late war; for the whole aggregate for that war, as he had shown, was but $76,039,582 20. They all, however, must know that these estimates were not correct. It would be noticed that the Secretary of the Treasury had estimated the expenses of this less than the past year, and for the next less than the present. The expenses of the first year of the war were estimated to be greater than would be required for subsequent years, when they had every reason to believe they would be much higher. If, however, the expenses should be only as high, then the excess would be $102,213,958 95. But did any gentleman there suppose the expenses would be less this year than the last? Did not every one know that the estimates for those years were erroneous? Nay, they were absurd. Every one must know that as the war progressed its expenses would increase. They were already called upon to raise thirty thousand more troops, and, while calling upon them to do this, the Executive told them that the war could be prosecuted for a less sum than it was the past year. Did gentlemen believe it? Would the people of this country, would any man of ordinary intelligence believe it? What had they done towards reducing the expenses for the next year? Had they decreased the pay of the soldier? Had they diminished the soldiers' rations? Had they cut off any of the perquisites which the army might claim? Had they done anything to lessen the expense of this war? Nothing, absolutely nothing; and yet, according to the reasoning of the Executive, we may go on to raise new armies, and all the while the expense shall be less than heretofore. The idea was absurd.

The gentleman from North Carolina, [Mr. McKAY,] who has served several years on the Committee of Ways and Means, a few days since told us, that after the war was ended, the ordinary revenues of the Government would be sufficient to pay every expense of the Government, and the interest of the debt, without other taxation. But was that opinion of the gentleman from North Carolina correct? Let us look for a moment at the facts. The receipts for the year ending 30th June, 1846, were $29,499,247 06. That amount was raised thus: from customs, $26,712,667 87; from public lands, $2,694,452 48; and miscellaneous, $92,126 71. The expenses for the same period—and they were for a peace establishment, when a Democratic Administration was carrying out its professions of reform—were $28,031,114 20, being an excess of receipts over expenditures of $1,418,132 86. If the revenue of the Government exceeded the expenditures so small an amount then, what must it be now? Did the gentleman from North Carolina really believe we could bring down our expenditures to our receipts? And how long will it take to get rid of the army? The additional expense of the military establishment would be found to be immense. They all knew that the army never would be brought down, while he or any there lived, to the standard at which it was before the war began. No man could expect it. If, then, there was only so small a surplus at the time of which he had spoken, where were they to get the means to pay this six millions of interest? From what sources was it to be derived? They could not get it from any source.

But let them look at the next year. The entire revenues for the year ending 30th June, 1847, were $26,346,790 37. The expenditures for the same period were $59,451,177 65. Of this amount, $18,365,518 03 were the estimated expenses of the war; and for pay to volunteers and militia the sum was $1,368,709 40. There was, besides, for the redemption of the loan and treasury notes, $2,402,817 65; making, in all, $22,137,045 08; leaving for other expenses $37,314,123 57—being an excess over the revenue of $10,967,333 20. How, then, could it be expected that this debt could be paid out of the revenues of the Government without other taxation?

Mr. McKAY inquired whence the gentleman from Indiana obtained his statistics?

Mr. C. B. SMITH replied, that he took them as he found them given in the Secretary's report. Here, then, was an excess of expenditures over revenue of nearly eleven millions of dollars; and when they came to add to the ordinary expenses of the Government six millions for interest of the debt, he asked gentlemen where they would derive the means to pay these demands? The expenses of the army would be increased, and it could not be expected that they could meet their engagements without additional taxation. They could not expect to receive more than thirty millions, while the expenses of the Government after the war would not be less than thirty-five millions; and when they added six millions as the interest on the public debt, making forty-one millions of dollars to be provided for, what were they to do? Yet this was the kind of financiering which accompanied this Mexican war at this remarkable epoch of our history. We are going on with the prosecution of a war on credit; we are creating a great national debt; and soon we should see treasury notes and Government stocks sold in Wall street, the New York money market, at less than par. He believed they had not reached par since this session of Congress began, with a tendency downwards all the time. He believed it to be their duty to provide immediate means, by direct taxation, to raise a fund with which they could be able to meet the debt, and not suffer it to go on accumulating year after year without making any provision for its redemption. But he would say no more on that subject. There were other matters on which he wished to say a few words.

He would be glad if some friend of this Administration, some advocate of this war, would inform him with what object it was prosecuted. He should be glad if the President or any of his friends would point out clearly the line of operations which it was intended to pursue. He had heard a great deal said about this war being prosecuted vigorously to obtain an honorable peace; and yesterday one gentleman asked if they desired a dishonorable peace. All certainly desired an honorable peace; and when gentlemen told the House that they would prosecute this war for the purpose of obtaining an honorable peace, he should be glad if they would come out and define their meaning, and let the House and the country know what they meant by an "honorable peace."

But there was another phrase, which he believed originated with the President; for, the first time he saw it was in a Presidential message, whence it was soon caught up by the friends of the Administration and became current It was this: that this war was to be prosecuted to obtain "indemnity for the past and security for the future." "Indemnity for the past!" Perhaps they could all understand what that means; but what meant the cabalistic phrase, "security for the future?" Was security for the future to be found in the possession of all Mexico? Were we to provide against a breach of the peace by taking the whole country? Was it to be done by the establishment of a military force there, to keep the people of Mexico in subjection? He would like to know what was really the meaning of these words.

Well, the President desired "indemnity for the past and security for the future." He was very desirous to obtain an "honorable peace." The President told us in his late message, that he had authorized Mr. Trist to negotiate a peace. It appeared that the President, in such negotiations, desired to obtain New Mexico and California. His language in his message of the 7th December was this:

"The boundary of the Rio Grande, and the cession to the United States of New Mexico and Upper California, constituted an ultimatum which our commissioner was under no circumstances to yield."

And why did he want New Mexico and California? Oh! there were the expenses of the war and spoliations on our commerce, and we were to have this territory as an indemnity. The President repudiated conquests; yet he told us that this territory was worth more than the amount of our claims, and, therefore, our commissioner was instructed to give a liberal equivalent. The following were the terms in which he spoke on this point:

"As the territory to be acquired by the boundary proposed might be estimated to be of greater value than a fair equivalent for our just demands, our commissioner was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed reasonable."

What the amount of that equivalent was, the President did not inform us; but from other sources, it appeared that Mr. Trist offered twenty millions of dollars. So it seemed the President was not in favor of conquest; but he did desire to obtain a portion of Mexican territory to which he was not entitled, and they were called upon to

prosecute the war for the purpose of compelling Mexico to sell us a portion of her country, which the President acknowledges we have no right to claim. Was this to be an indemnity for future peace? There never was a conqueror that avowed his design of a conquest so openly as the design of our President was shown to be. He tells us he desires no conquests, and yet he continues the war until he can compel Mexico to sell for a fair price such portions of her territory as we may fix upon.

But he would be glad to know by what means we were to obtain "security for the future." Were we to obtain some guarantee from Mexico that she will not attempt to disturb us? Was she to give a bond in addition to a treaty? We might suppose, from an intimation in the President's message on another subject, that security was to be found in building up civil governments of our own choice in Mexico, and by keeping up military establishments to overawe the people. Were we so wild, so reckless, as to hope to do so successfully? Did the history of Europe furnish no precedents to deter us from such a course? When Napoleon Bonaparte overrun Spain to place his brother on the throne of that country, he placed armies there to retain the power he obtained; and while we imitated his conduct, we should profit by his example, and take warning from his fate. If we shall build up governments in Mexico, and attempt to keep it in our power, we should require an army there of fifty thousand men for the next twenty years.

When this war first commenced, he stated it as his opinion on this floor that the war was commenced by the Administration for conquest. He knew the Administration had repeatedly denied all intention to make conquests; but he asked any man to look at the evidence, and then see if his mind could be brought to any other conclusion. He understood well the game that was being played. He believed it was not the desire or expectation of the Administration to make any treaty with Mexico. He believed the country was to be deluded with hopes of peace until the next Presidential election shall have passed by. He believed, during the time that would intervene, the public mind would be often excited by rumors of that kind; and if they can succeed in securing the Government for another term of four years, the mask will then be thrown off, the real intention will be avowed, and they would then be told, as they were when the annexation of Texas was under discussion, that the American people had decided in favor of annexing all Mexico, and it would be pressed through Congress suddenly. Let them look for a moment at a short extract from a speech which had recently been made on this subject. He saw in the papers a speech reported of a gentleman who stood on intimate terms with the Administration, in which that gentleman said:

"There are numerous cases, all tending to the same point, that whenever it becomes impracticable to obtain territory by purchase, WE TAKE IT BY FORCE. All that strip of country lying between Natchez and Baton Rouge was taken possession of in that way. And we have done so in all cases when we could not obtain territory by negotiation; and this course has been pursued throughout the world, in all times, by all Powers."

This was the declaration of the chairman of the Committee on Foreign Relations, [Mr. SEVIER,] delivered in the United States Senate on the 24th January, 1848--a gentleman who stands on intimate terms and has confidential relations with the Executive of this Union, avowing it to be a practice to take territory by force when we were not able to acquire it by negotiation.

But he had also an extract from the speech of another gentleman, as follows:

"I repeat what I before said, that the longer Mexico continues her obstinate rejection of reasonable indemnity, and the greater the exertions she compels us to make, the greater will be our demands, and the heavier her losses. What we would have accepted last year, or even at the commencement of the present campaign, we may well refuse now; and what we would accept now, we may well refuse after a few months. And how much the public sentiment of this country may demand a year or two hence, if the war continues so long, I do not pretend to predict. We may have to make the great experiment so dreaded by the Senator from South Carolina and the Senator from Kentucky, and annex the domains of Mexico to our own. This is the penalty which national injustice has often been called to pay, and which Mexico may be preparing for herself."

This was the declaration of a gentleman [Mr. CASS] who was now generally understood to be the candidate of the Democratic party for the Presidency. He tells us that the indemnity to be required from Mexico is to be increased in proportion to her obstinacy; that what would have satisfied us a few months ago will not satisfy us now; and that every additional month will increase our demands, until we reach that point so much dreaded of ingulfing the whole country and bringing it under our Government.

We have often heard that Democracy was progressive. It does indeed progress at a most fearful rate; and if its progression should not be arrested, it will involve this country in ruin. He had not a shadow of doubt that this war would continue until after the Presidential election. We were now told that a peace was negotiated by Mr. Trist with the commissioners of Mexico: but how often have we been deluded with the same rumor! After every battle in Mexico the same siren song has been sung, the same dulcet notes sounded, but still peace came not. And it might answer a very good purpose, by preventing the people giving utterance to their indignation towards this Administration. The same story had been told, the same song sung ever since the war began; and yet all hopes of peace are as baseless as before. There was a cry of "peace, peace, when there was no peace." We had heard a rumor that Mr, Trist had effected a treaty of peace; but if he had, it would be rejected by the Administration, and Mr. Trist would be exposed to the anathemas of the Administration for daring to do it. Some had even gone so far as to say, that if Mr. Trist came back, he would be hung for a traitor. At all events, he was satisfied the Administration had no idea of obtaining a peace. The people were still longer to be deluded with the *ignis fatuus* of peace, which would elude their grasp until after the Presidential election. If the Administration shall succeed at the next election, which God forbid, the mask will be thrown off, and then we shall be told that we cannot get along without all Mexico; then we shall be told that the American people have decided in favor of annexation, and that annexation must be consummated.

Sir, (said Mr. S.,) I believe there can be no easier task than for this Administration to bring the present war to a close. I believe that peace, an honorable peace, may be made in thirty days: a peace just to Mexico and honorable to ourselves: a peace in which we have an opportunity of showing our justice and magnanimity, as we have already shown our heroic courage and skill in war. And what is necessary to effect this desirable object? Let the President appoint suitable commissioners—not one of the clerks of a department, but men of character and high standing; men known to the country, and whose character will be a guarantee of fair and upright intentions on the part of those sending them. Let these gentlemen repair to Mexico, and there let them propose terms of peace just and equitable to both parties; let them relinquish their wild schemes of conquest and annexation, and offer terms just and fair, and my word for it Mexico will accede to the offer If it is territory that we want, it can be obtained in this way, and without dishonor. But for myself I do not want or wish for a foot of her soil; and I detest and denounce all prosecution of a war for plunder.

Mr. SAWYER here interposed, and (Mr. SMITH yielding the floor for a moment) inquired what were the terms he thought we ought to offer.

Mr. SMITH, resuming, said that if he were in a position which required him to define the terms of a treaty, he might perhaps tell the gentleman what those terms were: as it was, he should be glad to see the Administration define them. Why did they not? Why did they not propose some terms on which a judgment could be made up? Why conceal the object they sought under the cabalistic phrase of "security for the future?" So far, however, as his own opinion went, Mr. S. would have no hesitation in saying what these terms ought to be. He had already stated them. In the first place, he utterly repudiated all idea of demanding indemnity for the expenses of the war. We have no right, said he, to make any such demand. I told my own constituents on the stump, that, for my own part, I would as soon think of taking a purse on the highway as extorting from Mexico the expenses of this war. The House have decided that the war is unconstitutional, and that it was begun by the President. I believe it: it is the truth. We have no right to ask to be reimbursed for the cost of this war. I detest and despise this higgling with Mexico for the cost of the powder burnt in taking her forts and cities from her. But I am willing, in the next place, to demand full indemnity for the actual losses of our own citizens by the unlawful acts of the Mexicans. The losses, I believe, may amount to between two and three millions of dollars; and I would insist on having this payment to our citizens made in money. Does any one believe that the just rights of those who were losers by Mexican depredations could be secured by a further prosecution of this war? I do not. I believe no such thing. But if the war is to be continued only to obtain indemnity for the losses of our citizens, why are fifty thousand men to be kept in the field? Where is the necessity of occupying with our troops the Mexican capital? Why must we continue to prey upon her vitals? If New Mexico and California is what we want as indemnity, and all we want, twenty thousand men are amply sufficient; why not take and occupy those provinces, and let the war cease? With that force we can hold them both against any power Mexico can send against them for these twenty years to come. The fact that the Administration has not done this is of itself strong ground of suspicion of another and a concealed design. With but five thousand men in New Mexico, and the same force in California, we could keep possession in spite of all that Mexico could do. She could scarcely molest or give us the least disturbance in holding both.

Mr. S. thought there was wisdom and sound policy in the course recommended by a distinguished gentleman at the other end of the Capitol. [Supposed by the reporter to refer to Mr. CALHOUN's proposed line of occupation.] If this was, in truth, all the Administration meant by their demand of "indemnity," he thought there was wisdom in taking the ground proposed by that Senator. But, as Mr. S. had already said, he had no hope that that, or any other policy, would be adopted to put an end to the war. There was but one mode by which that could be effected, and that was; by a change of our rulers for men of different views and principles, and he trusted that, at the approaching election, this would be done.

All that was connected with this policy of the war of this Administration, had been characterized by a want of sincerity towards the people. Had our rulers openly avowed it to be their design to go to war with Mexico, the war would either have been avoided altogether, or closed long before now. Had they, like men, imposed the burdens necessary to conduct the war, and which must ultimately be borne by the people, the people would have seen that the war was ended long before this time. The boasted popularity of the war would not survive one visit of the collector. If gentlemen were sincere in their expressed views of the justice and policy of the war, now was the time for them to show it: let them vote the necessary taxes—let them make their appeal to the people to pay at least a part of the expenses of the contest. Let them do this, and they would soon find that the alleged popularity of their war would vanish like the mists of the morning. When they found themselves called on to pay heavy taxes to sustain a foreign war, carried on more than a thousand miles from our own frontier, rely on it they would begin to inquire closely into the objects and ends for which it was conducted.

In England, when a war was declared by the Government, and the feelings of the people deeply roused, they contributed cheerfully to sustain the King in his quarrel; and, were this a case of lawless invasion of our territories, there were no burdens which the people would refuse to bear in indignantly repelling it. But a war undertaken by party rulers, for party ends, and the gratification of a selfish and a grasping ambition, was quite another affair. I believe (said Mr. S.) that every foot of Mexican territory we may acquire in such a conflict, will prove a curse to us and to our children. The annexation of Texas he had ever considered as a most unhappy event in our history; and we were now but reaping the fruits of that unjustifiable transaction in fields of blood. The further we went the greater would be the evils we should bring on ourselves and our posterity. The more foreign territory we might thus acquire, the nearer should we come to the dissolution of this Union. He had no idea that our glorious institutions would long survive, or our Union long endure, if we should once succeed in embracing within its limits the whole territory of Mexico. Who-

ever lived to see that day, would soon witness the end of this Government, and the ruin of that rich inheritance left us by our revolutionary fathers.

The hour of one having now arrived, the CHAIR, from amidst a host of competitors, assigned the floor to—

Mr. VINTON, who said that he had risen under the conviction that there was much of other important business which demanded the immediate attention of the House, and with the purpose of endeavoring to bring this debate to a conclusion. But before he made the motion he intended, and of which he had given notice yesterday, he wished to say a few words on a topic which had arisen within a day or two, in the course of the discussion which had now occupied the House for some time. It had not been Mr. V.'s intention to take any part in this debate; nor should he, had not the topic been broached to which he had just alluded; he meant the project of direct taxation, contained in the amendment which had been proposed by the gentleman from Pennsylvania, [Mr. WILMOT.]

The resolutions on which the House were now acting proposed a reference of the several subjects contained in the message of the President to both Houses of Congress; but the message said nothing on the subject of direct taxation, and therefore it was that Mr. V. did not wish to see any amendment on that subject appended to the resolutions of reference.

But he had other reasons for this unwillingness. The gentleman from North Carolina, over the way, [Mr. MCKAY,] had said to the House on Saturday, that unless this war was brought speedily to a close, he should make an appeal directly to the people to support it. He wished to ask, whether, by this appeal, he meant the proposal of direct taxes?

Mr. MCKAY spoke briefly in reply, but his back was turned to the reporter, and not a word he said was distinctly heard; it was conjectured that he replied substantially in the affirmative.

Mr. VINTON, resuming. Well, sir, the expression "appeal to the purse of the people" was language unknown to the Constitution. The gentleman, he presumed, meant direct taxation. That was becoming, it seemed, a very popular doctrine of late in the ranks of the Democracy. They had heard it broached at the last Congress by the gentleman from South Carolina, [Mr. RHETT,] and he was sorry to hear it now advocated by his friend from Indiana, [Mr. SMITH.] Mr. V. had risen to say that he never should vote to lay a direct tax so long as any other means remained by which the revenues of the country could be replenished; and because that idea seemed to have met with some acceptance in the House, and was now, as he understood, endorsed to some extent by the able and eloquent gentleman from Indiana, Mr. S. felt it right and obligatory that something should be said now, before the people should be led astray upon the subject.

When this war had been commenced, the country had a revenue system which, did it exist at present, would have brought into the treasury many millions more than were now to be found there. The Executive made the war, and thereby necessarily increased to a great extent the public expenditure. The war was declared in May; and what had happened immediately after? In July the party in power established the sub-treasury, and by so doing cut itself off from all aid derived from our banking institutions, and from the use of the ordinary currency of the country. That was the first step taken by those in power after commencing a war. What next? While the national expenses were constantly increasing, they abolished the existing tariff of duties, and substituted another in its place, by which at least one-third of the accruing revenue was stricken off at a single blow.

Now, there existed in the country two opposing parties on the subject of taxation and of trade: the free-trade party and the protection party. The doctrines of the free-trade party ended necessarily in direct taxation. Thither they tended, and there they ended, of necessity. The gentleman from Pennsylvania [Mr. WILMOT] was a free-trade man, and so far his introduction of an amendment in favor of direct taxation was all quite consistent. Mr. V. was not a free-trade man; and he never would agree to impose a direct tax while a system of indirect taxation would answer the purposes of Government. But how would this system of direct taxes operate in practice? Suppose Congress should impose a direct tax: had gentlemen considered how it would work? The example of direct taxation in the last war, which had been quoted in defence of the scheme now, was no precedent for him. The war tax of the last war was a tax of necessity; and if the same necessity existed now, Mr. V. would resort to it again, with whatever reluctance. In our last war we were situated very much, as to reveuue from abroad, as Mexico was now; all our ports were occupied or blockaded by the vessels of the enemy, and the revenue from imports was of course cut off entirely. In that state of affairs we had nothing to resort to but internal taxes to support the war. But was that our condition now? Were we thrown upon the same necessity in this war? Every one knew we were not; on the contrary, Mr. V. believed it would be perfectly easy, by a due adjustment of our revenue system, to obtain an income of forty millions; and he agreed with the gentleman from Indiana [Mr. SMITH] that all that would be wanted.

But here he would say to the Opposition, that they had only to stand still and wait the progress of time and of events, and these would accomplish all for us that we could desire; these would do more for us than we could do for ourselves. We had already arrived at that point when not only war revenues were needed, but a largely greater income would be permanently needed than was now realized from the present reduced tariff. The great issue would have to be presented—it must be, of necessity—whether we would go into a system of direct taxation, or whether we would review our entire revenue system; and while, on the one hand, we provided to meet the necessities of the Government, we should, on the other, do something to protect the labor of the country. For himself, he was in favor of bestowing some attention on the wants of the people, while he was making provision to supply the wants of their Government.

These were the two great systems which were submitted to the consideration of the people and of their Representatives. The Administration would be compelled to recommend the one or the other. The thing was inevitable; there was no escape from it. Mr. V. was for no opiates, no anodynes, no small doses. He was not for a tax on tea and coffee; he was for going much further and much deeper. He was for looking into the condition of our iron interest, our cotton and our woollen manufactures. These great interests of the country were in imminent danger from the revulsion which had taken place, especially the iron interest. He went for the whole protective system, or for none. When the Administration should have recommended the one or the other alternative, Mr. V. would be prepared to consider and to act upon it. If they gave up a tariff, we must necessarily have direct taxation. Congress would then have to choose between protecting the people by a tariff of duties that would supply the wants of Government, while it covered the interests of our own labor, and grinding them by a system of direct taxation. This (said Mr. V.) is their system; the other is ours.

Have gentlemen considered how a direct tax would operate on the different parts of the country? Do they remember that property of the same kind and of the same value would be taxed at different rates in different States? This difference results from that provision of the Constitution which directs that direct taxes shall be apportioned among the States according to their population. To show how it would operate, take, for example, the proposition submitted by the gentleman from Pennsylvania, [Mr. BRODHEAD,] and let us see how his tax of five millions would be raised. Ohio has one-tenth part of the population of the Union; she would therefore be assessed with five hundred thousand dollars, which would be paid by a direct assessment on the property of the people of that State. But has Ohio one-tenth part of the property of the Union, or anything like it? Indiana having on this floor the same number of Representatives with Massachusetts, the two States would pay an equal share of these five millions. It would be comparatively a light burden on Massachusetts, and a grievous one on Indiana. The tax is increased upon the property of a State, not in proportion to its wealth, but to its poverty. From those who have much, little is taken; but from those who have little, nothing of that little is left. This provision of the Constitution must have had its origin in an idea entertained by its framers that the legislation of Congress would be vastly more local and exclusive in its benefits than experience has shown to be the case. It is the price which the Constitution imposes for the supposed local advantage that would be derived by a State by having a representation here. Our experience is all the other way. While the gentleman from Indiana [Mr. SMITH] was speaking, I endeavored to recall to my recollection any one measure of any great moment in which, during almost twenty years that I have been here, I gave a vote different from what I would have given if I had been a member from Massachusetts or Louisiana instead of Ohio, without being able to remember a single one. The great commercial and trading interests of the country are so interwoven together, and so identified; the interior and the seaboard are so bound together, that a true representation of one is a representation of the other. Beyond the advancement of those great and general interests, which promote the good of all, what benefit is conferred on the interior? None whatever. And it is for this reason, aside from the oppressive nature of the tax itself, that this mode of raising revenue should be resorted to only when all others fail. The estimated expenditures of the Government, for the present year, exceed sixty-two millions of dollars. What would be the effect of such a tax on Ohio?

Ohio already raises for the purpose of meeting her own public debt, and carrying on her own government, one million and a quarter of dollars per annum by direct taxation. Add six millions, her share of what will be necessary to carry you through one year of this war, and the direct taxes assessed on the people of that State, will be equal not merely to all her gold and silver, but to all her bank paper besides—will be equal to the whole circulation of the State. Now, I am going into no such taxation as that. I do not, by my action, give any countenance to any such thing, here or elsewhere. I wish it to be distinctly understood, that I countenance no such thing.

The agricultural States of the West and South, the agricultural States everywhere, cannot stand this description of taxation. It is nowhere but in the great commercial and manufacturing districts of this country, and where there is a great accumulation of personal property, that the thing can be borne for a day. There is not a single southern or western State that can live for a day under such a system; and I am not disposed for a moment to countenance the idea that we are to resort to that system of taxation on account of this war in which we are involved. As I said when I rose, we have nothing to do but to bide our time; by the progress of events, they who are in power would be compelled to come to us and ask that that protection and those revenues be restored which they voluntarily took away. That is my doctrine. When they repent and come back,—when the prodigal returns, we will receive him kindly. I will wait for that.

In conclusion, Mr. V. remarked, that he had yesterday given notice that he would move the previous question on this debate. He had not then intended to have said a word, and it was only in consequence of this particular topic which had sprung up, that he had been induced to say anything now. He did not wish to engage in the general debate at all, and, for the purpose of terminating this discussion, so that they might get to other business, and at the same time, by referring this message, that it might come under the consideration of the committees, he moved the previous question.

The previous question was seconded, and the main question was ordered; and was announced to be first on the amendment of Mr. COBB, proposing to add, in the eighth resolution, after the word "personal," the words "and other;" so as to provide for the taxing of "personal *and other* property."

Mr. STEPHENS inquired, in case the amendment of his colleague [Mr. COBB] were voted down, whether it would not then be in order to call for a division, so as to vote separately on the original resolutions?

The SPEAKER replied in the affirmative.

The question being taken on the amendment of Mr. COBB, it was rejected.

The 1st, 2d, 3d, 4th, 5th, 6th, and 7th resolutions, as reported by the Committee of the Whole, were then read and concurred in by the House.

The 8th resolution being next in order—

Mr. STEPHENS asked for a division of the question on agreeing to the said resolution, so as to take a separate question on each branch of it.

The question was then put on the first branch of the resolution, and it was concurred in, as follows:

"That so much of said message as relates to the revenue, to the public debt, to the increase thereof, to the creation of a sinking fund, to a duty on tea and coffee, to the collection, safe-keeping, and disbursement of the public moneys, to the coinage, and the establishment of a branch mint at the city of New York, to the amendment of the sub-treasury act, and to the estimated expenditures of the Government, be referred to the Committee of Ways and Means."

The question was then stated on the second branch of the said resolution, viz:

"And that the said committee be instructed to inquire into the expediency of raising annually, during the continuance of the war with Mexico, and until the payment of the public debt, the sum of five millions of dollars, to be assessed on personal property, stocks, and money at interest, and apportioned among the several States, as provided by the Constitution."

The question on agreeing to the above was decided by yeas and nays, as follows:

YEAS—Messrs. Ashmun, Botts, Brodhead, Burt, Chase, Clapp, Franklin Clark, Collins, Crowell, Duer, Fries, Gaines, Giddings, Gott, Gregory, Grinnell, Hunt, Andrew Johnson, George W. Jones, William T. Lawrence, Sidney Lawrence, Lord, Marvin, Mullin, Nelson, Nicoll, Palfrey, Petrie, Pillsbury, Putnam, Reynolds, Julius Rockwell, Rumsey, St. John, Sherrill, Caleb B. Smith, Robert Smith, Van Dyke, Wentworth, White, Williams, Wiley, Wilmot, and Woodward—44.

NAYS—Messrs. Abbott, John Quincy Adams, Green Adams, Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Birdsall, Black, Blanchard, Bocock, Bowdon, Bowlin, Boyd, Brady, William G. Brown, Charles Brown, Albert G. Brown, Buckner, Butler, Cabell, Canby, Cathcart, Chapman, Beverly L. Clark, Clingman, Howell Cobb, Williamson R. W. Cobb, Conger, Cranston, Crisfield, Crozier, Daniel, Dickey, Dickinson, Dixon, Donnell, Daniel Duncan, Garnett Duncan, Dunn, Edwards, Embree, Alexander Evans, Nathan Evans, Farran, Farrelly, Featherston, Fisher, Flournoy, Freedley, French, Fulton, Gayle, Gentry, Goggin, Green, Hale, Willard P. Hall, Nathan K. Hall, Hammons, James G. Hampton, Moses Hampton, Haralson, Harris, Henley, Henry, Hill, Elias B. Holmes, George S. Houston, John W. Houston, Hubbard, Irvin, Iverson, James H. Johnson, John W. Jones, Kaufman, Kellogg, Kennon, Thomas Butler King, Daniel P. King, Lahm, La Sère, Leffler, Levin, Ligon, Lincoln, Lumpkin, Maclay, McClelland, McDowell, McIlvaine, McKay, McLane, Mann, Marsh, Meade, Morris, Murphy, Newall, Outlaw, Peaslee, Peck, Peyton, Phelps, Pollock, Preston, Richardson, Richey, Rockhill, John A. Rockwell, Root, Sawyer, Shepperd, Sims, Slingerland, Truman Smith, Stanton, Stephens, Andrew Stewart, Chas. E. Stuart, Strohm, Strong, Sylvester, Tallmadge, Taylor, Thomas, James Thompson, Richard W. Thompson, John B. Thompson, Robert A. Thompson, William Thompson, Thurston, Toombs, Turner, Venable, Vinton, Warren, Wick, and Wilson—143.

So the second branch of the 8th resolution was disagreed to.

The 9th, 10th, 11th, 12th, and 13th resolutions were read and concurred in.

The 14th resolution was then read, as follows:

"That so much of said message as declares that it may become proper for our commanding generals in the field to give encouragement and assurances of protection to such friends of peace in Mexico as will establish a government there, able and willing to conclude a peace with us, 'and secure to us the indemnity we demand,' be referred to a select committee."

On the question of concurrence by the House in this resolution the yeas and nays were taken, and resulted as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Ashmun, Barringer, Barrow, Blanchard, Botts, Brady, Buckner, Butler, Cabell, Chapman, Clingman, Cocke, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gaines, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Moses Hampton, Haskell, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawence, Levin, Lincoln, McIlvaine, Marsh, Morehead, Mullin, Nelson, Newall, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Shepperd, Sherrill, Slingerland, Truman Smith, Stephens, Andrew Stewart, Strohm, Sylvester, Tallmadge, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Toombs, Van Dyke, Vinton, Warren, White, and Wilson—98.

NAYS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Boyd, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Daniel, Dickinson, Faran, Ficklin, Fries, French, Willard P. Hall, Hammons, Haralson, Harris, Henley, Hill, George S. Houston, Iverson, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Morris, Morse, Murphy, Nicoll, Peaslee, Peck, Peyton, Phelps, Pillsbury, Rhett, Richardson, Richey, Rockhill, Sawyer, Simpson, Sims, Robert Smith, Stanton, Charles E. Stuart, Thomas, James Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Williams, Wiley, Wilmot, and Woodward—88.

So the 14th resolution was concurred in.

The 15th and last resolution was then read, viz:

"That so much of said message as relates to the manner in which the war with Mexico ought to be prosecuted, and the policy that should be pursued in respect to it, be referred to a select committee consisting of nine members."

On the question of concurrence in this resolution, the yeas and nays were taken, and resulted as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Black, Blanchard, Botts, Boyd, Brady, Buckner, Butler, Cabell, Cathcart, Chapman, Clingman, Cocke, Collins, Conger, Cranston, Crisfield, Crowell, Crozier, Dickinson, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Featherston, Ficklin, Fisher, Flournoy, Freedley, Fulton, Gaines, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Irvin, Andrew Johnson, George W. Jones, John W. Jones, Kellogg, T. B. King, Daniel P. King, W. T. Lawrence, S. Lawrence, Leffler, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Newall, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Richardson, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Sawyer, Shepperd, Sherrill, Sylvester, Simpson, Slingerland, Truman Smith, Starkweather, Stephens, Andrew Stewart, Strohm, Tallmadge, Taylor, Tompkins, R. W. Thompson, John B. Thompson, Toombs, Van Dyke, Vinton, Warren, White, and Wilson—114.

NAYS—Messrs. Atkinson, Bayly, Beale, Bedinger, Birdsall, Bocock, Bowdon, Bowlin, Brodhead, Wm. G. Brown, Charles Brown, Albert G. Brown, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Daniel, Faran, Fries, French, Green, W. P. Hall, Hammons, Haralson, Harris, Henley, Hill, George S. Houston, Iverson, James H. Johnson, Robert W. Johnson, Kaufman, Kennon, Lahm, La Sère, Ligon, Lumpkin, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Morris, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Rhett, Richey, Rockhill, Sims, Robert Smith, Stanton, Charles E. Stuart, Thomas, James Thompson, Robert A. Thompson, Wm. Thompson, Thurston, Turner, Venable, Wentworth, Williams, Wiley, and Wilmot—73.

So the 15th resolution was concurred in.

BILLS INTRODUCED.

Mr. COBB, of Alabama, rose and said he was confined to his bed by severe indisposition on Monday last, when the States were called for resolutions. He therefore asked the indulgence of the House to permit him at this time to introduce two bills, of which previous notice had been given.

Leave being granted—

Mr. C. introduced a bill to amend an act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847; and a bill to reduce and graduate the price of the public lands to actual settlers and cultivators; which bills were read and referred.

REPORTS FROM COMMITTEES.

Mr. McKAY, from the Committee of Ways and Means, reported a bill regulating the appointment of clerks in the Executive departments, and for other purposes. Read and committed, and made the special order for Thursday next.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported bills for the relief of Joshua Kennedy, deceased; for the relief of G. DeLirac; for the relief of the legal representatives of Captain George R. Shoemaker, deceased; and for the relief of Charles Waldron; which bills were severally read and committed.

Mr. WILMOT, from the same committee, reported a bill for the relief of Lyon & Howard. Read and committed.

Mr. THOMAS, from the same committee, made an adverse report on the petition of George Cochran. Laid on the table.

Mr. NELSON, from the same committee, reported a bill for the relief of Elisha F. Richards. Read and committed.

Mr. CROWELL, from the same committee, reported a bill for the relief of Jeremiah Moor. Read and committed.

Also, made adverse reports on the petitions of James Little, Thomas A. Williams, James Graham, and of Michael Hogan. Laid on the table.

Mr. DANIEL, from the same committee, reported a bill for the relief of Colonel Robert Wallace, aid-de-camp to General William Hull. Read and committed.

Mr. DUNN, from the same committee, made an adverse report on the petition of the legal representatives of Isaac D. Taulbee. Laid on the table.

Mr. FLOURNOY, from the same committee, reported a bill for the relief of the legal representatives of Nimrod Farrow and Richard Harris. Read and committed.

Mr. HUNT, from the Committee on Commerce, reported a joint resolution extending the time for the erection of certain light-houses. The resolution was twice read.

Mr. H. moved that the joint resolution be now put on its passage.

After some debate by Mr. HUNT, Mr. HOUSTON of Alabama, and Mr. McKAY—

Mr. McKAY moved to commit the resolution to the Committee of the Whole on the state of the Union. Disagreed to.

The joint resolution was then ordered to be engrossed and read a third time.

Mr. HUNT, from the Committee on Commerce, reported bills making an appropriation for improving and repairing the harbor at Buffalo; making an appropriation to improve the navigation of the Mississippi river; making appropriations for the preservation and repairs of the public works upon certain harbors and rivers, and for the survey of certain harbors; providing for the repair of certain marine hospitals; which bills were severally read and committed.

And then the House adjourned.

[Mr. MEADE, on offering his resolution, on the 31st January, declaring it inexpedient to annex the whole of Mexico, &c., (see Congressional Globe, page 269,) called for the previous question; but the call was not sustained by the House.]

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. RICHEY: The petition of L. D. Cory and 48 other citizens of Washington county, in the State of Ohio, praying for a proportionate reduction of postage on all newspapers containing not more than five hundred square inches in size.

By Mr. MANN: The memorial and petition of Lawrence Taliaferro, late Indian agent at St. Peter's, praying to be allowed rent for buildings for the use of the Indian agency at that place, occupied for that purpose. Also, the petition of Abram Brinker, of Butler County, Pennsylvania, for the amount due from Government on certificate for services in the revolutionary war. Also, the petition of Joseph Shaw, Tobias Hammer, and 71 others, citizens of Cambria county, Pennsylvania, setting forth the inequality of the rates of postage on newspapers, and praying a reduction of postage on all newspapers not containing more than five hundred square inches. Also, the petition of Barbara Lancaster, of Westmoreland county, Pennsylvania, formerly widow of Hugh Greer, who was a soldier in the war of 1812, and died in service, for his bounty lands.

By Mr. HAMMONS: The petition of Edward Clark and others, of Sally Taylor, of Abigail Goodwin, of Lewis Goodwin and others, of Samuel Stacy and others, for their proportions of the Bergen prizes taken by the squadron of John Paul Jones.

By Mr. RUMSEY: The petition of inhabitants of Porter county, Pennsylvania, and Alleghany county, New York, for a post road from Honeoye Valley, by way of Condersport and McThay's Mill, to Wellsville, New York.

By Mr. ROSE: The memorial of the citizens of Canandaigua, New York, on the disease of the potato.

By Mr. TAYLOR: The petition of James Moore and 36 others, citizens of Pike county, Ohio, praying a reduction of the postage on small newspapers.

By Mr. PUTNAM: The petition of inhabitants of the county of Orange, New York, praying for a reduction of postage on newspapers, and particularly on small papers designed for juvenile reading. Also, a like petition of inhabitants of Litchfield, Connecticut. Also, the petition of Eunice Crossman, the widow of a revolutionary officer, praying to be placed on the pension list.

By Mr. HARALSON: The petition and papers of Margaret G. Leverett, widow of Thomas Leverett, for a pension.

By Mr. CROWELL: The petition of S. C. Beardsley and others, citizens of Portage county, Ohio, praying the reduction of postage one-half on all papers containing not more than five hundred square inches.

By Mr. EDWARDS: The petition of S. H. Zink, of Ohio, for pay for subsisting volunteers.

By Mr. BEDINGER: The petition of T. J. W. Sullivan and others, citizens of Jefferson county, Virginia, praying a change in the rates of postage on certain newspapers.

By Mr. STEWART, of Pennsylvania: The resolutions of the Pennsylvania Legislature, in favor of the repeal of the act of Congress of the 3d of March, 1847, charging postage on certain newspapers.

By Mr. STUART, of Michigan: Petitions of citizens of New Buffalo, Michigan, for an appropriation to improve the harbor at that place.

By Mr. CROWELL: The petition of Nelson Spencer and others, citizens of Newton Falls, Trumbull county, Ohio, praying for peace with Mexico. Also, the petition of L. M. Miller and others, citizens of Summit county, Ohio, praying a reduction of postage on occasional newspapers not sent from the office of publication.

By Mr. HOLMES, of New-York: The petition of General Jacob Gould, in relation to the United States district courts for the northern district of New York.

By Mr. GAINES: The petition of Captain C. M. Clay, for property lost in Mexico.

IN SENATE.

THURSDAY, *February* 3, 1848.

Mr. FELCH presented a memorial of citizens of New Buffalo, in the State of Michigan, praying the establishment of a naval depôt at that place; which was referred to the Committee on Naval Affairs.

Mr. DIX presented a memorial from merchants of the city of New York, asking that foreign wheat may be imported free of duty, for the purpose of being ground for exportation; which was referred to the Committee on Commerce.

Mr. DAVIS, of Massachusetts, presented a memorial from the representatives of the yearly meeting of the Society of Friends for New England, asking that Congress will, in its wisdom, adopt such measures as will bring the war with Mexico to a speedy termination; which was laid on the table.

REPORTS FROM COMMITTEES.

Mr. FELCH, from the Committee on Pensions, reported a bill to allow arrearages of pension to Hugh W. Dobbin, an officer in the late war, accompanied by a report; which was read a first time.

Mr. MILLER, from the Committee on Naval Affairs, reported a bill for the relief of Anna J. Hassler, accompanied by a report; which was read a first time.

Mr. ASHLEY, from the Committee on the Judiciary, reported a bill to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries; which was read a first time.

Mr. ASHLEY said it was the desire of the committee that this bill should be passed before the departure of the Commissioner to China.

Mr. WESTCOTT, from the Committee on the Judiciary, reported an adverse report on the memorial of Joseph Bouchard; which was read a first time.

Mr. BALDWIN submitted the following resolutions, which were ordered to be printed:

Resolved, That if any territory shall hereafter be acquired by the United States or annexed thereto, the act by which such territory is acquired or annexed, whatever such act may be, should contain an unalterable fundamental article or provision whereby slavery or involuntary servitude, except as punishment for crime, shall be forever excluded from the territory acquired or annexed.

Resolved, That in any cession of territory that may be acquired as the result of the war with Mexico, the desire of that Republic, expressed by her commissioners in their negotiation with Mr. Trist, to provide for the protection of the inhabitants of the ceded territory against the introduction of the system of human slavery therein by a stipulation to that effect in any treaty that may be made, cannot, consistently with the rights of those inhabitants, or with the principles of justice and liberty, which have been proclaimed to the world as the basis of our institutions, be disregarded or denied.

GENERAL ORDERS.

The following bills were severally considered as in Committee of the Whole, and after having been ordered to be engrossed, were subsequently read a third time by unanimous consent and passed:

A bill for the relief of Peter Capella, administrator of Andrew Capella, and for the relief of John Capa, and for the relief of Elijah Pettit and Hannah Pettit, his wife, heirs of John Beardon, deceased.

A bill for the relief of Charles L. Dell.

A bill for the relief of Richard S. Coxe.

The bill from the House of Representatives defining the boundary between Missouri and Arkansas was read a first and second time, and referred to the Committee on the Judiciary.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Cadwalader Wallace.

Mr. BERRIEN. As that is a bill making a large appropriation, I should be glad to hear some statement of the grounds on which the committee have recommended it.

Mr. CORWIN. It is true, as has been stated by the Senator from Georgia, that it is a bill involving a pretty large appropriation. I reported it myself from the Committee on Public Lands, and I hope that the attention of the Senate will be directed to it, as I esteem it one which deserves consideration; and, therefore, I shall move that it be laid by informally for the present, so that when taken up, the Senate may be prepared to act upon it.

The bill was then passed over informally.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force; when—

Mr. BELL resumed his remarks, by expressing his personal obligation to the Senate for an indulgence which had not been extended to others. He repeated his position, that according to the views it had expressed, the Administration could not make a treaty with the present Government of Mexico. And further, that the course pursued by our commanding officers in Mexico, proved that the Administration had no design to make such treaty.

He had put the question to the Military chairman, whether the Administration would accept a treaty ceding California and New Mexico? The chairman declined to give any direct answer. He merely replied that the Administration would accept a treaty which gave indemnity for the past and security for the future. The honorable chairman had said he would be willing to take the Sierra Madre as a boundary. The answers of the chairman were properly discreet. It was not to be expected that the precise character of the security to be given could now be settled.

The operations of the army in Mexico, and the instructions given to the commanding general, were, to his mind, proofs that the policy devised by the Administration was now in a course of progressive development. He referred to some remarks of the gallant Senator from Mississippi, [Mr. DAVIS,] that one object of this bill would be, to relieve some of our broken-down regiments; also, to his remarks at another time, that for protracted warfare and garrison duty, regulars are more suitable than volunteers. All this tended to prove a design on the part of the Administration not to accept a treaty, but to retain military occupation of the territory, until a government could be built up able to give the security demanded for the future.

Mr. DAVIS explained, that although he had used the language, he had not in his mind the object which had been stated by the Senator from Tennessee. He disclaimed the idea that our Government could interfere with the domestic institutions of Mexico. Instead of desiring a protracted occupation, he was only anxious to crush a peace out of Mexico. He prayed God that the Government of Herrera might give us a peace. The Sierra Madre would be a proper boundary.

Mr. BELL resumed. He asked if the gallant Senator could say that this boundary would be satisfactory to his own party, to the President, and to the Senate. He would be very happy to believe that the views of the gallant Senator were those of all the friends with whom he was associated; but he feared such was not the fact.

He assumed that it was the policy of the Administration not to make a peace; and the passage of this bill was proof of the fact. He had not seen the estimate of General Scott as to the number of troops which he deemed necessary. There were now 45,000 troops in Mexico; and for what other purpose were these additional regiments required, unless to retain permanent occupation? It appeared that our army is in alliance with a great party in the city of Mexico; that a conciliatory course has been pursued, by relieving the people of the internal taxes; and that this party desires our troops to retain military possession. He believed it was the policy of our Government to hold possession until the country became tranquilized, and the government permanent. He said he could easily see that Senators on the other side were not all united among themselves as to the proper policy to be pursued.

He desired now to examine whether it is practicable to carry out the policy which the Government is now carrying on. He hoped to hear from a Senator now sitting at his ease on the other side of the Chamber, [Mr. BENTON,] before the close of the discussion. That Senator well knew the mountains of difficulties which lie in the way. He looked at a large proportion of the Mexican population, not less than four out of the aggregate of eight millions, degraded, vile, addicted to every vice; another portion, of about two millions, of mixed blood, who were somewhat superior to the first, although they are laborers; there was a million of the white race, rancheros, land proprietors, who are separated from the mass by the hatred, the mutual hatred, which exists between them, and presents an insuperable barrier between them. There are about twenty languages spoken in Mexico. Even the Spanish language is not understood by many of the alcaldes, who have to examine passports. The soldier in the ranks frequently cannot understand the language of the officer next above him. We must take the property of the proprietors, and distribute it, before we can carry out our policy of permanent possession. The white race are the descendants of the Visigoths and Suevi, who overran the Roman empire. The clergy also constitute an impediment. He took no exception to any religious creed; but where there is no toleration of freedom of opinion, there can be no improvement. The Romish religion might be the true religion; but wherever Protestantism prevails, civilization and liberality are to be found in the greatest degree.

Mr. B. contended that any further advance to an understanding with the Puros and Republican party will commit us to permanent occupation. The party which we countenance will become compromised; and we cannot then abandon them without being guilty of baseness. We must protect them, and the occupation of a few months will grow into an occupation forever. How will it be determined when our troops might be safely withdrawn? The pay of the Mexican lancer is two dollars a day, and he subsists himself and his horse, and makes up the deficiency by plunder. Withdraw the United States troops, and these will pour out from all the mountains and gorges, and desolate the country.

The regiments contemplated by the present bill cannot be organized in much less than a year. And when that force shall have garrisoned the forts and cities, our people will flock into the country, and they will be constantly exposed to the attacks of the lawless bands which will swarm around them.

By enabling the Puros to form a government, and undertaking their protection, we shall gradually build up a more potent power in the numbers of our own people, which will soon become settlers, and will demand protection. So that our army will never be withdrawn. And this will be the last act of the national drama, when the force of circumstances will compel us to hold the whole country by right of conquest.

Mr. B. quoted some passages from the message of the President, which, in his opinion, sustained his view of the necessity which would arise for the permanent occupation of the country. He asked when the political millenium indicated by the Executive would be perfected? Could it cease in ten months, or would it not require a lapse of years? Can we indoctrinate them with our political principles in less time? The President himself looked to the possibility that the final measure which would be forced on us would be the taking entire possession of the Mexican country, and governing it according to our own principles.

He quoted also from a letter of the Secretary of State in support of the same views. He also adverted to the remark of a gallant general charging that the Whigs were running against destiny, asserting that they would break their necks against destiny; while another general intimated that it would be proper for us to take the innocent people of Mexico into our care, and retain them under our protection.

What shall we do with Mexico, if we annex her? She will be cut up into twenty States. Her degraded mass will at least be a basis of representation; and thus, for five millions, taking a basis of one hundred thousand for a representative, there would be fifty new Representatives. There would be forty new Senators, men of this mixed race, taking their seats here; and this would make the Senate a more interesting spectacle. Our Chamber must be enlarged; and by and by we may find it necessary to centralize our Capitol. Senators on the other side will say, we will have none of this. How will it be prevented? Gentlemen would be willing to take them in a state of pupilage, and to hold them so, until they became sufficiently instructed to become part of us.

He wished to know what was the difference between an appendage, and suggested that as officers would be the tutors, and bayonets the rods, we might hope to enlighten these new citizens.

The debt of Mexico, the condition of the clergy—these are obstacles which will have to be surmounted.

He asked what foreign Governments would say or do, when they find that we held Mexico by right of conquest, and then cut her up into provinces? Would they interfere? Our whole country would rise at once to resist any foreign interference. But this would not prevent the moral injury which would result to us from our policy. He looked at the possibility of a union of the great European Powers, which might be leagued against us, and the mischiefs which might be inflicted on us by such united hostility. While protesting against foreign interference in our republican hemisphere, we are taking away all merit from our motives by taking and plundering a sister Republic.

He looked at the extending range of Executive patronage since the system of proscription was commenced. Let us take possession of Mexico, and we shall have twenty-six Territories to create, twenty-six governors, as many secretaries, judges, district attorneys, directors of mints, &c., will have to be appointed; and we must have a Governor-General in Mexico. John Bull need no longer swell out: we shall have a Governor-General, we shall have our six-and-twenty governors; and although our India will not extend as far as the sun rises and sets, we may stretch it to the Frozen Ocean. And what a presentation day there will be at the White House when all these officers attend to kiss hands and take leave, on their departure for their distant posts! The forms of our Republic no doubt would still be preserved; but, as it was in Rome, the forms may survive after the spirit of republicanism shall have passed away.

Your enlarged army, your military marine, will be sources of a constantly growing expenditure.

And this was called destiny. He called it political death.

He proceeded to glance at the new Democratic principles which had come into fashion. They who are its disciples are not over modest. They claim the discovery of steam-engines for railroads and the ocean. They may as well claim the lightning from the Deity as the result of progressive Democracy. The tendency of this spirit he called on Senators to pause and contemplate. Let them look at the danger which it threatens to our institutions.

He dwelt on the historical and natural events which rendered Mexico a country captivating to the young and ardent, especially since a classic light had been shed over it by the genius of Prescott. Even although he had passed the ardent period of youth, his bosom warmed with the vivid pictures which memory sketched. He had no doubt all these matters would be presented through the country the next autumn to lure and captivate the people.

In spite of all that opposition could bring against the cause of the existing policy, he saw the danger which threatened the country from the determination evinced by the President and his party to occupy and annex the Mexican territory. He did not believe that the President, at the commencement of the war, intended this extensive conquest.

He went on to institute a comparison between our war with Mexico and that of Cortez, between which he recognized some points of similarity. Both were characterized by the same eagerness for plunder, and the same covetousness for conquest and territory.

He expatiated on the tendency of party influences to debase the moral and intellectual qualities. He had admired the high and philosophic views which had emanated from the honorable Senator from Michigan, before he entered the political arena. The effect of the precepts and opinions of that Senator in forming the characters of the youth of our country ought not to be underrated, and it was not to be doubted that some of the political sentiments which had fallen from him in the course of this discussion would be productive of evil.

He concluded with reiterating his opinion that the policy of the Administration was not to make a treaty with the existing authorities in Mexico, because they were unable to give a satisfactory guarantee for that security for the future which our Government had expressed its purpose to require.

On motion of Mr. SEVIER,
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 4, 1848.

The Journal of yesterday having been read—

Mr. SIMS rose to a privileged question. He observed that his vote was erroneously recorded on the amendment of the gentleman from Pennsylvania [Mr. WILMOT] to the eighth resolution of the gentleman from Ohio, [Mr. VINTON,] referring the President's message, by which the Committee of Ways and Means was directed to institute an inquiry as to the propriety of imposing direct taxes. It seems that his vote was recorded in the negative; whereas, when the roll was called, for satisfactory reasons to himself—not as a party man, not as an Administration or an anti-Administration man—he had thought proper to vote in the affirmative. He hoped the Journal would be corrected.

The Journal was corrected accordingly.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the loan bill.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole House on the private calendar.

Mr. WILMOT rose to make a personal explanation.

Mr. GAYLE was understood to desire permission to introduce a bill of which he had heretofore given notice.

Mr. BRODHEAD objected.

The SPEAKER said the motion of the gentleman from Connecticut would be first in order, private bills being the regular order for this day.

Mr. McCLERNAND rose to a privileged question. He perceived from the "Union" of this morning, that his name was omitted in the list of yeas and nays. ["I object," from several voices.] He desired to give a reason why he made the inquiry. He voted in the affirmative——

Objections were made.

Mr. WILMOT inquired if it would be in order for him to ask the unanimous consent of the House to make a personal explanation.

The SPEAKER replied it would not, while the motion to go into committee was pending.

Mr. WILMOT hoped the gentleman from Connecticut would withdraw his motion, to enable him to make a personal explanation.

Mr. ROCKWELL assented.

Mr. VINTON yielded to a like appeal.

Mr. WILMOT then desired permission of the House to make an explanation. Objected to.

Mr. BEALE rose to a privileged question. He said that in the vote of yesterday, by which the last of the series of resolutions referring the President's message was adopted, he perceived that his name was omitted. He voted in the affirmative on that question.

The SPEAKER said the Journal would be corrected accordingly.

Mr. VINTON then renewed his motion, that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. JOHN A. ROCKWELL renewed his motion that the House resolve itself into Committee of the Whole on the private calendar.

The SPEAKER said, that as the regular order of business for this day was the consideration of bills on the private calender, the motion of the gentleman from Connecticut [Mr. ROCKWELL] would be first in order.

And the question being taken on that motion, it was decided in the affirmative.

THE PRIVATE CALENDAR.

So the House resolved itself into Committee of the Whole, (Mr. BOYD, of Kentucky, in the chair,) and proceeded to the consideration of such bills as were not objected to.

The following bills were read, objected to, and laid aside:

An act for the relief of the heirs of John Paul Jones;

A bill directing the mode of settling the claims of Charles G. Ridgley;

A bill for the relief of Anthony Walton Bayard;

A bill for the relief of Calvin Emmons;

A bill for the relief of Henry M. Shreve;

A bill to extend John J. Adams's patent for flattening cylinder window glass;

A bill for the relief of E. G. Smith;

A bill for the relief of David Myerle;

A bill for the relief of Jacob Gideon;

A bill for the relief of Bent, St. Vrain & Co.

A bill for the relief of J. Throckmorton;

A bill for the relief of William Hogan, administrator of Michael Hogan, deceased;

A bill for the relief of the securities of Elijah J. Weed, late quartermaster of marines, deceased;

A bill for the relief of Thomas Scott;

A bill for the relief of the heirs and legal representatives of Regnal, alias Nick Hilliary;

A bill for the relief of James McAvoy;

A bill for the relief of Charles Benns;

A bill for the relief of John W. Hockett;

A bill for the relief of William Ralston;

A bill for the relief of Nancy Tompkins;

A bill for the relief of James Glynn and others;

A joint resolution for the relief of J. Melville Gillis and others;

A bill for the relief of Charles Reeder, Walter R. Johnson, and Thomas P. Jones;

A bill for settling the claim of the legal representatives of Richard W. Meade, deceased;

A bill for the relief of the legal representatives of Benjamin Hodges;

A bill for the relief of the legal representatives of Cornelius Manning; and

A bill for the relief of John Mitchell.

The following bills were read and ordered to be reported to the House:

A bill for the relief of William Culver;

A bill for the relief of Daniel Robinson;

A bill for the relief of Elizabeth Clapper;

A bill for the relief of Mrs. Harriet Barney;

A bill for the relief of John Anderson, of Missouri;

A bill for the relief Joseph C. Doxey;

A bill for the relief of S. Morris Waln;

A bill for the relief of the legal representatives of John Snyder, deceased;

A bill for the relief of Amzy Judd;

A bill for the relief of the heirs of Mathew Stewart;

A bill for the relief of Joseph and Lindley Ward;

A bill for the relief of Mrs. Anne W. Angus;

A bill for the relief of Elizabeth Mays;

A bill for the relief of James H Conley;

A bill for the relief of Jesse Young;

A bill for the relief of Silas Waterman.

The bill for the relief of Amelia Brereton was amended by inserting before the words "Amelia Brereton" the words "legal representatives of," so as to make it read, "to the legal representatives of Amelia Brereton," &c.; and it was then ordered to be reported to the House.

The bill for the relief of Barclay & Livingston, and Smith, Thurgar, & Co., was amended by striking out the words "and interest thereon from time of payment;" and was then ordered to be reported to the House.

The bill for the relief of the legal heirs and representatives of Nathaniel Cox, deceased, formerly navy agent at New Orleans, was ordered to be reported to the House, with the recommendation that it be recommitted to the Committee of Claims.

The committee then rose, and the bills for the relief of William Culver; of Daniel Robinson; of Elizabeth Clapper; of Mrs. Harriet Barney; of John Anderson, of Missouri; of Joseph C. Doxey; of S. Morris Waln; of the legal representatives of John Snyder, deceased; of Amzy Judd; of the heirs of Mathew Stewart; of Joseph and Lindley Ward; of Mrs. Anne W. Angus; of Elizabeth Mays; of James H. Conley; of Jesse Young; and of Silas Waterman—were reported to the House without amendment, and were severally taken up, read, and ordered to be engrossed; and were subsequently engrossed, read a third time, passed, and sent to the Senate for concurrence.

The bills for the relief of Amelia Brereton, and for the relief of Barclay & Livingston, and Smith, Thurgar, & Co., which were reported to the House with amendments, were taken up, the amendments were concurred in, and the bills ordered to be engrossed; and were engrossed, read a third time, passed, and sent to the Senate for concurrence.

The bill for the relief of the legal heirs and representatives of Nathaniel Cox, deceased, formerly navy agent at New Orleans, which was reported to the House with the recommendation that it be recommitted to the Committee of Claims, was taken up, the report of the Committee of the Whole concurred in, and the bill accordingly was recommitted to the Committee of Claims.

The following bills from the Senate, lying on the Speaker's table, were taken up, read a first and second time, and appropriately referred:

A bill for the relief of Richard Bloss and others;

An act to further extend the patent of Jethro Wood;

An act to pay James Crutchett two thousand dollars for lighting the Capitol and Capitol grounds.

On motion of Mr. HAMMONS,

Resolved, That the Commissioner of Pensions be directed to deliver the papers of Daniel H. Warren on his application for a pension to any member of the Committee on Invalid or Revolutionary Pensions, such member giving his receipt for the same.

THE UNITED STATES MINT.

The SPEAKER laid before the House a message from the President, communicating the annual report of the Director of the Mint at Philadelphia, showing the operation of the mint and branch mints for the year 1847.

The letter of the Director of the Mint shows, that during the past year the coinage was—

At Philadelphia:	In gold.....	$13,269,080	
	silver.....	990,450	
	copper.....	61,837	
			$14,348,367
The number of pieces coined 11,545,278.			
The deposits amounted to:	In gold	$13,670,896	
	silver	962,781	
			14,633,677
At New Orleans:	In gold.....	$6,085,000	
	silver.....	1,384,000	
			$7,469,000
The number of pieces coined 3,659,500.			
The deposits amounted to:	In gold	$6,252,928	
	silver	1,487,278	
			7,739,506
At Charlotte, N. C.: It amounted to.....			$478,820
Number of pieces in half eagles....84,151			
quarter eagles 23,266			
The deposits (in gold) amounted to.....			344,045
At Dahlonega, Georgia, it amounted to.....			$361,485
Number of pieces in half eagles....64,405			
quarter eagles 15,784			
The deposits (in gold) amounted to.....			352,366
At the several mints:	In gold.....$20,221,385		
	silver.....	2,374,450	
	copper.....	61,827	
			$22,657,662
The deposits amounted to:	In gold..$20,619,544		
	silver.	2,450,059	
			23,069,603

The message and accompanying documents were laid on the table and ordered to be printed.

LETTER FROM GENERAL TAYLOR.

The SPEAKER also laid before the House a message from the President of the United States, communicating the following documents from the War Department, in compliance with a resolution of the House of the 31st ultimo:

WAR DEPARTMENT,
Washington, February 3, 1848.

To the President of the United States:

SIR: In compliance with your directions to be furnished with "a copy of General Taylor's answer to the letter, dated January 27, 1847, which was addressed to General Taylor by the Hon. William L. Marcy, Secretary of War," I have the honor to submit herewith a copy of the letter referred to. The letter from this department of the 27th of January, 1847, was laid before Congress, pursuant to a call at the last session. The answer to it, now submitted, was not then written, and did not reach this department until more than a month and a half after the resolution calling for the correspondence with General Taylor was answered, and Congress had adjourned. Very respectfully, your obedient servant,

W. L. MARCY.

HEADQUARTERS, ARMY OF OCCUPATION,
Agua Nueva, March 3, 1847.

SIR: I have had the honor to receive your communication of January 27th, enclosing a newspaper slip, and expressing the regret of the department that the letter copied in that slip, and which was addressed by myself to Major-General Gaines, should have been published.

Although your letter does not convey the direct censure of the department or of the President, yet, when it is taken in connection with the revival of a paragraph in the regulations of 1825, touching the publication of private letters concerning operations in the field, I am not permitted to doubt that I have become the subject of Executive disapprobation. To any expression of it, coming with the authority of the President, I am bound by my duty, and by my respect for his high office, patiently to submit; but, lest my silence should be construed into a tacit admission of the grounds and conclusions set forth in your communication, I deem it a duty which I owe to myself to submit a few remarks in reply. I shall be pardoned for speaking plainly.

In the first place, the published letter bears upon its face the most conclusive evidence that it was intended only for private perusal, and not at all for publication. It was published without my knowledge, and contrary to my wishes. Surely, I need not say that I am not in the habit of writing for the newspapers. The letter was a familiar one, written to an old military friend, with whom I have for many years interchanged opinions on professional subjects. That he should think proper, under any circumstances, to publish it, could not have been foreseen by me.

In the absence of proof that the publication was made with my authority or knowledge, I may be permitted to say, that the quotation in your letter of the six hundred and fiftieth paragraph of the superseded regulations of 1825, in which the terms "mischievous" and "disgraceful" are employed to characterize certain letters or reports, conveys, though not openly, a measure of rebuke, which, to say the least, is rather harsh, and which many may think not warranted by the premises. Again: I have carefully examined the letter in question, and I do not admit that it is obnoxious to the objections urged in your communication. I see nothing in it which, under the same circumstances, I would not write again. To suppose that it will give the enemy valuable information, touching our past or prospective line of operations, is to know very little of the Mexican sources of information, or of their extraordinary sagacity and facilities in keeping constantly apprized of our movements.

As to my particular views in regard to the general policy to be pursued towards Mexico, I perceive by the public journals that they are shared by many distinguished statesmen, and also in part by a conspicuous officer of the navy, the publication of whose opinions is not perhaps obstructed by any regulations of his department. It is difficult, then, to imagine that the diffusion of mine can render any peculiar aid to the enemy, or specially disincline him "to enter into negotiations for peace."

In conclusion, I would say that it has given me great pain to be brought into the position in which I now find myself with regard to the Department of War and the Government. It has not been of my own seeking. To the extent of my ability, and the means placed at my disposal, I have sought faithfully to serve the country, by carrying out the wishes and instructions of the Executive. But it cannot be concealed, that since the capitulation of Monterey, the confidence of the department, and I too much fear of the President, has been gradually withdrawn, and my consideration and usefulness correspondingly diminished. The apparent determination of the department to place me in an attitude antagonistical to the Government has an apt illustration in the well-known fable of Æsop. But I ask no favor, and I shrink from no responsibility. While intrusted with the command in this quarter, I shall continue to devote all my energies to the public good, looking for my reward to the consciousness of pure motives and the final verdict of impartial history.

I am, sir, very respectfully, your obedient servant,

Z. TAYLOR,
Maj. Gen. U. S. A., commanding.

Hon. W. L. MARCY,
Secretary of War, Washington.

The message and accompanying letter were laid on the table, and ordered to be printed.

Mr. BARROW moved that ten thousand extra copies of the message and accompanying letter be printed for the use of the House.

Mr. HOLMES, of South Carolina, moved that fifteen thousand extra copies be printed for the use of the House.

The motions to print extra copies lie over under the rule.

The House then adjourned to Monday next.

IN SENATE.

FRIDAY, *February* 4, 1848.

The PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in compliance with a resolution submitted by Mr. DAYTON, calling for the minutes and other papers in the arbitration case on the subject of the Pea Patch Island.

MEMORIALS AND PETITIONS.

Mr. CASS presented a petition from Orville B. Dibble and George C. Bates, praying the grant of a right of way over a portion of the public lands for the construction of a canal round the Falls of St. Mary's river, Michigan; which was referred to the Committee on Public Lands.

Mr. ASHLEY presented a petition from citizens of Arkansas, asking the removal of the raft on Red river; which was referred to the Committee on Commerce.

Mr. CAMERON presented a memorial from citizens of Adams county, Pennsylvania, praying the adoption of measures to bring the war with Mexico to a speedy termination; which was laid on the table.

Mr. RUSK presented the following resolution, which lies over:

Resolved, That the Secretary of the Senate be required to procure —— hundred copies of the map of Mexico, 5,000 copies of the map of the Valley of Mexico and of the seat of war, published by J. Disturnel, N. Y., not to exceed the cost of one dollar each, and ten cents each for the others.

GENERAL ORDERS.

A bill making an appropriation for removing obstructions in the Savannah river was taken up, read a second time, considered as in Committee of the Whole, and was then engrossed, read a third time, and passed.

A bill for the relief of Nathaniel Hoggatt was taken up, read a second time, considered as in Committee of the Whole, and was then engrossed and read a third time, and passed.

PRE-EMPTION BILL.

A bill to establish a permanent general preemption system in favor of actual settlers on the public lands, was taken up, and read a second time, and considered as in Committee of the Whole.

No amendment being offered, the bill was about to be reported to the Senate, when—

Mr. PHELPS suggested the propriety of suspending the reading of the bill. It was evident, from what had been read, that it proposed to introduce an entirely new system in the policy of the Government relative to the public lands, and it would, unquestionably, excite discussion. It was hardly expedient to enter into its consideration now. He moved that it be passed over informally.

Mr. ASHLEY did not object to the suggestion, if the bill could be taken up at an early period. It was true, that it proposed changes in the public-land policy, and these changes were called for in justice to the settlers in the new States. He was willing it should be deferred, if taken up at an early period. It was substantially the same bill which was before the Senate at the last session, and was then partially discussed. He would not press it now, if the gentleman would name an early day for its consideration.

Mr. BREESE suggested Monday week.

Mr. ASHLEY then moved that the bill be made the special order for Monday week.

Mr. BADGER remarked, that another bill already had been set down as the special order for that day.

On motion by Mr. ASHLEY, it was

Ordered, That said bill be postponed to, and made the special order for, Monday, the 21st February, instant.

PENSIONS TO WIDOWS AND ORPHANS.

The Senate then proceeded to consider a bill amending an act entitled "An act granting half-pay to widows or orphans where the husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers," passed July 4, 1836.

The bill having been read a second time, and being under consideration as in Committee of the Whole—

Mr. NILES said he was apprehensive that this bill had not received its proper investigation. He expressed the opinion that the pension system required revision, and asked whether the bill contemplated to give half-pay for life, or for the term of five years? He would also like to know whether it embraced in its provisions the widows and orphans of volunteers, as that force belonged to the Federal Government, and not to the States from whence they had volunteered.

Mr. JOHNSON, of Louisiana, stated that the bill had been reported by the Committee on Pensions, and was recommended in the message of the President. All must recollect the petitions presented by the Senator from New York, [Mr. DIX,] and his eloquent and forcible remarks made on that occasion, and which petitions were referred to the Committee on Military Affairs. The Committee on Pensions thought it would wait until the Military Committee had acted; but, on consultation with several of its members, it was supposed that a bill would come more appropriately from the Committee on Pensions, and hence this bill had been reported.

Mr. DIX explained, that the petitioners contemplated two measures—one giving half-pay for life, and the other for five years. The present bill, he believed, adopted the pension for five years, and did not go further.

Mr. NILES inquired if the bill made any distinction between persons who died in service or were killed in battle.

Mr. DIX thought there was no distinction in the bill, though he had not examined it very carefully. The wives and children of those who died in service in Mexico were made recipients of the bounty of the Government.

Mr. NILES did not wish to oppose this bill, but he thought it had better be postponed for the present; which suggestion was adopted.

THE TEN-REGIMENT BILL.

The Senate then resumed the consideration of the bill to raise, for a limited time, an additional military force; when—

Mr. SEVIER said, he should have taken no part in the discussion had it been confined to the merits of the ten-regiment bill, nor would he now go very much at length into the debate.

He would vote for the bill because it was recommended by the proper authority, because it was approved by the Military Committee, because it would accelerate peace, and give financial relief to the treasury. But his chief object in rising was to defend the President against the attacks which had been made on him.

He referred the origin of the war to the attack made by the Mexicans on Thornton and Hardee, on which the President founded his war message. It had been asserted that the annexation of Texas was a cause of the war. This was one of the remote causes, of which the President was guiltless, as well as of others which had been referred to, and which took place long before the President came into power. Texas will be held, every part and parcel, by us, in spite of the denunciations of the opposite party; and if Mexico should be deprived of any more of her territory, it may be attributed to the efforts of the same party. The President inherited both the great questions—Oregon and Texas. He desired to go back into the history of these twin sisters.

Texas was settled by United States citizens; she revolted from Mexico, and was admitted into this Confederacy. Two propositions were rejected by Presidents Jackson and Van Buren, out of deference to the opinion of the world. Subsequently, she was invited into our Union; and for reasons which she assigned, she consented. A treaty was submitted to the Senate, a copy of which found its way into the newspapers, and the excitement became intense. This took place just before the meetings of the conventions for the nomination of a President. The treaty was rejected; an issue was then made, previous to the elections of November, 1844, and the result was the election of the present Executive.

A resolution to admit Texas was submitted in the House of Representatives, was passed by a small majority, and sent to the Senate, where it was referred to a committee, which reported against it. A compromise was then made, and the resolution was amended, and carried by Senators who should never be forgotten by Texas, among whom were three gentlemen from the other side—MERRICK, HENDERSON, and REVERDY JOHNSON. The result was transmitted on the last day of the session to Texas.

The difficulties which had arisen out of these events had, in his opinion, been managed by the President with the greatest sagacity and wisdom.

He then proceeded to state in detail what those steps were. He followed the course of General Taylor from his first movement in June, 1845, until August, 1845, when he reached Corpus Christi. In October he received information from the Department that there would probably be no invasion of Texas.

The President states, that previous to September, 1845, there was a disposition on the part of Mexico to settle all differences. Mr. Black, our consul, was then written to, to ascertain the feeling of the Government, and to him the Mexican Secretary of State communicated the readiness of the Government to receive a United States minister to settle all disputes.

Thus things stood when Congress assembled in December, 1845, when, in consequence of the President's message, we put the whole of this coast under our jurisdiction. Where was the indignation of the opposite party? Did they wait for the cannon of Palo Alto to wake up their brains and their tongues?

Our minister presented himself, and Mexico refused to receive him. He remained there until the revolution had placed Paredes in power. Mr. Slidell, in a letter dated 6th December, which reached this city in January, communicated all these events, and after this, the order to General Taylor, which has been so censured, was issued.

He then recited and replied to the various objections made to this order, which he maintained that the President had a constitutional power to issue, and which circumstances fully justified. He insisted that the territory of Texas stretched to the east bank of the Rio Grande; that from the time of the battle of San Jacinto in 1836, the Mexicans had never crossed from the west bank, except on two occasions, when bands came over to plunder, and returned without any booty. Texas had expelled the Mexicans from this territory, had established her civil jurisdiction over it, and had sent into it a surveyor to survey the lands. He inferred from these facts, that Texas had as clear a right to the territory up to the Rio Grande, as we have to these United States. In reply to what had been said concerning the distance for voters to go to Corpus Christi, he referred to the condition of Arkansas, since his youth, to show the distance which grand jurors had to travel to the courts on which they were summoned to serve, some two hundred or two hundred and fifty miles. The inhabitants on the Rio Grande who had to travel to Corpus Christi, were, in fact, better off than the original settlers in Arkansas. The inhabitants of that region were left by Texas in the full enjoyment of all the privileges which they had previously possessed.

He adverted to the resolution of the Senator from Missouri, calling on the department to ascertain the boundary we asked. In reply, a map was furnished, showing that it extended to the Rio Grande. It was the duty of the United States to hold on to this territory, until it should be proved that our claim was unsustainable. Our Government had sent minister after minister to decide the question, but Mexico had stubbornly rejected every overture to that effect.

He reminded the Senate of the anxiety and excitement which prevailed pending the discussion of the Oregon question; and of the negotiations which brought about the settlement of that difficulty. Yet Mexico could not be prevailed upon to settle the difficulty between her and the United States by negotiation.

The information communicated by Captain Conner to General Taylor, that eight thousand Mexicans were on their march to the Rio Grande, was before General Taylor made a movement. He referred also to the correspondence of General Taylor which showed that he had found Mexican troops prepared for hostile operations, and to other facts, to prove that the Mexicans had marched to the Rio Grande, for the purpose of invading our territory, before it was ever known that General Taylor was on his march.

He regretted that the Senator from Maryland should have made it a ground of reproach against the President that General Taylor was not sustained, and stated that General Taylor had authority to make requisitions on several Governors, and to raise pecuniary means, whenever, in his opinion, the exigencies of the service should require them.

In reference to the resolutions for the annexation of Texas, he stated that there was no difference between the two on the subject of boundary, and therefore the President was not censurable for his selection between them on the ground assumed by some Senators on the other side.

He drew a distinction between the cases of 1803 and 1806—that of Louisiana and Florida—regarding them as aggressive acts, the object of which was the invasion of the possessions of France and Spain—while our case now was one of necessary defence.

He concluded from all that he had said that the President had acted, in entering into the war, with the greatest prudence, wisdom, and forbearance.

On the subject of the manner in which the war had been carried on, he intended to be very brief. If the glorious results which had marked its progress throughout were not evidence sufficiently satisfactory of the skill and energy with which it had been prosecuted, he could add but little to it. He remarked on the perseverance with which Senators on the other side had endeavored to embarrass the Executive in his movements, by throwing odium on the war, by representations of the dangerous diseases of the Mexican climate—of the ruin which overhung the treasury—and of the bankruptcy which was coming on the country. For the purpose of facilitating the conclusion of a treaty—which Senators in the opposition were clamoring for—the President came to Congress for two millions, and then the cry on the other side was, "Would you buy a peace?"

His view of the objects for which we now prosecute the war was, that they are indemnity for our expenditures, in the shape of territory—and he had named California and New Mexico last session; and indemnity for the claims of our citizens for spoliations. The President had at one time stated, that he regarded Upper California and New Mexico as adequate indemnity. After several victories had been won, he did not rise in his terms; and although, subsequently to the capture of the city of Mexico, he has demanded more, still if at any time a treaty, embracing Upper California and New Mexico, had been sent to this Senate, it would have been ratified here.

In reply to the position of the Senator from Tennessee, [Mr. BELL,] that the President does not really desire a peace, he (Mr. S.) expressed himself surprised, after the President had sought peace with so much eagerness and solicitude.

Mr. BELL explained that he had stated that the President was not anxious to make a treaty, unless he could so make it as to obtain security for the future.

Mr. CASS asked on what authority the Senator from Tennessee stated that it was a security against the interference of foreign nations.

Mr. BELL replied, that it was a deduction from the policy which had been pursued, and the arguments by which it was defended here. He protested against being represented as saying the President was not anxious to make a peace—he ought to be—but that he would not make a peace which did not offer security for the future.

Mr. SEVIER said the President would not sign a treaty with a man of straw. He would consider a treaty on parchment as pretty good authority in itself. He would make a treaty with any stable government, for he would say that no man could be more averse to the war than the President had been from the first. It had been asked, Would California and New Mexico be sufficient? He thought the Senator from Tennessee, and his friends, must have received information that Mr. Trist had made a treaty. He had thought of rising and putting the question solemnly, Had the friends of General Scott received any information of any treaty which had been made?

Mr. BELL disavowed any knowledge of the kind. Had the Senator any knowledge of any such treaty?

Mr. SEVIER, not a word. The President wants a fair indemnity in territory, or otherwise. He had never thought of taking the whole of Mexico. Never, until the beginning of this session, had he ever heard it imputed to the President, or his Cabinet, that he desired this. And if things are taking this tendency, it will be because of the course of argument which has been pursued here. The Senator from Maryland had stated that he would be willing to take a little territory in satisfaction of claims, yet he would scorn to take indemnity in territory. Another Senator had asserted, that he would have the troops withdrawn by the shortest road and the cheapest way. Senators made up their own issues, and then deduced their various conclusions, without reference to the true facts.

He was in favor of advancing, rather than any inglorious retreat. If we withdrew our troops—if they came back without a peace—we should leave an exasperated enemy behind us, and this would lead to a series of new outrages of the most lamentable character. As to what the Senator from Tennessee had said on the subject of classes, and the impossibility of civilizing the mass, he reminded that Senator of his own system for the removal of the Indians to the West. In carrying out that system, bills had been passed locating some of these Indians on the borders of Arkansas, where they had formed themselves into a government, and had since flourished, and had become an orderly, prosperous, and easily-governed people. He did not see any greater difficulty in civilizing and governing the mass of Mexicans.

As to the right of voting, he did not know that the Mexicans would gain it from the Constitution. The Indians had not gone up to vote that he knew of.

He took great exception to the resemblance drawn by the Senator from Tennessee between the war of Cortez and this war—making glory and gold the objects of its further prosecution. He defended the Administration against this charge. He denied that the friends of the President or of this bill were actuated by any such base motives. As to the reference drawn from the abolition of the transit duties that General Scott was endeavoring to conciliate the people, instead of collecting these taxes, General Scott receives a sum in lieu of the amount. The Senator had also asked if we would take the public debt of Mexico. He replied, that

he would do so, and her church debt too; as our income would increase with the increase of our population. He then dwelt at some length on the remarks of the Senator from Tennessee, relative to the increased patronage which the acquisition of Mexico would throw into the hands of the President. He stated that the President had grown weary of patronage, and would rejoice if the power was not vested in him. He concluded with reasserting that the President had no objection to make a peace with any authority as stable as the present Government of Mexico.

Mr. HUNTER obtained the floor.

Mr. FOOTE then rose, and said: I wish to propound two questions to the Senator from Tennessee, which I have reduced to writing.

A SENATOR. "Order."

Mr. FOOTE. It will not occupy more than a few moments. I was not in my seat yesterday, being confined to my room by indisposition, and had not then an opportunity of putting these interrogatories to the Senator. The Senator from Tennessee, the day before yesterday, quite unexpectedly, propounded certain questions, which, he said, he confidently expected would be answered by me, as he regarded me as a bold and independent man, who would not shrink from the responsibility of answering questions of that nature. His questions were answered; and knowing him to be a man of at least equal boldness, I can have no hesitation in saying that I anticipate equal promptitude, on his part, in replying to the questions I am now about to propound. I will further premise, that I put these inquiries in a spirit of courtesy, and with a strong desire of obtaining an expression of the Senator's views. I desire, then, to inquire of the Senator, first, whether, when he addressed the Senate, he had any knowledge or information, of a reliable character, that a treaty, or anything equivalent thereto, had been agreed on in Mexico; and if so, whether by authorized agents of the Government, or by unauthorized persons; and, if by unauthorized persons, is the Senator from Tennessee aware of any connection or correspondence between these agents, or unauthorized persons, and any person or persons in the United States?

Mr. BELL. I see that the Senator means it in a mild spirit, but certainly it is claiming a great right, on his part, to catechise me in this form.

Mr. FOOTE. If he does not wish——

Mr. BELL. I say that I only deny the right of any Senator to ask me such a question, implying a breach of confidence on the part of agents of the Government, and which might, by possibility, involve myself.

Mr. FOOTE. I did not intend that.

Mr. BELL. Oh! I believe the Senator means nothing at all improper. I did hear the rumors that there was a *projet* of a treaty presented by the commissioners to Mr. Trist, and afterwards to General Scott, and that it had been forwarded to Washington. Upon further inquiry, I did not find any authority whatever for the rumor. I may add, that I have had no communication with any agent of the Government, whether in America or in Mexico.

Mr. FOOTE. The question does not implicate the Senator.

Mr. BELL. I have had no such information, and am rather disposed to believe that there has been no foundation for the rumors to which allusion has been made. From some announcements, (semi-official,) it would seem that there had been something in them; but I see it denied in the recognized organ of the Administration, and must suppose that that statement is true. If both the Senators had attended closely to my remarks, they would have seen that the tenor of my argument was, that the Administration must seek something more than territory, as affording "security for the future," and that it mattered not, so far as my argument was concerned, whether they claim the Californias and New Mexico, or a still further extension of territory on the same border.

Mr. BENTON. I wish, sir, to make a motion, necessary to the organization of the Senate. We have elected a President *pro tempore*, in the absence of the Vice President, and have not yet given notice of it to the President. He does not know how things are here. I ask the indulgence of the Senate, then, in order to submit a resolution directing the Secretary to notify the President of what we have done.

It was then—

Ordered, That the Secretary wait on the President of the United States, and notify him that the Senate, in the absence of the Vice President, have chosen the Hon. DAVID R. ATCHISON President of the Senate *pro tempore*; and that he make a similar communication to the House of Representatives.

Mr. FOOTE again rose to address the Chair.

Mr. MANGUM. I rise, sir——

Mr. FOOTE. I will not occupy the attention of the Senate long. Give me a fair chance. I was sick yesterday.

Mr. MANGUM. I rise to order.

Mr. FOOTE. If the Senator be unwilling to allow me——

Mr. MANGUM. I am not at all unwilling to allow any Senator the full exercise of his privileges. But I now make a point of order. What I suggest is in the spirit of which I am sure the gentleman will himself approve. This kind of catechising gentlemen in this body——

Mr. FOOTE. Who commenced it?

Mr. MANGUM——I regard not only as a departure from the order, but as calculated to impair the dignity of our course of procedure. Let me assure the honorable Senator from Mississippi that I make this point of order in all respect and kindness to himself, and strictly in a desire to adhere to the uniform usages of the body as I understand them. It will be readily perceived that great disorder must ensue if such a practice were permitted. If Senators are to rise up in this way, on any occasion, out of the course of debate, and put interrogatories on isolated points, calling now on the Senator from Michigan, and now on the Senator from South Carolina, and so on, I submit to the Senator himself whether such a course of procedure would not be disorderly, and ought to be avoided on all hands?

Mr. BELL. It seems to be alleged that I commenced the system of interrogation. I hope that the Senator from North Carolina will allow the Senator from Mississippi to proceed.

Mr. FOOTE. In my own vindication I must say that really I am not very familiar with the rules of order; I am told, however, that the Senator from North Carolina is entirely mistaken. At any rate it is not for me to vindicate the Senator from Tennessee, whose magnanimity has just now induced him to acknowledge that he is himself responsible for all that has occurred. His questions were propounded to me in the confident expectation that I would answer, and I did answer; and, therefore, it would have been much more seasonable had the Senator from North Carolina presented his views of order on the day before yesterday. My next question is: Would the Senator from Tennessee agree to a treaty with Mexico, without full indemnity for past wrongs received at the hands of her Government, and security from future aggressions—and also what amount of indemnity and what kind of security he would demand?

Mr. BELL. I can assure the Senator that I would weigh well any treaty that might be presented to this body, and try to do so impartially. But I hold that greater calamities might befall this country than the acceptance of a treaty which did not give even full indemnity. I should regard the success of the policy which I have attempted to show in the course of my argument was now in progress, and which I still believed to be pursued, notwithstanding the denial of the gentleman who has addressed the Senate to-day, as a greater evil than that. I would endeavor to weigh the evils; when the issue comes up between taking the Rio Grande, to which we claim title, and the conquest of the whole of the country, and the holding of it either in the shape of States or as dependant provinces; with my present impressions of the evil of such a policy, I would prefer the former to the latter alternative.

Mr. FOOTE. What boundary?

Mr. BELL. If the Senator desires to learn all my individual opinions, I shall be very happy to communicate them. I should be quite willing to take the Rio Grande as the boundary; but the Senator is not, therefore, to say, that I preferred not to take any indemnity.

Mr. FOOTE. I did not say so.

Mr. BELL. I distinctly stated that I was not opposed to exacting such indemnity from Mexico as would not be oppressive or ruinous to her. I did not go against all indemnity, and I trust I was so understood. The honorable Senator from Mississippi was not here yesterday, and therefore it is probable that he wishes to know my individual opinions on those points: they are not worth much, it is true; but such as they are, I gave them, without disguise, and I had hoped, with sufficient explicitness to indicate what I should do in any particular exigency that might arise.

The Senate then adjourned till Monday.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 7, 1848.

The Journal of Friday was read and approved.

Mr. STEPHENS asked the general consent of the House to offer the following resolution:

Resolved, That the President be requested to furnish this House with copies of all letters received at the War Office from General Taylor from the 1st to the 22d of February, 1847, inclusive, which have not heretofore been made public, and so far as the same may not be prejudicial to the public interests.

The reception of the resolution being objected to—

Mr. STEPHENS moved to suspend the rules.

The question was put, and the rules were suspended.

The resolution was then received and agreed to.

THANKS TO GENERAL SCOTT, ETC.

Mr. HUNT asked the general consent of the House to introduce the following joint resolutions, of which previous notice had been given:

JOINT RESOLUTIONS expressive of the thanks of Congress to Major General Winfield Scott and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847.

Resolved unanimously by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby, presented to Winfield Scott, Major General commanding in chief the army in Mexico, and through him to the officers and men of the regular and volunteer corps under him, for their uniform gallantry and good conduct, conspicuously displayed at the siege and capture of the city of Vera Cruz and Castle of San Juan de Ulua, March 29, 1847; and in the successive battles of Cerro Gordo, April 18th; Contreras, San Antonio, and Churubusco, August 19th and 20th; and for the victories achieved in front of the city of Mexico, September 8th, 11th, 12th, and 13th; and the capture of the metropolis, September 14th, 1847; in which the Mexican troops, greatly superior in numbers, and with every advantage of position, were in every conflict signally defeated by the American arms.

2. *Resolved*, That the President of the United States be, and he is hereby, requested to cause to be struck a gold medal, with devices emblematical of the series of brilliant victories achieved by the army, and presented to Major General Winfield Scott, as a testimony of the high sense entertained by Congress of his valor, skill, and judicious conduct in the memorable campaign of 1847.

3. *Resolved*, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major General Scott in such terms as he may deem best calculated to give effect to the objects thereof.

Mr. SAWYER objecting—

Mr. HUNT moved to suspend the rules, to enable him to introduce the joint resolution.

The rules being suspended, the resolutions were received, and read a first and second time.

Mr. HUNT rose and said he had no desire to occupy the time of the House with a discussion of these resolutions. He could not doubt but the House was now prepared to come to a vote on the subject. He believed the resolutions expressed the universal sentiment of the American people in relation to those brilliant achievements to which they refer.

Mr. HOUSTON, of Alabama, inquired if debate was in order on these resolutions.

The SPEAKER replied that debate was in order.

Mr. HOUSTON inquired if the resolutions would not go over if any one desired to debate them.

The SPEAKER replied that they would not, as this was not resolution day.

Mr. HUNT then resumed. He said he had no desire to discuss the general merits of these resolutions. He would, however, say a single word. It would be perceived that the resolutions contained no mention, by name, of those subordinate officers who bore so conspicuous a part in achieving those glorious victories by our arms. His reason was, that it would be more appropriate and fitting that these resolutions should be drawn in the usual form, and confined to the general commanding in chief. He hoped, however, that some gentleman would take an early occasion to submit a resolution expressive of the thanks of Congress and the country to all the subordinate officers, which would receive his best support. He now moved the previous question.

Mr. TOMPKINS hoped the gentleman from New York would withdraw his demand for the previous question.

Mr. RICHARDSON made a like request. His object was to obtain the opportunity to offer an amendment to the resolutions, which he believed would meet the approbation of the gentleman from New York and of the House. He wished to introduce an amendment to give the thanks of Congress to General Taylor for his distinguished services to the country at the battle of Buena Vista.

Mr. HUNT said he could not consent to withdraw his motion; but if the gentleman from Illinois would afterwards submit his amendment as an independent proposition, it should have his (Mr. H.'s) best support.

Mr. C. J. INGERSOLL desired to offer an amendment, which, perhaps, the gentleman from New York would accept.

The SPEAKER said no amendment could be received but by unanimous consent.

Objections were made; and the question being put on the demand for the previous question, it was sustained.

The main question was then put, and the resolutions were ordered to be engrossed for a third reading.

Mr. HUNT hoped they would have their third reading at this time.

Mr. HENLEY moved a reconsideration of the vote by which the resolutions were ordered to be engrossed for a third reading, his object being to offer an amendment. He did not wish to take up the time of the House, but he wished to make the resolutions perfect by an amendment which he was of opinion would meet the approbation of all sides of the House. He wished to submit it as an addition to the first resolution, which enumerates the achievements of our army, in these words:

"All of which triumphs and achievements are honorable to our national character, and give additional brilliancy and lustre to the American name."

Mr. HOUSTON, of Alabama, hoped gentlemen on the other side of the House would consent to have the resolutions amended so as embrace all of the major and brigadier generals who were in those battles. If they would look to the proceedings of Congress on preceding similar occasions, they would find, if he (Mr. H.) recollected correctly, that medals had been presented to all officers, as far down as brigadier generals. He desired to conform to that practice on this occasion, and include by name all of the major and brigadier generals; and if gentlemen would agree to it, he would propose to insert the names of Major Generals Quitman and Pillow, and Brigadier Generals Worth, Twiggs, Smith, Shields, and Pierce. This, he believed, included *all*, and he hoped no one would object to it.

Mr. HASKELL inquired if the gentleman from Alabama had intentionally omitted the name of Major General Patterson?

Mr. HOUSTON said, certainly not; his intention had been to include *all*, and, in the hurry of preparing the amendment, he and those around him had casually omitted the name of that distinguished officer. He would vote the resolutions, whether his amendment prevailed or not, with very great pleasure, and he believed all on his side of the House would do so likewise. He had no wish to delay or defeat the thanks; the officers named, all of them, Major General Scott as well as the others, were eminently entitled to them, and he hoped gentlemen over the way would consent to the amendment he now proposed. Gentlemen must remember—they could not have forgotten—that this was the course pursued at the last Congress, when thanks were voted to General Taylor. His recollection was, that on that occasion, we included by name the officers who were with him at Monterey, to the grade of brigadier generals. The same custom should be observed now. To vary from it might be improperly construed; to leave out those names without cause, without a reason, and in direct conflict with the usages of Congress, would be, in his opinion, improper and unfair to those very distinguished and patriotic officers.

Mr. BOTTS moved the previous question on the motion to reconsider.

There was a second, and the main question was ordered to be now put.

Mr. HENLEY called for the yeas and nays on the motion to reconsider, and they were ordered, and resulted thus: Yeas 86, nays 113.

So the motion to reconsider was negatived.

The question then recurred on the third reading.

Mr. HARALSON rose and said, he had voted for the reconsideration, not in a spirit of opposition to these resolutions, but with a view to amend them so as to include those distinguished generals who had taken so conspicuous a part in those glorious conflicts. He had no other object now than to call for the yeas and nays on the final passage of the resolutions.

The yeas and nays were ordered.

Mr. HUNT expressed his opinion that a resolution to accomplish the object of the gentleman from Georgia [Mr. HARALSON] would meet with general approbation in this House. He now moved the previous question on the third reading.

Mr. C. J. INGERSOLL moved to recommit with a view to amend the resolutions.

The SPEAKER said the gentleman's motion was not now in order.

The House then seconded the demand for the previous question, and the main question was ordered to be now put.

The roll was then called, and—

Mr. HASKELL rose when his name was called and desired to explain, that while voting with great pleasure for these resolutions, he did not wish to be understood as voting for himself. Having been an officer on the occasions referred to, he was placed in a delicate position; but with this explanation he gladly gave his vote in the affirmative.

The question on the passage of the resolution was decided in the affirmative: Yeas 197, nay 1.

So the resolution was adopted.

Mr. BOTTS asked the general consent to offer the following resolution:

Resolved, That the President of the United States be requested to communicate to this House whether any communication has been received from Mexico containing propositions from the Mexican authorities or commissioners for a treaty of peace; and if so, that he communicate the same, if it can be done without detriment to the public interests.

Objection being made—

Mr. BOTTS moved a suspension of the rules.

The question on suspending the rules was decided in the affirmative, and the resolution was received and agreed to.

THANKS TO GENERAL TAYLOR, ETC.

Mr. STEPHENS, the rules having been suspended for the purpose, introduced the following joint resolutions:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and they are hereby tendered, to Major General Zachary Taylor, and, through him, to the officers and soldiers of the regular army and of the volunteers under his command, for their indomitable valor, skill, and good conduct, conspicuously displayed on the twenty-second and twenty-third days of February last, in the battle of Buena Vista, in defeating a Mexican army of more than four times their number, consisting of chosen troops, under their favorite commander, General Santa Anna, and thereby obtaining a victory over the enemy which, for its signal and brilliant character, is unsurpassed in the military annals of the world.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major General Zachary Taylor, as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major General Taylor in such terms as he may deem best calculated to give effect to the object thereof.

The resolutions were read a first and second time.

Mr. STEPHENS moved the previous question on their engrossment and third reading, which was seconded; and, under its operation, the resolutions were ordered to be engrossed and read a third time; and, being engrossed, they were accordingly read a third time and passed: Yeas 181, nay 1.

PERSONAL EXPLANATION.

Mr. WILMOT rose and asked leave to make a personal explanation.

The SPEAKER said it would be in order only by the general consent of the House.

No objection being made—

Mr. WILMOT was proceeding with his remarks; when—

Mr. ROOT rose and objected.

The objection, coming too late, was not received.

Mr. WILMOT (continuing) said he trusted that gentlemen would find that he was not disposed in any degree to abuse the courtesy or trespass far upon the indulgence which had been extended to him. It was the first time, since he had been a member of this House, that he had asked to have extended to him any indulgence of this character, and he should not now have made the request had it not been for the very extraordinary and peculiar character of an article which appeared in the "Union" of the 3d instant under its editorial head. As that is the second attack (said Mr. W.) which has been made upon me, within the last few days, in the editorial columns of that paper, the "venerable" editor who presides over it might think I was wanting in personal respect unless I noticed them. It is not, sir, I assure you, because I feel the slightest degree of inconvenience or pain under the lash which he chooses to apply to me. I feel entirely confident that any efforts which that gentleman may make to injure me before my constituents will be idle and abortive. My principles were known to them before I left my home; they were always freely promulgated; and when I choose to avow them on this floor, I claim the right to do so, and I am entirely indifferent what course the editor of the "Union" may see fit to take with reference to it. I will read the article to which I refer:

"Mr. D. Wilmot, of Pennsylvania, is not content with the notoriety he has gained by his proviso. We must have the *Wilmot proviso* No. 2. He has proposed a scheme of direct taxation—to fall, we presume, heavily on the slaves of the South. Fortunately, this day it was rejected in the House, several of the Whigs voting against it.

"The Administration does not ask such idle schemes and such mischievous allies. If this Representative from Pennsylvania is not content with consulting wiser counsellors, he had better set up a school of his own, and call it the *Wilmot School*. If he means, however, to coöperate with the Republican party, we advise him to consult and act with them. The Administration has laid down its platform. Pursue its measures of finance, let them be honestly carried out, and we shall require no direct tax; but we will obtain what money we require on moderate terms."

This, sir, it appears to me, is an article of the most extraordinary tone and character. In the first place, it denounces this "scheme" (as it is pleased to call it) of direct taxation as a "second proviso," as "*another* firebrand" thrown into the Republican ranks. We have heard for the last year—nay, more, ever since the introduction of the proviso which I had the honor to introduce to exclude slavery from any territory to be acquired—through the columns of that paper, that it was a firebrand thrown into the ranks of the Democratic party, which is likely to divide, and perhaps eventually to result in the defeat of that party. This has been the constant clamor of the "Union." We now hear, from the same source, that this is "Proviso No. 2." A proposition which, as a Representative of the people, standing on my rights as a member of this House—which, on my responsibility to my people, and to God under the oath I have taken here—I have proposed, for the purpose of drawing from the capital and wealth of the country some fair proportion of the expenses and burdens of this Government, is denounced as a firebrand by this pretended organ of the Administration—*pretended* organ, I say; God forbid that I should accuse it of speaking the sentiments of the Administration! I do not believe that any article of this character can procure the endorsement of the President or any prudent member of his Cabinet.

This a "mischievous proposition" which I introduced! "A firebrand!" says Mr. Ritchie. A "second proviso! A second attempt to invade the principles of the Republican party! A second attempt to strike at that "peculiar" institution which this "venerable" editor seems always to have in view, and at which he seems to see some blow struck in almost every movement that may be made here! Why, if a proposition is before Congress for the introduction of new territory into this Union, Mr. Ritchie sees nothing in it above and beyond the extension of slavery! If a proposition is introduced here for the purpose of raising money for the support of this Government in time of war, and for the payment of its debt, Mr. Ritchie, this far-seeing editor, sees nothing in that proposition but an effort to impose a tax upon a peculiar species of property. His vision is altogether unable to extend any further; and he seems to think that gentlemen are actuated by no other motives or objects, in whatever movement they may make here. I had no particular allusion to this species of property. If there had been no such property I should have made the same proposition; I did not propose to exempt it; I do not know why a few thousand

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capitalists of the South, who hold a certain species of property, should be exempt from taxation; but my object was to call upon the capital generally in all sections of the country—North and South, East and West—wherever found, to bear its just proportion of the burdens of the Government. This was my object; to this object my amendment was directed, and to this only. And this is a "heresy" in the Republican creed! A new doctrine in the Democratic party, is it? Mr. Ritchie declares it to be a heresy; that it must be kicked out of doors; and "fortunately," he tells us, "it was; *several* of the Whigs voting against it." Mr. Ritchie, then, was fortunate in having some allies; it was fortunate for him that some *few* Whigs came to his aid and voted down this "mischievous" principle, which he charges me with attempting to interpolate into the creed of the Democratic party. Why, the language employed in this article, like everything he says about me, is calculated and intended to mislead public opinion, and to place me in a false position before the country and my constituents; to represent me as acting with the great body of the Whig party in support of a proposition which goes to overthrow the principles of the Democratic party, and that there was here and there a Whig who voted with the Democratic party, and thus defeated this "mischievous" measure. An examination of the vote shows that *seventy-two* Whigs voted against the proposition! This is "*several*" of them, with a vengeance! "Several" to come up and sustain Mr. Ritchie's views in this matter! Let the old man beware; let him look to the company he is in! While he denounces me as a "mischievous ally" of the Administration, such an one as he did not want, he has taken into his bosom and confidence seventy-two "allies" from the Opposition party! So it would seem he denounces my proposition; they vote against it: Thomas Ritchie and they act together upon it!

There is another fact to which I wish to call the attention of the House. The honorable gentleman from Ohio, the chairman of the Committee of Ways and Means, [Mr. VINTON,] that respectable and able gentleman, one of the seventy-two Whig allies of Mr. Ritchie, is not content with giving a silent vote, but gives his reasons for the course which the "Union" so highly approves, and for pursuing the opposite of which it sees fit to visit me with so strong denunciations. When the proposition which I moved came before the House, the gentleman [Mr. VINTON] is reported as saying:

"There existed in the country two opposing parties on the subject of taxation and of trade: the Free-trade party and the Protective party. The doctrines of the Free-trade party ended necessarily in direct taxation. Thither they tended, and there they ended of necessity. The gentleman from Pennsylvania was a free-trade man, and so far his introduction of an amendment in favor of direct taxation was all quite consistent. Mr. VINTON was not a free-trade man; and he never would agree to impose a direct tax while a system of indirect taxation would answer the purposes of Government."

I differ with the gentleman from Ohio that the doctrines of free trade necessarily end in direct taxation to the extent which he lays down. The true free trade doctrine is, that the ordinary expenses of the Government in time of peace should be borne by an equitable system of duties on imports, but that all extraordinary demands upon the treasury should be met by direct taxation. The doctrine of the protectionists is, that no revenues shall be raised by direct taxes so long as the wants of the Government can possibly be met by loans or by indirect taxes.

Now, I would like to know what becomes of the free-trade principle, if you commence increasing duties to meet extraordinary demands on the treasury, like the present, and to avoid incurring a national debt, or to pay it off when contracted? Increase the duties in this way, and you have a protective tariff; you fall into the hands of the protectionists inevitably; and that is what the gentleman from Ohio and the whole Whig party seek; what they are endeavoring to accomplish by resisting direct taxation—by resisting this appeal to the great principles of the Republican party. They are seeking to force us back again upon the ground of protection, to bring upon us a high protective tariff; and Mr. Ritchie ought to know it, and does know it; and I charge him with coöperating with these high-tariff men—with abandoning the doctrines of free trade. He is willing that a debt of one or two hundred millions should be accumulated, thus making it absolutely necessary that the principle of a low tariff should be abandoned and a high protective tariff resorted to, because there is no other way of meeting these extraordinary expenditures except by direct taxation, which he so loudly condemns. If you have brought your tariff down, in time of peace, to the lowest point demanded by an economical administration of the Government, how are you to meet extraordinary expenditures except by an increase of the tariff, or a resort to direct taxes? If the tariff be increased, do you not come upon the grounds of the protectionists? To avoid this, is the policy of the Republican party. The only alternative is a resort to direct taxation; and for bringing forward a proposition based on this principle I am denounced.

Within a few days I have been assailed from the same source, charged with having abandoned the doctrines of the free-trade party. I have never abandoned them; I have held them from my youth. I adhere to them still. He charged me with deserting the tariff of 1846, and with laboring to defeat it in the last stages of its passage. This is not true, and I can bring "Father Ritchie" himself to prove it. I never gave a vote the intention or the effect of which was to defeat the bill. My votes will be found consistent with each other and with the sentiments declared in my speech on that subject. Within the same hour in which I gave the vote of non-concurrence with the amendment of the Senate, I voted twice against laying the bill on the table. But suppose it to be true that I did abandon the principles of free trade, did I not come forward on the 1st of February with a proposition founded upon those principles, providing for raising by direct taxes revenue to meet the extraordinary expenditures incident to the war, and for the payment within a reasonable time of the debt necessarily incurred in its prosecution? No sooner was this done than I am denounced as a "mischievous ally." This is the consistency of Mr. Ritchie!

Again: he advises me "to consult wiser counsellors." If by this he means to imply that in moving in this measure I have consulted with the opponents of this Administration, I pronounce the insinuation false. I consulted with no man; I took counsel of my own judgment, and acted as I thought duty to my constituents required. If, on the other hand, I am to understand it as an invitation to take counsel of him, I respectfully decline. I would regard it as unsafe. I think he has arrived at that period of life when his judgment, if he ever had any, is unbalanced and unhinged. He has reached that period of old age known as *second childhood*, more feeble and more helpless than the first. I trust I will be able to show before I sit down that his deviations from party principles and policy have been so wanton and so flagrant, that it would be unsafe for any Democrat to rely upon his counsels or follow his advice.

But the most extraordinary and significant part of the article is that in which he informs me that the "platform is laid down" on which I am to stand. Now I appeal to every gentleman, can language more grossly insolent be employed towards a member of this House? It is substantially this: The platform is laid down; if you choose to stand upon it, well; but if you dare to depart from it, I hold in my hand a lash with which to pursue you. I am commanded to walk between two parallel lines, and if perchance I step over, the anathemas of this man are fulminated upon my head; this man who professes to be the organ of the great Republican party of the Union, and who has done more to weaken and divide that party, by his narrow and sectional views, and by his denunciations of sound and unwavering Democrats, than any other one hundred men. If the Republican party should be defeated, if its banner trails in the dust, this Mr. T. Ritchie will not for the first time be responsible for its overthrow by his assaults and denunciations of men who have stood with fidelity and entire consistency on the platform of the Republican party. Without arrogating to myself any particular merit, I claim to have stood there myself, and I defy him and those who use him to point out any act or vote of mine as a Representative upon this floor that conflicts in the least degree with the principles of the party to which I belong. Even if he chooses to penetrate my district and inquire into my political conduct and history, I defy him to bring against me the first act of party unfaithfulness.

This is a most novel, a most extraordinary charge preferred against me. I venture to say that you may search the records of the public prints of every party organ that has existed since the establishment of the Government without finding its parallel. The principle here laid down is, that the Representative has no right to think or act for himself; that he has no right to consult the feelings or wishes of the constituency he represents, but that his highest duties are discharged when he follows blindly the path marked out for him by others—when he stands like a block upon the platform laid down for him. I have always understood that by the Constitution all revenue measures must originate in this House. Mr. Ritchie, it seems, interprets the Constitution differently. "The platform is laid down;" "the measures of finance are marked out;" and it is our duty to pursue them under the pains and penalties of excommunication. Who authorized "Father Ritchie" to send in here his measures of finance? or who gave him the right to demand of us implicit obedience to the recommendations of the Secretary of the Treasury, or to hurl upon us denunciations?

Sir, what were the objects and purposes of my amendment, honestly and fairly considered? I have already stated that it was to reach the capital and wealth of the country. I am one of those who believe that a great public debt is a great calamity; one of the most paralyzing and unmitigated curses that can be inflicted upon labor; one of the most effectual means of binding down and keeping down the honest laborers of the land. Such have been its consequences in every Government, and if the same policy be pursued by us, such will be its results here. So believing, I am anxious to provide for the extinguishment of the debt at an early day; and this, too, from the pockets of those who are best able to bear it. We are in the midst of a war—a war that must be prosecuted. In its prosecution a large debt has already been incurred, and if continued, it must be greatly increased. I hold that it is our duty that we should at this time provide means for its early extinguishment. We have no right to inflict upon posterity those burdens which properly belong to ourselves, and which we are abundantly able to bear. What right have we to cast upon our children the curse of an onerous public debt? I hold that provision should be made for its early payment, at least within the life of the generation that creates it. This is my doctrine; and it is for entertaining such principles that I am denounced.

The able gentleman from North Carolina, chairman of the Committee of Ways and Means of the last Congress, [Mr. MCKAY,] when my proposition was introduced, made a speech in favor of resorting to direct taxation, if the present war is not speedily brought to a close. He, of course, comes in for a share of the denunciations of the "Union." I differ from that gentleman in this: he would resort to this mode of raising revenue only in the event of a prolonged continuance of the war. I would advocate its adoption if the war were to cease to-day. I look as well to the payment of the public debt as to the raising of money to supply the immediate wants of the treasury. If, after the extinguishment of the public debt, there should be a surplus of revenue beyond the ordinary wants of the Government, I would diminish the duties, and thus relieve the people from a portion of the burdens of taxation. Such, I undertake to say, are the doctrines of the free-trade

party; and to such results my proposition was directed. Every man knows that the great burdens of Government rest upon the laboring, toiling masses; and because they bear the load in silence, because they have no pensioned presses to utter their grievances or to assail their rulers, therefore you would load them down until their very backs were broken. My proposition was to reach the capital of the country—to tax stocks, money at interest, and personal property. I could not go into details as to the particular kinds of personal property on which I would have this tax imposed. This was the appropriate duty of the committee. Could I have gone into details, I should have designated as the objects of taxation, gold and silver plate, pleasure carriages, watches and jewelry of all kinds, and household furniture exceeding in value a given amount.

These, sir, were some of the luxuries and extravagances of the rich that I particularly had in view. I have already said that I did not intend to exempt the capital of the South; and therefore the peculiar property in which the money of the planter is principally invested would have been embraced. I desired to exempt the humble laborer of the country from any portion of this tax. I believe that if the whole five millions proposed to be raised by my amendment were drawn from the large capitalists and more wealthy classes, still the largest proportion of the burdens of Government would fall upon the laboring classes.

I have said I regard Mr. Ritchie as an unsafe counsellor; I would not dare to follow his advice, even if I were disposed to seek it. In order to show how unsafe and how dangerous it would be to be guided by his counsels, I will read some of his violent attacks upon General Jackson, and also give the opinion which General Jackson entertained of him. I read extracts taken from the Richmond Enquirer at the time when General Jackson's name was before the country as a candidate of the Republican party:

"We cannot consent to lend a hand toward the election of such a man as Andrew Jackson."

"We would deprecate his election as a curse upon our country."

"One who, in any great crisis, would convert the whole country into one great camp, and would reduce almost everything under martial law."

"Compare him with Adams and Crawford, and how inferior must he be."

"We can commend General Jackson's modesty in retiring from the Senate and the bench, where he discovered the superior qualifications of other people. Can we say as much for his modesty, when he is now aspiring to the highest office in this nation?"

"He is too little of a statesman, too rash, too violent in his temper, his measures too much inclined to arbitrary government, to obtain the humble support of the editor of this paper."

"What kind of a President would this great civilian make? A gentleman who cannot interpret the plain expression of one law, and yet would be called upon to administer all the laws of the land! One whose ideas are so purely military that he would transmute a traitor into a spy, or would punish treason, not by the civic courts, but by a court martial!"

These were the opinions entertained by Mr. Ritchie of General Jackson. Do you think, sir, that he would be a safe adviser for a Democrat who has drawn largely from the opinions of that great man in the formation of his political creed? who looks upon his veto messages as a text-book to guide the republican in the path of safety? I shall not call upon him for his advice, but most respectfully decline to follow any he may offer.

But General Jackson placed on record his estimate of Mr. Ritchie's character. I read from the the letters of Judge Brackenridge:

"I have often heard him (Jackson) use these emphatic words: 'Ritchie is the greatest scoundrel in America.' And in one of these letters he uses the following language, which deserves to be engraved in letters of brass:

"'I see that I am attacked in Congress by Cooke, Whitman, and Williams, aided by that infamous press, the Richmond Enquirer. If such a corrupt press as the Richmond Enquirer were to approbate my conduct, I should think that in some unguarded moment I had committed some great moral impropriety.'"

We all know with what apprehension, nay, with what fear General Jackson, in his last moments, contemplated the displacement of his old friends, Blair and Rives, and the removal of T. Ritchie to the seat of Government as the editor of the organ of the Republican party. He predicted that division in the party and disaster would follow. He remonstrated, he did all that a dying patriot could do to save us from such a calamity, to preserve the integrity and harmony of the Republican ranks. But the faithful and tried servants of the party, (Blair and Rives,) who had stood by us in our hour of peril, who had safely carried us through the most trying and eventful struggle in the annals of party warfare, were thrust aside. What were the reasons assigned for this? Did any one ever question their integrity as partisans or as men? Their ability and energy were never doubted; but it was said that they had assailed so roughly many Democrats as to make them obnoxious to a considerable portion of the party. True, they did assail with vigor, and justly, too, many professed and pretended Democrats. It was at a time when treason was rife in our ranks; when the Bank of the United States had openly entered the political arena, and was buying up, like cattle in the market, presses and the people's Representatives. And yet, Blair and Rives, during the whole twelve years of Jackson's and Van Buren's administrations, never denounced half as many members of the party as has this querulous and waspish old man. They denounced for good cause; he, without reason or just foundation. Take the members of the last Congress, and of the one hundred and forty Democrats of which it was composed, there cannot be found twenty whose skirts are free from the direct or indirect censures of this reviler of General Jackson. Those who sustained appropriations for internal improvements—embracing a large share of the Democratic representation in Congress—have been duly read out of the party, unchurched from its communion, and set over to the Whigs. In the "Union" of December 16, 1847, all such are censured as coöperating with the Whigs "to oppose the war, to compel the Administration to withdraw the army, to embarrass the Republican party, and elevate the Whig candidate to the Presidency."

Next came those who in the late Congress opposed a tax upon tea and coffee. All will remember the severity with which the anathemas of the "Union" were poured out upon the heads of this class of sinners. At one time, there was no redemption or salvation for those who opposed the principles of free trade; and last, but in due season, are heard the thunders of this organ against those who support this policy, and honestly seek to carry it out by a resort to direct taxation to meet the heavy expenditures of a foreign war.

But the editor of the Union has other and deeper sins to answer for than any I have yet charged upon him. He labored to destroy the administration of Mr. Van Buren in the crisis of its fate. He opposed that greatest and most wholesome of all measures that engaged the attention and enlisted the support of the Republican party of modern times, the Independent Treasury, recommended by Mr. Van Buren, whose Administration reflects the highest honor on the Democratic party, and will constitute a bright page in the history of the Republic. I read again from the Richmond Enquirer:

"This scheme [the Independent Treasury] is wicked, because it can only be said to be a wanton experiment to discredit the present State banks, and would essentially aid Mr. Biddle and his bank in breaking them down."

"Let it once get foothold, and all the restraints of the Constitution will be broken down, with the liberties of the people."

"The institution and establishment of sub-treasuries at all the necessary and commercial points in the United States would cost the Government several millions of dollars. Strong houses, with vaults, chests, bars, bolts, and locks, would be necessary, with a regular corps of watchmen and an additional set of officers. To blind the public, the scheme might be commenced with very few new officers, but they would soon be increased to any number actually necessary."

"For the benefit of Mr. Gouge's argument we will suppose all the State banks put down, their charters repealed, and, if you please, the *Fanny Wright* doctrines carried out as far as its advocates desire; all grants to lands annulled; debts, contracts, credits, and slavery abolished; marriages and our obligations to morality and religion abrogated; and everything we want to be purchased or sacrificed by the actual payment of gold and silver; and in what would we be improved?"

"We go for the sound State banks—those which will answer the purposes of the Government; those which are honest in their wishes and zealous in their efforts to resume specie payments—in preference to the Treasury system."

"We have objected to the Sub-treasury system, so called, that, in the first place, it will enlarge the *Executive power*, ALREADY TOO GREAT for a republic; secondly, that it contributes to endanger *the security of the public funds;* and, thirdly, that it is calculated to produce two currencies—a baser one for the people and a better one for the Government."

"We opposed the Sub-treasury system, so denominated, in 1834; we maintain the same ground in 1837."

Where will you find more gross and outrageous assaults upon this measure, should you search the most violent Whig papers of the time? This is the man who shortly after was upon his knees, a suppliant for mercy, imploring forgiveness for himself and his fellow-traitors, RIVES and TALLMADGE, and begging to be received once more into the party. This is the man who now denounces and reads Democrats out of the party by the score. Then, he was anxious to be taken in upon any terms, even on trial; now, he has grown so arrogant and presuming as to erect a platform on which all must stand.

These attacks upon me, after all, have not come so unexpectedly. I anticipated them before I left home; and in a public meeting of my constituents, told them I was a marked man by this old dotard; that if it were in the power of his press to destroy my standing, he would do it. But I bid him defiance. My people know me, and are beginning pretty well to understand him, and those who use him. I could easily save myself from these assaults, if I were as vacillating as he has been. There would be no difficulty between Mr. Ritchie and myself if one day I would support a great measure on principle, and the next day turn round and oppose it. I would be secure from misrepresentation and abuse if I would submit my neck to the yoke, and wear the collar of a certain aspirant for the Presidency, in whose interest the "Union" is enlisted, and for whose elevation it is laboring. If I would make myself an instrument in his hands, (which God forbid!) I have no doubt but there would be an abundance of grace and mercy for me. The Abraham's bosom of "Father Ritchie" is wide enough and warm enough for all sorts of sinners except myself. Those who opposed the tariff—I do not wish to be understood as censuring them—have been received back into the fold of the party; those who opposed the Administration on the question of improvements of rivers and harbors, although excommunicated, have received absolution; for even the flagrant sin of opposition to the tax on tea and coffee, I think there has been forgiveness; and I verily believe that I, although the greatest of sinners, might be forgiven even for the PROVISO, if I would enlist under the banner of a certain aspirant for the Presidency. I have formed my deliberate opinions and estimates of this man, and I declare I prefer any other man named by the Republican party as a candidate for the Presidency—either Cass, Dallas, or Woodbury, nay, even Mr. Calhoun himself; he is a bold, frank man, who meets all questions fairly, never evading or dodging the issues they involve.

Sir, simultaneously, on the 25th of December, the "Union," in this city, and the "Pennsylvanian," a paper published one hundred and fifty miles distant, came out with articles abusive and denunciatory of myself. The editor of the latter paper was *in this city at the time*, and from the similarity of the charges preferred against me, I have no doubt that the attacks were arranged and preconcerted. My prostration was determined upon, because it was believed that my opposition to this Presidential aspirant was uncompromising and unyielding. Again: the article which I have been noticing, which appeared in the "Union" of the 3d instant, was also, as I am informed, accompanied by a similar attack in the "Pennsylvanian" of the same date, and they are both the leading organs of the scheming, ambitious candidate. The one in Philadelphia is known to be devoted entirely to his interest, edited by his *protege*, who is in the receipt of $1,500 of the public patronage. The singular coincidence of these attacks, both in time, character, and circumstance, leaves no doubt upon my mind as to the source from which they come, or the reasons that prompt them. That aspirant may send papers and documents into my county, to men of whose names he has never heard, except as they have been furnished, marked "with the kind respects of ———." Yet he will find the Democracy of that county firm in their attachment to their principles, and like a wall to those who oppose them. Talk of him as a candidate for the Presidency! With him as their candidate they would meet with a most overwhelming and most disastrous defeat. He the candidate of the Republican party—the reviler of Madison! the opponent of the war! It is idle; and his friends begin to see it and know it.

The true reasons for this assault upon me are, first, my adherence to the PROVISO; and, next, my unwillingness to favor the pretensions of this man. I have no candidate, no particular favorite; but I prefer either of the Democrats who have been named

to this man. I have a right to these preferences, to enjoy them, and to express them. I doubt not that for so doing a portion of the press of my State will assail and denounce me. But I intend to preserve all such, and doubt not but the ear-mark will be found upon them, and that upon inquiry it will be discovered that they are in the receipt of patronage from him, or obtained through his influence. I believe, but for the large patronage employed, that the Democracy of Pennsylvania would have declared its preference for some other man for the Presidency. Here, sir, men are denounced, proscribed, read out of the party, for no other offence than demanding that the free soil of the country shall be preserved for freemen, and for proposing to tax the wealth of the country, and make it contribute its due share towards the expenses of the war and the payment of the public debt. How was it, sir, in Pennsylvania, when the integrity of the Democratic party was struck down, its candidate for United States Senator defeated, by a combination of Whigs, Natives, and a few unsound Democrats; when chicanery triumphed over party usages, and prostrated as pure, as noble, and as talented a man as breathes the air of our mountain hills—how was it then? Were there any denunciations for those who had brought about this defeat and overthrow of our party? How was it when the Democracy of Pennsylvania appealed to those in high places here to stand by and sustain the party thus stricken down, to vindicate its usages? Then, sir, this man, whose eyes are directed to the White House, could take refuge behind his official position, and declare he thought it improper for him to interfere in the affairs of a sovereign State. With all his nice sense of propriety in this respect, will either he or his friends inform the public whether he did not write to Maine, with a view to influence the Governor to appoint a particular individual Senator in the place of Mr. Fairfield? He can interfere in the affairs of a State, even of a county or township, when it suits his own purposes and advances his own interests. Pending an election of delegates to a county convention, he can send, or cause to be sent, papers marked with his "kind respects," for the purpose of controlling that convention, and securing the election of delegates favorable to himself for the Presidency. But when the great Republican party of Pennsylvania call upon him to stand by its usages, sustain its integrity and its character, then he can take refuge behind his office; then he has even a squeamish sense of the proprieties of his position. This man the candidate of the Republican party! We are not driven to such an extremity. He may carry the delegates from Pennsylvania in the national convention, but they will be of no service in securing a nomination. If of the right material, they might be of value in the trading and trafficking which too frequently characterizes such bodies. He numbers in the ranks of his supporters many of the best and soundest Republicans of that State, but there is scarcely a trading, trafficking, unprincipled politician within its borders who is not enlisted under his banner.

Mr. JONES, of Tennessee, said that a good many would like to know to whom the gentleman from Pennsylvania referred by name.

Mr. WILMOT. I have no doubt but that every gentleman present knows the individual to whom I have reference. But I am not in the habit of speaking in the dark. I refer to the Secretary of State; and I verily believe that one if not the main cause for these assaults upon me is to be found in my opposition to him. I repeat, no one who maintains his independence and his manhood, who refuses to enlist as a partisan in his cause, can ever find favor, much less friendship, at his hands. Why did George W. Woodward's head fall in the Senate Chamber?——

Mr. THOMPSON, of Pennsylvania, and Mr. BROWN, of Pennsylvania, interposed to make explanations.

Mr. WILMOT yielded the floor.

Mr. C. BROWN interposed here to make an explanation; and Mr. W. yielding the floor, he asked his colleague if he [Mr. WILMOT] was not at Harrisburg immediately previous to the time Mr. Woodward was first named as a candidate for the United States Senate, and if he did not come there as the avowed friend of Mr. Woodward; but when there, believing there was a chance for his own nomination, turn against Mr. Woodward, and did all he could to defeat his nomination? He (Mr. B.) was there at the time, and knew that his [Mr. WILMOT's] particular and bosom friends did all they could against Mr. Woodward, and that it was understood he himself did the same. He (Mr. B.) wrote to Mr. Woodward at the time. At the same time Mr. B. knew many of Mr. Buchanan's friends were then the strong supporters of Mr. Woodward. For himself, Mr. B. said, he was not the partisan friend of Mr. Buchanan for the Presidency, or of any other man; but he thought it was not very chivalrous, to say the least, to get up on a question of personal privilege to assail a citizen of his own State, when there was no chance of a reply.

[There were loud cries of order. Mr. BROWN, who spoke under some excitement, was frequently interrupted, and much confusion prevailed through the House.]

The SPEAKER interposed, and remarked that the gentleman from Pennsylvania [Mr. BROWN] was not in order.

Mr. BROWN still retained possession of the floor.

The SPEAKER. The gentleman from Pennsylvania will take his seat.

Mr. BROWN. I have done, sir.

Mr. WILMOT then resumed, and said it seemed his remarks had roused his colleague.

Mr. BROWN. Only to put right a matter of fact, sir.

Mr. THOMPSON, of Pennsylvania, desired to say a word.

Mr. WILMOT refused to yield the floor. He said he desired to set himself right in relation to the remarks of the gentleman from Philadelphia, [Mr. BROWN.] He said he was not responsible for the action of others. In the second place, he was not opposed to the election of Mr. Woodward. And, thirdly, he had no idea or expectation of being elected Senator of the United States from the State of Pennsylvania; none at all. He was in favor of George W. Woodward. When Mr. Cameron was elected he was not in Harrisburg, and he had no more idea of being elected Senator than any other gentleman in his country.

Some conversation here took place between Mr. BROWN and Mr. WILMOT in an under tone. When he could be again heard, Mr. WILMOT was explaining that he had been nominated with some hundred others; that he had been spoken of by some friends; but that he had not five friends there, and how, then, could he have had any chance of an election? He solemnly declared that George W. Woodward was his first choice. As to the friend alluded to, he took him into a room and told him that his declarations respecting Mr. Woodward were not pleasing to him, (Mr. W.)

Mr. BROWN desired the gentleman to yield the floor that he might explain.

Mr. WILMOT refused to yield the floor; the gentleman had consumed too much of his time before. He wished distinctly to say that the gentleman from Philadelphia labored under a wrong impression. That he was opposed to Mr. Woodward was not true. The gentleman from Philadelphia had no record to show that he was. Mr. Woodward was his friend. He desired to see Mr. Woodward in the United States Senate more than any other man, both on account of his personal relations with him and his eminent talents. And, in relation to the judgeship, he said that his friends believed that Mr. Woodward had been struck down with the consent of the Secretary of State. [Mr. BROWN made some observations from his seat.] The gentleman said it was not a fact; but he said the friends of Mr. Woodward believed it. If it were not so he wished to do no injustice; but Mr. Woodward's friends so believed. If it were not so they were wrong, and not he who reported what they believed. He (Mr. W.) could not prove it on the Secretary of State, as facts were proved in courts of justice; but he again declared that Mr. Woodward's friends so believed; and this he knew, that Mr. Buchanan did not come out and vindicate the party. That he did know. It might be asked what all this had to do with a personal explanation? To which he would reply, that he was showing his constituents why he was assailed here and in Philadelphia. It was not because he had betrayed the cause of labor or the interests of the people; it was because he would not submit to walk the plank Mr. Ritchie had laid down, or attached himself to the car of a particular aspirant to the Presidency. That was the reason. But why should he be so assailed? He appealed to his whole conduct to show that he advocated the general principles of the party. He had supported all the great questions by acting uniformly with the Administration. He had sustained all the great party measures with no more difference on other points than had characterized some other gentlemen. But because he differed as to the way to raise money to carry on the war; because he was opposed to taxing labor by the imposition of a duty on tea and coffee, desiring rather to tax jewelry and other property, he was to be driven out of the party. That was the reason, that was the pretence for it. As well might some Western members be accused of deserting the Administration because they had not agreed with the Administration on every point. He was with the Administration on the questions of war and the acquisition of territory; but because he desired it to be free territory, was that a reason why he should be denounced? When had it become a doctrine of the Democratic party that they must be in favor of extending slavery over free soil? He had not abandoned the cause intrusted to him; he had not been unfaithful to the cause of the laboring man; but he was not willing to stand on the platform that Mr. Ritchie might lay down in all things; and, further, he chose to act on his own preferences for a candidate for the Presidency.

Here the SPEAKER announced the expiration of the gentleman's hour.

Mr. BRODHEAD then desired to make a brief explanation.

Mr. ROOT objected.

Mr. C. J. INGERSOLL said if the gentleman persisted in his objection, he should move a suspension of the rules.

Mr. ROOT still objected, observing that the explanation could be reserved for another day.

Mr. THOMPSON desired to make an explanation now, if his colleague did not.

Mr. C. J. INGERSOLL said he did, too.

Mr. BOTTS moved a suspension of the rules to give the gentlemen from Pennsylvania an opportunity to be heard; which was agreed to.

Mr. THOMPSON, of Pennsylvania, then rose and said that the few remarks he should submit would be offered more under feelings of regret than in a spirit of anger towards his colleague. He must say, however, in the outset, that he was much indebted to the House for its indulgence in giving him an opportunity now to reply to the remarks of the gentleman who had just addressed them. It seemed to him that it nearly always happened in every community that some spirit of malignity superinduced some persons, if they could not rise to the eminence others occupied, to endeavor to pull such persons down to the level of themselves. No man perhaps in this Union stood higher than James Buchanan, and it would be well for his colleague if, when he shall have arrived at Mr. Buchanan's age, he shall have earned for himself such a reputation for honor and talent as the Secretary of State. His colleague had remarked that Mr. Buchanan was the reviler of Mr. Madison, and an opposer of the war of 1812. An opposer of the war! And where was his colleague at that time? In his cradle, and yet he presumed to assail Mr. Buchanan, who, if inquired for, would be found to be a volunteer in the army at that time. Mr. Buchanan an opposer of the last war! Seek for him and he would be found in the lines at Baltimore. He an opposer of the last war! Why, he was its ardent supporter both in the Legislature and on the stump. He had been assailed respecting some old speech attributed to him—that old speech had been a standing slander—but Mr. Buchanan made no other speech than for the prosecution of the war. The version given of Mr. Buchanan's speech was untrue.

But, further, his colleague had alluded to affairs at home, in regard to the nomination of a Mr. Woodward. Now, he had lived as long in Pennsylvania as his friend—he would call him so still, though he had forfeited all claims to the title by his attack on one of their most prominent citizens—and he never heard of the appearance of Mr. Buchanan at that election between Mr. Woodward and Mr. Cameron.

Mr. WILMOT made some observation in his seat which was not audible at the reporter's desk.

Mr. THOMPSON would ask what Mr. Buchanan could have done to "stand by his party," as the gentleman desired he should have done. The

election was made; was it for Mr. Buchanan to come out and denounce it? What could Mr. Buchanan have done? Was any call made on him? He asserted that there never was a call made on Mr. Buchanan to denounce the election of General Cameron. General Cameron professed to be a Democrat; he voted with Democrats; and he was a Democrat; and in his election Mr. Buchanan acquiesced, as he (Mr. THOMPSON) and others had done.

Mr. WILMOT rose and said the gentleman was misinformed. A call had been made upon Mr. Buchanan, to come out in condemnation of the manner of Mr. Cameron's election.

Mr. THOMPSON interposed to stop the remarks of his colleague, who had had his hour, and had occupied it quite satisfactorily to himself, doubtless, if to the satisfaction of nobody else. He had never heard of Mr. Buchanan refusing permission to publish any correspondence. He had heard that Mr. Buchanan addressed an open, fair, and above-board letter to a committee.

But he would proceed. It was unjust to rake up old charges against Mr. Buchanan, unless they were well founded, which some of those made by his colleague he knew were not. His colleague might have believed them to be well founded. There was, however, sometimes a resort to imagination when facts did not exist. He would here say that there never was a man in the State of Pennsylvania more popular than James Buchanan. His popularity was spontaneously bestowed by the people, on account of his purity of character and great ability. This was exhibited in their primary meetings, as in their county and city conventions; and at the convention of the 4th March, Mr. Buchanan would have one hundred votes out of one hundred and thirty-three delegates. Yes, and the Democratic party in his colleague's Congressional district would vote for Mr. Buchanan. He would undertake to say, that, notwithstanding all the efforts that might be made in the Susquehanna Congressional district, instructions would not be obtained against him; whereas, at a large meeting held in one county, the course pursued by his colleague had been condemned, if not in others also. The people esteemed Mr. Buchanan more highly than any man: and with a view to give the world a fair opportunity to judge on this subject, he would here state that this was not the first time his colleague had stood alone, not one member of the Pennsylvania delegation occupying the position with him. He differed from his colleagues on the Oregon question, and on the tariff also. He differed on other questions likewise, and the Democracy denounced him. Let him go home. It was sometimes much safer and much pleasanter to sit here than to go home. No man was more popular with his colleague's constituents than Mr. Buchanan. The people have spoken, and nothing would tempt them to detract from his character and standing. He should have allowed his colleague to have taken his seat without observation, if his opposition to Mr. Buchanan had been of a different character; but when his colleague's opposition was personal, when the bitterness which had been exhibited arose alone from selfish feelings——

[Loud cries of "order."]

The SPEAKER called the gentleman from Pennsylvania to order.

Mr. WILMOT. Oh! I have no objection to it.

Mr. CHARLES J. INGERSOLL rose to a question of order. He had this day heard the Chair say, that it was out of order to say that a man had forfeited respect; now, he never heard of a rule which made that contrary to order. [Laughter.]

The SPEAKER reiterated his decision, that the gentleman from Pennsylvania [Mr. THOMPSON] was out of order.

Mr. C. J. INGERSOLL. In what respect? I shall have to appeal from the decision of the Chair on that point.

Mr. THOMPSON resumed, and said he did not desire to violate the rules or deviate from the courtesies of the House. He wished the House, however, to know that all these diversities of opinion were on personal grounds—entirely personal; and he cared not longer to speak of a man who acted under the impulse of personal feelings. This House well knew how improper it was to speak of a gentleman under the influence of such feelings, and to the intelligence of the House he should leave it. What personal feelings could prompt Mr. Buchanan to superinduce Mr. Ritchie to write such an article as that which had been read?

Mr. WILMOT entered into a conversation from his seat.

The SPEAKER called him to order.

Mr. THOMPSON said he would take the explanation of his colleague. It was because such an article appeared, not only here but elsewhere. It was because such articles were multitudinous. Why, similar articles might appear in fifty different papers through the State of Pennsylvania; and would it follow that they were written by Mr. Buchanan, or instigated by him? Was it necessary that Mr. Buchanan should instigate any person to write such productions to induce the Democracy to speak their sentiments respecting his colleague? Mr. Buchanan warred not with his colleague. He desired it not. He never had warred with him; and he (Mr. T.) would promise his colleague that he never would.

Mr. WILMOT was understood to ask Mr. THOMPSON if he had not franked something to his (Mr. W.'s) district?

Mr. THOMPSON replied that he might have franked documents to go there, but he knew not if he had. He had, at the request of a gentleman, franked the proceedings of a meeting in Philadelphia for transmission to the people, but he was not aware that Mr. Buchanan knew it. He never told Mr. Buchanan of it; and cogent evidence it would have been, if he had, of a lofty conspiracy to interfere with the standing of his colleague in his own district! The idea was monstrous. He never could bear to turn back and traduce anybody, especially a man from his own State—a man of such preëminence of character and standing as the Secretary of State—a man identified with Democracy and with the old hero, General Jackson. But he had risen with no intention to speak in this disjointed manner, nor was it necessary. Mr. Buchanan was a man whose character was written in the diplomacy of the country in a manner never to be obliterated. It might not have been necessary that he should say this. He should not have risen at all if his colleague had made his speech in Pennsylvania. But it was made here, among strangers to Mr. Buchanan, many of the members being here for the first time. Those to whom Mr. Buchanan was more intimately known—the electors of his own State—had instructed their delegates to their convention to put forth Mr. Buchanan, and to insist upon his nomination as the Democratic candidate for the Presidency. There were, he believed, from eighty to ninety already appointed.

He thanked the House for its indulgence. He had nothing further to add.

THANKS TO ALBERT GALLATIN.

Mr. GIDDINGS sent to the Clerk's table and moved the adoption of certain resolutions, which, he said, were expressive of his views on the subject to which they referred. He desired the Clerk to read them for information.

Mr. C. J. INGERSOLL objected.

The SPEAKER said the gentleman from Ohio had the right to describe his resolutions in his place.

Mr. GIDDINGS read his resolutions, as follows:

Whereas the honor and true glory of all republican governments consist in promoting the happiness of their people, by encouraging education, diffusing intelligence, and extending the arts and sciences among them:

And whereas it was eminently the intention of the great founders of our institutions that we should exhibit to the world an elevated example of the capability of man for self-government, leaving the people of other nations to the enjoyment of those rights which we claim for ourselves, uninfluenced except by our example for justice, magnanimity, intelligence, and moral purity:

And whereas these objects are irreconcilably opposed to foreign wars, by which the spirit of conquest is engendered, a love of military fame is excited, in which the peaceful avocations and moral restraint of civil life are forgotten amid the carnage, strife, and bloodshed of the battle-field, on which the lives of thousands of our fellow-men are sacrificed, and by which lamentation, anguish, and woe are carried to the bosoms of innumerable surviving friends and relatives:

And whereas, in our present war with Mexico, more than twenty thousand American citizens have fallen victims to the spirit of military ambition, and distress and mourning are brought upon our own country as well as upon Mexico, and a national debt has been incurred, and must rest upon those who succeed us: Now, therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That we regard with satisfaction and profound respect the labors of those philanthropists and patriots who are engaged in calling the attention of the people of these States to a just estimate of the blessings of peace, and to a proper appreciation of the evils of war.

Resolved, further, That the thanks of Congress and the gratitude of the people of the United States are justly due to the Hon. Albert Gallatin for his distinguished efforts in the cause of truth and humanity, touching the war in which we are engaged.

Mr. GIDDINGS subsequently modified his resolution, by substituting the words "many thousands" in lieu of the words "more than twenty thousand."

Mr. G. asked the unanimous consent of the House to introduce them.

Objections were made.

Mr. GIDDINGS then moved a suspension of the rules for their introduction.

The motion was agreed to, and the resolutions were then read a first time.

Mr. MURPHY moved an adjournment; which was negatived.

The question having been put on the second reading—

Mr. C. J. INGERSOLL desired to offer an amendment, striking out a portion of the resolution; but

The SPEAKER decided it to be out of order.

Mr. INGERSOLL inquired if it was not on the same subject—the Mexican war. [Laughter.]

The SPEAKER said there was no analogy between the gentleman's amendment and a resolution of thanks.

Mr. WENTWORTH moved the previous question, which was seconded, and the main question was ordered to be now put.

Mr. W. called for the yeas and nays on the main question.

Mr. DUNN moved to lay the whole subject on the table.

Mr. WENTWORTH called for the yeas and nays, and they were ordered, and resulted thus: Yeas 132, nays 45. So the joint resolution was laid on the table.

Mr. HOUSTON, of Alabama, moved to reconsider the vote by which, on the motion of the gentleman from Georgia, [Mr. STEPHENS,] certain correspondence with General Taylor had been called for. His object was to offer a resolution as an amendment, which he desired to be read.

It was read accordingly, as follows:

Resolved, That the President of the United States be requested to furnish to this House copies of all correspondence between the Secretary of War and Major General Scott, and between the Secretary of War and Major General Taylor, and between Major General Scott and N. P. Trist, late Commissioner of the United States to Mexico; and between the latter and the Secretary of State, which has not heretofore been published, and the publication of which may not be incompatible with the public interest.

Mr. H., after consideration, offered his amendment as a resolution. He said he was willing to call upon the War Department of this Government for all the correspondence had with all our generals; and if this resolution were adopted he should have no desire to reconsider the resolution adopted this morning.

The resolution was adopted, and

The House adjourned.

PETITIONS, &c.

The following petitions were presented and referred under the rule:

By Mr. MORSE: The petition of J. Gibbs and 71 others, praying for the establishment of a post route from Mount Lebanon to Alexandria, Louisiana.

By Mr. BUTLER: The petition of citizens of Columbia county, Pennsylvania, asking for the passage of a law causing the present mail route from Pottsville to Cattawissa, to start from Pottsville and end at Towanda, Bradford county; and also praying that said mail be carried daily (except Sunday) direct from Pottsville to Bloomsburg, and continued thence to Towanda, via Orangeville, three times a week, and three times a week from Bloomsburg, via Jerseytown and White Hall, to Muncy. Also, the petition of citizens of Luzerne county, Pennsylvania, praying for an immediate and proportionate reduction of postage on all newspapers not containing more than five hundred square inches. Also, the petition of citizens of Luzerne county, Pennsylvania, asking that the existing laws may be so altered as to allow newspapers to be transmitted through the mail free of postage in the counties in which they are printed, and any distance within thirty miles from the office of publication; also, that the provision of the act of Congress passed 3d of March, 1847, authorizing a charge of three cents postage on all papers not sent by the publishers may be repealed.

By Mr. HOLMES, of New York: The remonstrance of Samuel Whiterow, sen., against the bill further to extend the patent of Jethro Wood. Also, the memorial of W. F. Holmes and 186 others, praying that the principles of the laws of drawback and warehousing may be so extended as to allow the introduction of Canadian wheat into the frontier lake and river ports, for manufacture into flour, in the United States, under bond, and that upon the actual export-

ation of the said flour, the said bonds may be cancelled under such regulations as Congress may prescribe.

By Mr. TWEEDY: The petition of Henry D. Huff and sixty-four others, citizens of Wisconsin and Illinois, praying for the establishment of a post route from Southport, Wisconsin, to Richmond, Illinois, via Pleasant Prairie, Knoxon's Corner, Liberty, and English Prairie.

By Mr. T. BUTLER KING: The petition of the pilots and others of the town of St. Mary's, Georgia, asking that the light-house on Amelia Island may be removed to a more eligible position.

By Mr. STEWART, of Pennsylvania: The petition of citizens of Pennsylvania, asking for the passage of a law providing for the free distribution of the public lands among the non-landholders of the United States.

By Mr. STUART, of Michigan: The petition from the inhabitants of Eaton and Ingham counties, for a mail route from Marshall, Michigan, to the capital of the State, via Eaton Rapids.

By Mr. WM. THOMPSON, of Iowa: Sundry petitions from various parts of the State of Iowa, in addition to former petitions of the same purport, praying for the establishment of a post route from Alexandria, Missouri, via Bloomfield, Princeton, Knoxville, and other intermediate points, to Fort Des Moines, in the State of Iowa.

By Mr. ROBERT SMITH: The petition of Jesse Gordon, a revolutionary soldier, in the ninety-third year of his age, praying an increase of pension.

By Mr. CROWELL: The petition of Billings O. Plimpton, Russel Bordon, and others, citizens of Trumbull county, Ohio, praying the reduction of postage one-half on all papers containing not more than five hundred square inches. Also, the petition of Hiram Giddings, and others, citizens of Portage county, Ohio, praying the reduction of postage one-half on all papers containing not more than five hundred square inches.

By Mr. WENTWORTH: A petition for a mail route from Littlefort, via Wentworth, Angola, Antioch, English Prairie, Blivin's Mills, Solon, Richmond, Alden, Bigfoot Prairie, (Wisconsin,) Burton's Corners, (Illinois,) Wilmot and Manley's Prairie, to Beloit, in Wisconsin. Also, the petition of Charles Gardner, for a grant of land to improve the navigation of the Iroquois and Kankakee rivers.

By Mr. SMITH, of Illinois: The petition of John Springer, and a large number of other citizens of Madison county, Illinois, praying a reduction of postage on juvenile newspapers of small dimensions. Also, the petition of T. Harrison, and 111 other citizens of St. Clair county, Illinois, for the same object. Also, the petition of John Hamilton, of Alton, Illinois, praying remuneration for moneys paid by him for the United States Government during the late war with Great Britain.

By Mr. HOLMES, of New York: The petition of Ephraim Finch and others, in behalf of Thomas Duer, for money expended while in the service of the United States during the last war with Great Britain.

By Mr. LUMPKIN: The petition of Lowry Williams, an Indian countryman, and entitled to all the privileges of a Cherokee Indian under the provisions of a treaty between the United States and the Cherokee nation of Indians, concluded in 1835, praying that Congress may provide for the payment of one-half of the value of his improvement, as assessed by the valuing agents appointed in accordance with the provisions of said treaty, and which have been withheld from him illegally.

By Mr. FREEDLEY: The resolutions and proceedings of a public meeting held in the fifth Congressional district of Pennsylvania, relative to the war with Mexico.

By Mr. DICKEY: The petition of S. T. Trimble and 100 other citizens of Beaver county, Pennsylvania, praying for an alteration in the rates of postage now established by law. Also, the petition of Talbot Townsend and 136 other citizens of Beaver county, Pennsylvania, praying that the public lands shall be laid out in farms and small lots for the free use of such citizens (not possessed of other lands) as will occupy them, allowing the settler the right to dispose of his possessions to any one not possessed of other land. Also, the petition of William J. Alexander and 100 other citizens of Washington county, Pennsylvania, praying for a reduction of the rates of postage, and also for a reduction of postage in favor of juvenile newspapers.

By Mr. TURNER: The petition of John Dexter and 172 others, praying for a mail route from Peru, in the State of Illinois, to Lee, Centre, and Daysville. Also, the petition of John Rose and 89 others, praying for a mail route from La Salle, in the State of Illinois, to Rockford, in the same State. Also, the petition and memorial of citizens of the State of Illinois, praying for an act to grant the right of preemption to the Great Western railroad, in the State of Illinois, to the public lands through which said railroad may pass.

By Mr. INGE: The petition of 32 citizens of Fayette county, in the State of Alabama, praying an increase of the revolutionary pension of David Black.

By Mr. HOUSTON, of Delaware: A memorial, signed by numerous citizens in various ports of the United States, praying for an appropriation for the construction of an ice harbor at Delaware city, on the Delaware river.

By Mr. BOWLIN: The petition of Henry D. Evans and 486 other citizens of Missouri, praying a grant to the State of Missouri of each alternate section of land held by the United States for five miles on each side of a proposed railroad from the city of Lexington, via St. Louis, to Ohio city, at the mouth of the Ohio river; the said land, or the proceeds thereof, to be applied in aid of the construction of said road, and not otherwise; and where said lands have been purchased or preoccupied by settlers on preëmption rights, that the State be permitted to select an equivalent quantity from contiguous lands along said road. Also, the petition of Hiram Pearson and 87 others, praying Congress to provide for draining the swamp or submerged lands in southeastern Missouri. Also, the petition of M. Underwood and 56 others, praying the establishment of a post route from Fredericktown, in Madison county, Missouri, to Lound's post office, Wayne county, same State, via Devatt Bollinger's.

By Mr. EDWARDS: The memorial and papers of the heirs of Israel Cryder, for claims against the United States for provisions purchased for the army during the Revolution.

IN SENATE.

MONDAY, *February* 7, 1848.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the Senate, accompanied by a map of the examination of New Mexico made by Lieutenant J. W. Abert; which was read.

On motion by Mr. CASS, it was ordered to be referred to the Committee on Printing.

PETITIONS.

Mr. HALE presented a memorial of ministers and laymen of the Unitarian denomination of Christians, praying the adoption of measures for the reëstablishment of peace between the United States and the Republic of Mexico; which was referred to the Committee on Foreign Relations.

Mr. CLAYTON presented the petition of Obed Hussey, praying an extension of his patent for a reaping machine; which was referred to the Committee on Patents and the Patent Office.

Mr. ASHLEY presented the petition of William W. Wynn, praying to be allowed the right of preëmption to certain lands in the State of Arkansas; which was referred to the Committee on Public Lands.

RESOLUTIONS.

Mr. TURNEY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Athens to Kingston, Tennessee.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Postmaster General be instructed to report to the Senate the causes of the repeated recent failures of the mail to and from New Orleans; and what legislation, if any, is necessary to prevent the recurrence of such failures, as well as to prevent the losses sustained by the public in consequence of the conveyance of intelligence in advance of the United States mail, by the express mail established by individuals.

Mr. BALDWIN submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, if in the possession of the Department of State, a copy of the instructions of the ministerial council of the Republic of Mexico to the commissioners appointed to negotiate with Mr. Trist, dated at Mexico on or about the 24th day of August, 1847; together with the proposals or project, if any, submitted by the Mexican commissioners as the basis of a treaty, prior to the counter-project submitted by them on the 6th of September, 1847, and already communicated to the Senate; and also the proceedings, if any, which were had in relation to said proposals first submitted; so far as the same may be communicated consistently with the public interest.

REPORTS FROM COMMITTEES.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to grant to the State of Illinois a right of way through the public lands, and for other purposes, reported it without amendment.

Mr. DOUGLAS, from the Committee on Territories, to whom was referred the bill to establish the territorial government of Oregon, reported it without amendment.

Mr. BELL, from the Committee on Indian Affairs, reported a resolution for the relief of Betsey McIntosh; which was read the first and second times by unanimous consent.

The Senate proceeded to consider said resolution, as in Committee of the Whole; and no amendment being made, it was reported to the Senate, ordered to be engrossed and read a third time.

The said resolution was read a third time, by unanimous consent, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk, announcing that the House of Representatives have passed bills of the following titles:

An act for the relief of William Culver;

An act for the relief of Daniel Robinson;

An act for the relief of Elizabeth Clapper, of Muskingum county, in the State of Ohio;

An act for the relief of Harriet Barney;

An act for the relief of John Anderson;

An act for the relief of Joseph C. Doxey;

An act for the relief of S. Morris Waln;

An act for the relief of the legal representatives of Amelia Brereton;

An act for the relief of the legal heirs of John Snyder, deceased;

An act for the relief of Barclay & Livingston, and Smith, Thurgar, & Co.;

An act for the relief of Amzy Judd;

An act for the relief of the heirs of Matthew Stewart;

An act for the relief of Joseph and Lindley Ward;

An act for the relief of Mrs. Anne W. Angus;

An act for the relief of Elizabeth Mays;

An act for the relief of James H. Conley;

An act for the relief of Jesse Young;

An act for the relief of Silas Waterman.

In which they request the concurrence of the Senate.

The said bills were read a first and second time, by unanimous consent, and referred as follows:

The bills for the relief of William Culver; of Daniel Robinson; of John Anderson; of Joseph C. Doxey; of S. Morris Waln; of the legal representatives of Amelia Brereton; of the legal heirs of John Snyder, deceased; and of the heirs of Matthew Stewart; were referred to the Committee of Claims.

The bills for the relief of Elizabeth Clapper; of Harriet Barney; of Jesse Young; and of Silas Waterman; were referred to the Committee on Pensions.

The bill for the relief of Mrs. Anne W. Angus; of Elizabeth Mays; and of James H. Conley; were referred to the Committee on Naval Affairs.

The bill for the relief of Barclay & Livingston, Smith, Thurgar & Co., was referred to the Committee on Commerce.

The bill for the relief of Amzy Judd was referred to the Committee on Public Lands.

The bill for the relief of Joseph and Lindley Ward was referred to the Committee on Indian Affairs.

PROMOTION OF CADETS.

The Senate proceeded to consider the following resolution, submitted by Mr. BENTON on the 2d instant, and it was agreed to:

Resolved, That the President be requested to cause the Senate to be informed of the order or law by virtue of which the following words in relation to the *promotion* of cadets have been inserted in the Army Register of the United States, page 45, for the year 1847:

"Cadets acting as supernumerary officers in the army, in virtue of their brevets, will be successively *promoted* to vacancies of the lowest grade which may first happen in the particular arm to which they may have been attached, according to the order of rank established at the Military Academy."

MAP OF MEXICO.

The Senate proceeded to consider the following resolution, submitted by Mr. RUSK on the 4th instant:

Resolved, That the Secretary of the Senate be required to procure ——— hundred copies of the map of Mexico, five thousand copies of the map of the Valley of Mexico and of the seat of war, published by J. Disturnell, of New York, not to exceed in cost one dollar each for the map of Mexico, and ten cents for the others.

On motion by Mr. RUSK, it was ordered that it be referred to the Committee on the Library.

BILLS PASSED.

The following bills were then severally considered in Committee of the Whole, ordered to be engrossed for a third reading, and were subsequently read a third time by unanimous consent and passed:

A bill in addition to an act for the relief of Walter Loomis and Abel Gay, approved July 2, 1836.

A bill for the relief of Edward Bolon.

A bill confirming former sales, by the State of Illinois, of the Ohio Saline Reservations, and authorizing the sale of the residue of such reservations.

HALF-PAY TO WIDOWS AND ORPHANS.

The Senate resumed the consideration of the bill amending the act entitled "An act granting half-pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers," passed July 4, 1836.

The question being on ordering the bill to be engrossed and read a third time—

Mr. NILES offered the following amendment, which was agreed to:

Add to the end of the bill, "who were in the army of the United States on the first day of March, 1846, or at any subsequent period during the present war between the United States and Mexico."

The bill was then ordered to be engrossed; and

was subsequently read a third time and passed, as follows:

"*Be it enacted, &c.*, That the provisions of the first section of the act entitled 'An act granting half-pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes," approved July fourth, eighteen hundred and thirty-six, shall be applicable to all widows and orphans of officers, non-commissioned officers, musicians, and soldiers of the army of the United States, who were in the army of the United States on the first day of March, eighteen hundred and forty-six, or at any subsequent period during the present war between the United States and Mexico."

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BALDWIN. I ask the indulgence of the Senate, and of the Senator from Virginia, who is entitled to the floor, to enable me to make an explanation in behalf of my friend and constituent, Captain Gregory, of the navy, who conceives that the honorable Senator from Arkansas [Mr. SEVIER] was under a misapprehension in regard to a material fact in the statement made by him, on the authority of Captain Gregory, in the Senate on Friday last.

The honorable Senator from Arkansas, if I correctly understood him, was endeavoring to convince the Senate, that Point Isabel and the harbor of Brazos Santiago were not in the possession of the Mexicans at the time of General Taylor's march upon the Rio Grande, and of his seizure and occupation of them as a depôt for his army, on the 25th of March, 1846. In proof of that position, he was understood to state to the Senate, that he had been informed by Captain Gregory that on landing there he saw only two or three huts slightly built with forked sticks, and no Mexicans, except a few vagabonds and fishermen. The Senator from Arkansas was under the erroneous impression that Captain Gregory, in the conversation to which he alluded, had reference to the condition of the place anterior to the time of its being taken possession of by General Taylor; whereas, in fact, Point Isabel and the port of Brazos Santiago had been in the military occupation of General Taylor more than a month before the landing of Capt. Gregory, which was on the 8th May—the day on which the battle of Palo Alto was fought. Capt. Gregory informs me that he then observed the remains of several dwellings that had been burnt. His conversation with the Senator from Arkansas was casual and in general terms, as he was not aware at the time that information was desired for the purpose of being communicated to the Senate. He is the more desirous of correcting the error into which the honorable Senator has inadvertently fallen, as it places him somewhat in conflict with the statements of General Taylor in his correspondence with the Government. It will be recollected by the Senate, that General Taylor speaks of the harbor of Brazos Santiago as being the port used by the citizens of Matamoros in their commerce, and states that he had given assurances, when at Corpus Christi, to some citizens of Matamoros, and on his arrival at the river had renewed them in a communication to the commanding general at that place, that until the question of boundary should be definitively settled, the harbor of Brazos Santiago should be open to the free use of the Mexicans as heretofore. He also speaks of "the Mexican custom-house officer at Brazos Santiago," and of the houses that were burnt on the 24th of March by the port captain, who had made his escape before the arrival of the troops; by whom only two or three inoffensive Mexicans were found, the rest having left for Matamoros.

Mr. SEVIER. If the Senator will indulge me for a moment, I will state, that in the course of my remarks the other day, in referring to the nature of the settlement at Brazos Santiago, I did mention that I had conversed with Captain Gregory on the subject, and that his statement confirmed the information which I had received previously from other quarters. Certainly, the impression left upon my mind was, that Captain Gregory was there when General Taylor landed. If he had reference to a subsequent arrival there, I shall make the correction with great pleasure. I may add, that my information was obtained from other sources, amongst others, from one of the Senators from Texas, and I alluded to Captain Gregory's statement as corroboratory of what I had heard from other gentlemen.

Mr. HUNTER said, if the question merely related to the addition of ten regiments to the army, he would have taken no part in the debate. But higher and graver questions were involved—questions involving the interests and the progress of the people of the United States. He believed that the people of these United States were destined to occupy a prominent position in the events which are now in progress throughout the world. He referred to the principles on which our system is founded, which had been attempted unsuccessfully to be applied to Mexican government. He had great faith in the soundness of public opinion, but the questions which now call for our deliberation and decision were a few years ago merely subjects of speculation. They have come here without the premonitions which shadows generally cast before them, and we are called to act on them. He said that the war had come upon us with a suddenness which prevented preparation, and that we had been plunged in it so deeply that we had now only to meet the consequences which it has produced.

He regarded the question to be now, how we should regulate our progress—whether we should spread our population over distant territories in the same way that Rome and England had done, by spreading ruin before and around us, or shall fulfil our destiny by extending the generous influences of our system among other communities. Providence had planted us in this wilderness, and destined us to spread freedom of thought and energy of action around us. He adverted to our rapid and prosperous growth, to the knowledge we had obtained of truth by handling it, to the advantage we had derived from our division into various and independent communities, to the duty imposed on us to civilize the scene in which we were placed, and to wrest from the soil a support for man. We are in a position to accomplish more than any nation before us has done, and he believed it could be achieved. He referred to the modes in which it must be done. We must diminish the action of the central power in the several parts; a fraternal spirit must be cherished among our people; and this can only be done in a homogeneous population. But he regretted to say that he saw not only in the public prints, but in the language of Senators here, a growing disposition to annex the whole of Mexico. He rejoiced to hear the Senator from Arkansas disclaim, on the part of the Administration, any such object; but the tendency of all the argument of his friend from Arkansas seemed to take that course. He adverted to the expression of the chairman of the Military Committee, that we could swallow the whole of Mexico, with feelings of regret. He regarded an association with the Mexican people as one to be dreaded, both in view of its influence on southern institutions, and on account of the impracticability of amalgamating races so distinct and irreconcilable. He asked his friend from Arkansas, if he would treat the Indians, who are now in the exercise of equal privileges in Mexico, and who legislated for themselves, as citizens of the United States?

Mr. FOOTE asked if he was to understand the Senator as stating that the Indians in Mexico were in this position?

Mr. HUNTER stated the German writer on whose authority he made the statement. He went on to show the impracticability of any union with the Mexican classes on equal terms. To attach the Mexican territory as a province, he considered still more objectionable. The colonies which had been subdued by European nations had been costly appendages, and had never contributed to the support of their conquerors. He repudiated the idea of deriving any revenue from Mexico, or of keeping the religious classes in subjection and under regulation. The church establishment of Mexico connected with the State acted well in the system of that Government; and if we destroy it, we destroy and debase the whole people.

In reference to what the Senator from Arkansas had said about patronage, he asked if patronage was not power, and if it might not be so exerted as to defeat the effect of the elective system? In the administration of any fund which might be raised from Mexican territory, he feared that there would be great danger. The Representatives of the people would become careless about money which was not derived from their own constituencies, and thus the management of it would be thrown entirely in the hands of the Executive. He said that it was a delusive idea that we could raise in the country the means to sustain the troops employed there. He looked at the disastrous results which that policy produced in the Roman empire.

Mr. H. took a view of the mischiefs which grew out of wars waged for conquest, and quoted from Dr. Johnson to show the classes which have derived benefits from a system which was pregnant with so much general evil. That we should be exempt from the evils which wars of this character inflicted on other nations, was scarcely to be expected. He referred to the ruin brought on Rome by the abuse of the money power. He adverted to the commencement of the funding system in England, and the immense mass of debt with which it had burdened that country. He glanced at the extent of her conquests, the lustre of the glory which she had acquired, and the increase of her colonies; and contrasted these benefits with the debt which was contracted, to the amount of a mortgage on her whole territory; and such would be the effect of wars waged for conquest everywhere. If we enter into them here, the people must seek relief from these results in a change of government. He did not believe that our present form would survive an attempt to carry out projects of conquest by taxing the pockets of the people. Again, he referred to the downfall of Rome, in consequence of her adoption of a policy of this nature, by the power even of the very colonies which she had subjugated.

It may be said that British example was more encouraging, that her power and glory were still on the increase. He would not attempt to predict how long her greatness might continue. But he would say she was no example for us. Would we take her colonies with her debt? Or would we even take her possessions if they were offered to us on no other condition but that we should protect and govern them?

He had given the views of our progress and destiny as they presented themselves to his mind, and he now came to look at the objects of the war. He would not consent that we should take a line which would run so far as to throw on us the burden and responsibility of governing any large mass of the Mexican people. But he did not believe it practicable to prevent our people from overspreading that country. The Mexican people were now receding before the Indian; and this affords a new argument in favor of our occupation of that territory, which would otherwise fall into the occupation of the savage. He would desire to obtain from the Mexican people a fair commercial treaty, as a *sine qua non*. He would not destroy the social fabric in Mexico. When we close this war, it should leave the social character and institutions of the Mexicans undisturbed, to develop themselves according to their own views.

He regarded the formation of plans of campaigns, and of directing the necessary military operations, as peculiarly and properly an Executive measure. It was limited by the power of Congress to put a stop to the war, to define its objects, or to arrest the supplies. He intended to vote for the supplies. But he thought that if peace was not speedily obtained, the plan of the campaign should be changed. He had originally viewed the plan of the Senator from South Carolina as the proper one. But he had come to the conclusion that the line suggested by his friend on his left [Mr. JEFFERSON DAVIS] would be the best in every view. Both for the purpose of a defensive, and, in case of necessity, an offensive war, it appeared to be most suitable. It would enable us to carry on this war more economically and with a prospect of a speedier peace, and a prevention of too great an extension of Executive patronage. The occupation of the Sierra Madre would enable us to hold the trade between Tampico, San Luis, and Vera Cruz. Our trade would go on between the northern and southern side of the line without danger of interruption.

Before the Mexicans could give us any trouble, they would have to settle their differences between themselves. This line could be occupied by a force less by sixty or seventy thousand men than any other line which had been pointed out—a saving of twenty or thirty millions annually. There would be far less waste of human life, not merely in our own forces, but among the Mexicans. He believed that we should also be able to make a stable peace, which he did not think practicable at

this time with the existing Government. The Mexicans would wish to reclaim this territory by negotiation.

Mr. DAVIS explained, that the line which the Senator had indicated, was marked by greater advantages than had been described. It was not a defensive line, but a military line, which could be held as the basis of military operations.

Mr. HUNTER resumed, by reference to the remarks of the Senator from New York, [Mr. DIX,] concerning the danger of the interference of European Powers, if we withdraw our troops to this or any other line. He did not think that able Senator had, on this point, sustained his position, and he gave the reasons which induced him to dissent from the conclusions of that distinguished gentleman. He did not think the inducements to foreign interference would be increased by such withdrawal. He thought, too, that, as to the relative power of the priesthood, the longer the war continues the less likely are we to reduce it. Make peace now, and we leave this power where we found it. If we continue the war, we promote the views of the friends of a monarchy; unless it is proposed that we shall build up a republic there, and maintain it by the sword. To this he could never agree. He denied that to withdraw to a line would in any way tarnish our national reputation. Our object in retreating would be, because we would not inflict unnecessary misery and affliction on the country. Our army has done enough for the glory of the country—enough for fame! May these also survive and long live in the affections of their country! Our army has done enough for military glory. There can be no danger in retreating behind a given line.

It had been thrown out that the people would be willing to take a more limited boundary, but he did not believe this was exactly so.

He then went into a brief and brilliant view of the destiny which our country is destined to pursue, of the aspirations which should fill every patriotic breast, (of which any synopsis which could be given would utterly fail to give a correct idea.) In the cultivation of the aspirations of our name and fame, it became us to decide whether we should pursue a peaceful path, or plunge deeper into war. His conclusion was, that our interests, both as regards our character in the eyes of the world, and the perpetuity of our free institutions, pointed to a course of moderation. It was by pursuing such a course that we should most speedily and most effectually reach that high moral and political destiny which Providence seems to have assigned to us.

Mr. MILLER then obtained the floor, and,

On motion of Mr. SEVIER, the Senate proceeded to the consideration of executive business. After some time, the doors were re-opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 8, 1848.

The Journal of yesterday having been read and approved—

Mr. BRODHEAD rose and asked permission to offer a resolution having relation to the funeral expenses of his late colleague, Mr. HORNBECK, which was in the usual form, and therefore would neither elicit debate nor objection.

The Clerk read the resolution, as follows:

Resolved, That the Clerk of this House ascertain the usual amount of the expense of burial of a deceased member of this House at the Congressional burying ground, near this city; and such amount, when ascertained, the Clerk shall report to the Committee on Accounts, who shall examine the same; and, if approved by said committee, the Clerk shall thereupon pay the amount so reported to said committee to Mrs. Hornbeck, widow of the late honorable JOHN W. HORNBECK, deceased, late a member of this House from the State of Pennsylvania; and that the Speaker pay to the said Mrs. Hornbeck the balance of the daily pay and mileage due to her late husband on the day of his death, to wit, on the 16th day of January, 1848.

Mr. HOUSTON, of Alabama, desired to know if there were any precedents for such a resolution.

Mr. BRODHEAD replied that the resolution had been prepared by the Clerk of the House in accordance with the precedents on the Journal.

Mr. ATKINSON desired to make an inquiry. If he understood the resolution, it directed the Clerk of this House to ascertain the usual and necessary expenses of the burial of members who die in this city, and, having ascertained them, to pay that amount to the widow of Mr. HORNBECK, deceased. Now, he must say he regretted that the gentleman from Pennsylvania had introduced a proposition of that sort, and, if he stood alone, he would vote against it; and if the question was to be taken, he hoped it would be taken by yeas and nays. He knew it required some moral courage to stand up in this Hall and oppose propositions of this kind; but there were rights and there were wrongs, and he would have his arm cut off before he would put his hand into the public treasury and do that which the Constitution did not allow them to do. It was bad enough, God knows, to bury individuals who die here at the public expense; but to make a donation to a widow of a member of Congress, was what he had hoped never to hear broached by a member of the Congress of the United States. He must be pardoned in saying that if he stood alone he should desire to have his vote recorded in the negative on this resolution.

Mr. BRODHEAD replied, notwithstanding all that had been said by the gentleman from Virginia, if this resolution should be adopted, there would be no more taken from the treasury of the United States than if his colleague, Mr. HORNBECK, had lived to the time of the election of his successor. Mr. HORNBECK, it must be recollected, had sustained all the expenses of the campaign, and, having been elected, he came here and took his seat. His health, however, compelled him to return to his home and to his family, where he sought the care and consolation of his wife in his dying hour. Inquiry had been made from him as to whether his resolution was in the usual form. He answered that it was.

Mr. HOUSTON, of Alabama, said the gentleman from Pennsylvania had misunderstood his inquiry. He did not inquire whether the resolution was in the usual form, but whether there were any precedents for such a resolution; for really he had no recollection of any. As to the form of the resolution he had no other concern than that which had relation to its becoming a precedent.

Mr. BRODHEAD. The gentleman from Alabama inquired if there were any precedents for this resolution; in reply, he would say that there were, for the Clerk had framed this resolution precisely according to previous resolutions on the Journal. He would add that this resolution was entirely proper, and the amount of money which he proposed to appropriate by it ought to be paid. He was very willing that the yeas and nays should be taken upon it.

Mr. ATKINSON desired to ask a question. He desired to know to what time the pay of the gentleman's colleague was to be calculated?

Mr. BRODHEAD replied that it was calculated up to the time of his death, and no more.

Mr. McCLERNAND, for the purpose of examining into this matter, and ascertaining if there were any precedents, suggested that the resolution should be referred to the Committee on Accounts. If there were precedents, let the Committee on Accounts report that fact to the House, and let not the House establish new precedents without examination. He moved the reference of the resolution to the Committtee on Accounts.

Mr. BRODHEAD. I hope it will not be referred.

The motion to refer was decided in the affirmative—79 voting in the affirmative, and 63 in the negative.

Mr. THOMPSON, of Kentucky, by leave, presented certain resolutions of the General Assembly of Kentucky on the subject of newspaper postage. Referred to the Committee on the Post Office and Post Roads.

Mr. ST. JOHN, by leave, presented certain resolutions of the Legislature of the State of New York, on the subject of slavery in any territory hereafter to be acquired by this Government. Laid on the table.

REPORTS FROM COMMITTEES.

Mr. GRINNELL, from the Committee on Commerce, reported a bill to establish the collection district of Wareham, in the State of Massachusetts; a bill for the relief of Elisha H. Willis; and a bill to authorize the issue of a register to the barque Wilhamet; which bills were severally read and committed.

Mr. GRINNELL also reported a bill to change the location of certain light-houses and buoys.

The bill was read a first and second time.

Mr. HOLMES, of South Carolina, moved that the bill be now put on its passage, and made a few remarks, strenuously urging the immediate passage of the bill.

After some further debate by Messrs. FICKLIN, GRINNELL, and SIMS—

Mr. FICKLIN moved to commit the bill to the Committee of the Whole on the state of the Union; which motion was disagreed to.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

Mr. GRINNELL moved to reconsider the vote by which the bill to authorize the issue of a register to the barque Wilhamet had been committed.

The motion to reconsider being agreed to, the bill was read a third time, passed, and sent to the Senate for concurrence.

Mr. HUNT, from the Committee on Commerce, reported a bill for the improvement of certain harbors in the Territory of Wisconsin; and a bill authorizing an additional number of inspectors in the district of New Orleans; which bills were severally read and committed.

Mr. SIMPSON, from the same committee, reported a bill to authorize the Secretary of the Treasury to license yachts, and for other purposes. Read and committed.

Mr. COLLAMER, from the Committee on Public Lands, to which was referred the Senate bill to provide for the compensation of Samuel Leech for services in the investigation of suspended sales in the Mineral Point district, Wisconsin, reported the same with an amendment. Read and committed.

Mr. C. also reported a bill in explanation of an act entitled "An act to appropriate the proceeds of the public lands and to grant preëmption rights." Read and committed.

Mr. PUTNAM, from the same committee, made an adverse report upon the petition of Wm. W. Gitt. Laid on the table.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, made a report on the resolution of the House of the 17th instant relative to the terms upon which the Postmaster General can be released from the contract made by him during the past year for the transportation of the great southern mail from Baltimore down the bay. Laid on the table.

Also, from the same committee, a bill to amend the act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes. Read and committed.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, reported a bill for the relief of John P. Skinner and the legal representatives of Isaac Green. Read and committed.

Mr. ASHMUN, from the same committee, reported a bill to amend an act entitled "An act in amendment of the acts respecting the judicial system of the United States."

Mr. A. said he had been directed by the Committee on the Judiciary to ask that the bill be now put upon its passage.

The question was put on ordering the engrossment and third reading of the bill, and it was agreed to.

The bill was then engrossed, read a third time, passed, and sent to the Senate for concurrence.

Mr. ASHMUN also made an adverse report upon the petition of Hannah Avery. Laid on the table.

Mr. FRENCH, from the Committee on the Judiciary, to which had been referred the House bill to amend an act entitled "An act extending the jurisdiction of the district courts to certain cases upon the lakes and navigable waters connecting the same," approved February 26, 1845, reported the same back to the House, with a recommendation that it do not pass. The bill was laid on the table.

Mr. LUMPKIN, from the same committee, to which had been referred the House bill to divide the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States with circuit court powers and jurisdiction, reported the same without amendment.

Mr. L. moved that the bill now be put upon its passage.

The question was put on ordering the engrossment and third reading, and it was agreed to.

The bill was then engrossed, read a third time, and passed, and sent to the Senate for concurrence.

Mr. HALL, from the Committee on the Judiciary, reported a bill for the relief of the legal representatives of William McKenzie, late a seaman on board the United States ship Vincennes. Read and committed.

Mr. TALLMADGE, from the Committee on the District of Columbia, reported a bill to amend the charter of the Provident Association of Clerks in the city of Washington; which was read and committed.

Mr. KING, of Massachusetts, from the Committee of Revolutionary Claims, reported a bill for the relief of the grandchildren of Major General Baron de Kalb. Read and committed.

On motion of Mr. KING, Mr. ROBERT L. ROSE, a member of the Committee on Revolutionary Claims, who had been called home by illness in his family, was excused from further service on said committee.

Mr. MORRIS, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Lieutenant Francis Ware. Read and committed.

Also, an adverse report upon the petition of Isaac Porter. Laid on the table.

Mr. BRADY, from the Committee on Private Land Claims, reported a bill for the relief of James B. Davenport. Read and committed.

Mr. RUMSEY, from the same committee, reported a bill for the relief of Frederick Durrire, and a bill for the relief of Elisha Thomasson. Read and committed.

Mr. HARMANSON, from the same committee, reported a bill for the relief of James B. Sexton; a bill to confirm Elizabeth Burriss, her heirs and assigns, in their title to a tract of land; and a bill for the relief of the heirs and widow of Francis Gramillion; which bills were severally read and committed.

Mr. WICK, from the same committee, reported a bill for the relief of William Triplett; a bill for the relief of Simon Rodriguez; a bill for the relief of Marcus Fulton Johnson; and a bill supplementary to an act approved the 6th day of July, 1842, entitled "An act confirming certain land claims in Louisiana;" which bills were severally read and committed.

Also, an adverse report upon the petition of Jacob Reer. Laid on the table.

Mr. JOHNSON, of Tennessee, from the same committee, made adverse reports upon the petitions of James Swan and Adino Goodenough. Laid on the table.

Mr. TOMPKINS, from the same committee, made an adverse report on the petition of Henry Reeks. Laid on the table.

SENATE BILLS.

Senate bills of the following titles were taken up, read, and appropriately referred, viz:

An act to allow further time for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes;

An act making an appropriation for removing obstructions in the Savannah river;

An act for the relief of Peter Capella, administrator of Andrew Capella, deceased, and for the relief of John Capo, and for the relief of Elijah Petty and Hannah Petty, his wife, heirs of John Beardon, deceased;

An act for the relief of Charles L. Dell;

An act for the relief of Richard S. Coxe;

An act for the relief of Nathaniel Hoggatt;

An act amending the act entitled "An act granting half-pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers," passed July 4, 1836;

An act in addition to "An act for the relief of Walter Loomis and Abel Gay," approved July 2, 1836;

An act for the relief of Edward Bolon;

An act confirming former sales by the State of Illinois of the Ohio saline reservations, and authorizing the sale of the residue of such reservations;

An act to enable and authorize the accounting officers of the treasury to audit and settle the accounts of certain acting officers therein mentioned;

An act to extend the provisions of the existing pension laws to enlisted men of the ordnance corps of the United States army;

An act to provide additional examiners in the Patent Office, and for other purposes.

Mr. FARRELLY stated that it was very important that this bill should pass immediately. The business of the office was very much in arrear. One of the examiners was now engaged upon a case which was presented in May last; the other on a case brought forward in June, some six or seven months ago. There were now over seven hundred applications pending for this year, being an increase of about five hundred over last year; and it was exceedingly important, both in justice to inventors and with reference to the public interests, that there should be such a force employed as that applications for patents might be passed upon without unreasonable delay.

Mr. HENLEY urged immediate action upon the bill as indispensably necessary to give a speedy examination to applications for patents. There was now a deficiency in the number of examiners, and the work was six months' behind, thus obliging meritorious inventors, who went there with money in hand, to wait an unreasonable time for their inventions to be passed upon. Competent examiners must be men of science, and commanded larger salaries in other places than they were paid in the Patent Office. The proposed increase of salary was necessary, and involved no expenditure of money from the treasury, as it came from the Patent Office fund. Gentlemen would be no better informed of the subject three months hence; and he hoped the bill would now be passed, as was required by the policy of the Government in the encouragement of the useful arts.

Mr. JOHNSON, of Tennessee, insisted on the propriety of the reference to a committee, to give opportunity for a full examination of its general merits, and especially of its details. He questioned the fact whether a patent fund was really on hand. There might be nominally; but had the large annual appropriations by Congress for printing the Patent Office report, and other expenses connected with the office, been deducted from the revenues of the office, it would be found to be largely in debt. But if there was actually such a fund, it constituted no reason for paying unreasonable salaries. He was willing to pay fair ones. He deprecated the practice that had grown up of passing bills without reference. He concluded by modifying his motion so as to refer to the Committee on Patents.

Mr. VINTON said, unless this debate could be brought to a close, he should move the previous question.

Mr. HENLEY said he was willing to acquiesce in the reference.

After a few words from Mr. BOWLIN, the bill was referred accordingly.

ROUGH RICE AND PADDY.

The SPEAKER laid before the House a message from the President of the United States, in answer to a resolution of the House of January 31st, (ultimo,) communicating a report from the Secretary of State, and the "documents and correspondence, not already published, relating to the final adjustment of the difficulties between Great Britain and the United States concerning rough rice and paddy."

THE LOAN BILL—THE FINANCES.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. BOTTS, of Virginia, in the chair.)

Mr. VINTON moved that the committee proceed to the consideration of the bill to authorize a loan not to exceed the sum of eighteen million five hundred thousand dollars.

This motion was agreed to; and the bill having been read—

Mr. VINTON moved to strike out the words $18,500,000 and substitute therefor the sum of $16,000,000.

Mr. VINTON said: At the commencement of the last session of Congress, when it was the duty of the Executive to recommend, and of Congress to provide, for the wants of the present fiscal year, the President of the United States, in his annual message, and the Secretary of the Treasury, in his annual report, both stated, that if the war with Mexico should be continued till the first of July, A. D. 1848, a loan of twenty-three millions of dollars was all that would be wanted to carry the Government forward to that date, and leave a surplus of four millions in the treasury. Both these functionaries recommended the loan. It was granted by Congress, and the money obtained. But, notwithstanding this provision for the Government, the Secretary of the Treasury, in his annual report to Congress on the state of the finances, made at the commencement of the present session, had informed us that a further loan of eighteen and a half millions of dollars would be required to meet the expenses of the Government for the same year. The bill now before us was reported for that sum, in pursuance to this statement of the Secretary and the recommendation of the President in his annual message. Shortly after the bill was reported, perhaps on the same day, a letter was addressed to the Speaker of the House by the acting Secretary of the Treasury, giving information to the House of the fortunate discovery of an error in the financial statement presented at the commencement of the session, which disclosed the gratifying fact that there were in the treasury, subject to its command, near seven millions of dollars more than had been stated in the prior report; in consequence of which, the House was informed that the loan could be reduced from eighteen and a half to twelve millions of dollars.

A few days since, however, another letter was transmitted to the House by the same officer, conveying the unpleasant intelligence that when the last letter was addressed to the House it was not known at the Treasury Department that the Secretary of War had called upon the Committee of Ways and Means for an appropriation of near four millions of dollars, to supply certain deficiencies in that branch of the public service for the current fiscal year, which would render a loan of sixteen millions necessary to meet the wants of the Government. Presuming the errors to be all corrected, and the omissions supplied which the Treasury desires to provide for, he had now submitted the motion to reduce the loan to sixteen millions in accordance to the Executive recommendation. He had made this motion, because the Secretary of the Treasury does not ask for more, and not from a belief of his own that this sum will suffice to carry the Government to the 1st of July, when a new fiscal year commences. On the contrary, he feared, and indeed he might say it was his opinion, that instead of sixteen, from twenty to twenty-five millions would be wanted to carry us safely on to the end of this year. And if the war shall continue through the next fiscal year, for which the estimates now lie before us, a further loan will be necessary of not less than from thirty-five to thirty-eight millions, even if Congress should refuse to add to the army any part of the thirty thousand regulars and volunteers recommended by the President. He was aware there was a very wide difference between this sum and twenty and a half millions, which the Secretary and the President of the United States have told us is all that will be needed for the next year—great and oppressive upon the country as even that enormous sum must be admitted to be. He knew this opinion might appear to be very bold and visionary in him, when put forth in opposition to that of the highest officers of the nation, and to proceed from some party bias which had warped and blinded his better judgment. But he felt that he had some right to question their accuracy, when it was recollected that last year both of those functionaries, at the corresponding period of the year, expressed a strong and undoubting opinion that a loan of twenty-three millions would provide for all the wants of the Government for the now present year, and leave a surplus of four millions in the treasury on the 1st of July next; and that they now inform us that an additional loan of sixteen millions is required to carry us to the 1st of July, and leave a surplus of only three millions in the treasury at that time instead of four. From which fact it follows, that at the last session, when it was our duty to provide for the wants of the present year, instead of providing for them now, the Executive, looking to a surplus of four millions at the end of the year, should then have recommended a loan of forty millions instead of twenty-three. If at the last session any member of the Opposition had ventured the opinion that forty millions were wanted, he would hardly have escaped the imputation of a desire to impair the public credit, and in that way "give aid and comfort" to Mexico.

It cannot be denied that this great mistake of the Executive imposes on Congress the imperious duty, which, as faithful agents of the people, we have no right to pretermit if we would, when we are now called upon again to open wide the purse-strings of the nation, to scrutinize severely, yet candidly and fairly, the recommendations upon which we are now acting, to see if there be any reasonable ground for apprehension of a like unfortunate error. From this statement of facts two or three questions must force themselves on the mind of every gentleman, and every one must desire a solution of them. How did the former miscalculation happen? Is the additional loan now asked for the present year enough? Is there any mistake in the estimates for next year? He would confine himself in what he had now to say to a discussion of these questions, which he feared would more than consume his hour, and reserve to himself, as he necessarily must do, an answer to such objections as might be made against the principles of the bill. By looking into the Executive estimates of the revenues of the last and present year, and into the estimate of the expenditures, it will be apparent that the receipts were largely *over-estimated*, and the expenses still more largely *under-estimated*. And here we find the true cause of the sad necessity which is now imposed upon us of raising a loan of sixteen millions of dollars to balance this unfortunate mistake; for most unfortunate it is both for the Government and the people. We all know that if forty millions instead of twenty-three had then been asked for and put in the market, it would have found a ready purchaser; that it would have been purchased is proved by the fact that bids for more than fifty millions were made for the loan when these twenty-three were put up for sale. At that time of unprecedented commercial prosperity, a loan to the amount of forty millions could have been taken up without any serious injury to the business and currency of the country; while now, by reason of its own mistakes, for which it alone is in fault and alone responsible, the Government must go into the market for these sixteen millions, when trade is depressed, when money is scarce, when great commercial distress prevails, and still greater is anticipated.

Perhaps it would not be going too far to say, that, putting wholly out of view the distress and derangement which the Government must produce by going now into the money market as a borrower, for every dollar it borrows it will cause the loss of more than another dollar to the business of the country. And here he would add, that the Government committed, if possible, a still greater blunder in the manner in which the loan was issued. Having got what the Secretary calls a divorce from the banks—which the Government had long been suing for, and which took effect on the first of the last year, just at the moment when the law went into operation requiring all payments to the Government to be made in specie, and which enjoined it on the Government to pay its debts in coin also—he seems to have been in great haste to set up the business of banking in a description of paper credit which the records of the war of the Revolution and of the late war with Great Britain abundantly prove to be far more worthless than bank paper, if pushed to any great extent beyond what the accruing revenues would absorb. Instead of funding the loan and issuing certificates of stock for it, which could not have been returned upon the treasury in payment of Government dues, he committed the great oversight of issuing, in exchange for the specie he borrowed, Government promissory notes, commonly called treasury notes, which are receivable in payment of all debts due to the Government. Now, as these notes are nothing more nor less than an anticipation of realizing, in advance, the revenues of the Government, it is perfectly apparent they should never be put out except in case of overruling necessity; and it cannot be pretended that any such necessity existed then, when more than fifty millions were seeking investment, and when specie was more abundant than it ever had been before in any period of our history. In place of that abundance, a great demand for specie now exists, which has caused these notes to fall below par; and now, being worth less than specie, they are flowing back into the treasury, in payment of all Government demands; and thus the Government is, or shortly must be, unable to meet its engagements in specie, in which the sub-treasury act directs the public creditors to be paid. The amount of these notes now oustanding is equal to all the revenues of the Government for half a year to come. It should have been perfectly obvious to the Secretary, when these notes were issued, that, as soon as specie became scarce, they would all be back upon his hands in payment of customs, lands, and other public dues; thus, for the time being, beggaring the treasury and rendering the formal machinery of the sub-treasury nought but a depository of Government promissory notes instead of specie, for which it was provided with elaborate care.

But, passing by this topic, he would proceed to assign his reasons more in detail for saying that the income of the Government had been over-estimated and its expenditures under-estimated. The latter greatly exceeded in amount the former. For the over-estimates, the Secretary of the Treasury is responsible; and for the still more serious under-estimates, the Secretary of War is accountable. He would not charge either of those officers with having purposely prepared and presented to Congress erroneous estimates; but he must say that the war estimates are so wide of the mark as to raise suspicions of their good faith. In view of the magnitude of the war expenditures, he could readily imagine that both of these officers would feel a strong desire to put as good a face as possible on the state of their affairs. What men desire they can easily persuade themselves to believe. The Secretary of the Treasury therefore might, in his desire to provide means to meet the public expenses, over-estimate his receipts by a pretty large per centage, without being aware of it, and might at the same time firmly believe in realizing the full amount. The same remark is applicable to the Secretary of War in the desire he must feel to curtail the war expenses as much as possible. But this furnishes a good reason why their estimates should be severely and doubtingly scrutinized in this House. Great allowances ought also to be made for the uncertainty that must always, from many causes, hang over future receipts and future war expenditures; but with all this uncertainty, the heads of the departments ought to be able to make a reasonable approach to the truth. If they would keep themselves free from difficulty, it would be wise always to make large deductions from their calculations. In private life, if an individual in carrying on his business habitually over-estimates his means and underrates his expenses, it requires no prophet to foretell that he is doomed to be a bankrupt, and that, too, before he is aware of it.

This is equally true of the great undertakings of governments. When a great work is undertaken, the execution of which requires multiplied and complicated operations to be conducted on a large scale, oftentimes under pressing emergencies, that overrule all calculations of economy, where losses are met with from all the elements, and from the hand of violence; and all is to be done by a thousand agents, who are making contracts and disbursing money, scattered over a large space at a great distance from their principal; and most especially if these agents, one and all, are impressed with the idea that their principal is rich and very able to pay, and not a few of them are of faithless morality, and believe that he is a great goose, whose feathers rightfully belong to him who can pluck them; and if, to cap the climax, he himself puts the highest possible estimates on his means, and underrates the cost, we may be sure he will have a sad time in footing the bills. Last year, the annual report of the Secretary of the Treasury on the state of the finances, which is always presented to Congress when the year is nearly half expired, over-estimated the revenue of the then current year near five millions, and under-estimated the expenditures of the year more than four millions; making, together, at the end of the year, a balance against the treasury greater than his estimate, by more than nine millions; which, of course, occasions, in part, the necessity for the loan now asked for. The Secretary now tells us that a loan of sixteen millions will carry him through the year. If the Secretary's over-estimates and under-estimates of the receipts and expenditures of this year are as wide of the mark as I have shown those of the last to have been at the corresponding period of that year—say nine millions—that sum, added to the sixteen, will make twenty-five millions as the amount of loan that he ought to have asked for. But gentlemen will perhaps say that this has put him on his guard; that he has profited by experience. So far from it, he regretted to say that the Secretary has estimated the revenues of this year at more than eight and a half millions above the receipts of the last, the estimates of the receipts for this year being $34,900,000, while the sum total of all the revenues of last year was $26,346,790 37. There is every reason to believe he is again five millions above the mark. For example, he estimates the customs for the three last quarters of this year at a fraction under twenty millions, ($19,893,742 59.) The returns for the first of those three quarters are now received, showing the duties for that quarter to amount only to a fraction over five and a quarter millions ($5,337,874 84.) The actual receipts from the customs last year were $23,747,864 66. He estimates the customs this year at $31,000,000—being an excess over the actual receipts of last year of seven and a quarter millions.

So much for the customs; now let us turn to the public lands. The last three years have been years of great prosperity in the West and Southwest, where the public lands are situated. For those three years the annual average income from the sales of the lands has been below two and a half millions, ($2,419,942 66.) In his annual report a year ago, the Secretary estimated the receipts of the public lands for the then current year at $3,400,000. His report of this year shows that they actually yielded only $2,498,355 20, being an over-estimate of near a million of dollars; and yet, in the face of these facts, he puts down his estimate of the public lands for this year at $3,500,000. But let it be admitted that the income from the public lands will equal his calculations. The question then arises, can he use the moneys derived from this source to pay the current expenses of the Government? He undoubtedly can use the proceeds of the sales of the first two quarters of this year in that way; but he has no right so to apply the proceeds of the sales made after the first of January last. In his estimates of this year and the next fiscal year, he has treated the moneys to be derived from this source as though they belonged to the general revenue, and were to be used for the current expenses of the Government. This, as he conceived, was in direct violation of the act of the last session to raise a loan of twenty-three millions of dollars, which specifically pledged the proceeds of the public lands to pay, first, the interest on the loan, and the residue to be applied to the purchase of the stock when the same can be bought at a price not above par. That gentlemen might see on what footing this branch of the public revenue is placed by that act, he would read the provision on that subject, which is in the following words:

"That for the payment of the stock which may be created under the provisions of this act, the sales of the public lands are hereby pledged, and it is made the duty of the Secretary of the treasury to use and apply all moneys which may be received into the treasury for the sales of the public lands after the 1st day of January 1848, first to pay the interest on all stocks issued by virtue of this act; and, secondly, to use the balance of said receipts, after paying the interest aforesaid, in the purchase of said stocks at their market value: *Provided*, no more than par shall be paid for said stocks."

Now, this act makes the proceeds of the public lands a sinking fund for the liquidation of the loan of twenty-three millions, and expressly enjoins it on the Secretary so to apply them. He believed those in this House holding quite opposite opinions on most questions of finance united in giving this pledge for very different reasons. He was a member of the committee that reported the bill, and very well recollected what his own reasons were. He thought that whatever other loans the Mexican war might render necessary, and however they might sink in the market, with this fund to back it, this stock could never sink to a low ebb. Those who have adventured their money in this stock have a right to demand a faithful execution of this pledge. That stock is now below par, and it is the bounden duty of the Secretary of the Treasury to sustain its credit by a faithful application of the moneys which may be received into the treasury from the sales of lands. He had his reasons for agreeing to that pledge, in which the owners of the stock are but remotely if at all interested. He was very glad to take this branch of the public revenue out of the general treasury, and thereby throw the support of the Government upon the customs alone, as one of the surest means of compelling the Government, under the pressure of its necessities, to abandon at an earlier day than it otherwise would its mischievous free-

trade policy, and come back again to the protection of the home labor of the country, as the only sure fountain of public prosperity and of abundant supply of revenue. He had another reason which weighed strongly with him for giving the lands in pledge. For near a quarter of a century unceasing efforts had been made in both branches of Congress to break down the public land system and squander the lands, by reducing the price so low that they would no longer be regarded as worthy the care of Congress and the expense of managing them. He thought this pledge, with all those who held that public pledges should be maintained inviolate, would be a bar to any future legislation that should impair its value. And yet, in the face of all this, both the President of the United States, in his annual message to Congress, and the Secretary of the Treasury, in his annual report, utterly regardless of this pledge and of the express duty enjoined upon the Secretary, come back to the attack upon this land fund with renewed vigor, and exhaust all their energy with no little sophistry of argument to induce Congress to reduce the price of the lands. And for what, do you think? Not as the means of paying off the debt for which they are mortgaged, but as the means by aid of which they expect to raise the loan now asked for. And that there may be no pretext on this subject for a repetition of the argument, which only a few days since was urged on this floor, that a powerless minority in the last Congress had acquiesced in Executive usurpations because it made no movement to arrest them, he would now give notice, that at the end of this quarter he would move a resolution to inquire if the injunctions of that law had been obeyed.

Others of different opinions from his own were in favor of giving this pledge, since it would put an end to the policy of distributing the proceeds of the lands among the States. Now, it is not a little remarkable that the Secretary assumes that this pledge has interposed an insuperable bar against distribution, while at the same time he utterly disregards it in all other respects. Had it not been for this notice of it by the Secretary, he should have presumed that both he and the President had inadvertently recommended a policy subversive of the express injunctions of the law. No matter if all the results could be realized which the President and Secretary seem to imagine would follow from a reduction of the price of the public lands, still not a dollar of it could be lawfully used in aid of the loan now under consideration, nor in aid of the other expenses of the Government, any further than so much of the moneys from the sales of lands as will pay the accruing interest on the twenty-three million loan would to that extent diminish the current expenses of the Government. The interest on the part of that loan now drawing interest, and on the whole of it for next year, will amount to two and a half millions for this year and the next. In addition to that, eighteen hundred thousand dollars have been received prior to the first of January, which is not under pledge; making together four millions three hundred thousand dollars as the whole amount that can be used this year and next from the sales of the lands in aid of the general charges on the treasury, let the sales amount to what they may; while the estimated receipts for the two years are six and a half millions; making, therefore, an over-estimate, in any event, of more than two millions from this branch of the public revenue. But if he had time to do it, he thought he could demonstrate to the satisfaction of the House that it was hardly possible to prevent the Mexican bounty land warrants from absorbing for several years to come nearly all the proceeds of the sales, as little else will be paid for lands while they are outstanding, and remain at their present reduced price, being in the market worth but little more than half the Government price of the quantity of land which they will buy. If this unfortunate result should be realized, then nearly the whole amount of the Secretary's estimate for the lands would have to be deducted from the means of the treasury, and the interest of even the twenty-three million loan provided for otherwise. And here he would dismiss the subject of the estimates of the Secretary of the Treasury, and bestow some attention on those of the Secretary of War, which are much wider of the mark.

He had already shown, that in the estimates presented last year for the expenses of the then current year, between the over-estimates and under-estimates of the two Secretaries, the treasury was worse off at the end of the year than they had calculated by more than nine millions of dollars; and that, in his estimates for the now current year, the Secretary of the Treasury had evidently fallen again into the same error; and that, in forming an opinion as to the extent of the wants of the Government for this year over the loan now asked for, we must add to it the amount of the Secretary's over-estimate of receipts for the year, amounting in all probability to at least five or more millions of dollars, which would bring the loan wanted from sixteen up to twenty-one millions. To this must be added whatever may be the under-estimates of the Secretary of War. At the last session of Congress, when the regular estimates were presented for the present fiscal year, which commenced on the 1st of July, 1847, the whole expenditures for the year, in all branches of the public service, were estimated at $45,781,784 51. We have gone through one month over half of the year, and the estimates already sent in for the year amount to $62,783,660 07, composed of the following items: Estimated expenditures for the current year, as set down in the report of the Secretary of the Treasury for the current year, the sum of $58,615,660 07; between the 9th of December, the date of that report, and the date of the acting Secretary's letter to Congress of the 19th of January, in which he informed the House that the loan could be reduced to twelve millions, the Secretary of War had sent in to the Committee of Ways and Means further estimates to the amount of $3,808,000, and on the 3d instant the Secretary of War sent in to the Committee of Ways and Means a further estimate for a deficiency in the Quartermaster's Department of $360,000; making altogether the before-mentioned sum of $62,783,660 07, as the estimated expenditures of the year which began on the 1st of July last, instead of the sum of $45,781,784 51, as originally estimated at the beginning of the last session of Congress. Of this last sum, the Secretary of War estimated for the army proper, volunteers, and ordnance department, the sum of $23,978,929 25; while the estimated deficiencies sent in at the present session by the Secretary of War, for the army proper, volunteers, and ordnance, amount to the additional sum of $14,033,439 74 If we bear in mind that the mere excess over the estimates for this branch of the public service for a single year is equal to the whole annual expense (except the payments made on account of the public debt) of the entire Government under the administration of the younger Adams, we may well be startled at this disclosure of what is now going on. But it is said, by way of excuse for this, that a larger force has been called into the service than was anticipated when the estimates were originally made for the year. Undoubtedly a larger force has been called out than was provided for in those estimates; but is that an excuse for the omission? The true question is, ought not these troops to have been estimated for; and, if so, why was it omitted? Has the Administration since undertaken any great military expedition or movement not then begun or decided upon? Were not our troops then in New Mexico and California? Was not General Taylor as far advanced into Mexico as at this day? Was not the invasion of Mexico through Vera Cruz then decided upon? and had not the Commander-in-chief then gone from this city to organize and take command of the expedition? Had not both the Commander-in-chief and General Taylor, when called upon officially, given it as their opinion that to accomplish all that was decided upon would require a larger force than has even yet been called into the service?

But, waiving these inquiries, have the whole amount of the deficiencies for this year been even yet presented to Congress? He was afraid not. It appears that the Quartermaster General, on the 4th of November, estimated the deficiency in his branch of the service as follows: For arrearages in the Quartermaster's Department proper, seven millions five hundred thousand dollars; and for clothing, camp and garrison equipage, nine hundred and sixty thousand dollars—making in all an estimated average of eight millions four hundred and sixty thousand dollars. In submitting this estimate to the Secretary of War, and along with it his estimate for the next fiscal year, amounting for that year to $19,291,200, the Quartermaster General remarks that "these estimates are based upon the 'supposition that there will be from fifty to fifty-'five thousand men in the pay of the Government 'to be provided for, to keep thirty-five thousand 'effective men in the field; and that force is far too 'small for any valuable purpose. The force esti-'mated for will every man of them be required." The Secretary of War, notwithstanding, returned these estimates to the Quartermaster General for revision and reduction. And on the 15th of November, the Quartermaster General again handed in these estimates, having cut down the estimate for arrearages in the Quartermaster's Department proper from seven millions five hundred thousand dollars to five millions, and the estimate of arrearage for clothing, camp and garrison equipage, from nine hundred and sixty thousand to six hundred thousand dollars—making a reduction in the last item of three hundred and sixty thousand dollars, and in the former of two millions five hundred thousand dollars, being in both a reduction of two millions eight hundred and sixty thousand dollars below his first estimate. At the same time, he reduced the estimate for the Quartermaster's Department for the next fiscal year from nineteen millions two hundred and ninety-one thousand two hundred dollars, as first estimated, to fourteen millions two hundred and fifty thousand dollars—being a reduction on next year's original estimate of five millions forty-one thousand two hundred dollars; and a reduction in the original estimate for the arrearages of this and for the service of next year of seven millions nine hundred and one thousand two hundred dollars. In submitting these reductions, the Quartermaster General writes to the Secretary of War that his first estimates "were 'made out from data derived from the experience 'of the last year;" and he also says, "Whether 'those reductions be judicious time must deter-'mine. I would not have ventured to make them 'but for the fact that two sessions of Congress 'will have terminated before the expiration of 'the fiscal year for which the estimates now sub-'mitted have been made." Now this looks directly to large deficiencies again next year, which will go to swell the loan that will then be required. By direction of the Committee of Ways and Means he (Mr. V.) addressed a letter to the Secretary of War to know why the original estimates were cut down, and to ask him for a copy of those estimates with the Quartermaster General's letter to him accompanying them. On the 24th of January, the Secretary of War furnished the committee with a copy of the original estimates, and a copy of the Quartermaster General's letter. The Secretary also transmitted to the committee a report to him from the Quartermaster General of the 18th of January last, to whom the Secretary had referred the committee's letter of inquiry. In that report, the Quartermaster General says to the Secretary "that the estimate for the service of the 'year was reduced in consequence of the informa-'tion which you communicated to me as to the pol-'icy intended to be adhered to by the Executive, 'and from having ascertained, between the 4th and '25th of November, that the expenses of supporting 'the troops in the interior of Mexico were not so 'great as I had estimated them." He concludes this report in a manner so guarded as to show that he had no confidence in being able to carry out these reductions. He says, in conclusion, "should 'there be no heavy losses of property, and no ex-'traordinary operations undertaken during the year, 'and the troops be not increased, I think the sums 'asked for will be sufficient; but the most rigid 'economy will be required to make them do." It is very improbable that none of these contingencies will occur in the course of the next eighteen months, if the war continue; and it is almost certain that all of them will happen. We may therefore put it down as settled that these reductions will all be called for. And in proof of it, on the 3d of the present month, only ten days after his letter to the Committee of Ways and Means, the Secretary of War writes to the committee that a contingency had happened which made it necessary to have an additional $360,000 for the Clothing Department, which brings back the arrearage for clothing from the reduced sum of six hundred thousand to nine hundred and sixty thousand dollars, at which the Quartermaster General had originally estimated it.

If we would make safe provision for the present fiscal year, we shall restore the two millions eight

hundred and sixty thousand dollars which were taken away from the Quartermaster General's original estimate. If this be done, and we assume there will be no other expenditures during the year beyond what is already estimated for, and no addition made to the army, then the wants of the Government for this year beyond its means will stand thus: To the loan of sixteen millions now asked for by the Secretary of the Treasury add five millions for over-estimate of the revenue of the year, and add also two millions eight hundred and sixty thousand dollars for the under-estimate of the expenditures in the War Department, and there must be raised by loan to carry the Government to the 1st of July next twenty-two millions eight hundred and sixty thousand dollars. And the loan of the last session, which was intended to provide for the whole of the present year, instead of twenty-three millions, which the Secretary, as already stated, informed Congress was all that would be wanted, should have been for forty-five millions eight hundred and sixty thousand dollars. If the sixteen millions now proposed to be raised will meet the wants of the Government, then the public debt at the end of the present fiscal year (June 30th) will be sixty-six millions of dollars. If you add to this seven millions eight hundred and sixty thousand dollars for the over-estimates of receipts and under-estimate of expenditures, as already explained, the debt at that date will be seventy-three millions eight hundred thousand dollars.

Let us now see what addition will be made to this amount at the end of the next fiscal year, which ought properly to be provided for at the present session of Congress. The appropriations for next year, which begins on the 1st of July next, must be made at this session, and, when the appropriations are made, the means to pay them ought to be provided at the same time, instead of raising loans on an emergency, as we are now obliged to do, by reason of the short estimate of the Secretary of the Treasury, when the twenty-three million loan bill was passed at the last session. He should have ample time to negotiate his loan before the money is wanted. It is, therefore, the clear duty of the Executive to ask that provision may be made at this session for all the wants of the Government for the next year, and not come, as at present, a year behind the proper time.

What, he (Mr. V.) would ask, will be the receipts and expenditures of the next fiscal year? And what will be the deficiency that must be provided for by loan? The Secretary of the Treasury estimates it at twenty millions five hundred thousand. He (Mr. V.) was afraid that in this the Secretary was again as much below the mark as we now know he was a year ago. He estimates the receipts for next year at thirty-five millions—thirty-two from customs and three from the public lands. Now, he had already shown, that to the extent of the interest on the twenty million loan of last year, and no further, can he use the proceeds of the public lands to pay the expenses of the year; and there is great cause to fear that the soldiers' bounty land warrants will so dry up the sales as not to bring money enough from that source to pay even the interest on that loan.

Then there is nothing left to fall back upon but the customs. So many causes—many of them oftentimes accidental or occult—which are brought suddenly into action, so greatly influence the commerce of the country, that no certain estimates can be made—they must of necessity be approximations only to the truth. Judging, however, from certain great and general causes now at work, the revenue from the customs for the year which begins on the 1st of July next cannot be safely estimated at more than twenty-six or twenty-seven millions—say twenty-seven—and put the land at a million and a half, making twenty-eight and a half for the year. This is the measure of the means of the Government. He therefore deducted six and a half millions from the Secretary's estimate. What, on the other hand, will be the expenditures? There is now a much larger force in the public service than was employed at the beginning of the present year; and the fact that the Executive is pressing Congress for a large addition to it shows that, even if no more troops are granted by Congress, all now there will continue to be employed, and that therefore there is not the remotest probability that the expenses of the next year will fall below those of this, assuming them to be no more. He had before shown that the estimates for this year already sent in, amount to sixty-two millions seven hundred and eighty-three thousand six hundred and sixty dollars; that probably two and a half millions must be added to that for under-estimates in the Quartermaster's Department—bringing it up to upwards of sixty-five millions; to which must be added at least two millions for additional interest next year on the loan now proposed to be raised, and that which must be raised at the beginning of the year to meet the wants of the year—say sixty-seven millions of dollars. From this amount take the next year's revenue—twenty-eight and a half millions—and there will be a deficiency of thirty-eight and a half millions to be provided for by loan, instead of twenty millions and a half, as estimated by the Secretary of the Treasury—showing that the estimate for this year and next is about equally below the real wants of the Government; that for next year, upon this calculation, being seventeen millions less than the wants of the Government, while that for this year is now admitted to have been sixteen millions too small, with every probability, as he had before shown, that the deficit to be supplied by loan will reach twenty-three millions or more. It must be borne in mind that the Quartermaster General's estimate alone for the next year was cut down five millions and forty-one thousand in the manner before stated; the original estimate having been for that department $19,291,200, which was reduced to $14,250,000. The Quartermaster General, it will also be borne in mind, says it will require the most rigid economy to make the reduced estimates do, should there be no heavy losses of property, no extraordinary operations undertaken during the year, and the troops be not increased. We know that more troops are urgently demanded; that losses of property must occur; that the Executive has now changed his policy, and is resolved upon carrying the war to the vitals of the enemy, which, in plain English, means to overrun and subdue the whole vast territory of Mexico; and, in pursuance of that policy, we already hear that great operations are organizing for the reduction of Potosi and Queretaro. What, then, will be the public debt at the end of the next fiscal year, if the war continue? This has become a solemn and alarming inquiry. He had already put down the probable debt at the end of this year at seventy-three millions eight hundred thousand dollars. If to that be added thirty-eight and a half millions for the deficit of next year, the amount, at the close of that year, will be upwards of one hundred and twelve millions of dollars.

If, however, the sixteen millions now asked for will do for this year, then the debt at the end of next year, should there be a deficit of no more than thirty-eight and a half millions in that year, will be but one hundred and four and a half millions. According to the estimates of the Secretary of the Treasury, the debt at the end of the next year will be eighty-six and a half millions. These estimates are all predicated upon the supposition that the increased force asked for is not raised. If that is raised, it must largely increase the public expenditures. It must be estimated for, and appropriations made hereafter for its support. Any one of these estimates exhibits a sad prospect for the country. Looking at this bill as a mere money transaction between the Government and the public creditor, it may be thought to be more honest than expedient to make a disclosure of the present and prospective condition of the financial affairs of the country; but it is not to be forgotten that there is another party whose agents we are, the tax-paying people, who must foot the bills, and who have a right to know the truth and the whole truth—to know how, by whom, and for what their money is expended. He felt bound to say, that from the nature and uncertainty of the facts from which many of the opinions he had stated are deduced, he could not rely with entire confidence in the correctness of all his conclusions; but they were nevertheless conclusions he could not avoid coming to. He sincerely hoped, for the sake of the country, that his calculations were as much above the future wants of the Government as the past estimates of the Executive are now known to have been below them.

Mr. LIGON said: Mr. Chairman, this bill, to provide means to supply a deficiency in the treasury during the present year, will, except as to the *form* which it shall assume, meet with no considerable opposition in either branch of Congress. At least I venture to hope for such a result.

This being the case, instead of submitting an argument in favor of a measure which may reasonably be supposed not likely to meet opposition, except as to the *form* which it should take, I shall embrace this opportunity to submit my views upon a subject nearly allied to this, and which has been brought to our notice in two ways: first, by a message of the President, which, as yet, has not been disposed of; and, secondly, by bills reported by the Committee on Commerce on Thursday, the 3d instant—I refer to the subject of the improvements of rivers and harbors at the expense of the Federal Government.

Perhaps no better time than this can be found to say to this House and to the country, that in voting for bills to increase the public debt and the public taxes to support the army and navy, now employed on foreign service, it is my firm purpose not to be accessory to any movement to increase either the one or the other, to promote objects not indispensably necessary to sustain the national honor, to provide for just claims upon the treasury, and to carry on the ordinary and legitimate business of the Government.

No general bill, exclusively providing for the improvement of navigable rivers, and of lake, gulf, and ocean harbors, has been passed into a law by the Congress of the United States during the last seven years. But few laws of that kind have been enacted by this Government from the day of its imperfect organization in 1776 up to this its period of matured fullness and power. Perhaps so few *general* appropriations have been made, that gentlemen may not be prepared to affirm that it has *ever* been "the *settled* policy" of this Government either to enter upon or to prosecute a "general system of internal improvements." Be this as it may, however, the bills soon to be under consideration, and upon which, in some form or other, we shall be called upon officially to act, devolve upon the members of this House, each for himself, the duty of examining this great question of internal improvements by the General Government; and this examination has to be made with a direct reference to the propriety of voting for or against the policy of resuscitating those internal improvement measures which obtained for a time, but were abandoned a few years ago, in consequence of the interposition of the Executive veto.

The first question that naturally arises for the consideration of a representative of a constituent body, is that of *power:* has Congress the constitutional power to grant the money asked for, for the *object* specified? All acknowledge that while Congress has the *physical* power to vote for or against a bill, irrespective of any and of all obligations, human and divine; it is yet morally bound to vote *for* certain measures in accordance to the express commands of the Constitution; and there are certain other measures, so grossly at war with its provisions, for which, were they presented, no representative would have a moral right to vote.

The question of constitutional right, presented by these bills, has, on various occasions, been ably and elaborately discussed by many of the wisest statesmen who have adorned our country. Yet, notwithstanding the ability of those who have discussed, and the number of years through which the discussion has run, diverse opinions are still entertained, not only among the people, but also among the most eminent statesmen of the times, upon the question of the constitutional power of Congress to remove obstructions from rivers, to construct and clear out harbors, make roads, dig canals, and to build bridges. To attempt to add anything either interesting or useful upon a constitutional subject, which the greatest minds of our nation have exhausted without being able to settle to the satisfaction of the country, would be held in me (I fear) as inexcusable presumption. Whilst, therefore, I may be pardoned for saying that I have formed my opinions upon this subject, not without some study and reflection, I am quite sure I should not be, were I egotistical enough to repeat them here.

I shall, therefore, leave the constitutional view of this question as I find it; and this the more readily, as there are other reasons of sufficient weight to determine the course of action proper to be pursued at this conjuncture in relation to

such bills, without raising this primary question of constitutional power. These reasons may be found, in part, in the circumstances which we find our country placed at this time; in the past legislative course pursued by Congress towards certain cities; and in the injustice towards many millions of people, of which these bills would be the occasion, should they be passed into laws.

And, first, let us look at the circumstances by which we are surrounded.

The Secretary of the Treasury officially informs us that the estimated receipts into the treasury during the coming year may be stated at $35,100,000. Gentlemen upon the other side of the Hall think this estimate a large one—so do I; but still it is the official one, and it was made out with great care, and after a very deliberate survey of the sources of revenue. The Secretary also tells us that our expenses during *this* year will be $15,730,000 greater than our income; and during the next year, our expenses will be $20,500,000 greater than our income.

The present fiscal year ends on the 30th of June next; and on that day, notwithstanding the large loans made during the past few months, the deficiency in the treasury will, it is estimated by the Secretary, be $15,730,000. Many gentlemen, it may not be improper to remark, estimate the deficiency at a far larger sum.

Money to that large amount *must* be obtained by Congress, and placed in the treasury prior to the 30th of June, to prevent the national credit from being dishonored. How shall this large sum be obtained? By borrowing, or by taxation, or by a resort to both means?

Borrowing creates a debt, to be paid off from the avails of subsequent taxation. It is a draft upon the future for the benefit of the present; and, if resorted to with an *intent* to shift the burdens legitimately belonging to the present generation upon the shoulders of a succeeding one, it is an unwarranted draft upon the treasury of a description by no means reputable. Present necessity often prompts governments to an acceptance of bankers' "days of grace," but does not justify an avoidance of the debt. A just debt may not, with honor, be denied, or avoided; but provision for its liquidation must be provided by him who obtains the just and the full consideration. But, besides that, it is honest for us to pay our *own* debts, instead of bequeathing them as an unwelcome legacy to our children. The creation and issuance of large amounts of evidences of national indebtedness must inevitably affect the values of similar paper-credits put forth by the several States, and by cities, corporations, and individuals. The amounts thus issued, and thus in danger of being injured, by our uttering paper to enter into competition for the money of the capitalists, are very large and very important. The bonds of the States call for, it is supposed, near $180,000,000; the bonds of cities, of counties, and of villages, represent at least an equal sum; the bonds of railroads and canals, of turnpikes and bridges, probably equal $200,000,000; and the bonds and other evidences of debt (other than those circulating as money) uttered by the banks, by manufacturing, mercantile, mechanical, and other legal corporations, probably exceed the last-named sum. The amount of bonds, notes, and other evidences of debt, issued by private individuals throughout our widely-extended country, of course cannot be known. It is difficult to form a rational conjecture as to the amount. We only know that the gross sum must, from the adventurous character of our people, be prodigious. I have seen the *assessed* value of the real and personal property of the United States stated at *four thousand millions of dollars*. If this statement is correct, (and I know not what, if any, reliance is to be placed upon it,) the *real* value of the real and personal property owned by the individuals composing our nation is three times greater, at the least; for we all know how low property is estimated, and how large a proportion escapes assessment altogether. It is also stated that the *daily* payments at the counters of banks, insurance and trust companies, and brokers, in the city of New-York, equal about $4,000,000. Reasoning from these items, it would seem safe to assume that the various evidences of debt, *in all forms*, uttered by individuals, will amount to one thousand millions of dollars. This, including those issued by the nation, States, cities, counties, villages, railroads, canals, banks, other corporations, and individuals, would form an aggregate of evidences of indebtedness of two thousand millions of dollars, to represent twelve thousand millions of dollars of property. With such an amount of obligations to be affected by our action here for good or for evil, can we be *too* cautious in our financial movements? If, by unnecessarily throwing large loans into the money market, and abstracting therefrom, *at high rates*, and at short notice, large sums, we produce a stringent action, that increases the rates of interest, lessens the worth of produce and of real estate, and of paper based upon them, and occasions the sale of evidences of debt in general at losing rates, are we not justly, and in verity, responsible to our fellow-countrymen for this depreciation of their property? But it may be said, increased taxation will also distress individuals and corporations, and lessen the values of their property. This is fully admitted. It will certainly do so. Perhaps no more curious inquiry could be started than what would be the amount of the increased value of the various properties possessed by the people of England, if every species of taxation were totally abrogated. Taxation is not only an evil, but it is a great and a constantly *increasing* evil in this country. But is it not better to pay at least a part of the extra expenses we are now incurring, by calling upon *all* of the people to contribute their *pro rata* share than to create a national debt of a cumbrous character? and especially if that debt has to be created *suddenly*, and at the risk of disturbing the business relations, and of lessening the value of the property of the whole country?

We are in the midst of a war, from which I am convinced the Representatives of the American people will never consent to be ingloriously extricated. We have offered peace to Mexico so often, that they have come to the conclusion that peace would be the greatest boon they have it in their power to bestow upon us. Now, unfortunately, they are not in a *humor* to gratify us; our gallant armies having inspired them with more respect than *love*, more admiration than *gratitude*. What, then, remains for us to do, consistent alike with the honor of our country, and the domestic interests of our people? Is it not, clearly, to vote appropriations, which, if judiciously applied, will be most likely to ensure us that peace which Mexico would fain withhold? And in obtaining the means to meet such suitable appropriations, ought we not to draw as small a share from the money market, and as large a share from the property of the country, by taxes *equally diffused*, (and thus create as small a national debt,) as a due regard to the interests and the wishes of the people seem to demand? Neither side of this Hall advocates an inglorious withdrawal of our forces from Mexico—neither side advocates the accumulation of a large debt. Gentlemen of the Opposition—if I correctly understand their position—are willing to raise a larger revenue, and thus lessen the amount of debt which will otherwise be rolled up, if we will adopt *their methods* of increasing the taxes. Such being the state of things, I do not despair of seeing some measure adopted that will enable the Administration to push this war vigorously forward to an early and a glorious conclusion, by means so wisely obtained as to leave the commerce and business of our beloved country nearly unaffected by the demands for such large sums of money. For these noble ends I esteem it our duty diligently to labor; and, for one, I shall, with a single eye, so labor as long as a single effort, however humble, may in any degree bid fair to be useful.

Under these circumstances, when thus engaged in a foreign war which calls for money in sums so large as not only to threaten to entail upon us a permanent national debt, but to visit us with present financial calamities, by reason of the difficulty of sparing from business circles such large sums of money, it is gravely proposed—and bills to that effect have already been introduced, under the imposing auspices of one of the most important standing committees of this House—to revive, *formally to renew*, a system of internal improvements by the General Government! A *Congressional* system, I ought to say; for it is now well known that the executive branch of the Government will in no way sanction it; and if it obtains, it can do so only by a two-thirds vote. It must, therefore, be wholly and exclusively a Congressional scheme or system.

To this plan of adopting a system of internal improvements upon the sole authority of Congress, without an *express* constitutional right to do so, and in time of war—at a time when there is an *actual* deficiency in the treasury of fifteen and a half millions of dollars, and a *prospective* deficiency of twenty millions more—at a time when we have just relaxed our commercial system, and entered into a freer and more vigorous competition with our commercial and manufacturing rivals—and at a time when the monetary circles of England are tottering and shaken to their centres, and when our own are seriously threatened—I say, to a system *thus* proposed, and at *such a time*, I hope I need only oppose the manifest interests of our country. No plan could more seriously compromise them; for it proposes to precipitate upon an exhausted treasury a closely-bound bundle of local interests, and to force the treasury upon an already overburdened money market, in order to *gratify* those insatiable local interests. Of the five thousand towns and villages situated upon navigable waters, probably not forty can be gratified with an appropriation to improve their harbors, under the wildest scheme that two-thirds of the members of Congress can be persuaded to pass during this session. And shall the whole of the business and commercial interests of this great nation be placed in jeopardy, that forty out of the thousands of towns and villages in this country shall be enabled to boast of having obtained appropriations from Congress; and that, too, at a time when the nation is at war, a debt rapidly accumulating, and the treasury overtaxed by more than $15,000,000?

Sir, constitutional arguments need not be raised; for the *interests* of the people of every State seem to be endangered even by *the mere introduction* of such bills into Congress, under circumstances calculated to induce a belief that they may be enacted into laws. It is not difficult for the most ordinary business man to see, that if large sums of money are to be withdrawn from business, to carry on a general system of internal improvements, as well as to wage a war with Mexico, general financial embarrassment must inevitably ensue. The money market cannot supply such extraordinary demands upon it, without producing derangements of the most extraordinary character. In the commercial distress that would ensue in consequence of enormous appropriations, who will say that persons holding evidences of debt would not be damaged *more* than one per cent.? And yet one per cent. upon two thousand millions of dollars is no less a sum than twenty millions! Surely, we cannot too seriously consider, and may not lightly regard, the magnitude of the injury which even *so slight* a depression in the value of property produces. When considered with reference to all of the interests of this great country, what *excuse*, what apology can be devised for voting to enter upon such a system, under circumstances so remarkable? Can any one charge that I *over-estimate* the importance and value of the pecuniary interests of the people of this country? Let such candidly compare these interests with the rival ones in England. We learn, from the December number of Blackwood, (1847,) that "the value of the *personal* property in England was—

In 1815.....£1,200,000,000
In 1841..... 2,000,000,000
In 1847, about..... 2,400,000,000"

Or (in 1847) about the round sum of twelve thousand millions of dollars, ($12,000,000,000.) The value of real and of mixed property is not stated, but "the *net* rental of England alone was—

In 1815.....£51,898,423
In 1841..... 62,540,030
In 1847..... 65,000,000"

Or (in 1847) about $325,000,000 per annum. The annual taxes *for a series of years* have been in England as high as $335,000,000, and at this time amount to two hundred and fifty millions of dollars per annum! When we look at the agricultural and mechanical productions of the United States, at its manufactures and its commerce, and compare them with those of England, it is easy to be seen that, in stating the entire value of all property in this country at twelve thousand millions of dollars, (the estimated value of only the *personal* property of England,) I have all the warrants of analogy and of calculable probabilities in supposing that my estimate is far below the reality.

Now, Mr. Speaker, it is confidently asserted that the late commercial panic in England has, within a few months, depreciated real and personal

property in that kingdom "*more than the entire amount of the national debt!*"

If severe pressures upon the money markets of highly commercial nations thus seriously affect the value of property of all kinds, what reason could I render the intelligent constituency which I have the honor to represent in this House, if I were to cast their vote in favor of renewing a huge system of internal improvements in time of war, in time of a large treasury deficiency, and in the face of a restricted money market and an adverse foreign exchange? None, sir; none.

This Government ought not to enter the market at this time for a solitary dollar not indispensably necessary to the preservation of its honor. It is cruel to do so at a time when States, cities, railroads, canals, individuals, and corporations are vigorously struggling not only to relieve themselves from the consequences that overtook them in the financial catastrophe of 1837, but to prepare honorably to sustain themselves in that generous competition now everywhere manifest, to excel in all that is desirable and right.

By a wise, vigorous, and patriotic effort, the business circles will be able, I hope and believe, to supply the Government of the United States with the means it will find really indispensable, at moderate rates, and without producing serious financial derangements. But if to these indispensable loans are to be added *others*, devised to carry out ill-considered schemes to construct harbors in different and distant States, at difficult, nearly unknown, and but little frequented landings, it becomes the duty of this House to inquire whether it were not better to leave to the several States, or to resident citizens, the task of founding and beautifying towns, villages, and cities, and of opening and maintaining the roads and canals, and all other avenues of approach to them, rather than to embarrass the Government and the people with a burden not legitimately their own. If, upon this day, citizens residing upon the beautiful shores of the Chesapeake, and others upon the banks of the majestic Lake Superior, and others still upon the Gulf coast, resolve to lay out and build up villages or cities, is *their right* to come here, in time of war, *to demand* of this body an appropriation to construct for their use, and for the use of such as may desire to trade with them, either a road, a canal, or a harbor, *sufficiently clear* to justify us in the eyes of the people of this country in granting their request, at the known risk of deranging the markets and of depreciating the prices of all the property in this country? But if those citizens, thus far removed from each other, and located where cities may well be expected to arise, had commenced (instead of to-day) one year ago, or ten, or twenty, or a hundred years, and had actually erected one or many buildings, could it be said that so mandatory are the provisions of the Constitution, we *must*, at the peril of rendering money scarce, and labor cheap, and property unsalable but at depreciated rates, borrow large sums of money at large rates of interest, and increase the taxes of the people to pay it, in order to build the asked-for road, canal, or harbor?

If the Constitution does thus order us to make such expenditures for the benefit of isolated individuals or of local communities, and at the expense of all the rest of the people, in times of war and of peace, of prosperity and of adversity, at all hazards, and in defiance of all the maxims of commercial experience, I have failed to read it aright. If the Constitution does not *positively* order us to borrow money, in time of war, to clear out rivers, construct harbors, build roads, dig canals, drain swamps, build observatories, and establish universities, then we ought to abstain from these things, if the doing of them will be injurious to the credit of the Government, and ruinous to many of the interests of the citizens; for all good governments were instituted for the good of the governed, and their acts, general and singular, should ever be in harmony with this, the principle upon which they were founded.

I cannot vote, in time of war, to borrow money to engage in a general system of internal improvements. I cannot vote to borrow money to be expended to please a few towns, when, by so doing, I know that I am placing all the property of all the citizens of this great country in imminent danger of depreciation. The interests of the many should not be made to depend upon the schemes and the wishes of the few; nor with a hope of benefiting a few persons, a few villages, a few cities, or even several important States, should the property of all the citizens be exposed to probable loss.

But, in the next place, if we were *not* engaged in war—if we were not in the money market, forcing weaker parties to pay higher rates of interest in consequence of our unwelcome intrusion—has not the past legislative action of Congress been such, towards certain cities, as to render the adoption of such a system an act of *injustice* to those cities? I think it has, and will, with the permission of the House, submit a few reasons in support of this opinion.

Several cities and towns have had their harbors improved, or wholly created, at the expense of the treasury of the United States—to some, the appropriations have been complete; to others, partial. But the greater number, the principal part, of the harbors of the United States, have never been the subjects of Government attention. If improved at all, they have been improved by those who have an interest therein.

Baltimore is one of the most important cities of the Republic, and has been so from the period when this Government was organized. As it is important to the argument which I propose to submit to be able to prove this, I have obtained from the Treasury Department a statement showing the amount of revenue collected at the port of Baltimore from the year 1789 to 1847, both years inclusive; also a statement showing the amount of revenue collected at all the ports of the United States during the same period.

Statement of the annual net revenue received from customs at all the ports in the United States, discriminating that received at the port of Baltimore, from 4th March, 1789, to 30th June, 1847.

Date.	Net revenue paid into the treasury at all the ports of the United States.	Net revenue paid into the treasury at the port of Baltimore.
From Mar. 4, 1789, to Dec. 31, 1791..	$4,399,473 09	$563,368 10
For the year 1792	3,443,070 85	426,038 32
" 1793	4,255,306 56	855,531 24
" 1794	4,801,065 28	768,152 51
" 1795	5,588,461 26	504,097 48
" 1796	6,567,987 94	758,187 89
" 1797	7,549,649 65	1,119,714 77
" 1798	7,106,061 93	880,154 43
" 1799	6,610,449 31	1,162,978 10
" 1800	9,080,932 73	623,287 14
" 1801	10,750,778 93	999,454 12
" 1802	12,438,235 74	621,647 97
" 1803	10,479,417 61	932,016 17
" 1804	11,098,565 33	1,539,736 03
" 1805	12,936,487 04	1,126,386 69
" 1806	14,667,698 17	1,451,227 95
" 1807	15,845,521 61	1,620,797 20
" 1808	16,363,550 58	590,098 53
" 1809	7,296,020 58	148,269 61
" 1810	8,583,309 31	929,380 21
" 1811	13,313,222 73	721,368 22
" 1812	8,958,777 53	1,778,231 99
" 1813	13,224,623 25	160,942 95
" 1814	5,998,772 03	
" 1815	7,282,942 22	4,052,132 90
" 1816	36,306,874 88	2,765,928 24
" 1817	26,283,348 49	1,547,714 90
" 1818	17,176,385 09	1,942,174 48
" 1819	20,283,608 76	1,594,995 03
" 1820	15,005,612 15	536,304 43
" 1821	13,004,447 15	693,479 29
" 1822	17,589,761 94	1,158,598 59
" 1823	19,088,433 44	920,503 09
" 1824	17,878,325 71	875,523 13
" 1825	20,098,713 45	1,004,211 67
" 1826	23,341,331 77	1,052,675 41
" 1827	19,712,283 29	1,207,391 84
" 1828	23,205,523 64	1,277,850 93
" 1829	22,681,965 91	1,282,686 58
" 1830	21,922,391 39	1,014,996 50
" 1831	24,224,441 77	1,209,949 98
" 1832	28,465,237 24	665,575 74
" 1833	29,032,508 91	630,376 90
" 1834	16,214,957 15	519,831 25
" 1835	19,391,310 59	810,141 98
" 1836	23,409,940 53	1,334,838 96
" 1837	11,169,290 39	959,562 90
" 1838	16,158,800 36	1,014,523 71
" 1839	23,137,924 81	930,209 68
" 1840	13,499,502 1	598,011 47
" 1841	14,487,216 74	655,205 93
" 1842	18,187,908 76	481,299 35
" 1843	7,046,843 91	97,760 26
" 1844	26,183,570 94	623,530 44
" 1845	27,528,112 70	697,894 00
" 1846	25,712,667 87	700,610 28
" 1847	23,747,864 60	594,025 21
	$890,817,487 72	$55,761,597 67

TREASURY DEPARTMENT, *Register's Office, Dec.* 23, 1847.
DANIEL GRAHAM, *Register.*

This table shows, that from 1789 to 1800, both years included, the revenue of the United States, collected at all the ports, amounted to $59,402,458 60; of this amount, $7,661,519 98 was collected at the port of Baltimore—being nearly *one-eighth* of the whole. It is thus seen that about one-eighth of all the revenues of the Government of the United States, during the first *eleven years* of its existence, was derived from the port of Baltimore!

The next *seven years* shows a total revenue of $88,216,704 43; of this, there was collected at Baltimore $8,301,266 13—being nearly *one-tenth* of the whole.

By looking at the table, it will also be seen that *more* than *one-half*—in fact, more than *five-ninths*—of all the revenue of the United States was collected at Baltimore in the year 1815!—the whole amount being $7,282,942 22: collected at Baltimore, $4,052,132 90! Beginning with 1815, and going down to 1820, (five years,) and we see a total revenue of $107,333,159 35; of this, no less a sum than $11,902,945 55 was collected at the port of Baltimore—being about one-*ninth* part of the whole!

Take still another period. From 1825 to 1831, both years included, the revenue from Baltimore (the net revenue, after deducting all expenses) exceeded annually ONE MILLION OF DOLLARS! The revenue received from Baltimore by the United States, after deducting all expenses of collection, in fifty-seven years, amounts to the stupendous sum of FIFTY-FIVE MILLIONS seven hundred and sixty-one thousand five hundred and ninety-seven dollars and sixty-seven cents, ($55,761,597 67)—a sum which would have constructed our canal to Cumberland, and our railroad to the Ohio river; created a large school-fund; improved our harbors; constructed and maintained our light-houses, and greatly assisted to defray the expenses of the State and the city governments.

This is what Baltimore has actually contributed to the common fund for the promotion of the common good and the general welfare. And what has she received?

I hold in my hand a statement from the Treasury Department, which shows that in fifty-seven years $55,000 have been expended by the United States upon the harbor of Baltimore! Not a thousand a year for a port from which nearly fifty-six millions of dollars have been received!

And now let us examine the justice and the equality of the general system of internal improvements sought to be established in the midst of this war. And let us judge of it, not by what its enemies prophesy as *likely* to grow out of it, nor by the promises which its indiscreet friends make for it; let us judge it by the past. The past *may* be known—the future cannot be.

Under the revenue system, eight hundred and ninety millions of dollars have been collected by the United States; of this sum, $9,837,894 58 (nearly $10,000,000) have been expended by Government in the prosecution of works of internal improvement. If Baltimore had received its *pro rata* share of the money expended on improvements, estimating according to what that port contributed to the treasury, as compared with sister ports, no less than one-sixteenth part of the ten millions of dollars would have been expended at Baltimore.

Now, sir, instead of having $625,000 expended in our city, we have had but $55,000! If, therefore, we are to prosecute a general system of internal improvements, the *old* plan of expending moneys will not suit Baltimore, however well it may work elsewhere. For, of the $10,000,000, it contributed $625,000, and obtained $55,000! It would be infinitely better for us to make our own improvements; though I can easily understand *why* persons living in distant portions of the republic, paying little or nothing, and receiving moneys collected from the pockets of my constituents, should entertain a different opinion, and *insist* that it is to *our* interest to pay $625,000 in order to obtain $55,000! Pay twelve dollars in order to receive one back!

Maryland surrendered to the United States the right to impose taxes upon the flourishing commerce of Baltimore, in order, among other things, "to ensure domestic tranquillity," and "to provide for the common defence" against foreign aggression. These duties have been satisfactorily performed—at least to an extent as great as can reasonably be expected from a government intrusted with duties so difficult and extensive. Our flag has been nobly upheld in the face of all nations,

under all the varied circumstances that have arisen in an eventful age of the world. Our domestic quiet has been perfectly ensured, and the general welfare substantively promoted; the first, I am happy to be able to say, has been effected more by our admirable system of jurisprudence, than by the power of arms; and the latter, rather by abstaining from the imposition of burdens upon capital and industry, than by acts of munificence to individuals and classes.

We have, then, but little or nothing of which justly to complain, but much to incite our pride and heighten our satisfaction, when we contemplate the glorious achievements of our Government. The industrial pursuits, compared with those of other nations, are inconsiderably burdened; commerce is lightly restricted, and our agriculture is in a far more favorable condition than that of any other nation.

If it is the constitutional *duty* of Congress to improve the harbors of the several cities of the United States, *then*, in that case, Maryland has just cause of complaint for neglect of duty, as all must perceive. So deeply felt was the necessity of improvements in Baltimore harbor, to accommodate its large and growing commerce, that as early as 1783—before the formation of the Federal Constitution—the General Assembly of the State of Maryland passed an act authorizing the levying of a tonnage duty upon all vessels entering the port of Baltimore, for the express purpose of making such improvements. This act was renewed in 1788, and in 1791 was formally sanctioned by Congress—an act that conferred upon Maryland powers which had been ceded to the United States. In 1789 the Constitution was adopted. That instrument transferred the power of collecting revenue from commerce from the individual States to the United States. The General Government, being unable or unwilling to improve the harbor of Baltimore, in 1791 returned to the State of Maryland, for four years, so much of the ceded power as to allow said State to collect money enough from the commerce of Baltimore to put and to keep the harbor thereof in a condition better calculated for the accommodation of shipping. The act of 1791 was to remain in force only four years. Congress renewed it, however, in 1796, and again from time to time until 1843, when the provisions of the same act were extended until 1850!

It is thus seen that the harbor of Baltimore has been maintained in a condition for business by a tax upon the commerce of that city. This was the case before this Government was created. It has been the case ever since. It is the case now when I speak. The commerce of Baltimore has been taxed since 1783, and is now taxed, for the improvement of the harbor in which our ships are sheltered. For upwards of sixty years this whole expense has been borne by Baltimore—unless, indeed, I am to except the $55,000 donated by the United States—a sum too small to form an exception in a labor and cost so large. To preserve our harbor, we have, with the consent of Congress, *taxed ourselves*. We have applied in vain for Congress to improve our harbor at the expense of the national treasury; but its consent to an act allowing us to tax ourselves has never been withheld; its assent has been prompt, hearty, and unfailing! And in 1850, when the act of 1791 again expires, I do not fear that Congress will refuse to renew it.

As Baltimore has thus been compelled, by the neglect of Congress, to improve its own harbor, for the uninterrupted, consecutive period of sixty-five years, is it right, is it just, now to introduce a system by which Baltimore will be *compelled*, through all future years, to submit to additional taxation, that the avails thereof may be applied to improve rival harbors in any or in all parts of the United States?

Maryland and Baltimore are deeply in debt. They are struggling to raise means honestly to pay those debts, and will, with great efforts, succeed. In many of the States, citizens feel aggrieved because they are called upon to pay a tax of twenty-five to thirty cents upon one hundred dollars worth of property. Baltimore will be taxed this year, I see by a late paper, one hundred and fifty cents upon each one hundred dollars!

When the people of Maryland are struggling under a heavy load of debt and taxes, and are also making strenuous efforts to construct a commercial avenue from the great valley of the Ohio to the shores of the Chesapeake bay, at a cost of startling magnitude, considered in connection with their present obligations, I should be recreant to my trust were I to sit idly by and see the weight recklessly increased. I am compelled, by every sense of duty, resolutely to oppose all schemes, that look to borrowing money and increasing taxes, for making internal improvements in the several States by the General Government; for Maryland desires no increase of taxes or of debt to carry out a system of improvements by the United States. The wisest financiers, the most sagacious statesmen now living, cannot sit down and draft an internal improvement bill that the majority of the people of Maryland would vote for, if, to carry out its provisions, increased debt and taxation would be necessary. This is my opinion. I may be wrong, it is true; but I think there is not much room even for doubt upon this subject.

Look to the *injustice* of the schemes proposed for our sanction. Baltimore pays into the treasury fifty-five millions in a little more than fifty-five years; in fifty years St. Louis has not contributed probably the one-half of one million. Estimates from the department show that an expenditure of some one or two hundred thousand dollars is necessary to the improvement of St. Louis harbor; pay this cost from the United States treasury, and, judging by the past, the people of Baltimore will pay one hundred dollars, and more, where the people of St. Louis pay one dollar, for the improvement of St. Louis harbor! And does St. Louis *need* this gratuity from the people of Baltimore? Not at all; far otherwise. St. Louis has more than fifty thousand people, great wealth, comparative freedom from debt, and an *immense* commerce. "The total annual commerce of St. Louis, imports and exports included, although yet in its infancy, is estimated" by its delegation to the Chicago convention of 1847 "at over $75,000,000!—equalling nearly one-third of the whole foreign commerce of the United States." And this estimate is sustained by statements that carry conviction of its reliability. The people of that wealthy and eminently commercial city have the ability, without embarrassment, to make all the improvements they desire, *and pay for them within this present year!* With what grace, then, can such a people, and of such vast wealth, ask of me to allow my overburdened constituents to be taxed for their benefit?

For another instance of the injustice of such bills, take the case of the harbor at Buffalo, in New York. This city has almost as large a population, as much wealth and commerce, as St. Louis. Can any gentleman inform this House why Baltimore, after defraying the entire cost of improving its own harbor, shall be compelled, by law, to pay as much, or in fact more, towards paying for improving the harbor of Buffalo, than the people of Buffalo? If a reason *can* be rendered, I confess I should be pleased to hear it. But there are overwhelming reasons why Baltimore should not be taxed for the benefit of Buffalo; and to these I would, briefly as possible, call the attention of every member of this House.

In the first place, Buffalo is able to improve its own harbor, without calling for help from towns and cities similarly situated. If the people of Buffalo are *able* to suitably improve their harbor, the rightfulness of calling upon men who have no interest in it to assist in defraying the expense, is not self-evident. In the next place, if Buffalo *insists* upon having assistance, whether it is needed or not, that assistance should be given by the State of New York. Lastly, if it is said that others besides the citizens of Buffalo and the State of New York are interested, the reply is at hand—*tax those who are beneficially interested.*

It is false in fact, it is false in theory, that persons living upon the waters of the Aroostook are pecuniarily interested in the improvement of the roads, bridges, and fences to be found in Oregon, Nebraska, and Minesota; and that *therefore* they should be taxed, and their property be sold to pay those taxes, to enable Government to improve those far-off and utterly unknown roads, bridges, and fences. To tax the dwellers upon the grassy plains of the Ozark mountains, or among the cane brakes of Mississippi, to obtain money with which to improve Buffalo harbor, is to commit an outrage for which no justification can be found either in the books or in the human heart.

Let Buffalo harbor, like that of Baltimore, be improved by laying a small duty upon the tonnage that uses it. Let the burden be borne by those who are to be benefited. The burdens should be placed upon the shoulders of those who obtain the benefits flowing from them. The wagon that does not use the turnpike is free from toll; for the road is sustained by tolls collected from teams which travel on it. So, also, let harbors be improved by moneys collected from those who do, and not from those who do not, use them. And I say this the more earnestly, because my constituents have always practised what I now preach. They have improved their own harbor; and I, in their name, protest against being compelled by law to improve the harbors of their neighbors also. Would not such compulsion be manifest injustice?

But, it may be said, if Buffalo harbor is not improved, the lake commerce will pass by Buffalo, go through Lake Ontario, and into the St. Lawrence, and, passing over the railroad which the Vermonters are building, go to Boston, instead of passing through the Erie canal on its way to the city of New York This is possible; in fact, unless the harbor is enlarged, improved, and rendered secure and easy of access, as we have made Baltimore harbor; and unless the Erie and Hudson canal is not also greatly enlarged and improved, it is *probable* that a large amount of the lake trade will pass by Buffalo, and go to Boston by the more northern route. This is a reason why the people of Buffalo should imitate Baltimore, but is *not* a reason why the people of the United States should interfere—the reverse rather. For why should all the people of the United States be taxed to enable New York thoroughly to estop the "men of Boston" from diverting its trade to themselves? If the trade of New York is in danger of being diminished by the enterprise of Boston—if its canal revenues are in danger of being diminished from the same cause—I can see occasion for New York to employ its revenues and its capital to effect improvements that will avert the danger with which their trade and commerce are menaced; but I can discover nothing that will justify Congress to tax *my* constituents to raise means with which to *assist* New York to counteract the subtle movements of their more enterprising neighbors. If our help were to be needed but *once*, we might consider the distress of our New York friends; but what guarantee have we that they will be in any better condition to repel future than present incursions upon their commerce on the lakes? Why, sir, with that rich lake commerce directly *in sight* of their shores, it will prove to be as *impossible* to keep the Yankees away from it as it was to keep the Huns and Goths out of Italy, or the Tartars out of China! It is a moral and physical impossibility, and I am opposed to all attempts of the kind; let the Yorkers and the Yankees (Greek *vs.* Greek) settle the matter at their leisure; this Government, in the mean time, wisely allowing them both to construct their own roads, their own harbors, and their own canals, without the slightest interference.

Maryland, Pennsylvania, and New York, are engaged in the construction of commercial avenues to the West. New York has completed most of hers; the others have not. New York has immense revenues, and is free from embarrassment; Pennsylvania and Maryland are deeply in debt, and are heavily taxed: their railroads to the Ohio are only in progress, and by no means completed. The port of the one is maintained at its own expense, and that of the other has received but little or no governmental attention. Under such circumstances, what could be more unjust to those two States, than for the United States to borrow money to improve the harbor at the termination of the principal New York commercial avenue, to increase its already greatly distended revenue, and then call upon Maryland and Pennsylvania to help to pay both the principal and the interest of the expenditure for the benefit of New York? New York has fairly obtained the lead of her competitors; her capital, population, and revenues are larger, and her public works are brought more nearly to perfection. Her competitors are straining every nerve—are piling up debts, and submitting to taxation to a frightful extent, that they may not be totally and forever distanced in the struggle to gain the commerce of the West. This House sees the struggle; it perceives that New York is obtaining the advantage in the gigantic struggle, but fails not to note, that neither Boston, nor Philadelphia, nor Baltimore, is disposed to yield a handsbreadth, or to abate a single effort; on the contrary, they seem

as full of hope as they are of determination. *Who*, permit me to ask, witnessing this struggle, this noble courage, this generous hope, will come forward and say to these ardent and worthy spirits, "Take upon your aching shoulders this additional burden for the benefit of your successful rival?" *Who* has the heart to do this?

Mr. Chairman, I pray this House not to ask the people of Baltimore, who are already grievously taxed, to contribute of their means for the improvement of harbors. For sixty-five years they have maintained their own harbor. Cannot their neighbors consent to imitate our example, until we have finished our public works, and so far paid off our obligations as to be able to reduce our taxes to a rate more *nearly* corresponding with other States? If St. Louis, and Buffalo, and other applicants for our bounty were poor, in debt, and laboring under a heavy burden of taxation, and in danger of losing their trade and commerce through the efforts of more highly favored competitors; if they were situated in States that were deeply in debt, and known to be restive under a heavy load of taxation, and had no other resource upon which to draw for assistance than the charity of Congress, I confess my compassion would be strongly moved, and I should be grievously tempted to do my constituents the injustice of forgetting their interests long enough to vote a small donation to these humble and needy dependants upon the charity of the General Government. But such is not their condition; they are rich, flourishing, and independent. May we not hope that they will hereafter scorn to assume the attitude of mendicants, or the unseemly character of sturdy beggars at the gates of an overdrawn treasury? May we not hope, that henceforth we shall cease to be annoyed by their importunate solicitations, and have pleasing occasion to witness the honest pride with which each of these wealthy and thriving cities will cause their harbors, streets, and other public works to be improved upon the Baltimore plan—at the sole expense of those persons for whose sole benefit they are made?

I think, Mr. Speaker, in conclusion, that it is wrong to borrow money in time of war, to improve some thirty or forty of our numerous harbors, neglecting all the rest.

I think it wrong, even were there no war, to borrow money upon the credit of ports improved at their own expense, to expend upon ports of equal wealth, but of less independence of character and of less public spirit.

And, sir, if the war was at an end; if the Government was free from debt, and the people free from taxation; if commerce, manufactures, and agriculture were in a condition the most flourishing, and the money market in a position easy and beyond apprehension of a cloudy future; and even if no ports had been improved at the expense of tonnage doing business with them, but all stood upon the same level platform so far as relates to past governmental favors,—I would still be opposed to improving *a few at the expense of the rest.*

Laws should be general, not partial in their operation; universal, not sectional in the distribution of benefits and of burdens; fair, just, and equal in their application to each citizen and each community whom they in anywise affect; not unfair, unjust, and unequal towards any of those for whose benefit they purport to have been made.

Laws, to benefit a few persons, or a few ports, at the expense of all, may perhaps be considered legitimate in despotic countries, but certainly are at war with the spirit of republican institutions.

Laws ordaining that *all* of the ports of this country shall be improved at the expense of all the citizens of the United States, would be general and not particular; and ought, therefore, to be preferred to those that designate a few favorite places situated in the more powerful States.

But laws should ever rest upon the rock of universal justice. Commerce cannot subsist without the aid of agriculture; and agriculture cannot flourish unaided by commerce: they are necessary the one to the other. If, therefore, the humble tiller of the soil is to be taxed to improve the highways of commerce, the more pretending trader must contribute to the improvement of the roads of the farmer. If *one* port should be improved, then *all;* if one road, all.

And for this plain reason, it is as unjust to compel a farmer in Maryland to assist a ship-owner in Buffalo to build a wharf to moor his vessel along side of, as it is to compel the Buffalo ship-owner to assist the Maryland farmer to make his wagon-road to the nearest market town. If ships and ship-accommodations are *necessary* to the conduction of the farmer's crops to the foreign market, from which he draws his profits, so are roads the necessary and indispensable channels through which to obtain those products from which the merchant makes his profits. One class is as dependant and as independent as the other; neither can "get gain" without the aid of the other.

If, therefore, it is proposed that this Government, forgetting that it was created to establish justice, to provide for the common defence against foreign and domestic violence, to secure the blessings of liberty, and to form a more perfect union—I say, if this Government, forgetful of the objects which called it into beneficial existence, is to be precipitated into the adoption of a system of internal improvements, that system should be *general*, and not sectional or special. Not one port only should be selected from a weak State, while a dozen are to be allotted to a strong one, but, regardless of everything but the ever-abiding principles of even-handed justice, *all* ports should be alike the objects of legislative care and the recipients of Government bounty. As the dew of heaven, so should the justice of the government of man, fall alike and equally upon all.

Taxes should be imposed with the strictest reference to perfect equality. No one man's dollar, no one man's head, should be taxed at a higher rate than the dollar or the head of another. My dollar, my life, my reputation, my liberty, are each as precious, and no more precious, in the eye of a just and equal law, than those of the greatest or of the humblest of my fellow-citizens.

All citizens being called upon equally to contribute to the supply of money to carry on works of internal improvement, may they not demand, in terms that justice cannot deny, that those taxes shall be disbursed upon improvements that shall *benefit* all as equally as they *burdened* all?

The system proposed, to be just, must be universal—must be co-extensive with the vast territory we inhabit. Any other system would fail to possess that quality, the failure to have which ought ever to be fatal to all bills submitted for the consideration of this House—I mean equal justice to all sections of this vast country, *favoritism* to none!

Mr. FISHER here obtained the floor and moved for the rising of the committee.

The motion prevailing, the committee rose accordingly.

And thereupon the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. GIDDINGS: The petition of R. Hubbard and 168 other citizens of Portage county, Ohio, and of Ransom Baldwin and 23 other citizens of Stark county, Ohio, to absolve the people of the free States from the support of slavery, or for a dissolution of our present Union between the free and slave States. Also, the petition of C. R. Ensign and 236 inhabitants of Madison, Ohio, against the extension of slavery, and to close the Mexican war. Also, the petition of 36 gentlemen and 80 ladies of Madison, Lake county, Ohio, for the withdrawal of the army from Mexico to the United States, and to conclude a treaty of peace. Also, of William Reed and 180 inhabitants of Ashtabula county, Ohio, for a change of mail route in said county.

By Mr. SCHENCK: The petition of many citizens of Ohio, praying for the establishment of a mail route from Eaton to Greenville, in that State, by the way of New Castine. Also, two petitions of Nathaniel and Catharine Lawrence, of New York, parents of Lieutenant N. C. Lawrence and of John C. Lawrence, of the United States Navy, deceased, praying for pensions. Also, the petition and papers of Ruth Freeman, widow of Captain Thomas Freeman, of Ohio, praying for compensation for extraordinary services rendered in the war of 1812-'15, and for reimbursement of moneys advanced to the soldiers under his command, withdrawn from the files. Also, the petition of Catharine Rinker, of Philadelphia, widow of Samuel Rinker, who was a sailingmaster in the United States navy during the war of the Revolution, praying for a pension or compensation.

By Mr. EMBREE: The memorial of W. A. Twigg and others, citizens of Posey county, Indiana, praying for the reduction of postage on all newspapers containing not over 500 square inches. Also, the memorial of sundry citizens of Orange county, Indiana, on the same subject.

By Mr. PUTNAM: The resolutions of the New York State Legislature, asking the prohibition of slavery or involuntary servitude in territorial governments, if established in New Mexico and the Californias as recommended by the President in his annual message.

By Mr. HARALSON: The petition of sundry citizens of the city of Atalanta, in the State of Georgia, praying the establishment of a United States arsenal at that place.

By Mr. HOLMES, of New York: Concurrent resolutions of the State of New York in relation to slavery in the conquered provinces of New Mexico and the Californias.

By Mr. RUMSEY: The petition of deputy postmasters and others, citizens of Steuben county, New York, praying for additional compensation to deputy postmasters at offices where mails arrive between nine o'clock at night and five in the morning.

By Mr. HOLMES, of South Carolina: The petition of the Chamber of Commerce of Charleston, praying for the establishment of a branch mint.

By Mr. DICKINSON: Petitions from citizens of Sandusky and Hancock counties, Ohio, praying Congress to reduce the postage on newspapers of small dimensions. Also, petitions from citizens of Wyandot county, Ohio, praying Congress to carry into effect the treaty of Brownstown and the laws of Congress relating to a road southerly from Lower Sandusky.

By Mr. CROWELL: The petition of Thomas Jones and others, citizens of Mahoning county, Ohio, praying the passage of a law prohibiting the sale of the public domain to any persons except actual settlers, and in quantities not exceeding one hundred and sixty acres; ten per cent. to be discounted from Government prices on payment of each one hundred and sixty acres; twenty per cent. on eighty acres; forty per cent. on forty acres, and fifty per cent. on twenty acres.

By Mr. TWEEDY: The petition of C. Latham Sholes, and forty-two others, asking for the establishment of a mail route from Southport, Wisconsin, to Antioch, Illinois, via Pleasant Prairie. Also, the petition of Obell M. Ward and thirty-six others, for the same object.

By Mr. McCLELLAND: The petition of Orville B. Dibble and George C. Bates, of the city of Detroit, for a grant to a company incorporated by the State of Michigan of the right of way through Government lands for the construction of a ship canal around the falls of St. Mary's river, in said State; and also for an appropriation of lands to aid in the construction of the work.

By Mr. TAYLOR: The petition of Catharine Davison and forty-five others, citizens of Brown and Adams counties, in the State of Ohio, praying a reduction of postage on small newspapers. Also, the petition of H. J. de Bruin and thirty-one others, citizens of Adams and Brown counties, in the State of Ohio, praying Congress to reduce the excessive postage now charged on small newspapers.

IN SENATE.

TUESDAY, *February* 8, 1848.

Mr. BRIGHT presented a preamble and resolution passed by the Legislature of the State of Indiana, in favor of passing a law to provide for the payment of the claims of the representatives of Francis Vigo, for advances to the troops under General George Rogers Clark in the Illinois campaign; which were ordered to be printed.

Mr. CAMERON presented a resolution passed by the Legislature of the State of Pennsylvania, in favor of abolishing the postage on newspapers not sent over thirty miles from the place of publication, and such other modifications of the post office laws as will provide a uniform system of cheap postage on letters and newspapers; which was referred to the Committee on the Post Office and Post Roads.

PETITIONS.

Mr. YULEE presented the memorial of Benedict Madeore, Vicar General of Florida, and pastor of the Church of St. Augustine, and the memorial of the trustees and members of that church, praying the re-transfer to its rightful owners of the property belonging to the church, which was improperly conveyed to the United States at the cession of Florida, as public property, by the Spanish authorities; which were referred to the Committee on Private Land Claims.

Mr. BRADBURY presented two petitions of citizens of the county of Hancock, Maine, praying the establishment of a mail route from Bucksport to George's Corner, in that State; which were referred to the Committee on the Post Office and Post Roads.

Also, the petition of Alfred Marshall, collector of the district of Belfast, in the State of Maine, praying an increase of compensation; which was referred to the Committee on Commerce.

Mr. STURGEON presented the petition of citizens of Alleghany county, Pennsylvania, praying a reduction of the rates of postage on newspapers; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of Samuel Blake, praying compensation for his services in taking the sixth census; which was referred to the Committee of Claims.

Mr. BRIGHT presented the memorial of Thomas L. L. Brent, praying to be allowed an outfit as chargé d'affaires of the United States at the court of Madrid; which was referred to the Committee on Foreign Relations.

Mr. MASON presented the petition of C. H. McCormick, praying an extension of his patent for a reaping machine; which was referred to the Committee on Patents and the Patent Office.

Mr. CAMERON presented the petition of Joseph Nock, praying an extension of his patent for padlocks, desk, chest, and trunk locks; which was referred to the Committee on Patents and the Patent Office.

Mr. DIX presented the petition of John W. Leuchs, praying the return of certain goods seized by the collector of the port of New York, for an alleged violation of the revenue laws, and indemnity for loss sustained by him in consequence of such seizure; which was referred to the Committee on Finance.

Mr. JOHNSON, of Maryland, presented the memorial of John Golder, praying remuneration for an alleged infringement by the Government of the United States of his patent for an improvement in the system of public finance; which was referred to the Committee on Finance.

Mr. WESTCOTT presented the petition of John P. Baldwin, praying that a register may issue to him for the schooner Robert Henry; which was referred to the Committee on Commerce.

On motion by Mr. CAMERON, it was ordered that the heirs of James Bell have leave to withdraw their petition and papers.

RESOLUTIONS.

Mr. MANGUM, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be authorized to pay out of the contingent fund the person who performed the duties of one of the engrossing clerks of the Senate who was sick during the late recess, at the same rate of compensation as is usually paid to temporary clerks employed by the Senate, for the time he was so engaged.

Mr. BAGBY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of causing a survey and examination to be made with a view to the establishment of a national foundry at Tuscaloosa, in the State of Alabama.

Mr. CAMERON, from the Committee on Printing, to whom was referred the motion to print the memorial of the representatives of the religious society of Friends for the States of New York, Vermont, Michigan, and some parts adjacent, praying for the settlement of the difficulties with Mexico by negotiation, reported that the same be not printed; which was agreed to.

Agreeably to notice, Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill to authorize the relinquishment of the 16th section in certain cases, and the selection of other lands in lieu thereof; which was read the first and second times by unanimous consent, and referred to the Committee on Private Land Claims.

Mr. DOWNS gave notice that on to-morrow, or some early day thereafter, he will ask leave of the Senate to introduce a bill to amend an act entitled "An act to provide for the punishment of offences committed in cutting, destroying, or removing live oak, and other timber or trees reserved for naval purposes," approved 2d March, 1831; and for other purposes.

THANKS TO GENERAL SCOTT.

The joint resolution from the House of Representatives expressive of the thanks of Congress to Major General Winfield Scott, and the troops under his command, was read the first and second times by unanimous consent.

Mr. YULEE. I desire to suggest an amendment to the resolution; or at all events, I hope that the committee to which the resolution will be referred will so modify the resolution as to make it embrace the officers of the navy of the United States who participated in the operations at Vera Cruz.

Mr. BADGER. Introduce a separate resolution.

Mr. YULEE. I hope these naval officers will be included.

Mr. MANGUM. I trust that the honorable Senator will not insist upon a reference of this resolution. I think that the usual course has been to pass separate resolutions; and if the gentleman will propose a resolution of thanks to the officers of the navy, it would meet with our cordial assent. I hope that this resolution will be put upon its passage.

Mr. NILES. I think that this is a subject of some delicacy, and that the resolution ought to be referred. There is, I presume, no doubt that the body will unanimously agree to carry out the substantial purposes intended to be effected by the resolution. But the form of the resolution may be a matter of some importance; and it may be worthy of consideration whether the scope of it is such as to do justice to all the officers who have a right to expect even-handed justice from us. I move its reference to the Committee on Military Affairs.

The resolution was referred to the Committee on Military Affairs.

THANKS TO GENERAL TAYLOR.

The joint resolution from the House of Representatives expressive of thanks to Major General Taylor, was read the first and second times by unanimous consent, and referred to the Committee on Military Affairs.

MEXICAN NEGOTIATIONS.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. BALDWIN, and it was agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate, if in the possession of the Department of State, a copy of the instructions of the Ministerial Council of the Republic of Mexico to the commissioners appointed to negotiate with Mr. Trist, dated at Mexico on or about the 24th day of August, 1847; together with the proposals or project, if any, submitted by the Mexican commissioners as the basis of a treaty, prior to the counter-project submitted by them on the 8th of September, 1847, and already communicated to the Senate; and also, the proceedings, if any, which were had in relation to said proposals first submitted; so far as the same may be communicated consistently with the public interest.

JUDICIAL DISTRICTS IN ARKANSAS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to divide the district of Arkansas into two judicial districts.

Mr. BREESE suggested, that as the Senator from Arkansas, [Mr. SEVIER,] who had proposed an amendment to the bill, was not now in his seat, the bill be passed by informally.

Mr. ASHLEY remarked, that the bill when it came up in its order had been already passed by in consequence of the amendment having been offered by his colleague. He had no objection, however, to pass it by now, if a day were fixed for its consideration.

Mr. CRITTENDEN expressed the hope that some day would be fixed for the consideration of the bill, so that it would be known when it would come up. He believed that they were encumbering the country in every direction with Federal courts, in his opinion, beyond the necessities of the country, and contrary to the true spirit of the Government. In the populous State from which he came, there was but one United States district court, and it had not a week's business in the year. Unless the people of Arkansas were vastly litigious, he could not imagine how such an amount of business could be furnished as would require an additional court.

Mr. ASHLEY had no objection to any day which any gentleman might be disposed to name. He would observe, however, that this bill stood upon a peculiar foundation. The Judiciary Committee had never, since he became a member of it, reported a bill for the creation of more than two or three of these courts. In the present case, it was not intended to create a new judge, but only a new court, for the reasons plainly set forth in a report printed by order of the Senate. It would be observed, by referring to that report, that the court had jurisdiction to the Rocky Mountains, and the reason assigned for the creation of a new one, which he believed to be conclusive, was the great difficulty of compelling the Indian witnesses to come one hundred and fifty or two hundred miles into the interior of the State, to give testimony in cases arising in that region. Heretofore, the expense to the Government had been enormous; and there was no doubt, that if the court which it was now proposed to create, had existed from the first, the saving to the Government would have amounted to at least fifty thousand dollars. The saving of this expenditure hereafter, and the rendering facilities in the execution of justice in the Indian country, were the objects of the present bill. It was proposed to locate the court on the western border of the State, at Van Buren. He had taken the precaution, after the unanimous recommendation of the State Legislature, to procure a letter from the superintendent of Indian affairs at the West, Captain Armstrong, and also from the commanding general, both of whom recommended the creation of the new court as a means of punishing crime in the Indian country, and of economizing the expenditures of the Government. He referred the Senator from Kentucky to the report in this case, which would, he apprehended, remove his objections to the bill. In conclusion, he had no objection to fixing a particular day for the bill, and would name to-morrow.

The bill was then postponed, and made the order of the day for to-morrow.

PRIVATE BILLS.

The bill for the relief of William Marvin, in confirming the title to a tract of land in Florida, granted by the Spanish Government to Bernardo Segui, on the 20th of December, 1815, was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate, engrossed, and read a third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Susan E. Gordon.

The question being put upon agreeing to the amendment to the bill reported from the Committee of Claims, it was determined in the affirmative.

Mr. WESTCOTT moved an amendment to the bill; and the question being on concurring in said amendment—

Mr. DAYTON said that this was one of that class of bills which had of late years so multiplied upon the Senate. He thought that it ought to be examined with a little more care, and as the hour had now arrived for the special order, he moved that the bill should be passed by informally.

Mr. FOOTE hoped that that course would not be taken, and he was sure that if the Senator from New Jersey knew the history of the case, he would not present any obstacle to the passage of the bill. As for himself, he had been exceedingly patient and forbearing in reference to the case, although he had been urged very earnestly to ask the Senate to take it up out of its order. The claim was an eminently meritorious one; and the bill was in substance the same as that which passed the Senate unanimously at the last session, and which would have been passed by the House, but from the accidental circumstance that it was not reached on the calendar. It had been carefully considered in the committee, and amended chiefly in its phraseology. The amendment offered did not affect the material clause of the bill at all. He knew the parties interested in this case, and they were persons of high moral worth. It was a very small affair, and he did hope that no impediment would be thrown in the way of the passage of this bill.

Mr. DAYTON observed, that perhaps it would facilitate the gentleman's views if he consented to the bill being passed by informally. He did not know that any objection would be made to its passage.

Mr. FOOTE acquiesced, and the bill was passed by informally.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. MILLER apologized to the Senate for entering on the discussion which had already exhausted the attention of the Senate; but he was impelled by a sense of duty to express his views. He gave his views of the true meaning of the law of May, 1846, which authorized an appropriation of men and means to carry on the war. He considered that that act was passed for the purpose of immediately putting an end to a war which was believed to have been unnecessarily commenced. It was to enable the Government to terminate the war, that the supplies were placed in the hands of the President For all supplies, up to this time, he had given his vote. Congress and the army had done their duty; but how had the President performed the duty assigned to him? He had admitted Santa Anna into Mexico, and the result is before us. He had sent Mr. Trist, a clerk of the State Department, to enter into a negotiation; but what he has done, or where he is, cannot be discovered. He has been using the army and navy to drive a bargain with Mexico, and now we are told it is impossible to tell if the war can be terminated without the utter annihilation of Mexico.

He denied that the President had any power to make a bargain with Mexico, for the purpose of obtaining territory.

He vindicated the opponents of the war from the

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charge made against them of improperly throwing obstacles in the way of the prosecution of the war. He asserted that the sense of the country—of Congress—of members of the Senate, on both sides of the Chamber, was against the prosecution of the war for the purpose of conquest. On the other hand, if the President would carry on the war for the object originally declared—the speedy termination of the contest—there would be no opposition. But the war has gone on, step by step, until the Government is chained to it, and the original object is lost sight of. We are now told, that we are to throw ourselves into the hands of a blind destiny, which is to conduct us whither it may.

He would show that this bill was not necessary for the relief of the army; that it was not necessary to carry out the object for which it was commenced—the prosecution of the war for the obtainment of a speedy peace; that to authorize this new supply of troops, would be to enter on a new war; and that the tendency of all was, the entire annihilation of Mexico.

Even a war unconstitutionally commenced by the President had its claims on Congress. It may be a war of the President's making, but it was productive of injury to the country, and therefore called for the action of Congress. He went on to show that the passage of this bill was not necessary for the relief of our army. The number of our troops in Mexico at this time, he held to be sufficient to hold all the strong places in the country. And beyond this, the President possessed an unexecuted authority to raise twenty thousand men. Yet while he held this authority, this bill was introduced and urged in the Senate with unusual pertinacity, without allowing time for proper deliberation. All the glorious victories in the war had been won by numbers bearing no proportion to the strength of the enemy. Yet an immense territory had been traversed, every strong fortress subdued, opposing armies conquered, and populous cities occupied by an army not exceeding fifteen thousand men. And we are now told that to hold our conquests, an addition of forty thousand or fifty thousand men is necessary. Mexico has been lacerated, pierced in every limb, and stricken in heart; and now we talk of a vigorous prosecution of the war. This resembled the courage of Falstaff; it was sending our troops to come in, not at, but after the death.

He quoted from the President's message to show how completely our arms had triumphed at every step during the war.

The force asked is not necessary to obtain all or any of the objects avowed by the President for the prosecution of the war—to repel invasion, to avenge the blood of our citizens, and to restore peace. We had succeeded in driving back Mexico in a manner which will prevent her from again invading us. We had sufficiently avenged the American blood shed, in the victories we have obtained. The overthrow of Paredes had been accomplished. Indemnity for the past the President had already obtained; for he had stated that the cession of California and New Mexico would be deemed sufficient not only for indemnity, but to warrant the payment of fifteen millions from our treasury. We have obtained the territory specified, and hold it, never to be given up, as we have already established a territorial government there. The President may say he desires Mexico to acknowledge our right to this territory by a treaty of peace. To this it may be answered, that we have it already, and it is never to be given up; and if it is demanded that we pay fifteen millions for a peace to establish our title, he was not willing to go into a war for any such object.

What is the security for the future that we ask? Is it to keep the peace? Is it that Mexico will not permit any foreign interference? What security can she give against such a contingency?—unless, indeed, it be, what has been darkly foreshadowed, that we take possession of the whole of Mexico. A giant, scratched by a pin in the hands of a child, might as well demand that the child be bound over to keep the peace, as a security against its recurrence. Every object had been obtained, except conquering a peace.

It has been usually considered that when all the legal objects of a war have been accomplished, peace follows as a matter of course. We have obtained the objects for which the war was commenced, and to prosecute the war any longer is to commence a new war. In this case, war becomes the master of peace. Mexico is powerless, and we ourselves can alone make peace.

What is the plan of the President to conquer peace? He has told us that we have hitherto behaved with liberality towards Mexico, but that she has misunderstood us, and we must now change our policy, strike at her vitals, and make her feel the miseries of war—in other words, strike at her social fabric, seize private property, go from town to town—as the chairman of the Military Committee said, from steeple to steeple.

Mr. CASS. Never—never. I never used such language.

Mr. MILLER. I must have misunderstood. Mr. M. then read from the President's message, to show the reasons assigned by him for changing the character of the war. In the attempt to regenerate Mexico by enforcing taxation and inflicting misery on her, suppose we fail in obtaining indemnity. Then the President tells us we must take indemnity in our own hands: we must place our foot on the ruins of a sister Republic, and seize whatever comes within our grasp.

As to the annihilation of all Mexico, this object had been avowed by some. Monstrous as was the idea of swallowing all Mexico, it had been thought of by the President.

Mr. CASS explained, that he had never advocated the annihilation of all Mexico. He had said that if we were to obtain Mexico by absorption through the pores, or by swallowing through the throat—deglutition—it would not destroy us. He admitted it would be injurious; but if the obstinacy of the Mexican people should lead to that result, he had enough confidence in the intelligence of the American people to be assured it would not destroy us.

Mr. MILLER resumed, by pointing out the hold which the idea of annexation was taking of the public mind, and the danger of giving countenance to it here. It had been asserted by another Senator that we had a divine right to take possession of Mexico; and he had appealed to the Israelites' taking possession of Canaan. The cases were not parallel. The Israelites went from a land of bondage to the homes of their fathers. We go from a land of freedom to one of bondage.

He would not vote a dollar or a man for the conquest of Mexico, the tendency of which would be to break down all free institutions. To give these troops would be to begin a new war with a new object. We could not hereafter plead our ignorance of the objects for which they are asked, after the avowals which have been made; and we could no longer remonstrate against the prosecution of the war on these grounds. It was due to us that we should make known the objects of the war. Our fathers did this at the commencement of the war of the Revolution, and we ought to follow their example. Instead of this, we have adopted a series of catch words, which are to stand in the place of a declaration of war. Let the people be enlightened as to the true objects of the war, and then let them say if they will expend their blood and treasure in the pursuit of them.

Whatever intentions honorable Senators on the other side may have, the tendency of the war is to the annihilation of Mexico. This war has now become a war of conquest. Our power pervades all the territory, and controls all the movements and institutions of the Mexicans. The Government is dead—the subject is before us—not to invoke the upright steel of the soldier, but a subject for dissection. Let the army stand back, and let the President come forward and commence his dissection. There is no reason for apprehension. The corpse cannot hurt you. Take any limb you may desire, as New Mexico and California have been already cut off. The war, if continued, must end in the conquest of all Mexico. The chairman of the Military Committee says he is opposed to this result; so says the chairman of the Committee on Foreign Relations; so says the President; yet such is the inevitable tendency of the prolongation of the war.

Peace, too, he maintained, was in our power. But it appeared we could not agree among ourselves as to what we should ask. One desires all Mexico, one will take but a part, and one will have no territory at all. More troops are not necessary to make peace, and to give more would be to sanction the continuance of the war for the purpose of conquering all Mexico. As to foreign interference, he saw no danger of such a result, unless by our own course we provoke it.

The President avowed his intention to strike the vitals of Mexico. He did not intend the heart, the country; but it is now clear that he means the mines. We are to send our forces into the bowels of the earth to dig out the sordid ore. It is a task which will not commend itself to our veterans. Well may Quitman and Shields and the gallant chieftain Taylor desire leave of absence from such duty. We want no generals and colonels to convert into tax collectors. There are no castles to be subdued but that which every man has over his own head. There are no more battles to be won. If to this source we mean to look for our indemnity, let it be collected by other hands. It would be more manly to say at once, that we desire to prosecute the war for the conquest of all Mexico than to carry on a disguised warfare.

Mr. JEFFERSON DAVIS explained, that he never could have been supposed to say that our gallant soldiers ought to be employed in working the mines. He made some further observations concerning the moderation which marked what had been called progressive Democracy, to show that the fathers of our country had more grasping views than the present Administration.

Mr. MILLER said it would appear that this reference was made to justify the annexation of all Mexico.

Mr. JEFFERSON DAVIS hoped not. He was opposed to the annexation of all Mexico. He referred to letters from the Rio Grande, which spoke of danger which threatened our troops in that quarter.

Mr. MILLER asked the Senator if he believed there was any danger?

Mr. DAVIS said there might be; and he thought there was.

Mr. MILLER said that the President, in that case, was to blame, as he had power to call out 12,000 troops more than he had in the service,

Mr. DAVIS. That is only to fill up regiments. He cannot get the recruits.

Mr. MILLER said, that in every view of the subject, an honorable and a speedy peace was now in our power. We had vindicated every national right. We have no right to exact from Mexico what she has no power to give. We said we desired California and New Mexico; if she is willing to give us that territory, will it be said, that after the unbroken series of victories we have won, it would be a dishonorable conclusion of the war to accept such a peace? He denied that any disgrace could result from the exercise of clemency by the conquerors.

What prevents peace? Nothing but this cry of "manifest destiny"—the spread of the Anglo-Saxon race—the glory of extending our territory from sea to sea. It is probable that the Anglo-Saxon race will eventually people all this continent; but he would discourage the outcry which in the midst of a war would hurry us on to the immolation of a sister Republic. He denied that public opinion was hurrying on these results. He adverted to the delusive notions which had been circulated to win the ear of the people. It was a temptation, in the form of the Spirit of evil, which whispered "All these, if you will worship the god Conquest, I will give you!"

He stated, in his conclusion, that moderation in our councils and our course would be more glorious

than any laurels which we may win in a prolongation of the war.

Mr. UNDERWOOD obtained the floor, and signified his intention to address the Senate upon the bill to-morrow; but subsequently yielded it to Mr. NILES, with an informal understanding that he should be allowed to follow the Senator from Connecticut.

Mr. CASS intimated his intention of proposing to-morrow, and he hoped it would be agreed to, that the Senate hold evening sessions until the termination of the debate upon the ten-regiment bill.

Mr. BERRIEN said, he hoped the suggestion of the honorable Senator would not be received with favor by the Senate. They were engaged in the discussion of a question of deep interest, as they believed, to the community. The honorable Senators on the other side of the Chamber had been heard patiently; they had discussed the subject at their leisure. Senators on this side desired a like privilege, and they had a right to expect that no urgency on the part of honorable Senators on the other side would be allowed to deprive them of that privilege. He was content to sit day after day, and listen to the remarks of Senators, and to limit his own to a single day; but he prayed not to be forced into evening sittings at this period of the session.

Mr. CASS said he did not intend to press the question to-day. In regard to what was said by the honorable Senator from Georgia, he would say that it was as disagreeable to him as it could be to any Senator, to press a proposition of this kind; but there was, in this case, an absolute necessity for speedy action upon the bill. He was desirous of submitting some remarks himself, and he was unwilling to inflict any restraint upon other Senators, which he would not submit to himself.

MEXICAN NEGOTIATIONS.

On motion by Mr. BALDWIN, the vote by which the resolution submitted by him on yesterday was this day agreed to, was reconsidered.

The question recurring upon agreeing to the resolution—

Mr. SEVIER moved to amend by inserting between the word "submitted" and the word "so," the following:

"And also any correspondence which may have taken place between Mr. Trist and General Scott, or either of those gentlemen, with the Government of the United States, upon the subject of the proposed treaty or negotiation between the United States and Mexico, at the time of the arrival of Mr. Trist in Mexico, or subsequently, or upon the subject of the proposals made to Mr. Trist by the commissioners of Mexico."

The amendment was agreed to, and the resolution, as amended, was then agreed to.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 9, 1848.

The Journal of yesterday was read and approved.

The SPEAKER proceeded to call the committees for reports.

Mr. BOTTS, from the Committee on Military Affairs, to which was referred Senate bill to promote the filling up of vacancies in the volunteer corps now in the service of the United States, reported the same without amendment. Read and committed.

Also, from the same committee, to which had been referred Senate bill to provide additional quarters near New Orleans for United States soldiers and volunteers returning from or going to the seat of war in Mexico, reported the same without amendment.

Mr. BOTTS moved that the bill be now put upon its passage.

The question was put, and agreed to; and the bill was then read a third time, passed, and returned to the Senate.

Mr. BURT, from the Committee on Military Affairs, reported a bill for the relief of the legal representatives of Antonio Pacheco. Read and committed.

Mr. DICKEY, from the same committee, in behalf of the minority, made a report adverse to the petition of the legal representatives of Antonio Pacheco. Laid on the table, and ordered to be printed.

Mr. DICKEY moved that five thousand extra copies of the majority and minority reports on the petition of the legal representatives of Antonio Pacheco be printed for the use of the House.

Mr. BOYD, from the same committee, to which was referred the bill to amend an act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847, reported the same back to the House, with a recommendation that it do not pass.

The question being on the passage of the bill—

Mr. BOYD moved that it be laid on the table. Agreed to.

Mr. KING, of Georgia, from the Committee on Naval Affairs, reported a bill for the relief of Purser Joseph Bryan. Read and committed.

Mr. CABELL, from the same committee, reported a bill for the relief of John W. Simonton and others. Read and committed.

Mr. WHITE, from the same committee, reported a bill for the relief of the widow and heirs-at-law of Silas Duncan, deceased, late of the United States navy; and a joint resolution for the relief of William Speiden, purser United States navy; which were read and committed.

Mr. SMITH, of Indiana, from the Committee on Territories, reported a bill to establish the territorial government of Oregon. Read, committed, and made the special order for Monday, the 14th of March.

Mr. COCKE, from the Committee on Revolutionary Pensions, made adverse reports on the petitions of Lucy Johnson, John Young, Samuel Pool, Caroline W. Cone, John Murcheson, Anna Hamilton, and Charlotte McCam. Laid on the table.

Mr. SIDNEY LAWRENCE, from the same committee, made an adverse report on the petition of Samuel Gregory. Laid on the table.

Mr. BOCOCK, from the same committee, made adverse reports on the petitions of the heirs of Prudent la Jeunesse, Jacob Olinger, and Bathsheba McDaniel. Laid on the table.

Mr. CUMMINS, from the same committee, made adverse reports on the petitions of Sarah May, widow of John May, and of Francis G. de Liessielin. Laid on the table

Mr. HAMMONS, from the same committee, made adverse reports on the petitions of Phœbe Brown, Mehitabel Marble, Phineas Raymond, and Hugh W. Dobbin. Laid on the table.

Mr. FULTON, from the Committee on Invalid Pensions, reported bills for the relief of William Blake, for the relief of Jonathan Fitzwater, and for the relief of Mrs. Sarah Hildreth; which bills were read and committed.

Mr. WILEY, from the same committee, reported a bill for the relief of William Pool; a bill for the relief of Aaron Tucker; and a bill for the relief of Samuel Cony; which bills were read and committed.

Mr. VENABLE, from the same committee, reported a bill for the relief of the heirs of William Evans. Read and committed.

Mr. ECKERT, from the same committee, reported a bill for the relief of W. P. Brady. Read and committed.

Mr. W. T. LAWRENCE, from the same committee, reported a bill for the relief of Hervey Jones. Read and committed.

Also, from the same committee, an adverse report on the petition of John Morrison. Laid on the table.

Mr. SMITH, of Connecticut, from the Committee on Foreign Affairs, made a report to accompany House bill directing the mode of settling the claims of Charles G. Ridgely. Laid on the table.

Mr. FARRELLY, from the Committee on Patents, made an adverse report on the petition of Stephen Bowerman. Laid on the table.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, to which was referred Senate bills to authorize the settlement of the accounts of Joseph Nourse, deceased, a bill in addition to an act for the relief of Walter Loomis and Abel Gay, approved July 2, 1836, and a bill for the relief of Edward Bolan, reported the same severally back to the House without amendment. Read and committed.

Also, from the same committee, reported a bill providing for the punishment of false swearing in certain cases. Read and committed.

Also, from the same committee, an adverse report on the petition of Lewis Roberts. Laid on the table.

Mr. CROWELL, from the same committee, reported a bill for the relief of William T. Holland. Read and committed.

Mr. THOMAS, from the same committee, made adverse reports on the petitions of William Stocks, of Alabama, and James Monroe. Laid on the table.

Mr. WILMOT, from the same committee, reported a bill for the relief of Mary B. Renner, widow of Daniel Renner, and a bill for the relief of Noah A. Phelps; which bills were read and committed.

Mr. FLOURNOY, from the same committee, made an adverse report on the petition of John Martin. Laid on the table.

Mr. DUNN, from the same committee, reported a bill for the relief of Peter Shaffer, and a bill for the relief of the legal representatives of Colonel Francis Vigo; which bills were read and committed.

Mr. D., by leave, presented a joint resolution of the Legislature of the State of Indiana, in relation to the claim of the heirs of Colonel Francis Vigo, late a citizen of Knox county, Indiana. Laid on the table.

Mr. McCLELLAND, from the Committee on Foreign Affairs, made an adverse report on the petition of Horace Sprague. Laid on the table.

Mr. BOWLIN, by leave, introduced a bill to amend an act entitled "An act to provide for the better security of passengers on board of vessels propelled in whole or in part by steam," approved July 9, 1836, and a bill to ascertain and fix the fees taxable in favor of the attorney of the United States for Missouri, for services rendered in the circuit court of the United States for the district of Missouri; which bills were read and referred.

Mr. HAMPTON, by leave, presented a joint resolution of the Legislature of Pennsylvania, relative to cheap postage. Referred to the Committee on the Post Office and Post Roads.

THE LOAN BILL.

On motion of Mr. COBB, of Georgia, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. BOTTS, of Virginia, in the chair,) and proceeded to the consideration of the bill to authorize a loan not to exceed the sum of $18,500,000.

Mr. FISHER, who was entitled to the floor from last evening, addressed the committee. There was a bill now before the committee (he said) authorizing the President of the United States to borrow some eighteen millions five hundred thousand dollars. It became them all to inquire what is the cause of this difficulty, and of the Government being involved to the extent that renders it necessary to ask for a loan of that amount? It was necessary for the people to know what induced this state of things—whether we are really just, and whether we have come into our present condition in an honorable and fair manner. His colleague [Mr. VINTON] the other day had shown clearly that it was the object of the Administration to conceal all the measures it contemplated from the citizens of the United States—to conceal the real situation and condition of public affairs from the people, who have the right to know. He [Mr. V.] had shown clearly that the Administration over-estimated in the one case, and under-estimated in the other—over-estimated the income of the Government, and under-estimated its expenditures; and by that means had fallen short by the sum now asked to defray the expenditures of the present fiscal year. He must say here in his place (and he desired to speak candidly on this subject) that it had been the policy of this Administration, from the commencement of this war to the present time, to keep the people in ignorance of the true causes of this war, and of the real condition of this country as affected by the war.

It certainly was a fact that the present war could not be justified upon any sound principles of reason or justice; the course we had pursued could not be justified by a statement of facts or fair argument: consequently, the President, in his messages, was driven to the necessity of making statements that were utterly untrue. His advocates, also, who were driven to the necessity either of abandoning the President or supporting him in his false position—who could not support the course of the Administration by truth and matter of fact, were obliged to do it (if it was done at all) by making statements which were entirely untrue, for which there was no foundation, and by using argu-

ments which were either utterly unsound and fallacious, or foreign to the subject. This might seem to be a strong position, but it was no stronger than the truth.

It would take a long time for him to trace out all the untrue statements that had been made by the opposite party. When he said their statements were untrue, he did not wish to be understood as saying that they had actually lied. They might have made these statements through ignorance; for what he knew, they might have been ignorant of the fact, and if they were ignorant of the fact, of course it could not be attributed to them as a lie. Be that as it might, it was their duty *to know better;* and wherever knowledge was a *duty*, ignorance was a *crime*. Whatever it was the duty of a man to know, he did know, in the estimation of the laws both of God and man, and was held responsible for his acts. Consequently, the Administration and its advocates placed themselves in a position unenviable indeed. Their statements, their arguments, their assertions were opposed to matter of fact in the main; they were opposed to the history of the country; they were opposed to the intelligence and knowledge of the whole world.

Now, in order to argue this question fairly, (for he meant to direct his attention principally to the subject of the war,) or to argue any other question fairly, it was positively necessary in the outset, in order that their arguments might be directed to the point at issue, for the opposing or contesting parties to ascertain what was the real difference between them—on what points they agree, and on what points they do not agree: they must ascertain exactly the issue between the two parties, and then direct their arguments accordingly. What, then, was the issue between the parties here in regard to this war? The President and his party assumed that the war was just—justly commenced; commenced by the act of Mexico; that the Mexicans shed the first blood—shed American blood on American soil; that they struck the first blow. And many other things were introduced here. Well, he (Mr. F.) took a different position.

He believed the war was unnecessarily and unconstitutionally commenced; consequently, it was unjustly commenced; and that, too, not by the President of Mexico, but by the President of the United States, and by his order. He took the ground, also, and he challenged proof to the contrary, that there had not been a single Mexican foot placed, nor a drop of American blood shed, on American soil, since the commencement of the war. He would not deny himself but that the annexation of Texas was a remote cause of war. The gentleman from Maryland [Mr. McLane] said the other day, that he considered the war unavoidable on our part; and to his (Mr. Fisher's) mind—and he thought it must be so to the mind of every man—it was apparent that if Texas had not been annexed, there would have been no war. But was the annexation of Texas unavoidable on our part? Again: he believed the immediate cause of war was the removal of our forces to the Rio Grande, by order of the President of the United States. The gentlemen opposite had attempted to justify this act of the President of the United States, by attempting to prove that the territory lying between the Nueces and the Rio Grande belonged to Texas. Now, if in this those gentlemen had failed to justify the President for moving our troops to the Rio Grande—if it should be shown that that territory belonged to Mexico—it would be apparent that the President of the United States had been guilty of causing an invasion of the territory of a neighboring republic. He would examine some of the grounds on which these positions rested, and endeavor to discover some point on which all parties could unite; for where there were conflicting assertions, where there were irreconcilable statements, it became necessary to fix on some ground on which both parties could unite, as a basis—as a point from which to start. Well, this ground he found here. It was admitted on all hands, and it would not be disputed by any one, that the territory between the Nueces and the Rio Grande did once lawfully and indisputably belong to Mexico. No one, he apprehended, would dispute that. Here, then, was ground on which to stand, and from which we may reason with respect to the claims of either party. Taking, then, this as the basis of the argument—that Mexico once indisputably owned the territory—the next question which arose was, Did Texas subsequently become the owner of that territory, and how did she become possessed of it? Such a position was proved by existing documents to be untrue. Mr. Donelson, our chargé d'affaires to Texas, says in one of his letters, that the most westerly point occupied by Texas was Corpus Christi. The most westerly point, be it observed; consequently, the other territory, if occupied at all, was occupied by Mexicans. The published despatches of General Taylor to this Government also state, that there was a Mexican custom-house and officers at Brazos Santiago. How, then, did Texas become the owner of that territory?

It had been admitted here, and he presumed it would not now be disputed, that originally Texas did not extend further west than the Nueces river. It was also admitted that the title of Texas extended as far as her jurisdiction, which, by her rebellion, she secured and exercised. But did Texas, by her rebellion against Mexican authority, obtain and exercise jurisdiction over the territory lying between the Nueces and the Rio Grande? Did she extend her jurisdiction and the limits of her republic so as to embrace that territory? She claimed Corpus Christi, and no more. Consequently, as had been said a day or two since by the gentleman from Georgia, [Mr. Stephens,] it might be considered that the boundary was in the great, the "stupendous desert," as it had been called, over which neither the Mexican nor the Texan Government had extended jurisdiction. He contended—and the gentlemen opposite had not proved to the contrary—that Mexico possessed the valley of the Rio Grande, from its mouth to its source. It was occupied by Mexican citizens; it was in their indisputable possession. Who would doubt that? If any ventured to do so, he had the documents before him, from which he could prove his position to be based on truth. If, then, Mexico was in possession of that territory, he asked what right had Texas to claim it?

It had been said—and it was frequently reiterated by the advocates of the President and of the war—that the boundary of Louisiana formerly extended over that territory. This, however, was a position which, he believed, had been abandoned; for, if Louisiana did once extend so far, it afterwards unquestionably belonged to Mexico, and was known as the Department of Tamaulipas. He repeated the inquiry, then, what right had Texas to it?

It had been asserted by some gentlemen on this floor, that the constitution of the Republic of Texas claimed all the territory to the Rio Grande, and that the constitution of Texas, after her annexation, reiterated the same claim. For the benefit of the gentlemen who had made such assertions, he would remark that he had those constitutions before him, and he could find nothing of the kind in either of them. Neither of those constitutions claimed the Rio Grande as the boundary line. There was an act, or declaration, that the Rio Grande should be the line of boundary between Mexico and Texas. A declaration! And here let him inquire if it was this declaration that gave Texas the right to that country, or was the right possessed before? The declaration most assuredly could give no right. If, therefore, Texas had the right, she had it before the declaration was made. Had she that right? There was no claim of right, except that Santa Anna had made some sort of a treaty or bargain, by which Texas acquired the right to the territory extending to the Rio Grande. This claim, however, he believed had been abandoned; for Texas had no valid claim in consequence of the contract with Santa Anna. Santa Anna had no authority over that territory more than was possessed by any other general commanding; and if he had, he was a prisoner at the time the treaty was made. Satan, on the Mount with the Saviour of the world, promised the Redeemer all the kingdoms of the earth if he would fall down and worship him; but he promised that which he did not possess. And so it was with Santa Anna: for he had not the right to give a foot of land in that territory. Thus, then, it appeared that the claim of Texas was based on her own declaration. Now, if a declaration will give title, what would prevent every member on this floor having as much land as he chose? It was very certain that Mexico exercised jurisdiction over that territory; and it was equally as certain that Texas could get it only by one of two ways—conquest or treaty. Well, did Texas conquer that territory? Every one present knew she did not, although it had, he believed, been said by some gentlemen that her forces had been driven to the opposite side of the river. If this were so on one or two occasions, did the people who occupied that territory rebel with the Texans, or were they kept in obedience to Texan authority? Why, years after those events occurred, they found the individuals residing there paying obedience to the laws of Mexico, whose authority extended up the river to Santa Fé; and if a right existed to a foot of land at the mouth of the river, the right extended to its source.

If the principle for which gentlemen had contended on this floor were once established in our Government, it would be the establishment of a principle which would seriously affect our own interests. Suppose, for instance, that Texas should rebel against the United States. Texas is now a State of this Union, as she was once a State of Mexico, and she might rebel against our authority, and proclaim herself independent. Now, if she should do so, and should declare that the Mississippi river was the boundary between us, would that declaration establish the boundary at that river? Suppose a few of the inhabitants residing on the eastern bank of the Sabine should unite with the Texans in their rebellion, and join in such a declaration that the Mississippi, from its mouth to its source, was the boundary, would the fact be any better established? Not at all. Nor was the principle laid down by the President of the United States and his supporters less absurd; nay, more, it would be subversive of all law, of all reason, and of common sense, and it would ultimately prove destructive to our own Government. The position of the President and his advocates was so palpably absurd, that he would venture to re-state it; for its reiteration would render argument useless. It was this: if Texas should rebel against this Government, declare the Mississippi to be her boundary, and maintain her independence nine years, as a matter of course Texas would have the right to the western bank of that river, from its mouth to its source, including St. Louis and all. Thus, it would be seen that, by establishing the principle for which the President contended, we might do that which would prove destructive to ourselves. South Carolina, in the event of successful nullification, might thus have claimed to the Potomac, or wherever else she pleased; and because she claimed it, according to the doctrine of the President and his supporters, she would have been entitled to it.

Well, then, such being the facts, it was apparent Texas had not conquered the territory in the valley of the Rio Grande. She claimed, but she had not conquered it. Was there, then, anything done to justify the marching of our army to the Rio Grande? Was there any evidence of an intended invasion of Texas by a Mexican force? It had been roundly asserted by some gentlemen, over and over again, that the President of Mexico had ordered the Mexican army to the eastern bank of the Rio Grande. Well, what was done there? And who commanded? The gentleman from Indiana [Mr. Robinson] stated that Ampudia, with the forces under his command, crossed the river and struck the first blow, and that American blood was spilt there. Unfortunately for the gentleman who gave utterance to such statements, they were not founded in truth, and were not susceptible of proof. If gentlemen would trace the history of that affair, they would find not the least evidence that Mexico ever struck the first blow, or any blow, until after aggressions had been made by troops of these United States. What was the history of those transactions? General Taylor was ordered to the Rio Grande by the President of the United States, and when he arrived there Mexican citizens fled from before him. Having arrived there, he blockaded the mouth of the Rio Grande, and then wrote to the President of the United States, informing him what he had done, and stating that Mexico would have either to retreat or to come over and fight him. From this she had no escape; she had no alternative but an inglorious retreat or a battle. Now, he would ask any dispassionate man if this was not war on our part? Most undeniably it was.

But, again, previous to the attack made on Captain Thornton and his command, orders had been given to Lieutenant Porter and others to scour the country. Pursuant to these orders, as stated by

General Taylor in one of his letters, a Mexican camp was discovered, and the attempt was made to drive them away. In this affair two men were killed. This was before the attack on Captain Thornton. There was no evidence who struck the first blow. The statement was, that an attack was made, but it was not said by whom that unfortunate affair was commenced. In the affair of Captain Thornton, it appeared that the Mexicans were drawn up, and that he charged them.

But to return to the march of our army; and, for further illustration, suppose that Texas, having maintained her independence of us for nine years, should annex herself to the Mexican Republic, and that the Mexican Government should send her armies to the eastern bank of the Sabine, or opposite New Orleans, as our President sent our armies to the Rio Grande to take up a position opposite Matamoros, for the cases were strictly analogous. He challenged gentlemen to show him any defect in the analogy. Well, suppose, as the Mexican army approached New Orleans, the citizens of Louisiana should fly before it, and the Mexican general should blockade the Mississippi river, so as to compel the American forces that might be in New Orleans either to go back or come over and fight him, would not this be cause of war?

Mr. BROWN, of Virginia, inquired whether the Rio Grande was not blockaded by General Taylor on his own authority?

Mr. FISHER replied, that he was establishing the fact and its inevitable consequence, and that was all-sufficient for this portion of his argument; but, by whomsoever it was done, it had been subsequently sanctioned and approved by the President of the United States. His purpose now was to show that we commenced the war with Mexico. If, then, the Mexican general should blockade the Mississippi river, as our general blockaded the Rio Grande, he asked the advocates of the President and of the war whether it would not be an aggression on the part of Mexico which would be cause of war? The gentlemen opposite said it was no aggression on our part to do this on the Rio Grande; and if they were consistent, and adhered to the principle they sought to establish, they must yield as much to Mexico in the case he had imagined if she should blockade the Mississippi. Thus he had sustained his premises that the principle of the President, if established, would be destructive of our own rights and interests. If the Texan title should be acquiesced in because she had declared the territory was hers, although she had never subdued it—if it was to be treated as hers because she claimed it by a law of her own enactment, he again asserted that this would be to subvert all rights to territory, and common sense also.

But again: it had been said by gentlemen opposite, that from 1843 neither the military of Mexico nor her civil officers had ever been on the eastern bank of the Rio Grande, but that those of Texas had. Now, precisely the reverse of this was the truth. No Texan ever made a tour to the eastern bank of the Rio Grande without being either captured or killed. How, then, could it be maintained that Texas had conquered or revolutionized that territory? It was neither conquered nor revolutionized, and therefore Texas had no right to it, and could not justly claim it. It belonged to its original owners. There were four ways by which territory could be acquired. First, by discovery; secondly, by occupation; thirdly, by conquest; and fourthly, by purchase. Well, then, as Mexico had an undisputed right to this territory, Texas of course had no right to it, and consequently it could not be claimed as American soil. It was also shown to be untrue that in this war Mexico struck the first blow. We have proof to the contrary. It was demonstrable that we were the aggressors. The documents to which gentlemen opposite had access did not sustain the position they had assumed.

But the advocates of this war took other ground. They maintain that our claim for indemnity for spoliations on the commerce of our citizens was justifiable cause of war. But did they mean to contend that the war was commenced for the purpose of obtaining indemnity from Mexico? Why, this would be an admission that the President commenced the war. The spoliations on our commerce by Mexico were not acts of recent date; what right, then, had the President to make war for indemnities? This position was an aggravation rather than a justification of the act of the President.

But again: gentlemen said Mr. Slidell was rejected, and hence we had cause of war. But would it be pretended that the President had the right to commence war because Mexico rejected Mr. Slidell? The idea was preposterous. If, however, the President had acted in good faith, Mr. Slidell would not have been rejected, and he believed war would not have ensued. Mexico asked for a commissioner to settle the difficulties existing between the two Governments, and our President sent a minister plenipotentiary to reside there, and Mexico refused to receive him in that character, as she had the right to do. Herrera and Paredes both asked for a commissioner, which our President refused to send. Subsequently, however, he sent Mr. Trist as a commissioner, when we were involved in a war, from all the horrors of which we might have been spared, if a commissioner had been sent in the first instance.

But the President now tells us he has offered them liberal terms of peace. But what are those terms? They knew nothing about them. The President would not communicate to Congress the orders given to Mr. Slidell, nor what amount of money Mr. Trist was authorized to pay for the territory which he was instructed to demand. How, then, could they tell whether the terms were liberal or otherwise? He believed, if the President had offered Mexico just and fair terms of peace, that he could have obtained it; but he had not done so, and Mexico would not make peace because the terms offered were such as no honorable nation could submit to. There was not a doubt on his mind that the object of the Administration was the conquest of the whole of Mexico; and believing as he did on this subject, and as he thought every gentleman must believe who looked at the facts free from party influences, that the war was unjustly commenced on our part—that if we carry it on to the conquest of the whole of Mexico, it will prove destructive to our own Government—he asked what they were to do as honorable men and as patriots in such a case? If the war was commenced unjustly, and to carry it on would result in adding Mexico to these United States, which would be destructive of our republican institutions, what was their duty as patriots in this crisis? Why, evidently, as far as in their power lay, it was their duty, by some means, to stop this atrocious war. As just men and as patriots, they must do this. From the discharge of this duty they had no escape but in wrong doing.

But some gentlemen had argued that the war was constitutionally made, and yet they contended that the President had no constitutional power to invade the territory of a neighboring nation. He had power to repel invasion and to suppress insurrection, but he had no right to send an army among the citizens of Mexico on the Rio Grande. Nor was there any evidence that Mexico contemplated an invasion. Some gentlemen had asserted that Mexico had collected troops in great numbers—to the number of seven thousand—previous to that time, on the western bank of the Rio Grande, with the avowed intention to invade and reconquer Texas; and that they were stationed at Matamoros. Of this there was no evidence. The assumption was unsustained; nay, the proof established the contrary to be the truth. There was no collection of troops more than were ordinarily there, before General Taylor was ordered to the Rio Grande. General Taylor told the President that there were scarcely two thousand troops at Matamoros, and that there was no probability of an attack. The President, too, told them that the two nations were at that time at peace, the disturbance of which must have been anticipated as a consequence of the marching of our troops to the Rio Grande. And what was the condition of things in relation to Texas as a republic? Mexico, on her part, and Mr. Jones, the President of Texas, suspended hostilities, and they were not recommenced until we marched our troops in her territory. As to any protection which Texas required, she had it while our army was stationed at Corpus Christi. Peace then existed, but our President broke it, and peace was not asked for now because peace was not designed or desired by the President. No one could read the despatches sent to General Taylor without coming to the conclusion that the deliberate design was to involve us in a war with Mexico. The President hastily pushed on our troops, under the pretence that Mexico was raising forces; but General Taylor, in his peculiarly mild manner, told the President that he was misinformed—that there was no collection of troops—that there was no necessity for warlike demonstrations—that there was no danger. The President nevertheless urged on our troops, with the evident determination to involve the two nations in deadly hostilities.

But the President told us in his message of 1845, in addition to the evidence already spoken of, that when our army was at Corpus Christi, it was on the western frontier of Texas. He told us in that same message that our army was on the eastern frontier of Mexico. There was, then, no claim to that portion of Mexican territory; but now that alone was not sufficient; for the whole of Mexico was to be subdued, and brought unwillingly into this Union. And this he could not but regard as the height of despotism. It was most assuredly not republicanism. And what would be the effect on ourselves? Mexicans would not quietly yield themselves to our Government on the one hand, and, on the other, the same spirit which would bring them amongst us against their inclination would be dangerous to the liberty of our own citizens. It might attempt to establish a despotism over us. It was the same spirit which actuated despots of the Old World, and caused the many martyrdoms of good and great men, whose butcheries stained the pages of history. Let the principle be tolerated and established amongst us that other nations must be subdued to our dominion, and our own liberties will not be safe. And on what pretence was it that we should conquer other States and annex them to ourselves? It had been said that we must give them the benefit of free institutions. It was, then, because we considered our Government better than theirs. But was it the province of this Republic to force its institutions on other nations? Had we not claimed for mankind the right to govern themselves by such laws as they might enact for their own government? For what but this did our forefathers engage in our revolutionary struggle? And yet at this early period of the history of this Republic, its President disavowed that principle as a governing one for the Mexican people; and he sought to subdue them and to bring them into subjection to us and to our laws. Such was not the character of his (Mr. F.'s) democracy. He claimed for other nations, as well as for our own, the right to establish either republicanism, an aristocracy, or an anarchy. If other nations are submissive to a despotism, it is no business of ours. It gives us no right to interfere with them, and the exercise of such a power, he again asserted, could not be consistent with our own institutions.

The President now told us that the whole object of the war was to obtain indemnity. That was the avowed object of this war. The President claims indemnity not only for spoliations on the property of our citizens, but for the expenses of this war. Now, where were they to stop? He again appealed to the House—to every member of it, as a patriot jealous of the honor of his country—to aid in putting a stop to this war. If we proceed with the war on this principle, the result was obvious. It was evidently the determination of the President to subdue the whole of Mexico, and annex it to the United States; and this he (Mr. F.) would endeavor to prevent as far as he had the power. Could this be done? Gentlemen opposite had asked what were our terms of peace; and to that question he answered, that he would make peace now precisely as he would have made peace soon after the war began. He would claim nothing on account of the expenses of the war; and hence he held that we were entitled to nothing that we had no claim to before the commencement of hostilities. He would, in the next place, seek to establish a boundary line between the two Republics, and that line he believed should be in the "stupendous desert" beyond the Nueces. He would then secure indemnity for our citizens for the losses they had sustained; and this was all he would desire, and it was all we should expect the Mexican Government to consent to. We should remember, that by waging an unjust war, by contending for unreasonable indemnities, we were dishonoring our own nation. Some gentlemen who had preceded him had well said, that injustice and unrighteousness were not consistent with national honor. So far as bravery in battle, and the success of our arms was concerned, we have gained great honor in

an unjust war; but, at the same time, we have been tarnishing the national honor at home. And how shall we redeem ourselves from the stain? The first step should be to stop this unjust war. As a nation we must be just, for we read in the inspired volume, that "righteousness exalted a nation, but sin is a reproach to any people."

The Chairman's hammer here announced the termination of the gentleman's hour, and he yielded the floor, for which there were many competitors; but was obtained by

Mr. THOMAS, of Tennessee, who first referred to the variety of subjects which had already been discussed during the pendency of this bill, in justification of the course of remark which he should take. A call had been made upon the President for the instructions given to Mr. Slidell; compliance with that call had been refused, and now we heard the course of the President denounced as throwing himself on his "royal prerogative" in withholding information. But the House had been passing resolution after resolution since that time asking information of the President, "if, *in his opinion*, it is not incompatible with the public interests to be communicated." Thus the very course of the House stood out a clear justification of the President.

But on this point he would refer to some of the views entertained by men who knew more of the spirit of the Constitution than he professed to know. He would first read from a record made by Mr. Jefferson of the consultations of President Washington's Cabinet, dated March 31, 1792:

"*March* 31, 1792.—A meeting at the President's. Present: Thomas Jefferson, Alexander Hamilton, Henry Knox, and Edmund Randolph. The subject was the resolution of the House of Representatives, of March 27, to appoint a committee to inquire into the causes of the failure of the late expedition under Major General St. Clair, with the power to call for such persons, papers, and records as may be necessary to assist their inquiries. The committee had written to Knox for the original letters, instructions, &c. The President had called us to consult merely because it was the first example, and he wished that, so far as it should become a precedent, it should be rightly conducted. He neither acknowledged nor denied, nor even doubted, the propriety of what the House were doing, for he had not thought upon it, nor was he acquainted with subjects of this kind; he could readily conceive there might be papers of so secret a nature as they ought not to be given up. We were not prepared, and wished time to think and inquire.

"*April* 2.—Met again at the President's on the same subject. We had all considered, and were of one mind: first, that the House was an inquest, and therefore might institute inquiries; secondly, that it might call for papers generally; thirdly, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those the disclosure of which would injure the public; consequently, were to exercise a discretion."

He alluded to the message of General Washington in 1796 upon this subject, to which so frequent reference had recently been made. A part of this message, he said, was wholly disapproved of by the Republican party of that day, led on by Giles and Madison. Mr. Madison made an able argument, which was reported at length, against the message of General Washington. But he did not say a single word against the position which was quoted by President Polk from General Washington's message. On the contrary, Mr. Madison, who was then heading the opposition to President Washington, used the following language, clearly sustaining Mr. Polk in the position he had taken. In the House of Representatives, April 6, 1796, Mr. Madison said:

"He thought it clear that the House must have a right in all cases to ask for information which might assist their deliberations on subjects submitted to them by the Constitution; being responsible nevertheless for the propriety of the measure. He was as ready to admit that the Executive had a right, under a due responsibility, also to withhold information when of a nature that did not permit a disclosure of it at the time. And if the refusal of the President had been founded firmly on a representation that the state of the business within his department and the contents of the papers asked for required it, although he might have regretted the refusal, he should have been little disposed to criticise it."

Again, he says:

"If the Executive conceives that, in relation to his own department, papers could not be safely communicated, he might on that ground refuse them, because he was the competent though responsible judge within his own department."

Here, then, we had the authority of Washington and Madison sustaining the course of Mr. Polk. Mr. Jefferson, Mr. Monroe, General Jackson, and other high authorities could be brought forward on this side, and not a single one could be found to the contrary.

Mr. T. referred to the effort that had been made by reference to the course of Mr. Polk upon the call upon President Adams for information relative to the Panama mission, to convict him (Mr. Polk) of inconsistency in now declining to communicate all the information demanded by the House, and he entered into a minute examination of that case, with a view to the complete vindication of Mr. Polk. He maintained that the doctrine the friends of the President advocated on the subject had been the doctrine of all parties since the foundation of the Government; and he referred to Judge Story and other elementary writers on the Constitution; all of whom, he said, went so far as to say that the House of Representatives had no right to *demand* information of the President upon any subject in relation to our foreign affairs, but could go no further than to request it. They held that this was the whole right of the House.

Mr. T. said it was all important to look at the history of this war, to see how far it had progressed, what sums it had cost, and, what was of far more consequence, what an amount of human life had been expended in its prosecution. The gentleman on the other side, after contemplating the whole affair, came to the conclusion that it was wrong, all wrong; and that all this vast amount of evil had been incurred in the prosecution of an unjust, unnecessary, and unconstitutional war. If that gentleman was in the right as to the character of the war, and the unconstitutional manner in which it had been commenced, then he was right in maintaining that we ought to recall our troops, and make a treaty with Mexico on precisely the same basis we had offered at the beginning; but if his principle was right thus far, it ought to have carried him further. If we had gone to war with Mexico unjustly, we owed her reparation. If all our war had been a wanton aggression on her rights, and invasion of her territory, most certainly it was our duty to make her amends as best we might. Why did he stop short of the manifest requirements of justice? The gentleman discoursed very eloquently about the principles of honor and justice, and he drew even from the Good Book itself in support of them; but had he consulted that volume, he might have found something about making restoration fourfold.

But let us examine the basis on which the charge against the Administration rested. The gentleman would have the world believe that all the evils of this state of war had been brought upon the country by the unnecessary and unconstitutional march of our army to the banks of the Rio Grande. Now, it seemed to Mr. T., that if gentlemen who brought this charge would but look back a little, they would find that they were placing their own friends in a rather awkward predicament.

On the 11th of May, 1846, when this House were engaged in discussing the necessary measures to be taken in preparation for a possible war with England, an Executive message came into the House, stating that war existed on the banks of the Rio Grande. An amendment was accordingly introduced, declaring that the war existed by the act of Mexico. This amendment was voted by the House—a majority of the Tennessee delegation voting in the affirmative. And afterwards, when the bill was introduced granting supplies in men and money, though many gentlemen on the other side maintained stoutly that the amendment declared a lie, and that they were compelled to vote what they did not believe, yet all of them, with the exception of fourteen, voted in favor of the bill. Now admitting, for argument sake, that what they said was true, and the amendment declaring the war to exist by the act of Mexico was false, still, (he asked,) what was the bill for? To make provision to carry on the war. It placed fifty thousand volunteers and ten millions of money at the disposition of the President, to enable him to prosecute the war. Yes; the bill called fifty thousand of our fellow-citizens from their peaceful homes, and sent them to encounter the horrors and dangers of a deadly climate, and all in order to carry on an unjust, unnecessary, and unconstitutional war! Now, if gentlemen knew the war to be thus unjust; if they believed it to be unnecessary, and, to crown all, in contravention of the Constitution, why did they vote for the bill?

They complained that they were forced to vote that the war was begun by Mexico, though they knew better, though they knew that it was begun by ourselves. Well, if they knew that, why did they vote to prosecute the war? They might be forced to vote for the amendments if they voted for the bill; but who could force them to vote to carry on a war that was unnecessary, unjust, and unconstitutional? How far had the war proceeded when that bill was passed? As far as the House knew, our army was encamped on the left bank of the Rio Grande, and the Mexican army was on the other bank, directly opposite. Some of these troops had crossed, and some American soldiers had been slain. Did a state of things like that call for so vast an expenditure? Although Mr. T. professed to be a friend and supporter of the present Administration, he never had entertained, and he trusted he never should, so much respect for any Administration as to vote ten millions of dollars and fifty thousand men to aid it in carrying on an unjust, unnecessary, and unconstitutional war. According to these gentlemen, the war was all wrong, wrong from the start, begun by trampling on the Constitution; when our troops were slain, they were in the territories of a friendly neighbor, where they had no right to be: and yet these gentlemen voted to give the President all he asked; and what for?

Mr. T. and his friends believed that the war had been begun by Mexico; and if so, then both men and money ought to be voted, and voted freely, to carry it on. But how could gentlemen ever pretend to justify themselves who believed, as they said, directly the reverse? Mr. T. maintained that the troops when encamped on the Rio Grande were just where they ought to have been; and therefore, as Mexico had attacked them there, and so commenced the war, he held very consistently that the House were as much bound to vote for carrying on the war now as they were at first.

But gentlemen said they voted the bill not to carry on the war, but merely in order to relieve General Taylor. The excuse was frivolous—the answer perfectly nugatory. They knew perfectly that before the men they were voting could possibly reach General Taylor, his fate would have been sealed. That vote could not affect his safety or avail to deliver him from the greatest danger. He was three thousand miles off: who could pretend that he voted in the hope that relief would reach him, in consequence of that vote, in time to effect his rescue? It was vain to pretend it. They voted the bill, then, not to extricate General Taylor. Should information reach the House to-day that the President of the United Srates had ordered an army across the St. Lawrence into Canada, and that our general and his command were in imminent danger of being cut to pieces—they were one thousand miles off, in the interior of the country—and the President, while communicating these facts to Congress, should ask for millions of money and thousands of men to go to the rescue, who would vote such a bill? Who would not instantly ask, "why is our army in Canada? what right have they to be there?" And no gentleman would rise and say they had any right. But when the supply bill passed at the commencement of this war, nobody on the other side raised such an objection, but they voted the men and the money for the war. Now they pretended that it was only to relieve General Taylor.

And now on the subject of the boundary of Texas. It had been said here, time and again, and he believed it was generally admitted, that the right of Texas was a revolutionary right, and that just so far as the revolution actually extended, just so far and no farther her right to the territory extended with it. Well, take the question on that ground. Every one knew, that when a revolution prevailed in any country against the previously existing government, it was not a possible thing to bound the extent of the revolution by precise lines, as a land surveyor would run the bounds of an estate with compass and chain. It was not practicable to tell within a rood just how far it could with truth be said that the revolution had spread itself. Now it was important, in order to come at this point, to look and see where the contending parties themselves considered the dividing line as running. When the declaration of independence was made by Texas in 1836, she had not precisely defined any boundary. But subsequent events went to fix it. After the battle of San Jacinto had been fought, and President Santa Anna captured, a treaty, or something which bore the name, (whether it was strictly a treaty or not, he should not argue,) was entered into; and though it might not be of binding power, still it went to show how the parties on both sides understood

the boundary between them. Here were the representatives of the two countries met in one place, and they sat down to settle upon the line. On what did they agree, and what did they claim from each other? Texas claimed to the Rio Grande, while Mexico claimed up to the Sabine. There was the issue; and this showed what was the matter in dispute. If the treaty had no other effect, it served to let Mexico know what Texas claimed. In 1843 an armistice took place, and in 1845 a second; the respective parties retired for the purpose of negotiating. The Mexicans went west of the Rio Grande, while the Texans went to the east side of it. In June, 1844, an effort was made by Mexico, under General Woll, to reconquer Texas; and the invading general then issued a proclamation, in which he spoke of Texas as a revolted province of Mexico. That revolted province, whatever its boundaries were, was the Texas which we annexed to the United States. [Here Mr. T. quoted the proclamation of General Woll, and argued, from the language he employed, that he regarded the Rio Grande as the boundary of the revolted province he had been sent to reconquer.]

But it was said that, on the banks of the Rio Grande, there were certain peaceful Mexican settlements. Well, so there were. But what then? As he had already said, in fixing the great bounds and limits which separated different countries, it was impossible to bend the line hither and thither to meet the little local inconveniences of different neighborhoods. It was not possible to bound the extent of revolutions by lines going in and out, like the limits of a private estate. In our own revolution there had been Tories who were opposed to it; and Tory settlements where the flag of the new Government was not suffered to float. There were some who refused to fight on either side, and others who fought to retain the established Government; but did we at the peace surrender these local spots in the general acknowledgment of our national independence? Had Great Britain the face to ask that reservations should be made wherever a Tory neighborhood existed? Besides, there was no proof that these people settled on the Rio Grande were Mexican Tories to the Texan Government; on the contrary, the proclamation put forth by Canales spoke of them as being notoriously unfriendly to Mexico, and as having said that they never would submit again to Mexican authority. It might be that they were non-combatants, and, on account of the too near vicinity of the Mexican forces, were afraid to come out and take open sides with Texas. But had any remonstrance come up from them to General Taylor showing that they were Mexican at heart? There might have been a few isolated cases, but none that evinced anything like a concerted movement or general action. On these principles Mr. T. contended that, in establishing a national boundary line, regard could not be had to these isolated spots: we must fix on great and prominent natural features of the country, without attempting to suit the convenience of each particular neighborhood.

Mr. T. wished to call the attention of the committee to the manifest inconsistency of gentlemen who were opposed to this war. The course of the Administration, according to them, was wrong, only wrong, and that continually. Nothing praiseworthy was to be found. But when these same gentlemen came to speak of another individual, and one who had had no little to do in carrying on the war, their lips could utter nothing but praise. Now, Mr. T. had taken the pains to collect from the reports of the general in command, (a gentleman who, for the most part, was no very enthusiastic friend of this Administration—who certainly knew something about the facts in the case about which he was writing,) some extracts which he would read to the committee. He commenced with a letter from General Taylor to the department, of September 14, 1845; it was written from Corpus Christi, and it gave the opinion that he should not need volunteers to aid him in the execution of the orders received. He read also from another, dated October 8, in which he stated that the people on this side the river would not be averse to his march, and, though he considered Corpus Christi as a very proper point to hold, he should have preferred an advanced position on the river—Corpus Christi was "too far from the frontier." Now, gentlemen on the other side warmly insisted that Corpus Christi was itself the frontier of Texas. General Taylor, it seemed, was of a very different opinion. This view taken by General Taylor was corroborated by that of Canales, who, writing from Camargo, a small town immediately on the Rio del Norte, declares it to be the "northern frontier" of Mexico. He also quoted General Taylor as speaking of "our title to the Rio Grande." He thought that Corpus Christi might do well enough so far, but considered it his duty to suggest the expediency of advancing to the Rio Grande.

Now, gentlemen on the other side would all admit that General Taylor was actuated by a regard for the good of his country; so he must have considered it for the good of this country that our army should be advanced to the left bank of the Rio Grande, the very thing charged as so great an enormity on the President. Mr. T. next quoted another letter of General Taylor, in which he disclaims all necessity of taking volunteers from the other States, and says that if any should be needed he should draw them from Texas. Now, what had General Taylor been sent there for? To obtain all the information in his power on the spot, and then to give to the department his advice as a military man. His next letter acknowledged the receipt of the order of the 13th of January, ("the fatal order,") and speaks about his reaching the banks of the river, and being then able to judge of the temper of the inhabitants of the northern provinces of Mexico; but gave it as his opinion that the people on the river were well disposed towards us, and that his advance to the river would have a great effect.

It had been contended that General Taylor, in a subsequent letter, withdrew this advice in favor of advancing to the river; but Mr. T contended that this was a false construction put on General Taylor's language; which, on the contrary, expressed his high approbation of such a step. On the 16th of January, he told the department that he did not think the advance of the army would be seriously resisted; he spoke of enforcing "our rights," and thought there would be no need of increasing his force by volunteers, &c., because the people would generally remain quiet.

Now, let any one compare the language of gentlemen on the other side in regard to the President of the United States and to a chieftain whom they considered themselves as enjoying a monopoly to extol.

He went on to quote from letters written by General Taylor on the 15th and 21st of April, after he had reached the river, and was encamped immediately opposite Matamoros. Here he spoke of our right to a joint navigation of the river, and the necessity, under certain circumstances, of "carrying the war, as it should be carried, into the enemy's country." He called for five thousand men, expressly for the purpose of marching into Mexico. Now, he presumed General Taylor knew as well as any man whether the war was begun by Mexico or by the United States.

The President of the United States, on the 11th May, said that the war had been commenced by Mexico, and Congress declared the same thing. On the 11th of March, the Mexican minister, in his letter to our Government, declared that Mexico had used all efforts in her power to avoid the war, but it had been provoked on our part. A gentleman on the other side of the House, speaking the other day, had made the same statement. The Mexican minister used the term "provoked," and so did gentlemen here. There seemed an entire agreement between their language and that of the Mexicans. Now, it might be that Mr. T.'s partiality for his own country blinded his perceptions of truth; but certain it was, that he should not like to be found thus agreeing with the enemies of his country. Now, to see how far General Taylor agreed with his enthusiastic admirers on this floor, he would read from a despatch of his, dated the 8th of May, in which, speaking of his answer to the Mexican request for an armistice, he tells Arista that circumstances have changed, and that he could not now suspend an operation *which "he had not initiated or provoked."*

Mr. T. would leave the gentlemen on the other side to settle this difference in sentiment between themselves and the Mexican minister on the one side and General Taylor on the other. Which was right? Both could not be. Here were the President of the United States and General Taylor on the one side, and a Whig majority of the House of Representatives on the other. He contended that these gentlemen had by their acts admitted before the world that General Taylor was in the right. If not, then they were chargeable with all the consequences of the war. They had voted men and money to inflict these terrible evils both on Mexico and their own country. However reprehensible the President might be, they had gone further than he. He had ordered the army to the Rio Grande; they had carried it to the gates of Mexico. All the thousand miseries which had been endured, all the thousand scenes of wo which had since occurred, were chargeable on them. How many widows' wails and orphans' cries had gone up to Heaven, witnessing against men who supplied all the means of carrying on an unjust and unnecessary war. Yes; these gentlemen had done it. They voted the supply bill—but why? They said the war was unjust—a war of invasion—a war of conquest; and still they voted to carry it on. Those on Mr. T.'s side had but acted as did their revolutionary sires, when they believed their rights to be invaded. They thought the war right and just—provoked by Mexico, and not to be avoided by us without dishonor. They were, therefore, chargeable with no inconsistency; but gentlemen who said it was "a lie" that Mexico begun the war, and yet voted a bill which proceeded on that assumption, how could they escape the responsibility of all the woes which followed in its train? For himself, he would rather have believed the falsehood (if falsehood it was) than voted the bill while disbelieving it.

Mr. T. here quoted the letter of the Secretary of War to General Taylor, in which he directed him, should the common right of navigating the Rio Grande be resisted by Mexico, not to attempt to enforce it by military means. The course of the General was approved so far, but he must let the river alone. Mr. T. here read the following extract from General Taylor's letter of the 23d of April, 1846, to the Secretary of War:

"In my last despatch, I advised you that, on receipt of General Ampudia's summons to fall back from my position, I ordered a blockade of the mouth of the Rio Grande, deeming this a measure perfectly proper under the circumstances. * * * I trust that my course in this matter will meet the approval of the department. It will at any rate compel the Mexicans either to withdraw their army from Matamoros, where it cannot be subsisted, or to assume the offensive on this side of the river."

Now, gentlemen could scarce find language severe enough to censure the President for the "fatal order" to advance the army to the Rio Grande, and yet not a word of censure for General Taylor, who had ordered, on his sole responsibility, the river to be blockaded, and that against the President's orders. Mr. T. here read a part of General Taylor's letter to Ampudia, in which he tells the Spaniard that the war has been "forced upon us." What would he have said could he have foreseen the positions that would be taken by his own special admirers on the floor? He was surprised that even a Mexican should pretend that we began the war. How would he have hung his head to think that Americans and American legislators should be found standing with the bragging and swift-running Ampudia!

Here the Chairman's hammer fell, and Mr. T. resumed his seat.

Mr. MARSH then got the floor, and the committee rose.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting, in compliance with the resolution of the House of the 17th ultimo, a letter from the Colonel of the Corps of Topographical Engineers, enclosing the report and map of Lieutenant Emory, of the Topographical Engineers, of the route of the army under the command of General Kearny, from the Missouri river to the Pacific Ocean; and, also, a copy of the Journal of the expedition kept by Captain Abraham R. Johnson.

Mr. McCLELLAND moved that the communication be referred to the Committee on Printing, with a view to the printing of an extra number. It was so referred.

On motion of Mr. BROWN, of Mississippi, the Senate bill for the relief of Thomas Rhodes, which was lying on the Speaker's table, was referred to the Committee of the Whole.

Mr. VINTON, from the Committee of Ways and Means, reported a bill making appropriations

for the naval service for the year ending 30th June, 1849. Read and committed.

On motion of Mr. HALL, of New York,

Resolved, That the Committee on Commerce inquire into the propriety and expediency of appropriating a sum not exceeding twenty-five thousand dollars, for the expenses of confirming the survey of the Great Lakes, heretofore conducted by the Corps of Topographical Engineers, under the direction of the War Department, and that said committee report by bill or otherwise.

NOTICE OF BILLS.

Notices of motions for leave to introduce bills and joint resolutions were given—

By Mr. WILEY: Of a bill for the relief of Daniel H. Warren.

By Mr. HALL, of Missouri: Of a joint resolution giving the thanks of Congress to Colonel Doniphan and Brigadier General Price, and the officers and men under their respective commands in the late military operations in New Mexico and Chihuahua.

And then the House adjourned.

IN SENATE.

WEDNESDAY, *February* 9, 1848.

The VICE PRESIDENT resumed the chair to-day.

The VICE PRESIDENT laid before the Senate a communication of the acting Secretary of the Treasury, transmitting, in answer to a resolution of the Senate of the 1st instant, a report of the Commissioner of the General Land Office, respecting lands granted for military bounties, in the State of Illinois, since the 1st of June, 1819; which was ordered to be printed.

Mr. DIX presented a preamble and resolution passed by the Legislature of the State of New York, instructing the Senators, and requesting the Representatives of that State in Congress, to use their efforts to effect the exclusion of slavery from any provincial or territorial government which the United States may hereafter establish; which were read and ordered to be printed.

PETITIONS.

Mr. HALE presented a memorial from John P. Andrews, of Salem, Massachusetts, stating that navies and armies bring war, and that war brings armies and navies, and that the only effectual method of preventing the commencement and stopping the continuance of war, is the adoption of the Christian policy of resisting evil by doing good, and asking that Congress will look into the propriety of issuing a circular to all the nations of the world to join in a plan for the disbanding of all armies and navies, and all preparations for war.

Mr. BREESE presented the memorial of the heirs and legal representatives of Nicholas Jarrot, deceased, praying the confirmation of their title to certain lands in the State of Illinois; which was referred to the Committee on Private Land Claims.

Mr. DAVIS, of Massachusetts, presented the memorial of the heirs-at-law of Timothy P. Anderson, deceased, praying an extension of his patent for an improvement in the economy of water power by means of a graduated spout; which was referred to the Committee on Patents and the Patent Office.

Mr. BENTON presented a memorial from Alexander Vattemare, a man, said Mr. B., well known for his extraordinary and meritorious exertions in favor of the exchange of American and foreign books relating to science, politics, history, &c. Mr. V. asks the establishment of a permanent agency by the United States for the exchange of all public documents printed and published under their authority, for similar works published under the sanction of foreign governments. Mr. B. asked that the memorial might be printed, and referred to the Committee on the Library; which was agreed to.

Mr. SPRUANCE presented the memorial of masters of vessels engaged in the coasting trade, praying the construction of an ice harbor at Delaware city, in the Delaware bay; which was referred to the Committee on Commerce.

Mr. CASS presented the petition of Justus Powers, a soldier in the last war with Great Britain, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. DICKINSON presented the memorial of George Wilkes, praying the adoption of measures for the construction of a national railroad from the Michigan river to the Pacific ocean; which was referred to the Committee on Roads and Canals.

On motion by Mr. FELCH, it was

Ordered, That the petition of the administrator of John Anderson, on the files of the Senate, be referred to the Committee of Claims.

Ordered, That the petition of Aaron Weeks, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. HALE, it was

Ordered, That the guardian of Artemas Conant have leave to withdraw his petition and papers.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the bill from the House of Representatives for the relief of Alborne Allen, and that it be referred to the Committee of Claims.

On motion by Mr. DIX, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the bill from the House of Representatives, for the relief of Barclay, & Livingston, and Smith, Thurgar, & Co., and that it be referred to the Committee on Finance.

RESOLUTIONS.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That there be paid to each of the messengers of the Senate and office of the Secretary of the Senate, who have not already received it, the same additional compensation that was paid to R. P. Anderson and J. L. Clubb for the second session of the twenty-ninth Congress.

Mr. WEBSTER submitted the following resolution for consideration:

Resolved, That the Committee on the Judiciary inquire into the expediency of making further provision by law respecting imprisonment for debt on process issuing from the courts of the United States.

Mr. WEBSTER remarked, that he had received a communication, for the accuracy of which he could not vouch, as its source was unknown to him, setting forth a case of very considerable hardship and apparent cruelty, growing out of imprisonment under a process issuing out of the courts of the United States. He thought it proper to lose no time in bringing the subject to the attention of the Senate; and if the Senate saw fit to adopt the resolution, he would place the communication in the hands of the Judiciary Committee, whose early action upon the subject he solicited.

The resolution was considered by unanimous consent, and agreed to.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Louisiana, from the Committee on Revolutionary Claims, to whom was referred the petition of the heirs of William Grayson, deceased, submitted a report accompanied by a bill for the relief of the heirs and legal representatives of Colonel William Grayson.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Welcome Parmenter, submitted a report, accompanied by a bill for his relief.

Mr. J., from the same committee, to whom was referred the petition of David Currier, submitted a report, accompanied by a bill for his relief.

The said bills were severally read and passed to a second reading, and the several reports ordered to be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the following bills from the House of Representatives, reported them without amendment:

An act for the relief of Mrs. Harriet Barney.

An act for the relief of George Newton.

An act for the relief of Jesse Young.

An act for the relief of Russell Goss.

An act for the relief of Mary Brown, widow of Jacob Brown.

GRANTING A REGISTER.

Mr. DIX, from the Committee on Commerce, to whom was referred the petition of John P. Baldwin, reported a bill to authorize the issuing of a register or enrolment to the schooner Robert Henry; which was read the first and second times by unanimous consent, and considered as in Committee of the Whole.

Mr. D. stated that this bill rested on the same principle as that of one or two others of the same character which had been promptly passed by the Senate, and he should therefore be gratified if the Senate would dispense with the usual forms and permit the bill to be passed.

Mr. D. also, from the same committee, asked to be discharged from the further consideration of the memorial of Barclay & Livingston, and that it be referred to the Committee on Finance.

MAP OF NEW MEXICO.

Mr. CAMERON, from the Committee on Printing, to whom was referred a motion to print the report of the examination and map of New Mexico, made by Lieutenant J. W. Abert, of the Topographical Corps, reported that it be printed, and that two thousand additional copies, with the map accompanying the report, be printed for the use of the Senate.

MISSOURI AND ARKANSAS BOUNDARY.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives confirming the boundary between Missouri and Arkansas, reported it without amendment.

Mr. A. urged upon the Senate immediate action on the bill; and it was by general consent considered in Committee of the Whole, read a third time, and passed.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill concerning testimony, reported it with amendments.

ADDITIONAL COURT IN ARKANSAS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to divide the district of Arkansas into two judicial districts.

In submitting an amendment to this bill—

Mr. SEVIER said that it would be perceived that this bill proposed to establish a court without a judge, or at least that the duties were to be performed by the present judge. The object of the amendment was to create a judge for this court, and he thought that he could assign satisfactory reasons for that procedure. The State of Arkansas, as the Senate was aware, was one of great territorial extent, and had attached to it the jurisdiction of all the Indian tribes on the border, which extended from that line indefinitely westward.

Mr. DAYTON suggested that, as the Senator from Kentucky, [Mr. CRITTENDEN,] at whose request the bill had been postponed, was not now in his seat, the bill be passed over informally.

Mr. SEVIER had no disposition to press the bill in the absence of the Senator. He would send his amendment now to the desk, and, if printed by to-morrow, he would submit it.

Mr. ASHLEY hoped that the bill would not lose its priority, as it had been made the special order for to-day.

Mr. SEVIER remarked that it could be called up to-morrow of course.

Mr. ATCHISON was opposed to the bill; but as it had already been passed over on several occasions, and a good deal of time had thus been wasted, he moved that it be made the special order for Monday two weeks.

Mr. DAYTON hoped that the motion would be assented to by the Senator from Arkansas. He knew that the Senator from Kentucky was anxious that a particular day should be fixed for the consideration of the bill, so that it might be disposed of in some way.

Mr. ASHLEY objected. The bill had already been deferred again and again. It had been made the special order for to-day, in accordance with the request of the Senator from Kentucky. He had no desire, however, to take it up in the absence of any gentleman who felt any interest in the subject; although he must confess he was opposed to deferring the consideration of the bill for the period mentioned by his friend, the Senator from Missouri. He hoped that it would be continued on the docket till to-morrow, and retain its priority.

Mr. SEVIER had but one remark to make. The bill had been called up on the day before yesterday, and he then obtained the consent of his colleague to postpone it another day, in order to allow him an opportunity of preparing an amendment, giving a judge to the court. When he was prepared with his amendment, his colleague was absent; and he did not press it. He was willing that it should be postponed for a short time, till to-morrow or next day; but he hoped that it would not be postponed indefinitely, or to a remote period. He believed that he had been assailed at home, because he had not urged the measure. Certainly he had been ready at all times to support the bill, and did not wish to afford the slightest ground for the representation that he was at all unfriendly to it. But he had been assailed because he had not made speeches to get the bill taken up. He wished it to be taken up, and was prepared to

make a speech upon it, showing its importance and expediency.

Mr. ATCHISON thought that the bill was indeed one of great importance, and that that consideration furnished an additional reason why a day should be fixed for the discussion of it. He thought that it proposed a new principle——

Mr. SEVIER begged his friend from Missouri to allow him to make an explanation. It was true that one of the sections of the bill provided that the court within its jurisdiction thus created, extending into the Indian country, should have cognizance of civil and criminal cases also. It was the object of the amendment to restrict the jurisdiction of the court within the limit of the Indian tribes, to such cases as were made cognizable by our courts by the intercourse law of 1832, and the modification of that act in 1834, and the cases specified in the Indian treaties.

Mr. ATCHISON was not yet satisfied with respect to the propriety of the object contemplated in the bill. He therefore insisted on his motion to make the bill the special order for Monday two weeks.

Mr. WESTCOTT suggested that the bill should be recommitted with the amendment. He was opposed to this alteration of bills in the Senate. Let it be sent back to the Judiciary Committee.

Mr. SEVIER read the section of the bill which he proposed to amend, and made some additional explanation of the object of the amendment.

The bill was then postponed to, and made the special order of the day for, Monday, the 28th instant, and the amendment was ordered to be printed.

PRIVATE BILL.

The bill for the relief of William Marvin, in confirming the title to a tract of land in Florida, granted by the Spanish Government to Bernardo Segui, on the 20th December, 1815, was read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk, announcing that the House have passed bills of the following titles:

An act to divide the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States, with circuit court powers and jurisdiction;

An act to amend an act entitled "An act in amendment of the acts respecting the judicial system of the United States;"

An act to authorize the issuing of a register to the barque Wilhamet;

An act to change the location of certain lighthouses and buoys;

In which they request the concurrence of the Senate.

They have also passed the bill of the Senate entitled "An act to provide additional quarters near to New Orleans for United States soldiers and volunteers returned from, or going to, the seat of war in Mexico."

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. NILES addressed the Senate, and said, this question, in this crisis of the war—he might say, this crisis of our country—was one of such grave importance, that he must be excused for making some remarks at length on the subject, however impatient Senators may be to bring the debate to a conclusion. He regarded it as a question of most grave importance. He felt himself the more bound to discuss the subject, because, so far as voting for all the measures which had led to that state of things, he had to bear a portion of the responsibility which attached to these measures.

He felt himself called on to give his suggestions as to the best mode of extricating ourselves from the novel and perilous position in which we now stand in relation to Mexico. The war had not scathed our borders—our citizens had not been burdened; but how long this exemption should continue was uncertain. He believed that the time must come when we shall be required to take the burden of taxation on ourselves instead of casting it on posterity. The war is beginning to be felt in the commercial and financial classes, and it must soon and heavily fall on the industrial pursuits of the country. The achievements of our army had added greatly to the honor and glory, and he would add, to the strength of the country. They had been obtained without burdening us thus far, except where the evil has fallen with a crushing weight on the bleeding hearts of families made desolate. We talk of exacting the expenses of the war from Mexico. How are we to ascertain the expenses? Shall we go to the Register's office to ascertain the expenses—the value of the lives already sacrificed—of a Butler, a Ringgold, a Ridgely, a Ransom, &c.? Shall we go there for an estimate of the cost which must be incurred by a further continuance of the war?

He expressed his regret that all this amount of sacrifice had been incurred without the obtainment of any of the objects for which the war was commenced. The obstacle must be sought for partly in the character of the Mexicans themselves, and partly in the tone of public sentiment here. He adverted to the distractions which lacerated Mexico, which seemed to render it impracticable for her Government to act. Prejudices had been excited against us, and the Mexicans believe that we are prosecuting the war not for the purpose of conquering peace, but for conquest and subjugation. This was attributable to the course which has been taken by many of both parties. On one side it had been alleged that the war was unconstitutional in its commencement, and it is now asserted, that our talk in favor of peace is insincere and hypocritical. But it will not do for the friends of the Administration to make this a ground of attack. It ought to have been foreseen and calculated on that an opposition would have to be encountered, and that this would form one of the obstacles to be met. But he put to Senators who had opposed the war, whether they had not carried their opposition too far?

Should Senators on the other side come into power, as he apprehended they would, had they not by their own course rendered it difficult for themselves to make peace with Mexico, if it should be devolved on them to put an end to the war? He wished to relieve them from that embarrassing position, by settling the difficulty for them beforehand.

He then took a view of the course taken by some who are members of the Democratic party, in discussing whether the absorption of the whole of Mexico would have any injurious effect on our own institutions. He deprecated this course of argument. He regretted the reference to manifest destiny, and to our Anglo-Saxon blood, as if we were to tread in the steps of our savage ancestors of that race, and spread barbarous ravage round us. These ideas were hostile to peace.

The Senator from Tennessee assumed that our Government did not desire peace, and argued from that assumption that such was the sentiment of the whole party in this country which sustains the Administration. He thought that this was assuming too much concerning the President and those who brought him into power, although he must admit there was some ground for it. He regretted that the Senator from Tennessee, who once belonged to that party, and whose talents added great strength to it, should ever have left it, as his talents might have prevented the party from taking a wrong course. But if that Senator had gone to the worship of idols, and turned his back on the true church, he had a right to select his own course.

He did not think that the attainment of peace was more difficult now than it had been, or that there was less disposition on the part of the President and his friends to seek it. He referred to the state of parties at the period of our difficulty with France, and the conciliatory tone of one party—and that the party now in opposition—which tended so essentially to the settlement of the question. While he separated Thomas Jefferson from his friends on this occasion, he asserted that there was in the latter a dangerous proneness to violent measures. His policy in endeavoring to avoid the last extremity, by resorting to every step short of it, raised up a clamorous outcry against him. He then read a number of extracts which he had made from the opinions and maxims of some of the great men who had been regarded as the fathers of the two parties.

He then went into a view of the policy—the only practical policy—to be pursued in regard to Mexico. Whatever difference may exist as to the origin and progress of the war, he thought that hitherto we stand well. He called on gentlemen on both sides to cast aside the filthy garments of party, and come to the rescue of their common country from the perils which threaten her. He briefly commented on all the various plans which had been suggested. The proposition of a military line to the Sierra Madre, he would not look at in a military view, in reference to the conduct of a campaign. But he reminded Senators that this line embraced two-thirds of all the Mexican territory, and to adopt it would be tantamount to an entire dismemberment of Mexico. He was equally opposed to the plan of a permanent occupation of what we now occupy. He desired to bring the war to a close. He thought this may be done. The war had accomplished its mission, and was now at an end. Although Mexico is in a state of distraction, she is not now in a state of war. The question is, whether we shall adopt a policy of military occupation, which is the same as the subjugation of all Mexico, or whether the Senate should take it in hand. He would retain for a time the posts which we now occupy, until another attempt has been made to negotiate a peace. He would vote for this bill, because he desired that the final effort should be an effective one. The last news from Mexico, although it indicates a disposition for peace, gives evidence, at the same time, that the general hatred against us is as settled and active as it has been at any time. It is incumbent on us to make one more effort while our power is displayed in Mexico. A treaty, he admitted, might be of little more value than the parchment; yet it was the most desirable method. The Senate, as part of the executive, had a right to give its opinion on the subject. The present moment he regarded as particularly auspicious for such an effort.

Shall we leave the offer to come from Mexico, or shall we take the matter into our own hands? It would be no excuse for us, if we do not act, to say that such was the feeling in Mexico that it was impossible for us to make a peace. It becomes us to act, and it is demanded of us by the honor and interests of our country. He would have Texas up to the Rio Grande, and indemnity for the claims of our citizens. We have Texas up to that boundary, and we have in our possession ample indemnity, in New Mexico and California. We are told that we must hold on to this, and it is intended we shall do so. We are then to continue the war until we compel Mexico to acknowledge our right to hold it. He could not see any dishonor which could be sustained by withdrawing our troops from the military occupation of the country, now that we have all, and more than the indemnity we require. This would end hostilities, if it did not end war, and there could not be much more war if there were no hostilities. In New Mexico, the citizens of which had some of the old Spanish blood in their veins, there is great hatred against us, which is kept alive by our prosecution of the war. He thought the withdrawal of our troops, and merely occupying the territory held for indemnity, would enable us to reduce our troops to fifteen thousand men, and he would be ready so to reduce it tomorrow, if his plan should be adopted.

The President's view was similar to that now suggested—the only difference between them was a question of time.

There could be no longer any war with a real force in Mexico. They talk of raising twenty thousand men, but he believed such a force would only be found to exist on paper. The only war we could now wage would be a war on the people. It did not become our country to war with non-combatants. He would not make war on the women, of whom one of our citizens says, they are rosy-cheeked and beautiful, and had he not been a married man, he would have annexed himself to a Mexican. We ought not to make war on the people. He referred to the fatal step taken by Napoleon in making war with Spain. It was the first step to his fall. He asked the chairman of the Military Committee if he desired to make an India in Mexico, and to send some Warren Hastings there, whose financial abilities would be only second to his rapacity. The necessary result of this policy must be the annihilation of the nationality of Mexico.

He then went briefly into the question of annexation, and denounced those who advocated it. Our country was not the territory we occupy; that belongs to Him who created it, and who has

placed us on it. But our country is our people, with their free institutions, and moral greatness, and system of education, and religious feeling. It is of these we ought to be proud. To annex Mexico would produce violent death. Our political system derives all its strength from the State governments; and could we pretend that out of Mexico we could create States fit for the purposes of self-government? The idea was preposterous. He reminded his friend, the Senator from Arkansas, that the Indians in Mexico were citizens, and could not be treated as we treated our own Indians. There would be no way but to follow the example of Old Spain, and send a viceroy; and this we could not do.

What law could we establish there? Should it be Spanish law? or must we translate our own laws? The same evils would be perpetrated as were perpetrated in India. The British sent out there judges, without making any laws; and when a second Jefferies was sent there, and introduced the English law, the oppression became greater than before they had any law. And what could we do with our laws in Mexico? Had they ever heard of habeas corpus or bail prise? They would consider the introduction of our law among them as an intolerable oppression. He alluded to the advantages, in point of civilization, which barbarous nations had obtained from amalgamation with enlightened nations which they had subdued. But he had never heard of any benefits which had resulted to civilized nations from overrunning an ignorant nation.

He asked if we were expected to sustain a military force in Mexico, with all the expense and all the consequences, for the purpose of preventing the interference of European nations—of keeping out a monarchy? He thought it probable that a monarchy was the best system for Mexico, most suited to her habits and interests; and we ought not to take steps to prevent her Government from taking that form. It would be a different question if England were to attempt to colonize her.

He was sorry that the President had introduced such a phrase in his message, the phrase "indemnity for the past and security for the future." It had a bad birth. It was the phrase adopted by Pitt when he plunged Great Britain in the war with France and all continental Europe. And look at the result, and the only result—the enormous national debt, rising above eight hundred millions sterling, and the oppressive burdens it imposed on every laborer and artisan throughout the kingdom of Great Britain.

It seemed that Destiny had decreed that we should overrun the whole of Mexico. His friend from New York [Mr. DICKINSON] had submitted a resolution which added "all contiguous territory." This phrase was broad enough for anything. It might embrace Panama and onwards to Cape Horn; and but for the ocean barrier, might take in the Sandwich Islands. He was opposed to this. In separate families, these countries were checks on each other; and force should never be employed to disturb this wise arrangement. Our dominion cannot be extended by force. Would we endeavor to satisfy a petty ambition by an exertion of mere physical force? Joel Barlow describes a free government as a substitution of moral for physical power.

Mr. N. said that he should regard the annihilation of the nationality of Mexico as a great evil, pregnant with injury to our own institutions. Instead of strengthening us, it would make us weaker, as it would destroy the harmonious working of our system. He had but a short time to be here, and he felt it to be his duty to warn the Senate of the dangers which might be produced by the adoption of an unwise policy in the management of the crisis in which we are now placed.

On motion of Mr. UNDERWOOD,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 10, 1848.

The Journal of yesterday was read and approved.

Mr. JOHNSON, of Arkansas, by leave, introduced a bill to create the office of surveyor of the public lands for the Territory of Oregon, and to dispose of said public lands, and for other purposes. Read and referred.

Mr. PHELPS, by leave, introduced a bill for the relief of George W Kidd, and a bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, and the acts approved October 14, 1842, amendatory of the same; which bills were read and referred.

On motion of Mr. DONNELL, by leave,

Resolved, That the Committee on the Judiciary be instructed to inquire whether any, and, if any, what alteration or extension of the act of the 29th September, 1789, entitled "An act to regulate process in the courts of the United States," is necessary, in order to adapt the practice and proceedings in the courts of the United States to the existing practice and proceedings in the courts of the several States in which the courts of the United States may be respectively held.

On motion of Mr. EVANS, of Maryland, by leave,

Resolved, That the Committee on Commerce be instructed to inquire into the propriety of making appropriations for the improvement of the harbor of Havre de Grace, Maryland, and that they report by bill or otherwise.

On motion of Mr. McKAY, the bill regulating the appointment of clerks in the executive departments and for other purposes, which had been made the special order for this day, was postponed until this day week.

PEACE MEMORIAL FROM THE QUAKERS.

Mr. KING, of Massachusetts, by leave, presented the memorial of the Representatives of the Yearly Meeting of the Society of Friends for New England, praying for the speedy termination of the war with Mexico, and moved its reference to the Committee on Foreign Affairs, and that it be printed.

The motion was divided, and the memorial was referred to the Committee on Foreign Affairs.

The question recurring on the motion to print—

Mr. KING addressed the House as follows: I had supposed that a memorial so important, coming from a people so respectable, would be printed without a question. This memorial comes from nine thousand persons residing in six sovereign States of this Union, persons who, for sobriety, general intelligence, and private worth, compare favorably with any other class of citizens; men warmly attached to the country and its free institutions. They are men who emphatically mind their own business, who maintain their own poor, pay taxes for general purposes, and educate their own children; they are not found a burden on the community, in almshouses, jails, or penitentiaries; they "render to Cæsar the things that are Cæsar's," and ask peacefully to enjoy the rights of conscience and to obey its dictates.

The Friends of New England who present this memorial, like the other followers of Penn throughout the Union, have no party or political organization; they never vex Congress with petitions about banks, or tariffs, or land distribution, or subtreasuries; it is only on great moral and religious questions that they come here; it is only when conscience prompts that their voice is heard in this Hall, and that solemn voice must not now be suppressed.

The expense of printing this memorial will not exceed three or four dollars; we every day print papers of very little importance, and some of even doubtful character. Within the last five minutes you have ordered the printing of a bill which provides for paying for horses lost or killed in the military service of the United States. This was deemed worth printing; but a memorial so decent, so respectful, from the Society of Friends, who consider themselves bound to do to others as they would that others should do to them—the memorial of the Friends of all New England, who feel a necessity laid on them to bear their testimony faithfully against all wars and fightings—a testimony which their predecessors in religious profession have uniformly borne through good report and evil report, and, in former times, through much cruel suffering, both bodily and mental—must not be printed on account of establishing a bad precedent. On the table before you lies a petition, printed in the Senate, of the officers of the United States army in Mexico, praying for the passage of a law making provision for old and disabled officers. It may be right, then, to provide for disabled officers; but it is not right to agitate the question of bringing to a speedy close the war which makes such provision necessary. The progress of the war must not be questioned, though forty battles have achieved enough for glory; though the blood of more than twenty-seven thousand slain and wounded Americans, citizens of the sister republics, has drenched the Mexican soil; though scores of thousands of widows, and orphans, and friends are mourning for their loved and lost friends. It may be right to vote men and money for the further prosecution of this war of invasion, but the refusal to print this memorial must be considered as the expression of a determination not to give the question of a speedy termination of the war a respectful and decent consideration.

Mr. K. said he hoped he should not be obliged to ask for the yeas and nays, but that the House would permit this memorial from a class of the people so numerous and worthy, and on a subject which involves the character, the prosperity, and the lasting honor and true glory of the nation, to be printed. He hoped that, however much members might be suspected of a want of conscientiousness there, they would not manifest a wanton recklessness and disrespect for a class of men who abhor all war and fighting; who cherish the belief that the peacemakers are the children of God, and whose lives and conduct exemplify and prove the truth of their professions.

Mr. COBB, of Georgia, was opposed to the printing of this document, without reference to its contents or to the character and respectability of the memorialists. The gentleman from Massachusetts was aware that opposition had ever been made to the printing of any memorial of individual citizens, however respectable. The utmost extent to which the House had gone, with some few exceptions, was to print the memorials and resolutions of our State Legislatures. It was unjust, invidious, to draw distinctions between citizens of different portions of the country. If they printed the memorial of the Friends, they ought to print the memorials of any other citizens of this country who respectfully petitioned this House for action on any subject.

The gentleman from Massachusetts [Mr. KING] said that these memorialists were good citizens; that they maintained their own poor, educated their own children, paid their own taxes, and obeyed the laws. Every word of this, however true in regard to them, (and he had no doubt of it,) was equally true in regard to the citizens he had the honor to represent; and yet the citizens of the State of Georgia had on more than one occasion passed resolutions at their primary meetings, and had signed petitions, which, when presented to this House, were refused to be printed. And not only so, but the fact was equally true in regard to the constituents of every gentleman on this floor. Yet they did not expend the public money in printing these memorials, so unnecessary and uncalled for. Once open the door, and it would be necessary to print all the petitions which were presented, (to which he, Mr. C., presumed not a single gentleman on this floor would consent,) or discriminations, invidious discriminations, must be made between the citizens of the country.

He knew not the character of the memorial; he had not examined it. He did not object to its printing on account of its coming from the Society of Friends; his objections rose on the principle he had laid down. He trusted the House would not depart from a custom founded in justice and propriety—that was, to refuse to print memorials whenever presented, unless they came from the State Legislatures, or unless there was some peculiar cause for their printing. To this rule he knew there had been some exceptions, but he trusted they would not be repeated. He moved to lay the motion to print on the table.

Mr. KING, of Massachusetts, asked the yeas and nays on the motion.

Mr. HENLEY said he did not like to be obliged to vote upon a question of this sort until——

The SPEAKER reminded the gentleman from Indiana that the motion to lay on the table was not debatable.

Mr. HENLEY appealed to the gentleman from Georgia [Mr. COBB] to withdraw it, to give him the opportunity to make some remarks.

Mr. COBB, in compliance with the request, withdrew the motion.

Mr. HENLEY asked for the reading of the memorial before he proceeded; and it was read, as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the Representatives of the Yearly Meeting of the Society of Friends for New England, respectfully showeth:

That your memorialists regard with deep regret and sor-

row the existence and continuance of the war between this country and Mexico.

We are not insensible of the importance and responsibility of appearing as petitioners before the constituted authorities of our country; but we are constrained, under a deep sense of the unrighteousness and vast practical evils inseparably connected with war, again earnestly to solicit your serious attention to it.

While your memorialists believe that all wars and fightings are contrary to the precepts and spirit of the Gospel of Christ, and are forbidden to Christians, they are aware that circumstances sometimes attend the prosecution thereof which may very much increase their calamities. How far the war in which this country is now engaged with Mexico partakes of such circumstances, it may not become us, in thus memorializing you, to decide. But, in addition to the many thousands of Mexicans, among whom are great numbers of women and helpless children, who have fallen on the field of battle, or in the capture of cities, is the fearful fact that the lives of thousands of our citizens have also been sacrificed in this strife, increasing in no small degree the number of the widows and the fatherless.

Nor can we but deplore the circumstance that our own citizens now compose an invading army within the acknowledged territory of a neighboring nation, towards whom this country has heretofore been on terms of amity and peace. And your memorialists would entreat you, as the representatives of this nation, calmly to take into your serious consideration the responsibility of your present position.

And they earnestly desire, that in your deliberations upon this momentous subject, you may be directed by that wisdom which has for its aim the doing unto others as we would they should do unto us, to adopt measures for the speedy termination of this war; and that the retrospect of after days may afford to you the consolation of having discharged your duty to yourselves, to your country, and to your God.

Signed by direction and on behalf of a meeting of the representatives aforesaid, held in Providence, Rhode Island, the 4th day of the first month, 1848.

SAMUEL BOYCE, *Clerk.*

Mr. HENLEY then said, this was not the first time since this war was begun that memorials of the same character have been presented from the same source. What did they ask for? They ask this Congress to feel sensible of the responsibility of the position they occupy, and to take measures for the speedy restoration of peace. When they come forward and address us in such language, Mr. H. understood them as charging us with not entertaining that due sense of the responsibility of our position before the country which we ought to feel; and, in making this charge, Mr. H. declared that they charged a falsehood upon this Congress; especially was it a false charge with reference to that particular party against which it was directed.

Mr. H. averred that the Democratic party had a true appreciation of the responsibility of their position, and a sincere desire for peace; and this intimation to the contrary was but a repetition of the common political slang of the day, and that was the character of the entire memorial. He had high respect for the Society of Friends; but when they came here with language which was in the mouths of every political demagogue and agitator in the land, and calculated rather to retard and postpone peace than to accelerate it, he could not consent to print it. It was a slander, come from what quarter it might, that the Administration or Democratic party ever desired war, if it could be avoided, or that they did not now desire peace at the earliest possible period, when it could be made with honor.

He admitted that the people of the Society of Friends deserved all that had been claimed for them; that they were respectable and good citizens. Many of them live in his own State and district; many of them were his own relatives. His connections, nearly all of them, happen to belong to that class of people; and he knew, and they knew, that they had been opposed to their country in every contest of arms in which she has been engaged—even in the holy contest of the Revolution they stood against their country. They may have been honest; but their fault has been, that they have permitted their peculiar notions to override their love of country and all their nobler impulses of patriotism. This was their great fault. If they would have the right to charge us with fault, he would exercise the same right with respect to these Friends.

These memorialists were praying Congress for peace. Not that we should negotiate a peace that would redound to the national honor, but to make peace at all hazards. They do not ask you to be careful to maintain the integrity of the country's name and character, but they ask you to make peace unconditionally—upon any terms. That was what he understood by the memorial, and for that additional reason he would not consent to print. He respected the Society of Friends as a people, but he had no respect for the position which they had uniformly occupied before the country, whenever the country has been engaged in war.

Mr. H. had yet something further to say in relation to these people. Although they were all very honest and conscientious, yet it might be made to appear, that even on the subject of war, they were not always altogether as conscientious as they claim to be. It was within the knowledge of Mr. H. that they had voted for military chieftains for office, though they had formally professed to believe such a course dangerous and immoral; and from this fact we had a right to infer that they were not much more conscientious than other people. He knew and admitted that all were liable to error; but if you scrutinize closely the Quaker character, it will be found to embrace a great many of the frailties of human nature; and among them, that of being inconsistent was not the least conspicuous. If they could vote for a military chieftain to sustain the cause of Federalism, they could as well support the war, if it were necessary to support the policy of the Federal party. They were not exempt from inconsistency in their conduct, and upon a close examination it would be found that they had no more claims to conscientiousness and honesty than their neighbors. He knew that in the days of the Revolution there were a few of them who joined in the contest; that in the late war, and in the present, there were to be found in that Society as true friends to the maintenance of the honor and character of the country as there were among any other class of people. To none of these were his remarks intended to apply. On the contrary, they had his thanks for this evidence of their patriotism—soaring above sectarian tenets.

Mr. PALFREY said that he understood the gentleman from Indiana to say what he, (Mr. P.,) as a new member, could not be expected to know, that it was not customary to print memorials, except memorials of States. But legal gentlemen remembered the maxim as to law, *manente ratione, manet lex*—"the law lasts as long as the reason lasts." This was, or ought to be, equally true of the usages of the House. As long as petitions were actually reported upon by the committees to which they were referred, there might be less reason for printing them, because then they became known to the House and the country in another way. But, by various artifices, the right of petition had become reduced almost to a nullity. So far had this process gone, that it was now very difficult so much as to present a petition to the House, so as to bring the prayer of the petitioners to the knowledge of the members and the country, and all the trouble which, in consequence of the strong interest in its object, had been taken in preparing it, was thus absolutely thrown away. Petition day only occurred once a fortnight; it fell on the only day in the week on which the rules and orders could be suspended; and the recent practice had been to suspend the rules on that day, so as to afford opportunity for President-making in one or another form, or any other business which was thought important enough to justify an exclusion of the people from the right of presenting their memorials to their servants on this floor. Mr. P. had had petitions on hand for more than six weeks, from between three and four thousand ministers and laymen of the Unitarian denomination, besides others, which he had not been able yet to get an opportunity to present. It was no answer to him to say that, by another rule of the House, he could hand his petitions at any time to the Clerk to go to a committee. Suppose he wanted to refer a memorial to a *select committee:* certainly the Chair would not raise one without a vote of the House. Besides, Mr. P. had only spoken a public secret when he had said that there were petitions on subjects very interesting to their signers and to the country, which, as things now stood, were doomed never to be heard of more, after they got into the hands of the standing committees of this House. The only chance for them to come before the House and before the country was by being printed. And this poor justice, at least, he should give his vote to render to the highly respectable signers of the memorial now presented by his friend and colleague.

Mr. HENLEY rose to a question of order.

Mr. PALFREY hoped the gentleman would not interrupt him. He did not interrupt the gentleman from Indiana.

Mr. HENLEY said he would interrupt the gentleman from Massachusetts. The pending question was on the motion to print.

Mr. PALFREY said he was strictly in order.

The SPEAKER was also understood to decide that the gentleman from Massachusetts was in order in alluding to facts as illustrations of an argument.

Mr. PALFREY said he believed he could satisfy the gentleman from Indiana himself that he was in order in the remarks which he had made on the question before the House. He maintained that this memorial, which came from the Conference of Friends, ought to be printed, because in no other way would it in the ordinary course of things come before the House. When such memorials as that which he held in his hand, and that presented by his friend—memorials to which signatures were obtained with so much pains, indicating great interest in the subject—were presented to the consideration of the House, if the House would not allow the rules pertaining to matters of that kind to be carried into effect—if they were to be buried in the hands of their standing committees, then he said it was most material and important that the House should print them, at least that through the medium of the press these petitions might be brought to the view of the House and of the people at large. It was to say this that he had risen, and the gentleman from Indiana would see that his argument was pertinent. He should vote for the motion to print.

Mr. HASKELL moved the previous question.

Mr. COBB, of Georgia, moved to lay the motion to print the memorial on the table; which motion to lay on the table was decided in the negative, as follows:

YEAS—Messrs. Atkinson, Bedinger, Bingham, Birdsall, Black, Bowdon, Bowlin, Boyd, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Collins, Cummins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, Flournoy, Fries, French, Fulton, Goggin, Green, Hammons, Harris, Henley, Hill, George S. Houston, Inge, Iverson, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Leffler, Ligon, Lord, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Miller, Morris, Morse, Nicoll, Peck, Peyton, Phelps, Preston, Richardson, Richey, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Stephens, Charles E. Stuart, Thomas, Thurston, Turner, Venable, Wiley, and Woodward—81.

NAYS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Blanchard, Botts, Brady, Buckner, Canby, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crozier, Dickey, Dixon, Donnell, Ducr, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Gayle, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Moses Hampton, Haskell, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Daniel P. King, William T. Lawrence, Sidney Lawrence, Levin, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Newall, Outlaw, Palfrey, Pendleton, Petrie, Pollock, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Andrew Stewart, Strohm, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, William Thompson, Toombs, Van Dyke, Vinton, Warren, and Wilson—93.

The House refusing to lay the motion to print on the table—

The demand for the previous question was seconded, and under its operation the memorial was ordered to be printed, by yeas and nays as follows:

YEAS—Messrs. John Quincy Adams, Green Adams, Ashmun, Barrow, Blanchard, Botts, Brady, Buckner, Butler, Canby, Chapman, Clapp, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Ducr, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Gayle, Gentry, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Moses Hampton, Haskell, Henry, Elias B. Holmes, Hubbard, Hudson, Joseph R. Ingersoll, Irvin, Jenkins, John W. Jones, Daniel P. King, W. T. Lawrence, S. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Mullin, Nelson, Newall, Outlaw, Palfrey, Pendleton, Pollock, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Andrew Stewart, Strohm, Tallmadge, Thibodeaux, Taylor, Tompkins, R. W. Thompson, John B. Thompson, Wm. Thompson, Thurston, Toombs, Van Dyke, Vinton, Warren, Wentworth, White, and Wilson—98.

NAYS—Messrs. Atkinson, Beale, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Bowlin, Boyd, Wm. G. Brown, Charles Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Collins, Cummins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, Flournoy, Fries, French, Fulton, Goggin, Green, W. P. Hall, Harris, Henley, Hill, George S. Houston, Inge, Iverson, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Leffler, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McKay, McLane, Mann, Miller, Morse, Nicoll, Peck, Petrie, Peyton, Phelps, Pillsbury, Preston, Richardson, Richey, Sawyer, Simpson,

Sims, Smart, Robert Smith, Stanton, Starkweather, Stephens, Charles E. Stuart, Thomas, James Thompson, Turner, Venable, Williams, Wiley, and Woodward—83.

So the memorial was ordered to be printed.

THE LOAN BILL AND THE WAR.

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. BOTTS, of Virginia, in the chair,) and proceeded to the consideration of the bill authorizing a loan not exceeding $18,500,000.

Mr. MARSH, who was entitled to the floor from yesterday, addressed the committee during his allotted hour.

Mr. M. said that he proposed to avail himself of this occasion to do what he had never before attempted to do in this place, viz: express his own opinion and that which he believed to be the opinion of a large majority of his constituents, and, as he hoped, of the whole American people, on the causes, motives, objects, and dependencies of the existing war with Mexico, and which would induce him to vote against the further prosecution of hostilities, which, though avowedly commenced for defence, were obviously to be carried on for the purposes of conquest. The advocates of the war said, that it was now too late to stop, and the only question to be settled was, what means ought to be adopted to bring the war to as speedy a termination as possible, and obtain such a peace as should be honorable to us and just to our adversaries. It would be, did a state of war absolve us from all moral responsibilities to those of the human family who happened to be our enemies? Mr. M. was one who never had been able to see the distinction between public and private morality, and who held that there was a broad distinction between a war for the defence and maintenance of existing rights and a war for the successful establishment of new claims.

In judging of the propriety of prosecuting any war, it was material to inquire into the design and purposes for which the war had been commenced; otherwise, we could never know whether the war had accomplished its end or not. In regard to this war, it was unimportant to distinguish between its primary cause and its immediate occasion. It was now, he believed, pretty generally if not universally admitted, that the primary cause of our war with Mexico was the annexation of Texas; the proximate cause was certainly the advance of the United States army to the banks of the Rio Grande; but it did not therefore follow that the war was a necessary consequence. This Cabinet might be responsible for the actual existence of the war, though its predecessor might have produced that state of things out of which it had grown. If the Administration had been guilty of precipitating this dire calamity upon the country, or if they should now refuse the terms of peace which were generally understood to have been offered by Mexico, they were responsible before God and man for all their acts or neglects in relation to the whole subject.

After the fatal wound we had inflicted on the national honor and independence of Mexico, by the absorption of a revolted province, which she still claimed as an integral part of her empire, Mr. M. would not say that it had ever been possible to avoid a war; but, as had been well shown by his friend from Connecticut, (understood to refer to Mr. DIXON,) the Administration never had *bona fide* endeavored to avoid it by soothing the wounded feelings of Mexico, or doing anything to conciliate: until this were tried, they had no right to presume, beforehand, that she would refuse all conciliation. She had at any rate committed no hostile acts; the *casus belli* had not occurred when the present war was provoked and commenced by us. He would not say that the Administration had wantonly plunged the country into this contest, with a full knowledge beforehand of its character and results; but this much he would say, that he had no doubt the President had ordered the advance of our troops under the hope that he might thereby goad Mexico into some hostile act, that would serve as a plausible reason for a large increase of the army and navy, and a proportionate augmentation of Executive patronage; and that he calculated at the cost of a small war to extort from Mexico her fairest provinces, thereby placing President Polk by the side of President Tyler, on the bad eminence of those who undertook to become the "enlargers of the area of freedom."

But, besides all this, the Executive resolved on taking steps to get the Californias. The surrender of Oregon had been predetermined, and it became necessary to propitiate the irritated feelings of the West, indignant as that high-spirited people would certainly be at the loss of what they all had been taught was their "unquestionable" right. A war with Mexico presented itself as the readiest and most likely method to effect this object, by opening to Western enterprise new regions in the South, in place of those which it was deemed the part of discretion to surrender to the demand of Great Britain.

Mr. M. said he could not regard this war but as a national offence. It was against the spirit of the times. It was a retrograde step in the onward progress of civilization and humanity. It was a misuse, a total perversion of our rich resources, a misdirection of our aims. The cultivation of the arts of peace, of reproduction, of multiplication, of creation, were now recognized on all hands as best suited to the genius and enterprising spirit of our people. To cultivate war, in preference, was an inversion of statesmanship unworthy of the nineteenth century, and against the precepts of Christianity. It called a great civilized and Christian nation to turn the ploughshare into the sword. The policy of this people was to increase by natural growth and by accretion, not to spread by acquisition and conquest. The very publicity that necessarily attended the operations of a republican government was utterly opposed to the policy of an acquisitive war, which must have been planned in darkness. But it was not a thing to be wondered at that an Administration which was in direct hostility to the encouragement of the useful arts and the protection of domestic industry should seek to divert public attention from its selfish and ambitious policy by holding up the tinsel of military glory, and waving before the gaze of the people the false and meretricious splendor of foreign conquest, and thus finding out a new and guilty employment for hands which its own course had taken from the industrial occupations and pursuits of private life. An effort had been made to hide the turpitude of this war of aggression by exaggerating the wrongs we had experienced from the Mexicans, and the glory to be acquired by victory over them. The South were told that the success of the contest would provide ample space for the spread and the confirmed establishment of slavery, and effectually dissipate the delusive hope with which Mr. Walker's letter had cheated the Democracy of the North; while, at the same time, the North was encouraged by the hope that the Wilmot proviso would be grafted on some of the war bills, and would thereby practically prevent the further extension of slavery. Those who had clothed two nations in scarlet, and dipped their hands in the blood of each other, hoped to blind the eyes of the people of this country by dazzling them with the prospect of admitting the East India trade into the ports of California.

Mr. M. said he was not the apologist of Mexico. He entertained no admiration for her character, nor was he disposed to deny that she had done us great wrong; and none could hope less than he did from a country under the double burden of the despotism of soldiery and the despotism of priests. The Mexicans were, technically, the enemies of his country, and he wished for them no trophies erected at our expense. But, on the other hand, he had no sympathy with men who would visit the sins of aspiring and cruel leaders on the poor degraded beings who were but the passive instruments of their tyranny and hell-born ambition; who scorned the civic victories of peace, and had chaplets to bestow only on the bold and reckless soldier. Mr. M. had no wish to see Mexican women converted into widows, and their cities given to the flames. He had rather his country would sit down in honest shame than enjoy the guilty glory of having, by lawless violence, spread her dominion over this entire continent. One murder made a villain, a thousand made a hero; but the statesman, who sat coolly down in the seclusion of his closet, and planned a war of party ambition, and the hot-headed ruler whose orders bathed a land in blood, were but wholesale manslayers, whom no amount of carnage and destruction could ever convert into heroes. Bonaparte, the greatest captain the world had seen, turned pale, and wept, and trembled, on discovering, that by an order rashly given to gratify a woman with the sight of a battle-field, he had shortened, though but for a few days, the lives of many of his faithful soldiers; but what compunctious visitings, what gracious drops of generous repentance, had this Administration ever exhibited at the sweeping slaughter in the streets of Monterey, the crushing of women and children in the bombardment of Vera Cruz, at the pestilence of the camp, sweeping thousands into an inglorious grave, or even at the tears and mourning that were to be witnessed in the highways of this metropolis?

But, while discussing the question of morals involved in the prosecution of this war, it would be well to inquire into the origin, the *causa causarum*, which was to be found in the annexation of Texas.

Perhaps the bare act of annexation itself, apart from the motives which led to it, and the means by which it was effected, might not warrant a declaration of war on the part of Mexico. To determine this point, it was requisite that we should know more than would, in all probability, be ever known by the present generation, touching the relations of Mexico to her revolted province. It might be urged that Texas was at the time actually independent; and it was possible, though the fact had never yet been proved, that her revolt from under the Mexican authority was justified by her misrule and oppression; but our ground of judgment must have respect to the motives and the means which produced her annexation to this Union. The motive, the avowed motive, was to prevent the abolition of slavery in Texas, and to get more space for extending and strengthening that institution. The annexation was held to be necessary to the security of the slaveholder; it was indispensable, in order to the securing of his rights as guarantied by the Constitution; and the inference drawn from these premises was, that therefore the General Government was bound to aid in the project. It was true that a timid suggestion had been added as to the probable loss of a great market for northern manufactures; and a humbug was gotten up about Texas being necessary to the Union, as a means of strengthening the defences of an exposed frontier; and, as a make-weight, there had been thrown in an apprehension of the power of British influences which would be exerted there, should annexation not be effected; but he passed all these considerations, because, though they might possibly be successful in gulling such persons as had been simple enough to give credence to the Kane letter, assuring them that Mr. Polk was a great friend to protecting domestic industry, yet it was perfectly notorious that they never had availed to influence a single vote in Congress. Congress had had before it the naked question, as a southern question—as the question of slavery. The question before them had been, whether this General Government was or was not called upon to support and strengthen that institution, by giving it space for a greater extension? Up to that time, it had always been contended by the South, and generally admitted by the North, that the General Government had no jurisdiction as to slavery; but, as had been well said by another, in their over-heated zeal, the friends of annexation conceded a principle which the abolitionists had not been slow to take advantage of, viz: that Congress had the right of legislation on a subject which had hitherto been confined exclusively to the legislative power of the States.

Mr. M. said he should not now undertake to discuss the subject of slavery either as a Christian or an unchristian institution. He had formed an opinion on that subject which remained unchanged, in spite of the theological argument which had been made on this floor, and the proofs in its favor which had then been adduced from holy writ, and which, if certain indications and intimations were worthy of confidence, were soon to be repeated again in that House; but it was of the highest importance to remember, and the fact ought never to be forgotten, that the leading motive of those in authority in getting up this war with Mexico was the perpetuation of slavery.

However wrong the motive of the war might have been, there was yet more of crime in the means used in bringing it to pass. Whoever wished to read the blackest page in American history should ferret out the secret intrigues, the hidden unacknowledged plans and insidious deceptive efforts to excite the nation and get it up to the war pitch, in order to use that powerful feeling to effect certain predetermined party objects. He ought to

dive into the recesses of that Machiavelian policy which held out different baits to different portions of the country; that, by combining the action of many discordant elements and applying it in one direction, annexation might be accomplished in spite of the North. He should watch and see how that contemptible faction long continued to swing backward and forward between the remonstrances of conscience and party interest, till they were at last fixed by means which proved irresistible. He should take pains to learn what votes had been dictated by craven fear, and what by damnable corruption.

But the conduct of those who had been the most unscrupulous in plotting to effect annexation was less enormous in atrocity than that of their northern allies, who had excused their votes for annexation under the salvo of the "Wilmot proviso," or the "Brinkerhoff proviso," according to others. If they chose to go to loggerheads with each other about the name, let them do so, and keep at it as long as they liked. Mr. M. was willing to vote in support of *that* war. Whether it was the Brinkerhoff or the Wilmot proviso, it was the boldest experiment that ever had been tried on the credulity of the American people; but now that that humbug had utterly failed to accomplish either of the objects for which it was gotten up, he should not be surprised if those who had been the loudest and most clamorous in its favor should prove to be the very first to listen to the voice of temptation from high places.

He knew that there were some Democrats who had voted for that measure, who were men of honor and integrity, and had been actuated by an honest regard for the good of the people; but others had been tempted to concur in the measure as a means of testifying the regret they felt at having voted for annexation. But the great mass were of a far different description. Some were actuated by a propelling force operating at home; others for the sake of disposing of an obnoxious western candidate for the Presidency, who had committed himself by a vote in the Senate, while their northern candidate lay snugly perdu, and escaped the responsibility. If the same western gentleman should be a candidate, his noisiest advocates would find—[but what it was they would find the reporter failed to hear.] In March, that proviso had been defeated by five votes, after having been previously carried by nine. The Administration succeeded in its defeat by using only five votes; had more been necessary, they could have had fifty. [Voices: "That is a fact."] But because an election was approaching in New Hampshire, and another in Connecticut, and something else was coming on in Maine, a dispensation was granted for this one time to northern friends of the Administration, and they were allowed as an act of grace to vote for the proviso, for this time.

Mr. M. said he was not very well acquainted with the present feelings of southern gentlemen on the subject of annexation, but he believed that they began to discover that it was not quite that El Dorado they had imagined; that it had involved us in a war, and had had the effect of exciting among our people a lust of land that had led and was still urging us on to the commission of all sorts of crimes. In the North, it had raised a tempest before which the Administration began to quail; and even some clear-headed men in the South itself began to doubt the wisdom of the step they had taken, and were fain to be content to veil the effulgence of the "lone star," by accomplishing a peace with Mexico.

The only remedy for the evils we endure was a just and honorable peace. But what was an honorable peace? No peace could be honorable to us, that was not at the same time honorable to Mexico. There was no honor for the strongest party in a contest in bringing it to an end, unless he had regard to the honor of the weaker party also. It was said Mexico was largely indebted to us, and we must insist upon full payment of the demand. Was Mexico indebted to us for secretly fomenting rebellion in one of her provinces? Did she owe us for our taking forcible possession of territory she claimed as hers, and which our own Senate had solemnly voted to be hers? Did she owe us for slaughtering her unoffending citizens; for the capture of the castle of San Juan de Ulua; for the bombardment of Vera Cruz; for the capture of her ancient capital, or for the disgrace and dispersion of her Government? What, in fact, did she owe us but the debts due to our private citizens for depredations committed on their property? And who could doubt that these she was willing and anxious to pay?

But, on the other hand, had it never been declared here that we owed Mexico for the loss of her province of Texas? Nay, had no intimation been made to Mexico herself to that effect? Who was prepared, who was able to strike the balance, and to show the amount due from us? Our citizens claimed some three millions for indemnities; could any one show that the compensation we owed Mexico was not twice or three times three millions?

Gentlemen repudiated all idea of acquisition of territory by conquest. All they asked was, that we should get California and New Mexico as an indemnity to the United States for the charges of this war. Mr. M. insisted there was no excuse for the war on the plea of indemnity. Texas alone was indemnity enough. That alone was more than enough. A compulsory treaty to pay us for the war would be dishonorable to Mexico, and doubly dishonorable to ourselves. And the President and the Administration were now ready to buy what before was to have been obtained by conquest.

It ought never to be forgotten that the strength of a nation was not measured by the strength of her army or navy, or by the splendor of its government. A splendid government was not the object in the view of our fathers when they framed the Constitution. Would any gentleman maintain that the little Republic of San Marino was less happy than the great States of Europe, or that the Duchy of Tuscany was less happily administered than if it were under the splendid sceptre of Metternich? Did gentlemen forget that the quiet, unpretending Norway was at this day the freest country in Europe? It was not military strength which enabled a country to resist the invasion of their liberties. Great fleets and armies, on the contrary, were themselves means of Executive patronage. They were a concentrated embodiment of Executive power, while the resistance of that power was enfeebled from its being scattered. In small republics the distribution of power among different departments tended to the preservation of liberty; but in large republics the reverse was true. The States had no fleets, no regular armies; and though the militia, even of one State, might defy the armies of the Federal Government to arms, yet those armies might nevertheless enable an ambitious and unprincipled President to subvert the liberty of his country. So it had happened in the case of Rome; the legions which had been raised for the protection of the frontier had fixed a Dictator on the throne. And so it seemed not impossible it should happen again. What had we lately seen? The legions of Pennsylvania had voted in Mexico. The ballot-box was carried with them as a piece of camp furniture, and a military commander issued his order for the holding of an election for civil officers!

When a country possessed a genial soil and climate, capable of sustaining human life by moderate industry, and of furnishing the materials of a profitable commerce, and of supplying its population with ample means of resisting invasion from without, and when its position as a nation was recognized and respected by the family of nations around it, that nation was in possession of all the conditions of national prosperity. To it nothing could be gained by a war for territory. Now, the United States had reached this point long ago. He was of opinion that our original limits were amply sufficient to secure to us all these advantages. And he often felt inclined to doubt whether it had not been better for us had we remained to this day within those limits. Our territory was then equal to the kingdom of most European monarchs; it was inviolable by any foreign Power; it supplied us with a vast and growing commerce: what more did we need? Mr. M. would not dispute the wisdom of acquiring Florida and Eastern Louisiana, because that seemed to be needful to furnish a depôt for western commerce: but he did not see how our condition could be improved now by any new acquisitions. He could not perceive how the value of southern land would be increased, or the price of Genesee flour raised, by our getting New Mexico; or how the merchants of Boston, and New York, and Philadelphia, and Baltimore, and Charleston, would be enriched by having the seat of the China trade transferred to the bay of San Francisco. We surely needed no more land than we now had, either for population, commerce, or defence; and he was not willing to wage a guilty war for the benefit of posterity.

Mr. M. confessed, moreover, that he was a good deal skeptical as to the very florid descriptions which were given us of the regions of California and Oregon: but if they were all that some represented them to be in fertility of soil and natural advantages of every kind, they would soon become able to set up an independent government for themselves. Those countries were rapidly filling up by a population from the midst of ourselves: they would naturally sympathize with our forms of government; but there could be no common interest between them and us; and the time must soon come when the temporary bonds which might unite them to this Republic must be severed. And was it worth all the blood and treasure of this war to obtain such an acquisition as that? But, even should the acquisition of territory be permanent, where was the proof that it would be of any advantage to us? The advantage was not to be found in their natural productions: for all admitted that they would not sustain a dense population: they were adapted only for the residence of a people in the lowest stage of civilization, in the semi-barbarous or pastoral stage. The population was mixed, heterogeneous, and different from us in language, laws, religion, and customs. The experience of years had proved that they were unable to govern themselves: they were too ignorant to appreciate the value and blessings of free government, or to sustain it even when it should be set up among them.

But how was this war to be carried on? Did the Administration really presume that the North would be weak enough to bear the expenses of a war undertaken and prosecuted exclusively to promote the interests of the South? The annexation of Texas, by bringing two new votes into the Senate, had enabled the South to depreciate the industry of the North, and deprive it of the national protection; and now the same political aspirants, after having done this, and plunged the country in a war, called upon the North to pay the expenses of the whole movement. The Secretary of the Treasury proposed to tax tea and coffee; others proposed to tax all the articles on the free list; others to tax bank stock and gold and silver vessels. Disguise the scheme as they might, it was all intended to shift the burden of this war, undertaken for southern interests, upon the shoulders of the North. Would southern gentlemen tell him what amount of bank stock was owned by the three or four millions of our southern slaves? What amount of costly jewelry adorned their persons or their dress? Or what golden goblets or silver plate were usually employed by them at their meals?

Mr. M. here warned these gentlemen that none of these schemes to tax one part of the country to pay for a war to benefit the other part of it would ever succeed. Those who commenced and were desirous of protracting the war ought to bear its burdens, and would have to bear them.

It had been very flatteringly said here that the people were too patriotic to refuse taxation for the support of the war. Well, and if they were, were gentlemen here ready to tax them according to the provisions and original intent of the Constitution—that was, in proportion to representation? If any northern man should vote to tax the slaves who were represented on that floor, what southern man would vote for the bill? It had been said by a gentleman here that no direct taxation would be needed. Mr. M. was not of that opinion. We never should get at a knowledge of the whole expenses of this war; but looking at the various sources of expenditure while the war continued, and at the long train of claims that would follow it, it would be found that the estimate made by a distinguished gentleman at the other end of the Capitol was not an extravagant one.

The population of Mexico at this time was three times in amount what ours had been at the Revolution; nor were they divided, as we had been, by doubts as to the soundness of our cause; not a doubt was felt in any breast, but they were all united as one man in the defence of their country and their religion. Now, if Great Britain, after an eight years' contest, was content to withdraw her fleets and armies, and sacrifice every point for which she had gone to war with us, at what expense should we in the end be willing to withdraw

from Mexico and sign a peace, giving all we were willing to ask and she to give?

Mr. M. said that he had thus briefly assigned some of the reasons against the acquisition of new territory; and he thought that it was possible, by a union of good men throughout the country, to avert this dismemberment of Mexico. Let them insist on a peace that should be short of any dismemberment of Mexican territory; let them refuse to sustain any longer a war for conquest; and say that they were ready to settle upon the terms offered at the commencement of the struggle.

There was another consideration which ought to have commanding weight with all who loved their country. The moment we should acquire any new territory at the South, the flames of the old Missouri question would break forth anew, and burn more fiercely than before. The very moment such a treaty came into the Senate, the northern States would at once say that there must be a restriction against the admission of slavery. The South would rise up and say, we never will consent to any such restriction; it is an outrage on our rights. And thus the new provinces would only be a thing to quarrel over, but never to enjoy.

Mr. M. said he had admired the firmness of southern gentlemen on the Oregon question; that inflexible firmness saved us from a war with England, which seemed otherwise inevitable. It compelled the Administration to settle a very difficult and embarrassing question in a manner which was now shown to be wise and satisfactory to all.

It was contended that the passage of the supply bill, in May, 1846, was a committal of all who voted for it to the support of the war. This, to say the least, was not very ingenuous. The first bill, as reported, contained no declaration of war, nor any assertion that war existed by the act of Mexico; that declaration was foisted in by an amendment when but two hours of debate remained, and no Whig was suffered to get the floor to oppose it; and the bill finally passed under the previous question.

Nothing at that time was known of the victories of Taylor at Palo Alto or Resaca; everybody supposed our army to be in a most perilous predicament, and that, if not reinforced, it must ultimately be cut off. War doubtless existed; and it was our duty to rescue the little band of brave men who were in such peril. Could they refuse this, although the preamble was forced upon them by an inflexible majority? Most of them thought not. They saw the snare which had been prepared for them; they were forced either to seem to sanction the war, or to encounter popular indignation by refusing supplies; and they resorted to the only mode left them of foiling the base stratagem of their opponents. Perhaps they had been in error; perhaps they should have known better the valor of our noble little army; but, if they erred then, it would be doubly an error now, after the open avowal which had been made of the iniquitous object for which the war was carried on.

There were particular reasons against granting the new regiments asked by the Executive. The report from the War Department stated that the regiments already in Mexico were not filled. The President should first fill these ranks before he asked for new ones. But the policy was too obvious to be hid. New regiments opened doors for new patronage. Loaves and fishes were thus put at the disposal of the President wherewith to reward partisans. And if these regiments should be raised, did any one expect that the command of them would be given to men of military experience? If you wanted to know who were to get the epaulettes, only look at the hungry expectants who were flocking up like cormorants and whooping like empty-bellied wolves at the heels of power. He knew there were some most honorable exceptions; but look at the mass of them who now elbowed you on the avenues to the War Office. Whiskered coxcombs, microscopic Orlandos, bustling manakins, fellows whose very eye seemed to cry out, "Fee-fau-fum, I smell the blood of a Mexican, alive or dead, I will have some." [Loud laughter.] Mr. M. was almost ready to cry with the prince in the play—

"Mine eyes are out,
With the fierce looks of all these bloody men."

He referred to the gross injustice that had been done to the bravest officers of the regular army. Not only had they been treated with studied neglect, but a strenuous effort was made to deprive them of the credit they had so dearly earned, and to ascribe to the mere animal courage of volunteers what was due to the skill and science of the educated gentlemen of the army. He did not deny the valor and patriotism of the volunteers. Americans had often proved their possession of these virtues on many a hard-fought field, when annexing Mexico was never heard of. But what excited the loud commendations of intelligent military men of other nations, was the skillful strategical movements, the scientific combinations, and judicious ordering of the field, which had guided the valor of the army to such illustrious victories. This was owing to the military education enjoyed by the leading officers. But this was decried; and an effort would, he doubted not, yet be renewed to prostrate the military school, and make the commands in our army mere rewards of partisan services; and the road to military preferment would be found in political subserviency and a staunch adherence to party mandates.

Mr. M. was referring to the studied absence of Executive commendation of the merits of those who had effected the noblest exploits of valor and skill, when his hour expired, and he resumed his seat.

Mr. BROWN, of Mississippi, said: I am aware, Mr. Chairman, that I am to speak under many disadvantages. The committee have manifestly grown weary of this discussion; and nothing less than such a speech as that with which we have been entertained by the gentleman from Vermont [Mr. MARSH] will now interest them. The speech was beautiful in its conception, and chaste in its delivery; and though, to my mind, illogical in its deductions, and erroneous in its conclusions, it arrested the profound attention of the committee. If I had selected my own position, I should not have chosen to follow such a speech, it not being my purpose to reply to it. The difficulty in obtaining the floor has imposed on me the necessity of speaking when I am permitted, and not when I desired to do so.

The opinions of my constituents constitute a part of the grand aggregate of public sentiment in regard to the Mexican war; and both they and their representative have a reasonable anxiety that these opinions may be included when the general account current with public opinion comes to be made up on this subject.

We believe the war to have been just and constitutional in its commencement; that it has been vigorously prosecuted thus far, for wise and proper ends; and that it should be so prosecuted, until we have the amplest reparation for past wrongs, and the fullest security that our rights as a nation are to be respected in future. To this end, we are prepared to vote such number of troops, and such additional sums of money as, in the judgment of the commander-in-chief, may be necessary to attain these objects.

The gentleman from Vermont [Mr. MARSH] has said that the annexation of Texas was the cause of the war, and I agree with him. War, he says, was not the *necessary* result of annexation, and again I agree with him. It was no *just* cause of complaint with Mexico, that we annexed Texas to the United States. This, to my mind, is clear; and yet, if we had not had annexation, we should have had no war. Mexico may have destroyed our property, murdered our people, insulted our flag, and violated her treaty stipulations, as she had done for many long years, and such is our love of peace, that we would have borne it all with patience, and waited for reparation on the tedious process of negotiation with a nation proverbial for being slow in making treaties, and swift to violate them after they are made. But when Mexico came upon our soil, in all the panoply of war, burning our houses, plundering and murdering our people before our face, threatening desolation to the country, and menacing our little army with a total overthrow, we began at last *to think* of war. The old leaven of 1776 began to work—the spirit of 1812, which had been dormant for more than thirty years, awoke from its slumbers; still we only thought of war. Mexico threatened, but we looked for peace. Point Isabel had been set on fire, Cross was murdered, Thornton and his command were captured and borne off in triumph, and yet we had no war. A Mexican army threatened to attack General Taylor in his camp, and yet war lingered in the lap of peace. At length, a Mexican general, at the head of a Mexican army, boldly threw himself across the path of our forces, and hurling defiance in their teeth, disputed their march at the mouth of the cannon. Two bloody conflicts (in both of which, Mexico, true to her national instincts, fired the first gun, and made the first retreat) were the consequences. And after all this, we are told that *we* commenced the war.

The President, it is said, commenced the war by ordering the army into Mexico, and by his subsequent "unnecessary and unconstitutional" orders to General Taylor to advance and take a position on the Rio Grande. Let us examine these orders, their dates, their contents, and the circumstances under which they were issued—not as partisans, intent on gaining advantage for the one or the other party, but as patriots, as the representatives of a free people, who love justice as much as they love their country. But before we do this, let us examine into the history of that Texas, the annexation of which produced the war, to the end that we may fully appreciate the justice of the complaint urged with so much vehemence and ill blood by Mexico against it. Having admitted that the annexation (however unjustly made so) was the cause of the war, I should fail in doing justice to the President, improperly charged as he is, by a vote of this House, with bringing the country into a state of war "unnecessarily and unconstitutionally," if I did not note the precise agency which he had in the transaction. As a private citizen he gave his opinion in favor of it, as did hundreds of thousands all over the Union. I shall not pause to inquire how far his views may have influenced his countrymen, or to what extent an expression of them influenced his fellow-citizens, in calling him from private life to preside over the destinies of this great nation. The conviction has taken deep root in the public mind, that the expression of opinions adverse to those of Mr. Polk defeated the nomination to the Presidency of one distinguished man before a convention of his party, and the election of another by the people. From all of which, I have concluded that Mr. Polk did not lead, but followed public sentiment on this subject. The sin of the President is not (if I am right in this) that he led, but that he followed, his countrymen into a false position, if false it was. The responsibility rests, therefore, where I hope responsibility in this country may always rest on all questions of vital interest, with the people—the people who demanded annexation—the people who never did and never will shirk the responsibility of their own act—the people who will, if *permitted*, fight out this war to a speedy and honorable issue—the people who will supply all the means, both in men and money, and in the end, in defiance of opposition here or elsewhere, demand and obtain just and honorable terms of Mexico. They will settle their accounts in their own way, not only with Mexico, but with their representatives here, meting out justice to whom it is due.

Annexation, I have said, was no just cause of war. In this I but concur in opinion with the eloquent gentleman who preceded me. I am glad, too, to find myself sustained in this by another of New England's sons—a man to whom I know many thousands of his countrymen look for counsel, and on whose accents they hang as upon the words of inspiration—a man who not only speaks but thinks for a large number of people, who do their thinking, as princes sometimes do their wooing, by proxy. Mr. Webster is reported to have said, in a late speech on this subject: "And I 'go further: I say that, in my judgment, after 'the events of 1836 and the battle of San Jacinto, 'Mexico had no reason to regard Texas as one of 'her provinces. She had no power in Texas; but 'it was entirely at the disposition of those who 'lived in it. They made a Government for themselves. This country acknowledged that Gov'ernment, foreign States acknowledged that Gov'ernment; and I think, in fairness and honesty, 'we must admit, that in 1840, '41, '42, and '43, 'Texas was an independent State among the 'States of the earth. I do not admit, therefore, 'that it was any just ground of complaint on the 'part of Mexico that the United States annexed 'Texas to themselves."

Let us now, Mr. Chairman, look to the record, and see how far it justifies these conclusions. What was Texas at the period of annexation? A sovereign and independent republic. History so

records her. The nations of the earth had so acknowledged her. She won her independence, as we won ours, on the battle-field. She maintained it, as we maintained ours, by the energy, the valor, the indomitable courage, of her people. We acknowledged her independence, as other nations had acknowledged ours—as we and others had acknowledged the independence of Mexico herself. We did not consult Spain when we acknowledged the independence of Mexico; nor did we think it necessary to consult Mexico when Texas asked to be recognized as independent of her lawless tyranny.

Texas, thus independent, asked admission into our Union. She presented the sublime spectacle of an independent republic, asking to blot out her separate nationality, and to merge her political existence into that of a sister republic; that the flag of this Union, with the addition of another star, might be permitted to float over the people and the territory of two nations united into one. The politicians raised their voices against it, but the *people* said it should be done, and it was done—*Vox populi*.

What Texas was it that was thus annexed to the United States? It was that country which we had acquired from France in 1803—which we ceded to Spain in 1819—which never did belong of right to Mexico—which Houston and his brave compatriots wrested from tyranny and misrule on the plains of San Jacinto, and over which they extended, and continued for eight years to maintain, both civil and military jurisdiction. It was the country lying between the Sabine and the Rio Grande; and we have the concurrent testimony of living witnesses, who have come down to us from another generation, that history is right. Mr. Clay and John Quincy Adams are these witnesses.

It is now said, that Mexico, in fixing the boundary between the departments of Texas and Tamaulipas blotted out the old landmarks as recognized in the treaties of 1803 and 1819, and appointed the Nueces as the dividing line. This may be so, or it may not. I have tolerable evidence that it is not. I neither admit nor deny the truth of the assertion; therefore content myself with saying, that without stronger evidence than I have yet seen, I must adhere to a conviction long entertained, that the Nueces never was the boundary between Texas and Tamaulipas by any *law* of Mexico, *properly so considered*. But this is wholly immaterial. The gentleman from Georgia [Mr. STEPHENS] took the correct view of this subject, and I am happy to have his concurrence on one point, and to commend his views to his party. Texas, says the gentleman, extended as far west as the people of that country established and maintained their authority, and this I shall demonstrate was to the Rio Grande. The first Texan Congress that assembled after the battle of San Jacinto defined the western boundary by the Rio Grande. When we and other nations acknowledged her independence, this was her boundary, as defined by herself; we acknowledged her jurisdiction over the whole country without restriction or limitation. Texas laid off counties in the country between the Nueces and the Rio Grande, and these counties were represented when, as a State, she asked admission into the Union. She declares all her laws, not inconsistent with the annexation resolutions nor with the Constitution of the United States, to be still in force. Now, was there anything either in our Constitution or in the resolutions of annexation not perfectly consistent with this law defining the western boundary of Texas by the Rio Grande? Nothing, sir. The question of boundary, by the resolutions, was to be finally settled, so far as the United States and Mexico were concerned, by negotiation; and until our Government, by virtue of the power thus reserved over the question, concluded this negotiation, the laws of Texas, by the terms of the compact, remained in force. But further than this, Texas, by her constitution as a State of this Union, defines the counties of Bexar and San Patricio, as in senatorial districts. These counties lie, in whole or in part, between the Rio Grande and the Nueces. The United States admitted her as a member of the Confederacy, knowing that she had fixed her western boundary at the Rio Grande, and approved her constitution defining the senatorial districts I have just mentioned. Not a court for the transaction of business was held in that country, save under Texan laws. Texas, then, established and maintained her civil jurisdiction over the country. In a military point of view, how did she stand? Whenever Mexico, by her predatory invaders, crossed the Rio Grande, she commenced killing and destroying, showing that she was among enemies. Surely she would not thus prey upon her own people; and Texas, when she drove out the invaders, always pursued them to the Rio Grande; and she drove them out as often as they came in. Thus, I think, her military authority over the country is made complete.

When the United States admitted Texas into the Union, it was with a full knowledge that she had defined her western boundary by the Rio Grande; that she had maintained that boundary by her civil and military authority. We accepted her constitution, establishing, as it did, a senatorial district west of the Nueces, and extending to the Rio Grande. We did more than this, in declaring Corpus Christi a port for the collection of duties. We established a post office there, and another at Point Isabel; we established post routes in the country. Thus, in every form in which the question may be viewed, whether in regard to the legislation of Texas, or of our own Congress, the country between the Nueces and the Rio Grande has been recognized as within the limits of Texas. Congress, in times of peace, has never assumed the right to collect duties, and to establish post offices and post roads in Mexico; and by this very act of legislation, we have proclaimed to the President and to the world, that the jurisdiction of the United States has been extended to all the country between these two rivers. Under these circumstances, what was the President's manifest duty? To abandon a country, thus recognized as within the rightful limits of a member of the Union, and therefore under the ægis of national protection?—to give it up to Mexican rapacity, suffer our custom-house to be burnt, our post offices destroyed, our mail-carriers killed or taken prisoners?—the houses of our citizens destroyed, and themselves and families butchered or driven from the country? Had he done this, his present revilers would, with justice, have heaped mountains of abuse on him. The whole country would have risen up against him, and he would indeed have been buried so deep beneath the curses of his countrymen, "that the arm of resurrection never would have reached him!"

What, again let me ask, was the President's manifest duty? To settle the question of boundary by negotiation, as the annexation resolutions had provided; and, until this was done, to hold peaceable possession of all the territory within the rightful limits of Texas, and, if needs be, *to repel any hostile invasion of it* from Mexico or elsewhere.

For a more perfect understanding of the President's course, let us consider the temper in which Mexico received an intimation that Texas was about to be annexed. As early as 1843, (when Mr. Webster thinks Mexico had no just claim on Texas,) her Minister of Foreign Affairs thus writes to Mr. Thompson, our minister resident in Mexico:

"The Mexican Government will consider equivalent to a declaration of war against the Mexican Republic the passage of an act for the incorporation of Texas with the United States; the certainty of the fact being sufficient for the proclamation of war, leaving it to the civilized world to determine with regard to the justice of the cause of the Mexican nation in a struggle which it has been so far from provoking."

Mexico continued to threaten, and our people became more resolute on the question of annexation—very properly determining to do what they had a right to do in defiance of Mexican threats or Mexican arms. When the voice of the people had triumphed over the voice of the politicians, and when, in obedience to the popular mandate, the annexation resolutions passed both Houses of Congress, what course did Mexico pursue? Her minister resident here, addressed to Mr. Calhoun, then Secretary of State of the United States, a formal protest against this consummation of the will of our people. From this protest I submit an extract. After assigning what he is pleased to term reasons against the annexation, General Almonte proceeds:

"For these reasons, the undersigned, in compliance with his instructions, finds himself required to protest—as he does in fact protest—in the most solemn manner, in the name of his Government, against the law passed on the 28th of the last month by the general Congress of the United States, and approved on the first of the present month by the President of these States, whereby the province of Texas, an integrant portion of the Mexican territory, is agreed and admitted [*se consiente y admite*] into the American Union. The undersigned, moreover, protests, in the name of his Government, that the said law can in nowise invalidate the rights on which Mexico relies to recover the above-mentioned province of Texas, of which she now sees herself unjustly despoiled; and that she will maintain and uphold those rights at all times, by every means which may be in her power."

Now, sir, what have we here? The Mexican protest against the annexation of Texas—"*The province of Texas, an integral portion of the Mexican territory.*" The bold Mexican scorns to speak of a divided province or territories in dispute. He had heard of the "fifty-four-forties," and he became in spirit one of them. He went for the whole or none. And what was the threat distinctly put forth in the minister's protest? That Mexico will uphold her right to Texas at all times, and *by every means which may be in her power*. What *means* are here alluded to? She had threatened war if Texas was annexed. The people of the United States spurned the threat; and after the annexation is consummated, Mexico says she will use *all the means in her power* "to recover the province of which she sees herself unjustly despoiled." These *means* were armies, equipped for action—they could be nothing else. After this petulant exhibition of the Mexican minister, he received his passports at his own request, and left the country; and what followed? Every gale that swept from the south bore upon its wings some note of preparation in Mexico to invade Texas. Her embattled hosts were congregating from her hills and her valleys. At every step she uttered war, and not a breath escaped her that did not carry with it the taint of her deep and damning hate of our country and our laws. Look at all this, and answer me, if the President would not have been grossly derelict in his duty if he had not been warned? Would he not have betrayed the confidence of a generous people if he had not prepared to meet this approaching crisis? Nor was the President left to his own conjectures and the warnings which Mexico had given from time to time of her hostile intentions. The Texan Secretary of State appealed to the United States, through her minister, (Mr. Donelson,) for protection to his country against Mexican vengeance,—a modest appeal, sent up by a young sister not yet in the full bloom of womanhood, to be protected against the infernal lusts of an infuriated monster. How should such an appeal have been answered? How was it answered? By sending our eagles to hover around and protect the young State. And who shall say it was wrong? Where are the men that dare stand up before the American people, and tell them, that after Texas was annexed by their order, the President ought to have given her over to the merciless spoliations of Mexico? There they sit, sir, on the opposite side of this Hall; the men who, in full view of all the facts, have soiled the Journals of this House with a charge that the President involved us in an "unnecessary and unconstitutional war"—a war commenced, as Mexico herself declared, "to recover the province of Texas, of which she saw herself unjustly despoiled."

Gentlemen, when closely pressed, admit that the army might rightfully have been sent to *Corpus Christi*. How dare they deny it? Congress had declared it an American port for the collection of duties, and had otherwise legislated in regard to it. And where, sir, is Corpus Christi? West of the Nueces, by a parallel line, several miles, and in that very territory which gentlemen now claim as disputed territory. American Senators and Representatives have set up for Mexico a boundary which she never did, until prompted to it by them, set up for herself. They claim the Nueces as her boundary, and we for our own country claim the Rio Grande. Now, you admit that our armies might rightfully cross the boundary claimed by you for Mexico, and yet you say that they could not, "lawfully and constitutionally," penetrate as far west as our boundary. Will some gentleman oblige me by pointing out an intermediate stopping point—some place at which our army might halt without a violation of the rights of Mexico or our own "Constitution." Until this is done, I must indulge the opinion, that by the same right that they crossed the line claimed for Mexico, they could advance to the boundary claimed for the United States. There was no intermediate stopping point.

Gentlemen claim that the territory between the

Nueces and the Rio Grande was neutral territory. How came it to be so? You tell me it was territory in dispute. Who made it so? Mexico certainly never did. She claimed, I repeat, all of Texas, and scorned to speak of anything short of a recovery of the whole province. But admitting (which can only be done for the sake of argument) that the territory was in dispute—had we not as much right to be on it as Mexico? And if we went there and occupied it first, might Mexico come with force of arms and drive us away? Does not common sense revolt at the idea, of the right of one party to drive another by force, from the occupancy of an estate to which each have an equal claim?

But gentlemen tell us the question of boundary ought to have been settled by negotiation; and I agree with them perfectly. It ought to have been so adjusted. The gentleman from Vermont [Mr. MARSH] says the President never intended or desired to settle the dispute without a war. He longed for a little more patronage, a few more offices, with which to sate the cormorant appetites of his hungry expectants. A most unworthy charge, as ridiculous in its conception as it is untrue in fact. That the President did desire to settle this and all other matters of difference with Mexico, "let facts be submitted to a candid world." After all the demonstrations which Mexico had made from time to time, the President contented himself with sending a small army to the frontiers of Texas, and took the earliest opportunity of assuring Mexico that the army was sent with no hostile intentions; and these assurances were from time to time repeated in the most positive and emphatic form. When sufficient time had elapsed for passion to subside and reason to resume her dominion in Mexico, the President, advancing with the most cautious steps, directed a communication to be written to our consul in Mexico, (the minister having been sent home,) instructing him to ascertain if Mexico would receive "an envoy intrusted with full powers to adjust ALL QUESTIONS in dispute between the two countries." This despatch of Mr. Buchanan bears date September 17, 1845; and on the 17th of October following, (only one month,) Mr. Consul Black encloses the answer of Mr. Peña y Peña, Mexican Minister of Foreign Affairs, stating that Mexico would receive "*the* commissioner who may come with full power to settle the matter in dispute," &c. Now gentlemen rise in their places and tell us that the President intentionally picked a quarrel with Mexico; that Mexico agreed to receive *a* commissioner, and the President sent them an envoy. For once, I give them the credit of *following* the enemies of their country. Mexico herself *first* made this point. The published documents (Doc. 196, H. R., 29th Cong., 1st sess., Executive) show that the United States offered to send "an envoy," and Mexico agreed to receive "THE commissioner;" not *a* commissioner, but *the* commissioner; meaning evidently to imply, that *the* envoy, *the* minister, *the* commissioner, the diplomatic agent of the United States, "charged with a settlement of all questions in dispute between the two countries," would be received in whatever name or style he presented his credentials. And so Mr. Buchanan understood it; so the President understood it; so Mr. Consul Black understood it, for, on the 28th of October, we find him writing to the Secretary of State that "the Mexican Government is very anxious to know when they may expect THE ENVOY." What plausible pretext is there that Mexico expected a commissioner? She expected and had agreed to receive the diplomatic agent which our Government had proposed to send. This is manifest from the whole correspondence. Paredes threatened to overthrow the weak or treacherous government of Herrera; and, by way of sustaining his tottering fortunes, his Secretary was doubtless directed to make the best possible showing against the reception of Mr. Slidell, who, it is known, had proceeded to Mexico with extraordinary despatch, and presented his credentials as Envoy Extraordinary and Minister Plenipotentiary, on the 8th day of December; and on the 17th of the same month he reports his rejection to the State Department at home. I need not recapitulate the reasons assigned for this extraordinary conduct on the part of Mexico: they were as puerile as they were absurd and contradictory. It was here stated, for the first time, that Mexico had agreed to receive a *commissioner*, and that the appointment of an envoy was not in accordance with the agreement; that Mexico only contemplated negotiations on the subject of Texas, and that the powers of Mr. Slidell, as Envoy Extraordinary and Minister Plenipotentiary, were not sufficient. Did stupidity ever sink to lower depths, or barefaced impudence assume a bolder front? A commissioner is desired, to treat on a single subject, and an envoy extraordinary, "with power to treat on all questions," rejected because his powers are not sufficient! This is the manner in which the President's sincere overtures were treated—the credentials of his envoy, addressed to his "*great and good friend*," and conveying marked assurances of his "desire to restore, cultivate, and strengthen friendship and good correspondence," scornfully thrust aside, and the envoy rejected. Mr. Slidell remained in the country, still seeking that "friendship and good correspondence" which was the object of his mission, until the revolution in favor of Paredes was complete; and on the 1st of March, 1846, he presented his credentials to the revolutionary President of revolutionary Mexico; and on the 12th of the same month, our minister was again rejected by Paredes's government, and he informed that Mexico had from the first regarded annexation as a cause of war, (*casus belli.*) Thus fruitlessly terminated this sincere attempt at negotiations—sincere on our part, as every circumstance attests; hypocritical on the part of Mexico, as her official despatches fully prove. I beg to remark again, that up to this date, (January 12, 1846,) Mexico regarded *annexation as a cause of war*. We hear nothing from her about the neutral territory, or the disputed territory, between the Nueces and the Rio Grande.

Now, Mr. Chairman, let us return, and examine events as they transpired nearer home. On the 28th of May, 1845, General Taylor was ordered with his forces to "a position where they could promptly and efficiently act in defence of Texas." On the 15th June, Mr. Bancroft, Secretary of War *ad interim*, ordered him to a position on or near the *Rio Grande*. This order was modified in several successive orders from Secretary Marcy. And on the 15th of August, 1845, the General dates his official despatch, Corpus Christi, TEXAS. Here he remained until the 11th of March, 1846. Much stress has been laid on Mr. Bancroft's order of the 25th May, 1845. Now, I have simply to ask, if that order had not been recalled, how did it happen that General Taylor did not "take up a position on the Rio Grande?" Why do we find him at Corpus Christi from August 15, 1845, to March 12, 1846? There can be but one answer: The order to advance had been revoked. It was done on the 30th of June, one month and two days after it was issued, and before General Taylor had yet reached Texas. On the 4th of October, 1845, the General writes to the War Office from Corpus Christi, TEXAS; and from this important despatch I read—

"It is with great deference that I make any suggestions on subjects which may become matters of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the *Rio Grande* an ultimatum, I cannot doubt that the settlement will be greatly FACILITATED and HASTENED by our taking possession at ONCE of one or two suitable points on or quite near that river. *Our strength and state of preparation should be displayed* IN A MANNER NOT TO BE MISTAKEN. However salutary may be the effect produced on the border people by our presence here, we are TOO FAR FROM THE FRONTIER to impress the Government of Mexico with our readiness to vindicate, *by force of arms*, if necessary, our title to the country as far as the *Rio Grande*."

I have introduced this extract for more purposes than one. The first of these is, to show that General Taylor knew that Mr. Bancroft's order to march to the Rio Grande had been revoked; for he here suggests that he be allowed to take one or two positions on the Rio Grande. Then I wish to exhibit the cogent reasoning in favor of such a position. First, that it would "facilitate and hasten a settlement of the boundary;" then it would "display, in an imposing manner, our strength and state of preparation to the enemy." And, lastly, that it would "impress the Mexican Government with a due sense of our readiness to vindicate, by force of arms, if necessary, our title to the country to the Rio Grande." These were the cogent, and, to my mind, conclusive reasons of the honest-hearted, patriotic, and brave old General for advising his Government to allow him "to take one or two positions, at once, on or near the Rio Grande." His position at Corpus Christi was, he said, "*too far from the frontier.*" The gentlemen in the opposition now pretend that Corpus Christi is beyond the Texas line; but the General thought it was *too far from the frontier*, and asked permission to make a *display of his strength and state of preparation* on or near the Rio Grande. With what justice do gentlemen pretend that General Taylor was weak and without arms, unprepared for battle, when he declares his wish to exhibit, "in a manner not to be mistaken, his strength and state of preparation?"—with what propriety charge that the order to march to the Rio Grande precipitated us into an "unnecessary and unconstitutional war," when the general in command advised it as a means of "greatly facilitating and hastening a settlement of the controversy?" But, say gentlemen, the opinions of General Taylor were hypothetical: "If our Government intend to make the Rio Grande an ultimatum in settling the boundary" then he gave his opinions. And even these hypothetical opinions were subsequently modified, we are told. I grant the opinions were based on the hypothesis that we intended to insist on the Rio Grande; and, I ask, if there is a single member of this House who ever dreamed that our Government would insist on less than the Rio Grande? I venture to say there is not one. The hypothesis, then, amounts to nothing. How far was this discreet, sensible and patriotic advice of the old chief subsequently modified, No injustice shall be done to General Taylor with my consent, for mere party purposes. He uses his pen as he does his sword, for his country, and not for a party. Under date November 7, 1845, Corpus Christi, TEXAS, he writes to the War Department:"

"The position now occupied by the troops may perhaps be the best while NEGOTIATIONS ARE PENDING, or at any rate, until a disposition shall be manifested by Mexico *to protract them unreasonably.*"

Here again he imparts sound and sensible advice to his country; and the Administration, with that deference to the superior military judgment of the General, which it has always exhibited, acted on this advice. For we see that, advised as he was by General Taylor on the 4th of October, AT ONCE to take one or two positions on or near the Rio Grande, the order to advance was not issued by the President until the 13th of January, 1846; and why? Because *negotiations were pending;* and the President thought, with General Taylor, that the position of the army at Corpus Christi was the best that could be occupied "*pending negotiations.*" What had happened on the 13th of January? Mr. Slidell was not on that day wending his way (as a great man has erroneously stated) to Mexico with his diplomatic credentials in his pocket. He had reached Mexico, (I speak from the record,) presented his credentials on the 8th of December, 1845, and on the 17th of the same month reported his *rejection* to his Government. This despatch was received at the State Department on the 12th of January; diplomacy had failed, negotiations were no longer pending, and General Taylor's advice given on the 4th of October, and modified on the 7th of November, 1845, was now in all its bearings fully carried out. The order to advance, and "at ONCE take one or two positions on or near the Rio Grande," was issued on the 13th of January, 1846. If any are disposed to censure the President for permitting the important despatch of October 4th to remain unanswered until the 13th of January, let them bear in mind that negotiations were pending, and that the character of this Government's response, must of necessity have depended on the result of these negotiations.

Now, let us follow General Taylor in his march. He is approaching the *frontiers of Texas.* He moved the last column of his army from Corpus Christi on the 11th of March, and on the 12th, Mr. Slidell was, a last time, rejected by the Paredes's government in Mexico. On the 4th of February, the general writes to his Government, that "our advance to the Rio Grande will have a powerful effect." His march was unmolested until he reached the Arroyo Colorada. Here the "irregular Mexican cavalry," (rancheros,) or, in plain English, mountain robbers, opposed his crossing the river. The old general announced his determination to advance, and pointed significantly at his big guns; whereupon the "irregular Mexican cavalry" retired. The next we hear of him he is at Point Isabel, and here waited on by a Mexican deputation, sent by the *prefect* of Mata-

moros, on a *mission of peace;* and during the interview, Point Isabel was set on fire. This, says General Taylor, "I considered a decided evidence of hostility, and was not willing to be trifled with any longer." Our army advanced to a point opposite Matamoros, from which General Taylor wrote, on the 29th of March, that the Mexicans were decidedly hostile; and urged, for the first time, a reinforcement of his command. I beg to remark on this despatch, that it was addressed to the Adjutant General at Washington, and called on him for recruits, when the official documents show that the General had authority, from the 23d of August, 1845, to make requisitions on the Governors of Texas, Louisiana, Alabama, Mississippi, Tennessee, and Kentucky, "for such number and description of troops as he might deem necessary." And I risk nothing in saying, that these States were ready at all times to have responded to such a requisition. Nor can I forbear, in justice to all parties, to mention, that General Taylor wrote to the same officer, on the 16th of February, 1846, ridiculing the idea of a *large* Mexican force attempting to arrest his march, or to invade Texas; and says all these accounts are exaggerated: "I 'do not believe that our advance to the banks of 'the Rio Grande will be resisted. The army, how-'ever, will go FULLY PREPARED for a state of hos-'tilities, should they be unfortunately provoked 'by the Mexicans." In justice, too, I must call attention to the letter of Secretary Marcy, dated March 2, directing him to give assurances to Mexico that "it is our settled determination, in every 'possible event, to protect private property, to 'respect personal rights, and to abstain from all 'interference in religious matters." This General Taylor did. He was, by the same despatch, reminded, "that in case of hostilities, his advance 'to the Rio Grande would remove him to a great-'er distance from the region from which auxiliary 'forces could be drawn;" and told "promptly and 'efficiently to use the authority with which he was 'clothed—to call to his aid such auxiliary forces 'as he might need." Now, I ask, in the name of justice and common honesty, what propriety is there in charging the Administration with sending General Taylor to the Rio Grande without sufficient force? He says, "the army will go *fully prepared* for a state of hostilities;" but "I do not think our march to the Rio Grande will be opposed." The Government tells him to "draw any number of auxiliary troops of the description you may need from the southwestern States; and as you are removing to a greater distance from your auxiliaries, be on your guard—prepared to sustain yourself against any assault."

I have but one other reference to make to these despatches, and that to the letter of General Taylor, in which he notes for the first time the state of preparation on both sides. Says the General, "The Mexicans still retain a hostile attitude, and 'have thrown up some works evidently intended 'to prevent us from crossing the river. On our 'side, a battery of four 18-pounders will be com-'pleted, and the guns placed in battery to-day. 'These guns bear directly upon the public square 'in Matamoros. THEIR OBJECT CANNOT BE MIS-'TAKEN BY THE ENEMY."

It has been falsely charged that these guns were planted by order of the Government. So far from it, General Taylor was directed to maintain the defensive, to respect private property, to protect personal rights, and to abstain from all interference with religion. He writes to his Government exultingly, "we have planted our battery, it bears 'directly upon the public square in Matamoros, '*and within good range for demolishing the town.* '*The object canot be mistaken by the enemy.*" I do not blame General Taylor for this. HE DID RIGHT. No American General would have done otherwise. General Taylor is entitled to all the credit for planting that battery. I know he does not thank any man for pretending to shield him from the odium of the act.

Now, Mr. Chairman, where was this despatch dated? Opposite Matamoros, in Mexico? No, sir. In Tamaulipas? No, sir; but opposite Matamoros, TEXAS. General Taylor set out *for the frontiers of Texas,* and he did not go beyond. He was no Israelitish general leading an army through an unknown wilderness. He knew the country in which he pitched his tent, and he called it Texas. He so continued to call it in his subsequent despatches.

What, sir, were some of the most thrilling events connected with the earliest history of this war? Point Isabel set on fire, and the brave old General, as he witnesses the conflagration, declares, *I will be trifled with no longer.* He plants his guns bearing on Matamoros, and "within good range to demolish the town," and exultingly says, "their object cannot be mistaken." The heroic Cross is murdered in cold blood, and Thornton and his command taken prisoners. The affairs at Palo Alto and Resaca occur; and what, sir, was the effect produced on the public mind at home by the announcement of these events? By one common impulse, the whole nation rose in arms; a feeling as wide-spread and universal as it was patriotic and just, took possession of every mind; the electric spark that lit the fires of genuine patriotism on the hearts of the people to the remotest nooks and dells of the far west, and all around to the shores of the sea, touched the political, calculating heart of Congress, and by a vote more prompt and more unanimous than was ever before known, war was solemnly declared "to exist by the act of Mexico." Within the last few days, this House has declared, by a strict party vote, that "the war exists by the unnecessary and unconstitutional act of the President." Against this foul charge I have combated, with what success, I leave the committee to decide. But what "has brought this change o'er the spirit of your dreams?" Ah! fatal act; fatal to the best interests of these States, fatal to truth and justice, the bastard offspring of a disappointed patriot. But I will not indulge my thoughts on this subject. The gentleman from Massachusetts, [Mr. ASHMUN,] who introduced this resolution, took his party by surprise, and placed them in a position from which there is no retreat. You have crossed the Rubicon; your votes are on record, and they will rise up like spectres against you in all after time. We accept the issue you have presented, and go into the next Presidential contest on it; for, disguise it as you may, the Presidency is the grand centre around which all this machinery revolves. The bank had gone down, free trade had become popular, the independent treasury was firmly planted; in short, Whigery had been sent to graze, like Nebuchadnezzar, and Democracy had been taken into the bosom of the people, and your friend and ally [Mr. ASHMUN] struck upon this grand conception; it was the battery with which the defunct bodies of banks, tariffs, distribution, *et id omne genus,* were to be galvanized into a renewed existence. Verily, whom the gods would destroy, they first make mad. Go on; take sides against your country; sympathize with Mexico; refuse, *if you dare,* to vote supplies to carry on this war; strengthen the issue you have already presented; make the breach wider and wider between us, and when the people decide the contest, they will exalt the men who stand by the stars and stripes, and consign to a merited ignominy every man who dares outrage their sense of patriotism by "giving aid and comfort to the enemy."

How is it proposed to raise money to carry on this war? The President and Secretary of the Treasury propose a loan, an issue of treasury notes, and a duty on tea and coffee. The gentlemen from Pennsylvania [Mr. WILMOT] and Indiana, [Mr. SMITH,] and other gentlemen, take fire at this proposition to tax tea and coffee, and pour out their piteous lamentations over the distresses of the poor man. When, sir, did these gentlemen first learn to sympathize with the poor man? Was it at a time when they were taxing cotton cloth, leather, iron, coal, and salt? Was it, sir, when they were levying protective duties on these articles, all of which enter into the poor man's consumption? The gentleman from Vermont [Mr. MARSH] pours out the fulness of his sympathetic heart over the poor man's tax on tea and coffee, and then he bewails the downfall of *protection.* You, sir, sympathize with the poor man's tax! you, who would tax all the necessaries of life to give protection to some overgrown manufacturer! Strange and incomprehensible logic, that we must tax the poor man's hat, his shoes, his shirt, his plough, his axe—everything, in short, which he consumes, for the benefit of the manufacturer! but your sympathetic hearts will not allow you to tax his *tea* and *coffee* to support your Government in time of war. You would send him shoeless, hatless, and shirtless, to cultivate his ground without implements, unless he pays tribute to the manufacturers; only give him tea that is not taxed, and you are satisfied. You would lay his diseased body on a pallet that is taxed; give him taxed medicine from a spoon that is taxed; you give him untaxed tea in a cup that is taxed; he dies, and you tax his winding sheet, and consign him to a grave that is dug with a spade that is taxed, and then insult his memory by saying that you gave him untaxed tea. Why, sir, if I thus outraged the poor man's common sense during life, insulted him in his last moments, and whined a hypocritical sympathy over his tomb when dead, I should expect his ghost to rise up in judgment against me.

Other gentlemen may do as they please—for me and my people, we go for our country. We write on our banner, "millions for defence, but not one cent for tribute." Tax our property, tax our supplies, ay, tax our tea and coffee, tax us millions on millions, for the defence of our country's flag and our country's honor, and we will pay it; but if you ask us to pay one cent of tribute to your lordly manufacturers, we rise up in rebellion against you. Take our property for the defence of our national honor, but do not plunder us to make a rich man more rich.

Gentlemen affect great alarm at the thought of direct taxation. The gentleman from Georgia [Mr. STEPHENS] seemed peculiarly nervous on this subject. He lashed himself into a passion, as other gentlemen have done, declared emphatically that he never would levy direct taxes on his constituents to carry on this "unnecessary and unconstitutional war." I beg gentlemen to quiet their nerves; nobody has asked them to vote for direct taxes; and whenever the President, or Secretary of the Treasury, or the Committee on Ways and Means, ask for such a tax, as necessary and proper, it will be time enough to discuss it.

I shall omit much of what I intended to say, reserving for another occasion my views on the question of indemnity and future security, and upon the disposition which Congress may make of newly-acquired territory. These and their kindred subjects will, I hope, more properly engage our attention at a later period of the session. The Government needs money, and we delay it in needless discussion.

I will vote for a loan, I will vote for treasury notes, and for a tax on tea and coffee; I will vote for men, regulars and volunteers; in short, sir, I will vote for anything and everything that may be needed to prosecute this war to such a conclusion as the Government can accept without dishonor. My constituents will sustain me in this. They are patriots: they go for their own country, and against Mexico; and they expect of their Representative fealty to their views. Their motto has ever been, "Our country—may she be always right; but right or wrong, our country."

Mr. DUER next obtained the floor, but gave way at the request of

Mr. RUMSEY, who moved that the committee rise.

The CHAIRMAN put the question, and pronounced it determined in the affirmative.

Mr. STUART, of Michigan, inquired if there was a quorum voting.

It appeared that there was not, and a conversation arose as to the duty of calling the roll and reporting the absentees.

The CHAIRMAN said the 126th rule was imperative:

"Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal."

Mr. ASHMUN contended that less than a quorum could rise, as less than a quorum of the House could adjourn. The rule only related to the transaction of business in Committee.

[Cries of "Call the roll."]

The CHAIRMAN took a different view of the rule, and directed the Clerk to call the roll, and it was called accordingly.

The roll having been called, but the result not announced—

Mr. JONES, of Tennessee, desired to have his name recorded.

The CHAIRMAN inquired if the gentleman from Tennessee was present when his name was called?

Mr. JONES replied that he was here now.

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When there was a call of the House, after those present were called, the Clerk called the absentees, and all such as had entered the Hall were then recorded as present.

The CHAIRMAN explained the difference between the present position of the House and that of a call. No gentleman could have his name now recorded who was not present when his name was called.

Mr. JONES reiterated his argument.

Mr. STEPHENS rose to a question of order.

Mr. JONES said that was what he was going to make. His question of order was, that a member presenting himself before the result of the call was announced had the right to have his name recorded, otherwise he would be reported as absent when he was present.

The CHAIRMAN overruled the point raised.

Mr. JONES appealed from that decision.

Mr. COBB, of Georgia, contended that it was not competent for the Chair to entertain the appeal. The Committee, under the rule, must rise, and the names of the absentees be reported to the House.

Mr. JONES said he had no feeling in the matter. He had no objection to the fact going to his constituents; but he did not think it right that any member should be reported to the world as absent when he was here ready to do his duty.

The CHAIRMAN again apprized the gentleman from Tennessee that the rule was imperative.

Mr. JONES desired but to say one word.

The CHAIRMAN called the gentleman to order.

After some other observations, the committee rose, and the Chairman reported the facts and the absentees to the House.

The House then adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. CONGER: Of 119 adult ladies of Springport, Cayuga county, New York, praying Congress and the Executive to take the necessary steps for securing an immediate and permanent peace with Mexico by withdrawing the troops of this nation from her territory, restoring to her possession the provinces which we now occupy, offering the amplest atonement in our power for all wrongs which may have been inflicted by us, and appointing commissioners empowered to adjust questions in dispute between these two sister republics. Also, a like petition of 19 male citizens of the same place. Also, the petition of 37 citizens of Cortlandt county, New York, for the abolition of slavery in the District of Columbia and the Territories. Also, the petition of 28 citizens of Cortlandt county, New York, asking that Congress would examine the positions therein stated in regard to the validity and constitutionality of slavery in the States, and secure the right of the writ of *habeas corpus* to all such persons as are illegally held as slaves.

By Mr. DUER: The remonstrance of E. F. Cook & Co. against the renewal of O. C. Harris's patent for a paint mill.

By Mr. STUART, of Michigan: The petition of D. Plimpton and others, for the reduction of postage on newspapers.

By Mr. HALL, of New York: The joint resolutions of the Senate and Assembly of the State of New York, instructing the Senators and requesting the Representatives from that State to use their best endeavors to insert in every act or ordinance establishing territorial or provisional governments in New Mexico and the Californias a provision and guarantee prohibiting slavery or involuntary servitude except as a punishment for crime. Also, the petition and papers of James Sloan, of Erie county, New York, praying for prize-money as one of the captors of the brigs Caledonia and Adams, near fort Erie, in the war of 1812.

By Mr. SMITH, of Illinois: The petition of Samuel Moore and 60 other citizens of St. Clair county, Illinois, praying a reduction of postage on juvenile newspapers of small dimensions.

By Mr. MORSE, of Louisiana: The petition of R. C. Stockton, tutor of the minor Octave de la Houssaye, praying for an amendment to an act confirming the heirs of De la Houssaye to a tract of land, &c.

By Mr. POLLOCK: The petition and papers of Mrs. Boyd, of Pennsylvania, widow of Colonel John Boyd, a revolutionary officer, taken from the files of the House. Also, the petition and papers of John P. Schuyler, of Muncy, Pennsylvania.

By Mr. DUNCAN, of Ohio: The petition of citizens of Licking county, Ohio, asking for a reduction on newspaper postage.

By Mr. MORSE: The petition of William Stinson and thirty others, praying for the establishment of a post route from Bellevue, the county seat of Bossier parish, to Winder.

By Mr. CROWELL: The petition of Dan Eaton and others, citizens of Mahoning county, Ohio, praying Congress to pass a law appropriating a sufficient portion of the public lands to colonize the free people of color in the United States.

By Mr. TWEEDY: The petition of John H. Roundtree and seventy-three others, citizens of Grant county, Wisconsin, praying for a proportionate reduction of postage on newspapers not containing more than 500 square inches.

By Mr. HUBBARD: The petition of the inhabitants residing in the valley of the Housatonic, in the State of Connecticut, including the town of Derby, a port of delivery, praying for an appropriation for the removal of the bar at the mouth of the Housatonic river.

By Mr. HUNT: The petition of Lyman A. Spalding, and other citizens of Lockport, New York. Also, the petition of Samuel M. Spencer, and other citizens of Orleans county, New York, asking Congress to extend the drawback system to Canadian wheat manufactured in the United States for export.

By Mr. THOMPSON, of Pennsylvania: Three memorials from citizens of Pennsylvania, remonstrating against the further renewal of the patent of Jethro Wood's cast iron plough in favor of his heirs.

IN SENATE.

THURSDAY, *February* 10, 1848.

Mr. BENTON presented a petition from the Common Council of the city of St. Louis, urging upon Congress the necessity of appropriations for the improvements of the harbor at that city; which was referred to the Committee on Commerce.

Mr. B. spoke of the document as replete with valuable information, and moved that it be printed; which was agreed to.

Mr. HUNTER presented a petition from Elizabeth Munroe, widow of Dr. Thomas J. C. Munroe, deceased, late a surgeon in the army of the United States, for a pension; which was referred to the Committee on Pensions.

REPORTS FROM COMMITTEES.

Mr. BRIGHT, from the Committee on Revolutionary Claims, made an adverse report on the memorial of Mary M. Telfair.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported a bill for the relief of David N. Smith, accompanied by a report; which was ordered to be printed. The bill was read a first time.

Mr. ATCHISON, from the Committee on Indian Affairs, reported House bill for the relief of Joseph and Lindley Ward, without amendment.

On motion of Mr. A., this bill was considered by unanimous consent, read a third time, and passed.

RESOLUTIONS.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to aid the charity hospital at New Orleans in defraying the expenses of the sick and destitute volunteer troops, as well as of sick and destitute citizens of the United States received into said institution.

Mr. WESTCOTT submitted the following resolution:

Resolved, That the Secretary of the Senate be authorized to pay to the youths employed in the Senate post office at last session, one hundred dollars each, in full compensation for the services of last session.

The above resolution was referred to the Committee on the Contingent Expenses of the Senate.

The following resolution, submitted yesterday by Mr. BADGER, was taken up and referred to the same committee:

Resolved, That there be paid to each of the messengers of the Senate and office of the Secretary of the Senate, who have not already received it, the same additional compensation that was paid R. P. Anderson and J. L. Clubb, for the second session of the 29th Congress.

Mr. CASS, by unanimous consent, introduced a joint resolution authorizing medals and certificates to be given to officers and volunteers for gallant conduct in battle during the war with Mexico; which was read a first and second time, and referred to the Committee on Military Affairs.

[It authorizes the President to have two dies made, one of a larger and the other of a smaller size, with suitable devices, and to cause silver medals to be struck—the larger size to be presented to commissioned officers, and the smaller to each non-commissioned officer, musician, and private of the regular forces and volunteers who may have distinguished himself or may hereafter distinguish himself in battle during the present war; also, certificates on parchment, signed by the President, and sealed with the seal of the War Department, countersigned by the Secretary of War, to be presented to each officer, non-commissioned officer, musician, and private receiving a medal—the certificate to state the battle in which such person has distinguished himself. The officers who have received gold medals and to whom the thanks of Congress have been granted do not come within the provisions of this resolution. It provides for a board of not less than three field-officers, one of whom shall be a general officer, if the service allows of it, to be convened by the Secretary of War in this city, to examine the reports of the various actions with the enemy, and of the conduct of officers and men engaged therein, and designate such as are worthy, and report the same to the Secretary of War, who is to lay it before the President for his approval, and if the President approves, then medals and certificates are to be presented. It further provides that when any officer, non-commissioned officer, musician, or private has been killed in battle, or died in consequence of wounds received, the medal and certificate, if he should be entitled to them, are to go to his family.]

Mr. HANNEGAN, on leave, introduced a joint resolution of thanks to Colonel Alexander W. Doniphan, officers, and men under his command; which was read a first and second time, and referred to the Committee on Military Affairs.

[This resolution provides swords, with suitable devices, to Colonel Doniphan, Lieutenant Colonel D. C. Mitchell, Lieutenant Colonel Congrave Jackson, Majors William Gilpin and Meredith L. Clarke, in testimony of the high sense entertained by Congress and the country of their gallantry, self-denial, and noble conduct in the campaign.]

The bills from the House of Representatives were taken up, and after having been read a first and second time by their titles, were appropriately referred, with the exception of the bill granting a register for the barque Wilhamet; which, on motion of Mr. DIX, was taken up by unanimous consent, and passed.

The report from the Committee on Printing for the printing of 20,000 copies of Lieutenant Abert's report was agreed to.

GENERAL ORDERS.

The bill granting compensation to J. N. Moore was taken up and passed.

The following bills were taken up in their order on the calendar, and after having been considered, were ordered to be engrossed, and were, by unanimous consent, read a third time and passed:

A bill for the relief of Susan E. Gordon.

A bill for an increase of the medical staff of the army for a limited time.

A bill for the relief of Jones and Boker.

The bill authorizing persons to whom reservations of land have been made under Indian treaties to alienate the same in fee was taken up as in Committee of the Whole.

The question being upon agreeing to the amendment submitted by Mr. HANNEGAN on a former day, it was read for information.

Mr. WESTCOTT suggested that as the Senator from Indiana, who had offered the amendment, was not now in his seat, the bill be passed over informally.

Mr. ATCHISON presumed there could be no difficulty in regard to the amendment; however, the Senator from Indiana was now in his seat, and could explain it.

Mr. BREESE remarked, that the object of the bill was to obviate the necessity of special legislation. By the treaty made at Camp Tippecanoe with the Pottawatomie Indians, sections of land were reserved to certain Indians, after the lands had been ceded in bulk to the United States. These Indians supposed they had an estate in fee in these lands, and by deeds approved by the President of the United States, sold their interest in their reserved lands. It was now understood, after careful inspection of the treaty of 1832, that the construction of the terms employed did not give to these Indians an estate in fee in those lands, but an interest during their lifetime. The design of the bill now before the Senate was to relinquish to the purchasers of these lands the supposed reserved right of the Government of the United States. There were some ten or fifteen cases involved in the matter, and in order to avoid the necessity of special legislation, it was thought that it might be proper to have a general law including the whole subject. Congress had never refused, when any similar application had been made, to grant the relief now sought. Similar cases had occurred in Alabama, growing out of this treaty, but he would not trouble the Senate by any reference to them at present.

He then sent to the desk of the Secretary a let-

ter from one of the commissioners who had concluded the treaty, giving it as his opinion that the Indians supposed they had the lands in fee.

Mr. HANNEGAN stated that the amendment which he proposed to the original bill, was intended to meet cases under this bill entirely, which the bill did not. There was a provision in it which required that the deeds should be executed according to the laws of the State in which the lands were located. Compliance with that provision was almost impossible on the part of persons residing at a distance in Missouri, Iowa, and Kentucky. In order to meet that, and certain minor objections, he had offered the amendment, which covered the whole ground. In no single instance heretofore had Congress refused to pass special acts in similar cases arising under this treaty. He referred to former acts of Congress, in 1839 and 1841, embracing similar cases. He presumed that the deeds in the present case had had the sanction of the President; but his approval of them was made necessary before the conveyance could be perfect. He presumed that there was no more danger of fraud than in any other case of purchase and sale of Indian lands. The statement of one of the commissioners who made the treaty had just been read to the Senate, and showed that the understanding at the time was, that the reservation was made in favor of the Indians, as all other individual reservations have heretofore been made, and that they had, therefore, a right to sell and convey, with the sanction of the President. That was all that was asked in this case. The papers now before the Committee on Indian Affairs, showed incontestably that a full and ample price had been paid for the lands; indeed, from his own knowledge, he could say that for a portion of them, double the value had been paid in money.

Mr. BADGER hoped that his friend from Indiana would not understand him as indicating the slightest hostility to the amendment when he suggested the propriety of the reference of the bill, with the proposed amendment, to the Judiciary Committee. The statements of the gentleman from Indiana, and those also of the gentleman from Illinois, had satisfied him that some act of legislation in reference to this matter was proper and necessary. He was not, therefore, opposed to the measure, but was of opinion that it should undergo the examination of the committee of the Senate supposed to be specially charged with the legal proceedings which might be necessary.

Mr. HANNEGAN explained that the bill had been referred to the Committee on Indian Affairs, and his friend from Missouri [Mr. ATCHISON] united with him in requesting that that committee should be discharged from the consideration of the subject, and that it should be referred to the Committee on Public Lands, to which they thought it properly belonged. He could not conceive that it involved any question requiring the examination of the Judiciary Committee.

Mr. ATCHISON observed that the Senator from Illinois [Mr. BREESE] had already shown that committees had, in several instances, acted on this subject in the manner proposed by this bill. The only question involved was, whether the United States would now cede to the purchaser from the Indians, the reversionary interest which it was supposed the United States held in them under the treaty. Upon the broad principle of getting rid of the public lands, if for no other reason, he would say, give that reversionary interest to the purchasers. He held that in getting rid of the public land, an important service was rendered to the Government of the United States, as well as to the State in which the land lies, and to private individuals who became purchasers.

Mr. BADGER suggested that his friends on the other side labored under some misapprehension as to his object in desiring the reference to the Judiciary Committee. Although the case had been passed upon by the Committee on Indian Affairs, still there might be a question remaining with regard to the legal safeguard to be thrown around the measure.

Mr. HANNEGAN begged to inform his friend from North Carolina that the same guards precisely had been interposed in this case as had existed almost contemporaneously with the Government with regard to lands held by individual reservation.

Mr. BADGER then withdrew his motion.

The amendment was then agreed to; and no further amendment being made, the bill was reported to the Senate, and the amendment was concurred in.

The bill was then engrossed, and read a third time and passed.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force; when—

Mr. UNDERWOOD commenced, by adverting to the wars of the Revolution and of 1812, in both of which the objects were clearly defined, and the people knew what they were fighting for. In this third war against a civilized nation, do the people know what they are fighting for? They were now considering the question. He perceived that there were influences at work, the object of which was to prevent light on that subject from reaching the people. He referred to the message of the President denouncing those who opposed the policy of the Executive as giving aid and comfort to the enemy; also to the officers and editors who had followed in the same track. The people were not consulted when this war was commenced; and the honor of the country is not involved in the prosecution of the war. He separated the Government from the people on this subject, because the war was the act of the former, the latter having never given their sanction to the origin of the war. The object of the officers of the Government was to identify themselves with the people. But the people are now engaged in the investigation of the matter, and beneficial results might be expected.

It was the practice in legislation to look to precedents; and hence it became of high importance that every act should be now scrutinized, in order that no evil precedent may be left behind us. He wished to state the facts which had operated on his mind in the formation of his opinions on the subject.

What were the principles which had been said to enter into the conduct of this war? A Senator from the Empire State [Mr. DICKINSON] had submitted a resolution looking to the annexation of "contiguous territory." What do we want with more territory? We have ample room, every variety of soil and climate, productive of all descriptions of fruits, and our resources are as yet only in the course of development. Destiny—manifest destiny—will lead us to greater prosperity. While we can remain knit together as a band of brothers, and confine ourselves to defensive, instead of going into offensive war, we may defy the world. But his friend over the way would reply, "Ah! but there is our commerce!" He did not think that our commercial interests required the annexation of Mexico. He referred to commercial tables to show how greatly our trade with Mexico had declined before the war. So that no commercial benefit was to be calculated on among the results of an aggressive war.

What other objects are there which can justify the annexation of Mexico? To extend the area of freedom! Captain Henry has written a book to show that we must have the whole of North and South America. He seems to think that it is our manifest destiny to spread the area of freedom over the entire continent. Man is an ambitious animal. He believes that he is capable of being first in everything in the affairs of the world. But he (Mr. U.) was of a different opinion. There was a limit beyond which human intellect could not pass. It was not in the order of Providence that one nation should take into its hands the government of all other nations. If we were to annex Mexico, we should need an interpreter to explain the laws our new people would have to obey. Our judicial and legislative system would not admit the accession of duties which would result from such an annexation. As we are extending our system even over our own territory, we find that labor is growing very burdensome; and if these duties are not faithfully performed, there may be danger of producing discontent among the people, and separation from the Union.

He glanced at the religious aspect of the war, and enumerated the amount of religious institutions in the country—the number of theological institutions, seminaries, ministers, and communicants; the last item exceeding three millions. If all this class were to be turned into propagandists, and to march on a crusade, with fire and sword, against the religion of Mexico—if so, Protestant as he was, he would stand up in opposition to the scheme.

It is attempted to justify the war by the assertion that Mexico struck the first blow, or was preparing to strike it. He denied that there was any other demonstration than mere gasconade, which did not justify the President in marching our troops against Mexico.

He referred to the date of the order to General Taylor to march to the Rio Grande, and contended that the second order, dated six months afterwards, was nearly in the same words. The first was in June, 1845; the second in January, 1846. The movement on the part of the Mexicans was in July, 1845. Consequently the order of our Government of June, 1845, was previous to any hostile act of the Mexicans. He read from Captain Henry's book, to show the suspicions which existed on the subject of the murder of Colonel Cross, and also to prove with whom rested the responsibility of shedding the first blood.

Whose was the soil? The battles of Palo Alto, &c., were fought on soil which belonged to the State of Tamaulipas. The Senator from Illinois [Mr. DOUGLAS] had referred to the union of Texas and Coahuila against Mexico; but that Senator, when he quoted the title acquired to these States as proof that we had a right to the soil of Tamaulipas, endeavored to show what was a *non sequitur*. Where is the evidence that this soil was conquered? Corpus Christi was not established until two years after the battle of San Jacinto, nor any Texan settlement made on the right bank of the Nueces. Texas had no military post at Corpus Christi. The post was established by Colonel McKinney himself, to keep off the Indians. It was stated, on the authority of Captain Henry, that the Mexicans sent two hundred men to destroy the settlement of McKinney; when the latter, finding the post indefensible, employed a little Mexican gold to purchase his safety. He referred to a person named McLean, from his own district, who was at Corpus Christi, who stated that he had given the best horse he had to Ampudia. It was further stated that McKinney himself had taken the oath of allegiance to the Mexican Government.

In the cases of elections by which the law was passed declaring the boundary of Texas, soldiers were allowed to vote. There was no mention of districts, or counties, or towns. The alcaldes took the votes where it was most convenient.

Mr. RUSK gave a brief statement of the history of the revolution in Texas, for the purpose of showing that San Patricio was founded by the temporary government, and that there was a settlement west of the Nueces before the revolution, which was founded by a person named Power.

Mr. UNDERWOOD resumed. He did not understand that the boundary line between Texas and Tamaulipas was changed by this settlement. He then went on to prove that we recognized a country which was depopulated, and founded our title on that recognition. We ought, in a war of conquest, to wait until time enough has elapsed for its possession in the hands of those who subdued it, to bar an ejectment. It was a dangerous precedent. It would be dangerous to adopt the same course in Canada, or in the strip of Russian territory above 54° 40′. It would be proper for the people to decide whether these shall be made precedents.

"Indemnity for the past and security for the future," is now said to be the object of the prosecution of the war. Security for the future we cannot have. Strength can get nothing from weakness. And indemnity for the past, which the President says relates to claims which have been "long deferred," cannot be had. The phrase "long deferred" comes with a bad grace from the same pen which vetoed the bill relating to French spoliations. If we were to continue the war until we get indemnity for the expenses of the war, and the payment of the claims of our citizens, the war will be interminable.

He asked, what would be the expenses of the war? He stated that the bounty lands would amount to fourteen millions and a half, according to an estimate made by the committee of which he was a member. Add about six millions for the Mexican claims, and all the expenses of the army and navy (without reckoning the amount which

would be required if this bill should pass) would far exceed one hundred millions. Then there would be numberless Indian titles to be bought out, the expenses of governors and all the machinery of the territorial governments, and registers and receivers. We have already the first curse of Egypt upon us—the curse of blood. The cost of the war cannot be less than two hundred millions. And what would the indemnity in California and New Mexico bring? Could you get as much, if there be any public domain for sale, as you would from the sale of our own rich lands? He referred to the amounts which had been received in prosperous years at our public land sales, and asserted the impossibility of making as much out of the sale of lands in Mexico as would reimburse the expenses of the war, or even the interest on them.

He referred to a report from the General Land Office which had been received by the committee to which he belonged, which showed that even in our rich territory, the public lands had heretofore not indemnified our Government for the expenses incurred by them. If we had not been able to do this at home, we are much less likely to do it in Mexico.

The idea of making Mexico pay the expenses of the war by military contributions on her trade, he also treated as a mere delusion. There was nothing in the report of the Secretary of the Treasury which furnished any data on which these calculations could be founded. The report was full of "ifs." If this took place, or if that occurred, then there would be *some* prospect that a *little* revenue might be obtained. He read from the report of the Secretary to sustain the view he had thrown out on this point. He also quoted from General Scott's statement of the amounts he had assessed in the different States, according to which, if you get all into successful operation, the total revenue which can be gained would not exceed four millions, supposing every dollar collected, and not a dollar lost. And this is to be collected by Mexican officers, who are required to fleece their own people: and, in failure to do this, their estates are to be confiscated, their bodies imprisoned, &c. By what principle of public law could this procedure be justified? He thought it was an interpolation which could not bear the test. Should an enemy ever enter our country, would any Senator permit himself to be under a collector, to take money from our own citizens to put into the enemy's pocket? Before any such compensation as we ask for indemnity can be obtained, we shall have very greatly to increase the army.

Mr. U. suggested as the proper course, that we should withdraw our troops taking such indemnity as we can obtain. He remarked on the inconsistent statements which had been put forth—in one moment, asserting that there is a revenue of four millions, and in the next, that Mexico has no revenue, and can pay nothing by way of contribution.

He would have no objection to take San Francisco by way of indemnity to our citizens; but if Mexico would agree to pay the money, he would not take that harbor merely for the sake of holding territory.

Is it expected by Senators on the other side, that we are to keep an army in Mexico for the purpose of protecting the Puros? He thought such an idea preposterous.

The only way, in his view, was to retrace our steps. And he was of opinion, that it was the duty of the two Houses to join in a resolution stating what ought to be asked for, and what would be deemed a satisfactory arrangement for the settlement of the difficulty. Mr. U. having concluded.

On motion of Mr. TURNEY,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 11, 1848.

The Journal having been read—

Mr. WICK rose and said, he perceived that, on the motion of the gentleman from Georgia [Mr. COBB] to lay the motion to print the Quakers' memorial on the table yesterday, he was recorded as having voted in the negative; he was so recorded in both the morning papers. As he was not present when that vote was taken, and did not enter the House for three hours afterwards, he hoped the Journal would be so corrected as to show that he did not vote at all.

The Journal was corrected accordingly.

The SPEAKER announced that both the gentlemen composing the Committee on Enrolled Bills. were absent; and, if no objections were made, he would now supply their places on that committee by appointing two others, as there were several enrolled bills which required examination.

No objection being made, the SPEAKER named Mr. HOUSTON, of Delaware, and Mr. PECK, as the Committee on Enrolled Bills.

Senate bills of the following titles lying on the Speaker's table were taken up, read a first and second time, and appropriately referred:

An act to compensate John M. Moore.

An act authorizing persons to whom reservations of land have been made under certain Indian treaties to alienate the same in fee.

An act for the relief of the legal representatives of George Fisher, deceased.

An act for the relief of William Marvin in confirming the title to a tract of land in Florida, granted by the Spanish Government to Bernardo Segui on the 20th December, 1815.

An act for the increase of the medical staff of the army for a limited time.

A bill for the relief of Jones & Boker.

A bill for the relief of Betsy McIntosh.

The bill from the Senate to authorize the issuing of a register or enrolment to the schooner Robert Henry was read three times, passed, and returned to the Senate.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, as required by the 1st section of the act of March 2, 1803, an abstract of the returns of the militia of the several States, with their names, accoutrements, and ammunition. Referred to the Committee on the Militia.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 7th instant, I transmit herewith a report from the Secretary of State.

No communication has been received from Mexico, containing propositions from the Mexican authorities or commissioners for a treaty of peace, except the "counter projet" presented by the Mexican commissioners to the commissioner of the United States on the 6th of September last, a copy of which, with the documents accompanying it, I communicated to the Senate of the United States on the 2d instant. A copy of my communication to the Senate, embracing this "projet," is herewith communicated.

JAMES K. POLK.

WASHINGTON, *February* 10, 1848.

THE PRIVATE CALENDAR.

Mr. J. A. ROCKWELL moved that the House resolve itself into Committee of the Whole on the private calendar.

Mr. VINTON gave notice that if that motion did not prevail, he would move that the House go into Committee of the Whole on the state of the Union.

The question being first stated upon the motion by Mr. ROCKWELL, the yeas and nays were demanded and ordered; and, being taken, resulted—yeas 88, nays 79.

So the House resolved itself into Committee of the Whole, (Mr. POLLOCK, of Pennsylvania, in the chair,) and proceeded to the consideration of the private calendar.

The bill for the relief of the heirs of John Paul Jones was taken up. The question being upon agreeing to certain amendments reported by the Committee of Claims—

Mr. STARKWEATHER occupied an hour in a speech against the bill, moving that the enacting clause be stricken out.

After further debate by Mr. ROOT, in opposition to the bill, and Messrs HOLMES, of South Carolina, and ROCKWELL, of Connecticut, in support of the same, the committee rose and reported progress.

On motion, it was

Ordered, That when the House adjourn, it be to meet on Monday next.

The House then adjourned.

IN SENATE.

FRIDAY, *February* 11, 1848.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, enclosing a reply to a resolution of the Senate, calling for information on the subject of duties and imposts levied on goods and merchandise of citizens of the United States transported to Mexico; which was ordered to be printed. The message is as follows:

To the Senate of the United States:

In answer to the resolution of the Senate of the 1st instant, requesting to be informed whether "any taxes, duties, or imposts," have been "laid and collected" "upon goods and merchandise belonging to citizens of the United States, exported by such citizens from the United States to Mexico; and if so, what is the rate of such duties, and what amount has been collected, and also by what authority of law the same have been laid and collected," I refer the Senate to my annual message of the 7th of December last, in which I informed Congress that orders had been given to our military and naval commanders in Mexico to adopt the policy, as far as is practicable, of levying military contributions upon the enemy for the support of our army. As one of the modes adopted for levying such contributions, it was stated in that message that—

"On the thirty-first of March last, I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions towards defraying the expenses of the war. By virtue of the right of conquest, and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports, or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our navy, the revenue derived from import duties, under the laws of Mexico, was paid into the Mexican treasury. After these ports had fallen into our military possession, the blockade was raised, and commerce with them permitted upon prescribed terms and conditions. They were open to the trade of all nations, upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico; and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our military and naval officers, and applied to the use of our army and navy. Care was taken that the officers, soldiers, and sailors, of our army and navy should be exempted from the operations of the order; and as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were, in effect, the seizure of the public revenues of Mexico, and the application of them to our own use. In directing this measure, the object was to compel the enemy to contribute, as far as practicable, towards the expenses of the war."

A copy of the order referred to, with the documents accompanying it, has been communicated to Congress.

The order operated upon the vessels and merchandise of all nations, whether belonging to citizens of the United States or to foreigners arriving in any of the ports in Mexico in our military occupation. The contributions levied were a tax upon Mexican citizens, who were the consumers of the merchandise imported. But for the permit or license granted by the order, all vessels and merchandise belonging to citizens of the United States were necessarily excluded from all commerce with Mexico from the commencement of the war. The coasts and ports of Mexico were ordered to be placed under blockade on the day Congress declared the war to exist; and by the laws of nations, the blockade applied to the vessels of the United States, as well as to the vessels of all other nations. Had no blockade been declared, or had any of our merchant vessels entered any of the ports of Mexico not blockaded, they would have been liable to be seized and condemned as lawful prize by the Mexican authorities. When the order was issued, it operated as a privilege to the vessels of the United States, as well as to those of foreign countries, to enter the ports held by our arms, upon prescribed terms and conditions. It was altogether optional with citizens of the United States and foreigners to avail themselves of the privilege granted, upon the terms prescribed. Citizens of the United States and foreigners have availed themselves of these privileges. No principle is better established than that a nation at war has the right of shifting the burden off itself, and imposing it upon the enemy, by exacting military contributions. The mode of making such exactions must be left to the discretion of the conqueror, but it should be exercised in a manner conformable to the rules of civilized warfare.

The right to levy these contributions is essential to the successful prosecution of war in an enemy's country, and the practice of nations has been in accordance with this principle. It is as clearly necessary as the right to fight battles, and its exercise is often essential to the subsistence of the army.

Entertaining no doubt that the military right to exclude commerce altogether from the ports of the enemy in our military occupation, included the minor right of admitting it under prescribed conditions, it became an important question, at the date of the order, whether there should be a discrimination between vessels and cargoes belonging to the citizens of the United States, and vessels and cargoes belonging to neutral nations. Had the vessels and cargoes belonging to citizens of the United States been admitted without the payment of any duty, while a duty was levied on foreign vessels and cargoes, the object of the order would have been defeated. The whole commerce would have been conducted in American vessels. No contributions could have been collected, and the enemy would have been furnished with goods without the exaction from him of any contribution whatever; and would have been thus benefited by our military occupation, instead of being made to feel the evils of the war. In order to levy these contributions, and to make them available for the support of the army, it became therefore absolutely necessary that they should be collected upon imports into Mexican ports, whether in vessels belonging to citizens of the United States or to foreigners

It was deemed proper to extend the privilege to vessels and their cargoes belonging to neutral nations. It has been my policy, since the commencement of the war with Mexico, to act justly and liberally towards all neutral nations, and to afford to them no just cause of complaint; and we have seen the good consequences of this policy by the general satisfaction which it has given.

In answer to the inquiry contained in the resolution, as to the rates of duties imposed, I refer you to the documents which accompanied my annual message of the 7th of December last, which contain the information.

From the accompanying reports of the Secretary of War and the Secretary of the Navy, it will be seen that the contributions have been collected on all vessels and cargoes, whether American or foreign; but the returns to the departments do not show with exactness the amounts collected on American, as distinguishable from foreign, vessels and merchandise. JAMES K. POLK.

WASHINGTON, *February* 10, 1848.

The VICE PRESIDENT also laid before the Senate a report from the War Department of the Militia returns for the year 1847.

MEMORIALS AND PETITIONS.

Mr. BREESE presented resolutions from the Legislature of the State of Illinois, in favor of an act to indemnify the citizens of that State who may have suffered by Indian depredations in the Black Hawk war; which were ordered to be printed.

Mr. CRITTENDEN presented a petition from Colonel Richard M. Johnson, praying compensation for buildings erected by him for the Choctaw academy; which was referred to the Committee on Indian Affairs.

Mr. WESTCOTT presented a petition from citizens of West Florida, asking that the public lands may be divided and disposed of to citizens of the United States; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MILLER presented a petition from Hezekiah L. Thistle, setting forth alleged injustice on the part of the Commissioner of the Patent Office, in relation to a patent; which was referred to the Committee on Patents.

Mr. CLAYTON presented a petition from Midshipman Rogers, asking remuneration for losses in money and sufferings during a captivity in Mexico, while making his escape, &c.

Mr. CLAYTON said: I have the honor to present the memorial of Passed Midshipman Rogers, asking compensation for losses and injuries received in the service of his country. His memorial is couched in terms as modest and unassuming as they are respectful to Congress, and glances at the leading incidents of an eventful story of daring enterprise and heroic fortitude, in captivity and distress, to which there can scarcely be found a parallel in the annals of the war. I shall ask of the Senate that this memorial be printed, in order that he may have the full benefit of his own statement; and I now propose to make a few remarks in relation to the claim which he presents, for the purpose of drawing the attention of the chairman of the Committee on Military Affairs, and the members of it, to the facts of the case, because I suppose that is the committee to whom the memorial may most appropriately be referred. This young officer was one of the daring few who, in the month of November, 1846, were distinguished for cutting out and destroying the Mexican barque "Creole," then moored under the guns and fastened to the walls of the fortress of San Juan de Ulua. Subsequently to the destruction of that vessel, the naval commander under whom Mr. Rogers served, was desirous that a reconnoissance should be made of the localities in the vicinity of Vera Cruz, as well for the purpose of aiding a land attack as of destroying the enemy's depôt of ammunition, and this young sailor volunteered with a few others—a small boat's crew—to perform this dangerous service. On three successive nights this small party penetrated the dense chaparral in the neighborhood of the city of Vera Cruz, made a complete reconnoissance of all the objects of importance which they were sent to examine, and afterwards reported complete drawings of the localities around the city, which were held by General Worth to be of great value, as he occupied, in the investment of the city, the particular spot which was the subject of this investigation. It was during this reconnoissance, on the last night of it, that Mr. Rogers was captured by a band of Mexican guards; and his capture was undoubtedly owing to his own generous impulse in saving a brother officer. On that occasion he narrowly escaped death at the moment of his capture, in consequence of the exasperated feelings of the Mexicans consequent on the destruction of the "Creole." He was carried that night to prison in Vera Cruz, where he remained four days and nights without sustenance, in a cell swarming with vermin, and where the only intelligence that reached him was, that he had been condemned to death as a spy, by a civil tribunal, the sole evidence offered before it being to the effect, that he was the leader of the party engaged in cutting out and destroying the "Creole." He then remained in constant expectation of death for many weeks; and when, as he thought, his death-summons was coming, his only answer to it was the request, that he might avoid the Mexican mode of killing a man behind his back, and meet death as an American, who could look it in the face. He remained in that state of suspense for a long period, his imprisonment at Vera Cruz lasting for three months. For some reason, the bloody sentence which had been recorded against him was never executed, and a military commission was ordered to sit upon his case. When General Scott was advancing to invest Vera Cruz, Mr. Rogers was marched on foot from that city to Perote, and confined in the noxious cells of that fortress. As the American army advanced into Mexico, he was again removed, and conveyed to Puebla. All his property had been lost in the wreck of the Somers; and that which was conferred upon him by the hand of friendship or charity, was taken from him by the robbers; whilst his life was at the same time in constant peril from the excited state of public feeling against our countrymen. At a short distance from Puebla the incensed rabble stoned him, and on that occasion, also, he narrowly escaped death. Owing to this excited state of public feeling, his guard was compelled to remain with him within a league of Puebla till midnight, lest he should be torn to pieces by the exasperated populace in the city. When taken to Puebla, in so great peril was he, that the foreign residents of that State interceded in his behalf, and obtained an order for his removal to the city of Mexico. In rags and wretchedness he was marched to the capital, where he remained a prisoner, until intelligence of the battle of Cerro Gordo arrived, when General Santa Anna, the hero of the Alamo, ordered his victim to be conveyed still further into the interior. Knowing that death would be the consequence of that removal, he made a successful effort to escape. Always in infinite peril, he made his way in Mexican disguise, being often subjected to examination from bands of guerrillas and Mexican guards, until he reached the plains which led him to Puebla, where General Scott was preparing, with his victorious army, to advance upon the city of Mexico. From his knowledge of the localities in the neighborhood of Mexico, and the numbers and condition of the Mexican forces, Mr. Rogers was now enabled to give valuable information to the commander-in-chief; and his character for courage and intelligence being well known, he was employed as a volunteer aid-de-camp by General Pillow, and in all the bloody actions which succeeded he was distinguished as amongst the bravest of the brave. The despatches of the commanding general, whose aid he was, fully attest his character for skill and gallantry, and recommend him in the strongest terms to the notice of the commander-in-chief, bestowing upon him as high eulogiums as on any other officer of his division. Engaged in all the other actions in the field, Mr. Rogers was particularly distinguished for his conduct, as his brother officers relate, in the storming of Chapultepec, where he was one of the seven who first mounted the walls of that fortress, and planted the standard of his country over "the halls of the Montezumas." The sailor has now returned from the wars, but no brevet commission awaits him, because the deck was not the field of his fame. He has earned his laurels upon the land; but although promotion may not attend him for the service which he performed upon land, his claims for justice are strengthened by this service; and the only object which I have in view on this occasion is, to commend his claims for sheer justice to the consideration of the Committee on Military Affairs. I think that a stronger case could scarcely be presented for the consideration of an American Congress. I do not undertake to point out the mode or measure of redress which the case demands. I leave that to the ability, the patriotism, the benevolence of the gentlemen of the Military Committee. We all unite in commendation of those of our countrymen who have been distinguished in this war. We are accustomed to rejoice over the achievements of our countrymen in Mexico, without reference to party distinctions. When the gallant dead are brought from Mexico to their home, we follow the hearse, "the war-horse and the muffled drum," and unite in signifying to the world that the whole nation sorrows for the fallen. I hope that the same feeling which is so successfully invoked in behalf of the memory of the gallant dead may be manifested to the living, and that when the pensioner shall return from Mexico—the crippled and war-worn soldier—claiming his dues, we shall be ready to award to them just compensation for the services which they have rendered to their country. I hope it may never be said of us—

> "How proud they can press to the funeral array
> Of him whom they shunned in his sickness and sorrow;
> And bailiffs may seize his last blanket to-day,
> Whose pall shall be borne up by statesmen to-morrow!"

I move that the memorial be printed, and referred to the Committee on Military Affairs.

The reference to the committee was then unanimously ordered.

Mr. HALE. The other day, a memorial was presented by the honorable Senator from Ohio [Mr. CORWIN] in favor of peace, and the Senate, as I understand, on the score of economy, refused to allow it to be printed. On a subsequent day, the Senator from Massachusetts [Mr. DAVIS] presented a memorial coming from the large and highly respectable body of Friends in the New England States, very brief and respectful, praying that measures might be taken to bring about a speedy peace. It was also refused to print that memorial, on the ground of expense. I hope that the same rule will be applied to those memorials which ask for action in favor of war, or of those who have performed what are styled meritorious services in war. I hope that we will show some uniformity of action in regard to this matter; so that if those memorials asking for action which seems to imply approbation of the principles avowed in them in favor of the war, be printed, the Senate will not refuse the same measure of justice to memorials which come not from private individuals, but large bodies of Christians, asking the Government to do something towards the restoration of peace. For this reason, I ask for the yeas and nays on the question of printing this memorial.

Mr. TURNEY. I think it is necessary to take in this instance the course which has been heretofore adopted in similar cases. I move a reference to the Committee on Printing.

The motion to print was then referred to the Committee on Printing.

Mr. YULEE expressed a wish to take up the resolutions submitted by him as a substitute for the resolutions laid on the table by the Senator from New York [Mr. DICKINSON.] He had intended to postpone the remarks which he proposed to make on these resolutions until the close of the discussion on the ten-regiment bill; but as there was no time fixed for the termination of that debate, he would ask the indulgence of the Senate to permit him to give his views on the subject now, before the expiration of the morning hour.

After some conference with the Senators round him, Mr. Y. said he would forego his intention at this time, as the morning hour had nearly expired; but he hoped the Senate would allow him the privilege on Monday morning.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for the construction of fortifications at Proctor's Landing, on Lake Borgne, in the State of Louisiana.

REPORTS FROM COMMITTEES.

Mr. WESTCOTT, from the Committee on Claims, reported a bill providing for the obtaining of testimony in relation to claims for losses in the late war in Florida; which was read a first time.

Mr. DAYTON, from the Committee on the Judiciary, reported a bill for giving effect to certain treaty stipulations between this and foreign governments, for the apprehension and delivering up of certain offenders; which was read a first time.

Mr. DAYTON then gave notice that he should, at an early day, ask for the action of the Senate on this bill.

Mr. CASS, from the Committee on Military Affairs, reported a bill for the relief of John Caldwell.

Mr. CASS, from the same committee, reported, without amendment, the joint resolutions from the House, giving the thanks of the country to Major General Scott, and the officers of the army under his command; and, also, to Major General Taylor, and the officers serving under his command.

On motion of Mr. CRITTENDEN, the Senate proceeded to consider these resolutions as in Committee of the Whole, and they were reported for a third reading; and the question being on their passage—

Mr. HALE said, I have no disposition to trespass on the attention of the Senate, but I cannot suffer the question to be taken without expressing the grounds of my opposition to the passage of this resolution. In doing so I have no object in view except to manifest consistent opposition to the war in all its phases—in all its aspects—and in whatever way it can be presented. I feel constrained to record my vote against the passage of this resolution, because I cannot, by any possibility, by any sophistry, separate in my mind a vote of thanks to those officers for the agency which they have had in the war, from an approval of the war in which they are engaged. I do not propose, at this time, to repeat to the Senate my convictions as to the character of this war, because I have already sufficiently expressed those convictions. I desire only to vindicate the propriety of the course which I propose to take upon this occasion. Let me invite the attention of the Senate to a proceeding parallel to this which occurred in the British Parliament, on a proposition to thank the officers engaged in the American war for the services which they had rendered to the mother country against the people of the colonies. By reference to the "British Annual Register," we find, that on the 27th of November, 1781, a motion was made in the House of Commons that the thanks of the House should be given to Sir Henry Clinton, Knight of the Bath, for the important services rendered by him and troops under his command, in the reduction of Charleston; and that the thanks of that House should also be given to Earl Cornwallis, for the signal and meritorious services he had done to his country, by the most glorious victory obtained by him over the American rebels at Camden:

"Mr. Wilkes declared, that he thought it his duty to oppose the motion, as originally introduced, respecting only Lord Cornwallis, and all the subsequent amendments, because, in his idea, every part of it conveyed an approbation of the American war—a war unfounded in principle, and fatal in its consequences to this country. He had condemned it, he said, at the beginning, and had regularly opposed its progress in every stage, both in and out of Parliament. The eminent and very important services to his Majesty and this country, mentioned in the motion, he entirely disapproved, and consequently should withhold his thanks and gratitude, where he did not think them wanted, in a war of glaring injustice and wretched policy."

On this motion, Mr. Fox addressed the House; and I beg to read a short extract from the report of the debate:

"He allowed the merits of the officers now in question, but he made a distinction between thanks and praise. He might admire their valor, but he could not separate the intention from the action; they were united in his mind; there they formed one whole; and he would not attempt to divide them. He would not vote the thanks of the House to any admiral, while the navy of England was in such bad hands."

It seems to me that that is the only consistent course of action for those who disapprove of this war, in all its stages and aspects, and in every possible way in which it can be presented. I hold that that is the only consistent ground for those who maintain that this war has been wrong in its beginning, wrong in its prosecution, wrong in the objects to which it looks, and wrong in the means by which it is hoped to attain those objects. Entertaining such a view of duty on this occasion, I cannot give thanks to anybody for any agency in this war, except such agency as tends to bring it to an immediate termination. Any judicious efforts, here or elsewhere, to bring this war to a close—to a speedy and honorable close—will command my earnest and most cordial thanks; but I have no thanks to offer those who have been employed in the prosecution of a war which I believe to be thus unjust from its commencement. Nor can I accede to another proposition which I have heard maintained with a good deal of energy here and elsewhere—that an officer of the army or navy has no discretion—that he is a mere machine of the Administration—that it is to say, "go," and he goeth, "come," and he cometh, without attaching to himself any share of moral responsibility for the character of the transaction in which he is engaged. I do not believe in any such doctrine. I do not believe that officers of the army or navy are such machines, and that by receiving commissions in either service they divest themselves of all responsibility for the character of the transactions in which they may be engaged in pursuance of the orders which they receive. There is one bright page in the history of the English army, which I think might, with great propriety, be commended to the thoughtful consideration of every gentleman who thus represents the officers of the army as irresponsible machines. It is found in the history of the Earl of Effingham, a distinguished officer of the British army, and a member of the House of Peers. He was the colonel of a regiment in the British service, when he received orders to join the army, about to embark for America, and fight the rebels at Charleston and Camden. His conduct on that occasion was worthy of all commendation; and would to God that we had had some one who, inheriting a portion of his spirit when the order of this Administration was issued, directing the advance of the troops to the Rio Grande, would have followed so illustrious an example! The story is briefly told in the "Annual Register" for the year 1776, and with the indulgence of the Senate I will read it:

"The Earl of Effingham, whose military genius had led him, when a youth, into the army, and had since prompted him to ripen theory into experience wherever real service was to be found, by acting as a volunteer in the war between the Russians and Turks, had, since his return, as a peer in Parliament, uniformly opposed the whole system of measures pursued against the Americans, and finding, at length, that the regiment in which he served was intended for the American service, thought it inconsistent with his character, and unbecoming of his dignity, to enforce measures with his sword, which he had so utterly condemned in his legislative capacity. He accordingly wrote a letter of resignation to the Secretary at War, in which, having declared the cheerfulness with which he would sacrifice life and fortune in support of the safety, honor, and dignity, of his Majesty's crown and person, he observed, that the same principles which had inspired him with these unalterable sentiments of duty and affection to the King, would not suffer him to be instrumental in depriving any part of his people of those liberties which form the best security for their fidelity and obedience to his Government. He expressed the deepest regret and greatest mortification at being obliged to quit a profession which had been that of his ancestors for many ages, to the study and practice of which from childhood his past life had been applied, and his future intentionally dedicated; and that as he waived the advantage which the custom of the service entitled him to, the right of selling what he had bought, he intreated, that he might be allowed to retain his rank in the army, that whenever the envy or ambition of foreign powers should require it, he might be enabled to serve his Majesty and his country in that way in which, of all others, he thought himself best calculated to do it with effect."

That was the course taken by that distinguished officer of the British army when he received orders from the Crown to embark on a service which did not commend itself to his moral sentiments. If there could have been found within the ranks of the American army, an officer entertaining such exalted ideas of duty and dignity as that—who did not merge the man in the officer, and who could have told the Administration that he respected his own convictions of truth and duty, and could not yield obedience to an arbitrary mandate, I would have thanked him, and thanked God that he had given us such a man. But I can record no vote of thanks to any of the officers of this army, having been engaged in a contest which every feeling of my heart, and every dictate of my judgment condemns. The resolution speaks of glory. That glory I look upon as our shame! We have won no glory in this war which I desire to share, for it has been acquired in a cause which I believe has not been sustained by justice, and there can be no glory without justice. There can be glitter and there can be glare, but no glory separate from truth, righteousness, and justice; and believing that the whole of this transaction, from beginning to end, instead of adding anything to our national glory, has detracted from it—that instead of clothing our national character with just renown, it has rendered our name a shame and a reproach to the friends of free principles wherever the history of our doings in Mexico are known—I must, as one humble individual, withhold now and forever any vote of thanks or approbation to those who have been instrumental in carrying on that war.

Mr. UNDERWOOD. I differ very much on this subject from the gentleman who has just taken his seat; and the remarks which he has made give me an opportunity of placing myself right before the Senate and elsewhere. I believe, as he does, that this war was improperly and unconstitutionally commenced. But does it follow, because I entertain that opinion, that the officers and soldiers engaged under the direction of the Government are not entitled to the thanks of the country for the performance of their duty? Upon what ground has the gentleman before me placed it? He gave an instance of an English officer, who, sooner than draw the sword in execution of the orders of his Government, resigned his post. Does that apply to the soldiers who enlist during the war, or for five years? Can they resign? No. Their hands are tied. They are compelled to obey the orders of their officers; and would the gentleman erect a different standard of honor for the soldier in the ranks and the officer who commands? The British officer to whom he alluded might have had an estate to which to retire; the circumstances in which he was placed may have enabled him to take the course which he did; but not so in regard to the officers of our army. I ask, then, if the position of the gentleman involves anything more than this: that the officers and soldiers of the army are to obey orders according as they may conceive them to comport with moral principles or not? If that is to be the rule, what is to be the condition of the government of the army? It amounts to a dissolution of that government at once. My position as a legislator is one thing. I act upon principle; I attempt to give such a direction to public affairs as, in my judgment, right principle demands. But as a citizen, I am bound to yield obedience to the law. After the legislature has acted, it is the duty of the citizen to comply with the legislative prescriptions. I have always repudiated the idea of an inferior tribunal, executive or legislative, setting itself up to expound the law, and act just as it understands the requirements of the case, as being entirely opposed to republican principles, and the good order of society. I think, that if this Legislature should express its determination to conquer the whole of Mexico, the citizens would be bound to submit. As a legislator, I would feel it to be my duty to oppose to the very utmost such a determination. But if it were once so decided, constitutionally or unconstitutionally, there would then be nothing left but submission. It would be my duty to submit in that case. How is it with the army? The army is bound to execute the orders of the Government; and if it execute them in the gallant style which has characterized the operations of our troops in Mexico, it is entitled to the thanks of every man whose heart beats with

worthy impulses. It has been remarked here, and I think with great truth and propriety, that the honor which the army has won has given strength to the country, and that that is perhaps the only thing which we have gained by this war; and that, but for the acquisition of honor by the army, the whole war, from the beginning to the end, instead of being matter of exultation, would have been the subject of lasting lamentation. I therefore think it to be my duty to vote cheerfully for this resolution, and to accord to the officers and soldiers of the army my thanks for the manner in which they have performed their duty. The war has not been their act; they are the mere agents of the Executive in carrying on the war.

Mr. BUTLER. I am somewhat astonished at the views taken by the gentleman from New Hampshire. Yet, perhaps I ought not to be astonished this morning at the views which he has expressed, when I refer to the peculiar opinions which he introduced on another subject a few days since. We are now making materials for history; and the gentleman from New Hampshire has maintained that, instead of returning our thanks to the officers and men for their good conduct, gallantry and skill in the operations of this war, not under the orders of the President, but under the national flag, they should be regarded by us as deserving the lasting reproach of history. Where does the gentleman learn his lessons upon subjects of this kind? Am I, here in the Senate of the United States, to be told that those who have fallen in consequence of yielding obedience to the dictates of patriotism are to have reproach and infamy cast upon their graves? Am I to be told that those who have obeyed, perhaps reluctantly obeyed, the orders of the commander-in-chief in embarking in this war, are not entitled to our thanks for maintaining the honor, the historical reputation of this country abroad? And yet, such are the sentiments of the gentleman from New Hampshire. I solemnly believe that General Taylor, more, perhaps, than any other single individual in this country, is entitled to our thanks for saving the lives not only of his own troops, but the lives of those sent on this expedition. Every battle that was fought, it seems to me, resulted almost in a miraculous escape from the overwhelming disaster which seemed to be impending over our army. If he had failed at Buena Vista, it is almost certain that the troops under command of General Scott would have been destroyed by the Mexican hosts which surrounded them; and I yet am told that those who saved the lives of our troops—who went forth under our national flag, are, by the solemn judgment of the Senate, to be condemned, because, when ordered to pass into the enemy's country, with craven indifference to honor—in traitorous violation of their duty—they did not retire and give up their commissions! Yes, the gentleman would have had those officers to resign in the face of the enemy. I believe his doctrine goes so far, and that it would be consistent with his notions, that the officers and men should receive pay whilst they are guarding garrisons, but retire the moment that the order to encounter the perils of war was issued. According to his idea, they are to be judges of the justice and propriety of the war. I do not know, however, that the ideas which the gentleman has just now expressed, are at all different from some which I heard the other day, and to which I shall now take the opportunity to advert. The very first remark which I heard from that gentleman in this Senate House was to maintain that whilst science in adventurous experiment was soaring to heaven, and making discoveries in the bowels of the earth, refuting the Mosaic cosmogony, he was not allowed to present memorials on your table for the suicide of this Confederacy. Such was the doctrine then maintained by the gentleman: that he was forbidden to present on your table memorials and petitions which, if they had been acted upon, would have resulted in the immediate, infamous, suicide of this Confederacy. What did the gentleman then maintain? Nothing at all different from that which he now asserts: that one portion of this Confederacy should have the liberty of presenting memorials of that kind, to alter the Constitution, so that one portion of the Confederacy should be deprived of those guarantees under which it entered the Union. I recollect one of the remarks made by the gentleman on that occasion, and I hope he will pardon me for quoting his classic language. He said that he had learned in Yankee school-books not only to spell words, but to understand their meaning. I believe he said that so far as regards one portion of the Confederacy—at least that was the tendency of his remarks—it should be put under ban of the condemnation of the other; and that it was correct in a representative of the Federal Government—I mean the Secretary of State—to protest against the interference of British power, so far as it affected only that portion of the Confederacy. Let me ask him, suppose the proposition had been made to introduce slaves into New Hampshire to the exclusion of others, and to settle the Maine boundary with a view to do so, would he or would he not have invoked the Federal powers to protect that portion of the Confederacy? But perhaps, sir, I am now going beyond the legitimate limits of the present question. I protest against this attempt to cast contumely and reproach upon the officers and soldiers who have obeyed the orders of this Government, and who deserve the lasting approbation of the country.

Mr. CASS. As it appears to be probable that this discussion may be prolonged, and the hour for taking up the special order has already passed, I move that the resolution be passed by informally.

SEVERAL SENATORS. Oh! no. Let it be acted upon now.

Mr. CALHOUN, (in his seat.) Let it be passed over informally.

The PRESIDING OFFICER. Does the Senator from Michigan withdraw his motion?

Mr. CASS. I believe not, Mr. President. I think I must adhere to it.

Mr. HALE. I desire only to say a few words personal to myself.

Mr. CASS. If the Senator desires to make a personal explanation, certainly I have no objection to withdrawing the motion.

Mr. HALE. The honorable Senator from South Carolina says that I have undertaken to cast obloquy upon the officers of the American army. I certainly have said no such thing—I have intended no such thing. I said that the officers engaged in this war could never have my thanks. I could not thank them for anything they had done, because it was impossible, in my mind, to separate the actors in the war from the war itself. Then, simply with the view of showing that I was not without precedent in my course, I referred to a fact in history, drawing no inferences whatever from it. The severe philippic which the honorable Senator has thought proper to pronounce upon the precedent which I have cited, must be directed against the honored statesmen who stood up in the Parliament of Great Britain, and maintained the cause of the American colonies—the cause of human liberty and human rights, against the arms of that power which was then endeavoring to crush the spirit of freedom, bursting into life in these colonies. I have not undertaken to mark out for a single individual the course he is to pursue on this floor in reference to this subject; nor do I ask any to follow that course which I myself adopt. But so long as I have the honor of occupying a place here, I must follow my convictions, let them lead me where they will. When I cannot follow my convictions, I will not come here. The honorable Senator has referred to some remarks which I made the other day, upon the occasion of presenting a memorial in reference to the subject to which he alluded. I think that the Senator undertook to characterize that memorial, and the course which I adopted on that occasion, in terms, which to say the least, if he had known all the facts, he would not have employed. What was the character of that memorial? Did it ask the Senate to transcend any of its acknowledged powers? No. It was a memorial drawn up by a society of professing Christians, who eschew the doctrine of the justifiable employment of physical force, and simply asked that the American Government would use all the powers vested in them by the Constitution, for the removal of that which they deemed to be an evil. The memorialists could not be heard. Their petition could not be received by an American Senate.

Mr. BUTLER. I did not exactly allude to that part of it, and perhaps, indeed, I should ask pardon of the Senate for referring at all to what was not altogether germane to the immediate subject before it; but, if I recollect right, there was a memorial or paper of some kind asking an alteration of the Constitution, to enable them to interfere with that institution of the South. On another occasion, however, I may advert to this matter; and was betrayed into it now, from the circumstance that the gentleman on all subjects of this kind stands very much alone.

Mr. HALE. I am quite willing to "stand alone," provided I stand on my convictions. I mean, sir, to vote as I talk. I do not come here to make a speech denouncing this war as unjust and unconstitutional, and then stultify myself by voting men and money to the President, to carry it on. My speeches and my votes shall be, at all events, consistent with each other. While I think as I do, I shall vote as I speak. I do not know but I may be alone in that; but whether it be so or not, I shall so act, and leave it to be said whether it is a reproach to me or others, that I am thus alone. Permit me to say to that honorable Senator in all kindness, and with no disposition to be offensive, that he entirely mistakes and misapprehends the character of that portion of the American people whom I am supposed to represent on this subject. Once for all, let me say, that we desire no interference with, nor disturbance of, the existing institutions of the States. If the institution of which you speak be a blessing, bless yourselves with it; if it be a curse, stagger under it as you may; let us remain free from it—let us alone. It is all that we desire—all that we ask. And permit me to say that our efforts will not cease, our exertions will not weary until we have done what we can to relieve ourselves of any share of reproach or responsibility in respect to what we regard as a great and crying evil. We do not pretend to interfere with it, then, but we say, "keep it to yourselves!" Do not come here and ask us to tax people to the last point of endurance, to carry on an aggressive war for its prosecution, sustenance, and maintenance. Do not desire to go into our States, interfering with us there, and in claiming to preserve your institutions, disfranchise us. We hear a great deal about the far-famed compromises of the Constitution; but go into the State of New Hampshire, before a justice of the peace, with the certificate of any one claiming me as his slave, and you may drag me from the embraces of my family and all that I hold dear. The habeas corpus and trial by jury are in a moment trampled in the dust, and slavery rides omnipotent over all the guarantees of the Constitution! It is from this that we ask to be relieved. We make no war upon you. That is all that we attempt, and so far as we are enabled to do so, we shall continue the attempt to maintain the integrity of our own constitution and our own institutions against these encroachments. Beyond that, we have no desire to go. Beyond that, we have never gone. The Senator, then, entirely misunderstood the purport of the efforts made by me, if he gave them any other character. A single word in regard to the matter immediately before the Senate, and I have done. I think I cannot have been misunderstood when I said, that I did not characterize the acts of the officers of the army. I have spoken of the war in which they are engaged. I believe it to be unjust; and what would we have thought of the sincerity of the patriots in the British Parliament—of Chatham, for instance, whose manly eloquence was exerted in denouncing the aggressions upon the liberties of the colonies, if he had united in the vote of thanks to Cornwallis and Clinton? That is all that I have maintained. I believe this war to be unjust, and, therefore, I cannot vote for the thanks of Congress to be given to any one who has had any agency in the prosecution of that war.

On motion of Mr. ALLEN, the subject was passed over informally.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. TURNEY said, if he entertained those views of the unconstitutionality of the war which Senators on the other side had expressed, he would vote against every measure for its prosecution. If the war was just, all agree this bill should pass. If it was unjust, it ought not to pass. The points which had been urged on the other side in opposition to the justice of the war were never heard of until this bill was brought before the Senate. He adverted to the movements of the army, early in the war, to show that the necessity for the passage of the bill granting the first supplies to the Presi-

dent was grounded on the perilous situation of General Taylor and his troops.

He believed that the war would have long since been brought to a close but for the divisions at home. He asked, what kind of a treaty of peace Senators, who thought the war unconstitutional and unjust, could make with Mexico? He saw that the differences of opinion were strictly coincident with the party lines. We all know the effects of these party conflicts on the enemy, who is led to reflect on the consequence of this disunion among our own citizens, weakening our energies and distracting our efforts, and to hope that a change of our counsels would open the way to a peaceful termination of the war.

He said that he concurred with his colleague in the opinion that the people of Tennessee are disposed to sustain the war; but he thought that his colleague, by voting against the bill, would not represent the opinions of the people. He adverted to the various points which had been urged on the other side, and stated that they had failed to change the convictions of his mind.

He complained that Senators on the other side built up issues for themselves, and then went on to reason from them. They might be all easily overthrown, but he could not take up the time of the Senate with them.

Annexation, which has been charged as the cause of the war, was the act of the Tyler administration. The Senator from Maryland, [Mr. JOHNSON,] in his unanswerable argument, asked why the President had not recalled the messenger, and thus prevented the act? He vindicated the President from the charge which had been made against the Executive on account of the non-revocation of the ministerial act of his predecessor. He contended that Mr. Polk had not the power to do so. If he had done so, still, annexation would have been perfected at the next session of Congress.

To sustain the position which he had taken, he quoted copiously from the history of the matters connected with the annexation of Texas, and the opinions of the distinguished statesmen of the time on the subject. The Whig doctrine in 1844 was, that the annexation of Texas would be productive of war; while the Democratic doctrine was, that it could present no just cause of war. Now the Whigs assert, that the removal of our troops beyond the Nueces to the Rio Grande was the cause of the war. The Whigs, therefore, had entirely changed their ground on this subject, abandoning the annexation as a cause, and assailing the acts of the present Executive as having led to the existing difficulties.

He then went on to speak of the course pursued by the Mexican Government in relation to Mr. Slidell. She would not even listen to any proposition, but at once rejected the minister. What course was then left for the United States but to commence war?

The administration of Mr. Tyler had brought on the war, in effect, by pursuing a course which closed the door against every proposition which we could make towards conciliation and peace. The present Administration had done all it could to avert the war, but every effort was frustrated, until, by the rejection of Mr. Slidell, every hope of peaceful adjustment was destroyed. The correspondence of our Secretary of State shows how strong was his disposition to pursue a conciliatory course.

He would have charged our Government with a violation of the national honor, if it had not fulfilled the assurance it gave to Texas to interpose, so as to prevent her re-invasion by Mexico. We talk much of the honor of the Government, the honor of the country, which must be preserved from stain at all hazards. What would have become of this honor, had we not redeemed the pledge given to Texas to interpose, to prevent her re-invasion by Mexico?

He returned to the question of the annexation of Texas, and read from the diplomatic correspondence on the subject, to show that the Secretary of State had adopted that measure, in view of all its possible consequences, of which consequences war was one. It was not a difference of opinion as to the boundary between us and Mexico which caused the war, but it was the question of annexation as a whole.

For the conduct of the war, the President is responsible—responsible to the people. But he is a cautious and prudent man, and has not acted without due consideration and consultation with military men, men of experience, men who are in possession of all the necessary information. He consulted General Taylor when the movement on the Rio Grande was resolved on. It had been alleged that our troops were sometimes too many—sometimes too few—and now we have more than can be required to bring the war to a termination.

He insisted that the Mexican troops had invaded our soil, when they crossed the Rio Grande, and that it was then a matter of necessity to repel them.

He then went on to inquire what could be done to bring the war to a termination. He would use the language once used by a gentleman from Rhode Island—we are now in the war, and we must fight it out. It was strange that we, being in the midst of a war, should grieve at our own success—should take the alarm, and take sides with our enemy; that the suggestion should be urged that we must make peace, without waiting for the Mexicans now to show their hand. We have already made proposition after proposition, without effect. Yet we are told that we have peace in our power—that we can make peace when we please. Mexico is not conquered; and when we say she is whipped, we are forced to admit that she is not conquered, for she will not listen to any proposition from us to terminate the war.

He was desirous to carry on the war vigorously, to strike into the vitals of Mexico, and to force her to a peace.

Mr. TURNEY concluded with recapitulating the points of his argument.

On motion of Mr. MANGUM, a message was ordered to be sent to the House of Representatives, requesting the return of the bill for the increase of the medical staff of the army of the United States.

Mr. MANGUM explained that the bill had been suffered to pass the Senate without attracting any attention. And he gave notice of a motion to reconsider the vote by which it had been passed.

On motion, it was ordered, that when the Senate adjourns, it adjourn to meet on Monday.

Mr. BREESE then took the floor and expressed his desire to make some remarks on the bill under discussion, and the Senate proceeded to the consideration of executive business; and, after some time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 14, 1848.

This being resolution day, the SPEAKER commenced the call of the States for resolutions, commencing with the State of Virginia, where the call was suspended on the last resolution day.

On motion of Mr. GOGGIN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into and report to what extent, and in what respect, the franking privilege of the officers and members of this House has been restricted by recent decisions of the Postmaster General, or any of his assistants or deputies; and whether any, and if so what, further legislation is necessary to give effect to the existing laws upon that subject.

Mr. CHAPMAN offered the following resolution, which was agreed to:

Resolved, That a select committee be appointed to inquire into the tobacco trade of the United States with the different countries of Europe, and the duties and restrictions imposed upon this branch of American commerce, and to report by bill or otherwise.

On motion of Mr. CRISFIELD,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Princess Anne, in Somerset county, Maryland, by Kingston, to Jefferson Corner, in said county.

On motion of Mr. CHAPMAN,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of building a light-house on Blackstone's Island, in the Potomac river.

Mr. STROHM moved the following preamble and resolutions, which were read and laid over under the rule:

Whereas it is extremely desirable that the peaceful relations heretofore subsisting between the United States of America and the Republic of Mexico should be restored, as soon as the difficulties between the two countries can be adjusted, upon principles of common justice and in conformity to the laws of nations; and whereas experience has demonstrated that the conquest of armies, the capture of cities, and the occupation of territory in the enemy's country are inadequate to accomplish the great object which the peace-loving citizens of both countries so ardently desire; and whereas, in the opinion of many, the cheapest, easiest, speediest, and most effectual way of procuring an honorable and permanent peace would be to withdraw our armies from the territory of Mexico and propose commissioners to negotiate a treaty; and whereas it is the duty of Congress to make ample provision for the security, pay, subsistence, and comfort of the brave men who now compose our armies in Mexico, and who have so gallantly defended the flag of their country: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, directed to make and report to this House an estimate of the amount of money that may be necessary to withdraw our troops now in Mexico to some point or points within our own undisputed territory, discharge and send home the volunteers, and sustain the regular army during the ensuing year.

Resolved, That if, in the opinion of the Secretary of War, the safety of the army, in carrying out the policy above indicated, should it be adopted, will require an additional number of men, either by filling up deficiencies in existing regiments or by new levies, he shall report the number of men and the character of the troops which he may deem necessary, together with an estimate of the cost of raising, transporting, and subsisting such additional troops for one year, or for such period as he may judge that their services may be required, less than one year.

On motion of Mr. EVANS, of Maryland,

Resolved, That the pay of John P. Gaines, a member of this House, be allowed from the first day of the session, he having been prevented, from unavoidable causes, from reaching Washington, on his passage from Mexico, until some days thereafter.

On motion of Mr. POLLOCK,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the provisions of the act of Congress of June 7th, 1832, (granting pensions, &c.,) to the officers and soldiers, &c., who served during the Indian campaigns under Generals Clarke, St. Clair, Harmar, and Wayne; also, to the officers and soldiers of the late war with Great Britain, not otherwise provided for.

On motion of Mr. J. R. INGERSOLL,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing so much of the 30th section of the act of Congress of 1789, (September 24,) to establish the judicial courts of the United States, as authorizes the taking of depositions without notice to the adverse party; and of extending the privilege of American vessels to all foreign vessels transferred by judicial sales, under the order of a court of competent jurisdiction, to a citizen of the United States; and of providing a place of deposit for the bond of clerks of courts of the United States; and of abolishing custom-house oaths; and of prohibiting execution of criminals in public; and of altering the holding of the circuit court of the United States for the southern district of New York; and of regulating costs in courts of admiralty; and of so modifying the judiciary system of the United States as to facilitate the despatch of business, without impairing the rigor and wisdom of the administration of justice.

Mr. J. R. INGERSOLL offered the following resolution, which was read and laid over under the rule:

Resolved, That the Secretary of the Treasury be directed to report to this House on what articles, embraced in the tariff act of 1846, the duties can be increased beyond the existing rates so as to augment the revenue, and to what extent the said duties can be increased, and what additional revenue would accrue therefrom.

Mr. POLLOCK asked leave to offer a second resolution; to which

Mr. HOUSTON, of Alabama, objected, on the ground that Mr. P. had already offered a resolution.

Mr. POLLOCK moved to suspend the rules, to enable him to move the resolution.

The question was put on suspending the rules, and it was disagreed to.

On motion of Mr. STRONG,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a national foundry in the city of Reading, county of Berks, and State of Pennsylvania.

On motion of Mr. C. J. INGERSOLL,

Resolved, That the Committee on Ways and Means inquire and report to this House whether it would not increase the commerce between France and the United States, the duties from imports in the United States, and the advantage of both countries, to reduce the present American duties on French wines, brandies, silks, jewels, and other French productions taxed as luxuries; and whether the said French productions should not be treated as necessary to enable France to pay for a greater than her present purchase of American cotton, rice, provisions, tobacco, and other American productions.

Mr. LEVIN offered a resolution authorizing the Sergeant-at-Arms to employ a clerk at a stated salary.

Mr. L. moved the previous question.

Mr. JONES, of Tennessee, moved that the resolution be laid upon the table.

After some inquiries and points of order, the resolution was withdrawn.

A PROPOSITION TO EXPUNGE.

Mr. THOMPSON, of Pennsylvania, offered the following resolution:

Resolved, That the words of the "amendment" offered and adopted by the House to the resolution of thanks to Major General Taylor, on the 3d day of January, 1848, con-

taining the words, "that the war [meaning with Mexico] was unnecessarily and unconstitutionally begun by the President," is untrue in fact, and calculated to prevent a peace with Mexico on the basis of indemnity, and should be expunged from the Journal, and that the Speaker cause the same to be expunged from the Journal of the House on the passage of this resolution.

Mr. THOMPSON moved the previous question.

Mr. ASHMUN said, as the resolution asserted what was not a fact, he moved that the resolution be laid on the table; and also asked the yeas and nays on the motion to lay on the table.

Mr. GAYLE rose to a question of order; but, owing to the confusion in the Hall, his point of order was not heard by the reporter.

Mr. BURT moved that the House resolve itself into Committee of the Whole on the state of the Union. Negatived.

Mr. THOMPSON, of Pennsylvania, at the suggestion of several members, modified the resolution so as to insert the word "rescind" in place of the word expunge.

Mr. McKAY rose to a point of order, and was proceeding to make some remarks, when

The SPEAKER decided him out of order.

The question was then put on laying the resolution on the table, and decided in the affirmative, as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Blanchard, Botts, Brady, Buckner, Butler, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gaines, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Pendleton, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Tallmadge, Thibodeaux, Taylor, Tompkins, John B. Thompson, Toombs, Van Dyke, Vinton, Warren, White, and Wilson —105.

NAYS—Messrs. Bayly, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Collins, Daniel, Dickinson, Edsall, Faran, Featherston, Ficklin, Fries, French, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, Ingc, Charles J. Ingersoll, Iverson, Jackson, Jameson, Jenkins, James H. Johnson, Robert W. Johnson, George W. Jones, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Lord, Lumpkin, McClelland, McClernand, McKay, McLane, Meade, Miller, Morris, Morse, Murphy, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Rhett, Richardson, Richey, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Williams, Wiley, and Wilmot—94.

So the resolution was laid on the table.

A message was received from the Senate requesting the House of Representatives to return to that body the bill of the Senate "for an increase of the medical staff of the army for a limited time."

On motion of Mr. HARALSON, the request of the Senate was complied with, and the said bill was accordingly returned to the Senate.

On motion of Mr. STEWART, of Pa.,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of increasing the pension of Thomas Thompson, of Pennsylvania.

On motion of Mr. McILVAINE,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of organizing a territorial government in the Indian country west of the Mississippi, to which the Indians have been removed by this Government, and that they report by bill or otherwise.

On motion of Mr. BRADY,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reporting a bill providing that, in cases where soldiers who have been discharged from the service of the United States on account of disease or disability have applied, or may hereafter apply, for bounty land or treasury scrip, under the act of 11th of February, 1847, the discharge shall be deemed sufficient evidence that the disease or disability was incurred in the service, unless the contrary shall appear.

On motion of Mr. BUTLER,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a national foundry at some suitable place within the 11th Congressional district in the State of Pennsylvania.

Mr. HOUSTON, of Delaware, moved to suspend the rules, to enable him to move to discharge the Committee of the Whole from the Senate bill to authorize the payment to James Crutchett of $2,000 for lighting the Capitol and Capitol grounds.

The motion was disagreed to—ayes 85, noes 47, two-thirds not voting in favor thereof.

Mr. NEWALL offered the following preamble and resolution, which were read and agreed to:

Whereas the late Hon. Samuel G. Wright, member elect to the 29th Congress from the second Congressional district of New Jersey, died previous to the first session of that body, and his death not heretofore announced: Therefore—

Resolved, That the Clerk of this House be directed to cause a monument to be erected to his memory in the Congressional burying-ground, and to transmit a copy of this resolution to the family of the deceased.

REFUNDING OF MONEYS BY THE STATES.

Mr. MURPHY offered the following preamble and resolution, which were agreed to:

Whereas, by an act entitled "An act to regulate the deposits of the public money," approved June 23, 1836, the surplus in the Treasury of the United States on the 1st of January, 1837, reserving five millions of dollars, was directed to be deposited by the Secretary of the Treasury with the several States on receiving certificates of deposits thereof signed by their treasurers, or other competent authorities, and expressing the usual and legal obligations, and pledging the faith of the State for the safe-keeping and repayment thereof, and for paying the said moneys and every part thereof from time to time, whenever the same should be required by the Secretary of the Treasury for defraying any wants of the public treasury; in pursuance of which act, the sum of $28,101,644 91 was deposited with the several States:

And whereas, the moneys so deposited are required for the purpose of defraying the wants of the public treasury, and sound policy dictates the propriety of avoiding a large public debt, which otherwise must accrue: Therefore,

Be it Resolved, That it be referred to the Committee of Ways and Means to inquire into the expediency of requiring the Secretary of the Treasury to call for the repayment of the moneys of the United States deposited with the States, according to the pledged faith of the States, in the manner designated by the said act of June 23, 1836.

INCREASE OF DUTY ON IRON.

Mr. KELLOGG offered the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of increasing the duty on bar, bloom, pig, and manufactured iron, imported from foreign countries into this, and that they report by bill or otherwise.

Mr. BINGHAM moved that the resolution be laid upon the table; on which motion the yeas and nays were ordered.

Mr. STEPHENS gave notice, that if the motion to lay on the table did not prevail, he would debate the resolution.

Before the question on laying on the table was put—

Mr. DUER moved that the House resolve itself into Committee of the Whole on the state of the Union. Agreed to.

THE LOAN BILL AND THE WAR.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BOTTS, of Virginia, in the chair,) and proceeded to the consideration of the bill authorizing a loan not exceeding $18,500,000.

Mr. DUER (who was entitled to the floor from some days since) addressed the committee. Some time ago, (he said,) when the House had under consideration the message of the President, he had desired to say something with respect to one of the subjects therein adverted to—the engrossing topic at this time. He was not so fortunate at that time as to obtain the floor. He supposed what he had then desired to say would be in order now; but he did not desire to fatigue the House by going over beaten ground on the subject of the war. Many truths had been said, and well said, and he could not hope, by anything he could say, to give them additional force. Therefore, with reference to some points, he would entirely omit their consideration, and of others he would content himself with merely stating his opinions generally, without entering into details.

It seemed unquestionable that the origin of this war was the annexation of Texas. To say it led to the war, was a weak and exceptionable expression. Annexation was war. It was unnecessary to refer to Grotius, Vattel, or any other writers on international law to sustain this position. It was capable of being made plain to the commonest understanding; it was of the nature of an axiomatic truth. It was not denied that when Texas was annexed, Texas and Mexico were at war. What, then, became of that war? Why, unless the annexation of Texas produced peace, (which was absurd,) the war followed the annexation: we annexed Texas, and the war with her. Her separate independence being gone, and she being annexed to us, the war continued with us.

There was another proper share of responsibility for this war which should be attached to the original authors of annexation. A distinguished gentleman, a year ago, claimed to be the author of the annexation of Texas; that whatever praise or blame attached to that measure was due to him. He (Mr. D.) referred to the gentleman by whom principally the negotiations were conducted. The principle on which that gentleman justified the measure of the annexation of Texas was a justification (if well founded) of the President of the United States in the prosecution of the war at this time. What was the principle? We were not left to conjecture it. It was of record; we found it in the printed documents which were then laid before the Senate. Mr. CALHOUN laid it down as a fundamental principle—antagonistic to the British policy, frankly avowed by the British minister, that that Government, where it could do so without impropriety, sought throughout the world the abolition of slavery—that the Government of this country claimed the right to interfere for the purpose of preventing the abolition of slavery throughout the world, wherever its abolition would be injurious to the institution in this country; and it was one of his propositions that, wherever any foreign State borders on a slaveholding State of this Union, it is unsafe to permit such foreign State to be a free State. He [Mr. CALHOUN] held that the institution of slavery was a philanthropical institution, a humane institution; that the effect of it was to preserve the colored race from idiocy, from insanity, from pauperism, and the like evils. It followed unquestionably (said Mr. D.) from these principles, if well-founded, that the measure of annexation was justifiable. If so, if Mr. CALHOUN was justifiable in going to war with Mexico for the purpose of more firmly establishing slavery in Texas, then the President of the United States was justifiable in further prosecuting this war for the purpose of establishing slavery in Mexico; for Mexico now bordered on a slaveholding State, and it was as much the duty of this Government to protect this institution in Texas as it was in Louisiana or Arkansas. Nor did the principle stop there. We must go onward, and onward, conquering, annexing, and introducing slavery into all our sister republics, until we shall have spread all over the American continent.

He made these remarks in no invidious spirit towards the distinguished statesman by whom these negotiations were conducted. But he thought it due to justice and to the Whig party, who were opposed in the main to the measure from which the whole evil had grown, that the truth should be said. But, further; he had no idea that Mr. CALHOUN wished or intended actual war with Mexico; that Mr. CALHOUN wished or intended to extend the war into Mexico. He believed, in that respect, that that distinguished gentleman was illogical; that he did not look in the face the consequences which naturally flowed from his own measure. He believed him [Mr. CALHOUN] a friend of peace; that his error here had arisen from that cause from which most of his errors had arisen—from that fanaticism (and he used the word in no invidious sense, for there existed a fanaticism at the South as well as at the North on the subject of slavery) which caused him to think that slavery was at the foundation of everything excellent in government. His great error was this. If he could have remained where he was—and where perhaps he was too honest to remain—war might not have followed; but he ran an immense, and, as the result had proved, a fatal hazard. He placed this question in the hands of gentlemen who were not actuated by pure motives, who were not averse to war, if by war their own designs or those of their party could be carried out; and the consequence was war.

But the majority of the House of Representatives, and he, as one of that majority, had voted at this session that the war was "unnecessarily and unconstitutionally commenced by the President of the United States." The gentleman from Georgia, who spoke some days ago, [Mr. COBB,] went into an elaborate argument to convict the Whigs of inconsistency who had previously expressed sentiments similar to those which he now expressed, and who at this session had voted that the war was commenced by the President. Now perhaps he (Mr. D.) was rash and foolish in voluntarily exposing himself to this charge of inconsistency; but he thought the two positions were consistent, and both true. He thought that one source of difficulty with the gentleman from Geor-

gia and others had been, that they had not reflected that the word "war," like many other words in the English language, and in other languages, was capable of more than one signification. It denoted certain relations which might exist between two countries without actual hostilities; and it denoted (as used in common parlance) actual contest, actual hostilities. Now, if things after annexation was consummated had remained in *statu quo;* if no change, after that, had taken place in the relations between this country and Mexico, he said the President was not justified in ordering an invading army into the territory of Mexico. Why? Because, though in one sense the measure of annexation was war, yet it was not intended to be by Congress, and was not in fact a declaration of war by this Government. It assumed the quarrel which Mexico had with Texas, if Mexico chose to prosecute that quarrel. We had no quarrel with her; she had given us no offence growing out of that measure of annexation. We assumed the quarrel, if she elected that the quarrel, then terminated, should continue. And even then, if there had been no change in our relations with Mexico, the President was not justifiable in sending an invading army into her territory.

The act of Congress did not give the President such power; it did not necessarily continue the quarrel. But Mexico made her election; she chose that there should be PEACE. And if the state of things previously did not justify the President in commencing the war, clearly after Mexico elected peace, after she consented to receive a commissioner from the United States to settle the question of boundary, the President had no power of this description.

He said, then, that these positions were both true and consistent, and he was not disposed to yield the one or the other.

But the gentleman from South Carolina, [Mr. RHETT,] in his argument upon that subject, held, as he (Mr. D.) understood—and if he was wrong he wished to be corrected—that inasmuch as, by the Constitution of the United States, Congress alone could declare war, therefore it was impossible for the President of the United States to commence a war. He might order an invading army into another country; that would be hostility, the gentleman held, but not war, because Congress alone could declare war. For this argument, if he had understood it aright, he should perhaps be obliged to the gentleman. He thought it might be used upon other questions which would come up by and by. He believed the gentleman from South Carolina denied the power of Congress to improve rivers and harbors and to erect piers. They had, or had had, where he lived, a pier now only preserved from ruin by the voluntary contributions of the inhabitants. Now, suppose Congress were to vote appropriations for the repair of that pier, or for the construction of another elsewhere: the gentleman from South Carolina, holding that it was unconstitutional to vote for the erection of piers, would, by parity of reasoning, deny that, when erected, they were piers, but would hold them to be merely collections of stones and mortar. The gentleman argued that whatever was done unconstitutionally was as if it had not been done at all; and therefore he must admit that in voting such appropriations no unconstitutional act was committed. This was the reasoning by which he now defended the President against the charge of commencing the war. Did the gentleman take the distinction between "war" (which he held could only be commenced by Congress) and *hostilities*, and mean to admit that the President had commenced hostilities? If so, it was a mere question of words, which he (Mr. D.) was willing to yield, and say that this was an unconstitutional act of *hostilities* commenced by the President of the United States.

He did not wish to detain the committee long, when they had so often been on the banks of the Rio Grande. [A laugh.] Who commenced this war? was a question which lay in a nutshell. Its answer depended on a simple fact. The Mexican and American armies met on or near the banks of the Rio Grande; there the first battle was fought. Now, which of these armies was the invading army? Upon whose soil was the first battle fought? If upon American soil, then the Mexicans were the invaders; but if upon Mexican soil, the Americans were the invaders; and the President having ordered the invasion, the war was "unnecessarily and unconstitutionally commenced by the President of the United States." Now, upon this question of fact, upon this question of position, turned the decision of the question, who commenced the war? But even admitting that Texas, and we through Texas, had just title to the Rio Grande, yet, if the western bank of the Rio Grande was at that time in actual possession of the Mexicans, this question of boundary being a controverted question, it was an unjustifiable act of the President. Now, there was no want of witnesses here. Throwing aside others, here were two thousand men in the army under General Taylor who could testify from their own knowledge on the subject. Permit him to read the testimony of one of these witnesses. He wished to make out a *prima facie* case merely; and he asked gentlemen, if they could, to contradict this testimony by a particle of testimony on the other side. Here was an extract of a letter written at that time (and published shortly after in this country) by one of the officers under General Taylor, and who was an eye-witness of the scenes of which he writes. He says:

"Our situation here is an extraordinary one: right in the enemy's country, actually occupying their corn and cotton fields, the people of the soil leaving their homes, and we, with a small handful of men, marching with colors flying and drums beating right under the very guns of one of their principal cities, displaying the star-spangled banner, as if in defiance, under their very noses, and they, with an army twice our size, sit quietly down, and make not the least resistance, not the first effort to drive the invaders off. There is no parallel to it."

Now, if what the President of the United States and his friends here said was actually true, this state of facts was entirely reversed. It was *Americans* who were dwelling in the houses there, cultivating their corn and cotton fields; it was the Mexican invading army that drove them from their houses and fields, and the army of General Taylor went not to drive them away, but to protect the *American* inhabitants there. But where was the witness who testified to this state of things? Was there one, from the commanding general down to the meanest camp follower, who undertook to show that that was the state of facts, which must be shown to establish the position that war was commenced by the act of Mexico? But he should be told—as he had heard such things before, both here and elsewhere—that, however this might be, he ought nevertheless to maintain (contrary to his clear convictions of truth) that the Mexicans were the invading army, and that the American army under General Taylor went forward to the left bank of the Rio Grande to protect the American inhabitants there; that to do this, was to take the side of his country; and, in a state of war, men ought to take the side of their country. Yes, in war and in peace, every man ought to take the side of his country; but, in order to determine what was the side of his country, he must determine what was the true interest and glory of his country. Is James K. Polk my country? Then I confess (said Mr. D.) I am no patriot. Is it patriotism to falsify facts?—to lie? In monarchical governments, there were men who surround the throne and fill the royal ear with falsehood and flattery, who live by these arts, and who call themselves loyal. So, too, in republican governments, there were men who surround their high functionaries; and they, too, live in this way, and call themselves patriots. But he liked better the honest man, who tells the king or his rulers the truth, though at the risk of disfavor and disgrace; and he had rather act this honest part himself, even at the risk of being stigmatized as a "Mexican Whig."

Now, something as to the motives with which this war was commenced and prosecuted by the President of the United States, and by those partisans who sustained him. He thought he could discover a two-fold purpose: a domestic purpose, and a foreign purpose—an object to be accomplished at home, and an object to be accomplished abroad. He believed, and he therefore charged, that the President of the United States had commenced and was prosecuting this war in a base and partisan spirit, and for base and partisan purposes; and he thought the facts from which he deduced this conclusion amply sustained it, and were, in themselves, clear and indisputable. Let him notice here an inconsistency in gentlemen on the other side. They are constantly saying to us, (said Mr. D.,) "Why, you should unite with us in supporting this war; the country should present a united front; you must not enter into discussions about the origin of this war, the motives with which it is prosecuted, because these discussions, reaching Mexico, convey the idea that the country is divided, and cause her to persist in her obstinate resistance." The country is in war, (say they;) therefore, we must vote all the men and money the President requires; we must not inquire whether he has violated the Constitution; we must not inquire, being engaged in an attempt to deprive the Mexicans of their liberties, whether our own are in danger!

If gentlemen were sincere, if they really held these Mexican Indians in such fear as to think it unsafe to discuss the war, why was it that from the beginning they had done as they now did—all they could do to force the Whigs into opposition to the war? And why did they not indirectly, leaving it a matter of inference, instead of directly, say that there was in the country a party that sympathized with the Mexicans, that wished the Mexicans success? Do we hear any Whigs in this Hall or elsewhere, did any Whig journals use any such language? No; it proceeded entirely from gentlemen on the other side. We (said Mr. D.) may not utter the most solemn truths for fear Mexico may misunderstand them! You may give utterance to the grossest slanders, which do all this mischief (if any is done) which you profess so much to deprecate. It was not Whig truth, but Democratic falsehood, that gave "aid and comfort" to the Mexicans. Suppose a Whig made a speech which was indiscreet, if they pleased, he asked gentlemen on the other side why did they select particular passages, print them in italics and capitals, distort them from the context, interpolate words never used, and found upon the whole a commentary as different as possible from any idea in the mind of the author? He would tell them: it was because they wished to injure the Whigs here at home by exciting popular prejudices, while they cared not what the effect might be abroad. He said, if any opinion existed in Mexico that there is a Mexican party in this country, the President and his supporters, and not the Whigs, were responsible. Look at the very beginning of this war. The army of General Taylor was thought to be in danger; instant supplies were thought to be necessary to save them from destruction; these supplies might have been voted almost unanimously; there might per chance have been a solitary no, but it would have been almost entirely unanimous. Then why did you not take that unanimous vote of Congress when you might have had it? Why did you deliberately determine that upon this question there should be a division? Why insist on pressing into this bill appropriating for supplies a preamble which I do not say you believed false, but which you knew the Whigs believed to be false? Was it necessary to have this objectionable preamble in order to obtain the supplies? You had ample notice on the other side what the Whigs thought. On a distinct vote being taken on this preamble, every Whig in this House, with perhaps two or three exceptions, voted to strike out this preamble; and with that notice gentlemen insisted on keeping the preamble in the bill. Now, if there was any other hypothesis by which this act could be explained—if gentlemen, who deemed union so necessary, could tell him why they deliberately resolved that there should be division and separation on this question—if there was any other hypothesis by which it could be explained, he would like to hear it.

Mr. BOYD, interposing for a word of explanation, (and Mr. D. yielding,) said, if the gentleman would refer to the record, he would find eighteen of his political friends voting for the preamble declaring that Mexico made the war.

Mr. DUER (resuming) said he had seen the yeas and nays as published at the time—whether correctly or not, he could not tell—in which but four Whigs voted to sustain the preamble. I may be mistaken——

Mr. PENDLETON (in his seat.) You are right.

Mr. DUER. The gentleman from Virginia says I am right: but the exact number is immaterial.

Now, it was said, that the Whigs had voted that this war existed by the act of Mexico, and it was thought to convict them of gross inconsistency in voting at this session that the President of the United States commenced the war. That declaration was false, grossly false, although he found it in the message of the President of the United

States at the present session of Congress. He certainly did not mean to charge that high functionary with deliberately saying what was untrue, but he charged that the fact alleged was untrue and false. He referred to facts, to the records of this House, which showed it to be false, and that the Whig party, with almost entire unanimity, voted against the preamble upon a distinct vote; and because they voted for the bill with the preamble forced into it, rather than refuse supplies for the army in peril, it was said they voted for the preamble! The gentleman from South Carolina [Mr. RHETT] himself explained it. He was one of those who voted against the preamble, and afterwards for the bill; that those who voted for the bill looked to the essence of the measure; that instant succors were believed to be necessary, and he voted for succors in spite of the false preamble attached to the bill. The preamble was declared upon solemn vote in this House, by the gentleman from South Carolina, and by the whole Whig party, with one or two exceptions, to be false. Every man here knew it; the country knew it; it was notorious that the Whig party never intended to say, and did not in fact say, that war was commenced by the act of Mexico.

He would now allude to another mode in which gentlemen on the other side "aided and comforted" Mexico, by telling her that there is a Mexican party in this country. What did the President of the United States tell us in his message at the commencement of the last session of Congress? That the individuals who maintain that the soil on which the first battle was fought was not the soil of the United States, give "aid and comfort" to the enemy. Did he simply mean that that was the indirect effect of using such language, and therefore that great prudence should be used? He (Mr. D.) did not think this was what he meant. The President used the technical words which defined the crime of high treason in the Constitution of the United States. He, a lawyer, an adroit partisan, uses this language, and addresses it to the representatives of those whom the recent elections have demonstrated to be more than half the people of the United States! Never was more falsehood and more insult coupled together than in that message, if that was meant; and it was evident that it was meant—that it was intended by innuendo to insinuate what elsewhere had been directly said, that those who maintain this position are moral traitors, and deserve the punishment affixed to treason.

Now, when the Mexicans found the President of the United States saying that half or more of the people of this country think the war unjust—that they are Mexicans at heart,—were they not likely, coming from that source, to give the declaration credit? It is what you have said in Congress, (said Mr. D.,) what you are daily saying in your public presses; it is what your own Chief Magistrate has said: these are the sources from which the Mexicans have imbibed the idea that there are Mexicans in this country. He would not stop to notice that charge, coming from the President of the United States, or from whatever source. The man, however exalted his position, who lowered himself to use calumnies of that description, was too low to deserve his notice. Traitors to our country! The Whig party traitors! Who believes it? I should disdain to use such charges against my opponents. There may be a solitary traitor, but traitors in this country are rare.

He wished briefly to notice another feature in the management of this war, and that was, that all the honors and emoluments of this war, which were placed at the disposal of the President, had, with perhaps a few exceptions, from the beginning of the war, been conferred on the partisans of him who had recently declared himself the President of the country, not of a party. Now, he asked, was this just? Who fought our battles? Were there not Whigs there as well as Democrats? Whose treasure was poured forth in this war? Did they tax Democrats alone? Would the burden of this debt which the Administration was rolling up rest on the children of Democrats alone, and not upon the children of Whigs? Why, then, while the Whigs equally shared these burdens, should their opponents take all the honors to themselves? And if, in spite of this, we vote you supplies—if the Whigs volunteer to fight your battles, and provide for the widows and orphans of those who fall in battle, and for making which they certainly are not responsible, instead of receiving any credit for it, they are continually taunted with inconsistency by those who had commenced, and were prosecuting the war, for their own selfish partisan purposes. It may be inconsistent in a Whig, thinking as Whigs usually do, to volunteer to fight its battles so long as it is an aggressive war, a war of invasion. It may be that Hardin erred, and Lincoln erred; it may be that it was an error that young Clay's gallant spirit sought immortality; but if so, it was an error of that sort that immortalizes the men who commit it; an error like that of Brutus when he slew the tyrant of his country; like that of Virginius when, to save his daughter from dishonor, he plunged a dagger into her bosom. Is it generous in you Democrats, under such circumstances, to taunt us with inconsistency in this war, commenced and prosecuted by you for partisan purposes; in this war in which you have reaped all the honors and emoluments, but in which we equally share the burdens; in this war in which you have sought to disgrace even the gallant generals who have won all its victories because they are Whigs? And when the Whigs, under such circumstances, vote supplies and offer up their lives in defence of their country, and are met only by taunts and reproaches, do you properly appreciate their patriotism? And how have you treated the generals in this war? How have you "aided and comforted" the Mexicans? You have court-martialed now one of the generals, who has won a series of the most brilliant victories recorded in history. True, the other general—you have thanked him *with a proviso*. Was such a mode of thanking a victorious general ever dreamed of before? It seems the latest invention of "progressive Democracy!" If General Taylor deserves censure, why, censure him; but do not treat him like a sick child—giving him physic mixed up with a little sweetening.

Leaving now the personal motives which had influence in the conduct of this war, he would refer to another mode of its prosecution. Under what head to place it he was somewhat at a loss; he thought it might come under the domestic head; that it might proceed from objects to be accomplished here, not in Mexico. When hostilities broke out, there was in exile from Mexico, that man, who, of all the Mexicans, had the most influence over his countrymen; a man of high talent; their ablest general, and no mean general; the only man, who, although subject to all those mutations to which all men were subject in the Spanish-American States, alone seemed able permanently to retain power and influence. This man was in exile. The first thing we heard was, that this exiled general had passed through our blockading squadron, and been received in Mexico; that he had raised an army as if by magic, and from that day to this the obstinate resistance offered by the Mexicans, and most of the American blood which had flowed, may be traced to the presence of Santa Anna in Mexico. Shortly after this, a suspicion got abroad, incredible though it was, and too monstrous almost for belief, and gathered strength, that Santa Anna entered Mexico with the knowledge and consent of the President of the United States! It finally assumed the form of a direct charge, and the very pass was published by which it was said Santa Anna was admitted. Well, this was denied, peremptorily denied, and the pass alleged to be a forgery; but before long, the President of the United States was obliged to acknowledge that with his connivance Santa Anna entered Mexico, and this war has been conducted on the part of the Mexicans. True, the copy first published was not an exact one; it was signed by James K. Polk, instead of Mr. Bancroft, who it now appeared signed it by order of the President; who was now rewarded—whether for that service he could not say—with the mission to Great Britain. This pass was short, and being a document of importance, from which consequences so momentous had flown, he would ask permission to read it to the committee:

["PRIVATE AND CONFIDENTIAL.]

"U. S. NAVY DEPARTMENT, *May* 13, 1846.

"COMMODORE: If Santa Anna endeavors to enter the Mexican port, you will allow him to pass freely.

"Respectfully, yours,

"GEORGE BANCROFT.

"Commodore DAVID CONNER,
"*Commanding Home Squadron.*"

This was the missive with which Santa Anna passed through the American fleet. With this talisman hanging around his neck, he raised the army which caused the gullies of Buena Vista to flow with the blood of our countrymen. By virtue of this same bloody scroll, he poured death into our ranks from the heights of Cerro Gordo; and at Contreras, and Churubusco, and Molino del Rey, and along the avenues to the city of Mexico, he strewed the fields and blocked the roads with the dead bodies of our brave soldiers. If these lines were written in the American blood they have caused to flow, the fatal characters would swell to gigantic proportions, and, Colossus-like, might bestride your Capitol; and if all the tears of widows and orphans that have the same source were poured out in the valley beneath, a sea would rise that would surmount the "White House," and bury in its waves James K. Polk and all his wicked advisers.

This was not all; it was but part of the history of the conduct of the Administration in that war. At the time Santa Anna, under a power of attorney from the President of the United States, as his "private and confidential" agent, was raising an army to overwhelm General Taylor, at that very time the President of the United States was directing General Scott to withdraw from Taylor the greater part of his victorious forces. At the same time that he was giving Mexico a general, he was withdrawing from our own general the greater part of his victorious forces. It reminded him (Mr. D.) of that passage of scripture where Delilah cuts off Samson's hair, and then shouts in his ears, "the Philistines be upon thee, Samson." Now, he would not charge or believe that it was any part of the design or wish of the President of the United States that General Taylor should be defeated and his gallant army annihilated. This suspicion was too monstrous! But he did suspect and believe that a main motive at the bottom of this movement on the part of the President was, that he thought a retreat somewhat inglorious might be not useless discipline to one who was becoming too dangerous a rival. We cannot penetrate into the breasts of men and read their secret motives, but we have a right to judge of their motives as plainly indicated by their actions. He believed from the opening of the war that one of the President's motives had been that he, as the hero of this war, might have his ambitious aspirings gratified by a reëlection, and he believed it now to be one of the motives of James K. Polk.

But let him briefly consider what were the objects of the President of the United States and his partisans in the present prosecution of this war, as far as Mexico was concerned. The President declared in his message last year, and repeated it this year, that in the commencement and prosecution of the war, his object was "peace," and is now "peace." He would not call in question the sincerity of the President; he would not imitate, in that respect, his own bad example. Doubtless he was a very sincere man; but he was unfortunate in this, that his acts were the reverse of his intentions. He believed him as sincere now as when he professed his conversion to the principles of a protective tariff in the Kane letter, or afterwards, when he went for the whole of Oregon up to 54 40.

But how had the President sought peace? Why, in time of profound tranquillity, he orders our army to invade the soil of Mexico to "conquer a peace." That was the beginning. Our victorious arms penetrate into the interior, and capture Monterey. The general in command enters into an armistice with a view of opening negotiations for peace, which the President so much desires; but no sooner did the President hear of this, than he ordered the termination of the armistice, and directed the war to be renewed; and all for the sake of peace! Afterwards he sends General Scott into Mexico, and after a series of brilliant battles, in all which Mexico is defeated, the victorious general finds himself before the capital of Mexico, which lies at his mercy. Then again negotiations are opened, and new offers of peace are made. The Mexicans offer to cede us, say one-third of their territory, (for he did not profess to speak with entire exactness,) and this offer was indignantly rejected by the President, who all the while is seeking for "peace!"

What prevented peace from being made at that time (he asked) by Mr. Trist? What was the real difficulty? Was it one of territory? He thought not, from reading the correspondence. He thought it was obvious that the Mexicans were willing to abandon to us all their unoccupied territory; but

negotiations were broken off on a point of honor, because they would not sell us New Mexico, an inhabited portion of their Republic—because they could not barter away their countrymen who lived there.

The President wanted peace. How much *piece?* How much of Mexico was embraced in it? Was it one-half or two-thirds? The instructions to Mr. Trist were to take something like two-thirds. We were to recover indemnity; recover not only the debts, but the costs, and these were rapidly accumulating; and Mr. D. urged that these would soon absorb the whole of Mexico, and destroy her nationality, which seemed to be just what the President desired, who nevertheless told us, if this should happen, it would happen contrary to his most strenuous desire, and as the sole consequence of the obstinacy of Mexico, in a war of invasion commenced and prosecuted by her! These were among those "Democratic truths" on which rested the "column" which the gentleman from Illinois [Mr. McClernand] described, and which he so appropriately, Mr. D. thought, consecrated to James K. Polk. This was patriotism—going on conquering and to conquer! As patriots and republicans, we must go on! Away with this wretched cant! If you wish this plunder, this dismemberment of a sister Republic, let us stand forth like other conquerors, and plainly declare our purposes and desires. Let us, like Alexander, who boldly avowed that he went for glory and conquest, declare our objects. Away with this mawkish morality! with this desecration of religion! with this cant about "manifest destiny," a DIVINE MISSION, a warrant from the Most High, to civilize, christianize, and democratize our sister republic at the mouth of the cannon!—sentiments which had found their way from dinner-table speeches and club harangues to the mouths of grave Senators, and even, as he had heard, to the pulpit itself, but which seemed to him fit only to be preached by a Friar Tuck to a band of robbers!

I turn from James K. Polk, the *dispenser of the spoils*, to Washington, to find what patriotism is. There I find the virtues dwelling together; there I find patriotism surrounded, hallowed, and adorned by truth, justice, and humanity. Who, for the whole of Oregon or of Mexico, would have the fair fame of the "Father of his Country" sullied with a single falsehood, with a single instance of rapacity or injustice? No; let his image rise to men's memories, to the most distant time, pure as the marble in which his form is sculptured within these enclosures—serene, sublime; bearing the sword, but a sword that was drawn for liberty, not for conquest—a sword that was never stained but with the blood of an invader. Such I would have the fair fame of my country; such has been that fame; and I would not sell that fame for all the trophies of all the conquerors that have ever devastated the earth; not for all the gold and silver which Cortez and Pizarro waded through blood to obtain; not though the mountains of Mexico were compact of solid gold!

Mr. D. proceeded to notice the remarks of Mr. Morse, of Louisiana, and said that the Whigs had not, as charged, declared the war to be "unjust and unconstitutional," but they had voted that it was "unnecessarily and unconstitutionally *commenced* by the President of the United States." No one doubted that after it was authorized by Congress, it had become constitutional.

The hammer here fell ar the hour expired.

Mr. SIMS, of South Carolina, next obtained the floor. Passing by the financial questions which were involved in the bill immediately before the committee, and which might more properly be deferred till general measures to meet the expenses of the ensuing year were under consideration, he said he should direct his attention to another subject which had occupied so much of the consideration of the committee.

Among the gifts of nature, perhaps few were more brilliant and none more dangerous or delusive for a public speaker, when the pursuit of truth was desired, than a vivid imagination. Ungifted in this respect, he should not attempt to rival or answer the flights of imagination of the very imaginative gentleman who had just preceded him. He should not attempt to repel the course of the attacks struck by that gentleman at the motives of the President—attacks which rested solely on the assertions of the speaker that he "*believed*" that the President, although his motives were right, had mistaken the proper course; nor to repel the charges finally made of vices of intention, notwithstanding the gentleman's previous admission to the contrary.

He left all that argument to consider the policy of our Government in reference to the war now waging with Mexico—a policy distinctly and explicitly avowed. It was true that the act of Congress by which war was declared to exist between this country and Mexico did not specifically assert the objects for which that war should be waged. The conduct of Mexico had made such a declaration unnecessary upon this occasion, had it ordinarily been customary and proper; but the omission to make such a declaration by Congress of the objects of the war was neither unprecedented nor improper. A hostile blow struck by Mexico; the invasion of what was admitted to be our own territory; what General Taylor in command upon that frontier, what this House in granting means to repel invasion, acknowledged to be our own soil; what by establishment of post routes and other acts Congress had acknowledged and asserted to be our boundary—Mexico making this invasion, striking the hostile blow—no manifesto was required of the objects of the war. It was a war brought on by the act of Mexico.

But, had a proclamation of the causes been required, the Executive was the proper department of the Government under our system to make this manifesto, charged as he was with all our foreign relations, and thus possessed necessarily of the entire information on which such a proclamation or manifesto could be truthfully issued. And should Congress attempt to issue any proclamation or manifesto of the causes of the war, it must be based entirely upon the information furnished with reference to those causes by the Executive. But a proclamation of this sort was made by the Executive, exactly as was done in 1812, when war was undertaken and declared to exist between this country and Great Britain.

The President sent in his message in the month of May, 1846, in which he referred Congress to the injuries heretofore existing, and the catalogue of ills which we had experienced at the hands of Mexico, and then he set forth the objects of the the war. In response to that message, enumerating and unequivocally declaring the causes and the objects of the war, Congress declared that the war did exist, and it granted supplies for the prosecution of the war, for the objects and purposes which the President had stated. But that was not all. At the next session of Congress, the President, in his annual message, communicated to both branches of Congress all the circumstances relating to our position towards Mexico, and asked for the necessary means to prosecute the war vigorously for the attainment of those objects which he had enumerated. The means were granted. The war, therefore, has been not only commenced, and the policy undertaken as indicated by the Executive, but it has been undertaken with the entire sanction of every department of this Government which may be constitutionally intrusted with the matter. When, therefore, he asserted that our policy was distinctly and unequivocally made known, he meant it was the policy of the Government, and not of any part of this Government. That policy, as often explained in this House, was briefly, indemnity for the past and security for the future; and it had not been misunderstood either by this House or by the people of this country. Indemnity for the past constituted a primary object of the war. The recognition of a boundary between the two republics, too, was one of the first objects of the war—the recognition of the Rio Grande as that boundary, and a peace which failed to secure that object could not do other than bring disgrace on our arms.

Mr. S. read an extract from the President's message of May, 1846, setting forth that war existed by the act of Mexico, and that we were called upon to defend the rights and honor of the country. He also read a passage from the same message, which he said very explicitly avowed the objects of the war in which the country was involved, and then continued. With this declaration on the part of the President, and in response to the call of the President, Congress recognized the war for those avowed objects. They were, first, the establishment of a boundary on the Rio Grande, excluding the interference or claim of Mexico to that portion of the State of Texas. That was the first object of the war. Another object, which was also unequivocally avowed by the President and sanctioned by Congress, was the payment for injuries which our citizens have sustained by the acts of Mexico. These were the two primary objects of the war, and, as a necessary consequence, there was another attached to these objects, which was explicitly announced to Congress; it was, that the war would be prosecuted to secure the expenses of the war. This was a proposition that consisted with all the rules of national intercourse, and all the text writers on international law. If a nation were driven into a war in defence of its just rights, and thus involved in heavy expense, it was necessarily, on a restoration of peace, entitled to those expenses, and hence this claim was founded in reason as well as international law. When, however, peace came, this was one of those claims which might be insisted on rigorously or settled liberally.

These, then, were the objects of the war; but connected with all wars there were necessarily results which did not at first constitute the objects of the war, but which might necessarily be looked upon as results growing from them. One of these was punishment for the aggressions made on the country. This was connected, too, with the other branch of the general ground assumed, viz: security for the future. It was the duty of a belligerent forced into a war to punish the aggressor. It was the practice of every country to punish aggressors, to save themselves from future aggressions. This had been accomplished in part by the victories which we have achieved over Mexico. But there was another mode of punishing, and that was, by throwing on her the expenses of the war during its progress, and compelling her to pay them. Another was, to wrest from her provinces which, under other circumstances, we would not demand. This might be done to secure to us our rights, and also for our security in reference to foreign nations and Indian tribes on the frontier. We have a right to insist on the establishment of such territorial limits—looking at the conduct of Mexico—as will subserve our interests and safety for the future. But when peace shall come—when a treaty shall be negotiated,—we may in this respect act with magnanimity, as becomes a great nation towards a weaker one. We may relinquish some of our rights in regard to the feelings of the weaker belligerent, when we negotiate a peace; but while the war was being waged, there was neither time nor place for magnanimity. Magnanimity was a virtue to be exercised only on the return of peace between belligerents. Magnanimity in war was to enforce rigorously the rules of war. A relaxation of those rules was cruelty, inasmuch as it endangered a greater effusion of blood and outlay of the treasure of both nations.

This, then, was the policy of our Government, not simply of the Executive, but of the entire Government; a policy to which the Government has given its sanction, and to which the country is pledged. And we cannot recede from that policy. That the war has not been waged for conquest, the President has at all times told us. In the responses of Congress to the messages of the President, that feeling has predominated, and it has influenced the country in reference to the termination of the war. But war should not be eternal; and every declaration of war implies the entire subjugation of one of the belligerents. Unless this were so, there would be no disposition to enter into treaty stipulations to put a period to the war. If, then, Mexico shall still refuse to put a period to the war, in spite of all the efforts of our Government to bring it to a close, and to establish amicable relations between the two republics, was it not obviously the dictate of humanity, as well as the right of this country, that the war should be vigorously prosecuted, that Mexico may be forced to abandon the war, and that its horrors may be mitigated? This was obviously just; otherwise war would be eternal. He repeated, then, that in every war the final subjugation of one belligerent was necessary, if she refused to listen to overtures of peace on reasonable terms. This result was not desired by the President nor by the American people; and when peace shall come, then will come the time for the exercise of magnanimity. If it shall not come, we shall be obliged to subjugate that country in self-defence. But, if subjugated, it did not follow that we were to hold that country permanently. That was not the purpose of this

Government. A different avowal has been made. The President had told them that he was desirous to bring the war to a close; he was ready to negotiate a peace with any power in Mexico able to effect it. He was ready to go further. After the regular Government shall have failed to secure a peace on reasonable terms, he will be ready to make peace with any Government he can build up by means of the military occupation of the country, so anxious was the President for peace. And here two propositions presented themselves. Had Mexico, in her counter-project to Mr. Trist, offered fair and reasonable terms of peace, as had been hinted by some and denied by others? It should be remembered that the primary object of this war was to secure the American title to the territory on the banks of the Rio Grande. But this was distinctly refused in the Mexican counter-project. Mexico made it a point of honor to refuse the acknowledgment of our title to that territory, and thus left the whole question unsettled for which we engaged in this war. It would be degrading to us, then, as a nation, to terminate the war on the terms which Mexico proposed, for it would be receding from the objects of the war, as announced by the Executive and by Congress at its commencement.

But there were other terms offered which were insulting to our Government. It was proposed that we should not only take the Nueces as our boundary, but that we should call upon Great Britain to become our security and guarantee, that under no circumstances will we admit into this Confederacy any portion of that which is now Mexico. Not only this, but future generations were to be prohibited from deriving any advantage from the events of the future, and our posterity as well as ourselves, were to be bound by treaty stipulations, which we were to call upon Great Britain to guaranty. These, then, were terms which were highly objectionable. A proposition which required us to obtain the guarantee of European nations was an insult to the dignity and honor of this country. But, besides this, there were other cardinal projects which were also objectionable. We were called upon to guaranty the continuance of the Roman Catholic religion within such limits of our territory as were heretofore part of Mexican territory. Here we were called upon to make a stipulation that was inconsistent with the principles of our Government and the genius of our people, and an insult to every denomination of religion in the country. Such was the character of the terms which gentlemen on this floor urged that we should have adopted, with which we should have been satisfied, and on which the war should have been concluded. The gentleman from Georgia [Mr. STEPHENS] insisted that this war had been waged unnecessarily, and that therefore it should have been terminated on the terms offered to Mr. Trist; but if the gentleman from Georgia meant that our Government should have made a peace on the terms of that counter-project, he (Mr. SIMS) confessed that his friend from Georgia held in less estimation than he could have supposed religious freedom, national independence, and national honor.

He knew the objects for which the war was commenced were yet unattained, notwithstanding the vigorous prosecution of the war. The invader of our territory had been expelled, but he had not been sufficiently punished to give us security for the future. Our title to the territory on the Rio Grande was yet unacknowledged. Indemnity for the wrongs done to the persons and property of our citizens was yet unattained. We had been victorious in every battle, and thus we had brought upon Mexico condign punishment; but we have no security for the future. These were the legitimate objects of this war, and the question now being discussed in this the thirtieth Congress of the United States of Amcrica was, whether that policy should be abandoned or carried out? Whether we shall show the world that we are without firmness of purpose or derelict to our own purpose, and thus give semblance to the allegations of the people of European monarchies that there are no fixed principles in a republic? He knew there was authority in great names, but the policy of this Government in this respect would not be changed at the dictate of great men. Nor would it be abandoned, unless it should be shown that it was unwise. A policy to be wise, must be first just; and, secondly, it must be calculated to effect the objects intended to be accomplished. And is our policy just? Looking at the objects which he had already enumerated, the justice of our policy depended, first, on the origin of the war, on its objects, and on the means used to carry it out. Of the first point, that which involved the justice of this war, it was not necessary that he should say anything, for it had been repeatedly discussed on this floor and before the whole country. On this point they had the expression of the opinion of the country coming up from their primary meetings; it was seen, also, in the enthusiasm with which the ranks of the army were filled when a call was made for an additional force in the field. He candidly believed in the justice of the war, and he felt it was unnecessary to enter upon its vindication. He knew its opponents had drawn a metaphysical distinction between war with Mexico and this country, and war with Mexico and the President of the United States. That distinction had been drawn by a distinguished gentleman at the other end of this Capitol. It has also been drawn at the close of the remarks of the gentleman from New York, [Mr. DUER.] It was admitted by the gentleman opposite that the war was just as between Mexico and this country, but unjust as far as concerned the Executive. It would then be insulting to argue the justice of the war. When Congress declared this war, it was an expression of opinion on the part of Congress that the war was just and necessary. It had been urged by some of those gentlemen who voted for the recognition of the war, that it was forced upon them by a species of legislative duresse. Such was the condition of General Taylor on the Rio Grande, they say, that they were anxious to furnish him with prompt aid; but by a species of legislative duresse they were compelled to recognize the war, or leave General Taylor and his army without succor, the two questions having been made indivisible by the then majority in Congress. Now, that might be some excuse for those gentlemen at both ends of the Capitol if that had been the only vote; but what should be said of the subsequent votes of money in which both parties in this House and in the other participated? Supplies of both men and money were furnished during the last session of the 29th Congress—supplies granted for what the gentleman now called a war of invasion. Now, if the war was unjust and unnecessary, was not the grant of the supplies by those gentlemen immoral? If the war was just and necessary, their votes were justified. Those gentlemen, therefore, who believe the war was unjust and unconstitutionally commenced, who yet vote supplies to carry it on, fall under the reprehension of those writers who declare that a war must be just and necessary to justify a nation that engages in it. If this war was neither just nor necessary, after voting the supplies for the relief of General Taylor, it became gentlemen who entertained that view to refuse all future supplies; they should refuse to give a dollar and to furnish a man for the prosecution of a war that they believe to be both unjust and unnecessary.

But he found that he had but little time remaining, and he should hasten on to touch other topics. He should omit all argument that would go to show the justice of the war, and come to the justice of the objects and policy of the war. Amongst these were, in the first place, the establishment of our boundary, and indemnity for the injuries which our people have sustained from Mexico. It would not be necessary to urge any arguments to show the justice of this portion of our policy. The only point, then, to which he asked attention, was in reference to the measures to carry out a vigorous prosecution of this war, which were necessary to the attainment of the end in view. These were the expenses of the war—military contributions, by which the burdens of the war were thrown on Mexico—and the acquisition of new territory to constitute a sufficient indemnity. On a previous occasion, he had stated his views of the duty of Congress in respect to the expenses of the war; and he should now for a moment notice the other proposition, as to the right and duty of the President, as commander-in-chief, to levy military contributions on the enemy.

On this point he quoted from Vattel, justifying military contributions as humane, because it saved the property of the inhabitants of the country from pillage. Such was the law of nations; but doubts had been expressed whether the President had the right to resort to that course which the law of nations sanctioned without the authority of an act of Congress. It would be remembered that Congress primarily was concerned in a declaration of war, and that there were three powers connected therewith, viz: "to declare war, grant letters of marque 'and reprisal, and make rules concerning captures 'on land and water." Military contributions did not as a consequence fall within either of the last two powers; they were part of the declaration of war and of the means by which the war was to be waged. But fortunately, on this subject they were not left without authority. He admitted that the adjudication of captures required an act of Congress; but as to military contributions, he was not aware that the question had ever been distinctly made in our courts. There was, however, a passage by Judge Story which goes to vindicate the President, and sustain the position for which he was contending. [Mr. S. read the extract referred to, and then continued.] It sufficiently appeared, then, that the policy of our Government was vindicated in this particular branch of the means for the prosecution of the war.

There was one remark which he wished to make as to another branch of the policy of this Government in terminating this war, and he wished to ask whether it was just and proper towards us and towards Mexico. Complaint had been made that it was the intention of the President to build up a Government in Mexico. Well, suppose that should be the ultimate policy of the President in attaining peaceful relations, would it be wrong in principle or unusual in practice? Did not the allied Powers of Europe, when Louis XVIII. was restored to the throne of France, and Napoleon was expelled, stipulate that they should hold that country for five years to give stability to the Government? And was not France to pay the expense of that military occupation? The right of the Allies, with whom Great Britain coöperated, was founded in the necessity of the case. It was deemed necessary for future security. The allied Powers went so far as to debate the propriety of blotting out the nationality of France for their future security. It was admitted that this policy should not be lightly adopted; but, rather than that a war should be prosecuted eternally, the right to blot out a nation's nationality might be resorted to, otherwise war might be perpetually waged, or until one belligerent had extinguished the other. It was a policy which was justified on the ground that self-protection required it on the one hand, and that humanity and mercy demanded it on the other. It was only in such an event that it should be resorted to; and it was in that view that the President had alluded to it as the ultimate means of attaining peace. This practice of European nations had not been frequent; but it was enough to show that it was not incompatible with the law of nations that such a course should be adopted.

One or two words in relation to the latter branch of the argument. Was this policy, if carried out, likely to attain our object—the securing of a peace? The objections to this policy are twofold. Some contend that it will more than carry out our policy, and involve us in consequences from which it will be well to save ourselves, by a national abandonment, and the withdrawal of our troops from that country. Another objection was, that it will not secure peace; that it would require a constant prosecution of the war; and that it would expose us to the danger of being entangled with European nations. He would make but one or two remarks in relation to these objections. One class of objectors required that our army should be entirely withdrawn, so as to acquire no territory. Another class of objectors say, take territory, and withdraw and defend that. Now, the first answer he should make would apply to both of these classes of objectors. It was this: that whether we withdrew our army to a line of territory to be claimed as indemnity, or entirely withdrew to the limits of the United States, there was still a state of war between this country and Mexico; peace was not restored, and war, with all its horrors and burdens, was still to be prosecuted; whereas, by a vigorous prosecution of the war now, Mexico would be driven to embrace such terms as will restore amicable relations.

The Chairman's hammer announced the expiration of the gentleman's hour, and the floor was awarded to Mr. CROZIER.

The committee rose and reported progress; and then

The House adjourned.

The following members compose the select committee on the petition of the children of Eli Whitney, the inventor of the cotton-gin, viz:

Messrs. JOHNSON of Arkansas, J. R. INGERSOLL, DONNELL, WOODWARD, CHAPMAN, LUMPKIN, PALFREY, BOWDON, and DIXON.

The select committee appointed on so much of the annual message of the President as recommends that provision be made for the families of those who have fallen or died in the military service of the United States in Mexico, is composed of the following members, viz:

Messrs. OUTLAW, HASKELL, WILMOT, GAINES, RICHARDSON, FULTON, LORD, ABBOTT, and THOMPSON of Iowa.

IN SENATE.

MONDAY, *February* 14, 1848.

Mr. BERRIEN presented the credentials of the Hon. HERSCHELL V. JOHNSON, appointed by the Governor of the State of Georgia a Senator of the United States, to fill the vacancy occasioned by the resignation of the Hon. WALTER T. COLQUITT.

Mr. JOHNSON, having taken the oath prescribed by law, took his seat in the Senate.

PETITIONS.

Mr. BADGER presented the memorial of Mrs. M. Rodgers, widow of Commodore John Rodgers, of the United States navy, deceased, praying payment for double rations due her late husband as senior officer of the navy; which was referred to the Committee on Naval Affairs.

Mr. CRITTENDEN presented additional documents in relation to the claim of George Poindexter; which was referred to the Committee on Claims.

Mr. MILLER presented the memorial of the executors and heirs of John Rogers, deceased, praying bounty land and half-pay; which was referred to the Committee on the Judiciary.

Mr. CORWIN presented a memorial of the Ohio Yearly Meeting of Friends, held at Salem, praying for an immediate termination of the war with Mexico; which was ordered to be printed.

Also, a petition of citizens of Stark county, Ohio, and a petition of citizens of Monroe county, Michigan, praying for a speedy termination of the war with Mexico, by withdrawing our troops within the limits of our own territory, and then settling the point in dispute by negotiation or reference; which were referred to the Committee on Foreign Relations.

Also, a memorial of citizens of Muskingum county, Ohio, remonstrating against the prosecution of the Mexican war for the purpose of conquest, or forcing Mexico to sell any part of her territory to the United States; which was referred to the Committee on Foreign Relations.

Also, the petition of Joseph Newell, asking to be allowed to change the location of a section of land granted him under an Indian treaty; which was referred to the Committee on Private Land Claims.

Mr. SEVIER presented the memorial of the Mayor and Common Council of the city of Fort Smith, praying the division of the district of Arkansas into two judicial districts, and the location of the seat of justice for the western division at that place; which was referred to the Committee on the Judiciary.

Also, the petition of H. B. Gaither, praying compensation for services as clerk to the Superintendent of Indian Affairs west of Arkansas; which was referred to the Committee on Indian Affairs.

Mr. CASS presented the petition of Sarah Ten Eyck, executrix of Conrad Ten Eyck, deceased, late marshal of the United States for the district of Michigan, praying the payment of a balance due him by the Government; which was referred to the Committee on the Judiciary.

Mr. NILES presented the petition of Reuben M. Gibbs, a pensioner of the United States, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Also, the memorial of Charles Larrabee, a pensioner of the United States, praying to be allowed an increase and arrears of pension; which was referred to the Committee on Pensions.

Also, the petition of Asahel Kingsley, a revolutionary soldier, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WESTCOTT presented a petition of certain citizens of Florida, praying the establishment of a mail route from Alaqua, in Florida, to Geneva, in Alabama. Also, a petition of citizens of Florida, praying the establishment of a mail route from Ucheeanna to Milton, in that State; which were referred to the Committee on the Post Office and Post Roads.

Mr. WESTCOTT observed, in offering these petitions, that the people of West Florida had for some time past complained of the mail arrangements there as a nuisance; and if a remedy was not provided, they would prefer its being abated to continuing as at present.

Mr. UNDERWOOD presented the petition of the American Colonization Society, praying reimbursement of the expenses incurred by that society for the support of a number of Africans captured by a United States vessel of war from on board a slave-ship, and landed at Monrovia, in Liberia; which was referred to the Committee of Claims.

Mr. BAGBY presented the memorial of Peter Raudon, representative of John Raudon, deceased, praying indemnity for property destroyed during the Creek Indian hostilities; which was referred to the Committee on Indian Affairs.

Mr. DAVIS, of Mississippi, presented the petition of Samuel F. Butterworth, praying compensation for services in carrying the mail; which was referred to the Committee on the Post Office and Post Roads.

On motion of Mr. BAGBY, it was

Ordered, That the petition of James H. Causten, assignee of Colonel B. Hogan, on the files of the Senate, be referred to the Committee on Indian Affairs.

CHRIST CHURCH BURIAL GROUND.

Mr. GREENE, from the Committee on the District of Columbia, to whom was referred the memorial of the Vestry of Washington Parish, reported a bill to authorize the sale of part of public reservation numbered thirteen in the city of Washington, and for other purposes; which was read and passed to the second reading.

Agreeably to notice, Mr. DOWNS asked and obtained leave to bring in a bill to amend an act entitled "An act to provide for the punishment of offences committed in cutting, destroying, or removing live oak and other timber or trees reserved for naval purposes," approved 2d March, 1831; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. PRESIDENT: I am directed by the House of Representatives to return to the Senate at their request the bill entitled "An act for an increase of the medical staff of the army for a limited time."

The Speaker of the House of Representatives, having signed sundry enrolled bills, I am directed to deliver them to the Senate for the signature of its President.

INCREASE OF THE MEDICAL STAFF.

Mr. BADGER moved a reconsideration of the vote by which the bill for an increase of the medical staff of the army, for a limited time, had been passed.

The motion was postponed until to-morrow.

MR. DICKINSON'S RESOLUTIONS.

Mr. YULEE moved a postponement of the prior orders, in order to take up the resolutions submitted on the 14th of December by Mr. DICKINSON, and that his resolutions, offered on the 12th of January as a substitute for those submitted by Mr. DICKINSON, might be considered.

Mr. FOOTE objected. He regarded the bill now before the Senate as one of vital importance, and expressed his decided opposition to engaging in the consideration of any other subject which might encroach upon the time allotted to the special order. He was not at all disposed to give way to a wordy debate, which would trench upon the great measure now before the Senate, and be, perhaps, of mischievous tendency.

Mr. YULEE replied, that he would be very sorry if what he had to say on this subject should be regarded as mischievous in its tendency. It was his purpose to discuss, upon its constitutional merits, a question which had not been introduced by him on that floor, but which was introduced by an honorable Senator from one of the most important States in the Union, and which was fully discussed by him during the morning hour. Having presented a substitute for the resolutions submitted by that gentleman, he had felt himself entitled to ask the indulgence of the Senate for an opportunity of stating the grounds on which these resolutions rested. It was during the morning hour that the proposition of the Senator from New York was discussed, and it was during the morning hour that he (Mr. Y.) solicited a like indulgence from the Senate.

Mr. FOOTE would not urge his objection, as assurance had now been at least impliedly given, that the discussion of the bill before the Senate would not be interfered with, by allowing the Senator from Florida to present his views on his proposition. But his conscience and sense of duty could not permit him to consent to the introduction of any matter which was likely to impede, in the slightest degree, the progress of the debate on the great subject to which he alluded.

Mr. DOWNS also objected to the introduction of the resolutions of the Senator from Florida at this time. It was not probable that the discussion on them could be avoided, as there was a difference of opinion in regard to them, even on the part of Senators from the South. Still, he was anxious to have the question discussed, and would be very happy to hear the discussion, when the Senate was less occupied than at present.

Mr. YULEE said that after he had spoken, a day could be fixed for the consideration of his resolutions.

Mr. DOWNS remarked, that in that case no opportunity of reply would be afforded to gentlemen who might be disposed to differ from the Senator from Florida.

Mr. TURNEY said that if the resolutions were taken up only during the morning hour, so as not to interfere with the discussion of the special order, he had no objection; if, on the other hand, the special order was trenched upon, he must refuse the discussion solicited by the honorable Senator from Florida,

Mr. CASS suggested a postponement of the resolutions till after the special order had been disposed of by the Senate. It was not a matter of pressing importance that the sentiments of the gentleman from Florida on this subject should be expressed to-day. For himself, he would hear the gentleman with great pleasure; but it did seem to him to be in every way most expedient to defer the consideration of his resolutions, and avoid any interruption of the debate on the special order, on which it was highly important to obtain speedy action.

Mr. BADGER begged to submit, with great respect to the honorable chairman of the Committee on Military Affairs, that the application thus made by the Senator from Florida stood on peculiar grounds. Agreeing fully with that gentleman in the general position that nothing should be done by which the discussion of the special order should be encroached upon, yet he reminded him that the Senate had permitted the honorable Senator from New York to occupy a portion of the morning hour in remarks on the resolutions submitted by him for which those of the Senator from Florida were proposed as a substitute. That was regretted by him at the time, as he regarded it as a precedent leading to encroachments on the time allotted for particular business. But in these circumstances it did, after all, appear to be due to the Senator from Florida that he should be indulged in a like opportunity of expressing his views, deferring the further discussion of the subject till after the special order had been disposed of by the Senate.

Mr. FOOTE said he disliked to occupy the time of the Senate, but it was important to make a remark in reply to the Senator from North Carolina. That gentleman had declared in one breath that when the Senate allowed the Senator from New York to discuss his resolutions, he condemned the act—he disapproved of it—he felt at the time that it was a bad precedent, likely to lead to serious interference with the regular business of the Senate, and yet, now he urged the Senate to do the very same thing. Why? On the ground of courtesy, forsooth, to the Senator from Florida. It appeared, then, that they were to do wrong that some good in the way of courtesy might come from it—to do what the Senator from North Carolina himself admitted to be improper, and had condemned at the time—to persevere in doing evil in order to avoid wounding the sensibility of a Senator! Now, the great question was, what did the country demand at their hands? Were they to permit themselves——

Mr. YULEE here begged to inform the Senator that he *did* not propose to interfere at all with the discussion of the ten-regiment bill.

Mr. FOOTE replied that he had distinctly stated, if the Senator from Florida did not interfere with the discussion of the bill, he would not object to allowing him to present his views on his resolutions; but if the Senator encroached in the slightest degree—no more even than a second of time—on that bill, he felt bound to oppose the taking up of his resolutions.

Mr. YULEE said that he expected that he would get through with what he had to say before the expiration of the morning hour, and would have done so if he had not been interrupted by the Senator from Mississippi.

Mr. FOOTE regretted that the Senator from Florida had not been so explicit when he first announced his desire that his resolutions should be taken up.

Mr. CAMERON observed, that he thought it would save time to allow the Senator from Florida to proceed with his remarks. He understood that the Senator would not occupy a longer period than the half hour which yet remained of the time allotted to morning business. The Senator would not, if that was the case, interfere in the slightest degree with the speedy action of the Senate on the ten-regiment bill, a measure which was vitally important to the interests of the country, and on the progress of which a speedy peace very much depended.

Mr. HANNEGAN suggested that the Senator might be allowed to proceed, with the understanding that at one o'clock he should give way to the special order.

Mr. BADGER begged to detain the Senate only a moment, for the purpose of setting himself right in regard to an observation which he made, and to which the Senator from Mississippi had attempted to give a construction which was not altogether correct. He did not suppose that the Senator from Florida ought to be indulged in making his speech, on the ground of "courtesy;" but he thought that, in the circumstances of the case, the Senate had so committed itself, that it was perhaps an act of justice to allow that gentleman to express his views on the resolutions offered as a substitute for those of the Senator from New York, who had been indulged in an opportunity of presenting his own at length. There was, therefore, no ground for the charge of inconsistency in the remark which he had made, that although at the time he feared that the extension of that indulgence to the Senator from New York might lead to inconvenience in the interruption of the public business, yet it seemed to be proper to grant a similar favor to the Senator from Florida. It was better, he thought, to submit to the inconvenience, than deny to the Senator from Florida the opportunity of presenting his views, as nearly contemporaneous as possible with those of the Senator who took a different view of the subject.

Mr. FOOTE had only to say that he regarded justice to the country as more important than justice to individuals.

The question was then taken on the motion to take up the resolutions submitted by the Senator from New York, and it was decided in the affirmative.

The resolutions submitted by the Senator from New York (Mr. DICKINSON) were then read as follows:

Resolved, That true policy requires the Government of the United States to strengthen its political and commercial relations upon this continent by the annexation of such contiguous territory as may conduce to that end and can be justly obtained; and that neither in such acquisition, nor in the territorial organization thereof, can any condition be constitutionally imposed or institutions be provided for or established inconsistent with the right of the people thereof to form a free sovereign State, with the power and privileges of the original members of the Confederacy.

Resolved, That in organizing a territorial government for territory belonging to the United States, the principles of self-government upon which our federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the legislatures chosen by the people thereof.

As a substitute for these resolutions, the Senator from Florida submitted the following, which were also read:

Resolved, That the territory belonging to or which may be acquired by the United States is the common property of the Union, and the sovereignty over the same vests in the people of the several States comprising the Union.

Resolved further, That the Federal Government has no delegated authority, nor the territorial community any inherent right, to exercise any legislative power within the said territories, by which the equal right of all the citizens of the United States to acquire and enjoy any part of the common property may be impaired or embarrassed.

Mr. YULEE then addressed the Senate in explanation and support of his resolutions, but, without concluding his remarks, gave way to the special order.

THANKS TO GENERAL SCOTT.

The VICE PRESIDENT. The first special order is the joint resolution from the House of Representatives expressive of the thanks of Congress to Major General Winfield Scott, and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847.

Mr. HANNEGAN. I move that the further consideration of the resolution be postponed until to-morrow.

The motion was agreed to.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BREESE addressed the Senate in support of the bill. He said he never rose in this Senate to explain and defend any measure without great embarrassment. He felt this particularly on this occasion. He desired that for the opinions he was about to express, he alone should be held responsible, as they were confined to himself, and not adopted on the suggestion of any one. He referred to the efforts made in the State of Illinois to raise the men required from her, and expressed his confidence that the same success would crown the exertions which would be called for by the passage of this bill. It would be gloomy news in that State if the war were now to be abandoned. He reminded the Senate of his remarks at a former period, when he pledged himself for the zealous support which that State would give to the war. At that very moment the volunteers of Illinois were winning laurels at the glorious battle of Buena Vista.

He had hoped, from the unanimity which prevailed among the people in favor of the war, that this bill would have been suffered to pass without calling forth the attacks which had been made against the Administration. He knew that the people were not to be operated on by mere declamation—by mere assertions, without proof, that the war is unconstitutional. He referred to the act of May, 1846, declaring that war existed—and nothing more was done in the commencement of the war of 1812. It was the proper, the constitutional mode, of changing our state from peace to war; and if it was not unconstitutional in 1812, it is not so now. Mexico was the invading party. General Almonte had declared that his government would not give up Texas, but would maintain her claim to that territory at all hazards. He referred to one of his speeches in 1844, and cited it as evidence of his present opinions. He had then shown that Texas never was a portion of Mexico, after her declaration of independence. If the State of Maine chose to secede from our Union, and establish a monarchy, and should the rest of the States oppose it, would they have any right to force Maine to their views? Just so it was with Texas; she had the right to take her own course, in despite of the opposition of Mexico. Texas declared her boundaries in 1836, and her independence had been subsequently acknowledged by the most powerful nations of Europe. Suppose, after the acknowledgment of the independence of Texas, the United States or any other Power, had entered into an alliance with her, offensive and defensive, and had conquered the territory up to the boundary now claimed, would not her right to that territory be conceded?

He considered that in sending a minister to Mexico authorized to enter into negotiations for the adjustment of all questions in controversy between us, the United States had done all which was required by the laws and practices of nations; and that Mexico, by her refusal to accede to that proposition, and her rejection of our minister, had justly provoked the war. The war was not merely popular, but had commenced rather by the action of the people than by the acts of the President.

He adverted again to the war of 1812, not to charge on the Government of that day that it had been unjustly commenced, but for the purpose of showing the attacks which were made upon it, on the ground of its injustice, by certain ministers in the New England States, from whose sermons he read extracts, and also quotations from the Boston Sentinel, the New Hampshire Gazette, and other papers. Attempts were then made to prevent the loaning of money to the Government, and he very much feared that similar efforts were made now, when the Government is in want of a loan. After referring to the Federal papers of 1812, he compared the language which they used with that which was to be found in many of the leading Whig papers of the present day—the Ohio State Journal, the New Hampshire Statesman, the National Intelligencer, and other papers. The fate which befell those who promulgated these opinions in 1812 was, that they lost the public confidence, and could not now show themselves beyond their own States; and this ought to be a warning to those who now advocate the same principles. He referred to the opinion expressed by a judge of the Supreme Court, (Judge McLean,) which he denounced as marked with a peculiar impropriety as coming from a member of the Supreme Court.

We had been coerced into the war by the conduct of Mexico, and the march to the Rio Grande had nothing to do with its commencement.

We are in the war, and ought to prosecute it until the objects for which it has been waged have been accomplished. In 1846, he had witnessed a more patriotic course on the part of Senators on the other side. They were then united in favor of the war.

Mr. MANGUM explained, that at the time of the passage of the bill of May, 1846, he had entertained no doubt of our right to cross the Rio Grande, in case of necessity, and even to penetrate into the heart of the Mexican territory; but he had always been opposed to a war of conquest.

Mr. BREESE quoted a portion of the speech of the Senator from North Carolina, to show that that Senator was then willing to vote any number of men necessary to prosecute the war vigorously, while now they are unwilling to vote an addition to our army of ten regiments.

It had been said that it was in the power of the Government to make peace at any moment.

Mr. NILES said his language was, not that the Government had power to make peace, but to stop hostilities.

Mr. BREESE. To stop hostilities would of necessity secure a peace. He then adverted to the propositions made by Mexico, and asked if any Senator on the other side would have consented to dismember Texas of any portion of her territory. Senators say the war is unjust. If so, they are bound to make compensation to Mexico for all the injury we have done to her.

The President had originally informed us of his desire to prosecute the war for the purpose of obtaining a peace. Now he tells us, that having been prevented so long, we must look for some indemnity. Mr. B. said he had his own views on the subject of the character and extent of the claims of our citizens to indemnity. He admitted that war is not our policy, and our history would prove that we had never been guilty of any aggressive acts. Peace is our true policy, and it is our duty to preserve it. But Mexico, in this case, was the aggressor. He desired peace, but he did not estimate the evils of war to be so terrible as some have done. He glanced at the cause of this war, to show that, while it had been waged against the leaders, it had produced no outrages on the people. He referred to the proclamation prepared in Washington, and sent to General Taylor, promising protection to the people, in consequence of which they received our troops joyfully. In case of peace, what is to become of those persons who have been seduced into allegiance to this country? It becomes our duty to build up a government which will be able to give protection when our troops are withdrawn.

As to the withdrawal of our troops behind any given line, its effect would be to render the war interminable. The leading generals in Mexico would never acquiesce in the constitution of 1834, but would wage constant war, as soon as our army should have retired behind a line. He declared he would not give his consent to any treaty in which the withdrawal of our troops was made a stipulation. A majority of two-thirds of the Senate could not be obtained in favor of such a treaty.

There is a party in Mexico inveterately opposed

to peace, and this is the party most friendly to us, because the presence of our forces assures them tranquillity. It was true, the conquest of all Mexico would not be consistent with the avowed objects of the war, for these were peace, and indemnity for the past and security for the future. But the Senator from South Carolina regarded conquest as foreign to the spirit and genius of our institutions. But he (Mr. B.) did not so regard it. He thought that, as the Constitution had given to Congress the power to make war, we must be guided by our discretion as to the use of it.

He contended that no danger could result to our institutions from the admission of the Mexicans to an equality with us, and to a political association. Were we to exclude men from the blessings of free institutions, merely because of a difference in the color of the skin? The Mexicans are willing to give up their nationality in exchange for our free institutions; and he hoped to see, or that his children would see, the extension of these institutions from one end of this continent to the other. He wished to know if Senators on the other side would give their consent to any act by which Texas should be given up. The enemies of free institutions were to be found in large cities; they were not to be found in the broad prairies of the West.

Without going much into the financial question, he did not feel that dread of a public debt which some experienced. He calculated that the increase of our territory would cause such an increase of our commerce, that we may expect a revenue of more than a hundred millions, which would enable us to extinguish any debt created by our efforts to conquer Mexico. We should have the control of the commerce of the world. Our country would be the money market of the world. Mexico herself might be made to produce one hundred millions annually. In the hands of our enterprising citizens, she would be made productive beyond the most sanguine calculations which could be made. He was, therefore, disposed to prosecute the war with vigor, until the whole of the Mexican territory should be subjugated.

Mr. B. having concluded,

On motion of Mr. UPHAM,

The Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 15, 1848.

The Journal of yesterday was read and approved.

Mr. KAUFMAN moved the usual resolution to terminate all debate in Committee of the Whole, on the bill to authorize a loan not exceeding $18,500,000, on Wednesday next, at two o'clock, p. m.

Mr. K. moved the previous question.

Mr. ROOT moved to lay the resolution on the table.

The question was decided in the negative—yeas 81, nays 105, as follows:

YEAS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Blanchard, Botts, Brady, Cabell, Canby, Chapman, Conger, Cranston, Crowell, Crozier, Dixon, Donnell, Daniel Duncan, Dunn, Eckert, Edwards, Nathan Evans, Fisher, Freedley, Gayle, Gentry, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Elias B. Holmes, Hubbard, Hudson, Hunt, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Mullin, Nelson, Nes, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Tallmadge, Thibodeaux, Taylor, Tompkins, Vinton, Warren, White, and Wilson—81.

NAYS—Messrs. Bayly, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Boyd, Brodhead, Wm. G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Cocke, Collamer, Cummins, Daniel, Dickinson, Garnett Duncan, Embree, Alexander Evans, Faran, Featherston, Ficklin, Flournoy, Fries, French, Fulton, Goggin, Hammons, Haralson, Harmanson, Henley, Henry, Hill, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, Irvin, Jackson, Jameson, Jenkins, James H. Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Lahm, La Sere, S. Lawrence, Leffler, Lord, Lumpkin, Mackay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Rhett, Richardson, Richey, Rockhill, Sawyer, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Thomas, Jas. Thompson, John B. Thompson, Robert A. Thompson, William Thompson, Thurston, Toombs, Turner, Van Dyke, Venable, Wentworth, Wick, Williams, Wiley, Wilmot, and Woodward—105.

The demand for the previous question was then seconded, and the main question ordered to be put—yeas 104, nays 93, as follows:

YEAS—Messrs. Bayly, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Boyd, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Cocke, Cummins, Daniel, Dickinson, Garnett Duncan, Edsall, Faran, Farrelly, Featherston, Ficklin, Flournoy, Fries, French, Fulton, Goggin, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Irvin, Jackson, Jameson, Jenkins, James H. Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Lord, Lumpkin, Maclay, McClelland, McClernand, McKay. McLane, Mann, Meade, Miller, Morris, Morse, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Rhett, Richardson, Richey, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, R. A. Thompson, William Thompson, Thurston, Toombs, Turner, Venable, Wentworth, Wick, Williams, Wiley, and Wilmot—104.

NAYS—Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Blanchard, Botts, Brady, Butler, Cabell, Canby, Chapman, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Fisher, Freedley, Gayle, Gentry, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, E. B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Van Dyke, Vinton, Warren, White, and Wilson—93.

The main question was then put, viz: "Shall the resolution pass?" It was decided in the affirmative—yeas 109, nays 87, as follows:

YEAS—Messrs. Bayly, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Clapp, B. L. Clark, F. Clark, H. Cobb, Cocke, Collins, Cummins, Daniel, Dickinson, Garnett Duncan, Edsall, Embree, Alexander Evans, Faran, Featherston, Ficklin, Flournoy, Fries, French, Fulton, Goggin, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, Irvin, Iverson, Jackson, Jameson, Jenkins, James H. Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, La Sere, Sidney Lawrence, Leffler, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Nes, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Rhett, Richardson, Richey, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, William Thompson, Thurston, Toombs, Turner, Venable, Wentworth, Wick, Williams, Wiley, and Woodward—109.

NAYS—Messrs. Abbott, John Q. Adams, Green Adams, Ashmun, Barringer, Barrow, Botts, Brady, Cabell, Canby, Chapman, Clingman, Collamer, Conger, Cranston, Cristfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Dunn, Edwards, Nathan Evans, Fisher, Freedley, Gayle, Gentry, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Kellogg, Thomas Butler King, Daniel P. King, Wm. T. Lawrence, Lincoln, McIlvaine, Marvin, Morehead, Mullin, Nelson, Newall, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Schenck, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Van Dyke, Vinton, Warren, White, and Wilson—87.

THE LOAN BILL AND THE WAR.

On motion of Mr. STEPHENS, the House then resolved itself into Committee of the Whole on the state of the Union, (Mr. BOTTS, of Virginia, in the chair,) and proceeded to the consideration of the bill authorizing a loan not exceeding $18,500,000.

Mr. CROZIER, of Tennessee, being entitled to the floor, said that the bill now before the Committee of the Whole on the state of the Union, providing for a loan of eighteen and a half millions of dollars, was one of a series of important measures recommended by the President of the United States. He was not, therefore, surprised, when, a few days since, his honorable colleague from the Maury district, [Mr. THOMAS,] who was an ardent supporter of the present Administration, and who had the honor of having the President of the United States for one of his constituents, addressed the House, to hear him declare that he was prepared to vote on this measure, together with all the other important measures under consideration, and which might be presented to their consideration by the President of the United States, without debate. Mr. C. had no hesitation in saying that when his honorable colleague made this declaration he not only spoke for himself, but expressed the sentiments, feelings, and wishes of every member of his own party; for it was characteristic of all those who favored the usurpation of Executive power against the rights of the people, that they were invariably foes to free discussion. Whether the party who were friendly to the Administration on this floor were liable to the charge of favoring usurpation, certain it was, from what we had seen this session and last session, that they had this quality, that they were opposed to frank, free discussion. At the last session of Congress, when this dominant party had a large majority in this House, there were many remarkable cases where this action took place; where they stopped debate upon most important questions, without allowing anything like an adequate examination of them. But it was not necessary to go back. At this session we had seen the same disposition manifested on the same side of this House, from the commencement of the session down to this morning. Resolutions had been introduced, from time to time, by members of the opposite side of this House, for the purpose of stopping debate on the President's message. Scarcely had it been under consideration three days before gentlemen commenced to introduce their resolutions to stop the debate. And what was the reason for this? It was done, as he believed, that they might go out to the country with the false pretence that they were anxious to do the business of this House, and that debate upon this question hindered the progress of the business of the House. He had no hesitation, from what he had seen of their action during the present, as well as during the last session, in concluding that gentlemen on that side were attempting to make upon the record of the House proofs to go before the people that they were anxious to do the business of this country, and that the Whigs were opposed to it. This shallow humbug, he told gentlemen, would have no effect; it would be swallowed up in the next canvass, and would never be heard of again. The reason would be perfectly understood why they had introduced these resolutions, time after time, for the purpose of stopping debate.

In the brief time allotted him, he should go back to the President's message, although gentlemen on the other side seemed very sensitive in the discussion of the measures recommended by the Executive, and now before the country, to the consideration of this House. Some most important measures were spoken to in this message of the President. It seemed to him his duty to remark on what he considered a most singular paragraph in the message. Near its commencement, the President said:

"On learning that hostilities had been commenced by Mexico, I promptly communicated that fact, accompanied with a succinct statement of our other causes of complaint against Mexico, to Congress; and that body, by the act of 13th of May, 1846, declared that, 'by the act of the Republic of Mexico, a state of war exists between that Government and the United States.' This act declaring 'the war to exist by the act of the Republic of Mexico,' and making provision for its prosecution 'to a speedy and successful termination,' was passed with great unanimity by Congress, there being but two negative votes in the Senate, and but fourteen in the House of Representatives."

Now, it would be remarked by every member here present, that when the President of the United States, after the bill recognizing the existence of the war and appropriating for its prosecution, was passed, undertook to speak from the record, he made three quotations from the preamble of the bill. The President professed to lay before the people of the United States the vote of both Houses of Congress upon the preamble to the war bill; and how did he represent it? He said there were in this House but fourteen members voting against it, and in the Senate there were but two. Let them turn to the record, and it appeared clearly that the President of the United States must have seen the vote on the preamble as an independent proposition, which vote came immediately before the vote on the whole bill, and he could not have looked at the one without seeing the other. So far from there being but fourteen members of this House, as the President falsely represented, who voted against this preamble, there were sixty-seven who voted against it, and among them his (Mr. C.'s) name was found recorded, and also the names of fourteen Democrats, the friends of the President of the United States on this floor.

He saw one gentleman [Mr. SIMS] in his seat, who was a friend of the President of the United

States, who voted against this preamble, and who addressed the committee on yesterday evening for one hour without saying a word on this point.

Mr. SIMS wished an opportunity to explain.

Mr. CROZIER signified his willingness to yield, and wished to ask the gentleman a question. He was very desirous to hear why Democrats voted against the preamble.

Mr. SIMS said he voted against it, not because he disbelieved one word which was said in it, but because he thought it was an improper mode of doing business. He was for separating the message—for referring so much of it as related to a declaration of war to the Committee on Foreign Affairs, and let them propose a simple declaration of war; and so much as related to raising troops and munitions of war, to the Committee on Military Affairs. But, when both were put together, he had no hesitation in voting for the bill.

Mr. CROZIER (resuming) was very happy to hear the explanation of the gentleman, and, if furnished in an authentic form, would be very happy to put it in his speech. The gentleman from South Carolina stated that he voted against the preamble on a mere technicality, on the bill appropriating fifty thousand men and ten millions of dollars for the "vigorous prosecution" of the war; the gentleman was willing to vote the preamble out of the bill, and on a mere technicality! The gentleman took the same ground as his honorable colleague, who addressed the committee some days since, [Mr. RHETT.]

He would be glad to hear from other gentlemen of the Democratic party who voted against the preamble an explanation of their votes. He should like to hear from the gentleman from Virginia (understood to refer to Mr. BEDINGER) on this subject, who was not in his seat now. That gentleman addressed the House several days since for an hour, but he likewise never said a word about his vote against that preamble!

Now, so far as Mr. C. was concerned, the reason was plain for his vote against the preamble. He was opposed to it. He did not believe that what it contained was true, and therefore he voted against it. In this vote against it before the country he satisfied his conscience. Posterity would know, everybody now knew, why the Whigs voted against the preamble. They believed the declaration contained in it to be a gross falsehood, and they satisfied their consciences by voting against it, and, having done so, they voted for the whole bill, as, by the Democratic majority on this floor, they were obliged to do, or to refuse to vote supplies for our army in peril. He had reflected upon the subject for nearly two years, and he could not act differently were the question to come up again; he would be compelled to vote in the same way. His honorable colleague [Mr. THOMAS] could not see how the Whigs could vote for succors to General Taylor; and held that, because they did not believe the preamble to be true, they were not justified in voting for the measure. Gentlemen on the other side did not occupy the same ground at the last session of Congress. He wanted to put one question to his honorable colleague: if his friend at that day did not believe it necessary that these troops should be sent for the purpose of aiding General Taylor, why was it (unless it were a simple act of tyranny and despotism) that they pressed that bill through in such hot haste and allowed not a word to be said upon it?

If there was no necessity, as his colleague [Mr. THOMAS] had said, to vote troops to rescue General Taylor, why was the bill pressed through in such hot haste? If this were so, and the Democrats believed it, why did they refuse a fair expression of opinion on the subject? If General Taylor had been overpowered and defeated, the gentleman must remember there would have been absolute necessity for raising another army immediately. But even in view of such a case as this, they might very reasonably have taken a day or two to deliberate upon the subject. But he had not done with the President on this subject. The President of the United States, in his message, states that there were but fourteen votes in the House of Representatives against the declaration that war existed by the act of the Republic of Mexico, and the provision of means for its prosecution. Mark, but fourteen votes against that provision. Now, he would show the House that the President was mistaken; for there were sixty-seven who voted against it. It would be harsh in him to say that the President had told a deliberate and premeditated falsehood; that he had perpetrated an untruth; but, if he were a friend of the President, he would advise him not to be quite so careless in searching the records, even when he attempted to tell the truth, the whole truth, and nothing but the truth, for fear that his enemies might come to the conclusion that he had done it wickedly and maliciously, and for fear that he might get his friends into difficulty who took the statements of the President as true, how false soever they might be. A man should take care of his friends, if he had no regard for his enemies.

But to pursue the subject further, and he must run over the message of the President rapidly. There were other reasons why the debate should not have been closed so suddenly. The annual message of the President of the United States was a document of great interest to every citizen in this vast republic. So interesting, indeed, was it, that the utmost capacity of steam and of electricity was resorted to to spread it through the entire republic; and before the Clerk of this House had completed its reading, it was in the hands of compositors in printing offices, in part, a thousand miles off. It was read, too, with the same impatient haste with which it was transmitted; indeed the despatch in its transmission was but evidence of the anxiety of the reader to possess it; and yet, and it was a singular fact, there was no paper issued to the public which was read so carelessly as the President's message, and for the obvious reason that the people necessarily supposed no statement would be contained in it without the most positive assurance of its truthfulness. In this fact there was an inducement to members of this House to scrutinize this message here, where there was both time and opportunity to expose its errors. And on examining it, what did they find? Would it not be evident, whatever the President's professions might be, that his design was to swallow the whole of Mexico? Amongst the people there was much speculation as to the object of the present war. This was singular if the message was analyzed, and no attention paid to the President's disclaimers, which were only thrown out to gull persons who are very gullible. For proof of the President's object in the further prosecution of the war, he would read a few extracts. On page eight the President says:

"The commissioner of the United States was authorized to agree to the establishment of the Rio Grande as the boundary, from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in north latitude about thirty-two degrees, and to obtain a cession to the United States of the provinces of New Mexico and the Californias, and the privilege of the right of way across the isthmus of Tehuantepec. The boundary of the Rio Grande and the cession to the United States of New Mexico and Upper California constituted an ultimatum which our commissioner was, under no circumstances, to yield."

Now, this was very plain. The commissioner was instructed to obtain New Mexico and Upper California; and what more did the President say in this connection?

"As the territory to be acquired by the boundary proposed might be estimated to be of greater value than a fair equivalent for our just demands, our commissioner was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed reasonable."

Yes, such pecuniary consideration as was deemed reasonable! And report said that reasonable sum was some fifteen or twenty millions of dollars, in addition to some three or four millions which are claimed as having been some time due to our citizens. Here, then, was the President's mode of obtaining indemnity for the past and security for the future. But he would travel a little further to find what the President subsequently demanded. On page 11 he says:

"Since the liberal proposition of the United States was authorized to be made in April last, large expenditures have been incurred, and the precious blood of many of our patriotic fellow-citizens has been shed in the prosecution of the war. This consideration, and the obstinate perseverance of Mexico in protracting the war, must influence the terms of peace which it may be deemed proper hereafter to accept."

Now, then, more than New Mexico and Upper California was demanded. And what was it? Soon after the commencement of the war, New Mexico and Upper California would have sufficed; but now the President is not satisfied without a larger portion of her territory. On page 12 he says:

"Early after the commencement of the war New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace. These provinces are now in our undisputed occupation, and have been so for many months, all resistance on the part of Mexico having ceased within their limits. I am satisfied that they should never be surrendered to Mexico."

Here, then, it seems that Lower California must be taken as well as Upper, to satisfy the increased demands of the President, who is desirous that they "should never be surrendered to Mexico." But what more does the President expect? On page 15 he says:

"With a people distracted and divided by contending factions, and a government subject to constant changes by successive revolutions, the continued successes of our arms may fail to secure a satisfactory peace. In such event it may become proper for our commanding generals in the field to give encouragement and assurances of protection to the friends of peace in Mexico in the establishment and maintenance of a free republican government of their own choice, able and willing to conclude a peace which would be just to them and secure to us the indemnity we demand."

Now, suppose the President could find a party in Mexico to make a treaty of peace with us, such a party would in all probability be in a minority; but, even if it were in a majority, and we should guaranty their power by our arms, would it make a peace? No; there would be no end to the war until the present generation in Mexico shall have passed away, and the memory of this war shall have faded from them. Why, we have tried such an experiment already. In 1835 we made a treaty with the Cherokee Indians, and, though they are more feeble than Mexico, yet from 1835 to 1848 the deadliest hostility has existed against those who made it, notwithstanding the powerful influence of the United States to make peace between them. And so it would be with Mexico. But what next? There it would be seen the President folds his arms in despair of ever being able to obtain a peace:

"If, after affording this encouragement and protection, and after all the persevering and sincere efforts we have made, from the moment Mexico commenced the war, and prior to that time, to adjust our differences with her, we shall ultimately fail, then we shall have exhausted all honorable means in pursuit of peace, and must continue to occupy her country with our troops, taking the full measure of indemnity into our own hands, and must enforce the terms which our honor demands."

Here the President's message indicates an intention to absorb the whole of Mexico, as the only means of getting a peace, or the termination of the war which he commenced. It was plain to his (Mr. C.'s) mind, and it must be so to the minds of other gentlemen who would reflect on this subject, from all the evidence before them, that the President had never desired to make peace with Mexico. The President does not desire it at the present time. He had not wished to obtain such a result. The President knew well that the war was prosecuted for party objects, and that its termination now would be destructive to his party; hence he desired its continuance during his Presidency. It could be shown by the President's own conduct that he had not desired peace. What had he done? Why, the first thing he did was to order our naval and military commanders to permit Santa Anna to return to Mexico; and the President told us when he got there we should have peace. And what next did he do? Why, he asked for three millions of dollars, and every gentleman who was present at that time knew with what an air of authority an individual on that floor, speaking authoritatively doubtless, told them that, if they would grant the President those three millions of dollars, we could have peace in sixty days. Yes; he said he knew the fact. He had doubtless been in the council chamber; he had seen letters from friends of the President in Mexico, and he knew for those three millions a peace could be obtained. And how had that turned up? Why, instead of peace, it had only served to add fuel to the fire, and made it burn more furiously; for the Mexicans saw that the President supposed he could buy them for three millions of dollars.

Well, what next? He sent a commissioner down there. And who was he? Why, a mere clerk in one of our departments—the Department of State. Now, what was the practice of nations when they seek a peace with a belligerent nation? Did they send clerks from their Executive departments—even a chief clerk? No; they sent men that were not only known to their own nation, but to the world—men who had been employed in diplomacy before—men who know something of the business in which they were engaged—men, too, who carry with them a moral influence. Our President, how-

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ever, sent a mere clerk: and what had been the result of that attempt to secure a peace? Why, as every other man except the President of the United States knew it would: it ended in his repudiating his own commissioner, who had been broken and deprived of his clerkship here at home.

Now, could gentlemen think the President sincere in his professed desire to make a peace with Mexico? And what was to be the fate of this nation if we shall not be able to make peace with Mexico on the terms the President has heretofore desired? He would not pretend to portray to the committee what would be the result if we conquer the whole of Mexico and annex it to this Union. Political sages of this country have spoken on this subject, and they have warned the nation of the dangers to be apprehended from the experiment. But the gentleman from South Carolina [Mr. SIMS] yesterday told them that the speeches and addresses of such men as Mr. Clay and Mr. Gallatin have made no impression upon "young America." He (Mr. C.) thought the gentleman was mistaken. Those addresses would make an impression on those who were blessed with ordinary intelligence. They might not, to be sure, have much effect with those who were imbued with a spirit of Quixotism, which seemed to characterize the President of the United States. Our Don Quixotte, however, was more fortunate than his prototype; for, while he had but one Sancho Panza to follow in his steps, and to wait upon his wishes, our President has a host of Sancho Panzas, who would like to rule the countries and islands he may conquer.

He was in hopes some gentleman who was better able than he was would take up the message of the President and scrutinize its assertions and positions, for it could be done not only now but to the end of the session. As his time was rapidly passing away, he would but notice one other position of that message. He referred the committee to page 18, on which was the statement that, after the adjournment of the last session of Congress—on the 31st of March—the President issued an order creating a tariff for Mexico. Why the President had not submitted such a plan to Congress before its adjournment he was at a loss to discover. The President, however, professed to have guarded against making this tariff burdensome on our soldiers and sailors who fight our battles. He says:

"Care was taken that the officers, soldiers, and sailors of our army and navy should be exempted from the operations of the order; and as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were, in effect, the seizure of the public revenues of Mexico, and the application of them to our own use. In directing this measure, the object was to compel the enemy to contribute, as far as practicable, towards the expenses of the war."

Being anxious to know more of this important plan than the President communicates, he turned to the report of the Secretary of War, who has this matter under his control, and on page 573 he found this passage:

"Whenever any goods are imported by sutlers, and the duties paid by them, as is required by these regulations, and when the sutler shall first prove to the satisfaction of the commandant of the port that said sutler has actually sold any of said identical goods so imported by him, to any officer, soldier, sailor, or marine, for their own actual individual use and consumption, and not as merchandise for resale, then and in that case the duties so actually paid on said goods so sold to any officer, soldier, sailor, or marine, as aforesaid, shall be refunded to said sutlers; but, before refunding the money so collected, it shall be the duty of the council of administration, which, under the direction of the commandant of the post, fixes the price of sutlers' goods, in determining the price of any of said goods so sold as aforesaid by them, to deduct the duty so paid from the price, with a view to avoid imposing any of the burdens of the duties herein prescribed upon the army or navy of the Union. And all officers' individual stores introduced for their own actual use, and equipments required by law, are exempt from duty."

The money, then, was to be refunded to the soldier and sailor, which, it struck him, it would be difficult to reduce to practice so as to save the soldiers and sailors from paying this contribution to sustain the war, and therefore, as a member of the Committee on Expenditures of the War Department, he addressed a letter to the Secretary of War, requesting him to inform the committee what sums had been refunded to sutlers under the 13th article of instructions from the War Department. To that letter the Secretary replied. And how much did the committee suppose had been returned to sutlers at Vera Cruz? Why, while the amount reported to have been collected to the 31st October was $297,473 10, the sum refunded was the pitiful amount of $153 67.

And in his letter, the Secretary told the committee he did not know whether that amount had been refunded to sutlers. He says:

"It is not known whether Messrs. Robinson and Woodruff, at Vera Cruz, were actual sutlers to the 3d regiment of Illinois volunteers; but as it appears from the return made that the sum refunded to them was for goods sold to that regiment, it is probable they were."

Such was the caution and care exercised by the President to guard our officers, soldiers, and sailors, from contributing to the military contributions imposed on Mexico. At Matamoros and Saltillo, it did not appear that a single dollar had been refunded. The whole amount refunded at Tampico barely exceeded $7,200. A few days ago, a gentleman from Mississippi, in addressing the committee, spoke of the tariff of 1842 taxing the shirts, hats, coats, and other useful and necessary articles of the farmer; but here it was seen that the President taxed the officers and soldiers and sailors, while they were engaged in fighting this glorious war.

He should now pass to another message of the President of the United States—that in which he gave his refusal to furnish the instructions with which Mr. Slidell went to Mexico, for which this House, by resolution, had called. And what were the President's reasons for his refusal? He said it would be inconsistent with the public interests to comply. Now, the President, in his (Mr. C.'s) opinion, had not one inch of ground to stand upon for the justification of his refusal. What did Mr. Slidell go to Mexico for? To settle the boundary between the Nueces and the Rio Grande, a tract of country which no man there would care to possess. And what else? To obtain the pitiful sum of three millions of dollars from Mexico, that being the amount of the claims of our citizens against her. Well, was there anything in either of these matters of negotiation that required to be kept secret? The territory itself was worthless, so that the three millions was the most important subject; and what was there in that that required so much secrecy? Nothing that he could by any possibility see. Since that time, too, our relations had changed. Then we were in a state of peace; now we are in a state of war. Now we are negotiating at the point of the bayonet and the mouth of the cannon; then no hostilities had been commenced.

What, then, was the reason for which the President of the United States kept from Congress the instructions given to Mr. Slidell? There was nothing in the public interests that could be injuriously affected by it. Did the President send by Mr. Slidell an ultimatum, and was that the reason? Why, an ultimatum was sent by Mr. Trist, and that had been furnished. The President, by a message received a few days since, informed them that his ultimatum was New Mexico and Upper California. Why, then, he repeated, should the President keep secret the instructions given to Mr. Slidell, when he tells us what were the instructions given to Mr. Trist? The gentleman from Georgia, [Mr. STEPHENS,] who addressed the committee on this subject a few days ago, it appeared to him, had struck upon the correct conclusion. That gentleman believed the President would not furnish those instructions because they would criminate himself, which a criminal in our courts was not required to do. It was not the public interests, then, that would be injured by a compliance, but the crimination of the President would be the result. That was the only rational conclusion to which they could come in regard to it. It was a well-known principle, that when a party had testimony in his power which he would not produce, it would be taken as operating against him, for it was reasonable to suppose that if it would go in his justification he would produce it.

Mr. HOUSTON, of Alabama, next obtained the floor. He said, that for several days he had been endeavoring to get the floor at night-fall, that he might have the morning for his speech; but he had been unsuccessful, and hence he had availed himself of this opportunity to make some remarks on the question pending before this committee. He had desired, before this debate closed, to submit some remarks in reply to the very elaborate statement of the chairman of the committee of Ways and Means. He had also desired to reply to some comments which fell from the gentleman from Mississippi, [Mr. TOMPKINS,] in the course of a speech which he made on this floor; but he had now greater interests of the country to attend to, and therefore he should confine his remarks to the bill before them. He should defer his reply to the gentleman from Mississippi to some other occasion; but at the first convenient moment, he intended to comment on that gentleman's remarks, and in such a manner as to make himself distinctly understood. He did not ordinarily indulge in harsh terms towards any member. It was not his habit to do so. He certainly should not do so now, but address himself to the positions of the chairman of the Committee of Ways and Means respecting the bill under consideration. And what an extraordinary spectacle had been exhibited to the country and to the world by that honorable gentleman! Here was a bill which that gentleman, with the aid of his friends, had framed, not only as to the amount, but the details also; and yet, after framing it, he was himself the very first to assail it, and to present insuperable objections to its passage. What were we to understand by that? Was it that this House was merely to register the recommendations of the Administration? Or were they to carry out what they believed to be proper in the discharge of their solemn trust as Representatives of the people? The gentleman from Ohio said, that he moved to reduce the amount of the loan from $18,500,000 to $16,000,000, not on his own judgment, but in pursuance of an Executive recommendation; and went on in his remarks to say, that he believed that $16,000,000 would not be sufficient to carry the Government forward, but that from twenty to twenty-five millions would be necessary. Now, he put it to the gentleman from Ohio and to the committee, and asked what system of political morals was that by which the chairman of the Committee of Ways and Means, under all his multiplied obligations as a member of the House and the head of one of its most important committees, could come here and report a bill, which, in his conscience, he believed to be insufficient for the purposes of the Government? Did the honorable gentleman from Ohio desire to stop the wheels of the Government? Was he willing to yield up his own opinions to the Executive or the Secretary of the Treasury? If he was not, why had he not brought in a bill according to his own judgment, asking the House to give twenty or even twenty-five millions, if he thought so much was required?

But the gentleman from Ohio did not, in every respect, confine himself to the recommendations of the Executive; for while he seemed, in this instance, to be willing to consent to the amount recommended by the Secretary of the Treasury, he was not willing to yield to the balance of the recommendations; and thus he presents a bill of such a character that its paternity could not be determined. That gentleman argued that we could not get the money, because of the pecuniary pressure under which the country was laboring: would he, then, tell the committee why he had changed the character of the bill from that which was recommended by the Executive, giving the alternative between treasury notes and stock?

Mr. VINTON. Will the gentleman give me permission to interrupt him?

Mr. HOUSTON. I will, if the time will not be deducted from my hour.

The CHAIRMAN replied that no such arrangement could be entered into.

Mr. HOUSTON, then, could not consent to yield the floor.

Mr. VINTON, however, was heard to remark,

from his seat, that he had not said the money could not be raised, nor intimated anything of the kind.

Mr. HOUSTON said the argument of the gentleman went to show that that was the fact. If it were not so, why did he argue about stock being below par?

Mr. VINTON here interposed to say that he never had said that the money could not be raised.

Mr. HOUSTON admitted that the gentleman had not said so in so many words; but the drift of his whole argument, and almost of his entire speech, was to show that such would be the result. Else why had he argued about the effect of the panic? Why had he dwelt on the fact that the six per cent. stock of this Government was below par? The gentleman had told the committee that the result of the bill was "unfortunate," because every dollar obtained under it would prove an injury to the business of the country to at least the same amount. According to the gentleman, then, every dollar obtained on this loan would be a dollar and more deducted from the business and the prosperity of the country. Now, without undertaking to reply to this prediction, or showing that his prophecy was incorrect, he would ask that gentleman, if he believed what he said, how he could report such a bill? Was it, then, the object of the honorable chairman of the Committee of Ways and Means to injure the business and prosperity of the country to the amount of sixteen millions of dollars? Pass this bill, and, according to the gentleman's own showing, his own bill would injure the country over sixteen millions of dollars. And, be it remembered, that this was done by the gentleman's own choice, not in compliance with any Executive recommendation. The feature of the bill recommended by the department, for treasury notes, the gentleman struck out; he retained the sum asked for, but refused the issue of treasury notes—an operation which any man who had reached to monosyllables in the volume of political economy could not but know must largely aid and promote instead of injuring the business and prosperity of the country.

But the gentleman had said further, that the Secretary of the Treasury, after having tried to divorce the Government from all banks, had turned about in hot haste and entered into a traffic in Government paper far more worthless than the vilest of bank paper that ever was issued; and referred back to the treasury notes issued during the war of 1812 to show it. Now, on this subject of the issue of treasury notes, he would ask the gentleman, in all candor, why he himself had voted for the very measure which he now denounced with such harshness? When he was indulging in so great severity of remark on the principle of treasury notes, he forgot to apprize the committee that he had himself sanctioned it by his own vote. Mr. H. had looked at the record, and he found such to be the fact. And he was informed that another gentleman on the same side of the House, [Mr. CROZIER,] who had just taken his seat, and who had joined in the same bitterness of remark in reference to the issue of treasury notes, had in like manner cast his own vote, at the last Congress, for the issue of twenty-eight millions of treasury notes. How beautifully consistent! Mr. H. here would read to the committee a little of the language of the gentleman on this subject. [Mr. H. here quoted from the speech of Mr. VINTON.]

He then went on to deny that the Secretary of the Treasury had in any instance paid a creditor of the Government in paper money of any kind, unless such mode of payment was preferred by the creditor. If we could rely in the slightest degree on the report of the Secretary of the Treasury, if that functionary was possessed of any veracity at all, his statement showed, that instead of having dealt in bank paper, or any other form or species of paper money, he had only done the very thing which the gentleman from Ohio had voted that it was right in him to do. That officer had paid out nothing but the constitutional currency, (gold and silver;) yet the gentleman had rated him in the most unmeasured terms for complying with the law passed by his own vote. But Mr. H. had a good deal more to say, and must hasten on.

If the gentleman proposed to reduce the amount of the loan at the Executive recommendation, why did he not, in compliance with the Executive recommendation, retain the treasury note feature in his bill, and thereby secure the certainty of having the loan taken? This would have enabled him to avoid inflicting that terrible injury which he predicted on the business and prosperity of the country under his present bill.

But if the gentleman from Ohio, [Mr. VINTON,] and Mr. H.'s other friends on the other side of the House, were desirous of fastening responsibility on the Administration, why, in the name of common fairness, did they not give the Administration all they asked for? After taking out of the bill the leading feature which the Administration had desired to have introduced into it, could they successfully charge the failure of the loan, should it fail, on the Administration? Would they have any right to make any such charge if they refused its recommendations? By doing this, would they not effectually fasten responsibility on themselves? Most assuredly; nor could the gentleman from Ohio, by any ingenuity, shift that responsibility off his own shoulders and that of his party. Why had the Committee of Ways and Means been changed? But for this change that committee would have reported such a bill as the minority of that committee now desired. But its organization had been changed, and they had now reported to the House a bill which the Treasury Department had not recommended; and the chairman of the committee was himself the first man to give the bill a blow. Who would be found willing to take up the gentleman's bantling when he spoke of it in the way he had done? Mr. H. and his friends did not want to have anything to do with it; and, though an honorable friend of Mr. H.'s, from Kentucky, might be willing to support it, yet Mr. H. did not doubt that he regretted that his chairman had deserted him in its support.

But Mr. H. must go on; his time was passing rapidly, and he must get to the treasury estimates. He would therefore leave this branch of the subject, observing only, that in omitting the feature of treasury notes, the gentleman from Ohio had assumed a responsibility not to be sought, if not to be avoided.

The chairman of the Committee of Ways and Means of the House of Representatives exerted, necessarily, from the position he occupied, an extraordinary influence over everything connected with the fiscal concerns of the country. Indeed, in this respect, the chairman of that committee was second to no man in the Government but the Secretary of the Treasury, and hardly second even to the Secretary himself. Before a gentleman placed in such a position inflicted a stab on the most delicate and vital part of the fiscal operations of the Government and the country, he ought certainly to have first matured his plans, and well weighed every statement he ventured to make. He should not come before the House, and declare that the Government, instead of sixteen, would need from twenty to twenty-five millions of dollars to meet the necessities of the treasury. This estimate, Mr. H. would say, was a mere guess. The gentleman had all the estimates of the treasury before him: why, then, did he not put his finger on the deficient points in those estimates? But, instead of doing this, his own estimates left a gap as wide at least as the accidental error of one of the clerks in the treasury, of which so much had been said. And this same mistake followed the gentleman through all the calculations he had made. It was the same in regard to the deficit of 1849 as the deficit of the present year. Mr. H. did not believe there was a member of the House who was capable of reading the documents that could not make as good a guess as that. The gentleman gave the Secretary a hit or two about the mistakes of his clerks; but said he presumed that those errors had now all been corrected. He accused the Secretary of over estimating the receipts of the treasury by five millions of dollars, and underrating the expenditures by two millions and a half. The gentleman then added both these sums to the sixteen millions asked for by the Government, and said the real deficit would be twenty-two millions. Now, every one who knew enough of arithmetic to add two sums together, would be able to detect an error of a million of dollars in the result. This alone was sufficient to show that the gentleman from Ohio was the very last man who was entitled to call the Secretary to account for errors in his figures.

The gentleman had committed a similar error as to the debt of the Government. He maintained that at the end of June, 1849, instead of twenty and a half millions, it would be thirty-eight millions and a half of deficiencies for that year.

But Mr. H. would now attempt to speak to the subject of these estimates. He had thought, a little while ago, he saw a certain gentleman very famous in this House and in the country for his deep knowledge on tariffs, on iron, on labor, and all that; but he believed he had walked out. He was very sorry he was gone, as he wanted to say a word or two to him.

Mr. STEWART, of Pennsylvania. I am here: go ahead.

Mr. HOUSTON. That gentleman had told the House that the tariff of 1846, in the first year of its operation, had yielded but twenty-three millions of revenue. Was that a fair calculation? Could he intend to convey this idea as a correct one? The tariff of 1846 had not gone into operation until December of that year, and therefore there had been in that year five months under the gentleman's own beloved tariff of 1842.

Mr. STEWART. Does the gentleman contradict any one thing that I said?

Mr. HOUSTON said he had not time now to enter into a tariff discussion with him, but he would only reply that he did not believe there was one correct position in the gentleman's speech.

Mr. STEWART. Will you point out one that is not?

Mr. HOUSTON said he had already pointed out one. There was not a man of common sense in the House who did not know that the tariff of 1846 did not go into operation till five months after the commencement of the fiscal year on first of July, 1846.

But he was coming to the estimates; and he wished to test them only by what was fair and right. He was glad his friend from Kentucky [Mr. MOREHEAD] was so near him, taking notes, and would reply with the ability he was known to possess. Mr. H. would call attention first to the estimates of the Secretary of the Treasury.

In July, 1846, the Secretary, in reply to a call of the Senate upon him to state the probable results of the tariff of 1846, estimated them, for the fiscal year ending in June, 1847, at $27,835,000. In December, 1846, he adopted the estimates he had made for the year, and estimated the revenue of the year ending June 30, 1848, at twenty-eight millions. This was from customs; for it was to the product of the customs that Mr. H. was now confining his remarks. These two years put together were then estimated to produce an aggregate of $55,835,000. Now, the gentleman from Ohio [Mr. VINTON] charged the Secretary with having over-estimated the receipts of last year by five millions of dollars. Mr. H. granted that the estimates had exceeded the receipts somewhere about four millions from customs. But he would now look at the receipts, quarter by quarter, and month by month, and it would soon be made to appear when and where the deficiency commenced. The total receipts for the year, instead of running up to twenty-eight millions, had been but about twenty-four. But where had the falling off commenced? Five months of these two years had been spent under the tariff of 1842, and nineteen under the tariff of 1846. In actual receipts, those five months had yielded $7,869,000; the other seven months of that fiscal year had yielded $15,900,000; in all, $23,774,000. Now, he put it to the gentleman to say where had been the falling off—during the first five months, or during the last seven? The seven months had yielded more than double the preceding five.

Mr. H. said that the amount already received this year from customs, showed that the total receipts would be abundantly sufficient to equal the estimates submitted by the department to Congress. The year ending in June, 1847, had yielded near twenty-four millions. The first half of this year had produced sixteen millions: those of the last month (January, 1848) alone were over three millions. So that the nineteen months (five under the tariff of '42) had produced, from the customs alone, a revenue of $43,418,000, leaving only eleven millions to be made up during the other five months. During the first week of this February, the gross receipts had been but a fraction short of a million of dollars. So, if we took this year, as far as it had gone, there remained but little over ten millions to be raised, and five months to do it in. The tariff of 1846 had gone into operation on the 1st December, 1846. The receipts for twelve

months thereafter had been over thirty-one millions.

But he might be told, and it had been said in debate here, that the receipts during the first few months under the new tariff had been unusually large, because large amounts of goods remained in warehouse waiting for the reduced duties, which rushed in like a flood as soon as the law went into effect. But an examination of facts would show this argument to be unsound. Mr H. held in his hand a table, from which it appeared that on the day the tariff of 1846 went into effect, (1st December, 1846,) there were in warehouse goods on which revenue had accrued, but had not been received, to the amount of $1,455,000. On the 1st of September 1847, they had amounted to $1,264,000, and on the 1st November, 1847, to $1,185,000; and on the 1st December, 1847, they amounted to $1,344,000, only $110,000 less than on the 1st December, 1846. Yet it was pretended that just before December, 1846, goods to a vast amount had been held up for the low duties, and as soon as the tariff went into operation, they came in at once and flooded the country! Facts and figures showed this not to be true An unprecedented amount of goods lay in the warehouse now, at this very time. So that the representation on which gentlemen had so confidently relied was falsified by the record; and the rise under the tariff of 1846 was to be attributed to other causes.

Mr. STEWART. Will the gentleman let me reply?

Mr. HOUSTON. No, sir, he could not. He had shown that the great falling off was not to be accounted for in the way supposed. Of the five months under the tariff of 1842, the first three had produced $6,153,000, the other two had produced $1,700,000.

The comparative result of the two tariffs might be tested in another way. The tariff of 1846 had in thirteen months yielded $34,700,000; divide this by thirteen, and the average would be $2,669,000. This was much larger than that of the last two months of the tariff of 1842 taken together. So that the general average under the present tariff, instead of falling below the estimates of the Secretary for the year, would exceed them.

The Secretary, in December, 1847, reëstimated the receipts for the present year at thirty-one millions. We had the proceeds for seven months, and there remained only eleven millions to be supplied by the other five months. Taking the average of actual receipts, whether by quarters or by single months, they warranted a total estimate of thirty-two millions.

Mr. H. went on to say that here was presented to view rather a singular spectacle. Here were the regular official estimates of the Government openly assailed by the fiscal officer of this House, and without a reason given. The gentleman from Indiana [Mr. C. B. SMITH] agreed with the gentleman from Ohio in charging the Secretary with overrating the receipts of the treasury, and underrating the expenditures, and by putting them together, made up a deficit of nine millions. And as the Secretary (as they charged) had made a blunder of nine millions for this year, they argued that they were warranted in coming to the conclusion that he would not be any nearer the truth in the next; and so putting down his assumed blunder for next year, they made up the total error. The gentleman from Indiana set down next year's error at nine millions. So they agreed to add eighteen millions before the end of 1849.

How variant was all this from what the Whigs had told the country when the tariff bill of 1846 was under discussion. They predicted that the tariff would yield not more than about twenty millions: many Whig gentlemen put it down as low as sixteen millions. They now came in and admitted it would yield twenty-seven millions. The friends of that tariff did not accept twenty-seven millions: the tables now showed a receipt of thirty-one millions; next year would produce thirty-two millions; and his own belief was that the amount would go on increasing to millions more.

And now a word on the public lands, to which he asked the attention of the gentleman from Ohio. He had told the committee that the estimates of the Secretary were larger than would be realized. Mr. H. did not know that the gentleman had the estimates before him. The Secretary's estimates from the public lands were for this year three and a half millions, and for the next three millions. Now, from the first quarter of the present year the proceeds had been $896,000, and for the second $940,000, making a total for the half year of $1,836,843. Mr. H. thought it likely it would be for the other half year about two millions. The total amount would overgo the three and a half millions which the Secretary had estimated.

Mr. H. wished to say a word in reply to another point of the gentleman's argument on the subject of the public lands. He would not willingly misstate him, and he therefore desired his attention. Both that gentleman and the gentleman from Indiana [Mr. C. B. SMITH] had argued that the estimate of the Secretary was unfounded, because the proceeds of the land sales were already pledged for the repayment of the loan effected last year. Well, taking the argument as these gentlemen themselves had put it, how stood their account on the subject of consistency? He (Mr. V.) said that these public lands were solemnly pledged; and he condemned the President in the strongest terms for considering the proceeds derived from them as a part of the general revenue. The gentleman's language on this point had been very strong. [Here Mr. H. quoted from Mr. VINTON's speech.] Now, would the gentleman who spoke in this lofty strain about keeping public pledges inviolate tell the committee whether he himself had considered this pledge as inviolate? Had not that gentleman himself voted to impair the pledge at the last session? The gentleman could argue eloquently now against the violation of pledges; but when it was known that that gentleman had himself voted to violate this pledge of the public lands, by giving bounty lands to the soldiers, how much weight would his lecturing the House be likely to have on the conscience of its members? He asked the gentleman whether he had not voted for the bounty lands?

Mr. VINTON rose to reply——

But Mr. HOUSTON said he could not yield up any part of his time, which was now almost gone. The Journals were here, and he affirmed that the gentleman did vote in the affirmative.

The gentleman foresaw an "unfortunate result" from the passage of this loan bill. Yes, it was likely to prove as unfortunate for him as his vote to hypothecate treasury notes for specie, and then charge it as an offence that the Secretary had done that very thing. The gentleman was himself the first to destroy the sanctity of the pledge of these lands, and now he charged the same thing as a heinous offence on the part of the President and Secretary of the Treasury. But how could they do otherwise than they had done when acting under that vote of the House? The bill granting the lands to the soldiers had passed the House by almost a unanimous vote, but some eighteen voting against it. Now, if the House violated its pledge, how could they expect the President and Secretary to insist on preserving it? The House had taken the lead, and by its own action had indicated to the Executive what it thought right in the premises.

Mr. H. next adverted to what Mr. VINTON had said about the amount of the public debt at the end of the year 1849. He made it for this year seventy-three millions, and at the end of next it would be one hundred and twelve millions. In remarking upon this, he charged Mr. V. with charging improperly seven millions, and at the same time refusing to credit three millions on the other side of the account—the sum designed to be kept in the treasury.

The gentleman said we must not touch the revenue from the public lands, because it was under pledge for last year's loan. If so, what did he do with the two millions from the public lands after paying the interest on last year's loan? He says it must not go into the treasury as revenue: then where must it go? To extinguish last year's loan: well, and ought he then to refuse to give credit on that loan for these two millions? Did the gentleman propose to pocket this money? What was to become of it? God only knew what he meant to do with it. And, after all, what difference did it make whether the money went into the treasury as general revenue, out of which last year's loan must eventually be paid, or reserved as a sacred fund to pay that loan? It was as broad as it was long. If it went to the loan of last year, did it not extinguish so much of the public debt due this year? The gentleman could find no escape, but must admit that he had fallen into an error in failing to give credit for the $2,000,000.

The gentleman attempted to argue from the estimates of the War Department that there was an under-estimate by the Secretary of the expenditures. But he would call his attention to the letter from the Quartermaster's Department, which showed the reason of the deficit on the subject of soldiers' clothing, and which he refused to have read. The gentleman had not told the committee that there were more troops to be clothed this year than last, and that there had been a great increase of charges for transportation also. If new supplies of troops should not be sent, the charges under this head would be much diminished. Then it should be remembered that we had mounted more men than had at first been estimated for. The gentleman had not said a word about the charge for heavy transportation as a reason for the increased expenditures, or the rise in the price of rations, breadstuffs, and supplies of all kinds.

The gentleman had said that the Secretary required the Quartermaster General to reduce his estimates for his department. Mr. H. denied that statement. He (Mr. VINTON) said the committee were left in darkness as to the reason of the reduction; while the Quartermaster General had fully stated to the Committee of Ways and Means——

Here the much-dreaded hammer knocked; and the gentleman from Alabama sank into his seat, exclaiming, "No matter—I'll write and print it!"

Mr. HUDSON, of Massachusetts, next obtained the floor. He said that the present condition of our country is well calculated to fill the mind with the most serious apprehensions. We are, said he, in the midst of a war—a war which a majority of this House have declared to be "unnecessarily and unconstitutionally commenced by the Executive." War in itself is at all times a great calamity: but when it is commenced without just cause, and is prosecuted for the unholy purpose of conquest, it becomes a crime of the deepest dye. Such, I am persuaded, is the character of the war in which we are now engaged. It has already sent to a premature grave many thousands of our citizens, involved us in a heavy national debt, filled our people with a thirst for conquest, degraded us in the eyes of every civilized nation, and brought us to a point where the consummation of our ambitious designs may prove the prelude of internal dissensions more to be dreaded than foreign war itself.

I shall not, at this time, Mr. Chairman, attempt an examination of the causes of this unnatural, and, as I believe, iniquitous war. This has been done, and ably done, by others. After the repeated exhibitions of the facts in the case, the question can hardly be considered an open one. It has been demonstrated again and again that the Texas we annexed was revolutionary Texas, and hence that her boundary was marked by the sword; that she never extended her jurisdiction beyond the immediate valley of the Nueces; that her claim to the Rio Grande was invalid, and that the resolutions of annexation regarded it as such, and reserved to the United States the right of settling the boundary with Mexico; that Mexico had a custom-house at Santa Fé and at Brazos Santiago, both upon the left bank of the Rio Grande, where our merchants and traders had long been in the habit of paying duties to the Mexican Government; that two days after the passage of the resolutions of annexation, Congress passed an act in relation to drawbacks, which recognized Santa Fé by name as a Mexican city, and that nine months subsequently, the Secretary of the Treasury informed the House that this act allowing drawbacks on foreign exports to *Santa Fé, in Mexico*, had gone into effect, and was beginning to produce the most happy results; that we had a consul residing at Santa Fé, when our army was ordered into the country; that Mexico had not only civil but military possession on the left bank of the Rio Grande; that the Executive apprized General Taylor of that fact, and directed him not to disturb those permanent establishments, nor to interfere with the laws, religion, or usages of the people; in a word, that the whole valley of the Rio Grande, whether on the right or left bank of that river, was Mexican—a Mexican population, speaking the Mexican language, with Mexican laws, Mexican customs, Mexican jurisdiction—as purely Mexican as the city of Mexico itself. These facts are fully sus-

tained by the public records of this Government, known and read of all men.

With a perfect knowledge of these facts, (for we cannot suppose the President ignorant of his country's history,) the Executive ordered our army into a territory to which we had no just title—a territory in possession of a nation with which we were at peace; and there our forces, under the direction of the President, committed overt acts of war, by blockading the Rio Grande and charging the Mexican lines, before they had fired a gun or obstructed the movement of our army by force. Although the design of this war was at first concealed from the American people, the late avowals of the President and his friends leave no doubt of its object. It was commenced and is prosecuted for the unholy purpose of conquest. I will not enlarge upon this point. A bare statement of the case is sufficient to show its injustice, to crown its authors with infamy, and create serious alarm in the breast of every friend of our free institutions. But I will not pursue this branch of the subject. Passing over the causes of the war, and the unholy object for which it is prosecuted, I wish to call the attention of the committee to the financial embarrassment in which it has involved us.

At the commencement of the war our finances were in the most prosperous condition, there being a surplus of ten millions of dollars in the treasury. And now, after the war has been prosecuted some twenty months, we are on the verge of bankruptcy. We have consumed the ordinary revenue, exhausted the ten millions surplus, together with a loan or treasury notes of thirty-three millions, and are now called upon for a grant of sixteen millions more, to supply the wants of the Government during the present fiscal year; and this sum, I am persuaded, will be found too small by eight or ten millions, as I shall endeavor to show hereafter. So that, when the war shall have continued twenty-five months, we shall have expended, in addition to the accruing revenue, some sixty-eight millions of dollars. This is but a part of the burdens brought upon us by this unnecessary war. Our munitions of war, which have been accumulating for years in our arsenals, some fifteen millions of dollars worth of our public domain given, or to be given, in bounty to our soldiers, and long lists of pensions and private claims growing out of the war—these should be taken into the account, and will go far in increasing the sum. These are some of the pecuniary burdens which a weak and wicked Administration have wantonly brought upon the people.

War is necessarily expensive, and is almost another name for *oppressive taxation*. And I rejoice that it is so. It bears the stamp of a preventive Providence, and is calculated to awaken the people to a sense of their condition, and to induce a strict scrutiny into the conduct of their rulers. I am glad that this war has involved the Government in financial embarrassment, because the burdens of taxation may reach the grand sensorium of some men who, mad with ambition and drunk with the idea of acquisition, seem insensible to the calls of justice and the pleadings of humanity. And I venture to predict, that if the party now in power—the criminal authors of the war—had the manliness to come forward and impose taxes sufficient to support the war, and sustain the credit of the Government, the people would rise in the majesty of their strength, and hurl indignantly from power those who have abused the trust which a confiding people have reposed in them.

It is, Mr. Chairman, from a view of the documents which have been submitted, impossible even to approximate the amount which has been wantonly wasted in this war of aggression and conquest. The reports of the Secretary of the Treasury are so obscure, and his accounts are so confused, that it is difficult to understand them. There are some items, however, which are perfectly intelligible; and to these I wish to call the attention of the committee. I allude to the *army* expenditures; and when I speak of these, I do not include the whole military establishment, but leave out of the account the armories, arsenals, fortifications, Military Academy, and that part of the civil service which relates to the War Department.

The expenditures for the army alone, during the year ending June, 1845, were	$3,155,027
During the year ending June 30, 1846	7,454,577
During the year ending June 30, 1847	33,882,068

Here we perceive at once that the expenditures of the army, including volunteers, have, during the year ending June 30, 1847, exceeded the peace establishment of the year ending June 30, 1845, $30,727,041; and for the present fiscal year the expenditure will be much greater. I am aware that the Secretary of War estimates the cost of the army for the present fiscal year at $27,798,448, being more than $6,000,000 less than it was last year; and I am also aware that these estimates are entitled to very little consideration. The Secretary last year estimated the cost of the army at $27,733,096, which was $6,148,972 less than the actual cost. And how was this? What occasioned this increase of expenditure over the estimates which were made when the year had nearly half passed away? The Secretary would probably tell you that the President during the last half of the year called out more volunteers than had been anticipated, and that Congress created ten new regiments after the estimates were submitted, and that these were the causes of the increased expenditures. I admit that this new force would swallow up the extra $6,000,000; but still, with this increased force, the honorable Secretary comes forward, at the commencement of this Congress, with an estimate for the army for only $27,798,448, being but $65,352 more than the estimate of last year, when it was too small by $6,148,972. The ten regiments which were created, and the additional volunteers called out, could not have served more than six and most of them did not serve more than two or three months; and if this carried the expenditures from the $27,733,096 estimated up to $33,882,068, I cannot conceive how this increased force called into service during the war, and consequently serving during the whole of the present year, can be supported for $6,000,000 less than they were last year, when they served but a short time. Besides, we have already been informed by the Executive Department (see Executive document No. 2, and miscellaneous document No. 14, published by order of this House) that the appropriations of the last winter for the present fiscal year for the army were $14,014,635 too small, and that this additional sum must be provided for. And yet with these facts staring him in the face, the Secretary presents us with an estimate for the army this year less by $6,083,620 than the ascertained expenses for the last year. Nothing short of a disposition to conceal the real state of the treasury, can account for estimates like these. By a report of the Adjutant General, submitted with the President's message at the last session, it appeared that the army *in the field in Mexico* amounted at that time to 24,984; and by his report submitted with the message this year, it appears that the army *in the field in Mexico* amounts to 43,536; a fact which will justify the conclusion, that instead of the expense of the army being $6,000,000 less than it was last year, it will probably be $6,000,000 more; showing the estimate to be $12,000,000 less than the probable expenditures.

Thus far, Mr. Chairman, I have confined myself to the expenditures of the *army alone;* but if we look at the whole expenditures of the Government, we shall come to the same result, viz: that the estimates are not at all reliable, being far below the actual expense. The ascertained expenditures of the last year are set down by Mr. Walker at $59,451,177; while the estimate for the present year is $58,615,660; being $835,517 less than the actual expenditures of last year. The improbability of this result will appear from the facts already stated. We have already seen that the army in the field the present year is eighteen thousand five hundred rank and file greater than it was last year; and there are now vacancies amounting to more than fifteen thousand in the regular and volunteer forces, which the President is authorized to fill, and which he is now filling with all possible despatch. The Executive has informed us that they have already ascertained deficiencies in the different departments, in the appropriations of the last session for the present fiscal year of $14,229,844. From every view we can take of the subject, I am satisfied that the estimates are from eight to ten millions too low. It is difficult and even impossible to estimate the expenses of the campaign with perfect accuracy, but we have data before us sufficient to show that the estimates of the departments are not at all reliable. Though the Secretary of the Treasury estimates the total expenditure for the year 1848 at $58,615,114, I have no doubt but that we may add $8,500,000 to this estimate with perfect safety, bringing the total expenditures of the year up to $67,100,000. On the other hand, I am satisfied that the Secretary of the Treasury has over-estimated his receipts. He sets down his means for the year ending June 30, 1848, as follows, viz:

Customs	$31,000,000
Public lands	3,500,000
Miscellaneous sources	400,000
	$34,900,000

No man, as it seems to me, can examine these estimated receipts without being satisfied that they are exaggerated. If we compare them with the receipts of preceding years, or if we inquire into the amount of imports, we must perceive at once that the receipt of $31,000,000 from customs is out of the question. To obtain that revenue, we must import, for home consumption, goods, wares, and merchandise, to the amount of $180,840,021; which would be $68,806,632 more than the average of the four preceding years. The average consumption of imports for the years 1844, 1845, and 1846, was $103,067,692; the consumption for the year 1847 was $138,534,480; being $35,466,788 more than the average of the three preceding years. Seeing the imports for domestic consumption for the last year were $35,466,000 above the former average, I am satisfied that the people cannot, in their present embarrassed condition, pay for an import of $180,840,021; which would be $42,305,541 more than was purchased last year, and $77,772,329 more than the average of 1844, 1845, and 1846. And yet this enormous importation must be made in order to give Mr. Walker his $31,000,000 of revenue from customs. The principal reason why our imports were so large last year, was the famine in Europe, which enabled us to send abroad $41,000,000 of breadstuffs and provisions more than during the preceding year: but that cause has now passed away; and to infer that we can import $77,772,000 more than the average of 1844, 1845, and 1846, now that the famine has ceased, because we imported $35,466,000 more than that average while the famine existed, shows a love of the marvelous hardly consistent with financial calculations.

I believe that the revenue from customs cannot with any propriety be estimated above $26,500,000 for the year 1848; and to obtain that revenue, we must import for home consumption $154,059,861; which is more than $15,525,000 above the imports of last year, and more than the country can support. In estimating the revenue for the present year, I have taken the last year's imports and revenue as the basis, though that basis is altogether too favorable to the Secretary. Five-twelfths of the last year was under the tariff of 1842, where the rates of duty were from five to ten per cent. higher than under the present tariff. So that, to realize the $31,000,000 estimated by the Secretary, we must in fact import a larger amount than I have stated; and the $26,500,000 which I have set down as the amount to be received would in fact require an import of more than the $154,059,000 already stated. But, as I wish to be upon the safe side, I have chosen to adopt the ratio of the last year. If I am correct in my positions, $4,500,000 must be stricken from Mr. Walker's revenue from customs.

He estimates the revenue from the public lands at $3,500,000, which I believe is at least $1,500,000 more than can be realized from that source. The average income from the lands for the last three years has been $2,423,276, and there are causes which must operate unfavorably upon that branch of the revenue. By the act of February 11, 1847, it was provided that all soldiers who have served twelve months in the Mexican war, or have been killed in battle, or have been discharged in consequence of sickness incurred in the service, shall receive one hundred and sixty acres of land, or scrip to the amount of one hundred dollars. Some twenty-five thousand of these soldiers have been discharged, and these land warrants are being issued in large numbers, and these warrants will absorb a large quantity of the public lands, and so divert the proceeds of the sales from the treasury. If I am right in these calculations, the balance-sheet at the end of the year will be materially affected. The case would then stand thus:

Expenditures above the estimates	$8,500,000
Revenue from customs less than estimate	4,500,000
Revenue from lands less than estimate	1,500,000
	$14,500,000

Which sum of $14,500,000 added to Mr. Walker's corrected balance, would make $23,314,036 excess of expenditures over means on the 30th of June next; and hence the loan, including $3,000,000 to be left in the treasury, should be $26,314,000, instead of $16,000,000.

I regard this part of the subject so important that I must beg leave to dwell upon it more in detail. I have already shown that the importations for the last fiscal year, after deducting the reëxportations, amounted to $138,534,480, and that this exceeded the average of the three preceding years by $35,466,788. It must be manifest to every one acquainted with the laws of trade, that our imports and exports for a series of years must nearly balance each other. During the last fiscal year, our exports of domestic products amounted to $150,637,464, being $50,362,848 more than the average for the three preceding years. But this excess consisted almost entirely of breadstuffs and provisions, and was occasioned by the failure of the crops in almost every part of the eastern continent. The Secretary himself informs us that the breadstuffs and provisions exported during the last year exceeded the export of the same articles the preceding year by $41,332,282. This fact confirms my position that this large export arose from the failure of foreign crops. This excess over former exports consisted not only in the increased quantity, but also in the increased price. But the improved harvest in Europe has checked this export, and we have no reason to expect that we shall be able to send forth this year the same quantity; and the reduced price will greatly diminish the value of our exports. In the articles of cotton and flour alone, the reduction of price, even if the quantity were the same, would reduce our exports several millions.

This European famine not only increased our exports and consequently our imports, but turned the balance of trade $12,102,984 in our favor. But nothing can be more fallacious than to reason from a single year. In 1837 we actually imported $4,280,000 worth of breadstuffs; but it would be absurd to argue from that fact that we should continue to import that amount. Equally absurd is it to maintain that we shall send abroad $65,900,000 of provisions and breadstuffs annually, because we did during the past year, when the famine was so pinching in Europe that we sent out Government ships laden with provisions as a charity to their starving thousands.

But we need not reason upon this subject. We have facts, official and stubborn facts, which show that the tide of trade is already setting against us. The imports during the first quarter of the present fiscal year amounted to $50,675,599, while the exports amounted to only $37,937,981; showing a balance of trade against us of $12,737,618, which exceeds the balance of trade in our favor during the past year of $634,634. The entire imports and exports for the whole half year have not been received; but I have returns from some of the principal cities, as will be seen by the following tabular statement:

Imports into, and exports from, Boston, New York, Philadelphia, and Baltimore, for the quarters ending September 30 and December 31, 1847.

Imports for the quarter ending September 30, 1847.		Exports for quarter end'g Sep. 30, 1847.
Boston, merchandise	$8,517,913	$2,369,125
specie.....	1,197,622	80,655
New York, merchandise....	31,412,527	14,607,041
specie.....	547,350	470,557
Philadelphia, merchandise.	4,185,858	1,506,959
specie.....	93,838	
Baltimore, merchandise....	1,440,770	2,025,321
specie.	31,639	4,390
	$47,428,547	$21,065,048

Imports for the quarter ending December 31, 1847.		Exports for quarter end'g Dec. 31, 1847.
Boston, merchandise	$5,525,074	$2,552,729
specie	147,123	1,450,415
New York, merchandise...	13,082,621	7,702,355
specie.....	199,400	3,917,359
Philadelphia, merchandise.	2,020,461	1,096,901
specie	96,484	12,598
Baltimore, merchandise...	846,735	1,676,312
specie.....	31,410	
Quarter ending Dec. 31....	$21,950,308	$18,408,699
Quarter ending Sept. 30...	47,428,547	21,055,048
Total	$69,378,845	$39,463,747

NOTE.—During the same period, our imports of specie have amounted to $2,344,896, and our exports of specie to $5,937,004, as seen above.

Here, it will be seen that, taking these four cities, which comprise more than three-fourths of the commerce of the country, the balance of trade for the last six months is nearly $30,000,000 against us, and that specie is rapidly leaving the country; the excess of specie exported during this period being about $3,600,000 above the import. We have had pleasing accounts of the great balance of trade in our favor, and golden dreams of specie flowing into the country and filling the vaults of the sub-treasury, presented to us by the Secretary of the Treasury. But we already see that an average harvest in Europe has turned the tables against us, and dissipated those golden visions.

The present condition of the money market and the general depression of business must reduce the imports for the last half of the year. All experience shows that prosperity in our industrial pursuits at home contributes greatly to the increase of our commerce; and that we never purchase foreign fabrics so freely as when money is plenty in the country. It is true that our imports at the present time are heavy, but the depression of prices shows that we have a large supply on hand, and leads us to expect that the future imports will be light. The pernicious effects of the tariff of 1846 and of the drain of specie from the country to support a foreign war, are beginning to develop themselves. Manufactures already feel the shock. The cotton, woollen, and iron interests of the country are greatly depressed; and with depressed manufactures we may soon anticipate a paralyzed agriculture and a stagnant commerce. Even if the tide of trade should continue so as to give us a large revenue during the present year, its inevitable effect would be to diminish our revenue for the next; and so leave as great a deficit on the 30th June, 1849, as though it fell within this year. It should also be observed that the heavy importations of tea generally come in in the spring, and as this is free of duty, no revenue will be obtained from that source.

A brief view of the finances of the country will show the utter failure of the tariff of 1846 as a revenue measure. Though the Secretary of the Treasury and the President in his message assure us that the tariff of 1846 has augmented the revenue of the country, every view I have been able to take of the subject leads me to a very different result. The imports and exports, together with the net revenue from imports for the three years ending with the 30th of June, under the tariff of 1842, were as follows:

Years.	*Imports for consumption.*	*Domestic exports.*	*Net revenue.*
In 1844.....	$99,950,168	$99,715,179	$26,183,570
1845.....	101,907,734	99,299,776	27,528,112
1846.....	110,345,174	102,141,693	26,712,667
Average.....	103,067,692	100,385,616	26,808,116
In 1847 they were..	138,534,480	150,637,464	23,747,864

Here we have an amount of imports for the last year of $35,466,778 above the average of the three preceding years; and yet the net revenue falls below the average $3,060,252. The net revenue for the three years under the tariff of 1842, assessed upon the imports for home consumption, would amount to a duty of 26.01 per cent.; and if we multiply the imports of 1847 by that rate, it would give us a net revenue of $36,032,818; which shows a falling off of the revenue under the tariff of 1846, from what it would have been under the tariff of 1842, of $12,284,954. While the Administration and its friends are clamorous for a loan of sixteen millions, they should remember that if they had not wantonly destroyed the best revenue system which this country ever enjoyed, they would have had more than two-thirds of that sum paid into the treasury; nay, if that system had remained in force up to this day, it would completely have superseded the necessity of this loan, and have left a balance in the treasury. Here we have a full illustration of the crude, undigested system of the present Administration—a system which, had it not been for the famine on the eastern continent, would have overwhelmed its friends in disappointment. If the imports had remained at the average of the three preceding years, the revenue under the present tariff would have amounted to only $17,624,575, or $9,283,531 less than the average of the three years under the Whig tariff. Thus, by the miserable policy of the Administration, the best interests of the country have not only been sacrificed, but the Government itself has been robbed of twelve millions of revenue at a time when the largest amount from ordinary sources would be insufficient to meet the wants of the Government. The receipts from customs for the year 1847 have not only fallen off $3,060,252 from the average receipts of the three preceding years, but they have fallen $4,087,867 below the Secretary's own estimate submitted to Congress in December, 1846.

But it is hardly necessary to point out the blunders of the Secretary of the Treasury, or to show that his estimates are entitled to very little consideration. Of this, however, we may be certain—that his estimates are always in conformity with his preconceived opinions, and are designed to recommend his own visionary schemes. In his first annual report on the finances to bring the tariff of 1842 into disrepute, he estimated the revenue from customs for the year ending June 30, 1846, at $24,500,000; but the result showed a net revenue of $26,712,667, showing that the Secretary's estimate was $2,212,667 too low. But when he has his own darling system before him, there is no danger of error on the same side of the question. At the opening of the last Congress he estimates the receipts from customs for the year ending June, 1847, at $27,835,731, being $4,087,867 more than was realized—the true sum being $23,747,864. Thus we see that the Secretary's fondness for his free-trade system leads him into an error of $2,212,000 in one year, and of $4,078,000 the next.

But in view of all these blunders, and in the face of all these facts, the Secretary says: "The new 'tariff has now been in operation more than twelve 'months, and has greatly augmented the revenue 'and prosperity of the country. The net revenue 'from duties during the twelve months ending the '1st of December, 1847, under the new tariff, is '$31,500,000; being $8,528,596 more than it was 'during the twelve months preceding, under the 'tariff of 1842." While this statement may be true to the letter, it is nevertheless calculated to deceive the public, and is so manifestly unjust, that I should hardly expect to see it presented as a basis of a settled principle in a grave official document. The honorable Secretary could not have forgotten, that in his first annual report to the 29th Congress, he strongly recommended a reduction of duties, and that this subject was agitated for months before the passage of the act; that the bill was reported to the House as early as April 14, and became a law July 30, 1846. Under these circumstances, we know that the importers would naturally keep back their orders in expectation of the reduction of duties. In this manner the tariff of 1846 would operate to check importations long before it became a law. And when the bill was passed, July 30, 1846, it contained an express invitation to importers not to bring their goods into market until the reduction had taken effect. The 6th section of that act provides "that all goods, 'wares, and merchandise imported after the pas-'sage of this act, and which *may be in the public 'stores on the 2d day of December next*, [one day after 'the tariff of 1846 went into operation,] *shall be sub-'ject to no other rate of duty upon the entry thereof than 'if the same were imported respectively after that day.*" Such was the provision of the tariff act itself; and it requires no financial wisdom to see, that during the four months which intervened between the passage of the act and the time when it went into operation, the entries of goods would be greatly reduced below the usual standard. Our merchants would not exhibit that shrewdness which has always been ascribed to them, had they not availed themselves of this opportunity of saving some eight or ten per cent. on their importations. They would delay their orders; or, if their vessels returned, they would put their goods into the public stores, there to remain for a few weeks till the new tariff should take effect. This would greatly reduce the imports or entries, and consequently the revenue, during the autum of 1846, and throw into the following quarter imports and revenue which did not properly belong to it. The Secretary himself has furnished us evidence of this fact. In one of the tables appended to his report, which is valuable as it furnishes evidence to confute his own fallacies, he informs us that the revenue in the months of

October and November, 1846, was only $1,688,480, while in October and November, 1847, it amounted to $4,400,000—showing a balance in favor of the latter period of $2,711,520. This shows most conclusively that the goods which usually come into the country in the autumn were either kept back or were not brought into the market till after the 1st of December, when the reduced duties took effect. It further appears, by the table of the Secretary, that the importations, and, consequently, the revenue of the quarter ending September 30, 1846, were materially reduced by the passage of the tariff of July of that year. The revenue for that quarter was only $6,153,826, while the average revenue for the same quarters for the two preceding years was $9,867,825; showing a falling off of $3,713,999 from the average. This falling off in the revenue of the September quarter, and of the months of October and November, 1846, can be accounted for on no other principle than the effect of the tariff of that year. And yet, with these facts before them, the President of the United States and his free-trade Secretary came before the country with a comparison of the year ending December 1, 1846, and the year ending December 1, 1847, as containing a just illustration of the two tariff systems; a comparison the fallacy of which must be obvious to the most superficial observer.

I have already shown, that with an increased importation of $35,466,788 above the average of the three preceding years, the revenue of 1847 had fallen more than $3,000,000 below the average of those years; and that if the tariff of 1842 had been in operation during the year 1847, with the same importations, we should have realized a net revenue of more than $36,000,000; showing a loss by the tariff of 1846 of more than $12,000,000. But the Secretary ascribes this increased importation to the reduction of duties. That the reduction of duties might contribute in some small degree to the increased importation, I am ready to admit; but that this is the principal cause, no man acquainted with the subject can believe for a single moment. The simple fact that our increased export consisted almost entirely of provisions, shows us the true cause of our augmented imports and exports; and, unless the tariff of 1846 had power over the seasons, and actually scattered blight, mildew, and famine from its wings, it had but little to do with our increased export for the last year. But, notwithstanding these plain and palpable facts, the Secretary informs us that the export of domestic products, exclusive of gold and silver, in 1847, exceeded that of 1846 by more than forty-eight per cent.; and he has given us a table carrying this increase up to 1850, at which period our export will reach $488,445,056! I have no disposition to disturb these pleasing dreams of the honorable Secretary; but I believe that he is the only man, even in the present Administration, who would parade such visionary speculations in an official document.

I have, Mr. Chairman, thus far confined myself mainly to the receipts and expenditures of the past and present fiscal years. But, as we are now called upon to provide for the next fiscal year, it may be well to look into futurity, and ascertain as well as we may, what will be the probable expenditure for the next year. We have the estimate of the Secretary of the Treasury, covering those of the different departments, and it seems peculiarly fortunate that he is able to reduce the expenditures very much in proportion to the increase of the force called out. We have already seen the actual expense for the year ending June 30, 1847, and the estimated expenditures for 1848; and I will now call your attention to the estimates for the year ending June 30, 1849, and that they may be seen at a glance, I will place them together:

Actual expenditures for year ending June 30,			1847	$59,451,177
Estimated	"	"	1848	58,615,660
Estimated	"	"	1849	55,644,941

It will be seen that Mr. Walker's estimated expenditures are based on a sliding scale, similar to the British corn laws, where the duty is reduced with the increase of the price. Our force in the field is constantly increasing, and yet our estimated expenditures are reduced from year to year—the cost of the service for 1849 being $3,806,236 less than the actual expenditures for 1847, though the force is much greater. Such is the picture presented to us by the official documents. But every man who will take the trouble to examine the subject, will be satisfied that the estimate for the present and for the next fiscal year is altogether too low. There appears to be a systematic attempt, on the part of the Executive department, to reduce the estimates to the lowest possible point—not, however, as it would seem, from a conviction that the sum estimated will meet the wants of the service, but with a knowledge that if greater expenses are incurred, Congress cannot refuse to make appropriations to pay just debts. I speak advisedly when I make this remark.

Agreeably to law and usage, the officers of the different bureaus make out their estimates for the coming year, and submit them to the head of the department. These estimates for the next fiscal year have undergone an unusual degree of pruning. In confirmation of this, I will state a fact which will illustrate the principle, and show the reliance which may be placed upon the estimates. The Quartermaster General, on the 4th of November, submitted to the Secretary of War an estimate of expenditures in his department for the next fiscal year. The Secretary returned the estimates, with a request that they be reduced. The Quartermaster General complies with his request, and, on the 15th of November, submits his revised estimates, saying he has made "considerable reductions." He says, however, that his first estimates "were made out from data derived from the experience of the last year." He then adds: "Whether these reductions be judicious, time 'must determine. I would not have ventured to 'make them, but for the fact that two sessions of 'Congress will have terminated before the expira-'tion of the fiscal year for which the estimates 'now submitted, have been made. The sums asked 'for arrearages for the present fiscal year are not 'more, I am persuaded, than will be required."

Here, sir, it will be seen that the Quartermaster General, in his second estimates, virtually admits that they are too low—lower than the service, in his opinion, will justify. In fact, he was so well persuaded that his estimates were too low, that he says he would not have ventured to make them, but for the fact that he could come in at the next session, and ask for additional appropriations. The Committee of Ways and Means, being desirous of obtaining all the information requisite to a proper understanding of the subject on which they were called to act, addressed a note to the Secretary of War, asking him for the original estimates of the Quartermaster General. When the original estimates were sent us, we found that it was literally true that he had made "considerable reductions." And what do you suppose, Mr. Chairman, they were? How much do you suppose was cut off? I will tell you: the modest little sum of $7,901,200! But he does it under protest, declaring that he believes it will be wanted, as he founded his estimates upon the experience of the last year.

Again, sir: the Secretary of the Navy gives us an estimate of $10,905,558; but, after this estimate had been in the hands of the committee some six weeks, the Secretary of the Navy comes forward and informs us that we can reduce the estimate $1,500,000, without any detriment to the public service. And what reason does the honorable Secretary offer in support of this reduction? What new discovery had he made? Why, he had discovered just what he must have known when he made his estimates—that certain unexpended balances would come over from the last year. But would he reduce the actual expenditure by this means? Not in the least. It would show less on paper; but, whether the $1,500,000 were drawn from the treasury under the law of last year or this, the sum would be the same, and the means must be provided in the one case as much as in the other.

I have stated these facts, not because I am opposed to reduction, but because I am opposed to imposition. I have stated them to show that there is a systematic attempt to make the appropriations as small as possible. I do not believe that reducing the appropriations will reduce the expenditures, on the whole, one mill. I am perfectly satisfied that there is a great unwillingness on the part of the Executive to have the enormous expenditures of this war known at the present time. But the President does not wish to be behindhand in the good work of retrenchment, or to be outdone by his Secretaries; and consequently he comes in and proposes to cut off the paltry sum of some $18,500 from the grants made to the poor Indians for the purposes of education! In several of the treaties made with the different tribes, there is a provision that certain sums shall be paid to them annually, at the pleasure of the President, for their education and civilization. The different denominations of Christians who support their missionaries among these tribes have received from the Government a portion of these funds, which they expend for schools among the tribes, and account to this Government for the manner in which it is expended. The Presbyterians, I am informed, expend two dollars of their own money, for the purposes of education, for every dollar they receive from the Government; the Baptists expend about one dollar of their funds for every dollar they receive from the public treasury; and the Methodists, who always act as pioneers in every good enterprise, expend their money in aiding the Government to instruct these unfortunate children of the forest. And while these heralds of peace and salvation are willing to spend and be spent in the glorious cause, civilizing the untutored savages, and opening to their dark and benighted minds the glories of immortality, the President of the United States comes forward, and, taking advantage of a clause in the treaties in which a confidence is reposed in him, proposes to strike out these small appropriations granted to them for a valuable consideration. The Executive of a people calling themselves Christian appears to be unwilling that the ministration of life should be dispensed among the savages in our own country; he wants the money to dispense the ministration of death among the savages in Mexico. He wants all the resources of this country to convert, sword in hand, the wretched hordes of Mexico, not to christianity, but to citizens of the United States—a nation which has spread slaughter through their country, and treated them, as they believe, with the greatest injustice.

Here, Mr. Chairman, a question naturally arises, why the Administration wish at the present time to reduce the appropriations? Their motives are in their own breasts. I am satisfied of the fact, for they have revealed it; but they have not disclosed the motive. But, being a Yankee, I shall claim the prerogative of a Yankee, and *guess* the reason. An important election is approaching, and the Administration do not wish to have the troublesome question of the expenses of the war brought before the people in the next Presidential contest. They know that, before we shall assemble here again, that question will have been decided one way or the other, and that, at that time, they may safely come forward and ask us to appropriate, not fourteen millions of dollars to supply deficiencies, but thrice that sum. This is my solution of that question; and, if any friend of the President on this floor thinks me uncharitable, I will ask him whether he had not a little rather that these heavy appropriations should be put off till the next session. I know he had. If he is frank and candid he will admit it.

But, sir, all these artful attempts to blind the eyes of the people will not avail. The note of alarm shall be sounded, and the people shall know the fraud that is attempted to be played off upon them. The estimates that are presented are beyond all question too low; and, if this miserable war continues, we shall find it so. That we may see what demands the Administration are making upon the taxpayers of this country, I will present a statement of what they ask, directly and by implication.

They ask us to appropriate certain specific sums, and these sums will involve others which are not specified; and these incidental expenses will increase with the continuance of the war. The deficiencies for this year are already ascertained to be more than $14,000,000, and it will be perfectly safe to set down the deficiencies for the next year at $16,000,000. The account, then, will stand thus:

Appropriations asked for	$55,644,941
Appropriations to supply deficiencies this year	14,220,040
Deficiencies next year	16,000,000
	$85,864,981

Here we have direct and tangible appropriations for $85,864,900, in round numbers. But this is not all: they ask us to grant them ten new regiments of regulars, which cannot be enlisted, transported to Mexico, and supported there for a year, judging from the expenses of the past, short of $9,000,000. Then they ask for authority to call out twenty regiments of volunteers, which, as it

may in some degree save the expense of recruiting, I will set down at $17,500,000. If we comply with the request of the Executive, and grant him all the force he asks, and this force should be called into service, the account would stand as follows:

Appropriations as above	$85,864,981
Ten new regiments of regulars	9,000,000
Twenty regiments of volunteers	17,500,000
	$112,364,981

Here we have the round sum of $112,000,000; and who will say that this statement is exaggerated? Let the whole force now asked for be called out, and let the regiments now in the field be filled up, and every dollar of this sum will be required. There are also several sources of expenditure which have not been taken into this account, and which will be constantly increasing. If we go on borrowing money, the interest on the public debt will make no inconsiderable sum. The pension list will be constantly increasing, and before the end of the year, the numerous private claims for injuries sustained in and by the war, will begin to come in, and the scrip which the discharged soldiers will receive instead of their land bounty will be in the character of a public debt, on which interest must be paid. The exhausted arsenals must be replenished, and a thousand other charges incident to a war must be taken into the account. The incidental expenses of the Florida war, nor the war of 1812, nor even the war of the Revolution, are as yet all ascertained: so some of the expenses of this Mexican war will remain unpaid for a half century.

And while these enormous appropriations are asked for, and this vast amount is to be expended in a foreign country, but very little regard is paid to the interests of our own. While the Executive is wasting millions to destroy property abroad, he denies to Congress the right of saving property at home; while he is slaughtering Mexican soldiers, he will not allow us to save the lives of American seamen. When bills are passed to improve our harbors and rivers, to save the property of our citizens and the lives of our seamen, the President turns round and tells us that we have no right to improve our own country, or save the lives of our own people.

Now, sir, in view of our present financial condition, what is the duty of the Administration? To go on borrowing money, and so entail upon our posterity a heavy national debt? No policy can be more unwise. Every generation, as far as possible, should bear its own burdens, and pay its own debts. Our country is amply able to support a war on any reasonable scale; and they will do it cheerfully, if they believe the war to be just and necessary. Why, then, do not the Administration come out at once and recommend taxation? Our tariff can be so modified as to give ten or twelve millions of revenue more than we are now receiving, and at the same time protect our own labor, stimulate our own industry, and develop our own resources. This is what every enlightened statesman would recommend. And then we should impose a direct tax, apportioned among the States agreeably to the principles of the Constitution. But while our expenses are increasing, the Administration take no measures to increase our revenue; recommend nothing but a paltry tax upon tea and coffee. And why do they pursue this narrow, this cowardly policy? The Democracy in their conventions declare that *free trade* and *direct taxation* are the basis of their theory. Why, then, do not the Administration come out and recommend direct taxes at once? The money will be needed. Fifty millions in addition to all our ordinary revenue will not be sufficient to carry us to the close of the next fiscal year. And why, I ask again, does not the President direct his fiscal agent, the Secretary of the Treasury, to ask for a direct tax of fifty millions of dollars?

The reason is obvious. He knows that the moment the people are called upon in this manner to support the war, they will begin to inquire more fully into its character, and the object for which it is prosecuted; and that such an inquiry would end in his own condemnation. He knows, too, that those States which are the most clamorous for the war, would be totally unable to pay their portion of the tax. I have apportioned fifty millions among the several States agreeably to the federal basis, which I will present to the committee:

An apportionment of fifty millions upon the several States, agreeably to the constitutional basis.

Maine	7	Representatives,	$1,535,088
New Hampshire	4	do	877,193
Vermont	4	do	877,193
Massachusetts	10	do	2,192,983
Rhode Island	2	do	438,597
Connecticut	4	do	877,193
New York	34	do	7,456,140
New Jersey	5	do	1,096,490
Pennsylvania	24	do	5,263,158
Delaware	1	do	219,298
Maryland	6	do	1,315,790
Virginia	15	do	3,289,474
North Carolina	9	do	1,973,684
South Carolina	7	do	1,535,088
Georgia	8	do	1,754,386
Alabama	7	do	1,535,088
Mississippi	4	do	877,193
Louisiana	4	do	877,193
Ohio	21	do	4,605,263
Kentucky	10	do	2,192,983
Tennessee	11	do	2,418,280
Indiana	10	do	2,192,983
Illinois	7	do	1,535,088
Missouri	5	do	1,096,490
Arkansas	1	do	219,298
Michigan	3	do	657,895
Florida	1	do	219,298
Texas	2	do	438,597
Iowa	2	do	438,597
	228		$50,000,000

How would the Democracy of the Keystone State be pleased with the idea of paying $5,263,000? Could they inscribe that upon their banners, and fight as manfully as they did under the banner of "Polk, Dallas, and the Tariff of 1842?" What would the warlike gentlemen from Maryland say to a tax of $1,315,000, in addition to the burdens they are now called to bear? What opinion of the war would be entertained by the good people of Alabama if it was brought home to them by a tax of $1,535,000 in a single year? Illinois would not find it exactly convenient to pay $1,535,000, nor Indiana to pay $2,192,000, annually. The sum of $657,000 would, I apprehend, fall rather heavily upon Michigan, and $219,000 would remind Arkansas that the sinews of war were as troublesome as the war itself. The people of Texas would find the glory of the war a poor investment, when they were required to pay $438,000 as the purchase money. I might mention Mississippi and Florida, and several other States, upon whom this tax would be rather oppressive; but as they are clamorous for the war, they ought to be willing to bear their share of the burden. Particularly should the Democracy of these States advocate direct taxation, because they are in favor of the war, and of this mode of raising the means.

But, Mr. Chairman, the fact is, that neither the Administration nor their friends upon this floor dare recommend direct taxes. They know that the people in those States most clamorous for the war, would not sustain it for a single day, if they thought that they must come forward and pay their fair proportion of its burdens. If such a tax were imposed, we should be compelled to withdraw our army from Mexico, not only because we should not be able to support them there, but because they would be needed to suppress insurrections, which such a tax would produce.

But this fact is a striking commentary upon the character of the war, and of the Administration which have wantonly involved us in it. The American people are not wanting in patriotism. They stand ready at all times to sustain the Government in war, whatever may be the amount of taxes, provided they believe the war to be just and necessary. The very fact that the Administration dare not propose a direct tax is a clear confession that they know the war is unpopular with the people. They know that they have plunged the nation into a war without just cause, and now they attempt to avoid the responsibility, and put off the day of reckoning by throwing the burdens of this war upon those that come after them. Our fathers bestowed upon us, their children, the rich inheritance of freedom; but the present Administration will, I fear, leave to their successors nothing but *tarnished honor and a heavy national debt.*

Mr. NICOLL then got the floor, but yielded to

Mr. JONES, of Tennessee, who moved that the committee rise; on which motion a quorum did not vote.

The CHAIRMAN directed the Clerk to call the roll, in compliance with the 126th rule, which requires the Chairman to have the roll called, and "the names of the absentees reported to the House, to be entered on the Journal."

The committee then rose, and the Chairman reported in accordance with the said rule.

Mr. RICHARDSON moved a call of the House.

Mr. PHELPS moved that the House adjourn; which motion was decided in the negative: Yeas 35, nays 80.

Mr. RICHARDSON then withdrew his motion for a call of the House, and the committee resumed its session.

Mr. NICOLL then addressed the committee, at a late hour, in a financial speech, of which we attempt to give but a bare outline. He expressed the embarrassment which he felt in rising to address the committee upon the subject before them, and the reluctance which, had he consulted his personal feelings, would have prevented him from taking part in the discussion; but referred to the fact of his being a member of the Committee of Ways and Means, and of his representing in part the great commercial metropolis of the country, which was so sensitively alive to everything done in Congress upon the finances of the country, and so deeply interested in having their action discreet, proper, and so directed as to interfere as little as possible with the great monetary affairs of the country, as his apology for troubling the committee.

He referred to the recommendation of the President, in his late annual message, for a loan of eighteen and a half millions—viz: for deficiency fifteen and a half, and for a surplus to be reserved in the treasury, three millions, (which amount recommended had subsequently been reduced to sixteen millions)—as the basis of this bill. The President had accompanied the recommendation with a suggestion, which was reiterated by the Secretary of the Treasury, that the proper course to negotiate this loan would be similar to that in which the loan of last session was negotiated, viz: by the issue of treasury notes, fundable in six per cent. stock, redeemable after twenty years. The Administration also recommended a tax upon tea and coffee of twenty-five per centum. That was the plan of the Administration. The Committee of Ways and Means had not seen fit to adopt it, but in lieu of it proposed a simple loan of sixteen millions of six per cent. stock, redeemable after twenty years, not to be negotiated below par. The minority of the committee had embodied the suggestions of the President in a substitute which they reported. That was the difference between the two plans.

He confessed that when the chairman of the Committee of Ways and Means [Mr. VINTON] opened the debate, he had expected to hear from him a full exposition of the reasons which had induced the committee to give their preference to the bill reported by him. He considered that the minority of this House, and the Government, after having so deliberately recommended a plan that seemed to them feasible, had a right to expect to hear the reasons for this rejection of their plan and the substitution of another. But, so far as he was able to understand the chairman of the Committee of Ways and Means, he had given no reasons for this change. He seemed rather to have been occupied in endeavoring to show that an egregious error had been committed by the Administration in estimating that only sixteen millions would be required to make up the deficiency in the estimates for the present fiscal year. He thought the honorable chairman would have been more wise had he attempted to show to the House how he intended to raise the means required to carry on the Government. He (Mr. N.) submitted, that the course taken by him would not be very likely to facilitate this object; that the capitalists of the country would not be very likely to be induced to take the loan by statements so exaggerated in regard to the wants of the Government.

He should proceed to show that, in his judgment, no error had been committed by the Secretary of the Treasury in asking for a loan of sixteen millions; in other words, that there would be no real existing deficiency, so far as any reliance could be placed on estimates, on the 1st of July next, of over $13,000,000; and that a loan for that amount, and for a surplus in the treasury of $3,000,000, would be amply sufficient.

In minutely examining the different points made by Mr. VINTON, and in defence of the Secretary of the Treasury, he first noticed the remarks of Mr. V. with reference to the over-estimates of the Secretary of the Treasury of the receipts into the

treasury for the year ending the 1st of July last, and the under-estimates of expenditures for the same year, referring to various incidental and necessarily unforeseen causes, such as the unusual importations of specie in exchange for our exports of breadstuffs, the large appropriations made by Congress, unforeseen at its commencement, the impossibility of estimating with entire precision the expenses requisite to sustain an army upon a theatre of operations a thousand miles distant.

He next adverted to the fact, which Mr. V. had considered singularly unfortunate, that the Secretary had not last winter asked for a loan of forty millions of dollars instead of twenty-three millions, as the whole amount he [Mr. V.] considered might easily have been negotiated then, when the money market was much more easy than now. He differed with the gentleman on the matter of fact, maintaining that we had no evidence that the money could then have been raised more easily, and that the fact relied on, that $50,000,000 were offered for the loan of $23,000,000, did not justly warrant such an inference, as in many cases the different bids, which were principally made by brokers, were made on the faith of the same capital in the hands of capitalists.

In reference to Mr. VINTON's strictures upon the estimates of expenditures for the present year as under-estimates, he said that the gentleman had only specified the estimates for the Quartermaster General's Department, and he argued that, even if they were actually increased above the estimates, our receipts of revenue from Mexico would be probably more than sufficient to supply the deficiency. The system of the collection of duties in the ports of Mexico had been denounced as a scheme of plunder, but he held it to be a perfectly legitimate exercise of power on the part of a conquering nation, and said there was reason to believe, that if the scheme were properly followed out, with returning order and an increase of trade in that country, we should receive a much larger revenue from customs there imposed than had been anticipated by many. He had seen statements of the revenues of that country as high as $12,000,000, and we had now all that country in our possession, for all practical purposes, and could control its revenues.

He next proceeded to argue from the actual receipts for the first two quarters of the present fiscal year, and of the month of January and some days in February, as well as from other data, that the Secretary's estimate of $31,000,000 revenue from imports during the present fiscal year was reliable as far as any estimate could be.

He also estimated that we might rely on the amount put down by the Secretary from the public lands this year, and expressed the opinion that the bounty land warrants to our soldiers would not diminish that source of revenue, as the deficiency of receipts which might otherwise be occasioned by the issue of these warrants, he estimated would be made up by the demand for lands of the vast and constantly increasing emigration to this country. He maintained, (as was understood by the reporter,) in reply to the objection that the proceeds of the sales of the lands could not be relied on as a source of revenue to meet present wants, having been specifically pledged by the loan bill of last session to meet the principal and interest of that loan, that they would answer both the purpose of this pledge and constitute the surplus which it was always necessary to retain on hand in the treasury.

He would not say more on this subject. He believed the Government could get along and would get along through the present fiscal year with the loan of $16,000,000 asked for, if given in proper form. Neither would he follow the chairman of the Committee of Ways and Means in his ingenious and gloomy speculations as to the state of the finances, and the difficulty of raising means to meet the anticipated deficiency in the revenues for the next fiscal year. He considered these speculations out of place on a bill proposing a loan for the present year: such gloomy forebodings would ill encourage capitalists to make those loans which were necessary: moreover, many causes might intervene to change materially the state of the finances before Congress was called upon to act upon the loan for 1849. We might be on the eve of peace; we might then be in the receipt of much larger revenues from Mexico. "Sufficient unto the day was the evil thereof." Let them now devote their best energies to providing for raising this loan of $16,000,000 on the most favorable terms, and let the future take care of itself.

In defence of the substitute of the minority of the Committee of Ways and Means, reported by Mr. McKAY, proposing the issue of treasury notes, he referred to the proviso—which he considered a very important one, and one which, in his judgment, was calculated to remove the apprehensions entertained on the other side, that, by this issue of treasury notes, a government bank and a government paper currency were to be established—that the amount of notes outstanding at any time under this act, together with all the issues under previous acts, should not exceed $20,000,000. On the 9th of February, he said there were $19,500,000 of treasury notes outstanding; so that the amount under this substitute could only be increased by $500,000, and the evils, if any, of the issue of treasury notes had already been encountered.

But it might be asked, how, then, will this substitute afford relief to the treasury, if under it only $500,000 additional treasury notes could be outstanding? He replied, that the treasury notes were being constantly and gradually absorbed by being funded, and this substitute would authorize the issue of treasury notes for every dollar thus funded. He considered the fact of the funding process now going on at the rate of over a million a month, at six per cent., in a tight state of the money market, and when money in other investments was bringing ten per cent., gratifying evidence that the credit of the Government was considered good, and a presage that when further offered, either in the form of treasury notes or of a loan, as proposed by the majority of the Committee of Ways and Means, it would not yet be tarnished.

Mr. DUER inquired if he was to understand his colleague to predict that the loan would be taken at par?

Mr. NICOLL replied, he believed it would, on the plan presented by the minority of the committee, and he hoped it would on the other plan, though he and those with whom he acted could not be held responsible for its success.

He next proceeded to vindicate the proposed plan of relief to the treasury by the issue of treasury notes, as the best and most convenient way the Government could possibly negotiate a loan; as, while limited to a certain fixed amount, which would be absorbed by accruing revenues, not partaking of the character of a currency or circulating medium; as affording a convenient medium of exchanges, and means for temporary investment, which was always sought by large amounts of capital in the cities; and he argued that the loan might be negotiated in this way without occasioning a pressure on the money market by being sent abroad (as in the case of the Croton water loan of New York city) into the country, beyond the reach of speculators, to the moderate capitalists; for, although within the last sixty days there had been a pressure on the money market on the Atlantic coast, he apprehended it did not extend to any considerable degree into the interior. He also pointed out other advantages of treasury notes over a simple loan.

Speaking alone for himself, and not intending to involve gentlemen with whom he acted in any manner in the responsibility of this position, he expressed the opinion that additional revenues ought to be provided. It was an unheard-of example that a foreign war should be carried on for two or three years and not a single additional dollar of revenue be called for by way of taxation. He believed this an error, and that the recommendation of the Executive to impose a temporary tax on tea and coffee should be agreed to. His own views were in favor of the eventual substitution of direct taxes in lieu of any tax on imports; but at present the country was not prepared for it as a sole and exclusive system. Moreover, we wanted the money now. It could be raised immediately upon tea and coffee, under our existing revenue system, with scarcely a dollar additional expense. It was true, a tax on tea and coffee was unequal; but so was all taxation unequal and an evil. He was willing that such a temporary tax should be laid to meet present emergencies, with the understanding that our whole system of taxation was to be revived, and the question to be made whether we should continue to go on in this indirect way of collecting taxes, or whether we should come honestly forward and let the people feel that taxation is an evil, and induce them to look jealously and carefully into all the expenditures of the Government.

Now, let him ask his friend, the chairman of the Committee of Ways and Means, what his side of the House proposed. If his views of the financial exigencies of the Government were correct, it was the duty of the majority of the House to come forward with a scheme to meet it. Or would they fold their arms and say to the Government, we will force you to abandon your free-trade policy? The responsibility was with them, and not with the minority of the House. The Administration and its friends had presented and matured a system of revenue, which had worked beyond the most sanguine anticipations formed of it; which had produced prosperity to the country, and increased the revenues of the treasury. He saw, in all the proceedings of the party opposed to the Administration, under the mask of exaggerated statements of expenditures, high protection stalking forth: the battle on that question would have to be fought over again before the close of the session. Were gentlemen on the other side prepared to meet them on that issue? The friends of the Administration were ready to meet them upon it. As between the protective system and free trade, he would go for direct taxes. He believed the country would sustain him and others in these views of the war and of meeting its expenditures. It was the only honest course.

[Mr. N. dealt largely in statistics in substantiating his positions, and made other points which are necessarily omitted in this hasty sketch of his remarks. A full report of Mr. N.'s speech will be found in the Appendix.]

Mr. MOREHEAD next obtained the floor, and moved that the committee rise. Disagreed to: Ayes 50, noes 55.

A quorum not voting, the CHAIRMAN ordered the Clerk to call the roll, as required by the 126th rule, for the purpose of reporting the names of the absentees to the House, to be entered on the Journal.

The roll having been called, the committee rose, and the Chairman reported the names of the absentees.

Mr. RICHARDSON moved a call of the House.

Mr. THOMPSON, of Kentucky, at ten minutes after six o'clock, moved that the House adjourn; which motion was decided in the affirmative: Yeas 62, nays 59.

And the House accordingly adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

By Mr. BOWLIN: The petition of Solomon Davis, and sixty other citizens of Oregon county, Missouri, praying a change of the entry of a small tract of land which, by mistake, was located upon barren hills, entirely unfit for cultivation or any other purpose, instead of his home, which he designed to enter.

By Mr. GIDDINGS: The petition of John Brainard, and 146 citizens of Cleveland, Ohio, praying a change in the system of disposing of the public lands. Also, the petition of Horace Ensign, and 439 citizens of Madison, Ohio, praying the abolition of the slave trade in the District of Columbia. Also, the petition of S. G. Clarke, and thirty-six other citizens of Ohio, praying a reduction of postage.

By Mr. HAMPTON, of Pennsylvania: Two remonstrances numerously signed by citizens of Alleghany county, Pennsylvania, against the further extension of Wood's patent.

By Mr. GRINNELL: The petition of William Mitchell and others, of Nantucket, for a light-house, to be placed on the southeasterly part of the island of Sankoty Head.

By Mr. NEWALL: The petition of Abigail Stafford, for a pension for services of her husband in the revolutionary war.

By Mr. NICOLL: The remonstrance of the Mutual Safety Insurance Company, the General Mutual Insurance Company, the Atlantic Mutual Insurance Company, and other insurance companies of the city of New York, and of Wetmore & Cryder, and other merchants of said city, against a repeal of the act of Congress of March 2, 1837, regulating pilots. Also, the petition of the Atlantic Mutual Insurance Company, and other marine insurance companies in the city of New York, Woodhull & Minturn, N. & G. Griswold, Cary & Co., Howland & Aspinwall, Grinnell, Minturn & Co., and others of the city of New York, for a light-house on Sankoty Head, on the eastern portion of the island of Nantucket.

By Mr. BUTLER: The petition of citizens of Pennsylvania, for the establishment of a post route from Providence, in Luzerne county, to the Milford and Owego turnpike.

By Mr. JENKINS: Sundry petitions from farmers and others in the State of New York, against the renewal of Wood's patent for making ploughs.

By Mr. ROCKHILL: The petition of John B. Ruly and one hundred and fifty others, praying an equalization of the rates of postage on newspapers. Also, the petition of C. F. Melshsimer and eighty-one other citizens of Wells and

Allen counties, Indiana, praying that a post route may be established from Bluffton, in Wells county, to Fort Wayne, in Allen county.

By Mr. TWEEDY: The petition of John N. Brazie and fifty-one others, praying for the establishment of a mail route from Southport, Wisconsin, via Pleasant Prairie, Walker's Prairie, Noxon's Corners, Liberty, Village of Wilmot, English Prairie, to Richmond, Illinois. Also, the petition of O. E. Hall and seventy-nine others, for the same object.

By Mr. WHITE: The papers in the case of Captain John Percival, of the United States navy, praying for the allowance of money paid for a naturalist on board the frigate Constitution.

By Mr. BRADY: A remonstrance of members of the Legislature of Pennsylvania, against the renewal of the patent of Jethro Wood.

By Mr. GAINES: The petition of the heirs of J. Mountjoy. Also, the petition of C. Orendorff.

By Mr. WENTWORTH: The petition of sundry citizens of Will and Iroquois counties, in Illinois, for a mail route from Wilmington, via Horse Creek, Andrew Yates's farm, the Hawkins Settlement, Thomas Sammon's farm, and Spring Creek, to Middleport. Also, from citizens of La Salle county, for a mail route from La Salle, via Troy Grove, Ovid, Dewey's Mills, Lafayette Grove, Kelly's Mills, Stillman, and Hishwaukie, to Rockford. Also, for a mail route from Ottawa, via Norway, Newark, and Oswego, to Naperville. Also, the petition of sundry citizens of Chicago, for the graduation of newspaper postage, according to the distances travelled.

By Mr. STRONG: The petition of Peter S. Lutz, and 43 other citizens of Berks county, Pennsylvania, praying for the establishment of a post road from Rehrersburg, Berks county, to Jonestown, Lebanon county, in the State of Pennsylvania.

By Mr. CHAPMAN: The memorial of W. A. Bradley and others, citizens of the District of Columbia, asking for a charter for a steamboat company.

By Mr. HAMPTON, of Pennsylvania; The report and memorial of the Board of Trade of the city of Wheeling, on the subject of steamboat explosions on the western waters.

By Mr. FARRELLY: Remonstrances of certain citizens of Franklin, Venango county, of Newcastle, Mercer county, and of Conneautville, in Crawford county, Pennsylvania, against any further extension of Wood's patent.

By Mr. PHELPS: The petition of Silas Silver and others, citizens of Lafayette county, Missouri, praying the reduction of postage on newspapers.

By Mr. WILLIAMS: The petition of Robert Ramsay, for a pension.

By Mr. JONES, of Georgia: The petition and papers of Wesley Leake, relating to his claim for a horse and gun pressed into the service during the late Seminole war.

By Mr. TURNER: The petition of William Sampson and 90 others, praying for a mail route from Peru to Como and Mount Carroll, in the State of Illinois. Also, the petition of John Irvine and 192 others, praying for same route. Also, the petition of Edward Olmstead and 227 others, praying for an extension of the mail route from Blooming to Galesburg, to Knoxville, in the State of Illinois. Also, the petition of David Pratt and 27 others, praying for a mail route from La Salle to Rockford, in the State of Illinois.

By Mr. LA SERE: The memorial of Peleg B. Phelps, of the city of Lafayette, asking for additional compensation as surveyor and inspector of the revenue for the port of the city of Lafayette, Louisiana. Also, the memorial of Lewis B. Willis, late of the city of New Orleans, and late paymaster in the army, praying for the payment of a balance due him.

By Mr. SMART: The petition of Samuel Pierce and 53 others, of Reuben Leadbetter and 33 others, of Moses Mills and 33 others, of Uriahaven, Maine, asking that said town be annexed to the Belfast collection district. Also, the petitions of Benjamin Beverage and 111 others, of North Haven, and Joseph Boardman and 83 others, of Plesborough, Maine, asking to be annexed to the same district.

By Mr. PUTNAM: The petition of inhabitants of Orange county, Vermont, asking reduction of postage on newspapers, and particularly on small papers designed for juvenile reading. Also, a remonstrance of J. R. Smith and 225 others, of the county of Genesee, New York, against a revival of the patent granted to Jethro Wood for a cast-iron plough.

By Mr. TWEEDY: The petition and accompanying papers of Joseph R. Brown, of Fort Snelling, Wisconsin, praying indemnity for expenses incurred in consequence of the arrest and surrender to United States officers of certain Indian offenders.

By Mr. EDWARDS: The petition of Captain Zantzinger, of the United States navy. Also, the petition of Jane Parker, widow of Southey Parker.

By Mr. BRADY: The petition of citizens of Cumberland county, Pennsylvania, praying for an increase in the compensation to ordnance sergeants. Also, the petition of citizens of Franklin county, Pennsylvania, praying for the adoption of such measures by Congress as shall bring the present war with Mexico to an immediate close.

By Mr. HAMPTON, of Pennsylvania: The petition of the citizens of the borough of Lawrenceville, in the county of Alleghany, Pennsylvania, for the passage of a law to place the ordnance men of the United States army on the same footing as other soldiers of the regular army, so far as bounty land and pensions are concerned.

By Mr. PHELPS: The petition of David Mock, sen., and others, of Lafayette county, Missouri, praying the reduction of postage on newspapers under five hundred square inches. Also, the petition of W. J. R. Bailey and others, praying the establishment of a post route from Westport to Harrisonville, in the State of Missouri.

By Mr. JOHNSON, of New Hampshire: The petition of Solsberry Wheeler for an increase and the payment of the balance of his pension under the act of June 7, 1832. Also, the petition of Martin Davey for the payment and continuance of his pension.

IN SENATE.

TUESDAY, *February* 15, 1848.

Mr. JOHNSON, of Maryland, presented a petition from Mary Cassin, widow of Lieutenant Cassin, of the navy of the United States, for a pension; which was referred to the Committee on Pensions.

Mr. BREESE presented a petition from Polly Taylor, asking for a pension. The petitioner states that she was married to Jesse Taylor in Mecklenburg county, Virginia, in the year 1792, and had made application for her pension under the act of 7th July, 1838; but because her first child was not born until the year 1796, it is inferred by the Commissioner of Pensions that her marriage could not have taken place; and not being able to obtain her claim from the Department of War, she asks Congress to examine her proofs and place her on the pension roll; which was referred to the Committee on Pensions.

Also, from citizens of Illinois, for a grant of land to the State to aid in the construction of a railroad to connect the Upper and Lower Mississippi; which was laid on the table.

Mr. UNDERWOOD presented a memorial from the Board of Trade of Wheeling, Virginia, containing a report inquiring into the causes of steamboat explosions and disasters on the western waters, and the best means of preventing the recurrence thereof.

Mr. UNDERWOOD said the subject was one of importance, and he did not know to what committee it could be more appropriately sent than to the Committee on Patents.

Mr. WESTCOTT wished to call the attention of the Senator from Kentucky to one fact. At an early day of the present session a resolution was introduced inquiring what legislation was necessary on the subject, which was referred to the Committee on Commerce, and that committee referred the subject to the Commissioner on Patents, to whom had gone all the memorials and documents, so that he had all the information before him. The House of Representatives had pursued the same course. He presumed that officer would make his report in a week or so, and it would be better to give the present document the same reference.

Mr. UNDERWOOD had no objection if there was any prospect of speedy action; the laws on the subject certainly required some revision, and that promptly. The citizens of the West were deeply interested in the adoption of some plan to secure the safety of passengers.

Mr. DAVIS, of Massachusetts, conceived it would be more appropriate to refer the document to the Committee on Commerce. At an early day memorials were referred to that committee in relation to the propriety of providing that vessels navigating certain rivers should be compelled to carry lights at night. This subject has been undergoing investigation, and there had been a vast accumulation of facts and some very important information obtained. He had himself received some important facts to lay before the committee. This memorial and report should go to the same committee, and when the report of the Commissioner comes, that might also be referred, and aid in the object they all had in view. He thought it probable that a bill would speedily be reported.

Mr. WESTCOTT withdrew his objections; and the papers were referred, with the consent of Mr. UNDERWOOD, to the Committee on Commerce.

Mr. DAVIS, of Mississippi, presented a petition from the military storekeepers of the United States, asking to be allowed the advantages and emoluments of the staff officers of the army of the United States; which was referred to the Committee on Military Affairs.

Mr. SEVIER presented a memorial from Robert Mills, engineer and architect, Washington, proposing a new route to the Pacific, with a plan for the transportation of despatches to Astoria, in the Oregon Territory, in fifteen days, by the route of the Rio Grande; which was referred to the Committee on the Library.

Mr. S. said he had examined the memorial carefully; that it was replete with valuable suggestions; and he moved that it be printed with the maps; which was agreed to.

Mr. CAMERON presented a petition from citizens of Pennsylvania, for the abolition of slavery; the motion to receive which was laid on the table.

Also, a petition from James Hardy, for extension of patent; which was referred to the Committee on Patents.

Mr. HANNEGAN moved to take from the files of the Senate the papers in the case of John P. Douglass, with additional documents in favor of the heirs, (Mr. Douglass being dead,) and refer them to the Committee on Public Lands; which was agreed to.

Mr. BAGBY presented a memorial from the Legislature of Alabama, asking that money or land scrip may be granted to the State in lieu of such school lands as are unfit for cultivation; which was referred to the Committee on Public Lands.

Also, a petition from J. L. Smith, of Alabama, for an amendment of the Constitution; which was laid on the table.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported a bill granting a pension to John Clarke; which was read a first time.

Also, from the same committee, House bill for the relief of Silas Waterman, without amendment.

Also, from the same committee, an adverse report on the petition of John Davenport.

Mr. ASHLEY, from the Committee on the Judiciary, reported a bill for the relief of William Woodbridge and Henry Chipman; which was read a first time.

Mr. DOWNS, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of Jean F. Perry, Josiah Bleakley, Nicholas Jarrot, and Robert Morison; which was read a first time.

Mr. WESTCOTT, from the Committee of Claims, reported a bill for the relief of John Devlin; which was read a first time.

RESOLUTIONS.

On motion of Mr. DIX, it was

Resolved, That the Committee on the Library be instructed to inquire into the expediency of purchasing a marble bust of Washington, by Houdon, now in possession of Mr. George Gibbs.

On motion of Mr. JOHNSON, of La., it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of an appropriation for the erection of a light-house on Proctor's Shell Bank; and also for the erection of a light-house on Ship Island, in the State of Louisiana.

On motion of Mr. JOHNSON, of Md., it was

Ordered, That a thousand copies of the report of the Solicitor of the Treasury in reply to the Senate's resolution of the 17th ultimo, relative to the site of Fort Delaware, be printed for the use of the Senate.

BILLS INTRODUCED ON LEAVE, ETC.

Mr. FELCH, on leave, introduced a bill concerning the courts of the United States in and for the district of Michigan; which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. DAVIS, of Massachusetts, on leave, introduced a bill for the relief of Benjamin Adams & Co. and others; which was referred to the Committee on Commerce.

NO INCREASE OF THE MEDICAL STAFF.

Mr. BADGER moved to take up the bill brought from the House of Representatives to increase the medical staff of the army, the vote on its passage having been reconsidered; he made the motion simply with a view to move its indefinite postponement. The motion having been agreed to—

Mr. B. said the bill provided for the appointment of some half-dozen additional hospital surgeons. It was the opinion of the Military Committee that the bill ought not to pass, and that such an increase, at least in the form of the present bill, ought not to be adopted; and he therefore moved that it be indefinitely postponed; which motion was agreed to.

Mr. WESTCOTT moved to recommit the bill for the relief of the heirs of Francis Casseau to the Committee on the Judiciary. He had reported the bill, since which he had received information from the Senator from Tennessee, that induced him to change the report. The motion was agreed to, and the bill referred.

DISPOSITION OF ACQUIRED TERRITORY.

The Senate then took up the following resolutions and amendment:

Resolved, That true policy requires the Government of the United States to strengthen its political and commercial relations upon this continent, by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; and that neither in such acquisition nor in the territorial organization thereof, can any conditions be

constitutionally imposed, or institutions be provided for or established, inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the Confederacy.

Resolved, That in organizing a territorial government for territory belonging to the United States, the principles of self-government, upon which our federative system rests, will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the Legislatures chosen by the people thereof.

The amendment proposed by Mr. YULEE is to strike out all after the word "resolved," and insert:

That the territory belonging to or which may be acquired by the United States is the common property of the Union, and the sovereignty over the same vests in the people of the several States composing the Union.

Resolved, further, That the Federal Government has no delegated authority nor the territorial community any inherent right to exercise any legislative power within the said territories by which the equal right of all the citizens of the United States to acquire and enjoy any part of the common property may be impaired or embarrassed.

Mr. YULEE resumed his argument, and went on to show that the right to regulate the question of slavery in the States and Territories resided exclusively in the people of those States and Territories.

Before he had concluded—

THE TEN-REGIMENT BILL.

The Senate proceeded to the consideration of the bill to raise, for a limited time, an additional military force.

Mr. UPHAM expressed a doubt whether he could throw any additional light on the subject, but he could not, on this important subject, content himself with a silent vote.

In voting against the bill, he disclaimed any intention to embarrass the military operations of the Government. He did not agree with the chairman of the Military Committee that this bill might be regarded as common ground on which both parties might unite. Mr. U. thought differently. He thought we were treading on dangerous ground, and we were placing our own institutions in danger. While we reproach European Powers for the dismemberment of Saxony and of Poland, we ourselves are marching to the cry of "onward" to the dismemberment of Mexico, to force our free institutions on a people not prepared for their reception, and utterly opposed to them. It had been thrown out that it was intended to destroy the nationality of Mexico.

Mr. FOOTE disclaimed for himself, and so far as he had heard, for other Senators on his side of the Chamber, any intention to absorb all Mexico. He was opposed to such an idea, and he had gone as far as any one. But if that country should be forced on us, we must educe all the good we can from it.

Mr. UPHAM read an extract from the printed speech of Mr. CASS.

Mr. CASS said, he would now, for the third or fourth time, say, that he was entirely opposed to the annexation of the whole of Mexico.

Mr. UPHAM resumed, and referred to the tendency of the remarks and movements of Senators, especially the resolutions submitted by Mr. HANNEGAN and Mr. DICKINSON, and also to the speeches of some of our military officers, indicating a design to denationalize and annex Mexico. He remarked on the denunciations by Colonel Morgan and others against those who oppose the war. Every man who opposes the war is denounced as a traitor at heart. He adverted to the speech of Commodore Stockton, in which it was asserted that it was our duty to conquer all Mexico. He quoted various toasts given at festivals, all looking to the same object, such as "Our destiny—we may as well begin with Mexico."

"No pent up Utica contracts our powers,
But the whole boundless continent is ours."

He regretted to see these indications of such a design. It was at variance with the spirit and genius of our institutions. He reviewed the course of argument adopted in the formation of the Constitution, to show that there could be found therein nothing to warrant the policy which had now been adopted. He reprobated the war on the freedom of speech announced by the President in his message, in which he denounced all who oppose the war as giving "aid and comfort to the enemy," and as guilty of treason to their country. If the war could not stand up against opposition—if it could not meet the open day—it was an argument against its justice. The Constitution proscribes the passage of any law to restrict the freedom of speech, or the freedom of the press. These privileges he held up as inseparable from the security of our institutions. And if this war could not stand up against it, it ought to be abandoned at once. The Senator from Illinois had quoted from sermons and newspapers of 1812, to show the denunciations which were pronounced against that war. But he (Mr. U.) could see no bearing which it had on this war, or for what purpose these extracts were read. That Senator said the war of 1812 and the present war were declared precisely in the same manner. He compared the messages of Mr. Madison and Mr. Polk, to show their entire dissimilarity. Mr. Madison appealed to Congress to adopt such a course as he indicated, but Mr. Polk sent a message announcing that "war exists." There was no analogy between the two cases. In the first case, it became a war of the people; in the last, it was a war of the President. Some of the supplies were opposed in 1812 on the ground, that being a maritime war, they ought to be supplies for the navy, and not for the army.

He estimated the present force in Mexico at sixty-five thousand, as was stated in the report of the Adjutant General. If the two bills which have been reported shall become laws, we shall have one hundred thousand men in the field. He stated that the troops under this bill could not be in Mexico for the present campaign, and, therefore, there was no immediate urgency for its passage. And if its passage was only desired to gratify the host of hangers-on who are seeking for commissions, he was not disposed to hurry it through.

Referring to the opinions of General Scott and General Taylor, as to the amount of force requisite for all the purposes indicated, he asked why these regiments were required in such haste? It had been laid down as a test of patriotism to support all the measures of the Administration, and it was regarded as treason to oppose them. He was always ready to stand by the country, but he regarded the interests of the country as very distinct from the interests of the Administration. If he were to go home and tell his constituents that he voted for the ten-regiment bill because it was recommended by the President, and not that he thought it best for the country, they would tell him that he was sent here to act on his own judgment and discretion, and not as the echo of the Administration; and that, as he had sustained measures which were not, in his opinion, called for by the interests of the country, he was no longer worthy of confidence.

He then went into a review of the course which had been taken by the Administration previous to the commencement of the war, for the purpose of showing that we had shifted our ground and changed our views, and that Mexico had been very consistent and firm in refusing to dismember her territory. She had submitted a proposition which embraced a large cession of territory, but her offer was rejected, and the war recommenced. Since that time, it had been prosecuted for new objects. He had voted for the supplies asked by the law of May, 1846, on the faith of the message of the President, and relying on the facts put forth in that document, the printing of which was refused before the passage of the bill. It was stated in that message, that the Mexicans had invaded the territory of the United States, and that American blood had been shed on American soil, and he accordingly voted for the bill. The truth of the preamble had been doubted by Congress—that is, there was no evidence to prove the fact that war existed. It had been asserted that the preamble had been adopted with only two opposing votes in the Senate and a few in the House, while the fact is, that several Senators retired, in order that they might not vote, and in the House there were sixty-seven votes recorded against the preamble.

The proposition introduced by the Senator from Georgia, specifying the objects for which the war should be prosecuted, and which amendment, sustained by all the Whig Senators, was voted down, exhibited his views. He was willing to vote supplies for a war prosecuted for these objects; but now that there has been an introduction of new objects which he could not approve, he could not vote for the bill.

As to the origin of the war, it was an usurpation of the President; and he charged all the waste of blood and treasure which had ensued on the Democratic party and the President. The order to General Taylor to march to the Rio Grande was an act of usurpation. On the subject of the annexation of Texas, he stated that the northern Democracy was arrayed against it, although it afterwards wheeled back into the ranks of the Administration. He read an extract from the Dover (Democratic) Gazette, the Nashua Gazette, the proceedings of a Democratic mass meeting in Maine, the Democratic resolutions in the Legislature of Massachusetts, and a quotation from the Washington Globe, to show the opposition to the annexation of Texas. The Baltimore Convention, assembled to nominate candidates for a President and Vice President, took the management of our foreign affairs in their own hands, and determined that we must reoccupy the territory of Oregon, and reannex Texas. He showed how this action of the convention was received by the people, and also in what manner it was used to the overthrow of Mr. Van Buren.

He adverted to the manner in which the annexation of Texas was consummated, in order to show that Mr. Polk was as much responsible for that act as was Mr. Tyler. He then went on to examine the history of the revolution of Texas, and her connection with the neighboring States of Mexico. He contended that the territory between the Nueces and the Rio Grande belonged to Mexico, as was proved by its occupation when General Taylor made an advance, and when the Mexicans fired their property and fled, and the authorities of Tamaulipas informed General Taylor that this territory belonged to Mexico. If the United States set up a title to a country in the peaceable possession of Mexico, it was at least incumbent on us to show the ground on which we make the seizure. Texas had never carried her jurisdiction beyond the Nueces, and could not confer a title she did not possess.

The President had exceeded his legitimate powers as the Executive, when he sent an army into Mexico. It was the province of Congress to order such a movement. It was only competent to Congress to declare war.

He was willing to make peace on fair and moderate terms. He would not desire to overrun and annex Mexico. A fair indemnity for the losses of our citizens was due to us. If we continue the war until we conquer all Mexico, we shall raise up a new power there, which will require the presence of an army of twenty thousand men to keep the peace. You may overrun the country, demolish her towns, seize her revenues, despoil her women, and you will still leave the Spanish blood there. You will have a perpetual cancer on the body politic. No nation had ever gained by a war of conquest. The result we have to fear is the raising up of a military despotism. He desired to live under free institutions. Our Government is destined at some future day to a glorious elevation in the scale of nations. But let us keep within our own institutions. Thirty-three years of peace have built us up; let us still adhere to a peaceful policy.

On motion of Mr. RUSK,
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 16, 1848.

Mr. EVANS, of Maryland, moved to reconsider the vote by which the resolution closing the debate in Committee of the Whole on the loan bill, at two o'clock this day, was passed.

Mr. HENLEY moved to lay the motion to reconsider on the table; and the question being taken by ayes and noes, was decided in the negative—ayes 58, noes 68.

So the House refused to lay the motion to reconsider on the table.

The question then recurring on the motion to reconsider, the yeas and nays were asked, and ordered.

Mr. BURT moved a call of the House; on which motion he asked the yeas and nays; which were ordered, and resulted—yeas 65, nays 108.

The question was then taken on the motion to reconsider, and decided in the negative—yeas 93, nays 95, as follows:

YEAS—Messrs. Abbott, Green Adams, Ashmun, Bairinger, Blanchard, Botts, Brady, Buckner, Butler, Cabell, Canby, Chapman, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Dunn, Edwards, Embree, Alexander Evans, Nathan Evans, Ficklin, Fisher, Freedley, Gayle, Gentry, Giddings, Gott,

Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Elias B. Holmes, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, John W. Jones, Kellogg, Daniel P. King, William T. Lawrence, Lincoln, Marsh, Marvin, Morehead, Mullin, Nelson, Newall, Nicoll, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Tallmadge, Thibodeaux, Taylor, Tompkins, Richard W. Thompson, John B. Thompson, Van Dyke, Vinton, Warren, White, and Wilson—93.

NAYS—Messrs. Bayly, Bedinger, Bingham, Birdsall, Black, Bocock, Bowdon, Boyd, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Chase, Clapp, Franklin Clark, Beverly L. Clark, Clingman, Howell Cobb, Cocke, Cummins, Daniel, Dickinson, Garnett Duncan, Faran, Featherston, Flournoy, Fries, French, Fulton, Goggin, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, John W. Houston, Inge, Charles J. Ingersoll, Iverson, Jackson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Peck, Petrie, Peyton, Phelps, Pillsbury, Rhett, Richey, Rockhill, Sawyer, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, William Thompson, Thurston, Toombs, Turner, Venable, Wentworth, Wick, Williams, Wiley, Wilmot, and Woodward—95.

So the House refused to reconsider the resolution closing the debate at two o'clock, this day.

LOAN BILL.

On motion of Mr. STEPHENS, the House then resolved itself into Committee of the Whole on the state of the Union, (Mr. BOTTS, of Virginia, in the chair,) on the bill to authorize a loan not to exceed the sum of $18,500,000.

Mr. MOREHEAD was entitled to the floor, and occupied it during his allotted hour. [Mr. M.'s speech will be found in the Appendix.]

Mr. POLLOCK followed Mr. MOREHEAD, and in ten minutes after he commenced he was arrested in his remarks by the arrival of the hour of two o'clock—the time which had been fixed for closing the debate. [Mr. P.'s remarks will be found in the Appendix.]

The hour of two having arrived, the general debate was terminated.

Mr. VINTON (who reported the bill from the Committee of Ways and Means) availed himself of the privilege, granted under the 34th rule, of closing the debate. [For Mr. V.'s speech, see Appendix.]

The committee proceeded to vote on amendments as proposed, to wit:

The question was first put on the amendment to the first section moved by Mr. VINTON several days since, viz: Strike out the sum of "$18,500,000," and insert "$16,000,000;" and agreed to.

Mr. HALE moved to amend the first section by adding at the end thereof the following:

"*Provided*, That no part of the money received under the authority of this act shall be applied to any expenses that shall hereafter be incurred by the prosecution of the war with Mexico."

Disagreed to: Ayes 23, noes 118.

Mr. McLANE moved to add to the end of the 1st section the following:

"*Provided*, That from and after the passage of this act there shall be levied, collected, and paid on all articles not included in any of the schedules of dutiable articles of the tariff act of Congress of 1846, except specie and bullion, and wearing apparel and articles not imported from foreign countries, when imported into the United States, a duty of 25 per centum ad valorem: *Provided*, That on importation of tea and coffee in foreign vessels not placed on a footing with vessels of the United States by reciprocal treaty stipulations, or by proclamations of the President, issued in pursuance of any act of Congress, the additional duty imposed by the 11th section of the tariff act of Congress of 30th August, 1842, shall be exacted: *And provided, also*, That coffee, the production or growth of the colonies or dependencies of the Netherlands, imported into the United States from the Netherlands in Dutch vessels, shall not be subjected to such additional duty imposed by the aforesaid act of Congress of the 30th August, 1842."

Mr. HUNT, of New York, rose to a point of order. He believed the proposition of the gentleman from Maryland was out of order; and he asked for the reading of the 131st rule, from which it would appear that propositions to levy a tax could not be discussed or considered the same day they were offered. Under this rule, he raised the point that the proposition was out of order.

The rule was read, as follows:

"131. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House."

Mr. COLLAMER also suggested that the amendment was not in order, as not being germane to the bill.

The CHAIRMAN decided that the amendment was not in order, under two rules. First, the 55th rule provided that "no motion or proposition on 'a subject different from that under consideration 'shall be admitted under color of amendment." The proposition to impose a tax on tea and coffee, he said, was altogether different from the bill under consideration, which proposed to avoid taxation by borrowing money. He also decided that it was out of order under the 131st rule, referred to by the gentleman from New York.

Mr. McLANE wished to maintain that his proposition was in order; but debate was not in order. He therefore appealed from the decision of the Chair.

The question, "Shall the decision of the Chair stand as the judgment of the House?" was taken by tellers, and decided in the affirmative: Ayes 106, noes not counted.

So the decision of the Chair was confirmed, and the amendment declared to be out of order.

Mr. HALL, of New York, moved to amend the first section by adding between the words "so borrowed shall," and the words "be applied," &c., the words "on being first duly appropriated therefor." He explained his reason for offering the amendment, that, under the latitude of construction adopted at the Treasury Department, he was afraid, without this amendment, they might apply some of this money towards meeting the expenses of the army in Mexico, without first having a direct appropriation therefor by law.

Mr. H. also offered a verbal amendment to strike out the words "which stock," near the end of the first section, and insert, in lieu thereof, the words "and the stock issued on such loan."

Pending the question on these amendments,

On motion of Mr. STANTON, the committee rose and reported progress.

THANKS TO THE NAVY.

Mr. HOLMES, of South Carolina, asked leave to introduce the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and are hereby tendered, to the officers, sailors, and marines of the Navy of the United States, for the zeal and ability with which their duty, during the present war with Mexico, was performed, especially for their efficient coöperation with the Army of the United States in the capture of Vera Cruz and the Castle of San Juan de Ulua.

2. *Resolved*, That the President of the United States be requested to cause the foregoing resolution to be communicated to the officers, sailors, and marines of the Navy of the United States, in such terms as he may deem best calculated to give effect to the objects thereof.

The reception of the resolution was objected to.

Mr. CONGER asked leave to make a report from the Committee on Printing. Objected to.

The House adjourned.

IN SENATE.

WEDNESDAY, *February* 16, 1848.

A message was received from the President of the United States, transmitted in compliance with a resolution of the 7th instant, calling for information in regard to the law by virtue of which certain words in relation to the promotion of cadets have been inserted in the Army Register. Laid on the table, and ordered to be printed.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, made in compliance with a resolution of the Senate calling for the causes of the repeated failures of the mail to and from New Orleans. Referred to the Committee on the Post Office and Post Roads.

MEMORIALS AND PETITIONS.

Mr. DIX presented a memorial from the Chamber of Commerce of New York, asking that the duties paid on goods destroyed by the fire of 1845 may be refunded; which was referred to the Committee on Finance.

Mr. DIX, in presenting this memorial, said, the memorial stated, that by the conflagration referred to, buildings and merchandise to the value of about six millions of dollars had been consumed; that the duties on the merchandise were estimated to exceed six hundred thousand dollars, of which about four hundred thousand dollars were on unbroken packages. It also appeared that many of the merchants on whom these losses fell immediately ordered fresh importations to supply the place of the merchandise destroyed; so that they had, in fact, paid double duties. Under these circumstances, they prayed that the duties on the merchandise destroyed might be refunded.

Mr. BRADBURY presented a petition from Amaziah Goodwin, asking an increase of pension; which was referred to the Committee on Pensions.

Mr. BRADBURY, in presenting this petition, asked the attention of the Committee on Pensions to it, as one presenting strong claims to favorable consideration. The petitioner had been in Dartmouth prison during the war of 1812, and, at the time of the massacre there, had been bayoneted by a British soldier, from the effects of which wound he had become an entire cripple, and utterly unable to put off or on his clothing without assistance. The pension allowed him was six dollars a month, and wholly inadequate to his support; and he therefore asks Congress for such increase as will enable him to live.

Mr. B. also presented a petition from citizens of Maine, asking the establishment of a post route from Augusta to Bangor, in the State of Maine; which was referred to the Committee on the Post Office and Post Roads.

Mr. HANNEGAN presented a petition from citizens of Indiana, asking a mail route from Jasper to Troy; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. ASHLEY, from the Committee on the Judiciary, reported the bill from the House to amend an act entitled "An act in amendment of the acts respecting the judicial system of the United States," without amendment.

Mr. ASHLEY, from the same committee, reported the concurrence of the committee in the amendments made by the House of Representatives to the bill to amend the act entitled "An act extending the jurisdiction of the district courts to certain cases on the lakes and navigable rivers connecting the same," approved 26th February, 1845.

On motion of Mr. ASHLEY, the report was taken up and concurred in.

Mr. ASHLEY, from the Committee on Public Lands, reported a bill in relation to the location of the land office in the Alachua land district, in Florida; which was read a first time.

Mr. DOWNS, from the Committee on Commerce, reported, without amendment, a bill to provide for a survey of the mouth of Red river, in the State of Louisiana.

On motion of Mr. DOWNS, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for the appointment by the President of ten or more additional cadets at large in the Military Academy at West Point.

THANKS TO GEN. SCOTT, ETC.

The Senate then proceeded to the consideration of the joint resolution from the House of Representatives, expressive of thanks to Gen. WINFIELD SCOTT, and the troops under his command, for their distinguished gallantry and services.

The resolution having had its third reading, the question was put on its passage; when—

Mr. HALE demanded the yeas and nays; and the vote was as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Badger, Bagby, Benton, Berrien, Bradbury, Bright, Butler, Calhoun, Cass, Clayton, Corwin, Crittenden, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Upham, Westcott, and Yulee—42.

NAY—Mr. Hale—1.

THANKS TO GENERAL TAYLOR.

The Senate then proceeded to consider the joint resolution from the House of thanks to Major General TAYLOR.

The resolution having been read—

Mr. CRITTENDEN said: I rise to inquire whether the resolution is now in a state to admit of amendment. I feel quite strongly that some little modification of the language of the resolution will be an improvement of it. When before the military committee, some exception was taken to the form of the resolution; but I am one who is not at all scrupulous about the language used on such occasions, when compliment is intended, and so, rather than disturb the resolution, we thought it best to report it back to the Senate just as it was sent to us. But upon reconsideration of the matter, I think it proper to move to amend the resolution by striking out the word "indomitable," and "thereby

obtaining a victory over the enemy, which, for its signal and brilliant character, is unsurpassed in the military annals of the world."

Mr. DAVIS, of Massachusetts, called for a reading of the resolution as proposed to be amended.

The resolution, as amended, was then read, and the amendment was agreed to.

Mr. CRITTENDEN. I have suggested the amendment which has been just adopted, not from any disposition, of course, at all to stint or diminish the honors to which I think General Taylor and the troops under his command are entitled for the victory of Buena Vista; but because I think that the language to which the resolution is now reduced, expresses in the simplest form and with unquestionable truth, what may be said in reference to that great commander and his army in that achievement. His own character is of that simple cast, sir, which naturally seems to prompt the use of a language congenial to that simplicity in everything that is said of him. When he and the battle of Buena Vista are spoken of, no pompous, gaudy words are needed. Both stand out before the world in character and form, to be read by all mankind, in a language that cannot be surpassed by any phraseology which we, sir, may employ.

I am sorry that there is one single negative in this body to giving thanks to our armies for the victories they have won in its service. It is known to you, sir, that I am not amongst those who have approved of this war in its origin and its progress; but I make a distinction between those who might, as I think, have guided public affairs more wisely and with better results, and those whose duty it was to obey our orders and conform themselves to our decrees. Is it possible that any gentleman can desire that the officers of our army shall sit in council to revise our acts and determine upon the question of the morality of their obedience to our orders? Your rules and articles of war forbid the possibility of it. Any convocation of military men in camp for the purpose of deliberating upon political questions and deciding them, is prohibited under the severest pains and penalties; and, sir, we would not hear their appeal, no matter how respectful the form in which it might be addressed to us, on any political question. They are our executive officers, and their duty is obedience. Yet, if I understand the objection made here, it is to the effect that they share in the responsibility of our decision; and, although bound by their oaths to obedience—bound by their office to obedience—bound by their office not to interfere with politics, or intermeddle with our decisions, but to obey and execute them, that they are to be responsible for our decrees, and their conduct is not to be measured by the skill and fidelity with which they execute these decrees. Where is this sort of caviling—this morality, if you please so to name it—to lead us? A sheriff may next set himself up to consider the judgment which the court has rendered, and to take into scrupulous consideration how far he can consistently execute the process put into his hands under that judgment! Sir, he has as much right to consider, when the execution is put into his hands, the morality and justice of that judgment, as Generals Scott and Taylor, or any of their officers or men, had to consider the justice and propriety of this war. The law and the Constitution have marked out definite duties for them to perform, and their merit consists in their faithful and punctual discharge of these duties, and nothing else; and they deserve credit or discredit exactly in proportion to the constancy, courage, and firmness with which they discharge their executive duties. I can see no end to the mischiefs to result from the doctrine of the gentleman from New Hampshire. According to this doctrine, an officer is not only to consider how best he may execute the duty imposed upon him in executing our laws, but he is to sit in council and judgment, reviewing our acts of Congress, and determining for himself what to do, and acting accordingly. Will the honorable Senator from New Hampshire allow your generals and officers to convene together, and mayhap to divide themselves, generals and colonels into one house, like your Senate; and corporals and privates into another, a House of Commons; there to take into consideration the questions of war and peace, and decide as they may think justice and morality require? Will the gentleman allow them to decide for war when we are in favor of peace, or for peace when we are in favor of war? What does the gentleman think of that? If his doctrine be admitted, it must be allowed in all its consequences, not merely in those to which the gentleman would confine it. The army may as well overrule our decision in favor of peace as that in favor of war. Sir, this is nothing but a spirit of mutiny. There is neither patriotism nor morality in this doctrine; neither in its foundation nor its results. It is a mutiny against morality—a mutiny against all discipline—a mutiny against all government. There must be a head to legislate and direct, and a body to execute. It is in the Congress of the United States to decide, and it is in the army to obey; and to that honorable duty I am disposed strictly to limit and confine the army. I am wholly opposed to allowing the army to meddle with politics. Your army will be very ready, and some of its officers will be very ready to take your places in the work of legislation, and not only to hold the sword in one hand, but to make laws with the other. It is to that, sir, that the doctrine of the gentleman leads; for the moment that you require of your generals to consider and entertain the morality, according to their notions of orders given them, you must, from that moment, leave them at liberty to decide for or against you; and if General Taylor be authorized to consider the morality of this question of peace or war, and to lay down his sword if he pleases, every officer of the army, and every enlisted soldier, has the same right to do so. Can you distinguish between one and the other? No, sir; you cannot. And what sort of a government would you have in that case? It would be the mockery of the world. Yet that is the result to which this refined and original system of ethics would conduct you. Yet that is the pious and extravagant sort of morality, by the aid of whose inflation some minds seem to have ascended above the ordinary and sublunary concerns of mankind, and all those plain rules of government and morality which have regulated the course of human society. These philosophers soar far above all that, and, entering the ethereal regions, seem engaged in the search for some celestial sort of guide for their government on earth! I do not say that the gentleman before me goes to that extent of extravagance. He is one for whose talents and ability I entertain all proper respect; but, sir, is not the doctrine for which he contends likely to lead others, with less competency and less discretion to circumscribe its tendencies, into all these excesses? Can anything but misrule, and disorder, and extravagance, be the consequence? And how much less deluded is such a politician than one of those Millerites who, arraying himself in what he calls his "ascension robes," climbs up a tree in order that he may have a fair flight to Heaven! It seems to me to be a political delusion of the same character, scarcely less extravagant, and certainly much more injurious to mankind.

Now, sir, if ever military men deserved credit for the skill and courage and fidelity with which they executed orders, Taylor and Scott are the men who have earned it; and does it now become us, after having made the war, or any of us, after the war has been made by the country, by its constituted authorities—does it become us to set ourselves in the chair of morality and give a sort of professional lecture, teaching our officers and soldiers a lesson of disobedience and mutiny—teaching them that they should receive our decision, reverse it, and, breaking their swords, return home, breathing out denunciations against their country for the injustice and immorality of its legislation? Surely not. I know that the objection is urged only against giving thanks, but that amounts to censure. Will you not give them any credit? They have won battles. Many of them have shed their blood, their life's blood. Why are they not to have thanks? In another case, the objector admits thanks would be properly accorded; but in this case, he denies that they could be justly given. Does not the very ground on which the objection to the honor contemplated to be given to them rests, imply that they have not done their duty so well as they might have done it by not gaining these victories? Can the gentleman, or anybody else here, draw a valid distinction? Suppose they had been defeated in these battles—suppose General Taylor had been vanquished at Buena Vista, would the gentleman then have offered his thanks? He will not thank him for the victory; would he have thanked him for suffering defeat? Suppose the soldiers had refused to obey the orders of General Taylor, saying, "We have considered this matter, and do not think that this is a just war; we think it has been carried far enough; it ought to have stopped at Monterey:" would these men, in the estimation of the gentleman, have merited our thanks?

Sir, the evils into which the consequences of this doctrine, if adopted, would lead us, are endless and nameless. I can only say of the doctrine, that it is full of mischief. These men have sustained the honor of their country—they have gained illustrious and distinguished victories against those whom you have declared to be enemies, and against whom you have sent them to fight. It is for that I give them thanks; it is for that the Senate and the country have given their thanks; and I do hope—I can hardly hope—I was about to express the hope—that this resolution may be allowed to pass without a single dissenting voice. The honorable Senator from New Hampshire has already achieved the solitary glory of standing alone. I can myself make no distinction between Taylor and Scott, or their respective armies, in regard to these victories; but I cannot but hope that when a gentleman of so much talent and ability as the honorable Senator from New Hampshire shall reconsider more calmly and coolly the opinions under which he has acted, and advocated so eloquently here, he will be disposed to think that it is better to go on in the plain common way in which mankind have gone, and that the reason of mankind has approved for so many years, than strike out into any of these new and devious paths, into which extravagant and over-refined notions of morality may lead.

Mr. HALE. So pointed an allusion has been made to the position which I occupy, that it seems due to myself and to the Senate that I should say one word in vindication of the course which I have taken. This is the second occasion on the floor of the Senate, within a few days, on which I have been either complimented or reproached—I can hardly say which—for standing alone. That was the very mission upon which I came. I came here to stand alone, so long as that policy which the Government was pursuing was persisted in; and I shall continue to stand alone until different sentiments prevail in this body, or a revolution in public sentiment shall send different representatives upon this floor. That is my position, then; and whether it is an honor or reproach others may say. It is not for me to say whether it is honorable or dishonorable.

The honorable Senator from Kentucky seems to think that my course, if persisted in, would open Pandora's box, and let loose and rampant all manner of evil upon society in the United States. What is the course which I adopted? Has a syllable against the character of either of those officers escaped my lips? Certainly not—not a syllable. When the subject came up, I said that I could not, consistently with the convictions which I entertained, record my vote in favor of thanks to those officers. Sir, I may be a fanatic or a Millerite; but I will not be a hypocrite. I will not thank officers for the agency which they have had in producing results which I loathe. No, sir. Whilst disapproving of the whole affair, I confess that I have not discrimination enough—I have not sufficient skill in splitting hairs—to enable me, without uneasiness, to denounce the war as a war of robbery, as unconstitutional and unjust, as begun by the President, and at the same time thank the agents who have been engaged in carrying out this unjust and unconstitutional war. My fanaticism does not enable me to make such subtle distinctions as that; and all that I said, when I addressed the Senate for a few moments on that day, was, that I proposed to vindicate the propriety of my conduct by a reference to history, showing, that on a similar occasion, a precedent had been furnished, which I thought I might safely follow. That precedent was presented in the conduct of those who stood upon the side of justice, truth, liberty, and humanity, in the British Parliament, when the gigantic power of that empire was exerted to crush the spirit of liberty here, then struggling for existence. Chatham, Fox, Wilkes, Barré, and a host of learned dead then stood up, and with manly and truthful eloquence, denounced the arbitrary acts of power directed against the friends of freedom in this country; and what would we have thought of their sincerity and honesty—

what sentence would the moral sense of the world have pronounced upon them, if, after they had thus denounced the administration and the war, they had gone to the footstool of power, and bowed down and thanked the agents that had been the tools of this tyranny and oppression? Had those illustrious friends of liberty thus acted at that day, I think, sir, their fame would have appeared in a very different light upon the pages of history. But the honorable Senator has said, that in the course which I have taken, there is neither patriotism nor morality. I beg leave to tell him it is a difference of opinion, merely. Morality is a pretty general term, and may cover a great many transactions about which there is difference of opinion; on that there can certainly be no issue, as it is a mere question of opinion.

I ask if the doctrines promulgated by the honorable Senator from Kentucky are not those which should receive the unqualified condemnation of the American Senate and the American people? What are they? They amount simply to this: that your army is a great machine—a tool, without heart, without head, without reflection—nothing but one great piece of animal mechanism; that the President, standing at the head of the Administration, has but to give the word and it operates as he chooses; and that the thanks of the American people are due to that army, irrespective of any considerations connected with the character of the duty which is assigned to it to perform. Suppose your President sends the army to this Senate to enact over the scenes which occurred in England, when Cromwell dissolved the Parliament, telling them that the kingdom of Christ had come, and he had no need of such an assembly, would it then be your duty to give thanks to the army, because it had obeyed the bidding of its master? Let me tell the honorable Senator that my reading of history has taught me that there is great danger to be apprehended to any republic from the overshadowing influence of this military fame, which this Senate is about to bolster up by this vote of thanks. Has he forgotten the history of that period of the Roman republic when they elected their emperor in the camp, and then came to the Senate for its ratification? What are the American people about to do? The camp has already elected your emperor—your next President. The decree has not yet been registered, but the thing is done. There, I think, lies the danger. We have, it is true, many aspirants for public favor, but the camp has already made the selection. The powers of the Constitution may be preserved this time, but no man knows how much longer they will be retained. But whether that day may be more or less remote than many of us may imagine, when the camp comes here to ask the American Senate to ratify its deed, they never shall have my thanks for any agency in transactions which my judgment condemns. I do not say one word, because it is foreign to my purpose, in regard to the character of those officers. I do not question their skill, their bravery, their judgment. I have not a word to say against them. I have not a single hostile feeling to them in my heart. Regarding them, however, as the agents in transactions of which I wholly disapprove, I cannot thank them, because I cannot separate their instrumentality from the work in which they have been engaged.

Mr. FOOTE. I was not in my place the other day when the discussion of those resolutions was in progress, but if I had been, I should have regarded it as unpardonable had I not said something in reference to the sentiments which have formed the subject of the indignant comments of the honorable Senator from Kentucky. I am not surprised at the course pursued by the Senator from New Hampshire, nor can any one who heard his language to-day, be surprised. The whole secret of his opposition to the vote of thanks has at last discovered itself. He is afraid that the army may elect a President. He is afraid that the military excitement of the time may be so potent as to thrust some individual into the Presidency who has acquired glory in this war, and in consequence of which, a certain distinguished Senator from New Hampshire nominated for that very office, and who has accepted the nomination, might be excluded. It would be quite improper, then, to blame the Senator from New Hampshire for the course which he has adopted on this occasion. The Senator is quite right. He is acting upon the principle of enlightened selfishness. The whole country will do justice to his motives, and he will descend to posterity as the most magnanimous statesman of modern times! I am happy indeed to hear the frank and manly declaration which escaped the lips of the Senator from Kentucky—I will not say escaped by accident, for it was evident that it was the language of his feelings and his understanding—the same language which is employed by the intelligence and patriotism of the people in all parts of the Union, whatever faction may have said, in all the accursed forms in which faction has arrayed itself before the country. The Senator from Kentucky has taken the ground boldly that this is a national war—the war of the country—a war made by Congress and sanctioned in all the forms known to the Constitution, and that therefore every patriot in the land is bound to sustain it, especially such as are employed in arms for the national defence. It is no Presidential war, then, as some have asserted. It is no war gotten up for unholy and corrupt purposes. It is no unconstitutional war as some have argued, but it is a war declared by Congress, having every sanction that national legislation can give; a war which every patriot must sustain in its vigorous prosecution up to a glorious termination, and which none but traitors anywhere can oppose. I speak, of course, within due bounds. I allude not to the course of any Senator. I speak but the language of history when I say, that in no age since civilization began, has there been any name for any man who opposed his country either in thought, word, or deed, when in arms for her own defence, except traitor. That is the name by which the Senator would be known if he dared to act out the sentiments of his heart as manifested in the language which he has uttered to-day. The punishment of treason, in all countries, is death; and he who would act out these sentiments would incur that as his due reward. I doubt whether, in some parts of the country, the process of law would be waited for; and even in some districts of New England, I am inclined to think that a coat of tar and feathers, or, perhaps, the severer infliction of Lynch law would be administered. I am tired and sick of this. I have been sufficiently wearied with it at home when reading newspaper accounts. I have been nauseated with it here. The whole country is indignant. There is but one voice on the subject, except the small voice that is uttered by an unprincipled faction in New England. I say an "unprincipled faction," because it is a party gotten up for the purpose of bloodshed, delusion, and injustice—a party that cries "peace, peace," when the national honor is involved, and the country is armed in its defence; a party that cries out, "Let us not shed the blood of the poor Mexicans—they have suffered enough injustice at our hands; let us make indemnity for the wrongs which we have perpetrated upon them."

I should have been very much astonished if a different course had been adopted by the Senator from New Hampshire. I am not a very diligent reader of Abolition newspapers, but looking over one or two lately, I perceived that a person named Garrison had been indulging in denunciations of the Senator from New Hampshire, because, in a speech which he had made on this floor, he had expressed some regret at being compelled to assume the character of an Ishmaelite in this body; which, by the by, was not exactly the fact till now, for though it is true that his hands were against every man, yet nobody noticed him. However, for that declaration, and for the expression of the hope that nothing he had said would be regarded as offensive, the Senator from New Hampshire had been taken to task by Lloyd Garrison, who had denounced him as not being a Liberty man; that he was not worthy of the Presidency; and had asserted that his name ought to be stricken from the Liberty ticket. Well, the Senator from New Hampshire, having of course domestic business which called him to New England, lately went thither, and indulged himself in several gusty harangues, in order to retrieve his character, and revive his claims to the Presidency. His course there entirely conciliated the whole Abolition party in New England; and with such motives to energetic action, I am not at all surprised that the Senator has returned filled with new zeal and increased animosity against this war, and that he should have made those rhetorical flourishes in which he had so freely displayed himself on this occasion. I should have been very much astonished if he had pursued any other course.

I will not detain the Senate long; but for the purpose of showing that the Senator is a politic, judicious man, and that, though not at all ambitious, he may, perhaps, twenty years hence—making capital so rapidly as he does on this great question—stand a good chance for the Presidency, and is using the most efficient means to improve his ultimate popularity, I will call attention to a few passages in a pamphlet which I have seen for the first time this morning. It was sent to me by a gentleman who informs me that it is in extensive circulation in New England, and is producing an extraordinary effect. It seems that it is circulated by another party, who are ambitious of obtaining the Liberty men as allies. I speak by the book when I say, that a distinguished Senator from New England, [Mr. WEBSTER,] not now in his seat, did, in a place not far from Faneuil Hall, some months ago, openly recognize the Abolitionists as his political brethren, and besought them to unite with the Whig party in an approaching election. I consider, then, the Whig party of New England and the faction controlled by the Senator from New Hampshire as standing on the same platform. Probably no reply will be attempted to what I say. It may be that I shall not be deemed worthy of notice by the distinguished Senator over the way, but that will not prevent me from noticing him—courteously and patriotically, I trust—and in such a manner as I may think that notice at my hands is demanded. Humble as my abilities may be, I recognize no superior here, so far as the State which I have in part the honor to represent is concerned. I am not at all surprised that New England should be visited with this pamphlet at this time, because the distinguished Senator from New England, first in Richmond, in commencing his famous southern tour, undertook to call this war in question, and afterwards, when he got back to New England, held the same language, and asserted that it had been the settled judgment of all nations, that the injustice of a war most materially tarnished the lustre of arms. Has that been explained? Can it be explained or vindicated? It means what the Senator from New Hampshire has more bodly said, using plainer and more explicit language, but language not more unpatriotic than that to which I have just referred—language which will not be less fiercely condemned by posterity than that uttered on the occasion to which I have alluded by one of the most celebrated men of the Whig party, whose influence has spread itself abroad through all lands, and has a most controlling effect in Mexico at the present time, against his own country. The same sentiment has been again and again expressed by the organ of the Whigs in this city—the National Intelligencer. Every Whig paper in the country, with a few exceptions, has reëchoed it; and we all recollect the expression in a certain speech delivered here—to which I allude in no spirit of unkindness—that if the speaker had been a Mexican as he was an American, he would have welcomed our armies with bloody hands and hospitable graves. Yet that speech was published, with editorial sanction, in almost every Whig paper in the country. When on my way hither, last winter, I saw in Louisville a Whig paper—the organ of the party in that city, the Louisville Journal—which eulogized and commended the speech in the warmest and most exalted terms of encomium. Whilst, then, there are many men in that party—a glorious band, of whom I am glad to recognize the distinguished Senator from Kentucky as the leader, who do respond to the sentiments which he had expressed this morning—patriots in heart and in deed, recognizing the noble maxim of Roman times, that it is a sweet and glorious thing to die for one's country; whilst a great number of the members of the Whig party entertain such sentiments, there are many others who openly, or in their hearts, cherish sentiments similar to those I have described, which they would dare to act out, if the majority of the people would sanction them. In proof of what I have said on this point, I will read a few extracts from a pamphlet written by a member of the party of which the Senator from New Hampshire is the exponent here. It is said that—

"A rose by any other name would smell as sweet."

By what name shall I designate the party of which the gentleman from New Hampshire is the representative? Is it the Abolition or Liberty party?

However this may be, it is on the shoulders of that party that he expects to be foisted into the White House. Oh! may Heaven preserve my country from such a calamity as that! I say it with no intention to insult the Senator, but because he holds principles which, if carried out, would make this republic more infamous on the pages of history than any nation that has ever existed. The pamphlet is entitled "Dick Crowningshield, the Assassin, and Zachary Taylor, the Soldier: the difference between them. By Henry C. Wright." It is now circulating in New England, under Whig sanction, and is written by a member of the Liberty party.

Mr. HALE. Does the gentleman mean to say that the author of that pamphlet is a member of the Liberty party?

Mr. FOOTE. So I understand.

Mr. HALE. That individual's career in England and this country is well known. He denies the right of all human government whatever; and there is no party which he denounces with more severity and opprobrium than the Liberty party. The honorable Senator from Mississippi is, therefore, mistaken in supposing that he is a member of that party. It is not so. The honorable Senator asks to what party I belong, and the name of that party. I can tell him in a moment the origin of the movement which has made my name somewhat notorious in New Hampshire in regard to the position which I took about four years since. I was then a member of the House of Representatives from the State of New Hampshire. At that time, the project of annexation was mooted in the House; and the Richmond Enquirer, then edited by the present editor of the Union, declared that any one expecting anything from the Administration must not go against that measure. I did not expect anything from the Administration, but I opposed the measure; and, in a letter to my constituents, I announced my intention to vote against it, assigning the reasons which influenced me in the determination. Thereupon, the progressive Democracy of New Hampshire came together and denounced me; and an issue was at once made in that State upon the question. That is the origin of the movement; and the Senator is at liberty to give it any name which will best suit his classification. But he is entirely mistaken as regards Mr. Wright, who is no more a member of the Liberty party than that Senator is, and probably looks on it with as much loathing as he does.

Mr. FOOTE. I am very glad to hear that he does. However, the pamphlet has been circulated by the Whigs of New England. The author may then be a Whig.

Mr. HALE. As I stand alone, I have only to take care of myself. The Whigs can take care of themselves.

Mr. FOOTE. Well, I do not understand the author to be strictly in correspondence with the Senator from New Hampshire, or that they are inhabitants of the same town or county. Indeed, people change their politics so readily nowadays, that it would be a little unsafe, perhaps, for the Senator to undertake to say what are the present political principles of Mr. Wright, with whom he is ashamed to bear any connection.

Mr. HALE. No, I am not.

Mr. FOOTE. Well, then he is the particular friend of the Senator from New Hampshire; and of one thing I am certain, that in my State such a pamphlet could not be allowed to circulate amongst the Whigs for a day. Such language as I am about to read, could not be uttered in the State in which I have the honor to reside, without hazard of life; nor could it, in my opinion, anywhere, where a high state of patriotism exists. Well, I will read a few delicious extracts from this pamphlet; and I hope that, if it be not a Whig document, gentlemen will stop its circulation. The gentleman denies that it is a Liberty document. Who has had it circulated I am not prepared to say, but I think that it is perhaps intended to promote the Senator's claims and those of Whig Presidential aspirants generally, always excepting General Taylor.

DICK CROWNINGSHIELD—HIS EMPLOYERS—HIS BUSINESS.

Joseph White lived in Salem. He was old and rich. Joe and Frank Knapp lived in the same town. They coveted his property, and expected to inherit it at his death. The protracted life of Joseph White was considered by them as opposed to their interests. They wished to destroy it. They called on Dick Crowningshield, a young man living in Salem, who had studied the art of human slaughter at the West Point Military Academy, and said to him, in substance:

"Will you enlist into our service?"

Dick. "What to do?"

Knapps. "We wish to kill Joseph White."

Dick. "What harm has he done to you?"

Knapps. "None, save that by his life we are kept out of the possession of property which we expect to inherit. We have no resources but to kill him."

Dick. "But he is innocent of all evil intentions towards you?"

Knapps. "We know he is; but his life is in our way, and we wish to get rid of him."

Dick. "But would it be right to kill him?"

Knapps. "Give yourself no trouble about that. We will be responsible for the right or wrong of the deed. If you enlist to do it, you have nothing to do with that question."

Dick. "But suppose I think it *murder*?"

Knapps. "That is our concern, not yours. If you enlist into our service, we wish you to enlist to do our pleasure, even though you think it to be *murder*."

Dick. "Who is to be *benefited* by his death?"

Knapps. "Ourselves, of course. We do not wish to kill him for his good, but solely for our own."

Dick. "So, then, I am to understand that you wish to enlist me into your service, *to kill an innocent man, at your instigation, and for your benefit*?"

Knapps. "That is our wish. Will you enlist?"

Dick. "What am I to get for doing the deed?"

Knapps. "One thousand dollars."

Dick. "Do you wish me to kill any others?"

Knapps. "Kill this one man, and the money is yours, and we will discharge you from our service as soon as the deed is done."

Dick. "Well, I see no more wrong in enlisting into the service of *two* men to kill *one*, at their bidding and for their benefit, than in enlisting into the service of *millions*, called a State, to kill *thousands* at their bidding and for their benefit. So I am at your service, and will execute your pleasure upon Joseph White."

The Knapps furnished their recruit with a dirk and bludgeon. At midnight, he entered the back window with a dark lantern, crept up the front stairs, and entered the sleeping-chamber of Joseph White. He was asleep. Dick struck him on his head with a club, then turned down the clothes and stabbed him thirteen times in the region of his heart; then covered him up, left the house, hid the bludgeon under the door-steps of a church, and melted the dagger. Dick and the Knapps were taken up and imprisoned. While awaiting their trial, Dick hung himself. The Knapps were tried, condemned, and hung.

What would you call Dick Crowningshield? A HIRED ASSASSIN is the answer; and all will insist that this is the only phrase in the English language that can truly designate his character and position. What would you call the Knapps? The instigators and prime movers in the deed—the EMPLOYERS OF A HIRED ASSASSIN. The relation between Crowningshield and the Knapps was that of a hired assassin to his employers. The community would not endure the presence of the employers or the employed among them, and they put them all to death.

ZACHARY TAYLOR—HIS EMPLOYERS—HIS BUSINESS.

There is a town in Mexico called Monterey. It contains say twenty thousand inhabitants, more or less. They never injured the people of the United States, even in thought; yet their existence is opposed to their ambition, and lust of gold, and of oppression. They wish to destroy the town of Monterey. So, those who compose the United States, through their agents, the recruiting officers, go forth to enlist men into their service. They meet Zachary Taylor, and ask him, in substance:

"Will you enlist into our service?"

Zachary. "What do you wish me to do?"

People. "We wish you to kill the people of Monterey."

Zach. "What have they done?"

People. "Oh! nothing; only their existence is opposed to our interests."

Zach. "They are, then, innocent of all evil intentions and actions towards you?"

People. "Yes; they never injured us, and never intended to injure us."

Zach. "Why, then, do you wish to kill them?"

People. "Simply and solely because they are in our way, and there is no other method to get rid of them."

Zach. "Would it be right to kill them?"

People. "That is our affair, not yours. We wish you to enlist to do our bidding, and kill whom we wish, RIGHT OR WRONG."

Zach. "But suppose I *know them to be innocent;* must I kill them?"

People. "Yes; if we bid you."

Zach. "But suppose I believe that to kill them would be MURDER; must I do it?"

People. "Yes; if we bid you kill them. We wish to enlist none into our service as soldiers who are not willing to swear by the great God that they will kill any and all whom we bid them kill, even though they believe it would be murder."

Zach. "How many do you wish me to kill?"

People. "No particular persons or number; but we wish to enlist you to butcher men by the day, till we have gained our end."

Zach. "So, then, now I understand you. You wish me to enlist into your service, *to kill human beings, without regard to their guilt or innocence, at your bidding, and for your benefit.* You wish me to swear by the Eternal that I will kill men, women, and children, at your discretion, even though I know they are innocent, and though I believe that to kill them would be *murder*?"

People. "Yes; such is our wish."

Zach. "But suppose I should enlist, and then should not be willing to kill all whom you command me to kill; and suppose I should wish to leave your service?"

People. "Once enlisted, you must do our bidding, or be killed yourself; and if you attempt to leave our service without our consent, we shall shoot or hang you."

Zach. "How much money will you give me?"

People. "Two hundred dollars a month."

Zach. "Well, the ministers and churches say war is a right and Christian practice. If so, then it is right to enlist; and when enlisted, to go for my employers, *right or wrong.* So I am your man. Henceforth I am ready to kill all you bid me kill, though I know them to be innocent, and though I believe it would be murder."

People. "You are the man for us. 'ROUGH AND READY' is your name henceforth. We have work on hand at this moment."

Zach. "Name it, and it is done."

People. "There is a town in Mexico called Monterey. Go, slay its inhabitants, and destroy it."

Zach. "Give me the means, and the deed is done."

So the means are supplied by his employers. Now, behold Zachary before the devoted town. It is *Sunday.* This is the day chosen by him to make the attack. See the scenes enacted by Zachary, the soldier. He is acting as the agent of twenty millions. Had he bombarded that city as the agent of *two*—how had he been the execration of mankind!

I will not detain Senators by reading any more extracts. I did not know that the time for taking up the special order had passed, or I should not have trespassed so long on the time of the Senate.

SEVERAL SENATORS. Go on.

Mr. FOOTE. I will, then, if the Senate will bear with me, read a few additional paragraphs:

Look at that nursery. See that mother watching her four little ones lovingly at play in one corner. Zachary discharges a gun loaded with grape-shot at them; and in a moment their limbs and bodies are torn to fragments, and the mother sits amid their mangled remains. In another nursery is an infant sleeping in the cradle; the mother sits by it rocking and singing its lullaby. Zachary hurls a cannon ball at that mother and infant, and tears them in pieces.

Look into that dining room. There are a father and mother and five children at the dinner table. A ball thrown by Zachary enters, and the father and children are torn and killed around the surviving mother. There is a school-house. In it are seventy-five children with their teacher. Zachary throws a bomb-shell among them. It explodes, and the torn limbs and dead bodies of fifty of those children are strewed about, and their teacher and companions are covered with their blood. There is a daughter standing by her broken-hearted father to comfort and sustain him. Zachary hurls a cannon ball at her, and cuts her body in two, and there she lies a mangled corpse before her father.

"For the love of Heaven spare that house!" cries a young man to Zachary, as he is aiming a deadly missile at a particular dwelling. "I CARE NOT IF EVERY OTHER HOUSE IN TOWN IS BLOWN TO ATOMS—but do not destroy that one."

Zachary. "What is your reason?"

Young man. "My betrothed lives there. She whom I love as my own soul."

Zachary. "All love and domestic affections must be forgotten here."

Young man. "But do spare that one. One of your own companions begs you to spare it."

Zachary. "It is the bidding and for the interest of our employers that that house and all in it should be destroyed. We must go for our employers, RIGHT OR WRONG."

Young man. "O spare it! To what dangers is she whom I love exposed! Think of the agony I must feel to find her a mangled corpse!"

Zachary.—"Young man, you seem to care nothing about the other houses, and are willing to see them 'blown to atoms.' Yet every ball and bomb-shell we throw tears to pieces some wife or husband, some parent or child, some brother or sister, all of whom are objects of affection to others, and their death causes as much agony to surviving relatives as the death of your betrothed would to you. She must die. Such is the bidding and pleasure of my employers."

A bomb-shell is aimed at the house; and in an instant it is a heap of ruins. The shell comes into the parlor where the parents and their children are assembled, and explodes. A ragged piece of iron strikes the young woman, and tears away her head and shoulders.

Says another eye-witness of the doings of Zachary: "It was an awful sight to look upon the dead—some shot with cannon balls and some with small shot; some with their *heads shot off*—some with their *legs off*—some with their *bowels scattered on the ground.*"

Says another eye-witness of another scene: "Bodies of Mexicans were lying all about in every direction—some with their heads *entirely or partly shot off;* others *without legs or arms;* others with their *entrails torn out.* I crept about on my hands and knees, and at every few paces I would come across dead bodies; and at one place, I discovered the body of *a beautiful Mexican girl* STAKED *through her heart.*"

The above is substantially a truthful narrative of deeds perpetrated by him and his men in Monterey, and other towns in Mexico, *at the bidding and for the benefit of his religious, republican employers.*"

Mr. CRITTENDEN. If the Senator will permit me, I would beg leave to submit to him whether it is best to detain the Senate by reading more of that pamphlet. Enough has been given to enable us to judge of its character. I will hear the Senator with a great deal of pleasure, but I think he ought not to occupy the time of the Senate by reading pamphlets.

Mr. FOOTE. I know that this thing is disgusting, but having the sanction of the Whigs of New England, I thought that it might be agreeable more or less to the appetites of some gentlemen here. I feel that perhaps I owe some apology for occupying the attention of the Senate so long. I do not charge the Whig party with this pamphlet, but I have quoted it in order to vindicate what has fallen from the Senator from Kentucky in opposition to the dangerous sentiments of the Senator

from New Hampshire, presenting as it does a striking illustration of the consequences to which such sentiments naturally lead.

Mr. CRITTENDEN again rose.

Mr. CASS. Is the Senator going to make any motion? The Senator from Texas has the floor on the special order.

Mr. CRITTENDEN. I will not detain the Senate.

Mr. RUSK. So far as I am concerned, I desire to say, that I have great pleasure in asking the Senator from Kentucky to proceed.

Mr. CRITTENDEN. I do not intend to protract this debate, but I desire to acquit myself of the personality of which the honorable Senator from New Hampshire seems to have considered me to be guilty. I did not mean to say, sir, that the gentleman was without patriotism, or without morality. No, sir, not at all. I meant only to contest the proposition which he laid down, and on which his objections to this vote of thanks rested, and on which they could alone stand. It was in reference to that proposition, and not the sincerity of the honorable gentleman, that my remarks were made; and it was very far from my intention, indeed, to make any such charge as that he was wanting in morality or patriotism. The sentiments which the honorable gentleman entertained are of such a peculiar character, that one can hardly fall into the error of supposing that they are entertained from selfish motives. The gentleman must be sincere, and I do not doubt that he is sincere; and I assure him, that no personality was intended by me.

I am a little apprehensive that the Senator from Mississippi may have understood me as going a little further than I designed to be understood as going in relation to this war. I think I told you, at the commencement of my remarks, that I was not one of those who approved of this war—not at all. But I said that the war, by the act of Congress, had become a national war. It was war according to law; and I had supposed that the great principle of republican government consists in the combination of the strength and power of the whole community in executing the laws passed by the majority of that community; that I am as much bound to respect the law passed in reference to this war as I am in respect to any law that imposed duties or taxes, or regulated the conduct of citizens of the United States. With respect to any of those laws, the liberty of discussion, under the Constitution, and according to every principle of republican government, is free and unlimited. It is upon that condition that every citizen of the republic agrees to conform himself to, and be governed by, the majority, however repugnant to his own opinions may be the decisions of the majority. This freedom of discussion is the ground on which each and every individual may infer on entering into the social compact, that he may safely and cheerfully agree to obey whatever law the majority passes whilst discussion is left free; or, in the words of Mr. Jefferson, that error may be tolerated whilst reason is left free to combat it. That is the principle of republican government. I do not hold that I oppose the war because I discuss and examine and reason, in order to prove to you that the law ought to be repealed or changed or modified, so as to put an end to this war. It is with respect to that law as it is in the case of every other law. Every constitutional law claims the obedience of every man, no matter whether it be according to his wishes or not. It claims his obedience. But it leaves him free to discuss it. It leaves him free to endeavor, in the exercise of all his constitutional rights, to have the law repealed, no matter whether it relates to peace or war; and the right is equally perfect in regard to the one as the other. Circumstances may modify, the exigencies of the country may control, the exercise of this right; but his constitutional right as a man and a citizen is to discuss the law fully. He ought to do so, because he is bound to obey implicitly. That is my doctrine. I do not hold that because a man disapproves of this war and in that sense opposes it—that he is with one hand endeavoring to support the law as a national law, whilst with the other he exercises his right to put an end to that state of things, he makes an opposition to the war, which in any true sense of it can be regarded as unpatriotic. Some gentlemen run into the idea—and it seems to me that my friend from Mississippi inclines to the belief—that any degree of disapprobation of the war, every species of opposition to it, betokens a want of patriotism or of courage, or of something that belongs to honorable and patriotic men.

Mr. FOOTE. I thought that I used the most explicit language. I have uniformly used the same language, and it is now on record, upholding freedom of debate and discussion. But I have said, and repeat it now, that whenever speeches are made anywhere in the United States evidently intended to circulate in Mexico—calculated to encourage the enemy of the country—those speeches are stamped with treachery to the country. I am not to be understood, however, as in the slightest degree trenching on the freedom of debate. The Senator from New Hampshire is bound to express his sentiments if he entertains them. I only deplore his condition, being impelled by the peculiar character of his intellect to adopt such sentiments. I am not willing to shackle even him, certainly not any other person. But I see frequently newspaper articles which are intended to circulate in Mexico, giving "aid and comfort" to the enemy; and speeches have been made which we know to have had the same effect. All know this. It is a part of the history of the country, and I challenge denial of the statement that it is so. In my opinion, for making such speeches, the punishment of hanging, if the law allowed it, should be inflicted. I hope I am understood now. I hope the Senator from Kentucky will do me justice. I know it is one thing simply to declare that the war is unjust and to seek the repeal of the law, and another to become a traitor to the country, in a moral point of view, by such overt acts in favor of the enemy as those to which I have alluded. Let it also be understood that I charge nothing of the kind upon the Senator.

Mr. CRITTENDEN. I regret that this debate has taken this excursory direction, passing entirely beyond the point to which I supposed it would be limited in the first instance, otherwise I should not have felt called upon to obtrude any remarks of mine upon the attention of the Senate. I believe that the honorable Senator is of too liberal a spirit himself lightly to impute to others any want of patriotism, much less to a great party like that of the Whigs. He disclaims any such imputation with respect to them, if I understood him. What, sir! do the Whig party want patriotism? and shall the Whig party, in retaliation, charge the Democratic party with a want of patriotism? Then who, in the name of all that is virtuous, has patriotism in this wide republic?

The gentleman imposes another limitation upon this right of discussion in relation to the war, which it seems to me cannot be maintained. I may speak the more freely on this subject, inasmuch as that, though my opinions on the war have not been withheld, it has not been my lot to participate so largely in the discussion as many others have, and I doubt whether in all the archives of Mexico, from the fortress of San Juan de Ulua to the city of Mexico, one sentence, line, or word, of any poor remarks that ever I made here can be found. And I am equally well assured that no remarks of my Whig associates or Democratic associates have been made for any such purpose of encouragement to Mexico or Mexicans. These remarks have been made in the exercise of their constitutional rights here, for the benefit of our own country, by the discussion of a matter involving the interests of our country.

Mr. FOOTE. I am very sorry to interrupt the Senator. But I had no reference to speeches made here. I alluded to speeches made in various parts of the United States—deliberately made to crowds assembled, for the purpose of being indoctrinated, and which the speaker knew would operate in Mexico, and therefore meriting all the denunciations which I heaped upon them; and I only regret that my powers of sarcasm are not adequate to the work of stigmatizing them as they deserve.

Mr. CRITTENDEN. I accept the explanation of the gentleman. I thought he had reference to speeches here and elsewhere. It seems that he had not reference to speeches here. Now, that might be his limitation of the doctrine; but since I am upon the subject, allow me to say, that I know well that that is not the limitation put by presses now advocating the doctrine. We are told that this war with Mexico has been inflamed—that the obstinacy of the Mexican people has been increased by their knowledge of what is said and done by Whigs, and Whig newspapers. That is boldly affirmed every day. The liberty of speech is censured. We are told by these same presses, that instead of exercising the rights of honorable gentlemen, and those which appertain to the more dignified and important character of representatives, we ought to be silent in regard to a matter in which the interests of the country are concerned, and follow in mute submission, whatever is done by the Executive of the Government.

Mr. FOOTE. If the Senator will allow me to interrupt him again for a moment, I would state that a distinguished member of the House of Representatives from the State of Kentucky has received a letter from General Marshall, stating the fact that we might have had a treaty of peace but for the speech of a distinguished citizen of Kentucky, with certain resolutions, which induced the leading men of Mexico to wheel about, and raised a universal expectation of a *pronunciamento* by which Mr. Polk would be turned out of the White House, and a certain distinguished gentlemen from Kentucky be brought in, from whom such a peace could be obtained as would accord with their notions of justice and humanity. I state this as a matter of fact. We all know that this kind of intelligence circulates freely in Mexico. No man can deny it. I did not charge any bad intentions at all to the distinguished gentleman in Kentucky who made the speech, but the effect has been produced by it which was predicted at the time by myself and thousands of others.

Mr. CRITTENDEN. I do not doubt that such a letter had been written, and that such is the opinion entertained by the writer. The gentleman is well known, and with him I have always sustained the most friendly relations; but, although I do not know what effect his military career may have had, his politics were of the severest and most heated character when he went to Mexico. I presume he retains those opinions, and is therefore very ready, from his political bias, to place upon any act of the honorable gentleman alluded to—one of my most distinguished fellow-citizens, Mr. Clay—we need not conceal his name—an unfavorable construction. It is quite likely that General Marshall may have entertained the opinion that we should have had a peace before now had it not been for Mr. Clay's speech; but I put it in all candor to the honorable Senator from Mississippi to say whether a speech delivered by Mr. Clay in November last in Kentucky has found such access to the mind of Mexico as to present——

Mr. FOOTE. I do believe that his magnetic influence may have been as great as that described. The Mexicans are a peculiar people—semi-barbarous—accustomed to *pronunciamentos*, and, of course, judge our country by their own. I judge, from the evidence before me, that they expect a *pronunciamento* here, which I think, though, they will expect a long time before it shall occur.

Mr. CRITTENDEN. I am glad that my honorable friend from Mississippi cannot say that he believes that it is so. He is very ingenious in giving reasons why it might possibly have been so; but he is not quite satisfied that it is so; and how can he—how can any man believe that a few scraps of newspapers, and a handbill or two, placed in the great scales of peace and war in Mexico, really turned the balance and inclined them in the favor of war? Why, what do we know of Mexico? We know that the leading men want peace. They cannot make peace, and why? Because the masses of the people have become exasperated against us, and those holding the reins of government dare not, for fear of popular vengeance, make peace. The great masses of the Mexican people cannot read—they know nothing about our speeches, and nothing about our parties, and yet they are the people that are for war. They are the exasperated people that insist, madly insist, on continuing this contest. That is the account which I receive. That is the general tone of all the accounts. It is natural and reasonable. But the idea is absurd, that the people of Mexico, with patriotic feelings as strongly felt as in our own case, should be like a weathercock, moved by an article in a newspaper—a speech in Massachusetts or Kentucky—or any process of logical reasoning. Yet it is put forward to the public as having an effect of that kind, and that is insisted upon for the purpose of controlling and regulating our conduct and opinions here. Well, I trust that I am incapable in any circumstances of making a

speech that can be justly, or truly, or in any particular sense, considered as hostile to my country. I trust that, having the liberty of free and full discussion, whenever and wherever I think that my duty requires its exercise, or it is my pleasure to use it, I shall freely exercise it. That is the reason, sir, why I boast that I am an American citizen—why we all boast that we are American citizens. But the moment we have a war, we are to be silent; and the more questionable may be the character of that war, the more stringent is to be the denial of the right of freedom of speech! Why, sir, that is the very time when we ought to speak out. If Mexico is so sensitive to the principles and opinions upon which we act, and by which we are governed in this country, she ought to know this, that however we may question, in our legislative capacity, the justice and propriety of this war, so long as it continues—so long as it is a national war, made so by our laws, everybody—those who think it just, and those who think it unjust, unite their strength to carry it on; that the strength of the whole is to execute the will of the majority. That is the fundamental principle of our Government, and that Mexico ought to know. What "comfort," then, can Mexico derive from our questioning the propriety of the war? If she knew how to estimate it aright, she will see the most formidable of all enemies in that very community which, while its members discuss the propriety of anything, they fully unite in their combined strength in executing whatever the will of the majority may determine. And that is what Mexico must know and learn, if she reads to any advantage what we say and publish. But the effort of certain portions of the press has been to enforce silence on this whole subject, to control us by a sort of new-made editorial sedition-law! A few scraps of newspapers have been found in Mexico, and oh! forsooth, what swelling tirades of treason—treachery—combinations of our own countrymen against our own country and in favor of Mexico! Can anything be more palpable, sir, than the outrageous violation of liberty of discussion and freedom of the press which is thus displayed?

I regret that I have trespassed so long on the time of the Senate. I believe that I owe you an apology. I rose simply to make a few remarks on this resolution, from which we have so far departed, that it has almost been forgotten. I hope the question will be taken on the resolution.

Mr. DAVIS, of Mississippi. The Senate will not expect that I intend to enter into this discussion. Indeed, I regret that the discussion has been thought necessary by any one; and I hope, with the Senator from Kentucky, that we will return immediately to the resolution from which we never should have wandered. It should be allowed to remain on the ground assumed, a simple vote of thanks, in which the justice of the war, its policy, the wisdom of the legislature on the subject, cannot, with any propriety, be at all involved. Officers have no other right than to refuse to obey an unconstitutional order. The power to declare war was vested by the Constitution in the Congress of the United Stases, and when they declared the war, it cannot be unconstitutional. The officer obeys the order he receives as an executive officer, and, upon the vote of thanks, involving only the consideration whether he has faithfully discharged his duty, we might expect the union of which the Senator from Kentucky has spoken—the union of the whole country on a question which has but two sides—the side of our country, and the side of the foreigners with whom we are at war. Party lines cannot enter into the consideration of such a question, whilst patriotism exists. There may be a faction—there will be a faction—in all times there has been a faction, that would raise its croaking voice, when the people, with one accord, send up their pæans of thanks or prayers for success. Yes, sir, the American people, rejoicing over their independence, just acquired—exulting in the possession of civil liberty, at the close of our Revolution, returned their thanks to Almighty God, who had held them in the hollow of his hand, and yet, in the emphatic and classic language of Patrick Henry, one croaker was found whose discordant voice attempted to disturb the harmony. The good sense of that day turned in loathing and disgust away. Why not do so now? Why shall we pause to enter into this long discussion about foregone conclusions before the question was raised? Must President-making, too, be involved in a resolution of thanks to gallant officers? If so, and if the great result which has been deprecated is to come, and the army is to make your President, I would rather receive him from them than from the hands of fanatics. But here stands a soldier whose life has been wholly devoted to his country—whose services accumulating one by one, have become a pyramid, as beautiful for its simplicity as it is sublime for its grandeur—one which can stand like the commemorative monument of Bunker Hill, a plain and noble obelisk, with its head amid the clouds, and despising the assaults of the creeping things that crawl around its base!

I trust that the feelings of gallant men will not be assailed when the country comes to thank them for services done to the whole country. I trust, sir, that the Senate will no longer engage in a discussion, not one point of which bears upon the question at issue; and that, leaving whatever of croaking there may be to disturb the harmony of the people's thanks, we will test the question by a vote of the Senate, allowing those who refuse to yield their thanks to the gallant soldier to go before the country in the issue.

Mr. HALE asked for the yeas and nays on the passage of the joint resolution, and they were ordered.

The question was then put, and decided as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Badger, Bagby, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Clayton, Corwin, Crittenden, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Upham, Westcott, and Yulee—47.

NAY—Mr. Hale—1.

On motion of Mr. RUSK, the vote on the passage of the resolution in relation to General Scott was reconsidered, with a view to give Senators not in their seats at the time of taking the question an opportunity to record their names.

The motion having been agreed to, the question was again put on the passage of the resolution, and decided in the affirmative, as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Badger, Bagby, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Cameron, Cass, Clarke, Clayton, Corwin, Crittenden, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Westcott, and Yulee—46.

NAY—Mr. Hale—1.

It being near three o'clock when the resolutions were disposed of, the special order was postponed, and the Senate proceeded to the consideration of executive business; and, after some time spent therein, adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 17, 1848.

The SPEAKER presented certain testimony taken at New York, relating to the contested election for the sixth Congressional district of the State of New York. Referred to the Committee of Elections.

Mr. SAWYER, by leave, introduced a bill to remove the land office from Upper Sandusky to Defiance, in the State of Ohio. Read and referred to the Committee on Public Lands.

Mr. CONGER, by leave, from the Committee on Printing, to which was referred the report and maps of Lieutenant Emory, containing the report of Captain Cook, the report and maps of Lieutenant Abert, and the journal of Captain Johnson, reported the following resolution:

Resolved, That 10,000 extra copies of each of said reports be printed for the use of the House; and that of said number, 250 copies be furnished for the use of Lieutenant Emory, Captain Cook, and Lieutenant Abert, respectively.

Mr. HENLEY wished to obtain the ear of the House for a moment, while he stated, in connection with this resolution, the fact, that all questions referred to the Committee on Printing should be reported on immediately after they were referred and examined. If not, the consequence would frequently be a great loss to the Government; for, when the documents were submitted to the House, before the committee had time to examine the question of printing, the usual number were ordered, printed, and, before the committee had opportunity to report, the composition might be distributed; and the consequence was, when the Committee on Printing afterwards reported in favor of an extra number, the House were obliged to pay for additional composition. What he proposed was, that the House should now adopt a rule, of which he had given previous notice, similar to that which was in force with reference to the Committee on Enrolled Bills, and one other committee, at least—that it should be in order for the Committee on Printing to report at any time. It would not interfere with the business of the House, and would, as he had before said, save a large amount of money, which would otherwise be paid for additional composition when the matter had already been taken down.

The question on the passage of the resolution reported by the Committee on Printing was put, and the resolution was agreed to.

The question was then put on the motion of Mr. HENLEY, and it was agreed to.

Mr. PALFREY asked leave to offer the following resolution; which was objected to:

Resolved, (as the sense of this House,) That the war now waging by the United States against the Republic of Mexico ought forthwith to cease.

Resolved, (as the sense of this House,) That such an amount of money, and no more, ought to be placed at the disposal of the Executive government, for the land and naval forces of this Republic now within the territory and on the coasts of Mexico, as will be a sufficient and liberal provision for the return of said forces to the United States.

THE LOAN BILL.

On motion of Mr. STEPHENS, the House resolved itself into Committee of the Whole on the state of the Union (Mr. BOTTS, of Virginia, in the chair) on the bill to authorize a loan not to exceed the sum of $18,500,000.

The question pending when the committee rose yesterday was on agreeing to the amendment moved by Mr. HALL, of New York, viz: to amend the 1st section by adding, between the words "so borrowed shall" and the words "be applied," &c., the words "on being first duly appropriated therefor."

The amendment was agreed to.

The question was then put on the second amendment of Mr. HALL, viz: strike out the words "which stock," near the end of the 1st section, and insert, in lieu thereof, the words "and the stock issued on such loan." Agreed to.

Mr. KING, of Massachusetts, moved to add at the end of the 1st section, the following: "And no certificate of stock shall be issued under this act until the President shall have nominated and the Senate confirmed three commissioners, fully authorized to negotiate a treaty of peace with the Mexican Government, on principles of reciprocal justice to both countries."

Mr. KING remarked, that he was desirous of drawing the attention of the House to the amendment which he had proposed. It simply provided that the President should, with the advice of the Senate, appoint three commissioners to treat with Mexico on terms of reciprocal justice. When the war commenced, nearly two years ago, we were told that this war was to bring upon us a peace in three months. Now, at the end of more than twenty months, we were as far from peace, apparently, as we were then. He wanted the country to make some demonstration that it is in earnest upon this subject—that we are determined to have a peace on some fair and honorable terms.

We were told, some two years ago, that "the heart of this great nation must be prepared for war;" and the heart of this great nation had been prepared for war. The Executive did not dare to wage a war with our equal, Great Britain, but commenced a war with poor, feeble Mexico. The heart of this great nation must be prepared for war! It appeared to him that the burning thirst of this great nation, by this time, must be slaked with the blood which had been shed in this war. From the official reports, we were informed that more than twenty thousand Mexicans had either been killed or wounded in the prosecution of this war, and nearly seven thousand Americans.

Surely this should be enough. But if this was not enough of blood to slake the burning thirst of this great people, let us add to it the tears of the scores of thousands of widows and orphans, and friends of those who had perished, miserably perished, in this most miserable war. And if it was necessary also to take into the account, to satisfy this horrid god of war, the treasure which had been expended, he supposed three hundred millions of dollars would not be an over-estimate, if

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we included that expended by the Mexicans as well as the Americans. In the name of humanity, he asked if all this was not sufficient to satisfy this burning heart of the nation, which had thus been "prepared for war" by the present Administration?

His amendment proposed the appointment of three commissioners to treat with Mexico and give assurance of our desire to settle this difficulty on terms of justice and magnanimity. We surely had three men in this country who might be designated by the President, to be approved by the Senate——

Mr. K. was here arrested by the fall of the hammer, announcing the expiration of the five minutes which are allowed by the rules for explaining an amendment.

Mr. HARALSON raised the point that the amendment was out of order, on the ground of irrelevancy.

The CHAIRMAN overruled the point of order.

Mr. KAUFMAN asked for tellers on the adoption of the amendment, which were not ordered.

The question being taken, the amendment was rejected without a division.

The second section was read.

Mr. SAWYER moved to amend it by inserting after the words "certificates of stock," where they first occur, the following: "No one of which shall be of a less amount than one hundred dollars." Rejected.

Mr. SAWYER then moved to amend by striking out the following:

And provided, also, That whenever required so to do, the Secretary of the Treasury shall cause to be attached to any certificate or certificates to be issued under this act coupons of interest; and any certificate having such coupons of interest attached to it may be transferable by delivery of the certificate, instead of being assignable on the books of the treasury.

Mr. SAWYER wished to state some reasons for striking out this proviso. In the first section of the bill these stocks were made transferable on the books of the department; in this proviso they were made transferable, at the option of the holder, by delivery, not by assignment. He had moved to add, that no certificates of stock less than $100 should be issued; but that amendment had been rejected. He now moved to strike out this proviso; if it was retained, if the present form of the bill was preserved, the Secretary of the Treasury might issue one dollar bills. There was nothing to prevent it, and they were transferable by delivery. By that means they could make, under this bill, as good a United States bank as ever was. They might issue every certificate of this stock in one dollar bills. There was no limit to the number of them. He proposed to strike out the proviso, so as to make the certificates transferable only on the books of the treasury.

The gentleman from Kentucky [Mr. MOREHEAD] yesterday observed in his remarks that this bill, reported by the majority of the committee, was the bill recommended by Mr. Walker, Secretary of the Treasury, with a slight exception, which was, that it did not provide for the issue of treasury notes. That exception made the whole difference. The treasury notes provided for in the substitute, reported by the minority of the committee, were not to be of denominations less than $50. But, by the bill, all these certificates could be one dollar certificates, and they were tranferable by delivery.

But gentlemen might say, while we have the present President and Secretary of the Treasury, there will be no danger of having these small issues. Well, that might be so; but we had no guarantee that hereafter, when another Administration came into power, we might not have them, and the country flooded, under authority of this majority bill, with Government one-dollar bills. Gentlemen on the other side of this House had now the opportunity, and he called upon them to come out and declare to the people of this country that they did not desire by the measure to make a Government bank, as they had charged that those with whom he acted would make by the issue of these treasury notes. These were his objections to the bill, and he called on gentlemen to meet the question.

Mr. VINTON, for the purpose of obtaining the opportunity to say a few words in explanation, moved to accept the motion to strike out the proviso. The reason for the provisoes to which his colleague [Mr. SAWYER] took exception was this: This bill proposed that certificates of stock shall be transferred on the books of the Register. This was the ordinary mode. But it was supposed, that if any part of it should go into the hands of foreigners, they would desire coupons. The stock authorized by the act of 1842 was tranferable on the books of the Register, but subsequently a provision was inserted like that which this bill contained, because foreigners who take stock are accustomed to and therefore prefer coupons. The two provisoes of this bill amount to this: that the holder of stock who desired the evidence of his ownership to be on the books of the Register might have it so, and those who desired the other mode might have it. He knew not any law in which there had been a limitation of the amount of the stock to be issued. He was not apprehensive that the Secretary of the Treasury would enter upon the plan of issuing dollar certificates, as his colleague appeared to apprehend. If his colleague [Mr. SAWYER] thought the Secretary would do so, he (Mr. V.) had no objection to the restriction. He then withdrew his motion, having only made it to give himself an opportunity to make these observations.

Mr. SAWYER replied, if the gentleman from Ohio was not afraid that the Secretary would do it, still there could be no impropriety in the amendment, which would put it out of the power of the Secretary to do it.

Mr. VINTON said he had already told the gentleman he had no objection to the amendment, though all the laws heretofore passed have no such restriction. He had, however, he repeated, no objection to this bill undergoing the modification suggested by his colleague.

Mr. McKAY hoped his friend from Ohio [Mr. SAWYER] would withdraw his proposition; for as the bill now stood, facilities would be afforded by it for the negotiation of the loan. He would, however, be willing to limit the issuing of stock to sums not less than $50. He might be willing to go to $100, but he should not be willing to make any provision that would prevent people of moderate means lending to their Government their $50 or $100. Many had small sums who could not lend large amounts, and he was desirous to give them the opportunity to invest those small means on the security of the Government.

Mr. SAWYER complied with the request of the gentleman from North Carolina, and withdrew his amendment.

Mr. McKAY then submitted another proviso, "that no certificate of stock shall be issued for less amounts than $50." This amendment was agreed to.

Mr. WM. T. LAWRENCE proposed to add, after the word "certificates," the words "of not less than $500 each."

Mr. McLANE said this amendment was inconsistent with the preceding one, adopted on the motion of the gentleman from North Carolina, [Mr. McKAY.] He, therefore, moved to strike out "$500" and insert "$50." He was desirous to obviate all prohibitions of deposits by small capitalists.

After some conversation thereon, Mr. McLANE withdrew his amendment.

The question was then taken on the amendment of the gentleman from New York, [Mr. LAWRENCE,] and it was rejected.

Mr. GREGORY moved to add, after the word "par," the words "in the city of New York, or be hypothecated for any loan of money thereon." Rejected.

Mr. MEADE moved to strike out the first proviso, in these words: "*Provided*, That no part of said stock be sold below par." He presumed it was not intended by the House to leave the Government without money, in case its stock should be a quarter or a half cent below par. The Government must have money to meet the expenses which it has incurred, whether its stock was above or below par, and he supposed money, like everything else, had a market value.

The amendment was rejected.

Mr. GENTRY moved to insert after the word "par," the words "until the same shall have been advertised a reasonable time, and proposals for subscription to said loan invited; and the said Secretary, if he deem it for the interest of the United States so to do, is hereby authorized to accept such proposals as shall offer the highest price for said stock, or any part thereof."

Mr. G. said the bill under consideration proposed to authorize the Government to obtain a loan to the amount of sixteen millions of dollars, and to authorize the Secretary of the Treasury to issue Government stock at six per cent., but he was not allowed to sell it below par. He (Mr. G.) proposed to remove this restriction. This money was needed to meet the liabilities already incurred, and to pay for contracts already made; and, though they learned from the papers of the day that Government six per cent. stock was selling at par, it was a well-known fact that nothing was so fluctuating as the market value of stocks. To-day it might be at par; to-morrow at a premium; and the next day below par. No man could foresee for six days what the market value would be; no man could say what the Government stock would sell at six, eight, or ten days hence; nor could any man say when the drafts drawn on the Government in Mexico would be sent in. But the Government must have the means to meet them, come when they might, and also its other liabilities. He held it to be the duty of this Congress, in authorizing a loan, to put it in such a shape as would enable the Government to meet its liabilities in all events that might occur. That it was the duty of this Government to maintain its credit would be controverted by none; but, under the existing circumstances in which the Government was now placed, it seemed to him that every consideration of patriotism and sound policy required the Congress of the United States to guard against the possible occurrence of this nation presenting before the nations of the earth the spectacle of being a borrower, and yet unable to borrow in the market. He hoped the opinion which had been expressed, that this six per cent. stock could be negotiated would be realized. The adoption of his amendment would in no degree change that state of things. He knew it would be objected to his amendment, that if it were adopted, capitalists might combine and compel the Government to sell its stock below par; but he could not think that such a combination need be apprehended. This was a very broad Union; nay, the Secretary was not even restricted to this Union; he could send agents abroad, if he pleased. Such a combination, then, he could not think any capitalists here would attempt, and, if they did, he saw nothing to fear from it.

The Chairman's hammer announced the expiration of the gentleman's five minutes.

Mr. FICKLIN moved to strike out all that portion of the amendment which provided for advertising, with a view to make a few remarks in reply to the gentleman from Tennessee. He would say to that gentleman, that the experiment had been tried which he desired again to hazard, and the result was, that the stocks of the Government directly after went down in a most ruinous manner—even as low as thirty per cent. on stock, and fifty per cent. on treasury notes. This, he was understood to say, was during the war of 1814; since which time there has been no authority to sell six per cent. stock for less than par. Disaster had attended a subsequent similar experiment, and such would be the result now, and the credit of the Government would be seriously affected. Rather than adopt the amendment of the gentleman from Tennessee, he would make the stock a seven, eight, or even ten per cent. stock. That was all he had to say, and he now withdrew his amendment.

The question was then taken on Mr. GENTRY's amendment, and it was rejected.

The third section was read.

Mr. GRINNELL offered the following substitute for it:

"*And be it further enacted*, That the Secretary of the Treasury be, and he is herchy, authorized to receive proposals for the taking of such loan, or any part or parts thereof; and that before disposing of the said stock, issued for such loan, the Secretary of the Treasury shall cause to be inserted in two public newspapers printed in the city of Washington, and two public newspapers printed in the principal city or capital of each State, an advertisement stating that bids and proposals for such loan will be received until a certain day, to be specified in such advertisement, not more than sixty days or less than twenty days from the time of the first insertion of said advertisement in the two newspapers in the city of Washington, and stating the amount of the loan required and in what instalments, and when and where it will be required to be paid; and the said Secretary may pay such expenses as may be necessarily incurred in printing and issuing certificates of stock, and other expenses incident to the execution of this act, which shall not in all exceed the sum of $16,000, which sum of $16,000 is hereby appropriated for these purposes, and shall be paid out of any money in the treasury not otherwise appropriated: *Provided*, That no compensation shall be allowed to any officer whose salary is fixed by law for any service performed by him in the execution of this act."

Mr. G. said that the great object of the amendment he had offered was to provide for a full and fair competition for the loans wanted. This can only be done by public notice in the newspapers of the *amount*, *times*, and *places* of payment, and the amount of each instalment to be paid. The money, of course, will not be all wanted at one time. It is of great importance to the bidder for the loan to know precisely when he will be required to pay it. Great dissatisfaction was felt when the last loan was made, under the act of 1847, on this account. The advertisement stated that "the department reserves the right of fixing the periods when the money must be paid." Many were deterred from bidding, because there was no certainty when they would be called on to pay. They must either keep their money on hand, losing the interest, or run the risk of being called on and not ready to pay. The want of this knowledge also gave rise to suspicion that persons residing here had an advantage over those at a distance, by intimations more or less definite as to the periods when payments would be required. Another advantage to the country in advertising would be the knowledge beforehand of how much per month would be required for the purposes of the Government. This would be a great relief to mercantile people.

Mr. G. added that he had made this motion with the knowledge and approbation of a majority of the Committee of Ways and Means.

Mr. VINTON observed that this section of the bill had been copied *verbatim* from the law of 1832; but he was satisfied the amendment proposed by his friend from Massachusetts was better.

Mr. GRINNELL said that it had been suggested to him that in some of the cities indicated there might not be two papers published. He would, therefore, modify the amendment so as to say "one or more," instead of "two."

Mr. McKAY expressed his hope that the gentleman from Massachusetts would not strike out the whole of the section, but would suffer that portion of it to stand which conferred on the Secretary of the Treasury power to employ an agent to obtain money on the loan. This power had always been given and always used in the case of former loans.

Mr. GRINNELL said it was his intention to leave that, and he thought it was in the substitute.

The substitute having been read—

Mr. McKAY observed that it contained no such power. He did not believe that this bill was the most eligible form in which the desired loan could be effected; but he wished to make it as effective as possible, and he had no desire to see the bill defeated. If this ordinary power of employing an agent by the department to assist in negotiating the loan should be denied, what must be the effect? The loan would be known or heard of only in the public papers, and the Government might have to wait much longer before the loan was taken up. Mr. McK. had no doubt that at this very moment it might be taken in New York at par; but still it was proper and necessary that there should be an agent of the Treasury Department employed to facilitate the operation. Money was scattered abroad through the country; and such an individual might succeed in getting $50,000 in one place and $100,000 in another, and so the loan would be sooner taken up. In all the previous loans effected by the Government, such an agent had always been employed.

Mr. GRINNELL said he had no wish to strike out the power to employ a person of this description; but he supposed his employment would be covered by the words "other expenses" in the amendment. However, he would modify his amendment by inserting, in the 17th line, the words "the employment of agents;" and in relation to the papers to be employed for advertising, he would further modify that clause by adding the words "not exceeding two."

The amendment, thus modified, was agreed to.

Mr. McCLERNAND moved to amend the bill by inserting the following as a new section, to come in after the third section:

And be it further enacted, That all of the public lands which shall have been in market twenty or more years at the time of applying to enter the same under this section shall be subject to sale at one dollar per acre; and all of the public lands which shall have been in market twenty five or more years, as aforesaid, shall be subject to sale at seventy-five cents per acre; and all of the public lands which shall have been in market thirty years, as aforesaid, shall be subject to sale at fifty cents per acre: *Provided*, That no one person shall be authorized to acquire more than one township, at the lowest rate of fifty cents per acre: *Provided, also*, That this section shall not be construed to impair any pre-emption right now authorized, or which may be authorized, by law: *And provided further*, That the moneys to be received under this section shall be applied as now directed by law.

The CHAIR decided this amendment to be out of order, as not germane to the bill.

Mr. GREGORY moved a new section, to come in after the third section, as follows:

And be it further enacted, That in case the emergencies of the country shall prevent the obtainment of the aforesaid sum of sixteen millions of dollars, or any part thereof, at the rate and on the terms provided in this act, it shall be lawful for the Secretary of the Treasury to obtain the same, or any part thereof, on the payment of interest at the rate of and not to exceed seven per centum per annum: *Provided*, That the loan obtained at seven per centum be reimbursable any time after five years after the first day of July next after the passage of this act.

The amendment was rejected.

The fourth section was read.

Mr. COLLAMER moved to amend it as follows:

That the moneys arising from duties on goods, wares, and merchandise which may be imported into the United States, or so much thereof as shall be equal to the payment of the interest, be and the same are hereby pledged and appropriated to the payment of said interest; and the faith of the United States is hereby pledged for the payment of said debt, and the payment of the same, when ultimately due, is hereby directed out of any money then in the treasury not otherwise appropriated.

Mr. COLLAMER said it was understood on all sides of the House that the object of this bill was, to enable the Secretary of the Treasury to borrow sixteen millions of dollars in addition to the revenue. *In addition* to the revenue. But this section, as it stood, declared that the whole revenue was pledged, first, for the payment of the interest, and then the principal of the loan; and also directed that the Secretary must *first* apply the revenue received to the principal. This would not be due for twenty years to come; yet the Secretary would be compelled to apply the very first moneys received into the treasury to create a sinking fund to reimburse the principal of the debt. He must do this before he did anything else with the public money. So that this loan, instead of being in aid of the revenue only, anticipated the revenue to be received, and forced the Secretary to sequester all the money that came in till the debt was provided for. Mr. C. thought the introduction of a provision of this kind went to defeat the great purpose of the bill, which was to get sixteen millions of money *in addition* to the revenue. This would not get the money in addition to the revenue at all; it only pledged the revenue as fast as received, and sequestered it from all other uses.

Mr. PALFREY moved to strike out the fourth section.

Mr. PALFREY said, that should that amendment prevail, and the bill be reported to the House, he should then move in the House to strike out the word "twenty," in the first section, and insert the word "five," so as to make the loan reimbursable at the end of five years; and then he should further move to instruct the Committee of Ways and Means to report a bill laying a direct tax for a sufficient sum to constitute a sinking fund for the reimbursement of the principal and interest of the loan.

He would, if possible, within the five minutes allowed him by the rule, briefly state his reasons for this course.

First, he believed it would be a sure way to bring about a speedy peace. Fighting seemed to many people a very agreeable thing, as long as they were not made to feel how expensive a luxury it was. But he believed there was many a constituency in this country, now very greedy for blood and glory, who would not receive more than one visit from the collector before they would be sending instructions to their Representatives here to put a stop to the war without delay.

Again: a direct tax always was the proper war tax. If you would not take that, you must look either to contracting a debt for posterity to pay—a course equally dishonest and dangerous—or else to obtaining a sufficient revenue from duties on imports, a thing practically impossible. We have no right to burden posterity with the payment of the expenses of this war. We have the glory, such as it is, and it is but fair that we should pay the bill. And the example of England ought to warn us of the danger of laying the charges of our wars on future times. As to getting a sinking fund for the proposed loan from the ordinary revenues of the country, every one must see it was out of the question. It was mere trifling to speak of such a thing. He put it to his friend, the chairman of the Committee of Ways and Means, whether he believed it possible, by any adjustment of a tariff system, to obtain a revenue of more than thirty-five millions of dollars from imposts? And that sum would do no more, or scarcely more, than meet the ordinary expenses of the Government on a peace establishment, leaving little or nothing to go to the payment of the six millions of dollars of interest on the public debt, to say nothing of the principal. It was true that the amount of importations, and the amount of revenue obtained from them, would increase with the growth of the country; but there was not the slightest reason to suppose that they would increase in a greater ratio than the public expenses, or that the receipts from the custom-house could be relied upon to do more than meet the current charges of the Government, under any tariff system that could be devised.

The chairman, in allusion to that article of the Constitution which provides that direct taxes shall be apportioned among the States according to their population, had said that such a tax would fall heavily on Ohio, Indiana, and other States, whose wealth was not in proportion to their numbers. That argument might do very well for the chairman and his constituents, but it worked the other way for him (Mr. P.) and his. The people of Massachusetts were large consumers of foreign articles, and accordingly paid a large amount of indirect taxes into the treasury; while, from their comparatively small numbers, their assessment of a direct tax would not be burdensome. They were friends to a protective system, believing it to be a wise and beneficial feature of national policy. But, he repeated, no system of duties could be made to yield more than would be wanted from year to year, after the restoration of peace. Massachusetts was always ready to pay her full proportion of the public dues. She contributed cheerfully and freely to every charge that went to promote the prosperity and honor of the country. But as to this war, she would like that those who approved and enjoyed it more than she did should pay more largely for their satisfaction. She would like to contribute as small a share as possible to what she regarded with loathing and abhorrence—what, in a solemn legislative resolve, a few months ago, she had designated as "a war of conquest, 'hateful in its objects, wanton, unjust, and uncon-'stitutional in its origin and character—a war 'against freedom, against humanity, against jus-'tice, against the Union, against the Constitution, 'and against the free States." [Laughter from the war side of the House.]

Mr. COLLAMER's amendment was rejected.

Mr. PALFREY's amendment was rejected.

Mr. ROCKWELL, of Connecticut, moved to strike out the fourth section, and insert—

That the faith of the United States is hereby pledged to provide and establish sufficient to pay, in addition to the ordinary expenses of the Government, the interest on the stock issued under the authority of this act, in such annual appropriation, as a sinking fund, as will reimburse the entire loan at or before its maturity.

Mr. R. said he concurred in the opinion expressed, that the clause in the fourth section should be stricken out in accordance with the proposed amendment. The pledge of the revenues from the customs, in the first instance, to the payment of the principal of this loan, was either unmeaning and deceptive, or it defeated entirely the objects of the loan bill. If it meant anything, and was to

have any operation whatever, by way of security to the holder of the stock, it must be construed to provide for the setting apart the receipts from customs as they were received, as a sinking fund, to reimburse the whole loan, before anything was applied to any other purpose except the principal and interest of the loan.

But Mr. R. thought that it was very proper to pledge the faith of the Government, not only to pay the interest of the loan, but to make provision by law annually to appropriate a sum sufficient not only to pay the interest, but such a sum as a sinking fund as would reimburse the whole loan at its maturity. It was most improvident legislation to grant large loans and make no provision for their reimbursement. The expenses of the two years ending next July, by the report of the Secretary of the Treasury, would exceed the income from the customs, public lands, and all miscellaneous sources, by at least fifty-five millions of dollars, and, after deducting the balance on hand at the commencement of these two years, the excess would be at least forty-six millions, for which no provision was made except by borrowing. It was clearly the duty of Congress, at its present session, to make some provision by an increase of duties for this large deficit. The only provision recommended by the Secretary of the Treasury was a duty on tea and coffee, and the wise scheme of *reducing* the price of the public lands. The only friend of the Administration who may be said to have discussed this bill at all, was one of the Committee of Ways and Means, who had tacitly abandoned this last source of revenue, and avowed his preference for a direct tax as the best mode of increasing the revenues of the country. The tax on tea and coffee was defeated on a direct vote in the House of Representatives last year, when the friends of the Administration had a majority of seventy in this House, and no one supposes that either that proposition or one to impose a direct tax can prevail. The amount proposed to be raised by a tea and coffee tax was comparatively trifling.

The clear duty of Congress, in his view, was to adopt such a modification of existing revenue laws as would increase the receipts into the treasury annually at least ten millions of dollars. Such a measure could not appropriately be embraced in this bill, but he hoped would be seriously acted on by Congress during its present session.

He should vote for this bill, because the money proposed to be raised by it was needed to pay the existing debts of the nation, for the payment of which no one denied the liability, and he was against all repudiation, either by the States or the General Government.

The amendment was rejected.

Mr. STRONG moved to amend the fourth section by striking out all after the enacting words, and inserting—

That the faith of the United States is hereby pledged to provide and establish sufficient revenues for the regular payment of the interest and for the redemption of said stock.

Mr. STRONG explained and enforced his amendment. He objected to the whole principle of pledging in a special manner any particular portion of the revenues of the country to the payment of this debt. If we obtained this money we obtained it on the faith of the Government, and if the customs were specially pledged it would be after all but giving the faith of the Government. The public creditor had no more to rely upon in the one case than in the other; in all cases they must rely on the faith, on the credit of the Government.

Any additional pledge was, therefore, wholly unnecessary; and it was, moreover, unusual. In looking back to the loans made by the Government during the last war he did not find any specific pledge; the only pledge was the general one, that the United States would raise a sufficient amount of revenue for the payment of the public debt, whatever it might be.

But we had already pledged the proceeds of the public lands by the loan bill of the last session. They were now entirely beyond our control. If we now proceeded to pledge the proceeds of the customs for the payment of this interest, what would we have to pledge when we came again to authorize another loan? Nothing but what was already mortgaged. There was no precedent, no reason whatever why the creditor of the Government should call upon it for any specific pledge, and he did not believe there was any such call.

The amendment was agreed to.

Mr. ROCKWELL moved the following as a new section, to come in after the fourth section:

That there be annually appropriated, as a sinking fund, such sum from the resources as will reimburse the entire loan at its maturity.

The amendment was rejected.

The 5th section being under consideration, in the following words:

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to purchase, at any time before the period herein limited for the redemption of the stock hereby created, such portion thereof at the market price, not below par, as the funds of the Government may admit of, after meeting all the demands on the treasury; and any surplus that hereafter may be in the treasury is hereby appropriated to that object.

Mr. EVANS, of Maryland, moved an amendment, to strike out the words "not below par."

Mr. E. said a few words in support of his amendment, but was not heard so as to be reported.

The question being taken, the amendment was rejected.

Mr. POLLOCK moved to amend so as to make it read "at par." He argued that it was proper that the stock should be redeemed at par; not above par, or below par. The Government, in purchasing the stock, should pay no more or no less than the face of it. If our stocks were at par, and could be purchased, let the Government redeem them when the means in the treasury would admit; if it could not be done at par, it was better to pay the interest, and the Government should not attempt to buy up its own stock at less than par. Equal and exact justice should characterize all its transactions, as those of every good citizen.

The question being taken, the amendment was rejected.

Mr. BROWN, of Pennsylvania, moved to strike out the word "below," and insert "above," so as to make it read "not above par."

He thought the House would certainly not insist upon the provisions of the section as it now stood. If the Government had the means in its treasury to redeem this stock, and it was selling in the market below par, he argued that it should be at liberty to go out on an equal footing with individual purchasers, and buy at the market price. If the stocks of the Government were selling in open market at 80 or 90 per cent., and the Government were required to purchase at par, it would allow the Government to choose its favorites, whose stock it saw fit to take, and would be doing injustice to all others. He trusted the Government would be allowed to buy its stocks on the best terms it could, not above par.

The amendment was rejected.

The 6th and last section was read and agreed to without amendment or modification.

The bill having been gone through—

Mr. McKAY moved a substitute therefor, of thirteen printed pages. The proceedings will explain its leading provisions.

Mr. McKAY observed that there was a section in his substitute proposing a tax on tea and coffee, which, under the decision of the Chair yesterday, he did not know whether it would be considered in order. These loan bills, however, had always been considered purely revenue bills. It had been decided over and over again that the Senate could not originate a loan bill; that it was in the nature of a tax bill; and therefore he took it, if this proposition were true, (and the uniform practice of the House had been in conformity with it,) that the decision announced by the Chairman on yesterday, when his friend from Maryland [Mr. McLANE] offered an amendment proposing a tax on tea and coffee, was erroneous, and that it was clearly not out of order.

The CHAIRMAN was understood to say, that the decision by which he ruled the amendment of the gentleman from Maryland out of order, would by no means involve the decision that this section was out of order—it being one section of an entire bill which was offered as a substitute for the bill of the committee.

Mr. McKAY was very happy to hear that such was the decision of the Chair, and he would accordingly offer the substitute of which he had given notice, and which had been printed and laid on their tables.

Of course it would not be expected, that in the five minutes which were allowed him he should attempt to go into an explanation of the various provisions of the substitute which he offered. He had expected to address the House during the debate, but the state of his health had been such as to prevent him; and now, if the previous question was not moved and seconded in the House, he should take occasion, before the bill was passed, to give his views; otherwise he should do it when the deficiency bill came up. He should endeavor to show that there was great deception on the other side of the House in respect to the condition of the finances.

This substitute was simply a copy of the bill passed at the last session authorizing the issue of treasury notes and a loan, with some amendments.

One of these was the provision, that, when required, coupons might be attached to the certificates of stock, and they then be made transferable by delivery instead of upon the books of the Treasury alone.

Another variation from the bill of last session—and a very important one—consisted in the proviso to the first section, that the amount of treasury notes outstanding at any one time under this and all preceding acts of Congress should not exceed twenty millions of dollars. He had put in this proviso at the suggestion of gentlemen on the other side, who gave him some assurances; but he did not expect to see them act up to them. He meant, they were not bound at all by intimations which they gave out of the House. He knew they were pretty much machines here—going along in masses. He often did it himself—he acknowledged the fact.

Passing by other considerations, he would state the reason why he considered treasury notes preferable to a loan. It was that these treasury notes formed a sort of temporary floating debt, which, in case peace should be shortly concluded, the Government would be enabled to pay off——

Mr. McKAY was here arrested midway in a sentence, amid roars of laughter, by the fall of the Chairman's hammer.

Mr. STEWART, of Pennsylvania, moved to strike out the first section of the substitute, which is as follows:

"That the President of the United States is hereby authorized to cause treasury notes, for such sum or sums as the exigencies of the Government may require, but not exceeding in the whole amount of notes issued the sum of fifteen millions of dollars, and of denominations not less than fifty dollars for any one note, to be prepared, signed, and issued in the manner hereinafter provided: *Provided*, That the amount of treasury notes outstanding at any one time, that may be issued under this and all preceding acts of Congress, shall not exceed twenty millions of dollars."

Mr. S. denounced the proposition as an attempt, in connection with the sub-treasury, to establish a vast Government bank—a non-specie-paying bank, issuing millions upon millions of paper, without a dollar of specie to redeem it. Treasury notes are now below par: increase their amount to the extent now proposed, and they will sink greatly below par; and of course every dollar of revenue will then be paid in treasury notes, which the treasury was bound to receive at par. Having nothing but treasury notes, they could pay nothing else: when the old pensioner or his widow, when the soldier or his heirs, call for their pay, they must take treasury notes or nothing—that, or starve. They *would* be taken, and carried over the street to Messrs. Corcoran & Riggs, (Mr. Walker's favorite bankers,) and sold at, perhaps, ten or fifteen per cent. discount, and then Messrs. Corcoran & Riggs would walk over to the treasury and fund them at six per cent., payable half-yearly. This was a scheme to enrich bankers and money-shavers, at the expense of the poor and honest people of the country. They must have the money; they cannot do without it; they must submit to the sacrifice. He was opposed to this whole paper-money system—a system to make "the rich richer, and the poor poorer;" a system to enrich bankers, brokers, and misers, at the expense of honest men. He would go for no such a swindling system as this. These treasury notes must depreciate; they could not be redeemed; they would be no better than the paper of a suspended bank.

Look, sir, at the fact: your expenditures exceeding your entire revenue more than forty millions a year; requiring ten dollars a head for every taxpayer in the United States per annum, together with all our present revenues, to pay the expenses of this war. The taxables of the United States are estimated at four millions—being one-fifth of our population. Could they bear this increased burden of ten dollars a head? To borrow was but to postpone, and aggravate the evil day when it

came. In this state of things, what is proposed by this Administration and its friends here? To put a miserable duty on tea and coffee. Yes; take it off wine, as was yesterday proposed by his colleague, [Mr. C. J. INGERSOLL,] and put it on tea and coffee! take the duty off *his own* wine, and put it on the old lady's tea and the poor man's coffee! But this would amount to nothing; it was "a drop in the bucket." But, sir, we have a plan on this side of the House that will be alike effective and beneficial. We can give you a tariff on the basis of the act of 1842 that will afford adequate protection to the national industry, and give you ten or twelve millions a year more revenue than you now receive.

But the gentleman from New York [Mr. NICOLL] boasted that our imports were doubled recently, while our exports had fallen off one-half. And must not ruin inevitably follow such a state of things? Might not a man, who was buying and consuming every day double as much as he sold, as well boast of his prosperity? Ruin was just as certain to the nation as it would be to the individual guilty of such folly and extravagance. These enormous importations were not only carrying away our specie and Government stocks by millions, but they were breaking down American establishments. Accounts of failures were reaching us daily, and to a vast extent. Yes, sir, and these failures are made the theme of exultation by the "Union," the official paper, the organ of this Administration, which rejoices at the ruin of the immense American manufacturing establishments—rejoices that they are broken down by the British—by British importations. Sir, I will give you the words of the editor of the "Union" in his paper of yesterday morning. In speaking of the failure of several large establishments, and among others of an immense iron establishment at Worcester, he says:

"It is perhaps fortunate for the great iron interest that the extravagance of some of them that have gone headlong into it has been so soon arrested by the iron suddenly thrown into this market from the revulsions in Great Britain."

Yes, sir, *fortunate* that American manufactures have been *arrested*, broke down by the British, by "British iron suddenly thrown into our markets." Such are the British sentiments of this American official—President Polk and Secretary Walker's organ. But this is not all. Alluding to these matters, the organ further says, "it is an ill wind that blows no good." It is a good wind that blows in British goods, blows up American manufactures, and blows back their ships filled with American specie and stocks. This is the wind for the British and this American organ; but it is a wind, a sirocco that brings death to American industry. But what next? He next says: "The salutary check which the iron-masters are receiving will be a good lesson to every prudent man." Yes, sir, "*a salutary check.*" Stop American manufactures, and turn them, men, women, and children, out without employment to starve, to support British labor and send our money to pay for British iron, made by British labor, out of British coal, ore, and agricultural produce consumed in its manufacture, while our own farmers are deprived of these great home markets for their produce. American labor turned out to beg, and American coal and ore left useless in our mountains. And this is "*a good lesson,*" says Mr. Polk's organ! Sir, the American people, when they read this, will give him and his partisans "a good lesson" and "a salutary check" at the polls, which they will not soon forget.

But this is not all. In conclusion: the "Union" says, "*free trade*" will give them a market for their goods in distant countries, and even in the face of the English Manchester itself; and will, in the end, give their great interest a much better protection than the stringent tariff of 1842.

Free trade a better protection than the tariff of 1842! What does this mean? The protection which the wolf, "in the well-known fable of Æsop," gave the lamb; and under "free trade," we are to export goods to England—to "Manchester"—to "distant countries." When? When by "free trade" American labor is brought down to the *level* of the labor "in those distant countries," and *below it*, and not before. You must work longer, and harder, and cheaper, and sell cheaper before you can send your goods to Manchester; and the "Union" and its supporters know it; and this is the condition to which they intend to bring the free people and prosperous labor of this country—12½ cents a day. This is the inevitable result of their system. And with "free trade" where is your revenue? It is gone—every dollar of it—and you must draw your whole revenue by direct taxation from labor reduced to 12½ cents a day. This is the result—the certain result of the "free-trade" policy of this Administration. There is no escape from it. What will the people of this country say to such a system? I refer the question to their decision.

Before the question was taken on Mr. STEWART's motion—

Mr. ROCKWELL, of Connecticut, moved to add, at the end of the first section, the words "including the amount authorized to be hypothecated, in pursuance of the provisions of this act and other acts of Congress."

Mr. R., in support of the amendment, said that the amount of treasury notes outstanding, and in the possession of the treasury, was within about half a million of the whole amount which, by the provisions of this substitute, the Secretary was authorized to keep out at any one time; except so far as the notes should be funded, the whole additional amount authorized to be issued of these treasury notes specified would be only that sum—of a half a million of dollars. It was conceded that this would be the result of the passing of the substitute. He was apprehensive that some evasion might be attempted of this provision in the substitute, or the Administration would soon find itself seriously embarrassed if this their favorite measure should prevail. The Secretary might, under the provisions of this substitute, obtain a loan on the hypothecation of the treasury notes, and the object of the amendment was to render the section clear, and to provide expressly what was indeed agreed to be the fair construction of the act, that the notes hypothecated should be deemed a part of the twenty millions allowed to be issued and outstanding of the notes authorized under this act and the preceding loan acts, and not in *addition* to that sum.

The amendment was rejected.

Mr. KING, of Massachusetts, moved to amend by adding the words, "but no treasury notes shall be issued under this act until the President shall have nominated and the Senate confirmed the nomination of commissioners to negotiate a peace with Mexico." Rejected.

The question then recurred on the motion of Mr. STEWART to strike out the first section, and it was rejected.

The second section was then read.

Mr. KING, of Georgia, moved to strike out that section. Lost.

Mr. GREGORY then moved to amend it by adding the words, "on all notes of the denomination of $100 and upwards, but no rate of interest shall be paid on any note of a lower denomination." Rejected.

The fourth section having been read—

Mr. J. R. INGERSOLL moved to add to the clause which authorizes the issue of a part of the treasury notes to such persons as choose to receive them "at par," the words "or at a rate below the market price."

He said these evidences of debt might be disposed of in a variety of ways. They might be given for money that might be borrowed, or they might be hypothecated or pledged under particular circumstances; and all this would give the Secretary of the Treasury a great power, and enable him to exercise favoritism. He might let them go at par, when in reality they were worth a great deal more. Treasury notes have, almost in all instances, risen above par. He thought his friend from Pennsylvania (supposed to be an allusion to Mr. STEWART) was mistaken when he supposed that at this moment they were not at par. However, the Secretary of the Treasury ought to be prohibited from selecting favored individuals to whom to issue them at better rates than they would be taken at by others. Whether, therefore, the substitute should be ultimately adopted or not, he desired the amendment to be now made, to guard against even the possibility of favoritism being allowed to be vested in a single individual by a treasury note bill.

The amendment was adopted.

Mr. GREGORY moved to strike out all the concluding part of the section. Lost.

The sections from the 5th to the 17th, inclusive, were respectively read, and no amendments offered.

The 18th section having been read—

Mr. GRINNELL submitted an amendment to strike out all relating to the receiving of proposals and appointing agents to negotiate the loan, and to insert the amendment which on his motion was attached to the bill reported by the chairman of the Committee of Ways and Means. It was adopted.

Section 19 was passed without amendment.

Section 20 having been read—

Mr. McKAY moved to amend it by striking out the words "principal of and;" so as to pledge the revenue arising from customs for the payment of the interest only, and not the principal. The amendment was agreed to.

Section 21 having been read—

Mr. COLLAMER moved to add at the end of the section a provision to repeal the tariff act of 1846, and revive the tariff act of 1842. He said, if they were to begin a system of new taxation, he preferred that they should have a system by which it was perfectly clear they could realize nine millions of dollars more on importations. He thought the exigencies of the Government would require this amount, at the same time that it would give some protection to our own industry, and save the Government from the necessity of making any loans whatever.

Mr. McCLERNAND inquired if the effect of this amendment would not be to revive the tariff act of 1842.

[Loud cries of "Yes."]

Mr. McLANE inquired if the 21st section of the substitute to which this amendment was offered was itself in order. The Chair had heretofore decided that amendments which proposed taxation were not in order as amendments to a bill which proposed to raise a loan; yet such was the character of this section.

A long conversation ensued on this point.

The CHAIR decided that the section was part of an entire substitute, which the gentleman from North Carolina, [Mr. McKAY,] a member of the Committee of Ways and Means, had reported on behalf of the minority of that committee. It was referred by the House to the Committee of the Whole on the state of the Union, was read and acted upon by the committee, and hence the objection came too late.

Several appeals were taken from the decision of the Chair; but, after much desultory discussion, they were withdrawn, and the decision of the Chair acquiesced in.

Tellers were then called for on Mr. COLLAMER's amendment, and Messrs. BOYD and POLLOCK were appointed; and they reported 84 in the affirmative and 95 in the negative; so the amendment was rejected.

Mr. WENTWORTH moved the addition of a proviso to the 21st section, in the following words.

And be it further provided, In order to still further increase the revenue, that all lands belonging to the United States which have been in market and subject to entry for ten years, and not more than fifteen years, may be entered at one dollar per acre; all lands belonging to the United States, which have been in market and subject to entry for fifteen years, and not more than twenty-five years, may be entered at seventy five cents per acre; and all such lands which have been in market and subject to entry for more than twenty-five years, may be entered at fifty cents per acre; and all such lands which have been in market and subject to entry for more than thirty years, may be entered at twenty-five cents per acre; and all such lands which have been in market and subject to entry for more than thirty-five years shall be granted to the States in which they lie.

The CHAIR ruled the amendment out of order on the ground of irrelevancy.

Mr. WENTWORTH inquired if the statement of the object for which the reductions were proposed to be made did not make it relevant.

The CHAIR replied in the negative, inasmuch as a preamble was not part of a bill.

Mr. WENTWORTH then moved to strike out the words from Mr. McKAY's substitute which proposed to limit taxation on tea and coffee to two years after the exchange of the ratification of a treaty of peace. He said he viewed the taxation of tea and coffee and the war both as great evils, and he wished to get rid of both at the same time.

The amendment was not agreed to.

Mr. McCLELLAND moved to strike out "two years," and insert "one year." Lost.

Mr. THOMPSON, of Pennsylvania, moved to strike out all this 21st section, levying a tax on tea and coffee, and insert the following:

In addition to the duties now levied and collected on the following articles, there shall be levied and collected on silks and the manufactures of silk, on all kinds of linen and the manufactures of linen, on iron and the manufactures of iron, and steel and manufactures thereof, and glass; ten per cent.; and on the free lists under existing laws, a duty of fifteen per cent., excepting on gold and silver, on goods, wares, and merchandise, the growth, produce, or manufacture of the United States, exported from the same, and brought back again, as provided for in schedule I of the act of July 30, 1846; also, statuary and paintings, wearing apparel actually in use, and other personal effects not merchandise, professional books, implements, instruments, and tools of trade, occupation, or employment of persons arriving in the United States; which said duties shall be and remain collectable for and during the continuance of the war with Mexico, and for one year thereafter, and no longer.

The amendment was rejected.

Mr. WENTWORTH moved to add at the end of the section the words "and the duty on salt shall cease from and after the passage of this act." Lost.

Mr. COBB, of Alabama, rose and said he was about to do that which he feared would, in all probability, bring him in contact with the opinions of many of those with whom he usually agreed. He moved to strike out from the third line the words "coffee and," and the provisoes to the section. He supposed he should bring down on his head a portion of the community, but he was responsible only to his constituents, and he should endeavor to carry out his pledges on this occasion, and on all others. Having pledged himself to his constituents that he would vote against any bill brought into this House to tax coffee, he trusted that would be a sufficient apology for his motion to strike out such portions of the section as proposed to do that which he was pledged to oppose.

The motion was not agreed to.

Mr. GREGORY moved to add: "And in order to increase the revenue, that the revenue duties levied by virtue of the act of July, 1846, be increased one-sixth on each and every item on the amount now assessed, to commence on the 1st day of July next, and to be continued during the existence of the war debt, which increased duty is hereby pledged for the payment of the interest on the loan hereby created, and to provide for the redemption of the principal." Rejected.

Mr. KING, of Massachusetts, moved to amend by striking out the words "after the passage of this act," and insert "from and after the 1st day of May next." Rejected.

Mr. WENTWORTH moved an amendment, to add at the end of section 21 the following:

And be it further enacted, That from and after the passage of this act, there shall be collected by the marshals in the several districts of the United States, under such regulations as shall be prescribed by the Secretary of the Treasury, an annual tax of 20 per cent. *ad valorem* on all gold and silver ware exceeding in value fifty dollars; and in all cases where the marshals shall not themselves collect this duty, they are hereby authorized to employ the assessor, collector, sheriff, or coroner, in each of the same counties or parishes of the several States, to aid them in collecting said tax; and a compensation of one per cent. shall be allowed on the amount of tax collected and paid over under the provisions of this act.

Mr. W. said he should quote no authority in support of the amendment he had offered, because it was one which his own mind approved. But he knew there were gentlemen who looked, in forming their course, to the opinions of others. To such he would say that this amendment was but a transcript of one offered by the present Secretary of the Treasury when a Senator, whilst the tariff of 1842 was pending. In his speech made in the Senate at that session, he demonstrated that an amount of five or ten millions might be raised from that source alone. [A voice: "Yes; from twenty to thirty millions."] Now, if gentlemen thought the Secretary correct, he hoped they would not reject this amendment to the bill.

The amendment was rejected.

Mr. HAMMONS moved to strike out the entire section under consideration—viz: the 21st. Rejected.

Mr. GRINNELL moved to strike out the 22d section of the substitute. Rejected.

The 23d section was read and agreed to.

The 24th section was read.

Mr. INGE moved to amend so as to require the Secretary of the Treasury to report weekly to Congress the amount of treasury notes issued under this act.

Mr. INGE said he had submitted this motion to amend with a view of replying to one remark which had been made by his colleague [Mr. COBB,] in relation to the tax upon coffee. He felt bound to say that in what his colleague had done he had not reflected the feelings of the people of Alabama. [Several voices: "Is this in order?"] Mr I. said he felt bound to say so, not only as a representative of his own constituents, [here Mr. I. was called to order,] but in relation to both parties in Alabama. The gentleman had told the committee that he was acting under pledges.

Here the CHAIR reminded Mr. I. that these remarks were not relevant to the amendment or to the bill, and were out of order.

Mr. INGE. The gentleman has said here, that he is acting under pledges. I say [cries of "order"]—I say that no part of his own district will sustain him. I believe that it would be a foul reflection on the people of Alabama.

The CHAIR again interposed and called Mr. INGE to order.

Mr. INGE. I entertain no unkind feelings towards that gentleman.

The CHAIR here warned Mr. INGE, that if he continued to violate the order of the House, he would be ordered to take his seat.

Mr. INGE said he was sorry he had felt constrained to go counter to the order of the House; his only object had been to reply to the remarks of his colleague: he now withdrew his amendment.

Mr. COBB was anxious to make a rejoinder, but the House refused leave.

The 24th section was then agreed to.

The question recurred on agreeing to the substitute as amended. Decided by tellers: Ayes 82, noes 104. So the substitute was disagreed to.

Mr. McKAY then proposed to modify his substitute by striking out the twenty-first and twenty-second sections, (the former proposing a tax on tea and coffee, and the latter appropriating twenty thousand dollars to defray the expenses of issuing treasury notes,) and also by raising the amount of treasury notes to be authorized to sixteen millions; and this modified proposition he now moved as a substitute for the bill as amended.

Mr. STEPHENS raised the point, that the committee having refused to insert one substitute, no other could be offered.

The CHAIRMAN overruled the point of order; and, an appeal being taken by Mr. STEPHENS, he fortified himself by reading from Jefferson's Manual.

After some conversation, and amid not a little confusion and excitement in the House, Mr. S. waived the appeal.

Mr. ASHMUN raised the point, that it was not in order to offer the substitute again—it being, as modified, substantially the same proposition upon which the committee had just voted.

The CHAIRMAN overruled this point of order.

Mr. VINTON appealed from the decision; but, amid the confusion of the House, the appeal was not again heard of by the reporter. It was, he believes, not insisted on.

The modified substitute then retaining its position as the pending proposition—

Mr. McKAY said he regretted exceedingly that his friends on this side of the House had not brought themselves up to vote for the proposition (contained in his first substitute) for a tax on tea and coffee. If they had not nerve enough to vote for it, they had no right to expect the other side of the House would. We (said he) are the persons who have brought on this war, and we are properly responsible for all its consequences, [roars of laughter,] and we ought to provide the means for carrying it on. What I mean is, that we on this side are the advocates and supporters of the war. What do you suppose the whole amount of this enormous tax will be, of which gentlemen are so afraid? I have a number of tables before me, which I will publish, that the country may see what this monstrous tax upon tea and coffee amounts to. It amounts to a charge of only thirteen cents upon each individual in the United States.

Mr. McK. said there was a difference in the amount of treasury notes proposed to be issued by the present substitute and that which was proposed in his first amendment. This proposed the amount of $16,000,000 of treasury notes; the substitue of the minority of the Committee of Ways and Means proposed $15,000,000, because they supposed that, if the tax were laid upon tea and coffee it would yield at least one million of dollars for the remainder of the year. But the committee having refused to insert this, he had increased the proposed amount to $16,000,000.

This brought up the naked question, then, before the committee, whether they would authorize a competent loan by treasury notes and stock, or whether they would take the stock alone, and place this Government, in this perilous period of her history, completely in the power of the capitalists of the country? Why, your treasury notes have always been superior during time of war to stock loans. As was remarked by his friend from Illinois, [Mr. FICKLIN,] during the last war with Great Britain your treasury notes never fell below 17 per cent. under par, while your Government stock was down to 30 per cent. below par. And during times of loans, from 1837 down to the present time, your treasury notes have been superior to your stock. And what is this monstrous difference between treasury notes and stock, about which gentlemen on the other side talk so much? Talk about a Government bank, as the gentleman from Pennsylvania declared the issue of treasury notes would make! The proposition was absurd. The simple feature of a bank——

The hammer here fell.

The question being taken on this second substitute by tellers, the vote stood: Ayes 104, noes 105.

So the modified substitute of Mr. McKAY was rejected.

Mr. STEPHENS moved that the committee now rise and report the bill to the House.

Mr. McKAY was desirous of offering another substitute.

Mr. TOOMBS contended that it was not in order for him to do it. The bill reported from the committee had been gone through with section by section, and the gentleman's substitute had been fully considered and rejected. The duty of the committee was now to report the original bill as amended.

The CHAIR was understood to rule Mr. McKAY to be in order; and referred to a rule of the House which declared, that though one substitute was rejected, it did not preclude the offering of another.

Mr. McKAY then moved the substitute which he desired, which consisted of the bill reported by the majority of the committee, with an alteration making the amount of the loan seventeen millions; making also the certificates of stock receivable in payment of the public dues, and (in an additional section) authorizing the issue of treasury notes for such proportion of the amount as in the opinion of the President may be required by the public interests; provided that the whole amount of treasury notes outstanding at any one time under this and all previous acts shall not exceed twenty millions; and provided that the treasury notes hereby authorized shall be issued under all the conditions, restrictions, and limitations imposed by the act of 28th January, 1847, authorizing the issue of treasury notes.

The CHAIR said it was but another form of modification of the substitute which had been already gone through with; and he ruled it out of order.

Mr McKAY replied with warmth; and took an appeal from the decision of the Chair.

But the decision was affirmed by a vote of the committee taken by tellers: Ayes 105.

The committee then rose and reported the bill of the majority of the Committee of Ways and Means as amended.

Mr. VINTON moved the previous question, which was seconded: Ayes 106, noes 104.

Mr. JOHNSON, of Arkansas moved that the House adjourn. Decided in the negative: Ayes 84, noes 115.

The main question was then ordered to be put; which main question was, Will the House concur with the Committee of the Whole in their amendments? and the several amendments of the Committee of the Whole were separately agreed to.

The bill, as thus amended, provides as follows:

Be it enacted, &c., That the President of the United States be and he is hereby authorized, at any time within one year from the passage of this act, to borrow, on the credit of the United States, a sum not exceeding sixteen millions of dollars, or so much thereof as in his opinion the exigencies of the Government may require, at a rate of interest not exceeding six per centum per annum, payable quarterly or

semi annually; which loan shall be made reimbursable at any time after twenty years from the first day of July next after the passage of this act; and said money, so borrowed, shall, on being first duly appropriated therefor, be applied, in addition to the money now in the treasury, or which may be received therein from other sources, to defray any of the public expenses which have been heretofore or may be hereafter authorized by law; and the stock issued on such loan shall be transferable on the books of the treasury.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized, with the consent of the President of the United States, to cause to be prepared certificates of stock, which shall be signed by the Register of the Treasury, and sealed with the seal of the Treasury Department, for the sum to be borrowed as aforesaid, or any part thereof, bearing an interest not to exceed six per centum per annum, and transferable and reimbursable as aforesaid, and to cause said certificates of stock to be sold: *Provided*, That no part of said stock be sold below par: *And provided, also*, That whenever required so to do, the Secretary of the Treasury shall cause to be attached to any certificate or certificates to be issued under this act coupons of interest; and any certificate having such coupons of interest attached to it may be transferable by delivery of the certificate, instead of being assignable on the books of the treasury; but no certificate of stock shall be issued for a less amount than fifty dollars.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized to receive proposals for the taking of such loan or any part or parts thereof; and that before disposing of the said stock issued for such loan, the Secretary of the Treasury shall cause to be inserted in two public newspapers printed in the city of Washington, and not exceeding two public newspapers printed in the principal city or capital of each State, an advertisement stating that bids and proposals for such loan will be received until a certain day, to be specified in such advertisement, not more than sixty days or less than twenty days from the time of the first insertion of said advertisement in the two newspapers in the city of Washington, and stating the amount of the loan required, and in what instalments, and when and where, it will be required to be paid; and the said Secretary may pay such expenses as may be necessarily incurred in printing and issuing certificates of stock, the employment of agents, and expenses incident to the execution of this act, which shall not in all exceed the sum of sixteen thousand dollars; which sum of sixteen thousand dollars is hereby appropriated for these purposes, and shall be paid out of any money in the treasury not otherwise appropriated: *Provided*, That no compensation shall be allowed to any officer whose salary is fixed by law for any service performed by him in the execution of this act.

SEC. 4. *And be it further enacted*, That the faith of the United States is hereby pledged to provide and establish sufficient revenues for the regular payment of the interest and for the redemption of said stock.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized to purchase, at any time before the period herein limited for the redemption of the stock hereby created, such portion thereof at the market price, not below par, as the funds of the Government may admit of, after meeting all the demands on the treasury; and any surplus that hereafter may be in the treasury is hereby appropriated to that object.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to report to Congress, at the commencement of the next session, the amount of money borrowed under this act, and of whom, and on what terms it shall have been obtained, with an abstract or brief statement of all the proposals submitted for the same, distinguishing between those accepted and those rejected, with a detailed statement of the expense of making such loans.

The bill, as given above, having been engrossed, it was passed by the following vote:

YEAS—Messrs. John Quincy Adams, Green Adams, Barringer, Barrow, Bayly, Bedinger, Bingham, Birdsall, Black, Blanchard, Bocock, Botts, Bowdon, Bowlin, Boyd, Brodhead, Brady, William G. Brown, Charles Brown, Albert G. Brown, Buckner, Burt, Butler, Cabell, Cathcart, Chapman, Chase, Clapp, Franklin Clark, Beverly L. Clark, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Collamer, Collins, Conger, Cranston, Crisfield, Crozier, Cummins, Daniel, Dickey, Dickinson, Dixon, Donnell, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Faran, Farrelly, Featherston, Ficklin, Flournoy, Freedley, Fries, French, Fulton, Gaines, Gayle, Gentry, Goggin, Gott, Green, Gregory, Grinnell, Willard P. Hall, Nathan K. Hall, Hammons, James G. Hampton, Moses Hampton, Haralson, Harmanson, Harris, Haskell, Henley, Henry, Hill, Isaac E. Holmes, Elias B. Holmes, George S. Houston, John W. Houston, Hunt, Inge, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, Iverson, Jameson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kellogg, Kennon, Thomas Butler King, Lahm, La Sere, William T. Lawrence, Sidney Lawrence, Leffler, Levin, Ligon, Lincoln, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McIlvaine, McKay, McLane, Mann, Marsh, Marvin, Meade, Miller, Morehead, Morris, Morse, Mullin, Murphy, Nelson, Nes, Newall, Nicoll, Outlaw, Peaslee, Peck, Pendleton, Petrie, Peyton, Phelps, Pillsbury, Pollock, Preston, Putnam, Rhett, Reynolds, Richey, Rockhill, John A. Rockwell, Roman, Rumsey, St. John, Schenck, Shepperd, Sherrill, Simpson, Sims, Slingerland, Smart, Caleb B. Smith, Robert Smith, Stanton, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Tallmadge, Thibodeaux, Taylor, Thomas, Tompkins, Richard W. Thompson, John B. Thompson, Robert A. Thompson, Wm. Thompson, Thurston, Toombs, Turner, Venable, Vinton, Warren, Wentworth, White, Wick, Williams, Wiley, Wilmot, and Woodward—192.

NAYS—Messrs. Ashmun, Canby, Crowell, Fisher, Giddings, Hale, Hubbard, Hudson, Daniel P. King, Palfrey, Julius Rockwell, Root, Truman Smith, and Wilson—14.

Mr. CLINGMAN moved to reconsider the vote by which the bill was passed.

Mr. STEPHENS moved to lay the motion to reconsider on the table. Agreed to.

The title of the bill was then amended so as to read, "A bill to authorize a loan not to exceed the sum of $16,000,000."

And then the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. CHAPMAN: The petition of sundry citizens of Washington, for an act of incorporation for a gas company. Also, the memorial of James H. Chezum, for payment for work done for the Government.

By Mr. THOMPSON, of Iowa: The petition of William H. Wallace and 88 other citizens of the State of Iowa, praying for the establishment of a mail route from Mount Pleasant, via Deeds' Mills, Brighton, Oskaloosa, and other intermediate points, to Monroe city, in Jasper county. Also, the memorial of Samuel J. Bayard, esq., late receiver at Fairfield, Iowa.

By Mr. RUMSEY: The remonstrance of citizens of Steuben county, New York, against revival of patent for Jethro Wood's cast-iron plough.

By Mr. GOTT: The remonstrance of Charles B. Sedgwick and 86 others, citizens of Onondaga county, New York; also, the remonstrance of E. H. Porter and 105 others, citizens of the said county; also, the remonstrance of Samuel L. Edwards and 211 others, citizens of said county, against the passage of any law to revive or continue the patent of Jethro Wood for a cast-iron plough. Also, resolutions of the Executive Committee of the New York State Agricultural Society, against a renewal of said patent.

By Mr. CONGER: The remonstrance of 116 citizens and farmers of Cortland county, New York, against the further extension of the patent of Jethro Wood.

By Mr. TURNER: The petition of M. Chamberlain and 59 others, praying for a mail route from La Salle to Rockford, in the State of Illinois. Also, the petition of Samuel Crawford and others, praying for the same route.

By Mr. BUTLER: The petition of citizens of Columbia county, Pennsylvania, for the passage of a law causing the present mail route from Pottsville to Catawissa to start from Pottsville and end at Towanda, Bradford county—the mail to be carried daily (except Sunday) direct from Pottsville via Bloomsburg and Orangeville to Towanda.

By Mr. RICHEY: The petition of William Riley, jr., and 85 others, citizens of Washington county, Ohio, praying the establishment of a mail route from Waterford, through Barlow, to Watertown, in said county.

By Mr. HUDSON: The memorial of Pearson Cowell and others, praying that an investigation be made into the manner in which the patent of Wm. Woodworth, for a planing machine, was renewed.

By Mr. STEWART, of Pennsylvania: The application of Thomas Griggs, in relation to an improvement in the application of steam to the propulsion of vessels.

By Mr. DUNCAN, of Ohio: The petition of citizens of Franklin county, Ohio, asking for a reduction in newspaper postage.

By Mr. PENDLETON: The petition of the heirs of Jacob Cohen.

By Mr. CRANSTON: The petition of Mary M. Telfair, praying for balance due her father, Israel Pearce, for final settlement certificates.

By Mr. SLINGERLAND: The remonstrance and resolution of the Executive Committee of the New York State Agricultural Society, against the passage of the bill renewing the patent of Jethro Wood, for improvements in the cast-iron plough. Referred to the Committee on Patents.

By Mr. THOMPSON, of Pennsylvania: Five memorials from citizens of Pennsylvania, against the further continuance of the patent of Jethro Wood for the cast-iron plough to his heirs.

By Mr. WENTWORTH: The petition of citizens of Kendall county, Illinois, for a mail route from Ottawa, via Nomey, Newark, and Oswego, to Naperville.

By Mr. GREEN: The petition of citizens of Rock Island county, Illinois, praying a grant of land for the support of common schools. Also, a petition of sundry citizens of Scotland county, Missouri, praying the establishment of a post route from Memphis, in said county, to Keosaqua, in said county.

By Mr. CONGER: The remonstrance of 40 citizens and farmers of Cayuga county, New York, against the further extension of the patent of Jethro Wood.

By Mr. GOTT: The memorial of citizens of Oswego county, New York, praying for a repeal of the act of Congress, passed at its last session, imposing postage on newspapers within thirty miles of publication.

By Mr. MULLIN: The remonstrance of Allanson Skinner and 36 other citizens of the county of Jefferson, New York, against the extenson of the patent issued to Jethro Wood for the cast-iron plough.

IN SENATE.

THURSDAY, *February* 17, 1848.

The VICE PRESIDENT presented a petition of citizens of Jefferson county, Iowa, remonstrating against a change in the mail route from Burlington to Fairfield, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. NILES presented a memorial of insurance companies and merchants of the city of New York, remonstrating against the repeal of the act of the 2d March, 1837, concerning pilots; which was referred to the Committee on Commerce.

Mr. CASS submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the present condition of the fund arising from the sale of the lands ceded by the treaty of January 14, 1837, with the Saganaw band of Chippewa Indians, which were to be disposed of for their benefit; what measures are required to effect a sale of said lands at an early period and at a fair price; or whether it be expedient so to legislate, that the lands may at once become the property of the United States, and a fair compensation be made to the Indians for them; and whether, in justice and equity, provision should not now be made, in anticipation of the sale of the lands, or as a part of such compensation if they are taken by the Government, for the payment of the class of obligations provided for in said treaty, and embraced in schedule B, which were not provided for out of the amount advanced by the United States for other obligations and objects provided for in the same treaty.

Mr. NILES submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be instructed to inquire whether further legislation is not expedient and necessary to protect the revenue from fraud in the importation of tea and coffee.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Patrick Walker, submitted a report accompanied by a bill granting a pension to Patrick Walker.

The bill was read, and passed to the second reading, and the report ordered to be printed.

MR. DICKINSON'S RESOLUTIONS.

On motion by Mr. YULEE, the prior orders were suspended, and the Senate resumed the consideration of the resolutions submitted by Mr. DICKINSON, relative to the proper policy to be pursued by the United States in respect to the acquisition of new territory, and the substitute therefor submitted by Mr. YULEE.

Mr. YULEE resumed and concluded his argument in support of his amendment, and after a few words from Messrs. DICKINSON and FOOTE, and some discussion upon a point of order,

Mr. FOOTE moved to lay the resolutions on the table.

Mr. DICKINSON said, as soon as he could gather up the instalments of the Senator's speech, he would reply to it.

The motion of Mr. FOOTE to lay the resolutions on the table was then agreed to.

[Mr. Y.'s speech, revised, will be found in the Appendix.]

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. RUSK addressed the Senate in support of the bill. He considered himself called on, as a representative from the State of Texas, to answer the arguments which had been based on the idea that Texas had no right to a boundary beyond the Nueces. There had arisen a fashion of considering the Texans as a wild, God-forsaken set of land robbers. But he could assure the Senate that there were among them many who acknowledged the aid of an overruling Providence, which had enabled them to contend successfully in the establishment of their liberty against the superior power of Mexico. He stated that the boundary of Texas to the Rio Grande was established by her, and transferred to the United States. He briefly recapitulated the chief facts in the history of the revolution in Texas, to show that Texas had been compelled to take up arms by the hostile course pursued by Mexico, and that the troops of Texas marched to the Rio Grande, and that this boundary had from that time been maintained. The first link in the chain of this boundary was to be found in the articles of capitulation of General Coss.

After this, Santa Anna raised a large Mexican force to drive every American from the soil of Mexico. He was in control of the army and backed by the priesthood; while the people who would have sustained the Texans were unarmed. The Texans had but about one thousand troops to oppose to the overwhelming Mexican force. But a battle took place, in which Santa Anna was defeated, half his army was destroyed, and Santa Anna taken prisioner. A treaty was afterwards made, in which the Mexicans acknowledged the Rio Grande as the boundary of Texas, and also acknowledged the independence of Texas. This treaty was made with Filisola, Santa Anna being a prisoner. This was the second link in the chain of title.

It had been urged that this treaty was made by

Santa Anna while he was a prisoner and under duress. The same treaty was proposed to Santa Anna, when he was first taken, and refused by him. It was then made with Filisola, who was not a prisoner, and who was at the head of five thousand men, while the Texans only amounted to one thousand. It was ratified by the Government of Mexico, for very good reasons—not to save the life of Santa Anna, but to save the Central Government, which was in danger of being overthrown.

The title of Texas did not rest on this treaty. It was clear without it. The Mexicans retired beyond the Rio Grande. They had never since supposed that they had any claim on that side the Rio Grande. Filisola retired beyond the Rio Grande. The Texans took possession of the territory, and had kept possession of it ever since. It was occupied chiefly by the widows of those who had fallen in the contest with Santa Anna when he attempted to overthrow the Government of Texas. Texas could never be induced to withdraw protection from these widows and their orphans.

He stated that there was never a custom-house at Brazos. The custom-house was at Matamoros. He explained the circumstances which had led to the putting in of vessels at Brazos. He stated that Laredo was a Mexican port, which was removed by the Mexicans from this to the other side of the Rio Grande, and this he regarded as testimony that Mexico considered that the territory on this side of the river was within the Texan boundary.

Since the battle of San Jacinto, if the Mexicans had claimed the boundary to the Nueces, he demanded the production of the proof. So far from having claimed it, she, by her acts, disclaimed it. He read from a proclamation of General Woll to show that he, by implication, sustained the right of Texas to the Rio Grande. The Nueces was a new idea. Up to the battle of Buena Vista, Mexico had not adopted this claim. He read from the account given by Santa Anna of that battle, in which he said that he could not entertain any proposition for peace while any American soldiers were on that side of the Rio Grande, or on any portion of Mexican territory.

As to Santa Fé, it was unnecessary for him to go at length into any evidence of the title of Texas to it. There was a contest going on between Texas and Mexico as to the possession of that place. The United States had now gone thither and taken possession of it, and would probably keep it.

It had been said the President commenced the war. When a fray took place between individuals, the blood became hot, and one assault followed another, until it was often forgotten how the fray commenced. Thus he thought it was now. If any one could examine all the facts, he must come to the conclusion that the President could do nothing, and that General Taylor could do nothing but what had been done. He reviewed the facts connected with the advance of General Taylor to the Rio Grande, and adverted to the outrages perpetrated by Mexicans, especially to the attack on a family of sixteen persons, two of them ladies, the latter of whom were outraged, and the whole afterwards murdered, and the fingers of these ladies were cut off, and carried into Mexico as trophies. He asserted that if the dungeons of Mexico could have been searched, there would have been no two years when some American citizens would not have been found incarcerated, without any charge against them. He thought that Mexico had received no more than she deserved. He maintained that the United States Government was not sufficiently vigilant and vigorous in the protection of our citizens from injustice and mal-treatment in other countries.

He came now to consider what remains to be done. He alluded to the evil effects which have resulted from the want of a union of public opinion in favor of the war. He admitted that many, who were as patriotic and conscientious as he could be, believed the war to be unjust, and to have been improperly begun. But the results of these differences of opinion were unfavorable to peace.

To withdraw our troops would, he said, be followed by the occupation of a foreign government. He happened to know, that Mexico had for a long time been entirely under the influence of the official agents of Great Britain. To this foreign influence he attributed the hatred of this country, and the decline of our trade with Mexico. He had derived strong corroborative evidence of this fact from Colonel Frémont, who had communicated to him circumstances showing that great portions of the church property in California had been transferred into the hands of British agents, as well as other property.

If we were to withdraw our forces, the military power under Santa Anna would immediately assume the control; or if Paredes should gain the ascendency, being a monarchist in principle, we should have a foreign prince there, who would oppress the Mexicans, and we should have foreigners to contend with. Santa Anna, who would be most likely to succeed, has no love for the Mexicans, since his leg was kicked about the streets. He would be willing to enslave them, or lend his aid to any one who would enslave them. The President had made so many attempts at negotiation, as almost to subject himself to ridicule. He (Mr. R.) would push the war until Mexico could be brought to her senses.

To a defensive line he was opposed, as calculated indefinitely to protract the war.

He was for a vigorous prosecution of the war, for the purpose of showing Mexico we are determined to force a peace out of her. If she saw that this was our course—that we are not suffering ourselves to be distracted by a pending Presidential election, and that an army of 50,000 men was ready to pounce upon her,—she would at once conclude a peace.

It had been said, we have men enough in Mexico; and this may be true. The battle of Buena Vista had been appealed to. It was said we had enough there to whip the overwhelming force of Santa Anna; and this was true. But if we had had 20,000 men there, instead of 6,000, not a Mexican would have escaped. Had our army been only 600, they would have stood their ground, and, although they might have been killed, would never have been whipped.

If there could be any security against foreign interference—against Mexico falling into the hands of a European Power,—he would be content with a small portion of her territory, by way of indemnity; but in the absence of all such security, he could not understand how the taking possession of all the territory, and guaranteeing the protection of the people, could be called robbery.

He would not vote for any treaty which does not give us to the Sierra Madre and the whole of California. This would be indispensable to enable us to keep in our hands a necessary control over her movements, and it would be the best thing for Mexico, as she is not able to govern her distant provinces. She has never been able to protect California or the Rio Grande. The inhabitants of those provinces are assailed by Indians, and the women and children are daily falling into the hands of these roving bands, by whom they are made slaves for life. It would therefore be beneficial to Mexico to take this course. He would venture this prediction, that if we continue the war for twelve months longer, we shall never get rid of it without the annexation of the whole of Mexico.

Mr. GREENE took the floor, and, on his motion,

The Senate adjourned.

WASHINGTON, *February* 18, 1848.

GENTLEMEN: In the Congressional Globe of the 16th instant, is a sketch of my speech on the "Ten Regiment Bill," so called, delivered in the Senate on the 14th, in which are, as is unavoidable, many errors. One only is so important that I must beg you to correct it, by publishing this note.

In the sketch, I find this sentence: "If the State of 'Maine chose to secede from our Union, and establish a 'monarchy, and should the rest of the States oppose it, would 'they have any right to force Maine to their views?"

So far from saying this, I said the contrary. After having shown the independent condition of Texas as a member of the Confederacy of 1824, and the establishment of the central despotism of Mexico in 1835, to which all the States submitted, save Texas—she adhering to her republican forms, and to the constitution of 1824—I said, in substance: Suppose all the States of this Union, save Maine, should abolish their republican forms, and establish a monarchy, or a despotism, would they have any right to coerce Maine to do the same? I said they would not. She would have a perfect right to maintain her republican forms, if she could; and a war waged to destroy them would be a war of aggression, and so of any other State in the Union.

So soon as I can revise the notes handed me by the reporter of the Senate's proceedings, I will send you a copy of the speech for your Appendix. In the mean time, please publish this in your next paper. Very respectfully, yours,

S. BREESE.

Messrs. BLAIR & RIVES.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 18, 1848.

The Journal of yesterday was read and approved.

Mr. THOMPSON, of Indiana, from the Committee on Elections, reported the following resolution, which was read and agreed to:

Resolved, That the memorial and specification of James Monroe, the reply thereto of David S. Jackson, together with the evidence and exhibits taken by the parties in relation to the contested election in the sixth Congressional district of the State of New York, be printed for the use of the House.

Mr. HARALSON, from the Committee on Military Affairs, reported a joint resolution to refund money for expenses incurred, subsistence or transportation furnished, and money advanced by individual citizens of the United States for the use of the volunteers before or after being mustered into the service of the United States. Read and committed.

PAYMENT OF TEXAS VOLUNTEERS.

Mr. BURT, from the same committee, to which it was referred, reported a joint resolution providing for the payment of the regiment of mounted troops called into the service of the United States by Colonel Curtis, the commanding officer at Camargo.

The resolution having been read a first and second time—

Mr. BURT asked that it might be put upon its passage.

The SPEAKER stated, if there were no objection nor any motion to commit, the question would be on the engrossment for a third reading.

Mr. BURT, in answer to various inquiries, said this resolution would not necessarily go to the Committee of the Whole on the state of the Union, because it did not in effect make any appropriation of money. The House would perceive that the resolution was designed to give the Secretary of War authority to pay that regiment out of funds already appropriated for the prosecution of the war. It did not ask for the appropriation of a single dollar, nor was an appropriation necessary; it simply proposed to give the authority of Congress to pay certain sums out of appropriations already made and unexpended. He trusted, therefore, and as the Committee on Military Affairs was unanimous in favor of its passage, that it would not be obstructed by either side of the House, but be passed through all its stages.

Mr. HENLEY moved to strike out all that part of the resolution which proposed to pay for horses lost for want of forage. His reason was this: This Government has ever refused to pay for horses so lost, and he was therefore opposed to the payment in this case, when in former cases such payment had been refused.

Mr. BURT begged leave to say that the gentleman from Indiana never, in the course of his life, made a more palpable mistake. So far from his statement being true, the very reverse was the fact, as was shown by all the legislation of Congress on that subject. But the officers of the Government were not authorized to make such payments without the special authority of Congress; and such authority, in accordance with precedents, this resolution proposed to give. When mounted troops have been raised and mustered into the service of the United States, and the horses have been lost for want of forage which the Government could not or would not provide, such horses have at all times been paid for; and he would ask how any man with a conscience, could refuse to pay for horses so lost, either by the misfortune or the fault of the Government.

Mr. POLLOCK thought the resolution was of such a character that it should go to the Committee of the Whole on the state of the Union. The gentleman from South Carolina had said that this resolution did not make an appropriation; but if he had not greatly misunderstood its character, it was an appropriation of an appropriation which was already made. There were other important questions involved in this resolution, and therefore he moved that it be referred to the Committee of the Whole House on the state of the Union.

Mr. BURT desired permission to say a word or two in explanation of the circumstances which required the payment for these horses, and he thought he could satisfy the House that the resolution ought to be passed. He was very reluctant to obtrude himself on the attention of the House even

to make a brief statement of facts connected with this regiment being called into the service of the United States, but perhaps it was now proper that he should do so.

Mr. COLLAMER rose to a question of order, respecting which a brief conversation ensued between him and the SPEAKER.

Mr. BURT then proceeded to state to the House that after the army of General Taylor marched towards Saltillo, Colonel Curtis, of the Ohio volunteers, was left in command of the forces at Camargo, and of all the line of General Taylor from the mouth of the Rio Grande towards Saltillo. It would be recollected that Colonel Curtis, who was a vigilant officer, was advised of the approach of a large and numerous army under General Santa Anna on the position of General Taylor. He had had no intelligence from the army of General Taylor since the 21st of February of last year, and it was known to the House that on that day there was skirmishing between the armies of General Santa Anna and General Taylor. Colonel Curtis was unable to hear anything of our army, and was ignorant of its fate until about the 1st of April. So entirely was all communication cut off that no intelligence was received by Colonel Curtis of the conflict between the two armies, and he deemed it his absolute duty, knowing that General Urea was in the neighborhood with from four thousand to five thousand cavalry, which daily endangered the whole line of the Rio Grande, to call on the States for a large body of troops. He called on the State of Texas for two thousand troops. He had no authority for making that call, as every one knew. It was not authorized by the War Department nor by General Taylor; but Colonel Curtis made a requisition on the Governor of the State of Texas, and, in his absence, the Secretary of State, whose duty it became, issued a proclamation calling troops into the service, and appointing San Antonio as a place of rendezvous. This regiment, with great promptitude and gallantry, repaired to the place of rendezvous. When Colonel Curtis issued his requisition, which, he repeated, that officer had no authority to issue, it became a question for the State of Texas to acknowledge or disregard the authority of Colonel Curtis; but the State of Texas deemed the exigencies of such a nature as to justify the call, and it was therefore promptly responded to; and the regiment she raised repaired to the rendezvous; and they were there mustered into the service of the United States. Having still received no intelligence from General Taylor, that regiment was put on march for Camargo, and, when within a day's march of that place, it was met by an order from General Taylor, informing them of the battle of Buena Vista, and directing them, and all other troops raised under the same call, to return and be mustered out of the service of the United States. Here, then, was most gallant conduct on the part of this regiment, in meeting a call which was justified by the exigencies of the time, as was admitted by all who were informed of the state of things on the Rio Grande. It was not for this regiment to go behind the proclamation of the State officers. Well, having obtained the proclamation, they were mustered into the service of the United States, and on their march from San Antonio towards Camargo they passed through a country where forage could not be obtained, and many horses were lost on that march. They were then in the service of the United States, and he was utterly at a loss to conceive why any gentleman should resist the application now made to pay for them. The Secretary of War, as the House well knew, in his annual report, stating the fact that this regiment was called into the service without authority of that department or any competent officer, still recommended that the regiment should be paid. In making the payment proposed by this resolution, this regiment would be placed simply on the footing of the troops sent to General Taylor by General Gaines without authority. When the application came to this House for the payment of those troops called out by General Gaines from the State of Louisiana, the resolution was passed without a solitary objection, and he hoped the House would pass this resolution and do justice to those gallant men who so promptly were mustered into the service of the country.

Mr. BOWLIN made some inquiry, which was not heard at the reporter's desk.

Mr. BURT replied that that portion of the resolution simply declared that they should be entitled to the bounty lands they would have been entitled to if they had been mustered into the service under the call of competent authority. That had been recommended by the War Department, in obedience to which it was drawn, so as to place those men where they would have stood if Colonel Curtis had had authority to make the call.

Mr. POLLOCK said that he had no wish to be understood as opposing the bill; on the contrary, should he, on examination of its merits, find it to be just, he should be ready to vote for it. But he did oppose the rapid way in which many bills had lately been carried through the House. The present bill involved important principles. The House had made a provision of bounty lands; and this bill professed to be grounded on a call for troops by Colonel Curtis, made upon the Governor of Texas. If that call was authorized to be made, or if the Governor of Texas believed himself to be bound to obey it, Mr. P. did not know; possibly both might be true, and then he certainly should not oppose the claim. But they had passed many bills of late, by unanimous consent, without referring them to a Committee of the Whole, and some to his knowledge which never would have passed had they previously gone to a committee. One, particularly, he had in his eye, which, if the circumstances of the case had been known, would not have commanded ten votes. The Committee of Claims was organized expressly for the purpose of examining such claims, and the Committee of the Whole were under obligation to do the same before a bill passed the House. If the principles of this bill were right it should have his support, but if not he should most certainly oppose it. Meanwhile he demanded the previous question. Mr. P., however, consented to withdraw his call for the previous question, at the request of

Mr. JONES, of Tennessee, who said that he understood this bill or resolution made provision to pay for horses lost by citizens of Texas who had obeyed a call of the Governor and entered into the service of the United States; the horses, as he understood it, were lost for want of forage being provided by the United States. The appropriation asked for was right and just, and according to the universal practice of the Government, which had always paid for horses lost without fault of the owners. But there were other classes of persons who had lost horses, who were equally meritorious with those embraced by this bill. He hoped, therefore, that the Committee on Military Affairs would report a general bill, covering all—for all stood on the same grounds, both of equity and of precedent.

The CHAIR here reminded Mr. JONES that the House was not now in Committee of the Whole.

Mr. JONES said he was aware of that; he merely wished to mention that there was one regiment of mounted men from Tennessee who had been transported from Tampico to Vera Cruz without their horses, which were sent on to them afterwards. Of these horses many had been thrown overboard to lighten the ships which carried them, during the storms they had to encounter on their voyage. Such of them as reached Vera Cruz in safety had there been delivered to their owners, who, at the end of their term of service, delivered over their horses and were duly paid for them; while those whose horses had been thrown into the sea to save the vessel had never yet received a dollar in compensation. He hoped that the committee would prepare a bill that should include this class of individuals, with all others who, while serving the country, had lost horses without any fault or delinquency of their own.

Mr. GIDDINGS said something, not a word of which could be heard on the right of the chair; but believed to be a motion to refer to the Committee of the Whole.

Mr. BURT said, that if the gentleman from Ohio would permit him, he would move that the further consideration of the resolution be postponed till Tuesday next, and be made the special order for that day.

Mr. GIDDINGS assented to the postponement, but hoped it would go to a Committee of the Whole on the state of the Union.

After a conversation, in which Messrs. GIDDINGS, BOYD, and BURT took part, the question was put on postponement, and agreed to.

APPROPRIATION OF PUBLIC LANDS.

Mr. KING, of Georgia, from the Committee on Naval Affairs, reported a bill granting to the Florida, Alabama, and Georgia Railroad Company the alternate sections of the public lands along the route of their proposed railroads.

Mr. K. moved to commit the bill to the Committee of the Whole, and that five thousand extra copies of the accompanying report and maps be printed for the use of the House. The bill was committed.

The question being then on the printing of the extra copies—

Mr. COLLAMER moved to reconsider the vote by which the bill had been referred to the Committee of the Whole on the state of the Union. He had but one point to make. This bill or resolution went to dispose of a considerable body of the public lands; and so far it was not a private bill, but one of a public nature. If the Committee on Naval Affairs was the proper organ of the House to report bills relating to the public lands, and land bills were to be reported without consulting the Committee on Public Lands, he wished to know it. He moved to reconsider the vote referring the bill to a Committee of the Whole on the state of the Union, with a view to refer it to the Committee on Public Lands.

Mr. KING said this motion of the gentleman from Vermont imposed upon him the necessity of saying a few words in explanation of the provisions of this bill. Pensacola was the great naval station in the Gulf for the protection and refitting of the navy of the United States. Reports of our engineers, made to the Government from year to year, showed that the lands in the vicinity of this important station were so exceedingly barren as to be uninhabited and destitute of roads passing through them. In consequence of this, a naval depôt of so much value and importance to the Government, together with all the fortifications in its vicinity, were liable at any time to fall into the hands of an enterprising enemy. A bill providing means to remedy so great an evil, by the construction of a good military road, was a bill eminently connected with the naval affairs of the country, and it had therefore been referred to the Committee on Naval Affairs. The committee in its report had given at large all the reasons why jurisdiction of the subject pertained to them, as well as in favor of the measure itself. If the gentleman from Vermont would but suffer that report to be printed, he would be at once fully satisfied. All the members would then be allowed ample time to reflect on the case before they were called on to act upon it. Meanwhile, he earnestly hoped the reference of the bill would not be reconsidered. Let the report be printed, and then let the House judge whether there could be any necessity of sending the bill to the Committee on Public Lands. Mr. K. said he entertained the greatest possible respect for that committee, as well as for the high character and judgment and liberality of his friend from Vermont, [Mr. COLLAMER,] and he was very sure that gentleman could have been actuated by no desire to make an attack on the Committee on Naval Affairs. The gentleman was actuated, he felt very certain, only by a regard to propriety and the right order of proceeding. The matter had been submitted to the Naval Committee from no want of confidence in the Land Committee, but simply because its nature rendered it fit that it should be placed in their care. If it must first go to another committee, and wait for a report from them, it would probably be lost for this session.

Mr. HOUSTON, of Delaware, said it seemed to him that this was a subject which did not legitimately pertain to a Committee on the Public Lands. The bill was to provide means to construct a railroad. The chairman of the Naval Committee, who had reported the bill, had explained the grounds of its provisions: it was for the better protection of a great naval depôt in the Gulf of Florida. A subject of this sort did not fall within the cognizance of the Land Committee. If it went to any other than the Naval Committee, a more appropriate reference would be to the Committee on Military Affairs. He hoped the motion to reconsider would not prevail.

Mr. STANTON opposed the reconsideration, being against referring the bill to the Committee on Public Lands. He did not say whether he should vote for the bill or not; but he was prepared to say that the whole merits of the subject were clearly set forth in the committee's report. He could see no reason for recommitment. After the Commit-

tee on Naval Affairs had fully examined the subject, and had, with great labor and ability, prepared a full report upon it, it seemed to him to be treating that committee with some disrespect to refer it again to another committee. Any gentleman who would take the pains to read the report would there find all the arguments fully and fairly presented, and would understand the subject in all its bearings. Why need it be referred a second time?

Mr. McCLERNAND was not prepared to say whether he should vote for or against the proposition in the bill, but to him it was perfectly clear that the Committee on Naval Affairs had no proper jurisdiction over an appropriation of the public lands. If a subject like this could be taken out of the hands of the Land Committee, all its jurisdiction over the subject of public lands might as well be taken away and the committee abolished at once.

If a Committee on Naval Affairs could suggest the proper disposition of the public domain, with a view to facilitate the intercourse of different parts of the country, in addition to looking after the naval affairs of the Government; if they were to propose the appropriation of millions of acres of the public lands to build railroads when they thought them needed to strengthen the defences of the country, they might take cognizance in like manner of every work of internal improvement throughout the land, and all proposals for works of that description must be submitted to the Naval Committee. They would have to report on Mr. Whitney's great road to Oregon, because lands were asked for that, and though the Committee on Public Lands had that proposition now before them, he supposed they must give it up, and submit it to the committee who had charge of the naval affairs of the country. The practice of the House and the rules of the House would sanction no such reference.

Mr. ROCKWELL moved the previous question.

Mr. BOWLIN called for the reading of the rules which prescribed the duties of the several standing committees; which was read accordingly.

The previous question was seconded, put, and carried, and the motion to refer the bill to the Committee of the Whole on the state of the Union was reconsidered—ayes 85.

It was then referred to the Committee on Public Lands.

CLAIM OF PAUL JONES'S HEIRS.

Mr. ROCKWELL, of Connecticut, moved a resolution to terminate the debate in Committee of the Whole in two hours on the Senate bill for the relief of the heirs of John Paul Jones, after the House shall again resolve itself into Committee of the Whole on the private calendar.

Mr. STARKWEATHER moved to lay the resolution on the table. Negatived.

Mr. C. J. INGERSOLL suggested to Mr. ROCKWELL, to modify his resolution so as to close the debate in one hour; which being agreed to, the resolution was adopted.

The House then resolved itself into Committee of the Whole on private bills, (Mr. McCLERNAND, of Illinois, in the chair.)

The first bill on the calendar was the Senate bill for the relief of the heirs of John Paul Jones:

The debate on the bill was resumed, and continued by Messrs. BOWLIN, PUTNAM, and ROCKWELL of Connecticut.

The hour for closing the debate arriving, the committee proceeded to vote on amendments as proposed.

Mr. PUTNAM moved to amend the first section by striking out all after the word "appropriated," in the 7th line, viz: the words "upon the principles of justice and equity, according to acts in similar cases, and applicable thereto." Disagreed to.

Mr. PUTNAM moved to amend the first section of the bill by adding after the words "to adjust and pay," in the 5th line, the following: "the balance found due, if any, to the legal heirs or representatives of the said Jones." Disagreed to.

The second section was read, and amended by the insertion of the word "captors" in the 13th line; so that it reads, "to be apportioned on the basis of the distribution of a settlement made with the *captors* for prizes," &c.

Mr. ROCKWELL, of Connecticut, moved to strike out the words, "the said proportion to be deducted from the indemnity to be received from Denmark, in satisfaction of the loss sustained in the three prizes aforesaid." Agreed to.

Mr. ROCKWELL moved further to amend the bill by adding thereto the following: "deducting, however, from the share of Captain Peter Landais the sum received by him or his legal representatives, under an act of Congress approved the 28th of March, 1806." Agreed to.

Mr. STARKWEATHER moved to amend the second section by striking out the "representatives," and inserting "heirs," and to add after the words "John Paul Jones," the words "being citizens of the United States;" so as to make the claims payable to the legal heirs of the said John Paul Jones, "being citizens of the United States," &c.

The amendment was lost.

Mr. KAUFMAN moved to add at the end of the bill a proviso disallowing interest on the claim. Agreed to.

Mr. STARKWEATHER moved to amend the second section by striking out the words "as estimated by Benj. Franklin," and inserting after the words "proportions of," the "sum of $24,421 78;" so that it would read "their respective proportions of $24,421 78, the value of three prizes captured," &c. Rejected.

Mr. STARKWEATHER moved to add at the end of the bill a proviso, a copy of which could not be obtained. It was rejected.

Mr. DICKINSON moved to amend the third section by inserting the word "lineal" after the word "legal," so as to make the claim payable to the "legal lineal representatives of the said John Paul Jones." Disagreed to.

The bill having been gone through—

Mr. BOWLIN moved to amend the bill by striking out all after the enacting clause and inserting a substitute authorizing the Secretary of the Treasury to pay to the legal heirs of John Paul Jones the sum of $24,421 78, the value of the prizes captured by said Jones and carried into the port of Bergen, in Norway, and by Denmark delivered up to Great Britain in 1779. Rejected.

The committee then rose and reported the bill.

Mr. BOWLIN again moved the substitute for the bill which he moved in Committee of the Whole.

Mr. ROCKWELL, of Connecticut, moved the previous question; and under the operation thereof, the amendments of the Committee of the Whole were agreed to.

Mr. ASHMUN raised a question of order on the amendment moved by Mr. BOWLIN, and inquired if Mr. B. could move an amendment while the amendments reported by the Committee of the Whole were pending.

The SPEAKER overruled Mr. ASHMUN's point of order.

The question was then put on Mr. BOWLIN's amendment, and decided in the negative: Yeas 76, nays 100.

The bill was then read a third time, and, under the operation of the previous question, was passed: Yeas 99, nays 77.

Mr. ROCKWELL, of Connecticut, moved to reconsider the vote passing the bill for the relief of the heirs of John Paul Jones.

Mr. POLLOCK moved to lay the motion to reconsider on the table. Agreed to.

A motion was made that when the House adjourns, it will adjourn till Monday next.

The question on which was decided in the affirmative by yeas and nays: Yeas 84, nays 82.

And the House adjourned to Monday next.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. TWEEDY: The petition of H. N. Strong and 192 others, praying for the establishment of a post-route from Port Washington, Wisconsin, to Beaver Dam, via Salisbury Mills and Hurricane. Also, the petition of Bertinck O'Conner and 59 others, for the same object. Also, the petition of Richard Catlin and 70 others, praying for the establishment of a post-route from Waupun, Fond du Lac county, Wisconsin, via Cuesco, to Dartford. Also, the petition of William Wright and 26 others, of Winnebago county, in Wisconsin, praying for a proportional reduction of postage on all newspapers not containing more than 500 square inches.

By Mr. GOTT: The remonstrance of Squire Munro and 29 others, citizens of Onondaga county, New York, and the remonstrance of Burr Burton and 34 others, citizens of said county, against the passage of any law renewing and continuing the patent of Jethro Wood for a cast-iron plough. Also, the remonstrance of the people of the town of Onondaga, in said county, in town meeting assembled, upon the same subject.

By Mr. RICHEY: The petition of James A. Adair and 54 other citizens of Morgan county, Ohio, praying that the act of Congress passed March 3, 1847, requiring the payment of postage on newspapers within 30 miles be repealed, and also a reduction of letter postage.

By Mr. EMBREE: A petition and application of John F. Staser, for a military land warrant, under the act of Congress of 11th February, 1847.

By Mr. HOLMES, of New York: The memorial of Professor Dewey and several of the druggists of Rochester, New York, praying for a law subjecting imported articles intended for medical use to competent inspection, and if found base or spurious, to confiscation and destruction.

By Mr. NELSON: The remonstrance of Reuben R. Finch and 281 other farmers and manufacturers of ploughs, of Westchester county, New York, against the passage of any law renewing or extending the patent of Jethro Wood for the cast-iron plough.

By Mr. COCKE: The petition of Robert Hooke and 26 others, citizens of East Tennessee, praying Congress to grant some compensation to them and others in consequence of valuable military services rendered in repelling the aggression of the Indians in the early settlement of that part of the country.

By Mr. MACLAY: The petition of Aaron Kline and many other citizens of the city of New York, to limit the amount of land to be purchased and held, and for the cessation of the sale of the public lands as at present, and for the laying them out in farms and lots for actual settlers not possessed of other land. Also, the petition of William J. Morgan and other citizens of New York, for the same. Also, the memorial of the Chamber of Commerce of the city of New York, for the return of duties on goods destroyed by the great fire in that city in 1845.

By Mr. ST. JOHN: The remonstrance of J. H. Corwin and other citizens of Orange county, New York, against the renewal or extension of the patent formerly granted to Jethro Wood for the cast-iron plough.

By Mr. CONGER: The remonstance of 40 citizens and farmers of Cortland county, New York, against the further extension of the patent of Jethro Wood.

By Mr. EVANS, of Ohio: From James McLaughlin and 48 other citizens of Morgan county, Ohio, praying a repeal of so much of the act of 3d March, 1847, as subjects to the payment of postage newspapers circulating through the mail within thirty miles of the office of publication, and for a more efficient and uniform system of cheap postage.

IN SENATE.

FRIDAY, *February* 18, 1848.

Mr. ATCHISON presented a petition of citizens of the United States residing in the Wyandot nation, in the Indian territory, praying a reduction of the rates of postage on newspapers; which was referred to the Committee on the Post Office and Post Roads.

Also, a document relating to the claim of Joseph Barclay, a soldier in the last war with Great Britain, to an allowance of bounty land; which was referred to the Committee on Pensions.

Mr. MANGUM presented the petition of William Davis and others, praying that the right to purchase the timber on certain public lands in Alabama may be granted to them; which was referred to the Committee on Public Lands.

Mr. BREESE presented two petitions of citizens of Illinois, praying the establishment of a mail route from Waterloo to Sparta, in that State; which were referred to the Committee on the Post Office and Post Roads.

On motion of Mr. BAGBY, the petition of Caroline E. Clitherall, widow of George C. Clitherall, on the files of the Senate, was referred to the Committee on Military Affairs.

On motion of Mr. ASHLEY, it was ordered, that Scott, White & Co. have leave to withdraw their petition and papers.

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Waterloo, by Red Bud and Fayetteville to Sparta, in the State of Illinois.

Mr. BALDWIN submitted the following resolutions for consideration; which were ordered to be printed:

Resolved, That the amount collected by the army of the United States in Mexico, from the revenues of that Republic, and from the contributions levied on the people thereof by order of the President of the United States for the support of the army, ought to be applied to the payment *pro rata* of the awards in favor of claimants under the convention between the United States and the Mexican Republic, of the 11th of April, 1839, for which the proceeds of the direct taxes of the Mexican Republic were solemnly pledged by the convention of the 30th of January, 1843.

Resolved, That it pertains exclusively to Congress to raise and support armies by appropriations of money to that use for a limited term; and that no power is conferred by the Constitution on the President to apply any moneys collected under the authority of the United States, to the support of the army, without a specific appropriation therefor.

Resolved, That the President be requested to communicate to the Senate a particular account of all moneys collected from the revenues of Mexico, or from military contributions levied by his authority, and of the manner in which the same has been disposed of, or applied.

Mr. ASHLEY, from the Committee on the Judiciary, to whom were referred the memorials of Susan C. Randall and of C. Chauncey and others, submitted an adyerse report; which was ordered to be printed.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was recommitted the petition of J. Bigelow, administrator of Francis Cazeau, deceased, and also the report (and bill accompanying the same) made in said case by same committee, submitted an adverse report; which was ordered to be printed.

Mr. TURNEY, from the Committee on Patents and the Patent Office, to whom was referred the petition of Aaron Carman, submitted an adverse report; which was ordered to be printed.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petition of Mary Cassin; and that it be referred to the Committee on Naval Affairs.

On motion by Mr. ATCHISON, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the memorial of the Board of the American Indian Mission Association.

UNITED STATES COURTS IN MICHIGAN.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill concerning the courts of the United States in and for the district of Michigan, reported it without amendment.

The Senate proceeded to consider said bill as in Committee of the Whole, and no amendment being made, it was reported to the Senate, read a third time, and passed.

HOUSE BILLS REPORTED.

Mr. WESTCOTT, from the Committee of Claims, to whom were referred the following bills from the House of Representatives, reported them without amendment:

An act for the relief of the legal heirs of John Snyder, deceased;

An act for the relief of S. Morris Waln;

An act for the relief of the legal representatives of James Brown, deceased.

Mr. BALDWIN, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Phineas Capen, legal administrator of John Cox, deceased, of Boston, reported it without amendment.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk, announcing that the House of Representatives had passed a bill entitled "An act to authorize a loan not to exceed the sum of sixteen millions of dollars," in which they request the concurrence of the Senate.

THE LOAN BILL.

The bill from the House of Representatives to authorize a loan not to exceed the sum of sixteen millions of dollars, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

COMPENSATION OF POSTMASTERS.

On motion of Mr. NILES, the prior orders were suspended, and the bill in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of fraud on the revenue of the Post Office Department,'" passed the 3d of March, 1845, was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate, read a third time, and passed.

WIDOW OF COLONEL McRAE.

On motion of Mr. HANNEGAN, the prior orders were suspended, and the Senate resumed the consideration, as in Committee of the Whole, of the bill for the relief of Mary McRae, widow of Lieutenant Colonel William McRae, late of the United States army, deceased.

Mr. HANNEGAN moved to amend the bill by striking out the words "during her natural life," and inserting in lieu thereof "for the ensuing five years from and after the passage of this act."

Mr. SEVIER suggested the propriety of allowing the bill to stand as it had been reported. The widow of Colonel McRae was very old and infirm, and it was not likely she would live much longer. Their experience had shown that the limitation of these relief bills to a period of five years was not effective, a renewal always being sought. In order to save legislation, he made the suggestion, that the bill be allowed to remain without amendment.

Mr. HANNEGAN said that he should most cheerfully acquiesce in the suggestion, were it not for a letter which he had received from the old lady, with whom he had no previous acquaintance, and had never seen. She was more than seventy years of age, and was borne down by many infirmities. In that letter the old lady expressed her desire that the limitation of five years should be made in order to facilitate the passage of the bill, at the same time that she implored speedy action. The claim was a highly meritorious one, and the relief proposed to be extended was in consideration of services as deserving as any ever rendered by any gallant soldier.

Mr. BENTON then rose, but yielded to

Mr. NILES, who said he did not rise exactly to oppose the bill, but he begged leave to call attention to the course of legislation on this subject, in order that they might see whither it is tending, and where it is to end. For a length of time a law providing for the widows and minor children of officers and soldiers of the militia dying from wounds in that service, had been in existence. As he thought, with good reason, a distinction had been made in favor of the militia. A few days since, after very little consideration, a bill had passed the Senate extending the law to which he had just alluded to the regular army of the United States. In the form in which it was presented, that bill would have gone back to 1818, but he had discovered that, and procured an amendment, which confined its operation to the regular army from the first of March, 1846, to the end of the present war. No doubt the case now before the Senate was highly meritorious; yet, as it went on the principle that the widow of an officer who had been engaged in the service of his country in war was entitled to this extension of a pension, it was easy to see that, if passed, it would not be easy to resist the application of this principle to all cases of widows of officers or soldiers engaged in the last war with Great Britain. He wished, then, the attention of the Senate to be directed to the effect, length and breadth of the principle in which it was now proposed to act.

Mr. BENTON said he yielded the floor to his friend from Connecticut, in the full expectation that he would support the bill, because he so generally concurred in favor of what was right. This case of Mrs. MacRae had been brought forward by himself some years ago; and a Senator from Maine, no longer a member of the body, who was also acquainted with all the circumstances of the case, most cordially coöperated in bringing it to the favorable consideration of the Senate. At the time the case was first brought forward, he expressed his desire that the principle involved in the case might be applied to the whole army; but the old lady, having lived too long already to expect to be able to live long enough to see a general principle applied to meet her case, begged him to give the bill the form which the Senator from Indiana had now given it. In that form he cordially united with the Senator from Indiana, and others acquainted with the subject, in giving it a cordial support, in the full conviction, at the same time, that they were not doing adequate justice. It was the case of a lady (her letter showed her to be one in every sense of the word) who, for almost fifty years, had been the wife of as brave and as honorable a soldier as ever lived, and who, in this fifty years of military life, was always upon the frontier—always engaged in arduous service, in Indian wars, at frontier posts—doing everything which belonged to the laborious military life of the earliest period of our history, from '91 coming down to the end of the war with Great Britain. He perished on the banks of the Ohio, struck with the cholera. If he had been struck down by the arrow or the hatchet of the Indian, his wife would have taken her pension as a matter of course. He was struck down in the line of his duty, and his death to his family was precisely the same as if he had fallen by the hand of the foe. But the law made a difference between the soldier killed in battle and him who dies from disease. Yet there should be no difference, for it matters not upon what field the soldier dies who gives his life for his country, so far as regards the merit of the sacrifice. It is the same in both cases. The loss to his family is the same. And far more was he to be pitied who died from disease than he who fell at the head of his command on the field of battle. Yet the law made a difference; and thus, after fifty years of service, this officer's widow cannot take a pension, because her husband was struck down by disease, although in the line of his duty. If she had been only twenty-four hours married, and her husband had fallen in battle, she would have been entitled to a pension. But here, after fifty years of service, the widow of the officer receives nothing because he did not happen to fall by the hand of the foe.

A SENATOR. He may have been on a furlough.

Mr. BENTON. On furlough? He never had anything to do with furlough. What he had to do with most was double duty—building forts, opening roads, making bridges—on the frontier always. This was truly a case in which they might say:

"Deliberat Roma, perit Saguntum."

The old lady perishes whilst they deliberate! He hoped, in conclusion, that every consideration of justice would prompt the Senate to consent to the immediate passage of the bill.

Mr. DAVIS, of Massachusetts, agreed with the Senator from Connecticut, that there might be some danger in establishing precedents calculated to lead to a too wide extension of the pension laws. But he did not apprehend that the passage of the present bill would operate in that way. The case was one of the most meritorious character, and it had peculiar features, which rendered it hardly probable that it would be hereafter cited as a precedent to justify any improper legislation.

Mr. PEARCE remarked that it was difficult to resist such appeals to the feelings of Senators as had been made in favor of this bill. But he was of opinion that the bill introduced a new principle in their legislation, never known in the case of military pensions, and but for a short time, and that most unfavorably, in the case of naval pensions. The principle of the naval pension law was, that the widows of those killed in battle, dying from wounds received in battle, or in consequence of exposure to some of the peculiar hazards of their profession, were entitled to a pension. So far he was willing to go. But the present bill proposed to go further. It proposed to give a pension to the widow of an officer who died from a disease to which he was not subjected in the line of his duty. If that principle were adopted, why not extend it to all *employees* of the Government, civil as well as military. He was very far from wishing to detract from the value and importance of the services of this officer, but he did not approve of the principle involved in the bill. If the bill passed, he did not see why they should not go on, and, following the suggestion of the Senator from Missouri, enact a general law, giving pensions to the widows of all officers dying in the service, no matter how or where.

Mr. BADGER said that he was at once glad and sorry to hear the remarks of his friend from Maryland, because it was evident that throughout his excellent understanding was engaged in a forced contest with the suggestions of his heart. For himself, he had never given a vote in that body with more pleasure than he would vote for this bill. It introduced no new principle into their pension laws. It was not an application to extend the pension laws. It was simply an application to Congress to pass a special bill for a special case, and when a similar case presented itself all that was to be done was to make a similar provision for it. When a similar case occurred he would, with equal cheerfulness, be prepared to provide for it in the same way. He thought that that country might be declared incapable of self-government, and the proper discharge of its duties to those who served it, which was either unable or unwilling to discharge such a debt as that incurred in the present case—a case of more than forty years unremitted, devoted, faithful service, death in the service, and an aged relict left entirely destitute.

Mr. HANNEGAN said that he had refrained from expressing his own opinion on the bill from the fact that he had been satisfied from the first that the Senate would pass the bill. He rose for the purpose of begging the friends of the bill at any rate, and Senators on every side, to allow the question to be taken without further debate, as it was apparent from the hands of the clock that unless acted on at once it would be laid over for another day, meanwhile, in the beautiful language

quoted by the Senator from Missouri, whilst we deliberated the aged widow starved.

The amendment was agreed to; and no further amendment being made, the bill was reported to the Senate, and the amendment concurred in.

And the bill was read a third time and passed.

ADJOURNMENT OVER.

On motion, it was ordered that when the Senate adjourns, it be to Monday next.

THE TEN-REGIMENT BILL.

The Senate proceeded to the consideration of the bill to raise, for a limited time, an additional military force.

Mr. GREENE, who was entitled to the floor, said, that when the act of 13th May, 1846, was passed, he was absent on a visit to his family. He had since voted in favor of all supplies; but having made up his mind to vote against this bill, he thought it due, even at this late period of the session, to himself and his constituents, to assign his reasons. He did not expect to change a vote, but he must yield to the convictions of duty, which would not permit him to be silent. He would have voted for the law of May, 1846, had he been present, because it was represented that our army under General Taylor was in peril.

He considered the war as illegally commenced by the President when he issued the order to General Taylor to march to the Rio Grande.

The first proposition he laid down was, that the objects of the war are changed. The idea of the conquest of Mexico was never intended or avowed when the war commenced. He referred to the message of the President of the 4th August, 1846, in which it is said that we ought to pay a reasonable price for any territory which Mexico might be willing to cede, and disavowing explicitly any idea of conquest. The same tone is perceptible in subsequent messages.

He contrasted the language of the messages from which he had read, with that of his message at the commencement of this session of Congress. It is now declared that we ought to prosecute the war until we compel Mexico to make peace, and that we ought to retain the territory we have conquered as an indemnity for the expenditures we have incurred. The President says he is satisfied the provinces of New Mexico and California should never be surrendered to Mexico, and recommends that we establish a government over them. It is clear, from this change of tone, that he now looks to the acquisition of this territory by conquest. So opposed is this language to that which he formerly used with reference to the war, that it clearly justifies all who are against the conquest of Mexico in voting against this bill.

The fact was, we had received nothing from the war-making power, or the Executive, defining explicitly the objects of the war. We have only indefinite phrases; and we are left to infer these objects from the speeches of political leaders here and throughout the country. He referred to General Houston's speech at a meeting at Tammany Hall. Speeches at these public meetings, from high quarters, gave a tone to public opinion; and when they are heretical, are calculated to do great mischief; to be dangerous to those who heard, and those who were absent. He quoted the part of the speech which described the people of the United States as land-loving people, ever since the Pilgrims, who landed at Plymouth Rock, had robbed the Indians. And when the Senator from Mississippi asked what was to be done with Mexico, there was a cry "annex it." The Senator said he was not prepared for that, but circumstances might bring that result.

He then referred to the resolutions submitted by Mr. BAGBY, especially the second, which asserts that conquest is a legitimate mode of acquiring territory. He then quoted from a letter received by him, with an extract from a newspaper containing opinions expressed by Mr. BAGBY to his constituents, which were consistent with the resolutions.

He then adverted to the resolutions offered by Mr. DICKINSON and Mr. HANNEGAN, as calculated to deepen the impression in the public mind that the conquest of the whole of Mexico is designed. The chairman of the Military Committee disavows this intention, but says it would not kill us to swallow the whole of Mexico. The chairman of the Foreign Relations had indicated that if this was to be made an issue in the next Presidential contest, he would be ready to go for the whole of Mexico. These were indeed but shadows, but "coming events cast their shadows before." He referred to the agitation of the Texas question during the last Presidential contest, and felt an apprehension that the Mexican question was to be made the issue at the next.

The second proposition he laid down was, as to the right of the Government of the United States to hold foreign territory by the title of conquest merely. He took a view of the character and objects of those who framed the Constitution, and of its provisions. He stated that the purchase of Louisiana was not justified by Mr. Jefferson on the ground of its constitutionality, but on the ground of its necessity, and the advantages it promised. It was to benefit the Western States, by giving them an outlet for their products. In a letter to Mr. Breckenridge, of August, 1803, he explains himself to this effect, stating that he might be required to appeal to the people for an amendment of the Constitution, which did not authorize the holding of foreign territory. In another letter, to General Lincoln, dated 30th August, Mr. Jefferson makes suggestions bearing out the same idea. In another letter, to Wilson C. Nicholas, the same construction of the constitutional power was given.

The same opinion was entertained by Mr. Madison, Mr. Adams, and other leading statesmen of that day. The silence of the people, however, may have been regarded as giving assent to the act, and as being virtually an amendment of the Constitution. The Constitution required the acquiescence of two-thirds of the Senate to a treaty to render it valid. This was intended as a protection to the States which framed the compact. But the annexation of Texas was consummated by a joint resolution, and thus this security was destroyed.

We are now required to take one more step—to acquire the possession of Mexico by conquest. We are bound to pause before we adopt this new principle laid down by the President, which would carry us on to the extension of our Republic just so far as we can find contiguous territory, according to the language of the Senator from New York.

The third proposition was, as to the expediency of the proposed annexation of Mexico, or the annexation of any territory beyond the limits we now possess. He deprecated any annexation, because it would necessarily bring up the question of slavery, as was already proved by the movement of the Senator from New York. He referred to the terms of the original compromise, which was ratified by Congress, and to which the northern States had faithfully adhered. The purchase of Louisiana had added to the slave States; and a further purchase will be objected to by the free States, on the ground that it will be an infringement of this compact, to which they are conscientiously opposed. And would it then be said, that this would not threaten the existence of our own institutions? He saw nothing but evil in the prospect of this annexation; nothing to be desired in the idea of manifest destiny, linking us forever to this dead body. The mass of Mexicans, ignorant, unenlightened, varying in complexion as they are, have all the rights of freemen in their present condition. Are we ready to give them the same rights as a portion of the United States?

Mr. FOOTE suggested that the four millions of Indians in Mexico had not for many years possessed just rights.

Mr. GREENE said, authorities varied on this point. He could not look at the possibility of annexation without feeling his taste rebel against his coming in communion with Mexicans.

Mr. SEVIER stated, that there were not above six thousand negroes in Mexico.

Mr. GREENE went on to remark, that the holding of Mexico involved the necessity of keeping up a standing army equal to that required to conquer her. We could not expect to keep quiet possession, as in Louisiana.

The last proposition with which he would trouble the Senate is, the effect of keeping a standing army on our institutions. The army now in Mexico is forty-five thousand men, and we were now called on to add, in regulars and volunteers, thirty thousand more. He considered such a force as entirely unnecessary for any legitimate object. It is intended to conquer all the residue of Mexico. Looking at annexation as likely to grow out of an acquiescence in the policy of the President, he considered it one of the greatest evils which could befall our country. He could not, therefore, vote for this bill.

Mr. MASON took the floor, and moved that the Senate adjourn; but afterwards withdrew the motion.

PRIVATE BILL.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the petition of J. W. Nye, assignee of Peter Bargy and Hugh Stewart, submitted a report, accompanied by a bill for his relief.

The bill was read, and passed to the second reading; and the report ordered to be printed.

INVIOLABILITY OF FRANKS.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety and necessity of providing by law, that no frank of any letter or packet, otherwise valid, shall be held or treated as invalid by reason of the direction of such packet or letter being in a handwriting different from that of the frank.

Mr. BADGER asked for its immediate consideration.

The Senate proceeded to the consideration of the resolution, by unanimous consent.

Mr. BADGER. I desire to make a single remark by way of showing the necessity for the adoption of this resolution. As the law at present stands, all letters and packages, under the weight of two ounces, may be sent and received by members of Congress free of postage. The Post Office Department has introduced a proviso into this law, providing that members who frank letters and documents shall also direct them. This is an unwarranted interference. It is a proviso not contained in the law. It is a serious inconvenience, and, in my humble opinion, is a gross indignity to members of this body. A gentleman, who is a member of the other House, showed me, to-day, a package which he had sent to his sister at school. The frank had been stricken off, and postage charged, although both the frank and the direction were written by himself, as he tells me, with different pens.

Mr. WESTCOTT. The Postmaster General has rectified this matter some days since. It will do no harm to anybody; but there is no necessity for any action. Some days since, I was informed, letters written for me, and at my request, and on my business, public and private, by a friend and constituent who was here, because directed by him, though franked by me, were charged with postage, and my frank erased. I felt indignant at it as an outrage. On inquiry, I found the same rule had been adopted as to all members of Congress. Supposing it was the fault of the city postmaster, or his clerks, I called at the General Post Office, to have them instructed properly; and the Postmaster General being away, I saw Mr. Brown, the First Assistant, and complained of the erasure as unlawful. Subsequently, a few days ago, the city postmaster informed me that he had received instructions to let all franked letters and documents pass, whether directed by the person franking or not.

Mr. BADGER. Documents, not letters.

Mr. WESTCOTT. No, sir—letters and documents both. I was particular in my inquiry, and he expressly told me the instructions applied to both.

Mr. BADGER. All that is desired to be attained by the resolution now presented is, that we shall all stand upon the same footing as the Senator from Florida. If it has been rectified in regard to him, let it be so generally.

Mr. UNDERWOOD. I merely rise to state that perhaps I have as much reason to complain of post office regulations as any member of this body. I have suffered from them grievously. When I was a member of the other House, my constituents were, on one occasion, charged six hundred dollars for a few speeches which I franked to them. It was done in this way: I wrote the frank, and got my wife to direct them; I left the city in the morning, and, as I was afterwards told, the speeches were not sent to the post office until the next day. The franks were all erased, and those to whom they were sent were charged a dollar and a quarter postage on each, amounting to about six hundred dollars. Thus this amount was taken from my district by the assumption of the post office to degrade me by refusing my frank. The envelopes,

a great many of them, were sent back to me to show the abuse that had been practised by the post office. I have made it a rule, since I have been in Congress, never to frank for others. During the last summer, conceiving that I had a right to send and receive all my letters free of postage, I franked those which I sent to Louisville; and I was afterwards informed that the franks were erased and postage charged regularly. Another gentleman has told me that he was served in the same way. It is a palpable misconstruction of the law; and it is really time that we should take the subject under our consideration, and prescribe a remedy.

Mr. CASS. What is the purpose of the resolution? Is it an inquiry whether the law has been violated?

Mr. BADGER. The object is to change the law, and render it more explicit.

Mr. CASS. Why, the law is clear in itself, is it not?

At the request of several Senators, the resolution was again read by the Secretary.

Mr. CALHOUN. I really doubt the propriety of adopting this resolution. There is no authority, as I understand, by which the Postmaster General is authorized to put such a construction as he may think proper upon a law of Congress. The resolution ought to be in the form of an assertion of our rights.

Mr. BADGER. I will cheerfully concur in any resolution which the honorable Senator from South Carolina may think proper to propose in regard to this matter, which will secure to us our rights. And I will go further, and express a clear and decided condemnation of the practice, on the part of any officers of this Government, of not only interpreting our laws in a way to suit their own views, but of amending them. I would make it an offence, punishable in a high degree, upon prosecution in the courts of the United States, in case any postmaster should dare to charge postage upon letters that are franked by those who are entitled to the franking privilege.

Mr. CALHOUN. I submit to the honorable Senator whether or not the right exists on the part of any officer of the Government to put his own interpretation upon a law of Congress. I am not aware that it is so. I would suggest as the proper course to be pursed, to call upon the Postmaster General to state upon what principle it is that he gives the construction to the law which he has given; and after we have received a reply from him, then let a resolution be passed indicative of the sense of this body in regard to it.

Mr. SEVIER. I think that if Senators will take the trouble to look at the law, they will find that the postmaster has done exactly what the law requires; yet I am in favor of the resolution. I had my attention called to this subject last year. I had occasion to send a letter to Alexandria. The postmaster there disregarded my frank; I wrote him rather a warm letter; and he came up and took the trouble to look out the provisions of the law, and the result was, that I apologized for the trouble I had given him. If Senators will look at the law, I think they will be satisfied that the construction given to it is right; and I admit that it ought to be modified, for it is impossible for us in all cases to direct our documents ourselves.

Mr. BADGER. I think that the Senator is under a misapprehension. An alteration has been made in regard to the franking privilege by an act of last session.

Mr. BADGER quoted from the act.

Mr. NILES. I concur entirely with the honorable Senator from Arkansas. My opinion is, that the law is correctly construed, and that probably it will be right to remove the difficulty which the Senator has alluded to by an enactment. If the department has given an illiberal construction to the law, it may be necessary to pass a declaratory act. I know how the law was formerly, as I had the honor to be for a short time in the department. The question has never been considered there as turning upon the circumstances of directing the letters or packages; it has been placed on a more substantial foundation; and that is, whose act is the sending of the document? If a document is sent, and the department is satisfied that it cannot be the act of the person whose frank it bears, postage is very properly charged. The mere fact of getting another individual to do the writing, however, does not change the act so far as the sending the letter or the document is concerned; it remains the act of the person franking it, and has always been so regarded. I apprehend that the law is right as it is; but I have no objection to inquire whether any amendment may be made, though I would not assume that it is wrong.

Mr. FOOTE earnestly deprecated adjudication without investigation. He hoped that the Senate would never despise the great principle of justice imbodied in the saying—"strike, but first hear me."

The resolution was then agreed to.

CHEROKEE COMMISSIONERS.

Mr. BAGBY submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to transmit to the Senate the volumes containing the proceedings of Messrs. Eaton and Hubley, commissioners under the treaty of 1835 and 1836, between the United States and the Cherokee nation of Indians.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, communicating, agreeably to law, a report of the Second Comptroller, showing the appropriations, under the direction of the department, for the fiscal year ending 30th June, 1847; the amount drawn from the treasury: and the balances on the 1st July, 1847; which was read and ordered to be printed.

The bill for the relief of John Black, late consul of the United States at the city of Mexico, was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate, read a third time, and passed.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 21, 1848.

The Journal of Friday was read and approved.

Mr. McCLERNAND introduced a bill to create the office of surveyor general of the public lands in the Territory of Oregon, and to grant donation rights to settlers therein, and for other purposes. Referred to the Committee on Public Lands.

Mr. NELSON presented the remonstrance of Harrison Chapman and 117 other farmers of Putnam county, New York, against the passage of any law renewing or extending the patent granted to Jethro Wood for the cast-iron plough. Referred to the Committee on Patents.

Mr. WILSON presented three remonstrances of a similar character from citizens of New Hampshire; which were referred to the Committee on Patents.

PETITIONS.

The SPEAKER commenced the call of the States for petitions, commencing with the Territory of Wisconsin, and calling backwards. Petitions were presented—

From Iowa: By Mr. LEFFLER.

From Illinois: By Mr. TURNER.

Mr. STUART, of Michigan, presented joint resolutions of the Legislature of Michigan, in relation to the permanent enrolment of the first regiment of the Michigan volunteers into the service of the United States. Referred to the Committee on Military Affairs.

On motion of Mr. WENTWORTH,

Resolved, That the Committee on Commerce inquire into the expediency of establishing a marine hospital at the city of Chicago; also, as to the expediency of placing wrought iron buoys to mark out the channel of the St. Clair river; also, into the expediency of constructing a light-house at Port du Mort, or Death's Door, in Wisconsin.

On motion of Mr. McCLERNAND,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post-route between Fairfield and Maysville, in the State of Illinois.

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of extending the benefit of the bounty-land system to officers of the army who have become such by promotion from the ranks during the war.

BILLS INTRODUCED.

Bills, of which previous notice had been given, were introduced, read, and referred, as follows:

By Mr. PHELPS: A bill to establish another judicial district in the State of Missouri, and for other purposes.

By Mr. HALL, of Missouri: A bill for the relief of the volunteers engaged in the military service of the United States.

By Mr. FICKLIN: A bill to cede the public lands within the limits of the new States on certain conditions.

By Mr. WENTWORTH: A bill to grant a quantity of land to the State of Illinois for the purpose of aiding in opening the navigation of the Kakakee and Iroquois rivers, so as to connect with the Illinois and Michigan canal, which connects the Upper Lakes with the Mississippi river.

By Mr. JOHNSON, of Tennessee: A bill to increase the pension of Henry Click, of Cocke county, Tennessee.

NOTICE OF BILLS.

Notice of motions for leave to introduce bills were given as follows:

By Mr. TWEEDY: A bill to reduce the minimum price of certain reserved public lands in the Territory of Wisconsin, and to grant preëmption rights to the settlers thereon.

Also, a bill for the admission of the State of Wisconsin into the Union.

By Mr. KAUFMAN: A bill authorizing the State of Texas to extend her eastern and northern boundaries, so as to include within the same one-half of Sabine pass, Sabine lake, and Sabine river, up to the thirty-second degree of north latitude; and also one-half of Red river, from a point where a line drawn due north from said thirty-two degrees of north latitude strikes said Red river, westward to the degree of longitude one hundred west from London and twenty-three from Washington.

By Mr. LEFFLER: A bill to donate to the State of Iowa certain alternate sections of the public lands, to aid in the construction of a railroad from Davenport to the Council Bluffs, on the Missouri river.

THANKS TO MILITARY OFFICERS.

Mr. CHASE asked the unanimous consent of the House to enable him to offer the following resolutions:

Resolved, &c., That the thanks of Congress are due, and are hereby tendered, to Brigadier General D. E. Twiggs, Brevet Major General W. J. Worth, Major General G. J. Pillow, and Brigadier General James Shields, and, through them, to the officers and soldiers of the regular and volunteer corps under their command, for their gallantry and military skill, displayed at the siege and capture of the city of Vera Cruz and the castle of San Juan de Ulua, March, 1847; at the storming of Cerro Gordo, April, 1847; at the desperate battles of Contreras, San Antonio, and Churubusco, August, 1847; and at the sanguinary engagements before the city of Mexico, September, 1847.

That the thanks of Congress are hereby tendered to Major General R. Patterson, and through him to the officers and soldiers under his command, for their gallant bearing at the siege of Vera Cruz, and the capture of the castle of San Juan de Ulua, and at the victory of Cerro Gordo, in March and April, 1847.

That the thanks of Congress are due, and are hereby tendered, to Major General John A. Quitman, and through him to the officers and men under his command, for their heroism and good conduct at the fall of Vera Cruz and the strong castle of San Juan de Ulua, and at the splendid victories achieved by our arms in the valley of Mexico, in August and September, 1847.

That the thanks of Congress are due, and are hereby tendered, to Brigadier Generals Franklin Pierce, Persifer F. Smith, and George Cadwalader, and through them to the officers and men under their command, for the military skill and good conduct exhibited by them at the splendid victories obtained by our army in the valley and before the city of Mexico, in August and September, 1847.

Resolved, That these victories, following each other in quick succession, and wrung from the enemy under all circumstances, create a doubt which to admire the most, the skill and gallantry of the commanders or the indomitable courage of the soldiers, which prompted this band of heroes to press forward into the heart of the enemy's country, overcoming every obstacle, scattering the armies of Mexico like chaff before the wind, until the most signal triumphs are crowned by the possession of the far-famed "Halls of the Montezumas."

Resolved, That the President of the United States be, and he is hereby, requested to cause to be struck eight gold medals, with devices emblematical of the series of brilliant victories achieved by the army, and that one be presented to each of the generals named in these resolutions, as a testimony of the high sense entertained by Congress of their skill and good conduct in the brilliant campaigns of 1847.

Resolved, That the President of the United States be requested to communicate these resolutions to the generals specified in the foregoing resolutions, in such terms as he may deem best calculated to give effect to the object thereof; and that he be requested to cause an order to be issued that they be read at the head of the several corps of the army.

Objection being made,

Mr. CHASE moved a suspension of the rules to allow him to introduce the resolutions.

The yeas and nays were asked and ordered, and being taken, resulted—yeas 110, nays 54, as follows:

YEAS—Messrs. Barringer, Bedinger, Birdsall, Black, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase,

Clapp, Franklin Clark, Beverly L. Clark, Williamson R. W. Cobb, Collins, Conger, Crisfield, Crozier, Cummins, Daniel, Dickinson, Duer, Dunn, Faran, Featherston, Ficklin, Fries, French, Fulton, Gaines, Gayle, Goggin, Willard P. Hall, Hammons, Haralson, Harris, Henley, Hill, Isaac E. Holmes, George S. Houston, John W. Houston, Inge, Charles J. Ingersoll, Irvin, Iverson, Jackson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Ligon, Lord, Maclay, McClelland, McClernand, McDowell, McKay, Mann, Meade, Miller, Morris, Morse, Mullin, Newall, Outlaw, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Pollock, Putnam, Reynolds, Richardson, Richey, Robinson, Rockhill, Rumsey, Sawyer, Sherrill, Sims, Robert Smith, Stanton, Starkweather, Stephens, Charles E. Stuart, Thomas, James Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Warren, Wentworth, Williams, Wiley, and Woodward—110.

NAYS—Messrs. John Quincy Adams, Green Adams, Ashmun, Brady, Buckner, Butler, Cabell, Chapman, Cocke, Cranston, Crowell, Dickey, Dixon, Daniel Duncan, Edwards, Nathan Evans, Fisher, Giddings, Gregory, Grinnell, Hale, Nathan K. Hall, Henry, Hilliard, Elias B. Holmes, Hubbard, Hudson, Joseph R. Ingersoll, Kellogg, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Morehead, Nelson, Nes, Pendleton, Julius Rockwell, John A. Rockwell, Root, Schenck, Shepperd, Slingerland, Caleb B. Smith, Truman Smith, Strohm, Tallmadge, Taylor, Richard W. Thompson, Toombs, Van Dyke, White, and Wilson—54.

Two-thirds voting in the affirmative, the rules were suspended, and the joint resolutions were received and read the first time.

Mr. COCKE gave notice of his intention to debate the resolutions, and inquired if they would not lie over under the rule?

The SPEAKER replied in the negative.

Mr. COCKE moved that the resolutions be referred to the Committee on Military Affairs.

The SPEAKER remarked, that that motion was not now in order, nor would be until they had been read a second time. If they were now objected to, the proper motion would be that they be now rejected.

Mr. HOUSTON, of Delaware, moved that they be rejected. He made this motion because these officers had already been thanked by a vote of this House, and not because he was unwilling to give them thanks for their services.

The SPEAKER stated the question to be on the rejection of the resolutions.

Mr. STEPHENS hoped that the motion to reject the resolutions would not be persisted in. The gentleman from Delaware had stated that he had no objection to thank the officers named in the resolutions, and therefore he hoped they would be allowed to take the course suggested by the gentleman from Tennessee, [Mr. COCKE,] and be referred to the Committee on Military Affairs. He desired to see the resolutions put in a proper form, and he should be ready to vote for them at any time.

Mr. HOUSTON withdrew his motion.

The resolutions were then read a first and second time; and

Mr. COCKE moved that they be referred to the Committee on Military Affairs.

Mr. HARALSON desired permission to say a few words in regard to this motion. As a member of the Committee on Military Affairs, perhaps he should not now give expression to any opinion. His position was a peculiar one, and, considering his position, he ought not perhaps to object to the reference proposed; but he could not see the necessity for such a motion. The resolutions barely expressed the thanks of Congress to officers of our army; and why should they go to a committee when other resolutions of a like character had not been so referred? If the House was prepared to vote on the subject, and he did not doubt the sincerity of gentlemen when they said they were ready to give a vote of thanks to our officers for their gallantry in fighting the battles of the country, why should the vote be delayed? Why not give the vote at once? Why should they resort to a tardy movement, which the reference to the military or any other committee would be? He repeated, that it was a bare expression of thanks. Did gentlemen approve or disapprove of it? If they approved, why not vote now? If they disapproved, let it be declared, and let not the resolutions be entombed by a reference to a standing committee of this House. He knew not the course gentlemen meant to pursue, but he again appealed to them to vote at once directly on these resolutions. If the House approved of them, let the vote of thanks be given promptly to those officers. Let its expression of thanks be as unhesitating as it was in both Houses of Congress on other resolutions some days ago. He had no hesitation in saying what his course would be, and as a member of the Military Committee probably he should not object to the reference; but he preferred a vote at once, and he should give his vote for the resolutions. There was no necessity for the reference, and he hoped the House would come to a direct vote upon them.

Mr. CHASE moved the previous question.

Mr. HALL, of Missouri, desired the gentleman from Tennessee to withdraw that motion to give him the opportunity to submit an amendment.

Mr. CHASE could not comply with the gentleman's request.

Mr. COCKE inquired whether, if the previous question was sustained, it would not cut off his motion to refer?

The SPEAKER replied in the affirmative.

Mr. COCKE said he hoped the House would not sustain the call.

Tellers were called for on seconding the demand for the previous question, and Messrs. THIBODEAUX and BROWN, of Mississippi, were appointed, and they reported 77 in the affirmative, and 71 in the negative; so there was a second.

Mr. STEPHENS called for the yeas and nays on the question, "Shall the main question be now put?" and they were ordered; and, on being taken, were: 98 yeas and 86 nays, as follows:

YEAS—Messrs. Bedinger, Bingham, Birdsall, Black, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickey, Dickinson, Edsall, Faran, Featherston, Ficklin, Fries, French, Fulton, Hammons, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Irvin, Iverson, Jackson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Levin, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Pollock, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Sims, Robert Smith, Starkweather, Stanton, Charles E. Stuart, Thomas, James Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wick, Williams, Wiley, and Woodward—97.

NAYS—Messrs. John Q. Adams, Green Adams, Ashmun, Barringer, Blanchard, Brady, Buckner, Burt, Butler, Cabell, Chapman, Clingman, Cocke, Conger, Cranston, Crisfield, Crowell, Crozier, Dixon, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Fisher, Gaines, Gayle, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Hilliard, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, John W. Jones, Kellogg, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Outlaw, Palfrey, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Strohm, Tallmadge, Thibodeaux, Taylor, R. W. Thompson, John B. Thompson, Toombs, Van Dyke, Vinton, Warren, White, and Wilson—86.

So the main question was ordered to be now put.

The SPEAKER stated the question to be on engrossing the resolutions for a third reading.

The Clerk, at the request of several gentlemen, again read the resolutions for their information.

The SPEAKER then rose to put the question, but he was interrupted by—

Mr. HUNT, who desired him to stop, and by several gentlemen, who sprang from their seats to the assistance of the venerable JOHN QUINCY ADAMS, who was observed to be sinking from his seat in what appeared to be the agonies of death. Mr. ADAMS was immediately borne to the Rotundo for the benefit of purer air, and afterwards to the Speaker's room, assiduously attended by many members of the House; and the House hastily adjourned.

IN SENATE.

MONDAY, *February* 21, 1848.

A message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk, announcing that the House of Representatives had passed the bill of the Senate entitled "An act for the relief of the heirs of John Paul Jones," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments made by the House of Representatives to the bill for the relief of the heirs of John Paul Jones.

The amendment having been read—

Mr. DAVIS, of Massachusetts, moved that the bill be referred to the committee.

Mr. HANNEGAN said that the bill did not originate in the committee this year, and in the peculiar circumstances of the case, was passed without reference, having passed both Houses last session, and failed to become a law in consequence of being accidentally lost in the lobby on the way to the President for his signature. Owing to the courtesy, not to say a sense of justice of the Senate, it was passed this session without being subjected to the usual form of reference to a committee. The claim itself had undergone a strict investigation on these occasions. Twice had it been the subject of a favorable report, and it had again passed the House by a large vote in its favor. The amendments were entirely immaterial, being merely verbal. There was only one that had any substance, and that made an exception against the heirs of Captain Landais, who have received their share of the original claim. He hoped that the Senator from Massachusetts would withdraw his motion, in order that he might be enabled to move the concurrence of the Senate in the amendments of the House.

Mr. DAVIS was quite aware that this bill had received the action of the Senate in the form in which it passed at the last session. Still he was not able to understand the bearing of the amendments which had been read. He could not determine, without some examination, whether they were important or not; therefore, without entertaining any hostile feeling to the bill, or any desire to delay its final passage, he believed that it had better be examined by a committee; at least, that was his impression, although, if the Senate thought otherwise, he should not insist on his motion.

Mr. HANNEGAN then rose, but yielded to

Mr. BENTON, who inquired if the motion was withdrawn?

Mr. DAVIS replied in the negative, and added, that it would not be, unless the general sense of the Senate opposed it.

Mr. BENTON then said that it would not be withdrawn by the unanimous sense of the Senate, for he would object to the withdrawal of the motion. This was a case seventy years old—approaching very close to that—and within the last two or three sessions had had at least a rapid passage through the two Houses. Now he was told by old Senators, when he came there, that he should distrust anything that went rapidly and unanimously; and their philosophical reasoning was, that the human mind was so various in its conclusions, that if any case was fully stated and presented in all its bearings, there would be difference of opinion in regard to it, and that, therefore, when a case passed rapidly through a legislative body, the presumption was that it had not been fully stated and attentively examined. He was not in his seat when this bill was called up and passed through the Senate, without the observance of the usual forms. Had he been in his place upon that occasion, he should have moved that it be subjected to all those forms which the wisdom of legislators had provided for the protection of the public interests, and for ensuring sound and wholesome legislation. Now, with respect to the merits of this claim, he knew nothing. But he did know one thing: that our ancestors, the men of the Revolution, were just men. He doubted neither their justice nor their patriotism. They were also wise men. The men of the Revolution constituted a body of men rarely seen on the face of the earth—rarely equalled in the justice, wisdom, and moderation of all their doings. They who lived during the Revolution, and were cognizant of all that occurred during that period, soon after that event—each State within itself, and the General Government by assuming an amount perhaps exceeding all just demands against it—settled every just claim upon them, and they settled precisely as every man settles who is just, and at the same time, poor. They settled all accounts against them, and, if they could not pay, they gave their notes. Certificates were given in every case in which they thought that anything was due; and his reading led him to say, that in the general assumpsit which took place about the year '94, an amount over and above what was due was assumed and allowed for the purpose of covering everything which generosity even, not to speak of justice, demanded. That was his understanding of the closing up of the affairs of the Revolution, and with that understanding, he looked with extreme suspicion upon any claim that was now presented.

In the first place, such a claim was nothing less than an impeachment of the integrity of the men of that day; if not of their integrity, at all events, of their knowledge of their own transactions; and assumed that they of the third generation knew the transactions of their grandfathers better than they did at the time when these transactions took place! He asked what would become of Senators, if, at the end of sixty or seventy years, their children should be called upon to pay any demand which might be then brought up against their ancestors? How would Senators meet a claim presented against them for transactions sixty or seventy years ago, on the part of their grandfathers? There must be some end to this business. Every generation was charged with the management of its own business. He did not say that they should have exactly a statute of limitation, but he said that that principle must go into the affairs of the whole community, otherwise nothing public or private, nothing between man and man, or nation and nation, could ever be regarded as settled. It was a just principle that they who lived at the time, and were cognizant of the transaction, were the proper persons to settle the case. There was great danger in posterity attempting to open transactions which had been passed upon by preceding generations. He hoped that the bill would be referred and examined, and that it would be subjected to every form which the wisdom of legislators had devised for the purpose of protecting the public interests and securing sound and wholesome legislation.

Mr. HANNEGAN desired to inquire, before replying to the Senator from Missouri, whether it required the unanimous consent of the Senate, or simply a majority, in order to obtain a consideration of the amendments without reference?

The PRESIDING OFFICER. A majority is sufficient.

Mr. HANNEGAN then proceeded to say, that the opposition of the Senator from Missouri to this bill appeared to rest on a very singular foundation; for he had assigned no reason for the opposition, except the age of the claim, telling the Senate that he distrusted any claim which presented itself, if it happened to be sixty or seventy years old. The Senator had remarked that the men of the Revolution were eminently wise and eminently just, and that they took care to protect every good claim against the Government of that time, by the issue of certificates. Well, no one valued more highly the character of our revolutionary fathers than he himself; no one cherished greater veneration for their memory; no one rendered more willing homage to their justice and sagacity. But it was to be presumed that the history of the country was intelligible to those who read it, and, as he had stated, committees of both branches of Congress had examined the history so far as it related to this claim, and had pronounced the claim to be just. That body had unanimously pronounced it just. Two committees of that body, after a most thorough investigation, had pronounced it just. The bill had twice passed the Senate, without a division. It had passed the House of Representatives three times, by an almost overwhelming vote. The closest vote yet given on the bill had been that of Friday last in the House, and on that occasion, according to the report in the papers, there was a majority in its favor of twenty-two, after the most strenuous exertions against it. It was the singular history of the bill at the last session which alone exempted it from the usual forms on its introduction at the commencement of the present session. A sense of justice and of propriety, a sense of honor and of honesty, induced the Senate, by a unanimous vote, during the first week of the session, to exempt this bill from those ordinary forms of legislation, which he would be the last man to undervalue, or lightly disregard. In point of fact, the bill was a law, if ever there was a law in the eye of God, and an upright tribunal on earth; and hence it was, that the Senate did unanimously place it in the same position in which it was at the close of the last session of Congress. It then wanted only the last form prescribed by the Constitution, the signature of the President, to become technically, as it was substantially, the law of the land. It was lost on its way from the desk of the Secretary to the chamber in the Capitol, in which the President was engaged in attaching his signature to the bill which had been passed by Congress. If ever any claim had been subjected to the rigorous examination and scrutiny of Congress, this was that claim; and if ever the prosecution of a claim resulted in unhappy consequences to the individual concerned, it was in this case. He had no doubt that the fate of the bill brought to an untimely grave one of the most accomplished and estimable gentlemen that he had ever met with in the whole course of his life. That unfortunate man had set his heart upon the fulfilment of his cherished hopes of justice, which he sought at the hands of Congress. There the last stay of his fortunes was fixed; to that he had devoted all his energies, all his time, all his means. After two years of indomitable labor on his part, and at the very moment that the cup approached his lips, the rude hand of fate dashed it in atoms to the earth! The shock was too much for him, and he sank into the grave, leaving a helpless family. Such were the circumstances in which the Senate had seen proper to avoid the ordinary rules of legislation, and give the bill a direct passage on the day on which it was introduced.

As to the merits of the claim, what were they? He held in his hand the report of the committee, which was on the files of both Houses. It gave compensation, indemnity for prizes captured by the renowned naval hero—the world-famous Paul Jones—captured by him from the British Government in the war of the Revolution; and under the direction of Dr. Franklin, then our commissioner in France, these prizes were carried to the port of Bergen, in Norway, under the dominion of Denmark. Denmark, in violation of the law of nations, on the demand of England, yielded up those prizes to that Power, and made herself justly amenable to the captors for the amount of prize-money. Dr. Franklin himself assessed the value of the captured vessels, and that valuation was now before them. It was admitted, and was all that was asked, neither more nor less, without a cent of interest. The Government of the United States took the matter in hand, and faltered and trifled with it, as it was in the habit of doing in case of claims against foreign Governments, thus depriving the individual claimants of the means of prosecuting their claims. Indeed, the cowardly Frenchman who betrayed Jones in the most famous of his actions, long since received his share of the prize-money, but the descendants of the true hero, till this day had not received a solitary cent. This bill proposed to give to the heirs that which Paul Jones was himself entitled to seventy years ago, without one cent of interest. He trusted that the Senate would, without hesitation, notwithstanding the objection urged with respect to the age of the claim, concur in the amendment, and at once pass the bill.

Mr. CAMERON remarked that he was a member of the committee to whom the case had been formerly referred, and he had satisfied himself that the claim was just. The Senate was also satisfied of its justice, and passed the bill by an almost unanimous vote. In his opinion, the only objection advanced against the bill which was presented by the Senator from Missouri furnished the strongest argument in its favor. If justice had been delayed in this case for a period of seventy years, that was surely one of the most powerful reasons why justice should be promptly rendered now. There was not a gentleman present, there was scarcely a man in the country, who did not know of some case, standing from the time of the Revolution to this day, unsettled. It was true that the men of the Revolution were just—no body of men that ever existed were more so; but they were poor; they were not only too poor to be generous, but to pay their debts. The debts of the Revolution were left to be discharged when the country would be able to liquidate them. He himself knew of thousands of dollars worth of the continental money which lay locked up in old chests in his own State which had never been liquidated. The country made a compromise, but he believed now, as he had always believed, that it was discreditable to them. But the strong argument in favor of this bill was, that it had passed through all the forms of legislation, and accidentally failed to receive the signature of the President, and thereby become a law. It passed after a full investigation. If the Senate refused to pass it now, it placed the bill within the reach of accident again. He could not believe—he did not know—till that moment that any one would have looked at this as anything more than a matter of form. He hoped the bill would be passed immediately.

Mr. BAGBY said, that it appeared to him that the Senators from Indiana and Pennsylvania had both mistaken the true point at issue with regard to this bill. He did not understand that the merits of the claim of the heirs of Paul Jones were at all involved in the proposition submitted by the Senator from Massachusetts. The distinct and simple question before the Senate was, whether that was a deliberative body or not, and whether the usual forms of legislation were to be adhered to or be overthrown and lost sight of. He did not understand the gentleman from Massachusetts to be opposed to the bill on its merits; on the contrary, that Senator had distinctly stated that he did not at present inquire into the merits of the bill. But it must be obvious, he contended, to all who have at all observed the transaction of business in that body, whether with regard to old or new claims, that they were falling into a very loose, careless, and, in his humble conception, improper practice. Although both of his friends on his right [Mr. HANNEGAN and Mr. CAMERON] belonged to the junior members of the body in point of years, yet it was supposed that Senators were of that advanced age which ensured deliberation before they came there; and now, what was the argument advanced? Why, that because this bill had slept for three quarters of a century, and because it passed at the very last hour of the last session, therefore it was to be taken up post-haste, and carried through the body. If the bill possessed one iota of the merit attributed to it by both his friends on his right—and he did not question that it did—where was the danger of subjecting it to the usual ordeal of legislation? He did not, as he had said, at all enter into the merits of the bill; he took it for granted that its passage was *prima facie* evidence that the claim was a good one; but he maintained the principle that the character of the body as a deliberative assembly required that every measure, especially one which had lain for threescore years and ten, should be subjected to the ordinary forms of legislation.

Mr. HANNEGAN. It has been knocking at the doors of Congress since 1803.

Mr. BAGBY. No doubt; but he would rather have this or any other claim lie over till next session, than the established forms of this body should be disregarded from day to day. He insisted on the strict adherence to the usual forms of legislation in this as in all other cases.

Mr. MANGUM remarked, that the only difficulty which he perceived in this case arose out of the fact that the bill at this session was not reported by a committee at all; for if it had been reported, he had no doubt it would have passed that Chamber, and that then, having also passed the House of Representatives with amendments, it would, on its return, in case the amendments should have been regarded as immaterial by its friends, have been at once passed upon by the Senate. Not having been reported, however, a little more strength was given to the proposition that it should be referred to a committee. Yet, what was to be gained by a reference? The only question now remaining was on the amendments of the House, which did not open the merits of the bill—not at all—and those who had charge of it had represented that the amendments were merely verbal, except one which was not of much importance, and even if it were concurred in, and it should turn out that injustice had been done to any branch of the family, redress was easily to be obtained by an application to Congress. He knew that this case had undergone a very thorough examination on its merits, not in that Chamber, but by a committee who sat upon it week after week and week after week. It was well known to honorable Senators, that it was utterly impossible for any member of this or any other legislative body to become intimately acquainted with the merits of such cases from personal examination. It was necessary that they should trust to their organs, the committees. In this case, the committee had repeatedly examined the case, and reported favorably. He believed that the Senate would stultify itself in the eyes of the country if, after a solemn adjudication, it should refer the bill again to a committee, where its merits would not be at all open, and the amendments were admitted to be quite immaterial. Even if it were possible that under the influence of feeling they might go a little further than strict justice, yet the consideration that this was a just claim, which had lain unsettled for more than half a century, ought to be allowed some

weight. Besides, their means were now abundant, for he understood that the war with Mexico had ceased. He hoped, then, that there would be no unwillingness to do full justice to the claims of the descendants of one who not only rendered important service in the revolutionary struggle, but, by his great achievements, had added to the renown of the American name.

Mr. BADGER said he had voted for the passage of the bill at the last session, and had voted for a similar bill this session. But he could not consent that it should be passed immediately, in consequence of the statements made by the honorable Senator from Indiana, as he thought it proper now to refer it to the committee. Had the question on concurrence been presented, he would have at once voted in favor of the bill; but he felt that there was a necessity of referring the subject to the committee, if any Senator desired the reference. He believed that his honorable colleague was quite correct that the merits of the case were not involved; yet that did not furnish any reason why the reference should not be made. The long session was before them, and he could not see why the ordinary course should be resisted when it was demanded. He hoped that his friend from Indiana would yield and allow the reference.

Mr. DAVIS, of Massachusetts, wished to assure the Senate that nothing was more opposed to his view than any purpose of unnecessary delay. He had no desire to interpose the slightest obstacle to the passage of the bill, and yet, as he was somewhat responsible for the motion to refer, he wished to say a word in reference to his purpose in making the motion. The business was in such confusion at the close of last session, that the bill had fallen under the table and was there lost.

Mr. HANNEGAN begged to inform the Senator that the bill had long previously passed the Senate.

Mr. DAVIS said he knew that, and that it had been brought to receive the signature of the Vice President.

Mr. HANNEGAN stated that it did receive that officer's signature, and that it was on the way to the Executive chamber that it was lost.

Mr. DAVIS. The bill did not become a law. Now, he did not complain of the rapidity with which the bill passed; all that he wished was to secure proper examination of the amendments which it had now received in the House. The object in organizing the committee was to secure deliberation. The remark made by the honorable Senator from North Carolina [Mr. MANGUM] showed the necessity of deliberate examination. That gentleman had said, that if injustice was done by any of the amendments, redress could be obtained on application to Congress. Now, it was to supercede the necessity of any such subsequent legislation that he wished it referred to the committee.

Mr. BENTON observed, that all he had to say was, that with regard to this claim, which had been represented as long pending, as a "continual" claim, he knew nothing whatsoever. He did not know that it had passed and been lost accidentally, till after the close of last session. All that might have been owing to his not attending to the business of the Senate, but such was the fact. Now, he would go further and say, that he never knew what the bill was for, nor what it was about—he knew nothing of the foundation of the claim till yesterday, when his attention was drawn to it by a speech of a member of the House, [Mr. STARKWEATHER,] which that gentleman had sent to him, and which he had read, as he read all the speeches of that gentleman, with attention. It was thus that he had become acquainted with the nature of the claim, and he made this statement merely for the purpose of excluding himself from the supposition that he had given this bill proper consideration when it was before the Senate. The application at present was, to give the bill a reference to the proper committee, and that perhaps would afford him an opportunity of requesting that committee to inquire whether Paul Jones had any heirs. It had been his custom from his childhood to read everything relating to the Revolution, and he thought he knew something about the men of the Revolution. Everything connected with these men was worthy of careful examination. Yet he did not know that Paul Jones had any heirs. Perhaps the committee would find that out. He hoped that the reference would be made.

Mr. HANNEGAN said he would not detain the Senate by making any observations, and would merely read the amendments, contenting himself with a single remark in reply to the allusion of the Senator from Missouri to the fact, that Paul Jones had no heirs. The report had an entirely different statement, and he believed that, according to the laws of descent, a man could have heirs, and direct heirs, without having had children. The children of his brothers and sisters were his heirs. The grandchildren of his brothers and sisters were his heirs in the eye of the law. That was the case in the present instance. He then read the amendments, and added, that it would be seen that they were as he had represented them, entirely immaterial.

Mr. BRADBURY remarked that the Senator from Indiana had alluded to the fact that this bill had once passed the Senate unanimously. He was himself present on that day early in the session, on which the bill was passed without being subjected to the usual forms, and had supposed that the case was one so clear, so well settled, one about which there could be no doubt, that as a matter of courtesy to the Senator from Indiana, he had readily yielded to his request, and voted for its immediate passage. Since that time he had had occasion to look into the case, and he confessed that he was unable again to vote in favor of the bill on its merits out of courtesy to any Senator. The Senator from Indiana had on the present occasion alluded to one fact to which he wished to call the attention of the Senate. That Senator had gone into the merits of the bill, and alleged that the United States Government had deprived the claimants of the means of prosecuting their claims against a foreign government. The Senator then placed that claim on the ground that the United States Government had interposed between the claimant and the foreign government, and had itself assumed the claim. In looking into the facts of the case, he found that the treaty with Denmark did not exactly warrant that conclusion; and he hoped that the reference would be made, in order that an opportunity might be offered of investigating the matter. If the claim were just, he would be very happy to vote in favor of the bill. If it were not just, he could not conscientiously vote for it; and in these circumstances he wished that the bill might be subjected to the usual forms of legislation, in order that it might be acted on with coolness and deliberation.

Mr. CASS said he hoped the bill would be passed over informally, in order that the special order might be taken up.

SEVERAL SENATORS. "Question."

The question was then taken on the motion to refer the bill to the committee, and it was agreed to—Ayes 25.

ILLNESS OF JOHN QUINCY ADAMS.

Mr. BENTON rose, and with great feeling, said: I am called on to make a painful announcement to the Senate. I have just been informed that the House of Representatives has this instant adjourned under the most afflictive circumstances. A calamitous visitation has fallen on one of its oldest and most valuable members—one who has been President of the United States, and whose character has inspired the highest respect and esteem. Mr. ADAMS has just sunk down in his chair, and has been carried into an adjoining room, and may be at this moment passing from the earth, under the roof that covers us, and almost in our presence. In these circumstances the whole Senate will feel alike, and feel wholly unable to attend to any business. I therefore move the immediate adjournment of the Senate.

The motion was unanimously agreed to; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 22, 1848.

The House met at twelve o'clock, the usual hour, and it was marked with deep solemnity and sadness. The Rev. H. SLICER, the Congressional Chaplain, performed the duty of his office with unusual impressiveness, and tenderly and delicately alluded to the venerable sage who lay in an adjoining room, unconscious of all earthly concerns, on the verge of eternity.

The SPEAKER then rose and said, he deemed it proper to state to the House from the chair that his venerable colleague, JOHN QUINCY ADAMS, was still in a state of unconsciousness in the Speaker's room, and, in the opinion of his medical advisers, was rapidly sinking.

Mr. BURT moved that the House do now adjourn.

Mr. GIDDINGS suggested that the Journal of yesterday should state the cause of its early adjournment.

The SPEAKER acquiesced, and directed the Clerk to record the melancholy circumstance.

The House then adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. TURNER: The petition of H. Wells and others, praying for an act to authorize the citizens of Rock Island to select 160 acres of land, for school purposes in lieu of sixteenth section. Also, the petition of H. Whitney and others, praying for a mail route from La Salle to Lee Centre and Daysville, in the State of Illinois.

By Mr. THURSTON: The remonstrance of Benjamin G. Teal and one hundred others, against the renewal of the patent to the heirs of Jethro Wood.

By Mr. A. JOHNSON: The papers of Jonathan Naff, Edward Taylor, and Cornelius Hughes, all applicants to be placed on the roll of invalid pensioners. Also, the papers of Thomas Richard, an applicant to be placed on the roll of revolutionary pensioners.

By Mr. GAINES: The petition of W. H. Scott, for indemnity for loss sustained by the failure and refusal of the Postmaster General to give him a mail contract according to agreement.

By Mr. GREEN ADAMS: The petition of Jarvis Jackson, praying to be relieved from the payment of a judgment obtained against him as the security of Calvin Carter, late postmaster at London, Kentucky.

By Mr. HUNT: The petition of W. S. Rossiter, James Brown, jr., and other citizens of New York, for the admission of Canadian produce free of duty. Also, a petition of the same purport from Horace White and other citizens of Syracuse, New York.

By Mr. HOLMES, of New York: The remonstrance of N. Stearns and fifty-three others, of Monroe county, New York, against extending the patent of Jethro Wood.

By Mr. WENTWORTH: A petition for a mail route from Juliet, via Jackson creek, Reed's Grove, Wilmington, Rock creek, Bullbonia, Mount Langum, Middleport, and Milford, Illinois, to Lafayette, in Indiana. Also, the petition of citizens of McLean county, for a change in the present system of newspaper postage. Also, the proceedings of a public meeting held at Buffalo, New York, by the owners and masters of vessels.

IN SENATE.

TUESDAY, *February* 22, 1848.

The Journal having been read—

Mr. DAVIS, of Massachusetts, rose and said, that he was informed the House of Representatives had met and instantly adjourned, in consequence of the continued and dangerous illness of Mr. ADAMS, who still lay within these walls in a very perilous condition. Mr. ADAMS, he said, had attained to a great age, and had been eminently distinguished among the illustrious men of the country; and he hoped, under the circumstances which existed, the motion he was about to make would meet with the approbation of the Senate. It seemed to him that the anxieties of the moment, as well as veneration for one who has so long been an important co-laborer in our councils, in a measure unfitted us for deliberation.

Mr. D. then moved that the Senate do now adjourn.

The question being put, it was decided in the affirmative, *nemine dissentiente;* and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 23, 1848.

After an appropriate prayer by the Rev. Mr. SLICER, the Journal of yesterday was read and approved.

The House then, on motion of Mr. BARRINGER, adjourned.

IN SENATE.

WEDNESDAY, *February* 23, 1848.

Before the Journal had been read—

A message was received from the President of the United States announcing that he had approved and signed several enrolled bills, and transmitting a message in writing. The message was of an Executive character.

Mr. ALLEN rose to present some resolutions.

Mr. SEVIER. Let the Journal be first read.

The Journal was then read.

Mr. SEVIER moved that the Senate proceed to the consideration of Executive business.

Mr. ALLEN said he wished now to be permitted to submit his resolutions.

Mr. SEVIER. If the resolutions will not lead to discussion, I will withdraw my proposition, for the purpose of allowing them to be submitted.

Mr. ALLEN. There will be no discussion.

Mr. ALLEN then submitted the following:

Resolved, That the President be requested to inform the Senate whether the active operations of the army of the United States in Mexico have been and now are suspended by an armistice, and if so, by whose agency and in virtue of what authority such armistice has been effected.

Resolved, That the Committee on the Judiciary be instructed to inquire and to report to the Senate, by bill or otherwise, whether, in addition to the following act, to wit: "An act for the punishment of certain crimes therein specified. *Be it enacted*, &c., That if any person, being a citizen of the United States, whether he be actually resident or abiding within the United States or in any foreign country, shall, without the permission or authority of the Government of the United States, directly or indirectly, commence or carry on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or defeat the measures of the Government of the United States; or if any person being a citizen of or resident within the United States, and not duly authorized, shall counsel, advise, aid, or assist in any such correspondence, with intent as aforesaid, he or they shall be deemed guilty of a high misdemeanor, and, on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars and by imprisonment during a term of not less than six months, nor exceeding three years: *Provided always*, That nothing in this act contained shall be construed to abridge the right of individual citizens of the United States to apply, by themselves or their lawful agents, to any foreign Government or their agents thereof for the redress of any injuries in relation to person or property which such individuals may have sustained from such Government, or any of its agents, citizens, or subjects," approved January 30, 1799—any further legislation be necessary in order more effectually to protect the rights and interests of the people of the United States against the consequences which may result from the assumption of any individual or individuals, without authority to act, in the name or behalf of the Government of the United States, or any department or officer thereof, with any foreign Government, or department or officer thereof, or any individual or individuals assuming to be such foreign Government, or department or officer thereof, and especially in matters of peace and war.

Resolved, That the fortieth rule for conducting business in the Senate, and which requires the Senate to close its doors when transacting Executive business, be rescinded, and the Senate shall hereafter sit with open doors while transacting all business.

Resolved, That the injunction of secrecy be, and the same is hereby, removed from all past proceedings of the Senate in Executive session.

Mr. JOHNSON, of Louisiana, rose to submit a paper; when—

Mr. SEVIER immediately renewed his proposition, refusing to give way.

And the motion having been agreed to, the Senate proceeded to the consideration of Executive business.

After an hour spent in Executive session, the doors were reopened; when

Several petitions were presented and referred.

REPORTS FROM COMMITTEES.

Two or three unimportant bills were reported from committees.

Mr. CASS, from the Committee on Military Affairs, submitted the testimony taken before the committee in relation to the claims upon the Government by citizens of California, arising out of our military operations in that country.

Mr. C. said that this testimony disclosed much important information, and he moved that it be printed, and that 20,000 extra copies be also printed for distribution; which was agreed to.

THE TEN-REGIMENT BILL.

Mr. CASS gave notice that he would call up the ten-regiment bill to-morrow, at one o'clock, and he hoped the Senate would be prepared to act upon it without delay, as it was desirable that it should be speedily passed.

Mr. MASON observed, that when this bill was last before the Senate, he had obtained the floor, with a view of expressing his opinions upon the various subjects which had been presented, when it should next be before the Senate. Since that day, however, the bill had not been before the Senate, and circumstances had occurred, pretty well known to the public, which rendered it unnecessary that the discussion should be continued in the range which it had hitherto taken. He was, therefore, very willing to yield the floor, if Senators upon the other side would forego their intention further to discuss the bill, and let it be put upon its passage. He knew of nothing which had transpired to render such a measure unnecessary.

Mr. CASS said, it was the unanimous opinion of gentlemen on his side of the Chamber that to halt now in our military operations would be fatal. Their wish was that the bill should be passed before the adjournment to-morrow.

Mr. BERRIEN observed, that if gentlemen on the other side, holding the majority, were determined to press the passage of this bill to-morrow, those on his side must yield to the force of superior numbers. He trusted, however, that such a course would not be pursued, but that the privilege which had been enjoyed by gentlemen on the other side of discussing the bill fully, would also be extended to them, to afford an opportunity of explaining why they thought the bill unnecessary.

Mr. MASON inferred, from the observations of the Senator from Georgia, that it was the opinion on that side of the Chamber that the bill was now unnecessary. He should feel it his duty, therefore, to occupy the floor to-morrow, to show that the necessity for the passage of the bill still exists.

Mr. ALLEN suggested to Senators on the other side, who seemed disposed to continue the debate upon the bill, that they might avail themselves of materials for the discussion, by taking up and adopting the resolution which he had offered this morning for rescinding the rule requiring a portion of the business of the Senate to be transacted in secret session. They could then introduce topics which it would not otherwise be in order for them even to allude to.

Mr. MANGUM did not exactly comprehend the extent and scope of the resolution referred to by the Senator from Ohio.

Several Senators called for the reading of the resolution, and it was read by the Secretary. [The resolution, which is to rescind the 40th rule, is given above.]

Mr. MANGUM observed, that he would not interpose his vote to a resolution to consider the particular matter which had been alluded to in open session, if gentlemen on the other side saw proper to take such a step. He would place the responsibility upon gentlemen representing the Administration upon that floor, and if they saw fit to adopt such a course, he would not interpose his negative. As to the resolution which had been read, so wide in its scope, he would take occasion to give his views upon it when it should come up.

Mr. ALLEN moved that the resolution be now taken up.

Mr. MANGUM would not himself interpose any objection; but, under the rule, the resolution must lie on the table if a single member objected.

Mr. BERRIEN said there was a grave question involved in this resolution, and it should not be acted on hastily. He therefore moved that the Senate adjourn.

Mr. DOUGLAS demanded the yeas and nays on the motion.

Mr. ALLEN suggested to the Senator from Georgia that the resolution could be postponed until to-morrow without an adjournment.

Mr. BERRIEN had taken that mode of postponing the resolution. If, however, there was a desire for a longer session, he would withdraw the motion.

Mr. CAMERON was opposed to the consideration of the resolution to-day, though when it came up he might be found with the mover. Too much time had already been wasted in the discussion of the ten-regiment bill; and he hoped there would be no more delay in regard to it. The necessity for its passage was as great now, or greater, than ever.

Mr. NILES hoped the Senator would withdraw his objection, and let the resolution be taken up.

Mr. CALHOUN thought there was an intimate connection between the ten-regiment bill and the subject which had been alluded to, which pertained to Executive business. He hoped the honorable chairman of the Military Committee would not, therefore, persist in his determination to press the passage of the bill. As to the resolution of the Senator from Ohio, he was utterly opposed to it, even if so modified as to embrace only the present subject for Executive consideration. It would be opening the door to a dangerous precedent, and would throw down the barrier which the Constitution had wisely placed round the consideration of questions involving peace or war.

Mr. MANGUM hoped he was not understood as approving even the consideration of the one particular subject which had been alluded to in open session. He did not approve of it. He had merely observed that if those representing the Administration chose to take the responsibility of such a course, he should not interpose his negative to it. He thought it was a question for them to settle, and upon them would rest the responsibility.

Mr. CALHOUN had not understood the Senator from North Carolina as approving it.

Mr. CASS desired to say one word. There was a greater necessity now than ever for the passage of the bill. Suppose a treaty had been negotiated, it was very well known that there was not a quorum of the Mexican Congress at Queretaro to have ratified such a treaty. And supposing we should ratify a treaty, if there be one, it is well known that there is no stability in the Mexican Government; that it is here to-day and gone to-morrow, and there is no certainty that it would be ratified by the one which might exist when it should reach Mexico. Besides, if we relax our military operations, it might disincline them to ratify any treaty. The passage of the bill will cost us nothing, for we need not raise the troops if they are not needed. But we should make a demonstration here to act upon the fears of the Mexican rulers, and thus force them into a peace.

Mr. MANGUM rose to a point of order.

Mr. CASS was aware that he was not in order, there being no question before the Senate. Other gentlemen, however, had been permitted to go on, and as he had been personally alluded to by the Senator from South Carolina, he hoped he would be allowed the same privilege.

Mr. MANGUM said that was not his point of order. It was, whether the Senator was not in some sense affording "aid and comfort to the enemy," by making remarks here which would be published, and might reach their ears, about making *a feint*—a movement for effect—to operate upon their fears, the knowledge of which would tend to defeat its aim?

Mr. CASS was not for making a feint: he was for effective operations.

Mr. JOHNSON, of Maryland, said he should object to the consideration of the resolution of the Senator from Ohio to-day, and he would therefore move that the Senate adjourn; which was agreed to without dissent.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 24, 1848.

The House met at the usual hour, and was opened by prayer by the Chaplain. A full attendance of members and a crowded audience attested the deep interest of the occasion which called the two Houses to offer public testimonials of their profound respect for the memory of the Hon. JOHN QUINCY ADAMS, who breathed his last on yesterday evening, and whose mortal remains yet lie within the walls of the Capitol.

The SPEAKER (the Hon. R. C. WINTHROP) rose, and in a feeling and affecting manner addressed the House as follows:

Gentlemen of the House of
Representatives of the United States:

It has been thought fit that the Chair should announce officially to this House an event already known to the members individually, and which has filled all our hearts with sadness.

A seat on this floor has been vacated, towards which our eyes have been accustomed to turn with no common interest.

A voice has been hushed forever in this Hall, to which all ears have been wont to listen with profound reverence.

A venerable form has faded from our sight, around which we have daily clustered with an affectionate regard.

A name has been stricken from the roll of the living statesmen of our land, which has been associated for more than half a century with the highest civil service, and the loftiest civil renown.

On Monday, the 21st instant, JOHN QUINCY ADAMS sunk in his seat, in presence of us all, by a sudden illness, from which he never recovered; and he died in the Speaker's room at a quarter past seven o'clock last evening, with the officers of the House and the delegation of his own Massachusetts around him.

Whatever advanced age, long experience, great ability, vast learning, accumulated public honors, a spotless private character, and a firm religious

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faith, could do to render any one an object of interest, respect, and admiration, they had done for this distinguished person; and interest, respect, and admiration are but feeble terms to express the feelings with which the members of this House and the people of the country have long regarded him.

After a life of eighty years, devoted from its earliest maturity to the public service, he has at length gone to his rest. He has been privileged to die at his post; to fall while in the discharge of his duties; to expire beneath the roof of the Capitol; and to have his last scene associated forever in history with the birthday of that illustrious Patriot, whose just discernment brought him first into the service of his country.

The close of such a life, under such circumstances, is not an event for unmingled emotions. We cannot find it in our hearts to regret, that he has died as he has died. He himself could have desired no other end. "This is the end of earth," were his last words, uttered on the day on which he fell. But we might almost hear him exclaiming, as he left us—in a language hardly less familiar to him than his native tongue—"*Hoc est, nimirum, magis feliciter de vitâ migrare, quam mori.*"

It is for others to suggest what honors shall be paid to his memory. No acts of ours are necessary to his fame. But it may be due to ourselves and to the country, that the national sense of his character and services should be fitly commemorated.

When the SPEAKER concluded—

Mr. HUDSON, of Massachusetts, rose and addressed the House as follows:

Mr. SPEAKER: I rise, with no ordinary emotion, to perform a painful duty, which has been assigned me by my colleagues, growing out of an event which has recently occurred in the midst of us, the announcement of which has just been made by the Chair. My late venerable colleague is no more! A great and good man has fallen! He has been stricken down in the midst of us, while in the discharge of his public duties. One whose public services are coeval with the establishment of our Government—one who has come down to us from past generations, and of whom it might almost be said that he was living in the midst of posterity, an example to us and to those who come after us—has ceased from his labors, and gone to his reward. The peculiar circumstances of his death are known to every member of this House, and are calculated to make a deep and lasting impression. They weigh so heavily upon my own mind and feelings, that I am almost inclined to believe that *silence* is the most appropriate token of our grief, and the most suitable tribute to his memory.

JOHN QUINCY ADAMS was born on the 11th day of July, 1767, in that part of Braintree, Massachusetts, which was subsequently incorporated into a town by the name of Quincy, and hence was in the eighty-first year of his age. In 1778, when he was but eleven years of age, he accompanied his father, John Adams, to France, who was sent with Benjamin Franklin and Arthur Lee, as Commissioners to the Court of Versailles. After remaining in France about eighteen months, during which time he applied himself closely to the study of the French and Latin languages, he returned to his own country in August, 1779. In November of the same year, his father was again despatched to Europe for the discharge of diplomatic services, and took his son John Quincy with him. At Paris he was put to school; and when, in 1780, John Adams removed to Holland, his son enjoyed the advantages of the public school at Amsterdam, and afterwards of the University at Leyden. Francis Dana, who accompanied John Adams, as Secretary to the Embassy, received in 1781 the appointment of Minister Plenipotentiary to Russia, and took John Quincy Adams, then fourteen years of age, with him as his private secretary. Here he remained till October, 1782, when he left Mr. Dana at St. Petersburgh, and returned through Sweden, Denmark, Hamburg, and Bremen, to Holland, where he remained some months, till his father took him to Paris, at the time of the signing of the treaty of peace in 1783. From that time till 1785, he was with his father in England, Holland, and France; during the whole of which period he was a close student.

At the age of eighteen, at his own request, his father permitted him to return to Massachusetts, where he entered Harvard University, and was graduated in 1787 with distinguished honors. Soon after leaving college, he entered the office of the celebrated Theophilus Parsons, afterwards Chief Justice of Massachusetts, where he remained the usual period of three years in the study of the law, when he entered the profession, and established himself at Boston.

In 1794, General Washington appointed him Resident Minister to the United Netherlands. From that period till 1801 he was in Europe, employed in diplomatic business, and as a public minister in Holland, England, and Prussia. Just as General Washington was retiring from office, he appointed Mr. Adams Minister Plenipotentiary to the Court of Portugal. While on his way to Lisbon he received a new commission, changing his destination to Berlin. During his residence of about three years and a half at Berlin, he concluded an important commercial treaty with Prussia—thus accomplishing the object of his mission. He was recalled near the close of his father's administration, and arrived in his native country in September, 1801.

In 1802 he was chosen by the Boston district to the Senate of Massachusetts, and soon after was elected by the Legislature a Senator in Congress for six years from March 3, 1803. He remained in the Senate of the United States until 1808, when he resigned. While in the Senate he received the appointment of Professor of Rhetoric in Harvard University, an office which he filled with distinguished ability.

In 1809 he was appointed by President Madison Envoy Extraordinary and Minister Plenipotentiary to the Court of Russia, where he rendered the most important services to his country. By his influence with that Court, he induced Russia to offer her mediation between Great Britain and the United States in the war of 1812; and, when the proper time had arrived, he was placed by President Madison at the head of five distinguished commissioners to negotiate a treaty of peace, which was concluded at Ghent in 1814. Mr. ADAMS was then associated with Mr. Clay and Mr. Gallatin to negotiate a commercial convention with Great Britain, and was forthwith appointed Minister Plenipotentiary to the Court of St. James. While in Europe in 1811, he received the appointment of Associate Justice of the Supreme Court of the United States, which he declined.

After remaining in England till the close of President Madison's administration, he was called home, and placed by President Monroe at the head of the Department of State, where he remained eight years.

In 1825 he was chosen by the House of Representatives President of the United States for the term of four years. On leaving the Presidency in 1829, he returned to his native place in Massachusetts, and in 1831 he was elected a member of this House, and by the free suffrages of the people has been continued in that office to the day of his death.

This is but a hasty and imperfect enumeration of the public stations which have been filled by my late lamented colleague. Of the manner in which he has discharged these public trusts it is not necessary for me to speak. Suffice it to say, that his long eventful life has been devoted to the public service, and the ability and fidelity with which he has discharged every duty are known and acknowledged throughout the nation. His fame is so blended with his country's history that it will live when all the frail monuments of art shall have crumbled into dust. By his death the country has lost a pure patriot, science an ardent votary, and the cause of human freedom a devoted friend.

But it is not as a public man merely that we are to contemplate Mr. ADAMS. In the private walks of life, "where tired dissimulation drops the mask," and man appears as he really is, we find in him all those silent and social virtues which adorn the character. His ardent love of justice, his inflexible regard for truth, his stern devotion to the cause of civil and religious liberty, were blended with meekness, sobriety, and charity. But the crowning glory of his character was his devotion to the cause of his Redeemer.

To that cause he was publicly dedicated on the second day of his earthly existence, and throughout a long life he manifested a firm belief in Divine revelation, and a calm trust in that Being who rules among the nations, and spreads the mantle of his love over his dependant children. But he is gone. The places that have known him will now know him no more forever. This instance of mortality, at once so peculiar and so painful, admonishes us of the uncertainty of life, and teaches us so to number our days, that we may apply our hearts unto wisdom.

We tender to his afflicted family our heartfelt sympathy, and assure them that a nation's tears will be mingled with theirs. And while we look for consolation to the wisdom and goodness of an overruling Providence, we would affectionately commend them to that gracious Being who has revealed himself as the father of the fatherless and the widow's God and friend.

Mr. HUDSON concluded by offering the following resolutions:

Resolved, That this House has heard with the deepest sensibility of the death in this Capitol of JOHN QUINCY ADAMS, a member of the House from the State of Massachusetts.

Resolved, That, as a testimony of respect for the memory of this distinguished statesman, the officers and members of the House will wear the usual badge of mourning, and attend the funeral in this Hall on Saturday next, at twelve o'clock.

Resolved, That a committee be appointed to superintend the funeral solemnities.

Resolved, That the proceedings of this House in relation to the death of JOHN QUINCY ADAMS be communicated to the family of the deceased by the Clerk.

Resolved, That this House, as a further mark of respect for the memory of the deceased, do adjourn to Saturday next, the day appointed for the funeral.

Before the question was stated on these resolutions—

Mr. HOLMES, of South Carolina, rose and said: Mr. Speaker, the mingled tones of sorrow, like the voice of many waters, has come unto us from a sister State—Massachusetts weeping for her honored son. The State I have the honor in part to represent, once endured, with yours, a common suffering, battled for a common cause, and rejoiced in a common triumph. Surely, then, it is meet that in this the day of your affliction we should mingle our griefs.

When a great man falls, the nation mourns; when a patriarch is removed, the people weep. Ours, my associates, is no common bereavement. The chain which linked our hearts with the gifted spirits of former times has been rudely snapped. The lips from which flowed those living and glorious truths that our fathers uttered are closed in death. Yes, my friends, Death has been among us! He has not entered the humble cottage of some unknown, ignoble peasant; he has knocked audibly at the palace of a nation! His footstep has been heard in the Hall of a State! He has cloven down his victim in the midst of the councils of a people! He has borne in triumph from among you the gravest, wisest, most reverend head! Ah! he has taken him as a trophy who was once chief over many States, adorned with virtue, and learning, and truth; he has borne at his chariot wheels a renowned one of the earth!

There was no incident in the birth, the life, the death, of Mr. ADAMS, not intimately woven with the history of the land. Born in the night of his country's tribulation, he heard the first murmurs of discontent; he saw the first efforts for deliverance. Whilst yet a little child, he listened with eagerness to the whispers of freedom as they breathed from the lips of her almost inspired apostles: he caught the fire that was then kindled; his eye beamed with the first ray; he watched the day spring from on high; and long before he departed from earth, it was graciously vouchsafed

unto him to behold the effulgence of her noontide glory.

His father saw the promise of the son, and early led him by the hand to drink of the very fountains of light and liberty itself. His youthful thoughts were kindled with the idealism of a republic, whose living form and features he was destined to behold visibly. Removed at an early age to a distant country, he there, under the eye of his father, was instructed in the rigid lore of a Franklin, as I have heard him say. His intellect was expanded by the conversations, and invigorated by the acute disquisitions, of the Academicians, whose fiery zeal, even at that early period, was waking up the mind of France to deeper thoughts, bolder inquiries, and more matured reflection—to result ultimately, as we all know, in terrific action. Returning to this country, he entered into the cool cloisters of the college; passed through the various stages to acquire that discipline of mind which intense study can alone impart; and thence, as he was about to emerge, appeared those buds of promise which soon blossomed into those blushing honors he afterwards wore so thick around him. His was not the dreamy life of the schools; but he leapt into the arena of activity, to run a career of glorious emulation with the gifted spirits of the earth. He saw the efforts to place his country on a deep and stable foundation, where it now rests. He had seen the colonies emerge into States, and the States cemented into Union, and realized, in the formation of this confederated republic, all that his ardent hopes had pictured out in the recesses of schools. Young as he then was, he contributed, by the energy of his mind and the vigor of his pen, to support the administration of Washington, who, we have just been told, transferred him at an early age to a foreign court; scarcely initiated into its diplomacy before his services were required for another and a more extended sphere. Passing from that, he returned to his own country, and was placed by the suffrages of his State in the chamber of the other end of this Capitol; and there, the activity of his mind, the freedom of his thought, the independence of his action, rendered him to his constituents for the time being unacceptable, by uniting him to the policy of Mr. Jefferson. He retired from the halls of Congress; but he went to no ignoble case. Wearied with the toils, heated with the contests, covered with the dust of politics, he withdrew to the classic groves of Cambridge, and there he bathed his weary mind in the pure stream of intellectual rest. Purified, refreshed, invigorated, he came forth, after severe study and devout prayer, to do his country service. He was sent immediately to Russia, as has been stated, not to repose amidst the luxuries of courts, or in rich saloons amidst the glitter of lights and the swell of voluptuous music, but to watch the swell and play of those shadowy billows with which all Europe heaved beneath the throes of the great heart of France.

Mr. ADAMS saw and felt that the pulse of freedom day by day beat feebler and feebler throughout the continent. He counselled the ministers of Russia. He was one of those that stimulated them to wake from their torpor, and he had the satisfaction to behold, from the frozen regions of the north, those mighty hordes pour out upon the sunny nations of the south to give deliverance to People, States, and Powers. His own country demanded his services, and he became, with Gallatin and Clay, a mediator of that peace between two nations which we trust shall exist forever, while the only contests shall be those of good will on earth and mutual brotherhood.

He went—as his father had gone after the first war of the Revolution—upon the termination of the second war, to the Court of St. James. He remained not long before another sphere was opened to him. As Secretary of State for eight years, he fulfilled the arduous duties incident to that high post in a country just emerging from conflict. To the highest office of the people he was quickly raised; and how in that sphere he moved—with what ease, ability, and grace—we all know, and history will record. He crushed no heart beneath the rude grasp of proscription; he left no heritage of widows' cries or orphans' tears.

He disrobed himself with dignity of the vestures of office, not to retire to the shades of Quincy, but, in the maturity of his intellect, in the vigor of his thought, to leap into this arena, and to continue, as he had begun, a disciple, an ardent devotee at the temple of his country's freedom. How in this department he ministered to his country's wants we all know and have witnessed. How often we have crowded into that aisle, and clustered around that now vacant desk, to listen to the counsels of wisdom as they fell from the lips of the venerable sage, we can all remember, for it was but of yesterday. But what a change! How wondrous! how sudden! 'Tis like a vision of the night. That form which we beheld but a few days since is now cold in death!

But the last Sabbath and in this Hall he worshipped with others. Now his spirit mingles with the noble army of martyrs and the just made perfect in the eternal adoration of the living God! With him "this is the end of earth." He sleeps the sleep that knows no waking. He is gone—and forever! The sun that ushers in the morn of that next holy day, while it gilds the lofty dome of the Capitol, shall rest with soft and mellow light upon the consecrated spot beneath whose turf forever lies the PATRIOT FATHER and the PATRIOT SAGE!

Mr. VINTON rose and addressed the House:

Mr. Speaker, (said he,) when the messenger of death enters this Hall, and bids one of us come away, it is our custom to commit exclusively to some colleague of the departed member the solemn ceremony of its announcement. Usage requires no more. But the venerable man whom the destroying angel smote down in our very presence—the book of whose great life is now written and finished—stood out far beyond the rest of us, upon a broader and higher elevation. It is true he was the son of Massachusetts, and to her belongs the proud honor of having given him birth. But he was more than the son of Massachusetts; he did not belong to her alone; he offered himself to his country, and she made him her property. His fame, his wisdom, and his works, were all his country's. These are his rich and common legacy to us all. It is therefore that we of the great national brotherhood claim the precious privilege to cluster close around the children of Massachusetts—to take part with them in this sad solemnity—to sympathize with them, and along with them—to give utterance to our sorrow, to our reverence, to our veneration for the departed dead, and to our deep affliction in this great national bereavement. I did not rise—I dare not attempt one word of eulogy upon the illustrious dead—nor dare I venture to portray his exalted character as a statesman, or the bright virtues of his private life. I know how incompetent I am to the performance of such a task. I trust that in due time, and on some fitting occasion, this will be done by some one of the great and gifted intellects of Massachusetts. But still I hope I may be permitted to say that no man has heretofore died, when a member of this body, who will fill so large a space in his country's history, or who has stamped so deeply his impress on her institutions. The solemnity of the occasion forbids, perhaps the period has not yet arrived, for the expression of an unbiassed opinion respecting the effect of this on his country's welfare. But when time shall have numbered with the dead us who were actors with him upon this great drama of life; when the partialities of his friends and the prejudices of his enemies, if any he have left behind, shall have been buried in one common grave, he and the work of his great life may be safely trusted to the truthful historian, and to the judgment of an impartial posterity. To this great and just ordeal, he, with all the renowned and mighty of the earth who have gone before him, must come at last. And to its verdict, those of us who knew him best, and were most devoted to him, are most willing to commit him, and all that he achieved. The time, the place, and the manner of his death, all conspire to excite the profoundest sensation everywhere, as it has done in this Hall; and especially to teach us "what shadows we are, and what shadows we pursue;" to teach us how vain and valueless are all our struggles and contests here for distinction or for power; and, above all, that no human greatness, no fame, no honor, no high attainment, no divine exaltation of intellect, can aught avail us to avert the dread sentence of God upon poor mortal man; "Dust thou art, and unto dust thou shalt return."

Mr. McDOWELL, of Virginia, then rose and said: Such, for half a century, Mr. Speaker, has been the eminent position of Mr. ADAMS in the eyes of his countrymen; his participation in the highest honors which it was theirs to give; his intimate association with controlling events in their national annals, and with the formation of that public opinion which brought them about; such the veneration and almost universal homage entertained for his intellect and virtues; and such, in all respects, his great relations to this entire Union, and to the daily thought of its growing millions,—that on this sad occasion the language of all its parts will be that of lamentation and of tribute. It is not for Massachusetts to mourn alone over a solitary and exclusive bereavement. It is not for her to feel alone a solitary and exclusive sorrow. No, sir; no! Her sister Commonwealths gather to her side in this hour of her affliction, and, intertwining their arms with hers, they bend together over the bier of her illustrious son—feeling as she feels, and weeping as she weeps, over a sage, a patriot, and a statesman gone! It was in these great characteristics of individual and of public man that his country reverenced that son when living, and such, with a painful sense of her common loss, will she deplore him now that he is dead.

Born in our revolutionary day, and brought up in early and cherished intimacy with the fathers and founders of the Republic, he was a living bond of connection between the present and the past—the venerable representative of the memories of another age, and the zealous, watchful, and powerful one of the expectations, interests, and progressive knowledge of his own.

There he sat, with his intense eye upon everything that passed, the picturesque and rare old man, unapproachable by all others in the unity of his character and in the thousand-fold anxieties which centered upon him. No human being ever entered this Hall without turning habitually and with heartfelt deference first to him, and few ever left it without pausing as they went to pour out their blessings upon that spirit of consecration to the country which brought and which kept him here.

Standing upon the extreme boundary of human life, and disdaining all the relaxations and exemptions of age, his outer framework only was crumbling away. The glorious engine within still worked on unhurt, uninjured, amid all the dilapidations around it, and worked on with its wonted and its iron power until the blow was sent from above which crushed it into fragments before us. And however appalling that blow, and however profoundly it smote upon our own feelings as we beheld its extinguishing effect upon his, where else could it have fallen so fitly upon him? Where else could he have been relieved from the yoke of his labors so well as in the field where he bore them? Where else would he himself have been so willing to have yielded up his life as upon the post of duty and by the side of that very altar to which he had devoted it? Where but in the Capitol of his country, to which all the throbbings and hopes of his heart had been given, would the dying patriot be so willing that those hopes and throbbings should cease? And where but from this mansion-house of liberty on earth could this dying Christian more fitly go to his mansion-house of eternal liberty on high?

But kindling to the imagination and soothing even to the feelings as is the death of Mr. ADAMS, with all the accessories and associations of this spot around him, how infinitely deeper is the interest which is given to it by the conviction that he was willing and ready to meet it? He was happily spared, by the preservation of his rich faculties to the last, from becoming a melancholy spectacle of dotard and drivelling old age. He was still more happily spared, by the just and wise and truthful use of those faculties, from becoming the melancholy and revolting spectacle of irreverent and wicked old age. None knew better or felt more deeply than he that

> "'Tis not the whole of life to live,
> Nor all of death to die;"

and hence for long years his life has been a continuous and beautiful illustration of the great truth, that whilst the fear of man is the consummation of all folly, the fear of God is the beginning of all wisdom. To such an one, "composure" amid the perils of death, and when "the last of earth has come," is a supporting power frequently and divinely given; and, if it has not been permitted to him, as to a prophet of old, to be spared the bitterness of death, and to go to the heaven that he looked for, and that he loved, in a chariot of fire,

yet to the eye of human faith his access to the same abode has been as speedy and as safe. Instead of wearing away under the waste of disease, and passing through all the woes and weaknesses which dissolving nature generally undergoes, a blow of brief but mortal agony strikes him at once into the tomb, and thus his spirit, instantly freed, goes right up to the parent fountain from which it came. The messenger calls, the soul is in heaven.

At this moment of fresh affliction, whilst standing in the very presence of death, it is not meet to go into any special review of the labors or opinions of the departed. Whatever may be thought of those politically, posterity will never deny to him the possession of great talents, actuated by great virtues, and directed with boldness, honesty, and earnest purpose, for an unequalled length of time, to whatever, in his judgment, was best for the interests, honor, and perpetuity of his country. This is the lesson taught by his life. That which is taught by his death calls upon us all, with solemn appealing cry, "Be ye also ready, for ye know not the hour when the Son of Man cometh!"

Mr. NEWALL rose and moved the following as an additional resolution:

Resolved, That the seat in this Hall just vacated by the death of the late JOHN QUINCY ADAMS, be unoccupied for thirty days, and that it, together with the Hall, remain clothed with the symbol of mourning during that time.

Mr. TALLMADGE, of New York, rose and said: Mr. Speaker, I do not rise to present an eulogium upon the character of the deceased, but I am confident that every manifestation of respect for the memory of the illustrious dead will meet with a cordial response from every member of this House. In compliance with the suggestions of several members, and in accordance with my own feelings, I ask leave to introduce the following additional resolution: *

Resolved, That the Speaker appoint one member of this House from each State and Territory as a committee to escort the remains of our venerable friend, the honorable JOHN QUINCY ADAMS, to the place designated by his friends for his interment.*

All the above resolutions were unanimously agreed to.

Mr. VINTON then moved that the Speaker's announcement of the death of the Hon. JOHN QUINCY ADAMS be entered on the Journal. This was also agreed to unanimously, and then the House adjourned to Saturday.

IN SENATE.

THURSDAY, *February* 24, 1848.

Mr. BERRIEN presented a joint resolution from the Legislature of Georgia, asking for the establishment of certain post routes in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, a joint resolution of the Legislature of the State of Georgia, that with pride and exultation it recurs to the battle-fields of the Rio Grande and of Mexico, in the war now waging, as evincive of the patriotism and gallantry of our people; but more especially to mark, by some deliberate expression, the sense it entertains of the value of the military institution of the United States at West Point, as illustrated by the science, the skill, the courage, and noble bearing of her cadets, and to whom is justly to be ascribed a large share of the lustre and glory achieved by our arms.

Also, a joint resolution in favor of the construction of a railroad across the continent of North America, which would make the United States the great highway between Europe and the populous and wealthy empire of Asia, and facilitate our own intercourse with those regions.

Mr. BERRIEN presented a petition from Mary E. D. Blaney, asking payment for property of her late husband, Major George Blaney, taken by the United States; which was referred to the Committee on Claims.

Mr. R. JOHNSON, of Maryland, presented the memorial of Isabella Cole, asking indemnity for losses and injuries done to a vessel belonging to her late husband, by the Peruvian authorities; which was referred to the Committee on Claims.

REPORTS FROM COMMITTEES.

Mr. BRADBURY, from the Committee on Claims, reported a bill for the payment of Charles Richmond; which was read a first time.

Mr. BREESE, from the Committee on Public Lands, reported a bill to authorize the relinquishment of the the 16th section, in certain cases, and the selection of other lands in lieu thereof, without amendment.

On motion of Mr. DOWNS, the Committee on Private Land Claims was discharged from the further consideration of the petition of Joseph Newell, and it was referred to the Committee on Indian Affairs.

On motion of Mr. DOWNS, the Committee on Indian Affairs was discharged from the further consideration of the petitions of Isaac C. Elston and James McKibben.

MR. ALLEN'S RESOLUTIONS.

The resolutions submitted yesterday by Mr. ALLEN coming up for consideration—

Mr. ALLEN said there was one of the resolutions which he presumed would give rise to no discussion. He meant that relating to the armistice, which was simply a call for information. He would move to take up that resolution.

The resolution was then read as follows:

Resolved, That the President be requested to inform the Senate whether the active operations of the army of the United States in Mexico have been and now are suspended by an armistice; and, if so, by whose agency, and in virtue of what authority, such armistice has been effected.

Mr. SEVIER moved to lay the resolution on the table.

Mr. ALLEN wished to know if this motion was made with a view to make a final disposition of the resolution in this way; if so, he would call for the ayes and noes on the motion.

A sufficient number rising to second the demand, the yeas and nays were ordered.

Mr. SEVIER said his object was to prevent any discussion of the resolution at this time. It might be called up on some other day.

The question was then taken, and decided as follows—yeas 11, nays, 37.

YEAS—Messrs. Atherton, Butler Calhoun, Davis of Massachusetts, Greene, Hunter, Johnson of Maryland, Johnson of Georgia, Niles, Sevier, and Sturgeon—11.

NAYS—Messrs. Allen, Ashley, Atchison, Badger, Bagby, Baldwin, Bell, Berrien, Bradbury, Breese, Bright, Cameron, Cass, Clarke, Clayton, Corwin, Davis of Mississippi, Dayton, Dickinson, Dix, Douglas, Downs, Foote, Hannegan, Houston, Lewis, Mangum, Mason, Miller, Moor, Pearce, Phelps, Rusk, Spruance, Turney, Upham, and Yulee—37.

Mr. SEVIER expressed himself at a loss to understand this vote. How this resolution could be discussed without going into Executive matters before the Senate he did not know. He would vote against the resolution, and he asked for the ayes and noes on its adoption.

A sufficient number rising, the ayes and noes were ordered.

Mr. JOHNSON, of Georgia, moved to amend the resolution, by introducing the words, "if, in his opinion, not detrimental to the public service."

Mr. ALLEN accepted the amendment, and the resolution was modified accordingly.

Mr. BREESE moved to transfer the resolution to the Executive Journal; but, after a few words from Mr. ALLEN, and an objection (overruled by the VICE PRESIDENT) that it was too late to make the motion after the yeas and nays had been ordered on the adoption of the resolution, withdrew his motion.

The question was then taken, and decided as follows—yeas 41, nays 9.

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Badger, Bagby, Baldwin, Bell, Benton, Berrien, Bradbury, Breese, Bright, Cameron, Cass, Clarke, Clayton, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Douglas, Downs, Foote, Greene, Hannegan, Houston, Johnson of Georgia, Mangum, Mason, Miller, Moor, Pearce, Phelps, Rusk, Spruance, Turney, Underwood, and Upham—41.

NAYS—Messrs. Butler, Calhoun, Hunter, Johnson of Maryland, Lewis, Niles, Sevier, Sturgeon, and Yulee—9.

So the resolution was agreed to.

Mr. ALLEN then moved his second resolution, to which he anticipated no objection, as it was merely a resolution of inquiry.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire and to report to the Senate, by bill or otherwise, whether, in addition to the following act, to wit: "An act 'for the punishment of certain crimes therein specified. *Be 'it enacted, &c.* That if any person, being a citizen of the 'United States, whether he be actually resident or abiding 'within the United States or in any foreign country, shall, 'without the permission or authority of the Government of 'the United States, directly or indirecly, commence or carry 'on any verbal or written correspondence or intercourse 'with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of 'any foreign government, or of any officer or agent thereof, 'in relation to any disputes or controversies with the United 'States, or defeat the measures of the Government of the 'United States; or if any person, being a citizen of or resident within the United States, and not duly authorized, 'shall counsel, advise, aid, or assist in any such correspondence, with intent as aforesaid, he or they shall be deemed 'guilty of a high misdemeanor, and, on conviction before 'any court of the United States having jurisdiction thereof, 'shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term of not less than 'six months, nor exceeding three years: *Provided always*, 'That nothing in this act contained shall be construed to 'abridge the right of individual citizens of the United States 'to apply, by themselves or their lawful agents, to any foreign government, or the agents thereof, for the redress of 'any injuries in relation to person or property which such 'individuals may have sustained from such government, 'or any of its agents, citizens, or subjects," approved January 30, 1799—any further legislation be necessary in order more effectually to protect the rights and interests of the people of the United States against the consequences which may result from the assumption of any individual or individuals, without authority to act, in the name or behalf of the Government of the United States, or any department or officer thereof, with any foreign government, or department or officer thereof, or any individual or individuals assuming to be such foreign government, or department or officer thereof, and especially in matters of peace and war.

No objection being offered, the resolution was agreed to.

The other resolutions were then suffered to lie over.

MR. BALDWIN'S RESOLUTIONS.

The following resolutions, submitted by Mr. BALDWIN, were then taken up in their order:

Resolved, That if any territory shall hereafter be acquired by the United States, or annexed thereto, the act by which said territory is acquired or annexed, whatever such act may be, should contain an unalterable fundamental article or provision whereby slavery or involuntary servitude, except as punishment for crime, shall be forever excluded from the territory acquired or annexed.

Resolved, That in any cession of territory that may be acquired as the result of the war with Mexico, the desire of that republic, expressed by her commissioners in their negotiations with Mr. Trist, to provide for the protection of the inhabitants of the ceded territory against the introduction of the system of human slavery therein, by a stipulation to that effect in any treaty that may be made, cannot, consistently with the rights of those inhabitants, or with the principles of justice and liberty which have been proclaimed to the world as the basis of our institutions, be disregarded or denied.

Mr. JOHNSON, of Maryland, hoped these resolutions would be informally passed over for the present.

Mr. FOOTE moved to lay them on the table.

Mr. BALDWIN. If it is intended, by this motion, finally to dispose of the resolution——

Mr. FOOTE. The motion to lay on the table is not debatable. I ask for the ayes and noes on my motion.

The ayes and noes were ordered.

At the suggestion of some Senators near him, Mr. FOOTE withdrew the motion.

Mr. RUSK renewed it.

Mr. JOHNSON, of Maryland, asked if the object was finally to dispose of the resolutions?

Mr. RUSK replied, that such was his object; although, if the resolutions could not hereafter be taken up without specific motion, he would be willing to withdraw his motion.

Mr. BAGBY regretted that these resolutions should have been taken up at this time. He had a conversation with the Senator from Connecticut on the subject of these resolutions, and those which he himself had submitted, and they had come to an understanding to ask the Senate, after the important bill now pending should be disposed of, to agree that a day should be fixed for the consideration of the propositions contained in both sets of resolutions. If called on to vote now, therefore, he must either vote against his own feelings, or in violation of this understanding. He would not vote in contradiction to his pledge. He therefore hoped the resolutions would be passed over informally.

Mr. BALDWIN said he was about to state, when interrupted by the Senator from Mississippi,

* The SPEAKER appointed the following gentlemen to compose the said committee:

Mr. Tallmadge, of N. Y.	Mr. Hammons, of Me.
Mr. Wilson, of N. H.	Mr. Collamer, of Vt.
Mr. Ashmun, of Mass.	Mr. Thurston, of R. I.
Mr. J. A. Rockwell, of Conn.	Mr. Newell, of N. J.
Mr. McIlvaine, of Penn.	Mr. J. W. Houston, of Del.
Mr. Ligon, of Md.	Mr. Meade, of Va.
Mr. Barringer, of N. C.	Mr. Holmes, of S. C.
Mr Lumpkin, of Ga.	Mr. Hilliard, of Ala.
Mr. A. G. Brown, of Miss.	Mr. Morse, of La.
Mr. Schenck, of Ohio.	Mr. French, of Ky.
Mr. Gentry, of Tenn.	Mr. C. B. Smith, of Ind.
Mr. Wentworth, of Ill.	Mr. Phelps, of Mo.
Mr. R. W. Johnson, of Ark.	Mr. C. E. Stuart, of Mich.
Mr. Cabell, of Florida.	Mr. Kaufman, of Texas.
Mr. W. Thompson, of Iowa.	Mr. Tweedy, of W. T.

that this understanding existed; and that, as the resolutions of the Senator were submitted prior to his, and those which he (Mr. B.) submitted were antagonistic in their character, they had agreed to move their consideration on the same day. He had supposed, also, that the resolutions of the Senator from Florida [Mr. YULEE] would have been postponed; but there was no agreement to that effect. He had no disposition to violate this arrangement; and he hoped his resolutions would be informally passed over, until the whole could be taken up.

Mr. RUSK said, this was a very exciting subject, and it might lead to a discussion which would shake the existence of our institutions. There was a time for all things. We have before us other and more solemn matters demanding our attention. A dispensation of Providence had fallen upon us, which ought to admonish us not to go into the discussion of exciting topics; and, to prevent a firebrand from being thrown into the Senate—particularly to-day—he hoped the resolutions would be placed in a situation to require a motion to call them up.

Mr. BALDWIN hoped the Senator did not understand that the resolutions had been taken up at his instance. He would only say that their language was precisely similar to the ninth of a series of resolutions adopted by the Legislature of Connecticut.

Mr. ALLEN moved to lay the resolutions on the table, now and forever, and asked for the yeas and nays.

SEVERAL SENATORS. That motion is already made.

The question was then taken, and decided as follows—yeas 35, nays 11:

YEAS—Messrs. Allen, Ashley, Atchison, Badger, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Georgia, Lewis, Mangum, Mason, Moor, Pearce, Rusk, Sevier, Sturgeon, and Turney—35.

NAYS—Messrs. Bagby, Baldwin, Corwin, Davis of Massachusetts, Dayton, Dix, Greene, Miller, Niles, Spruance, and Upham—11.

A bill to repeal the pilot act was taken up, and passed over informally.

A bill for the relief of the legal representatives of Jacques Moulon, was taken up, read a second time, considered as in Committee of the Whole, and ordered to a third reading; it was then read a third time, and passed.

A bill for the relief of Fernando Fellauny was taken up, and read a second time, when its further consideration was informally passed over.

DEATH OF HON. J. Q. ADAMS.

A message was received from the House of Representatives announcing the death of the Hon. JOHN QUINCY ADAMS, a member of that body, who expired on Wednesday evening, the 23d instant, in the Capitol, and the proceedings of the House of Representatives thereupon.

The message having been read—

Mr. DAVIS, of Massachusetts, rose, and thus addressed that body:

Mr. PRESIDENT: By the recent affliction of my colleague, a painful duty devolves upon me. The message just delivered from the House, proves that the hand of God has been again among us. A great and good man has gone from our midst. If, in speaking of JOHN QUINCY ADAMS, I can give utterance to the language of my own heart, I am confident I shall meet with a response from the Senate.

He was born in the then Province of Massachusetts, while she was girding herself for the great revolutionary struggle which was then before her. His parentage is too well known to need even an allusion; yet I may be pardoned if I say, that his father seemed born to aid in the establishment of our free Government, and his mother was a suitable companion and colaborer of such a patriot. The cradle hymns of the child were the songs of liberty. The power and competence of man for self-government were the topics which he most frequently heard discussed by the wise men of the day, and the inspiration thus caught gave form and pressure to his after life. Thus early imbued with the love of free institutions, educated by his father for the service of his country, and early led by Washington to its altar, he has stood before the world as one of its eminent statesmen. He has occupied, in turn, almost every place of honor which the country could give him, and for more than half a century has been thus identified with its history. Under any circumstances, I should feel myself unequal to the task of rendering justice to his memory; but, with the debilitating effect of bad health still upon me, I can only, with extreme brevity, touch upon some of the most prominent features of his life.

While yet a young man, he was, in May, 1794, appointed Minister Resident to the States General of the United Netherlands. In May, 1796, two years after, he was appointed Minister Plenipotentiary at Lisbon, in Portugal. These honors were conferred on him by George Washington, with the advice and consent of the Senate.

In May, 1797, he was appointed Minister Plenipotentiary to the King of Prussia. In March, 1798, and probably while at Berlin, he was appointed a commissioner with full powers to negotiate a treaty of amity and commerce with Sweden.

After his return to the United States, he was elected by the Legislature of Massachusetts a Senator, and discharged the duties of that station in this Chamber from the 4th of March, 1803, until June, 1808, when, differing from his colleague and from his State upon a great political question, he resigned his seat. In June, 1809, he was nominated and appointed Minister Plenipotentiary to the Court of St. Petersburgh.

While at that court, in February, 1811, he was appointed an Associate Justice of the Supreme Court of the United States, to fill a vacancy occasioned by the death of Judge Cushing, but never took his seat upon the Bench.

In May, 1813, he, with Messrs. Gallatin and Bayard, was nominated Envoy Extraordinary and Minister Plenipotentiary to negotiate a treaty of peace with Great Britain, under the mediation of Russia, and a treaty of commerce with Russia. From causes which it is unnecessary to notice, nothing was accomplished under this appointment. But afterwards, in January, 1814, he, with Messrs. Gallatin, Bayard, Clay, and Russell, were appointed Ministers Plenipotentiary and Extraordinary to negotiate a treaty of peace and a treaty of commerce with Great Britain. This mission succeeded in effecting a pacification, and the name of Mr. ADAMS is subscribed to the treaty of Ghent.

After this eventful crisis in our public affairs, he was, in February, 1815, selected by Mr. Madison to represent the country and protect its interests at the Court of St. James, and he remained there as Envoy Extraordinary and Minister Plenipotentiary until Mr. Monroe became President of the United States.

On the 5th of March, 1817, at the commencement of the new administration, he was appointed Secretary of State, and continued in the office while that gentleman was at the head of the administration.

In 1825 he was elected his successor, and discharged the duties of President for one term, ending on the 3d of March, 1829.

Here followed a brief period of repose from public service, and Mr. ADAMS retired to the family mansion at Quincy, but was elected a member of the House of Representatives from the district in which he lived at the next election which occurred after his return to it, and took his seat in December, 1831: he retained it by successive elections to the day of his death.

I have not ventured on this occasion beyond a bare enumeration of the high places of trust and confidence which have been conferred upon the deceased. The service covers a period of more than half a century; and what language can I employ which will portray more forcibly the great merits of the deceased, the confidence reposed in him by the public, or the ability with which he discharged the duties devolved upon him, than by this simple narration of recorded facts? An ambitious man could not desire a more emphatic eulogy.

Mr. ADAMS, however, was not merely a statesman, but a ripe, accomplished scholar, who, during a life of remarkably well-directed industry, made those great acquirements which adorned his character, and gave to it the manly strength of wisdom and intelligence.

As a statesman and patriot, he will rank among the illustrious men of an age prolific in great names, and greatly distinguished for its progress in civilization. The productions of his pen are proofs of a vigorous mind, imbued with a profound knowledge of what it investigates, and of a memory which was singularly retentive and capacious.

But his character is not made up of those conspicuous qualities alone. He will be remembered for the virtues of private life—for his elevated moral example—for his integrity—for his devotion to his duties as a Christian, as a neighbor, and as the head of a family. In all these relations, few persons have set a more steadfast or brighter example, and few have descended to the grave where the broken ties of social and domestic affection have been more sincerely lamented. Great as may be the loss to the public of one so gifted and wise, it is by the family that his death will be most deeply felt. His aged and beloved partner, who has so long shared the honors of his career, and to whom all who know her are bound by the ties of friendship, will believe that we share her grief, mourn her bereavement, and sympathize with her in her affliction.

It is believed to have been the earnest wish of his heart to die, like Chatham, in the midst of his labors. It was a sublime thought, that where he had toiled in the house of the nation, in hours of the day devoted to its service, the stroke of death should reach him, and there sever the ties of love and patriotism which bound him to earth. He fell in his seat, attacked by paralysis, of which he had before been a victim. To describe the scene which ensued would be impossible. It was more than the spontaneous gush of feeling which all such events call forth, so much to the honor of our nature. It was the expression of reverence for his moral worth; of admiration for his great intellectual endowments, and of veneration for his age and public services. All gathered round the sufferer, and the strong sympathy and deep feeling which manifested itself showed that the business of the House (which was instantly adjourned) was forgotten amid the distressing anxieties of the moment. He was soon removed to the apartment of the Speaker, where he remained surrounded by afflicted friends till the weary clay resigned its immortal spirit. "This is the end of earth!" Brief but emphatic words. They were among the last uttered by the dying Christian.

Thus has closed the life of one whose purity, patriotism, talents, and learning, have seldom been seriously questioned. To say that he had faults, would only be declaring that he was human. Let him who is exempt from error venture to point them out. In this long career of public life, it would be strange if the venerable man had not met with many who have differed from him in sentiment, or who have condemned his acts. If there be such, let the mantle of oblivion be thrown over each unkind thought. Let not the grave of the old man eloquent be desecrated by unfriendly remembrances, but let us yield our homage to his many virtues, and let it be our prayer that we may so perform our duties here, that if summoned in a like sudden and appalling manner, we may not be found unprepared or unable to utter his words, "I am composed."

Mr. President, with this imperfect sketch of the character and service of a great man, I leave the subject in the hands of the Senate by moving the resolutions which I send to the Chair:

Resolved, That the Senate has received with deep sensibility the message from the House of Representatives announcing the death of the honorable JOHN QUINCY ADAMS, a representative from the State of Massachusetts.

Resolved, That in token of respect for the memory of the deceased, the Senate will attend his funeral at the hour appointed by the House of Representatives, and will wear the usual badge of mourning for thirty days.

Resolved, That, as a further mark of respect for the memory of the deceased, the Senate do now adjourn until Saturday next, to the time appointed for the funeral.

The resolutions having been read—

Mr. BENTON, of Missouri, addressed the Senate as follows: Mr. President: The voice of his native State has been heard, through one of the Senators of Massachusetts, announcing the death of her aged and most distinguished son. The voice of the other Senator from Massachusetts is not heard, nor is his presence seen. A domestic calamity, known to us all, and felt by us all, confines him to the chamber of private grief, while the Senate is occupied with the public manifestations of a respect and sorrow which a national loss inspires. In the absence of that Senator, and as the member of this body longest here, it is not unfitting or unbecoming in me to second the motion which has been made for extending the last honors of the Senate to him who, forty-five years ago, was a member of this body, who, at the time of his death, was among the oldest members of the

House of Representatives, and who, putting the years of his service together, was the oldest of all the members of the American Government.

The eulogium of Mr. ADAMS is made in the facts of his life, which the Senator from Massachusetts [Mr. DAVIS] has so strikingly stated, that, from early manhood to octogenarian age, he has been constantly and most honorably employed in the public service. For a period of more than fifty years, from the time of his first appointment as minister abroad under Washington to his last election to the House of Representatives by the people of his native district, he has been constantly retained in the public service, and that, not by the favor of a sovereign, or by hereditary title, but by the elections and appointments of republican government. This fact makes the eulogy of the illustrious deceased. For what, except a union of all the qualities which command the esteem and confidence of man, could have ensured a public service so long, by appointments free and popular, and from sources so various and exalted? Minister many times abroad; member of this body; member of the House of Representatives; Cabinet minister; President of the United States; such has been the galaxy of his splendid appointments. And what but moral excellence the most perfect; intellectual ability the most eminent; fidelity the most unwavering; service the most useful, would have commanded such a succession of appointments so exalted, and from sources so various and so eminent? Nothing less could have commanded such a series of appointments; and accordingly we see the union of all these great qualities in him who has received them.

In this long career of public service Mr. ADAMS was distinguished not only by faithful attention to all the great duties of his stations, but to all their less and minor duties. He was not the Salaminian galley, to be launched only on extraordinary occasions, but he was the ready vessel, always launched when the duties of his station required it, be the occasion great or small. As President, as Cabinet minister, as minister abroad, he examined all questions that came before him, and examined all, in all their parts, in all the minutia of their detail, as well as in all the vastness of their comprehension. As Senator, and as a member of the House of Representatives, the obscure committee room was as much the witness of his laborious application to the drudgery of legislation as the halls of the two Houses were to the ever-ready speech, replete with knowledge, which instructed all hearers, enlightened all subjects, and gave dignity and ornament to debate.

In the observance of all the proprieties of life, Mr. ADAMS was a most noble and impressive example. He cultivated the minor as well as the greater virtues. Wherever his presence could give aid and countenance to what was useful and honorable to man, there he was. In the exercises of the school and of the college—in the meritorious meetings of the agricultural, mechanical, and commercial societies—in attendance upon Divine worship—he gave the punctual attendance rarely seen but in those who are free from the weight of public cares.

Punctual to every duty, death found him at the post of duty; and where else could it have found him, at any stage of his career, for the fifty years of his illustrious public life? From the time of his first appointment by Washington to his last election by the people of his native town, where could death have found him but at the post of duty? At that post, in the fullness of age, in the ripeness of renown, crowned with honors, surrounded by his family, his friends, and admirers, and in the very presence of the national representation, he has been gathered to his fathers, leaving behind him the memory of public services which are the history of his country for half a century, and the example of a life, public and private, which should be the study and the model of the generations of his countrymen.

When Mr. B. concluded, the resolutions were unanimously adopted, and the Senate adjourned to Saturday.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 26, 1848.

Pursuant to the resolve of both Houses of Congress, this day was set apart for rendering to the remains of the deceased patriot and statesman, the honorable JOHN QUINCY ADAMS, the last human tribute.*

The SPEAKER having taken the chair, the Journal of Thursday was read. Soon after, the Senate entered, preceded by their presiding officer. He took his seat on the left of the Speaker. As the Senators passed up the centre aisle and took their seats, the Speaker and members of the House rose, and continued standing till they had taken the seats assigned them. Soon after, the President of the United States entered the Hall, and was received by all in like manner, while he took his seat on the right of the Speaker. The members of the Cabinet occupied seats in front of the Senators, and opposite to the Foreign Ministers. The Judges of the Supreme Court, preceded by their officers, passed up to seats on the right of the Clerk's desk. The relatives of the deceased were next conducted to a position reserved for them on the extreme left. Next entered the members of the Legislature of Maryland, preceded by the officers and chaplain of that body—the Legislature, sitting at Annapolis, having passed resolutions to attend the funeral. Next entered the corporate authorities of Washington, headed by their respective officers, who were conducted to places by the officers of the House. At length came the body, escorted by the Committee of Arrangements, and followed by the delegation of Massachusetts as mourners. The Speaker, the President of the Senate, the officers of both Houses, the members of the committee of arrangements, the pall-bearers, and attendant physicians wore white scarfs. The whole assemblage being thus at length completed, the deep silence of expectation pervaded the Hall. Not a rude sound, and scarce a sound of any kind, was to be heard among the waiting thousands who crowded the galleries and lobbies in every spot where a human being could find room to stand.

The Chaplain of the House, the Rev. Mr. GURLEY, then rose and read an appropriate portion of Holy Writ, and addressed the throne of Heavenly Grace in a meek and devout prayer.

He then read a hymn which had been selected for the occasion, and which was sung with admirable skill and impressive effect by the choir. As the wailing notes swelled and sank away in melancholy cadence, their placid, stilling, and solemnizing effect was obvious to the eye, in the countenances of the listening auditory, and prepared them for the address which followed, from these words in Job, "*And thine age shall be clearer than the noonday: thou shalt shine forth, thou shalt be as the morning: and thou shalt be secure, because there is hope.*"—(Chapter xi. 17.)

The address was followed by a closing hymn and the Apostolic benediction, when the funeral procession began to be formed, the corpse was borne out of the Hall, the several public bodies fell into their place, passing in succession along the broad aisle and through the north door into the Rotundo, and so out on the eastern portico, and down the great flight of steps to the open area in front, where carriages were in waiting to receive them.

The procession then moved in the following order, to the Congressional Burying Ground, where the body was deposited, but in a few days is to be removed to Quincy:

Military escort of Cavalry and Infantry, of Washington and Alexandria.
Band.
The Chaplains of both Houses of Congress.
Physicians who attended the deceased.
Committee of Arrangements.

Pall-Bearers:

Hon. J. J. McKay, N. C.	The Corpse.	Hon. Truman Smith, Con.	
Hon. Linn Boyd, Ken.		Hon. J. R. Ingersoll, Penn.	
Hon. J. C. Calhoun, S. C.		Hon. T. H. Benton, Mo.	
Chief Justice R. B. Taney,		Hon. Justice J. McLean,	
General George Gibson,		Com. Charles Morris,	
Hon. W. W. Seaton,		Hon. Thos. H. Crawford.	

Mr. J. F. Harvey, Conductor of the Car.
The family and friends of the deceased.
The Senators and Representatives from the State of Massachusetts, as mourners.
The Sergeant-at-Arms of the House.
The House of Representatives of the United States, preceded by their Speaker and Clerk.
The other officers of the House of Representatives.
The Sergeant-at-Arms of the Senate.
The Senate, preceded by their President and Secretary.
The other officers of the Senate.
The President of the United States.
The Heads of Departments.
The Judges of the Supreme Court of the United States, and its officers.
The Judges of the Circuit and District Courts of the District of Columbia, and its officers.
The Diplomatic Corps.
The Comptrollers, Auditors, and other Heads of Bureaus of the several Departments of the Government, with their officers.
Officers of the Army and Navy at the seat of Government.
Members of Maryland Legislature.
The Corporations of Washington and Alexandria.
The Columbia Typographical Society.
Officers and students of Georgetown College.
Officers and students of Columbia College.
Literary Institutions.
Fire Companies of the District.
Odd Fellows.
Citizens and Strangers.

The whole proceeding was conducted with great decorum and dignity, and the universal interest excited among people of all classes to witness it shows the deep hold the event itself had taken on the public mind.

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* At an early hour men in uniform might be seen hastening to their respective places of parade, while numerous groups of citizens and strangers were flocking from all directions toward the Capitol.

By a judicious arrangement, the doors of that vast building were thrown open to the gathering multitudes, while those of the Hall of the House of Representatives, where the funeral ceremonies were to take place, were closed to all but the members and officers of the House. The ladies' gallery was rapidly filled up, all gentlemen without distinction being peremptorily excluded. A certain portion of the semi-circular gallery (usually occupied throughout by gentlemen only) was partitioned off for the accommodation of a very large choir of singers, selected from those of the several churches of the city.

The Hall was shrouded in black, and presented a very solemn appearance. This part of the arrangements was executed with great taste and judgment by the officers of the House, under the suggestions and kind supervision of a distinguished lady. The figure of History, especially, (whose graceful form surmounts the clock, holding in her hands a tablet and a pen,) was robed with consummate taste and judgment, the black drapery covering her entire person, with the exception of the arm holding the recorded pen, whose alabaster whiteness, in strong contrast with the surrounding stole, had a fine effect; heightened as it was by the attitude of the head, which, turning towards one side, happened to have its countenance in the very direction where stood the vacant seat of Mr. ADAMS, as if in the act of recording the solemn circumstances of his death. That seat, by order of the House, was draped in the deepest mourning, and, by the fact of its vacancy, recalled every beholder to the blow which had there fallen, like a thunderbolt from a cloudless sky. The portraits of WASHINGTON and of LAFAYETTE, on either hand of the chair, were covered over with thin crape, casting a melancholy dimness over the features, without entirely concealing them, the frames being covered with a deeper black. The effect of this, too, was very fine, most truly representing what would have been the feeling of both those distinguished men, if alive to witness the solemn scene; for WASHINGTON gave the deceased his first commission, and LAFAYETTE embraced him in his arms when taking his last adieu of America.

The members gradually arrived and filled up their seats in the Hall, a portion, however, being reserved for the Senate.

The space in the central area, in front of the Clerk's table was furnished with seats for the Judges, the Cabinet, the Diplomatic Corps, and the Committee of Arrangements, consisting of one member from each State of the Union: while, in its centre, stood a table, covered with a black velvet pall, to support the corpse.

Officers of the Army and Navy, as they entered the Hall, had seats assigned them next in the rear of the Foreign Ministers. By an unfortunate omission, no seats were reserved for the Clergy; but as a number of them arrived, not only from the city, but from Baltimore, Alexandria, and several from Massachusetts, they were conducted by the officers of the House to favorable positions.

The members of the Diplomatic Body arrived severally, from time to time, and not in a body: some of them manifested their respect for the solemn occasion, and for the presence of the assembled authorities of the nation, by appearing in their full official dresses, with their respective orders and decorations, while others seem to have deemed it more appropriate to appear in simple black. The contrast could not but strike the eye.—*National Intelligencer.*

* The coffin was covered with black velvet and ornamented with silver lace. The silver breastplate presented the following inscription:

JOHN QUINCY ADAMS,
Born
An Inhabitant of Massachusetts, July 11, 1767.
Died
A Citizen of the United States,
In the Capitol of Washington,
February 23, 1848;
Having served his Country for Half a century,
And
Enjoyed its Highest Honors.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 28, 1848.

The Journal of Saturday was read and approved.

MRS. ADAMS.

Mr. C. J. INGERSOLL rose and asked the unanimous consent of the House to complete the honors which they had bestowed upon its late most illustrious member, by giving to his widow the same mark of national respect which had been conferred by law upon Mrs. Madison and Mrs. Harrison, to wit, that of sending and receiving through the mail all letters and papers free of postage.

He sent up to the Clerk's table the bill which he had prepared, and he trusted there would be no objection to its immediate passage.

The bill was read, as follows:

Be it enacted, &c., That all letters and packets carried to and from Louisa Catharine Adams, widow of the late John Quincy Adams, be conveyed free of postage during her natural life.

Mr. SAWYER suggested to Mr. INGERSOLL, that upon Mrs. Madison had been conferred the privilege of this Hall, and that the same mark of respect should be extended to Mrs. Adams.

Mr. C. J. INGERSOLL. That cannot be done by act of Congress. In the case referred to, the privilege was granted by a simple resolution of the House. This is a law of Congress.

The bill, by unanimous consent, received its second reading.

And then, having been ordered to be engrossed and read a third time now—

The bill was read a third time and passed.

MR. ADAMS.

Mr. ASHMUN, on leave, offered the following resolution:

Resolved, That the Committee of Arrangements be directed to cause to be published, in pamphlet form, and in such manner as may seem to them appropriate for the use of the House, twenty thousand copies of the addresses made by the Speaker and the members of this House, and of the addresses made to the Senate, together with the discourse of the Rev. Mr. Gurley, upon the occasion of the death of the Hon. JOHN QUINCY ADAMS.

Mr. SLINGERLAND moved to amend the resolution by striking out "twenty thousand" and inserting "forty thousand." Disagreed to.

The resolution was then adopted.

Mr. JONES, of Tennessee, (under a suspension of the rules for the purpose,) presented certain resolutions of the Legislature of the State of Tennessee, viz:

A resolution relating to the service of Captains Gillespie, Peake, Vernon, and Rogers, with their companies as mounted volunteers in the service of the United States in the year 1836;

A resolution in relation to horses lost by volunteers in the United States service in the Mexican war;

A resolution for an increase in the pay of the privates in our army in Mexico;

Which resolutions were severally read and referred to the Committee on Military Affairs.

Mr. LEVIN, from the Committee on Engraving, made a report recommending that one copy of the map and drawings accompanying the report of Lieutenant Emory be engraved and attached to each printed copy of said report;

Also, from the same committee, made a report recommending that the map accompanying the memorial of the Alabama, Florida, and Georgia Railroad Company, (on which memorial Mr. KING, of Georgia, from the Committee on Naval Affairs, made a report,) be engraved and attached to each printed copy of said report;

Which said reports were severally adopted.

Mr. GAYLE, on leave, presented a memorial of the Legislature of Alabama in favor of cash or scrip in lieu of worthless lands heretofore granted by Congress for the use of schools. Referred to the Committee of Ways and Means.

Mr. CRISFIELD, on leave, presented resolutions of the Legislature of Maryland in favor of an appropriation for a light-boat on the Seven Foot Knoll, in the Chesapeake bay, for a light-house on Greenbury Point, and a light-house on Flat Cap, at the mouth of Annamessex river. Referred to the Committee on Commerce.

Mr. PILLSBURY, on leave, presented resolutions of the Legislature of Texas, protesting against the relinquishment of the Mexican provinces or States without indemnity; and also against any law which shall be intended to prevent the citizens of slaveholding States from taking their property with them in emigrating to said acquired territory. Referred to the Committee on Military Affairs.

Mr. CUMMINS rose to a question of order. He submitted that, under the 36th rule, this day was set apart for the calling of the States for resolutions.

Mr. MURPHY moved to suspend the rules, in order that the States might be called for petitions.

Mr. STEPHENS inquired if resolutions of State Legislatures could not be received in order under the call for resolutions?

The SPEAKER replied in the negative.

The question being taken, the House refused to suspend the rules.

Mr. JONES, of Tennessee, inquired if the joint resolution giving the thanks of Congress to certain officers of the army, which was under consideration, and on which the main question had been ordered when the proceedings of the House had been interrupted by the melancholy event which had occurred here during the last week, was not now in order as the first question?

The SPEAKER replied that this resolution was not now in order, but had taken its place on the Speaker's table, and would come up in order with resolutions on the Speaker's table.

The SPEAKER then proceeded to call the States for resolutions, commencing at the State where the call ceased on the last resolution day, viz: New York.

On motion of Mr. HOLMES, of New York,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law against the importation of foreign criminals and paupers into the United States; or else, in some way, to relieve the several seaport and lake towns from the onerous burdens arising from a fearful and unprecedented increase of foreign paupers.

On motion of Mr. REYNOLDS,

Resolved, That the Committee on Public Lands be directed to inquire into the justice and expediency of granting a bounty in land to such soldiers of the old fourth regiment of United States infantry as served during any part of the last war with Great Britain.

On motion of Mr. SHERRILL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post-route from Gilboa, in Schoharie county, New York, by way of Jefferson and North Harpersfield, to Davenport, in Delaware county, New York.

Mr. HALL, of New York, moved the following preamble and resolution:

Whereas there has been presented to this House and referred to the Committee on the Judiciary, a petition of Alexander Hunter, Esq., marshal of the District of Columbia, praying for the settlement and payment of an account against the United States for the commitment, feeding, and releasement of persons claimed as slaves or fugitives from service and committed as such to the custody of the said marshal in the jail of the United States in the District of Columbia; which account extends through several years, and consists of about two hundred items, amounting in the aggregate to $5,361 60; and whereas it appears by the said account that one Moses Thornton was kept in said jail for the space of twelve hundred and forty days, for which such marshal has charged the United States..... $421 60

That four persons designated as "Meade's negroes" were kept in said jail five hundred and eighty-five days each, for which said marshal has charged the United States..... 795 60

And had been before kept in said jail over fifty days each, for which said marshal has charged the United States..... 70 28

That eight persons, designated as "Buckner's negroes," were kept in said jail four hundred and sixty-two days each, for which said marshal has charged the United States..... 1,336 64

That William Burrows and Joseph Armstrong were kept in said jail four hundred and forty-three days each, for which said marshal has charged the United States..... 301 24

That Sarah A. Robinson was kept in said jail four hundred and twenty-one days, for which said marshal has charged the United States..... 143 14

That Peyton Harris was kept in said jail three hundred and twenty-one days, for which said marshal has charged the United States..... 109 14

And that five several persons, the cause of whose commitment is stated in said account to be a petition for freedom, were kept in said jail for one hundred and eleven, one hundred and seventy-two, two hundred and thirty-two, three hundred and seventy-one, and three hundred and seventy-one days, respectively, for which said marshal has charged the United States..... 437 38

And whereas it is claimed and alleged by or on behalf of the said marshal that the commitment and detention of said persons claimed to be slaves was authorized and required by the laws of the United States, and was under and by virtue of warrants, orders, or process of courts or magistrates of the United States within the District of Columbia, and that the United States are therefore bound to pay the said account; and whereas it is supposed that the said commitments and detentions were authorized by the act of Congress entitled "An act for establishing the temporary and permanent seat of the Government of the United States," passed July 16, 1790, by which it was provided that the laws of the States within the District accepted for the permanent seat of the Government of the United States should not be affected by such acceptance until the time fixed for the removal of the Government thereto, "and until Congress shall otherwise by law provide," and the act of Congress entitled "An act concerning the District of Columbia," passed February 27, 1801, by which it is enacted "that the laws of the State of 'Virginia, as they now exist, shall be and continue in force 'in that part of the District of Columbia which was ceded by 'said State to the United States, and by them accepted as 'the permanent seat of Government; and that the laws of 'the State of Maryland, as they now exist, shall be and continue in force in that part of the said District which was 'ceded by that State to the United States and by them accepted as aforesaid;" and that the justices of the peace appointed in such District by the President of the United States "shall, in all matters civil and criminal, and in whatever relates to the conservation of the peace, have all the 'powers vested in, and shall perform all the duties required 'of, justices of the peace, as individual magistrates by the 'laws before continued in force in those parts of said District for which they shall have been respectively appointed;" and whereas such commitments and detentions can only be authorized under the said acts of Congress or some other act or acts of Congress authorizing the same; and whereas the use of the public jail of the United States within the District of Columbia, (while owned and controlled by the United States, and maintained at their expense,) for the detention and safekeeping of persons claimed as slaves or fugitives from service is not required for the full and perfect maintenance of the compromises of the Constitution; and whereas the further use for the purposes aforesaid of the public jail of the territory in which Congress has by the Constitution the express power of exclusive legislation, is no interference with the domestic institutions of the States, more especially if the right of recapture, by the master or his agent, is left to act with full force upon the runaway slave or fugitive from service; and such use is repugnant to the feelings of a large majority of the people of the United States: Therefore,

Resolved, That the Committee on the Judiciary be, and they are hereby, directed to report to this House, with all convenient speed, a bill repealing all laws of Congress, and abrogating, so far as they are operative or in force in the District of Columbia, all laws of the State of Maryland which authorize or require the courts, officers, or magistrates of the United States, or of the said District, within the District of Columbia, to issue process for arrest, or commit to the jail of the said District any runaway or other slave or fugitive from service, or colored person claimed as such, except on due complaint and proof of, or on a conviction for, some crime or misdemeanor, the commission of which by any free white person would authorize in the same manner the arrest, commitment, and detention of such white person in like manner charged with or convicted thereof.

Mr. HALL moved the previous question.

After inquiries by Mr. McKAY and Mr. CUMMINS, the question on seconding the previous question was put, and the House refused to second the previous question. The resolution accordingly lies over.

Mr. WHITE moved the following resolution, which was read:

Resolved, That the Secretary of War communicate to this House a list containing all the contracts entered into since the 1st of December, 1846, stating, first, the name of the contractor and sureties; second, the nature and amount of each contract, whether advertised or not by publishing in one or more newspapers, the rate at which contracts were made, the prices paid for services performed or articles furnished; thirdly, what contracts have been fulfilled or performed, and what have not been, furnishing the reasons why, and whether any, and if any, what measures have been taken to enforce the performance, or secure the Government against loss by proceeding against the sureties; fourthly, whether higher prices have been paid to other persons who have performed, in whole or in part, any contracts or orders which have been undertaken by others, with the reasons for paying or allowing such extra or higher prices, giving the name and residence of such contractors and their sureties, and whether public notice was given of the failure of the parties to execute their contracts; also, showing whether the same parties who failed to perform their engagements were interested in subsequent contracts at the same or higher rates.

Mr. W. moved to suspend the rules for the purpose of considering the resolution. Disagreed to.

Mr. NELSON moved the following resolution, which was read and laid over under the rule:

Resolved, That the Commissioner of Patents be, and he is hereby, requested to furnish this House with a list or statement of all patents which have heretofore been granted by the United States for ploughs, or for improvements in the construction of ploughs, setting forth the date of each patent, to whom granted, with the specification of the invention or improvement claimed by the patentees severally and respectively; whether any and which of said patents have been renewed or extended, and for what periods of time, with such other facts as may be in his power to give as shall better enable this House to judge of the merits of the invention claimed by Jethro Wood, of the cast-iron plough.

On motion of Mr. GOTT,

Resolved, That the Committee on Public Expenditures be instructed to ascertain and report to this House the expenses of the war with Mexico, giving the items of such expenses as far as practicable.

Mr. LORD moved the following resolution, which was read and laid over under the rule:

Resolved, That the Commissioner of Patents be requested by this House to cause all the models now in his department of metallic air-tight coffins, designed for the convenient and safe transportation of bodies, to be examined and reported upon without delay.

Mr. DUER moved the following resolution:

Resolved, That no member who is permitted to make a personal explanation shall be allowed to speak more than ten minutes in making such explanation.

The resolution was required, under the rules, to lie over one day.

Mr. D. moved to suspend the rules for the purpose of considering the resolution. Agreed to.

Mr. COBB, of Georgia, then moved to refer the resolution to the Committee on the Rules. Agreed to.

PROHIBITION OF SLAVERY.

Mr. PUTNAM moved the following preamble and resolution:

Whereas, in the settlement of the difficulties pending between this country and Mexico, territory may be acquired in which slavery does not now exist; and whereas Congress, in the organization of a Territorial Government at an early period of our political history, established a principle worthy of imitation in all future time, forbidding the existence of slavery in free territory: Therefore,

Resolved, That in any territory which may be acquired from Mexico, over which shall be established Territorial Governments, slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, should be forever prohibited; and that, in any act or resolution establishing such Governments, a fundamental provision ought to be inserted to that effect.

Mr. P. moved the previous question.

Mr. BRODHEAD moved to lay the resolution on the table.

The motion to lay on the table was decided by yeas and nays.

After the roll was called through, Mr. C. J. INGERSOLL rose and asked leave to vote. He said he was not, he believed, exactly within the bar when his name was called, being engaged at the reporter's desk. He had, however, entered before the name immediately following his own was called. If allowed to vote, he would vote aye. His vote was not received.

Mr. MURPHY rose and said he was not within the bar when his name was called, but he asked leave to vote. It being objected to,

Mr. C. J. INGERSOLL moved to suspend the rules to allow Mr. MURPHY and himself to vote. Disagreed to.

The result was then announced, as follows:

YEAS—Messrs. Green Adams, Atkinson, Barringer, Barrow, Bayly, Bedinger, Birdsall, Black, Bocock, Bowdon, Bowlin, Boyd, Boydon, Brodhead, Charles Brown, Albert G. Brown, Burt, Cabell, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Crisfield, Crozier, Daniel, Dickinson, Donnell, Garnett Duncan, Featherston, Ficklin, French, Fulton, Gaines, Gayle, Gentry, Goggin, Green, W. P. Hall, Haralson, Harris, Haskell, Henley, Hill, Hilliard, Isaac E. Holmes, George S. Houston, Inge, Iverson, Jackson, Jameson, Andrew Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, La Sère, Levin, Ligon, Lord, Lumpkin, Maclay, McClernand, McKay, McLane, Mann, Miller, Morehead, Morse, Outlaw, Pendleton, Pettit, Peyton, Phelps, Pillsbury, Preston, Richardson, Richey, Robinson, Roman, Sawyer, Shepperd, Simpson, Sims, Robert Smith, Stanton, Stephens, Thibodeaux, Thomas, Tompkins, John B. Thompson, R. A. Thompson, Toombs, Turner, Venable, Wick, Williams, Wiley, and Woodward—105.

NAYS—Messrs. Abbott, Ashmun, Bingham, Brady, Butler, Canby, Collamer, Collins, Conger, Cranston, Crowell, Cummins, Dickey, Dixon, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Faran, Farrelly, Fisher, Freedley, Fries, Giddings, Gott, Gregory, Grinnell, Hale, N. K. Hall, Hammons, James G. Hampton, Moses Hampton, Henry, Elias B. Holmes, J. W. Houston, Hubbard, Hudson, Hunt, Irvin, Jenkins, James H. Johnson, Kellogg, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Leffler, Lincoln, McClelland, McIlvaine, Marsh, Marvin, Morris, Mullin, Nelson, Nes, Newall, Palfrey, Peaslee, Peck, Pollock Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Ramsey, St. John, Schenck, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Starkweather, Andrew Stewart, C. E. Stuart, Strohm, Tallmadge, Taylor, Richard W. Thompson, William Thompson, Thurston, Van Dyke, Vinton, Warren, Wentworth, White, Wilmot, and Wilson—92.

So the resolution was laid on the table.

BILLS INTRODUCED.

Bills, of which previous notice had been given, were introduced, as follows:

By Mr. HUNT: A bill for the relief of the legal representatives of Abraham Hogeboom, deceased.

By Mr. JENKINS: A bill to regulate the compensation of postmasters, to exempt certain newspapers from postage, and to reduce the postage on transient newspapers.

By Mr. BROWN, of Mississippi: A bill granting a quantity of land to the State of Mississippi for the purpose of improving the navigation of certain rivers in that State.

NOTICES OF BILLS.

Notices of motions for leave to introduce bills were given as follows:

By Mr. HOLMES, of New York: Of a bill to authorize the Brockport and Clarkson Plank Road Company to import from Canada a certain quantity of lumber free of duty.

By Mr. JENKINS: Of a bill to satisfy claims for bounty lands for military services in both wars with Great Britain.

DEFICIENT APPROPRIATIONS.

On motion of Mr. VINTON, the House resolved itself into Committee of Whole on the state of the Union, (Mr. HUNT, of New York, in the chair,) on the bill further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1848.

Mr. VINTON said, in printing the bill one item had been left out. He moved to insert it, to come in before the item "for one floating light," &c.

This clause, he said, had been in the bill as reported from the committee, but had, through inadvertence, been omitted in the printed copy. The amendment was agreed to.

The item appropriating $706 15 for superintendent's commission of 2½ per cent. on $28,246, having been read—

Mr. MULLIN desired information on the necessity for this appropriation.

Mr. VINTON stated that the committee had received a letter from the Secretary of the Treasury on the subject, which he would send to the Clerk's table to be read for the information of the House. [The letter was read accordingly.]

Mr. V. briefly explained, stating that the commission here to be appropriated was at the rate which the Government had usually allowed.

The item was then agreed to.

The item appropriating $5,000 for the contingent expenses of the Treasury Department having been read—

Mr. SCHENCK moved to amend the bill by striking it out. Mr. S. observed that these "contingent expenses of the Treasury Department" had been incurred, mainly, by the transmission of specie funds belonging to the United States from one part of the country to another. Now, there was on the Speaker's table a call upon the Secretary of the Treasury to report to Congress the amount of expenditure which had been incurred by the adoption of the "independent treasury," which remained to be acted upon. The reply would show that the amount inserted in this deficiency bill as "contingent expenses of the Treasury Department" consisted chiefly of cost of transportation, the necessity for which had arisen exclusively from the adoption of the sub-treasury policy of the Democratic party.

Mr. S. said he had voted against going into Committee of the Whole on this bill, because the House was not in possession of the requisite information, though it had been repeatedly demanded, to enable it to judge of the necessity for these deficiencies which it was called upon to supply. At the last session no information could be obtained, because as soon as a resolution was introduced by Mr. S.'s side of the House making a call on the President, or either of the heads of departments, for facts the House ought to know, it was instantly voted down. Those who then constituted the majority in the House were willing to "go it blind," and they stifled all inquiry into public abuses. But, although those who had then been a powerless minority on that floor were now in the majority, or claimed to be so, things did not seem to go much better now as to the obtaining of necessary and proper information than they had done before. The House was continually hurried into Committee of the Whole and called upon to vote supplies and to appropriate to meet deficiencies in the treasury, while resolution after resolution still lay on the Speaker's table, and it seemed impossible to get them acted on. His recollection was naturally called, in the first place, to a resolution he had himself offered, making inquiry as to the necessity of the formation of a civil government in Santa Fé and New Mexico; the appointment there of an attorney general, of judges, and other officers of a civil character; by what authority such a government was set up, and these officers commissioned; under what law their salaries were paid, and how the money was provided. But no reply had been obtained to the inquiry. Had the Government responded, the answer would most probably have shown that much of the deficit for which the House was now called on to provide had arisen from such unauthorized and illegal squandering of the money of the nation: how much was justly attributable to such a source none in that House, at least none on his side of it, could tell.

Then a gentleman from New York, on his left, had introduced a resolution calling on the Secretary of the Treasury for a return of the amount of revenue received in each collection district, and how many persons were employed and kept on Government pay to collect and receive it. What did that mean? The House were trying to get at the real state of facts upon the northern frontier, where it was generally believed there were collection districts in which the whole amount of revenue collected did not half pay the salaries of the Government employés, who were nominally engaged in collecting duties, but where, around every little office along the line, there was gathered a group of hungry office-holders, ready and waiting like ravenous cormorants to devour the little sums that came in as a godsend to fill their bellies and put some of Uncle Sam's money in their pockets. To what extent this was true the House were not possessed of the means of knowing; but certainly it would be well that the House should know before they voted a bill like this, to make up deficiencies thus created.

Another resolution had been offered by a gentleman from Virginia over the way, calling upon the President to tell the House for what specific objects the three millions of dollars had been demanded and placed at his discretion at the last session: whether the money had yet been disposed of, and the instructions given by his order touching its application. But no answer was vouchsafed from the White House. What had become of those memorable three millions? Possibly the Committee on Ways and Means might know; it was possible they were able to tell the nation whether this money had been spent or not; but as to most of the other members of the House, Mr. S. believed they remained profoundly in the dark. And yet they were called on to legislate and to appropriate more money, while all information as to how money already granted had been employed was refused.

Another resolution had been offered calling for information as to the appointment of secret inspectors in New Hampshire during the last three years, and what compensation these unknown dignitaries received, and by what law. Could the truth be brought out, it would probably appear that the public money had been squandered to pay Government favorites whose employment was wholly unnecessary.

He found, in the next place, a resolution proposed by his colleague, calling for information more directly connected with the item of this bill now under discussion, viz: as to the amounts of money transferred under the sub-treasury system; what rule had been observed in allowing compensation for such transfers; and what had thus far been the total expense. No answer had been given to this inquiry, more than to all the rest; yet the House were called on to vote money to pay for this very expenditure. This laying out of money for the transportation of specie from one end of the country to the other was a part of the working of the blessed sub-treasury system. Was it too much to ask that before the House voted the appropriations in this bill they should first demand to know something about how this large deficit arose?

Then there was another call for information which had met with no better fate; it had been offered by a gentleman from Florida, asking to know what officers of our army were absent from the field on leave. What did a call like this mean? This, too, had a direct connection with the public expenditures, and therefore was germane to the object of this bill. Congress were called on by the Executive department for more men and money to carry on the war in Mexico, and the President wanted more commissioned officers whom it would be for him to appoint. Now, was it not fit that the House should know whether there were not general and other officers unemployed?

Some time ago when generals, one or two, returned from the field of glory in Mexico, they were gazed at as a sort of prodigies, and feted, and feasted, and lauded, and toasted, till it seemed as if we could not do enough to show our admiration and gratitude for their achievements; but now officers of all grades, from generals to corporals, had become so common on our avenues and about our

hotels, that, like other commodities in market which obeyed the universal law of demand and supply, they had fallen wonderfully in value as things to be stared at; if not far below their par value, at least far below that very high estimation which had been set upon them at the beginning of the session. All these officers might possibly be regularly and properly here on leave of absence, duly granted and richly earned. He meant to insinuate nothing to the contrary. Yet it was surely no more than proper that members of Congress should know whether such was the case, and, while more officers were loudly called for, that we should be informed whether those we had already were all found just where they ought to be.

But these were not all the resolutions of inquiry that remained still without reply. There had been another passed asking under what law the Secretary of the Treasury had levied a tariff of duties on goods imported into all the ports of Mexico, and by what authority the President undertook to apply the moneys thus collected to the support of our army in a foreign country? This surely was an innocent inquiry, but it had been left unanswered. Here was an Executive who, without any action of Congress, undertook, of his own mere pleasure, as an incident to the war power, to levy a whole tariff of duties on goods imported into all the ports of Mexico, and then to spend the money thus gathered in the pay of the army.

Had that House, though holding in an especial manner the keys of the treasury, and with whom alone all money bills must originate, any distinct understanding how this money was raised, or how it was spent? Not at all: they were told there was a deficit of means in the treasury, and they were called on to make good the sums required; but none of their inquiries were answered, and all the light they asked for was sedulously excluded.

Every one remembered the very able speech made by his colleague, the chairman of the Committee of Ways and Means, [Mr. VINTON,] in which he showed that when the Administration, at the last session of Congress asked for a loan of $23,000,000, they ought, from the facts then before them, to have asked for one of $40,000,000; and that even now, when they had asked for $16,000,000 more, and the House had authorized it, making an amount of about $40,000,000, still more and more would be wanted to get through with the present fiscal year. Now, was it too much to inquire how far the necessity for these demands might be obviated by the system of finance which the Executive, on his own responsibility, had established, and was carrying on over the conquered country?

He might go over their calendar, and comment upon various propositions that had been made to the House asking information from the Executive, or from the Executive departments, upon the very subjects upon which from day to day they were called to legislate. He desired never to see this House go into Committee of the Whole on the state of the Union, until, by following up the business on the Speaker's table, it had disposed of these various calls, and obtained from the Executive and his various departments all the light upon subjects on which Congress was called to act, which the Executive could afford if he would, and would have to afford, if distinctly demanded by Congress, unless he should again assert his prerogative and declare that they were required to legislate blindly; and that it was enough for them to know what he asks, without knowing what might be the occasion which led to his asking it.

For this reason he had submitted the motion to strike out this particular provision. Upon the information called for by the gentleman from New York, (Mr. ————,) they had had a letter from the Secretary of the Treasury explaining some of these deficiencies, and among others this very item which he had moved to strike out, appropriating for the transfer of money from place to place under the sub-treasury act. This communication was made to the chairman of the Committee of Ways and Means alone; and unless they drew it from him this House would have no light upon the various important subjects on which they were called to act. The Committee of Ways and Means and its chairman were ready, he dared say, at all times to give such information as they had. But was that the proper mode of legislation? Would it not be better that upon these various topics the House should demand and receive, direct from the Executive and his departments, full and satisfactory information before they commenced voting away the people's money either for deficiencies or any other demands.

Take another item. Here was a proposition to give a commission of two and a half per cent. upon some twenty-eight thousand dollars, making a commission of over seven hundred dollars for the payment of this amount of appropriations: "for superintendent's commission on $28,246, at 2½ per cent., $706 15." Who was this "superintendent?" Was he some official, some clerk sent down from some one of these departments here, to perform this onerous duty? By what propriety of law or custom was that payment to be made? He did not understand that even the Committee of Ways and Means had the information why they were called upon to vote this appropriation. But, however it might be with reference to this, there were many other items, and items of importance, on which the House was altogether destitute of that information which they had the right to have from the Executive, in order to enable them to act understandingly and with due regard to the interests of their constituents and the wants of the public service.

He now came back to the motion he had made—to strike out this item appropriating five thousand dollars for the transfer of moneys from place to place—for carting about gold and silver under the sub-treasury system. If he had no other reason for making the motion, it was reason enough that there remained on the Speaker's table a resolution asking the Executive to state to this House what had been the expenses incident to the operation of this system, from what places money had been removed, and what rule had been adopted in regard to paying agents for this service. He wanted light on the subject before he was called upon to act.

Mr. MULLIN moved an amendment to the amendment, to strike out also the section appropriating for superintendent's commission of 2½ per cent. on $28,246, $706 15.

He briefly explained the grounds on which he made the motion. He was understood to say that this compensation was proposed simply for paying out this money, and that the officers who were to discharge the duty were now receiving regular salaries. He objected to providing for extra pay to them, and moved to strike out the clause.

Mr. McKAY, in reference to Mr. MULLIN's motion, and to his remarks and the remarks of Mr. SCHENCK on the subject, said, if the gentleman would take the trouble to look into former appropriation bills, they would find that this was not a new item. It was an old item, an item sanctioned for a long time. What was meant by "superintendents" was the collectors of your customs, who were scattered all along your seaboards and lake shores, and who, as superintendents of light-houses, were to disburse the appropriations made for them, and to have a general supervision over them.

Two years ago a proviso had been made to an appropriation bill, and was now the law of the land, that no collector whose compensation was two thousand dollars should receive any of these commissions. And there was another law that no public officer who was required to perform extra duty—duty not connected with the office he held—should receive for such extra service more than four hundred dollars per annum. The payment of these commissions was a matter of economy; for if they did not require these collectors to perform this duty, which was in nowise connected with their office, and for which they were allowed the small compensation of two and a half per cent., the consequence would be, that we should have to support officers at an expense of three, four, or five times this amount for this purpose. The collectors at New York, Boston, Portland, Philadelphia, New Orleans, and in all our other collection districts, were to discharge this duty of superintendence; and where, as in the case of several of those he had mentioned, they received salaries of two thousand dollars or over, they received no extra compensation for this extra service; but there were many small ports where our collectors did not receive more than four, five, or six hundred dollars a year, and where they were required to perform this extraordinary duty, not at all pertaining to their proper business, they were allowed this small compensation of two and a half per cent., instead of employing other officers especially for this purpose. Gentlemen might strike out the appropriation, if they pleased; and then it would devolve upon them to provide some other way in which these duties might be discharged. For himself, he thought it was economy to retain the present system. He admitted he did not like this practice of officers receiving extra compensation. He had had some little agency in having put a stop to it to some extent. We had now a law on our statue book saving thousands of dollars by cutting off this practice. But here was a case where, on the score of economy, it was best, and which seemed the best mode of performing the duty.

Mr. C. J. INGERSOLL said, he voted with the gentleman from Ohio [Mr. SCHENCK] against going into Committee of the Whole on the state of the Union, and for the same reason that the honorable gentleman said he did; that was to say, because he preferred the regular order of business, instead of going on this day into anything that was out of the regular order. So far he agreed with the honorable gentleman from Ohio, but to his argument he altogether demurred.

As respected, in the first place, the appropriation for the independent treasury. The independent treasury system was not now before them. It had passed into a law; and refusing to vote appropriations under it was precisely the same as refusing to vote appropriations for carrying on any of the other operations of the Government. Would the honorable gentleman from Ohio object to appropriations for the payment of custom-house officers? Certainly not; though the gentleman and himself (Mr. I.) voted together against the tariff act of 1846. It was an appropriation, in principle, for carrying on the operations of this Government, and to refuse to vote it, was to withhold supplies in the worst possible shape in which it could be done.

Mr. SCHENCK (Mr. I. yielding for explanation) said he had not taken the ground that he would vote against any appropriation for carrying out any laws of the land including this sub-treasury enactment, because he was opposed to the scheme itself. It would be observed, that the appropriation to which he objected was an appropriation of several thousands of dollars for paying for the transfer of funds from one place to another.

Mr. INGERSOLL. No; the clause specifies that the appropriation is for "expenses under the act for the collection, safe-keeping, transfer, and disbursement of the public revenue," which are the very words of the title of what is known as the independent treasury act.

Mr. SCHENCK. We were advised, among the other merits of the sub-treasury scheme, that it was to be a particularly cheap plan of collecting, safe-keeping, and disbursing the public revenue; but we have hints now, from sources other than official, that in practice it does not prove a particularly cheap plan, but that the appropriations which are required under it for carting money from place to place were not contemplated by the act, and, therefore, before Congress was called upon to appropriate money for an item like this, he thought it would be well to have information from the Executive to explain why such an appropriation was necessary; and, above all, whether under the sub-treasury, or under what act, he called upon Congress to authorize such expenditures.

His appeal to this House was not to vote down this supply bill, but to take up the regular order of business on the Speaker's table, and pass these resolutions of inquiry upon various subjects, and especially such as would throw light upon supply bills, so that, when they came to legislate, they would have the facts and information before them which were necessary in order to legislate understandingly; and his object was also to show that the majority now here was——

Mr. C. J. INGERSOLL (interrupting and resuming his remarks) said he meant to notice that. It was part of his object to notice the animadversions of the gentleman under which he and those who were in a majority on this floor at the last session of Congress rested, viz: that they had refused to the gentleman from Ohio and his friends, information when they sought to obtain it from the Executive. But he submitted to the gentleman, and the common sense of every member of this House, whether his motion was not altogether misconceived and irregular? Why not move that the committee rise, and not move to strike out an

indispensable item, which was to stop the wheels of Government as far as they could be stopped by such a motion?

He was not here for the purpose of eulogizing the independent treasury, which the gentleman had so frequently been pleased to term the sub-treasury. In his opinion, it was one of the best and most important acts ever passed by the Congress of the United States; and, so far as his portion of the country was concerned—if he was not greatly mistaken—it had redeemed and established its character, not only with his party, but with all intelligent business men of Philadelphia, for a salutary influence upon the fiscal operations of the country.

But he desired the honorable gentleman from Ohio to tell him, if he could, of any instance in which he, (Mr. I.,) and the party with which he was connected—a majority in the last Congress, but now reduced to a minority—had thrown an obstacle in the way of those who were now the majority interrogating the Executive in all its branches? He had never voted against such a resolution in his life, for this simple reason, that he believed, in nineteen cases out of twenty, it was to give to the Executive the opportunity of explaining something which appeared wrong; of vindicating himself to the country by stating the facts. And, if he mistook not, that was the course of the party with which he was associated in the last Congress; and he did not think the gentleman from Ohio could point to any remarkable case in which there was a refusal on their part to interrogate the President to the full length desired by the Opposition.

He further remembered suggesting repeatedly during that Congress, that under the law of 1789, to which the independent treasury was but a supplement, which authorized the House to call the Secretary of the Treasury to this bar and require him in person to give explanations, he repeatedly proposed—not on this floor, but in conversation with various gentlemen—that that provision should be enforced, and, if need be, that the Secretary of the Treasury should be called upon to appear before them. He particularly recollected making that suggestion to a gentleman from Kentucky, not now a member of Congress, who was then a very forward and a very important opponent of the present Administration, (Mr. Garrett Davis.) He should like to know of an instance in which this information was withheld. He knew of no such instance; and when the charge was made he denied it. He thought the gentleman from Ohio was altogether mistaken; he thought the gentleman had the same opportunity then that he certainly takes now occasionally, of addressing the House and of bringing resolutions to its notice, and he certainly was never overruled in any of his attempts to elicit information.

Mr. SCHENCK interposed, and inquired if the honorable gentleman from Pennsylvania said he (Mr. S.) was mistaken when he stated that propositions of inquiry of the Executive departments were many times voted down during the last Congress?

Mr. INGERSOLL. Yes, sir.

Mr. SCHENCK. Why, does not the gentleman remember we wanted to know something about Santa Anna's *pass?* A resolution relating to the operations under the sub-treasury, similar to the very one to which we have been referring, was also voted down. He could give the gentleman a long string of resolutions that were voted down, or not entertained at all, when the party with whom he acted wanted to make any call upon the other end of the avenue.

Mr. INGERSOLL. As to Santa Anna's pass, I confess I am obliged to *pass* that, for I do not recollect it.

As to the "three millions"—with which, from the position which he then occupied upon the Committee on Foreign Affairs, but from which he was now relieved, he had had a great deal to do—if the gentleman from Ohio would take the trouble to look into the act of Congress, as it was proposed and enacted, and now stood on our statute-book, he would see that the President was not at liberty to spend one single dollar under any circumstances that had hitherto taken place The act of Congress was plain—explicit. The President had not spent it, because he could not spend it; and any inquiry, any suspicion, was answered by the act itself.

Now, as to the notice which the honorable gentleman from Ohio had taken of certain military gentlemen, whose presence in this metropolis had given him some umbrage, he was sure that the gentleman could not fail to see that it was a little unfair to attack these honorable members of another profession when they had not an opportunity of answering anything that was said. He did not mean to say that the gentleman had said anything to their disparagement; but a word had fallen from him that had astonished him, (Mr. I.,) viz: that military stock was falling. Why, was it falling in Kentucky and Virginia too? If he was not mistaken, the conventions of those States had declared in favor of a military gentleman, who, according to the movements and notions of gentlemen on the other side, was to be the successor of the peaceable gentleman now in the Presidential chair.

[In reply to something said by some gentleman in his seat, in relation to the nomination of General Taylor in Virginia—]

Mr. I. said, he did not know who nominated him; but he had been nominated in two of the most important States of this Union. He could not, therefore, perceive that military stock was falling; but, on the contrary, it was rising very high—far above par—not only in Mexico, but here, there, and everywhere, as far as he could understand. He did not know how it might be in the great State of the chairman, [Mr. HUNT, of New York;] but, excepting that, it was only when we got into the confederacy of "steady habits," as he was informed, that this military stock was not very high indeed. It seemed to him, therefore, that the gentleman from Ohio was mistaken in this respect, as he was sure he was mistaken in all other respects. He had merely risen, therefore, for the purpose of entering his protest against all the gentleman's arguments.

Mr. SAWYER said he had taken the floor for a few moments to congratulate the House and the country upon the seeming change that had taken place on this floor. His colleague [Mr. SCHENCK] had this morning read a pretty severe lecture to his other colleague [Mr. VINTON] for not progressing in his work in the right way, and he had passed some pretty severe rebukes on his own party for the course they had taken. The gentleman had taken up the calendar and read divers resolutions lying on the Speaker's table, and complained because they were not taken up and acted on. In the first place, he told them, that when the party with whom he (Mr. SAWYER) acted were in a large majority on this floor, they prevented any action on that side of the House. But, now, why did he come here and repeat his complaint? The gentleman's own party were now in the majority, and yet he complained that the business on the Speaker's table was not disposed of; that, in passing this bill now, they were taking a leap in the dark; that they had not enlightened themselves on the subjects on which they were called to act. Sir, (said Mr. S.,) you have a majority in this House, and how are you using it? Day after day, after you have been in session a short time, speaking on subjects foreign to the measures before you, you move an adjournment; the motion comes from your side of the House; you adjourn over from Friday to Monday, week after week; and you use the whole of the time of the House in debating questions about the war, or other questions which have no connection with the subjects before you. You offer resolutions looking forward to putting down the President of the Democratic party and elevating another certain individual to that same high place. All these resolutions are treated in the same way. What do you do with them? You suffer them to lie on your table two or three months. The very first resolution my colleague [Mr. SCHENCK] spoke of was his own resolution; and he has never raised his voice on this floor to attempt to take it up from the table. All these resolutions are of the same class; and now you come here and complain that they are not passed, and make that an excuse for voting against appropriations which are indispensable to carry on the Government in time of war. He called upon gentlemen on the other side of the House, and their constituents, and the country, to note the fact, that they had the majority, and conducted the business of the House in this way; and, when they were called upon to vote supplies for carrying on the Government, they got up and interposed these complaints as a barrier. Upon their heads rested all the responsibility. If they were desirous of advancing and despatching the affairs of the general legislature, he asked them to go forward. His (Mr. S.'s) party were not responsible for the delays that had been incurred. When the President's message and the loan bill were under consideration in their order, day after day motions were made on his side of the House to take them out of Committee of the Whole and terminate debate. Immediately up jumped a member on the other side of the House and moved to lay the resolution on the table; the yeas and nays were called; and, by drawing tightly the cords of party, they laid it on the table. That was the way in which the majority of the House did the business of the country.

His colleague also complained about the officers being about here. There was another gallant officer who was *glorifying* through the country, and probably making some political capital, that they heard no complaint of from that quarter.

What was the character of these men of whom they heard this complaint? They were men who had been literally shot to pieces, who were unable to stay in the army and any longer do their country service there; and the gentleman, his colleague, and others saw fit to get up in this Hall and denounce them as altogether out of the line of their duty.

He had risen to congratulate the House on the great change which was about to take place. They had been now three months in session, and the most they had done was to grant registers to three or four vessels and pass a few private bills. Not one bill had yet been passed, or one efficient step taken towards (with one single exception) forwarding the public interests, and preparing to return home to their constituents. It appeared to him that his colleague, the chairman of the Committee of Ways and Means [Mr. VINTON] would not thank his other colleague for the charge he had made, that he [Mr. V.] had got all the information and refused to communicate it to the House. That was a quarrel with which Mr. S. had nothing to do; he had desired simply to call attention to it, and to the mode in which the majority of the House were consuming the time without accomplishing anything.

Mr. GIDDINGS said he had entertained no expectation of addressing the committee until within a few minutes. Nor did he now intend to detain them long. He was disposed to take issue with gentlemen who said that the Whigs had a majority in this body. He intended to say that it was a doubtful question which party had a majority, or whether either had. If we were to take the issue of 1844, it was quite certain that the Whigs have not a majority. That party was then unanimously opposed to this war. It is now certain that a large majority of this House are in favor of sustaining it. The Whig party were then opposed to the extension of slavery. The vote of this morning shows a majority of thirteen in favor of extending the curse of human bondage and degradation upon soil now free. He repeated, that if we adopted the great issue of 1844, the majority was opposed to the Whigs.

The issues then adopted were of transcendent importance. Mr. Upshur, as Secretary of State, on the 8th August, 1843, put forth the novel, and, at that time, unheard of doctrine, that it was the duty of the Federal Government to uphold and extend the institution of domestic slavery. The declaration was taken up and repeated by the party in this Hall and in the other end of the Capitol, in Southern primary conventions, by State Legislatures, in the public press, and by stump orators. The annexation of Texas, to secure slavery in that Government and sustain it in this, was the avowed policy of the Democratic party. The issue thus tendered was accepted by Mr. Clay, who, in his speech at Raleigh, North Carolina, laid down a synopsis of Whig doctrine, in which he declared that "the support, by the several States, of their own peculiar institutions, constituted the ninth article of the Whig faith."

In 1839, in the Senate of the United States, Mr. C. had declared that "Congress possessed no power whatever over the institution of slavery, except as it relates to representation, taxation, and the power to restore fugitive slaves." "All other powers (said he) belong to the States." The issue tendered by the Democratic party was adopted by him, and by the party to which he belonged. We denied (said he) the power of Congress to prosti-

tute its functions to the upholding of a system of human degradation. This was the distinct position of our party at that time. On this broad basis of the Constitution we took our stand, and met the assaults then made upon us. It was the great issue which, like Aaron's rod, swallowed up all others. It is now (said Mr. G.) the transcendent and absorbing question which occupies the intellect of the nation. Who (said he) now speaks of the benefits or evils of a protective tariff? Who in this Hall portrays its advantages among the free laborers of the North? Or who explains its evils to the slave labor of the South? Who now occupies time upon the subject of harbor improvements and of river navigation? Why, (said he,) these matters are almost forgotten. No one now takes the trouble to mention a United States Bank, or to insist upon a division of the proceeds of the public lands. These subject are not thought of. The members here are divided into the propagandists of slavery, and the advocates of freedom. The old party lines are becoming indistinct and uncertain. A portion of those who have heretofore acted with us now incline to the cause of extending slavery; and some who have acted against us now go for limiting that institution. New political associations are forming, and have been for years; and the trammels of party are often broken, and their influence disregarded.

The war (said Mr. G.) in which we are engaged is but a consequence of the policy of extending slavery. It was clearly foretold by those who examined the subject in the light of reason. It was for years proclaimed in this Hall, and in the other end of the Capitol—in our State Legislatures—through the public press, and by our stump orators throughout the nation. The vast expenditure of blood and treasure in this war, its crimes of deep and damning dye, were foretold with as much accuracy as the pen of the historian will hereafter record them. Here, in this Hall, at each session since 1843, the circumstances with which we are now surrounded have been often described. As he had remarked, our position in 1844 was that of unmistakable opposition to this war. They had not ceased to condemn it, from the commencement of the Presidential campaign of that year down to the 11th May, 1846—that ill-fated day, when a large portion of his friends apparently changed their policy and voted for it. He meant no disrespect to his friends and colleagues who voted for that bill; but they would permit him to say, that he then regarded it as, in a great degree, a surrender of their position. It detracted from their moral power. They yielded up a portion of their strength; they went over to the measures of their opponents. When they subsequently lent their votes to continue the work of devastation and death which the President had commenced, they stood before the world tacitly admitting, to a certain extent, that he was right in commencing the war, and that they were wrong in opposing it. They went in with their opponents in support of their measures, and so far acted with them, and became a part of them.

He concurred in what had been so well said by his colleague, [Mr. SCHENCK,] that the Whig party were following in the footsteps of the Democrats of the last Congress. The policy which Democrats then adopted the Whigs are now carrying out. If they declared this to be *Whig* policy, he asked the difference between the policy of the Democrats and the policy of the Whigs? "A rose would smell as sweet by any other name." The bill before them, appropriating some twelve millions, was merely to supply the money to carry on the war which they have so loudly condemned in 1844 and 1845, and which they still denounce.

He said, the lines which separated the two parties had become obscure and uncertain. It was difficult to tell who were Whigs and who were Democrats. He cast no imputations upon his friends on this side of the House; far from it. He believed them sincere and patriotic. But they would permit him to say, that he never had, and never should, vote for a dollar or a man to carry on a war which he had so long denounced as wicked and barbarous. He must be permitted to remain where he stood in 1844—unmistakably opposed to this war, in all its phases, in its generals, and in its details. He believed he was a Whig in 1844; he had not changed. He adhered to the same principles now as he did then; and, as he was not in favor of changing positions, he thought it likely he would remain attached to the same doctrines. If other gentlemen feel that it is right to yield their doctrines, he should not complain; but for himself, he desired permission to adhere to his doctrines until satisfied that they were erroneous.

He had foreseen the present state of things in this Hall, prior to the election of Speaker. His colleagues would bear witness that he had pointed out to them the peculiar circumstances under which we are now placed. He had told them, that if elected Speaker, the honorable gentleman who now fills that office would so constitute the Committee of Ways and Means as to secure reports in favor of appropriating means to continue this work of murder and rapine in Mexico. He meant no disrespect to the honorable Speaker, nor to the members of the committee. They were as patriotic as himself. But with his views of duty, he could vote for no man who he believed would exert his influence to increase our national guilt, by continuing this war. He had denounced the President for bringing the war upon us; and he could see no way in which the work of cutting Mexican throats had become sanctified in the sight of Heaven.

We are informed (said Mr. G.) in holy writ, that Pilate, a Pagan governor, when he saw the people about to shed innocent blood, took water and washed his hands, declaring himself exempt from the crime which they were about to commit. And shall I, (said he,) a professing Christian, hesitate to wash my hands of this transcendent crime? No sir, *never*. In saying this, he spoke his own views. He regarded every life sacrificed in this war a murder, accompanied with all of the moral guilt attached to that crime. This guilt must rest upon all who contributed to promote the work of human butchery. He wished the House and the country to understand, that no considerations should induce him to participate in such Heaven-provoking iniquity. He called this House and the country to witness, that, as in 1844, he was opposed to the war, he was equally opposed to it at the election of Speaker. Principles never change. He might waver in his moral or his political conduct; his political friends may alter their position, but the principles of right and wrong are immutable and eternal.

Again: He said, that in 1844, when the opposite party had urged the duty of this Government's assuming jurisdiction over the institution of slavery, Mr. Clay declared that "Congress possessed 'no power whatever over the subject of slavery; 'that the *existence, maintenance, and continuance* of 'that institution depended exclusively upon the 'power and authority of the States in which it was 'situated." Before Heaven, he believed this doctrine correct in 1844; he now believed it correct. But look at your Committees on the District of Columbia and on the Judiciary. They are the organs of the Whig party in this House; yet they silently entomb the voice of Northern philanthropy as it is sent to them in the form of petitions praying the repeal of those acts of Congress which sustain the slave trade in this District. That traffic which has so long disgraced the nation is thus upheld and protected by a Whig committee of this body. They will not report upon the petitions committed to them. No influence can extort from them a word in favor or against a practice at the mention of which humanity shudders. Of this Heaven-defying outrage upon a portion of our race, he was exempt. He had foretold this state of things prior to the election of Speaker. He then refused his vote to an honorable member who he was conscious would so constitute those committees as to sustain this commerce in human flesh. He repeated that he meant no disrespect to the gentleman who filled the Speaker's chair. He doubted not that his motives were pure; but he was conscious that his policy was such that he (Mr. G.) could not unite in, and he had therefore voted against him. He declared that this support of the slave trade by Congress was opposed to the doctrines maintained by the Whigs in 1844. He had not changed his views on that subject. He now remained upon the Whig platform of that day. But he found Whigs occupying the same ground on this subject with the Democrats. So far as a disinterested observer would discover, there was on this question almost a total obliteration of the lines which separate the two parties. A portion of the Whigs and a portion of the Democrats desire to see the Government separated from the support of crimes daily committed in this city, the perpetration of which upon the shores of Africa we punish with death. He declared that he felt conscious that on these subjects of supporting the war and the slave trade the Whig party in this House was placed in a false position. The masses of his party, he thought, were opposed to both these measures. He believed that a large majority of the Whigs of this body were opposed to them. He had to the best of his abilities labored to prevent this state of the party, and it was due to himself and to those he represented that he should thus publicly define his position. That position, he repeated, was the position of the Whig party of his district, of his State, at this time, and in 1844.

Another important point had not escaped the notice of the public. While the Whigs, as a party, have manifested the most determined hostility to the war, denouncing it as wicked, unjust, and barbarous, as an accumulation of crime beyond conception, they had been called on here to express their profound gratitude to those who have voluntarily engaged in this work of slaughtering our race. He was aware of the fine-drawn casuistry which teaches us to denounce the crime, while we praise those who commit it; to execrate the slaughter of women and children at Monterey and at Vera Cruz, while here, in this Hall, we tender a nation's gratitude to those who voluntarily guided and directed the butchery. He had been unable to discover the force of such reasoning; probably he had not appreciated the argument; certainly he could not agree to the doctrine. One of the officers to whom the thanks of Congress were thus tendered, was his personal and political friend. One who had done much to save the nation from the horrors of war, in 1839, when hostilities had hovered over our northeastern frontier. That was an elevated and noble example of philanthropy and patriotism; one for which he would gladly have united in a vote of thanks. But when those high officers went to Mexico to engage in devastating that country, in cannonading their cities, and in the slaughter of their people, they did so *voluntarily;* there was no compulsion in the business. He thought that a Roman firmness and unbending integrity should then have characterized their conduct; they should instantly have resigned their offices, refused to enter upon the work of butchering a foreign people, and retired to their homes, and received the approval of their consciences, the gratitude of all good men, and the smiles of Heaven.

But, sir, (said he,) these officers went to Mexico, took charge of our armies, and became the instruments of carrying out the designs of vaulting ambition, and of executing deeds at the contemplation of which his soul shrunk back with horror. For those acts he felt no pulsation of gratitude. Had he voted for the resolutions, he would have belied his conscience, and done violence to truth. He had at first thought he would remain silent when the vote should be taken, but further consideration convinced him that it was his duty to vote against the resolutions. He was unwilling, by his silence, to encourage the thirst for military eclat which these resolutions were calculated to inspire. But, on this subject both parties had fully united, all party distinctions were lost sight of, and he found himself in the very extraordinary position of voting alone in this body. But, even though his vote stood solitary upon the record, he felt willing that it should pass the test of an enlightened people. He had witnessed the baleful effects of a standing army. It had brought us into this war. Had we been destitute of an army, the President would have been unable to involve us in hostilities with Mexico. He said the nation was now sustaining an army in Mexico at an expense of one hundred and twenty-five thousand dollars per day. This sum is drawn from the hard earnings of the toiling millions; and what do they get in return? Why, they subject the people of Mexico to our will. We, who have declared that all men are born free and equal, "that to secure our natural rights governments are formed among men, deriving their just powers from the consent of the governed," now squander untold millions for little purpose, except to give evidence of our own want of sincerity in the profession we have made to the world. We see the officers of the army on every street of the city here living at their ease, and at the expense of those who toil for their daily bread. Rather than encourage the increase of our army, he would

bring back the fifty thousand troops from Mexico and disband them. He would have them return to civil life; he would have each earn his own support, and by his labor contribute something to the general wealth of the nation. The army was a cancer upon the body politic. It was striking its fibres into the vital parts of society, and extending its virus into the veins and arteries of the Government, and must sooner or later overthrow our institutions. It had already assumed an importance which must strike the reflecting portion of our people with astonishment.

On the 4th July last, at an encampment far in the interior of Mexico, at a meeting of the officers of our army, one of their number was nominated for the highest office in the gift of the American people. Thus early in the history of this nation had an attempt been made by the army to dictate to the people a President—to send us from the camp a man to guide our ship of state; one whose hands are dripping with human gore; so that when he shall lay his fingers upon the sacred book to take the oath of office, he may leave the sacred volume polluted with the blood of innocence.. Are such things becoming a moral, a Christian people? Yet in this Hall, from an early period of the session, we had heard gentlemen, in their speeches, lending aid and giving influence to this plan of foisting upon the people a President whose only recommendation is his military fame. If military service qualifies a man for the highest office of Government, it is easy to see that our minor offices will be filled with the same class; and the day is near when our Government must become a "military republic." When he had heard gentlemen speaking in this Hall of the popularity of the distinguished officer to whom he had alluded, and of that political millenium when all parties are to unite in his support, he had desired to inquire what were the principles on which he would, if elected, administer the Government? And with permission of the committee, he would now propound, through the Chair, a question to the honorable chairman of the Committee on Manufactures. He desired respectfully to inquire of that gentleman whether General Taylor was in favor of a protective tariff?

Mr. STEWART, of Pennsylvania, answered that he was.

Mr. GIDDINGS said he was happy to hear it. He had not been aware that we possessed evidence to justify us in believing that he was thus favorable to northern interests. But he also desired to ascertain whether the free-trade men of South Carolina, who were equally zealous in the support of General Taylor, were not equally sure that he was in favor of their policy?

[A voice answered, Yes.]

Mr. GIDDINGS. Of course. They would never support a man who was in favor of the protective policy. Yet the most ultra supporters of free trade, and the most determined adherents of a protective tariff are to unite in support of a distinguished military officer for President. Each knows that he or his opponents must find themselves deceived after the election. But each is hoping it will not be him, and each rejoicing in the thought that it will be those opposed to him. He declared that the Whig creed contained no such uncertain expression of political faith. But (Mr. G. said) he wished to inquire a little further. He desired to understand General Taylor's views upon the subject of improving our lake harbors and our river navigation. That was a subject in which the northern States had a deep interest. They would not be likely to cast their votes for any candidate who was not known to be favorable to our domestic commerce. If some one of the gentlemen from the free States, who is expecting to be Vice President under Gen. Taylor, would inform him whether that distinguished officer was in favor of such improvements, he would feel much obliged?

Mr. STEWART replied, that General Taylor had said he would pursue the policy of General Washington, if elected.

Mr. GIDDINGS said we had no lake, harbor, nor river improvements in the days of General Washington. But he wished to know whether those who have steadily opposed such improvements, and are now supporters of General Taylor, were not equally certain that he would veto any bill for such purpose? [Several voices responded, Yes.]

Mr. GIDDINGS continued. Nothing was more certain.

Mr. C. J. INGERSOLL interrupted Mr. G., and wished to inquire what General Taylor's views were in regard to slavery?

Mr. GIDDINGS, in reply, said that, with the gentleman's permission, he would make his own speech. He wished by these inquiries to exhibit to this House, and to the nation, the true character of this attempt to lead the people of the nation, blindfolded, to the support of a man whose sentiments on these most vital questions are wholly unknown. He had thus brought the subject before the committee in a plain manner. All were aware that many and able friends of General Taylor were present. No one of them could inform us of his opinions; yet they ask the people to support him, not because they know him to be in favor of these measures or against them, but because they *don't* know whether he is one way or the other.

Again, (said he,) nine of the States of this Union have taken a position against the further extension of slavery. Among them are Ohio, and Pennsylvania, and New York. In their sovereign capacities, they have declared their unalterable hostility to the policy of extending that institution, and in favor of the issues of 1844. Now, he desired to know whether General Taylor was in favor of confining that institution to its present bounds?

Mr. STEWART said, that General Taylor had declared, that if elected, he would follow in the footsteps of Washington, Jefferson, and Madison.

Mr. GIDDINGS resumed. That was all quite indefinite and uncertain; but he would like to know how the gentleman's colleague over the way [Mr. WILMOT] understood General Taylor on that subject.

Mr. WILMOT said that, when he reflected that General Taylor was a southern man, a slaveholder, and that southern interests were rallying to his support, he had no confidence in General Taylor on this subject.

Mr. GIDDINGS resumed. Southern papers declare General Taylor to be "*as true to the interests of slavery as the needle is to the pole.*" That he is firmly opposed to the Wilmot proviso, as it is called. Southern men proclaim him to be unalterably opposed to all restrictions of slavery.

Mr. STEWART, interrupting him, said, General Taylor had said he would support the Constitution.

Mr. GIDDINGS. The veriest demagogue found in our country bar-rooms would say that; John Tyler said it. The declaration means nothing.

Mr. STEWART wished to know if the gentleman from Ohio had not supported Henry Clay in 1844?

Mr. GIDDINGS replied, that he had cheerfully supported him, and for the reason that his views were known. He had proclaimed his sentiments definitely and distinctly. No man was asked to vote in the dark. He had for many years acted as a Senator in a capacity which gave publicity to his views. He was a Whig "known and read of all men." As early as 1839 he had declared his views in regard to the powers of Congress over the institution of slavery. Those views accorded with his own; and, in supporting Mr. Clay, he supported his own constitutional views in regard to slavery, and in regard to the Whig policy. But how stands the case now, said he? Is General Taylor a Whig? The gentleman from Pennsylvania says he is. But General Taylor, speaking for himself, says he "will not be the exponent of the principles of any party." If he will not become the exponent and supporter of Whig principles, he (Mr. G.) would not vote for him. The man who does so, must leave the Whig party, for he will not sustain Whig sentiments. He would speak for himself and for his constituents, and he believed he could speak for the Whigs of his State, when he declared that they would not again be "TYLERIZED."

Mr. HENLEY next obtained the floor, to reply to the remarks of both the gentlemen from Ohio, [Messrs. SCHENCK and GIDDINGS.] He said it was not his practice to bring into this Hall party discussions; he never intended to commence a party debate, but when it was commenced and forced upon the House by the other or either side of the House, he was ever ready to meet it. Lest he should omit it hereafter, he would here say, at the outset, that whenever he saw a gentleman pursue an honest and honorable course, he was ready to commend it, no matter which side of the House it came from. In that spirit he desired to speak of the effort of the gentleman who had just taken his seat. The gentleman from Ohio [Mr. GIDDINGS] had taken an honest and an independent course, and he was worthy of all commendation. The gentleman from Ohio was right in calling the attention of the nation to the uncertainty in which they were left respecting the opinions of General Taylor, who was to be nominated as the Whig candidate for the Presidency. They had not even obtained an expression of his opinion respecting the first, great, paramount principle of Whigery—the Wilmot proviso. The gentleman from Pennsylvania [Mr. STEWART] could not say that his favorite candidate was in favor of the tariff, but he contented himself with the assurance that General Taylor would stand by the principles of the Constitution. He thought the chairman of the Committee on Manufactures would be driven to resort to the makers of Yankee notions for the manufacture of a candidate that would suit all the hues and colors of the Whig party. The gentleman from Ohio had inquired for the opinions of General Taylor respecting the improvement of rivers and harbors by the Government, and had he obtained any answer to his inquiries? The Whigs had professed for some years to stand on an everlasting platform, but when they were asked if their candidate was in favor of their principles, they were unable to obtain an answer. But they were themselves deceived if they thought they could again deceive the people as they did in 1840.

Mr. DUER said the Whigs would not nominate any but a Whig—one who would carry out Whig principles. He was ready to meet a defeat with a true Whig, rather than to see the party nominate a candidate who was not a Whig. However, the question had to be tested whether General Taylor would accept the nomination from the Whig party, and be an opponent of Whig principles. General Taylor's sense of honor—which he presumed no one would question—would prevent the acceptance of the nomination of the Whig party if he was opposed to their principles.

Various questions were put to the gentleman from New York from several parts of the House, in the midst of much confusion.

Mr. SMITH, of Indiana, rose to a point of order. He desired to inquire if this was a convention met to nominate a candidate for the Presidency? If it were not, then this debate was out of order.

Mr. HENLEY said he did not wish to misrepresent the gentleman from New York, and hence he thought he had the right to ask him a question, and to allow him to answer it. He understood the gentleman from New York to say that he could not support General Taylor or any other man, unless he accepted the nomination from the Whig party pledged to Whig principles.

Mr. DUER denied that he had said anything of "pledges," but he would vote for no man who was not an exponent of Whig principles.

The CHAIRMAN interposed, and said this course of proceeding was out of order.

Mr. HENLEY said this mode of asking interrogatories had been tolerated ever since he had been in Congress, and it was the usage of everybody of which he had any knowledge.

The CHAIRMAN reiterated that it was not in order.

Mr. HENLEY said, what he desired to know was—and the question was perfectly consistent with parliamentary rules—whether the gentleman from New York would support General Taylor for the Presidency if he were nominated, and did not pledge himself to sustain the principles of the Whig party?

Mr. DUER said, if it should make such a nomination, he should consider the Whig party as dissolving itself, and what he might then do it was impossible for him now to say.

Mr. HENLEY said that would do. The gentleman from New York had declared whenever the Whig party shall make such a nomination he would consider the Whig party dissolved, and so should he, (Mr. HENLEY.)

Mr. DUER again explained. What he said was, that if any candidate should say "I accept your nomination, but protest against your principles," he should consider it a dissolution of the party.

Mr. HENLEY was satisfied with the answer, and hoped the reporters would put it down. It

was evident there was a desire to prevent the impression going abroad that the Whig party intended to go before the country with a candidate of whose principles they knew nothing—or with a declaration of principles which meant nothing at all; and such were General Taylor's replies to questions put to him, in which he said he would abide by the Constitution. He was unwilling to attribute to any party improper motives, or to charge upon them a desire to get power by a concealment of principle; but what was the position in which the Whig party was placing itself? The gentleman from Ohio [Mr. GIDDINGS] had told them that the Whigs of Ohio would not again be *Tylerized;* and they might say, too, that they would not be *Taylorized.* Did not Mr. Tyler proclaim himself in favor of the principles of Washington, and of Jefferson, and of Madison? And yet, how soon after coming to the Presidency was he charged with being a traitor to the Whig party? Such a case might again occur. Permit, him, however, to tell the Whig party that the people would not again be deceived. Before a candidate could obtain their suffrages, he must declare his sentiments. He must proclaim himself to be either for or against the Wilmot proviso, which the gentleman from Ohio proclaimed to be a Whig principle. If General Taylor avowed himself in favor of it, did they expect he would be sustained by the South? Would the Whig party agree amongst itself on that point? That which with the gentleman from Ohio was a paramount question, was in itself a sectional issue, which would tend to destroy the Whig party, if it did not endanger the Union. Such would be the result if they ran a candidate who avowed himself in favor of the Wilmot proviso. Was it, then, the purpose of the Whig party to run a man who would not avow himself? Would they not leave on the public mind the impression that they intended to deceive the people by such a course? He should be glad to know if the gentleman from New York would vote for General Taylor if he should declare himself opposed to the Wilmot proviso.

Mr. DUER said the Wilmot proviso might be an abstract or it might be a practical question.

Mr. HENLEY desired the gentleman to answer, supposing it to be practical question.

The CHAIRMAN hoped gentlemen would be in order.

Mr. HENLEY said he meant to be in order if the gentleman from New York would declare his position on this point. Viewing it as a practical question, with the possibility that General Taylor, if he were President, might exercise the veto power in relation to it, he wished to give the gentleman from New York an opportunity to say frankly and openly what he would do. It was usual in this House to obtain the opinions of gentlemen in this way, on great and important questions on which the people felt a deep interest. He hoped the gentleman from New York would be more explicit than he had been.

Mr. DUER said it was exceedingly difficult to answer questions of that description impromptu—questions which depended on contingencies. He was a practical man, and when he could not get all he wanted, he came as near as he could. But his impression was that he would not. He would, however, say that if a southern man, JOHN C. CALHOUN or any other on the one side, should be nominated, and a northern doughface on the other, he would vote for the southern man in preference to the northern doughface.

Mr. HENLEY would not trouble the gentleman with any further questions. He supposed the gentleman would rather have a southern doughface than a northern doughface. He had but one other remark to make respecting the Wilmot proviso. He understood that the Whig party of the North had committed itself to that proposition, and therefore he wished to state one fact for the benefit of the country. When he was a candidate for re-election, his opponent was committed to the Wilmot proviso, and pledged himself before a large audience that he would not support General Taylor unless he would avow himself before the election to be in favor of it too. His opponent was not elected. The Whigs, then, were in this dilemma. They have made the Wilmot proviso a paramount political question. To that they were pledged irrevocably, and they could not go for any man who would not avow himself for it. Such was the condition of the Whig party in the State of Indiana, and he believed all over the Union; and they could not dodge the question and maintain a character for consistency and sincerity.

But he had not intended to devote so much time to this question when he rose. His purpose was to make a few remarks in reply to the gentleman from Ohio, [Mr. SCHENCK,] who had charged the Administration with creating new offices for the purpose of giving employment to some of their favorites. The gentleman from Ohio had charged not only that on the Democratic party, but also that they were proscriptive. Now, what was the history of this House during the brief career of the Whig majority? The first thing done when they came here was to organize the party, small as was its majority, with a view to monopolize all the offices. They took a Northern Speaker and a Southwestern Clerk, and conciliated the other sections by selecting other officers from them; and if they had not failed to elect their postmaster, they would have made a clean sweep of it. To this he should not have objected; nor should he have complained, further than to call the attention of the country to it, and to say this is the party that goes before you with the hypocritical cry of no party, no proscription for opinion's sake; which professes to appoint officers only on the ground that they are honest, and faithful, and capable. Notwithstanding such professions, let them look at all the subordinate appointments about this House, and how many would they find that had been spared? There might be a solitary exception to swear by, but the exceptions would be found rare, even down to the appointments which the Doorkeeper had under his control. The Whig party was the most proscriptive party on earth.

Mr. SCHENCK said he had said nothing at all about removal from office, for or against it. What he had said was, that there were appropriations for various purposes and to supply deficiencies in the treasury; and that there were various inquiries not answered which were designed to throw light on the appropriations asked for by the Executive departments. Among other things, he alluded to the resolution submitted by a gentleman from New York in relation to secret inspectors of the custom-houses along the frontiers. He said it had been repeatedly charged, and the gentleman from New York had corroborated the accusation, that officers were employed and received salaries for which appropriations were made from the public treasury that were evidently useless; and that it was proper they should get ample information on these matters, to see if they could not prevent these deficiencies hereafter arising.

Mr. HENLEY understood the gentleman from Ohio at the time. He had charged the Administration either with creating new offices or keeping officers in unnecessarily; and he (Mr. H.) was replying to the charge against the Democratic party that they had employed favorites unnecessarily. He was bringing before the country the course pursued by the Whig party. In relation to the creation of new offices, what had they done? For four years the business of the Committee of Ways and Means had been done without a clerk. He asked if he was right? [Mr. MCKAY, to whom the inquiry was addressed, made no reply.] Now, however, a clerk was employed. He need do nothing more than state that fact. An office had been created for two years, perhaps, in which an individual would be employed, at a salary, he supposed, of $1,500. Again: during the last two Congresses, extending over a space of four years, there were eight pages employed in this House, and now there were twelve, being an addition of four. This might be a small matter, but it was a fact, and he should state facts, without making accusations against anybody.

Mr. MCKAY rose and made some explanation in relation to the Committee of Ways and Means, which was not distinctly heard.

Mr. HENLEY then alluded to what Mr. SCHENCK said about swarms of Government officers gathering like cormorants around the little custom-houses on the northern frontier, and devouring the revenue collected, and insisted that if the Democrats were so disposed they could retaliate the like charges. He referred to the narrow spirit in which the appointments had been made at the present session in relation to the standing committees of the House and to its officers. At the last session, when the Democrats had been in possession of a majority of sixty, they had, of course, elected a Democratic Speaker and Democratic officers; but how had the committees of the House been made up? In all, or nearly all of them, there had, to be sure, been a majority of Democratic members; but two very important committees had had prominent Whigs placed at the head of them. But what was witnessed now? Although the parties in the House were almost equally divided, not a single Democrat was to be found at the head of any one standing committee in the whole list. This he did not suppose had happened simply by the designation of the Speaker—a gentleman for whom, with every other member of the House, he entertained great respect, but such was the fact.

Now, he did not charge this as anything to be complained of; not at all. He did not blame any party for putting its own men at the head of the committees, and giving their own side a majority; but what he blamed the Whigs for was affecting to make a great outcry against proscription, and yet practising it themselves all the while, just as much as those they berated for it. While they were less liberal than the Democrats had been with a majority of sixty members, they were endeavoring to produce the impression on the mind of the country that they were so very liberal as to despise everything like party exclusiveness. Democrats had left at least some committees in control of the Whigs; but when the Whigs came into power, not a democratic chairman was anywhere to be found.

Talk about the proscription of the Democratic party! Why, Mr. H. understood, and he believed it to be fact, that, under all the merciless proscription that reigned while the Democratic party were in power, a majority of all the clerkships in the departments were filled by Whigs, and were so at this moment, even under the iron rule of James K. Polk.

A gentleman here asked him how it was in the Senate? Mr. H. could not say: possibly the clerks in the appointment of that body were too cunning to express any political opinion. Possibly the rule which the gentleman from Ohio had applied in the case of General Taylor might be acted on by them. However, be they Whigs or Democrats, he was ready to admit that they had been long enough in their places, and it was time they should be changed. Had he the power, he would remove them, at all events. Mr. H. avowed himself in favor of turning out them not only, but all other clerks now in office, and putting new men into their places. They had been sucking the sweet long enough—let them give others a chance. In a word, he went for rotation in office, and that whether the incumbents were in by election or by appointment. He went for that principle; and he was ready to bow, and and expected to bow, to it in his own person.

As to what the gentleman from Ohio had charged about the House having been three months in session, and having done nothing, Mr. H. agreed with him most fully. They had indeed done almost literally nothing, and it was his belief they would continue to do nothing. And who was responsible for it? They, surely, who had the majority in the House. It was well known that motions to adjourn generally came from their side of the House. It was they who moved to adjourn over Saturdays. For four weeks in succession that motion had come from one and the same gentleman—[a laugh.] It was gentlemen on that side who had carried the motion, with the help, he admitted, of some on his own. He was ashamed of this: they ought to have refused. It was the duty of both sides to remain in their seats a reasonable time: he could not, and would not, vote for such doings. But in this matter there was no comparison between the two sides of the House, as the yeas and nays would show.

The Whig majority were always in favor of adjournment. These gentlemen claimed, at least, to have a clear majority in the House, and as such they were responsible, and so the people would hold them. If no business was done in the House they were answerable for it. It was right and just that for whatever was done in a popular body, the majority of that body should be held to answer.

The gentleman from Ohio had come forward with his usual prediction of the downfall of the Union. He had heard that prophecy from the same gentleman often before; he had now uttered it once more. But it had been repeated till it lost all effect. As to Mr. H., he heeded it no more than the idle wind; nor would the people mind it a whit more than he. Parson Miller had prophesied the end

of all things some time ago, and when the world had failed to come to an end, as he had said, he fixed a new day and prophesied again.

Now, with Mr. H., the one prophecy passed for about as much as the other. There were croakers in all times and under all governments. The reins of power had been in the hands of the Democratic party (with the exception of eight years) ever since the foundation of the Government; and he was not going to fear the Union would be dissolved because they were held by a Democratic President now; and as few fears had he that a party which had maintained its ascendency so long was now to come to an end.

[The following is the substance, in a correct form, of remarks elicited from Mr. DUER, in reply to certain questions of Mr. HENLY:

Mr. DUER says: Mr. HENLY having stated that the Whig party was about to abandon its principles, and nominate General Taylor for the office of President, without knowing what his opinions were upon those questions upon which the two great parties of the country are divided, I asked that gentleman his authority for making that statement. And in putting to him this question, and in answer to questions from him, I said substantially as follows: That, so far as I knew anything of the opinions of Whigs in my part of the country, they were opposed to the nomination of any man who was not a known Whig; that I had rather, for myself, be defeated with a candidate of that description than have anything to do with the nomination of one of whose principles I was ignorant, though success in the latter case might be certain. After commenting upon some remarks contained in a letter of General Taylor recently published, I said, that I took it for granted that any Whig convention that might assemble for the purpose of nominating a President would declare its principles, and nominate its candidate as the exponent of those principles. That, under such circumstances, General Taylor, whom none doubted to be a man of honor, could not accept the nomination, unless his own opinions agreed with those thus declared by the convention nominating him. That if, however, such a convention should nominate a candidate otherwise than as a Whig, and the exponent of the principles of the Whigs, or, if it should adopt a nominee who would only accept the nomination with a protest against the principles of the party nominating him, I should consider such action as equivalent to a dissolution of the Whig party. That I did not, however, expect or desire any pledges, and had never given any myself.

Being afterwards asked, whether I would support General Taylor if he should declare himself opposed to the "Wilmot proviso," I replied, that that might not become a practical question; but that, if otherwise, yet, inasmuch as the question was one that must be determined by Congress, I should probably be contented with a candidate who would leave to Congress its determination. I was then asked whether, if it was known that General Taylor would veto any bill prohibiting slavery in newly acquired territories, I would then vote for him? To this I replied, that the question was a difficult and delicate one, because it was impossible to foresee what contingencies might arise, and under what circumstances it might be presented. That it was my present impression, that in such case I should not vote for General Taylor. But that, if ever I were compelled to make my choice between a southern man, an open advocate of slavery—John C. Calhoun, for instance—and a northern doughface, I should choose the southern man.]

Mr. ROCKWELL, of Connecticut, moved that the committee rise; which motion prevailed.

And the House adjourned.

IN SENATE.

MONDAY, *February* 28, 1848.

Mr. MILLER presented resolutions passed by the Legislature of the State of New Jersey, in opposition to a repeal of the act of March 2, 1837, concerning pilots; which were laid upon the table, and ordered to be printed.

Mr. CASS presented the petition of Levi Wells, a pensioner of the United States, praying to be allowed arrears of pension; which was refefred to the Committee on Pensions.

Mr. YULEE presented a petition of citizens of Orange county, East Florida, praying the establishment of a post office in that county; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. WESTCOTT, it was

Ordered, That the petition of Archibald Smith, Jun., on the files of the Senate, be referred to the Committee of Claims.

Mr. BENTON submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate a copy of the proceedings of the general court martial in the case of Lieutenant Colonel Frémont.

Mr. BENTON gave notice that, on to-morrow, he should ask leave of the Senate to introduce a joint resolution in relation to the purchase of American hemp for the use of the navy.

REPORTS OF COMMITTEES.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Asahel Kingsley, submitted an adverse report; which was ordered to be printed.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill authorizing payment of interest on the amount advanced by the State of Alabama to the General Government, pending the Creek hostilities in 1836 and 1837, reported it without amendment.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the petition of William B. Stokes, reported a bill for his relief; which was read, and passed to the second reading.

The following bills were read the second time, and considered as in Committee of the Whole:

Bill for the relief of Fernando Fellany.

Bill for the relief of Peter Engles, senior.

And no amendment being made, they were reported to the Senate, ordered to be engrossed; were engrossed, read a third time by unanimous consent and passed.

PERSONAL EXPLANATIONS.

Mr. YULEE. With the permission of the Senate, I will trespass a moment upon its time. I have been waiting an opportunity for a week past to bring to the notice of the Senator from Mississippi, [Mr. FOOTE,] a report of proceedings in this body, in which he is made to allege "misquotation" of authorities by me. Being quite satisfied that such was not his intention, I have thought it proper to enable him to correct it in his place. He will find the passage I refer to in the copy of the New York Herald, which I hand him.

Mr. FOOTE. I think I can explain the matter without at all calling in question the accuracy of the reporter. I did accuse the Senator from Florida of "misquotation," not, however, exactly in the sense in which he seems to apprehend it. In the course of the hurried remarks made by me, on the occasion to which allusion has been made, I did say that I was perfectly prepared to demonstrate that the authorities cited by the Senator, whether musty or modern, were either wholly inapplicable, or, being applicable, were, according to all the rules of fair and legitimate interpretation, altogether hostile to his views. In that case, I accused the Senator of misquotation, and a more unfortunate case of misquotation it has rarely been my lot to witness. I accompanied the accusation with a suggestion that I did not charge the Senator with having, in the language of the poet,

"Just enough of learning to misquote."

Cases of misquotation, we know, are not unfrequent at the bar. Often, a lawyer's authorities are turned totally against him, and the sword is wrenched from the hand of the combatant, and he himself made its victim. In the present case, I intended to show that the weapons of the Senator could be turned against himself, and I am prepared to demonstrate that his citation of his authorities has been peculiarly unfortunate. But, of course, I did not charge the Senator with erroneous *reading* of the authorities, I did not accuse him of any interpolation of words or sentences. I simply intended to convey the idea that his authorities, from Puffendorff down to the most modern, Judge Martin of Louisiana, so far as they were at all applicable, could be wielded to the utter destruction of the dangerous views propounded by him, which were, in my opinion, most illiberally advanced, under all the circumstances of the case, and were calculated to do much serious public detriment to distinguished gentlemen of the North, who had girded on their armor for the defence and vindication of the constitutional rights of the South. The Senator has, however, tempered his phraseology in his printed speech, and made himself to "coo as gently as a sucking dove," although it is well known he was a "roaring lion" throughout his spoken speech.

Mr. YULEE. I understand the Senator to say that he did not mean to use "misquotation" in its ordinary sense of misrecital, but only as meaning misapplication. With this I am content, and will be happy to hear how the Senator, when he comes to the discussion of the question, will sustain his proposition that the authorities I cited are not pertinent to my argument. Upon this issue I am willing to go before the Senate and the country. But before I sit down I will correct the Senator in his impression that my remarks have undergone any change in the matter of them since delivered. The argument is preserved as nearly as possible, under the circumstances—quite as nearly as is usual in this or other deliberative bodies. I did omit certain matter which I had read from newspapers of the day, in illustration of what I charged to be the ultimate views of the advocates of the two plans of adjustment I was commenting upon. These were omitted from my printed speech, because, among other reasons, unnecessary to the argument, and because demanding more room than my printer thought could be spared. The Senator from New York [Mr. DICKINSON] knew that such was my purpose.

Mr. FOOTE—[being supplied with a dictionary, read the definition of the word "quote," and added:] The Senator will thus find that the meaning of the word "quote" is given, "to cite." All I intended to convey was, that the authorities cited by him were either injudiciously or erroneously cited, and were not calculated to afford him "aid and comfort" in the discussion. The Senator from Alabama, now in his seat, [Mr. LEWIS,] will bear me witness that both he and I concurred that the manner and matter of the speech of the Senator from Florida, as delivered, were, in all the circumstances of the case, lamentably harsh and unkind to some of the best friends of the South, at the North. In the printed speech, however, (and I am quite happy to say so,) there is not, from beginning to end, a single expression which can be construed into even an approximation of harshness. Therefore, I am warranted in saying that there must be something overpoweringly harsh in his manner of expressing himself, or that I did not understand the terms which the Senator used. Certainly I listened to the remarks of the Senator with attention, and so did other gentlemen. I am willing to appeal to members of this body for a decision of the question whether the Senator has not mingled a great deal more honey in his phraseology as printed, than he appeared to be willing to infuse into his speech as delivered?

Mr. LEWIS said he regretted his friend from Mississippi had given so much consequence to anything he might have said as to the manner of the Senator from Florida. He certainly had not said that the manner of that gentleman was harsh and offensive, for he was not present when that gentleman made those remarks. In reply to the suggestion from another source, that such remarks were harsh, he (Mr. L.) had expressed his regret, as he had also regretted before any remarks were made, that the Senator from New York had not amended his resolutions as he (Mr. L.) had hoped and believed he was willing to do.

Mr. FOOTE. The explanation of the Senator from Alabama confirms what I have said, and shows that even rumor and the general impression with regard to the remarks of the Senator from Florida, were as I have stated. I make these remarks because it was thought by some that I dealt rather unkindly with the Senator from Florida in my rebuke; and, certainly, I should have been guilty of gross discourtesy, had I rebuked him for using language so calm and honeyed as that which appears in the printed speech.

Mr. HANNEGAN. I rise to a question of order. There is a great deal of important business to be transacted in the morning hour, and as this dispute appears to be altogether a personal matter between the two gentlemen, without any point on either side, so far as I am able to perceive, I ask that the Senate will proceed to the consideration of the morning business.

Mr. YULEE. More time has been consumed than I anticipated. The Senator says that he does not mean the matter is different, but that there is less severity of tone. I will only say, that so far as the Senator supposed there was any personal unkindness in my language or manner on the occasion referred to, he is totally mistaken. I entertained no unkind feelings towards the Senator from New York, [Mr. DICKINSON,] or any one who took an interest in the discussion, and could not therefore have manifested any. If I had been personally unkind, certainly the Senator aggrieved, whoever he might be, would have noticed it for himself. Perhaps my manner was very earnest and warm. That is my nature. My manner, such as it is, no doubt admits of improvement. The manner of many of us might be improved, if "the gift" were given us—

"To see ourselves as others see us."

I will now ask the Senator, as he seems to be quite opposed to the doctrines of my speech, what is the precise point of difference between us? Does he hold that a citizen of the United States could be excluded from residing upon territory of the United States, with his slave property?

Mr. FOOTE. I wear no mask—I shun no question—and my sentiments on that subject are well known.

Mr. SEVIER. I move that the Senate proceed to the consideration of Executive business.

The motion was put, and agreed to.

The Senate then proceeded to the consideration of Executive business; and, after some time so occupied, the doors were opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 29, 1848.

The Journal of yesterday was read and approved.

Mr. HARALSON, by general consent, presented a joint resolution of the Legislature of Georgia, relating to the Military Academy at West Point. Referred to the Committee on Military Affairs.

Also, a joint resolution of the Legislature of Georgia for the establishment of a mail route.

Mr. VINTON moved that the Committee of the Whole be discharged from the consideration of the bill making appropriations for the naval service for the year ending June 30, 1849, and that it be recommitted to the Committee of Ways and Means.

Mr. SCHENCK objecting, the motion was not entertained.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported bills for the relief of Mathews, Wood & Hall; for the relief of the legal representatives of William D. Cheever, deceased; and for the relief of John Morgan; which bills were severally read and committed.

Mr. ROCKWELL, from the same committee, to which was referred the petitions of James Jones, James C. Neely, James C. Cooper, Caleb Neely, Samuel Pigg, James Mahoney, Mary Carty, Catharine Ramey, and Thomas E. Thorp, praying compensation for horses lost in the war with Mexico, made a report thereon, accompanied by a bill providing for the payment of horses and other property lost or destroyed in the military service of the United States. Read and committed.

Also, from the same committee, made adverse reports on the petitions of James F. Megowan, George W. Rumyon, Thomas Bryan, and George W. Bell. Laid on the table.

Mr. ROCKWELL, from the same committee, reported the following resolution; which, after a brief explanation by him, was adopted:

Resolved, That the Secretary of the Treasury communicate to this House what additional number of clerks, if any, are necessary in any of the bureaus in his department, in order to facilitate the transaction of the public business, and what amount of money ought to be appropriated to defray the expenses consequent upon the appointment of such clerks.

Mr. THOMAS, from the Committee of Claims, reported a bill for the relief of the legal representatives of James Porterfield. Read and committed.

Mr. THOMAS also made adverse reports on the petitions of Allen Gorham, McKnight, Brent & Wood, and Henry W. Andrews. Laid on the table.

Mr. NELSON, from the same committee, reported bills for the relief of Andrew A. Jones and Caspar B. Cooke and others; which bills were severally read and committed.

Mr. CROWELL, from the same committee, reported bills for the relief of Zachariah Lawrence, of Ohio, and for the relief of Wm. P. Zantzinger; which bills were read and committed.

Mr. CROWELL also made an adverse report on the petition of Herman Loury. Laid on the table.

Mr. DUNN, from the same committee, reported bills for the relief of Daniel Steenrod; for the relief of Gideon Walker; for the relief of Dr. A. G. Henry, of Illinois; for the relief of John B. Rogers, of South Carolina; for the relief of the legal representatives of Bernard Todd; and for the relief of the legal representatives of Robert Fulton, deceased; which bills were severally read and committed.

Also, from the same committee, made an adverse report on the petition of W. J. A. Bradford; which was laid on the table.

Mr. DANIEL, from the same committee, to which had been referred Senate bill for the relief of George Fisher, reported the same without amendment. Committed.

Mr. LIGON, from the same committee, reported a bill for the relief of the legal representatives of Capt. Wm. Smallwood Tillard. Read and committed.

Mr. HUNT, from the Committee on Commerce, to which had been referred Senate bill making an appropriation for removing obstructions in the Savannah river, reported the same with an amendment. Committed.

Also, from the same committee, reported a bill for the allowance of drawback on wheat imported from the British North American provinces, when manufactured in the United States and exported to foreign countries. Read and committed.

Mr. GRINNELL, from the same committee, reported a bill for the relief of the owners and crew of certain vessels employed in the cod fishery. Read and committed.

Also, from the same committee, a bill to change the name of the steamboat Charles Downing to the Calhoun; which bill was read three times, passed, and sent to the Senate for concurrence.

Mr. THIBODEAUX, from the same committee, reported a bill supplementary to an act approved July 7, 1838, entitled "An act to provide for the safety of passengers on board vessels propelled in whole or in part by steam;" also, to establish a collection district in the State of Georgia. Read and committed.

Also, from the same committee, made an adverse report on the petition of Joseph Emerie. Laid on the table.

On motion of Mr. THIBODEAUX, the Committee on Commerce, to which was referred the House bill to amend an act entitled "An act to provide for the better security of passengers on board vessels propelled in whole or in part by steam," was discharged from the further consideration thereof, and it was ordered to lie on the table.

Mr. SIMPSON, from the same committee, made an adverse report upon the petition of James Foster. Laid on the table.

Mr. COLLAMER, from the Committee on Public Lands, reported a bill to legalize the transfer of bounty land warrant 7943. Read and committed.

Mr. COBB, of Alabama, from the same committee, reported bills to amend the act approved 24th of May, 1824, entitled "An act supplementary to an act approved on the 3d March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices;'" also, to provide for cases of lost bounty land warrants. Read and committed.

Mr. DUNCAN, of Kentucky, from the same committee, reported a bill for the relief of John O'Siris. Read and committed.

Also, from the same committee, made adverse reports upon the petitions of John Tucker and Barbara Lancaster. Laid on the table.

Also, from the same committee, to which had been referred Senate bill to allow further time for satisfying claims for bounty land for military services in the late war with Great Britain, and for other purposes, reported the same with an amendment. Read and committed.

Also, from the same committee, to which had been referred Senate bill confirming former sales by the State of Illinois of the Ohio Sabine reservations, and authorizing the sale of the residue of such reservations, reported the same back to the House without amendment. Committed.

Mr. ROOT, from the Committee on the Post Office and Post Roads, to which had been referred the Senate resolution for the relief of David Shaw and Solomon T. Corser, reported the same back to the House, with an amendment. Committed.

Mr. GOGGIN, from the same committee, reported bills to establish certain post routes; and for the relief of William De Buys, late postmaster at New Orleans. Read and committed.

Also, an adverse report on the petition of Edwin Porter & Co. Laid on the table.

Also, from the same committee, reported the following resolution, which was read and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the act of April 30, 1790, entitled "An act for the punishment of certain crimes against the United States," so as to provide more effectually for the punishment of depredations on the mail, and of extending the limitation for the commencement of indictments or information beyond the period of two years, or of abolishing the same altogether; and that the letter of James Hutchinson, postmaster in Georgia, referring to that subject, together with a letter of the Postmaster General to the chairman of the Committee on the Post Office and Post Roads of the 7th of January last, be referred with this resolution to the said Committee on the Judiciary.

Mr. JONES, of Tennessee, in behalf of the minority of the Committee on the Post Office and Post Roads, made an adverse report on the petition of William De Buys, late postmaster at New Orleans.

Also, from the same committee, adverse reports on the petitions of Farley D. Thompson, and of merchants and citizens of Mobile, Alabama. Laid on the table.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, to which was referred Senate bills for the relief of Richard S. Coxe; for the relief of Milledge Galphin, executor of George Galphin, deceased; and for the relief of Richard Bloss and others, reported the same without amendment; which bills were severally committed.

BUSINESS OF THE SUPREME COURT.

Mr. J. R. INGERSOLL, from the same committee, reported a bill supplemental to the act entitled "An act concerning the Supreme Court of the United States," approved June 17, 1844.

Mr. I. said, that in reporting this bill, he would offer a brief explanation, and ask either that it should be put upon its passage, if there were no objection, or, if objection should be made to that course, that it should be made the special order for an early day. The object of the bill is to relieve the Supreme Court from a great accumulation of business. Without some such provision, a crying evil will be without a remedy. It is known that the judiciary system of the United States, although in itself a good one, has probably been outgrown by the great expansiveness of the country. New States have come in rapid succession into the Union. The prospect of multiplied sovereignties in the future is as striking as the history of them in the past. With them new questions arise, and new litigation is the necessary consequence. Points are presented of extreme intricacy as well as novelty. Time is necessary for the consideration of them. The already burdened state of the docket amounts to a denial of justice. Its condition, unless speedily relieved, will become a reproach, not to the learned court, but to the whole country, and especially to Congress, which alone holds in its hand the power of present relief, and, when it shall become necessary, of eventual remedy.

In 1837 every case on the docket was called, and all but twenty-nine only were left unargued. Since that time there has been a state of accumulation which has defied the efforts of learning and ability. On the 7th of January, 1848, there were one hundred and ninety-eight cases for argument. Of these twenty-nine have been decided; seventeen have been argued and are under consideration; three have been partly argued, and will be taken up again. The Court at this moment is listening to an argument in No. 39. The session will close next week, and it is scarcely possible that further progress will be made in the docket.

What may be the best permanent system, in the event of a change, must be a subject of grave consideration. Fortunately that does not require immediate action. Different plans have been suggested. Considerable difference of opinion exists respecting them. It is surmised that even upon the bench there is not a concurrence of opinion. All that is now required can now be done. An entire devotion of the attention of the court to

their appellate duties for a season may be reconciled to the uninterrupted progress of business in the circuits. This bill contemplates a relief of the judges from circuit court duties for two years. It enables them to give all their labor and abilities to the accumulated and accumulating business of the Supreme Court.

It is known that the judges are already relieved from a necessity of attending alternate sessions in their circuits. No sort of effect has been produced by this provision, which has existed in vain for five years. The reason for its failure is obvious. The annual term is now of three months' duration. Probably no set of men can apply all the energies of the most capacious and practised intellects uninterruptedly to such great and responsible duties as are here involved beyond that period; an occasional interval of rest or of study and reflection is indispensable. The term is already too long; attention and energy, however vigorous at the commencement, are seen to flag and falter towards the close. Let them adjourn when they are exhausted, and let them meet again after longer or shorter intervals, prepared to devote new and refreshed spirits to their high and honorable duties. When the loud demands of the country shall have been complied with, and the wheels of justice shall no longer be clogged and virtually arrested, and when, besides, an experiment shall have been fairly made which will shed useful light upon inquiries into a proper permanent arrangement, then it will be time to mature a system which may last for ages.

Mr. BOWLIN said that he was opposed to the proposition of the honorable gentleman at the head of the Judiciary Committee to put this bill upon its immediate passage, and would therefore move its reference to the Committee of the Whole on the state of the Union, where its merits could be investigated, and also the merits of a substitute for it which he proposed to offer. He had anticipated the coming in of this bill, and had a substitute at hand, which would give the relief sought for the court, and also greatly relieve the people, particularly of the western and distant States from the metropolis. This was an important bill, and required the calmest deliberation. It was a question of separating the judges of the Supreme Court forever from the people, and giving them a permanent residence here. He said forever; for, though the bill proposed a temporary separation, he regarded it as the foundation for future action in making it permanent. He presumed there was not a gentleman within the sound of his voice who believed that if we passed this bill that we would ever see a supreme judge upon the circuits again. We had to treat the proposition as one proposing a perpetual separation of the judges of the Supreme Court from their circuits, and gentlemen deceived themselves who looked upon it in any other light. And this (said Mr. B.) is proposed to be done with a view of enabling the Supreme Court to get up with their docket. If there were not other and multiplied objections to the plan, he would ask whether it was likely to accomplish the proposed object. He, for one, believed it would not. The natural effect of leaving the jurisdiction of the circuits in the district judges would be, in his opinion, to lessen the confidence of suitors in the decisions of the courts and multiply appeals. And what, he asked, would be the effect of such a system proposing such results upon the people remotely situated from the Capitol, where it was no trifling matter to be following up appeals? It was simply (consulting the ease and comfort of the judges of the Supreme Court) to give suitors the privilege at such a cost as amounted to a denial of justice. The whole plan, in his opinion, would increase the very evil it was proposed to remedy, by greatly enlarging the docket of the Supreme Court. But there were other objections to the system besides merely consulting the ease of the judges at the expense of the people. He, for one, was not prepared to remove the judges of the Supreme Court forever from the States and the people, and give them a permanent residence here.

But he had not risen to discuss the merits of the bill, but simply to remind the House, that though this bill upon its face was special and temporary in its character, yet it was destined to work a radical change in the whole judicial system of this country, and ought to be referred and thoroughly investigated. If it was so referred, and an opportunity was presented, he would take occasion to manifest his opposition to the scheme. All he now asked was, that it be referred, together with the substitute, and that both be printed, in order that the House might be able to judge between the two systems.

In this substitute he proposed a remedy for the evil complained of, which he believed would be efficient, would be cheaper to the people, and would add no additional burdens to the Supreme Court. The substitute contemplated, as did the bill, that the district judges, in the first instance, should have jurisdiction the same as the circuit courts now have. It also contemplated an intermediate tribunal in each circuit as a court of appeals and errors, in the first instance, which was to be composed of the district judges of the circuit court, and one judge from the Supreme Court; that from the decision of this intermediate tribunal an appeal and writ of error lay, in the last resort, to the Supreme Court, except in cases of minor importance, and where no constitutional question should arise.

This was a brief sketch of the plan of the substitute, which was to carry justice nearer to the people, not to remove it farther from them, for the convenience or ease of any man or set of men. These courts would be composed of four or five judges—enough to give confidence in their decisions—and lessen the chances of appealing to the court of final resort. And what effect would that have upon the remote States of this Confederacy? Would it not tend to settle the great body of their cases near home, and at a trifling expense compared with the costs of prosecuting an appeal up here. No man could doubt that this system would greatly lessen the number of appeals that would come to the court of last resort. This, then, presents a perfect remedy for the evil, brings justice nearer to the people without imposing unnecessary burdens upon the judges. The bill contemplates alone the ease of the judges, at an enormous expense to the people, at a great distance; the substitute contemplates cheap and convenient justice to the people, at a very moderate expenditure of labor to the judges—indeed, a decrease of labor compared with the present system.

But all he (Mr. B.) asked for the present was, that the House would not hastily pass a bill working a perfect and expensive revolution of the whole judicial system, without deliberation, without consideration. Let the whole matter be referred, and take the usual course; let the bill and substitute be printed, that the House might see both plans, and choose between them. This was all he asked; and, in view of the importance of the measures, he had a right to expect it would be accorded.

Mr. B. concluded by moving the reference of the bill and his proposed substitute to the Committee of the Whole on the state of the Union, and their printing.

Mr. INGERSOLL inquired of the gentleman from Missouri whether, by his bill, he intended any present relief for the accumulation of business now on the docket of the Supreme Court, which was the main object which he had in view in his bill. The business of that court was now greatly in arrears, and would go on accumulating in a geometrical ratio for some years to come, unless some immediate relief were provided. He did not understand that there was any provision in the gentleman's substitute for the present relief of the Supreme Court in the accumulation of business. He would cheerfully acquiesce in having the gentleman's alteration printed and brought forward for consideration; but he should certainly object to its being referred to the Committee of the Whole on the state of the Union, for which there was no reason, as it contained no appropriation. He therefore hoped it would be made the special order of the day for a day certain, and a day near at hand.

The SPEAKER stated to the gentleman from Pennsylvania, that if he made a motion to postpone to a day certain, it would take precedence of the motion to refer to the Committee of the Whole on the state of the Union.

Mr. INGERSOLL then proposed that it be made the special order for a certain day, but was informed by the Speaker that the motion would not be in order, except by general consent.

Mr. VINTON said it was a very important bill, and should be acted on with as little delay as possible, as the Supreme Court would adjourn in the course of ten or twelve days.

It was proposed by Mr. VINTON and others to make it the special order of the day for next Tuesday, by general consent.

But Mr. JONES, of Tennessee, and others objected.

Mr. ASHMUN said the bill was of the utmost importance; and referring it to the Committee of the Whole on the state of the Union was equivalent to rejecting it. If it was to be passed at all, it ought to be passed now, or speedily; and if the gentleman from Missouri and other gentlemen having different views as to the form in which it should be passed, would consent to make it the special order of the day, there could be no objection. Let the gentleman's proposition be printed, and let the whole matter come up soon.

The question being first on Mr. BOWLIN's motion to refer, it was taken, and decided in the negative.

Mr. BOWLIN then moved his substitute as an amendment, and moved the printing of the bill and amendment, and the postponement of the subject to Monday next.

Mr. J. R. INGERSOLL said, he had no objection to the printing of the substitute, and that both the bill and the proposed amendment should be subject to reflection and brought up at an early day together.

The motion being agreed to, the further consideration of the bill was postponed to Monday next.

Mr. LUMPKIN, from the Committee on the Judiciary, reported a bill for the relief of William Fuller. Read and committed.

Mr. DIXON, from the same committee, reported bills for the relief of Susan C. Randall and for the relief of François Cazeau; which bills were read and committed.

Mr. ASHMUN, from the same committee, to which had been referred Senate bill entitled "An act to make attachments which are made under process issuing from the courts of the United States conform to the laws regulating such attachments in the courts of the States," reported the same with sundry amendments.

The amendments were read, and severally agreed to, and the bill was read a third time, passed, and returned to the Senate.

Mr. TAYLOR, from the same committee, to which had been referred Senate bill for the relief of Mr. Capella, administrator of Andrew Capella, deceased, and for the relief of John Capo, and for the relief of Elijah Petty and Hannah Petty, his wife, heirs of John Beardon, deceased, reported the same without amendment. Read and committed.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union. Lost.

Mr. BOWDON, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Colonel David Hopkins. Read and committed.

Mr. KING, of Massachusetts, from the same committee, reported a bill for the relief of Elizabeth Converse. Read and committed.

Also, from the same committee, an adverse report upon the petition of the heirs of Susannah and George Stewart. Laid on the table.

Mr. TOMPKINS, from the Committee on Private Land Claims, reported a bill for the relief of Charles Cappel; which was read three times, passed, and sent to the Senate for concurrence.

Mr. BARRINGER, from the Committee on Indian Affairs, to which was referred Senate bill authorizing persons to whom reservations of land have been made, under certain Indian treaties, to alienate the same in fee, reported the same without amendment.

After some desultory discussion by Messrs. BARRINGER, CATHCART, CUMMINS, THOMPSON of Indiana, WENTWORTH, and others, the bill was read a third time, passed, and returned to the Senate.

Mr. BARRINGER, from the same committee, to which had been referred the joint resolution of the Senate for the relief of Betsy McIntosh, reported the same with an amendment; which was read and agreed to.

The joint resolution, as amended, was then read a third time, passed, and returned to the Senate.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the State of the Union. Lost.

Mr. BUCKNER, from the Committee on Indian Affairs, to which was referred Senate bill for the relief of Thomas Talbot and others, reported the same without amendment. Committed.

Mr. MARVIN, from the Committee on Military Affairs, to which had been referred Senate bill for the relief of Charles L. Dell, reported the same without amendment. Committed.

Mr. KING, of Georgia, from the Committee on Naval Affairs, reported a bill to regulate the pay and emoluments of the professors in the Naval School and in the National Observatory. Read and committed.

Mr. STANTON, from the same committee, to which had been referred Senate bill to enable the accounting officers of the treasury to audit and settle the accounts of certain acting officers therein mentioned, reported the same back to the House with amendments. The bill and amendments were committed.

Also, from the same committee, an adverse report on the petition of Uriah Brown. Laid on the table.

Mr. BAYLY, from the same committee, reported bills for the relief of Thomas Ap Catesby Jones, and for the relief of Andrew C. Armstrong; which bills were severally read and committed.

Mr. WHITE, from the same committee, reported a bill for the relief of Captain John Percival. Read and committed.

Mr. ROCKWELL, of Massachusetts, from the Committee on the Territories, reported the following resolutions:

Resolved, That the accompanying report of Lieutenant Neil M. Howison, of the United States navy, to the commander of the Pacific squadron, being the result of an examination in the year 1846 of the coasts, harbors, rivers, soil, productions, climate, and population of the Territory of Oregon, be printed for the use of the House.

Resolved, That ten thousand extra copies of the same be printed.

On motion of Mr. CONGER, the motion to print an extra number was referred to the Committee on Printing.

The first resolution was then agreed to.

Mr. COCKE, from the Committee on Revolutionary Pensions, to which was referred the resolution of the House of January 17, instructing them to inquire into the expediency of granting to widows who were married to revolutionary officers or soldiers prior to 1812 all the benefits of the acts passed for the benefit of those widows married prior to 1794, made a report thereon, accompanied by the following resolution, which was referred to the Committee of the Whole on the state of the Union:

Resolved, That it is inexpedient to extend the pension system to such widows of the officers and soldiers of the Revolution as were married subsequent to the 1st day of January, 1794.

Mr. COCKE also reported the following resolution:

Resolved, That a resolution which passed this House on a former day of the present session of Congress, requiring the Commissioner of Pensions to deliver to the members of this House the original papers in any case pending in his office, upon giving a receipt for the same, be and the same is hereby rescinded.

Mr. COCKE, by general consent, introduced a bill, of which previous notice had been given, repealing so much of the first section of an act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico,' and for other purposes," approved ——, 1846, as authorizes the President of the United States, when the war with Mexico shall be terminated by a definitive treaty of peace, to select from the brigadier and major generals then in service the number to be retained, without regard to the date of their commissions. Read and referred.

Mr. CUMMINS, from the Committee on Revolutionary Pensions, made adverse reports on the petitions of the widow of Jonathan Weightman; the widow of William Wright; of Hannah Weightman, formerly widow of John Hart; and Sarah Miles, widow of Wm. Miles. Laid on the table.

Mr. S. LAWRENCE, from the same committee, made an adverse report on the petition of Samuel Hutchinson. Laid on the table.

Mr. S. LAWRENCE also, on behalf of the minority of the Committee on Revolutionary Pensions, asked leave to introduce a bill.

The question being on granting leave, a discussion arose, in which Messrs. HOLMES, of South Carolina, RHETT, C. J. INGERSOLL, S. LAWRENCE, COCKE, and others participated.

Before the question was put, Mr. S. LAWRENCE withdrew his application for leave to introduce a bill.

Mr. FREEDLEY, from the Committee on Revolutionary Pensions, reported bills for the relief of H. Carrington, executor of Paulina Le Grand, deceased; and for the relief of Anna Griffin. Read and committed.

Also, from the same committee, adverse reports on the petitions of John Morrison and Elizabeth Pool, deceased. Laid on the table.

Mr. STRONG, from the same committee, made adverse reports on the petitions of Tabitha Temple, of Clarinda Mix, of Agney Clark, and of Jane Lynn. Laid on the table.

Mr. DONNELL, from the same committee, made adverse reports on the petitions of Mary M. Foot, of Lucy Wright, and of Elizabeth Martin. Laid on the table.

Mr. S. LAWRENCE, from the same committee, reported a bill for the relief of John Morrison, and a bill granting a pension to Ruth Hallenbeck; which bills were severally read and committed.

Mr. SILVESTER, from the same committee, made an adverse report upon the petition of John Gorman. Laid on the table.

Mr. FULTON, from the Committee on Invalid Pensions, to which had been referred Senate bill to extend the provisions of existing pension laws to enlisted men of the ordnance corps of the United States army, reported the same. Committed.

Also, from the same committee, reported bills for the relief of William Butler, and for the relief of Artemas Conant; which bills were severally read and committed.

Mr. W. T. LAWRENCE, from the same committee, reported bills for the relief of Jesse Washington Jackson; for the relief of Samuel Gray; for the relief of James Fugate; and for the relief of Lizur B. Canfield; which bills were severally read and committed.

Also, from the same committee, made adverse reports upon the petitions of Aquila Goodwin, of Alexander McDonald, and of Alexander McEwen. Laid on the table.

Mr. ECKERT, from the same committee, reported a bill for the relief of Richard Reynolds.

Mr. WILEY, from the same committee, reported bills for the relief of John Hibbert; for the relief of Daniel H. Warren; for the relief of John Campbell; and for the relief of Nathaniel Shiflet; which bills were severally read and committed.

Mr. THOMPSON, of Virginia, from the same committee, reported bills for the relief of Lewis Hastings, and for the relief of Skelton Felton; which bills were severally read and committed.

Mr. KENNON, from the Committee of Accounts, made an adverse report upon the resolution of the House relative to extra compensation to John Lee. Laid on the table.

Mr. FARRELLY, from the Committee on Patents, reported a bill for the relief of Elisha H. Holmes. Read and committed.

ADDITIONAL EXAMINERS OF PATENTS.

Mr. FARRELLY reported Senate bill, to provide additional examiners in the Patent Office, which had been referred to the Committee on Patents, with amendments.

Mr. FARRELLY, in explanation of the bill, repeated what he had stated when the bill was before under consideration, that the business of the Patent Office was some eight months in arrear, and that there was a pressing necessity for the passage of the bill.

He explained the several amendments which the Committee on Patents proposed.

In reference to the principal one, he said the bill proposed to fix the salary of the principal examiner at $2,500, and of the assistant examiners at $1,500. The office of principal examiner was one which required scientific attainments, and partook of the nature of a judicial office. It was the duty of the examiner to decide upon the various applications made for patents. Compared with the salaries of other scientific officers of a like grade, $2,500 was a small salary. The expenses of the office were paid entirely out of the patent fund, and were no charge on the treasury. The petitioners—the inventors—asked that the salary of the principal examiner should be made $3,000; but the committee, with a view of economizing as far as possible, fixed it at $2,500.

The amendments of the Committee on Patents were read and agreed to.

Mr. JOHNSON, of Tennessee, moved to amend the bill by reducing the amount of salaries as provided by the bill from $2,500 to $2,000.

Mr. J. briefly advocated his amendment. The reduction which he proposed might seem like a very small sum; yet now, with an empty treasury, with a war on our hands, and while we were obliged to borrow money, was no time to increase salaries. It had been stated, when the subject was before under consideration, as an argument for the increase of these salaries, that there was a large patent fund on hand, and that the expenses of the office were paid out of it. He had at that time questioned the fact; and it now appeared that it was not so; that instead, the office was, in fact, in debt hundreds of thousands of dollars. He saw no necessity for this increase of salary; he thought competent men could be obtained to perform these duties for the compensation he proposed; and they should economize in every proper way the expenses of the Government.

Mr. TOOMBS concurred in the view of Mr. JOHNSON, and wished the gentleman would carry his amendment further, and bring down the salary to the present salary, $1,500. He held it was totally unnecessary to pay a salary of $2,500 to these examiners. It was as much as the judges and the most important and honorable State officers received. The services of an examiner had always been obtained for $1,500. The increase proposed was an unnecessary and profligate expenditure of the public money, and he wished the attention of Congress could be brought to it. This was no time for the increase of salaries, when the Government was in want of all the revenues it could raise, and vastly more.

As to the justification which had been brought forward, that there was a patent fund out of which these salaries and other expenses were paid, so as not to become a charge upon the treasury, it was all ideal: the department was indebted to the Government hundreds of thousands of dollars. To be sure, a fund could be kept on hand by the Government paying all the expenses of the office, and its retaining all its receipts. But, in fact, the office was largely in debt, and these salaries were paid out of the public treasury, and he held that they were sufficient.

Mr. KING, of Massachusetts, obtained the floor; but yielded, to give

Mr. A. JOHNSON an opportunity to modify his amendment, in compliance with the suggestion of Mr. TOOMBS. He reduced the salary, as proposed by it, to $1,500.

Mr. KING, resuming the floor, opposed the amendment, and advocated the bill as presented by the committee. There was on hand, he said, a large reserved patent fund, which had resulted from the payments by inventors; and every man who contributed to this fund was entitled to speedy justice, in having his application for a patent passed upon without unreasonable delay. At the time when this salary of $1,500 was fixed by law, there were something like seven hundred and fifty cases presented annually; now there were more than fifteen hundred; so that, if two examiners were necessary then, four were equally necessary now. But the business of the office had accumulated in greater proportion than the increase of the number of cases.

The duties of the examiner of the Patent Office were much more important, and required a greater amount of experience and scientific attainments for their proper discharge, than those of any clerkship under the Government. They might compare favorably with the duties of the judges of our highest courts. There was not in any department of the Government an officer of whom so much was required, nor who was so poorly paid. He mentioned the assistants of the Superintendent of the Coast Survey, and the officers employed in the United States Mint, as officers receiving much larger salaries, but whose duties were far less arduous and important.

The very money paid to the examiners of the Patent Office was placed there by the inventors, who came and asked their applications to be examined, who asked speedy justice, and who should not be obliged to wait eight or ten months before their case could be reached. The officers placed there should be competent men, and salaries adequate to procure the services of such men should be paid. Was it not within the knowledge of this House that the principle examiner had left his office, not because his duties were not congenial to his taste, but because he was so poorly paid; and he was now receiving, in a neighboring city, a salary of

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$5,000 for much less duties? We could not expect to procure the services of any man of requisite qualifications for $1,500. Justice to this department of the Government, justice to the men employed in it, and more than all, justice to the inventors, who were doing so much in scientific investigation for the character of this country, required that the proposed increase should be made. The committ had reported it unanimously.

Mr. C. J. INGERSOLL referred to an instance of an inventor (whose case had been brought to his attention by letter) who had been obliged to leave the city, and would have to wait for months before his application could be passed upon. That was a public grievance, and a public grievance that ought to be remedied. There was no more interesting property—no property in lands, stocks, moneys, that was more interesting or more deserving of public attention than this property of intellect. He referred to the cotton gin, an invention made in the State of the gentleman who opposed this bill—in Georgia.

[A voice: No, it was invented in Connecticut.]

Mr. INGERSOLL. No, in Georgia. Mr. Whitney, the inventor, was born in Connecticut, but was living at the time of the invention in Georgia.

Mr. TOOMBS (Mr. I. yielding) said that the number of examiners was not affected by the proposed amendment of the gentleman from Tennessee, [Mr. JOHNSON.] It was the compensation alone which that proposition touched.

Mr. INGERSOLL, (continuing.) Yes, I understand it. It does reach the number, because you take from these examiners the compensation, and you will not get them.

He further proceeded to speak of this highly interesting property, this intellectual property, which, for the first time in the United States of America, had been put on something like a respectable footing, and of the many interesting and important men who had been brought to beggary and to the grave by the vexation, litigation, and delay, in passing upon their inventions. He was for doing something for these people. He knew that this was a subject that required the greatest public attention, and he must totally dissent from the views expressed by the gentleman from Georgia, [Mr. TOOMBS,] for whom he had a great respect. He denied that the standard which the gentleman had assumed, of State salaries, was any criterion of what salaries should be in this city, with all the expenses, uncertainty, and unfavorable circumstances attending these situations.

He voted for the highest compensation here on the principle that he believed it was the cheapest; that it was true economy. They had undertaken, at the last session, to cheapen their public printing. What was the consequence? Every member was entitled, as he was told by some of the younger members who had ciphered it out, to sixty-five copies of the President's message and accompanying documents. Well, after three months he had got thirteen, where he should have had sixty-five. He did not wish to speak unkindly of anybody he did not know. He only wished to say that this eternal system of cheapening in small matters was a poor policy, and generally proved the most expensive. He was an economist on large occasions; and he thought a great deal of public money might be saved; but this cutting down of a salary from $2,500 to $2,000 did not answer the purpose—did not result in any good.

He recurred to the importance and interest of this species of property—the property of intellect and genius—that which shed lustre upon the American name in distant climes, and to the necessity of having it fully protected. To this end competent examiners were necessary, and they should be paid an adequate salary. He thought the salary proposed by this bill was not too high, and that it was the best economy.

Mr. HENLEY remarked, that he rarely if ever had differed from his friend from Tennessee [Mr. A. JOHNSON] on a question of retrenchment; but he was compelled to do so at this time, and to go for the bill of the committee, from the manifest justice of the case. It was his ambition as a legislator to be considered an economist; and for this reason he wished to explain why he went in this case for what might be called a high salary.

Fifteen hundred dollars, it was said, was a compensation large enough for this Examiner of the Patent Office. He read from a list of the salaries of the assistants of the Superintendent of the Coast Survey, and of officers in the United States Mint, ranging from $2,000 to $3,500, and said the duties of none of those were equal in importance to those of this officer. As had properly been said, he had to pass upon the applications for the renewal of patents, an error in the decision upon which frequently gave rise to long and expensive lawsuits, as a consequence curtailing the advance of scientific inventions in the community. Was it not better in every view—more economical, more just both to inventors and to the public, to give sufficient salaries to have the duties correctly performed in the first instance?

The honorable gentleman from Georgia said $1,500 was a sufficient compensation for the exercise of the kind of attainments required in these examiners. Why, had the honorable gentleman examined the scientific acquirements necessary even in one branch of their business? Mr. H. ventured to say, without intending the least disrespect to the gentleman, that in three months he could not make himself capable of deciding upon the application for a patent for a churn or a washing machine, much less of acting upon the applications for improvements of the steam-engine, or of the cotton-gin, which had done so much for the gentleman's State. Would the gentleman undertake to say how long it would take to educate himself so as to be competent to decide upon even the simplest of these applications?

Mr. TOOMBS said he did not think he could learn to shoe a horse in three years; but that was not a reason why he should pay $500 for it.

Mr. HENLEY. Well, it might take the gentleman three years to learn the blacksmithing trade. Then, if to learn a mere mechanical operation would require three years, how long would it take him to qualify himself to pass upon extremely complicated and difficult cases, wherein not only the science of blacksmithing generally, but of enginery, and a great number of sciences which had been introduced in this progressive age, were involved, and in which thousands and millions of dollars were involved also? And when he had qualified himself for this duty, would he agree to serve this department for $1,500 a year? An acquaintance not with one, but a familiarity with the whole circle of sciences was necessary for a competent examiner in that office. He ought to be a perfect walking-encyclopedia; he ought to have a familiar knowledge with the whole circle of sciences, and with all the inventions ever made in all countries; not, when the application came, to go and search through his encyclopedia to see whether such a thing had ever before been introduced in the known world, and educate himself with reference to the case, but to be ready at once to point to all the inventions ever made of a similar character—whether the application was for a patent, for a churn, or a plough, or for any of the important improvements of our age.

The gentleman from Tenneesee told them that the Patent Office building had cost the Government three or four hundred thousand dollars. Why, did the gentleman mean to place the great benefits that society had derived from the inventions that had been introduced into use in this country in consequence of the Patent Office in the scale against dollars and cents? Would the gentleman from Georgia or the gentleman from Tennessee attempt to estimate the incalculable benefits derived from the great inventions of Whitney, and Fulton, and Morse? Would they speak about the Patent Office and the patent system, which had encouraged these and other stupendous achievements of science and inventive genius which went so far to distinguish our age from all that had preceded it, being in debt to the Government?

These were the reasons why, in this case, he voted for what was called a high salary; but unjustly so, he thought. The compensation proposed was necessary to command the services of competent men, and it was paid out of the patent fund, which was received from inventors, whose claims public justice, as well as justice to themselves individually, demanded should be passed upon with as little delay and upon as enlightened and correct principles as possible.

Mr. STEPHENS moved the previous question, which was seconded.

Mr. C. J. INGERSOLL inquired whether, if the House were to adjourn now, the bill would be the first business in order to-morrow morning?

The SPEAKER stated that the first business in order in the morning would be the continuation of the calls on committees for reports, and that he would commence at the committee where the call was suspended to-day; and, as this was a report from a committee, it would be the first subject in order.

And, then, on motion of Mr. C. J. INGERSOLL, the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred:

By Mr. SHEPPERD: The memorial of the Yearly Meeting of the Society of Friends in North Carolina, remonstrating against war, as opposed to the true principles of Christianity, and praying Congress to adopt such measures as may lead to a speedy restoration of peace between our own Government and that of the Republic of Mexico.

By Mr. STEWART, of Pennsylvania: The petition of John McAllister, for compensation for carrying the mail.

By Mr. TWEEDY: The petition of O. F. Donn and 140 others, citizens of Southport, Wisconsin, praying for an additional appropriation for the completion of the harbor at that place.

By Mr. GRINNELL: The petitions of William Whitman and others, against the patent granted to William W. Woodworth, administrator of Wm. Woodworth; of Grinnell, Minturn, & Co., and others, for the improvement of passenger vessels so as to prevent ship fever; and of Atkins Dyer, for return of tonnage duty paid by him.

By Mr. SHERRILL: The remonstrance of J. L. Bloomer and 41 others, citizens and farmers of Ulster county, New York, against the passage of any law reviving and continuing the patent of Jethro Wood for a cast-iron plough. Also, the petition of Levinus Monson and others, citizens of Delaware county, New York, praying for a reduction of postage.

By Mr. CONGER: The remonstrance of 421 citizens and farmers of Cortland county, New York, against the further extension of the patent of Jethro Wood.

By Mr. BRADY: The petition of Edward Armor for an increase of his pension.

By Mr. REYNOLDS: The petition of 679 citizens of Troy, New York, praying for the passage of a law authorizing the transmission of newspapers and other publications through the mails at reduced rates of postage, or free. Also, the petition of Almy Tifft, for compensation for her father's services in the Revolution. Also, the petition of citizens of Rensselaer county, New York, against the renewal of Jethro Wood's patent for the cast-iron plough.

By Mr. ST. JOHN: The petition of inhabitants of Collikoon, Sullivan county, New York, for a post route from Fosterdale to Rockland, in Sullivan county. Also, the remonstrance of E. P. Wheeler and other citizens of Orange county, New York, against the renewal or extension of the patent to Jethro Wood for a cast-iron plough.

By Mr. DUER: The remonstrance of sundry farmers in Wayne county, New York, against the renewal of the patent for Jethro Wood's plough.

By Mr. SCHENCK: The petition of sundry citizens of Montgomery county, Ohio, praying that those soldiers who have been enlisted or mustered into the army, and afterwards, before their term of service expired, promoted to be commissioned officers, may receive the same bounty land as if they had been discharged as privates or non-commissioned officers.

By Mr. RUMSEY: The remonstrance of citizens of Steuben county, New York, against the revival of the patent for Jethro Wood's cast-iron plough.

By Mr POLLOCK: The petition of Maria Brown, widow of Joel Brown, a soldier in the late war with Great Britain, praying for a pension.

By Mr. NELSON: The remonstrance of W. F. Van Wart and 58 others, farmers and manufacturers of ploughs in the county of Westchester, New York, remonstrating against the passage of any law for the renewal or extension of the Jethro Wood patent for the manufacture of the cast-iron plough.

By Mr. STUART, of Michigan: The petition of citizens of Branch county, Michigan, for a reduction and equalization of postage on newspapers. Also, petitions of the citizens of Van Buren county, Michigan, for the same purpose.

By Mr. HUBBARD: The petition of 183 citizens of Middletown, Connecticut, for the withdrawal of the troops of the United States from Mexico. Also, the petition of Cyprian Wilcox and others, inhabitants of New Haven county, Connecticut, remonstrating against the renewal of a patent to the heirs of Jethro Wood.

By Mr. JENKINS: The petition of several hundred inhabitants of the State of New York, for the discontinuance of the war with Mexico, and to prohibit the introduction of slavery into any territory to be acquired. Also, twenty remonstrances from several hundred inhabitants of the State of New York, against the renewal of Wood's patent plough.

By Mr. ROCKHILL: The petition of Luther Cleland and 33 other citizens of Steuben county, Indiana, praying the establishment of a post route, to commence at Lima, in the State and county aforesaid, by way of Lexington, Jackson, Steuben, &c., to Defiance, in the State of Ohio.

By Mr. RICHEY: The petition of J. J. Hollester and 102 citizens of Washington and Athens counties, Ohio, praying the establishment of a weekly mail route from Constitution, in Washington county, through Warren, Belpre, and Decatur, to Federalton, in Athens county, Ohio.

By Mr. HUDSON: The petition of John Patten and 188 other legal voters of Bowdoinham, Maine, praying that peace may be restored to the country.

By Mr. HARMANSON: Resolutions of the Legislature of Louisiana respecting the location of school lands; respecting bounty land to volunteers; respecting the sixteenth section; and respecting French spoliations.

By Mr. ROMAN: The petition of John Harrigan, of Washington county, Maryland, praying Congress to grant him a pension for wounds received at the bombardment of Fort McHenry, in the last war with Great Britain.

By Mr. GOTT: The remonstrance of Wright Dwinnell and 77 other citizens of Onondaga county, New York; also, the remonstrance of Phurey W. Ayres and 125 other citizens of the county of Cortland, New York; also, the remonstrance of Charles Keen and 32 other citizens of Onondaga county, New York, against the passage of any law reviving and continuing the patent of Jethro Wood for a cast-iron plough.

By Mr. McCLELLAND: The petition of John Sweegles and others, of Hillsdale, Michigan, for a post route from Hillsdale to Montpelier, William county, Ohio. Also, the remonstrance of E. H. Winans and others, of Adrian, Michigan, against the further extension of the Jethro Wood patent. Also, the remonstrance of Isaac Lewis and others, of Monroe, Michigan, against the same.

By Mr. McILVAINE: The petition of sundry citizens of Chester county, Pennsylvania, and Newcastle county, Delaware, praying for a post route from Stanton to Avondale. Also, the petition of Benjamin J. Passmore and other inhabitants of Chester county, Pennsylvania, praying for a speedy and honorable peace, without the acquisition of any Mexican territory whatever.

By Mr. MULLIN: The remonstrances of Edmund Davis and others, of E. S. Hammond and others, and of Samuel J. Davis and others, citizens of the county of Jefferson, New York, against the extension of the patent of Jethro Wood, for the cast-iron plough.

By Mr. ECKERT: A petition of citizens of Schuylkill county, praying for a post route from Orwigsburg, in Schuylkill, to Lehighton, in Carbon county. Also, a petition of citizens of Lebanon county, for a post route from Jonestown, in Lebanon county, to Rehrersburg, in Berks county.

By Mr. ASHMUN: The petition of the heirs of John Kenkrick, one of the first explorers of Oregon, asking for a confirmation of their titles to land in that territory.

By Mr. TURNER: The petition of C. Bennet and sixty others, praying for a mail route from Peru, in the State of Illinois, via Princeton, Wimnebago, Yorktown, Washington, Bennington, Crandall's Ferry, Attica, Fair Port, Gustow's Grove, and Pleasant Valley, to Rock Island, in the State of Illinois.

By Mr. FARRELLY: The petition of citizens of Crawford county, Pennsylvania, for withdrawal of the army from Mexico, and for peace. Also, two remonstrances of citizens of Crawford county, and one of citizens of Mercer county, Pennsylvania, against any further extension of Wood's patent.

By Mr. HALL, of New York: The petition of Rebecca Bump, of Mount Morris, New York, widow of John Bump, a revolutionary soldier, praying for an extension of the laws granting pensions to widows of soldiers of the Revolution, with accompanying certificates of Hon. Micah Brooks, and others. Also, remonstrance of Thomas C. Love and sixty other inhabitants of Erie county, New York, against the further extension of the patent granted to Jethro Wood. A like remonstrance from Moses Baker. A like remonstrance of seventy-five inhabitants of same county. Also, the petition of William Wilkeson, of Buffalo, New York, asking that the bill extending the patent to Jethro Wood may be amended so as to secure to the representatives of J. Swan the same rights he had in the original patent. Also, petition of Sarah Munger, the widow, and Mary Ann Lowell, the daughter of Lieutenant Wiseman, deceased, praying for a pension on account of the decease of said Wiseman from sickness contracted while in the service of the United States on the Niagara frontier in the war of 1812, with papers accompanying said petition, and former papers on the same subject taken from the files.

By Mr. HOLMES, of New York: The petition of the Brockport and Clarkson Plank Road Company, asking to be allowed to import from Canada a certain quantity of lumber free of duty. Also, the remonstrance of Earl D. King and 205 others, of Brockport, New York, against renewing the patent of Jethro Wood.

By Mr. PUTNAM: The remonstrance of Samuel Richmond and 102 others, inhabitants of the county of Genesee, New York, against the renewal of the patent granted to Jethro Wood for a cast-iron plough. Also, the like remonstrance of S. Chamberlin and 94 others, of Leroy, New York. Also, the memorial of Owen Griffith and 201 others, of Batavia, New York, opposed to any further sale of the public lands; asking that the same may be laid out into farms for the free use of such citizens (not possessed of other lands) as will occupy them; and that no transfer of such lands be made to States or Territories, only on condition that such a disposition shall be made of them. Also, the like memorial of Jesse Sherwood and 57 others, of Byron, New York. Also, the remonstrance of Benjamin Clark and others, opposed to the revival of the patent to Jethro Wood for a cast-iron plough.

By Mr. STARKWEATHER: A remonstrance of 1,433 farmers, from the counties of Tioga, Madison, Oneida, Cayuga, Herkimer, Wyoming, Seneca, Saratoga, St. Lawrence, Ontario, Monroe, Albany, Livingston, Wayne, Schoharie, and Oswego, State of New York, against renewing or extending the patent to Jethro Wood. Also, the affidavits of Elijah Wilson and John S. Peckham, of Oneida county, New York, showing the sum of $4,400 paid Jethro Wood by three furnace companies (in a short period of time) for the privilege of manufacturing and vending his cast-iron plough.

By Mr. NELSON: The petition of J. W. Mitchell, John Stevens, and 120 other citizens of Yonkers, Westchester county, New York, praying that the General Government no longer traffic nor permit traffic in the public lands yet in its possession; that such land shall be laid out in farms and lots for the free use of such citizens (not possessed of other land) as will occupy them, with the right to dispose of the possession to any one not possessed of other land; and that the jurisdiction of the public lands be transferred to the States or Territories only on condition that such disposition shall be made of them. Also, the remonstrance of Reuben Quinby, Aaron Ward, and others, citizens of Sing Sing, Westchester county, New York, against the passage of any law renewing or extending the patent to Jethro Wood for the cast-iron plough.

By Mr. WENTWORTH: The remonstrance of General C. C. Van Horn, and a very large number of other citizens of Mill county, Illinois, against the confirmation of certain Indian claims in that county. Also, the petition of citizens of Kendall county for a mail route from Ottawa, via Norway, Newark, and Oswego, to Naperville.

By Mr. STUART, of Michigan: The petition of citizens of Brooklyn and vicinity, in the county of Jackson, Michigan, for a mail route from Brooklyn to Grand Lake, in the county and State aforesaid.

By Mr. GIDDINGS: For release of the people of the free States from support of slavery: John Farrington and sixty-nine others citizens of Ohio; Lewis Morgan and seventy-nine other citizens of Stark county, Ohio; M. R. Robinson and eighty-seven other citizens of Stark county, Ohio. For reduction of postage: William H. Mills and sixty-two other citizens of Greenville, Ohio. For a Congress of Nations, to settle national disputes: Josiah Wheet and one hundred and eighty-eight other citizens of Ohio. For a system of direct taxation, to defray expenses of the war: B. B. Willson and forty-five other citizens of Ohio. Praying indemnity for seizing a vessel while petitioner was in the discharge of official duty: William Millford.

By Mr. HOLMES, of New York: The memorial of the mayor and common council of Rochester, asking Congress to adopt measures to prevent the unjust increase of foreign paupers in our seaboard and inland frontier cities and towns.

By Mr. PENDLETON: The petition of Messrs. Koons & Dean, praying to be paid for advances made to Captain Fairfax's company of volunteers.

By Mr. HALL, of New York: The petition of Judson Saurin and others, praying for the establishment of a naval depôt at New Buffalo, in the State of Michigan.

Mr. ROMAN obtained leave to withdraw the papers in relation to the claim of the legal representatives of Henry Hoffman, of Maryland, deceased, and that the same be referred to the Committee on Revolutionary Claims.

By Mr. DICKINSON: Several petitions from citizens of Seneca county, Ohio, praying for a mail route from Tiffin, Seneca county, Ohio, to Rome, in said county. Also, a petition from citizens of Crawford county, praying for a mail route from Brokensword, in Crawford county, to Republic, in Seneca county, Ohio.

IN SENATE.

TUESDAY, *February* 29, 1848.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In answer to the resolution of the Senate of the 24th instant, requesting to be informed whether the active operations of the army of the United States in Mexico have been, and now are suspended; and if so, by whose agency, and in virtue of what authority such armistice has been effected, I have to state, that I have received no information relating to the subject, other than that communicated to the Senate with my Executive message of the 22d instant. JAMES K. POLK.

WASHINGTON, *February* 28, 1848.

On motion by Mr. ALLEN, it was ordered to lie on the table.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. TURNEY presented a resolution passed by the Legislature of the State of Tennessee, in favor of increasing the pay of the private soldiers in the service of the United States in Mexico; which was referred to the Committee on Military Affairs.

Also, a resolution of said Legislature, in favor of the enactment of a law to provide for the payment of the value of horses and equipments lost by volunteers in the service of the United States in the Mexican war; which was referred to the Committee on Military Affairs.

Also, a resolution of said Legislature, in favor of a law allowing further compensation to certain companies of Missouri mounted volunteers mustered into the service of the United States in the year 1836; which was referred to the Committee on Military Affairs.

Mr. CLARKE presented sundry resolutions of the Legislature of Rhode Island, in favor of bringing the war with Mexico to a close, and stating that, discarding all purposes of conquest and occupation, or of extorting from Mexico a territorial indemnity for claims ascertained or unadjusted, it is expedient that measures be taken to establish the relations of peace between the United States and that Republic, by such a treaty of indemnity and limits as will secure an equitable boundary between the contracting parties and a just indemnity to the United States for all claims ascertained or unadjusted previous to the order of 13th January, 1846, directing the advance of the army from Corpus Christi to the western bank of the Rio Grande.

Mr. RUSK presented a resolution passed by the Legislature of the State of Texas, in favor of the enactment of a law requiring the judge of the district court of the United States for the district of Texas, to reside within the limits of his district; which was laid upon the table, and ordered to be printed.

Also, a resolution of said Legislature, in favor of incorporating the navy of the late Republic of Texas in the naval establishment of the United States; which was laid upon the table, and ordered to be printed.

Mr. YULEE presented a resolution passed by the Legislature of the State of Florida, in favor of the enactment of a law providing compensation to citizens of that State who suffered by Indian depredations in the Seminole war; also resolutions of said Legislature in favor of a law making provision for the widows and orphans of the officers and soldiers who have lost their lives in the war with Mexico; which were referred to the Committee on Military Affairs, and ordered to be printed.

Also, resolutions of said Legislature in favor of removing the land office from Newnansville to Oceola, in that State; in favor of the enactment of a law granting to that State, for school purposes, any land which may have reverted to the United States under the armed occupation act, and the right to locate, in separate sections, a quantity of land granted by Congress for a seat of government for said State; in favor of the enactment of a law to provide for the survey and location of all lands in that State claimed under Spanish grants; in favor of the enactment of a law authorizing the inhabitants of townships in that State, whose school lands are valueless or covered by prior Spanish grants, to enter on any of the public lands of the United States a like quantity of land; which were referred to the Committee on Public Lands, and ordered to be printed.

Mr WESTCOTT presented a resolution passed by the Legislature of the State of Florida, relative to certain changes in the mode of carrying the mail on the route from Chattahoochie to Pensacola; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, a resolution passed by the Legislature of the State of Florida, in favor of the removal of the Indian tribes, in that State, to the territory provided for their reception, and the adoption of measures for protecting the inhabitants of said State from Indian incursions and depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed,

Also, resolutions of said Legislature, in favor of a grant of public land for the erection of a court-house at Tampa, in that State; in favor of the enactment of a law to graduate the price of the public lands in that State; in favor of the relinquishment to that State of certain overflowed lands, the proceeds of which, when reclaimed, to be applied to purposes of education; and in favor of the enactment of a law granting preëmption rights to actual settlers on the public lands in that State; which were referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS.

Mr. BRADBURY presented the petition of Rockland Carlton, praying the reimbursement of the amount of a fine incurred by him through the mistake of a custom-house officer; which was referred to the Committee of Claims.

Mr. CLARKE presented a petition from a vast number of inhabitants of Newport and its vicinity, in Rhode Island, asking that the war with Mexico may be brought to a close, and stating that the prosecution of the war against Mexico is alike

repugnant to the dictates of humanity and the principles of the Christian religion, and remonstrating against all further exposure of the lives of their fellow-beings in this cause as wanton and wicked, and imploring Congress to abstain from what is believed by them to be contrary to the will of the great body of the American people; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a petition of citizens of Ogle county, Illinois; a petition of Enoch Pond and others, citizens of the United States; a petition of James Knapp and others, citizens of the United States; a petition of A. W. Townsend and others, citizens of the State of Pennsylvania; a petition of Origen Bacheler; a petition of female inhabitants of Syracuse, New York; and a petition of female inhabitants of Bangor and its vicinity, in Maine, praying the adoption of measures for the reëstablishment of peace between the United States and the Republic of Mexico; which were referred to the Committee on Foreign Relations.

Also, a petition of citizens of Portsmouth and New Castle, New Hampshire, praying an increase of the duties on imported fish; which was referred to the Committee on Commerce.

Also, the petition of Alexander Ladd, legal representative of Nathaniel A. Haven and Eliphalet Ladd, deceased, praying the final action of Congress on the claims of American citizens to indemnity for spoliations committed on their commerce by the French Government prior to 1800; which was referred to the Committee on the Judiciary.

Also, a petition of citizens of Erie county, Ohio, praying the enactment of a law organizing a volunteer force for the suppression of insurrections in the southern States; a petition of citizens of Locks Village, Massachusetts, praying the adoption of measures for terminating the war with Mexico, and the abolition of slavery and the slave trade in the District of Columbia; and two petitions of citizens of the State of Ohio, praying the adoption of measures for releasing the citizens of the non-slaveholding States from all constitutional obligations to countenance the institution of slavery; the motions to receive which were laid upon the table.

Also, a petition of citizens of Western Pennsylvania, praying the repeal of the act imposing a fine on persons convicted of harboring or concealing fugitive slaves; which was referred to the Committee on the Judiciary.

Mr. DAVIS, of Mississippi, submitted a communication addressed to him by Woodson Wren, postmaster at Natchez, Mississippi, on the subject of amending the Post Office laws, and increasing the compensation of postmasters; which was referred to the Committee on the Post Office and Post Roads.

Mr. BELL presented a petition of citizens of Overton county, Tennessee, praying the adoption of measures for terminating the war with Mexico; which was laid upon the table.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of Ichabod Jordan, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. UPHAM, it was

Ordered, That the petition of Azel Spalding, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. FELCH, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Joseph Loranger, be referred to the Committee of Claims.

On motion by Mr. PHELPS, it was

Ordered, That Ross Winans have leave to withdraw his petition and papers.

On motion by Mr. JOHNSON, of Ga., it was

Ordered, That Zachariah Cox have leave to withdraw his petition and papers.

Mr. RUSK gave notice that to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill to provide for transcribing certain State papers of the late Republic of Texas.

A message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk, announcing that the House of Representatives had passed a bill granting the franking privilege to Mrs. Louisa Catharine Adams, in which they request the concurrence of the Senate.

The bill from the House granting the franking privilege to Louisa Catharine Adams, widow of the late John Quincy Adams, was read a first and second time by its title, when

Mr. MILLER moved that the Senate proceed to the consideration of the bill; and the motion having been agreed to, the bill was considered, read a third time, and passed.

ALABAMA AND FLORIDA BOUNDARY.

Agreeably to notice, Mr. BAGBY asked and obtained leave to bring in a bill in relation to the boundary line between Alabama and Florida; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Bethiah Healy, submitted a report, accompanied by a bill granting a pension to Bethiah Healy; which was read, and passed to the second reading.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the petition of David H. Leeper, reported a bill to confirm to the legal representatives of Joseph Dutailles the location of a certain New Madrid certificate; which was read, and passed to the second reading.

On motion by Mr. BREESE, it was

Ordered, That a letter from the Commissioner of the General Land Office, accompanying the petition of Joseph Dutailles, be printed.

The following resolution, submitted by Mr. ALLEN, came up for consideration:

Resolved, That the fortieth rule for conducting business in the Senate, and which requires the Senate to close its doors when transacting Executive business, be rescinded, and the Senate shall hereafter sit with open doors while transacting all business.

Mr. SEVIER moved to lay the resolution on the table, and asked the yeas and nays, which were ordered; and the question having been taken, it was decided in the affirmative, as follows:

YEAS—Messrs. Ashley, Badger, Baldwin, Bell, Berrien, Bradbury, Breese, Butler, Calhoun, Cass, Clarke, Corwin, Crittenden, Davis of Massachusetts, Dayton, Dix, Downs, Felch, Greene, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Pearce, Phelps, Rusk, Sevier, Spruance, Sturgeon, Underwood, Upham, Webster, and Yulee—39.

NAYS—Messrs. Allen, Atchison, Atherton, Bagby, Bright, Clayton, Davis of Mississippi, Dickinson, Douglas, Hale, Hannegan, Houston, and Turney—13.

The following resolution then came up:

Resolved, That the injunction of secrecy be, and the same is hereby, removed from all past proceedings of the Senate in Executive session.

Mr. ALLEN expressed a wish, that in consequence of the recent vote on the other resolution, this might be informally passed over, as he desired, at some more convenient time, to discuss the subject.

Mr. MANGUM said, that he regarded this whole matter as clearly out of order. No discussion could take place on this subject which would not be an interference with the Executive functions of the Senate. He moved, therefore, in order to a final disposition of the whole matter, to lay the resolution on the table.

Mr. ALLEN desired to say a single word if the Senator from North Carolina would withdraw his motion.

Mr. MANGUM. Certainly; I will withdraw it for that purpose.

Mr. ALLEN resumed. He suggested to Senators round him, that as it was his intention to express his views on this resolution on some future day, when the Senate would not be pressed with important business, the motion to lay it on the table, as a final disposition of it, ought not to be agreed to.

Mr. MANGUM renewed his motion, and the resolution was ordered to be laid on the table without a division.

The following resolution, submitted yesterday by Mr. BENTON, was taken up and adopted:

Resolved, That the President of the United States be requested to communicate to the Senate a copy of the proceedings of the general court martial in the case of Lieutenant Colonel Frémont.

On motion of Mr. SEVIER, the Senate proceeded to the consideration of Executive business, and remained there until half-past four, p. m., when the doors were opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 1, 1848.

The Journal of yesterday was read and approved.

The SPEAKER announced as the business first in order the bill of the Senate "providing additional examiners for the Patent Office," which was yesterday reported from the Committee on Patents, with amendments, and under consideration when the House adjourned; the question being on the amendment of Mr. JOHNSON, of Tennessee, viz: to strike out the sum of $2,500 as salaries to the chief examiners, and insert $1,500, on which the previous question was moved and seconded, and the main question ordered.

The question now was on the main question, viz: to strike out $2,500, and insert $1,500; and it was decided in the negative—yeas 79, nays 105.

So the amendment was rejected.

The question recurring on the third reading of the bill, it was taken, and decided in the affirmative, and the bill was then read a third time.

Mr. McCLELLAND moved to reconsider the vote by which the bill was ordered to be read a third time, with a view to reduce the salaries from $2,500 to $2,000.

Mr. CLINGMAN moved to lay the motion on the table; which was decided in the negative—yeas 74, nays 116.

So the motion to reconsider was *not* laid on the table.

And the question then recurring on agreeing to the said motion—

Mr. JOHNSON, of Tennessee, said he hoped it would prevail; for some amendments were necessary, and there were some provisions in the bill that were ambiguous that should be made clear. He was desirous to move an amendment to reduce the salary of the Commissioner of Patents five hundred dollars, and, as that officer agreed with him in politics, he should not expose himself to a charge of being actuated by party feelings. Another amendment which he wished to offer was, to provide for the disposition of the fees to be collected under this bill. There were others, too, which he would not now enumerate. Mr. J. then defended himself against the charge that he was opposed to the arts and sciences. He examined the nature of the duties of the examiners of patents, and contrasted their labors with those of their fellow-citizens of all ranks and professions, and contended that they did not labor six hours a day, while they were better paid than State officers.

Mr. McCLELLAND moved the previous question.

Mr. VINTON rose and said, it was very important that the bill which was before the Committee of the Whole on the state of the Union on Monday, to supply deficiencies in the appropriations for the present fiscal year, should be disposed of, otherwise the operations of the Government would be suspended. If the House should consent now to go into Committee of the Whole for the purpose of disposing of that bill, the one now under consideration would retain its place as the morning business, and could be disposed of to-morrow. He therefore moved that the House now resolve itself into Committee of the Whole on the state of the Union.

Before the question was taken—

The SPEAKER laid before the House the following communication:

WASHINGTON, *February* 29, 1848.

SIR: The resolutions in honor of my dear deceased husband, passed by the illustrious assembly over which you preside, and of which he at the moment of his death was a member, have been duly communicated to me.

Penetrated with grief at this distressing event of my life; mourning the loss of one who has been at once my example and my support through the trials of half a century, permit me nevertheless to express through you my deepest gratitude for the signal manner in which the public regard has been voluntarily manifested by your honorable body, and the consolation derived to me and mine from the reflection, that the unwearied efforts of an old public servant have not even in this world proved without their reward in the generous appreciation of them by his country.

With great respect, I remain, sir, your obedient servant,

LOUISA CATHARINE ADAMS.

To the Hon. ROBERT C. WINTHROP,
Speaker of the House of Representatives of the U. S.

DEFICIENT APPROPRIATIONS.

The question then recurring, and was taken, on the motion of Mr. VINTON, and having been decided in the affirmative—

The House again resolved itself into Committee of the Whole, (Mr. HUNT, of New York, in the

chair,) and proceeded to the consideration of the bill to supply deficiencies in the appropriations for the fiscal year ending June 30, 1848.

Mr. ROCKWELL, of Connecticut, being entitled to the floor, rose and addressed the committee as follows:

When the loan bill, with the proposed amendment of the minority of the Committee of Ways and Means, was under discussion, it was my purpose to have addressed the House in relation to those measures, and especially the report of the Secretary of the Treasury on the finances. I failed to do so at that time, but suppose it to be quite pertinent to the bill now before the House to present my views in relation to that report.

In common with the public at large, I was astonished when it was announced, after the lapse of more than a month from the time when the Secretary made his report to Congress, that he had discovered an error of about seven millions of dollars in his original estimate. It seemed incredible that so gross and disgraceful a mistake should have been made, in any form, by any head of the Treasury Department. It was supposed that, at least, the error must have been one of estimate merely; but when it appeared, on the examination of the supplemental report of the department, and the tables in the report, referred to, that it was a misstatement of the amount of funds actually received into the treasury, of the avails of treasury notes during the first quarter of the present fiscal year; that the Secretary had in his hands seven millions of available means more than he was aware of, and that the amount of the loan asked for by him could be reduced to that amount, the amazement of the intelligent business portion of the public was unbounded. After such an exhibition of gross ignorance of the condition of the department; after so grievous an error in the statement of the matter which was the very gist of his report, which remained undetected for a month and ten days after the report had been sent to Congress, I came to the examination of this document with the utmost distrust in its accuracy, which has been fully justified, as I think, in the result; and I expect to substantiate the following propositions:

1. That, deducting the actual and estimated receipts for the two years ending 30th June, 1848, (including the entire amount of treasury notes authorized by the acts of July 22, 1846, and January 28, 1847,) from the actual and estimated expenditures for the same period, there remains, on the basis of the report itself, an amount to be provided by loan—an excess of expenditures over receipts—greater by more than $1,132,000 than the amount shown by the Secretary or provided for in the loan bill.

2. That this amount is shown by a subsequent statement, furnished me by the Register of the Treasury, to be larger than the above sum, as a portion of the expenses charged under the head of redemption of treasury notes and loans, during the last fiscal year and the first quarter of the present fiscal year, was for payments made on account of prior loans and for interest; and that by these two reports, taken together, it will appear that the excess of expenditure on the 1st July, 1848, would be, instead of $1,132,000, more than $1,500,000 more than the amount of the estimates of the Secretary of the Treasury.

3. That the amount of avails of treasury notes actually received for the last, and the first quarter of the present, fiscal year, and the amount estimated as available, exceed by more than five millions the whole amount authorized; and if from this is deducted, as it should be, the amount of treasury notes redeemed during the same period, there is still an excess of more than $1,500,000 of avails of treasury notes, actual and estimated, over and above the amount authorized to be issued, on the supposition that the amount of treasury notes actually redeemed is truly stated in the tables for the first quarter of the present fiscal year.

4. That the explanatory statement of the Register of the Treasury furnishes no satisfactory explanation, and is shown on its face to be erroneous to an amount exceeding $135,000 in the result at which it arrives.

5. That the amount of treasury notes for the first quarter, as stated in table B, attached to the report, is not correctly stated; that the whole amount actually received during the quarter from customs, as shown by table KK, and from public lands, as shown by table X, was the sum of $39,350; that the amount stated in table B, for redemption of treasury notes, of $2,385,329, includes the amount of notes funded, which is in no sense a redemption of the notes, and in no way reduces the amount of the avails of the notes previously received, as stated on the other side of the account; that this appears from other tables attached to the report; thus showing that in this statement there was an error of more than $2,300,000; and if the statement is correct, of the avails of treasury notes during this quarter, the mistake of the Secretary is more than $3,300,000.

6. That, according to these tables, the amount of treasury notes available for the residue of the present fiscal year, after the first quarter, instead of being, as stated by the Secretary, $6,285,294 55, would be only about $2,800,000, thus showing an over-estimate of the available means of about three and a half millions of dollars.

7. That the statement of the amount of public debt and interest paid during the year ending December 1, 1847, is more than $10,400,000, as shown by table E, and less, as shown by table Q, than $9,300,000 for seventeen months, embracing the period mentioned in table E.

I am aware, sir, that I am making a very serious charge, and one which, if sustained by the papers to which I shall refer, will show the head of this department to be most grossly incompetent to the station which he fills. It is made with great sincerity, at least, and after a careful examination. If I did not suppose the results to which I have arrived *demonstrable* as well as true, I should not make any such assertion, and I am quite desirous that the members of the Committee of Ways and Means, or any other gentleman in the House who shall suppose that I am wrong, should, while I am speaking, correct any statement which I may make if in his opinion erroneous.

The main problem to be solved is, upon the basis of the report of the Secretary of the Treasury of the actual and estimated expenditures and means of payment for the two years ending July 1, 1848, what will be the amount to be provided for on that day by the way of loan?

This proposition appears to me to be a very simple one, and to the solution of which it is not at all difficult to arrive. The amount of actual and estimated expenditures is given in the report of the Secretary of the Treasury for the two years. The amount of the actual and estimated receipts is given also during the same period. These means of payment are from three sources only: 1. The balance on hand on the 1st of July, 1846, the commencement of the two years. 2. The ordinary receipts from the customs, public lands, and miscellaneous sources. 3. The amount of the loans authorized during the same period by Congress.

It is evident, therefore, if you leave out of consideration the loans of 1846 and 1847, and the amount to be received from that source, deducting the amount of notes redeemed, the amount of the balance on hand added to the amount of actual and estimated receipts being deducted from the amount of expenditures actual and estimated during the same period, will give the balance to be provided for on the 1st of July, 1848. If from this amount you deduct the total amount of the two loans authorized, the balance must necessarily be the sum to be provided for at the end of the year.

In this view of the matter, which I begin by placing in its most simple form, it is perfectly certain that nothing more in any way can be made out of the loan of $33,000,000 than, if sold at par, the precise amount; or, if sold at a fraction above par, the trifling amount in addition; and no process of ciphering, no combination of figures, no mathematics, either in the Treasury Department or elsewhere, can vary the result In this view of the subject, it is quite unimportant whether the loan has been negotiated or not, whether it is all in the form of money in the treasury, or in the form of scrip or treasury notes in the hands of the Secretary, which may be made available for the use of the treasury. The result is the same; nothing more can be made out of this loan, at par, than the sum of $33,000,000.

It appears, however, by the report, that the avails of treasury notes and loans during the year ending 1st of July, 1847, was $25,679,199 45. It also appears, on the other side of the same statement, that there was paid for the "redemption of treasury notes during the year," the sum of $2,361,397 07, which, being deducted, leaves the net amount of avails of treasury notes during the year to be the sum of $23,217,702 38; and if this is deducted from the amount of the two loans, the whole amount of available means from treasury notes for the present year would be only the sum of $9,782,297 62.

This was the whole amount of treasury notes available at the end of the fiscal year ending June 30, 1847. If from this you deduct in the first place, the amount of avails of treasury notes and loan for the first quarter, less the amount redeemed and returned into the treasury, you have the whole amount, on the Secretary's own showing, of the treasury notes available for the residue of the present fiscal year.

In order to present this matter at the glance of the eye, I give the statement, as shown by the report of the Secretary, for the two years, in a summary presenting the results of the Secretary's own figures:

Actual expenditures for the year ending 30th June, 1847		$59,451,177 65
Deduct treasury notes redeemed		2,361,397 07
		57,089,780 58
Actual expenditures for the quarter ending September 30, 1848, and estimated expenditures for the rest of the year, ending 30th of June, 1848	$58,615,660 07	
Deduct redemption of treasury notes in the first quarter in table B, contained in statement of expenditures of first quarter	2,385,329 63	
		56,230,330 44
		113,320,111 02
Actual receipts during the year ending 30th June, 1847, exclusive of loans and notes	$35,473,229 45	
Estimated receipts during the year ending 30th June, 1848, exclusive of amounts of treasury notes and loans	34,900,000 00	
		70,373,229 45
		42,946,881 57
Total amount of loans		33,000,000 00
Excess of expenditures over receipts on the 1st July, 1848		9,946,881 57
By the original statement of the Secretary of the Treasury, the excess of expenditures over receipts, was	$15,729,114 27	
Deduct for avails of treasury notes omitted by mistake, as per statement of January 19, 1848	6,915,078 00	
By the corrected statement of the Secretary		8,814,036 27
Error of the Secretary in under-estimating the excess of expenditures, and under-stating the amount of loan, as appearing by his report		1,132,845 30
This amount, however, should be increased, as in the amount of "redemption of treasury" notes above, is included notes under other acts, as by statement of the Register of the Treasury, viz:	$193,697 07 142,979 63 67,622 00	404,298 70
		1,537,143 00

It thus appears that, deducting the receipts and available means from the expenditures, there remains on the 1st of July next an excess of expenditures over the receipts greater than the sum reported by the Secretary by $1,132,845 30. This amount is shown by the report of the Secretary; and, in order to arrive at the result, I have deducted from the statement of the expenditures during the last year and the first quarter of the present fiscal year the amount of treasury notes said to have been returned into the treasury, as contained in schedules A and B. But since the last report of the department, the Register of the Treasury has furnished what purports to be a precise statement of these treasury notes, (to which I shall have occasion to refer, and to show that even that statement is erroneous from the statement itself.) From this statement it appears that there were embraced in these two entries the sum of $404,298 70, which was for expenditures in redemption of other loans and interest. As this amount, therefore, should not, in the view we have taken, have been deducted from the expenditures, of course the balance of the excess of expenditures over receipts would be so much greater—that is, $1,537,143 more than stated by the Secretary, or provided for by the loan bill.

In the foregoing statement we have estimated the precise avails of the loan at $33,000,000. The small advance on a portion of it would slightly vary the result. It seems to me that nothing can be

plainer than that the sum which is shown by these figures is the true balance to be provided for.

I am aware that some gentlemen (and the Secretary seems to be of that number) have some idea that the power to reissue these treasury notes places in some way increased means in the power of the Government; and that this thirty-three millions may become fifty millions, or some other indefinite amount. Nothing in the world can be more erroneous, not to say absurd, than this view, as a moment's consideration will show. The acts of July, 1846, and January, 1847, which authorized the issue of treasury notes or a loan, expressly limit the gross amount to the sum of $33,000,000. If a loan had been effected the day after the passing of these acts for the whole amount, no one disputes that nothing further could be realized. The authority given by the acts would be thus exhausted. Would not this have given the Government all that they can in any way receive from these two loans? If the price was the same, would not the Secretary of the Treasury have preferred to issue stock instead of treasury notes? It will also be agreed, that if the notes were issued on two years' time, and not redeemable under that time, when the money was received into the treasury on the whole of these notes, nothing further would remain to be received from that source.

Now, sir, the question is, whether the receiving these treasury notes at the custom-houses and land offices instead of gold and silver, in any way increases the available amount of this loan. It most clearly does not. When they are so received, they are received in the place of gold and silver, which would otherwise go into the treasury; and after they are received, the very best thing which can be done with them is to negotiate them the very next day for the very gold and silver which would otherwise have been received from the payer of duties. These treasury notes are, so far as payment of duties, &c., is concerned, a kind of Government paper money; and it would be just as absurd for a bank to suppose that it was a gainer to have the debts due to it paid in its own bills, instead of being paid in gold and silver, or that the gold and silver would not be as available to the bank as its own promises to pay. There are many other suggestions on this subject which show the utter absurdity of supposing that form of paying the bills into the custom-house, instead of specie, at all increases the available means of the Government.

If there had not apparently been a dense fog surrounding this subject, a grievous confusion of ideas which seems to have been one cause of the successive and almost incredible errors of the Secretary of the Treasury, I should not, most assuredly, have argued so plain a proposition. If, however, I am correct thus far, it is not at all necessary for me to proceed one step further to show that there is the mistake to which I have above referred, and which will require an increase of the loan bill some one and a half millions of dollars.

There have been, however, a succession of blunders on this subject, in part connected with the statements I have already made, and growing out of them, and in part of a separate and distinct character, and showing the error to be far more serious in amount. It is not, in the view I have taken of the subject, and in order to arrive at these results, important that we should be successful in exposing or correcting these blunders. It may, however, be very important, and, in view of the recent advertisement of the Secretary for proposals for five millions of treasury notes, of the utmost practical interest to expose other and more serious errors.

The Secretary states the amount of avails of treasury notes, as I have already shown, during the year 1846 and the first quarter of 1847, and the estimate of avails from the same quarter, as follows:

Avails of treasury notes during year ending 30th June, 1847,	$25,679,199 45	
Deduct redemption of treasury notes during the year.....	2,361,397 07	
		$23,317,802 38
Avails of treasury notes for quarter ending 1st October, 1847.....	$6,915,078 00	
Redemption or treasury notes and interest.....	2,385,329 63	
		4,529,748 37
Estimated avails of treasury notes and loans for year, as in report.....		6,265,294 55
		34,132,845 30
Deduct from this amount the amount of loan		33,000,000 00
		1,132,845 30

It thus appears that, according to his own showing, there is a greater amount received from this loan and estimate for this year, than the whole of the loan by more than a million of dollars. Perceiving this discrepancy, I applied to the Register of the Treasury for an explanation of the difficulty. The result of this he has given me in the following statement:

Statement explanatory of the Loans and Treasury Notes authorized by acts of 1846 *and* 1847.

Amount received for treasury notes and loans under acts of 1846 and 1847, during the fiscal year ending 30th June, 1847, per Secretary's report.....	$25,679,199 45	
Deduct treasury notes redeemed under acts of 1846 and 1847, being part of the sum of $2,351,397 07, included under the head of reimbursement of treasury notes for same year, the difference being for notes redeemed under other acts.....	2,167,700 00	
		23,511,499 45
Amount received for treasury notes and loans during the quarter ending 30th September, 1847, omitted in the financial statement in Secretary's report, but contained in the table referred to in that statement.....	6,915,078 00	
		30,426,577 45
Deduct treasury notes reimbursed under acts of 1846 and 1847, being part of the sum of $2,385,329 63, included under the head of redemption of treasury notes and interest, in the same quarter, the difference being for treasury notes issued under other acts and interest.....	2,242 350 00	
		28,184,227 45
Deduct also treasury notes redeemed and funded, issued under acts prior to act of 22d of July, 1846, also part of said sum of $2,385,329 63.....	67,622 00	
		28,116,605 45
Deduct also the amount of treasury notes issued under acts of 1846 and 1847, which were in the hands of the accounting officers on the 1st of October, 1847, and not covered by warrant, but which notes when covered will make the charge against the treasury equal to the notes converted into stock or received for public dues.....	1,401,900 00	
		26,714,705 45
Add amount of treasury notes and stock available for the remainder of the fiscal year ending 30th June, 1848, (see statement G accompanying Secretary's report).....	6,285,294 55	
		$33,000,000 00

DANIEL GRAHAM, *Register.*

TREASURY DEPARTMENT,
Register's Office, January 18, 1848.

This corrected statement of the Register of the Treasury is, on the face of it, erroneous, to the extent of $135,244, arising from the adding of the sum of $67,622, instead of deducting it. A word of explanation will make this clear. Table B shows the avails of treasury notes to have been for the first quarter of the present year $6,915,078. From this amount, in order to show the actual amount of these notes on hand, should be deducted the amount which has been returned into the treasury of notes issued in 1846 and 1847. This is stated in the report to be 2,385,329 63. The Register, however, states, in his corrected statement, that a portion of these notes, so stated as having been redeemed or returned into the treasury, were notes issued under other acts, and for interest paid, and should thus be deducted from the above amount of $2,385,329 63. He does so deduct the sum of $142,979 63, and, after having so deducted it, subtracts the amount. This is all right as far as it goes, but the error consists in this: He proceeds to "deduct also treasury notes, redeemed and issued under acts prior to acts of 22d July, 1846, also part of said sum of $2,385,329 63, $67,622." This is clearly wrong. This amount clearly *reduced* by so much the amount which was to be *subtracted*, and thus *increased* instead of *diminishing* the amount of treasury notes to be accounted for from the sum of $1,401,900 to $1,537,143.

It will be seen that this statement shows the discrepancy to be greater than shown by the report of the Secretary, owing to the fact that the payment made on account of former loans is deducted. The explanation of this discrepancy, and the mode in which the accounts are made to balance, is shown as follows:

"Deduct also the amount of treasury notes issued under acts of 1846 and 1847, which were in the hands of the accounting officers on the first of October, 1847, and not covered by warrant, but which notes when covered will make the charge against the treasury equal to the notes converted into stock or received for public dues $1,401,900."

(I have shown that this sum should be $1,537,143.) I know not, sir, that I understand this statement. I hope some of the Committee of Ways and Means, particularly those who are especially in the confidence of the Executive and the Secretary of the Treasury, will enlighten us in this matter, which, to my eyes, appears to be not remarkable for clearness, however much it may have been the wish of the officers at the department to throw light on this subject. Let us, however, look at this explanation in connection with table G, from which the estimated balance, which is to be available for the year ending July 1, 1848, is taken. In relation to the amount of the actual avails received from loans and treasury notes during the year ending June 30, 1847, and the first quarter ending October 1, 1847, there is no controversy. The question is as to the amount available during the residue of the year. The table is as follows:

G.—*Amount available on the* 1st *October*, 1847, *of the loans of* 1846 *and* 1847.

Of the loan of 1846—loan of..	$10,000,000 00		
Stock issued in '46,	$4,999,149 45		
Stock issued in '47,	2,096,100 00		
Treasury notes outstanding.....	1,255,850 00		
		8,351,099 45	
			$1,648,900 55
Of the loan of 1847—loan of..	23,000,000 00		
Stock issued.....	$4,339,856 00		
Notes outstanding	14,028,750 00		
		18,363,606 00	
			4,636,394 00
			6,285,295 55

TREASURY DEPARTMENT,
Register's Office, December 1, 1847.
DANIEL GRAHAM, *Register.*

It thus appears that, on the 1st October, 1847, the stock issued on the two loans amounted to $11,435,105 45, and the outstanding treasury notes amounted to $15,279,600. These sums taken together and deducted from the whole amount of $33,000,000, leaves an amount of available notes, by the table, of $6,285,294 55. The stock having been issued, and being on a long loan, it is a fixed amount, and the only question which arises is in relation to the "notes outstanding." If that is correct, the balance of $6,285,294 55 is correct. Is the amount too large or too small? If it is meant that some of the notes which are entered as outstanding, are in fact returned to the treasury, and not entered on the books, the difficulty would by this only be increased, and the discrepancy made so much the greater. If, on the contrary, it is meant that the amount of notes really outstanding is larger than the apparent amount, because the amount has been actually disposed of, and the money received by the department, but the notes not actually issued, the result would certainly be to reduce the balance, and to show that the estimated amount of available means for the year was not $6,285,294 55, but $1,401,900 less than that amount; which in no manner relieves the difficulty, but shows that he has made the very error which is claimed, and that his report is not to be relied upon for accuracy on this subject, and the amount of available means is so much less.

My own impression is, that in this statement, as in the others, it is only an indication of the utter confusion and darkness which prevails in the department of the treasury. And if I am correct in stating that the error of over $135,000 exists in the statement of the Register, it leads to the supposition that the amount of $1,401,900 is inserted to force a balance.

This difficulty is also sought to be explained by a writer in the "Union" of yesterday evening, who himself in no way meets the difficulty. The explanation is as follows:

"The explanation is very easy. Authority is given by law to reissue such treasury notes as may be received in payment of public dues or redeemed with specie, provided that the total outstanding at any one time does not exceed a certain amount. In this way, after having received upwards of twenty-five millions from loans and treasury notes in the fiscal year ending June 30, 1847, and nearly seven millions in the quarter ending September 30, the Government had still power on the 1st of October to borrow upwards of six millions; because part of the treasury notes previously issued had been redeemed and were by law reissuable."

It will be perceived that I have deducted the "part of the treasury notes previously issued (which) had been redeemed and were by law reissuable," and that the balance above referred to still remains.

I refer to this article, because on its face it appears to have come from some officer in the Treasury Department, and is thus semi-official. If any gentleman in the House will say that it does not proceed from any such semi-official source, I will throw it out of consideration.

I have in this statement taken the report of the Secretary throughout as correct, but in relation to one very important element he appears, from his own tables, to be clearly wrong.

In statement B, the amount of avails of treasury notes, &c., for the quarter ending 30th September, 1847, is, as often before stated, the sum of $6,915,078; "redemption of treasury notes and interest," on the other side of the same account, is $2,385,329 63.

B.—*Statement of duties, revenues, and public expenditures, for the first quarter of the fiscal year from 1st of July to 30th of September, 1847, agreeably to warrants issued, exclusive of trust funds.*

RECEIPTS.

From customs		$11,106,257 41
From sales of public lands		896,883 47
From miscellaneous and incidental sources		58,533 47
From avails of treasury notes issued under act of 22d July, 1846	$250,000	
From avails of treasury notes issued under act of 28th January, 1847	4,225,800	
From avails of loan of 22d July, 1846	111,000	
From avails of loan of 28th January, 1847	2,328,278	
		6,915,078 00
		$18,976,752 35

EXPENDITURES.

Civil list, miscellaneous, and foreign intercourse	$1,116 689 44
Army proper, &c.	8,717,583 60
Fortifications, ordnance, arming militia, &c.	577,980 67
Indian department	691,795 05
Pensions	583,332 36
Naval establishment	2,384,805 45
Redemption of treasury notes and interest	2,385,329 63
Redemption of three per cent. stock	257 04
Reimbursement registered debts	234 17
Interest on the public debt	11,196 28
	$16,469,194 69

Now, Mr. Chairman, it is quite apparent that in this sum are improperly placed such portion of the treasury notes as were funded during this quarter, and for which stock was issued, and equally apparent that it should not be so placed. That it is so placed, is apparent by referring to schedule M of the report, which is a statement of the "reimbursement of treasury notes monthly, from December 1, 1846, to December 1, 1847."

It also appears, by a reference to table KK, that the full amount of treasury notes received during the months embraced in that quarter was:

From the customs	$37,500
And by table X, from the public lands	1,850
	$39,350

Showing that the whole amount paid in for duties and lands was less than $40,000.

This also appears from the article in the "Union" to which I have already referred, as follows:

"In the amount given in table B (namely, $2,385,329 63) appear to be included treasury notes redeemed by conversion into stocks, as well as by receipt for public dues and payments of money."

This mistake is the more remarkable, because, in deducting the amount of redemption of treasury notes in the previous fiscal year, he makes the deduction of those which were funded, and only places the balance as the amount which is to be deducted, as reducing the avails of the portion of the loan available during the year.

This was clearly correct, because, if treasury notes for a given amount are converted into a loan, the debt thereby only assumes a permanent instead of a temporary character; but the operation in no way diminishes the *avails* previously received for the notes.

Correcting this small error of over two and a quarter millions, the following is the result, as appears from the Secretary's report:

Avails of treasury notes and loans during the year ending June 30, 1847		$25,679,199 45
Deduct amount of treasury notes redeemed		2,361,397 07
		$23,317,802 38
Avails of treasury notes for quarter ending October 1, 1847, (table B)	$6,915,078 00	
Deduct for avails of treasury notes paid for duties same time, as per table KK	37,500	
Do. public lands (X)	1,850	
	39,350 00	
		6,875,728 00
Actual net avails of treasury notes and loans during the year and quarter ending September 30, 1847		30,193,530 38
According to these statements of the Secretary of the Treasury, the amount available for the residue of the year would be		2,806,469 62
		$33,000,000 00

In view also of these corrections, let us see to what result the Secretary is reduced:

Avails of treasury notes and loans, as above	$25,679,199 45	
Deduct redeemed	2,361,397 07	
		$23,317,702 38
Avails of treasury notes, as above	6,915,078	
Deduct redeemed	39,350	
	6,875,728 00	
Estimated avails of treasury notes and loans	6,985,294 55	
		$36,478,724 93

This amount will be varied only by the sum which may have been paid in during the quarter for other debts due the Government, aside from the customs and public lands, which must be very trifling.

It thus appears that the Secretary, with what he has already received from the thirty-three millions of treasury notes, and what he estimates for the future, calculates upon about three and a half millions more than the whole amount. The history of these errors is somewhat remarkable.

1. The department, on the 19th January, say that they had omitted, by mistake, a statement of the actual receipts from treasury notes for the first quarter of this fiscal year, $6,915,078.

2. By the report of the Secretary, deducting the receipts from the expenditures, it appears that the mistake in under-estimating the excess of expenditures is about $1,132,000.

3. By the explanatory statement of the Register of the Treasury, it appears that this excess is about $1,500.000.

4. By correcting the apparent error in statement in table B of the redemption of treasury notes, the error in relation to treasury notes is shown to be about $3,500,000

There is another most serious and *acknowledged* error, to which I wish to call the attention of the House. It is in relation to the amount of public debt paid during certain periods. Statement E, in the report of the Secretary, is headed, "Statement of the amount of the public debt paid from 1st December, 1846, to 1st December, 1847," and the amount is $9,046,511 35; and below, and connected with it, "Statement of the amount of interest on the public debt, from 1st December, 1846, to 1st December 1847." The amount of this is $1,433,850 29; being together the sum of $10,480,362 14. Thus showing the amount of debt and interest paid during the twelve months ending 1st December, 1847.

Table Q, in the same report, is headed as follows: "Table of payments made annually on account of the interest and principal of public debt, from the 4th March, 1789, to the 1st December, 1847." From this it appears that the total amount of payments of public debt and interest from the 1st July, 1846, to 1st December, 1847, seventeen months, and embracing the same months as in table E, is $9,261,259 08; that is, that the amount paid for seventeen months is $1,219,103 06 less than the other table shows to have been paid for *a part* of the time.

It will be perceived that the object of both these tables was only different in this respect, that the first gave the payments for one year, and the other for a series of years; and yet, this enormous discrepancy!

The "Union," in the article referred to above, acknowledges this error as follows:

"Looking through the tables appended to the report, we find two others, which may require explanation. Table E, on page 43, contains a statement of the amount of public debt paid from December 1, 1846, to December 1, 1847, amounting, principal and interest, to $10,480,362 10. Table Q, on page 67, contains a statement of the payments made annually on account of the principal and interest of the public debt, from the 4th of March, 1789, to the 1st of December, 1847. Here we find that the payments on these accounts, from July 1, 1846, to June 30, 1847, amounted to $6,722,021 39; and from June 30 to December 1, 1847, to $2,539,237 69—together, $9,261,259 08.

"How is this? According to table E, the payments on account of the public debt amounted, in twelve months, to nearly ten millions and a half; while, according to table Q, the payments on the same account amounted, in seventeen months, to little more than nine millions and a quarter; while in these seventeen months are included the very twelve months that are embraced in table E."

This attempted explanation is too long to be inserted. Indeed it is no explanation at all, but only amounts to a statement that the trouble arises from the confused mode of keeping the accounts at the treasury. This is no apology whatever for these two conflicting statements in the same report, for the same materials were on hand in one case as in the other. If the Secretary does not know the amount of debt paid in the time named, he should give place to some one who can find it out.

In view of these facts, it may be useful to pause and examine for a moment the financial labors of the head of the Treasury Department. During the last session of Congress he estimates the amount required to meet all the expenses of the Government to the 30th of June, 1848, and asks for a loan to meet the deficiency. All that he asks is granted; but before one-half of the year is passed, he informs Congress that his calculations were all wrong, and that an additional loan would be required of about eighteen and a half millions of dollars to meet the expenses of the Government to that time. This communication is made to Congress on the 9th of December; but by the time that the communication is printed in full, on the 19th of January, he informs Congress, through the Chief Clerk, that he had made the gross error of more than six millions nine hundred thousand dollars, and that his receipts had been that much more than he was aware of when he made his report, and that the amount of the loan might be diminished to that extent. There is much parade of the mistake of a clerk in preparing statements, and very unnecessary trouble is expended in showing *how* this error occurred. It is far more remarkable that any man should ever be at the head of the Treasury that could, by any possibility, make a mistake in stating his resources at nearly seven millions of dollars short of the true amount. What kind of knowledge must he have of the finances of the country, if he can lose this sum without knowing it, or, which is the same thing, in the formal annual official communication to Congress, make a statement of *the actual receipts* into the treasury seven millions short of the amount. The error is one which shows an utter ignorance of the affairs of the department and the state of the finances of the country which is truly alarming.

In order, however, to show the incompetency of the head of this department more strikingly, it now appears that his original mistake was not as great as he supposed it was; and in his *correction* of the former blunder, he has made another of a very serious amount.

Mr. Chairman, a most serious question arises: What confidence have we in the safety of the funds of the Government? I mean not to charge any dishonesty upon the head of that department; far from it. But where is the check upon the large number of persons through whose hands, in one form or another, the money, and treasury notes, and stock certificates pass? What is the system of accountability? Does the Secretary mean to issue, in violation of law, the amount of treasury notes which he says will be available during the present fiscal year? How many millions of treasury notes must be lost or stolen in order to enable the Secretary to discover the loss? Why does not the public voice indignantly demand that these matters should be explained, and that the dreaming philosopher at the head of the Treasury, with all his schemes, notions of free trade, and his laborious trifling, should give up his post to a person having some practical skill in the affairs of life—some knowledge of the finances of the country? The reason doubtless is, that the millions upon millions which are squandered, worse than thrown away in this miserable war with Mexico, renders the public quite indifferent to minor matters. The repeated and successive blunders and counter-blunders of millions of dollars, which would, in any other period of our history, have thrust any Secretary from office, covered him with disgrace, and made him the reproach and by-word of the whole land, is justly considered as only one of the minor enormities of this Administration. This horrible war with Mexico, and, most of all, the nefarious and heathenish principles openly avowed by men occupying responsible stations in the Government—the publicly setting at naught the eternal and unchangeable principles of justice, of right, and of truth, and the control of a superintending Providence, the law of the Almighty Ruler of the Universe, and worshipping "*destiny*"—relying upon superior power, indulging in an unholy thirst for empire—these things may well, as they do, occupy the public mind, and the extremest confusion and disorder, if nothing worse, in the finances, may well be considered as of minor consequence.

It may be amusing to inquire what has occupied

the attention of the learned and laborious Secretary, for he is distinguished for curious learning and the most severe labors. It has not been the common-place duties of understanding the condition of his department and attending to the dull routine of their discharge, which has been the ambition of his predecessors, but visions, dreams, revelations have engrossed the mind of the Secretary—"enthusiasm," as the organ calls it. Interminable tables of figures, of no value except to exhibit great and bootless labor, tending to no practical results; learned and abstract disquisitions; the most wild and extravagant calculations, have occupied the weary days and sleepless nights of the Secretary of the Treasury. So imaginative and poetical a head of the department surely was never before seen. Let us turn to what may well be called the *poetry of finance*. The Secretary has the rare talent of making the figures of arithmetic the vehicle of the wildest visions of the imagination; and I am sure, Mr. Chairman, after the patient attention which has been given to my dry details, the committee are surely entitled to whatever is amusing and poetical in the matter.

The Secretary, in the 23d page of his report, says: "By table BB, it appears that the augment-'ation of our domestic exports, exclusive of specie, 'last year, compared with the preceding, was '$48,856,802, or upwards of 48 per cent; and, at 'the same rate per cent. per annum of augmenta-'tion, would amount, in 1849, per table CC, to '$329,959,993, or much greater than the domestic 'export from State to State. The future per cent-'age of increase may not be so great."

This table CC is a curiosity in its way:

CC.—*Statement showing what the domestic exports of the United States, exclusive of gold and silver, would be on the 30th of June, 1849, if, during each of the three years succeeding the last fiscal year, the per centage of augmentation were the same as during the last fiscal year.*

The increase of domestic exports of the United States, exclusive of gold and silver, on the 30th of June, 1847, as compared with the year 1846, was $48,856,802—being 48.03316 per cent.

Years.	Domestic exports, exclusive of specie.	Per cent. 48.00316.	Domestic exports.	Years.
June 30				
1846	$101,718,042			
1847	150,574,844	$72,323,595	$222,898,356	1848
1848	222,898,350	107,061,643	329,959,993	1849
1849	329,959,993	158,485,057	488,445,050	1850

TREASURY DEPARTMENT,
Register's Office, December 1, 1847.
DANIEL GRAHAM, *Register.*

I do not know, sir, why the Secretary should have stopped with the year 1850. I have figured myself a little on this subject. I had not the courage to encounter the vulgar fractions; and, instead of the annual per centage of increase of 48 316-10,000ths, I have taken fifty per cent., as a few millions are of no consideration in dealing with such enormous sums. I find, sir, by thus following out the table, the amount of domestic exports in 1855 would be over $3,800,000,000—three thousand eight hundred millions of dollars! And by the time this twenty years' loan would become due, the amount would be beyond computation.

The Secretary has extravagantly over-estimated in his report the amount of productive industry of the country at $3,000,000,000 annually, and yet, if his table of calculations is to be followed out, in 1855 the annual domestic exports on its basis would be greater than the entire productive industry of the country.

I do not mean to be understood to say, that the Secretary estimates that this rate of increase is to continue. Indeed, he says, in so many words, "the future per centage of increase may not be so great."

It is to be presumed that he had some practical object in view in the statements above, and in giving us this elaborate calculation. I do not charge him with a deliberate purpose to mislead and deceive the public by such exhibits. I am inclined to think it is only the "enthusiasm" that the editor of the "Union" admired so much—the result of vague, indefinite, visionary schemes and notions, which on many other occasions have distinguished the productions of this functionary.

He follows up this same course of reasoning in table SS, of his report, which is a "statement showing what the tonnage of the United States would 'be on the 30th June, 1857, if, during each of the 'ten years succeeding the last fiscal year, the per 'centage of augmentation were the same as during 'the last fiscal year."

This calculation shows the tonnage during the year 1847 as being $2,839,046, and the estimated tonnage in 1857 to be $7,926,377. What can be more insulting to the common sense of the nation than such calculations, were it not that they are too laughable to excite any other feeling than amusement?

I am reminded by gentlemen around me that the Secretary has pursued the same course of figuring in relation to other matters; but I forbear to multiply instances of this kind, and will only add one further extract from his report. On the 22d page he says:

"An addition of thirty cents each to the consumption of our products exchanged from State to State by our own people would furnish an increased market of the value only of $6,300,000; whereas an increase of thirty cents each, by a system of liberal exchanges with the people of all the world, would give us a market for an additional value of $300,000,000 per annum of our exports. Such an addition cannot occur by refusing to receive in exchange the products of other nations, and demanding the $300,000,000 per annum in specie, which could never be supplied; but, by receiving foreign products at low duties in exchange for our exports, such an augmentation might take place. The only obstacles to such exchanges are the duties and the freights."

What can be more absurd than this statement! I need not say, Mr. Chairman, that I have no personal unkind feelings towards the Secretary of the Treasury. I have commented freely, and in terms which I think they deserved, upon his public acts, and the mode in which he has administered the affairs of his department. I think, since he has been in this office, he has done more to the injury of the country than any other man. He has preferred the praise and approbation of our commercial rivals to the true prosperity and peace of his country, and has never brought to the administration of the finances of the country those qualities of practical wisdom, sound sense, and enlarged experience so necessary in the management of the affairs of the Treasury Department.

I had designed, sir, to have said something on the subject of the loan bill which has passed this House, and may return to us again, but my time is exhausted.

Mr. McLANE addressed the committee as follows:

Mr. CHAIRMAN: I do not rise to reply to the honorable gentleman from Connecticut, [Mr. ROCKWELL,] who has just taken his seat. To an honorable friend on my left [Mr. McKAY] more appropriately belongs that task; and though the gentleman from Connecticut enjoys in his own State no mean repute as a financier, yet I do not think the assault he has just made on the estimates of the Secretary of the Treasury will prove to rest on any surer foundation than that which served to sustain the efforts of those on the other side of the House who have preceded him, in the hitherto fruitless task of impeaching the accuracy of Mr. Walker's estimates. To those estimates I propose to direct some reflections. But, before doing so, I desire to refer to a speech delivered in this Hall some weeks since by an honorable gentleman from Indiana, [Mr. R. W. THOMPSON.] The very great latitude allowed to debate, in the consideration of the bill now before the committee—and more particularly the example presented on day before yesterday, when the very topics to which I propose to refer were covered in all their aspects, personal and political—renders all apology unnecessary for the trespass I am about to commit on the indulgence of the committee.

The honorable gentleman from Indiana has been pleased to consider it his peculiar function to vindicate the truth of history, in so far as he has found that history violated in the expression of my views and opinions upon the abstract justice and necessity of this Mexican war. I have, he says, entirely mistaken the great questions of history which are involved in the origin and prosecution of the war; and having thus mistaken and misstated these questions, he finds I have made my erroneous view of them subserve the party purposes of the existing Administration. To use his own language, he says:

"The gentleman, in my conception, has entirely mistaken the great questions of history which are involved in the origin and prosecution of the war; and has made these questions, thus misstated by him, subserve what, I think I shall be able to show, were exclusively and entirely the party purposes of this Administration.

"The gentleman's speech, as originally written out by himself, I presume, and published in the "Union," contained the assumption—in order to justify the President of the United States in the issuance of the order of the 13th January, 1846, for the march of the army to the valley of the Rio Grande—that the President, in his message of December, 1845, had communicated to Congress the fact that General Taylor had been ordered to march the army *to* the valley of the Rio Grande. I quote his words. He says: 'In 'December, 1845, Congress was informed that General Tay-'lor had been assigned to the defence of the country west '*to* the Rio Grande.'

"Now, I have carefully looked into the history of this thing; I have carefully examined all the public documents upon which I can lay my hands, and nowhere do I find, from the beginning to the end of all the communications which emanated from the President of the United States in December, 1845, or prior to that time, the declaration that General Taylor had been ordered to march the troops under his command *to* the Rio Grande. There was no such message, no such document to be found, no such political fact recorded in the history of the country. The President of the United States did communicate to Congress in December, 1845, that he had assigned General Taylor to the command of the army, and that his position was to be taken *between* the Nueces and the Rio Grande; but not that he was to march *to* the Rio Grande. The Secretary of War, at the commencement of that session, communicated to Congress intelligence of the fact that General Taylor had been assigned to the command of the country between the Nueces and the Rio Grande, with an "*ultimate destination*" to the Rio Grande—with a purpose of *ultimately* occupying the valley of the Rio Grande; but nowhere, either in the message of the President, or in the report of the Secretary of War, was there any communication made to Congress that General Taylor was assigned to the command of the army, and ordered to march *to* the Rio Grande."

Sir, here is a somewhat ostentatious championship of the truth of history, by my honorable friend, couched, it is true, in terms of grace and courtesy, and introduced with a very gracious and complimentary expression of respect for the manner and ability with which I applied myself to the work of error and misrepresentation, to subserve the party purposes of this Administration.

Sir, my honorable friend must permit me to say that I lose sight of the gratification I should naturally feel for his very flattering judgment of my ability or eloquence, deserved or undeserved, when he is pleased to accompany the expression of his judgment with such grave allegations.

Sir, I should not long possess my own self-respect, if I could misstate the history of my country to subserve the party purposes of this or any other Administration. I do not imagine that the honorable gentleman would impute to me any intentional misstatement of this history; but I am not disposed to avoid the issue he has raised, by an acknowledgment of error or negligence. I feel, sir, the responsibility which rests upon us all, in our deliberations here, to consider maturely the subjects that engage our attention; and I have such respect for this House, that I cannot acknowledge I have either mistaken or misstated the historical facts connected with this Mexican war question, until I meet with other instructions than is afforded by the speech of the honorable gentleman from Indiana. The first issue presented by this speech is to be found in the following words, as stated in the extract just read from the pamphlet copy of his speech, which he politely handed to me immediately on its publication, to wit:

"IN DECEMBER, 1845, CONGRESS WAS INFORMED THAT GENERAL TAYLOR HAD BEEN ASSIGNED TO THE DEFENCE OF THE COUNTRY WEST OF THE RIO GRANDE."

I propose, sir, to repeat and reaffirm this position and historical statement, in all its original integrity; and I shall present from the record the most positive and affirmative proof of its accuracy. I shall then, sir, feel it my duty to comment upon, and, if I may be allowed the expression, to expose, the very extraordinary statements and arguments submitted by the gentleman from Indiana, in refutation of this relation of historical fact, taken almost literally from the annual report of the Secretary of War. I shall, I think, convict my honorable friend of the sin of *omission*, in not seeing what was on the face of the record; and of the sin of *commission*, in saying that he found on the record that which is not on the record at all. I shall then, further, I think, satisfy him that he has *misapprehended* the record when he read it correctly, and *misapplied* it after he misapprehended it, by offering it in refutation of a statement of fact entirely different from the relation of historical fact he had engaged to overturn. As positive and affirmative proof that I was accurate in the position that, "*in December*, 1845, *Congress was informed 'that General Taylor had been assigned to the defence 'of the country west to the Rio Grande*," I beg to

read from the President's message of December 2, 1845:

"The jurisdiction of the United States—which, at the formation of the Federal Constitution, was bounded by the St. Mary's, on the Atlantic—has passed the capes of Florida, and been peacefully extended to the Del Norte."

* * * * * * * * *

"Since that time, Mexico has, until recently, occupied an attitude of hostility towards the United States—has been marshalling and organizing armies, issuing proclamations, and avowing the intention to make war on the United States, either by an open declaration, or by invading Texas. Both the Congress and convention of the people of Texas invited this Government to send an army into that territory, to protect and defend them against the menaced attack. The moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coasts of Mexico, and to concentrate an efficient military force on the western frontier of Texas. Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces."

And also from the Secretary of War's report, November 29, 1845, and communicated to Congress with the message of December 2, 1845:

"The ready acceptance on the part of Texas of the terms of annexation proffered by this Government, excited the ill-will of the Government of Mexico. That Republic menaced the immediate commencement of hostilities against the United States, and set on foot, as it was said, extensive preparations to invade and subjugate Texas. Pursuant to your directions, an army of occupation was assembled in that State, and Brigadier General Taylor assigned to the command of it. He was instructed to repel Mexican aggressions, and to protect the country from Indian invasions; to regard the Rio del Norte as its western boundary; and to select a position for his forces with reference to this frontier, but to leave unmolested Mexican settlements, and also military posts, should there be any such posts on the east bank of that river which were in the occupancy of Mexican forces previously to the period when Texas assented to the terms of annexation."

I read thus at length, that there may be no room left for misapprehension in regard to the only point at issue, to wit:

"*In December*, 1845, *Congress was informed that General Taylor had been assigned to the defence of the country west to the Rio Grande.*"

I would now, sir, turn for a moment to this volunteer championship of historical truth. What does my friend from Indiana say, to refute the position thus affirmatively and positively proved from the record? He says, in the extract from his speech which I have just read:

"*Now, I have carefully looked into the history of this thing; I have carefully examined all the public documents upon which I can lay my hands; and nowhere do I find, from the beginning to the end of all the communications which emanated from the President of the United States in December*, 1845, *or prior to that time*, THE DECLARATION THAT GENERAL TAYLOR HAD BEEN ORDERED TO MARCH HIS TROOPS TO THE RIO GRANDE."

Now, sir, here is a misapprehension and a misstatement of the position he proposed to refute—here is the substitution of the idea of an express order to march troops to the Rio Grande, instead of my real position, so very explicitly stated in his own speech, "*that General Taylor had been assigned to the defence of the country west to the Rio Grande*"—a distinction the more important, when we consider the sequel of my argument, which left the responsibility of selecting, or advising the selection of, the particular posts to be occupied, with the commanding general, and referred the whole responsibility of taking military possession west to the Rio Grande, to the positive orders of our Government, issued as early as June, 1845, information of which was communicated to Congress in December, 1845, as fully appears from the record just read; while the particular order of January 13, 1846, was subordinate to the original and primitive action of the Government in June, 1845, and was taken, in concurrence with the commanding general, as a further and necessary means of maintaining our boundary and possession to the Rio Grande, which Congress had been informed was already designated to General Taylor as the western frontier of Texas.

Sir, I cannot suppose that the honorable gentleman from Indiana designedly misapprehended or misstated the position he had undertaken to controvert; therefore, sir, I assume that he considered the idea he here expresses in regard to an order to march troops to the Rio Grande as identical with my position, that General Taylor had been assigned to the defence of the country west to the Rio Grande—a position which the gentleman from Indiana will feel and acknowledge, is fully sustained by the report of the Secretary of War, which, notwithstanding his careful examination of *all the documents*, was overlooked by the gentleman from Indiana. I am the more confirmed in this impression, from the fact that the gentleman says, in the extract from his speech which I have read, that "*the Secretary of War, at the commencement of that 'session* (December, 1845,) *communicated to Congress intelligence of the fact that General Taylor had been assigned to the command of the country between the Nueces and the Rio Grande, with an 'ultimate destination' to the Rio Grande.*"

I am constrained to believe the honorable gentleman never read the report of the Secretary of War, for there is no such communication or statement in it as that which I have just stated in the terms and language of the honorable gentleman from Indiana. All that is to be found in that report about the orders to General Taylor, and the Texan frontier, is that which I have already read, and which says nothing about "*ultimate destination.*" No such terms can be found in the report, from the beginning to the end; but, on the contrary, the explicit declaration that General Taylor was assigned to the command of the army of occupation in Texas, to repel Mexican aggressions and to repel Indian invasions, and "*to regard the Rio 'del Norte as its (Texas') western boundary, and to 'select a position for his forces with reference to this 'frontier.*" I assume, then, sir, that the gentleman from Indiana is not playing upon terms, and changing the issue "*that General Taylor had been assigned to the defence of the country west to the Rio Grande,*" into the mere technical declaration "*that General Taylor had been ordered to march the troops under his command to the Rio Grande;*" and this assumption I must make, to avoid a conclusion more unfortunate for that gentleman than the one I have already enunciated, to wit: that he has sinned *a sin of omission*, in not reading the report of the Secretary of War, when he so carefully examined *all the documents;* and *a sin of commission*, when he stated to this House that the Secretary of War, at the commencement of that session, (December, 1845,) communicated to Congress one word about the "*ultimate destination*" of General Taylor. Sir, I have thus referred to the misapprehension of the position in my speech which the gentleman from Indiana proposed to controvert, and to his double sin of *omission* and *commission* in his examination of the public records of history, to vindicate which he seemed the chosen champion. A word now upon his misapprehension and misapplication of these records, where he has not omitted to examine them, and where he states correctly their context.

I refer to his view of that order to General Taylor, in which he is instructed *that his ultimate destination was the Rio Grande.* This order, as the gentleman himself says in a subsequent part of his argument, was issued before the terms of annexation offered by Congress had been accepted by Texas; and, as is very clear on its face, expresses to General Taylor the instructions of his Government, that his ultimate destination, when Texas shall have accepted our terms of annexation, will be the western frontier of Texas—the Rio Grande—*on or near which* he will take his position. I will read the whole letter:

[Confidential.]

WAR DEPARTMENT, *June* 15, 1845.

SIR: On the 4th day of July next, or very soon thereafter, the convention of the people of Texas will probably accept the proposition of annexation, under the joint resolutions of the late Congress of the United States. That acceptance will constitute Texas an integral portion of our country.

In anticipation of that event you will forthwith make a forward movement with the troops under your command, and advance to the mouth of the Sabine, or to such other point on the Gulf of Mexico, or its navigable waters, as in your judgment may be most convenient for an embarkation at the proper time for the western frontier of Texas.

In leaving to your judgment to decide the route, it is intended that you choose the most expeditious, having due regard to the health and efficiency of the troops on reaching the point of destination.

The force under your immediate command at and near Fort Jesup to be put in motion on the receipt of these instructions, will be the third and fourth regiments of infantry, and seven companies of the second regiment of dragoons. The two absent companies of the fourth infantry have been ordered to join their regiments. Artillery will be ordered from New Orleans.

It is understood that suitable forage for cavalry cannot be obtained in the region which the troops are to occupy; if this be so, the dragoons must leave their horses and serve as riflemen. But it is possible that horses of the country, accustomed to subsist on meager forage, may be procured if it be found necessary. You will therefore take the precaution to order a portion of the cavalry equipments to accompany the regiment, with a view to mounted service.

The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande del Norte, such a site as will consist with the health of the troops, and will be best adapted to repel invasion, and to protect what, in the event of annexation, will be our western border. You will limit yourself to the defence of the territory of Texas, unless Mexico should declare war against the United States.

Your movement to the Gulf of Mexico, and your preparations to embark for the western frontier of Texas, are to be made without any delay; but you will not effect a landing on that frontier until you have yourself ascertained the due acceptance of Texas of the proffered terms of annexation, or until you receive directions from Mr. Donelson.

I am, sir, very respectfully, your obedient servant,

GEORGE BANCROFT.

To Brig. Gen. Z. TAYLOR, *U. S. Army, Commanding 1st Dept., Fort Jesup, La.*

So much for his evident misapprehension of the record. But the misapplication of it is even more unfortunate; for this order of June 15, 1845, thus misapprehended, is treated by the honorable gentleman as the report of the Secretary of War to Congress at the commencement of the session in December, 1845; when, in fact, it was not communicated to Congress until May, 1846, after the war was commenced. In December, 1845, Congress had not the opportunity to misapprehend or to misapply this order to General Taylor about his *ultimate destination.* They only knew what the President's message and the report of the Secretary of War explicitly stated—that General Taylor had been instructed to regard the Rio Grande as the western frontier of Texas, and to defend and protect the country west to that frontier. And this is all I have presumed to state; and it is to controvert this position that the honorable gentleman from Indiana has so enveloped himself in errors of fact and inference.

The importance of this position cannot be overrated; for Congress, thus explicitly acquainted with the policy and views of the Executive in regard to the defence of our southwestern frontier, engaged in further legislation, which, I have argued, affirmatively sanctioned the policy of the Executive, and *concurred* in treating the Rio Grande as the frontier of Texas. It is to this question of *concurrence* only that the position referred to was taken, and entirely apart from the rightful action of our Government, which treated the Rio Grande as our southwestern boundary. In this view of the case, the abstract order to march to the Rio Grande becomes entirely subordinate to the occupation of the country between the Nueces and the Rio Grande, west to the latter river, avoiding all Mexican settlements, and acting purely on the *defensive;* for Congress having once *concurred* in treating the Rio Grande as the frontier, the movements of troops between that river and the Nueces cannot be called *illegal and unconstitutional*, with or without the advice of the commanding general, which is only important incidentally with other considerations in indicating the wisdom and discretion of the Executive. And in this view only could I refer to it; and in this view I mean to reaffirm and maintain the position I have heretofore taken on this point, which the honorable gentleman from Indiana treats as an assumption equally unfounded with that of which I have just treated, and which not only violates the truth of history, but does cruel injustice to General Taylor. Sir, I will not only rescue history from such a champion as my friend from Indiana, but I will rescue General Taylor from the position which would do him no honor or credit. I should be embarrassed in performing this task, if I should attempt to excuse the gentleman from Indiana for the liberty he has taken with General Taylor's opinions and public despatches. Sir, if to answer the assumptions of my argument, or to place General Taylor before the country in a position which will enable the Whig party, without inconsistency, not to say self-stultification, to make him their party candidate for the Presidency, it be necessary thus to misapprehend and misstate his intercourse with the Government, I do not envy the ingenuity and courage of that gentleman who undertakes a task so little creditable to the political morals of our countrymen. On this point the gentleman from Indiana says:

"Now, sir, words are very significant things; and a single word misapplied often does great mischief. Other gentlemen have asserted that General Taylor *advised* the movement to the Rio Grande. Such was the argument of my friend and colleague over the way, [Mr. ROBINSON.] But I have heard nobody, except the gentleman from Maryland, [Mr. MCLANE,] say that he '*repeatedly urged*' it. This accusation does very great injustice to General Taylor, a gallant and well-tried soldier; for he never either '*urged*' or *repeated* his advice of such a movement. On the contrary, all the *suggestions* made by him upon the subject were [illegible]lified before the issuance of the order. Yet, notwithstanding

this, the gentleman says he 'repeatedly *urged*' the marching of the troops to the Rio Grande. Sir, it is not easy to mistake the true position of General Taylor in this matter. He never did *positively* recommend the occupancy of the Rio Grande valley. He wrote *hypothetically*, whenever he wrote to the department on the subject, always having reference to the '*ultimate* destination' of his army, as previously indicated to him by both Mr. Bancroft and Mr. Marcy. I repeat, therefore, that to represent him in a different position from that in which his published letters place him, is doing him great, very great injustice. If there is nothing in his position to do so, his distinguished services at the head of a gallant army should guard him against such accusations. It is but a poor reward for his toils now to be told, after he has braved the dangers of the camp and field to bring this war to an honorable termination, that he has interfered with the *political* policy of the Government, when the strict line of duty called him to another and a wholly different sphere. As a soldier, he has obeyed the orders of his Government; as a commander, he has covered himself with imperishable fame; but in neither capacity has he ever undertaken to prescribe a course of *political* policy for this Administration. He knows his duty too well, and I do not believe that he would swerve from its straightest line for power, patronage, or place."

Sir, the material issue here is simple—to wit: that General Taylor *advised, repeatedly urged* the advance movement of our troops from Corpus Christi further west to the Rio Grande, upon both political and military considerations. Now, sir, I will not exchange, at this moment, with the gentleman from Indiana, any opinion about General Taylor's political or military character. I shall respect him by confining myself to the question at issue. I shall maintain, by affirmative proof, the position I have already taken, and since assailed by the gentleman from Indiana. I will then make a more particular reference to the terms and argument in which that honorable gentleman would controvert my position. I read from the despatches of October 4, and November 7, 1845:

Extract of a letter from General Taylor, dated Corpus Christi, October 4, 1845.

"It is with great deference that I make any suggestions on topics which may become matter of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or two suitable points on or quite near that river. Our strength and state of preparation should be displayed in a manner not to be mistaken. However salutary may be the effect produced upon the border people by our presence here, we are too far from the frontier to impress the Government of Mexico with our readiness to vindicate, by force of arms, if necessary, our title to the country as far as the Rio Grande. The 'army of occupation' will, in a few days, be concentrated at this point, in condition for vigorous and efficient service. Mexico having as yet made no positive declaration of war, or committed any overt act of hostilities, I do not feel at liberty, under my instructions, particularly those of July 8, to make a forward movement to the Rio Grande without authority from the War Department."

Extract of a letter from General Taylor, dated Corpus Christi, Texas, November 7, 1845.

"SIR: I respectfully enclose a copy of a letter from Commodore Conner, commanding the home squadron, which I received by the 'Saratoga' sloop-of-war, on the 5th instant. The intelligence communicated by the Commodore will doubtless reach the seat of Government long before the receipt of this letter.

"The communication from the Secretary of War, dated October 16, was received and acknowledged on the 1st and 2d instant. I purposely deferred a detailed reply to the various points embraced in that communication until I could receive an answer to mine of October 4, which covered (at least in part) the same ground. *The intelligence from Mexico, however, tends to modify, in some degree, the views expressed in that communication. The position now occupied by the troops may, perhaps, be the best while negotiations are pending, or at any rate until a disposition shall be manifested by Mexico to protract them unreasonably.* Under the supposition that such may be the view of the department, I shall make no movement from this point, except for the purpose of examining the country, until further instructions are received. You will perceive, from my orders, that reconnoissances are almost constantly in the field, the officers of engineers and topographical engineers rendering valuable service on these duties. I refer you to the reports made by those officers to the chiefs of their own bureaus for the information which is thus procured in relation to the country. An examination of the harbor of Brazos Santiago will be ordered in a few days—as soon as a proper vessel shall become disposable for that service."

Here, sir, General Taylor being in possession of full instructions from his Government, informing him that the Rio Grande was our southwestern frontier, with orders issued before annexation, informing him (as I have shown by the order of June 15, 1845) that his ultimate destination, after the terms of annexation were accepted, would be that western frontier—with orders issued after these terms were accepted, reaffirming the original instructions, with qualifications in regard to isolated points and settlements in possession of Mexican authorities, and caution as to the defensive attitude he should maintain;—thus instructed, he advises the advance to the Rio Grande as a political movement, judicious and advisable, provided the Government meant to insist on the Rio Grande as their ultimatum; with which policy he had nothing to do, and in the adoption of which he shared no responsibility—it was for him only, as a faithful officer of the Government, to accept their policy and sustain it. He wrote, as he himself says, with deference, and hypothetically, upon topics not strictly pertaining to his military functions; but sull, sir, he wrote not the less explicitly or frankly, and I desire to add, *wisely*. Meanwhile, sir, General Taylor hears from Commodore Conner that Mexico had agreed to negotiate, and then General Taylor writes the despatch of November 7, 1845, in which he qualifies his recommendation for the forward movement, by expressing the opinion that "the position now occupied by the troops 'may perhaps be the best while negotiations are 'pending; *at any rate, until a disposition shall be 'manifested by Mexico to protract them unreasonably.*"

Sir, this disposition to protract them unreasonably was known to our Government on the 12th of January, 1846; and in this contingency, the counsel of General Taylor, in his despatch of October 4, 1845, becomes the counsel of General Taylor in his despatch of November 7, 1846; and thus, sir, the recommendation for a forward movement, advised in the despatch of October 4, is *repeated* in the despatch of November 7. So much for the *political or diplomatic* feature of these despatches. The concluding paragraph of the despatch of November 7, refers to the sanitary considerations involved in the military features of the campaign, and urges strongly upon the Government the advance of our troops before the warm weather should set in.

Sir, upon these despatches of October 4, and November 7, the honorable gentleman from Indiana thus comments:

"Now, Mr. Chairman, what does all this amount to? Does not the gentleman see that the *suggestions* of General Taylor were *hypothetical* merely? He had, as I have already shown, been informed, both by Mr. Bancroft and Mr. Marcy, that his '*ultimate* destination' was the Rio Grande; and *on the hypothesis* only that the army were destined by the Government to occupy that territory, he wrote to the Administration that *if it were to be done*, for certain reasons, it was better that it should be done at once. But as a *political* recommendation to this Government, General Taylor never did unconditionally advise that our army should be marched to the Rio Grande. I cannot consent that such an impression should be sought to be made, without denial; which denial I now make, and will not retract, without evidence greatly more than I have yet seen.

"Every word he has said on the subject, both in his letter of October 4th, and in that of November 7th, is *hypothetical* merely—only conditional upon the fact that the Government intended to pursue the policy which had been already indicated to him by the Secretaries of War and the Navy. But *hypothetical* as it was, it was qualified—withdrawn—taken back, if you please, in the letter of November 7th, in which he distinctly informed the Administration that he '*should make no movement*' from Corpus Christi '*until further instructions are received.*' Never did any man more explicitly declare his designs, and it is passing strange that they should be so wholly misconceived."

Here, sir, is the same confusion and misapprehension about the terms "*ultimate destination,*" which, as I have said, have no signification, except as it refers to the acceptance of our terms of annexation; the despatch in which it occurs telling General Taylor that this acceptance will take place about the 4th of July, on the happening of which his destination is the western frontier of Texas—the Rio Grande—on or near which he will take his position.

No one doubts, sir, that this counsel of General Taylor was entirely independent of the responsibility and policy of the Government, which treated the Rio Grande as the western frontier of Texas. No one doubts, sir, that it was *hypothetical;* and the *hypothesis* in question was the already settled *ultimatum*, that the Rio Grande was our western frontier. In this sense only did I ever refer to it. The merits of the original question, as to whether the Rio Grande was rightfully made our *ultimatum*, was not in any way connected with this counsel of General Taylor; nor did I so treat it. On the contrary, I vindicated this policy of the Government on its own merits, and argued that the whole Government concurred in adopting this policy. The counsel of General Taylor was referred to incidentally, and in a sense collateral to the main issue. This counsel of General Taylor had, in my mind, peculiar significance in meeting the argument of a very accomplished gentleman of my own State in the other wing of the Capitol, who considered that our whole Government—Congress and the Executive—had concurred rightfully in treating the Rio Grande as our western frontier; but that, as between the different branches of our Government, the President had sinned in lack of wisdom, in ordering the army to the Rio Grande. In this connection, the whole Government being rightfully committed to the Rio Grande as the *ultimatum*, the counsel of General Taylor relieved the President to that extent. His folly was shared at least by an eminent and judicious soldier, within reach of the enemy, who had been for months reflecting upon their disposition, and his own situation and responsibility. I can well understand that the gentleman from Indiana should be anxious to rescue General Taylor from all connection with this horrid march of the army from Corpus Christi to the Rio Grande—the last issue of the Whig party; for, what with the very independent relation now borne by General Taylor to all parties in this country, if he is to be separated from his new friends on this issue, how are they to seek a connection with him, without the humiliation referred to by the honorable gentleman from New York, [Mr. DUER,]—their dissolution? Taylor Whigs and Clay Whigs are alike anxious to shut their eyes to their own embarrassments.

I have felt, sir, that with such freedom as exists on the other side of this House, in characterizing the Executive expositions of the course and policy of the Administration as unworthy of credit, and stigmatizing in masses those who support this policy almost as *participes criminis*, with the imputation of error and argumentative as well as historical assumption laid at my door individually,—I have felt, I say, bound thus to present a full exposition, to rebuke (if I may so say) this somewhat ostentatious arraignment of my accuracy. Besides, sir, I do not choose to be made the occasion of calling out either *Clay Whigs* or *Taylor Whigs* to the vindication of General Taylor's character or judgment. I beg to assure my friend from Indiana that I do not need his assistance to enable me to do justice to General Taylor, which I am able to do without any fear of embarrassing myself here or elsewhere. This explanation is the more necessary, as my honorable friend from Indiana has been represented to my constituents as the *handsomest* and *most eloquent* man in Congress, who had riddled to flinders their young locofoco representative. My friend has been in Baltimore, and has heard something of the same kind from the fairest portion of my constituency. I concede to him, sir, the palm of *beauty* and *eloquence;* but I cannot consent to let him pass current as more accurate or truthful; he must permit me, on this latter branch of the comparison, to hold him to the "wager of battle."

Another assumption—and the second in order, as treated by the honorable gentleman from Indiana, to which he is pleased to take exception—consists, he says, in the position laid down by me in these terms:

"A reference to this act of admission of the State of Texas (29th December, 1845,) will show that it was the State of Texas that was admitted, with a constitution already formed, affirming the declaratory statutes which defined the boundary west to the Rio Grande; and with such boundary she was admitted a *State* into the Union."

To this the honorable gentleman objects, in the first place, that Texas herself, by her boundary statute of 1836, acquired no title. With this argument on this head I do not propose to interfere. Having stated it, he says:

"I repeat, therefore, that Texas having acquired no title by the act declaring her boundary to be the Rio Grande, none could have been conferred on the United States, if we had adopted that act. But we did not. In the constitution of Texas, with which she was received into the Union, and which was adopted after the joint resolution for annexation had passed, there was an express provision that all acts of her Congress were affirmed and continued in full force, *except those in derogation of the Constitution of the United States, or in violation of the terms of annexation.* Now, the joint resolution of annexation, as one of its most prominent features, contained a provision that the question of boundary should be left to be settled by negotiation. And if the question of boundary were to be settled by negotiation, how could this act of 1836 be otherwise than inconsistent with the joint resolution? That act fixed the boundary without negotiation, declared the Rio Grande to be the western boundary, and, as a matter of course, by the express terms of annexation, had no binding force upon the United States. Texas, herself, could not have regarded that statute as affirmed by her constitution; for, by excepting all acts in conflict with our joint resolution, she, in point of fact, repealed the act of 19th December, 1836. Such is the legal effect of her own constitution, solemnly made and ratified; and by its terms she must now stand."

I have but one word of comment here, and it is to suggest that I differ entirely with the gentleman

from Indiana in regard to the qualification in the constitution of Texas, under which he excepts the boundary statutes of 1836, as in derogation of the joint resolutions of annexation, which reserved to the United States the right to adjust the boundary question. This reservation merely conferred on the United States the right to cede to Mexico, in the exercise of the treaty power, a portion of the soil of Texas, if, in the exercise of that power, it should have been deemed advisable to fix on a boundary east of the Rio Grande, the then boundary of Texas, and so recognized in the joint resolutions of annexation, which provided for territory north and south of the parallel of 36° 30′—a parallel which, by reference to the map, it will be seen, would never have been reached if the Nueces river had been the western boundary of Texas—or, indeed, any intermediate river east of the Rio Grande; which latter, being the western boundary of Texas, has its source near the head of the Arkansas river, about the 39th parallel of latitude; thus suggesting to Congress the necessity and propriety of extending to Texas the principle of the Missouri compromise.

The only remaining issue presented by the gentleman from Indiana, to which I am called to reply, is that which has reference to the act of December 3, 1845, extending to Texas the revenue system of the United States. I stated, in explanation, to the honorable gentleman, that I understood the act of Congress only to constitute one collection district for the State of Texas, with a port of delivery at Corpus Christi, and an inspector of customs at Point Isabel, near the Rio Grande. In the face of this explanation, he affirms that—

"Congress did not intend, by these acts, to go beyond the point to which the jurisdiction of Texas extended at the time of annexation. That point was the county of San Patricio, which had been extended so as to embrace Corpus Christi and the territory immediately adjacent, but had never, at that time gone further."

And in a note appended to his printed speech, the gentleman from Indiana says:

"Since this speech was delivered, I have examined, and find the fact to be, *that no inspector of customs was ever appointed for Point Isabel.* The law did not authorize such an officer. The act of 31st December, 1845, provided for a collector at Galveston, and a surveyor for each of the ports of delivery. That of March 3, 1847, provided for a collector at Saluria, a deputy collector at Aransas, a deputy collector for Sabine, and for surveyors at the several ports of delivery created by that act—*all east of Corpus Christi.* By the Blue Book of 1848, I find that all the officers of customs appointed in Texas by the President, reside at Galveston, Velasco, and Sabine."

In reply to these truly unfortunate errors, I beg to refer that gentleman to the act of the Texan Congress, passed 24th May, 1838, extending the county of San Patricio to the Rio Grande; and to the records of the treasury, where he will find that Daniel S. Terry, on the 19th day of February, 1846, was nominated by the United States collector for the collection district of Texas, an inspector of customs for the port of Point Isabel; and on the 9th March, 1846, the nomination and appointment of Mr. Terry were approved by the Secretary of the Treasury. I beg to read the letter of appointment and confirmation:

COLLECTOR'S OFFICE, GALVESTON, *Feb.* 19, 1846.

SIR: I am informally advised that the United States forces, now stationed at "Corpus Christi," are under orders to remove to the "Brazos San Jago or Point Isabel." If such should be the case, it is apparent that it will be important for the protection of the revenue that an inspector of the revenue should be stationed at said point. If it should meet the views of the department, I respectfully recommend, as a proper person for that place, Daniel S. Terry, a young gentleman in whom every confidence may be placed.

Very respectfully, H. G. RUNNELS, *Collector.*

N. B. I am informed, since writing the above, that calculations are being made for the purpose of smuggling as soon as the army shall arrive at Brazos San Jago or Point Isabel. I shall await your instructions. I enclose a communication from the surveyor and inspector of the port at Corpus Christi for your consideration.

H. G. RUNNELS.

TREASURY DEPARTMENT, *March* 9, 1846.

SIR: The nomination of Daniel S. Terry as deputy collector and inspector of the customs, to be stationed at the "Brazos San Jago, or Point Isabel," submitted in your letter of the 19th ultimo, is approved, at a per diem compensation not to exceed $50 per month. As soon as the location of Mr. Terry is determined upon, you will please advise the department.

Very respectfully, your obedient servant,

R. J. WALKER,
Secretary of the Treasury.

H. G. RUNNELS, Esq.,
Collector of the Customs, Galveston, Texas.

The present incumbent of this same port is Mr. James Gooch, appointed, I believe, April 16, 1847.

In conclusion, sir, I have to say, while I regret that the honorable gentleman from Indiana should have appended to his speech this note of contradiction, so peremptorily stated, I have not the least idea that he desired to make any issue of veracity, or even oppose any unpleasant contradiction to a a statement of fact found in my speech. Still, sir, I would not be satisfied to let such an irregular statement of differences rest between us, when a simple reference to the official records of the Treasury Department, accessible to all of us, furnish the means of vindicating my own accuracy. With this view only would I detain the committee on this point; for I have no intention of going again into the merits of the argument which I presented in support of the position that Congress had extended our revenue system west to the Rio Grande. I well understand that it was over the *State of Texas*, in general terms, that the revenue system was extended; and the appointment of a *surveyor* at Corpus Christi, and an *inspector* or *deputy collector* for Point Isabel, both civil appointments, made regularly according to the existing laws of the United States, were referred to in explanation of the extent to which this revenue system was applied by the act of December 23, 1845.

Mr. McL. yielded the floor to Mr. THOMPSON just before the conclusion of his hour, expressing his regret that he had not the time to make the reflections he desired in regard to the Treasury estimates to which he had referred in the opening of his remarks.

Mr. THOMPSON, of Indiana, next obtained the floor, and the committee rose and reported progress.

Mr. POLLOCK moved to reconsider the vote by which the resolution yesterday reported by the Committee on Revolutionary Pensions by Mr. COCKE, declaring it inexpedient to extend to the widows of revolutionary officers and soldiers who were married prior to 1812 the benefits of the laws in force or which may be passed for the benefit of widows who were married prior to 1794, together with the report of the minority on the same subject, made by Mr. LAWRENCE, of New York, were committed to the Committee of the Whole.

Before the question was put,

The House adjourned.

IN SENATE.

WEDNESDAY, *March* 1, 1848.

The VICE PRESIDENT presented a memorial from the Legislature of Iowa, asking a grant of land for the purpose of making a road from Dubuque to Keokuk; which was referred to the Committee on Public Lands.

Mr. BREESE presented resolutions of the Legislature of Illinois in relation to a railroad from Lake Michigan to the Pacific, on Whitney's plan; which was referred to the Committee on Public Lands.

Mr. HOUSTON presented joint resolutions of the Legislature of Texas, protesting against the relinquishment of the Mexican provinces conquered by and in possession of the United States, without indemnity, and also protesting against any law to prevent the citizens of slaveholding States from taking their property with them in emigrating to said acquired territories; which were ordered to be printed.

Also, the petition of Manuel Ravena, asking compensation for the schooner Franciscan, seized by the United States marshal at Galveston, and sold for the benefit of the United States; which was referred to the Committee on Commerce.

Mr. JOHNSON, of Maryland, presented the petition of citizens of Baltimore and other inhabitants of the State of Maryland, asking for a reduced and uniform rate of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. DIX, from the Committee on Commerce, asked to be discharged from the further consideration of the petition of citizens of Portsmouth, New Hampshire, in relation to a specific duty on fish, and that the same be referred to the Committee on Finance.

Mr. SEVIER moved that the Senate proceed to the consideration of Executive business, which motion was agreed to; and at half past twelve the doors were closed, and remained so until a late hour. When they were reopened,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 2, 1848.

The Journal of yesterday was read and approved.

Mr. MARSH moved that the Speaker fill the vacancy on the Joint Library Committee, occasioned by the death of the Hon. JOHN QUINCY ADAMS. Agreed to.

The SPEAKER then appointed Mr. PALFREY, of Massachusetts, to supply said vacancy.

THE PRINTING OF CONGRESS.

Mr. CONGER, from the Committee on Printing, to which was referred the resolution of the House authorizing the printing of five thousand extra copies of the report of the Committee on Naval Affairs on granting to the Florida, Georgia, and Alabama Railroad Company alternate sections of land along the route of their proposed railroad, reported the resolution back to the House, with the recommendation that it be agreed to.

Mr. ASHMUN had nothing to say about that report, but he wished to take occasion to make some inquiry with reference to the condition of our public printing. It was said yesterday, and they all knew the fact, that the printing of the House was so much behind, that they were themselves not only greatly discommoded, but their constituents were deprived of the usual means of information on interesting and important public questions. For instance, the President's message and accompanying documents, to which they were each entitled to some sixty or seventy copies, were so far behindhand that only some twelve or fourteen had been laid on their tables. Requests were coming from all parts of the country for this valuable and important document, and up to this time not one-fifth of the number to which they were entitled had been printed or delivered to this House.

It did seem to him, that some measure ought to be adopted by the House either to discharge the present printers or do something to give an impulse to their action. He did not desire to make any trouble; he did not know what the obstacles were to the punctual fulfillment of their contract; it was not for him to know. They all felt the delay to be a great grievance; and he desired to know if some member of the Committee on Printing could inform them what reason could be given for it, and whether there was any prospect of its being removed for the future?

Mr. WENTWORTH said he was about to propound the same question; and he had hoped that the Committee on Printing would have done something long ere this to expedite the public printing. Supposing this were a short session: What would have been their condition? The 4th of March was just at hand, and they had scarcely begun to receive their documents. He was daily receiving letters from his constituents (and he presumed this was the case with nearly every member of the House) and from conductors of the public press, making urgent calls for these documents. The matter called loudly for reform, and it was high time that something should be done. He hoped the Committee on Printing would see to it. He was prepared at any time, if the public printing was not done faster than it now was, to vote for any resolution which would bring the documents, as they were due, and lay them on their tables.

Mr. CONGER said, so far as the President's message was concerned, he was assured by the printers that the number required would be furnished this week. Whether they would be or not he could not say. That was the latest intelligence the committee had received from the public printers. So far as the printing generally was concerned, he believed the experience of every man who had had a seat on this floor in former Congresses told him that complaints, continued and frequent complaints, in relation to the public printing, had been made. Whether those complaints were more numerous, whether they were better founded now than formerly, he could not say. But, in reference to the delay that existed in the public printing, he could only say that the printers had assured the committee, within the last few days, that they had so nearly brought up the printing of the documents ordered, that hereafter there would be no cause of complaint on the ground of delay.

Mr. WENTWORTH repeated the inquiry. Supposing this were a short session of Congress: What would be their predicament in relation to the public documents? Instead of being furnished

promptly in any reasonable time, day after day they were putting one of the President's messages on their tables, and, as had already been stated, three-fourths and more of those documents were behind at this late period. He had put a small bill on their table, and it was ten days before it was sent back printed.

Mr. CONGER replied that the committee were aware that there had been delay. This had been, in every instance, brought to the attention of the printers; and in every instance the printers had given the committee such assurances of the diligence made use of in their office, and of the great amount of labor expended in executing their duties, that they had been inclined to believe that they would in a short time bring up the printing of the House, and relieve themselves from the embarrassment which they experienced, and the inconvenience which members of the House suffered.

Mr. WENTWORTH would like to inquire of the gentleman if the Committee on Printing had examined the paper on which the documents were printed, and the amount of matter in the page, and compared them with the specimens on which the contract was made?

Mr. CONGER replied, he was happy to have the opportunity to answer the gentleman. That matter had been under the most serious consideration of the committee; the examination had been made. The committee were fully aware that the paper, as furnished thus far, had not been of the quality specified in the contract; and also, that the matter on the page was not sufficient to answer the stipulations of the contract. This subject had been under serious consideration; and although the committee had not come to the full determination as to what action they would take upon it, yet, in auditing the bills presented thus far, they had deducted a per centage on the compensation equivalent to the deficiency.

Mr. WENTWORTH was understood further to inquire if the printing of the Journal of the House was not behindhand to as far back as the 1st or 2d of January?

Mr. CONGER thought not so far back.

Mr. WENTWORTH. How far?

Mr. CONGER'S impression was that it was to about the 15th of January.

Mr. WENTWORTH suggested, if the contract had been violated or forfeited by the printer, that it was the duty of the committee to report the fact to this House at once, and they would take action, and summary action, upon it.

Mr. CRISFIELD was understood to inquire if the delay in the printing did not arise from the fact that the prices at which the printing had been taken, were at a rate for which the printing could not be done, and done seasonably, except at a loss?

Mr. CONGER said, so far as that matter was concerned, not being a practical printer himself, he could not answer from his own knowledge. There was on the Committee on Printing one practical printer, and he believed it was not improper in this place to say that that gentleman had expressed the opinion that the prices paid were too low.

But, so far as the general inquiry was concerned in relation to what the committee had done, and what the committee had determined upon, he could only say that the whole matter had been under their most careful investigation and consideration, and that the proper course of action had not been determined upon by them.

Mr. VENABLE wished to know whether the House were to be obliged to wait until the committee came to some conclusion? Were they to be kept out of their Journal a month and two months? Was the printing to be done so that they could scarcely read it, and upon a quality of paper so poor that no man would wish to preserve the documents? He had asked for bills again and again which had been ordered to be printed. They could not be had. The reply made was, that the contract was too low. Why, if this was the case, if the printers could not accomplish the work they had undertaken to perform, in the name of common sense, let the House give them up the contract—give them a clean receipt; let the public printing be well and promptly done, and let them pay for it like men.

Mr. HUNT said, that there was the same delay in printing the President's message and accompanying documents at the first session of the last Congress. Complaints were then repeatedly made, and particularly, it would be recollected, by the colleague [Mr. HUDSON] of the gentleman from Massachusetts, who now brought up the subject.

It should also be borne in mind that the documents this session were fifty per cent. larger than they ever had been before; and, in regard to the prices paid, the amount received by the printers of the last Congress, under the joint resolution of 1819, for the printing of the President's message and accompanying documents, (a document of 1,000 pages,) was $1 54; the present printers received for the same document, which was now enlarged to about 1,500 pages, about 50 cents—less than one-third of the former prices. He was in favor of paying an ample and sufficient price, but as long as the House were informed that the printers were prepared to go on and fulfill their contract, he thought it best not to afford them relief until they asked relief. There was no doubt in his mind that the printers would fulfill their contract; they were responsible parties, and, in addition, they had given ample securities. In passing from the old system to another, it ought to be expected that at first there would be considerable delays; these were unavoidable.

With reference to the quality of the paper: these printers had contracted for a large quantity of paper of the same quality as described in the contract; it was bought by sample; when they came to open it they found it of inferior quality, but could not get other paper, and had this on their hands. So they had been in a measure obliged to make use of it.

Mr. CLINGMAN wished to offer as an amendment an additional resolution, which was read at the Clerk's desk, and which instructed the Committee on Printing to investigate this whole matter of delay, and to inquire and report means for its remedy.

The SPEAKER ruled the amendment out of order.

Mr. ASHMUN said, he had not intended to make any unnecessary complaints in relation to the public printers. He had spoken of the manner in which they performed their work. He presumed they were respectable men, good printers, and competent to the discharge of their duties; but he desired to call the attention of the House to the fact—because it was his firm conviction that it would prove to be such—that they never could, and never would, make good their contract. They had undertaken a task to which they were not adequate, because at prices which were incompetent. He had no idea, because they did not come forward and ask for relief, that this House should sit still and subject itself to all the inconveniences growing out of their neglect of duty. He thought the time had come when they should be relieved from the evil consequences of this delay.

Mr. HUNT here interposed with a word of inquiry, which was altogether lost to the reporter; to which

Mr. ASHMUN replied, that he recollected no such thing, nor did he think the gentleman accurate in his recollection. There had been some complaint at the first session of the last Congress, as there always was some complaint. He remembered full well his colleague at that time made some complaint in reference to the President's message, as referred to by the gentleman from New York, but that complaint was made before the 1st of January—was made in December, according to his recollection. At all events, there certainly had never been any such delay as they had had at the present session of Congress. He was satisfied, that under the present system, which had been adopted as an experiment, they would always be subject to delay; and although the printing was done cheaper, he thought it poor and miserable economy. He therefore hoped the House would take some measure—he did not know what—he hoped no rash measure—by which they and the country would be relieved from the inconvenience and injury under which they now labored in failing to receive important public documents.

Mr. WENTWORTH was in favor of the contract system. He believed the printing could be executed under that system, if they held men to their bonds; and they had a Committee on Printing purposely appointed to see if the public printers complied with their contract. If they did not in one single instance, let the committee report it, and let the House turn them out and take the next lowest bidder; and if he failed to do what he undertook, let him be turned out and the next lowest bidder be contracted with, and soon they would find men who could do the printing and have the documents promptly laid on their tables. He had only further to remark that it was for their own convenience and for the interest and information of their constituents that they ordered the printing of these documents, and not for the benefit of the printers.

Mr. PALFREY had been somewhat surprised that in all the debates on this subject the question had not been made whether the public printers had or had not exercised all the diligence they properly could? If there were any means of examining into that question, let it be done. But their comfort and the interests of the country required that their attention should be given to a very different question; their capacity for action day by day, and through that, the interests of the country, required that the printing should be promptly done. He cared not about these printers or any others; he cared not about a little more or a great deal more being paid, but he did demand, in behalf of his constituents and of the constituents of other gentlemen, that this work should be properly and seasonably done. How that was to be accomplished he did not know; that was to be attended to by the Committee on Printing.

One other topic of great, though perhaps of inferior importance. The documents of this House were objects of curiosity and interest in foreign countries. The printing of this House had always, to the best of his knowledge and belief, been executed in the most discreditable manner—he did not say discreditable to those engaged in it; for aught he knew, they furnished all the documents in as good a style as they could afford to do at the rate at which they had been paid for the printing. If they could not get the printing done better at the rates heretofore given, double, triple, quadruple the price; but he entreated the House not to disgrace itself by sending out their documents in such a manner, to not only the people of this country, but to foreign courts and libraries, and the archives of foreign governments. As the printing had been done, it was a reproach to these great States. It had been so executed that he could hardly read it. He was of opinion that this Government should send out its documents as correct specimens of the art of printing.

Mr. BURT rose to a point of order. The proposition before the House, as he understood it, was a motion to print a specified number of a certain document which had come to the House from one of its committees. He did not understand it to be a proposition in relation to the manner in which the public printing was executed, and he therefore submitted that this debate was irregular and out of order, and he felt it to be his duty to arrest it unless it was in order.

The SPEAKER was understood to say that the motion was for the printing of an extra number of copies, and it was in order to examine the probability of obtaining them.

Mr. PALFREY said his apology, if he had taken too wide a range, was, that when he came into the House, the question had been started, and he had made his remarks rather on topics which had been raised by other gentlemen who preceded him in debate than on the question, of which he was ignorant.

The question was put on agreeing to the report of the Committee on Printing, and it was agreed to.

EXAMINERS IN THE PATENT OFFICE.

The SPEAKER announced as the business first in order the bill to provide additional examiners for the Patent Office and for other purposes, which was reported on Tuesday last with amendments, and which was pending yesterday when the House resolved itself into Committee of the Whole.

The question being on ordering the bill to be read a third time—

Mr. McCLELLAND moved to amend the bill by striking out "$2,500" as the salaries of chief examiners, and inserting "$2,000," and moved the previous question.

Before the demand for the previous question was seconded, Mr. HENLEY made a few remarks in explanation.

The previous question was then seconded; and under its operation the amendment was agreed to,

and the bill read a third time, passed, and returned to the Senate.

REPORTS FROM COMMITTEES.

Mr. CROZIER, from the Committee on Expenditures in the Department of War, reported the following resolution; which was read and agreed to:

Resolved, That the Committee on Printing inquire into the propriety and expediency of printing 10,000 extra copies of the abstract of contracts reported from the War Department and presented to the House on the 26th of January last.

Mr. CONGER, from the Committee on Printing, reported the following resolution; which was read and agreed to:

Resolved, That there be printed the usual number of the report and maps of Lieutenant Emory, containing the report of Captain Cook, the report and maps of Lieutenant Abert, and the journal of Captain Johnson, as the same were transmitted to the House by the Secretary of War on the 9th of February, 1848.

Mr. C. J. INGERSOLL, from the Select Committee on Rules, made a report proposing amendments to the 4th, 30th, 56th, and the 114th rules; which were read, considered, and agreed to.

Mr. MURPHY, from the Committee on Engraving, to which was referred the question of engraving and publishing the maps and drawings accompanying the report of Lieutenant Abert, 10,000 extra copies of which had been ordered to be printed by the House, reported the following resolution, which was read and agreed to:

Resolved, That one copy of the said map and drawings be engraved and attached to each printed copy ordered by the House.

Mr. MEADE, from the Committee on the Judiciary, reported a bill to change the time of holding the district court of the United States for the western district of Virginia, and for other purposes. Read and committed.

Mr. VINTON moved the usual resolution closing all debate in Committee of the Whole on the bill making further appropriations to supply deficiencies for the fiscal year ending June 30, 1848, to-morrow (Friday) at two o'clock. Agreed to.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following communications:

A communication from the Secretary of the Treasury, transmitting, in compliance with the provisions of the 3d section of the act to carry into effect the treaties concluded by the Chickasaw tribe of Indians on the 20th October, 1832, and the 24th May, 1834, a statement of the respective funds on account of said tribe for the year 1847. Laid on the table.

A communication from the Secretary of War, transmitting a report, made in pursuance of an act of 1st May, 1820, showing the balances of appropriations under the direction of that department remaining in the treasury on the 1st of July, 1846, the appropriations made for the fiscal year 1846–7, with other information upon the same subject. Laid on the table.

A communication from the Secretary of the Treasury, transmitting a report of the names and compensation of the clerks and other persons employed in that department during the past year. Referred to the Committee on the Expenditures of the Department of the Treasury.

A communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the House of Representatives of January 13, 1846, a statement showing the number and compensation of clerks and other persons employed in that department during the last year, together with their places of residence at the time of appointment. Laid upon the table.

A communication from the Postmaster General, transmitting specific estimates of the sums of money expected to be required for the service of the department during the next fiscal year, prepared in obedience to the 2d section of the act of July 2, 1836. Referred to the Committee of Ways and Means.

A communication from the Postmaster General, transmitting a report of the disbursing agent of that department, exhibiting a detailed statement of his receipts and payments during the calendar year 1847, and the balance on hand. Laid upon the table.

The SPEAKER laid before the House the following letter:

WASHINGTON, *February* 28, 1848.

The undersigned has devised a plan for taking the yeas and nays, by which much valuable time and consequent expense may be saved to the Government.

A small cabinet, called the register, is attached to the Clerk's desk, within which the present printed list is placed, having opposite to each name the words yea, nay. From this wires lead under the floor to each desk, and there connect with two keys, inscribed yea, nay. On touching the one it causes a piston to rise in the register and cut out the word not voted. The vote of the whole House is given simultaneously, without the possibility of mistake or failure. Ten or more impressions may be taken at the same instant, each of which may be duplicated by the copying press, thus enabling the Clerk to accommodate all the reporters.

Less than a minute is sufficient, but on important questions five or ten minutes, according to the pleasure of the House, may be allowed to let all the members reach their seats.

The apparatus may be put up in the Hall in the course of a few weeks, without interfering with the session, at a cost of $3,000.

An operative model is now here, which he would be happy to present before a committee. Very respectfully,

FRANCIS H. SMITH, *of Baltimore*.

Hon. R. C. WINTHROP,
Speaker of the House of Representatives.

After conversation between Messrs. J. R. INGERSOLL, WENTWORTH, and HOUSTON, of Delaware, the letter was referred to the Committee on Public Buildings and Grounds.

The SPEAKER presented a letter from Alexander Vattemare, a citizen of France, enclosing his memorial asking aid of Congress in perfecting his system of international exchanges of books, maps, engravings, &c. The memorial was referred to the Committee on the Library.

DEFICIENT APPROPRIATIONS.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the State of the Union, (Mr. HUNT, of New York, in the chair,) on the bill further to supply deficiencies in the appropriations for the fiscal year ending June 30, 1848.

Mr. R. W. THOMPSON said, that nothing was further from his wish or design than to make a speech pending the consideration of this bill, nor should he now do so were it not rendered necessary by what was said on yesterday by the gentleman from Maryland, [Mr. McLANE.] That gentleman's remarks had so direct a reference to him, (Mr. T.,) that if he passed them by without notice, it might be supposed that he intended to treat him uncourteously. Nothing was further from his wish.

The gentleman from Maryland [Mr. McLANE] seemed to think that he (Mr. T.) was his rival on this floor. He understood him to say that it had been so asserted in the Baltimore district. He claimed to be neither the rival of the gentleman from Maryland nor of any other member of this House, nor to be the especial defender of the truth of history. He professed to be only a plain man, the representative of a plain people, of whom he was proud, and who had confided to his hands a trust which he should endeavor to perform truly and faithfully. They had charged him with a participation in the duties of this House, and he could assure the gentleman, that without reference to the superiority of any one member here over another, he should discharge those duties with a just and full sense of all his responsibilities. He came here not to enter the field of gladiatorial combat with the gentleman from Maryland nor any other member of the House, nor to shrink from the task of defending his position, or the interests of those who sent him, or to defend the truth of history, whenever in his own judgment it became necessary and proper. The people of his district knew full well, before he came, of the desire on his part to exercise, so far as he could, every possible degree of instrumentality to bring the Government back to the true principles of the Constitution, and to terminate successfully, speedily, and honorably, the present unnecessary war into which the country had been unconstitutionally plunged by an ambitious and imbecile Executive. These duties he trusted he should perform in a manner becoming to himself as an individual and as a member of this House.

The gentleman from Maryland [Mr. McLANE] had also told the committee that he (Mr. T.) was, in the Baltimore district, supposed to be his rival, not only in those things which were understood to be essential to a public debate, but was also his rival in *personal beauty!* With the most modest and becoming pretensions to personal comeliness, he would say to the gentleman that in that, too, his position was wholly misconceived. For his own part, he could not imagine how, by possibility, the personal appearance, either of the gentleman or himself, could have any relation to public questions pending before this House, unless it was that, in the district represented by the gentleman, the personal appearance of a member of Congress was deemed to be of the greatest importance. [Laughter.] If such were the fact, he now frankly and willingly yielded the palm to the gentleman. And if, hereafter, a doubt should anywhere exist, whether the gentleman or himself was the *handsomest man*, he desired the question to be forever settled, that the gentleman from Maryland was, without dispute, the best looking man in the present Congress! [Laughter.]

Mr. T. said he should now proceed briefly to notice what the gentleman from Maryland called the issue of fact between them. He trusted the gentleman did not regard it as a question of veracity, for, as he understood it, it was simply one of construction, involving merely the interpretation of certain language. In the meaning to be attached to this language, the gentleman and himself had differed, and that difference had led to this debate. He thought that, before he should close, he should be able to convince the committee, and, perhaps, the gentleman himself, that all the material parts of his speech, to which the gentleman had on yesterday attempted a reply, so far from being weakened by that reply, were fortified and strengthened. And he thought he should also be able to show that the gentleman had, in fact, replied to his own speech, heretofore made, and had refuted some of the main positions he had there taken.

What was the original point of controversy, to which the gentleman returned on yesterday? In the speech to which his (Mr. T.'s) former one was a reply, it had been asserted that it was communicated to Congress in December, 1845, that General Taylor had been "assigned to the defence of the country west to the Rio Grande." He had said, and he should now repeat it, although not at all necessary to his present design, that no such communication had been made to Congress. He then showed, by reference to the President's message of December, 1845, that the President did not communicate it; that he merely informed Congress that General Taylor had been ordered to take position *between* the Nueces and the Rio Grande, and that everybody knew at that time, that the point occupied by him was Corpus Christi. Nowhere was it said by the President that General Taylor had been ordered to the Rio Grande, or to *defend* the Rio Grande, or to maintain it as the boundary of Texas. But, that the Administration might have the full benefit of the admission, (if it were, in fact, an admission at all,) he had further stated, that the Secretary of War, in his communication to Congress, in December, 1845, did avow that his *ultimate purpose* was the defence of the territory of the Rio Grande, and the maintenance of that river as the boundary of Texas. He did not then pretend to quote the words of the Secretary of War. He merely undertook to state the substance of his report upon that particular point, and to show that even the Secretary had informed Congress of no such fact as that General Taylor had, *at that time*, been "*assigned* to the *defence* of the country west *to* the Rio Grande." The gentleman from Maryland [Mr. McLANE] did, however, on yesterday, insist that he (Mr. T.) was guilty of both the sin of omission and of commission, in misstating some portion of the history of these events, and in failing to state other portions of it. And, in order to make good his charge, he had found it necessary to assert that the Secretary of War *did not* report to Congress, as he (Mr. T.) had admitted, which admission he had made with the sole view that he should do no injustice to the Administration. Now, it was not important to his (Mr. T.'s) original argument, nor was it now important to him whether the Secretary so reported or no; for if he did *not* so report, and the President did *not* so report, then Congress was not informed, as the gentleman had asserted, that General Taylor had been "assigned to the defence of the Rio Grande:" Does not the gentleman see, therefore, that his argument of yesterday is a complete refutation of that made in his original speech; and that while he has insisted, in the one, that this information *was* given to Congress, he has insisted, in the other, that it *was not*. He will find it difficult to extricate himself from this contradiction *of himself*.

Mr. T. said he had conceived it to be important to know, whether or no, at the session in December, 1845, Congress had knowledge of the fact, that General Taylor had been ordered to advance

the army to the valley of the Rio Grande, or whether or no the President designed to give such order. This was one of the questions of the present controversy; and he did not hesitate to repeat, what he had heretofore said, that no such order was made known to Congress and the country, and that, if such an order were then contemplated, it was known only to the Executive and those to whom his secrets were confided.

Mr. McLANE desired to explain; and Mr. THOMPSON having yielded the floor for that purpose, he said, that the gentleman from Indiana, [Mr. THOMPSON,] in his original speech, had undertaken to controvert the point that General Taylor was assigned to a position for the defence of the territory west to the Rio Grande; but that he now undertook to answer a position which he [Mr. McLANE] had not taken—which was, that the President had ordered General Taylor to the Rio Grande.

Mr. THOMPSON continued. He said he would explain the gentleman's true position by reference to his first speech, and insisted that he should abide by what he had there avowed. He read from that speech, to show that the gentleman had argued that the act of Congress admitting Texas into the Union, and consummating annexation, had adopted the Rio Grande as the boundary of Texas, because it had been communicated to Congress before that act was passed, that General Taylor was "destined to defend and protect the soil of Texas," the "western frontier" of which was the Rio Grande. How did the gentleman reach this conclusion? Was it by merely setting up the claim to the Rio Grande, with the purpose of *ultimately* pressing it to consummation, that we were to derive title? If the claim were a good one, why had it not been asserted at once, and without delay? If the Rio Grande was the "western frontier" of Texas, why had General Taylor been sent only to the Nueces, when the avowed object of the Government was the protection of that frontier? Did not the gentleman see, that the annunciation of the design—whether by the President or Secretary of War—of *ultimately* going to the Rio Grande, could have no reference whatsoever to any legislation predicated upon the then existing state of things, and which was had before any attempt was made to carry that design into execution? But the force of the gentleman's answer to this is, that the legislation of Congress adopted the intention of the Executive, and made it a part of the law of the land. Why, sir, (said Mr. T.,) there is no sort of justification for such a process of reasoning, if, indeed, it can be called reasoning at all. The President, through the Secretary of War, avowed the design of *ultimately* occupying the valley of the Rio Grande as the western boundary of Texas; but Congress, by the joint resolution of annexation, had expressly disavowed the intention of involving the Government in such a movement. That resolution provided, that the boundary between Mexico and Texas should be settled *by negotiation*, not by the partisan resolves of Mr. Polk and his Cabinet. It was binding upon the President and the country, and the violation of its provisions by the President was a flagrant and palpable dereliction of duty. And for such an act of usurpation and wrong, there was not found the slightest apology in what was set up in the original speech of the gentleman from Maryland, [Mr. McLANE,] nor were the inferences of that speech at all justified by the facts from which he had attempted to deduce them.

The whole point of controversy was a plain and simple one. Did Congress know, when the resolution to annex Texas was passed, that General Taylor had been ordered to march to the Rio Grande? The gentleman from Maryland had said, in his first speech, that Congress did know that he "*had been assigned to the defence of the country west to the Rio Grande.*" How he could be "assigned to the defence" of the valley of the Rio Grande, and yet have no authority to march there with his army, Mr. T. acknowledged his utter inability to comprehend. He had supposed that the gentleman's language was capable of just the interpretation which he had given it, and he still thinks that it is so. He does not know of any rule of interpretation other than that which gives to the gentleman's words the meaning he has attached to them. And understanding them as he did when he made his former speech, and as he still does, he then said, and again repeated, that no such information was communicated to Congress either by the President or the Secretary of War. If it had been, then he agreed that the act admitting Texas into this Union would have adopted the Rio Grande as the boundary, and there would have been no necessity for the subsequent order of the 13th of January, 1846. The issuance of that order by the President shows that he did not regard any previous one as giving General Taylor authority to go beyond Corpus Christi; and the letters of General Taylor show that he did not intend to go beyond there until positively ordered by the Government to do so. If left to himself, he never would have marched the army to the Rio Grande, but would have been content to guard what, at the time he marched to Corpus Christi, was understood and known to be the *western frontier* of Texas—just as he had formerly done on our own frontier at the posts upon the southwestern border. But he did not care to press this part of the controversy further. He had already taken up more time with it than he had wished or designed.

The gentleman from Maryland had fallen into error as to what he supposed was his (Mr. T.'s) use of the words "*ultimate destination;*" and had read from the annual report of the Secretary of War to show that no such words had been employed by him. He (Mr. T.) had already said that he had not designed to quote the words of the Secretary of War in that report. His object was merely to state the substance of what he had communicated to Congress. He knew perfectly well that the term "ultimate destination" was first used by Mr. Bancroft in June, 1845, in his despatch from the War Department; and that this despatch was not communicated to Congress until after the war had commenced. It accompanied the war message of the President of the 11th of May, 1846. But, although not employed, in December, 1845, by the Secretary of War, it was perfectly apparent, from what he had said, and what the President had said, that it was the design of the Administration that its ultimate policy would be the occupation of the valley of the Rio Grande. It was also apparent, from General Taylor's letters, that he understood this design. Yet, while all this was so, and the purpose of going to the Rio Grande was thus foreshadowed, it was, beyond question, true, that Congress had no information that any steps *had then been taken* to execute this design. That being the case, any attempt to do so, with the resolution of annexation still in force, was a violation of the express terms of that resolution, and placed the President in the attitude of judging for himself what he should do, wholly irrespective of Congress and the people. As Congress determined that the question of boundary should be settled *by negotiation*, the President had no right to settle it in any other way; and it was a flagrant outrage upon the rights of the people, when he usurped the power to determine where the boundary should be, and to maintain it by the sword. All that he (Mr. T.) had insisted on was, that the President had resolved that he would so maintain it, at the time he communicated to Congress his message of December, 1845; but that he had not so declared this purpose as even to cause the suspicion, upon the part of anybody not familiar with his Cabinet secrets, that he intended to move the army to the Rio Grande without the authority of law. Certainly he had made no effort to move it there until the order of 13th of January, 1846; and that order, issued when Congress was in session, and without its knowledge, violated the act of annexation, the Constitution of the United States, and was an unprecedented assault upon the rights of the people.

The gentleman from Maryland [Mr. McLANE] had also stated on yesterday, that he (Mr. T.) had fallen into error in regard to the extent of the county of San Patricio. He (Mr. T.) had asserted, that before the independence of Texas, the county of San Patricio extended only to the Nueces river; but that afterwards, it had been extended so as to embrace Corpus Christi. The gentleman said, on yesterday, that, by an act of the Texan Legislature, passed in 1842 or 1843, it was extended to the Rio Grande. This was in confirmation of what he (Mr. T.) had said. The point to which this county was extended, after Texan independence, was in no way material. The only question was, whether the revolutionary title of Texas extended beyond the Nueces? The fact now stated by the gentleman from Maryland proved that it did not extend beyond the Nueces. If it had, wherefore the necessity of passing an act of the Texan Congress to extend it beyond that point? The truth was—and the gentleman's argument yesterday was an admission of it—that Texas has no title beyond the Nueces, except that which she has acquired since her revolution, by her own legislation. This is no title at all, as he (Mr. T.) had shown in his former speech; for Texas had never maintained jurisdiction beyond the settlements around Corpus Christi, except that jurisdiction which she had been able to maintain since the war began, by the military power of this Government. Whatever rights thus acquired, are the rights of a conqueror, under the law of nations, and subject to determination at the close of the war.

The gentleman from Maryland—passing to what he seemed to regard as the most important part of the controversy between them—had insisted with great earnestness that he was right in that position, in his first speech, wherein he charged that General Taylor, in his letter of October 4, 1845, had *advised* the movement to the Rio Grande as a measure of *political* and *diplomatic* policy. He (Mr. T.) intended to have no quarrel with the gentleman as to the meaning either of the term *political* or *diplomatic;* but he did before, and he now did again, and should hereafter repeat it, if it became necessary, take issue with him on the point whether or no General Taylor did intend to make a *political* recommendation to the Administration. He confidently appealed to the often-expressed opinion of General Taylor on that subject, and was fully prepared to maintain, as he had before done, from those expressed opinions, that he never intended to make, and never did make, any recommendation of a *political* character to this Government. Every word that he said had exclusive reference to what he understood to be the fixed policy of the Administration, whose orders he, as a military commander, was bound to obey. What did he, or could he, know of the secret designs of Mr. Polk and his Cabinet? And if he had known them, what sympathies had he with them or those who cherished them? Did he participate with Mr. Polk in the wish to ingulf the whole of Mexico, and to wrest from it any portion of its territory? Was he so fond of war that he thirsted for Mexican blood? Did he know the true nature of our relations with Mexico? Had he been informed of the instructions to Mr. Slidell, which the President now refuses to communicate to us, the representatives of the people? General Taylor's whole life, and all that he has written and said on the subject of this war, prove beyond controversy, that he took no part in the Presidential counsels, and that he had no intention of advising the movements of the Administration. It was wholly out of his line of duty to do so. As a military commander he had nothing to do with the Government policy of settling boundary lines or acquiring territory. His duty required him to defend the country to its just and true limits, and to go beyond those limits only in the event of being ordered to do so by the superior power of the Government. He did go, not pursuant to any *political* or *diplomatic* policy which he had recommended, but in subordination to the President of the United States, who, as commander-in-chief of the army, had ordered him to do so.

If the order of the 13th of January, 1846, were a rightful order, if it were given according to law and the Constitution, if the public interest required that it should be issued, and if it were necessary to the maintenance of the honor or rights of the country, why is it that the gentleman from Maryland and other defenders of the President, labor so hard to relieve the President from the responsibility of issuing it, and to place it upon the old hero of Buena Vista and Monterey? If there is so much patriotism in the advocacy of the war and its continuance until Mexico is entirely subdued, why are the President and his friends so desirous to shrink from the honor of having brought it on? That is, he could assure the gentleman, not the way in which General Taylor does his work. It was his rule to "ask no favors, and shrink from no responsibility;" and he (Mr. T.) thought, that by firmly maintaining this rule of conduct, as he believed he would, he would yet express himself so fully in regard to this war, that there would be no mistaking his sentiments. Gentlemen here will find themselves wholly unable to persuade the country that *he brought on the war*. The mind of the country

is already made up on that question. And being made up, it is convinced of the unkindness with which gentlemen are here treating General Taylor, by insisting that he was the cause of the war, when they know full well that he only marched from Corpus Christi when ordered to do so by the President, and declared to the Administration that he would not march until he was so ordered.

He (Mr. T.) did not perceive the present importance of it, but the gentleman from Maryland (Mr. McLane) had also asserted on yesterday, that while General Taylor was in Louisiana, he was ordered not to march into Texas before her annexation was consummated. He could scarcely refrain from smiling when he heard the gentleman make the remark.

Mr. McLANE desired to explain. He had not said, before her annexation was *consummated*, but before the people of Texas had given their assent to the terms of annexation proposed to them.

Mr. THOMPSON continued. He confessed that he had not sufficient acuteness of discrimination to understand the difference between that acceptance and actual annexation. Whenever Texas accepted the terms of our joint resolution, she became, to all intents and purposes, as much a part of this country as she is now; and the President was just as much bound to defend her, to her true limits, after that was done, as he was after she was admitted as a State into the Union.

Mr. McLANE again interrupted Mr. T. What he said was not distinctly heard, but was understood to be a repetition, in substance, of what he had said when last up.

Mr. THOMPSON continued. General Taylor was ordered by Mr. Donelson, on the 28th of June, 1845, to march into Texas and take position at Corpus Christi. Now, he would thank the gentleman to tell him how this order of 28th June could have reference to a contingency that must depend on a popular act, afterwards to be performed? Texas did not consent to come into this Union until that consent was given by her convention which met on the 4th of July, 1845. General Taylor was instructed to march into Texas *before* that acceptance. The order to march there was given pursuant to the instructions of this Government. It was therefore true, beyond question, that there was a hot haste about this thing which had plunged the nation into all its present difficulties.

Mr. T. would now proceed to notice that part of the gentleman's speech which had reference to collection districts in Texas, upon the facts in regard to which the gentleman from Maryland and himself were at issue. That gentleman had at first said that Texas had, by an act of Congress, been divided into *two* collection districts, the western boundary of one of which was the Rio Grande. He had, on the other hand, shown, by the law itself, that the whole State of Texas constituted but one collection district, of which Corpus Christi was the extreme western limit. After his former speech was made, he had looked into the reports from the Treasury Department, had examined the Blue Book, and every other source of information upon which he could lay his hands, and had been unable to find any other reference to this district than that which he had made in his speech and in the note attached to it. Nowhere in any public document or in any book, could he find the appointment of an inspector of customs at Point Isabel. He had therefore stated, that no such officer had ever been appointed. What the Administration may or may not have done since the war begun has nothing to do with the question; for it has now appointed officers of the customs in many of the ports of Mexico. These appointments are made by virtue of rights claimed by the President as a military conqueror. But there is no *public* record of any *civil* appointment of an inspector at Point Isabel made either before or since the war began. He has, at all events, searched for and has been unable to find any such; and he does not believe that any such can be found. He has heard, some time ago, that there is a *military* inspector of customs at Point Isabel, but no such *civil* officer of this Government there. He does not know how the fact is; but he does know, that if the President or the Secretary of the Treasury has appointed such a civil officer there, it has been done without authority of law, as it is not within any collection district of the United States. And he also knows, that if such appointment has been made, no report of it has been made heretofore to Congress or the country. It has never been officially communicated, nor had he, or the House, or the country, received any public notice thereof until the gentleman from Maryland read some letters here, on yesterday, which he had obtained at the office of the Secretary of the Treasury. There was something very singular, to his mind, about this mode of conducting public business; but it seemed to be a favorite mode with this Administration. When he (Mr. T.) had spoken, in his former speech, of the order to General Taylor to march to the Rio Grande having been given before the President knew that Mr. Slidell was rejected, he had been told by the gentleman from South Carolina [Mr. Rhett] that the fact of Mr. Slidell's rejection was communicated to the Government in a paper which had not yet, even to the present day, been made public. He then asked the gentleman from South Carolina where he had procured a sight of that paper, and his response was, that he had seen it, but a day or two before, in the Department of War. He repeated, that it is a most singular mode of proceeding, that the Government should have certain documents which ought to be public, reserved for only the sight of the friends of the Administration, when nobody else knew their contents, to be used here just as the occasion might require. That was precisely the character of the information yesterday communicated by the gentleman from Maryland in relation to an inspector at Point Isabel. But, notwithstanding it was thus, for the first time, made public, it proved nothing more than what he (Mr. T.) had already said—that this inspector was a *military* officer. The letter from the collector at Galveston to the Secretary of the Treasury, which the gentleman had read, was dated February 19, 1846, *more than one month after General Taylor was ordered to the Rio Grande*. His letter recommended an inspector to be appointed at Point Isabel, and gave as a reason therefor that he had been "advised that the *United States forces* now '[then] stationed at 'Corpus Christi' are [were] '*under orders to remove*" there. This shows that the necessity of this appointment was occasioned by the movements of the army, and that the appointment was a *military* one. Under this recommendation, it was made by the Secretary of the Treasury, on the 9th of March, 1846, nearly *two months after* General Taylor had been ordered to the Rio Grande. Here, then, was a solution of the whole matter. The inspector was a military officer, not responsible to any law of the United States, but alone to the President and the Secretary of the Treasury. He had no doubt that, if the whole truth could be got at, it would turn out, that at this day, the customs were collected there under the military orders in council and the tariff of duties which the President and his Secretaries had caused to be issued. By the same authority they had appointed collectors and inspectors at Vera Cruz and Tampico.

Mr. McLANE (Mr. T. yielding for explanation) would state to the committee and to the gentleman from Indiana, who seemed to have forgotten what the law of the land was about inspectors of customs, that the laws of the United States required the collector of a district to nominate the inspector, and that he should be confirmed by the Secretary of the Treasury. That was a civil office, known to the laws of the land; and that civil officer was at Point Isabel But (he was understood to say) no such civil officers were at Vera Cruz and Tampico; they were military officers.

Mr. THOMPSON continued. He presumed he knew, perhaps as well as the gentleman himself did, that, by the acts of Congress of 1799 and 1804, the power to appoint inspectors was given to the Secretary of the Treasury, upon the nomination of the collector. But that did not, in any manner, change this question. This is a question of power. Had either the President or his Secretary of the Treasury the power to act in defiance of an act of Congress, which pointed out where these officers should be located, and appoint an officer beyond the limits fixed by law? Had either the President or his "chancellor of the Exchequer" the civil power to act upon the nomination of an inspector from a collector at Monterey on the Pacific? or could they, by virtue of any civil authority, order an officer of the United States to reside there? He repeated that the whole question was one of power. Neither the President nor the Secretary of the Treasury had the power: they acted alone under military authority.

He (Mr. T.) thought he had now shown the committee, and the gentleman from Maryland, that so far from weakening any position which had been taken by him, (Mr. T.,) in his original speech, every single one had been strengthened and fortified by the argument of the gentleman on yesterday. That which the gentleman seemed to consider the most important difference between them, could not now but be fully understood: he meant the appointment of inspector at Point Isabel. He would repeat, that there might be no mistake as to his position, that if the Secretary of the Treasury, by virtue of the military power given him by the President, had thought proper to appoint such an officer, it had been done in defiance of law, and the country had no information of it in any part of the public history, until it was furnished to the gentleman from Maryland in a private letter from the Secretary of the Treasury.

Mr. McLANE. Private?

Mr. THOMPSON said he meant a letter addressed to the gentleman as a member of this House.

Mr. McLANE said it was a copy from the record.

Mr. THOMPSON continued. It was a copy from a record of which neither this House nor the country had any information whatsoever, until it was brought here by the gentleman himself, and read in his speech on yesterday. It was furnished him privately, by the Secretary of the Treasury, to defend the Administration against the charge of violating a law of Congress. But he would not dwell longer upon this question. He wanted, before he sat down, to notice another part of the gentleman's speech, which was not a reply to any of the arguments of his (Mr. T's) former one.

The gentleman seemed very anxious to place him (Mr. T.) before the country, not only as a Whig, but as a Clay Whig, or a Taylor Whig; he believed the gentleman had not been able to settle, in his own mind, to which class he belonged. Now the gentleman represented him correctly in calling him a "*whole Whig*," for he did profess to be a *whole Whig*. Still he was not here as the especial defender either of Mr. Clay or General Taylor. They needed no defence from him. But he would take this occasion to say, that it did not become the gentleman from Maryland, nor his political friends, to exhibit so much anxiety to strike at the reputation of General Taylor. The old warrior had been buffeted about quite enough by the Administration itself. Not only have they endeavored to shut his mouth, when he had dared to express his opinions on the subject of the war, (as he did in his letter to General Gaines,) by reviving an old and obsolete order of the War Department, but they have studiously endeavored to deprive him of his well-earned fame. Mr. Polk did not want to hear what General Taylor had to say on the *political* policy of the Government. The moment he undertook to say what, in his judgment, it should be, it was attempted to deprive him of the privilege of writing a word to anybody but the officers of the Government, who should expose to the public only that which the President chose to communicate to Congress. But that was not the true object of the hostility of the President to General Taylor. He saw the possibility that General Taylor might become a favorite with the people, and this was quite enough for him to know. From that hour the veteran soldier was destined to be sacrificed, if there was strength enough in the Presidential arm to do it. Accordingly, his force at Buena Vista was reduced to a mere handful of men. Nearly all the regular soldiers whom he had tried in the valley of the Rio Grande and at Monterey, were taken from him. He was left only in command of untried volunteers, who had never heard the report of a hostile gun, almost in the heart of Mexico, surrounded by embarrassments on every side, with the best appointed forces of Mexico in his front, commanded by the general who had been sent to Mexico by Mr. Polk, and who then had a force more than four times the number of his own. This was but a part of the policy of this Administration towards General Taylor. But, thanks to him and his brave little army, he had alike foiled the puny efforts of a jealous Executive, and added new honors to his own name, and fresh glory to his country.

He had a few words to say, before he sat down, about the extreme anxiety which the gentleman from Maryland had exhibited, to place the Whig

party in the most awkward predicament of being greatly divided on a candidate for the Presidency. It was of very little importance to this country how he or the gentleman from Maryland intended to vote on the question of the Presidency. He would say to the honorable gentleman, however, if he laid the flattering unction to his soul that the Whig party was so divided as he had represented, he was vastly mistaken. There were a great many men in that party, who were prepared, whenever the crisis might call for the surrender of individual preferences and feelings, to buckle on their armor in the common defence of the Constitution, and the rescue of the country from the fearful evils which beset it. We, (said Mr. T.,) it is true, from particular reasons, have individual preferences; but there is something in this great controversy higher than men—than the elevation of any particular candidate to the Presidency. The security, the salvation of the Constitution, is the great question to be tried. In a contest of this sort we are prepared to rear the old banner under which we have fought in former times, and do duty to the glorious Constitution of our fathers; and whether under the banner of Mr. Clay, who has long stood foremost among the most distinguished statesmen of our country; or whether under that of General Taylor, who has fought our battles and covered himself all over with glory, who "asks no favor and shrinks from no responsibility;" or whether under the banner of some of the other illustrious men who are scattered all over this Union; we will go into the contest as if animated by one spirit, and having but one common object—the enduring prosperity and happiness of our country. Why, does the gentleman suppose we have got nobody else but General Taylor and Mr. Clay? Let him look all over this Union, and we can point to those under whose banner the Whig party could rally with hope and confidence. Massachusetts can boast her Webster, the able defender of the Constitution; Delaware, her Clayton; Pennsylvania, her Sergeant and Binney; New York, her Fillmore; Ohio, her McLean, Corwin, and Ewing; Kentucky, her Crittenden; Tennessee, her Bell; North Carolina, her Mangum and Badger; South Carolina, her Preston. These were all men whom Whigs delight to honor. And there were others scattered all over the country—not only in public life, but in private life—men far more distinguished for intellect and patriotism than he who now dispenses power at the other end of the avenue.

But the gentleman's own political friends, he understood, had a good many family quarrels, a good many family jars, which it might be rather more difficult to reconcile. He had understood that the gentleman who sat at the other end of the avenue had himself set up pretensions for reelection, but that a large portion of his friends were unwilling to make him their candidate, for two prominent reasons: first, because he admitted Santa Anna into Mexico; and second, because rumor, with her ten thousand tongues, says he has circumvented his Cabinet by giving secret instructions to Trist when he had said publicly that he had recalled him. Then he understood that a distinguished gentleman from Pennsylvania was sometimes talked of, but he was denounced here as having been an opposer of the last war. Then there was a distinguished Senator from Michigan who was an aspirant, yet it was hinted that he had been on both sides of the Wilmot proviso. There was also the honorable gentleman who was now second in office under the Government, whose name was associated with Mr. Polk's in the last canvass, but it was brought against him that he wrote the bill for the recharter of the United States Bank. Whenever that party should have settled their differences, (if they should succeed in so doing,) and have brought out their man, and put their harness on, let him tell them, that every true and gallant Whig, whether under the banner of Mr. Clay or General Taylor, would be found prepared to do his duty manfully for the defence of the Constitution and the country. He was authorized to speak for none but himself, but the gentleman properly interpreted him when he said that he (Mr. T.) was a "*whole Whig.*" This need not be told to his constituents or to those who knew him. From his very boyhood he had tried to do service in that glorious cause. He was proud to be called a Whig. It was the highest title he wished to wear; and he now told the gentleman, (without telling him for whom he might go until the great voice of the party had spoken,) that in this contest the candidate of the gentleman's party, whoever he might be, would find a competitor with whom he might expect to enter into no mean or childish contest.

Mr. STANTON, of Tennessee, here interposed, and, Mr. T. yielding, said he understood the gentleman from Indiana to refer to a rumor that the President had circumvented his Cabinet, by sending secret instructions to Mr. Trist. He desired to know whether he understood the honorable gentleman to make such a charge?

Mr. THOMPSON. Not at all; certainly not. He knew nothing at all of the secrets at the other end of the avenue. He had not even a personal acquaintance with the gentleman who occupies the Presidential chair, consequently he could not know what were the secret purposes of his Administration. All he knew about this matter was obtained from an article in the leading French paper of New York, which came to this city yesterday. He made no endorsement of the charge.

Mr. STANTON. I have it within my knowledge to say that the statement is absolutely false.

Mr. THOMPSON resuming. I am glad to hear it, for the sake of the President of the United States. The honorable gentleman then does know what are the secrets of the President!

What he had said to the honorable gentleman from Maryland (Mr. T. remarked) had been prompted by no unkind feeling. It was merely a difference of interpretation—of construction between the gentleman and himself. And as such were the sentiments which he experienced towards the gentleman from Maryland, that gentleman would permit him to offer to him a piece of friendly advice. He (Mr. T.) had a little more experience as a member of this House than the gentleman had, and this experience had satisfied him that a member might not presume too much upon his reputation here. He would therefore say, with kindness, to the gentleman, that it would be well for them both to imitate the example of older and more experienced members, who did not speak so often as to wear out the patience of the House.

Whatever might be the verdict (Mr. T. proceeded to remark) passed here upon the great questions of controversy which excited the nation, the people of this country, from one end to the other, would investigate these questions for themselves. They would declare, by their own potential voice, what should be done. Gentlemen, he knew, were in the habit of saying they could anticipate the result of the Presidential contest. He could not. Would to God he could. When gentlemen on the other side should have brought out a distinguished man of their party, and put him in nomination, and when his party should have done the same, no man could tell the result. He feared it; he feared it for the Constitution; he feared it for the country. All he could say, was, that every true-hearted patriot would do his duty to the Constitution, and leave the issue in the hands of the people and of God. He trusted and hoped that the public virtue of this country was not yet destroyed. He trusted and hoped that the strong arm of this Executive, exercised in defiance of popular judgment, of the popular will, of the Constitution, and of the law, had not yet stricken down that attachment which the people had been accustomed to feel for the institutions of our country. He trusted and believed that there was yet enough of public virtue left to defend the Constitution in its purity, and save it from ruin.

Where are we? (said he.) Where do we stand? We may wrangle here as we please. We may enter into the arena of partisan discussion in this Hall, and divert our own minds, and the minds of the people; but we are in the midst of a great crisis. What shall be done? is asked everywhere. We have been engaged in war—in a devastating, ruinous war—with a sister republic. We have now the flattering prospect of peace. What shall we do with that peace, if we make peace? What will be the result of our acquisitions, if we make acquisitions of territory? Who can tell? If we do not make peace, where are we to stop? Are we to go forward with our conquering arms, and overrun and subjugate the whole of Mexico, and the whole of this continent? We are told that the people of the northern States of Mexico, not embraced in the treaty, are petitioning for admission into this Union. It is known that a commissioner from Yucatan is asking the protection of this Government. Looking to South America, we see even there they are throwing themselves into the arms of this Administration for protection. The inhabitants of Venezuela ask shelter from us. Where are we to stop? He asked, in God's name, where are we to stop?

We have been plunged into this condition by the President of the United States, not by the people of the country. It has been done by the President, not under the recommendation of General Taylor, but under his own stern, stubborn, obstinate will. Where, he repeated, are we to stop? It is easy to plunge this country into war. A weak, ambitious, imbecile President by a single stroke of the pen, may get us into a long, expensive, ruinous war; but it demands all the sagacity, all the wisdom, all the true-hearted patriotism of the country, to get us out of it. The incendiary may set fire to our building, but it requires a multitude, with well-directed efforts, to extinguish it. The President may hurl his country almost over the precipice; but it requires all the patriotism of all our wisest and best statesmen to save it. He trusted in God it would be saved. Their only reliance was on the public virtue of the nation. If that is not exercised, and exercised speedily, he could not but foresee a dark and gloomy fate for the country.

Mr. SMITH, of Connecticut, next addressed the committee, directing his remarks to a subject which it seemed to him had not received that consideration from the two Houses of Congress and from the American people which its importance, in his judgment, required, viz: to the objects and purposes which this Administration had been seeking to accomplish by the prosecution of the existing war with Mexico. Passing over the question of the origin of the war, and admitting, for the sake of argument, that the President of the United States had a right to order the army to the Rio Grande; assuming, for the sake of argument—and he made these admissions and assumptions for no other purpose—the validity of the claim advanced by the Administration of the clear and indisputable nature of our title to the Rio Grande; assuming that the reiterated asseverations of the President of the United States that Mexico was the aggressor were well-founded, that she invaded the territory of the United States, and that, by an attack on Captain Thornton's command on the 24th April, 1846, she was guilty of shedding American blood upon American soil, he asked if the aggression thus made upon our territory was not repelled, if the victories of Palo Alto and Resaca de la Palma were not sufficient vindications of the honor and integrity of our country? Was it not sufficient for our army, under the lead of the gallant, the successful Taylor, to have scattered the Mexican forces before them as chaff? Had we been content to remain on this side of the Rio Grande, did any human being believe that this gasconading, vainglorious, cowardly race of Mexicans would have ever dared to come on this side of the Rio Grande for the purpose of assailing the American arms?

But this Administration, not content with repelling aggression, as they claimed, had seen fit to invade the Republic of Mexico; to send an army into Upper California and New Mexico, to organize an expedition of a very extraordinary character under General Wool to capture Chihuahua, and to take possession of Tamaulipas, New Leon, and Coahuila. Not satisfied with thus capturing some eight or ten of the northern States of Mexico, the interior of the country was penetrated, by the way of Vera Cruz, to the very heart of the republic, as the President would have it, expending one hundred millions of money, and, as he verily believed, at least thirty-five thousand lives of the American citizens!

And why had all this been done? What had been the policy of the Administration in thus prosecuting this war in this most extraordinary manner? It would be impossible, he said, for him to discuss this question fully under present circumstances, without referring to the treaty of peace which it was said had been negotiated in the city of Mexico, either with or without the authority of our Government, which had been brought to this city, and it was said was now pending before the other branch of the National Legislature. In speaking of it, he spoke from no sources of information except those common to all the members of the House; and he spoke on his responsibility alone. He also intended to speak with modera-

tion, with caution, as it was a subject of the utmost delicacy, of the utmost importance.

Was it not extraordinary that we should have now pending before one department of this Government the question whether the boundaries of the United States should be extended to an immense extent; whether vast regions of country should be brought within our jurisdiction and subjected to our laws; that the question should be pending whether a foreign people, who speak not our language, who know nothing of our institutions, should be brought within the limits of the United States of America; whether the Government of the United States should be committed, in addition to all its vast expenditures in the prosecution of this war, in addition to the $100,000,000, and he thought he might safely say the $150,000,000, and the fearful sacrifice of life,—was it not strange that the question should be pending whether, in addition to all these, we should put ourselves under obligations for a sum of no less than $21,000,000, and yet the representatives of the people not be informed one word about it? It might be said that they would have an opportunity to pronounce upon it when, after it was ratified—in case it should be ratified—the House of Representatives was called upon to vote appropriations to carry it into effect. But did not every man know that they would then be placed in a position where they would be forced to appropriate? Yet not one word was communicated by the President to the representatives of the people upon this subject.

He knew that the Executive was under no constitutional obligations to take advice of the immediate representatives of the people; but he should suppose, when he entertained so extraordinary a proposition as this, that he would desire to learn what might be the views of the House of Representatives upon it; for, he repeated, when the treaty should be ratified it would be the supreme law of the land. The territory would have been acquired and subjected to our laws, the people would have come under our jurisdiction, and the House of Representatives would be forced to make the necessary appropriations to give it effect. The obligation rested on the House. It was so held by General Jackson and the two Houses of Congress in relation to the French treaty in 1831, where the French Government agreed to pay twenty-five millions francs by instalments, and the French Chamber of Deputies refused to make the appropriation. Did not our Government treat that as a most outrageous breach of faith, and were we not on the very point of going to war with France to enforce that treaty?

What objects and purposes, then, had this Administration been seeking to accomplish by this war, and what did it seek by this treaty? Whether it should be ratified or not, was a matter in reference to which he did not express any opinion. If that question was thrown into his hands for decision he should feel that there was devolved on him a fearful responsibility—a choice on the one hand between a war which was fraught with awful evils to our common country, and on the other hand a treaty which he greatly feared would ultimately produce calamities not less direful to the country than the prosecution of the war itself.

He called the attention of the House and the country to the surprising change in the language made use of by the Administration and its friends, in relation to their objects and purposes, during the progress of the war. When it was first commenced we were told that their object was to "conquer a peace," and the friends of the Administration on this floor and elsewhere insisted that it should be a short war and a glorious war. But not turning out so, it had become necessary for the President and his friends to modify their language, and they then insisted that the objects of the war were "indemnity for the past and security for the future." What was meant by these words no human being was able to tell. In his annual message at the commencement of the last session of Congress, the President totally disclaimed all idea of conquest. But at the present session he modified his language and said that his object was not to conquer "Mexico"—meaning the whole of Mexico; that he did not desire to extinguish her nationality, but that she should continue to exist as a separate and independent republic; and then he wound up by telling us, in very significant language, that we must have "indemnity for the past and security for the future." "Indemnity" for what? For the debt which Mexico owed our citizens prior to the war? Why did he not say so? "Indemnity" for all the expenses of the war? Why not say so, if this is what he meant? "Indemnity" for all the blood and all the sacrifices made in the prosecution of the war? He said no such thing.

Well, as to this "security." What did he mean by that? It seemed that he wanted to put Mexico in some way under bond for good behavior. Exactly how it was to be done he could not perceive, except it were by bombarding her cities, blowing up her castles, dispersing her armies, and sending widowhood and orphanage to thousands of homes of that republic. He wanted "security for the future" in some way. At length this treaty had come, and it afforded new light on the subject.

He referred to what were understood to be the terms of the treaty—the cession of all the country this side of the Rio Grande, and all of New Mexico, and nearly all of Upper California; and he said that he had evidence before him, which he would imbody in his printed speech, sufficient to satisfy every reasonable man that that country was not worth two straws, and was most properly and emphatically characterized by the gentleman from Pennsylvania, [Mr C. J. INGERSOLL,] in a phrase which had become somewhat notorious, a "stupendous desert." Such a treaty would give us upon the Pacific about ten degrees of latitude, viz: from 32° to 42°, the southern boundary of Oregon. And for this country we were to pay the enormous sum of twenty or twenty-one millions of dollars—to pay $15,000,000 to Mexico in round coin, (whether this included the "three millions" or not he did not know,) and to assume some five or six millions of the claims of our citizens against Mexico.

We were to pay this enormous sum, and take possession of this territory; and he would not give the county of Dutchess, in New York, for the whole of it! We were to pay a sum greatly larger than we paid for the whole of the Louisiana territory, including what is now Louisiana, Arkansas, Missouri, Iowa—and territory enough for six or eight more States—Texas being thrown into the bargain. To pay $21,000,000 for this miserable, worthless territory, under this most magnificent Administration, in addition to the one hundred to one hundred and fifty millions already expended, and to the twenty-five or thirty thousand lives of American citizens sacrificed! This was to be paid for a vast expanse of mountains, rocks, and arid deserts, and with it we were to have under our jurisdiction hundreds of thousands of the wild savages of that country, and to impose upon this Government hereafter, to the end of time, the necessity of maintaining an army, in addition to our old peace establishment, of some five to ten thousand men, and incurring an expense annually of some five to seven millions of dollars in addition to the ordinary expenses of this Government.

The President in his message informed us that when he sent this most distinguished diplomatist, Mr. Nicholas P. Trist, a clerk in the Department of State—of whom probably no ten members of Congress knew anything before—that his proposition to the Mexican Government was to take all the territory he (Mr. S.) had mentioned; and in addition, Lower California—a cape of land—no, he would not pervert language so as to say of land, but a cape of rocks, mountains, sandy deserts—running down back of Mexico to the equator. He commented upon the chaffering disposition manifested in this affair. He had never been able to bring himself to believe that, as wild, extravagant, ridiculous as he considered this Administration, they ever had been in earnest in making this proposition. It had turned out that a real bargain was what the President was driving at. The Yankees were said to have some talent at a trade, but he confessed here was a specimen of *Tennessee* ingenuity which distanced them.

He next proceeded to argue from the understood stipulation of the treaty to pay this large amount of money, the hollowness of the pretence set up by the Administration of "indemnity for the past;" as, in case this had been the real object, (Mexico having nothing but territory to indemnify us with,) he would have merely taken enough to amount to the indemnity. Of course, in taking territory, convenient boundaries were necessary, and it might well have been that such boundaries would have taken us beyond our precise claim for indemnity, and have been necessary for us to pay them a half million, or even one or two millions of dollars. But when the Administration came to propose our paying about twenty millions of dollars in addition, it clearly proved that their object was to compel Mexico to cede such portion of her territory as we wanted, and to pay her the terms we ourselves saw fit to establish. The object of this war, it turned out, then, was to drive a bargain with Mexico—to force her to sell her country!

Mr. S. here remarked that, as his time was moving away so rapidly, he must pass over many of the topics of which he had intended to speak, and content himself by a general reference to them, reserving to his written speech the full expression of his views. He should attempt therein to show—

That this acquisition of territory was none the less a conquest because we stipulated to pay a compensation.

That in acquiring this territory, and forcing a large number—probably one hundred thousand citizens of Mexico to come under our jurisdiction—we would be violating a great fundamental principle of our own Government.

That, by the acquisition of this territory, we were likely to introduce disaster and disunion among ourselves. That, by this acquisition, would be broken up what has been denominated the "Missouri compromise," because it would destroy the foundation on which that compromise rested, which was a fair, a just, and equitable division of the existing territory of the United States between the free and slave States. After having acquired Texas in the manner we did, if we, in addition, were to acquire New Mexico and California, it would be an utter annihilation of the basis on which the Missouri compromise rested.

And, moreover, he said, (and this he regarded as a material point, but he could not dwell upon it,) that action upon this treaty in the Senate of the United States, or, if occasion should require it here, would place these bodies in such a position as to prevent their passing upon its merits. The President of the United States involves the country, by his own wanton act, in a foreign war, and after prosecuting it at an enormous expenditure, and sacrifice of money and valuable lives, he makes a treaty to close the war. Now, he asked, if the Senate of the United States, or if the members of this House, could, under such circumstances, act on the merits of the treaty? Were they not placed in such a situation that they were forced to choose between two enormous evils, and was it not likely then that it would be ratified, though with entire repugnance? Might not gentlemen in the other wing of the Capitol vote for it, while believing it in the highest degree injurious to the country, for they found themselves so situated, that they were obliged to choose between a bad war and a bad treaty? They might see fit to choose the latter as the least evil of the two. He wished, however, in any remarks that he might make here, not to be understood as expressing any opinion whether the treaty should or should not be ratified. He nevertheless must insist that it would be in the highest degree injurious to bring New Mexico and California under our jurisdiction and the laws of the United States, and place them on the same footing with the members of this Confederacy—New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, and Missouri, States which at no very distant day would have from three millions to five millions of inhabitants each. He utterly denied that this country could derive any considerable advantage from the territory to be acquired. And this brought him to a subject that had a very important bearing on the general question which he had propounded for consideration, and that was, whether the policy of this administration in regard to the objects of this war, was such as accords with the prosperity and true interests of the people? He desired to say at this time, that he had collated and collected, and in point of fact, had before him on his table, a large mass of testimony on this point, which it was totally impossible that he could submit to the committee in the time prescribed by the rules of the House. Its general tendency and effect, however, was to show that it was impossible that the Administration could obtain any indemnity, even for our original claim, from any portion of that territory of Mexico denominated the Northern States. He was fully prepared to show that the President was making a most extravagant bargain. If our Government were to take all the territory

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which he understood Mexico was now willing to cede in consideration of the sum proposed to be paid, and the claims existing anterior to the war, he insisted it would be a most extravagant bargain. He denied that the whole of that territory was worth five millions of dollars. And in regard to the country on this side of the Rio Grande, he desired to propound an inquiry for the consideration of his friends on the other side of the House. After having contended here, as gentlemen had done for two long years, that we were the real owners to the valley of the Rio Grande; after demonstrating, as gentlemen with great ability and ingenuity had sought to do, and the gentleman from Maryland [Mr. McLANE] had told them the story about the appointment of inspectors of the custom-house there; after the repeated assertion that Texas did extend to the Rio Grande, and that the army of this Government had the right to take up its march to the Rio Grande, and to occupy it from its mouth to its source, was the twenty-one millions of dollars now, or any part of it, to be paid for that territory? If it was not to be paid for that, what was that enormous consideration to be paid for?

Mr. ASHMUN interposed, and begged to enlighten the gentleman from Connecticut on that point. Perhaps the gentleman did not understand the full value of the purchase. Now, he understood that it was intended as a consideration for not only what was now properly Mexico, but it was also to purchase the right of Mexico to Texas. We were now to pay for Texas.

Mr. SMITH would say nothing of the real value of Texas, for we had on this floor gentlemen who represented her, for whom he had great personal respect. Nor would he undertake to say how soon it would be that we should have representatives here from the sister States of New Mexico and California; but it seemed strange to him that we were now to pay a large consideration for that which the Administration and its friends demonstrated was ours, and which they contended for as zealously as for "54° 40' or fight." No longer since than the last session of Congress they had heard these arguments, and yet now the President was asking us to ratify a treaty by which Mexico sells her right to Texas—to all on this side of the Nueces, as well as that lying between the Nueces and the Rio Grande.

Mr. McLANE was understood to explain that this Government was not to pay for territory—not for one inch on this side of the Rio Grande, but for jurisdiction over territory to be ceded by Mexico.

Mr. SMITH said, then it appeared we were not to get a foot of territory, except in the deserts of California, but we were to get jurisdiction. Jurisdiction over what? Over savages and an impassable desert, where no man could travel with safety. He saw that he had not the time to bring before the House the mass of evidence which he had in his possession respecting the value of that territory, the object of which was to show that that whole country was of no value, but he would read an extract from a statement made by Lieutenant Colonel Emory, of the topographical engineers, who has lately been appointed to a regiment of volunteers, and has joined the army in Mexico. He had intended to have requested the opinion of his friend from the Covington district of Kentucky [Mr. GAINES] respecting the value of that territory, for which this Administration had waged a destructive and expensive war. Not having time to ask for it now, he hoped the gentleman from Kentucky would give it to him in writing.

[Mr. S. then read largely from the statement of Lieutenant Colonel Emory, and was still proceeding, when the chairman announced the expiration of his hour.]

Mr. FICKLIN followed, and said he should not reply to the many points raised by gentlemen who had preceded him, either as to the number of men that had the scurvy there, as set forth in one of the extracts which had been read, or as to the value of the territory which it was proposed that we should now acquire from Mexico. He should proceed to another branch of the argument.

They had had this morning two speeches from the opposite side of the House; one from the gentleman from Indiana, [Mr. THOMPSON,] to which he had listened with great pleasure, and one from the distinguished gentleman from Connecticut, [Mr. SMITH,] who had undertaken to cause a smile at the attempt to bring worthless territory into this Union. Now, he (Mr. F.) should not undertake to discuss the subject-matter of the treaty, inasmuch as it was not before them, and, as yet, they had nothing to do with it. He confessed he was somewhat surprised that gentlemen had alluded to it here, much less bring it into this debate and make it the subject of discussion. But, having been brought here, he was equally surprised at the adroitness with which gentlemen had dodged the question, and shown how unwilling they were to commit themselves as to the merits of the treaty. Now, he asked those gentlemen, were they for the treaty or against it? Or was it only their object to find fault with everything the President does? Was it their object merely to make political capital for the coming canvass of 1848? He was at a loss to know on what issue they were to meet gentlemen at this time. Those gentlemen had spoken of a change of the policy of the Administration. The first object, they say, was to "conquer a peace," as promulged by the Executive, but the object now was to obtain "indemnity for the past and security for the future." What was the position of the gentlemen opposite on these points? When this war commenced they had speech after speech of burning eloquence to show that the annexation of Texas was war *per se;* that annexation was not only likely to bring war, but that it was war. On that question, however, they had some friends on the other side who stood by them. There was a gentleman from Georgia, [supposed to be Mr. TOOMBS,] to whose speeches he always listened with admiration, who made an eloquent speech in favor of annexation—one of the most eloquent, in short, that he had ever listened to in this Hall. There were other Whig members who voted with the friends of annexation throughout; but they found now that all, or nearly all—if their vote on a recent resolution was to be taken as expressive of the views of that side of the House—were now ready to say that annexation did not produce war, but that the President did by his unjust and unconstitutional act.

Mr. F. read an extract from the first speech of the gentleman from Indiana, [Mr. R. W. THOMPSON;] and, after commenting thereon, inquired why the gentlemen opposite had changed their own position? It was because it was necessary to save those gentlemen who voted for annexation. If they retained the position that annexation was war, then the head of the gentleman from Georgia, and his friends who voted with him for annexation, must be taken off; they must fall under the guillotine of party; and the only way to relieve them was, to change the issue, and say that annexation did not produce war, but that our miserable President had produced it. Such was the charge now brought against the President, for whose defence it was not necessary that he should now detain the committee. The multiform charges which the gentlemen on the other side made against the President were rather amusing than otherwise. First, he was a perfect Nero—a cold-hearted tyrant—one who would fiddle while Rome was burning, and the Capitol was reduced to ashes. At another time, he was the weakest, most contemptible, most pusillanimous man breathing. Now, these charges were certainly contradictory, but they were not more contradictory than the positions which the gentlemen opposite had taken on the subject of this Mexican war. They had made no greater mistake than that the people of Texas were land robbers and outcasts, and that, as between Mexico and Texas, Mexico was right, and Texas all wrong. If gentlemen would calmly look at the subject, and not permit their feelings and their prejudices to influence their judgments, they would find that, from the beginning of the controversy to the present time, Texas had been all right and Mexico all wrong. This he asserted without fear of successful contradiction. Texas, in common with every other department of Mexico, went into the revolution, and established the constitution of 1824—a constitution similar to that of our own—and he defied gentlemen on the other side to adduce a single act to show that Texas had ever violated that constitution, or departed from its provisions.

Here, then, was a point to start from. Texas entered into the support of that constitution in good faith, and in good faith every other State of Mexico should have united to carry it out. In 1834, however, Santa Anna, by a military order, and by no other authority, subverted the Government, turned out Gomez Farias, and brought in a military Vice President, and he sent his myrmidons into every part of Texas, to compel the people of that State to submit to his authority. Texas resisted, and he would ask his friends on the other side of the House, if there was one amongst them so craven that he would not have resisted as Texas did? Texas, he repeated, resisted: with less than thirty thousand people she stood up against a nation of eight millions in defending her rights. And who were the Texans who had been denounced in such opprobrious terms? Permit him to name Stephen S. Austin, whose name was stamped on the character of the country—a man of as high a character as any gentleman in this House. He was a man of intelligence, integrity, and great worth. He formerly resided in Potosi, in the State of Missouri; then he emigrated to Texas, under the permission of the Spanish Government, to found a colony there. Afterwards they found him dragged to the city of Mexico, and there he was incarcerated in a loathsome prison, without crime or fault on his part; and to the day of his death he never recovered from the disease which he there contracted. Stephen S. Austin, then, was the head of the colony of Texas, and he was worthy to be placed at the head of that or of any other country.

But to come to the issue as to the marching of the army, and the question of title which it involved. Now, he defied gentlemen on the other side to put their finger on a better title for Mexico than Texas possessed to that territory. Texas had an undisputed title until it was promulged here and sounded from one end to the other of this nation—commencing at the Capitol and repeated through every Whig newspaper in the country—that the title was in Mexico. Yes, the title of Mexico was a Whig discovery, for it had not been previously discovered by Mexico. And now as to the march to the Rio Grande. He would say to gentlemen opposite, that he would not hold General Taylor responsible for his letter in which he said, if the Government intended to insist upon the Rio Grande as an ultimatum, they should take a position on the Rio Grande; and he would give to General Taylor all the benefit of the qualification which it was said to possess in presenting an alternative. General Taylor evidently thought the true course was to march at once to the Rio Grande, and they found that he did take the Rio Grande. But was he instructed to take a position, as he did, opposite to Matamoros, and to blockade the Rio Grande? On looking over the papers in that connection, they would find no instructions to General Taylor to point his cannon on the city of Matamoros. Yet in doing these things he blamed not General Taylor, nor found any fault with him. He thought General Taylor was right. He had no doubt that General Taylor saw the necessity for doing what he did. And, again, they found no instructions from the Executive department to General Taylor to cross the river to Matamoros. [Mr. F. read an extract from General Taylor's letter to the department of War of the 26th April, 1846, on the subject of additional forces which he had called for, and his opinion in relation to the prosecution of the war with their assistance, to show that General Taylor endorsed all that had been done. Mr. F. also quoted from General Taylor's letter of the 18th May to Arista, in which he said he could not suspend operations in which he had not taken the initiative nor provoked aggression, and claimed Matamoros as a *sine qua non.*] Here, then, it would

also be seen that General Taylor endorsed the whole. He found more troops necessary, and he called for them, and he refused to suspend hostilities on the application of Arista, for reasons which he gave. If gentlemen would read the documents with the attention to which they were entitled, they would find that General Taylor, as soon as the armistice was concluded, was instructed to retain possession of Monterey—but where was he found afterwards? The movement to Saltillo and Buena Vista he was not instructed to make by the Department of War. But it was said that the President took away his forces with a view to prevent his usefulness. Now, gentlemen were at fault in that particular. If they would read the correspondence which had been furnished to the House, they would find how it was that General Taylor's men were taken away. Mr. F. read General Scott's letter to General Taylor, announcing to him that he was about to proceed to take command—not of the army of General Taylor in the north, but of an expedition to the city of Mexico, for which purpose he should be under the necessity of taking part of his gallant soldiers with whom he had acquired so much glory, reducing General Taylor for a time to a defensive position. General Scott expressed his regret for the necessity which compelled him to do this, but he consoled General Taylor by a reference to the glory which he had already acquired and with which he could afford to yield to the inactivity to which he was necessarily subjected. In the subsequent unfortunate controversies which had arisen among our generals, he (Mr. F.) should not participate nor bestow upon them any part of his attention at this time. They had fought the battles of their country, and he was proud of the victories they had won. Those victories were worth infinitely more than the dollars and cents they had cost. For a quarter of a century we had been in a state of profound peace, and European Powers had distrusted our ability to maintain our rights, but on that point this war, more than anything else, would probably satisfy them. Those who regarded this war as inexpedient, as bringing no advantage to this country, and as unnecessary and unconstitutional, it appeared to him did not reflect truly on all that relates to it. They could not shut their eyes to the fact that since 1824 Mexico has been in a most disturbed condition. Pronunciamento had succeeded pronunciamento; one government had been overthrown and succeeded by another, and that country had received a downward tendency and reached a point at which foreign Governments began to look anxiously to the possibility of establishing a throne in Mexico. Spain, Austria and France were all looking with eager eyes to the period of time when a European prince could ascend a throne in Mexico. Between France and Spain there was an additional alliance by the Montpensier marriage, and their mutual intrigues were directed to the accomplishment of this object. Spain herself, it was shown, had spent $100,000 of the revenues of Havana in negotiations with Mexico for that purpose. In 1846 Mr. Black, our consul in Mexico, gave to his Government a notification of these movements, and it was known also that Santa Anna overthrew Paredes in 1846 on the ground, which was proclaimed through all the Mexican States, that he was in favor of the establishment of a monarchy.

Mr. J. R. INGERSOLL rose and recalled the attention of the gentleman of Illinois to his remarks on the reduction of General Taylor's forces by General Scott, and inquired if the gentleman from Illinois had adverted to the order under which General Scott acted in making that requisition on General Taylor.

Mr. FICKLIN said he had read General Scott's letter to General Taylor, and also the instructions of the Government to General Scott, from which he learned that the first plan was to go to Tampico, and General Patterson, it would be recollected, commenced his march on that expedition. It would also be found that General Scott wrote to General Taylor the letter in which he said he had made application to the department for the command to Mexico.

Mr. J. R. INGERSOLL said, if the gentleman would look at the documents, he would find that General Scott was acting under instructions of the Government.

Mr. FICKLIN said the expedition was directed by the Government, but the mode in which it should be carried out was left to General Scott. However, for what had been done by our generals he had no disposition to blame them. What he desired was, to repel the attempts which had been made on the other side of the House—in this he did not include the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL,] for he would not attribute to him such a purpose—to make political capital out of the supposed hostility of the President and the War Department to General Taylor.

He had before said, and he would repeat it, that this war with Mexico was a necessary war, and it was not waged for the acquisition of territory; but if we do acquire territory by it, he differed *in toto* from the gentleman from Connecticut, [Mr. SMITH,] who said that this acquisition would be of no value to this country. He thought it would be of immense value to us; and if we only get jurisdiction, it was pretty much all that we do want. We want a harbor on the Pacific; but, for one, he would not have gone to war with Mexico for her territory. But he did not put it on that ground. He put it as between Mexico and Texas, and he came to the conclusion that Mexico was in the wrong. Texas had as much right to be annexed to this country and to enjoy all our privileges as to Mexico, and more too, for Texas had a more permanent government; and, having the right to be annexed to this Government, and the annexation having been consummated, we could not escape from this war but with disgrace. After the resolutions of annexation were adopted, they found Almonte, who had previously said its adoption would be cause of war, asking for his passports and leaving the country. They found Garcia Conde, Minister of War in Mexico, giving orders to muster troops into their service and to prepare for war. They found, also, that Paredes instructed his generals on the Rio Grande to take the initiative in this matter before the war had actually commenced. They found, also, that on the Little Colorado General Taylor was met by the enemy, and that our citizens were there butchered. The committee could not have forgotten the murder of Colonel Cross, and others of a like character. Now, with all these facts and circumstances, he asked how this Government could have taken any other course? It has taken the only course left to it, and it was fortunate that it had a general who was willing to assume the position that he could not suspend hostilities, in which he had not taken the initiative, and who made the possession of Matamoros a *sine qua non*. In this General Taylor spoke the sentiments of the American people. Gentlemen here talked about this question being settled, and about the people sending up to have a treaty ratified, and that the war was unpopular. Now, he had seen no evidence of the unpopularity of the war except among party politicians. With the people it was a popular war. With all those whose hearts were in the right place it was a popular war, and it would be sustained.

Every war in which this country had been engaged had been unpopular with some. The war of the Revolution was unpopular with the Tories; the late war with Great Britain was unpopular with the blue-light Federalists; the war with Mexico also was unpopular with a portion of the community; but with the great body of the people it was popular, and would remain so. The gentleman from Indiana, [Mr. R. W. THOMPSON,] to whose very eloquent speech he listened with great pleasure, had introduced into this discussion the subject of the Presidential election, and he seemed to intimate that they were going to sweep everything away before them in the coming contest. But let him not lay the flattering unction to his soul that he was going to elect a candidate to the Presidency by opposition to the war, or by taking the position that this was a "no-party" era. They had had one elected on the "no-party" issue, whose principles after election they were afraid to tell to the country. The result of that election had settled the public mind, and never, while the present generation lived, would it be repeated.

The people of this country did not mean again to be *Tylerized*. A friend of his, a little while ago, gave him a little historical incident which might serve to illustrate this "no-party" matter. When James the First ascended the throne of England, two friends in conversation made him the subject of their discourse. One inquired, what sort of a man this James the First was? and the reply was an illustration in which he was compared to a monkey. "If I hold him," said the gentleman, "I can make him bite you; and if you hold him, you can make him bite me." And so it was with Tyler. While you held him, he was made to bite us; but when we held him, he was made to bite you. [Laughter.] Whenever a candidate should be again brought before the people of this country who would not declare his principles, they might rest assured such a course would fail. His principles must be inscribed on his banner, that those who run may read.

Mr. LEVIN said: Mr. Chairman, I have been so often misrepresented by the paid agents of the Jesuits who hang around this Hall, and who swarm over our land, that I have come prepared to-day. I was surprised to find in the bill now before the committee an appropriation for a chargéship to Rome, and still more surprised when my friend, the honorable gentleman from Alabama, informed me that he intended to move an amendment, substituting in its stead a minister plenipotentiary. An embassy to Rome I had supposed to be the pet measure of the President of the United States. Sympathy with Pope Pius IX. appears to be the hobby-horse of political leaders. O'Connell, the Irish reformer, is dead. The curtain has fallen upon that last act of the national farce, and now the Pope, an Italian reformer, steps upon the stage to conclude what O'Connell left unfinished. The hurrah has gone through the country; public meetings have been held; sympathy for the Pope has grown almost into a fashion: yet, sir, in no legitimate sense can this embassy to Rome be called a national measure, intended for the public benefit. We have no commerce to protect in the Roman States; we have no seamen whose rights may need even the supervision of a Government agent or consul; we have no navy riding in her only harbor; we have no interests that may be exposed to jeopardy for want of an ambassador.

The Papal flag has never been known to wave in an American port. No American vessel has received the visit of a Pope. Dwelling under the shadow of the ruins of antiquity, we have never been disturbed but by the bulls of Pope Gregory and the intrigues of his Jesuits. What, then, has produced this sudden revolution in the concerns of the two countries? We are told that Pius IX. is a reformer. Indeed! In what sense is he a reformer? Has he divested himself of any of his absolute prerogatives? Has he cast off his claims to infallibility? Has he flung aside his triple crown? Has he diminished aught from the imperial elevation of the tiara? And does he no longer hold in bondage the bodies and souls of his subjects? Has he become a republican? Does he acknowledge the inherent equality of mankind? Has he abolished tithes? Has he emancipated his people? Has he suppressed the Jesuits? Far from it. Nothing of this has been done. He maintains his own prerogatives as absolute as Gregory XIX. or any of his illustrious predecessors. In what, then, does the world give him credit for being a reformer? For building up on a new and firmer foundation his own secular power; for permitting a press to be established in Rome under his own supervision and control; for carrying out measures not to be censured, but certainly giving him no pretensions beyond that of a selfish sagacity, intent on the study of all means calculated to add stability to his spiritual power and firmness to his temporal throne. But a sagacious monarch does not constitute a liberal reformer, even though he may correct many abuses that disgraced his predecessors, who, by their bigotry and intolerance, had reduced the once boasted power of the Papal See to a mere cipher. As a free and civilized Government, anxious for the continued progress of the popular mind, we had infinitely more reason for applauding Gregory XIX. for pulling down the power of the Roman See than sending an embassy to Pius IX. for having revived the drooping giant, and imparted fresh energy to the most despotic power the world has ever seen or ever felt. Why was no ambassador sent to Gregory? Why is an ambassador sent to Pius? Not because the interests of this country require it. And who believes it is because of the lauded liberality of one who seems ambitious of the renown of a man of the age? Who believes it is because Pius encourages railways, for what are Roman railways to us? We have a more rational though less pleasing solution of this wonderful and newly-awakened sympathy for Rome in the increase of the Roman Catholic vote, caused by the Irish famine and the difficulty

of living in the German States, which sends among us such countless legions of foreigners.

And what must be the occupation of the American ambassador when he reaches Rome? Will he devote his attention to the increase of this supply of alien voters, or to the interests of the United States in the Cabinets of continental Europe? Having no commercial or political duties to perform, save those connected with the American ballot-box, he must keep up the supply of voters, who are to be judiciously located by the legate of the Pope. And who so capable of this great diplomatic duty as the man who has so industriously agitated this sympathy for Rome, to gratify his inordinate and gigantic ambition; who, for years past, has been the dictator, the trader, and the pander of the foreign Roman Catholic vote; who one minute acts the priest, and the next day plays the politician; who would have the world to believe that he is greater than the President of the United States because he is the power behind the throne who moves the President; who would have the world believe that, because he flatters the American people by a sermon from the national forum, he is the mainspring of the American Congress? Combining the character of priest and politician, allowed to the ministers of no other sect, this ambitious demagogue, taking for his motto that "impudence is power," has dared to display an extent of audacity never practised and never allowed to any other clergyman. This embassy, and all the public turmoil that has led to its suggestion, is the work of an intriguing, restless, grasping, and ambitious priest, who fans in his bosom the nefarious hope that he is himself to be the destined organ between a free republic and *an absolute hierarch*.

Is it not enough that he should draw us into the vortex of European tyranny, superstition, and corruption, but must he also dream of the vast honor of consummating in his own person this revolting alliance between the crimes of hoary guilt and the purity of youthful innocence? For what, after all, has this popular Pope done but oiled the chains of his people that they might never have power to break them asunder? What are all his reforms but gilded thraldom, and slavery made eternal by modern rivets forged in the fire of that "progress" which serves equally to gloss the schemes of tyrants and the projects of imbecility; which can be used with as much plausibility by the arch-tyrant, who understands how to enslave men through their passions and imaginations, as the political empiric who disguises his own ignorance by prating of the march of mind; whose tongue discourses of benevolence while his iron hand is armed with the power of oppression?

I ask has Pius IX. abolished tithes? Has he granted universal suffrage, or any suffrage, to his Papal subjects? Has he established a representative government? Has he introduced trial by jury? Has he granted the writ of habeas corpus? Has he abolished the college of cardinals? Has he established common schools? Has he struck down the power of the confessional? Has he repealed the demoralizing edict of celibacy? Has he thrown open the gates of the monastery, or unbarred the iron bolts of the convent? Has he separated church power from state authority? Has he abolished that pest-house of intrigue and pernicious propagandism, the Society of the Jesuits? He has done none of these things. Then, what has he done to entitle him to the sympathy of the people and the homage of the Government of the United States? Nothing.

He has made no fundamental alteration in the papal system. The edifice remains entire; it is supported by the same Gothic colums of medieval ignorance and superstition. He may polish an architrave—he may repair a broken step leading to the vestibule, or suspend a new wreath around the altar, or add an ivory crucifix, or even lay a railway into the capital of the Cæsars—but the palace system remains entire, unaltered, unimproved—the same stern tyranny, the same inflexible compound of earthly and celestial despotism. Yet the man who is Pope is not a Cæsar Borgia. Pius is not as a man so narrow and contracted as Gregory. Pius understands human nature, and knows how to render the papal system popular by wreathing chains with rose blossoms. Perhaps the elements mix more gently in his bosom. But all this does not make the papal system less odious.

It was said of Augustus, the first Roman Emperor, that he made tyranny so beautiful by his amiable character, as to destroy in the Roman people the love of liberty. Pius is now doing more than Augustus, for he is reconciling the world to the concentrated despotism of the most iron-handed hierarchy that ever flourished.

If Rome will not come to America, America must go to Rome! This is the new doctrine of an age of retrogressive progress. If the Pope will not establish a republic for his Italian subjects, we, the American people, must renounce all the ties of our glorious freedom, and endorse the papal system as the perfection of human wisdom, by sending an ambassador to Rome to congratulate "His Holiness" on having made—what? The Roman people free? Oh! no; but on having made tyranny amiable; in having sugared the poisoned cake. And for this, the highest crime against freedom, we are to commission an ambassador to Rome! Is there an American heart that does not recoil from the utter degradation of the scheme?

When nations profess to assimilate on principles of amity, and to draw closer the ties of good will, it is on the ground of a common cause—equally dear to both—either of freedom or of absolute power. If Rome were a republic, the proposal to send an ambassador to preserve principles common to both Governments, and equally dear to the people of both countries, would rest on a different foundation. In that case we should have congenial interests to preserve; in that case we should be coöperating in the common cause of human rights. But now we exhibit to the world the spectacle of a pure antagonism in our system of government to that of Rome. Two systems more opposite could not exist. When liberty makes concessions to tyranny, which party gains by it? Not freedom—not the cause of human rights. Despotism thrives by it. We lend encouragement to a system of government at open war with the happiness of mankind. We become the patrons of an absolute monarch. We tell him to "scourge on, scourge on."

We are about to act in a crisis of Papal history pregnant with the most eventful consequences to the world. It is not a common occasion. No ordinary impulse moves the great machinery of papal power, whose wheels are oiled by the adulation of Jesuit priests on the one hand and demagogues on the other. Not only is Rome coming into a new epoch, but the United States is also beginning a new era. Why we have never before had an ambassador at Rome, is answered by the prompt reply that Rome never before had a Pius IX. on the papal throne! We have nothing, then, to justify this projected innovation but the modern character of the new Pope. Embassies once opened are never closed. We cannot compliment Pius by an embassy, therefore, for even after his death it must be continued. We compliment the papal system of government by sending an ambassador, having no commercial interests to settle or political relations to adjust. Nor is it possible to compliment Pius without complimenting his system of government, for he has as a liberal reformer made no fundamental alterations in it. We are therefore to compliment him on his *modified* manner of administering a system radically at war with the rights of man; pernicious in itself, and dangerous in every form it may assume, and under every modification that individual genius may venture to adopt as a covering to its deformity.

We have sympathized with the independence of Greece, of South America, and of Mexico, when, casting off the yoke of kings, they established their claims to self-government. But how did we sympathize? Not by sending an ambassador, but by passing resolutions in Congress applauding the act of emancipation. Here were cases in which nations achieved their freedom, and yet we sent no ambassadors. If Pius has emancipated the Roman people, bring forward your resolutions, and then we may have an opportunity to inquire how far the extent of his reforms will justify even that manifestation of our national applause. The innovation now proposed is against all precedent, is frowned down by all principle, is denounced by facts, and rendered ridiculous by its extravagance. It would indeed be a farce but for the tragic character of its consequences; and these entitle it to our unmitigated abhorrence.

Pass this bill, and you insult the majesty of the people by the desecration of their Constitution, by the violence done to the genius of our Government, by the outrage on free principles involved in the proposition to recognize Papal Rome, an infallible Church Power, as the head of the State.

When we talk of the genius of republican government, and allude to the spirit of free institutions, said to be so mortally wounded by the Mexican war, let us remember the wrong done to the spirit of freedom by this scheme of an ambassador to the Pope, whose spiritual character is the absorbing one of his throne, and who, if he is no Pope, is no sovereign—he holding his right to rule his subjects from a divine, not a human source. In all other monarchies the right divine is abolished. In Rome, it is the essence of secular as well as ecclesiastical power. And hence it is that no Pope can be a reformer, in the true sense of that term. He cannot give the people the rights they are entitled to, because from that moment he would cease to be Pope, and the people, ceasing to be slaves, would become sovereign. Pius never can do what would entitle him to American approbation. No Pope can ever be worthy of an ambassador from this Republic on grounds such as we now hear maintained.

"Would you have a serpent sting you twice?" We have had experience of the evils of monarchy in its *best form*, and shall we risk the perils of its deadly venom in the worst? When did the Church of Rome, or the Pope, ever receive homage that it did not exact fealty? When did it ever pause in its giant march after universal dominion? When did it ever sleep if power was to be gained by waking? When did it ever fascinate without the intention to destroy?

The flood of immigration is sweeping its millions of foreign Roman Catholic voters over the land. The past is gloomy enough; the present awfully portentous; but the future is black "with shadows, clouds, and darkness." This country seems destined to be the grand theatre of Roman Catholic power—not American papistry, but the papistry of Rome—of the Old World—of Austria and of the Pope. Shall we grow wise in time, or shall we surrender up our rights without resistance? Shall we make a stand now, on a Government proposition to unite this free Republic with absolute Rome, or shall we surrender in anticipation of the day of trial, and ask the Pope, in despair, to fetter our hands before we strike a blow?

Sir, if it be written in the black book of fate that this great Republic is yet to become a dependancy of the Court of Rome, let us not hasten our infamy by any premature weakness, by any act that shall expedite our downfall or accelerate our bondage. We are now asked to become voluntary agents in enthralling ourselves; we are implored to send an ambassador to Rome—to have our manacles forged in the furnaces of the imperial city, under the special care of the Holy Father, who acknowledges no human authority in matters of government, but who pleads a divine right to bow down the neck of man in the dust, and yoke him to the iron car of absolute power.

Do Americans who think favorably of this measure as a stroke of policy to conciliate *the foreign* Catholic vote, calculate that it must cost the honor, if not the freedom, of our country, when they propose that we shall despatch a political ambassador to a prince who maintains that all power emanates from a Divine source, and that the people possess in themselves no inherent rights? Has it been ascertained even that the Pontiff will receive an ambassador from a country not only branded with heresy, but outlawed as Democratic from the pale of legitimate government? The practice of the Papal Court has always been adverse to receiving missions from Powers that did not in some form acknowledge her supremacy. Even England has for ages maintained no diplomatic relations with Rome, owing to her Protestant contumacy. Are we to bend the knee first, and then to acknowledge the Pope as the source of all power? Must we prove recreant to our glorious Declaration of Independence? Must we renounce popular rights? On what terms is our ambassador to go? Does the proposition come from the Pope, or originate with our own Cabinet? These are important questions to answer. Has his Holiness turned Democrat, and fallen in love with our free institutions? This is not probable; for if he cannot tolerate the idea of a Protestant hierarchy like England, he will not assuredly be able to look with complacency upon a people who maintain the radical equality of the human race as we do.

If the appointment were a mere mercantile ar-

rangement to negotiate a treaty of trade and commerce, it would wear a color more rational—even although the Pope is not bound TO KEEP FAITH WITH HERETICS! But, alas! the Pontine Marshes are the boundaries of the trade and commerce of the Roman Pontiff. He has no trade, no commerce, no exchanges of value to offer for our cotton, our tobacco, our rice, our flour, or our hemp. It becomes, then, a pure *political* embassy; yet, having no political relations with Rome, it becomes reduced to a mere nullity, an empty form, an unmeaning pageant, a ridiculous display, wicked in its conception, disgraceful in its tendency, and prodigal in its expenditure. Is this a time to play with expensive baubles, while we are borrowing millions upon millions to prosecute the war? Must we add to the burdens of our national debt by taxing tea and coffee, in order that we may send an ambassador to the Roman Pontiff, to acquire the vices or familiarize himself with the frivolities of European courts?

How stands this boasted Italian reformer as a constitutional monarch? Is he willing to part with any of his boasted prerogatives as an *absolute* king? Listen to his own declaration, spoken at the last opening of his Council of State, and mark the holy indignation with which he repels the slightest imputation or suspicion of his despotic character! And yet we, the American people, propose to send a deputation, an embassy, to this confirmed despot! These are his words:

"I thank you for your good intentions; and, as regards the public welfare, I esteem them of value. It was for the public good that, since my elevation to the Pontifical throne, I have, in accordance with the counsels inspired by God, accomplished all that I could; and I am still ready, with the assistance of God, to do all for the future, without, however, retrenching in any degree the sovereignty of the Pontificate; and, inasmuch as I received it full and entire from my predecessors, so shall I transmit this sacred deposit to my successors. I have three millions of subjects as witnesses, and I have hitherto accomplished much to unite my subjects with me, and to ascertain and provide for their necessities. It was particularly to ascertain those wants, and to provide better for the exigencies of the public service, that I have assembled a permanent council. It was to hear your opinion when necessary, and to aid me in my sovereign resolutions, in which I shall consult my conscience, and confer on them with the Ministers and the Sacred College. Anybody who would take any other view of the functions you are called to fulfill would mistake materially, as well as he that would see in the Council of State I have created the realization of their own Utopias, and the germ of an institution incompatible with the Pontifical sovereignty."

Now, what are the facts? The United States can only regard Pius, in his temporal and political character, as a sovereign, the monarch of Rome. And we find that sovereign so jealous of his absolute power as to denounce by anticipation any possible surmise of his intention to part with or relax in favor of popular freedom any the slightest portion of his absolute prerogatives. He will not retrench one iota of that power which he has received full and entire from his predecessors, and which he will transmit as a sacred deposit to his successors. And what is this deposit? Such is the language of the reformer, for whom a faction in the United States would express sympathy, and with whom they are willing to fraternize!

True, we send a minister to Russia, an absolute monarchy; but our commercial relations with Russia justify it. But in the case of Pius we propose to send a sympathizing embassy, a special political agent, to uphold his political character and encourage him in his efforts to overthrow American institutions.

Sir, I wage no war against any religious opinions of foreigners or Americans, nor do I conceive Jesuit influence to have any connection with religion. Roman Catholic countries have in succession denounced, expelled, or proscribed the Jesuits, as the most formidable enemies of government; several Popes have fulminated their bulls against them. It is too trite a part of history to detail, for all know that it was Pope Clement XIV. who promulgated the memorable edict for their suppression, as a pernicious order, whose ambition was incompatible with the government of empires and the purity of the Roman Catholic religion! Their colleges were suppressed, and their revenues confiscated by Roman Catholic prelates, popes, and kings. The institution of Ignatius Loyala was made to immortalize the ambition of bad men. It laughed with derision at the power of states to extinguish it; it still flourishes more formidable than ever throughout Europe, unseen in its giant power, but more powerful than kings. Following in the path of their victims, they come in droves to the United States, and are now spread through the length and breadth of the land. With smiling and meek exterior, their purposes are all *useful*. They wear no terrific front; they carry no weapon to destroy life; but bear the sceptre of knowledge in their hands, and under the banner of "education" they instil the insidious doctrines that invest them with almost omnipotent power over the minds of their disciples. *Power over the human will* is the object of the Jesuit, and the aim of that power is to rule man by enslaving him. A community under the influence of Jesuits must be a community of slaves. Implicit obedience to the behests of a despot is the first law of the order; and will you give fresh vigor to that order by courting a legate of the Pope, to be stationed in this city for the purpose of *centralizing* its influence? Sir, foreign colonies planted among us, under the influence of such *a central power*, cannot fail to work out their designs, even to the overthrow of our free institutions.

I tell you, and I tell the nation, (for there is yet time to save it,) that the propagandists of Europe are colonizing this country; that the foreign population is being dexterously located, not only with the view to the holding of the balance of power in certain States, but with reference to the organization of new ones, under the peculiar influence of the Jesuits, who will spread their ample wings over them, go where they may. The Jesuit is not confined to the country. He is *at home* everywhere. His web is thrown over all. His power benumbs the soul and fetters the body. His victim is controlled, and moves, and acts, at the will of his master, and it is this master whom you propose to serve by the passage of this bill.

Sir, a Jesuit college or seminary is now a familiar thing, to be seen in all places, and daily increased, without exciting a sensation, or giving birth to a remark. Habit reconciles us to evil, even when most odious and revolting in its features. But a gilded exterior makes evil a welcome object to our senses. We greet the man whose bland smiles cheer us, and whose flatteries gratify our vanity. Courtesy and learning both unite to render the Jesuit insinuating; and had he no object but the single purpose of improving the intellect of mankind, he should receive the homage of my admiration. But even "education" may be purchased at too high a price. After all, can the knowledge inculcated by the Jesuit be called "education?" It is not, at least, the education of an American or of a freeman. A republican, come from what quarter of the globe he may, ought to have his whole soul expanded to the utmost bounds of liberality—free, daring, energetic, and boundless in its soaring flight; feeling no throb he feared to utter, burning with no thought he dare not express. This, sir, is the basis, the only basis, of American education. Unrestrained freedom of thought and speech, with no master but God, no superior but the laws—conscience for his guide, and reason for his counsellor.

If no other evil resulted to the American people but this system of servile education by the ambitious Jesuit, who seeks to control it—wrapping up the minds of our American youths in the eternal bondage of Egyptian darkness—it would be quite a sufficient inducement to put a curb on the evil rather than to give loose rein to their designs by the passage of this bill.

Let it not be forgotten that this system of intellectual and moral bondage is only a *means* to a great *ulterior end;* and that is political power and religious authority. Although the Popes have, at various periods in the history of the world, *pretended* to suppress the order of the Jesuits, they have never failed to avail themselves of their aid as missionaries. They might be suppressed *at home*, but it was only to nerve them for fresh exertion in a distant land. It never was content with spiritual diffusion, but always struggles and pants to gain temporal power for its priestly head. We find no other religion but that of the Pope concentrating its votes to accomplish political power. It is peculiar to Popery never to rest content till it incorporates its power with the civil government. We have the voice of History to instruct us in the fact *that a religion founded on the union of spiritual and temporal power will strive naturally to propagate that union, as indispensable to its perfection.* Without political power, such a religion is not only incomplete, but defective, deformed, and wanting in its natural members. Why is it so? Because the head of the Romish Church is a temporal prince, of absolute power, and infallible authority. Question his mandate, and excommunication follows. Disobey his behests, and, lo! the rod of his vengeance falls on the culprit, both in this world and the future. The fountain of its honors, ministry, and functions, (spread where it may,) is at Rome. The Pope—reformer though he be—is the head of all. *From him* flows the double stream of spiritual and temporal power, which, however it may divide itself for a season by the rugged face of foreign climes, never rests, but boils and bubbles forever, till it reunites; even through the impediments of blood, carnage, revolution, and rebellion. Its impetuous surges of ambition beat against every shore for the admission of its temporal power, and now, amidst the spreading lights of the nineteenth century, we are asked not only to recognize, but to send a *minister plenipotentiary* in advance, *craving* his Holiness to condescend, by creating *a religious tie*, to take us into his holy keeping.

Gracious and just Heaven! to what direful ends will the passions and ambition of men hurry them! How inscrutable are the ways of God to test our virtue, and waken in our bosoms the divine emotions which led the noble men *of other days* to make such immortal sacrifices, when burning at the fiery stake, or dying under the tortures of the Inquisition—when Smithfield celebrated her hellish orgies, or the rack tore the bleeding limbs of heroic martyrs at Madrid—or the massacre of the Huguenots deluged the fair fields of France with the best blood of the age!

Will gentlemen who propose to rivet *this religious chain* think of *the future*, for it is *to the future* that we are to look for bonds, fetters, and disfranchisement? That future which in a few years will expand our population to an hundred millions; when our wild Indian lands, embracing Oregon and the far West, shall have been settled by *foreign* Roman Catholics and their children, all under the guidance and control of Jesuit leaders, bound to obey *their general*, the Pope's nuncio, whose headquarters are to be the seat of government, and that seat of government the city of WASHINGTON!

Let us imagine for a moment all this immense expanse of empire, embracing some fifty or sixty States, to be settled by its proportion of the foreign slaves of foreign Jesuits; and, inferring the future from the past, that they have been successful in extending their invasions upon the spiritual and political rights of the American people, what would be the direful consequences of this dreadful overshadowing of the moral and intellectual world? Are the religious wars and relentless persecutions of fire, rack, and other bloody demonstrations of bigotry, with which Popery has deluged Europe for ages, again to be acted over here—on the fair and unstained bosom of our vast and free Republic? Heaven forbid this foul desecration of our equal rights! And yet what hope of exemption gleams in the future, unless the friends of civil and religious liberty, animated by a sublime devotion to the welfare of their children and the freedom of posterity, now combine to arrest the march of papal usurpation before it overspreads the land, and plants its "GARRISONS" of power deep in the bosom of our valleys, irresistible, and unresisted?

The combination of despotism—the despotism of Church and State power—must be counteracted by combinations of freemen, under the sacred guarantee of the Constitution, which makes resistance virtue, and stamps the denunciation of this "unholy and revolting alliance" with the sublimest attributes of patriotism and benevolence.

I have already shown you that our minister will have no duties to perform in Rome; and now permit me to inquire what interests of *Rome*, as a European Power, are to be protected by *her* minister in this country?

Sir, this constitutes the gist, the very marrow of the question. He is destined to be a vigilant observer of the ruffled waters of political agitation—an active correspondent, advisory and directory, and, so far as the Jesuits in this country are concerned, *mandatory*—concentrating the combined force of *foreign* Roman Catholic action, and the foreign Roman Catholic vote, upon such men and such measures as are best calculated to extend the temporal power and political influence of the Romish priesthood!

Shall such a consummation be brought about or hastened by the action of those who claim to be the descendants of the Pilgrims? Sir, I trust not.

Does England send a minister to Rome? No; and yet their international relations, having especial reference to the condition of Ireland, are full of importance. England well knows that what is useful may be attained, and that what is fraught with danger may be avoided by dispensing with reciprocal embassies. England does not forget the teachings of history. Cardinal legates and Papal nuncios have in their day taught *her* lessons —lessons never to be forgotten, for those lessons were written in blood!

Sir, every step of Pius the Ninth, in his *seeming* spirit of reform, is made with a direct reference to the extension of his temporal power over this Republic. He has political sagacity enough to discover that the practical workings out of the principles of freedom, through the medium of universal suffrage, can be adroitly converted into the means of supporting the spirit of superstition as the basis of political power.

While we are engaged in this Mexican war, let us not lose sight of the fact that Europe is invading us; that her paupers and criminals, under the control of Jesuit leaders, are swarming over the land, spreading disease, physical, moral, political, and religious.

Sir, there has been, and there is, *a systematic* effort now going on to overthrow American rights and American institutions, by the means to which I have alluded. There are those who hear me, who know full well, that a few years ago, a distinguished German historian delivered a course of lectures before the Emperor of Austria and the nobility of that country, in which he undertook to show that Europe's thrones would remain insecure so long as this example of free government existed in the United States. His name was Slegell. In his eighteenth lecture, he proceeded to show how to give solidity to the thrones of tyrants. "Send 'your refuse population," said he, "to the United 'States, under the control of the Jesuits. They 'will keep the foreign population separate and dis-'tinct from the American. They will prevent 'amalgamation, and a distinct political organiza-'tion may be formed. THEIR BALLOT-BOXES ARE 'LEFT OPEN! YOU ARE INVITED TO TAKE POSSES-'SION OF THEM!" "Do this," said he, "*and the 'work is done!*"

Immediately the Leopold Institution was founded, afterwards the Society at Lyons; and while the American people have been sending their thousands and tens of thousands of dollars to Christianize and evangelize the Mahommedan world, the Roman Catholic crowned heads of Europe have been erecting their chapels from Canada's border to the Gulf of Mexico, having for their end and aim the subjugation of American rights, and the destruction of American institutions.

Am I not right? Look back to the past. I ventured, during the first session of the 29th Congress, to tell our sister States of the South that a cloud was gathering over their soil. I knew that the Jesuits were actively at work, ready to seize upon any question that threatened to shake the Union, or lead to its dissolution.

I remembered then, as I do now, the encyclical letter of Pope Gregory against slavery—not in Spain, Portugal, or Italy, but slavery in the United States! I remembered, too, that it was followed up by Daniel O'Connell's celebrated letter to the Repealers of Cincinnati, in which he told them: "*Where you have the electoral franchise, give your 'votes to none but those who will assist you in carry-'ing out the pious intentions of his Holiness the 'Pope!*"

Sir, I quote him word for word. Here was a double appeal—as *subjects* of the Pope you must advocate repeal, and as *members of his church* you must oppose slavery in the United States, although the Popes of Rome had given it their pious countenance and protection for a period of fourteen hundred years.

O'Connell had felt the aid that abolitionism had given him in England; he had overcalculated its power and influence in this country, and yet he was willing to combine the Irish Catholic and abolition vote in the United States in order to hold the balance of power and bring both in subjection to the dictation of the Pope of Rome!

At this crisis a body of patriotic Americans at the North, viewing *southern* rights and *southern* institutions as a part of *American* rights and *American* institutions, planted themselves in self-defence. They resisted the right of the Pope or his demagogue to interfere with any American institution which existed under the Constitution of their country. They called public meetings to denounce this wanton and gross outrage; and it was under such circumstances that ten American citizens were shot down in cold blood, by the advice and counsel of the very Jesuit priesthood whom this appropriation proposes to encourage in their murderous assault upon the lives of the native born sons of the soil.

Sir, the Jesuits are busily at work. Driven out of France, Portugal, and Spain, they are making their stronghold here in our midst. The provisoes and firebrands flung into this House day after day are traceable to the secret operations of that Order, which is now striking for the mastery of the world.

And yet at no period in the history of the world was the human understanding more auspiciously disposed than at this moment to the propagation of every opinion favorable to the growth of the power and the diffusion of the dogmas of Rome. In the fullness of light we seem willing that the torch shall be extinguished, because we feel so secure in our power. In the excess of our toleration and liberality we seem disposed to invite the intolerance of bigotry against ourselves, lest, if we stand by our rights, we should be charged with bigotry! This is the error of an age of overstrained refinement, of scientific liberality, of the universal diffusion of the press. But it is the very error of the moon, the madness of amenity, the liberality which leads the commander of a beleaguered garrison to open its gates to the foe and invite him to partake of a repast, when his avowed object is the subjugation of his citadel.

Sir, the line of demarcation which separates toleration from bigotry and persecution is too boldly and broadly drawn by the rights of man, as defined by the Constitution, and the fundamental principles of religion, as they exist in letters of living light upon the pages of the Bible.

And here, sir, I may be permitted to ask, why is it that the Jesuits have made such strenuous efforts to drive that Bible from our public schools? Why those dark insinuations of the unfitness of Bible truths for the daily duties of life? We claim for *the American born child* of the foreign Roman Catholic the same glorious privileges our own children enjoy; to read, examine, investigate *for themselves*, to reject or adopt it as they see fit, unawed by any human power. Shall there be one code of morals for one class, and another for a higher or a lower one? Shall the Jesuit clergy coin a construction of the Bible for the people which the people have no right to test by their own understandings, and thus establish a human tariff for crime, adjusted by mere human authority, in opposition to the commandments of God, and meet with no resistance? Or rather, so far from *resistance*, the approving smiles and generous encouragement of the Representatives of the American people?

Sir, we have lived to see the Bible driven from our public schools and BURNT IN THE PUBLIC STREETS! That Bible so inseparably interwoven with the genius and spirit of American institutions. The Congress of 1777 distributed thirty thousand copies of *that Bible* among the American people—that same Bible which MARY gave to her little boy GEORGE, whose precepts and whose principles led him, at the head of the American troops, to achieve that freedom which we now enjoy. Do what you may, I tell you that the American born citizens of this country, at least the *native born Americans*, will at all hazards keep that Bible in the hands *of their* LITTLE GEORGES, TOO.

To me, sir, it is a matter of amazement that any member of this House should be willing to advocate such a proposition as that now before the committee, which yields to the exorbitant pretensions and bends to the domineering power of the Pope of Rome.

The Native Americans, scorned and abused as they have been, because *they loved their country* better than they did party, have struggled, thus far in vain, to apply a check to the great and growing evil that now overshadows the land. Their object has been conservative. They wished to apply a *preventive*. The bill now before the committee proposes to strengthen and fortify and extend Jesuit influence in the United States. Pass it if you will. Send a minister plenipotentiary and envoy *extraordinary* to the Pope of Rome. I tell you that the heart of the nation will be reached, that the American people will awaken from their slumber, and that Native Americanism will be at last understood and properly appreciated. Pass your bill, and from that hour NATIVE AMERICANISM means only the defence of Protestant rights and Protestant freedom against Papal tyranny and Jesuit aggression.

Upon that broad platform we stand, and let posterity judge. Sir, we do *protest* against this *religious link* between our free Republic and that Papal throne—a throne unlike all others, built upon power, spiritual and temporal, political and religious—a throne which makes man a slave, and transforms kings into fiends, priests into tormentors, a people into drones, a country into a desert—a throne which extinguishes the fire on the altar of domestic love, in a form peculiar, fatal, revolting; snatching its votaries away from the homage of nature to the cold convent, the repulsive abbey, the gloomy cell of the anchorite, the horrid dungeon of the inquisition, and the demoralizing edict of celibacy; stirring up sedition, rebellion, and civil war, as the only means of extending a power which reason revolts from, and persuasion fails to diffuse—which mankind have resisted in every age, at the peril and under the penalty of the cannon's mouth, the edge of the sword, the fire of the faggot, the torments of the stake, and the tortures of the rack!

Sir, in the name of the American people, I protest against this innovation, which would make us a by-word among the nations.

It is almost an obsolete, but still a venerated and solemn custom, appropriate to all great and imminent conjunctures of public import, to invoke the special protection of a Superior Being, and in the same spirit that animated our sires of 1776, I exclaim, GOD SAVE THE REPUBLIC!

When Mr. LEVIN concluded,

Mr. STRONG obtained the floor, and the committee rose and the House adjourned.

PETITIONS, &c.

The following petitions were presented and referred under the rule:

By Mr. WHITE, of New York: Two memorials of the farmers and citizens of the county of Saratoga, New York, remonstrating against the renewal of the patent of the heirs of Jethro Wood.

By Mr. HOLMES, of South Carolina: The petition of Moses D. Hyams and others, for papers to change the name of the French brig Bontemps to Palmetto.

By Mr. HALE, of New York: The petition of Morris Fosdick, one of the justices of the county court of Erie, New York, praying for a modification of the laws relating to naturalization.

By Mr. PHELPS: The petition of citizens of the western part of Missouri, praying the establishment of two judicial districts in said State. Also, the petition of Lewis D. Offield, praying compensation for services of his sons, who marched to the place of rendezvous to be mustered into service, after having volunteered, and were not received into service.

By Mr. SMART: Of Edward Cole, of Frankfort, Maine, for increase of pension.

By Mr. SMITH, of Illinois: The petition of a large number of citizens of Monroe and Randolph counties, praying the establishment of a mail route from Waterloo, in Monroe county, via Red Bud, Evansville, and Ellis Grove, to Chester, in Randolph county. Also, the petition of W. T. Miller and 141 other citizens of Madison county, Illinois, praying a reduction of newspaper postage, and particularly on juvenile papers of small dimensions.

By Mr. EDWARDS: The petition of James Co, praying for a pension.

By Mr. MARVIN: The following memorials, all remonstrating against the renewal of the patent of Jethro Wood for the benefit of his heirs: Of M. Ward and fifty others, citizens of Livingston county; of William Paul and seventy others, citizens of Ontario county; of George R. Hall and one hundred others, citizens of Cattaraugus county; of John B. Wilber and one hundred others, of last-named county; of T. C. Barrett and thirty others, citizens of Chatauque county; of William H. Riley and ninety-eight others, citizens of the last-named county; of S. H. Dickinson and fifty others, of the county last named; of E. A. Lester and eighty others, of the last-named county; and of Forbes Johnson and thirty-four others, citizens of said county of Chatauque, all of the State of New York.

By Mr. GOTT: The remonstrance of James H. King and fifty other citizens of Onondaga county, New York, against the passage of any law reviving or continuing the patent of Jethro Wood for a cast-iron plough.

By Mr. HOLMES, of New York: The remonstrance of Hiram Wright and one hundred and two other citizens of Monroe county, New York, against extending the patent of Jethro Wood.

By Mr. HUNT: The remonstrance of one hundred and twenty-five citizens of Caledonia, New York, against renewing the patent of Jethro Wood.

By Mr. THOMPSON, of Iowa: The petition of A. H. Haskell and sixty-four other citizens of Iowa, praying for the establishment of a mail route from Fairfield, Jefferson county, via Lancaster, Sigourney, and Wasson's Mills, to Iowa City.

By Mr. HUDSON: The memorial of Enoch Pained and one hundred and fifty-one others, praying that peace may be restored to the country.

By Mr. GAINES: The petition of D. Drake Henrie, praying indemnity for property lost and services rendered in the service of the United States in the war with Mexico.

By Mr. KING, of Massachusetts: The memorial of Henry H. Sibley and 400 others, inhabitants of Minesota, praying that that country may have a territorial government, and that it may not be annexed to Wisconsin. Also, the memorial of Hall Judd and 65 others, citizens of Northampton, Massachusetts, against the United States Government trafficking in the public lands, and for laying them out in farms for actual settlers not possessed of other lands. Also, the petition of Sarah Sampson, widow of Peleg Sampson, a revolutionary soldier, for a pension.

By Mr. WENTWORTH: A petition for a mail route from Joliet, via Jackson Creek, Reed's Grove, Wilmington, Rock Creek, Bulbonia, Mount Saugum, Middleport, and Milford, to Lafayette, Indiana. Also, one from Peru, via Troy Grove, Ovid, Daney's Mills, Inlet Grove, Lafayette Grove, Kelly's Mills, Whitcoak Grove, Stillman, and Kishiwankie, to Rockford.

By Mr. HALL, of New York: The remonstrance of 82 citizens of Erie county, New York, against the extension of the patent granted to Jethro Wood.

By Mr. WHITE: The memorial of Anthony M. Brackett, A. Harris, and 176 others, farmers and citizens of the county of Saratoga, New York, remonstrating against the renewal of the patent of Jethro Wood for a cast-iron plough, for the benefit of his heirs and assigns.

By Mr. GAINES: The petition of Linchfield Sharp, praying compensation for services rendered and injuries received in the Indian war in 1793 and 1794, as well as in 1812.

By Mr. ROCKWELL, of Massachusetts: The petition of Priscilla Maxwell, of Charlemont, Massachusetts, daughter of the late Lieutenant Colonel Hugh Maxwell, of the army of the Revolution, for a pension.

By Mr. JOHNSON, of Arkansas: Five memorials praying the removal of the raft in Red river.

IN SENATE.

THURSDAY, *March* 2, 1848.

Mr. WEBSTER presented a petition from certain citizens of Kingston, in the State of Massachusetts, engaged in the fisheries, asking that the duty on fish may be made specific.

Mr. WEBSTER, in introducing this petition, said that the petitioners complain that the effect of the present duty is to give great advantage to the British fisheries over those of the United States. The English fishermen can come from the neighboring colonies, Canada, New Brunswick, and Newfoundland, in light and cheap constructed vessels, and fish during the day, and return at night and cure their fish, which are admitted into the ports of the United States under an ad valorem duty, invoiced at such rates as will not afford a remunerating return for the capital invested and labor performed by persons engaged in that branch of business in the United States; and they therefore ask that the duty may be made specific, and at the rate prescribed by the act of 1842. The petition was referred to the Committee on Finance.

Mr. YULEE presented additional documents on the claims of Isaac Varnes, and of the administrator of James Edwards; which were referred to the Committee on Claims.

REPORTS FROM COMMITTEES.

Mr. MASON, from the Committee of Claims, reported the bill for the relief of the heirs of John Paul Jones, and recommending a concurrence in the amendments of the House.

Mr. M. moved that the report be concurred in.

Mr. BRADBURY thought the bill would give rise to debate: and the question was postponed.

Mr. WESTCOTT, from the Committee on Patents, made an adverse report on the memorial of Hezekiah L. Thistle; which was ordered to be printed.

Mr. W. also, from the same committee, made an adverse report on the petition of Herrick Aikin.

RESOLUTIONS.

On motion of Mr. DIX,

Resolved, That the Committee on the Library be instructed to inquire into the expediency of directing the Secretary of the Treasury to transmit by Mr. Alexander Vattemare copies of the standard weights and measures of the United States to the Government of France.

On motion of Mr. DIX,

Resolved, That the Committee on the Public Buildings be instructed to inquire into the expediency of completing the ventilation of the Senate Chamber.

Mr. BRADBURY submitted the following, and asked its immediate consideration, observing that the information was important to the Senate and the public. Every day's mails brought pressing inquiries on the subject, and, at the rate they were now receiving them, it appeared to him that they should not get one-half of the quota to which each Senator was entitled before the meeting of the next Congress.

Resolved, That the Committee on Printing be requested to ascertain and report at what time the copies of the President's message and accompanying documents ordered by the Senate to be printed, and which have not yet been received, may be expected.

Mr. DIX suggested that the resolution had better lie over. He had accidentally met the printer, a day or two since, who informed him that he was waiting for the engraving of the maps, and that the printing was finished.

Mr. BRADBURY said, if such were the fact, he desired it to go forth to the public through a report of the committee.

Mr. WESTCOTT thought it would be well to extend the inquiry a little further. He had seen the printer this morning, who had informed him that the difficulty was principally owing to the delay in furnishing the maps. And he had understood further, that such of the maps as had been received were sent in to the printer without being folded, so that it was found necessary to fold them into a shape to fit the printed pages. To do this, the printer had been compelled to employ additional hands. Mr. W. thought, therefore, that the resolution ought to be extended so as to include an authority to the printer to employ and pay an adequate number of hands. The cause which was assigned for the delay would thus be removed.

Mr. BRADBURY expressed a wish that the order might go to the committee in its present form, feeling no doubt that the matter would be fully investigated.

The resolution was then agreed to.

The Senate then proceeded to consider the amendments made by the House to the bill "to make attachments which are made under process issuing from the courts of the United States conform to the laws regulating such attachments in the courts of the States;" when—

Mr. WEBSTER moved that the Senate concur in the amendments of the House. One of these made the provision of the bill applicable only to cases which may hereafter occur, and the other relates to cases of debts due the United States.

Mr. SEVIER asked whether this limitation to future cases was right.

Mr. WEBSTER said, in his opinion, it was right.

The amendments were then concurred it.

The Senate proceeded to consider the amendments made by the House to the joint resolution for the relief of Betsey McIntosh, and they were concurred in.

The bill from the House to change the name of the steamboat Charles Downing to Calhoun, was read a first and second time, and referred to the Committee on Commerce.

On motion of Mr. SEVIER, (quarter before one,) the Senate proceeded to the consideration of Executive business; and, after sitting till a late hour, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 3, 1848.

The Journal of yesterday was read and approved.

Mr. SCHENCK rose and said, that in his present state of health, and in consequence of the inclemency of the weather, he was under the necessity of asking the House to excuse him from service on the committee appointed to accompany the remains of their late venerable colleague, JOHN QUINCY ADAMS, to their last resting-place in the State of Massachusetts. He therefore moved that he be excused from service on that committee, and that the vacancy be filled by the Speaker.

The motion was agreed to, and the SPEAKER appointed Mr. EDWARDS to supply the vacancy.

Mr. CABELL moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar. This was the day on which bills could be acted upon without debate; and another opportunity to dispose of that class of bills would not again soon occur. He was aware that the House had fixed two o'clock to-day to terminate debate on the deficiency bill; but a reconsideration of that vote, and the postponement of the termination of the debate to the same hour to-morrow, he trusted would be consented to, and thereby private bills could be disposed of, and those gentlemen who desired to speak on the deficiency bill would have the opportunity to do so.

Mr. CABELL withdrew his motion to go into Committee of the Whole on the state of the Union, to allow the gentleman from Connecticut to make the motion he had indicated.

Mr. ROCKWELL then moved a reconsideration of the vote by which the House had fixed a period to the debate on the deficiency bill, with the avowed purpose to move the termination of debate at two o'clock to-morrow.

The motion was agreed to.

Mr. ROCKWELL then moved that the resolution be so amended as to fix two o'clock on Saturday for the close of debate.

Mr. CLINGMAN moved to amend the resolution so as to make the time half-past two o'clock.

Mr. JONES, of Tennessee, moved to amend the amendment so as to fix one o'clock. On Monday, he said, thirty members of the House would leave the seat of Government to accompany the remains of the late Mr. ADAMS to the State of Massachusetts. It was therefore necessary that the final vote should be taken on Saturday. And after the close of the debate, so far as the time might be fixed by resolution of the House, the chairman of the Committee of Ways and Means would have the right to occupy one hour by the rules of the House. One o'clock, therefore, should be fixed, instead of two, or half-past two, as proposed by the gentleman from North Carolina, [Mr. CLINGMAN.]

Mr. VINTON was understoood to say that he had no intention to occupy the time allowed him by the rules,

The amendments were then rejected, and the original resolution agreed to.

Bills of the Senate of the following titles, lying on the Speaker's table, were taken up, read a first and second time, and appropriately referred, viz:

A bill for the relief of the legal representatives of Jacques Moulon.

A bill for the relief of Fernando Fellanny.

A bill for the relief of Peter Engels, sen.

A bill for the relief of Mary McRae, widow of Lieutenant Colonel William McRae, late of the United States army, deceased.

A bill for the relief of John Black, late United States consul at the city of Mexico.

A bill in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of fraud on the revenues of the Post Office Department,'" passed March 3, 1845.

The bill from the Senate entitled "An act concerning the courts of the United States in and for the district of Michigan," was taken up, read three times, passed, and returned to the Senate.

Mr. CUMMINS moved, that when this House adjourns, it adjourn to meet to-morrow at eleven o'clock.

The motion was ruled out of order.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole on the private calendar, (Mr. ASHMUN, of Massachusetts, in the chair.)

The bill directing the mode of settling the claims of Charles G. Ridgely was taken up and amended, so as to provide for the settlement of the claim upon legal principles. It was then ordered to be reported to the House.

The following bills were taken up, read, considered, and ordered to be reported to the House, viz:

A bill for the relief of Calvin Emmons;

A bill for the relief of E. G. Smith;

A bill for the relief of Bent, St. Vrain & Co.;

A bill for the relief of J. Throckmorton;

A bill for the relief of William Hogan, administrator of Michael Hogan, deceased;

A bill for the relief of the heirs and legal representatives of Regnal *alias* Nick Hilliary;

A bill for the relief of James McAvoy;

A bill for the relief of Charles Benus;

A bill for the relief of William Ralston;

A bill for the relief of Nancy Tompkins;

A bill for the relief of John Mitchell;

A bill for the relief of David Thomas;

A bill for the relief of Stephen Champlin;

A joint resolution for the relief of George R. Smith, of Missouri;

A bill for the relief of Bennett M. Dell;

A bill for the relief of John Manley;
A bill for the relief of Sarah Stokes;
A bill for the relief of Esther Russell;
A bill for the relief of the Red River Railroad Company;
A bill for the relief of Stalker & Hill;
A bill for the relief of Reuben Perry and Thomas P. Ligon;
A bill for the relief of Benjamin White;
A bill for the relief of Anthony Bessie;
A bill for the relief of G. F. de la Roche and W. P. S. Sanger;
A bill for the relief of Jonathan Moore, of the State of Massachusetts;
A bill for the relief of Robert Ellis;
A bill for the relief of Catharine Fulton, of Washington county, Pennsylvania.

Senate bills for the relief of the administratrix of Elisha L. Keen, deceased, and providing for the payment of the claim of Walter R. Johnson against the United States, were also taken up, read, considered, and ordered to be reported to the House.

The bill for the relief of certain forward warrant officers of the United States navy was ordered to be reported to the House, with the recommendation that it be referred to the Committee of the Whole on the state of the Union.

The committee rose and reported.

The bills from the Senate for the relief of the administratrix of Elisha L. Keen, deceased, and providing for the payment of the claim of Walter R. Johnson against the United States, were then read a third time, passed, and returned to the Senate.

The recommendation of the Committee of the Whole, that the bill for the relief of certain forward warrant officers of the United States navy be committed to the Committee of the Whole on the state of the Union, was agreed to, and the bill is accordingly committed.

The bill directing the mode of settling the claims of Charles G. Ridgely was taken up, the amendments of the Committee of the Whole concurred in, the bill was read a third time, passed, and sent to the Senate for concurrence.

The above-mentioned bills, which were reported by the Committee of the Whole without amendment, were taken up, ordered to be engrossed, and, being engrossed, were read a third time, passed, and sent to the Senate for concurrence.

The SPEAKER laid before the House the annual report of the Commissioner of Patents, showing the operations of the Patent Office for the year 1847; which was referred to the Committee on Patents.

On motion of Mr. JONES, of Tennessee, the Committee on Printing were directed to inquire into the expediency of printing an extra number of the report of the Commissioner of Patents.

The SPEAKER also laid before the House a communication from the Secretary of State, transmitting, in compliance with the act of 2d of March, 1819, regulating passenger ships and vessels, tabular statements showing the number and designation of passengers who arrived in each collection district of the United States during the year ending the 30th of September, 1847; which were laid upon the table and ordered to be printed.

Mr. COBB, of Alabama, under the rule, filed with the Clerk a notice of a motion for leave to introduce a bill to increase the pay of the regular and volunteer soldiers in the American army.

Mr. BINGHAM, by leave, presented a resolution of the Legislature of the State of Michigan relative to the establishing a mail route from Detroit to Michigan. Referred to the Committee on the Post Office and Post Roads.

And then the House adjourned.

IN SENATE.

FRIDAY, *March* 3, 1848.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In answer to the resolution of the Senate of the 3d January, 1848, I communicate herewith a report from the Secretary of State, with the accompanying documents, containing "the correspondence of Mr. Wise, late Minister of the United States at the Court of Brazil, relating to the subject of the slave trade." JAMES K. POLK.

WASHINGTON, *March* 2, 1848.

The message was read, and ordered to be printed.

RESOLUTIONS OF NEW JERSEY.

Mr. DAYTON presented resolutions passed by the Legislature of the State of New Jersey in favor of the construction of a railroad from Lake Michigan to the Pacific Ocean, on the plan proposed by Asa Whitney.

Mr. DAYTON said, in presenting these resolutions, he desired to say a few words. On previous occasions he had, in response to instructions from political adversaries, disclaimed the binding force of any such instructions. These resolutions emanated from a Legislature composed of a large majority of political friends. They are not intended as instructions, but advisory. In this view, said he, they are entitled to my most deliberate and respectful consideration, and they shall receive it. But I know, that the body by whom these resolutions were passed, will ask no more than this of me. Without having given to the subject any careful consideration, I may be pardoned for saying that, as at present advised, my impressions are altogether against the scheme of Mr. Whitney as unwise and impracticable. These opinions will be carefully reviewed when this question shall be presented; and, if consistently with my views of official duty, I can conform myself to the wishes of a body whose wishes I am ever bound to respect, it will give me pleasure. But if, on the contrary, I remain of my present opinions, I shall be under the ultimate necessity of responding in this matter to political friends, as I have heretofore responded to political opponents.

Mr. DAYTON thereupon moved that the resolutions be laid upon the table, and printed for the use of the Senate; and the motion was agreed to.

Mr. DICKINSON presented the proceedings of a Democratic meeting of citizens of the county of Saratoga, New York, approving and sustaining the measures pursued by the Government in the prosecution of the war with Mexico; which were read and laid upon the table.

Mr. DIX presented a memorial of surgeons in the army and navy of the United States, praying the adoption of measures for preventing the importation of spurious and adulterated drugs and medicines; which was referred to the Committee on Commerce.

On motion by Mr. ASHLEY, it was

Ordered, That the petition of Alfred White, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. ASHLEY, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the petition of Alexander Ladd; and that it lie on the table.

Mr. WESTCOTT submitted the following resolution for consideration:

Resolved, That one thousand additional copies of Lieutenant Emory's report, and Colonel Cooke's report and map, heretofore ordered to be printed, be printed for the use of the Senate.

Mr. CASS, from the Committee on Military Affairs, to whom the subject was referred, reported a bill for ascertaining and paying the California claims; which was read and passed to the second reading.

[The bill appropriates $700,000 to defray the expenses of the military operations under the orders of Captain Stockton and Lieutenant Colonel Frémont, and to defray the expenses of the civil government established there by Captain S., and all just claims arising out of civil and military operations. Also, for a board to ascertain the claims, to consist of the commanding officer of the California battalion and two officers of said battalion while in service. The board to sit in different places, and to give certificates for the amount found due, the same to be paid forthwith in California by some proper officer duly appointed; allows the board to appoint a clerk to keep a record; the board is to be allowed to take testimony for or against any claim, and allow or disallow according to the justice of the case; it gives the California battalion all the benefits of the acts of Congress in favor of mounted volunteer troops; all claims held to be unfounded or unjust are to be forever barred; the decision of the majority of the board to be final; the amount allowed the officers of the board as compensation $3,000, and $2,000 for the clerk; witnesses on the part of the United States are allowed ten cents a mile, and the same to members of the board not entitled to army transportation.]

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were again opened, and,

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 4, 1848.

The Journal of yesterday having been read and approved—

On motion of Mr. CABELL, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. WASHINGTON HUNT, of New York, in the chair,) and proceeded to consider the bill further to supply deficiencies in appropriations for the fiscal year ending June 30th, 1848.

Mr. STRONG, who was entitled to the floor, commenced by saying that he should not imitate the course of those who had preceded him in this debate, in occupying the brief hour permitted to him in animadversions and censures on the course of the Executive. He held it was the duty of all, instead of wasting time in crimination of the past, to endeavor, with one accord, to restore peace to the country on just and honorable terms. How this end could be accomplished by accusing the President of having been actuated in every measure he adopted by some covert, selfish, nefarious design, Mr. S. confessed he could not very well see. No man, assuredly, would adopt a course like this in the affairs of private life. If a man's house was in flames, and all he owned in the world was beneath its roof, when every effort was called for to rescue his all from destruction, he would not stand idle till he had proved to all his neighbors that his dwelling must have been purposely set fire to, and had vented his wrath in denouncing the incendiary. He drops that inquiry till he has saved his children and goods, and then he may institute the most rigid scrutiny as to the real author of the fire. So in this case. If the President had been guilty of errors, this was not the time to pause to investigate them. We were now at war; when peace should come, then the inquiry would be a timely one, and it might be prosecuted to any extent that gentlemen pleased, without danger of retarding and postponing an event which the whole country so ardently desired.

Mr. S. went on to say, that with this conviction, his course on the present occasion should be first to inquire what ought to be our future course, circumstanced as the nation was. True, it might be necessary, in order to ascertain this, to refer somewhat to the past, but only for the sake of being thereby the better guided as to the future. There was one fundamental inquiry, which seemed to have been totally overlooked throughout almost this entire discussion, and that was, whether the war was in itself just or unjust; for, if the war was essentially unjust, then the course of duty was clear and plain. We must cease to do evil; we must not only prosecute the war no further, but we must retrace our steps; we must recall our armies; we must restore to Mexico every foot of her territory, and we must tender to her ample indemnity for the unmerited evils we had inflicted. Mr. S. would have no part in any unjust war. But if the war was just and right in its principle, and the injuries we had received and the expense to which we had been subjected in redressing them conferred on us rights, as the injured party, then we might and ought to enforce them.

The subject first to be inquired into, then, was whether, in the existing war, it was the United States or Mexico which "had her quarrel just." But this was scarcely a debatable question. Even the gentlemen on the other side had themselves all along virtually admitted that, as to the principle of the war, we were in the right. Yes; even the resolution itself, which declared that the President had commenced the war in an unjust, unnecessary, and unconstitutional manner, carefully avoided denying the justice of the war itself. Indeed, they could not but so view it, else how could they consistently or conscientiously vote the supplies to carry it on? Say what gentlemen pleased against the President or his motives, when gentlemen gave their votes to carry on an existing war, their vote spoke loudly in the people's ear, that they viewed the war as in itself just and right. Mr. S. said that he did not, indeed, attach so much importance to the vote first given, declaring that war existed by the act of Mexico; but, whatever might be said about the duress under which that vote had been given, the whole course of gentlemen ever since admitted of no ambiguity as to what were their real sentiments of the struggle in which their country was engaged. No gentleman on the other side, or

any side, of the House, had yet ventured to affirm, directly, and in so many words, that we are engaged in an unjust war, before the remarks of the gentleman from Ohio [Mr. SCHENCK] the other day, since when, a like assertion had been made by others.

But Mr. S. would look beyond the declaration of gentlemen of either party. In judging on this question, it was necessary to look at the condition of things which preceded the war—not at the actual commencement of hostilities, but at the *status belli* itself; for the one of these things might, and often did, exist without the other, as was the case after a public declaration of war had been made by one or both of two nations whose forces had not yet met in conflict; or, in the midst of a continued war, in the depth of winter, when the armies on both sides were in winter quarters, and no actual fighting was going on. Here were no hostilities, but yet there was a state of war. And, on the other hand, there might be actual hostilities, and yet no *status belli;* a familiar illustration of which occurred in the case of the Chesapeake and the Little Belt, and in that of the attack on the steamer Caroline. In neither of those cases had war been recognized as existing by either nation, though their subjects had been killing each other.

But how had this state of war between the United States and Mexico been brought about? At the time when the resolution for the annexation of Texas was pending before Congress, those opposed to that measure had constantly affirmed that the passage of that resolution, or at least its carrying out, in the actual annexation of that province, not only would lead to war, but was virtually war itself—in annexing Texas we "annexed a war with Mexico." Well, if those gentlemen were correct in their doctrine, (and Mr. S. was not going to deny that they were, and the same doctrine was avowed now,) then there needed no actual formal declaration of war to constitute a state of war between the United States and Mexico; all that was necessary was to pass the joint resolution, or, at furthest, to carry out and consummate that resolution into actual practical annexation.

Nor were declarations of war by both parties necessary to two nations being in a state of war with each other. Should France declare war against the United States, might not the President at once, without waiting for the formality of a declaration on our part, move the army and navy of the United States against a declared enemy? Most certainly. Nor would any declaration on the part of the United States be necessary. For what was a declaration of war? Was it anything more than this, a declaration by the competent authority that war existed? The purpose of the declaration was a notice to neutral nations and to our own people to avoid trading in articles contraband of war, and to protect their own persons and property against attack.

The custom of making a solemn public formal declaration of war was derived, as every one knew, from the practice of the Romans, who, in the spirit of fairness to an adversary, sent a herald to the frontiers of the hostile nation, and gave them warning that Rome was at war with them, and they might act accordingly. Wherever sufficient notice was given that a state of war actually existed, such notice was equivalent to a declaration of war. Well, Texas had been annexed, and was recognized as constituting an integral part of the United States. She merged her nationality in ours, and we became one people. Now, gentlemen on the other side, after the ground they had so often taken while the annexation resolution was pending, would hardly now deny that by the event of annexation a state of war was created between us and Mexico.

And Mexico herself had ever since taken the same ground. Her mouth had been closed; she never said that the President's order to the troops to advance to the Rio Grande was the commencement of war between her and us. She made no distinction between the territory on the east and on the west of the Nueces; she claimed the whole country up to the Sabine. To say that the order to advance the army opposite Matamoros was the beginning of the present war was an afterthought, invented by Whig gentlemen seemingly to shield the Mexicans from blame and cast it all on the President.

Notwithstanding the long silence of Mexico on the subject of our claims against her, no sooner did she learn that the annexation of Texas was proposed than she manifested feelings of hostility, and gave public notice to our Government that, if the project of annexation should be actually carried out, the relations of amity between the two nations would be disturbed. On the 28th of August an official notification was addressed by the Mexican minister to our Secretary of State that his Government would consider the incorporation of Texas into the Union as an act of war. [Here Mr. S. read the document.] This was a public, solemn, official notice to our Government, that on a given contingency a state of war would exist. On the 23d of November, Mr. Almonte wrote to Mr. Buchanan, that if the annexation was sanctioned by this Government, Mexico would consider it as an aggression, his mission to this Government would be ended, and Mexico was determined in that case to declare war against us. [Mr. S. here quoted the document.] These were distinct official notifications, and were in all respect equivalent to a contingent declaration of war; war was declared to be suspended on a contingency which afterwards happened.

There were, moreover, domestic declarations by the Mexican Government to the same effect. With these, to be sure, we as a nation had nothing to do; but they went to show a uniform and deliberate design on the part of Mexico to consider annexation as war. After these official acts, how could Mexico say that the *status belli* did not exist the very moment annexation should be consummated? And, in fact, she never did say so. Mexico never had disavowed the ground assumed in the notices to which he had alluded. She never had declared, either at home or to us, that she did not mean to consider herself as at war with the United States immediately on the annexation of Texas.

But the gentleman from New York, over the way, had said that Mexico, who might choose to consider it war or not, elected to be at peace with us; while the gentleman, at the same time, adhered to the doctrine that annexation was virtual war. Mr. S. admitted, indeed, that Mexico agreed to receive from us a commissioner to settle the question of boundary; but he asked the gentleman from New York to tell him where that gentleman found the reception of such a functionary to be inconsistent with a state of war between two nations? There was no incompatibility, no inconsistency between them; and in fact Mexico never had disavowed the state of war, but, on the contrary, had reiterated the declaration again and again.

On the 12th June, Santa Anna issued a proclamation—not addressed to us, but of a domestic character, and with which, therefore, we had nothing to do, and which we were not bound to notice; but it went to show that Mexico herself thought annexation to be war. The proclamation stated that Mexico was mustering forces, and was about again to commence a campaign against Texas. On the 6th March, 1845, Almonte addressed an official note to our Government demanding his passports. [Mr. S. quoted the document.] Did this look like "electing to be at peace?" Not at all. On the 4th June, 1845, Herrera also issued a domestic proclamation, in which he declared that our act of annexation did not destroy the rights of Mexico over Texas, and that she was resolved to enforce them. And, still more, on the 12th July the Mexican Minister of War and Marine issued the following. [Here Mr. S. quoted the document, in which he declares that the perfidy of the United States had consummated the act of annexation, and that Mexico could not tolerate such an indignity, and was resolved to declare war against the United States.]

And yet, said the gentleman from New York, Mexico elected peace. Now, at this time, when this last proclamation was issued, General Taylor was not at Corpus Christi; he had not even advanced as far as the Nueces. And yet, said the gentleman from New York, Mexico elected peace! It was true that Mexico did not immediately commence hostilities; she delayed with the lingering hope * * *. But Herrera's administration was overthrown, and the avowed object of the revolution which overthrew him was to institute more hostile proceedings against the United States. Paredes succeeded him, and shortly after his election he produced a domestic proclamation, and that proclamation was relied upon on the other side of this Hall as giving an indication of his peaceful disposition. Now that proclamation was not one addressed to this Government. It was wholly a domestic affair. It was true that in that proclamation Paredes said it was not in his power to declare war, and Mexico had not and would not make aggressions on the United States. But, at the same time, Paredes declared that the Mexican Government never would recognize the rights of the United States to any part of Texas; that it was still their own, and that they would enforce their rights to it by arms. He was at that time raising a large army, and had it upon the banks of the Rio Grande, and Mexican papers, printed in the city of Mexico, avowed that the object was to march to the Nueces. Now, he cared not what the domestic declarations of Paredes were. We were to judge from the declarations given to us; we were to judge from their acts. It mattered not, as was correctly remarked by the honorable gentleman from Vermont, [Mr. COLLAMER,] what a man's intentions might be, if his acts did not correspond with them. We were to judge from acts. Paredes said in his proclamation that the time for temporizing had passed; that Texas having been annexed to this country, the time for hostilities had come.

Now, was there anything unjust in the United States to take them at their word—to believe, when Mexico proclaimed the existence of a state of war, and her intention to prosecute it and drive off the invaders, as she styled us, from the entire country of Texas, that she meant what she said.

But on the 18th April, 1846, Paredes issued the order to Arista, who was then in command of the army of the North, in which he declared that hostilities should be commenced. He argued that in either case—whether Paredes at that time knew of the advance of the army under General Taylor to the Rio Grande or not—that advance was not the cause of the issuing of the orders of Paredes and of his warlike movements.

He asked, then, whether Mexico had not debarred herself, after this official notice to our Government, which she had never retracted, from saying anything else of the commencement of the state of war, of the cause of it, than the annexation of Texas? And if, by her declarations, by her military preparations and movements, all corresponding with these declarations, she induced us to anticipate her attack, had we done anything inconsistent with right and prudence?

He had thus far discussed this question as between Mexico and the United States. He had not averted to the acts of the Executive of the United States, which had been so much discussed on the other side of the House, because it was immaterial. The inquiry was between us and the Mexican Government, and it mattered not whether the Executive of the United States was justifiable or not. The honorable gentleman from New York had arrived at the conclusion that this war was unjustifiable in a most singular manner—by looking at the acts of the President through the distorted medium of party. He said that the act of the President, in commencing the war, as he alleged he commenced it, was unnecessary and unconstitutional, and he therefore concluded that the war was unjust. There never was a greater mistake and fallacy of reasoning. If the order of the 13th January, 1846, was a palpable violation of the Constitution, it did not prove that the war was unjust. Suppose the French Government were to land an invading army on the coast of South Carolina, and that the President, without consulting Congress, should raise an army and borrow money to resist this invasion, his acts would be clearly unconstitutional and unnecessary. But would the quarrel from that reason, as between us and France, from this cause be unjust on our part? He apprehended that the fallacy on the part of gentlemen on the other side of the House was in not distinguishing between the acts of the Executive and of the nation.

Mexico had always protested against the annexation of Texas. She gave, and had never withdrawn, her official notice that that act produced a state of war. Now, was the defence of Mexico tenable? Was she justifiable, from the reason which she herself gave in assuming a position which inevitably led to the commencement of hostilities? Texas was annexed. He would not stop to discuss the expediency or the propriety of that annexation. That had already amply been done. Texas had become one of us, and she never would

be separated from us. No day-dreamer imagined the possibility of it. But Mexico put her defence for commencing the war upon the annexation of Texas. This was the ground which she first took, and which she had always maintained as her justification. He briefly referred to the history of Texas as an independent republic—so vindicated by herself at San Jacinto, and so acknowledged by England, France, and the United States—to show that Mexico had no cause of complaint when she chose to annex herself to the United States. There were many who doubted about the expediency of the annexation of Texas, but no one, as far as he knew, doubted in regard to its justice, and the injustice of Mexico complaining of it and making it cause of war. If particular authority was wanting on this point he could refer to a distinguished Senator, who, after having vainly opposed the annexation of Texas, declared that it was no just cause of hostilities on the part of Mexico. Well, if it was not, the only excuse which Mexico ever set up was swept from beneath her. The injustice of this war was hers.

If the war, then, was just on our side, we had the moral, the acknowledged right to indemnity for expenses in maintaining our just cause. There could be no doubt about this. It was a doctrine acknowledged by the laws of nations; it was a universal practice among nations; it appealed to every man's sense of right. He could not stop to discuss this question. He would not undertake to declare the extent of the indemnity which we should require. There was no earthly tribunal to adjudicate upon the disputes of nations, and determine their rights. That must be left to the sense of justice of the victorious nation; and to that he was willing to leave it. It should be settled with justice to ourselves and magnanimity towards Mexico. He was not insensible to the loss of life incurred in this war. The bones of many of his fellow-townsmen slept in Mexican graves. He was not insensible to the distress of families, to the accumulation of national debt, to the increase of taxes, and, more than all, to the injury to the public morals; and he would avert these evils from the country as soon as it could be done consistently with honor and justice.

But it had been argued that indemnity was not within our power—in money, in land, or in any other way. The honorable gentleman from Vermont, [Mr. COLLAMER,] to whom he had listened with great attention, had told them that the whole of the Mexican territory had long since been granted away; that we could not take from individuals their private property, and therefore that we could get no indemnity in land. He agreed with the gentleman that we could not take from individuals the lands which the Mexican Government had granted *bona fide;* and he was inclined to think that a very large proportion of the Mexican lands were already in the hands of individuals. But he dissented entirely from the position that indemnity was not to be obtained even if the fee simple to territory were not acquired. Was sovereignty nothing? That sovereignty which should give to us the right of eminent domain, the right over the rivers and harbors, and the jurisdiction over the country? Indemnity in sovereignty, and sovereignty alone, had been the ordinary mode in which satisfaction had been obtained in modern times. History was full of such cases. For hundreds of years it had not been possible to obtain indemnity in any other way in Europe. Had not the fee simple of a single acre of land been obtained when we purchased Louisiana, was not the sovereignty over the territory and the free navigation of the Mississippi from its mouth to its source more valuable than aught else? Now, the acquisition of the sovereignty over New Mexico and California would give us a free market for our manufactures and agricultural productions, the right of their rivers and harbors, and all the commercial advantages resulting therefrom. These would be of great value, though he did not say they would be as much as the like rights in Louisiana. We might, then, obtain indemnity in sovereignty, even though that sovereignty did not include the fee simple of one acre of land.

But, said the honorable gentleman from Vermont, if we acquire New Mexico and California, we are liable to become responsible for a large amount of debts. Whether he meant the debts of the State which we might acquire, or the debts of the General Government of Mexico, he (Mr. S.) did not know. But, be this as it might, he dissented entirely from the doctrine. If we obtained any part of Mexico, we obtained it as indemnity—as satisfaction for past debts. How, then, could we be liable for the debts which were due to others? It was but the ordinary case of two creditors. Was the one who obtained satisfaction for his demands under any liability to pay the other, although his demands might exhaust all the property of the debtor?

But the doctrine was one eminently dangerous to the peace of the world. A nation's debt might be vastly more than the value of its lands, and such a nation might commit aggressions upon others at pleasure, without being compelled to make indemnity.

But we had been referred to Vattel for authority on this point. It was true, he laid down that for a conqueror to refuse to pay the debts of the nation he had subdued, would be to rob its innocent creditors. Now, he was but a commentator, and might lay down doctrines which were unsound. And, moreover, he was speaking of conquest, without reference to the object for which that conquest was made. He had not in view cases where that object was indemnity—satisfaction for past indebtedness. The principle could not be sustained. The laws of nations were but the laws of nature applied to nations; and we should search in vain in the laws of nature or the usage of civilized nations for any such liability as Vattel assumed to exist. He appealed to gentlemen on the other side who maintained this doctrine, to show any single instance in the history of nations in which it was recognized. No such solitary usage was to be found. Vattel, it was true, did refer to one case, and so did the gentleman from Vermont in his speech—the case of the conquest of Silesia by Frederick the Great. The gentleman said that there the King of England demanded the payment of debts due from Silesia, and that after some shuffling Prussia paid them. He (Mr. S.) referred to the circumstances of the case, and denied that it was one of conquest. There was no pretence of conquest, but all the title which Prussia acquired was by treaty, and the liability of Prussia for the debts of the conquered country was voluntarily assumed cotemporaneously with the treaty. If the assumption had been made subsequently, there might have been some pretence for claiming it as a precedent to establish this doctrine.

He repeated that no solitary case was to be found in history which went to prove the liability of a conquering nation, or a nation obtaining territory by treaty for indemnity, being liable to pay the debts of the conquered country; and he therefore totally denied the assumption which was made by gentlemen on the other side, that if we obtained any part of Mexico, we were liable for her debts.

He had now, he thought, vindicated our right to indemnity.

But it was said that such was not the object of the President; that, notwithstanding his repeated avowals, his paramount object behind all this was to build up his own fame by the extension of our territorial limits. This was inferred from the fact that Mr. Trist, in his correspondence with the Mexican commissioners, required as a *sine qua non* that certain provinces of Mexico should be ceded. Now, it was admitted on all hands that indemnity, that satisfaction for past indebtedness, could alone be obtained by taking territory. If territory were obtained for this purpose, and we agreed to pay all that the territory was worth more than our demands, was it for that reason any the less indemnity? To illustrate this principle by a case in private life: two farmers own land adjacent to each other; one has received an injury from the other; it is proposed to settle the difficulty: the aggressor cannot pay in money, but offers to pay in land, and to set off one of his fields adjoining the injured party; but it being more in value than the damages, the party receiving it pays the excess—was not that a case of indemnity? Was it a case to produce dissatisfaction? Why apply a different principle to the transactions of nations? That which was just and right between individuals was so between nations. In taking territory there was an obvious propriety in observing political and natural boundaries. If we take that which is adjacent to us, he was unable to see why it was any the less indemnity, because, in taking it by such boundaries, we acquired a larger amount than was sufficient to meet our demands, and paid over the difference.

But it was said, it was compelling Mexico to sell us her territory—that it was enforcing a purchase at the point of the bayonet. He denied that it was any such thing, although it was so declared in the language of the Mexican commissioners. Was it any more unjust to compel her to pay in territory (she having nothing else to pay) than it would be out of her national treasury, in case she had the means.

He would now briefly turn to another consideration which had been pressed upon us. The impression had been made within this Hall, by speeches delivered here, and existed to a considerable extent, that peace is immediately within our power, and has been all along. Numerous memorials, respectably signed, had been presented to this House, asking us to take measures for peace. What measures they did not say. They only ask what all desire—for he thought there was no division of opinion on this subject. All wished for peace. The question was, what measure could be taken to bring about a just and honorable peace? It was an achievement of no little difficulty. War was easily commenced; it needed the act of only one party. Peace was a matter of much more difficult attainment. It needed the assent of both parties, and that, too, while both parties were excited by the sense of past and present injuries, or supposed injuries.

But it was said peace was within our power, as was proved by the counter *projet* submitted to Mr. Trist by the Mexican commissioners. He admitted such a peace might easily be procured. But was it a peace which would be satisfactory to honorable gentlemen who are so forward to accuse the Administration of a reluctance to make peace? Let them refer for a moment to the terms of that *projet.* The Mexican commissioners did indeed offer to relinquish all east of the Nueces; but that was ours already. They did offer to cede a part of Mexico at a stipulated price, but they made no abatement for the Mexican debts and injuries, and for the expenses of the war. We, on our side, were to relinquish all our claims to that part of Texas which lies between the Nueces and the Rio Grande. He further proceeded to show, that if we had yielded to the extraordinary propositions submitted, to pay for the territory east of the Nueces, and for indemnities to Mexican citizens for injuries which they had sustained from our troops, and for duties on goods introduced into Mexican ports, we should have been acknowledging that we had prosecuted an unjust war, and bringing disgrace on our own heads. These very propositions, he thought, satisfactorily showed that peace with Mexico was not within our own power, and that something remained to be done before peace could be secured. On these points, however, he should be compelled to defer his remarks. He thought he had showed that our cause and our quarrel was just, and consequently we have certain rights which we ought to enforce. The means by which that should be done he would leave with those with whom the Constitution had placed it. Whether the treaty which was understood to be under consideration at the other end of the Capitol secured all our rights, he would not undertake to say. He was willing to leave the settlement of its details to the treaty-making power.

Mr. S. was continuing his remarks on this branch of the subject when his hour expired.

Mr. CABELL next obtained the floor, and commenced by saying, that during the short period he had had the honor of a seat upon this floor, from which he was excluded by the ruthless spirit of party, the Congress of the United States was engaged in a discussion of the questions involved in the "Oregon controversy." The universal topic of conversation here and throughout the country—the subject of absorbing interest to every class of our community—was the probability of a *war with England.* Well did he recollect the agitating and painful suspense in which the public mind was held during the first two months of the first session of the last Congress. The danger of a conflict with England seemed imminent. In the language of a distinguished Senator, it appeared that "war was inevitable." And if the opinions expressed by the President of the United States, and the measures recommended by him, had been approved by Congress, war *would have been* the *necessary consequence.* He declared the title of the United States to the whole country to 54° 40′ "clear and unquestionable;" that the time for negotiation had passed;

that the rights of this Government should be asserted at the point of the bayonet. All who talked of compromise and negotiation were denounced as being under foreign influences—as *British Whigs*.

Fortunately for the country—fortunately for the world—these denunciations were not heeded. The Senate of the United States advised the President to recede from his extreme and untenable position. Wise counsels prevailed. The conservatism of the Senate saved us from the dreadful calamity of a war with the most powerful nation of the earth. The question *was* settled by *negotiation*, and that very line of *compromise* was adopted for the advocacy of which the Whig party was denounced as "*traitors!*"

The heart of the patriot swelled with joy and thankfulness that the peace of the world was not to be disturbed. But, if the President was *sincere* in the opinion that the title of this Government to the whole of Oregon was "clear and unquestionable," then was he derelict of his duty, false to his country; if he was not sincere, then was he guilty of deception utterly unworthy the high station he occupies.

Upon the final happy settlement of this controversy, against the recommendation of the President, and in spite of his efforts to defeat it, his friends and flatterers, parasites of Executive greatness, raised the cry of *hallelujah*, and shouted glory to our great and mighty President. He has achieved by peaceful negotiations what other Presidents labored in vain to accomplish!

After the lapse of two years, he (Mr. C.) again took his place among the Representatives of the people, having appealed to his constituents to reverse the unrighteous decree of a Democratic majority of this House; and triumphantly had the people of Florida vindicated the majesty of the law, which was so grossly violated in his person. He returned and found his country involved in war—not with the powerful kingdom of Great Britain, but with a feeble sister republic—a war "unnecessarily and unconstitutionally commenced by the President of the United States." He made this declaration emphatically, for the reason, as he said, that he was temporarily absent from the Hall when the vote was taken on the famous amendment of the gentleman from Massachusetts, [Mr. ASHMUN,] and he wished his position to be distinctly understood.

Had the same course been pursued in reference to our relations with Mexico which was adopted in the Oregon controversy, war might and would have been avoided. But this did not comport with the purposes and designs of Mr. Polk. He had "seen visions and dreamed dreams" of military glory. The roar of the British lion had somewhat "frightened him from his propriety," but the hiss of the Mexican serpent was without its terrors. And he fondly hoped that, after precipitating his country in war with so feeble a Power as Mexico, he could easily wrest from her a vast extent of territory, and, by the *glory of acquisition*, cover over the *breach* made in the *Constitution* of his country.

The conduct of the President of the United States justified these imputations. In the case of Oregon, we had an open question of boundary to settle, which was submitted to Congress. And the northwestern boundary of the United States was settled by *negotiation*. There might have been some palliation for the President if, on his assuming the reins of Government, in March, 1845, he had acted in accordance with his declared opinion, that "our title to the whole of Oregon was clear and unquestionable," and ordered the army of the United States to take position on the line of 54° 40'. It might have been said, that as Congress *was not in session*, and would not convene for nine months, there was no reason for delay in taking possession of a country our right and *title to which did not admit of a question*. But the President did not choose to take this responsibility. He preferred to wait and take the advice of Congress as to whether he should cede to Great Britain more than five degrees of territory, which was clearly and unquestionably ours, or go to war with that Government.

In the case of Texas, we also had a question of boundary, which had been designedly left open by the terms of the joint resolutions of annexation. No *man* has ventured to say that the title of the United States to the whole country now claimed as Texas was "clear and unquestionable." Congress had expressly left the question open, to be settled by negotiation, because it was *uncertain* how far the western boundary of Texas extended. But the President of the United States, although Congress was *at the time in session*, declined to consult the Representatives of the people, lest *they might settle this question too by negotiation*, and thus preserve the peace of the country, and prevent the fulfillment of those visions of glory of which he had dreamed, and deprive him of the exercise of that patronage by which he hoped to retain himself and friends in power.

The army was ordered to take position on the Rio Grande, in a country which was in undisturbed possession of Mexican citizens. The flag of the United States was insultingly unfurled under the walls of an important Mexican city; our cannon mounted and pointed upon the town; the mouth of the Rio Grande blockaded; and yet we are gravely told that Mexico commenced the war! He did not propose to inquire into the justice of the war itself, or whether Congress ought or ought not to have declared war against Mexico. It was immaterial whether we had just ground for war or not. It was immaterial whether, in the opinion of the President, the boundary of Texas did or did not extend to the Rio Grande; Congress had recognized the country between the Nueces and the Rio Grande as *disputed territory*, the right to which was to be *settled by negotiation*. *The President* had no right to decide these questions, and to precipitate this country in war. The war-making power is, by the Constitution, vested in Congress; and if the President of the United States involves his country in war with a foreign Power, he is guilty of a violation of that Constitution, *whether there exist just cause of war or not*.

He was astonished, when, a few days ago, he heard from a distinguished Representative from the State of South Carolina, [Mr. RHETT,] that the *war-making power* was in the President of the United States. This was going further in defence of Executive prerogative than he had ever known before. The President may at his pleasure exercise the sovereign prerogative of making war, and *Congress* has no other power than to declare its existence. The people of this country would be startled by the annunciation of this doctrine. But it is essential to relieve the President from the charge of an infraction of the Constitution he has sworn to protect. That the President *did make* this war, every candid mind will admit. The gentleman from South Carolina relieves him from the charge of a violation of the Constitution, by claiming for the Executive "the war-making" power. In no other way can the President be defended.

Time would not permit him to discuss this novel, startling, anti-republican doctrine. He contented himself with its statement.

The gentleman from Maryland, from the city of Baltimore, in his able defence of the President of the United States, said that "the Texas we annexed was the Texas revolutionized." This, Mr. C. understood to be the ground assumed by the Whig party. He subscribed to it most cordially. It seemed to him that the arguments of gentlemen in this House, and in the Senate, if argument were necessary, had so clearly shown that "Texas revolutionized" did not extend to the Rio Grande, that not a shade of doubt can rest upon the minds of those who are not *determined not to be convinced*. With deference to the gentleman from Baltimore, he would say it seemed to him *absurd* to contend that the citizens of *Santa Fé* had achieved a revolutionary right of independence of Mexico. When did they revolt; when did they declare their independence of Mexico; when did they become part of "Texas revolutionized;" when did they take part in the Government of Texas; when did they cease to be represented in the Mexican Congress? They were *Mexicans*, (said Mr. C.,) friendly to the Mexican Government; enemies of Texas; enemies of the United States. With no more propriety can it be said that the inhabitants of the States of New Mexico and Tamaulipas, on the east bank of the Rio Grande, were Texans. They had not revolted from Mexico; they never acknowledged allegiance to "Texas revolutionized." They took no part in the Texan revolution. They remained contented citizens of States of the Mexican Republic, and were represented in the Mexican Congress. They were in peaceful possession of the country, quietly cultivating the soil, imagining themselves Mexicans, when General Taylor was ordered to break up his camp at Corpus Christi. They fled at the approach of the American army, firing their houses, not dreaming that they were Texans, and that by the joint resolution of annexation, they had been manufactured into free citizens of the United States, and that General Taylor was commander of an army of their own countrymen.

"Texas revolutionized" extended beyond the Nueces. It embraced the *valley* of that river, both banks. And Mexicans, none but Mexicans, continued to occupy both banks of the Rio Grande.

It was into this country and among these people that the President ordered the army of the United States, without consulting Congress; and it was thus that the war with Mexico was begun.

This act of the President, involving his country in this unfortunate war, has been justly condemned by the best and wisest men of this country as an unconstitutional exercise of power. And for their condemnation of this *Executive act*, they are denounced by the defenders of Executive prerogative as traitors! Those who thought Mr. Polk's recommendation to Congress in the matter of the Northwestern boundary was unwise were branded with the epithet of "British Whigs." All who question his policy now are "Mexican Whigs." Even the President has so far forgotten what was due to the dignity of his exalted station, as to engage in this disgusting war upon some of the purest men and truest patriots which this or any other country has known. Even he has characterized their resistance to his usurpations and encroachments upon the Constitution as "moral treason," and fulminated from the throne the foul libel that they are "affording aid and comfort to the enemies of the United States."

Mr. INGE here interrupted Mr. CABELL, and denied that the President ever made such a charge, and demanded proof.

Mr. CABELL was astonished that this statement should be denied. He believed the gentleman from Alabama was the only person who would question the accuracy of the statement. The fact was notorious. He would refer the gentleman to the annual message of the President to Congress in December, 1846. He then continued—

Yes, sir, it has come to this, that in this "free and enlightened land," where the freedom of thought and liberty of speech is the pride and boast of every American citizen, we dare not whisper a word of opposition to the acts and policy of the *President* but that we are *traitors* to our *country*. We, the immediate representatives of the people—sentinels upon the watch-tower, to guard the approaches to the Temple of Liberty, to defend the sacred Constitution of our country, the palladium of our rights and liberties—we dare not give warning of the approach of danger, lest our voice may offend the ear of a *Democratic President*, whose acts are not to be too closely scrutinized.

If we condemn the proposition shadowed forth in the Government paper in this city, *to rob the Catholic churches* in Mexico to defray the expenses of this war, and express our indignation at the sacrilegious proposal, we are charged with *treason*.

If we charge that the *President* of the United States has usurped the *power of Congress* and violated the Constitution by making war upon Mexico, we hear the sound of treason issuing from the great organ of Democracy in this city—treason, treason, reverberated through all the organs, big and little, down to the vilest Democratic banjo that jingles in the remotest corner of the country.

We ask by what authority did the President, after overrunning Santa Fé, New Mexico, and California, send his satraps to establish *civil* governments in *foreign territories*, and proclaim the inhabitants thereof "citizens of the United States," and "one with our people! The only response is "*treason*."

In the progress of this war we find the President of the United States, *without the sanction of Congress*, without even asking their authority, laying and collecting taxes, duties, and imposts in Mexico, establishing a tariff for the ports of Mexico, to raise and provide means for carrying on the war, and claiming the right to disburse the money so raised at his discretion, without the authority of Congress. He first makes the war, then seeks to carry it on in such manner as to make money with which to prosecute it further; makes war to make money; makes money to make war. These measures may be right in themselves; but has the *President* the right to adopt them *without the assent*

of Congress? If he has, then may he at any time involve his country in war; and if, in this way, money enough can be raised to defray its expense, he may laugh at any attempt of Congress to arrest its progress.

But it is said we must not question the propriety of all these acts of the President; it is treasonable; the laws of nations justify the "*conqueror*" in doing all that the President has done.

The President of the United States, in his late message to the Senate, says: "No principle is better 'established than that *a nation* at war has the right 'of shifting the burden off itself and imposing it 'upon the enemy, by exacting military contribu-'tions. The mode of making such exactions must 'be left to the discretion of the *conqueror;* but it 'should be exercised in a manner conformable to 'the rules of civilized warfare. * * * * The 'practice of *nations* has been in accordance with 'this principle."

He did not propose to question the right of one *nation* to levy military contributions upon another with which it is at war. But is the President of the United States the *American nation?* Is Mr. Polk the *Government of the United States?*

Sir, (said Mr. C.,) it is this doctrine which alarms the friends of the Constitution of the United States; it is this assumption and usurpation of power, which tends to make the Government a unit, to consolidate all power in the hands of the Executive, which the Whig party have denounced.

What, sir, is the doctrine here advanced? I, James K. Polk, President of the United States and conqueror of all Mexico, having made war upon that republic and overrun her provinces, do establish therein civil governments, and I do ordain that taxes shall be levied and revenue collected in the conquered States, as I, "the conqueror," shall prescribe, and that all moneys collected in the interior or on the seacoast shall be disbursed according to the *discretion of* "*myself, the conqueror.*"

Sir, the questions presented by these encroachments of the Executive are grave, startling, and momentous. Mr. C. expressed his regret that his time would not permit him to dwell longer upon them. He trusted that some gentleman better competent for the task would present them, in their true light, to the American people.

Mr. Polk and his friends cannot distinguish between the President and the Government of the United States; between their party and their country. We condemn certain acts of the President; but this proves no want of loyalty to our country or love for its Constitution. We condemn these acts because we believe they militate *against the interest* of our country, and are in *violation* of its Constitution. With these Democratic gentlemen their country is their *party;* to assail that party, or its head, is to assail all they know and love of *country.*

In speaking of these unauthorized and unjustifiable acts of the President, he would not imitate Mr. Polk's example, and charge him with treason or wilful violation of the Constitution of his country. He thought that "too much" power "had made him mad." In the language of a distinguished friend of the President in Tennessee, [Mr. Aaron V. Brown,] he was willing to believe that "the error was in the head, not the heart."

And who are they who are thus stigmatized as "Mexican Whigs," "giving aid and comfort to the enemy?" The distinguished Senator from South Carolina [Mr. CALHOUN] and his friends, who have condemned the war policy of the President; the entire Whig party of this country—a majority of the people of the United States. It is too well known to be denied, that by far the greater portion of the officers of the regular army, who have distinguished themselves in the various battles in Mexico, are Whigs; and it is notorious that a majority of those who have volunteered for this war are Whigs. Whig fathers and Whig mothers have sent their sons to the battle-field. They condemned the act of the President in bringing on the war. But it was enough for *Whigs* to know that their country *was* at war, and called upon her sons to fight her battles; and, without stopping to inquire *how* war was brought about, they rushed to the field to maintain their country's honor or to die. These are "Mexican Whigs!" We have but recently been called to sympathize with an illustrious member of the Whig party, [Mr. WEBSTER,] for the loss of a son who fell a victim to disease in the military service of his country, in Mexico. Another eminent Whig Senator [Mr. CRITTENDEN] has two gallant sons with the army in Mexico. They are "Mexican Whigs!" HENRY CLAY, at the mention of whose name the heart of every Whig thrills with emotion, sent his beloved son to die on the plains of Mexico. My gallant friend who sits near me, [Mr. HASKELL, of Tennessee,] who so nobly sustained himself and the honor of his State and his country at the battle of Cerro Gordo, is one of these "Mexican Whigs." It would take hours to enumerate the Whig officers and Whig men who have rendered distinguished service in this war. They will live in the pages of history and in the hearts of their countrymen. These are "Mexican Whigs!" Scott, whose history will be perhaps the brightest page in the history of our country, who has won for himself and his country a reputation wide as the world, and has achieved exploits the brilliant lustre of which time can never dim, is another "Mexican Whig." And that glorious old chief, the prestige of whose name is to the American army more than hosts of armed men—who, when our soldiers for a moment faltered and called for reinforcements, bade them "Onward! *I* and Major Bliss will support you," and by his voice and presence inspired confidence, zeal, and enthusiasm which no power could resist, and which swept from the plains of Buena Vista the untold hosts of Santa Anna—he who, "asking no favors and shrinking from no responsibility," "never surrenders," but leads his followers on to *certain victory*—he who has a hold upon the affections of the people of this country such as has not been known since the days of Washington—he who has been or will be chosen as the leader of the Whig party in the great civil battle to be fought in November next, and who will drive from their high places the party now in power, which has so signally abused the trust a generous people confided to them, and brought such dire calamities upon our country—who will scatter them as he did the Mexicans at Buena Vista—he whom the current of popular sentiment is bearing onward to the Presidency with a force and power that will sweep every obstacle before it—he, General Zachary Taylor, is a "Mexican Whig!"

And here he begged permission to read a letter which he met with in a daily paper this morning, which would be found to be an answer to the statement of gentlemen opposite, that General Taylor was not a Whig, and therefore could not be the Whig candidate. It was of recent date, and was written by General Taylor to his friend Colonel Mitchell, of Cincinnati. It was as follows:

"BATON ROUGE, (La.) *February* 12, 1848.

"MY DEAR COLONEL: Your very kind communication and the accompanying newspaper have duly reached me.

"In reply to the closing remarks of your letter I have no hesitation in stating, as I have stated on former occasions, that I am a Whig, though not an ultra one, and that *I have no desire to conceal this fact from any portion of the people of the United States.* I deem it but candid, however, to add, that if the Whig party desire at the next Presidential election to cast their votes for me, they must do it on their own responsibility, and without any pledges from me.

"Should I be elected to that office, I should deem it to be my duty, and should most certainly claim the right, to look to the Constitution and the high interests of our common country, and not to the principles of a party, for my rules of action.

"With my sincerest thanks for your expression of friendship, and my best wishes for your success through life, I remain, very truly, your friend and obedient servant,

"Z. TAYLOR.

"Col. A. M. MITCHELL, *Cincinnati, Ohio.*"

[When the last lines of the second paragraph were read there was a burst of laughter from the Democratic side of the House, which was cordially returned by the Whigs at the end of the third paragraph.]

Mr. C. continued and said, the sentiments of that letter were such as the Whig party ever desired to administer this Government upon. They were always desirous "to look to the Constitution and the high interests of our common country." They were satisfied that General Taylor was a Whig, and they asked from him no pledges by which the country might be involved in war. They asked him not to pledge himself to carry out the resolutions of an irresponsible party convention. Here General Taylor had assumed the true platform on which the Whigs would administer the Government. They were willing to abide by the Constitution as it is; and on that Constitution General Taylor had taken his position, with the declaration that he is a Whig. Gentlemen might smile at this statement that General Taylor would act on the principles of the Constitution. He (Mr. C.) had shown that the party now in power had utterly disregarded the principles of the Constitution, and it was natural for them to smile at the statement that General Taylor would be governed by the Constitution.

Mr. C. continued. He meant no disparagement of the gentlemen of the Democratic party who have rendered gallant services in the war. Butler, Quitman, Shields, Davis, Yell, and hundreds of others, richly deserve the meed of praise they have received. They enjoy and are entitled to the gratitude and thanks of their country. Men of each party, in Mr. C.'s own State and elsewhere, seemed to have vied with each other in their efforts to be first to respond to the call for volunteers. Mr. C. said he proposed not to institute invidious comparisons, but to repel the slanderous aspersion upon the party with which he acted, that they are "traitors to their country," and would afford "aid and comfort to the enemy."

Mr. C. said he was not inclined to throw back this charge into the face of those who made it, though he thought the admission of Santa Anna and his generals into Mexico would justify him. But he begged to suggest to those who thus slandered the Whig party, whether they do not afford "aid and comfort to the enemy" by their unceasing efforts to convince the people of this country and *Mexico* that the Whig party, composed of a majority of the people of the United States, and having a majority of Representatives on this floor, are "traitors to their own country, and Mexicans at heart." If any such false impression exists among the Mexicans and influences their action, the Democratic party is responsible for it. We (continued Mr. C.) have condemned certain acts of Mr. Polk, but as regards the honor and interest of our country, we know but one party, and that is for our country. If the Mexicans are mad and foolish enough to believe that a majority of the people of the United States are traitors, and disposed to give them aid and comfort, it is because of the reiterated false charges of the President of the United States and his friends.

The country has been told that the Whig party has protracted this war by preventing its "vigorous prosecution." How could the Whig party have prevented the "vigorous prosecution" of the war if they had the disposition? The President is a Democrat, the Senate is and has been Democratic; the last House of Representatives was Democratic two to one. What power have the Whigs had to prevent this "greater vigor" in the prosecution of the war? None, sir. This is like all the other false and unscrupulous charges against the Whigs. Except the proposition to create the office of lieutenant general to supersede such men as Scott and Taylor, *every measure* recommended by the President, in connection with this war, has been adopted; not *one dollar* nor *one man* asked for has been refused. The day after the receipt of tidings of the commencement of hostilities, ten millions of dollars were appropriated, and authority given to the President to call out fifty thousand volunteers; other and larger sums were appropriated as they were asked for. Ten new regiments were added to the regular army. How, then, is the Whig party, how is Congress responsible for any mismanagement or want of vigor in the prosecution of the war? The President, and *he alone*, is responsible. What has been his policy? General Taylor was sent with less than three thousand men to the Rio Grande, as if to provoke a battle. Had he gone with a large force, there is reason to believe there would have been no fighting, *no war.* He had been informed there are papers on file in the War Department showing that the President was advised what would be the consequence of sending so small a force, and urging him to increase General Taylor's command, assuring him that, in such case, Arista would not cross the river. But this did not suit the views of the President. He seems to have sought to precipitate the country in war, thinking he would have a glorious campaign of a few months, and signalize his Administration by the acquisition of immense territorial possessions. War was the natural and necessary consequence of his folly. The battles of Palo Alto and the Palm Ravine were fought and won against overwhelming numbers. The enemy was pursued to the Rio Grande, and General Taylor writes to the department "if he had been furnished with the means which he had asked for," he could have at once crossed the river and captured or cut

to pieces the entire Mexican army. Here is an instance of "vigorous prosecution." Why was not General Taylor's request complied with? Why was not the ponton train furnished? Was the Whig party responsible for this gross neglect of the War Department?

When the veteran Gaines, then at New Orleans, heard of the troubles on the Rio Grande, he took the responsibility of making a requisition on the Governor of Louisiana for troops to be sent to the aid of General Taylor. The President, instead of applauding the zeal and promptness of General Gaines, countermanded the requisition, and that gallant old soldier, who showed more judgment and knowledge of Mexican character than every member of the Administration at Washington, was subjected to the mortification of a court-martial.

The arrival of troops at General Taylor's camp was thus delayed. Is the Whig party responsible for this?

After waiting *four* months, during which time the Mexican army was reorganizing and increased, General Taylor reached Monterey with about 6,000 troops. The city in the mean time had been well fortified.

The *battle of Monterey* was fought and won; but the great advantage was lost which would have been gained if a sufficient force had been sent forward. Is the Whig party responsible for this loss of four months, and for the failure to capture the entire Mexican army at Monterey in consequence of the insufficient force under command of General Taylor? No, sir, the responsibility is with the President. He is responsible for the valuable lives lost in the bloody fights before and in the streets of Monterey. If he had promptly dispatched the men he was authorized to call into the service of the United States, there would have been no fighting—no blood spilt.

The country well knows how long it was before General Taylor could advance upon Saltillo, in consequence of want of men and necessary supplies. At last he reached Saltillo, when his troops were withdrawn, except about 5,000 volunteers and a handful of regulars, to reinforce General Scott, who had been ordered to embark for Vera Cruz.

Why were these troops withdrawn? Why did not the President call into the field more of the 50,000 volunteers which he had authority to receive into service? Sir, the answer is plain. The President wanted *nerve*, and was afraid to call out the men necessary to a vigorous and successful prosecution of the war, lest the tax-paying people would be alarmed at the evidence it would give of the enormous expense the war would entail upon the country.

The troops were withdrawn, and General Taylor checked in his forward march to the interior of Mexico. Santa Anna assailed him with a force five times his own. Few generals would have ventured to fight the battle of Buena Vista. *None* but General Taylor *could* have *won* it.

For the immense loss of life at Buena Vista the President of the United States is responsible. If he had ordered the necessary force to join General Taylor, we would not now mourn the loss of the brave officers and men who fell in that sanguinary conflict.

The embarkation of General Scott for Vera Cruz was delayed for months. Why this delay? Is the Whig party responsible for it? Why did not the President have more troops in the field at an earlier date?

After the bombardment of Vera Cruz and the battle of Cerro Gordo, General Scott could not advance upon the city of Mexico for the want of troops. Why was this? Why had they not been sent forward? More than *four months* he awaited reinforcements at Puebla, and then advanced, with an insufficient force, to win the glorious but bloody battles before the city of Mexico. For months *after these battles* troops continued to arrive. Why, I repeat, were they not sent forward sooner? Was the Whig party responsible?

This is what is called a "vigorous prosecution of the war!" Never, he would venture to say, never was there a war the conduct of which was more characterized by *imbecility* and *want of vigor* on the part of any Government. Our army has *achieved miracles*. The President seems to have expected *impossibilities*. This war has now been waged for near two years. The progress of our army, notwithstanding the gross and criminal neglect and mismanagement of the Administration, has been a succession of triumphs. Its glorious career, so grateful to the hearts of Americans, must fill the world with admiration. Its brilliant achievements stand almost unrivalled in the annals of history. Abroad we have greatly added to our fame and reputation as a warlike people, and occupy an exalted position among the most powerful nations of the world. But (said Mr. C.) these brilliant triumphs and this foreign reputation have been most dearly won. Appalling is the number of lives our country mourns, and startling the magnitude of the debt entailed upon our people.

Mr. C. then briefly alluded to the vast expense of the military operations in Mexico. He could not go into details, but the public debt at the end of the war would probably reach one hundred and fifty millions of dollars. Individual loss, in some instances, would be proportionately greater.

It is difficult, if not impossible, to estimate the loss of life sustained in this war. The killed in battle are alone reported. These are not equal to a tithe of those who die of disease. The number of those who return with shattered constitutions to die among their friends is still greater.

Mr. C. said he had no knowledge or experience on this subject except what he derived from the two companies which have gone to Mexico from his district. From one of these he had a letter, of recent date, in which it is stated that of about eighty men who left Florida a few months ago, but *twenty-three* were able to leave Jalapa, and some of these were sick. The rest had died, or were lying ill in hospitals, or had been discharged as unfit for further duty. Sir, this is horrible!

Notwithstanding this waste of money and dreadful loss of life, as yet no good practical result has been attained. The settlement of our difficulties and the prospects of peace with Mexico seem to be as far removed as ever. It is true, a treaty of peace is said to be under consideration in the Senate. But it came in "such a questionable shape," that he could have no confidence in the fulfillment of its stipulations. Whenever and wherever (he continued) our troops have encountered those of Mexico, they have triumphed. The "impregnable castle of San Juan de Ulua" has fallen; the proud capital of the republic has capitulated, and our victorious army is now revelling in the far-famed "halls of the Montezumas;" we have "penetrated into the vital parts of Mexico;" more than two-thirds of her territory has been overrun by our troops; and yet no party in Mexico, except that which is supported and *protected by our army*, talks of peace except to denounce its supposed advocates. He had not the faintest expectation that this treaty, as it was called, made by a private citizen of the United States, without authority from this Government, and who had been expressly ordered not to enter into correspondence with the enemy, could ever become the law of the land, or that any peace it pretended to guaranty would be observed.

It was universally admitted that it would not be ratified by the Senate of the United States without important modifications. And even if our Senate should consent to give more than $20,000,000 for the miserable country, and more miserable population, proposed to be ceded to us, we have no reason to believe that the Congress of Mexico will consent to this forced sale of their territory, poor and barren as it is. If it was so certain as has been said, that the Mexican Congress would ratify the treaty, why was Mr. Freaner hurried off? Why did he not wait for its ratification? No, sir; the *people* of Mexico are opposed to any such treaty. And if it be ratified at all, it will be by a government to be patched up by ourselves, and whose tottering proportions must be sustained by our arms. He would not speak of the dishonor and infamy of such an act, for he knew that no such appeal would have weight with the present Executive. But does any man suppose that a *permanent* peace can be thus obtained? So soon as our troops shall be withdrawn, the government which *we have made* to treat with us will be overthrown, and the war resumed.

Admitting the possibility of the ratification of the treaty by the Congress of Mexico, and the Senate of the United States, there is reason to fear that when it comes into this House the principle of the Wilmot proviso will be tacked on to the bill making appropriations to carry it into execution. These are the ordeals through which the treaty must pass.

Mr. C. said he trusted he was deceived in his fears that we were not to have peace. God grant that he might be! He would be glad to have peace on almost any terms—even on the terms proposed in the present treaty. But he had no confidence, none, that the war was to be thus ended, and he would proceed as though he had not heard of the treaty.

And now the question presents itself, What is best to be done to meet the exigency of our public affairs, and to relieve the country from the embarrassments in which it is involved? For near two years we have endeavored to "*conquer a peace.*" Shall we continue our unavailing efforts?

It has been gravely proposed that we go on "conquering and to conquer" till we subjugate the "whole of Mexico," and annex it to the United States—till, in the language of a distinguished Senator from Michigan, we "swallowed the whole of it." He was aware that this design was denied by the Administration and its friends. But their denial should not affect our belief. They denied that negotiations were going on with Great Britain pending the discussion of the Oregon question in the last Congress. They denied the pass to Santa Anna. They denied that Mr. Trist had been sent as commissioner to Mexico. They denied the truth of the rumors as to the present treaty. He could not take time to enumerate the instances in which they denied what they knew to be true. They have forfeited all confidence in their declarations. We are left to *infer* their designs *from their acts; and every act* is cumulative of the evidence that the acquisition or absorption of Mexico is their real object. Why do they send troops to California *to be disbanded there?* Why do they insist upon overrunning the whole country.

In most of the Democratic meetings throughout the country we find the idea of the acquisition of the whole of Mexico prominent. At the famous dinner in the "temple of Democracy," in this city, in January last, at which were convened the Vice President of the United States and all the high priests of Democracy, this was the theme of discourse, and the sentiment was received with universal enthusiasm. We hear daily from distinguished Democratic Senators and members of this House that the absorption of Mexico is our "inevitable destiny." The cabalistic phrase of "the whole or none" has been dropped, and they now "go for all *contiguous* territory." It is understood that the most talented and influential member of Mr. Polk's Cabinet is an open advocate of this measure.

Mr. C. continued. There *is reason* to fear and believe that such are the purposes and designs of the party now in power. Nothing, he said, but the conservatism of the Whig party and the success of its measures can prevent their fulfillment. He considered the treaty now before the Senate but a link in the chain of evidence. Should it be ratified, we acquire nearly one-half of Mexico. He had already said he had no hope that it would secure us a *lasting peace*. The terms of it are such that hostilities would *necessarily be renewed*. We would again be called on to "prosecute the war vigorously," and more territory would be demanded to defray the expense of its prosecution.

Sir, this idea—the conquest and absorption of Mexico—has become familiar to the public mind. It no longer shocks the public sense of justice and morality. He referred to the following article from the Louisville Journal:

"A little over forty years ago, Aaron Burr was brought to trial on a charge of treason, for undertaking to raise within the limits of the United States the means of wresting Mexico from the dominion of Spain. It was treason *then* to dream of the conquest of Mexico, but it is *now* the height of patriotism to undertake it!"

The editor of the Louisville Journal is right: the *conquest of Mexico*, and not the dismemberment of the Union, was Burr's real object.

He repeated that each day more clearly develops the real object of the present leaders of the Democratic party. He added that the only hope for the country was the overthrow of this Administration. If that could not be accomplished, the absorption of the whole territory of Mexico becomes *inevitable*. The Whig party, he said, and whatever of conservatism there was in the Democratic party, will resist to the last a measure fraught with consequences so fatal to our Republic. But at times, he said, his heart misgave him, and he feared that the disorganizing principles of "progressive De-

mocracy" could not be successfully resisted. Expansion, acquisition, love of territory, are characteristic of the spirit of the age: right, justice, morality, are obsolete terms; words familiar to our ancestors, but the meaning of which Locofocoism cannot comprehend. If you ask by *what right* it is proposed to seize the territory of Mexico, you are laughed at as being "*behind the age.*" The only question is, *how much* do our people *want?* and Mexico must give it up. If they want the whole, we must *take the whole.* The Whig party arrays itself in opposition to this *nefarious* doctrine. It is the doctrine of the *freebooter*, not of a civilized republic.

We wish to preserve untarnished the honor of our country, and we desire peace with Mexico—peace to be predicated on "honorable terms." We repudiate the idea of our right to take her territory *by conquest*, or to *force her to sell* us her lands. For myself, (said Mr. C.,) I am utterly opposed to the acquisition of the territory of Mexico, and would not accept the peaceable cession of the whole country to the Isthmus of Darien. I would regard its acquisition as the greatest curse which could befall my country. Would to God the waters of the Pacific could roll back to the Rocky Mountains, and a gulf of fire could flow between the United States and Mexico!

Mr. C. then spoke of the evil consequences likely to result from the acquisition of Mexican territory. He said the proposed experiment of the acquisition of territory by conquest is new and fearful, and fraught with peculiar interest, particularly to us of the South. Setting aside the question of the constitutional power of Congress or of this Government thus to add to the limits of the United States, and leaving out of view all questions of right, justice, and morality, nothing to his mind seemed more unwise and impolitic. If we annex the land, we must take the *population* along with it. And shall we, (he said,) by an act of Congress, convert the black, white, red, mongrel, miserable population of Mexico—the Mexicans, Indians, Mulattoes, Mestizas, Chinos, Zambos Quinteros—into free and enlightened American citizens, entitled to all the privileges which we enjoy? These people would claim the right of representation on this floor, unless we made slaves of them. According to the present ratio, the seven million population of Mexico would be entitled to one hundred and twelve representatives—nearly one-half our present number. Are the people of this country prepared to have one-half or one-third of the Congress of the United States composed of these miserable, bigoted creatures?

The peculiar interest which this question possesses to the southern States arises from its intimate connection with the subject of slavery. The radical difference of opinion between the people of the North and South as to the power of Congress over this subject, and as to the rights of the southern States, must lead to the most violent dissensions and angry discussions on a proposition to annex the territory of Mexico to the United States. We of the South cannot and *will not* consent to the annexation of territory on our southern and southwestern frontier, from which slavery is to be excluded by law. The people of the North seem almost as much resolved that the territory to be acquired shall not be slave territory.

Mr. C. then remarked that this was a matter of the deepest interest to him and his constituents, and that he would avail himself of another occasion to express his views on it fully. Time would not allow him now.

At present he would content himself with remarking that he was not disposed to jeopard the integrity of the American Union by gratifying the ambition of the President and by pandering to this unholy lust after the territory of a weak sister republic. The first object of his heart was the perpetuity of our glorious Confederacy, and the preservation of the Constitution which our fathers handed down to us, and under whose benign influences the United States of America have so rapidly advanced in population, power, and prosperity, till they had become the wonder and admiration of the world.

But, sir, my country is at war. I condemn the *President* for having, as I believe, "unnecessarily and unconstitutionally commenced the war." But we are *in it*, and must make the most of it. We had cause of complaint against Mexico. We have questions of difference between us. These must be settled. He would not forget, in his condemnation of the acts of the President, what was due to his country.

The President had involved the country in war, and, so long as the war continued, he would vote all necessary supplies of men and money. He would do all in his power to preserve the honor of his country, and to secure the comfort and safety of our troops in Mexico. He did not believe that "permanent peace" could be hoped for under this Administration. The only remedy for the evils under which we are now suffering was in the "ballot-box." He would appeal to the people to place at the head of the Government men who would regard the *true interest* of the country, and who would restore to us the blessings of peace.

He then spoke of the loan bill which recently passed the House, and remarked that he had voted for that bill, and would give the President authority to borrow all the money he required, but that he was opposed to the issue of *treasury notes.*

He said he would not vote for the ten-regiment bill, but would authorize the President to call out as many volunteers as he thought necessary. Volunteers are more easily raised than regulars, and the battle of Buena Vista proved their efficiency.

Mr. C. then remarked that he believed that peace, "*honorable peace,*" could be secured by the President forthwith, and he held him responsible for the continuance of the war.

Do we, he said, want "indemnity for the past?" And if land is indemnity, let us *take it.* We *have it already.* Is it "security for the future?" This proposition must excite a smile with all who hear it. *Security against Mexico!* What better security can we ask than we now have? Is it not notorious that some one hundred Texans defended the frontier of their country from Mexican invasion for about ten years; and shall it be said that the great power of the Government of the United must demand *security* against aggression from that poor, miserable, prostrate Republic? What security? Shall we call on England or other European Powers to guaranty our safety? Sir, this idea is not only humiliating, but, with deference to the friends of the President, he must say it is *supremely ridiculous.*

Is it *national honor* for which we are fighting? Is it not enough that our soldiers, officers and men, have covered themselves with imperishable honors?—that they have exhibited to the world brilliant examples of their prowess in arms, and given proof in every engagement of their vast superiority over the Mexicans? Why seek for them new fields of glory?

He had said that we could have peace to-morrow if we will. Mr. Polk has only to say, *let there be peace*, and there *will be* peace. Let him withdraw our troops from the interior of Mexico, and take a line, not of "defence"—for the idea of the necessity of *defence* against Mexico was absurd—it should rather be called a *line of peace.* Let us deal liberally with Mexico; let us claim only so much of her territory as will indemnify our Government for the assumption of the claims of our citizens upon the Government of Mexico. Let her keep her land, and let us keep our money. By pursuing this course we shall have no further trouble. There is no danger that Mexico, in her feeble, crippled, prostrate condition, will recommence hostilities. There will be peace, practical peace, though a formal treaty may be deferred, Mexico will never disturb this peaceful relation.

Mr. C. then spoke of the late Seminole war, which, he said, afforded a precedent for the plan he proposed, and which was the only way in which that war could have been brought to a close.

He said he would not have this line be the Nueces or any point within the acknowledged limits of Texas. The questions of *boundary* and *indemnity* for the claims of our citizens existing *before* the war would be left open, and some other ambitious or mischievous President may again involve us in war. These questions must be *settled now.*

Let the line be far enough to embrace the legitimate boundary of Texas, and territory enough to pay the *indemnity* we may *justly claim*, should Mexico be unable to pay these claims *in money.* Then say to Mexico, we desire peace with you: we have taken possession of so much of your territory as we deem an equivalent for the claims of our citizens, which you have acknowledged and promised to pay: we shall not invade your country further, but we shall hold possession of the country we have occupied till you are willing to treat with us, and settle all questions of difference between us.

What do we gain by this policy? We gain *every avowed object* of the war. We have already "repelled the invaders." Our *national honor* will be in no way compromitted. We have already acquired enough of "military glory." We gain undisputed possession of *Texas*, the title to which Mexico has claimed even to the Sabine; we settle the question of *boundary;* we secure *indemnity* to our citizens; we stop the *drain upon our Treasury*, which the war has caused; we prevent an accumulation of *national debt* which the resources of this country for one hundred years cannot pay; we prevent the violent agitations, distractions, and dissensions—the bitter heartburnings and sectional feuds, consequent upon a prosecution of the war for conquest, and which threaten the dissolution of our Union; we stop the devastations of *death and disease* which are making sad havoc in our army; we secure *peace*—peace with all its genial blessings; we restore our *volunteer soldiers* to the bosoms of their families; we bring *joy* and *gladness* to ten thousand hearth-stones; we rejoice the hearts of anxious mothers, whose patriotism, stronger than a mother's love, has been willing to sacrifice their offspring at the shrine of their country's honor. And if we gain not all which mad ambition covets, we exhibit to the world a noble example of magnanimity to a fallen foe.

Here the time allowed for debate expired, and the committee proceeded to vote on amendments as follows:

Mr. MULLIN moved to strike out the item for superintendent's commission on twenty-eight thousand two hundred and forty-six dollars at two and a half per cent., seven hundred and six dollars and fifteen cents. Disagreed to.

Mr. SCHENCK moved to strike out the item for contingent expenses under the act for the collection, safe-keeping, transfer, and disbursement of the public revenue of sixth August, eighteen hundred and forty-six, five thousand dollars. Disagreed to.

Mr. VINTON moved to strike out the item for expenses of loans and treasury notes, five thousand dollars. Agreed to.

Mr. V. moved to add the following: "For per diem compensation of clerks in the office in the Ordnance Bureau, one thousand and ninety-eight dollars." Agreed to.

Mr. COCKE moved to strike out the item for per diem compensation for eight clerks employed on bounty land business in the Pension Office, six thousand nine hundred and twenty-six dollars and forty cents, and insert an amendment providing for the payment of extra clerks to be employed in the office of the Commissioner of Pensions, fifteen thousand two hundred and ninety-six dollars and ninety-six cents, and that the compensation of no clerk shall exceed three dollars and thirty-three cents per diem.

Mr. C. explained that his object in offering this amendment was, that he might have an opportunity to advocate a speedy increase in the clerical force to be employed in the Pension Office; and he availed himself of the five minutes allowed by the rules of the House to urge an extension of the appropriation; for an extension of time would be absolutely necessary to enable the clerks to be employed to complete the work for which they were required.

Mr. GREEN took similar views, having submitted a slight amendment, in order to have the privilege of expressing them; after which he withdrew his amendment.

Mr. TOMPKINS next rose, and offered an amendment, being desirous, in behalf of citizens of the State of Mississippi, to appeal to this House to take some steps to do justice to those who were among the best citizens of the land. He had recently visited the Pension Office, and he had seen that, at this time, there were from ten thousand to twelve thousand claims to bounty lands lying unacted upon for want of clerical capacity to do the necessary duty. Among those whose claims were thus neglected there were some who had periled their lives in the service of the country, and their claims were likely to lie for three, six, and probably eight months, unless some addition were made to the force of the office, that the Government might keep its faith with them. They had periled all that was precious to men to carry their coun-

try's flag in honor and to victory, and the least that Congress could do was to dispose of their claims in something like a reasonable time. He simply rose to make these remarks, having constituents of his own numbered among these meritorious applicants who had stood so long knocking at the door of the Pension Office ineffectually for justice. The national faith was pledged to them; and for the country's interest and the country's honor they had sacrificed their all, and mingled their blood together. The national honor, then, required that its faith should be preserved. Having made these remarks, he withdrew the amendment which he had offered.

Mr. G. W. JONES moved to amend by adding after the word "pensions" the words "with the approval of the Secretary of War," and on this he desired that a vote should be taken. He thought it was important that this amendment should be adopted. Mr. J. then proceeded to argue its necessity, in reply to some remarks which had fallen from the gentleman from Missouri, [Mr. GREEN.] This amendment was agreed to.

Mr. COCKE's amendment as amended was then agreed to.

Mr. VINTON moved to add an item for extra clerks in the office of the Secretary of War, to be paid out of an unexpended balance in said office, two hundred and ninety-one dollars. Agreed to.

Mr. THIBODEAUX moved to amend the item for outfits of chargés des affaires to Naples, the Papal States, and the Republics of Bolivia, Guatemala, and the Ecuador, twenty-two thousand five hundred dollars, by striking out the words "the Papal States," and reduce the amount of twenty-two thousand five hundred dollars to eighteen thousand five hundred dollars.

Mr. BROWN, of Mississippi, said he intended to vote against the proposed mission to Rome, but before doing so he desired to set himself right before the country. If we had commercial or political relations with the Papal States which demanded the protection of an ambassador, he would vote for it. But he understood that we had little or no commerce there, and that during our separate national existence we had established no political relations with the Pope; there seemed, then, to be no necessity for our doing so now. In giving the vote which he had intimated his purpose to give, he desired not to be misunderstood by his Catholic constituents. He was actuated by no feeling of prejudice against Catholicism; but it was his deep conviction that we had no right to interfere in matters of religion. That subject should be left by the House where it had been left by the Constitution—to the hearts of the people; and he would say to every man throughout this broad Confederacy, "Go and serve God after the dictates of your own conscience." It was necessary at this time that the country should husband its resources, and he could not consent, therefore, to incur the expense of a new mission which seemed not to be demanded by the political or commercial condition of the country. He then withdrew the amendment which he had offered, for the purpose of obtaining an opportunity to make these observations.

Mr. HILLIARD moved an amendment so as to provide for the appointment of a full minister to Rome. He moved to strike out "chargé d'affaires" to the Papal States, and insert "resident minister," and increase the sum to $30,000.

Mr. H. said: I regret that the opportunity has not been afforded me of replying to the speech of my honorable friend from Pennsylvania [Mr. LEVIN] before the committee proceeded to vote on the appropriation which provides the means of opening diplomatic intercourse with the Papal States. The speech was remarkable for the beauty of its language and the elevated tone of many of its sentiments; but it lacked one great quality—liberality. There was about it nothing of toleration; it disclosed none of the spirit of the beautiful sentiment of St. Augustine, "Let there be charity in all things." I cannot, of course within the few minutes allowed me, attempt to reply to the speech of the honorable gentleman; but I shall seek an early occasion to do so, when I hope to be able to show that there is much in the present condition of Italy to awaken the hopes of all men who watch with interest the progress of reform throughout the world. In the mean while, let us not, in our impatience, forget that there is a mighty difference between reform and revolution. A reformation is brought about by the steady but gradual march of truth; while a revolution, like the earthquake, too often upheaves to overthrow and crush. That a reform is begun in Italy, no man can doubt who will take the trouble to compare the present political state of that country with that which it exhibited previous to the accession of the present Pontiff. The spirit of reform is waked up in that beautiful and classic land. It can never be put down. While a representative of the freest government on earth may be employed in observing the progress of liberal principles in that interesting and important part of Europe, and may serve to diffuse a better knowledge of our political system, I cannot discover that we can suffer any injury from such intercourse.

In my judgment, neither Christianity nor free principles have anything to fear from a conflict with opposing powers. I would send a minister to the Papal States as I would to any other Power; I would encourage every reform in the Government; I would cheer the friends of freedom in all Europe, by sending a minister from the United States of America, where the noblest toleration is granted to all opinions, to reside at a court where hitherto the policy has been to crush all freedom of thought and action. It would be a spectacle of high moral interest to see such a representative from republican America, taking his post amidst the ruined temples and arches of a country where, in other days, republican Rome exhibited to the world its collossal proportions.

Sir, I do not mistake the Pope for a republican; far from it: but I recognize him as a reformer. I desire to send to all the States named in this bill ministers resident, in the place of chargés des affaires. They would be accredited to the Sovereign, while chargés des affaires would be accredited to the Minister of Foreign Affairs.

The question being taken on Mr. HILLIARD's amendment to the amendment, it was rejected.

Mr. LEVIN then moved an amendment to the amendment, to reduce the sum of $18,500 to $18,000.

Mr. L. then said that the honorable gentleman from Alabama [Mr. HILLIARD] had taken occasion to allude to the want of liberality on his (Mr. L.'s) part, in resisting the riveting of this religious link between Papal Rome and free America. Sir, (said he,) the present Pope is guided and directed and controlled by Louis Philippe. The old Pope was under the direction of Prince Metternich, of Austria. We all know the settled hostility which has existed for centuries between France and England. Louis Philippe sees, or thinks he sees, that England, through Puseyism, is relapsing into Romanism. He has said to the Pope, popularize your system. It is a perfect system, addressed to every passion or prejudice, hope or fear, which work within the human breast. And yet, amid the spreading lights of the nineteenth century, the representatives of the American people are called upon to recognize Papal Rome on the ground that the present Pope is a reformer. You cannot congratulate Pius IX. without congratulating him upon his Papal system. Send your embassy to Pius IX. Embassies once opened, as I before said, are never closed. The Pope is not living for himself, but for the Pope who is to succeed him, and has pledged himself to hand down that sacred deposit of slavery as he received it from his predecessors; that he will leave untouched. And when the American people, judging from the paragraphs put into the papers by bishops and Jesuits, are led to think the present Pope a reformer, he plants himself upon his true ground and says, I am a despot. It was in no sectarian——

Here the hammer fell; but—

Mr. LEVIN finished his sentence: "spirit that the Native Americans resist this union of our free Republic with Papal Rome." Mr. L. withdrew his amendment to the amendment.

Mr. HILLIARD here moved an amendment with a view to reply. Mr. H. said: My honorable friend and myself do not differ in our horror of an intolerant and dangerous religious system; but we do differ in our views of the true policy to be pursued towards the Papal power. We both desire to sustain the Bible, and to vindicate Protestant Christianity. I need not say that I am no partisan of the Pope; on the contrary, there breathes not a man whose sympathy with the Protestant cause beats stronger or quicker than my own. I can never forget its battles nor its victories, its persecutions nor its triumphs. But, sir, I solemnly believe that *toleration* is the *wisest* as well as noblest policy.

The gentleman has been so indiscreet as to mention the nineteenth century. Sir, there has been a time when such an argument as we have heard to-day would have been appropriate. It was that dark period when the dungeon, the inquisition, and the stake claimed as victims all who were convicted of heresy by a tribunal usurping the authority of God. But in this nineteenth century I am surprised to hear such views in an American Congress, from a gentleman so enlightened as my friend from Pennsylvania.

He asks what reforms has the Pope granted? I answer that he has expelled from power a Secretary of State distinguished for his despotic and harsh opinions, and put in his place a man of liberal views; he has thrown wide a door for the admission of his people without respect to rank who may come with petitions to him; he has caused a box to be placed in the Vatican, where all who desire to submit their complaints to his own eye may deposit a statement of their wrongs; he has assembled a council to advise him as to the wants of his people; and, if he had done nothing more than transfer his alliance from Metternich to Louis Philippe, I should hail that as a great step in the progress of reform.

Rely upon it, sir, the spirit of reform is waked up in Italy. It will "not down at the bidding" of armed and imperious Austria or any other human power. I would send a minister from this Republic to cheer it, to observe it, to report its progress. That spirit will, I trust yet rekindle the fires upon the ruined altars of freedom throughout Italy.

Our true policy is to extend our peaceful relations with the world. We have nothing to fear from an intercourse of that kind with other Powers. Truth is clad in more than triple steel; and I would bid her spread her standard in the very midst of the world, and take her station in front of the Vatican. By keeping the Papal See isolated, you strengthen it. It carries on its agencies in secret. Bring it upon the open field; do not shun it; bring it into open intercourse with a free Protestant nation, and civil and religious liberty will achieve new triumphs.

The amendment to the amendment was rejected.

Mr. BROWN, of Pennsyvania, moved an amendment to the amendment, to increase the sum from $18,500 to $20,000.

Mr. B. said he was not in the House on Thursday, when his colleague [Mr. LEVIN] read his speech against the appropriation for a chargé d'affaires to the Papal States, nor had he read it in the papers; but he had heard enough in the remarks of that gentleman just made, to know that their whole character had been the introduction of religious discussion and legislation in that Hall. The Constitution of the United States, (said Mr. B.,) as well as the constitutions of all the States, prohibit all legislation on this subject—require no such test for any station under them; and, in fact, both by their spirit and letter, prohibit its introduction either into our domestic or foreign relations in any way whatever. It never has entered into the consideration of our Government before, what was the religious character of any people with whom we had, or proposed to establish, amicable relations; and he regretted very much that his colleague had introduced it now. In the legislation of Congress, this incendiary subject had never found favor; and with the people everywhere, except in the district represented by the gentleman himself, it had been quickly and sternly rebuked.

Mr. LEVIN (standing before the Speaker's desk, and in front of Mr. BROWN) called out, "In the tinder-box."

Mr. BROWN. Yes! he—(pointing to Mr. LEVIN)—the gentleman from Pennsylvania—was the first to introduce the incendiary subject of religion into the politics of Philadelphia, and by his inflammatory harangues, produced all the incendiarism and bloodshed that for a while covered it with gloom and disgrace. Yes, sir, *he* was the author of all the incendiary measures——

The CHAIRMAN here interposed, and called the gentleman to order.

[Cries of order.]

Mr. C. J. INGERSOLL. I would like to know why my colleague is out of order?

The CHAIR replied that it was not in order for

a gentleman in debate to reflect upon the character of another member of this House.

Mr. BROWN still retaining the floor—

Mr. LEVIN repeated the question. Did the incendiary spirit to which the gentleman alluded originate from a tinder-box?

Mr. BROWN. The incendiary spirit originated from the gentleman himself, introducing religion into the political contests of Philadelphia.

Mr. C. J. INGERSOLL again rose to order. He desired to have the sense of the House upon the question whether it was competent for one member to say of another member here, by a figurative expression, (for such he supposed it was,) that he was the author of an incendiary movement? It appeared to him, that such words had been used from time immemorial in Parliament, and in every legislative assembly.

Mr. KING, of Georgia, interposing, inquired of the Chair if this debate was not out of order?

Mr. INGERSOLL, before he took his seat, appealed from the decision of the Chair that his colleague was out of order in his remarks.

The CHAIR called the committee to order, and stated the decision. He considered it out of order for any gentleman upon this floor to impute to any other gentleman that he had been actuated by an incendiary motive and purpose; and upon that ground had decided the gentleman from Pennsylvania [Mr. BROWN] to be out of order. From this decision the gentleman [Mr. INGERSOLL] appealed; and the question was, "Shall the decision of the Chair stand as the judgment of the committee?"

The question, being taken on the appeal by tellers, was decided in the affirmative—ayes 96, noes 81.

So the decision of the Chair was sustained, and the remarks of Mr. BROWN were decided out of order.

Mr. LEVIN rose and moved an amendment to the amendment to reduce the sum to $10,000, and was about to speak, when he was interrupted by inquiries from several gentlemen if Mr. BROWN was not entitled to the floor.

The CHAIRMAN replied that the gentleman from Pennsylvania [Mr. BROWN] had two minutes of his time remaining, but, having been decided out of order, he could not proceed under the rule without leave of the House.

Mr. POLLOCK moved that he be allowed to proceed in order.

Mr. BROWN said he did not want any favors. If he could not go on under the rule as a matter of right he would not at all.

Mr. POLLOCK accordingly waived his motion.

Mr. BROWN said he would withdraw his amendment and move another, and on this he claimed the right to be heard.

Mr. COLLAMER rose to a point of order.

There was great confusion and excitement in the Hall.

The CHAIRMAN called to order, and said no proposition would be entertained until the committee came to order.

Mr. COLLAMER stated his point of order. He understood the gentleman from Pennsylvania [Mr. BROWN] to have been ruled out of order in his remarks, and made to take his seat. He therefore could not rise up without leave of the House. But he assumed to take the floor, to make another motion, and to go on with his speech. He took objection to it, and contended that the gentleman had no right to the floor. His colleague, [Mr. LEVIN,] moreover, had obtained the floor after he [Mr. BROWN] was called to order, and had offered an amendment, on which he was now entitled to the floor.

Considerable conversation ensued.

The CHAIRMAN overruled Mr. COLLAMER's point of order, and decided that Mr. BROWN, although he had been decided out of order in his remarks; having withdrawn his amendment, had the right to offer another and to explain it under the rule.

Mr. TOMPKINS inquired of the Chairman concerning his decision, with a view to appeal if he understood it correctly. He understood the gentleman from Pennsylvania [Mr. BROWN] to have made a motion of amendment; to have debated that motion for the space of five minutes, or nearly so; to have been decided out of order in his remarks upon it, and required by the rule to take his seat; that he then withdrew that amendment, and, claiming not to have yielded the floor, (although, when he had been required to take his seat, by the rule, his colleague [Mr. LEVIN] was recognized by the Chair, and offered an amendment,) offered a second amendment, and proposed to debate that five minutes. If that was the decision of the Chair, he appealed.

Mr. RICHARDSON raised the point of order that the gentleman from Mississippi could not make a point of order, there being already one pending.

The CHAIRMAN called to order, and said the point of Mr. TOMPKINS was in order, there being no other pending previously.

In reply to the inquiry of Mr. TOMPKINS—

The CHAIRMAN said that, in his opinion, under the broad language of the rule, it was competent for a gentleman to withdraw his amendment, and offer another one and go on with his remarks.

Mr. TOMPKINS appealed from the decision, and wished to state the grounds on which he rested his appeal; but was greeted by vehement and continued cries to order from the opposite side of the Hall.

The CHAIR called to order, but in vain, as his voice was drowned in the confusion that prevailed on the floor.

Mr. TOMPKINS, in the mean time, retained his position on the floor.

In the midst of this scene of uproar and excitement—

Mr. BOTTS rose and moved that the committee rise.

The question being taken by tellers, it was decided in the affirmative.

So the committee rose and reported.

And the House adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

By Mr. EVANS, of Maryland: The petition of Sarah A. Wirt, praying compensation for two horses taken during the late war with Great Britain from her late husband for the use of the United States.

By Mr. PHELPS: The petition of John Young and others, citizens of Osage county, Missouri, praying that a tract of land be donated to said county for a county seat.

By Mr. ROCKHILL: The petition of George W. Balding and sundry others, citizens of Steuben county, Indiana, praying the establishment of a mail route from West Unity, Williams county, Ohio, to Angola, Steuben county, Indiana, thence to La Grange Centre. Also, the petition of Moses Shepherd and 42 others, praying the establishment of a post route from Muncie, Delaware county, Indiana, by way of Alexander, Madison county, to the county seat of Tipton county, in the State aforesaid.

By Mr. HUNT: The petition of James Abeel, asking Congress to increase the pay of military storekeepers.

By Mr. KAUFMAN: The petition of citizens of Texas for a mail route from Fulton to Jefferson, in that State.

By Mr. ROBINSON: The remonstrance of G. G. Shoup and 89 others, citizens of Laurel, Indiana, and its vicinity, against the renewal to the heirs of Jethro Wood of a plough patent.

By Mr. SLINGERLAND: A remonstrance of 86 of the citizens and farmers of the county of Albany, in the State of New York, against the renewal of the patent of Jethro Wood, now deceased.

By Mr. WHITE: The petition of John J. Young, a commander in the navy of the United States, praying for a pension.

Mr. POLLOCK withdrew from the files of the House the petition and papers of Joseph Brown, of Pennsylvania, a soldier of the Revolutionary war, asking arrears of pension, &c.

By Mr. GOTT: The memorial of George E. Delavan and others, citizens of Onondaga county, New York, praying for a reduction of postage upon periodicals and pamphlets. Also, the memorial of H. W. Allen and others, citizens of Onondaga, praying for a repeal of the law imposing postage upon newspapers within thirty miles of the office of publication. Also, the remonstrance of Wm. J. Curtip and others, citizens of Onondaga county, against the passage of any law renewing or continuing the patent of Jethro Wood for a cast-iron plough.

By Mr. NEWELL: A memorial from William Riley, Joseph Goodenough, and others, praying the establishing a post route from Key Port to Squancum, Monmouth county, New Jersey.

By Mr. HOLMES, of New York: The remonstrance of C. H. Sweet and 30 others, citizens of Monroe county, New York, against extending the patent heretofore granted to Jethro Wood.

By Mr. STEWART, of Pennsylvania: The memorial of T. F. Gordon, praying an appropriation to enable the Treasury Department to fulfill its contract for a manual of the laws relating to commerce, navigation and revenue.

By Mr. EVANS, of Ohio: The petition of Joseph J. Watson for an increase of pension.

By Mr. TWEEDY: The petition of Pliny Allen, supervisor of Walworth county, and of E. R. Utter and 116 others, of Walworth and Rock counties, Wisconsin, praying for the establishment of a tri-weekly mail route from Milwaukie to Beloit, Wisconsin, via Troy, Elkhorn, Delavan, Darien, Allen's Grove, and Clinton. Also, the petition of Seymour Wilcox and 83 others, of Wanpun, Fondulac county, Wisconsin, praying for the establishment of a mail route from that place to Dartford, Mosquito county, via Ceusco. Also, the petition of Lem. Hollister, and 45 others, of Wisconsin, praying for the establishment of a mail route from Darien to Whitewater, in Walworth county, Wisconsin, through Reed's corner, Richmond, and Keeche's Corner. Also, the petition of William James and 99 others, of Wisconsin for the same object. Also, the petition of the supervisors of the county of Walworth for a mail route from Darien, through Reed's Corner, Richmond, and Utter's Corner to Whitewater. Also, the petition of Bernard Burke and 116 others, settlers of the even numbered sections of the canal lands in Wisconsin, praying that the same may be sold at the same minimum price and subject to the same rights of preëmption as other public lands. Also, the petition of John Thompson and 47 others, residents on the Lake Michigan and Rock river canal reserve in Wisconsin, praying for the same object, and also for the return of the excess of the purchase money over $1 25 per acre of the tracts of said lands already sold to the purchasers. Also, the petition of Myren E. Morse and 235 others, of Wisconsin, praying that the preemption law of 1841 be so amended as to extend the time of payment and proof to four years, and so as to extend the benefits of the act to all persons who shall have filed a declaration of intention to become citizens of the United States, and so as to subject the occupants of public lands to taxation on account of the lands occupied by them by the State or territory in which they may be situated.

IN SENATE.

SATURDAY, *March* 4, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, enclosing a return of the number and designation of the passengers which have arrived at each collection district during the year ending the 30th September, 1847; which was laid on the table, and ordered to be printed.

Also, the annual report of the Commissioner of Patents; which was referred to the Committee on Patents and the Patent Office.

Also, several joint resolutions from the Legislature of Florida, on various subjects; which,

On motion of Mr. WESTCOTT, who suggested that these resolutions had been heretofore presented by his colleague, were laid on the table.

RESOLUTIONS.

Mr. RUSK, on leave, introduced a bill to provide for transcribing certain State papers of the late Republic of Texas; which was read a first and second time, and referred to the Committee on Foreign Relations.

Mr. DAVIS, of Mississippi, on leave, introduced a joint resolution appointing certain Regents of the Smithsonian Institution; which was read a first and second time, and referred to the Committee on the Library.

Mr. PEARCE, on leave, introduced a bill to remit the duties on books, maps, and charts, imported for the use of the Library of Congress; which was read a first and second time.

Mr. P. moved that the bill be now considered, explaining that it was merely a transcript of the former law, which had just expired. He anticipated no objection to the bill, as it must be apparent to every one that the payment of duties in this case was merely taking money out of one pocket to put it in the other.

The bill was then considered as in committee of the whole, reported without amendment, and ordered to be read a third time. It was then read a third time and passed.

Mr. UNDERWOOD, from the Committee on Claims, made an adverse report on the petition of Mary Ann Davis.

Mr. SEVIER moved that the Senate proceed to the consideration of Executive business.

The VICE PRESIDENT suggested that a batch of bills had just come in from the House of Representatives, which were on the table to be disposed of.

Mr. SEVIER said, it was of much more importance to transact the Executive business than to refer these bills.

The VICE PRESIDENT. Does the Senator from Arkansas insist on his motion?

Mr. SEVIER replied in the affirmative.

The question was then put and carried.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business, (twenty minutes past twelve,) and remained with closed doors until a late hour; when the doors were reopened,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 6, 1848.

The Journal of Saturday having been read and approved—

Mr. BRODHEAD introduced to the House Mr. SAMUEL A. BRIDGES, a member elect from the State of Pennsylvania, (to supply the vacancy caused by the death of Mr. HORNBECK,) who was qualified, and took his seat.

The SPEAKER presented a memorial and resolutions of the Legislature of the State of Florida, relative to a mail route from Chattahoochie to Pensacola.

Also, a resolution of the same Legislature, relative to the widows and orphans of those who have died in the service of their country in Mexico.

Also, resolutions of the same Legislature, in relation to preëmption rights in said State.

The memorial and resolutions were appropriately referred.

Mr. HUNT moved to suspend the rules to enable him to move a resolution making certain bills making appropriations for the improvement of certain rivers and harbors the special order of the day for Tuesday, the 21st day of March instant, and so to continue until finally disposed of by the House.

On the motion to suspend the rules, the yeas and nays were taken, and resulted in favor of suspending 82, against it 64. Two-thirds not voting in favor thereof, the motion was lost.

Mr. BOTTS said he had received a communication from the Secretary of War, enclosing a muster-roll of an Indian company received into the United States service by Colonel Harney, which he asked leave to present, and have referred to the Committee on Military Affairs. The communication was received and referred.

Mr. McCLELLAND stated that his colleague, Mr. STUART, was deterred by indisposition from accompanying the remains of the Hon. JOHN QUINCY ADAMS to Massachusetts, as a member of the committee appointed for that purpose. Under these circumstances, the delegation from Michigan had met and designated Mr. BINGHAM of that State to fill the vacancy. Mr. McC. moved that the substitution be sanctioned.

Ordered accordingly.

JUDICIARY.

Mr. J. R. INGERSOLL moved that the rules be suspended for the purpose of taking up the bill supplemental to the act entitled "An act concerning the Supreme Court of the United States," approved June 17, 1844, and the amendment moved by Mr. BOWLIN to the same.

The motion was agreed to, and the bill was taken up.

Mr. J. R. INGERSOLL explained the necessity and urged the passage of this bill; reiterating the arguments used when it was last before the House. He also replied to some objections made by the gentleman from Missouri, [Mr. BOWLIN.] The bill proposed to relieve the judges of the Supreme Court of the United States from attendance on circuit for the term of two years, for the purpose of enabling them to give their whole attention to the appeal docket, on which cases had greatly accumulated. He had been surprised to find that doubts were entertained in some quarters whether any business could be done by the district judges on circuit if the Supreme Court judges of the United States were discharged from that duty. If there were any force in that objection, the passage of this bill would have the effect of bringing the business on the circuits to a stand; but, to show that it was based on error, he referred to the act of Congress of the 29th of April, 1802, which would be found on page 158, vol. 2, of the statutes at large, which gave to the district judge alone the power to hold circuit courts at any and all times. He read the fourth section of that act to show that the power which he had specified was given to the district judge.

He should be very reluctant to take away from the circuits the learning and ability and industry of the circuit judges, if he were not perfectly assured, from ample experience, of the learning and ability and industry of the district judges themselves. In the Pennsylvania district, after the death of Judge Baldwin, and during his sickness—a period of more than two years—all the business of the circuit was done by the district judge, a man of great reputation, and the business was never better done than during that time. The district judges were men of ability, and they were perfectly competent to discharge the duty that would devolve upon them during the two years that they would be deprived of the assistance of the circuit judges by this bill, while the Supreme Court would thereby be enabled to dispose of the cases on its calendar, which were accumulating, and the decision of which was of pressing necessity.

Mr. I. then gave a historical review of the Supreme Court, the enlargement from time to time of its terms, from an early period down to the recent change, by which the commencement of its session was altered from the first Monday in January to the first Monday in December. He read tabular statements of the condition of its docket and the number of cases disposed of during a succession of years, and went on to enumerate the States from which the cases came that were now on the docket, and thereby showed that in this bill suitors from the distant States had the deepest interest. He then urged the passage of the bill with great earnestness.

Mr. BOWLIN spoke at great length in opposition, and in advocacy of an amendment which he proposed to substitute for the bill of the gentleman from Pennsylvania.

Mr. BOWLIN said that he regretted to see such a manifest disposition to force this bill through, without investigation, without deliberation. By the refusal of the House to commit this bill, and suffer it to take the usual course of legislation, it was too clearly manifested that it was to be passed through, irrespective of its merits. That it was at all times embarrassing to him to speak in that Hall, and became doubly so when he felt it to be his duty to argue against a prejudged case. But he had a duty to perform, and if the bill must pass, he intended to record his sentiments and his vote against it. In view of the history of this measure, he could not look upon it in any other light than as a permanent measure, however plausible a character it may assume as a temporary act. Those who sought its passage did not want it as a temporary measure, if they were not satisfied that it was to become permanent. Pass the bill for two years, and, in his humble opinion, they might take their leave of the circuit judges upon their circuits forever. This, he believed, would be the effect of the bill; and, whether designed or not by the committee, those who had the beneficiary interest in it so considered it, in his solemn belief.

He then went into a history of the measure of separating the Supreme Court from the States and the people, from its origin with the odium of the midnight judges in 1801, up to the present time. He detailed its progress, its final passage, public indignation, and its speedy overthrow. He then recurred to the second attempt in 1824–'25, and 1825–'26, to produce the like effect, and its failure at that time. He commented at length upon these continued struggles to provide for the ease, comfort, and convenience of the Judges of the Supreme Court, at the expense and to the injury of the people.

He said no man entertained a higher respect than he had for that coördinate branch of the Government. He knew their character; he knew the elevated position which they properly occupied in public estimation, and he knew them still better in the vast and mighty power which they exercised; but with all his respect for the judges, in the exercise of his functions as a representative of the people, he should speak of them with the utmost freedom of debate. He then reviewed their powers and duties, and the diversified systems of laws they were called upon to administer, and the necessity of their becoming familiar with the practical operations of such systems, to enable them to adjudicate wisely upon them. And he reviewed at length the circuit system, and eulogized its beauties under all circumstances, and particularly in a federative system of government.

He reminded the House that these judges had a common-law jurisdiction, to be administered for the several States, according to their systems, as operated upon by their customs, usages, and statutory law. He commented at length upon the beauties and origin of the common law, and demonstrated that it never grew up to its present perfection by judges in secret chambers. It was the circuit system under which the common law grew up—a system still adhered to by our ancestors.

He alluded to our natural antipathy to the political systems of England, but remarked that he presumed no lawyer would fail to acknowledge the beauty of her system of jurisprudence. He then went into a detail of the system by which the highest judges of the empire attended the circuits, and pursued *nisi prius* business; and alleged that since the reform speech of Lord Brougham, it had almost ripened into a proverb, that no judge was qualified to decide in the last resort, who did not perform *nisi prius* duties.

He alluded to the duties of the Lord Chief Justice of the King's Bench, who, he believed, tried more cases in the lower courts than the whole of our Supreme Judges, and yet set in the high court, and adjudicated appeals. But, to accomplish this, he had to avoid fancy speeches for the amusement of the public. It was not in the King's Bench, as here; a crowd, even ladies, collected from day to day, to hear specimens of forensic eloquence; when, if the bar were strictly confined to the principles of law, and plain, unpoetic legal authorities, it would fall dull upon their ears.

He also went into a lengthened argument to prove that this system, if adopted, enhanced the price of justice to the people of the distant States; that it would enhance the evil of a large docket, under which pretence they had been called upon to pass this bill; and that it was solely for the ease of the bench and benefit of leading attorneys who centred around the metropolis. He could see no other interest connected in the measure.

He was then proceeding to point out and denounce the evils of the new system, and eulogizing the circuit system established in 1789 by our ancestors, and demonstrating that if we were recklessly to tear down that beautiful system, then his amendment presented the next best system in his substitute——

When the hammer fell, evidently before he was through.

[The speeches of Mr. J. R. INGERSOLL and Mr. BOWLIN, on the same subject, will be found in the Appendix.]

Mr. STEPHENS demanded the previous question.

Mr. HOUSTON, of Alabama, moved that the bill be laid upon the table.

The yeas and nays were ordered, and being taken, stood, yeas 67, nays 88.

So the bill was not laid on the table.

The question then recurred, and was taken on the demand for the previous question, but there was no second.

Mr. THOMPSON, of Mississippi, moved to amend the bill by striking out the words "two years," and inserting "one year," so as to limit the operation of the bill for one year.

Mr. T. said he was convinced that some reform should be made in the judiciary system of this country. It was required by the number of appeals from all sections of the country. He had come to the House this morning determined not to support this bill; but he was frank to confess that the remarks of the chairman of the Committee on the Judiciary had induced him to change his mind. He understood the honorable gentleman to say he would introduce a bill for the reform of the Judiciary. It was not possible for the House at this time to go into a consideration of the revision of the whole system; but any one who was familiar with the number of cases and the progress of business before the Supreme Court must be convinced that absolute injustice was perpetrated on the clients before that court. He would mention one case; and from this they might judge of others. His attention had been called to it by one of his constituents. It was a case involving $18,000, and was brought up to the Supreme Court by appeal, in 1844, and entered on the docket of 1844–'45. It was continued on the docket of 1845–'46, 1846–'47, and was now on the docket of 1847–'48, number 65, there being some twenty cases before it.

Mr. J. R. INGERSOLL. The court has just got beyond case number forty.

Mr. THOMPSON (continuing) said it would be impossible to reach it during this session of the court, unless some bill of this character passed Congress. Now, as the necessary result of this delay on the parties—$18,000 were involved in the controversy—the defeated party brought it up with no expectation of success in the appeal, but for the benefit of the delay. They refused to submit it to the court on printed arguments, but insisted that counsel should appear. The consequence was

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that the party who had justice on his side was about to be sold out, having been deprived of justice for four years, and was in a desperate condition. That was but one case. He knew not how many cases there were of a similar character. He thought the House should take the subject into consideration and adopt some system, if it were possible, by which these judges could be constrained to greater progress, or be enabled to make greater progress, (as it was said they were now unable to do.) For his part, he found that the increasing the length of the terms which they held had not increased the number of cases disposed of. He went into some details to show the fact, that the despatch of business was not as great before that court now as formerly.

Now, it was of the utmost moment to the State which he had the honor in part to represent that they should have the circuit judges go there; and he was in doubt whether it was of more importance to have the Supreme Court deciding here or going into the circuit of Mississippi. But he thought it was better that they should go on here and attempt to clear the docket. With this object he moved the amendment of one year. If adopted, it would enable this Congress—upon whom he thought was devolved the duty—to change the judiciary system within that time. For himself, he was convinced that much of that which was said by the gentleman from Missouri was true. If we once relieved the Supreme Court judges from circuit court attendance, even for a limited time, he was afraid they would never again attend to circuit court duties; and the result would be that we should have nine judges for life fastened upon this Government. But on account of the largeness of the docket he was willing to relieve them from the performance of circuit duties for one year, hoping that there would be a reform in our judicial system.

He suggested a change in the places for holding the court, and suggested that it should sit in two different places of the Union for the accommodation of suitors and parties of the legal profession. He also intimated that Washington, during the excitement of a session of Congress, was less favorable for the despatch of business than any other place would be. He suggested a reconstruction of the court itself, but reserved the expression of his opinion on that point until a promised bill to reform the Judiciary should come up for discussion, and concluded by urging the adoption of his amendment.

Mr. VINTON said this was not a bill, he thought, for the relief of the Supreme Court, but for the relief of its suitors. He could bear testimony to the truthfulness of the remarks of the gentleman from Mississippi. He had a cause on the docket himself, which had been there for three years without being reached; and this fact, he was of opinion, was an inducement with some parties to carry up their cases, as thereby they availed themselves of the delay which an appeal produced. To appeal to the Supreme Court of the United States was in many cases an absolute denial of justice, and something should be done to remedy the existing evil. If one year would be sufficient to enable the judges to dispose of the business on the docket, he should be content to adopt the amendment of the gentleman from Mississippi; but he believed the number of cases was one hundred and fifty or one hundred and sixty.

Mr. J. R. INGERSOLL. After disposing of those that would be disposed of during the present term.

Mr. VINTON had excluded those decided during the present term, which were about forty in number. To dispose of those, however, the court had sat since the first Monday in December; and at that rate he feared one year would not be sufficient to dispose of those which remained.

Mr. CLINGMAN moved the previous question, which was seconded; and, under its operation, the amendment of Mr. THOMPSON was agreed to.

The question was then put on the substitute for the bill which was offered on a previous day by Mr. BOWLIN, and it was rejected.

The bill was then ordered to be engrossed and read a third time; and, being engrossed, was read a third time.

And the question being "Shall this bill pass?"

The yeas and nays were ordered, and, being taken, resulted as follows:

YEAS—Messrs. Abbott, Green Adams, Barrow, Bayly, Bedinger, Bocock, Boydon, Brodhead, Brady, Bridges, Burt, Butler, Cabell, Canby, Chapman, Clingman, Howell Cobb, Cocke, Conger, Cranston, Dickey, Dixon, Duer, Garnett Duncan, Dunn, Eckert, Edsall, Embree, Nathan Evans, Farrelly, Freedley, Fulton, Gaines, Gayle, Giddings, Goggin, Green, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Harris, Henry, Hubbard, Hudson, Hunt, Inge, Joseph R. Ingersoll, Iverson, John W. Jones, Daniel P. King, Levin, McLane, Marsh, Marvin, Morehead, Nelson, Palfrey, Pendleton, Petrie, Preston, Putnam, Reynolds, Julius Rockwell, Rumsey, St. John, Shepperd, Silvester, Truman Smith, Stanton, Stephens, Strohm, Strong, Thibodeaux, Taylor, Jacob Thompson, Richard W. Thompson, John B. Thompson, Robert A. Thompson, Toombs, Tuck, Van Dyke, Venable, Vinton, Warren, White, and Woodward—89.

NAYS—Messrs. Beale, Birdsall, Black, Bowlin, Boyd, Charles Brown, Buckner, Collins, Crozier, Donnell, Featherston, Ficklin, Fisher, Fries, Gott, Moses Hampton, Henley, Hill, Elias B. Holmes, George S. Houston, Charles J. Ingersoll, Jenkins, Robert W. Johnson, George W. Jones, Kellogg, Kennon, Lahm, Sidney Lawrence, Leffler, Lincoln, Lord, Maclay, McClelland, McClernand, McKay, Mann, Miller, Morris, Murphy, Outlaw, Peaslee, Peck, Peyton, Pollock, Richardson, Richey, Robinson, Rockhill, Root, Sawyer, Simpson, Sims, Smart, Thomas, Tompkins, Turner, and Wick—60.

So the bill was passed and sent to the Senate for concurrence.

The following is the bill as it passed:

A BILL supplemental to the act entitled "An act concerning the Supreme Court of the United States," approved June 17, 1844.

Be it enacted, &c., That for and during the term of one year from the passing of this act, it shall not be the duty of the Justices of the Supreme Court to attend any circuit court, and the business of the Supreme Court shall receive the undivided attention of the Justices of the Supreme Court, with power to adjourn from time to time, and to hold their sittings at such times and with such intervals as the pressure of business may permit and require: *Provided*, That nothing herein contained shall be construed to take away the right of any Justice of the Supreme Court, in his discretion, to attend any terms of the proper circuit court which may have been designated for him, whenever in his opinion the public interest may require it, and his attendance at the Supreme Court may, without injury or inconvenience, be dispensed with.

Mr. THIBODEAUX moved to suspend the rules, to enable him to move to discharge the Committee of the Whole from the bill relating to the collection district of New Orleans, and for other purposes. Ayes 89, noes 58. Two-thirds not voting in the affirmative, the motion was not agreed to.

Mr. McKAY, previous notice having been given, introduced a bill requiring all moneys receivable from customs, and from all other sources, to be paid immediately into the treasury, without any abatement or deduction, and for other purposes. Read and referred.

Mr. GRINNELL, from the Committee on Commerce, reported a bill to provide for the ventilation of passenger vessels, and for other purposes. Read and committed.

Mr. HALL, of Missouri, asked leave to introduce a joint resolution, of which previous notice had been given, giving the thanks of Congress to Brigadier General Price and Colonel Alexander W. Doniphan.

It being objected to—

Mr. HALL moved to suspend the rules, on which the yeas and nays were taken, and resulted—yeas 93, nays 55. Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. COCKE asked leave to introduce the following resolution:

Resolved, That the Committee on Military Affairs be, and they are hereby, directed to report to this House a suitable joint resolution awarding gold medals to such officers or soldiers of the army as have distinguished themselves in the war with Mexico, and who should receive this marked compliment at the hands of Congress.

Objection being made, Mr. COCKE moved to suspend the rules; which motion being agreed to, the resolution was received.

Mr. COCKE moved the previous question, which was seconded; and, under its operation, the resolution was adopted.

Mr. HILL, previous notice having been given, introduced a bill to increase the pay of the private soldiers engaged in the war with Mexico. Read and referred.

Mr. COBB, of Georgia, presented a joint resolution of the Legislature of the State of Georgia, for a mail route between Blairsville and Mount Yonah.

Mr. CABELL presented sundry resolutions of the Legislature of the State of Florida on various subjects; which were appropriately referred, and ordered to be printed.

On motion of Mr. FULTON,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Mechanicsburg, in Giles county, Virginia, to Perry's Store, in the county of Tazewell, and report by bill or otherwise.

Mr. LORD asked leave to introduce a resolution directing the Commissioner of Patents to cause an examination to be made of all the models in his department of metallic air-tight coffins for transportation of bodies, and report the result thereof to the House without delay.

It being objected to—

Mr. LORD moved to suspend the rules; but before the question was taken,

The House adjourned.

IN SENATE.

MONDAY, *March* 6, 1848.

Mr. DICKINSON rose, and stated that he was not much in the habit of troubling the Senate with complaints as to the manner in which his remarks were reported. But he felt it due to himself to correct a misapprehension which had found its way into some newspapers published at a distance. It would be recollected that he presented, a day or two ago, some resolutions adopted at a mass meeting held at Saratoga, which he had designated the old battle-grounds of the Revolution. In some papers it had been erroneously represented that these resolutions breathed a spirit of opposition to the war with Mexico. Instead of this, the very reverse was the fact, as they were approbatory of the war. Although the resolutions would speak for themselves, he had deemed it proper publicly to notice the error.

Mr. DICKINSON presented a petition from John Erickson, asking compensation for services rendered as engineer in planning and superintending the construction of the steam machinery of the United States steamer Princeton; which was referred to the Committee on Naval Affairs.

Mr. MILLER presented resolutions of the Legislature of New Jersey, affirming the declaration of the sentiments of the Chicago convention, in favor of the improvement of the harbors and navigable rivers of the country through the action of the General Government; which was laid on the table, and ordered to be printed.

Mr. FOOTE presented a petition from the heirs of Colonel James Mayson, asking compensation for the services of said Mayson during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also a petition from Volney E. Howard and others, asking to be relieved from certain bonds held against them by the United States in payment for certain lands which had been previously located; which was referred to the Committee on Claims.

Also, a petition from Luke Lea and David Shelton, asking for a grant of land in Mississippi, for the purpose of experimenting on turpentine; which was referred to the Committee on Public Lands.

Mr. DAVIS, of Mississippi, presented a petition from certain enlisted men of the Ordnance corps, asking to be placed on the same footing in reference to reënlistments as other soldiers; which was referred to the Committee on Military Affairs.

Mr. BRADBURY presented a petition from Ambrose H. Abbott and others, citizens of Maine, asking the establishment of a mail route from Bangor to Augusta, through Frankfort, Monroe, &c.;

which was referred to the Committee on the Post Offices and Post Roads.

Mr. BUTLER presented a petition from Moses D. Hyams and others, asking to be allowed to change the name of a vessel from "Roger Bontemps" to *Palmetto;* which was referred to the Committee on Commerce.

Mr. BENTON presented a memorial from James F. Haliday and other printers of the District of Columbia, asking the establishment of a national printing office at the seat of Government.

Mr. BENTON described this petition as emanating from persons who were practical printers; and they also set forth in the petition the reasons on which their application was grounded. Their opinions were of great value in a practical point of view. He was not well informed as to the manner in which the printing for the British Parliament was given out, but he would say, that in its type and paper, in its general execution, and the form in which it appeared, it was superior to any other printing in the world. It was presented in a handsome form, very unlike to our thick, unwieldly octavo volumes. He had taken a volume out of the Library, for the purpose of exhibiting it to the Senate. Senators would see at once the difference between that and the mode in which the printing of Congress is executed. Let Senators feel the weight of the volume—it is like lead in its compactness and solidity. Here the mechanic arts had reached as high a state of perfection as in any country. We have as good printers and binders as can be found on the face of the earth; and he thought the subject of the petition in his hands was one well worthy the serious consideration of the Senate.

He would ask that the volume he held in his hand should be sent, with the memorial, to the Committee on Printing, in order that an expression might be obtained of the views of the Committee, as to any improvement which could be introduced in our present system. And as the memorial was full of sound and practical views, he would ask that it be printed.

The memorial was then referred to the Committee on Printing, and ordered to be printed.

Mr. MASON, from the Committee of Claims, reported a bill for the relief of Samuel Grice.

On motion by Mr. DAVIS, of Mississippi,

Resolved, That the Committee on the Library be instructed to inquire into the expediency of subscribing for — copies of the battle-fields and route of operations of General Scott in the valley of Mexico, drawn by Captain McClellan, of the Topographical Engineers, United States army.

On motion of Mr. SEVIER, the Senate proceeded to the consideration of Executive business at twenty minutes past twelve o'clock, and remained therein to the usual hour; the doors were then reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 7, 1848.

The Journal of yesterday was read and approved.

Mr. GAYLE, by leave, presented the memorial of the Mobile and Ohio Railroad Company, and of the States of Alabama, Mississippi, Tennessee, and Kentucky, asking the right of way over the public lands, and a grant of public lands to aid said company. Referred to the Committee on Private Land Claims.

On motion of Mr. PUTNAM,

Resolved, That the Committee on Public Buildings and Grounds be instructed to examine and determine whether, in their opinion, the Hall of Representatives is sufficiently ventilated with respect to the health of its members, and, if not, that they inquire into the expediency of having such ventilation made as may be deemed necessary and proper, and that they report by bill or otherwise.

On motion of Mr. RICHEY,

Resolved, That the papers on file in the Clerk's office in the case of Arthur Taggart, and with the additional evidence taken therein, be referred to the Committee of Claims.

Mr. STEPHENS asked leave to offer the following:

Resolved, That the following words, to wit: "*Provided*, 'That when debate is closed by order of the House, any 'member shall be allowed in committee five minutes to 'explain any amendment he may offer," in the 34th rule of this House, be and the same is hereby abolished.

Being objected to, the resolution was not received.

Mr. CROWELL, from the Committee of Claims, made an adverse report upon the petition of Joseph R. Brown. Laid on the table.

Mr. HUNT, from the Committee on Commerce, reported a bill to remit the duties upon certain goods destroyed by fire in the city of New York. Read and committed.

Mr. GREGORY, from the same committee, reported a bill for the relief of William Harding, and a bill for the relief of Emanuel Berri and John M. Keese. Read and committed.

Mr. PUTNAM, from the Committee on Public Lands, made an adverse report upon the petition of Frederick Hall. Laid on the table.

Mr. STEPHENS, from the same committee, to which was referred the House bill granting to the Alabama, Florida, and Georgia Railroad Company the alternate sections of the public lands along the route of the contemplated roads on certain conditions, reported it back to the House with amendments. Read and committed.

SOLDIERS' BOUNTY LAND.

Mr. EVANS, of Maryland, from the same committee, reported a bill to amend an act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847. Read a first and second time.

Mr. EVANS desired the bill to be put upon its passage, and was proceeding to speak of its merits, when a question arose whether debate was now in order, and whether it ought not to be sent to the Committee of the Whole on the state of the Union?

In the conversation on these points, Messrs. BOYD, G. S. HOUSTON, McCLERNAND, and others, took part.

Mr. EVANS proceeded, the Speaker having decided that he was in order. He would only remark, for the information of the House, that some of the most meritorious men, non-commissioned officers and privates, who served their country in Mexico, were by the act of 1847 deprived of their bounty lands. There were cases without number where privates were compelled to accept promotion, all their officers having been killed on the battle-field; they were, therefore, absolutely compelled to accept promotion, and it would be the grossest act of injustice to refuse to pass this bill. He hoped no objection would be offered to obstruct its passage, so that those meritorious men who so signally distinguished themselves in the Mexican war might receive their one hundred and sixty acres of land. He moved that the bill be put on its passage.

Mr. RICHARDSON said he had no objection to the passage of this bill; nay, he was in favor of its passage; but he thought it required some amendment to obviate difficulties which he could foresee, if it were passed in the shape in which it now was. The bill provided, if he understood it correctly, that all the non-commissioned officers, musicians, and privates, who had been promoted, should be entitled to their bounty land. In many cases—it was so with those who went from the State of Illinois, and some other States also—the officers were chosen after the companies were formed at the place of rendezvous; the officers then appointed were mustered as privates, and by the provisions of this bill were as much entitled to their bounty land as any others. Now, an amendment should be made to the bill to correct this; for even the privates were not entitled to bounty lands according to existing laws, if they were disbanded before reaching the seat of military operations. There were, however, many reasons why the general provisions of this or some such bill should be passed. He remembered that in the corps to which he belonged, and other corps in the regiment in which he served in Mexico, officers were cut down, and if it had been known that the construction now given by the department were to be put upon the law of 1847, it would have been impossible to have officered those companies, for their commissions were not a sufficient compensation to them for the loss of their land. He proposed to amend the bill by adding to the first section the words: "Provided they shall have been elected or promoted after reaching the place of military operations."

Mr. HASKELL said that this bill had been before the Committee on Military Affairs, who had been almost unanimously in its favor; and he was very glad that the gentleman from Maryland [Mr. EVANS] had now introduced it; and as the bill was so obviously just and fair, he earnestly hoped that gentlemen would aid those who felt specially interested in its passage in getting it through the House without delay. He trusted the bill would be suffered to pass now, and would not be delayed by further referring it.

It was not often, Mr. H. observed, that he troubled the House with any remarks of his, nor should he now have risen were it not for the peculiar interes the took in the success of the bill, in behalf of those with whom he had been associated in the service. The regiment to which he had lately been attached in Mexico had been organized in the field, the men who composed it having left Tennessee in companies. The regiment, as such, had not been organized until two months after its members had been mustered into the service. There was not an officer in it who had not first served as a private for more than two months. The War Department had so construed the law granting bounty land to volunteers who should have served till they were honorably discharged, that when a soldier should have been promoted from the ranks and received a commission as an officer, he should be no longer entitled to his bounty land, he not having served as a common soldier until he was discharged from the service. Should this very singular construction of the law receive the sanction of Congress it would operate in this way: A private who should muster into the service to-day and should march to-morrow, and on the march—that was, on to-morrow—should fall sick or receive some bodily injury, and be reported by the surgeon as disabled, and thereupon be discharged, would receive his full amount of bounty land from the Government, though he had actually served but one day, because he had been mustered into the service and duly discharged. But, under the same decision, should he muster to-day and should continue to serve for eleven months and twenty days, and then for his meritorious services should be promoted and commissioned, he would be deprived of the reward provided for him by the Government, and originally set apart as a stimulus to a faithful discharge of duty, and as an inducement to enter into the military service of his country. Under such a construction as this the law did not operate fairly; and surely it must strike every reasonable man as no more than just that a private, though commissioned afterward as an officer, should not on that account be stripped of his right to his bounty land. The fact of his having been thus honored ought surely to constitute no disability. The fact of his promotion, on the contrary, warranted the inference that he had served faithfully as a private, although he had not been "honorably discharged," in the words of the law. Was it fair, that if a man, after serving as a private, should be discharged, he must receive his land, but if, instead of being discharged, he was promoted, he should not? If any difference was made, in consequence of his promotion for merit, it surely ought to be rather in his favor than to his disadvantage.

Mr. EVANS spoke in defence of the bill, contending that as it stood it did not prevent the officer who had first served as a private from receiving his land. All it did was to show that there was a class of privates who were not as meritorious as others. Men who had not served so long as others (having been prevented by circumstances without any fault of theirs) might be not less entitled to the bounty of the Government. Mr. E. could see no reason why the amendment was necessary. Those who were promoted to be officers usually received that promotion in consequence of superior education or some other external advantage, apart from merit as soldiers. He hoped the amendment of the gentleman from Illinois would not be adopted. Mr. E. utterly disclaimed all intention or desire to deprive the soldier of his right, nor would the bill have any such effect. The amendment was unnecessary, and he hoped it would not be adopted.

Mr. GIDDINGS inquired of the Chair whether it would be in order to move that the bill be referred to the Military Committee? He thought that the House were getting into a very bad habit of passing bills, he had almost said with indecent haste. Matters of much importance were often thus disposed of without being examined, and of which a large part of the members knew little or nothing.

Mr. G. insisted that subjects requiring the action of the House ought always to be first subjected to the deliberate investigation of a committee. They were asked now to pass a bill at once, with the nature and operation of which they were unac-

quainted, without allowing time for examination or reflection. He was told that these men had served their country with great gallantry. He had no doubt of it. Our soldiers were in the habit of doing so. They had served with the utmost gallantry in the last war; there were twelve-months volunteers who had served in that war through the whole term of their enlistment, and yet had never received the first dollar nor a single acre of land. In the frontier war men had served yet longer than that, who had never to this hour received any reward whatever. Mr. G. did not wish to be understood as opposing this bill; but those who were intrusted with the power of legislation were sacredly bound to mete out justice with an equal hand. He was not prepared to pass on this bill, because he was not acquainted with its merits. He hoped it would be sent to the Committee on Military Affairs.

Mr. EVANS presumed the gentleman had not listened to the debate, or he would have learned that the bill had already been before the Military Committee, who were nearly unanimous in its favor; it was now reported from the Committee on the Public Lands.

Mr. GIDDINGS then suggested the propriety of referring it to the Committee of the Whole on the state of the Union.

Mr. McCLERNAND said, that if the merits of this bill were not apparent on its face, they had been abundantly demonstrated by gentlemen who spoke from a practical and personal acquaintance with the subject. Possibly the bill might be defective in some particular point, as the gentleman from Illinois [Mr. RICHARDSON] seemed to suppose, and who had therefore moved an amendment to meet the case; but its general provisions had been well considered, and it would effect the object of extending the benefit of a land warrant to such officers as had been promoted from the ranks during the war. Why should they not receive it? The design of the original bill providing the land bounty had been to stimulate men to enter the service, and to reward those who had faithfully served their country according to the terms of their enlistment. It was intended to add the motive of interest to the motive of patriotism, and thus induce men to rally round the standard of their country and defend it at the risk of their lives. Such men deserved reward; and did they deserve it less because personal merit and good behavior had led to their promotion? To maintain such a principle would be to invert every process of reasoning and every consideration of justice. It would be to defeat the very end and object of the original bill, and to act against its spirit.

Mr. McC. said he was acquainted with one case which would illustrate the justice of the provisions of this bill. It was the case of a volunteer who had gone into the service and been promoted, but when a regiment was to be organized, had voluntarily gone into the ranks and served as a private, (though he was a man of education and talents.) In the bloody field of Buena Vista, every officer of that company had been cut down, and this man had been promoted by the choice of the company to be its captain, and, under the circumstances, he could not do otherwise than accept his appointment. It was his duty to accept it. There was a necessity for the filling of the vacancies which the fortune of war had created. The company was without a head to lead it on to battle; it must have officers; and would any gentleman say, that because under such circumstances he had accepted his commission, it was just to deprive him of his bounty land? Was it ever the design of the law to exclude such men from the bounty of their country?

The amendment proposed by his colleague [Mr. RICHARDSON] confined the operation of the bill to men who had been promoted from the ranks in the actual seat of war, and did not extend it to such as had received the choice of their comrades at home before reaching the field. Mr. McC. thought there was sound reason for such a distinction. When men were chosen officers at the rendezvous there might not be as strong reason for extending to them the benefits of this bill; but when a private had served in the ranks till the necessities of the service required and led to his promotion, surely the reason and equity of the provisions of the bill were strong and self-evident.

Mr. HARALSON said, he looked upon the question as one merely of form. The House, he believed were pretty generally agreed that something of the kind proposed ought to be done, and it probably would be; but at an early period of the session the subject had been referred to the Military Committee, who had reported a bill having this very object in view.

Mr. EVANS here interposed, to say that the gentleman was not probably aware that this bill had, within only four days past, been referred to the Committee on Public Lands, who had reported it now to the House. The committee were bound to report it.

Mr. HARALSON said he was aware of that; but went on again to say that the Military Committee had reported a bill for this object, which had, with their assent, been referred to the Committee of the Whole on the state of the Union. The committee had not thought themselves infallible; they considered it possible that they might have erred, and they were not afraid to have their work thoroughly examined. The gentleman from Maryland [Mr. EVANS] now said that the bill had been again reported from the Committee on Public Lands. Well, what harm could arise from referring it to the Committee of the Whole on the state of the Union? Mr. H. did not insist that, though a military bill, it should be sent to the Committee on Military Affairs, because that committee had already had the subject before them; but he thought there was wisdom in referring it to the Committee of the Whole on the state of the Union, where its provisions might undergo a thorough examination. The gentleman from Illinois [Mr. RICHARDSON] had moved an important amendment, and some other gentleman, he believed, had moved another: very possibly it might be found that the bill could be amended, with advantage, in other particulars. Could any gentleman indulge the belief that, if now sent to a Committee of the Whole on the state of the Union, it would be suffered to lie neglected during the whole of the residue of this session?

[Several voices: "Yes—we do."]

Mr. H. could not entertain such a thought. He thought it would be much better to let the bill be examined than to take it from the committee on Public Lands, and at once pass it. Its details were not known; the bill had not even been printed; and its provisions had not been well considered. What harm could arise from its reference? Perhaps there might be some points in the bill as it came from the Committee on Public Lands, better than in that from the Military Committee, and *vice versa*. The House had it not before them; it had not even been printed. He hoped the bill would be sent to the Committee of the Whole on the state of the Union.

Mr. EVANS here accepted, as a modification, the amendment proposed by Mr. RICHARDSON.

Mr. POLLOCK said that he fully concurred in the merits of the principle on which the bill proceeded. There was certainly no propriety that when a soldier had been promoted for merit he should be deprived of his claim to bounty land. Surely such a promotion was equivalent, in view of the spirit and end of the law, to an honorable discharge. He believed the construction put upon the law by the department was wholly erroneous, and in direct violation of the spirit if not the letter of the act. Certainly these men ought not to have been excluded from the benefits of the law, nor could he conceive on what grounds the construction could have proceeded. But the decision had been made; and the purpose of the present bill was to correct so strange an interpretation. No doubt the bill should be acted on; but the question was whether it should be passed now, without one-half the members of the House knowing what its provisions were, for the bill had not been printed. It involved a large amount of land, which was equivalent in effect to involving a large amount of money, because the soldier had his option to take either land or scrip. Mr. P. was in favor of referring the bill to the Committee of the Whole on the State of the Union first, because the House was sliding into a habit of passing bills hastily, without due reflection, and without reference to committees. He insisted that no bill ought to be so passed. In the second place, because, while he was in favor of extending every proper privilege to men who had periled their lives in the service of the country, and while he gave our little army the fullest credit for the almost romantic valor they had displayed, and would in an especial manner crown with glory the devoted courage and eminent services of the volunteers, yet he could not forget that there were others equally meritorious who had not yet received a single acre from the gratitude of their country.

In the last war with Great Britain, one of the greatest Powers of the earth, we had had volunteers who left all the comforts of home, and met in the bloody field a foeman not unworthy of their steel, and yet there was not a line on the statute-book to reward their patriotic devotion. Bounty had been given to those who enlisted to serve during the war, or for five years; but their officers had not yet received the first dollar.

He desired, then, that this bill should go to the Committee of the Whole on the state of the Union for the purpose of an amendment, which he intended to offer, extending the provisions of this act to these meritorious men.

But there was another class of men to whom the provisions of the act ought to be extended—to those brave spirits who, in the darkest hour of our country's peril, left all that was dear, and periled their lives and their health in our Western wars, fighting against a foe more savage than the Mexicans, under Generals Wayne, St. Clair, and Harmer. Where was the provision on the statute-book for those men who, when dangers gathered thick and fast around them, sacrificed their lives and comfort—their everything—in the defence of their country's rights? Many of those gentlemen who day after day were ready to vote hundreds of thousands for those men who had gone to Mexico forgot those who in other days had performed these bloody services for their country. Let equal justice be done to all; while those who had been engaged in the present war were provided for, let not those of former days be forgotten. Let them go back and do justice to the past.

Mr. EVANS, of Maryland, was understood to say, that the very class of cases to which the gentleman referred, was provided for in another bill, which was either reported, or which a committee had by resolution been instructed to report.

Mr. POLLOCK said he knew well, that during the very last session, the same steps had been taken towards making provisions for these persons, but nothing could be accomplished. The measure was never reached. To avoid such a result again was his desire. He had prepared for this purpose, and would offer it, if this bill were referred to the Committee of the Whole on the state of the Union, an amendment covering these cases. Let justice be done to all. He hoped that those who were willing to do justice to our brave soldiers in Mexico, would be willing to do justice also to those who in other times defended their country, and covered themselves with honor and glory.

Mr. WICK said he had not got the floor for the purpose of wasting time and words to show how glad he would be to do ample justice to all those who had periled their lives in the service of their country, but because he thought he could explain one or two points which were not very generally understood. It so happened, that the resolution, under the instructions of which this bill had been reported, originated with him; and it also happened, that he had drawn the bill under consideration, and placed it in the possession of a member of the committee.

Mr. EVANS begged the gentleman's pardon. [A laugh.] He had reported the bill, and he had certainly not received it from the gentleman.

Mr. WICK said he alluded to the bill reported by the Committee on Military Affairs, and which was amply sufficient in its details to meet the emergencies for which it was intended.

First, as to the objections which had been made against the Department of War, in reference to the construction given by it to the bounty-land law. It was very easy for these exceptions to be taken, but they must remember that while they were legislating here, they ought to stop all the *pig-holes* to the laws which they passed. It so happened, that in the bounty-land law they did not do it. Our public functionaries, in executing their legislation, had to be extremely guarded, for they could not do right anyhow. That was demonstrable; for from the commencement of this Administration to this hour, there had never been a single Executive act which had not been brought up before the country and complained of.

Mr. HASKELL interposed, and (Mr. W. yielding) explained that in the remarks he had made, it had not been his design to reflect upon the de-

partment, or charge them with having done wrong. But under the doubtful wording of the law, it was highly probable that the department had come to the best conclusion possible, although the law, as construed by them, was unjust in its operation. He had not intended to reflect upon the department.

Mr. WICK (resuming) remarked, that the bounty-land law provided that warrants should be given to all the soldiers of our army who received an honorable discharge. That phrase "honorable discharge" had a technical construction; it meant a written discharge over the hand of the commissioned officer, certifying that the individual had been honorably discharged from the service of the country. In all legislation, in common parlance, it had never received any other meaning. Therefore, promotion was not an "honorable discharge." This was an oversight in their legislation. When the bounty-land law was under consideration, it was not foreseen that privates would become officers by election—probably it was not thought of. But the facts had turned out, that in the case of officers who die or resign, their places must be filled, and filled by election. The votes, the free suffrages of their companions in arms, were the highest evidence of their merit. But in consequence of their being promoted, they never would receive an honorable discharge; they were not private soldiers, and no others were entitled to a discharge. Therefore they were not within the letter of the law.

Within his own knowledge, there were two or three privates who had been elected within a few days of the expiration of their term of service—receiving thus a few weeks' compensation as officers, to the exclusion of their bounty lands. This was not just. It was not the intention of either House of Congress. To supply the defect, therefore, it was necessary to pass a law making promotion equivalent to an honorable discharge.

It was said by the honorable gentleman from Pennsylvania, [Mr. POLLOCK,] that it was desirable to refer this bill to the Committee of the Whole on the state of the Union, that other meritorious cases might be provided for. Mr. W. should waste no words nor make any high-sounding declarations of his readiness to extend bounty-land warrants to those who had rendered military services in times past. But he would say this, that the reference of this bill, for an object of this kind, in all probability, would be fatal. To send it to the Committee of the Whole on the state of the Union, would be like sending it to *kingdom come*—to that bourne whence, it was said, nothing returned. Sufficient to the day is the evil thereof. They had a proposition before them making provision for those who, in the legislation of last Congress, were forgotten. As wise men, let them keep it separate from everything else. This meritorious measure ought not to be strangled by an entangling alliance.

An honorable gentleman had said, that this was a provision involving a large amount of expenditure. This was a very great error. At the extent, there were not more than twenty to forty persons who had enlisted as privates, and who had been elevated by election to the rank of officers. They might receive scrip for four thousand dollars. This was the whole of the immense expenditure of which the gentleman spoke.

There was no occasion for referring the bill to the Committee of the Whole on the state of the Union. It was a measure which might be passed immediately without any such reference, for it made no appropriation. It was declaratory only in its provisions. It declared what was the intention of a former Congress. It was to make promotion equivalent to an honorable discharge. He hoped that those who honestly desired to do justice to a worthy, to the most worthy class of men who went into the service of their country, would not seek to strangle this bill, either by referring it to the Committee of the Whole on the state of the Union, or by connecting with it a provision for any other set of men whatever. Let the provision which ought to be made for any other class of meritorious individuals, whether the soldiers of the Revolution, of the war of 1812, or of the wars with the Indians, come up in separate bills. They should be considered on their own merits, each class standing by itself, and the House would be enabled to vote understandingly.

Mr. VINTON, remarking that the morning hour had some time since expired, and that if the House went into Committee of the Whole on the state of the Union now, this would be the first business in the morning, and in the mean time gentlemen would have an opportunity to examine the provisions of the bill, moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. JOHNSON, of Arkansas, wished to know if gentlemen could dispose of bills here without any action whatever?

The SPEAKER replied that the motion to go into Committee of the Whole was always in order.

DEFICIENT APPROPRIATIONS.

Mr. VINTON's motion being agreed to, the House resolved itself into Committee of the Whole, (Mr. HUNT, of New York, in the chair,) and proceeded to the consideration of the bill further to supply deficiencies in the appropriations for the fiscal year ending June 30, 1848.

The state of the question, when the committee rose, was as follows:

Mr. THIBODEAUX had moved to amend the item "For outfits of charges des affaires to Naples, the Papal States, and the republics of Bolivia, Guatemala, and Ecuador, $22,500," by striking out the words, "the Papal States," and reducing the amount to $18,000.

To this amendment an amendment had been moved by Mr. BROWN, of Pennsylvania, which gave rise to an appeal, the immediate question upon which was thus stated by the chair.

The CHAIRMAN remarked, before the question was taken on the appeal, he would state the precise question before the committee. The gentleman from Pennsylvania [Mr. BROWN] had offered an amendment to the amendment of the gentleman from Louisiana, [Mr. THIBODEAUX.] The gentleman from Pennsylvania had proceeded to address the committee upon his amendment. Whilst making his remarks, he was called to order for personal language applied to another member of the committee. He was decided by the committee to be out of order. The gentleman from Pennsylvania, after having been called to order, was not entitled to the floor to proceed in his remarks upon his amendment, without first obtaining leave of the committee; but the Chair had recognized the gentleman from Pennsylvania and assigned him the floor. Instead of asking leave of the committee to proceed upon the amendment which he had previously offered, he withdrew his amendment, and asked leave to offer another amendment.

The Chair had decided, that inasmuch as the gentleman was not entitled to the floor on the amendment he had offered, and the floor having been assigned to him subsequently to the decision of the committee, he could withdraw his amendment and offer another amendment. From that decision the gentleman from Mississippi [Mr. TOMPKINS] had appealed, and the question now was, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. BROWN, of Pennsylvania, was understood to remark, that he agreed most cordially with the honorable gentleman who made the appeal. He thought the whole proceedings of Saturday had been in conflict with the rule. He thought the clear object of the five-minutes rule was to enable gentlemen offering amendments to explain them, without replying to what had been said by others. He had no wish to violate the rules of order; but if an evil practice was adopted by the House, he felt himself obliged to follow, although he regretted that it should find favor here. He therefore withdrew his amendment, under the belief that the five minutes were allowed for gentlemen to explain the general objects of their amendments, and not to go on with debate. There was time enough for that before the resolution to terminate debate took effect.

The CHAIR. The gentleman from Pennsylvania having withdrawn his amendment, the appeal falls as a matter of course.

The CHAIR would now proceed to state, that, in his opinion, the wide range of debate which had been taken under the 34th rule, allowing the explanation of amendments, was clearly in contravention of the spirit and intention of the rule. He was of opinion that gentlemen, under this rule, had no right to offer amendments for any other purpose than to have them voted upon by the House, and not to offer remarks; and the Chair should insist, that, in explaining any amendment, gentlemen must confine themselves to its merits, without remarking upon collateral subjects, and subjects which did not come within the fair range of the explanation of the amendment.

The question was now on the amendment of the gentleman from Louisiana, [Mr. THIBODEAUX.]

Mr. DICKEY moved to amend the amendment so as to strike out the whole item, except for chargé d'affaires to Naples, $4,500.

His object in making that motion he would briefly state. These new missions, which were about to be created for the first time, were recommended by the President of the United States in his annual message at the commencement of the present session of Congress, in which he stated that estimates would be furnished for the outfits to these new ministers. These estimates were not among the deficiencies for the present fiscal year. They were not an item of deficiency. They were not yet created. The object and intention of the President in recommending them, and the object and intention of the committee in including them now, must have been for the purpose of creating these missions at this time, before the expiration of the present fiscal year. Now, he was not sensible of any necessity for the institution of these missions at all, to any one of the places proposed. He was not aware, from any evidence which the House had before them, that our consuls might not attend to all our commercial interests at these points; and he was not one of those who would increase the patronage of the Executive at his pleasure and bidding, however gentlemen on the other side of the Hall might be disposed to do. He trusted that this side of the House would examine this question before they created these missions. They would have ample opportunity if they were introduced into the appropriation bills for 1849. There would be time enough to insert them then, and they would find by looking into the estimates that they were embraced among the appropriations for the fiscal year 1849.

He therefore moved to strike out these new missions entirely, leaving only the mission to Naples, which had heretofore been instituted, and providing $4,500 for it. He did not know that the sum was necessary; he did not know but this salary was already provided for; if it were not, he was willing it should be left in the bill.

The question being taken, the amendment of Mr. DICKEY was agreed to: Ayes 61, noes 56.

[Mr. THIBODEAUX's amendment, it appears, was superseded by the adoption of the one just mentioned, as no question was taken upon it.]

The next item being under consideration, viz: "For one quarter's salary for each of the charges des affaires to the Papal States, Bolivia, Guatemala, and Ecuador, $4,500."

Mr. DICKEY moved an amendment to strike out the item, which was agreed to.

Mr. SMITH, of Illinois, moved the following, to come in after the item, "For salary of the consul at Beyroot," &c.:

"That the sum of fifteen thousand dollars be and hereby is appropriated, for the purpose of enabling and authorizing the Secretary of the Treasury to employ such additional number of clerks in the office of the Second Auditor (at a per diem of not more than three dollars and thirty-three cents for each clerk) as are required by the exigencies of the service."

Mr. SMITH said, in offering the amendment which he had sent to the Chair, would state that a similar provision had been made in this bill providing for additional clerks in the Pension Office; they were much needed in that office to enable that department to do justice to the gallant men who so nobly defended the rights and the honor of our country in the battle-field. His amendment was to provide for another branch of the service equally important, either to the men who had fought our battles, or to the friends of those who had been killed or died while in the service. All cases connected with arrears of *pay* had to go before the Second Auditor for adjustment. There were many claims now before that bureau, presented by the widows and orphans of those slain in their country's service, and justice and humanity called for a speedy examination and allowance of such claims. He could speak advisedly on this subject; for he believed that no portion of the army in Mexico had suffered more than the regiment which went from his district. There were claims of six months' standing before that bureau, unadjusted, from his district, and he presumed the same was

true in regard to many other members of the House. It was due to the head of that office (Mr. McCalla) to say that he was a faithful and efficient officer, and did all in his power to forward the business in his department; but it was impossible for him, without an additional force, to bring up the business so as to do justice to the claimants. He therefore believed that no opposition would be made to the adoption of his amendment.

The amendment was agreed to.

Mr. VINTON moved to add after the foregoing, an item for the relief and protection of American seamen in foreign countries, $20,000. Agreed to.

Mr. FISHER moved to amend the item "For regular supplies, incidental expenses, and transportation in the Quartermaster's Department of the army, $5,000,000," by inserting between the word "transportation" and the words "in the" the words "of the army from Mexico to the United States;" so that it would read, "and transportation of the army from Mexico to the United States, in the Quartermaster's Department," &c.

Mr. F. spoke in support of his amendment. He said the bill now before the committee provides for the appropriation of same twelve millions of dollars, amongst other things, for the prosecution of the present war up to the 1st of July next. Although there are some other objectionable items in the bill, yet, if my amendment is adopted, I am willing to forego them all, and vote for the whole bill; but if it is rejected, I will be constrained to vote against the bill. I am perfectly willing to vote for the items which provide for clothing the army, for subsistence in kind, for pay of volunteers, and medical purposes, &c.; but to vote money to further prosecute the war I cannot, for reasons which I will now offer in brief, as I have but five minutes to speak. First, I have long since been convinced that the war was unnecessarily and unconstitutionally begun by the President of the United States by invading Mexican territory, and that the declaration that war exists by the act of Mexico was untrue. At the commencement of the war this ground was taken by the Whig party, both in and out of Congress. With a full knowledge of these facts and declarations on our part, the people returned a majority of Whigs to this branch of Congress, thereby endorsing the truth of the declarations we had made. Thus delegated we came here, and by a vote reiterated the same fact, that the war was unnecessarily and unconstitutionally begun by the President; and, if those who sent us here have anywhere said that we misrepresented their views by that vote, I have not heard of it; but, on the contrary, they have everywhere acknowledged its truth. Again, we all believe that the object of the war now, is the conquest of a part, if not the whole, of Mexico; at any rate, that this will be the result if peace is not restored during this session of Congress. We further believe that such a result would prove a curse to, if not the final ruin of, our own Government. In view, then, of the unjust *beginning* of the war, and the destructive end to which we are urged by the Administration, what is our duty in the case before us? The answer is clearly this, Put an end to the war. But how? I answer, by adopting my amendment, and then passing the bill. The amendment does not propose to *withhold* appropriations; it only defines the object, as is the case all through the bill with other appropriations, for which this one item of five millions of dollars is appropriated. That we have the constitutional power either *entirely* to withhold appropriations or to define the objects for which they are made, no one will deny. The people know that we have this power, and, under the circumstances, think we ought to exercise it to put a stop to this ungodly war. They look for it and demand it at our hands. They well know that we have no power to do it *only* in one or the other of the ways I have here specified. If, therefore, we do not exercise the power which they know we have to put an end to the war, will we be carrying out the will of our constituents? Certainly not. Expediency, patriotism, and everything dear to us, demand that we should exercise our constitutional power to save the honor, interest, and permanency of our Government. If we make all the appropriations, and for the objects asked for by the Administration, in what regard do we differ from those the people rejected at the last election? And where, too, is our consistency and patriotism? We believe the war to be unjust in the beginning, and destructive in the end, if permitted to go on, and yet will we not interpose our constitutional power to arrest it? I hope we may, and that *all*, especially on this side of the House, will vote for this amendment.

Mr. VINTON asked the gentleman from Ohio to withdraw his amendment to enable him to offer one to a preceding part of the bill.

Mr. FISHER assented.

Mr. VINTON then moved to amend the item "For clothing of the army, camp and garrison equipage, $600,000," by striking out $600,000, and inserting "including $160,000 for clothing to volunteers, in lieu of commutation therefor, $1,120,000."

Mr. V. said the deficiency, it would be recollected, was estimated by the Quartermaster's Department at $960,000 in the estimates which were originally sent to this House, and published in miscellaneous document No. 14, which was presented with this bill. It was subsequently cut down to $600,000, and that sum was inserted in conformity with the reduced estimates of the Secretary of War. Since that time, however, the Secretary of War had addressed a letter to the chairman of the Committee of Ways and Means, stating that in consequence of the clothing in Mexico having turned out to be of poor quality, it would be necessary to bring back the appropriation to the sum stated in the original estimates, viz: $960,000, by adding $360,000 to the item in the bill. There was a further item of $160,000, making the sum total of $1,120,000, which was also involved in this amendment, but which was no addition to the appropriation. Until the present time a commutation has been given instead of clothing in kind; but during the present session a law had been passed directing that volunteer clothing should be furnished in kind, and hence it became necessary to transfer this item from the Paymaster's to the Quartermaster's Department. There was a provision of this character in the item for the Paymaster's Department, which he should move to strike out when they reached it, and reduce the amount by the sum which he now proposed to increase the Quartermaster's. It was therefore simply a transfer, and no addition to the bill.

The amendment was agreed to.

Mr. FISHER then renewed his amendment.

Mr. JONES, of Tennessee, moved to amend the amendment by inserting after the word "expenses" the words "in the further prosecution of the war with Mexico, or." He said it was known that a treaty of peace was before the Senate, by which the war might be brought to a close. What the fate of that treaty would be he knew not; but if his amendment were adopted, and the bill should then become a law, they would have provision either for the prosecution of the war or the withdrawal of our troops from Mexico. He wished to be prepared at all points, and he thanked the gentleman who offered the amendment for the opportunity it afforded him to submit this amendment to that amendment.

The amendment to the amendment was agreed to, and the amendment as amended was rejected.

Mr. VINTON moved to amend the item "For pay of volunteers called into service during the present fiscal year, $3,771,000," by reducing the amount to $3,611,000.

The amendment was agreed to.

Mr. VINTON moved the following as a new section:

And be it further enacted, That the sum of $800,000 be, and the same is hereby, appropriated for clothing in kind to volunteers for the fiscal year ending the 30th of June, 1849, agreeably to the act entitled "An act to provide clothing for volunteers in the service of the United States," approved the 26th January, 1848; and that so much of said sum of $800,000 as the President shall direct is hereby authorized to be applied to the purchase of said clothing during the current fiscal year.

Mr. V., on offering this additional section, said that the Committee of Ways and Means had received a letter from the Secretary of War, saying that it would not only be necessary to transfer the item of $160,000 from the Paymaster's to the Quartermaster's Department, but to anticipate the appropriations for the coming year; that is, that it will be necessary to make purchases of clothing in this country at so early a period that it could reach Mexico at the commencement of the next fiscal year. About one-half had been already purchased, and drafts drawn on the Government for that amount. He proposed an additional section to meet the views of the department in that respect.

Mr. V. sent several letters to the Clerk's desk to be read, which he had received from the Secretary of War. In respect to one of these letters he said, since this bill had been under consideration, they had received news of the possibility of a peace being concluded, and he had in consequence, on behalf of the Committee of Ways and Means, addressed a letter to the Secretary of War, to know whether, if the treaty should be ratified and the war ended, these appropriations would be necessary. To that inquiry one of these letters was an answer.

The Clerk read the letter, and it set forth that at least half of the appropriation would be necessary in any event.

The amendment was then agreed to.

Mr. VAN DYKE moved to amend the bill by adding the following:

Provided, That no part of the money hereby appropriated for the service of the army and marine corps shall be applied to any further conquest or any further attempt to subjugate the Republic of Mexico.

Mr. V. D. said it would be perceived that his amendment was designed to make provision to prevent any part of the money to be appropriated by this bill being used for the acquisition of more conquests in Mexico. He had not offered it with any view to prevent appropriations being made for necessary purposes, nor did he intend to occupy his five minutes to explain what was meant by his amendment; but this he would say, that unless that or some equivalent amendment were adopted, he could not, nor would not vote for the bill. He understood that these appropriations were intended to supply deficiencies in the appropriations for the fiscal year ending on the 1st of July next, but they had heard something about a peace. Whether they were going to have peace or not, was not so certain; and if his amendment were not adopted, what was there to prevent the President of the United States using every dollar raised for the purposes of the army and the marine corps, for the prosecution of other conquests in Mexico? These estimates were based on the supposition that we should remain in a state of war and not a state of peace. The estimates were made before the treaty of peace arrived here. What, then, was there to prevent the President, instead of paying the whole of the old debt with this money, using it in making conquests from one end of Mexico to the other? He (Mr. V. D.) did not feel himself at liberty to take the ground of some other gentlemen and refuse the supplies for the support of the army in Mexico, because they were there by authority of law, and he would be willing to vote all needful supplies for their subsistence, or to get the nation out of the difficulty in which it was at present, but he would not vote a dollar to enable the President to get us further in. He would vote millions to protect our gallant army, but not a dollar to enable the President to pursue a course of aggression for the acquisition of Mexican territory, or to compel Mexico to sell her soil and transfer her citizens to this Union. He insisted on restricting the President of the United States in the use of the means which Congress might place at his disposal.

Mr. V. D. was cut short by the expiration of his five minutes, and his amendment was then rejected, 21 only voting in the affirmative.

Mr. POLLOCK moved to amend the first section by adding an item to appropriate $2,000 to pay Mr. Crutchett for lighting the Capitol and Capitol grounds with gas. He said the money had been expended, and the appropriation ought to be made.

Mr. JONES, of Tennessee, rose to a question of order. He stated his point to be, that the contingent fund of the House was chargeable with the payment contemplated by this amendment, whereas the appropriations to be made by this bill were to be a charge on the treasury.

The CHAIRMAN replied that it was competent for the House to adopt a provision to make the lighting of the Capitol and Capitol grounds chargeable on the treasury, although it had heretofore made it chargeable on its contingent fund.

Mr. RUMSEY inquired if there was not a bill pending in the House for the purpose contemplated by this amendment?

The CHAIRMAN was understood to answer in the affirmative.

Mr. POLLOCK said there was not only one but two, and yet the appropriation had not yet been

made. However, to obviate all objections, he would amend his amendment so as to make the proposed appropriation $2,000 10.

The amendment was agreed to by a majority of 83 to 33.

On motion, the committee then rose and reported the bill to the House.

All the amendments of the Committee of the Whole were concurred in without a division by the House, except the following item, viz: "For outfits of charges des affaires to Naples, the Papal States, and the republics of Bolivia, Guatemala, and Ecuador, twenty-two thousand five hundred dollars;" which was amended by the Committee of the Whole by striking out the words "the Papal States, the republics of Bolivia, Guatemala, and Ecuador, twenty-two" and insert "four," so that it would read "For outfit of charge d'affaires to Naples, $4,500."

Mr. MURPHY asked the yeas and nays on concurring with the committee in that amendment. They were ordered, and, being taken, resulted as follows:

YEAS—Messrs. Abbott, Green Adams, Barrow, Beale, Blanchard, Boydon, Brady, Buckner, Butler, Cabell, Canby, Cocke, Conger, Cranston, Crowell, Crozier, Dickey, Daniel Duncan, Garnett Duncan, Embree, Nathan Evans, Fisher, Flournoy, Fulton, Gaines, Giddings, Goggin, Gregory, Hale, Nathan K. Hall, Haskell, Henry, Hill, Elias B. Holmes, Hubbard, Inge, Joseph R. Ingersoll, Andrew Johnson, George W. Jones, John W. Jones, Daniel P. King, William T. Lawrence, Levin, Marsh, Marvin, Morehead, Nelson, Outlaw, Palfrey, Preston, Root, Rumsey, Silvester, Simpson, Sims, Truman Smith, Strohm, Thibodeaux, Richard W. Thompson, Toombs, Van Dyke, and Warren—63.

NAYS—Messrs. Atkinson, Bedinger, Birdsall, Black, Bocock, Bowdon, Boyd, Brodhead, Bridges, Charles Brown, Burt, Cathcart, Chapman, Chase, Clapp, Franklin Clark, Beverly L. Clark, Clingman, Howell Cobb, Williamson R. W. Cobb, Collins, Daniel, Dickinson, Dixon, Donnell, Duer, Dunn, Edsall, Alexander Evans, Featherston, Ficklin, Fries, Gayle, Gott, Green, Grinnell, Willard P. Hall, Haralson, Harmanson, Harris, Henley, George S. Houston, Hudson, Hunt, Charles J. Ingersoll, Iverson, Jackson, Jenkins, Robert W. Johnson, Kellogg, Kennon, Lahm, Sidney Lawrence, Leffler, Lincoln, Lord, Mackay, McClelland, McClernand, McLane, Mann, Miller, Morris, Mullin, Murphy, Peaslee, Peck, Pendleton, Peyton, Pillsbury, Reynolds, Richardson, Richey, Robinson, Rockhill, Julius Rockwell, St. John, Sawyer, Smart, Stanton, Stephens, Strong, Taylor, Thomas, Jacob Thompson, John B. Thompson, Robert A. Thompson, Tuck, Turner, Venable, Vinton, White, Wick, Williams, and Wiley—95.

So the House refused to concur with the committee in that amendment.

The item for one quarter's salary for each of the charges des affaires to the Papal States, Bolivia, Guatemala, and Ecuador, four thousand five hundred dollars, which had been stricken out by the committee, was read, and on the question of concurring with the committee—

Mr. EVANS, of Maryland, asked the yeas and nays, which were ordered and taken, and resulted as follows:

YEAS—Messrs. Abbott, Green Adams, Boydon, Brady, Buckner, Burt, Canby, Cook, Conger, Cranston, Crowell, Crozier, Dickey, Daniel Duncan, Embree, Fisher, Flournoy, Giddings, Goggin, Gregory, Nathan K. Hall, Haskell, Henry, Hill, Hubbard, Inge, Andrew Johnson, George W. Jones, Levin, Marsh, Marvin, Outlaw, Palfrey, Preston, Silvester, Sims, Truman Smith, Strohm, Thibodeaux, Toombs, Van Dyke, and Woodward—42.

NAYS—Messrs. Atkinson, Barrow, Bedinger, Birdsall, Black, Bocock, Bowdon, Bowlin, Boyd, Brodhead, Bridges, Charles Brown, Butler, Cathcart, Chapman, Clapp, Franklin Clark, Beverly L. Clark, Clingman, Howell Cobb, Collins, Daniel, Dickinson, Dixon, Donnell, Duer, Garnett Duncan, Dunn, Edsall, Alexander Evans, Nathan Evans, Featherston, Ficklin, Fries, Fulton, Gaines, Gayle, Gott, Green, W. P. Hall, Haralson, Harmanson, Harris, Henley, George S. Houston, Hunt, Charles J. Ingersoll, Iverson, Jackson, Jenkins, Robert W. Johnson, Kennon, Lahm, Sidney Lawrence, Leffler, Lincoln, Lord, Mackay, McClelland, McClernand, McKay, McLane, Mann, Miller, Morehead, Morris, Mullin, Murphy, Nelson, Peaslee, Peck, Pendleton, Petrie, Peyton, Pollock, Rhett, Reynolds, Richardson, Richey, Robinson, Rockhill, Julius Rockwell, Rumsey, St. John, Sawyer, Simpson, Smart, Robert Smith, Stanton, Stephens, Strong, Taylor, Thomas, Jacob Thompson, Richard W. Thompson, John B. Thompson, Robert A. Thompson, Tuck, Turner, Venable, Vinton, Warren, White, Wick, Williams, and Wiley—106.

So the House refused to concur with the committee in striking out that item.

All the amendments of the committee having been acted on, the question was put on ordering the bill to be engrossed and read a third time, and it was decided in the affirmative.

Mr. C. J. INGERSOLL moved a reconsideration of this vote, with a view, he said, to address a few words of common sense to the House; but, as the hour was now late, he would move an adjournment.

The motion being decided in the affirmative,

The House adjourned.

PETITIONS, &c.

The following petitions and memorials were presented and referred:

By Mr. GAINES: A memorial of a meeting of citizens of Cincinnati, Ohio, in relation to steamboat navigation in the West.

By Mr. DUER: The petition of sundry residents of the towns of Amboy and Constantia, in Oswego county, New York, praying for the establishment of a mail route from Williamstown to Amboy Corners. Also, the petition of 86 farmers and citizens of Madison county, New York, against the revival of the patent for Jethro Wood's plough.

By Mr. ABBOTT: The petition of Horace G. Dean and 207 others, citizens of Lowell, in the State of Massachusetts, praying for the passage of a law establishing a uniform rate of letter postage and the pre-payment thereof, at two cents each for all letters not exceeding one ounce in weight. And they further ask that all newspaper postage be reduced to one cent for each paper, and also for the total abolition of the franking privilege.

By Mr. PUTNAM: The remonstrance of H. N. Stanley and others, citizens of Genesee county, New York, against the revival of the patent of Jethro Wood for a cast-iron plough. Also, the petition of Nelson Wolcott and others, citizens of Wyoming county, New York, on the same subject. Also, the memorial of William G. Morse and 101 others, opposed to the sale of the public lands, and that they be laid out into farms for the free use of those who are not possessed of lands; and opposed to any grant to the States of the lands, except for such purposes.

By Mr. THOMPSON, of Mississippi: The petition of citizens of Tishemingo county, Mississippi, praying the establishment of a mail route from Eastport to Fulton, in said State. Also, the memorial of Woodson Wren, of Natchez, Mississippi, praying for a modification of the post office laws increasing the compensation of postmasters. Also, the petition of the Baptist Convention of the State of Mississippi, praying for the erection of a second Indian territory, for the exclusive occupation and enjoyment of the several Indian tribes.

By Mr. HUNT: The remonstrance of 208 citizens of Orleans county, New York, against extending the patent of Jethro Wood.

By Mr. CONGER: The remonstrance of 50 citizens and farmers of Cayuga county, New York, against the further extension of the patent of Jethro Wood.

By Mr. DUNCAN, of Ohio: The petition of citizens of Licking and Delaware counties, Ohio, praying for a reduction on newspaper postage.

By Mr. GRINNELL: The petition of Thomas Nickerson and a large number of others, of Provincetown, Massachusetts, stating that the facilities for taking codfish on the coast of the British provinces give the inhabitants thereof advantages over our own fishermen. They therefore pray that the duty on codfish may be increased and made specific.

IN SENATE.

TUESDAY, *March* 7, 1848.

Mr. DOWNS presented two memorials from citizens of Louisiana, asking the establishment of a judicial district in that part of the State lying north of Red river; which was referred to the Committee on the Judiciary.

Mr. BREESE presented three memorials from citizens of Illinois, in relation to mail routes from Waterloo, by Red river and Lafayette; which were referred to the Committee on the Post Office and Post Roads.

Mr. DIX presented a petition from ship owners and consignees of the city of New York, for a law to facilitate the landing and warehousing of cargoes of vessels from foreign ports; which was referred to the Committee on Commerce.

Mr. FELCH presented a petition from citizens of Michigan, asking that the General Government will provide for the construction of a road from Green Bay to Lake Superior, and that public lands may be appropriated for that purpose; which was referred to the Committee on Public Lands.

Mr. DAVIS, of Mississippi, presented a petition from Major Borland, of Arkansas mounted volunteers, asking that his command, which were captured at Encarnacion, shall receive the pay of mounted troops for the time of their imprisonment; which was referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. DOWNS, from the Committee on Private Land Claims, reported a bill to relinquish the reversionary interest of the United States in a certain Indian reservation in the State of Alabama; which was read a first time.

Mr. STURGEON, from the Committee on the Post Office and Post Roads, reported a bill for the relief of George V. Mitchell, accompanied by a report; the bill was read a first time.

On motion of Mr. BREESE, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing by law a tariff of fees for the attorneys of the United States in those States respectively where, for services rendered in the Supreme Court, there is no established fee bill or allowance for such services.

While this resolution was under consideration,

Mr. HALE expressed a wish that it should be made general in its character, so as to embrace a uniform state of fees in all the States. At present a great inequality exists.

Mr. BREESE replied, that the resolution in its present form, would open the whole subject before the committee.

On motion of Mr. SEVIER, the Senate proceeded to the consideration of Executive business, and remained therein from twenty minutes past twelve o'clock until half-past seven; and then the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 8, 1848.

The Journal of yesterday was read and approved.

Mr. HOUSTON, of Alabama, by leave, presented a memorial of the Legislature of the State of Alabama, in relation to tolls charged on the Muscle Shoals canal. Referred to the Committee on Commerce.

Mr. CONGER, from the Committee on Printing, to which was referred the subject of printing extra copies of the report of the late Lieutenant Niel M. Howison, of the United States navy, reported the following resolution, which was read and adopted:

Resolved, That 15,000 extra copies of said report be printed for the use of the House.

On motion of Mr. JOHNSON, of Arkansas, by leave—

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of framing a general law for the protection and relief of captured volunteers in the war with Mexico.

Mr. STANTON said that some time since he had offered a resolution requesting the President to communicate any correspondence which may have taken place with the Government of Great Britain relative to the adoption of principles of reciprocity in the trade of the two countries. He perceived that it had excited some interest in the newspapers; and as he had learned from the Secretary of State that there was some correspondence, he requested the House to take up the resolution and act upon it. The resolution was then taken up and read as follows:

Resolved, That the President of the United States be requested to communicate to this House any correspondence which may have recently taken place with the British Government relative to the adoption of principles of reciprocity in the trade and shipping of the two countries, provided such communication shall not, in his judgment, conflict with the public interest.

The resolution was adopted.

Mr. HENLEY, from the Committee on Printing, to which was referred the subject of printing extra copies of the annual report on commerce and navigation, reported the following resolution:

Resolved, That five thousand extra copies of the said report be printed.

Mr. H. said that he had had that report in his drawer some time, and he thought it probable the composition had been taken down. If it were so, he would not urge the adoption of the resolution.

Mr. GRINNELL inquired if ten thousand was not the usual number. It was a document of very great importance to the commercial world, and he thought that five thousand extra copies were insufficient to supply the wants of the country, and he therefore moved to amend the resolution by striking out five thousand and inserting ten thousand.

Mr. CONGER said as the House were probably not advised of the cost of printing the extra copies, he would state that it would amount to about $880.

The question was then put on striking out five thousand and inserting ten thousand, and it was agreed to.

The resolution as amended was then adopted.

Mr. LEFFLER presented several resolutions of the Legislature of the State of Iowa relating to the public lands and post routes. Laid on the table and ordered to be printed.

Mr. WHITE moved the following resolution, which was read:

Resolved, That the Committee on Printing take into consideration the propriety of printing as many copies of the agricultural report from the Commissioner on Patents as will equal the cost of printing the report of said Commissioner at the first session of the twenty-ninth Congress, and having

the same bound at a cost not exceeding twenty cents per copy.

After some suggestions by Mr. THOMPSON, of Mississippi, and Mr. HENLEY—

Mr. COBB, of Georgia, moved to lay the resolution on the table. Disagreed to.

Mr. FARRELLY moved to amend the resolution by striking out all after the word "Resolved," and inserting—

"That the usual number of copies of the report of the Commissioner of Patents be printed, and that it be referred to the Committee on Printing to consider the propriety of printing 5,000 extra copies of the report and documents together, and 5,000 copies of the report and documents without the agricultural report, and the decisions of Judge Cranch; 4,000 copies of the agricultural report, and 2,000 copies of the decisions of Judge Cranch; and that the Committee on Engraving inquire into the expediency of engraving the plates accompanying the agricultural report."

After some further remarks, by Messrs. FARRELLY, WHITE, HENLEY, KING of Massachusetts, and COBB of Georgia—

Mr. COBB, of Georgia, moved to amend the amendment by striking out all thereof, and inserting:

"That the Committee on Printing be instructed to inquire into the expediency of printing an extra number of the report of the Commissioner of Patents."

The SPEAKER ruled Mr. COBB's amendment out of order, there being already an amendment pending.

Mr. COBB then moved to lay the resolution on the table. Disagreed to.

Mr. WHITE accepted Mr. FARRELLY's amendment as a modification of his resolution.

Mr. COBB then renewed his amendment to the resolution as modified.

Mr. RICHARDSON moved the previous question, which was seconded, and under its operation Mr. C.'s amendment was rejected.

The resolution as modified was then adopted.

Mr. IVERSON, by leave, presented resolutions of the Legislature of the State of Georgia relative to a mail route from Traveller's Rest, in Dooly county, to Florence, in Stewart county. Referred to the Committee on the Post Office and Post Roads.

DEFICIENT APPROPRIATIONS.

The SPEAKER announced the business first in order to be the motion of Mr. C. J. INGERSOLL to reconsider the vote by which the bill further to supply deficiencies in the appropriations for the fiscal year ending June 30, 1848, was ordered to be engrossed and read a third time.

Mr. C. J. INGERSOLL rose and said: There are occasions when it is well to adopt the republican maxim of recurring to first principles—*Ut a fontibus hotius horiant quam rivulis connectentibus*—and, therefore, I will read a paragraph in the Constitution, without which it would never have been adopted. I refer to the first amendment, which is in these words: "Congress shall make no law for the establishment of religion," &c.; and I shall accompany that with a portion of an address presented by the Roman Catholics in the United States to the first President, from which I beg leave to read two paragraphs:

"SIR: We have been long impatient to testify our joy and unbounded confidence on your being called by a unanimous vote to the first station of a country in which that unanimity could not have been obtained without the previous merit of unexampled services, of eminent wisdom, and unblemished virtue.

"This prospect of national prosperity is peculiarly pleasing to us on another account, because, whilst our country preserves her freedom and independence, we shall have a well-founded title to claim from her justice equal rights of citizenship, as well the price of our blood spilt under your eyes, and of our common exertions for her defence, under your auspicious conduct—rights rendered more dear to us by the remembrance of former hardships."

This address was signed by Charles Carroll of Carrollton, (the last venerable survivor of the signers of the Declaration of Independence,) and by John Carroll, a near relation of Charles, the first American Republican Archbishop. It was also signed by Thomas Fitzsimmons, one of the framers of the Constitution, as well as by many other gentlemen of great respectability.

Some years after, another President of the United States, a strict Presbyterian, on the death of the late Episcopal Chief Justice Marshall, nominated for his successor a Roman Catholic, of Maryland, a gentleman of high character and of high legal attainments, who has ever since filled that elevated position; and, to come down to the present session of the present Congress, some few weeks ago, I was called upon to sign an application to the Roman Catholic Bishop of New York, to which the names of most of the members of both Houses were subscribed, requesting him to preach the next Sunday in this Hall. The list was headed, if I am not mistaken, by the name of that venerable and illustrious member for whose pious and patriotic death this apartment is draped in the habiliments of mourning, and whose funeral obsequies are consecrated by the whole country.

A few days past I was waited on by one of the pages belonging to this House, who handed me a subscription list, on which I saw the names of many of these same gentlemen signed for an extensive dissemination of a commentary on this proceeding, which I beg to read from a speech of my colleague of the Southwark district:

"And who so capable of the great diplomatic duty as the man who has so industriously agitated this sympathy for Rome, to gratify his inordinate and gigantic ambition; who, for years past, has been the dictator, the trader, and the pander of the foreign Roman Catholic vote; who one minute acts the priest, and the next day plays the politician; who would have the world to believe that he is greater than the President of the United States, because he is the power behind the throne who moves the President; who would have the world believe that, because he flatters the American people by a sermon from the national forum, he is the mainspring of the American Congress? Combining the character of priest and politician, allowed to the ministers of no other sect, this ambitious demagogue, taking for his motto that 'impudence is power,' has dared to display an extent of audacity never practised and never allowed to any other clergyman. This embassy, and all the public turmoil that has led to its suggestion, is the work of an intriguing, restless, grasping, and ambitious priest, who fans in his bosom the nefarious hope that he is himself to be the destined organ between a free republic and *an absolute hierarch*."

I make these statements in no ill-will or unkindness towards my colleague. On the contrary, ever since I came here I have endeavored to maintain toward him that personal kindness which should always prevail between gentlemen belonging to the same public body, especially those coming from the same State and the same neighborhood; but I say these things for the sake of showing that the subject has been presented by him under feelings of excitement and of exaggeration calculated to do him great injury. He has brought into this House an appeal to religious prejudices, which ought never to be invoked within these halls. I understand that out of the two hundred and twenty-eight members of this House, two hundred and twenty-six are Protestants. There are, I am told, but two Catholics in the House. We are a Protestant Congress, representing a Protestant community. I therefore think it prudent and wise—and I have disciplined my own feelings to that standard—to avoid the excitement which subjects of this kind are so apt to create.

My colleague, suffer me to say, in his abuse of the Pope and of the Bishop, bestowed no few maledictions upon the Jesuits. I do not know whether my colleague ever saw a Jesuit.

Mr. LEVIN. I think I see one now before me.

Mr. INGERSOLL. Is that intended as a personal insult?

Mr. LEVIN. Certainly not.

Mr. INGERSOLL. I neither give nor take insults; that is my rule.

On our next National Anniversary, on the 4th of July, I will, if he pleases, introduce my colleague into the college at Georgetown, and, when he is there, make him acquainted with the highly respectable Jesuits belonging to that institution—gentlemen whom I know, and the extent and depth of whose scientific attainments and the purity (so far as I know or have ever heard) of whose lives entitle them to general respect; men who have maintained the standing of that institution for these fifty or sixty years past, while, during that same period, bishop after bishop of the Protestant churches have been convicted of inebriety and promiscuous amours, and been degraded for the grossest vices. For fifty years those Jesuit fathers have been disseminating the doctrines of human freedom, as well as the treasures of science, to the youth of America, and not an instance has occurred of anything to their dishonor.

I cannot but suspect my colleague of speaking of them without understanding what is in truth their real character. I want him to go there, that he may learn charity from Jesuits—that charity without which we are told from very high authority that, though he spoke with the tongues of men or of angels, he cannot be a Christian. I mean no offence when I say that I want my colleague to go there, not only that he may learn charity, but also that he may learn from these same Jesuits—I am sure I may—that he may learn taste; and while I am ready to admit that he is an eloquent declaimer, I think he might derive important information not only in regard to the feelings of his heart, but the outpourings of his tongue.

My colleague will not take the Pope as a reformer, unless he will let him strike down his tiara and strip him of his scarlet robes. Now, I think that if my colleague is to wait till the Pope accomplishes this reform, he is likely to wait a good while. There is an old-fashioned verse, which says:

"The Emperor, Stadtholder, Pope, you and I,
Will sit down to a jollification."

I doubt if ever we shall attain to that degree of intimacy; but, as a great reformer, I am satisfied it is the interest, the duty, and the true policy of the people of this country to cheer him on in the noble career on which he has entered.

After submitting these brief introductory remarks, I now come to the immediate question before us.

It is said, that we have no commercial relations with the dominions of the Pope. I am not surprised that my colleague should have fallen into such a deep pit-fall of error as this, because the whole tone and character of his speech evinces that it was delivered under the influence of passion, which always blinds the judgment. But I confess I am astonished that a gentleman who is the late chief magistrate of the cotton-growing State of Mississippi, [Mr. A. G. BROWN,] should have moved to strike out from this bill an appropriation for the expenses of a mission to Rome, on the ground that we have no commercial relations with Italy. And I was still more surprised, when a gentleman, who is one of the Representatives of the sugar interest on this floor, should have seconded such a proposal.

I make my appeal to gentlemen here who represent the cotton interest, to say whether it is true that we have no commercial interests in Italy. And in the first place, I refer gentlemen to a suggestion—the very first suggestion, I think, made by this much-abused Pope—for the formation of a commercial league between the States of Italy, precisely the same with ours. When Mr. Madison first suggested the formation of our present Constitution as a substitute for the old Confederation, he asked no more than was substantially contained in the very first suggestion of Pius IX. The Pope proposed and urged the policy of forming a commercial league to embrace all the Italian States. The sagacity of the man enabled him to know that he could not effect great reforms of a political kind by starts and jumps, but that he must effect the removal of ancient abuses by a deliberate course of wisdom and moderation.

We have a minister at the Court of Prussia. What are our commercial relations with Prussia? They are insignificant. But Prussia is the collector for the nineteen German States, which are embraced in that great commercial confederacy known by the name of the Zoll-Verein. The Pope has moved a measure of the same kind among the States of Italy.

My colleague says, that the Pope has control of no other waters than those of the Pontine Marshes. I believe that Ancona and Civita Vecchia are the only ports in the Papal States.

[Here Mr. GRINNELL interposed, to remind Mr. I. that there were ports on the Adriatic as well as on the Mediterranean.]

Yes, yes; I am aware of all that. I do not forget the Adriatic. But let us first dispose of the Mediterranean. There is Civita Vecchia and Leghorn close by, in Tuscany.

When we go round into the Adriatic, at the head of the Gulf, we find the city of Trieste virtually an American city. I know that it lies in that part of Italy which is at present under the Austrian Government; but it is so far an American commercial city, that, owing chiefly to commerce and enterprise, the city has doubled its extent and population within the last ten years—just as New Bedford has done, which is represented here by the gentleman from Massachusetts, [Mr. GRINNELL.] Trieste is the southern inlet into Germany, just as Hamburg is the northern; and large quantities of American cotton, American tobacco, American sugar, (so far as we are able to supply the demand, though we have not yet enough to supply it entirely,) are entering it continually, constituting an important branch of American commerce. From the much-abused Texas, whose "stupen-

dous desert" has obtained for me so much notoriety, will be raised eventually large quantities of sugar every year. Nay, I am told, in regard to that very desert, that there is no finer soil for the production of sugar to be found on our continent. It is a desert, it is true, because it is now thickly overgrown with chaparral, and because it is watered by no streams; yet I am credibly informed that there is no finer sugar region upon earth. [A laugh.]

Trieste, as I have said, is the great southern inlet for foreign products to all the southern States of Germany. It is under the domination of Austria; but the effect of a commercial league among all the Italian States, will be to restore Trieste to Italy, first under the embrace of a commercial, and ultimately under that of a political confederacy with the other States. As soon as this shall be done, it will at once be the depôt of a vast commerce.

I call all those gentlemen here who represent the cotton interest, and indeed the representatives of all the southern States, to the fact that Great Britain derives an income of twelve millions of dollars annually from the sale of American cotton in the shape of twist. She sends that amount into Germany, through the ports of Trieste and Hamburg; but it is all American cotton, grown here, and converted into cotton yarn in the factories of England. Why cannot we so convert it ourselves? I heard a gentleman from Georgia, [Mr. TOOMBS,] a member of the Committee of Ways and Means, vote against this appropriation yesterday—a gentleman who does know that Georgia is beginning to convert her own staple into cotton twist, and that slave labor is the very best in the world for such a purpose. There is no reason in the world, that I see, why these twelve millions should not come into the coffers of the United States, where the manufacture legitimately belongs, as well as into those of Great Britain, where it does not. Surely we can twist our own cotton as well as they can do it for us. In Pennsylvania, and in New England, there are factories established which are doing it now; and I ask gentlemen representing the cotton-growing interest in this House, what it is which prevents the price of cotton from being above seven cents a pound? [Southern voices: "It is eight!" "I will sell mine for seven!"] Take seven cents as the basis of your calculation, and then reckon your profits on two millions of bales, the produce of last year, by adding the twelve millions paid to England, and say whether there is no commercial motive for our having a diplomatic agent in Italy.

To gentlemen from my own State, I would say that England gets a revenue of sixteen millions of dollars per annum by the iron she sends out into Germany, and yet it is not English iron, though sent from England. I believe not a pig of it is found there. Such is the labor-saving industry of that wonderful people that they can take iron and cotton from America and other foreign countries, and, after manufacturing it in England, can return it in a new shape, and thereby make immense profits for themselves. I anticipate the day when my own blessed Pennsylvania will get her share of these profits. The same is true of the tobacco interest. I know that on this point my colleague from the Southwark district and myself differ as widely as we do in politics. He detests Jesuits and delights in tobacco; while I, on the contrary, like Jesuits much and abhor tobacco. But this is a growing interest; and I say to gentlemen beware how you trifle with the vagaries of commerce, or cramp, or curtail, or refuse fully to develop it. Cripple not that great American commerce by which we pay the expense of our gallant army, and, in a word, by whose operation on the national prosperity we are become that great people that we are. Most of that commerce is sustained by none of the necessities, but by the mere luxuries of life; it is conversant with opium, with brandy, with tea, with coffee, with ginseng.

All these substances are called for by the appetites of man, and it is the business of commerce to meet his tastes and his notions, and to supply them; and out of them to realize for the country which maintains it, great profits and great power.

When the gentleman from Mississippi [Mr. BROWN] moved to strike out this little item of nine thousand dollars, he could not fully have realized all that this mission is likely to bring to him and to his people. I think he must, by this time, see that there is something in the commercial relations between the Pope and the United States; that there is the prospect of a vast commerce between us. The Pope sees it, and hence his first proposal for a commercial league. True, it is but in embryo now. What was the commercial condition of this country under the Confederation, when our imports yielded us a duty of less than five per cent.? We could not live upon it. What our condition was then, the condition of the Italian States is now, but not so poor as we were. There must be a beginning. I venture to say that there exist now great commercial motives for an American agency in Italy. We have a minister in Austria; we have a minister in Prussia; we have a minister in Turkey; we have a minister in China; we have a minister in Spain. Why have we ministers at all these courts, and none in Italy? None of these promise us the same returns, if we will only consent to cast our bread upon the waters. What have we a minister in Turkey for? I speak somewhat at random, and shall be happy to be corrected if I am wrong; but I suppose it is for the poor profits of the trade of the Black Sea. But that will hardly pay the outfit of the mission. Why have we a minister to China? The late venerable gentleman from Massachusetts (Mr. Adams) always thought that, instead of allowing a commissioner a salary of $5,000, we ought to have a full minister, with the regular salary and outfit. But why keep a minister there, unless it be on the broad and sound principle of extending our commercial relations with the whole world?

Our foreign diplomatic relations do not cost us $300,000 a year. Now, I like to see a little and sometimes a great deal of republican magnificence. We sometimes pay more than the mission would cost us for burying a member of this House. Since I first took my seat in this Hall, the expenses of the Judiciary of the United States have increased from forty thousand to five hundred thousand dollars a year. We pay this sum for repressing crime and mitigating injustice in the country; and we see with what success. The mere judicial service costs us twice as much as all our foreign missions put together—by which we maintain the peace, protect the commerce, and develop the character of the country all over the world. There is nothing to which money can be applied to better advantage and with greater profit than in extending our commercial missions abroad. These are missions of peace—missions of profit—missions of national character; and gentlemen will find that the mere commercial question involved in the case of a mission to the Pope is not quite so bald as some may have at first view conceived it to be. There is more in it than the commerce of the Pontine Marshes.

But now to the political aspect of the question.

I find the case is well argued in a letter recently written from London by a correspondent of the National Intelligencer. I will read a paragraph or two to the House; and be it remembered that this letter is written by no Papist—by no Jesuit—but by a Unitarian—about as far off from the Pope as he well can be:

"From *Rome* there is nothing new. The Pontiff is steadily advancing in the path of reform, with a dignified, cautious, but firm step. The people of Rome have been called upon, through the journals, to forego this year the expensive mummery of the Carnival, and consecrate the money usually lavished at that holiday in the purchase of a dozen more field-pieces for the protection of the city."

My colleague, in his speech, talked something about statuary and painting being the only business pursued by the poor contemptible descendants of the ancient Romans. Now, I should be glad to know if we should be ourselves willing to take anything from the annual expenses of this House (which are now, I believe, little less than a million of dollars every year) for any useful purpose which has no show about it—nothing to make a spectacle? Would we consent to curtail our own *per diem*, or make any other personal sacrifice, in the nature of a patriotic oblation, such as this Pope proposes?

"The hint is likely to be adopted; for, now that the citizens feel themselves to be treated like men and rational beings, they have assumed the tastes and bearing of such, and scorn the grovelling merriment of slaves.

"A return has just been published of the population of Italy. The following classification may serve to show, now that Naples has joined the 'good cause,' the comparative numerical strength of the advocates of absolute and liberal governments:

Liberals.		*Absolutists.*	
Sardinia	4,879,000	Modena	483,000
Roman States	2,877,000	Parma and Placentia	477,000
Naples and Sicily	8,536,000	Venitian Lombardy	4,759,000
Tuscany and Lucca	1,701,700	Italian Tyrol	522,608
Monaco	7,580	Istria, (Austrian)	485,000
San Marino	7,950		
Liberals	18,040,130	Absolutists	6,726,608

I (said Mr. I.) thought it was more; I supposed it was twenty-seven millions; but I see that this writer makes it but twenty-five.

"This is a gratifying classification and result to the lover of progress and of national independence and individual happiness. Should the Austrian Government see its true interests, and act kindly with her Italian dominions, the small States of Modena and Parma would not long resist the general current, and the regeneration of Italy would be complete. May we not hope for such a glorious result?"

This correspondent further says:

"In *Italy* the principal points of attraction are Naples and Sicily, and there also the cause of rational liberty is making most cheering progress. The King of Naples seems to have been aware, from the first news of the outbreak in Sicily, that his arbitrary power was checked."

And he then, after describing the intermediate course of events, closes by stating—

"A royal ordonnance was accordingly issued decreeing a national constitution for the Kingdom of the Two Sicilies, founded on the same principles as the French charter of 1830, including the chambers, the royal inviolability, the responsibility of ministers, the liberty of the press, and the national guard."

Here is all that they call freedom in France and England. What we consider freedom they look upon as its excesses. At all events, they have secured a republican government with a king, (which was as necessary there as in France.) Not a dollar can be touched by him, however, without a vote of the representatives of the people. This is now as fully established there as it is in the United States. And this is Italy! These are the people of Italy, whom my colleague represents as loving nothing but statuary and painting.

But who is this Pope that has been denounced here in such round terms? He is no cloistered priest. He is a young Pope—not a young man, to be sure, being probably over fifty years of age; for it is hard to find a cardinal eligible who is under that age: but he has the probability of fifty years yet before him to consummate those great reforms he has entered upon, and entered upon as a wise man, and not as a fool. I say he is a young Pope; and more than that: he is troubled with none of that compulsory chastity which my colleague thinks so shocking. He has once been at liberty, with a cockade on his head, and a sword by his side. He was a soldier before he became a priest; and when he became a priest he did what no Pope ever did before. He crossed the Atlantic and came to America—to South America, indeed—but to America, then heaving with the throes of an incipient revolution to throw off the yoke of Spain.

He then went back to Europe with his mind enlarged and his passions corrected; and with enlarged notions of liberty, of economy, and all the leading principles of republican government. This is the Pope to whom it is proposed to send a minister, and I can assure gentlemen that I have been told by a well qualified judge lately returned from the spot, that so strong was the feeling among the whole Italian people in favor of emancipation, that when the cardinals went into the election of a Pope they were fully aware that they had only the alternatives of reform or revolution. They knew that unless they elected a firm and a wise man the people would rise and even through an ocean of blood would seek a free government. The French revolution in 1830 had kindled a flame through all the south of Europe. The English reform bill soon followed, and in Italy a scene of revolt and bloodshed took place; they did what they could then, but they could do no more. That was but a preparatory movement, and in that which is now going on the Pope is but the standard-bearer. The Italians, whatever my colleague may think of them, are among the very best medical, moral, and natural and political philosophers in the world. True, they have been kept down by the Governments of Naples and of Austria; but the fire has long been burning—the fire is there—and at last it has broken out. And under what auspices? If my colleague is a republican, what objection can he possibly have to the Pope's sending us as many

of such men as he pleases? What harm will they do us? Are they likely to deteriorate—to injure us? I cannot see how? And what does our glorious mother country say to these events? The commercial and political correspondent of the Intelligencer says:

"But a more important item still is, that Sir Ralph Abercrombie, the English Plenipotentiary in Sardinia, has communicated to the Minister of Foreign Affairs at Turin a note send by Lord Palmerston to the Court of Vienna, in which it is declared that, in case an Austrian intervention should be attempted in Tuscany, in the Roman States, or in the Kingdom of the Two Sicilies, it would be considered by England as a declaration of war."

My colleague said there never had been an English minister at Rome, because the Pope would never consent to receive one. He is under a great mistake. It is not because the Pope refused to receive a minister from England, but because the British Parliament refused to send one. England is a Protestant country. She was afraid of the Pretender, and the constitution forbade a Catholic succession. There has been no Papal representative in London because an act of Parliament stood in the way, but Lord Landsdowne has lately introduced a bill to authorize the Crown to send a minister to Rome; and in all probability, while I am now addressing this House, he is there. But that is not all. Lord Minto was sent to the Italian States, just as I proposed that we should do; he was sent, not indeed directly to Rome, but to Lombardy, Tuscany, and Naples. He is saying to the people of those States, "Go on; we will stand by you; be just and fear not."

I regretted very much the confusion created in the House by a personal pass between two of my colleagues, and the more as the Chair, by a vigorous irregularity, (for I doubt much if a majority voted to adjourn,) very properly adjourned the House. I regretted it because by that means my amendment was excluded. I wanted to appoint a full minister to Italy, with a salary and outfit of $18,000 at least. I want a minister plenipotentiary to go, (and I would call him an ambassador, if the President will consent to the use of such a term,) as being sent on so great an occasion. For gentlemen will allow me to say this is a great occasion; we are called on by the circumstances to say whether we will or will not take part and lot in this great reform. When General Washington was President in 1793 he broke the first treaty the United States ever made, but he did it because the supreme safety of the country required it; and it was a measure eminently wise.

But I think the time has come when this country can no longer avoid taking some part in the current of events throughout Christendom. Are we to leave everything to Great Britain while we have commercial interests and relations all over the world, and a navy to protect them, and while we have conquered capitals at a greater distance from Washington than Rome is, and far more inaccessible? Are we not to send a minister there? Are we not bound to say to this Pope, in our own vernacular, (and it is a very good one,) "Go-ahead your Holiness! [Much merriment.] Surely we have the same right that Austria has.

My colleague said that no minister had been sent by this country to the States of South America. But here he was as far wrong as in other matters. Cæsar Rodney, Mr. Bland, and a third whose name I cannot now recollect, were sent as commissioners throughout all the South American States to fan the flame of freedom. At that time the greatest citizen of this republic—the man who is now passing by ovation from city to city on his way hence to New York—I mean Mr. Clay—when on this floor, rebuked the then Administration because he said that, originating as we had done, and owing our own freedom to a similar movement, we were bound to give to those struggling States the right-hand of encouragement. Nor was Mr. Clay alone in such a sentiment. Some years after, little Greece undertook a struggle for freedom; and what had we to do with Greece? She had not even any Pontine marshes to benefit our commerce; yet a highly distinguished statesman now in the Senate —I allude to Mr. WEBSTER—made an eloquent movement in this House in favor of our tendering to Greece our aid. I maintain it is our duty to show to the world that we take an interest in the movements of this Pope. True, asking you to step over the Atlantic is asking a great step, and I am willing to submit to better judgments than my own. But I remember that in 1823 one of our most prudent and discreet Presidents, Mr. Monroe, suggested in his message to Congress whether it was not our duty and our true policy to say to the members of the Holy Alliance that they should not be suffered to plant a colony not only in North but even in South America.

Here the hour expired, and Mr. I. resumed his seat.

Mr. LEVIN next obtained the floor, and said: Before I proceed to reply to the gentleman who has just taken his seat, I feel it due to myself, as well as to my constituents, to explain the allusion which I made the other day to the subject of the "tinder-box." I asked the gentleman on that occasion, whether the torch of the incendiary had been lighted at the "tinder-box;" and I am satisfied that he did not understand the bearing of that inquiry, otherwise he certainly would not have given it a personal application. If I remember aright, the people of that district which I now have the honor to represent, once elevated my colleague from the third Congressional district to a seat in the councils of the nation. So long as Rome or Ireland ruled it, he represented it. He seems to think that the spirit of "incendiarism" still slumbers amongst that patriotic and much-injured people. Whether he will have equal reason to defame those whom he now represents, the next Congressional election in Pennsylvania will decide.

Sir, it is known to the country, that at a time when the rights even of the Irish Catholics in that district were invaded—aye, sir, after they had converted the church of St. Philip de Neri into a garrison—and it surely ceased to be a church and became a garrison when arms and ammunition were placed within its walls—when thus stripped of its sanctity, who defended and protected that fortress thus prepared to vomit its flames upon American citizens? I answer, the Native Americans. Everything had been done to inflame and infuriate the people. The "Hibernia Greens," with loaded muskets, were placed within that consecrated building. At this moment, that noble-hearted and patriotic man, Thomas D. Grover, called at my house and asked me to accompany him to that scene, in order that I might aid in saving the lives of those men, and preserve the church from destruction. We well knew that the *character* of a church is its best protection. If that will not protect it, arms never will in this country. When we walked to the rear of the church, we found two cannon loaded to the muzzle, one of them so aimed as to enter the window. Thomas D. Grover mounted the one, I stepped upon the other, placing my foot upon the touchhole just as they were about to apply the torch. I then proclaimed that if that church fell, I would fall amidst its ruins. I pleaded for the safety of the Roman Catholic altar. I succeeded, with the aid of the Native Americans of the district, in allaying the popular excitement. We carried off the guns. We saved the church; and there it stands a monument of the protective power of Native Americans. We entered the basement of the building, incendiaries as we were, but we bore no torch, and there we found a "tinder-box," with matches and all needful preparation made to set it on fire. But, sir, the Native Americans of that district have put an eternal extinguisher upon any and every "tinder-box" which shall ever threaten the conflagration of churches, or the cold-blooded slaughter of American citizens engaged in the exercise of their constitutional rights. So much, sir for this explanation.

I now turn to my colleague from the fourth Congressional district. The gentleman has read from the Constitution of the United States. Well, sir, that is the platform upon which I stand. He tells us that Congress cannot legislate upon the subject of religion. We all admit that; and Europe well knows it. But, sir, the States can legislate upon the subject of religion; and here let me announce to this House and to this nation a startling fact.

In 1843, when the Pope issued his encyclical letter against slavery, and Daniel O'Connell published his manifesto calling upon the Irish Catholics of the United States to carry out the intentions of the Pope at the ballot-box, (for you must take them in connection as illustrating the real designs of the Pope,) he called together in the city of London the most influential and wealthy Roman Catholics for the purpose of forming an association, having for its avowed object the overthrow of Protestant rights and Protestant freedom in the United States. A circular or pamphlet was prepared, which was dexterously and judiciously distributed; and in that circular we find the same ground assumed which has been taken upon the floor of this House by my colleague from the fourth Congressional district—"Congress has no power to legislate upon the subject of religion." But in the circular they proclaimed the fact—and it seems they understood this subject well—that the *States* may change the fundamental law, and make the Roman Catholic religion the established religion of the State! This, sir, in itself explains the secret of this extraordinary flood of Roman Catholic population now pouring into our country. Is it not, sir, somewhat extraordinary that the Romish hierarchy in Europe have never directly or indirectly attempted to interpose the slightest check to that immense immigration which yearly transfers so many thousands from their dominion? I put it to the common sense of every man whether it is at all likely that the transference to our shores of such multitudes of the followers of the Pope would be thus looked upon without alarm or regret, if the subtle policy of the Romish Pontiff had not given him assurance that the result would in nowise impair his strength or endanger his dominion? The document to which I allude was obtained with some difficulty by a gentleman—a citizen of this country—who was then in London. It was handed by him to a distinguished Senator of the United States, [Mr. WESTCOTT,] by whom it was placed in the hands of Mr. Buchanan, the Secretary of State. Far be it from me to charge the Secretary of State with the suppression of that document. But it has been lost or mislaid; and as it is the only copy of which I have heard, I hope that I may yet have an opportunity of laying it before the country.

The honorable gentleman from the fourth Congressional district of Pennsylvania travels back to 1791 for the purpose of showing the devotion of Roman Catholics to the cause of human freedom. Why not take the position assumed by "Eugenio Macnamara, Catholic Priest and Apostolic Missionary," of more recent date, to show that "the 'Irish Catholics are best adapted to the religion, 'character, and temperament of the inhabitants of 'Mexico," and "to protect the Californians against 'becoming the prey of the Methodist wolves?" I was surprised that my colleague found it necessary to go so far back in American history in order to vindicate his position, inasmuch as, in his own letter of 1815, he denounces the Jesuits, and particularly the Pope, to be "the scarlet-clad whore of Babylon." Sir, I never went so far as that. I confess, however, that I profited much by that letter from the pen of the honorable gentleman from the fourth Congressional district, and whom I expected to find on this occasion an able ally, and not a foe.

Sir, Charles Carroll, to whom allusion was made, was the contemporary of Lafayette. Lafayette was well aware of the heroic devotion to the cause of liberty which the Irish patriot displayed. Yet it was Lafayette who proclaimed that when the liberties of this country fall it would be through the instrumentality of the Roman Catholic priesthood. The honorable gentleman has pronounced a high encomium on the would-be nuncio or legate of the Pope—Bishop Hughes. The picture must have been well drawn, or the honorable gentleman would have failed to recognize the original. I spoke of a scheming, plotting, crafty, ambitious priest, and the leader of the Democracy supposes that I alluded to one of their chosen allies. Well, be it so. Did not Bishop Hughes desert the altar for the political arena, and in Carroll Hall, in the city of New York, call upon his Irish Catholic followers, the subjects of the Pope, to vote for none but those who were pledged to pass a law ejecting the Bible from the public schools? Was not the same movement made in Philadelphia and in Baltimore? And yet we, who stand in self-defence in this great emergency, are charged with making an effort to connect politics and religion!

When the honorable gentleman from the fourth Congressional district declared that I could never have seen a Jesuit, I rose in my place, and, looking at him, exclaimed, "I see one now!" The gentleman asked if I intended to insult him. I replied, "Certainly not." The gentleman entirely misunderstood me; for, sir, aware that his former conception of the character of the Jesuits had undergone an entire change, and that he now regarded the members of that order as occupying the most

exalted rank in the scale of moral and intellectual excellence, I had imagined that when I recognized in himself a member of that illustrious order, I offered a homage which even his nice sense would not regard as at all distasteful.

Without deigning a reply to any portion of the argument which I had the honor to submit a few days ago, the honorable gentleman, with his usual adroitness, attempts to turn the public attention to our commercial interests in the Italian States. The commerce to which the gentleman alludes is already fully protected. That commercial intercourse is with Austria, and is fully secured by our diplomatic arrangements with that Government. So far as our commerce with the Pope is concerned, have we not a consul at Ancona, at Ravenna, and at Rome? In neither of these ports can a fishing-boat float in safety; and yet we are gravely told that by the creation of this mission all the great agricultural and commercial interests of the country are to be protected and advanced! No, sir; this problem is more readily solved by a reference to the message of the President, in which he speaks of the "interesting political events now going on in Rome." We are to send a diplomatic agent to Rome, whose duty it shall be to take a part in the "interesting political events," and to receive in return a legate of the Pope, armed with civil and ecclesiastical power, whose duty it will be to direct and control the "interesting political events" now going on in America.

Sir, I reiterate the assertion that this whole scheme has for its object political power and religious connection. The object is to centralize a Jesuit influence in the United States, destined to act as the ally of the so-called Democracy. It will so act until it becomes sufficiently powerful to demand from the Democracy that it shall become *its* ally! Sir, did not the honorable gentleman step a little beyond the line of *liberality* which he has laid down as his guide, when he saw fit to seize upon the acts of debauchery committed by Protestant clergymen, in order, under the cover of these individual acts, to assail the great body of Protestantism itself? He knew as well as I know that the Protestant clergy of this country and of the world are characterized by the utmost purity. The great body of the Protestant clergy may well cast back with disdain any such attempt to attach to it the disgrace of these exceptional cases, just as the polished steel flings back from its immaculate surface the "breath which seeks to stain it!" The Protestant clergy have no secret confessional; they have no convents; they have no nunneries; their every act is done beneath the broad blaze of day.

Is it not strange that under circumstances like these I should be charged with bringing the subject of religion into this House? It has been introduced by a committee of the House, and *in a bill to supply deficiencies*, leading the new members of the House to suppose that a previous law existed authorizing the appointment of this mission, and that all that was now needed was a supply of money to meet the expenditure. Sir, the plan is worthy of the plot. The whole movement is jesuitical.

But my colleague points to the fact that there are but two Catholics in the House. Would to God there were more of the same stamp. Sir, the gentleman from Louisiana, himself a Catholic, resists this religious link. I have no doubt he represents the noble feeling and lofty patriotism of American Catholics, when he opposes the formation of this religious tie, and protests against the extension of the temporal authority of the Pope over the United States, which is the ulterior end and aim of this jesuitical movement. For what need have the Jesuits of Roman Catholic representatives so long as their friends and supporters may be found in the Representatives of the American people? My colleague has extended to me a kind invitation to visit the Jesuit College at Georgetown. He tells me I will find them bland, courteous, accomplished, and gentlemanly. Sir, I do not doubt it. I know not how many members of this House may have accepted their hospitality. They live, as I learn, most luxuriously. And the gentleman tells me that my "*taste*" may be improved by a visit. Sir, I have been suffering for some months past with that most terrible of all terrible diseases, dyspepsia. I am subject to attacks of "*cramp*" in the stomach. It is not the first time that I have received a similar invitation; and although it comes from a very high source, and although the organ through whom the communication is made is entitled to the highest consideration, I must insist on declining it. Suppose I should go and should be seized with one of those unfortunate attacks of *cramp* and should die, nothing would satisfy my constituents that I had not been poisoned by the Jesuits.

Sir, the gentleman has alluded to the ancient Romans. I suppose he meant the descendants of Brutus, who have ever been in love with the very manacles they wear. Why did he not, with his usual research, extract from the treasures of history? Why did he not turn to Spain, and point us to the spectacles of despotism there, presenting the realities of blood, civil war, social rage, desolating passion, and consuming ignorance? If not to Spain, why not turn to Portugal, where Jesuitism has done its worst; where ignorance lies in abject servitude upon banks of flowers; where assassinations stalk abroad in the open day, secure of the sanctuary of the church? I will not pursue this subject. Enough is seen to show us that where Papal power locks and unlocks the souls of men to suit her selfish ends, there can never be any moral or intellectual vitality, any civil or religious freedom.

But the gentleman tells us that the spirit of liberty is spreading over Europe. If it be so, it is because the Jesuits have been thrust from power, and, impotent in the Old World, prepare to make a last desperate effort here. The gentleman is distinguished, as we all know, for his historical lore. Has he indeed forgotten that, just as liberty has advanced in Europe, the power of the Church of the Seven Hills has been diminished? During the long night of ecclesiastical despotism, you look in vain for any recognition of popular rights. It was the reformation from Popery which, unlocking the barriers by which the powers of the human mind and the spirit of free inquiry had been so long imprisoned, gave the first impulse to civil and religious liberty in the ancient world; and the history of free institutions in Europe is, after all, made up of the continual conflict between ecclesiastical domination on the one hand, and the growing intelligence of the people on the other. It is true, as the gentleman has said, that we sympathized with Greece in her struggle for freedom. I feel proud of my country, and I feel proud of the great men who vindicated the claims of Greece upon this floor. She struck for freedom, and America sympathized, as she will ever sympathize, when chains are to be broken and men made free. Let other nations gather in her train, as she waves her beacon light over the vast expanse that now clothes in darkness the greater part of the earth.

But let them engage in this work in our spirit. Let them strike for freedom of thought, freedom of opinion, freedom in its broad and large sense, before they ask us to become the vassal of Jesuit power. The gentleman, indeed, tells us that the Jesuits are "harmless," and asks why we should refuse to allow them to "colonize" this country. Does this need reply? Sir, go to the district which you now represent, and ask the widows and orphans whom they have made, whether the Jesuits are "harmless." Go to the tombs of martyrs who fell in your own district in defence of constitutional rights, and over their hallowed graves inquire whether the Jesuits are "harmless." Nay, look abroad, and as you behold in every nook and corner of the land the evidence of their presence in all their subtle and ceaseless activity, poisoning the streams of education, sapping the Protestantism of your youth, whispering their well-disguised schemes in the ear of your local legislatures, and then ask whether the Jesuits are "harmless."

Ah! says the gentleman, the Jesuits, in a spirit of marked *liberality*, are busily engaged in England in the effort to dissolve the connection between Church and State. But that happens to be a Protestant hierarchy, and under it Jesuitism cannot thrive. Their object is surely transparent enough. They seek a Roman Catholic establishment under the domination of the Pope.

Mr. MACLAY. Will the gentleman allow me to ask a question?

Mr. LEVIN. Certainly.

Mr. MACLAY. Whilst on the subject of Jesuitism, I would like to propound an inquiry, which, if not now made, I may not have another opportunity to make. I was not present when the honorable gentleman delivered his last speech, and I wish to know if the report of it in the "National Intelligencer" is a correct one.

Mr. LEVIN answered affirmatively.

Mr. MACLAY inquired if the following extract was correctly reported:

"Sir, there has been and there is a *systematic* effort now going on to overthrow American rights and American institutions by the means to which I have alluded. There are those who hear me who know full well that, a few years ago, a distinguished German historian delivered a course of lectures before the Emperor of Austria and the nobility of that country, in which he undertook to show that Europe's thrones would remain insecure so long as this example of free government existed in the United States. His name was Schlegel. In his eighteenth lecture, he proceeded to show how to give solidity to the thrones of tyrants. 'Send your refuse population,' said he, 'to the United States, under the control of the Jesuits. They will keep the foreign population separate and distinct from the American. They will prevent amalgamation, and a distinct political organization may be formed. THEIR BALLOT-BOXES ARE LEFT OPEN! YOU ARE INVITED TO TAKE POSSESSION OF THEM! Do this,' said he, '*and the work is done!*'"

Mr. LEVIN read the extract, and said it was.

Mr. MACLAY. I assert that there is no such passage in Schlegel's eighteenth lecture, nor in any other. I have the eighteenth and other lectures in my hand, and defy the gentleman to verify his quotation. Again, the gentleman, in his speech, speaks of the Pope's having published an encyclical letter against slavery in the United States. Now, sir, there is not one word in this letter in relation to slavery in the United States. The allusion in this letter refers to the slave trade between the States of South America and Africa, and was but a repetition of the sentiment of enlightened men in every section of our country, North or South, condemnatory of that inhuman traffic. A bolder attempt to palm off misstatements upon the credulity of this House I have never witnessed.

Mr. LEVIN. I may be mistaken as to the name of the author, but I will produce the work from which the quotation was made. And on the subject of slavery, it is true the Pope did not use the term *American* slavery; for he was granting his dispensation at the very moment tolerating slavery in Cuba and Brazil; but you must take that letter in connection with the letter of Daniel O'Connell—the text and the commentary. I suppose it is necessary for me to quote, as I did heretofore, his exact language: "Where you have the 'electoral franchise, give your votes to none but 'those who will assist you in carrying out the 'pious intentions of his Holiness the Pope." And in order to corroborate what I before said on this subject, I will now quote from Captain Marryat's Diary, which I suppose my colleague will regard as authority fully equal to that of his Unitarian correspondent in the city of London:

"The remark of the author of the *Voice from America*, that 'aware of the implacable aversion of the people to mon-'archy, the priesthood are accustomed *studiously to adapt* '*themselves to this state of feeling*,' proves rather to me the universal subtlety shown by the Catholic clergy, which, added to their zeal and perseverance, so increases the power of the church. At present Catholicism is, comparatively speaking, weak in America, and the object of that church is to become strong. They do not, therefore, frighten or alarm their converts by any present show of the invariable results, but are content to bide their time until they shall find themselves strong enough to exert their power with triumphant success. The Protestant cause in America is weak, from the evil effects of the voluntary system, particularly from its division into so many sects. A house divided against itself cannot long stand; and every year it will be found that the Catholic church will increase its power; and it is a question whether a hierarchy may not eventually be raised, which, so far from *advocating the principles of equality*, may serve as a *check* to the spirit of Democracy, becoming more powerful than the Government, curbing public opinion, and reducing to better order the present chaotic state of society.

"Judge Haliburton asserts that all America will be a Catholic country. That all America west of the Alleganies will eventually be a Catholic country I have no doubt, as the Catholics are already in the majority, and there is nothing, as Mr. Cooper observes, to prevent any State from establishing that or any other religion *as the religion of the State*, and this is one of the dark clouds which hang over the destiny of the western hemisphere.

"The Rev. Mr. Reed says: 'It should really seem that the 'Pope, in the fear of expulsion from Europe, is anxious to 'find a reversion in this New World. The crowned heads 'of the continent, having the same enmity to free political 'institutions which his Holiness has to free religious insti-'tutions, willingly unite in the attempt to enthral this people. 'They have heard of the necessities of the West; they have 'the foresight to see that the West will become the heart of 'the country, and ultimately determine the character of the 'whole; and they have resolved to establish themselves there. 'Large, yea, *princely grants* have been made from the Leo-'pold Society and other sources, chiefly, though by no means 'exclusively, in favor of this portion of the empire that is to 'be. These sums are expended in erecting showy churches 'and colleges, and in sustaining priests and emissaries. 'Everything is done to captivate, and to liberalize in appear-'ance a system essentially despotic. The sagacity of the 'effort is discovered, in avoiding to attack and shock the 'prejudices of the adult, that they may direct the education

'of the young. They look to the future; and they really 'have great advantages in doing so. They send out teachers 'excellently qualified; superior, certainly, to the run of 'native teachers. Some value the European modes of edu- 'cation as the more excellent, others value them as the 'mark of fashion; the demand for instruction, too, is always 'beyond the supply, so that they find little difficulty in ob- 'taining the charge of Protestant children. This, in my 'judgment, is the point of policy which should be especially 'regarded with jealousy; but the actual alarm has arisen 'from the disclosure of a correspondence which avows de- 'signs on the West beyond what I have here set down. It 'is a curious affair, and is one other evidence, if evidence 'were needed, that Popery and Jesuitism are one.'"

After reading this extract, Mr. L. also read the following note—both of which, the note and extract, are to be found on the same page (159th) of Marryat's Diary in America, 2d volume:

"There is nothing in the Constitution of the United States to prevent all the States, or any particular State, from possessing an established religion."—*Cooper's Democrat.*

Sir, my colleague seems willing to create this religious link between Rome and the United States, destined to lead to the overthrow of American rights and American institutions, and tells us in language not be misunderstood, that in return for all this wrong we will have a market for our sugar, cotton, and tobacco. If the proposition were true, the cotton-planters of the South and the sugar-growers of Louisiana, Catholics as they are, would repel this proposition with scorn and indignation. But, sir, let us examine this point. I think it can be very readily demonstrated that the gentleman must have forgotten the geographical features of this question, or that he must have been grossly misinformed. The gentleman has gravely argued that England, making her yarn from the cotton of the South, which could be more cheaply manufactured by your slave labor, annually throws into the States of the Germanic Confederation, through the port of Trieste, in the Adriatic, and Hamburg, by the Baltic, an amount of exports from which she realizes a profit of twelve millions of dollars; and that for the annual export of your tobacco and sugar, through the same channels, she realizes an additional profit of fourteen millions of dollars. Does the gentleman forget that Trieste is within the Austrian dominions; that Hamburg is separated by the breadth of Europe from the Papal States; and that over the waters of the broad and free Adriatic Papal Rome exercises no sway, nor could one Italian Zoll-Verein have any influence? Or does he rely on my presumed want of information on commercial subjects in the perpetration of this gross imposition on the intelligence of the House?

After all, sir, the gentleman has not undertaken to reply to any proposition assumed by me in the speech which I had the honor to deliver a few days since. There it stands upon the record, and, as I said before, let posterity judge between us. The record will live. Posterity will remember my prophecy, made in the Congress of the United States on the 8th day of March, 1848. Let coming generations remember that I vainly struggled to apply a preventive to this gigantic evil, and vindicate American rights. The representatives of the American people prefer that their children and their children's children shall apply the cure. Fearful will be that remedy; for the stain which you this day affix upon the nation is destined to be washed out only with their blood!

Mr. DICKEY said he wished to call the attention of the House to the new missions which were included in this deficiency bill. He desired to have them stricken out of this bill, in order that they might come up for the deliberation and determination of this House upon the report made from the Committee on Foreign Affairs. In the annual message of the President to Congress at the commencement of the last session he had not thought proper to recommend to his Democratic friends upon this floor the institution of these missions. They were not then included in the estimates. They could not now be deficiencies. They were new missions, which were proposed to be instituted for the first time, and were included by the Secretary of State, upon the suggestion of the President, in the bill to supply deficiencies, because he desired to send out these missions before the present fiscal year expired.

Now, he was not disposed to grant him the permission to nominate these men at this time, and to appropriate from the treasury for their outfits and salaries. He desired that the House, both sides of the House, should discuss upon the report of the Committee on Foreign Affairs the nature and character of our diplomatic relations with foreign countries.

He did not know what was the object of the President in his desire to institute this mission to Rome. It might be on account of the political reform which had taken place there, and which, to a certain extent, no doubt had been of benefit to the people. But he had been at a loss to perceive that the Pope had opened up that country to the Protestants of this country, that they might propagate their religious opinions there; nor could any minister whom we might send congratulate the Pope upon that reform, upon whatever else he might congratulate him. Now, if the object of the President and his party was to play a political game, and offer this as a bid for the Catholics of this country, and if his (Mr. D.'s) political friends desired to play this game too, let them make this a full mission. If the object were to congratulate the Pope on his reforms, let us send a full embassy with full powers. We might find a Protestant from this country submissive enough to kneel to his Holiness the Pope, and kiss his slippers. Such an one might be found in the Democratic ranks, no doubt; whether now or hereafter he might be found in the Whig ranks, was a question for the future to determine.

He was little acquainted with the character of the Jesuits spoken of by both his colleagues, [Mr. LEVIN, and Mr. C. J. INGERSOLL.] But he had recently come across a lecture delivered in New York by a gentleman once distinguished as a Democrat—as editor of the Democratic Review—Mr. Brownson, upon the political reforms of the Pope, and the necessity of political reformation in Europe, in which he spoke as though the time was coming when this reformation would be extended to this country. And what was the reformation which was spoken of in so high terms? It was the spiritual ascendency of the Catholics in Europe—while they might be disposed to give secular power to any one who would aid in establishing their religious power.

Now, how far this mission to Rome on the part of Democrats, suggested by the President, might be with the view of working out this unhappy problem in this country, he would leave for them to say. He trusted, he hoped, he firmly believed, that there never would come a time in this country when this "reform" should be accomplished. And yet there was nothing in our State constitutions which prevented the Catholics, when they got the power, through the ballot-boxes, from establishing the Catholic religion in the States; and when they should have obtained the majority, what security should we have against it? We had heard not long since that there had been a conclave of Catholic Bishops assembled in this city to discuss the effects of this Mexican war upon the Church of Rome. Their decision was that it would be beneficial; because, by the annexation of the whole of Mexico, by the incorporation of six or seven millions of Catholics among us at once, it would give them greatly increased power over the civil and religious institutions of our own country. We would probably incorporate some of these Mexican States into our Union; annex them to this country. They might contain not a great deal of population, and there might not be a great deal of danger to be apprehended from them. But if he was correctly informed, the treaty now under consideration contained a provision to secure, if not to establish, the Roman Catholic religion in the two States to be annexed. If so, the President, in his message communicating the treaty, did not recommend that that clause should be stricken out; but he did recommend that the clause which guaranties the rights of individuals to lands granted under Mexican power should be stricken out!

But he had no particular hostility to this mission to the Papal States any more than to the other new missions which it was proposed to create. He said, if it were the mature opinion of this House to send a mission to the Pope, to congratulate him upon his political reforms, let it be a full mission. He had moved and succeeded yesterday, in committee, to strike them all out. He intended now, if the motion to reconsider should prevail, to move to recommit the bill to the Committee of Ways and Means, for the purpose of having the whole of these new missions stricken out. In all his researches, he had been able to find no commercial or other good reason for the institution of these missions. He found our whole commercial intercourse with Italy did not equal the amount of commerce we have with Hayti. Yet it was not proposed to send a mission to the latter place, because the inhabitants of that country happened to be of a different class and color. He referred to the exceedingly small amount—almost the entire want of our commerce, as shown by the printed tables of commerce—with Bolivia, Ecuador, and Guatemala, little exceeding in its entire value the sum to be appropriated for the outfits and salaries of the missions proposed. With reference to Guatemala, he did not know what our commerce might be, nor whether there might be any. It was well known, that, in 1837, Mr. Van Buren sent a gentleman—now celebrated as a traveller—by the name of Stephens, to hunt about and see if he could not find some public authorities there. He did not succeed in so doing, and he devoted his time to researches into the antiquities of Guatemala and Yucatan. Now, it might be very interesting to send out another minister, at a salary per annum of $4,500, and an outfit of $4,500, to busy himself in collecting materials for another book. This was the most important public measure which he could perceive likely to be accomplished by it.

Now, as to drawing more closely and intimately the bonds of intercourse between the Republics of South America and our own, if, when we had established those missions there, we did not treat them better than we had our sister Republic of Mexico, he hoped in God we should never send a mission there. We had wrested from Mexico, in our friendly intercourse with her, three of her States! He did not know but it might be the object of these missions to prepare the way to swallow up all these republics, for that was the Democratic doctrine of the present day.

He asked gentlemen on both sides to strike out these missions, that the whole subject might be fully considered upon the report of the Committee on Foreign Affairs, and it might be provided for, if necessary, in the regular appropriation bill for the next fiscal year. Let them not attach this matter to a deficiency bill making provision for the army in Mexico. He intended to vote for this; but he was opposed to creating new and unnecessary missions at a time when our resources were so exhausted. When in order, he should move to recommit the bill, with instructions to strike out these missions.

Mr. BROWN, of Pennsylvania, said, he desired briefly to address the House, to say what he had been prevented from saying the other day when he had unfortunately and unintentionally got out of order, and was not permitted to go on.

He should not pursue the general discussion of the subject which had been introduced by his colleagues from the first and fourth Congressional districts of Pennsylvania. He was opposed to the introduction at all, in the consideration of our domestic or foreign relations, of anything that bore upon the religious opinions of men. It had never before been made an objection to establishing diplomatic relations with foreign countries that their religion was Episcopalian, Lutheran, Catholic; that it was anything, or nothing. We had lately established commercial relations with China, whose religion was a religion which we all condemned. It was now, for the first time, in forming amicable relations with foreign countries, that we inquired what the religion of the people might be. It was to this he objected. It was to the mingling of religion with politics, and influencing political action by religious opinions, whether in this Hall, in the respective States, or to the introduction of the two subjects among people who live amicably with one another, though holding different religious tenets, that he objected. In all countries, wherever the subject of religion had been introduced into politics and among the people to influence their action upon politics, it had been an incendiary subject; it had drenched some of the fairest fields in the world with blood—blood shed by the hands of the same people, wherever arrayed against each other upon religious subjects.

His colleague [Mr. LEVIN] had asked, whenever the Catholics got control of all the States, what security we would have against their establishing the Catholic religion? There was an old saying, "when the sky falls we will catch larks." What security, he would ask, had we that the Methodists, the Episcopalians, the Baptists, the Presbyterians, might not get the controlling power in this

country and establish their own religion?—a majority of whom were increasing much faster in this country than the Catholics, with all the importations so much talked of from foreign countries. Look to the history of the Episcopalians and of the Presbyterians, and of other Protestant sects: had they not persecuted each other? Had not the Episcopalians persecuted the Dissenters in England? Had not the Presbyterians, on our own free soil, among the green hills of Massachusetts, persecuted those who dissented from them? He said, then, what security have we, if any religion should succeed in obtaining the controlling power in our land, that its friends will not establish it as the law of the land, and persecute all other creeds? The security was the spirit of resistance to oppression which was now speading in Italy, which had spread all over the United States, and which he trusted would be diffused all over the world; the spirit that caused men to prefer to suffer death rather than be trammelled by religious or political despotism. Another security was, that in the more enlightened and tolerant spirit of the Christian religion, and the progress of mind and conflicts of opinion, no one religion could acquire sufficient strength to override all others.

But he had risen principally to say a word in reference to what his colleague [Mr. LEVIN] had said relative to the party in the city and county of Philadelphia, of which he [Mr. LEVIN] was the sole representative on this floor. He said, from the course of that gentleman here, that he was forming new alliances. He called the southern members here to notice the remark of his colleague from the first district, which was in character with all the other facts and assertions made by that honorable gentleman. The extract was long, and he could only give the substance of what the gentleman said on this point. The gentleman referred to the letter of O'Connell against the slavery of the South, and said it was to the action of Jesuits that all the provisoes were owing which had been thrown into this Hall—meaning the provisoes against the extension of slavery; for Mr. O'Connell's letter referred to the extension of slavery. The gentleman said that he and his Native American friends in Philadelphia had held meetings to resist this influence. Meetings were held, he granted, by the gentleman and his party, but they were not to sustain the South, but to denounce the Catholics. It was not the gentleman and his Native party that met to repel the Abolition notions of O'Connell, but the Democratic party, and among them, and indeed foremost, were many Irish Catholic Democrats. This (Mr. B. said) he knew, for

> "All of it he saw,
> And part of it he was."

But he had better proof there was no connection with the Native Americans and opposition to O'Connell's letter and the provisoes against slavery? He referred to the record of the last Congress. On the 501st page, the Wilmot proviso was proposed, and it appeared that every Native American on the floor of this House, including the gentleman himself, voted for that proviso. Now, he put it to the gentleman whether he and his friends on this floor were then under the influence of the Jesuits, to whom he said we owed the introduction of all these provisoes? That was about a year ago. But now the gentleman wished to change his position and that of his friends, and connect themselves with southern feelings and southern interests. Yet how did the gentleman's "Native" party stand now?

He had received, within about two weeks, instructions from a very respectable body of gentlemen, representing more than half of his district—municipal officers, called the Commissioners of Spring Garden—all of whom were pure unadulterated Native Americans. They instructed him thus. [Here he read the resolution. It requested Mr. BROWN to use his influence against the ratification of any treaty by which territory should be acquired, if slavery or involuntary servitude, except for crime, were not expressly forever prohibited.] Now, had the Jesuits prompted these Native American commissioners and friends of his colleague to send these instructions into this Hall? These were questions which he would like to hear answered. The southern gentlemen on the opposite side, with whom his colleague was about to form an alliance, ought to have this explained; and it might be, the Native party of Philadelphia, before they were transferred by the gentleman to the South, may want it explained also; certainly his (Mr. B.'s) constituents, who had instructed him on the subject, ought to know whether they were acting under the influence of the Jesuits, or were to be transferred to the South as opposed to these provisoes.

His colleague had spoken of the Jesuits attempting to drive the Bible out of the public schools, and of actually causing it to be burned in the streets. He supposed the gentleman to refer, again, to Philadelphia.

Mr. LEVIN was understood to say he referred mostly to New York.

Mr. MURPHY, of New York, denied that anything of the kind had ever taken place in New York.

Mr. BROWN (continuing) said, if his colleague had reference to the Bible being burnt in the streets, or treated indecorously in Philadelphia, he pronounced it altogether untrue. No such thing had ever occurred there. The only desecration he ever saw of it was, the gentleman and his party, on the 4th of July, carrying the Bible through the streets as a part of their celebration. Once, and once only, they did it; for the public indignation was such that they did not dare again to do it. The well-meaning portion of the community did not want it to be desecrated by being paraded through the streets by men who paid no attention to its precepts, but whose whole conduct was at war with the charitable, tolerant, and benign doctrines of its authors.

In reference to the question of introducing the Bible into the public schools there, he said that the records of the boards of school directors, when the question had been agitated, showed that a majority of those who voted against it were Protestants, and *not Catholics*. Among those most opposed to introducing the Bible into the public schools were those most respected for their religious character and conduct. They said it should not be made so common, but that all the religious teachings of the young should be by their parents or their chosen spiritual instructors, and not by young school teachers, selected merely for their literary and scientific attainments. He said, therefore, when the gentleman spoke of Jesuits attempting to expel the Bible from the public schools, that he spoke against many of his own Protestant constituents. All these charges against the Catholics of expelling the Bible from the public schools were got up, he believed—as the secret circular, to which his colleague had referred, was got up—by those opposed to the Catholics, when the stories were manufactured, in 1840, against Governor Shunk, of trampling upon the American flag, which the gentleman himself did not believe a single word of; and yet the gentleman found fault with Mr. Buchanan, because, when he received a mere printed, unattested circular, he did not take solemn action upon it, and lay it perhaps before the House of Representatives as proof of a conspiracy against our Government. He had thought all such complaints against the Jesuits, except with a few zealous bigots, had gone down to the tombs and were forgotten by everybody, except the writers of French novels and their readers.

He next referred to that part of his colleague's remarks, that charged the riots and bloodshed in Philadelphia upon the Jesuits, and said they were all chargeable to his colleague and the leaders of the Native American party. He referred to their calling a Native meeting in the midst of a settlement of Catholic Irish, and then, in the most outrageous manner, reviling their country and their religion, in terms that would have aroused to deeds of violence any American, if uttered against his religion or his country, in a foreign land. These Irish Catholics, with all their religious zeal and fiery temper, bore it all, nor offered resistance till they thought their dwellings were about to be attacked by the mob assembled in front of them, and who had threatened them; for it was matter of history that the first shot was fired in the market-house in Kensington, where the Native American meeting was held.

He said this first act of blood and arson, and all that followed it, was all attributable to his colleague from the first district and his followers, but to him most of all. For some years he had been delivering temperance lectures in Philadelphia, which, he was free to say, had no doubt done much good, and had thus gained the confidence and regard of a large class of citizens, among whom were many of the Methodist and other religious societies. When this subject began to fail him, his colleague, he said, turned his influence with these people to political effect, and changed his lectures on temperance to addresses against foreigners, and particularly against Catholics and the Catholic religion, spreading throughout the community the most incendiary tirades ever promulgated by any man in the darkest ages, and based upon as unfounded charges; nor was it in these addresses alone, but through a newspaper called the "Sun," he also uttered, from day to day, the outpourings of his spirit against the Catholics, unworthy any age and any people.

Thus it was that his colleague and his friends maddened the minds of their followers, and caused all the incendiarism and blood that he charges in his remarks upon the Jesuits, and the consequence of which was the death of a number of citizens, and the burning of a large number of Catholic dwellings and two churches—one of them in the second district, whose peaceful inhabitants had never molested anybody in the world, and were entirely unconnected with the walks of his colleague from the first district and the Native party.

The story of the tinder-box and matches being found in the basement of St. Philip's church, as told by the gentleman, (Mr. B. said,) was a miserable apology for the gentleman's declaration that it was proof that the members of the church therewith intended to set fire to their own church, for the purpose of laying it to the charge of the Native American party. Why should they have done this? Had not the Catholic churches in Kensington and in the city both been fired and burned to ashes before this, in the face of the world, by the Native Americans? Who had denied this? The gentleman, he said, was hard pushed for an excuse for the attack on St. Philip's church, when he told them there was a tinder-box found in its cellar?

The gentleman also told them of his exploits in saving the church and those within it; how he and his friend, Thomas D. Grover, had harangued the mob assembled for its destruction, and mounted the cannon pointed at its walls, which, but for their timely interference, would, in a few short minutes more, have blown it and all within it to atoms. Who brought these cannon there? Were they not the Native American party, of whom the gentleman was the acknowledged leader? Why was that mob there, to destroy a Catholic church, filled with Catholic citizens? Was it not to carry into effect the teachings of their leader and his associates? Let the world judge. The gentleman said he quelled the mob—he mounted the cannon—he saved the church and those within it! Did he? Then, let me ask him, who ever controlled a mob but the man who made it? No better testimony could be had to prove the author of that mob than to know the man who quelled its thirst for arson and blood; who, amid its cheering, was carried away in triumph, mounted on its cannon.

But (said Mr. B.) why did the gentleman and his friends interfere to save St. Philip's church? They had not interfered to save St. Michael's nor St. Augustine's. They had not appeared before the mob in Kensington, when their guns were pointed at the Catholics and their dwellings, though they well knew of it all, and by their interference could have easily prevented or stopped the burnings and massacres. He would tell the gentleman why he had stopped the destruction of St. Philip's. The public mind had aroused from its lethargy, and the people throughout the city, and county, and State, had recovered from the paralyzation into which the first shock of these unnatural scenes and doings had thrown them, and were gathering in their might, to bring to justice and punishment their authors. Churches and dwellings had been laid in ashes, and valuable and innocent lives sacrificed; the mob was increasing in numbers and audacity, and its leaders seemed to revel in the enjoyment of uncontrolled power of doing evil. But they saw there was a point beyond which they dare not go; and to save themselves, they saved St. Philip's church. Had that church been burned, and those in it murdered, he (Mr. B.) would tell his colleague from the first district, his friends and himself would very probably have been elevated to higher places than a seat in Congress.

In reference to Mr. LEVIN's professions in behalf of the Native Americans of love of country

above party, he said if he had the record here he could prove it to the satisfaction of the House and the country as clear as day that from the first rise of the party to the present day it had been held in the market by its leader, and again and again sold to the highest bidder. He could show how the leaders had held themselves for sale, and had actually sold themselves to the Whig party, like cattle in the market, transferring their votes by hundreds and thousands to certain Whig candidates, and in return receiving in payment Whig votes for certain of their candidates. This bargain and sale of the party was too notorious, he said, to need proof, and if it did, the records of all the elections in and about Philadelphia for the last few years bore ample and shameful evidence of the fact.

Why, (said Mr. B.,) these very commissioners of Spring Garden, who had taken it upon themselves to instruct him, owed their election to this same bargaining means. Yet, in the face of all this, and in the face of his attempt to transfer them now to his new friends of the South, has the gentleman the assurance to stand up and say the Native Americans love their country better than their party?

In reference to the remarks of Mr DICKEY, he said he thought the gentleman, in placing his opposition to these missions on the ground that President Polk recommended them as a means of buying Roman Catholic votes, had taken a course as objectionable as that of his other colleague. The President recommended these missions because he thought they would subserve the interests of the country. The question whether we had commercial intercourse before we established diplomatic relations should not be taken into consideration. It had been the policy of Great Britain not to take it into the account. She had attained her commercial rank by having her representatives in the different parts of the world, even before their markets were opened, so as to avail herself of the earliest advantages of them, so he thought the United States ought to do. Their extended and extending commerce—the awakening everywhere over the earth of new sources of commerce, and of new political ideas—demanded of them to extend their amicable relations far and wide, and have agents wherever an American citizen or an American flag were to be found. The cost was nothing, compared to the advantages that would ultimately result to them and to the world.

It was no party political question which was involved in these missions. In his district the majority of the Catholic vote might belong to the Democratic party; yet they were divided, and in and about Philadelphia many of them belonged to the Whig party. In Ohio the Catholics had been arrayed, not long since, against the Democratic party. He appealed to gentlemen from Ohio for the correctness of the assertion. They had been induced there to think that the Whig party were their true friends. This attack, then, upon Mr. Polk, that he recommended these missions for the purchase of Catholic votes, was gratuitous and incendiary. Mr. Polk wanted no votes. It was an attempt, therefore, of his colleague from the Beaver district, more bitterly to array the parties against each other. He deprecated this whole system of dragging the religious opinions of men into our political contests; and he could say, that in all he had said in the city and county of Philadelphia for twenty years past, he had never attempted to make political capital out of the religious professions and opinions of men. He deprecated that either of his colleagues should have taken this incendiary position here. If it were all true, as his colleague had asserted, that Rome—the Pope, the cardinals, and everything else there, were linked against our republican institutions, and forming their schemes to control us, it was the very reason why we should have a minister there to watch at the fountain-head these movements, to acquaint himself with the transactions in the secret conclaves of the Pope. Where were we to send our ministers, if not to the places so pregnant for evil or for good to our institutions and our people?

But he apprehended no such danger. As his colleague [Mr. C. J. INGERSOLL] had said, looking at the state of things now in Rome, did not the American heart beat in unison with that of Pope Pius in his efforts for the amelioration of the condition of the Italians? But even supposing, as had been said, that the Pope proposed no spiritual, and but little political reform, were not his efforts to improve the physical condition of his people worthy of American sympathy and American support? Where was the American heart that did not rejoice to see the Italy of the present day, with all its deserted plains and ruined cities—with all its Lazzaroni, its sculptors and painters, so sneeringly intruded into this debate by his colleague from the first district—all rivalling again that Italy of classic memory, so dear to every lover of beauty, of genius, of liberty, and of greatness? Where was the American citizen who would not rejoice to see the Roman soldier again on the threatre of the world—not fighting for extended empire, as of yore, but fighting for the extension of the empire of freedom?

Mr. COCKE moved the previous question; which was seconded, and under its operation the House refused to reconsider.

The question recurring on the passage of the bill—

Mr. COBB, of Georgia, moved the previous question; which was seconded, and the main question was ordered to be now put.

The main question was accordingly put, viz: Shall the bill pass? and it was decided in the affirmative, as follows:

YEAS—Messrs. Ashmun, Bayly, Beale, Bedinger, Belcher, Birdsall, Black, Blanchard, Bocock, Botts, Bowdon, Bowlin, Boyd, Boydon, Brady, Bridges, Brodhead, Charles Brown, Burt, Butler, Cathcart, Chapman, Chase, Franklin Clark, Beverly L. Clark, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Collins, Conger, Cranston, Crozier, Daniel, Dickey, Dickinson, Dixon, Donnell, Duer, Garnett Duncan, Dunn, Edsall, Embree, Alexander Evans, Faran, Featherston, Ficklin, Flournoy, French, Fulton, Gaines, Gayle, Goggin, Gott, Green, Willard P. Hall, Moses Hampton, Harmanson, Harris, Haskell, Henley, Hill, Elias B. Holmes, George S. Houston, Hunt, Inge, Charles J. Ingersoll, Irvin, Iverson, Jackson, Jameson, Robert W. Johnson, John W. Jones, Kellogg, Kennon, Lahm, La Sère, Sidney Lawrence, Leffler, Lincoln, Lord, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Marvin, Miller, Morehead, Morris, Mullin, Murphy, Nelson, Nes, Outlaw, Peaslee, Peck, Petrie, Peyton, Pollock, Preston, Putnam, Rhett, Richardson, Richey, Robinson, Rockhill, Rumsey, St. John, Sawyer, Shepperd, Silvester, Sims, Smart, Robert Smith, Truman Smith, Stanton, Stephens, Strong, Taylor, Thibodeaux, Thomas, James Thompson, Richard W. Thompson, John B. Thompson, Robert A. Thompson, William Thompson, Turner, Venable, Vinton, Warren, White, Wick, Williams, and Woodward—137.

NAYS—Messrs. Canby, Nathan Evans, Fisher, Giddings, Hale, Henry, Hudson, Daniel P. King, Levin, Marsh, Palfrey, Julius Rockwell, Root, Strohm, and Van Dyke—15.

So the bill was passed in the following form, to wit:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1848, viz:

For pay of one additional clerk in the office of the Fifth Auditor, rendered necessary by the increase of light-house business, at $800 per annum, from June 1, 1847, to June 30, 1848... $865 94

For extra clerk hire for the settlement of the increase of business in the office of the Secretary of the Navy, occasioned by the Mexican war... 6,000 00

For salary of the judge of the southern district of Florida, per act of February 23, 1847, from March 3, 1847, to June 30, 1848, at $2,000 per annum... 2,661 12

For salaries of district attorney and marshal of the southern district of Florida, per same act, from March 3, 1847, to June 30, 1848, at $200 each per annum... 532 22

For salaries of the two keepers of the public archives in Florida, per act of March 3, 1825 1,000 00

Provided, That so much of said act of March 3, 1825, as authorizes the appointment of two keepers of the public archives shall be and the same is hereby repealed, from and after June 30, 1848; and in the mean time it shall be the duty of the Secretary of the Treasury to cause the said archives to be removed to some public office in the State of Florida, to be designated by the President of the United States, there to be safely kept.

For expenses of thirty-five light houses, including oil and other annual supplies, delivering the same, and repairing the lighting apparatus for four hundred and twenty lamps; salaries of thirty-five keepers, at the fixed average of $400 per annum; and also all other expenses for six months... 22,740 00

For one new floating light, including the keeper's salary, $650 at and all other expenses, for nine months... 2,316 00

For additional expenses of sundry new buoys, for six months... 1,690 00

For additional expenses of a temporary floating light at Sand Key, Florida, in lieu of the light-house destroyed there... 1,500 00

For superintendent's commission on $28,246, at 2½ per cent... 706 15

For contingent expenses, under the act for the collection, safekeeping, transfer, and disbursement of the public revenue, of August 6, 1846... 5,000 00

For per diem compensation for clerk employed in the Adjutant General's office... 1,000 00

For per diem compensation of clerk employed in Ordnance Office... $1,098 00

For per diem compensation for eight clerks employed, and such additional number of clerks as the exigencies of the public service may require to be employed temporarily by the Commissioner of Pensions, with the approbation and consent of the Secretary of War, during the present fiscal year, on bounty-land business in the Pension Office, at a rate not exceeding $3 33 per day... 15,690 96

For contingent expenses of the Pension Office.. 1,000 00

For clerks in the office of the Secretary of War, being an unexpended balance of the appropriation remaining on the 30th of June for that purpose... 291 85

For outfits of chargés des affaires to Naples, the Papal States, and the republics of Bolivia, Guatemala, and Ecuador... 22,500 00

For one quarter's salary for each of the chargés des affaires to the Papal States, Bolivia, Guatemala, and Ecuador... 4,500 00

For salary of the consul at Beyroot, from August 4, 1846, to June 30, 1848... 953 80

To enable the Secretary of the Treasury to employ such additional number of clerks in the office of the Second Auditor (at a per diem of not more than $3 33 for each clerk) as are required by the exigencies of the service... 15,000 00

For the relief and protection of American seamen in foreign countries... 20,000 00

ARMY.

For regular supplies, incidental expenses, and transportation in the Quartermaster's department of the army... 5,000,000 00

For clothing of the army, camp and garrison equipage, including $160,000 for clothing to volunteers, in lieu of commutation therefor.. 1,120,000 00

For subsistence in kind, in addition to $1,000,000 appropriated at the present session... 2,937,939 74

For pay of volunteers called into service during the present fiscal year... 3,611,000 00

For medical and hospital department... 64,500 00

For purchase of ordnance, ordnance stores, and supplies... 300,000 00

For expense of arbitrating the title to the Pea Patch Island... 5,000 00

MARINE CORPS.

For provisions... 16,104 00

For clothing... 36,300 00

For fuel... 3,777 60

For military stores... 3,500 00

For transportation and expenses of recruiting.. 5,000 00

For contingencies... 6,000 00

For paying James Crutchett for lighting the Capitol and grounds... 2,000 10

SEC. 2. *And be it further enacted*, That the sum of $800,000 be, and the same is hereby, appropriated, for clothing in kind to volunteers, for the fiscal year ending the 30th of June, 1849, agreeably to the act entitled "An act to provide clothing for volunteers in the service of the United States," approved the 26th of January, 1848; and that so much of said sum of $800,000 as the President shall direct, is hereby authorized to be applied to the purchase of said clothing during the current fiscal year.

The House then adjourned.

IN SENATE.

WEDNESDAY, *March* 8, 1848.

Mr. SEVIER presented a geographical and commercial memoir on the present state, production, trade, and commerce of Siberia, Manchurior, and the Asiatic islands of the Northern Pacific Ocean, and on the importance of opening commercial intercourse therewith.

Mr. S. characterized the document as one containing much valuable information. It was from Aaron H. Palmer, a corresponding member of the National Institute, and was addressed to the President. It was referred to the Committee on the Library, and ordered to be printed.

Mr. WEBSTER presented a petition from citizens of Forwardsville, Virginia, asking Congress to consider the expediency of endeavoring to effect such change in the laws as shall appropriate the proceeds of the public lands in aid of the extinction of slavery, and appointing commissioners, whose duty it shall be, under such conditions as Congress shall prescribe, to purchase and emancipate female children born prior to 1856, and making annual appropriations on a pledge of said public lands, with a declaratory act that from and after 1856 there shall be no hereditary slavery, and all born after that date shall be free.

Mr. W. moved its reference to the Committee on Public Lands.

Mr. MASON said he had no knowledge of the quarter whence this petition had emanated. He believed that when petitions of this character were presented, it was the practice of the Senate to lay the motion for their reception on the table. He hoped that course would be taken in the present case, and, for that purpose, he would object to the reception of the petition.

Mr. WEBSTER said he would tell the Senator that the petition came from his own constituents—

from the State of Virginia. Of the petitioners he had no knowledge; but the object of the petition was similar to the proposition made by a distinguished citizen twenty years ago. He had presented this petition without saying anything in favor or disfavor of it. He was not at all anxious as to the direction which might be given to it; and if the Senator from Virginia would take the responsibility of pointing out the course it should take, it would obtain his acquiescence, although he had thought it did not come within the rule alluded to by the Senator.

The question of reception was then laid on the table.

Mr. ATCHISON presented a petition from S. P. Arden, asking that exchange periodical publications may be exempted from postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. BRIGHT presented a resolution of the Legislature of Indiana, in favor of making compensation to the adjutant general of that State for his services in raising and organizing two regiments of volunteers for the service of the United States in the war with Mexico; which was referred to the Committee on Military Affairs.

On motion of Mr. DAVIS, of Mississippi,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a custom-house at the port of Biloxi, in the county of Harrison, and State of Mississippi.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing for the erection of a light-house on the west end of Ship Island, situated in the Gulf of Mexico, of the coast of Mississippi; also, for a light-house on said coast, at Mississippi City.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a navy-yard at the harbor of "Cat" and "Ship Island," off the coast of Mississippi, for the protection of our merchant marine engaged in the commerce of the Gulf of Mexico, and for the repair and construction of public vessels.

On motion of Mr. TURNEY, fifteen hundred extra copies of the report of the Committee on Patents and the Patent Office on the petition of Herrick Aiken were ordered to be printed for the use of the Patent Office.

REPORTS FROM COMMITTEES.

Mr. DIX, from the Committee on Commerce, reported House bill to change the name of the steamboat Charles Downing to the "Calhoun," without amendment.

Mr. CAMERON, from the Committee on the District of Columbia, reported a bill to provide a free communication across the Eastern Branch, in the District of Columbia; which was read a first time.

Mr. SEVIER moved that the Senate proceed to the consideration of Executive business.

Mr. DOWNS hoped the bills from the House might be read and referred; some of them were of importance, and particularly that relating to the Supreme Court.

Mr. SEVIER would make no objection as to that particular bill, but he should certainly object to the others being taken up.

The House bill supplemental to the act entitled "An act concerning the Supreme Court of the United States," approved 17th June, 1844, was then read a first and second time, and referred to the Committee on the Judiciary.

The Senate then, at twenty minutes past twelve o'clock, proceeded to the consideration of Executive business, and remained therein until eight o'clock, when the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 9, 1848.

The Journal of yesterday was read and approved.

Mr. MURPHY, on leave, presented the memorial of the New York Historical Society in relation to the manner of taking the next census. Read and referred.

Mr. STEPHENS moved to reconsider the vote by which the bill further to supply deficiencies in the appropriation for the fiscal year ending June 30, 1848, was passed; and moved the previous question thereon.

Mr. EVANS, of Maryland, moved that the motion to reconsider be laid on the table. The question having been taken and decided in the affirmative, the motion to reconsider was laid on the table.

Mr. VINTON, on leave, from the Committee of Ways and Means, reported a bill making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1849, and for other purposes. Read and committed.

Mr. BOTTS, on leave, presented a communication from the War Department, respecting the payment of freight on the remains of deceased officers of the army shipped from Mexico. Read and referred.

Mr. ROBERT SMITH asked leave to introduce the following joint resolutions:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he hereby is, authorized to cause certificates to be prepared on parchment of suitable size and with appropriate devices, to be presented to each officer, non-commissioned officer, musician, and private, of the regular forces and volunteers, who has served or may serve in the present war with Mexico, during the term for which he entered the army, or until he has been or shall be honorably discharged from the service, which shall be signed by the President and sealed with the seal of the War Department, and countersigned by the Secretary of War; which certificate shall set forth the term of service of the officer, non-commissioned officer, musician, or private, and the battle or battles in which he has been or may be engaged, together with all special acts of distinguished gallantry performed by him in the service.

And be it further resolved, That it shall be the duty of the President to cause such measures to be taken as he may deem most expedient and best calculated to procure correct information as to the services of the officers, non-commissioned officers, musicians, and privates, who have served, or may serve, in the present war with Mexico, to enable him to carry into effect the foregoing resolution.

And be it further resolved, That when any officer, non-commissioned officer, musician, or private, has been, or may be, killed in battle, or has died, or may die, in the service, the certificate aforesaid shall be presented to his family.

Mr. STEPHENS objected. This whole subject (he said) was now, by resolution of the House, before the Committee on Military Affairs.

Mr. McLANE. Not in this shape.

Mr. STEPHENS (continuing.) That committee will doubtless in due time make a suitable report, and put in proper form the sense of this House touching the merits and services of all the subordinate officers of our army in the battles in Mexico. And until that committee should report, he would object to the introduction of such resolutions as those now offered.

The resolution was not received.

SOLDIERS BOUNTY LANDS.

The SPEAKER announced, as the subject first for the consideration of the House, the bill reported by Mr. EVANS, of Maryland, from the Committee on Public Lands, to amend an act entitled "An act to raise for a limited time an additional military force, and for other purposes," approved February 11, 1847, upon which two questions were pending, viz: the question on agreeing to the amendment of Mr. RICHARDSON, of Illinois, and the question on the motion of Mr. GIDDINGS, that the bill be committed to a Committee of the Whole on the state of the Union.

Mr. EVANS, of Maryland, who was entitled to the floor, on appeal by Mr. BROWN, of Pennsylvania, yielded to that gentleman for explanation.

Mr. BROWN said this was the first time in the course of eighteen years' legislation on this floor and elsewhere, that he had asked the opportunity to make a personal explanation.

The SPEAKER interposed, and remarked, that he must state to the gentleman from Pennsylvania that, the question having been announced, no personal explanation was in order.

Mr. BROWN appealed to the gentleman from Maryland if he did not give way to him.

Mr. EVANS replied that he was willing to yield to the gentleman from Pennsylvania, if it did not come out of his time.

Mr. ROOT rose and objected to any personal explanation.

Mr. BROWN said he only asked five minutes, and if he went beyond that time, he hoped gentlemen would call him to order.

The SPEAKER repeated that no personal explanations were in order, and that the gentleman from Maryland [Mr. EVANS] was entitled to the floor.

Mr. BROWN. If the gentleman yields it, am I not in order?

Mr. EVANS still manifested his willingness to yield to the gentleman.

The SPEAKER. If the gentleman from Maryland yields the floor, he loses his right to it.

Mr. EVANS declined then to yield, and was about to proceed, when—

Mr. THOMPSON, of Mississippi, rose to a question of order. He made the point that the gentleman from Maryland had once spoken, and was not again entitled to the floor until every gentleman who wished had spoken.

Mr. EVANS said he had not spoken. He had never taken five minutes of the hour of the House.

Mr. THOMPSON inquired of the Chair if the gentleman from Maryland had not spoken?

The SPEAKER replied that he had not upon the immediate pending question.

Mr. EVANS then took the floor, and, before proceeding with his remarks, said he desired that the report made by the Committee on Public Lands, accompanying this bill, should be read. It was very short.

The report was read at the Clerk's desk.

Mr. BROWN again rose, and desired to address to the gentleman from Maryland a question.

The SPEAKER. Does the gentleman from Maryland give way?

Mr. EVANS yielded for this purpose.

Mr. BROWN wished to put himself before this House, before his constituents, and the country, in the proper light. He wished to put to the gentleman from Maryland a question connected with what took place in the House yesterday.

The SPEAKER. Unless the remarks of the gentleman from Pennsylvania apply to the subject under consideration, it is not competent for the gentleman from Maryland to give way to them.

Mr. McLANE rose to a point of order. He wished to submit to the Chair whether or not the gentleman from Pennsylvania had the right to ask the gentleman from Maryland whether such or such a passage occurred upon this floor yesterday?

The SPEAKER. If it relates to the question before the House. If not, it is out of order.

Mr. EVANS resumed the floor, and caused to be read the 9th section of the act of the last session of Congress giving bounty lands to non-commissioned officers, musicians, and privates, in the war with Mexico.

Now (Mr. E. said) by the construction which had been put upon this act by the War Department, which the honorable gentleman from Pennsylvania [Mr. POLLOCK] the other day seemed to think not warranted, but which seemed to him (Mr. E.) a very fair construction, these non-commissioned officers, musicians, and privates—no matter how they had distinguished themselves; no matter how freely they had poured out their blood in Mexico; no matter what sacrifices they had made in leaving their country and going into a far distant land; no matter by what merit or on account of what service they had received their promotion—by the very fact of promotion lost their 160 acres of land. This was the decision of the department—and a very correct decision he thought it was—upon this act of the last Congress. Yet nothing could be plainer than that, when the soldier had served his whole term of enlistment except within a few days, and was promoted, nothing could be more just than they should receive their bounty lands. As was said by the honorable gentleman from Illinois [Mr. RICHARDSON] the other day, there had been cases where soldiers had actually been compelled to accept promotions which they would not have done had they known that such would have been the construction of the department.

This bill was similar in its character to the bill reported by the Committee on Military Affairs. The bill from the Committee on Military Affairs—which the gentleman from Indiana [Mr. WICK] said he drew up—provided substantially for the very same matter provided for by this bill from the Committee on Public Lands. They differed slightly in their form. He had seen the other bill, and from a careful examination of it, he preferred the bill reported by him from the Committee of Public Lands, and therefore he could not consent to substitute the other for this.

The gentleman from Pennsylvania [Mr. POLLOCK] had spoken of the soldiers of the last war—the war of 1812—and inquired why they were not provided for. It was his (Mr. E.'s) impression that they were provided for by divers acts. But if they had not been provided for, it should be done by a separate bill. However, he had not intended to occupy the time of the House, and he should conclude with a motion which he intended as no

unkindness to any one in this House, but for the purpose of bringing the House to a vote on the bill, and thereby doing justice to the gallant men who have served their country on the battle-fields of Mexico. There was no reason why the bill should not be now passed, and therefore he moved the previous question.

The previous question was not seconded.

Mr. THOMPSON, of Mississippi, said, if he understood the bill, it was designed to give what was deemed a proper construction to a law passed by the last Congress. He proceeded further to explain what he understood to be the effect of the bill if it should be agreed to, and expressed the opinion that it should be so changed as to confine it to promotions less than field officers. He desired also to make another amendment, for the purpose of doing another act of justice which had been long delayed—he alluded to the soldiers of the last war. By his amendment he proposed to give to each non-commissioned officer, musician, and private, who was regularly mustered into the service of the United States as a member of any volunteer company, or company of rangers or militia, for not less than twelve months' service during the war of 1812, and received an honorable discharge, a certificate or warrant for one hundred and sixty acres of land. And in the event of the death of any such non-commissioned officer, musician, or private, after his discharge and before the issuing of the certificate or warrant, it should be issued according to the rules which govern the descent of bounty land as provided in the act of February 11, 1847. For service of less time than a year he wished to make other provisions; for three months' service he proposed to give a certificate or warrant for forty acres of land.

Mr. McCLERNAND entreated the gentleman from Mississippi not to encumber this bill with such a provision as that indicated, inasmuch as it would inevitably defeat the bill itself.

Mr. THOMPSON was of opinion that the gentleman from Illinois would vote for the bill and for the amendment also, and be one of the last men to vote it down.

The SPEAKER informed the gentleman from Mississippi that his amendment was not in order. The pending bill was declaratory in its character—it simply prescribed a construction for part of the bill of 1847, whereas the amendment which the gentleman from Mississippi proposed to offer was of an entirely different character.

Mr. McCLERNAND said the gentleman from Mississippi had asked him if he would not stand side by side with that gentleman in support of a bill to give bounty lands to the volunteers of the last war; to that he replied that such measures always received his support, and he was prepared to vote for such a bill at a proper time, but not when it would have the effect of strangling the measure now pending.

Mr. THOMPSON denied that his object was to strangle this measure. He was desirous to co-operate with those who were evidently so eager to do justice to the meritorious men who had served in the Mexican war; but he desired at the same time to couple with it a provision to do justice to another class of men, who also had strong claims on their country. However, perhaps it would be more advisable to refer the bill to the Committee of the Whole on the state of the Union, where it could be amended so as to accomplish his purpose and the desire of the friends of this bill. He would go further still, and vote to make the bill the special order for some particular day.

Mr. EVANS begged to remind the gentleman that this was merely a declaratory act; it related to the construction of a particular act; and he hoped the gentleman would not embarrass it with any irrelevant motion.

Mr. THOMPSON still insisted that it should be referred, that it might be seen whether it carried out their intentions.

Mr. RICHARDSON. The gentleman from Maryland seems to fear that the amendment I had the honor, when this bill was last under consideration, to propose, may retard or defeat the bill. I assure the gentleman that if I thought it would do so I should not urge it, for I am sure no man can be more satisfied than I am of the necessity of the passage of some such law upon this subject.

Mr. EVANS, of Maryland, said the gentleman from Illinois is entirely mistaken. I am satisfied his proposed amendment is proper, and would accept it if I could.

Mr. R. proceeded. The proviso to the ninth section of the act granting bounty lands to non-commissioned officers, musicians, and privates, is as follows:

"*Provided*, That nothing contained in this section shall be construed to give bounty lands to such volunteers as were accepted into the service and discharged without being marched to the seat of war."

Now, by the construction given to this proviso, if a soldier dies the day before he reaches the seat of war, his family are not entitled to the bounty of land. If, upon his way to the seat of war, a soldier, in the discharge of his duty, becomes sick, and is discharged, he is not entitled to this bounty.

Mr. MOREHEAD took the liberty of suggesting to the gentleman from Illinois [Mr. RICHARDSON] that he was slightly mistaken as to the construction that had been given to this section of the law. He knew that it was now settled that any volunteer regularly mustered into service, and marched from the place of rendezvous, who was discharged for sickness incurred in the time of his duty, before actually reaching the seat of war, came within the provision of the law, and was entitled to bounty land; he had the written opinion of the Secretary of War to this effect.

Mr. RICHARDSON. I was not aware that the construction, such as the gentleman from Kentucky has stated, had been given to the act. I am certain that a different construction had been given to the act at the opening of the session of Congress. I can say, however, that I am glad to learn that such a construction has been given. I am satisfied that it is in accordance with the spirit of the law. My object in proposing the amendment is this: In many cases individuals were willing to go as field officers; they went to the place of rendezvous, and when they became satisfied that they could be elected to a field office, enlisted as privates, and were elected to a field office, never performing a day's service as a private. And now I submit if it is necessary or proper to give to these men the bounty of land, while all of the other officers are denied such bounty?

If a person in good faith entered the service as a non-commissioned officer, musician, or private, and afterwards was promoted, he should not be deprived of this bounty; but, if he entered the service with an understanding that he was to be promoted, and was not to serve as a private, then he is not and should not be entitled to this bounty. In many of the States the companies were mustered into the service, having elected no other officer than a captain. Immediately after the enlistment, the other officers were elected. In some of the States the companies were fully officered before their enlistment. By the bill, without any amendment, the law would operate unequally, and, in my opinion, unjustly. When the officers were elected after the enlistment of the company, they, by the present bill, would get this bounty. When the company was fully officered, before its enlistment, the officers would not get this bounty. It is to obviate this difficulty and inequality that I have proposed the amendment. There are cases that need legislative aid. My colleague [Mr. McCLERNAND] referred to one, the other day, when this bill was under discussion. There are many others, not only from Illinois, but from half the States of this Union. In cases where privates or non-commissioned officers have served as such nearly their entire time of enlistment, and then been promoted, it is right and proper to give them this bounty: they have earned it rightly, earned it in hard service for the country. I hope the bill, with some amendment that will limit it to these meritorious cases, may pass.

Some conversation ensued, in which Mr. HALL, Mr. RICHARDSON, and Mr. MOREHEAD took part.

Mr. BOYD said he had not risen to make a speech upon the bill, but simply for the purpose of suggesting an amendment restricting its benefits to officers below the grade of field officers. He thought it would be best to restrict the operation of the bill to the lower grades of officers in the army.

Mr. RICHARDSON said he had no objection to such an amendment—all he wanted was to set himself right. He was not opposed to the bill; he was strongly in its favor. He knew well the need there was for such a provision as it contemplated. The case which had been referred to by his colleague [Mr. THOMPSON] was one which had repeatedly occurred during the present war. After the battle of Buena Vista, they had great difficulty in finding officers for companies who had lost every officer in action; because men who had served in the ranks, and thereby earned their bounty lands, were unwilling to accept commissions, because they would lose their land. The bill ought to pass, but Mr. R. was for limiting its operation in such a manner as to do justice to all.

Mr. JONES, of Tennessee, advocated the reference of the bill, but not to a Committee of the Whole on the state of the Union, which was the worst place in the world for perfecting the details of a bill: he thought it ought to go to the Committee on Military Affairs, who would have time and opportunity maturely to consider the whole subject. They would examine the original law as well as the construction put upon it at the Pension Office, and when they had maturely digested the best shape for it to take, could report a suitable bill to the House. The original bill intended that all soldiers and non-commissioned officers, serving out their time and getting an honorable discharge, should get bounty land; though it contained a proviso that if they did not reach the seat of war they should not be entitled to it; but that proviso was thought to work injustice, and it was rescinded.

Mr. J. thought the bill in its present shape very objectionable, and not likely to secure the object sought in reporting it. He argued from the words of the bill that while those who had been elected from the ranks to the commission of field officers would get their land, those promoted to be only captains and lieutenants would get none—the privates who took their places would get land, while others who were mustered the very next day would get none.

Mr. EVANS said that was the very thing intended. Under the original act officers got no land at all, it was given to privates only. This bill was introduced expressly to correct that evil.

Mr. JONES (resuming) said, that should the bill become a law in its present form, it would give rise to constructions at the Pension Office that would occasion ten times as much dissatisfaction and complaint as existed now. So great was the difficulty of filling vacancies among company officers who fell on the field, that many companies from his portion of the country continued to be commanded often by second lieutenants to the end of their term of enlistment. Mr. J. thought the amendment proposed by the gentleman from Illinois, [Mr. RICHARDSON,] which restricted the benefits of the bill to privates promoted at the actual seat of war, calculated to create an invidious distinction, and confine the bounty of the Government to a favored few. Some regiments had gone to the seat of war in companies, and their field officers were elected there: these would get land, while the captains and lieutenants of their companies would be entitled to none. The bill needed to be revised and amended by a committee. He thought the Government ought to give the bounty to all the officers or to none. The law in its present shape would present great difficulties of construction, and give rise to multiplied complaints.

Mr. BLACK obtained the floor, and was about to address the House, when

Mr. HUNT inquired of the Chair whether the morning hour had not expired?

The CHAIR replying in the affirmative,

Mr. HUNT moved that the House proceed to the consideration of business on the Speaker's table.

The CHAIR stated that the first business on the Speaker's table was the Executive veto on the harbor bill.

After a brief desultory conversation,

Mr. HUNT withdrew his motion.

Mr. BLACK, said it was impossible that the House could act on a bill of this character without doing great injustice to one class of persons or another, unless it were deliberately considered and fully matured by a suitable committee. Mr. B. was for securing the land bounty to every volunteer officer. That would do justice to all. He was not in favor of any improper and invidious discriminations.

Mr. SMITH, of Illinois, observed that he had not been in the habit of troubling the House by remarks of his, but it happened that he represented here a Congressional district from which more volunteers had gone to this Mexican war than from any other in the whole country, and on that account it was fit and proper that he should say a

few words on a bill of this character. If any gentleman doubted the correctness of what he had stated, let him go to the record and he would find it to be true; if not, Mr. S. should then be ready to make to him the *amende honorable*. His district had sent two regiments to fight the battles of the country, and it was ready to send two more, if they were needed. Mr. S. might say, in relation to his own action in regard to these volunteers, that in an early stage of the proceedings of Congress in regard to the war, Mr. S. had given notice of his intention to introduce a bill to provide for the very cases contained in the present bill. But before he had had an opportunity to bring in the bill, the Committee on Military Affairs had reported one for the same objects.

Mr. S. was in favor of the bill reported from the Military Committee and also from the Committee on the Public Lands. He thought that the amendment which had been moved by his colleague [Mr. RICHARDSON] was just in its principle; he went for the distinction it contained; but certainly it would be gross injustice to exclude from the benefit of the land bounty private soldiers who for merit had been promoted to commissions on the field. Mr. S. concurred in the belief that the construction put upon the original bill at the Pension Office was wrong; but he had an amendment which he proposed to offer, which in its results would confer more benefits and on more men than the present bill. It had regard to many cases which were continually occurring in the new States.

There were many men in his district, who, prior to going into the service, had made improvements on Government lands, which they had not been able to pay for; and after having served out the term for which they entered the army, they have been prevented entering the lands which they had made valuable by their toil and sweat, by the construction given by some of the Federal officers to the laws, granting them bounty lands.

Mr. S. said, the main object he had in rising was to propose an amendment, which was highly important to all the soldiers who went from the States in which there were public lands. It was to enable those entitled to locate these bounty land warrants to do so, in tracts of forty or eighty acres, as they might deem most for their interest.

Mr. S. would like to move this as a new section to the bill; but, as he presumed that would not now be in order, he would propose it as an amendment to the amendment offered by his colleague. He held it to be proper to allow these soldiers to enter their land in tracts of eighty and of forty acres, and not require them to take their one hundred and sixty acres all in a body. Would gentlemen force these brave and faithful men to take all their bounty in woodland or all of it in prairie? He presumed not. By allowing them to enter it in smaller tracts, the amendment would go to benefit a hundred men where the bill as it now stood would benefit one.

Mr. EVANS said, that there was a bill for this very purpose now before the Land Committee.

Mr. SMITH replied, that that was very possible—so there were many other bills before the committees of the House which might never become laws. Mr. S. was for embracing the present moment: he wanted this provision, not in the shape of a separate bill, to be reported at some future day, but to have it added now as an amendment to a bill which was on the way to its passage.

The CHAIR reminded Mr. SMITH, that since the offering of the amendment of his colleague, [Mr. RICHARDSON,] a motion had been made to commit the bill. No further amendment was in order till that motion was decided.

Mr. SMITH's amendment was as follows:

"And that the land warrants for military services in the present war with Mexico, issued in pursuance of the 9th section of the act of February 11, 1847, to raise, for a limited time, an additional military force, and for other purposes, may be located by the warrantee, or his heirs at law, in forty or eighty acre tracts, at any land office in the United States, upon any of the public lands in such district subject to private entry, or upon any lands improved by the warrantee, or his heirs at law, or to which he or his heirs may have secured a preëmption right; and the provisions of this section shall apply to the cases provided for in this act."

A brief conversation ensued between Mr. FICKLIN and Mr. SMITH, of Illinois.

Mr. JOHNSON, of Arkansas, said it appeared to him that the House did not look at this matter in a correct light. Many of them seemed to regard it as a bill brought in here to cover a very large number of cases. Now the fact was that the bill, whenever it passed, would not apply to more than three or four hundred cases at most. Its object was only to supply a defect in the bill of the last session; or, more justly, it was a declaratory act—declaratory of the intent and meaning of the act of the last session, because from the very terms and language of that act these very cases were embraced therein, when by the construction of the department they were put out, and thereby this bill was rendered necessary.

The motion had been made to refer this bill to the Committee on Military Affairs. Why, the proposition to refer to another standing committee was nothing more than a reflection upon the Committee on Public Lands, who had reported it. He would like to know what peculiar and superior right the Committee on Military Affairs had to the consideration of this subject. It related equally to the business of each. He would like to ask where was the opposition to this bill? Gentlemen on the other side could reproach this side bitterly. The opposition was not on the other side. It was among the Democracy. If there were those who wanted to defeat it, let them get up and say so boldly, openly. He asked, therefore, that the bill might be voted upon by yeas and nays.

This was no extraordinary bill; it was merely declaratory of the act of last session. It was true that there was a defect in the bill as reported, but it was a defect which was amply supplied and provided against by the amendment of the gentleman from Illinois. He said let this bill pass as it stood. It provided for all the cases for which it intended to provide; and let these other cases which it was sought to provide for come up in some separate bill. He knew that every time they loaded a bill in this House with additional amendments they endangered the bill itself, or ran the risk of wearying the House until the most just and righteous act was sacrificed here. He called for the yeas and nays, and he hoped that the bill might be sustained, and the question taken upon the merits of the bill. He understood that the Committee on Military Affairs had reported a bill which was identical with the bill before the House. It seemed to him, then, that the object of referring it back to the committee, or rather to a different committee, was to produce delay and to defeat the bill. The bill and amendments as they were now presented—as every man could see by examining them—made ample provision for granting justice to those brave and patriotic citizens who had gone to war, and at the same time effectually guarded the public treasury. He called upon Democrats to sustain it, and to sustain the motion he was about to make; for he did not want the Whigs to have all the honor of passing this measure. He demanded the previous question.

Mr. HASKELL appealed to the gentleman to withdraw his demand for a few moments, to allow him to make a few very brief suggestions, which he thought would remove the difficulties under which gentlemen labored with reference to this bill.

Mr. JOHNSON withdrew his motion on a pledge from Mr. H. that he would renew it.

Mr. HASKELL said he thought he had a proposition which, if this House would adopt it, would enable them to dispose of this whole matter intelligibly, and in a manner to meet the views of all. He held in his hand a substitute for the bill, which he had lately drawn up, and which he wished to have read for the information of the House.

[The proposed substitute was read by the Clerk, and declared that promotion should be considered equivalent to an "honorable discharge," and repealed the proviso in the bounty-land law of the last session.]

Mr. H. said he understood that the great object sought to be accomplished by this bill was to give to each officer who was elected after having enlisted as a private the bounty lands which were offered as an inducement to enlist. The decision of the department excluded the officers. Now, if the bill which he proposed should be taken by the House as a substitute for the bill reported, it explained the act of 11th February, 1847, and operated as a certain and sure guide to the department in making its decision. It covered all cases; it covered the case of every individual who had been mustered into the service of the United States as a private, and who had been subsequently promoted.

The proviso which this bill proposed to repeal was this. [He read the proviso of the act of the last session, which provided that nothing contained in the section should be construed to give bounty lands to such volunteers as had been mustered into service and discharged without being marched to the seat of battle.] This proviso was manifestly unjust. If the private was mustered into the service of the United States he might contract disease before he marched one mile from the place of rendezvous; and if he was taken sick and died before he reached the seat of war, he died as much in the service of his country as if he fell by the bullets of the enemy. This proviso was wrong on its very face. The bill which he offered covered all classes of cases, and rendered unnecessary all the manifold amendments which had been suggested to the bill under consideration.

Mr. HARALSON inquired, whether the substitute embraced cases of promotion in the regular army?

Mr. HASKELL. There are no such promotions in the regular army.

Mr. HARALSON entertained a different opinion.

Mr. HASKELL, in compliance with his pledge, renewed the demand for the previous question.

In reply to inquiries by Messrs. THOMPSON, of Mississippi, and McLANE—

The SPEAKER stated that the previous question, if sustained, would cut off the motion to refer, and bring the House to a direct vote—first, upon the amendment of the gentleman from Illinois, and next on the engrossment of the bill.

Mr. HOUSTON, of Alabama, before the question on seconding the demand for the previous question was taken, wished to raise a question of order, which was, perhaps, as pertinent here as it would be in any place. He did not make it, he remarked, because he was opposed to the bill. He intended to vote for it. It was this: that as the bill made an appropriation of lands, and in its alternate provisions also made an appropriation of money, it must, under the rules of the House, go to the Committee of the Whole on the state of the Union, unless two-thirds of the House voted that it should be passed now; and, this being the case, if the previous question were sustained, would it not—instead of bringing the House to a direct vote upon the amendment, and then upon the engrossment of the bill, which would otherwise be the main question—bring the House to vote first upon the reference?

The SPEAKER. The Chair would state to the gentleman from Alabama and the House, that, in case this bill involved upon its face an appropriation of money, the previous question, if sustained, would bring the House to vote upon the reference to the Committee of the Whole on the state of the Union. The Chair did not, however, regard this as a bill which necessarily went to the Committee of the Whole on the state of the Union. There was hardly a bill which came before the House which did not necessarily involve some expenditure; yet, if it did not on its face contain an appropriation of money, it was not required to go to the committee. There was no rule which required that a bill which made an appropriation of the public lands should be referred, nor was there any precedent for it. The rule, moreover, required that all proceedings touching the appropriation of money must be first discussed in Committee of the Whole on the state of the Union. If this, then, was an appropriation bill, the whole discussion had been out of order. The Chair, however, regarded this as a mere declaratory act, explanatory of the act of last session, giving a construction to that act contrary to the construction given to it by the Department of War. He was, therefore, of the opinion, that if the previous question were sustained, it would cut off the motion to refer, and bring the House to a vote—first upon the amendment, and then upon the engrossment of the bill.

Mr. HOUSTON—remarking that he believed that it had been the universal practice of the House, whenever the public property was to be appropriated, to refer the bill to the Committee of the Whole on the state of the Union, and that every consideration which would produce a rule requiring appropriations of money to go to the Committee of the Whole on the state of the Union would also require a bill appropriating the public property to go there—appealed from the decision of the Chair.

Mr. STEPHENS moved to lay the appeal on the table.

The question being taken, was decided in the affirmative.

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The question then recurring on seconding the demand for the previous question, it was taken, and decided in the negative: Ayes 42, noes not counted.

The question then recurred on the motion to refer.

Mr. EMBREE referred, as his apology for troubling the House with a single remark, to certain instructions which he had lately received from his constituents. He was in favor of referring the bill to the Committee of the Whole on the state of the Union, for the purpose of making some amendments. He thought that the soldiers of the late war with Great Britain ought to be included in this or some other measure of this kind; and he feared, if this bill were brought to a direct vote, that many gentlemen would vote for it who might not be so careful to vote for granting the same benefits to those who aided in the defence of our country in the war of 1812. He was in favor of referring this bill, and then of making it the special order for some particular day.

Gentlemen had stated that the reference of the bill was calculated to create delay. He thought there had been a delay of thirty-six years in doing justice to those who had exhibited equal valor and equal patriotism in former times in defence of their country's honor and rights. By referring this bill to the Committee of the Whole on the state of the Union, the amendments he desired could be proposed, as well as other amendments which gentlemen might consider necessary to place the bill in its best shape, and they would be brought to a direct vote upon them. He could not conceive why it was that a spirit at this time was so clearly displayed in this House of willingness to make these grants to those who had been or might be engaged in the present war with Mexico, and of unwillingness to render an equal measure of justice to those who fought in the last war with Great Britain. That was a war with a Power rich in the munitions of war and in all pecuniary means; with a Power whose navy made her the boasted mistress of the seas. We had then to contend with enemies in the heart of our country, and our brave soldiers then displayed as much valor in meeting them and driving them from our coasts as had been exhibited in the present war; and it appeared to him that the same kind and just spirit should be manifested towards both classes of our citizens.

For these reasons he was in favor of the reference to the Committee of the Whole on the state of the Union, and of making it the special order for an early day.

The question being taken, it was decided in the affirmative.

So the bill and amendments were referred to the Committee of the Whole on the state of the Union.

REPORTS FROM COMMITTEES.

Mr. PUTNAM, from the Committee on Public Lands, reported a bill to authorize the Legislature of the State of Illinois to sell and convey the balance of the lands reserved and granted to said State for the use of the Ohio Saline. Read and committed.

Mr. HUNT moved that the House proceed to the consideration of business on the Speaker's table. Disagreed to.

Mr. EVANS, of Maryland, from the Committee on Public Lands, to which was referred the bill of the House to amend an act entitled "An act to raise for a limited time an additional military force, and for other purposes," approved February 11, 1847, reported the same back to the House, with the recommendation that it do not pass.

Mr. E. moved to lay the bill on the table, and that it be printed.

Mr. COBB, of Alabama, inquired of the Chair upon what question the sense of the House could be tested on this bill.

The SPEAKER replied, that if the motion to lay on the table failed, the question would then be on the engrossment of the bill.

The question being taken on laying on the table, it was decided in the negative.

Mr. POLLOCK moved to refer the bill to the Committee of the Whole on the state of the Union.

Mr. COBB, of Alabama, desired that this question should be brought before the House during the present session of Congress. It had been suggested to him, that if this reference were made, the bill might not again be reached. He trusted, however, that it would be, and he should then give his reasons why the bill ought to pass, and should endeavor to show that it would not only redound to the honor of the General Government, but to the benefit of those widows and orphans whose husbands and fathers had poured out their blood upon the battle-fields of Mexico. It was a bill that should receive the favorable consideration of the House.

The question being taken, it was decided in the affirmative.

So the bill was referred.

Mr. EVANS, of Maryland, from the Committee on Public Lands, made adverse reports on the petitions of George F. Bloom and Henry S. Bloom, and of Martin Sled, Mary King, Tottenger Schnebel, Allen Sink, Joseph Porterfield, and Henry Keeton. Laid on the table.

Mr. COBB, of Alabama, from the same committee, reported a bill for the relief of John S. Conger. Read and committed.

Mr. ST. JOHN, from the Committee on the Post Office and Post Roads, made an adverse report on the petition of Mary Matthews Nowland. Laid on the table.

Mr. LINCOLN, from the same committee, reported a bill authorizing postmasters at county seats of justice to receive subscriptions for newspapers and periodicals, to be paid through the agency of the Post Office Department, and for other purposes. Read and committed.

Also, from the same committee, reported a joint resolution for the relief of H. M. Barney. Read and committed.

Mr. JOSEPH R. INGERSOLL, from the Committee on the Judiciary, to which was referred the Senate bill for the relief of Jones and Boker, reported the same back to the House with an amendment. Committed.

Also, from the same committee, reported a bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, and the acts approved October 14, 1837, and August 23, 1842, amendatory of the same, reported it back to the House without amendment. Committed.

Also, a bill to amend the act entitled "An act to regulate the proceedings in the circuit courts of the United States and for other purposes," passed August 8, 1846. The bill was read a first and second time.

Mr. I. asked that the bill might be put upon its passage.

After some conversation between Messrs. INGERSOLL, WHITE, and DUER—

Mr. JENKINS moved to commit the bill to the Committee of the Whole. Disagreed to.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

Mr. INGERSOLL, from the same committee, reported bills to abolish the use of certain oaths at the custom-houses of the United States, and for other purposes, and to abolish public executions in certain cases. Read and committed.

Mr. TAYLOR, from the Committee on the Judiciary, reported a joint resolution for the relief of Alexander Hunter, marshal of the District of Columbia. Read and committed.

Mr. IVERSON, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Captain Samuel Jones, deceased. Read and committed.

Mr. OUTLAW, from the same committee, reported a bill for the relief of the legal representatives of Joseph Savage, deceased. Read and committed.

On motion of Mr. OUTLAW, the Committee on Revolutionary Claims was discharged from the consideration of the petition of William Champlin. Laid on the table.

Mr. BUTLER, from the same committee, reported bills for the relief of George A. Barnitz, husband of Margaret Barnitz, the only surviving heir of Lieutenant Colonel David Grier, of the army of the Revolution, authorizing the Secretary of War to issue a duplicate of land warrant No. 1,469, which originally issued in favor of Adam Hart, February 3, 1829; which bills were severally read and committed.

Also, from the same committee, made an adverse report on the petition of the legal representatives of Lieutenant George Brent. Laid on the table.

Mr. MORRIS, from the same committee, made an adverse report on the petition of Nathan Beard. Laid on the table.

Mr. RUMSEY, from the Committee on Private Land Claims, made an adverse report on the petition of the heirs and legal representatives of William Marshal. Laid on the table.

Mr. HARMANSON, from the same committee, reported bills for the relief of Sarah D. Caldwell, wife of James H. Bingham; for the relief of Edna Hickman, wife of Alexander D. Peck; and for the relief of the heirs of John Wood, deceased; which bills were severally read and referred.

Mr. WICK, from the same committee, reported a bill for the relief of the legal representatives of William McFarland, deceased. Read and committed.

On motion of Mr. BOTTS, the Committee on Military Affairs was discharged from the consideration of the resolution of the Legislature of Indiana, in relation to the compensation of the adjutant general of said State; from the petition of James S. Abel, asking Congress to increase the pay of military storekeepers; from the petition of citizens of Alleghany county, Pennsylvania, for a law to place the ordnance men of the United States army on the same footing with the other soldiers of the regular army, so far as bounty land and pensions are concerned; and from the petition of citizens of Cumberland county, Pennsylvania, for an increase in the compensation to ordnance sergeants; and they were laid on the table.

On motion of Mr. BOYD, the same committee was discharged from the petition of Anthony Drane, late a captain of the United States army. Laid on the table.

Mr. STANTON, from the Committee on Naval Affairs, made an adverse report on the petition of Thomas Gregg. Laid on the table.

Mr. WHITE, from the same committee, reported a bill for the relief of John J. Young, a commander in the United States navy. Read and committed.

Mr. PENDLETON, from the Committee on Foreign Affairs, reported a bill for the relief of Wm. M. Blackford, late chargé d'affaires to New Grenada. Read and committed.

Mr. S. LAWRENCE, from the Committee on Revolutionary Pensions, reported a bill for the relief of Francis Hutinach. Read and committed.

Mr. SILVESTER, from the same committee, made an adverse report on the petition of Dolly Tracy, widow of Solomon Tracy. Laid on the table.

Mr. FULTON, from the Committee on Invalid Pensions, to which was referred Senate bills for the relief of Fernando Fellany and for the relief of Peter Engils, senior, reported the same back without amendment. Committed.

Also, from the same committee, reported a bill for the relief of Eliza S. Roberts, widow of Lieut. Moses A. Roberts, deceased. Read and committed.

Mr. FRIES, from the same committee, made adverse reports on the petitions of John Whitmore, James Burns, Samuel Dickson, and Rachel Salts. Laid on the table.

Mr. W. T. LAWRENCE, from the same committee, reported bills for the relief of Seth Morton, and for the relief of Joseph Johnson. Read and committed.

Mr. HENLEY, from the Committee on Patents,

reported a bill for the relief of Hamilton Lapham; and Mr. H. asked that the bill be put upon its passage.

Mr. SAWYER moved to commit the bill.

After a short discussion by Messrs. HENLEY, SAWYER, PUTNAM, and FARRELLY, the bill was committed.

Mr. HENLEY, from the same committee, reported a bill to authorize the Commissioner of Patents to renew the patent of Cyrus McCormick for his horizontal plough. Read and committed.

Mr. CRANSTON presented the resolutions of the General Assembly of Rhode Island, requesting their Senators and Representatives to oppose the laying a duty on tea and coffee.

Also, resolutions of the General Assembly of the State of Rhode Island, in favor of bringing the war with Mexico to a close. Laid on the table.

On motion of Mr. SIMS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Bucksville, on the Waccamaw river, in the district of Horry, South Carolina.

On motion of Mr. TOOMBS, from the Committee of Ways and Means, the bill making appropriations for the naval service for the year ending June 30, 1849, was recommitted to the Committee of Ways and Means.

Mr. VAN DYKE presented resolutions of the Legislature of New Jersey, affirming the declaration of the sentiments of the Chicago Convention, held in July, 1847, upon the improvement of rivers and harbors. Referred to the Committee on Commerce.

Mr. McKAY, from the Committee of Ways and Means, to which had been referred the bill requiring all moneys receivable from customs and from all other sources to be paid immediately into the treasury without abatement or deduction, and for other purposes, reported the same back to the House without amendment. Committed.

On motion of Mr. POLLOCK, it was made the special order of the day for Wednesday next.

Mr. POLLOCK, from the same committee, reported the following resolution, which was read and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of repealing so much of the existing laws relating to the public lands as requires all patents issued from the General Land Office to be signed by the President of the United States; and also, so much of said laws as authorize the President to appoint a secretary to sign said patents. Also, to inquire into the expediency of amending said laws so as to require all patents for public lands to be signed by the Commissioner, and countersigned by the Recorder, of the General Land Office, or to be executed and issued in such manner as will be most compatible with the public interest, without the signature of the President, and as will avoid unnecessary delay in the issuing thereof.

Mr. DUNN, from the Committee of Claims, reported bills for the relief of Elijah Milam; for the relief of Thomas P. Graham; for the payment of a debt due to the heirs of Antoine Peltier; for the relief of the heirs of Nicholas Lachance and others; which bills were read and committed.

Also, made an adverse report on the petition of Benjamin Sawyer.

Mr. CROWELL, from the same committee, made adverse reports on the petitions of John Harris, Captain W. J. Heady, Hiram Hall, and S. H. Zink. Laid on the table.

Mr. FLOURNOY, from the same committee, reported a bill for the relief of Christopher H. Pix, of Texas. Read and committed.

Also, made an adverse report on the petition of Nathaniel Cox. Laid on the table.

RIVER AND HARBOR IMPROVEMENTS.

Mr. HUNT moved that the House do now proceed to the consideration of the business on the Speaker's table. Agreed to.

The first subject taken up, was the message of the President of the United States, returning to the House of Representatives the bill to provide for continuing certain works in the Territory of Wisconsin, and for other purposes, with his objections for withholding his approbation of the same—on which two questions were pending, viz: Mr. WENTWORTH's motion to refer to the Committee on Commerce, and Mr. VINTON's motion to refer to a select committee.

Mr. VINTON withdrew his motion to refer to a select committee, and the question recurred on the motion to refer to the Committee on Commerce.

Mr. HAMPTON, of Pennsylvania, said, that prior to taking up the subject which he intended to discuss at the present time, it might not be inappropriate to submit a few remarks, and they should be very few, on a subject intimately connected with the making of appropriations for the improvement of rivers and harbors. He referred to the question of the tariff. He should not now go at length into the discussion of that question, because it had been already ably discussed by several gentlemen on this floor, and particularly by his colleague, [Mr. STEWART was understood by the allusion.] But the district which he had the honor to represent on this floor was deeply interested in the question of the protection of American labor and American capital. They believe that, notwithstanding the boasted benefits of the tariff of 1846, the old-fashioned American Whig tariff of 1842 was best calculated to promote their interest and the interests of the whole country; and, accordingly, at a recent county convention held in the county of Alleghany, resolutions were passed calling on Congress to repeal the tariff of 1846 and restore the tariff of 1842. He regretted that he had not the paper before him containing those resolutions, for he should cheerfully submit them to the consideration of the House. He was not ashamed of the contents of those resolutions, for he most cheerfully and cordially concurred with the sentiments expressed in them. He believed the tariff of 1846 ought to be repealed, and the tariff of 1842 restored; and he hoped the appropriate committee would bring in a bill for that purpose, and that the House would be brought to a direct vote upon it in a short time. He believed it was due to the interests of the country, and to its industry, that that odious free-trade British act should be repealed and an American tariff restored.

Mr. BEDINGER rose and said the question, as he understood it, was on the veto message of the President in relation to improvement of rivers and harbors; but the gentleman was discussing the tariff. Now, he asked if the gentleman was in order?

The SPEAKER was understood to say that the gentleman was not out of order.

Mr. HAMPTON said, if they proceeded to make appropriations for the improvement of rivers and harbors, it would be necessary to look to the revenue whence the means to make the expenditures for that purpose must be derived. That, therefore, was a question affecting the tariff, as the means of creating a revenue, and he should proceed, being perfectly in order, to express his opinion that the tariff act of 1842, if it were substituted for the act of 1846, would furnish ample means for the purpose.

He did not propose to go into a discussion of the details of that bill; but, as a member of the Whig side of the House, he wished to take up the glove which was thrown down some time since by a gentleman on the other side of the House from the city of New York, [Mr. NICOLL,] who asked if the Whig members of this House would have the boldness to meet them on the question of protection or free trade? For one, (and he was not authorized to speak for his brethren,) he was ready, on his own behalf, and in the name of his constituents, to meet them there or elsewhere on the question of American industry, or the odious system, the humbug of free trade. The gentleman from New York stated that, as between the question of protection and direct taxation, he was in favor of the latter. In so many words, he was in favor of direct taxation. Now, (said Mr. H.,) I take issue with that gentleman for myself and my constituents; and I may safely say for the State which I have the honor in part to represent, that on the question of protection or direct taxation, they will find Pennsylvania where they have not found her very lately. She will be found on the side of protection, for it is her own interest; she will be found on the side of protection; for the labor of her own citizens in opposition to the pauper labor of Great Britain. The people that I have the honor to represent have been taxed until they are unable to bear taxation any longer. But what will be the effect of a system of direct taxation on her? Why, if the revenues of this Government are to be raised by a direct tax, her proportion of the amount will be some six millions of dollars, which she must raise by direct taxes on her citizens.

But, sir, I did not rise for the purpose of discussing this question. I propose to discuss, for a short time, with the indulgence of the House, the question of appropriations for the improvement of rivers and harbors. On that subject, sir, I shall spend a few minutes, and but a few, on the question of its constitutionality. That has been denied by the President in his message; and I regret that I have neither the time nor the ability to take up that message, item by item, and examine and refute it, as I would do, high as the authority that asserts the doctrines which it contains may be. The argument of the President is, that it is unconstitutional to make appropriations for the improvement of harbors and rivers. But I presume I need not go into a discussion of that question at all, for this House has vetoed the President's veto itself. We have already passed on that question, and I doubt not a large and overwhelming majority of this House is ready at any time to decide it constitutional to make appropriations for that purpose.

But, sir, I propose to submit a few remarks on that subject before I proceed to the discussion of the propriety of making appropriations for objects of the kind contemplated. Prior to the formation of this Union, I would like to know if any gentleman will deny that the States possessed power to make appropriations for the improvement of rivers and harbors within their respective jurisdictions? Well, if they possessed that power, what has become of it? Did they surrender it to the General Government, or did they retain it, or is it lost? One of these three propositions must be true. It is admitted on all hands that the States do not possess it without the authority of Congress. The President has stated in his message, and the Constitution proved, that the States cannot levy a duty on tonnage without the consent of Congress for that or for any other purpose. Well, if the States cannot do it without the consent of Congress, I should like to know if Congress cannot do it without the consent of the States? Does the Constitution provide that Congress must ask the States if they will make such appropriations for purposes of this kind? Not at all. Suppose Congress should refuse to grant the consent of which the President speaks: Have the States the power to levy a duty on tonnage? Where, then, is the power to make these appropriations and to levy this duty on tonnage? It is nowhere. No power possesses it, if Congress refuses its consent; for the States cannot do it without Congress, and Congress refuses to grant its consent. But, sir, I would like for a moment to call the attention of gentlemen to the provisions of the Constitution. The tenth section provides that—

"No State shall enter into any treaty, alliance, or confederation; grant letters of marque and repri-al; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

"No state shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imports, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."

Here the power is unconditional and unqualified. But may not Congress consent that the State of Pennsylvania, or Massachusetts, or South Carolina, shall make her own tariff in her own way? Unquestionably it may, under the same provisions of the Constitution which authorizes Congress to consent that States may levy a duty on tonnage. I ask gentlemen why they single out the duty on tonnage, when that subject is but one of many which are embraced in the same general provisions? The clauses of the Constitution which make provision on the subject of "imposts or duties on imports and exports" also provides that no tonnage duty shall be imposed but with the same sanction of Congress. The words are:

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

Why, then, I repeat, are we called upon to single out one particular power that may be be exercised by States with the consent of Congress, leaving all other powers to be exercised by Congress? Why, the President tells you, you have no power to make appropriations for the improvement of rivers and harbors with one breath, and with the next he tells you that you have that power, if you chose to exercise one of the powers granted by the Constitution with the consent of Congress. Well, how is

this matter? Has Congress the power to consent that the States shall levy duties on tonnage, and has she not the right to exercise that power herself? Has Congress the power to declare war? Undoubtedly it has. But has it the power to consent that a State may wage war? Who ever heard it pretended for a moment that Congress does not possess the power to declare war and to keep troops and ships in time of peace? Who ever heard it doubted for a moment? And yet these powers are placed in the same category with that of levying duty on tonnage. If Congress does not possess the power to levy a duty on tonnage and to improve harbors and rivers, then Congress does not possess the power to keep ships in time of peace, or to declare war; and perhaps the President so thought when he brought on this Mexican war himself. Perhaps that was the reason why he did not apply to Congress to declare war, and, Jackson-like, "took the responsibility."

Now, I say, we should either exercise this whole power in a judicious manner, for the good of the whole people of these United States, or give back to the various States the power on these different subjects which they possessed before the Union. Will you split up these powers, and apportion them amongst the States? It is impossible. You cannot do it.

But, sir, the President tells us further that we may go on and improve rivers and harbors by means of this tonnage duty. I ask how this is to be done? Here is the State of Pennsylvania, for instance: how is she to improve the Ohio river, which is beyond her borders? Here are Pennsylvania, Virginia, Ohio, Kentucky, and Illinois, all interested in the improvement of the Ohio river. Suppose Pennsylvania were permitted by law to levy a duty on tonnage, where would she expend her money? How is the Ohio river to be improved by that? Here is the State of Ohio on the one side and Virginia on the other. We are told that two States may enter into an agreement for that purpose; but they cannot do it. The Constitution forbids States to enter into any compact. "No State shall enter into any treaty, alliance, or confederation," is the language of the Constitution. But, if you remove that difficulty, what then? If Ohio agrees, Virginia may disagree. If Kentucky consents, Illinois may not do so. How, then, are you to improve your harbors and rivers? I mention these as instances to show the difficulties which present themselves, for we have rivers passing through many States. The thing is impossible.

Well, sir, if you have no power to improve these rivers and harbors—if you have no power to remove a rock or a sandbar or a snag, which, in the West, are known as "Polk stalks"—I should like to know how you get the power to erect lighthouses, and to place buoys to point out the dangers of navigation on the seacoast, and to put up marks for the guidance of mariners? Where do you derive your power? How does it come to pass that you pass laws regulating the number of longboats and steamboats, and give tokens or signs to the boatmen that they may know which course to steer and which to avoid? Where do you get that power? If you have no control over the western rivers at all—if you have no power to improve them, where do you get your power to erect custom-houses, and take money from the pockets of the steamboat owners before you allow them to sail on those rivers? or to legislate at all on the subject of steamboat navigation, imposing heavy penalties for not having longboats, water-buckets, lights, &c.? In my city of Pittsburg the President appoints custom-house officers, and there he takes money for licenses for boats to run on the river, and inspectors of engines. But this is not regulating commerce in the sense contended for by the President. He takes money for a license to run upon that river, over which he says he has no control. I should like to know what right he has to send custom-house officers there to take our money, if he has no business there—if he has no control over them whatever. What right have you to collect duties from our owners of steamboats, and put it into the treasury of the United States, if those rivers are exclusively within the jurisdiction of the States, and if Congress has no control over them? That right is founded alone on the assumption that these rivers are great national highways, open to all the citizens of the United States. As far back as 1787 it was expressly declared, by an ordinance of Congress, that all these western rivers—the Mississippi and all its tributary streams—are public highways, and free and open to all citizens of the United States. Its language is, that "the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways." Now, if the General Government has power to declare that these streams are public highways, and that all the citizens of the United States have the right to pass and repass upon them, I should like to know if it has not committed itself to keep these public highways in repair? It is that fact that enables the General Government to take toll on these waters, to erect custom-houses, and to receive money for licenses. It is because they have declared them to be highways, free and open for all the citizens of these United States. And as the States have surrendered their power to the General Government, it is bound in good faith to carry out the power for the general good of the whole.

But the friends of these improvements, sir, have been charged with a violation of the Constitution. We have been told, that Congress has no power to make appropriations for such improvements. From whom does that allegation come? From the President of the United States and his party. Not all his party, sir; for a portion at least of them who occupy seats on this floor, have come up and sustained the right of Congress to make these appropriations. The President talks about strict construction of the Constitution. In one of the closing paragraphs of his celebrated veto message, he says:

"In the meantime, I deem it proper to add, that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this Government, and the happiness of the millions over whom it spreads its protection, will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the Constitution."

Yes, sir, "carefully abstaining from the exercise of all powers not clearly granted by the Constitution!" That *all* sounds very well, sir. If the President's practice was only in accordance with his faith, he would be an exemplary statesman, indeed. But I would like to propound to his Excellency two or three questions on this subject. I would like to know in what clause of the Constitution he finds power to annex a foreign Government to this Union? I would like to know in what part of the Constitution he finds power to extend our laws over China? And yet he recommended in his annual message, that our laws should be extended over a portion of China. The President would confer an obligation on me and on this House, if, under his rule of strict construction, he would point out the section and paragraph of the Constitution whence he derives that power. I would like to know, too, whence he derives his power to authorize a survey of the Dead Sea? I would like to know whence he derives his power, after he has conquered by the arms of this Union a neighboring republic, or even portions of its territory, to establish a system of civil government there? Yet, sir, by a single dash of the same pen that wrote the passage which I have just read, our revenue laws are extended over the Republic of Mexico. I should like exceedingly well to hear from the President, or from some friend of his on this floor, whence the President derives his power to establish a system of civil government in New Mexico, or California, or Tamaulipas, or Coahuila, or Santa Fé, or to authorize a survey of the Isthmus of Tehuantepec? What is the object of the survey of that isthmus? Why, says a gentleman near me, it is for the purpose of making a canal or a railroad. I suppose it will be a canal.

So, then, the President derives power from the Constitution to go into the territory of a sister republic and conquer it, and then go to work to make canals there, while we are told we have not power to improve the great highways that nature has made in this country, and which are laid down on our maps. Why, it would seem from this hasty review of the subject that the Constitution was made for the benefit of foreign nations, and not of this country. Everything that tends to benefit the people of this country is unconstitutional, while all that is calculated to benefit foreign trade and foreign nations is perfectly constitutional. When our forefathers framed this sacred instrument they were egregiously in error, if this construction is true. They thought they were adopting a form of constitution which would be beneficial to the people of this country. That opinion was shadowed forth in the preamble: "We, the people of the United 'States, in order to form a more perfect union, 'establish justice, ensure domestic tranquillity, pro-'vide for the common defence, promote the general 'welfare, and secure the blessings of liberty to our-'selves and our posterity, do ordain and establish 'this Constitution for the United States of Ame-'rica." But that was all a mistake and a delusion. Our forefathers were making and establishing a constitution for the benefit of foreign nations, and for the welfare of other countries.

Mr. H. went on to inquire if it was possible that such an instrument could have been framed by the makers of the Constitution, and by any fair interpretation be susceptible of being so perverted.

Gentlemen may talk about the Constitution as much as they will, but, as was not inappropriately said in jest by the gentleman from North Carolina, [Mr. ———,] you have no Constitution. Has the Constitution ever stood in the way of the party now in power? Has it prevented anything which the President and his parasites have thought proper to carry out? All power is now vested in the dominant party; and so long as that party shall continue to reign, whatever does not square with the views and purposes of the party is unconstitutional; while, on the other hand, whatever they wish to accomplish, be it what it may, is all perfectly constitutional. All the powers of this Government are rapidly concentrating in the person of the President. Gentlemen talk about the Baltimore resolutions, and about not paralyzing the will of the people; but what is it that the President can ask that he has not always got, so long as he had a majority in this House? What great measure, whether of a financial or of any other kind, has not been first originated by the President or by one of the heads of department who have been selected to do his pleasure? I detest, I abominate and abhor this one-man power. I am utterly opposed to a consolidated government. What honeyed language do we not hear on this subject from gentlemen on the other side! How eloquently they can declaim against the threatening dangers of a consolidated government; yet what else is our Government at this hour? All power, the whole Government, is now virtually in the President, and he wields and exercises it just as he pleases. Let a man have the boldness to differ from his views, and let him have the temerity to avow that difference on this floor, and he is denounced in the "Union" before the next twenty-four hours. Forthwith he must walk the plank. He had but one alternative, either to stand on the platform with the Executive or to be pushed into the sea. And that is not consolidation! Certainly not: consolidation? not at all. Measures are willed by the President, and the President is elected by the people; ergo, whatever measures he wishes are the measures of the people, and his will is the will of the people. That is the argument. But I go for a truly popular Government; by which I mean a Government in which all great measures of public policy originate with the people themselves.

But time will not allow me to dwell longer on this question of the constitutionality of the bill. Suffer me on this point to read a short extract from a letter addressed by a very distinguished gentleman, to whom I presume gentlemen will not object as a high constitutional authority. I refer to the letter of Colonel Benton. What does he say? I will read it for the benefit of our friends over the way:

"The lake and river navigation of the great West, to promote which the Convention is called, very early had a share of my attention, and I never had a doubt of the constitutionality or expediency of bringing that navigation within the circle of internal improvement by the Federal Government, when the object to be improved should be one of general and national importance."

A Voice: "That will not be admitted as good authority now."

Mr. H. Possibly it may not be now: for they change their principles so often, that one can scarcely tell what they are: it once was good authority.

I propose now to call the attention of the House to the importance, necessity, and propriety of appropriating money, and that with no stinted hand, but to an extent commensurate with the magnitude of the great interests involved, to the improvement of our western rivers.

I shall be forced to confine my attention to some of the great points in the Mississippi valley, and

unwillingly to omit a reference to the trade of the great lakes, and the propriety of improving the lake harbors. Other gentlemen who will follow me will do ample justice to that subject. If I say nothing now on that part of the subject, it is not because I do not most ardently desire to see those great interests regarded and provided for as they deserve to be; but my time is limited, and I fear I shall not have opportunity to say half I desired and intended. I refer gentlemen on that subject to the report of the Chicago Convention, and to the official survey of the lakes by our topographical engineers submitted during this present session.

What is the extent of the great Mississippi valley?

It is a vast fertile valley extending from the sources of the Mississippi in the north, to the Gulf of Mexico in the south, and from the Alleghany Mountains in the east, to the Rocky Mountains in the west.

But yesterday, this vast region was an unbroken wilderness; now it embraces eleven entire States, with parts of two others, and two Territories. It contains about 1,200,000 square miles, or 768,000,000 of acres—more than ten times as large as the kingdom of Great Britain—containing a population of nearly 12,000,000, equal to that of all the Atlantic States, and nearly e ual to one-half the population of the kingdom of Great Britain—*that being* 27,830,105.

Cast your eyes into the future for a period of only sixty years, and suppose the population to increase in the same ratio of the past sixty years, (doubling every ten years,) at the end of that period you would see spread over this fertile valley, if capable of sustaining them, more than six hundred millions of human beings! Make every reasonable deduction in this calculation, and your children now living will see the population of this valley equal at least to that of the whole of Europe. "Europe comprises 61 independent States, 'of these 3 are empires, 16 kingdoms, 7 grand 'duchies, 1 electorate, 11 duchies, 1 landgravate, '11 principalities, 1 lordship, 1 ecclesiastical state, 'and 9 republics." The population of the whole is about two hundred and forty millions.

What is the length of the navigable and of the boatable rivers in this great valley? On this subject permit me to quote from the same authority and from the same document. I mean Colonel Benton's letter to the Chicago Convention:

"Many years ago the late Governor Clarke and myself undertook to calculate the extent of the boatable water in the valley of the Mississippi: we made it about 50,000 miles, of which 30,000 were computed to unite above St. Louis, and 20,000 below. Of course, we counted all the infant streams on which a flat, a keel, or a batteau could be floated, and justly; for every tributary, of the humblest boatable character, helps to swell not only the volume of the central waters, but of the commerce upon them."

An official report states the length of streams navigable by steamboats at 16,000 miles. The navigation of these "inland seas," these mighty rivers, is obstructed by rocks, snags, sand-bars, and falls. They need the fostering hand of Government to make them, what nature designed them to be, the great arteries of this immense region of country, along which shall flow, free and unobstructed, its commerce, its agricultural products, its minerals, and its manufactures.

We invoke the fostering hand of the General Government to improve the navigation of these great national highways, and thus increase the facility of bringing the agricultural products of the country to a market. We have not the vast advantages enjoyed by our brethren on the Atlantic or on the Gulf. We are shut in between two vast chains of mountains; but we believe our Government has the power to confer on us a benefit so greatly needed, and we call on it to exert that power for good.

And here let me invite the attention of the House to the increase of the commerce and agriculture of this great valley, exhibiting a growth as astonishing and almost incredible as that of its navigation.

The first vessel which navigated our streams was the frail Indian canoe, constructed of bark. This sort of vehicle has even yet scarcely ceased; and, though the Indian war-whoop has scarcely died in the bosom of our forests, these rivers are already covered with steamers of the largest size. Next came the Mackinaw boat, carrying from 1,500 pounds to three tons; and next came the keel-boat, or barge, of from thirty to forty tons. With a boat of this description from three to four months were consumed in making a trip from New Orleans to St. Louis. In 1819 the voyage occupied a steamboat twenty-seven days. Now it is accomplished in less than four days.

The annual exports from the lower part of the Mississippi valley for the year 1802 amounted to about $2,160,000, and the imports to about $2,500,000. For the year 1846 the receipts from the upper country at New Orleans amounted to $77,193,464. In 1817, when steam was first introduced upon the Mississippi, the whole commerce, from New Orleans to the upper country, was transported in about twenty barges, of an average of 100 tons each, and making one trip in a year. The number of keel boats on the Ohio was about 160, carrying thirty tons each. The whole tonnage was estimated at between 6,000 and 7,000 tons.

In 1836 (a period of nineteen years) the number of steamboats on the Mississippi and its tributaries was 230, and their tonnage 39,000.

In 1840 the number of steamboats was	285	—tonnage	49,800		
1842	do	do	450	do	90,000
1843	do	do	672	do	134,400
1844	do	do	685	do	144,150
1845	do	do	789	do	159,713
1846	do	do	1,190	do	249,050
1847	do	do about	1,200		

The value of the property transported in 1847 was—

Western produce shipped to New Orleans	$84,912,810
Produce shipped from port to port for home consumption	90,000,000
Shipped through Pittsburg and the canals for the waters of the Ohio and Mississippi	84,000,000
Total value of produce shipped	$258,912,810

It is estimated that the foreign merchandise, coin, bullion, and other articles received in exchange amount to the same sum. The value of the property, then, shipped on the Mississippi and its tributaries would amount in one year to the sum of say $500,000,000; a sum far exceeding in value all our commerce with foreign nations.

And here I must be permitted to notice particularly the trade, &c. on the Ohio river, at its head, the city of Pittsburg. (For this I am indebted to Mr. Bingham:)

Steamboats belonging to and built at the port of Pittsburg, as appears by the books of the collector.

In 1844 there were built and enrolled	44	—tonnage	7,034		
1845	do		45	do	5,815
1846	do		53	do	8,394
1847	do		55	do	9,353
			197		30,596

The whole number of steamboats belonging to the port of Pittsburg, on the 1st of January, 1848, was one hundred and nine; the total tonnage of this port on the same day was 28,000 tons.

The cost of building and fitting out steamboats on the western rivers averages $80 per ton. Hence the original cost of the tonnage of this port, at $80 per ton, would be $2,240,000.

As time will not permit me to go through all the details, I must content myself with showing the increase of trade and travel by contrast. Thus, from the Ohio river—

In 1843, steamboat arrivals, 1,707, tonnage 165,317 tons.
In 1847, " " 3,178, " 372,465 "

Thus it will be seen that in four years the travel and trade on the river has been doubled.

To carry out the last year more fully, it will show the following result:

Steamboat arrivals	3,178	Tonnage	372,465
" departures	3,178	"	372,465
			744,930
Add one-third over custom-house measurement			248,310
Flat and keel-boat arrivals 764, tonnage			20,730
			1,013,970

This is the entire tonnage of the Ohio river landed at the port of Pittsburg.

About ten millions of bushels of coal from the Monongahela and about seventy-five millions of feet of lumber from the Alleghany river descends the Ohio every year.

From these statistical details, which rest on the highest authority, it will appear that the internal commerce of our great western valley amounts in value to double that of the foreign commerce of the country. Yet notwithstanding this well authenticated fact, while we send ambassadors, chargés, and consuls to all the countries of the world, and maintain fleets in every sea; while we spend millions on millions for the protection of foreign commerce, not a dollar is expended to aid this great commercial interest of the people of the Mississippi valley. We do not complain of what you do for the foreign commerce of the country: it is all as it should be: what we complain of, and justly, is that we, with a commerce double in amount, get not a dollar for ours.

We are taxed to sustain this Government; we fight your battles. I know not how many men may have gone from the district of the gentleman from Illinois [Mr. SMITH] over the way, but I do know that five companies were mustered in the county of Alleghany alone, whose numbers, according to our latest accounts, have dwindled down so that the average diminution averages twenty-four men from each company. We bear your burdens; we sustain your armies; we pay your taxes; and all we ask in return is the fostering hand of our own Government to protect so vast an interest as I have stated. Nor do we beg this as a favor. No; the West asks no favors, as she shrinks from no responsibilities. We demand it as our right.

Mr. HAMPTON's hour here expired, and the floor was obtained by—

Mr. SAWYER, of Ohio, who said he had not risen to debate the bill, or to make a speech on that or any other subject, (not even the Presidency.) He thought we had had quite enough speeches on the subject; the subject was well understood on all hands. He had risen to move the previous question.

After a brief conversation as to whether the previous question should be put now or in the morning, it was agreed, as the hour was late, to defer it till to-morrow.

And thereupon, the House adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

By Mr. WHITE: The petition of D. G. Garnsey, praying Congress for pay for services during the war with Great Britain.

By Mr. GAYLE: A memorial of the citizens of Mobile, asking an appropriation to deepen the channel of Mobile bay.

By Mr. HALL, of Missouri: The petition of William Gibson, asking pay for certain property lost while in the service of the United States. Also, a petition from various citizens from the State of Missouri, asking a grant of land to the Hannibal and Saint Joseph Railroad Company.

By Mr. JOHNSON, of Arkansas: The petition of Joseph Jester, a captured volunteer, praying relief.

By Mr. BOWLIN: The memorial of the steamboat agents of the city of St. Louis, asking speedy action upon some system of legislation to guard against the recurrence of accidents in steamboats.

By Mr. TAYLOR: The petition of James S. McGinnis, of Ross county, Ohio, praying that he may be paid his account against the United States, for subsistence furnished for ninety-three men in the second regiment of Ohio volunteers.

By Mr. HAMPTON, of Pennsylvania: The petition of C. Evans, of Pittsburg, Pennsylvania, praying Congress to pass a law authorizing the Government to purchase his patent-right for the prevention of explosions of steam-boilers.

By Mr. CHAPMAN: The memorial of the Corporation of Georgetown, upon the subject of the navigation of the Potomac, and asking and appropriation for the improvement of its channel.

By Mr. SILVESTER: A remonstrance of certain inhabitants of Green county, New York, against the renewal of the patent formerly granted to Jethro Wood.

By Mr. BLANCHARD: The petition of John Dearment, of Holidaysburg, Pennsylvania, praying for a law to be passed which shall empower the Postmaster General to make an allowance to Mr. Dearment on his contract No. 1601.

By Mr. MANN: The Petition of Frederick Taylor, of Westmoreland county, Pennsylvania, a soldier in the late war with England, praying for a pension. Also, the petition of Henry Neely, of Westmoreland county, Pennsylvania, a soldier in the late war with England, praying for a pension.

By Mr. PILLSBURY: The memorial of citizens of the collection district of Saluria, Texas, praying the removal of the custom-house to Decrow's Point.

By Mr. GRINNELL: The petition of Barton Ricketson, asking compensation for removing wrecks from the harbor formed by the Delaware Breakwater.

By Mr. THOMPSON, of Mississippi: The petition of W. H. Cleveland, J. A. Talbot, N. Holley, J. R. Nixon, and J. Elmer, praying the change of the custom-house from Shieldsborough to Biloxi, Mississippi.

By Mr. STUART, of Michigan: The petition of 89 citizens of Ionia county, Michigan, for the removal of the seat of Government of the United States to Cincinnati, Ohio. Also, the petition of citizens of St. Joseph county, Michigan, and vicinity, for an increase of the pay of the postmaster at Motteville, in said county. Also, the petition of citizens of Marshall, Calhoun county, Michigan, that a post route from that place to Michigan, the capital of the State, via Eaton Rapids, be established, and that the mail be transported thereon six times per week.

By Mr. CRANSTON: The petition of the American Insurance Company and other citizens of Rhode Island, merchants, ship owners, and ship-masters, praying that a dolphin be placed on Long Bed, in Providence river. Also, the petition of Thomas R. Hazard and 302 other citizens of the town of Newport and vicinity, in the State of Rhode Island against the further prosecution of the war against Mexico.

By Mr. DUNCAN, of Ohio: The petition of citizens of Delaware county, Ohio, asking the establishment of a post office at Stratford, in said Delaware county.

By Mr. DUER: The petition of sundry citizens of the United States, residing at the port of Oswego, in the State of New York, praying for an appropriation for the reconstruction of the piers and the improvement of the harbor at Oswego.

By Mr. CROWELL: The petition of Thomas H. Goodwin, Arad Kent, and others, citizens of Summit county, Ohio, remonstrating against the passage of the bill renewing to the heirs of Jethro Wood the patent for the cast-iron plough, for various reasons, and among them because the said Jethro Wood and his heirs have already enjoyed the patent for a period of twenty-eight years.

PERSONAL EXPLANATION.

Yesterday morning, in the House of Representatives, Mr. CHARLES BROWN asked permission of the House to make a personal explanation; which was refused.

It is understood that Mr. BROWN desired to notice a paragraph in the remarks of Mr. LEVIN, as *reported* to have been delivered yesterday, which was *not spoken* by him in debate. The following note from Mr. LEVIN will fully explain the matter.

Mr. BROWN requests us to say, that had the remarks been made in the House, he would have given them the same notice as he did the other portions of Mr. LEVIN's remark.

To the Editors of the National Intelligencer:

SIRS: I feel it due to my colleague, the Hon. CHARLES BROWN, to say that the following paragraph, though forming a part of my notes, was not delivered in the House. In reporting, as I do, my own speeches from my own notes, it is often impossible to remember whether each point had been really discussed in the House. Respectfully,

L. C. LEVIN.

"Otherwise he certainly would not have given it a personal application. If I remember aright, the people of that district which I now have the honor to represent once elevated my colleague from the third Congressional district to a seat in the councils of the nation. So long as Rome or Ireland ruled it he represented it. He seems to think that the spirit of 'incendiarism' still slumbers amongst that patriotic and much injured people. Whether he will have equal reason to defame those whom he now represents, the next Congressional election in Pennsylvania will decide."

IN SENATE.

THURSDAY, *March* 9, 1848.

Mr. DAVIS, of Mississippi, presented a petition from the attorneys for the Choctaw Indians, asking such action as may be necessary to protect their legal rights for services rendered in prosecution of their claims growing out of the treaty of Dancing Rabbit Creek; which was referred to the Committee on Indian Affairs.

Mr. DIX presented a memorial from the New York Historical Society, asking that Congress will take such steps as will ensure a more perfect and satisfactory census in 1850; and that the act authorizing the next census should be passed by the present Congress; which was referred to the Committee on the Judiciary.

Mr. DIX also presented a petition from citizens of New York, asking the privilege of importing wheat free of duty, for the purpose of being ground for exportation; which was referred to the Committee on Commerce.

Mr. FOOTE presented a petition from citizens of Mississippi in relation to the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. FOOTE also presented the proceedings of a meeting of the Baptist Convention of Mississippi, asking that a territory may be set apart for the exclusive use and occupancy of the Indian tribes; which was referred to the Committee on Indian Affairs.

Mr. CORWIN presented a petition from Mary Ann W. Van Ness, praying an extension of the appellate jurisdiction of the Supreme Court of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. ASHLEY, from the Committee on the Judiciary, reported House bill supplemental to the act entitled "An act concerning the Supreme Court of the United States," approved June 17, 1844, without amendment.

The bill from the House further to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1848, was read a first and second time by its title, and referred to the Committee on Finance.

Mr. JOHNSON, of Maryland, rose to make inquiry of the Presiding Officer, whether there had been received any answer to a resolution which he (Mr. J.) had submitted on the 30th day of December last, calling for a detailed statement of the number of troops called into service since the 13th of May, 1846, the number killed, the number that had died, &c.

The VICE PRESIDENT answered, that it did not appear from the Journal that any such reply had been received.

Mr. JOHNSON then gave notice that unless it was answered within a day or two he would renew the call.

The Senate proceeded to the consideration of Executive business at twenty minutes past twelve o'clock, and remained therein until nearly six, when the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 10, 1848.

The Journal of yesterday was read and approved.

Mr. SAWYER moved to reconsider the vote by which the bill to renew the patent heretofore granted to Hamilton Lapham was committed to a Committee of the Whole.

Mr. HENLEY said if the motion was agreed to, he would make a report referring the matter to the Commissioner on Patents for his investigation and decision.

Mr. VENABLE moved to lay the motion to reconsider on the table. Agreed to.

PRIVATE BILLS.

On motion of Mr. CROWELL, the House resolved itself into Committee of the Whole on the private calendar, (Mr. BRODHEAD, of Pennsylvania, in the chair.)

The first bill on the calendar was a bill for the relief of Anthony Walton Bayard.

After a few remarks by Messrs. BOWLIN, SAWYER, POLLOCK, and CUMMINS—

Mr. CUMMINS moved to amend the bill by striking out the retrospective clause and inserting an amendment granting a pension at the rate of $12 per month, to continue during his natural life.

Mr. J. R. INGERSOLL make some urgent remarks in support of the bill and amendment; and when he concluded—

Mr. GIDDINGS moved to amend Mr. CUMMINS's amendment by striking out "$12" and inserting "$20" per month. Disagreed to.

Mr. FULTON moved to strike out "$12" and and insert "$15" per month. Agreed to.

The bill was then laid aside to be reported to the House.

The bill next taken up was a bill to extend to John J. Adams a patent for flattening cylinder window glass.

A discussion followed, in which Messrs. SAWYER, HENLEY, EVANS, CUMMINS, BOWLIN, and NELSON, participated.

After various and ineffectual efforts to amend the bill, it was eventually so amended as to provide "that the application of John J. Adams for 'an extension of the patent heretofore granted to 'him for his invention of a machine for flattening 'cylinder window glass may be made at any time 'within six months after the passage of this act, 'in the manner prescribed by existing laws, with 'the like effect and the same privileges and advan-'tages as though he had made such application 'within the time prescribed by existing laws: *Pro-'vided*, That no right of action shall accrue to the 'said John J. Adams by virtue of said extension 'for any violation of the patent so extended which 'shall happen within six months after the renewal 'of such patent shall be granted."

Mr. SAWYER then moved that the bill be laid aside to be reported to the House, with the recommendation that it do not pass.

After some debate, the committee was divided on the motion, when it appeared a quorum did not vote.

The CHAIRMAN was proceeding to execute the 126th rule, which requires the roll to be called and the names of the absentees reported to the House, when

Mr. DUER raised a point of order. He contended that the fact that a quorum had not voted was not proof that a quorum was not present.

The CHAIR decided that the rule was imperative, and had been so decided by his predecessors.

Mr. TOOMBS said he should appeal from that decision if the Chair did not permit the House to be the judge and interpreter of its own rules.

After some conversation thereon, in which Mr. SIMS, Mr. SAWYER, and others took part, the Chair put the question on the appeal thus: "Shall the decision of the Chair stand as the judgment of the House?"

Tellers were called for, and Messrs. HENLEY and POLLOCK were appointed, and they reported 84 in the affirmative, and 18 in the negative; no quorum voting.

The CHAIRMAN (having so large a majority of those who voted, though less than a quorum to sustain him) directed the roll to be called, in accordance with the rule; and when it was called through—

The committee rose and reported the bill providing for the payment of arrearages of pension to Anthony Walton Bayard.

The CHAIRMAN also reported that the committee had found itself without a quorum, and that the roll had been called in accordance with the rule of the House. He further reported that 137 members had answered to their names; he reported further the names of the absentees, that they might be entered on the Journal.

Mr. McCLELLAND rose and said the House would remember that thirty of its members were absent by leave of the House, attending the remains of the late JOHN Q. ADAMS to their last resting-place, and he wished to know if those names would be entered on the Journal as absentees? He thought, according to what he deemed a proper construction of the rule, those names should not be recorded amongst those of the absentees, inasmuch as they were absent by leave of the House.

The SPEAKER was understood to say that the fact should be noted on the Journal.

Mr. PALFREY moved that when the House adjourns, it adjourn to Monday next.

Mr. SAWYER demanded the yeas and nays; and, on a count, it appeared that there were for taking the yeas and nays 24, against it 97.

So the yeas and nays were not ordered.

BREACH OF PRIVILEGE.

Before the vote was announced, the House was thrown into confusion by a personal conflict between Mr. HARALSON and Mr. G. W. JONES. These gentlemen had been seated in conversation at a desk in the front row, to the right of the Chair, with Mr. BOWLIN between them; and the collision was sudden and inexplicable to the House. Several members in their immediate neighborhood promptly interposed and separated them, and

The SPEAKER called upon the members of the House to resume their seats.

Some degree of order having been restored,

Mr. SAWYER rose and said he hoped the gentlemen would make the necessary explanation and apology to the House.

The SPEAKER and Mr. SIMS rose simultaneously.

The SPEAKER announced the vote to the House; which we have stated above.

Mr. SIMS said it was to prevent that announcement that he had risen; for it had occurred to him, and he was confirmed in that opinion by a gentleman near him who was familiar with parliamentary rules and practice, that the interposition of any business would preclude any action of the House on the occurrence which they had just witnessed.

The SPEAKER replied that the gentleman was in error.

Mr. SAWYER again called on the gentlemen to explain and apologize.

Mr. JOHNSON, of Arkansas, moved that the House proceed to the regular orders; but gave way to

Mr. GEORGE W. JONES, who rose and said: Mr. Speaker, I consider an apology due from me to this House. Unexpectedly on my part, I have got into a difficulty in this House while it is in session—improperly, I am ready to admit, being in the House. To the House, then, sir, I owe an apology. I hope the House will receive it, and excuse me for being concerned in an indiscretion, and I may say an indignity offered to the House.

Mr. HARALSON said, that those who had observed his course as a member on that floor, could not but know that he had always respected the order of the House, and had uniformly endeavored to preserve it. It was therefore with regret that he now found himself called on by the occurrence which had just taken place, to apologize to the House. No one could regret more than he did, that the unpleasant scene which had just been witnessed had taken place in the House. If there

was anything he desired more than another for Congress, it was a constant observance of decorous and orderly conduct in conducting the public business. Perhaps it would not be proper for him to allude to the circumstances which led to the difficulty. Suffice it to say, they had been such as he had thought himself justified in what he had done, though, up to that time, so far as he knew, the most friendly relations had existed between himself and the gentleman from Tennessee.

Mr. STEPHENS moved to adjourn; but the motion exciting loud cries of dissent in all quarters, Mr. S. withdrew it.

Mr. JONES, of Tennessee, said, that up to the very moment of the occurrence which the House had witnessed, no unkindness had prevailed between the gentleman from Georgia and himself; on the contrary, he had always viewed that gentleman as his friend.

Another motion being made for an adjournment—

The SPEAKER reminded the mover that there was already a motion pending, that when the House adjourns, it adjourn till Monday next.

The yeas and nays were demanded; but, before they were ordered—

Mr. THOMPSON, of Mississippi, observed, that he had not been present when the collision took place between the two gentlemen; but he now undrstood that it was purely a matter of the moment, and that all difficulty between his two friends had been already arranged. Yet he thought it was proper that some action should be taken by the House in reference to the occurrence, and he had therefore drawn up a resolution, which he would beg leave to send to the Chair.

Mr. STEPHENS moved to lay the resolution on the table. No good could arise from having the private quarrels between members of the House spread upon the Journal.

The motion to lay on the table was negatived.

The question was put on the motion that when this House adjourns, it will adjourn till Monday next, and it was agreed to.

A motion was made that the House do now adjourn. It was decided in the negative by yeas and nays: Yeas 31, nays 123.

The resolution offered by Mr. THOMPSON was then read, as follows:

Resolved, That a select committee of five members be appointed, who shall inquire into and report to the House the facts in relation to the personal rencontre on the floor of the House, during its session to-day, between the members from Georgia and Tennessee, the honorable Messrs. HARALSON and JONES, and also what proceedings in their judgment are necessary for the vindication of the dignity of this House.

Mr. WASHINGTON HUNT, of New York, expressed his hope that the resolution would be adopted, and he tendered to the gentleman from Mississippi his thanks for having offered it. It was true, the occurrence had been very properly apologized for; yet the House owed it to its own dignity and self-respect, that measures be taken to prevent the occurrence of like scenes in future. If there was anything in which the people of the country took a just pride, it was in the orderly deportment of their Representatives in that House; and when outrages of this kind were perpetrated in what was especially their own Hall, the people felt themselves wounded. Perhaps it was not necessary that anything further need be said in regard to the past; but certainly the House owed it to themselves to take some action in the matter, and he did not see how they could adopt a more proper resolution than that which had just been moved. He hoped it would be adopted.

Mr. BEDINGER moved to adjourn, but great disapprobation being manifested, Mr. B. withdrew the motion.

Mr. McLANE observed that the House had received an ample apology for what had taken place, and the character and dignity of the House were thereby shielded; and, under such circumstances, he could see no necessity for raising a committee of inquiry. He was opposed to placing the personal quarrels and momentary disagreements of members of the House upon its Journals with a view of promoting its dignity; he thought it likely rather to have a contrary effect. He had not risen to speak to the resolution, but for a far more agreeable purpose; he rose to state to the House that the two gentlemen between whom an unpleasant collision had arisen, mutually regretted what had passed, and had mutually apologized to each other. They both felt that it was the result of a momentary ebullition of passion, and regretted that a thing so foreign to the feelings they had always entertained toward each other should have occurred before the House and before the country. They had, as he had stated, mutually and simultaneously expressed that regret, and apologized to each other. As a gentleman and a man of honor, Mr. McLANE felt satisfied that this was the proper mode of settling the affair in cases where nothing but mutual friendship and good will had previously existed between the parties.

Mr. JONES repeated what he had already stated, that, up to the moment when the collision had taken place, such an occurrence had been wholly unexpected on his part. As an indignity to the House, and as a violation of its order, he deeply regretted it; and he regretted it equally on account of the individual gentleman with whom the difficulty had occurred; in token of which he here tendered him his hand.

[Applause from the House and galleries. The CHAIR called to order.]

Mr. HARALSON said he accepted the gentleman's hand, and regretted most sincerely what had happened under a momentary irritation; and he regretted it the more because, between the gentleman from Tennessee and himself there had always existed the utmost kindness and friendship, and he met him now in a spirit of mutual respect. Mr. H. was perfectly willing, however, that the House should do whatever it might deem necessary for the vindication of its own character and dignity. Before sitting down he would again say that his feelings toward his friend from Tennessee were just the same as ever.

Mr. THOMPSON, of Mississippi, said he was entirely satisfied with what had just been stated by both the gentlemen implicated in this unpleasant affair, and he rejoiced that the resolution he had offered had led to this making up between them; and if no objection should be made, he was willing to withdraw his resolution.

[Some faint expressions of objection were heard in remote quarters of the House.]

Mr. T. said, as he heard no gentleman object, he withdrew his resolution.

Several gentlemen here rose and said, "I object."

Mr. THOMPSON said he felt assured there could be no general objection—it could not go beyond some three or four gentlemen: he would, therefore, take the responsibility of withdrawing the resolution.

Mr. INGE moved to adjourn. Lost.

Mr. FULTON moved that the House again resolve itself into Committee of the Whole, and resume the consideration of private bills.

Mr. GIDDINGS said he rose to a question of privilege, but as he saw a gentleman from Massachusetts who had probably risen for the same purpose, he would yield to him.

Mr. HUDSON said he was not certain whether the resolution offered by the gentleman from Mississippi [Mr. THOMPSON] was withdrawn or not.

Mr. McLANE. It is not withdrawn; the mover cannot withdraw it—it is in possession of the House.

Mr. HUDSON. Then am I to understand that the resolution is pending?

The CHAIR. The resolution is withdrawn; it has not been acted on, and is still within the power of the mover.

Mr. THOMPSON said he had had no wish to withdraw the resolution if gentlemen were unwilling; and he would, therefore, re-move it, and let it remain before the House.

Mr. HUDSON observed, that he had been about to say, that while he had no personal feeling in this matter, and no desire that any unusual course should be adopted in regard to it, he believed the course proposed by the gentleman from Mississippi was the usual course, and as such he hoped it would not be objected to. If, as it sometimes happened in matters of this kind, the entire blame rested with one of the parties, while none whatever attached itself to the other, and the House dismissed the matter so without further inquiry, injustice might be done, and blame left to rest where it did not justly belong. It was therefore due to the parties concerned that a committee should be appointed, who should investigate the matter coolly and dispassionately; and some ten days hence, when all feeling had measurably subsided, make a report of the facts to the House, and recommend such measures as it would be proper for the House to adopt in view of all the circumstances. Mr. H. had witnessed several of these occurrences——

Mr BEDINGER here rose and insisted that the gentleman was out of order. The resolution had been withdrawn, and the Chair had so pronounced. The gentleman was speaking to a resolution not before the House.

The CHAIR stated that the gentleman from Mississippi had re-moved the resolution, and the question was now on its adoption.

Mr. HUDSON resumed. And though, in one of them, the parties engaged had made a prompt and humble confession to the House, and had apologized in the fullest manner to all concerned, yet a committee of investigation had nevertheless been appointed. Now, as a friend to both the gentlemen implicated on the present occasion—and he believed he might say that gentlemen generally on his own side of the House were sincerely the friends of both—he thought that the usual mode of proceeding had better be adopted. Let a committee be appointed, and let them recommend the proper steps to be taken. If, in their judgment, some new rule could advantageously be adopted to prevent the like occurrences in future, it would be proper to include that in their report to the House.

Mr. STEPHENS said he was entirely opposed to the adoption of the resolution. He had been here now for some years, and in that time he had witnessed several scenes approximating to that which had now occurred; but he had never seen any good, nor did he expect ever to see any, grow out of the appointment of investigating committees to report on the facts of the case. He did not believe that any committee could report the facts, all the facts, with the various shades of difference in the bearings of one upon the other. The two gentlemen here were personal friends. Of the gentleman from Georgia [Mr. HARALSON] every one would testify that there was not a more pacific or a more uniformly decorous and orderly member on the floor. And the same might with truth be said of the gentleman from Tennessee. He neither knew nor had he ever seen anything to the contrary in that gentleman. But all men were liable to be betrayed by a gust of sudden passion, and to act without caution and without reflection.

But why, after both these gentlemen had made such an ample apology to the House, and had in its presence become reconciled to each other, should any committee be appointed to tell the House the cause of the quarrel? Mr. S. did not care what it was; he did not want to know what it was; and, above all, he did not desire to see it put on the record of the House, spread out before the country and the world. Let it be buried. He said bury it; he cared not what it was. How would the dignity of the House be promoted by raking up the causes of this momentary difficulty between two gentlemen who had always been good friends, and were now good friends again? The committee would call up members before them, and one gentleman would tell the story one way and another another way, and no two would ever tell it alike; while perhaps the very process of examination would give rise to new difficulties of the like sort. The dignity of the House required no such thing. He moved to lay the resolution on the table.

The question being put, the Chair could not decide which side had it; and a count being called for—

Mr. STEPHENS withdrew his motion.

Mr. DUER observed that he had had but little practical acquaintance with the House, and therefore he could not say from experience whether investigating committees, in cases of this kind, had been productive of good or not; but he thought that the appointment of such a committee in this case, if it did no other good, would at least serve to show that the House did not regard an occurrence such as that which had now happened in its presence as a matter to be passed over merely because the parties who had been engaged were satisfied. The gentleman from Georgia seemed to consider the matter as merely a question between those two gentlemen; but it was far otherwise. The question was, whether it comported with the dignity of the House to suffer such things to pass without its notice. To do so would be virtually to say to its members, Gentlemen, you may engage in personal rencontres as often as you like, if you will only make apologies enough afterward.

It is objected, that to appoint a committee will be to give publicity to the quarrels of members. But that would give them no greater publicity; the papers would take care of that.

Mr. D. had no feeling in this matter. The occurrence was one which did not reflect on the personal character of the gentlemen involved. Any gentleman might, in an unguarded moment, be overcome by a gust of passion. It was not to punish these gentlemen Mr. D. was concerned; but he thought it due to the House that something should be done. Was this thing to go on forever? Mr. D. looked to the future; he desired a committee to report a resolution, or propose a rule of the House, that for the future, gentlemen who should engage in these contests on the floor of the House should be expelled. He desired no such thing to be done now. To expel gentlemen without a previous warning would seem harsh; but really gentlemen seemed practically to forget what that House was: it was not an association of gentlemen met for their own business or amusement; it was the House of Representatives of the American people.

Mr. WICK said he should be sorry to see this resolution adopted, or any further action taken by the House in this matter; and this for several reasons.

And, in the first place, he concurred with the gentleman from Georgia, [Mr. STEPHENS,] as to the results of the past experience of the House in cases of a similar kind. Whenever a committee had been appointed it had uniformly turned out just as that gentleman had said. The facts in a case of this kind could not be ascertained with any certainty. These collisions usually occurred when a number of gentlemen were seated close to each other, so that there was great difficulty in seeing what took place, and the confusion which instantly arose presented a like obstacle to all correct hearing. The conversations in which they arose were often carried on in a subdued tone, and it was scarcely possible to say what actually passed on either side. A committee, however patiently they examined the witnesses before them, could never satisfy themselves as to the true facts of the case. They never got at the whole case, and after groping in the dark day after day they most generally ended in making out a very uncertain and unsatisfactory report; and after the House had wasted a long time in excited discussions and contradictory statements they usually ended in declining to act. And Mr. W. would now venture to prophesy that, should the resolution proposed be adopted, the whole affair would end just in that way.

If it was desirable to mark out a course for the future, that could be done in the ordinary course, and just as well without a committee as with one.

And, as to sustaining the dignity of the House, he thought that going into a long report about the details of a squabble on the floor would be more likely to bring the House into disrespect, if not ridicule and contempt before the people, who were the true sovereigns of the country. A good book that was very often talked about, and now and then read a little, had a precept, if he remembered rightly, about doing to others as we would have them do to us. Here were two gentlemen, usually very orderly in their conduct, who had become excited, (as gentlemen from the South and the Southwest were very apt to do,) and had been guilty of some petty violence toward each other—nothing very serious—no blood shed, and neither of them much hurt, and, almost immediately becoming cool, had mutually expressed deep regret at what had occurred, and voluntarily made the amplest apology to the House. Nobody had been much scared, he believed, and nobody, so far as he knew, had felt their dignity greatly offended. Now, suppose that this was the case of himself and his friend over the way. Suppose that, without previous malice, and, on the contrary, after a previous intercourse of mutual respect and friendship, they should suddenly get into a quarrel, and Mr. W. should ask for a committee of investigation, and attempt to make a grave and solemn affair of it, when it could all be adjusted in a moment and they become as good friends as ever, would the gentleman think it was doing as he would be done by? Some allowance must be made for human infirmity and the force of momentary and sudden excitement. Certainly Mr. W. would wish they should be considered if it were his own case.

And as to rules to prevent a like occurrence in future, gentlemen could not, to use a Western phrase, "no way they could fix it," make a set of absolute rules to operate on Western men. They were not used to them. It was not according to their notions and habits. Southern and Southwestern men were, somehow, not so prudent, not so calculating, as the universal New England nation. (A laugh.) Nothing could make them so; it was not in their nature. And when two good Western and Southern friends had a little squabble for a minute or two between them, they were, forsooth, to be *expelled!* Would Mr. W. think of expelling a friend of his for such a matter as had happened here to-day? Not a whit of it. They had acted, momentarily, under an infirmity common to all men born in the South and in the West. They would do these things now and then, and man could enact no laws that would prevent them. And they did not think hard of such little occurrences: they meant no harm by it. They often got into a little scratch, but it was forgotten in a moment. Why, he and the very best friend he had in the world had once had a fight—a fight with chairs—in a justice's office, where he was a pettifogger; and no men loved each other better now. He was a good gentleman and a good friend. Mr. W. saw nothing but evil likely to grow out of the resolution: the country would laugh it to scorn—at least all that country west of the mountains. And as to preserving, by this means, the dignity of the House, the folks out there did not believe that the House had any very great dignity. They did not respect judges any more for wearing black silk gowns, nor officers for wearing cocked hats. When a little squabble took place, the chief matter was to get it done up snugly, without any further difficulty; and if this was done, he did not think the dignity of the House would be very terribly offended. He claimed some privilege for Western and Southwestern men. Let the committee make their report and form as many rules as they pleased, it would all end in nothing. The gentleman proposed that all who, in future, should be guilty of coming to blows in the House, should be expelled. It was obvious, that where one alone, or one chiefly was in fault, the rule would work abominable injustice. He hoped they should have no committee to make a solemn matter of what had been all amicably settled, and spread the momentary disputes of members all over the country. He hoped gentlemen would act in a spirit of forbearance, and that the resolution of the gentleman from Mississippi would be voted down.

Mr. HOUSTON inquired of the Chair whether the fact that these gentlemen had an open reconciliation, and had made mutual apologies to each other, and also to the House, would go on the Journal?

The CHAIR referred him to a precedent in the case of Mr. White, of Kentucky, and Mr. Rathbun, of New York, when such apologies had been made, and the whole had been entered on the Journal. The same entry would be made in this case.

Mr. BEDINGER hoped the resolution would not pass. If, after so long a time, we could not tell what was the true origin of the Mexican war, how could it be expected that a committee would, in a few days, be able to get at the true origin of this petty war on the floor of the House? Why go into such an investigation when hostilities had ceased, a treaty had been made, and mutual ratifications had passed? He moved the previous question.

After some confusion and desultory conversation, Mr. B. consented to withdraw his call for the previous question.

Mr. BAYLY said that when the resolution had been offered by the gentleman from Mississippi, [Mr. THOMPSON,] he had thought it appropriate and proper, and should have voted for it; but what had transpired since had satisfied him that it would be inappropriate now. A mutual retraxit had passed between the parties—a mutual admission of error; and, so far as any quarrel had existed between them, there was an end of it. As to the facts of the case, (for which the committee was to be raised,) they were assumed in the apologies made. And he would say to the gentleman from New York over the way, [Mr. DUER,] that the resolution would not effect the object he desired. That gentleman aimed only at preventing quarrels in future. This resolution would not do that. This was not the appropriate mode of providing against the recurrence of affairs of this kind. If the gentleman would introduce a resolution directing a committee to inquire what action ought to be taken by the House with that view, Mr. B. was ready to vote for it. But the only inquiry now was, whether the quarrel between the two members had been amicably and honorably adjusted. This had been done. The two gentlemen were heartily ashamed of what, in a moment of passion, had occurred between them, and they were deeply mortified at its publicity. Why would gentlemen seek to give it yet greater publicity? This was the only object that would be attained by the resolution, and it was one which none should desire. Mr. B. would suggest to the gentleman from New York to accomplish his object by offering an amendment to the resolution.

Mr. TUCK was gratified by observing the universal tenderness which had been manifested toward the gentlemen who had been concerned in this affair, and in that tenderness Mr. T. cordially concurred. But the question to be settled was, whether, in order to the prevention of the recurrence of like scenes in future, all that was required was that the parties should amicably settle their difference. He believed the House ought not to set such a precedent. The matter connected itself with more important considerations than those of a mere private and personal contest. An encounter had taken place between two members of the House, which was mortifying to the parties, and humiliating to the House: all who felt anxiety for the national reputation could not but be grieved that such a thing should have occurred in that Hall. He hoped such notice would be taken of it as would satisfy all that the occurrence was something of far greater importance than a mere personal quarrel. It would, he thought, be a happy circumstance, if the appointment of a committee of inquiry should be merged in the appointment of a committee to introduce new and more efficient rules for the preservation of order and the prevention of such occurrences for the future. The country—North, South, East, and West—would approve of such a measure. Mr. T. felt great tenderness towards both the gentlemen implicated; but he nevertheless hoped a rule would be adopted to prevent the recurrence of such flagrant breaches of order. If that should be done, and a member or members should be expelled from the House, it would put an eternal quietus to this matter of personal encounters. Such a scene as had been witnessed this day never would occur again. Mr. T. wished to move an amendment to the resolution instructing the committee to inquire what action of the House was requisite to prevent the recurrence of similar scenes in future. Mr. T. closed by demanding the previous question.

Before it was ascertained whether there was a second to the demand—

Mr. STEPHENS inquired of the Chair whether it would be in order for him to offer a substitute for the resolution and amendment?

The CHAIR replied, it would not now be in order, but the substitute might be read for information; and it was read as follows:

"The gentleman from Georgia [Mr. HARALSON] and the gentleman from Tennessee [Mr. JONES] having apologized to the House for the breach of order committed by them during the sitting of the House:

"*Resolved*, That said apology be accepted by the House, and that no further proceedings be taken in relation thereto."

Mr. STEPHENS said, if the previous question should be voted down, he would offer this resolution.

Mr. ROCKHILL. I feel as if I wanted to talk to the House for about two minutes. If I can be indulged, I shall not, probably, trouble the House again this session.

The CHAIR ruled Mr. ROCKHILL out of order; no debate could be allowed till it was ascertained whether there was a second to the previous question.

The vote being taken, the call was refused: Ayes 59, noes 72.

Mr. STEPHENS now wished to move the resolution which had been read.

But the CHAIR said the amendment moved by Mr. TUCK must first be disposed of.

Mr. ROCKHILL. This is the first time I have felt like saying a word to this House, and this is the first word I have said, (except aye or no.) What I rise for now, is not in reference to what

has happened here. A gentleman from New York, over the way, [Mr. DUER,] is for the House taking some action to prevent the recurrence of such things for the future. He never will prevent them. If he would put a stop to them, he must first put a stop to the human family. [A laugh.] I never struck but one man in my life; yet, sometimes, when I am in the best and most quiet humor in the world, before you can say Jack Robinson, I am *so*—(extending his arms and doubling both fists.) [Immense laughter.] I see no propriety in expelling men for such a thing as has happened to-day; all the wish I have on the subject is, that when scuffles do occur, they may all terminate just as this has done. Why expel men when they have nobly come forward and asked forgiveness of the House and of each other?

If you appoint a committee, you may have many witnesses, and not two of them witness to the same facts. Mr. R. said he had risen for fear some such rule as was talked about might be adopted. [Renewed merriment.] I have no fear of ever being expelled for such doings myself, and yet *I may*. Therefore I do not want any such rule adopted.

Mr. R. resumed his seat amidst much good natured excitement, and not a little laughter.

Mr. GIDDINGS said, that while he entertained the kindest feelings toward the individuals concerned in this transaction, he could not be unmindful of the fact, that the eyes of the nation were upon the body to which they belonged. They expect (said he) the members here to maintain the decorum and dignity properly belonging to the national Legislature. They who had deputed their representatives to transact business of high import would not expect this matter to pass unnoticed. It was due to the members and to the nation that an expression of disapprobation at least should be adopted. He thought that no such scene had heretofore been suffered to pass without an emphatic condemnation of the House. He recollected no such instance, although he recollected several affrays like the present.

He said if they suffered this transaction to pass without any expression of condemnation, it would appear that the House were receding from the position heretofore maintained. He hoped such would not be the case. He trusted that suitable measures would be adopted to vindicate the character of the House and to discourage a recurrence of scenes like that which they had just witnessed.

The question being put on Mr. TUCK's amendment, it was rejected: Ayes 54, noes 72.

And, under the operation of the previous question, Mr. STEPHENS's amendment was adopted: Yeas 77, nays 69.

The resolution, as thus amended by substitute, was then carried: Ayes 74, noes 53.

And the House adjourned.

IN SENATE.

FRIDAY, *March* 10, 1848.

The VICE PRESIDENT presented a memorial numerously signed by citizens of the District of Columbia and others, asking that the estate of Mount Vernon may be purchased by the General Government for the use of the public; which was about to be laid on the table, when—

Mr. JOHNSON, of Louisiana, suggested that its reference to the Committee on the District of Columbia would be more respectful to the memorialists. He therefore made that motion; which was agreed to.

Mr. HALE moved that the memorial be printed.

SEVERAL SENATORS. Without the names.

Mr. HALE. Yes, without the names.

The motion to print was agreed to.

Mr. DOWNS presented a petition from William W. Wall, asking that the sale of a tract of land in Mississippi may be confirmed to him; which was referred to the Committee on Private Land Claims.

REPORTS FROM COMMITTEES.

Mr. MASON, from the Committee of Claims, reported a bill for the relief of Stalker and Hill; which was read a first time.

Mr. ATCHISON, from the Committee on Indian Affairs, reported a joint resolution for the relief of H. B. Gaither; which was read a first time.

Mr. YULEE, in pursuance of notice, introduced a bill concerning the school laws in the State of Florida; which was read a first and second time, and referred to the Committee on Public Lands.

Sixteen of the private bills received some days since from the House of Representatives, were read a first and second time by their titles, and appropriately referred.

SUPREME COURT.

Mr. BERRIEN said he desired to call the attention of the Senate to a bill which had been yesterday favorably reported on by a majority of the Judiciary Committee. The object of that bill was to relieve the pressure of business in the Supreme Court. The Court had announced its intention to adjourn to-morrow, so that, if the bill was to have any effect, it would be necessary to consider and pass it at once. He moved to postpone the previous orders, for the purpose of taking up the bill supplementary to an act entitled "An act concerning the Supreme Court of the United States."

Mr. ASHLEY suggested that whenever this bill should be brought up for the action of the Senate, it would require very mature consideration. He had reported it by instruction from the majority of the committee; but it was the intention of the minority to propose an amendment which would bring the whole subject before the Senate. The minority believed that the bill as it now stands would produce more injury than if the existing system were left as it is. The bill left one class of appeals entirely unprovided for.

Mr. DAYTON. I hope the Senator from Arkansas will pardon me—but the bill is not before the Senate.

Mr. ASHLEY said his only object was to show that the bill was too important to be disposed of during the morning hour. He also wished to show that there was a division of opinion in the committee on the propriety of the change. It was said that the Court had determined to adjourn to-morrow. If so, the consideration of the bill now could be of no importance, as it could not become a law before the adjournment of the Court.

A SENATOR. The law does not compel the Court to adjourn to-morrow.

Mr. SEVIER moved that the Senate proceed to the consideration of Executive business. He had been willing to give the Senator from Georgia an opportunity to make the motion, so that the business did not occupy more than a few minutes.

Mr. BERRIEN begged merely to say that he had fulfilled his duty in bringing forward the motion; and he felt indebted to the kindness of the chairman of the Committee on Foreign Relations for the opportunity of doing so. Having discharged his duty, he would now withdraw the motion.

The question was then taken on the motion of Mr. SEVIER, and decided in the affirmative.

The Senate then (quarter past twelve) proceeded to the consideration of Executive business,* and remained in deliberation until nine o'clock, when the doors were reopened.

On motion by Mr. BREESE,

Ordered, That when the Senate adjourns, it adjourn to meet on Tuesday next.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 13, 1848.

The Journal of Friday was read and approved.

The SPEAKER commenced the call of the States for resolutions, beginning at the State at which the call was suspended on the last resolution day, viz: New York.

Mr. SILVESTER moved the following preamble and resolution:

Whereas an indignity has recently been offered to the honor of this House, and a breach of its order and decorum committed, by a personal rencontre on the floor of the House, between two of its members; and whereas it is expedient to guard against the recurrence of such offences for the future: Therefore—

Resolved, That the Committee on Rules be requested to report to this House, on or before the expiration of ten days from this date, the propriety of adopting, as a standing rule of this House, the following, or something of the like import, and that will meet the exigencies of the case, viz: If any member shall, during the session of the House, and in the presence of the House, engage in a personal rencontre with a fellow-member, he shall, for such an insult upon the dignity of the House, and upon the fact being duly ascertained, be expelled from his seat in the House, and be ineligible to the same for the remainder of the term for which he shall have been elected.

The resolution giving rise to debate, it was laid over under the rule.

Mr. HUNT offered a resolution making certain bills for the improvement of harbors and rivers, &c., the special order of the day for a certain day.

The SPEAKER ruled the resolution out of order, as it proposed to change the order of business.

Mr. HUNT moved to suspend the rules to enable him to offer the resolution.

The question was put, and two-thirds not voting therefor, the rules were not suspended. So the resolution was not received.

Mr. SLINGERLAND offered the following preamble and resolution, which were read and referred to the Committee on Public Lands:

Whereas, under the present policy regulating the sales of the public lands, monopolies oppressive to the people arise, and speculation is greatly encouraged, at the expense of actual settlers; and whereas, in a great majority of cases, those who design settling upon the public domain are compelled to pay large prices to speculators for lands which they have obtained from the Government at a low rate; and whereas an imperative necessity has grown out of this state of things that measures be taken that the public domain shall be disposed of only in limited quantities to actual settlers, so as to exclude the grasping and oppressive speculation at present existing: Therefore—

Resolved, That the Committee on Public Lands be instructed to report a bill to this House to give actual settlers the benefit of limited quantities of the public lands for a compensation which shall not exceed fifty cents per acre; said bill also providing that for all tracts of land above such specified quantities, the price shall be increased in such proportion as to prevent all unwarrantable and unnecessary speculation in such lands.

On motion by Mr. WM. T. LAWRENCE,

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of requesting the President of the United States to open negotiations with the Powers of Christendom, for the purpose of introducing into the code of national law (in conformity with the practice now recognized as obligatory in conquests on land) the principle that in wars between nations private vessels not armed for offence and not carrying munitions of war, (although belonging to the citizens or subjects of a belligerant nation,) shall be free from capture or detention by an enemy; and that the committee be authorized to report by resolution or otherwise.

Mr. MURPHY asked the leave of the House to present a petition, which he had been endeavoring for six weeks past to find an opportunity to present, but had been unable to do so in open House, in consequence of petitions not having been called for during that time.

Leave being granted by the House—

Mr. M. further said that it was from the National Reform Association of the city of Brooklyn, praying that the public lands should be granted in small parcels to actual settlers without charge; and that he was decidedly in favor of the measure.

On motion of Mr. S. LAWRENCE,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency and propriety of establishing a military post at Crown Point, on Lake Champlain, New York; and that they report by bill or otherwise.

On motion of Mr. MULLIN,

Resolved, That it be referred to the Committee on the Judiciary to inquire into the propriety of allowing defendants in criminal cases in the courts of the United States to examine witnesses on their behalf on commission; and that they report by bill or otherwise.

On motion of Mr. PECK,

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of passing an act for the settlement of the claims of the 4th regiment 2d brigade and 3d division of the Vermont Militia, for services at the battle of Plattsburg; and that they report by bill or otherwise.

On motion of Mr. HENRY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Townsend, in Vermont, to West Townsend, in said State; and that they report by bill or otherwise.

Mr. PALFREY moved the following resolution, which was read, and laid over, under the rule:

Resolved, That the President be requested to communicate to this House, if not inconsistent with the public interest, copies of instructions issued from the State Department to William Hogan, employed by this Government in the Island of Hayti, in the years 1844 and 1845; also, copies of any correspondence between the Department of State and said Hogan during and subsequent to the time of his said mission.

On motion of Mr. HALE,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of making provision for the payment of the sum which has been audited and found due to Massachusetts and Maine for militia services, as set forth in a letter from the Secretary of War, dated December 23, 1837, and found in House Doc. No. 45, 2d session 25th Congress.

* The Treaty of Peace and Cession concluded between the Commissioners of the United States and Mexico, which has been for two weeks under debate in the Senate, was last evening ratified by a vote, it is understood, of 38 yeas to 15 nays—two-thirds of the Senate being the number required to carry it.—*National Intelligencer, March* 11.

Mr. ROCKWELL, of Massachusetts, moved the following resolution, which was read and agreed to:

Resolved, That bill No 201 of the House, entitled a bill to establish the Territorial Government of Oregon, now in Committee of the Whole House on the state of the Union, and which has been made the special order for the 14th of March instant, be made the special order for the 28th of March instant.

On motion of Mr. GRINNELL,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of placing buoys and a light-house to guide vessels through Miskeket channel, between Martha's Vineyard and Nantucket.

On motion of Mr. KING, of Massachusetts,

Resolved, That document No. 36 of the 3d session 27th Congress, containing information in regard to claims of United States citizens on the Government of Hayti, be referred to the Committee on Foreign Affairs.

On motion of Mr. PEASLEE,

Resolved, That the Committee on Naval Affairs inquire into the expediency of providing by law that the officers, seamen, and marines of all vessels commissioned by the Provincial and Continental Congress to war against Great Britain be entitled to and shall receive the full benefits of all laws and resolutions enacted for the relief of the officers and soldiers of the army of the Revolution.

Mr. TUCK offered the following preamble and resolution:

Whereas the laws of the United States now permit the collection of debts by the extent of executions upon persons held as slaves, and sales have been made of slaves by virtue of such laws: Therefore,

Resolved, That the Committee on the Judiciary be directed to report a bill to prohibit the sale of persons held as slaves on any precept in favor of the United States.

Mr. STEPHENS giving notice of his intention to debate the resolution, it was laid over under the rule.

On motion of Mr. SMART,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a light-house at some point on the shore of the town of Islesborough, in the State of Maine; and also to inquire into the expediency of erecting a light-house near the town of Northport, in said State; and said committee is hereby authorized to take from the files of the House any papers in relation to the erection of said light-houses.

On motion of Mr. CLARKE,

Resolved, That the Committee on Public Buildings and Grounds inquire into the expediency of substituting gas where oil is now used for light at the public expense, and report by bill or otherwise.

On motion of Mr. GREGORY,

Resolved, That the Committee on Commerce be directed to consider the propriety of making an appropriation of not less than $10,000 for the improvement of the navigation of the Passaic river, in the State of New Jersey, and report by bill or otherwise.

Mr. ECKERT offered the following resolution, which was read and laid over under the rule:

Resolved, That the Secretary of the Treasury furnish to this House a monthly statement of all the iron, manufactures of iron, and all the mineral coal imported into the United States from the 1st of July, 1847, to the 1st of March, 1848, designating the quantity and value of the various kinds of iron, and the value of the manufactures thereof, and the amount and value of mineral coal imported during said period.

Mr. MANN offered the following resolution, which was read, and laid over under the rule:

Resolved, That the Commissioner of Pensions send to this House the papers of Mott Wilkinson, a soldier of the revolutionary war, on file in his office, and that the same be referred to the Committee on Revolutionary Pensions, as evidence in his application for increase of pension.

On motion of Mr. BUTLER,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reviving and extending the act of the 27th of July, 1842, allowing five years for the issue and location of late war bounty-land warrants, which act expired on the 27th of July last, so as to provide for such bounty-land warrants as have not been satisfied.

Mr. J. R. INGERSOLL moved to suspend the rules to enable him to submit a motion making the message of the President of the United States declining to communicate to the House of Representatives all the instructions given Mr. Slidell as minister to Mexico, &c., the special order of the day for Thursday next.

The question was put, and the motion was disagreed to, two-thirds not voting in favor thereof.

Mr. FREEDLEY offered the following preamble and resolution:

Whereas, the increased expenses of Government caused by the war with Mexico, renders it proper that additional revenues shall be provided to meet the same: Therefore.

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of so modifying and increasing the duties on imports as to yield to Government the largest amount of revenue which such imports can be made to yield consistent with the welfare and best interests of the country; such increased duties to continue during the war with Mexico, and until the debt thereby created shall be paid off; said committee to have leave to report by bill or otherwise.

Mr. VENABLE giving notice of his intention to debate the resolution, it was laid over under the rule.

On motion of Mr. BRODHEAD,

Resolved, That the petition and papers of Mrs. Martha Gray, widow of Captain Gray, the discoverer of the Columbia river, be taken from the files of this House and referred to the Committee on Public Lands.

Mr. BRADY offered the following resolution:

Resolved, That the Committee on Accounts be instructed to inquire whether any, and, if any, what, arrangements are necessary for the despatch of business in the office of the Sergeant-at-Arms.

Mr. BRADY moved the previous question, which was seconded; and the question then being on agreeing to the resolution—

Mr. RICHARDSON gave notice of his intention to debate it; and it was laid over under the rule.

On motion of Mr. EVANS, of Maryland,

Resolved, That the Committee on Commerce be instructed to inquire into the propriety of bringing in a bill providing for the appointment of an officer to reside at Chesapeake city, in the State of Maryland, for the purpose of granting enrolments and licenses to vessels engaged in the coasting trade.

On motion of Mr. CRISFIELD,

Resolved, That the Committee on Commerce be, and it is hereby, instructed to inquire into the expediency of establishing a light-house on Flat Cap, at the mouth of Annamessex river, in the State of Maryland; and also into the expediency of establishing a light-boat on the Seven-Foot Knoll, near the mouth of Patapsco river, in said State.

On motion of Mr. ROMAN,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a national foundry at Weverton, in Washington county, Maryland, and that they report by bill or otherwise.

On motion of Mr. McDOWELL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing by law a post route from the town of Moorsfield, in Hardy county, Virginia, by way of the south fork of the south branch of the Potomac river, to McDowell's post office, in the county of Highland, Virginia, and that said committee report by bill or otherwise.

Mr. GOGGIN offered the following preamble and resolution, which were read and agreed to:

Whereas the volunteers engaged for a period during the war with Mexico are required to perform the same service, undergo the same hardships, and are in most respects on the same footing with the regular enlisted soldiers of the army; and whereas the said volunteers have greatly distinguished themselves heretofore as a most efficient branch of the service: In order, therefore, to promote the enrolment of volunteers in future, if such shall be needed, as well as to provide for such as are now in service—

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of allowing to the volunteers now in the service, or who may be hereafter enrolled, the same bounty, the same clothing, and other advantages, without regard to pay, as are now allowed to soldiers enlisting in the regular army.

Mr. CLINGMAN offered the following resolution:

Resolved, That the Committee on Indian Affairs have power and authority, and they are hereby authorized, in the examination of the facts presented in the memorial of claimants under the treaty with the Cherokees, made in 1835, with supplemental articles in 1836, to send for persons, records, and papers, and to examine witnesses in relation to all the matters of complaint in said memorial set forth, as well as of the conduct of the late board of commissioners, appointed at different times under the 17th article of said treaty, and also the matters of complaint against other officers of the Government; and that they make full report to this House.

The resolution, giving rise to debate, was laid over under the rule.

On motion of Mr. DONNELL,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing additional buoys and stationary and floating lights on the Cape Fear river, between the town of Wilmington, North Carolina, and the ocean.

On motion of Mr. VENABLE,

Resolved, That the Committee on Engraving inquire into the expediency of procuring ten thousand copies of Frémont's road-map from Fort Independence, in Missouri, to Fort Wallawalla, in Oregon.

Mr. IVERSON moved the following resolution:

Resolved, That the Secretary of War be requested to furnish to this House a list of all the Creek Indian reservations under the treaty of 1832 which remain unsold by the reserver, or otherwise undisposed of, and the sales of which have not been approved by the President of the United States, designating in said list the name of each reserver, and the town to which said reserver belonged; also, whether such reservation be a dead location or not; whether any claim, and what, has been presented at the War Department for any of said unsold reservations, with the condition of such claim or title; also, what plan, if any, has been adopted by the War Department for the disposition of said unsold reservations.

Mr. IVERSON said, as the resolution was of general interest, he thought there would be no objection to its immediate passage. He therefore moved to suspend the rules for the purpose.

The rules were suspended, and the resolution was agreed to.

Mr. KING, of Georgia, offered the following resolution:

Resolved, That it shall be the duty of the Speaker of this House to cause, as soon as practicable, the desks to be removed from this Hall, the seats to remain as they are until some better arrangement can be made; that he shall also cause a suitable *tribune* to be erected in the front of the Clerk's table for the accommodation of such members as may desire to address the House from that place.

Mr. K. moved the previous question.

Mr. DONNELL moved to lay the resolution on the table; which motion was decided in the affirmative by yeas and nays: Yeas 96, nays 68. So the resolution was laid on the table.

On motion of Mr. CHASE,

Resolved, That the Committee on Military Affairs be requested to inquire into the propriety of reporting a bill to this House providing for compensating the volunteer mounted troops for the loss of horses in the Mexican war, as follows:

1. Horses dying for want of forage.
2. Stolen by Mexicans in the enemy's country.
3. Taken from the owners and appropriated to the service of the United States officers, whereby the owners were deprived of their use, &c.
4. Lost in transportation from Tampico to Vera Cruz, or in landing at Vera Cruz.
5. Compensation for the use of horses of which the owners were deprived by order of the United States, whereby the volunteer lost his horse, as well as the pay of a mounted man, and was reduced to the rank of infantry.

On motion of Mr. CROZIER,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Dalton, in the State of Georgia, to Benton, in the State of Tennessee.

Mr. JONES, of Tennessee, moved the following resolution, which was read and agreed to:

Resolved, That the Commissioner of Public Buildings be requested to report to this House what injury, if any, in his opinion, has been done to the Capitol by cutting through the walls and arches of the building for the introduction of gas pipes; also, whether, in his opinion, any injury is likely to result from digging about or under the foundation of the building for the purpose of putting in furnaces to heat or warm the halls and rooms of the Capitol; and, also, whether the heavy weight upon the dome, from the pole and its braces, which support the large gas lantern, does not endanger the dome itself, if not other parts of the building; and that he be requested also to report what will probably be the annual cost of materials to generate gas, and for hands or persons to attend the gas-works used in lighting the Capitol.

Mr. JOHNSON, of Tennessee, offered the following resolutions:

Resolved, That rotation in office, in the opinion of this House, is one of the cardinal tenets in a republican form of government, and ought never to be violated on any pretence whatever, and should be practised upon by all administrations, regardless of their party names.

Resolved, That eight years, in the opinion of this House, is the longest term any individual ought to be permitted to remain in office, whose appointment is conferred by the President of the United States and the Heads of Departments, either by the Constitution or by law.

Resolved, That, in the opinion of this House, the appointment of persons to office should be made upon the basis of representation from the several States in the Congress of the United States; that is to say, the whole number of persons appointed to office should be divided by the whole number of Representatives, giving to each Congressional district in the Union its fair ratio of officers under the Federal Government.

Resolved, That, in the opinion of this House, any Congressional district in the Union is more than competent to furnish its full quota of officers upon the principle as laid down in the foregoing resolutions, who would be honest, capable, and faithful to the Constitution of the United States.

Resolved, That, in the opinion of this House, immediately after all the offices shall be filled upon the principle laid down in these resolutions, the President and the heads of departments should divide the whole number of Congressional districts into four equal divisions, or as near so as may be practicable, classing them one, two, three, and four; the officers belonging to the first district falling into the first class shall be vacated at the expiration of eight years; those falling into the second class shall be vacated at the expiration of six years; those falling into the third class shall be vacated at the expiration of four years; those falling into the fourth class shall be vacated at the expiration of two years; so that one-fourth of the whole number of officers thus appointed would be retiring from office every two years, and a new set coming in to fill the vacancies thus occasioned.

Resolved, That, in the opinion of this House, in the selection of individuals to fill the offices under the Federal Government, due regard should be had to the farmers and mechanics of the country, so as to give them their proportion of said offices.

Resolved, That, in the opinion of this House, the people, the principles of the Constitution, the spirit of the times, and justice, all demand at the hands of the President and heads of departments, so soon as may be practicable, to carry into full and fair effect the principles and doctrines laid down in the foregoing resolutions.

Mr. J. moved the previous question.

Mr. EVANS, of Maryland, moved to lay the resolutions on the table. Agreed to. Ayes 87, noes 32. So the resolutions were laid on the table.

On motion of Mr. McKAY,

Resolved, That the Committee on Printing be instructed to inquire into the expediency of having printed the following statements, which have been prepared in the office of the Register of the Treasury:

1. A statement of the amount of all revenues received through each custom-house, and the moneys expended at each to defray the expenses of collection, from the earliest practicable period to June 30, 1847, classifying the receipts and expenditures under different heads, as far as the books of the department will permit.

2. A statement of the quantity of land sold, the amount received therefor, how paid, and the expenses of collection in each land district, from the earliest practicable period to the 30th of June, 1847, dividing the expenditures under the usual different heads.

3. A statement of the whole amount of revenue received into the treasury each year, from the earliest practicable date to June 30, 1847, giving the source from whence the same was derived.

4. A statement of the expenditures of the Government from the earliest practicable time to June 30, 1847, separating the same under different heads of expenditure, as far as can be done from the records.

5. A statement of the importations and exportations of domestic and foreign goods in American and foreign vessels to and from each country, from the earliest practicable period to June 30, 1847.

6. A statement of the tonnage of each district and State, and of the classes of vessels, from the earliest period practicable to June 30, 1847.

7. A statement of the American tonnage engaged in foreign trade and in the coasting trade and fisheries, and seamen employed, and of foreign tonnage entered and cleared, and the number of their crews from each port and State, from the earliest practicable period to June 30, 1847.

8. A statement of the amount of moneys received on account of the marine hospital fund in each district and State, and the expenditures at the same places from the same fund, and from appropriations each year, from the earliest practicable period to the 30th June, 1847.

Mr. CUMMINS offered the following preamble and resolutions, which were read:

Whereas the rights and powers conferred by the people of the United States upon the Government of the United States are by the Constitution wisely divided into and distributed among three separate, distinct, and independent departments, the Legislative, the Executive, and the Judicial, upon each of which are conferred certain separate, distinct, and independent powers and rights, and of each of which is required the faithful performance of certain separate, independent, and distinct duties: and whereas the safety of the citizens and the harmony and perpetuity of the Government itself requires that each department should be kept within its prescribed constitutional limits, and that neither be permitted to usurp the powers or to encroach upon the rights or privileges of the other: and whereas the management of our affairs with foreign nations and the power to negotiate treaties is by the Constitution conferred upon the President, and the power to ratify or reject treaties belongs to the Senate, each being held responsible to the people for the wisdom and fidelity with which they respectfully exercise these powers and discharge their respective duties: and whereas by the Constitution of the United States the President is constituted the commander-in-chief of our army and navy, and he, with his Cabinet ministers and officers in command, are charged with and held responsible for the faithful, efficient, and wise exercise of the power and discharge of the duties thus conferred: and whereas it would be impolitic and unwise, *pending* the negotiation of treaties with foreign nations, or during the existence of outstanding and unsettled questions, to give publicity to or to inform the adverse Government of the instructions given by our Government at home to our ministers and diplomatic agents abroad, or of the confidential correspondence which may have passed between them: and whereas, also, it would be unwise and often disastrous to the public interests, during the existence of a war, to publish to the world and inform the public enemy of the strength, position, condition, and movements of our army, or to disclose to the public enemy the plans of projected campaigns yet unexecuted: Therefore

Resolved, That the President of the United States, in the faithful discharge of his constitutional duties, is invested with the right and clothed with the power to withhold from publication to the world and to the public enemy such information as in his judgment, and in the exercise of a sound discretion, would jeopard the safety of our army and the success of our arms, and such as would be detrimental to the public interests and advantageous to the enemy only.

Resolved, That the President of the United States, in the faithful discharge of his constitutional duties, is invested with the right and clothed with the power to withhold from publication such *information, instructions*, and *confidential correspondence*, connected with the unsettled international controversies or pending negotiations on the same, as in his judgment, and in the exercise of a sound discretion, would be prejudicial to the public interest and beneficial to the adverse Government.

Resolved, That the House of Representatives has the right and power to call upon the President of the United States for any information which he, as President, may possess or control, touching or concerning our national affairs, either domestic or foreign, and that it is the duty of the President to communicate such information, unless, from considerations of public policy, and in the exercise of a sound discretion, he should be of opinion that the publication of such information would be prejudicial to the public interest, or advantageous to our adversaries.

Mr. CUMMINS moved the previous question.

Mr. DUNN moved to lay the resolutions on the table. Lost.

The House then refused to second the previous question; and

Mr. DUER giving notice of his intention to debate the resolutions, they were laid over.

Mr. LAHM offered the following resolution:

Resolved, That the Committee on Mileage be instructed to report a bill, as soon as convenient, so amending the laws regulating the compensation of Senators and Representatives in Congress as to reduce their compensation of travel to and from the seat of Government of the United States to the sum of five dollars for every twenty miles of travel for the first four hundred miles to and from said seat of Government, and on all the distance over the said four hundred miles the same to be reduced to two dollars for every twenty miles travel, and that said committee be also instructed to inquire into the expediency of reducing the per diem pay of members of Congress, and on this last subject they report by bill or otherwise.

Mr. LAHM moved the previous question.

The question was put on seconding the demand for the previous question, and the House refused to second the said demand; and

Mr. RICHARDSON then giving notice of his intention to debate the resolution, it was laid over under the rule.

On motion of Mr. CROWELL,

Resolved, That the petition of William Greer, together with the additional testimony in the case, be referred again to the Committee of Claims.

On motion of Mr. TAYLOR,

Resolved, That the Committee on the Public Lands be, and they are hereby, instructed to inquire into the expediency of ceding to the State of Ohio all the lands remaining unsold, and that are unsaleable, in the Chilicothe land district, in that State, for such purposes of internal improvement and education in said district as the General Assembly of Ohio may deem best.

Mr. FRIES offered the following resolution:

Resolved, That the Clerk of this House be, and he is hereby, authorized to pay to William T. Stewart his pay as messenger of the House of Representatives for the months of December, January, and February.

Mr. HOUSTON, of Alabama, giving notice of his intention to debate the resolution, it was laid over under the rule.

Mr. HARMANSON offered the following resolution, which was read, considered, and agreed to:

Resolved, That the Committee of the Whole on the State of the Union be discharged from the further consideration of House bill No. 8, being a bill relating to the collection district of New Orleans, and for other purposes, and be made the special order of the day for to-morrow, Tuesday, the 15th instant.

Mr. EMBREE offered the following resolution, which was adopted:

Resolved, That the Government of the United States owns a large quantity of land in the counties of Gibson and Posey, in the State of Indiana, lying on the Wabash and White rivers, which is flat and wet, and subject to overflow, and thereby rendered worthless, and create disease in the adjoining country; and whereas said lands have been offered for sale more than forty years, and that the same would be of great value were they reclaimed, and the country around them rendered much more healthy; and whereas it is thought practicable to reclaim said lands by draining and levelling: Therefore be it resolved, that the Committee on Public Lands inquire into the expediency of granting and ceding to said counties the portion of said lands lying in each respectively for the purposes aforesaid.

On motion of Mr. CATHCART,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing that those persons who have entitled themselves to receive 160 acres of bounty land for their services during the present war with Mexico, and who may be likewise preëmption claimants upon the Miami lands in Indiana, shall have the privilege of entering such tracts by the application of their bounty-land warrants in payment or part pay therefor: said warrants to be estimated at $200.

On motion of Mr. DUNN:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire whether there is any regulations of the Post Office Department by which greater facilities are given in the transmission through the Post Office to written than to printed matter; the reason or necessity of any such regulations; and whether there has been any unreasonable delay in forwarding any public documents or other printed matter, after being placed in the Post Office; and also whether any further legislation is necessary to ensure the speedy and safe transmission of all mailable matter deposited in the Post Office, whether printed or written.

Mr. EMBREE offered the following preamble and resolution, which were read, and the resolution agreed to:

Whereas, James Smithson, Esq., by his last will and testament, having given the whole of his property, now amounting to more than $760,000, to the United States, to found an establishment for the increase and diffusion of knowledge among men, and Congress, to carry out the liberal designs of the donor, having passed an act entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," approved August 10, 1846; and whereas officers have been appointed under said act, and are proceeding to erect a building, which, with the improvements attached, according to their estimate, is to cost about $250,000; and said officers are about to establish in said building, with the funds of the institution, a library, to contain 100,000 volumes, a museum on a large scale, a chemical laboratory, lecture-rooms for the purpose of delivering lectures, and a gallery of art; and whereas all of said objects are local in their nature, and confined to the city of Washington and its vicinity, when the design of the liberal donor was not only the increase of knowledge but the diffusion of it amongst men, for the general good; and whereas said act provides "that there is reserved to Congress the right of altering or amending, adding to, or repealing any of the provisions of this act:" Therefore, be it

Resolved, That the Committee of the Library inquire into the expediency of so changing and modifying said act as to establish a department in said institution for the purpose of collecting and arranging information on agriculture, common school education, political economy, and the useful arts and sciences; which information, together with the useful lectures that may be delivered in said institution, shall be published and circulated gratuitously among the people, so as to carry out the design of the testator in diffusing useful knowledge amongst men, and that said committee report by bill or otherwise.

On motion of Mr. TOMPKINS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing for permanent arrangements with the railroads in the several States of the Union to transport the United States mail, and means and munitions of war upon long contracts, say twenty years.

Resolved, That the said committee be also instructed to inquire into the expediency of granting such contracts on terms and conditions that certain per cent. of compensation for such services be employed to complete unfinished portions of roads, to fill up links not now connecting, and for the continuation especially of the southwestern chain of railroads; and that they report by bill or otherwise.

On motion of Mr. TOMPKINS,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the States of Mississippi and Alabama certain portions of the public lands, to aid in the construction of a railroad from Jackson, in the State of Mississippi, to Montgomery, in the State of Alabama; and that they report by bill or otherwise.

On motion of Mr. TOMPKINS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Hillsborough, Scott county, to Raleigh, Smith county, Mississippi; and the establishment of a post office at the house of Asa Myers, in the said county of Scott; and that they report by bill or otherwise. And, also, that they inquire into the expediency of granting to the Postmaster General authority to branch the mail stage route from Jackson, in Mississippi, to Gainsville and Livingston, in Alabama, at or east of Hillsborough, so that one branch pass through Philadelphia, in the county of Neshoba, and De Kalb, in the county of Kemper, and the other branch to pass through Decatur, in the county of Newton, and Marion, in the county of Lauderdale, Mississippi; and that they report by bill or otherwise.

Mr. THOMPSON, of Mississippi, moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to report to this House joint resolutions to be recommended to the several States for adoption, amending the first section of the third article of the Constitution of the United States, which provides that "the judges both of the Supreme and inferior courts shall hold their offices during good behavior," so as to read, "the judges both of the Supreme and inferior courts shall hold their offices for a term of years, to be prescribed by law."

Mr. THOMPSON moved the previous question.

Mr. FRIES moved to lay the resolution on the table; which motion was decided in the affirmative: Yeas 83, nays 68.

So the resolution was laid on the table.

Mr. SMITH, of Illinois, asked leave to introduce the following joint resolution, of which previous notice had been given, viz:

RESOLUTION authorizing the President to cause certificates to be prepared and presented to the officers and soldiers who have served in the present war with Mexico.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he hereby is, authorized to cause certificates to be prepared on parchment, of suitable size, and with appropriate devices, to be presented to each officer, non-commissioned officer, musician, and private, of the regular forces and volunteers, who has served or may serve in the present war with Mexico during the term for which he entered the army, or until he has been or shall be honorably discharged from the service; which shall be signed by the President and sealed with the seal of the War Department, and countersigned by the Secretary of War; which certificates shall set forth the term of service of the officer, non-commissioned officer, musician, or private, and the battle or battles in which he has been or may be engaged, together with all special acts of distinguished gallantry performed by him in the service.

And be it further resolved, That it shall be the duty of the President to cause such measures to be taken as he may deem most expedient and best calculated to procure correct information as to the services of the officers, non-commissioned officers, musicians, and privates, who have served or may serve in the present war with Mexico, to enable him to carry into effect the foregoing resolution.

And be it further resolved, That when any officer, non-commissioned officer, musician, or private, has been or may be killed in battle, or has died or may die in the service, the certificate aforesaid shall be presented to his family.

Debate arising on the motion for leave, it was laid over under the rule.

On motion of Mr. FICKLIN,

Resolved, That the Committee on Public Lands inquire into the expediency of reporting a bill granting bounty lands to the soldiers engaged in the Indian wars, under Generals St. Clair, Hamar, and Wayne; and also such soldiers of the war of 1812 as have not received bounty lands; and that they report by bill or otherwise.

On motion of Mr. TURNER,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at the city of Galena, in the State of Illinois; and that they report by bill or otherwise.

Mr. HALL, of Missouri, moved for leave to introduce a joint resolution of thanks to Brigadier General Price and Colonel Doniphan, and through them to the officers and men under their command.

Mr. HALL moved the previous question on the motion for leave, which was not seconded; and debate arising on the motion for leave, it was laid over under the rule.

On motion of Mr. HALL, of Missouri,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of so amending the post office laws as to give the franking privilege to all postmasters whose salaries at this time do not exceed two hundred dollars per annum.

Mr. JOHNSON, of Arkansas, moved the following resolution; but, giving rise to debate, it was laid over under the rule:

Resolved, (with the concurrence of the Senate,) That the President of the Senate and Speaker of the House of Representatives close the present session of Congress by an adjournment of their respective Houses on Monday, the 26th day of June, A. D. 1848.

Mr. GREGORY moved the following resolution; which, giving rise to debate, was laid over under the rule:

Resolved, That the Clerk of this House pay, on the audit of the Committee of Accounts, the account of T. Barley Meyers and F. F. Marbury, employed by the Solicitor of the Treasury under a resolution of the House of the 20th January, 1846, to take sworn testimony in the claim of Matthews, Wood, and Hall.

On motion of Mr. McCLELLAND,

Resolved, That the Committee on Printing inquire into the propriety of printing an additional number of the President's message, with the accompanying documents, for the use of the members of the House.

On motion of Mr. LEFFLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the Raccoon Forks of the Des Moines river to Council Bluffs, on the Missouri; also, from El Kadir to Jacksonville, in Clayton county, Iowa.

Mr. SLINGERLAND offered the following preamble and resolution:

Whereas the death of the distinguished and lamented statesman, Hon. John Quincy Adams, is a source of sorrowful interest to all parts of the Union; and as every circumstance relating to that event is universally desired and eagerly sought for; and as the copies of the addresses made in Congress and the address of the chaplain of the House of Representatives upon that event, which have been previously ordered to be printed, have been found inadequate to supply the call for them: Therefore,

Resolved, That the Committee on Public Printing be instructed to have printed twenty thousand additional copies of those addresses.

The resolution being objected to, it was not received.

On motion of Mr. HENLEY,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing for the reception of military bounty land warrants in payment for lands by persons holding preëmption rights.

Mr. CLINGMAN moved to suspend the rules, for the purpose of enabling him to offer a resolution.

The question was put, and two-thirds not voting in favor thereof, it was not agreed to.

[The following is a copy of the resolution which Mr. C. proposed to offer:

Resolved, That the President be requested to inform this House why the correspondence heretofore called for by the following resolution has not been furnished to the House:

"*Resolved*, That the President of the United States be requested to furnish to this House copies of all correspondence between the Secretary of War and Major General Scott, and between the Secretary of War and Major General Taylor, and between Major General Scott and N. P. Trist, late Commissioner of the United States to Mexico, and between the latter and the Secretary of State, which has not heretofore been published, and the publication of which may not be incompatible with the public interest."]

RESOLUTIONS FROM STATE LEGISLATURES.

Mr. HAMPTON, of New Jersey, presented resolutions of the Legislature of New Jersey, approving of Mr. Whitney's plan of constructing a railroad from Lake Michigan to the Pacific Ocean.

Mr. NELSON presented a joint resolution of the Senate and Assembly of the State of New York, against any alteration of the "Act concerning pilots," by which a competition among pilots would be diminished.

Also, a similar joint resolution in favor of the continuance of pensions to the widows of soldiers of the Revolution.

Mr. HOLMES, of New York, presented resolutions of the Legislature of New York, in relation to extending the pension laws by which widows of revolutionary officers and soldiers are entitled to pensions.

Mr. HALL, of New York, presented resolutions of the Legislature of the State of New York, against any change in the act concerning pilots which would destroy or diminish the competition now existing.

Mr. THOMPSON, of Pennsylvania, presented resolutions of the Legislature of the State of Pennsylvania, approving of Mr. Whitney's plan of constructing a railroad from Lake Michigan to the Pacific Ocean.

Mr. STRONG presented similar resolutions of the Legislature of New York.

Mr. OUTLAW presented resolutions of the Legislature of North Carolina relating to the inlets on the coast of North Carolina.

Mr. EDSALL presented the resolution of the Legislature of New Jersey in favor of Mr. Whitney's plan for a railroad to Oregon.

Also, the resolutions of the same relative to the pilot laws of the United States.

Also, resolutions of the same, approving the sentiments expressed by the Chicago Convention, in July last, in relation to harbors and navigable rivers, &c.

Mr. KING, of Georgia, presented the resolutions of the State of Georgia asking for the construction of various post-routes in said State.

Also, for changing a mail-route so as to run from Boxville up to Dublin, on the west side of Oconee river, and down from Dublin to Boxville, on the east side of said river.

Also, resolutions from the same approving of Mr. Whitney's plan for the construction of a railroad to Oregon.

Also, resolutions from the same expressive of the sense it entertains of the value of the Military Institute of the United States at West Point.

Mr. ROCKHILL presented a joint resolution of the Legislature of Indiana, relative to the payment of annuities belonging to the Miami tribe of Indians.

BILLS INTRODUCED.

By Mr. HALL, of New York: A bill concerning costs in civil suits and proceedings in the name of the United States. Referred to the Committee on the Judiciary.

By Mr. HOUSTON, of Alabama: A bill to cede to the State of Alabama the public lands lying within the limits of said State for purposes of education. Referred to the Committee on Public Lands.

By Mr. INGE: A bill for the relief of John B. Smith and Simeon Darden. Referred to the Committee of Claims.

By Mr. TOMPKINS: A bill to provide pensions for all the officers and soldiers, regular and volunteer, who have been injured and permanently disabled in the service of the United States in the existing war with Mexico. Read twice and referred to the Committee on Invalid Pensions.

NOTICES OF BILLS.

Notices of motions for leave to introduce bills were given as follows, viz:

By Mr. CUMMINS: Of the bill declaratory of the rights of naturalized citizens of the United States, and to secure and protect them in the peaceful exercise and enjoyment of their rights against the acts and influence of foreign Governments and their diplomatic agents.

By Mr. WICK: Of a bill to prohibit the importation of slaves into the District of Columbia, with certain exceptions.

By Mr. HALL, of New York: Of a bill to provide for obtaining accurate returns and annual statements of the internal trade and commerce of the United States.

Also, a bill to refund to the New York Indians the moneys withheld from them by Janus Stugker, sub-agent appointed for said Indians by the United States.

Also, a bill to extend the provisions and benefits of certain acts of Congress granting pensions to the widows of the officers and soldiers of the Revolution.

By Mr. S. LAWRENCE: Of a bill to revive and amend the act entitled "An act granting bounty lands and extra pay to certain Canadian volunteers," approved March 5, 1816.

By Mr. LA SERE: Of a bill authorizing the appointment of an additional judge of the United States District Court for the State of Louisiana.

By Mr. FULTON: Of a joint resolution authorizing the Secretary of State to furnish the clerk of the District Court of the United States for the Western District of Virginia four copies of Little & Brown's edition of the laws of the United States.

By Mr. CROWELL: Of a bill to repeal so much of the act approved February 27, 1801, and all other acts and parts of acts concerning the District of Columbia, as in any way interferes with the institution of slavery or the slave trade therein.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following communications, viz:

I. A communication from the Postmaster General, relative to the transportation of the mail from Charleston to Chagres, touching at St. Augustine and Key West, and also at Havana and across the Isthmus of Panama, and thence to Astoria, with a copy of a contract accepted by that department for that service, subject to the action of Congress.

II. A communication from the Postmaster General, transmitting, in compliance with the act of March 3, 1845, a copy of a contract for the transportation of the United States mail between New York and Bremen, upon the terms and conditions required by said act.

III. A letter from the Commissioner of Patents, in answer to the resolution of the House of the 12th of January last, as to what legislation is necessary to provide room in the Patent Office building for the arrangement of models in such manner as to give the examiners such access to them as is necessary in the discharge of their duties.

On motion of Mr. STEPHENS, the House proceeded to the consideration of the business on the Speaker's table.

The first business in order was the message from the President of the United States, returning to the House the bill *of the last session* "to provide for continuing certain works in the Territory of Wisconsin," with his objections for withholding his approval; on which a motion to refer the message to the Committee on Commerce was pending and also the previous question.

The previous question was seconded; and under its operation the message was referred to the Committee on Commerce.

The next subject in order was the message from the President of the United States, transmitting documents in relation to the return of Santa Anna and Paredes to Mexico, and refusing to furnish the instructions given to Mr. Slidell, as requested by the resolution of the House of Representatives of the 4th of January, 1848.

Mr. TOMPKINS, being entitled to the floor, rose, and stating his inability to proceed in his remarks this evening,

The House adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 14, 1848.

The Journal of yesterday was read and approved.

Mr. PALFREY asked the House to take up the resolution he yesterday offered and act upon it. The resolution was read as follows:

Resolved, That the President be requested to communicate to this House, if not inconsistent with the public interest, copies of instructions issued from the State Department to William Hogan, employed by this Government in the island of Hayti in the years 1844 and 1845; also, copies of any correspondence between the Department of State and said Hogan during and subsequent to the time of his said mission.

Objection being made, the resolution was not considered.

Mr. GAYLE, by general consent, introduced a bill, previous notice having been given, to establish the rates of postage on steamboats and other water craft not in the employ of the United States. Read and committed.

On motion of Mr. HOLMES, of New York,

Resolved, That the Committee on Agriculture be instructed to inquire into the propriety and expediency of importing into the United States the Alpaca or Peruvian sheep, and whether it would be consistent and advisable to employ the vessels of the General Government for that purpose.

On motion of Mr. CONGER,

Resolved, That the Committee on Engraving be instructed to report whether the lithographic maps accompanying the President's annual message, as ordered to be published by this House, have been furnished to the number required when the last was received, if so furnished; and if not furnished, when they may be expected, and whether there has been any unnecessary delay in furnishing the same or any part thereof. Also, that they report whether said committee have contracted for the publication of the map of Lieutenants Em-

ory and Abert, or either of them, as ordered by this House; and, if so, with whom said contract has been made, and when said maps, or any portion of the number ordered, will be ready for delivery.

REPORTS FROM COMMITTEES.

Mr. CROWELL, from the Committee of Claims, reported a bill for the relief of Cassius M. Clay. Read and committed.

Also, from the same committee, an adverse report upon the petition of John Hamilton. Laid on the table.

Mr. LIGON, from the same committee, made an adverse report upon the petition of John Degroot. Laid on the table.

Mr. DUNN, from the same committee, made adverse reports upon the petitions of Jarvis Jackson and Jeremiah Rushton. Laid on the table.

Mr. FLOURNOY, from the same committee, reported a bill for the relief of Thomas Crown. Read and committed.

Mr. HUNT, from the Committee on Commerce, made an adverse report upon the petition of Atkins Dyer. Laid on the table.

Mr. GREGORY, from the same committee, reported a bill to provide for landing and storing the cargoes of vessels from foreign ports, and for other purposes. Read and committed.

Mr. DONNELL asked leave to offer a resolution; but, objection being made, it was not received.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, made an adverse report on the petition of John McRae. Laid on the table.

Mr. SIMS, from the Committee on the District of Columbia, reported a bill to incorporate the Washington Mutual Fire Insurance Company. Read and committed.

Mr. HALL, of New York, from the Committee on the Judiciary, reported a bill for the relief of George R. Ward. Read and committed.

Mr. KING, of Massachusetts, from the Committee on Revolutionary Claims, reported a bill for the relief of Joshua Eddy, deceased Read and committed.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, reported a bill to repeal so much of the 30th section of the act to establish the judicial courts of the United States as authorizes the taking of depositions *de bene esse*, without notification to the adverse party. Read and committed.

Mr. KING, of Georgia, from the Committee on Naval Affairs, reported a joint resolution for the relief of Samuel T. Anderson. Read and committed.

Mr. K. also presented a memorial of the Chamber of Commerce of the city of New York, in relation to the removal of obstructions to navigation at Hell Gate, in the East river, accompanied by a plan for the improvement thereof. Referred to the Committee on Naval Affairs.

Mr. CHAPMAN, from the Committee for the District of Columbia, reported a bill to incorporate the Eagle Steamboat Company. Read and committed.

Also, from the same committee, reported a bill to change the name of Photius Kavasales to Photius Fisk. The bill was twice read.

Mr. C. made a brief statement of the case. The petitioner (he said) was a chaplain in the United States navy, a naturalized citizen, and at present an inhabitant of the District of Columbia, being stationed at the navy-yard in this city. Mr. Kavasales was desirous of changing his name in consequence of some events which had taken place in Greece, his native country; and the name he wished to take was that of an early benefactor. There could be no doubt of the power of Congress to pass such a law, similar acts having been passed heretofore; and, as he presumed there could be no objections to the object of the bill, he moved that it have its third reading at this time, and be immediately put upon its passage.

Mr. FICKLIN said he had been absent from the committee when this bill was under consideration, and he did not know that he should oppose the object of the bill; but he could not give his assent to the motion to pass it without previous reference to a committee. One of the standing committees of the House ought to have an opportunity of inquiring into the facts of the case, and report them to the House. He thought the House had of late got too much into the habit of passing bills hastily, on the spur of the moment, without due consideration; and he, for one, should set himself against the continuance of such a practice. He hoped the bill would take the usual course.

Mr. SIMS thought there could be no possible necessity for committing so simple a bill as this. The case was perfectly plain, and there could be no doubt as to the power of the House to act. The applicant for whose benefit this bill had been reported was a naturalized citizen of the United States, and a resident citizen of this District. When a citizen of one of the States was desirous of changing his name, an act was passed by the State Legislature, either directly or by authorizing the courts to do it. Congress stood to the people of this District in the place of a local legislature, and, no question, possessed the power to pass a bill of this description.

Mr. BURT wished to inquire of the chairman of the committee who reported this bill whether, by the laws of Maryland, (which were at present in force in this District,) the courts were not empowered to change the names of citizens applying for such change? Had the committee inquired on that subject?

Mr. SIMS replied that the committee had not made such an inquiry, because, knowing that their chairman was an able, experienced, and learned member of the Maryland bar, they presumed, of course, that he was well informed on that point.

Mr. EVANS, of Maryland, stated that the laws of Maryland gave to the courts no such power.

Mr. J. R. INGERSOLL was desirous of knowing why any man in the United States could not, without any act of Congress, or of any Legislature whatever, change his name as he pleased? He had put that question to a learned gentleman of his acquaintance, who agreed with himself in the opinion that there was nothing to prevent it. Mr. I. believed that a man could change his own name by his own act as often as he pleased. Mr. I. had seen the question tried and decided in the affirmative. But such change, when made, did not operate to diminish in the least degree the force of any previous contract the individual might have entered into previously, nor would it prevent his being brought before a court of justice for any crime he had before committed.

Mr. SIMS assented to the position taken by Mr. INGERSOLL, that a man might change his name as often as he pleased; but, though he had the natural right to do it, this was like many other natural rights which a man did not choose always to exercise. A man had a natural right to get drunk, but he could not exercise that right without consequences which every man did not like to incur. No respectable man would choose to have his name accompanied with a dozen *aliases*. It was accordingly customary in all the States for an orderly and good citizen, who for particular reasons might be desirous of changing his name, to apply to the highest tribunal in the State where he resided, who passed a solemn public act of legislation making the change desired.

In other States the necessity for this was superseded by a general law empowering certain of the State courts to grant such requests. By this means good order was preserved in the community, and a citizen whose circumstances rendered it proper and desirable that he should change his name was preserved from being exposed to suspicion in doing so. It was a good municipal police regulation, and ought to be encouraged; while, on the contrary, the change of men's names without such sanction of public authority ought not to be encouraged. He saw no conceivable necessity for any delay in so plain a case as this, and he hoped the bill would be suffered to pass at once without further objection.

Mr. PALFREY said he had not watched the course of this debate, having had his attention partially called off to another matter. He understood, however, the facts to be, that a highly respectable gentleman, a citizen of this District, and a chaplain in the navy, who was a naturalized citizen of the United States, desired, for reasons satisfactory to himself, to have his name changed, by assuming that of a deceased benefactor. The only objection Mr. P. had heard urged in opposition to this bill was, that the petitioner could make the change for himself. Mr. P. was acquainted with the fact that names were changed by statute law in the States. In Massachusetts, when a man wanted to change his name, he petitioned the State Legislature; the petition was sent to a committee, who reported a bill for his relief, which passed the usual forms, the same as any other State law. If this was the general course in the State Legislatures, he presumed, as Congress was in the place of a State Legislature to the people of this District, the same thing could here be done by Congress. The only remedy proposed by his friend from Pennsylvania [Mr. J. R. INGERSOLL] for this Mr. Kavasales was that he should change his name to any other he preferred to bear, without any of the forms of legislation. His friend was a lawyer, which Mr. P. was not; and if he said so, Mr. P. presumed that a man might, if he pleased, take a new name as often as he pleased, under which he might sue and be sued, just as under that by which he was known before. But would not this be considered as a very suspicious proceeding? The first time such a man signed his new name to a note of hand, would it give much satisfaction to the receiver of the note, who had always till then known him by another name? And would it be so if he did it a second time? Would not such a proceeding be apt to give rise to some embarrassing questions? But Mr. P. thought that the Congress of the United States had barred itself against a refusal in this case by passing previous laws for such a change. The records of the House would, he believed, show some half dozen cases in which similar applications had been complied with for the benefit of citizens of the District of Columbia. The recent case of Captain Finch, of the navy, whose name had been changed to Bolton, must be fresh in the recollection of all.

Mr. FICKLIN persisted in his objection to permitting this bill to pass without previous reference to a committee. His first objection was, that this practice of passing, what were stated to be unimportant bills, without referring them, was becoming too frequent in the House; and bills had sometimes been passed in this way, on the assurance of some member that they were mere matters of form, or of a nature so simple as not to admit of any question, which, when it was too late, were found to be of great importance. He thought it a good rule that all bills, of every kind, whether of great or little alleged importance, should go to one of the standing committees of the House, and undergo a full investigation there. The exceptions, Mr. F. thought, should be rare, indeed. In the present case, he could see no necessity for running this bill through the House, without its being referred. He would desire to ask the chairman of the committee what evidence had the committee or the House that the applicant was a resident of the District of Columbia? Had any witnesses testified that such was the fact; or had the committee taken it for granted, on the mere assertion of the party who wished to change his name. Such changes were sometimes sought for dishonest purposes, though Mr. F. was very far from charging such to be the case in the present instance.

Mr. CHAPMAN stated, in reply, that the committee and the House had as strong evidence of the fact as could possibly be desired. They had the Navy Register, which showed that Mr. Kavasales was a chaplain in the United States navy, and that, by order of the Navy Department, he had been ordered, as his station, to the navy-yard in this city. He was by birth a Greek; and he presumed he need not state that he could not be an officer of the United States navy unless he were a naturalized citizen. The applicant had shown, by this official document, that he was a citizen of the District.

Mr. C. said he could not have supposed that a little bill like this, whose only object and effect was to enable a respectable man, from an honorable motive, to change his name for that of an early benefactor, could possibly have given rise to such a discussion? He hoped his friend from Illinois [Mr. FICKLIN] would consent to withdraw his objection.

Mr. FICKLIN regretted that he could not comply with the request of his friend from Maryland, especially as that gentleman was one of the cleverest men in the House. He should be forced to vote against the passage of the bill.

Several other members were on their feet; when

Mr. STEPHENS moved the previous question.

The motion was seconded by the House, and the previous question was put and carried, and the bill was passed.

Mr. CHAPMAN, from the Committee for the District of Columbia, reported a bill to incorporate the Washington Gas Light Company. Read and committed.

Mr. SILVESTER, from the Committee on Revolutionary Pensions, made adverse reports on

the petitions of Mary Woods, Rebecca Bump, Harriet McAlister, and Emily Hoyt. Laid on the table.

Mr. S. LAWRENCE, from the same committee, made adverse reports on the petitions of Mary Blaking, Priscilla Maxwell, and Joanna Steeples. Laid on the table.

Mr. CUMMINS, from the same committee, made adverse reports on the petitions of Abigail Harris and Elizabeth Throop. Laid on the table.

Mr. COCKE, from the same committee, to which was referred Senate bill amending the act entitled "An act granting half-pay to widows or 'orphans, where their husbands and fathers have 'died of wounds received in the military service 'of the United States, in cases of deceased officers 'and soldiers of the militia and volunteers, passed 'July 4, 1836," reported the same with an amendment. Committed.

Mr. FREEDLEY, from the same committee, made adverse reports on the petitions of David Black, Hannah Hampton, the heirs of David Jewett, Ruth Loomis, Philena Phelps, Thankful Penly, and John Sutherland. Laid on the table.

Mr. PRESTON, from the Committee on the Library, reported the following resolution, which was agreed to:

Resolved, That 10,000 copies each of the three maps drawn by Captain McClellan, from actual surveys by himself and others of the Topographical corps, of the battles of Mexico and of Cerro Gordo, and of the operations at Vera Cruz, be printed for the use of this House, of which 1,000 copies shall be on drawing paper, and 9,000 on good thin map paper, and that the Committee on Engraving be directed to contract for the same.

Mr. W. T. LAWRENCE, from the Committee on Invalid Pensions, reported a bill for the relief of Joel Thacker. Read and committed.

COLLECTION DISTRICT OF NEW ORLEANS.

On motion of Mr. THIBODEAUX, the House then took up the bill relating to the collection district of New Orleans, and for other purposes, it being the special order set apart for this day.

The bill was read, and the question being on engrossing the bill and reading it a third time—

Mr. THIBODEAUX rose and said: It is not my intention to discuss the merits of this bill at any length, as its provisions are rather of a local than of a general nature, and more immediately affect the commercial interest of New Orleans than those of the country at large. The Committee on Commerce to whom the bill was referred, has reported unanimously in its favor; and, if the Legislature of the State of Louisiana be considered as good authority in this matter by the members of this House, then here there will be no opposition to its provisions; for the House of Representatives of that State has recently passed, by a vote of 51 to 19, a resolution recommending the extension of the port of New Orleans so as to include Lafayette, and the Senate concurred in it with only two dissenting voices. Sir, the city of New Orleans has, within a few years, filled her entire upper corporate limit, and has united with Lafayette, the centre of a street being the only boundary between them, though they are under different municipal authorities; but, for all purposes of trade and commerce, New Orleans and Lafayette are one and the same city. As now established by law, the port of New Orleans is limited on the upper side by the city of Lafayette, with its well-built streets and its population of ten thousand souls, while the lower part of the port, where the spread of improvement and population has been less, includes lumber-yards, saw-mills, kitchen-gardens, and other suburban establishments, and vessels are there but seldom seen, whereas the wharves of the upper part are constantly crowded with craft of every description. Thus the actual port is limited on the one side so as to exclude from the benefit of custom-house regulations a very large portion of its inhabitants, who are among the most deeply interested in its commercial prosperity. The exigencies of commerce imperiously demand the extension of the port of New Orleans as proposed by the bill under consideration, and, so far as I have been able to ascertain, the opposition to the measure is based more upon merely local considerations than upon any circumstances affecting its expediency and necessity as a matter of general interest and utility.

The bill was then ordered to be engrossed and read a third time; and being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

MR. SLIDELL'S INSTRUCTIONS.

On motion of Mr. STEPHENS, the House proceeded to the consideration of the business on the Speaker's table, viz: The message of the President of the United States, transmitting documents in relation to the return of Santa Anna and Paredes to Mexico, and refusing to furnish the instructions given Mr. Slidell, as requested by a resolution of the House of Representatives of 4th of January, 1848.

Mr. TOMPKINS, who was entitled to the floor when the subject was previously under consideration, addressed the House in continuation of remarks commenced by him on the 19th of January last, and a full report of which will be found in the Appendix.

Mr. STANTON next succeeded in catching the Speaker's eye and recognition, and he ascended the tribune, or rostrum, thence to address the House, thus stationing himself with his back to the reporters. He was understood to commence by saying that it was not his purpose to reply to the speech of the gentleman from Mississippi, [Mr. TOMPKINS,] who had just taken his seat, but to give his views generally on the present state of affairs, as connected with the war with Mexico, and the responsibility that belongs to the parties that divide this country in reference to the war. In doing this, it would come properly within the scope of his remarks to defend the position which the President had taken, to which the gentleman from Mississippi had very pointedly referred. A full report of the speech of Mr. S. will appear in the Appendix.

Mr. ROOT, of Ohio, obtained the floor, and moved an adjournment, which was carried, and

The House adjourned.

PETITIONS, &c.

The following petitions and memorials were presented and referred:

By Mr. PRESTON: The petition of William C. Williams and others, praying for a change in the post office laws.

By Mr. McCLELLAND: The remonstrance of Charles Chandler and others, of Clinton, Michigan, against the further extension of the Jethro Wood patent.

By Mr. SILVESTER: The petition of certain inhabitants of the county of Greene, in the State of New York, praying for the establishment of a post route from Greenville, through Norton Hill, to Oak Hill.

By Mr. BRADY: The remonstrance of Adam Small and 100 other citizens and farmers of Franklin county, Pennsylvania, against the renewal of Jethro Wood's patent.

By Mr. HOLMES, of New York: A petition suggesting the propriety of a general law by which all incorporated plank road companies may be permitted to import lumber for actual use upon the same terms which railroad companies are permitted to import iron for the use of their respective roads.

By Mr. HAMPTON, of New Jersey: The petition of Job Haines, Reuben Roberts, and 218 other citizens of the State of New Jersey, asking Congress to establish a mail route from the city of Philadelphia to Mount Laurel, in said State, and certain post offices therein named. Also, the petition of John Bailey, Nicholas Rape, and 203 other citizens of New Jersey, asking Congress for an appropriation to remove the obstructions from Great Egg Harbor river, in said State.

By Mr. HOLMES, of New York: The petition of citizens of Wheatland for a military depôt at the mouth of the Genesee river, in the State of New York.

By Mr. GOTT: Several affidavits of citizens of Monroe county, New York, showing sums paid for the privilege of making Jethro Wood's cast-iron plough.

By Mr. NELSON: The petition of Thomas Suthard and many other citizens of Peekskill, in the State of New York, on the subject of the reduction of postage on newspapers. Also, the remonstrance of John Brayon, George L. Scars, and other citizens of Orange county, New York, against the renewal or extension of the Jethro Wood patent for the cast-iron plough.

By Mr. TURNER: The petition of P. B. Gaston and 180 others, praying for a mail route from Peru to Princeton, Winnebago, Yorktown, Washington, Bennington, Crandall's Ferry, Attica, Fairport, Gaston's Grove, and Pleasant Valley, and to Rock Island. Also, of William H. Duval and others, praying for the same subject. Also, the petition of S. D. Carpenter and 123 others, praying for a mail route from Elizabeth to Freeport, in the State of Illinois. Also, the petition of D. H. Birdsall, postmaster at Dixon, Illinois, praying for additional compensation. Also, the petition and papers of John Howe, of Freeport, Illinois, praying for a law authorizing the allowance and payment of certain accounts.

By Mr. McKAY: The petition of Sarah Yates, of Columbia, South Carolina, asking that compensation may be made to the estate of Captain John Yates for supplies which he furnished to the American army in the revolutionary war.

By Mr. ECKERT: A petition from citizens of Schuylkill county, for a mail route from Orwigsburg, Schuylkill county, to Lehighton, Carbon county.

By Mr. SLINGERLAND: The petition of John Christie.

By Mr. BUTLER: The petition of John Case and other citizens of Columbia county, Pennsylvania, asking that the General Government shall no longer traffic nor permit traffic in the public lands yet in its possession; and that said lands shall be laid out in farms or lots for the free use of such citizens (not possessed of other land) as will occupy them; and that the jurisdiction of the public lands be transferred to the States or Territories only on condition that such a disposition be made of them.

By Mr. EVANS, of Maryland: The petition of William Hudson, George W. Bennett, David F. Karmer, John J. R. Poole, and others, praying the appointment of a person to grant enrollments and licenses, to reside at Chesapeake city, Maryland. Also, the petition of Robert R. Emerson and others, citizens of Caroline county, Maryland, praying the discontinuance of certain mail routes and the establishment of others.

By Mr. RUMSEY: The petition of William H. Lampert and other citizens of Ontario county, New York, against the revival of the patent for Jethro Wood's cast-iron plough.

By Mr. STUART, of Michigan: The petition of citizens of Kalamazoo and St. Joseph's counties, in the State of Michigan, for a mail route from Kalamazoo, in the county of Kalamazoo, Michigan, to Lima, in the county of Lagrange, Indiana, via Austin's Lake, Vicksburg, John W. Buckey's, Mendon Sand Lake, and Sturgis Prairie.

By Mr. JENKINS: Twenty-three remonstrances against the renewal of Wood's patent.

By Mr. HAMPTON, of Pennsylvania: The petition of 1,300 citizens of Alleghany county, Pennsylvania, praying for the repeal of the act of Congress entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," passed February 12, 1793.

By Mr. CROWELL: The petition of Thomas Gilmore, Nathan Webb, and other citizens of Trumbull county, Ohio, for the repeal of so much of the act of Congress of March 3, 1847, as requires postage to be paid on newspapers circulating within thirty miles of the office of publication, and for such other modifications of said act as shall more effectually provide for a uniform system of cheap postage on letters.

IN SENATE.

TUESDAY, *March* 14, 1848.

The VICE PRESIDENT laid before the Senate a report of the acting Secretary of the Treasury, made agreeably to law, exhibiting certain contracts and expenditures during the periods and for the objects therein mentioned.

RESOLUTIONS OF NEW YORK LEGISLATURE.

Mr. DICKINSON presented a resolution passed by the Legislature of the State of New York, in favor of an extension of the acts granting pensions to the widows of officers and soldiers of the Revolution; which was laid upon the table, and ordered to be printed.

Mr. DIX presented a resolution passed by the Legislature of New York, in opposition to any change in the act of the 2d of March, 1837, concerning pilots; which was laid upon the table, and ordered to be printed.

PETITIONS.

Mr. ASHLEY presented the petition of Seneca G. Simmons, an officer in the army, praying to be released from liability for certain public money stolen from his possession in Mexico; which was referred to the Committee on Military Affairs.

Also, a petition of citizens of the counties of Bradley and Jefferson, in Arkansas, praying to be allowed the right of preëmption to the lands on which they have settled; which was laid upon the table.

Also, the petition of Joseph M. Meriwether, and a petition of a number of citizens of Arkansas in his behalf, praying to be allowed the right of preëmption to a tract of land; which were referred to the Committee on Public Lands.

Mr. DICKINSON presented the memorial of H. N. Denison, praying the payment of an accepted draft, drawn by James Reeside, mail contractor, on the Post Office Department; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. BREESE, it was ordered, that the petition of Emeline Owens, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. CALHOUN, it was ordered, that the petition of Robert M. Harrison, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. HUNTER, it was ordered, that William Storke Jett have leave to withdraw his petition and papers.

Mr. DOWNS submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any further provision by law may be necessary to authorize the same compensation to be paid to witnesses in the courts of the United States on the part of the defendant as on the part of the Government, and to report by bill or otherwise.

Mr. ASHLEY gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to bring in a bill to regulate the fees in the several courts of the United States.

Mr. CLAYTON, from the Committee on Finance, to whom was referred the bill authorizing the surrender of certain bonds held by the United States to the State of Indiana, reported the same with amendments, and submitted a special report on the subject; which was ordered to be printed.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to reduce and graduate the price of the public lands, and for other purposes, reported it without amendment.

THE LOAN BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives to authorize a loan not to exceed the sum of sixteen millions, reported it with amendments.

[The amendments are merely verbal, with the exception of the introduction of a clause stating that proposals are required to be sealed, and be opened by the Secretary of the Treasury, or other officer of the department, on the day appointed, publicly, in the presence of such persons as may choose to attend.]

DEFICIENCY BILL.

Mr. A., from the same committee, to whom was referred the bill from the House of Representatives, further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1848, reported it with amendments.

PRIVATE BILLS, ETC.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Alfred White, reported a bill for his relief; which was read and passed to the second reading.

Mr. DICKINSON, from the Committee on Finance, to whom was referred the bill for the relief of Benjamin Adams and Company, reported it without amendment.

Mr. WESTCOTT, from the Committee of Claims, to whom were referred the petition of Volney E. Howard, and the memorial of Isabella Cole, executrix of William Cole, deceased, submitted reports thereon; which were ordered to be printed.

VIRGINIA REVOLUTIONARY CLAIMS.

Agreeably to notice, Mr. UNDERWOOD asked and obtained leave to bring in a bill to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the revolutionary army; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

DEFICIENCY BILL.

On motion by Mr. ATHERTON, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1848.

The bill having been partially amended—

Mr. HALE inquired of the chairman of the Finance Committee, whether the item of $5,000 for expenses in the issue of treasury notes, was intended to be appropriated to the payment of officers now receiving salaries?

Mr. ATHERTON replied that he did not so understand it. The appropriation for this purpose, if he were correctly informed, amounted, in the whole, to $40,000. There was amongst the papers accompanying the bill, a statement of the disbursements during the current fiscal year, under that appropriation, amounting to $38,000. The sum appropriated being thus nearly exhausted, it was estimated by the Treasury Department that an additional appropriation of $5,000 would be necessary. He then sent to the desk a statement of these expenditures, which was read by the Secretary.

Mr. HALE then moved a proviso, that no part of this sum should be paid to officers receiving salaries for issuing or signing treasury notes.

Mr. ATHERTON said he had not the slightest objection to the amendment.

Mr. MANGUM then said, that with the permission of the honorable chairman of the Finance Committee, he would move that the bill before the Senate be passed over informally, with the view of making another motion.

Mr. ATHERTON assented.

Mr. MANGUM then moved that the Senate proceed to the consideration of Executive business.

The motion being agreed to, the Senate proceeded to the consideration of Executive business.

DEFICIENCY BILL.

The doors having been re-opened, the Senate resumed the consideration of the bill supplying deficiencies in the appropriations for the current year.

Mr. HALE said, that as he had ascertained that a similar provision had been inserted in the loan bill, he would withdraw his amendment.

Mr. BENTON moved further to amend the bill by striking out the item allowing a chargé to the Papal States, and inserting "minister plenipotentiary," and to increase the appropriation from $22,000 to $31,000.

THE TEN-REGIMENT BILL.

Mr. CASS then said: This bill will, it is now evident, lead to a somewhat protracted discussion, and I therefore hope that it will be passed over informally, and that the Senate will take up the ten-regiment bill. I shall not trouble the Senate with any remarks in support of this suggestion, but merely express the hope that gentlemen will acquiesce in the propriety of adopting it.

Mr. WEBSTER. I hope that further debate on the ten-regiment bill will not be prosecuted until a certain matter now pending, and to which I may not at present further refer, shall have been decided in one way or another. I have no disposition to defer the consideration of the bill, but, in my judgment, it is important that the matter to which I have alluded should be decided before this military bill be taken up.

Mr. CASS. I do not understand at all how any motion in secret session can have any relation to this bill. There is no necessity to affect mystery where there is none. The whole world knows that a minister goes shortly to Mexico.

Mr. WEBSTER. The whole world knows what?

Mr. CASS. That somebody goes to Mexico with a certain paper. There are two very special reasons why we should act on this bill promptly. We should be prepared for the most vigorous prosecution of the war, if that paper should be rejected by Mexico. We all know that the Government of Mexico is tottering and unstable; we all know the difficulties to which it is exposed; and therefore we ought to be prepared, in the event of the failure to ratify the treaty. We know of what elements the Mexican nation, like all other nations, is composed. We ought to satisfy them that we intend to prosecute the war with the utmost vigor, in order to hold out powerful motives for the ratification of the treaty. When asked, the other day, if my object was to frighten Mexico, I answered, that it was by all means. It is a great deal more humane to frighten than to fight the Mexicans. It is also more economical. The object of all wars is, to compel a treaty of peace; and that great object is best to be attained by satisfying your enemy of the injuries to which they must inevitably be exposed by continued resistance. Our true policy now obviously is, to adopt promptly the most vigorous measures, with the view of inducing the Government of Mexico to ratify the treaty, and the people of Mexico to observe it when it is made. Who can deny, that if the intelligence of the passage of this bill accompanied the treaty, it would exercise an all-important influence in the ratification of the treaty? The next best thing for us to do is, the prompt passage of the bill. I trust it will be promptly passed, and, as I should hope, unanimously.

Mr. DOUGLAS. I merely desire to know to what treaty the honorable gentleman alluded?

Mr. CASS. I am really at a loss to know why any mystery should be affected in this matter. I suppose that there is somewhere a certain paper, and that the whole world knows all about it.

The PRESIDING OFFICER. Does the Senator make any specific motion?

Mr. CASS. I move that the prior order be postponed, and that this bill be taken up.

Mr. BERRIEN. The object of the Senator may be, perhaps, obtained, and the objection of the Senator from Massachusetts be removed, if the motion just made be withdrawn, in order that I may be allowed to submit a motion that the Senate proceed to the consideration of Executive business.

Mr. CASS. I have no objection, if that will hasten the conclusion of the matter, and enable gentlemen to vote upon it.

Mr. BERRIEN. I move, then, that the Senate proceed to the consideration of Executive business.

CHAIRMAN ON FOREIGN RELATIONS.

Mr. CRITTENDEN. Before the question is put, I beg that the gentleman will withdraw his motion, in order to allow me to make one. A good deal of important business, and some of it of rather an urgent nature, as I am informed, is before the Committee on Foreign Relations. We have, this morning, removed the head of that committee by appointing him to another office, and the gentleman next to him on the list of members of the committee declines taking the place of chairman. I suppose that the usual course—at all events that it is entirely proper, that the gentleman who stands next, the honorable gentleman from Indiana, [Mr. HANNEGAN,] should be appointed to that place. I move that he be appointed.

It was then

Ordered, That Mr. HANNEGAN be appointed chairman of the Committee on Foreign Relations, in the place of Mr. SEVIER, and the vacancy in the committee be filled by the appointment of the Presiding Officer.

Mr. MASON was accordingly appointed.

DEFICIENCY BILL.

The PRESIDING OFFICER. It is necessary to make some disposition of the bill now before the Senate.

Mr. BERRIEN. Let it be laid over informally.

Mr. ATHERTON. I am of course unwilling to insist on the consideration of this bill, if the honorable chairman of the Committee on Military Affairs wishes to go on with the regular order of the day; and I would give way for that purpose. But I should very much regret that the Senate should, for any other purpose, postpone the consideration of this bill, on which speedy action is necessary, as some branches of the public service must suffer in case its passage should be delayed. The ten regiment bill has of course the right of priority, and to it I am prepared to yield. But I now rise to give notice that I shall to-morrow request the Senate to resume the consideration of this bill.

Mr. CASS. I have already stated my own views, and will cheerfully consent to the request of the gentleman so far as regards myself. My great object is to obtain the immediate passage of the bill.

The further consideration of the bill was then postponed till to-morrow.

EXECUTIVE SESSION.

Mr. BERRIEN. I renew my motion.

The motion being agreed to, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 15, 1848.

The Journal of yesterday was read and approved.

On motion of Mr. PECK,

Resolved, That the papers in the Pension Office relating to the application of Tilly Hamilton and Carty Burnham for pensions, be taken from said office and referred to the Committee on Revolutionary Pensions.

Mr. GREEN presented the petition of citizens of Fayette and Palmyra land districts, in the State of Missouri, praying for the establishment of a new land district. Referred to a select committee.

REPORTS FROM COMMITTEES.

Mr. WILEY, from the Committee on Invalid Pensions, reported a bill for the relief of John Knight. Read and committed.

Mr. NES, from the same committee, reported a bill for the relief of Thomas Flanagan. Read and committed.

Mr. FARRELLY, from the Committee on Patents, to whom was referred the Senate bill to further extend the patent of Jethro Wood, reported the same without amendment, accompanied by a report in writing.

Mr. F. moved that the bill be committed.

Mr. NELSON moved to lay the bill on the table, and that the report be printed. Agreed to.

Mr. THOMPSON, of Mississippi, submitted an amendment to the bill to amend an act entitled

"An act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847. The amendment was committed to a Committee of the Whole on the state of the Union.

CONTRACTS FOR SUPPLIES, ETC.

Mr. THOMPSON, of Kentucky, from the Committee on Printing, to which was referred the resolution of the House relative to the printing of 10,000 extra copies of the abstract of contracts communicated by the War Department, reported the following resolution, which was read and agreed to:

Resolved, That ten thousand extra copies of the abstract of contracts from the Department of War, communicated on the 26th January last, be printed for the use of this House.

Mr. THOMPSON, of Mississippi, was opposed to the resolution; he did not believe that a report of these contracts would be of any interest to the public; it might be examined by those interested in the contracts, but the mass of the community would probably never read or look at it.

Mr. CROZIER said that the resolution had received the sanction of two different committees of the House, viz: the Committee on Expenditures in the War Department, and the Committee on Printing. The document proposed to be printed contained an abstract of all the contracts which had been made by the War Department during the last year—contracts which might probably amount to $50,000,000. He would not assert with certainty that they did reach that amount, but the aggregate amount was certainly not less than $30,000,000. The printing of the proposed number of copies would cost about $400.

There were two reasons which had induced the committee to report this resolution to the House. In the first place, the subject was, in itself, one of great importance—a very large sum of money was involved; the information would be valuable and interesting in various aspects; and surely it was due to the people of the United States, who furnished the money, that they should have an opportunity of seeing how their money had gone—what had been done with it, and who had got it. They had a right to know how this immense sum, contributed out of their own hard earnings, had been expended. Much various and useful information would be disseminated by the printing and distribution of this document. It would, for example, present at one view the prices of the munitions of war in different portions of the country. So far from its being of interest only to contractors, Mr. C. believed that there was no document that would be read by the people with greater interest and curiosity. The men who paid the taxes would very naturally desire to know how those intrusted with its application had discharged their trust. This was one of the considerations which had induced the committee to report the resolution.

But there was another and a very important reason. The committee had been charged with the duty of making inquiry whether frauds had not taken place in connection with this letting out of contracts.

Mr. C. would not say that frauds had occurred; but this he would say, that there had been some very high charges allowed and paid; enormous prices had been charged to the Government. If this document should be printed and circulated through the country, this information would be got by the people, and they were entitled to receive it. Many of these contracts, if not made in direct contravention of law, were not in accordance with it. The contracts had not all of them been made as they ought to have been, and by law were required to be. Many of them had been given out to contractors privately, without being published the requisite time, or published at all. It was true that many of the contractors were men of the strictest honor, and the terms on which the contracts were let were in many cases extremely economical. It was due to such men that this fact should be known, while it was equally proper that where the case was the reverse of all this, this also should be exposed.

Mr. C. here referred to instances which occurred in the campaign of General Taylor, in which very exorbitant prices had been given for transportation while our army lay upon the Rio Grande. He instanced contracts made with the owners of steamboats and the per diem paid for mules. While mules could be had on the spot for 33 cents per day, some eight hundred horses and mules had been purchased in Ohio, which cost the Government about $800,000, and the transportation of which cost $30,000. Among these allowances there were some which might at first appear to be very reasonable, and even very low, which, on close examination and a knowledge of all the circumstances, would be found to be enormously high. In Mr. C.'s district published contracts made with individuals offering under the advertisement had been rescinded, and private contracts made with individuals in their place. Mr. C. went on to contend that where abuses had been perpetrated they ought to be exposed, while if they were fairly and honorably made and fulfilled, the fact ought to be known. Why did gentlemen desire to withhold the publication? Mr. C., in conclusion, moved the previous question.

The previous question was seconded, put, and carried; and the main question being on the adoption of the resolution, the vote was taken by tellers, and carried: Ayes 80, noes 66.

So the resolution was agreed to.

REPORTS FROM COMMITTEES.

On motion of Mr. VINTON, the Committee of Ways and Means was discharged from the consideration of the petition of the county of Mahoning, Ohio, asking for the issue, by the Government, of $150,000,000 of treasury notes for a national currency; the petition of citizens of Ohio, asking that no further supplies be given to carry on the war with Mexico; and also from the resolutions of the House of the 21st December, 1847, and 14th January, 1848, in relation to recalling the surplus revenue deposited with the several States under an act of Congress of 23d June, 1836; also, from the resolutions of the Legislature of South Carolina touching the establishment of a branch mint at Charleston; and from the petition of the Chamber of Commerce of Charleston, on the same subject; and also from the consideration of the resolutions of the Legislature of Missouri, in relation to the tariff of 1846 and the independent treasury law; and they were laid on the table.

On motion of Mr. DANIEL, the Committee of Claims was discharged from the consideration of the petition of Samuel J. Bayard, late receiver at Fairfield, Iowa; and it was laid on the table.

Mr. DUNN, from the same committee, made an adverse report on the petition of Levi Seakly. Laid on the table.

Mr. CROWELL, from the same committee, made an adverse report on the petitions of John Walker, Benjamin Perham, and Joseph Hall. Laid on the table.

Mr. THOMAS, from the same committee, made adverse reports on the petitions of Harry Richardson, Darcus Jewell, and Jacob Yerty. Laid on the table.

On motion of Mr. THOMAS, the Committee of Claims were discharged from the consideration of the bill for the relief of N. C. Orear; also, from the petition of Peleg B. Phelps, of Louisiana; also, from the resolution of the House of the 31st January last, in relation to the expediency of paying to the officers and seamen who, in the year 1804, volunteered under Captain Stephen Decatur to recapture or destroy the frigate Philadelphia, then lying in the harbor of Tripoli; and they were laid on the table.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, reported a resolution, which was modified and passed as follows:

Resolved, That House bill to amend the act to provide for the transportation of the mail between the United States and foreign countries and for other purposes, be made the special order of the day for the first Wednesday in April next.

Mr. EVANS, of Maryland, moved, by the general consent of the House, that the bill to amend an act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847, reported by him from the Committee on Public Lands, be made the special order for Tuesday, the 4th of April next.

Mr. BOYD moved to amend Mr. EVANS's motion by embracing also the bill of a similar title reported by Mr. B. from the Committee on Military Affairs.

Mr. EVANS accepted Mr. BOYD's amendment, and the motion was then agreed to.

Mr. MURPHY, from the Committee on Engraving, to which was referred the resolution instructing that committee to inquire whether certain maps had been duly furnished to the House, &c., made a report, which, after some conversation between Messrs. CONGER and MURPHY, was laid on the table.

Mr. HARALSON, from the Committee on Military Affairs, to which was referred the bill of the House for the relief of the volunteers engaged in the military service of the United States, reported the same back to the House with an amendment. Committed.

On motion of Mr. TUCK, the Committee on Naval Affairs was discharged from the consideration of the petitions of H. S. Stellwagen and William R. Ashards; and they were laid on the table.

On motion of Mr. COCKE, the Committee on Revolutionary Pensions was discharged from the consideration of the petition of officers of the army in Mexico for further provision for the widows and children of such officers and soldiers as have died in the public service. Laid on the table.

Mr. GRINNELL, from the Committee on Commerce, reported a bill to transfer the towns of Vinal Haven, New Haven, and Islesborough, from the collection district of Penobscot to that of Belfast, in the State of Maine. Read and committed.

Mr. PETRIE, from the Committee on Invalid Pensions, reported bills for the relief of Parmelia Slavin, and for the relief of Jonathan Slyter; which bills were severally read and committed.

Mr. DUNN, from the Committee of Claims, reported a bill for the relief of the legal representatives of George W. Milam. Read and committed.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting, in obedience to the act of 21st April, 1808, and 2d March, 1809, exhibits of contracts made by that department during the years 1846 and 1847. Also, a statement of the payment of miscellaneous claims, together with statements of expenditure from the marine hospital fund, with the aggregate heads of expenditure for the relief of sick and disabled seamen in each year from 1836 to 1847, inclusive. Laid on the table.

A communication from the Secretary of the Navy, transmitting, in compliance with the act of 1st of May, 1820, a statement of the appropriations for the naval service for the last fiscal year. Laid on the table.

The Senate bill to remit the duties on books, maps, and charts, imported for the use of the Library of Congress, was taken up, read twice, and referred to the Committee of Ways and Means.

THE INSTRUCTIONS TO MR. SLIDELL.

The House then proceeded to the consideration of the business on the Speaker's table, viz: The message of the President of the United States, transmitting documents in relation to the return of Santa Anna and Paredes to Mexico, and refusing to communicate a copy of the instructions given to Mr. Slidell when minister to Mexico.

Mr. ROOT, of Ohio, being entitled to the floor, occupied his hour in discussing the war and public affairs generally. [His remarks will be found in the Appendix.]

MODE OF PAYING THE PUBLIC REVENUE.

On motion of Mr. McKAY, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. MOREHEAD, of Kentucky, in the chair,) on the special order, viz:

A BILL requiring all moneys receivable from customs, and from all other sources, to be paid immediately into the Treasury, without abatement or deduction; and for other purposes.

Be it enacted, &c., That, from and after the thirtieth day of June, eighteen hundred and forty-eight, the gross amount of all duties received from customs, from the sales of public lands, and from all miscellaneous sources, for the use of the United States, shall be paid, by the officer or agent receiving the same, into the treasury of the United States, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever: *Provided*, That nothing herein contained shall be construed to alter the existing laws regulating the collection of the revenues of the Post Office Department.

Sec. 2. *And be it further enacted*, That so much money as may be necessary for the payment of debentures or drawbacks, bounties, and allowances which are or may be authorized and payable after the day aforesaid, be, and the same are hereby, appropriated for that purpose, out of any money in the treasury, to be expended under the direction of the Secretary of that department, according to the laws authorizing said debentures or drawbacks, bounties, and allowances.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to submit to Congress, at the commencement of the next regular session, estimates of appropriations which may be required to provide for the expenses of collecting the revenue from customs, and also

from the public lands, for the second half of the next fiscal year, and separate estimates for the said purpose for the year ending the thirtieth June, eighteen hundred and fifty; and similar estimates from year to year thereafter.

Sec. 4. *And be it further enacted*, That so much money as may be necessary to pay the expenses of collections referred to in the next preceding section, and until specific appropriations for the objects shall be made by Congress, be, and the same are hereby, appropriated, out of any money in the treasury, to be expended after the thirtieth June, eighteen hundred and forty-eight, under the direction of the Secretary thereof, conformably to law and regulation: *Provided*, That the expenses of collecting the revenue from customs shall not thereafter exceed the sum of one million five hundred and sixty thousand dollars per annum, and in proportion for a less time.

This bill having been read—

Mr. McKAY moved to amend the 4th section, after the words "next preceding section," by inserting "including the first half of the next fiscal year."

Mr. McKAY went on then to explain the object and provisions of the bill. The title expressed them in substance. It required that all moneys receivable by the Government after the 30th June next, should be paid immediately into the treasury without any of the deductions heretofore made. These deductions had been various; some for the amount paid to importers in the shape of debentures and drawbacks, also in bounties to fishing vessels, and also for the expenses of collection. The practice heretofore had been to withhold these various amounts, and not to pay them into the treasury at all. Any gentleman who had a curiosity to see what these several classes of deductions had been, might find them in a report of the Secretary of the Treasury for the year 1845, where they would find a table setting forth the gross amount of revenue received, and then the several heads of deduction, together with the amounts deducted. By looking at the first column of this table they would find that the gross amount of revenue accruing from imports that year was $30,892,000, of which $1,783,000 was paid for debenture and drawback. Then came allowances on the reëxportation of refined sugar; then bounties and allowances on fishing vessels; and, lastly, the expenses of collecting the revenue; from all which it appeared that, out of the $30,892,000 received, but $26,326,000 were actually paid into the treasury. The chief item withheld was the amount paid for collection.

Mr. McK. here read a table to show how the expense of collecting the revenue had gradually increased, until in 1846 it amounted to $2,059,000, and during the present year had risen to $2,090,915. Mr. McK. admitted that, during a few years past, Congress had done much to regulate the expenditures under the Treasury Department, in the multiplication of revenue officers, and in the building, at the mere discretion of the Secretary, of as many revenue cutters as he chose to order. These could not now be built, unless after explicit previous appropriations. Previous to the passage of these salutary laws, the Executive had it in his power to fix the number of surveyors, gaugers, and clerks at his discretion, as well as the number of revenue cutters, and he was fully authorized by law to pay all these expenses out of the gross amount of revenue received. This Mr. McK. considered as highly improper. He went into other remarks illustrative of the benefits of restraining this discretion and subjecting all these expenditures to the specific provisions of law, and highly commended the legislation of Congress with this view, so far as it had gone.

The number of collectors and their deputies was still wholly undefined by law; in some ports the salary of deputies was $1,000, in others $1,500. In the port of New York alone there were expended as much as $100,000 a year for the salaries of clerks; yet the amount of compensation paid to each was left wholly under the control of the Secretary. This was all wrong. This class of expenditures was rapidly increasing, and it was high time that a stop should be put to such a state of things. Mr. McK. dwelt on the extravagant sums spent in useless experiments in regard to revenue steamers and experimental revenue cutters. He read an extract from a statement from the department, in which it was said that the sums expended on these experiments would have provided twenty-eight armed brigs of two hundred and fifty tons. The present Secretary of the Treasury entirely disapproved of such a state of the law, and was desirous that the wide discretionary power he now exercised should be defined and limited by provisions of law, and intrusted to specific appropriations. Mr. McK. quoted from his report a paragraph in which that functionary gave it as his opinion that a saving of at least half a million of dollars might be effected in the collection of the revenue. He proposed as a maximum to cover all this expense the sum of $1,525,000. The Committee of Ways and Means were unanimous in reporting this bill, and believed that even a larger sum might be saved than that named by the Secretary. Here Mr. McK. quoted from the committee's report. Last year, as he had shown, the cost of collection had amounted to $2,090,000. The Secretary thought it might be reduced to $1,525,000. As a medium between these two sums, the committee recommended that it be fixed at $1,550,000, and the bill required that the whole amount received before the 30th of June next should be paid without any reduction into the treasury, and that these indefinite appropriations should be made to provide for paying out again the sums needed for debentures, drawbacks, &c., and that next session the Secretary should submit to Congress an estimate of the cost of collection up to the close of the fiscal year 1850. Congress could then appropriate the necessary amount.

Mr. McK. insisted it was not right in principle that, after the people had been required to pay large sums in the shape of duties on imports for the use of Government, that any deductions should be made out of that amount at the discretion of a Government officer. Quite too much was at present left to Executive discretion. The Executive department had no desire to retain this discretion in their hands, but were willing and desirous that it should be restrained.

In the public statement annually made of the expenditures of the Government, the amounts thus deducted from the gross amount of the revenue before it reached the treasury did not appear. From looking at the face of that account, any one not apprized of the real state of the case, would suppose that it comprised the whole amount of the Government expenditure; but it was not so. It showed a less amount by two or three millions than was actually the case. This should be corrected. The bill would prevent this false appearance of the statement, and would give a true exposé of the whole expenses of the Government. Great good would result from the passage of the bill; it would carry out both the spirit and the letter of the Constitution, which required that all moneys received for revenue should be paid into the treasury of the United States, and that none should be drawn out of the treasury save by warrant of law. A large saving would be made in the expense of collection: the Secretary thought this might be done, and Mr. McK. was in favor of trying it.

Mr. MURPHY was understood to say, that so far as the expenses of the collection of the revenue were concerned, he entirely agreed with the gentleman from North Carolina. But he wished to inquire of that gentleman whether he could show any recommendation from the Secretary of the Treasury, that the amount paid for drawback must first be paid into the treasury before it could be paid over to the importing merchant who reëxported goods he had brought into the country?

Mr. McK. making no reply, Mr. M. would submit whether it could with truth be said that this was money paid by the people to the Government? It was money advanced, temporarily, by the importer, to be returned to him as soon as he reëxported his imported goods. To require that these amounts should all be first paid into the treasury, and not repaid until specific appropriations could be made by Congress, must operate greatly to embarrass the commercial business of the country. Mr. M. had no desire to throw impediment in the way of measures which had received the sanction of the Committee of Ways and Means, but he would request that the bill be informally passed by for the present, until further time should have been afforded to examine its practical effect.

Mr. McKAY replied, that if the gentleman had examined the report and the provisions of the bill, he would have seen that there was no foundation whatever for his apprehensions as to any embarrassment being caused to the business of the country. He here entered into an explanation addressed to Mr. MURPHY, but which, from the positions of the parties, was almost entirely lost to the reporter. He understood Mr. McK. to refer to a bill reported by Mr. Cambreleng, requiring all moneys paid under protest, to go immediately into the treasury; and that large sums had been paid out of it the present year for drawback and debentures. So he understood Mr. McK. to say, but even of this he is not entirely certain.

Mr. HUNT observed that this bill certainly made very material alterations in our revenue system, and was of too much importance to be acted on without careful consideration. For himself, he had had no opportunity to examine the provisions of this bill. It had just been printed, and it was reported on the 9th of this month. There had not been sufficient time afforded for its examination. From the slight reflection he had given to it since it came up, he was satisfied that its provisions were right and proper, so far as it applied to the salaries of our officers who were employed in collecting revenue. He thought the money should be paid into the treasury in the first instance, and that the salaries of the collectors, like those of other officers, should be drawn from the treasury by appropriations made by law.

But there was a serious difficulty about the second section. He agreed with his colleague [Mr. MURPHY] in the opinion that it would subject our importers to very serious inconvenience and difficulty. Whenever they made application for drawbacks, they would be obliged to come here to the Treasury Department; and in these cases, which were numerous and frequent, delays would be likely to arise, and they be subjected to serious expense and inconvenience. The duty of the collector in those cases was nothing more nor less than to pay back the amount of duties which he had received, deducting two and a half per cent. He had received a communication from an intelligent merchant in New York, who represented that this provision of the bill would subject the importing merchants to very serious inconvenience; and he thought they ought, at all events, to give this very important class of our community an opportunity to be heard.

He hoped his friend from North Carolina [Mr. McKAY] would either consent to strike out this section or postpone it—for a week, if the gentleman pleased—to give the House further opportunity to examine the bearing of this part of its provisions. He should be very unwilling to make so important a change, affecting commercial transactions in all our large cities, as this second section would, without more scrutiny and examination than gentlemen on all sides had been able to give to it.

He was very sorry to throw any impediment in the way of the adoption of the other provisions of the bill. He thought they ought to be enacted into a law, but he was not prepared, and he thought it was very evident the House were not prepared, to act upon this on the spur of the moment.

Mr. POLLOCK said he concurred entirely with the gentleman from North Carolina. He thought that this was, to all intents and purposes, a reform bill. No serious objection could be urged to its passage. There was no good reason why the money received from customs and the public lands should not be paid into the treasury, and appropriations be made by law for the salaries of collectors and receivers as they were for the salaries of all other officers. It was truly a reform bill. It would effect a saving of half a million of dollars annually to the Government, and would secure the Government from frauds on the part of those who, under existing laws, received payment of demands upon the Government without appropriations made therefor by law.

He could not perceive the force of the objections that had been urged against applying this principle to the payment of debentures. He thought those objections had been answered by the gentleman from North Carolina. At present more than one-half of the debentures were paid by the Treasurer of the United States. No delay, no inconvenience could arise to the importing merchants from the simple transfer of the payment of debentures from the collectors of customs to the Treasurer of the United States, which was all that this section of the bill contemplated. The bill, viewed in every possible light, threw around our public moneys every security that could be demanded. It gave to the moneys thus received the supervision of the Treasurer of the United States, superadded to that of Congress, to whom by the Constitution was committed particularly the supervision of the expenditure of all moneys by the Government.

As had been stated, three years were allowed in

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which drawbacks might be demanded. If these moneys were allowed to remain in the hands of the collectors of customs, as they now did, it afforded them the opportunity to speculate upon them. There might be millions in their hands.

It secured the public creditor also from the failure of the collectors, because this Government would not be bound to indemnify the importers for losses sustained by them.

They also knew that the amount of expenditures in the various departments of this Government was regulated more by the appropriations than by the wants of the Government; that was to say, that, however large the sums which were appropriated and placed at the disposal of our disbursing officers, they were all sure to be expended.

Mr. HUNT interposed and (Mr. P. yielding) remarked that, according to the gentleman's construction of this section, importers who paid money into the treasury upon exportation of their goods would be required to come to the Treasurer of the United States to receive their drawbacks.

Mr. POLLOCK replied that all they would have to do would be to come to the Treasurer—and that was what they now did in nine cases out of ten—and receive their drawbacks out of the treasury of the United States.

Mr. EVANS, of Maryland, said, if he understood the explanation of the gentleman from North Carolina, it would not be necessary to require particular appropriations for these payments, but that this bill made a general indefinite appropriation for the purpose.

Mr. McKAY, in reply, remarked, if we made an appropriation for the salary of the clerks in the custom-house in New York, nobody supposed that they would be required to come to Washington to get their pay, but that they would receive it through the collector at New York. So, if Congress made indefinite appropriations for debentures, the merchants would receive the payments of them at New York.

Mr. EVANS. So I understand; and that is right.

Mr. HUNT inquired if it was now in order to move to strike out the second section? If so, he would make that motion.

The CHAIRMAN replied that it was not, as that section had been passed, and the fourth was now under consideration, to which an amendment was pending.

Mr. McKAY said, under the establishment of the warehousing system, there was perhaps no necessity at all for the law which allows debentures. Under the warehousing system, any merchant could bring his goods in, and was not required to pay duties until he took them out. He understood—not from the Secretary, however—that the Secretary of the Treasury had this subject under consideration, and that he might make some recommendation to Congress—to repeal the law allowing drawbacks, perhaps.

He thought the section as it now stood was perfectly harmless, and he hoped the committee would not strike it out.

Mr. TOOMBS said, that in very many cases there might be the same necessity for the law allowing drawbacks as existed before the adoption of the warehousing system. For instance, many of these importations might be brought in in one shape, and be exported in another. It would then be necessary to remove them from the warehouse.

Mr. McKAY (in his seat) was understood to assent to this suggestion.

Mr. TOOMBS (continuing) contended, however, that the second section was eminently proper, in order to give efficiency to the bill. It gave rise to no other difficulties than at present existed, for now nine-tenths of the drawbacks were paid at the treasury. If they struck out the second section, we would be compelled to have large and indefinite sums of money in the hands of our collectors; and little, therefore, would be accomplished towards those reforms which the bill contemplated. The great object to require appropriations to be made by law before the moneys were paid out would be entirely defeated, so far as the payment of drawbacks was concerned. This bill had been well considered, and was efficient for the purposes which it sought to accomplish. Those purposes were to carry out important constitutional provisions. He trusted the committee would not agree to the motion of the gentleman from New York to strike out.

The CHAIRMAN reminded him that the motion was not pending, not having been received.

Mr. GRINNELL said the only possible objection to the provisions of this bill which struck him was, that under it the importing merchant who was entitled to receive his drawbacks would be required to come to Washington, before the Secretary of the Treasury, before he could receive them. If this could be remedied by any amendment, so that when the collector gave his debenture, showing that so much money was due on the exportation of goods, the merchant could take that certificate to the subtreasurer, or any other officer, and receive his money, the whole difficulty would be removed. But if the merchant was compelled in every case, upon the exportation of his goods, to send his claim here, to have some agent at Washington, or to come himself, for the purpose of procuring his drawback, it would involve so much inconvenience and expense that they would have to repeal or alter the law. He could not see, under the second section, any other mode by which these settlements were to be made. He understood that the merchants would have to send their debentures here, and would have to meet any informalities or objections at a distance from home, whereas at home they could be easily remedied. He could see no objection to the other provisions of the bill, but much to commend them to the favorable consideration of the House.

Mr. McKAY said that as the bill made a general appropriation for cases of this kind, the merchant would have only to present his claim to the collector and he would receive his drawbacks. As it was in the War Department, our soldiers who were in Mexico had to be paid. The Secretary of War made a requisition upon the treasury for a million of dollars: a million of dollars were drawn out under the forms of the law, and placed in the hands of paymasters, and by them were disbursed according to law. So it would be under this bill. An appropriation would be made by Congress; the collectors of the different ports would want so much money for the pay of drawbacks, and they would pay it out to the just claimants. Thus gentlemen would see that the difficulties which they were fearful would be involved were wholly imaginary.

Mr. McLANE desired to call the attention of the gentleman from New York to the concluding provision of the second section of the bill. The second section, having made full indefinite appropriation to cover any amount of money that might be in the treasury of the United States under debenture, proceeded to state that these moneys should be expended under the directions of the Secretary of the Treasury. These directions now existed, and by them the money was now paid out by the collectors. It was not to be drawn out on treasury warrants, but, under the directions of the Secretary of the Treasury, would be paid out any day and any hour in the city of New York any amount of drawbacks.

Mr. MURPHY, remarking that the gentleman from Maryland [Mr. McLANE] represented that this money was not to be drawn out on treasury warrants, asked what then would be the benefit of this provision? If the money went into the treasury, it must come out legally by warrant.

The gentleman from North Carolina said this money would be paid out as the soldiers were paid in Mexico. Here, then, was a large amount which would be drawn by the collector or other paymaster in New York, and kept in his hands for the purpose of paying these drawbacks, as, from time to time, they were demanded. Now, he asked, what check was there in such a provision? He had supposed that the object was to take it out of the hands of collectors. But, even if it were to be drawn out by warrant, he told gentlemen, from experience, that often and often had it been the case, in the navy department at New York, that the public creditors had been kept back from receiving their money for months, when the Government was straitened for means. He was not opposed to this bill; he merely asked time to consider its provisions.

Mr. GRINNELL suggested to the House an amendment to the second section, which he thought would obviate the whole difficulty, and he hoped unite all in favor of it. He hoped the gentleman from North Carolina would approve of it. He read the amendment, and explained that it simply recognized the idea that these payments of drawbacks were to be made at the ports whence the goods were exported.

Mr. SAWYER said he understood that the second section was not under consideration, and therefore the amendment was not in order.

Mr. GRINNELL replied that he supposed it would be in order by the general consent of the committee. This bill had come up rather unexpectedly—not having been printed or offered for their inspection until to-day. He thought the object of the bill a good one, and was in favor of it; but he thought some amendments to the second section were necessary, in order that the merchants should receive their drawbacks at the ports whence they export their goods.

Mr. SAWYER insisted upon his point of order; which was sustained by the Chair.

Mr. McKAY said he did not think there was a necessity for the amendment of the gentleman from Massachusetts. It simply required the Secretary of the Treasury to cause to be deposited with the collectors of the various ports sums of money sufficient to meet the demands upon them for drawbacks. Now, that was what the section itself authorized. It made an appropriation; and when an appropriation was made by law, of course it was the duty of the officers who have the disbursement of it, to make that disbursement with as much convenience to the public creditor as possible. The amendment gave no additional authority at all. The section provided that the moneys thus appropriated should be expended under the direction of the head of the department.

Now, with reference to the remark of the gentleman from New York, that the money would accumulate in the hands of the executive officers, did not the gentleman know that at this session they had appropriated and would appropriate $50,000,000, and that the Executive might draw every dollar of it from the treasury, and place it in the hands of the disbursing officers? But, although he had the legal right, it would be highly improper in him to do it. When these appropriations had been made, they were drawn for from time to time, according to the exigencies of the public service. No doubt if this second section stood as it was originally reported, the Secretary would so direct the expenditure of the money as to work the least possible inconvenience to the mercantile community. If there were the slightest foundation for the apprehensions which were entertained, he would agree to the amendment of the gentleman, but it would do no good, as the section itself provided for the same object.

The CHAIRMAN again announced the question to be on the amendment of Mr. McKAY to the fourth section.

Mr. GRINNELL moved that the committee rise, and remarked that he would be willing to take up this bill again at whatever time the gentleman from North Carolina [Mr. McKAY] desired; but the House wanted time to examine it, and were unprepared to act upon it now.

The motion to rise was rejected.

The question recurring on the amendment of Mr. McKAY, it was agreed to.

Mr. HUNT moved to add at the end of the fourth section the following:

Provided, also, That all drawbacks, debentures, and bounties, authorized by law, may be paid by the collector of customs at the port of exportation, without previous application to the Treasury Department, and in the same manner practised heretofore.

Disagreed to.

Mr. HALL, of New York, moved to add to the bill the following additional sections:

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, directed to report to Congress, at the commencement of the next session thereof, the actual amount of moneys in the treasury of the United States at the commencement of the fiscal year on the 1st day of July, 1848, stating in such report what portion of such amount belongs absolutely to the United States, and what portion thereof is held in trust, and the nature and description of each of the trusts under which such moneys are held, and the amount held under each of said trusts respectively; and in case the amount of trust funds theretofore paid into the treasury of the United States, and not expended in discharge of its duties as trustee, shall exceed the balance then in the treasury, that he shall state the amount of such trust funds so paid into the treasury, and not expended as aforesaid, under each of such trusts respectively; and that said Secretary of the Treasury shall, at the same time, report to Congress a statement of all the outstanding warrants drawn against the treasury and not paid at the commencement of the said fiscal year, stating the amounts of each of said warrants, and the accounts on which the same were drawn, and whether the same were or were not drawn on account of trust funds which had been before paid into the treasury.

SEC. 6. *And be it further enacted*, That the President, each of the heads of departments, and all the officers of the United States who, as such officers or heads of departments, shall, at the commencement of said fiscal year, hold or control any moneys, securities, or other valuable thing in trust under any law or treaty of the United States, he and they are hereby directed to report to Congress at its next session the nature and character of each of said trusts, when and how the same was created, and the amount of moneys and description of the securities or other valuable thing which may have been at any time, and were at the commencement of the said fiscal year, held or controlled, and the receipts and payments on account thereof.

Mr. HALL remarked that the bill now under consideration was one of which he heartily approved. It proposed to take effect at the commencement of the next fiscal year. He desired, therefore, that, as proposed by his amendment, at that time we should have a statement of the precise amount of funds in the treasury, designating absolutely the amount belonging to the United States, and the amount held by the United States in trust for the Indian tribes, or for any other purpose whatsoever.

The first section which he offered proposed, moreover, that the Secretary of the Treasury should state the amount of outstanding warrants, and why they had not been paid. This statement would show the amount of money in the treasury subject to warrants; or, if there was no such money, it would show the amount which the United States were indebted on account of trust funds, and the amount remaining in the treasury.

He proposed also to require of the collectors and all other officers having public funds in their hands the amount of trust funds held by them. As far as he had been able to learn, there had been made no report to Congress within a long period which enabled them to determine the amount of trust funds held by the United States, or what officers had control of those funds. He desired to see, at the commencement of the next session of Congress, a report made by every officer of the Government who holds trust funds, and that they should give an account of their stewardship.

Mr. McKAY suggested that this was not the place to insert calls for information, this being a bill which would go on the statute-book; that the gentleman from New York would accomplish his object on the next resolution day by offering a resolution calling for the information which he desired.

But the first section proposed was wholly unnecessary. It required the Secretary of the Treasury to report to Congress at the commencement of the next session the amount in the treasury on the 1st of July, 1848. Now, the Secretary always had done that; he was required to do it by the law of 1789. Look at the report of the Secretary of the Treasury at the present session, and the gentleman would find that the Secretary stated the amount which was in the treasury on the 1st of July last, and at the next session he would give the same information, coming up to the 1st of July next; he would state the balance then remaining in the treasury.

Then in regard to the next point—viz: the call upon the Secretary of the Treasury to state the amount of trust funds in the treasury—if the gentleman would take the trouble to look into the tables attached to the report of the Commissioner of Indian Affairs, he would there find all the information he asked on this point. All the money the United States held in trust for the different Indian tribes was distinctly stated; this information was given at the commencement of every session.

Then in regard to the call for the amount of outstanding warrants upon the treasury, did not the gentleman know that every three months—upon the 1st of April, or two or three days after, and at the beginning of every three months thereafter—this very statement was published in the "Intelligencer" and "Union?"

Therefore the sections were wholly unnecessary. In case the inquiries were necessary, they would more properly form the subject of a resolution. But all the information asked for was found in the printed documents.

Mr. HALL replied that he understood there was such a report in relation to outstanding drafts as the gentleman mentioned; but he understood, too, that the statement annexed to the annual report of the Secretary of the Treasury of the balance remaining in the treasury at the end of the year, and the statement of the Register of the Treasury of the same balance, did not agree; and the gentleman from North Carolina, if he would examine the two, would see that the Secretary of the Treasury stated it to be something over $1,700,000, while the Register of the Treasury showed the amount in the treasury at the same time to be nearly $5,000,000. Now, this difference, as he understood, grew out of the fact, that in the one the outstanding warrants were not included, and in the other they were; and also the fact that one statement included and the other statement excluded trust funds. By reference to these documents, they could undoubtedly find the amount of outstanding warrants at the time of their publication, but he had not been able to find there or elsewhere any statement of the amount of trust funds in the treasury.

Mr. McKAY (Mr. HALL yielding) said the Government held in trust for the Indian tribes various sums of money. Some of this money had been invested in United States and State stocks, and the stocks had been paid over to the tribes. But in another portion of the documents the aggregate amount was given of the trust funds which the Government now holds, but which were not in the treasury, for the Government had used the money. The gentleman, if he would look into the appropriation bills, would see the appropriations, from year to year, of large sums of money for the payment of the interest upon these funds, which the Government had not thought proper to invest.

Mr. HALL (continuing) said, a large portion of these trust funds had been invested in one form or another, in State stocks or otherwise, sometimes under the direction of the Secretary of the Treasury, and sometimes under the direction of the Secretary of War. But he wished to remind the honorable gentleman from North Carolina that there were other sums held in trust by the Government than those which had been taken for the benefit of the Indian tribes. The funds of the Smithsonian Institution were one instance. And one of the objects he had in offering his amendment was, to discover the amount of money which had been received as trust funds, and expended for the ordinary purposes of Government. He wanted to know how the money received in trust by the Government, or its officers, had been invested. He wanted information on this subject, and he believed the country wanted information on this subject; and he apprehended, when they were about to adopt the new system of the gentleman from North Carolina, the present was the proper time to adopt the amendment to this bill, which would bring forward this information. He had no disposition to embarrass this bill, but it was one of whose objects he heartily approved.

Mr. STROHM, in a few remarks very indistinctly heard, was understood to suggest to Mr. HALL the propriety of not pressing his amendment, as the Committee on Public Expenditures would, before the session closed, bring forward a bill which would meet the object of the gentleman, by requiring the same information, and the statement of these accounts in such a manner as that everybody could understand them.

The committee then rose and reported progress.

PATENT OFFICE REPORT.

Mr. CONGER, from the Committee on Printing, to which was referred the resolution of the House of the 8th instant, in relation to the printing of extra numbers of the report of the Commissioner of Patents, made a report, recommending that the usual number of copies of the said report be printed, and, in addition thereto, that ninety thousand copies extra of the same, without the list of patents granted and expired, the claims, and the opinions of the Chief Justice, and ten thousand extra copies of the whole report be printed, and that fifteen hundred copies of the former and five hundred copies of the latter be delivered to the Commissioner of Patents for the use of the Patent Office. The report further states, that the cost of printing will be about twenty-six cents per copy, and can be bound at about fourteen cents per copy, making the cost of each copy bound at forty cents, and the aggregate cost of printing and binding the whole number will amount to about forty thousand dollars. The committee unanimously recommend the binding of the whole number.

Pending the report, the House adjourned.

IN SENATE.

WEDNESDAY, *March* 15, 1848.

The VICE PRESIDENT laid before the Senate the following letter:

WASHINGTON, *March* 15, 1848.

SIR: Very unexpectedly to me, and very much against my personal wishes, I have been induced, from patriotic considerations I hope, to accept an office of which you and the Senate are advised, which renders it necessary that I should resign my seat as one of the Senators from the State of Arkansas; and that resignation is herewith tendered.

Wishing you, sir, and each member of the Senate, every blessing which this life can afford, I have the honor to be, sir, with high respect, your obedient servant,

A. H. SEVIER.

Hon. GEORGE M. DALLAS,
Vice President of the United States.

On motion by Mr. ASHLEY, it was

Ordered, That the VICE PRESIDENT be requested to inform the Executive of the State of Arkansas, that the Hon. AMBROSE H. SEVIER has this day resigned his seat in the Senate.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Navy, made agreeably to law, accompanied by a statement from the Second Comptroller of the Treasury, of the appropriations for the naval service for the fiscal year ending June 30, 1847.

Mr. CAMERON presented a preamble and resolutions passed by the Legislature of the State of Pennsylvania, in favor of the construction of a railroad from Lake Michigan to the Pacific Ocean, on the plan proposed by Mr. Whitney; which were laid upon the table.

PETITIONS.

Mr. BENTON presented a petition of numerous citizens of the town of St. Louis, Missouri, stating their belief that the present war with Mexico was altogether *wrong* in principle and most *pernicious* in its effects, and asking Congress to use all lawful means for its speedy termination, by the exercise of their constitutional authority in defining the object of the war, by the immediate cessation of hostilities, by the settlement of just and honorable terms as the basis of a treaty of peace, and by persevering efforts to negotiate with the proper authority of Mexico until agreement to such terms can be obtained.

Mr. B. said the memorial was numerously signed and the parties highly respectable and intelligent, and it gave him great pleasure to add that the prayer of the petitioners was in a very fair way of being accomplished.

Mr. CAMERON presented a petition of citizens of Pennsylvania, praying that the United States army may be recalled from Mexico and peace established with that republic; which was referred to the Committee on Military Affairs.

Also, a petition of citizens of Pennsylvania, praying the establishment of a mail route from Providence to Tufton, in that State; which was referred to Committee on the Post Office and Post Roads.

Also, the petition of Leonard Gray, a soldier in the last war with Great Britain, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. LEWIS presented a petition of citizens of Clarke county, Alabama, praying the establishment of a mail route from Wilderness Post Office, to Mott's Post Office, in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of T. L. Smith, praying a grant of land to the Eufaula and Geneva Railroad Company to aid in the construction of a railroad from Eufaula to Pensacola; which was referred to the Committee on Public Lands.

RESOLUTIONS.

Mr. BENTON submitted the following resolution, which was read the first and second times by

unanimous consent, and referred to the Committee on the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate allow and pay, out of the contingent fund of the Senate, to James Moore, the same per diem compensation that is now allowed and paid to the boys assisting the mail carriers of the Senate, he having performed the same duties during the 28th Congress without compensation.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the petition of Frederick Dawson, James Schott, and Elisha Dana Whitney, submitted a report, accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. WESTCOTT, from the same Committee, to whom was referred the petition of Leslie Combs, submitted a report; which was ordered to be printed.

Mr. MASON, from the Committee of Claims, to whom was referred the memorial of the widow and legal representatives of Reuben Lassiter, submitted an adverse report; which was ordered to be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom were referred the bills from the House of Representatives for the relief of John Mitchell, and for the relief of John Manley, reported them without amendment.

Agreeably to notice, Mr. DOUGLAS asked and obtained leave to bring in a bill to establish the Territory of Nebraska; which was read the first and second times, by unanimous consent, and referred to the Committee on Territories.

Agreeably to notice, Mr. BENTON asked and obtained leave to bring in a joint resolution to promote the purchase of American hemp for the use of the American navy; which was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

EXAMINERS OF PATENTS.

The Senate proceeded to consider the amendments made by the House of Representatives to the bill of the Senate to provide additional examiners in the Patent Office, and for other purposes; and,

On motion of Mr. WESTCOTT, it was

Ordered, That they be referred to the Committee on Patents and the Patent Office.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Commodore Foxall A. Parker, of the United States navy; and,

On motion by Mr. BADGER, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

BILLS FROM THE HOUSE.

The bills from the House of Representatives for the relief of Sarah Stokes, widow of John Stokes; for the relief of Esther Russell; for the relief of Jonathan Moore, of the State of Massachusetts; for the relief of Robert Ellis; and for the relief of Catharine Fulton, of Washington county, Pennsylvania; were severally read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

The bills from the House of Representatives relating to the collection district of New Orleans, and for other purposes, and for the relief of the Red River Railroad Company, were severally read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

The bills from the House of Representatives for the relief of Stalker and Hill, and for the relief of Reuben Perry and Thomas P. Ligon, were severally read the first and second times, by unanimous consent, and referred to the Committee of Claims.

The bill from the House of Representatives for the benefit of Benjamin White, was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

The bills from the House of Representatives for the relief of Anthony Bessee, and for the relief of Charles Cappell, were severally read the first and second times, by unanimous consent, and referred to the Committee on Private Land Claims.

The bill from the House of Representatives for the relief of G. F. de la Roche and W. P. S. Sanger, was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

The bills from the House of Representatives to change the name of Photius Kavasales to that of Photius Fisk, and to amend the act entitled "An act to regulate the proceedings in the circuit court of the United States, and for other purposes," passed 8th August, 1846, were severally read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

The joint resolution from the House of Representatives for the relief of George R. Smith was read the first and second times, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

Mr. BAGBY gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to bring in a bill relating to the public lands.

JOHN PAUL JONES.

The Senate proceeded to consider the amendments of the House of Representatives to the bill for the relief of the heirs of John Paul Jones; and they were concurred in.

CLAIMS AGAINST MEXICO.

The Senate proceeded to consider, as in Committee of the Whole, the joint resolution to create a board to ascertain and determine the amount of each of the claims of the citizens of the United States against Mexico; and

On motion of Mr. JOHNSON, of La., it was

Ordered, That it be recommitted to the Committee on Foreign Relations.

THE TEN-REGIMENT BILL.

Mr. CASS moved that the prior orders of the day be postponed, and that the bill making provisions for an increase of the regular army be taken up; which was agreed to.

The question pending being the motion by Mr. BUTLER, to recommit the bill to the Committee on Military Affairs, with instructions to strike out all after the enacting clause, and insert the following:

"That the regular army shall be increased as follows, to wit: To each company of artillery, infantry, and regiment of riflemen, there shall be added ——— privates, and to each of the regiments aforesaid as many subalterns as will provide two first lieutenants and two second lieutenants respectively: *Provided*, That the said troops shall be required to serve during the war with Mexico, but may be sooner discharged by order of the President."

The yeas and nays were demanded by Mr. BREESE, and being seconded, were ordered and taken with the following result:

YEAS—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis of Massachusetts, Dayton, Greene, Hale, Mangum, Phelps, and Underwood—17.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Bradbury, Breese, Cameron, Cass, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Hannegan, Hunter, Johnson of Georgia, Johnson of Louisiana, Lewis, Mason, Moor, Niles, Sturgeon, Turney, Westcott, and Yulee—28.

The question being on the passage of the bill,

Mr. CALHOUN said: I had no anticipation that this bill would be put on its passage to-day. I have had no opportunity of being heard upon it, and I desire to offer my views before it be passed. With this view, I hope it may be laid over till to-morrow. I move that it be laid over till to-morrow.

Mr. CASS. I have merely to observe that if the gentleman wishes to offer some remarks on the bill, I will hear him with great pleasure. But the gentleman from Virginia [Mr. MASON] has the floor.

Mr. CALHOUN. I had forgotten that; and of course I do not desire to be heard before the gentleman from Virginia.

Mr. MASON. When this bill was under the consideration of the Senate some three weeks since, the debate was made to embrace the entire subject connected with the origin of the war and its conduct on the part of the Government of the United States. It was my purpose then to have gone into the debate to the extent to which it had then proceeded. But since that time, events have transpired, perfectly well known to the country, which would, in my judgment, render it inexpedient, if not impossible, to present views intended for a totally different state of the case. What these events are I may not be perhaps permitted to allude to here, further than as they have gone forth to the country on well accredited rumor. But, sir, I have not yet heard that a peace has been made with Mexico. If such be the fact, I am uninformed of it. That a negotiation may be pending may be true—that an armistice exists between the two contending armies may be true. But if that be true, it exists only on a rumor, which, as I have said, is so well accredited as to render it in bad taste to speak of one who was an enemy in the terms in which I should have been disposed to do on a former occasion. I have said, that, so far as I am informed, there is as yet no peace with Mexico. Now, if such be the fact, where is the policy, where is the wisdom of refusing to pass this bill? If negotiations, with a view to peace, are pending, have we not had such experience of the character of that foe with whom we were once, and may be again, engaged in warfare as teaches us the necessity of all proper precaution now? Do we not know that if Mexico be brought to listen to the terms of peace, it will be because she has been prostrated and rendered powerless by the force of our arms? Do we not know that up to a very late period, with a perfect consciousness that it must be madness to resist longer, the spirit of every party in Mexico was averse to a peace? A spirit of infatuation seemed to pervade them to the last moment, when they were forced to submit to the stern lesson of inferiority. Now, who can doubt—I submit to Senators around me and to the country—who can doubt that if Mexico should acquire fresh confidence from any occurrences here, nothing would be so likely to be seized upon by her as a determination on the part of this Senate to stop where we were, and refrain from making any further provision to carry on a war? We have learned that Mexico is a wily and a faithless foe. What was her conduct with regard to the mission that was sent to her, on her own invitation, before the war began, and which was promptly acceded to with the view of preventing hostilities? She invited a minister, and promised to receive him. He was sent—sent speedily—in order to evince the earnest desire on the part of this Government to prevent a war. The discourteous reception with which that minister was met is known. The Mexican Government denied that his mission was even anticipated! Procrastinating, delaying Mexico sought refuge in every possible expedient, and attributed our indulgence to pusillanimity and weakness. The minister was instructed to remain and to preserve the equanimity of his temper in all his intercourse with Mexico, to avoid a collision, and, if possible, to adjust, by negotiation, the difficulties pending between the two countries. But our minister was compelled to return from his bootless mission. Again, how was it after the war had commenced, and when our armies were thundering at the gates of Mexico? A faithless armistice was proposed. Mexico sought a suspension of hostilities, with a view to negotiation. It is now known to history, that in violation of the stipulations of that armistice every hour was employed in strengthening their defences with a view to carry on the war! Such is the character of this foe. Now, whether there be or be not a peace resulting from the negotiation now spoken of as pending is a tale yet untold of time; and he is a bold man who, knowing what is now known, will venture to form a deliberate judgment that peace will follow. My own decided impression, then, is, that every consideration of prudence and wise policy demand that this bill should pass, and pass immediately. I had made up my mind not to enter into the subject-matter of the former debate. It would be unsuited to the occasion to do so. I hope that the time has gone by for the discussion of that question, but the time has not gone by for those military measures which should be prosecuted promptly, in order to evince such a determination on our part as will compel the Mexican Government to declare an honest and *bona fide* cessation of hostilities. I have risen merely for the purpose of expressing that opinion. I trust that there will not be any debate further than that indicated by the Senator from South Carolina; but should there be any new debate, I may enter into it when it arises.

Mr. BADGER moved that the Senate proceed to the consideration of Executive business.

Mr. CASS. I hope that the Senate will not agree to that motion. It appears to me that there is business of vastly more importance to be acted on in open session.

The yeas and nays were demanded on the question, and being seconded, were taken, with the following result:

YEAS—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis of Massachusetts, Greene, Hale, Johnson of Louisiana, Mangum, Phelps, and Underwood—17.

NAYS—Messrs. Allen, Ashley, Atherton, Bagby, Benton, Bradbury, Breese, Bright, Cameron, Cass, Davis of Missis-

sippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hunter, Johnson of Georgia, Lewis, Mason, Moor, Niles, Turney, Westcott, and Yulee—26.

The motion was therefore not agreed to.

Mr. JOHNSON, of Louisiana, rose and remarked, that not being present when the question was put, he had voted under a misapprehension; he did not know that the vote was taken on the proposition of the Senator from South Carolina, [Mr. BUTLER] or he would have voted for it; that from what had recently occurred, he could not now believe that the additional regiments contemplated by the bill under consideration, would be required at all; under existing circumstances, therefore, he preferred that provision for an increase of the United States army should be made in the manner proposed by the Senator from South Carolina, by filling up the old regiments. He would not, however, in consequence of the large majority against the proposition, move a reconsideration of the vote.

Mr. MANGUM. I move to postpone the further consideration of this bill till this day fortnight. It is true, I have very little hope that this motion will prevail; and yet I cannot well suppress the expression of my great surprise—I might almost say my astonishment—that this bill is pressed at this time, in the spirit which has been manifested in the circumstances by which we are now surrounded. It is probable that there are many other gentlemen who desire to be heard on this subject, and yet it is perfectly well known that the phases of public business have undergone a very great change, although we are inhibited by circumstances from explaining the how or wherefore. It seems to me that, as a matter of taste, not to speak of policy, it cannot but be regarded as most extraordinary to press this bill in this spirit at the present moment. At all events, allow a week or two weeks to elapse, and then dispose of the question. It would be very important, it seems to me, that we should go into Executive session before we are called upon to take the vote upon the question now before us. But it is refused to go into Executive session—refused by an overwhelming majority of this body. And yet gentlemen are to be tongue-tied; they are to be prohibited from making any reference to matters which are of essential importance in the consideration of this very question. We are called on to occupy the same ground as was presented six weeks ago, although it is known that the ground is changed. We are to be put absolutely in duress by the manner in which this question is now brought forward. It is of great and obvious importance that we should be enabled to refer to things as they are. It certainly strikes me as the most extraordinary proceeding I have ever witnessed, when we are called upon to act on this subject as if we stood precisely on the same ground that we did six weeks ago. Not a battle has been fought since last fall. Our troops repose in Mexico perfectly at their ease. We have forty thousand men there, and there is not a thousand armed men in the whole Republic of Mexico to oppose them. There is not even the rumor of an assault; and yet in that state of things, and when you can fill up the regiments now organized to sixty thousand men, we are called upon and pressed to send ten thousand additional troops to Mexico! Why, sir, is it not apparent, that that augmentation of your military force can have no reference to the Mexican war, whatever bearing it may have upon Executive patronage? I impute none but patriotic motives to the honorable chairman of the Military Committee; but so far as regards the acceleration of peace, or the termination of the war—so far as regards any purpose for which those ten regiments might be required in Mexico, I think if we were permitted to go into this subject, and as we all know it now to exist, it would be utterly impossible to discover even the shadow of propriety for such a procedure at this time, in all the circumstances of the case. At all events, if this question is to be pressed against my convictions of propriety—against my conviction, also, that it would be in violation of the pretty well established usage of this body, it will change essentially my views and conduct upon another question that will come before us. I hope, judging from what I have seen heretofore, that these considerations will work out such a conviction upon the minds of at least a sufficient number, that we may be allowed to speak fully of all we know, and all that is pertinent to the matter now under consideration, and is submitted to us for discussion in open session. I cannot believe that if this appeal were put properly before the President and heads of departments, embracing the consideration of another question which must be acted on in another capacity, and which must bring upon them embarrassment in its full weight, that all warlike operations and movements would be suspended for the present. But the truth is, that when parties become harnessed, to use a cant phrase, they generally "go it blind." I appeal to the chairman of the Committee on Military Affairs to let us have an opportunity of speaking to this subject in open day, and with all the light which can be brought to bear upon it. I appeal to the magnanimity—to the sense of justice of Senators on the other side of the Chamber—and I hope that there is no necessity of making any appeal to a single Senator on this side—to free those who wish to speak on this subject from the duress and the chains in which they are now placed. I cannot believe that if the matter were properly considered, there would be a persistence in this course at this time. The going into Executive session is refused by a very large majority——

Mr. BENTON. Will the Senator hear one word? I voted against going into Executive session, because a bill of the highest importance is pending, which we wish to take up.

Mr. MANGUM. If the bill to which the honorable Senator alluded be called up, and it is, as I hear, of importance, I shall certainly be in favor of proceeding with it.

Mr. CALHOUN, (in his seat.) Move to lay this bill on the table.

Mr. MANGUM. I will vary my motion, but may have occasion again to renew it. I move that the bill lie on the table for the present.

Mr. CASS. The Senator from North Carolina has expressed a good deal of surprise——

Mr. HALE. Is this motion debatable?

Mr. CASS. Will the Senator withdraw his motion for a moment?

Mr. MANGUM. Certainly.

Mr. CASS. The Senator has expressed surprise that this bill which has been under consideration for a period of three months, should be pressed to a vote. I confess that I cannot understand the grounds of the gentleman's surprise. The bill has been discussed to the fullest extent on both sides of the Chamber during the last three months, yet the gentleman from North Carolina talks of haste.

Mr. MANGUM. It has been in dry-dock for three weeks; and the Senator will recollect that the signs of the times have changed.

Mr. CASS. It has been in the dry-dock for three weeks! Well, it is now time that it was afloat upon the ocean. But I have not the slightest conception of what it is to which the gentleman alludes when he speaks of gagging. He seems to suppose that we must go into Executive session before we proceed to act upon this bill. Well, I can only conjecture the bearing which an Executive session can have upon this subject. It is supposed out of doors that we have ratified a certain instrument—that the two great parties of the Senate have been divided—that we stood *pro* and *con*—and that we want to explain ourselves eventually, but what that has to do with this bill passes my comprehension. It is simply a question whether we shall raise this additional force for two purposes: first, to be ready for the immediate prosecution of hostilities in the event of the rejection of the treaty by Mexico—quite a possible result from the unstable nature of her government, and the irritated feelings of her people; and perhaps I might say, that it is a probable result, at all events everything admonishes us of the necessity of being prepared; and second, that we may send out with our minister the vote of preparation—the intelligence that, in the event of a refusal of the treaty, we are ready to prosecute the war with the utmost vigor. Our own eagle presents the illustration of our policy—the olive branch and the arrows—the one to be used if we may, the other if we must. I trust that this bill will be passed by the unanimous vote of both Houses. If it should be thus passed immediately, I have no more doubt than I have of my own existence, that we should have peace. Without the passage of this bill, I do not undertake to say how long peace may be deferred. But I repeat, suppose the supposition is correct, and that you go on to ratify this paper, I might rather say as the public says, to negotiate——

Mr. MANGUM. I hold that that supposition is entirely out of order. It is not to be entertained in open session that anything at all has been done in secret session. I make a question of order.

Mr. CASS. I have only to say then, that if we have not a right to suppose anything here, I do not know what right appertains to a Senator.

Mr. MANGUM. I might suppose a thousand things might have happened in a correspondence, and the supposition might conform exactly to the fact, and if that be in order, I see no sort of objection to opening this discussion without any further action. But if I happened to be mistaken——

Mr. CASS. The Senator himself introduced the whole thing distinctly and openly, so that no one could misunderstand him. Unless we affect to have a spirit of mysticism, unbecoming us and the occasion, it is utterly impossible to avoid allusions to what is known to all.

Mr. MANGUM. I renew my motion. It is with no purpose of embarrassment that I make this motion.

Mr. ALLEN. I should like to know the object of laying the bill on the table.

Mr. MANGUM. That the Senator from Missouri [Mr. BENTON] may call up the appropriation bill.

Mr. CASS. The Senator from Missouri has not, as I understand, intimated such a design.

The PRESIDING OFFICER. Proceed with the call.

The yeas and nays were demanded; and, being seconded, were taken with the following result:

YEAS—Messrs. Badger, Baldwin, Bell, Berrien, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis of Massachusetts, Dayton, Greene, Hale, Johnson of Louisiana, Mangum, Phelps, Underwood, and Webster—18.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Bradbury, Breese, Butler, Cameron, Cass, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson of Georgia, Lewis, Mason, Moor, Niles, Turney, Westcott, and Yulee—28.

The question again recurring on the passage of the bill—

Mr. BALDWIN addressed the Senate at length against the bill. He expressed his regret that the question should be pressed now, and particularly so for reasons which were known to the Senate. He could see no necessity for this augmentation of our force in Mexico, and scarcely a plausible reason for this great increase of the patronage of the Executive. The war in Mexico was ended. There were no more battles to be fought, no more victories to be won. Our sister Republic, in whose early career our warmest sympathies had been enlisted, now lies prostrate, crushed to the earth, her Government driven from place to place, in search of a resting spot; her seven millions of population are dissociated, disorganized, with scarcely the form of a Government existing, and all her administration, general and local, conducted under the influence of martial law. Our gallant army has only paused in its career of victory, because there is no longer to be found any enemy to impede its progress, and, instead of being employed at this moment in war and battles with the enemy, is occupied in the business of collecting military contributions, for the support of our troops, from an impoverished people. What army is there now to be encountered in combat? There is no necessity for adding a regiment to our army in Mexico. The whole country is looking for peace—hoping for peace—for anything rather than the augmentation of our forces. Mexico, instead of new troops being sent into her territory, expects the withdrawal of those now there. No one out of this Capitol calculates on such a movement. The streets and avenues of our city are filled with officers who have returned from the seat of war, because there is no longer employment for them there; while those who remain there, in the absence of other employment, are turning their hatred on each other. To what purpose, then, is this new force to be sent to Mexico? Is it for the purpose of compelling them to make new cessions of territory? If so, such an object would not have his approbation. He wanted no additional territory—the country wanted none. All that the country required was peace, and indemnity to those of our citizens who have suffered wrongs from Mexico. Both of these, he believed, Mexico was entirely disposed to give. If we have been injured in our honor, we have taken ample redress, a full measure of vengeance. Our Government has always prided itself in never demanding what

is not right, and never submitting to anything that is wrong. On what principle, then, are we about to send out an army to drive a bargain with Mexico? He thought it clearly unjust to urge on Mexico to surrender any portion of her territory; yet, from the message of the President, which was explicit on this point, he could not doubt that this was one of the purposes of the present bill.

Mr. B. went on to inquire into the constitutionality of the war with Mexico. He maintained that the President could not of himself place the country in a state of war. A mere collision of troops was not war, unless sanctioned by the Government. He referred to the instructions of the Secretary of War to General Taylor, that he should not confine himself to defensive operations, but that he should act aggressively. It was proper that General Taylor should place himself in a strong defensive position; but he could have no sufficient authority for acts of aggression. He referred to the correspondence of the War Department to sustain him in this statement. It was the duty of the Executive to instruct General Taylor to defend himself; but to instruct him to carry on aggressive operations indicated a determination, from the first, to conquer and obtain Mexico.

He adverted to the claims of our citizens against Mexico, and to the steps which had been taken by the Government to obtain a recognition and liquidation of them. He read extracts from the public documents, to show that the poverty of Mexico alone prevented her from discharging her obligations under the treaty which she had entered into with the United States for the adjustment of these claims. We had no more right to complain of Mexico for her non-payment of the claims, than Mexico had to complain of us for an interference with Texas. She had an acknowledged right to endeavor to conquer her revolted province, and to compel her to contribute her portion to the general indebtedness of Mexico; and we, by merging Texas into our Union, had thwarted her in this object. When we took Texas, we placed ourselves in a position which rendered it liable for the default of Texas in relation to Mexico. Under these circumstances, it was incumbent on us to treat with Mexico in a liberal spirit. And he believed it was originally the intention of our Government to act towards her in that liberal spirit. Whether it was in that spirit that Mr. Slidell was sent was another question, and a question on which he was not now permitted to speak. If Mr. Slidell's mission was a mission of peace, the sending of General Taylor to the Rio Grande, and of Captain Gillespie to California, was scarcely consistent with it.

Before Texas came into the Union, she agreed to pay five millions of the debt of Mexico for her independence, and we have deprived Mexico of that amount by admitting Texas into our Union. He believed that when the correspondence between our Government and Mr. Shannon should be published, it would show that we were disposed to settle our claims both to boundary and indemnity on the most liberal basis. As to the boundary of Texas, he combated the idea that her right of soil extended to the Rio Grande; and asked if the inhabitants who fled before General Taylor were Texans or Mexicans? He was opposed to the cession of any territory which Texas had not a right to cede. He denied the right of Mexico to cede any of her independent States to us; and expressed astonishment that such cession should have been demanded by our Government. And what could be our object in asking a cession of territory? Had Congress disclosed any great public object which was to be promoted? He maintained that, unless for some great national purpose pointed out by Congress, we had no right to ask from a foreign nation a cession of territory. We have no right to admit foreign territory into our Union for the mere purpose of forming new States. Louisiana was acquired to quiet the discontented population of the West, and on the ground of a strong and inevitable necessity. The purchase was made, and received the sanction of Congress. And it was the same with Florida. But no such claim of necessity exists to justify the acquisition of California and the territory to the Pacific, which is only suitable for a Mexican or an Indian population. It can avail nothing to us for the purposes of cultivation or settlement. California is mostly a sterile desert, for the possession of which it would be folly to enter into a war. Mexico has evinced a strong reluctance to cede New Mexico, alleging that the inhabitants are loyal, and ought not to be transferred to the United States. And is it to overcome this reluctance that these new troops are to be sent to Mexico?

He was opposed to the sending these ten regiments to trample down Mexico further than she had been trampled on. He would take indemnity for our wronged citizens, but he thought our honor had been sufficiently redressed. He had no desire to annex to our country a population dissimilar in all its aspects. He was opposed to it, further, because he could not but fear the effects of it on our southern domestic institutions. We may properly shut our doors, and say that we had already sufficient territory; that from thirteen we have increased to sixteen States; and that we require nothing further. To what further extent will the cupidity of our people carry us? Will it carry us to wage war in Canada? or to extend our territory still further south, by annexing the adjacent territory? Have we counted the costs of this process of expansion? Have we calculated all the expense and inconvenience of subjugating and keeping in submission the savage and warlike tribes with which we must necessarily be brought in conflict in our career, and the further perils in which we may become involved? How could our Supreme Court, already burdened beyond its power of relieving itself, by the business of our present population, carry out the administration of justice through all the new countries which we may bring into our Union?

In every view he could take of the subject, he could not bring himself to the conclusion, that it was either necessary or proper to send out these ten regiments to reinforce our army in Mexico. He reminded the Senate that the force of our present army, after the regiments were filled up, would be sufficient for all contingencies likely to occur.

Mr. ALLEN then said: In looking over the proceedings of the Senate, I find that this bill was taken up on the 30th of December; that the discussion on it was opened on the 3d of January—more than two months since; the Senate, in the meantime, having been occupied in its consideration, with the exception of the last two weeks, which have been spent in Executive session. Now, sir, it does seem to me, that there ought not only to be an end, but a speedy end, put to this subject. I believe, that when the discussion was suspended on account of the other matter, of which I am not at liberty to speak, almost every gentleman of this body who intended to speak at all upon the bill, had spoken fully. I believe that the best thing which can be done to accomplish the end which all profess to desire—the final and diplomatic termination of this war—would be, to vote for a conditional augmentation of the military force of the country; and that vote to accompany the minister who will bear the despatches to Mexico. That is my opinion. I am of opinion, that, if this vote be not taken, and if what may transpire here shall be permitted to transpire with the presumptive evidence that the country is disarmed, and is disarming, nothing beneficial will be the result. That is my deliberate opinion. I think that a vote now—to-day—or, at least, to-morrow, upon this bill, is absolutely necessary to the welfare of our interests in Mexico; and, entertaining this opinion, and in consideration of the time already consumed in this discussion, looking also to the advanced period of the session, and the increasing desire on the part of all Senators that the session should not be protracted throughout the whole year, I do hope that to-morrow, at the very farthest period, the vote of the Senate will be taken on this bill.

It is in vain to say that gentlemen have not had an opportunity of being heard on this bill. There has been sufficient opportunity for all to be heard. It is in vain to say, that any recently occurring events change the reasons upon which the President recommends this bill. Although I am not one who, for the sake of patronage, desires this augmentation, yet I would much rather that the augmented patronage which this bill will give the Executive should be created, than that the public interests of the country should be put in peril, and be, perhaps, permanently endangered, as I believe they will be, by the further procrastination of the action of the Senate. I believe that we should treat, armed, and not disarmed—that we should treat with manifest readiness to meet any emergency which failure of negotiation might bring about, and not treat with a declaration in advance, that if Mexico refuse to make peace we cannot prosecute the war any further. I believe that some evil has already been done, and on another occasion I intimated the same opinion to the Senate, in consequence of relaxing the muscles of the country in this struggle. I do not want to see a greater degree of lassitude in this contest, until we know that this war is not only concluded, but concluded by a treaty of peace. I do not wish to have a cessation of war without a treaty of peace, because that would be to protract the struggle indefinitely, and without any great and fixed object on the part of the Government. According to the views which I expressed on another occasion, peace might have, as I thought, been obtained more speedily under other circumstances, and other auspices; but in no circumstances does the history of the experience of other nations or common reason lead us to any other conclusion than that warring nations should make peace before they disarm. If there be an armistice, it is an armistice that acts upon us alone, and not upon Mexico, because she is disarmed. We are the armed party; and every hour that this war remains unclosed by a treaty is an hour of detriment to the interests of this nation. Gentlemen may exclaim, What! do you mean to scare Mexico by arming anew! Why, we mean to impress Mexico emphatically with this important truth, that if she does not choose to make peace, she has no other alternative but war—that we are not going to sound a retreat when it is ascertained that she is not prepared to sign a peace. This is the sentiment with which she should be impressed. She should be distinctly advised that what has been done, has not resulted from our weakness, but from our sense of justice and our sense of moderation. Therefore, we should manifest no weakness, but stand armed till she signs; and if she do not sign, manifest to her the fact that we are armed. That, sir, is my opinion, as one who believes that in the present state of affairs peace is desirable. What I might have said six weeks ago is one thing, and what I say in the present state of our relations with Mexico is another thing. I say, that in the present state of these relations, peace is desirable; but I say, also, that in order to attain greater certainty of peace, we should not disarm before the peace is signed, but stand prepared with all the readiness of battle. Now, this bill, if it pass, will do no more than sanction the President in making a contingent augmentation of the army as a precautionary measure. That is all. If peace come, the troops will not go; if peace do not come, the troops ought to go. It is a plain proposition. If there be a peace, the soldiers will not march; if there be no peace, the soldiers should march. We can therefore inflict no injury on the interests of the country by the passage of this bill; and I desire, having of course no right to speak in behalf of others, that we will not let to-morrow pass without the final action of the Senate upon this bill. In the meantime, there can be several speeches made. If necessary we can sit here all night. But let it be understood and firmly resolved, that the vote will be taken before we adjourn to-morrow. I shall be glad if this suggestion meet the general concurrence of the Senate.

Mr. FOOTE then made some remarks in reply to that portion of the argument of the Senator from Connecticut, which was directed against the acquisition of additional territory, on the ground that thereby the influence of the old States would be weakened.

Mr. CALHOUN. If no gentleman desires to speak on this bill, I should be glad to have an opportunity of stating my views on it to-morrow. The reasons which compel me to vote against the bill have been mistaken. I intended, even if the treaty——

Mr. MANGUM. Will the Senator yield the floor for a moment. I see that the usual hour of adjournment has arrived.

Mr. CALHOUN. I have only one word to say. I had intended to vote against this bill in any event; and I must say, that an occurrence which has recently taken place, rather strengthens my intention to vote against it. I have had no opportunity, however, of expressing myself on the subject, and have occupied very little of the time of the Senate; and if it should please the Senate to postpone the consideration of the bill till to-morrow, I would regard it as an accommodation.

On motion, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 16, 1848.

The Journal of yesterday was read and approved.

Mr. COBB, of Georgia, moved to reconsider the vote by which the resolution reported by Mr. THOMPSON, of Kentucky, from the Committee on Printing, directing the printing of ten thousand extra copies of the abstract of contracts, communicated from the War Department in January last, was ordered to be printed.

Mr. COBB said he had a very few words to offer by way of giving his reasons for moving the reconsideration. He entertained little doubt that very few members of this House knew what was the character of the document.

Mr. CROZIER rose to a point of order, and, stating that the previous question had been moved upon the adoption of the resolution, inquired of the Speaker if the motion to reconsider was debatable?

The SPEAKER replied that it was—the previous question having exhausted itself.

Mr. CROZIER remarked, that if in order, he had no objection to the matter being further debated. On the contrary, he was very glad the gentleman from Georgia had again brought it up.

Mr. COBB (resuming) said the members of the House were not aware of the nature of the document of which they had ordered this extra number of copies to be printed. He was not himself informed of its full character when this resolution was adopted yesterday. Immediately upon its adoption, he hunted for the document in order to examine it, and he found it had not been printed, and therefore was not in possession of the House, though it had probably been examined by the committee to whom it was referred. He had, however, obtained a copy of the document, of similar character, of the last session of Congress, and, upon examination of the manuscript in the hands of the printers, had ascertained that the document of this session corresponded with that of the last session of Congress. In moving to reconsider this resolution, he wished it distinctly to be understood by the House that he did not object to the printing of the document. The printing had been ordered some time ago, and it was now in the hands of the printers. It ought to be printed and put in the possession of the House and of the committee, in order that they might have the information it contained. To that he had no objection whatever. His objection was to the printing of an extra number, for the reason that it was, as it purported to be, a mere abstract of the contracts made by the officers of the army. It did not communicate to the country that information which it was, perhaps, the object of gentlemen to throw before the people; but it was a mere general account, calculated to do gross injustice to the character of those officers who had made the contracts, without affording the opportunity, on their part, to give to the country any explanation whatever. The printing of this extra number (whether it was so intended or not) was calculated to have the effect of inducing the opinion, on the part of the country, that Congress looked upon these contracts with suspicion, and regarded them as frauds, and thereby the character of those individuals whose names were connected with them would, without discrimination, be called to suffer, and no opportunity whatever be given them for explanation.

He would refer to some of the items contained in this document of the last session of Congress, for the purpose of exhibiting its character, and the ground of the objection which he now took to printing an extra number. He read an item for the transportation of troops, $1,800. Now, this was all that was said in reference to this contract. Whether it was a just and proper one, whether the officer who made it acted fairly and justly to the Government, there was no evidence whatever contained in the document which they sent out. But they proposed to print a large number of extra copies and send them out to the country with the general charge made by the gentleman from Tennessee yesterday, that gross frauds had been perpetrated in making these contracts, and all the individuals whose names were connected with the contracts were involved in this imputation of fraud. There was no specification whatever which of these contracts were fraudulently made or wherein the frauds consisted. In looking over the list they found many expenditures which, on the first blush, would be considered highly improper, such as the prices paid for steamboats, for horses and mules, perhaps, and for various other things. But if the circumstances were also shown under which the contracts were made, it would be seen that they were fully justified. In sending out this mere abstract, however, no such vindication went out with it, and all who had made these contracts, whether justly and fairly or unjustly and unfairly, suffered equally in the imputation.

Another idea, connected with the publication of these abstracts, ought to be considered by the House, upon the principle of justice to all those who would be affected by the publication of this document in this manner. It would be recollected, in reference to the Florida war, the war of 1812, and every war in which this or any other Government had been involved, that officers connected with the army had made contracts of a grossly improper character, which had been seized upon, not for the purpose of attaching blame and odium to the officers who had made the contracts, and who ought to be held individually responsible for their improper acts, but as the ground of attack upon the Administration and the head of the department, by holding them responsible for the charges thus made against certain of their subordinate officers which they were allowed no opportunity to explain. This was peculiarly the case in reference to the Florida war. Mr. Van Buren's administration was charged with fraud and corruption on the ground that contracts of a very improper character had been made during the prosecution of that war. Now, he protested against this system of holding the head of the War Department and the Administration responsible for the conduct of individuals who acted upon their own responsibility as officers of this Government, and more particularly so upon a document sent out which did not afford evidence of the circumstances under which they acted.

He therefore proposed, instead of the printing of these extra documents, as the proper course, and the one justified by the circumstances of the case—as that course called for by a sense of justice to these officers of the Government, as well as to the heads of the War and Navy Departments, and all others interested—that the document, as originally proposed, and as had been the invariable custom, should be printed; that the information which it contained should be laid before Congress, and placed in the hands of the Committee on Public Expenditures in the War and Navy Departments—to the former of which the gentleman from Tennessee belonged—who would have it in their power to bring it to the notice of the country by looking into those cases where frauds had been committed, by investigating those instances where individuals had made contracts in corruption and fraud upon the Government. The gentleman from Tennessee alluded to one case which came either within his own personal knowledge or information. Let him direct his attention and that of the committee to the investigation of this case; let him use the power of this House for the purpose of gathering evidence on which these charges are made. Fair opportunity should be allowed to every officer to explain his conduct in transactions on which charges were brought against him. If, when this had been given, it appeared that any of these officers had acted unjustifiably, let the committee proceed a step further, and inquire whether the superior officers of the army who had these matters under their supervision had allowed them to pass unrebuked, uncensured: let them come up to the very head of the department and of the Government, and wherever they found anything improper or unjust committed—wherever they found frauds sanctioned in any degree—let them hold not only the individuals who committed, but those who overlooked and sanctioned them, responsible before the country. He submitted to his friend from Tennessee whether this was not the only course which, in justice to all interested, could be pursued.

This document, containing abstracts of contracts and payments, was sent in according to law by the head of the department, to furnish information on which the House, if they discovered frauds, could base their action, and not, as the gentleman from Tennessee seemed to suppose, for the purpose of going out before the country as the basis of imputations of fraud, which could not be sustained if the whole circumstances were given. Justice to the individuals immediately concerned, as well as to the heads of departments and the Executive, required that such charges should be based on some more substantial foundation.

The gentleman from Tennessee had said that the opposition of his (Mr. COBB's) side of the House to this printing manifested a desire on their part to suppress information. This was not so. They had no desire whatever to suppress it. It had been communicated to Congress by the head of the War Department; it had been ordered to be printed and placed in the possession of every member of the House and of the committee. All the objection was to printing an extra number, to be sent throughout the country as a charge, as was intimated by the gentleman from Tennessee upon these officers and upon the head of the department. It was wholly wrong, involving men in charges of which they were entirely innocent.

He trusted, therefore, that the gentleman from Tennessee would consent to this reconsideration, and that the committees of this House would investigate the matter, and wherever they found that frauds had been committed, that individuals had used the power of their offices improperly, unjustly to the Government, he would go with the gentleman, and so he thought would the whole House, in ferreting out these frauds, and holding those who had committed or participated in them justly responsible before the country. Let the responsibility fall upon the heads of those who were culpable, and not involve innocent men whose names were connected with these contracts.

Mr. CROZIER remarked, that as he had before said, yesterday and to-day, he was not opposed to the discussion of this question, if the gentleman desired—not at all. He was glad the gentleman had brought it up this morning. It gave him the opportunity of correcting a mistake made in the Intelligencer, in the report of his remarks yesterday, by which he was made to say that, for the transportation of eight hundred horses and mules from Ohio, the cost to the Government was $800,000. What he had said was, that the cost of these horses and mules was about $80,000, and the expense of their transportation was about $30,000, being $33 50 per head; that, while the Government was paying this high price for horses and mules in the State of Ohio, and these high prices for their transportation to the State of Texas, General Taylor was at the very time hiring a mule and a driver upon the Rio Grande for fifty-five cents per diem, and mules which were much better adapted to the service for which he wanted them than those which were purchased, being already broken; and that, under the contracts entered into by General Taylor on the Rio Grande, it cost less to transport his whole army from the banks of the Rio Grande to Monterey than the cost of these eight hundred mules and horses in Ohio, and their transportation to Texas.

Mr. THOMPSON, of Mississippi. I should like to know why horses were ever purchased in Ohio?

Mr. CROZIER. That is the very thing I want to know, too. He had said yesterday that it was, on the part of the Government or of the head of the department, a gross error of judgment, or a negligence that amounted to fraud, not to inquire into this matter; and he had said then, that if anybody would take up these abstracts——

Mr. FRIES, interposing, (and Mr. C. yielding,) was understood to advise the gentleman that it was perhaps not best to make the charge of fraud upon this Ohio contractor, for he was a Whig, and belonged to the gentleman's own party.

Mr. CROZIER (resuming) said if frauds had been committed, to whatever party the person belongs, let them be exposed. He further said that General Taylor, if they would authorize his contracts upon the Rio Grande, had made them all with the most rigid regard to economy. Steamboats had been chartered by some officers at half the price that others had chartered boats for. He did not wish to disparage the officer who had made these contracts, or to praise General Taylor, who contracted at so low a rate for the mules and boats, of which he had spoken in his remarks of yesterday. It might be that there might not have been much demand for them when General Taylor made his contracts; but it must strike everybody that General Taylor's contracts were less than half the price of those subsequently made.

Now, having corrected these errors of the gentleman from Georgia, he would come to the argument of the gentleman; and what was it? The

gentleman said this document should not go to the country, because it might mislead the people. If this was so, why print this thing at all? Why should it be printed and come to Congress, if it was likely to be misunderstood, and to lead to the condemnation of these officers? Why, that is a reason why it should be suppressed altogether; whereas the gentleman knew that it had been ordered to be printed for the use of this House, and he only desired an additional number of copies, which the gentleman now moved to reconsider. The gentleman from Georgia and his party professed great reliance on the knowledge and intelligence of the people, and yet he was not willing that the people should have an abstract of contracts which was made by one of the gentleman's own party, Mr. Marcy, the Secretary of War. Did the gentleman mean to be understood as being apprehensive about the people's examining a document sent to this House by the Secretary of War? Oh! said the gentleman, give us a committee. A committee of what kind? A committee with a majority of his own political friends? Why not send it to the people, and let them examine it? Was the gentleman afraid of that?

Mr. DUNCAN, of Ohio, rose, and, having obtained permission to occupy the floor for the purpose, said it had been stated that the person who obtained the contract for these horses in Ohio was a member of the Whig party, and acted with the party of the gentleman from Tennessee, [Mr. CROZIER.] Now, he would inquire who the contractor was?

Mr. FRIES rose and said it was Mr. Minor, of Columbus.

Mr. DUNCAN said he was not aware that Mr. Minor was a Whig. He was originally a Democrat, and had acted with the Democratic party, though, for some reason or other, he had become dissatisfied with that party. It might be that these contracts had been given to him to bring him back into their ranks. Mr. Minor was his own constituent, he believed, and if he had belonged to the Whig party he thought he should have known it. I believe he voted against me when I was a candidate for the seat which I have now the honor to occupy.

Mr. FRIES replied that Mr. Minor was a member of the Whig Central Committee of the State of Ohio, and actually voted to give the gentleman [Mr. DUNCAN] the seat which he now holds.

Mr. CROZIER. Well, of the political opinions of the contractors I know nothing. If this contractor were a Whig, these extravagant contracts might be calculated to buy him up. If he could be corrupted by a contract, it was strange that contract had not done it.

He would now return to the argument of the gentleman from Georgia, (Mr. COBB,) who was willing to have this document examined by a Whig committee, and sent forth to the country. Well, and what would be said of such examination and the report such a committee might make by their opponents? He knew the course of argument pursued on the stump. Why, it would be said that it was a Whig report. It would be said that it was a garbled statement—that it was untrue. And what did he propose? He would ask the gentleman from Georgia and the House if the course he proposed was not much fairer? He proposed to take this abstract of contracts, which had been furnished to the House by one of the political friends of the gentleman from Georgia, (the Secretary of war,) and send that out to the people, that they might judge for themselves. Oh, but, said the gentleman, they would make a mistake. But did not the people know as well as the gentleman from Georgia or himself (Mr. C.) what was a fair price for oats, or hay, or straw, and for all the provisions which might have been furnished to the army? Did not many of the people know, too, what was a fair price for many of the munitions of war? Did not steamboat owners know what was a fair price for transportation from Louisville to New Orleans, or from New York and other ports to any destination which the Government might prescribe? How, then, could they be misled? The people paid the taxes from which the money thus expended was obtained; and he thought they ought to be allowed to see how the money which they paid was disposed of. Well, then, as to the amount of which he had spoken yesterday. He said it was fifty millions of dollars which had been expended by the agency of the War Department; but he did not say it had been expended in the course of the last year, but from the commencement of the war. The appropriations last year were $28,000,000. The deficiencies which had been supplied by this House this session were about $14,000,000, making a gross amount of $41,000,000. When the war first commenced there was an appropriation of $10,000,000, making the gross sum of $51,000,000. Subsequently, a large amount had been appropriated, but what the particular sum was he did not know. He did not suppose that all the contracts for which this money had been designed had been reported; but what objection could there be to the printing of this abstract of but a portion of the contracts which had been furnished by a political friend of the gentleman from Georgia? There was, to be sure, the question of the cost, though he did not understand the gentleman from Georgia to have made a point of that. And what was it? Why, the pitiful sum of $400 for the printing of one of the most interesting documents that had for some time been sent to Congress. Why should so small an amount be an obstacle in the way of publishing a document of so much importance? He wished it to go to the people before the committee could say a word respecting it. Let it go to the people as it came from the Secretary of War. The people could judge of the price of these things as well as anybody else.

But there was one reason why he would be willing to vote for this motion of reconsideration; and it was not the motive which actuated the gentleman from Georgia in making this motion. He believed that a greater number of this document should be printed for circulation among the people, and therefore he might be willing to vote for the reconsideration, with the view to strike out ten thousand and insert twenty thousand. He wished the people to see what we were paying, and an examination of this document would show them that some of the sums paid were extravagant. For reports not half so valuable, more than five times the expense was incurred in printing. Besides, by printing this document, they might be enabled to obtain some valuable information.

He had a letter in his drawer, from which he learned that contracts had been entered into by builders of steamboats for old boats, for which from three to five thousand dollars more had been paid than they were building new ones for. True, some gentlemen might say, that the great demand served to enhance the price. Well, the people would take that into consideration, and they could say whether the prices were fair, or whether they were extravagant. He had not charged that frauds had been committed, as had been intimated; but he had said, that some of these contracts were so enormous that they ought to be investigated. He had no question but that many of these contracts had been made with the strictest fidelity and honesty. Respecting others, there might have been great negligence on the part of officers of this Government, if not absolute fraud. But he was willing that it should go to the country for examination. He would not now prolong this debate. If gentlemen desired to prolong it, he had no objection; but when the committee should report, there would be opportunities sufficient afforded to members to discuss the propriety of the many subjects which it embraced.

Mr. COBB rose to reply to the remarks of the gentleman from Tennessee. He said, the gentleman from Tennessee had charged that he was unwilling to publish this document because he was unwilling to throw information before the people of this country; that he was not willing to trust the people with the examination of subjects of this character. But it was not so. His remarks bore no such construction; and he believed the gentleman from Tennessee stood alone in so interpreting them. He had expressly stated, that he objected to the publication because the document was wholly unsatisfactory, for it would not communicate to the country the information they professed to be desirous to publish.

Mr. CROZIER said, the idea he attempted to convey was this: there were facts which the gentleman from Georgia was unwilling to throw before the people, because he thought they had not knowledge enough to understand them. They were facts concerning the price of provisions and munitions of war, and he (Mr. CROZIER) thought the people well understood what they were worth.

Mr. COBB said, as usual, the gentleman from Tennessee was now as far wrong as he was before. The gentleman from Tennessee had himself admitted before this House, that, from the abstract, he could not tell whether the contracts were fraudulent or not. He stood before the House with the admission that the abstract did not show whether they were honest or fraudulent.

Mr. CROZIER said the gentleman from Georgia was mistaken. He had stated this, that there were some contracts so enormously high that nobody could fail to see that they were wrong, and there were others which had been brought to his own knowledge which were apparently low and fair, but which were not fair. That was what he had said.

Mr. COBB resumed. Why, the gentleman from Tennessee, in his argument yesterday, gave as his reason for wishing the publication of these extra numbers of the abstract of these contracts and sending them to the country, that they should thereby gather up additional evidence to show that there was fraud and corruption. But the gentleman from Tennessee must admit, and so would every member on this floor, that an examination of this report, which was made by virtue of laws requiring the Department of War to furnish such a report, would not enable any one to show which of these contracts were fraudulent and which were honest. The gentlemen from Tennessee would not pretend to say that this document will communicate to the country the nature and character of the contracts of which a mere abstract was given. The gentleman had spoken of the chartering of a steamboat for $18,000, and why was it done? What were the exigencies of the circumstances under which the boat was chartered? That does not appear on the face of this abstract, nor how it was officered. Was that sum of $18,000 given for the vessel absolutely, or only for a given time? Had they satisfactory evidence on these points? In one state of things a sum paid might be necessary, which at another time would be grossly outrageous. At one time the exigencies of the service might not require it, but at another time the payment of $18,000 for a steamboat would meet with the approbation of every man who was familiar with the facts of the case. And so it might be with the purchase of horses. To judge of the correctness of the contract, they must know the circumstances under which the contract was made. To be able to decide whether the contract was fraudulent or honest, they must know the circumstances and emergencies of the case which required the purchases to be made. A purchase might be enormous and exorbitant to-day which to-morrow the exigencies of the times might require to be made at any price; and hence he protested against the publication of a mere abstract of contracts which would not afford satisfactory information in relation to them.

The gentleman from Tennessee said some of these contracts were right and others might be fraudulent. Now, when this document should be sent before the country, the men who had made fair and honest contracts would stand arraigned before the bar of public opinion on the same charge as those whose contracts were not so honest, if there were any such, for the gentleman had pointed out no distinction. The honest man and he who was dishonest would stand on the same footing. Now, he appealed to the sense of justice of the House if it would consent thus to punish untried the honest contractor? Justice demanded a fair and full investigation before such a course was pursued. There was a committee now, and the gentlemen opposite had the power to make the investigation, and to discover whether these contracts were made under exigencies of the public service, and at the instance of the commanding general of the army. Because a contract appeared to be exorbitant, this House ought not to come to the conclusion that it was so without investigation and without examination. What he proposed in this matter was right and just, and he thought it should command the favorable consideration of every member of this House. It was, that the committee of the House that had charged fraud and corruption should investigate it and point it out, direct public attention to it, and then let all unite in holding it up to public censure. If any better course could be recommended he should be happy to pursue it.

Mr. STEPHENS did not understand from the gentleman from Tennessee that this matter involved those charges against personal character which his colleague [Mr. COBB] appeared to suppose. He

thought his colleague, in his zeal and earnestness, had mistaken the object of the gentleman from Tennessee. At least his colleague had mistaken his (Mr. S.'s) yesterday, in voting for the printing of this document, and that which he should give, too, against the reconsideration. It might be, when this document should have been published, and the people have had an opportunity to see it and to ascertain how their money goes, that it might be found that frauds had been committed. That, however, was not the object of the publication of the document. It was not intended to arraign the contractors on charges of fraud and corruption; the object was to give the people light. He asked if the argument of the gentleman from Tennessee [Mr. CROZIER] did not put him in that position? But how stood his colleague, [Mr. COBB?] No report accompanied this document. It was a mere abstract of contracts as it had been sent to this House by the Secretary of War. And yet his colleague opposed its publication in an argument which put him in the position of being afraid that the people would not understand it. Now, he (Mr. S.) wanted the people to know what became of their money. They were the tax-payers; they bore the burdens of the war; was it not right, then, that they should know where every shilling and sixpence went? For one, he was willing to give it to them. Let this document, then, be printed. Let a number of copies be sent before the people of the country. No injury could be done to the contractors. He disavowed any intention to injure anybody; but he called upon the House to let his constituents and the entire country see and know where their money went. The position of his colleague was, that the people were incompetent to judge of the propriety of these contracts——

Mr. COBB interposed to explain. He said his objection was not to the publication, if it would convey information; but he objected because it did not convey to the mind any satisfactory information. He did not object to sending anything before the people that would be useful; but this was a mere abstract, and was not satisfactory for the purpose contemplated.

Mr. STEPHENS said it showed clearly what was done with their money; and, if he understood it, that was what the people wanted.

Mr. COBB said the people want to know whether their money had been spent rightfully and properly, and that this document did not show.

Mr. STEPHENS. His colleague said it was impossible, from this document, to know, with accuracy, what did become of the money; but, if he understood it, it was a report of the Secretary of War, made in compliance with a call of this House. Was it the object of the Secretary of War to make a report so that no man could tell what had become of the money? Was that the position in which his colleague wished to represent the Secretary of War?

Mr. COBB again interposed to explain. The document was made in compliance with an express law of Congress, which required an abstract of this kind. This abstract showed where the money had gone, but his colleague and the gentleman from Tennessee appeared to think that the object was to show whether the money had gone rightfully or not. That the abstract did not show, and could not.

Mr. CROZIER said the gentleman from Georgia [Mr. COBB] wished to bring this matter down to a single issue. Now, he had examined the document, and he reiterated, that in some cases it would show on the face of it whether the contracts were fraudulent or not, and whether they were correct or not. And as an additional inducement with the committee to recommend this printing, there were contracts which looked as though they were correct, that might not be so. He would not say that they were fraudulent; they were apparently correct; and if this document were published, persons living at the places where the contracts were made, might be able to bring them to the notice of the committee, and give them information which would go to show whether they were fraudulent or not.

Mr. COBB asked the gentleman from Tennessee to put his finger on any contract that was not fair.

Mr. CROZIER referred to the transportation of horses. He said further, there were contracts from his own district, which had been bid for at prices that were considered low, but they were rescinded by an officer of the United States, who made a contract with a favorite, by which the Government, in the transportation of one regiment, lost from two to three thousand dollars.

Some conversation ensued between Mr. COBB and Mr. CROZIER, and between Mr. FRIES and Mr. DUNCAN.

Mr. FRIES said, in relation to Mr. Minor, of Columbus, that if there was fraud, it was in the family circle of the gentlemen opposite, for they were all of the same political party.

Mr. STEPHENS then resumed. He said this conversation between the gentlemen from Tennessee and Ohio, if there were nothing else, convinced him of the importance of publishing this document. Now, he again urged the House to let these things go to the people of this country, for it was for them to say whether their money has been wastefully and extravagantly applied. It might be, when the people become cognizant of these things, they would be struck with the facts as light fell on their vision. It was for this reason that information was given to the people. This was not brought forward with a view to impeach the contractors, but to let the people see how their money was applied. It might be the people might see that there were frauds committed. If the contracts were all honest, they would bear seeing. What cared he, whether an individual living in Ohio was a Whig or a Democrat. As a representative of the people on this floor, was he to wink and blink at peculations of the public money, because a Whig stole it? No; he did not care whether Mr. Minor was a Whig or a Democrat, or anything else, and he trusted the people would have all the information on this subject that would be necessary to explain it. Whig or Democrat, it made no difference to him. The conversation which had this day taken place, showed him the importance of giving to the people this information. His colleague said that they on his (Mr. S.'s) side of the House, had the power to proceed with the investigation of this subject against the contractors; but he (Mr. S.) disavowed it, and called upon gentlemen opposite to aid him in giving the people this light. If the contracts were honestly made, he saw no reason why an attempt should be made to prevent this publication. If the contracts were honestly made, it would make no difference to the contractors, if they were published on the wings of the wind. Why should gentlemen oppose the publication of an official document from their own fiscal officer?

As to the cost, they were told it would be trifling in comparison to that of other documents which had been ordered to be printed. Would gentlemen vote to expend $40,000 in publishing a report from the Commissioner of Patents and refuse a few hundred dollars to print a report informing the people of the manner of expending some fifty millions of the public money? He trusted not.

Allusion had been made to the Whig side of the House as pressing this publication for party ends. He trusted that gentlemen on the other side, who claimed to be the exclusive guardians of the people's rights, would not refuse to let them know what had become of their own money. When one of them sent an agent to dispose of his crop, he exacted at his return a strict account of what he had done with the money received for it: and would members of that House, where the people were directly and especially represented, the stewards of their money, refuse them an account of how it had been applied?

Mr. S. would not insult the House by argument on such a question: it was a plain question of common sense and common honesty. Let the people know how much they were paying for glory. Let them see what millions were coming in which they must settle. Mr. S. had no objection that his people should see the whole truth.

Mr. McCLERNAND said that this document had already been published by order of the House. This being the case, the gentleman from Tennessee moved the printing of an additional number, and to what purpose? The gentleman from Georgia [Mr. STEPHENS] disclaimed its being for any mere party purpose.

Mr. STEPHENS, interposing, said that he did disclaim it. The measure was urged for no party purpose: it was brought forward with a view to let the people be put in possession of information which it was important for them to possess. This was a public official document. Let the people have it; they were entitled to a sight of it.

Mr. McCLERNAND resumed. The gentleman renewed the disclaimer; but Mr. McC. spoke to facts, not to appearances or pretexts. It must be obvious to all that the mover of this resolution meant to fix upon the present Administration the charge of fraud in reference to these contracts. He repeated it, he was speaking to facts, not to pretences, or professions, or pretexts. Having made this charge of fraud, he moved for this republication. But the gentleman from Georgia had said that the document proved only what was on its face: and what was that? That a large sum of money had gone out of the treasury, and the people, the gentleman contended, had a right to know for what. Well, this was all very well. No one denied it. But had the gentleman forgotten the fact that the motion of the gentleman had been accompanied by a speech? The document would go to the country accompanied by a charge of fraud.

Mr. CROZIER said that the gentleman from Illinois had fallen into two mistakes in one sentence. In the first place, this document never had been published at all; and in the next place, that Mr. C. had charged fraud upon the Administration in letting out these contracts for supplies. So far was this from being true, that Mr. C. had expressly declared in his speech that it gave him pleasure to state that some of these contracts had been entered into with the utmost fidelity and economy.

Mr. McCLERNAND said he spoke to the general effect of the gentleman's speech. He would appeal to every one who heard him, whether the evident design of this republication was not to fix a charge of fraud on the Administration. That was plainly the drift and effect of the gentleman's argument. Hearing this charge of fraud brought forward by gentlemen in the Opposition, the gentleman from Georgia [Mr. COBB] came forward and asked the gentleman to modify his resolution, so as to order a committee of inquiry into any frauds that might have been committed. But no, the gentleman resisted all modification of his resolution; he resisted the overwhelming argument and appeal of the gentleman from Georgia, and insisted on standing, where he had done from the first, on mere party ground. And what had he made by his motion? He had charged fraud in two instances—not any fraud that could be shown by the face of the document, but from extrinsic evidence entirely: and what was the result? Both his charges ended in fastening the fraud, if any had been committed, on members of his own party. So far as the House had yet gone, instead of any blame lying on the Administration, it was fixed, by the gentleman's own account, upon his own political friends. What was there irregular or unfair in the argument of the gentleman from Georgia? That gentleman had said that this document, on its face, did not show whether a contractor alleged to have been favored was a friend of the Administration or not. But if the object was to expose fraudulent transactions, that gentleman proposed that a committee of investigation should be raised, so that the frauds, if any existed, might be held up to public reprobation. Was there not justice in this? Did it not appeal to the common sense of the House? Would gentlemen, without any certain information to go upon, openly charge fraud upon our public officers? Were they prepared to do this? Was it not an act of injustice that gentlemen would afterwards be ashamed of? If fraud had been committed, was it not according to the usage of the House to ascertain the fact by a committee, and then deal with the offenders according to law?

The gentleman from Georgia, over the way, said that the country had a right to know what had gone with their money. So they had; and the public documents would show what had gone with it: they were before the country.

Mr. STEPHENS. The gentleman said this information was before the country. He (Mr. S.) denied it: this was an official document still in manuscript, which never had been printed, and which they on that side of the House wanted to have printed and put before the country. It never yet had been printed even for the use of the House, and the public had never seen a line of it. It was true, the usual number of copies had been ordered, but even these were not yet printed; but they wanted many more, for the purpose of distribution; and this was the only document in which this information in relation to contracts was to be found in any detail.

Mr. McCLERNAND resumed. The usual number of copies had been ordered, and the document would thus be published to the country. But the gentleman from Georgia [Mr. COBB] wanted a committee—he wanted a thorough investigation, that the names of those who had entered into any fraudulent contract might be given to the world, and thereby other contractors freed from suspicion. Those on Mr. McC.'s side of the House were not unwilling that an extra number of this document should be printed; they made no issue upon that: what they wanted was, that honest men's fair fame should be vindicated, and all frauds exposed.

Mr. THOMPSON, of Kentucky, said that it seemed to him that this whole discussion arose from a misconception of the design of the committee in reporting this resolution for printing an extra number of this document. The gentleman from Tennessee [Mr. CROZIER] belonged to a committee who had been charged with inquiring whether frauds had not been committed in reference to public contracts for supplies, transportation, &c. That committee had some time since moved the printing of an extra number of copies of this abstract of contracts. This was before the news had reached us of the conclusion of a treaty of peace.

Mr. T. understood that the gentleman had made the motion because he wished that the information contained in the document should go before the country, not that he charged that frauds had been committed, but if any did exist, that the people might be aware of it. Not only was this no party movement in its first inception, but when the resolution was afterwards referred to the Committee on Printing, so far from anything like party action being taken upon it, that committee (to which Mr. T. belonged) were in favor of printing the document simply for this reason: the abstract showed that many millions of dollars had been expended for the hire of steamboats, the purchase of horses and mules, and flour and pork and beef, and the munitions of war. The war was then in progress. Mr. T. wanted those in Ohio and Kentucky who had provisions to sell to know what had been paid to others for them: he desired that his own constituents and others should be apprized that large speculations were making in the articles which they raised, and would be glad to sell to the Government, or any other responsible purchaser. And not only that, but if any exorbitant prices had been paid for the hire of steamboats, for the purchase of mules and their transportation, for flour and beef and other provisions for our troops, he wanted the whole country to know it, because it would excite competition, and thereby possibly save much of the public money by preventing further extravagant contracts. This was the open straightforward purpose which had induced the Committee on Printing to report the resolution. He never had learned that a fair competition between the producers for the public contracts was calculated to injure the Government. He must be allowed to say that the document, the printing of which seemed to have so greatly excited gentlemen on the other side of the House, was their own document; and all that was proposed was to print it, without note, comment, or commentary, or explanation, or animadversion of any kind. If a public official return of facts could not be suffered to go before the nation, it was a very strange thing. It never was intended as a party movement: it was honestly intended to give valuable information to the public, and thereby to prevent the Government from being fleeced by unprincipled men, who were ever ready to take advantage of the public necessities and to prey upon their country. Its tendency was to deliver the Government from a gang of Shylocks, who, without patriotism or common honesty, were ever ready to enrich themselves at the expense of their country. So far from having reported it with any party view, Mr. T. had not so much as dreamed of making such a use of it.

Mr. T. should, before he concluded, move to lay the motion to reconsider upon the table. He sought no concealment for any fraudulent contractors. Let gentlemen investigate as thoroughly as they pleased. He charged no fraud; but if gentlemen wanted an investigating committee, let them have it. Let them search to the bottom, and if there were fraudulent contracts, (if such a thing could exist,) let the fraud be fastened on the guilty parties, and, whoever they might be, let them go to the wall. If there was to be an investigation, that was but an additional reason for adopting this resolution, because the printing of such a document would be a material aid in conducting such an investigation.

Mr. T. concluded by moving to lay the motion of reconsideration on the table; but at the request of Mr. McKAY, who promised to renew the motion, withdrew it.

Mr. McKAY said he had no doubt that the object of the Committee on Printing in reporting this resolution had been to disseminate information among the people; he thought, however, that this practice of ordering the printing of large extra numbers of any public document was, to say the least of it, very questionable. But, not to dwell on that, Mr. McK. would ask of gentleman whether their object was not to give the people full and fair information? They surely did not wish to deceive the country. Now, he would venture to say, that this document would not give them a fair view of the expenditure of fifty millions of the public money, as was pretended. The amount had been enormously exaggerated. These contracts were those which had been made during the last fiscal year; but the fiscal year ended on the 30th June. The whole amount could not reach twenty millions; and, be the amount what it might, it would show but a very small part of the public expenditures.

Mr. CROZIER here interposed, to remind Mr. McKAY that in his speech he had expressly said, that he did not know the exact amount; that it might be fifty millions. The document might cover the whole expenditure, or it might not; he had estimated it at thirty millions.

Mr. McKAY said the abstract reached only to the end of the fiscal year; being just such a document as had been sent in last year and printed by order of the House. But the most extraordinary reason he had yet heard given for printing this large extra number was that stated by the gentleman who had just taken his seat, and who had reported the resolution from the Printing Committee. The gentleman said he did not charge fraud, and the publication of the document was intended for no party purpose; for what then? Why, to produce greater competition. Why, did not the gentleman know that this was an abstract of past contracts, not of those yet future? If the object was to create competition by publishing the contracts, that was already accomplished, for these contracts were all let out after publicly being advertised for a prescribed length of time. Such advertisements were made in the papers every day; contracts for forage, for fuel, for provisions, &c., were making continually, and the fullest and fairest competition was invited by advertisements in the most widely-spread prints of the day. But this was not the purpose for which he had risen.

Mr. THOMPSON inquired whether the advertisements of which the gentleman spoke (as if it was not known to everybody) gave people through the country any knowledge as to the prices actually paid by the Government for such articles as were to be furnished? Would a farmer in Kentucky learn from them what he might get for his flour or beef or beans at New Orleans, or at the Brazos St. Jago?

Mr. McKAY (resuming) observed, that he had not the slightest doubt that some enormous prices had been paid for steamboats, for purchase of mules, &c.; he had not the slightest doubt that there had been great waste and extravagance, and he called now upon the gentleman from Tennessee, the chairman of the Committee on Public Expenditures of the War Department, [Mr. CROZIER,] to perform his duty to the House and to the country by instituting a full and rigid examination of all these matters; and if there had been any fault on the part of these public officers, if any of them in the execution of their public trusts had committed fraud and extravagance in procuring contracts for supplies, let it be known, and let their names be held up to the country—to the public indignation and reprobation.

This was the duty of the gentleman, and now he came forward, after Congress had been in session three months, and he had been charged with the execution of this duty, and what did he propose? The publication of an extra number of copies of this document, to go forth to the country, to alarm the people; to say to them, those who were the friends of the war, "See what monstrous ex-'travagance this Government has been guilty of in 'making these contracts—paying $100 for mules 'in the valley of the Mississippi, when they could 'have been procured at the same time on the Rio 'Grande, for $10, $20, or $30. See what enormous 'prices have been paid for corn, oats, &c. For 'seven or eight days' use of a steamboat, seven or 'eight, or ten thousand dollars—as much as was 'the actual cost of the boat." This was right, the gentleman said. Well, for what did they send it out? To give information to the people, certainly. But it should be borne in mind that most of those officers of the Government who had made these contracts were the gentleman's own political friends—nearly every one of them were Whigs—he asserted it boldly, defying contradiction. But it was no matter whether they were Whigs or Democrats. If they were Democrats he wanted them exposed; whoever had been guilty of frauds upon the Government, he would join in bringing them out to the public reprobation.

But he wished to read to his friend from Tennessee and to the House, the rule defining the duties of the Committee on the Expenditures of the War Department. Its duties and the duties of the Committees on the Expenditures of the other Departments were laid down together:

"It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

"Whether the expenditures of the respective departments are justified by law;

"Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers establishing their justness both as to their character and amount," &c.

Now, here was the specific duty of this committee. Gentlemen wanted this information to go to the people, to let them see the great extravagance which had been committed. Now, the gentleman from Tennessee, who was the chairman of this committee, who had been engaged in the examination of these accounts for the last three months, had come forward here yesterday and very frankly told them that a large portion of these contracts were perfectly honest and properly made, but then that there were others, he believed, which were unjust, extravagant, fraudulent. He made a general allegation of fraud. Could he pick out the specific cases? Let the gentleman take this document—he was the chairman of the committee, having access to the department—and make a thorough investigation; for as he understood the gentleman, he was not prepared to-day to put his finger upon any one of these contracts which he could state unequivocally to be fraudulent.

Mr. CROZIER (Mr. McK. yielding) said he was very much obliged to the gentleman from North Carolina for the lesson which he had given him. He (Mr. C.) himself had read the rules several times. The gentleman had been told that this document had never been printed at all. He had looked into the manuscript slightly; he had noted down some fifty or one hundred contracts to be examined into, and whenever this document was printed and placed in the hands of the different members of the committee they would go to work. It would take them—not only during the ordinary committee hours, but sitting the whole time when the House was in session—until Congress adjourned, and perhaps longer, to examine it fully; but still they would do whatever they could. In the mean time, however, the committee thought they could gain information from the country by circulating the document, and that cases might be brought to their notice peculiarly demanding investigation. The committee would do all within their power in the matter. He knew the gentleman from North Carolina on this subject of expenditures was a rigid master; but he thanked the gentleman for his teachings, and he thought the committee would follow them.

Mr. McKAY (resuming) remarked that he had not intended, by referring to the rule, to express the idea that the gentleman was not inclined to do his duty.

The House of Representatives (he continued) was the grand inquest of the nation. By the Constitution of the United States, impeachment could alone be presented to this House. If there was any public wrong or fraud committed by the Executive branch of the Government, or any part of it, here was the place where the inquiry must be made and prosecuted. It was therefore the duty of this House, by its organs—these various committees on the expenditures of the several departments—to commence the investigation of any wrongs which

had been done, and which were to be held up to the country. Now, what he proposed to the other side of the House in all frankness was, if any frauds had been committed in the making of these contracts, let it be fully investigated; and he would go as far as he who went farthest in holding it up to public scorn and indignation. Let them reconsider this order for the printing of extra copies; let the committee resume the investigation, or commence it, if it was not already commenced; let them take up all those cases where there was any appearance of extravagance or fraud, and push them to the extreme of scrutiny, calling on the officers of the department for information; and if they could not satisfy them that all the transactions were perfectly fair, let the committee come forward with a report exposing whatever extravagance or fraud had been committed, and he (Mr. McK.) would vote with the gentleman to print any number of extra copies he might desire. Let the whole matter go forth to the country by report of the committee, containing specific allegations, with the explanations which were given.

In compliance with the pledge given to Mr. THOMPSON, Mr. McK. concluded by renewing the motion to lay on the table.

The yeas and nays were asked and ordered, and being taken, resulted: Yeas 93, nays 78.

So the motion to reconsider was laid on the table.

THE PUBLIC REVENUE.

On motion of Mr. McKAY, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROCKWELL, of Connecticut, in the chair,) on the special order, viz: the bill requiring all moneys receivable from customs, and from all other sources, to be paid immediately into the treasury, without abatement or deduction, and for other purposes.

The question pending when the committee rose yesterday was on agreeing to the amendment of Mr. HALL, of New York.

Mr. HALL withdrew his amendment, for a moment, at the request of—

Mr. McKAY, who, remarking that it was not in order to go back to the second section, except by general consent, asked such consent to enable him to offer an amendment to that section, which had been agreed upon by the gentleman from Massachusetts [Mr, GRINNELL] and himself, in consequence of the doubts yesterday expressed as to the working of that section as it stood in the bill.

No objection being made—

Mr. McKAY offered the following amendment to the second section:

"*Provided*, That the collectors of the customs shall be the disbursing agents to pay the aforesaid debentures, drawbacks, bounties, and allowances, and that all debenture certificates, issued according to law, shall be received in payment of duties at the custom-house where the same has been issued—the laws regulating drawbacks having been complied with."

By the laws of 1789 (he remarked) the collectors were made the disbursing agents of the Government, and these drawbacks were paid, as he had stated yesterday, out of the gross products of the customs. Inasmuch as the first section required that these gross duties should be paid immediately into the treasury, there might be some doubt whether, under this law, the collectors would continue to be the disbursing agents. His opinion was that they would. But to remove all doubt he offered this amendment.

The question being taken, the amendment was agreed to.

Mr. HALL renewed the amendment which he had offered yesterday, with certain modifications to make it read as follows:

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, directed to report to Congress, at the commencement of the next session thereof, the actual amount of moneys in the treasury of the United States at the commencement of the fiscal year on the 1st day of July, 1848, stating in such report what portion of such amount belongs absolutely to the United States, and what portion thereof is held in trust, and the nature and description of each of the trusts under which such moneys are held, and the amount held under each of said trusts respectively; and, in case the amount of trust funds theretofore paid into the treasury of the United States, and not expended in discharge of its duties as trustee, shall exceed the balance then in the treasury, that he shall state the amount of such trust funds so paid into the treasury and not expended as aforesaid, under each of such trusts respectively; and that said Secretary of the Treasury shall, at the same time, report to Congress a statement of all the outstanding warrants drawn against the treasury and not paid at the commencement of the said fiscal year, stating the amounts of each of said warrants, and the accounts on which the same were drawn, and whether the same were or were not drawn on account of trust funds which had been before paid into the treasury; and also the amount of the public debt at the commencement of such fiscal year; and that the said Secretary of the Treasury shall, annually thereafter, make to Congress, at the commencement of each regular session thereof, a similar report, having relation to the commencement of the then current fiscal year. And the said report shall be contained in and made a part of the annual report of the Secretary of the Treasury on the finances of the country.

SEC. 6. *And be it further enacted*, That the President, each of the heads of departments, and all the officers of the United States who, as such officers or heads of departments, shall, at the commencement of said fiscal year, hold or control any moneys, securities, or other valuable thing in trust, under any law or treaty of the United States, be and they are hereby, directed to report to Congress, at its next session, the nature and character of each of said trusts, when and how the same was created, and the amount of moneys and description of the securities or other valuable thing which have been at any time, and were at the commencement of the said fiscal year, held or controlled, and the receipts and payments on account thereof; and that all such officers and heads of departments who have, during the preceding fiscal year, held or controlled any trust funds or property, shall, annually thereafter, at the commencement of each regular session of Congress, make a report to Congress containing a full and accurate statement and account of their doings, receipts, and expenditures, during the preceding fiscal year, on account of each of the trusts committed to or executed by them.

Mr. HALL said, he had no doubt that the object which the gentleman from North Carolina proposed to accomplish by this bill and amendments, and the object which he (Mr. H.) had in view in the amendment which he offered, were substantially the same. Both of them desired to obtain hereafter more accurate and intelligible statements from the Secretary of the Treasury in regard to the condition of the finances of the country. For that purpose, the gentleman from North Carolina had reported this bill, requiring that all the moneys belonging to the United States should, immediately after they were received by the officers whose duty it was to receive them, be paid into the treasury of the United States, without any deduction on account of salaries, or expenses of any other kind whatsoever. Now, his amendment proposed that, with the commencement of this new system proposed by the gentleman from North Carolina, there should commence a system of reports which should show, more distinctly than had hitherto been shown, the amount of money in the treasury of the United States, the amount which belonged absolutely to the United States, and the amount held in trust by the United States, for the benefit of Indian tribes, or for any other purpose whatsoever. He desired, furthermore, that these reports should be contained in the annual report of the Secretary of the Treasury on the condition of our finances.

The gentleman from North Carolina had told the House yesterday, in reference to the reports which this amendment sought, that, if he (Mr. H.) would turn to the report of the Commissioner of Indian Affairs, he would find the statement of all the information which he asked for. But he desired that this report, which had relation to the finances of the country, should be embraced in the annual report of the Secretary of the Treasury, that the whole of it should be included in a single document, and that document be so plain and intelligible that gentlemen who came to this House for the first time could have some idea, at least, upon reading the annual report of the Secretary of the Treasury, of the true state of the finances of the country. Gentlemen who, like the gentleman from North Carolina, for twenty years, had occupied seats on this floor, might be able to learn something of the condition of the finances from the annual reports made on that subject; but he was not ashamed to confess, that he had examined these documents with some care, and had not been able to come to any conclusion satisfactory to himself on the subject. For example: when he saw the statement of the Secretary of the Treasury, that the amount of moneys remaining in the treasury at the commencement of the present fiscal year was but $1,700,000, or something more, and when he knew the fact that the Secretary had stated, at the commencement of the last session, that it was necessary that four millions should be kept constantly in the treasury, in order to carry on successfully the operations of the Government, he had felt some inclination to inquire further into this matter, and to see whether there might not be some mistake in relation to the amount of money actually in the treasury of the United States. On looking into the Secretary's account of the receipts and expenditures, he found that, in giving these receipts, the Secretary had excluded $3,193,200, the avails of treasury notes and loan, which he had stated to have been funded, and which were excluded on that ground. Now, the gentleman from North Carolina could perhaps inform the House why the Secretary should exclude from the amount of the receipts for the year this $3,193,200. As he understood it, no treasury note could be issued unless the amount was paid into the treasury, or unless they were paid out to the public creditors in discharge of the public debt; and therefore, in his judgment, the whole amount of these treasury notes and loans should be regarded as receipts into the treasury, and this $3,193,200 should not have been excluded from this statement of the Secretary of the Treasury.

But, for the purpose of satisfying himself further in relation to this matter, he had gone to the office of the public printers, and found there the statement of the Register of the Treasury of the receipts and expenditures during the same period, and there he found the Register of the Treasury had included this $3,193,200 as a portion of the receipts into the treasury during the last fiscal year. He had included this amount, although it had been excluded by the Secretary of the Treasury.

Again: he found, upon a further examination of that report, there was a considerable difference between the statement made by the Secretary of the Treasury of the amounts paid on the civil list, foreign intercourse, miscellaneous, War Department, Navy Department, and public debt, and the statement made by the Register of the Treasury, and annexed to the annual report of the Secretary of the Treasury. He had made inquiries at the Treasury Department, and was informed that these differences were to be accounted for by the outstanding warrants and the trust funds included in the one and excluded from the other of these statements. Now, he desired that these reports should be made in such a manner that they should not send forth to the country, issuing from the same department, two separate statements of receipts and expenditures, differing by millions.

He would not take up the time of the committee by going through and stating all the differences between the statements of these two officers. He confessed, after he had heard the explanation of the Register of the Treasury, he had not been able to account for the whole of the discrepancy. There were other discrepancies between these reports which had not been explained, and which he apprehended could not be satisfactorily explained. In the first place, the Secretary of the Treasury, in his annual report on the finances, page 39, gave the amount paid on account of the public debt during the last fiscal year at $3,522,082 37; at page 67 he gave the amount of the public debt paid during the same period at $6,722,021 39; and the Register, in his statement, gave the amount at $6,719,282; so that here were three statements of the same thing emanating from the same department, all different in amount, and covering precisely the same period. Now, there might be some explanation of it. Perhaps the gentleman from North Carolina could give some explanation. He hoped there was nothing wrong, for the sake of the Secretary, and he hoped so for the sake of the country; for, if common fame did not do the Secretary injustice, there was nothing in his past history or his present pecuniary condition that, in case of wrong, would give to the country the slightest promise of "indemnity for the past" or "security for the future."

Again, the Secretary, at page 43 of his report, gave the amount paid on account of the public debt from December 1, 1846, to December 1, 1847, at $10,480,362 14. This was for the twelve months ending December 1, 1847. Now, at page 67 of the same report, he gave the amount paid on the same account, for the seventeen months ending on the same day at $9,261,259 08, making the amount paid for seventeen months more than one million less than the amount paid in twelve out of those seventeen months.

This was a matter which, to him, appeared to require correction; and he desired to have, in one report, that should be intelligible in itself, a full statement of the condition of our finances, in such a manner that every member of Congress, whether he had been here before or not, could obtain from it something like an accurate idea of the condition of the finances of the country.

In reference to the suggestion of Mr. McKAY, that the subject of this amendment was an appropriate one for a resolution, he said he apprehended

it should be introduced into some bill by way of amendment, or else be made the subject of a separate bill, so that not only on the 1st of July next, but annually thereafter, a full statement of the condition of the treasury and of the trust funds should be made to Congress, as contemplated by his amendment.

Why should they, for the purpose of determining the amount of trust funds held by the Government, be compelled to go to the report of the Commissioner of Indian Affairs, a document which was not printed or sent out to the people in connection with the report of the Secretary of the Treasury on the finances? But, if they looked to that document, it struck him that the result would be equally unsatisfactory. The gentleman from North Carolina had told him he should find in that document the statement which he desired. He found here a statement of the stocks held on account of the Indians, and he thought this statement would of itself show the necessity of having some annual report from those officers who held moneys in trust for the benefit of the Indian tribes. Why, was there any court of equity in this Union which did not require annually a report of every trustee holding funds under its orders, of the condition of the funds, and of the receipts and expenditures during the year? And should Congress, who stood here as the guardians of the Indian tribes, require less from our own officers, who held these funds for the benefit of the Indians, and for whose acts the United States were, or ought to be, responsible. In running over this account of stocks held by the Government, he perceived that there were stocks of the State of Alabama held for the Cherokees, to the amount of $300,000, in a single item, for which the trustee of these Indians seemed to have paid the par value. He did not know how it might have been at the time when this investment was made, but he was well satisfied that now these stocks would bring nothing like their par value.

There was also an investment to a large amount in Indiana stocks, for which a premium had been paid. These stocks had been sold during the last year for thirty-five cents on the dollar. These and other statements contained in these reports, showed the necessity of a full annual statement of these trust funds, and of the investments made on account of the different trusts.

But, again, the gentleman from North Carolina, as he understood him, said that he would find in this report of the Commissioner of Indian Affairs, a statement of the whole amount of moneys in the treasury on account of trust funds.

Mr. McKAY (Mr. H. yielding) explained that he had said the gentleman would find the amount held by the Government in trust. He did not say the moneys were in the treasury.

Mr. HALL (resuming) said that was one object which he had in view in offering his amendment, that the House might see the amount in the treasury as well as that held by officers. Here was a statement showing the amount provided for by Indian treaties, which must be considered in the treasury, and for which the Government was paying five or six per cent. interest, to be some $5,273,000. Now, he would like to inquire of the gentleman from North Carolina, if this was not properly a portion of our public debt? If we did not owe this amount to these Indian tribes, and on which we are paying interest under a law making permanent appropriations?

Mr. McKAY (Mr. H. yielding) said he had stated yesterday, that the report of the Commissioner of Indian Affairs showed the amount held by the Government on trust for the Indian tribes which had been invested. With regard to that which was not invested, which was five millions and over, of course the Government paid the interest upon it, and there was no doubt but it formed a part of the public debt of the country. He had also stated, that upon referring to the Indian appropriation bills, the gentleman would see that large sums were appropriated expressly for the purpose of meeting the interest upon these several sums. For instance, the Government negotiated a treaty with Indian tribes, in which it agreed to pay one hundred and fifty or three hundred thousand dollars, and promised to invest it; but instead of investing it, it paid the interest. The money was not in the treasury, but the Government was debtor to that amount.

Mr. HALL said that was what he supposed. He would like further to inquire whether this $5,273,000 was included in the amount of public debt existing on the 1st December, as stated in the report of the Secretary of the Treasury, page 44?

Mr. McKAY replied that it was not included. It did not form a portion of what was called the public debt.

Mr. HALL (resuming) said he had been led to suppose that it was not included in the Secretary's statement; but it was, as the gentleman from North Carolina admitted, and as must be very evident to every gentleman at the first glance, a part of the public debt. Why, then, was it not stated? This one item added over $5,000,000 to the amount of the debt of the United States, as stated by the Secretary of the Treasury.

In conclusion, he remarked that he had intended, on a former occasion, to have gone through with an examination of these reports of the Secretary of the Treasury and the Register, and shown the discrepancies which existed between them, and asked from gentlemen on the other side some explanation in regard to them. But he felt it would be out of place now, when the simple question before the committee was upon the amendment which he had offered. He hoped this amendment would be adopted, or else that this bill, with the amendment he proposed, would be referred back to the Committee of Ways and Means, that they might report some more suitable provision, that would bring before the House from the Secretary of the Treasury clear, distinct, intelligible statements, annually, of the condition of the treasury and of the finances of the country.

Mr. TOOMBS wished to say one word in reply to the gentleman from New York. Very many of the objects which that gentleman sought were exceedingly proper, but they were not proper here. He admitted, with the gentleman, that there was very great difficulty in understanding, from the way in which the accounts were given by the Secretary of the Treasury, the financial condition of the country; but gentlemen ought not to be astonished at that, for he believed the Secretary of the Treasury did not understand it himself. We had found him correcting his reports by millions, and no doubt he would have to correct further before Congress adjourned.

But this bill sought one important object, and he thought it ought to be disembarrassed with the numerous provisions of the amendment of the gentleman from New York. This bill sought simply to put all the money into the public treasury, and draw it from the public treasury by law, according to the requirements of the Constitution, so as to get rid of the difficulty of spending two or three millions without authority of law, as we now did. A large class of our revenue officers and receivers of public moneys received compensations which were fixed without authority of law. They were not brought before the Congress of the nation; they could not judge of the propriety of their compensation or of their efficiency. This bill brought the regulation of their salaries and their duties under the control of Congress, and enabled them to place a correction upon frauds here as well as elsewhere.

The object of the gentleman was exceedingly proper in calling for information; but the gentleman from North Carolina was correct in saying, if you would wade through the various documents, very much of the information the gentleman sought would be found to be now provided for by law; and what further was necessary could be called for by resolution.

Mr. HALL (Mr. T. yielding) inquired if they could procure these statements annually by a resolution of inquiry?

Mr. TOOMBS replied that each Congress could do it.

Mr. HALL said it was necessary that they should have these reports annually.

Mr. TOOMBS (resuming) repeated that there were provisions of existing law which answered the purposes of the requisition of the amendment; therefore it was wholly unnecessary. He thought the amendment arose in part from gentleman having failed to give sufficient attention to the documents. The Secretary of the Treasury was required by law to make many of these statements. These trust funds could all be arrived at if the gentleman would take the trouble to examine the laws of the land which stood upon treaties.

Mr. HALL inquired how long it would take the gentleman from Georgia to satisfy himself of the amount of trust funds held by the Government, the disposition that had been made of them, and their present state?

Mr. TOOMBS said it would be difficult thus to accomplish what the gentleman desired. If the gentleman thought the laws prescribing the duty of the Secretary of the Treasury were not sufficiently explicit, he should have no objection to the gentleman's introducing a bill for the purpose of doing that which he sought to do by this amendment, but which was not appropriate to this bill. Much of the difficulty arose from the inattention of gentlemen, and in consequence of their not taking the trouble to ascertain the facts in connection with the revenue of the country. The question should first be examined and reported upon by a committee. It was too large a question to be decided upon by this House without such preparatory examination, and he was not disposed to act upon it at the instance of any gentleman without being satisfied that it had been investigated fully. He preferred that a committee should be instructed to bring in a bill. It was a question to which perhaps no gentleman there had paid sufficient attention, and therefore he objected to the proposed amendment of this bill, for neither the House nor a committee had had an opportunity to examine and ascertain that it was just and proper.

Mr. HUDSON concurred with many of the remarks which had fallen from the member of the Committee of Ways and Means, [Mr. TOOMBS,] but he differed entirely with him on one position which he had assumed—namely, that this amendment was irrelevant to the bill under consideration. If he understood the bill, it related to the finances of the country. It provided that the sum collected from imposts should be returned to the treasury, and that the officers engaged in these collections should be paid out of the treasury. This, of course, would involve some change, a considerable change, in the annual reports of the Secretary of the Treasury on the subject of the finances; and the gentleman from New York, by his amendment, proposed to require the Secretary to say in his report some things in detail which were now stated in gross, and that he should give us a more distinct view of the different funds which were held by him or by other officers of the Government. Now, it seemed to him that it was perfectly legitimate, when they were changing the basis of the Secretary's estimates, to require from him estimates which he had never made before, and to require him to make others in some particular way; and he therefore could not perceive that there could be any solid objection made to this amendment. The gentleman himself admitted that the report of the Secretary for the present year had been of such a character that it was impossible for any of them to understand it fully. In other parts of his remarks, the gentleman had intimated, that with a little industry, any one would be enabled to understand not only the state of the treasury proper, but to ascertain and understand the condition of all the trust funds, spread as they were through various laws, and recognized by various treaties. This, said the gentleman, a little industry would make perfectly plain. Now, he (Mr. H.) admitted that gentleman's industry and great power of endurance; but he confessed that for himself the task was not so easy; and the gentleman from North Carolina, [Mr. McKAY,] familiar as he had long been with the subject, had likewise confessed how difficult he found it fully to understand all the Secretary's report. And why the gentleman from Georgia [Mr. TOOMBS] should object to this provision, requiring the Secretary to make his report more in detail and with greater plainness, was, Mr. H. confessed, more than he could discover: certainly the gentleman did not wish the reports to be continued as unintelligible as they were at present.

The gentleman from New York required nothing more than than the funds should be explained distinctly and separately. We had now the singular spectacle of two or three reports, containing statements of different funds, respecting which different views and opinions had been expressed by the same officer. Yes, he could produce reports of the same Secretary of the Treasury, respecting particular funds, which did not agree. Now, he asked, how was this? Oh, the trust funds were included in one case, which were not in another. Now, how, he asked, could any committee comprehend reports which stated the funds in different

ways? And the members of the House who had not plodded through all the treaties to find out the state and condition of these funds would find it almost impossible to explain these differences. But the Secretary of the Treasury could in a short time furnish a document which would convey the intelligence clearly and satisfactorily.

The gentleman from Georgia [Mr. TOOMBS] suggested, that this information could be embraced in a resolution of inquiry, and thus they could obtain all the information they desired. Of resolutions calling for information, they had had some experience. It was well known that a resolution calling for information must, under the rule, lie on the table for one day. Well, it then went on the docket, and was never reached. They had resolution on resolution now on the docket, which had not been reached thus far, and perhaps never would be; or if they were, at the end of some months, and then adopted, some six or eight weeks more perhaps would elapse before they were responded to; whereas, the only value of much of the information thus called for was in having it immediately for the regulation of the action of the House.

It seemed to him, that this was the appropriate bill wherein to provide for the furnishing of the information which they desired, and that they should not rely on calls, to which gentlemen knew well how easy it was to give the go-by. In short, he could not see any valid objection to it.

It had been said by the gentleman from Georgia, [Mr. TOOMBS,] that this amendment involved a great principle. Now he (Mr. H.) could not see any vital principle involved; and that it should contain such a principle, was more than he could comprehend. He knew not how far into the *minutiæ* this amendment would require the Secretary to go; but he apprehended, be it more or less, there was no constitutional question involved.

He hoped the amendment of the gentleman from New York would be adopted. No harm could arise from it, but great good would be accomplished; and it appeared to him that this was both the proper time and place to introduce it. Besides, it would give the Secretary of the Treasury an opportunity to make his report more intelligible.

Mr. McKAY did not propose to follow the example set him by the gentleman from New York, by going into an examination of the state of the treasury. On some other occasion, he trusted to have the opportunity to do so, and of showing his views as to who was wrong and who was right. One objection which he had to this amendment was, that it sought to obtain information which the Secretary of the Treasury and the heads of departments were now required to furnish. He then proceeded to call the attention of the committee to a series of documents which were now required to be prepared for the use of Congress at each session, by authority of laws, some of which date as far back as 1791. He enumerated some of these documents, and described their peculiar characters, and stated how necessary their consolidation had become. This he gave notice of his intention to attempt at an early day, in order that these various provisions of law, by being imbodied in one enactment, might be both accessible and intelligible. He wanted no mystery about the affairs of this Government. They should be so conducted that all could readily understand them, and thus be made unlike the embarrassed and broken-down Governments of Europe. He hoped the amendment would not be agreed to, for it was out of place; and he pledged himself, at an early period of the session, to attempt to accomplish all the gentleman desired in the way to which he had adverted.

The amendment was not agreed to.

Mr. VINTON moved that the bill be laid aside, for the purpose of taking up the bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849.

The motion was agreed to.

Then, on the motion of Mr. DONNELL, the committee rose and reported the bill which it had considered and perfected, and progress on the Indian bill.

The bill reported from the committee was taken up in the House, the amendments made in Committee of the Whole on the state of the Union were agreed to under the operation of the previous question, and, on the motion of Mr. McKAY, it was ordered to be engrossed, and was read a third time, and passed.

JETHRO WOOD'S PATENT.

Mr. CRISFIELD moved the reconsideration of the vote laying on the table the bill for the relief of the heirs of Jethro Wood.

Mr. POLLOCK moved to lay the motion to reconsider on the table.

Mr. CRISFIELD called for the yeas and nays, but they were not ordered.

The motion to lay on the table was agreed to.

Mr. COCKE moved to reconsider the vote of yesterday, by which a memorial of the officers of the army in Mexico was laid on the table, for the purpose of having it referred to a standing committee.

The motion was agreed to, and the memorial referred accordingly.

The SPEAKER laid before the House a message from the President of the United States, transmitting a copy of the constitution of the State Government formed by the people of the Territory of Wisconsin, in convention assembled, in pursuance of an act of Congress, entitled "An act to enable the people of Wisconsin Territory to form a constitution and State Government for the admission of such State into the Union," approved August 6, 1846; also, the documents accompanying the Constitution, which were transmitted by the President of the convention to the President of the United States. Referred to the Committee on Territories.

And then the House adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

By Mr. TWEEDY: The petition of William Teall and 53 others, citizens of Wisconsin, asking an appropriation of $5,000 on the road from Port Washington to Dekoree, in Wisconsin. Also, the petition of John B. Smith and 81 others, for a beacon-light on the North Government Pier, at the mouth of the Milwaukie river. Also, the petition of George H. Smith and 300 others, for an appropriation for the improvement of the harbor at Sheboygan, Wisconsin Territory. Also, the memorial of the Legislative Assembly of the Territory of Wisconsin, approved February 23, 1848, praying for an appropriation for a light-house at Port Washington, in said Territory, and for the survey of the harbor at that place. Also, a like memorial, approved same day, for an appropriation of $17,315 to complete the improvement of the Grant river Slough, at Potosi, Wisconsin. Also, the memorial of James Johnson and others, physicians and druggists at Milwaukie, Wisconsin, praying for the passage of an act providing for the inspection of all articles imported for medical use, and for the forfeiture and destruction of any such articles which shall be found to be adulterated or spurious. Also, the petition of Tallmadge Elwell and 97 others, of Oakfield, Fon du Lac county, Wisconsin, praying for the reduction of the postage on all newspapers to one cent, payable on every paper at the office from which the same may be taken out. Also, the petition of Charles Moody and 107 others, residents on the even-numbered sections on the Milwaukie and Rock River Canal Grant, praying for the passage of an act reducing the price of said lands to $1 25 per acre; providing for the sale thereof in October, 1849, to the rightful claimants; dividing half and fractional quarter-sections among two or more separate claimants, and for the repayment, in money or in land, of the excess over $1 25 per acre paid for such of these lands as may have been already sold to the purchasers. Also, the petition of Nathan W. Mower and 38 others, residents on the even-numbered sections on the Milwaukie and Rock River Canal Grant, for the reduction of the price thereof to $1 25 per acre, and for the sale thereof at an early day, subject to preëmption, to the settlers, and for refunding to the former purchasers the excess paid, in money or in land.

By Mr. SMITH, of Illinois: The petition of U. E. Robinson and others, praying a grant of land to aid in the construction of a railroad from Cairo to Chicago, and to the Upper Mississippi. Also, resolutions of a public meeting in the county of Franklin, Illinois, favorable to a grant of land to aid in the construction of a railroad from Cairo to Chicago, and thence to the Upper Mississippi.

IN SENATE.

THURSDAY, *March* 16, 1848.

Mr. JOHNSON, of Louisiana, presented a resolution passed by the Legislature of the State of Louisiana, in favor of extending the port of New Orleans, so as to embrace the city of Lafayette, in that State; which was referred to the Committee on Commerce.

PETITIONS.

Mr. STURGEON presented a memorial of members of the bar of Pittsburgh, Pennsylvania, praying that the circuit duties of the Judges of the Supreme Court may not be suspended; which was laid upon the table.

Mr. DAVIS, of Mississippi, submitted additional documents relating to the petition of John Johnson and others; which were referred to the Committee on Indian Affairs.

Mr. DIX presented two memorials from J. Newton, proposing a line of mail steamers between the cities of New York and Vera Cruz, and between New Orleans and Vera Cruz. Mr. N. agrees to perform the duty for $250,000 per year, in monthly instalments; the vessels to be such as will be approved of by the Navy Department, and shall be suited for war steamers; and says he is prepared to enter upon the service at twenty days' notice with a first class steamship of 1,450 tons, unsurpassed by any steamship in the United States in model, strength, or fitness for the service named. He also proposes to establish a line between New Orleans and Vera Cruz, for ten years, for $135,000 per annum, in monthly instalments.

Also, the memorial of Grinnell, Minturn & Co., and others, merchants and importers in New York, praying the reimbursement of certain import duties paid by them, and the enactment of a law making allowance in the payment of duties, for wastage on merchandise arriving in the United States; which was referred to the Committee on Finance.

Mr. BENTON presented a memorial of importing merchants in St. Louis, Missouri, praying to be relieved from the operation of certain restrictions, imposed by the existing tariff, on merchandise imported in that city through the port of New Orleans; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DOWNS presented the petition of James G. Carson, praying the confirmation of his title to certain lands in Louisiana; which was referred to the Committee on Private Land Claims.

Mr. CAMERON presented a memorial of the corporation of the City of Washington, praying certain amendments of their charter; which was referred to the Committee on the District of Columbia.

Mr. WESTCOTT presented the petition of Lewis Kennedy, and Henry Gaither and Company, praying permission to erect saw-mills on a certain tract of land belonging to the United States; which was referred to the Committee on Public Lands.

RESOLUTIONS.

On motion by Mr. ALLEN, it was

Ordered, That the petition of the chiefs and delegation of the Wyandot nation of Indians, on the files of the Senate, be referred to the Committee on Indian Affairs.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of making an appropriation to indemnify the officers, seamen, and marines of the United States steam frigate Missouri, for the losses sustained by them by the destruction by fire of the said frigate at Gibraltar, on the 2d August, 1843.

Mr. CLARKE submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to transmit to the Senate a copy of "a despatch to the United States consul at Monterey, T. O. Larkin, Esq.," forwarded in November, 1845, by Captain Gillespie of the marine corps, and which was, by him, destroyed before entering the port of Vera Cruz.

Mr. NILES submitted the following resolution for consideration:

Resolved, That the President be requested to communicate to the Senate copies of the correspondence between the minister of the United States at London, and any authorities of the British Government, in relation to a postal arrangement between the two countries.

On motion of Mr. ATCHISON, it was

Ordered, That the vacancy in the Committee on Indian Affairs, caused by the resignation of Mr. SEVIER, be filled by the appointment of the Presiding Officer.

Mr. CASS, from the Committee on Military Affairs, to whom was referred the joint resolution authorizing medals and certificates to be given to officers and soldiers of the regular forces and volunteers for gallant conduct in battle during the war with Mexico, reported it with an amendment.

DEFICIENCY BILL.

On motion by Mr. ATHERTON, the prior orders were postponed, and the Senate resumed the consideration, as in Committee of the Whole, of the bill from the House of Representatives further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1848.

The question pending being upon agreeing to the amendment proposed by Mr. BENTON, to strike out the words "the Papal States," in line 84, and after "Ecuador," in line 86, insert "and for a

minister plenipotentiary to the Papal States," and strike out "twenty-two" and insert "thirty-one"—

Mr. ATHERTON remarked that the Senator from Missouri not being in his seat, he would ask leave to offer an amendment.

Mr. A. then moved to amend the bill by inserting, at the close of the 63d line, "for contingent 'expenses in the office of the Treasurer of the 'United States, five hundred dollars;" which was agreed to.

Mr. A. moved further to amend the bill by striking out, in the 138th line, the word "two" and inserting "three;" which was agreed to.

Mr. BREESE moved further to amend the bill by inserting, between lines 100 and 101, "for compensation to eight additional clerks to be employsd in the General Land Office, four of them at the rate of twelve hundred dollars per annum each, and the remaining four at the rate of one thousand dollars per annum each, the sum of two thousand two hundred dollars;" which was agreed to.

The question then being upon agreeing to the amendment proposed by Mr. BENTON, in reference to the mission to the Papal States—

Mr. BENTON. The amendment speaks for itself. Its object is to make the mission to Rome a full one. I desire that we should send to Rome, once the head of the political world, and for so long a period the head of the religious world, a minister who might be charged with other duties, so that in point of expenditure the amount would not exceed that of two chargeships, the duties of which would be discharged by an agent of a rank more becoming the station and the objects to be accomplished.

Mr. BADGER. I have myself been unable to see any necessity for establishing either a chargeship or a full mission to the Papal States. The President, in his message, recommends the establishment of such a mission for two reasons: first, on account of what he calls "recent interesting political events;" and second, because attention to the commerce of the country requires it. Now, with regard to the latter view, for more than seventy years, if we have any commerce with the Papal States, we have found it adequately protected without having been under the necessity of establishing such a mission. Sir, the commerce of the United States with the Papal States must be very small indeed. In fact, it is so small that it has never been the subject of distinct statement, so far as I am aware, in any accounts we have had from any of the departments of the Government in regard to our intercourse with foreign nations; and the exports of the United States to the whole of Italy, including the Papal States, scarcely amount to one million of dollars a year. We have, in the Papal States, three consuls. The probability is, that the whole amount of the commercial intercourse of the United States with these States, does not amount to one hundred thousand dollars a year; and it seems to me, that so far as the commercial interests of the United States are concerned, it would be paying the largest insurance that has been known in commercial dealings, if we incur the expense either of a full mission or a chargeship for the purpose of affording some incidental benefit or protection to a commerce not exceeding one hundred thousand dollars a year, already under the charge of three American consuls. It seems to me very obvious that this consideration has very little weight.

But what is the other reason assigned by the President? The recent political events which have taken place in the Papal States, under the direction of the present Pope. In what possible mode, I ask, do these political events make it necessary that we should send a minister to Rome? How are we connected with these political events? What influence is it expected that our minister can exercise over these events, or the party connected with them; or in what way will this mission, politically considered, be of service to this country or to the Papal States? What is the character of these political events which are now in progress at Rome? Nothing has taken place which in the least embraces any alteration in the form of government that has always obtained in those States. The present Pope is the same absolute master of his people that all his predecessors in time past have been. He has surrendered none of the absolute powers which adorn and strengthen the tiara which he wears. He has erected no barriers against the abuse of those powers, either by himself or by his successors. He stands now an autocrat, possessed of and exercising a supreme authority over all his subjects, who are absolutely dependant on him for every privilege they enjoy—for every right which they exercise—for every relaxation which has been extended to them from the rigid severity of former days. He is nothing in the world, in comparison with his predecessors, but a good and kind master of his subjects, who are emphatically his vassals. He has made no reform—he has made no surrender of any of the principles of arbitrary power—he has not evinced any disposition to abridge the limits of his authority in the slightest degree. The uncontrollable authority of that sceptre which he wields is the same unquestionable and unquestioned dominion which has been exercised by his predecessors. Now, sir, what on earth can induce us at this time to establish this mission to the Papal States? Do we expect to sustain his Holiness in pursuing the course which he has adopted? Do we intend to extend to him our countenance and support? Why, in that point of view, I think it may be seriously questioned whether we do not greatly over-estimate the position which we occupy, and whether his Holiness will consider himself at all obliged by our countenance and support.

In what way, then, is this mission to benefit this country? There is no commerce to be protected—none at least that has not always been amply protected by the consuls of the United States in the Papal dominions. There is nothing in the world in the present political condition of Rome which makes such a mission of the slightest importance to us or to her, considered in regard to those political relations which may subsist between us and her as two independent States. Well, that being so, is not the United States now commencing, in the establishment of this mission, a system to which we have been heretofore entire strangers? Is not this mission, in the view of it which I have presented, merely a religious mission on the part of the United States to the first bishop of Europe? Certainly it is, sir. Although his Holiness is not only the first bishop—the universal head of the Roman Catholic Church, but annexes to that the character of a secular prince, it must always be recollected that the Papal States are but the *appanage* attached to the Episcopal see, for the purpose of giving support and dignity to his religious character and office. It is as a spiritual ruler that he exercises his influence over his dominions. As a secular prince, simply and merely, he would be nobody. It is his Holiness that governs. It is the universal bishop of the church that rules in the Papal States. His counsellors are the principal bishops, priests, and deacons of Christendom. His ministers are priests. His ambassadors are priests. The whole machinery, control, and direction of his government stamp it as being in every respect a spiritual dominion. Now, I admit that that consideration would furnish no reason why the proposed mission should not be established, if there were any great interests of the people of this country to be protected, or any great object connected with their welfare to be achieved by it. But, so far as I am aware, there are no such considerations of policy to be urged in this case. This is simply the sending forth of a mission from the United States to the first Roman Catholic bishop of the world.

To such a mission, sir, I, for one, am opposed. I wish for our Roman Catholic citizens of this country, precisely what we all enjoy, the absolute and unqualified possession of all our religious rights. They may make themselves dependent upon, or believe themselves to be dependent upon, and to be bound in spiritual submission to any head of their church they please, here or elsewhere; but rely upon it, the establishment of this mission will be considered by the great Protestant interests of this country as one undertaken for the purpose of giving a new character to that particular church of which the sovereign Pontiff is the head. It will be regarded as placing him and his church in this country upon a far different footing from that which is occupied by other religious denominations; and it will be felt throughout the extent of this land that the Government of the United States has instituted, in reference to this particular church, a proceeding entirely dissonant from its past policy; and that it has departed in no small degree from the principles of universal toleration and that non-intervention in religious matters which the Constitution has prescribed. When we look, sir, at the small amount of the commerce of the United States with the Papal States, when we consider the absence of everything like an effort, on the part of his Holiness the Pope, to introduce the principles of free government in the Papal States, the idea will force itself on the minds of all, that were it not for the thousands of foreign Roman Catholic voters in the United States, the efforts of his Holiness to ameliorate the condition of his subjects would have met with less sympathy, and the commerce of the United States with the Papal States would have attracted less solicitude, from the occupant of the White House.

I cannot vote, sir, either for the full mission or the chargeship. I regard the establishment of either as involving a needless expenditure of money, and if not fraught with mischief, to be at best altogether useless.

Mr. CRITTENDEN. I would just submit to the gentleman of the Committee on Foreign Relations whether it would not seem a little disparaging to the other important and respectable Powers of Europe to whom diplomatic agents of a lower grade are sent if this amendment should prevail. Neither our political nor commercial relations with the Papal States bear the least proportion, I suppose, to those we sustain to Portugal, Denmark, Sweden, Holland, Belgium, or Naples, to whom ministers of a lower grade are now sent. Now, when arranging our diplomatic agents with those Powers, including Austria, one of the greatest Powers on the continent of Europe, why should we pass them by with ministers of the second grade, and give one of a higher grade to the Papal States?

Mr. BENTON. In proposing to substitute for a chargeship a full mission to the Papal States, I had not in view the commerce we might have in the Tiber. Our commerce is not much greater, I believe, in the Roman Tiber than it is in our own Tiber! The Senator from New York [Mr. DIX] says he has been there, and that our commerce there is greater than that on our own Tiber, and I yield to his superior information on the subject. But, sir, it was not in that point of view that I made the amendment, but solely in a political point of view. In sending a minister of the first grade to that city, with which grand recollections must forever be associated—which was once the mistress of the world, and has been the head of the Christian church for a long period—I look not only to the "eternal city" itself, but to the whole of Italy, which is most wonderfully scant in diplomatic representatives from the United States. We have a chargé at Naples, and from that point we pass over all that was Rome, at one period even of her best days, and go into cisalpine-Gaul, before we find another diplomatic representative of the United States. At the foot of the Alps we have another chargé, and he has just got there, or is perhaps yet on the way. I believe we go to Turin before we find another. Here is a gap from the gulf of Tarentum to the foot of the Alps, in which we do not find a single diplomatic representative of the United States; an extent of country containing how many millions? It embraces all Italy, with twenty millions of people, divided, to be sure into several Powers, but without a single diplomatic agent of the United States. Now, in sending a minister to Rome, the head of the Italian States, I consider that we would have a diplomatic agent who would be in substance, if not in form, a representative of the United States in Italy itself. It is in that enlarged point of view that I have looked with some degree of interest to the establishment of this mission to Rome of a minister of the highest rank. It is certain that the political movements alluded to in the President's message, are not confined to the city of Rome, and it is, in my opinion, eminently expedient and proper that a full mission should be established. Having thus expressed the views by which I have been influenced in offering the amendment, I leave it with the Senate.

Mr. CASS. As the morning hour has expired, I trust that this bill will be passed over informally, and the ten-regiment bill will be taken up.

The bill was passed over informally.

THE TEN-REGIMENT BILL.

The Senate resumed the consideration of the bill making provision for an addition to the regular military force.

Mr. CALHOUN. After a very careful examination, I have not been able to find a single argument which, in my opinion, would justify the passage of this bill at this time, and under existing

circumstances. I cannot but feel that those who have come to a different conclusion have overlooked the actual condition of the Mexican Government and of the Mexican people, in supposing that this bill was necessary either to intimidate or coerce that Government into a ratification of the treaty recently acted upon here. If that Government were strong and vigorous, if the people of Mexico were united in resistance to us, and capable of sustaining a war in the event that the treaty shall not be ratified, there might be strong reasons for passing this bill. But such is not the case. On the contrary, the very opposite is. The Government itself is little more than a shadow, without an army and without revenue; the people in a state of distraction, with a large and powerful party in opposition to the Government, and for a continuance of the war—not in hostility to us, but in hostility to their own Government, which they desire should be overthrown. The Government itself exists by our forbearance, and under our countenance; they have been induced to treat with us from the dread of their annihilation, and we to treat with them from the same consideration. For, strange as it may appear, the very motive that induced Mexico to treat with us induced us to to treat with her. She dreaded her annihilation, and so did we. It is difficult to say which would be subjected to the greatest evil in consequence of such annihilation. The danger is not that the Mexican Government, in the event of the rejection of the treaty, would be able to resist, but it is that it may perish before she can ratify it. But, if I am mistaken in all this, one thing is clear: without these ten additional regiments, we have the means of intimidating or coercing that Government to any extent we please; a single brigade may annihilate it. But even if we should choose to avoid this, we hold another power in our hands that is ample to induce her to ratify the treaty, provided there be any hesitation on her part. We would in that case have but to tell her that we will adopt the boundary agreed upon in the treaty, and thus save ourselves the vast sum of twenty millions of dollars, which rumor states that we are to give for the ceded territory. This consideration alone is sufficient, provided the Mexican Government can maintain itself until she shall have acted upon this treaty, with the amendments that may have been made to it by this body.

In this view of the subject, I regard the passage of this bill, if it be intended either for the purpose of intimidation or of coercion, to be entirely useless—an unmeaning bravado. But if it were merely useless, as much as I may be averse to it, my aversion would not be near so great as it now is. It is worse than useless; it is mischievous, and will prove mischievous both here and there. Mischievous here, for if this body, conversant with all the secret proceedings in reference to the treaty, and supposed by the country to be fully informed of everything in relation to the subject, should pass the bill now before it, it will be received by the public as an apprehension on our part that there is great danger that the treaty will not be ratified, and the effect upon our commerce and upon the money interest of the country will be highly injurious. It will be mischievous there, for the real danger that the Mexican Government has to fear is this: there is a large party in Mexico called Puros, which is unwilling to see a peace concluded between the Mexican Government and this country; unwilling, not because they are our friends or enemies, but simply for the reason that they wish to see that Government annihilated and the power placed in their hands. Now, if the impression produced there by the passage of this bill should be, that there is danger that the treaty will not be ratified, it will arouse and animate that party to double exertion in order to fulfill their object.

But I consider it not only useless, not only mischievous in the light which I have indicated, but it will be a costly bravado. I take it for granted that the honorable chairman of the Committee on Military Affairs does not intend simply that this bill shall pass this body; that would be unworthy of his character. He then expects that it will also pass the other branch of Congress and become a law, and that the force will be raised and be employed, if the treaty should fail, in carrying on the war with Mexico. Well, if the bill passes—and I must consider it in that light—in that case, what will be the result? There will be no difficulty in getting officers and men; they will have no apprehensions of going to Mexico or fighting future battles; the enlistment will turn out to be a money speculation; each recruit will receive for his enlistment his bounty in land, amounting to one hundred and sixty acres, his bounty in money, equal to twelve dollars, the usual issue of clothing, amounting at the present price to about twenty-one dollars. Estimating the bounty in land at one dollar and a quarter an acre, it would make the whole $2,000,000. These items alone would be equal to two millions three or four hundred thousand dollars. Add to this the pay and emoluments of the officers, the pay to the soldiers, the expense for subsistence, and that for recruiting, and the whole sum will be found to be not less than three millions of dollars, to which the passage of this bill would subject the Government. To this must be added the vast patronage which the appointment of five hundred officers and this great additional expenditure would confer on the President; and that, too, on the very eve of a Presidential election, when the patronage of the Government is brought into the highest degree of activity. Such increase of patronage is a great evil, as every man of every party will readily acknowledge, if he would candidly express his sentiments: for, if there is anything on which all are agreed, it is that Executive patronage is already enormous, and ought not to be increased.

Now, I submit to my friends on this side of the Chamber, who have indicated a disposition to pass this bill, whether they are willing to incur this heavy cost, and subject the country to this great evil, by passing this bill, which I have shown to be a useless bravado, unbecoming a great and magnanimous people.

But I not only object to the passage of the bill at this time, and under existing circumstances, but I take higher ground. I am opposed to the bill under all circumstances. I would have voted against it if a treaty had not been made, and for reasons that to myself are conclusive, and which I will now proceed to state.

Sir, we all know the origin of this bill. It was reported early in the session, and originated in the message of the President recommending a vigorous prosecution of the war; and its leading and main object was to carry that recommendation into effect. If, then, we pass this bill, we give, according to my humble conception, a pledge to the Executive and to the country, that if the treaty fails we will resort to a vigorous prosecution of the war. I, for one, am unwilling to give this pledge; unwilling, because I think it ought not to be given, and unwilling, because, if given, I am of the impression it never will be redeemed.

It ought not to be given, for reasons which I have assigned fully on a former occasion, and which I shall only briefly repeat on this. A vigorous prosecution of the war would be the annihilation of the Mexican Government, leaving no government with whom to treat. The effect of that would be the entire subjugation of the country, throwing upon us one of two alternatives: either to create a government by our own authority with which to treat—and this, I trust, no one who duly appreciates the true principles of our system of government will ever adopt—or to hold it under our subjugation as a conquered country, to be governed as provinces, or to be incorporated into the Union.

Now, as I am utterly opposed to this, for reasons which I stated at large on the occasion referred to, and which it is not necessary here to repeat, I, for one, cannot give this pledge. Nor can I give it because I have not the least expectation that it would ever be redeemed. The sentiment of the whole country is remarkably changed in reference to the war. There was at that time a large party in the country who were in favor of taking the whole of Mexico. I have but to appeal to the proceedings of public meetings, and to declarations repeatedly made in the public journals to prove this. But that sentiment is changed. And why is it changed? Because the people were not aware at that time of what would be the consequence of a vigorous prosecution of the war. It was an appeal to their manly pride. But as soon as they saw the consequences, that the result would be as I have stated, they drew back and put the seal of their reprobation upon it, not only for the present, but I trust forever. With this strong disapprobation of the war on the part of the people, it would be an idle dream to suppose that in the event of a failure of the treaty, this war would ever be renewed to be carried on vigorously.

But, it may be asked, what shall be done? My answer is plain and simple. Only one thing can be done—to fall back and take the line of the treaty; to tell the Mexican people that we intend to hold it; that we are satisfied if they are. Nor can it be objected that it costs more, for it would take fully as large an army, and at as great a cost, to protect Mexico, under the treaty, against the Indians falling on our side of the line, under the treaty, as to protect ourselves against the Mexicans by assuming the line without the treaty, not to take into estimate the twenty millions of dollars which would be saved by adopting the latter.

The whole affair is in our own hands. Whether the treaty fails or not, we still have the complete control, if we act with wisdom and firmness, and avoid, what I detest above all things, a system of menace or bravado in the management of our negotiation. I had hoped that that system had been abandoned forever. It nearly involved us in a war with England about Oregon. It was only prevented by the wisdom and firmness of this body. It was resorted to in our negotiations with Mexico; and the march of the army under General Taylor to the Rio Grande was but intended to sustain it. Unfortunately, the circumstances prevented the Senate from interposing, as in the case of Oregon, and this war was the consequence.

But, Mr. President, the vigorous prosecution of the war is not the only object of this bill. It is the primary, the principal one. But there is another one, secondary, it is true, though not much less important. This bill was intended, in part, to carry into execution a system of imposts and taxes, which the President of the United States had imposed upon Mexico. The army, including the force to be raised by this bill, was intended to be used for collecting the duties and imposts; for that purpose it was to be spread all over Mexico, as has been officially announced.

Now, I hold that we cannot pass this bill without sanctioning the act of the President in this respect; and that I, for one, never can do, because I am under a deep conviction that the President has no right whatever to impose taxes, internal or external, on the people of Mexico. It is an act without the authority of the Constitution or law, and eminently dangerous to the country. Thus thinking that neither the Constitution nor law gives him any such authority, I would not be true to my trust if I were to vote for the bill. I would have been glad to have avoided it at the present time. My friends around me know that I was anxious that this bill should not be pressed upon us now—not that I desired to shun the responsibility of the expression of my opinions—but because I preferred postponing it until after the treaty was ratified, and when there could be no cry of giving aid and comfort to the enemy. But it is forced upon me, and, if there be any responsibility in expressing my opinion at this time, it ought of right to fall, not on me, but upon those who, without any necessity, have forced this bill upon us.

But to return to the thread of the argument. I ask, where can the President find the authority for imposing these taxes? Can it be found in your Constitution? If so, point it out. Can it be found in your law? If so, point it out. No such authority is to be found in either. But it may be said it is comprehended under the implied powers of the Executive—that is, the powers necessary and proper to carry out those expressly delegated to him. If so, point out the power which it is intended to carry into execution. But let me say to gentlemen in advance, if you do this you will not remove the difficulty. If you should succeed in showing that it is an implied power, which I hold to be impossible, you must still point out an act of Congress to authorize its exercise. The framers of the Constitution, in their great sagacity, have taken care to insert a provision in the Constitution investing Congress amply with the power to pass all laws necessary and proper to carry into execution not only its own powers, but those vested in any department or office of the Government. I refer to what is usually called the residuary clause, which provides "that Congress shall have 'power to pass all laws necessary and proper to 'carry into execution the foregoing powers, (that 'is, powers invested in Congress,) or powers vest-'ed in any of the departments or offices of the 'Government." Then, if it is an implied power, it becomes a Congressional power by this express

provision, and must have the sanction of Congress for carrying it into effect.

But it may be said that the President is commander-in-chief of the army in Mexico, and that it is an essential part of the power of the commander-in-chief to impose a system of taxation in the enemy's country. If, indeed, it be an essential part of the power, it cannot be separated from it without destroying the power itself, and it must of course belong to him as commander-in-chief in the United States as well as in Mexico, or in any other conquered country. But it is manifest that it cannot exist within the limits of the United States, because the Constitution expressly invests the same not in the President, but in Congress. But to this it may be said, there is a distinction between exercising the power in the United States and exercising it in Mexico, or any other place beyond the boundary of the United States, where our army may be operating. To this I answer by asking, Why so? What makes the distinction? What possible reason can be assigned why the power may be exercised in the one and not in the other? Who can answer these questions?

But if it is the case—if the President can exercise in Mexico a power expressly given to Congress, which he cannot exercise in the United States—I would ask where is the limit to his power in Mexico? Has he also the power of making appropriations of money collected in Mexico, without the sanction of Congress? This he has already done. Has he the power to apply the money to whatever purpose he may think proper, and among others to raise a military force in Mexico without the sanction of Congress? That, also, he has already done. But if there be no limitation, then his powers are absolute and despotic in Mexico, and he stands in the two-fold character of the constitutional President of the United States and the absolute and despotic ruler of Mexico. To what must this conclusion lead? What may he not do? He may lay taxes at his pleasure either as to kind or amount; he may establish the rules and regulations for their collection; he may dispose of them, without passing the proceeds into the treasury, to any object or for any purpose he may think proper, and is not liable or responsible to Congress or any other authority, in any respect whatever, in doing all this. He may, of course, raise armies, and pay them out of the proceeds of the taxes; he may wage war against the neighboring countries to the south of him at his pleasure, and extend his authority by force of arms to whatever extent he may desire; or he may equip a fleet and assail the islands of the South Sea; or he may direct it against Japan, or any other country he may think proper. Nay, further, he may turn his army against his own country, and make it the instrument of its subjugation. Against all this there is no remedy, and can be none, if he has the power which must necessarily result from the principles which would invest him with the power of laying taxes.

But, it may be asked, what are the limitations upon his power as commander-in-chief? The answer is an easy one. His power is to command the army. Let us put a true value upon words. To command in chief is to have the supreme control in conducting and directing the army in its military operations. Such is its power, and only power. It is a restricted one, of which the constitutional legislation of the country furnishes many evidences. The very act which recognizes war with Mexico vests him with the power of using the army and navy for its prosecution, clearly indicating that the power of using them for that purpose required the authority of law. If we look back into all the declarations which have been made by this Government, we shall find that they all, in like manner, confer the same power on the President. Besides, if we turn to the laws in reference to suppressing insurrections, it will be found that they expressly authorize the President to use the militia and the army for the purpose—showing, in like manner, the prevailing opinion heretofore that the sanction of law was necessary to use a military force for this purpose, as well as for carrying into effect a declaration of war. Such also is the case in reference to repelling invasion. If there be any power which one would suppose would belong to the President as commander-in-chief, it would be that of establishing rules and regulations for the government of the army; but if we turn to the Constitution, we shall find even that power is conferred by express provision upon Congress: all going to show within what narrow limits the Constitution and the laws restrict the power of the President.

But it may be asked, has the conqueror no power to impose taxes upon a conquered country? Yes, he certainly has. When an army invades a country and subdues it, in whole or in part, the conqueror has a right to impose taxes and collect them. But the question occurs, under our system of Government, who is the conqueror? I answer, the people of the United States are the conquerors. It is they who have conquered Mexico; not the President, not the generals, not the army. They are but the instrumects by which the conquest has been effected. And it is the people of the United States that have the right to impose taxes. But who represents the United States—who is their organ through which they act? I answer, this Government, the Federal Government, consisting of the Executive, the Legislative, and the Judiciary departments. The question then is, to what extent the President represents exclusively the United States in the conquered country? The answer is, to no other extent than as commander-in-chief; in all other respects almost, Congress is the sole representative, and to them especially belongs, by express delegation, the power of laying and collecting taxes, and of appropriating them to such objects as the Constitution warrants, unrestricted, extending as far as the United States authority extends, without restriction or distinction. Now, whenever a country is conquered, even in part, and held by the conquering power, the sovereignty of the country thus held is for the time suspended, and that of the conquering substituted in its place; and of course, in our case, the authority of the Government in its departments attaches to it as if it was a part of the United States itself, each in its appropriate sphere. The opposite doctrine, which would make the Executive the sole and exclusive power in such portions of the country, is entirely destitute of authority, and would lead to all the most dangerous and monstrous consequences which have been traced out. All this is so clear that it is surprising that it has been overlooked, or that there should be any division or diversity of sentiment in reference to it.

The taxes which are the subject of these remarks were imposed by the President in the interval between this and the preceding session of Congress, and this is the first opportunity I have had to express my opinion in reference to the authority by which they were laid. And I avail myself of this occasion to put in my solemn protest against the power. If it should become a precedent hereafter, it, in connection with the authority which the President has assumed in making this war, would lead to the establishment of a fatal error in reference to the power of this Government as it relates to war. It will to that extent elevate the power of the Executive in practice as far above the Legislative as the latter is elevated above the former by the Constitution, and lead, almost necessarily in the end, to establish despotic authority in the Executive branch of the Government. It must be borne in mind that we are a warlike people, rapidly increasing in number and population, well fed, well clothed, and having an abundance of leisure. Like all such people we seek excitement, and there is no description of excitement more enticing to the young and ardent than war. It is difficult to prevent such a people from rushing into war, and if wars should frequently hereafter occur in consequence, and the precedents set by this be not reversed, nothing can prevent the Executive power from overshadowing the Constitution and the liberties of the country. We now have an opportunity to reverse that precedent by giving a strong and decided vote against the passage of this bill.

It may be proper for me to remark in conclusion that I am aware that there are some doubtful questions as to the exact extent of the power of the President as commander-in-chief of the army of the United States, and particularly that of making acquisitions and establishing temporary governments, such as have been established in New Mexico and California. I will not now enter upon the investigation, but my impression is, in case of making requisitions over the portions of the country in which the authority of the United States is even temporarily established, or erecting temporary governments in such portions of the conquered country, the President has acted without authority of law or the Constitution. In coming to this conclusion, I am willing to allow to the President, as commander-in-chief, many and great powers; but they are such as arise out of exigencies immediately connected with the operation of the army or its safety. Among them I include the power of seizing upon supplies of all descriptions when they become indispensable the use of the army, or to batter down towns, and to remove all obstacles, when necessary, for his security or success. But when he comes to act over portions of the territory subject to our control, he exercises power not belonging to him. But to the Legislative department of the Government, Congress may indeed give him authority by law to levy contributions, or to establish temporary governments. But it is one thing to exercise it on his own authority, and another to exercise it under authority of law. By the one he is placed under the control of law, while by the other he places himself above the control of law.

I have now expressed my opinion. In all I have said I trust I have put myself above party feeling or personal considerations. I am actuated by the single motive to contribute to correct the errors of a political character which have been committed in the origin and the prosecution of the war, and to guard, as far as in my power, against the dangerous precedents which they were calculated to establish, if not noticed or exposed.

Mr. JOHNSON, of Georgia. I desire to express my views on this bill, but I presume that, at this advanced stage of the day, the Senate can hardly be expected to have patience to listen to the discussion, and I am not disposed to trespass upon them, unless it is understood that the vote is to be taken to-day.

Mr. CALHOUN. I hope that the bill will be passed over informally, in order to allow the gentleman from Georgia an opportunity of expressing his views.

Mr. BERRIEN. I would suggest that the wishes of my colleague might be gratified by the Senate passing this bill informally over, and resuming the consideration of that bill which was laid aside on the expiration of the morning hour.

Mr. CASS. I am extremely anxious to meet the wishes of the Senator from Georgia, but really I am opposed to relapsing into the former mode of discussion by one speech each day.

Mr. BERRIEN. I do not think that there is any danger of the result apprehended by the honorable chairman of the Military Committee. I believe all parties will concur in deprecating that; but there is a very important bill—the bill supplying deficiencies in the appropriations for the current fiscal year—which awaits our action. I hope that, by the general assent of the Senate, the wishes of my colleague may be gratified, and that this bill will be laid aside informally, in order that the consideration of that one to which I have just alluded may be resumed.

Mr. ATHERTON. This bill has already been a very long time before the Senate, and it is certainly important that it should be acted upon, in order that the bill to which the honorable Senator alludes, and others may be taken up and disposed of.

Mr. FOOTE. Allow me to suggest that my honorable friend from Georgia will now proceed.

Mr. JOHNSON, of Georgia, then addressed the Senate, making some preliminary remarks in reference to his own position, and proceeding to advocate the course of the President in the origin and the prosecution of the war. He adverted to our recognition of Mexican independence in 1803, and to all our subsequent policy and friendly deportment relating to her. In return, we have only been requited by ingratitude and injustice, our citizens imprisoned and plundered, and all her conduct bearing the character of the most settled hatred of us. He remarked on the policy adopted by France and England, whenever wrongs were inflicted on their subjects by any foreign Power. He then came to the annexation of Texas, and maintained that there was no justification to be found in that measure for General Almonte demanding his passports, and for the consequences which followed his departure. That annexation left the boundary question to be settled by negotiation, and the course of Mexico on that occasion showed a predetermined intention to go to war. She took offence on the ground that by annexing Texas, we had despoiled Mexico of a most valuable portion of her territory, whereas, by the acts of Santa Anna against Texas, that country had become absolved

from her connection with Mexico, and was an independent and sovereign State. Texas had assumed this character, and had maintained her independence, and had a perfect right to annex herself to the United States.

He inquired if it was in the power of the United States to settle her differences with Mexico by negotiation? To show that it was not, he quoted the mission of Mr. Slidell, and cited all the details attending the progress of that mission. Negotiation having been thus rejected, there was no course left but a resort to hostilities on our part.

As to the advance of General Taylor, which had been asserted as the cause of the war, he suggested that this advance was by the advice of General Taylor, who regarded such a step as likely to produce an adjustment of the difficulties. But he contended, before the advance of General Taylor, the Mexicans had given unequivocal proofs of a hostile intention, and these he referred to elaborately.

He repudiated the idea that the President under the then existing circumstances had no right to advance into the disputed territory, supposing it to have been disputed. He denied, however, that the territory was in dispute. Texas had asserted her claim to the Rio Grande, the Mexicans had been driven beyond it, and the treaty with General Santa Anna confirmed it. Texas, by her Congress, in 1836, established her right by a division of the territory into counties; and subsequently directed courts to be held there, thus exercising as well as claiming her right to the Rio Grande, which has always been recognized as the western boundary of Texas. There was, therefore, no impropriety in this advance, and it could not be regarded as a sufficient cause of war. Having a right to the territory to the Rio Grande, there could be no impropriety in sending our troops to occupy it.

Being at war with Mexico, how are we to get out of it? It is said that we must withdraw our troops within a defensive line. He asked if this would be carrying out the high purposes contemplated by the war, and by the Congress which voted the fifty thousand volunteers and the ten millions for its prosecution? No question about the advance of General Taylor was then raised. He referred to the fable, in Dilworth's Spelling Book, of the old man who detected the boy in his apple orchard stealing apples. In that case the thief was proof against tufts of grass, until the old man determined to try what virtue there was in stones. So, as to Mexico, we have been acting with kindness, generosity, and magnanimity; this was pelting with tufts of grass. He would be for trying what virtue there is in stones, if kindness, generosity, and magnanimity would not effect the purpose.

He adverted to the opinions and arguments of those who were adverse to the acquisition of territory, and charged the Whig party with always having been adverse to the acquisition of territory, in the cases of Florida and Louisiana. If this principle were to be adopted, we might as well build up a wall round our Union to prevent our people from going beyond it. He believed that had we crowded all the increased population of our country into the thirteen original States, it would, before this time, have proved fatal to our institutions. Dense masses were always dangerous on account of their liability to excitement, and the difficulty of checking it. But when men are scattered, and each has his small portion of land to cultivate, he is contented, virtuous, and disposed to pursue the arts of peace.

On the subject of manifest destiny, he held that we are destined either to spread our boundaries over this whole continent, or to see the elevation of all its different portions, by the influence of our institutions upon them.

He could not concur in the opinion of the Senator from South Carolina, that the passing of that bill would be an empty threat. He thought, on the contrary, that if the treaty were ratified, the bill would amount to nothing: if not, we should be prepared for vigorous operations. If the passage of the bill was to be regarded as a pledge that we would sustain a vigorous prosecution of the war, should the treaty be rejected, it was precisely that kind of pledge which we ought to give. The occupation of a defensive line would not bring us a peace in twenty years, while it would involve an outlay of money not less than the vigorous prosecution of the war. The Senator from South Carolina held that a vigorous prosecution of the war must absorb the whole of Mexico, and that the absorption of all Mexico would be injurious to the success of our institutions. He differed from these views, and thought that, without suffering ourselves to be influenced by two nice a calculation of the events of the future, we ought to do our duty fearlessly, and according to the best lights we can obtain.

The views of the Senator from South Carolina, as to the powers of the President as commander-in-chief, did not convince his mind. He regarded the incidental powers which accompanied the declaration of war by Congress were sufficient to warrant all that the President had done. He asked how would any war be conducted, if it was necessary for the commander-in-chief, on every occasion, to consult Congress. What would become of the war, while he summoned Congress, submitted his plan, and while Congress discussed it some eight or nine weeks, and finally overruled his views.

Mr. BERRIEN then moved that the Senate adjourn.

Mr. CASS. Will the gentleman withdraw his motion for a moment? I do hope that the Senate will terminate this discussion to-morrow. If not, I must be constrained to vote against the adjournment.

[Several Senators assented to the informal understanding that the discussion on the bill should terminate to-morrow.]

Mr. BRADBURY said he hoped that a motion would be made for the reconsideration of a bill which involved a large amount of money; and although in one section of it a provision was made which, to a very considerable extent, met his approval, yet there was a principle involved in the second section, the adoption of which he would regard as very dangerous—a principle which would in this single act take from the treasury nearly a quarter of a million of dollars, and which, in its final operation, would be broad enough to bankrupt the treasury of any government that was ever created. It virtually assumed that when we have existing claims against a foreign Government——

Mr. CASS. Will the honorable Senator excuse me? What is the question?

Mr. FOOTE. It is on the passage of the ten-regiment bill.

Mr. BRADBURY. I desire simply to move a reconsideration of the bill. It passed without a division.

Mr. WEBSTER. I am sure that the Senate desires to see the Senator accommodated. All that is necessary to be done is, that the Senate, by general consent, allow him to make a motion to reconsider the bill; and then the Senate will be in possession of the motion of the Senator from Georgia to adjourn.

By general consent, the motion of the Senator from Maine was then considered and agreed to; and then, on motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 17, 1848.

The Journal of yesterday having been read and approved—

The House proceeded to the consideration of the report made on Wednesday last by Mr. CONGER, from the Committee on Printing, recommending the printing and binding of 90,000 extra copies of the report of the Commissioner of Patents, for the use of the House.

And the question being on the adoption of said report—

Mr. G. W. JONES moved to strike out 90,000 and insert 40,000. They would then (he said) have 40,000 copies of the report on the subject of agriculture, and 10,000 copies of the entire report, making a total of 50,000 copies. This, he thought, would be a sufficient number for the use of this House.

Again, if they needed the whole number recommended by the Committee on Printing, there would be no knowing, for they had no means of knowing that he could see, when they should receive these copies. When they had heretofore ordered the printing of this document, they had not received one solitary copy of it until long after they had adjourned and reached their homes; and, judging from the facts before them, if this large number should now be ordered according to the purpose of the Committee on Printing, not only their own term would have expired, but perhaps the terms of their successors, and their successors' successors too, would have expired before the printed copies would be received. He thought that 50,000 copies, which would be given by his amendment, would be ample. It seemed to him to be a very large number. He was one of those who believed that this was one of the most important documents printed by Congress. There was not one that was more sought after by the agricultural portion of the community—numerous letters were coming here to members from their constituents, desiring them to furnish them with these documents. And he had always voted for the largest number. He would now vote for a number that would be ample for all valuable purposes. He hoped his amendment would be adopted. To the binding he had no objection.

Mr. CONGER desired to say a few words by way of explanation of the facts set forth in the report of the committee. The Committee on Printing had ascertained that the printing of that document entire would amount to the sum named in the report; but, in estimating the cost of printing the whole edition suggested, they had not estimated the amount, provided the edition should be reduced. The sum of $40,000 would pay for printing the whole edition, but from that amount a deduction should be made in consequence of the omission of a portion which the committee had recommended. The omission would amount to about one-third of the quantity of matter in the report, and this would make a deduction in the cost of printing, which was stated at twenty-six cents per copy. The deduction, then, would be one-third of $40,000, the aggregate estimated for printing the whole.

In relation to the remarks of the gentleman from Tennessee, [Mr. G. W. JONES,] he said there must necessarily be some delay in the delivery of the work. It was undoubtedly true that this number of copies could not be delivered in the course of a few days, or even a few weeks perhaps. But the committee had assurance from the printer that this work would be immediately put in type; and if the maps should be engraved so that the printer could have them, this document would be very soon delivered. The binding of the work would undoubtedly cause some more delay, but it could not cause a delay to any very great extent, and he was confident, if the number recommended by the committee should be ordered, the House would have them before the close of the present session.

In relation to the expense, he desired to say one word. Of the last report of the Commissioner of Patents, forty-three thousand copies were ordered, and that edition cost the Government $78,497; whereas the committee recommend that of this report more than twice that number should be printed, and yet the whole would be furnished at about half the expense.

In relation to the binding, if that was objected to as a novel thing, he thought much might be said in favor of it. The committee, after considering the whole subject, had recommended the binding. He admitted there was in the committee a diversity of opinion respecting the number of copies that should be ordered; but, judging from the general anxiety which had been expressed throughout the whole country for this work, a majority of the committee thought one hundred thousand copies would not be more than sufficient to supply the demand. His opinion was, that it would fall short of supplying the demand. But, entertaining these views, the committee had recommended the printing of one hundred thousand copies, and large as the sum was which it was estimated they would cost, they believed the money would be well laid out, inasmuch as it would be expended in the dissemination of useful information, by disributing that report broadcast through the land.

Mr. R. SMITH, of Illinois, was in favor of printing this report as it came from the Committee on Printing. He admitted they spent a great deal of money in printing, but he thought the report of the Commissioner of Patents one of the most valuable documents ever ordered to be printed by this House. He knew, so far as concerned his own immediate constituents, it was a document that was

We have back numbers of the CONGRESSIONAL GLOBE and APPENDIX for this session, and will furnish them and the future numbers for $2 each, until the 10th April. After that day, they will be $3 each.

THE CONGRESSIONAL GLOBE.

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more sought after than any printed by order of either House of Congress. The agricultural portion of it was carefully read and examined by farmers; to that class of his constituents it was of great value, and there should be no hesitation here as to its publication. As to the binding, he came to the conclusion that if it was worth printing it was worth binding. He deemed it highly expedient that it should be bound, as thereby it would be better preserved. He had no desire to occupy much of the time of the House, if there was a disposition to take the question, but he thought there should be a full House when the question was disposed of. He should be satisfied with the decision of the House, whatever it might be, but he desired to have the yeas and nays upon it. He would now only add, that it was due to the country that this document should be printed and sent out to the people.

Mr. MARVIN was in favor both of the printing and the binding. He was satisfied with the conclusion to which the Committee on Printing had arrived, and he was more especially gratified with that portion of their report in which they state that, although they recommend the House to print double the number ordered last year, the cost would be only about half as much. But he was particularly desirous that the document should be bound, for valuable as it was unquestionably, it was ill calculated for preservation—and much of its utility depended on its preservation—if sent forth in sheets. It was not good economy, after expending so much in its publication, to refuse the additional sum which the binding would cost for its preservation. The volume published last year was a large one, and the second time he took it in hand it tumbled to pieces. This was a work which should be so bound that it could be kept for frequent consultation, not only now, but for the purpose of reference hereafter. And here permit him to state, that even if the House should publish the large number recommended by the Committee on Printing, the number would be but as a drop in the ocean. Compare the number of copies with the number of individuals who were desirous to procure it, and those for whom it was particularly designed—he meant the farmers of this country—and see how inadequate the number would be to supply the demand. Why, he should hardly know what to do with his proportion of them when obtained. Then surely, as they would not be sufficient to supply his Congressional district, they should be put in such a condition as would permit them to be passed from hand to hand. This the binding would accomplish, and it would fit them for deposite in the public libraries and the common school district libraries throughout the States. He had made a computation, and he found that the number now proposed to be printed would be barely sufficient even for that purpose. Common school districts, he was aware, were not so common in all the States of this Union as in that which he in part represented; but they were located through the New England States particularly, and also in the West; and he hoped the House would supply every library in the common school districts throughout the land, that every individual might be able to possess himself of the instructions which this document contained; and he would undertake to say that this Government had never seen the day, nor ever would, when its money could be better expended so as to subserve the best interests of the country. It was not from war and strife, from battle and bloodshed, but from the peaceful pursuits of life, that the true glory of this Union must come. The promotion of agriculture, the encouragement of the mechanic arts, and the diffusion of intelligence, while they promoted the welfare and happiness of the people, would also best serve to perpetuate our national interest and national glory. He hoped, therefore, there would be no substantial objection to the motion which had been submitted from the Committee on Printing.

Mr. LAHM had no disposition to consume the time of the House with a discussion of this matter; but he felt that it was due to his constituents to express his concurrence in the views of those gentlemen who had advocated the printing of the largest number of this document. He could bear testimony to the fact that there was no document that emanated from this body for which there were so many urgent demands as for the report of the Commissioner of Patents. He might here state that he represented emphatically an agricultural district. That district consisted of two counties; and when he assured the House that in that district there was sold from the wagon more wheat than from any other district in the Union, it would be conceded that he was correct in saying that he was emphatically the representative of an agricultural district. The documents usually printed by order of this House were documents which were sought by politicians. The President's message, the speeches delivered on this floor and republished to the world, were all mainly sought by politicians; but here was a document which was deeply interesting to the agriculturists, to the men who sustained this Government and kept its wheels in motion; and hence it seemed to him, let the expense be what it might, he cared not if it was double the amount of the estimate, he should vote for it. He should assuredly vote for the largest number now proposed. According to the report of the committee, if that number were ordered, each member would get about four hundred copies. Now, he could distribute twice that number in his district to very good advantage, and he assured the House that each one would be highly prized. The objection of the gentleman from Tennessee [Mr. JONES] was no objection to him. The matter which the document contained was exceedingly valuable to the farming community; it was matter which could be studied to advantage in succeeding seasons, if it was not received during the present. He should prefer, of course, to have it at as early a period as possible; but if it could not be prepared this year, he could supply his constituents with it the next. Knowing it to be the wish of so large a portion of his constituents to possess this document, he repeated that he should vote for the largest number.

Mr. VINTON said, if this was really a valuable document, he should be willing to vote an appropriation of $40,000 for its publication; but before he voted so large a sum of money as that, he should like to know what the document was. Had it been examined by any committee of this House, to ascertain its character, and to learn whether it treats of free trade; or what? Had the Committee on Printing examined this document? He should like to hear if they had.

Mr. CONGER replied, for himself, he had not read it. It was for some days before the Committee on Patents, and he supposed the gentleman from Indiana, [Mr. HENLEY,] who was also a member of the Committee on Printing, would be able to answer that question.

Mr. McKAY was understood to inquire of the gentleman from New York [Mr. CONGER] whether the number which he reported to have been ordered last year, and the amount expended, was exclusively by order of this House, or whether the whole ordered by the House of Representatives and the Senate were not included.

Mr. CONGER, in his reply, was understood to say that his information on this subject was based on a memorandum which he had taken on an examination of a document containing a list of accounts as audited for the year in which the last report was printed. He had found that seven thousand copies of the entire report were printed, and 36,335 copies of the agricultural part of it; but what proportion of those numbers was ordered by the Senate, he was unable to say. The aggregate number of copies was 43,335, but he knew not by whose order they were all printed. He found, on a reference to the same memorandum of the accounts, that there was a deduction of 33⅓ per cent. made from the aggregate cost of those documents; but he also found that, at the last session of Congress, that amount was made up; so that Ritchie & Heiss received in fact, for that document, the sum of $78,497. He had no doubt his colleague on the Printing Committee, [Mr. HENLEY,] who was also a member of the Committee on Patents, would be able to answer those questions more satisfactorily.

Mr. VINTON understood, then, that the Committee on Printing had not examined this document; whether the Committee on Patents had, he had yet to learn. As he had said before, if this document contained really valuable matter, he would be willing to vote the necessary appropriation for its printing; but, before they voted away $40,000 for that purpose, it should be carefully examined by a committee of this House, and a report should be made that would satisfy them respecting its value and the character of its contents. He suggested that it should be recommitted to the Committee on Printing or the Committee on Patents.

Mr. STEPHENS was disinclined to vote on this question—as much so as the gentleman from Ohio [Mr. VINTON]—without knowing what the document was. This would be a large publication, and it would be unwise, as the number proposed was unprecedented, to print it without knowing something of its character. Of the binding he would only say, that he thought it right and proper that they should have all their large documents, such as the President's message, &c., bound in a cheap manner. In that portion of the report, then, he concurred; but he was averse to voting for the printing of so large a number until the character of the document was known.

Mr. ROCKWELL, of Connecticut, moved to recommit the report to the Committee on Patents.

Mr. POLLOCK said, if the report should be recommitted to that committee, and they should read it, they could only report it back with a statement that it was valuable, but the members of this House could not tell what would be their own estimate upon it until it had been submitted to them. But heretofore they well knew that when they had ordered large numbers of similar documents, on all occasions and at all times, the document had been approved. This fact was evidence of the strongest possible kind in favor of printing this document; not evidence from one particular party or from one House, but from all parties of both Houses. They knew the value of the documents of this kind heretofore published, and he was informed by a gentleman who had had this document under consideration that it was as important as any preceding one. It had been stated that ten thousand copies of the entire report, and ninety thousand copies of the agricultural portion of it, could be published for half the price paid for less than half the number of the last report. Now, surely this could not be squandering the public money uselessly. Upwards of $78,000 had been paid for forty-three thousand copies, and now it was proposed to print one hundred thousand copies for $40,000, or for a less amount. Now, they all agreed, in the East, West, North, and South, as to the importance of this work; the agricultural part of the community had a deep and manifest interest in it; and therefore he was disposed to print the larger number. They had squandered hundreds and thousands in the publication of documents that were of no legitimate value to the people, but this was peculiarly the people's document, and the sooner it was printed the better. He hoped it would not be recommitted.

Mr. TOOMBS thought this matter was entitled to great consideration. He was opposed to the motion of the Committee on Printing. This system of printing ought to be put down, for it was running into wasteful extravagance, and he trusted this Congress would put a stop to it, whether the subject was agriculture or anything else. It was an unjust system. Here was a proposition to print 100,000 copies of a report; but would that number be sufficient to supply all the people of this country? If not, it became unequal. If they intended to print, let all be served alike; give to everybody, or to everybody who contributes to the expense. The publication of documents which tend to elucidate the action of the people's Representatives on public questions was quite a different thing, and therefore it became necessary to print such docu-

ments, that the people might have access to them, and be able to judge of the conduct of those whom they had sent here to represent their interests. But when they printed books to teach the people agriculture, they violated a great principle, and set an example which would be destructive of the legitimate objects of Government. If they were going to print in this manner, they had better set up a great printing office at once. They were now asked to print 90,000 copies of a report. He objected to it under any circumstances, but more especially as they did not know what it was. If this was intended to give the people a valuable agricultural report, he need only remind the House that at this day they could procure everything that was valuable on the subject of agriculture for the smallest possible sum. Some gentlemen had remarked that their constituents were applicants for these reports. Why, if this House should print a comic almanac for gratuitous circulation he had no doubt there would be plenty of applicants for it. He had no doubt they would find applicants for books that could be got for nothing; but such business did not come within the legitimate duties of the House of Representatives. It was a violation of sound principle and a betrayal of their public trust. They were not authorized thus to put their hand in the public treasury, and seize the public money for the purpose of applying it to objects that came not legitimately within their powers and duties. It was a violation of right principle. It was a usurpation of power on the part of this House. The subject of this report was not strictly connected with the business of this House. The printing which this House was authorized to execute was of an entirely different character. But if they could print this book, they could print works on the subject of geology, and science, and the arts. He hoped this House would now at once and forever put an end to such extravagance in printing. Gentlemen had talked of saving forty thousand dollars by printing this report for so much less than was expended last year. When taking this money from the public treasury, because it was not so much as had been taken on other occasions, forsooth, they were effecting a saving! He was opposed to such economy. No part of this money should be so improperly taken, and he trusted gentlemen would unite on this floor to put a stop to it.

Mr. HENLEY remarked, that being a member of both the Committee on Patents and the Committee on Printing, he wished to state, in a very few words, his views in relation to this printing. He did not concur with the majority of the committee in their report in favor of the largest number. He had been a member of the Committee on Patents several years. That committee had heretofore always reported in favor of printing a large number of the agricultural portion of the report of the Commissioner of Patents. He had gone heretofore for the largest number; and when he had done that, he had been considered, to some extent on both sides of the House, as extravagant. In relation to this printing, he looked upon it, as he had heretofore, as an important document—one which was looked for with interest by the farming portion of the community. But while he had been in favor of the largest number heretofore, he must acknowledge that gentlemen had gone far ahead of him in their ideas in relation to the printing of this document. They ought to exercise prudence and discretion in regard to the printing of public documents. Did they print them for the purpose of putting them into the hands of every man throughout the country who might desire a copy? Certainly not. Their object was first for the information of this House, and next, as far as was reasonable, for the information of the country.

The gentleman from Ohio [Mr. LAHM] said he could distribute hundreds (he might have said thousands) of this document among his constituents to advantage. No one disputed that. If they should print Webster's Spelling Book, as had been said by the gentleman from Georgia, although he believed his constituents understood the rudiments of our language as well as the inhabitants of any other part of the country, he believed he might distribute them to advantage there. They might print all kinds of books they pleased, and send to the people. They would be received gladly; they would send forth information to the country. But the House must limit their printing within the bounds of proper discretion and prudence. This was a valuable document; he knew the farmers wanted it. But he knew that there was not a farmer within the bounds of his constituency who did not want one thing more—that was, that they should exercise a sound economy and discretion in the public expenditures. He asserted that ninety thousand copies of this work was an extravagant appropriation at this time, in view of the condition of the public finances; it might not be, if we had an infinite amount of money in the treasury. But in the present state of things it was extravagant, and would not be expected or desired by the farming community whom it was intended to benefit. Being himself one of that class of people called farmers, he thought he had the right to speak for them, and to say that they did not desire any extravagance on the part of their Representatives, even in printing this report.

As to the suggestion of sending it back to the committee to be read, if that was done, he wanted to amend the motion so as to have the gentleman who made the suggestion added to the committee, and it be made his duty to read it. A document of four hundred printed pages, the gentleman from Georgia, with all his industry, would not find time to read, notwithstanding he got the House to adjourn every day at four o'clock, and consequently might be supposed to have a good deal of time for this and other reading. It was most singular that this committee should be expected to read this document before they recommended its printing. He believed another gentleman had made the same inquiry, and that it was the same gentleman who made the motion to print fifteen thousand extra copies of the President's message and accompanying documents. He presumed the gentleman had not read that document in manuscript. The fact was, they could only judge of this work by printing it. They had no time to read many of their documents even after they were printed. He ventured to say that the gentleman who made the motion and inquiry had not yet read the last report of the Commissioner of Patents, made two years ago, and he doubted very much whether he ever would. This was a labor that could not be performed. What! read all this immense amount of documents, all this trash, before they ordered it to be printed! It would be necessary, then, to raise another committee—a committee on reading.

He made these remarks for the purpose of defending the committee against the imputation, which it seemed to be intended to throw upon them, because they had reported in favor of printing, before they had read the document.

Seventy-eight thousand dollars, it was said, (and he believed it was true,) was the price paid for printing the report of the Commissioner of Patents at the 1st session of the 29th Congress. That document, let him state, and many gentlemen remembered the fact, was ordered to be printed under the expectation that it was much smaller than it turned out to be. It proved to be a very large and voluminous document. But, on the ground taken by many gentlemen around him, the larger the better, if it contained valuable information. But it was larger than was anticipated by many gentlemen who voted for its printing. The expenditure was a very heavy one. Gentlemen seized on this as a criterion and a precedent to sanction the printing of a large number now; but it ought to be a warning against such extravagance instead of being a landmark to guide their course. Seventy-eight thousand dollars for this printing was an enormous sum. It ought to be limited to some reasonable amount, which would give satisfaction to the country, and not involve extravagance here. While he was in favor of printing, he wished to limit it to a reasonable number of copies.

Mr. SMITH, of Indiana, said he could not accede to the position taken by his friend from Georgia, [Mr. TOOMBS.] The position which the gentleman assumed, if acted upon by the House, would circumscribe the printing of this House within very narrow limits indeed. It would cut off a large portion of the printing of this House which had uniformly been ordered, and which would certainly come within the rule which he defined as limiting the power of the House. There was not a session in which they did not print thousands of documents containing statistical information in regard to the commerce and navigation of the country, and in relation to our manufacturing interests. Why did they print them? If the position assumed by the gentleman from Georgia was correct, this was all wrong; they had no right to give the country information in regard to commerce and manufactures.

Mr. TOOMBS, interposing, (and Mr. S. yielding,) explained his position, as given above.

Mr. SMITH (resuming) said he thought they had the same right to legislate on the subject of agriculture that they had to legislate upon the subject of commere, navigation, and manufactures. Was it to be laid down at this period that the greatest interest of the country—one in which three-quarters of our population were interested—was a subject not coming within the constitutional power of Congress, while Congress might, forsooth, legislate upon a large number of minor interests? Why did they, he asked, establish a Committee on Agriculture, if the subject of agriculture did not come within their constitutional power? He believed the constitutional power of Congress to legislate upon the subject of agriculture was equal to its constitutional power over the subject of manufactures, commerce, and navigation. And he believed the people had great reason to complain of Congress that this great and important branch of their interests had been so long neglected. He believed if Congress would pay a little more attention to the interests of agriculture, if they would make more liberal appropriation to subserve that great interest of the country, that they would better perform their duties to the people under the Constitution. The proposition had sometimes been made in this House to organize a separate bureau to collect statistics in regard to agriculture, that the people might be enlightened upon this great interest. He had been in favor of such a bureau—of liberal appropriations to sustain it, and he was in favor of liberal appropriations to disseminate the valuable information contained in this report. The country had been deluged with political documents until it was sick of them, and now everywhere there was a desire for something upon agriculture, concerning which much valuable information was contained in this report. During the last Congress they printed a report of this character, and he did not believe there had been any document printed within the last ten years which had been received with so much satisfaction. If $100,000 were appropriated for the publication of this report, it would be regarded by the great body of the people of both political parties as an appropriation better calculated to advance their interests than any other which they could make.

He was in favor of printing the largest number proposed. He should vote for it cheerfully, knowing that the vote would meet the approbation of all his constituents of all parties. They desired this document to be printed and extensively circulated among them.

Mr. RHETT was understood to say, that the sentiments advanced by the gentleman from Indiana [Mr. SMITH] were certainly very much akin to the proposition before the House. He referred to the position taken by Mr. TOOMBS. He (Mr. R.) considered that the whole of their legislation over manufactures, as well as over agriculture, was a usurpation of power; and he thought the usurpation in the one case was just as clear as in the other. What were the powers of Congress over these subjects, but the one power, to regulate commerce? If this document had brought information here, strictly within the limits of the constitutional power of Congress over commerce, he would be willing to print it. What did his friends, who represented manufacturing communities, say? Because Congress could regulate commerce, and lay duties for that purpose, that they could lay duties inconsistent with that purpose—lay duties to keep commerce out. Because they could lay duties for revenue, they could lay duties to destroy revenue by prohibitions. That was the kind of reasoning by which they got this power.

But gentlemen on the other side went one step farther, and said they had not only the right to regulate manufactures, but to regulate agriculture, although that power was distinctly proposed in the Convention which framed the Constitution, and negatived. Yet the gentleman from Indiana said they had as much power over agriculture as they had over commerce and manufactures. He admitted that they had the power over what strictly belonged to commerce; he denied that they had the other powers. See how this course of usurpation proceeded. What was the document which was proposed to be printed? It was a report on patents.

Patents were ingenious devices, by which the processes of industry and art were facilitated; and, under the head of "patents," they came forward and took the whole subject of agriculture under their jurisdiction, and printed large numbers of a document, not for the information of Congress, but to inform the people upon agriculture. The whole matter was in conformity with the course of usurpation by this House.

Mr. TOOMBS (Mr. R. yielding at his request) explained his position. He did not hold that Congress had direct power any more over the subject of manufactures than of agriculture; but that it had equal power, so far as the regulation of commerce was concerned, over both. But this document did not in any wise tend to enlighten Congress in its legislation over the subject of agriculture, to the extent to which it had the right to legislate upon that subject. They could lay duties upon agricultural products as well as they could upon manufactures. The power to regulate commerce, then, gave this incidental power over manufactures, and over agriculture. But he agreed with the gentleman from South Carolina, that they had no further power over either.

Mr. RHETT (resuming) said he was very glad, indeed, to hear the explanation of the gentleman from Georgia. He agreed with the gentleman that this document was beyond the bounds which the gentleman had laid down, because it did not inform Congress in matters of legislation. What was the principle that had hitherto been adopted? They had subscribed for Elliot's Debates, and for the Congressional Globe, the contract for which was equivalent to an inheritance of $10,000 a year to Blair & Rives to all eternity. He presumed they would not sell it for much less than that amount. He supposed it would still be carried on by their successors on the Avenue when they died. They had had other books printed, but all of them on the principle of enlightening themselves upon subjects of legislation. They had proceeded on the basis that they had not the means of informing themselves of their duties; that they were entirely too poor to get the books from other sources, but that they must be handed to them by the Clerk from the table. But now they were going one step beyond informing themselves, and had got to inform all the people, and that upon a subject over which jurisdiction was proposed to be given in the Convention, and the proposition was voted down. No doubt every farmer considered this document valuable; there was no doubt about its popularity; and he believed the foundation of this measure was popularity; that it was to dispense favors to the people. After all, when it was analyzed, it amounted to this: Congressional patronage for the benefit of members of Congress, by this usurpation of power, this plunder of the treasury. He utterly detested and scorned all these expedients. He had never voted for one, and he never would, so long as he had that sense of propriety and that dignity which it became a member of Congress to preserve. If they were to vote these things—if it was the purpose of Congress to give to members the means of pleasing the people by the donation of information, let them not confine themselves to this document; let them subscribe for works upon agricultural chemistry—let them go to philosophers, those who analyzed the great principles of agriculture, and give their works to the people. He thought the whole proceeding was utterly unworthy, utterly wrong.

Mr. KING, of Massachusetts, remarked, that although he might be considered as wanting in those high and gentlemanly principles which the gentleman from South Carolina had said became a member of Congress, he could not but say, that for one, he was in favor of printing this report, because he knew it was demanded by the great agricultural interests of the country. That was his motive for advocating and voting in favor of printing this report, and not because he wanted to make political capital out of it at home or elsewhere. He should be glad to have this document to disseminate among his people; not that they wanted information on the subject of agriculture; not that they wanted general intelligence so much as the people of some other portions of this country, according to the best of his judgment and belief. They should disseminate knowledge among the people, in order that they might send to this House men competent to legislate upon subjects in which their general welfare was concerned. Let them send the Congressional Globe, if they pleased; let them send the Comic Almanac, referred to by one gentleman, if they thought it would go to benefit their constituents; let them send anything that would enlighten them, that would give them information. It was information upon this great subject of agriculture that he was in favor of disseminating to the people of all sections of the country, north, south, east, and west, and it was with this object in view that he should vote for the printing of this document. Thirty-five or forty thousand dollars was a petty sum to appropriate to a purpose so valuable to the people of the whole country. They spent immense sums in printing documents interesting to a very small portion of the people. They had ordered the printing of a commercial document here the other day at an expense of half the sum which this document would cost; yet it would not interest perhaps more than one hundredth part of the people in any measure compared with the interest which was felt upon the subject of agriculture throughout the whole country. But a few years ago they had published one single document which cost twice as much as this Patent Office document would cost, just for the purpose of letting a very few individuals know the route which our troops pursued as they went to the western portion of this country. He alluded to Lieutenant Colonel Frémont's report, which was published in so expensive a manner that it could be read by but a very few persons, so small was the number of copies.

Now, might they not legislate upon the subject of agriculture, because the Constitution did not in express terms provide for it? He did not know what the Constitution meant in that common phrase "general welfare," which had been used so often and was so much hackneyed that people were disposed to smile at it, if it did not convey to Congress a power over agriculture. He did not know what possible interest could be promoted which would tend more to the general welfare of the country than the interest of agriculture. He was in favor of printing the largest number, because he knew the whole people of this great country were far more interested in this document than they were in any other which they could send out to them.

Mr. HALL, of Missouri, demanded the previous question, which was seconded, and the main question ordered: being first on the amendment to reduce the number of copies from 90,000 to 40,000.

The yeas and nays were asked and ordered; and being taken, resulted: Yeas 52, nays 99.

So the amendment was rejected.

The question recurring on the adoption of the report of the committee, it was taken by yeas and nays, and decided in the affirmative: Yeas 117, nays 35.

So that, of the report of the Commissioner of Patents, there are ordered to be printed, in *addition* to the usual number, 90,000 copies without the list of patents granted and expired, the claims, and the opinions of the Chief Justice, and 10,000 copies of the report entire, including all its parts.

PRIVATE BILLS.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole on the private calendar, (Mr. GEORGE S. HOUSTON, of Alabama, in the chair.)

The question pending when the House were last in committee, was the motion that "the bill to extend to John J. Adam a patent for flattening cylinder window glass" be laid aside to be reported to the House, with the recommendation that it do not pass.

The question was put, and the motion was agreed to.

The bill for the relief of Captain Henry M. Shreve was next taken up, and debated by Mr. BOWLIN in opposition, and Mr. GREEN in favor of the claim.

Mr. VENABLE then obtained the floor; but before commencing his remarks—

A motion was made that the committee rise.

The question was put, and there were—ayes 55, noes 25.

A quorum not voting—

The CHAIRMAN ordered the Clerk to call the roll of the members under the 126th rule of the House, which requires the Chairman to have the roll called when the committee finds itself without a quorum, and report the names of the absentees to the House, to be entered upon the Journal.

The committee rose, and the Chairman reported the bill to extend to John J. Adam a patent for flattening cylinder window glass, to the House, with the recommendation that it do not pass.

Also, that on a motion that the committee rise, finding itself without a quorum, the roll was called.

Mr. McKAY said it would be remembered that a bill to regulate the appointment of clerks and for other purposes, reported by him, had been made the special order for a previous day, but he had not at that time called it up, as the loan bill was then pending. It was considered an important bill, and he now desired it should be made the special order for Tuesday next.

The SPEAKER said the motion could only be entertained by unanimous consent.

Objections were made—

And the House adjourned.

IN SENATE.

FRIDAY, *March* 17, 1848.

On motion by Mr. MANGUM, it was

Ordered, That the memorial of John Hogan, on the files of the Senate, be referred to the Committee on Foreign Relations.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the bill from the House of Representatives for the relief of Sarah Stokes, widow of John Stokes, reported it without amendment.

Mr. MASON, from the Committee of Claims, to whom was referred the petition of Charles M. Gibson, submitted a report, accompanied by a bill for his relief; which was read, and passed to the second reading, and the report ordered to be printed.

Mr. BADGER gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to introduce a bill in relation to the true intent and meaning of the acts authorizing the exercise of the franking privilege.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. CLARKE:

Resolved, That the President of the United States be requested to transmit to the Senate a copy of "a despatch to the United States consul at Monterey, T. O. Larkin, Esq.," forwarded in November, 1845, by Captain Gillespie, of the marine corps, and which was, by him, destroyed before entering the port of Vera Cruz.

The resolution having been amended by the addition of the words "if a communication of the same be not, in his opinion, incompatible with the public interests," was agreed to.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. NILES, and it was agreed to:

Resolved, That the President be requested to communicate to the Senate copies of the correspondence between the minister of the United States at London, and any authorities of the British Government, in relation to a postal arrangement between the two countries.

The Senate proceeded to consider the motion submitted by Mr. WESTCOTT, on the 3d instant, and it was agreed to, as follows:

Ordered, That one thousand additional copies of the reports of Lieutenant Emory and Colonel Cooke, and the accompanying map and illustrations, heretofore ordered to be printed by the Senate, be furnished for the use of the Senate.

The bill supplementary to an act entitled "An act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes," was read the second time and considered as in Committee of the Whole; and,

On motion by Mr. NILES, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Monday, the 3d day of April next.

A bill from the House of Representatives, requiring all moneys receivable from customs and from all other sources, to be paid immediately into the treasury without abatement or deduction, and for other purposes, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

THE TEN-REGIMENT BILL.

On motion by Mr. CASS, the prior orders were postponed, and the Senate resumed the consideration of the bill, on its third reading, to raise, for a limited time, an additional military force.

Mr. BERRIEN addressed the Senate in opposition to the bill. He said he would have gladly

been spared from the task of addressing the Senate at this late period of the debate, and he might have done so, had the Senate consented to raise the veil which conceals its Executive action. He might have remained silent, and satisfied himself with privately communing with his constituents. But he was impelled to break silence, in order that the two voices of Georgia might be heard on the question.

The object of the bill is to urge the Mexican Government to ratify the treaty. No one doubts that this is the object. Mexico, left to her own free will, would not have consented to this treaty, and we are to compel her to surrender a large portion of her territory for a stipulated price, which we force her to accept. Whether we have a right to do this—whether, as a Christian nation, we ought to do so—and whether the result of such a step is not likely to prove injurious to our own interests,—these are questions which will be asked by the historian of our country when the excitement of the hour shall have passed away.

As to the military character of the bill, he would say nothing: this had no doubt been deliberated on by the committee, to whose judgment he paid all deference; but there were graver considerations which compelled him now to raise his voice in opposition to the bill.

He defined patriotism as the concentration of the energies of the people for the interests of the whole. And the glory of the country consists in the unquestionable rectitude of its proceedings, and the valor with which they are carried out. We are now, for the first time, conquerors in a war of aggression; our bleeding foe lies prostrate beneath our sword, and humanity shudders at the desolation which we have spread through an adjoining Republic.

He alluded to the course taken by individuals and a portion of the press, in commenting on the expected progress of the American people, in which the wildest and most impracticable theories had been started; and he believed that those who expressed such sentiments, were perfectly honest in their belief of the practicability of what they uttered.

Our national reputation he had believed to have been sufficiently established by the war of the Revolution and the war which existed from 1812 to 1816. He did not imagine that it was left to be established by a war with so weak a Power as Mexico.

On the subject of our right to acquire territory, the Senator from Virginia [Mr. HUNTER] and the Senator from New York [Mr. DIX] had given their opinions that this question was no longer open to discussion. In the school of ethics in which he was educated, he had been taught to believe that the right to do a thing should be made clear before the expediency of doing it was determined on; and, to him, the right in this case was by no means made clear. On that question we are now thrown back. By what right do we take this territory of California and New Mexico? Is it by the right of conquest? Does this authorize an abandonment of the principles of honor and humanity to the grasp of power? If so, the right is complete, and Mexico remains entirely at our mercy.

Mr. FOOTE called the Senator to order, as touching on points which could not be alluded to in debate.

Mr. BERRIEN said he had no reference to anything which had passed in secret session. He alluded to the language of the President, as the Senator would have seen had he attended closely to his remarks.

The VICE PRESIDENT having decided that the remarks were perfectly in order—

Mr. BERRIEN resumed, protesting that we were pursuing a course in reference to this acquisition of territory which the Constitution did not justify. The extent of the high and holy principles for which that instrument gave the power to raise armies were distinctly stated, and had no reference to aggressive war, or the right to seize foreign territory. It surely cannot be pretended that the object sought to be accomplished was the indemnity of those of our citizens who have suffered wrongs from Mexico! Conquest gives power, but confers no right. It gives power to do what you will with a prostrate foe, subject to the judgment of Heaven as to the manner in which such power is exerted. In this case, he felt exceedingly anxious that in our demands on Mexico we should not pass beyond the line of right, that we should require nothing beyond a just indemnity.

That we had placed ourselves in hostile attitude to Mexico by our annexation of Texas, he presumed no one could doubt. For some time before the resolution to annex Texas passed, there had been no active hostilities between her and Mexico. Before the annexation, the President had determined, at whatever cost, to extend the boundaries of Texas to the Rio Grande—peaceably if he could, forcibly if he must. He pointed out the evidence of this fact in the correspondence of the Government with General Taylor, who resisted every effort to push forward to the Rio Grande, until he received the final order to advance. The conduct of General Taylor, in this instance, was truly patriotic, as it was eminently wise. He came to the conclusion, from an examination of the facts, that there was nothing in the circumstances connected with the beginning of the war to justify us in asking as indemnity the territory now demanded. But supposing that Mexico had come into territory which belonged to the United States, having committed this act of aggression, has she not been sufficiently chastised for the act by the victories of Palo Alto and Resaca de la Palma? Have we not in these battles and those which preceded, sufficiently elevated and fixed the reputation of our country? Mexico must have learned that hereafter she must not meet our troops in collision; and when this lesson was first given her, had we then terminated the war, the glory and security acquired by the act would have far exceeded any which we have since obtained, or which we can ever acquire in a war of conquest. After the armistice at Monterey, Mexico would have readily listened to a proposition to conclude the war on such terms as we might have been disposed to offer.

For what purpose was the war prosecuted after this armistice? It was said that it was to conquer peace. He could attach no definite meaning to the phrase; but the amount of treasure and of blood which has since been wasted, has yet to be calculated. With reference to the aggressions committed by Mexico on our citizens, we had made a treaty, which stood in the place of any preëxisting claim to indemnity; our claim was merged in that treaty, and we could not set up any demand for indemnity independent of that treaty. He made some sarcastic observations on the justice and humanity which were attributed to our policy by some of the Senators who had advocated this bill.

As to the idea of manifest destiny, which many had connected with this war, he inquired, if the adoption of the phrase was not an innovation on the omnipotence of God, and whether poor worms of earth could pretend to understand and explain the purposes of Deity.

He referred to the language in which the President, in his message relative to the annexation of Texas, designated the political institutions of Mexico as similar to our own. Yet we now require of Mexico to cede the soil and government of two of her separate, sovereign and independent States; and this, he contended, we had no right to require. If the case of Mexico and the United States was reversed, and Mexico had been in the midst of our capital, made a demand for the cession of two of our States, should we not have rejected the proposition with scorn, and declared our determination to sustain the integrity of our Union, or to die in its defence?

In reference to the value of California itself, he looked at the opposite estimates which had been circulated. If it was unfit for cultivation; we ought not to take it as a gift. If it was capable of cultivation, and unfit for slave labor, the South would attach little value to it. If it was capable of cultivation, and fit for slave labor, then would arise that dangerous question, to which every other question is as nothing in point of importance—a question in which the North and the South have taken their honest and unalterable stand. If he saw nothing else in it but the dread that this question might be introduced, he would reject all the broad lands of Mexico, rather than encounter it. He prayed that the time may be far distant when sectional feelings shall sunder our Union. He devoutly hoped that our country would prosper in its happy Union, casting its beneficence around it, carrying on the high purposes for which it was founded, and that nothing would occur to disturb its harmony, or to affect its durability.

Mr. WEBSTER. Although laboring under deep depression, I still feel it my duty, at as early a moment as I may be able, to address the Senate upon the state of the country, and on the further prosecution of the war. I have listened, sir, silently but attentively to the discussion which has taken place upon this bill, and upon other connected subjects in this Senate; and it is not my purpose to enter into the historical narrative, or the historical argument which has accompanied its discussion on the one side or on the other. New events have arisen, bringing new questions; and since the resumption of the discussion upon this measure, two or three days ago, these events have been alluded to, first by the honorable Senator who conducts this bill through the Senate, and again by the honorable Senator before me from Carolina. By both these honorable members these events have been declared to be well known to all the world, and by one of them [Mr. CASS] it was remarked that there need be no affectation of mystery. Since these statements were made I have heard the gentleman from South Carolina express his views on the question. I have heard him on various and momentous subjects, on many interesting occasions, and I desire to say, sir, that I never heard him with more unqualified concurrence in every word he uttered. The topics which he discussed were presented, it appears to me, in their just light, and he sustained his own views in regard to them with that clearness and power of argument which always characterize his efforts in debate. I thank him. I thank him especially for the manly stand he took upon one point, which has not been so much discussed here as others—I mean the plain, absolute unconstitutionality and illegality of the Executive Government in attempting to enact laws by Executive authority in conquered territories out of the United States. Sir, whether the power exists in the President or not, may be inferred by answering another question, Does he wear a crown? That's the only question. If he wears a crown—if he is the king of the country— if we are his subjects, and they who are conquered by the arms of the country become his subjects also, and owe him allegiance—why, then, according to well-established principles, until the interference of the Legislature, but no longer, even then, he may conquer—he may govern—he may impose laws—he may lay taxes—he may assess duties. The King of England has done it, in the various cases of conquest, from the conquest of Wales and Ireland down to the conquest of the West India Islands, in the war of '56, and in the wars growing out of the French Revolution. The King of England has done it; done it by royal prerogative; done it in the government of his own subjects, existing in or inhabiting territories not under the protection of English law, but governed by him until Parliament puts them under the protection of English law. Now, sir, there was laid before us, at the commencement of the session, a system of legislation for Mexico as for a conquered country. Let us not confound ideas that are in themselves separable and necessarily distinct. This is not the question, whether he who is in an enemy's country at the head of an army, may not supply his daily wants; whether he may not seize the granaries and the herds—if he choose so to conduct the war—of the enemy in whose country he is: that is one thing; but the question is here, whether sitting in the Presidential house, by an act of mere authority, when the country is conquered and subdued, the President of the United States may by, and of, and through, his own power establish in Mexico a system of civil law.

We have read, sir, and some of us have not forgotten it, in all books of authority treating of the law of nations, that when a country is conquered or ceded, its existing laws are not changed till the competent authority of the conquering Power changes them. That I hold to be the universal doctrine of public law. Well, here is a system of levying taxes, repealing old laws, and making new ones—a system behind that, of which I read with pain and mortification; for I find, in this communication of the Secretary, sanctioned by the President, that our brave troops (as they are always called, ten times in every page) were directed to lay hold on all the little municipal treasures—all the little collections for social purposes that carried on the interior, the municipal, what we should call the parish concerns of Mexico! They were directed to seize them all! The War Department issued

orders to chase the Government of Mexico like a partridge on the mountain, from city to city—to give it no rest for the sole of its foot—to exterminate it; and another order issued from the Treasury Department at the same time directed this seizure of all these small and petty sums of public money. I am obliged, therefore, to the gentleman from South Carolina for having brought this subject to the attention of the Senate.

I am happy in having an opportunity of expressing my repugnance to all the doctrine and all the practice. Where will it lead to? What does the President do with this money? Why, he supports the army! But this money never passes under any appropriation of law. The Constitution of the United States says that the Executive power shall have no appropriations for military purposes for more than two years. But here there is a standing appropriation put at the disposition and discretion of the President of the United States of all the money he can collect by this system of personal Executive legislation over seven millions of people, and that under the Constitution of the United States! If the statement of this case does not attract the attention of the community—in short, if the question is not argued before an American Senate when it is stated, it is beyond my power to illustrate it by any further argument.

Sir, while I rejoice that the honorable member from South Carolina has done so important a service, as to put this question in a proper and clear light before the community and the Senate; and, while I agree, as I have said, in all that he has uttered on the topics which he has treated; that topic which was upon my mind and my conscience more than all the rest, was a topic which he did not treat, and in regard to which I fear I may not expect—would to God that I could expect!—his concurrence, and the strength of his arm: I mean the object, plain and manifest, original in the inception of this war, not always avowed, but always, however, the real object: the creation of new States on the southern border of the United States, to be formed out of the territory of Mexico, and the people inhabiting the territory of Mexico. If, after a service of thirty years in these councils, he could have taken a lead—if his convictions of duty, I mean to say, could have allowed him to take a lead and make a stand for the integrity of the United States, even with these large recent accessions, which I am willing to consider as brotherly accessions, that I have no disposition to reject, discourage, or discountenance, in the existing circumstances of the case—if, I say, sir, that, at the end of our common service, now for thirty years, the honorable member could have seen his line of duty to lie in such a direction that he could have taken a stand for the integrity of the United States—these United States, into whose service he and I entered in early life, with warm and equally warm patriotic affections—the love of a known country, a defined country, an American country,—if he had found it consistent with his duty to have taken such a stand, and I had perished in supporting him in it, I should feel that I had perished in a service eminently connected with the prosperity and true honor of the country.

Mr. President, I am obliged to my friend from Georgia for having taken that view of some topics in this case, with his usual clearness and ability, which will relieve me from the necessity of discussing those subjects which he has taken up. I feel, sir, the great embarrassment which surrounds me, brought about by those events which have taken place and been adverted to in the Senate. It has been stated by the gentleman to whom I alluded, [Mr. Cass,] that the whole world knows that a treaty has come hither from Mexico—that it has been acted upon here, and is sent back—that a member of this body, occupying an eminent position in its deliberations and conduct, has been sent out as a minister with full powers to make explanations—of course not explanations of what was done in Mexico, but explanations of what has been done here. There has been such a paper here—I allude to none of its particulars, although following the example of the honorable member from Michigan, who says that all the world knows there is a treaty, I might say, all the world knows, too, exactly what the treaty is, for the details are as well known as the principal fact. I feel, sir, as I said, a new embarrassment. On the events that have occurred here within three weeks, political friends to some extent differ, and that goes nearer to my heart than any dart that political adversaries could direct.

The war is odious. Generally speaking, taking the whole country together, the war is odious in a high degree. The country is distressed. A treaty has been offered. It has been here, and it has been sent back. Now, I feel, sir, that there has been manifested throughout the country a very strong desire, for the sake of peace, that this treaty, or any treaty, should be ratified. The business of the country is disorganized and distressed. Men know not what to calculate upon. The occupations of life are embarrassed. The finances of individuals, as well as of the country, are much deranged—the circumstances of individuals placing them in great exigency and necessity of immediate relief; and there has come up a strong expression in favor of *any* treaty on *any* terms, if it will bring peace. Now, sir, I am not for any treaty on any terms, though it bring peace. In my judgment, with entire diffidence therein, and entire deference to the better judgment of others, I think that this indiscriminate demand of peace, in any circumstances and on any terms, is either an effusion of ecstatic delight at the prospect of getting rid of an abominated war, or else it is the result of a feeling for which I have not so much respect—that we are to take this, whatever it may be; or I will rather say, that we are to take whatever may be offered, lest our masters should give us harder terms. It is either the effusion of joy at the prospect of putting an end to the war, or else that men's resolution cools.

I believe, sir, that the press on all sides, with very few exceptions—perhaps uniting for once—have for the last three weeks pressed the Senate, by their daily counsels and advice, to take the treaty whatever it may be. All these considerations, which seem to me to spring from the first impulse, and not from the sober second thought of the people, appear to be designed—I will not say designed, but calculated, as they have been calculated—to press forward the councils of the Senate; and to induce these councils to take any bit of parchment, or any bit of paper which could be called or concluded to be a treaty—to clench it, and confirm it, with our eyes blindfolded. No, sir—with our eyes dead, sightless as the eyes of a marble statue, to all the future.

On these subjects, sir, to the extent to which it may be proper for me to discuss them, I wish to declare my sentiments once for all; not going back to the origin of the war—not reëxamining orders of the Executive—not pausing to consider, as my honorable friend from Georgia has done, the various stages in the progress of the campaigns, in which it might seem to have been, and I think he has proved that it was, the duty of the Executive to consider the propriety of arresting the war,—without attempting any of this sort of discursive dissertation upon the case, I nevertheless desire to express my opinions upon the state of the country, upon the further prosecution of the war, and upon that most important, and, if not vital, most interesting question, the revenue, and the ability of the country, in the present existing legislation of Congress, to supply the public demands. An understanding, however, was entered into yesterday, to which I was a party, that the question upon the final passage of this bill should be taken to-day. I do not propose to depart from that understanding. If I had strength, which I have not, and health, which I have not, there is not time, without pushing the Senate into a very late session, to say what I wish to say. I will, therefore, with the permission of the Senate—and I hope not without the concurrence of the honorable member who is at the head of the Finance Committee, postpone what I have further to say upon this subject, until the early part of next week, when I understand the loan bill will be before the Senate. This measure is to raise men; that measure is to pay them. The object, therefore, of both is one—the further prosecution of the war with Mexico. What I have to say, then, may as well be said appropriately on one bill as the other, and therefore I shall not now detain the Senate; but if an opportunity should be offered upon the earliest introduction of the loan bill, I shall claim the privilege of expressing myself on the several points which I have now mentioned to the Senate.

Mr. CASS. Mr. President, before I proceed to the more serious part of my undertaking, I beg to make a few remarks somewhat personal to myself. And I am induced to do so in consequence of an allusion made the other day by my honorable friend from Delaware, (for I am sure he will permit me to call him such,) and which, I frankly confess, I did not take in very good part. The Senator said I was, or had constituted myself, the champion of the Administration, and that I had blown a trumpet and uttered a note of defiance—that I had thrown down a glove, which he, in the spirit, I presume of chivalry, had taken up. Now, sir, all this is incorrect. I gave no challenge; I assumed no championship; I uttered no note of defiance. The very thing, which the Senator from Delaware supposes I did, was the very thing I feel I could not have had the folly to do. I said, on the introduction of the army bill, that in presenting it, I should not touch any of the disputed points which divide our two great political parties, but I thought, from appearances, which could not be misapprehended, that these would be introduced by others. I said further, that the discuss on of the great topics of the day, respecting the war, could not be avoided, though I had hoped they would be postponed till this necessary bill was passed; but that at any rate, however severe might be the attack, I trusted it would be as earnestly met, and easily repelled. This is the substance of my remarks, sir, and I must say to the honorable Senator from Delaware, that he has not a little surprised me by deducing from them the conclusion, that I had constituted myself the champion of the Administration, and that I had brought on a controversy by the very terms, with which I disclaimed any such intention. Why, sir, I knew all this would come, and so did every member of the Senate. I knew that the course of the Administration would be severely assailed on the other side of the Chamber, and my conviction was not the less certain, that it would be promptly met on this side and easily repelled. But I trust I did not say, certainly I did not think, it would be repelled by me. I knew that task was committed to better hands than mine. I knew there were faithful sentinels on this side of the Senate; able and experienced statesmen; prompt, powerful, and fearless debaters, who have passed much of their lives in these legislative encounters, and who would defend with energy, and I believed with success, those measures, which met with the entire approbation of the great party, to which they belong. It is in no spirit of affected humility, that I feel I have no right to assume the duties of men like these. My life has not been passed in such scenes as this. The early and more active portion of it was spent amid the toils and privations and exposures of a new country, and not a little of it upon the very verge of civilization, and even beyond it, where duties far different from those committed to us here, called me and occupied me. A vote of the Senate has placed me, contrary to my own wishes, at the head of the Committee on Military Affairs, and if, in the discharge of its duties, I can lend any aid towards what I consider the best interests of my country in the situation in which she is placed, I shall be satisfied, without making the vain attempt attributed to me by the Senator from Delaware. So much for my championship. It is not my glove, which the honorable Senator has picked up, but his own.

The distinguished Senator from South Carolina, [Mr. Calhoun,] in the discussion of yesterday, gave his opinions upon some important topics connected with this bill. The questions, presented by him are of the highest importance, and were urged with all that closeness and clearness which characterize his intellectual labors. I desire to express not only my dissent from his conclusions, but, as briefly as may be, the views that have struck me during the short period I have had to reflect upon the subject. At the very commencement, I feel a difficulty, which will be obvious to all that know—and who does not know?—the process, at once compressed and logical, by which that Senator reaches his deductions; in consequence of being compelled to rely upon my memory, and not having been able to read his speech, which has been laid upon our table, since we took our seats in this Chamber to-day.

However I may have misapprehended him, during the progress of his remarks, I did not misapprehend him at their commencement. He began by asserting, that there was not a single reason in favor of the passage of this bill. Certainly, sir, this assertion is far too broad. We may differ as to the weight of the arguments in support of this

measure, but to pronounce, almost *ex cathedra*, that that there is no argument at all, which would justify its passage, seems to be rather a bad augury for fair investigation.

The Senator says it will be mischievous here, because it will have a tendency to alarm the money interest. Now, sir, I have no invidious comparison to make among the various occupations of our community—the members of which, while laboring for themselves, are contributing also to the wealth of the country. It is not my habit. I would merely remark, that questions affecting the honor and interest of the country, in her communication with other nations, must be decided upon much higher considerations, than the effects they will produce upon the stock market, and upon the fluctuations, which give to its speculations the spirit, sometimes, of gambling, rather than of sober calculation. But, sir, I do not agree with the Senator in his anticipations. If, as I understand him, a peace is necessary for the wholesome operation of the moneyed interests, any measures, having a tendency to promote peace, would give confidence to those who control it. If, sir, an overwhelming force were immediately raised and despatched to Mexico, no man can doubt but that this war would be immediately terminated; and the more vigorous our preparations—the more fixed our determination to prosecute it vigorously—the more convinced shall we be, and the Mexican people also, that peace will come, and come speedily. So far from viewing this subject as the Senator does, I consider every step we take towards vigorous preparations, a step towards peace; and I believe it will strengthen, and not weaken, the confidence of the moneyed men, and aid, instead of injuring, the money market. If we go on with a series of timid, irresolute, and indecisive measures, we may prolong this war till doomsday. If we strike one vigorous stroke, we may terminate it without delay.

The Senator says, also, that the passage of this bill will be mischievous in Mexico, because it will animate some of the parties, into which that unhappy country is divided, to increased exertions against us. If this be so, it presents to me a new chapter in human nature. When our country is at war, or apparently approaching it, to put on an armor and an attitude befitting the occasion, would be, according to this new principle of national intercommunication, impolitic, if not dangerous, as it would excite the enemy to more vigorous action. Mr. President, it is not thus, I have read history, and it is not thus that public disputes are brought to satisfactory termination. If in peace to prepare for war, is a wise sentiment—now become an axiom—certainly when hostilities have actually commenced, and two Powers are contending for the mastery, if one relaxes it preparations for fear of animating the exertions of the other, it is not difficult to foresee to what dishonor such a course—whether originating in pusillanimity or false magnanimity—must necessarily lead.

But, sir, are there no reasons why this bill should now pass? There are, sir, and very strong ones too—so decisive, indeed, that even the powerful intellect of the Senator from South Carolina has not been able to satisfy me, that there is one substantial objection to the measure.

We are at war with Mexico. The papers, indeed, of to-day, tell us that an armistice for two months has been concluded. That is liable to be broken, and hostilities resumed, from one day to another, as accident or design on the part of the enemy may dictate. And a proof of their bad faith, in a similar arrangement at the city of Mexico, should warn us, that little reliance can be placed upon these stipulations; and, indeed, the very despatch, which brought us information of the armistice, brought us also information, that it had been broken. And happen what may, in the mean time, this armistice, at the end of the term, must give way to hostilities, unless prolonged by mutual consent, or terminated by a peace. And certainly it will not be prolonged by us, unless a peace is to take its place.

Now, sir, what does a wise precaution require? It requires us to strengthen our forces in Mexico, and to make the most vigorous preparation to prosecute the war with renewed exertion, should our efforts to procure a peace prove fruitless.

You know, Mr. President, and the Senate knows, and the country knows, that a paper has arrived here, and gone back to Mexico, with the *imprimatur* of this body upon it, modified, indeed, but still fixing terms, which will lead to peace if accepted by the Mexican Government. Now, sir, it may be accepted there, or rejected, no man can tell which. The Government is unstable, the people intractable and turbulent, and the country split into factions, warring against one another, and each contending for supremacy. In such a state of things, what is our duty? It is, as I have already said, to be prepared for contingencies, and to recommence our military operations with the utmost vigor, as soon as the war recommences, if that event should happen.

But, in the second place, the very preparation we make may be the reason for rendering its employment unnecessary. If the Government and people of Mexico see, by the measures which we have taken here, that there is an absolute determination to overrun and overcome their country, that would furnish a strong motive for their acquiescence in the terms of peace. As our relaxation would encourage them to resist, so, renewed exertions on our part would show them the futility of resistance, and leave them no hope, but in doing us justice. So much for the reasons in favor of the passage of this bill. The force it contemplates to raise may not be wanted. In that event, it will not be organized, and no injury will be done. It may be wanted, and in that event, it will be ready for such contingencies, as may happen.

The Senator from South Carolina says, that when the President, in his annual message, asked for this force, he did so in order to be able to prosecute the war more vigorously, and that to vote for this bill is to give a pledge, that this should be done. This may be so, sir; but whether so or not, I am ready to give any necessary pledge upon the subject. The Senator is not in favor of a vigorous prosecution of the war, even should we fail in our efforts to obtain a peace. What are his views upon this subject, sir? He says, that at the commencement of the session, the opinion was spreading everywhere, that the whole of Mexico should be annexed to the United States; but that since that time, a change has been going on—the result, I suppose, of our discussions—and that the acquisition of the whole Mexican territory is no longer desired. For my part, sir, I see no change whatever upon this subject. I believe the prevailing sentiment is now, just what it has been during the whole progress of these hostilities. The Senator, in his remarks upon this subject some two or three months since, when asked for the proof, that the acquisition of all Mexico was desired by the American people, referred to one or two demonstrations, that had taken place at one or two public meetings, but failed to produce the slightest evidence, as indeed there was none, that the American people had determined upon this great experiment. The sentiment prevailed then, and prevails yet, that we may be compelled to make it, by the obstinate injustice of the Mexicans, and that, if we cannot terminate the war in any other way, we must terminate it by taking possession of their country, and holding it subject to our power, and with some kind of a government, to provide for its internal security.

Well, sir, this state of things may come, but I hope not. But it will not be prevented by speeches and resolutions in this body. It will be prevented by much higher events. For myself, my opinion has been unchanged, and I have several times expressed it in this Chamber. I think the annihilation of the Mexican Government and the annexation of the whole Mexican territory would be a serious injury to our Confederacy. I see great inconvenience in the measure, and many sound practical objections to it. But I repeat also my previous declaration, that I am not one of those who believe that even that step would be fatal to us. My confidence in the progress and duration of this Government is unshaken and unshakable. Its destiny, under God, is committed to the people, and no other earthly power can destroy it. However extensive may be the sphere of its operation, it has in it a spirit of vitality, growing out of the very principle of its formation and objects—the will of all for the good of all—which will enable it to resist many of those shocks of time and accident, to which other governments have been exposed, and have fallen victims. If all this is a dream, sir, it is a very happy one, and a dream from which I have no wish to be awakened.

I desire, sir, to allude to a remark made by an honorable Senator from Virginia, [Mr. HUNTER.] Some time since he addressed the Senate upon this subject in a speech, replete with able views and beautiful illustrations. It was one of those efforts which, while they do honor to the speaker, reflect honor upon all those who are associated with him in the discharge of the high functions, committed to us. While I thank him for the pleasure he gave me, I thank him also for his favorable notice of a little word I used upon that occasion. The distinguished Senator from South Carolina had said, that the absorption of all Mexico would be fatal to us. While expressing the opinion I have just reiterated, that the measure would be injurious, I repudiated the idea that it would be fatal; and said, that if we were to swallow all Mexico, it would not kill us. Well, sir, it is a good old fashioned phrase, but the Senator from Virginia seemed to think that it required some protection, and threw over it his critical ægis by saying it should hereafter become classical. I thank the honorable Senator for his kind interference; but I beg to assure him, that the phrase had some pretensions to be a standard one, even before I used it, and he sanctioned it. It is at least as old, in our language, as the time of the translators of the Bible. How much more aged, I do not stop to inquire; but in the language, whence our Bible was translated, it is at least thirty centuries older. "*Israel is swallowed up*," said one of her prophets when the throne of David was overturned, and his kingdom annexed, aye, annexed, to the kingdom of Assyria. "*Israel is swallowed up.*" Now, sir, I may congratulate myself upon my position. Supported by the Bible and by the honorable Senator from Virginia, I may defy the shafts of criticism, invulnerable to the heel behind such bucklers!

The Senator from South Carolina, instead of a vigorous prosecution of the war, proposes to withdraw our troops from the other portions of the Mexican country, and to establish them upon a line, which shall be the boundary of the territory which we intend to hold. This proposition has, in substance, been twice before made by the honorable Senator; once at the last session of Congress, and once some weeks since at the present. He supported his views then and now with that force which marks his reasoning. But while he interested, he did not convince me. There never was such a line, there never will be such a one. I say it with all defference, but with a perfect conviction of the truth, that such a line is impossible. That, which the Senator proposes, runs from the Rio Grande to the Passo del Norte, probably about eight hundred miles; and thence, with a deflection not necessary to notice, to the Pacific Ocean, which is a little less than an equal distance; making upon the whole route probably fifteen hundred miles. The force required to defend the line of the Rio Grande the honorable Senator does not give; but he thinks a small one would be sufficient. I have conversed with one of our ablest generals upon this subject, and he considers 20,000 men necessary to the defence of the Rio Grande frontier.

From the Passo del Norte to the Gulf of California, the Senator from South Carolina thinks that one regiment and a few small vessels of war would be an adequate protection against Mexicans and Indians. What effect armed vessels can have in the defence of a line which stretches six hundred miles beyond them, as I do not comprehend, I will not stop to inquire. Their guns would probably command the beach, off which they might anchor, if they anchored near enough. But I do not believe, that a Mexican guerilla would place himself within their reach in order to cross a line open to him in all directions. As to the regiment, if equally divided, its numbers fit for duty would probably give one man to every mile of distance between the Passo and the Gulf, certainly not more.

In his annual message, the President has presented with great force the objections to this proposition. I shall not repeat them, for they must be fresh in the recollection of the Senate. They seem to me to prove, beyond question, the impolicy of establishing such a line, and the impracticability of holding it. With no natural boundary, with no defensive stations, (for how many could a few hundred men occupy and defend?) with a boundless region on both sides; with the necessity of bringing supplies through long, difficult, and exposed routes; and with the ever-consuming disorders of the climate—how could such a line be defended with such a force? Our troops must be in detachments, or they can afford no protection;

while the enemy may be in masses, and bring their whole force to operate upon a part of ours. If we are defeated, we are destroyed; for we have no reinforcements to order up, nor to fall back on. Our point of support might be one thousand miles off. If the enemy are defeated, they retire beyond an enchanted line, where danger cannot come.

But after all, what good would this do, even if the line could be defended? How would it bring peace? What possible motive would the Mexicans have to make peace in such a state of things? They have it at all times, when they desire it; for the line is a Chinese wall, beyond which we may look indeed, but must not pass. For if we should pass it, we should that moment abandon our plan, confess its inefficiency, and commence a new system of operations to recover the ground from which we had retreated before entering upon this dangerous experiment. We assume our line. We take a position behind it, covering the country we intend to hold. It is a *sine qua non;* and we will not treat with Mexico till she relinquishes all right to the region we claim. What, then, has she to gain by peace? No territory, for all we hold we keep; no honor, for that is compromised by the cession; no exemption from the evils and calamities of war, for she is just as secure behind the line, while the *statu quo* lasts, as she would be if a treaty were signed, sealed, ratified, and promulgated. If she choose to sit still, there is peace; if she choose to attack us, she attacks us, and, if successful, follows up her advantages, till she strikes a decisive blow; but if unsuccessful, she retires behind her barrier, and awaits a better opportunity to renew her efforts. Such a state of things would be interminable, for anything I see. No Government could maintain it. No public sentiment could bear it. Mexico would have every motive to continue it, because the chances of the future might give her success, and restore her territory; whereas they could do her no injury, and in the mean time she would not put the seal to her own dishonor.

As to the defence of a line between coterminous countries, it rests upon very plain principles. If the countries are at war, one or the other, or both, will attempt to cross it. Neither will remain behind their line for the avowed purpose of defending it, unless, indeed, one of them is so weak that offensive measures would be impracticable. If an irruption is made, the party making it has necessarily some military operations in view, which, if successful, it pursues, but if unsuccessful, it abandons and returns. The defence of the line itself, in this state of things, becomes a secondary object, yielding to ulterior considerations, involved in the plans of operations. An invading force, if repelled, must be followed, and if followed, must be pursued to its places of refuge or the battle-field, where the fate of arms must decide the contest. Any contest between nations, involving other principles, would be irreconcilable with public sentiment, and incompatible with the plainest dictates of policy. No, Mr. President, let us go on in the old-fashioned way—I will not say the good old-fashioned way, because the term would be inapplicable and improper; but I will say the approved old-fashioned way—and wage this war as our fathers waged war before us, and as our sons will probably wage it after us, if driven to this last appeal of nations. Let us discard these untried plans, and place our faith in experience, not in experiments. Let us push our operations, firmly as need be, but mercifully as may be, till we have conquered enough of the country to overcome obstinate injustice, and thus to conquer a peace.

But a principal object of the Senator from South Carolina seems to be, to place the Administration in the wrong in the measures it has directed to be taken, for levying contributions for the support and subsistence of our army in Mexico. To do this, he has commenced with what I consider a fundamental error, that when we enter an enemy's country in war, we take with us all the powers of our own Constitution. If it is meant by this, that an invading army has a right to exercise all the powers fairly derivable from the Constitution, and relating to a state of war, the proposition is true, but entirely useless for the purpose of the honorable Senator's argument. But if it is meant that the guarantees of the Constitution accompany the army and operate upon the movements of our troops in a hostile country, nothing can be more erroneous in principle, or would be more injurious in practice. The slightest reflection will satisfy any one, that the extension of our constitutional guarantees over countries occupied by our armies would be utterly subversive of all the rights of war. We could not march a step without finding impediments that could not be overcome. The provisions of the Constitution are:

"That Congress shall have power—

"To declare war, grant letters of marque and reprisals, and make rules and regulations concerning captures on land and water.

"To raise and support armies.

"To make rules for the government and regulation of the land and naval forces."

The Constitution further provides that—

"The President of the United States shall be commander-in-chief of the army and navy," &c.

These are all the provisions of the Constitution bearing upon the war-making power.

In the whole history of our legislation there are but two provisions respecting the conduct of our forces in foreign countries, and these are coeval with the Government, having been first passed in 1775, and again in 1806, and forming thus a permanent part of our military code. These two provisions are in articles fifty-one and fifty-five of the rules and articles of war. The former declares that—

"No officer or soldier shall do violence to any person, who brings provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States, employed in any parts out of the said States, under pain of death, or such other punishment as a court-martial may direct."

The latter declares that—

"Whoever, belonging to the armies of the United States employed in foreign parts, shall force a safeguard, shall suffer death."

Here is our whole written legislation, constitutional or congressional, upon this subject.

Now, sir, like other nations, we are liable to war; and when engaged in it, we are entitled to all the rights which that condition brings with it. Nor do I believe, that those rights are in the smallest tittle diminished, because we choose that our Chief Magistrate should wear a hat and not a crown, to follow out an allusion made this evening by a distinguished Senator. Our army, in the prosecution of war, enters a hostile country. What may it do there? Originally, in the early ages of the world, the right of conquest included an unlimited right to seize and dispose of the persons and property of all the people subjugated by its arms—Hear the earliest Jewish historian:

"And we took all his cities at that time, and utterly destroyed the men and the women, and the little ones, of every city, we left none to remain."

"Only the cattle we took for a prey unto ourselves, and despoiled the cities, which we took."

In the progress of time, however, better sentiments prevailed, and humanity endeavored to check, if not the progress of conquering armies, at least the evils that followed in their train, by laying down rules for assuaging the calamities of war. These conventional rules, established by the general concurrence of civilized nations, now constitute that part of the law of nations applicable to this subject. To be sure, they are liable to be violated, and when not violated, to be narrowed in their operations by controlling circumstances; but their general obligation no one of the present family of nations calls in question.

I repeat, what may our army do in a hostile country? It may do anything proper to promote the objects it has in view, which is not prohibited by its own Government, or by the laws of nations. It goes forth to battle and to conquest. Its effort is to subdue the enemy by all the aggressive means it can exercise. To injure him, when, how, and where it can, subject only to the limitation I have laid down, in order to compel him to accept the terms of peace prescribed by its Government.

But in the practical exertion of these powers we are met, *in limine*, by a suggestion of the honorable Senator from South Carolina, [Mr. CALHOUN,] that it is the conqueror to whom they belong, and that this conqueror is the sovereign, and the sovereign in the United States is the people, who alone can exercise these high attributes, or at any rate some of them. It may be remarked, however, that they do not belong to the conqueror, as such, but to the enemy; whether an invading army is advancing or retreating, victorious or defeated, its rights are still the same, and belong to it as long as the last band composing it remains in arms upon hostile territory. But let that pass. The Senator also says, that the people in this country are the sovereign. I shall take no issue with him upon that proposition; I concede it in the fullest extent. It is one of the first lessons we learn after leaving the cradle; it is as broad in its operation as this broad land, and the sentiment itself is probably one of the last we abandon in life. But, sir, what then? The Senator will not require the sovereign people of the United States to exercise all their right, either of peace or war, in person. This is done, and must be done, by their agents, civil and military, who are responsible to them and controlled by the laws they choose to establish. And if our sovereign may not exercise all the just powers of war by our military officers, which a European sovereign may exercise, in person or by proxy, it follows that countries with monarchical forms of government have important rights of independence, which do not belong to us. I dissent, *toto cælo*, from any such doctrine, and from any principles necessarily leading to it. We stand on the broad platform of national equality, and will not yield the smallest particle of our rights to foreign pretensions, royal or imperial.

Well, sir, our army commences its operations. It may overrun the whole hostile country, doing all those deeds of distress and death which it must do, to a great extent, to accomplish the objects of its destination. Whence does it derive the right to do all this, let me ask the Senator from South Carolina? Not from the Constitution and the laws, except from the general powers I have quoted relating to war; for there is not a single specific grant in our whole code, looking even to such a state of things. Let him, or any one else, put his finger upon that clause of our statute book, which authorizes an American soldier to kill a Mexican, to burn a house, or to seize and hold a city, or to do the thousand and one acts of violence, which go to make up the condition of war. Well, then, even without specific powers from our sovereign, our army may do these deeds, simply because a war exists, and they are its proper incidents. No other grant is necessary. Our sovereign says to our armed citizens, I am at war; go forth and maintain the honor and interest of your country. Now, having shown what an army does and may do, I may call upon the honorable Senator to show what it may not do, within the limitations I have laid down, He will acknowledge it may kill a Mexican, not because it is expressly authorized to do so by law, but because that act is proper in its operations, and is allowed by the general laws of warfare. The right to levy supplies, whether of money, of provisions, of forage, of clothing, of the means of transportation, and of other objects not necessary to be enumerated, belongs to the state of war. No one will deny that fact. It accompanied the first and the last army that ever entered the battle-field, and will accompany every one, that may hereafter follow in the same career. In Europe it has been common, in later years to subsist and support armies in the enemy's country, and there have been cases, and, I believe, not a few of them, where they have sent home to the national treasury large sums collected during their progress. The Allies, on the downfall of Napoleon, levied upon France a contribution of 1,500,000,000 of francs. Whenever a European army enters an enemy's country, it calls upon the municipal authorities of each city and town to contribute such supplies in kind and such amount of money, as it chooses to demand, under the penalty of military execution. That threat, I believe, has never yet failed. No one calls in question the right of our troops to take supplies in kind as an incident to war. Let those who maintain the distinction, either in principle or practice, between supplies in kind and in cash, show it, and show where is the power to demand the one and not the other.

Why, sir, the error of the Senator from South Carolina I conceive to be this: He seems to think, that an express grant of power from the sovereign of the country is necessary to the exercise of some of the rights of war. If to some, they are to all; for the most acute mind can draw no line between them—I mean between those usually exercised in legitimate warfare. As to the power of the sovereign to restrain the use of these means of carrying on war, or to prohibit them entirely, there can be no doubt. Congress, the legislative agents of our sovereign, may at any time establish an entire code for the conduct of our armies in hostile countries, and may restrict their powers within the narrowest limits. The question, however, is not what Congress may do, but what it has done. It has

yet done nothing of the kind, and our troops are free to act as the good of the country may require, and as the incidents belonging to a state of war fairly permit. The exercise of these powers is of course vested in the commanding officer, unless directed or restrained by superior authority at home. The President is the constitutional commander-in-chief, and whether present or absent, may direct the operations of our armies and prescribe the mode of conduct they shall adopt. He has done so in the present case.

I see no difference, sir, in the application of the general principle arising out of the mode in which a contribution is enforced, whether it is levied by the agency of our own officers or of Mexican officers, the power is the same, and whether upon municipal authorities, upon classes, or upon individuals. The fairer and the more equal is the mode, the less is the injury and the greater the satisfaction. And an American army, of all other armies, should seek to attain its object with the least distress. The contribution is an assessment, and all must pay it who are subject to the rules of war. And it is the nature and not the name of the thing which determines its true quality. Call it as you please, tax, duty, impost, supply, contribution, or what not, it is a forcible demand of private means, made by an army in an enemy's country, of such a nature and amount as the commander of the army may direct, rendered more acceptable in the present instance by being levied and collected in conformity with the Mexican laws, and thus accommodating itself as far as possible to Mexican usages. There never was a better form of contribution, than that which we have adopted—one more equal in its operation, or less oppressive in its administration.

Now, sir, what is the objection to this? I understand there are two reasons urged by the Senator from South Carolina against the course of the Administration on this subject. The first constitutional, and the second political. With respect to the first, if I comprehend the train of reasoning pursued by the Senator, he considers the contributions required by our army in Mexico as taxes, and their collection as an exercise of the tax-levying power conferred only upon Congress by the Constitution. I cannot, sir, for myself, doubt for a moment that that provision of the Constitution is confined to the United States. As I have already remarked, if the guarantees of that instrument accompany our armies, we may just as well abandon all attempts to carry on offensive operations abroad, as our armies could not march a foot, without finding themselves surrounded with insuperable obstacles. Congress may undoubtedly prescribe, the mode, in which forced impositions shall be collected in an enemy's country. But it may do that, not under the tax-levying power, but under the war-declaring, and thence war-regulating power. It may put an end to the practice, and when it regulates or prohibits it, its decision becomes the law of our armies, for a strict obedience of which, every one, within his proper sphere, is responsible; but until Congress does interfere, the right and its exercise depend on the principles I have stated, and not upon analogies, verbal or substantial, applicable only to a different state of things. I cannot but remark, however, sir, that if any one, who has doubts upon this question, will run his eye over the Constitution, he will see at a glance that its powers and protections are intended, not for a foreign country, but for our own. That would be a strange construction indeed which would give to the Mexicans the right "to be secure in their persons, houses," &c., "to a speedy and public trial by an impartial jury," &c., and to all the other political blessings, which make our Government what it is. And who shall divide the Constitution, and tell us what portion operates abroad, as well as at home? That the whole of it does not follow our armies is clearly shown from the consequences, which would flow from such a construction. There is but one practical solution of the difficulty, and I use that word difficulty in deference to the opinions advanced by gentlemen of the most powerful intellect, and not because I feel the slightest doubt myself; and that solution is to confine the Constitution to our own country, except where its provisions obviously extend abroad; and this brings us again to the war-making power, which would enable Congress during the continuance of hostilities to provide at its discretion for the government of countries held by our armies.

The political objection urged by the Senator against the exercise of this power, is founded in the dangers, which might result from it. Well, sir, there is danger in such a power. There is danger in all war powers. The distinguished Senator, in a speech last session, which few will ever forget, who heard it, depicted with his peculiar force the danger of triumphant generals returning with conquering armies; even his graphic description did not appal me, for our generals and our armies are but constituent portions of our people, and I trust for many a generation will mingle with the mighty mass of American freemen, without delay, and without reluctance, as soon as their military duties are terminated. But there are greater dangers than these, and first among them is the loss of national honor. Discard your military means, because the plains of liberty are filled with the crumbling monuments of republics, overthrown by a disloyal soldiery, and where would be your own safety in these days of national ambition and aggrandizement?

From my own views of our institutions, and from the opinion I have formed of the character of the American people—formed during an active life, passed under circumstances which brought me into contact with men of all opinions and pursuits—I consider the destruction of this Government by military usurpation as one of the very last evils which threatens us; to be apprehended only when our necks are prepared for the yoke, and when it will matter little, who puts it on.

The President may abuse his power, says the Senator. Certainly he may, and so he may abuse any power; but powers must be granted, though they may be abused. If any one fears that result now, let him prepare a legislative remedy to prevent it. As that is not my case, I shall not volunteer my services for such a work; but I am prepared at any time to look into the whole matter, and to hold all who have taken part in it to a strict accountability. The President desires nothing else, nor his political friends for him; and I predict, that any investigation will but commend the Administration the more to the confidence of the country. But let not a most important right belonging to the American people, and one which may be essential to their military success be cast to the winds, because some time or other, or some where or other, abuses may grow out of its exercise.

In our investigation into the origin of this war, there are two separate questions, which present themselves for consideration; one, which may be termed external, and the other internal. The former connects itself with us as a people whose character and conduct have been arraigned before the world, and the latter concerns ourselves alone, as it relates to the course of the Executive in the earlier measures, which led to the war. The war itself may be just, and we stand acquitted of every charge of aggression; while the President may have passed beyond the limits of his constitutional duty, and assumed to direct, where Congress alone had the power to act. By far the most important question touches the character of our country, and this involves the justice of the war. The subject itself is a fruitful one, and has been so often examined and exhausted, that it requires some moral courage to discuss it even briefly. I shall endeavor to compress my remarks within the narrowest space, confining myself, as much as may be, to propositions rather than to illustrations.

Had we cause of war against Mexico? It has been said, and upon this floor, that to give just cause of war, there must be a clear right, coupled with a "sort of necessity," before a resort is had to this extreme necessity. Such general considerations, however, as this, amount to very little in guiding the conduct of nations, as a slight analysis of this principle will show. The honorable Senator himself who advanced it, concedes that we had a clear right, and if a "sort of necessity" to enforce it had been coupled with this, we should have stood justified in the eyes of the world had we declared war against Mexico years ago. And what is this "sort of necessity," without which the right is to remain barren? Why, I take it, if thirty years of aggression on one side and of remonstrance on the other, do not constitute this necessity, it would be vain to seek it in any war undertaken in modern times.

The fact is, sir, the question of war is a complicated one, into which considerations of right and expediency enter largely, if not equally. If one nation injures another, and refuses or unreasonably delays to make satisfaction, this gives to the injured Power just cause of war. But whether she shall undertake it, depends upon her own position—on that of her adversary—on the magnitude of the injury; and, frequently, on other circumstances, political or financial, which it would be useless to specify, and impossible to enumerate. Nations must and will judge for themselves under these circumstances, as well of the right itself, as of the "sort of necessity" there may be of enforcing it. The right once established, and that the gentleman himself concedes in this case, the resort to force is a question, rather of discretion, than of morals, as it is a remedy consequent upon the violation of national rights. It is too late to tell us, sir, that we had no just cause of war. Successive administrations of the Government and the voice of the American people have pronounced an irrevocable judgment upon that question.

Our complaints against Mexico commenced nearly with the commencement of her independence. They go back to the year 1817, and come down to the present day in almost one uninterrupted series of outrages. I shall not state them *seriatim*, nor enter into the detail of their nature and extent. This has been repeatedly done, and the official documents are before the country. I will merely classify, from an able report made by Mr. Forsyth in 1817, the various heads of complaints, which will present the general aspect of the subject.

1. Treasure belonging to citizens of the United States has been seized by Mexican officers, in its transit from the capital to the coast.

2. Vessels of the United States have been captured, detained, and condemned, upon the most frivolous pretext.

3. Duties have been exacted from others, notoriously against law, or without law.

4. Other vessels have been employed, and in some instances ruined, in the Mexican service, without compensation to the owners.

5. Citizens of the United States have been imprisoned for long periods of time, without being informed of the offences with which they were charged.

6. Other citizens have been murdered and robbed by Mexican officers on the high seas, without any attempt to bring the guilty justice.

General Jackson, in a message to Congress in 1837, stated that these causes of complaint "would justify, in the eyes of all nations, immediate war." This sentiment was fully concurred in by the Committee of Foreign Relations of the House of Representatives, who said "that ample cause exists for taking war into our own hands; and we believe that we shall be justified in the opinion of other nations, for taking such a step."

President Van Buren, in December, 1837, distinctly told Congress that redress was beyond the reach of the Executive, and could only be obtained by the action of Congress, which action must of course have been war.

As to the conventions which have since been made by the two countries, and violated by Mexico, I need not enter into their history. They are fresh in the recollection of all. These three conventions, by the infidelity of the Mexican Government, have proved nearly fruitless; and after thirty years of injury on the one side, and of remonstrance on the other, there is nothing left to us but to abandon all hope of redress, or to obtain it by a vigorous prosecution of the war. Who, then, shall say to us, that we have commenced a war unjustly, which was in fact commenced by the enemy, and which, even had it been declared by us, would have been justified by the practice of nations, and by the injuries we had sustained?

I do not intend, Mr. President, to be led into the discussion of any polemic respecting the wickedness of war. I leave that to the schools and the debating societies. I am content, and if not, I am compelled, to take things as they are, as they have been, and as they will be. Sent here as practical men, to deal with the interests of our country, we must not be diverted from the true path marked out by the experience and usages of the world, by crude speculations and misplaced philanthropy. We were aggrieved and injured, and could obtain no redress; and we were entitled to take our remedy into our own hands, in order to obtain that justice, which was pertinaciously withheld from us. The most superficial reader of modern history—

the most casual observer of passing events, must know, that outrages far less flagrant in their character than those committed by Mexico against us, have occasioned half the wars of modern times.

But, sir, I am well aware that these considerations apply only to our just right to declare war against Mexico at any time, within the last twenty years. We did not commit the offensive. Mexico herself struck the first stroke, and why? Because Texas was annexed to the United States. I recollect the gentlemen on the other side of the Chamber thought there was some fluttering in our ranks, when this avowal was first made. But there was none whatever, sir. We concede the proposition in its fullest extent, that this annexation was the cause of war. How then, sir, stands this great question, as to the justice of its commencement?

I will not trespass upon the patience of the Senate by presenting this subject in all its details. I will again compress my views into a series of propositions, and thus spare your time and my own.

Texas, a constituent portion of the Mexican republic, declared itself independent, as Mexico, a constituent portion of the Spanish monarchy, had done before it, and asserted and maintained its rights by a revolution.

The war between these two powers continued for some time, with varying success, till 1836, when a Mexican army, led by the chief magistrate of the republic, was conquered, and dispersed or made prisoners, and the commander himself captured.

After the month of June of that year, Texas continued in the undisturbed possession of her independence, and no effort was made to reduce her, not a single Mexican party, with the exception, I understand, of two predatory incursions, having since ever made an inroad into her territory. The war was in fact at an end.

In the mean time, the independence of Texas was acknowledged by the United States, and by some of the other principal Powers of the world; and she was permitted to take her equal station among the nations of the earth.

In cases of revolution, where one portion of a nation is endeavoring to separate itself from another, while the contest is going on, and each party is exerting itself to attain its object, it is the duty of other Powers to look on, and not to interfere in favor of one side or the other. But there is a limit to this duty. Such contests cannot be permitted forever to continue. The peace of the world forbids it, and there are instances on record, where other nations have said: This struggle has continued long enough; it must now be terminated, and the revolting people be secured in their independence. But there is still another limit to this duty of non-interference, and that is, the abandonment by the original government of all attempts to reduce by force its revolting citizens. The abandonment of the remedy is the abandonment of the right. The peace of the world cannot be put to hazard by the pertinacious obstinacy of any nation, which holds on to nominal claims, without the power and the disposition to maintain them. The neutral duties exist only *flagrante bello*. And when the war ceases, the previous relations of the two States cease, and they become like other nations, "enemies in war, in peace friends." When Texas was annexed to this Confederacy, this was her relation to Mexico, and she had the same right to form treaties of alliance or annexation, as had the people from whom she had separated. "If these things are so," the union of Texas and this country was no just cause of offence to Mexico, and gave her no right to complain of our conduct.

And this view is fortified by an incident, clearly indicative of the public opinion in Mexico of the value of her right to subjugate Texas. While the question of annexation between this latter Power and the United States was pending, Mexico offered to acknowledge the independence of Texas, if she would engage not to join the American Confederacy. This offer was in fact the very acknowledgment it proposed to make conditionally. It conceded the inability of Mexico to enforce her claim of sovereignty, while it asked, as the condition of recognition, the surrender of the right to direct its future political destiny, as might seem most acceptable to its people.

So much for the general subject of annexation, and the rights and duties growing out of it.

But it has been said, not in Mexico, but here, that the origin of this war was not in the annexation of Texas, but because we carried her boundary to the Rio Grande, and took possession of the country between the Nueces and that river. Who says this, Mr. President? Not the government or people of Mexico, but citizens of our own country, who find a cause of offence for the enemy, which they have failed to discover for themselves. The Nueces is an American, not a Mexican boundary. The Texas of Mexico was Texas to the Sabine, with no intermediate boundary. In all the communications with the Mexican Government, as I have had occasion to say before, no distinction is made between the Nueces and the Rio Grande. And the occupation by our forces, of the country between these rivers, was never presented as an exclusive cause of complaint, nor indeed noticed in any manner whatever. It was the annexation and occupation of Texas, and not of any particular portion of Texas, which led to the reclamations, and finally to the hostilities of Mexico. It was a question of title, and not of boundary; a claim of right, which went for the whole, and would never be satisfied with the relinquishment of a part. When the act for annexation passed, the Mexican minister in this country immediately protested against that measure; declared it to be just cause of war, and at the same time demanded his passports, and left the country. And the Supreme Government of Mexico, in March, 1846, informed Mr. Slidell, that it looked upon "annexation as a *casus belli:* and, as a consequence of this declaration, negotiation was, by its very nature, at an end, and war was the only recourse of the Mexican Government." And, in conformity with these views, forces were collected on the Rio Grande, in order that Mexico might take the "initiative" in hostilities against us, to borrow the expression of General Paredes in his orders to the commanding general. And, sir, these warnings and threatenings were no vain declarations. Mexico said what she would do, and she did as she said. She declared to us, that if we annexed Texas she would go to war. We annexed Texas, and she went to war. As early as April, 1846, and before the movement of General Taylor could have been known in Mexico, her President directed the general upon the frontier to "attack" our army by every means, which war permits.

Who, then, sir, has a right to say, what the Mexican Government has never said—that they went to war, not because we annexed Texas, but because we took possession of the country west of the Nueces? In all the diplomatic correspondence between the two Governments, there is no allusion to that river, nor is any greater claim advanced to one of its banks, than to the other. Why, then, when our country is summoned to trial at the bar of the public opinion of the world, why should the American Senate swell the catalogue, of an enemy's grievances, and make out a better case for Mexico than she has made for herself? In our endeavor to do right to others, let us not do wrong to ourselves. Let us distrust our own judgment, when we find ourselves inclined to take a more favorable view of the cause of Mexico than she has taken for herself. Let us yield to justice what we refuse to patriotism. There is no want of shrewdness in Mexican statesmen. They have made the best of their own case; and if they have omitted the passage of the Nueces in the catalogue of their wrongs, we may be sure it was no special wrong in their eyes; and that it was not because we crossed that river, but because we entered Texas, that our enemy attacked us, and thus commenced the war.

The question of the title of Texas to the country extending to the Rio Grande, has been several times elaborately discussed before the Senate, but never more ably than by the honorable Senators from Maryland and Texas, [Messrs. JOHNSON and RUSK.] I listened with great pleasure to their exposition, and I am content to leave the subject, where they left it, altogether satisfied with the views they presented, and equally satisfied, that I can add nothing to their force or clearness.

What judgment, then, are we to pronounce upon the measures, which were directed to be taken by the President, previously to the commencement of the war by Mexico? This question is in fact a double one, involving two considerations: one, affecting our relations with other countries, and the other our own institutions only. The former touches our character and conduct before the nations of the earth, while the latter relates only to ourselves.

This war was commenced by Mexico, that is, Mexico first attacked our troops; but I agree, that if we pushed an armed force within the Mexican frontier without cause, that measure throws on us the guilt of this war. How stands this matter?

1. It seems now to be generally agreed on all hands, that the mere annexation of Texas gave to Mexico no just cause of war, and it follows, that if its boundaries extended to the Rio Grande, then we did only what we had a right to do in marching our forces to that river, and are not responsible for results. Both of these points I have noticed, and the last has been conclusively established by the excellent views taken of the title of Texas by the Senators, to whom I have referred.

2. If the title to the country from the Nueces to the Rio Grande was in dispute between the parties—and I believe no one here has ventured to deny, that we had some well-founded claims to it—and Mexico was preparing to take possession of it, we had a right to anticipate her, and thus to assert our own title.

3. But taking the strongest ground against ourselves, that we had no title whatever to the Rio Grande, still we had a right to go there, if we considered such a measure necessary to our defence, and if the preparations of Mexico announced a design to attack us.

Did they announce such a determination? No one here, sir, will deny that fact. I shall not detain the Senate with the various proofs, spread through the history of our intercommunication with Mexico, from the first suggestion respecting annexation, till her army crossed the Rio Grande in order of battle. The protest of her minister here—the declaration of her Government—its formal annunciation to the European diplomatic agents accredited to it—the public order of its generals, and the collection and movement of its forces, left no doubt of its designs, and if they had, the result would have disclosed them.

The movement of our troops, under these circumstances, became a defensive measure; for, as has been well remarked by the honorable Senator from South Carolina, [Mr. BUTLER,] it is not necessary for the justification of a nation, that it should await an impending attack. That power, in fact, commences the war, which makes the first threatening preparations for it, and not the one, which merely strikes the first stroke. If a government collects its forces, marches them to its frontier, and makes public preparations for passing it, and thus for war, at the same time openly avowing its determination to commence it, both the reason of mankind and the usage of nations, authorize the people, whose peace is thus threatened, to anticipate their adversary, and to repel the threatened attack, by an attack of their own. This course is strictly defensive, and modern history abounds with examples, illustrative of the principle.

So much for the question between us and Mexico, as to the commencement of the war.

As to the internal question relating to the conduct of the President, it admits of but one answer. That cases may occur, in which it is his duty, under his constitutional power, to repel an actual or threatened invasion before Congress can act upon the subject, no one can doubt; and for myself, I could never see any just constitutional or legal objections to the course he pursued in this whole affair. But there is one other consideration, which is decisive, and that is, that the orders for the movement of the troops to the Rio Grande were given by the President on the 13th of January, 1846, and thirteen days before that, an act of Congress had been passed recognizing our jurisdiction west of the Nueces. It was the duty of the Executive to carry it into effect, and thus consider the boundary of Texas, as extended beyond that river.

As the "initiative" was taken by our adversary, we took the defensive, and, the attack being inevitable, it was for us to choose where to receive it. Such, I repeat, is the law of nations, and such the practice of nations.

So much for the commencement of the war.

I had anticipated many modes of attack upon the Administration, and many avowed causes of censure; but I must confess I had not anticipated the charge of the honorable Senator from Maryland, [Mr. JOHNSON,] that the Administration had

proved itself feeble or inefficient, and that the war had not been vigorously prosecuted. I am not going, sir, to undertake a refutation of this charge. I leave that to the people, who sent us here, and the measure of whose glory has been filled by brilliant achievements, which will yield in their renown to few, if any, of the great martial feats of our age. "We have had an ostentatious and asserted vigor," says the honorable Senator, "but we have had nothing else, so far as the President is concerned."

An ostentatious and asserted vigor! Well, this is a strange world, and in my time I have seen and heard many strange things in it, but I have heard few stranger things than this. The act recognizing war was passed on the 13th day of May, 1846, twenty-two months ago. At that time we had an army, whose total of rank and file consisted of 7,523 men. They occupied thirty-seven forts and positions in the interior of the United States, and upon our inland and seaboard frontier, comprehending a space almost equal to half of Europe; and the portion of this force under General Taylor, upon the Nueces, amounted to 3,001 men. This was our preparation for meeting the war. All else had to be collected or created. Recollect, sir, that our situation is far different from that of the martial Powers of Europe. War is there both a trade and a science, and its Governments are always prepared to meet contingencies, which cannot, indeed, be foreseen, but which, if not provided for, bring ruin and disaster in their train. At one time, the people of France were a great army—the country a vast camp—the cities and towns, arsenals and magazines, and the fields, sources of supply for the immense living machine, whose movements were always so tremendous and often so irresistible. Well, sir, we had nothing of all this. We had no army, for our little force scarcely deserved the name. We had no conscription by which to increase it. And all the *materiel* necessary for the subsistence and transportation and operations of our troops had to be collected through the country, and conveyed to a distant scene of operations. This scene is three thousand miles off; and little did the Government or the country know of the condition of Mexico—of its fortresses or their state of preparation—of its armies or their state of efficiency or discipline—of the roads, the bridges, the means of transportation and subsistence, and the thousand other points, essential to military operations, and which, in the various countries of Europe, are studied and known.

Now, sir, in the face of all these obstacles, what have we done? We have sent our troops to the shores of the Pacific, by routes across the continent, and around Cape Horn; we have subdued Upper and Lower California and New Mexico; we have taken possession of the rich and populous districts upon the Rio Grande; we have carried the war into the heart of the Republic, after attacking and reducing the renowned fortress, which commands its principal maritime entrance, the capture of which alone was glory enough for France; we have taken its capital, dispersed its armies, made its Government a fugitive, and reduced to subjection a large portion of its population; we have fought at least fourteen important actions, of which eight were pitched battles, and in every one there was a disparity of force against us, and in many an inequality, which carries us back for similar examples of desperate struggles to the early ages of the world—to the combats of the Greeks and Persians—which they resemble, rather than the conflicts, which the severe truth of modern history judges and records. We have captured a score of great cities, some of them fortified and defended, and capable of strong resistance. Time would fail me to tell all we have done, nor can it be necessary; for is it not already written in imperishable letters upon the records of history, and in burning and shining characters upon the heart of every American? Yet you have not done enough, says the honorable Senator from Maryland to the Administration; you have not prosecuted the war with sufficient vigor. You have done too much, says the honorable Senator from South Carolina; you have prosecuted the war too vigorously; so much so, indeed, that the great danger, we have now to apprehend, is, the annihilation of Mexican national independence, and the annexation of the whole Mexican territory; and the only remedy for the false position, in which your untimely energy has placed us, is an abandonment of much you have gained, and a retreat behind a line, where you can curb your martial propensities, and restrain your desire for aggrandizement. I shall not thrust myself into this controversy; it is in better hands than mine; but I must confess it appears to me, that the Senator from South Carolina is much nearer the mark than the Senator from Maryland; and that our offence, if one there be, is an offence of commission, and not of omission.

Now, if the Senator from Maryland thinks all this success is not glory enough for twenty-two short months, he must shut the pages of history, and go back to the fabulous ages, or open the volumes of imagination, and of a highly sublimated imagination, too, before he can find a series of operations worthy of the standard of military glory, which he seems to have prepared for himself. The labors of Hercules shrink into insignificance, when compared with his model.

And now for the future. What are we to do? We are to do just what other nations always have done, and always will do, in circumstances similar to our own. We have to prosecute the war vigorously, efficiently, promptly, till the Mexican people are satisfied of their inability to resist us, and are disposed to make a reasonable peace. There is a point, sir, in military operations, and we must reach that point if necessary, where pertinacious obstinacy will be overcome, and where, as I have already said, submission is cheaper than resistance. I think I heard it said, sir, upon this floor, that we had got the victim down, and he was exhausted and spiritless, and that we were preparing to plunge a bowie-knife into his heart. This language is in bad taste, sir; and the allusion, it seems to me, wholly unfounded. We have got no prostrate victim, and are preparing for no assassination. We are fighting the Mexicans, and they are fighting us, or, at any rate, claim to be fighting us, and refuse all the offers we make to treat with them. They compel us, either to close the war dishonorably, or to prosecute it inexorably. It is objected here and elsewhere, as a practical difficulty, that there is no Government to negotiate. But this is not so, sir; the difficulty lies beyond the Government. There are acknowledged rulers with authority enough to treat, were they disposed to do so, as the recent result has shown. And why have they not been so before? Because the public, so far as there is one, is adverse to the measure. The honorable Senator from Mississippi, with his knowledge of the Mexican character, has made known to us one characteristic trait, which explains the infatuation that prevails in that country; and that is, an overweening vanity—a settled conviction of their superiority to us—and a proneness to attribute their reverses to anything, rather than their own imbecility. So much for the masses. The more profound portions of society may well study the doctrine of chances, and looking to the divisions which prevail in our councils, and to the opposition which the legislative measures of the war encounter, may flatter themselves that our exertions will become relaxed, and the Executive unable to prosecute any further operations.

The remedy for all this is a palpable one; it is founded in human nature: increase your force, extend your operations, overrun district after district, establish yourself in city after city, awaken the Mexicans from their lethargy of false hope, and let them feel, that they have no recourse but to do us justice. And add to all this, union in our our councils at home, which, after all, is the first element of prompt success. Postpone our internal difficulties till our external ones are adjusted. One unanimous vote in each of these two Halls, evincing a determination to prosecute the war with all our strength, would be better than an army with banners. It would be a moral force, that would proclaim our power, and conquer the peace we so much desire. My life for it, if we do this, we shall succeed in three months; we shall find a Government ready enough to ratify the treaty or to make another, and a nation ready enough to observe its stipulations. Mexicans are like all other people; and, as I remarked a few days since; they must sow, and reap, and be clothed, and preserve the institutions of society, and the cherished relations of social life. They do not all mean to be killed, nor voluntarily to abandon everything, that makes life desirable. Let us go on, then, and time and perseverance, we may hope, will bring with them their just reward.

And now for the objects of the war. This subject has occupied much of the attention of the Senate; "indemnity and security" have been bandied about, as though they were mysterious words, employed to conceal some great project, or magical words, intended to obtain some great end, darkly shadowed forth—a kind of "Open Sesame!" enabling political necromancers to conceal their work of iniquity and deception. I am not going over this ground again, sir. I have only to say, that there is a single word which fully expresses my views upon this subject, and that word is, *Acquisition*. The object of the war is an honorable peace, and that peace can best be obtained by an adequate compensation for the injuries done us by Mexico, and that compensation must be made in territory, as it can be made in nothing else. There is one consideration, Mr. President, in all this question of territorial compensation, which has great weight with me. While I trust we shall act as fairly by Mexico, as her own conduct will permit, I do not conceal from myself, that my reluctance to annex portions of that country to ours is much less than it would be were I not convinced, that the permanent happiness of the people would be promoted by the measure. I believe it the happiest fate that could befall them; and I believe that this war, injurious in many respects, as it may have been, and must have been, is destined to work a great good for the Mexican people. I believe it will meliorate their condition, civil, religious, social, and political. I believe that the contact with our citizens will bring many advantages, permanently beneficial. The country will be laid open to the world, and the intellectual lessons of Europe and America will elevate a depressed population, and bring them to a knowledge of their rights, and of the means of enforcing them.

Man cannot fathom the designs of Providence; but experience teaches us that great political changes are among the means employed in the moral government of the world, and that they often come to renovate decrepid nations, and to give new vigor to the human faculties. The existing race in Mexico has proved itself ignorant, feeble, and, if not retrograding, stationary. Another career may be opened to them; the abuses of generations may be swept away, and the route of our armies may become avenues of communication, by which light and knowledge may spread over Mexico, and the past remembered only to make the blessings of the change more evident and acceptable. I repeat, sir, that the claim we set up is for compensation for injury, and yet we are gravely reproached in the American Senate, in this middle of the nineteenth century, with the adoption of barbarous principles, as well as barbarous usages, because, in a state of war, when the appeal is to arms, and when the decision rests on strength and not on reason, we measure our own demands by our own sense of justice; and claim what we think right, and intend to take what we claim. And an honorable Senator from South Carolina, [Mr. BUTLER,] seems to have made it a particular cause of grievance, as he considers it a most extraordinary measure in diplomacy, that we should have defined the line we mean to establish, and have said to the enemy, make that the line of your cession, or continue the war. Why, Mr. President, did that honorable Senator never hear of an ultimatum in national intercommunication? What is more common—indeed, what is more proper—if a nation has once determined upon its course, than to say to its adversary, there is our lowest offer: accept it, or do better. The history of the world is full of these examples; and I must confess it was with no little astonishment that I heard the honorable Senator add this to his catalogue of reproaches against the Administration. He told us, there were some of us ready to vote for anything. As I have voted, and intend to vote, for all the necessary war measures, I suppose I may consider myself in this category of everything and anything members.

Mr. BUTLER. Certainly not! I only remarked that I was inclined to think that anything coming with an Executive recommendation would be swallowed whole; and, indeed, I confess that I think so yet!

Mr. CASS. We all know the courtesy of the honorable Senator, and I will not believe he intended all the words import, and therefore I shall not make a retort, which readily presents itself. But I will say, it requires very little stretch of patriotism to defend the Government, for making a manly and frank proposal, and for avowing its determination to stand by it to the last. And what other rule,

sir, is there, or can there be, for the conduct of nations, than the rule of the strongest, where all pacific means of procuring justice have been tried and found wanting? They have no common umpire, and when they commit their cause to the battlefield, they do so with a full knowledge of the consequences. Security and indemnity, if victorious—cessions and concessions if vanquished; and all this, harsh as it may appear, has much good sense in its favor, as, indeed, has almost every general rule, which the experience of the world has adopted. Man is naturally as pugnacious as his cotenants of the earth, whether walking on two legs or on four. He is kept in restraint by the institutions of society, and by the salutary operations of law. But nations are independent; they acknowledge no superior; and much that restrains them—not all, indeed, for the opinion of the world is something, and moral principal something more,—but the greatest restraint, which keeps them from perpetual collisions is, the certain injury and the uncertain issue of war. The race is not always to the swift, nor the battle to the strong. So says the book of inspiration. Numbers do not ensure victory, nor power always command success. So says the book of human experience. And this uncertainty is a salutary check upon the ever-active promptings of ambition. But divest war of its legitimate consequences, which have belonged to it from the earliest periods of history, establish the principle, which this new kind of sickly magnanimity seeks to lay down, that there is to be neither security nor indemnity, or that the conquered, and not the conquering power, is to be the judge of both, and where are we? Where would be the peace of the world, or where the discharge of national obligations, if there were no penalty for injustice, and none of the motives to do right, which spring from the fear of the consequences of doing wrong?

An honorable Senator from Connecticut, [Mr. BALDWIN,] informs us, that Mexico has no money to indemnify us, and that she cannot cede any portion of her territory for that object, because her own constitution prohibits it. Well, sir, I suppose she may then set the world at defiance, and become the Ishmaelite of nations; with, however, a better fate than Ishmael of old; for his hand was against every man, and every man's hand against him, while Mexico might be the aggressor, without being exposed to any retribution. Sir, when a people deprive themselves of the power to redress an injury, they should be very careful not to commit one. No nation can intrench itself behind its paper barriers, and say to the world, do what I may, I am not responsible; for I have declared the inviolability of my territory. An easy kind of shelter this for aggression and injustice! and a new principle to me, in the law of nations, this security, not for, but against, indemnity. I do not know where it is to be found, but it must be very new or very old, antiquated or unacknowledged. No, sir, there is no such principle, there can be no such principle. Nations, like individuals, are responsible for their acts, and must pay the penalty of their injustice. This matter lies within a narrow compass. If a nation interdicts to its government the authority to alienate any portion of its territory, it must take care, in its disputes with other countries, that it has right or power, and especially the latter, on its side. If conquered, its internal regulations will not protect it from the legitimate consequences of defeat. If it will neither cede nor pay, it must remain at the mercy of its enemy.

Mr. CLAYTON. In a foreign war with another nation, should the demand be made by that nation, that the only terms in which peace would be secured by us, would be the cession of the State of Michigan, does the honorable gentleman believe, that the Federal Government of this Union would have the right to make the cession?

Mr. CASS. I have not the slightest difficulty in answering the question of the honorable Senator. There is no power in this Government to cede away one foot of the United States. But, sir, there are considerations, which will ride over written constitutions, and among these are the events of war. Now, I am not going to enter into a discussion with any man, respecting the course this country will adopt, should it be prostrated at the feet of a conqueror. I am not going to suppose any such case. I believe it one of the last dangers that awaits us. But if, in the Providence of God, it should come, I leave it to our children in the fiftieth or the hundredth generation, to adjust it as they must, if they cannot adjust it as they would.

Undoubtedly, sir, a conquering nation, in judging for itself, judges under a great weight of responsibility. It is the natural result of its position. That now is our situation, and I trust that, in the measure we mete out to ourselves, we shall commit no such crying injustice, as may provoke the censure of the world, or draw upon us the retributions of Providence.

I repeat, sir, that we must take the affairs of this world as they are, and not as we would have them to be; and I am afraid, that public wars will long continue to be the tribunal for the adjustment of public disputes; probably until the advent of that period, which we know will come, because He has said it, who will make it come, but which seems yet far remote, when the quarrels of nations as well as of individuals will cease, and the contests of life give way to universal benevolence.

But the honorable Senator from Delaware visits with peculiar reprobation every proposition to acquire indemnity from Mexico. He says: "I 'desire to say, for one, that I never have been, 'and I am not now, willing to acquire an acre 'of ground from Mexico, or any other nation 'under Heaven, by conquest or robbery." He says, "that honesty is the best policy; and that 'an honorable reputation to a country is of more 'value than land or money." "I hold," says the 'honorable Senator, "that any attempt on our 'part, merely because we happen to possess superior strength, to compel a weaker nation to cede 'us all that we choose to demand as indemnity, 'whilst we at the same time admit, that we ask for 'more than she owes us, is nothing else but robbery."

Mr. President, I hold to no such doctrine. The world holds to no such doctrine; and never has, and never will, till the governments of man shall have fulfilled their task, or the nature of man shall have entirely changed. Robbery, indeed! It seems to me, sir, (I say it with all deference,) it would be an utter perversion of terms to designate an acquisition by conquest for indemnity as a robbery. An honorable Senator from Vermont has designated it by other epithets. He calls it piracy and plunder. If this war is just, as I, for one, believe it to be, what was our just claim at its commencement is far from being a sufficient claim now. Our balance has greatly augmented. The most rigid casuist cannot deny, that we are fairly entitled to a just compensation for the losses and expenses, which we have encountered from the obstinate injustice of the Mexican Government; and, as I have already shown, of the extent of this compensation, we must, of necessity, be the judges. Robbery, indeed! Pirates and plunderers, indeed! Why, all the acquisitions since men were united in civil society, made by one nation from another, in this new ethical nomenclature, become robberies. The Assyrian was a robber, and so was the Egyptian and the Grecian and the Roman in the ancient world; and in the modern, robbers are as plenty as nations; for England, and France, and Russia, and Prussia, and Austria, and every people under Heaven, have alternately lost and gained territorial acquistion by war and conquest, and have thus exposed themselves to the harsh epithet, which the honorable Senator from Delaware would apply to his own country, if she claims the right to act agreeably to the laws of nations. I am well aware, that questions of ethics are not to be decided by mathematical rules; nor is there any arithmetic of morals, which can make one right out of twenty wrongs. But the usage of nations makes the law of nations; and the practice of all time shows, that conquest gives right as permanent and unquestionable as rights derived from any conventional arrangements, public or private.

But, sir, the honorable Senator from Delaware, in further illustration of his proposition, has resorted to an analogy, which seems to me utterly to fail him in its application to the subject before us. Analogies are always rather dangerous weapons in argumentative discussions; and I have seldom seen one which seems to me more so than the very case presented to prove that we are robbers. "If 'a man owes me a sum of money," says the honorable Senator from Delaware, "and I meet him 'on the highway, and insist, with a pistol pointed 'to his breast, that he shall deliver to me a deed 'of his farm, at the estimate which I choose to put 'upon it, I think there could not be much difference of opinion as to the nature of that transaction, and I should like to know how my friend from 'Maryland, who is an able lawyer, would defend 'the man guilty of such conduct. Would it be 'any palliation or excuse or justification of the 'conduct of an offender, in such a case, that some 'money was due to him? Could there be found 'in Christendom a court and jury that would hesitate, as to the verdict in such a case? And what, 'let me ask, as a friend near me [Mr. WEBSTER] 'suggests, what would be the value of a deed obtained under such circumstances?"

Is it possible, Mr. President, that the two distinguished Senators from Delaware and Massachusetts, I might almost say, the first among the first jurists in the land can believe that this Government is to be driven from its position and its purposes, and the American people from their determination to be indemnified, by a false analogy like this? I use the word false in its logical, not in its ethical sense. Can it have escaped the penetration of those learned gentlemen, that the case they suppose is one, where both the parties are the subjects of municipal law, which extends, equally, its protection and its penalties over all, who owe it allegiance? The robber is violating the law, and not only can gain nothing by his crime, but exposes himself to severe punishment. There is a common umpire between these men, to which their disputes, if they have any, must be referred, and which has power to enforce its own arbitraments. But the contests of nations involve far different principles. Their very equality makes each the judge of its own rights, and the asserter of its own remedies. Do the honorable gentlemen mean to push their analogy so far as to contend, that all treaties made between stronger and weaker Powers are void, for the very reason that victory has declared for the one, and that the other must submit? If this new principle is to be interpolated into the law of nations, what would become of half the treaties in the world, and all the territorial changes they have made and confirmed? The subject appears to me so plain, as to defy illustration; and I leave it with the simple remark, that we have duties to ourselves as well as to Mexico, and that if we do to her as other nations have always done under similar circumstances, we shall do all that the most jealous advocate of his country's honor can demand.

Mr. President, we are furnished with two other dissuasive reasons against the acquisition of Mexican territory One relates to the present and the future, and the other to the past. The former, addressing itself to our fears, belongs to what may be called the school of national apprehension; and the latter, addressing itself to our sense of shame, may be called the school of national humiliation. I shall trouble the Senate with a few remarks upon each.

We are warned of the dangerous consequences of increasing our territorial extent. I heard all this nearly half a century ago, when Louisiana was acquired. The fears, now, cannot be stronger, nor stronger expressed than they were then. They were again spread before us when Florida was purchased; and still again, when Texas was annexed. We have lived them down, sir, and I suppose there are few men, within the limits of the republic, who would now desire the excision of either of those acquisitions, certainly not of the two former. Let us judge the future by the past, the only safe rule of judgment. Our Government has a wonderful power of accommodating itself to the extension of the country. Its double formation, if I may so speak, of external and internal sovereignties, enables it to spread without weakness, and to preserve its power of cohesion with its process of enlargement. And the progress in the physical sciences comes in aid of our own political progress. The means of communication are every day augmenting, and even now, we are practically less remote from each other as a people, than we were in 1789.

I lived upon the Ohio, Mr. President, at the period of the acquisition of Louisiana, and watched, as did the whole western population, the progress of that great measure. Recollecting the objections made to it, as well in Congress, as in the country, and hearing those, which had been urged here to the proposed acquisition, I was struck with their similarity, I might almost say their identity, and turned to the debates of that period to fortify

my impressions. The result I will give you in a very brief extract:

[DEBATE IN OCTOBER, 1803.]

Mr. GRIFFIN said: "He did not, however, fear those consequences; he feared the effect of a vast extent of our empire: he feared the effects of the increased value of labor, the decrease in the value of lands, &c. He did fear, though this land was flowing with milk and honey, that this Eden of the New World would prove a cemetery for the bodies of our citizens."

Mr. THATCHER said: "This acquisition of distant territory will involve the necessity of a considerable standing army so justly an object of terror."

Mr. GRISWOLD said: "The vast and unmanageable extent which the accession of Louisiana will give to the United States—the consequent dispersion of our population, and the destruction of that balance, which it is so important to maintain between the eastern and western States, threatens at no very distant day the subdivision of our Union."

Mr. WHITE said: "I believe it will be the greatest curse, that could at present befall us, &c. * * * We have already territory enough, and when I contemplate the evils that may arise to these States from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain, or to any other nation of the earth, upon the mere condition that no citizen of the United States should ever settle within its limits, than to see the territory sold for an hundred millions of dollars and we retain the sovereignty."

Mr. TRACY called "it a pernicious measure—the admission of Louisiana, of a world and such a world into our Union. This would be absorbing the northern States, and render them as insignificant in the Union as they ought to be, if, by their own consent, the measure should be adopted."

Now, sir, two of the speakers in this debate were predecessors of the honorable Senator from Connecticut, [Mr. BALDWIN,] who has felt and expressed such alarm at the proposed extension of our territorial limits. That Senator says, he would rather give millions to get rid of the territory, than to pay a dollar for its acquisition. Mr. White, of Delaware, fixed his price for getting rid of Louisiana at one hundred millions of dollars. Mr. Tracy, an able and eloquent statesman, predicted that the acquisition of Louisiana would "absorb the northern States, and render them insignificant in the Union." The Senator from Connecticut strikes the same key-note, and sounds a similar alarm. Now, sir, all this apprehension is without the slightest foundation. The just influence of Connecticut, of all the New England States indeed, will never be reduced by the progress of our country. I do not speak of the influence of numbers, but I speak of that moral power, which intelligence, and morality, and patriotism, always give to every community. Who, in this broad land, does not look back to the history of New England, and associate the glory of his country with the glorious deeds, which passed there, and which laid the foundations of our freedom and prosperity? Go where you will, sir, from the lakes to the ocean, from the St. John's to the Rio Grande, and everywhere you find emigrants from New England, carrying with them the fruits of its intelligence, and spreading its influence wherever they go. Why, sir, there are five Senators, natives of New Hampshire, now members of this body, and as one, and the least worthy among them, I am proud to acknowledge, here, in this high place, that much of the success, undeserved on my part, which has attended me through life, I owe to the early lessons of wisdom and virtue which were taught me in my native State, and which, if I have too often neglected, I have never forgotten. There may be climates less rugged, and hills less sterile; but no population ever occupied a country sounder in head or heart, or more richly endowed with those principles which give energy to man, and dignity to human nature. The influence of qualities like these will be felt and acknowledged throughout our Confederacy; whether those who bless it and pray for it utter their blessings and their prayers upon the coast of New England, or the shores of the Pacific.

We are also told, as a dissuasive against the prosecution of this war, that we can raise no more men nor money, and that our exertions must expire, from the very lassitude of our patriotism. Our fathers had these difficulties to contend with, in the war of the Revolution, magnified, indeed, a thousand fold, by the circumstances and the nature of the contest, and yet they fought on, till they obtained peace for themselves, and freedom for us, and founded upon a rock—the rock, I hope, of ages—this magnificent republican empire. We heard all this, also, in 1812, and yet, in the face of it, we conducted that war to a glorious termination. We heard it all again at the commencement of this very war, and the time has already past, according to the prediction of a statesman now present, of the highest character, supported almost by mathematical calculations, when we were to have neither men nor money, and when our cause was to fail from the failure of all the means necessary to support it. Now, sir, nothing can be worse than to stop without attaining our object. If we cannot raise men, and cannot raise money, why then we must stop. But, thank God, we have not got to that point yet, nor do I believe we ever shall get to it. Let us not halt in our course now, simply for the fear that we may be compelled to halt there some time or other. Sufficient unto the day is the evil thereof. Sufficient for the dishonor of this country will be the time when she will practically exhibit her inability to maintain her rights and her honor.

Why, sir, what was said on this subject during the session of Congress, on the 25th and 26th of January, 1847, one little year ago? Let us look back for a moment. The lesson may be a profitable one for us all, and certainly an encouraging one for those who indulge in gloomy forebodings, and doubt the disposition or capacity of their country, to augment her exertions as her trials augment. I hold in my hand extracts from the debates, which then took place on the subject of the loan. I will read a few passages, not mentioning, however, the names of the speakers, as it is not my object to recall any invidious recollections, but simply to show the sentiments, which then prevailed, and how these have been rebuked by the result.

One speaker said:

"The crisis in which they were placed was unprecedented. They had no adequate revenue, and were going on without any way of increasing it. He should support this measure, therefore, from necessity, because they could do nothing else. Yet he feared it was with evil to the currency of the country," &c. * * * * "He predicted it would occasion a depression of the currency of the whole country to a most mischievous extent.

"In passing it, they were treasuring up wrath against the day of wrath—and that day of wrath would come—and when it came, he feared they would not be able to stand."

"But it was evident," said another speaker, "that a loan could not be obtained."

"A good deal had been said," Mr. CASS remarked, "about the levying of a specific tax, to which he might refer; but the Administration was responsible for the loan. They had told them they could get it upon terms to which they would willingly submit.

"Mr. E. No.

"Mr. CASS. No, says the honorable gentleman?

"Mr. E. Where do you find it?

"Mr. CASS. In the terms of the call for it by the Administration. They might fail to get it, but they had good reason to expect it. * * * *. He knew that, during the progress of financial difficulties with England, it became necessary to combine every loan with a specific tax. Why? Because that country was overloaded with taxes—in the midst of a tremendous war—a war almost against the whole civilized world—and with a debt out of all manner of proportion. Hence it became necessary for them to resort to the mode referred to.

"But did any man believe that the faith of this nation was not sufficient to raise the twenty-three millions of dollars? * * * They had paid off two debts, and they could pay off another."

A speaker also observed:

"Yet the Senator from Michigan told them merely to pass this bill, and they would have all the money wanted. * * * * The gentleman from Florida [Mr. WESTCOTT] also thought there was no sort of danger, but that the public credit could raise money enough."

So much for the prophecies of the last session of Congress. How they have been fulfilled has now passed into history, and yet we hear the same lugubrious note at the present session, and it was, I believe, the honorable Senator from Vermont, [Mr. PHELPS,] who proved most clearly our financial imbecility, and his views were adopted by other Senators. And we have heard elsewhere, and from a high quarter too, that a tax "would wind up this miserable Mexican war in ninety days." *Hinc illæ lachrymæ!* Tears for taxes, but none for wounded honor! I trust I shall never live to see the day, when the American people will prosecute an unjust war, because they do not feel its burdens, or abandon a just one, because they feel or fear its financial pressure.

But I see, by an article in the London Times, of January 4th, that these cis-Atlantic forebodings are not the only ones. Our neighbors over the water record and regret! the appearances, which seem to them to indicate an approaching exhausted treasury and its consequences, on our future exertions. That article warns us, as we are warned here, of the danger of a public debt, and of the taxes, to which it must lead. And I observe, that a late Morning Chronicle adopts a similar standard for our patriotic sacrifices. It thinks that our losses and the derangement of the financial operations of the country will prove too much for "Jonathan's patience;" and that a proposal to increase to a considerable extent, the amount we pay in taxes, will soon cure us of our warlike mania.

But I mistake the feelings of my countrymen, if such considerations will deter them from the prosecution of the war, in which we are engaged. If taxes are necessary, they will bear them. Advancing as this country is with so rapid a pace in all the elements of power and prosperity, any debt it may contract in a necessary war can give no serious cause of apprehension. I repeat the sentiment I expressed last session, that I do not believe one word in the European financial axiom, that new debts must be secured by new taxes. Our experience has disproved it. Where nations are stationary, and already weighed down with fiscal impositions, such a principle may be necessary to the support of their credit. But in the career opened to us, where our resources are augmenting in a geometrical ratio, the credit of the country will be found sufficient, and its increasing resources will go far towards the discharge of all its engagements. As to a debt like that of England, the thing is impossible here. It is one of the last dangers, which threatens us. A people, who govern themselves, and tax themselves, will never sanction a system of extravagant and unnecessary expenditures,—a system which, in England, as a writer in the Edinburgh Review observed, very wittily and very truly, some years since, commences at the cradle, and going on through all the gradations of society, still taxing as life advances, finally taxes the tombstone, —and then dismisses him who sleeps under it, to be taxed no more. Such are the blessings of a Government separated from the people, and without proper sympathy for their condition, or responsibility for their own principles.

The other dissuasive reason against the annexation of territory, to which I have adverted, founded on our own conduct towards other nations, against whom we had causes of complaint, amounting to causes of war, if we had chosen to consider them such, was presented by the Senator from Maryland, [Mr. PEARCE.] This appeal to the fruits of our own pusillanimity has been made before, but has never, I think, been so directly prosecuted, as by that gentleman in his remarks upon the general subject the other day. And this brings me back to his proposition, which I have already considered, that we have no just cause of war against Mexico. In its defence, in addition to the general principle that the right and the "sort of necessity" should both exist, he added, by way, I suppose, of illustration, that—

"The President had paraded before us an exaggerated statement of these claims."

And he proceeds, among other things, to ask—

"If the resistance or neglect to pay on the part of Mexico is even comparable to that which we have experienced at the hand of stronger nations? And I ask, if it becomes us to adopt one rule or measure of justice in regard to a weak nation, and another rule of rights in regard to a strong and haughty people?"

I answer, no; emphatically no. We have but one rule of right or justice for all nations, and that is, that they fulfill those duties towards us, which we have a right to ask, and which we, in our turn, must render. And this is our rule, as well with England, or France and Mexico, as with San Marino or Monaco, or the great empire, which embraces a large portion of Europe and stretches through Asia to the Frozen Ocean and the Eastern Sea. The honorable gentleman confounds the right with the remedy. The one is independent of circumstances, and the other depends upon ourselves. Why, his own illustration clearly exhibits this difference. He says we had causes enough of war against France and England, and his reproach is that these were not followed by war against the former Power, "a great and mighty people." He says, "and yet we talk of violated honor;" "and the President rants about our claims against Mexico." I beg to assure the Senate that this language is the language of the honorable Senator, and not mine. I shall never talk about the ranting of the Chief Magistrate, when he spreads our public grievances before the representatives of the people, and thus before the people and the world; nor shall I ever taunt my country by intimating that her course has been so pusillanimous, that for her to talk of violated honor is a solemn farce. But were all this so, it is quite time that our policy were changed. We are well chastised for the want of self-respect we have exhibited, i

we have lost our honor; and if we do not stop in this career of humiliation, the proclivity will become steeper and steeper, and our descent more and more rapid, till we shall have neither rights to assert, nor honor to defend, nor disposition to do either.

This catalogue *raisonnée* of our acts of humiliation I have heard before; but never, I think, with such strong terms of reprobation. Our submission to the insults of the Neapolitan, the Dane, the Gaul, and the Anglo-Saxon, is brought before us, as it were in staring capitals, and some of these are characterized as—

"Committed in the wantonness of power—in the very scorn of our rights—without the slightest justification; and persisted in, repeated, and boldly defended, with a most offensive effrontery, and yet endured by this country through successive administrations from 1806 to 1831."

I regret, sir, to hear all this; not for its own sake, for we have nothing to reproach ourselves with, but in connection with the subject before us. I regret to hear, that too much forbearance—if too much there was, as the gentleman seems to intimate—is now made the pretext for more; that we must suffer from Mexico because we have suffered from others, and that we must go on thus interminably, exposed to the attacks of the strong and the weak, and to the contempt of all.

But, sir, the people of this country have never been deficient in patriotism or national pride. During the period when these aggressions, to which the honorable gentleman alludes, were committed, the moral and political world was in commotion, the foundations of society in Europe were uprooted, and a mighty revolution was sweeping over that region, which occasioned greater changes in the world, than did the five preceding centuries. Tremendous military establishments were formed, and the rule of might became the rule of right. These injuries commenced under the administration of General Washington, and were continued through the administrations of Mr. Adams, and Mr. Jefferson, and Mr. Madison; but their principal weight fell upon us during the Presidency of Mr. Jefferson, and a portion of that of Mr. Madison. And everlasting honor is due to those two eminent patriots and statesmen for the firm, prudent, and dignified course they pursued under the trying and perilous circumstances, in which they and their country were placed. History has set its seal upon their measures, and in all time hereafter, their memory will be held in honor by a grateful people.

But, sir, we went to war with France in 1798, and with England in 1812, two of the mightiest Powers on earth, and with immense military establishments at their disposal, till then unknown in modern times. And it was the conviction in France that the firm character and decided course of General Jackson, and the responsive feeling of the American people, would lead to a war with that country, if justice was not done us, and not the interference of England, which produced the arrangement of 1830, and its execution, by which our chapter of complaints against France was closed, and I hope forever.

Here, sir, were two wars within fifteen years, and both prosecuted, when we were comparatively feeble in numbers, in strength, and in wealth, and a third barely avoided by the satisfaction of our claims. Now, sir, I deny that we are justly liable to the reproach of pusillanimity, or that we have forfeited our claim to talk of violated honor. Or, that Mexico, or any one for Mexico, in this country or elsewhere, has a right to say, you had established your character for tame submission, and you have therefore no right to ask indemnity of me for wrongs such as you have suffered from others, and which your own forbearance in former years induced me to refuse.

There are two incidents, episodes I may call them, in the great action going on, which, though they neither give direction to its movement, nor certainty to its termination, are yet worthy of remark, as they exhibit, if not the faults of the Administration, at any rate the facility with which their measures are assailed. One of these charges I have never heard, I confess it, with becoming gravity. The other is new, or at any rate new to me, and has been presented by the Senator from Maryland, [Mr. JOHNSON,] with his accustomed ability, which sometimes makes "the wrong appear the better reason." I shall content myself with touching, rather than considering them.

One great grievance alleged by the Mexican Government, and repeated here, and one for which our minister was rudely driven from the republic, is, that we sent her a plenipotentiary and not a commissioner, to effect an amicable arrangement of the difficulties between the two countries. Really, sir, in the whole history of national intercommunication, no such frivolous reason as this was ever given for involving two countries in war, that a higher grade of diplomatic agent was sent by one Power than the other demanded. The reverse may have happened when the most idle questions were grave subjects of investigation and remonstrance. Mexico must have had few substantial causes of complaint, and the opponents of the Administration few just grounds of animadversion, when such a measure assumes an important position in their respective lists of grievances. But how stands the fact? Anxious to restore the diplomatic relations between the two countries, which had been interrupted by the Mexican Government, the President directed that our consul (Mr. Black) should communicate this desire to the Mexican authorities, and say to them, that if they "would 'receive an envoy from the United States to adjust 'all the questions in dispute between the two coun-'tries, he will immediately despatch one to Mex-'ico."

To this proposition the Mexican Secretary of State answered:

"My Government is disposed to receive the commisioner of the United States who may come to this capital with full powers from his Government to settle the present dispute in a peaceful, reasonable, and honorable manner."

Here is the acceptance of the proposition, and the agreement to receive the commissioner whom the Government of the United States proposed to send, under the title of envoy "to settle the present dispute." Well, the envoy was sent, commissioned for this very purpose, and when he arrived he was refused recognition, because he came as an envoy, and because his powers extended to the adjustment of the whole dispute between the two countries, and were not confined to "questions relative to Texas." As to the mere title, it does not merit a moment's serious consideration. It was an afterthought, a subterfuge, resorted to in order to justify what the Mexican Government was determined to do, but what it was easier to do than to defend. It is evident that our proposition was accepted as made, and that envoy and commissioner were but convertible terms. This is shown by the letter of the Mexican Secretary of State to Mr. Slidell, in which he says:

"That the single word "restore" is by no means sufficient to give to Mr. Slidell the special character of commissioner or plenipotentiary *ad hoc*."

But Mr. Slidell had too much power; or, in other words, he was charged to settle the whole controversy between the two countries, and not the Mexican portion of it alone. And was not this arrangement in the very terms of the proposition and its acceptance? We desire to send you an envoy, says Mr. Buchanan, to adjust all the questions in dispute between the two Governments. We will receive your commissioner, answers Mr. Peña y Peña, charged "to settle the present dispute" between your country and ours. Well, what was this dispute? It had two sides to it, like most other disputes, public and private. We complained that Mexico had injured our citizens, and she complained that we had annexed Texas. And the dispute was made up of these causes of complaint. Could the Mexican Government be so besotted as to suppose, that the United States would adjust her side of the quarrel and leave their own unadjusted? That we should be willing to do something, I know not what, by which Mexico would agree to the annexation or we abandon it, and thus satisfy her cause of complaint, and then turn round and enter upon another negotiation of twenty-five years to satisfy our own? If our Administration had acted thus, they would have met and merited universal execration. And now the great cause of grievance with our adversary is, that though we were willing to do her justice, yet we required at the same time, that justice should be done to us.

And one of our most eminent living statesmen—a connecting link between the present and the past generation—has not only endeavored to place Mexico right, and his adopted country wrong, upon this, as well as upon other questions at issue with her, but has elaborately discussed it, and given to his sentiments—which have been widely disseminated by party zeal and the public press—the authority of his name.

In his remarks upon this subject, as Mr. Gallatin commences with an error, it is not surprising that he ends with one. He says: "The Mexican Government insisted, that it only agreed to receive a commissioner to treat on the questions that had arisen from the events in Texas," &c. This assumption of the Mexican Secretary of State, which Mr. Gallatin endorses—as he must endorse it, in order to place his own Government in the wrong, for which he seems to have powerful, if not patriotic propensities—is contradicted by Mr. Peña y Peña's letter to Mr. Black, in which he says, expressly, that the commissioner of the United States, coming "to settle the present dispute," will be received by the Mexican Government. In the whole letter, which pledged the Mexican faith to the reception of the minister, there was no allusion, direct or indirect, to "the questions which had arisen from the events in Texas." So much for the substance of the charge.

Mr. Gallatin discusses the question of etiquette—as this finally descends to be—with more zeal and unction than would have been expected from a colaborer with Jefferson and Madison in the republican vineyard. He says that treaties of peace are always negotiated by commissioners, appointed for that special purpose. If this were so, it would not touch the present case; for Mexico had then neither declared war, nor committed any act necessarily leading to it. But it is not so, and Mr. Gallatin ought to have known it. He ought to have known that he was appointed an envoy extraordinary and minister plenipotentiary, with four other eminent citizens, in 1814, to negotiate a treaty of peace with England. They are thus designated in the treaty itself; and I have actually seen the record of their commission in the Department of State. He ought to have known, that the very treaty of peace between France and Great Britain in 1783, which he cites and asserts was negotiated by commissioners, was, in fact, negotiated by the Duke of Manchester, as "ambassador extraordinary and minister plenipotentiary," &c.; and that the preliminary treaty between the same Powers was negotiated in 1762, by the Duke of Bedford, "minister plenipotentiary," and that in the full powers from our Congress, dated June 15, 1781, the persons appointed to negotiate a treaty of peace with England are styled "ministers plenipotentiary," &c.; and he ought to have known that modern history is filled with similar examples.

But, sir, while the Government has been assailed, at home, upon this point of diplomatic etiquette, it has been redeemed, abroad, from all blame by the publication of the letter of General Herrera, written on the 25th of August last, in answer to an application from Santa Anna inviting him to act as a commissioner to treat for peace with the United States. "For no other act than showing that there 'would be no obstacle to his (Mr. Slidell's) pre-'senting himself, and having his propositions 'heard, my administration was calumniated in the 'most atrocious manner. For this act alone, the 'revolution which displaced me from the com-'mand was set on foot." I need add nothing to this declaration of the Ex-President of Mexico. I leave the question between Mr. Gallatin and General Herrera.

The other objection, which I have classed as an episode is, that of the two alternative propositions, which the President was authorized to offer to Texas, he chose the one, which committed the United States to admit her into the Union, without any specific provision, that her boundaries should be established, subject to the control of the General Government.

In the first place, sir, the present Administration was not then in power, and is not responsible for the choice of the mode of procedure. The offer was made by Mr. Tyler before the expiration of his term of service.

In the second place, the power of decision was purely discretionary, and if the President was wrong in selecting that alternative, Congress was wrong in giving him the power to do so.

In the third place, a reasonable discretion must necessarily exist in Congress on this subject; and if that body is clearly satisfied, that Texas claims more than she has any right to claim, I see nothing in the act of annexation, which would compel the Government to involve the country in an unjust war to defend an unjust claim.

In the fourth place, the honorable Senator must know, that by no other mode could the annexation of Texas have been consummated, as there was no probability, I may almost add possibility, that any treaty for that purpose would be ratified by the Senate. A constitutional majority of two-thirds could not have been obtained. The law itself passed this body, but by a bare majority of one. It was annexation under the law, and without the concurrence of the treaty-making power of the Senate, or it was not annexation at all.

Mr. President, a few remarks upon another topic, and I will cease to trespass upon the indulgence of the Senate.

It has been said in England, and in the United States, and perhaps in Mexico, though not so bitterly, I think, that our armies in that country have committed terrible cruelties, unworthy of us, and of the age, and which should call upon us the condemnation of the world. And the great Journal of England, the proclaimer of English moderation and philanthropy, has said that—

"The cruelties perpetrated by Hernando Cortez, on his first expedition to Mexico, have been surpassed in barbarity and heartlessness, by the heroic commanders of the model Republic. If despotism can be symbolized by a knout, American republicanism may be represented by a gallows, and from the same spirit of historic heraldry, which would indicate French republicanism by a guillotine."

I wish I could give the date of this article, for I should like to fix its exact chronology; but I cannot, as I cut it out of one of the American papers, and have since lost the reference.

Mr. President, I listened with equal pleasure and interest, a few days since, to the remarks of the Senator from New York, [Mr. Dix]—to his statesmanlike views, expressed with equal clearness of thought and felicity of language. But there was nothing, which better became his position, or ours, than his exposition of the principles of the British Government, when contrasted with its professions—its eternal process of aggrandizement, and its eternal claim to moderation. And I was the more struck with his illustration of the subject, because it corresponded with some observations I had the honor to submit to the Senate, respecting it, at the last session of Congress. I was then met by the Roman war-cry—from the honorable Senator from Massachusetts, [Mr. WEBSTER]—*Delenda est Carthago!* as though the mere reference to historical facts announced a spirit of vengeance unbecoming us and our country. Mr. President, there is nothing to be gained by soft words on such occasions as these. They may turn away private wrath, but they never yet turned away public envy and jealousy. Let us look our accusers and their accusations full in the face. "I thank God," said the Pharisee of old, "that I am not as other men are." We thank God, says the public opinion of England, that we are not like other nations, and least of all like that great grasping mobocracy of the western hemisphere, which is seizing and annexing the territory of its neighbors! And this is said with as much stern gravity as though the coast of England bounded her possessions, and as though there were a rock, or islet, or island, or continent, she did not covet, and, coveting, did not seek, and, seeking, did not strive to obtain with a strong hand, if she thought her hands strong enough to obtain it. In the whole history of national reproofs, and national professions, there is nothing like this—that England should cast the first stone against other nations for a spirit of conquest and aggrandizement!

That great paper, the "Times"—great in its circulation and in its influence—is the existing exponent of English sentiment. It does not make, but ministers to, public opinion; it does not guide, but indicates it. It caters for the national appetite; but its dishes are prepared for the public taste, and not the taste for the dishes. Every calumny upon us, every slur upon our morals and sneer at our manners, finds open ears to admit it, and willing hearts to receive it. For myself, sir, I am tired of all this; and I think Mr. Walsh, some years ago, rendered an acceptable service to the cause of truth and of his country, by the publication of his work upon this very subject; and I wish some patriotic American would bring it down to the present day, and exhibit in all its glaring contrast the difference between English practice and English professions. I am tired also of the eternal cant about the Anglo-Saxon race, as though that were the only stock from which virtue and intelligence could spring—as though our own population were homogeneous, and descended from the English family alone; while we know it has levied contributions upon all the nations of the earth—upon France, and Holland, and Spain, and Germany, and Sweden, and Norway, to a large amount, and upon Ireland—oppressed and down-trodden Ireland—to a much larger; and all those contributions soon became fused together, losing their peculiar traits, and forming the American people, with a character of their own, and I think with pride enough to assert their identity, and to treat the Anglo-Saxon race, as they treat all other races, in questions of national comity, as friends or enemies, depending on the prevalent sentiments with which they themselves are regarded.

Mr. HALE, (in his seat.) And Africa too?

Mr. CASS. Let us go on with our own race. An eye for an eye and a tooth for a tooth, said the Jewish lawgiver. The rule is a harsh one, and I would not adopt it, even in repelling national calumnies. But with England I would do better. I would let her own history condemn her, when she asserts her superiority over the other nations of the earth.

In the year 1756, a war broke out between the English and the Nabob of Bengal. The English general, Clive, entered into a secret correspondence with the commander of the Nabob's forces. A rich Indian banker, named Omichund, was a principal agent in the arrangement of this affair, and he was to receive a large sum of money for his services. In conformity with the stipulations, the commander abandoned his master upon the field of battle, and was elevated by the English to the vacant throne. Omichund demanded more than Clive was willing to grant; but fearing that he might betray the secret, the English general determined to deceive him. And he did so. I quote from an English historian:

"Omichund's interests were to be protected by a special clause in the treaty. Two treaties were drawn up: one, written on white paper, contained no reference to Omichund; another, written upon red paper, contained all the stipulations of the white treaty, and, in addition, an article in favor of Omichund, to deceive whom was the only purpose for which it existed. But a new difficulty occurred. The select committee had no hesitation in signing both the treaties; but Admiral Watson refused his assent to the mock document, and the absence of his name, it was foreseen, would excite the suspicion of so wary a man as Omichund. Here, again, Clive had an expedient ready. It was to attach the Admiral's name by another hand, (or in other words, to forge it.) The two treaties were accordingly rendered complete, and the red one answered its purpose. Omichund kept the secret of the conspirators, Soorag-oo-Dowlah was dethroned, and Meer-Jaffier elevated to his place."

"The sequel of the tale is melancholy. * * * * That document was produced in white. Omichund became agitated, and said, 'This cannot be the treaty; it was a red treaty I saw.' Clive coolly replied, 'Yes, but this is a white one;' and turning to Scrafton, who spoke the native language more perfectly than himself, he said, 'It is now time to undeceive Omichund.' The process of undeceiving the miserable man was short and simple. In compliance with the suggestion of Clive, Scrafton said: 'Omichund, the red treaty is a trick; you are to have nothing;' and he needed not to say more. The senses of Omichund had fled; he fell back into a swoon, from which he recovered only to linger out the remnant of his life in a state of idiocy."

This was, in fact, the foundation of the great empire of England in Hindostan. Many an English moralist has visited this process of acquisition—the only one, perhaps, of the kind in all history—with that indignant reprobation, which costs nothing but well-turned periods. From that time, the English Government has been the sovereign of Bengal. But where is the Englishman, moralist or statesman, writer or politician, who has ever proposed to surrender this territory, acquired by forgery, or to redeem the national character from the charge of participating in the crime, by rejecting the benefit it brought with it? So much for coats of arms. I commend this incident to the Herald's college. But to return to the charges of cruelty which have been made against our army in Mexico. No one believes them, or has repeated them. We are all equally free from that reproach. But there have been many allusions, exaggerated ones, it appears to me, to the terrible calamities, which our war has inflicted upon the Mexican people, and which elsewhere might be quoted as corroborative proof of the alleged misconduct of our soldiers. I would not stop to quarrel with mere figures of rhetoric, nor would I apply any severe canons of criticism to extemporaneous debates like ours, where much is said in the heat of discussion, that our cooler judgment does not approve, and said, too, in stronger language, than we design to use.

In illustration of these remarks, I will read a short extract from a speech of an honorable Senator upon this floor, who, in all the qualities of head and heart, that give worth and eminence in public or in private life, is inferior to none of his associates:

"We hear of an intention to strike outraged Mexico in yet more vital points—we do not arrest it. We suffer the expedition to go on. Before the Mexican blood is yet dry upon the fields of Palo Alto, Resaca de la Palma, Monterey, and Buena Vista, Vera Cruz is bombarded. Her churches fall under the dreadful aim of the mortar—the blood of her women and children runs in streams through her before peaceful and happy streets—her almost every thoroughfare is obstructed by the mangled bodies of her slaughtered citizens, until at last, her valor can hold out no longer before the mighty and crushing power of our arms. She surrenders. Yet still our vengeance is not glutted. Innocent, unoffending, outraged Mexico has yet more cities to be laid waste or conquered—more hearts to be wrung—more gallant blood to be shed—more women and children to be slaughtered—more agony in every form to suffer. We have not yet had our fill of blood. We march on in fiendish progress. At Cerro Gordo, Churubusco, Chapultepec, Molino del Rey, our march of slaughter is renewed, and goes on with yet more fearful violence. Mexican blood waters every plain. The cries of Mexican agony startle every ear, and still the work goes on. We lay siege to the city of Mexico itself—bombard its peaceful dwellings—make her streets to run with human blood, and slaughter again women and children, until resistance becomes unavailing. We get possession of the capital, and yet carry on the contest. Sir, can our country have done such deeds? Is she so deeply steeped in crime? Has she no honor left? Are we Christian and civilized men, or are we robbers and murderers? I hope she will pardon me the inquiry; and yet if the war was unjust, if it was not provoked, if it was our act, and not the act of Mexico, every human heart, animated by a single human feeling, can but answer in the affirmative.

"But no, sir; no, sir, it is not so. She is high-minded, just, and honorable. She is civilized, not savage. Her citizens are moral and Christian. Those scenes are in the eye of God and man to be justified, because necessary to our honor, and forced upon us in vindication of our violated rights. Mexico is answerable for all these sad and sickening results. The war is just because she commenced it. It does exist by her act, and, so help me God, but for that conviction, as I reverence truth and detest falsehood, I would never have voted for the act of the 15th May, 1846.

"These scenes," says the honorable Senator, "are in the eyes of God and man to be justified, because necessary to our honor, and forced upon us in vindication of our violated rights."

Mr. President, we have a far better justification than belligerent necessity for our conduct in Mexico, and that is, that these scenes as described, did not and could not occur there. The colors are too dark, and the picture not true to nature. And no one sooner than the Senator himself, will be rejoiced at an opportunity of correcting any misapprehension, to which the strength of his language may have exposed his meaning.

Now, sir, I put it to the honorable Senator and to the Senate, whether such vivid descriptions as these are not calculated to do us injury in the eyes of the world? Whether they will not be transferred to the other hemisphere, and swell the catalogue of calumnies, which intolerance, both political and social, is pouring out against our country? I have made a good deal of inquiry upon the subject, and I am perfectly satisfied, that the evils which the progress of our arms has inflicted upon Mexico are far less than ever before attended the operations of a hostile army. It would be folly to deny, that war brings calamities enough, under the most favorable circumstances, where even the discipline of an invading army is the sternest, the disposition of the commander and of the officers the best, and the measures to repress unnecessary violence the promptest and the most efficient. But I religiously believe that the injuries we have committed in Mexico (and I have taken some trouble to ascertain the truth) have been less, far less, than ever followed in the train of any army that ever went forth to foreign war. I have run my eye over several pages of history, (cursorily, indeed, but carefully enough for my purpose,) to ascertain what has been the conduct of other nations in similar circumstances, and how far they have carried their forbearance, either in the exciting operations of a campaign, or after victory had crowned their exertions. I have not omitted, in this search, a glance at the military history of England, whence the first stone is always thrown at us, and who, guiltless herself of ambition and oppression, is the self-constituted judge, I was about to say, but I correct myself by saying, the condemner of this country, past, present, and to come.

And now what says the record of human wars? I have collected, Mr. President, from the records of history, several instances of the extreme cruelties and sufferings, which have attended warfare, from the period described by the Jewish historian,

when "they took all his cities at that time, and utterly destroyed the men, and the women, and the little ones—of every city they left none to remain"—down to the last continental war, which ravaged Europe. I shall content myself with a brief reference to some of them.

Louis the XIV. laid waste the Palatinate; and men, women, and children were driven in a severe season out of their habitations, to wander about the fields and to perish of hunger and cold, while they beheld their houses reduced to ashes, their goods seized, and their possessions pillaged by the rapacious soldiery.

At the siege of Prague, by the philosophic Frederick, twelve thousand famished, houseless wretches were driven out by the Austrians, but were compelled by the Prussians to return, in order that an increasing famine might force their enemies to a more speedy surrender. More than one hundred thousand bombs and red-hot shot were thrown into the city, and upwards of nine hundred houses reduced to ashes.

In the invasion of Prussia by the Russians, in 1765, they hung innocent inhabitants from the trees, tore out their hearts and their intestines, ripped open their bodies, cut off their noses and ears, broke their legs, fired villages and hamlets, formed a circle around the burning houses, and drove back their fleeing inmates into the flames.

An officer serving in the French army, in 1757, says, "the country is plundered and laid waste for thirty leagues around us, as if fire from heaven had fallen upon it. Our soldiers plundered, murdered, and committed all sorts of abominations."

The history of the English sieges in Spain and Portugal, contain terrible narratives of human suffering. I will merely quote the remarks of Colonel Napier, the historian of Wellington's campaigns, upon the capture of San Sebastian. "This storm," says he, "seemed to be the signal of hell for the 'perpetration of villany, which would have shamed 'the most ferocious barbarians of antiquity. At 'Ciudad Rodrigo, intoxication and plunder had 'been the principal object; at Badajos, lust and 'murder were joined to rapine and drunkenness; but 'at San Sebastian, the direst, the most revolting 'cruelty was added to the catalogue of crimes. 'One atrocity, of which a girl of seventeen was the 'victim, staggers the mind by its enormous, in-'credible, indescribable barbarity."

So much for an English siege. Let another passage describe the progress of an English army. "On this occasion," says Colonel Napier, that is, on the first day's march of the English army from Madrid, "there was no want of provisions, no 'hardships to exasperate the men, and yet I, the 'author of this history, counted on the first day's 'march from Madrid seventeen bodies of murdered 'peasants."

Such is war in the Old World. God forbid that horrors like these should accompany its progress in the New! No man who has the slightest knowledge of the American character can believe that such atrocities have ever been committed by our troops. Where are the burning cities behind us? The desert country before us, abandoned at our approach? The devastation and oppression around us, marking at the same time our power and our cruelty? We can say it in a spirit of truth and not of national vanity, that such scenes have no place where our armies march. Though my convictions on this subject are as strong as convictions can well be, yet I have not hesitated to fortify them with all the information I could procure here. I have inquired of many gallant officers, who have visited us what has been the conduct of our troops in Mexico, and I have received but one answer, and that expressed in the strongest terms, that no men could have behaved better under the circumstances in which they were placed. Such is the testimony of General Quitman, of General Shields, of Gen. Pierce, of Col. Harney, Col. Garland, Col. Morgan, Col. Moore, and others. I name these names, because they are known to the whole country, and those, who bear them, have also borne distinguished parts in our operations in Mexico, and have been in the best situation to ascertain the truth. They have authorized me thus publicly to appeal to their testimony, and I believe I understood from all of them, that they were not aware of an instance of private assassination by an American soldier in Mexico. Offences against persons are almost unknown, and the Mexicans themselves find and acknowledge this foreign armed government better and more equal than their own, which it has replaced. General Pierce informed me he did not believe, that in the march from Vera Cruz to Puebla, damages to the amount of five dollars were committed and left unpaid by his column of twenty-five hundred men. General Quitman was the military governor of Mexico, and well acquainted, therefore, with its internal police, and he says our soldiery is as regular there as in one of our own cities. General Shields, in a note to me on this subject, says:

"In reply to your inquiries, touching the general conduct of our troops in Mexico, I can briefly state, that in my opinion, our army has been more distinguished for magnanimity and humanity, than even for bravery. In Mexico this has been freely acknowledged on all occasions, both by foreign residents and natives. No other army, it is admitted, ever behaved so well under similar circumstances."

Colonel Garland says:

"It is scarcely possible that the army which marched from Vera Cruz and entered the city of Mexico in triumph could have been guilty of any outrage upon unoffending people, without its coming to my knowledge. Everything taken on the march and in the various towns occupied by our troops, was uniformly paid for *by order*. Many of the most respectable inhabitants have remarked to me, that they felt greater security, both for their persons and property, whilst their towns were occupied by American troops, than they had formerly enjoyed for a quarter of a century."

Colonel Morgan in a note also says:

"The conduct of our troops in the field having become a subject of misrepresentation, I respectfully place at your disposal a few facts, which fully refute the charges of the enemies of our country, whether made at home or abroad:

"Our people have greater cause to be proud of the magnanimity of the American commanders and their troops after victory, than of their valor during the battle. It is an every day scene in the field to see an American soldier, in the heat of battle, kneel down beside his wounded enemy and give him water from his canteen, and share the last morsel of his biscuit with his prostrate foe.

"In European warfare the history of the storming of a city is at the same time a history of its pillage. What are the facts in regard to the storming of Mexico? Although the enemy had infamously violated the armistice of Churubusco; and afterwards, on the bloody field of Molino, they mangled and murdered our wounded officers and soldiers when too feeble to defend themselves; notwithstanding all this, our soldiery *resented* the barbarity of their enemy by protecting their property from the pillage of their own leperos.

"Innumerable instances might be given of the forbearance of our troops, but I will give but one or two.

"A company of the 6th infantry, in cutting its way through a house, entered a room containing an open box of gold coin. The American soldiers occupied the room, passed through it, and not a dollar was touched. On the same night a party of our troops discovered a box of gold addressed to a Mexican; they immediately reported the fact to their officer, and he placed the box in charge of a foreign minister to be delivered to the owner. This conduct excited the astonishment of the Mexican, and in a public card he expressed his admiration of the forbearance of the American troops.

"Our army has ever esteemed generosity as a nobler virtue than courage; and if it boasts at all, it is of its humanity, not its prowess."

These are bright testimonials. Honors thus won and worn by our gallant citizens are dearer to their countrymen, than the glorious exertions of the battle-field, or the victories that have crowned them.

Incidents, like these described by Colonel Morgan, have been related to me by other officers, and they better illustrate the present topic, than any panegyric, however warm, or any description, however graphic. A Mexican horseman rides over the battle-field, thrusting his lance through the helpless wounded, gleaning, with savage ferocity, in the harvest, where the Great Reaper himself had passed and spared; while the American soldier, in the same scene of carnage, stoops down, and raising his prostrate foe, pours the contents of his canteen into his parched lips, and recalls his fainting spirit to bless the generous enemy. This picture is at the same time a bright and a dark one, but it marks, both now and forever, the characteristics of the two armies, and I commend it to all who doubt the humanity of the American soldier, or the cruelty of the Mexican.

Mr. WEBSTER. I entertain no intention to discuss the general topics introduced in the speech of the honorable gentleman. On one point only I wish to say a few words, and that is with regard to the remarks which he made upon the speech of the honorable member from South Carolina, and some observations of my own, upon this assumed authority by the Executive of the United States to levy and collect taxes in Mexico. Now, sir, when gentlemen of experience and character debate these grave questions, the first thing is to ascertain what these questions are, and to present them truly, according to their character, for discussion. The honorable member from Michigan supposes that this levying of taxes and imposts in the territories of Mexico, by the authority of the President of the United States, is an act of war. It is no such thing.

Mr. CASS, (in his seat.) It is a right of war.

Mr. WEBSTER. It is no such thing. It is neither an act nor a right of war, according to the law of nations. He calls it a contribution. It is no contribution. It is a legislative act; and when the honorable member quoted those portions of the United States Constitution which he thought applicable to the case, he might without impropriety have quoted another passage, which says that all legislative power is vested in the Senate and House of Representatives.

Now, it exactly comes to this: is the establishment of a code of customs in Mexico an act of war, or derived from war, or an act of legislation? Why, clearly, it is the latter. I want to know how the President of the United States can overturn the revenue law of Mexico, and establish a new one in its stead, any more than he can overturn the law of the descent of property, the law of inheritance, the criminal code, or any other portion of Mexican law? A contribution levied upon Mexico! It is no such thing. What is it? It is a code of customary duties, framed here in the Treasury Department, and sent to Mexico, to be exercised upon whom and upon whose property? Upon the Mexicans? Why, no, sir. Very little of it upon Mexicans, because it is a law of imposts. It is a law upon those who import goods and merchandise into Mexico—upon all the neutrals of the world—upon all non-combatants; and not only that, but it is a law levying a duty of imposts upon goods and merchandise carried thither by citizens of the United States; and that the honorable gentleman calls a "contribution."

Mr. CASS. I do.

Mr. WEBSTER. Well, then, I think he calls things by names which have no more relation to them than black has to white. It is not a contribution at all.

Mr. FOOTE. I would ask the honorable gentleman whether he conceives it to be the duty of the Government of the United States to protect the revenue officers of Mexico in the collection of duties; or should their proceedings have been superseded by proceedings of a similar kind on the part of the United States? What would he have done in the case?

Mr. WEBSTER. Just exactly what Congress, in its discretion, should think fit to do. What I say is, that it is an exercise of legislative power, and no exercise of military power. If there is any analogy between that and the case mentioned by the honorable gentleman, of the marshals of the French army levying contributions as they marched from city to city, *flagrante bello*, at the head of their forces, I do not understand the logic—I do not understand that train of legal mind which can perceive analogies in cases which, as it appears to me, are entirely dissimilar. When an army marches through an enemy's country, it is supposed to have the right of supporting itself by the strong hand; it has the absolute right of war, whether it choose to exercise it or not, to make pillage—to seize private property. And what is contribution? Why, it is a substitute for the law of pillage, the practice of plunder. When an army approaches a city, the commander of that army asks so much support—so many thousand crowns—such and such provisions; he says he will take them by the strong hand, unless the authorities compound by giving so much money, in consideration of which he will forbear the exercise of that military right.

Let me ask the honorable gentleman another question. A part of this system, sanctioned by the President, was, that the moneys collected by these levies, should be paid over to the military and naval officers. Could they not just as well have been ordered to be brought here and put into our treasury? Does it make a particle of difference, and is it not a system of revenue established under Executive authority in Mexico; and will any man call that military contribution? Let it be shown by any authentic work on national law—by any decided case—by any course of reasoning or argument, that the levying of a permanent system of revenue, in a conquered territory, is exactly the same thing as a temporary or occasional military contribution of a marching army; and then the charge brought against the Administration cannot be maintained.

Mr. CALHOUN. I rise to make a very few remarks. When I addressed the Senate yesterday, in reply to the question, What shall we do if the treaty is not ratified, I answered—take possession of the country which is ceded to us by that instrument, occupy it, and defend it. The worthy Senator from Michigan says, he is at a loss to understand what I mean by that. Well, there is not much difference between us. I am at a loss to understand why he cannot understand it. It appears to me to be one of the plainest propositions in the world. He has hunted up a thousand imaginary difficulties that never did exist, and never can exist, in order to make good his case. Does he wish to know how my plan can be carried out? I point to the case of Texas. The whole of the eastern frontier, according to the line ceded to us by the treaty, was the boundary which Texas claimed as against Mexico. Now, does not every man know, that for seven long years Texas held possession of that frontier to the Nueces, without a single invasion on the part of Mexico, and that, at a time when Texas had not more than three or four companies of regulars altogether? Now, sir, if Texas could hold that line then, is there any difficulty with Texas in doing it now as far as the Rio Grande, when she has doubled her population, and is backed by the whole of the United States? And yet the worthy Senator from Michigan cannot understand it! It is impossible that he can understand it! Again, as to California, he is, if possible, more at a loss with regard to that. His first great difficulty is as to our occupying the Gulf of California. If the Senator will remember, the line that I proposed passed through the whole extent of the Gulf of California, and if he will look at the map he will find it is a very broad expanse of water. He will find that it covers a very large portion of California—all the settled and inhabited portion of California. If he will look at the statistics of Mexico, he will find that she has not a single armed vessel. Now, what I asserted was, that a few armed vessels—one or two steamers among them—occupying that expanse of water would be sufficient to secure us against all attacks of Mexico on that portion of the line; and yet the Senator could not understand it! It is, as I understand, with him, a sort of metaphysical idea! Now, as to the residue of that line. The whole length of it is about four or five hundred miles from the head of the Gulf to the Paso del Norte. That is all that remains to be defended. Well, the whole of the country covered by that line is inhabited by Indian tribes, so powerful that there is no fear of Mexico invading it. They invade Mexico! They are too powerful for her; and it will not require a single soldier to be stationed on its whole extent to protect us against Mexico. There may be some protection necessary against the Indians. Indeed California is so remote from Mexico, and the difficulty of approach so great, that the mere handful of people in California have been enabled in fact to have almost an independent government there. I venture to say that not a single regiment will be needed there—that the Americans now there, together with the natives who are well affected towards us and desirous of seeing our authority established, will be quite adequate to defend it against Mexico forever, with the aid of a few vessels in the Gulf of California.

Now, I venture to present, what no doubt will appear to the Senator a very bold proposition: the cost would be vastly less to fall back and occupy the country without the treaty, than to occupy it under the treaty. I beg the especial attention of the Senator. Under the treaty—I may speak of what every one knows perfectly well—a large mass of Indians is thrown on our side of the line, and, from the necessity of the case, we shall be compelled to defend Mexico against these Indians; or, if we should not, and Mexico should have force enough, she will have the right to pass over and attack these Indians within our line, to which we could not submit. For that purpose, then, we will be obliged to establish a line of military posts along the whole length of the Gila, from the Paso del Norte to the head of the Gulf of California. But it would require a larger and more expensive force to occupy this long line of posts, so as to defend Mexico against the Indians, than would be necessary to occupy and defend the country against the Mexicans themselves. The reason is obvious. The Gulf of California, as I have stated, will cover, with a few vessels, the whole of the settled part of California; and the intervening Indian tribes between the head of the Gulf of California and the Paso del Norte would effectually cover us from the possibility of an attack on that part of the line from the Mexicans. Nor would it be necessary to have any considerable force to protect us against the Indians, as their hostility to Mexico, and their love of plunder, would direct their warfare exclusively against Mexico. Thus the long line, of which the Senator spoke, of fifteen hundred miles, could, to its whole extent, from the Pacific Ocean to the Paso dél Norte, be defended by a small force, and at an inconsiderable expenditure, if held without the treaty. The only remaining part is that from the Paso to the Gulf of Mexico, along the Rio del Norte; and we know from the experience of Texas how little that will probably cost. Now, if we add to this difference, in the cost of defending the country without the treaty, and of defending under the treaty, the large sum of fifteen or twenty millions of dollars, which will be saved if Mexico refuses to ratify the treaty, there can be no doubt but we will be great gainers, in a pecuniary point of view, if she should refuse to ratify.

But I understand the drift of the Senator's remarks in this particular. He and I entertained directly opposite opinions as to what should be done, in case the treaty should not be ratified. He is, in that event, for a vigorous prosecution of the war, and hence his vigorous attack upon the policy of which, in that case, I am in favor, and exaggerated statement of the expense and difficulty of maintaining it. Indeed, there has been a standing conflict between the two lines of policy, almost from the commencement of the war, and hence the repeated assaults of a similar character, which have been repeatedly made on that which I have maintained, and with the same view, by those who support the policy maintained by the Senator. But I have no fear—none in the world—that we shall ever return to a "vigorous prosecution of the war." That day is gone. You cannot vitalize the policy. It is buried. The country would consider it the greatest misfortune that could befall us, if we were to reopen and renew the Mexican war. The tide of public opinion is running with irresistible force against it. I have no apprehension of it. But I do desire that in the mean time the public mind shall not be occupied with an idea which will prevent it from falling readily into its natural position, if this treaty should be ratified. If the treaty should not be ratified, it is plain that we must keep possession of the country, and defend it.

Every Senator can speak of his course and his votes in the secret session. I voted for the treaty, and I supported it. But did I do that because I regarded it as preferable to the course which I indicated at the commencement of this and last session? No, sir, not at all. I did it for two reasons: In the first place, I was anxious to terminate this war on any reasonable ground, and was determined to avail myself of the earliest opportunity of terminating it; for I hold it to be pregnant of evil of the most dangerous character, if it continues. In the next place, it is the natural way of terminating hostilities between nations; and many of my friends whom I see around me will testify that I have declared, for the last three or four weeks, that I was in favor of allowing the Administration reasonable time to make a treaty. But at the same time I was not ignorant of the many advantages of a defensive line. And again, I take this opportunity to say, that, so far as my voice is concerned, I wish it now to be established, as I hope it will be, by the ratification of the treaty. I hope we never shall take by an aggressive war one foot of territory by conquest. We pay by the treaty the full value—more than the full value—a hundred times more than the full value, as far as Mexico is concerned; for it is worse than useless to her, and the full value as far as we are concerned, and I rejoice it is so. I wish to square accounts liberally and justly with Mexico, and we have done so, and hence my desire that Mexico shall ratify this treaty, and receive this money.

These are my views. As to the other remarks which the Senator was pleased to make, with regard to my speech of yesterday, I pass them by without a comment, except as they relate to the right of the President to establish a system of taxes in Mexico. I listened to the Senator, as I always do, with attention, and I must say, if I could have entertained a doubt as to the truth of the position which I assumed yesterday, all doubt would be dispelled. We know that the gentleman is deeply versed in the principles of law, of great intelligence, capable of investigating questions of this character. I expected when he rose, that he would meet the points which were presented; that he would attempt to show their fallacy, and exhibit the true principles which ought to govern us in this case, if mine were false. I was disappointed. As far as I understood the Senator—and if I be in error, I hope he will correct me—he assumes one broad position, which, in my judgment—I say it with great deference—is without a particle of truth to sustain it. He assumes that the President, in consequence of the declaration of war, has an unlimited power in Mexico. Am I right?

Mr. CASS. Unlimited, except by the restrictions imposed by the law of nations.

Mr. CALHOUN. Well, then, the law of nations does not prohibit an order of nobility. Can he create nobles in Mexico? Give me the answer.

Mr. CASS. Is that one of the incidents of the war-making power?

Mr. CALHOUN. I repeat it. Can he establish an order of nobility?

Mr. CASS. I would not give much for the patents of nobility.

Mr. CALHOUN. Can he establish an order of nobles?

Mr. CASS. Without going into any detail, I may state, that the commander-in-chief and his generals may do any act, in the prosecution of the war in Mexico, which is not prohibited by the law of nations. All I can do is to lay down general principles. It cannot be expected that I should go into details of all that may or may not be done.

Mr. CALHOUN. I did not intend this as an irrelevant or impertinent question, and I must regard the Senator's refusal to deny, as an admission, on his part, that the President has the power. Indeed it followed necessarily from the principle laid down by him. It would indeed be an important power in the hands of the President to bring, and subject, a conquered country under his arbitrary rule. The Senator acknowledges that the power is a very dangerous one. It is indeed a dangerous power, if it be as unlimited as he contends for. Can he create a field-marshal in Mexico? The Senator will not doubt that if the President could raise an army there, he can create a field-marshal. I hold it to be the most monstrous proposition ever uttered within the Senate, that conquering a country like Mexico, the President can constitute himself a despotic ruler, without the slightest limitation on his power. If all this be true, war is indeed dangerous! If that be the fact, we ought never to engage in a war of conquest. If that be the fact, there are double reasons for the ratification of the treaty, and fleeing the country.

There is a tendency in all parties, when they have been for a long time in possession of power, to augment it. It has been the fortune of the popular party in this country to hold possession of the Government for a great length of time, and it is no more than human nature that the effect of that long-continued tenure should be the creation of the fondness of power, that necessarily diminishing the love of liberty. This love of power leads men to strike at those provisions of the Constitution which restrict power. I believe that the popular party in this country have resisted this tendency for a great length of time to a considerable extent; but it is impossible for any man who reads the early history of that party not to be impressed with the conviction that it has departed from the principles which then characterized it. The declaration of the chairman of the Committee on Military Affairs this evening, proves a great departure beyond all controversy. I did not believe that there was a man in this country—certainly not that there was one in the Senate—who would declare that the President of the United States, as commander-in-chief of the army in Mexico, has no restrictions on his power but those imposed by the law of nations.

Mr. CASS. After the Senator has concluded I may say what I did declare.

Mr. CALHOUN. I will gladly hear the Senator now.

Mr. CASS. When the honorable Senator from South Carolina has finished——

Mr. CALHOUN. Then I shall finish now.

Mr. CASS. What I maintain is, that the commander-in-chief and the generals under him have a right to do any act of war justified by the law of

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nations, and it belongs to every officer of the army, from a general down to a corporal. I went at large into the question, in the remarks which I had the honor to make to-day. The course taken in Mexico has been fully justified by the practice of war in all ages. Whether the contribution be in cash or in kind, the principle is the same. One word as to the line which the honorable Senator has laid down. I have presented the objections to it which, to my judgment, are decisive, and I need not repeat them. No public opinion in the world could permit such a thing as the establishment of a line behind which an operating army must retire. If you are at war with an enemy, you cannot stop upon a given line. But Texas pursued the enemy; and whenever you follow the enemy beyond the line, the project is abandoned.

Mr. CALHOUN. But the Senator puts the question, How can I justify the army in performing any act not authorized expressly by law? I take the ground, that the army may do under the President, as commander-in-chief, anything that properly belongs to him in that character. Now, the extent is not defined; it is governed by the exigencies of war. I believe I use the very terms employed in the elementary works upon this subject. But these acts must relate to war, and not to legislate for a conquered country. Now, if you mean that an army in operation can seize provisions of every description, means of transportation, and so on, I never denied it; but if you mean to say, that after the country is conquered, the commander-in-chief may levy either taxes or contributions, I deny the doctrine altogether.

Mr. DAVIS, of Mississippi. The Senator from Louisiana [Mr. JOHNSON] has expressed his conviction of the certainty of an immediate peace, and on that he based his argument in presenting his motion to recommit the bill, with instructions. I have just received a letter from Mexico, which certainly does not encourage me in the prospect of peace. This letter states that the road from Vera Cruz to Mexico is infested by guerilleros, and that a party for Orizaba had been attacked by them, and been compelled to return to Vera Cruz. Though reported that the Mexicans had been dispersed, yet the American party left their dead on the field, and all their property fell into the hands of the guerilleros. Those reports which we have had of Santa Anna asking his passports, and leaving the country, are all pretext. Instead of leaving the country, it is said that he is now recruiting his forces, and looks to future operations. Perhaps he is raising nothing more than an escort—but peace is not his object. I beg to say to the honorable Senator from South Carolina, that that party in Mexico to which he alludes, as being neither unfriendly nor inimical to us, is the party on which Santa Anna is falling back for support in his hostile movements—the party of Puros, which invited him to return to Mexico, as the enemy of monarchical government, in order to overthrow Paredes.

I cannot, for myself, approve of any such policy as that spoken of by the Senator from South Carolina, nor can I at all conceive why he should regard the raising this additional force in the light of mere braggadocio. We propose to raise it for the moral effect which it may produce on Mexico. We may with great propriety pass this bill in order to give Mexico to understand that if she do not give us peace willingly, we will coerce a peace. But that gallant army which has performed so many glorious deeds is rapidly wasting away. The yellow fever has appeared in Vera Cruz, and our troops are dying in the interior of other diseases. The volunteers are becoming daily more and more dissatisfied with the service; and, in my opinion, the spirit of the contract under which they entered the service justifies their discharge as soon as active hostilities cease. They entered for the war, but they believed that on the cessation of active hostilities they would be discharged. Already the question is mooted whether, if there can be war without a declaration of war, there may not be peace without a treaty.

But the honorable Senator from South Carolina not only directs his attention to the present measure, which he reprobates as mere braggadocio, but this goes back to an old subject—the removal of the army to the banks of the Rio Grande. He says:

"The whole affair is in our own hands. Whether the treaty fails or not, we still have the complete control, if we act with wisdom and firmness, and avoid, what I detest above all things, a system of menace or bravado, in the management of our negotiation. I had hoped that that system had been abandoned forever. It nearly involved us in a war with England about Oregon. It was only prevented by the wisdom and firmness of this body. It was resorted to in our negotiations with Mexico, and the march of the army under General Taylor to the Rio Grande, was but intended to sustain it. Unfortunately, the circumstances prevented the Senate from interposing as in the case of Oregon, and this war was the consequence."

Now the President has clearly the right to move the army of the United States into any portion of its territory.

Mr. CALHOUN (in his seat.) Certainly not into disputed territory.

Mr. DAVIS. The Senator says that the President has not the right to move the army into any disputed territory. When we annexed Texas, we left this boundary question open for negotiation. The Administration sought assiduously to settle the question by negotiation. What, then, is the argument of the Senator? When the opposite party refuse to settle the question by negotiation, are we to be estopped? Are we to allow the enemy to wrest from us the dominion which we claim as ours of right? If so, what is this but a broad invitation to every land to dispute the boundary with us? But I would ask the honorable Senator, how comes it, that even before the annexation of Texas, the navy of the United States was ordered to the Gulf of Mexico for the protection of Texas?

Mr. CALHOUN. The answer is obvious. The Gulf of Mexico is the common property of all nations. It is not disputed. But though we had a right to lay off Vera Cruz, we had not the right to enter the harbor of Vera Cruz.

Mr. DAVIS. Was it not the gentleman's own order to make a naval demonstration against Vera Cruz.

Mr. CALHOUN. I have no knowledge of such an order. Will the Senator permit me to notice another point? He indicated that the President had a right to march the army into any disputed territory. Am I right?

Mr. DAVIS. I do not consider it disputed territory.

Mr. CALHOUN. He says, he does not consider disputed territory, in what he differs from the resolutions annexing Texas, for they expressly admit the country to the east of the Del Norte, to a certain extent, at least, to be disputed territory, by providing that the boundary between Texas and Mexico, shall be settled by the Government of the United States. Now, as Texas never claimed any country beyond the Del Norte, it results necessarily, that the point to be settled was, whether the boundary of Texas extended to that river or not, admitting, of course, that country lying east to some extent, was disputed territory. Now, I ask, how is a question of disputed territory to be settled? There can be but two modes. By negotiation or war. As far as it relates to the former, the President, with the Senate, represent exclusively the United States; but when negotiation fails to settle a disputed boundary, nothing is more clear, that if it becomes necessary to resort to war to establish the boundary, in that case, the power passes out of the hands of the President into that of Congress, which, under the Constitution, exclusively possesses the war-making power, and that it belongs, in that case, exclusively to Congress, to determine where the boundary is, and, if it thinks proper, to authorize the President to establish it by force. The great mistake of the Senator, and those who think with him, is to look exclusively to the question between Mexico and the United States, and to overlook entirely the question between the departments of our own Government. As between the United States and Mexico, there can be no doubt, that when negotiation failed, the United States had the right to establish by force the boundary for themselves. But the question is, through what department? Through the President, or through Congress? The very statement of this question is sufficient to decide it to all who have the least knowledge of our Constitution. The error of the Senator consists in supposing, that when the President failed to negotiate with Mexico in reference to the boundary, his failure gave him the right to determine on his own authority, without consulting Congress, which was the boundary, and to occupy by force the disputed territory, when in fact the failure of the negotiation exhausted his power, and left him no means of acting but by submitting the question to Congress for its decision. It is really wonderful to those who have been in this body for any considerable length of time, that there should be any question on these points.

It may be proper to add, that the power of the President and the Senate is so rigidly restricted to negotiating and making treaties, that, although they may make, they have no authority to set aside a treaty when it is violated by the opposite party. That power belongs not even to the Judiciary, but to Congress; of which there is a remarkable instance in reference to the treaty made between France and the United States, during the war of the Revolution. That treaty was so outrageously violated by France during her revolutionary struggle, that it became necessary on our part to disavow any further obligation under it; and that was made by a joint resolution of Congress, declaring it to be null and void. This precedent has never been questioned. It shows that the power was restricted within the limits I have assigned.

Assuming these views to be correct, I put the question to the Senator, how could the President, on his own authority, order General Taylor to occupy a territory which the resolutions of Congress and the act of Texas acceding to them admitted to be disputed territory between her and Mexico, and that, too, without consulting or even advising Congress of the order, although Congress was at the time in session? I hold that the President had no more right to order the army to march into the disputed territory than he had to order it to march into Mexico. I might appeal to the whole history of our country, in reference to this point, for the truth of this position. There are many cases that bear upon it. Among others, I might cite those which occurred under the Administration of General Washington. It is known to all the least conversant with our history, that Great Britain, after the treaty of peace, held on not only to Detroit, which was near the frontier, and then in the woods, but to Fort Stanwix, now Rome, in the very heart of the State of New York, from 1783 to 1794, without any attempt on the part of General Washington to disturb her possession. He never dreamt of attacking either without authority of Congress; and if he had, there was no one at that day that would not have considered it as a flagrant violation of the Constitution. To this I may add, we had a question of disputed boundary in Maine, arising out of the same treaty, which remained open under all Administrations down to a very late period, that of Mr. Tyler's Administration; yet there was not any attempt whatever on the part of the many Presidents, in the long intervening period, to assert by force the right of the United States to the disputed territory. I never heard the principle laid down anterior to this war with Mexico, that the President, on his own authority, had the right to march the army into a disputed territory.

Mr. WESTCOTT. I beg to remind the Senator that Mr. Jefferson and Mr. Madison seized upon the country west of the Mississippi.

Mr. CALHOUN. Oh! that was a trifling case. You could cover the whole country with a blanket!

Mr. DAVIS. I repeat, that I cannot perceive on what grounds the Senator will justify the order sending the navy to the Gulf of Mexico, whilst we were negotiating the annexation of Texas, and yet deny that after annexation was completed——

Mr. CALHOUN. They were issued when Congress was in session. If any attack had been

necessary, application would have been made to Congress for authority.

Mr. DAVIS. The whole case is matter of record; and we know as well as the actors in it, that our navy did stand off and on the coast, looking into Mexican harbors, to keep our Government advised of any hostile movements, and be prepared to act, if necessary, for the protection of Texas. For the like purpose, a large portion of our army was concentrated upon the border, and put in correspondence with the President of Texas. The Senator from South Carolina, then Secretary of State, communicated to the Texan Government this disposition of our land and naval forces, and announced it to be the purpose of the President, as a duty under the then existing circumstances, to use all his constitutional power to protect Texas from foreign invasion. If the whole power to grant the protection thus offered, consisted in asking for authority by an act of Congress, it was a promise likely to be filled with hope deferred. In view of the delays which would probably have attended the passage of such an act, what justification can there be for so early a movement of the army and navy to the immediate proximity of anticipated operations. Does the Senator deny the power of the President to order the army into any part of the United States?

Mr. CALHOUN. He has no right to order it into disputed territory.

Mr. DAVIS. What! shall a foreign Power dispute our territorial limits—refuse to settle the boundary by negotiation—seize, by force, territory rightfully ours, and our Executive stand powerless by and see the enemy gain the advantage of occupying all the commanding positions of the country. This would be an alluring invitation to every coterminous Power to select their opportunity and dispute our boundary. At another time, during the recess of Congress, according to the Senator's general position, the territory thus disputed could be seized with entire safety. Upon the question of the northeastern boundary, to which the Senator alluded, my recollections are different from his. I think by both the Committee on Military Affairs and by the Committee on Foreign Relations reports were made at the time, recognizing the power of the Executive to use the military force of the country—to call out the militia—to protect the territory claimed by Maine from hostile invasion, or an attempt by military force to exercise exclusive jurisdiction within the disputed territory. But I was about to say, when I yielded to the honorable Senator, that after Texas became a part of the American Union, and we failed by negotiation to adjust the boundary with Mexico, the question became closed against us, and the United States had no other mode by which to determine the territory of Texas, than by reference to her limits, as defined before annexation to the United States; all which having been asserted and maintained, we were bound to insist on and defend from forcible seizure. By annexation, Texas lost the power to negotiate or to carry on the war; and coextensive with this surrender were the obligations imposed upon the United States. The President did what every man of patriotic impulses will say he should have done—afford to Texas that protection which a State had the right to demand; and in ordering the army to the Rio Grande, he did no more than might have been done in the case of the northeastern boundary, when that was an open question. But the Senator has laid down the position that this was done to intimidate Mexico. Not so. Our army was encamped at Corpus Christi, which had been made a port of entry. Was that, then, in the disputed territory? Where was the disputed territory? Mexico claimed up to the Sabine. She has continued to assert that claim; and any intermediate line between the Sabine and the Rio Grande, is of our suggestion, and not of Mexican origin. When, at a recent period, Santa Anna returned to Mexico, he promised to restore the severed territory of Texas, and to gather laurels on the banks of the Sabine, and lay them at the feet of the Supreme Government. A right to the whole of Texas, a determination to restore it to Mexico, has, by her soldiers and her statesmen, been uniformly asserted—adhered to with the pertinacity characteristic of the Spanish race. The whole of Texas, then, was included in this disputed territory, and if the President had no right to march the army to the Rio Grande, he had no right to order it across the Sabine. Mexico claimed the whole of Texas. In the controversy on the part of Mexico the question was not whether the Nueces or the Rio Grande was the boundary, but whether Texas was a part of the United States or not. Upon the part of the United States that question was closed, forever closed. Before her army was ordered into the territory of Texas, nothing was open but the adjustment of boundary. This was sought by negotiation with Mexico, and our advances were insultingly repelled. That the boundary of revolutionary Texas was the Rio Grande—at least the lower part of that river—has been too often and too conclusively demonstrated to require more than a passing notice. Without adverting to the mass of evidence which has been presented here on other occasions, I will refer only to that on which I mainly rely. After the battle of San Jacinto, and when Santa Anna was a prisoner in the hands of the Texans, General Filisola, commanding the Mexican army, wrote to his Government, communicating the fact of President Santa Anna's capture, and giving the saddest account of the condition of the troops under his command. The President *ad interim* replied, and gave the General authority to do whatever should be necessary to procure the release of the captive President, and to save his troops and munitions of war. These results were obtained by treaty. General Filisola was one of the parties to that treaty, and the consideration given to Texas for the vast benefits thus secured was the recognition of the Rio Grande as a boundary, and the immediate withdrawal of all Mexican troops beyond it. It is true this treaty was never formally ratified by Mexico, but having obtained the full benefit of all its stipulations, I submit whether the moral obligation was not complete henceforth and forever to recognize the Rio Grande as the true boundary. That is the only argument on which I have ever found it necessary to rest this point.

Not being a lawyer, I will not attempt to discuss a legal question with the eminent jurist on the other side of the Chamber, [Mr. WEBSTER,] but cannot forbear from expressing my surprise at the view which he, in connection with the distinguished Senator on this side of the Chamber, [Mr. CALHOUN,] takes of the legitimate rights of our army when invading a foreign country. They would restrain our army from the moment it enters a hostile country, so as to prevent it from availing itself of any of the public funds—they would restrict it to such contributions as they might wring from the citizens. Now, one of the evidences of the advancement of civilization in the conduct of war has been seen in that very procedure on the part of an army which these distinguished Senators condemn. Instead of wringing from poverty, from the agricultural citizen, the means of maintenance, our army have seized only upon the public resources of the country, and have thus illustrated the intelligence, the chivalry, and humanity of the American people.

The Senators contend that legislation is necessary to appropriate the public revenues of Mexico to the maintenance of our army, whilst they admit the right to seize private property for its use. Sir, I had thought our war was waged against the general government of Mexico, and that our policy was as far as possible to relieve the peaceful population from the ordinary sufferings of war. Sir, I am at a loss to conceive how we could properly legislate upon a country which had not been conquered—for a people in open war against us—or how the laws, if enacted, could be properly executed under such circumstances. The foreign government must have been displaced by our arms, before there was space for our legislative and judicial departments to flow in; and the roar of those arms must have been hushed, before the voice of the lawgiver could be heard. The Constitution of the United States makes provision for the organization and maintenance of our army and navy, and for calling out the militia by legislative enactments. It makes the President the commander-in-chief of the army and navy, and the militia, when called into service. Congress declared that war existed. It passed laws for raising men and money. The President, as commander-in-chief, assumed the command of the army; and, as has been stated by the Senator from Michigan, from that moment all the rights which appertain to a state of war, attached to the army. The exercise of legislative rights only follows when Congress takes possession of a conquered country. Up to that point nothing but the power of the Executive department flows in. The power belongs not to the President merely, but to the Executive department; and, without orders from the President, every officer in the army could exercise it. The right is conferred by war, and the only difference between the action of our army and that of any other, has consisted in this, that ours has demanded less, and taken nothing by force. It has not committed pillage. The government opposed to us has been deprived of power, and the resources by which it was sustained naturally flowed to the army which took the country and people in charge. In laying duties—in collecting taxes, they have collected but a portion of the revenue which would have flowed to the Mexican Government if it had not been displaced by our arms. Both could not exist together. Such is the plain, common sense view of the matter. The legal view I must leave to others. The honorable Senator from South Carolina fears that if the President exercise this power, immense abuses may follow—that armies may be raised, and treaties may be made with other countries; and that, he says, would be in violation of the Constitution of the United States. The Constitution of the United States is a temple, gradually extending itself, and covering acre after acre, State after State, spanning rivers and mountains, but not yet gone to foreign lands. It is still limited to the United States. It cannot be violated in Mexico. It does not extend to Mexico, and God forbid it ever should! It is the Constitution of our own Union and our own people, and none but territory annexed to our Union can claim to be under that Constitution. If the President has violated the Constitution, in the progress of this war, you must prove that he has failed to comply with the law which declared the war and authorized him to prosecute it, giving him men and money for that purpose. Until that be shown, the President cannot have violated any provision of the Constitution in Mexico.

But the main purpose for which I rose, sir, was to speak of the effect of the passage of this bill in Mexico. We had information from a special agent sent to Mexico in 1844 that he had commenced preliminaries, and had the prospect of a settlement by negotiation, of all the difficulties then pending. On the fourth day after the negotiation had been opened, two celebrated letters published in that year reached Mexico. One dated at Raleigh, and the other at Lindenwold. On the arrival of these letters, forwarded, it is said by the Mexican minister at Washington City, the negotiation was immediately suspended. Again, Mexico probably intended to enter into a negotiation for the settlement of the questions then in dispute, when Mr. Black received intimation, in the terms so often referred to here, of a willingness on the part of Mexico to receive a commissioner; though I think that there has been altogether a misunderstanding of the language in which the note was written. *Commissionado* was the term employed, meaning one commissioned, empowered to settle the question in dispute. Now, they may have meant no other questions than those growing out of the annexation of Texas; but, as the Senator from Michigan remarked, they sought refuge in the subterfuge of the distinction between the terms "minister" and "commissioner," and thus evaded the obligation of the contract into which they had voluntarily entered. And why? Because, at that time a controversy had arisen with regard to the boundary in Oregon. The Mexicans then cherished the hope that there would be war between this country and England, and that, with the latter as an ally, they would be able to regain Texas. The old hope was thus revived. They refused to enter into negotiations. And now, if they have their hopes revived again with the prospect of a refusal here to supply men and money to prosecute the war, they will again reject negotiations in the expectation that a new administration may come into power in the United States more favorable to them. If we change the policy which we have heretofore pursued, there can be no doubt they will refuse to ratify the treaty.

In our intercourse with Mexico, if we have erred, it has been in undue consideration and misplaced leniency. For a long term of years we have borne national insult, and left unredressed the personal outrages and pecuniary injuries done to our citizens by Mexico. We have passed unnoticed the offences repeatedly offered in their official correspondence; it was the strong rendered patient, with the captiousness of the weak, by the consciousness

of his ability to punish. This course, so long observed by our Government, has surely not been departed from by the present Administration.

I cannot conceive, sir, how the President could have exhibited greater forbearance towards Mexico. He sent out a minister to treat with her on the first intimation of any desire on her part to enter into a negotiation for the purpose of restoring amicable relations. Acting in the forbearing and friendly spirit of the power, who had taken that infant republic by the hand when it first essayed to walk, we studiously avoided collision. Collision, however, from the causes to which I have alluded, became at last inevitable. Yet it is gravely asserted, that the President had determined to extend the territory of the United States to the Rio Grande, "peaceably if he could, forcibly if he must;" most certainly not to extend the territory of the United States, but to settle the question of boundary; and had we been the aggressive party, as it has been alleged—had we been reckless of the feelings, rights, and interests of Mexico, we certainly never should have incorporated a provision in the terms of annexation, securing to us the right of settling the limits of Texas—that was done to guard against the possibility of a collision with Mexico; we did not adopt the extreme claims of Texas, but reserved to ourselves the right to settle the question of boundary. Nothing could have been done more indicative of the friendly spirit which we entertained towards Mexico.

At this late hour, I certainly shall not attempt to enlarge; but I must take occasion to say, that I do not think that Mexico is about to cede any territory to the United States; I think that we are about to retrocede territory to Mexico. I hold that in a just war we conquered a larger portion of Mexico, and that to it we have a title which has been regarded as valid ever since man existed in a social condition—the title of conquest. It seems to me that the question now is, how much we shall keep, how much we shall give up, and that Mexico cedes nothing.

Mr. WEBSTER was understood to inquire if that view was in accordance with the terms of the paper?

Mr. DAVIS. I have seen papers in English and Spanish, and I think in none was the term cede employed. As a moralist I would not undertake to defend the seizure of country from the inhabitants, but the question was settled long before the oldest member of the Senate entered it. These very Mexican people settled it when they conquered the ancient Aztecs. If they had the right to take the territory from that people, who did not cultivate it, the argument is equally good against them now. They produce little to that which the country is capable of yielding; and year by year the amount is steadily decreasing. The country is going to waste, villages are depopulated, fields once highly productive in all that nature in her bounty yielded to the industry of man, now lie uncultivated, and marked only by the remains of the irrigatory ditches by which they were formerly watered. The exuberant wealth of Mexico once flowed out to sustain the American colonies of Spain—the governments of Louisiana and Florida received contributions from her. Turn, now, and contemplate the change which the difference of government has wrought, and tell me whether all the arguments of utilitarianism and of humanity may not now be more successfully applied to the Mexican than by them against the Aztec population.

The Senator says this war is "odious." Odious! Odious for what? On account of the skill and gallantry with which it has been conducted? Or is it because of the humanity, the morality, the magnanimous clemency which has marked its execution? Odious! Why, in any newspaper which I take up, I find notices of large assemblages of the people gathered together to do honor to the remains of some dead soldier brought back from Mexico; or around the festive board to greet the return of some gallant member of the army The conductors of the press, without distinction of party, express the highest approbation of the conduct of the army. Where is the odium? What portion of our population is infected with it? From what cause does it arise? It cannot be on account of the origin of the war, the extraordinary unanimity with which it was declared by both Houses of Congress, the eagerness with which our citizens pressed to the service, forbid that conclusion. A long and unbroken succession of victories has satiated the public appetite for military triumph. There may be a surfeit, for more has been offered than needed for a feast. An over anxiety for immediate peace is the natural result; with this I sympathize; beyond this I am not prepared to believe the popular feeling of the country extends.

We have cause to be proud of the record this war will leave behind it—a monument more lasting than brass. We, the actors of to-day, must soon crumble to dust; the institutions we now maintain, and hope will be perpetual, may pass away; the Republic may sink in the ocean of time, and the tide of human events roll unbroken over its grave; but the events of this war will live in the history of our country and our race, affording, in all ages to come, proof of the high state of civilization amongst the people who conducted it—proof of the intelligence which pervaded the rank and file who fought its battles—proof of the resources of such a Government as ours, wholly unembarrassed in the midst of war, conquering one nation and feeding another! Where, sir, are the evidences of evil brought upon us by this "odious" war? Where can you point to any inroad upon our prosperity, public or private, industrial, commercial, or financial, which can be, in any degree, attributed to the prosecution of this war? All that is yet to be shown, and I confidently await the issue.

Mr. WESTCOTT then addressed the Senate in favor of the bill, on the ground that, in his judgment, there was not a reasonable expectation of a treaty of peace. [This speech will be given in the Appendix.]

Mr. BUTLER. As I perceive that the Senate is determined to refuse to modify the bill—for they have already decided, by quite a large majority, that these troops shall be raised—I have nothing further to say in regard to that matter, beyond this one remark: I wish the Senate distinctly to understand, that if this bill pass the other House, it will not be passed as a bill for organizing ten regiments, with the complement of officers which belongs to such a force. The simple proposition that I made was, to add thirty men to each company, or three hundred to each regiment, of the present army. It has not been the pleasure of the Senate to adopt my amendment to recommit the bill; and I ask the Senate to take notice, that that will be the form in which the troops will be raised. The action of the Senate itself will have the effect of influencing the House to ingraft such an amendment.

Mr. CLAYTON. I desire the attention of the Senate for a short time, although, but for the remarks of the honorable Senator from Michigan, I should hardly have thought it necessary to trouble the Senate any further. But before I proceed to reply to that Senator, I must be allowed to say, that I was forcibly struck by the remarks of the honorable Senator from Mississippi [Mr. DAVIS] with regard to the conduct of Mexico since this armistice was proclaimed. It is shown that there is an armistice existing, which is to last at least two months, in order to afford time for negotiations. In this state of the case, the Senator from Mississippi says that he has received a letter from a friend, whom he fully accredits, in Mexico, stating the fact which we have seen announced in the public prints—that the country between Mexico and Vera Cruz is filled with guerrilleros, and that, though the armistice has been proclaimed, the war still rages. Sir, this fact is a pregnant one. It proves to us—what I have stated before—that that Government has not the power to enforce obedience to its will. No one doubts that they who have negotiated have acted in good faith, and that they are desirous of restraining these guerrilleros, and that, so far as they have the power, they will do so; but it is impossible for them to restrain them: and what is the inference? Why, that whether the treaty is ratified or not, when your army returns, your peace will not be a secure one. It seems to me that these facts show us irresistibly that the conclusion of the honorable Senator from South Carolina is the correct one, that the only mode of obtaining a permanent peace is to withdraw to a line and defend it. We can defend it as well without a treaty as with it. If there is no government in Mexico which can compel these guerrilleros to obey, what are we to do? Would it not have been far better if we had taken the advice of the honorable Senator long ago? We may be compelled to do so yet. In that case, there is no doubt we have troops enough already in Mexico for the defence of the line, though perhaps not enough for "overrunning the whole country, capturing every town and province, and keeping the government in perpetual motion." It is evident, from the report of the Adjutant General, that we have troops enough there to keep this line, which seems to be our inevitable destiny in the end, if the information of the honorable Senator from Mississippi be correct.

Now, a word to the honorable Senator from Michigan. In the course of my remarks some time ago, to which the honorable Senator has replied to-day, I did say, that I thought he put himself in the position of the champion of the Administration, but I did not use the term in an offensive sense. He has this day proved himself the champion, the very Ajax Telemon, of his party. The honorable Senator, in the opening speech on this bill, intimated to us that the whole course of the Government, in the conduct of this war, was impregnable; that if it were attacked, the assault could be easily met and as easily repelled. I noticed this remark of the honorable Senator at the time, and to avoid all mistake, I quoted from his speech *verbatim et literatim*, in his hearing. I drew the inference, and so said that the champion of the Administration had thrown his gauntlet at our feet, that he had defied us to show a single instance in which the conduct of the Administration was not impregnable. Sir, I, as one of the humblest of the Senators defied, dared to take the gauntlet up, and proceeded to direct his attention to a set of facts, calling for his defence. I referred to the conduct of Santa Anna, as the murderer of our people at Goliad and the Alamo. This, I think, was of itself enough to satisfy Mr. Polk, and every one of the character of that man. I then proceeded to ask the Senator from Michigan, why the President, on the day on which this war commenced, admitted this same Santa Anna into Mexico by special order, with all his sins upon his head—the consequence of which admission has been, that we have been compelled to fight thousands and tens of thousands of Mexicans, who never would have rallied under any other leader. And now, as the honorable Senator from Mississippi said to-night, this same Santa Anna, instead of leaving Mexico, is rallying his bands, not only of guerrilleros, but of regular forces, for another attack upon us. And if this information be correct, there is no reason on our part to believe, so long as he remains in Mexico, there will be any permanent peace. Who, then, is to blame for all this? The Administration; the President. And I called the Senator from Michigan to defend them from this charge, if their conduct was impregnable, and so easily defended. Well, what has he done? Why, he tells me to-day, in a speech which he made, closing the debate upon this bill, that I have done him wrong in calling him the champion of the Administration; and instead of exonerating the President from this charge, the champion is totally silent on the subject. We have heard some dozen speeches on that side of the Chamber in defence of the Executive, and though we are told that the conduct of the Administration is impregnable and easily defended, not one of the gentlemen who have spoken has condescended to notice the matter at all. The Senator from Michigan says he is not the champion. Now, I appeal to the Senate if he did not, in effect, blow a trumpet to invite an antagonist into the field, and when I met him there, if he did not lay down his arms and beat a retreat.

Again: I charged upon the Administration that they caused the troops to be withdrawn from General Taylor, whilst on the eve of the battle of Buena Vista, and when Santa Anna stood in his front, with twenty thousand of the best troops of Mexico, leaving him barely about a quarter of the number opposed to him. I also adverted to the failure to supply General Scott with troops while at Puebla, though he repeatedly entreated troops and munitions of war; so that, finally, that great captain was obliged to enter the city of Mexico with less than six thousand men. True, he, like General Taylor, was successful, on all occasions, against fearful odds; yet I arraigned the conduct of the Administration for exposing both these generals to the embarrassments with which they were obliged to contend by reason of these acts, whilst a contrary course would have saved the lives of thousands of our people. But to all this there has been no reply.

There was another subject on which the honorable Senator did me the honor to offer a reply to some remarks of mine. I had said, in the course of the debate, that the President has, in his annual

message, distinctly announced a new position; that he had attempted to negotiate, and had stated his ultimatum, which had been refused; and that nothing remained but to conquer Mexico. All know that I was the advocate of supplies to the army. I voted them on all occasions; but when the President took up this position, and avowed that his object was conquest, I said I would go no further, and I stated some cases to justify myself in this determination. Amongst other things, I put the case of a man who had money due him, who met his debtor on the highway, and demanded of him, presenting at the same time a pistol to his breast, that he should surrender to him a deed of his farm, though it was worth far more than the debt. This I designated by the term which anybody would apply to the transaction. The honorable Senator does not deny the analogy or the justice of the view which I took in reference to private individuals. I know that he would be the last man who would undertake to justify such an attempt to despoil his neighbor.

Mr. FOOTE. Will the honorable Senator allow me to say that I understood the Senator from Michigan as denying the analogy.

Mr. CLAYTON. The Senator from Michigan is present. He can answer for himself.

Mr. CASS. I did say, the honorable Senator will recollect, that I considered the analogy to be false. I use the term logically, and not in its ethical sense. I said analogies were dangerous things.

Mr. CLAYTON. Well, "analogies are dangerous things." Let us see now how the matter stands, and wherein this analogy is false. The President said that he was constrained to give up the idea of negotiating, and that more forces must be sent, in order to compel them to sign a treaty ceding to us New Mexico and California. The Mexicans owed us money for certain claims held by our citizens, the amount of which was admitted to be vastly below the value of the territory demanded. Here, then, is the case of a nation demanding a cession of territory which is worth much more than the debt due to that nation, and demanding it at the mouth of the cannon—"coercing" acquiescence, to use the language of the President. Now what is the reply of the Senator from Michigan? The only answer is, that nations are not like individuals; that there is no reasoning by analogy from the case which I have put of the individual, to that of a nation. Why not? The honorable Senator says, because an individual is answerable to a tribunal or an umpire, and that a nation is not. Let us look a little into this matter. The private individual does not commit highway robbery because, forsooth, there is a court which will punish him, whilst a nation is responsible to no human tribunal—to no umpire, and therefore the analogy, as the honorable Senator says, is "false." Now, is this true? Is it true, that statesmen, legislating for a nation, are answerable to no tribunal? I thought there was such a thing as the law of nations—a code recognized by all the civilized world, by which the conduct of nations is governed—I thought that statesmen legislating for a nation were as much bound by rules of morality—were as much bound to observe integrity of conduct in acting for the nation as in acting individually. I thought that honor was worth as much to a nation as land or money, and as I would not despoil my neighbor of his property, so I would not place my country in a position to be accused of a similar act. But the honorable Senator, who would scorn to do this in his private capacity, justifies it as the act of a nation! Is there no such thing to govern us as conscience, when acting as public men? How will the honorable Senator satisfy his own heart when it charges him with co-operating with others in an act which will produce the result of lowering the character of a nation? If that heart should hereafter reproach him with injustice, and swell with remorse, he may follow the advice of the fool to Lear, "Cry to it, nuncle, as the cockney did to the eels, when she put them i' the paste alive; she rapp'd 'em o' the coxcombs with a stick, and cry'd, 'down, wantons, down!'" He may stifle his conscience in that way, if he can.

Mr. President, I have felt warmly on this subject, because the honor of my country is as dear to me as my own individual honor. I would do nothing that was calculated to tarnish it; on the contrary, I would do everything to sustain that high character for integrity and morality which was sustained so nobly by the fathers of the republic. I regard that as of more value than would be all the wealth of the mines of Golconda, and all the military glory which could be gained for centuries to come.

There are many other points to which I would be glad to advert, but the lateness of the hour admonishes me that I should no longer trespass upon the patience of the Senate.

Mr. CASS. I really was not aware, Mr. President, that the honorable Senator from Delaware considered any remarks from me upon the subject of Santa Anna's return, as a matter of the least importance. The President himself, in his message, had placed that question, I thought, upon impregnable grounds. If had not done so, the Senator from Delaware was as capable as any other person of showing the failure. This he has not done. I will observe, however, sir, for the consolation of the honorable Senator, and of all who have made the return of Santa Anna a peculiar cause of grief, that he has proved himself the best Mexican general for us that could possibly have been selected; and that if he had been nominated to the Senate, and we had foreseen the result, he would have been confirmed unanimously. He has been defeated in every battle he fought, lost every place he attempted to hold, and is now a wanderer, without power or influence, having seen his country overrun, its armies dispersed, its government a fugitive, and a large portion of its population reduced to subjection. I do not believe that another Mexican general could have been found who would have lost more battles, abandoned more positions, or fled with more ignominies.

Mr. CLAYTON. I only wish to say, in reply to the gentleman, that Santa Anna has proved himself beyond all doubt to be the best general for them that the Mexicans could have had. The fact that he was defeated by such men as Taylor and Scott, is no proof that he was not the best of the Mexican generals. Sir, who else could have rallied the thousands of Mexicans who marched under his banner? Who, since he has disappeared from the theatre of action in Mexico, has been able to rally a single regiment? No man. And now, when we hear to-night for the first time, that troops are again about to be raised, we find Santa Anna is the man who is marshalling them for battle. Sir, if he had not been admitted into Mexico no one can doubt or deny that we could have marched to the capital without the sacrifice of thousands of lives which we have been compelled to undergo. If he had not been admitted into Mexico, the battle of Buena Vista would not have been fought; and no other man could have raised the army which met us at Cerro Gordo, at Molino del Rey, at Chapultepec, and at the gates of Mexico itself. Sir, upon the head of the President of the United States falls justly the blame of this act. We have heard much of aiding and abetting the Mexicans, of moral treason, and of giving aid and comfort to the enemy; but if a private individual had done that which the President acknowledges he has done in a public capacity, how would he have been called to answer it?

Mr. FOOTE. May I ask a question? Does the honorable Senator mean to say that the President intended to give aid and comfort to the enemy?

Mr. CLAYTON. Not at all. I say that having done this act, he has, as Talleyrand would have said, been "guilty of a blunder that is greater than a crime."

Mr. DOUGLAS. I dislike to detain the Senate at this late hour; but since the Senator from Delaware has reopened the whole debate, by his grave charges, I will say a few words in reply.

Mr. CLAYTON. I spoke at the earliest moment I could get the floor.

Mr. DOUGLAS. I have no doubt of it; and I, too, speak at the earliest moment I can get an opportunity; and I am resolved that this debate shall not be terminated without a refutation of the grave charges which the Senator from Delaware has preferred against the Administration. I ask in what sense the admission of Santa Anna was improper? Was not every Mexican then out of Mexico admitted into that country, if he desired to return? You had a blockade against the admission of munitions of war and merchandise, but had you any blockade against individuals? Every Mexican, Frenchman, Spaniard, and citizen of every other nation upon earth, was permitted to enter that country. Will the Senator take the position, that whilst every other individual belonging to the Mexican nation was permitted to reënter Mexico, Santa Anna should not have been permitted? I rather agree with the Senator from Mississippi, in relation to this matter, that we should let them have the men they wanted to command their armies—any general they chose to select—that we might fight their best men. I much prefer that we can say we defeated their best general in every field, and that they cannot now say, had Santa Anna been there, we could not have done it.

But, sir, there is another reason why I fully justify that act. I believe that it was not a blunder, but one of the wisest and most politic measures that has been adopted by the Administration in the prosecution of this war. I know that the time has not come for the development of all the facts, but enough has been disclosed to convince me of the policy of that act. We all know that Paredes was then at the head of the Mexican Government, and that he obtained that position in consequence of an avowed hostility to the United States; that he represented the monarchical party, and that his success would have been the success of monarchical principles. They had thrust Herrera out for no other reason than that he desired to make peace with us. We know, also, from the best information, that Paredes was at the head of an army raised by himself—an army which he was able to pay every week, or every day, if necessary, in British gold, when at the same time he himself was known to be a bankrupt without a dollar. We know, upon the authority of British newspapers, that it was announced that the admission of Santa Anna and the expulsion of Paredes was the estoppel of a great movement in Mexico. We all recollect the tirade of abuse poured out in the Times and the Journal des Debats, of London and Paris, against Santa Anna, for preventing the consummation of this movement. What was this movement? It was, as I have said, got up for the purpose of establishing a monarchy in Mexico. Whether Santa Anna was there or not, there was to be war. If Paredes had continued at the head of affairs, you would have been engaged in a war backed by Europe; if Santa Anna was elevated to the chief authority, you would have a war under the direction of a man who could look for no sympathy beyond the limits of Mexico. There was the difference. The time will come when the veil will be removed, and it will then be seen that the admission of Santa Anna was one of the wisest movements in the whole conduct of the war.

A word in relation to another charge brought against the Administration, which is, the withdrawing the forces from General Taylor, just before the battle of Buena Vista. Does the Senator expect that that charge will go forth to the world, with our silent acquiescence? Does he not know that the Administration did not withdraw a man from General Taylor—that the troops were withdrawn by General Scott himself, of his own volition, without any directions from the Administration? The Administration had no more to do with that measure than I had, if I am correctly informed. My recollection is distinct that General Scott had discretionary power, and that this was his act, and not the act of the Administration. Whenever any credit is to be claimed, the honorable Senator is ready enough to claim the credit for the generals employed in Mexico; but wherever blame is to be attached, he is as ready to throw it upon the Administration.

Again, sir, as to the charge of not supplying General Scott with sufficient force. This is the first time that I have heard such a complaint. I know of one fact in regard to that campaign, in which, however, I ground no complant—and it is this: General Scott discharged several thousand volunteers at Jalapa, long before their time of service expired, and then proceeded to Perote and Puebla, with the remainder of his troops. I know that he sent home two regiments from my own State, months before their term of service expired; and I now find it certainly very difficult to comprehend how it is that General Scott would have sent back these troops, who had distinguished themselves in the field, if he was in need of them, and could not have got along without them.

Now, a word or two upon this question of robbery. The honorable Senator from Delaware perseveres in his attempt to fix upon the supporters of this war his old charge of robbery, and repeats the parallel he has drawn before between this and

the case of highway robbery. This charge, let us recollect, is urged by a Senator who has voted for the war from the beginning. He has voted for every war measure, I believe, but he says he turned against it as soon as he found it was a war of conquest. Pray, how did he make that discovery? Did he find it in the President's message? If so, he had better examine the message again. The President informed us in his message of last session, that he had taken possession of California and New Mexico; and recommended that provision be made for the establishment of civil government in those conquered provinces. He had better refer again to the message asking for the appropriation of three millions of dollars. Why did the President ask for that appropriation? He referred you to the case of the acquisition of Louisiana, in which money was required to be paid in advance, and also to the case of the purchase of Florida; and after referring to these cases, illustrative of the grounds upon which he recommended the appropriation, he asked for three millions of dollars. Now, was not the demand of the Executive a clear notice of the intention of the Administration to receive territory as a consequence of the prosecution of this war? and not only to receive territory, but to receive sufficient for indemnity, as well for the claims due to our citizens, as for all the expenses of the war? These facts were before us at the last session. Every Senator knew them; and the war bills were voted for, at the last session, with a full knowledge of these facts. Still we are told, that because it is proposed to receive territory as indemnity, therefore it is a war of aggression. I repeat, that it has been well known—it has been proclaimed in both Houses from the beginning—that the war was to bring territory as compensation or indemnity. I undertake to say, that I do not believe there is a Senator on this floor, nor a human being within the sound of my voice, who did not know the fact that it was intended, from the time the war commenced, that territory was to be acquired. And yet, though we all knew this—though the President told us so—though he asked for money to pay the first instalment in compensation for the territory so acquired, yet the changes are still rung on the charge that it has recently become a war of conquest.

The war was forced on us by Mexico. It was just on our part, aggressive on hers. We tried to avoid it, and to settle the difficulty by negotiation. Mexico made the attack; we repelled that attack, and carried the war into the enemy's country, with a view of getting "indemnity for the past" and, if you please, "security for the future"—security that they never would commence war upon us again.

Mr. CLAYTON. Did you get that security in the treaty?

Mr. DOUGLAS. When the gentleman will show me a treaty of peace, I will examine it, and tell him whether we have that security. But I am unable to comprehend upon what ground he affirms the immorality of this war. Such a charge, coming from a gentleman who has supported it from the beginning—who voted for it, who did not vote for it ignorantly, who knew at the time the war was declared that the Mexicans had attacked a detachment of our army—is to say the least of it, very singular. The war was voted with a full knowledge of these facts. I have looked, sir, into the debate—indeed, I was present at the time that vote was given—and I was not able to find a man who doubted the propriety of that declaration, provided that the attack upon our troops was an authorized one. The Democratic Senators were asked to pause, in order to see whether the attack had been authorized by the Mexican Government. And it was at that time that the honorable Senator from South Carolina drew his memorable and novel distinction between hostilities and a state of war. The objection to the preamble was, that it was doubtful whether war existed. Still we are told that Senators have now found out, for the first time, that it is a war of conquest!

Mr. BAGBY. I move that the Senate adjourn.

SEVERAL SENATORS. Oh, no.

Mr. BAGBY. I will withdraw the motion provided this debate ceases; but I cannot consent to expose my health, night after night, by sitting under the influence of this gas, listening to a debate which has been already exhausted.

Mr. CAMERON. I came here this morning determined to sit out the discussion.

PRESIDING OFFICER. The question is on adjournment.

The question was then taken, with the following result: Ayes 22, noes 26.

So the Senate refused to adjourn.

Mr. JOHNSON, of Louisiana, then submitted the following motion: To recommit the bill to the Committee on Naval Affairs, with instructions to amend it by inserting at the end thereof the following:

"*Provided, however*, That the President shall not be authorized to nominate or appoint any officer, or to do any other act in the execution of this act, until it shall be satisfactorily ascertained that the pending negotiations with Mexico for securing a peace with that country by treaty have failed."

On this motion the yeas and nays were demanded, and were taken, with the following result:

YEAS—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis of Massachusetts, Dayton, Greene, Hale, Johnson of Louisiana, Mangum, Phelps, Underwood, Upham, and Webster—20.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Bradbury, Breese, Cameron, Cass, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson of Georgia, Lewis, Mason, Moor, Niles, Sturgeon, Turney, Westcott, and Yulee—28.

The motion was therefore not agreed to; and the question recurred on the passage of the bill.

Mr. JOHNSON, of Louisiana. Had the question been taken upon this bill before any proceedings took place upon the treaty, I should have voted for it; and had the amendment which I had the honor to offer to-day been adopted, I should have voted for it; but I think that, after the occurrences which have recently taken place, the matter is totally changed. A treaty has been agreed upon, and a commissioner has been sent to Mexico, and we have reason to believe that the treaty will be ratified. These forces, therefore, will never be called into the field. The amendment which I offered was intended to prevent the President from appointing these four or five hundred officers, and raising the troops until actually required to be called into the field, which may never be the case, and thereby to save a useless expense of two or three millions of dollars. Under the present circumstances, I cannot reconcile it with my sense of duty to vote for this bill.

I have heretofore voted for all measures for the vigorous prosecution of the war, but the aspect of affairs is now materially changed. I would still have voted for the bill, however, if my amendment had prevailed, or if I could have had an assurance from the chairman of the Committee on Military Affairs, that the President would not make these appointments until they were actually required. We have every reason to suppose that the treaty will be ratified, and, besides, that the power now exists to fill up the old regiments. I much regret the situation in which I am placed, in regard to this bill, but not having the assurances to which I have alluded, I cannot give my vote for its passage.

Mr. BUTLER. I am very far from submitting to those who have made an arbitrary rule for deciding this matter without debate, and I now take leave to ask of the chairman of the Committee on Military Affairs, certain questions to which I expect to receive answers.

Mr. CASS. I do not feel disposed to answer questions.

Mr. BUTLER. Well, if the Senator is not able to answer the questions——

Mr. FOOTE. I hope the honorable Senator will ask me the questions that he proposes to ask.

Mr. BUTLER. I intend to ask them.

Mr. FOOTE. If the Senator from Michigan does not, I will answer the questions for the Senator.

Mr. BUTLER. I fear my friend will answer them too well. I ask the chairman of the Committee on Military Affairs, whether it is the intention of the President, if this bill passes, immediately to appoint the officers?

Mr. CASS. I have not the least objection to answer the question. I do not know.

Mr. BUTLER. That is not a very definite answer?

Mr. FOOTE. If the honorable Senator will allow me to answer him, I will remind him that the Senator from Ohio, on the day before yesterday, in anticipation of all such questions, declared that, if there was a prospect of peace, the troops would not march, and if there was a prospect of war, they would.

Mr. BUTLER. I am not answered yet. The Senator from Michigan knows nothing on the subject?

Mr. CASS. I will observe, that I some time ago had a conversation with the President respecting the proposition to make this bill not absolute, but discretionary—allowing him to determine whether the force should be raised or not. He thought the suggestion a proper one.

Mr. BUTLER. I believe that the Senator has answered the inquiry in a kind spirit, although the answer does not altogether satisfy me of the propriety of passing this bill; I am willing, however, to leave it with the House of Representatives to determine. But I must ask another question. Is it the intention of the President to appoint any general officers under this bill, as was done under the bill of last year?

Mr. CASS. This bill does not provide for them.

Mr. BUTLER. I do not say they were appointed under the provisions of *that* bill, but there were general officers appointed—two brigadier-generals and four major-generals. I only inquire the opinion of the Senator as a military man.

Mr. CASS. The Senator is entirely welcome to my individual opinion.

Mr. BUTLER. I ask the honorable Senator from Michigan, as the organ of the Administration, whether it is the purpose to add other general officers to those already appointed, for the purpose of fulfilling what we must suppose to be the demands of the service.

Mr. CASS. I do not know; but it is my private opinion, that additional general officers will not be wanted.

Mr. BUTLER. I believe the honorable Senator has answered fairly. He says he does not know whether it be the intention of the President to appoint these officers immediately or not.

Mr. FOOTE. Will the honorable Senator indulge me a moment? I have had no confidential communication on the subject, yet I feel authorized to state one fact.

Mr. BUTLER. What is that?

Mr. FOOTE. There was a meeting of the members of this body who are favorable to the passage of this bill, and the understanding arrived at was that there was to be no appointments made, unless there was an actual necessity for the troops to be despatched to the field; and I do hope that that meeting, caucus, or whatever it may be called, will unite in enforcing upon the President this determination.

Mr. BUTLER. These are assurances which in some measure relieve me from the apprehensions which I have entertained. I could have preferred, however, that the bill should have been recommitted, and a clause embracing such a provision introduced as a proviso to the bill. A majority here, however, has declined to recommit the bill with a view to amend it, and we must therefore take it, I suppose, according to the provision it contains, and pass it, subject to the discretion of the President. There are contingencies under which I would put these troops at the disposal of the President unhesitatingly, for even if it be determined to withdraw the army to a line of defence, I am strongly inclined to the opinion that the number of troops that we have in Mexico at present is not sufficient. It appeared to me to be a criminal disregard of human life, to send only about ten thousand men under General Scott to invade an empire, with a population of eight millions. I thought it criminal, sir, a rash reliance upon the gallantry, skill, and patriotism of our citizen soldiers, which no government on earth had a right to expect from its people. Success, however, has vindicated the course of the Administration; success, I repeat, has vindicated the act, and averted the force of that indignation which would, had the result been otherwise, have deservedly fallen upon the Administration. But whether that success depended on the wisdom of the measures which they devised, or upon the gallantry and intrepidity of the officers and men who performed the work, is a question which I leave to others to determine.

Mr. CLAYTON. A few words in reply to the Senator from Illinois. He has undertaken to defend the conduct of the President in admitting Santa Anna into Mexico: first, upon an allegation of his own, that, at that time, it was customary to admit Mexicans into Mexico without any restriction. Sir, this is new to me. I do not believe it. It is

impossible that, *flagrante bello*—after war was declared—there could have been a standing order for their admission. Does the gentleman mean that?

Mr. DOUGLAS. I mean only what I said. I said not a word about orders; but I ask the gentleman to show me an order prohibiting the entrance of Mexicans into that country even after the commencement of the war. What I said was, that there was a blockade against the introduction of munitions of war, merchandise, &c., but not against individuals; and I refer the gentleman to the fact that there was continual passing and repassing between Cuba and Mexico.

Mr. CLAYTON. Well, now, what answer is that? Why was a pass given, if every one had a right to enter the country? And whoever heard before that, *flagrante bello*, any and every person might pass. Sir, the construction put upon the matter by the President was the right one; if it were necessary for Santa Anna to enter Mexico, it was necessary for the Secretary of the Navy to give him a pass.

The gentleman will recollect the great noise that was made by our Government in consequence of Paredes being smuggled into Mexico in an English vessel. I do not choose to dwell upon this. But the gentleman says (and it is the first time I ever heard it) that the President did a most praiseworthy thing in passing Santa Anna into Mexico, because, at that time, Paredes was at the head of a monarchical party, and that the admission of Santa Anna was the means of displacing him. Why, what manner of reasoning is that? Did the President prefer to go to war with a republican party instead of a monarchical one? Do our republican institutions teach us such doctrines as these? If Paredes was at the head of the monarchical party, he was the very man for us to put down. With regard to the employment of British gold, I undertake to say, that if such had really been the case, and the fact had become known in this country, it would have had the effect of uniting the people as one man. The President would have required no better circumstance than that a foreign government was sustaining the Mexicans to enable him to procure the instant and unreserved coöperation of every man in the country.

But to come to the real merits of the case. Who ever heard before that Paredes would have been a more formidable antagonist than Santa Anna? Does any man suppose that forty such as Paredes could have rallied as great a force as Santa Anna? He could collect thousands where others would fail to collect hundreds. But I must advert briefly to one or two other points in reference to which the Senator from Illinois has spoken. I have complained that the troops under General Taylor's command were withdrawn in the face of an enemy of four times their number, thus jeoparding his safety, and compelling him to fight against vastly superior numbers. I complained that that withdrawal was an act of the Administration. The gentleman tells me in reply that the Administration is not censurable for this, but that General Scott is alone answerable. And in proof of his position, the honorable Senator tells me that he has seen nothing in the public prints to justify the charge that the War Department or the Administration had done more than appoint General Scott general-in-chief over the army; giving him the general power to act in this matter as he pleased. Now, I imagine that if there was nothing more, if the Administration gave him this general power, the Administration is responsible for his acts. The honorable Senator cannot screen the Administration by any ingenuity of his from censure, if censure is to fall anywhere, because General Scott, in pursuance of power expressly conferred upon him, ordered the withdrawal. But I think that the honorable Senator will find, by reference to the documents, that the facts are, that the Administration distinctly understood, before General Scott went to Mexico, that he was to do this, and that it was indispensably necessary to his success in that great campaign which he was to wage. Where was he to get an army sufficient for the purpose which he had to accomplish? How could he have avoided doing this? Is it supposed that he was to go without these troops; was this idea entertained by the Secretary of War? No; I make no such accusation. And does any man doubt that the whole plan of the campaign was settled here? Does any man doubt that before General Scott left this city it was perfectly understood that he was to receive from General Taylor the forces with which he was to capture Vera Cruz. I do not charge upon the Administration the absurdity of ordering Gen. Scott to take Vera Cruz without troops.

The honorable Senator also condescends to reply to another part of my remarks. I have said that General Scott complained that he was left a long time without sufficient troops at Puebla. This the honorable Senator tells me cannot be so, because General Scott discharged a great number of volunteers before their term of service expired; thus proving that he had sufficient force to enable him to take the city of Mexico without them. Now, I believe everybody knows the reason why he discharged these volunteers. They were men whose term of service had nearly expired, and it would have expired before they could possibly be made serviceable, and they had refused to reënlist. He informs the Government that he found it would be better, under such circumstances, to save the trouble and expense of feeding them any longer, by allowing them to go home; but, at that moment, their services and the services of many more were requisite, in order to carry on the war with success.

Next, the Senator from Illinois tells me that I must stop complaining that this war is a war of aggression and conquest, because, forsooth, he says I voted for the war, and for supplies after the war was begun. I thought that everybody here—and the honorable Senator says he was present in the Chamber at the time the vote was given—I thought that everybody who heard that vote, distinctly understood my position. We had debated the bill from day to day, denying the truth of the preamble, and insisting on striking out that which we did not believe. If the Senator was here, he heard us on this side implore Senators on the other side to permit us to divide the bill from the preamble declaring the war, and heard, when at last the vote was given, many Senators give their votes in these words: "Aye, without the preamble." He must have known, also, that we not only denied the truth of the preamble, but all appealed to the justice and magnanimity of gentlemen on the other side to permit us to divide the bill, so as to vote for the supplies, which we believed to be necessary to rescue our army, without voting a proposition declaring war to exist by the act of Mexico, which we did not believe. Under these circumstances it was that we voted fifty thousand men and ten millions of dollars supplies to our army in peril. But does not the honorable Senator, if he was present, well remember, that after our appeal to the other side, Senators on that side rose and said to us, "We agree that you shall protest against the preamble, and you may enter your protest upon the Journal of the Senate; at any rate, you shall be understood as voting for the supplies." The Senator from Missouri and the Senator from Mississippi, (the lamented Mr. SPEIGHT) came forward and publicly entered into this understanding with us. Let the honorable Senator look back to the debate of that day; it will speak for itself, however loosely and lamely it may have been reported, as I recollect was the case with the remarks which I then made. In regard to supplies, I have always voted for them, and have differed in this respect from some of my friends, on this side, whom I have endeavored to induce to take the same view that I did. And even now I would vote all necessary supplies. I am as anxious to sustain the honor of the army as any man; but the new position which the President takes, and which the honorable Senator denies to be a new position, puts it out of my power to vote for this bill. The Senator says that the same position existed formerly. I am surprised! Why, it was declared by the President on all former occasions that it was not the purpose of the Administration to make this a war of conquest. Had I not a right to believe this? But the gentleman says that the three-million bill indicated conquest. Sir, there is nothing like it; there is nothing about territory in that bill; it is an appropriation of three millions of dollars to effect a speedy and honorable peace: that is the language of the bill; it is not stated that the object was to acquire territory by conquest. No, sir, it was not announced until the commencement of this session that territory was to be acquired by any such means.

I regret the necessity for troubling the Senate so long, for I know that the patience of Senators is exhausted; but I desire now to make one remark upon the merits of the bill. We are now, if we pass this and the volunteer bill, to send thirty thousand men to Mexico, in addition to those already there; and this large army is to be raised during an armistice with a country with which we have been treating, towards whom we have been holding out an idea that we desire peace. What will be the effect of such a measure upon them? What would be the effect upon any nation in Christendom, which, when negotiating with another nation, should see that nation deliberately raising thirty thousand more troops? Would not such a raising of troops, pending an armistice, occasion the immediate breaking up of all negotiations? It would be looked upon as a deliberate insult; it would be regarded as an attempt to accomplish that by bravado—by menace—which could not be obtained by argument and fair discussion.

Mr. FOOTE. I would ask whether it was not a Whig Senator who declared that it was our duty to advance with the sword in one hand, and the olive branch in the other?

Mr. CLAYTON. The gentleman who made that declaration is well able to answer for himself. I thank the Senate for the patience with which they have heard the remarks which I thought it necessary to submit.

Mr. CRITTENDEN. As the honorable Senator from Mississippi has alluded to me, I will, with the permission of the Senate, remark, that I did say that I believed this war was regarded as a lamentable and deplorable war, even by those who considered it justifiable and warrantable, and that I thought it would be highly becoming in this republic to adopt a course characterized by magnanimity, and to offer, after every blow that might be struck, terms of peace. I never found fault with too much solicitude to make peace.

Mr. DOUGLAS. The Senate need not be apprehensive that I shall detain them long. I wish merely to say, that it is true that the honorable Senator from Delaware protested against the preamble to the bill; but the debate shows—and I have read it recently—that the ground of the protest was, that they did not believe that war existed at all, it being doubtful whether Mexico had authorized the attack which had been made by the Mexican troops upon our army.

Mr. CLAYTON. I beg leave to say, that the Senator is entirely mistaken, as he will find by inquiring of any Senator who was in this Chamber at the time war was declared.

Mr. DOUGLAS. Well, I leave it there. Now, in regard to General Scott sending home the volunteers whom he discharged, previous to the expiration of their period of service, I did not say that he had enough of force, for I do not know the fact; but I do know that he sent them back, and I know they refused to re-volunteer; and why? Because they were required to re-volunteer for the war, instead of for the expedition to the city of Mexico. Now, in regard to withdrawing the troops from General Taylor, I fear the honorable Senator will not only find it difficult to-night, but at any time hereafter, to show that it was the act of the Administration, or that the Administration ordered General Scott to withdraw them. On the contrary, General Scott, being the superior officer in command, took the responsibility of withdrawing those troops. And now, as to the question where he was to get troops if he did not take those. Before the battle of Monterey, General Taylor had something like sixteen thousand troops; of these he left at least two-thirds inactive, whilst he proceeded to capture the town of Monterey with the remainder. General Scott went down to Mexico as commander-in-chief of the army; and the withdrawal of those troops was his act. If the gentleman supposed it would reflect any glory upon General Scott, he would have attributed the act to him, there is no doubt. But here is the difficulty. General Scott and General Taylor must both be praised and exalted at the expense of the Administration. Their faults, if any there be, must be charged upon the Administration, whilst the merit of their proceedings in the prosecution of the war rests wholly with themselves. One general rule must be played off against the other for political purposes, and the Administration be made responsible for their blunders, if there be any, in this Presidential campaign. If gentlemen can succeed in this game, I have no doubt they will make considerable political capital.

Mr. UNDERWOOD. I desire, in justice to General Scott, to state a fact, and to ask the Sena-

tor from Illinois if it be not so. If I am correctly informed, the time of service of these volunteers would have expired in a month and a half or thereabouts. Does the Senator know the time when these troops would have been discharged by the terms of their enlistment?

Mr. DOUGLAS. I do not know precisely, but I am under the impression that their time would have expired in July. I know this, however, that the men were willing to go on to the city of Mexico.

Mr. CLAYTON. What authority had General Scott to enlist these troops for six weeks, or till they entered Mexico?

Mr. DOUGLAS. None at all; but the Senator will perceive that my position remains altogether untouched. I have shown that General Scott, on his own authority, voluntarily discharged these troops at the very time when the Senator represents him as being compelled to weaken General Taylor's column in consequence of not receiving reinforcements from the War Department.

Mr. NILES. I rise, sir, to thank the gentlemen who have occupied the attention of the Senate this evening. The subject is so entirely fresh and novel that I might have voted with a great deal of difficulty had it not been for the able arguments which we have heard this evening, by which I have been so much enlightened, that I think I can now vote with a tolerably safe conscience! Now, if I receive an answer to one question which I desire to ask I shall be entirely satisfied. I do not know what Senator I had better ask; perhaps the honorable Senator from Delaware will do as well as any other. I inquire, then, whether in his conscience he believes it is the destiny of this country, ultimately, to swallow all Mexico or not?

Mr. CLAYTON, (jocularly.) It depends upon what the people shall do at the Presidential election next fall. That election will answer the Senator fully. Let him wait till that event.

Mr. CASS demanded the yeas and nays on the passage of the bill, which were ordered and taken, with the following result:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Bradbury, Breese, Butler, Cameron, Cass, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson of Georgia, Lewis, Mason, Moor, Niles, Sturgeon, Turney, Westcott, and Yulee—29.

NAYS—Messrs. Badger, Baldwin, Bell, Berrien, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis of Massachusetts, Dayton, Greene, Hale, Johnson of Louisiana, Mangum, Phelps, Underwood, Upham, and Webster—19.

So it was

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 18, 1848.

The Journal of yesterday was read and approved.

Mr. HUNT rose and said: Mr. Speaker, I rise to discharge a mournful and unwelcome duty. Upon me has been devolved the melancholy task of announcing to the House that JOHN M. HOLLEY, one of the Representatives of the State of New York, has departed this life. He died at Jacksonville, in Florida, on the 8th instant, after a protracted illness, which he endured with calmness and Christian resignation.

I feel the inadequacy of language to express the grief with which I am penetrated by this afflicting event. The nation has lost one of her noblest sons, and the public councils are deprived of the services of a pure patriot and a wise statesman. The estimation in which his virtues were held by the people of the State to which he belonged forms, of itself, the highest eulogium upon his character.

Mr. HOLLEY was a native of Salisbury, in Connecticut, where he was born in November, 1802. He graduated with distinguished honors at Yale College, in 1822, and, after pursuing a course of legal study under the ablest masters of the law, he was admitted to the New York bar in 1825, and commenced practice the next year at Lyons, in Western New York, where he has ever since resided. His learning, capacity, and integrity, soon placed him in the front rank of his profession. To a mind at once brilliant and solid, he united those generous qualities of the heart which attract the love and confidence of mankind. Popular honors were showered upon him, and, during his whole career, he enjoyed the most gratifying demonstrations of public regard. In various stations of public trust he exemplified the remark that official elevation is made truly illustrious by the personal worth and fidelity of the incumbent. In the Legislature of his State he gained a high reputation for eloquence and ability. Ever firm and unyielding in the assertion of what he deemed to be the truth and the right, always fearless and bold in the expression of his convictions, yet the ingenuous candor of his spirit disarmed hostility by winning the admiration and friendship of political opponents. Whilst he had no personal enemies, no man could boast a more devoted "troop of friends." He belonged to a family distinguished for patriotism and public spirit. The circle of his nearer kinsmen embraced several names whose public services illustrate the annals of our State; among them, Myron Holley and Peter B. Porter, the compeers of De Witt Clinton.

At the Congressional election in November, 1846, Mr. HOLLEY was elected to the 30th Congress by the district composed of Wayne and Seneca counties. At the time of his election he was in the pride of manhood, enjoying the fullest degree of health and vigor. Perhaps few of us could have anticipated with so much confidence a long life of honorable usefulness. His numerous friends looked to him with pride and hope, assured by his previous career that he would speedily reach a distinguished eminence in the councils of his country. Had it pleased an all-wise Providence to spare the life of our departed friend, none who knew him can doubt that he would have held a place in the first rank among the most conspicuous and useful members of this body. But his melancholy fate reminds us of the instability of worldly honors, and the vanity of our fondest hopes.

A few months after his election he was suddenly prostrated by an attack of apoplexy. His strong constitution withstood the shock, and he gradually regained his health, until his complaint assumed a new form, and terminated in a pulmonary disease which proved fatal.

He came to the Capitol at the opening of the present session, hoping for a gradual restoration of health which should enable him to discharge his public duties. But he was advised to seek a milder climate, and soon proceeded to Florida, intending to spend the winter there, and resume his place upon the return of spring. His devoted wife accompanied him on his journey. She was ever by his side, "a ministering angel," to cheer and solace his sinking spirit, till she closed his eyes in death.

It is gratifying to know that he was sustained in the last trying hour by a firm Christian faith and devout submission to the Divine will. In writing to a friend, the day before his death, he said, "With hopes of earthly fame or distinction I have done; I seek those better things to which the humblest votary may aspire." He had evidently withdrawn his thoughts from "the competitions, factions, and debates of mankind," to contemplate the higher concerns of that immortal existence upon which he now has entered.

Mr. Speaker, in the community where our lamented colleague had dwelt so long, the intelligence of his death will be received with the deepest sorrow. Universally beloved while living, his loss will be universally mourned; whilst the memory of his manly graces and virtues will be fondly cherished by all who knew him.

I dare not trust myself to speak of the domestic circle which is made desolate, and the hallowed ties which are sundered by this afflictive dispensation. Would that we might impart consolation to the bereaved family by the expression of our affectionate sympathy and condolence! May they be sustained and comforted by the protecting power of that Supreme Being whose merciful promise it is to be the widow's friend and "a father to the fatherless."

In conclusion, Mr. Speaker, I offer the following resolutions:

Resolved, That this House has heard, with deep sensibility, the announciation of the death of the Hon. JOHN M. HOLLEY, a member from the State of New York.

Resolved, That this House tenders to the relatives of the deceased the expression of its sympathy on this affecting event, and, as a testimony of respect for the memory of the deceased, the members and officers of the House will go into mourning by wearing crape on the left arm for thirty days.

Resolved, That, as a further mark of respect for the memory of the deceased, this House do now adjourn.

And then the House adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

By Mr. C. E. STUART: The memorial of the members of the Legislature of the State of Michigan, for a mail route from Battle creek, in the county of Calhoun, to Michigan, the seat of Government of said State.

By Mr. S. LAWRENCE: The memorial of 120 citizens of Ontario county, New York, against the renewal of the patent of Jethro Wood for his iron plough.

By Mr. PUTNAM: The concurrent resolutions of the Legislature of New York, against any such change in the "act concerning pilots" as tended to destroy or diminish the competition now existing.

By Mr. EVANS, of Maryland: The petition of Adam Whann.

By Mr. CHAPMAN: The petition of George W. Biscoe, of Maryland, for compensation for property destroyed by the British forces in the war of 1812.

By Mr. PEASLEE: The petition of certain citizens of New Hampshire, against the renewal of Jethro Wood's patent.

By Mr. MANN: The petition of Henry Miller, of Westmoreland county, Pennsylvania, a soldier in the war of 1812 with Great Britain, praying for a pension.

By Mr. ROBINSON: The memorial of the legal representatives of John Jackson, pilot, asking for a pension for the loss of an arm in the action with the Serapis, promised him by the commander of the Bon Homme Richard, and sanctioned by a report and resolution of the Continental Congress.

By Mr. CONGER: The remonstrance of 60 citizens and farmers of Cortlandt county, New York, against the further extension of the patent of Jethro Wood for the cast-iron plough. Also, the affidavit of Jacob Sanders, jr., of Homer, New York, showing that he had paid four hundred dollars for the privilege of manufacturing Jethro Wood's cast-iron plough.

By Mr. BOWLIN: The petition of S. B. Aden, of St. Louis, praying Congress to so modify the post office laws as to place periodicals in their exchanges on the same footing as the newspapers—free of postage.

By Mr. McCLERNAND: The proceedings of a public meeting in Franklin county, Illinois, praying Congress to grant a quantity of land to assist in the completion of the Great Central railroad in that State.

By Mr. BOWLIN: The memorial of the corporate authorities and the villagers of the village of Carondelet, in Missouri, praying the confirmation of their commons according to official survey.

By Mr. TWEEDY: The petition of H. N. Wells and 25 others, members of the Legislative Assembly of Wisconsin, for the establishment of a mail route from Fond du Lac, via Hurmesville, on Fox river, to Plover Portage, on the Wisconsin river, in Wisconsin.

By Mr. GREEN: A petition for a pension to Mrs. Maria Hogue, widow of William G. Hogue, deceased, who died while in service in the Mexican War.

By Mr. CRANSTON: The petition of Jonathan Reynolds and others, praying the erection of buoys in Narraganset bay. Also, the petition of David Melville, administrator on the estate of Benjamin Fry, deceased. Also, the petition of Charles Bulfinch and others, praying that the title to certain lands in the Territory of Oregon may be confirmed.

By Mr. EMBREE: The petition of Samuel Humphreys, M. W. Rowe, and other citizens of Posey county, Indiana, praying for the enactment of such laws as will prevent land monopolies, &c.

By Mr. SMITH, of Illinois: The petition of Hiram Penoyer and 230 other citizens of Union and other counties, in Illinois, praying a grant of 20,000 acres of land to establish a seminary at Western Saratoga, in Union county, Illinois.

IN SENATE.

SATURDAY, *March* 18, 1848.

Mr. BREESE presented a document relating to the claim of Mr. E. Owen; which was referred to the Committee on Military Affairs.

On motion of Mr. ASHLEY, the Senate proceeded to the consideration of Executive business; and, after a short time, the doors were reopened.

Mr. BRADBURY withdrew his motion to reconsider the vote of concurrence in the amendments to the bill for the relief of the heirs of John Paul Jones.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to improve the harbor at Port Pontchartrain, in the State of Louisiana.

A message was received from the House of Representatives, announcing the death of the Hon. JOHN M. HOLLEY, a Representative from the State of New York; which having been read—

Mr. DICKINSON rose and addressed the Senate as follows:

This painful message, Mr. President, devolves on me the melancholy duty of paying a brief tribute to the virtues of the deceased, and of asking the Senate to unite in the customary ceremonials of respect for his memory. The fearful messenger Death has of late been no stranger in these Halls. Eight times during the present session have the members of this Congress been called to put on the habiliments of mourning. Eight times have we been thus significantly admonished of the futile tenure by which we hold life and earthly honors.

Three members of the Senate and five members of the House of Representatives since the last session of Congress—some at the meridian of manhood, and others full of years and honors—have been summoned to their final account. "The cup goes round, and who so artful as to put it by?"

JOHN M. HOLLEY, the lamented subject of this notice, was born at Salisbury, in the State of Connecticut, in November, 1802, and was educated at Yale, where he graduated with distinguished honors in 1822. Having chosen as his pursuit the legal profession, he spent one year in the celebrated law school of Mr. Gould, at Litchfield, in his native State, then removed to the State of New York, where he completed the usual course of preparatory studies, and was admitted to the bar in 1825. He soon after opened an office in the village of Lyons, in the county of Wayne, where he acquired an extensive practice, and where he continued to reside until the time of his death. Besides filling various local offices of dignity and trust, he was chosen to represent his county in the Assembly of his State in 1838, and again in 1841. In 1846, he was chosen to represent the 27th Congressional district, composed of the counties of Seneca and Wayne, in the Thirtieth Congress, and was, at the time of his election, in the enjoyment of health which gave promise of a long life of usefulness and honor. But, about one year since, he was struck suddenly down with a fit of pulmonary apoplexy, from which he never fully recovered. Being desirous to discharge with fidelity his representative obligations, at the commencement of the present session, though exceedingly feeble and infirm, he repaired to the Capitol, and took part in the organization of the House, and yielded reluctantly to the advice of his physicians and friends to seek relief in repose and a southern clime. Immediately after the opening of the session, he proceeded to Jacksonville, in the State of Florida, where the genial influences of the climate seemed to revive him for a season, and his friends were flattered with the hope of his recovery. But a sudden return of the disease brought with it a fatal termination, and he expired on the 8th instant. He died, conscious of the mighty change which awaited him, calm and resigned, in the hope of a glorious future. The companion of his life, who had accompanied him with that fidelity and affection known only to woman, was present at his bedside, to smooth his dying pillow, and close his eyes in death. She is now returning to her desolate home with all that is mortal of a beloved and faithful husband, to tell her children they are fatherless! Into that sanctuary of private grief I may not obtrude; for, alas, how impotent is all human consolation!

I had long known the deceased by reputation, and in 1838 was associated with him in the New York Legislature; and though in a different branch, I recollect full well how highly he was there esteemed by all who knew him. He was a citizen of pure morals and correct deportment, a successful and honorable member of the bar, a prudent and able legislator, and was especially beloved for his social and domestic virtues.

Thus lived and thus died JOHN M. HOLLEY, a member of the House of Representatives of the thirtieth Congress of the United States—cut off in the midst of his usefulness, leaving to his family, his friends, and his country, the priceless legacy of an unblemished name.

Mr. D. concluded by moving the usual resolutions; which having been adopted—

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 20, 1848.

The Journal of Saturday was read and approved.

Mr. SAWYER, by leave, introduced a bill, of which previous notice was given, to provide for bringing home to the United States the remains of the deceased officers and soldiers of our country who were killed in battle or who died in Mexico during the present war. The bill is as follows:

Whereas, by a recent treaty of peace agreed upon between this country and Mexico by the United States Senate, it is, among other things, stipulated and agreed, that the United States are to vacate all the territory south of the Rio Grande: and whereas, many of our gallant officers and soldiers, (volunteers and regulars,) in the hour of danger, rushed to the thickest of the battle-strife, and fought and fell in defence of their country's rights and honor: and whereas the voice of humanity, ever alive to human suffering, and ever active in commemorating the deeds of our country's defenders, makes a solemn appeal to us as representatives of that people for whom they offered up their lives, to see their remains rescued from their present inhospitable graves, and suitably honored with Christian burial, so that their remains may be protected by that flag for which they so nobly fought and died, and that their dust may repose in their own land and country: Therefore,

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized and required to appoint some suitable persons, not exceeding three, to proceed to Mexico so soon as he shall deem expedient, and cause the remains of the deceased officers and soldiers of the American army to be removed to some appropriate spot within the United States, and there interred in a manner commensurate with their high deserts as American patriots, and in a way appropriate to the nation.

SEC. 2. *Be it further enacted*, That the sum of fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to carry into full effect the provisions of this act.

Mr. SAWYER said he did not think it necessary to refer this bill to any standing committee of the House, but he thought it should go directly to the Committee of the Whole on the state of the Union, and that it should be made the special order for some particular day—say the 4th of July next.

This was a subject (he proceeded to remark) in which he felt a deep interest; and he thought, if it was understood by the House, there would be but little objection to the proposition which he made. He proposed by this bill to appropriate fifty thousand dollars for the purpose specified; and he had ascertained by calculation satisfactory to himself, that this sum would be amply sufficient. It was known that the remains of most of our officers and many of our soldiers who had fallen in Mexico, and who had wealthy friends, had been brought home at private expense; and in Ohio, and several other States, appropriations had been made out of the public funds, the treasure of the people, to bring home the remains of their deceased fellow-citizens who had surrendered up their lives in fighting the battles of their country. Now, Congress were spending money every day for purposes no more laudable.

The bill explained upon its face (he said) the objects which he had in view. In the first place, as he had remarked, most of our officers had been brought home and interred, some of them at the public expense of the States in which they resided, others at the expense of individuals; but there were hundreds of poor soldiers who had died fighting the battles of the country, and to protect that flag under which they fell. We had surrendered by the treaty a large portion of the territory we had conquered, or had given it back to the Mexicans, and he desired that this small pittance should be bestowed for the purpose of bringing home the balance of our soldiers, so that they might repose beneath the folds and under the stars and stripes of our own flag, which would be a guarantee to protect their dust from desecration. He had so little confidence in the Mexican character as to feel no surety but as soon as our army was withdrawn from that territory, the bones of our brave soldiers would be dug up and sold to the lampblack maker, if they pleased.

What protection should we provide for them? Were they not worthy of the honors contemplated in this bill? Let us send a vessel, and gather up the mouldering dust, the naked bones of as many as was possible. We could not get them all; but let us show our good disposition to do so; let the nations of the world know that we do it and pay for it from the public purse. Let their mortal remains be brought home to American soil, to be protected by the flag under which they fought and died. Where would we find a common grave for them? He would suggest that an appropriate one might be selected at or near the battle-field of New Orleans, and there they be interred with the bodies of those brave men who in former years fell under General Jackson, defending their country against the outrages of Great Britain. If a convenient one could not be found there, let them be taken to the banks of the Mississippi, near the residence of General Taylor, under whose command they died. That brave old soldier, he would warrant, would give a suitable place for their interment, where passers-by, up and down the Mississippi river, should look on their last resting-place; or they might be taken to Boston, to Bunker's Hill, to this Federal city, or to his own district—to Fort Defiance, where the bones and dust of many brave men lie, and there erect a suitable monument to commemorate their deeds of greatness and valor.

He had made these suggestions in order to call the attention of the House to the proposition. Let those gentlemen who were disposed vote against it. It would take probably fifty thousand dollars to carry out the objects of the bill. Now, what was that? It had cost probably twice as much to bury one individual—the distinguished statesman who had recently died in this Hall. That was all right. It was due to his character, as a tribute of respect to that great man. The appropriation he proposed was no less due to those men who had fought and died in Mexico, in defence of the rights and honor of their country. He hoped the motion he had made would be sustained.

Mr. HASKELL said the proposition of the gentleman from Ohio struck him very singularly. It might spring from the purest and best motives, and he should be sorry to intimate that the motives which had influenced him in bringing it in were other than those of a humane and generous character. But the proposition was so strange, so impracticable, so singular, that it seemed to him it must have had its origin in no other motive than that of a desire to make some political capital or influence some portion of the relatives of the fallen soldiers, and that the gentleman was not animated by those lofty and disinterested motives which the bill on its face would seem to indicate. Now, he (Mr. H.) was opposed to anything in the shape of humbuggery, come from wherever it might, from this side or from the other side of the House; and, regarding this as having its origin peculiarly in such a spirit, he should oppose it.

What could we do with these remains? How could we get them together? How could they be distinguished after we did get them together? They were a heap of undistinguished dust, sleeping in a mass of undistinguished graves. They slept everywhere, all over the country; and not only that, they were buried in the blue depths of the ocean, and had rolled down the turbid waters of the Rio Grande to the bosom of the Gulf. They slept in the chaparral, or were piled into graves by dozens at a time, all over the country, and they could never be distinguished. Better far do a more charitable thing than this bringing back the undistinguished bodies of the dead. If the gentleman wanted to do real service to humanity; if he wanted to benefit anybody; if he wished to bind up the broken heart, or pour consolation into the bosoms of the bereaved friends, let this money be devoted in the shape of pensions, to the relief of the widows and orphans of those who had fallen. If the purposes of philanthropy were to be subserved; if the objects of the gratitude of the country were to be advanced; if anything practicable was to be done, let them divert the money to a channel where it could be made useful, and where it could be practically appropriated.

Upon the battle-fields of Mexico our own dead slept, indiscriminately mixed with the dead of the enemy; and how would we know but we were bringing back the dead bodies of the enemy, to bedew them with the tears of the nation? How would we know but the bodies of some of the deadliest foemen who, in the secret chaparral, had thrown the lasso around the necks of some unwary soldier, would be placed here beneath a mausoleum, and watered with the tears of a nation's gratitude? The proposition was ridiculous, absurd. He yielded to no man in devotion to the patriotism and the noble feelings that carried our brave soldiers to the field of battle. He respected the memory of those who had fallen; he honored those who lived. They were his fellow-comrades, bound to him by the remembrance of common dangers, by all the ties that bound friend to friend. The boys with whom he had been brought up and educated; with whom he had gone out to the battle; whom he had commanded; those dearest to his bosom, slept there in one heap of undistinguished dust near that of those who slew them. Willing as he was that their remains should be brought back when they could be by private means, and where seasonable measures had been taken to secure and identify them, he was utterly opposed to this foolish and useless expenditure.

Mr. HARALSON remarked, that all proper honor and respect was due to the remains of those who had died in a foreign land beneath the flag of the United States. Such was his feeling. But it was unnecessary for him, at this time, further to state his opinion as to the proper course to be taken. He had risen for the purpose of stating to the House that this subject had been under the

consideration of the Committee on Military Affairs, and that they had directed the gentleman from South Carolina [Mr. BURT] to make a report to this House, in the shape of a resolution or resolutions. What its precise nature would be, he was not able to state; but it was sufficient for him to state that the subject was considered at the last meeting of the committee, and a report would soon be made to the House.

It would not be amiss, therefore, if this proposition, identified in some degree with the military operations of the country in their consequences, should be referred to the Committee on Military Affairs. That committee would soon make their report, and they would go as far as practicable to remove the remains to our own shores of those who had gallantly fell in a foreign land. In no spirit of hostility to the object proposed to be attained by the gentleman from Ohio, as far as it was practicable, but with a view to a more close and minute examination as to how far it was practicable to carry out the provisions of this bill, he would move, if it would take precedence of the other motion, to refer the bill to the Committee on Military Affairs.

The SPEAKER said, that under ordinary circumstances, the motion to refer to the Committee of the Whole on the state of the Union would have precedence over the motion of the gentleman from Georgia. But as this bill involved an appropriation, and must go to the Committee of the Whole on the state of the Union, the Chair would first put the motion to refer to the Committee on Military Affairs; and if that should not prevail, it would go to the Committee of the Whole on the state of the Union without a vote.

Mr. SAWYER said he had no objection that the House should make what disposition it pleased of the bill. He was charged by the honorable gentleman from Tennessee [Mr. HASKELL] with offering this bill as a humbug. It might perhaps be a humbug in the gentleman's estimation. But he assured the gentleman, and every member of this House, that he had introduced it for no such purpose, but with the best of motives. He did not understand the gentleman as charging him with doing it with the intention of humbugging, but that the gentleman himself considered it a humbug. He (Mr. S.) considered it not a humbug. He moved it with honest and genuine motives, and he was willing at any time to cast his vote for it, and to stand upon it before his constituents. He had no objection, if the House saw fit, to its going to a committee, if it were not to be smothered there. He wished the House to dispose of it as they pleased.

The question being taken, the bill was referred to the Committee on Military Affairs.

Mr. CLINGMAN asked leave to introduce the following resolution:

Resolved, That the President be requested to inform this House why the correspondence heretofore called for by the following resolution has not been furnished to the House:

"*Resolved*, That the President of the United States be requested to furnish to this House copies of all correspondence between the Secretary of War and Major General Scott, and between the Secretary of War and Major General Taylor, and between Major General Scott and N. P. Trist, late Commissioner of the United States to Mexico, and between the latter and the Secretary of State, which has not heretofore been published, and the publication of which may not be incompatible with the public interest."

The reception of the resolution being objected to—

Mr. CLINGMAN moved to suspend the rules; which motion was decided by yeas and nays: Yeas 84, nays 84.

Two-thirds not voting in the affirmative, the rules were not suspended.

BILLS INTRODUCED.

Mr. BROWN, of Mississippi, by leave, introduced bills, of which previous notice was given, of the following titles, viz:

A bill granting a quantity of land to the State of Mississippi for the purpose of improving the navigation of certain rivers in that State. Referred to the Committee on Public Lands.

A bill supplemental to an act to confirm the survey and location of claims for lands in the State of Mississippi east of the Pearl river and south of the 31st degree of north latitude, approved March 3, 1845. Referred to the Committee on Private Land Claims.

Mr. TWEEDY, by leave, introduced a bill, of which previous notice was given, viz:

A bill for the admission of the State of Wisconsin into the Union. Referred to the Committee on the Territories.

Mr. KELLOGG gave notice that he would introduce a bill of the following title: "An act declaring Whitehall, in the State of New York, a port of entry."

Mr. BROWN, of Mississippi, by general consent, offered the following resolution, which was read and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of graduating the price of the public lands according to the following rules, that is to say: lands that have been offered for five years and not sold, to be now offered at one dollar per acre; lands that have been offered for ten years and not sold, to be now offered at seventy-five cents per acre; and lands that have been offered for fifteen years and not sold, to be offered at fifty cents per acre; and hereafter at the end of every twelve months, reckoning from the 1st day of July, 1849, there shall be a further reduction of twelve and one-half cents per acre in the price of all public lands that have been on that day offered five years or more, and these rules shall be observed in disposing of lands hereafter to be offered; and all lands not sold within twelve months after the price is reduced to twelve and one-half cents per acre, shall be relinquished to the States within which they lie, respectively, for the purposes of education: *Provided*, That no fee or reward shall be paid by or accepted from any pupil for tuition at a school supported in whole or in part by the lands thus relinquished.

Mr. BROWN offered the following series of resolutions, which were read and agreed to:

Resolved, That the Clerk of this House be, and he is hereby, instructed to send under his frank three copies of the printed report of the Commissioner of Patents for the year 1847 to the Governor of each State and Territory in the Union, for the use of such State or Territory, and two copies to the clerk of the county court of each county in the United States, for the use of the county; and hereafter, in all cases where an extra number of any document is ordered to be printed, it shall be the duty of the Clerk of the House of Representatives, unless otherwise ordered by the House, to transmit said document to the States and counties as is herein directed; and to this end he shall reserve from the first copies delivered by the printer a sufficient number to supply the demands of this resolution.

Resolved, That it shall be the duty of the Clerk, before he sends the documents above referred to, to have the same well bound.

On motion of Mr. WENTWORTH,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of graduating the rate of newspaper postage according to the number of miles over which they are transported; also, into the expediency of restoring to postmasters the privilege of receiving a certain number of newspapers free of postage.

On motion of Mr. WENTWORTH,

Resolved, That the Committee on Public Lands inquire into the expediency of providing by law that any landless citizen of the United States, or any other adult landless person, who will legally testify that he has taken the necessary steps to become a citizen, and intends to be so as soon as possible, may possess, by actual residence and cultivation, so long as he shall continue landless, and destitute of the means of purchasing land, a certain quantity of the public lands now remaining unsold and unclaimed under any of the preëmption laws of the United States, and thus secure every person a farm who is willing to dwell upon and cultivate it.

On motion of Mr. TWEEDY,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation at the present session for the prosecution of the harbor improvements at Potosi, Wisconsin Territory.

Mr. TWEEDY offered the following resolution; which was read, and laid over one day under the rule:

Resolved, That the Secretary of the Treasury be requested to inform this House what has been done by the accounting officers of the Treasury Department to carry into effect that section of the act of Congress, approved August 29, 1842, directing them to audit and settle the expenses of the Legislative Assembly of the Territory of Wisconsin not then closed and settled, and what steps, if any, have been taken to procure the settlement of said expenses by said officers, or to ascertain the amount thereof; what instructions, if any, have been given to the late or to the present Secretary of said Territory in reference to the settlement of said expenses; and what moneys, if any, have been intrusted to either of the said Secretaries for that purpose, and what disposition has been made and what account has been rendered of the same; and if any portion of such expenses have been settled and paid and the vouchers thereof received, when and by whom were the same paid, and what is the aggregate amount thereof; and that he especially be requested to inform this House what causes have prevented or delayed, or do now prevent or delay, the auditing and payment of that portion of said expenses still unsettled, and what things, if any, are necessary to be done on the part of the officers of said Territory now holding the vouchers for these expenses, in order to obtain the settlement and payment thereof without delay.

On motion of Mr. CROWELL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail-route from the town of Kinsman, in the county of Trumbull, to the city of Cleveland, in the county of Cuyahoga, in the State of Ohio.

On motion of Mr. FRENCH,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post-route from Winchester, in Clarke county, in Kentucky, via Reuben Rucker's, Walter Gonde's, and the mouth of Woodward's Creek, to Irvine, in Estell county; and also into the expediency of establishing a post-route from Kiddville, in Clarke county, Kentucky, to intersect the above named route at the said Gonde's.

Mr. M. HAMPTON presented certain resolutions from the Legislature of Pennsylvania, relative to Asa Whitney's plan for constructing a railroad from Lake Michigan to the Pacific Ocean. Referred to the Committee on Roads and Canals.

Mr. LUMPKIN presented resolutions of the Legislature of the State of Georgia, in favor of the establishment of a mail-route between Dalton and Dahlonega. Referred to the Committee on the Post Office and Post Roads.

Mr. LUMPKIN asked leave to present resolutions of the Democratic Convention held in Cocke county, Georgia, in relation to the war with Mexico. Mr. L. asked that the resolutions be read. Objected to.

Mr. LUMPKIN moved that the rules be suspended for the purpose of having the resolutions read. Disagreed to, two-thirds not voting in favor thereof.

The question was then put on granting leave to Mr. LUMPKIN to present the said resolutions, and it was decided in the negative.

Mr. McCLELLAND gave notice of his intention to ask leave, on some future day, to bring in a bill to provide for the issuing a land patent to Thomas B. Clark.

The SPEAKER laid before the House the following communication from the President of the United States:

WASHINGTON, *March* 20, 1848.

To the House of Representatives:

I transmit herewith reports of the Secretary of State and the Secretary of War, with the accompanying documents, in compliance with the resolution of the House of Representatives of the 7th February, 1848, requesting the President to communicate to that House "copies of all correspondence between the Secretary of War and Major 'General Scott, and between the Secretary of War and 'General Taylor, and between Major General Scott and 'N. P. Trist, late Commissioner of the United States to 'Mexico, and between the latter and the Secretary of State, 'which has not heretofore been published, and the publication of which may not be incompatible with the public 'interests."

JAMES K. POLK.

After some conversation between Mr. CLINGMAN and Mr. HOUSTON, of Alabama, as to the printing of an extra number of copies of the message and documents just read to the House—

Mr. HENLEY moved a resolution, instructing the Committee on Printing to inquire into the expediency of printing ten thousand copies extra of the message and accompanying documents this day received and read to the House.

The resolution was agreed to.

On motion of Mr. GOTT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to report a bill making newspapers free of postage within thirty miles of the place of publication, and within the county where the same are published.

On motion of Mr. TURNER,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of donating a portion of the public lands in the State of Illinois for the improvement of Rock river.

Mr. CROZIER offered the following resolution, which was read:

Resolved, That the Secretary of War report to this House the amount of money that has been collected at the different ports of Mexico, in consequence of the order from the War Department, issued in March last; and also what sums have been collected in the interior, under any orders issuing from any military commander; and that he cause a tabular statement to be made of the manner in which the same has been disbursed, similar to that required by the acts of the 21st of April, 1808, and March 3, 1809, of appropriations which have been made by law.

Mr. CROZIER moved that the rules be suspended for the purpose of acting on the resolution; which motion was decided by yeas and nays: Yeas 110, nays 65.

Two-thirds not voting in the affirmative, the rules were not suspended.

The resolution accordingly lies over, under the rule.

EXPENSES OF INDIAN DEPARTMENT.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROCKWELL, of Massachusetts, in the chair,) and proceeded to the consideration of the bill making appropriations for the current and contingent expenses of the Indian department, &c., for the year ending June 30, 1849.

The reading of the bill for information having been dispensed with, it was read by items for amendment.

Mr. SAWYER moved to amend the bill by adding, at the end of the first item, the following proviso:

"Provided that no money appropriated by the provisions of this act shall be applied for the education of Indian children, except for the support of schools within the territory of the various Indian tribes."

Mr. SAWYER said he felt himself constrained, by a sense of duty to the Indians, to the country, and to himself, to oppose certain things that had been going on in relation to this academy for a number of years—since 1825.

Mr. VINTON (Mr. S. yielding) suggested that at page six of the bill would be found an appropriation for the Choctaws, and that his colleague's amendment would more properly come in at that part of the bill.

Mr. SAWYER continued, and referred to House document on this subject of the session of 1841-42, to show that the amounts of money appropriated for the education of Indian children at this Choctaw academy (for there were there the children of various tribes, although it was called the Choctaw academy) since 1825, had been enormous, and they had gone into the hands of Colonel Johnson for his special benefit. It was with some degree of regret that he made the statement and proposed this amendment, for no man held Colonel Johnson in higher estimation than he. He found, on looking into the report, that about $290 per annum had been paid for every child taught in that academy. There was a plenty of public institutions in this country who would be glad to teach these children—to give them every particle of tuition they received at this Choctaw academy, for $50; and he wished to show the manner in which this thing had been done.

At the time the treaties were going on with the different tribes of Indians, the Choctaws particularly, the department here insisted on having a portion of their annuities appropriated to defraying the expenses of a certain number of children educated at the Choctaw academy. The Indians time and again refused. Colonel Johnson came on here from time to time and would insist on having one more year's appropriation. It had been granted, notwithstanding an article in the treaty that no portion of the money should be appropriated to the education of the Choctaw children at the academy. Look at the report of the Commissioner of Indian Affairs. He was decidedly opposed to further appropriations for this academy, and thought the Indians should be educated in their own nation. Now, if Congress did not prohibit it by law, this same process would be repeated. Some $10,000, or $15,000, or $20,000, had been expended annually, and had not done the Indians a dollar's worth of good. It had been expended—he said it here in his place—for the benefit of this man, who had established the academy, and not for the benefit of the Indians. Instead of its being necessary to pay this $289 or $290 per year for the education of a single Indian child, the War Department had written proposals before it to take them, clothe, board, and educate them, for $50 a year. But, as long as it was not expressly prohibited by law, Colonel Johnson would come on here, as he had done this year, and, in open violation of treaty stipulations, get this appropriation for his benefit. Since 1825 the document he held in his hand showed there had been expended at this single academy $474,000—almost half a million dollars—enough to educate every Indian child in the United States. By looking at the list of contingent expenses, it would be seen that each Indian child had to pay a certain sum for the use of the academy building. He ventured to say that Colonel Johnson had got paid in this way ten times over for this building; and yet a bill was now before the Senate making an appropriation to pay him for the building. He entered his solemn protest against this kind of proceeding; he cared not whether a personal or political friend was involved in it, as long as he held a seat on this floor he would expose it at all hazards. He made the statement from the book when he asserted that this gentleman had been coming here year by year for the last two or three years—notwithstanding there was a positive prohibition in the treaty, notwithstanding the Indians positively refused to treat with the provision in it that one of their children should go to that academy—and receiving his appropriation. And, furthermore, he ventured to say we had paid $10,000 more than we needed to have done, because certain individuals wanted to get this small annuity for Colonel Johnson's academy. He spoke from the book——

Mr. JOHNSON, of Arkansas, here interposed, and, the floor being yielded, with no little warmth and some harshness, repelled as false the charge of swindling and villany, if any such charge had been made, upon Colonel Johnson.

Mr. SAWYER (continuing) said he charged just what he had stated. He made no charge of swindling upon Colonel Johnson. He said there had been swindling going on; and he had stated that Colonel Johnson came here, and made his application, and had obtained his object; and that one of these treaties had cost $10,000 more than it would have cost had this appropriation been left out.

Some further conversation passed between Mr. SAWYER and Mr. JOHNSON; after which—

Mr. SAWYER (continuing) specified the contingent expenses charged for collecting the Indian children, bringing them to the academy, boarding on the way, &c., as those of which he particularly complained. Although he complained of the general extravagance of the appropriations connected with the Choctaw academy, he did not (he said) charge the Colonel with swindling; for probably he had done just what the gentleman from Arkansas and himself would have done—got a good bargain; but, after he had signed an agreement with Mr. T. Hartley Crawford, late Commissioner of Indian Affairs, that he would make no more applications, he had come on here two or three times since, and got this appropriation.

Mr. BOYD, the floor being yielded, explained, that although he had not examined into this matter particularly, he had understood the other day from the Secretary of War that there was a provision in the late treaty with the Choctaws, providing, that if the Indians should so elect, that school should be continued at the White Sulphur Springs, Kentucky; and, under that provision, the Secretary of War had issued his proclamation, that in case the Indians did so elect, the school should be so continued. That, he understood, was the provision of the treaty.

Mr. SAWYER (continuing) said that was the fact; and it was to this he had just been referring when he had said that one treaty cost $10,000 more than it need to have done, had not this provision been inserted.

Mr. VINTON said this subject had been brought under the investigation of the Committee of Ways and Means. The Commissioner of Indian Affairs had been examined by that committee. His statement, in substance, was, that with the exception of one tribe, (for there were several tribes whose children were placed in that school,) the Indians had all given notice that they would take their children home at the end of the now current year. The number of scholars in that school, he believed the Commissioner said, was about fifty; and after those had left who were to be taken at the end of the year, it would leave only some eight or ten who would remain, and the school would probably, therefore, be discontinued, as there would not be scholars enough left to justify keeping it up. That seemed to be the understanding of the Commissioner. Now, in that state of the case, of course the money provided for the Choctaws in this bill would, in conformity with the treaty, be expended on the Indians.

Mr. THOMPSON, of Mississippi, said he believed efforts had been made for the last four or five years to stop this institution. The subject had been for one or two sessions carefully examined, and he believed the gentleman from Ohio [Mr. VINTON] had given a correct version of the manner in which the institution was to be closed up. At the last session of Congress, the Committee on Indian Affairs had examined this matter with some care. Charges that savored somewhat of severity had been brought against the management of the institution; and he regretted very much that his friend from Ohio, who was generally very correct, should have allowed himself at this time to go into a repetition of the charges which came up then, and were examined by the committee. As far as they at that time examined the subject, this institution had been conducted with perfect propriety, so far as Colonel Johnson was concerned, and the exceptions taken were to the course of some of its teachers.

But, as this institution would be necessarily closed up, and as he did not understand that any appropriation was here made for it, but that it had heretofore been supported out of the contingent fund for the education of the Indian children, it was but just to Colonel Johnson and to the Government that he should briefly recur to its history.

Mr. SAWYER inquired (Mr. THOMPSON yielding) if he understood the gentleman from Mississippi to say that no appropriation was contained in the bill for this academy, and if this had not been the case for years?

Mr. THOMPSON replied that it had been sustained for two or three years, and he believed previously, out of the contingent fund for the purposes of education among the Indians. The present Commissioner of Indian Affairs, in the report to which the gentleman had referred, had expressed his opinion against the continuance of this academy, but yet had recommended no such provision of law as proposed by the gentleman from Ohio. None was necessary.

This academy (Mr. T. proceeded to say) had been of immense service to the Indians. It had been the first great means of introducing education among the Choctaws and among other tribes. Citizens had been there from all the various tribes, who had returned educated men; and he ventured to assert that, at this time, there was as high a standard of education in academies contained in the Choctaw nation as there was in many of the academies in the States. The teachers were educated at this Choctaw academy at the Great Crossings, Kentucky. Although it was now believed that the best system of educating the Indians was to connect with the cultivation of the mind instruction in the various mechanic and agricultural arts, and this by way of manual labor schools within the Indian territory, yet let justice be given to whom justice was due. It was perfectly evident that this academy had been of immense service; many of the chiefs of the various tribes were educated men, and had been educated there; and when we had induced Colonel Johnson to expend a large sum of money in building that academy, to withdraw all support from him suddenly would be unjust. He did not understand the gentleman from Ohio to charge swindling upon Colonel Johnson. He believed that a careful examination would show that there had been no impropriety on his part.

He thought we had much reason to congratulate ourselves that we were making so rapid progress in the advancement of education among the Indian tribes. For the last few years, by the action of the missionary, aided and assisted by the benevolent and liberal views of the department, institutions had been established among them upon the manual labor system, and had been the means of introducing among them not only religion and science, but a knowledge of all the industrial pursuits of civilized life, and many of the tribes now presented a state of improvement far above many of the States of Mexico. Our Indians upon our western frontiers were turning out annually men capable of filling any office—divines, and men of minds capable of distinguishing themselves upon any theatre of action.

This Choctaw academy was the foundation of all this improvement. It had not only given the spring to knowledge and science, but, by receiving the chiefs of the different tribes, had led to the formation of acquaintance and friendship, resulting in lasting harmony between them of incalculable value. Surely, then, we ought to have some grateful feelings not only to the man who established but to those who had conducted and maintained this institution.

But now that a disposition was manifested among the Indians to take their children home to be educated, he concurred in the policy of it. Let it be done in a liberal way. It would be done, he had reason to believe, without the adoption of this amendment, and he hoped that by this or any other action, they would not do anything which could be construed into an intimation that they were disposed to set at naught, cut off, or even reproach those who had heretofore sustained this institution.

Mr. McKAY said he was in favor of imposing a limitation upon the expenditure of the money appropriated by this bill for the purposes of education among the Indian tribes; but he would like to have the gentleman from Ohio modify his amendment, so that it should not apply exclusively to the Choctaw academy, but that it should provide that no money hereby appropriated for school purposes

should be expended elsewhere than within the Indian country. He was decidedly in favor of the principle of limiting the expenditure of this appropriation within the Indian territory.

Mr. SAWYER signified his willingness to modify his amendment in the manner suggested.

Mr. McKAY remarked that he had then but a single word to say in relation to this proposition. The gentleman from Mississippi was wholly mistaken when he said that the means heretofore expended at this academy had been taken from what was called the contingent fund. This was not so. There was no such fund, except a fund of $10,000, or under. There was a fund of $10,000 for what were called civilization purposes—for the purpose of civilizing the Indian tribes—a part of which had been applied to the purposes of education, but not the whole of it.

The report of the Commissioner of Indian Affairs (he said) showed that the Cherokees had appropriated out of their own funds $25,000, and were now engaged in building a large and substantial academy; the Choctaws had five seminaries, and there were several others scattered throughout the different tribes. By referring to this report of the Commissioner, gentlemen would find all these and other facts specifically stated.

He referred to the statement of Mr. VINTON, relative to Mr. Medill's communication to the Committee of Ways and Means; in which he had conveyed the idea that this Choctaw academy in Kentucky would close at the end of the present fiscal year. Arrangements had been made (he said) with Colonel Johnson, by which the operation of the school, so far as depended upon the appropriation of moneys by the Government, was to cease at the termination of the present fiscal year, on the 1st of July next; but it was rumored about the streets, that he had succeeded in obtaining a postponement of the execution of this arrangement—how long, he (Mr. McK.) had not learned.

Mr. VINTON inquired, if this arrangement had been entered into subsequently to Mr. Medill's being before the Committee of Ways and Means?

Mr. McKAY replied in the affirmative.

Mr. VINTON said, he had never before heard of it. He had stated what the Commissioner of Indian Affairs (Mr. Medill) had said.

Mr. McKAY (continuing) said, he made no imputation upon the chairman of the Committee of Ways and Means. It was true, as the gentleman had said, that this arrangement had been made, but it had subsequently been altered, as he understood. Now, he (Mr. McK.) was in favor of carrying out, of executing this original plan. This was not a new idea with him. Gentlemen who had been at the head of the War Department would bear him witness that for ten or twelve years he had uniformly appealed to them to recommend to Congress to limit the expenditure of this money, of these large sums (for it was upwards of twenty thousand dollars annually, and some years reached twenty-five thousand dollars) to be expended for the purposes of education within the limits of the Indian tribes; and if this policy had been adopted, it would have resulted in incalculable advantages to the Indians.

He rejoiced to see this spirit of improvement awakened among the various tribes. To be sure, they were called the pupils of the Government; he would be glad to see them reach their majority, and become independent. He rejoiced to see the Cherokees, and Choctaws, and even the tribes in the North, everywhere building up schools, and educating, not only their sons, but their daughters. The Cherokees had appropriated out of their own money twenty-five thousand dollars, for the purposes of education, for building up schools, &c. Let the large sums of money appropriated by us, in addition to their own appropriations, be expended within the limits of the various tribes; let manual-labor schools be established; let all the arts—let blacksmiths, shoemakers, and artisans of all descriptions—go in among them, and the boys be taught all these trades; let the farms be cultivated in the neighborhood of these schools, and let them be taught how to use the plough, and be made familiar with the other operations of agriculture. That was not all. By the expenditure of this money for purposes of education within the tribes, Indian villages would be built up, markets would be created, and the necessity for agricultural labor and productions would stimulate them to the raising of corn and other grains, and familiarize the Indians to the various industrial pursuits of the whites. Thus immense advantages would be conferred upon them.

He made no imputation at all upon the character of those who had been connected with the Choctaw academy in Kentucky, but these considerations, he said, convinced him that it was far better that the money should be expended within the Indian territory; and as the Secretary of War had now the liberty to expend it at his discretion—every dollar of it within the limits of the United States if he pleased—he wished the amendment of the gentleman from Ohio modified, as he had signified his willingness it should be, to be adopted, and thus every expenditure of it without the Indian territory be prohibited.

Mr. THOMPSON, of Mississippi, differed from Mr. McKAY in that, while he was decidedly in favor of the establishment of schools within the Indian territories, he thought in many cases it would be of benefit to those who passed through the lower stages of instruction there, to come into the States to spend the last year of their instruction at our schools. He was willing, then, to vote for an amendment which should prohibit any further appropriation of this money to establishing or keeping up schools within the States, but was unwilling that the restriction should be so extended as to prevent the appropriation of a part of the money to defray the expenses of those who were sent into the States to spend the last year of their instructions.

Mr. BOYD (Mr. T. yielding) wished to inquire of the gentleman from Mississippi, who, from his position on the Committee of Indian Affairs for several years, was very familiar with the whole subject, whether anything had appeared in his investigations, going to impeach the honor or the conduct of Colonel Johnson connected with this academy?

Mr. THOMPSON entered into some explanations to show that Colonel Johnson was not obnoxious to any censure.

Mr. McKAY said he had expressly disclaimed any impeachment of the character of Colonel Johnson.

Mr. BARRINGER concurred in the propriety of spending this money in the Indian territories, but the proviso, as proposed, was much too stringent, inasmuch as it would prevent the President selecting any Indian youths to receive an education in the higher branches than those taught in the schools located among the tribes. If there were abuses, let them be corrected; but he hoped nothing would be done to throw obstacles in the way of the education of these people.

Mr. POLLOCK had doubts of the power of this House to enter upon such legislation. An amount of money was to be expended to promote education among the Indian tribes by certain treaty stipulations. It was placed in the President's hands for that purpose, and he would like to know how it could be brought under the control of Congress. Treaty stipulations were above the action of Congress; how then could they in this case dictate to the President? He would not deprive the President of the right to select young Indians for the purpose of sending them to the States to be educated. He believed not only the cause of education, but of the civilization of the tribes would be promoted by it. Many had been so educated, and thus they had been enabled to promote the interest of those tribes, and he hoped the amendment would not prevail.

Mr. CLARKE, of Kentucky, urged the gentleman from North Carolina to withdraw his amendment; and after a brief conversation, in which Mr. McKAY, Mr. THOMPSON, of Mississippi, Mr. SAWYER, and Mr. CLARKE, took part, the amendments were withdrawn.

The Clerk then proceeded in the reading of the sections until he arrived at the item of $3,000 for the payment of annuities to the Chickasaws, in accordance with a stipulation in the act of 25th February, 1799.

Mr. VINTON moved to amend the item under the head of "the Chickasaws:"

"For education for fifteen years, stipulated in the second article of the supplement to the treaty of the 24th May, 1834, ($1,000 having heretofore been appropriated,) $2,000."

Mr. GIDDINGS called the attention of the Committee of Ways and Means to this item, and expressed a desire for information in relation to it. He wished to know why this annuity was paid at all?

Mr. McKAY replied that it was an old acquaintance. That appropriation had been made ever since the year 1799. He had not seen the original agreement by virtue of which it was paid, though he had applied for it.

Mr. GIDDINGS then remarked, that it appeared the Committee of Ways and Means had recommended the payment of an annuity without knowing what it was for.

Mr. VINTON said it was perfectly immaterial to him what it was for. The Government had made an agreement with this Indian tribe to pay this annuity; the law required it to be paid, and this estimate was in conformity with the act of Congress which required it to be made. The committee were only carrying out the law.

Mr. GIDDINGS said it seemed to him they should know what obligations they were under to the tribe of Indians, before they voted this appropriation. If we were under obligations to them, let the money be appropriated; if not, strike it out.

Mr. VINTON replied that so long as the law remained in force it was the duty of the Committee of Ways and Means to bring in appropriations in accordance with law. Perhaps it was the duty of the Committee on Indian Affairs to inquire into the consideration for which the money was required to be paid, but he did not conceive it to be the duty of the Committee of Ways and Means to make the examination.

Mr. GIDDINGS had no intention to cast any imputation on the Committee of Ways and Means. He moved to strike out the appropriation.

Mr. McKAY, before the vote was taken on the motion to strike out the item, wished to say a word in its defence. The gentleman from Ohio would see that this appropriation was required by an agreement made some time prior to the year 1799, and the appropriation was made in pursuance of such agreement, and also in pursuance of law. This Government had been going on making the appropriation for the last fifty years. Every Executive, every Secretary of War, every Committee on Indian Affairs had considered it a permanent annuity, made so by a solemn agreement, which was recognized on their statute books.

Mr. HUDSON also argued that it was a permanent annuity, which the faith of the Government was pledged to pay. He thought the Committee of Ways and Means could not, nor should not, be required to go behind the statute. If it were so in this case, they would be required to do it in all cases, and their duties would become more arduous than they could endure; but he did not so understand it. If the Committee of Ways and Means were to be required to go behind every statute and inquire into the reasons for their enactment, they would have not only to examine every subject that came before Congress, but all correspondence, and every communication, and all the treaties, and all the laws that related to both our foreign and domestic relations, from the commencement of this Government to the present day.

Mr. SIMS moved that the committee rise.

The committee rose accordingly, and reported progress.

Mr. McKAY moved that from and after this day, the daily hour of meeting shall be eleven o'clock.

Objections being made, he moved a suspension of the rules; pending which motion,

The House adjourned.

IN SENATE.

MONDAY, *March* 20, 1848.

Mr. BRADBURY presented a petition of citizens of the county of Penobscot, in Maine, praying the abolition of the slave trade in the District of Columbia, or the removal of the seat of Government; the motion to receive which was laid upon the table.

Mr. DOWNS presented a petition of citizens of Louisiana, praying the establishment of a judicial district north of Red river, in that State; which was referred to the Committee on the Judiciary.

Mr. ASHLEY presented a petition of citizens of Arkansas, praying the establishment of a mail route from Raymond to Camden, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. CASS presented the petition of E. P. Hastings, praying compensation for his services as pension agent for the State of Michigan; which was referred to the Committee on Pensions.

PRIVATE BILLS.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives for the relief of Amzy Judd, reported it without amendment.

Mr. BREESE, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Benjamin White, reported it without amendment.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the petition of D. A. Watterton, submitted a report, accompanied by a bill for his relief; which bill was read and passed to the second reading, and the report ordered to be printed.

Mr. BALDWIN, from the same Committee, to whom was referred the memorial of Columbus Alexander and Theodore Barnard, submitted a report, accompanied by a bill for their relief; which bill was read and passed to the second reading, and the report ordered to be printed.

Mr. BADGER, from the Committee on Naval Affairs, to whom was referred the memorial of David Myerle, submitted a report, accompanied by a bill for his relief; which bill was read and passed to the second reading, and the report ordered to be printed.

Mr. FELCH, from the Committee on Pensions, to whom was referred the petition of John H. White, submitted a report, accompanied by a bill for his relief; which bill was read and passed to the second reading, and the report ordered to be printed.

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the petition of Wm. W. Wall, submitted a report, accompanied by a bill for the relief of the heirs of John Wall, deceased; which bill was read and passed to the second reading, and the report ordered to be printed.

Mr. DOWNS, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Charles Cappell, reported it without amendment.

SCHOOL LANDS IN FLORIDA.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill concerning the school lands in the State of Florida, reported it with an amendment.

AMERICAN HEMP FOR THE NAVY.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the joint resolution to promote the purchase of American hemp for the use of the American navy, reported it with an amendment, so as to read as follows:

Be it resolved, &c., That the Secretary of the Navy be, and he is hereby, authorized, if in his opinion it will be advantageous to the public interests, to make contracts for any term not exceeding five years, for the purchase of American water-rotted hemp for the use of the United States navy, provided the same can be had of equal quality with the best foreign hemp, and at a price not exceeding the average price of such hemp for the last five years—the inspection and delivery to be at the place of purchase.

Mr. YULEE asked for the immediate consideration of the resolution; which motion was agreed to, and the resolution ordered to be engrossed.

The question was about to be put on the passage of the resolution, when—

Mr. CAMERON objected to the motion. He would prefer that the bill lie over until to-morrow. There were other interests to be looked to—certain articles known as coal and iron, for instance. The present resolution was for the protection of western interests alone.

Mr. NILES made some remark not distinctly heard, in which he appeared to be congratulating the Senator from Florida on the new lights he seemed to have received in respect to the protection of American interests.

The resolution was then passed over.

EXAMINERS OF PATENTS.

Mr. WESTCOTT, from the Committee on Patents and the Patent Office, to whom was referred the amendments of the House to the bill of the Senate, to provide additional examiners in the Patent Office and for other purposes, reported thereon, with a recommendation that the Senate disagree to the amendments of the House.

Mr. WESTCOTT asked for the immediate consideration of the amendments. The question being about to be put upon concurring in the amendments—

Mr. TURNEY said he hoped the question would be divided and taken upon the first amendment separately. He believed that the salary of an examiner of patents was now some fifteen or eighteen hundred dollars, and he knew no good reason why it should be raised to twenty-five hundred. He thought that this was hardly an appropriate time for an increase of salaries, when the country was involved in war, and had no superabundance of revenue to dispose of. He thought it would be proper to concur with this amendment to strike out the twenty-five hundred dollars.

Mr. WESTCOTT remarked that all the members of the committee were unanimous in disagreeing to the amendments of the House, with the exception of the first amendment, and a majority of the committee were in favor of disagreeing to that amendment. The bill as it originally passed the Senate, he said, gave to each of the examiners in the Patent Office a salary of twenty-five hundred dollars. The House amendment proposed to reduce it to two thousand. The fixing of the salary at twenty-five hundred dollars was on consultation with the Commissioner; and those having business with the Patent Office considered it as a matter of the very first importance, as we are obliged to have men of the highest scientific attainments, and who are acquainted with the French and German languages. The Senate will perceive the necessity for an increase of salary when I state the fact, that within the last five years examiners who have received eighteen hundred dollars a year, finding that the salary was not adequate to the service required, and that they could make twice as much money by acting as agents, have resigned their offices. I think that the salary proposed is not too large; and I will mention the fact that the money does not come out of the treasury. The law provides that it shall be taken from the receipts of the Patent Office, and that office has already a fund of some seventy thousand dollars. I hope that the Senate will concur with the recommendation of the committee, and disagree with the amendments of the House.

Mr. DICKINSON. This is simply a question of demand and supply. In my judgment, a salary of twenty-five hundred dollars is necessary, for the reason that you cannot get competent men for a smaller salary. The office cannot be filled by mere politicians or mere clerks. The gentleman filling that office must be an encyclopædia of science, and though he may not be required to converse fluently in German and in French, it is necessary that he should be able to read those languages, because he is required to consult scientific works in the German and French languages, in order to determine whether an invention presented is a new one. And he must be acquainted with chemistry, in all its details; in short, he must be qualified for one of the most learned professorships in our institutions of learning. Now, you cannot get men possessing these qualifications, for less than twenty-five hundred dollars a year. The number of such men is comparatively small; the demand is greater than the supply. You can get men to take the office for one thousand dollars a year; but you cannot get men who are qualified to discharge the duties for that sum. I am not for high salaries generally, but this is one of those cases which require liberal salaries.

Mr. JOHNSON, of Louisiana. I do not know that I understand the purport of this amendment.

Mr. WESTCOTT. The bill originally proposed to give twenty-five hundred dollars a year to the examiners of the Patent Office. The House struck out twenty-five hundred and inserted two thousand. The committee proposes to disagree with this amendment of the House.

Mr. JOHNSON. Well, I hope the Senate will disagree to the amendment. A salary of twenty-five hundred dollars is quite a low one. The duties are laborious, and they require men of high scientific attainments. I think that the examiners should have a higher salary than the Commissioner, as they have the whole of the labor to perform. I hope that the Senate will disagree to the amendment.

Mr. TURNEY. Before the question is taken, I desire to say a single word.

Mr. ATHERTON. As I perceive that the debate upon this bill is likely to continue, I would like to have it laid over until to-morrow, for it is very desirable that the Senate should proceed with the consideration of the bill making appropriations to supply the deficiencies for the current fiscal year.

On motion by Mr. ATHERTON, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

THE FRANKING PRIVILEGE.

Agreeably to notice, Mr. BADGER asked and obtained leave to bring in a bill to declare the true intent and meaning, so far as respects the franking privilege of members of Congress, of the act approved the first of March, 1847, and of the act entitled "An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege; and for the prevention of frauds on the Post Office Department;" passed the 3d of March, 1845, and for other purposes.

The bill having been read the first and second times, by unanimous consent—

Mr. BADGER. I shall move a reference of this bill to the Committee on the Post Office and Post Roads; but before the question is put, I desire to occupy the attention of the Senate for a few moments, and particularly to call the attention of my friend, the chairman of that committee, to one or two observations regarding the purposes intended to be accomplished by the bill, and the present state of the law to which it relates. It will be found, by referring to the act passed on the 3d of March, 1845, "to reduce the rates of postage," &c., that Congress at that time adopted an entirely new system with regard to the franking privilege, and placed it in the main upon different grounds from those which it previously occupied. The act of 1845 seems to be designed as a substitute for the former law upon the subject, and by implication to repeal it, and this implication is strengthened by the fact, that the latter law expressly saves from repeal certain portions of the former. It will be found, upon looking at the act of 1845, that the eighth section of it grants to members of the Senate and House of Representatives, delegates from Territories, &c., the right to send and receive free of postage "any letter, newspaper, or packet," not exceeding two ounces in weight, during each session of Congress, and for thirty days before and after. The same section declares that they shall have the right "to frank written letters from themselves during the whole year, as now authorized by law." It is therefore clear and beyond controversy, that, according to the provisions of the law of 1845, the franking privilege of members of the two Houses during the session of Congress, and for thirty days before and after, consists in the power to send and receive, free of postage, any letter, newspaper, or package, and that it is perfectly immaterial by whom directed, to whom addressed, or by whom written. There is but one single qualification, that the letter, newspaper, or package, shall not exceed two ounces in weight. If there could be any doubt in regard to the terms embraced in this part of the section, that doubt is removed by the clear distinction that is taken between this franking privilege, during the sessions of Congress, and thirty days before and after, and the franking privilege given for the residue of the year, which is confined to written letters from themselves. It is clear, therefore, that the act contemplated and declared, that during the sessions, members of this house and the other should have the right to frank any letter, any newspaper, any package written or printed, no matter whether it was composed of paper or muslin, no matter by whom directed, by whom signed, with no exception, but the single qualification, that the letter, newspaper, or package, should not exceed two ounces in weight. Now, I apprehend there might have been in the minds of Congress, reasons for making this discrimination, and for the confining the franking privilege, during the residue of the year, to written letters from themselves. Whatever might have been the reason, or whether there was any, the distinction is clearly made. Then, sir, at the last session, we passed an act which was reported by my friend, the chairman of the Committee on the Post Office and Post Roads, containing this provision, that members of Congress shall have power to receive, as well as to send—for it will be observed that, under the act of 1845, they had only the right to send their own letters in the intervening time between the sessions, that they shall have a right to

receive, as well as to send, all letters and packages not weighing over two ounces free of postage, up to the first Monday of December following the expiration of their term of office. Now, sir, as far as I am able to perceive, it is not only probable—not only highly reasonable—but it is absolutely certain that, as the law now stands, the franking privilege to members of Congress is subject to but one restriction; that is, that the letter, newspaper, or package, shall not exceed two ounces in weight. Well, sir, we are all aware that, recently, by some regulations, a discrimination has been made between packets put up in coarse envelopes, and which are not supposed to be letters, and those which are put up in fine envelopes, which are supposed to be letters; and in the latter case, it is required that the address shall be in the same hand as the frank, or else the postmaster is directed to disregard the frank and charge postage. This I consider to be simply a gratuitous distinction, adopted without any appearance of reason or propriety. The bill, therefore, which I have the honor to submit to the Senate, is intended, in the first place, to declare, so as to put it beyond the possibility of doubt or cavil, what is the law on the subject, not to enlarge or alter the franking privilege, but simply to declare it. I have brought the subject forward, sir, because I desire to have the judgment of the Senate upon it. I feel that members of this body are as much entitled to trust and confidence as any man in the Executive departments. We are personally responsible to our constituents for the abuse of our privileges; and we should not permit ourselves to be responsible to any Executive officer whatever. If the rule requiring the address to be in the same hand as the frank applies to letters, why is it not applied to documents also? the laws making no difference between them. The construction will, perhaps, affect me as little as it will any member. I have always endeavored to avoid putting myself or my friends in the power of any such capricious construction of the law relating to the franking privilege. I have directed every letter and document I have sent, at whatever trouble and inconvenience to myself.

The bill was accordingly referred to the Committee on the Post Office and Post Roads.

FEES IN UNITED STATES COURTS.

Agreeably to notice, Mr. ASHLEY asked and obtained leave to bring in a bill to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

DEFICIENCY BILL.

On motion by Mr. ATHERTON, the prior orders were postponed, and the Senate resumed the consideration, as in Committee of the Whole, of the bill from the House of Representatives further to supply the deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1848.

The question pending being upon agreeing to the amendment proposed by Mr. BENTON, to strike out the words "the Papal States," in line 84, and after "Ecuador," in line 86, insert "and for a minister plenipotentiary to the Papal States," and strike out "twenty-two," and insert "thirty-one,"

Mr. HALE. I desire to ask the chairman of the committee from which this bill was reported, why this item is inserted among deficiencies of appropriations for the past year?

Mr. ATHERTON. The fiscal year has not yet expired, and the object is, I suppose, to send the chargé d'affaires, or minister, whichever he may be, before the conclusion of the year.

Mr. HANNEGAN. If I understand the effect of this amendment, it is to change the nature of the mission to Rome from chargé d'affaires to minister plenipotentiary. I would suggest to those who are in favor of this amendment, whether it would not be better policy, instead of making this embassy a full one, to substitute a minister resident. We might, it seems to me, more properly send to Rome a minister resident, with a salary such as that which is paid to our resident minister at Constantinople and our minister in China. A minister resident has this advantage over a chargé d'affaires, that whilst the chargé cannot approach the sovereign, the minister resident can. The Senator from Missouri stated the other day that one object in making this a full mission was, that it might ultimately absorb all the missions or chargéships to the Italian States. Now, we have a very considerable commerce with the Italian States, and in that commerce American shipping is principally employed. In the dominions of Austria, a country which contains upwards of thirty millions of people, we have but a chargé d'affaires. We have nothing but a chargé in Portugal, and the same in Belgium. We have considerable commerce with these countries, and it is all in our favor. The temporal power of the Pope is very limited, and of course, as correctly stated by the Senator from North Carolina, it is only in the character of a temporal prince that a diplomatic agent could be sent by us to the sovereign Pontiff. All history proves that, until very recently, Austria has sustained the Pontiff in the temporal power which he exercises.

In making this suggestion, I wish it to be understood that I am incapable of being governed by anything like religious or sectarian feelings. Surely I entertain no prejudice against the Catholic religion; when, on the contrary, I regard it with the highest veneration, looking upon it as I do, as the casket which held, through many a long year, the gem of the Christian faith—holding, as I do, too, sir, in the highest possible reverence, the character of the present Pontiff, Pius the Ninth. It has been said by the distinguished Senator from Missouri, who made some very eloquent and appropriate remarks upon this subject the other day, that it would be becoming in us to send a full minister to Rome, which was surrounded by such grand associations. I put this question, however, upon principle, and there is another Power which has, I think, stronger claims to a full embassy. I allude to Switzerland, where now exists the only pure Democracy which is now to be found on the face of Europe. It would be a higher compliment to our own people—to our own institutions—to send an embassy to Switzerland. Ancient Rome, and modern Rome, are essentially different. It is true that, as the Senator says, Rome still stands upon the banks of the Tiber; yet modern Rome does not occupy the site of that Rome of the elder ages of the world, which must ever possess the highest interest to the imagination and feelings. The modern city occupies the opposite bank, and is separated by the classic stream from the soil on which the Coliseum and the Parthenon stood. All is now a "marble wilderness," where Tully once "launched his moral thunders on the subject soul;" where the accursed steel of the assassin Brutus struck at the heart of Cæsar; and where every heart glowed with the accents of the immortal Cicero. But, sir, these are not considerations which are now to weigh with us.

I submit to the Senate, as a question of expediency, what must be the effect upon Belgium, Portugal, Austria, and the other Italian States, if we send a full embassy to Rome? For we all know, whatever may be the progress of liberal principles in Italy at this moment, the most despotic governments that ever existed have prevailed there for the last five hundred years.

Mr. MANGUM. Do I understand the Senator as offering an amendment?

Mr. HANNEGAN. I propose to strike out what relates to the mission to the Papal States, and substitute a section providing for a minister resident.

The PRESIDING OFFICER. The Senator's object can be accomplished by the striking out "plenipotentiary," and inserting "resident," and striking out "thirty-one," and inserting "twenty-eight."

The question being taken upon this amendment to the amendment, it was disagreed to on a division: Ayes 12, noes 19.

The question recurring on the amendment of the Senator from Missouri—

Mr. HANNEGAN demanded the yeas and nays.

PRESIDING OFFICER. They were ordered at a former day.

Mr. CLAYTON. This bill came to us from the House, proposing to send a chargé d'affaires to the Papal States. The Committee on Finance, to which the bill was referred, has reported the bill as it came from the House, without amendments, thus recommending the establishment of this new mission. Such was the judgment of the committee of which I was a member. I concurred in the report, and I see no reason whatever to change it. It seems to me, sir, to be admitted on all hands, that there is nothing in the commercial relations between the two countries to justify any mission whatever; but, in my judgment, there is enough connection between the social and political relations of the countries, to authorize it. I have been willing, therefore, to establish this mission of a chargé to the Papal States; but it does seem to me that there is serious objection to going further. Austria is a country with thirty-eight millions of people, with whom we have extensive commercial relations, and we send to them only a chargé d'affaires. We have also extensive commercial relations with some other of the Italian States, with Portugal, with Sweden, with Denmark, and to all these we only send a chargé d'affaires. I cannot perceive, sir, the necessity, therefore, of going beyond that grade of ministers which we are accustomed to send to these States. I am perfectly willing, sir, to mark by my vote the sympathy that is felt by the people of this country, for the liberality of the opinions of Pope Pius the Ninth. I am perfectly willing to go thus far, and in my opinion all that ought to be asked of us is, to place these States upon the same footing with the great empire of Austria, the second and most populous of all the States of Europe. And honorable Senators will bear it in mind, that if we proceed to make a full mission now to the Papal States, we may excite bad feelings among the other States, whose commercial relations with us are vastly more extensive, than those of the Papal States can be, and to which we now send, and shall probably continue to send, chargés des affaires. I am, therefore, opposed to the amendment, and shall support the bill as it was sent to us from the House, and as reported by the Committee on Finance.

Mr. NILES. This is only one of the missions that are provided for in this bill; there are three others, making altogether four missions to be provided for. As to the policy which has led to this measure, it certainly cannot be owing to the surplus of funds in our treasury. There are, however, four missions to be created—one to Guatemala, one to the Republic of Bolivia, and one to Ecuador. Two of these, I believe, have little or no commerce with us; and whether the mission be political or commercial—what considerations are to recommend them to the favorable action of the Senate I am not prepared to say. If I believed that they were commercial, that they were calculated in the least degree to promote or extend our commerce, I should be in favor of their establishment. But I believe there is no people on the whole earth, as commercial as we are, whose commercial interests are so little aided by the Government as those of the United States. I believe it will be our true policy, and I have long thought so, to furnish to the different countries of this hemisphere commercial agents; for I believe that our commercial interests have been shamefully neglected. Our trade has been declining from year to year, with many of those countries. One of the countries upon this hemisphere with which we have held diplomatic relations—I mean the Republic of New Grenada—we have so neglected; for although we have had a chargé d'affaires there for years, he has neglected his duty. We have no treaty with that Government, and those who have no treaty with them, have to pay twenty per cent. upon their whole trade, which in our case amounted to about ten millions of dollars; and the consequence has been the throwing of all this into the hands of our rivals, the British. Two vessels from the port of New York carried on a trade with that country for years, under the flag of Great Britain—a sort of smuggling trade. So entirely was this matter neglected, that our commerce with that country ceased altogether.

Now, I should like to know, if I could, how these missions are to be carried out—how the law is to be executed—whether men qualified and prepared for the duties which they are required to perform are to be sent there to make themselves useful to our commerce, or whether men will be sent who neither know what their duties are nor care whether they are performed: mere politicians, stump orators, who are to be rewarded with places for political services. It would be throwing so much money away, and I should be disposed to go against the whole of these missions; but, believing that the interests of this country will fully justify the attempt to send missions into these

countries, I shall vote for the bill, though, at the same time, not without very great doubt that it will be money thrown away. But in regard to the mission to the Papal States, I must say that I do not see any sufficient reason for sending an agent there above the second grade. It seems to me that it is going far enough to begin with; and if our interests there should hereafter render it necessary to have a diplomatic agent of a higher grade, such a mission can be provided for. Heretofore it has not been deemed necessary to maintain political relations at all with those States; and it seems to me that an agent of the second grade is high enough to begin with. I do not think that his Holiness the Pope has any great claim upon this country in any view. The country is a small one, and there are larger, in which we have more important interests, and in which are nothing more than chargés des affaires. I shall vote for these missions of the second grade, and I shall do it with very great doubts that the money will be thrown away.

Mr. DAVIS, of Massachusetts. I was in hopes that my friend from Connecticut, after making a speech against this item of the bill, would have moved to strike it out; but I understand him to say that he will vote for it. I do not know that I am prepared to say that the item ought to be stricken out. I am prepared to say, however, that it demands some explanation at the hands of those who bring it before us. What is this bill? It is not one of the regular appropriation bills. It is a bill for supplying the deficiencies of appropriations for the fiscal year. Four missions, then, were forgotten in the general appropriation bills. Four missions were left unattended to by those who made the estimates for the year, and by us who looked into the subject. Now, sir, the title of this bill is probably a misnomer. This is a creation of four new missions at the places which are named in the item which is under consideration. And now we are not quite content, it appears, to have these chargéships filled; we are not satisfied to establish the second grade of missions, but there is now a motion before us to raise one of them to the rank of minister plenipotentiary. And for what purpose? A minister to the Papal States! To what end? Why, I think it is sufficiently obvious, from what has been said, that it is a mere complimentary thing. It is well understood that there is no commerce, no trade or intercourse with those States, which demands, as a matter of business, any notice at all. Will you send out a mission which is a mere complimentary mission? The objection I have to it is, in the first place, that a compliment of that nature is wholly unnecessary. It is not demanded by any circumstances which exist, and it is introducing a decidedly bad precedent. There is a constant effort made to raise the grade of our foreign ministers everywhere. I think it was only at the last session that we had laid upon our table a long argument, by somebody, in which the writer attempted to prove that the interests of this country were sacrificed in reducing the mission to Austria from a plenipotentiary to a chargé d'affaires, and we were called upon to restore the mission to its former rank. The arguments, however, failed to prevail, and our minister remained there in his new capacity, although, I believe, a threat had been thrown out that he would resign.

Now, what I desire to know is, how any such emergency has sprung up at this time as to make it necessary to introduce here four new missions to foreign Governments. I desire to know, sir, whether there be anything new in the relations between us and the countries named—anything that has occurred since we were last together—to make it necessary to legislate in this special way upon this subject. I should be very thankful to the chairman of the committee for a little information upon several other points in this bill. I should be glad to know why it becomes necessary to legislate to such an extent, as this bill seems to imply, to supply deficiencies; in other words, how it happens that the estimates which were made to carry us through the year, when we were together at the last session, happened to prove so utterly inadequate for the objects for which they were intended? I should be glad to know how it happened. I can remember very well that it was said on this floor, when those estimates were under discussion, that they were inadequate; that they would not carry the Government through the year, from the 30th June to the 30th June; but that you would come here, and demand further appropriations, in order to meet the ordinary expenditures. I would be glad to know how it happens that the officers of the Government, whose duty it is to make the estimates, are always under such a great misapprehension in regard to the expenditures of particular departments of the Government. We have a deficiency, for example, in one branch of the army expenditures of five millions of dollars, and in another of three or four millions. I would be glad to know how it happens that the estimates of a department, where the business is so well understood as in the Navy Department, can be so inaccurate as to fall short some eight or ten thousand dollars for the pay of the clerks in that department. I find in this bill, under the head of the army, in the Quartermaster's department, an additional appropriation of five millions of dollars, to carry out the operations of that single department of the army. I find also in the department of clothing and subsistence three millions more are required to meet the expenditures of that department. I will not go into an examination of the various items of this bill; but I should be glad to hear from the chairman of the committee some explanation; and I should be glad to hear him state the amount of money which is proposed to be appropriated by this bill as it came from the House; and also the amount which it is proposed to add by the amendments which are to be inserted here.

Mr. ATHERTON. The amount appropriated by the bill as it came from the House, I believe, is a little over thirteen millions of dollars.

Mr. CLAYTON. I make it over fourteen millions.

Mr. ATHERTON. I believe it will be found that the biil as it came from the House appropriates for the current fiscal year $13,237,166 98. There has been an appropriation already passed at the present session, for the subsistence in kind of the regular army and the volunteers, of one million of dollars, which makes the sum for deficiency in the whole over fourteen millions. As it regards the reason why the additional appropriations are required, I can only say, that they arose probably from the military operations costing more in some instances than they were expected to cost, from a larger number of troops having been called out and from the military operations having been more extensive than was anticipated when the original estimates were sent in; but all the estimates which are contained in this bill, with the addition of a few slight amendments, were contained in the letter of the Secretary, which was sent to the Senate at the commencement of the session, with the exception of the four millions which I have mentioned.

Mr. HALE. I do not know that I should make any remarks at all upon this amendment, as I intend to vote against the whole bill, on the ground that it contains appropriations for the prosecution of the war in Mexico. But I beg to call the attention of the chairman of the Finance Committee to the rather singular fact, that our expenditures have become so enormous, that a few "mistakes" in the calculations of the Treasury Department—a few mere slips of the pen—involve a larger amount than the whole annual expenditure during the Administration of General Jackson. Then, I believe, the annual expenditure was about fourteen millions, and here we have a bill for supplying mere deficiencies which calls for nearly sixteen millions!

Mr. ATHERTON. If the gentleman will spare me one moment, I would beg to remind him, that in the House a clause was added to the bill appropriating $800,000 for the service of the next year, which has nothing to do with the supply of the deficiency in the current year.

Mr. HALE. Why, that is a very small matter indeed, when our expenses are a hundred millions annually. It appears, however, making the deduction which is now suggested, that, according to the report of the Secretary of the Treasury, the appropriations last year amounted to fifty-five millions, and that he expended fifty-nine millions; so that, adding the amount involved in the present bill, the whole sum will be about seventy millions of dollars. Now, sir, during the last war with Great Britain, when we were fighting her on all our coasts, and our navy was gaining laurels on every sea on which we had commerce to be assailed and protected, our expenditure was only thirty-two millions.

Mr. ATHERTON. The Senator is mistaken as to one fact. This deficiency of ten millions is included in the estimate of expenditures of the current year; so that there are only four millions to be added, making the annual expenditure sixty millions.

Mr. HALE. I have the documents before me. I see, by the report of the Secretary of the Treasury, that the appropriations of last year amounted to fifty-five millions; and here is an addition of fifteen millions more, not going into the estimates, but to supply deficiencies. Am I not right?

Mr. ATHERTON. Does the Senator mean for the current fiscal year?

Mr. HALE. The year ending 30th June.

Mr. ATHERTON. In order to get at the amount of the expenditures for this year, the appropriations for the Post Office Department and the deficiencies of last year must be deducted; and I believe the Senator will find that the result is as I have stated, about sixty millions.

Mr. HALE. I have not gone into the details of this matter, but I have calculated the amount as I read the document. I wish, however, to call the attention of the Senate and the country to the fact, that while it cost us about thirty millions a year to fight the most powerful nation on earth, along our whole coast, from Eastport to New Orleans, and whilst our navy was victoriously engaged on every ocean where there was American commerce to be protected, even in the harbors of South America, it now costs us seventy millions of dollars, or sixty millions, according to the explanation now given, to carry on this war with Mexico, and that the appropriations are increasing, as has been insisted on by the Senator from Connecticut. I merely mention this as a somewhat significent fact. By the by, I hope that when the Senator from Connecticut referred to the danger of appointing "stump orators" and hack politicians to diplomatic stations, he had no reference to any late nominations which have been made.

But to come to the question before the Senate on the amendment. I confess that I have regarded the recommendation of the President, which has been seconded by the committee, to send a mission to the Papal States, with a great deal of interest and pleasure. I regard it as a sign of progress—as in some sort the "bringing forth of fruits meet for repentance"—that an Administration, which, for two years past, has been appealing to the lust of war and rapine, and been stimulating all that is brutal in humanity, has so far changed its policy, and is about to appeal to popular passion in a much less exceptionable manner. I have no doubt of the truth of what the honorable Senator from North Carolina [Mr. BADGER] has said, that this is a mere pandering to the Roman Catholic voters of this country. I ask my friend if it is not much more reasonable, and rational, and Christian, to pander——

Mr. FOOTE. Am I to understand that the Senator from North Carolina has preferred so grave a charge?

Mr. HALE. So I understand him.

Mr. FOOTE. Did he say "pander?"

Mr. HALE. If he did not say so, I will say so. I have no doubt of it.

Mr. FOOTE. Does the Senator understand the term which he has employed?

Mr. HALE. I have not got a dictionary at hand, and really make no pretensions to great lexicographical knowledge.

Mr. FOOTE. Did the Senator ever hear of Pandarus?

Mr. HALE. Oh! I will endeavor to meet the nice taste of the Senator. I will use another term. I will say that it is fishing for Roman Catholic votes; and I certainly think that this is quite an improvement in the diplomacy of the last twenty-two months, so far as regards the neighboring Republic of Mexico. But why should this minister be sent? It is admitted on all hands that we have no commercial interests to be protected in the Papal States. It is designed merely as a compliment to the Pope. Well, if compliment be intended, why not extend it to San Marino, which, amid the changing destinies of Italy, has maintained its republican institutions for hundreds and hundreds of years? Why not first extend this compliment to that ancient republic, instead of to the Pope of Rome? And if there be any pretence that we have there commercial interests which require protection, why not send a minister to Hayti, where there are still larger commercial interests to be protected,

having just and well-founded claims on this Government, and where our citizens cannot get even a hearing, because we have no accredited agent? It seems to me, sir, that there should be some uniform system adopted with regard to the appointment of our diplomatic agents abroad; and I certainly think that the emergency must be very pressing indeed, which requires the insertion of this proposition in a bill which I had supposed was, what it purports to be, a measure for supplying deficiencies in the appropriations. The deficiency is, it appears to me, large enough, without adding to it the expense involved in the establishing of this mission.

Mr. FOOTE. I intend to trespass only a very few minutes on the time of the Senate, and I rise chiefly for the purpose of making some remarks in reference to the extraordinary charge brought against the Administration by the gentleman who has just taken his seat. Far be it from me to accuse the Senator of anything like plagiarism; but I do feel authorized to suggest, that at least the laws of good taste were not duly considered, in introducing, from any source whatever, however distinguished, such a sentiment as that which so signally deformed a portion of the speech which we have heard from him this morning. He has very loudly and fiercely preferred a serious charge against the Administration. After good naturedly confessing that the explanation of his colleague in relation to fiscal deficiencies was so satisfactory, that he was not able to show anything to the contrary successfully, in a fit of desperate earnestness, he has undertaken to suggest—not orginally, but by borrowing from the Senator from North Carolina—that this is an attempt on the part of the Administration to pander to Catholic feeling—using a term which, in all languages, is recognized as coarse and vulgar. I did not hear the speech of the Senator from North Carolina, and, until his silence disappointed me, I had hoped that the ignoble attempt to excite sectarian feeling in opposition to this bill, was original with the Senator from New Hampshire. But the significant and eloquent silence of the Senator from North Carolina, evinces that he has been correctly reported, and that with him did originate this most extraordinary accusation. The Administration, then, is charged with an attempt to "pander" to Catholic feeling. I shall make no elaborate vindication of the Administration against an allegation which I hold to be equally absurd and malignant.

Mr. MANGUM. I do not know for what reason my colleague does not choose to explain. But I understand that he used no such expression.

Mr. FOOTE. I am very glad to hear it. I can only say that the colleague of the gentleman who has just sat down, does himself great injustice when he suffers himself to be misquoted in his own presence. The Senator from New Hampshire, then, stands convicted of gross misquotation; and if the Senator from New Hampshire, laboring under an erroneous impression, adopted the expression on the ground of authority, and not of its intrinsic merit, I trust he will speedily renounce it. I was about to say that, as one of the humblest members of the Democratic party, I should disdain an elaborate and formal vindication of the Administration against the charge in question—which I have denounced already as alike absurd and malignant, and incapable of any support whatever from anything that can be called evidence. Pandering to Catholic feeling! I am not a member of any church. I have only had the honor of being born in a Christian country, and have always paid—as I trust I have felt—a decent respect to the religion of my forefathers, and all those religious institutions which I have ever undoubtingly believed to be conservative of the great principles of civil and religious liberty, and affording the surest safeguard which to the mind of man has been ever reserved, for the permanence everywhere of all that is valuable to him as a moral being. I have no partiality for any particular church or creed. But, as an American—as the citizen of a country in which the various forms of belief are alike free, I should scorn myself, if I permitted the existence in my bosom of any such feelings as those attributed to the Administration in the debate of this morning. Although not a member of a church, I can say, with my hand on my heart, that I have beheld with emotions of delight the advance of the Christian cause in all the countries of Christendom. In the success of Episcopalians, Catholics, Methodists, and all other religious denominations, I have sympathized with equal warmth. I have never experienced the slightest apprehension in regard to the multiplication of the strength of any branch of the Christian church. Under our Constitution, we have nothing to fear from any such influences as those alluded to.

But it is declared that this is an attempt to "pander" to Catholic feeling, in advance of the Presidential election. In the first place, I have to say, that from my knowledge of the clergy and people of the Catholic communion, they would scorn to be used for such a purpose; and I know enough of the Administration to assert that no such idea could ever have been conceived by them. Pandering to the Catholics of this country! The gentleman may be more familiar than I am with the business of corrupt bargaining for popular suffrages. It is, I trust, a process not common in this country. At any rate, I live in a part of the world where the thing is not practised, and where, if practised, it would be punished in the most signal manner. I know that demagogism is to be met with in all sections of the country, and that this business of bargaining for votes is not altogether unknown in various places. I will not say that the history of the Senator, but that his experience and means of observation in the part of the country where he resides, may have enabled him to obtain more information in regard to this matter of corrupt bargaining for votes than I have enjoyed. But surely this groundless and illiberal suggestion, that the President of the United States and those with whom he advises are attempting by this movement to "pander" to the Catholics, is a charge not worthy even of the extended notice which I have given it. I advance to another topic, on which I will detain the Senate only a moment.

I intend to vote for a full mission to Rome, and I have only one reason; but it is with me a potent one. Whatever others may say, I do not hesitate to avow, that I recognize the present Pope of Rome, the head of the Catholic Church as he is, as the man of the age—the head of the great reform movement of the European world—the man who has dared to borrow light from this country, and diffuse it throughout the dominion in which he bears rule. His name is now identified with the cause of civil and religious liberty in the Old World; and although not one single dollar's worth of commerce were carried on between this country and the Papal States, I would zealously advocate the establishment of diplomatic relations with the sovereign Pontiff. Using the language of the Senator from Massachusetts, [Mr. DAVIS,] I would, even as a complimentary mark of our sympathy, send this mission to the Pope. As the champion of freedom, he is worthy of our highest regard—our sincerest reverence—our most devout affection. It is suggested that perhaps Austria may be offended. Well, I do not desire to say anything to offend Austria; but I am sure I should be ashamed of this Government if, from fear of offending Austria, it should be restrained from doing what is right in this matter. It has, indeed, been said that the Pope of Rome is sustained by Austria. Why, can it be forgotten that Austrian bayonets are at this moment opposing freedom in Italy? Do we not know that the cause of liberty has been continually assailed, amid blood, and fire, and desolation, by the armies of Austria? And yet Austria must be propitiated! I think, sir, from what we learn of recent movements in France, and the convulsed state of Portugal, Spain, and the Austrian dominions in the neighborhood of the Rhine, that that Power has something else to do at present, besides watching, with vigilant jealousy, our actions towards Italy and other countries. I believe, sir, that the present is eminently an auspicious moment in which to send an embassy to Rome. Not that I would attempt anything in the spirit of propagandism. Far be it from me to interfere in the conduct of civil affairs in any part of Italy. But, sir, the Pope is leading in the great regenerative movement which already threatens the speedy extinction of monarchical government throughout the civilized world; and does it become us, in a spirit of heartless indifference, to decline even a cold and formal recognition of the struggle for popular freedom? Whatever others may do, I am determined to do all I can, with such limited influence as I possess, to advance that cause in Europe, by extending to it my warmest sympathies.

I have meant nothing unkind, and I trust have said nothing unkind; but I honestly believe that the sentiments of the Senator from New Hampshire are worthy of the severest censure, and, having endeavored to express my strong disapprobation of them, I shall not longer trespass on the attention of the Senate.

Mr. HALE. Perhaps I should make some explanation to the Senator from North Carolina. I certainly did not mean to misquote or misrepresent him. I am sure he will not suppose that I could do so.

Mr. BADGER. Certainly not.

Mr. HALE. Now, one word as to what was said, which produced such a flood of eloquence from the gentleman from Mississippi. I certainly did not expect that that gentleman and myself would very cordially agree in certain political matters. Our positions on some subjects are wide apart, and, therefore, it does not seriously disturb my equanimity to find him quite antagonistic in reference to these questions. When the Senator came down upon my political position, with all his Jupiter Tonans thundering eloquence, I regarded it as a matter of course. But really, sir, when a gentleman of his refined taste, eloquence of diction, purity of style, chasteness of manner, and everything that contributes to the character of a perfect orator, is compelled, reluctantly compelled, I doubt not, to pronounce my poor efforts vulgar, I do "feel bad!"

Mr. FOOTE. I did not pronounce the effort vulgar.

Mr. HALE. It was the language then?

Mr. FOOTE. No; it was the sentiment. And if the Senator will refer to the original, he will find that what I say is strictly true. "Vulgar" is derived from the word "*vulgus*," which means the common people; and the term simply implies that the sentiment is common among the masses.

Mr. HALE. Ah! that is all?

Mr. FOOTE. Certainly.

Mr. HALE. Then I am very glad to find that my sentiments are becoming so popular! Now, I do not travel with the dictionary in my pocket, but one of the pages has brought me one of those big dictionaries which we had in the Senate the other day, when the Senator from Kentucky lost so much in not being present to hear.

Mr. FOOTE. Ah! take care! That may have been in secret session!

Mr. HALE. If so, it has now got out! I do not know, however, but that if the public were here and listened to our poor debates, they would hardly think that the injunction had been taken off the dictionaries! But I have the dictionary before me, and I find that this "vulgar" word——

Mr. FOOTE. What dictionary is it?

Mr. HALE. Compiled by one Sam Johnson! I find, sir, that this "vulgar" word was used in common by that vulgar fellow, Shakspeare, also by one Dryden, one Rowe, and a man who used to write doggerel, one John Milton. All of them used this "vulgar" word "pander!" Now, in its direct application to this very case, I said that I believed that this was an attempt on the part of the Administration to "pander" to the Roman Catholic voters, or Roman Catholic prejudices, and I gave credit to the Senator from North Carolina——

Mr. FOOTE. The Senator has not read the authorities. Will he allow me to look at them for a moment? I do not undertake to deny that the word is to be found in the dictionary, or that Shakspeare used it; but I meant to say that it was a word always intended for purposes of scurrility—of vulgar meaning—and, like many other epithets in Shakspeare, not appropriate on all occasions, and certainly not becoming in such a dignified body as this.

Mr. HALE. I shall read the authorities. Here is one:

"O, ye pandering rascals, there's a conspiracy against me!"

[Laughter.]

Mr. FOOTE. Very well. Would the Senator affirm that "rascal" is parliamentary language?"

Mr. CAMERON. Would the Senator be so good as to read the authority again; some of us on this side did not hear it distinctly?

Mr. HALE. Certainly—with great pleasure, sir:

"O, ye pandering rascals, there's a conspiracy against me!"

Why, sir, if I had searched the dictionary from beginning to end, I could not have hit upon a word which more clearly expresses what I meant to

convey. This is an attempt, on the part of the Administration, to pander to the passions of the Roman Catholic voters. That is what I think. When the honorable Senator from Mississippi says he has great confidence in the Administration——

Mr. FOOTE. Will the honorable Senator allow me to interrupt him for a moment? The most serious part of what I said was not so much a denial of his allegation as a solemn call upon him for evidence in support of the charge.

Mr. HALE. I understand.

Mr. FOOTE. Allow me further to state my proposition.

Mr. HALE. Certainly.

Mr. FOOTE. If a person were arraigned as a criminal, and no evidence of his guilt was produced, he would certainly go free of punishment; I therefore invoke the Senator to adduce his proofs—I challenge him to the proof.

Mr. HALE. The evidence is to be found in the absence of all proof to the contrary. This is a fair mode of argument, as the Senator must admit. When there is something palpable on the face of the case—if no other motive than that which strikes the mind as being the palpable motive is made to appear—then the inference is legitimate, in the absence of all proof to the contrary, that that is really the motive.

Mr. FOOTE. Suppose the Senator were charged with a grave offence, of which he was altogether innocent—though appearances were against him—and if he failed to adduce proof of his innocence, would he then be justly found guilty?

Mr. HALE. *Non constat!* The conclusion does not follow from the premises—not at all. But the Senator from Mississippi said that Pope Pius the Ninth was "the man of the age." Why, I thought James K. Polk was "the man of the age!" I should like to know what right any Democrat, sound in the faith, has to pronounce Pope Pius "the man of the age!" I did not propose, however, to go into this question of a mission to Rome. I rose only for the purpose of freeing myself from the charge of using a vulgarism. As modified, however, by the Senator from Mississippi, instead of a charge, it is a compliment. I feel flattered. He says that my sentiment is becoming very common amongst the people. I agree with him. I do believe the people regard this as an attempt, on the part of the Administration, to pander to Roman Catholic prejudices.

Mr. FOOTE. I hope the Senator will allow me to correct him. I did not say that the sentiment was common amongst the people, but that his language was of a common caste and character.

Mr. HALE. Well, I am a common man. I do not pretend to be anything else. And now, having exposed the attempt on the part of the Administration as well as I can, I would appeal to Senators; and if there are any other ambitious men in the Senate besides myself, I would call on them to see to it, that the man who has prepared this measure doesn't "bring all this grist into his hopper." If there be any other Presidential aspirant here besides myself, I think he had better look well to this business. Did the Senator from Michigan speak to me? [Laughter, in which the reply of Mr. CASS was lost to the reporter.]

Mr. HANNEGAN. When the Senator from Mississippi alluded to the fear of Austria, had he reference to any remarks made by me?

Mr. FOOTE. I alluded entirely to the speech of the Senator from North Carolina, of which I had read little more than the half.

Mr. MANGUM. I have but a word to say on this bill. We have all been amused by this lexicographical discussion, which is entirely innocent. But I exceedingly regret that this measure should have been regarded in any other than a purely business point of view. I regard it, and I hope I shall continue to regard it, strictly in that light. This Government recognizes no such thing as sectarian prejudices or sectarian feelings. We are accustomed to act altogether irrespective of all such considerations. But though I have my prejudices on this subject, and I hope, with due deference to the opinions of others, yet I am utterly incapable, while sitting here, of acting with regard to any sectarian feelings whatsoever. I shall act in this case purely as a business transaction. Well, then, what is it in that light? This mission originated in one of two purposes—in either the political or the commercial aspect of the case, or in both. The whole subject of our diplomatic agencies have been frequently spoken of, and some have concurred in the opinion that the multiplication of so many missions in the States bordering on the Mediterranean has been bad policy. I have thought that it was a very convenient mode of gratifying perhaps many of our political friends under all Administrations; and I know, that a few years ago, this matter was the subject of conversation in a very intelligent circle, and that a suggestion was then made which struck me as a wise one, to the effect, that if we could annihilate several of the missions already established, of very little political or commercial importance, it might be important to send a full minister to some point in the Italian States, who might concentrate all our interests, commercial and political, and give dignity and efficiency to our diplomatic relations in that quarter of the world. I am willing to admit, that in that point of view, Rome might be a suitable location for such a mission, as there is at that city a vast confluence from all parts of Europe; and in a political aspect it might be useful. Our commerce with the Papal States is not very great, but it is a matter worthy of consideration.

As to the progress of liberal opinions, in Italy or elsewhere, I am perfectly willing to sympathize in all efforts to meliorate the condition of the people; but here, in my place, I protest not only against all attempts to excite religious feeling or sectarian feeling, but also against the idea that it is the mission of this Government to propagate our own views, or in any way to interfere with the internal affairs of any other people. Against religious propagandism and political propagandism I am equally opposed. Whenever I behold shackles and fetters falling from the limbs of mankind, I rejoice, and freely extend my sympathies; but sitting here, in this place, I trust, sir, that nothing shall divert my attention from the duties which belong to this station, and the interests to which I am solemnly bound to give exclusive attention. We are here to attend to our own affairs, not to meddle with the domestic concerns of any other people.

I have had some difficulty in determining whether, either in a political or commercial aspect, any mission was called for at Rome. At all events, I have made up my mind to vote against the full mission. I would vote for a minister resident. We send a minister resident to Constantinople, the city of the Turk; and also to the Heathen in the Eastern seas and China. This we do totally irrespective of religious differences, and almost purely from considerations of commercial policy, very little political interest being involved. I confess I do not regard with favor the multiplication of these diplomatic agencies, which does look something like making snug provision for political friends. Without imputing any such motives in the present case, I must say that I have seen evidences of a gradual tendency in this direction under all the Administrations. I am desirous of checking it; and I do not know that I could be brought to vote in favor of this measure at all, were it not in order to show that I cannot be affected by any sectarian influences whatever. Of all the great principles which lie at the foundation of our free institutions, I believe that there is none more conservative and more essential to the security of those institutions, than the principle of universal toleration and equality of all the churches, each being left to the voluntary support of its own members. History has taught us that whenever the church becomes connected with the State—without any imputation on the principle of religion itself—corruption and abuse of power are the result.

Again, I have always thought that the policy of this Government in reference to some of the principal European missions was unwise. I would give them more imposing effect. The representatives abroad of this great and wealthy and powerful people ought not to stand at the tail of the whole diplomatic corps of Europe. I would give them more consideration. The money would be wisely spent. It would be wise policy also to provide the material suitable to the place. But, perhaps, in a country like ours, where party must always have large influence, it can hardly be hoped that such appointments will be always the most judicious. I shall vote against the proposed amendment.

Mr. ALLEN. I have a very few words to say on the matter before the Senate. I shall vote for this mission, and for a minister of the highest grade; because, if there be any reason for the establishment of the mission at all, it appears to me that it should be of the first class. One or two objections have been urged against this measure; and one has been, that it was intended to affect the ballot-boxes in the United States—a conclusion drawn from the fact, that the head of the Government, to which it is proposed to send this mission, is a member of a particular church. That objection thus resolves itself into this: that although the mission be sent to a Government, yet because the head of that Government is the member of a church, therefore it should not be sent. Now, when our Constitution required us to keep our hands off this sacred subject of religion, it simply prohibited two things: the establishment of a State religion, and the persecution of any particular religious faith whatever. But because the head of the Government to which this mission is to be sent is the member of a church, it is argued that, therefore, the minister ought not to be sent.

Mr. MANGUM. I hope the Senator does not allude to any remarks of mine?

Mr. ALLEN. No, sir. This mission has nothing to do with the church. It is a mission to a government, not to a priest. It is a mission to a government recognized as such—a terrestrial, not a celestial government—a government known by law to the nations, and sustaining relations as a government to other nations—a government in all essential features, independent of the peculiarity of an ecclesiastic at its head. I say, then, it does not become us, who have no jurisdiction of this sacred subject, to proscribe, or to attempt to proscribe, any branch of the church whatever, or any creed or denomination of Christians. So far as this objection goes, I plead the Constitution in answer to it. We have no right to proscribe men or a government on account of their religious opinions. Well, then, that objection may be set aside. What is the other? That there is but little commerce with the Papal States. True, but this mission is recommended by the Executive upon other than commercial grounds. It is recommended upon high political grounds—reasons which will outweigh mere commercial considerations—reasons that will stand good so long as there is a tongue to utter the name of freedom in the world. The President presents, as the first of these reasons, that the peculiar political condition of the Papal States—a condition in which it was impossible for him as the head of a great government of freemen not to sympathize if he truly represented his countrymen. The liberation of oppressed humanity has but commenced in Italy. A change has been proposed, the object of which is to free the oppressed, and diminish the number of the starving. When such a state of things as this is about to transpire in that part of the world most sacred to our classic recollections as well as to the Christian sympathies of our whole people of every denomination, does it become us to stand here and talk about the amount of commerce that floats upon the Tiber, before we expend a few thousand dollars for the establishment of this mission? There is nothing new in all this. The idea did not originate with the President. It is not for the first time heard in this broad land; nor is the policy proposed one which for the first time meets a response in the heart of this people. Many a year ago this government followed the example of all other governments in the world, and tendered its sympathies to a people who were struggling in the same cause. Why, sir, whenever an unfortunate people have been endeavoring to free themselves from despotic authority, and the effort has been crushed by force of arms, every other despot in Europe has sent his minister with congratulations to the successful tyrant. When, on the other hand, the people triumph—when, as recently in Paris, the people bear upon their shoulders the shattered fragment of a throne, and consume it with fire, and the model of our own Constitution is selected, does it become us to stand here and add up the difference between $4,500 and $9,000, in order to determine whether we will stand by and see brother despot congratulate brother despot for his triumphs over the liberties of the people, whilst we dare not offer our congratulations to the people when they triumph over their despotic rulers? No, sir, our Government has acted in this matter before this day. A famous resolution was long since moved, in obedience to Mr. Monroe's recommendation, in the House of Represent-

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atives, to tender, in the form of a legislative vote, the sympathies of the American people to the struggling Greeks. But now, it seems, we are to stand by and behold unmoved the attempt of the head of a government to extend the liberties of his people despite of the opposition of neighboring despots, who fear, in the progress of Italian reform, that their thrones may be endangered. We are told that we have no commerce on the Tiber, and that we must on no account expend nine thousand dollars in order to aid the course of freedom throughout the world! Sir, I hope we shall; and I hope further, that there will be spirit enough within the walls of this Capitol to tender the congratulations of Congress, in the name of the people, to their triumphant brethren in France, before we adjourn. That is what I hope. We know what is going on in the world, and we cannot avoid taking sides, at all events by sympathy and by all the moral influences that we can bring to bear. We cannot avoid taking sides with the people of Europe without betraying the great cause of human liberty.

We live in an age of the world when great truths are established too glaring for any man to say, "I look but see not!" One great truth has been established within the last forty days; and I pronounce it one of the most important truths which has been politically established since the foundation of society, and it is this: that armed men no longer afford a guarantee to despotism. Standing armies can no longer be relied on to sustain thrones, but, on the contrary, mix and mingle with the oppressed multitude, and are the first to reduce those thrones to ashes. That is the great truth of the age. It has just been established in France—established in the presence of a hundred thousand bayonets in the pay of the crown! That, sir, is worth more than all the discoveries with regard to steam and electricity that have been made, no matter how much bragging there may have been about the use of these elements. There are but two powers in the government of man now in operation—force and public opinion. Force has failed in the heart of Europe, and the governments there must forever rest upon opinion, and that opinion founded upon the enlightened reason of the people.

I am driven by the nature of the discussion far from my purpose when I rose. But I cannot but think the events in Europe at this hour, which, in connection with the acts of the head of the Papal States, are, by an involuntary association of ideas, brought up in connection with this measure. It is impossible to speak of the recent interesting events in Italy without reference to the regeneration of France. I shall vote, sir, for the establishment of a mission of the highest grade to the Papal States.

Mr. BADGER. The observations of the honorable Senator from Ohio make it necessary that I should occupy the attention of the Senate for a few moments. I do not propose to follow him in the wide field into which he has entered, nor to question any of his gigantic conceptions with regard to recent events in France; but to come back simply to the consideration of the question before the Senate. The Senator from Ohio stated that some one had objected to the establishment of this mission to Rome, because the sovereign of that country was a member of a particular church, and as in answer to a question put by my colleague, whether the reference was to any remarks made by him, the Senator from Ohio answered in the negative, it occurred as possible, that the honorable Senator might have referred to something which fell from me the other day.

Mr. ALLEN. I may state that I had direct and exclusive reference to the remarks of the Senator from North Carolina, and his argument, which was, that the Protestant people of the United States would mark this transaction.

Mr. BADGER. I understand, then, the Senator has just now attributed to me the remark that I had objected to the establishment of this mission because the head of that Government is a *member* of a particular church. It is very certain that I said no such thing as the Senator just now attributes to me, and I think it is equally certain that no such thing can be deduced from what I did say. Certainly I never objected to the establishment of this mission because the sovereign of Rome is a member of a particular church. Such an expression never fell from me; and I am certain that I never conceived such an idea. Without professing to have any superior information on the subject, I was certainly aware that the sovereigns of all the countries of Europe with whom we have diplomatic relations, are members of particular churches, or religious communities. However, I will endeavor to re-state my objection, and make it so clear that the ground which I take cannot be possibly confounded by anybody with the error of objecting to a mission to a foreign Government because its head is the member of a church.

This mission must be recommended to us by some considerations either of interest to ourselves, or the general welfare of society. It is recommended by the President on the ground of "recent interesting political events," in progress in Italy, under the direction of the present Pope; and, secondly, on the ground of exercising a due oversight over our commercial interests in that part of the world. Now, with regard to the latter, it seems to be conceded, as I understand, by every gentleman in the Senate, who has taken part in this discussion, that we have no commercial interests with the Papal States that require this mission; that as these interests are small and inconsiderable, and have been sufficiently provided for by the three American consuls in the Papal States, so they may safely be left to the same superintendence in future. The honorable Senator looks down with scorn at the idea of troubling ourselves with any such sublunary matters as commercial interest; and, soaring entirely above any of those earthly regions which we occupy, has gone on a transcendental excursion in pursuit of reasons why we should institute this mission to Rome. Now, the President of the United States, in his message, has made the commercial interests of the country one of the grounds on which he thinks this mission ought to be established. Being myself rather a plain man, and not at all given to transcendental views of any kind, I cannot forbear thinking that an American Senate may be more properly engaged in considering if the commercial interests of this country require the institution of this mission. The general impression seems to be that they do not require it. On what other ground is it asked that now, at this particular time, this mission shall be established, and either a minister or a chargé sent to the Papal States? "The recent political events in Rome," which the honorable Senator from Ohio has spoken of as if there had been some real change in the political condition of the people of Rome—as if Pope Pius the Ninth had adopted some measures by which absolute power should be mitigated, and some degree of popular rights established. The Senator speaks of the Pope as if he were engaged in an effort to establish civil and religious liberty. He speaks of the sympathy which every American heart should feel for all such movements in every part of the world. Well, then, when such a movement does take place, I hope I shall have a reasonable and just degree of sympathy for it; but I must have some little evidence of its existence before that sympathy can be awakened. Now, I ask the honorable Senator from Ohio, who is no doubt familiar with all these events in Rome, what step the Pope has taken towards the establishment either of religious or civil freedom? Has he granted to the people of his States a legislative chamber? Has he given them any participation in the privileges of government? Has he permitted freedom of speech and of the press? Has he abolished the censorship? Has he granted universal religious toleration? Has he abridged any portion of the power which he received from his predecessors? Has he interposed a single barrier in any form to the exercise of that absolute control over his subjects which he has received from his predecessors and which he means to hand down to those who are to succeed him? Not at all. He has made some municipal reforms. He has shown himself to be a kind and good master to his subjects; but not only has he done nothing by which their condition as the subjects of an absolute sovereign may be mitigated, but he has expressly disavowed the intention of making any such change. But, says the Senator from Ohio, we are to send out this mission for the purpose of tendering our congratulations to the people of the Papal States upon the advancement that they have made in the establishment of their liberties under the patronage of their sovereign Pontiff. Do they assemble in conventions? Do they meet in legislative bodies? Have they any representation whatever by which they are recognized as a power in the State, and to which these congratulations can be tendered? Not at all. They are kindly, beneficently governed, and as far as their personal welfare is concerned, they are wisely governed by the sovereign Pontiff. But it seems to me that the Senator forgets the nature of that sovereignty. It is as the first Bishop of the Church that the Pope possesses any temporal power. The Government is, as has been very well expressed by Malte Brun—

"An elective monarchy, having for its domain the earth, on which it only occupies a point; and for its empire, the heavens, from which it looks at kings as its inferiors."

When the Pope dies, how is his successor appointed? The succession is not by hereditary descent; there is no election by the people; the choice is made by the sacred college of Cardinals.

Mr. WEBSTER, (in his seat.) From one of their own number.

Mr. BADGER. Yes; and that college consists, I believe, of seventy members—bishops, priests, deacons. They meet and select one of their body as the successor of the late Pontiff, and he derives all his power from that body. They choose the Pope. He is elected by a body of priests, and succeeds to an absolute power over the people of the Papal States. It is, therefore, an absolute, unbroken, and unmitigated despotism. In using that term, I mean no reproach to the present Pontiff, who is, as I sincerely believe, greatly in advance of a large proportion of the distinguished personages who have occupied the Papal chair. But the government is, of necessity, a despotism; although it by no means follows, that the individual who exercises the power may be, in his heart, a despot. Yet, the present Pope has made no approximation to freedom, in the American sense of the term. What do we understand by freedom? Not merely the protection extended by a kind and beneficent ruler. It is, to be subjected to the government of a known law. It is, to have guarantees that our rights shall not be invaded; and amongst these rights, is the exercise of the elective franchise by the body of the people. It is, to enjoy a share in legislation, which is null and void, without the assent of our people. Now it is impossible, in my view of it, that the Pope can establish such a system of free government in his dominions. We all know that it is one of the claims put forth by the sovereign Pontiff, that he was constitued "prince over all nations and kingdoms"—"he plucks up, pulls down, destroys, plants, and builds," at his sovereign pleasure—exercising, in short, all those powers claimed by Pope Pius the Fifth, in his famous Bull of Excommunication. We know that the church, of which the Pope is the head, never changes. Other things may change, but the Catholic church changes not. What was once claimed by her, is ever claimed by her. It is true, in the progress of civilization, in modern times, the power to exercise the claimed authority over the nations and kingdoms of the earth has fallen into disuse, because it can be no longer carried into execution, and because, perhaps, there is no disposition to carry it out. But this power is still claimed. It is impossible, then, according to this view of the Papal authority and government, that the Pope could divide the authority with the people of his States, which has been annexed to his spiritual kingdom, in order to give it external dignity and respectability.

It seems to me, that when this matter comes to be carefully considered, it must be regarded as

simply a mission from this country to the first bishop of the world; because it is only as an ecclesiastic that the sovereign Pontiff exercises temporal authority. The point of my objection is, that this is a mission—not as the Senator from Ohio supposes, to a member of a particular church; but that it is sending a mission to a spiritual sovereign, who is the head of the Catholic church. And I said, and now repeat, that the Protestant communities of this country will regard that step as a great departure from the principles which have regulated our intercourse with other nations. I do not object to the mission because the person to whom it is to be sent is a member of a particular church, or because he happens to be the head of the Catholic church. I object to it because he is a spiritual potentate, and there are no interests of the United States in his dominions which require the presence of a diplomatic agent of this country. It is on this ground that I object to the establishment of this mission, and on that ground I would object to a diplomatic mission to the bishop of any church.

I agree in what was said by my friend from Indiana, that if it be our object to testify our respect for free institutions and republican government in the Old World, by the establishment of a mission, we had much better send a minister to the Swiss Confederation. But I think my friend might have gone still further. There is one republic, to which the sending of a mission could not be interpreted as evincing anything else than a sincere desire to pay homage and respect to a republican government. There is the little republic of San Marino, with its thirty square miles of territory, and seven thousand inhabitants, which has existed as a republic for fourteen centuries. It is the oldest sister that we have in the world. She was a republic for ten centuries before this continent was discovered; and if we are disposed to go out of our way, and send missions merely for the purpose of expressing our sympathy with the republican institutions of mankind, here is a case for its unexceptionable exercise. Such a mission could not be regarded in any other light than as manifesting before the world our reverence for this small but ancient republic.

But I understood the other day, if I correctly followed the remarks of the honorable Senator from Missouri, that he was disposed to establish this mission in consequence of the grand associations connected with Rome. I trust that I can appreciate the classic feelings of the honorable Senator—I trust I am not altogether indifferent to such considerations—but I cannot see how they would justify us in sending a mission for the purpose of testifying our respect to the departed greatness of ancient Rome. I would suggest that the money necessary for the establishment of such a mission had much better be appropriated to sending to Rome and defraying the expenses of some of our young men of genius, as usual without means, who might be employed in studying the works of ancient art, and return to their own country accomplished painters and sculptors, able to adorn their native land with works which might exercise the most important influences in educating and improving the public taste. But I also understood that Senator to suggest, that he would be in favor of making this ultimately a mission for the whole of the Italian States. When that proposition comes before us, it may be worthy of consideration. At present, however, I do not think that any necessity exists for the establishment of this mission. Other gentlemen think differently, and will, of course, govern themselves by their own judgment.

Mr. FOOTE then addressed the Senate in favor of the mission to Rome, in a speech, of which a full report will be given in the Appendix.

The question was then taken on the amendment by yeas and nays, as follows:

YEAS—Messrs. Allen, Ashley, Bagby, Benton, Cass, Dickinson, Dix, Douglas, Downs, Felch, Foote, Johnson of Georgia, and Moor—13.

NAYS—Messrs. Atchison, Atherton, Badger, Baldwin-Bell, Berrien, Bradbury, Butler, Calhoun, Clayton, Critten-den, Davis of Massachusetts, Davis of Mississippi, Dayton, Greene, Hale, Hannegan, Hunter, Johnson of Louisiana, Lewis, Mangum, Mason, Niles, Phelps, Turney, Underwood, Upham, and Westcott—28.

The amendment was therefore rejected; and, after some further progress had been made in amending the bill—

The Senate, on motion, adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 21, 1848.

The Journal of yesterday was read and approved.

Mr. CLINGMAN rose, he said, to make a privileged motion. He moved to reconsider the vote of yesterday, by which the House had instructed the Committee on Printing, to inquire into the expediency of printing an extra number of the President's message and the correspondence of General Scott with the Department of War, which accompanied it.

He wished to make a brief explanation of his reasons for such a motion, and to justify his prediction of yesterday, when he expressed his apprehension that this correspondence would not be full. Since that time he had ascertained what was the character of this correspondence, for if it were not full, he did not want any extra copies of it. He had looked over that correspondence briefly since it has been placed in the hands of the printer, and he was sorry to say that his worst fears were realized. He found that it was not a full statement of the correspondence. He found not only that some important letters were omitted altogether, but that of some letters extracts were given from the middle; of others, they were furnished with the end, and in some cases they had the beginning and the end, but no middle. He had no doubt that those gentlemen who furnished this correspondence exercised the discretion given to them very honestly under the resolution of this House which called for it. Perhaps the resolution justified them in keeping back the documents entire, for no doubt those gentlemen honestly thought that by sustaining the persons now in power, they were doing that which was important to the welfare of this country. Anything which had the tendency to lower the present Administration in the public estimation, or to overthrow it, they doubtless honestly thought was detrimental to the public interest. That he would not pretend to dispute. But he wished to call the attention of the House to this correspondence, and to show that it was too imperfect to be sent to the country. There was nothing in this whole correspondence that he deemed injurious to General Scott; on the contrary, he had no doubt it would elevate General Scott, and place him on that favorable ground on which he ought to stand, and on which he would stand when the whole facts were known.

But, before he remarked on this point of the subject, and proceeded to call the attention of the House to one or two important documents, he wished to say that he had been brought to the conclusion at which he had arrived, respecting the management of this war, from a perusal of these documents—his conclusion was, that the war had been negligently managed by the Administration, and that all the merit of it was due to our generals.

Mr. HOUSTON, of Alabama, rose to a question of order. He desired to know whether the Speaker considered it in order to indulge in a course of irrelevant debate on a motion to reconsider; and he supposed the gentleman from North Carolina would admit that his course of remark was irrelevant.

Mr. CLINGMAN said he was speaking on the matters embraced in this correspondence and the despatches which had passed between the department and our generals; and this he supposed was in order.

Mr. HOUSTON, of Alabama, said the gentleman was discussing the manner in which the President and the Secretary of War had managed the war with Mexico. If, however, the whole question was to be thrown open—if both sides were to be heard—if the Speaker deemed it in order, on a motion to reconsider a vote ordering the printing of a certain number of copies of a certain document, to go into a general debate, let it be so.

The SPEAKER replied, that these motions to print and to reconsider opened the general question embraced in the documents to be printed, but the gentleman from North Carolina must confine himself to that question.

Mr. CLINGMAN said he would confine himself to this correspondence. Well, then, they had here a correspondence, in compliance with a call of this House, which purported to give the whole of General Scott's despatches as well as the correspondence of General Taylor. He was not about to discuss the origin of this war—the House had decided that it was unconstitutionally and unnecessarily begun—but he intended to advert to facts shown by this correspondence, which, to his mind, made it appear that this Administration had been guilty of gross negligence in not furnishing our officers with what it had undertaken to furnish; and he intended to comment on the manner in which General Taylor had been left in Mexico. He knew not that the country fully understood this matter, and he should therefore make some observations on the extraordinary course which the department had pursued.

He would here remark, that this correspondence, as furnished by the President, which purported to be the correspondence and despatches of General Scott, did not contain one important document, in which was embraced the whole plan of the campaign which General Scott went to Mexico to execute. That was omitted, and for what reason? He would here say that, while the Administration had pursued its miserable, contemptible system in the prosecution of this war, what had been well done had been done by our officers and the army under their command, and the Administration, while apparently undertaking to furnish all the correspondence of General Scott, knew well that it was important not to send in General Scott's plan of the campaign. He did not intend to go into an examination and discussion of these despatches at this time; but this he would say, that if General Scott's plan had been carried out, we should long since have seen an end of this war. The Administration had this plan in June or July, and if it had been carried out, we might have had a termination of this war twelve months sooner than we now have. But the Administration did not think proper to adopt and to adhere to General Scott's plan; and yet, on looking over General Scott's correspondence recently, he did not find a single suggestion in it that had not been verified by facts. It not only had turned out as he told them, that if volunteers were sent out they would die there—as they did, deprived of tents to shelter them, as well as of other necessaries of life—but that no onward movement could be made for want of horses and the means of transportation. It was only the other day that he heard a gentleman in the other wing of this Capitol denouncing General Taylor, for advancing on Monterey, with from six to eight thousand men, when he had twenty thousand men in the valley of the Rio Grande. Now, if the correspondence were all published, it would be seen that the Administration obliged him to undertake that movement, but failed to furnish him with horses or wagons for the transportation of his troops. If General Taylor had been furnished with proper means, he would have captured the enemy at Monterey, without the heavy loss he sustained, and thus have escaped the vote of censure of this House at its last session; and the despatches would show that through that entire campaign General Taylor was crippled in consequence of the War Department not having furnished him with the means of accomplishing all he desired. But the War Department, seeing that the contest had been so conducted by General Taylor, with the inefficient means at his disposal, as though resulting in a series of brilliant victories, to give no hope of an early peace, thought proper again to consult General Scott, who was then in this city, and at length to take his counsel as to future operations. General Scott accordingly elaborated a plan of campaign, which the Administration has not thought proper to give to the public. In that plan General Scott foresaw all the contingencies which would arise.

He wished to go to Vera Cruz with 14,000 men, and he expected to capture it in a certain time. He then intended to march forward to Jalapa, and 10,000 additional troops were to be furnished him for that purpose. General Scott preferred regulars for his expedition, which he was compelled to take from General Taylor; but, after that measure had been decided upon, the Administration had ample time to reinforce General Taylor, as they promised to do, by raising his command to 10,000 men long before the battle of Buena Vista. It came, then, with a bad grace from the Administration, or its organs and friends, to censure General Scott and General Taylor, when they had failed to do that which they had promised to enable those Generals to carry on their operations.

But after General Scott had gone to Vera Cruz, and succeeded in capturing that city, what was the next step of this Administration? It was an at-

tempt to supersede him by a Lieutenant General. The Administration was willing to let General Scott go forward against Vera Cruz; and many regarded it as a desperate undertaking, many deemed it impracticable to capture Vera Cruz. The gentleman the Administration selected to be the Lieutenant General so regarded it; General Taylor, too, spoke doubtingly of it, and said that the attempt ought not to be made with less than 25,000 men. But the Administration were willing that General Scott should go there, that he might take the responsibility of the expedition in case of a failure, and be superseded by a Lieutenant General if he succeeded. General Scott succeeded at Vera Cruz, and subsequently at Cerro Gordo; and he had the authority of a gentleman of experience in such matters, then in his eye, [turning to Colonel HASKELL,] for saying that, but for the consummate skill displayed by General Scott in turning the enemy's position, the valor of our troops would have failed to force the passage. Perhaps the only thing to be regretted in those brilliant achievements was that which was occasioned by one of Mr. Polk's own friends, (General Pillow,) in exposing the regiment of a friend of his (Mr. C.'s) unnecessarily. General Scott then succeeded with consummate ability, and he proceeded on his march to the city of Mexico; but when he arrived at Jalapa he found the Administration had failed to furnish him with the ten thousand troops which were promised. It was not three days since he heard a friend of this Administration assail General Scott for discharging the volunteers before their time had expired. Why, their time expired in June, and General Scott found, in the month of April, that they could not march to the city of Mexico for want of wagons, horses, and other means of transportation. He discovered that their time would expire before they could march, and therefore he sent them home that they might escape the *vomito*. And yet General Scott was assailed for that! In one of General Scott's letters (he alluded to one written from Puebla, 25th July) he complained of this failure on the part of the Administration in sending him troops and means of transportation; and he says that the first communication he received from the department, after the capture of Vera Cruz, contained a censure, and, after the victory of Cerro Gordo, without one word of commendation, he had been condemned for discharging on parole the prisoners taken at the latter place. He adds, that he would go on with his gallant army, inferior in numbers as it was, and that in five or six weeks he would reach the city of Mexico, unless stopped by a peace or armistice; at which place, according to the rate at which the censures were progressing, he thought it likely that he would be suspended from command. In this matter he exhibited his usual sagacity and foresight, as subsequent events have shown. General Scott's correspondence, as sent in, shows all this, but it has not been furnished to this House. Why should the correspondence of General Worth with General Scott be published and this withheld?

It would be monstrous to suppose that the intellect of our rulers was so distorted and utterly perverted as to think, that in this correspondence there was anything to justify the Administration in its course towards this injured soldier. The Administration seemed to think that the crime he had committed was so enormous as to render it necessary he should be tried on the spot, in the very presence of the enemy, and before the gallant army he had led to victory. A quartermaster, a new colonel, and a militia officer, were sent to try him. All the proceedings of the court martial had been kept in the most profound darkness. Thus, at the close of the most brilliant campaign in the national annals, this brave and accomplished leader found himself suspended from command. In less than six months he had taken Vera Cruz, with its impregnable castle; he had marched four hundred miles into the heart of a country the most difficult, by reason of its physical features, armed and prepared to resist him at every step, with a force of less than ten thousand men; with this little band he had put to rout thirty thousand men of the enemy, intrenched in positions the strongest by nature and art, skillfully turning them in every instance, and had stormed and taken a walled city of two hundred thousand inhabitants, utterly annihilating the army opposed to him, and capturing in his march seven hundred pieces of cannon. And for this he had been suspended. The despatches showed what had at first been the temper of Trist towards General Scott. Why had General Scott been thus suspended? To show, as it would seem, the authority of the Administration! To demonstrate the great power and dignity of Mr. President Polk and his Government, the conqueror of Mexico must be overthrown. But Mr. C. would tell gentlemen that if they imagined that the American people viewed such a proceeding with indifference, they would find themselves under a great mistake. Wherever Mr. C. had gone, and wherever his information extended, there was a deep feeling of indignation at such treatment in reward for such services. And he should be greatly disappointed if the Administration had not raised in the country a storm which they would be little able to meet. They seemed to desire to make an exhibition of General Scott under arrest. It reminded him of a passage in history, recorded in a book which was not so often read as it deserved to be. He alluded to the scriptural account of the manner in which Samson was treated by his conquerors. Having got the strong man, at whose name they trembled, into their power, they bound him, and reserved him for exhibition on State occasions. In one instance, when brought forth before the people to make them sport, he laid his hands on the main pillars of the edifice, and brought it down in ruins upon the lords of the Philistines. If the present Administration did not experience a like fate at the hands of the people, it would owe its escape to other causes than its own merits.

General Scott, in one of his letters from Puebla, looking on the inadequate force with which he was about to march upon the capital, predicted that he should have a thousand of his men killed before he reached it, all whose lives might have been saved had he been furnished with the force suitable and proper for such a conquest. But with the feeble command he led, he had pushed his triumphant way in the face of the most unequal opposition, every day fighting a battle, till he entered the gates of Mexico in triumph. One is reminded of an incident of European history. After the battle of Pavia, Charles V., having his rival Francis a prisoner, asked of a French peasant who was brought before him, "how many days' journey is it to Paris?" "Twelve, sir," was the reply; "but they will be days of battle." There was, however, one striking difference between the cases. Though Charles was only twelve days' journey from Paris, he was never able to reach it; but Scott did reach Mexico, marching on steadily, though he had to fight a battle each day.

Mr. C. said he had been told that the Duke of Wellington—one of the best men in the world to pronounce an opinion on such a subject—had declared that, with a full knowledge of the country assailed and its natural means of defence, he had not supposed there was a captain in the world who could take the city with such means; but that Scott had moved on as regularly as a general would march in time of peace, exhibiting the most consummate skill and indomitable courage. Nor was this all his glory. He had, besides, effected a treaty of peace—a treaty which, to be sure, was not all that could have been desired, but that was no fault of his. The Administration had not trusted him with its negotiation. Although he had shown such proofs of his capacity in civil as well as political movements; although he had been sent by General Jackson (no personal friend of his) to keep the peace at Charleston in the days of nullification, and subsequently by Mr. Van Buren to the Maine border, as well as to put down the insurrection on the Canada line, and in each case he had succeeded in his mission; yet the present Administration could not trust him, but had appointed the head clerk in the Department of State, to manage a diplomatic mission of this weight and importance. The correspondence contained sufficient evidence of what sort of a man this clerk was; and though but little, comparatively, had been given, we could tell Hercules by his foot; and this diplomatic clerical subordinate, in what did appear, vilified General Scott, in the most insulting language, and talked of "bringing him down from the clouds, where he had attempted to soar over the heads of ordinary men." General Scott treated this functionary with merited contempt. But (from what cause, did not appear) in a few months this person wholly changed his tone; and writing home about General Scott, declared him to be the wisest and greatest man in the world. General Scott had fought his way to the capital of Mexico, and having driven the opposing armies before him, and dispersed and annihilated their force, made a treaty of peace. If it was deemed a bad treaty, General Scott was not responsible for its defects. It was his duty to effect peace by such a treaty as the Administration would sanction. For the Administration, it was a most lame and impotent conclusion of their ill-conducted war. They had begun the war with the declaration that they must have not only what Mexico owed our citizens for spoliations, but indemnity also for the cost of the war itself, and security for the fulfillment of the terms of peace. But, instead of all this, this humbled Administration got only a quit-claim to Texas, (which they insisted had been ours before)—agreed to pay Mexico's debt to our citizens for spoliations, and for two worthless provinces had stipulated besides to give her fifteen millions of dollars. A glorious consummation, indeed! Why, we gave but fifteen millions for Louisiana, which was worth twenty times the value of both put together. This was doing wonders, truly, after having spent a hundred millions in the war, and lost thousands of valuable lives. If Mexico, before the commencement of the war, had offered us such a bargain, Congress would not have accepted it. Much talk had been made about indemnity, but we had got no indemnity; for the country we had bought so dear was, almost all of it, private property. The land, whatever of it was worth cultivating, belonged to individuals; the residue was worth little or nothing, and would not pay the expense of surveying and selling it. The formation of a treaty, at all, reflected very high credit on the general who effected it, while the terms of the treaty reflected no glory whatever on the Administration.

Mr. C. said he had occupied much more time than he at first intended, nor should he have said so much, if the gentleman from Alabama [Mr. HOUSTON] had not interrupted him. The subject was open, under the motion to reconsider, and gentlemen would have full opportunity for reply. He insisted that all the credit, both of the war and the peace, was due exclusively to our able officers and the brave men they commanded; but in both the Administration had utterly failed. When it was proposed in the British Parliament to throw forces into Canada, as a preparatory measure against an insurrection there, Wellington had insisted that they ought to be on a large scale, adding the memorable remark that "a great country like England could not have a little war." The Administration of our Government had, however, tried to have such a war; they had done their best for it, having pursued throughout a *picayune* system in its management, because the generals at the head of our armies happened to be Whigs! Victory having nevertheless been won, surely the Administration, if it had had any soul, would have given to these brave and able men the credit to which they had so justly entitled themselves; but instead of this, there had been a studied effort to degrade them, lest they should gain too much popularity.

Now Mr. C. did not wish the country to prejudge the case of General Scott, on such fragments of correspondence as were here sent to the House by the Executive. The correspondence had been garbled—most grossly garbled. One of General Scott's letters, especially, had been garbled in like manner elsewhere. The papers stated that a man called Cass, in a certain public place in the United States, (he would not say where,) had read a part of this letter, but obstinately refused to read the residue. Now, who had ever seen one-half of a deposition read in a court of justice, and the residue withheld? Yet that was the liberal, the magnanimous system of the Administration. Mr. C. denounced it in advance.

Those who had been opposed to this war had been denounced in an Executive message and by Executive partisans as "giving aid and comfort to the enemy" by their speeches on that floor, and thereby preventing peace. No, the Opposition had furnished the Administration with all necessary means to carry on the war—"to conquer a peace," as the phrase went; and if they had desired a peace they could have had it long ago. But they wanted no such thing; all they wanted was to silence the Whigs, and prevent them from looking into the doings of the Administration; but they would find that the Whigs could furnish the means of carrying on the war, and still expose the abuses and denounce the usurpations of the President. When

Hannibal, after fighting the battle of Cannæ and was approaching the city of Rome, found to his dismay that the Romans had, while retaining means to defend themselves against him, sent out a reinforcement at the opposite gate to one of their generals in Spain, he expressed great amazement at the strength of a people who, while defending their city against his victorious army, could at the same time carry war into a distant province; and, in like manner, the Whigs had been found strong enough to conquer New Spain and carry on a vigorous and successful war against the enemy near this capital. When this correspondence should be published, Mr. C. intended to say a few things more about it, and show the people how shamelessly it had been garbled and mutilated with a view to uphold the Administration.

Mr. THOMPSON, of Mississippi, here obtained the floor.

Mr. CLINGMAN said it had been his intention to withdraw his motion before he sat down; but, as the gentleman had got the floor, let him go on.

Mr. THOMPSON then proceeded to observe that this debate was wholly unexpected by him, yet he wished to say a few words in reply to the gentleman from North Carolina. That gentleman had taken a very strange attitude, and seemed to want to place the Administration and its friends in another, as strange. The gentleman, according to his own showing, believed the war with Mexico to be unjust and unconstitutional. If so, then it must have been an immoral and irreligious war. And, though Congress had furnished the means to carry it on, and the gentleman himself had voted the supplies for that purpose, yet he maintained that the Executive, in its arrangement of the troops employed, had virtually been making war upon one of our own generals, and would have rejoiced to see him defeated. Could anything be conceived, even in the heat of party zeal, more ridiculous than this? That he who was, under the Constitution, commander-in-chief of the whole military force of the country, would rejoice to see our armies defeated and disgraced, while his own glory, as the alleged author of the war, must manifestly depend on the success of our arms! Why this attempt to raise up the Administration against our generals, and set them in array against each other? In this attempt, advantage was taken of the generals themselves. While it was the President himself who had called General Scott to the head of the army, it was pretended that it had been done only to destroy him. Nothing could be more ridiculous.

The gentleman alleged that the Administration had crippled and opposed General Taylor from the very beginning; that they had not furnished him an adequate force to capture Monterey, and had refused or neglected to furnish the necessary transportation. But could the gentleman have examined into the facts of the case? It was true that General Taylor had made such a complaint in a letter to General Gaines; but the moment that complaint was known to the Administration, the Quartermaster General had been called upon to explain. The letter of General Jesup (a man not unknown to this country, but who had won himself some reputation by deeds with which every man in the country was familiar) was before Mr. T., and he would take the liberty of reading some extracts from it. It was an interesting document, and, from the remarks of the gentleman from North Carolina, Mr. T. was certain the gentleman could not have read it.

[Here an extract was read from General Jesup's letter, dated New Orleans, December 5, alleging that it was all the fault of General Taylor himself, who got all he asked for; if he wanted more, he should have asked for more, &c.]

The gentleman from North Carolina had repeated in his speech what General Jesup had heard as a report on his way to New Orleans. When that officer heard the report, he had written to the department, referring to a letter from General Taylor of the 2d July, addressed to the Adjutant General, in which he stated that he must have to rely on the country for the means of transportation, &c. [Mr. T. quoted the letter.] Here General Jesup, after making his explanation and defence, added, that if his statement was not deemed sufficient and satisfactory, he demanded a court martial. Did the gentleman from North Carolina [Mr. CLINGMAN] desire a court martial to settle the question whether the Quartermaster General had or had not done his duty to General Taylor? If the gentleman had had the fairness to admit (what was no doubt the truth) that the difficulty experienced by General Taylor arose from the subject itself, and was inherent in the state of the country, he would have done justice both to General Taylor and the Administration. But he was not content with this. With or without cause, he must charge the Administration and the Executive with inefficiency. But the explanation contained in the document which he had just read, was so entirely full and satisfactory, that all just and honorable minds must admit it.

Mr. T. said he knew well how far party zeal would sometimes drive a man who yielded himself up to its influence. But he insisted that, if gentlemen would be just, they must either give the credit of the war and of the peace to both the army and the Government, or else deny credit to either. Why make this invidious distinction? Why must the generals be lauded because they were Whigs, and the Administration, who sent and who sustained them, be condemned because they were Democrats? General Scott told the Secretary of War what he proposed to do, viz: to hold the country on this side the Sierra Madre, and remain on the defensive, [here Mr. T. quoted the letter,] adding that it would be the policy of the enemy to cut our lines of military defences.

Now, here was the sum and substance of the instructions of the department to General Scott: You must provide sufficient force to enable General Taylor to hold this side of the Sierra Madre, and the other troops are at your disposal to operate on the Gulf coast, especially at Vera Cruz.

He next read from the letter of General Scott to General Taylor, informing him (General T.) that he was obliged to take from him a large portion of the troops he had so long commanded; that only sufficient force would be left him for the present to act on the defensive, &c. This sufficient force was provided for General Taylor to remain on the defensive, General Scott being authorized to determine that question—for the Secretary himself said no positive directions would be given touching the number of forces to be left at these respective points, and that General Scott himself must determine that question; yet, strange to say, the gentleman from North Carolina intimated most broadly that the troops were withdrawn from General Taylor that he might be defeated.

Mr. CLINGMAN (the floor being yielded) said he had not intimated any such thing. He had said that they were withdrawn from General Taylor by orders of the department, and they undertook to supply him with other troops in their place, but neglected to do it.

Mr. THOMPSON (resuming) said that reminded him of one point. As the gentleman from North Carolina was not a member of the last Congress, he would not therefore be held responsible, but his party would be held responsible for it. It was this: why troops were not sent forward at an earlier day. When General Scott left here, it was supposed that additional troops would be sent forward.

Mr. CLINGMAN (in his seat) said it was long before that that the bill authorizing the President to raise fifty thousand volunteers had passed.

Mr. THOMPSON replied, it was very true. But he would like to know of the gentleman from North Carolina, if General Scott did not desire of the Administration ten thousand regulars, and if he did not say that he considered regulars absolutely necessary for the service?

Mr. CLINGMAN was understood to remind the gentleman that his party had a majority of seventy on this floor, and could pass any measure they had a mind to.

Mr. THOMPSON said that was very true; but it was also true that the minority could, under the rules, delay the passage of a bill, particularly in the Senate, by discussion. In this House they carried it through with the utmost promptness under the previous question. In the Senate they had a very meager majority, and it was talked upon nearly two months. Such was the history of the proceedings. Who was responsible for it?

Mr. HARALSON (Mr. T. yielding) said he had better avail himself of this opportunity perhaps to put himself and the country right in regard to one matter. He did not remember exactly the day upon which the bill providing for the additional military force passed; he thought it was upon the 11th of February, 1847; but one thing he did remember well, because he was then acting in a position which made it his duty to look well into the matter—that the bill to raise the ten regiments was reported to this House, he thought, on the 29th December, certainly on the very first day at which it could be done after the reference of the President's message, and on the day after that reference, it was under discussion until it passed in this House and the other. The bill was prepared in anticipation of the reference of the President's message; and he would take occasion, as it was perhaps his duty to do, to say, in behalf of the Committee on Military Affairs, that every effort was made by them, especially by himself, as chairman of the committee, to press it to final action as soon as possible. Many motions were made by himself, as the chairman of that committee, for that purpose, and they did obtain action upon it in this House, as well as the other, as soon as the Opposition would let them have it.

Mr. THOMPSON (resuming) said, if this delay, then, was occasioned by the action of Congress, apart from the responsibility of one party or the other, (for he did not care to make a party speech,) could the Administration be responsible? At the time the troops were required, the Administration urged that they should be raised at the very earliest period. There was not a member of the House, not a man in the country, but knew that *action*, ACTION, was called for by the department—that they desired early and immediate action by Congress. General Scott at that time, and General Taylor, so far as he knew, believed that there was a sufficient force left for the army to remain on the defensive, and he (General Scott) thought he had a sufficient force to go forward to Vera Cruz and attack that place; and the result showed that his calculations did not deceive him.

And here he would say, that he was struck with the remarks of the gentleman from North Carolina [Mr. CLINGMAN] upon what he [Mr. C.] supposed was Mr. BENTON's opinion upon the attack of Vera Cruz. He would like to know by what authority the gentleman spoke. So far as he (Mr. T.) understood Col. BENTON, the gentleman had misrepresented him totally—entirely—this morning. Whether Mr. BENTON's opinion was a matter of moment or not——

Mr. CLINGMAN interposed, and (Mr. T. yielding) said he had referred to Mr. BENTON's speech on the Lieutenant General.

Mr. THOMPSON said he supposed the gentleman had no other authority than Mr. BENTON's speeches. He knew that his (Mr. B.'s) view was, that it was not necessary to attack that strong castle; that we could go into the interior, and that Vera Cruz would fall necessarily; that it was not necessary to make a direct attack upon it from the seacoast. But the gentleman from North Carolina totally misrepresented the fact in saying that General Scott had been sent down there on a fool's errand, with a small, inferior force, to be cut up, and, if it was cut up, the Administration would say, "Why, General Scott went down there by his own choice, and if he fails, he fails as the result of responsibility assumed by himself." Not so. The responsibility was shared both by the Administration and General Scott. He believed he could carry that strong castle with the force furnished; the Administration told him to go forward; he did go forward, and succeeded; the event justified the calculation. Did the gentleman, or anybody, suppose that this Administration would have been satisfied to allow General Scott to go upon that expedition, unless they had been convinced likewise that he could succeed in it?

The gentleman from North Carolina said there had been a bad disposition manifested on the part of the Administration throughout the war towards General Scott and General Taylor. He (Mr. T.) said there had been no such disposition; that the whole correspondence showed the utmost kindness on their part towards these individuals; and this effort to get up an opposition between the Administration and the Generals was made for the express purpose of benefiting the party of those men who were opposed to the war, being great friends of those who had fought in an unjust cause! Why say that these Generals had gained glorious laurels for themselves and their country, when, at the same time, the individuals who made that declaration said that they had been fighting in an unjust and unholy cause?

This brought him to the course of the gentleman

from North Carolina himself, who had been in a perfect state of feverish anxiety to get hold of this correspondence. Although it had been called for by resolution, although the document was large, the gentleman had for the last five or six days been troubling the House with attempts to suspend the rules, upon every occasion when he could possibly introduce his motion, that he might submit and have passed a resolution inquiring why it had not been sent in. As soon as it was sent in—with no portion whatever garbled, as the gentleman himself must be convinced—the gentleman had looked at it; he (Mr. T.) had not; but he ventured the assertion that not one single sentence had been stricken out but that which related to the court of inquiry now going on; he had not seen the document, or talked with any of the heads of departments about it, but he ventured to say that the fact was so. But, now that it was sent in, the gentleman continued to exhibit his feverish anxiety to know why the Administration had not sent in something more; and, lo and behold! he was against the printing; or, if it was printed, he seemed to want to have his notes and comments go out to the country as a part and parcel of the correspondence, and to consider that they were just as important as any part of it! Now, he (Mr. T.) had no doubt but the people would be able to digest these reports, and that, too, without the speech of the honorable gentleman going along with it.

He had been struck with the gentleman's disposition this morning. On yesterday he could say nothing. But since he had looked through the correspondence, he said there were garbled statements; that some provisions had been stricken out; and this morning the gentleman had moved to reconsider the printing, to enable him to make his speech; and, moreover, after he had finished, he had withdrawn his motion; thus indicating that he wanted his own comments to go to the country; that he wanted to create suspicion on the part of the people that there had been some injustice done—that there had been some impropriety committed by the Administration, without allowing any word of explanation to be made on the other side.

These remarks he had made unexpectedly; but he thought he had shown there was something extraordinary in the course of the gentleman, that he should privately examine the documents, and then, fearing that they should go out to the country without his comments, should roundly, boldly declare that the Administration had no grateful feelings, but were desirous to ruin the generals who had conducted the campaign. It was unworthy of the high and proper course which should be pursued on the floor of Congress. Let them do justice to all; let them deal fairly, equally with all, and let the country decide.

Mr. HASKELL said he should favor the motion of the gentleman from North Carolina to reconsider, for the purpose of having this document printed entire when it was circulated in the country. The best, the most authentic history of this war, was to be found upon the public records, and when those records were all published and sent to the country entire, then alone would this country be able to judge properly and correctly to decide upon the conduct of the Executive. He was firmly convinced, from what he had seen, from what he had heard, and from what he had read in reference to the conduct of this war, that it had been characterized by a series of Executive blunders, from the very moment the order was first given to General Taylor to march to the Rio Grande up to the present; and he was firmly of the opinion that the protracted character of this campaign had grown entirely out of miscalculation, misapprehension on the part of the Executive in reference to the character of the foe with whom we were contending.

Could any reasonable man believe that the President of the United States would have ever ordered General Taylor to break up his camp at Corpus Christi and to advance with his meager force to the banks of the Rio Grande, if he had believed that the enemy would have been there to meet him so promptly and with such a force? From the time this war commenced the President had been laboring under the idea that our army had to meet a foe too insignificant almost for American valor to contend with, and had very evidently believed that he could bully, threaten, intimidate, Mexico into peace at any time he desired. It was with this misapprehension that he had ordered the advance of the army to the banks of the Rio Grande. The President believed, as Mr. Slidell had informed him in one of his despatches from Mexico, that the appearance simply of a formidable force on the banks of the Rio Grande would be sufficient to intimidate the enemy to terms. The President had calculated without his host, and had found that mere bravado, intimidation, bullying, and threats, were not sufficient to awe a people into subjection who had their firesides and their homes to defend. So far from being intimidated into peace, the enemy met our forces, crossed the river, and gave them battle upon ground where the President had supposed our army would rest undisturbed. When the battles of Palo Alto and Resaca de la Palma occurred, it was then believed by the President, and the party of which he was the head, and by the great body of the people, that peace would follow—that this manifestation of American valor, this proof of American prowess, would be sufficient to bring about a peace. But here again the President, with that want of forecast which had characterized him from the commencement of the campaign to the present moment, had most grievously miscalculated. His object was to show that the protracted character of this campaign had been the fault of the Executive, in his want of foresight, and, it being so, that he was properly responsible to the country for it.

The battles of Palo Alto and Resaca did not bring with them peace. It was necessary to invade the territory of the enemy still further, to penetrate into the interior, and endeavor to conquer a peace, and at the same time to wrest from him his territory. Now, when it became apparent that General Taylor would have to proceed into the interior of the country, and the battle of Monterey was to be fought, he charged upon the Executive that he had totally failed to supply the General who headed his troops with transportation and the supplies necessary for the successful prosecution of the war. He (Mr. H.) was on the banks of the Rio Grande at that time. He knew that General Taylor, when he marched from Camargo to Monterey, if he had had sufficient transportation, could have taken with him more troops, more supplies, more munitions. He was compelled to move from Camargo in this crippled condition, and to assail Monterey with a force inadequate to the work to be performed. The battle of Monterey was a dear-bought victory—one which came near not being one at all; and if General Taylor had had with him more artillery, more men, there would have been no necessity for a capitulation; and, instead of a surrender of the enemy, and their marching out with the honors of war, he might have captured the whole of them, and done much to conquer a peace by crippling the power of the enemy.

He charged this partial capture, this half-victory of Monterey, if he might so term it, upon the want of foresight, the want of proper wisdom on the part of the Executive, in not furnishing General Taylor with the means and munitions necessary to accomplish the object.

Well, after Monterey fell, after that victory was heralded upon the wings of the wind, and the exultation and joy with which it was received in the United States was manifested, the President of the United States, still further mistaking the character of the people of Mexico, was ready to rest quietly and persuade himself into the belief that the work was accomplished, and that there was no further necessity for the vigorous prosecution of the war. He believed that the Mexican nation was humbled; and it was for this reason, on account of this opinion of the President of the United States, that General Taylor was left at Saltillo with such an inadequate force as he there commanded. He could not find it in his heart to believe that the President of the United States cherished the inhuman purpose of subjecting General Taylor and his brave army to butchery. The thought was too horrible to be conceived, much less to be harbored and expressed. He believed the reason why General Taylor was not better supplied with men, why there were not more reinforcements on his line than there were, grew out of the want of forecast and of prudence on the part of the President; because he believed he had already conquered the enemy. General Taylor's troops were withdrawn, his regulars were all taken from him; he was left with a handful of men at Monterey and Saltillo; and if it had not been for the indomitable courage, the unwavering determination, and all the glorious qualities that make a soldier which adorned that old man, disaster would have followed, and lamentation and wo would have been the wail of the entire country. What the mismanagement, what the imbecility, what the want of foresight on the part of the President of the United States, had come well nigh producing—that was, disaster and ruin—the sterling qualities and glorious character of that old hero retrieved and made glorious. He saved the country. He fought not only an enemy who were rallied and animated to desperate resistance by a leader who had been imported into the country by our Executive; but he encountered a fire in the rear; he fought the Executive of the United States and Santa Anna in one and the same battle, and defeated them both!

Well, after the signal victory on the ever-memorable field of Buena Vista, the President of the United States, and those who believed with him, again got into their heads the hope, nay the belief, that the work was done—that a peace had been conquered. Still it took but a very little to show that peace was not yet. The expedition against Vera Cruz was carried out. It fell, and the castle of San Juan de Ulua was taken. This fall and capture, in the admirable manner in which it was performed, was attributable, he was free to confess, almost entirely to the great military spirit and sound judgment of General Scott.

But after the capture of Vera Cruz, the President of the United States once more deceived himself with the hope that, inasmuch as he had got possession of the key which unlocked the interior of that whole empire, the work was accomplished, and a speedy peace would follow. And it was because of this belief, he was firmly convinced, that grew the hesitancy and the failure to furnish forthwith to General Scott the means of transportation necessary to enable him to push his victory into the heart of the country.

After every movement, the President, it seemed, had been ready to fold his hands until Mexico cried for quarters. With the iron determination of the Spaniards, mixed up with the savage ferocity of the Indians, the Mexicans evinced a stubbornness and obstinacy which no other nation had ever instanced. They believed that they were the greatest soldiers in the world, and that the combined armies of the globe would never be able to wrest from them their territory, or tread the halls of the Montezumas. Mr. Polk should have known this. He should have had mind enough, or those who counselled him, to have known something of the character of the enemy, and made proper provision for the execution of the war. The battle of Buena Vista preceded the fall of Vera Cruz but a very few days; and if General Scott had been provided at the moment with sufficient supplies of transportation, and with the ability to get along with an adequate force, he could have moved forward from Vera Cruz instantly; he could have passed Cerro Gordo without a battle, and entered the gates of Mexico before her army could have rallied; because, at this particular time, Santa Anna had not time to have reached Vera Cruz from Buena Vista, to have defended the castle of San Juan, or to have located himself along the route to Mexico, to wait for General Scott. If they could have moved from Vera Cruz, they could have passed Cerro Gordo; but this Administration, by its want of energy, crippled the army, and afforded aid and comfort to the enemy, by enabling them to meet us at Cerro Gordo.

Well, General Scott broke up his camp at Vera Cruz, marched to Cerro Gordo, fought the enemy there, and, with a skill and military science which has probably never been excelled by living man, he conquered. The defeat at Cerro Gordo was a total rout. There was not a remnant of the enemy left to make a stand against our army. They were dispersed, driven in every direction in despondency, overcome with the overwhelming defeat and disaster which had attended their footsteps. Mexico was at that moment a ready prey for our army, if General Scott had been permitted to advance. What was his condition? There was Mexico at that moment without an army—without means of making any, even a respectable opposition to our advance into the city of Mexico; and yet General Scott was unable to move more than fifteen miles from the field of battle. Troops and means of transportation had been promised him, but he had not got them. The term of the twelve months' volunteers was about to expire; and if the Administration had used ordinary diligence, he could have taken the city of Mexico before its expiration.

But the delay in supplying him with the means to advance compelled him to stay there, to recuperate and recruit his troops; the time of the twelve months' volunteers approached its close, and they were sent home; and he was still compelled to linger there until reinforcements could come up, which he expected to arrive. If General Scott could have advanced after the battle of Cerro Gordo, he could have arrived in the city of Mexico without a single battle.

Well, General Scott moved on in time from Jalapa, and he entered the valley of Mexico. He met the enemy at Contreras and Churubusco, and fought and gloriously triumphed there. He there nearly accomplished the object in view. But it must be known that all this time—from the day he left Jalapa to his arrival in the city of Mexico—General Scott was continually interfered with; he was not only cramped for want of proper means for efficient operations, but he was continually interfered with by the President and his agents. Mr. Polk seemed to have no other idea than that, after every battle there was to be peace; and he sent out Mr. Trist to carry out his views, and opinions, and feelings, in reference to it. If General Scott had been alone—if he had not been hampered, and tied, and bound down by Mr. Trist, after the battles of Churubusco and Contreras, General Scott would have carried Mexico without the bloodshed which followed. He (Mr. H.) charged the President of the United States with the loss of every single drop of blood shed by every American soldier from the gates of Vera Cruz to the gates of Mexico. He was accountable for the whole of it. The President talked about aid and comfort being given to the enemy; he talked about a vigorous prosecution of the war; but who had done more to furnish aid and comfort to the enemy, and less towards a vigorous prosecution of the war, than Mr. Polk? The President's absorbing idea, that we were to have peace after every battle, seemed to have prevented any provident arrangements for the vigorous prosecution of the war. He, by the delays for which he was accountable, had enabled the enemy to meet us in every field. Who, then, had given so much aid and comfort to the enemy as James K. Polk, the President of these United States? This was believed by those who believed this war to be necessary, as well as by those who were opposed to it. It was believed by those who took part in it, who participated in its victories, and poured out their life's blood for the honor and glory of their country. He charged James K. Polk, for ordering an inefficient force to advance on the Rio Grande, with the blood that was shed at Palo Alto and Resaca de la Palma. He charged on James K. Polk the loss of so much life's blood on the battle-field of Buena Vista, where General Taylor was left with a handful of men. All this he charged on James K. Polk, the President of the United States. He charged that James K. Polk, by his dilly-dallying course, had given time to the enemy to meet us on every battle-field from Vera Cruz to Mexico; and he called for all the despatches and correspondence, that it might be published to the world as the only authentic record and history of the war. When these documents shall be in the hands of men, they would not fail to see that this war had been protracted by the conduct of the Executive, and that all the victories that we had achieved had been attributable to the skill of our generals and the indomitable valor of our soldiers.

Before he took his seat, he wished to make a remark respecting an allusion made by the gentleman from Mississippi, [Mr. THOMPSON.] Not less than half a dozen times during his remarks, that gentleman had charged on the Whig party that they believed this to be an unjust war. Nothing was more common than such an accusation from the other side of the House and from Democratic newspapers throughout this country. They all charged that the Whig party proclaimed this to be an unjust war. Now, in some portions of the Whig party that opinion was entertained; but he (Mr. H.) spoke for himself; he could speak for the Whig party who were opposed to the war where he lived; he could speak, too, for the Whigs of the South on that subject; and for himself and for them, he denied that they had ever characterized it as an unjust war. He had said that it was unnecessarily and unconstitutionally begun, and so he now said. A war might be unjustly begun, and yet justly fought. A war might be unnecessarily begun, and yet necessarily prosecuted. It might be unconstitutionally begun, and yet constitutionally continued. All he had heard said by the Whig party was, that it was unnecessarily and unconstitutionally begun by the President, and yet it was necessarily and constitutionally prosecuted. He made a distinction in this way. He held that Congress was the war-making power. The President has no power to make war without consulting Congress. Well, then, this war was unconstitutionally commenced, because the President had not the constitutional power to make war. The march of our army on the Rio Grande was an act of war, because it was an invasion of territory about which we had proposed to treat. When Congress again came together, they found the country in war. There was no time then to spend in useless discussion. In the emergency in which they were placed, they found it necessary to vote supplies of both men and money, and hence the war which was unconstitutionally begun was constitutionally conducted.

He could readily imagine how a war might be unjustly commenced, and yet justly prosecuted. For instance, he might use insulting language to the gentleman from Mississippi. He might endeavor to bully that gentleman and alarm him by threats. The gentleman from Mississippi might reply in a similar spirit, and might insult him (Mr. H.) in return, and ultimately strike him. He (Mr. H.) would grant that he had done wrong in threatening, bullying, and attempting to intimidate the gentleman from Mississippi; but he had been struck, and consequently he had to defend himself, and whatever fighting he did after that, he considered was done in self-defence, and fully justified. [Laughter.] Thus it would be seen he made a distinction. This may not be a just war as far as the President was concerned, for he had assumed to act for the representatives of the people, and without consulting them, and thus had involved us in a war with Mexico. He made a wide distinction between the action of the President and of the people. The President had done wrong in getting us into this difficulty, but, being in, we must make the best of it. The President had got us into a difficulty, and now what they had to do was to get out of it in the best way they could.

Mr. McLANE next obtained the floor, and proceeded to reply to the remarks of the gentleman from North Carolina, [Mr. CLINGMAN.] The gentleman from North Carolina, in what he (Mr. McL.) viewed as a partisan speech, had complained that the production of a part of his correspondence had placed General Scott unfavorably before the country, and had called for the whole as an act of justice to General Scott. Now, how could the gentleman from North Carolina know that there was any other part of that correspondence, and that it would serve to defend the reputation of General Scott? He differed entirely from the conclusions of the gentleman from North Carolina. He believed the correspondence of General Scott would show him in a less favorable aspect than he deserved: it certainly would not elevate him before the country. He then proceeded, by a reference to documents, to reply to the attack which the gentleman from North Carolina had made on the Executive management of the war.

The gentleman had impeached the wisdom of the Administration. He had told them that the Administration had committed a series of blunders from the commencement of the war in 1846 to the present time, and that it had exposed the army to disasters, and its generals to reproach and censure. Against these accusations he proposed to vindicate the Administration, and he should not be found covering up the skill and courage of General Taylor, for the purpose of bringing General Scott forward for the campaign. When this campaign was first suggested here, it was a column of attack from the head waters of the Missouri to the Pacific; from Texas to Chihuahua, and up the valley of the Rio Grande to Monterey. Then the invasion of the city of Mexico was not looked to. The campaign then looked to the occupation of the northern provinces of Mexico, and it had been eminently successful. But then a new era occurred. The occupation of the northern provinces was not thought to be enough. It was thought necessary to occupy the whole Gulf coast, and it was thought possible to go to the city of Mexico. Of the details of these movements the gentleman from North Carolina had sought to place the responsibility on the Administration. To shift that responsibility upon General Taylor and General Scott, showing that they concurred in and advised all the details of the campaign, he read extracts from several despatches. From these documents he proceeded to show what number of men General Taylor deemed necessary for the operations in the valley of the Rio Grande and the Gulf coast, and stated that the Government called out the number of troops that were required by its general, on whose advice and recommendation it acted. The President sent a message to Congress urging the necessary action to furnish the force required; and where then was the responsibility? He said, he argued this question of concurrence, not to place either general in the wrong, for he thought them both right, but to refute the unfounded attack which had been made on the President. He then proceeded to examine the responsibility of those who acted with a party majority, and to show that the course pursued by the friends of the gentleman from Tennessee [Mr. HASKELL] had the effect, whatever the design might have been, to afford aid and comfort to the enemy.

He next proceeded with his documentary quotations to show the agency of General Scott in the movement on Vera Cruz and Mexico. It was General Scott who took General Taylor's forces. He read General Scott's letter to General Taylor, written two days after he received his order from the War Department, in which he told General Taylor that he must leave him on the defensive; and, also, the order to General Scott, directing him to repair to Mexico, and investing him with full powers.

Mr. McL. said, he was showing to the gentleman from North Carolina the responsibility of General Scott. General Scott had not waited till he got to Mexico to judge whether it would be necessary to take General Taylor's troops from him for Vera Cruz; he had got only as far as New York when he had already resolved to reduce Taylor to the defensive, and he did it. He admitted that General Scott had captured Vera Cruz most successfully, most beautifully. Mr. McL. was not denying his merit, nor seeking to lessen his well-earned fame; he was only arguing to refute his reproach against the President. And, after all, General Taylor had himself selected the number of troops to be detailed to aid General Scott, reserving enough to defend the valley of the Rio Bravo. He had of choice advanced beyond Monterey, after capturing that place, and had gone with his troops into the grazing country, and in the very face of the enemy.

When General Scott wrote his letter of November 25, he knew what additional reinforcements had been asked for; he said in that letter that the President had asked for nine new regiments, and might probably soon ask for more. And then came that very significant paragraph: "We are not 'without the hope that Congress will add ten or 'twelve new regiments to the regular establish-'ment."

Mr. McL. charged neither Scott nor Taylor with any want of fidelity in the full discharge of their official duties, however obnoxous to censure they might have rendered themselves by parts of their despatches to the War Department. The gentleman from North Carolina was not pleased with this correspondence. It was quite unsatisfactory to him. And why? Because "it did not present General Scott in as favorable a light as he deserved." In this Mr. McL. entirely agreed with the gentleman. He thought it did not present him in a very favorable light. But men who were the most brilliant in battle did not always shine as brightly in the use of the pen as the sword.

After some remarks, not very well heard by the reporter, Mr. McL. went on to say, that it was not General Pillow alone who stood in the way of General Scott. There was another general, and another soldier, not a general, who had rendered himself as glorious in council as in the field. It was Duncan, who, after the battle of Palo Alto, prayed, for the honor of West Point and the regular army, that the enemy might be met on the morrow. Duncan did not wish to cast any reproach on the gallantry of the volunteers, but asked that an opportunity might be given to the regulars alone to rout and destroy this Mexican army. General Taylor had given them no answer at the time, but had laid his hand upon Duncan, and ordered him to say to Major Bliss that they should fight the enemy to-morrow. The gentleman from North

Carolina would find nothing in all that was done at Cerro Gordo, or in any of the battles that followed, more beautiful or better worthy of contemplation than the moral courage of Duncan, who had been reproachfully spoken of as "Worth's pet." It was Duncan's battery which gave brilliancy to the whole campaign on the Rio Grande; his was a corps which had never known defeat. Many of those who were General Scott's strongest admirers had considered it undignified and even disgusting to call Duncan a pet; and it was the recurrence of such things on the part of that commander, which, appearing in this correspondence, was calculated to present him unfavorably before the country. It was these weaknesses of temper, which must make General Scott weak as a Presidential candidate, in the minds of men of sense and reflection. There was so much in this correspondence akin to the famous letter that contained the "plate of soup," that it was calculated to present General Scott unfavorably, considered as a man, though not as a soldier.

And now Mr. McL. referred to a despatch which enabled him to say to the House that General Scott had been neither arrested nor disgraced. He then alluded to a despatch written after the famous soup letter, in which he begged the President to give him command of the army, from which it appeared that the little sources of irritation which had so much vexed him were, nevertheless, not sufficient to prevent him from asking to go to Mexico and take General Taylor's command. He wrote this on the 12th of September. What had induced him to seek such a trust? The causes were obvious. General Scott was a man of ability and a man of ambition, and he wished to go to the field to seek distinction there. This was all right. For this no man would pretend to censure him. He was a man of military experience, too, and military science, and he might think it due to his past services. This, too, was all right. But General Scott was a man of irritable temper, and this all must admit. Who, for example, now thought the Government to have been wrong in the famous soup case? No man, he believed, out of that House. In another letter, General Scott had anticipated that he would take the city of Mexico, but as soon as he got there he supposed he should be suspended. Mr. McL. presumed that the gentleman from North Carolina would not contend that this was dignified or proper language. After that came another despatch, which showed the same irritability, producing a conflict with his bosom friend and old companion in arms. On the ground of a mere anonymous letter, compiled at Pittsburg, of various fragments of other correspondence, he flew out against his former friend, and wrote that general order about the "pet familiars;" thus attacking one of the most gallant men that ever entered a field, as was his friend and compeer Duncan. But brave as General Worth might be, and Democrat as he was, Mr. McL. did not want him as a candidate.

[A voice: "His democracy will not hurt him."]

Mr. CLINGMAN again obtained the floor, and observed that he had not risen to make a speech, nor did he purpose to detain the House over five minutes. He had attained the object for which he had moved the reconsideration, by bringing the attention of the House to the garbled condition of the despatches it was now proposed to print.

Mr. INGE rose to order, contending that Mr. CLINGMAN, having spoken once, was not entitled to the floor.

The CHAIR said this was true, if any other gentleman wished to speak, and claimed the floor when he rose.

Mr. INGE said he claimed it.

The CHAIR replied that he should have done so in time, then. No one having claimed it when the gentleman from North Carolina rose, the floor had been assigned to him in pursuance of the uniform practice of the House.

Mr. CLINGMAN went on to say that the gentleman from Maryland [Mr. McLANE] misunderstood him. He had said that one very important document in the correspondence of General Scott with the department, in which he had laid down his plan of the campaign, was wholly omitted in what had been transmitted to the House. The gentleman said that General Scott had been willing to go to the attack of Vera Cruz with no more than 10,000 men. But Mr. C. had shown that though this was true, General Scott had had the promise that when he got there he should receive a reinforcement of 10,000 more, which promise was not kept. As to the general order to which the gentleman had alluded, it had already been paraded through the country, because it was believed that it might operate to injure General Scott; but he had justly complained that the Government had not given him the whole force which it had promised him. The gentleman had pronounced a long and labored eulogy on General Worth. Mr. C. had no wish or intention to detract in the slightest degree from the fame of that brave officer; but he thought there was nothing in the affair between them that detracted aught from the just reputation and standing of General Scott. In his second order, he declared that in the first he had alluded to "the author of the Leonidas letter;" and for this the Administration had taken the side of General Worth, liberated him from arrest, and arrested General Scott, and were going to try him.

The gentleman from Mississippi [Mr. JACOB THOMPSON] had said that the President had furnished all the correspondence for which they had asked, except what was included in the proceedings of the court of inquiry. But for what had this court of inquiry been got up? If General Scott had not always been very prudent in his despatches—if he had not employed such exactly measured language as he might have selected—if he had said something about "a pruriency of fame not earned"—was this a sufficient reason for his arrest? Was the court created to try him for an offence against the rules of grammar?

The gentleman had accused him of a purpose to injure General Taylor. Mr. C. utterly disclaimed it. It was true, he had made no argument in defence of General Taylor, because he had many and able friends on that floor, who had already spoken in his behalf with an eloquence which Mr. C. could never hope to emulate or equal; and the public had already passed upon the case, and given judgment in his favor. So far from seeking to derogate in the smallest degree from the well-earned fame of that glorious old soldier, he had felt his heart swell with exultation at the just plaudits his merits had received. There was no man whom he estimated higher as a military man or as a gentleman. But he did not mean to see General Scott treated in this way, and sit silent. Why was this court of inquiry ordered upon him? Worth had been found to be in the wrong, and Scott in the right; yet Worth was liberated, and Scott arrested.

Mr. C. did not understand what the gentleman meant about Presidential candidates, and not wanting Worth as one. The gentleman seemed to have the faculty of seeing candidates for the Presidency springing up everywhere. He appeared also greatly to fear the Western Reserve. Now Mr. C. liked the name. His own district in North Carolina was called the Western Reserve, and for his own part he liked the Whig voters in the Western Reserve of Ohio, though there were some things in which he could never agree with his friend near him, [Mr. ROOT.] The gentleman from Maryland need not give himself so much uneasiness on behalf of the Whig party and the Whig candidate. Anxious and fearful as the gentleman seemed to be lest the Whigs should not be able to agree among themselves, he would find that the Whigs would manage to unite on a candidate. Much as they might differ on some points, they would all rally when it came to the point. Meanwhile, for one, he should much like to know how the gentleman from Maryland got along with his Pennsylvania friend and others who went for the Wilmot proviso?

Mr. McLANE. We expect to beat him. [Much laughter.] I mean to beat the Wilmot proviso. [Increased merriment.]

Mr. CLINGMAN said he should think that the gentleman's friend from Pennsylvania was rather hard to beat. He confessed that he liked to see the sturdy independence with which that gentleman stood up against those who seemed disposed to browbeat him. He commended the spirit and determination with which he resisted party dictation.

Mr. McLANE said that he never had maintained that Congress had the power to interfere with the subject of slavery; and, by way of compromise, had proposed that the new territory to be acquired should be divided in that respect by a geographical line.

Mr. CLINGMAN said that that was his doctrine; but the doctrine of General Cass was utterly at war with what had been the practice of the Government for seventy years. Mr. C.'s position was fully sustained by the whole action of the Government during that time; and he thought that those who went into extremes on either side, insisting that acquired territory must all be free or all slave territory, were equally wrong. Mr. C. placed himself on the ground of the Constitution and on the uniform practice of the Government for sixty or seventy years; and he ventured to predict that his friend from the Western Reserve [Mr. ROOT] and himself would be found perfectly united in the Presidential struggle that was at hand. How that union was to be effected he did not undertake now to tell; but the gentleman would find that they were united against him and his candidate.

Mr. INGE inquired of the Chair whether this course of remark was in order?

Mr. CLINGMAN said he knew it was a sore subject, and he would not distress gentlemen by continuing it.

Mr. INGE thereupon moved that the House do now adjourn; which motion prevailed.

And thereupon the House adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

By Mr. JAMESON: The petition of William H. Russell, late marshal of the district of Missouri, for an act for his relief.

By Mr. WHITE: The memorial of H. Skinner, praying instruction for the plough equal at least to that which is provided by the Government for improvement in the art of war. Also, the memorial of James S. Abeel, S. Lansing, Edward Ingersoll and others, praying for adequate compensation to military storekeepers.

By Mr. FEATHERSTON: The petition of John J. Ramsey and 76 others, praying the establishment of a mail route from Hopewell to Coffeeville, in the State of Mississippi.

By Mr. PHELPS: The memorial of Charles Findlay, praying that a draft drawn by the Shawnee Indians in favor of the Superintendent of Indian affairs at St. Louis be paid.

By Mr. HOLMES, of New York: The petition and other papers of George S. Chaflin, a sergeant in the last war with Great Britain, showing great hardship and consequent loss of health, and asking for compensation and relief.

By Mr. PETTIT: Sundry petitions of citizens of Indiana, praying a further postponement of the sales and a reduction of the price of lands in the great Miami reserve in Indiana.

By Mr. PRESTON: The petition of Valentine Miller, of Monroe county, Virginia, praying for a pension. Also, the petition of Andrew S. Warwick and others, citizens of Pocahontas and Randolph counties, praying for the establishment of certain post offices and post routes.

By Mr. PILLSBURY: The memorial of Maurice K. Simons, of the Commissariat department, Mexico, but who was engaged in several battles and lost a leg in consequence of a severe wound, praying for a pension.

By Mr. BEALE: The petition of Charles C. Jell. Also, asked leave to withdraw from the files of the House the memorial and accompanying papers of John Burke.

By Mr. JOHNSON, of Arkansas: The memorial of John F. McCoy and others, on the part of the old settler party of Cherokee Indians, praying relief.

By Mr. STUART, of Michigan: The remonstrance of citizens of the county of Calhoun, Michigan, against the renewal of the patent of Jethro Wood for his cast-iron plough for the benefit of his heirs.

By Mr. GRINNELL: The petition of Job Chase and 421 others, for a light-house or light-boat on Kill Pond bar, near Monomoy, Cape Cod.

By Mr. TWEEDY: The memorial of the Legislative Assembly of the Territory of Wisconsin, praying that the military reservation on the east side of the Mississippi river, opposite to Fort Snelling, may be raised, and the right of preemption granted to the former settlers thereon.

By Mr. CHAPMAN: The memorial of Wm. and Richard H. Reedin for indemnity for property destroyed in the war of 1812.

By Mr. HALL, of New York: The remonstrance of Elisha M. Adams and 140 others, inhabitants of the county of Erie, New York, against the extension of the patent granted to Jethro Wood. Also, a like remonstrance of sundry inhabitants of Black Rock, in the same county. Also, the memorial of Samuel N. Callendar, Almon M. Clapp, and others, citizens of Buffalo, New York, praying for a speedy termination of the war with Mexico. Also, the petition of Joseph Freeman, James E. Case, and others, for the establishment of a new post route from Alden to Mill Grove, in the county of Erie, New York. Also, an affidavit of James Sloan, of Black Rock, New York, in support of his claim to prize money for his services in taking the Caledonia and Detroit, in the war of 1812.

By Mr. KING, of Massachusetts: The petition of Fitz W. Sayward and 90 others, of Gloucester, for a specific duty on imported fish, and that the rate may be the same as by the tariff of 1842. Also, the petition of Norman Story and 70 others, of Essex, for the annexation of the town of Essex to the collection district of Gloucester. Also, the memorial of S. D. Robbins and others, a committee of the town of Chelsea, for the removal of the marine hospital to the land owned by the United States near the naval hospital.

By Mr. HOLMES, of New York: The petition of Wm. E. Arnold and 595 others, citizens of Rochester, New York, asking that the General Government will desist from further sale and traffic in the public lands in its possession, and that

the same may be laid off into convenient farms and lots for the free use of such citizens (not possessed of other land) as will occupy them.

By Mr. WENTWORTH: The petition of the citizens of Bullbonia, Will county, for a mail route from Joliet, via Jackson Creek, Reed's Grove, Wilmington, Mount Langum, and Middleport, to Lafayette, Indiana. Also, the petition of Ellis Smalley, and a large number of other citizens of Chicago, in favor of land reform.

By Mr. PHELPS: The petition of Jonathan Durham and others, citizens of township 22, range 28, in Barry county, Missouri, praying to be permitted to select other land in lieu of the 16th section of said township, which is valueless.

By Mr. TWEEDY: The petition of William M. Daniels and 183 others, for a tri-weekly mail route from Potosi to Beetown, Wisconsin. Also, the petition of John Dougherty and 30 others, residents within the Green Bay land district, praying for the passage of an act dividing said land district. Also, the proceedings and resolutions of a meeting of the citizens of St. Croix county and vicinity, in Wisconsin, held at St. Paul, the 24th day of January, 1848, in relation to the northern boundary of the State of Wisconsin.

By Mr. CROWELL: The petition of W. E. Smith, E. N. Bangs, and others, citizens of the United States, representing that they are desirous of making a permanent location for themselves and families in the vicinity of each other, where they can enjoy a home with laws sufficient for the free development of mind and body: representing, that where the petitioners reside land monopolies have taken deep root, and they as well as others of slender means, are compelled to become the humble and servile tenants of the landlord, or confined to tracts of land so small as to have escaped the observation, or so sterile as to have destroyed the cupidity, of the land leviathans; and they believe it for the interest and independent character of their children to select a location in the unoccupied wilds of the United States, where the mind and body can be free to act, and their children grow up with the feelings of independence of American citizens, and thus benefit the country by extending civilization and the arts, and bring the unoccupied lands of the country into the neighborhood of large settlements, and thereby make them more valuable. In view of all this, they ask a grant of one hundred and sixty acres of land to the head of each family that shall join them, not exceeding one hundred families, in forming a settlement, and who shall become *bona fide* settlers on the land thus granted, and as much for each male child of each family as may seem reasonable, to be selected in a body by the settlers, in the unoccupied lands of the United States between the latitudes of 40° and 42° north, and longitude 15° and 17° west, from the city of Washington.

IN SENATE.

TUESDAY, *March* 21, 1848.

The VICE PRESIDENT presented a communication from W. C. Anderson, in relation to the causes of explosion in steam boilers; which was referred to the Committee on Commerce.

[Mr. Anderson holds, that a clean boiler, supplied with water, never explodes. To this hypothesis, may be added the query, How clean the boiler, and how much the water? The reply is, "reasonably clean, and a reasonable supply of water." This communication appears to be a statement of facts, and entitled to much consideration. The writer holds, that there are but two causes of dangerous explosion—one from a boiler not clean, containing mud or other foreign matter, and the other from no water at all. In either case, the metal most exposed to the fire acquires a red heat; but in the first case, the boiler may be well charged with water, though at the same time greatly charged with mud; and in either case, the fault may exist in but one boiler in a range of many. As steamboat boilers always have flues, and those settled as low down in the boiler as possible, not to come in contact, metal to metal, the quantity of mud, by only moderate accumulation, soon rises on the sides, so as partially to imbed the flue. The flame and heat passing through the flue, soon softens the metal excluded from the water, and in that state it yields to the surrounding pressure, and collapses. In doing this, the seams of the flue open, and scalding water and steam rush through both ends. This is the explosion so often heard of from the collapsing of flues, and the consequent scalding of those fore and aft of the boiler.

In the other cause of explosion, from absence of water, the consequences are the more extensively destructive, because the explosive agent is proportionably more powerful than any force of steam to be produced by the usual construction of steam furnaces with an engine at all in working motion. This agent is no less than hydrogen, aided by its companion, oxygen, in the shape of water. The explosion in this case never occurs but in a boiler heated enough to decompose these elements, and by the aid of one to ignite the other, and it mostly happens from the first jets of water from the force-pump in renewing the motion of the engine after its suspension for some of the purposes occurring so frequently during a trip. It may happen, and has done so, though but seldom, without a suspension, but never without the absence of water in one or more of the boilers. The supply-pump may, indeed, fail, from the double cause of either a mechanical defect in its motion, or from no motion at all.]

Mr. HALE presented a petition from D. Lamb and 23 others, citizens of the United States, asking that there may be no more traffic in the public lands, and that they be laid out in farms and lots for the free use of such citizens as will occupy them; and that the jurisdiction of the public lands be transferred to States and Territories only on condition that such disposition shall be made of them; which was referred to the Committee on Public Lands.

Also, from John Needles and others, citizens of Baltimore, in favor of the abolishment of the slave trade in the District of Columbia.

Also, eleven memorials from different portions of Pennsylvania, numerously signed, asking for such measures as will effect such change in the Constitution and laws of the United States as shall abolish slavery.

Also, eight memorials pretty numerously signed from the same State, asking for a peaceable dissolution of the Union, on the ground that the Constitution, in pledging itself to the support of slavery, violates the Divine law, makes war upon human rights, and is grossly inconsistent with republican principles.

Also from sixty-four citizens of Pennsylvania and Delaware, for the abolition of slavery throughout the Union.

In the case of all these petitions, the motion to receive them was laid on the table.

Mr. UPHAM presented a petition from Sarah Tyler, of Vermont, widow of a revolutionary officer, asking an increase of pension; which was referred to the Committee on Pensions.

Mr. BENTON presented a memorial from the Mayor and City Council of the city of St. Louis, in behalf of the inhabitants, asking an appropriation for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

Mr. BENTON stated that this memorial contained much important statistical information, valuable to the whole country, and moved that it be printed; which motion was agreed to.

Mr. BAGBY presented several memorials from the Legislature of the State of Alabama: one asking the assent of Congress to an act of the State Legislature leasing the canal round the Muscle Shoals, in the Tennessee river; which was referred to the Committee on Public Lands.

Also, for a law dispensing with letters of administration in the case of citizens of that State, who volunteered and fell victims to disease in the Mexican war, upon the ground that the bounty of Government would be swallowed up in the costs of administration; which was referred to the Committee on Military Affairs.

Also, asking to be allowed to select other lands in cases where the 16th section proves valueless; which was referred to the Committee on Public Lands.

Also, responses of the Legislature of Alabama to the resolutions of the States of Vermont and Rhode Island, in relation to slavery, the tariff, and the Mexican war; which were laid on the table, and ordered to be printed.

Mr. DIX presented a memorial from John P. Howard, offering to run a line of first class ocean steam-ships between New York and Marseilles for the same compensation and under the same restrictions as are contained in the contracts with the Southampton and Bremen and New York and Liverpool lines; which was referred to the Committee on the Post Office and Post Roads.

Mr. BRADBURY presented a petition from James Cochran and several citizens of the State of Maine, in favor of a daily mail route between Augusta and Bangor, through South China; which was referred to the Committee on the Post Office and Post Roads.

Mr. B. called the attention of the chairman of the Committee on the Post Office and Post Roads to the subject, and said, while the revenue derived from the State from letters was very large, that the facilities did not correspond with those offered in other instances. He concluded with expressing a fear that former petitions on this subject had been overlooked by the committee.

Mr. LEWIS presented memorials from the Legislature of Alabama, asking for a donation of public land to make a railway between the southern part of that State and the interior of the West.

Also, for purposes of education.

Also, for interest on advances made by the State during Creek hostilities.

Also for an extension of the right of preëmption to certain settlers on the public lands in that State.

REPORTS FROM COMMITTEES.

Mr. BALDWIN, from the Committee of Claims, reported House bill for the relief of the heirs of Matthew Stewart, without amendment.

Also, House bill for the relief of John Anderson, without amendment.

Also, House bill for the relief of William Culver, without amendment; each bill accompanied by a report.

RESOLUTIONS.

On motion of Mr. YULEE,

Resolved, That the Committee on Naval Affairs be directed to inquire into the propriety of providing for a retired list in the navy.

On motion of Mr. BENTON,

Resolved, That the Secretary of the Senate be directed to inquire into the execution of the Senate order of January 13, directing the report of Dr. Wislinzenous to be printed, and report the progress, if any, made in the execution of said order.

Mr. HANNEGAN submitted the following:

Resolved, That there be printed 1,500 extra copies of the communication of the State Department in answer to a call for the correspondence of Mr. Wise on the subject of the slave trade.

Mr. NILES hoped some reason would be shown why this resolution for an increase of printing was introduced. He thought it time we should know what we were doing. One hundred thousand dollars had been expended in printing in the House, and probably nearly as much here. Never had he known, he was on the eve of saying, such a reckless course as seemed to be pursued during the present session in relation to public printing. If not specially called for, he hoped the resolution would not pass.

Mr. HANNEGAN could assure the Senator from Connecticut, that when he came to know what the resolution contemplated, he would not deem it reckless. It was for the correspondence of Mr. Wise on the subject of the slave trade—a matter that was just now an important, nay, he might add, a vital question. It was before the Committee on Printing.

Mr. NILES. Is it voluminous?

Mr. CAMERON said, it was not before the Committee on Printing.

Mr. HUNTER said, he believed it was not a voluminous document, although he had not read it. He said, it was an interesting document, and that an extra number of copies would be required.

The resolution was then agreed to.

DEFICIENCY BILL.

Mr. ATHERTON moved to proceed to the consideration of the bill to supply deficiencies—stating that it was very important that it should be acted on without further delay; that there were drafts liable to protest, and, indeed, he believed one for $10,000 had already been protested.

The motion having been agreed to, the bill was taken up; when—

Mr. ATCHISON withdrew an amendment which he had sent to the Chair for the pay of seven additional clerks in the Indian Department.

Mr. WESTCOTT also withdrew his motion to amend; and

The bill was reported to the Senate with the amendments.

The amendments were then concurred in.

Mr. BADGER moved to amend the diplomatic paragraph, by striking out the words "Papal States." Should that motion prevail, he would afterwards move to diminish the appropriation.

A debate ensued, in which Messrs. WEBSTER, ATHERTON, DAYTON, FOOTE, BUTLER, HANNEGAN, CASS, DIX, BADGER, MANGUM, CALHOUN, and JOHNSON of Louisiana, took part;* when the yeas and nays being ordered, at the call of Mr. HANNEGAN, the question was taken, and decided as follows:

YEAS—Messrs. Atchison, Badger, Berrien, Butler, Hale, Hannegan, and Rusk—7.

NAYS—Messrs. Allen, Ashley, Atherton, Bagby, Bell,

* A report of this Debate is necessarily deferred, but will be found in the Appendix.

Bradbury, Breese, Calhoun, Cass, Clarke, Clayton, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Douglas, Downs, Felch, Foote, Greene, Hunter, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Phelps, Turney, Underwood, Upham, Westcott, and Yulee—36.

Mr. HANNEGAN then moved to amend the bill by striking out "charge," and inserting the words "For the salary of a minister resident to the Papal States."

The question having been taken on the amendment of Mr. HANNEGAN, it was decided in the negative as follows:

YEAS—Messrs. Allen, Ashley, Atherton, Bagby, Breese, Cass, Clayton, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, and Moor—19.

NAYS—Messrs. Badger, Bell, Berrien, Bradbury, Butler, Calhoun, Clarke, Davis of Massachusetts, Davis of Mississippi, Dayton, Greene, Hale, Hunter, Mason, Miller, Niles, Phelps, Rusk, Turney, Underwood, Upham, Wescott, and Yulee—23.

Mr. WESTCOTT moved to strike out the proviso in relation to the keepers of the public archives in Florida; which was agreed to.

The amendments made to the bill were then severally concurred in, and the amendments ordered to be engrossed, and the bill, by unanimous consent, was read a third time and passed.

Mr. JOHNSON, of Louisiana, asked permission to make a report, which, though late as was the hour, was received through the courtesy of the Vice President. The report was from the Committee on Private Land Claims, in the case of Benedict Madeore, Vicar General of the Catholics of Florida, and pastor of the Catholic Church of St. Augustine, in Florida. The report sets forth the facts in a clear and lucid manner, and concludes with a resolution for the printing of all the papers, which, after being verified, are to be sent to the Solicitor of the Treasury, who is to examine and investigate said case; to procure all papers relating thereto in the public departments, and all other testimony that he can obtain relating to the title of the United States to the property claimed; to make a report on the merits of the case, and communicate the same as early as practicable during the session.

Mr. JOHNSON, of Louisiana, and Mr. DAVIS, of Mississippi, made a few observations; but as the Senate was on the point of adjourning after a long sitting, and there was great noise and confusion in the galleries, it was impossible to understand their import.

The report was agreed to; and,

On motion of Mr. ATHERTON, the bill authorizing a loan of sixteen millions was taken up, and informally passed over; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 22, 1848.

The Journal of yesterday was read and approved.

Mr. HALL, of Missouri, on leave, presented a memorial of Sullivan and other counties adjacent thereto, in the State of Missouri, praying for the establishment of a new land district in the northern part of said State. Referred to the select committee upon that subject, appointed on the 17th instant.

Mr. KING, of Georgia, on leave, presented the memorial of John Jay, and also the memorial of William C. Bryant and others, all of the city of New York, praying for the passage of an international copyright law. Referred to a select committee.

Mr. COBB, of Alabama, on leave, presented several memorials, &c., from the Legislature of Alabama, on various subjects; which were appropriately referred.

Mr. CLARK, of Kentucky, on leave, presented a preamble and resolution relative to Mr. Asa Whitney's plan of a railroad from Lake Michigan to the Pacific Ocean; also, a resolution concerning the Mobile and Ohio Railroad Company; which were referred to the Committee on Public Lands.

Mr. TOMPKINS, on leave, presented resolutions of the Legislature of the State of Mississippi, for the passage of a law authorizing the appropriation of the two per cent. fund to the construction of a railroad from Jackson, in said State, eastwardly. Referred to the Committee on Public Lands.

Mr. PALFREY asked leave to present a memorial, numerously signed by pastors and laymen of the Unitarian societies of New England, asking Congress to bring to a close the war with Mexico.

It was objected to, and the memorial was not received.

Mr. CUMMINS asked leave to offer the following resolutions, which were read:

Resolved, That it becomes the people of the United States to rejoice that the sentiment of *self-government* is commending itself to the favorable consideration and adoption of the intelligent and thinking men of all intelligent nations.

Resolved, That the only legitimate source of political power is the will of the people, and the only rightful end of its exercise their good.

Resolved, That we sincerely hope that down-trodden humanity may succeed in breaking down all forms of tyranny and oppression, and in the establishment of free and national governments for the good of the governed, and not for the aggrandizement of those who govern.

Resolved, That we tender our warmest sympathies to the people of France and Italy in their present struggle for reform, and sincerely hope they may succeed in establishing free and constitutional governments, emanating from and based upon the will of the governed, suited to their wants and condition, and such as will secure to them liberty and safety.

Resolved, That we tender our sympathy and hopes of success to every people who are seeking to establish for themselves free and national governments, and that whatever of blood and treasure may be shed or spent in a struggle of the oppressed against the oppressor, is to be charged to the unjust resistance of the oppressor, who strives to hold and exercise the *rights* of the people, *usurped* against their will, and exercised for the *benefit* of the few and the oppression of the *many*, and not to the people, who seek only to regain and exercise their natural rights in such manner as will best secure and promote their own happiness and safety.

The reception of the resolutions being objected to, they were not received.

BILLS INTRODUCED ON LEAVE.

By Mr. HILLIARD: A bill to change the place of holding the district court of the United States for the middle district of Alabama. Referred to the Committee on the Judiciary.

By Mr. EVANS, of Maryland: A bill to authorize the trustees of Newark College, in the State of Delaware, to import certain philosophical apparatus free of duty. Referred to the Committee of Ways and Means.

The bill further to supply deficiencies in the appropriations for the fiscal year ending June 30, 1848, which was returned from the Senate with amendments, was taken up, and referred to the Committee of Ways and Means.

Mr. BRODHEAD moved to reconsider the vote by which the resolution directing the Clerk of the House to transmit to the Governor of each State and Territory, and to the clerk of each county in the United States, certain public documents, was passed on Monday last.

The motion to reconsider was entered on the Journal, and informally laid over.

CORRESPONDENCE OF GENERAL SCOTT.

Mr. STEPHENS moved that the House proceed to the consideration of the unfinished business. Agreed to.

The SPEAKER stated the unfinished business to be the motion of Mr. CLINGMAN to reconsider the vote by which the resolution was passed, on Monday last, instructing the Committee on Printing to inquire into the expediency of printing an extra number of the correspondence between the Secretary of War and Generals Scott and Taylor, &c.

Mr. INGE, who was entitled to the floor, addressed the committee during the hour. After expressing his gratitude to the House for its kindness in adjourning yesterday, though at an hour somewhat earlier than usual, at his request, he said, he must be permitted, here, in the outset, to deprecate that spirit of party which to so great an extent prevailed in the deliberations and discussions of that body. Since the assembling of the present Congress, they had had an iteration and reiteration of party charges—made, he was understood to admit, to a greater or less extent, on his own as well as on the opposite side of the House. It would seem, to an impartial observer, as if the interest of the country was wholly forgotten, and that patriotism slumbered. On the opposite side of the House, especially, gentlemen seemed to be strangers to the influence of patriotic feeling. The minds of the Opposition aspired, apparently, after nothing but mere party issues.

At the opening of Congress, the Executive recommended to the House important legislation—legislation necessary for the support of our armies engaged in a foreign war—legislation required in order to carry out the policy of Government in regard to our struggle with Mexico. But how was it met? How had it been received? It had been met, not by legislation, not in the spirit which should animate the bosom of every man throughout the country in times like these—a spirit that looks only to the public good. It had been responded to only by the acrimonious spirit of party. Gentlemen seemed wholly oblivious of the public good and the national honor, and to seek nothing but how they might disparage the Administration, how they might assail the Democratic party, and how best to advance the low and selfish ends of party. They cherished a devotion to party feeling and party ends alone. But in a time of war, like the present, when the whole American people ought to be united as one man, Mr. I. felt himself incapable of looking merely to party issues, or to direct his efforts solely to party purposes.

He did not object to the existence of parties in a State, provided they were restrained within legitimate bounds. Parties had existed in all free States, and they must ever continue to exist where man was permitted to think for himself and give utterance to his thoughts. So long as Greece had been free, parties had always existed, and party discussions were common among the people; nor did they end till the flag of Alexander waved in triumph over the temples of Pericles. Just so it had been at Rome; parties prevailed throughout the Republic, and they continued to prevail till the diadem of the Cæsars had supplanted the tribunitian power. Nor did Mr. I. desire to see parties abolished in this country. On the contrary, he desired to see the people divided on great and leading points of public policy. He liked to see party discussion left free, so long as all merely sectional and subordinate issues were kept under, and the nation was divided only on great and weighty questions. While to this extent he had no objection to see party prevailing among us, he could not but deprecate that excess of party spirit which he lamented to see prevailing to so great a degree on the opposite side of that Hall.

Mr. I. had been not a little surprised at the course pursued by gentlemen in the opposition yesterday in relation to this correspondence of General Scott and General Taylor. It was a fact that the whole of that correspondence had been published with the message of the Executive which accompanied it. And yet it had yesterday been openly said here that the correspondence had been "shamefully garbled." The fact was not so. The whole was in possession of the House. But when it was brought to light it did not suit the purpose of the member who had made the call for it; and he found his charge against the Executive not sustained by it, as he had expected. Therefore, the tenor and tone of his remarks had been changed, and he had gone into a general assault on the Administration for its imbecility in planning the war with Mexico. The gentleman gave the very highest commendation to the bravery and conduct of the generals in command, but contended that the campaign had been badly planned. Where but within these walls was such an opinion entertained or expressed? Badly planned! Let gentlemen look at the map of Mexico, and give a fair and candid decision. One campaign had been planned for the conquest of California, and had it failed? No; our flag had been borne in triumph across the entire province, and now floated in triumph over the bay of San Francisco. Badly planned! The great object of the war had been the capture of the city of Mexico, under the impression that that event must bring peace as its necessary and natural consequence. Would gentlemen say there had been any fault in planning the campaign against the Mexican capital?

We were told before the war commenced that it was the prevalent opinion in Europe that the castle of San Juan de Ulua was impregnable: but the gates of that celebrated fortress had opened at the summons of our cannon, and the Gibraltar of the Western World had yielded to the irresistible *prestige* of our arms. The whole campaign had been conducted with a brilliancy which challenged the admiration of the world. Having secured the possession of Vera Cruz and its formidable castle, our army had made its way to the pass of Cerro Gordo, and its column had scarcely been shaken as it passed. After an uninterrupted series of the most memorable victories, our forces had cut their way to the gates of Mexico, and the city was taken by storm, and the war thus brought to an end. Now, where

had been the fault of a campaign like this? In what did the wisdom of any plan, military or civil, consist? In the adaptation of means to a desired end. And this wisdom had marked the course of the Administration. They were fully aware of the character of the foe with whom we had to contend, and therefore they had not brought into the field armies such as it would have been necessary to call out if we had a war with one of the European Powers. They had brought enough forces to carry every point desired without any disaster. Yet the Administration were denounced as imbecile. The charge was too frivolous to demand refutation.

Gentlemen charged on the department and the President the withdrawal of General Taylor's forces with a view to expose him to defeat and disgrace. This charge was equally without foundation. Gentlemen ought not to forget that it had once been thought best to assail Vera Cruz by the way of San Luis Potosi; but when that plan was abandoned for the route by sea, General Taylor was left in possession of a sufficient force to maintain his position. But they had been told again, that if General Taylor had gone to the Rio Grande with a greater force, the consequences would have been very different. But he had gone there with a force sufficient to repel any opposing force that Mexico could bring against them, and the result had proved that it was fully adequate to the object in view.

The letter of General Jesup, which was read to the House yesterday, was conclusive to show that he had abundance of transportation—that he had everything he desired in that march to Matamoros; and if there was any fault, that fault fell upon General Taylor. It was upon his head that those censures fell which they had heard uttered here yesterday. They were directed to the President, but they fell upon General Taylor, for he was authorized to call upon the Governors of the adjacent States for sufficient forces to carry out his objects—to drive off any forces which impeded his progress. It was a charge directed against General Taylor, although ostensibly directed against Mr. Polk; and it came from a man who was inimical to General Taylor, who sought to break him down, whose object was to promote another distinguished military chieftain upon the ruins of General Taylor. That was the object, and the only object, of the attack made yesterday; the position of Mr. Polk repelled the assault from him and drew it upon General Taylor.

Well, he was willing to submit to the people of this country the determination of the question raised in this discussion. He was willing that the people should settle the groundless charges made yesterday upon the Executive. It was unnecessary for him to say any more in their refutation. The course of the Whig party upon the question of the Mexican war would have been a matter of surprise if they were not compelled to attribute it to the necessity of their situation. It was well known, that when the question of Texas annexation was first presented to the country by the Tyler treaty, it was not a party question. It was proclaimed everywhere to be a great American question—a question which overrode all party considerations. But that treaty was rejected by the American Senate. When that rejection occurred, the people of the United States took the question into their own hands. There was a general response of disapprobation at the rejection of the treaty. The popular voice demanded the annexation of Texas. Well, it was not supposed that the annexation of Texas would form an issue in the contest of 1844. But Mr. Clay, in his Raleigh letter, came out against annexation, and took the ground, that the annexation of Texas would be the annexation of a war with Mexico; that Mexico had claims upon Texas. Now, the claims of Mexico upon Texas had been forgotten by that Government. They were revived by Mr. Clay in his Raleigh letter, and in that way the annexation of Texas became a party question in the contest of 1844. That measure was announced by the Baltimore Convention in 1844, as a part of the Democratic creed, and exercised, he ventured to say, a more potential influence in that canvass than any other question. The Whigs opposed it, and held, that to annex Texas would be to annex a war with Mexico. The Democrats held that Texas was a free and independent republic. He briefly referred to the leading facts in the history of the Texas revolution, to show that it was complete and successful, and mentioned the fact of the independence of Texas having been recognized by our own Government, as well as by the leading governments of Europe. Being independent, she had a right to admission into this Union; and the people, sustaining the Democratic party, decided that she should be annexed. Congress passed resolutions, accordingly, for the annexation, notwithstanding the claim which Mexico saw fit to renew, although (he said) her offer, during the very session of Congress in which these resolutions were passed, to recognize the independence of Texas on the condition that she would not annex herself to the United States, was, in fact, a surrender of her claims, and a complete recognition of her independence. The American people decided rightly, upon all the facts being presented to them, after the most elaborate discussion on both sides, in favor of the annexation.

He had remarked, that these stale claims of Mexico were revived by the Raleigh letter of Mr. Clay, and the course taken on that question by the Whig party. He further declared, that the position taken by the Whig party on that question was the germ of the Mexican war. If there had been unanimity on the part of the people of this country on the question of annexation; if it had not been made a party question, Mexico never would have revived the claims upon Texas which she had abandoned, and we should have had a peaceful annexation of Texas; we might have recovered, in a legitimate, lawful, and peaceful manner, that province which we threw from us by the treaty of 1819, and had restored to us a people who were kindred to us in sympathy, who had the same views of popular government, and who were worthy, in every point of view, of belonging to this Confederacy.

The foundation for this war having thus been laid by the course pursued by the Whig party of the country, upon the question of annexation, it was this party who should justly be held responsible for having involved the country in war. If there was anything wrong in the war, it rested upon them, for they produced the incipient causes of it.

Congress, then, having provided by the joint resolutions of March, 1845, for the admission of Texas into the American Confederacy, those resolutions were submitted for her acceptance; in her convention, she accepted the terms proposed, and the agreement having been ratified by the subsequent Congress, she became fully incorporated into our Union. Upon the passage of these resolutions by Congress, it would be remembered the Mexican minister, then resident here, demanded his passports, and returned to his own country, proclaiming that the annexation of Texas was cause of war, in accordance with the position taken by the Whig party in the canvass of 1844. Their minister declared, that by the annexation, our Government had placed themselves virtually at war with the Government of Mexico, and that Mexico would immediately assert her rights by force of arms; that Texas must be invaded, and the conquering standard of Mexico must be planted on the banks of the Sabine. Mexico claimed the whole of Texas; she never confined her pretences to any intermediate territory.

What, then, was the duty of the Executive of the United States, after Texas had assented to our terms, and was virtually in the Union? An invasion was threatened; it was known that an army was collecting in Mexico for the invasion of Texas; that by annexation, she had excited the increased enmity of Mexico. Was it not the duty of the President, then, under these circumstances—was he not bound by his constitutional oath, to protect that country from invasion? By the act of annexation, she had placed herself under our jurisdiction. She had the right to demand protection of the Federal Government. An invasion thus being threatened, the President did send our army into Texas. He selected General Taylor to command that army, and directed him to take up a position in Texas to protect that country from invasion, instructing him at the same time to pursue a pacific course, to do nothing which would provoke hostilities between the two nations. In doing this, he did no more than he was bound to do—no more than it was his right not only, but his absolute obligation, to do. Our army remained at Corpus Christi, until the Administration was advised by the commanding general to order its advance to the banks of the Rio Grande, under the impression that a display of our military force would tend to prevent the collision between the two nations which was threatened. It was the impression of General Taylor that this advance of the army would tend to peace—that it would tend to accomplish the earnest desire of the President for the settlement of the existing difficulties between the two nations, especially to the recognition of the Rio Grande as a boundary, which was claimed by Texas when she came into this Confederacy.

An argument had been made from analogy against the course of this Administration in directing the march of the army to the Rio Grande. They had been referred to the Oregon question, and asked why the Executive did not order the army to march to the line of 54° 40′? Why, the men who made this charge forgot the history and circumstances of the Oregon question; they forgot that that territory was jointly occupied under treaty stipulations by the two Powers who claimed it. And they forgot further that we had no population there to protect. Now, the object in marching the army from Corpus Christi to the Rio Grande was to protect the people of Texas from invasion. This Oregon question, therefore, bore no analogy to the question of the annexation of Texas. They were wholly dissimilar in all their circumstances. Why, he would be inclined to think, if he did not know the contrary, that the gentlemen who made this argument were 54° 40′ men themselves—that the gentleman from Florida [Mr. CABELL] was, who seemed to censure the course of the President for not marching the army up to the line of 54° 40′.

They had been told yesterday that if General Taylor had been provided with a sufficient force the war would have been terminated upon the banks of the Rio Grande; and that the protraction of the war was attributable to the inadequacy in General Taylor's force and the force that marched to the column of General Scott. But he contended that we must look for the cause of the continuance of the war elsewhere—to causes which were obvious, and which were recognized by the country; to the course pursued by the partisans of the Whig party in reference to the war. The gentleman from Tennessee [Mr. HASKELL] had enlightened the House with his views of constitution law, and had made his exposition of the vote of the House given some time ago in reference to the causes of the war. The gentleman might be a very good fighter: he had acquired some fame at Cerro Gordo; he had passed through that battle he (Mr. I.) believed unscathed; but still there were some remarkable incidents connected with that battle which would give the gentleman fame before the country. He (Mr. I.) believed it was said by a distinguished officer who commanded at Cerro Gordo that the gentleman from Tennessee at least lost his hat upon that occasion——

The SPEAKER here interposed, and said he must call the gentleman to order.

Mr. INGE (continuing) said he was going on to remark, that however good a fighter the gentleman might be, he had a great objection to——

Mr. HASKELL rose inquiringly, and said he did not hear the remark which the gentleman had made.

Mr. INGE observed that the Speaker had pronounced it out of order.

The SPEAKER. The gentleman from Alabama will proceed in order.

Mr. INGE (Mr. H. still retaining his position upon the floor) said he had no objection to proceeding in the remarks he had made, and in further remarks, if he was not called to order.

The SPEAKER. The Chair must insist upon the observance of the rules of the House.

Mr. INGE (resuming) said he was at liberty at least to comment upon the gentleman's legal and constitutional opinions as delivered here yesterday. He then proceeded to read an extract or two from the report of Mr. HASKELL's remarks of yesterday, contained in the Intelligencer of this morning:

"He (Mr. H.) could speak for the Whig party who were opposed to the war where he lived; he could speak, too, for the Whigs of the South on that subject; and for himself and for them he denied that they had ever characterized it as an unjust war."

The gentleman (said Mr. I.) extended his declaration too far. He knew something of the opinion of the Whigs of the South, and he knew that they did not concur with the gentleman in his own

notions, and he must ask leave to contradict him on this point.

"He could readily imagine how a war might be unjustly commenced, and yet justly prosecuted. For instance: he might use insulting language to the gentleman from Mississippi. He might endeavor to bully that gentleman and alarm him by threats. The gentleman from Mississippi might reply in a similar spirit, and might insult him (Mr. H.) in return, and ultimately strike him. He (Mr. H.) would grant that he had done wrong in threatening, bullying, and attempting to intimidate the gentleman from Mississippi; but he had been struck, and consequently he had to defend himself; and whatever fighting he did after that, he considered was done in self-defence, and fully justified."

Now, whence did the gentleman from Tennessee derive his notions of constitutional law? Did he take his position upon his own authority, or could he refer to precedent? Let him ask the gentleman in what school of law or of philosophy he had learned his lesson? Did he draw it from the great sources of the British law—from Coke and Blackstone? Did he draw it from the great code of the Roman law? Why, they inculcated no such doctrines as this. It was not the common law of this country, and he (Mr. I.) would not believe it was the statute law of Tennessee. Surely there was no statute in Tennessee which would authorize him to pursue such a course. The gentleman had said he might bully a man—he might intimidate him by threats—and when that man struck him, he might defend himself, and then go on fighting *ad libitum*.

Mr. HASKELL (Mr. I. yielding for explanation) said the gentleman from Alabama misapprehended the position he had taken. The idea he had intended to convey by the illustration he had made use of was this: That the President of the United States, and not the people of the country, had committed the first assault; that the attempt at intimidation, the threat, the bullying, if they pleased, was done by the President of the United States; and that when Congress assembled, and the people through their Representatives first came to vote supplies of men and money to get ourselves out of the difficulty into which the President had plunged us, it was necessary and right.

Mr. INGE (resuming) said the explanation was a mere repetition of what he had just read from the gentleman's remarks of yesterday, and did not alter the case. But what force was there in the example which the gentleman had brought forward? Had not the gentleman placed himself in the position of bullying, and not the gentleman from Mississippi? Now, this was a monstrous doctrine of law, a monstrous doctrine of morals, for a man to assert that a war was unconstitutional and yet just! If it was unconstitutional, of course it was wrong in its inception, and every step taken in its prosecution was wrong. It was equally absurd to say that a war which was unnecessary could be a just war—that an unnecessary war could, under any circumstances, be a just war. An unnecessary war was a war waged without right, without good cause; a war which was unjustifiable. If it was unjustifiable, then, and unnecessary, how could it be just? Why, that was a morality certainly which belonged to the grog shop, and not to this Hall. It was the morality which belonged to the bully who fought on the streets, and not to the code of nations.

He would next proceed to consider the course of the Whig party on the question of the war after hostilities had begun. How did this war question become a party question? When the cannon's roar from the banks of the Rio Grande broke on the Mexican ear, where was the anti-war party of this country? A universal enthusiasm pervaded the whole American people. With perfect unanimity the call of the President was responded to. Hundreds of thousands offered their services to go to the rescue. When Peter the Hermit raised the standard of the Cross, and invited soldiers to rescue the Holy Land from the possession of the infidel, there was not a more hearty response than when our President called upon his country to go to the rescue when the first sound of war was heard on the Rio Grande. Where was the anti-war party in this Hall then? At that time the only objection heard here was the preamble of the war act, by which the declaration was made that the war existed by the act of Mexico. That was the only objection then taken; but an examination would show that that act was passed for the purpose of making provision for the vigorous prosecution of the war. Then fifty thousand men and ten millions of money were voted for that purpose. No gentleman could justify his course at that time by saying that he voted supplies to rescue the army of General Taylor. It was known that General Taylor was safe. It was well known that General Taylor had instructions to call upon the adjacent States for reinforcements, and that the Mexican army would be vanquished before aid from this Government could arrive. It was therefore well known to every man who voted for the war bill that the supplies were voted for the prosecution of the war into the heart of Mexico. The language of the bill was, to prosecute the war to a speedy and successful termination, and; when that bill came before this House, there was no anti-war party in this country. And when did that anti-war party spring up? When it was discovered that the Administration was identified with the war. When the Whig partisans found out that the honor and glory of the war would redound to the honor of the Administration, then it was that the Whig party took ground against the war, and not before, for party purposes and party objects. Then they became willing to protract the war, to augment the sufferings of the army in Mexico, and to stain the national honor for the accomplishment of their party objects. That had been clearly evinced at each succeeding session of Congress. The President, in his annual message to Congress, had proclaimed that there were a few persons in this country—a few misled persons—who had denounced the war as unconstitutional and unjust, and as an aggression on a weak and unoffending nation; and the course thus pursued by those few persons the President declared was calculated to afford aid and comfort to the enemy. They were but a few persons, who were influenced by a kind of mawkish sensibility respecting this war, and the censure of the President was directed to them. It seemed, however, that certain prominent gentlemen on the other side of this House thought that condemnation was an attack on them, and a gentleman from Tennessee, in a most abusive speech on this floor, denounced the Executive of this nation. That gentleman declared that the President of the United States had slandered the Whig party; and the same accusation had been repeated by the gentleman from Florida, [Mr. CABELL,] who was not now in his seat. Now, he (Mr. I.) denied that the President had made such an allegation against the Whig party. It was only necessary to refer to the President's message to show that the denunciation was but directed against a few persons who might well be termed misguided. Did the gentlemen who appropriated this declaration to themselves mean to be understood to say that the Whig party was a few persons? Was the Mexican war at that time a party question? It had been made so by the action of members of the Whig party on this floor, by both their action and their speeches, and they had since that been waging a two-fold war. For the purpose of operating on this Government, they had crippled its energies in the prosecution of the war. They had not done it openly and undisguisedly, but it had most assuredly been done, and done in both branches of Congress, and the only effect of such a procedure had been to encourage the enemy.

The gentleman from Tennessee [Mr. HASKELL] had volunteered his opinion that this war had been unnecessarily prolonged—that it had not been adequately enforced; but there were other gentlemen who had participated in that war and returned to their homes who held a contrary opinion. He read an extract from a document before him, to to show that Colonel Wynkoop did not concur with the gentleman from Tennessee in the opinion he had expressed, and said that officer had stated that the war had been protracted by the action of parties in this House. General Pierce, too, a gentleman of high respectability and unquestioned veracity, had made the same charge. So, then, it seemed that military men disagreed, and he had some authority for the position he had assumed.

But what had been the action of the present House on this question? It was incumbent on this House when it met to carry out measures for the prosecution of this war and the accomplishment of the object which it had proposed—its successful termination. But what had been done? Nothing. A loan was asked for; treasury notes were asked for, which the friends of the war were of opinion would have the tendency to relieve the country, give animation to its commerce, and increase its prosperity. But instead of that, they had a loan bill passed by this House which authorized the issuing of a six per cent. stock. And what was the object of that measure? It was to contract the money market, to interrupt the business, and to derange the commercial operations of the country, and bring odium on the war. That was the object—that was the design. And what had been the course of the Whig party on another measure? Had they voted supplies for military operations? Had they furnished the means asked for by the President?

The House had consumed its time with the passage of abstract resolutions. They had deliberately passed a resolution which falsified history, perverted facts, and sullied the national records with a deliberate falsehood. That was the way in which the Whig party acted here during this session.

In reference to this war, the gentlemen opposite had made for themselves a hobby; but an anti-war hobby the American people had never sustained, and never would. What were the principles of the Whig party divested of this hobby, and what principles would they have to carry out if they should possibly come into power? They had abandoned all the issues for which they had heretofore contended, and they had now nothing upon which to unite but this anti-war hobby. The bank was now an "obsolete idea." Nobody now proposed to repeal the tariff of 1846, and to restore that of 1842. Both of those issues had given place to opposition to the war, to which they were driven as a matter of sheer necessity. What, then, was their position, and what were their purposes?

Here the Speaker's hammer fell, announcing the expiration of the gentleman's allotted time.

Mr. VINTON rose and said, that, thinking it more important to proceed to the consideration of the appropriation bills, he would move to lay the motion to reconsider on the table, and if that motion should prevail, he would move to go into Committee of the Whole on the state of the Union.

The motion having been agreed to, the motion to reconsider was laid on the table.

SOLDIERS' BOUNTY LAND WARRANTS.

Mr. HARALSON, from the Committee on Military Affairs, on leave given, reported the following joint resolution, which was read three times, passed, and sent to the Senate for concurrence:

Resolved, &c., That in all cases of application for bounty land warrants under the act approved February 11th, 1847, the honorable discharge of the applicant showing that the same was predicated on a surgeon's certificate of disability, shall be considered as satisfactory evidence to the Commissioner of Pensions that the disability was incurred in the course of the service.

INDIAN APPROPRIATION BILL.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, on the Indian appropriation bill, (Mr. ROCKWELL, of Massachusetts, in the chair.)

The question pending when the committee was last in session was on agreeing to the amendment of Mr. VINTON, viz: "For education for fifteen 'years, stipulated in the second article of the sup-'plement to the treaty of 24th May, 1834, ($1,000 'having heretofore been appropriated,) $2,000."

The amendment was agreed to.

The reading of the bill was then continued down to the items under the head "*To the Florida Indians.*"

Mr. GIDDINGS moved to strike out the first item under the head of "The Florida Indians."

Mr. G. said there were some facts to which he wished to call the attention of the committee, and hence he made his motion to strike out this item. He designed to show that the treaty, under which the appropriation was proposed to be made, had never been observed. It was of the date of 1823, and he repeated that it had never been regarded either by the Indians or by ourselves. In order to show the manner in which we ourselves have discarded it, he would call the attention of the House to the treaty itself.

By the third article of the treaty, the United States Government stipulated to take the Seminole Indians under its care and protection, and defend them against all persons whatever; in return for which, the Indians had agreed to do certain things on their part. He had looked into this treaty and its fulfillment, and he now called the attention of the House

to the fact, that instead of protecting these poor Indians, we had, on the contrary, suffered them to be robbed and outraged with impunity. He would send an Executive document of the first session of the twenty-fourth Congress to the Clerk's table, and ask that it might be read. [It was read accordingly.] The paper was dated April 2, 1846. It stated that a certain tract of land had been secured to a certain Indian chief in 1823. That in consequence of suspicions which had been excited against him and his people, as contemplating mischief to the whites, he had voluntarily offered to be disarmed, and accordingly he and his people had surrendered their arms, and in this helpless condition had been robbed of all the negroes he held, and which were there called and considered so much property. A catalogue of their names and respective value was given, from which it appeared that their collective value amounted to fifteen thousand dollars. Some of them he had held for twenty years; others were very young. They were taken forcibly by a vagabond negro-stealer named Robinson, who had run off and never been apprehended.

Mr. G. said he had made this motion only for the purpose of awaking the attention of the House to this gross outrage, which had never been atoned for. The facts of the case were certified by the United States district attorney for Florida and by the judge before whom the case had been brought. He wished the House and the country to know how these Indians, while under the pledged protection of the United States, had been treated by a set of Florida slave-thieves. These people had spread an alarm through that part of the country, by persuading them that those Indians were plotting mischief against the whites. The people thereupon came to them, and charged them with intending to shed their blood. The Indians repelled the charge with indignation, and promptly offered to give proof of their friendly feelings and purposes by voluntarily proposing to surrender their arms. The offer was accepted. The Indians gave up their guns; and when they were thus in a disarmed and helpless state, these land-pirates set upon them, and robbed them of every slave they had in the world, and transported them to Georgia, where they were sold, and where they now languished in bondage.

If any language could fitly characterize a proceeding like this, Mr. G. confessed he could not command it. The chief who had experienced this return for the demonstration of his friendly feelings towards white men, was at the time a man of property, quiet and industrious, the owner of a ferry and a farm and a number of negroes.

Now, this Government had pledged itself for the protection of these people. The Indians believed our assurance, rested secure under the protection of the Government of the United States, and quietly and voluntarily surrendered up their arms to our hands, and lost their all in consequence. This chief had sent up his petition to the House for indemnification; the memorial had been referred, and had been pressed upon the House for years together; but, while his memorial slept in this House, the man himself emigrated over the Mississippi, and there lived in poverty at this day. But though he had thus left our borders, and gone far from the scene of his former prosperity, he still continued to send an imploring voice to Congress for redress; he still continued to make his appeal to the justice of that House.

Mr. G. could not move and could not vote to give this injured chief the redress he asked for and claimed, because he did not believe that one man could own another, and be paid for him as property. But the House was daily in the habit of paying white men for slaves lost, and why should they not measure out equal relief to an Indian? Mr. G. could not himself vote for a bill giving him the money he asked, because, as he said, he was not in the belief that a man could hold a slave, or be paid for him if lost; but while the committees of the House were, from time to time, reporting in favor of white claimants in like cases, he thought, on their own principles, they ought not to refuse relief to a poor Indian. These people were still crying to the Government for stipulated relief, but the offenders were to this hour "unwhipped of justice." They had been indicted, but could not be convicted. As a member of the Committee on Indian Affairs he deemed it his duty to call the attention of the House to these facts, and to show up the different ways in which this Government meted justice to the helpless and to the strong.

Before he resumed his seat it was proper that he should notice the difference between the state of servitude as it existed among Indians and among the whites at the South. Among the former, slavery itself was comparative freedom. Slaves to Indians looked with horror to being slaves to white men. For this assertion Mr. G. had the evidence of Wiley Thompson, late our agent among the Seminoles. The slaves belonging to this Indian chief had been seized and taken from comparative freedom and sold into all the horrors of slavery in Georgia, and there they still were suffered to languish against all the principles of natural justice, and in violation of the express stipulations of a solemn treaty.

Mr. G. having thus effected his object in bringing this case to the notice of the House, withdrew the motion he had made to strike out.

Mr. G. again rose for the purpose of putting a question to the chairman of the Committee of Ways and Means in relation to the treaty of 1845. He wanted information. By the grace and favor of the Speaker he had been raised to a place on the Committee on Indian Affairs; and, wishing to discharge his duty as a member of that committee, he applied to the chairman of the Committee of Ways and Means. That gentleman and the House must be aware that there had long existed a quarrel between the Seminole Indians and the Creeks. The quarrel was one of ancient standing, having had its origin during the times of the Revolution. In 1845 it had been mutually agreed that the President of the United States should settle these differences. The object of Mr. G.'s inquiry was, to know whether that ancient quarrel had been adjusted by the President, as proposed?

Mr. VINTON replied that it was not in his power to give his colleague any information on that subject. The treaty with these Indians required a certain sum of money to be annually paid them by the United States, and it therefore became the duty of the House to appropriate that sum every year to carry out the law; and it was equally the duty of the President to pay them what by law belonged to them. If his colleague thought that the money had been paid to the wrong party, the bill was open to amendment in that respect. Mr. V. could not see how the question relating to the adjustment of this quarrel had any bearing on the duty of this House to appropriate the sum stipulated by law.

Mr. GIDDINGS replied that the United States Government occupied the position of guardians to these Indians, and that it was our duty to care for them as for so many minors. We had forced the Seminoles, at the point of the bayonet, to migrate into the country beyond the Mississippi, but their whole tribe shunned the Creeks with the utmost dread, because the Creeks laid claim to the wives and children of the Seminoles, and were ready to seize them as slaves. Hence these wretched Seminoles were seeking a residence wherever they could find it—some in the forest, some in the midst of the Chickasaw nation, and were ready to go anywhere provided they kept out of the reach of the Creeks.

Certain slaves of the Creeks had fled from their masters before the Revolution, and had intermarried with Seminoles; whence the Creeks claimed their descendants as slaves, and the United States Government had paid two hundred and fifty thousand dollars to get rid of that claim, although what the Seminoles actually claimed did not amount to more than half that sum—the Creeks insisting on an allowance for what would have been their increase when in servitude. The Seminoles lived in such dread of the Creeks that they dared not cross the Mississippi, because they would find there a branch of the Creek nation; and this was the true origin of the Florida war. It was a subject of complaint by the Cherokees that the Seminoles had come among them for refuge, and continued there as trespassers. Commissioners had been appointed by the United States Government to settle these difficulties; and as the gentleman from North Carolina, the former chairman of the Committee of Ways and Means, [Mr. McKay,] was in strict intimacy and communication with the President of the United States, he probably knew all about the whole matter. Mr. G. did not know whether the difficulty had been reconciled, or whether the Seminoles had been actually stripped of their wives and children. He should be obliged to the gentleman from North Carolina if he would give him information on that point.

Mr. VINTON said that he did not understand his colleague [Mr. Giddings] to take the position, that the money appropriated for these Indians was not due to them by law. Now, the money was equally due to them whether the controversy alluded to had or had not been settled. However that might be, the House were not in circumstances to decide who were in the right and who were in the wrong. That was for the President to decide. Mr. V. went on to say, that he entirely agreed with his colleague in believing that our Government had treated the Indians very harshly, and had not always kept its treaties with them as it should have done; but even if his colleague was able to show this in the present case, it would form no reason why we should not pay this annuity. If, indeed, he could show that these Indians refused to comply with the stipulations of the treaty on their part, that might be a very good reason for withholding their annuities; but this, if Mr. V. understood the matter, his colleague did not pretend, and he could not therefore see what his colleague's inquiry had to do with the appropriation.

Mr. GIDDINGS replied that he had made no motion to strike out the appropriation. He did not ask that the money should be withheld, but he had simply put forth an inquiry with a view to ascertain the real facts of the case. Far be it from him to withhold from them their money. He wished rather to do them good; at any rate he was willing to do them justice. Could any man tell what was the true situation of this matter? They were going on legislating in the dark; and no inquiries could extort any light on the subject. Mr. G. was against this mode of legislation. He was not ready to vote money with his eyes blindfolded.

Mr. VINTON again pressed his inquiry. If Congress were bound to pay this annuity, what difference did it make to them whether these Indians had settled the controversy among themselves, or whether our Government had treated them well or ill? It was the duty of Congress to execute the Indian treaties, and hence it became the duty of the Committee of Ways and Means to report to the House the necessary appropriations for that purpose. If abuses had been committed, or if Government had been guilty of an omission of its duty, it belonged certainly rather to the Committee on Indian Affairs than to the Committee of Ways and Means to inquire into the facts. His colleague belonged to that committee, and yet he came to Mr. V. for this information. He would retort the question, and ask his colleague whether he had done his own duty? He asked his colleague what was the condition of these Indians, and whether they had made up their quarrels.

Mr. GIDDINGS rejoined. When the chairman of the Committee of Ways and Means asked his vote for paying a certain sum of money, he ought to be able to tell him why the money was wanting. When the President called upon Congress for money, he *generally* told Congress what the money was for. But if his colleague was ready to put the case of these Indians and their annuity under the jurisdiction of Indian Affairs, that committee would take good care of them.

Mr. VINTON replied, that estimates were sent into the House, and corresponding items were reported in the Indian appropriation bills, because we had treaties with those Indians in which we agreed to pay them a certain sum of money. Those treaties were the law of the land, and the Committee of Ways and Means could not go behind them. As chairman of that committee, Mr. V. had examined more than a hundred of those treaties, and there found that the bond of the Government was given to pay them certain stipulated sums of money. All the information he had to give his colleague in relation to the present item was, to say that our treaty required it. Did his colleague deny that the money was due? If he wanted to know what was the state of the controversy between two Indian tribes, let him, as a member of the Committee on Indian Affairs, make the requisite investigation. This certainly was not the duty of the Committee of Ways and Means. If it belonged to anybody, it belonged to the Indian Committee. It was for this reason that different standing committees had been appointed by the House, so that each might take its own appro-

priate share of the public business, and each report the bills which belonged to its own department. If further legislation was demanded by the state of these tribes, it was for the Indian Committee, and not for the Finance Committee of the House, to report that necessity, and prepare the proper bills to meet it.

Mr. THOMPSON, of Mississippi, wished to say one word, though not on the matter immediately before the committee. He could not see, for one, with what propriety a member of the Committee of Ways and Means applied to a member of the Committee on Indian Affairs to know whether a certain appropriation was or was not needed for a certain tribe. That committee never applied to the Indian Committee for any information before reporting the items for annuity. They never asked that committee whether the treaties provided for were still in force. On the contrary, the Committee of Ways and Means had assumed to itself, as its own exclusive prerogative, the reporting of appropriations for all moneys to be expended by the House, and left to the Committee on Indian Affairs nothing more than a few Indian claims. He contended that that committee should exercise a general jurisdiction over all the affairs of our Indian tribes, and that all appropriations for the fulfillment of Indian treaties should, in the first place, be submitted to its revision. Such had formerly been the practice; for what reason it had been discontinued, he could not understand.

Mr. VINTON said, that if the estimates from the department, to comply with Indian treaties, had been sent by the Executive to the Committee on Indian Affairs, it would, no doubt, be the duty of that committee to report appropriations for these objects; but it did so happen that these estimates were sent to the Committee of Ways and Means, in order that that committee might report the appropriations to fulfill our public engagements. That committee had looked only to the treaties, and if they there found the Government was bound to pay a certain sum, they reported appropriations accordingly. Further than this, it was not their province to look; and as the estimates were sent them from the departments, so the House was in the habit of referring to them all matters requiring an appropriation of money. If there was any fault in this, it lay not with the committee, but with the House.

Mr. THOMPSON replied, if so, then with what propriety did the chairman of the Committee of Ways and Means [Mr. VINTON] call upon his colleague [Mr. GIDDINGS] for information in relation to appropriations for an Indian tribe? Were the Committee on Indian Affairs responsible? They were never inquired of except about Indian claims.

Mr. VINTON said they did not require to be in relation to Indian annuities, because these were stipulated by treaty. Would the gentleman have the committee go back to the treaties and inquire whether they had been rightly made? Must they go to the President and ask whether certain Indian tribes were now peaceable or not? And must they know this before they reported an appropriation to pay annuities stipulated by law? He put it to the gentleman to answer. Had that committee anything whatever to do with the question whether certain Indians were quarrelling or not?

Mr. THOMPSON replied that he considered it the duty of the Committee on Indian Affairs to review the whole policy of the Government in relation to the Indian tribes; but as things stood, the whole landed relations of this Government, as well as its whole Indian relations, were thrown as a matter of course before the Committee of Ways and Means. If the Indian Committee were suffered to exercise its proper jurisdiction, they might find it necessary on examination to take a portion of the annuity of one tribe and give it to another. It was known that among the Creeks there were three distinct parties, each of whom claimed the entire annuity of the tribe. Who so proper to examine and decide on these conflicting claims as the Committee on Indian Affairs? But how could they report in relation to an appropriation which never had been referred to them?

Mr. VINTON said that he had already contended that the Committee of Ways and Means had nothing to do with the quarrels of the Indians, and he agreed with the gentleman from Mississippi that if any inquiry was necessary on those subjects it appertained to the Indian Committee. Such inquiries constituted their appropriate duty. But a member of that committee had been again and again inquiring of him for information about facts which neither he nor his committee had anything to do with. They dealt with the estimates and the treaties, and neither said anything about Indian quarrels.

Mr. THOMPSON said he was not finding any fault with the Committee of Ways and Means; he cast no censure upon them, but he thought the existing usage was wrong and ought to be altered. He thought the practice in the House ought to conform to that in the Senate, where all subjects touching Indians were referred to the Committee on Indian Affairs. But here Indian appropriations were reported, on which the Indian Committee had never been consulted at all. The chairman had not inquired of their committee whether any changes had taken place in the state of the tribes calling for a change of appropriations. The committee were taken by surprise, and they found several items omitted in this bill which ought to be in it, and which they should have suggested if they had been consulted before the bill had been reported. There was the question in relation to the Texas Indians; there was not a word about them in the bill. That whole subject belonged appropriately to the Indian Committee, but no previous notice had been given them.

Mr. EVANS was understood to say that the rules of the House did not distinctly specify what duty the Committee on Indian Affairs was to perform, and also that there existed no ground of complaint against the Committee of Ways and Means, but he was very imperfectly heard.

Mr. McKAY could not but consider the remarks of the gentleman from Mississippi [Mr. THOMPSON] as of a very extraordinary character. That gentleman was so very good that he actually condescended to excuse the Committee of Ways and Means for reporting the Indian appropriation bill. The chairman had referred him to treaty stipulations, and what had been his reply? Why, that all previous Committees of Ways and Means, (who had always reported these bills) had usurped, forsooth, the duties of the Committee on Indian Affairs! Was it any act of usurpation to report the regular Indian appropriation bills? Had the committee violated the rules of the House? Had it gone beyond the jurisdiction expressly assigned to it?

Mr. C. J. INGERSOLL here rose to order, and put an inquiry, which, in the excited state of the House, the reporter could not distinctly hear.

Mr. McKAY. That is a question for a Philadelphia lawyer. [Peels of laughter.] Only look at your rules. Ask them whether the Committee of Ways and Means is not required to report the annual appropriation bills. [Mr. McK. here read the rules.] One of these rules, as I very well remember, was adopted on motion of a venerable gentleman who used to fill that vacant seat, and it requires that these bills shall be reported within thirty days from the commencement of the session. One of these regular annual bills is the bill appropriating for Indian annuities. It had always been the practice of the Government to send the estimates for these annuities to the Committee of Ways and Means, and for that committee to report the bill to the House.

But only see what sort of a principle the gentleman from Mississippi is introducing here. Why, if his doctrine is true, push it out; carry out his own principle, and what will it end in? Why, I suppose that, when the Committee of Ways and Means wish to report any appropriations in reference to Indians, they must first go in a body to the committee-room of the Committee on Indian Affairs, and then, first making a low bow, must stand with their hats off, and humbly refer the whole matter to the superior judgment and approbation of the gentleman's Indian Committee. They must say to that committee: "Gentlemen, be good enough to inform us, for we ourselves do not know, whether the laws for these Indian treaties are still in force. Here is a treaty with the Omahas, and here is another treaty with the Choctaws, and here is a treaty with the Weas, and another with the Piankeshaws; may we report appropriations to fulfill them? Can you tell us whether these treaties have the force of law?" And, having submitted these inquiries, I suppose the Committee of Ways and Means must then make another low bow and retire, and humbly wait till the Indian Committee, at their leisure and in proper and suitable time, shall see fit to reply.

Well, and then will come the gentleman from Virginia and the gentleman from Georgia, and various other gentlemen from the different committees, and require that all appropriations for the army, and the navy, and the judiciary, and everything else, must first be submitted to the judgment of their committees. Why did not the gentleman from Georgia [Mr. HARALSON] get up here and complain that the Committee of Ways and Means had been guilty of daring usurpation, in reporting appropriations for the pay of the army, before they had first gone to his committee, to get information whether the law fixing the pay of the army had not been repealed? And so all the rest of the committees may come, and make the same complaint. The gentleman from Mississippi looked very serious and very earnest, just as if he meant what he said, but I think he must have been sporting. Sporting or not, his doctrine, if carried out, goes to reduce the Committee of Ways and Means to a machine, to a mere automaton. They must report no bill to the House till all the other committees have looked over it, and told them whether it was proper or not.

The true principle and the true rule is this: Where any existing law requires from Government the payment of a sum of money, the Committee of Ways and Means is the proper organ to report to the House an appropriation of that sum; but where new appropriations are proposed, and changes are suggested in the law, these should be reported by the other committees first to which the subjects respectively belong. This is the true rule which ought always to prevail, though it has, I confess, been sometimes broken in upon.

Mr. THOMPSON said he had no objection to the Committee of Ways and Means exercising their full prerogative; but he did object to any member of that committee's calling on a member of the Committee on Indian Affairs for information in relation to Indian treaties.

Mr. VINTON. Let me set the gentleman right. It was a member of the Committee on Indian Affairs who interrogated me, and that over and over, for information which, if it was needed at all, his committee could get for itself, and I in reply said to him, that if anybody was to make these inquiries, it was not the Committee of Ways and Means, but his own Committee on Indian Affairs.

Mr. McKAY. I will ask the gentleman from Ohio [Mr. GIDDINGS] whether he has read the official reports about these Indian quarrels he was talking about?

Mr. GIDDINGS. No, I have not.

Mr. McKAY. Then let him read the documents before he asks information of us.

Mr. BARRINGER. The gentleman from Ohio on my left [Mr. VINTON] says that a member of the Committee on Indian Affairs asked certain information of him. Not so. The gentleman from Ohio on my right [Mr. GIDDINGS] asked that information personally, and not as a member of the Committee on Indian Affairs. Mr. B. admitted that the chairman was perfectly right in reporting all appropriations required by existing laws without further inquiry, but that gentleman went beyond his province when he maintained that the Indian Committee were bound to give him reasons for items in his own bill.

Mr. VINTON had maintained no such doctrine. All he said was, that, if it was anybody's duty to make the inquiry, it was that of the Committee on Indian Affairs; but, for himself, he did not hold it to be the duty of either committee.

Mr. BARRINGER. Then we understand each other.

Mr. VENABLE. This whole discussion is utterly out of order; there is no motion before the House

Mr. HALL, of New York, moved to amend the bill, by adding, after the second item under the head of "*the Senecas of New York*," the following:

For refunding to the Senecas, and the tribes united with them, the amount of all annuities or moneys which were wrongfully withheld from them by a former sub-agent of the United States appointed for said Indians, as stated in the 4th section of the act entitled "An act making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30th, 1847," approved June 27, 1846, and for paying the expenses of ascertaining as near as may be the amount thereof, the sum of $40,000, or so much thereof as may be necessary for such purposes; and the Secretary of War is hereby directed to ascertain, from the report of the commissioner appointed under said 4th section, and all other means in his power, and at as early a day as practicable, the amount so withheld, and the

interest thereon, from the day when it should have been paid over to said Indians, and to cause such amount and interest to be paid to said Indians in the same manner that the annuity above appropriated for said Indians is by law or regulation to be paid.

Some conversation and explanations passed between Messrs. McKAY, HALL, and VINTON; after which,

Mr. HALL, upon a suggestion made by Mr. McKAY, withdrew his amendment, under the expectation that it would be made in the Senate, (where was the commissioner's report,) or that it should be made the subject of a bill in the House.

Mr. THOMPSON, of Mississippi, moved to amend the bill by adding after the item under the head of "*The Chickasaws*," the following:

For the use of the heirs of Hoth-la-cha and his wife Rebecca James, Chickasaw Indians, who were entitled to reservations of land under the Chickasaw treaty of 1834, and which were sold and the money paid into the hands of the Chickasaw agent in pursuance of said treaty and never accounted for, $2,000.

After an explanation by Mr. THOMPSON, the amendment was agreed to.

Mr. McKAY moved to add the following section to the bill:

SEC. 2. *And be it further enacted*, That no part of the money appropriated by this act for the purposes of education shall be expended for any such object elsewhere than in the Indian country: *Provided*, That this shall not apply to any of the aforesaid appropriations the expenditure of which are, by treaty stipulations, under the direction of the President of the United States or of the respective Indian tribes.

After an explanation by Mr. McKAY, the committee rose and reported progress,

And the House adjourned.

IN SENATE.

WEDNESDAY, *March* 22, 1848.

A message was received from the President of the United States, transmitting the correspondence of Mr. Wise, at the Court of Brazil, with the Department of State of the United States, in compliance with a resolution of the Senate of the 24th of January last.

MEMORIALS AND PETITIONS.

Mr. DAVIS, of Mississippi, presented a memorial from the Legislature of Mississippi, asking the cession of certain public lands for the improvement of the navigation of Big Black river; which was referred to the Committee on Public Lands.

Also, from the same source, asking a change in the system of transporting the mail; which was referred to the Committee on the Post Office and Post Roads.

Mr. DOUGLAS presented a petition from James Livingston and 245 other citizens of Peoria county, Illinois, against the present mode of disposing of the public lands, and in favor of giving them to the actual settler without compensation; which was referred to the Committee on Public Lands.

Mr. CAMERON presented a petition from Cadwalader Evans, asking Government to purchase his patent for preventing explosions of steam boilers; which was referred to the Committee on Patents.

Also, from Rebecca Robeson, widow of a revolutionary officer, for a pension; which was referred to the Committee on Pensions.

Mr. MOOR presented a petition from D. B. Thuckley and others, for a modification of the patent laws; which was referred to the Committee on Patents.

Also, from Albert G. Dale, and other citizens of the United States, asking that the patent granted William Woodworth may be revoked; which was referred to the Committee on Patents.

Also, from Daniel W. Bradley and others, to exempt from the revenue laws timber cut from the forest of Maine and manufactured in New Brunswick; which was referred to the Committee on Finance.

Mr. M. took occasion to call the attention of the Senate to the facts set forth in the memorial. Under the third article of the treaty of Washington, the memorialists conceived themselves entitled to the free navigation of the St. Lawrence; but, from their peculiar location, they had to erect mills in the province of New Brunswick to prepare their timber for market, and had been subjected not only to an export duty under colonial regulations, but to an import duty when the timber is brought into the United States, which rendered the total tax on the lumber three dollars per one thousand feet—which amounted, in fact, to a prohibition. Mr. M. remarked on the importance of this trade, and the necessity that existed for the restrictions to be removed; conceiving them, as he did, a violation of the spirit of the treaty of Washington. He said he should at some future day introduce a bill for that purpose, and would to-day introduce a resolution calling for the correspondence between the British and American authorities on the subject.

Mr. BRADBURY presented a petition from Nathan Cummings and other citizens of Maine, asking relief. They state that, under the treaty, their lands had been declared in the province of New Brunswick, and they ask that Government will either pay them for their land or exempt them from the colonial duties and remit the import duties. The petition was referred to the Committee on Finance.

Mr. B. said that the petitioners were in a situation something similar to that of the petitioners whose memorial had been presented by his colleague. They had bought their lands while a portion of the United States, had been ceded away to New Brunswick, and their produce was now burdened with heavy duties before it could reach the markets of the United States. They therefore ask for an abrogation of these duties, or to be paid for their lands.

Mr. WESTCOTT presented a petition from pilots, port-wardens, masters of vessels, merchants, and other citizens of Apalachicola, against the present mode of lighting the light-house at Cape St. Blas; which was referred to the Committee on Commerce.

Mr. BUTLER presented a petition from William Rall, asking a pension for services during the revolutionary war; which was referred to the Committee on Pensions.

Mr. ATCHISON presented a memorial from the Legislature of Wisconsin, asking for the extension of the Indian title to land in said territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. DAYTON, from the Committee on Patents, reported House bill for the relief of E. G. Smith, without amendment.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported the following House bills, without amendment:

A bill for the relief of Catharine Fulton, of Washington county, Pennsylvania.

A bill for the relief Jonathan Moore, of the State of Massachusetts.

A bill for the relief of Robert Ellis.

Also, from the same committee, a bill for the relief of Mary Taylor, accompanied by a report. The bill was read a first time.

Mr. DIX, from the Committee on Commerce, reported House bill relating to the collection district of New Orleans, and for other purposes, without amendment.

Mr. ASHLEY, from the Committee on the Judiciary, reported House bill dividing the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States, with circuit court powers and jurisdiction, without amendment.

Also, from the same committee, House bill to change the name of Photius Kavasales to that of Photius Fisk.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill to promote the efficiency of the navy.

[This bill authorizes the President to direct the transfer to a retired list any commissioned officer or master in the navy, who is no longer found competent to perform properly the duties of his station; and the officer so transferred shall not be considered in the line of promotion. Immediately after the passage of the act, and as often as the President may deem expedient, a board of five captains is to be convened, whose duty it shall be, under instructions from the President or Secretary of the Navy, to ascertain and report the names of such officers as in the judgment of said board have, from physical or other causes, become incapacitated for an efficient discharge of their duties, and the President may upon such report, if approved by him, direct such officers to be placed on the retired list. The pay of a retired officer shall be the furlough pay of his grade, with an addition of ten per cent. thereon for every five years' service in his grade, provided that in no case shall the retired pay exceed half the highest pay to which he would be now entitled by law if employed at sea. The retired pay of pursers to be the same as surgeons of equal length of service would be entitled to. The power of the President is still retained to place any officer on furlough, and no officer who is wounded in battle shall be transferred to the retired list against his own consent.]

RESOLUTIONS.

On motion of Mr. ASHLEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Benton, in Sabine county, to Pine Bluffs, in Jefferson county, Arkansas.

On motion of Mr. WESTCOTT,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for a uniform tariff of fees and costs to be allowed in all cases in the courts of the United States, to report by bill or otherwise.

On motion of Mr. ATCHISON,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law for the sale of the islands in the Mississippi and Missouri rivers not heretofore surveyed and offered for sale.

Mr. MOOR submitted the following:

Resolved, That the President of the United States be requested to communicate to the Senate copies of the correspondence which has taken place since August, 1842, between the authorities of the American and British Governments in relation to export duties on American timber, exacted or levied by the Provincial or other British authorities in New Brunswick; or copies of such portions of that correspondence as may be communicated without detriment to the public interest.

AMERICAN HEMP.

Mr. YULEE moved to take up the joint resolution to promote the purchase of hemp for the use of the American navy; which motion was agreed to.

Mr. Y. explained the object of the resolution, which was to allow the Secretary of the Navy to contract for the purchase of hemp for five years, at a price not to exceed the average price of the last year. He said it was the opinion of many persons that hemp would be found in this country equal in all respects to the best Riga hemp, and at a much less cost.

Mr. NILES moved to amend the resolution by inserting a proviso to the effect that the price should not exceed the average market price at the time the hemp was delivered.

This motion led to a brief debate, in which Messrs. NILES, HALE, YULEE, DOUGLAS, UNDERWOOD, BALDWIN, CRITTENDEN, and others, participated; when the question was taken on Mr. NILES's amendment, and decided in the negative.

The question was then taken on the passage of the resolution, Mr. HALE demanding the yeas and nays, which were ordered, and the vote stood for the passage as follows:

YEAS—Messrs. Ashley, Atchison, Badger, Bell, Benton, Berrien, Bradbury, Breese, Cameron, Clayton, Crittenden, Davis of Mississippi, Dayton, Douglas, Downs, Felch, Greene, Johnson of Louisiana, Johnson of Georgia, Miller, Moor, Phelps, Rusk, Spruance, Underwood, Upham, Webster, and Yulee—28.

NAYS—Messrs. Atherton, Bagby, Butler, Calhoun, Dickinson, Hale, Lewis, Mason, Niles, and Turney—10.

THE LOAN BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the loan bill; when—

Mr. ATHERTON regretted that it was his lot to occupy the attention of the Senate in relation to this bill. But it was necessary he should do so, in order to show the considerations which had weighed with the Committee on Finance in its action on this bill. He then went on to speak of Mexico and the war; of the fiscal condition of the country when the war was commenced; of the great measures which passed Congress during the session of 1846-'7—the tariff bill, the independent treasury bill, the treasury note bill, &c.—by which the Government had been relieved from great pecuniary difficulty.

Mr. ATHERTON then went into a detail of receipts and expenditures, and into a description of the operation of issuing and reissuing treasury notes. In this statement he was not considered by some Senators as perfectly intelligible, until he had several times put the case of a treasury note for $100 issued, and $100 received from customs,

paid into the treasury in the form of the $100 treasury notes so issued, and stated the manner in which this transaction would appear on the books.

The total expenditure of the fiscal year 1846, was $57,218,477 63, and the total receipts (exclusive of treasury notes and loans) $35,473,229 45. The deficiency of $21,000,000 and a fraction, had to be supplied by loans or treasury notes. He contended that there was no error in the treasury report of that year.

The total (actual and estimated) expenditure of the present fiscal year he stated at $60,305,688 07, and the total receipts (irrespective of loans and treasury notes) $36,601,251 25, leaving a deficiency of $23,000,000 and a fraction. He then gave a statement of the treasury notes issued, and came to the result at which the Secretary of the treasury had arrived in his annual estimates.

For the two years the expenditures were $117,589,165, and the receipts were $70,317,229 45. In his exposition of the issues of treasury notes which had taken place in the two years, he called up—

Mr. NILES, who suggested that the authority for issuing the original amount of treasury notes expired last year, and that under the law of last session an authority was given to reissue only five millions. Although, therefore, there might be the whole of the twenty-eight millions previously authorized, in circulation, or there might not be, the Secretary had no authority to reissue more than the five millions. He had understood that the Secretary was himself embarrassed on this point when he issued his proposals lately for bids for treasury notes, as to the amount he could issue.

Mr. ATHERTON said he was aware of the difficulties alluded to, but he could positively state, that not more than thirty-three millions of treasury notes of every description were now in circulation. He then went on to refer to Mr. Gallatin's pamphlet on the finances, for the purpose of correcting some errors into which he said that venerable gentleman had fallen. He complimented that gentleman on the clearness of intellect which he had evinced, but suggested that it was not wonderful that one who was led by his distrust of our financial capacity to resign his administration of the treasury in a difficult crisis in our affairs, should, in his old age, be led into error. He quoted Mr. Gallatin's language relative to the impropriety of permitting banks to use public money to increase their circulation, with some appropriate remarks.

Mr. A. defended the estimates of the Secretary against the attacks which had been made upon them; referring to the statements made early in the session by the Senator from Vermont, [Mr. PHELPS,] and showing that they were not borne out by the actual results. The estimates of revenue from the tariff made by the Secretary, had been exceeded by the facts. As to the revenue from the lands, from which that Senator had deducted one million, there was a great probability that the estimates of the Secretary would be sustained. Taking the sums accruing from all sources he came to the same conclusion. He pointed out other statements in the remarks of that Senator, which he charged as being erroneous.

Mr. PHELPS made an explanation.

Mr. A. then referred to the amendments reported in the bill. He adverted to the subject of treasury notes, in which form it had been proposed to authorize the loan. He expatiated on the advantages which belonged to treasury notes, but stated that a majority of the Committee on Finance was favorable to a stock loan; and the changed aspect of the times, since the bill passed the House, had determined it to bring the transaction into the market, in the shape of a stock loan, which, he believed, would be easily disposed of.

He adverted to the course which had been taken in former exigencies—to the loan for twelve millions of dollars in 1841, in a time of peace. In 1842, an issue of five millions of treasury notes was authorized, and, in the same year, an authority was given to add five millions to the original loan. The Secretary was then required not to sell under par, until after advertising to obtain offers at the highest price. He referred to subsequent issues of treasury notes, authorized in 1842 and 1843.

He estimated that thirty-six millions will be all that the wants of the Government will require to be borrowed during the present and the next fiscal years, if the estimates of the Secretary are correct. He asked if there had been any instance in which, during the midst of a war, a loan had been negotiated at a rate exceeding par—that is, above the ordinary rate of interest in the country? Our credit in Europe, instead of having diminished, had strengthened, since the commencement of the war, and we could now borrow money there on better terms than we could have obtained it two years ago.

He made a few remarks on the inapplicability of a sinking fund in this country, where the population would be doubled soon after the present loan will become due. He did not desire to protract the passage of this bill, as the Secretary was anxious to advertise the loan abroad, which could not be done in time, unless the bill could be promptly disposed of.

[The revised speech of Mr. ATHERTON will be found in the Appendix.]

Mr. WEBSTER rose and said he desired to make some remarks on the bill, but as it was now late in the day, and as he understood there was some Executive business to be disposed of, he would postpone his observations until to-morrow, should it be the pleasure of the Senate to pass over the bill informally, and to proceed to the consideration of Executive business.

The bill was then informally passed over; and,

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business. After some time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 23, 1848.

The Journal of yesterday was read and approved.

Mr. FEATHERSTON, on leave, presented memorials of the Legislature of Mississippi, in relation to stage routes in that State; also, in relation to the cession of certain public lands for the improvement of the navigation of Big Black river. Referred to the Committee on Public Lands.

Mr. WHITE, on leave, offered the following resolution, which was referred to the Committee on Accounts:

Resolved, That the Clerk of this House ascertain the usual amount of the expenses of burial of a deceased member of this House at the Congressional Burying Ground, near this city; and such amount, when ascertained, the Clerk shall report to the Committee on Accounts, who shall examine the same, and, if approved by said committee, the Clerk shall thereupon pay the amount so reported by said committee to Mrs. J. M. Holley, widow of the late JOHN M. HOLLEY, deceased, late a member of this House from the State of New York; and that the Speaker pay to the said Mrs. Holley the balance of the daily pay and mileage due her late husband on the day of his death, to wit, on the 8th of March, 1848.

Mr. CHAPMAN asked leave to offer a resolution directing the Clerk of the House to furnish the Warden of the Penitentiary of the District of Columbia certain public documents.

Mr. McKAY objecting, the resolution was not received.

Mr. KENNON, from the Committee on Accounts, reported the following resolution, which was read:

Resolved, That there be allowed out of the contingent fund of the House, to the widow of the Hon. JOHN W. HORNBECK, late a member of the House of Representatives of the United States from the State of Pennsylvania, the sum of $138, the balance of pay and mileage, as a member of this House, up to the 16th day of January, A. D. 1848.

Mr. McKAY inquired why the resolution directed the payment out of the contingent fund of the House, as there was a special appropriation for the pay and mileage of members?

Mr. KING, of Massachusetts, replied that the Committee on Accounts had had under consideration the resolution referred to them directing them to inquire into the propriety of allowing to the widow of the late Mr. HORNBECK a sum equal to the usual expenses of a public funeral in the city of Washington. A majority of the committee had come to the conclusion that it was not expedient to make such allowance, or any allowance beyond that which was due to every member of Congress for per diem compensation and mileage. There never had been an instance where these were withheld from a gentleman who had died a member of Congress, and this had always been paid out of the contingent fund. So the passage of this resolution was unnecessary, so far as the payment of per diem and mileage to the widow of a deceased member was concerned. But the subject having been referred to the Committee on Accounts, they had thought proper to report it back, in order that the House might determine whether they would sanction the report, or whether by amendment they would make an allowance to the widow of some amount in consideration of her husband's having died being a member of Congress, and her being subjected to extraordinary funeral expenses. He would tell the gentleman from North Carolina that there was no actual necessity for the passage of the resolution in order to the payment to the widow of the deceased member of the per diem and mileage of her husband.

Mr. McKAY said, as it was stated by the chairman of the Committee on Accounts, that there was no necessity for the resolution, he would move to lay it on the table.

The question being taken, the motion was rejected.

The question recurring on the adoption of the resolution—

Mr. RUMSEY moved an amendment by inserting, "and the further sum of $500, that being the ordinary expense of a public funeral in the city of Washington."

He remarked that there was certainly no good reason why, from the mere fact of this gentleman having been compelled to leave here and return home, this House should avoid the expenses of burial, which would have been incurred if he had died here.

The question being taken by yeas and nays, and resulting, yeas 73, nays 89, the amendment was rejected.

The question then recurred on the passage of the resolution.

Mr. BRODHEAD desired to offer an amendment. He moved that the sum of $450 be allowed, which he hoped would be agreed to. He knew not that it was necessary, at this time, to make any remarks upon the subject; but this he would say, that he believed it to be entirely right to allow that sum.

Mr. EVANS moved to amend the amendment by substituting the sum of $400.

Mr. BRODHEAD accepted the amendment.

Mr. HENLEY called for the yeas and nays on the amendment. All he would say was, that it was the principle to which he was opposed, and not the sum suggested. He would just as soon vote five hundred dollars as five.

The yeas and nays were ordered.

Mr. McCLELLAND said, when this question was up before, he moved its reference to the Committee on Accounts, that they might ascertain if there were any precedents for such payments, and if so, to report them to the House. That was the understanding when he made his motion, and he desired now to ask the chairman of the Committee on Accounts if they had examined the precedents, and if there were any precedents to justify the amendment which had been made to the original resolution.

Mr. KING, of Massachusetts, replied that the committee had not found any such precedents. The funeral expenses of members of this House who had died away from the seat of Government had not been paid, but he was understood to say, that the funeral expenses of a clerk had been allowed. In the case of the death of a member of the other branch of Congress, Mr. Fairfield, of Maine, the Senate had made an allowance of the funeral expenses to the widow of the deceased. In the case now before the House, a family was left in circumstances of great poverty. There was another case in which an allowance had been made, to which he would call the attention of the House. A gentleman left his home in Michigan and came towards Washington as far as New York, and there died. In that case there was an allowance of $1,200. He would further add, that the average amount of expenses incurred in the burial of a member of Congress here, without military array or unusual solemnities, was about $1,500.

Mr. McCLELLAND regretted to be obliged to oppose a proposition of this kind. It was well known that he was as liberal in such matters as any member on this floor, and if this were not a matter which involved a principle, he should vote for the sum now proposed. He should not now have said a word if any other member had been pleased to address the House on the subject. He could not, however, allow it to pass in silence. The case of Mr. Fairfield, which had been mentioned by the chairman of the Committee on Ac-

counts, [Mr. KING,] was entirely different, as every one would recollect, from that on which the resolution was based. Governor Fairfield died in the city of Washington, and the amount appropriated by the Senate from its own contingent fund, for the funeral which took place in Maine, was the sum which would have been incurred if the funeral had taken place here. In this case, however, as he understood, the gentleman did not die here, but at his own place of residence—an entirely different case. The gentleman from Massachusetts [Mr. KING] had mentioned the case of a friend of his own, (Mr. McC.) to whose family the sum of $1,200 had been paid. Now, that case was not a precedent to justify this resolution; for the allowance was simply his travelling expenses, and nothing more. There was not a dollar allowed for expenses while he was sick in the city of New York. There was nothing allowed but his mileage from his residence to the city of New York, when he was on his way to Washington to take his seat. Here, however, was a proposition the adoption of which would create a precedent, in which a principle was involved to which he was opposed. If the appropriation of the sum mentioned in the amendment was intended to be a gratuity to the family of the deceased, let the House vote upon it as it pleased; but as it involved a matter of principle, he could not give it his approbation. He was utterly opposed to it. He was not in the habit of troubling the House with long speeches, and therefore he would detain it no longer.

Mr. VENABLE said it was with extreme reluctance that he felt himself compelled to vote against such a proposition as this. He believed, however, it was the duty of this House to pay the funeral expenses of a member of Congress wherever he might die. If a gentleman came to this House as a member, and took his seat—became sick, as the gentleman in this case did, and went away for the recovery of his health and died, he died in the service of his constituents and the country, and he (Mr. V.) would pay his funeral expenses if they could be ascertained; but he would not vote in the dark a single dollar. A gentleman had come here sick, and afterwards proceeded to St. Augustine and there died, and the expenses of his funeral he (Mr. V.) would be willing to appropriate if they could be ascertained. He knew no principle which would prevent the payment of such funeral expenses, while they paid the funeral expenses of those who died here. He was willing to pay all proper respect to members of this House, under such circumstances, but he would not vote any sum of money until the expenses were ascertained; otherwise thousands of dollars might be spent, and this House called upon to pay them.

Mr. HOUSTON, of Alabama, propounded an inquiry to Mr. VENABLE, which was understood to refer to the expense of Mr. HOLLEY's family, in removing him to Florida, and his remains back to the State of New York.

Mr. VENABLE said he expected to vote the expenses of a committee of this House of thirty members who had accompanied the remains of Mr. ADAMS to Boston; and when a gentleman came here and took his seat, and was ready to discharge his duty as a representative of the people, but was attacked by disease and died, he was willing, not to pay his expenses to Florida and back, but the funeral expenses at the place where he should be buried; and with these views, before he resumed his seat, he should move to recommit this whole subject to the Committee on Accounts, that it might be ascertained what the actual funeral expenses were. He would do this because he could see no distinction between the funeral expenses of a member of this House who died here and one who died many miles off. What distinction could the House make between a member who should die in Georgetown, one mile off, and one who died fifty miles off? Could the expenses be consistently paid in the one case and not in the other? The resolution and amendment, in their present shape, would establish a precedent which he was unwilling to sanction, however painful it might be to him to oppose it, under the afflicting circumstances of the case. He therefore moved to recommit, for the purpose which he had indicated.

Mr. McCLELLAND remarked that the reason why the expenses were paid here was, because the circumstances of a member dying in their midst made it peculiarly proper that they should attend his funeral; and the pageant was then their own, and its expenses it was right that they should bear. But had they ever paid the funeral expenses of a member who died at home? It appeared to him that they had no precedent to lead them to pay the expenses in this case; and it must be remembered that if this was sanctioned, it would be a precedent, in accordance with which they must, in justice, pay the expenses of some seven or eight other funerals which had already taken place.

Mr. VENABLE said he would ever follow his principles to their necessary results; but if his principles were incorrect, he would abandon them. He knew no reason why they should pay for pageants here; he knew no solid foundation on which they could base the right to pay the expense of funerals here, which would not apply to the case of those who died away from this Capitol. But he would vote against any proposition to pay a sum for such a purpose, unless it was shown that the money had been expended on the funeral of a member who had died in the service of the country.

Mr. G. S. HOUSTON suggested to gentlemen to allow the resolution, as reported from the committee, to be adopted, for to that, he understood, there was no objection; so that the family could receive that which was unquestionably theirs; and then allow the Committee on Accounts to make further examination on the subject embraced in the amendment.

Mr. KENNON said the amendment proposed to the report of the committee, if successful, would establish a new precedent for the future action of this House; that some care should be taken before we establish a precedent liable to much abuse, and for which there is no good reason. The resolution originally offered by the gentleman from Pennsylvania, [Mr. BRODHEAD,] and referred to the Committee on Accounts, contemplated the payment of a sum of money to the widow of the late Mr. HORNBECK, a member from that State, equal to that which it would have taken to bury him in the Congressional burying-ground, in case he had died in this city. The principle involved in the resolution had not only been fully examined, but an examination had been made to ascertain how far this House had gone in such matters, and how far they should go in the present case; and nothing is hazarded in saying, that there is no authority whatever to warrant the allowance here claimed.

A similar case to the present one came before the twenty-eighth Congress—that of Mr. Dimock, a member from the State of Pennsylvania—in which the same principle was involved. In that case, it seems, the matter was fully considered. The House, in that case, arrived at the same conclusion presented in the report and resolution now under consideration. In that case the mileage and "per diem" were paid up to the day of his death, and no more. In this case the same allowance is made. This has been the practice in all similar cases, and it is hoped the principle will not now be departed from. The gentleman from North Carolina [Mr. VENABLE] seems to be opposed to an allowance in gross, but is favorable to the payment of the actual expenses, whenever the several items shall be presented to this House for payment. To this there are several objections. A member could be buried in North Carolina for $50; in the city of New York or Boston, it would require $2000. These two bills, if itemized, would be allowed according to the principle advanced by the gentleman from North Carolina. This would be wrong. If the former practice of the House is departed from, let the new principle operate equally. But there is still another objection. Let it be known that the contingent fund of this House is liable for such expenditures, and the pomp and pageantry of the occasion will not be excelled by anything of a similar kind that ever occurred in this city.

Mr. Speaker, it is hoped the amendment will not succeed, and that the resolution as reported may meet the approbation of the House. Let us follow some precedents, and not establish a principle which, in practice, is liable to so much abuse.

Mr. RHETT spoke in opposition to the amendment. When a member died here at his post, in the service of his country and of his constituents, the funeral, he was ready to admit, should be at the expense of the House; for in the funeral ceremonies they were themselves participants. This was warranted by the precedents of many years, and thus far he would go, but no further. But look at the case of the gentleman in question. Was he here when he died? Had his disease been contracted while in the discharge of his duties here? Were the members of this House called upon to join in the funeral ceremonies? Not at all. Another case occurred here. A gentleman [Mr. HOLLEY] came to this House in a sick condition, was sworn by the Speaker in one of the seats here, and then went out again. He received his mileage and per diem for coming here, and going away again. He could not assent to the position of the gentleman from North Carolina, [Mr. VENABLE,] that this House should pay the expense of the funeral of all those who died after being elected as members. Why, suppose one of their associates should die in the city of New York, and his friends chose to think him a very distinguished man, who required a magnificent funeral, and they should spend thousands of dollars for that purpose, and then send their bills here: would it be right that this House should pay them? He could not go to that length. He thought the funeral expenses of members dying at their homes should be borne by their families.

Allusion had been made to the funeral of ex-President Adams, and also to that of Mr. Senator Fairfield. Mr. Fairfield was not a member of this House, and he did not choose to be governed by what the Senate might do in such a case. This House was an independent body. But, with respect to the funeral of the late much-lamented Mr. Adams, the circumstances were altogether of an extraordinary character. Did they ever again expect to see an ex-President on this floor as illustrious as he had been, both in this country and the world? Mr. Adams was the first, and he (Mr. R.) believed he would be the last, President of this country that would return to this House and mingle with them in their deliberations; and they had only done for him that which was an exception to ordinary proceedings. It was an extraordinary instance of a most extraordinary man coming to this House, after retiring from the Presidency, to discharge the duties of a Representative of the people. With the gentleman from North Carolina [Mr. VENABLE] he concurred, respecting the payment of the funeral expenses of that distinguished man. He would vote for the payment of every dollar of them.

Mr. HUDSON thought that the subject and the sum submitted to the consideration of the House was not such as to call for any prolonged debate. For himself, he saw no constitutional question or other principle involved in making the appropriation proposed to give him the slightest disturbance. He believed there was just as much propriety in paying to a member of that House both his mileage and his per diem, though he was able to stay in his place but an hour, as to pay it to members who stayed there but one or two days in a week, and had not the excuse of personal indisposition for their absence. It was well known that all the members were absent from their places more or less during the session; sometimes on public business, but in most cases, he believed, on that which was private and personal to themselves. And yet he suspected there were but few who were actuated by so great a degree of scrupulosity as to make a *pro rata* deduction for their absence at the end of the session. Mr. H. was as ready to vote to pay a man who was absent from the House in consequence of sickness, as to one who was absent from it on his own private business.

And now as to the expenses of a funeral. All seemed to agree, that if a member died in this city, his funeral expenses ought to be paid out of the contingent fund of the House. Now, so far as the principle of the matter was concerned, Mr. H. could perceive no difference between a member dying here and dying elsewhere. Supposing a member, while in discharge of his duty on that floor, should be taken sick, and attempt to return home, but while on his journey should die at Baltimore, why was it not as equitable that the expense of burying him in Baltimore should be paid by the House just as much as the expense of burying him at Washington? While Mr. H. concurred with the gentleman from North Carolina, [Mr. VENABLE,] and was ready, like him, to pay any reasonable charge for the funeral expenses in the present case, he was not prepared to open an account current with the sexton, and chaffer about the various items in his bill. He considered such a course as beneath the dignity of the House. He was prepared to pay a fair average amount, and to pay it at once. He considered debate on such a

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question as something more than unnecessary. The question lay in a very small compass, and as he thought it had been quite sufficiently discussed, he would conclude by moving the previous question.

The previous question was seconded; and the main question, which was first on the amendment of Mr. MOREHEAD, was taken and decided in the negative: Yeas 73, nays 85.

The original resolution was then adopted.

Mr. VINTON, from the Committee of Ways and Means, to which was referred the bill of the Senate to remit the duties on books, maps, and charts imported for the use of the Library of Congress, reported the same back to the House with an amendment.

The amendment was read and agreed to.

The bill was then read a third time, passed, and returned to the Senate.

Mr. VINTON, from the same committee, to which was referred the bill further to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1848, which was returned from the Senate with sundry amendments, reported the same back to the House with amendments to the Senate's amendments.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. STEPHENS, of Georgia, in the chair, and took up

THE DEFICIENCY BILL.

The first amendment of the Senate was, to strike out the proviso "to the item for pay of two keepers of the public archives in Florida."

The Committee of Ways and Means recommended a non-concurrence with the Senate in their first amendment.

The question was put on the said amendment of the Senate, and it was disagreed to.

The second amendment of the Senate was read, viz: "For expenses of loans and treasury notes, $5,000."

The Committee of Ways and Means recommended a non-concurrence with the Senate in this amendment.

The question was put on the second amendment of the Senate, and it was disagreed to.

The third amendment of the Senate was read and concurred in, under the recommendation of the Committee of Ways and Means.

The fourth amendment of the Senate was read. It proposes to amend the item which provides for additional clerks in the office of the Second Auditor by reducing the appropriation from $15,000 to $12,000, and to strike out the words "at a per diem of not more than three dollars and thirty-three cents for each clerk."

The Committee of Ways and Means recommended a concurrence with the Senate in this amendment, and with an amendment, viz: to add to the amendment the following: "At a rate not exceeding $1,000 per annum." So that the pay of no one of the additional clerks shall exceed $1,000 per annum.

Mr. VINTON explained the amendment.

Mr. ROCKWELL, of Connecticut, opposed the concurrence, on the ground that the appropriation proposed for additional clerks in the Treasury Department was wholly inadequate, and that the whole matter should be postponed until they received such information as would enable them to act understandingly and efficiently on the subject; which information the Secretary of the Treasury had hitherto refused to give, although requested by resolution of the House on the 28th ultimo.

Mr. JONES, of Tennessee, advocated the appropriation as necessary to enable the Secretary of the Treasury to employ such clerks during the remainder of the fiscal year as were necessary to despatch the business which was pressing upon them. He favored the amendment of the Senate and the amendment thereto of the Committee of Ways and Means.

Mr. McKAY read a statement of the Second Auditor, of the number of clerks which were indispensable in his bureau, and explained and vindicated the proposition of the Committee of Ways and Means.

Mr. ROCKWELL, of Connecticut, further opposed this partial aid to the departments, and desired the postponement of action until they could receive full information from the Secretary.

Mr. HOUSTON, of Alabama, defended the action of the Secretary of the Treasury in this matter, and repelled what he considered a party attack upon him by Mr. ROCKWELL.

Mr. ROCKWELL, the floor being yielded, disclaimed any such design, and expressed an honest desire to afford the department an ample clerical force.

Mr. HOUSTON resumed, and urged the importance of the proposition as indispensable to the transaction of public business at the department, for which the whole country was calling.

Mr. ROCKWELL further explained and defended his position, and the action of the Committee of Claims, with a view to afford full and efficient clerical aid to the departments.

Further conversation and explanations passed between Messrs. VINTON and ROCKWELL, of Connecticut.

Mr. HUDSON favored a concurrence with the propositions of the Committee of Ways and Means and of the Senate, and advocated the affording the aid to the department, provided by the amendment, as good to the extent to which it reached.

The amendment proposed by the Committee of Ways and Means to the Senate's amendment, was agreed to.

Mr. ROCKWELL, of Connecticut, moved to amend the Senate's amendment, by striking out "$12,000," and inserting "$100." Disagreed to

Mr. JONES, of Tennessee, moved to amend the Senate's amendment, so as to make it apply to the office of the Second Comptroller, as well as to the office of the Second Auditor, and to increase the sum from $12,000 to $17,000.

Mr. JONES explained his amendment.

And, after some conversation between Messrs. VINTON, HENLEY, and JOHNSON, of Arkansas, Mr. J.'s amendment was agreed to.

The Senate's fourth amendment, as amended, was then agreed to.

The fifth amendment of the Senate was read, viz: "For compensation to eight additional clerks to be employed in the General Land Office, four of them at the rate of twelve hundred dollars per annum each, and the remaining four at the rate of one thousand dollars per annum each, the sum of $2,200."

The Committee of Ways and Means recommended a concurrence in this amendment of the Senate, with an amendment, viz: Strike out the words "four of them at the rate of $1,200 per annum each, and the remaining four," and reduce the sum to $2,000.

The amendment to the Senate's amendment was agreed to.

The fifth amendment of the Senate, as amended, was then agreed to.

The remaining amendments of the Senate—viz: the sixth, seventh, eighth, and ninth—were read, and, under the recommendation of the Committee of Ways and Means, agreed to.

The committee then rose, and reported the conclusions to which they had arrived.

The question was stated on concurring with the Senate in their first amendment, on which some discussion ensued between Messrs. CABELL and McKAY; after which, the amendment of the Senate was disagreed to.

The question was put on the second amendment of the Senate, and it was disagreed to.

The third, sixth, seventh, eighth, and ninth amendments of the Senate were read and agreed to.

The fifth amendment of the Senate, as amended by the Committee of the Whole, was read and agreed to.

The fourth amendment of the Senate, as amended by the Committee of the Whole, was read.

Mr. VINTON rose and made a statement in regard to this amendment, and sent to the Clerk's table, where they were read, letters from the acting Secretary of the Treasury, the Third Auditor, and the Second Comptroller, in regard to the insufficiency of the clerical force in those offices.

Mr. VINTON then moved further to amend the third amendment of the Senate, as amended by the Committee of the Whole, by embracing "the office of the Third Auditor" in the amendment providing additional force for the bureau of the Second Comptroller and the Second Auditor.

Some conversation ensued between Messrs. VINTON, HENLEY, McKAY, JONES, of Tennessee, and CLARK.

Mr. POLLOCK moved the previous question, which was seconded; and, under its operation, Mr. VINTON's amendment was agreed to.

The amendment of the Committee of the Whole to the Senate's amendment was then agreed to.

The question recurred on the fourth amendment of the Senate, as amended, and it was agreed to.

All the amendments having been acted on, it was ordered that the Speaker acquaint the Senate of the action of the House on their amendments to the bill further to supply the deficiencies in the appropriations for the fiscal year ending June 30, 1848.

Mr. HUNT, from the Committee on Commerce, reported, on leave, sundry amendments to the "bill to establish a Territorial Government in Oregon." Laid on the table, and ordered to be printed.

And then the House adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

By Mr. McLANE: The petition of Richard Pattison praying the passage of a special act allowing him a land warrant. Also, the memorial of Charles H. Marshall and his associates, for an act authorizing a contract to be made with them to carry the public mail in steam vessels between the ports of New York and Havre.

By Mr. GREGORY: The remonstrance of a large number of farmers and others, citizens of the county of Essex, in the State of New Jersey, against the renewal of the patent for the Jethro Wood plough.

By Mr. WENTWORTH: The petition of sundry citizens of Homer, Illinois, for reform in newspaper postage.

By Mr. McILVAINE: The petition of Henry Speakman and 103 others, Joshua Rhoads and 76 others, B. Pitman and 56 others, Aaron Kirk and 32 others, and Barclay Ivins and 44 others, inhabitants of Pennsylvania, praying that Congress will take measures for effecting such change of the Constitution and laws as shall abolish slavery throughout the Union, in the manner that may be most consistent with justice and the rights and interests of every section of the country. Also, the petition of Isaac Meredith and 13 others, inhabitants of Pennsylvania, representing that the Federal Constitution, in its attempt to unite freedom and slavery in our body politic, has already brought upon the country great and manifold evils, and has fully proved that no such union can exist but by the sacrifice of freedom to the supremacy of slavery; and praying Congress to devise, without delay, some plan for the immediate peaceful dissolution of the American Union.

By Mr. CHAPMAN: The memorial of a committee of the Corporation of Washington, in behalf of said Corporation and the people of the said city, in relation to the amendments to the charter of the city of Washington agreed to by a vote of the people. Also, two memorials from a large number of citizens of Washington, remonstrating against the passage of the bill authorizing attachments on mesne process.

By Mr. JOHNSON, of Tennessee: A petition of Joseph M. Rhea, asking an increase of the pension he now receives; said pension to commence in 1837.

By Mr. WHITE: The memorial of Aaron Cook and 60 others, remonstrating against the extension of the patent of Jethro Wood.

By Mr. MORSE: The petition of William A. Whitely, Andrew White, and 69 others, praying for the establishment of a post route in Louisiana.

By Mr. WENTWORTH: The petition of sundry citizens of De Kalb county, Illinois, in favor of reform in the preemption laws.

IN SENATE.

THURSDAY, *March* 23, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, accompanied by seventy-five copies of the Navy Register for the year 1848.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Senate, made in pursuance of a resolution of the Senate, in relation to the causes of the delay in printing the report of Dr. Wislizenus.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. FELCH presented a resolution passed by the Legislature of the State of Michigan, in favor of the establishment of a mail route from Detroit to Michigan, in that State; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, a resolution passed by said Legislature in favor of the passage of an act granting to the St. Mary's Canal Company the right of way over the public lands lying on the route of their canal; which was referred to the Committee on Public Lands.

Mr. FELCH having moved that the resolution be printed—

Mr. NILES said: I observe that an unusual practice is gaining ground in regard to the printing of memorials, and that it is becoming quite a common thing.

Mr. FELCH. I understand the practice to be, that the resolutions of the Legislatures of the different States are ordered to be printed as a matter of course for the use of the Senate.

Mr. NILES. Is this the resolution of the Legislature?

Mr. FELCH. It is.

Mr. NILES. In that case I withdraw my objection.

The resolution was ordered to be printed.

In presenting a resolution from the Legislature of New York—

Mr. DICKINSON said the subject of the resolution is one which interests not only a great portion of the citizens of my own State, but the agricultural classes generally throughout the Union. It is a subject of the weightiest consideration; but as Congress has other matters before it, I shall not do more at this time than move that the resolutions be printed, and laid upon the table, which is, I believe, the usual disposition made in matters of this kind. Without keeping the Senate in further suspense, I remark that it relates to Jethro Wood's patent plough. I ask that the resolution may be also read. I believe that is usual.

Mr. HALE. I object. It is not the usual course.

Mr. DICKINSON. Let the Senate decide. I move that they be read.

The motion was agreed to, and the resolution was read by the Secretary, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GREENE presented the petition of John S. Harris, late deputy collector and measurer of the port of Providence, in Rhode Island, praying compensation for his services; which was referred to the Committee of Claims.

Mr. FELCH presented a memorial of citizens of the town of Sault de St. Marie, in Michigan, praying the appointment of a board of commissioners for the adjustment of land titles in that place; which was referred to the Committee on Public Lands.

Mr. CASS presented the petition of Sarah Hubbard, praying compensation for property taken and destroyed by the enemy during the last war with Great Britain; which was referred to the Committee of Claims.

Mr. HALE presented a petition of citizens of Carroll county, New Hampshire, praying the establishment of a mail route from Ossipee to Moultonboro', in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. UNDERWOOD presented the petition of Henrietta Bedinger, widow of a deceased revolutionary officer, praying an increase of pension; which was referred to the Committee on Pensions.

PUBLIC LANDS AT FORT SNELLING.

Mr. BREESE submitted the following resolution for consideration:

Resolved, That the Secretary of War be directed to inform the Senate what quantity of public land has been reserved from sale and settlement at or near Fort Snelling, on the Upper Mississippi river, stating the quantity on each bank of the river so reserved, the purposes to which the lands are devoted, the amount of force at that post, averaging it for the last five years, and whether, in his opinion, the lands reserved on the east bank of the river are really necessary for any military purpose.

On motion by Mr. ATCHISON, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the memorial of the Mississippi Baptist State Convention, presented the 9th March.

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the petition of Joseph Newell.

Agreeably to notice, Mr. MOOR asked and obtained leave to bring in a bill to admit lumber cut on the territory of Maine, and manufactured in New Brunswick, into the ports of the United States free of duty; which was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

Mr. CRITTENDEN, by unanimous consent, asked and obtained leave to bring in a bill for the relief of Colonel Robert Wallace, aid-de-camp to Gen. William Hull; which was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs.

The joint resolution from the House of Representatives relating to the evidence which shall be satisfactory on application for bounty lands, was read the first and second times, by unanimous consent.

The PRESIDING OFFICER. If there be no objection, this resolution will be referred to the Committee on Military Affairs.

Mr. CASS. I hope the resolution will not be referred. This is a subject which is very important, and I believe there cannot be the slightest objection to it. I hope it may be considered now.

The Senate proceeded to consider said resolution as in Committee of the Whole, and no amendment being made, it was reported to the Senate, ordered to a third reading, read a third time, by unanimous consent, and passed.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. MOOR, and it was agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate copies of the correspondence which has taken place since August, 1842, between the authorities of the American and British Governments, in relation to export duties on American lumber exacted or levied by the Provincial or other British authorities in New Brunswick; or copies of such portions of that correspondence as may be communicated without detriment to the public interest.

Mr. RUSK gave notice that on to-morrow, or at some early day thereafter, he would ask leave of the Senate to introduce a bill to regulate trade and intercourse between the several tribes of Indians residing within the State of Texas.

THE LOAN BILL.

The Senate resumed the consideration of the bill from the House of Representatives to authorize a loan not to exceed the sum of sixteen millions of dollars.

Mr. WEBSTER. Mr. President, on Friday a bill passed the Senate for the raising of ten regiments of new troops for the further prosecution of the war against Mexico; and we have been informed, that the measure is shortly to be followed, in this branch of the Legislature, by a bill to raise twenty regiments of volunteers for the same service. I was desirous, sir, on Friday, to express my opinion against the object of those bills—against the supposed necessity which leads to their enactment, and against the general policy which they are apparently designed to promote. Circumstances personal to myself, but beyond my control, compelled me to forego on that day the execution of this design. The bill now before the Senate is a measure for raising money to meet the expenses of the Government, and to provide the means as well for other things as for the pay and support of these thirty regiments.

Sir, the scenes through which we have passed, and are passing here, are various. For a fortnight the world supposes us to have been occupied with the ratification of a treaty of peace, and that within these walls—

"The world shut out"—

notes of peace, hopes of peace, nay, strong assurances of peace, and immediate peace, have been uttered, to console us and to cheer us. It has been over and over again stated that we have ratified a treaty, (of course, a treaty of peace,) and, as the country has been led to suppose, not of uncertain, and empty, and delusive peace, but real, gratifying, and enduring peace—a peace that shall staunch the wounds of war, prevent the further effusion of blood, cut off these enormous expenses, and return our friends, and our brothers, and our children, (if they be yet living!) from a land of slaughter, and a land of still more dismal destruction by climate, to our firesides and our arms. Hardly have those halcyon sounds ceased upon our ear, until, in resumed public session, we are summoned to fresh warlike operations; to the creation of a new army of thirty thousand men, for the further prosecution of the war; to carry our power, in the language of the President, still more directly into the vital parts of our enemy, and to press home by the power of the sword the claims that we insist upon against a fallen, prostrate, I had almost said, an ignoble foe! If I may judge of the opinion of the honorable member from Michigan, or other speeches delivered in this Chamber, there has not been a time from the commencement of the war when it has been more urgently pressed upon us, not only to maintain, but to increase our military means—not only to continue the war, but to press it with more vigor—than at the present time. Pray, what does all this mean? Pray, sir, I ask, is it confessed, then, that we are no nearer to peace than we were when we snatched up a bit of paper called, or miscalled, a treaty, and ratified it? Have we yet to fight it out to the utmost, as if no pacification had intervened? I wish to treat the proceedings of this and every department of this Government with the utmost respect. God knows that the Constitution of this Government, and the exercise of its just powers, in the administration of the laws under it, have been the cherished object of all my unimportant life. But if the subject were not too deeply interesting, I should say that our proceedings here might well enough cause a smile. In the ordinary transaction of foreign relations, in this and all other Governments, the course has been to negotiate first, and to ratify afterwards. This would seem to be the natural order of conducting intercourse between foreign States. We have chosen to reverse the order. We ratify first, and negotiate afterwards. We set up a treaty, such as we find it, and such as we choose to make it, and then we send two ministers plenipotentiary to negotiate thereupon in the capital of the enemy! One should think, sir, that the ordinary course of proceeding was much the wiser; that to negotiate, hold intercourse, come to some arrangement by authorized agents, and then to submit that arrangement to the sovereign authority to which those agents are responsible, would be always the most desirable method of procedure. It strikes me that the course we have adopted is strange, is grotesque. So far as I know, it is unprecedented in the history of diplomatic intercourse. Learned gentlemen on the floor of the Senate, interested to defend and vindicate this course, may, in their extensive reading, have found examples. I know none.

Sir, we are in possession, by military power, of New Mexico and California, countries belonging hitherto to the United States of Mexico. We are informed by the President, that it is his purpose to retain them—to consider them as territories fit to be attached, and to be attached, to these United States of America; and the military operations and designs now before the Senate, are intended to enforce this claim of the Executive of the United States. We are to compel Mexico to agree, that that part of her dominions called New Mexico, and that other part called California, shall be ceded to us. We are now in possession of these territories, it is said, and she is to be compelled to yield her title. This is the precise object of this new army of thirty thousand men. It is the identical object, sir, in my judgment, for which the war was originally commenced—for which it has been hitherto prosecuted, and in furtherance of which this treaty is to be used, but as one of the means to bring about the general result; that general result depending, after all, upon other superior powers, and the necessity of submitting to any terms which we prescribe, to fallen—fallen—fallen Mexico!

The members composing the other House—the more popular branch of Congress—have all been elected since the remarkable (I had almost said the fatal) incidents of the 11th of May, 1846; and it has passed a resolution affirming that "the war with Mexico was begun unconstitutionally and unnecessarily by the Executive Government of the United States." I concur in that sentiment. I hold that to be the most recent, authentic expression of the will and the opinions of the people of the United States. There is another proposition, not so authentically announced hitherto, but in my judgment equally true—equally capable of demonstration—and that is, that this war was begun, has been continued, and is now prosecuted, for the great and leading purpose of the acquisition of new territory, out of which to bring new States, with a Mexican population, into this our union of the United States. If unavowed at first, this purpose did not remain unavowed long. However often it

may be said that we did not go to war for conquest—*credat Judæus Appela!*—yet the moment we get possession of the territory, it is said that we must retain it and make it our own. Now, I think the original object has not been changed. Sir, I think it still exists in the eyes of those who originally contemplated it—who began the war for it; that it is as attractive to them, and from which they have no more desire to avert their eyes now than they had then, or have had at any time since we have compelled a treaty of cession. We know in our consciences that it is compelled! We use it as an instrument, and an agency in conjuntion with other instrumentalities and agencies of a more formidable or destructive character, to enforce the acquiescence of Mexico in the acquisition by us of new territory to form new States—new States to be added to this Union. Every intelligent man knows that there is a strong desire in the heart of the Mexican citizen to retain the territories belonging to that republic. We know that the Mexican people part with their territory—if part they must—with regret, with pangs of sorrow. That we know We know the cession is altogether forced; and, therefore, because we know it must be forced—because we know that whatever the Government, which is our creature, may do or agree to—we know that the Mexican people will never accede to the terms of this treaty, but through an impulse of absolute necessity, and the impression made upon them by absolute irresistible force. Therefore, we propose to overwhelm them with another army. We propose to raise immediately ten regiments of regular troops, and twenty regiments of volunteers, and to pour them in and upon the Mexican people."

Now, sir, I should be happy to concur, notwithstanding all this tocsin, and all this cry of all the Semproniuses in the land that their voice is still for war,—I should be happy to agree, and substantially I do agree, with the honorable member from South Carolina, that, after all, the war with Mexico is substantially over; that there can be no more fighting. My opinion in the present state of things is, that the people of this country will not sustain this war. They will not go to the expense. They will not find any gratification in putting the bayonet to the throat of the Mexican people. For my part, I hope the ten-regiment bill will never become a law. Three weeks ago I should have entertained that hope with the utmost confidence. Events since have struck me with pain, and shaken my conviction. Still I hope it will not pass. And here, I dare say, I shall be called a "Mexican Whig." A man who can stand up here and say that he hopes that what the Administration projects for the further prosecution of the war against Mexico will not be carried into effect, is "an enemy to the country;" or, what gentlemen would consider the same thing, an enemy of the President of the United States and his Administration, and his party! He is a "Mexican!" Sir, I think very badly of the Mexican character, high and low, out and out. But names do not terrify me. Besides, if I am a sufferer in this respect—if I be made the subject of reproach by these stipendiary presses, these hired abusers of the motives of public men, I have the honor on this occasion to be in very respectable company. In the vituperative, the accusative, the denunciatory sense of that term, I do not know a greater Mexican in this body than the honorable member from Michigan at the head of the Military Committee!

Mr. CASS. I should like the honorable gentleman to explain what sort of Mexican I am.

Mr. WEBSTER. That is exactly the thing I now propose to do.

Mr. CASS. I shall be glad to hear the explanation.

Mr. WEBSTER. In his remarks on this bill in the Senate, the other day, the honorable gentleman told us that his object was to frighten Mexico—it would touch his humanity to hurt her!

Mr. CASS. Does the honorable gentleman mean to say that I made such a remark?

Mr. WEBSTER. I mean to say that the gentleman said it twice.

Mr. CASS. I beg the gentleman's pardon. I said no such thing. Will the gentleman allow me to state what I did say? I remarked that we had two objects to accomplish in raising these regiments; one was, the vigorous prosecution of the war; and, secondly, to produce a moral effect upon Mexico, by convincing her of our determination, and thereby hold out an inducement to her to make peace.

Mr. WEBSTER. The gentleman said, that his principal object was to "frighten" Mexico, and that that would be more humane than to harm Mexico.

Mr. CASS, (in his seat.) True.

Mr. WEBSTER. It is true? Very well, I thought as much. Now, the remarkable characteristic of his speech which makes it so much a Mexican speech is, that the gentleman spoke it in the hearing of Mexico, as well as in the hearing of the Senate. We have been accused, sir, of being "Mexican Whigs," because what we say here is heard by Mexico, and Mexico derives countenance and support from what is said here. But the honorable member comes forth and tells Mexico that his object is to frighten her! His words have passed along the wires—they are on the Gulf—they are floating away to Vera Cruz; and when they get there, they will satisfy the Mexicans that, after all—after all, "ye good Mexicans, our principal object is to frighten you!" And to the end that they may not be frightened too much, he gives them notice that the object is to frighten them. Mr. President, when Snug, the joiner, was to represent the lion, and roar on the stage, he was quite apprehensive that he might too much frighten "the dutchess and the ladies;" and, therefore, by the advice of his comrade, one Nicholas Bottom, he wisely concluded that, in the heat and fury of his effort, he would show one-half his face and say—"Ladies, fair ladies, I would wish you, or I would request you, or I would entreat you, not to fear, not to tremble; my life for yours, if you think I come hither as a lion, it were pity of my life! No, I am no such thing; I am a man as other men are; I'm Snug, the joiner."

But, sir, in any view of this case—in any view of the proper policy of this Government, according to any man's apprehension and judgment, where is the necessity of this augmentation of regiments of the military force of the country? I hold in my hand a note—I suppose substantially correct—of the present military forces of the United States. I will not vouch for its entire accuracy; but I believe it is substantially according to fact. There are now twenty-five regiments of regular troops of various arms, which, if full, would give us a force of 28,960 rank and file, and, including officers, thirty thousand and odd men. These, with the exception of six or seven hundred men, are now all without the limits of the United States, in field service in Mexico, or on the route to Mexico. These regiments are not full. Casualties and the climate have sadly reduced their numbers. If the recruiting service would now yield ten thousand men, it would not more than fill up those regiments so as to give the field-officers their full command. I understand, sir, that the report from General Scott—General Scott!—a man that has performed the most brilliant campaign in military annals; a man that has warred against the enemy, warred against the climate, warred against a thousand unpropitious circumstances, and carried the flag of his country to the capital of the enemy, honorably, proudly, humanely, to his own permanent honor and the great credit of his country. General Scott! And where is he? At Puebla! At Puebla, undergoing an inquiry before his inferiors in office, and other persons not in office; while the high powers that he exercised, and exercised with so much distinction, are turned over to another, I do not mean to say an unworthy gentleman, but his inferior in military rank and station,—but General Scott reports, as I understand, that in February, there were twenty thousand regular troops under his command and *en route*. Add the thirty regiments of volunteers, and if full they would make thirty-four thousand men—officers included, over thirty-five thousand—and there would be a force of regulars and volunteers amounting to not less than fifty-five thousand or sixty thousand men, including the recruits on the way. If my information be exact—and the honorable member from Michigan can correct me if it be not; I presume that it is correct—in February General Scott had under him in Mexico thirty thousand troops, regulars and volunteers. Now, all these troops are regularly officered. There is no deficiency of officers in the line or in the staff. They are all full. Whatever deficiency there is, consists of men. Now, sir, there is a plausible reason for saying that it is difficult to recruit at home for the supply of deficiencies in the volunteer regiments. It will be said that volunteers choose to enlist under officers of their own selection; that they do not incline to enlist here as individual volunteers, when the regiment is abroad, under officers of whom they know nothing. There may be something in that, but, pray, to what does that conclusion lead? Does it not lead to this, that all those volunteer corps must moulder away, so far as the privates are concerned, and come to nothing; meantime the places of the commissioned officers are continually filled; the regiments being full of officers, although the privates, by casualty or by disease, are reduced to be less in number than the officers themselves? But however that may be, in regard to the recruiting for the regular service, you can fill up the regiments by pay and bounty, according to existing laws, or new laws, if new laws be necessary. There is no reason upon earth why we should now create five hundred new officers for the purpose of getting ten thousand new men. There are officers to command them. All that is wanted is men, and there is a place for the men; and I suppose that no gentleman can stand up here or elsewhere and say that the recruiting service can go on faster than it will be necessary to go on in order to fill up these deficiencies in the regiments abroad. But now what do we want with a greater force than we already have in Mexico? Without asking what need there is for the supply of deficiencies in the existing regiments, what do we want beyond the thirty thousand regulars and volunteers now in field service? What is the purpose? There is no army to fight. I suppose the enemy has not five hundred men together under arms in any part of Mexico. Except in one instance, perhaps, there is not half that number. Mexico is prostrate. There is no Government to resist us. Why, it is notorious that the Government of Mexico is on our side. It is our instrument by which we hope to establish such a peace, and accomplish such a treaty as we wish. As far as I can understand the matter, the Government of Mexico owes its life, and breath, and being, at this moment, to the support of our arm; and to the hope—I will not say how inspired—that somehow or another, and at no distant period, there may be pecuniary means arising from our three millions, or our twelve millions, or some other of our millions. What do we propose to do, then, with those thirty regiments that we design to pour into Mexico? Are we going to cut the throats of the Mexicans? Are we going to plunge the sword deeper and deeper into the vital part of Mexico? What do we propose to do? Sir, I see no object, and yet we are pressed and urged to adopt this proposition in its full length—ten regiments of regulars, and twenty regiments of volunteers! We are told, and the public is told, and the public believes, that we are on the verge of a safe and honorable peace. Every man looks out in the morning for tidings of confirmed peace, or confirmed hopes of peace. He gathers it from the Administration, and every organ of the Administration, from Dan to Beersheba: and yet the warlike operations—the incurring of additional expenses—the imposition of new charges upon the treasury, are pressed here as if peace were not in all our thoughts, at least not in any of our expectations!

Now, sir, I propose to hold some plain talk today; and I say that, according to my best judgment and apprehension of matters, the main object of these bills is patronage—office—the gratification of friends. This very measure for ten additional regiments, creates four or five hundred officers, colonels and subalterns, and not them only, for whom I have some respect, but then there come paymasters, contractors, persons engaged in the transport service, commissaries, even down to sutlers, *et id genus omne*—people who handle the public money without facing the foe; one and all, the true descendants, if not the true representatives, of Corporal Nym, who said—

> "For I shall sutler be
> Unto the camp, and profits will accrue!"

Sir, I hope, without disrespect to those applicants and aspirants, and those patriots, some of them patriots ready to fight, and those other patriots not willing to fight, but willing to be paid,—I hope, without disrespect to any of them, according to their rank and station, and merits, that they may be all disappointed. I hope, sir, as the weather grows genial, and the season advances, they will, on the whole, find it their interest to place them-

selves, one of these mild mornings, in the cars, and take their destination to their respective places of honorable, private occupation, and civil employment. They have my good wishes, that, bidding adieu to the avenue and the Capitol, and the purlieus of the President's House, they may reach their homes, in good health themselves, and find their families all very happy to receive them.

But, sir, *paulo majora canamus!* This war was waged for the purpose of creating new States, near the southern portion of the United States, out of Mexican territory, and with such population as might be found resident therein. I have opposed that project. I am against the creation of new States. I am against the acquisition of territory to form new States. And this, sir, is not a matter of sentimentality, which I am to parade before mass meetings, or before my constituents at home. It is with me no matter of declamation, regret, or expressed repugnance. It is matter of firm, unchangeable purpose, to yield to no force of circumstances that have occurred, or that I may consider likely to occur; and therefore I say, sir, that if I am asked to-day, whether, for the sake of peace, I will take a treaty that brings two new States into this Union on its southern boundary, I say no—distinctly no! and I wish every man in the United States to understand that to be my judgment and my purpose. I have said on the southern boundary, because there the present proposition takes its locality. I would say the same of the western, the northern, the eastern, or any other boundary. I would resist, to-day and to the end, here and everywhere, any proposition to add any foreign territory, on the south or west, north or east, to the States of this Union, as they are now constituted and held together under the Constitution. I do not want the colonies of England on the north; I as little desire the Mexican population on the south. I resist and reject all, and all with equal resolution; and therefore I say, that if the question is put to me to-day, whether I will take peace in the present state of the country—distressed as it is—in the exigency of this war, odious as it is—in circumstances so afflictive to the community, and so disturbing to the business of those whom I represent as those which now surround me—I say still, that if the question be put to me, whether I will have peace, with new States, I say no—no—no! Why? Because, sir, there is no necessity of being driven into the dilemma, in my judgment. Other gentlemen may think differently. I own no man's conscience but mine own. I mean to make a clean breast for myself, and I protest that I see no reason whatever to believe that we cannot obtain as safe a peace, as honorable a peace, and as prompt a peace, without territory, as with it. The things are separable. There is no necessary connection between them. Mexico does not wish us to take her territory that she may receive our money. Far from it. She yields her assent, if she yields it at all, reluctantly, and we all know it. If she yield, it is the result of force; and there is not a man here that does not know it. Let me say, sir, that if this Trist paper shall finally be rejected in Mexico, it is most likely to be because those who, under our protection, prepared it, cannot persuade the Mexican Congress or the Mexican people to agree to this cession of territory. The thing most likely to break up what is now expected to take place is, the repugnance of the Mexican people to part with Mexican territory. They would prefer to keep their territory, and that we should keep our money; or we resolve that we should keep our money, and allow them to keep their territory. We shall see. I pretend to no powers of prediction. I do not know what may happen. The times are full of strange events. But I think it probable, that if the treaty which has gone to Mexico shall fail to be ratified, it will be because of the aversion of the Mexican Congress or the Mexican people to cede their territories, or any portion of them, belonging to their Republic.

I have said that I would rather have no peace for the present, than to have a peace that brings territories for new States, and the reason is, that I believe we can get a peace just as soon without territory as with it—a peace more safe, more enduring—vastly more honorable to us, the great Republic of the Western World. I hear gentlemen say, that we must have some territory—that the people demand it. I deny it; at least I say I see no proof of it whatever. I do not doubt that there are individuals here and there, of an enterprising character, disposed to emigration, who know nothing about New Mexico, but that it is far off; and nothing of California, but that it is still further off; who are tired of the dull pursuits of agriculture and civil life. I dare say that there are hundreds and thousands of such persons who might wish for territory, in which to seek their fortunes. Whatever is new, is attractive to such minds. They feel the spirit of a borderer, and that is, I take it, to be pretty tolerably content with his condition till somebody passes beyond him; and then his disposition to take up his "traps" and pass beyond him who has passed himself, and sit down further off, is an irresistible passion. At least so says that great and sagacious observer of human manners, Chateaubriand, when he travelled in this country in 1797. But, I say, sir, that I do not find anywhere, nor that there exists anywhere, any considerable, respectable number of persons who think that we want more territory and such territory. There were twenty-four of us last year, who voted against the prosecution of the war for the acquisition of territory, on the ground that we did not want it—southern men and northern men. I believe there were southern gentlemen who concurred in that vote, and who found themselves, even against what might be supposed to be the local feeling and partiality, able to sustain themselves upon the ground of the wisdom of the general policy of not seeking for territory, and by the acquisition of territory to bring into our politics certain embarrassing and embroiling questions. I do not learn that they suffered by the advocacy of such sentiments. I rather believe that they triumphed in them, and I believe that through the greater portion of the South—if we can trust what has been said here; through the Southwest, to a very great extent, the same sentiment is general—that there is no prevalent opinion in favor of new territory and such territory, or of an augmentation of your population and by such population. I need not say that that is, if not the undivided, the preponderating sentiment of all the North. But we think we must take territory. For the sake of peace, we must take territory! This is the will of the President! If we do not take it, we may fare worse! Mr. Polk will take no less! That is fixed upon! He is immovable! He has put down his foot! He had put it down, sir, on "fifty-four forty," but it didn't stay! I speak of the President of the United States as I speak of all Presidents, without disrespect; but I know no reason why his opinions, his will, his purpose declared to be fixed, should control us, any more than our purpose formed upon equally conscientious motives, and I may add, formed under as high responsibilities, should control him. We think he is firm and will not move. I should be sorry, sir, very sorry, indeed, that we should entertain more respect for the firmness of an individual at the head of the Government than we can entertain for our own firmness. He will stand out, it is said, against us. Do we fear to stand out against him? For one, I do not. It appears to me to be a slavish doctrine. For one, I am willing to meet the issue; and to go to the people, over all this broad land. If we will take peace without new States, and the Administration will have no peace without new States, I am willing to stand upon that, and trust the people. I do that because, in the first place, I think it is right; and, in the next place, I have no distrust of the people. I am not unwilling to put that to their sovereign decision and arbitration.

Sir, I hold this question to be vital, permanent, elementary, in the future prosperity of this country and the maintenance of the Constitution, and I am willing to trust that question to the people. I prefer that it should be submitted to them; because, if what I regard as a great constitutional principle, or a principle essentially important to the maintenance of the Constitution, be broken down, let it be the act of themselves. It shall never be my act. I therefore do not distrust the people. I am willing to take their sentiment on this issue, from the Gulf to the British provinces, and from the ocean to the Missouri. I am willing to ask them will you continue this war for territory—for territory to be purchased after all for an enormous price, a thousand times the value of all that is purchased; or will you take peace, contenting yourselves with the honor that the country has reaped by the military achievements of its armies? Will you take peace without territory, and preserve the integrity of the Constitution and the Union? I am willing to go on that, for one.

I am willing, sir, to take this issue—peace without new States, keeping our money to ourselves, or war till these new States shall be acquired? That's the question. It is a question for the people themselves. If they support me and those who think with me in the view I take of the matter, very well. If they will have territory—if they will add new States to this Union, why let them do so, and they will be the artificers of their own fortunes, for good or for evil.

But, sir, we tremble before Executive power. The truth cannot be concealed—we tremble before Executive power. Mr. Polk will take nothing else than this; and if we do not take this, "the king's anger may kindle," and he may impose still heavier burdens. Now, who and what is Mr. Polk? I speak of him in no manner of disrespect. I mean only to ask who and what is the President of the United States for the current moment? He is in the last year of the term of his administration—formally, officially it can only be drawn out till the fourth of March. Why, really and substantially, we know that two short months will or may produce events that render the duration of the official term of very little importance. We are on the eve of a Presidential election. That machinery resorted to to collect public opinion or party opinion is to be put in operation two months hence. We shall see its result. It may be that the present incumbent of the Presidential office will be again presented to his party friends and admirers for their suffrages for the next Presidential term. I do not say how probable or improbable that may be—perhaps it is not entirely probable. Suppose that not to be the result—what then? Why, then, Mr. Polk becomes as absolutely insignificant as any respectable man amongst the public men of the United States—honorable in his private life—valuable in his private character. Respectable, never eminent in public life, he will, from the moment that a new star arises, have just as little influence as you, sir, or I; and, so far as respects myself, God knows that will be very little! Sir, political partisans and aspirants and office-seekers are not sun-flowers; they don't

> ——— "turn on their god when he sets,
> The same face which they turned when he rose!"

Now, sir, if the respectable gentleman who is now at the head of the Government should be agreed upon, there will be those who will commend his consistency, and be bound to maintain it and the integrity of the party. His friends will require that this should be done. If otherwise, who is there in the whole length and breadth of the land who will care for the consistency of the present incumbent of that office? There will then be new objects. Manifest destiny will have fixed upon some other man, sir; the eulogies are now written; the commendations of the press are already elaborated. I will not say everything fulsome, but I will say everything panegyrical is already written out with blanks for names, to be filled when the convention shall adjourn. When manifest destiny shall be reached, then, sir, all these strains of panegyric made beforehand, laid up in pigeonholes, studied, framed, emblazoned, and embossed, will all come out, and then there will be, there is bound to be, somebody in the United States, possibly, whose merits have heretofore been strangely overlooked—marked by Providence—a kind of miracle—it is a wonder that nobody thought of him before; a fit man, and the only fit man, to be at the head of this great Republic. I shrink not, therefore, from anything that I feel to be my duty by any apprehension of the power, and importance, and imposing dignity, and the power of will, which is ascribed to the present incumbent of that office. I wish we had that power of will. I wish we had that firmness—firmness—firmness. *Si sit numen nullam absit.* If we had adherence! I wish we could gather something from the spirit of our brave corps that have met the enemy under circumstances most adverse, and have stood the shock. I wish we could imitate Zachary Taylor in his bivouac upon the field of Buena Vista. He said he would remain for the night; he would feel the enemy in the morning and try his position. I wish before we surrender that we could make up our own minds to feel the enemy and try his position, and I think we should find him, as Taylor did, under the early sun on his way to San Luis Potosi! That is my judgment.

But, sir, I come to the all-absorbing question,

more particularly, of the creation of new States. When I came into the councils of the country, Louisiana had been obtained under the treaty with France, and shortly afterwards Florida was obtained under the treaty with Spain. These two countries were known to us. They lay upon our frontiers. They commanded the outlets of the great river. As I have had occasion to say, and shall now only repeat, without argument, in the first of these instances the President of the United States (Mr. Jefferson) supposed the acquisition to be unconstitutional. He acted on that supposition. Mr. Madison was then Secretary of State. He proposed that a proposition for an amendment of the Constitution should be submitted, in order to bring Louisiana into the Union. He drew up the proposition, and it was submitted to Mr. Adams. Mr. Madison did not go upon the general idea that new States might be admitted. He did not proceed upon the motion of a general amendment to the Constitution in this respect, but the amendment of the Constitution which he proposed and submitted to Mr. Adams was article 13, amendatory of the Constitution: "The province of Louisiana is hereby declared to be part and parcel of the United States." Public opinion, owing to the great importance of this acquisition, took a turn favorable to the affirmation of the power, without any new constitutional provision. The power was acquiesced in. Louisiana became a part of the Union, and following the example of Louisiana, Florida was admitted. Now, sir, I consider these transactions as past, settled, legalized. There they stand. They are part of our political history. They are facts against which it would be idle at this day to contend. My first agency in these matters was upon the proposition for admitting Texas into the Union. That I thought it my duty to oppose, upon the general ground of opposing all annexation of new States, and I may add, and ought to add in justice—because there was a proposition then before the country as to southern States having a slave population being represented in the Congress of the United States—upon the ground of inequality. It happened to me, sir, to be called on to address a political meeting in New York in 1837-'38, after the recognition of Texan independence. I may state now, sir, what I have often stated before, that no man from the first has been a better wisher, a more sincere well-wisher, to the people and Government of Texas than myself. I looked upon the achievement of their independence at the battle of San Jacinto as quite extraordinary, almost a marvellous incident, in the affairs of mankind. I was among the first to be disposed to acknowledge her independence; but from the first, and from the first down to this moment, I have opposed, as far as I was able, the annexation of new States to this Union. I stated my reasons on the occasion to which I referred. I have them in a short abstract before me, but it is hardly worth while that I should trouble the Senate with reading them.

For a few years I held a position in the Executive department of the Government. I left the Department of State in 1843, in May. Within a month after another most worthy and respectable gentleman—who came to a very untimely end—had taken my place, I had occasion to know—not officially, but from circumstances—that the annexation of Texas to the United States was taken up by Mr. Tyler's administration as an administration measure—pushed, pressed, insisted on; and I believe that the honorable gentleman to whom I have referred, and for whose memory I entertain much respect, (Mr. Upshur,) had something like a passion for the accomplishment of this purpose. And I am afraid that the President of the United States at that time suffered his ardent feelings not a little to control his more prudent judgment. At any rate, I saw in 1843 that annexation had become a purpose. I was not in Congress, nor in public life; but, seeing this state of things, I thought it my duty to admonish, as far as I could, the country of the existence of this purpose. There are gentlemen—many of them at the North, others now in this capital—who know that in the summer of 1843, being fully persuaded that this purpose of annexing Texas had been taken up with zeal and determination by the Executive Government of the United States, I thought it my duty, and asked their concurrence in an attempt, to let this purpose be known to the country. I conferred with gentlemen of distinction and eminence. I proposed some means of exciting public attention to the question of annexation, before it should become a party question; for I had learned that when a matter becomes a party matter, it is in vain to argue against it or argue upon it. But the optimists—the quietists, then, who said, All things are well, and let all things alone—discouraged, discountenanced, repressed, any such effort. They said the North would take care of itself; the country would take care of itself; that it would not sustain Tyler's project of annexation; when the time came, the power of the North, which was felt in the House of Representatives, would be sufficient to resist the measure. And I could now refer to paragraphs and articles in the most respectable journals at the North, in which the attempt was made to produce an impression that there was no danger that we should have an addition of new States; that we need not alarm ourselves about it. I was not in Congress when the resolution providing for the annexation of Texas was passed. I only know, that up to a very short period before the passage of that resolution, the general impression was, in the country where I belonged, that no such resolution could pass. But I have found, sir, in the course of thirty years' experience, that whatever measure the Executive Government embraces and pushes, is quite likely to succeed. There is a giving way somewhere. If the Executive Government acts with uniformity, steadiness, entire unity of purpose, sooner or later it is quite apt enough—according to my construction of history, too apt—to effect its purpose.

Just before the commencement of the present Administration, the resolutions for the annexation of Texas passed Congress. Texas complied with the provisions of these resolutions, and she was here, or the case was here, on the 22d December, 1845, for her final admission into the Union, as one of these States. I took occasion then to state that I hoped I had shown all proper regard for Texas; that I had been certainly opposed to annexation; that if I should go over the whole matter again, I should have nothing new to add; that I had acted, all along, under the unanimous declaration of all parties, and of the Legislature of Massachusetts; that I thought there must be some limit to the extent of our territories, and that I wished that this country should exhibit to the world the example of a powerful Republic, without the greediness and hunger of empire. And I added, that while I held, with as much faithfulness as any citizen of the country, to all the original arrangements and compromises of the Constitution under which we live, I never could, and I never should, bring myself to be in favor of the admission of any States into the Union as slaveholding States, and I might have added, any States at all. Now, as I have said, in all this I acted under the resolutions of the State of Massachusetts—certainly concurrent with my own judgment, so often repeated, and reaffirmed by the unanimous consent of all men of all parties; that I could not well go through the series of pointing out, not only the impolicy, but the unconstitutionality of such annexation. A case presented is this: If a State proposes to come into the Union, and to come in as a slave State, then there is an augmentation of the inequality in the representation of the people, which already exists—an inequality already existing, with which I do not quarrel, and which I never will attempt to alter, but shall preserve as long as I have a vote to give, or any voice in this Government, because it is a part of the original compact. Let it stand. But then there is another consideration of vastly more general importance even than that—more general, because it affects all the States, free and slaveholding; and it is, that if States formed out of territories thus thinly populated come into the Union, they necessarily, inevitably break up the relation existing between the two branches of the Government, and destroy its balance. They break up the intended relation between the Senate and the House of Representatives. If you bring in new States, any State that comes in must have two Senators. She may come in with fifty or sixty thousand people or more. You may have, from a particular State, more Senators than you have Representatives. Can anything occur to disfigure and derange the form of government under which we live more signally than that? Here would be a Senate bearing no proportion to the people—out of all relation to them, by the addition of new States; from some of them only one Representative, perhaps, and two Senators; whereas the larger States may have ten, fifteen, or even thirty Representatives, and but two Senators. The Senate, added to, augmented by these new Senators coming from States where there are few people, becomes an odious oligarchy. It holds power without any adequate constituency. Sir, it is but "borough-mongering" upon a large scale. Now, I do not depend upon theory; I ask the Senate and the country to look at facts—to see where we were, when we made our departure three years ago, and where we now are; and I leave it to the imagination to conjecture where we shall be.

We admitted Texas—one State for the present—but, sir, if you refer to the resolutions providing for the annexation of Texas, you find a provision that it shall be in the power of Congress hereafter to make four new States out of Texan territory. Present and prospectively, five new States—ten Senators—may come into the Union out of Texas. Three years ago we did this; we now propose to make two States. Undoubtedly if we take, as the President recommends, New Mexico and California, there must then be four new Senators. We shall then have provided in these territories out of the United States along our southern borders, for the creation of States enough to send fourteen Senators into this Chamber. Now, what will be the relation between these Senators and the people they represent, or the States from which they come? I do not understand that there is any very accurate census of Texas. It is generally supposed to contain one hundred and fifty thousand persons. I doubt whether it is above one hundred thousand.

Mr. MANGUM. It contains one hundred and forty-nine thousand.

Mr. WEBSTER. My honorable friend on my left says, a hundred and forty-nine thousand. I put it down, then, one hundred and fifty thousand. Well, sir, Texas is not destined, probably, to be a country of dense population. We will suppose it to have near one hundred and fifty thousand population by the best accounts—and I have given over all that I can find. New Mexico may have sixty or seventy thousand inhabitants—such—as—they—are! Say seventy thousand. In California, they are not supposed to be above twenty-five thousand men; but undoubtedly, if this territory should become ours, persons from Oregon, and from our Western States, will find their way to San Francisco, where there is some good land, and we may suppose they will shortly amount to sixty or seventy thousand. We will put them down at seventy thousand. Then the whole territory in this estimate, which is as large as any man puts it at, will contain two hundred and ninety thousand persons, and they will send us, whenever we ask for them, fourteen Senators; a population less than that of the State of Vermont, and not the eighth part of that of New York. Fourteen Senators, and no more people than Vermont! and no more people than New Hampshire! and not so many people as the good State of New Jersey! But then, sir, Texas claims to the line of the Rio Grande, and if it be her true line, why then of course she absorbs a considerable part, nay, the greater part of the population of what is now called New Mexico. I do not argue the question of the true southern or western line of Texas; I only say that it is apparent to everybody who will look at the map, and learn anything of the matter, that New Mexico cannot be divided by this river, the Rio Grande, which is a shallow, fordable, insignificant stream, creeping along through a narrow valley, at the base of enormous mountains. New Mexico must remain together; it must be a State with its seventy thousand people, and so it will be, and so will be California.

But then, sir, suppose Texas to remain a unit, and but one State for the present, still we have three States—Texas, New Mexico, and California. We have six Senators, then, for less than three hundred thousand people. We have as many Senators for three hundred thousand people in that region as we have for New York, Pennsylvania, and Ohio, with four or five millions of people; and that is what we call an equal representation. Is not this enormous? Have gentlemen considered this. Have they looked at it? Are they willing to look it in the face, and then say they embrace it? I trust in God the people will look at it and consider it. And now let me add, that this disproportion can never be diminished; it must remain forever. How are you going to diminish it? Why, here is Texas, with a hundred and forty-nine thou-

sand people, with one State. Suppose that population should flow into Texas, where will it go? Not to any dense point, but to be spread over all that region, in places remote from the Gulf, in places remote from what is now the capital of Texas; and therefore, as soon as there are in other portions of Texas people enough within our common construction of the Constitution and our practice in respect to the admission of States, my honorable friend from Texas will have a new State, and I have no doubt he has chalked it out already. Well, then, as to New Mexico, there can be no more people there. The man is ignorant, stupid, who has looked at the map of New Mexico, and read the accounts of it, who supposes there can be any more people there than there is now—some sixty or seventy thousand. It is an old-settled country; the people living along in the bottom of this valley on the two sides of a little stream, a garter of land only on one side and the other, filled by coarse landholders and miserable peons. It can sustain, not only under this cultivation, but under any cultivation that our American race should ever submit to, no more people than there are there now. There will, then, be two Senators for sixty thousand inhabitants in New Mexico to the end of our lives and to the end of the lives of our children.

Well, now, how is it with California? We propose to take California, from the forty-second degree north latitude down to the thirty-second degree; we propose to take ten degrees of latitude along the coast of the Pacific. All along that great distance there are settlements, and villages, and forts; back it is all wilderness, and barrenness, and Indian country. But if about San Francisco, and perhaps down to Monterey, or a little to the north, there shall be enough to make up one State, why the people five hundred miles off in time to come will have another State, and then this disproportion of Senators to the people will go on, and must go on, and we cannot prevent it. I say, sir, that according to my conscientious convictions, we are now fixing upon the Constitution of the United States and upon our form of government a monstrosity—a disfiguration—an enormity. Sir, I hardly dare trust myself. I do not know that I may not be under some delusion. I do not know that my head is not turned. It may be that it is the weakness of mine eyes that forms this monstrous apparition. But if I may trust myself—if I may persuade myself that I am in my right mind—then it does appear to me that we in this Senate have been acting, and are acting, and are likely to be acting hereafter, a part which will certainly form a remarkable epoch in the history of our Government. I hold it to be enormous—flagrant—and an outrage upon all the principles of a popular representative Government, and upon the elementary provisions of the Constitution under which we live, and which we have sworn to support. But then, sir, what frees the case from this enormity? Why, it is that we stipulate only that these new States shall be brought in at a suitable time. Now, what is to constitute the suitableness of time? Who is to judge of it? I tell you, sir, that the suitable time will come whenever the preponderance of party power here makes it necessary to bring in new States. The time will depend on the state of our politics here, and not upon the condition of these States elsewhere. Be assured, sir, there will be a suitable time whenever strength, or party power, or votes are wanting in this Senate. We have some little experience of this. Texas came in in suitable time—very suitable! Texas was finally admitted in December, 1846. My friend near me here, [Mr. RUSK,] for whom I have great regard, whose acquaintance I have cultivated with much pleasure, took his seat here, with his colleague, in March, 1845. In July, 1846, these two Texan votes turned the balance in the Senate, and overthrew the tariff of 1842, in my judgment the best system of revenue that was ever established in this country. Gentlemen of different opinions think otherwise. They think it was fortunate. They think the Texan votes came in in suitable time; and they will take care that New Mexican votes shall come in in suitable time also. I understand it perfectly well. It is a difference of opinion between myself and them. To their policy, to their object, to their purposes, the time was suitable, and the aid was efficient and decisive. Sir, in 1850, perhaps similar questions may be agitated here—they are not likely to be before—but agitated they will be then, unless some change in the course of the administration of the Government take place; and, according to my apprehension, looking to general results as flowing from our established system of commerce and revenue in 1850, two years from this time, we may probably be engaged in a new revision of our system in the work of establishing, if we can, a tariff of specific duties; in the work of protecting, if we can, the domestic industry of this country, and in the work of preventing to some extent, if we can, the overwhelming flood of importations. Suppose this to be the case, and suppose that our opponents require additional strength, that will be exactly the suitable time for two Senators from New Mexico to make their appearance here.

But again, we hear other halcyon, soothing, quieting tones, which quiet none of my alarms, assuage none of my fears, commend me to my nightly rest with no more resignation. It is said we may trust the popular branch of the Legislature—we may look to the House of Representatives, the great majority of whom are from the North and Middle States; and we may trust them, that these new States are not admitted sooner than they should be, or admitted for any party purpose. I am compelled, by experience, to distrust all such reliance. If we cannot rely on ourselves, when we have a clear and unquestioned constitutional authority, competent to carry us through, I beg to know how we are to rely on others? Have we more respect for the patriotism, the firmness of others, than our own? Besides, experience shows us, that things of this sort may be sprung upon Congress and upon the people. It was so in the case of Texas. It was so in the twenty-eighth Congress. The members of the twenty-eighth Congress were not chosen with the view to decide the question of annexation or no annexation. They came here upon other grounds, political and party grounds, supported by their friends on one side and the other, for reasons not connected with this question. What then? Why, the Administration sprung the question upon Congress. It obtained a snap-judgment, and carried the measure of annexation. That can be proved by many facts. I will state one. There were four gentlemen in the House of Representatives from Connecticut, elected before this question arose, belonging to the Democratic party. They had not been here long, before they entered into the spirit of annexation; and, when this became known, remonstrances—public, private, and legislative—were uttered in sounds which any one could have heard, who could hear thunder. Did it move these gentlemen? Not at all. Every one of them voted for annexation. The election came round a few months afterwards, and they were all turned out; but what did those care for that, who had the benefit of their votes? Such agencies, or, if it be proper to call them instrumentalities, maintain respect no longer than they continue to be useful.

Sir, we take New Mexico and California. Who is weak enough to think that there is an end? Why, do we not hear it avowed every day, that it is proper for us also to take Sonora and Tamaulipas, and other provinces or States of northern Mexico? Who thinks that the hunger for dominion will stop here of itself? Somebody has said that this acquisition is so mean, and lean, and unsatisfactory, that we shall seek no further. In my judgment, sir, you may believe that, if you can believe that a rapacious animal that has made one unproductive foray won't try for a better! But further; there are some things that we can argue against with temper, and submit to, if overruled, without mortification. There are other things that seem to affect one's consciousness of being a reasonable man, and evince a disposition to impose upon his common sense. And of this class of topics or pretensions, I have never heard of anything, and cannot conceive of anything more ridiculous in itself, more absurd, and more affrontive to all sober judgment, than the cry that we are getting indemnity. Indemnity by the acquisition of New Mexico and California! I hold them not to be worth a dollar, and we pay for them a vast sum of money. We have expended, as everybody knows, large treasures in the prosecution of the war; and now, what is there to constitute indemnity? What do gentlemen mean by it? Let us see how this matter stands. We get a country. We get a country, in the first instance, either by cession or acknowledgment of boundary—I care not which way you state it—the country between the Nueces and the Rio Grande. What this country is, appears from a publication of an honorable gentleman in the other House, in which he quotes an account given by Major Gaines. He says that the country is worth nothing; that he would not hazard the life of a single individual for every foot of land from San Patricio to the valley of the Rio Grande. This gentleman has been there lately, and is well acquainted with the condition of the country. So far, then, as that part of our acquisition is concerned, I take it for granted it is not worth a dollar.

Now, of New Mexico. Of that, forty-nine-fiftieths, at least, is a mere barren waste of desert plain or mountain. There is no wood, no timber, little fagots to light a fire, carried thirty or forty miles on mules. There is no natural fall of rains as in temperate climates. The place and scene are Asiatic—enormously high mountains, running up some to the height of ten thousand feet, with very narrow valleys at their bases, through which streams sometimes trickle along; a garter winds along, through the thread of which runs the Rio Grande, from afar in the Rocky Mountains down to the latitude of about thirty-three degrees, some three or four hundred miles. There these sixty thousand persons are. In the mountains, on the right and left, are streams whose natural tendencies would be as lateral streams to flow into the Rio Grande, and in certain seasons of the year, when the rains have been abundant in the mountains, some of them do actually reach the Rio Grande; but the greater part of them always, and all of them for a greater part of the year, never reach an outlet to the sea. They are absorbed in the sandy and desert plains of the country. There is no culture anywhere, save that which can be obtained by artificial watering or irrigation. You can have this along the narrow valley of the Rio Grande, in the gorges of the mountains, where the streams are; but you cannot have it down along the course of those streams that lose themselves in the sands.

Now, sir, there is no public domain in New Mexico. There is not a foot of land to be sold by the Government. There is not an acre that will become ours when the country becomes ours—not an acre. But, more than this, the country is full of people, such as they are. There is not the least thing in it to invite the settlement of our planters or farmers. There will go, I dare say, speculators, traders—some of them adventurers, tired of the good country in the valley of the Mississippi, who desire to wander; but I undertake to say there will not be two hundred farmers or planters from the United States in New Mexico in the next fifty years. They cannot live there. Do you suppose they are going to cultivate lands which cannot be made productive in the slightest degree without irrigation? The people that are there produce little and live upon little. I believe the characteristic of our farmers throughout this country is to produce a good deal and consume a good deal. Again, New Mexico is not like Texas. I had hoped, and still hope, that Texas is to be filled up by a population like ourselves—not by the Spanish race—not by peons—not by coarse, ignorant, vulgar landlords, with tribes of slaves around them, predial and otherwise.

Mr. RUSK. Will the honorable Senator allow me one word? I did not like to interrupt the Senator when he was reading an account of the country lying in the valley of the Nueces. When that country comes to be known, it will be found to be as valuable as any portion of Texas. From its source to its mouth, the valley of the Rio Grande will be found the same thing. I did not choose to interrupt the honorable Senator, but we do not claim it as indemnity, believing it to be our just and equitable right. So far as Mexican population is concerned, there is a good deal of it now in Texas, highly respectable, and amongst them those who have distinguished themselves as patriots—men of intelligence and of worth. These are coming over and settling in Texas, encouraged by the prospect of peace.

Mr. WEBSTER. I take what I say in regard to the valley of the Rio Grande from the statement of Major Gaines. I am glad to hear that there is a part of it fit for the foot of civilized man. I am glad to hear, also, that there are some of the inhabitants of New Mexico, who are not so besotted with their miserable condition as not to make some effort to get out of the country, and to come into a better.

Sir, I would, if I had time, call the attention of the Senate to a very instructive speech that was made in the other House by Mr. Smith, of Connecticut. He seems to have examined all our authorities, conversed with all our travellers, corresponded with all our agents. His speech contains all their communications; and I commend it to every man in the United States who wishes to know what we are about to acquire by the acquisition of New Mexico. New Mexico is secluded, isolated—a place by itself—in the middle of the mountains—five hundred miles, I believe, from Texas.

Mr. RUSK. Five hundred miles from the settled portions of Texas.

Mr. WEBSTER. Further from anywhere else! It does not belong anywhere. It has no belongings about it. Sir, at this moment, it is absolutely more retired, and shut out from communication with the civilized world, than the Sandwich Islands, or most of the islands in the Pacific Ocean. It presses hard on Typee, and the people are infinitely less elevated in mind and condition than the people of the Sandwich Islands—far less worthy of our association—far less fit to send their Senators here, than are the inhabitants of the Sandwich Islands—far less worthy are they than the better classes of Indians in our neighborhood. Commend me to the Cherokees, the Choctaws—if you please, to speak of the Pawnees, the Blackfeet, and the Snake Indians, and the Flatheads—anything except the —— Indians, and I am satisfied with them, instead of the people of New Mexico. They have no notion of our institutions, or of any free institutions. They any notion of popular government! Why, not the slightest—not the slightest on earth. And the question is asked, what will be their constitution? It is farcical to talk of such a people making a constitution. They do not know the meaning of the term. They do not know its import; they know nothing at all about it. And I can tell you, sir, that when we have made it a Territory, and wish to make it a State, such a constitution as the Executive power of this Government thinks fit to send to them, will be sent and adopted. The constitution of our fellow-citizens of New Mexico will be framed in the city of Washington. Now, what says Colonel Hardin, in regard to New Mexico—that most lamented and distinguished officer, whom I well knew as a member of the other House, and whose death I did most deeply deplore? He gives a description of New Mexico, and speaks of the people of that country in these terms:

"The people are on a par with their land. One in two hundred or five hundred is rich, and lives like a nabob; the rest are peons, or servants sold for debt, who work for their masters, and are as subservient as the slaves of the South, and look like Indians; and, indeed, are not more capable of self-government. One man, Jacobus Sanchez, owns three-fourths of all the land our column has passed over in Mexico. We are told we have seen the best part of Northern Mexico; if so, the whole of it is not worth much."

I need not read the whole extract. He speaks of all Northern Mexico, and New Mexico is not the better of it. Sir, there is a recent traveller, who is not unfriendly to the United States, if I may judge from his works, for he commends us everywhere. He is an Englishman, and his name is Ruxton. I believe his work is in the library, and I suppose that gentlemen have seen it. He gives an account of the morals and manners of these people; and, Mr. President and Senators, I will take leave to introduce you to these, your soon-to-be respected fellow-citizens of New Mexico:

"It is remarkable, that although existing from the earliest times of the colonization of New Mexico, a period of two centuries, in a state of continual hostility with the numerous savage tribes of Indians who surrounded their territory, and in constant insecurity of life and property from their attacks; being also far removed from the enervating influences of large cities, and in their isolated situation, entirely dependent on their own resources, the inhabitants are totally destitute of those qualities, which, for the above reasons, we might naturally have expected to distinguish them, and are as deficient in energy of character and physical courage, as they are in all the moral and intellectual qualities. In their social state, but one degree removed from the veriest savages, they might take lessons even from these in morality and the conventional decencies of life. Imposing no restraint on their passions, a shameless and universal concubinage exists, and a total disregard of moral law, to which it would be impossible to find a parallel in any country calling itself civilized. A want of honorable principle, and consummate duplicity and treachery, characterize all their dealings. Liars by nature, they are treacherous and faithless to their friends, cowardly and cringing to their enemies; cruel, as all cowards are, they unite savage ferocity with their want of animal courage; as an example of which, their recent massacre of Governor Bent, and other Americans, may be given—one of a hundred instances."

"One out of a hundred instances;" and these are soon to be our beloved countrymen

Mr. President, for a good many years I have struggled to oppose everything that I thought tended to strengthen the arm of Executive power. I think it is growing more and more formidable every day; and I think that in yielding to it in this as in other instances, will give it strength, which it may be hereafter very difficult to resist. I think it is nothing else than fear of Executive power that commits us to the support of this war for the acquisition of territory—fear—fear—and nothing else. In the little part I have acted in public life, it has been my purpose to preserve the people of the United States—what the Constitution was designed to make them—one people—one in interest, one in character, one in political feeling. When we depart from that, we break it all up. What sympathy can there be between these New Mexicans, these Californians, and the inhabitants of the valley of the Mississippi or of the Middle States, or of the Eastern States, in the choice of President? Do they know the same men? Have they any general consentaneous sentiment? Not at all. An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territories by different laws and different systems. Russia may govern the Ukraine and the Caucasus and Kamtschatka by different codes or ukases. We can do no such thing. They must be of us—part of us—or else estranged. I think I see then in progress what is to disfigure and deform the Constitution. While these territories remain territories, they will be troublesome and annoying. They will draw after them a vast expense. It will probably require as many troops on an average as we have been in the habit of maintaining for the last twenty years, in defending these territories from the Indian tribes. We must maintain an army at that distance, and when they become States they are still more likely to give us more trouble than benefit. I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster—into a curse rather than a blessing—into a great frame of unequal government, not founded on popular representation, but founded in the grossest inequalities; and I think, if it go on—for there is danger that it will go on—that this government will be broken up. I resist it to-day, and always—whoever falters or whoever falls, I resist—although I see that all the portents are discouraging. Would to God I could auspicate good influences! Would to God that those who think with me on this subject had stronger support! Would that we could stand where we would desire to stand! But with few or alone my position is fixed. If there were time I would gladly awaken the country. I believe the country will be awakened—it may be too late—but supported or unsupported, by the blessing of God I shall do my duty. I see well enough all the sinister indications, but I am sustained by a deep and conscientious sense of duty, and while supported by that feeling of duty, and while such great interests are at stake, I shall defy all augury, and ask no omen but my country's cause!

EXECUTIVE SESSION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and after some time spent therein,

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 24, 1848.

The Journal of yesterday was read and approved.

Mr. BROWN, of Mississippi, on leave, presented the memorial of the Legislature of the State of Mississippi, praying permission to relinquish certain sixteenth sections of land, and to locate others in lieu thereof for the use of schools.

Also, a resolution of the same, in relation to the condition of the Mississippi rifles and the Mississippi regiment in New Orleans.

Mr. THOMPSON, of Mississippi, on leave, presented certain resolutions of the Legislature of the State of Mississippi, against the importation of adulterated medicines and chemicals.

Also, the memorial of the same, praying a change in the system of transporting the mail.

PRIVATE BILLS.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole on the private calendar, (Mr. BOWLIN, of Missouri, in the chair.)

The following bills were taken up, read, and laid aside to be reported to the House, viz:

For the relief of Zelpha White;

For the relief of Thomas Badger;

For the relief of Archibald Bull and Lemuel S. Finch;

For the relief of B. O. Tayloe;

For the relief of the legal representatives of David Gardner, of Southboro', Massachusetts;

For the relief of Medford Caffey;

For the relief of G. De Lirac;

For the relief of Charles Waldron;

For the relief of Colonel Robert Wallace, aid de camp to General William Hull;

For the relief of Elijah H. Willis;

For the relief of the legal representatives of William McKenzie, late a seaman on board the United States ship Vincennes;

For the relief of James B. Davenport;

For the relief of Frederick Durrive;

For the relief of Elisha Thomason;

For the relief of James P. Sexton;

To confirm Elizabeth Burriss, her heirs or assigns, in their tract of land;

For the relief of the heirs and widow of François Gramillon;

For the relief of William Triplet;

For the relief of Simon Rodriguez;

For the relief of Marcus Fulton Johnson;

Supplemental to the act approved 6th July, 1842, entitled "An act confirming certain land claims in Louisiana;"

For the relief of Joseph Bryan;

For the relief of Jonathan Fitzwater;

For the relief of Sarah Hildreth;

For the relief of William Pool;

For the relief of Aaron Tucker;

For the relief of Samuel Coney;

For the relief of the heirs of William Evans;

For the relief of William P. Brady;

For the relief of William S. Holland;

For the relief of John Morgan;

For the relief of the legal representatives of Jas. Porterfield, deceased;

For the relief of Gideon Walker;

For the relief of Dr. A. G. Henry, of Illinois;

For the relief of John B. Rogers, of South Carolina;

A joint resolution concerning the settlement of the accounts of William Speiden, purser in the navy of the United States;

Senate bill in addition to an act for the relief of Abel Gay and Walter Loomis, approved July 2, 1836.

The following bills were amended, and ordered to be reported to the House:

The bill for the relief of Hervey Jones was amended by adding thereto the words "during his natural life."

The Senate bill to provide for the compensation of Samuel Leech for services in the investigation of suspended sales in the Mineral Point district, Wisconsin.

The committee then rose and reported all of the above bills to the House, with the action of the Committee of the Whole thereon; which action having been concurred in by the House, the bills were read a third time, and passed.

The House then proceeded to the consideration of the bill providing for the payment of arrearages of pension to Anthony Walton Bayard, reported by the Committee of the Whole to the House on the 10th instant with an amendment. The amendment was read and agreed to; and the bill ordered to be engrossed, and, being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

The SPEAKER laid before the House a message from the President of the United States, transmitting a report from the Secretary of State with the accompanying documents, in compliance with the resolution of the House of Representatives of the 8th instant, calling for "any correspondence which may have recently taken place with the British Government relative to the adoption of principles of reciprocity in the trade and shipping of the two countries."

The SPEAKER also laid before the House a

letter from the Clerk of the House, stating that numerous volumes of Senate documents of the twenty-eighth Congress, and the Senate documents and Journal of the twenty-ninth Congress, "have never been delivered for the use of the Library," and, as the calls for them are "numerous and frequent," they are much needed.

A motion was made, that when the House adjourns, it would adjourn to Monday next. Lost.

And then the House adjourned.

IN SENATE.

FRIDAY, *March* 24, 1848.

Mr. RUSK presented a memorial from a number of Cherokee Indians, praying for the appointment of a Board of Commissioners to investigate the claims of the Cherokees; which was referred to the Committee on Indian Affairs.

Mr. RUSK also presented a joint resolution of the Legislature of Texas on the subject of a post route.

Mr. DIX presented a petition from John Howard & Son, praying permission for their line of steamers between New York and New Orleans to touch at Havana, without subjecting their cargoes to be charged with import duties; which was referred to the Committee on Finance.

Mr. MILLER, from the Committee on the District of Columbia, reported a bill to continue, alter, and amend the charter of the city of Washington; which was read a first time.

On motion, ordered, that when the Senate adjourns, it adjourn to meet on Monday.

A message was received from the House returning the bill to permit books, maps, &c., imported for the use of the Library of Congress, to be received free of duty, with an amendment.

The Senate considered and concurred in the amendment.

A message was also received, informing the Senate that the House of Representatives had agreed to certain amendments of the Senate to the bill further to supply the deficiency in the appropriations for the fiscal year ending June 30, 1848, and had disagreed to others.

The amendments of the House were then considered and concurred in, after a few words from Mr. DAVIS, of Massachusetts, and Mr. ATHERTON.

On motion of Mr. JOHNSON, of Louisiana, the Senate postponed the previous orders, and proceeded to consider a bill granting a pension to Patrick Walker, who had lost one arm and the hand of the other arm in the Mexican war.

The bill was supported by a few remarks from Mr. JOHNSON of Louisiana, Mr. HANNEGAN, Mr. PHELPS, and Mr. MOOR, and was opposed by Mr. TURNEY, and Mr. DAVIS of Mississippi.

No amendment being offered, the bill was reported to the Senate. It was then ordered to be engrossed, and was subsequently read a third time, and passed by the following vote, the yeas and nays being demanded by Mr. TURNEY:

YEAS—Messrs. Allen, Atchison, Badger, Bagby, Baldwin, Benton, Bradbury, Calhoun, Clayton, Crittenden, Davis of Massachusetts, Dayton, Dickinson, Douglas, Downs, Felch, Johnson of Louisiana, Mangum, Mason, Moor, Phelps, Rusk, Spruance, Underwood, and Upham—25.

NAYS—Messrs. Ashley, Atherton, Davis of Mississippi, Dix, Hale, Hunter, Lewis, Niles, and Turney—9.

THE LOAN BILL.

On motion of Mr. ATHERTON, the Senate proceeded to consider the bill authorizing a loan of sixteen millions of dollars.

Mr. A. moved to amend the amendment reported by the Committee of Finance, (relating to the manner in which the proposals shall be opened,) by adding the words, "and no proposals shall be withdrawn after they have been received at the Treasury Department."

Mr. A. explained this amendment. The Secretary had originally intended to invite bidders to be present when the bids were opened. On inquiry, it was found that the practice had been to admit the officers of the department. The reason was, that it had been discovered, that when bidders were present, they had, on finding other bids higher than their own, retired with the other bidders into another room, and entered into a bargain with them to share the loan on such terms as were agreed on.

The amendment to the amendment was agreed to.

The yeas and nays were ordered on the passage of the bill.

Mr. NILES moved an amendment, providing that the loan should be divided, and made payable at stated periods. He referred to the manner in which the Government had hitherto managed their loans, by which losses had been sustained by the public, and individuals benefited. He wished the loan to be a *bona fide* one, subscribed by capitalists.

Mr. DICKINSON said the way to obtain a *bona fide* loan, was to invite a competition from foreign capitalists. He thought that our credit stood well in Europe, and that, by recent circumstances in France, it would be still further enhanced.

Mr. ATHERTON moved that the bill be passed over informally, for the purpose of giving him an opportunity to move a reconsideration of the vote by which the Senate had receded from its amendment to the bill further to supply the deficiencies in the appropriations for the fiscal year ending June 30, 1848, relative to the keepers of the public archives in Florida.

The motion was agreed to, and Mr. ATHERTON having moved to reconsider the vote,

Mr. WESTCOTT made an explanation as to the effect of the amendment.

Mr. YULEE also added a few remarks in favor of retaining the amendment of the Senate.

Mr. ATHERTON spoke briefly in favor of receding from the amendment.

Mr. DAVIS asked if the keepers had any other duties than the preservation of the public papers.

Mr. WESTCOTT said there were other duties attached to the office. It was not merely the land titles of the United States which were kept there. The titles to all the private property there were kept in these depositories. They had been kept there for a hundred years, and the people of Pensacola would not permit the papers to be removed.

Mr. HALE said this was all supererogatory work, as the people of Pensacola had settled the business beforehand. He thought it unnecessary to keep up the two officers.

Mr. YULEE complained, that the duties of these officers were not understood. It was very important that the officers should be retained, because it was necessary that the Government should have the custody of the elements of title. He said the microscopic economists of the House had ignorantly stricken out this amendment. He protested against the haste with which the Finance Committee urged the passage of the bill, at the risk of this important question, which was of much more importance than the protesting of a Government note or two. It was the duty of the committee to have passed the bill earlier, instead of hurrying it now.

Mr. PHELPS thought this was a very small affair to arrest the progress of an appropriation bill. If inconvenience to the public should arise, it could easily be rectified by the introduction of a bill. He thought it not worth while to delay the bill, by receding from the amendment.

Mr. CAMERON gave the reasons which would induce him to vote for a reconsideration.

Mr. ATHERTON defended himself from the charge of delaying the action of the Senate on this bill.

Mr. CRITTENDEN said, there were no two more perfect sinecures than these offices, and he hoped they would be stricken out.

The question on reconsideration was then decided in the negative.

On motion of Mr. HANNEGAN,

The Senate proceeded to the consideration of Executive business. After some time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 25, 1848.

The Journal of yesterday was read and approved.

On motion of Mr. ROCKWELL, the House resolved itself into Committee of the Whole House on the private calendar, (Mr. GAYLE, of Alabama, in the chair.)

The first bill taken up was the bill for the relief of Captain Henry M. Shreve, which was debated by Messrs. VENABLE, BROWN of Mississippi, DANIEL, POLLOCK, FARRELLY, HOUSTON of Delaware, and MARVIN.

Mr. HALL, of Missouri, moved to amend the bill by striking out the sum of $85,000 and inserting $10,000. Lost.

Mr. TURNER moved to strike out $85,000 and insert $25,000. Lost.

Mr. DANIEL moved that the bill be laid aside to be reported to the House, with the recommendation that it do not pass. Agreed to.

The next bill taken up was for the relief of David Myerle. It was debated by Messrs. HALL of Missouri, HOLMES of South Carolina, WHITE, CATHCART, and DANIEL.

Mr. DANIEL moved that the bill be laid aside, with the recommendation that it do not pass. Disagreed to—ayes 54, noes 84.

The committee then rose and reported their proceedings to the House.

The bill for the relief of Henry M. Shreve was laid on the table.

The bill for the relief of David Myerle was then taken up.

Mr. DANIEL moved to amend the bill by striking out $25,000 and inserting $10,000. Lost.

Mr. DANIEL moved to lay the bill on the table.

It was decided in the negative—yeas 53, nays 93.

The bill was then, under the operation of the previous question, read a third time, passed, and sent to the Senate for concurrence.

CASE OF CONTESTED ELECTION.

Mr. MULLIN, from the Committee of Elections, made a report in the case of Messrs. JACKSON and MONROE, contestants for the seat in the House of Representatives of the United States as Representative of the sixth Congressional district of New York. The two resolutions appended to the report declare—

1st. That DAVID S. JACKSON is not entitled to the seat in the House of Representatives as the Representative of the sixth Congressional district of New York.

2d. That JAMES MONROE is entitled to the seat in the House as the Representative of the said sixth Congressional district of New York.

Mr. JENKINS, on behalf of the minority of the Committee of Elections, made a report, accompanied by two resolutions declaring—

1st. That DAVID S. JACKSON is entitled to the seat as the Representative from the sixth Congressional district of New York; and

2d. That JAMES MONROE is not entitled to the seat as the Representative from the sixth Congressional district of New York.

The report and the minority report were ordered to be printed.

And then the House adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

By Mr. MORSE: The petition of G. B. Burr and others, praying for the establishment of a post route in Louisiana.

By Mr. PALFREY: The petition of Josiah Quincy, jr., and 2,058 others, citizens of Massachusetts, praying for cheap and uniform rates of postage.

By Mr. STROHM: Three petitions, signed by citizens of Lancaster county, Pennsylvania, praying for a new post route from the Gap post office to the village of Ephrata, in said county.

By Mr. GRINNELL: The petition of Wm. C. Starbuck, and other citizens of Nantucket, asking an appropriation for the construction of a breakwater at Great Point, on the island of Nantucket, to form a harbor of refuge for the numerous vessels passing through the Vineyard sound. By a record kept by the keeper of the light-boat, for the year 1847, there passed in his sight 249 ships, 1,669 brigs, 9,174 schooners, 2,444 sloops—aggregate 13,536, estimated to be two-thirds of the whole number.

By Mr. TWEEDY: The petition and accompanying papers of Evander M. Soper, and others, of Wisconsin, heirs-at-law of Enos Soper, deceased, asking compensation in land for services and expenditures of said Enos Soper, in raising a volunteer company, as first lieutenant during the last war with Great Britain.

By Mr. SCHENCK: The petition of 85 citizens of Montgomery and Miami counties, praying for the establishment of a mail route from Union, through Fredericktown, to Hyattsville.

By Mr. WENTWORTH: The petition of citizens of Du Page county, for reform in newspaper postage.

By Mr. HALL, of New York: Joint resolutions of the Senate and Assembly of the State of New York, against the extension or renewal of the patent granted to Jethro Wood.

By Mr. NELSON: The petition of J. V. Shaw, A. J. Lydacker, and 75 other citizens of Rockland county, New York, praying that the General Government shall no longer traffic, nor permit traffic, in the public lands yet in its possession; that they shall be laid out in farms and lots for the free use of such citizens (not possessed of other lands) as will occupy them, allowing to the settler the right to dispose of his possessions to any one not possessed of other land; and that the jurisdiction of the public lands be transferred to States or Territories only on condition that such a disposition shall be made of them. Also, the petition of Abraham Pitt and other citizens of said county, on the same subject. Also, a joint resolution of the Legislature of the State of New York, instructing the Senators and Representatives in Congress from that State to oppose the passage of any law continuing or renewing the Jethro Wood patent for the cast-iron plough.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 27, 1848.

The Journal of Saturday was read and approved.

The SPEAKER laid before the House the following resolutions of the Legislature of the State of Massachusetts:

Resolved, That the Legislature of Massachusetts tender to the House of Representatives of the United States the thanks of the government and people of the Commonwealth for the signal honor thus done to the memory of their illustrious fellow-citizen.

Resolved, That the thanks of the government and people of Massachusetts be presented to the members of the committee of the United States House of Representatives for the kind, courteous, and respectful manner in which they discharged the melancholy duty of their office.

Resolved, That, in order that this public mark of respect to our Commonwealth and her illustrious son may always be held in remembrance, this report be placed on the journals of the two branches of the Legislature.

Resolved, That, as a memorial of our grateful sense of the honor paid to Massachusetts by the United States House of Representatives, his excellency the Governor be requested to transmit a copy of this report to the Speaker of that honorable body, and also a copy to each of the members of its committee.

The resolutions were read; and,

On motion of Mr. STEPHENS, were laid on the table and ordered to be printed.

Mr. HARALSON moved that the joint resolution to "refund money for expenses incurred, subsistence and transportation furnished, and money advanced by individual citizens of the United States for the use of the volunteers before or after being mustered into the service of the United States," reported by the Committee on Military Affairs, be made the special order of the day for Wednesday next. Agreed to.

THE TEN-REGIMENT BILL.

Mr. BOYD moved that the bill of the Senate to raise, for a limited time, an additional military force, be taken from the table and referred to the Committee on Military Affairs.

Mr. STEPHENS called for the yeas and nays on the motion, which, being ordered, resulted as follows:

YEAS—Messrs. Atkinson, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Boyd, Brodhead, William G. Brown, Albert G. Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Cummins, Daniel, Dickinson, Dunn, Faran, Ficklin, French, Fries, Fulton, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Jackson, Jenkins, Andrew Johnson, George W. Jones, Kennon, Lahm, La Sere, Sidney Lawrence, Leffler, Lavin, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, Mann, Meade, Miller, Morris, Murphy, Peck, Petrie, Peyton, Phelps, Pillsbury, Pollock, Richey, Robinson, Sawyer, Simpson, Sims, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Wiley, Williams, Wilmot, and Woodward—87.

NAYS—Messrs. Green Adams, Barringer, Blanchard, Botts, Boydon, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dixon, Donnell, Eckert, Embree, Farrelly, Fisher, Flournoy, Gaines, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Hilliard, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas Butler King, William T. Lawrence, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Outlaw, Palfrey, Pendleton, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Shepperd, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Talmadge, Taylor, Thibodeaux, John B. Thompson, Tompkins, Tuck, Van Dyke, Vinton, Warren, and White—87.

Two-thirds not voting in the affirmative, the motion was not agreed to.

Mr. VINTON said there were several special orders for this week, and, as it was important to make some progress with the appropriation bills, he suggested that some arrangement should be made for the promotion of that object.

Mr. COBB, of Georgia, rose to inquire if there was not a motion pending from last Monday for the suspension of the rules to enable the gentleman from North Carolina [Mr. McKAY] to introduce a resolution. When the gentleman from North Carolina made this motion on Monday last, an adjournment was moved immediately thereafter, and, in answer to a question which he (Mr. C.) put to the Chair, he was informed by the Speaker that that motion would be the first business when such motions were next in order, (on Mondays of each week.)

The SPEAKER answered in the affirmative, and announced the question to be on the motion of the gentleman from North Carolina, [Mr. McKAY,] to suspend the rules to enable him to introduce a resolution to change the hour of meeting to eleven o'clock.

Mr. McKAY called for the yeas and nays on his motion, and they were ordered; and, being taken, resulted as follows: Yeas 100, nays 76.

Two-thirds not voting in the affirmative, the rules were not suspended.

On motion of Mr. GRINNELL,

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill to provide for the ventilation of passenger vessels, and other purposes, and that it be referred to the Committee on Commerce.

INDIAN APPROPRIATION BILL.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROCKWELL, of Massachusetts, in the chair,) and proceeded to the consideration of the Indian appropriation bill.

The question being on agreeing to the amendment of Mr. McKAY, viz:

"SEC. 2. *And be it further enacted*, That no part of the money appropriated by this act for the purposes of education shall be expended for any such objects elsewhere than in the Indian country: *Provided*, That this shall not apply to any of the aforesaid appropriations the expenditure of which are, by treaty stipulations, under the direction of the President of the United States, or of the respective Indian tribes."

Mr. POLLOCK thought the amendment ought not to prevail. As he had said before, treaty stipulations were to be carried out by the President of the United States, and over them this House had no control. Such was the condition of some portion of these funds, and hence the additional section of the gentleman from North Carolina [Mr. McKAY] was nugatory. The passage of the section would be a work of supererogation. But there was a third class which was to be expended under the control of Congress, and the gentleman from North Carolina proposed to expend that amount within the Indian territory. He admitted that that which was wrong should be redressed, and that, if there were mischiefs, they should be remedied. But if the Cherokee academy was to be deprived of the sums it had heretofore received, let the facts on which the refusal was based be shown to Congress. If Colonel Johnson was guilty of any impropriety, let it be made manifest and put on record. He did not suppose that the gentleman from North Carolina intended to strike at the President of the United States by his amendment. When the money was appropriated by Congress, it was placed beyond their control; but if it were admitted that they had the power to exercise a controlling influence over it, he could see no good reason why these expenditures should be limited to the Indian territory. It could not be pretended that the Indian youth could obtain so good an education in the Indian territory as in the States. He was, therefore, in every view of the case, opposed to the adoption of the amendment.

Mr. MOREHEAD said, that after carefully considering this amendment, he could not come to the conclusion that there was the least necessity for its adoption. The subject had been before the Committee of Ways and Means, and was there fully considered. The gentleman from North Carolina [Mr. McKAY] was a member of that committee, and had had full opportunity of proposing such an amendment there, but had not done it. The committee had had the Commissioner of Indian Affairs before them, who gave them full information in regard to this Indian school, which seemed now to be struck at, and which was situated, as the gentleman well knew, in Mr. M.'s own district.

It seemed strange, that when this school was now just about to expire such a blow should be aimed at it, and through it at the venerable gentleman at its head. The gentleman, it was true, disclaimed all intention of casting any imputation on Colonel Johnson, or making the most distant insinuation of impropriety in the management of the institution by him or of its fund. But Mr. M. would ask how it could be understood in any other light, to aim a blow like this just at the moment the school was about to cease, saying that hereafter no money should be spent for Indian education save within the Indian territory? Was not this an implied censure on all that had been done in its management? Where was the necessity for any such amendment? The gentleman, it seemed, had heard that money had been appropriated from this fund to continue this school. He had taken up rumors, mere street rumors, of some such intention. What authority was there for any such rumor? Mr. M. was utterly ignorant of any. On the contrary, there was a bill reported giving Colonel Johnson compensation for the expense of putting up buildings, under the expectation, on his part, that the school was to continue. It was well known that all the Indian youths who had been educated there were to be withdrawn save some nine or ten. Was it likely Colonel Johnson could desire to keep up the school for the sake of such a number? The removal was provided by treaty. Would this amendment make that treaty stipulation any stronger? Why, when this school had continued so long, when its advantages had been experienced by the Indian tribes for so many years, was this hour selected, just when it was coming to its close, to cast such a reflection on its whole past administration?

It was now twenty-five years since Col. Johnson had been asked to take charge of the school, and it had been continued ever since by the authority of Congress, not by him. Many had been educated there, and well educated; and though it was probable they might have been taught more cheaply within the Indian territory, he considered the money as having been well expended. Education did not consist merely in learning to read and write. By the associations of a civilized country ideas were insensibly but constantly imbibed which could never have been acquired in the wilderness or among surrounding Indians only; and the thoughts and principles thus imbued were afterwards carried among the tribes, and disseminated widely for their benefit. Mr. M., however, was willing to abide by the treaty, and to let the Indian youth hereafter be educated in their own country. But why adopt an amendment like this, which, at the utmost, could operate only on some nine or ten Indian children?

Mr. SAWYER would tell the gentleman from Kentucky some of the reasons which induced him to oppose this school. He went upon the principle that it was always better that Indian youth should be educated in their own country than to bring them into the society of the whites. Everybody knew the sort of means which were used to induce these Indians to come to our schools. The catching of these young Indians and bringing them in cost more than it would take to educate them at their own homes. It was the influence this plan exerted on the Indians that Mr. S. deprecated. It was not to what Colonel Johnson had control of that Mr. S. objected; it was to the manner of catching these young creatures and bringing them to the school. If gentlemen would look at the two hundred and thirty-one items of expenditure under this head, they would see that the catching and transporting of these youth cost more than their education itself would do if conducted within the Indian territory, or in some of our other colleges. He did not himself believe that Colonel Johnson had touched the first red cent out of the fund. The money was not taken or used improperly by him, but by other men, who occupied themselves in catching young Indians for the school, that they might make a gain of it; and so long as this school was suffered to continue, this would be done. It cost fifty-five dollars a head to bring these children to school. No doubt Colonel Johnson had some design in wishing the school to continue—the design might be very laudable—he did not say anything to the contrary; but he was opposed to keeping it up, and hoped the amendment would be adopted.

Mr. BARRINGER said that he had at first been opposed to this amendment, because it prevented the President from selecting the Indian youths who were to be educated; but the proviso which had been added obviated that objection, and, thus modified, he now thought that the amendment ought to be adopted. He could not, for one, conceive how it could be understood as implying the slightest possible imputation on Colonel Johnson. Gentlemen seemed to consider it as virtually reflecting on his management of the school, or the fund appropriated for it. The amendment was merely the recognition of the general principle that it was better that money set apart for Indian education should be expended within the Indian territory. It declared that its operation was not intended to touch "any of the aforesaid appropri-'ations, the expenditure of which are, by treaty 'stipulations, under the direction of the President 'of the United States or of the respective Indian 'tribes."

As to this Choctaw school, thirty-four out of the fifty-six scholars it contained were Pottawatomie boys, admitted in conformity with the provisions of the treaty. The treaty declared, that when the chiefs and the members of the tribe were met in council, and publicly expressed a wish to withdraw their children from the school, they should have the privilege of doing so. How did this reflect on Colonel Johnson? For himself, Mr. B. could see nothing in it to affect his honor or reflect upon his character in the slightest degree in the management of the school. The report of the Commissioner of Indian Affairs stated that this provision of this treaty was likely to be carried into effect, and the school in consequence to be dissolved. The amendment went to sanction the doctrine of the report. [Here Mr. B. quoted the report.] This document recommended that the fund heretofore provided for this Choctaw school should hereafter be applied to manual labor schools within the Indian country. He hoped the amendment would be adopted, not for the mere sake of making a change, but because it conformed to the suggestion of the Commissioner of Indian Affairs, and because it established a principle right in itself.

Mr. FRENCH here offered the following proviso, to be added to the amendment of Mr. McKAY:

"*And provided, also*, That nothing in this act shall in anywise impair or affect any existing arrangement or contract made or entered into by the United States with any of the superintendents of any of the Indian schools."

Mr. F. said there was nothing in this to affect the arrangements made by the United States respecting any superintendents of Indian schools.

Mr. HOUSTON, of Delaware, confessed that he knew but little of the details of this subject; but, as he heard gentlemen talking about certain efforts to "catch" Indian boys and bring them into the white settlements to attend this school, he thought there ought at least to be further information had before the House acted finally in the case. If it was true, that before you could get Indian youth into this school, you must first catch them like so many wild colts on a prairie, why, he thought that there might perhaps be some advantage in adopting the amendment. As this might be a very useful exercise, he presumed they must be caught in this manner every morning. This would be improving.

But to speak seriously. He had no doubt that this Choctaw school had failed, to some extent, in effecting the good that had been designed by it, and expected from it, as it was found that the young savages educated there carried back to their native tribes only the vices of the whites, without the trivial advantages which they might have attained there. But under the existing circumstances, as the department contemplated putting an end to the school, he thought there could be no very pressing necessity for the amendment, and he should vote against it.

Mr. CLARK said he had examined this amendment, and was ready to admit that there should be caution observed in acting on such a subject. It seemed to be assumed by some gentlemen, that it contained an insinuation against the venerable Colonel Johnson, and Mr. C.'s colleague had defended him with becoming zeal. Now, Mr. C. understood the gentleman from North Carolina [Mr. McKAY] to have declared explicitly that he did not mean to reflect directly or indirectly, either on Colonel Johnson himself, or any members of the department. He disclaimed all such purpose, and denied that such an inference could be justly drawn from his amendment; on the contrary, that it implied no word of censure on any human being in existence.

There were members here present who had acted from their boyhood with Colonel Johnson, and who never would let him be assailed without coming promptly to the rescue, and they concurred with Mr. C. in understanding no imputation whatever to be cast upon him by the amendment proposed. Whenever the course of that distinguished man in relation to this school fund, or any other part of his conduct, should become the subject of remark in that House, there would be plenty found to defend him. Mr. C. should be the last man to stand by and hear his good name assailed. He had known him long, and had served under him, and often defended him when slandered. He should be the very last either to make or to suffer any imputation on his character.

Mr. TOMPKINS had no purpose to detain the House, but he should feel himself criminal, if, knowing what he thought he knew, he should sit silent without giving the House the benefit of facts to which he was conusant. There seemed to be a general impression among members of the House against having any Indian school without the bounds of the Indian territory, on the ground that no school so situated could effect any beneficial results in the education of Indian youth. There could not be a greater mistake. The reverse was susceptible of being demonstrated. Mr. T. would offer his own experience and observation, with a view to show that the most important benefits might be and had been derived from education so received by them.

It had been said that the Indian children had to be run down and caught like so many wild beasts, and carried to the school in chains, in order to become students in our seminaries. There was no truth in such a statement. On the contrary, they were willing inmates of our schools, and, while there, made as rapid improvement in every branch of study as any children of the whites could do. Among all the colleges at which Indian youth had been trained, there was none possessed of greater advantages than this Choctaw school, under the care of Colonel Johnson. The Choctaw hunting-grounds were in Mr. T.'s immediate neighborhood, and their old towns were situated within his Congressional district. He had had an intimate acquaintance with many of their chiefs, and he knew something of them since their emigration beyond the Mississippi; and he knew that they were not the dark, uninformed, ferocious savages which some gentlemen seemed to suppose. They had made great social improvements. They enjoyed a written constitution, a republican form of government, in which the departments of legislative, executive, and judicial power were distinctly defined and kept wholly separated. They had also the trial by jury. Among them were to be found distinguished statesmen, lawyers, and divines, who would compare well with any among ourselves. All these had been educated in colleges of the United States, and not in schools within the Indian territory. He would name some of them. He instanced Pitchelin, Folsome, and McKinney, who were half-breeds, and another called Little Prentiss, who was a pure Indian. This latter was a lawyer of commanding eloquence, and well acquainted with the common law, the science of evidence, and whatever else formed an accomplished member of the bar.

He then went on to name native divines, on whose eloquence he pronounced a very glowing eulogium.

Now, could we expect cases like this, if we were to tie them down within the boundaries of their own territories, where gentlemen said there was nothing but dark barbarity and ferocity? These things had been accomplished by cutting off these Indian children from their tribes—from their barbarous habits—by stimulating them to the investigation of grander themes, and to higher aspirations. He referred to the advance in knowledge and science, in industrial pursuits, in social comforts, &c., already made by the Indians of the West; their large and exuberant corn fields, their stately mansions, their churches in which they worshipped God according to the true principles of Christianity; their common-school system, in which not only the rudiments and the higher branches of the English language are taught, but the Cherokee and Choctaw languages, now reduced to a written and printed system, in which languages the traditions of their ancestors were conveyed to them in something like the glowing and poetic spirit which breathes throughout the lines of Homer and Virgil. He had visited individuals of the Cherokee and Choctaw nations; had found them owners of large herds, cultivators of extensive fields, living in habitations of as much elegance, grandeur, and architectural taste as ours. He had trod their carpeted floors, and heard their daughters in inspiring song, accompanied by the deep, melodious tones of the piano, utter the glorious deeds of their ancestors; he had seen as much of civilized elegance among them as was to be met anywhere; their libraries of hundreds, and, in one case, of thousands of volumes. Their attachment to the graves of their ancestors was such as to lead them to refuse to go west of the Mississippi, and yet the larger proportion of them had not, under the provisions of the constitution of Mississippi, applied for citizenship there. A few of them had, however, and one of these had been a highly respectable member of the Senate of Mississippi for several years; who had a brother residing within forty or fifty miles of the capital of the State; a gentleman of highly-cultivated mind, of generous feelings, of wealth, whose children were being educated upon a scale equal to that of the wealthiest and proudest sons and daughters of our own people.

The foundation of the great share of this improvement he ascribed to the Choctaw academy in Kentucky. Every one of the highly educated and respectable Indians whom he knew had been educated at this academy of Colonel Johnson; and they had returned to carry back civilization, science, and religion to their tribes. Until they themselves complained of this system of education, which had infused so much respectability into their tribes, he was opposed to adopting a provision to terminate it.

Mr. MOREHEAD reviewed this discussion, to show how an imputation of censure would fall upon the management of the Choctaw academy, if the amendment should pass; and proceeded to inquire if any great harm could arise from the continuance of these few Choctaw boys at their academy for a few months after the pupils of the other tribes might be withdrawn.

Mr. BOYD (Mr. M. yielding) said, by the terms of the treaty with the Pottawatomies, it was provided that their schools should all be transferred to the Indian territory on the first of July; but there was also a provision of the treaty making it discretionary with the Indians to withdraw their pupils or not. This amendment could not affect the Pottawatomies, because the proviso made an exception in such cases.

Mr. BARRINGER read the treaty.

Mr. MOREHEAD resumed, reiterating that all except the Choctaw pupils were to be removed as above; and, of course, Colonel Johnson could not desire the continuance of the institution with only the few pupils remaining from the Choctaws.

After some conversation between Mr. McKAY and Mr. JOHNSON, of Arkansas,

Mr. MOREHEAD added, that although Colonel Johnson and himself had been ever on opposite sides of political questions, still he would not refuse the justification he so well deserved with reference to this school.

Mr. CLARK, of Kentucky, again stated that he could see, in the amendment, no imputation against Colonel Johnson; and no injury could result to him, especially if the proposition offered by his colleague [Mr. FRENCH] should be adopted. If he could perceive, in the proposition, the slightest imputation against the character of that gentleman, he would be the last man to support it.

Mr. THOMPSON, of Mississippi, understood the gentleman from North Carolina to be against the policy of supporting Indian schools outside of the Indian territory. But to show the reason of his opposition to the amendment, he recited the history of this academy, which was established by the War Department in 1825, under the superintendence of Colonel Johnson. The Colonel was merely the steward of the public funds, and no profit whatever had accrued to him by means of this agency. He showed that, latterly, this school had been supported principally by the Pottawatomies; and though they now proposed to withdraw their pupils, they still held a discretion on the part of the council of their tribe to do so or not. There was a bill in the other end of the Capitol to remunerate Colonel Johnson for the buildings which he has erected for this school. This showed that the Colonel desired to get rid of the institution, in accordance with the determination to wind up the institution, as communicated to the Committee of Ways and Means by the Commissioner of Indian Affairs.

Mr. McKAY had always (he said) been in favor of educating the Indian tribes in their own country; but he would not now detain the committee by enlarging on the advantages of pursuing such a course. He was glad to see this policy at last adopted by the Government. But if the policy was adopted, gentlemen said where was the necessity of this amendment? To this Mr. McK. would reply, Let us show by our distinctive act that we approve of this policy of the Executive, which has been so long pressed upon him by the Indians themselves. When this question was up in committee a few days ago, he took occasion to

say, that the amendment he had moved contained no imputation of censure at all against Colonel Johnson. He appealed to the War Department to support his averment, that for years he had been laboring to get the Executive to come into this measure. How, then, could it be supposed that he had any particular object now, like that of casting censure upon the Choctaw academy? He had even objected to the proposition of the gentleman from Ohio, [Mr. SAWYER,] on the ground that it was too invidious with reference to the Choctaw academy; and his amendment was but a modification of that, so as to make its application general.

But the gentleman from Kentucky [Mr. MOREHEAD] tells us, that, as the Choctaw academy was to be wound up, there was no necessity for the amendment. In reply to this, Mr. McK. would state again, what he had stated the other day, that notwithstanding the determination to bring this school to a close, he understood that efforts were still made, and application had been made by Colonel Johnson himself, for its continuance. It was true, he did not learn this officially; he had heard it in the Indian Office. But even supposing this rumor to be untrue, and that no such application had ever come from Colonel Johnson, still this amendment would have the effect of an announcement to the Executive that Congress approved of the determination that hereafter the money appropriated for the education of the Indian tribes should be expended in their own country. It would only force the Administration to do that which they said they were now willing to do.

Mr. McK. showed, from reading the report of the Commissioner of Indian Affairs for the year 1840, that the Choctaw school was to close within two years from that time; and, to avoid the failure of such a determination now, he desired to give to the proposition to terminate this school the authority and the sanction of Congress.

Mr. McK. avowed openly, that he wished all this money to be expended in the Indian country. This was not intended as any prejudice to Colonel Johnson. The treaties provided that the money should be expended in the Indian tribes. The gentleman from Pennsylvania was mistaken in supposing that the Executive alone could direct the manner of applying this money. It was perfectly competent for Congress. Unless where a treaty stipulated to the contrary, the application of expenditures was to be made by Congress. But in this case, there appeared to be a concurrence of opinion between the Executive and Congress.

Mr. VINTON appealed to the committee to allow the question to be taken, that they might dispose of this bill and proceed to other business.

The question was put on the amendment moved by Mr. FRENCH to Mr. McKAY's amendment, and it was disagreed to.

The question was then put on the amendment of Mr. McKAY, and it was agreed to.

Mr. SMITH, of Indiana, moved to add the following to the items relating to the Miamies:

"*Provided*, That there shall be paid to any portion of the tribe of Miami Indians now remaining in the State of Indiana such portion of the annuities and instalments above provided, as shall be the proportion of said annuities and instalments to which said members of the tribe remaining in Indiana may be entitled."

Mr. SMITH explained the amendment.

After some further conversation by Messrs. THOMPSON, of Mississippi, ROCKHILL, and BARRINGER, the amendment was rejected.

Mr. McKAY moved the following, as an additional section:

"SEC. 3. *And be it further enacted*, That for the Indians east of the Rocky Mountains there shall be two superintendents of Indian affairs, with a compensation each of $1,500 per annum, to have the general superintendence, under the direction of the Secretary of War and Commissioner of Indian Affairs, of such tribes as the President of the United States may deem proper, and whose duties and powers shall be those defined in the third section of the act of June 30, 1834, providing for the organization of the department of Indian affairs; and the organization prescribed by that act shall be further so modified that the number of agents shall not exceed nine, and the number of sub-agents six, for all the Indians east of the Rocky Mountains, except the Indians of Texas, to be assigned to the charge of such tribes as the Secretary of War, with the approbation of the President, may prescribe, whose compensation each shall be $1,200 for the agents, and for the sub-agents $800 per annum, whose powers and duties shall be those defined and prescribed by the said act of June 30, 1834: *Provided*, That whenever the position of any of the tribes, or our relations with them, may become so changed as to require it, the President of the United States may so far exercise the power conferred by the fifth section of the above-mentioned act as to appoint such additional sub-agents, at the salary herein prescribed, as may be actually necessary."

Mr. McK. said, this was a proposition adopted at the last session, on the recommendation of the Commissioner of Indian Affairs. The amendment limited the salary of the superintendent to $1,500, and the sub-agents to $1,200. He read the report of the Commissioner. The whole amount of saving by the amendment would be $10,500.

Mr. VINTON did not know (he said) that this amendment would not be a judicious measure; but it was out of place in this bill, and would seem to require an investigation before the proper committee. This was not a bill to organize public offices, and appoint officers and regulate them, &c.; but a bill to carry a treaty into effect. The appropriation bills should be kept separate, if possible, from all other legislation.

Mr. JACOB THOMPSON said, there was no point made as to the amendment being in order; but, if in order, he would sustain it. There were Indian agencies that were necessary. This measure, which would be sufficient for conducting the affairs of the Indians, was recommended by the Commissioner of Indian Affairs. It would save the appointment of eight or ten agents.

Mr. McKAY said, the difference in compensation between the two measures would be about ten thousand five hundred dollars.

Mr. HOLMES, of South Carolina, said, he understood this measure to be one for establishing a new system in regard to the regulation of Indian affairs. It was a matter that should be proceeded in with great caution. The system might require revision; but it should only be done after full examination.

The amendment was agreed to.

Mr. BARRINGER moved the following, to come in at the end of the first section:

"For the removal of the Catawba tribe of Indians, now in the limits of the State of South Carolina, to the Indian country west of the Mississippi, with the consent of said tribe, under the direction of the President of the United States, a sum not exceeding five thousand dollars."

Mr. B. advocated his amendment. He gave a history of the Catawba tribe of Indians, the legislation of South Carolina in regard to them, their settlement in that State, and their present condition and numbers. He insisted on the justice and humanity of this appropriation to remove them from the limits of South Carolina, and the authority of this Government to do so.

Mr. SIMS said the facts were correctly stated by the gentleman from North Carolina. The State of South Carolina did not permit the Indians to sell the lands to private individuals. They had leased them on long leases. The State had bought out these leases, after the number of the tribe had been reduced to a less number than a hundred. This was an act of kindness and liberality to the tribe. He had risen merely to repel any supposition of unkindness on the part of the State to these people.

Mr. BARRINGER stated that the remnant of Catawbas were desirous of removing west, to join their brethren; and he had proposed eight thousand dollars for that purpose; but he would reduce the sum to five thousand dollars.

Mr. McKAY would ask his colleague, he said, whether this remnant of a tribe were not citizens of South Carolina. Besides, if they were removed, where were they to go? It had been usual for the Government to provide land in advance of the removal of Indians, if their removal was to be proposed.

Mr. BARRINGER said it belonged to the United States Government to regulate this subject.

Mr. SIMS had no doubt, he said, of the benevolent intentions that dictated this proposition. If we interfered in this matter, it would be an admission that these Indians were under the jurisdiction of the United States, and not under that of the State of South Carolina. This would unsettle titles derived under the arrangement between the State and the Catawba Indians. But there was no necessity for this measure. The agent of the State of South Carolina had funds in his hands to remove them whenever they pleased. They were not paupers. The State had provided for their wants; and they were not to be considered as subject to, or beneficiaries of, this Government. The last information he had on this subject was, that negotiations were going on to provide for the tribe a place in the mountain regions of South Carolina. On both of these grounds, he protested against the amendment. It would be an unauthorized assumption on the part of this Government, and was wholly unnecessary.

Mr. BARRINGER did not doubt the right nor the ability of South Carolina to take care of these Indians. But the Government could now remove them at their discretion, without interfering with any right formerly claimed or exercised over them by the State of South Carolina. They had petitioned Congress to connect them with some other tribe of Indians in the west, and remove them. They were entitled to this degree of care from this Government, besides the aid which they would receive from South Carolina. The State of South Carolina could not do this, because she would require a treaty with an Indian tribe—the Cherokees or the Chickasaws.

Mr. THOMPSON moved to add to Mr. BARRINGER's amendment the following proviso:

"*Provided*, That no portion of this sum shall be expended for the purpose of removing said Indians, until the President shall first obtain a home for them among some of the tribes west of the Mississippi river, with their consent, and without any charge upon the Government."

Mr. BARRINGER accepted Mr. THOMPSON's amendment.

And the amendment as modified was then agreed to.

The committee then rose and reported the bill.

Mr. PHELPS moved the previous question, which was seconded, and, under its operation, the various amendments of the Committee of the Whole were agreed to.

The bill was then ordered to be engrossed, and, being engrossed, was read a third time and passed.

On motion of Mr. McKAY, the title of the bill was amended by adding thereto the words "and for other purposes."

On motion of Mr. GAINES,

Resolved, That a select committee be appointed, whose duty it shall be to inquire into the expediency of extending the provisions of the act of Congress for the benefit of the surviving officers and soldiers of the revolutionary army, passed on the 7th of June, 1832, so as to embrace those who were engaged in the wars of the United States which occurred between the treaty of peace with Great Britain in 1783, and the treaty of Greenville, with the Indians, in 1795; and that said committee have leave to report by bill or otherwise.

On motion of Mr. WENTWORTH,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of extending the time for payment for lands claimed under any of the preemption laws to three years.

And then the House adjourned.

IN SENATE.

MONDAY, *March* 27, 1848.

A message was received from the President of the United States, transmitting the report of the Secretary of State, with accompanying documents, in compliance with a resolution of the 17th instant, asking for copies of the correspondence between the Minister of the United States at London and the British authorities in relation to a postal arrangement.

The VICE PRESIDENT laid before the Senate a communication from the Department of War, transmitting fifty-eight copies of the Army Register.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. FELCH presented joint resolutions of the Legislature of Michigan, relative to reimbursing the State for fitting out the first regiment of Michigan volunteer infantry; which was referred to the Committee on Military Affairs.

Also, in relation to the construction of a military road from Green, on Lake Michigan, to Lake Superior; which was referred to the Committee on Public Lands.

Also, in relation to a grant of alternate sections of land in aid of internal improvements in the State of Michigan; which was referred to the Committee on Public Lands.

Also, in relation to a grant of land for the erection of a State asylum for the insane and deaf and dumb; which was referred to the Committee on Public Lands.

Mr. FOOTE presented resolutions of the State of Mississippi, in relation to the condition of the second Mississippi rifles and the battalion in New Orleans; which was referred to the Committee on Military Affairs.

Also, in relation to drugs and chemicals adulterated and sent into the United States; which was referred to the Committee on Commerce.

Also, in relation to relinquishing the 16th section, and to be allowed to select other lands; which was referred to the Committee on Public Lands.

Mr. JOHNSON, of Maryland, presented a joint resolution in favor of appropriating public land to make a railroad from Lake Michigan to the Pacific; which was referred to the Committee on Public Lands.

MEMORIALS AND PETITIONS.

Mr. DIX presented a petition from Captain Reed and owners of the privateer General Armstrong, asking for indemnity from the Portuguese Government for the destruction of that vessel by the British at Fayal during the late war with Great Britain; which was referred to the Committee on Foreign Relations.

Also, from Benjamin S. Henning, in relation to a railroad communication connecting the waters of the Mississippi with the Pacific; which was referred to the Committee on Public Lands.

Also, from Francis Hutinack, asking for a pension; which was referred to the Committee on Pensions.

Mr. YULEE presented additional papers in the case of Jonathan Tyner; which were referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition from John A. Bryan, asking compensation for negotiating a treaty with the Wyandot Indians in Ohio; which was referred to the Committee on Indian Affairs.

Mr. DOWNS presented a petition from citizens of Louisiana, asking the establishment of a judicial district north of Red river; which was referred to the Committee on the Judiciary.

Mr. BAGBY, on leave, reported a bill to cede to the State of Alabama the lands unsold in that State belonging to the United States, and remaining unsold after the first day of May, 1848, and for other purposes; which was referred to the Committee on Public Lands.

Mr. BAGBY said, that in bringing forward this bill he had two objects in view: The first was, to terminate the unpleasant and embarrassing relation of landlord and tenant, between the State of Alabama and the Government of the United States. The first section of the bill proposes to cede to the State of Alabama all the public lands lying in that State, and remaining unsold, on the first day of May next, exempting from the operation of the bill, preëmption rights, the right to reservations under the Indian treaties, and grants under treaties with foreign nations. The records of the treasury show that the proceeds of the sales of the public lands in Alabama exceed by several millions of dollars the amount paid for the territory lying within the limits of that State to foreign nations, for the extinguishment of the Indian title, and all the expenses of surveying and selling the land.

The second section cedes to the States all the land lying within their respective limits, so soon as it is ascertained, from the returns in the Treasury Department, that the proceeds of the sales of the lands in such States have reimbursed the General Government for all the expenses, as indicated in the first section of the bill. Thus the Senate will perceive, that the ground upon which this system for the extinction of the title of the United States, in the public land lying in the different States of the Union, is, that the Government shall have been reimbursed the purchase money and all the expenses incident to the public lands in those States.

This, in itself, is, in my judgment, a consideration of very great weight, entirely sufficient not only to authorize, but to demand the passage of this bill. In addition to this high and weighty consideration of a general nature, there is another, but little inferior in importance; and that is, the constant practice of making appropriations of the public land to purposes of internal improvement, in violation of the constitutional power of Congress, and in direct conflict with the rights of the States, and, as I believe, the true interest of the people. I do not propose to go at length into these views now. I ask that the bill may be twice read, and referred to the Committee on Public Lands, and upon the coming in of their report, I shall, with the permission of the Senate, perhaps give my views more at length.

The bill was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. DICKINSON, from the Committee on Finance, reported, without amendment, a bill to establish a branch of the Mint of the United States in the city of New York.

Mr. JOHNSON, of Louisiana, from the Committee on Private Land Claims, reported a bill to be entitled An act for the relief of James G. Carson; which was read a first time.

Mr. WESTCOTT, from the Committee on Patents, reported House bill for the relief of Calvin Emmons, with amendments, accompanied by an elaborate report; which was ordered to be printed.

Mr. RUSK, from the Committee on Military Affairs, made an adverse report on the memorial of Joshua Shaw.

RESOLUTIONS.

On motion of Mr. DAVIS, of Mississippi,

Resolved, That Mr. Palmer be authorized to make such alteration and addition to his memoir on the production, resources, and capabilities for commerce of Siberia, Manchooria, &c., presented in the Senate on the 8th instant, as he may consider requisite, in order to render the same more full and comprehensive; and also to append a condensed lithographed outline of the coast of Northern Asia and the adjacent islands, the incidental charges attending the same to be defrayed by the Secretary of the Senate.

On motion of Mr. YULEE,

Resolved, That the Committee on Naval Affairs inquire whether the present naval establishment meets all the requirements for coast defence; whether any description of vessels better adapted to that purpose can be added to the naval armament with advantage to the public interest; and whether any and what portion of the vessels now belonging to the navy can be dispensed with.

On motion of Mr. YULEE,

Resolved, That the Secretary of the Treasury be directed to prepare and report to the Senate a statement, in continuation of Senate document No. 7, second session twenty-third Congress, showing the amount of hospital money which has been received at each of the custom-houses of the United States in each year from 1833 to the 30th June, 1847, inclusive, and the amounts which have been expended in each year in each district for the same period.

LAWS OF THE UNITED STATES.

Mr. DAVIS, of Massachusetts, submitted the following:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of making provision for the purchase and distribution of copies of laws of the present and future sessions of Congress, as they shall be published by Little & Brown, of Boston, in the manner of their edition of the statutes of the United States, and according to the sample which they have furnished of the laws of the last session, and laid upon the table of the Senate.

In offering this resolution,

Mr. DAVIS took occasion to make some remarks in reference to the value of the edition of the laws of the United States which had been executed by these publishers; and that as the work alluded to in the resolution, and of which he had a copy before him, was got up in the same style, it would be, he thought, much more acceptable than the uncouth edition which had been usually published, while the expense was not much greater than that of the latter.

Mr. WESTCOTT directed the attention of the Senator from Massachusetts to the fact that in the publication of the laws of the United States, by Little and Brown, a very important defect existed which he hoped the publishers would remedy. There was no reference in the index to upwards of thirty private laws. It was quite a serious defect, and had led one of the committees to report a bill providing for a case which had already been made the subject of legal enactment.

Mr. DAVIS did not know anything of such a defect, but no doubt the fact was correctly stated by the Senator. The publishers would, he was quite confident, remedy any such defect.

The resolution having been considered by unanimous consent, was agreed to.

On motion of Mr. JOHNSON, of Louisiana, the Senate postponed the previous orders for the purpose of taking up the bill to grant to the State of Louisiana certain public lands for internal improvement.

Mr. JOHNSON remarked, that as he would be compelled to leave the city to-morrow, in consequence of a domestic calamity, he trusted that the Senate would oblige him by allowing the bill to be acted upon at once.

Mr. BAGBY was sorry that he could not yield to the request of the honorable Senator. The bill contained, as he apprehended, a principle to which he entertained decided hostility. He could not consent that the bill should be allowed to pass without expressing his opposition to it; much less could he suffer it to pass without the usual forms of legislation. It was an attempt to do indirectly that which he had contended throughout his whole public life could not be done directly. Entertaining such views, it would be perceived that he could not consent to the request of the Senator from Louisiana.

Mr. DIX inquired whether the bill had been taken up.

The PRESIDING OFFICER replied that the bill was before the Senate and was open to amendment.

Mr. DIX then remarked that he had not heard the question put on taking up the bill.

Mr. DICKINSON said that it might be all right, but he thought the procedure somewhat singular.

Mr. ASHLEY observed that the bill had been submitted to the Committee on Public Lands at the session before last, and had been amended. The evidence before the committee was quite conclusive that the land was of little or no value, and that great public interests would be subserved by making the grant. The committee unanimously concurred in reporting the bill; and he believed that there was no substantial reason against its passage.

Mr. BAGBY said, that to his mind the objections were, at all events, fundamental and conclusive. The honorable Senator from Louisiana put the bill on the ground that the land was in the first instance to be appropriated to the State, and afterwards to the railroad company, for the purpose of constructing their road. Where, then, was the difference in interposing the State as the *conduit* through which the grant was to be given, and making it directly? It was remarked by the Senator from Arkansas that the land was of little or no value. How had it happened, then, that it was sought by the State, and afterwards by the railroad company? How could it contribute to the construction of the road? He denied that any benefit had ever resulted to the treasury from these grants of land, and asked those who thought otherwise to point to any statistics which presented to the contrary.

Mr. DOWNS said, he believed it had been customary to make such grants of land in other States; and if his recollection was correct, a series of resolutions had been offered, which would come up hereafter for discussion, and it would then be a more favorable time to discuss the subject than at present. He hoped, then, that as this was a matter in which so many interests were involved, there would be no further opposition to the passage of the bill. There was, as gentlemen had said, a plan for a railroad from New Orleans to the Gulf, to facilitate the communication with the sea, and the company had obtained the privilege of running their road through the property of private individuals, but they had no authority for passing through the domain belonging to the United States. It was a matter of small value to this Government, but of much importance to that part of the country; and he hoped, therefore, that all objection would be withdrawn.

Mr. ASHLEY remarked, that when he had characterized the public lands there as being of no value, he meant by it that they were of no value unimproved. According to the evidence before the committee, it appeared that the lands were situated in a swamp, and that there was no settlement in the neighborhood; that the location was desirable as the termination of this railroad, and that this improvement might make them valuable. When this bill was originally introduced, it proposed to make the grant to the railroad company. The committee, however, were not disposed to make the grant to the company, but they were disposed to make the grant to the State, as a portion of the land the State was rightfully entitled to, and inasmuch as other States had received similar grants. All sovereignties were equal, and he could not conceive how it could be just and proper for Ohio and Indiana to receive four or five times as much as other States of the Union out of the public domain. It seemed to him, that if the Government adopted the principle of making grants of lands to States, these grants should be equal. It was not proposed that the Government should construct works of internal improvement: it was merely proposed to make a grant to the State to aid her in making works for internal improvement, as other States had received similar grants. This

was the view which had influenced the committee.

Mr. ATHERTON moved that the bill be laid on the table for the present, in order to proceed to the consideration of the special order of the day.

The question was taken, and, on division, was decided in the affirmative: Ayes 19, noes 12.

Mr. BAGBY moved to reconsider the vote of the Senate, on Friday last, on the passage of a bill granting a pension to Patrick Walker; and the consideration of the motion was postponed until to-morrow.

THE LOAN BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the bill authorizing a loan of sixteen millions of dollars.

Mr. NILES rose, and said he had no wish to delay the passage of the bill; but as there would probably be no other which would afford so good an opportunity, he desired to say a few words at this time. He regarded it the duty of this Senate, if it could not originate revenue bills, to examine into the condition of our finances, in order to see in what state we are likely to be after one or two more fiscal years. He desired to ask the Senator who represented the Treasury on that floor, as he intended to vote for this bill, if any other measures were to be proposed during the session?

Mr. ATHERTON replied, that he was not aware of any other.

Mr. NILES said, that this bill, then, must be considered the measure of the session. In that view, he thought it would fall short of the wants of the treasury. He referred to the statements which had been made on former occasions, to induce Congress to act on and pass bills for the relief of the treasury, and averred, that as they were not borne out by the facts, and were therefore little calculated to inspire confidence in treasury statements, he would vote for this bill because he presumed it was necessary for the Government.

The only question, then, was as to the form in which the relief should be granted. He was aware that in some quarters treasury notes altogether, or a certain mixture of them, was considered the best mode. But he had come to the conclusion that a direct loan was, after all, the best. A loan, paid in in specie, was, after all, perhaps the best form which, under the circumstances, could be devised. In former instances, loans had been advanced, which were paid in paper; and during the war with Great Britain, great depreciation had taken place, to the amount of fifty per cent. or more. By the change of system which had taken place since the passage of the sub-treasury law, loans could be effected without disturbing the currency of the country. He felt proud of the part which he had contributed towards the passage of that law. Had the money received by the Government since that period, passed into banks, the loss to the public would have been very great, perhaps fifty per cent., the currency would have been unsettled, and a fictitious value given to all kinds of produce. It would have been two years after the termination of the war before the commerce of the country could recover a healthy tone. All this could now be avoided, owing to the operation of the independent treasury, which separated the Government from the banks; which he knew was an odious measure to his friends on the other side of the Chamber, who would probably, if they came into power, overthrow it. He warned them, however, not to put down a system which had been found to work so well.

He regarded our finances as now in a sound condition. We had made no provision for the extraordinary expenses of the war. The revenue has not been regulated with that view. It had been asserted that the tariff of 1846 would be more productive than the tariff of 1842. He was not of that opinion. The extraordinary expenses of the war had been provided for by loans.

He referred to the time when the surplus revenue had caused us some perplexity. The Senator from Missouri had contended that we had no surplus, and, in fact, it turned out that he was correct; for the surplus was nothing more than an anticipation of the revenue. Between 1833 and 1842, our customs presented a deficiency of fifty millions; yet we were called on to distribute the surplus revenue. There was a deficiency in our means derivable from the customs, which was supplied by the extraordinary speculative sales of public lands, amounting in three years to above forty-five millions, and other sources.

In the year 1842 our revenue exceeded our expenditures; and at the commencement of the war we had a surplus in the treasury. He remarked on the instability of our legislation, which had always kept our revenue in a fluctuating state. He imagined the case of an individual in a high state of health, who was alarmed into the idea that he was in danger of apoplexy, and who placed himself under the charge of a physician, who first tried the stimulating process, administering bark, wine, &c.; still the patient, robust as he appeared, was considered as in imminent danger, and the physician changed his practice, and resorted to purging and all the various modes of blood-letting. Then came on a new set of physicians, who returned to the stimulating process; and then another, who introduced the homœopathic system. That system, he thought, would not be successful in relation to our financial matters. He did not fall in with a prevalent error, that the lower you reduce duties the greater revenue would you derive from them.

In order to come to a right conclusion as to our condition, we must take the receipts and expenditures of the year, and see how far the latter exceed the former. He then read from some statistical statements which he held in his hand, to show the receipts and expenditures for several fiscal years past. The treasury reports give no correct idea of the results. They give the disbursements of the year, and these were very different from the expenditures. He reviewed the estimates of the present year, which he regarded as not entirely to be relied on. The estimates of revenue he considered too high. Of the expenditures he could not speak.

Looking to the future, he added thirty millions to the sixty-eight millions of present debt, making a total of ninety-eight millions at the end of the present fiscal year. Should the war terminate now, it will be all very well; but if not, our condition at the end of the next fiscal year will be more perplexing. He viewed it as certain that the revenue from the tariff would fall off, and that our condition would, at the end of the next year, be less favorable than it is at present. The balance of trade against us at the end of the present year would be from twenty-five to thirty millions; and this must be paid out of the exports of the next year. And we must expect a greater falling off next year. He referred to a statement sent to him by a commercial friend in New York, relative to the change which had taken place in our exports of grain (corn and flour) since last year, showing a prodigious decline in this trade during the last six months—a difference of about twenty millions. It was clear, therefore, that all estimates founded on the basis of a continuation of the prosperous state of our export trade of last year must be entirely fallacious. Not only had the amount of our exports been diminished, but the decline in the price of the breadstuffs was as much deserving of our attention.

He then referred to the decline in our cotton trade. He asserted that the Liverpool merchants had the control of the cotton markets of the world, and that they used their power as their interests demanded. By striking down our exports, they produce a greater balance in their own favor, and by collusion with the Bank of England, they can always do this. Our staple is thus diminished in value and in amount, and this must have its effect on our trade hereafter.

As a remedy, we should increase our manufactures of the staple at home, and supply foreign markets with the fabric instead of the raw material.

At present, every interest in our country is arrested; and, instead of the hopes and expectations which some time since encouraged those who are engaged in the different branches of enterprise, all are now engaged in calculating how they are to live. It was so in the navigating interest, and it was so in the agricultural and planting interests. The diminution in the value of wheat, flour, corn, &c., has destroyed the high expectations of the country. The aggregate loss to the agricultural interest by the decline is already nearly two hundred millions. The Secretary of the Treasury had committed a great mistake in founding his estimates on the supposition that the increased demand for our products would continue.

He considered the theory of the Secretary, that imports govern exports, as altogether unsound, and unsupported by our experience. It does not necessarily follow that if you increase your imports an increase of exports will follow.

Remarking on the decline which had taken place in the value of cottons, and iron, and other imports—about twenty-five per cent.—he ridiculed the idea of the Secretary, that the evil to the revenue would be cured by an increase of the imports; and insisted that it could be only remedied by other modes, because it must be apparent that imports might increase beyond the demand for consumption.

He desired to know how the debt was to be paid. It could not be paid out of a deficient revenue. Abel Handy, in the play, when the house was on fire, was asked why he did not get out of it? He replied, he was thinking about it; but he thought it better to wait awhile, and see if it would not go out of itself. Our treasury is not on fire, but it is deficient; and we seem to be thinking about it, and waiting to see if it will not pay itself. As to loans, he would not rely on them to pay the debt. He would prefer an income tax to this constant borrowing of money. He foresaw, that unless some other provision should be made to pay the debt, the time would come when it would be found necessary to impose a much higher tariff than we have ever yet had.

Mr. ATHERTON made some reply to the remarks of Mr. NILES.

Mr. NILES briefly defended his positions.

Mr. DAVIS, of Massachusetts, asked the chairman of the Committee on Finance, whether, if the affairs of the war were wound up to-morrow, in his opinion we should not have a debt of one hundred millions?

Mr. ATHERTON said he could not say; it depended on many contingencies.

On motion of Mr. CLAYTON, the bill was amended so as to embrace a provision for the payment of the principal and interest.

Mr. PHELPS obtained the floor, and moved that the further consideration of the bill be postponed till to-morrow.

The motion was agreed to.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business. After some time, the doors were reopened,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 28, 1848.

The Journal of yesterday was read and approved.

Mr. COCKE rose, and moved a reconsideration of the vote of yesterday by which the House agreed to a resolution submitted by Mr. GAINES, for the appointment of a select committee to inquire into the expediency of extending the provisions of the act of Congress for the benefit of the surviving officers and soldiers of the revolutionary army, passed on the 7th of June, 1832, so as to embrace those who were engaged in the wars of the United States which occurred between the treaty of peace with Great Britain, in 1783, and the treaty of Greenville with the Indians, in 1795, and to report by bill or otherwise. He was understood to say, that he moved the reconsideration because the Committee on Revolutionary Pensions had the subject now under consideration, and thus to take it from them would be discourteous.

Mr. GAINES opposed the motion to reconsider. He was not aware that the Committee on Revolutionary Pensions had the subject under consideration when he made his motion, but he saw no reason why a select committee should not consider and report on the subject.

Some explanations were made by Mr. STUART, of Michigan, and Mr. COCKE.

Mr. PALFREY then rose and said he was not sufficiently acquainted with the merits involved in the pending motion of the gentleman from Tennessee, but he rose to protest against the position assumed by that gentleman, that a motion to refer a matter to a select committee was discourteous to any standing committee. It might be that a standing committee, for reasons satisfactory to itself, would not report on some subject of great importance, or even act upon it. It was, therefore, no discourtesy to such committee to move the reference of the subject to a committee that would act upon it. He understood it to be a principle of parliamentary law, that subjects should be referred to committees that were favorable to them; and he desired to try

gentlemen by their own standard, to which he understood the gentleman from Michigan [Mr. STUART] to assent.

Mr. DUER moved the previous question; and, there being a second, the resolution was reconsidered, and laid on the table.

Mr. POLLOCK presented the memorial of Asa Whitney, praying that a tract of public land, of sixty miles in width, along the line of his contemplated railroad from Lake Michigan to the Pacific Ocean, may be set apart to aid in the construction of said road. Referred to a select committee.

OREGON BILL.

Mr. WENTWORTH called for the special order, being the bill to establish the Territorial Government of Oregon.

Mr. C. B. SMITH, of Indiana, said he was instructed by the Committee on Territories to ask the House to postpone the special order for one week. The reason for which they made the request was, that the documents in this case had not yet been printed, and they desired a postponement until the printed copies of the report could be obtained. He moved a postponement accordingly.

Mr. WENTWORTH objected; and, on his motion, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. KING, of Georgia, in the chair,) and proceeded to the consideration of the special order, being the bill to establish a Territorial Government in Oregon.

Mr. HUNT moved to amend the bill by adding thereto the several additional sections reported by the Committee on Commerce.

Mr. WICK moved to amend the first section by inserting after the words "west of the summit of the Rocky Mountains," the words "north of the forty-second degree of north latitude."

Mr. GAYLE then moved to amend the bill by striking out the first section.

Having made this motion, Mr. G. left his seat, and ascended the tribune, and having there made some preliminary remarks touching the reason which induced him to take this new position, viz: the comparative ease of being heard in all parts of the House, he said he had to propose to the committee a compromise: the written speech he held in his hand would occupy about forty minutes in the delivery, and if the members of the House were content to give him their quiet attention for that length of time, he would confine himself to his manuscript; but, if not, he must lay aside his written speech and address them without it, in which case he should claim to occupy his full hour.

[Laughter, and cries of "Agreed, agreed."]

Mr. GAYLE. Then it is a bargain; but as soon as you become restless, I shall consider that as a breach of the agreement, and lay down my manuscript.

Mr. G. then proceeded. The position I shall assume and attempt to maintain is, that Congress has no power to organize what is called a territorial government, by ordinance or otherwise; nor has Congress the power to pass laws for the people of the territories of the United States.

I have to encounter at the threshold an objection of no intrinsic weight, but not the less formidable on that account.

It has been the practice of the Government, from an early period, to pass these laws. Indeed, all the territories which have been admitted into the Union as States have been governed, either remotely or directly, by the laws of the United States. It will be urged that this practice, that these precedents, are of too long standing, too frequent, and too well established, to be now questioned.

Precedents are of great authority in the English Parliament. They are considered as forming the settled law of that body; but in this country they can of themselves exert no influence when they come in conflict with the Constitution, nor can they in any degree assist in leading the mind to a correct interpretation of that instrument. A precedent contains no reasoning or argument. It is only a conclusion settled upon by those who desire to establish it.

This precedential doctrine is the most pernicious and dangerous that has ever been introduced into the deliberations of Congress; and if the reverence which is manifested for it be not diminished, it will change the form of our Government. Look, sir, for a moment, at the interpolations it has already introduced into the Constitution. It has given to the President the power to capriciously dismiss from office any citizen, however capable, honest, and trustworthy. It has given to that functionary the power to control the public money in defiance of public law. It has given to him the right to mingle in the debates of Congress, and, by way of preëminence, his speeches are placed on the Journal and printed at the public expense. It has given him the power to reproach Congress for any resolution they may adopt to check and restrain him in his usurpations of power. It has given Congress the power to expunge, erase, and destroy the Journals of its own proceedings. And now, sir, at this session, it is sought to establish a precedent that will confer on the President the power to make war, and to select the theatre for the operations of our armies contrary to the will and directions of Congress. Now, sir, these innovations are practically parts of the Constitution, and unless the right to question them be recognized, they will forever remain so.

It is a curious and remarkable fact, that most of these usurpations—for they are indefensible usurpations—are advocated by that great party in our country who claim to be the exclusive champions of the Constitution, and, par excellence, the exclusive advocates of a strict construction of that instrument. When they are assailed as flagrant violations of the Constitution, they are defended as precedents, as usages of the Government, too well established to be questioned. But this respect, this pious veneration for precedents, evaporates at once when they interfere with the views and wishes of the party. The Bank of the United States and the system for the protection of American industry are coeval with the Government. They have at different periods been advocated by all parties, and by the most eminent statesmen in America. The friends of these establishments do not seek to sustain them by appealing to the doctrine of usage and precedents, but by demonstrating that they are clearly authorized by the Constitution and demanded by the best interests of the country. But, ancient and well-established as they are, claiming as they do all the consideration and weight, if any, which can be given to them by the uniform practice of the Government, yet they have been condemned and destroyed by that party (for a time only, I hope) as being unauthorized by the Constitution.

To understand the extent of the authority to legislate over the people of the Territories, claimed by Congress, we need only to refer to the various acts which have been passed on this subject, commencing with the ordinance of the Congress of the Confederation in 1787 for the government of the territory of the United States northwest of the Ohio river. This act, together with all others passed since that period to institute territorial governments, are based on the ground that Congress has full, absolute, and exclusive jurisdiction over the Territories of the United States, and that their power to legislate for the people thereof can be exercised without limitation. These acts go further, and assert the principle, that they have the still more extraordinary power to delegate this authority to govern and legislate to individuals or bodies of individuals.

The powers claimed for Congress on this subject are clearly expressed in a speech delivered some time since in the Senate, and which has been published in pamphlet form. The speech is one of ability, evincing reflection, deep thought, and great ingenuity. It asserts that "Congress may 'govern the Territories, and may employ such 'subordinate officers or agencies to administer its 'mandates as may seem to it best. It may invest 'the whole functions of the government within the 'Territories in one man or several—in a governor, 'or governor and judges, or a governor, judges, 'and legislative assemblies. It may establish a 'military rule, or may adopt an agency, modelled 'into the fashion of a civil government."

Any one who will take the trouble to look through the acts of Congress before referred to, will perceive that all the forms of government and the agencies mentioned in the above extract have been occasionally established in the Territories.

It must be admitted, that if Congress have any power whatever to give laws to the people of a Territory, they possess it to the extent here contended for, and if not to that extent, they do not possess it at all. I maintain the latter branch of the proposition; that is, that Congress has no constitutional right to legislate for the people of the Territories of the United States. I found the views I shall offer to the committee on the character of the Constitution, and on those rules of construction which have been acknowledged and acquiesced in by all parties, and at all times. They are the following:

"The Government is one of limited powers, and no power can be exercised unless it has been expressly granted by the Constitution, or can be clearly implied from some expressly granted power.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

"Whenever a question arises concerning a particular power, the first question is, whether the power be expressed in the Constitution? If it be, the question is decided. If it be not expressed, the next inquiry must be, whether it is an incident to an expressed power, and necessary to its execution? If it be, it may be exercised by Congress. If it be not, Congress cannot exercise it.

"A power to be incidental, must not be exercised for ends that make it a principal and substantive power, independent of the principal power to which it is an incident."

Such is the character of the Government, as defined by the Constitution itself, and such are the rules by which it is to be expounded.

Is there, then, any express grant in the Constitution to Congress to form a territorial government, or to make laws for the people of the Territories of the United States? The only provision to be found in the Constitution in relation to territories is in the third section of the fourth article. It is as follows:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States."

This provision is so explicit that it is not susceptible of construction. By it Congress can legislate in relation to the territories of the United States as public lands—as property. I do not suppose that any one will insist that the expression "other property of the United States" means the free citizens of our country who reside in the Territories. These rules and regulations refer to such laws, and such only, as are necessary for the survey, the preservation and protection, and, finally, the sale of the public lands.

Some of our eminent citizens, who are moving cautiously on the political chessboard for the high prize of the Presidency, have intimated opinions in conformity with this view. But they come in such a "questionable shape" that I place no great reliance on them. They are given apparently with the view of quieting the popular excitement which has been produced by the Wilmot proviso. They seem designed to operate as a sort of chloroform dose on the North, and as an equally drowsy drug on the South, till a certain event takes place, the anticipation of which is stimulating the whole army of office-holders to the most active exertions, and has brought out from our diminished army in Mexico hundreds of our gallant officers on the recruiting service.

It would seem, from the foregoing article of the Constitution, that the subject of Territories engaged the particular attention of the Convention, and especially the power and jurisdiction which Congress might exercise over them; and the result of their deliberations was, that its power should be limited to the enactment of such laws as concerned the public lands as property. This limitation, by every sound rule of construction, is equivalent to a prohibition to exercise any other power.

But there is another provision in the Constitution giving to Congress jurisdiction over territory to be ceded by the States for the seat of Government. It is in the eighth section of the first article, and provides that—

"Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

Now, here are two provisions of the Constitution on similar subjects—one in relation to the territories of the United States, to the immense tract of country out of which sixteen new States have been formed; the other is in relation to a small territory of ten miles square for the seat of government. In the latter, the power of legislation is as unlimited as that possessed by the States within their territorial limits; in the former, the power of legislation is limited to the public lands as property.

It is evident that the Convention did not entertain the opinion that a cession of territory would confer on Congress the power to exercise "exclusive legislation in all cases whatsoever" over such territory; otherwise this entire provision was useless and nugatory. And it is equally certain that the Convention did not intend to confer on Congress the power of legislation over the people of the Territories of the United States; for, if such had been their design, they would have adopted a similar provision to that in relation to the district for the seat of government.

But according to the view of some gentlemen, the power conferred "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States" is more comprehensive in its terms than the power "to exercise exclusive legislation in all cases whatsoever" in the District of Columbia.

I suppose that, under this grant of power, Congress would have no right to delegate its authority to legislate to any other body. But, under the power to dispose of the territory, it is contended that Congress has not only the right of exclusive legislation, but they can transfer it to any individual or body of men they may choose to designate. It will be observed that the clause in relation to the District of Columbia is in the eighth section of the first article of the Constitution, and that in relation to the territories is in the third section of the fourth article. It would have been very appropriate to have embraced both these subjects in the same article; and their separation is to be accounted for only by the fact that the Convention had been in session some time before it occurred to that body that any constitutional provision was necessary to authorize the sale of the public lands. It was inserted at the instance of Mr. Madison, as the history of the times shows, who was of opinion that Congress would have no such authority without it. This incident of itself demonstrates that the Convention, by the insertion of this clause, contemplated nothing beyond the regulations necessary for the protection and sale of this description of public property.

The proposition against which I am contending is, that the "power to dispose of and make all needful rules and regulations respecting the territories and other property of the United States" confers unlimited and exclusive legislative authority upon Congress.

The State of Alabama was admitted into the Union on an equal footing with the original States, in December, 1819. At that period, nine-tenths of the lands within her limits belonged to the United States. With the exception of a very few counties, the whole of this State was carved out of the Creek nation by the victorious sword of General Jackson.

The admission of Alabama into the Union took from Congress none of its powers over the public lands. Its authority to "dispose of and make all needful rules in relation to the territories of the United States" was in no manner whatever diminished or impaired.

But if it be true that the power to make these rules and regulations confers unlimited legislative authority on Congress, wherever the public lands may lie, the State of Alabama, in all the laws she has passed for the government of her people, is acting as the agent of the General Government. This would reverse the admitted principle that Congress is the agent and trustee of the States.

To place this subject in the strongest possible light, let us bring the provisions of the Constitution in relation to the District of Columbia and the Territories of the United States into one clause, as might have been done with great propriety by the Convention. It will then read thus:

"The Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other useful buildings." "And also to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Now, I put it to the committee whether it would not be utterly absurd and preposterous to contend that the last part of this clause confers the powers of exclusive legislation contained in the first?

Having demonstrated, as I think, that the power to sell the public lands, conferred by the Constitution on Congress, gives no authority to legislate for the people of the Territories, I proceed to examine another and a stronger argument, as it is supposed, in favor of this power. It is based on the treaty-making power.

The argument is, that when one nation or government cedes by treaty to another nation or government its territory, its entire sovereignty is transferred by such cession; that in this country the sovereignty is in the States or the people of the States; that no one State can exert this sovereign power over the ceded territory, it being the common property of all the States, and therefore of necessity it must be exercised by their common agent, the Government of the United States.

It is a remarkable feature in our system that some of the highest attributes of sovereignty have been utterly annihilated; that is, they can never be exerted while our present form of government endures. The powers conferred on Congress by the Constitution and those retained by the several States, when brought into exercise, form the government of each of the States, or, in other words, the two governments compounded, constitute the government of each State. But still, both taken together do not amount to a perfect sovereignty. It will be found that in many cases the entire power of the States has been relinquished, but still its exercise by the Federal Government is limited and restrained.

The States had unlimited power to raise and support armies. This has been relinquished, but its plenary exercise by Congress is not authorized. Their power to appropriate money for the support of armies is limited to two years. In like manner the treaty-making power was absolute and unlimited in the States. Any one of them might have annexed itself to a foreign government and become subject to its laws. This power to make treaties is prohibited to the States, but it is as much limited and controlled by the Constitution as any other. All treaties are made in subordination to its provisions, and no treaty which countervails any of them is of any validity whatever. The States had the right by treaty to regulate duties and imports, but this power was conferred on Congress, and cannot be touched by treaty.

Many eminent statesmen of the South, with singular ability, have contended, and now contend, that the power of Congress over the subject of duties, which was absolute and unlimited in the States, is limited to raising revenue to defray the ordinary expenses of the Government. But there cannot be a more conspicuous instance of this kind than the subject under consideration. The States have conferred upon Congress partial and limited sovereignty over the territories, the common property of them all; but it is the sovereignty over the soil, and not over the people of the United States who may reside thereon.

There never was uttered a greater heresy, or one more mischievous and destructive of our system, than the one proclaimed by that remarkable and illustrious citizen, President Jackson, when he said that all the powers prohibited to the States must of necessity be conferred on the Federal Government. Take the case of post offices and post roads: if this doctrine be true, then there is no restraint on Congress on this subject. The States had the power to construct post roads. They have relinquished this power, but have conferred on Congress authority *to establish* not *to make* post roads. If Congress had this power, then, sir, our country, through its whole length and breadth, would be covered over with a splendid road system. There would be paved roads, macadamized roads, and railroads running to every city, town, village, and hamlet in the land, all under the control and jurisdiction of Congress, and made at a cost far exceeding the present revenues of the Government. Then there would be the toll-gates and the toll-gatherers, overseers, and commissioners of roads, and the thousand agents in the employ of the Government necessary to keep this road system in operation.

When we wish to find the powers which Congress can exercise, we must look to the grants in the Constitution, and not to the powers prohibited to the States. There is a large mass of dormant powers which can neither be exercised by Congress nor the States. If they had been conferred on the Federal Government, or their exercise retained by the States, our system, for all the purposes of free and practical government, would have been more objectionable than that which existed under the old Confederation. If conferred on the former, it would have very nearly approached a monarchy; if on the latter, there would have been constant collisions between the two.

This doctrine, that the right to legislate for the people of the territories, arises as an incident to the treaty-making power, "makes the incident a substantive power, independent of the principal power to which it is an incident," in violation of the rule of construction before referred to.

The powers to be exercised by Congress cannot be collected from the doctrine of sovereignty as laid down in treatises on the laws of nations. Our Constitution and the powers conferred by it, have nothing whatever to do with these laws. Ours is a form of government established by the United States of America, and when we desire to see the extent of its powers we do not look to the laws of nations or to any other code. We look to the instrument, and to nothing else, to learn as well the powers conferred on the Federal branch of the Government as those retained by and those prohibited to the States.

In passing laws for the people of the territories, Congress must act either in pursuance of the Constitution or independently of that instrument. If the former, they can extend no other laws over these people than such as are in force in the several States. If the latter, then their power is uncontrollable, both as to the form of government they may establish and the character of the laws they may pass. In the language of the pamphlet before referred to, "they may establish a military rule or may adopt an agency, modelled into the fashion of a civil government."

Some of the territories owned by the States were ceded before, and others after, the adoption of the Constitution. Now, can it be possible that a mere deed of land or territory by a State can confer upon Congress these extraordinary powers in the face of the Constitution, and thus essentially change the whole character of the Government?

There is no constitutional obligation to admit new States into the Union on an equal footing with the original States, nor have these new States any power to force themselves into the Union. It rests, therefore, with the Federal Government whether this state of territorial bondage shall continue for an indefinite period of time.

Let us suppose that all the new States were, with their present boundaries, in this territorial subordination to the Government of the United States. Then there would be presented to the world the picture of twenty millions of people, all citizens of the same common country, one-half of whom would be resting securely under the protection of the Constitution, established with consummate wisdom "to secure the blessings of liberty," and subject to no laws but such as they adopt for themselves; while the other half would have no security for their rights and liberties, but the resistless will of this many-headed, but kind, paternal, and resistless despot.

The whole region of the East and South would exhibit thirteen sovereign independent States, the masters of the common Government, while the more extensive and populous region of the West would display the largest consolidated Government in the world—subject to an authority as omnipotent and uncontrollable as that possessed by the Autocrat of all the Russias.

What manner of government, sir, is this? Your Capitol should be decorated with a painting emblematic of its true character. It should have but one head and two faces—one looking to the east, with the beautiful and benignant features of the Goddess of Liberty; and the other to the west, with the lowering frown of a stern and inexorable despot.

It is impossible that our system can involve so startling an absurdity.

It may be said, and will be said, that the people of the Territories have always enjoyed all the rights, liberties, and immunities which have been secured by the Constitution to the people of the States. This may be admitted, and to a great extent is true. But the difference between them is, that these liberties and immunities are claimed by one as a right, and by the other as a matter of favor and indulgence. A despotism does not consist in the actual oppression of the people, but in the power to oppress them. I can extend to my slave all the liberty I enjoy myself, but while I have the power to take it from him he is still my slave.

But, dropping for a moment the constitutional

argument, is it expedient for Congress to interfere with the government of the people of a Territory; and why is it so expedient? Who are the people that have settled upon and occupied the public domain? Hitherto they have emerged from the bosom of the States of the Union, and have been composed of farmers, mechanics, merchants, traders, lawyers, doctors, preachers, judges, legislators, statesmen, and all the variety of character found in the States, and all born and reared amidst our free institutions, and deeply imbued with the principles of civil, political, and religious liberty, which they inculcate. Suppose fifty or a hundred thousand are found within the limits of one of the Territories, think you, sir, they would not have the capacity to organize a government for themselves, and to pass the laws necessary for the protection of all their rights?

This has been the practice of Congress. They have, I believe, in every Territory, by special favor and indulgence, authorized the people to hold legislative assemblies, and to pass such laws as they deemed necessary.

The error of the argument in favor of the right of Congress to legislate for the people of the Territories lies in supposing that they are colonies or provinces, such as existed here previous to our war of independence. And I cannot but think that a blind and servile imitation of the colonial system of Great Britain is to be found in the territorial or colonial system established by Congress—the very system which overturned the authority of the parent country, and established the independence of these States. It is true that the wrongs and oppressions inflicted by Great Britain on "these colonies," proclaimed in such fervid eloquence in the Declaration of Independence, have never been attempted in our colonies. But it is equally true that the powers claimed for Congress would authorize every measure of oppression which drove America to resistance.

This doctrine that Congress have supreme sovereign power and exclusive jurisdiction over the people of the Territories of the United States is false in itself, false to the common charter of our liberties, false to the whole scheme of our government, and to the spirit of all our institutions. When our people have gone to the territories or public lands of the United States, and have purchased those lands or occupied them, by permission of the Government, in sufficient numbers to form a respectable community, and when this community have organized themselves into a common government for their safety and protection; when they have appointed a governor, judges, and legislative assembly, and in every respect have formed a perfect government, on the model of those established by the States, they are not dependant colonies or provinces, but they are separate and independent States of this glorious Confederacy. They are States of the Union, to all intents and purposes, with the solitary exception that they have no right to send Senators and Representatives to the National Legislature. The Constitution nowhere speaks of the people of a Territory, or the government of a Territory, but it speaks of the States, and the people of the States. It was formed, not by States and Territories, or for the government of States and Territories, but it was established by "the people of the United States to form a more 'perfect Union, establish justice, ensure domestic 'tranquillity, provide for the common defence, 'promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." As the Constitution was formed by the States, and for the benefit of the States, the Territories must come in for a share of its blessings as States, or they cannot claim them at all.

I shall show now, sir, that the legislation of Congress and the decisions of the Supreme Court of the United States, have always regarded the Territories as States and as members of the Confederacy.

The first section of the fourth article of the Constitution provides that "full faith and credit shall 'be given in each State to the public acts, records, 'and judicial proceedings of every other State, and 'the Congress may, *by general laws*, prescribe the 'manner in which such acts, records, and judicial 'proceedings shall be proved, and the effect thereof." Now this provision is for the States exclusively. Each State shall give full faith and credit to the "acts, records, and judicial proceedings of every other State."

On the 26th May, 1790, and the 27th March, 1804, in pursuance of this *permissive* constitutional provision, Congress passed laws prescribing the manner in which these acts, records, and judicial proceedings shall be proved. In these acts, the records and judicial proceedings of the Territories are included, and they are placed on the same footing with the records, &c., of the States.

But let us see what the Supreme Court of the United States have done. The first section of the third article of the Constitution provides, among other things, "that the judicial power shall extend to controversies between citizens of different States." The Supreme Court have always held, under this provision, that a citizen of a Territory could sue and be sued in the same manner that citizens of the States could.

In the case of Loughborough against Blake, (5th Wheat., 319,) Chief Justice Marshall uses this strong and emphatic language: "The power in 'Congress to levy and collect taxes, duties, im-'posts, and excises, is coextensive with the territo-'ries of the United States. The term *United States*, 'as used in the Constitution, is the name given to 'our great Republic, which is composed of States 'and Territories." The Constitution nowhere provides that Territories shall be admitted into the Union and become States; but its language is, "New States may be admitted by the Congress into this Union." The expression "territory and other property of the United States," used in the Constitution, means the public lands as public property. When these lands are sold, and the people form a government of their own, they are not inhabitants of a Territory of the United States. Theirs is not the government of a Territory, but they are a separate and independent community, inhabiting a district or tract of country within certain specified boundaries, and this community the Constitution denominates a State, which "the Congress may admit into this Union."

It has been said, and truly said, that the Constitution suggests no idea that was not distinctly impressed on the mind of the Convention; and that there is not an expression or word in that instrument the precise meaning and import of which was not well considered.

Now, sir, how can a "new State be admitted into this Union," unless it was a State before admission? The idea involves a positive contradiction in terms. If the people of what is popularly called a Territory are not a State, then you do not admit a "new State," but you admit an inferior thing called a Territory. When she knocks for admission at the door of the common paternal mansion, she is introduced as Miss Territory; but when the nuptial ceremony is performed, she takes her leave as Madam *State!* Sir, Miss Territory is a personage unknown to the Constitution. She is Madam State before she pays you her first visit. The marriage rites were performed when she determined to act for herself, and to govern herself. She comes not to be married, but to submit to the important ceremony of parturition, which usually results in leaving in the family several twins called Senators and Representatives.

If my view of this subject be correct, then the fabric created by our ancestors rises to the admiration of the world in all its magnificent and beautiful proportions. It shows itself a colossal structure, on every side of which is inscribed *liberty*—constitutional liberty. But if I am wrong, it is an ugly and hideous deformity. In the language of an eminent citizen in the other end of the Capitol, it is a huge political *monstrosity*. It overlooks to the East ten millions of people proclaiming constitutional liberty, while it announces to the West iron-handed despotism.

Can there be a more indefensible usurpation than for an institution appointed as the common agent of the States, limited in the most positive and express terms to certain subjects, to assume all the powers of sovereignty and exclusive legislation? The argument is, that when one nation cedes to another its territory, the nation ceding transfers to the other its entire sovereignty; and that in this country the sovereignty is in the people of the United States, which can be only exercised by their common agent, the Government of the United States. This whole proposition is false. Except the powers delegated in the Constitution, the entire sovereignty rests with the States separately, and not collectively. The people of Massachusetts are citizens of the United States, but they are only sovereign within the limits of that State. Full power is conferred on Congress, it is true, "to dispose of and make all needful rules and regulations respecting the territory and other property of the United States." But here its authority ceases.

When the people have purchased the public lands or occupied them by permission of Congress, when they have established a government of their own, these are the people of the United States with whom sovereignty resides, as fully and absolutely within their limits as with the people of New York or Pennsylvania.

It may be supposed, from what I have said, that I yield to territorial governments the power to exclude slavery. On the contrary, the reverse of this has been one of the principal objects of my argument.

Nothing is more to be regretted than that Southern statesmen, since the Wilmot controversy has occurred, should seek protection against its mischiefs and its dangers in the unlimited powers claimed by Congress to legislate over the people of the Territories. It is not pretended that this unlimited power is derived from the Constitution; it is claimed from vague and undefined ideas of sovereignty, as ascertained by the laws of nations. As this right of exclusive legislation has no relation to or connection with the Constitution, it must be independent of it; and, therefore, there is no more restraint on the subject of slavery than on any other. But, according to my view, the Territories are *quasi* members of the Union whenever they establish regular governments. They are subject to all the laws which the Constitution authorizes Congress to pass, and they can enact none that are prohibited to the States. They cannot legislate in relation to the public lands, nor can any State which contains them. This power is conferred on Congress, with such limitation only as the Constitution imposes. That limitation is marked and explicit. If there is any feature in our system more conspicuous than all the rest, it is that of perfect equality among the States and the people of the States. This is the firm and stable foundation of our Confederacy. Without it, it never would have been established. Destroy it, and the Union would be instantly dissolved.

The deeds of cession of the immense territories in the West were made in trust for the common benefit of the people of the United States. In their sale each and every citizen has the same right to purchase. These propositions will not admit of controversy. Those who are in favor of excluding slavery say that they do not impugn this right; they tell us that the public lands are equally accessible to all, that all have the same privilege of purchasing. But, while they tell us this, they say that though you may purchase the public lands, you shall not cultivate them with slave labor. Now, sir, what is this but a flat denial of the right of purchase? Can it be supposed that any one would be so stupid as to buy land without the liberty of cultivating it?

If it be true that this equality of rights exists to the public lands ceded by the States, how much more strikingly does this great truth appear when we extend our views to foreign territory, acquired by the common treasure and the common blood of our people. The citizens of all sections of our country, the North, the South, the East, and the West, have gone out as members of the same great family to share the same fate; to live alike, and to die alike on the same battle-fields, to maintain the honor and glory of the country. And now, sir, when their bones are bleaching on the same battle-fields, when the soil of Mexico is still moist with their blood, a proposition is made to exclude from it one-half of the noble patriots who will survive the war, and then the half of those whom the slain and dead have left behind them.

This proposition comes not from the army; those engaged in this ignoble strife have been conspicuous only in the battles which occur at the hustings. Do you think, sir, that the widows and orphans whom the gallant brothers of the North and South have left behind them would not at once consent that the field which contains their graves should be the common property of them all?

Do you think that of the maimed who have survived this war, whose wounds are yet unhealed, any portion of them would seek to exclude the others?

The proposition is too monstrous to be stated. It shocks that sense of justice and equal rights which all mankind entertain alike. And we think

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and feel that it is an indefensible outrage on those great principles of justice and equality which the Constitution was intended to secure.

I came here tremblingly alive to the Wilmot proviso. I came to seek conciliation with the members of the North, and to entreat them to let this bitter cup pass by. When Congress met I found a good feeling of brotherhood. I wrote to my constituents that the northern Whigs were much more liberal than we had been taught to believe; that they were the friends of the Union and the Constitution, and would not disturb the desired harmony between the Whigs of the North and the Whigs of the South on a mere abstraction. But, sir, how sadly have I been disappointed. There has been no member from the South who has not carefully abstained from the agitation of the slavery question. No voice from that region has been heard on this subject. And yet day after day, when an opportunity has been afforded, we have been compelled to listen to set speeches against the institutions of the South.

I regret, I deeply regret this state of things. My attention could not fail to be attracted to the speech of the honorable member from Ohio, [Mr. ROOT,] delivered on the 15th of the present month. That speech breathes nothing but hostility to southern institutions. It was uttered in a tone of defiance, and in such language of menace as left the impression that the honorable speaker thought that empty threats were quite sufficient to intimidate what he was pleased to call "southern chivalry."

He says "the strife between slavery and anti-slavery, free States and slave States, North and South," is inevitable. "It cannot be avoided; it 'must come—aye, it is come. The note of alarm 'has been sounded in the North, and unless I mis-'take the Pilgrim stock, you will find northern 'obstinacy fully a match for southern chivalry. You 'come better prepared; but Jonathan can wake up, 'and he will give you a lively tune, sir."

Again, the honorable member uses the following language: "The old Whig guard are all ready. 'Those of the tribes of the Hurons and Eries are 'taking the war path, and the Medinas and Lorain 'sweepers have been out a year. Let them all 'trust in God and keep their powder dry."

What does the gentleman from Ohio mean by this haughty and vainglorious boasting? Does he think that the South are to be frightened from their duty to their country and themselves by these empty menaces? The proposition to exclude slave labor from the territories of the United States is a proposition to degrade the slave States—to render them inferior to the free States. Have gentlemen so far mistaken the character of our people as to think they would for a moment submit to this? I regard it as a direct proposition to dissolve the Union. Great God! is there any man in America who wishes to dissolve this glorious Union? The time was when the prevailing sentiment was, "blistered be the tongue that would speak of a dissolution of the Union;" but now it is the familiar language of the day. Sir, we of the South cling to the Union as the ark of our safety; we fully and properly appreciate all its blessings. But all these blessings we will throw away rather than submit to degradation. I hope the gentleman is mistaken when he says the strife between the North and the South is begun. I hope he is deceived when he expresses the opinion that the North has already taken the war path; and I trust they are not keeping "their powder dry" for their brethren of the South. But, after all, the gentleman may be correct. He is highly intelligent, and ought to know the sentiments of the North. It may be true that they are already marching in "the war path," and are keeping their powder dry for the threatened conflict. If it be so, I would admonish this "Pilgrim race" to leave the "war path," and turn to the paths of peace; to stay the arm which is uplifted against their brothers of the South. I would caution them that they may have to encounter greater difficulties than were experienced at Plymouth rock.

If friendly counsel and advice can have no effect, then, sir, I will resort to an argument that may possibly have some influence. I will tell them candidly and frankly, that when they reach the terminus of the "war path," which it seems leads to the South, they will find that every ten-year old boy will have the brawny and stalwart arm of a full-grown and gallant soldier, and that they will encounter none but Palmetto regiments.

Mr. SMART, of Maine, next obtained the floor, and addressed the House as follows:

Mr. CHAIRMAN: I shall not often ask your indulgence for the purpose of discussing questions that may arise here. But the motives of those who vote upon questions coming before this body are sometimes misconstrued and misrepresented. For this reason I feel it due to myself on the present occasion to explain and defend openly and frankly my own views concerning free territory now in the Union, or such as will probably be acquired. When I have done this, I trust all will admit that the vote I intend to give in connection with this bill is the result of honest conviction and a proper sense of duty. The discussion of the question of free territory is proper on the present occasion, the subject being legitimately before the House, as will be seen by reference to the twelfth section of the bill now under consideration. When an important question arises here, it is the duty of the Representative to look to his constituents, to ascertain their wishes, and to become a fearless and faithful exponent of them. I regard this myself as a paramount duty; and he who would question my right, *as a representative* upon this floor, to reflect their will, can, in my judgment, have little claims to democracy. Such a man should be marked for reprobation by every one who would continue to this nation an independent representative Government.

The most ample justification of the course I have marked out for myself, may be found in the *virtual* instructions of the State of Maine to her delegation in Congress, through her Legislature, at its last session. These instructions are the latest indication of the wish of the people of Maine upon the subject under consideration that has come to my knowledge. I beg the indulgence of the House while I read the resolutions containing them:

RESOLVES relating to the extension of slavery in newly acquired territory.

Resolved, That Maine, by the action of her State Government and by her representation in Congress, should abide honestly and cheerfully by the letter and spirit of the concessions of the Constitution of the United States; at the same time resisting firmly all demands for their enlargement or extension.

Resolved, That the sentiment of this State is profound, sincere, and almost universal, that the influence of slavery upon productive energy is like the blight of mildew; that it is a moral and social evil; that it does violence to the rights of man as a thinking, reasonable, and responsible being. Influenced by such considerations, this State will oppose the introduction of slavery into any territory which may be acquired as an indemnity for claims upon Mexico.

Resolved, That, in the acquisition of any free territory, whether by purchase or otherwise, we deem it the duty of the General Government to extend over the same the ordinance of 1787, with all its rights and privileges, conditions and immunities.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to support and carry out the principles of the foregoing resolutions.

It may not be improper to refer briefly to the passage of these resolutions.

Hon. John W. Dana, having failed of an election by the people, was elected by the Legislature, and inaugurated as Governor of Maine in May, 1847. Immediately after his election, he sent his message to the two Houses of the Legislature. That message contained a strong, decided, emphatic avowal of the principles contained in the resolutions I have just read. That portion of the message relating to free territory was referred to a select committee, who reported to the House the resolutions I have presented, responding to the Governor's sentiments in nearly his own words. After a very full discussion, the first resolution passed the House July 20, 1847, by a vote of 122 to 1; the second by 124 to 8; and the third by 126 to 6.

They were then sent to the Senate, and the *third* resolution, which adopts the ordinance of 1787, passed by a vote of 17 to 8; but upon one of the others the Senate disagreed with the House, and by this disagreement the resolutions fell. Yet I regard these resolutions as *virtual* instructions. At all events, they are the latest and most definite indication of the feeling of the people of Maine upon the subject, and as such should be carried out by her Representatives.

It may, however, be said, that these instructions should not be regarded, because they do not come to us precisely in a *legal* form. But, sir, no instructions of a Legislature are legally binding. Neither Senators nor Representatives are legally bound to obey them. Yet, as an indication of the wish of the people, the Senators and Representatives of a State are under the strongest moral obligations to comply with the resolutions adopted by the Legislature of the State; nor is the obligation less, when each branch of the Legislature sanctions the same principle in a different manner.

As an additional evidence of the feeling of the people of my State, I take the liberty to mention that Governor Dana, who had given great prominence and force to an argument in favor of free territory, though defeated the year previous, was triumphantly elected in September, 1847, by the people. Let me say, then, if I need any justification for the stand I take, it may be found in the fact that I am only complying with what is evidently the wish of a large majority of the people of Maine, and with what I believe to be the wish of the people of my district. Let me not be misunderstood. I by no means consider it *necessary* to put into this discussion any plea of justification. I am happy to say, that my own views accord, fully, with those expressed by the people of Maine; and the justice and propriety of their position, I think, is very obvious.

I am aware it has been confidently asserted that public opinion has undergone a change unfavorable to the freedom of our public domain. I think, Mr. Chairman, this will prove incorrect.

Among the people of the State I have the honor in part to represent, I have seen no evidence of such change. Neither the press of my State nor the action of conventions has afforded any such evidence.

But have we a right to extend the principles of the ordinance of 1787 *over any territory?*

With all deference to the opinions of others, I think we have. In opposition to the arguments of the gentleman from Alabama, [Mr. GAYLE,] I contend that we have a right to extend the principle of the ordinance of 1783 over other territories. The ordinance of 1787 and its subsequent recognition by Congress under the present Constitution, and the act of March 6, 1820, prohibiting slavery north of 36° 30', were most solemn assertions of this right. True, it has been recently held by high authority that the provision in the Constitution which empowers Congress to make "all needful rules and regulations respecting the territory belonging to the United States," only refers to *land*, and that no power is thereby given to legislate in relation to *persons*, and therefore Congress has no jurisdiction. But, sir, with all respect for these opinions, let me say that the power to legislate for territories, and in relation to persons, has been exercised ever since the ordinance of 1787. I do not purpose to enumerate the many instances of the exercise of this power, but will content myself with a reference to two acts of Congress in addition to those already alluded to. An act of Congress, passed March 26, 1804, provides that *no slave* shall be brought into the territory of Louisiana except by citizens of the United States. Here was a conditional prohibition of the introduction of slaves into Louisiana by Congress. The other act to which I refer overrides a law of the Legislative Council of Florida. This act, passed June 30, 1834, *repealed* the act of the Legislative Council of Florida imposing higher duties on slaves belonging to non-residents than on those belonging to residents. Any attempt on the part of citizens or "persons" of Florida to enforce the act of the Legislative Council of that Territory was declared a penal offence, punishable by fine or imprisonment.

Mr. BOWDON. Will the gentleman give way?

Mr. SMART. Certainly, sir.

Mr. BOWDON said the provision in the Constitution of the United States, article first, section ninth, referred only to territory in the United States at the formation of the Constitution, and not to territory since acquired.

Mr. SMART. Even if the construction of the gentleman is correct I will soon show that the General Government has jurisdiction over territories independent of the article cited by him.

Mr. S. continued. So far as I have been able to investigate, such legislation on the part of Congress has been sanctioned by the highest judicial authority. The ground taken by some gentlemen would deny to Congress the right even to regulate the right of suffrage in any territory; it would deny to Congress the right to throw the least protection around the pioneer, who sacrifices many of the comforts of life to extend the area of civilization. A territory is owned by the United States *exclusively*, and is inhabited by a small number of our fellow-citizens, too few to defend themselves, and yet Congress has no power to protect these men from the knife of the assassin, because it cannot legislate in relation to "persons" in territories. Sir, in my opinion this is a doctrine so extraordinary that it will not generally obtain in the minds of men.

When the framers of the Constitution gave power "to make all needful rules and regulations respecting territories," they undoubtedly contemplated a settlement in the territories by "persons" who would need "rules and regulations." If a territory is never settled, there would never be any necessity for rules and regulations. What rules could the framers of the Constitution suppose would be needed for *mere land* that has no reference to "persons?" But if the particular provision in the Constitution to which I have alluded does not give the power to legislate for territories, no one doubts that the General Government may *acquire* territory. My friend from Alabama will not doubt this. The power, then, to *govern* such territory till it is formed into a State follows as a matter of course.

When the Government of the United States acquires territory and does not get a title to the soil, it gets the power or right of exercising authority, the jurisdiction, or its gets nothing. Such power it holds until the State is formed, or until Congress delegates it to the people of the territory. If, then, Congress has the power or the right of exercising authority in territories, if it has complete jurisdiction, it can exclude slavery. This, I believe, is admitted by the gentleman from Alabama, who preceded me in this discussion. This being so still, I think it is not expedient to embarrass the acquisition of territory with a condition about which there is a strong difference of opinion; but there are strong reasons for inserting in the provisions of any territorial government that may hereafter be formed a prohibition of slavery.

But we are told by some, that the territories are the common property of the whole Union, and that all the citizens of all the States have a right to go to them with their *property;* that is, being interpreted, gentlemen owning slaves may hold them upon every square mile of soil not now within the limits of the free States, even in the face of the prohibition of Congress. Carry out the doctrine, and you assert that all the citizens of all the States are tenants in common, and then, by propagating slavery, you exclude both the tenants and their property in the *free States* as effectually as if they were excluded by law. But *slaves* are not regarded as *property* to the extent that chattels are generally. They cannot be held as *property* in a free State, nor in a Territory made free by the power having the jurisdiction for the time being. This was so regarded before the formation of the Constitution, when the famous ordinance was passed, and immediately after, when the provisions of that ordinance were sanctioned by Congress. The result of this "*peculiar*" doctrine would leave all the territories not now within the limits of the free States open to slavery. What, with such a result, would be the comparative extent of the free and slaveholding sections of the Union?

With the acquisition of California and New Mexico, our country will embrace an area of about 2,600,000 square miles. Of this immense territory 2,000,000 square miles would be open to slavery, and less than 600,000 to freedom!

I leave this statement without comment. To state it is to exhibit its bald injustice.

But it has been further impressively said by others, that the acquisition of Mexican territory should not inure to the benefit of one section (the free section) of the Union to the exclusion of the other. We are told that this acquisition has been purchased by the common blood of the whole country. We are reminded that in this war have fallen the sons of the North and those of the South.

We do not forget that Ransom, and Scott, and Hamer, and Hardin, and Lincoln, and Page, have fallen in similar struggles, with Butler, and Clay, and McKee, and Yell, and other noble sons of the South.

This is, indeed, a strong appeal to the generosity and magnanimity of all, to do no wrong to any *section;* and, fully realizing the extent of the appeal, I think I am justified in saying, that if all the territory we acquire *remains free*, still the South will be more benefited by the result of this war than the North.

If this war had been *commenced* and *prosecuted* solely for the acquisition of territory, the appeal that has been thus plausibly made, would be entitled to grave and serious consideration, especially if it were proposed to settle the territory wholly by citizens of the free States.

In order to view this question fairly, it is proper that we should inquire into the *circumstances which led to the commencement and prosecution* of the war. This country became involved in this war for the DEFENCE OF TEXAS, and to quiet our title to the territory of Texas, which was disputed by Mexico. The extracts from the documents I shall read will prove this assertion beyond the cavil of any man. We annexed Texas (as I think we had a right to do) in spite of the threats of Mexico to make war upon us.

A few extracts from the diplomatic correspondence with the Mexican Government will show the nature of those threats. In August 3, 1843, Mr. Bocanegra, Minister of Foreign Relations of Mexico, addressed a note to the honorable Waddy Thompson, which contains the following extract:

"The Mexican Government will consider equivalent to a declaration of war against the Mexican Republic the passage of an act for the incorporation of Texas with the territory of the United States; the certainty of the fact being sufficient for the immediate proclamation of war."

In November 3, 1843, General Almonte addressed a note to the Secretary of State of the United States, in which he declared, "by express order of his 'Government, that on sanction being given by the 'Executive of the Union to the incorporation of 'Texas into the United States, he will consider his 'mission ended; seeing that, as the Secretary of 'State will have learned, the Mexican Government 'is resolved to declare war as soon as it receives 'information of such an act."

In addition to this, Mr. Bocanegra, in May, 1844, addressed an official circular to the French, Spanish, English, and Russian ministers, informing them that if Texas was annexed, his Government would consider the act a declaration of war between the two nations.

In consequence of these threats, and other indications on the part of Mexico, Texas became apprehensive that she might be attacked by the Mexicans, and expressed those apprehensions to our Government prior to her assent to the joint resolutions of the United States for her admission into the Union as a State. I now proceed to give the language of our Government concerning the apprehended hostilities.

On the 23d May, 1845, Mr. Buchanan, Secretary of State, replied to Mr. Donelson's despatches, dated the 6th of the same month, as follows:

"You state the substance of the note of the *Secretary of Texas* to be an earnest expression of the wish of the Government of Texas, that as soon as their assent is given to the terms contained in the joint resolutions for their admission as a State, the troops of the United States may be marched to some suitable point on the western frontier, *for the purpose of guarding* the inhabitants against Mexican or Indian incursion, and of being employed within the territory of Texas for this purpose, should occasion require. I am instructed by the President to inform you, that as soon as the existing Government and the convention of Texas shall have accepted the terms proposed in the two first sections of the joint resolution for annexing Texas to the United States, he will then conceive it to be both his right and his duty to employ the army in *defending* that State against the attacks of any foreign Power."

In another letter of Mr. Buchanan to Mr. Donelson, dated June 15, 1845, he says:

"The moment that the Convention of Texas shall have accepted and ratified the terms of annexation proposed by the American Congress, the President, for the purpose of *defence*, will consider her territory as belonging to the United States. You are, therefore, hereby authorized in that event forthwith to send an express to our commanding officer on the Sabine, communicating to him the information, and he will be directed to move to such points as yourself and the authorities of Texas shall deem most expedient. Captain Stockton will be ordered, with the fleet now under his command, (and other vessels of war will be attached to it,) to repair to the mouth of the Sabine, for the purpose of transporting the American troops to the positions where they shall in your opinion and that of these authorities be most required. Similar orders will be issued, both to our commanding officer on the Sabine and to Captain Stockton, to be executed in case the Convention shall be prevented from assembling, or be disturbed in its peaceful deliberations *by a Mexican invasion*," &c.

I will only add an extract from the President's message delivered December 2, 1845:

"Both the Congress and Convention of the people of Texas invited this Government to send an army into that territory to *protect* and *defend* them against the menaced attacks [of the Mexicans.] The *moment* the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coasts of Mexico, and to concentrate an efficient military force on the western frontier of Texas. Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion which might be attempted by the Mexican forces."

Mr. Chairman, our army took "position" agreeably to the "order" of our Government, and while in the quiet occupation of the territory of Texas was attacked by the Mexican forces, and we became immediately involved in war, as was apprehended by Texas and our own authorities.

Is there, then, anything in these circumstances which warrants the conclusion that we went to war for the acquisition of territory? I repeat, we became involved in this war to defend Texas and to quiet our title to her territory. After the war commenced, however, we did allege the non-payment of the claims of our citizens by way of aggravation, and as an additional justification of the war on our part. But acquisition of territory was not the object intended to be gained, nor, in fact, is the greatest object gained by the war; that is a mere incident growing out of the war. Let us see, then, to whose benefit the greatest result of the war, the *security of Texas*, inures. The blood of the North, equally with that of the South, has watered the soil of Texas to obtain for it security. The treasure of the North, as well as that of the South, has been poured out for the same object. The whole nation has thrown its protection around Texas, and prosecuted a war to secure her against invasion; but that territory will never be a *desirable* field of labor for the free white man of the North, who "earns his bread by the sweat of his brow." The sons of the North have poured out their blood and spent their treasure, but they cannot dig on that soil by the side of a slave.

Nearly four hundred thousand square miles of the best soil in the world inures to one section of the Union, while it is defended and its integrity secured by the common blood and treasure of both sections. I am aware that it may be said, to defend Texas was only a *constitutional* duty, and nothing particularly meritorious; but let it be remembered, that Texas was annexed *in the face of the threats of Mexico* to make war upon us for the act. A large portion of the North, my own State among others, went for annexation, with a knowledge of these *threats*, and before Texas had any constitutional right to call upon us to defend her. We have stood by Texas before and after annexation, cheerfully, generously; and yet its peculiar institution is a barrier to the settlement of it by our free laborers.

Our *new* acquisition will amount probably to about six hundred thousand square miles of land.

A word as to its comparative value. A traveller who has lately written a description of California expresses the opinion that about two-thirds of that territory is susceptible of cultivation. Suppose *one-half* of the whole acquisition is such as can be cultivated: that would give for cultivation about three hundred thousand square miles of soil. What, then, is its comparative value, when considered with Texas? Sir, I do not wish to disparage this probable acquisition. I think it is as much as we had a right to expect from Mexico; but I am confident it contains vastly less soil fit for cultivation than Texas, and of much poorer quality. Now, the whole of Texas, *acquired* and *defended* under the circumstances I have mentioned, is open

to those who may wish to hold slaves; and can there be any injustice in appropriating this new acquisition—this less valuable tract of country—to those who do not wish to hold slaves? I must say, I think not. But, sir, there is even a stronger view of this question. If you admit slavery into this territory, the North is entirely excluded from it. If you admit it into half the territory, still it is an unequal division; because the South will occupy the slaveholding half *exclusively*, while their citizens will occupy the other half *in common* with those of the North. But if you make it all free, I am prepared to demonstrate that the people of the South will enjoy its benefits to an extent equal with those of the North.

I have thus far spoken of this question as if Southern men had no interest in free territory; but I believe they have a deep interest in its preservation. In 1787, the patriotic men of the South united with their northern brethren in prohibiting slavery in the "Northwest Territory." And upon that territory may be found at this moment an immense population that originated in the slaveholding States. The free States formed out of the "Northwest Territory" are an asylum for the free white men of the South, who have gone there to earn their bread by the labor of their hands. I am unable to state precisely to what extent the free West is enjoyed by those originating from the slaveholding States; but I will present the opinion of the Secretary of State of Indiana, contained in a letter written by him not long since. He says:

"I am from a slaveholding State, (Kentucky,) and have resided in the Territory and State of Indiana near forty years. * * * I think that the aggregate number of the inhabitants of this State may be estimated at about 800,000, and that more than one-half that number are from the slaveholding States. This may be wide of the mark, one way or the other, as it is but conjecture. My own opinion is, however, that I have not stated the inhabitants from the slaveholding States as many as they are."

Mr. Chairman, if this opinion is correct, it would seem that the territory of Indiana has inured to the common benefit of both sections of the Union.

But, sir, I have in my possession also an extract of a letter from the Secretary of State of Illinois, which I wish to put on record as an additional evidence of the common enjoyment of the free territory of the West by the people of the North and South. In reply to a question as to the number of inhabitants in Illinois who originated in the slaveholding States, he says:

"I am entirely without data to govern in answering the same. I have asked the question of our Governor and ex-Governor, and others, and the impression is, that about one-half of the present citizens of this State who have come from other States, originated in the slaveholding States."

Of course I do not regard these opinions as conclusive; but coming as they do from gentlemen who have the best opportunity to form opinions upon the subject, I doubt not they are substantially correct.

In addition to the facts elicited by the extracts I have quoted, it is well known to every one that the people of the South are yearly appropriating to their use the free soil of the West. In proof of this, I prefer to avail myself of *Southern* testimony. The eloquent gentleman from North Carolina, [Mr. CLINGMAN,] in a speech made some months ago, said:

"A very large portion of the emigration from the old southern States goes into the free States of the Northwest. This, as I have observed myself, is eminently true of the North Carolina emigrants."

I have undertaken, sir, to prove satisfactorily that should you preserve the territory you receive from Mexico free, the South would enjoy the benefit of that territory to an extent equally great with the North. California and New Mexico are much nearer the *slaveholding* than the *free* States; and I think I can triumphantly ask if what has happened in the settlement of Illinois and Indiana will not happen to New Mexico and California?

I do not, sir, pretend to speak for the South, but I am justified in taking this method to show that when the people of the North ask for the exclusion of slavery in this territory, they are not attempting to appropriate to themselves a monopoly of the territory. I think I have successfully done this. It is very evident that the territory, *if free*, would become an asylum for the poor but enterprising men of both sections of the Union. Thus far I can see no injustice to the South in securing freedom to the territory we acquire.

The preservation of free territory is but an act of justice to our own race. It is but an act of justice to the free laborers of this whole country; and they have the power to prevent their exclusion from these new territories by an "institution" that is revolting to them. They have votes that are necessary to the election of Representatives to Congress; and the toiling millions, who drive their teams "afield," who sweat in the summer's sun, and expose themselves to heat and cold while laboring to support their wives and children, will look to it that land is provided for them, and those that come after them, upon which they can labor without dishonor.

But let me present another very important aspect of this question. *There is much greater necessity for additional free territory than for additional slave territory.* The population of the slaveholding States, in 1840, amounted to 7,336,751. These States cover an area of about 897,000 square miles. The population of the free States, including Wisconsin, amounted to 9,732,702. These free States cover an area of only about 470,000 square miles. To illustrate the relative position of the two sections of the Union in a different manner: the inhabitants to a square mile in the slaveholding States amount to eight, those in the free States to twenty. The free States have less than half as much soil according to population as the slaveholding States, and that, too, of a poorer quality. This statement, I think, is nearly accurate. It was, however, prepared in haste. We are sometimes reminded of the aggressive policy of the people of the North. Does this give evidence that they have pursued an aggressive policy? Does the statement I have made show that the slaveholding States are crowded or pent up, and in want of room? They have now perhaps eight or nine millions of inhabitants: when they have a population of *ninety-eight millions*, these States will be no more densely populated than Henrico county, Virginia, in 1840.

When there shall be such an accumulation of slaveholding population, how incomparably more dense will be the inhabitants of the free section of the Union? We have the authority of the gentleman from North Carolina [Mr. CLINGMAN] for asserting, that a very large portion of the emigration from the old Southern States goes into the free States of the Northwest; and it is well known that a very heavy emigration from the Atlantic free States yearly reach the same destination. But I am particularly desirous of calling attention to the foreign immigration into the free territory of the Union.

From the report of the Secretary of State to the House of Representatives, enclosing a statement of the number and designation of the passengers arriving in the United States on shipboard during the year ending September 30, 1847, is taken the following recapitulation, viz:

States.	*Males.*	*Females.*	*Sex not stated.*	*Total.*
Maine	3,436	2,870	-	5,803
New Hampshire	4	3	-	7
Massachusetts	11,958	8,373	517	20,888
Rhode Island	133	74	-	207
Connecticut	48	31	-	74
New York	85,059	60,771	-	145,830
Pennsylvania	7,911	6,852	14	14,777
Maryland	6,968	5,050	-	12,018
Virginia	422	274	178	874
South Carolina	119	46	-	164
Georgia	4	7	-	11
Florida	102	86	-	188
Louisiana	20,784	14,019	-	34,803
Texas	2,223	1,370	280	3,873
Total	139,163	99,325	939	239,480

This recapitulation shows, that during the last year, 239,480 emigrants arrived in the United States. Where, sir, have these emigrants gone? Let facts speak. It will be perceived that 187,549 landed in the free States, and 51,931 in the slaveholding States—34,803 of whom landed in Louisiana. Now, it is fair to presume that one-half of those landing in Louisiana go up the Mississippi, and settle upon free territory. If this be true, 204,950 Europeans have gone to the free States, and only 34,534 to the slaveholding States, during the last year. This statement does not, of course, include the large numbers who have landed in the British provinces, and gone from thence into the free States.

Mr. MEADE would ask the gentleman from Maine, if he had inquired how many landing in the free States had gone to Texas, &c.?

Mr. SMART replied that few could have gone, because the whole population of Texas amounted at present to only 149,000—much less than emigrated to the United States in one year.

Mr. BOWDON said that men from Maine and Pennsylvania had gone there, and two of them are Representatives on this floor.

Mr. SMART said this might be so, and men from Maine might go to Texas, too, for other purposes than to cultivate the soil. But, sir, the bone and muscle, the real laborers, do not go there. When they emigrate, they stop at the borders of the free States as square as a mathematical line. This I know myself from personal observation, having resided in a slave State. Such is the case with Illinois and Missouri. What I assert in relation to European immigration into the free States is corroborated by the *southern press*. I find substantially the following statements in the Charleston (South Carolina) News, taken from the Augusta (Georgia) Chronicle:

"Nineteen-twentieths of these European emigrants of both sexes are laboring people. Nearly all of them settle in the free States. Only eleven during the last year came to Georgia, and only eight hundred and seventy-four to Virginia. A large portion of those landing at New Orleans go up the Mississippi to the free States of Indiana, Illinois, Ohio, Iowa, and Wisconsin. The city of Buffalo increased in population ten thousand the last year, and Cincinnati now numbers one hundred thousand. European immigration already amounts to one million in four years; it will soon amount to *one million per year*."

In view of this tremendous influx of immigration, nearly all into the free section of the Union, it is not difficult to see the necessity that will soon exist for additional free territory. Mr. Chairman, in view of all these facts, I regret to say there are those who think it too much to ask that Oregon shall be free! And let it be remembered that comparatively a small portion of this immense territory can ever be the abode of civilization. To expect, then, freemen to live on the bleak mountains of Oregon, (for I suppose slaves cannot live there,) and lead a wandering pastoral life, and to surrender the valleys to the "peculiar institution," is a little too much for our present ideas of civilization. But, sir, if slavery be excluded from Oregon, I think I have shown that there is still much greater necessity for additional free than for slave territory.

Mr. Chairman, there are some individuals who wish to be considered the advocates of free territory, and yet, by voting against any restriction of slavery, virtually vote to propagate it where it does not now exist. Such men gravely assert that slavery will regulate itself, and that it will stop at 36° 30′ precisely. Sagacious men, to discover how far this peculiar institution will go, *to an inch!* But, sir, slavery will and does go upon new soils wherever it is permitted by law. It is found in Missouri much above 36° 30′. It has, indeed, *regulated itself* in Maryland and Virginia, and elsewhere. It has gone there; it has encumbered those States for hundreds of years, and is not yet extinct. Slavery passes into a territory, if permitted by law, provided the soil is as good as that of the Willamette valley, in Oregon, remains some five hundred years, exhausts the earth it encumbers, and then dies out. After this the poor white laborer may creep in. Is not this a slow and degrading process in providing free territory for the white laboring men of our own race?

Some gentlemen tell us also that the land in Oregon and California and New Mexico is too poor to be cultivated by slaves, and that slavery is prohibited in those territories by nature. Now, if gentlemen are sincere in this remark, it seems to me they can have no objection to give it a legal sanction. Are they unwilling to say in the statute book of the nation that they will give this poor land to the use of the poor white man? If they cannot assert it there, we have reason to doubt if they say it seriously anywhere.

It is stated also that if no action is taken by Congress the inhabitants will make the territory in question free when it is formed into States. Sir, this is a doctrine that is not safe for the free laborer.

Prohibit slavery in the territories, and who will emigrate to them? Free white laborers from the North, free white laborers from the South, and free white laborers from Europe. Such men would always preserve the soil free. Leave these territories open to slavery, and few of these men will go there. Persons owning slaves would go into the territories in sufficient numbers to wield the influence of the State and control its legislation. The only safety to the free laborer will be found

in the passage of a law prohibiting the introduction of slavery in territories now free.

While I think I have shown that it is for the interest of all sections to secure freedom in our territories, I am confident it is a matter in which the people of New England are deeply concerned.

The comparatively barren soil of this section of our Union is fast being occupied, and thousands yearly emigrate from it to the far West. A large portion of the *children* of the present population will find it necessary to seek the cheap lands of that remote region. The moistened tear of affection will witness their departure; a parent's solicitude will follow them; the blessing of Heaven will be invoked in their behalf. Yes, sir, and the FATHERS in New England will demand of the men whom they send here that they give their voices to provide for their children an asylum as free as their own mountain home. Who, sir, will resist the demand? Not, I trust, any New Englander. At all events, sir, I can speak for one. My vote shall never be recorded in this House against the free laborers of this country, nor against their posterity.

My views may differ from some of my political friends upon this floor, but I have felt it my duty to give them fully and freely. That duty has been performed. I will add that I shall most cheerfully vote for the restriction of slavery contained in the bill now under consideration.

Here the CHAIRMAN's hammer fell, announcing the expiration of the gentleman's hour.

Mr. HILLIARD got the floor, and the committee rose and reported progress.

Mr. McKAY, in pursuance of notice, introduced a joint resolution directing the heads of the several departments of Government to make their annual reports and have them printed immediately after the close of the fiscal year. Read and committed.

Mr. EVANS, of Maryland, presented resolutions of the Legislature of Maryland, in relation to Whitney's plan of a railroad from Lake Michigan to the Pacific; in relation to the harbor at Havre de Grace; and in relation to the claim of General Baron de Kalb. Laid on the table.

Mr. MEADE asked the general consent of the House to enable him to move to discharge the Committee of the Whole from the bill changing the time for holding the district courts of the United States in the western district of Virginia, and for other purposes. Objected to.

Mr. HASKELL gave notice that, on to-morrow or on Monday next, he would introduce a resolution in relation to the recent political events in France.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported bills for the relief of Dr. Adolphus Wislizenus; for the relief of Charles Ahrenfeldt and John F. H. Vogt; of Lawrence Daley; of David Shepherd; of Isaac Shepherd; of A. C. Bryan and others; which bills were severally read and committed.

Also, from the same committee, adverse reports on the petitions of Sylvester Comora, R. P. Whitney, Richard M. Adams, and William Fitzpatrick. Laid on the table.

Also, from the same committee, the following resolution, which was read, and laid over under the rule:

Resolved, That the Secretary of the Treasury be requested to furnish to this House at an early day, the information asked for by a resolution of the House of Representatives, passed on the 29th day of February last, in relation to the clerks required in the different bureaus of the Treasury Department, or to give the reason why the information has not been communicated.

Mr. THOMAS, from the same committee, made adverse reports on the petitions of Lewis D. Offield and Sarah A. Wirt, widow of John T. Wirt. Laid on the table.

Mr. CROWELL, from the same committee, reported bills for the relief of Charles R. Allen, of Richmond, Virginia; and of Almedus Scott. Read and committed.

Also, from the same committee, made adverse reports on the petitions of Manuel Hoover, Isaac King, of Missouri, in behalf of J. E. Ball and G. J. Wasson, heirs of William Hudson and William D. Gibson. Laid on the table.

Mr. DUNN, from the same committee, reported bills for the relief of the widow and children of Colonel William R. McKee; of Captain Dan Drake Henrie; of Major John P. Gaines; and of Sally Knowlton, widow of Elijah Bragdon, deceased; which bills were severally read and committed.

Mr. HUNT, from the Committee on Commerce, reported bills to increase the efficiency of the revenue marine and appropriating money to remove the sunken rocks in the harbor of New York. Read and committed.

Mr. GRINNELL, from the same committee, reported bills to refund to Charles A. Kellet tonnage duties and light money paid on the Chinese junk Keying, and to provide a custom-house at Wiscasset. Read and committed.

Also, from the same committee, to which was referred the bill to provide for the ventilation of passenger vessels and for other purposes, reported the same back to the House with amendments; which bill was left on the Speaker's table.

Mr. COLLAMER, from the Committee on Public Lands, to which was referred the bill to reduce the minimum price of the Miami lands in Indiana, reported the same back to the House. Laid on the table.

Also, from the same committee, made adverse reports on the petition of citizens of the northwestern part of Ohio for a reduction of the price of the public lands on the Miami extension and the Wabash and Erie canals. Laid on the table.

Mr. EVANS, of Maryland, from the same committee, made a report on the resolution of the House relative to extending the benefit of the bounty-land system to officers of the army, and moved its reference to the Committee of the Whole House.

A conversation ensued between Mr. EVANS and Mr. COBB, of Georgia; and on motion of Mr. COBB, the report was laid on the table.

Mr. EVANS also, from the same committee, made a report on the petition of citizens of Montgomery county, Ohio, praying that the American soldiers of the army of Mexico who have become officers may receive bounty lands, and moved its reference to the Committee of the Whole House.

On motion of Mr. BARRINGER, it was laid on the table.

Mr. EVANS also made unfavorable reports on the petitions of Geo. McKay and of citizens of Fulton county, Indiana, for a grant of land in lieu of a certain 16th section for school purposes. Laid on the table.

Mr. COBB, of Alabama, from the same committee, reported a bill to attach a portion of the northwestern land district, Louisiana, to the Red river district, Louisiana. Read and committed.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, asked that said committee be discharged from the further consideration of a memorial in relation to a distributing office at Elkton, Maryland, and that it be laid upon the table.

On motion of Mr. EVANS, of Maryland, the report was committed to the Committee of the Whole.

And then the House adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

By Mr. STUART, of Michigan: The petition of citizens of the counties of Calhoun and Kalamazoo, Michigan, for a mail route from Battle Creek, in the county of Calhoun, to Schoolcraft, in the county of Kalamazoo, via the Steam Mill, on Section 8, in the town of Le Roy; thence, by the most direct route, to the centre of Section 8, in the town of Athens, in Calhoun county; thence west, through and near the centre of the town of Wakeshma, and through the town of Brady, in the county of Kalamazoo aforesaid.

By Mr. HUNT: The petition of 167 citizens of Orleans county, New York, asking that the public lands be divided into small farms and made free for actual settlers.

By Mr. MULLIN: The petition of U. B. Johnson and others, citizens of the county of Jefferson, New York, praying Congress to prohibit any further sales of the public lands; and that they be given to actual settlers, in small quantities, with leave to sell the same to others not owning such lands.

By Mr. PALFREY: The petition of Eben Ritchie Dorr, praying compensation as acting chargé d'affaires in Chili.

By Mr. MORSE: The petition of John D. Tucker and 98 others, praying for the establishment of a post route in Louisiana.

By Mr. CROWELL: The petition of U. D. Kellogg, Henry Carlisle, and others, citizens of Newton Falls, Trumbull county, Ohio, remonstrating against the renewal of the patent of Jethro Wood's cast-iron plough.

By Mr. STARKWEATHER: A remonstrance, signed by William Comstock and 175 others, of Otsego county, New York, against the renewal of the patent for the cast-iron plough granted to Jethro Wood.

By Mr. TUCK: The petition of John Emerson and 119 others, praying that Congress may pass a law emancipating Eliza Herbert and Caroline, her daughter; and to refund the money to the purchasers on a sale in favor of the United States. Also, the petition of E. J. Chase, to inquire into revenue orders. Also, the remonstrance of Aaron Davis and 42 other citizens of Keene, New Hampshire, against an extension of the patent of Jethro Wood. Also, the petition of J. P. Williston and 30 others, citizens of Massachusetts, praying that Congress will inquire into the constitutionality of slavery in the United States. Also, the petition of David Jay and others, of Indiana, to withhold further supplies to carry on the Mexican war.

By Mr. BINGHAM: A petition for the establishment of a mail-route from Dexter to Howell, in the State of Michigan. Also, the petition of C. L. Thompson, of Michigan, for relief on account of a mail contract.

By Mr. CHAPMAN: The petition of 35 masters of vessels and 22 owners and others, asking for a light-house on Blackiston's Island, in Potomac river. Also, the memorial of the German Catholic St. Joseph's Society, asking an act of incorporation. Also, the petition of 85 merchants, masters of vessels, and others, asking for the construction of a light-house on Blackiston's Island.

By Mr. STEWART, of Pennsylvania: The petition of Joshua Russell, of Greene county, Pennsylvania, praying to be placed on the invalid pension roll. Also, a petition praying that the first and second regiments of Pennsylvania volunteers now in Mexico, in consideration of their reduced numbers and of their arduous and distinguished services, be honorably discharged.

By Mr. POLLOCK: The petition of Thomas Molynew and 12 others, citizens of Sullivan county, Pennsylvania, praying for the establishment of a mail-route from Williamsport, Lycoming county, by way of the valley of the Loyalsock creek, to Cherry, in Sullivan county, Pennsylvania. Also, the petition of William Bartley and 59 others, praying for the establishment of the said mail-route. Also, the petition of George D. Jackson and 15 others, praying for the same.

By Mr. RUMSEY: The remonstrance of citizens of Groveland, Livingston county, New York, against the revival of the patent for Jethro Wood's cast-iron plough.

By Mr. HOLMES, of South Carolina: The memorial of Charles Lee Jones, of the city of Washington, asking redress for certain grievances connected with a battalion of volunteers now in Mexico.

By Mr. WENTWORTH: The petition of Alfred F. Randolph, of Genoa, De Kalb county, Illinois. Also, the petition of citizens of Jackson Creek, Will county, Illinois, for a mail-route from Joliet, to Lafayette, Indiana. Also, the petition of D. Skidmore and 105 others, from Seneca Falls, New York, in favor of land reform. Also, the petition of Joseph Hobbs, of Buscaw, for an extension of the benefits of the bounty-land law.

IN SENATE.

TUESDAY, *March* 28, 1848.

Mr. BENTON presented a memorial from citizens of Minesota, asking that the limits of that Territory may be defined, and a territorial government organized; which was referred to the Committee on Territories, and ordered to be printed.

Mr. DIX presented a petition from citizens of Livingston county, New York, asking an investigation into the conduct of Colonel Childs, Governor of Jalapa, in forcing American soldiers to do homage to the Catholic Host at the peril of their lives; which was referred to the Committee on Military Affairs.

Also, from Mehitable Gibbs, widow of a revolutionary soldier, for a pension; which was referred to the Committee on Pensions.

Mr. CAMERON presented a petition from Elijah McDougall, asking to be allowed a pension; which was referred to the Committee on Pensions.

Mr. JOHNSON, of Maryland, presented a joint resolution of the Legislature of that State, in favor of an appropriation for the improvement of the barbor of Havre-de-Grace; which was referred to the Committee on Commerce.

Also, from Charles Lee Jones, setting forth the manner in which he was induced to raise a corps of volunteers in the District of Columbia, as he alleges, on the faith of the Executive that he should have the rank of lieutenant colonel, with the command of the corps, and of the course subsequently pursued to him, by which he was prevented from obtaining the promised rank, after expending his energies and means in raising the corps, and praying the appointment of a committee to investigate his case; which was referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, reported a bill to provide a military asylum for the relief and support of invalid soldiers of the army of the United States; which was read a first and second time.

[The first section provides that the Secretaries of War and the Treasury, and Adjutant General of the Army, constitute a Board of Commissioners to regulate and govern the same. All soldiers serving twenty years, or who may be rendered unfit for service through wounds or disease, to be admitted to the privileges of the institution, if such disability be not occasioned by misconduct. No deserter, mutineer, or habitual drunkard will be received without sufficient evidence of reformation as the commissioners may deem sufficient. Any soldier

admitted who shall recover his health (being under fifty years of age) shall be discharged. No soldier convicted of any serious crime since he entered into the service can be admitted. It deducts from the pay of every soldier (regular or volunteer) twenty cents per month in support of the same.]

Mr. RUSK, from the Committee on Military Affairs, reported a bill for the relief of Daniel Wilkinson, accompanied by a report. The bill was read a first time.

Mr. WESTCOTT, from the Committee of Claims, reported the following House bills without amendment, and recommended their passage:

An act for the relief of Reuben Perry and Thomas P. Liggon.

An act for the relief of Stalker & Hill.

An act for the relief of Bennet M. Dell.

The House bills lying on the Secretary's table were read twice and referred.

On motion of Mr. TURNEY,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the punishment of such persons as may surreptitiously obtain and make public any confidential communication made by the President of the United States to the Senate previous to the removal of the injunction of secrecy.

On motion of Mr. CAMERON,

Resolved, That the President of the United States be requested to communicate to the Senate a copy of the instructions from the Minister of Foreign Affairs of Brazil to Mr. Leal, the Brazilian Chargé d'Affaires at Washington, under date of the 31st of May last, and by him communicated to the Department of State, of the notes of Mr. Buchanan to Mr. Leal of the 20th August and 15th November last, and of the documents therein referred to: *Provided*, That in his opinion the communication can be made compatibly with the public interest.

Mr. CAMERON explained that a portion of this correspondence had been already communicated, and that the residue, now called for, was necessary to a proper understanding of the case.

Mr. WESTCOTT submitted the following:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety and expediency of providing by law for the allowance of bounty land to Gilbert Dudley, late a regular soldier in the United States army, and honorably discharged therefrom.

Mr. WESTCOTT briefly called the attention of the Senator from New York, who was a member of the Committee on Military Affairs, and with whom he had had some conversation on the subject, to the case referred to in his resolution. A minor by the name of Gilbert Dudley, belonging to the State of New Jersey, had enlisted some years ago, and had been with General Taylor in all his glorious and well-fought battles, and had distinguished himself on several occasions. He had been honorably discharged only nine days before the passage of the act granting bounty lands, and under this view of the case, Mr. W. thought he ought to be entitled to the benefit of the act. Mr. W. had no doubt there might be others placed in the same predicament who were likewise entitled to like privileges.

The resolution was adopted.

On motion of Mr. RUSK,

Resolved, That the President of the United States be requested to furnish the Senate with any information that he may possess touching the superior merits of the repeating firearms invented by Samuel Colt; and that he be further requested to submit his opinion as to the propriety of providing for the more general adoption of the aforesaid arms by the United States for the protection of the Mexican and Indian frontiers, either by procuring a full supply from the inventor, or by the purchase from the inventor of the right to allow the aforesaid arms to be constructed at the Government armories.

On motion of Mr. BENTON, the resolution adopted yesterday permitting Mr. Palmer to add to his commercial report on the state of Siberia, &c., was reconsidered, and the resolution was referred to the Committee on the Library.

Mr. CAMERON, from the Committee on Printing, reported against the printing of the petition of Midshipman Rodgers.

On motion of Mr. DIX, the unfavorable report on the petition of Gustavus Dorr was recommitted.

THE CALIFORNIA CLAIMS.

On motion of Mr. CASS, the Senate proceeded to the consideration of the bill to ascertain and liquidate the claims arising out of the capture of California.

Mr. CASS said the object of the bill was explained by the title. The evidence which had been brought before the Military Committee showed the necessity for the measure proposed by this bill for the purpose of settling claims connected with the occupation of California. The only mode of accomplishing this was to send out a commission to ascertain and pay the claims. He briefly touched on the part which Colonel Frémont had taken in the occupation of California, and the consummate skill and courage which he had evinced in an expedition teeming with extraordinary and romantic interest.

On motion of Mr. DIX, who stated that it was the desire of the chairman of the Committee on Finance to pass the loan bill to-day, the bill was then passed over informally.

THE LOAN BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the bill to authorize a loan of sixteen millions of dollars.

Mr. PHELPS rose and addressed the Senate. Dry as the subject of finance is, he did not expect to throw any charm upon it: he would only treat it as a matter of business. There were three aspects in which the bill was to be considered: How do our expenditures agree with our income; what is the condition of the treasury in reference to its means and resources; and what are the available means in the treasury to meet its engagements?

In the remarks he had previously made, he had endeavored to show the condition of the treasury. He had accordingly charged all the loans about to be negotiated as debts, as he desired to show all the obligations of the treasury. The chairman of the Committee on Finance took a different course—his object being to show all the available means of the treasury. He then went on to explain the different process of reasoning which each had adopted, by which they had arrived at results which seemed to be contradictory.

As to the amount of our public debt, he looked upon it as not capable of being exactly ascertained. Its minimum may be fixed, but its maximum is to be determined by events to occur hereafter. He had made calculations on the subject, the details of which he read from a paper before him. The actual debt he estimated at nearly ninety-three millions. Looking forward to the termination of the war, at some period, he added twenty millions, which would make the minimum of one hundred and thirteen millions: what the maximum may be, no one can tell. By another mode of calculation, based on the Secretary's estimate, he made the aggregate of one hundred and seven millions. In this calculation, he had only included liquidated debt. It was impossible to calculate the amount of unliquidated debt, in the form of claims, which will come in on us to an extent which cannot be estimated. We have already passed a bill to raise ten thousand men, the expense of which is not taken into the estimates of the Secretary. Another bill is on our tables for the raising of twenty thousand volunteers; and for these, not a cent is estimated. Then there are the land bounties, the pensions, the miscellaneous claims, losses, contracts, &c.

He referred to a claim, a report on which had been made and laid on the tables of Senators, which looked to compensation for summer and winter clothing, cotton shirts, boots and shoes. He knew not, if claims of this kind were to be made good, where our expenses would stop. Claims would come in for losses of horses and mules. We had some experience of this sort of claim in our Indian wars, which had shown that Congress was the best market in the world for horses and mules. He believed that our debt could not at this moment be less than one hundred and fifty millions.

In reference to certain errors which had been charged against some of his former statements, he expressed his entire willingness to receive correction. But if he had erred, he had the consolation of being in very honorable company; for the errors of the Secretary had attracted general observation. It was of the utmost importance to approximate as nearly as possible to accuracy in estimating the receipts and expenditures of the current and coming years. In his estimate on this point, he had been charged with error. He was not convinced of error by this statement. On the contrary, he believed the result would not falsify his calculation. It had been said that the receipts to this period exceeded what he had estimated for the year. He admitted the fact of the extraordinary receipts, but attributed it to circumstances which had ceased to operate, and which were not likely to return. Importations would soon fall off. He read an extract from a New York paper as to the market price of dry goods, to show that no extensive importations would be likely during the present year, the stock on hand being unusually heavy. If the spring importations do not come in, what is to make up our revenue for the next year?

Excessive importations he deprecated, as tending to great commercial distress, and forming a very improper ground for the congratulations which the Secretary had expressed in his report. They led to the creation of a foreign debt, to private bankruptcy, and to a long train of evils. Our recent prosperity is entirely to be attributed to excessive exports, which are not likely to continue. The favorable change we have witnessed is not referable to any legislation on our part. It is the result of circumstances which have been independent of any wisdom on our part.

The amendments were then ordered to be engrossed, and the bill was read a third time.

On the demand of Mr. HALE, the yeas and nays were ordered on the passage of the bill.

The question was then taken on the passage of the bill, and decided as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Bell, Berrien, Breese, Butler, Cameron, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Georgia, Lewis, Mangum, Miller, Moor, Niles, Phelps, Spruance, Turney, Underwood, Westcott, and Yulee—34.

NAYS—Messrs. Baldwin, and Hale—2.

Mr. ALLEN gave notice that he would, on to-morrow, offer a joint resolution, and, in order that it might be understood, he would read it. Mr. A. then read the following:

Resolved, &c., That, in the name and behalf of the American people, the congratulations of Congress are hereby tendered to the people of France upon their success in their recent efforts to consolidate liberty by imbodying its principles in a republican form of government.

Resolved, That the President of the United States be, and he is hereby, requested to transmit this resolution to the American Minister at Paris, with instructions to present it to the French Government.

On motion of Mr. CAMERON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 29, 1848.

The Journal of yesterday was read and approved.

Mr. CHASE rose to a privileged question, and moved the following resolution, which was read and agreed to:

Resolved, That James Monroe, who contests the seat of David S. Jackson, have leave to be heard in person at the bar of this House.

Mr. SLINGERLAND gave notice that on to-morrow, or at an early day thereafter, he would ask leave to introduce a bill to give to actual settlers the benefit of limited quantities of the public lands for a nominal compensation, and to prevent speculation in the same.

On motion of Mr. POLLOCK, the bill to authorize a loan not to exceed the sum of sixteen millions of dollars, which was this day returned from the Senate with sundry amendments, was referred to the Committee of Ways and Means.

Mr. STEPHENS asked leave to offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the propriety and importance of having the gas lantern, with the fixtures appertaining thereto, erected over the central dome of the Capitol, properly protected with a lightning-rod, or of having the same immediately removed.

Being objected to, the resolution was not received.

On motion of Mr. PHELPS, the Committee on the Post Office and Post Roads was discharged from the consideration of the memorial of Robert Mills, relative to a new route to the Pacific Ocean, with a plan for the transportation of despatches to Astoria, and it was laid on the table.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, reported a bill further to amend the judicial system of the United States. Read and committed.

SOLDIERS' BOUNTY LANDS.

Mr. FRENCH, from the Committee on the Judiciary, reported a bill to amend an act entitled "An act to raise, for a limited time, an additional

military force, and for other purposes;" which was read twice.

Mr. FRENCH asked that the bill might be put upon its passage.

Mr. FARAN wished that the bill should be amended so as to obviate an evil which had occurred from the construction of the existing law. The Commissioner of Pensions, Mr. F. was informed, had refused certificates for bounty land to volunteers, who, having performed their tour of duty and returned from Mexico, had, at their own request, been discharged in some cases three or four days, and in some even a day before the time at which they would regularly have been discharged according to the terms of their mustering into service. Mr. F. considered this a great injustice to these men, and a palpable violation of the spirit and intention of the law. These men had honorably fulfilled their duties, and the country had no further need for their service; and as a mere matter of personal convenience, they had asked for a discharge some two or three days before the time, in some cases because it was easier for them to reach their homes than if they had gone to New Orleans to be regularly discharged with the other volunteers. Ought they, on such a ground as this, to be deprived of the reward which their country had provided for their exposure, privations, and all the hardships they had endured?

Mr. HARALSON thought it would be well that the bill should be referred to one of the standing committees of the House. Mr. H. had not fully understood the bill as read at the Clerk's table: and with a view to having it examined with the care it ought to receive, he would move that it be referred to the Committee on Military Affairs.

Mr. FRENCH said, that this bill had been reported by the Committee on the Judiciary: its provisions had undergone all the consideration which was due to its importance. Mr. F. briefly explained them.

Mr. HARALSON, understanding that the bill had been considered by the Committee on the Judiciary, withdrew his motion to commit.

Mr. WHITE renewed the motion to refer it to the Committee on Military Affairs.

But the motion did not prevail.

Mr. COBB inquired of the Chair, how many committees of the House had reported this bill? Had it not been made the special order for a particular day?

The CHAIR was understood to reply, that a bill had been reported on the same subject.

Mr. COBB (resuming) observed, that a bill like this had been reported by the Military Committee; another by the Committee on Public Lands; and now it came from the Committee on the Judiciary.

Mr. EVANS made some further explanations as to the bill, and the difference of his understanding from that of Mr. FRENCH as to the construction of the law granting bounty land to volunteers.

Mr. JOHNSON, of Arkansas, observed, that the fact that so many committees had reported this bill, and all were in favor of its passage, presented a very strong presumption that its provisions were proper, and that it ought to become a law. None of the bills reported was precisely identical with this, yet the provision for the benefit of privates who had been promoted to commissions for good conduct while in actual service was to be found in them all. The sentiment of the House in favor of such persons receiving their bounty land as they would have done had they remained in the ranks, seemed to be nearly unanimous.

To judge of the propriety of putting such a declaratory construction on the original law, we must look at the spirit of that law, and the object for which it had been passed. Its object had been to encourage enlistment; to encourage men to devote themselves to the service of their country. For this purpose a bounty in land had been provided for the common soldier who had faithfully discharged his duty; and now to say that he should no longer be entitled to his land because he had been elevated to a commission for his good behavior was directly against the spirit of the law, and utterly subversive of the plainest dictates of justice and of sound policy. Was this a likely way to cherish enthusiasm for the military service of the country? Was it a very cheering reward for good conduct in the ranks to let the soldier understand, that if his behavior was so meritorious as to obtain for him the honor of a commission, he must lose his land; that because he had been made an officer he must be worse off than if he had remained a private? How could such a proceeding be reconciled with common sense? He hoped that gentlemen would not, by referring the bill from committee to committee, and by heaping amendment upon amendment, destroy the bill. Yet that was sure to be the result of such a course as some gentlemen seemed inclined to pursue. If gentlemen were not willing to let it be put at once upon its passage, let it be passed by sections, piecemeal. If it was again to be referred, other business would thrust it aside, and the session might pass away without anything being done. He trusted no further obstacles and delays would be interposed, but that the bill might be passed at once.

Mr. EVANS, of Maryland, remarked that this was a matter which he had before investigated, having had the honor to report a similar bill from the Committee on Public Lands, as would be remembered by the House. It was evidently proper that this act should be passed, and not be clogged with amendments incorporating other provisions. He was extremely sorry, as he had been on a former occasion, that his friend from Pennsylvania [Mr. POLLOCK] desired to provide in this bill for the case of the volunteers in the war of 1812—a class of men, by the way, which did not exist at all, for there were no volunteers in the war of 1812. But if there had been, they should be provided for by a separate bill. If the bill now reported from the Committee on the Judiciary provided fully for the cases of promotion from the ranks, he hoped the House would pass it at once. He had no particular desire to press the bill he had reported. He presumed the Committee on Military Affairs had no particular desire to press this bill. He called for the reading of the bill; and it having been read, he was understood to express the opinion that it would meet the cases for which it was intended, and that it should pass.

Mr. HARALSON said he apprehended that he would not be accused of opposition to the objects to be attained by some one or other of these bills. Two of them had already been reported and made the special order for Tuesday next. Now, he submitted whether it would not be best to make this bill the special order for the same day? Let them all come up, and let the whole matter be examined at once. He moved to make the bill the special order for Tuesday next, and demanded the previous question.

The SPEAKER reminded the gentleman that the previous question, if sustained, would cut off the motion to make it the special order, and bring the House to a direct vote upon the bill.

Mr. HARALSON then withdrew the demand for the previous question, adhering to the motion to make it the special order.

The SPEAKER stated that the other two bills were in Committee of the Whole on the state of the Union.

Mr. HARALSON. I move to refer this bill, then, to the same committee, and to make it the special order for Tuesday.

The SPEAKER said it could only be made the special order by general consent, except on Monday.

Mr. McCLERNAND inquired if this bill, if referred, would not come up with the other bills on the same subject.

No reply was heard by the reporter.

Mr. HARALSON, however, moved the reference, waiving the proposition to make a special order.

Mr. LINCOLN said, if there was a general desire on the part of the House to pass the bill now, he should be glad to have it done—concurring, as he did generally, with the gentleman from Arkansas, [Mr. JOHNSON,] that the postponement might jeopard the safety of the proposition. If, however, a reference was to be made, he wished to make a very few remarks in relation to the several subjects desired by gentlemen to be embraced in amendments to the ninth section of the act of the last session of Congress. The first amendment desired by members of this House had for its only object to give bounty lands to such persons as had served for a time as privates, but had never been discharged as such, because promoted to office. That subject, and no other, was embraced in this bill. There were some others who desired, while they were legislating on this subject, that they should also give bounty lands to the volunteers of the war of 1812. His friend from Maryland said there were no such men. He (Mr. L.) did not say there were many, but he was very confident there were some. His friend from Kentucky near him [Mr. GAINES] told him he himself was one.

There was still another proposition touching this matter: that was, that persons entitled to bounty land should by law be entitled to locate these lands in parcels, and not be required to locate them in one body, as was provided by the existing law.

Now, he had carefully drawn up a bill embracing these three separate propositions, which he intended to propose as a substitute for all these bills in the House, or in Committee of the Whole on the state of the Union, at some suitable time. If there was a disposition on the part of the House to act at once on this separate proposition, he repeated that, with the gentleman from Arkansas, he should prefer it, lest they should lose all. But if there was to be a reference, he desired to introduce his bill embracing the three propositions, thus enabling the committee and the House to act at the same time, whether favorably or unfavorably, upon all. He inquired whether an amendment was now in order?

The SPEAKER replied in the negative.

Mr. GIDDINGS, in a few words, indistinctly heard, was understood to make an appeal in behalf of those sons of Kentucky, Ohio, and other States who fought in the war of 1812. They had never received one acre of bounty land, and yet gentlemen were urging upon the House the immediate donation of bounty lands to those who had served in the present war. He thought those who defended our soil in 1812 were as meritorious as those who had invaded the Mexican soil in 1846. He hoped the motion to refer would prevail.

The question being taken, the bill was referred to the Committee of the Whole on the state of the Union.

ADVANCES TO VOLUNTEERS.

On motion of Mr. HARALSON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. KING, of Georgia, in the chair,) and proceeded to consider the special order, viz: the joint resolution "to refund money for expenses incurred, subsistence of transportation furnished, and money advanced by individual citizens of the United States, for the use of the volunteers, before or after being mustered into the service of the United States."

Mr. HARALSON, in a brief explanation of the bill, reviewed the provisions of existing joint resolutions on this subject, pointing out their defects, and advocating the passage of this joint resolution as a remedy for those defects, and as a measure urgently demanded by a sense of justice to those individuals who had advanced moneys indispensably necessary for the use of the volunteers, for subsistence, transportation, &c. He trusted that the joint resolution would pass without a single objection.

Mr. BROWN, of Mississippi, moved to amend it by inserting after the word "United States," where they first occur, the words, "and to the several States," so as to make the benefits of the resolution apply to the several States as well as to individuals.

Mr. B. said that some $2,500 had been paid out of the funds of his State for expenses for volunteers. The object of this amendment was to ensure its return. The joint resolution as it stood, providing for refunding moneys to individuals, might perhaps be construed not to apply to the States. The claim of his State had been referred to the War Department, and rejected or suspended, on the ground that there was no law now in force authorizing its payment. He referred to the proviso of the joint resolution, and expressed the opinion that it would be an ample guarantee that no money should be paid out of the treasury unless for expenses which had necessarily been incurred. With the amendment proposed he favored the passage of the joint resolution.

Mr. S. LAWRENCE moved to amend the amendment by adding, after the word "States," the words "cities or counties therein." It would then read, "and to the several States, cities or counties therein."

Mr. BROWN accepted the modification.

After a few words of explanation between Mr. S. LAWRENCE and Mr. BROWN of Mississippi—

Mr. MILLER advocated the passage of the resolution. He said it was impossible to muster these regiments into the public sevice under two or three months, and during that time there was subsistence and other expenses in getting the regiments to the place of rendezvous, which must be assumed by somebody in the absence of all legislation on the subject. These expenses had been assumed, and he hoped there would be no further delay in passing this resolution, that these sums might be refunded.

Mr. DUNCAN also advocated the passage of the resolution, giving to the committee a recital of several cases in which private individuals of limited means had patriotically come forward, and advanced money for the Government, which should be at once returned.

Mr. STUART, of Michigan, also urged the adoption of the resolution.

Mr. JONES, of Tennessee, thought it required some qualification, with which he was willing to vote for it. He pointed out how it might operate unequally, remarking that it should be guarded so as to provide for the repayment of any money that an officer of the United States would have been authorized to pay if he had participated in the mustering, subsistence, and transportation of these regiments.

The question was then put on Mr. BROWN's amendment, and it was rejected.

Mr. STARKWEATHER moved to amend the resolution by adding after the words "Provided, however" the words "that proof shall be made of the amount thus expended to the satisfaction of the Secretary of War, and."

This amendment was agreed to.

Mr. McKAY thought there was a preliminary objection to the resolution. The Constitution of the United States provided that no money should be drawn from the treasury but by the operation of law. He therefore moved to strike out the commencement of the resolution, and substitute the usual enacting clause of bills.

After a few words between Mr. HARALSON and Mr. McKAY, the amendment was agreed to.

Mr. McKAY also pointed out the provision for subsistence as going beyond the usages of Congress, which he thought should be brought within reasonable limits.

Mr. BURT said that the gentleman from Georgia [Mr. HARALSON] must know, he could not fail to know, as all the members of the House well knew, that when a volunteer corps raised within a State was ordered to repair to an appointed rendezvous, the companies which composed it were often raised and organized sometimes at the distance of two hundred miles from the point of rendezvous, and that they needed to be subsisted and their transportation paid for between the time of their organization and their actual arrival at the rendezvous and being mustered into the service of the United States. Now, the gentleman from North Carolina [Mr. McKAY] would not be understood as saying that these companies the moment they were organized began to receive pay, subsistence, and mileage to cover their transportation to the rendezvous. He could not have intended to advance such a position as that, because every man who heard him knew that such was not the fact. The object of the resolution was to provide the necessary means of transporting these several companies composing regiments or battalions to their place of rendezvous; and, where moneys had been advanced by individuals or by States for this purpose, to require the sums to be refunded out of the treasury of the United States.

Mr. McKAY here read the words of the existing law, which provided a certain allowance to be paid to volunteers, "from the period of their leaving their homes to their arrival at the place of rendezvous."

Mr. BURT (resuming) observed that he had not been edified at all by the extract the gentleman had read to him, nor did he believe the committee had been much enlightened by it. Had Mr. B. time now to go into an exposition and construction of the law, he should like to show the gentleman that his interpretation of its provisions on this point was unsatisfactory. If the gentleman really wanted the committee to understand him as maintaining that these companies were to be paid their allowances *in advance*, to cover the expenses of their journey from their homes to the place of rendezvous, he would find that he failed to convince them of any such position.

Mr. McKAY disclaimed any such intention.

Mr. BURT said he felt very sure the gentleman could not have intended to say so. The money was not advanced to these companies by the Government to transport them to their place of rendezvous, and how were they to get there? He was aware that, after they arrived and were mustered into service, their pay and subsistence immediately commenced; but how were they to get there unless somebody advanced the necessary means? In some cases patriotic officers, who felt a great interest in recruiting soldiers for the war, made these advances out of their own pockets; sometimes it was done by other patriotic individuals; and would the gentleman from North Carolina stand up here and say that such men ought not to have their money repaid? Yet that was the question.

The gentleman had some experience himself in the sort of legislation he now recommended; for he had reported a joint resolution at a former session to refund money advanced for the volunteers by the States, the amount to be deducted from the pay of the privates. The gentleman succeeded in getting such a resolution passed by both Houses; but the Secretary of War promptly reported it to be impracticable to carry it into practice. It was, in practice, a simple impossibility to deduct these amounts so advanced by State authority from the pittance paid to the common soldier. And the gentleman from North Carolina had subsequently offered another resolution on the same general subject, in which that objectionable and odious feature had been omitted, and it was omitted because it could not be carried out. The thing had been tried and it could not be done.

Mr. B. did not know but the gentleman's objection to another part of the resolution was better founded. He did not see the necessity of providing for refunding moneys which had been advanced after the troops had been mustered into service, because such moneys were always paid by the proper officers. If, in any particular case, they had been unable to do it, the fact had not come to Mr. B.'s knowledge. He therefore thought it proper enough to strike out the clause, "or for subsisting troops *in* the service of the United States, or for money advanced to the commanding officer of any regiment, battalion, or company for the purposes aforesaid." He made that motion.

Mr. HARALSON said he had no objection to striking out the first portion of this clause, viz: "or for subsisting troops in the service of the United States;" but he must oppose striking out the latter portion, viz: "or for money advanced to the commanding officer of any regiment, battalion, or company, for the purpose aforesaid."

Mr. H. made some remarks in support of this objection, which (in consequence of his turning away) were not heard by the reporter.

Mr. BURT said that the gentleman's object would be accomplished by his amendment. The expenses incurred by the officer in transporting troops to the rendezvous would still be covered. It covered all the expenses of bringing troops to the place of rendezvous, and till they were actually mustered into service, whether the money was advanced by a State, a city, or any one else.

Mr. HARALSON differed from the gentleman from South Carolina on this point. He admitted that the resolution would cover expenses of transportation, so far as the troops and officers were concerned, but it would not ensure the refunding of money advanced by individuals, because they had not "*incurred expenses* in organizing, subsisting, or transporting" the troops; they had only advanced money. Where could be the necessity of striking out the last part of the clause? "The commanding officer of any regiment, battalion, or company" was an officer of the United States. If the gentleman's amendment prevailed, the money advanced by him would not be included. If the gentleman meant to relieve such cases, why not say so in so many words? Retaining the clause would only make the meaning more clear. Mr. H. was willing to accept the amendment so far as the first clause was concerned, but not the second.

Mr. BURT, with a view to remove the gentleman's objection, was willing to amend by adding, after the words "expenses incurred," the further words "or sums of money paid by them," so as to read "that the Secretary of War be, and he is 'hereby, authorized and required, to cause to be 'refunded to individuals, citizens of the United 'States, the amount of expenses incurred, or sums 'of money advanced by them, in organizing, sub-'sisting, or transporting volunteers previous to 'their being mustered and received into the service 'of the United States." All he wished was to provide for covering the whole expense of bringing organized companies of volunteers to their respective places of rendezvous.

Mr. HARALSON. Then why object to retaining the latter clause?

Mr. BURT withdrew his amendment.

Mr. VAN DYKE proposed to insert before the word "organizing" the word "raising," so as to make it read "expenses incurred by them in raising, organizing, subsisting, or transporting volunteers."

Mr. V. D. contended that raising volunteers was a distinct previous process to organizing them.

Mr. HARALSON said that the term "organizing" included the whole.

The amendment was not agreed to, only twenty-eight members rising in its favor.

Mr. HARALSON moved to strike out the words "or for subsisting troops in the service of the United States." Agreed to.

Mr. McKAY wished to propose another amendment. It was well known, that when the volunteer companies were organized in different quarters of the country, on the call of the Executive, at the commencement of the present war, various contributions had been made for their expenses by cities, towns, and patriotic individuals. In many cases, these contributions were not intended to be merely a temporary advance of money to the Government, but were offered as gratuities, under the impulse of ardent patriotism, and never expected or desired to be refunded. He wished a clause introduced for the purpose of making such donations an exception to the operation of the resolution. After State and municipal authorities, as well as private individuals, had acted in this honorable and patriotic manner, Government ought not to hold out to them the mercenary proposal of refunding what had thus been advanced from their own pockets.

He would therefore move to modify the proviso in the resolution so as to make it read: "Provided, however, that it shall be made to appear that said expenses incurred, subsistence or transportation furnished, or money advanced, were not intended *as gratuities*."

Mr. POLLOCK warmly opposed this amendment, insisting that the insertion of any such clause as that would be understood as conveying a very serious reflection on those States and cities, those patriotic towns and individuals, to whom it referred. Mr. P. was disposed to trust these States and their patriotic citizens. He would not insinuate that, on a "sober second thought," they concluded to receive back, in repayment, what they had laid as a patriotic offering on the altar of their country's service. The amendment proposed would be considered as reflecting on hundreds of thousands of our countrymen.

Mr. BURT said the amendment was wholly unnecessary, as the very terms of the resolution necessarily excluded such cases.

Mr. POLLOCK said he had not the remotest conception that such repayment would be asked or accepted in a single instance.

The amendment was rejected without a count.

Mr. McCLELLAND moved to amend the bill by inserting between the words "Provided, however," and the amendment moved by the gentleman from New York [Mr. STARKWEATHER] just adopted, the words "that said volunteers were mustered and received into the service of the United States, and."

He said that the resolution applied, by its phraseology, to "expenses incurred in organizing, subsisting, or transporting volunteers previous to their being *mustered and received* into the service of the United States." Now, a construction might be put upon these words as if the expenses of volunteers who had been organized, but had not been mustered and received into the service of the United States, were also to be paid. He believed that such was not the intention of the House. He was told that this was not the construction which would be put upon it by the War Department. If so, this ought to be provided against, that such volunteers might be saved the labor and expense of presenting claims at the War Department, which would at once be rejected.

Mr. BURT thought any amendment to obviate this quite unnecessary. It was plainly impossible by any phraseology to exclude all conclusions. The object of the resolution was manifest upon its face. It referred to troops who were mustered into the service, and to none others; and its object was to pay the expenses incurred by them "previously to their being so mustered." The language could not be more explicit.

Mr. FICKLIN inquired of the gentleman from South Carolina, [Mr. BURT,] if it was designed by the Committee on Military Affairs to pay those expenses incurred by persons engaged in getting up military companies before the companies had elected their officers?

It would be found, on inquiry, that in some of the States, it required months to raise and organize companies and regiments; that volunteering stations (similar to recruiting stations in the regular army) had been opened in the Atlantic cities, and kept up at a cost of thousands of dollars, as a means to stimulate the patriotism of the people, and to induce them to volunteer. Now, was it designed to pay those expenses? Was it the object to pay those persons of wealth, who have used their money at recruiting stations in the cities, to have themselves elected captains and colonels? The phraseology of the resolution was such as to embrace that class of cases—could we sanction it?

Mr. BURT said he would answer the gentleman. It was well known that these volunteer companies were seldom formed all at once: it was sometimes a fortnight before the requisite number was obtained to constitute a single company. This resolution was intended to provide for their expenses during this period, and until they were mustered into service. As to cheating and bribery to get office, Mr. B. knew nothing about them. Such practices had no existence in the community in which he resided.

Mr. HARALSON said that what the gentleman from Illinois apprehended was excluded effectually by the last clause: "Provided that it shall be made to appear that said expenses incurred, subsistence or transportation furnished, or money advanced, were necessary and proper for the troops aforesaid." Would any Secretary of War say that money advanced for electioneering purposes was a necessary and proper expenditure? [A laugh.]

[A voice. "Certainly he would." Laughter.]

Mr. FICKLIN insisted that the resolution was very loosely worded. As it stood, the language embraced all kinds of expenditure; and it was well known that some volunteered, and paid large amounts of money, for the sake of being elected captains and lieutenants. As to there being no such thing as cheating and bribery in South Carolina, Mr. F. believed there were quite as many "appliances" used with a view to getting elected in that State as in any other in the Union. Gentlemen from there might claim a proud exemption from such things, but it would not be accorded to them. The terms of the resolution were very loose and indefinite. He understood the real object of the resolution was to embrace only the expenses incurred after a company was organized, and previous to their being mustered into service. He should propose an amendment to restrict its application.

Mr. WICK said he was against the whole resolution. The effect of it would be to authorize men to commit larceny. [A laugh.] There was a great deal of stealing done by very honorable gentlemen, who could readily get a ticket of character from all their neighbors, and by some gentlemen in very high stations too. He thought if, under this resolution, money was to be taken out of the treasury, its effect would be to corrupt a great many very clever men who never would steal if Congress did not first hold out to them the temptation and the means of fraud. There was no need of passing any such resolution. The expenses of these volunteers before they reached their rendezvous were fully covered by the results of popular feeling, or if not, they ought to have been. Mr. W. stated, at least, what had happened in his own State, against which so many severe reproaches had been indulged. There, when young men had volunteered, the people turned out and took them to the place of rendezvous, and all accounts for their expenses were promptly squared. A draft for their mileage to the rendezvous was immediately accepted and paid. The old farmers turned out with their teams and wheeled them off in a body, and it did not cost the volunteers a cent. They gave them their meals and let them sleep in their houses and barns. If it was not so over the whole country it ought to have been.

Mr. W. said he had been accustomed to sit here and see stealing done and could not prevent it; but he was not willing to sit silent and see the way opened for doing it. Not a dollar would go into Indiana under this resolution. Possibly when it became known some might come and put in a claim under it; but those who made it would be just as well without the money. The same impulse which led the old farmers to turn out with their teams to carry men to the rendezvous, led them when they got there to pass the hat round to furnish them with the means of comfort, and they were supplied with whatever they wanted. This had always been done in his part of the country, and it was done without the remotest expectation of return. Did gentlemen suppose that the patriotism which produced these effects had perished and been trodden down by the way-side and withered? Mr. W. did not believe it.

But if this resolution must pass, he would offer an amendment to it, and send it to be read at the Clerk's table; giving notice, however, that even should his amendment be adopted, he should vote against the resolution when amended.

The amendment was read, as follows:

"And also to make proper compensation to the adjutant generals of States for their services in and about raising corps of volunteers and superintending the same prior to their being mustered into service."

Mr. W. explained the grounds of his amendment. In 1846 they had in Indiana an adjutant general, who was said by the people to be everywhere present. He got boys from the four winds of heaven, and kept them together till he got them mustered into the service. For his services in 1846 the Legislature had made him a moderate compensation; but for the service rendered in 1847, in raising two regiments, he had been refused compensation by the Legislature, who had adopted and sent him a joint resolution recommending his compensation by Congress. He would not say that this was owing to a change in the politics of the Legislature. He knew that this officer had spent many weeks and much money to organize companies and to get them up to the rendezvous; and after he had got them there he volunteered to stay with them, and acted the part of a father to them all; and for all this he never got a penny. For these reasons Mr. W. had offered the amendment, but he should vote against the resolution.

The expenses incurred in raising volunteers hand over hand ought not to be compensated. The Governors of States ought to have taken pains to inquire before they made such unmeasured advances of money. Money had in many cases been very wantonly expended. If the States chose to volunteer such expenses, let them remain as a burden on their treasury. If individuals volunteered, they did so not without motive; if that motive was pure, let that motive be their compensation. Mr. W. was against the whole affair; it would open an immense chasm in the treasury wall.

Mr. LAHM, of Ohio, then obtained the floor, and addressed the House as follows:

Mr. CHAIRMAN: When the gentleman from Georgia [Mr. HARALSON] this morning proposed that the House should resolve itself into Committee of the Whole and take up the resolution now under discussion, he informed us that the matter could be disposed of in half an hour, and we could then take up the Oregon bill. Under that pledge, I favored his proposition. We have now been listening to discussion on the resolution for over two hours, and the indications are very clear that the matter before us will not be disposed of today.

For some weeks I have been trying to get the floor, with a view to giving my views on some subjects connected with the war. Thus far I have failed; and now that this resolution is connected with the war, and particularly as I shall be absent for some days, as is very common with gentlemen here, I will seize the present opportunity to present my views on the subject of our difficulties with Mexico. One of the consequences of the war is, the acquisition of territory; and with that will probably be connected the question of the ordinance of 1787, as contained in the Oregon bill, and I will therefore briefly give the views I entertain on that subject. My action in regard to the extension of slavery will be governed by my pledges, my convictions of what I conceive to be right, and what I conceive to be the wishes of a majority of my constituents. Having ascertained these, it is unnecessary to look further. Slavery is conceded to be a moral and political evil—a dark stain upon the institutions of the country; and therefore, although I would be the last man to interfere with it, either directly or indirectly, not only in the States where it now exists, but even in this District, yet I am well convinced that all legal and constitutional means within our power should be exercised to prevent its further extension. In this, I am satisfied I express the sentiments of a large majority of the people of my district. At a meeting of the Democracy of Wayne county, one of the counties of my district, (and it is composed of but two and a part of another,) on the 4th of December last, they unanimously adopted the following resolutions:

"16. *Resolved*, That while we look upon slavery as an evil, threatening the harmony and permanency of this Union, we have no disposition to interfere with that institution as it now exists in the States, and would be willing to 'war to the death' in defence of the original compact entered into by the Fathers of the Revolution.

"17. *Resolved*, That we are opposed to the extension or toleration of slavery in any territory now free, which may hereafter be acquired by this Government; but this opposition would not lead us to favor the attachment of the Wilmot proviso to any bill for settling the terms of peace between Mexico and the United States, nor should it be permitted to clog the movement of the President in his negotiations therefor."

Here, sir, is an express declaration in opposition to the extension of slavery over territory now free, at the same time disavowing all interference with the subject in the slave States, and opposing the attachment of the Wilmot proviso to any bill settling our difficulties with Mexico. I entirely concur with the sentiments expressed in these resolutions. And although I was always in favor of the principles of the Wilmot proviso, yet I am well satisfied that it was ill-timed, out of place, and not at all calculated to accomplish the objects its friends professed to have in view. Its attachment to any bill or treaty, for the settlement of our troubles with Mexico, would but have defeated such bill or treaty and prolonged the war.

At a Democratic county convention, held in my county on the 4th of the present month, they adopted the following resolutions:

"*Resolved*, That slavery in any form is incompatible with a truly republican form of government, but inasmuch as in the organization of the American Government that peculiar institution was recognized, it can only be eradicated by constitutional provision, with the consent of the people of the States in which it exists.

"*Resolved*, That we are opposed to the extension of slavery, and will favor all legal and constitutional means of restricting it within its present limits."

Thus again disclaiming all interference with the subject in the States, but in favor of using all legal and constitutional means to restrict it to its present limits. With these resolutions I entirely concur.

Again: the Legislature of Ohio, at its last session, by an almost unanimous vote, adopted a resolution in favor of extending the ordinance of 1787 over all territory now free, including that which may be thereafter acquired. So that I cannot be mistaken when I say, that while the people of Ohio, and the Democracy of Ohio, are opposed to all interference with the subject where it now exists, they still claim the right to use all legitimate means to prevent its extension. This is in accordance with their recently expressed views; it is in accordance with my own convictions of right.

Is, then, the question practically and legitimately before us in the Oregon bill, and has Congress the power, under the Constitution, to provide against the extension of slavery over territory now free? Time will not permit me to enter fully into a discussion of this question; I will, therefore, simply allude to the ordinance of 1787, which was adopted by the unanimous vote of all the States, North and South, and included the whole of the territory then belonging to the Union. Among the prominent actors in support of this measure was Mr. Jefferson. In 1789, the ordinance was recognized and modified by the action of Congress.

In 1790, North Carolina ceded to the Union the territory that now constitutes the State of Tennessee. In the deed of cession, it was provided "that no regulation made or to be made by Congress, should tend to emancipate slaves"—clearly recognizing in Congress the right to regulate the subject.

In 1803, Georgia ceded to the Union what was known as the Mississippi territory, and provided

for the extension of the ordinance of 1787 over it, *excepting* that part which relates to slavery.

In 1820, the Missouri compromise was adopted, which, of itself, recognizes in Congress the power to legislate on the subject; and the history of the times shows that every Northern State was then opposed to the extension of slavery.

I will, however, allude to but one more authority in proof of the position that Congress has power over the subject, and that it is legitimately before us. In the "Union" of the 25th of January, 1848, we find an editorial, of which the following is a part:

"In regard to the Wilmot Proviso, we need say but little. That humbug has wellnigh exploded; but in its time it has done much mischief to the Democratic party and the Administration. It was the work of an abler and more designing man than Mr. Wilmot—we refer to Mr. Brinkerhoff, of Ohio. That gentleman has proclaimed himself to be its author, and has bequeathed it as a precious legacy to his children. Mr. Wilmot was merely his agent, if Mr. Brinkerhoff is to be believed. It was offered out of time and out of place. It was calculated to embarrass the Administration; and none of its true friends, however favorable to the principle of the proviso, would thus have thrust it before the House and the country, long before the question could arise practically. This could not be until the period when Congress should proceed to establish a territorial government over any of our acquisitions."

From this, it will be seen that the editor of the "Union," who is identified with the fathers of the Democratic party, and who, I presume, is opposed to incorporating this provision in any territorial bill, is still willing to admit, that when we are about to establish a territorial government over any of our territories, the question comes practically before us, and that it must be then met.

Sir, I have not sought the introduction of the question here; I would not do it; but being here, without any agency of mine, and called upon, as I am, to act in the matter, I shall now and hereafter do it independently, and in accordance with my convictions of what is right.

We are sometimes told that the action of those Democrats from the North and West who favor these views is calculated to divide the Democratic party of the country. Not so. My opinion is, that this question ought not, and I trust will not, enter into the party politics of the day. Whenever you make the question of slavery, in any shape, a political test, you do away with the old, well-defined party lines, and array the North against the South. This ought, and I have no doubt will be avoided. In our action here, every man must be governed by his own convictions of what is right and due to his constituents. I find fault with no gentleman who differs with me. I make this question no political test. My political preferences and predilections are strongest in favor of those who are known to the country as entertaining sentiments different from those I express. Our action here does not give creed to either party: we but carry out, so far as we can, the wishes of those we represent. The people look to a different source for a declaration of the principles that will govern our action in the coming contest. And I now tell the Democracy of the South, and the Democracy of the North, that if the convention, which is soon to assemble, will avoid all interference with the subject of slavery, either by resolution or address, there will be no difficulty in the Democratic party; and whether the nominee be a proviso or anti-proviso man, the Democracy of the West, at least, I have full confidence, will present an unbroken front in his support.

Having thus made these very few remarks in explanation of what will be my action on that part of the Oregon bill which proposes the exclusion of slavery from that territory, I will proceed to give my views at some length on the subject of the war, which I do not so much for the purpose of making them known here, as with a view to giving them to my constituents.

One of the most important issues connected with the war, and one which has elicited more feeling and given rise to more vituperation not only here, but throughout the country, is that which relates to the commencement of hostilities. And, sir, this is an issue raised not only by the respective political parties of the country, but it is one fairly made on your Journals between the present House of Representatives and the twenty-ninth Congress.

On the 13th of May, 1846, Congress, in pursuance of the power delegated to it under the Constitution, declared that, "by the act of the Republic of Mexico, a state of war exists between that Government and the United States."

On the 3d of January, 1848, the present House of Representatives, by resolution, declared that "the war was unnecessarily and unconstitutionally begun by the President of the United States." Thus you have placed upon your records two acts of legislation, utterly inconsistent with each other, and one or the other of which alleges that which is false in fact.

That the war was commenced by Mexico is the position taken by the friends of the Administration and the friends of the country generally. That it was commenced by the President, is the position assumed by the enemies of the Administration and the enemies of the country. The former is the American, the latter the Mexican side of the issue.

I propose, sir, to take the American side of this question, and in doing it, I am not driven either to an adoption of the correct and patriotic sentiment of the immortal Decatur, "My country, may she be always right; but right or wrong, my country;" but, sir, I take this position from a deep conviction that it is right, and I rejoice that such is my conviction, for under it, in my opinion, my beloved country is not responsible for the dire calamities of the war, the blood that has been spilled, the lives that have been sacrificed, the misery that has followed in its train. That responsibility rests, where I trust in God it ever has and ever will rest, in conflicts of arms to which this nation is a party, viz: with the enemies of our country.

Did Mexico commence the war? This question involves an issue of fact, which must be decided according to the testimony connected with it, and which I propose to examine, commencing with that furnished us by the Mexican people and authorities. Before, however, proceeding to examine the evidence bearing upon this issue, permit me to remark, that on the 6th day of March, 1845, and after the resolutions annexing Texas to the Union had passed both Houses of Congress, General Almonte, then minister to this Government from Mexico, announced his mission at an end, demanded his passports, and left the country; thus leaving no tribunal for the settlement of our difficulties but the last resort of nations, an appeal to arms. And, sir, I most solemnly believe, that but for this rash and imprudent act of the Mexican minister, thereby interrupting all diplomatic relations, all matters in dispute might have been settled by peaceful negotiation. But diplomacy once suspended, all efforts at renewal proved but an appliance of a lighted torch to the magazine that wanted but a few sparks to produce an explosion.

At the time diplomacy was thus interrupted, there were two subjects of difference between that Government and this. The one resulted from the repeated outrages committed by Mexico on the persons and property of our citizens, the officers and flag of our nation; the other, from the annexation which was about to be consummated.

It is not my purpose here to consume the time of the committee in speaking of the first cause of difficulty. It is a matter about which there is but little difference of opinion; all agree, that in regard to it, our Government exercised towards Mexico a spirit of forbearance that is unparalleled in the history of diplomacy, and which we would have exercised towards no other nation of the world. Even the warmest apologists of Mexico, here and elsewhere, have not had the hardihood to justify, or even excuse, her conduct in relation to this subject, except on the miserable, paltry grounds, that in consequence of her financial embarrassments and internal difficulties she was unable to do otherwise. A poor, contemptible repudiation, excuse, or justification. Sir, it will not be denied, that so far as this difficulty has had anything to do with bringing about a state of hostilities, Mexico alone is responsible. She alone is in fault; but I will admit to gentlemen, this alone is not the cause of the war; that although her conduct in this matter would have justified this Government in a declaration of hostilities, yet, judging from the spirit of forbearance which has always characterized our intercourse with Mexico, we have reason to believe, that as yet there would have been no open rupture, had not other causes operated to bring about our unfortunate difficulties.

Next, then, the annexation of Texas. This, it is said by the apologists of Mexico, was the remote cause of the war; and I am frank to admit, that if the opponents of the Administration had confined themselves to this position, I would not have differed with them. The whole history of our difficulties is evidence of the fact, that but for the annexation, war might and probably would have been avoided. But, sir, in making this admission, at the same time I wish it to be distinctly understood, that I deny that the annexation was a just cause of war. Mexico, it is true, pretended to consider the annexation as a justification on her part for the commencement of hostilities; so did some of the friends of Mexico in this country, at the time; but, sir, it was not; because Texas had declared and maintained her independence, and acquired therefore the right of annexation; for, in the language of Mr. Webster, in his despatch to our minister in Mexico, as early as 1842, "from 'the time of the battle of San Jacinto, in April, '1836, to the present moment, Texas has exhibit-'ed the same external signs of national independ-'ence as Mexico herself, and with quite as much 'stability of government. Practically free and in-'dependent, acknowledged as a political sovereign-'ty by the principal Powers of the world, no hos-'tile foot finding rest within her territory for six 'or seven years, and Mexico herself refraining 'for all that period from any further attempt to re-'establish her own authority over the territory;" but it was because Mexico, like some other Powers at the time, actuated by the motives that controlled the dog in the manger, could not brook the idea of having the lone star brought within the circle of the glorious constellation, and placed under the protection of a power that cut off forever all hope of subjugation. Sir, it was this feeling that made Mexico bluster as she did. It was this that induced England and France to unite their energies, in the effort to procure from Mexico, as they did, a proposition to acknowledge the independence of Texas, provided she would not annex herself to this Union. England has never yet forgotten the struggle that gave birth and freedom to a Republic. Occasionally she casts a wishful eye across the wide Atlantic. Mexico is governed by the same feeling. She, too, will never forget the revolution, the independence, the annexation of Texas. And as grows that youngest sister in strength, in wealth, in influence and importance, so will increase in the bosom of Mexicans the regret, the chagrin, the mortification of the loss. If, then, the annexation was not just cause of war, and Mexico seized upon that as a pretext for the commencement of hostilities, and with a view to satisfy the proud, haughty military spirit which pervaded the bosoms of her people, and which nothing but war would satiate, and which, thanks to our gallant army, has been fully satiated, she, and not we, is responsible for all the calamities that have followed in its train. Sir, that she did seize upon this as a justification for her invasion of Texas, and final commencement of the war, is evidenced by the declarations of all her public men and authorities. She not only seized upon it as a justification of hostilities on her part, but audaciously pretended that she would consider it equivalent to a declaration of war. As early as 22d August, 1843, we were told by the Mexican minister, "that Mexico will consider as 'a declaration of war against the Mexican Repub-'lic the ratification of that agreement for the incor-'poration of Texas into the territory of the United 'States, the certainty of the fact being sufficient 'for the immediate proclamation of the war."

Again, in September, 1843, the Mexican minister, speaking of the annexation treaty, said:

"But as it may happen that ambition and delusion may triumph over just and sane ideas, and that the vigorous reasoning of Mr. J. Q. Adams and his co-laborers may be powerless, how can it be considered strange and out of the way that Mexico should announce that she will regard the annexation of Texas as an act or declaration of war?"

Again, on June 6, 1844, the Mexican minister, in reply to a letter of Mr. Green proposing a settlement of the question of boundary by negotiation, said—

"That he was expressly authorized to inform Mr. Green that Mexico, being most jealous of her rights, her dignity, and her independence, and most attentive to what is due to her sovereignty and integrity, is resolved to maintain, by every means and in every respect, these fundamental titles, preferring glory and honor always to degradation and infamy."

Again, on the 23d of June, 1844, the Mexican minister wished to "know, in a clear and decisive 'manner, whether the troops which Mexico was 'sending on Texas would be opposed by those of 'the United States, either on sea or land, in order 'that the President of Mexico might regulate his 'conduct accordingly, as he was about to operate, 'in compliance with his duty, for the occupation 'of Texas as an integrant portion of the Mexican

'nation; and he would regret that any force of the 'United States would appear to oppose him, as 'such an act would be a declaration of war against 'Mexico, who would be under the necessity of 'repelling force with force."

Thus it will be observed, that from 1843 up to the date of annexation, there was a continuation of declarations on the part of Mexico, that annexation would be considered equivalent to a declaration of war, and that during all this time Mexican forces were concentrating on the Rio Grande, with the declared intention of subjugating Texas. Notwithstanding all these belligerent declarations and movements of the Mexican ministers and army, Mr. Buchanan, on the 10th of March, 1845, in reply to General Almonte, demanding his passports, after alluding to the proceedings of annexation, says:

"The President sincerely regrets that the Government of Mexico should have taken offence at these proceedings; and he earnestly trusts that it may hereafter be disposed to view them in a more favorable and friendly light. While entering upon the duties of the Presidential office, he cheerfully declares, in advance, that his most strenuous efforts shall be devoted to the amicable adjustment of every cause of complaint between the two Governments, and to the cultivation of the kindest and most friendly relations between the sister Republics."

But, sir, was Mexico satisfied with these conciliatory advances on the part of the President, who had just come into power, and was not, therefore, responsible for anything that had taken place, and certainly not for the annexation of Texas? No, sir, no. She had determined on war, and nothing but war would satisfy her. On the 12th of July, 1845, in pursuance of and in accordance with the declarations of Almonte and others, we find the following circular issuing from the Mexican Office of War and Marine:

"OFFICE OF WAR AND MARINE,
"*Section of Operations.*

"The United States have consummated the perfidy against Mexico by sanctioning the decree which declares the annexation of the department of Texas to that Republic. The injustice of that usurpation is apparent, and Mexico cannot tolerate such a grave injury without making an effort to prove to the United States the possibility of her ability to cause her rights to be respected. With this object, the Supreme Government has resolved upon a declaration of war against that Power, seeing that our forbearance, instead of being received as a proof of our friendly disposition, has been interpreted into an acknowledged impossibility on our part to carry on a successful war.

"Such an error on the part of the United States will be advantageous to Mexico, because, suddenly abandoning its pacific attitude, it will to-morrow communicate to Congress the declaration of war, and excite the patriotism of its citizens to sustain the dignity of the nation and the integrity of its territory, now treacherously attacked, in utter disregard of all guarantees recognized in this enlightened age.

"You will readily appreciate the importance of this subject, and the necessity of preparing the troops under your command to march towards any point which may require protection against these most unjust aggressions. I am directed by the Provisional President to enjoin you, as general-in-chief of your division, and as a citizen of this Republic, to hold yourself in readiness to repel those who seek the ruin of Mexico. The Government is occupied in covering the deficient points on the frontiers, and in collecting the necessary means, so that nothing may be wanting to those whose glory it will be to defend the sacred rights of their country.

"I have the honor to communicate for your intelligence, and to direct your conduct.

"God and liberty! GARCIA CONDE.

"MEXICO, *July* 12, 1845."

Here, sir, we have the declaration of the Mexican minister, "that the Supreme Government had resolved on a declaration of war against the United States," and that it would *immediately* communicate to Congress such declaration; also urging upon the officers in command the necessity of preparing the troops to march towards any point which might require protection.

Again, in a circular "to the authorities subordinate to the office of War and Marine," dated the 16th of July, 1845, after speaking of the quota of troops required from the different departments under previous orders, we hear the following language:

* * * "For, although the Supreme Goverment has not exacted with punctuality the complement from the departments, she now sees herself under the necessity of doing so, for the war which she wages against the United States, the perfidy and treachery of which Power put her in possession of a part of this Republic.

"His Excellency the President *ad interim* requires that your Excellency inform the Governors of the necessity which exists of detailing the number of men, so highly necessary to fill the ranks of the army, and to excite the zeal and patriotism of the authorities, that their preparations shall be so effectual as to fulfill the desires of the Government, and prevent the dignity of the nation from being in any measure compromised.

"I have the honor to communicate to your Excellency the following, to be used as occasion may require.

"God and liberty! GARCIA CONDE.

"JULY 16, 1845."

Another circular of the same date, from the same office, to the Minister of Foreign Relations, a part of which is in these words:

"*Most excellent Señor, Minister of Foreign Relations and of Police. Transmit to the authorities depending upon your department.*

"MOST EXCELLENT SENOR: It being necessary that the troops of the line should cover the frontiers of the Republic, and march towards Texas to conquer that department, now usurped by the United States, his Excellency the President *ad interim* has commanded me to transmit you this note, to excite the zeal and patriotism of the Governors, that they place under arms, in their respective districts, all the force which can be collected, in defence of the law, to be ready to serve as a safeguard of the respective departments, according to the decree of the 4th of June of this year, and the regulation of the 7th instant."

Thus, sir, we have the repeated declarations of the Mexican diplomatists, from 1842 to the date of annexation, that Mexico would consider annexation good cause of war, and even equivalent to a declaration of war. Then, sir, we see Almonte announcing his mission at an end, and leaving the country with bitter threatenings upon his lips, denouncing annexation as the most unjust act, and declaring that Mexico would maintain and uphold her rights by all means in her power. In quick succession follow the circulars and appeals of the Minister of War, intended to excite the zeal and patriotism of those in military command. The armies begin to move towards the Rio Grande. The generals address their soldiers, and excite them to deeds of valor. On the 12th of August, 1845, General Arista, in a proclamation to his troops, speaks in the following language:

"Comrades: The Supreme Executive has sent to me, by express, the news that the United States, in pursuance of their ambitious views, *having taken possession of the department* of Texas, he had demanded a declaration of war from Congress against that unjust nation.

"The time to fight is come. We must prepare with the ardor inspired by duty and patriotism, when an attack is made upon the soil, the honor, and the pride of the nation.

"Arms are the only arguments to use against banditti and men without good faith. Let us hope for that justice which is invoked by all society, and the decision of the civilized world.

"Our lot will be envied by the rest of the army—we are nearest to the theatre of war; we are the first to avenge the outrages on our country, and to ravish from the usurpers the object of their rapines.

"Large bodies of troops are on their march; they will soon be here, to share our dangers and repulse the enemy."

Next follows the proclamation of General Paredes, dated the 27th of August, 1845, in which he uses this strong and denunciatory language:

"Soldiers! A rapacious and grasping race have thrown themselves upon our territory, and dare to flatter themselves that we will not defend the patrimony which our forefathers conquered with their blood. They deceive themselves: we will fly to snatch from them the spoils, the possession of which they are impudently enjoying; and they shall learn, by dearly-bought experience, that they are not contending with the undisciplined tribes of Indians whom they robbed of their land, their heaven, and their country; and that the Mexicans will ardently combat the soldiers of a nation which has sanctioned by its laws the most degrading slavery."

In quick succession follows the rejection of Mr. Slidell, under cover of pretexts the most flimsy and hypocritical. Then comes the overthrow of Herrera's Government, for having favored a proposition to settle our difficulties by peaceful negotiation. Next, Mr. Slidell is finally rejected by the Government of Paredes, and still the Mexican forces move to the Rio Grande.

On the 18th March, General Mejia, then in command at Matamoros, issued an address, in which is the following appeal:

"*Inhabitants of the frontier!* We are not left to our own resources; the Supreme Government watches indefatigably for our safety and protection; a warlike army is rapidly advancing to take part in the struggle, and, with its powerful aid, we shall achieve the most complete victory.

"Until the long wished-for day shall arrive, when we enter upon the great campaign for the reconquest of the territory of which we have been despoiled, and to carry our eagles in triumph to the banks of the Sabine, we, who have the glory to be in front of the invaders, must serve as an impenetrable barrier."

Again, sir, on the 12th of April, 1846, we have the letter of General Ampudia, requiring General Taylor to break up his camp, and in twenty-four hours march for the east of the Nueces; advising him, that the request was in accordance "with explicit and definitive orders of his Government;" and that a refusal to comply would "clearly result that arms, and arms alone, must decide the question."

In the reply of General Taylor to this peremptory demand, is the following language: "In view 'of the relations between our respective Govern-'ments, and the individual suffering which may 'result, I regret the alternative which you offer; 'but, at the same time, wish it to be understood, 'that I shall, by no means, avoid such alternative, 'leaving the *responsibilities* with those who rashly 'commence hostilities;" clearly indicating, that up to that time hostilities had not commenced, and that the relations of peace were not yet interrupted. But, sir, on the 24th of April, General Arista informed General Taylor that he "considered hostilities commenced, and should prosecute them." On the 25th, a party of dragoons crossed the river, and made the attack on Thornton's command; and on the 26th, General Taylor wrote to the Adjutant General, informing him of these facts; declared that hostilities had commenced; that he had called upon the Governors of Texas and Louisiana for eight regiments of troops; that with these he could prosecute the war with energy, and carry it, as it should be, into the enemy's country; and, at the same time, advised the passage of a law authorizing the President to raise volunteers for twelve months.

And now, sir, having thus presented my views in favor of the American side of this issue, and shown, as I think, beyond all controversy, that Mexico did commence the war, I propose next to examine the Mexican side of the question, and inquire whether the President commenced the war. Sir, I told you that this was an issue between the last Congress and the present House of Representatives. Your Journals prove the truth of this declaration. But your Journals prove more. They also prove that some gentlemen on that side of the House occupy the unenviable position of having been on both sides of the issue. I cut from a newspaper the other day the following piece of intelligence, taken from your Journals:

In Congress, May 13, 1846, on the vote that "*By the act of the Republic of Mexico, war exists with the United States,*" will be found among the *Yeas* the names of—

Barringer,
Cocke,
Crozier,
Gentry,
Hampton,
Marsh,
Rumsey,
Schenck,
Stewart,
St. John,
Thibodeaux,
Vinton,
J. W. Houston,
T. B. King,
J. A. Rockwell,
Truman Smith,
Robert Toombs.

In Congress, January 3, 1848, on a vote embracing the assertion that "*The war was unconstitutionally and unnecessarily begun by the President of the United States,*" will be found among the *Yeas* the names of—

Barringer,
Cocke,
Crozier,
Gentry,
Hampton,
Marsh,
Rumsey,
Schenck,
Stewart,
St. John,
Thibodeaux,
Vinton,
J. W. Houston,
T. B. King,
J. A. Rockwell,
Truman Smith,
Robert Toombs.

Here, sir, it will be seen that some seventeen gentlemen on that side have their names recorded on both sides of this issue. Each time you acted under the solemnities of an oath. When do you claim that you voted the truth? Sir, the position of gentlemen here reminds me of a witness who once came into court in my county to testify in a case in which a man by the name of Martin Asper was a party. When asked by the clerk, "How do you swear, sir?" he very promptly replied, "I swear for Martin Asper." So with gentlemen here—they swear for the great Whig party, and with a view to heaping responsibility upon the Administration. And, sir, in doing it, they have not the same compunctions of conscience that the great imbodiment had, when, speaking of this vote, he declared that, "as I reverence *the truth*, I would not have voted *a falsehood.*"

But we are sometimes told by gentlemen that they were taken by surprise, and were not sufficiently conversant with the facts when they gave the first vote. Let us examine this matter. It is the duty of the President from time to time to advise Congress of the state of our foreign relations, and recommend such measures as he may deem advisable. Accordingly, in his message of December 1, 1845, in speaking of our difficulties with Mexico, as connected with annexation, he says:

"The moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coast of Mexico, and to concentrate an efficient military force on the western frontier of Texas. Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the Gulf was ordered to coöperate with the army."

Again, in the report of the Secretary of War of the same date, we have the following information:

"The ready acceptance on the part of Texas of the terms of annexation proffered by this Government, excited the ill-will of the Government of Mexico. That republic menaced the immediate commencement of hostilities against the United States, and set on foot, as it was said, extensive preparations to invade and subjugate Texas. Pursuant to your directions, an army of occupation was assembled in that State, and Brigadier General Taylor assigned to the command of it. He was instructed to repel Mexican aggressions, and protect the country from Indian invasions; to regard the Rio del Norte as its western boundary; and to select a position for his forces with reference to this frontier; but to leave unmolested Mexican settlements, and also military posts, should there be any such posts on the east bank of that river, which were in the occupation of Mexican forces previously to the period when Texas assented to the terms of annexation."

Here, sir, you had official information of all that was going on for months before you were called upon to give the vote. The newspapers of the country were filled with articles giving the movements of the respective armies, and every man, woman, and child, over the broad expanse of the nation, was looking for a collision of arms. When the message of the 11th of May, 1846, read from your desk, giving a detailed account of all that had occurred, announced the fact that a collision of arms had taken place—that American blood had been shed upon American soil—that patriotism which had been buried beneath the ashes of political animosity, and bound down by the shackles of party-ism, burst forth in all its American purity. In the midst of this Hall there was a political millenium; the news went forth from every opening, and, carried with the rapidity of lightning to the remotest corner of the country, the people caught the fire, and with the rapidity of lightning sent back a response. And, sirs, before you could again bind down and cover up that patriotism which had burst forth, you gave the vote.

Sirs, you had not only the newspapers of the country, the messages of December, 1845, and May, 1846, the report of the Secretary of War, the declarations of General Taylor, that gallant old hero, but you had the testimony of some of your friends in Mexico on the subject.

In the proclamation of General Mejia, to which I have already referred, and which accompanied the message of May, 1846, we have a repetition of what had frequently escaped the lips of Mexican allies in this country. And whether General Mejia, or gentlemen here, are guilty of plagiarism, I leave for them to settle, only quoting from his proclamation for their consideration the following language:

"The Cabinet of the United States does not, however, stop in its career of usurpation. Not only does it aspire to the possession of the department of Texas, but it covets also the regions on the left bank of the Rio Bravo."

"Its army hitherto for some time stationed at Corpus Christi, is now advancing to take possession of a large part of Tamaulipas."

Again he says:

"The limits of Texas are certain and recognized; never have they extended beyond the river Nueces."

How much like the arguments that come from that side of the House. The same sentiments are found in the letter of Janes Cardenas, dated the 21st of March, 1846, and which also accompanies the message of May 11. Still gentlemen say they were taken by surprise.

Another position taken by gentlemen on the opposite side is, that they voted for the bill of 1846, with a view to rescue General Taylor and his small but patriotic command. Now, however ignorant gentlemen may have been as to the commencement of hostilities, there was one thing of which they were not ignorant, and that was, that a state of war then existed, and had been commenced by one or the other of the belligerent parties. In our action here, we are presumed, at least, to proportion our means to the ends we have in view. We are told, sir, that the end in view was to rescue our brave little army on the Rio Grande. What were the means? By the first section of the law, we are told that it was "for the purpose of enabling the 'Government of the United States to prosecute 'said war to a speedy and successful termination." Here, sir, is the object Congress had in view: it was, to put a speedy and successful end to the war. Well, sir, what were the means to be employed for that purpose? The section continues, that "the President be, and he is hereby, authorized to employ the militia, naval and military 'forces of the United States, and to call for and 'accept the services of any number of volunteers, 'not exceeding fifty thousand, who may offer their 'services, either as cavalry, artillery, infantry, or 'riflemen, to serve twelve months after they shall 'have arrived at the place of rendezvous, or to the 'end of the war, unless sooner discharged, accord-'ing to the time for which they shall have been 'mustered into the service; and that the sum of 'ten millions of dollars, out of any moneys in the 'treasury or to come into the treasury, not other-'wise appropriated, be, and the same is hereby, 'appropriated for the purpose of carrying the pro-'visions of this act into effect."

Now, sir, here it is seen, that the object, or end in view, being a speedy termination of the war, the means that are provided are proportioned to the end. Why, say gentlemen, it was to rescue General Taylor; furnish him a kind of escort, or body-guard, to bring him back in safety. Send out the army, the navy, the militia, and fifty thousand volunteers; employ them for twelve months, at an expense of ten millions of dollars, to bring home a mere handful of men! Why, sir, any man who will stoop to such a low, grovelling, miserable, contemptible argument, cannot have any respect for the body of which he is a member, or for the intelligence of the people.

Sir, that law was passed more on the recommendations of General Taylor than of any other man. The President's message but repeated the requests of the brave old hero in his letter of April 26, 1846. He wanted no body-guard to bring him home. He is made of better mettle than that. He said, "hostilities had commenced, and he would 'prosecute the war with energy, and carry it, as 'it should be, into the enemy's country;" and, in order to enable him to do it successfully, he wanted you to "pass a law authorizing the President to raise volunteers for twelve months," and you did it.

And now, having said thus much as to the palpable inconsistency of the course of some members on that side of the House, I propose to come directly to the point, and inquire whether the President, in ordering the army under General Taylor from Corpus Christi to the Rio Grande, transcended his constitutional duties; and thereby unnecessarily involved the country in a war.

The President, by the Constitution, is made commander-in-chief of the army of the United States; and Judge Story, in commenting on this provision, says—

"The command and application of the public force to execute the laws, to maintain peace, and to resist foreign invasion, are powers so obviously of an executive nature, and require the exercise of qualities so peculiarly adapted to this department, that a well-organized government can scarcely exist when they are taken away from it."

Again, the Constitution declares, that Congress shall have the power "to provide for calling forth 'the militia to execute the laws of the Union, sup-'press insurrections, and repel invasions." Accordingly, in 1795, in pursuance of this authority, and to give it practical operation, Congress provided by law, "that whenever the United States shall 'be invaded, or be in imminent danger of invasion, 'from any foreign nation or Indian tribe, it shall 'be lawful for the President to call forth such num-'ber of the militia of the State or States most con-'venient to the place of danger or scene of action 'as he may judge necessary to repel such invasion, 'and to issue his order for that purpose to such 'officer or officers of the militia as he shall think 'proper."

This is the Constitution and law on the subject, and it is not denied that the President did right in ordering General Taylor as far west as the Nueces; but it is claimed that in ordering the troops from the Nueces to the Rio Grande he transcended his power: first, because the territory between the two rivers clearly belonged to Mexico; and, secondly, if it did not, it at all events was disputed territory. Did the territory belong to Mexico? This involves the question of title, which must be decided in this case, according to the law regulating titles by right of revolution. This position has been conceded, I believe, by all the gentlemen who have spoken on the other side; and I therefore maintain that if Texas, by right of revolution, acquired title to any territory, she acquired title to all she claimed, and that, in her claim, she made no distinction between that beyond and on this side of the Nueces.

Now, let us apply the facts, going no further back than to the commencement of the revolution. In 1834, Santa Anna, under the hypocritical pretense of the public good, destroyed the federal constitution of Mexico, and on its ruins established a central despotism. The Legislature of Texas and Coahuila protested against this act of usurpation. By order of Santa Anna, General Cos, at the head of the army, broke up the Legislature, imprisoned some of the members, and established his headquarters at San Antonio. Hostilities having been thus commenced, and the government overthrown, the people of Texas, in their sovereign capacity, resolved on revolution. On the 15th of August, 1835, a meeting at Columbia "resolved, that a consultation of *all Texas*, through her representatives, is indispensable," and appointed a committee of safety to prepare an address to *all* the jurisdictions of Texas, requesting them to coöperate in the call of a consultation of *all* Texas. On the 16th of October, the consultation met, and, on the 7th of November, unanimously adopted a declaration of rights, in which they solemnly declare, that they have taken up arms in defence of their rights and liberties; that Texas is no longer, morally or civilly, bound by the compact of union, and that they would not cease to carry on war so long as Mexican troops remain within the limits of Texas. On the 13th of November, a committee appointed for that purpose, submitted a constitution for the regulation of the Provisional Government, one article of which is in these words:

"Ample power and authority shall be delegated, and are hereby given and delegated, to the Governor and General Council of the Provisional Government of *all Texas* to carry into full effect the provisions and resolutions adopted by the consultation of the chosen delegates of *all Texas* in general convention assembled, for the creation, regulation, and establishment of the said Provisional Government."

I wish now to call the attention of gentlemen to this fact, that in all these initiatory proceedings the word *all* is prefixed to the word Texas, clearly indicating that they designed including Texas not only to the Nueces, but to the Rio Grande. But we are not left to mere inference on this subject. On the 27th of November, 1835, the Provisional Government having gone into operation, Mr. Millard, from the Committee on Finance, made a report, in which he says:

"In this State, we find ourselves, with every basis of permanent income, and every source of revenue of a civilized people, possessing an area of 250,000 square miles of territory," &c.

Again:

"What are the resources of Texas? and what do they consist of? If a geographical test only were applied, the answer would soon be given. Point to the map, and compare the area of Texas with that of any State of the United States of America, and we will find that she comprises within *her limits* as much territory as four of the largest States of the Union put together, to wit: New York, Pennsylvania, Virginia, and Ohio."

"The *whole of Texas*, comprised between the *Sabine* and the *Rio Grande*, is computed to contain 250,000 square miles."

Here, then, we have a key to the whole matter, expressly declaring that the "*all of Texas*," or the "*whole of Texas*," meant Texas to the Rio Grande.

And now, sir, having shown, from the initiatory proceedings of the people of Texas, in their sovereign and legislative capacity, that they determined to resist the usurpations of Santa Anna, and in that resistance claimed all the territory between the Sabine and Rio Grande, let us inquire whether by right of revolution they perfected that claim.

In the fall of 1835, General Cos, who, as I said, had taken up his headquarters at San Antonio, was forced into a capitulation, and on the 11th of December, 1835, articles of capitulation were entered into by commissioners chosen by the commanders of the respective forces, and which were on the same day ratified by Generals Cos and Burleson, in person.

I read from that agreement the 1st and the 14th stipulations, as follows:

"1st. That General Cos and his officers retire, with their arms and private property, into the interior of the Republic, under parole of honor, that they will not in any way oppose the establishment of the Federal Constitution of 1824."

"14th. General Burleson will furnish General Cos with such provisions as can be obtained, necessary for his troops to the Rio Grande, at the ordinary price of the country."

Thus it will be seen that even before the people of Texas determined on a separate national existence, and while they were yet fighting for the restoration of the constitution of 1824, the Rio Grande was made and recognized as the dividing line.

After the defeat and surrender of General Cos, Santa Anna himself took command of the Mexican forces, and immediately began to advance towards the Rio Grande. The Texan army began

to concentrate on "the western frontier, to roll back the bloody tide of war upon the common enemy." A convention was called, and the people of Texas declared themselves a free and independent nation. With rapid strides the Mexican forces advanced. The Alamo fell, and the gallant Travis and his brave associates consecrated their lives to the cause of freedom. Fannin surrendered, and in cold blood was butchered; and still the enemy advanced, until the last desperate battle, on the bloody fields of San Jacinto, gave freedom to a nation and captivity to a tyrant.

Soon after the battle of San Jacinto, the Government of Texas commenced a treaty with the captive President of Mexico. On the 14th of May, 1836, two treaties, the one open, the other secret, were executed. I will now call the attention of the House to a few articles in these treaties, not so much for the purpose of establishing title to the territory, as with a view of showing that the Rio Grande was always looked upon as the dividing line between Texas and Mexico.

The second article of the public treaty is in these words:

"All hostilities between the Mexican and Texan troops will cease immediately, both on land and water."

The third article provides that

"The Mexican troops will evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte."

I will now allude to the secret treaty, in which Santa Anna stipulates to do certain things, and not to do certain other things:

"ARTICLE 2. He will give his orders, that in the shortest time the Mexican troops may learn the treaty of Texas."

"ART. 3. He will so prepare matters in the Cabinet of Mexico, that the mission that may be sent thither by the Government of Texas may be well received, and that by means of negotiations all differences may be settled, and that the independence that has been declared by the convention may be acknowledged."

"ART. 4. A treaty of commerce, amity, and limits, will be established between Mexico and Texas, the territory of the latter not to be extended beyond the Rio Bravo del Norte."

Thus, sir, it will be seen that both these treaties recognized the Rio Grande as the dividing line, the second article of the public treaty expressly providing "that the Mexican troops will *evacuate* the territory of Texas, passing to the other side of the Rio Grande;" and the fourth article of the secret treaty providing, that a treaty of limits shall be established between Texas and Mexico, provided the territory of Texas shall not be extended beyond the Rio Bravo. But we are told that these treaties are not evidence of title, because they were made by Santa Anna while a prisoner of war, and therefore not binding on Mexico. Admit it for the sake of the argument: I quoted these treaties, not as evidence of title, but as evidence of the fact, that while Mexico was fighting for the Sabine, Texas was fighting for the Rio Grande, and that there was no intermediate line. I will now call the attention of the committee to another treaty. I allude to that made between the President and Cabinet of Texas on one side, and Santa Anna and the officers under his command on the other side; or what has sometimes been called the military treaty. I give the preamble and a few of the articles:

Whereas the President Santa Anna, with divers officers of his late army, is a prisoner of war in charge of the army of Texas, and is desirous of terminating the contest now existing between the Government of Texas and that of Mexico, in which desire the generals above named do fully concur; and

Whereas the President of the Republic of Texas and the Cabinet are also willing to stay the further effusion of blood, and to see the two neighboring Republics placed in relations of friendship on terms of reciprocal advantage;

Therefore, it is agreed by the President Santa Anna and the Generals Don Vincente Filisola, Don José Urea, Don Joachin Ramires y Sesma, and Don Antonio Gaona,

1st. That the armies of Mexico shall, with all practicable expedition, evacuate the territory of Texas, and retire to Monterey, beyond the Rio Grande.

3d. That the army of Texas are to march westwardly, and to occupy such posts as the commanding general may think proper, on the east side of the Rio Grande, or Rio Bravo del Norte.

4th. That the President Santa Anna, in his official character as Chief of the Mexican nation, and the Generals Don Vincente Filisola, Don José Urea, Don Joachin Ramires y Sesma, and Don Antonio Gaona, as chiefs of armies, do solemnly acknowledge, sanction, and ratify the full, entire, and perfect independence of the Republic of Texas, with such boundaries as are hereafter set forth and agreed upon for the same. And they do solemnly and respectively pledge themselves, with all their personal and official attributes, to procure, without delay, the final and complete ratification and confirmation of this agreement, and all the parts thereof, by the proper and legitimate Government of Mexico, by the incorporation of the same into a solemn and perpetual treaty of amity and commerce, to be negotiated with that Government at the city of Mexico, by ministers plenipotentiary to be deputed by the Government of Texas for this high purpose.

5th. That the following be, and the same are hereby, established and made the lines of demarcation between the two republics of Mexico and Texas, to wit: The line shall commence at the estuary or mouth of the Rio Grande, on the western bank thereof, and shall pursue the same bank up the said river, to the point where the river assumes the name of the Rio Bravo del Norte, from which point it shall proceed on the said western bank to the head waters or source of said river, it being understood that the terms Rio Grande and Rio Bravo del Norte, apply to and designate one and the same stream. From the source of said river, the principal head branch being taken to ascertain that source, a due north line shall be run until it shall intersect the boundary line established and described in the treaty negotiated by and between the Government of Spain and the Government of the United States of the North: which line was subsequently transferred to and adopted in the treaty of limits made between the Government of Mexico and that of the United States; and from this point of intersection, the line shall be the same as was made and established in and by the several treaties above mentioned, to continue to the mouth or outlet of the Sabine river, and from thence to the Gulf of Mexico.

8th. The President and Cabinet of the Republic of Texas, exercising the high powers confided to them by the people of Texas, do, for and in consideration of the foregoing stipulations, solemnly engage to refrain from taking the life of the President Santa Anna, and of the several officers of his late army, whom the events of war have made prisoners in their hands, and to liberate the President Santa Anna, with his private secretary, and cause him to be conveyed in one of the national vessels of Texas to Vera Cruz, in order that he may more promptly and effectually obtain the ratification of this compact, and the negotiations of the definitive treaty herein contemplated by the Government of Mexico with the Government of Texas.

9th. The release of the President Santa Anna shall be made immediately on receiving the signatures of the Generals Don Vincente Filisola, Don José Urea, Don Joachin Ramires y Sesma, and Don Antonio Gaona, to this agreement, and his conveyance to Vera Cruz as soon afterwards as may be convenient.

This treaty defines the boundaries of Texas, and was executed by all the officers of the army of Mexico, and that, too, when they were not under arrest. Santa Anna was restored to his liberty, and all the stipulations on the part of Texas carefully complied with; and it was not, therefore, in the power of Mexico to annul the act.

But we have been frequently told, that if even the territory between the Nueces and the Rio Grande did not belong to Mexico, at all events it was disputed, and that the resolutions of annexation left the question of boundary open for negotiation. By the act of 1836, and subsequent legislation by the Texan Congress, the Rio Grande was made the western boundary. Texas had no other boundary on her records. Mexico claimed to the Sabine, Texas to the Rio Grande; making the whole of Texas, and not a part, the subject of dispute. Thus matters stood at the date of annexation, Mexico protesting against the act, and solemnly averring, by her minister, that she would maintain her title to the *whole of Texas* by every means in her power. Now, I would ask you, sir, when you admitted Texas into the Union, what did you admit? Did you admit a State without any boundaries? Certainly not. What, then, were her boundaries, and how do you find them? Sir, you look upon her records, (and you have no right to go beyond that;) up to that boundary you admit her, and up to it you are bound to defend her. But, say gentlemen, that record is void, being inconsistent with the resolutions of annexation I tell you no; and that, if even there is a dispute as to the boundary, yet you are bound to recognize the boundary upon the record as correct, until it is changed by the method provided by the terms of annexation.

But admit, for the sake of the argument, that there was no settled boundary, and that the question was left open for negotiation and settlement in that way. Did we not propose to settle the matter in that way? Was not General Almonte advised on the subject before and after he suspended diplomatic relations? Did not our Government make effort after effort to renew diplomacy, with a view to settle all our difficulties? Was not our forbearance to Mexico such as we would have exercised toward no other nation of the world? What, then, could we do? Sir, there was no alternative left us but either to yield to proud, haughty, military Mexico all she claimed, or maintain our rights in the manner we did. Let me call the attention of gentlemen on the other side of the House to the sentiments of one of their own Presidents on this subject. John Tyler, in his message of December, 1844, speaking of the intended invasion of Texas by Mexico, says: "Seeing, then, that new preparations for hostile invasion of Texas were about 'to be adopted by Mexico, and that these were 'brought about because Texas had adopted the 'suggestions of the Executive upon the subject of 'annexation, it could not possibly have folded its 'arms and permitted a war, threatened to be accompanied by every act that could mark a barbarous age, to be waged against her because she had 'done so."

Here, sir, we have the declarations of a Whig President, taking the strong ground that he would have interfered against Mexican invasions even before annexation was consummated, had an attempt at invasion been made.

Sir, there was but one course that President Polk could adopt. The resolutions of annexation had passed both Houses of Congress, and were about to be sanctioned by the people of Texas. Mexico had repeatedly declared, in advance, that she would consider the act equivalent to a declaration of war. General Almonte left the country with bitter threatenings on his lips. All diplomatic relations were suspended. Mexican forces were concentrating on the Rio Grande, with the avowed purpose of subjugating all of Texas. The Constitution and laws make it the duty of the President to repel invasions, and therefore left no alternative for the President but to put forward a sufficient force to meet the crisis. Accordingly, on the 28th of May, 1845, Secretary Marcy, in writing to General Taylor, says:

"I am ordered by the President to cause the forces now under your command, and those which may be assigned to it, to be put in a position where they may most promptly and efficiently act in defence of Texas, in the event it shall become necessary and proper to employ them for that purpose. The information received by the Executive warrants the belief that Texas will shortly accede to the terms of annexation."

In the same letter:

"Should the territories of Texas be invaded by a foreign Power, and you shall receive certain intelligence, through her functionaries, of that fact, after her convention shall have acceded to the terms of annexation contained in the resolutions of Congress, you will at once employ, in the most effective manner your judgment may dictate, the forces under your command for the defence of these territories, and to expel invaders."

Here, then, in the first letter to General Taylor, he has orders to prepare himself, that, in the event of Texas agreeing to the resolutions of annexation, he may defend her territories, and expel the invaders.

On the 15th June, he is directed, in anticipation of the acceptance of the terms of the resolutions, "which will constitute Texas an integral portion 'of our country, to make a forward movement of 'the troops under his command, and advance to the 'mouth of the Sabine, or to such other point of the 'Gulf of Mexico or its navigable waters as in his 'judgment would be most convenient for an embarkation, at the proper time, for the *western frontier* of Texas." In the same letter, he was told:

"The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande, such a site as will consist with the health of the troops, and will be best adapted to repel invasion and protect what, in the event of annexation, will be our western border. You will limit yourself to the defence of the territory of Texas, unless Mexico should declare war against the United States. *Your movement for the Gulf of Mexico, and your preparations to embark for the western frontier of Texas, are to be made without any delay; but you will not effect a landing on that frontier until you have ascertained the due acceptance by Texas of the terms of annexation.*"

On the 8th of July, Secretary Marcy writes to General Taylor in these words:

"This department is informed that Mexico has some military establishments on the east side of the Rio Grande, which are, and for some time have been, in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of aggression, unless an actual state of war should exist. The Mexican forces at the ports in their possession, and which have been so, will not be disturbed, so long as the relations of peace between the United States and Mexico continue."

Again, on the 30th of July, Secretary Marcy writes:

"While avoiding, as you have been instructed to do, all aggressive measures towards Mexico, as long as the relations of peace exist between that Republic and the United States, you are expected to occupy, protect, and defend the territory of Texas to the extent that it has been occupied by the people of Texas. The Rio Grande is claimed to be the boundary between the two countries, and up to this boundary you are to extend your protection, only excepting any posts on the eastern side thereof, which are in the actual occupancy of Mexican forces or Mexican settlements, over which the Republic of Texas did not exercise jurisdiction at the period of annexation, or shortly before that event. It is expected that in selecting the establishment for your troops, you will approach as near the boundary line—the Rio Grande—as prudence will dictate. With this view, the President desires that your position, for part of your forces at least, should be west of the river Nueces."

Here, then, we have four different communications to General Taylor, the substance of which are, that he shall prepare to remove his forces to Texas, that, in the event that Texas accedes to the resolutions of annexation, and Mexico attempts an invasion, he may be prepared to repel the Mexican forces; that to this end his ultimate destination will be the Rio Grande; that he shall, without delay, approach some point near that river, but in his march to be careful not to interrupt the Mexican posts or settlements on this side; *and that, to this end, a part of his troops shall be west of the Nueces.*

Now, let us look for a moment at General Taylor's reply to these several communications.

On the 20th July, 1845, he acknowledged the receipt of the letter of the 8th, and, after speaking of the instructions relative to the Mexican settlements on the east side the Rio Grande, he adds:

"These instructions will be closely obeyed, and the department may rest assured that I will take no step to interrupt the *friendly relations* between the United States and Mexico."

Now, sir, it has frequently been said, that the instructions of the 8th were an admission that Mexico had possession of the country on the left bank of the Rio Grande; and it is true that the President was informed that there were some military posts there; but he never acknowledged their right to be there, and only cautioned General Taylor, that, so long as the relations of peace continued, he should not interfere with them, as it was unnecessary to do so, and a different course might bring on a collision of arms, which he wished, if possible, to avoid. That General Taylor so understood these instructions, is very evident from the language of his reply.

On the 15th of August, 1845, he acknowledged the receipt of the letters of July 28 and 30; and then adds:

"I am gratified to find that my measures thus far have met with the approbation of the Government and general-in-chief; and, *particularly*, to find that I have but anticipated the wishes of the President in taking up a position west of the Nueces."

General Taylor, in his letter of October 4, first gives his reasons why he did not comply with Mr. Bancroft's instructions of June 15, directing him to take up his quarters near the Rio Grande, and why he stopped at Corpus Christi. He then gives his reasons why that had proved to be the best point, and then says:

"For these reasons, our position thus far has, I think, been the best possible; but now that the entire force will be soon concentrated, it may well be a question whether the views of Government will be best carried out by our remaining at this point. It is with great deference that I make my suggestions on topics which may become matters of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or two suitable points on or quite near that river."

And then, after giving his reasons for this opinion, he adds:

"Mexico having as yet made no positive declaration of war, or committed any overt act of hostilities, I do not feel at liberty, under my instructions, particularly those of July 8, to make a forward movement to the Rio Grande, without authority from the War Department."

On the 24th October, Commodore Conner wrote General Taylor, informing him that "the Mexican 'Government had accepted the proposal made by 'that of our country to arrange the existing diffi-'culties by negotiation," and that the information had been despatched to Washington.

On the 7th of November, General Taylor writes to the War Department; encloses a copy of Commodore Conner's letter; acknowledges the receipt of the letter of October 16; said he had declined answering it fully until he got an answer to his of October 4, which covered in part the same ground. He then adds:

"The news from Mexico, however, tends to modify, in some degree, the views expressed in that communication, (October 4.) The position now occupied by the troops may, perhaps, be the best while negotiations are pending, or, at any rate, until a disposition shall be manifested by Mexico to protract them unreasonably. Under the supposition that such may be the view of the department, I shall make no movement from this point, except for the purpose of examining the country, until further instructions are received."

Now, Mr. Chairman, there have been various constructions given to this correspondence, and especially to the letters of October 4 and November 7. My own opinion is, that no gentleman has given the true construction. On the 4th of October, General Taylor gave it as his opinion, that up to that time Corpus Christi was the best point that he could possibly have occupied. After stating what the instructions of June 15 were, and that Point Isabel would have fulfilled more fully than any other position the conditions imposed by the Secretary of War, he goes on and gives the reasons why he did not take that position:

"He had no artillery, no engineer force or appliances, and but a moderate amount of infantry. Under these circumstances, the occupation of Point Isabel might have compromised the safety of his command. I therefore (says he) determined to take up the next accessible position in the rear, which is the mouth of the Nueces river."

All the information which he had obtained before leaving New Orleans, seemed to point to Corpus Christi as the most suitable point for concentration. And, although, before the instructions of July 30 had reached him, he would have preferred a position on the left bank of the river, yet a careful examination of the country had already convinced him that none could be found combining so many advantages as this—that every day's experience had confirmed these impressions. Corpus Christi is healthy, easily supplied, well situated to hold in observation the Rio Grande, from Matamoros to Laredo. A salutary moral effect was exercised on the Mexicans. The traders carry home favorable news of our camp and discipline. "For these reasons our position thus far has been 'the best possible; but now that the entire force will 'soon be concentrated, it may well be a question 'whether the views of Government will be best car-'ried out by our remaining at this point." Now, sir, let me here ask, what are the views of Government which he thought would not be best carried out by his remaining at Corpus Christi? I answer, they are found in previous communications. They consist in this, that our Government claimed the Rio Grande as our western boundary, and was determined to maintain that claim. This is clear from the language of Secretary Marcy, in his letter of October 16, when he tells General Taylor—

"Previous instructions will have put you in possession of the views of the Government of the United States, not only as to the *extent of its territorial claims*, but *of its determination to assert them.* In carrying out these instructions, you will be left very much to your own judgment, by reason of your superior knowledge of localities, and the earlier notice you may receive of the probable views of Mexico and the movements of her troops."

These are the views of Government to which he alludes, and above everything else is the protection of Texas up to the Rio Grande. He then adds:

"It is with great deference that I make any suggestions on topics which may become matter of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the Rio Grande our *ultimatum*, I cannot doubt but the settlement will be greatly facilitated and hastened by our taking possession at once of one or two suitable points on or quite near that river."

And now, sir, let me here ask, what kind of settlement does he allude to? I answer, settlement by negotiation. And why will that be facilitated and hastened by taking position on the Rio Grande? It will be hastened and facilitated, or, in other words, it will bring about negotiation, and facilitate it when brought about, for the reason that "our strength and preparation will be displayed in a manner not to be misunderstood." "However salutary may be the effect produced 'upon the border people by our presence here, we 'are too far from the frontier to impress the Gov-'ernment of Mexico with our readiness to vindi-'cate by force of arms, if necessary, our title to the 'country as far as the Rio Grande." These are the reasons why a position on or near the river will bring about negotiation. Let us display our force, and let them know what our intentions are. But under his instructions he does not feel authorized to make the move without further directions from the War Department.

I repeat it, sir, the object that General Taylor had in view in ordering a removal of the troops from Corpus Christi to the Rio Grande, was to bring about a negotiation for the settlement of our difficulties with Mexico. The gentleman from Georgia [Mr. COBB] seemed to think that he alluded to the particular negotiation which was soon after proposed. I do not think so. General Taylor knew nothing of the intended effort at negotiation at the time he wrote his letter of October 4. His position was stronger than this. It was not that Mexico would accede to our proposition to negotiate. No, sir, no. It was that Mexico, seeing our determination to assert and maintain our line up to the Rio Grande, would induce her to make the offer of negotiation. But we are told that the letter of November 7 modifies that of October 4. It does, sir. It modifies it just so far as there has been a change of circumstances in the mean time. On the 6th of November General Taylor received a letter from Commodore Conner, informing him that Mexico had accepted a proposition to arrange the existing difficulties by negotiation; and then, on the 7th of November, writing to the War Department, enclosing Commodore Conner's letter, and mentioning his views as expressed in the letter of the 4th, he adds:

"The intelligence from Mexico, however, tends to modify, in some degree, the views expressed in that communication. The position now occupied by the troops may, perhaps, be the best while negotiations are pending, or, at any rate, until a disposition shall be manifested by Mexico to protract them unreasonably. Under the supposition that such may be the view of the department, I shall make no movement from this point until further instructed."

Now, sir, let us see how beautifully these letters correspond, and how positively they recommend the same policy. On the 4th of October, no proposition for negotiation pending, he writes to the department and tells them, if you intend to make the Rio Grande an ultimatum, move your troops up to it, display your force, and your determination to maintain your rights, and it will be the means of hastening, bringing about, and facilitating negotiation. But, on the 7th of November, propositions for negotiation then having been made and accepted, the reasons for removing the troops no longer exist; Mexico agrees to treat without being induced to it by a display of our forces on the Rio Grande; and, inasmuch as it is no longer necessary to move for the purpose of bringing about negotiation, therefore, the position now occupied is perhaps the best, while negotiations are pending, or, at least, until she manifests a disposition to protract them unreasonably; but then, so so soon as negotiation ends or is unreasonably protracted, move your forces to the Rio Grande.

And now, having thus given my views of the correspondence between the War Department and General Taylor, up to the 7th of November, 1845, let us turn our attention for a moment to what was transpiring at the capital of Mexico.

On the 15th of September, 1845, Mr. Black, our consul at the city of Mexico, was directed to propose to the Mexican Minister of Foreign Relations a renewal of the diplomatic relations between the two Governments.

On the 15th of October, 1845, he received an answer, acceding to the propositions of our Government, accompanied with a request that our squadron be ordered out of the port of Vera Cruz, and that the person sent to negotiate a settlement of existing difficulties should be endowed with qualities proper to the attainment of such ends.

On the 10th of November, 1845, Mr. Slidell was sent on his mission, and on the 21st of December following was rejected by Herrera's Government. And now here I wish to remark, that from a very careful examination of the correspondence in which Mr. Black, Mr. Slidell, and the Mexican minister, Mr. Peña y Peña, were the parties, I have no doubt it was the wish of General Herrera that diplomacy should be renewed, with a view to a peaceful settlement of all our difficulties. But, sir, he very soon discovered the difficulties surrounding him; he soon discovered that some of the military spirits of the country were resolved first upon an overthrow of his Government, and next upon a war with this country. This was in accordance with the feelings of a large majority of the people, and his pacific overtures were seized upon by Paredes as a pretext upon which to place himself in power. Herrera saw the storm gathering around his head. He knew the lever that was being used against him. He had not the moral courage to meet the crisis; and on the 30th December, 1845, without a struggle, quietly yielded up the Government to the war influence of the country, with Paredes at its head. And, sir, any gentleman who will carefully examine the history of this whole affair will be forced irresistibly to the conclusion, that with the first rejection of Mr. Slidell and overthrow of Herrera's Government ended all hope of peaceful negotiation.

It will be borne in mind, that one of the errors into which Herrera was led, in part by his own pusillanimity, and in part by the force of circumstances, was, that he submitted the proposition as to the reception or rejection of Mr. Slidell to what was termed the Council of Government. He sought

to escape the responsibility of action, by shifting it upon the shoulders of others, at the same time anxious that they should receive our minister, with the hope that in that event he could retain his power.

On the 17th of December, 1845, Mr. Slidell became satisfied as to the result, and accordingly wrote to Mr. Buchanan, giving a detailed account of all that had taken place; enclosed copies of his correspondence; and, on the next day, added, by way of postscript, that he had received a paper containing the decision of the Council of Government against his reception, and which paper he also enclosed. This intelligence was received at the War Department on the 12th of January, 1846; and on the day following, a letter was sent to General Taylor, ordering him to move from Corpus Christi to the left bank of the Rio Grande; and this order is said to have been the immediate cause of the war.

Mr. Chairman, it is not my wish to pursue this subject any further. I trust I have shown that Mexico commenced the war, and is responsible for the evils that have followed in its train; that the title to our territory was perfect to the left bank of the Rio Grande; that it was the duty of the President to resist invasion up to that line; that the order of the 13th of January was in strict accordance with the previously expressed opinions of General Taylor; that all efforts at negotiation had failed; that Mexico had concentrated her forces with the avowed purpose of invading and subjugating Texas; and that it therefore became the imperative duty of the President to meet the crisis. He did meet it, and the nation will sustain the act.

The question was then put on the amendment of Mr. McCLELLAND, and it was adopted.

Mr. FICKLIN moved to add at the end of the resolution the following proviso:

Provided, That nothing in this act contained shall be so construed as to require the payment of any expenses incurred prior to the organization of companies by the election of their officers.

Mr. GIDDINGS moved to amend the bill by inserting before the words, "Provided, however," the words, "and such as are allowed by law to the troops of the United States." Rejected.

Mr. RUMSEY moved to strike out of the resolution the words, "or for money advanced to the commanding officers of any regiment, battalion, or company, for the purpose aforesaid." Agreed to.

Mr. JONES, of Tennessee, moved to add at the end of the resolution the following:

Provided, further, That nothing herein contained shall be construed to authorize the refunding of any money than such as would have been paid or advanced by the proper officers of the United States, had such officers been present.

Mr. JONES explained his amendment.

After a few remarks by Messrs. BROWN, of Mississippi, DICKINSON, MILLER, and PHELPS—

The committee rose and reported progress.

And then the House adjourned.

IN SENATE.

WEDNESDAY, *March* 29, 1848.

Mr. MILLER presented a resolution of the Legislature of New Jersey, in favor of a law to provide for the reimbursement of expenses incurred by William Napton and Alexander F. Arnold in raising a company of volunteers to serve in the Mexican war; which was referred to the Committee on Military Affairs, and ordered to be printed.

MEMORIALS AND PETITIONS.

Mr. HALE presented a petition from citizens of New Hampshire, asking a reduction of postage to one cent on papers and two cents on letters; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition from citizens of Pennsylvania, for the abolition of slavery in the United States; the motion to receive which was laid on the table.

Mr. DIX presented a petition from the Society for the Reformation of Juvenile Delinquents, asking to be released from a judgment obtained against them by the United States for the purchase money stipulated to be paid for the property now occupied as a house of refuge; which was referred to the Committee on the Judiciary.

Mr. BENTON presented a petition from Rebecca Heald, asking compensation for property destroyed during the war with Great Britain; which was referred to the Committee on Military Affairs.

Also, a petition from citizens of Missouri, asking the right of preëmption to certain lands settled and cultivated by them; which was referred to the Committee on Public Land Claims.

Mr. BELL presented two memorials from citizens of Tennessee, all numerously signed, asking an appropriation for the repair of the dam at Cumberland Island, in the Ohio river.

Mr. BELL explained that this petition was numerously signed by some thousands of persons, masters of boats, merchants, traders, planters, &c.; and their object was to obtain an appropriation for the repair of the dam at the head of Cumberland Island, in the Ohio river. That dam was erected about fifteen years ago, and had answered the purpose of its construction until within the last two or three years, when, in consequence of damage caused by the freshets, a breach had been made in it; the effect of which had been a great inconvenience to the public, and much injury to vessels navigating the river. Unless some repair should speedily be made, the navigation would be entirely stopped, to the great injury of all the western States, the trade from which took that direction. The original intention of the construction, which was to throw the channel towards the left bank of the river, had been entirely thwarted by the injury received by the dam. Great losses had already occurred, exceeding in amount the original cost of the work. Boats had frequently been placed in imminent danger, and, on one occasion, some two years ago, he was himself exposed to great peril, having been for some four-and-twenty hours suspended between life and death He stated that an appropriation for the repairs of the dam would not be liable to the constitutional objections of the President; and his only apprehension was, that it would encounter opposition from those interested in smaller but rival works. He trusted, however, that the great importance of this object to all the western States, would enable it to triumph over all opposition.

The memorials were then referred to the Committee on Roads and Canals.

Mr. CRITTENDEN likewise presented several memorials from Kentucky and Illinois, in relation to the same, and drew the attention of the Senate, and the committee in particular, to the necessity for the repair of the dam; which were referred to the Committee on Roads and Canals.

Mr. ALLEN, in pursuance of notice, obtained leave to bring in a joint resolution giving the congratulations of Congress to the French people, (published in yesterday's proceedings.)

The resolution was read, and the Secretary was proceeding to read it a second time; when—

Mr. MILLER objected to the second reading, unless for the purpose of reference.

Mr. ALLEN could see no necessity for a reference. If the second reading was objected to, that put a stop to present proceeding. He should, however, move to have the resolution printed for the use of the Senate; which was agreed to.

Mr. ASHLEY, in pursuance of notice, introduced a bill explanatory of the act entitled "An act to raise, for a limited time, an additional military force, and for other purposes; which was read twice, and referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, reported House bill to change the location of certain light-houses and buoys, without amendment.

Mr. D. said he had been instructed by the Committee on Commerce to ask that the bill might be immediately considered; when, after explaining its object, which was simply to authorize the Secretary of the Treasury to change the locations of certain light-houses and buoys, the motion was agreed to, and the bill read a third time and passed.

Mr. CASS, from the Committee on Military Affairs, reported House bill for the relief of Colonel Robert Wallace, without amendment.

RESOLUTIONS.

On motion of Mr. YULEE,

Resolved, That the President be requested to transmit to the Senate any documents or evidence on file in any of the Executive departments relative to the services of Captain McClellan's company of Florida volunteers in the year 1840.

The following resolution, submitted by Mr. BREESE on the 23d instant, was taken up and adopted:

Resolved, That the Secretary of War be directed to inform the Senate what quantity of public land has been reserved from sale and settlement at and near Fort Snelling, on the Upper Mississippi river; stating the quantity on each bank of the river so reserved; the purpose to which the lands are devoted; the amount of force at that post, averaging it for the last five years; and whether, in his opinion, the lands reserved on the east bank of the river are really for any military purposes.

The bill from the House making appropriations for the current and contingent expenses of the Indian Department, &c., was read twice, and referred to the Committee on Finance.

On motion of Mr. CRITTENDEN, the bill concerning the Supreme Court of the United States, &c., was taken up, and made the special order for Friday.

CALIFORNIA CLAIMS.

On motion of Mr. CASS, the Senate proceeded to consider the bill for ascertaining and paying certain claims in California.

Mr. DIX addressed the Senate as follows:

Mr. PRESIDENT: The transactions out of which the claims provided for by the bill under consideration arose, were explained yesterday in the brief but very pertinent and lucid remarks of the honorable Senator from Michigan, [Mr. CASS,] as chairman of the Committee on Military Affairs, before which the testimony substantiating the claims was taken. I hold in my hand the printed document containing this testimony, and before I sit down I will read some portions of it to the Senate, though I may perhaps but present what is familiar to all.

I do not know that any explanation further than that which has already been given by the honorable Senator from Michigan is necessary to vindicate the propriety of passing the bill. The pecuniary obligations, for the discharge of which it provides, were contracted in good faith, for the purpose of subduing the country and of expelling from it the military forces of Mexico. In the execution of these objects, the young and accomplished officer at the head of our troops, Colonel Frémont, exhibited a combination of energy, promptitude, sagacity, and prudence, which indicates the highest capacity for civil and military command; and, in connection with what he has done for the cause of science, it has given him a reputation at home and abroad of which men much older and more experienced than himself might well be proud. That the country will do justice to his valuable and distinguished services I entertain not the slightest doubt.

The objects accomplished by Colonel Frémont, as subsequent developments have shown, were far more important than those I have referred to. There is no doubt that his rapid and decisive movements kept California out of the hands of British subjects, and perhaps out of the hands of the British Government; and it is in this point of view that I desire to present the subject to the Senate. If these transactions stood alone, if they constituted an isolated case, I might not deem it necessary to call attention to them. But as a part of a system to all appearances deliberately entered upon and steadily pursued, it seems to me that they may justly claim a more extensive consideration than would otherwise be due to them.

While discussing the bill to raise an additional military force in January last, I stated some facts in illustration of the encroachments of Great Britain on the southern portion of the North American continent. I alluded particularly to her movements on the Mosquito coast, where she is establishing herself under the pretence of giving protection to an insignificant tribe of Indians, but in reality to gain possession of a territory not only intrinsically valuable on account of its natural products, but doubly so to her on account of its advantages of position. This occupation does not rest upon the ground of an original establishment on territory unreclaimed from its primeval solitude, or even on territory not reduced to actual possession by its first discoverer. It is a portion of the old Spanish dominion in North America, constituting, after the dissolution of the empire of Spain in the western hemisphere, a part of the confederation of Central America, and now an integral part of the States of Honduras and Nicaragua: and if the power of Spain had continued unbroken, this unjustifiable encroachment would not have been heard of. I stated on a former occasion that the territory occupied in

the name of the Mosquito nation by Great Britain contains about 40,000 square miles, nearly as large a surface as that of the State of New York, and that she had recently sought to extend her possession by forcible means to the river San Juan de Nicaragua, near the eleventh parallel of latitude, one degree further south than the territory actually claimed as belonging to the Mosquitos according to her own geographical delineations.

Nearly a century ago some connection existed between Great Britain and the Mosquito Indians; but the territory was abandoned by her under treaty stipulations with Spain. When the connection was renewed I am unable to say; but I believe the first open and avowed attempt to exercise rights of sovereignty over the territory, through consular agents, was in 1843, when Mr. Patrick Walker was appointed consul at Bluefields; and this appointment was instantly the subject of a protest by at least one of the South American States.

Before I proceed to give the details of this encroachment, I wish to call the attention of the Senate to the position taken by the Executive of the United States, nearly twenty-five years ago, in respect to the future colonization of this continent by European Powers.

In the annual message of Mr. Monroe to Congress, in December, 1823, he stated, that in the discussion of the respective rights of Great Britain, Russia, and the United States, on the northwestern coast of America, the occasion had "been judged proper for asserting as a principle, in which the rights of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European Powers." In the same message it was declared, that we should regard any attempt on the part of European Powers to extend their political "system to any portion of this hemisphere as dangerous to our peace and safety." "With existing colonies or dependencies of any European Powers," says the message, "we have not interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States."

The two positions assumed by the Executive of the United States were—

1. That there must be no further colonization on either of the American continents by any European Power; and,

2. That there must be no interference by European Powers with the independent States in this hemisphere:

And these declarations were accompanied by the disavowal on our part of all intention to interfere with existing colonies or dependencies of any European Power on this continent.

Of the wisdom or policy of these declarations, I have nothing to say; though I must add, that I have always considered the publication of manifestoes, which the government putting them forth is not prepared to maintain at all hazards, as calculated to detract from its dignity and influence.

Mr. Monroe's declarations have not been maintained. They applied to South as well as North America; and during the last five years, the Banda Oriental and the Argentine Confederation have been the theatre of an armed intervention, on the part of Great Britain at first, and ultimately of Great Britain and France, which is almost unprecedented in the history of nations, as a violation of the right of every community to regulate its domestic concerns in its own way, without external interference. I will not detain the Senate by entering into the details of these transactions. Suffice it to say, that in 1838, in consequence of internal dissensions in the Banda Oriental, or the Oriental Republic of Uruguay, fomented by foreign officers and residents in Montevideo, General Oribe, the President, resigned, and fled to Buenos Ayres, his rival, General Reveira, succeeding to his political post. In 1842, Oribe entered the Banda Oriental, drove Reveira into Brazil, and besieged his general (Paez) in Montevideo, which was subsequently invested by sea by the Argentine fleet. The interposition of Admiral Purvis, commanding the British fleet, when the admiral of the French fleet refused to interfere, on the ground that such interference would violate well-established principles of international law, has had the effect of prolonging for five years a war which would otherwise have been speedily decided, and led to a violation of every rule of international duty, through a further intervention in the affairs of the Argentine Confederation, by the combined fleets of France and Great Britain, under the sanction of their respective governments. Those who desire to know more of these transactions will find a most interesting discussion in the British House of Lords, in the Parliamentary Debates of 1845, vol. 83, page 1,152. In reply to some inquiries proposed by Lord Beaumont, the Earl of Aberdeen made the defence of the Ministry. He was followed by Lord Colchester, who had been at the Rio de la Plata, and who was thoroughly acquainted with all that had taken place. He corrected many of the Earl of Aberdeen's statements; and I think it will be admitted that he left to the Ministry a most unsatisfactory ground of defence. On the principles laid down by Mr. Monroe, it would have been the duty of the United States to interpose for the purpose of protecting the Oriental and Argentine republics from this flagrant invasion of their rights as sovereign and independent States. We have failed to do so, I do not say whether rightly or not; but the impolicy of making declarations which we are not prepared to maintain is strongly exemplified in our inaction.

In the annual message of the President to Congress in December, 1846, the declarations of Mr. Monroe were reiterated, but the application of the principles he asserted was virtually restricted to the continent of North America. Whatever hesitancy there may be in extending the application further, to this extent its assertion and maintenance at all hazards can afford, it appears to me, no ground for a difference of opinion; and, so believing, it was with great pleasure that I listened to the spirited remarks of the honorable Senator from Delaware [Mr. CLAYTON] on this subject, at the close of the debate on the bill to raise an additional military force. Our own security depends, in no inconsiderable degree, on the tranquillity of the States bordering on us, or in our neighborhood. The interference of European Powers in their affairs can have no other effect but to produce distractions dangerous alike to them and to us. We have a right to insist, then, on the principle of non-intervention on this continent—a principle lying at the very foundation of all national independence—a principle which cannot be violated without offending against the common welfare and the common interest of the whole civilized world. In connection with this subject, I desire to say that I have always insisted, in the most earnest manner, on the duty of non-interference on our part with the affairs of European States. I consider it the more imperative now, when great political changes are taking place, and when the whole continent of Europe may be convulsed to its centre.

In this view of the subject, the encroachments of Great Britain in North America possess an importance which cannot be exaggerated. I begin with Central America, and shall pass on to California, where we have had recent evidence of a deliberate design to obtain possession of the country, for the purpose of excluding us.

In February last, I received a letter from a friend in New York—a gentleman of high respectability, extensively engaged in commercial transactions, chiefly with Central and South America, and who formerly held a seat in the House of Representatives—stating that he had noticed my allusion to the affairs of the Mosquito coast, and that he could give me some information on the subject, if I desired it. I immediately made the request, and received from him, about a month ago, a letter, which I will read to the Senate:

"NEW YORK, *February* 28, 1848.

"DEAR SIR: Your favor of the 25th instant is received. In compliance with your request, I have hastily drawn up the outlines of the information alluded to.

"In August, 1845, Mr. James S. Bell visited New York, and was introduced to me as a person having great commercial advantages at the English settlement of Bluefields, Mosquito nation, Central America, and who desired to form a connection with a house at New York, by which these advantages could be made available for commercial enterprise. Having at that time much business at Belize and Truxillo, I was ready to listen to propositions for increasing my trade with that country, especially to receive the valuable information which I was told Mr. B. could impart. Mr. Bell stated he was the Secretary to the British consulate at Bluefields, which he assured me was really the government *de facto* of the Mosquito nation—a tribe of dissolute and degraded Indians, whose King, a lad of fourteen, was an inmate of the consul-house, and dependant on that functionary for the necessaries of life; that the Mosquito country had been privately conveyed to the British Government, and that that claim, when questioned, could be maintained by a legal title of purchase from the King; that the object of the British Government was not only the possession of this territory, which abounded with rich forests of mahogany, and other valuable woods, on the coast, and many miles in the interior on navigable rivers, but *at the proper time*, to show, prove, and maintain by force of arms, if necessary, the Mosquito (their own) title to as far south as 10° of north latitude, comprising San Juan and the rich country of Lake Nicaragua, thus securing the best route to the Pacific, as well as by far the most fertile and productive of all that section of Central America; that he (Mr. Bell) had made two visits, accompanied by skillful surveyors and engineers, to San Juan, and thence to the interior, and to the Lake Nicaragua, for purposes of exploration, &c., by order of the Government, conveyed privately to Mr. Walker, the consul at Bluefields; that he came to the United States to effect on his individual account a connection with some mercantile house, by which to establish branches at Bluefields and at San Juan, in advance of its becoming a *British port;* that he had received an exclusive grant for the cutting of mahogany on Bluefields river and adjacent coast; that this connection with, and intimate relation to, the consulate at Bluefields, *alias* the Mosquito Government, would give him such advantages at San Juan, that he could nearly monopolize the interior trade of that place, and ship to the United States large quantities of spice, indigo, cochineal, hides, &c., in exchange for cotton goods, flour, &c.

"Mr. Bell, by written documents and letters, satisfied me fully of the truth of his statements, which recent events have in part confirmed. I declined the propositions, but another house have accepted them, so far as to engage the services of about thirty men to return to Bluefields with Mr. B. to cut mahogany, one cargo of which has actually been received at this port. Mr. Bell whilst here, had a large chair made, with canopy, &c., gilded profusely, and covered with damask, which he stated was the *throne* of the King of the Mosquitos; also, halberds and other paraphernalia of royalty, which he took out with him to Bluefields. At the time, these statements made but little impression upon me; but recent events, particularly your speech, have showed too truly their truth and importance."

In connection with this subject, I will also read a communication furnished me, at my request, by the head of one of the foreign embassies in this city, and addressed, by the British chargé d'affaires at Bogota, to the Government of New Grenada, setting forth the extent of the British claims. In January last, I furnished other evidence, to the same point, on the authority of the British consul general at Guatemala. I present this as corroborative, and as of higher authority:

"BRITISH LEGATION, BOGOTA, *Sept.* 24, 1847.

"Circumstances having given rise to a question as to the extent of the coast frontier of the kingdom of Mosquito, her Britannic Majesty's Government, after having carefully examined the various documents and historical records which exist relative to this subject, have instructed the undersigned, her Britannic Majesty's chargé d'affaires, to inform the Government of New Grenada that her Majesty's Government are of opinion that the right of the King of Mosquito should be maintained, as extending from the Cape of Honduras down to the mouth of the river San Juan.

"The undersigned has likewise been instructed to state that her Majesty's Government will not view with indifference any attempt to encroach upon the right or territories of the King of Mosquito, who is under the protection of the British Crown.

"In addressing this communication to his excellency M. Man. Ancizar, Grenadian Secretary of State for Foreign Affairs *ad interim*, the undersigned begs to assure him of his high and most distinguished consideration.

"DANIEL F. O'LEARY.

From the information I have been able to gather, Mosquito has become, for all practical purposes, a British colony. The real head of the Mosquito nation is Mr. Patrick Walker, the British consul at Bluefields. The nominal king of the Mosquitos is a mere boy, living in his house. The Mosquito nation consists of a few hundred naked Indians—idle, ignorant, and worthless. Under the pretence of giving protection to this miscalled nation, Great Britain has extended her sovereignty over a district of country nearly as large as the State of New York or Pennsylvania. She has vessels of war, commanded by British subjects, under the name of the Mosquito navy. And, in a word, she has appropriated to herself a part of the territory of Honduras, and is encroaching on the territory of Nicaragua, against the solemn protest of the Central American States. Her objects are doubtless threefold—

1. To extend her political dominion on this continent;

2. To open new fields for commercial enterprise; and

3. To obtain possession of the most practicable route for a ship canal across the Isthmus, and thus to control the commercial communication between the two oceans.

This last object is naturally regarded as the most important. The route has been surveyed minutely, thoroughly, by a British engineer, and its

practicability ascertained. From the Caribbean sea to Lake Nicaragua, the river San Juan is susceptible of the requisite improvement. The lake is already navigable for vessels of any burden; and from the lake it is less than sixteen miles to the Pacific, with a mean descent of about one hundred and twenty-eight feet. The results of this examination will be found at the end of the first volume of Stephens's work on Central America.

But it is not through her connection with the Mosquito coast alone that Great Britain is extending herself across the continent. Through her establishment at Balize she is penetrating to the very heart of the peninsula of Yucatan. She had at first only a permission to occupy a small district on the coast for the purpose of cutting logwood, and to enjoy the use of a fishery for the subsistence of the persons employed. This permission was given during the Spanish rule in America. It was confirmed in 1783 by the treaty of Versailles, under very cautious restrictions, and slightly extended by the treaty of London in 1786. The sovereignty of Spain over this territory became, by virtue of the independence of her colonies, of which Yucatan was one, vested in Mexico. But the right of Great Britain to Belize, I am told, has not been recognized either by Mexico or Yucatan. She not only continues to hold the coast, but she has extended herself over a district of about fourteen thousand square miles, embracing one of the most valuable portions of Yucatan; and I believe she claims it by conquest. She is within sixty miles of Chiapas, the southern State of Mexico; and her chief establishment is said to be a vast depôt of contraband. A fierce contest is now going on between the Spanish and Indian races of Yucatan; and the latter, who were once disarmed and harmless, are now found to be abundantly supplied with powder and firearms—many of the latter bearing the stamp of the tower of London. When this contest, marked, as all such contests are, by murder, and rapine, and wanton barbarity, shall have exhausted the combatants, both parties may be willing to take refuge in the power and find tranquillity under the protection, of Great Britain. Sir, this is the usual issue of her intervention in the domestic concerns of other States—those especially in which civilization has made but little progress. This is still more likely to be the result when semi-barbarous tribes are intermingled with civilized races, as in the greater portion of this continent to the south of us, and from numbers or local circumstances approaching an equality with each other in point of strength.

I do not make these statements, Mr. President, for the purpose of exciting feeling here or elsewhere. It is a subject which I desire to see considered with calmness and deliberation; but it is one which deeply concerns us. Our tranquillity, our political comfort, our commercial interests, are all involved in the exemption of neighboring States from domestic dissensions and violence; and we have a right to see that these mischiefs are not promoted by unauthorized interference from abroad. I do not propose to speak of the right of interference in the internal concerns of other States. On a former occasion I said to the Senate all that I desire to say on that subject. But I hold it to be our right and our duty, when we see questionable movements by foreign Powers on this continent, either through their constituted authorities or through their subjects, supported by the power of the State, to know what are their objects, and to see that the political independence of our weak and defenceless neighbors is not insidiously subverted, and their territorial possessions wrested from them by unwarrantable encroachment.

One of the peculiarities of the system by which Great Britain has extended herself over so large a portion of the globe is, that she usually acts, in the first instance, by private rather than by public agents. She employs commerce to effect what other governments accomplish by public authority and force. Instead of sending an army or a fleet to take possession of a coast, she sends a trading company. Nothing can be more unsuspicious than the circumstances under which their first lodgment—the germ, perhaps, of a future empire—is made. They only wish some facilities for landing and for shelter while they dispose of their merchandise; they desire to establish a factory (which, in the British acceptation of the term, is a house for traders) and to enjoy some temporary conveniences for traffic. The permission is given, a foothold is obtained, a house is built, a picket, a ditch, an embankment follow. These simple improvements (to use an American phrase) grow insensibly into a settlement, a fortress, and a colony, and the occupation becomes perpetual. Here are British subjects, British property, and British interests to be protected; the honor of Great Britain is concerned, and it will not permit them to be abandoned. Her East Indian empire, the most vast and lucrative of her possessions, was gained through the agency of a trading company. Through a trading company she gained her first foothold on the northwest coast of America, and obtained for herself in the end some of the best portions of Oregon.

There is another peculiarity in the British system of extension. Colonization is only desired so far as it is coextensive with political sovereignty. She does not labor to civilize or improve where she cannot rule. Commercial interest is the principal, and social improvement the incident in her progress.

Sir, there were two great systems of colonization in ancient times—those of Greece and Rome—and each distinct in its character. Greece was actuated by no sordid reference to self in the extension of her people. When she sent out her children to colonize distant territories, she let them go forth independent and free. She did not insist on carrying her political sovereignty along with them, and compelling them to pay a servile obedience to it. She sent them out with her benedictions and her prayers, to enjoy, unshared by herself, whatever prosperity they could earn by their industry and their valor; and it was through these migrations that the foundations of ancient civilization were laid in southern Italy.

Roman colonization was totally different in its character. Rome, indeed, did not encourage colonization out of Italy in the early days of the republic. In its latter days, and during the early period of the empire, she sent out colonies to distant regions, and retained them in dependence on herself. She desired that all the streams of prosperity which emanated from her should be poured back, in enlarged currents, upon their source. It was a vast system of centralization. Under its influence the heart became distended and gorged, while the extremities were left exhausted and cold, and the whole system fell asunder by force of this inequality.

This is the British system of colonization; it has been made more liberal of late, but unless still further relaxed, its fate will be the same. Its great characteristic is dependence on the parent State; its most inflexible formulas (if I may be allowed the expression) colonial governments subservient to the crown, commercial regulations framed with an exclusive, and usually (such is the fatality of all selfishness, individual or national) with a mistaken view to metropolitan interests.

It is not for our advantage that this system should be extended. We desire freedom in commercial intercourse. We do not interfere with any colonial systems, however exclusive, where they now exist. We do not oppose their extension in other portions of the globe. But having no colonies ourselves, desiring none, looking only to an extension by pacific means, and from the operation of natural laws, over the unoccupied districts of country west of us, we have a right to insist that colonial establishments, exclusive in their character as respects commercial intercourse, shutting out the world except the parent State, and dependant on distant governments, shall not be planted in our neighborhood in violation of the rights of defenceless States. I would not make this principle the theme of a declaration or a manifesto. I would have it quietly announced to those whom it concerns, and firmly maintained against all infringement.

Before I dismiss this part of the subject I wish to say that I am not unwilling to concede to Great Britain some merit for what she has done for constitutional liberty in the past, nor am I disposed to deny that her colonial system may in the end lead to results of great value to the cause of civilization. She has, in more than one instance, arrayed herself against the progress of arbitrary government in Europe, and asserted principles which lie at the very basis of all free institutions. Through her colonial possessions she is disseminating throughout the globe the intelligence and the civilization by which she is herself distinguished; and, when the political bonds by which her vast possessions are held together shall be rent asunder—a day not distant, perhaps—when the sceptre of her empire shall be broken, the colonies she has planted on every continent and in every sea will become so many centres from which the lights of knowledge and freedom will be radiated to the darker portions of the earth. While advocating a determined resistance to her encroachments, I am willing, nevertheless, to do her this political justice.

Let me now turn to the subject more immediately in hand—the California claims. The propriety of passing the bill providing for the payment of them has been fully shown by the honorable Senator from Michigan. It only remains for me to consider the subject in connection with the particular topic which I have discussed.

By the testimony taken before the Committee on Military Affairs, it appears—

1. That Eugenio Macnamara, a Catholic priest, made application to the Government of Mexico for a grant of land in Upper California, for the establishment of Irish colonies. The first colony was to be established at San Francisco; the second at Monterey; and the third at Santa Barbara; and the number of colonists was not to be less than ten thousand. There is no date to the application; but other documents show it to have been previously to the 19th of January, 1846.

2. The avowed objects of Macnamara were to keep the Californias out of the hands of the Americans, who are represented, in his memorial to the Mexican Government, as an artful and base enemy, and as abhorring the people and the religion of Mexico.

I will read to the Senate some extracts from his original application to the Mexican Government. They will be found in the translation at page 19 of the document containing the testimony taken before the Committee on Military Affairs, and in the original Spanish at page 77 of the same document:

"I, Eugenio Macnamara, Catholic priest and apostolical missionary, take the liberty of submitting to your Excellency some reflections on a subject which at this time attracts much public attention. I allude to the expectations and actual condition of Upper California.

"It does not require the gift of prophecy to foresee, that within a little time, this fertile country will cease to be an integral part of this Republic, unless some prompt and efficacious measures be adopted to restrain foreign rapacity."

"For this reason I propose, with the aid and approbation of your Excellency, to carry forward this project, to place in Upper California a colony of Irish Catholics. I have a triple object in making this proposition: I wish, in the first place, to advance the cause of Catholicism; in the second, to contribute to the happiness of my countrymen; thirdly, I desire to put an obstacle in the way of further usurpations on the part of an irreligious and anti-Catholic nation. I therefore propose to your Excellency that there be conceded to me an extent of territory on the coast of Upper California for the purpose I have indicated."

I will also read an extract at page 21 from his second application, urging attention to the first. It will be found in Spanish at page 79:

"Your Excellency will excuse me, that I take the liberty further to demonstrate that no time ought to be lost in this important affair, if it is desired to be realized, since your Excellency knows well enough that we are surrounded by an artful and base enemy, who loses no means, however low, to possess himself of the best territory of this country, and who abhors to the death its race and its religion.

"If the means which I propose be not speedily adopted, your Excellency may be assured that, before another year, the Californias will form a part of the American nation. Their Catholic institutions will become the prey of the Methodist wolves, and the whole country will be inundated with the cruel invaders. Whilst I propose the means of repelling them, my propositions ought to be the more admissible, inasmuch as I have no personal interest in the affair, save the progress of the holy religion of God, and the happiness of my countrymen."

The stigmas cast upon us and upon one of our most respectable religious sects, I regard as designed to minister to the prejudices of Mexico, with a view to the accomplishment of his purposes, rather than as emanating from a conviction of their truth.

3. The grant to Macnamara, after being submitted to the consideration of the Governor of California, was made on the 4th of July, 1846, and comprised about three thousand square leagues, containing, besides the bay of San Francisco, some of the best lands and some of the most important military and commercial positions in California.

4. Macnamara was taken to California in a British sloop of war (the Juno) in June, 1846; a British ship of 80 guns, (the Collingwood,) commanded by Admiral Seymour, followed in July, and Macnamara was taken away in her.

The extract I am about to read from the affidavit

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of Colonel Frémont will show the connection between Macnamara's movements and those of the public armed vessels of Great Britain. It will be found at page 14 of the document:

"The fruits of the revolutionary movement thus passed to the United States, and have remained with her ever since. These fruits were very considerable. Besides the peaceable possession of all the northern part of California, and the actual force in the field under the independent flag, which immediately went into service under the United States, there is good reason to believe, and evidence is now at hand to sustain that belief, that the revolutionary movement prevented a design of the Californians to put their country under the flag of the British, and also prevented the completion of the colonization grant of three thousand square leagues to Macnamara, who was brought to California in the British sloop of war Juno in the month of June, 1846. Admiral Seymour, in the Collingwood, of 80 guns, arrived at Monterey on the 16th of July. Macnamara was on board the Collingwood when I arrived at Monterey on the 19th, and was carried away in that vessel. The taking possession of that place on the 7th had anticipated him, and the revolutionary movement had checked the designs of the Californians to place the country under British protection; and also prevented the fulfillment of the great grant to Macnamara, the original papers of which I now have here, to be shown to the committee and to be delivered up to the Government."

5. In addition to the Macnamara grants, some of the most valuable missions were sold in May and June, 1846, to British subjects, for very inconsiderable sums, showing an evident design, in case the United States should get possession of the Californias, to keep some of the most valuable districts out of the hands of the Government, by converting them, through fraudulent conveyances, into British property.

6. It appears also that a plan was set on foot by the British vice consul in California, Mr. Forbes, Macnamara, and others, to put that country under the protection of Great Britain, and at the very moment when it was expected that a war would break out between the United States and Mexico. The time, the circumstances, the actors, all indicate a deliberate design to get possession of California, for the purpose of keeping it out of the hands of the United States. The auspices under which a junta was planned and convoked for the purpose of asking the protection of Great Britain, are shown by an extract which I will read from the affidavit of Captain Gillespie, of the Marine Corps, and which will be found at page 28 of the document:

"About this time (June 30) I learned that the junta which was to have assembled at Santa Barbara upon the 15th June, and which had been planned and arranged by and through the agency of Mr. Forbes, the British vice consul, and an Irish Catholic priest, by the name of Macnamara, had been prevented from assembling in consequence of the rising of the settlers. This junta was proposed for the purpose of asking the protection of England, and of giving an immense tract of land in the valley of the San Joaquin for the settlement of ten thousand Irishmen, to be brought to California under the direction of Macnamara. All this intrigue of British agents was broken up by the timely and prompt operations of the settlers, under the direction of Captain Frémont."

By Lieutenant Minor's testimony, which will be found at pages 43 and 44, it appears that the convention or junta was held, and that a majority were in favor of claiming the protection of England—a decision naturally to have been expected, when it is considered under what auspices it was convoked. The extracts I am about to read contain also some interesting facts connected with the movements of the British Admiral:

"The undersigned, a lieutenant in the navy of the United States, has the honor to make the following answers to the interrogatories put to him by your honorable committee:

"The undersigned being in command of the southern district of California during the latter part of 1846, was informed by Pedro C. Carilla (and he believes the information thus obtained is founded on facts) that he, the said Carilla, was a member of a junta that assembled at Santa Barbara in June, 1846, for the purpose of declaring the independence of California, and of asking the protection of the United States or Great Britain; that the junta was represented by all of the inhabited portions of California; that a majority of the same were for claiming the protection of England; that their resolves would probably have been executed had it not been for the war and their fears of an armed force, then on the north side of the bay of San Francisco, under the command of Captain Frémont. The undersigned has understood from other sources, entitled to confidence, that a majority of the people of California desired the protection of England. The opinion he thus formed was strengthened by the fact that an English frigate (the Juno) had, about the time the junta met, landed an English subject named Macnamara at Santa Barbara, of whom it was said that he had obtained a grant from the Mexican Government of a large and fertile portion of California, embracing the whole valley of the San Joaquin, from its source to its mouth—a valley, as the undersigned believes, comprising one-third of the richest portion of California. The undersigned believes that the British squadron in the Pacific, commanded by Rear Admiral Sir George T. Seymour, composed then of a larger force than they ever had upon that ocean, were employed in closely watching the movements of the American Commodore. Being aware of this fact, Commodore Sloat, when he heard of the first battle on the Rio Grande, got under way in the frigate Savannah, then anchored off Mazatlan, for the ostensible purpose of proceeding to California. An English vessel of war weighed soon after the Savannah, and stood in the direction of San Blas, where it was known the Admiral was. After cruising in the gulf two days, the commodore returned to his anchorage off Mazatlan, when another English ship got under way and stood in the direction of San Blas. The undersigned believes that this manœuvre of Commodore Sloat was intended for the deception of the English Admiral. On the 8th of June, 1846, the Savannah again made sail, and, after a passage of twenty-three days, during which a press of canvass was carried, she arrived at the port of Monterey, in Upper California. The Collingwood, of eighty guns, the flag-ship of Admiral Seymour, entered the harbor on the 15th of July, and the undersigned believes that the Admiral was disappointed when he saw the American flag flying on shore."

The testimony of Captain Hensley, from which I will give a brief extract, and which will be found at page 33, fully sustains the statement of Lieut. Minor:

"I am a resident in California, where I have resided since the autumn of 1843. In the month of May, 1846, I went to San Francisco, where I met with General Vallejo, one of the most prominent and influential men in Upper California. I understood from him that he had recently attended a convention, composed of Gen. Castro, himself, and five others, delegates from the different districts in California, at which the proposition had been made and debated to separate from Mexico, and establish a government in California, under the protection of some foreign Power, believed by us to be England; but, as the General positively stated, the majority was not in favor of placing the country under the protection of the United States, though he himself was. General Vallejo was of course guarded in conversing on so dangerous a subject as this was at that time; but the above is the substance of his remarks, as understood by myself and others who heard them."

The grant to Macnamara is so connected with the movements of the public vessels and public agents of Great Britain as to raise a strong presumption that he was secretly countenanced by the British Government. Doctor John Baldwin, whose testimony will be found at pages 46 et seq., states that Macnamara lived in the house of the British consul or chargé d'affaires in Mexico, and that he understood in that city, in September and October, 1847, a plan had been projected, under the auspices of the British legation, to colonize California with emigrants from Ireland. These facts will be more fully shown by his affidavit, at pages 46 and 47 of the document, from which I will read a single paragraph:

"I resided in the Republic of Mexico from the year 1822 until 1838, a period of sixteen years, during which I made the acquaintance of many of the leading men of the country.

"I again entered Mexico (city) on the 14th of September, 1847, and remained there until the 1st of November; during that time I made the acquaintance of the priest Macnamara, and from sources entitled to credit, I was informed that he had, under the auspices of the British legation, projected a plan to colonize California with emigrants from Ireland. His project had met the approbation of the Mexican Government, and he went to California to perfect his plans. In the mean time, it was ascertained that the ulterior views of Macnamara were to promote the interest of the British Government and not the Mexican Government. A fierce opposition was contemplated by the republican members of Congress, when he should return with his matured plans from California; this resistance became unnecessary in consequence of the conquest of California by the arms of the United States. Macnamara lived in the family of either the British consul or chargé d'affaires in Mexico."

I have referred to the connection of Macnamara's movements with the public vessels of Great Britain as presumptive evidence of the connection of the British Government with them. I do not inquire whether Admiral Seymour had special instructions or not. From the declaration of Admiral Purvis, in the intervention of La Plata, it is highly probable that British naval officers cruising in distant seas have general instructions "to protect British interests at all hazards," (I believe that is the phrase,) leaving an unlimited discretion to the officer and giving to the Government the advantage of being able to approve or disavow his conduct in special cases, according to its own interest. From all the circumstances connected with the transactions in California, we are constrained to believe that the British naval commander was fully apprized of Macnamara's objects, as well as the design to place that country under the protection of Great Britain, and that he was there coöperating in the one, and ready to coöperate in the other. Indeed, by referring to the testimony of Mr. Loker, at page 39, it will be seen that his arrival there had been talked about and expected with a view "to take possession of California."

I have given, Mr. President, a mere outline of the transactions of British subjects and British agents in California. The leading facts are verified by the affidavits of Colonel Frémont, Captain Gillespie, of the marine corps, Lieutenant Minor, and Midshipman Wilson, of the navy, Colonel Russell, Captain Hensley, Doctor Baldwin, and many gentlemen connected with the civil and military transactions of the Californias after the rupture between the United States and Mexico; and some of the most important circumstances are authenticated by the public records of California which fell into our possession.

It is impossible that the success of these movements should not have brought us into direct collision with Great Britain. We could not have failed to regard them, considered in connection with her proceedings in Oregon, and more recently in Central America, as part of a deliberate design to environ us with her colonies, and especially to shut us out from the Pacific and its extending commerce. From all the facts, we can hardly doubt either that she would have taken possession of the country in her own name, or, what is perhaps more probable, that she would, in the first instance, have taken it under her protection. In this case the drama of the Mosquito coast, the performers only being changed, would have been acted over again. A Californian Governor, somewhat above the grade of the king of the Mosquitoes in respectability, but on the same level with him in subservience to the protecting power, would have been put in the foreground, while British subjects would have occupied the country, and gradually reduced it into the possession of Great Britain. Thus shut out from the Pacific, our own people would have been met at the Sierra Madre, or perhaps still further east, and the tide of emigration and settlement would have been turned back upon the Atlantic coast. It is in this point of view that these transactions possess the greatest interest and importance, and that the sagacity, promptitude, and decision of our youthful commander in California, at the time the disturbances broke out, have given him the strongest claims on his countrymen. Any faltering on his part—any hesitancy in acting and in acting promptly—might have cost us millions of dollars and thousands of lives; and it might also have cost us a contest of which the end is not readily foreseen.

Mr. ATCHISON said he felt it his duty to say something on this bill, because some of the claimants were citizens of Missouri, and personal friends with whom he had been long acquainted. He gave it as his opinion, not only that the conquest of California was effected by Colonel Frémont, but that the United States had derived the advantage of this conquest at comparatively little cost. He justified Colonel Frémont in all that he had done. If he had done less, he would have deserved and would have received the execration of the whole country. He made some references to the course which Colonel Frémont pursued—a course in some instances rendered indispensable for his own preservation, and always characterized by skill and promptitude. War had existed before Colonel Frémont struck a blow; so that the United States Government is properly liable for the claims which are provided for by this bill. The emigrants left their families in the mountains, and joined the battalion for the defence of Colonel Frémont, and had received not a cent of pay during nine months in which they served. The witnesses were all persons of strict veracity. He presumed there would be no vote against the bill. The only objection in his mind related to the appointment of the commissioners by the bill, which might, perhaps, be

transcending our constitutional power, as this was properly the province of the President.

Mr. HANNEGAN moved that the Senate proceed to the consideration of Executive business, but expressed his willingness to withdraw the motion, if the Senate was prepared to vote on the bill.

Several Senators expressed a wish to discuss the bill; and

The Senate proceeded to the consideration of Executive business. After some time, the doors were reopened; when

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 30, 1848.

The Journal of yesterday was read and approved.

Mr. VINTON, from the Committee of Ways and Means, to which was referred the amendments of the Senate to the bill of the House of Representatives "to authorize a loan not to exceed sixteen millions of dollars," reported the same back to the House, with the recommendation that the House concur with the Senate in said amendments.

The amendments of the Senate were then concurred in, and the bill stands passed.

Mr. MORRIS, from the Committee on Revolutionary Claims, made an adverse report on the petition of the heirs of Robert Laughlin. Laid on the table.

Mr. HALL, of New York, from the Committee on the Judiciary, reported a bill authorizing a term of the United States circuit and district courts to be held at Chicago, Illinois. The bill was read three times, passed, and sent to the Senate for concurrence.

Mr. HALL, also, from the same committee, reported a bill to reënact and continue in operation certain acts for the relief of insolvent debtors of the United States. Read and committed.

Mr. HALL, also, from the same committee, made an adverse report on the petition of Major G. Tochman. Laid on the table.

Mr. McILVAINE, from the Committee on Indian Affairs, reported a bill to provide for the payment of claims of certain citizens of the United States against the Ottawa, Chippewa, and Pottawatomie Indians. Read and committed.

REMAINS OF DECEASED SOLDIERS.

Mr. BURT, from the Committee on Military Affairs, reported a joint resolution to defray the expenses of transporting to the United States and interring the remains of deceased officers and soldiers of the army in certain cases.

Mr. B. said that this resolution was based upon a communication from the War Department. That communication informed the House that the remains of several officers of the United States had been sent home and consigned to the quartermaster at New York; that the freight on those remains had not been paid, and that the quartermaster at New York had asked of the department, and through the department of the Secretary of War, whether the freight on those remains should be paid; that the Secretary of War had replied, that sympathizing with the feeling which prevailed in our army in Mexico, he had offered every facility in his power for the transportation home in the public vessels of the remains of the officers and soldiers which had been preserved and prepared, but that he considered he had no authority whatever to pay the freight on such remains as should be sent home in private vessels.

The resolution which the Committee on Military Affairs had instructed him to report to this House, provided simply that when the remains of any officer or soldier in the United States army had been prepared, or should hereafter be prepared, for transportation to the United States, and the family or friends of such deceased officer or soldier in the United States should be unable or fail to pay the freight on such remains, the Secretary of War should be authorized to pay that freight. It provided further for a contingency which might arise, which perhaps had not yet arisen—that if the remains of any such officer or soldier so brought home to the United States should remain uninterred because of the inability of the family or friends of such officer or soldier to pay those expenses, or of their failing to do it, and only in these two instances—that in such cases the expenses of a decent but not costly burial should be paid by the Secretary of War. It was foreseen by the committee that instances might occur where the remains of some gallant soldier had been rescued from a common burial in Mexico by his comrades in arms and sent to the United States, to some port where he might not have a family or friend to take charge of those remains and consign them to the earth, and they were disposed, as but a matter of public decency, to authorize the department, through its proper officers, to give to those remains a decent and christian burial. This was the whole scope of the resolution. He moved that it be put upon its passage.

Mr. BOWLIN hoped it would not be put upon its passage now. He moved its reference to the Committee of the Whole on the state of the Union.

If the House (he said) were to go into such a course of action, he infinitely preferred the resolution of the gentleman from Ohio, [Mr. SAWYER,] which provided for bringing home every man who had fallen on the battle-field, to the passage of this resolution. This resolution was a resolution of distinction. If an officer had a family who were able to bring him home and give him a splendid burial, all the expenses were to be refunded by this resolution; but the poor soldier, whose family were not able to bring him back, would be left alone to sleep on the field of his glory and fame. That was a distinction which he was unwilling to draw here.

Mr. BURT (the floor being yielded for explanation) repeated, that under the provisions of this resolution, the remains of any officer or private soldier, whose remains should be prepared in Mexico by the friends for transportation to the United States, might be brought home. That whenever the family or friends of such deceased officer or soldier were able and willing to pay the expenses, the freight, and the burial expenses of such remains, the Secretary of War should not cause such expenses to be paid. And he submitted to his friend from Missouri that the committee could not go further. They had before them the debate which occurred in this House some ten days ago; they saw that the Government could not go further than to take such remains as were in a condition to be brought to the United States, and bring them home; and whenever the family or friends of the deceased officer or soldier were either unwilling—where they either would not or could not pay the expenses of freight and burial—in those instances, and those alone, they should be paid by the United States.

Mr. BOWLIN (resuming) was understood to say, that if the gentleman from South Carolina had allowed him to advance one step further, he would have understood the point at which he was aiming.

This was simply a resolution, the true meaning and effect of which, in his opinion, would be to refund to those persons who had been lucky enough to bring back the remains of their friends from Mexico all the expenses for transportation, burial, &c., which they might have seen fit in the warmth of their feelings to incur; and those soldiers and those officers whose friends were poor would be left, as he had before said, to sleep on the field of their glory. For such a resolution he was unwilling to vote. He had been unwilling to vote for the resolution of the honorable gentleman from Ohio, which proposed to bring back the indiscriminate remains of those who had fallen in Mexico; but he had ten thousand times rather vote for it than to vote for the present resolution. This was not a resolution for the future. We were not going to bring the remains of any back who had not already been brought—of those who had been buried on the field of Cerro Gordo or any other field, we were not now going to hunt them up; consequently those who slept there would continue undisturbed, while the Government would be called upon to refund the expenses which had been involuntarily incurred by the wealthy relatives and friends of such deceased officers as had been brought back.

If the resolution passed he wanted its provisions to be general, including the remains of every officer and soldier who had fallen on the battle-fields of Mexico. Let them all be brought home, and particular officers and men not be distinguished, while the remains of the great mass of our gallant men were left there. This was his objection, and he hoped the bill would be referred to the Committee of the Whole on the state of the Union.

Mr. CHARLES BROWN trusted the House would include the marine corps. There were both officers and men of the marine corps acting with the army in Mexico, and one young officer from his own district, whose friends were too poor to bring him home, would not be included in this resolution without an amendment. He moved, therefore, to amend, by adding after the word "army" the words "and the marine corps acting therewith."

Mr. HALL, of Missouri, could not consider it necessary to discuss this resolution, of whose propriety there could, he thought, be no doubt. He therefore moved the previous question.

The previous question was not seconded, and the resolution was committed to the Committee of the Whole on the state of the Union.

REPORTS CONTINUED.

Mr. WHITE, from the Committee on Naval Affairs, reported a bill for the relief of the widows and orphan children of officers and seamen of the navy of the United States. Read and committed.

Also, from the same committee, adverse reports upon the petitions of Nathaniel and Catharine Lawrence and Samuel P. Todd. Laid on the table.

Mr. STANTON, on behalf of the Committee on Naval Affairs, asked to be discharged from the consideration of the memorial of Samuel Colt, and that it be referred to the Committee on Military Affairs.

After a few remarks by Messrs. BURT and STANTON, as to the utility of referring the memorial to the Committee on Military Affairs, it was laid on the table.

On motion of Mr. COCKE, the Committee on Revolutionary Pensions was discharged from the further consideration of the resolutions of the Legislature of New York and citizens of Warren county, New York, in relation to the continuance of pensions to the widows of soldiers of the Revolution, and of widows of officers of the United States army slain in battle, or who have died while in the military service of the United States; and also from the resolution of the House of 17th January last, instructing them to inquire into the propriety of paying to widows and heirs of volunteers who may have been killed in battle, or died before the end of their term of service, the same pay they would have received had they served the full time for which they entered the service; and they were laid on the table.

Mr. COCKE, from the Committee on Revolutionary Pensions, made adverse reports upon the petitions of Anna Leech, of Maine; Martha Winans, widow of Abraham Winans, Jane Sulcer, William Sulcer, Sarah Sampson, widow of Peleg Sampson; Sarah Teas, widow of William Teas; John Victor, administrator of Sarah Victor; John Caldwell; and resolutions of the Legislature of Florida, in relation to the widows and orphans of those who have died in the military service of the United States in Mexico. Laid on the table.

Also, from the same committee, to which was referred Senate bill for the relief of Mary McRae, widow of Lieutenant Colonel William McRae, late of the United States army, deceased, reported the same back to the House, with the recommendation that it do not pass. The bill was committed.

Mr. STRONG, from the same committee, reported bills for the relief of William Parker and of William Via; which bills were severally read and committed.

Also, from the same committee, adverse reports on the petitions of Rebecca Boyd, Stephen Decatur Twiggs, Noah Clark, and Martin Dewey. Laid on the table.

Mr. S. LAWRENCE, from the same committee, made adverse reports on the petitions of Henry Shafer and Sarah Knight. Laid on the table.

Mr. FULTON, from the Committee on Invalid Pensions, reported bills for the relief of Eliza A. Mellon, of Benjamin Reisnyder, and of Francis M. Holton; which were severally read and committed.

Also, from the same committee, adverse reports upon the petitions of Isaac Deaver and the heirs of Wilford Knott. Laid on the table.

Mr. W. T. LAWRENCE, from the same committee, made adverse reports upon the petitions of Theo. Davis, William A. Smith, Valentine Spaus, and Ann H. Allen, widow of Samuel Allen. Laid on the table.

Also, from the same committee, bills for the re-

lief of Israel Bayles, of Arthur Wilson, of Benjamin G. Perkins, of Beriah Wright, of John Savage, and of Levi Colmus; which bills were severally read and committed.

Mr. ECKERT, from the same committee, reported a bill for the relief of William Paddy. Read and committed.

Also, from the same committee, adverse reports upon the petitions of John Gilbert, Wm. Gracy, and John Stewart. Laid on the table.

Mr. FARRELLY, from the Committee on Patents, made an adverse report upon the petition of Thomas Gregg. Laid on the table.

Mr. STARKWEATHER, from the Committee on Accounts, reported the following resolution, which was read and agreed to:

Resolved, That the Clerk of this House pay, on the audit of the Committee on Accounts, the account of T. Bailey Myers and F. F. Marbury, employed by the Solicitor of the Treasury, under a resolution of the House of the 20th January, 1846, to take sworn testimony in the claim of Mathews, Wood, and Hall.

Mr. PRESTON, from the Committee on the Library, reported a resolution authorizing the Clerk of the House to purchase sundry books for the use of the Library of the House of Representatives; which was read and agreed to.

Mr. SMITH, from the Committee on Foreign Affairs, to which was referred Senate bill for the relief of John Black, late consul of the United States at the city of Mexico, reported the same back to the House without amendment. The bill was committed.

Mr. BARRINGER, from the Committee on Indian Affairs, made adverse reports upon the petition of James McKibben and of Isaac C. Elston. Laid on the table.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported bills for the relief of Manuel X. Harmony, of A. Baudouin, and A. D. Robert; which bills were read and committed.

Mr. THIBODEAUX, from the Committee on Commerce, reported a bill to make Ship Island, in the collection district of Pearl river, a port of delivery, and to authorize the appointment of a surveyor for said port; which was read three times, passed, and sent to the Senate for concurrence.

Mr. HUNT, from the same committee, reported a bill to release from duty plank and timber imported for the construction of plank roads.

After some remarks by Messrs. HUNT, POLLOCK, WENTWORTH, COBB of Georgia, CATHCART, and STUART of Michigan—

EXPENSES OF MUSTERING VOLUNTEERS.

The House went into Committee of the Whole (Mr. KING, of Georgia, in the chair) and proceeded to consider the joint resolution to refund money for expenses incurred by individuals or States in mustering volunteers into the service of the United States.

The question being on the amendment moved yesterday by Mr. JONES to the amendment of Mr. FICKLIN, the latter withdrew his amendment; whereupon—

Mr. JONES moved his amendment as an independent proposition.

Mr. DICKINSON moved to amend Mr. JONES's amendment by striking out all after the word *Provided*, and inserting "that, in auditing and allowing said claims, the same rules shall be adopted 'and the same compensation allowed that are allowed to recruiting officers for subsistence of 'soldiers at recruiting stations, and other incidental 'expenses incurred previous to being mustered into 'the service of the United States."

The amendment to the amendment was rejected.

Mr. FARAN opposed the amendment. The means for subsisting and transporting volunteers before they could be mustered into service had frequently to be supplied by individuals; and it was hard and unreasonable to expect of men to leave their farms and business for the public service, and pay their own expenses to the place of rendezvous. It was manifest that they must have assistance. Patriotic individuals had opened their doors and purses to them, and furnished them the means of subsistence and transportation until they could be mustered into service; and in cases known to him this had been done on the faith of a pledge, that whatever they advanced should be refunded to them by the Government. He was astonished at the statement yesterday, by the gentleman from Indiana, [Mr. WICK,] that these supplies were furnished gratuitously, and that the passage of this resolution would invite the practice of fraud. Mr. F. said, if the proper disbursing officers of the United States had been on the ground where these companies have been raised, they would have found no law authorizing the payment of such claims as those of which he was speaking; because, even they had no authority to pay for subsistence, &c., of troops before they were mustered into service. But he repeated, that, to his knowledge, assurances had been made that means and money so furnished should be refunded by the Government; for supplies were just as necessary to keep troops together before they could be mustered into service, as they were after; and there was no distinction between the justice of a claim for supplies furnished before or after the troops were mustered into service.

Mr. TAYLOR said, that he concurred with his colleague who had just taken his seat [Mr. FARAN] in the views he had expressed as to the principle of the resolution, and that he wished it might be passed. When, in the beginning of the Mexican war, volunteers were called for by the President, the State of Ohio furnished promptly the twenty-four hundred troops required of her for the service of the country. She responded with promptitude to the call upon her patriotism and the requisition of the Government. The State had raised, organized, and equipped this volunteer force, and had placed them without delay at the general rendezvous at Cincinnati. And Mr. T. regretted to hear one of his colleagues over the way [Mr. DICKINSON] say, that the Whig Governor of the State he had the honor in part to represent, had refused to furnish the money necessary to defray the preliminary expenses. On the contrary, these expenses were promptly met by the Whig Governor of the State, acting at that time, the honorable Mordecai Bartley. That gentleman, with a promptitude and energy which commanded the approbation and admiration of all parties, fulfilled his duty on that occasion with the truest patriotism, zeal, and fidelity. When the term of enlistment of the three Ohio regiments first called out had expired, the Federal Government encouraged the reënlistment of two of those regiments, authorizing some of their officers to offer strong inducements to the men to reënrol themselves. With this view, and to induce new recruits, the colonel now commanding the second Ohio regiment in Mexico, Colonel Irvin, who had distinguished himself for his gallantry and good conduct in the war under Colonel Morgan, and whose term of twelve-months' service had then expired, was authorized by the Secretary of War to reorganize the second regiment, and, as was generally understood with us, was advised that the preliminary expenses in effecting their organization, previous to their march to Cincinnati, would be paid.

Mr. T. here referred to a letter addressed by the Secretary of War to Colonel Irvin, authorizing him to proceed to reorganize the second regiment of Ohio volunteers. The companies composing that regiment were raised in various parts of the State: at Lancaster, Columbus, Chilicothe, Portsmouth, and other places, some of them more than one hundred miles from Cincinnati, the place of general rendezvous. And these companies were raised and organized in reliance upon the Secretary's communications. The companies were formed, and remained in their encampments several weeks after having been sworn to serve for five years or during the war with Mexico. Some of them were regularly drilled, and subjected to a rigid military discipline during this time, and they were supported by such contributions and under such contracts as their officers could succeed in procuring for them. Many citizens, actuated by a patriotic spirit, voluntarily advanced the necessary supplies, and others furnished subsistence under regular contracts with the recruiting officers of the companies. A single citizen in his own town furnished subsistence to the amount of from $500 to $1,000, under an agreement with one of the recruiting officers, to aid in sustaining a company previous to their march to Cincinnati; and he now asked payment—that this money should be refunded to him, as had been promised by those acting under the authority of the Secretary of War. And would it not be gross injustice to refuse the application? Every principle of justice, all just regard to the honor of the nation, and all respect to the duty which a Representative owed to a noble-hearted, patriotic man, who had voluntarily advanced his private means to aid his country's cause, demanded that the money should be fully and promptly repaid. What confidence could the citizen place in the promise and engagement of his Government if this just demand should be refused? How were we ever to get a volunteer corps in any future exigency of our public affairs, if this was to be the way in which the public promises were to be redeemed?

Though Ohio was called upon, at the commencement of the Mexican war, for only two thousand four hundred men, since their term of twelve months' service had expired, she had sent two other regiments of volunteers; and during the war she had sent, altogether, more than six thousand troops, volunteers and regulars. The first volunteers were furnished at the expense of the State, in the first instance. Some fifteen or twenty thousand dollars, or more, were advanced by our Governor, and that amount was not refunded until the lapse of six, twelve, or eighteen months. Some of these advances may not yet be paid. It is due to the State that the whole amount should be refunded to her. Her patriotic and public-spirited Whig Governor at that time, the honorable Mr. Bartley, though her Legislature was not in session, had raised and furnished the money, and payment was demanded of him by those who advanced it on the credit of the State, long before Ohio could get back what she had advanced. And after the twelve months for which the first three regiments of volunteers had enlisted had elapsed, the volunteers were encouraged to reënlist; and many of them, with others, had volunteered to serve during the war, in the full belief that the money paid for their subsistence would be refunded, according to the promise of those whom they believed were fully authorized to contract for the same. Whatever was paid in good faith by individuals, to aid the Government of the United States to obtain the men demanded for the public service, and whatever amount was expended for subsisting those men after they were sworn into the public service, as well as all advances by the State, should be fully and promptly repaid by the General Government. And he trusted that Congress would pass this bill, and thereby render speedy justice to those who now appeal to us.

Here the hour to which the debate on the resolution had been terminated, expired.

Mr. JONES's amendment was rejected.

Mr. EVANS, of Maryland, moved to add to the bill the following proviso:

And provided further, That it shall be proved to the satisfaction of the Secretary of War that said expenses incurred, subsistence or transportation furnished, "or money advanced," have not been paid by any person whatsoever.

In supporting the amendment he had offered, Mr. E. referred to cases where the volunteers had paid their own tavern expenses, and going to Mexico many of them had there died. In this case, there was nothing in the bill to prevent the landlord from presenting his account to the department for such supplies. The men were dead; and thus the money might be paid by Government a second time.

Mr. THOMPSON, of Mississippi, proposed to modify the amendment by inserting the words "paid by any person or persons whatever." Mr. T. referred to cases where the expenses of the volunteers before being mustered into service had been advanced by the county where they were organized, and wished to know whether the resolution was so worded as to cover such a case?

Mr. HARALSON considered the amendment proposed by the gentleman from Maryland [Mr. EVANS] as wholly unnecessary, for surely the department would not be so silly as to pay the same demand a second time.

Mr. EVANS explained, and restated the case of the dead soldiers and the tavern-keepers.

Mr. HARALSON said if the soldiers had paid the tavern-keeper, what possible claim could he make to have the money refunded to him? If it was to be refunded to any one, it was to the soldier or his representative. As to the inquiry of the gentleman from Mississippi, [Mr. THOMPSON,] he would read to the gentleman the clause of the resolution as amended to which his question referred. He then quoted that portion of the resolution which provided that moneys advanced by States, cities, counties, or individuals, for organizing, subsisting, and transporting volunteers previous to their being mustered into the service of the United States.

Nothing could be plainer than this language. A fair and reasonable construction of its provisions would leave no doubt that money advanced as the gentleman stated would be refunded.

After further conversation between Mr. THOMPSON and Mr. HARALSON on this point, Mr. H. observed that when small amounts had been furnished by individuals it was not probable that any demand would be made for repayment; but when cities had nobly come forward and advanced large sums in the hour of their country's need, no doubt they would apply, and their just demands would be honorably met.

The committee had been told by a gentleman from Indiana [Mr. WICK] that petit larceny would be committed under this resolution, and that very clever gentlemen would be tempted by it to steal money out of the treasury. Admitting that some dishonest persons would advance fraudulent claims against the Government, was this any reason why no provision should be made for paying claims which were just? Yet that was the whole sum and substance of the gentleman's remarks yesterday. As to what the gentleman had said about refunding money to the adjutant general of his own State, the amendment he had suggested on that subject was wholly unnecessary. Under the phraseology of the resolution as already amended, there would be no doubt as to the result of claims presented to the War Department under this resolution.

Mr. H., after having the resolution offered yesterday by the gentleman from Michigan [Mr. McCLELLAND] read, argued that no further guards were requisite than the concluding proviso, which provided that no advance of money should be refunded unless it was expenses that were necessary and proper. Could or would a Secretary of War pay, under such a clause, for expenditures which were extravagant, unnecessary and improper? The expense of organizing, enlisting, and transporting volunteers to their place of rendezvous ought to have been paid by the Government, (had it been practicable,) but had not. The simple question was whether, when these expenses had been paid for by others, they should or should not be reimbursed? The Government was not to blame in the first instance, because it could not have paymasters and commissaries stationed all over the country wherever a volunteer force was being raised. But the expenditure had been made, the Government had received the benefit of it, and it was no more than sheer justice to refund the money. Above all things let us be just.

Mr. H. said if the Secretary of War was so unwise as to pay the tavern-keeper for what the soldier had first paid him, he ought to be impeached and turned out of office.

Mr. EVANS explained, and stated his supposed case a third time.

Mr. STRONG proposed to amend the resolution after the word "cities," by adding "or other municipal corporations."

The CHAIR ruled the amendment out of order: the resolution having been gone through with, no further amendment could be made but by general consent.

Mr. STRONG took an appeal from the decision, but it was affirmed by the committee: Ayes 65, noes 27.

Mr. McKAY moved an amendment to strike out the words "or money advanced."

The CHAIRMAN, at the suggestion of Mr. THOMPSON, of Mississippi, ruled the amendment out of order, the bill having been gone through with.

Mr. McLANE moved to amend by adding the following proviso:

Provided, further, That the sum paid shall not exceed, for each volunteer so organized, subsisted, and transported, the sum now provided by law for the organization, subsistence, and transportation of men in the regular army.

Mr. McLANE briefly urged the necessity of the restriction proposed by the amendment to guard the treasury from unlimited demands that might otherwise be made upon it.

Mr. BURT considered the amendment utterly impracticable; and, even if it were practicable, its operation would work an inequality between the volunteers and regulars, prejudicial to the former.

The question being taken, Mr. McLANE's amendment was rejected.

Mr. WICK moved the following as an additional section:

Be it enacted, &c., That no claim under this act shall be paid unless the same be sustained, in addition to other testimony, by the oath of the claimant, stating that his claim is justly due to himself, and not in trust for others, and that he has neither directly nor indirectly received satisfaction thereof, entirely or in part, from any source whatever, and that the advancement was made on the credit of the United States.

An honorable member of the Committee on Military Affairs (said Mr. W.) had seen proper this morning—he would not say had seen proper, he did not think he had seen proper, but had inadvertently placed in his (Mr. W.'s) mouth a kind of milk-and-water argument, which he flattered himself he was not usually guilty of inflicting on the House in what little he had to say here. It was a mistake to say that his (Mr. W.'s) objection to this bill was, that dishonest men might perhaps prosecute and establish claims under it. He might have expressed himself imperfectly, but his purpose yesterday had been to say that this bill was expressly calculated to invite the presentation of drummed-up claims. He hoped no honorable member would misunderstand him now.

By way of showing that this was the character of this bill, he would refer to a few details which he should have supposed would have presented themselves to the astute mind of the honorable gentleman who was a member of the Military Committee, as well as to the minds of other gentlemen. Let them see how it was that these claims had arisen. They had arisen from the fact, that when the volunteers were being raised, patriotic gentlemen had stepped forward and made advances, or the volunteers themselves or their friends had encountered expenditures which were necessary in enabling them to march to the place of rendezvous. The claims might be drummed up in this way: Two or three companies collect in some convenient place to march to the place of rendezvous; the farmers of the community turn out their teams to carry them; one man collects a squad of teams, and has the general supervision of delivering the men; he expects to make no charge at the time, but he could prove by the officers of the company that he furnished the teams; and although he may not have paid out a dollar—although it may all have been a matter of contribution, each farmer sending his own team—and although the very funds expended were raised by handing a hat around—yet the leader in the matter would come forward under this resolution and claim for these services. It would invite dishonest men to present dishonest claims.

Mr. HOUSTON, of Delaware, interposed, and raised the point of order, that the gentleman's remarks were rather in reply to other gentlemen than an explanation of the amendment which he had offered, and were therefore out of order under the five-minutes rule.

The CHAIRMAN remarking that the gentleman from Indiana had but one minute more—

Mr. HOUSTON waived his objection; and

Mr. WICK proceeded. Again, contributions had been raised in the manner he had described, or by subscription in a town or city, and placed in the hands of an individual; that individual had gone forward and expended the money for necessaries for the volunteers; he only would be known to the officers; they would know of his expenditure, and the amount, at least proximating; and yet not one dollar of it had been expended out of his own pocket. He knew of many instances of this kind——

The time allotted for explanation here expired.

Mr. MILLER, of Ohio, moved an amendment, to strike out the last line of the amendment of Mr. WICK.

The amendment of the gentleman from Indiana (he said) proposed that no person should recover from the United States unless he would swear that the money for which the claim was made was advanced on the credit of the United States. Now, he had a letter in his hand from the Quartermaster General of Ohio, which would show at once the impropriety of this provision. [He read the letter, which referred to an advance made in Ohio.] This advance (he said) was made at the instance of the Quartermaster General; and, in many instances, advances had been made in anticipation of some interposition of the State governments.

But, further, the gentleman from Indiana said that this bill, as it now stood, opened the door to frauds. Did not the gentleman know that on the 3d of March last a resolution of a similar character passed, and that all claims under that resolution had been adjusted, and no frauds had been charged or could be proved? That resolution passed at the last session, and was precisely similar to the one now under consideration. [He read the former resolution; also, an extract from the report of the Secretary of War showing the necessity for the present resolution.] Now, if this resolution opened the door to these enormous frauds, why, he asked, did not the gentleman from Indiana show that, under the former resolution, frauds had been perpetrated upon the Government? It was no such thing. It must be because the gentleman had not investigated the matter. Perhaps he was not interested in it, and had not paid attention to it. He (Mr. M.) trusted the resolution would be adopted.

In concluding, he withdrew his amendment to the amendment.

Mr. POLLOCK inquired of the Chair if it would be now in order to move to strike out the enacting clause of the resolution?

The CHAIRMAN replied that it would not, as an amendment was now pending.

Mr. THOMPSON, of Mississippi, moved an amendment to Mr. WICK's amendment, to add, "and no assignment shall be recognized by the War Department." He said he knew that advances had been made in many cases of ten, fifteen, and twenty dollars, by men who never expected to get anything in return; but let it be known that this resolution had passed, and agents would be sent all over the country, and these claims would be bought up for a small sum. In this way these agents would hunt up these claims; and, as the gentleman from Indiana said, it would invite such men to come to the War Department to get pay for claims which were never expected to be presented at the time the advances were made.

Mr. WICK accepted the amendment of Mr. THOMPSON as a modification of his amendment.

Mr. HARALSON asked if a claimant made his affidavit, as required by this amendment, would it not be saying to the Secretary of War that it was sufficient without proof?

Mr. WICK replied that the amendment provided the very reverse. It expressly required additional proof beside the oath of the claimant.

The question being taken, Mr. WICK's amendment was agreed to.

Mr. POLLOCK now moved to strike out the enacting clause of the resolution.

Mr. JONES, of Tennessee, raised the point that such a motion was not in order in committee. It was equivalent to the rejection of the measure, which the committee had no power to do, but only to amend it.

Mr. POLLOCK referred to the rule to justify his motion, and remarked that he was distinctly in favor of the general principle of the resolution, and he thought that moneys advanced for the use of the volunteers ought to be refunded; yet he thought the bill defective, and had made the motion to strike out its enacting clause, with the view, if it prevailed, to recommit it to the Committee on Military Affairs, in order that the proposition might be brought forward in a proper form.

Mr. JONES pressed his point of order.

The CHAIRMAN overruled it, and decided the motion in order.

Mr. COBB inquired, in case the motion prevailed, what would be the report of the chairman to the House? Would it be that the committee had stricken out the enacting clause, and made certain amendments to the bill? [A laugh.] He put this question to convince the chairman of the incorrectness of his decision. The motion was clearly out of order, and had so repeatedly been decided.

After a word by Mr. COLLAMER on the point of order—

The CHAIRMAN, adhering to his decision, and no appeal being taken—

The question was taken on the motion to strike out the enacting clause, and decided in the affirmative by tellers: Ayes 66, noes 53.

So the committee agreed to strike out the enacting clause of the resolution.

Mr. MEADE proposed to offer a further amendment to the bill.

The CHAIRMAN ruled all amendments out of order, as the vote last taken was equivalent to the rejection of the bill.

Mr. HILLIARD moved that this bill be laid aside, and the Oregon bill be taken up.

The CHAIRMAN decided that the committee could take up no other bill; but, under the terms

of the resolution under which they were acting, having disposed of the resolution, they must immediately rise and report their action to the House.

The committee then rose, and the CHAIRMAN reported that the committee had stricken out the enacting clause.

The SPEAKER replied that the committee might perfect, but it could not destroy a bill, and he announced the question to be on the bill and its amendments.

Mr. POLLOCK moved the recommitment of the bill to the Committee on Military Affairs.

Mr. ROCKWELL, of Connecticut, moved the previous question.

Mr. JONES, of Tennessee, said he hoped the gentleman from Connecticut would withdraw the demand for the previous question, for he had a substitute for the bill, which he thought would be acceptable if it were heard. He had shown it to friends on his side of the House, and they approved of it, and he thought gentlemen opposite would too, if they would listen to it.

Mr. ASHMUN inquired what the effect of the previous question would be?

The SPEAKER replied that it would cut off the motion to recommit, and bring the House to a direct vote on the bill.

Mr. ASHMUN moved the previous question, but there was not a second, and the question recurred on the motion to recommit.

Mr. JONES then read his amendment, as follows:

"That the resolution approved March 3, 1847, entitled 'A resolution to refund money to the States which have supplied volunteers and furnished them transportation during 'the present war, before being mustered and received into 'the service of the United States,' be, and the same is hereby, revived and extended so as to authorize the payment of similar expenses to States or individuals, which have occurred since the approval of the resolution herein revived and extended."

The question was then taken on the motion to recommit to the Committee on Military Affairs, and it was agreed to.

TERRITORIAL GOVERNMENT IN OREGON.

On motion of Mr. HALL, of Missouri, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CRANSTON, of Rhode Island, in the chair,) and resumed the consideration of the bill to establish a Territorial Government in Oregon.

Mr. HILLIARD said, that in rising to address the committee he did not propose to discuss the provisions of the bill then before them; but there were some topics which stood connected with the general subject upon which he desired to give his views. The bill provides (said Mr. H.) for the organization of a territorial government for the people of Oregon. It is understood that negotiations are now pending with Mexico which will probably result in the extension of our territorial possessions. We shall soon be called on to provide a government for the people of New Mexico and of Upper California. I am not anxious to engage in a premature discussion of topics which must come up when that legislation is entered upon. I hope that the wisdom and moderation which have been displayed heretofore, in dealing with great questions affecting the interests of the people of this country, will characterize the legislation of Congress when that measure comes up for consideration, and that the political rights of the South will be regarded. They must be; the South will aim at no exclusive advantages, nor will it submit to unjust and humiliating restrictions. The gentleman who last addressed the committee on this question [Mr. SMART, of Maine] stated that the war in which we have been engaged with Mexico was not undertaken for the acquisition of territory, but to quiet the title to Texas.

My honorable friend from Georgia, too, [Mr. COBB,] some time since endeavored to make it appear that it was impossible to condemn the act of the President in ordering the advance of the army upon the Rio Grande without condemning the previous act of the Government in annexing Texas to the United States, and at the same time including in our censure the act of Congress which voted the supplies necessary to carry on the war with Mexico. An honorable gentleman from South Carolina, for whose opinions I entertain a high respect, [Mr. RHETT,] has entered into an elaborate argument in vindication of the policy of the Administration, in which he declares that the President was exerting his constitutional functions in ordering the army to the Rio Grande. Now, sir, I wholly dissent from all these views; and I shall as rapidly as possible state my objections to the course of the President and the policy of his Administration in regard to the Mexican question. The time has arrived when we may be permitted to survey the ground over which we have passed since the opening of the war with Mexico. Hostilities are suspended; peace is at hand—a peace which is, I trust, to prove a firm and lasting one between the two countries. It is not my purpose to enter into an elaborate investigation of the causes which gave rise to the war; that ground has been fully explored, and I should hardly hope to come back with a single discovery. I desire, however, to hold the Administration up to its responsibility. A war may be provoked by causes which would fully justify it, and yet be precipitated by an unconstitutional act. The President, in ordering the army to a position on the Rio Grande, clearly usurped powers not conferred on him by the Constitution. Texas was annexed to this country by a resolution which left the western boundary of that State open, and provided that it should be ascertained and fixed by negotiation.

If the President had become convinced that Mexico would decline that mode of adjustment, and had satisfied Congress that a resort must be had to arms, we should have been at liberty to claim the Rio Bravo as the western boundary of Texas, and to direct the President to throw in a military force for its defence. But, in the absence of such a declaration on the part of Congress, the order of the President to General Taylor to take up his position on the banks of that stream was a gross, palpable, violent usurpation of authority. No array of grievances committed by Mexico against this country will justify that order; no circumstances which existed could vindicate that act of the President, while they may justify the act of Congress and vindicate its recognition of this war. I do not deny that there was ample ground upon which to rest a declaration of war against Mexico. I am not disposed to deny that there were hostile threats and warlike preparations on the part of that republic; but I do deny that the President had any constitutional authority whatever to decide the question of peace or war. That was a question for the decision of Congress. The Constitution lodged there the authority to pass upon so momentous an issue; and the act of the President, in deciding that the western boundary of Texas must be settled by arms, and not by negotiation, stands out as a bold usurpation of power, which no circumstances can justify or excuse.

Still, this is purely a domestic question, and cannot affect our relations with Mexico. It was an ill-advised step, invited attack, and led to hostilities. Congress thought proper to recognize these hostilities as acts of war; and I felt at liberty to vote the supplies necessary to carry on the war thus brought on, though I condemned the course of the President. I am not, however, ready at this time to vote for raising the ten additional regiments which the President asks for. I am amazed that gentlemen should press the bill at a moment like this. Has there not been enough of war, enough of its pomp and circumstance, enough of its expense? With a good prospect for peace, must the country be again plunged, by reckless obedience to the demands of the President, into this wasteful expenditure? Some gentlemen, too, seem uneasy at voting against taking the bill up out of its order. The time has gone by for such apprehensions. The war has become odious to the people. The country desires peace. The President has gone down in the contest, and, though he still rides along the lines, and strives to animate his followers to new struggles, he has none of the energy and power of manhood left him.

> "The times have been
> That when the brains were out the man would die,
> And there an end; but now they rise again,
> With twenty mortal murders on their crowns,
> And push us from our stools."

What induced the President to seize this power which did not belong to him? Was there danger of invasion? No. There were no settlements along the country bordering on the Rio Bravo to defend. So far as anything American was concerned, it was as destitute of life as the Carnatic after the descent of Hyder Ali, as described by Burke, in his celebrated speech on the Nabob of Arcot's debts.

> You might traverse the whole region and not see one man, not one woman, not one child, not one four-footed beast of any description whatever.

Yet the friends of the President seek to justify his rash order for the advance of the army, by persuading us that it was determined on under the apprehension of threatened invasion. There must have been some other consideration—some ulterior, undisclosed object which the President had in view.

By referring to the correspondence which took place between the Secretary of War and General Taylor, it will be perceived that as early as the 15th June, 1845, Mr. Bancroft, while in temporary charge of the War Department, wrote to the commanding general in terms which would have authorized him at that time to pitch his tents on the banks of the Rio Bravo.

On the 30th of the succeeding month, the Secretary of War wrote to him in similar terms:

"The Rio Grande is claimed to be the boundary between the two countries, and up to this boundary you are to extend your protection, only excepting any posts on the eastern side thereof which are in the actual occupancy of Mexican forces, or Mexican settlements over which the Republic of Texas did not exercise jurisdiction at the period of annexation, or shortly before that event. It is expected that, in selecting the establishment for your troops, you will approach as near the boundary line (the Rio Grande) as prudence will dictate."

On the 16th of October following, the Secretary of War again writes to this officer:

"The information which we have received here, renders it probable that no serious attempts will at present be made by Mexico to invade Texas, although she continues to threaten incursions. Previous instructions will have put you in possession of the views of the Government of the United States, not only as to the extent of its territorial claims, but of its determination to assert them. * * * * You will approach as near the western boundary of Texas (the Rio Grande) as circumstances will permit; having reference to reasonable security—to accommodations, for putting your troops into winter huts, if deemed necessary—to the facility and certainty of procuring or receiving supplies, and to checking any attempted incursions by the Mexican forces on the Indian tribes."

Here, then, the Secretary of War, at a time when there was no serious apprehension of an invasion of Texas by a Mexican force, directs General Taylor to approach as near the Rio Grande *as circumstances will permit*. He is informed, in the same letter, that he need not wait for instructions from Washington to carry out what he might deem proper to be done. Still General Taylor did not advance, until, on the 13th of January, 1846, the positive, decisive, fatal order was sent to him, to take a position on the east bank of the Rio Grande:

"I am directed by the President to instruct you to advance and occupy, with the troops under your command, positions on or near the east bank of the Rio del Norte as soon as it can be conveniently done, with reference to the season and the routes by which your movements must be made."

Point Isabel and points opposite Matamoros and Mier, in the vicinity of Laredo, are named as suitable places for taking up his position.

The order of the Government was obeyed. General Taylor advanced upon Point Isabel, and took a position *opposite Matamoros*.

Doubtless the President acted upon the idea that a feeble people were likely to be yielding in negotiation when an army hung upon and threatened their exposed frontier. He disregarded the noble Roman maxim:

> Parcere subjectis, debellare superbos.

Hence, when a minister was sent to negotiate, an army was ordered to take possession of the very territory which was to be the subject of negotiation, and a fleet hovered upon the coast of a province which that minister was instructed to purchase. If the force had been great enough the policy might have been successful; but our small army invited attack from its apparent helplessness.

There was something beyond the mere wish to quiet the title to Texas which the President had in view when he ordered the army to the Rio Bravo. He had just fallen back in inglorious retreat through five parallels of latitude on the Pacific coast before the most formidable Power on the globe, and his aim evidently was to illustrate his Administration by acquiring the northern provinces of Mexico. Phaeton was the reputed son of Phœbus, and, when his paternity was questioned, he visited the palace of the sun that he might prevail on his father to give him the means of proving his illustrious descent. Phœbus allowed him to drive his chariot for a day, and instructed him how to proceed through the regions of the air; but the feeble hand of Phaeton could not guide the flying horses; they departed from their track; heaven and earth were threatened with conflagration, and order could not be restored until a bolt from the

hand of Jupiter hurled the adventurous charioteer from his seat. The President, in his eagerness to vindicate his claim to the high station which he fills, ventured upon a policy which has brought about similar confusion. General Jackson's tone towards France, which fortunately resulted in no mischief, was assumed by Mr. Polk in his negotiations with Great Britain upon the Oregon question, and we narrowly escaped war. It was employed against a feeble Power with greater confidence of success. The President had set his heart upon acquiring New Mexico and California, and it occurred to him that the most successful mode of persuading Mexico to yield them up would be to station an army on her frontier and a fleet on her coast. That this was the aim of the President will clearly appear when the instructions given to Mr. Slidell are made public. He was sent to Mexico, not simply as a commissioner to settle open questions, and especially to fix the western boundary of Texas, but it seems that he was instructed to spread before the Mexican Government powerful considerations for giving up the desired provinces. As to New Mexico, Mr. Slidell was probably instructed to urge upon the Mexican Government that it ought to belong to the United States, a great portion of it lying on this side of the Rio Grande and included within the limits already claimed by Texas; it was, too, a remote and detached province, the possession of which could not be advantageous to that country; but, if given up, she would be relieved from the trouble and expense of defending the inhabitants against the Indians. From these and other considerations it was clear that New Mexico ought to belong to the United States.

Nor was California to be overlooked: on the contrary, it was no doubt an important object of Mr. Slidell's mission to secure a large part of that province. The possession of the bay and harbor of San Francisco was regarded as all-important to the United States; it was believed, too, that the Mexican Government had but a slight hold on California, and that they would readily relinquish that hold for a sufficient consideration.

It is easy to trace the object of the Administration; it is impossible to mistake it; the main business of Mr. Slidell was to acquire New Mexico and California. A fleet had sailed for the Pacific; the instructions which the commander bore disclosed the purpose of the Government. Upper California was to be taken; it was to be held; it was under no circumstances to be given up; we were to be found in possession of it at the close of the war, so that if a treaty of peace should be made upon the basis of the *uti possidetis* we might retain it.

General Kearny was sent to take possession of New Mexico, and he was instructed by the Secretary of War to assure the people of that province that it was the wish and design of the United States to provide for them a free government with the least possible delay, similar to that which exists in our territories. They were then to exercise the rights of freemen by electing their own representatives to the Territorial Legislature. The war has been prosecuted throughout for the purpose of securing New Mexico and California. There has not been a moment since its commencement when the Administration would have concluded a peace on any other terms. It was for this that General Taylor was ordered to advance beyond the Rio Grande after he had scattered the Mexican army in hopeless confusion, and to range his victorious troops along the Sierra Madre. The President at one time disclaimed any such purpose; but in his last annual message he employs no equivocal language. Referring to his former declaration respecting the war, he says:

"In my annual message to Congress of December last, I declared that the war has not been waged with a view to conquest, but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens who hold large pecuniary demands against Mexico. * * * * It has never been contemplated by me as an object of the war to make a permanent conquest of the Republic of Mexico, or to annihilate her separate existence as an independent nation."

This disclaimer now, it will be observed, is as to *the Republic of Mexico*, and is not applied to the coveted provinces. On the contrary, he boldly discloses his purpose to hold them in right of conquest:

"In the mean time, as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves by appropriating permanently a portion of her territory. Early after the commencement of the war, New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace. These provinces are now in our undisputed occupation, and have been so for many months, all resistance on the part of Mexico having ceased within their limits. I am satisfied that they should never be surrendered to Mexico."

He advises Congress to extend over them the jurisdiction and laws of the United States at once, and insists that we ought not to wait for a treaty of peace, but consider them at once as constituent parts of our country. The President is, in some respects, a bold man; for, in his annual message, upon which I am remarking, he asserts that CONGRESS contemplated the acquisition of territorial indemnity when that body made provision for the prosecution of the war. In seeking indemnity he insists that the acquisition of territory was inevitable. It is impossible, sir, to observe the course of this Administration without perceiving that their object, from the first moment when they began to deal with the Mexican question, was the acquisition of the northern provinces of Mexico. These were to be torn from the Central Government, and held as the spoils of war. This is the meaning of indemnity for the past and security for the future—a phrase used as early as June 1846, in a proclamation sent out to General Taylor.

It requires no publication of secret instructions to demonstrate this. The President informs us, in his last annual message, that the commissioner sent out to negotiate a treaty of peace was authorized to agree to the establishment of the Rio Grande as the boundary, from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in north latitude about thirty-two degrees, and to obtain a cession to the United States of the provinces of New Mexico and the Californias, and the privilege of the right of way across the Isthmus of Tehuantepec. The boundary of the Rio Grande and the cession to the United States of New Mexico and Upper California constituted an ultimatum which our commissioner was under no circumstances to yield.

No one who thus traces the course of the Administration, can be at any loss to account for the order which sent the American army to take a position on the Rio Grande. The country bordering on that stream was to be acquired; New Mexico and California were to be secured; this was an ultimatum to be yielded under no circumstances; it was intended to be accomplished from the beginning, and the Administration thought it a masterly policy to help the commissioner who was sent to negotiate for this territory by marching an army to intimidate the Government with which he was treating.

This object, so steadily kept in view by the Administration is about to be accomplished. If the treaty which has gone out to the Mexican Government should be ratified, the Rio Grande becomes the western boundary of Texas, and New Mexico and Upper California will be added to our territorial possessions; at least we get all New Mexico and so much of California as lies north of the river Gila and a line drawn from its intersection with the Colorado, to a point on the Pacific Ocean south of San Diego. If we had acquired the fabled garden of the Hesperides, the President could hardly be more full of exultation. It is worth while to inquire for a moment what this territory is worth. The strip of country which fringes the Rio Grande cannot be very valuable. The population is said to be sparse and the crops are uncertain.

New Mexico is described as a region wholly unsuited to an agricultural population. Lofty and rugged mountains, narrow and poor valleys, make up its great features, while an absence of water and of wood complete its uninviting aspect. A large portion is said to be made up "of rocks, sands, and desert wastes." It sustains a scattered and miserable population. Let us, however, take its value as estimated by the Secretary of State, who is understood to have authorized Mr. Slidell to offer for it five millions of dollars.

The most intelligent travellers who have visited Upper California agree in describing it as a country wholly destitute of attractions for a people like our own. A very large proportion of the country is represented as unfit for cultivation, and incapable of supporting any dense population. Those parts of it which are susceptible of agriculture must be subjected to it by irrigation. It has none of the resources which invite or encourage commerce. The most valuable acquisition is the bay of San Francisco; this will, it is to be hoped, give increased security to our Pacific commerce. I am not disposed to depreciate its value, nor will I introduce statements respecting it which might have this effect. Let us take Mr. Buchanan's estimate of the value of Upper California, embracing the bay of San Francisco, which is understood to be fifteen millions of dollars; while, for an extension of this line on the Pacific so as to take in Monterey, the Administration authorized an offer of five millions more.

Of what possible advantage can this extension of our territorial possessions be to us? The bay of San Francisco, as I have already said, is important to us in a commercial view; and the barren regions of New Mexico and Upper California will form a boundary over which it is to be hoped our spreading population will not be inclined to pass. But what do we pay for it? Upwards of twenty millions of dollars in cash, besides the whole expenses of the war, which will probably swell the amount to one hundred and fifty millions. Compare this with the amount paid by us for Louisiana. We gave for the rich and extensive territory included under that name eighty millions of francs—about fifteen millions of dollars. It was essential to us; it completed the compactness of our territorial possessions; it gave us the command of the entrance of the Mississippi, and, overlooking every other feature, its importance may be estimated by a single glance at New Orleans. There is a great city, rapidly growing in population and wealth; a magnificent emporium of commerce, receiving the productions of a continent, and sending them out through all the earth. Set down the cost of that immense and fertile territory by the side of that which we are to pay for our new acquisition, and you will be prepared to estimate the advantage which the policy of this Administration has conferred upon the country.

But there is another element of cost in the acquisition of this new territory which must not be forgotten. Louisiana was acquired by negotiation; it was acquired in peace; it came to us a purchase. But, in addition to the enormous outlay of money to which we are subjected by the policy of the Administration in acquiring our new territorial possessions, we yield up twenty-five thousand human lives. The treaty which secures to us this territory is stained with blood. There is, too, yet another sacrifice which we make in securing these coveted provinces; a sacrifice of the most costly kind—I mean the loss of national character. With our ample resources, we shall soon replenish our empty treasury, and our vigorous population will hardly feel the check given to it by the loss of twenty-five thousand of our people; but when will the character of the nation recover from the wound which it has received? What art can relieve the national escutcheon from "the spots" which stain it? We have just received from the other side of the Atlantic the tidings of a convulsion which has overturned a throne; an enthusiastic people, our former allies, long accustomed to admire our institutions, have established a republic. Our example has been felt throughout the world; the high career which we have heretofore pursued, the glorious example of regulated liberty which we have exhibited, the magnanimity which has marked our intercourse with other nations—all this has awakened throughout the world the noblest hopes. But we now turn from this high career; we carry our eagles in triumph over a neighboring and feeble people, and we wrest from them provinces which they are reluctant to surrender. The example is a fatal one, and its influence upon the world must be disastrous. Say what we may, this is a conquest; the Mexican Government is driven from place to place, hunted down, overthrown, and then a bastard treaty is negotiated, which is helped forward by the bayonet and the purse, bribery being called in to accomplish what force could not effect. Against this mode of acquiring territory, I solemnly protest. I do not object to the extension of our institutions, nor am I troubled with those apprehensions which seem to haunt the minds of some gentlemen in regard to this subject. There is a principle belonging to our system of confederated States which will bear expansion—it can grasp a continent. Steam and the telegraph have so increased the means of communication, that the

remotest points of our wide land are brought into the relations of neighborhood. But let this growth of our institutions be spontaneous and gradual, and let neighboring provinces seek to come within the sheltering sanctity of our Government.

This, then, is the achievement of the Administration: upon this acquisition of territory it rests its fame. What other public benefit can it claim to have conferred upon the country? Has it done anything towards developing the resources of the nation? Has it done anything for the commerce, the agriculture, or the industry of our people? To what single monument of its wisdom, its energy, or its enterprise can it point? No improvements have grown up under its hand; it has brought upon the people the demoralizing influence of war; and it has entailed upon the country an immense public debt. Suppose it had pursued a career of peace, how much greater would be our prosperity at the present moment. The vast sums expended in war would have been saved, we should have been free from debt, and the very territory which we are about to acquire at so great an expenditure of money, and life, and character, might have been purchased for an inconsiderable sum.

I am not insensible to the military glory which our arms have won in the late war with Mexico. The brilliant achievements of our armies will compare well with those of any age or any nation. The blended courage and skill of our officers, and the indomitable ardor of our troops, have illustrated the American name. But how was this glory earned? Not by the Administration, but in spite of the Administration; as Colonel Barré declared of the American colonies in the great struggle for independence, when it was said that they had been planted and nourished by the care of the mother country: "They planted by your care! They have grown and prospered in spite of your care."

The fostering hand of this Administration might well have crushed an army of less vigorous materials. The officers in command have been watched with a jealousy which lost no occasion to exhibit itself. The army under General Taylor, after the splendid victories of Palo Alto and Resaca de la Palma, overcoming every obstacle, making up with their own energies for the want of the means of transportation, marched against Monterey, a walled city of immense strength, defended by a much greater force than that which attacked it—assaulted and carried it—and their victorious leader was rewarded by the censure of an Administration which, overlooking all the glory of such exploits, hastened to condemn an act which secured complete possession of the place; an act which was characterized by a wisdom and humanity hardly less admirable than the courage and firmness of the illustrious captain who performed it. Deprived of his regular troops, he was left in an advanced and exposed position; when, with a little army made up almost wholly of volunteers, he received the shock of battle from a Mexican army twenty thousand strong, led by Santa Anna in person, and repulsed them. How much of the glory of Buena Vista is due to the Administration?

Another distinguished officer, of splendid abilities, invested and took Vera Cruz and the castle of San Juan de Ulua, exhibiting the highest military skill; pressing on to Cerro Gordo, he won a brilliant victory; and the Government, busy with its fostering care, objected to the disposition which he made of his prisoners.

Advancing upon the capital, meeting and overcoming obstacles in his march, which remind us of the exploits of Cortes, he carries with a small army the city of Mexico, and while the world is resounding with the fame of those achievements, Scott is removed from the command of an army which he had led through these successive victories, and called to appear before a court of inquiry.

But, sir, this Administration is passing away, its days are rapidly drawing to a close. Let it go; it has lost the opportunity of doing good, and I fear has done great mischief. A young Frenchman called on Louis XIV. when that monarch had reached an advanced age, and asked him to confer an appointment on him. The monarch exclaimed impatiently: "You shall never have it while I live." "Very well, sir, (replied the young gentleman,) I can afford to wait."

The country is young and vigorous, and will outlive a bad Administration; it can afford to wait: but the Administration leaves us a most unenviable heritage in its history. In speaking of it, one is almost ready to borrow Macauley's description of the reign of Charles II.: "Those are days which can never be recalled without a blush—days of dwarfish talents and gigantic vices."

Let us turn from the past, and look to the future. The party opposed to the Administration will probably come into power. We certainly shall, if we do not throw away our advantages. The time has come when a very large proportion of the people of the United States desire to see one elevated to the Presidency who holds himself uncommitted to mere party measures, and looks out upon a horizon wide enough to embrace his whole country. The country has suffered from the fierce collision of parties, and its great interests are passed upon by irresponsible bodies calling themselves conventions, which sketch not only the plan of a political campaign, but lay down the principles which shall govern an Administration.

I rejoice that one man has been found in the country with courage enough to refuse to lend himself to the advancement of mere party schemes, and who, following the great example of Washington, will administer the Government for the good of the people of the whole country. We have always denounced a President who could never forget that he belonged to a party, or rise to the enlarged patriotism which ought to characterize the Chief Magistrate of the United States; and yet some object to the noble position which General Taylor takes, when he refuses to practise the supple subserviency of a partisan. I regard that position with unqualified admiration. He does not deny his identity with the Whig party. He declares his unwillingness to conceal that fact from the American people. He frankly avows his desire to see some of the eminent men of that party elected to the Presidency; but he refuses, with true dignity, to allow others to extort from him pledges, or to undertake to carry out any set of measures which others may wish to impose on him. To borrow his own language, he asks no favor, and shrinks from no responsibility. He does not court popular favor. He remains in the quiet discharge of his duties, and leaves the people to decide as they may think best, whether he shall be called to administer the Government, or left in the station which he now fills, and which he has rendered so illustrious.

Such a course presents a broad contrast to that which is sometimes pursued by aspirants to the Presidency, who traverse sea and land to make proselytes, and bid for the purple by committing themselves to the favorite schemes of different latitudes.

Such ambition sometimes overleaps itself. The support which the popular sentiment of the country gives to General Taylor's noble position is a cheering indication. It is full of promise for the future, and reminds us of earlier and better days. I believe that the people will bear him triumphantly into the Presidency. He will administer the Government with a strict regard to the Constitution; he will call into his cabinet the ablest of his political friends; he will arrest the demoralizing practice of expelling good men from the subordinate offices to put ultra partisans in their place; and will return to the better rule of inquiring as to applicants, "Is he honest? Is he capable?" He will restore the great principles which belonged to the early republican Administrations, and will guide the country into a high career of prosperity and glory.

Mr. H. having concluded—

The committee rose, and the House adjourned.

IN SENATE.

THURSDAY, *March* 30, 1848.

Mr. DIX presented the petition of Hall J. Kelly, asking a grant of land in Oregon, for services rendered in exploring and developing the resources of that country; which was referred to the Committee on Public Lands.

Mr. HALE presented a petition of citizens of Maine, praying a speedy termination of the war with Mexico, and the abolition of slavery in the District of Columbia; the motion to receive which was laid upon the table.

Also, a petition of citizens of Erie county, New York, expressing their belief that slavery never had any constitutional existence, and praying the adoption of measures for its abolition throughout the United States.

Mr. HALE moved that the petition be received, and referred to the Committee on the Judiciary.

Mr. DOWNS moved that the motion to receive the petition be laid upon the table; which was agreed to.

Mr. HALE presented a petition from citizens of Mentz, New York, praying an inquiry into the constitutionality of slavery, and the propriety of extending the writ of habeas corpus to every inhabitant of the United States. He thought that this petition did not come within the practice of the Senate in regard to abolition petitions, as it did not ask for the abolition of slavery. He thought it due to the petitioners that the subject should receive the consideration of a committee, and a report be made which would enlighten them on the subject.

Mr. TURNEY moved that the motion to receive be laid on the table.

Mr. HALE demanded the yeas and nays, which were ordered; and it was decided in the affirmative, as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Bagby, Breese, Butler, Calhoun, Davis of Mississippi, Dickinson, Dix, Dayton, Downs, Douglas, Hannegan, Hunter, Johnson of Georgia, Lewis, Mangum, Moor, Niles, Rusk, Turney, Wescott, and Yulee—23.

NAYS—Messrs. Baldwin, Davis of Massachusetts, Hale, Miller, Phelps, Underwood, and Upham—7.

Mr. PHELPS presented a memorial from citizens of the United States, praying the purchase of Mount Vernon by the Government; which was laid upon the table.

WRECKS OF VESSELS.

Mr. DAVIS, of Massachusetts, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be instructed to communicate to the Senate such information as he may possess, or may be able to collect, in regard to wrecks of vessels belonging to the United States during the year which will end the 30th June next, designating the places where such wrecks occurred, the time when, and all other circumstances attending the same which he may deem useful.

PRIVATE BILLS.

Mr. DOWNS, from the Committee on Private Land Claims, submitted a report, accompanied by a bill for the relief of Henry Fredien and other citizens of Louisiana. The bill was read and passed to the second reading, and the report ordered to be printed.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives for the relief of the legal representatives of William McKenzie, late a seaman on board the United States ship Vincennes, reported it without amendment.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives for the relief of Elijah H. Willis, reported it without amendment.

CONGRATULATIONS TO THE FRENCH.

The following joint resolution coming up in its order, it was read a second time:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the name and behalf of the American people, the congratulations of Congress are hereby tendered to the people of France upon their success in their recent efforts to consolidate liberty, by imbodying its principles in a republican form of government.

Resolved, That the President of the United States be, and he is hereby, requested to transmit this resolution to the American minister at Paris, with instructions to present it to the French Government.

Mr. BALDWIN then moved that the resolution be referred to the Committee on Foreign Relations.

Mr. ALLEN. I have no very great feeling on the subject of this particular motion. I do not know, sir, that it will make a great deal of difference whether this resolution be referred to the Committee on Foreign Relations or retained by the Senate and made the special order of the day for a day in future. I cannot anticipate, sir, what may or may not be the opionion of the members who compose that committee with regard to this resolution. I will, however, presume to say, that whatever the opinion of the committee may be, I doubt not they will afford the Senate an opportunity, by a report on the subject, to express its opinion upon the resolution itself or the principles embraced in it. But, sir, it does not seem to me to be one of those propositions which require the intervention of a committee previous to the action of the Senate upon them. It is an isolated proposition—without detail—without complexity—

which is presented to the mind of every Senator, and it is therefore of a character which, it would seem to me, must render it totally unnecessary that it should be referred to a standing or even a select committee. Near the beginning of this session, sir, a resolution was submitted by the honorable Senator from South Carolina [Mr. CALHOUN] in relation to what ought or ought not to be the policy of the Government of the United States with regard to Mexico. That resolution looked to a pending state of things, and was in its very nature a complex proposition. It was so much so, and so immediately connected with the action of our Government, that I thought—with great deference to the better opinion of others, however—that it would be most wise, most circumspect, in every way most judicious, that a resolution of that import—in full view of the actual relations which this country bore to Mexico, at the moment the resolution was introduced—should be referred to the Committee on Foreign Relations. But the honorable mover of the resolution deemed it totally unnecessary that any such reference should be made, and seemed to consider the motion to refer as a motion hostile to the resolution, and as an indirect attempt to evade the consideration of it by the Senate. He therefore opposed the reference, and opposed it with reasons so good, in the judgment of a majority of the Senate, that his opposition prevailed, and the reference was not made according to the motion.

The proposition which I have submitted is a simple, isolated proposition; it presents a solitary question to the minds of the Senate, unembarrassed and unelaborated by any details; a question on which no committee can enlighten the Senate otherwise than by making a report and presenting an argument for or against the specific proposition contained in the resolution. I therefore trust that this reference will not be made, but that the Senate will retain possession of the resolution, and fix a day on which it will take it up for consideration, and dispose of it in the usual form by a formal vote of the body. Still, sir, I shall not only do that which I am obliged to do—acquiesce in the judgment of the Senate upon the subject—but I shall do it without any further complaint of that judgment, than that such a course may look like an unwillingness on the part of the body to meet this question upon the responsibility of its members. I shall not occupy the time of the Senate any longer. Should it be the judgment of the Senate that the resolution be referred, I trust that the committee to which it is so referred will report it back in such a form as to give the Senate the command of the question, and not withhold it too long, to enable us to fix a day for its final consideration.

I am not going into a discussion of the question presented in this resolution now. If I were ever so much desirous of doing so, and the Senate ever so much desirous of granting me the honor of its attention, still the cold which I have would prevent me from doing so at present; but I will state, that if any member of this body supposes that this resolution originated inconsiderately, without a just appreciation, as far as my mind could appreciate such an important object, without a just appreciation of the effect of its passage, those who entertain this supposition are much mistaken. I duly considered this matter in all its forms and aspects; and never in my whole life have I embraced any proposition with a more thorough approbation of my heart and my mind, than that which I have submitted in the form of this resolution. I think, sir, that I know what I am about; I think that, when I undertake to submit a resolution to express, through the instrumentality of the two Houses of Congress, the approval of the American people of this great movement in Europe, I know what I am about. But, sir, as I said before, I will not go into this matter now; but I hope to have an opportunity of going into it in all its depths, even to its deepest foundations. It was remarked by a distinguished member of this body not long since, that we, now-a-days, hear but little said upon the great elementary truths of public liberty; that the subject seemed to be forgotten. Here, sir, is an occasion for reviving and reviewing the elementary principles of public liberty; and I desire, for one, to contribute my humble efforts to remedy this evil of which we have heard so much complaint—that in our discussions here the public mind has seldom been directed to the great question of liberty—that we were distracted with ideas of conquest, and had lost sight of ideas of liberty. When this discussion shall come up, I desire to go into this rich subject, and to remedy that defect in our discussions which we have heard of not long since in this Senate. And I shall hope to have the aid, or rāthing something more than the aid, of much abler men than myself upon this floor; for I will not presume that any man, affecting to represent the American people, would be unwilling to say on their behalf that they congratulate the French people upon the establishment of the liberties of France. I will anticipate no such result. I shall not ask the yeas and nays upon the motior to refer; but I will hope that the Senate will not refer this resolution to a committee.

Mr. HALE. I wish, sir, to offer an amendment, and I beg to say a few words in reference to it. When we were counselled by the President of the United States to establish a mission to Rome on account of the occurrence of "recent political events," there was a good deal of discussion as to what the Pope had done. An honorable Senator from Mississippi [Mr. FOOTE] thought that the Pope had done a great deal, whilst, on the other hand, an honorable Senator from North Carolina [Mr. BADGER] thought that his Holiness had as yet accomplished very little. In the case now before us, I think it must be admitted that something has been done. The French revolution has not been altogether fruitless. It presents something tangible. I propose, sir, that our resolutions of congratulation should have some meaning, and, therefore, submit the following amendment to the resolutions of the Senator from Ohio:

Add in the 8th line, after the word government, these words:

"And manifesting the sincerity of their purpose by instituting measures for the immediate emancipation of the slaves of all the colonies of the republic."

When we send such a resolution as that, sir, the French people will be informed of the object of our sympathy. It will assure them that in our judgment they have indeed done something tangible in the cause of liberty and humanity, on account of which the heart of the American people is filled with joy and gladness. The French people have not made a mere empty declaration of their attachment to the cause of liberty. They have not declared the people free, and yet retained their fellow-creatures in bondage. They have thus done something which deserves the congratulations of the whole world. I move that the amendment be printed for the use of the Senate, and that it be referred to the Committee on Foreign Relations.

Mr. DOWNS. I do not perceive any necessity for the reference of the resolution, and as it is obvious that there must be some debate, I think that the better course will be to fix a day for its consideration.

Mr. HALE. For myself, I should prefer the course indicated by the Senator from Louisiana, but I made the motion to refer in order to meet the views of my friend from Connecticut, [Mr. BALDWIN.]

Mr. CALHOUN. I do not perceive the slightest necessity for referring this resolution to the committee, and on that point I entirely concur with the views of the mover of it. The resolution is simple; it requires no examination of details, and the Senate is just as competent to form an opinion of its merits as any committee can possibly be.

I do not intend to enter at present into the great question presented in the resolution. To act upon it now, would, in my judgment, be premature. The people of France have done much. They have made a mighty revolution. They have overthrown an old and powerful monarchy, and decreed the establishment of a republic. All this they have accomplished in a very short period, and without any extraordinary bloodshed or confusion. It is indeed calculated to excite our wonder, and, so far as the aim of the French people extends, our lively sympathy. But the time has not yet arrived for congratulation. Much remains to be done. The real work to be performed is yet before them. They have decreed a republic, but it remains for them to establish a republic. If the French people shall succeed in that—if they shall prove themselves to be as wise in constructing a proper constitution, as they have proved themselves to be skillful in demolishing the old form of government—if they shall really form a constitution which shall on one hand guard against violence and anarchy, and on the other against oppression of the people, they will have achieved, indeed, a great work. They will then be entitled to the congratulations, not only of this country, but of the whole civilized world. But if they fail, what then? What then? Can there be a more important inquiry? If France fail, under what form of government will she find herself? I suppose it will be out of the question to go back to a constitutional monarchy. The Bourbon family in all its branches, is, I take it, now odious to the French people. They will hardly think of reinstating the old imperial dynasty of Napoleon. An aristocracy they cannot think of; and what then must be the result, if they fail to establish a republic? If it come to contests within, or wars without—if it shall be necessary to resort to force, to repress internal discord, or overcome foreign assailants—quite a possible case—France may find herself in the embrace of a military despotism. Such a result would furnish no ground for congratulation either on our part, or that of the civilized world.

This is, indeed, a mighty movement. It is pregnant with mighty consequences. Whether the result shall prove to be a blessing or a curse to France and the world, depends upon what is coming, rather than upon what has been already done. A revolution in itself is not a blessing. The revolution accomplished by the French people is indeed a wonderful event—the most striking, in my opinion, in history; but it may lead to events which will make it a mighty evil. It is therefore premature to offer our congratulations merely upon a revolution. We must look to the consequences and the end. We must await the termination of the movement. I wish well to France—sincerely do I wish her well! There is no man that breathes who has a deeper or more profound love of constitutional government than I have—not one. But I have never known a period when there was so great a necessity for wise, deliberate, cautious procedure. Great events are before us. There lives not the man who can say what another year may bring forth.

I offer no opinion as to the success or failure of the French people in this effort. I see tremendous difficulties in the way of success—difficulties resulting from the social condition of France, and the composition of her people. I see, on the other hand, a good deal of encouragement. The success of the French people will, in my opinion, depend, at least in a very high degree, upon the fact whether she can prevent war—that again depending upon two circumstances: one, whether she may have the self-control to abstain from improper interference with surrounding countries; the other, whether they may have the moderation and good sense to abstain from assailing France. Thus far the leading Power of Europe has certainly discovered great good sense and foresight. Great Britain has done as she ought to have done; and I trust that every other Power in Europe will stand and look on; giving France a fair opportunity to consummate the great work in which she has engaged. It is due to France, to the civilized world, and to themselves, that European Powers should observe strict non-interference. If she succeed, it will be an admonition to all Europe, that the time has arrived when they must agree to yield to liberty in a constitutional and stable form. Thrones will fade away, and freedom and republican institutions become the order of the day. If, on the contrary, standing aloof and avoiding all contest, France shall fail in this great undertaking, after a fair trial, without the interference of other Powers, it will do more to put down liberty under a republican form of government, than any other event which could occur.

Now, I think that it is due all round, that there shall be a fair trial. The first step to that, in my opinion, consists in quiet looking on, and as little interference as possible. To France, the people everywhere will extend their sympathy; but I do contend that the governments themselves ought to be prudent and abstemious in the expression of their sentiments. If we, as a Government, extend our congratulations in this formal and solemn manner, others may take the opposite and denunciatory course, and between the two, that result will be produced which must inevitably overthrow the revolution—an appeal to arms. That is one reason why this Government, looking to the interests of France alone, and with the kindest feeling, ought to be cautious and abstemious in making a move. My opinion, then, is, that the wisest course will

be to lay this resolution on the table, expressly on the ground that it is premature. The circumstances by which we ought to be regulated in expressing or withholding our congratulations, have not yet presented themselves. When these circumstances do occur, the time for taking up the subject will have arrived. We know that a national convention, called by the provisional government, is to assemble about the middle of the next month.

Mr. BENTON, (in his seat.) It will meet on the 20th of next month.

Mr. CALHOUN. Let us await that important event. Let us await the action of the convention. That will be wise and prudent. Let us not act with precipitation. I move, then, to lay the resolution on the table.

Mr. DICKINSON. I ask for the yeas and nays.

Mr. UNDERWOOD. Will the gentleman from South Carolina withdraw his motion for a moment that I may make a single remark?

Mr. CALHOUN. I cannot withdraw the motion.

The call for the yeas and nays being seconded, they were ordered, and were taken with the following result:

YEAS—Messrs. Bagby, Baldwin, Benton, Berrien, Butler, Calhoun, Davis of Mississippi, Dayton, Hunter, Mangum, Miller, Phelps, Upham, and Yulee—14.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Bradbury, Breese, Cass, Clayton, Crittenden, Davis of Massachusetts, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hale, Hannegan, Houston, Johnson of Maryland, Johnson of Georgia, Lewis, Moor, Niles, Rusk, Spruance, Turney, Underwood, and Westcott—29.

So the motion to lay the resolution on the table was not agreed to.

Mr. ALLEN. On a great question like this, I would not be guilty of the petty trickery of trying to force a vote of the Senate, under the impulse of a great feeling recently excited by so great an event. I do not desire the thoughtless, unreasonable judgment of the Senate, if this body can be supposed to be capable of such a judgment upon such a proposition as this. I seek the deliberate judgment of the Senate, in full view of all the facts upon which that judgment is to be founded; and in order that there may be time for that judgment to be made up, I move that the resolution be made the special order of the day for the first Monday in May.

Mr. BALDWIN. There is a motion to refer now pending.

The PRESIDING OFFICER. The motion is to postpone till the first Monday in May.

Mr. JOHNSON, of Maryland. I understand that the motion was to make the resolution the special order for that day.

Mr. CRITTENDEN. Does not the motion to refer take precedence?

The PRESIDING OFFICER. The motion to postpone is first in order.

Mr. UNDERWOOD. I concur entirely with the remarks made by the Senator from South Carolina; but I voted against his motion to lay the resolution upon the table, because I conceive it placed me in a false position. If we had laid the resolution upon the table, it would have been an act from which inferences might have been drawn unfavorable to those who so voted, in reference to their sympathy with the great movement which has been made by the people of France, and I am free to admit that my heart is with them in every step which they have taken. I have rejoiced in every movement which the French people have made, from time to time, with the view to the establishment of a republic. But although these have been my feelings, and now are my feelings, strongly cherished, I am admonished to caution by the fact, that in all their former efforts they have signally failed. That signal failure, heretofore, admonishes me of the propriety of observing that prudence and caution recommended by the Senator from South Carolina. I think with him, that it is wise to await the result of this great movement. If France succeed, her example will be followed, I doubt not, by more than the half of Europe. If she fail, not only may the chains of monarchy be riveted more closely in Europe, but her failure may seriously affect the safety of republican institutions throughout the world.

Now, what ought to be done? It seems to me, as we are notified through the press that the elections in France will shortly take place, that the National Convention will soon assemble, and that as the result of the deliberations of that body will reach us before we adjourn, we ought to await the event, before, as a Government, we give expression to our opinions. In the mean time, it will be quite becoming in any of us, as citizens, to tender our congratulations to the French people in this movement. Entertaining these views, and as there is no prospect that we shall obtain the result of the labors of the French convention on or before the day named by the Senator from Ohio, I move to postpone the consideration of the resolution till the first Monday in June.

Mr. DOUGLAS. I regret that the Senator from Ohio has consented to the postponement of his resolution till the first Monday in May. In my opinion, the events which have already transpired fully justify us in expressing our sympathies with the French people, and that there is no good reason for deferring our congratulations till May. The same argument which is now urged against our action till May might then require the postponement of the resolution until December, and then for a series of years. I do not suppose that the people of France will be able to reduce their system of government to perfection either by the 1st of May or during the present year. The change of an old form of government to a new one—the organization of the various departments of the Government—the putting of the whole machinery into operation—the familiarizing of the people to the new order of things—is the work of time. But they have made a beginning. They have made a glorious beginning. It is, indeed, a wonderful achievement, and forces our admiration. A revolution accomplished in three days, almost without bloodshed, by moral force, and with no other weapons than hymns of liberty and shouts of "Down with the King!" "Down with the ministry!" We have before us the first acts of the provisional government, and in my judgment they present sufficient ground for hope and confidence that the Government will be able to carry out what they have begun, with sobriety, wisdom, and determination. In looking over the decrees issued by the provisional government from day to day, it appears to me that human wisdom could not have devised a more prudent course than they have adopted. They intend to effect a radical revolution. They design to make the new Government republican in all its principles and forms; and they have commenced the work in a manner which discovers that the men engaged in it understand their business. Never—if we except the Continental Congress—has a body of men assembled, which has discovered so much skill and wisdom as has thus far characterized their proceedings.

Why, then, I ask, should we defer our congratulations? What credit shall we reflect upon ourselves, or what support shall we render to France, if we withhold our sympathy and our congratulations until the struggle is over? Now is the time, when our sympathies are needed. Now is the time when we should extend all the encouragement and support which the expression of our feelings may afford. Now is the time when the people of France deserve our sympathy. Now is the time when our sympathy should be given. They would not thank us for it after the struggle is over and the great work is completed. We propose to make our sympathy dependent upon their success! I suppose if they fail we are to regard them as rebels, and that it is only in the event of their success that they are to be regarded as patriots! Our judgment with respect to the great movement in which France is engaged is to depend upon their success, and not upon the work itself! I do not agree with the gentleman from South Carolina, who says that if the people of France fail, the failure will do more injury to the cause of liberty than any event which can possibly take place. If they fail now, you will find that another movement will be generated which will bring success with it. This is the first step. It may be that they may leap at a single bound from a monarcy to a republic—from comparative despotism to freedom. It may be that it will require a slower, a more protracted process, interrupted and embarrassed by difficulties, subjecting them to trials and sacrifices. The revolution may be the work of years. But whatever may be the process, slow or rapid, our sympathies are with France in this glorious work, and the utterance of these sympathies should be prompt, full, and cordial. The fact that the people of France have dethroned the King and peacefully decreed a republic—the fact that they have abolished all titles and orders of nobility—the fact that they have decreed universal suffrage to France—the fact that they have been enabled to act with such a spirit of moderation and wisdom as to combine all classes, parties, and factions in France—the church, the army, the navy—in one bond of brotherhood, acting in concert and with unanimity in support of the common cause, inspires great confidence in the success of the movement, and I am unwilling to dampen that hope by the expression of any doubts here. The presentation of this resolution, and its postponement for the reason stated, that we doubted the success of the revolution, and that it was not yet safe or prudent to express our sympathy, will have the effect of casting a shade upon this movement. I have no fear of the alternative presented by the Senator from South Carolina, that the expression of our sympathy and congratulations may elicit counter-expressions from other Governments. If Russia, Prussia, and Austria wish to issue denunciatory declarations, let them do so. Are the people of France likely to be deterred by any declarations from such sources? Not at all. But they do feel deeply interested to know what republican America thinks of this movement, because the United States of America is the only republic upon earth, or the only one that deserves the same. All republicans throughout the world have their eyes fixed upon us. Here is their model. Our success is the foundation of all their hopes. Shall we, then, turn a deaf ear to the voice that comes to us from France? Shall we hold a silent tongue? Shall we hesitate? Shall we cast a damper on their hopes by expressing a doubt of their success?

I am opposed to withholding or deferring the expression of our sympathy and our confidence. I believe that it is important that we should act, and act now. The prompt action of our minister in Paris presents an additional reason for the immediate passage of the resolution. Our minister showed that he thought he was safe in acting in advance of express instructions from his Government, and that he was but expressing the sentiments of the people and Government whom he represented in tendering his congratulations. I believe he did express the feelings and sentiments of the people of the United States, and I am unwilling, by the postponement of this resolution, to evince any doubt as to the propriety of his conduct. I make this remark not on his account, but in order to show the necessity of putting ourselves right. Why should we postpone the resolution till May? We cannot have learned by that time the action of the convention. Are we to await the action of that body? Surely not. Surely we are not to be restrained from rejoicing in what has been already done, till we see the work completed. I believe that the work is indeed begun, and that the end will be certain triumph, sooner or later, and I pray that it may be achieved in the shortest time.

Mr. ALLEN. I fully concur in all that has been said by my friend from Illinois, as to the unreasonableness of awaiting the action of the French convention. My desire is, that the resolution should be passed as speedily as possible. In naming the first Monday in May, my object was to meet, if possible, the convenience and wishes of others, some of whom desired a later day and some an earlier day. But it is impossible to fix a day agreeable to all; and, as I wish speedy action, I shall modify my motion so as to substitute for the first Monday in May the second Monday in April.

Mr. HANNEGAN rose, and being recognized by the Presiding Officer, was about to address the Senate, when

Mr. FOOTE, who had also risen at the same moment, requested the Senator from Indiana to yield the floor for a very few moments.

Mr. HANNEGAN. If I surrender the floor to my friend from Mississippi, the inevitable result must be, that I will be obliged to yield to every other gentleman who may desire it. It is evident that this debate, if it proceed, will occupy the whole day; and as there is Executive business which requires the action of the Senate, I shall be compelled to make the motion, with great reluctance, that the Senate now proceed to the consideration of Executive business.

Mr. DICKINSON. Let the vote be taken on the postponement of the resolution.

Mr. HANNEGAN. I am sorry that I cannot

consent that the debate should proceed, as it is obvious that it will be protracted.

The motion being temporarily withdrawn,

Mr. FOOTE rose and said: I would not, of course, in the circumstances, think of detaining the Senate by any extended remarks; but I do regret that the Senator from Indiana could not deem it consistent with his duty to yield the floor in order to afford me an opportunity of making a few observations on a subject so important, in every aspect, as that which has just occupied the attention of the Senate, particularly when other members, entertaining views adverse to those which he and I hold, had been heard at length. I wish it to be understood, that in my opinion, the public sentiment of this country on this subject is matured. The Senator from South Carolina, as I understand, desired a postponement of the resolution till the public sentiment had been matured.

Mr. CALHOUN. Not at all. I said that I desired a postponement of the resolution till we had an opportunity of judging whether the movement in France was a subject of congratulation or not.

Mr. FOOTE. Well, sir, I think that the events which have already occurred fully justify all that is contemplated in the resolution. I believe that the American people have looked to this matter, and understand it perfectly. In my opinion, the enlightened instincts of this free people have already settled the question, so far as the great body of the people could settle it. It would be impossible to find anywhere throughout this broad land an assemblage of the people in which it would be at all necessary to awaken their interest or inform their understanding by any discussion of the revolution in France. The excellent remarks of the Senator from Illinois render it unnecessary to enter into any argument against the postponement of our action on the resolution offered by the Senator from Ohio; nor would I have said a word on the subject, but for the fact that the organ of a large and respectable party, published in this city, has, in the most solemn and formal manner, expressed sentiments hostile to the movements in favor of freedom in France. That organ is supposed to represent the views and sentiments of a large body of American freemen, and having in this imposing manner uttered its denunciatory declaration, the impression is likely to be made on the French people that there are those in the United States who do not sympathize with them in their struggle for liberty. In addition to that, a member of this Senate, whose reputation and influence are diffused throughout the world, has not hesitated to express his apprehension as to the result of the present movements in France. Indeed, the Senator from Kentucky has gone so far as to say that every effort hitherto made to establish freedom in France has been a "signal failure." From that opinion I dissent entirely, and at the proper time I intend to be heard on the subject. I beg the Senator, then, to prepare himself for a friendly contest on that point. I am prepared to show that the march to freedom in France has been steadily onward during the last fifty years—that not a single retrograde movement has been made, so far as the progress of the great principles of liberty is concerned—and that, even under the imperial government, these great principles were continually in the advance.

Mr. UNDERWOOD. I have no doubt that I did use the expression just alluded to by the Senator, but it was too broad, and is liable to a construction which I would not attempt to sustain. I did not intend to convey the idea that no advance had been made in France in regard to the principles of liberty. On the contrary, I am of course aware that great progress has been made in that respect. But my idea was, that all attempts to establish a republican form of government have heretofore been failures.

Mr. FOOTE. I am glad that an opportunity has been afforded the honorable Senator of explaining his language, which was certainly liable to serious misconstruction, both here and elsewhere. His explanation, given with characteristic manliness, is satisfactory to me, and must be so to all. I am pleased to find that his sentiments and mine correspond so perfectly. I will not detain the Senate longer. I have risen only to say that I am prepared for action on the resolution. In my opinion, we should not hesitate. To doubt, is to damn the cause of freedom in France. Our minister, in the noble spirit which becomes an American freeman, and with something of the moral sublime in action, presuming that the American people would not hesitate on such a question, has tendered, in our name, his congratulations to the republic of France. Shall we now be laggard in this good cause? Let us emulate the conduct of Mr. Jefferson, who hailed the French revolutionists of a former day as brothers and patriots, at a time when all the European Powers denounced them as rebels? I am prepared to sustain our minister, and deprecate the transmission of any intelligence which might indicate the slightest disagreement in this body on the great subject of the liberty of France. Of course I will not now enter at all upon any discussion of the question. I rose simply to protest, in the most solemn manner, against the sentiments to which I have alluded, and to challenge, courteously, those who entertain them to courteous moral combat.

Mr. HANNEGAN. There is a case of individual liberty now pressing us rather more closely than this question of public liberty, which we will have ample time to discuss, and I therefore renew my motion.

The resolution was then passed over informally, and the Senate proceeded to the consideration of Executive business.

At a late hour, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 31, 1848.

The Journal of yesterday was read and approved.

The bill to extend to John J. Adam a patent for flattening cylinder window glass, which was reported to the House by the Committee of the Whole on Friday last, and which has since been lying over, was taken up; and,

On motion of Mr. STEPHENS, it was laid on the table.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole on the private calendar, (Mr. STANTON, of Tennessee, in the chair.)

The first bill taken up was a bill for the relief of Jacob Gideon, which, after some debate by Messrs. DANIEL, ROCKWELL of Connecticut, and GIDDINGS, was amended, and laid aside to be reported to the House.

The next bill taken up was for the relief of the securities of Elijah J. Weed, late quartermaster of marines, deceased; and, after some debate by Messrs. DANIEL, POLLOCK, GIDDINGS, McKAY, BOWLIN, CROWELL, THOMAS, and STEPHENS—

Mr. McKAY moved that the bill be laid aside to be reported to the House, with the recommendation that it do not pass: Ayes 62, noes 44.

A quorum not voting, the CHAIRMAN ordered the Clerk to call the roll, in compliance with the 126th rule, in order that the names of the absentees might be reported to the House, to be entered on the Journal; which having been done—

The committee rose and reported the bill for the relief of Jacob Gideon as amended, and that the committee, on the division of a question on the bill for the relief of the securities of Elijah J. Weed, &c., found itself without a quorum, and that the roll had been called.

The SPEAKER, in compliance with the rule, ordered the names of the absentees to be entered on the Journal.

Mr. COBB, of Georgia, moved a call of the House Lost: Ayes 37, noes 90.

The House again resolved itself into committee, and the above motion of Mr. McKAY was again put, and it was agreed to: Ayes 68, noes 54.

The committee rose and reported the bill for the relief of the securities of Elijah J. Weed, late quartermaster of marines, deceased, to the House, with the recommendation that it do not pass.

The bill for the relief of Jacob Gideon was then taken up, the amendment of the Committee of the Whole concurred in, and the bill was read a third time and passed, and sent to the Senate for concurrence.

The next bill taxen up was the bill for the relief of the securities of Elijah J. Weed, late quartermaster of marines, deceased.

Mr. JONES, of Tennessee, moved that it be laid on the table. It was decided by yeas and nays in the affirmative: Yeas 74, nays 68.

And then the House adjourned.

PETITIONS, &c.

The following memorials and petitions were presented under the rule, and referred:

On motion of Mr. PRESTON, the petition of Eli Peterson, of Montgomery county, Virginia, praying for bounty land, now on the files of the House, was referred to the Committee on Private Land Claims.

By Mr. TURNER: The petition of William Wallace, of Lee county, Illinois, praying for a pension. Also, the petition of George W. Andrews and others, praying for a mail route from Elizabeth to Freeport, in Illinois. Also, the petition of A. S. Mitchell and others, praying for the same route. Also, the petition of citizens of Knox county, Illinois, praying for the reduction and equalization of the rates of postage on letters and newspapers.

By Mr. GREGORY: Concurrent resolution of the Legislature of New Jersey, urging provision to be made by Congress to refund to Captain William Napton and Lieutenant Alexander F. Arnold, officers commissioned by the Governor, the sum of $1,682 51, expended by them in raising, clothing, subsisting, and other necessary expenses of a company in the New Jersey battalion for the war with Mexico.

By Mr. TUCK: The petition of Thomas W. Jordan and twenty-three others, citizens of Lincoln, in the State of Maine, praying that a committee be appointed to inquire into and report whether the slave trade is carried on in the District of Columbia, and to what extent, and by what law.

By Mr. HARMANSON: The memorial of 187 citizens of Catahola, Caldwell, and Jackson, for the establishment of a mail route from Harrisonburg to Vernon, in Louisiana.

By Mr. DUNCAN, of Kentucky: The memorial of 317 citizens, praying the United States to abate the nuisance in the Ohio river at Cumberland Island, which the Government has created there.

By Mr. MARSH: The memorial of Charles Fletcher, of Lancaster, concerning the Washington monument.

By Mr. HALL, of New York: The petition of certain inhabitants of the District of Columbia, praying for the passage of a law providing for a change of venue in suits brought in the courts of that District.

By Mr. C. J. INGERSOLL: The petition of John Ferrah and many others, concerning the public lands.

By Mr. DUNN: The following joint resolutions from the Legislature of the State of Indiana, viz: relative to marsh and wet lands in the counties of Jay and Adams, in the State of Indiana; relative to the location of certain bounty-land warrants; also, the same upon the Miami reserve, in the State of Indiana; relative to volunteers who have settled on Government lands in the Miami reserve; relative to the reduction of the price of public lands; relative to the reduction of the price of public lands in the Miami reserve; relative to the postponement of the sales of the Miami reserve lands. Also, a joint resolution relating to the Miami Indians, in Indiana. Also, one relative to a mail route from Salem to Bloomington, in Indiana. Also, one relative to a mail route from Belleville to Lebanon, in Indiana. Also, one relative to a mail route from Brownstown, via Bowman's, to Nashville, in said State. Also, one relative to increasing the clothing pay of the volunteers. Also, one relative to the reduction of postage on newspapers, &c. Also, one relative to the national road. Also, one relative to the improvement of the Iraquois and Kaskaskia rivers. Also, one asking the aid of the General Government for the American Colonization Society.

By Mr. STEWART, of Pennsylvania: The letter and supplementary petition of Thomas Gregg, for a renewal of certain patent rights.

By Mr. PHELPS: The petition of R. D. McCulloch and others, of St. Clair county, Missouri, for a post route from Osceola, via Quincy, to Hermitage.

By Mr. HALL, of Missouri, a petition from N. H. Skidmore and other citizens of Missouri, praying the establishment of certain post routes.

By Mr. GAINES: The petition of ninety-one officers of the United States army, now on duty in Mexico, praying an increase in the price of rations.

By Mr. ECKERT: A memorial of citizens of Lebanon county, Pennsylvania, praying the modification of the post office laws respecting postage on newspapers.

By Mr. BINGHAM: The remonstrance of five hundred citizens of Oakland county, Michigan, against the renewal of the patent of Jethro Wood.

By Mr. TWEEDY: The memorial of the Legislative Assembly of Wisconsin, praying that Fort Howard may be vacated, and the reservation of lands attached for military purposes may be sold. Also, a memorial of the same, praying for the amendment of preëmption laws so as to extend the term of payment to two years. Also, a memorial of the same, against granting preëmption rights to certain reserved mineral lands in Wisconsin.

By Mr. TUCK: The remonstrance of Bradbury Bartlett and twenty others, against the removal of the courts of the United States from Exeter to Concord, in the State of New Hampshire. Also, the remonstrance of George O. Hilton and 103 others, on the same subject. Also, the remonstrance of John T. Gordon and 146 others, on the same subject.

IN SENATE.

FRIDAY, *March* 31, 1848.

Mr. UNDERWOOD presented a petition of sundry citizens of Kentucky, praying for an appropriation for repairing the dam on the Cumberland Island, in the river Ohio; which was referred to the Committee on Roads and Canals.

Mr. HANNEGAN presented a petition of sundry citizens of Indiana, similar in its import; which was referred to the Committee on Roads and Canals.

Mr. WESTCOTT presented a petition of P. F. Dumas, representative of the Marquis de Fougeres, praying authority to enter an appeal to the Supreme Court of the United States against a decis-

ion of the United States district court of Florida; which was referred to the Committee on Private Land Claims.

Mr. DIX presented a petition of 450 citizens of Rochester, praying Congress to purchase the estate of Mount Vernon for a Military Asylum; which was referred to the Committee on Military Affairs.

On motion of Mr. PHELPS, a similar petition presented by him yesterday, was also referred to the Committee on Military Affairs.

Mr. UNDERWOOD presented a petition of Nancy Haggard, for interest due on commutation pay; which was referred to the Committee on Claims.

Mr. BRADBURY presented a petition of citizens of Maine, asking an appropriation for repairs on Saco river; which was referred to the Committee on Commerce.

On motion of Mr. WESTCOTT,

Resolved, That the Commissioner of Patents be requested to proceed in the examination of applications for patents for discoveries useful for the prevention of steam explosions pending in his office, in preference to other applications for patents; and that he report such of the decisions on such applications as he may deem useful to the Senate, with the information heretofore called for by the Senate from his office on said subject.

Mr. WESTCOTT explained that some hundred applications for patents, fifteen or twenty of which were for the prevention of explosions of steam boilers, were before the Commissioner for his decision. He had been requested to give a preference to the latter, because the persons interested had been for some time in the city, waiting for the result. On this account he had been requested to offer this resolution, as it was important that these applications should be disposed of.

Mr. HANNEGAN presented sundry resolutions, on various subjects, from the Legislature of Indiana; which were laid on the table and ordered to be printed.

Mr. DAVIS, of Mississippi, from the Committee on the Library, reported, without amendment, the resolution authorizing Mr. Palmer to make additions to his commercial report on the condition of Siberia, &c.

On motion of Mr. DAVIS, the Senate considered the report, which was concurred in.

Mr. BAGBY moved to reconsider the vote by which the bill for the relief of Patrick Walker had been passed. He stated, that without changing his own opinion in favor of the bill, he had made the motion, at the request of some Senators who desired that a general system should be established for all cases of disability by wounds received in the service, in preference to legislating on individual cases.

The motion to reconsider was opposed by Mr. DOWNS, Mr. BRADBURY, Mr. HANNEGAN, and Mr. MOOR, and sustained by Mr. DAVIS, of Mississippi, Mr. CALHOUN, and Mr. MANGUM, and was finally agreed to—ayes 15, noes 14.

On motion of Mr. MANGUM, by unanimous consent, the bill was then amended by striking out the words "for his natural life," and substituting "for one year."

The bill was then passed.

FRENCH REVOLUTION.

The Senate resumed the consideration of the joint resolution congratulating the French people on their recent movement for the establishment of a republican form of government.

The question being on the amendment proposed by Mr. UNDERWOOD, to postpone the consideration of the resolution to the first Monday in June—

Mr. BALDWIN addressed the Senate, expressing his preference for the motion he had made yesterday to refer the resolution to the Committee on Foreign Relations. He was of the opinion that Congress was stepping out of its proper sphere of action in attempting to speak for the American people on a subject in which they were expressing themselves in a much more emphatic and acceptable manner. If any organ of the people ought to convey their sentiments to the French people, it should be the President of the United States, to whom was intrusted the immediate intercourse with foreign Powers. If legislative interference was desirable, it ought to be founded on a communication from the President, who is presumed to be better informed as to the propriety of an interposition than we are. He had an objection to fixing a day for considering the resolution. If it was proper at all, he agreed with the Senator from South Carolina that it would be premature, until we shall see the course determined on by the government which has yet to be formed. The term "consolidated" he also objected to, in its application to liberty, which he would desire to see diffused rather than consolidated. The Holy Alliance had adopted the word, and he was unwilling to take such authority.

Mr. DOWNS made some remarks in reply, expressing his surprise at the course of argument pursued by the Senator from Connecticut. After all the talk of this session about the power of interfering with foreign affairs belonging of right to Congress, it seemed to be discovered that it was the President only in whom it was vested. He could not speak for the constituencies of other Senators. He could not forget that the French people assisted us in our revolutionary struggle; that their soldiers fought with ours; that they cheered us on in the hour of danger; that they rejoiced with us in our triumph, and had always preserved friendly relations with us. In other States, the population was altogether American; but in his State it was different. There, one-half the population was French, speaking the French language, having their friends and relations, fathers, mothers, brothers, and sisters, in France. They must be supposed to feel more strongly on the subject than the people of any other State of the Union. He saw no objection to immediate action on the subject. If months were to be consumed by delay and debate, it would be as well not to adopt the resolution at all, for it would, in that case, lose all its value in the eyes of those to whom it was addressed.

Mr. DOWNS here gave way, and

Mr. HANNEGAN moved that the resolution be informally passed over, and that the Senate proceed to the consideration of Executive business; which was agreed to.

[The remarks of Mr. BALDWIN and Mr. DOWNS will be found in the Appendix.]

The Senate then proceeded to the consideration of Executive business; and, after some time, the doors were reopened, and

The Senate adjourned till Monday.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 1, 1848.

The Journal of yesterday was read and approved.

The bill from the Senate, granting a pension to Patrick Walker, was taken up and read twice.

Mr. JONES, of Tennessee, hoped it would not be committed; the case, he understood, was a peculiar and meritorious one; he therefore hoped the bill would now be put upon its passage.

The question was put upon the passage of the bill, and it was decided in the affirmative. So the bill stands passed.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting copies of the official annual Army Register, for the use of the members of the House. Laid upon the table.

Also, a communication from the Secretary of the Navy, transmitting copies of the official annual Navy Register, for the use of the members of the House. Laid on the table.

Also, a communication from the Secretary of the Treasury, in answer to a resolution of the House, transmitting reports from the several bureaus of that department as to what additional clerks are necessary, if any, in any of said bureaus, and what amount of money ought to be appropriated to defray expenses consequent upon the appointment of such clerks. Referred to the Committee of Claims.

PRIVATE CALENDAR.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar.

The question was decided in the affirmative by yeas and nays—yeas 96, nays 37.

The House accordingly resolved itself into Committee of the Whole on the private calendar, (Mr. COCKE, of Tennessee, in the chair.)

The first bill taken up was for the relief of Thomas Scott, register of the land office at Chilicothe, Ohio, for services connected with the duties of his office. The bill appropriates $500 in payment of extra services by extra clerks, for a limited time, in consequence of the consolidation of four or five land offices into one.

After a debate, in which Messrs. VENABLE, TAYLOR, ROCKWELL, of Connecticut, GIDDINGS, STARKWEATHER, FICKLIN, DUER, CROWELL, and HOUSTON, of Alabama, participated, the bill was amended, on motion of Mr. GIDDINGS, so as to provide for the settlement of the accounts by the Secretary of the Treasury, limiting the amount to $500.

Mr. JONES, of Tennessee, then moved that the bill be laid aside to be reported to the House with the recommendation that it do not pass. Lost.

The committee then rose and reported the bill for the relief of Thomas Scott, register, &c., as amended.

The amendment of the Committee of the Whole was agreed to, and the bill read a third time.

Mr. HAMMONS moved to lay the bill on the table. Lost.

The bill was then passed and sent to the Senate for concurrence.

Mr. ROCKWELL, of Connecticut, moved to reconsider the vote by which the bill to extend John J. Adams's patent for flattening cylinder window glass was laid on the table. Lost.

And then the House adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 3, 1848.

The Journal of Saturday was read and approved.

Mr. LINCOLN moved to suspend the rules of the House to take up the joint resolution from the Senate relative to contracts for the purchase of hemp for the use of the navy, for the purpose of referring it to the Committee on Naval Affairs.

Mr. HOUSTON, of Alabama, suggested to the gentleman from Illinois that he would accomplish his object by modifying his motion so as to embrace all the bills and resolutions from the Senate lying on the Speaker's table.

Mr. LINCOLN replied to the gentleman from Alabama, that he was aware of that fact when he made the motion.

Mr. HOUSTON would then inquire whether the motion was susceptible of amendment.

No reply was heard. If any, it was presumed to be in the negative.

The SPEAKER announced the question to be on the motion of Mr. LINCOLN.

Mr. HOUSTON demanded the yeas and nays. He wanted to see whether the House would take up this bill and refuse to take up the others.

The yeas and nays were ordered.

Mr. COBB, of Georgia, desired to inquire, in order that the House might be distinctly informed upon what they were voting, if this was a motion to suspend the rules for the purpose of taking up an isolated resolution in preference to other and more important bills on the Speaker's table?

The SPEAKER. The motion is to suspend the rules, for the purpose of taking up the joint resolution relative to contracts for hemp for the use of the navy.

Mr. COBB. I have no objection to taking them all up. I hope there will be no suspension for any particular bill.

The question was taken, and the vote stood: yeas 81, nays 61.

So, two-thirds not voting in the affirmative, the rules were not suspended.

TEN-REGIMENT BILL.

Mr. HOUSTON, of Alabama, moved now, with a view, he said, to accommodate all sides of the House, to take up the Senate bills and joint resolutions on the Speaker's table. If any objections were made, he should move to suspend the rules.

Objections were made.

Mr. HOUSTON moved then to suspend the rules, and demanded the yeas and nays.

Mr. COBB, of Georgia, requested the Speaker to state to the House what bills and joint resolutions were on the Speaker's table would be embraced in this motion.

The SPEAKER replied that there were two joint resolutions and one bill: The joint resolution of thanks to Major General Taylor and that respecting contracts for the purchase of hemp, and the bill entitled "An act to raise, for a limited time, an additional military force."

Mr. COBB. These are the bills that would be included?

The SPEAKER. These are the bills.

Mr. WENTWORTH. Is the motion debatable?

The SPEAKER. The motion to suspend the rules is not debatable.

Mr. COBB asked the yeas and nays on the motion to suspend the rules, which were ordered, and being taken, resulted as follows:

YEAS—Messrs. Atkinson, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Bridges, William G. Brown, Charles Brown, Albert G. Brown, Chase, Beverly L. Clark, Howell Cobb, W. R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Dunn, Alexander Evans, Faran, French, Fries, Fulton, Gayle, Green, Willard P. Hall, Haralson, Harris, Haskell, Hall, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, Andrew Johnson, James H. Johnson, George W. Jones, Kaufman, Kennon, La Sère, Sidney Lawrence, Leffler, Levin, Ligon, Lincoln, Lord, Lumpkin, McClelland, McClernand, McDowell, McLane, Mann, Miller, Morris, Murphy, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Pollock, Rhett, Richardson, Richey, Robinson, Rockhill, Simpson, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Wiley, Williams, and Wilmot—90.

NAYS—Messrs. Abbott, Adams, Ashmun, Barringer, Barrow, Blanchard, Boydon, Brady, Buckner, Canby, Chapman, Franklin Clark, Clingman, Cocke, Collamer, Conger, Cranston, Cri-field, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Eckert, Embree, Farrelly, Gaines, Gidding-, Goggin, Gregory, Grinnell, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Hilliard, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Outlaw, Pendleton, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Talmadge, Taylor, Thibodeaux, Richard W. Thompson, John B. Thompson, Tompkins, Tuck, Vinton, Warren, and White—83.

So, two-thirds not voting in the affirmative, the rules were not suspended.

LIGHTING THE CAPITOL.

Mr. J. W. HOUSTON moved a suspension of the rules, to enable him to introduce a resolution of inquiry into the reasons for which the Treasury Department refused to pay James Crutchett the amount allowed him by act of Congress passed recently, compensating him for lighting the Capitol and Capitol grounds with gas.

The House refused to suspend the rules.

THE FRENCH REVOLUTION.

Mr. CUMMINS asked leave to offer the following resolutions:

Resolved, That it becomes the people of the United States to rejoice that the sentiment of *self-government* is commending itself to the favorable consideration and adoption of the intelligent and thinking men of all intelligent nations.

Resolved, That the only legitimate source of political power is the will of the people, and the only rightful end of its exercise their good.

Resolved, That we sincerely hope that down-trodden humanity may succeed in breaking down all forms of tyranny and oppression, and in the establishment of free and national governments for the good of the governed, and not for the aggrandizement of those who govern.

Resolved, That we tender our warmest sympathies to the people of France and Italy in their present struggle for reform, and sincerely hope they may succeed in establishing free and constitutional governments, emanating from and based upon the will of the governed, suited to their wants and condition, and such as will secure to them liberty and safety.

Resolved, That we tender our sympathy and hopes of success to every people who are seeking to establish for themselves free and national governments, and that whatever of blood and treasure may be shed or spent in a struggle of the oppressed against the oppressor, is to be charged to the unjust resistance of the oppressor, who strives to hold and exercise the *rights* of the people, *usurped* against their will, and exercised for the *benefit* of the few and the oppression of the *many*, and not to the people, who seek only to regain and exercise their natural rights in such manner as will best secure and promote their own happiness and safety.

The reception of the resolutions being objected to—

Mr. CUMMINS moved to suspend the rules, to enable him to offer them, and asked the yeas and nays, which were ordered; and, being taken, resulted as follows:

YEAS—Messrs. Atkinson, Barringer, Bayly, Beale, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Bridges, Wm. G. Brown, Charles Brown, Albert G. Brown, Cabell, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Cummins, Daniel, Dickey, Dickinson, Dixon, Duer, Dunn, Embree, Alexander Evans, Faran, Farrelly, Featherston, Ficklin, French, Fries, Giddings, Green, Willard P. Hall, James G. Hampton, Moses Hampton, Haralson, Harris, Haskell, Henley, Hill, Hilliard, George S. Houston, John W. Houston, Hunt, Inge, Charles J. Ingersoll, Irvin, James H. Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, La Sère, Sidney Lawrence, Leffler, Ligon, Lincoln, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McIlvaine, McLane, Mann, Marvin, Miller, Mullin, Murphy, Nes, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Pollock, Preston, Reynolds, Richardson, Richey, Robinson, Rockhill, Rumsey, Sawyer, Sherrill, Simpson, Smart, Robert Smith, Stanton, Starkweather, Andrew Stewart, Charles E. Stuart, Talmadge, Taylor, Thibodeaux, Thomas, James Thompson, Jacob Thompson, William Thompson, Thurston, Tompkins, Tuck, Turner, Venable, Wentworth, Wick, Wiley, Williams, and Wilmot—121.

NAYS—Messrs. Adams, Ashmun, Barrow, Boydon, Brady, Buckner, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Cri-field, Crowell, Crozier, Donnell, Garnett Duncan, Eckert, Edwards, Fulton, Gaines, Gayle, Goggin, Gregory, Grinnell, Nathan K. Hall, Henry, Elias B. Holmes, Hubbard, Hudson, Joseph R. Ingersoll, Kellogg, Levin, Morehead, Nelson, Outlaw, Pendleton, Putnam, Julius Rockwell, St. John, Schenck, Shepperd, Silvester, Caleb B. Smith, Truman Smith, Stephens, Richard W. Thompson, John B. Thompson, Warren, and White—51.

So the rules were suspended.

Mr. C. then moved the above resolutions; which being read—

Mr. HILLIARD hoped that an Executive message just received would be read by general consent.

Objection being made—

Mr. HILLIARD moved a suspension of the rules to admit the motion.

The CHAIR reminded Mr. H. that the rules had already been suspended for the purpose of receiving the resolutions. The motion therefore was not now in order.

The resolutions were again read.

Mr. CUMMINS demanded the previous question.

Great confusion instantly arose, and remonstrances mingled with cries of "No, no; Oh, don't!"

Mr. CUMMINS withdrew his call for the previous question.

Mr. ASHMUN moved to amend the *fourth* resolution by inserting at the end thereof the following:

"And we especially see an encouraging earnest of their success in the decree which pledges the said Government of France to early measures for the immediate emancipation of all slaves in their colonies."

Mr. SCHENCK suggested as an amendment to the amendment to add the following:

"Recognizing as we do that cardinal republican principle that there shall be neither slavery nor involuntary servitude except for crime."

Mr. ASHMUN accepted this as a modification of his own amendment.

And the question being on the amendment thus modified—

Mr. ASHMUN observed that he had nothing to say on the amendment. Its propriety was so obvious as to preclude the necessity for remark.

Many gentlemen were here on the floor at once, contending, with loud cries of "Mr. Speaker!" for recognition by the Chair.

The resolution having been read as amended—

Mr. HILLIARD moved that the resolutions be referred to the Committee on Foreign Affairs.

Mr. BAYLY moved that they be referred to a select committee.

Mr. DUER said he had proposed expressing, in a manner which he conceived worthy of the dignity of the House and of the subject, the sympathy which he was very sure every gentleman could not but feel, and which he had intended to move to be referred to a select committee, to consist of one member from each State.

Mr. D. read his resolution; and, after some conversation between Mr. DUER and the CHAIR—

Mr. BAYLY modified his motion for a select committee, so as to read as follows:

"That the resolutions be referred to a select committee of one from each State, with instructions to report joint resolutions expressing the sympathy of this nation for the French people in their struggle for civil liberty."

Mr. C. J. INGERSOLL expressed his earnest wish that the message from the President now on the Speaker's table should be read. He presumed there would be no objection. He understood that it was on the subject to which the pending resolutions referred, and suggested that the whole subject might be referred to the same committee.

[Cries of "read, read."]

The SPEAKER then gave the message into the hands of the Clerk; when objection was made on the left.

The CHAIR stated the question before the House to be on the resolution of reference, as modified.

Mr. C. J. INGERSOLL insisted that the objection made had come too late, as the Speaker had handed the message to the Clerk to be read.

The CHAIR ruled the objections to be in time, so that the message could not now be read except by unanimous consent. He had received no intimation of what the message contained. The House had been taken by surprise; and, as the Clerk had not begun to read, or even opened the envelope in which the message was contained, he ruled the objection to be in time.

Mr. C. J. INGERSOLL said he was greatly surprised to hear that the Speaker or the House had been taken by surprise. He believed the subject of the message was generally understood; and, as it had been delivered to the Clerk to be read, he took an appeal from the decision of the Chair.

The question being immediately put on the appeal, the ruling of the Chair was sustained—ayes 90, noes 30.

Mr. HASKELL inquired whether it was now in order to offer a substitute?

The CHAIR replying in the negative—

Mr. HASKELL wished it to be read for information; but this was objected to.

[Voices: "You can read it yourself, as a part of your speech."]

The CHAIR said the question would first be on the motion to refer to the Committee on Foreign Affairs; if that failed, it would next recur on referring to a select committee.

Mr. DONNELL moved to lay the resolutions on the table.

On this motion the yeas and nays were called for, and ordered; and, being taken, resulted as follows: Yeas 15, nays 118. So the motion to lay on the table was rejected.

And the question recurring on the reference of the resolutions—

Mr. HILLIARD said, that in moving to refer the resolutions and amendments which had been brought forward upon the subject of the late revolution in France to the Committee on Foreign Affairs, he simply desired to secure a proper expression of the sympathy which we felt in that movement. The occasion (said he) is one of no common moment; it must deeply affect the cause of mankind throughout the world. I am not ready to extend the sympathy of this Government to any people who simply overturn a throne, to plunge into the wild, unrestricted, and reckless experiment of ideal liberty. Every kingless government is not of necessity a republican government. Liberty cannot exist without law; its elements must be consolidated, and its great principles be imbodied in a constitution. The great movement in France must develop institutions before it accomplishes any permanent good for the French people. I confess that I am not free from apprehension as to the future; the convulsion which exhibits a form so attractive to-day, may yet upturn the foundations of society, and result in the wildest anarchy. On the other hand, there is in the great popular movement which has so suddenly and so successfully expelled royalty from France, much of promise for that beautiful country and for mankind. I solemnly believe that the time has come when kingcraft has lost its hold upon the human mind; the world is waking from its deep slumber, and mankind begin to see that the right to govern belongs not to crowned kings, but to the great masses. The age in which we live will, I trust, witness the complete enfranchisement of nations which have long been governed too much.

I think, sir, that we ought to sustain our minister, Mr. Rush, who so promptly, without the opportunity of consulting his Government, hailed the popular movement which expelled a powerful dynasty and proclaimed a Republic. It was a generous impulse which prompted the act, and the country will applaud it.

There are certainly some features in the scene which France presents not wholly agreeable to a thoughtful observer, and which awaken the apprehension that the Provisional Government just established has promised more than it can redeem. The *fraternity* which has been adopted may not be consistent with regulated liberty; it may be the dream of idealists, and not the conception of a philosophical statesman. The measure, too, which has been adopted in regard to the labor and wages of operatives, doubling their compensation, and undertaking to employ them on the part of the Government, is a very unsafe one. Every one accustomed to the order of well-regulated liberty must see the danger of such legislation. It partakes too much of the character of a system of social reform too impracticable to be easily recognized. Still, these may be but temporary arrangements, designed to give the new Government time to adjust the complicated details of the great task

which has been undertaken. There are circumstances which may awaken apprehension, but they cannot repress sympathy. No, sir; they cannot prevent the expression of our deep and full sympathy with a people struggling to make a free government like our own. I, for one, cannot look upon such a spectacle unmoved. It may be premature—it may even be rash; but I should feel myself unworthy of a seat in an American Congress, if I could refuse to cheer a people engaged in such a work. May they go on and prosper, and may they erect upon the soil of France a government resting upon the great principles of constitutional law, ensuring order at home, commanding respect abroad, and throwing over Europe the clear and steady light of rational liberty.

I regret, sir, that the gentleman from Massachusetts [Mr. ASHMUN] has thought proper to connect with this subject another which does not belong to it. I do not impute to him any improper motive, but he must know that the people of our part of this Confederacy cannot hear without painful sensibility the r social institutions alluded to in such offensive terms. There is on the part of the South nothing aggressive; they are content to sustain the Government as it is; they make no war upon the people or the institutions of the North. But, sir, they observe your movements here with profound interest. They know their rights, and there is throughout their entire borders a purpose to maintain them, with a courage and firmness which nothing can intimidate or shake.

The feeling, then, in regard to the subject which has thus been thrust upon the House so recklessly, is so profound, so well settled, and, to borrow a mode of expression from the French, so eternal, that it is impossible to touch it without danger.

I repeat, sir, that in moving to refer the resolutions before us to the Committee on Foreign Affairs, I have no hostile purpose. I desire that when Congress does speak upon this subject, it shall speak in well-weighed and becoming terms. I do not like the language of these resolutions. It so happens that we are often called on to vote on propositions suddenly thrown into the House, when we cannot express our own true sense. Let the resolutions go to the appropriate committee, and come back to us in a better form.

Mr. McCLERNAND said, like the honorable gentleman from Alabama, [Mr. HILLIARD,] he sympathized with France; like him he objected, and decidedly, to the firebrand which had been introduced into this subject in the form of the amendment moved by the gentleman from Massachusetts, [Mr. ASHMUN.] Unlike the gentleman from Alabama, however, he did not feel that distrust in the success of the late movement in France——

Mr. HILLIARD interposed, and (the floor being yielded) begged that the gentleman would not misapprehend him as saying that he distrusted the movement. What he had said was, that there were certain indications connected with the movement which were calculated to awaken the apprehension that all might not be done as could be desired. He, however, hoped for the best, and cordially sympathized with the people of France.

Mr. McCLERNAND proceeded. Without affirming anything of what the gentleman had said, he (Mr. McC.) wished to say, that he had confidence, sufficient confidence, in the ultimate success of the great movement in which the French people were engaged.

Since this subject had been introduced upon this floor, he hoped he would be indulged by the House in a few remarks explanatory of his views in regard to it. If the subject had not been introduced by some other member, he should have felt himself called upon to introduce it, for he believed it to be a duty incumbent on the American Congress and the American people to manifest their sympathies and congratulations at the late movement in France.

What was that movement, and on what did it rest? It was such a movement as might very well engage the attention of the whole world, and particularly of the American people, who owed France so much. It was France who befriended us in our infancy and time of need, who assisted us to establish our independence, and to erect the noble fabric of liberty which, through the ordination of Heaven, had become the example for her own aspirations and her own patriotic effort. God grant her success!

Such should be, and no doubt was, the sentiment of the great mass of the American people—of every American who was worthy of the name, who had his heart in the right place. As France assisted us, according to the circumstances in which she was placed, by her arms, so we in turn should assist France according to the circumstances in which we are placed, by the assurance of our sympathy and our congratulations.

It was objected, however, to any formal expression, that it was premature; that the revolution might waste itself in anarchy, or sink into despotism; that we should wait for certainty of its success. He thought not. Now was the time, if we really wished France to be successful, for the voice of sympathy and encouragement. Let that voice go forth from this Hall, and from every city and hamlet in the land; let it cross the Atlantic and echo in every part of France. Yes, let it resound as the deep heartfelt shout of a free people of the New World that a giant republic was about to be given to the cause of human freedom in the Old World. We should rejoice at the regeneration and emancipation of enslaved nations. Freedom was one of the appointed agents of God to advance the spiritual as well as the temporal welfare of man; therefore it deserved to be encouraged by us everywhere and at all times; and may she continue her triumphs until the whole world be made to acknowledge her mild sceptre and genial sway! It occurred to him that the apprehensions of those who feared the success of the French movement were unfounded; that such persons interpreted incorrectly and imperfectly the state of Europe. What was that state? and what did it import? The revolution of 1789, although abused in many respects, effected one great and paramount object. It schooled France in the knowledge and love of liberty, which, however it might be repressed, must, at no distant day, result in the fruition of maturity and permanence. Had not the revolution of 1789 occurred, perhaps France would have been less competent for self-government—for the establishment of republican institutions—perhaps the late revolution would not have occurred at all. One thing was certain: France had now arrived at that state of moral and intellectual advancement which must prevent her relapsing into permanent despotism, which must replace every form of royal authority with free institutions.

Besides this one great advantage of the revolution of 1789—a revolution much abused—there were many other incidental advantages resulting from it, some of which were, that the monopoly of military rank by the ancient nobility and the right of primogeniture in the descent of property were abolished; the *lettres de cachet* were suppressed, and perfect equality in the administration of public justice was secured. Yes; all this and more was accomplished. Who should say that the work thus gloriously begun would not be completed? Who could say that France, thus schooled by the experience of the past, and stimulated by partial success, would not persevere in her efforts until her liberties should be established on a firm popular basis? For one, he religiously believed, as he fervently hoped, that such would be the result.

And what had France already done towards the accomplishment of this great object? He was about to show that she had done much. Goaded by a tyrannical censorship, exercised by the Government over the freedom of the press, the freedom of discussion, and the right of the people peaceably to assemble and consult together for the public good, she determined to vindicate her rights, "peaceably if she could, forcibly if she must." Accordingly, the people of Paris appointed a day for a reform banquet—a public meeting where the grievances of the people and the best means of redressing them were peaccably to be discussed—the 22d of February—a day which he hoped would hereafter be sacred to the cause of French liberty, as it was in America from the birth of the Father of American independence. The prefect of police and the commander of the national guards issued their proclamations prohibiting the assemblage. But upon the day appointed large masses of people were seen moving first towards the place of rendezvous, and afterwards towards the Chamber of Deputies, there to prefer their complaints. The Government, equally determined, directed a large body of troops against the people, and thus by force of arms drove them from about the Chamber. The Opposition Deputies moved the impeachment of the ministers of State, and declared their purpose to resign if the motion should be rejected; and thus ended the first act of the drama.

On the 23d, what had been on the previous day commotion now became insurrection, in which it was quite evident a considerable portion of the National Guards sympathized, while another portion was employed against the people, and at some expense of blood and life. The people demanded of the editor of the *National* that he should see that their liberties were not again played with—a noble tribute to the majesty and power of a free and faithful public press. The people also demanded reform and the dismissal of the ministers. The ministers resigned, but too late. And thus ended the second act of the drama.

On the 24th what had been insurrection now became revolution. The king abdicated the crown in favor of his grandson, the Duke de Paris, and nominated the Duke de Nemours for regent, who was rejected, as also was the Duchess of Orleans, by the Chamber of Deputies. Next the people proclaimed a Provisional Government, the King left Paris, and, from the latest information, together with the royal family, was in England. The people bore his shattered throne along the streets of Paris, hymning the song of liberty, and shouting anon for a republic upon the model of the United States. And thus passed away the most brilliant and influential throne of Europe. Thus ended the grand drama in successful revolution.

Well, what now followed? Did the people prove true to themselves? Did the wisdom and energy of their measures falsify the imputations of the enemies of popular government? He ventured the opinion that never was there a more august and sublime spectacle manifested by any people than that which was manifested by the people of France in their subsequent conduct. Among other decrees of the Provisional Government, and the civil authorities subordinate thereto, he found the following:

1. Interdiction of the meeting of the ex-Chamber of Peers.
2. An organization of a movable National Guard of twenty-four battalions.
3. Tuileries to be an asylum for invalid workmen.
4. Capital punishment to be abolished.
5. All political prisoners to be liberated and furnished with means to join their families.
6. Suppression of Chamber of Peers and dissolution of Chamber of Deputies; constitution of a Republic; every citizen to be a National Guard; the liberty of the press guarantied and freedom of thought secured.
7. National workshops to be opened for the unemployed.
8. All citizens to remain in arms and defend their barricades till they have acquired all their rights.
9. Abolition of all titles of nobility.
10. National Assembly to meet on the 20th of April and decree a constitution. Population to be the basis of election. Representatives of the people fixed at nine hundred, including those of Algiers and the colonies; suffrage to be direct, universal, and by ballot. All Frenchmen twenty-one years of age to be electors, and all of twenty-five to be eligible to be elected.
11. System of indirect taxes to be modified.
12. All prosecutions against the press and for political offences to be withdrawn, and prisoners confined for such offences to be released.
13. The persons, rights, and property of foreigners to be respected.
14. All citizens to be armed as National Guards.
15. Diminution in the hours of labor.
16. Property of all kinds and works of utility to be preserved.
17. The army to be reorganized.

If he might be allowed to moralize upon this grand phenomenon, what should he say? He should say it was the natural and necessary result of conflicting elements in principles. For a long time the principle of democratic numbers and popular sovereignty had been undermining the antagonist priniple of aristocracy and regal authority throughout Europe; and at length, in France, the austere and blood-stained edifice of benighted centuries had been crumbled to the dust—armies, thrones, and castes had been swept away as an atom before the popular breath.

The French revolution was not merely the triumph of the multitude over the unequal resistance of one man. Far more. It was the triumph of liberty over tyranny; of truth over error; of humanity over inhumanity. Yes, it was a distinct and authentic annunciation of the great and inestimable truth that the time was rapidly approaching when in Europe military force must bow to moral force; when kings must bow to the superior majesty of the people; when the masses of Europe have only to will it to be free.

France, if she maintained and matured the fruits of her revolution, would rise with salient energy to the ascendant position and influence which would

belong to her as the leading republic of Europe. She would be enabled to extend the conquests of her free principle far beyond the flight of her eagles in the days of the almost romantic triumphs of her great captain. Already Italy, Denmark, Naples, Prussia, and Sardinia were awaking from the apathy of centuries, and who should say that the example of France would not hasten the time when all these countries should be enrolled upon the blazoned list of freedom?

He need not say that he bore towards Louis Philippe no feelings of ill will. On the contrary, he respected him as a man for his intelligence and many virtues. Even as a monarch, there was much in him to admire. Now, in his retirement, he (Mr. McC.) would regret his private afflictions. But he did not speak of the individual. He spoke of France and liberty—considerations far higher. As an American, he bore towards France a warm and affectionate gratitude, not only for the reasons he had already assigned, but because she was the natal land of the good, the great, the brave, the generous, the philanthropic, the noble Lafayette. As an American, he wished to see France and the United States as the two great republics of the Old and of the New World soar and culminate in the moral grandeur and glory of eternal freedom and Christian civilization.

Mr. C. J. INGERSOLL said he rose to take no part in the debate further than to express, with great deference to all parts of the House, in a word or two, his views upon the method in which what was to be done ought to be done, and to submit to the House what had been done on a former and similar occasion.

He might say here that he understood that in another part of this building the President's message had been read. Of course it was a public paper. It would pass upon the public journals; it would be familiar to everybody; and he could not imagine that the power of this House, at least of the other side of the House, could have any indisposition to suffer that paper, together with the rest of the materials on the subject, to be referred to a standing committee, as the gentleman from Alabama proposed, or to a select and special committee, as he (Mr. I.) believed would have been the better course, and more fitting on this occasion. He begged leave to read to the House the whole of what President Washington said, in the presence of his Secretary of State, Timothy Pickering—whom nobody would charge with Democracy—on the 1st of January, 1796, when the French minister, Adet, presented to him the colors of France. He took the whole paragraph, from which Mr. Rush, our minister at France, quoted only the last part. This was only part of his speech—the warmest he ever made, although no doubt he spoke the honest sentiments of his magnanimous mind:

"I receive, sir, with lively sensibility the symbol of the triumphs and of the enfranchisement of your nation, the colors of France, which you have now presented to the United States. The transaction will be announced to Congress, and the colors will be deposited in the archives of the United States, which are at once the evidence and the memorials of their freedom and independence. May this be perpetual; and may the friendship of the two republics become commensurate with their existence!"

Now, upon this proceeding of the President of the United States on the first of the year—on the 1st of January, 1796, which in his speech he said he selected because it was a day of general joy—upon the reading to this House of what General Washington communicated in his message of January 4, 1796, what action was had? He read from the Journal:

"A message in writing was received from the President of the United States, by Mr. Dandridge, his Secretary, as followeth:

"UNITED STATES, *January* 4, 1796.

"*Gentlemen of the Senate and House of Representatives:*

"A letter from the Minister Plenipotentiary of the French Republic, received on the 22d of the last month, covered an address, dated the 21st of October, 1794, from the Committee of Public Safety to the Representatives of the United States in Congress, and also informed me that he was instructed by the Committee to present to the United States the colors of France. I thereupon proposed to receive them last Friday, the first day of the new year—a day of general joy and congratulation. On that day the Minister of the French Republic delivered the colors, with an address, to which I returned an answer. By the latter the House will see that I have informed the Minister that the colors would be deposited with the archives of the United States.

"But it seemed to me proper previously to exhibit to the two Houses of Congress these evidences of the continued friendship of the French Republic, together with the sentiments expressed by me on the occasion, in behalf of the United States. They are herewith communicated.

"GO. WASHINGTON.

"The said message and papers therein referred to were read and considered. Whereupon,

"*Resolved, unanimously,* That the President of the United States be requested to make known to the representatives of the French people that this House hath received with the most sincere and lively sensibility the communication of the Committee of Public Safety, dated the 21st of October, 1794, accompanied with the colors of the French Republic, and to assure them that the presentation of the colors of the French Republic to the Congress of the United States is deemed the most honorable testimonial of the existing sympathies and affections of the two Republics, founded upon their solid and reciprocal interests, and that this House rejoices in the opportunity thereby afforded to congratulate the French nation upon the brilliant and glorious achievements which have been accomplished under their influence during the present afflicting war, and confidently hopes that those achievements will be attended with the perfect attainment of their object, the permanent establishment of the liberties and happiness of a great and magnanimous people.

"*Ordered,* That Mr. Giles and Mr. Samuel Smith be appointed a committee to wait on the President with the foregoing resolution."

Now, suffer him (Mr. I.) to add, that he had understood that the message of the President, as it had been read in the Senate, contained an allusion to the first treaty signed by the representatives of the United States—the treaty of Paris, signed by Benjamin Franklin, Silas Deane, and Arthur Lee, together with Mr. Gerard, the first minister of the United States to France—a treaty which he had often heard the late John Q. Adams say contained the germ of all the great principles of commercial and maritime freedom, as anybody would be satisfied by an examination of its provisions.

This was a great occasion. It was not necessary that he should follow his friend from Illinois [Mr. McCLERNAND] in the expression of his opinions. His object was to see that whatever was done might be worthy of this great occasion, and with as nearly as possible the unanimity of the former occasion; that there might be no party division, but that the voice of the American people might be spoken as it ought to be spoken—the voice of twenty millions of people, which everybody knew could not be spoken without immense effect. And suffer me (said Mr. I.) simply to say, in reference to an opinion that I see has been expressed by a highly distinguished member of this Congress in another branch of this building—with whom I began public life here, and under whom it may be said I served my apprenticeship here; for whom nobody has uniformly entertained stronger, kinder, more respectful feelings—suffer me to say that that gentleman's doctrine that we are to wait is to me a new doctrine, which would throw our weight into the scale of confusion, of civil war, and very probably of despotic government; whereas, if we act promptly, if we act unanimously, or nearly so, if we act with the dignity, if we act with the decorum that becomes this great occasion, the consequence must be, without any other interference than the mere expression of the good will of the American people and the Congress of the United States, and now (with the communication of the President, of all the branches of this Government) that everywhere, not merely in France, but in Italy, England, Germany, everywhere, the consequence must be the peaceable establishment of something at least approximating to the public institutions of this country.

He should not (he remarked) express any opinion as to what these resolutions ought to be; but the withholding them any longer than was necessary to couch in proper phrase the judgment of this country, was to promote war and discord—to encourage the return of despotism in its worst and most dangerous form. He had nothing further to say, than that he trusted that this matter would be done, when it was done, with the dignity that belonged to this House and the other House of Congress—with the decorum that belonged to the country. He trusted that these resolutions would be referred to a select committee, and promptly reported and acted on.

Mr. HASKELL remarked, that it was known to the House, that, during the last week, he had given formal notice that upon this day it was his intention to introduce resolutions here expressive of the feelings of the country and of this Congress in reference to the recent political or revolutionary movement in France. He had desired to imbody in the form of a resolution such a temperate, but at the same time distinct, expression of sentiment, as he thought would fully accord with the feeling that now animated the bosom of the people of this country, and which would be cheering and gratifying to the people of France. And, for the purpose of commencing a few remarks, he would read to the House—which he had the right to do, for he could not get it done at the Clerk's table—the resolutions he had intended to offer to this body:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the recent political revolution in France, resulting in the successful overthrow of a monarchy, and the adoption of a well-ordered Provisional Government, preparatory to the establishment of permanent free institutions, they find ample cause to rejoice with the friends of republican governments throughout the world, and especially with the patriotic people of France, to whom are hereby tendered the sympathies and congratulations of the people and government of the United States.

Resolved, That the toleration and forbearance, the generosity and magnanimity, the desire to maintain order and to prevent excesses, which characterized the citizens of Paris on the three memorable days of the revolution, (the 22d, 23d, and 24th of February last,) afford a well-grounded hope that the work which they have so auspiciously begun will be happily consummated, to the honor and welfare of the French nation, in the permanent establishment of a free republican government, imbodying the great principles of constitutional and regulated liberty.

Resolved, That the President of the United States be requested to cause a copy of the foregoing resolutions to be transmitted to the American minister resident at Paris, with instructions to present them to the Provisional Government of France.

These resolutions he had endeavored to draw up so as studiously to avoid any commitment of the United States or of this Congress to any of the excesses which yet might flow out of this great political movement in France. He was satisfied they would meet with the general approbation of the House. He thought the time had come, that it was already here, when, without hesitation—promptly, as became them—they should make some manifestation of the feeling of this Congress in reference to the great political movement in France. In the hour of our distress, when we were endeavoring to throw off of our shoulders the burden of tyranny and oppression, France did not stand coldly by, and fold her arms, and look on to see what would be the result, but she flew to our aid in the midst of the glorious struggle, and the life-blood of Frenchmen was poured out in behalf of American independence. He saw much in the movement of France to enlist our sympathies and call for our congratulations at this moment. This movement in France assimilated itself to no other which had hitherto marked the history of that nation; it was characterized by none of those wild excesses, by none of that fearful violence and bloodshed which had been exhibited on previous occasions. It had been a regular, peaceful, and, as near as could be, a bloodless revolution. The blood of French citizens had flowed in the streets of Paris, but it was the blood of the people who were endeavoring to establish for themselves true, constitutional, well-regulated republican government, and not of the rulers they were endeavoring to reject. In the conduct of Lamartine, of Arago, of the great leading spirits of this movement, we saw nothing but what afforded high proof of patriotism and of honest desire to exert their influence for the best ends. The French people did not themselves at first perceive the extent of the great movement. Their first efforts were to do away with their odious ministers, not to overturn the entire Government and establish a republic; but the spirit of the people was up; it could not be suppressed; and what was intended only as a partial revolution had ripened almost into the full fruition of constitutional liberty. We had seen the leaders, the great political movers of this revolution, standing in the face of the people of France, quelling a mob, putting down their movements, endeavoring to prevent bloodshed, and bring them to accomplish their purposes peaceably, constitutionally. In this we had reason to rejoice, and in the conduct of the great and patriotic men who had led this movement we saw much to sympathize with.

He was sorry that it had been thought proper by any gentleman, especially by any gentleman on this side of the House, to introduce an amendment calculated to defeat the very object which they had in view in proposing to express the sympathies of Congress and of the American people in all sections of the Union with France. What did the people of the South care whether France abolished slavery in her colonies or not? As a southern man, he stood ready to rejoice with France in the establishment of freedom, and of regular, well-constituted liberty. She might abolish slavery if she saw proper. It was a matter with which we had nothing to do. But the introduction of the

amendment was calculated to awaken unpleasant feelings in the breasts of southern men, and to force them to vote against a measure, if the amendment were incorporated, which they would otherwise most cordially support. The people of the South did not complain if the balance of the world saw fit to abolish slavery within their own jurisdictions. As a southern man, as a slaveholder, he could stand by and cheerfully see Kentucky abolish slavery within her limits. What the South complained of, was not that other people were endeavoring to ameliorate their condition, to abolish slavery if they saw fit, but of the unnecessary interference of other people with them. Had they ever reproached Massachusetts, or New Jersey, or any of the other free States, because they in their wisdom had seen fit to abolish slavery within their own bounds? No; the South had nothing to say to the balance of the world; none of the States of the South had anything to do with any of their sister States in reference to this question, any more than their sister States had to do with their internal affairs.

He was getting sick and tired of this continual thrusting in the subject of slavery into this Chamber upon every occasion, whether it was properly and fairly to be brought before the House or not; and he believed, before God, that if there were any men here who were doing more than others to stop the progress of freedom, to injure this Government itself, which was its germ and bud, already in flower, whose fragrance was diffused around the earth, and was stimulating the nations to exert themselves to enjoy its sweets, and to establish among themselves the principles of liberty—if there were any men who were inflicting a stab upon those principles, and hindering their advance, it was these men who were continually introducing this subject of slavery—a subject calculated to produce disunion in this Hall, and among the different sections of the country, and put out this light of freedom towards which with hope were turned the eyes of the downtrodden world. Is your love for the slaves of the South (asked Mr. H.) such, that for the purpose of advancing their interests, as you imagine, you are willing to do that which in all probability would dissolve those bonds which bind this people together? The introduction of this amendment (he said) could have no practical purpose; its effect could only be pernicious.

He desired to see this House come to this question with dignity. He desired to see them united in hearty cordial congratulations with France in the great political movement in which she was now progressing. If we looked all over the world we had cause for congratulation upon the advancement of the principles of human liberty. It had been well remarked by the gentleman from Alabama [Mr. HILLIARD] that the days of kingcraft had gone. The divine right of kings was no longer acknowledged. The kingdoms of Europe—not only of France, but of Prussia, Germany, and the minor kingdoms almost without an exception, were upheaving beneath the throb of liberty which was animating the bosoms of their people. It was from this country that they had caught the flame. It was by looking at us and seeing us advancing in greatness and harmony, developing our resources, accumulating wealth, and enjoying all the benign effects of civil and religious liberty—it was this view of our condition which animated and inspired the nations of the world. He should always, therefore, witness with extreme regret, when our mission was so elevated, so lofty, gentlemen disturbing our harmony and impairing the influence of our example by the introduction of propositions totally foreign to the subjects under consideration, and calculated, instead of making us an example to the world, to render us a distracted, divided, unhappy people.

Under other circumstances he would have preferred that this subject should not be referred at all; as it now stood, and, if it remained before the House, as he could perceive that continual amendments would be offered, the object of which would be to defeat the resolutions, he should favor the motion to refer.

Mr. J. R. INGERSOLL said he should exceedingly regret that any action should be taken on the part of this House, in regard to the very important circumstances which were now under consideration, without an additional element to those contained in any one of the propositions hitherto presented by any of his friends. The suggestions in the resolutions offered by the gentleman from Tennessee came nearer to the object he had in view than those in any others he had heard read to-day. But he thought there were elements in the late movement in France which transcended either the suggestions that had been made in the resolutions first offered or in the resolutions suggested as an anticipated amendment on the part of the gentleman from Tennessee.

On the part of the populace of France there had been indicated already, in the course of the proceedings of that great revolution, a respect for religion that consecrated the transactions of the 22d and 23d of February; and he rejoiced at the proof and promise to the world that the reign of terror would never again succeed, in France, the reign of liberty.

It will become us, at some proper opportunity—it might now, for what we know—to offer our congratulations to all the world that have partaken of the spirit of liberty which animates our institutions, and that has preserved us a united and happy people. But he trusted that the time would never come when morality, and religion, and piety should be forgotten among a people where order and law were the special objects of the consideration of the Government.

There was another subject that he thought ought to be introduced into the considerations of this House before any action on its part went out to the country and the world. Those men who had led in the present French revolution—some of them knew, all of them had read in history, that there was a tendency during the events of more than half a century ago to bloodshed and cruelty so dire that humanity blushed at the prospect as it now blushed at the retrospect. One of the numerous acts put forth by the Provisional Government, with a view to guard against that precise result, was for a season, and perhaps forever, the abolition of capital punishment. The reign of terror has ceased—is at an end—and the reign of the guillotine is gone forever.

He had not expected, until within the last ten minutes, to say anything on this important subject. He regretted that the suggestion had not been made, either in resolution or in debate, by some other member who had taken a special part in these proceedings; but he could not reconcile it to his judgment to sit by while action was about to be taken, without intimating this suggestion, which was important in any movement which the House might see fit to adopt.

Mr. CUMMINS said it was not his purpose to enter at length into a debate upon France, her history, her present condition, or her prospects. But inasmuch as his friend from Alabama [Mr. HILLIARD] and his friend from Tennessee [Mr. HASKELL] seemed to have misapprehended the spirit and perhaps the language of the resolutions he had had the honor to offer, he deemed it nothing more than right, in self-justification, to say a few words on this subject.

Those gentlemen seemed to apprehend and to intimate—not by expression direct, but rather by inuendo—that there was something in those resolutions that breathed a spirit of propagandism, or, if you please, the spirit of revolution. He begged leave to say to those gentlemen and to all others, that he had drawn up the resolutions, as he conceived, with care to meet the separate and distinct propositions which had a bearing on the political condition of France and the general principles of self-government in republican forms of government. To vindicate himself against the imputation, either direct or collateral, of having introduced into this Hall anything inflammatory, jacobinical, or propagandist, he would proceed to read the resolutions in their order; and if any gentleman saw fit to take exception to them, or to what he should say upon them, he desired to have him rise and express it.

[He read the first of his resolutions.]

There was nothing more than the averment (he said) of an abstract proposition; and he asked gentlemen, was there anything in it to which any gentleman could take exception, either in language or sentiment? If there was, he desired to hear it. Were they not the principles of self-government, emanating, like the rays of the sun, from the centre, and spreading themselves over the length and breadth of this land, and not confining themselves to this happy country, but crossing the confines of tyranny, entering within the borders where crowns rule and where soldiers control the mind of the people, where political and religious liberty are not tolerated, and where the press is muzzled? It became the people of the United States to rejoice that the principles of self-government had been disseminated and favorably received. Did gentlemen take exceptions to this or not?

[He then read the second resolution.]

He had an object (he said) in drawing this resolution, and his purpose was, that when this nation, through its Representatives in this Hall and the other Hall of Congress, should send to France the glad tidings of our sympathies with them; when we should promulgate them to the world, whether bond or free, whether ruled by crowns or officers of their own choice, he wished to proclaim to them—accompanying our sympathies, accompanying our approbation of all laudable, all rational efforts to free mankind from the shackles of tyranny—the high principle which we hold sacred and right, that the legitimate source of all political power is the will of the people only, the object of its exercise their good. It would be recollected by gentlemen that the principle was announced by the Premier of the late Government, (Guizot,) when speaking of the French constitution, not one year since, that the King was the source of all political power, and that whatever power was not granted by the King to his subjects was reserved to the King. This was the doctrine of monarchs, of the crowned heads of the world. To show that we held doctrines diametrically opposite, he had framed this resolution.

Did the gentleman from Tennessee [Mr. HASKELL] and the gentleman from Alabama [Mr. HILLIARD] take exception to the language? Were they unwilling to say that the only legitimate source of political power is the will of the people, and the only rightful end of its exercise their good? That resolution was framed on the principle which involved a radical difference between a republic and a monarchy. Here we maintain that the people are the source of all power, and that whatever power was not delegated by the Constitution, was reserved to the people. But in France, the Premier declared that all power was inherent in the King, and that all powers not conferred by the King were reserved by him. Now, he desired France and the world to know the fundamental principle which we maintained, and wherein we differed in that respect from the doctrine which had been cherished by the occupant of their throne and his ministers. So much for the second resolution.

His third resolution set forth the sentiment that we sincerely hoped the downtrodden might succeed in breaking down all forms of tyranny and oppression, and in the establishment of free and national governments, for the good of the governed, and not for the aggrandizement of those who governed. And did gentlemen take exception to that? Was that incorrect? Was not a government of laws good for the governed; of laws for the general good of all, and not for the aggrandizement of those who govern? He thought it was a self-evident proposition. He did not mean to say that gentlemen of education might not have expressed themselves in better terms. He thought it possible that gentlemen of high attainments, *belles-lettres* scholars, might have made the language more pleasing; he sought only the use of such language as would clearly convey the sentiment which he desired to express courteously and respectfully. That was all he desired.

And what were the terms of the next resolution? That we tendered our warmest sympathies to the people of France and Italy in their present struggle for reform, and sincerely hoped they might succeed in establishing free and constitutional government, emanating from and based upon the will of the governed, suited to their wants and condition, and such as would secure to them liberty and safety. He did not desire to tender sympathy with France as she was in '92, nor if she was to be turned loose, like a wounded tiger, to destroy, and lacerate, and tear to pieces. He expressed no sympathy with licentiousness anywhere. He had no approval for wanton destruction at any time. He desired that the good of the people should be secured and made safe. He simply expressed, in that resolution, the hope that France would succeed in the establishment of a free constitutional government as the result of her present struggle for reform; and he had a motive for using the terms "constitutional government." He used them with the succeeding explanatory terms:

"emanating from and based upon the will of the 'governed, suited to their wants and condition, 'and such as will secure to them liberty and 'safety," because he thought it was evident—the history of mankind had shown the correctness of his opinion, and he doubted not would continue to show its correctness—that a republican government could not exist as a great central government. The histories of France, and Rome, and Greece, gave their attestation to this truth. France could not maintain a great central republican government. France must divide her empire into States. She must establish local governments, where the rights of property and personal liberty should obtain security from local legislation. And when she had divided her empire, and in each division established a local government which should satisfy and depend on the will of the governed, she must emulate us still further. She must link those several divisions together by a national government, established on the same principle as our own. Enlightened as this Congress might be, patriotic as he doubted not it was, it could not satisfactorily legislate for twenty-eight or thirty States of this Union. There were many interests which could not be legislated upon but by a local legislature. Congress could not wisely legislate for Maine and Louisiana, for Michigan and Virginia. The legislation for those States must be local and immediate, or it would not be efficient and such as would answer the purpose of their citizens. So, if France were made a great central republic, and if Paris were made the great heart of that mighty republic, when Paris should move, every limb and nerve would quiver in sympathy. There would be danger in such a government. It would be impracticable in its operation. Make such a republic, and it would inevitably dissolve in a comparatively short period of time in confusion and blood. Hence he had introduced into his resolutions the qualifying terms which he had read, hoping that she would succeed in establishing free and constitutional governments, emanating from and based upon the will of the governed, suited to their wants and condition, and such as will secure to them liberty and safety. Did gentlemen take exceptions to that? If the gentlemen from Tennessee and Alabama objected to that, he desired that their objections should be promulgated here, that it might be known what they were. But he believed they could not object to a resolution which simply indicates that if France should establish a central republican government, she would establish a government whose construction was incompatible with permanency—a government which could not exist; and if France tried it, we should see her fall. If, however, she should divide her empire into States of suitable size, and establish local constitutional legislatures in each, and then link together these sovereignties into one great national government, France could and would, with proper moderation, succeed. France asked for no sympathy from this country. The sympathy they proposed to offer was a voluntary offering. It was a free and spontaneous expression of the public sympathy pervading this Union. They all knew that the crowned heads of Europe were ever warring against the principle of republicanism. In Mexico they warred against it, by their intrigues. In the United States it was subjected to their sneers and mockeries. But when a prince was born, Europe celebrated the event with extravagant festivities; and when a republic was born among the nations of the earth, should not republican America rejoice and be exceeding glad? Were our voices to be hushed into silence, were our lips to be sealed, were our hearts not to heave with joy, lest we should expose ourselves to some imaginary evil? No. Liberty had been secured for France. France has performed a miracle; she had accomplished that which had never before been done by a nation of thirty-five millions of people; she had overthrown and cast from her the most crafty and subtle enemy of free government, though allied with four other crowned heads; and America had in this much cause to rejoice. The King of the French was not only in close alliance with the principal Courts of Europe, but he had family alliances with Brazil, and Spain, and Belgium, and other Courts, likewise. He was the proudest monarch of Europe; his was a Court the most splendid in the world; and he fondly hoped that his descendants might sit on that throne which he had so long occupied, and the power of which he had exerted to extort by taxation hundreds of millions from his people, whose subjection he imagined he could secure by cannon planted freely around them. But where now was that throne? Swept away as a worthless bauble. And where was that haughty and powerful monarch? An exile in a foreign land, whose shores he sought, wearied and penniless. He supplicated the protection of England's Queen, in the borrowed garb of a sailor, and by the voluntary aid of poor fishermen. Surely, such a revolution as this, with so small a loss of life—so perfect a change, with so little to deplore in its accomplishment, should not pass by without eliciting our joyful approval.

He must express the hope that France would study well the principles of the government she was about to establish, so that she would secure the good of the governed, and then that France would be let alone by other Governments. France, as had been said by one of her statesmen and philosophers who assisted to control the elements of her revolution—France, as was said by Lamartine, was no propagandist, desirous to disturb the other nations of Europe. All that France wanted was, to be let alone, and she would vindicate herself and secure her rights.

But he must pass on to the next resolution, which tendered our sympathies and hopes of success to every people who are seeking the blessings of free and rational government. It expressed the opinion, that whatever of blood and treasure might be spent in the struggle of the oppressed against the oppressor was to be charged to the unjust resistance of the oppressor, who strove to hold and exercise the rights of the people, usurped against their will, and exercised for the benefit of the few and the oppression of the many, and not to the people, who sought only to regain and exercise their natural rights in such manner as would best secure and promote their own happiness and safety. And was there a bosom in that House that would not heave responsively to such sentiments? When he drew that resolution he had his mind's eye on a particular Government. He was contemplating the colossal power of Austria, the enemy of free government, and ever ready to secure to royalty affluence and power, while its subjects pined in poverty and chains. Now, he denied that the God of Nature ever intended that monarchs should usurp the rights of men. God never designed that one man, by a mere ukase, should consign miserable men to Siberia, there to linger out a frozen existence. Governments which sanctioned such tyrannies, and usurped the rights of the people, were unjust governments. He acknowledged not "the divine right of kings," which was taught by the Governments of Europe; and he approved the doctrine which they disapproved, that the people possessed the capacity for self-government. Under the surveillance of the minister, the want of capacity in the people and the divine right of kings was insulled into the minds of the Austrians, and her press inculcated the same doctrine. For forty years Prince Metternich, who knew no superior as a crafty statesman, had maintained these doctrines; but even he, when he heard the rights of the people were secured in France, laid down his robes and skulked from the place which he had so long disgraced.

In these resolutions he had expressed simple elementary truths, as well as fundamental principles of government, for the security of true liberty; and when they were read by intelligent minds, it would be seen that they were such as all the friends of liberty could approve. They were simply this: we rejoice that the freedom of mankind and the principles of free government are progressing; and in the cases of France and Italy we express the hope that they may succeed in effecting their reforms and in establishing free and constitutional governments, which will secure to them liberty and safety. He would no longer trespass on the attention of the House.

Mr. GIDDINGS desired to express his hearty concurrence in the resolutions of his colleague, [Mr. CUMMINS;] and he took this occasion to thank that gentleman for the feelings which prompted him to bring them forward at this seasonable period. He would be ignorant of the sensations of his own breast on the present occasion if he could indulge in any party feeling. It was an occasion that reached further than party, and took a stronger hold of the feelings of mankind. These resolutions were as broad as the territory of civilized man; nay, further, they embraced the whole family of man. They looked to the raising up, to the exalting of our race; to the enlightening of the ignorant, to the freeing of the bound, and to the liberation of those who were in shackles; they looked to the disarming of the tyrant and to the wresting of the scourge from the overseer's hands, and he again expressed his thanks to his colleague for introducing them. But he was prompted by another reason on the present occasion. The little experience he had had in this Hall had taught him to foresee the fate of his colleague's resolutions. They would not pass this body. His colleague would have his aid to carry them through, and the aid of many others on this floor; but nevertheless their fate was sealed. He would say to the gentlemen who were ready to vote for these resolutions, "You cannot get such a series of self-condemning resolutions through this body." He cared not what party he addressed in this House; these burning truths would not be uttered by the men who control this Government. It never would be, it never could be; and in making these remarks, he repeated, he spoke not as a party man. He imputed nothing wrong to the opposite party. He rejoiced at the evidence of justice and propriety which prompted a member of the other side of the House to offer these resolutions. He rejoiced even more than if they had come from his own side.

But he regretted somewhat that his colleague was not a little more explicit, and that he did not go as far as those who sat here in 1776, and gave expression to the feelings of their breasts in the undying truths and burning words which they uttered. He regretted that his colleague with them had not maintained that man, whatever his complexion, or color, or station, or degree might be, was born free and equal; though he did not expect to see his colleague carry such burning truths through this House. We dared not repeat what our forefathers proclaimed to an admiring world. No, we dared not assert the rights of our race—we could not stand forth free from contaminating prejudices and say to the world that man, in all his varied station and complexion, is born free and equal. His colleague was somewhat cautious when speaking of this point. While he (Mr. G.) rejoiced as heartily as any man could rejoice, that the chains of oppression by which the people of France were bound and held in bondage had been broken—while he rejoiced as heartily as any man could rejoice that the crowned head of that nation had lost his power—he rejoiced more sincerely and deeply when he looked to the three hundred thousand slaves, bound down by chains that were festering and rusting into the flesh, and considered what their feelings must be when the news was carried to them that the hour of their freedom approached. Had he the eloquence of a Patrick Henry and the inspiration of an ancient Roman, he could not give expression to the feelings of his heart when he read the decree of the Provisional Government of France that its colonial slavery was abolished. But he was humbled and mortified that his colleague dared not allude to those three hundred thousand men, and women, and children, who for ages had groaned and sighed and wept in slavery, but who now were soon to stand forth in all the dignity of mankind. They would remain no longer in the capacity of chattels, to be bought and sold, but they would be raised to the dignity of their nature, the dignity of man, and to the enjoyment of those rights from which they had been so long debarred. When the glad tidings were conveyed to those husbands and wives and fathers and children, what must have been the emotions of their breasts? And should he hesitate to speak forth here in a Christian land and in a Christian Congress, the outpourings of his heart and soul on such an occasion?

Mr. HASKELL desired to say to the gentleman from Ohio, that if there were any slaves in the colonies of France, he was ignorant of the spot where they were to be found. He was informed by a gentleman who was well versed in the history of the French Government, and he believed that this decree of the Provisional Government was introduced by M. Arago, who was more of a philosopher than a statesman, and who was perhaps ignorant on the subject of colonial slavery. If there were any slaves in the French colonies, he would be glad if the gentleman from Ohio would tell him where.

Mr. GIDDINGS. Go to any abolition society north of Mason and Dixon's line, and they will tell you. From them the gentleman from Tennes-

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see would learn something of the slavery of Guadaloupe and Martinique, and the other colonies of the French Government. If the gentleman had understood the subject, if he had looked at suffering humanity which existed on those islands, he would not have asked where in the French colonies slavery existed? He had not expected such a question. The gentleman from Tennessee should have known that the Government under Louis Philippe, years ago, sought to throw off the shackles of the slaves of Guadaloupe and Martinique. They had his (Mr. G.'s) sympathies, and he believed the same love of liberty which pervaded his heart, the same desire to raise the bowed down and degraded, the same anxiety for the diffusion of intelligence and the exaltation of virtue which he felt, influenced the heart of the gentleman from Tennessee. He was pleased to hear the gentleman from Tennessee say that he approved of the abolition of the slaves.

Mr. HASKELL said he might not have expressed himself very clearly. What he intended to have said was, that the South was no propagandist on the subject of slavery. The South did not desire to extend it, but they desired those who held slaves to act for themselves, without exterior interference, and to abolish them for themselves, if they pleased to do so, and the South would not complain. If France emancipated her slaves, the South would not complain. They would not complain if Kentucky did so too. In this Tennessee would have no right to interfere.

Mr. GIDDINGS rejoiced to hear that. The conversion of the South on the subject of slavery was absolutely more sudden than that of St. Paul. Light had come upon their path suddenly, and he regretted that it was not in his power to express the gratitude of his heart on hearing such cheering intelligence.

Mr. HASKELL hoped the gentleman from Ohio did not understand him to be a *quasi* abolitionist, nor a half-way slavery man. He believed the institution of slavery to be of divine origin, and that God in his wisdom had made negroes for the benefit of white men. But, while he believed that he had the right to hold slaves, and that Tennessee had the right to uphold the institution of slavery, and that nobody else had the right to interfere with them, neither he nor she desired to interfere with others.

Mr. GIDDINGS was always glad to be undeceived. If the gentleman from Tennessee had no pulsation for humanity, he desired to hear the gentleman say so. But allusion had been made to complexion, and he desired to ask the gentleman where he would draw the dividing shade? Was it half white, quarter white, or two-thirds white? If they went to the plantations of some gentlemen in the South, various shades of color would be found. Here was a grave question, which came home to his understanding, and he would like to know where to fix the line, and how much white blood should flow in the veins of man. If men were to be measured by their complexion, he would repudiate the sentiments of the gentleman from Tennessee more strongly than that gentleman could his. Was, then, complexion the rule of right? In God's name, in what age did we live! Did it come to this, that, in an American Congress, a gentleman could come forth and declare that complexion was the rule of liberty? Why, the French people were darker than either the gentleman from Tennessee or himself.

But again: his colleague [Mr. CUMMINS] had taken occasion to say that he was not a propagandist. He (Mr. G.) was a propagandist. He thought his colleague did not understand the term. He (Mr. G.) would extend liberty wherever humanity could be found—wherever there was a man, created in the image of his Maker, to whom God gave power over all other things—and to man in the dignity of his nature would he give liberty. He had, therefore, greatly rejoiced when he read that France had thrown open her slave prisons. But how could this House join in thanks to the French nation for that? Look from that window, and there they would see a slave-pen, whose gloomy walls, in mute but eloquent terms, proclaimed the hypocrisy of the deed. There were husbands, and wives, and children, confined in that prison-house, whose human flesh was an article of commerce. That slave trade was maintained by the laws of Congress, by whose sanction they had seen their servants taken from their very presence by inhuman slave-dealers, and, gagged and manacled, borne to slavery. The law by which it was done was their own law—a law passed by Congress, and upheld for years, and which they continued to sustain; and yet they were now complimenting the French because they had stricken the shackles from their own slaves! Now, would it not recoil on themselves? Would not the French cast it back upon them with indignation? Would they not look with disgust on such deception and hypocrisy, when they saw a nation of slave-dealers tendering their sympathy to a free people? A Congress refusing to stop the traffic in man here was tendering its sympathy across the Atlantic because he had got his freedom elsewhere! Was it not gross hypocrisy, and would it not be so viewed by that people?

He had already detained the House longer than he intended when he rose. He had risen simply to express the feelings which animated his own breast when he received the news of which he had spoken, and his deep and heartfelt sympathy with a people that had shown itself determined to be free; and, having done so, he should resume his seat.

Mr. BAYLY said his principal purpose in rising was to exhibit, in all its deformity, the character of the amendment which had been offered by the gentleman from Massachusetts, [Mr. ASHMUN;] but before he did so, he desired to submit to the House a few remarks in vindication of the motion which he had had the honor to make. On all occasions of this sort, when they were attempting to institute a national action; when they were instituting a proceeding which would attract the attention of other nations of the civilized world, he thought their proceedings ought to be marked by deliberation. He thought the world should see that their action had not been the result of a momentary impulse, but of calm and deliberate consideration; and therefore it was that he thought that in a movement of this sort the House ought not to act on the resolution until it at least had undergone the scrutiny of the Committee of Foreign Affairs. It should not seem to be at the instance of any single member not holding an official position here, not standing at the head of the committee, nor even of a member of the committee having in charge our foreign relations. It seemed to him that it should come before the House in a still more imposing form—from a select committee, to be composed of one member from every State in the Union, which was the form of committee usually adopted when new questions were presented involving momentous considerations. He thought, therefore, that there was a marked propriety in committing these resolutions to such a committee, so that they should not blush to see them submitted to the scrutiny of the statesmen of the world. In the political body (the Legislature of Virginia) in which he had his earliest lessons, it was the invariable practice, when subjects were presented not connected with its ordinary legislation, to raise a select committee for their consideration.

But he had another object in moving to commit these resolutions and the amendment. He wished to arrest an effort which was made to seize this occasion, which ought to be one of national rejoicing, and turn it into one of domestic discord. He was not surprised at the movement, however; he expected it. Having been an attentive observer of the proceedings of this House, he had never seen an occasion which ought to have been one of harmony and unanimity on which he had not heard the raven, discordant voice of evil omen of the gentleman from Ohio, boding fraternal discord and strife. Having uniformly before made such exhibitions, of course he looked for it now from the gentleman from Ohio and his coadjutors, two of whom, the gentleman from Massachusetts [Mr. ASHMUN] and the gentleman from Ohio, [Mr. SCHENCK,] were leading members of the Whig party. What was the character of the pending resolutions, and of the amendments? Why, they were there as freemen, rejoicing, as they ought to rejoice, without reference to party or local feelings, at the commencement of a revolutionary movement whose tendency was to liberate France and establish a free government of her people.

On an occasion such as that, the gentleman from Ohio and his coadjutors stepped forward, as is their custom, and sought to change an occasion of national rejoicing into a national bickering; and this, which ought to be a day of unanimity, to a day of discord. But that was not the worst. When they were here rejoicing that the palace of the despot had crumbled into dust, the gentleman comes here and tries to make the temple of our liberties totter to its ruin. When they were rejoicing at a movement which their own bright example had originated, the gentleman comes forward and makes a motion the tendency of which is to destroy that Government whose eminent success has encouraged the spread of liberty throughout the world. He does more: he comes here and introduces a resolution which is a libel on an institution of half the States of this Union, and he declares a principle which stamps hypocrisy on every patriot and statesman of the Revolution. He comes to this Hall and denounces negro slavery as inconsistent with the cardinal principle of republican liberty; and he does that while sitting under a Constitution formed by States every one of which, with one exception, was at the time of its formation a slaveholding State, and half of which continue to be so to this day. He comes here and tells us that Patrick Henry, whose eloquence he complimented, who did more than any other man to rouse the American people to the revolutionary struggle, and to prepare them for its coming glories—that man who proclaimed the sentiment, "Give me liberty, or give me death!"—he has offered a proposition which says that that man, during that period and afterwards, until he went to his grave, lived in the violation of cardinal republican principles. He has proposed a resolution which is a libel on the character of the man whose victorious sword carried us triumphantly through our revolution, and whose great moderation, justice, and prudence did so much to establish our own glorious and free institutions. His amendment virtually brands Washington a hypocrite. And what occasion does he select to do all this? I could have sat by unmoved on an ordinary occasion and seen this apple of discord thrown in among us, but on an occasion like this, when we ought to be rejoicing together, and congratulating each other like a band of brothers, I have not been able to sit by and see this demon of mischief obtrude himself to mar our joy without such feelings as I have not language to give utterance to.

Mr. B. had not intended to say a word on the subject of the abolition in France, for he agreed with the gentleman from Tennessee that it was a question for France, and for France alone, to decide. He freely admitted that it was a subject with which we have nothing to do. He believed that any intermeddling on his part with that question would be quite as improper as this eternal intermeddling by the gentleman from Ohio and his associates with it here. But, though he had no desire to intermeddle with the abolition of slavery in the French colonies, he did not rejoice at the hasty and precipitate decree which the Provisional Government had issued.

Mr. C. J. INGERSOLL begged leave to state, that if he were not mistaken, the suggestion came from M. Arago, but it was subsequently withdrawn, its pernicious influence on France having been soon discovered. The decree had been withdrawn.

Mr. BAYLY was very glad to hear the explanation of the gentleman from Pennsylvania, but he confessed he had not understood it as that gentleman did; he, however, deferred to that gentleman's more accurate information. But he would say to the gentleman from Ohio that there was no instance on record of the abolition of slavery precipitately, and without preparation for freedom, that had not been followed by scenes of wo. With all

her fanaticism, even Great Britain did not emancipate her slaves without providing an apprenticeship of a number of years to prepare them for it. No State of this Union that had emancipated her slaves had done it otherwise than gradually.

Mr. GIDDINGS inquired how gradual the process was in Massachusetts?

Mr. BAYLY replied that slavery never existed in Massachusetts, except to a very inconsiderable extent. He knew her court, in a manner which no other court in the country attempted to imitate, decided that the Declaration of Independence emancipated the slaves.

[The gentleman was informed by some one near him that he was in error; and that it was the bill of rights by which they were declared to be emancipated.]

I mean the bill of rights; but there were similar bills of rights in most of the other States at that time, and yet no other State undertook to say that its bill of rights abolished slavery.

Mr. GIDDINGS would like to know how gradual was the step towards the abolition of slavery by the provisions of the ordinance of 1787?

Mr. BAYLY said he could answer the gentleman very easily. A gentleman from North Carolina near him who had suggested there were no slaves there, was mistaken; there were. But the ordinance of 1787 never was regarded as emancipating any of them. There were at that time no inhabitants there except a few Canadian and French settlers, who held slaves under the operation of that ordinance; and, what was more, he could tell the gentleman that the descendants of those slaves were held as slaves to this hour. Let the gentleman look into the history of his own State, and he would find that the ordinance of 1787, as far as slavery was concerned, was treated practically as a nullity. It never had had any legal force in the Northwestern Territory.

Mr. GIDDINGS said the gentleman was wholly mistaken.

Mr. BAYLY said he was not mistaken: he spoke from the book. That House very well knew that he was not in the habit of speaking of what he knew nothing about, or of making assertions without knowing that they were well founded.

But he would give the professed philanthropist from Ohio the only instance—a horrible instance it was—where this process of universal emancipation was done at a blow; it was the well-known case of St. Domingo. Then the thing had been effected by the busy intermeddling of visionary fanatics, just as it was now sought to be done here by the gentleman from Ohio and his associates. There was then a band of fanatics in London who met in the Old Jewry, and who passed resolutions very similar to the amendment which it was now sought to foist on the pending resolution.

It was then proposed to aid these negroes with men and money in a struggle for their freedom; they furnished Ogé with a ship, the arms, and money, to accomplish this purpose; and similar resolutions were at the same time adopted in France, by an association exactly of the character of that to which the gentleman and his abolition friends belonged among us. These fanatical visionaries set the revolt of the blacks in St. Domingo in motion; their machinations succeeded in exciting a servile insurrection, in the course of which every white man and woman and child in the island was massacred, with the exception of a small remnant, who fled to the shipping in the harbor, and barely escaped with their lives. Whole hecatombs of dead bodies were piled up in the streets, amid burning, murder, and pillage. Nay, so great was the fury of the blacks that their rage and revenge could not glut themselves with the butchery of every white person, (and they found no difficulty in drawing that line of distinction which the gentleman thought so great a mystery—it was no problem to the negroes,) but they afterwards turned upon the mulattoes and exterminated them. They seemed to hate every human creature that had white blood in his veins with a bitterness that had no parallel unless in the breast of the member from Ohio; and this feeling was encouraged in them by just such addresses and resolutions as that gentleman is constantly introducing here.

The gentleman talked about the cause of humanity! Were the interests of humanity benefited by such scenes as he had described, and which were the legitimate consequence of this sort of agitation? Let the gentleman look at Hayti: once one of the most flourishing islands of the Caribbean sea. The negroes there were once a happy, contented race, cultivating their fertile soil, and enjoying every comfort suited to their condition. And what were they now? A wretched gang of indolent vagabonds, tearing each other to pieces in domestic feuds, and fast relapsing into their pristine state of barbarism. Let him look throughout the West India Islands, and wherever the control of the white man was withdrawn, instead of bands of happy and contented laborers, singing at their easy tasks, you beheld a wretched mass of squalid, lazy free-negroes, without one idea in their heads of what real freedom was. In the British Islands emancipation took place under more favorable auspices than it ever can again. The negroes underwent a long probation; the masters were compensated for them, and the British army was there to keep them in subjection. But although effected under these favorable circumstances, the English Government now admitted it had been a failure, and that both the white man and the black had been injured by it. Liberate three hundred thousand negroes by a stroke of the pen! Who did not know that it could not be done but through scenes of carnage and of horror from which humanity recoiled?

Born as Mr. B. had been in a country blessed with civil and religious liberty, he wished to see these rich blessings extended to every country on the face of the globe; but having witnessed nothing but unutterable wo to result from such measures as that in which the gentleman from Ohio so exulted in, instead of sharing the gentleman's joy, he regretted that such an attempt should have been made; he was pained at it. It was that measure, together with one or two other features, which marked the movements of the new government in Paris, which alone marred the satisfaction, otherwise without alloy, with which he had learned the struggle of the French people for a republican government.

In concluding, Mr. B. observed that the House would bear him witness that he had not been in the habit of addressing it in a spirit or with the feelings which he had manifested to-day. He had sought altercation with no man; he never had volunteered to wound the feelings of any of his fellow-members. But the provocation this day had been so great, the conduct of the movers in this matter had been so outrageous and unpatriotic, that he had not attempted to restrain his feelings.

Mr. DUER moved that the House adjourn; but very strong and decided dissent being manifested in all quarters, he withdrew the motion.

Mr. D. then proceeded to observe, that he had had no desire to say a word on the subject of the amendment which had been moved to this resolution, and the introduction of which he greatly regretted. No man could entertain a more decided antipathy than he did to the existence of slavery; he was utterly opposed to it in every form, and in every place, but this feeling was in his breast, wholly unattended by any personal feeling of ill will toward slaveholders. Whenever his voice or his vote could avail against the continuance or extension of so great an evil, he was ever ready to employ both against it; and he did most sincerely rejoice to learn that it had been abolished in the colonies of France. And whenever the subject should come up in a direct and pertinent shape for discussion, Mr. D. was prepared to enter into it in a temperate manner and discuss it fully. But he could not but regret its introduction on the present occasion as unnecessary and uncalled for. He regretted its being brought into that Hall when it could have no bearing on the legislation of the House, and when its only effect must be to interrupt the harmony of debate. The discussion could do no good; it could have no effect whatever on the evil of slavery, and it could only distract and divide the House on an occasion when it was preeminently desirable that it should be as unanimous as practicable. It seemed to Mr. D. that, in a case like this, the House could speak, and ought to speak, with a united voice; but this it could not possibly do, if thus, by a side-blow, there was an attempt made to condemn slavery within the States. If this was persisted in, the House must give up the hope of giving to France any expression of its congratulation or sympathy on her struggle for freedom. He wished to speak with candor and with dignity; and he should detain the House only to say a few words. He should speak only for himself. He sought not to condemn any gentleman. As to the gentleman from Ohio, [Mr. GIDDINGS,] he had contemplated his feelings of humanity with sincere respect, while the gentleman's moral courage commanded his admiration; but the gentleman's prudence and practical good sense, he was sorry to say, he could not always so highly admire. He meant to utter no reflection on that gentleman; he knew that he had been the object of unfriendly animadversion; he spoke of the gentleman as he thought in his heart; he admired the gentleman's courage and perseverance, but he could not consider him as practically wise.

But the question to be decided was, whether that House was to speak its sympathy and congratulations to France or not? If it meant to do this, it was obvious that it must not connect those expressions of congratulation with any reflection on the subject of slavery.

Mr. TUCK here wished to ask the gentleman from New York [Mr. DUER] whether it was the gentleman from Ohio [Mr. GIDDINGS] who had introduced any reference to slavery in this debate?

Mr. DUER replied that he believed he had not.

Mr. TUCK then asked why gentlemen should attack a man who had not introduced the subject? And he wished to ask, further, whether the subject of slavery had not been introduced by these resolutions themselves—resolutions of which the gentleman from Ohio had appropriately spoken, and which the gentleman from Massachusetts had appropriately amended?

Mr. BAYLY rose to explain. When the resolutions were introduced and read at the Clerk's table, they had not the amendment attached to them. Mr. B. had been under the impression that it had been introduced by the gentleman from Ohio, and therefore he had regarded it and spoken of it as the amendment of the gentleman from Ohio.

Mr. ASHMUN said it was he who had moved the amendment, and he was quite willing to take all the responsibility which attached to it. The latter part of the amendment, which Mr. A. had accepted as a modification, had been suggested by the gentleman immediately before him, [Mr. SCHENCK,] and not by the other gentleman from Ohio, [Mr. GIDDINGS.]

Mr. BAYLY regretted that he had not known this at the time he addressed the House; and he hoped that every remark he had made would be considered as addressed to the real mover of the amendment, and not to the gentleman who he supposed had moved it.

Mr. ASHMUN said that he should reply to the gentleman at the earliest hour practicable.

Mr. DUER said the gentleman from New Hampshire [Mr. TUCK] had asked him why he had not attacked the gentleman from Massachusetts, [Mr. ASHMUN,] who had moved the amendment, instead of the gentleman from Ohio, [Mr. GIDDINGS,] who had not? Mr. D.'s answer was, that he had made no attack upon the gentleman from Ohio. He had expressed with freedom and sincerity his own opinion of that gentleman and his course; and he had even gone out of his way to commend the gentleman's humanity and moral courage, because he knew that the gentleman had long been the object of attack in this House, and had been unsparingly assaulted in all quarters. He spoke of the gentleman with admiration, and that the gentleman from New Hampshire [Mr. TUCK] converted into an attack!

Mr. TUCK and Mr. GIDDINGS here rose together, and for a short time were both addressing the Chair at once.

After a good deal of noise, and cries of order—

Mr. TUCK retained the floor. He said he had heard his friend from Ohio [Mr. GIDDINGS] characterized, before the gentleman from New York spoke at all, as the author of a fanatical movement. He had asked the gentleman from New York [Mr. DUER] whether the resolutions pending did not themselves include and introduce the topic of slavery? To that question he had received no answer.

Mr. DUER said he understood the gentleman from Ohio [Mr. GIDDINGS] as having been attacked by the gentleman from Virginia, [Mr. BAYLY,] and, in reply, had observed that he did not censure the gentleman for his course, but admired his courage. He had not said that that gentleman had or had not introduced the subject of slavery into this debate; he had censured no one; he sought to censure nobody. But he wished Congress to express its sympathy with the people of France; and

he wished to see this done with unanimity. This he had said, and no more than this. And, in order to secure unanimity, he wanted the expression of our sympathy and encouragement wholly separated from the other topic.

Mr. GIDDINGS said he rose to exonerate the gentleman from New York [Mr. DUER] from all intention of saying anything to injure him. He had no idea that that gentleman had been actuated by any other than the most friendly feelings towards him. Nor had Mr. G. entertained any desire to attack the gentleman from Tennessee, [Mr. HASKELL.] He was entirely willing that that gentleman should be wholly destitute of all human sympathy, if so he liked to be, and that he should reflect as severely as he pleased on Mr. G. as being the advocate of human liberty. And he was equally willing that the gentleman from Virginia [Mr. BAYLY] should exonerate, if he could, the Old Dominion from the charge of entertaining any feelings of humanity. Mr. G. was entirely willing that the gentleman should give the fullest expression of his hatred to all who felt any regard for the rights of man. Mr. G. was as willing, too, that the gentleman should pronounce the Declaration of Independence a libel on his State, and should cast so great an opprobrium on the men who drew it up, as to place them on the same level with Mr. G. If a member of the House of Representatives of the United States was to become an object of attack as soon as he uttered any feeling of sympathy for man, and any desire for his freedom, Mr. G. was willing that the gentleman from Virginia should assail him with all the bitterness he could display. He had no idea of replying to that gentleman; and, if the gentleman from New York [Mr. DUER] had not noticed him, Mr. G. never should.

Mr. DUER having at length regained the floor, observed that he would now conclude the few remarks he had originally intended. France was our friend. In the infancy of our republic, when we had been engaged in that great political experiment which had resulted in giving to twenty millions of people freedom without disorder, at a time when we were assailed by the advocates of ancient tyranny with every species and form of calumny and reproach, France had always sympathized with us, and her sympathy had cheered and sustained us in the darkest hour. There might at times have been some differences between the Governments of the two countries, but the nations had ever been friends. It was become the fashion, of late years, to call us Anglo-Saxons, (which was but another name for English,) but we were not of the Anglo-Saxon race; we were a portion of the great Caucasian branch of the human family, and in that race France might claim her share. There were scattered over the Union, and especially in South Carolina, a great amount of the best Huguenot blood. Besides, France had given us a State; and the songs of liberty were at this day sung by the descendants of the French in the Opelousas and Attakapas.

Mr. D. said he was a Democrat; [loud laughter: cries of "good!" "an excellent Democrat;"] he was a Democrat in the best and truest sense of the word. ["Yes, we know it."] He believed in democracy; but as a means, not as an end: and if France in her struggle had attained a point whence she could rationally expect to advance to a good and free and stable government, let us not turn from her with averted face. No; amid the fears of the timid and the vituperations of the base, let us send over to her shores the voice of our sympathy and encouragement. While the ancient dynasties of European tyranny were frowning on her attempts at recovered freedom, let no looks of coldness greet her from those she had aided in their utmost need. It was said that her enterprise had been attended with disorders and excesses: that might be true; but if that was a valid reason why we were to send her no sympathy, no good wishes, nothing to cheer her in her arduous undertaking, we never could sympathize with any people striking for freedom, for such things ever and necessarily attended the first efforts to break the yoke of tyranny.

But it was said we must wait; we must not be too hasty; wait a little, and see how things would turn. And were we, then, to send to France a message that we were WAITING? When we were struggling for our freedom France had not waited, but had flown to our rescue.

Mr. D. did not want to send to France a long string of dull and prosy resolutions, such as might be copied from some ward meeting in one of our towns; he wanted to send a simple dignified expression of our wish as a nation to her success. He believed that such was the wish of the American people; and whether France failed or not, that declaration would still be true. Mr. D. was no prophet. It was not for him to say whether her effort would or would not prove successful; God knew he sympathized with her people and heartily wished them success, and he was ready to utter that wish now. He was not for turning away from our old ally. He was not for giving her cold looks of doubt and distrust when she was striving for the blessings of a republican government. How should we have felt in the days of the Revolution had an elder republic then witnessed our struggle, and sent us word that she was *waiting* to see what we should make of it? No; let us speak our sympathy; let us send her encouragement, and send it now.

Mr. D. said he had prepared a resolution for a select committee of thirty members, but he did not insist on that; he had no objection to the reference of the resolutions to the Committee on Foreign Affairs, or to a select committee of one from each State. He thought the reported resolution ought to be the action of an organized body, and not of an individual. He hoped it would be of a dignified and simple character, worthy of the greatness of the occasion, containing an expression of the national sympathy, and of that only.

One half of the States of the Union were slaveholding States; and, when we proposed a resolution for adoption here condemning slavery, even the gentleman from Ohio [Mr. GIDDINGS] himself must admit that its adoption would be improper. It would have no operation to mitigate or to abolish slavery. All its effect would be to fix a stigma on the States where it existed, which they would necessarily and naturally resist. Why make any such attempt? The amendment, if successful, must defeat the object of the resolutions. The object of the resolutions was a perfectly simple one, and it should stand alone.

Mr. ASHMUN inquired of the Chair what would be the effect of a motion to adjourn?

The CHAIR explained the state of the business before the House.

Mr. ASHMUN said, he wanted to speak at some time when it would be in order.

Mr. EVANS inquired whether there was not a special order appointed for to-morrow?

[Here some confusion prevailed, a number of members addressing the Chair at one time, suggesting different special orders appointed for different days of the present week.]

The CHAIR having restored order—

Mr. ASHMUN moved that the resolutions and amendment be made the special order for Thursday next.

The SPEAKER said, that Mr. ASHMUN's motion would require a suspension of the rules.

The House divided, and, there not being two-thirds in the affirmative, the rules were not suspended.

Mr. ASHMUN moved that the House adjourn.

[Cries of "Oh, no!"]

Mr. COBB inquired whether, if the House should adjourn, the consideration of this resolution would be in order to-morrow morning?

The CHAIR stated, that there were two messages on the Speaker's table, and sundry bills, which would take precedence of it.

The yeas and nays on the motion to adjourn were thereupon demanded, and ordered.

Mr. POLLOCK made several attempts to make a suggestion, but his voice was drowned by cries of order.

Mr. C. J. INGERSOLL wanted to put an inquiry to the Chair.

[Cries for order.]

Mr. I. said he regarded these calls of "Order, order!" with disregard, and perhaps a little more.

The CHAIR called Mr. I. to order, and directed him to confine himself to his inquiry of the Chair.

Mr. INGERSOLL asked, if the whole resolutions and amendments should be referred, and a committee should report on them to-morrow, would they not be open to debate?

The CHAIR. Certainly.

The yeas and nays were now taken on the motion to adjourn, and resulted—yeas 80, nays 80.

The SPEAKER voting in the affirmative—

The House adjourned.

IN SENATE.

MONDAY, *April* 3, 1848.

The following message was received from the President of the United States:

WASHINGTON, *April* 3, 1848.

To the Senate and House of Representatives of the United States:

I communicate to Congress, for their information, a copy of a despatch, with the accompanying documents, received at the Department of State from the Envoy Extraordinary and Minister Plenipotentiary of the United States at Paris, giving official information of the overthrow of the French monarchy, and the establishment in its stead of a provisional government, based on republican principles.

This great event occurred suddenly, and was accomplished almost without bloodshed. The world has seldom witnessed a more interesting and sublime spectacle than the peaceful rising of the French people, resolved to secure for themselves enlarged liberty, and to assert in the majesty of their strength the great truth that, in this enlightened age, man is capable of governing himself.

The prompt recognition of the new Government by the representative of the United States at the French Court meets my full and unqualified approbation; and he has been authorized, in a suitable manner, to make known this fact to the constituted authorities of the French Republic.

Called upon to act on a sudden emergency, which could not have been anticipated by his instructions, he judged rightly of the feelings and sentiments of his Government and of his countrymen, when, in advance of the diplomatic representatives of other countries, he was the first to recognize, so far as it was in his power, the free Government established by the French people.

The policy of the United States has ever been that of non-intervention in the domestic affairs of other countries, leaving to each to establish the form of government of its own choice. While this wise policy will be maintained towards France, now suddenly transformed from a monarchy into a republic, all our sympathies are naturally enlisted on the side of a great people, who, imitating our example, have resolved to be free. That such sympathy should exist on the part of the people of the United States with the friends of free government in every part of the world, and especially in France, is not remarkable. We can never forget that France was an early friend in our eventful revolution, and generously aided us in shaking off a foreign yoke and becoming a free and independent people.

We have enjoyed the blessings of our system of well-regulated self-government for near three-fourths of a century, and can properly appreciate its value. Our ardent and sincere congratulations are extended to the patriotic people of France, upon their noble and thus far successful efforts to found for their future government liberal institutions similar to our own.

It is not doubted that, under the benign influence of free institutions, the enlightened statesmen of republican France will find it to be for her interest and paramount glory to cultivate with the United States the most liberal principles of international intercourse and commercial reciprocity, whereby the prosperity and happiness of both nations will be promoted.

JAMES K. POLK.

[No. 17.] LEGATION OF THE UNITED STATES,
Paris, March 4, 1848.

SIR: Scarcely had my despatch of the 24th February been folded up, when events the most momentous quickly succeeded each other. Numerous barricades had risen up in the streets; civil war continued; the people were victorious; the palace of the Tuileries was carried; the King abdicated, and fled with all the royal family, and the monarchy was overthrown. All this happened in the course of the day—Thursday.

The confusion and tumult caused in the Chamber of Deputies by these events, led to the hasty and violent close of its sitting on that day. All attempts to establish a regency, with the Count de Paris as successor to the throne, failed. His mother, the Duchess of Orleans, with the young prince himself, went to the Chamber, but soon had to make their escape. All order, all deliberation had come to an end. The ministerial members were driven out by the people, who had entered the Chamber, many of them armed, and, with menacing gesticulations, usurping the seats. In the sequel, a portion of them, with some of the opposition members, hurried to the Hotel de Ville to form a provisional government, under voices to that effect, uttered and echoed at the close of the boisterous sitting.

At the Hotel de Ville as a rallying-point, a provisional government was formed on the evening of Thursday, the 24th, and proclaimed on the following morning. The proclamation declared that the provisional government desired a republic, subject to the ratification of the French people.

The persons composing the provisional government are—Messieurs Dupont, (de l'Eure,) Lamartine, Cremieux, Ledru Rollin, Garnier Pagès, Marie, and Arago.

The secretaries of the government are—Messrs. Armand Marrast, Ferdinand Flocon, Louis Blanc, and M. Albert.

The first four names of the provisional government were of the Chamber of Deputies, a body no longer existing any more than the Chamber of Peers; the whole fabric of the late government having been shattered to pieces.

Some accounts state that all the names composing the provisional government, were given out from the tribune of the Chamber of Deputies before its dissolution; but there is difficulty in coming at the precise fact, such was the consternation in the Chamber when it broke up.

The provisional government immediately announced, as formed by its own decree, a provisional cabinet, that the functions of administration might not stop.

I abstain at this juncture from presenting more of the names of the provisional cabinet than those of M. Dupont, (de l'Eure,) as President of the Council; and M. de Lamartine, as Minister of Foreign Affairs; these two posts being severed again, after having been united in M. Guizot, who, and all his associates in the late ministry, have fled.

Of a revolution so total and sudden, I am not now to speak. The journals of the world are still teeming with it. Nor can I yet speak of the acts of the new government,

except to say that they have been characterized so far by moderation and magnanimity in the midst of triumphs of a nature to have intoxicated minds less pure and firm than happily are believed to be possessed by its leading members.

I pass to what, foremost of all at present, I am bound to report to you—namely, the part which, as representing the United States, I have taken under the new duties that encompassed me.

On Saturday, the 26th, I received an intimation, earnestly given, that my personal presence at the Hotel de Ville, to cheer and felicitate the provisional government, would be acceptable. The intimation was not officially sent, but I believed it to be true.

I asked a short interval for reflection.

Before the day was out, I imparted my determination to take the step.

Monday morning, the 28th, was the time appointed for it; and accordingly I repaired to the Hotel de Ville, the Secretary of Legation accompanying me.

To the provisional government there assembled, I delivered the address, a copy of which is enclosed.

It was cordially received, and M. Arago, on the part of the members, replied to it.

He remarked that they heard without surprise, but with lively pleasure, what I said; France expected it from an ally to whom she now drew so close by the proclamation of the republic. He thanked me, in the name of the Provisional Government, for the wishes I expressed for the greatness and prosperity of France; and in alluding to the words it had called up from General Washington's address in 1796 on receiving the French colors, he expressed a confidence that they would be not merely a desire, but a reality.

M. Dupont, (de l'Eure,) as President of the Provisional Government, then advanced, and, taking me by the hand, said, "The French people grasps that of the American nation."

Here the ceremony ended. In coming away, three of the members of the Government conducted us out of the building; the guard presented arms, and cries went up of "*Vive la République des Etats Unis!*" Major Poussin, a French officer, who accompanied General Bernard to the United States, and who, from his attachment to our country, was naturalized there, also attended me.

On Sunday, the 27th, I received the note of that day's date from M. Lamartine, as Provisional Minister of Foreign Affairs, which announced to me, in official form, the existence of the new government. I answered it on Monday. Copies of the note and answer are enclosed.

The Provisional Government published my answer the morning after its reception. My address of Monday has also appeared in the newspapers—not, however, in its exact form. I had written it out, to guard against inaccuracies on an occasion so grave, and left the paper in the hands of the Provisional Government; a transcript of which you now have.

This succinct narrative will accurately apprize the President of what I have done. I shall anxiously await his judgment upon it all. The events were as new as momentous. They had transcended all expectation. In recognizing the new state of things, as far as I could without your instructions, and in doing it promptly and solemnly, I had the deep conviction that I was stepping forth in aid of the great cause of order in France and beyond France, and that I was acting in the spirit of my Government and country, the interpreter of whose voice it fell upon me suddenly to become. If I erred, I must hope that the motives which swayed me will be my shield. The Provisional Government needed all the moral support attainable, after a revolutionary hurricane which shook society to its base, and left everything at first portentous and trembling. In such an exigency, hours, moments were important; and the United States are felt as a Power in the world, under the blow that has been struck.

I am not unaware that the course I have pursued departs from diplomatic usage, and separates me, for the time being, from the European diplomatic corps accredited, like myself, to the late Government of France, all the members of which will probably wait instructions before adopting any steps of recognition. Having acted under a sense of independent duty in the emergency, I am, however, not the less aware that the diplomatic corps represents countries in friendly relations with the United States, and that it will hence be as much my duty as inclination to go on maintaining that amicable footing with its members, ever dictated by reciprocal good-will among the representatives of friendly Powers, whatever different forms of government they may represent.

I have the honor, &c., RICHARD RUSH.

Hon. JAMES BUCHANAN, *Secretary of State.*

To the Members of the Provisional Government of the French Republic:

GENTLEMEN: As the representative of the United States, charged with the interests and rights of my country and of American citizens now in France, and too far off to wait instructions, I seize this early opportunity of tendering to you my felicitations, not doubting the sanction of my Government to the step I thus take in advance. Nor can I avoid the occasion of saying that the memory of the ancient alliance and friendship between France and the United States is ever fresh and grateful with us, and that I am of nothing more sure than that the voice of my country will be universal and loud for the prosperity, happiness, and glory of France under the institutions she has announced, subject to ratification by the national will. All will ardently hope that through her wisdom the results may be beneficial to mankind, of which the magnanimous bearing of her people in the late events affords so auspicious a promise. It is under such institutions that the United States have for seventy years enjoyed constant prosperity, with a Government of uniform stability; and whilst they invariably leave to other nations the choice of their own forms, without interference in any way, they would naturally rejoice in beholding this great nation flourish under institutions which have secured for themselves the blessings of social order and public liberty.

Allow me, then, gentlemen, using the words of the great and good Washington, the immortal founder of my country, on an occasion which the present recalls, to signalize this address to you, by mingling my felicitations with a fervent aspiration that "THE FRIENDSHIP OF THE TWO REPUBLICS MAY BE COMMENSURATE WITH THEIR EXISTENCE."

PARIS, *le 27 Février*, 1848.

MONSIEUR: J'ai l'honneur de vous informer que le gouvernement provisoire de la république Française m'a confié le portefeuille des Affaires Etrangères. La forme républicaine du nouveau gouvernement n'a changé ni la place de la France en Europe, ni ses dispositions loyales et sincères à maintenir ses rapports de bonne harmonie avec les Puissances qui voudront, comme elle, l'indépendance des nations et la paix du monde.

Ce sera un bonheur pour moi, Monsieur, de concourir par tous les moyens en mon pouvoir à cet accord des peuples dans leur dignité réciproque, et à rappeler à l'Europe que le principe de paix et le principe de liberté sont nés e même jour en France. Recevez, &c., LAMARTINE.

Monsieur RUSH, Ministre Plénipotentiaire des Etats Unis à Paris.

LEGATION OF THE UNITED STATES,
Paris, February 28, 1848.

SIR: I have the honor to acknowledge your note of yesterday, informing me that the Provisional Government of the French Republic has confided the department of foreign affairs to your hands. The choice, sir, I will dare to say, will be regarded by the world as a favorable first step in the new order of things; and I shall have great satisfaction in transmitting to my Government, by the earliest opportunity, a copy of your communication, not doubting its cordial reception. In the mean time, sir, I will be ready, under your permission, to transact with you whatever business may appertain to my country, or American citizens in France.

The United States, having learned from their own experience the value of free institutions, will naturally anticipate from similar institutions in France, administered with the wisdom and moderation of which the enlarged and beneficent principles announced in your note are the auspicious harbingers, nothing but the best results to the interests and well-being of both countries.

I pray you to accept these early assurances of the very high consideration with which I have the honor to be, sir, your most obedient servant, RICHARD RUSH.

To his Excellency M. DE LAMARTINE, Minister of Foreign Affairs, &c., &c., &c.

Mr. HANNEGAN moved that the message and accompanying documents be referred to the Committee on Foreign Relations, and printed for the use of the Senate.

Mr. ALLEN said he could see no necessity for a reference of the message. It asked for no action on the part of Congress, and consequently required no investigation by a committee.

Mr. HANNEGAN replied that he had made the motion because it was usual, and certainly the most respectful course to be pursued when an Executive message was received.

Mr. ALLEN expressed a hope that the reference would not have the effect of delaying the action of the Senate on the joint resolutions which he had the honor to submit.

Mr. HANNEGAN said he had no intention to delay action on the resolutions of the Senator from Ohio, and he was not aware that the reference would have such effect.

The message was then referred.

PETITIONS, ETC.

Mr. CASS presented a petition from a meeting of wounded soldiers in the war with Great Britain, asking an increase of the present rate of pensions; which was referred to the Committee on Pensions.

Mr. DAVIS presented a petition from citizens of the United States in favor of the purchase of Mount Vernon by the General Government; which was referred to the Committee on Military Affairs.

Mr. DIX presented a memorial from Horace Southmayd & Son, asking reimbursement for duties levied on goods shipped to Tampico; which was referred to the Committee on Finance.

Also, a memorial from physicians and apothecaries in the District of Columbia against the importation of spurious and adulterated drugs and medicines; which was referred to the Committee on Commerce.

Mr. WESTCOTT presented a petition from citizens of Hillsbury county, Florida, asking a grant of land to erect a court-house in said county; which was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. ATCHISON, from the Committee on Indian Affairs, reported a joint resolution to sanction an agreement made between the Wyandots and Delawares for the purchase of certain lands by the former of the latter tribe of Indians; which was read a first time.

Mr. WESTCOTT, from the Committee of Claims, reported House bill for the relief of William Hogan, administrator of Michael Hogan, deceased, without amendment, accompanied by a report.

On motion of Mr. WESTCOTT,

Resolved, That the Commissioner of the General Land Office be directed to report to the Senate, as soon as practicable, an abstract or list of all permits granted under the acts for the armed occupation of Florida, specifying in different columns the number and date of each permit, names of settlers, designation of land, number of section, date, person to whom permit was delivered, whether head of a family or single man, whether land designated was surveyed and when, and if so, its designation by the surveys, and the cases which have been rejected or suspended, and the reason therefor, and when and to whom lands included in permits have been sold by the United States, and in what cases settlers have availed themselves of the amendatory act of 1844; and also copies of all instructions for the execution of said laws by the General Land Office; and also to report whether in his opinion any additional legislation is proper to effect the object of said laws.

The private bills received from the House were read a first and second time by their titles, and appropriately referred.

THE FRENCH REVOLUTION.

Mr. ALLEN moved to postpone the previous orders, and to take up the joint resolutions relative to the revolution in France.

Mr. CRITTENDEN expressed a hope that the Senate would proceed to the consideration of the bill concerning the Supreme Court of the United States, which had been made the special order for Friday last, and which it was important to act on without delay.

Mr. ALLEN thought the bill referred to by the Senator from Kentucky would lead to a long discussion. On the other hand, he believed the joint resolutions would occupy but a short time. Although he was prepared to give his views on the subject, he was perfectly willing to yield his purpose rather than postpone the passage of the resolutions. He thought they could be disposed of to-day. As far as he had ascertained the wishes of Senators, he did not think there was any disposition on that side of the Chamber to go into a long debate. Before he sat down, however, he could not forbear from a reference to a single fact, which showed that there was at least precedent for the course he urged. [Here Mr. A. read from the Journal of the House of Representatives of the 10th of February, 1820, the proceedings of that body on the resolution submitted by Mr. Clay, on the emancipation of the Spanish colonies in South America from the yoke of Spain, which was submitted on that day, and disposed of without adjournment.]

Mr. A. asked for the yeas and nays on his motion to postpone the previous orders, and they were ordered.

Mr. BAGBY said it was not because he did not feel a deep sympathy with the French people in their pending struggle for free institutions that he had already given his vote in favor of laying the resolutions on the table, but because, in an event of such vast importance, he had anticipated some official communication from the minister of the United States at Paris. The message of this day proved that he had not miscalculated. That communication had been made to the Executive, and by him had been transmitted to the Senate; and he thought this message would be the most proper basis for the action of Congress. Again: in a matter so momentous in its character and consequences as the overthrowing of a long-established and powerful form of government, and the building up of another on its ruins, it did occur to him as highly necessary, before we took any step in the business, all the lights of prudence and wisdom and grave deliberation should be called in for our guidance. With this view, while he had been compelled, on some questions, and with great reluctance, to differ from the views of the distinguished Senator from South Carolina, on this occasion he felt happy to be able fully to coincide with the opinions that able Senator had expressed—opinions alike honorable to his high standing as a statesman and a Senator, and his long experience in public life. He did think, with that honorable Senator, that we ought to wait until we should have acquired some more certain evidence that the proceedings of the people of France would bring about that result which we all so ardently desire and confidently look for. It may be that good cause will be given for our congratulations; but the end might not be such as to justify congratulation. Could he be assured that the sun of freedom which was now rising in France would cast its beneficent radiance not only over her people, but over the whole of Europe, heartily indeed would he rejoice. But if the transitory gleam was to be speedily eclipsed by clouds, and the thunder-storm of war should suddenly burst forth like a destructive tornado, sweeping, desolating, and destroying all within its path,

he would be the last to join in congratulations for such a result. At present it was impossible to foretell what is to follow.

Again: he was a little afraid of a three-days' revolution. It was out of the order of things that such great events as revolutions could be so speedily terminated. No matter what was the action of Congress in reference to the South American States, he desired to have more light before he could consent to act. If France should prove willing to erect a republic, on a firm and enduring basis, the Senator from Ohio would not rejoice more in her success than he would. But the crisis is one which calls on us to pause, deliberate, and act discreetly. It would be much more agreeable to France herself to hear our sustaining voice after the first paroxysm of the revolution shall have subsided, and she shall have established her new system on a basis which will stand the test of time. He could not consent to have these resolutions passed through in such hot haste, without proper inquiry and deliberation; and he hoped the Senator from Ohio would consent to let the resolutions go with the message to the Committee on Foreign Relations, which would be the most respectful course.

Here a discussion took place between Mr. DICKINSON, Mr. CASS, Mr. CRITTENDEN, Mr. BUTLER, Mr. DAVIS, of Massachusetts, Mr. BENTON, Mr. DOWNS, Mr. DAYTON, Mr. ALLEN, and Mr. ASHLEY, on the subject of the bills which were entitled to precedence in the order of business—Mr. CRITTENDEN insisting that the act concerning the Supreme Court was the order of the day, while Mr. CASS and Mr. BENTON asserted that the bill for ascertaining and paying certain claims in California, as the unfinished business, had the preference.

Mr. NILES said this debate was somewhat irregular; and he hoped the vote on the consideration of these resolutions would not be influenced by questions connected with any other measure. When these resolutions were taken up, he thought it was for the purpose of making them the special order for some particular day. He now understood that it was the wish of the Senator from Ohio to urge an immediate vote upon them. If such was the purpose, he must say that he was not now prepared to vote on them. He did not think the subject had received the consideration its importance required. The form in which the resolutions were presented did not appear to him to be the best that might be devised. He did not exactly comprehend what was meant by consolidating liberty. He knew very well what consolidating power meant. There were other defects—and resolutions of this character could not be drawn up with too much care. He concurred in one point with a Senator who had said, that to have any value in the estimation of the French people, this ought to be a unanimous expression of opinion. In that view he concurred. But he did not think that we should be too hasty. It was all right for the people to act at once, but it became Congress to act more seriously, and with greater deliberation.

Mr. BAGBY expressed his willingness to vote in the affirmative, if the Senator from Ohio only desired to refer the resolutions.

Mr. ALLEN stated the position in which the question stood, and said that it was his object to go on with the discussion, and to urge the Senate to a vote.

The question was then taken on the motion of Mr. ALLEN, and decided as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bradbury, Breese, Cass, Davis of Mississippi, Dickinson, Douglas, Downs, Felch, Foote, Hale, Hannegan, Houston, Johnson of Georgia, Lewis, Moor, Rusk, and Westcott—21.

NAYS—Messrs. Bagby, Baldwin, Bell, Benton, Berrien, Butler, Calhoun, Clarke, Clayton, Crittenden, Davis of Massachusetts, Greene, Johnson of Maryland, Mangum, Miller, Niles, Pearce, Phelps, Spruance, Turney, Underwood, and Upham—22.

Mr. HANNEGAN moved that the Senate proceed to the consideration of Executive business.

Mr. CRITTENDEN moved to take up the special order, unless there was some pressing business to be transacted.

Mr. HANNEGAN replied that there was some pressing business come in, or he would not have made the motion.

Mr. CRITTENDEN said, if he could be satisfied the business was really pressing, he would not cause delay. But the Senate might take up the special order and then pass it over informally, and proceed to the consideration of Executive business.

Mr. CASS expressed a hope that the California claims bill would have the preference.

Mr. BENTON also urged the priority of the California bill, which was in fact an appropriation bill, and, on that account, was entitled to the earliest action. When he came here this morning, it was with the expectation that this bill would be taken up. Now, if we were to take up the Judiciary bill, what would be the question? The question would be, Shall the Supreme Court of the United States be forever cut loose from the States? That question had frequently been decided by both Houses of Congress. It had been decided not to permit the Supreme Court to be stationary here as a great central power, separated from the States. It was decided here that the Judges of the Supreme Court should not be brought to live in this city during their lives. That question had been decided, and now it was to be attempted to bring it up again, not in a direct and open manner, but by a sapping and mining process. Grant the one year asked for by the bill, and it would be followed by a request for two years longer, and the Supreme Court may be considered as cut loose from the States forever. From that moment the States would degenerate into mere provinces. The central power would be always here, the judges would always reside here in view of the Capitol. He therefore hoped the bill would be voted down. As to the state of the docket, he thought the appeals would increase when the circuit courts would be held by a single judge.

Revolutions, we have recent experience, may be made in haste. But it should not be so with legislation. He was against all legislation which was urged forward by the cry of "now or never." It was attempted to induce the Senate to take up this bill because the Supreme Court had adjourned till May. He hoped there would be no haste, but that the bill, at a proper time, would be considered with deliberation.

Mr. CRITTENDEN made a brief reply. Instead of being for the purpose of establishing a central power here, which should be independent of the States, the only object of the bill was to make disposition of the business which had accumulated. Without such a measure, it would occupy four years to get through this mass of business. The only mode was to relieve the judges from circuit duty for one year. And this the Senator from Missouri magnified into an effort to change the Supreme Court into a great central power to be fixed permanently here. Unless this bill should pass, the very accumulation of business would produce the evil which the Senator from Missouri deprecated. Unless the bill should be disposed of soon, it would be of no effect. The judges will have been scattered over the country in the discharge of their duties. When they left here they adjourned, conditionally, until May. Unless, therefore, time was allowed for a notification to them of the passage of the bill before that period, it would be, in effect, the defeat of the bill.

The motion of Mr. CRITTENDEN was then agreed to, and the bill was taken up and read.

On motion of Mr. HANNEGAN, and by general consent, the bill was then informally passed over, and the Senate proceeded to the consideration of Executive business. After some time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 4, 1848.

The Journal of yesterday having been read—

Mr. SIMS rose and said: Mr. Speaker, it is with no ordinary emotions that I now rise to announce to the House that Death, whose presence has so oft and so recently called us to mourn during the progress of this session of Congress, has again demanded a victim of our number. JAMES AUGUSTUS BLACK, a Representative from the State of South Carolina, is no more. He expired in this city on yesterday night, at twenty-five minutes after eleven o'clock, amidst the delegation of his State, with his family around him, without a murmur, and without a groan.

In a most extraordinary degree, through a protracted illness of seventeen days, he preserved his composure of mind, his consciousness, and constancy of purpose. At no moment did he complain. Though conscious, day by day and hour by hour, that death pursued him, and, at the final struggle, that dissolution was inevitable, he quailed not and murmured not; and at the hour that I have indicated he breathed out his soul as composedly as the infant sinks into the softest slumber. Such were the last scenes in the life of my friend and colleague.

Mr. Speaker, under any circumstances death is a solemn occurrence; but there are concomitants that render its approach less afflictive, because more expected and appropriate than in other circumstances. When the soldier dies on the battle-field, he falls beneath the law of the occasion and propriety; and when old age sinks to rest, human destiny has been appropriately fulfilled, and man finds his end at the proper period. It is natural and appropriate, and fills us with a pleasing melancholy rather than with poignant grief, because, like the falling of the autumnal leaf, the creature perishes beneath the decree of his Creator in the proper season. But when, in the midst of life, unexpectedly, in the midst of years and acts of usefulness, one is cut down; when there is no premonitory event or circumstance to announce the destroyer's approach; when he comes upon us thus unexpectedly, the visitation is always felt with more peculiar force and regret.

Such was the fall of my friend. But a few days ago he was among us, in life and health, in the constant and assiduous performance of his duties here as a Representative. One day, thus engaged with his accustomed usefulness and ability; the next, his friends find him stricken down by the violence of disease, which, from the first, announced with a certainty which all the untiring efforts of his skillful professional attendants could not avert, that the victim was marked, and that not a ray of hope could cheer a friend or inquirer who sought to know the progress and ultimate result of his disease. His friends, his immediate family at a distance, though stricken down so unexpectedly, there were two circumstances of benevolence in the providence of God: the one, to which I have already referred, of preserving his intellect unclouded to the last, and the other of protracting his sweet resignation and patience, and his existence, until, from the distant South, his wife and child and affectionate brother were enabled to minister the last consolations of affection and tenderness around his dying bed.

There are many incidents in the life of my friend that at the proper time it would be pleasant and proper to dwell upon. I come not now to gather from the acts of usefulness with which his life, from earliest manhood to its close, was filled, to bind up flowers with which to deck his grave. Now is not the time to adorn his open grave, waiting for the reception of his lifeless form, and naught but the tears of affection and the weeping regrets of friends are the becoming garniture of its desolation.

I stop not, therefore, to announce, that in early manhood, at the age of eighteen, impelled by that patriotism which animated him to the last, he stepped forward in 1812 to join the army of his country. He entered the service as a lieutenant, and at the close of the war, resigning the commission of captain, which at that time he held, he retired to private life. After that he was constantly engaged in useful employments until, some few years since, he was called from the sphere of usefulness in other walks of life to take a seat upon this floor, as a Representative from the Pinckney district in South Carolina. How he performed his duties here; how he has illustrated, in the most eminent manner, the true character of a Representative; how he has shown respect to the opinions of his constituents, and discharged his duty by keeping them constantly informed by communications of the progress and state of public business here; how he has ever responded to the impulses of patriotism, which had grown into fixed principles of action in him, throughout his whole public career here, all who now hear me will bear cheerful testimony. He loved the people; not with a demagogue's love, but with a soul-stirring, divine impulse, springing from that fundamental maxim of his creed, that all men are brothers, and all men are equal, and that the people are capable of self-government. These were the fixed principles of his life; and his whole public career was but a practical imbodiment and illustration of these principles.

My friend was not regularly educated; but with a strong natural intellect, with a power of reflection and observation seldom equalled, passing a busy and eventful life, he had supplied, in all the essential elements, the want of education in the amount of information that he had amassed, and those treasures from personal observation that he had collected.

One or two more remarks, and I have done. There are those who believe that the success of a public man in popular elections, is no evidence either of virtue in the constituent, or of influence or aptitude for the appointment in the representative. This is a great mistake. One who, without other circumstances than mere merit, can fasten and retain the public confidence, has a charm of excellence about him, an undefinable fascination of character and qualifications, which, although acquaintances individually may not discover it, yet constitutes a kind of divine and political electricity, which, without explanation, works its mighty power in this universe of election and popular right, and under the appointment of God, and by the common sense of the people, carries forward the great system of the government. My friend possessed this power. No man living ever had more of it; no one saw why. Other men were superior to him in attainments, superior to him in accomplishments, superior to him in wealth, seemingly superior to him in every advantage that would have a tendency to bind man to man, and bestow political or social influence; yet not a man breathed in this Congress, or elsewhere, within the whole circle of his acquaintance, who had the power in a greater degree than the deceased, to bind as with hooks of steel to himself, all who knew him or called him friend. Among his immediate constituency, his position was peculiar and lovely. The great Senator of New York, without wealth, represented the character of a Roman merely from merit, distinguished and useful. So my friend was poor, though useful and popular. This I speak in praise of him: it is his highest eulogy. He had no adventitious influences of wealth, of position, to bind him to his people; nothing but his principle of devotion to truth and to popular right, that attached them to him.

In all his life, he did his duty well; and in his death, there is nothing, now that that event is past, to regret. He was happy in his death, in that he passed quietly, as I have already noticed, through the dark valley and shadow.

I will not now attempt even to imagine, much less to speak words of consolation to the grief of the widow and the orphan. Time alone, under the persuasive influences of Christian faith, can give comfort here. Commending his family to those consolations, I ask the adoption of the following resolutions:

Resolved, That the House has heard with deep emotion the announciation of the death of the Hon. JAMES A. BLACK, a member from the State of South Carolina.

Resolved, That this House tenders to the relatives of the deceased the expression of its sympathy, on this affecting event, and, as a testimony of respect for the memory of the deceased, the members and officers of the House will go into mourning by wearing crape on the left arm for thirty days.

Resolved, That the members and officers of the House will attend the funeral of the Hon. JAMES A. BLACK, deceased, on to-morrow, at 12½ o'clock, p. m.

Resolved, That a committee be appointed for superintending the funeral of the deceased.

Ordered, That a message be sent to the Senate to notify that body of the death of the Hon. JAMES A. BLACK, late one of the Representatives from the State of South Carolina; that his funeral will take place from the hall of the House on to-morrow, at 12½ o'clock, p. m.; and that the Senate be invited to attend the same.

Resolved, That, as a further mark of respect for the memory of the deceased, this House do now adjourn.

And then the House adjourned.

IN SENATE.

TUESDAY, *April* 4, 1848.

The following memorials and petitions were presented and appropriately referred:

By Mr. PEARCE: From the Maryland College of Pharmacy, asking the adoption of prompt and efficient measures to put a stop to the introduction of adulterated drugs and medicines.

By Mr. MILLER: From Mary Coleman, asking a pension on account of the services of her husband during the Revolution.

By Mr. JOHNSON, of Maryland: From citizens of the United States, asking that Mount Vernon may be purchased by the General Government.

By Mr. BADGER: From Agnes Freeland, asking for a pension as widow of a revolutionary officer.

By Mr. DIX: From G. R. Cox and other citizens of the United States, asking that the owners of steam-vessels may be compelled to adopt Evans's safety guard in the construction of all engines used in the passenger boats.

BILLS INTRODUCED ON LEAVE.

By Mr. MILLER, in pursuance of notice: A bill relating to dower.

By Mr. PHELPS: A bill granting a pension to William Pittman.

By Mr. RUSK: A bill regulating trade and intercourse with the various tribes of Indians residing within the limits of Texas.

REPORTS FROM COMMITTEES.

By Mr. CASS, from the Committee on Military Affairs: House bill for the relief of Colonel Robert Wallace, aid-de-camp of General William Hull, without amendment.

Also, from the same committee, the bill for the payment of the 4th regiment of the 2d brigade of the 3d division of the Vermont militia, for services at the battle of Plattsburg.

By Mr. WESTCOTT, from the Committee of Claims: House bill for the relief of Archibald Bull and Lemuel S. Finch, without amendment, and recommending its passage.

By Mr. BRADBURY, from the Committee on Revolutionary Claims: Asking to be discharged from the further consideration of the memorial of Francis Hatinack, a soldier of the Revolution, and that it be referred to the Committee on Pensions.

By Mr. FELCH, from the Committee on Accounts: An unfavorable report on the resolution to allow all the messengers of the Senate the same compensation paid to R. P. Anderson and J. L. Clubb; which was agreed to.

Also, from the same committee, the resolution to give to two youths employed in the Senate office during the last session one hundred dollars each, so amended as to allow forty-five dollars to each; which report was adopted.

OBITUARY.

A message was received from the House of Representatives announcing the death of the Hon. JAMES AUGUSTUS BLACK, of the State of South Carolina; when—

Mr. BUTLER rose, and addressed the Senate as follows:

The death which has just been communicated by the resolutions from the House of Representatives is an event well calculated to arrest attention and inspire serious reflection. This is the fourth death that has occurred among us during this session—a period of four months—and the ninth occasion upon which we have been called on to go in mourning for the loss of a member belonging to the thirtieth Congress. These are circumstances that are giving to our session a melancholy celebrity.

My late colleague, the Hon. JAMES AUGUSTUS BLACK, was seized on the 16th of the last month with a violent congestive chill, which terminated in an obstinate and incurable pneumonia, of which he died, at his lodgings in this city, last night, at twenty-five minutes after eleven o'clock. Before he was taken ill, he had the prospect of many days before him. With a robust constitution, he was in the enjoyment of vigorous health, neither of which had been impaired by previous disease. His last sickness was violent, painful, and protracted, but it was borne with a sustaining fortitude, worthy of a man and a Christian.

Our departed friend was born of respectable parents, in Abbeville district, South Carolina, and at the time of his death he was in the 57th year of his age. The deceased entered the army in 1812, at the age of eighteen, with the commission of lieutenant, and was promoted to the grade of captain before the close of the war.

Captain BLACK had not, I believe, any opportunity of distinction on the field of battle. But he left the service with the reputation of an excellent officer, having made a strong and favorable impression on the minds of his associates and military comrades. His keen sagacity, penetrating observation of men, his prompt judgment and untiring industry, associated with cordiality and frankness of manner, were qualities that well fitted him for military command. Upon one occasion, whilst he was stationed near St. Mary's, the intrepidity of his benevolence and courage was put to a test called for by a signal exertion to save life. By one of those sudden floods which occur in that part of the country, the hedges, causeways, and houses were submerged and swept away, destroying many lives and property. Captain BLACK, with much peril to himself, found a gentleman, then a young midshipman, now a captain in the navy, insensible and exhausted, floating on the wreck of a vessel. This gentleman, on hearing of the illness of Mr. BLACK, repaired to his bedside, and, inspired by the utmost delicacy of gratitude and friendship, ministered to his wants, with the tenderness almost of a woman.

On the close of the war, Captain BLACK retired to private life, and engaged in business with characteristic energy and industry. Prior to his election as member of Congress, he filled several situations of trust and responsibility. He possessed in an eminent degree the self-reliance of a self-made man, with the peculiarities of deportment and character that made him a popular favorite. From the period of his return to the twenty-eighth Congress, others have enjoyed better opportunities than myself of forming an estimate of his public career. But the deep and even affectionate anxiety manifested during his illness, and the profound sensation which his death occasioned amongst those who were particularly associated with him, are honorable commentaries upon his private virtues and his public worth.

At an early period Mr. BLACK became a disciple of the old republican doctrines, and he ever afterwards maintained them with unflinching firmness and uniform consistency. He has been sustained during his public career by the unshaken confidence of an intelligent, numerous, and wealthy constituency.

A few days before he died he gave expression to his unshrinking faith in the hopes and consolations of the Christian religion. He retained throughout his painful illness the possession of his mental faculties, and one remark which he made is worthy of record, as it affords at once matter of consolation and admiration. He said that a death-bed was not the place to prepare for death, and that he had not deferred till the last moment the solemn considerations connected with his spiritual welfare. He professed a confident adherence to the Christian faith, and expressed the hope, that through its efficacy, he should enjoy a happy existence hereafter. A few days before his death, I approached his bedside, and endeavored to cheer and encourage him. "This is indeed a great trial," he said, "but I will try and meet it as becomes a Carolinian!" Afterwards he said, "I have only one request to make: let my bones rest in the soil of my native land!"

This is not a fitting occasion on which to speak of the domestic relations of my departed colleague. Into that sacred private circle in which the virtues of the husband and the father were displayed, it is not for us to enter. It is consolatory that his wife, son, and brother, reached his dying bed in time to receive an affectionate recognition; and that he left this earthly scene with a firm hope of happiness beyond the grave, leaving behind him an unsullied name, and the reputation of a good and upright man.

Mr. B. concluded by offering the usual resolutions incident to such mournful occasions, which were adopted.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 5, 1848.

The House having been opened by prayer, and the Journal read, at a quarter past twelve o'clock the remains of the late Hon. JAMES A. BLACK was brought in, attended by the Committee of Arrangements, the chaplains, and the bereaved son of the deceased—the House rising to receive them—and the coffin was deposited on the bier prepared for it in front of the Clerk's table.

The Senators next entered (the House rising) and took seats in the Hall—the Vice President being seated on the right of the Speaker.

At twenty-five minutes past twelve, the President of the United States and the Heads of Executive Departments were received by the House and Senate rising to their feet; and, when they were seated on the right of the bier and the mourners,

the chaplain of the Senate (Rev. Mr. SLICER) read the latter part of 1 Cor. xv., and engaged in prayer.

The House chaplain (Rev. Mr. GURLEY) then delivered the sermon founded on the text—

"Jesus saith unto her, Thy brother shall rise again."—*John* xi. 23.

concluding with the benediction.

The order was then announced by the Clerk, and the procession moved, according to the following programme, to the Congressional burying-ground, where the body is deposited, until arrangements can be made for its final interment in the State of South Carolina.

The Chaplains of both Houses of Congress.
Physicians who attended the deceased.
Committee of Arrangements:
Mr. Sims, of South Carolina,

Mr. Boyd, of Ky.,	Mr. Marsh, of Vt.,
Mr. Atkinson, of Va.,	Mr. Hampton, of N. J.,
Mr. Thompson, of Pa.,	Mr. Hubbard, of Conn.

Pall-Bearers:

Mr. Lumpkin, of Ga.,	CORPSE.	Mr. Cranston, of R. I.,
Mr. McClernand, of Ill.,		Mr. Cocke, of Tenn.,
Mr. Ligon, of Md.,		Mr. Rockwell, of Mass.,
Mr. Hunt, of N. Y.,		Mr. Harmanson, of La.

The family and friends of the deceased.
The Senators and Representatives from the State of South Carolina, as mourners.
The Sergeant-at-Arms of the House of Representatives.
The House of Representatives of the United States, preceded by their Speaker and Clerk.
The other officers of the House of Representatives.
The Sergeant-at-Arms of the Senate.
The Senate, preceded by their President and Secretary.
The other officers of the Senate.
The President of the United States.
The Heads of Departments.
The Chief Justice and Associate Justices of the Supreme Court of the United States, and its officers.
The Diplomatic Corps.
The Comptrollers, Auditors, and other heads of Bureaus of the several Departments of the Government, with their officers.
Officers of the Army and Navy at the seat of Government.
The Mayor of Washington.
Citizens and Strangers.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 6, 1848.

On motion of Mr. GOGGIN, by general consent, the bill relative to foreign mail service, which had been made the special order for Wednesday last, (yesterday,) but which order was not executed in consequence of the funeral ceremonies of Mr. BLACK, was made the special order for Wednesday next.

Mr. THOMPSON, of Mississippi, desired that the several bills amendatory of the bounty-land law, to give the bounty to officers promoted from the ranks, which had been made the special order for Tuesday last, and superseded from the same cause, should now be set down as the special order for next Tuesday.

Mr. VINTON, by general consent, in a few remarks referred to the necessity of the speedy passage by the House of the important appropriation bills which were yet undisposed of, and which were especially necessary now, as this was the season for the making of the contracts and arrangements, which could not be entered into until the appropriations were made; and to the fact that though he had been reminded by communications from the departments from time to time of this necessity, and had exerted himself to bring up these bills, he had yet been unable to do so on account of the various special orders which had taken precedence. He now, on these grounds, and without having any objection to the bill to which the gentleman from Mississippi had referred, hoped that no more special orders would be made until the appropriation bills were disposed of.

After further conversation by several gentlemen, the question being taken, was decided in the affirmative: Ayes 88, noes 36.

So the aforesaid bills were made the special order for Tuesday next.

Mr. SLINGERLAND, previous notice having been given, asked and obtained leave to introduce a bill to give to actual settlers and cultivators the benefits of limited quantities of the public lands for a nominal compensation, and to prevent speculation in the same. Read twice, and referred to the Committee on Public Lands.

Mr. KAUFMAN presented a joint resolution of the Legislature of Texas, urging the delegation from that State in Congress to use their endeavors to procure the passage of a law to incorporate the navy of the late Republic of Texas into the navy of the United States. Laid on the table, and ordered to be printed

Mr. BINGHAM presented the joint resolutions of the Legislature of Michigan, asking the construction of a military road from Green Bay, on Lake Michigan, to Kewenow Bay, on Lake Superior. Also, joint resolutions relative to a grant of land to aid in the construction of the public works in said State. Also, joint resolutions asking a cession of lands for the construction of a canal around the falls of Ste. Marie; which were laid on the table, and ordered to be printed.

CORRESPONDENCE—GEN. SCOTT, ETC.

Mr. HENLEY, from the Committee on Printing, who were instructed by a resolution of the House to inquire into the expediency of printing an extra number of copies of the correspondence between the Department of War and Generals Scott and Taylor, and between General Scott and Mr. Trist, and between Mr. Trist and the Department of State, reported a resolution recommending the printing of ten thousand copies extra of said correspondence.

Mr. HENLEY said he was obliged to take this opportunity to make some explanations in reference to the printing, and especially to say a few words in reply to the gentleman from North Carolina, [Mr. CLINGMAN,] which he considered necessary in consequence of the very singular and extraordinary accusations made by that gentleman against the President of the United States and the Secretary of War. He would read two or three of those accusations as preliminaries to his remarks:

"He had looked over that correspondence briefly since it had been placed in the hands of the printer, and he was sorry to say his worst fears were realized. He found that it was not a full statement of the correspondence. He found not only that some important letters were omitted altogether, but that of some letters extracts were given from the middle, of others they were furnished with the end, and in some cases they had beginning and end, but no middle."

"But he wanted to call the attention of the House to this correspondence, to show that it was too imperfect to be sent to the country."

"The Administration, while apparently undertaking to furnish all the correspondence of General Scott, knew well that it was important not to send in General Scott's plan of the campaign."

"General Scott accordingly elaborated a plan of a campaign, which the Administration has not thought proper to give to the public."

"The correspondence had been garbled, most grossly garbled."

Now, he (Mr. H.) was prepared to say, from a careful examination of the correspondence, and from positive information which he had received from the Secretary of War, that there was not one solitary letter called for by the resolution of the House of the correspondence between the Secretary of War and General Scott which had not been furnished, except two or three, which he would exhibit here; and he intended to show that the remarks of the gentleman from North Carolina had no application whatever to these. He would show, moreover, that there was not one solitary letter "garbled" in the correspondence between the Secretary of War and General Scott—not one.

Although the gentleman from North Carolina had charged that the correspondence had been mutilated and garbled with a view to screen the Administration from the exposure which the gentleman pretended would grow out of the publication of these letters, he would read those omitted letters to show how much the gentleman was mistaken. The gentleman from North Carolina found that there were four letters which were not sent to this House, and his imagination had conjured up some great frauds, and he had intimated that he should be able to prove some great wrongs on the part of the Administration and Mr. Marcy. The gentleman from North Carolina had more than intimated that, "when this correspondence should be published, he should say a few things more about it, and show the people how shamelessly it had been garbled and mutilated, with a view to uphold the Administration." Now, he (Mr. H.) had those four letters, with which the gentleman from North Carolina thought he should be able to accomplish so much; and, to show how unfounded were the gentleman's conjectures, he would read them.

Mr. H. read two short letters. One appeared to be an order to General Scott to proceed from New York to Vera Cruz, and the other was a letter of introduction merely. Now, he asked, what was there in these letters to expose the Administration?

Mr. HILLIARD inquired if the letters which the gentleman from Indiana was reading were part of the correspondence for which this House called a few days ago?

Mr. HENLEY said it was that part of the correspondence for which it was proposed to call, and with which the gentleman from North Carolina intended to criminate the Administration.

Mr. HILLIARD desired to know if these letters were to be found in the published pamphlet.

Mr. HENLEY said they were not; and he was going to show that if they were published, they would fail to sustain the gentleman from North Carolina, [Mr. CLINGMAN.]

Mr. HILLIARD inquired if the letters which the gentleman read were the originals or copies.

Mr. HENLEY replied that they were copies.

Mr. HILLIARD begged to ask the gentleman from Indiana how he obtained them.

Mr. HENLEY said they were furnished at his request by the Secretary of War.

Mr. HILLIARD remarked, they had been furnished by the Secretary of War to the gentleman from Indiana, and yet they had not been furnished to this House, although they had been called for.

Mr. HENLEY said he had procured them, and was exhibiting them, to show that if they had been sent in, they would not have sustained the accusations of the gentleman from North Carolina.

Mr. CLINGMAN inquired if the gentleman from Indiana would allow him to put a question to him.

Mr. HENLEY. Certainly.

Mr. CLINGMAN desired to ask the gentleman from Indiana if he had copies of the letters of the 27th October, 1846, and of the 12th, 16th, and 21st November of the same year, all from General Scott to the Secretary of War. These were the letters to which he had referred in the speech from which the gentleman from Indiana had quoted.

Mr. HENLEY said he had a letter of the 23d of October.

Mr. CLINGMAN said, that was not the letter to which he had referred, and, that there might be no mistake, he would repeat, that he referred to the letters of the 27th October, and the 12th, 16th, and 21st November, 1846. These were the letters that he wanted to get hold of.

Mr. HENLEY said he had what he understood to be the whole of the correspondence that had not been sent in of that which had been called for by the resolution of the House. But he would state that there was a letter, not written by General Scott, but by Mr. Trist, which he understood had been sent to the Senate with the other correspondence, but which, if sent here and published, would criminate a citizen of Mexico in the eyes of his own Government, and expose him perhaps to persecution. Now, he would ask if the gentleman from North Carolina desired to give publicity to such a letter?

Mr. CLINGMAN would say to the gentleman from Indiana, that he had been deceived; he had not been furnished with all the letters in existence from General Scott, as he would show at the proper time. He here solemnly asseverated that there were other letters, but the department had deceived the gentleman from Indiana, as well as the country.

Mr. McLANE was understood to inquire when General Scott received his orders to proceed to Mexico, and the date of his departure?

Mr. CLINGMAN was understood to reply that it was late in the year 1846, but he did not remember the precise date.

Mr. McLANE said he had no information, direct or indirect, on the question in controversy; but he hoped the House would have a proper understanding in relation to any documents charged to have been withheld. The House should recollect that the President had been called upon to furnish the correspondence of General Scott and the Secretary of War while General Scott was in Mexico, but the gentleman from North Carolina now complained that a letter written by General Scott on the 27th of October had not been furnished. Now, General Scott only received his order to proceed to Mexico on the 23d of November, and he sailed on the 25th of the same month; the letters

to which the gentleman from North Carolina referred were, therefore, necessarily not included in the call.

Mr. CLINGMAN desired, with the permission of the gentleman from Indiana, [Mr. HENLEY,] on whose time he knew he was encroaching, to call the attention of the gentleman from Maryland to the resolution of the House itself, from which that gentleman would see that the President was not confined to letters written by General Scott after he was put in actual command of the army in chief. The terms of the resolution were, "copies 'of all correspondence between the Secretary of 'War and Major General Scott, and between the 'Secretary of War and Major General Taylor, and 'between Major General Scott and N. P. Trist, 'late Commissioner of the United States to Mex-'ico, and between the latter and the Secretary of 'State, which has not heretofore been published, 'and the publication of which may not be incom-'patible with the public interest." The gentleman from Maryland would see, therefore, that it included the letters to which he (Mr. CLINGMAN) had referred, and of the non-production of which he had been complaining. He would not now detain the House, nor consume more of the time of the gentleman from Indiana, [Mr. HENLEY,] but if he could get the floor after the gentleman from Indiana, he would submit some remarks on this subject.

Mr. McLANE made some remark, which was inaudible at the reporter's desk.

Mr. CLINGMAN replied, that if the gentleman from Maryland would read the resolution, he would see that it did necessarily embrace the despatches whose dates he had given.

Mr. HENLEY resumed. The gentleman from North Carolina some days since made a speech of an hour's length on this subject; he had now consumed a portion of his (Mr. H.'s) hour, and he promised to occupy another hour as soon as he got the opportunity, in reply to him, (Mr. HENLEY.) Well, to all this he had no objection. He now repeated that the whole of the correspondence, every word of every letter, that had been called for by the House of Representatives, between Major Generals Scott and Taylor and the Department had been furnished, with the exception of some few letters which had nothing to do with the subject. Those letters he had before him, and they were open to the inspection of any gentleman who desired to see them; and when they were read, it would be seen that the charges and accusations of the gentleman from North Carolina were utterly and entirely unfounded. He did not mean to say that the gentleman from North Carolina, at the time he made them, did not believe he had some ground of accusation; but when the whole subject was examined, it would be found that he had none.

But to proceed. The gentleman from North Carolina had come to the conclusion that the war had been badly, negligently managed by the Administration. In the course of his sweeping charges against the Administration, he said:

"This Administration had been grossly negligent in not furnishing our officers with what it had undertaken to furnish." * * * "And General Scott found in the month of April that he could not march to the city of Mexico for want of horses, wagons, and other means of transportation."

Now, he (Mr. H.) did not propose to answer these charges; General Scott should answer them himself. General Scott, in his letter of the date of January 3, 1847, written from Camargo, thus writes to General Taylor:

"I believe my arrangements of every sort to be complete, except that everything depends upon my drawing from your command about five thousand regulars and thousand volunteers. With these forces, and adding three or five regiments of new volunteers, (foot,) Providence may defeat me, but I do not believe the Mexicans can."—*Ex. Doc. No. 53, p. 40.*

In the opinion of General Scott, then, Providence alone could defeat him, so perfect were all his arrangements.

On the 9th of January, 1847, Major General W. O. Butler, in a letter to General Scott, dated at Saltillo, amongst other things, says, (and the extract would be found on page 48:)

"The troops, together with those under General Taylor's immediate command, after deducting the escort for himself and a garrison for Tampico, will fully comply with your requisition for regulars, whilst the division of Major General Patterson will, it is believed, supply the number of volunteers, both horse and foot. I should state also that Blanchard's company of Louisiana volunteers, acting with the 5th infantry, and a company of Kentucky foot, with the 6th infantry, march with General Worth. If a further number be necessary, which it is believed will not, either the regiment of Colonel Curtis or Colonel Drake, at Camargo, could receive your orders in time for the movement by water."

Again, on page 52, General Taylor, in a letter dated at his camp near Victoria, January 15, 1847, says to Lieutenant H. L. Scott, A. D. C., or chief of the staff at Major General Scott's headquarters, Brazos Island:

"As I presume that General Butler, under his instructions, has ordered the batteries of General Worth's command to march with it to the mouth of the river, and as I infer from those same instructions that not more than two batteries are required by Major General Scott, I have directed the return to Monterey of Captain Bragg's and Sherman's. If I have mistaken his wishes in this matter I beg to be advised without delay, as the batteries may still join him in time.

"To the troops, regular and volunteer, marching hence on Tampico may be added perhaps three hundred artillery of Colonel Gates's battalion, and the Alabama regiment, about five hundred strong. The Tennessee horse will more than fill General Scott's requisition for volunteer cavalry."

Thus, then, it was seen that Generals Scott, Taylor, and Butler, all concurred in the fact that all the requisitions had been complied with. Of the disposition of the Secretary of War to facilitate General Scott's movements he had evidence in this correspondence. On page 63 would be found a letter from the Secretary of War to General Scott, dated February 15, 1847, from which he would read the following extract:

"The several regiments of volunteers called out after you left Washington were organized with as much despatch as was expected; nearly all have left for the seat of war, and we are advised of the arrival of several of them off the Brazos.

"I am happy to inform you that the bill for raising ten regiments to serve for the war has at length become a law. Had this authority been given, as I hoped and expected it would, within the first two weeks of the session, I am quite confident that we should now have had several thousands of these troops on their way to Mexico."

Again, on page 64, he says, in the same letter:

"Your expedition is a matter of deep anxiety to all, and certainly to none more than myself. Every possible effort, so far as I know, has been made in each branch of this department to carry out fully and promptly all the arrangements which devolved upon it, in the way of preparation and outfit."

It was not necessary to remind the House why the ten regiments to which the Secretary refers were not sooner furnished; for the facts were known to the country.

On the subject of transportation and supplies, General Scott thus expressed his satisfaction in a letter to the Secretary of War, dated "Headquarters of the Army, Brazos Santiago, January 26, 1847. He read from page 55:

"The Quartermaster General (Brevet Major Gen. Jesup) at New Orleans has, I find, taken all proper measures, with judgment and promptitude, to provide everything depending on his department for the despatch and success of my expedition."

General Scott then made a requisition on General Taylor, with which he said his arrangements were complete, and that requisition, it appeared, was satisfactorily complied with. General Jesup, General Scott himself admitted, had fully discharged his duty. Everything which it was in the power of the Administration to do had been done. It was true, that General Scott expressed some dissatisfaction respecting the non-arrival of some supplies, not being then aware of the causes of the delay in their transit across the Gulf; but he (Mr. H.) did not suppose it would here be made a grave accusation that the Administration did not allay the storm and bid the angry waves be still. A thorough examination of these documents, however, satisfactorily showed that the Administration had done everything that it was in its power to do.

There was one extract more to which he would call the attention of the House, as it had a direct reference to this subject. The Administration, after being charged with not furnishing General Scott with a sufficient number of soldiers, was accused of having withdrawn General Taylor's forces, and leaving him exposed to the Mexican army under General Santa Anna. On this subject, the gentlemen opposite were as much in error as on some others—for instance, the movement on the Rio Grande, which was made on the recommendation of General Taylor. Whether this withdrawal of his troops was done in conformity with General Taylor's views, would be seen from the following extract from a letter to General Scott, dated at his camp, near Victoria, January 15, 1847:

"I deeply regret to find in your letters of January 3, to Major General Butler and myself, an allusion to my position here, which I can but consider an insinuation that I have put myself willingly out of the reach of your communications. I beg leave to remark that the movement of the troops in this direction, and my own march hither, were undertaken for public reasons, freely set forth in my reports to the Adjutant General—one of them being my desire to place in position, for embarkation to Vera Cruz, should the Government order an expedition to that point, the force (two thousand regulars and two thousand volunteers) which I reported might be spared for that service."

This was from a letter written by General Taylor to General Scott after he had received the requisition for troops. He had written to the Department of War to say that he could spare certain troops of his command if it was thought proper to call for them, and he had moved to Victoria to be ready to comply with such a call.

Mr. STEPHENS rose and asked the gentleman from Indiana to read the whole of that letter from which he quoted. At least he should read the following passage:

"I cannot misunderstand the object of the arrangements indicated in your letters. I feel that I have lost the confidence of the Government, or it would not have suffered me to remain up to this time ignorant of its intentions, with so vitally affecting interests committed to my charge. But, *however much I may feel personally mortified and outraged* at the course pursued, unprecedented at least in our own history, I will carry out in good faith, while I remain in Mexico, the views of the Government, *though I may be sacrificed in the effort.*"

Mr. HENLEY said he did not wish to involve General Taylor in inconsistency.

Mr. STEPHENS asked the gentleman from Indiana to explain his own inconsistency in attempting to palm off a statement that General Taylor was satisfied with the withdrawal of his troops.

Mr. HENLEY denied that he had attempted to palm off anything for which he had not the record to refer to as his justification. He was simply showing what General Taylor had done from General Taylor's own letters.

Mr. McCLERNAND asked the gentleman from Indiana to yield the floor for a few moments.

Mr. HENLEY assented.

Mr. McCLERNAND said, that with the permission of his friend from Indiana, he would take the liberty to read a letter published in the "Union" of this morning, conveying what purported to be the substance of a conversation between General Taylor and a highly respectable gentleman at the residence of the General at Baton Rouge. The conversation was very important, as purporting, upon the highest authority, to afford the authority of General Taylor upon several points in contest in this debate, and between the two great political parties of the country. The letter was as follows:

"I take the liberty of addressing you, and giving you, at the same time, some few facts relative to General Taylor's position before the American people as it regards the Presidency. In a conversation with Dr. Baden, (a gentleman in whom the utmost confidence can be placed,) he told me that he called on the old General at his residence at Baton Rouge, and spent some three hours in his company. Like all others who describe him, he says that he is a man of sense; open, frank, and free in his manners; ever ready to give or receive any information that may be of use. He states that he is willing to be the President of the people, not of a party; that if the Democrats nominate him he will run, provided they ask no pledges for his future course; or, if the Whigs nominate him, he will run on the same principles, and no others. Again, should a third party bring him out, he will still be a candidate, if they appear to have the majority. He is in favor of the present tariff, and opposed to a national bank. He thinks that the President was not to blame about the war; that he (General Taylor) was the cause of the moving of the army on the frontier; and gave as his reasons that a large force was collected at Matamoros, and, unless there was an opposing force in the neighborhood, that the Mexicans might cross over and commit any amount of depredations without his being able to arrest their progress in time to save the inhabitants. He says that was not the cause of the war, but the annexation. He was asked, 'If you should be elected President, of which party would you fill your cabinet?' His answer was, 'I would seek out the best men of the country, and select them without regard to party.'"

Mr. McC. continued. Now, if this letter be untrue, let it be proved to be so. It appeared to be addressed to a member of Congress, and to be vouched for upon the highest and most respectable authority; it was incumbent, therefore, upon those who should question it to prove it to be untrue. It was not enough for those who knew nothing about the letter to contradict it. The letter was highly important, as purporting to afford the authority of General Taylor, not only in favor of the present revenue tariff and against a national bank, but also in justification of the removal of the army from Corpus Christi to the Rio Grande. It appeared that he (General Taylor) suggested, was in fact *the cause, of the removal of the army on to the frontier;* that it was not that that caused the war, but *annex-*

ation. Thus, on the authority of General Taylor, according to this letter, the oft-repeated charge that the President provoked the war by ordering the army to the Rio Grande, is disproved. Thus it is shown that the march to the Rio Grande was a wise and necessary measure. Will the Whig party impeach General Taylor's authority?

Mr. EMBREE desired the gentlemen from Illinois to tell them who it was that wrote that letter, and whether there was any signature at all to it?

Mr. HENLEY, without waiting for a reply to Mr. EMBREE's question, proceeded to say that he had shown from the correspondence that the Administration was not obnoxious to the charges which had been made against it. It had not withheld forces. On the contrary, it had promptly facilitated all General Scott's movements, and was not even chargeable with having committed a blunder. To this Generals Scott and Taylor bear witness, and, so far as he knew, it could be attested by all the officers of the line. Gen. Scott, writing to General Butler from Camargo, January 3, 1847, says:

"Two thousand regulars and five of volunteers, I suppose—the whole standing on the defensive—to be necessary to hold Monterey, Cerralvo, Camargo, Reynosa, Matamoros, Point Isabel, the Brazos, the mouth of the Rio Grande, and Tampico. I do not enumerate Saltillo and Victoria, because I suppose they may be abandoned or held, without hurting or improving the line of defence I have indicated."

In a letter on page 54, General Scott, writing to General Taylor, under date of January 26, 1847, from Brazos Santiago, says:

"I hope I have left, or shall leave you, including the new volunteers who will soon be up, a competent force to defend the head of your line (Monterey) and its communications with the depôts in the neighborhood. To enable you to do this more certainly, I must ask you to abandon Saltillo, and to make no detachments, except for *reconnoissances* and immediate defence, much beyond Monterey. I know this to be the wish of the Government, founded on reasons in which I concur; among them, that the enemy intends to operate against small detachments and posts."

All this was consistent with the views of the Secretary of War, with whose reasons General Scott says he concurred. The Secretary of War uses this language to General Scott, in a letter of the date of January 4, 1847—(pp. 61 and 62:)

"It was expected that General Taylor would have deemed it expedient to order the force under General Wool to join him at Monterey, and not to extend his line to Saltillo, with a view to hold permanent possession of it. * * *

"As a considerable part of the forces under General Taylor may be withdrawn for the expedition you are to conduct against Vera Cruz, it is urged that great caution should be observed in regard to the safety of those which may be left on the present line of operations."

Thus it appeared that General Scott enumerated the amount of force that would be necessary to defend General Taylor's line. He said that General Taylor could spare the forces which he called for, and he told General Taylor to make Monterey the head of his line, and that if he went much beyond that he might endanger his army. He (Mr. H.) did not propose to investigate the reasons which induced General Taylor, after he had been directed by General Scott not to advance beyond Monterey, to advance beyond that point. His reasons were doubtless satisfactory to himself. It might be that his reasons were contained in another letter, which would be found on page 66, written by General Scott to the Secretary of War, from Brazos Santiago, on the 4th of February, 1847, in which he said:

"It is now believed, on the authority of a letter not official, that my despatches to the same generals, (of the 3d ultimo,) being sent off by the latter at Saltillo to the former, then marching towards Victoria, by Second Lieutenant Richey, fifth infantry, and ten mounted men, were met by a party of the enemy about the 11th ultimo, and the detachment all captured or killed. If Lieutenant Richey (reported as being slain) had not time to destroy the despatches about his person, (which is highly improbable,) General Santa Anna, at San Luis Potosi, had them, no doubt, in four days after their capture. It is, consequently, more than possible that before this time the greater part of the Mexican army lately assembled at San Luis Potosi has reached Vera Cruz or its vicinity. Major General Taylor's mind has, no doubt, ere this, arrived at the same conclusion; and I shall write to suggest to him, at his own discretion, the advantage of manœuvring offensively in the direction of San Luis Potosi, after being partially reinforced with some of the new regiments of volunteers. The suggestion would be unnecessary but for the intimations he has received to stand on the defensive."

He (Mr. H.) would not condemn the movement beyond Monterey, but he stated the fact that the country might judge for itself who ordered General Taylor to advance with an insufficient force.

Mr. H. said there were various declarations of the gentleman from North Carolina [Mr. CLINGMAN] to which he had intended calling the attention of the House, but he would at this time notice but one of them, and this he would say (with all due deference to the gentleman) showed the extremely loose manner in which charges were gotten up against the Administration. In times of high party excitement it was well known that even gentlemen otherwise of truth and candor would, both on the stump, in their own districts, as well as on the floors of legislative assemblies, make declarations which, on the slightest examination, turned out to be wholly unfounded. He did not mean to say that such a practice was indicative of a recklessness as to the demands of truth and morals. As an instance in point, to show the truth of what he had said, he would read from the speech of the gentleman from North Carolina an assertion meant, it would seem, to go to the country as a grave statement of fact, while it was in truth a piece of empty declamation, such as could impose upon no schoolboy in the country, and which the gentleman probably threw out in the expectation that it would never be answered. Mr. H. here quoted from the speech of Mr. CLINGMAN the following:

"Thus, at the close of the most brilliant campaign in the national annals, this brave and accomplished leader (Scott) found himself suspended from command. In less than six months he had taken Vera Cruz, with its impregnable castle; he had marched four hundred miles into the heart of a country the most difficult by reason of its physical features, armed and prepared to resist him at every step, with a force of less than ten thousand men. With this little band he had put to rout thirty thousand men of the enemy, intrenched in positions the strongest by nature and art, skillfully turning them in every instance; and had stormed and taken a walled city of two hundred thousand inhabitants, utterly annihilating the army opposed to him, and capturing in his march seven hundred pieces of cannon."

Now, could any man living conjecture what followed? Could any man, who had not read or heard the speech, believe that this brilliant account of General Scott's victories would be followed by an assertion like this: "And *for this* he has been suspended!"

Mr. H. admitted, fully, the whole statement of the glory of General Scott's achievements; he was ready to admit that the victories he had won against superior numbers and advantages on the part of the enemy surpassed all history, as far as they probably exceeded all his own expectations and the expectations of the whole country. They were certainly in direct contradiction to the gloomy predictions of the gentleman himself and his political friends. All this he freely admitted. But, after dwelling with just exultation on the exploits of his hero, the gentleman concluded with the declaration, "For this he has been suspended from command."

Mr. H. would ask his friend from North Carolina to say, in all candor and sincerity, whether he really thought there was a schoolboy in this wide Union that would believe this? The Administration were accused by gentlemen on that side the House with being the authors of the war. Well, if they were, they had selected in this city of Washington a general to take the command of it, and had sent him into Mexico—for what? To be defeated? To let his army be massacred? That was obviously the gentleman's innuendo; for he asserted, that because he had not been defeated, but had achieved a glorious triumph, he was suspended from command. The Administration were doubtless held responsible for the success of the war; the gentleman admitted that its success had been complete; he admitted that it covered the nation with glory; but then he averred, what was certainly very remarkable, that, bright as was the glory of its success, not one particle of that glory belonged to the Administration; none of it pertained to the President; none to the War Department; but all to the Whig generals. The gentleman would not admit one ray of it to fall on the head of one Democratic general, if, peradventure, there might be a Democrat in command in any one corps of the army. Such were the declarations of the gentleman from North Carolina, stripped of the slender veil of sophistry which covered them, and there was not much even of that. Of those in the field, none must have a particle of credit but the Whigs, because the generals were all Whigs; and it was the same with the Whigs in that House who staid at home, because it was they that voted all the supplies. The Whigs must be glorified at any rate; not for opposing the war, as most of them had done, both in and out of the House, but for furnishing the supplies which carried on the war. True it was that the Whigs had carried on a war during the whole session; but it was a war against the Administration, and that was a war which they never would bring to an honorable termination. No, that was a thing not to be done.

But Mr. H. would not occupy any more time on that point. He would now refer to a passage in this correspondence which showed that General Scott called for from eight to ten thousand men to strengthen his force in the attack on Vera Cruz; and to another which would show that this force which he had demanded was furnished to him by the Government. Writing from Vera Cruz on the 5th of April, General Scott said:

"With eight or ten thousand recruits, he would be able to take the city during the summer, if not earlier stopped by a treaty of peace, or such terms for an armistice as would secure one."

By the report of the Adjutant General, dated March 3, 1847, it would be seen that not less than eight thousand troops were ordered to General Scott's line. Shortly after, other troops were ordered to that line, making up the full complement asked for by General Scott.

General Scott acknowledged the receipt of these reinforcements, but did not take back any of the ill-natured remarks he had made, and which, probably, he now regretted. The gentleman, in one part of his speech, alluded to a purpose of the Administration to supersede General Taylor in his command upon the Rio Grande. The same thing had often been repeated in debate. Mr. H. would let General Scott himself reply. Mr. H. had already shown that the withdrawal of the troops from his command at Monterey had General Taylor's own approbation. He would now show from the book that there had never been any such purpose cherished by the Administration:

"I could not propose to do this (take you with me in my command) for two reasons, either of which was conclusive with me at the moment—first, I thought you would be left in a higher and more responsible position where you are; and, second, *I knew it was not contemplated by the Government to supersede you, or take you from that immediate command.*"

General Taylor, on the 15th January, at Victoria, wrote to General Scott:

"I beg leave to remark that the movement of the troops in this direction and my own march hither were undertaken for public reasons, freely set forth in my reports to the Adjutant General, one of them being my desire to place in a position for embarkation to Vera Cruz, should the Government order an expedition to that point, the force (two thousand regulars and two thousand volunteers) which I reported might be spared for that service."

This showed a perfect understanding between the War Department and Generals Scott and Taylor as to the forces General Taylor could safely spare.

General Scott, writing to General Taylor, January 26, 1847, said:

"I hope I have left or shall leave you, including the new volunteers who will be up soon, a competent force to defend the head of your line (Monterey) and its communications with the depôts in the neighborhood. To enable you to do this more certainly, I must ask you to abandon Saltillo and make no detachments, except for reconnoissances and immediate defence, much beyond Monterey. I know this to be the wish of the Government, founded on reasons in which I concur; among them, that the enemy intends to operate against small detachments and posts."

General Taylor told General Scott, that in withdrawing troops from Monterey to reinforce the expedition against Vera Cruz, he must leave him force enough to enable him to defend his post; and General Scott accordingly left all the force that General Taylor required. This showed that General Taylor had all the force which was deemed necessary to enable him to maintain his position as far up as Monterey. The Administration advised him to abandon Saltillo.

There was one more thing in the speech of the gentleman from North Carolina which Mr. H. must notice. The gentleman had brought this charge against the Administration. He would not say that Mr. Polk desired to see the army defeated; but he charged him with a gross want of foresight. And on what did this charge rest? Why, the President was always expecting peace from one battle to another. Whenever we gained a victory Mr. Polk thought that peace was certainly coming, and then ceased his reinforcements. Well, suppose it was true that the President did look for peace after each successive victory; who was it that led him to that belief? The gentleman, in advancing this charge, had been about as unfortunate as he had before been about the removal of the army to the Rio Grande, or the withdrawal of

the troops from General Taylor. Who led the President to expect peace after victory? General Scott, writing from Vera Cruz, said:

"All the intelligent, the wealthy, and the sober-minded citizens of the capital and elsewhere are anxious for peace—yielding to us as the basis the left bank of the Rio Grande and Upper California. With American commissioners at the headquarters of this army, I think it quite probable that by our arrival at Puebla, if not before, we should be met by Mexican commissioners empowered to treat on that basis."

This was on the 5th of April, 1847. Here General Scott told the Department he expected to be met by commissioners ready to treat on the basis of yielding the Rio Grande as our boundary, and giving up Upper California to the United States. Yet the gentleman ridiculed the treaty just ratified by the Senate as a lame and impotent conclusion to so great a contest. If it was, who was it that led the President to that very conclusion? Scott had told him that if he would send a commissioner they would probably get a treaty on the above basis. The President did send a commissioner, and yet now the gentleman said, that if General Scott had not been "trammelled with a commissioner," he might have taken the city and ended the war by a treaty long before. The Administration had adopted the very policy General Scott had recommended; he advised the sending a commissioner to accompany the army, that thus we might meet Mexico with the sword in one hand and the olive branch in the other. If there was any error in the course of the Administration in this respect, it was the error of General Scott. But now that all was over, the gentleman came out very sagaciously and declared that the case was so plain that any man with ordinary foresight might have anticipated and provided for it. It reminded Mr. H. of the old story of the cow eating the grindstone. "I told you so long ago; you ought to have taken better care." But he would tell the gentleman what the President did foresee: he foresaw that he never would get peace in Mexico till he had conquered the opposition at home. And they would be conquered. The Democracy were able to conquer them, and they would do it. War to the knife and the knife to the hilt, till Mexico should agree to a peace. This was General Scott's doctrine.

Mr. H. said, in conclusion, that it was his firm belief, and he did not shrink from declaring it here, that there was not one accusation against the Administration in the gentleman's whole speech that was not founded in error. The gentleman had charged the Administration with corruption in contracts, while it turned out that his own party friends were as much in fault as anybody.

[Here Mr. H.'s hour expired.]

There were many competitors for the floor; but

Mr. VINTON called for the orders of the day, and moved that the House go into Committee of the Whole.

Mr. CLINGMAN insisted that he had obtained the floor and addressed the Chair before the gentleman from Ohio rose.

Mr. VINTON said that made no difference. He had a right under the rules to demand the orders of the day, and he should insist on that call.

Mr. CLINGMAN entreated for a few minutes to reply to the gentleman from Indiana while he remembered what the gentleman had said; by to-morrow he should have forgotten it all. [A laugh.]

The question recurring on Mr. VINTON's motion to go into Committee of the Whole on the state of the Union, the House divided—the ayes were 62; but before the noes were announced, the yeas and nays were demanded and taken, and stood as follows: Yeas 93, nays 81.

The House accordingly resolved itself into Committee of the Whole, (Mr. CRANSTON, of Rhode Island, in the chair.)

Mr. VINTON moved that the committee proceed to the consideration of the bill making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1849. Agreed to.

The bill having been gone through—

Mr. STEPHENS said, before the bill was laid aside to be reported to the House, he wished to submit a few remarks to the committee upon another subject, viz: the correspondence which had been sent to the House from the War Department, in answer to a resolution passed some days ago, and upon which the gentleman from Indiana [Mr. HENLEY] had addressed the House a few moments ago. He wished to call the attention of the House and the country to the important position in which they were placed. Here was a resolution of this House calling on the President of the United States to communicate all the correspondence which might have taken place between certain officers of this Government, which might not be considered detrimental to the public service to be made known; and yet they had witnessed this morning the singular exhibition of a gentleman coming forward and reading to this House letters which, if he (Mr. S.) understood them, should have been embraced in this correspondence, but which had been withheld from the House. He asked this House what was the condition of the Representatives of the people of this country? How was it that that gentleman, or any other, could get that correspondence which had been suppressed from the public? Did it not comport with the dignity of this House to investigate this subject? The gentleman said that these letters, which he had read, and which were not in the correspondence communicated to this House, had been furnished him, as he (Mr. S.) understood the gentleman, by the Secretary of War, and at his request.

Mr. HENLEY (the floor being yielded for explanation) said it had been charged by the gentleman from North Carolina [Mr. CLINGMAN] that certain letters had been withheld. He did not know at the time but the Secretary of War might have withheld some of the letters which he thought ought not to be made public. He had called upon the Secretary for the purpose of inquiring what was the nature of those letters which had not been furnished, and which the gentleman from North Carolina had charged contained important matter in some way criminating the Administration. The Secretary had told him that those letters would have been furnished if it had been supposed that they were called for; that two of them were letters of recommendation given to gentlemen going to Mexico—mere letters of introduction; and that another was a letter of General Scott to Mr. Marcy, stating when he would leave New York, and that his movements must necessarily be obscure for a time. So far as related to the plan of the campaign, that had never been called for by any communication from this House; and when it was, it would be furnished at once.

Mr STEPHENS remarked that he had understood the gentleman, in his argument, to state that these letters had been furnished by the Secretary of War, and that they would show that the comments of the gentleman from North Carolina, a few days ago, were unfounded.

Mr. HENLEY. So far as the charge is concerned that these letters contained what was calculated to sustain the charges made by the gentleman from North Carolina against the Administration.

Mr STEPHENS continued. And now the gentleman came forward and said the Secretary of War had had a private interview with him, and had furnished him the letters; and that he (the Secretary) did not know that any gentleman wanted them! He referred to the terms of the resolution under which the call was made, for "copies of 'all correspondence between the Secretary of War 'and Major General Scott, and between the Secretary of War and Major General Taylor, and 'between Major General Scott and N. P. Trist, 'late Commissioner of the United States to Mexico, and between the latter and the Secretary of 'State, which has not heretofore been published, 'and the publication of which may not be *incompatible with the public interest.*" And yet (said he) here were letters brought forward now by private members of the House to exculpate these officers from charges which had been made on this floor, which letters were not contained in the documents which had been communicated to them! He asked again, did this comport with the dignity of the American Congress? They had called some two or three months since for the instructions of the President to Mr. John Slidell. They had been told by the President that he could not, consistently with the public interest, declare to the freemen of this country—his masters and theirs—what they were; and yet, in less than three months, we saw those instructions published to the four winds of Heaven! How they got into the newspapers no one could tell; but, after what we have seen to-day, it would not be difficult to guess that it was through the agency of some friend of the President. He asked if it did not become them to vindicate the dignity of the House? How long should they be trifled with and defied in this way?

He did not know what other letters the Secretary of War, or the President, or some of the rest of the tools of the present Executive, might furnish to gentlemen on that side of the House, to defend them whenever a sense of convenience might prompt them to do it. Yes, when it had been conclusively established before the House and the country that the order for the advance of our troops from Corpus Christi on the 13th January was given by the President before Mr. Slidell's letter could have reached here giving the information of his final rejection—when the President was endeavoring to bolster himself up by the pretence that he gave that order when it was known that Mr. Slidell had been rejected—he said, when the correspondence had been published, and it had been made fully to appear that Mr. Slidell's letter could not have been received here until after that order was given, why then, lo! and behold! another trick similar to that practised this morning had been played off on this floor. The gentleman from South Carolina [Mr. RHETT] had come in and stated to the House that he had had a private interview with the Secretary of State, and had seen a communication which had been received, with an endorsement that it had been received on the 12th of January, which notified him that Mr. Slidell had been, or would be, rejected. He (Mr. S.) wished to call the attention of the House and the country to the inquiry, if that was true, why had not the House and the country been furnished with that important information?

Mr. HENLEY again interposed, and (Mr. S. giving way) wished to state to the House, once for all, that this correspondence of which the gentleman was now speaking was not considered by the Secretary of War embraced in the call of the House; but the charge having been made that he had withheld information which would sustain the charges of the gentleman from North Carolina, he (Mr. HENLEY) had called and got these letters which he had this morning produced. It was furnished him that it might be considered as having been furnished officially, and gentlemen, if they desired, might make the motion to print it. The Secretary of War did not suppose it necessary; did not even suppose it was called for. There were two letters of introduction, and one marked "private" from General Scott to the Secretary of War.

Mr. STEPHENS said he should greatly prefer that the Secretary should make his own reports, than that this House should be left to receive them in this way. Let the Secretary of War or the President state to this House, under the obligations of their official stations, that these letters were there. What he censured was, that they had not been furnished to the House when they were called on to furnish all the correspondence.

The gentleman said the Secretary of War did not consider them embraced in the call. He (Mr. S.) asked why did he not? Did not the House call for all? Did they call for garbled correspondence? How, then, could he have withheld it? There was but one reason which could have justified him—that it was incompatible with the public interests to be communicated. He wished to know how it was compatible with the public interests to communicate it to a gentleman privately, to come in and make the announcement of it to the country, when it had been suppressed at the call of the House? If it was incompatible with the public interests to answer their call, how was it compatible with the Secretary of War to have a private interview with the gentleman from Indiana, and authorize him to come in and read these letters, for the purpose of defending that functionary and the President? and this in garbled portions, perhaps; for he could only judge of the gentleman's reading of these letters from the manner in which he had read the letters from General Taylor, to refer to which was the main purpose for which he had risen, and to show to the House the manner in which he had garbled the letter of General Taylor for the purpose of producing the impression that General Taylor was not only willing, but had actually given the advice for the withdrawal of his (General T.'s) troops to General Scott's line in the manner in which it was done; in other words, that General Taylor approved of the withdrawal of his forces to General Scott's column, and that the department was in that but acting according to his wishes. That was the impression the gentleman

had endeavored to make upon the country, and he supposed upon this House.

Now he (Mr. S.) wished to call the attention of the House to the whole of the letter of General Taylor of the 15th January, of which the gentleman from Indiana had only given a portion, because it would show that while General Taylor was willing to part with a portion of his forces to strengthen the column of General Scott, he had never dreamed of being so entirely stripped as he was. It would show also that General Taylor was left there in a defenceless position without ever being notified by the department of such an intention. But to the whole letter he asked attention—to the whole of it; he should give no garbled extract:

HEADQUARTERS ARMY OF OCCUPATION,
Camp near Victoria, Mexico, January 15, 1847.

SIR: In a communication addressed this day to your staff officer, I have replied to so much of your letter of the 6th instant and its enclosures as relates to points of detail; but there are other and grave topics embraced in those communications to which I deem it my right and my duty to reply directly.

The amount of force to be drawn from this frontier, and the manner in which it is proposed to withdraw it, had never fully come to my knowledge until yesterday, though hinted at in your note of November 25. Had you, General, relieved me at once in the whole command, and assigned me to duty under your order, or allowed me to retire from the field, be assured that no complaint would have been heard from me; but while almost every man of my regular force and half the volunteers (now in respectable discipline) are withdrawn for distant service, it seems that I am expected, with less than a thousand regulars and a volunteer force partly of new levies, to hold a defensive line, while a large army of more than twenty thousand men is in my front.

I speak only of a defensive line; for the idea of assuming offensive operations in the direction of San Luis by March, or even May, with such troops as can then be at my disposition, is quite too preposterous to be entertained for a moment. After all that I have written to the department on the subject of such operations, I find it difficult to believe that I am seriously expected to undertake them with the extraordinarily limited means at my disposal.

I cannot misunderstand the object of the arrangements indicated in your letters. I feel that I have lost the confidence of the Government, or it would not have suffered me to remain up to this time ignorant of its intentions, with so vitally affecting interests committed to my charge. But, however much I may feel personally mortified and outraged at the course pursued, unprecedented at least in our own history, I will carry out in good faith, while I remain in Mexico, the views of the Government, though I may be sacrificed in the effort.

I deeply regret to find in your letters of January 3d, to Major General Butler and myself, an allusion to my position here, which I can but consider an insinuation that I have put myself willingly out of the reach of your communications. I beg leave to remark, that the movement of the troops in this direction, and my own march hither, were undertaken for public reasons, freely set forth in my reports to the Adjutant General, one of them being my desire to place in position, for embarcation to Vera Cruz, should the Government order an expedition to that point, the force (two thousand regulars and two thousand volunteers) which I reported might be spared for that service.

I have the honor to be, General, your obedient servant,
Z. TAYLOR,
Major General U. S. A., commanding.

Major Gen. WINFIELD SCOTT,
Commanding U. S. A., Brazos Island, Texas.

In a passing comment in the course of the reading, Mr. S. remarked, that instead of General Taylor having been left with "a thousand regulars," it had turned out that he was left with but a very few over five hundred regulars; and said all he wanted was for that entire letter to go to the country with the gentleman's speech. It was a sufficient answer to it.

That was the whole truth, (continued Mr. S.) General Taylor never had advised that he should thus be stripped of his forces and exposed to the attack of Santa Anna with his twenty thousand men. He had contemplated that only two thousand regulars and two thousand volunteers should be taken from his army. He (Mr. S.) knew this to be true; and he believed there was a gentleman now present who also knew it. [Mr. McLANE, to whom allusion was made, nodded assent.] This order came to General Taylor—came upon him like a clap of thunder in a clear sky. And yet he was not only to be used up in this way, but literally tomahawked by misrepresentations on this floor. After this order thus depriving him of nearly all his forces, the gentleman was to rise up and say that he (General Taylor) advised it, and that he was exposed to Santa Anna with his little Thermopylæan band at his own request! There was no truth in it. General Taylor felt outraged by it, and he spoke of it as a soldier and a patriot. He, however, made himself master of his fortunes, adverse as they were. He met the attack as he would meet all similar attacks; he met it as he would meet all the attacks which the gentleman from Indiana or any of his coadjutors on this floor could make against him. Attacks from that source would be futile and impotent. The gallant old hero stood out boldly before the American people a Colossus of greatness which the gentleman's arm could never reach.

The gentleman from Illinois [Mr. McCLERNAND] had got up and read a letter published in the Union, that General Taylor was, as the writer declared, in favor of this and of that. This but showed the efforts, the futile efforts, which some gentlemen were putting themselves to, for the purpose of weakening the hold which General Taylor had on the hearts of the American people, and proving him unworthy of that deep confidence which they had in him.

Mr. McCLERNAND (the floor being yielded) explained that his object in reading that letter had not been to show that General Taylor was unworthy, but, on the contrary, that he was worthy of the hold which the gentleman said he had on the hearts of the American people, on the ground that he held to the doctrines of the present tariff, that he condemned a United States Bank, and justified the removal of the troops from Corpus Christi to the Rio Grande.

Mr. STEPHENS inquired of the gentleman if he thought that General Taylor was worthy of the confidence of the American people?

Mr. McCLERNAND replied, that so far as his views went in relation to these points, he certainly was; but he doubted very much if his friend from Georgia would appreciate him (General Taylor) very highly for them. He would refer the gentleman for further information, concerning the letter which he had read, to the honorable gentleman from Mississippi, [Mr. BROWN.]

Mr. STEPHENS said it was time enough for him to make inquiries of the honorable gentleman from Mississippi, when he should rise and endorse the letter.

Mr. BROWN, of Mississippi, (Mr. S. further yielding,) said this letter seemed to be of some consequence to the House, which he had certainly not attached to it. It was a letter which had been addressed to him by a gentleman of Mississippi; Dr. Kemmell, of Hinds county, Mississippi, a most reputable and clever gentleman; and though he (Mr. B.) had no means of knowing anything in regard to the authenticity of the letter, further than that he recognized the handwriting, he had no reason to doubt the genuineness of the letter. The author was a gentleman in all respects above reproach, and he (Mr. B.) could say that he had penned nothing to him, or to anybody else, without having what he believed sufficient evidence of its truth.

[Several voices, "Who is it?"]

Dr. Timothy Kemmell, of Hinds county, Mississippi, (Mr. B. repeated;) a gentleman who he believed was formerly from Maine, and with whom some of the gentlemen from Maine might perhaps be acquainted.

Mr. STEPHENS (resuming) said the whole matter resulted as he had supposed it would. He had never doubted that some gentleman had written to some gentleman of this city about what he supposed General Taylor's opinions might be. But he (Mr. S.) preferred to get them from the General himself.

The gentleman from Illinois had wished to show, as he said, that General Taylor was entitled to the confidence of the American people, for the sentiments imputed to him in the letter which had been read. Sir, (said Mr. S.,) General Taylor's past life is a much better guarantee to me of the confidence of the American people than any letter from Dr. Timothy Kemmell, or anybody else, stating that he learned from some other person that General Taylor believed so and so. General Taylor is known to his best and most intimate friends to be decidedly opposed to these measures; he is known to be a true Whig, and he has lately reaffirmed the same; and everybody knows that when General Taylor speaks, he speaks the truth.

He would ask the gentleman from Illinois if he believed General Taylor was not a Whig, and if he was ready to give him the endorsement of his name and his party, and run him for the Presidency. If he would say so, he (Mr. S.) replied, Come on, and let us all for once unite in electing one Chief Magistrate worthy of that exalted station. But, sir, this the gentleman and his party will never do. They know that General Taylor does not belong to their school of politics; and these side-licks, these passes under the fifth rib, were made by gentlemen who knew him to be a thorough Whig, and who wished to detract from his fame as a Whig, and to injure him in the house of his friends. It was on this account that these efforts were made against him. But they, like all others, would rebound upon the heads of their authors.

Mr. McCLERNAND, interposing, said he had not detracted from the fame of General Taylor. He had spoken on the authority of the letter to which he had referred, and the gentleman from Georgia could now judge as well as he of its authenticity. The gentleman said, however—this letter to the contrary notwithstanding, which affirmed that General Taylor was in favor of the present tariff, against a national bank, and justified the movement of the army from Corpus Christi to the Rio Grande—that General Taylor was a Whig. He (Mr. McC.) asked the gentleman, Wherefore? Where was the evidence? Was he (General Taylor) for a protective tariff—for a national bank? For what measure of the Whig party could he show him to be?

Mr. STEPHENS said the authority of that letter was nothing. The writer did not even pretend to become sponsor for the truth of its information. But he would ask the gentleman if he believed him to be a Democrat? That was the best way to test it. The gentleman would not say he believed him to be a Democrat. He did not, therefore, place any confidence in his own authority. That was the very point to which he was coming, that, although the letter might be used for the purpose of creating the impression that General Taylor was not a true sound Whig, yet the gentleman was not himself convinced by the evidence he had adduced to support his cause. He intended no disrespect to the gentleman, or to the gentleman from Mississippi. He presumed they could get a hundred more such letters.

If the gentleman asked him (Mr. S.) where was his evidence that General Taylor was a Whig, he replied that he took it from the hands of that old man, who had never falsified the truth. He had said he was a Whig; he had said that in the last contest he would have voted for Mr. Clay. That was sufficient evidence with the gentleman, he (Mr. S.) presumed. He knew it was with the gentleman's party. If a gentleman had voted for Mr. Clay, he doubted whether he would have got any of the spoils under Mr. Polk. He doubted, among the numerous hordes that had come up here for office, if it would have been a passport to favor for any one to have had it known that he voted for Mr. Clay. He would then have been denounced as a Whig—perhaps a Mexican Whig. General Taylor had repeated again and again that he was a Whig; and the confidence of the American people in him was not to be weakened by any such shifts as these. The "Union" might publish such a letter every morning for a month, and he assured the gentleman it would have no effect. The Whigs were not in the habit of consulting that organ to know whom to trust.

Mr. McCLERNAND again interposed, and (the floor being yielded) said, if it was true that General Taylor held the sentiments promulgated in that letter, they would benefit rather than injure him. He asked, if such were his views, whether the gentleman from Georgia was for him? And he would like to have the gentleman state, as he affirmed him to be a Whig generally, what a Whig was? Whether General Taylor was for a national bank? for a protective tariff? for the Wilmot proviso? or upon what side of all these questions he was? He hoped the gentleman would answer.

Mr. STEPHENS (resuming) said he would answer the gentleman by telling him, that, in his opinion, it was no very bad evidence of being a Whig to be opposed to the mischievous schemes and reckless policy of this Administration. But he was not now going to be drawn into a discussion of the bank question, tariff question, Wilmot proviso, or any other party issue. He would do that at a proper time, if the gentleman wished it. But he would tell the gentleman from Illinois that he did not believe that General Taylor would ever suffer himself to be made the football of political managers. He was a Whig: everybody knew it. And if he should be elected, no man doubted that he would administer the Government upon Whig

principles. The gentleman need give himself no uneasiness upon that point.

Mr. McCLERNAND, again interposing, said he wished to disclaim any such purpose on his part of political manœuvres, or of making a football of General Taylor. If there were any such design, it rested with the gentleman's own party—the Clay wing, which had been treating General Taylor most cavalierly. It seemed to him that Mr. Polk, so far from being hostile to General Taylor, had furnished evidence of generosity to him, inasmuch as he had promoted him from the rank of Colonel to Major General, in which situation he had covered himself with glory.

Mr. STEPHENS. Did I understand the gentleman to say that Mr. Polk had been kind to General Taylor?

Mr. McCLERNAND. That he had promoted him.

Mr. STEPHENS (resuming) said they did not dare to tell the old hero what they meant to do. They never wrote to him, but sent General Scott to do it. Now, what did General Scott say to General Taylor?

"I hope I have left, or shall leave you, including the new volunteers who will soon be up, a competent force to defend the head of your line (Monterey) and its communications with the depôts in the neighborhood. To enable you to do this more certainly, I must ask you to abandon Saltillo, and to make no detachments, except for *reconnoissances* and immediate defence, much beyond Monterey. I know this to be the wish of the Government, founded on reasons in which I concur."

Was that treating him kindly? (asked Mr. S.)

Mr. McCLERNAND, (in his seat.) That was not the point to which I alluded.

Mr. STEPHENS presumed that was not the point; but it was the point which showed how he had been neglected by this very President whom the gentleman from Illinois represented as having treated him so generously and kindly.

But the gentleman had asked whether he (Mr. S.) thought it important for General Taylor to answer certain questions. For himself he would reply, that it was enough for him to know that the man in whom he confided was true to the principles in which he believed; it was enough for him to know that he was true to the Constitution, which had been set at naught by the gentleman's President.

He wished to say a word about these political managers and intriguers, who had become a curse to the people of this country; who were devoid of character and principle; worms, slimy worms, that crept, and crawled, and fawned, and deceived for power; who had not the principle and spirit of men about them. They were all, however, apt in their catechism. There was no question that could be asked that they could not answer, and in a language that had as many readings as the places or sections to which it might reach. They wrote letters that read one way to one class of the people, and another way to another class. And what was it but an attempt to deceive, mislead, humbug the honest yeomanry of this country? Go back, and the history of the past few years would bear him out in the declaration. Let the gentleman take up his own party's management. What was their present Executive? Had he any ability, any character in this country? Had he even been thought of by anybody as a proper person to be put at the head of this Government? No. How was it, then, that he had been intrusted with the important power he had so shamefully abused? It was by nothing but skill in the political catechism, by answering letters which he (Mr. S.) supposed were perfectly satisfactory to the gentleman from Illinois, to some of the gentlemen from Pennsylvania, and to gentlemen of the Democratic party in all parts of the country, however various or contradictory their views; answering them in a particular way, using words not to be understood, but to be *interpreted* according to the place and occasion. In this way the honest people had been deceived and misled; and he supposed now, from certain signs which he saw, that the object of the party to which the gentleman from Illinois and the gentleman near him [Mr. BOWDON] belonged was the same—that they intended to play the same game again.

He saw that one distinguished gentleman from the section of country of the gentleman from Illinois had figured largely about the Wilmot proviso. He supposed the gentleman from Illinois thought the people of the South were dupes enough, as the people of Pennsylvania were in voting for Mr. Polk, to be deceived by such blarney as that. If he did, he was wonderfully mistaken. The people of the South were not to be duped in any such way. As the gentleman near him from New York [Mr. DUER] had said the other day, he would rather take up even an avowed anti-Wilmot proviso man from the South than a Northern dough-face. So he (Mr. S.) said he would prefer an out-and-out Wilmot proviso man to one who would undertake to cheat him, to deceive him, as the letter to which he had referred indicated the attempt to deceive the people of the South. He would rather have an open enemy than a pretended deceitful friend. General Taylor would write no such letters; and if the gentleman expected it, he would be mistaken. He would never deceive the people of this country, or any part of it. Nor would he speak with "bated breath" even to be President. He "asks no favor and shrinks from no responsibility." That was General Taylor's position, and the country would always find him honest and aboveboard on this and every other question.

[Mr. BOWDON here said a word to Mr. S., which was not caught by the reporter.]

One thing he (Mr. S.) would tell the gentleman from Alabama: General Taylor would never deceive the people of this country. He had never yet deceived anybody, and he would not upon this or any question. One other thing he would not do: he would never bow and truckle for office. This was one of the best evidences that he deserved to be trusted. He would never make promises and give pledges to the people for the sake of getting power, and then betray their interests. No; it was inconsistent with the spirit which marked his every act. And he asked gentlemen on the other side of the House, particularly the gentleman from Alabama, if there was not something now in his position which commended him peculiarly to the favor of the American people? While your Buchanans, your Dallasses, your Casses, and your Polks, supported by the "Union," were literally promising everything to everybody, General Taylor occupied a proud position—one that the greatest might envy. He did not degrade himself to such a level. No; he stood on an eminence high and pure, far above the great crowd of party wranglers, and those who engage in a scramble for the spoils of office. His position commanded not merely admiration, but had that in it approximating to moral sublimity, such as no man in this country since the days of Washington had evinced.

Mr. BOWDON interposed, and (Mr. S. yielding) was understood to say that he went for no man, north, south, east, or west, who would not come out and declare his position upon all political questions. General Taylor had been distinguished as a military man, and, as he himself said, had mingled little in politics for years; and while the gentleman from Pennsyvania [Mr. STEWART] thought him a high tariff man, the gentleman from Georgia thought him something else. He (Mr. B.) went for a Democrat, and alone for a Democrat—one who had boldness enough to tell what he was and where he stood.

Mr. STEPHENS said he did not suppose anybody would charge General Taylor with a want of boldness either in speaking his sentiments or in anything else, and he would caution the gentleman not to commit himself too broadly on that ground; for he expected he would yet vote for General Taylor. [A laugh.]

Mr. BOWDON was understood to reply that the gentleman from Georgia might yet vote *against* him.

Mr. STEPHENS said the gentleman need have no apprehensions on that point. General Taylor was his (Mr. S.'s) choice, and he was the choice, he believed, of a large majority of the American people; and he had some doubt whether he should see his friend from Alabama unfortunate enough to get into the minority.

But the gentleman had said General Taylor had not come out and made his sentiments known. He (Mr. S.) assured him he need not be uneasy on that point. General Taylor's sentiments were well known. He never disguised his opinions; he never spoke in one language to one section of the country, and in another language to another section. He would not degrade his nature by so humiliating himself; and he would assure the gentleman that the best pledges a man could give were an honest purpose and a blameless life, spent in the service of his country. Such was the character of General Taylor. All knew him to be honest, and possessed of an integrity of soul beyond all reproach. When General Taylor spoke, the people of this country believed him. They had been deceived once, but they did not know their man. He was not the man to send the Kane letter, and resort to such other miserable subterfuges to deceive the people, for the purpose of obtaining their votes. He would ask no man to go through the country to endorse opinions, as a certain distinguished individual went through Pennsylvania declaring that James K. Polk was a better tariff man than Henry Clay. He told gentlemen they need not be so anxious to get the "Organ" in this city to attempt to scatter disunion among the Whig ranks throughout the country. It would have no effect. It would in nowise weaken the attachment felt by the people, for that gallant old chief—that man of the people—whom the Administration had been hunting down so long. He held the American heart, and they might read their fate in the handwriting on the wall.

Mr. S. then proceeded to read from another letter of General Taylor, to show the feelings with which he received this order which took from him his tried and veteran troops—the men who had been with him on the bloody fields of Palo Alto and Resaca de la Palma—with whom he had stormed the heights of Monterey, and upon whom he had relied to meet Santa Anna. This letter showed the feelings of that gallant old soldier, who had been represented by the gentleman from Indiana as advising this withdrawal of his own troops. It was the letter of General Taylor to the Adjutant General, of the date of January 27, 1847, as follows:

HEADQUARTERS ARMY OF OCCUPATION,
Camp near Monterey, January 27, 1847.

SIR: My despatch No. 5 has advised you of the measures taken to meet Major General Scott's requisition for troops, and, as nearly as practicable at this time, of the amount and description of force left under my orders in this part of Mexico.

Having fulfilled my duty in carrying out what I believed to be the wishes of the Government, I now beg leave to invite the attention of the department to several points of grave interest to myself, and not without importance in their bearing upon the public service.. I have therefore to request that this communication may be laid before the Secretary of War, and by him be submitted to the President of the United States.

I will first speak of the extraordinary reserve manifested by the Department of War in not communicating to me the intentions of the Government—at least in regard to the withdrawal of so large a portion of my command. Had I not been deemed a safe repository of its purposes, I might, at any rate, have been instructed to hold the troops in readiness for detachment. A special messenger, despatched from Washington, when the employment of Major General Scott was determined upon, would have reached me at the very latest by the 8th of December—in time to suspend the movement on Victoria, to spare a portion of the army, including myself, a long and expensive march of four hundred miles, and to prevent the murder of a young officer with important despatches, now in the hands of the enemy. But up to this moment I have not received a syllable from the Department of War on this subject—my only advices being a semi-official letter from Major General Scott, in New York, dated November 25, and received by me December 24, his instructions of January 3, received January 14, and his letter of December 20 from New Orleans, received January 16. All these delays and accidents would have been avoided by the employment of a special messenger, and I can hardly believe that the occasion was not deemed important enough to warrant that course.

Having been placed in command of the army, and charged with the operations against Mexico by the order of the President of the United States, had I chosen to be punctilious, I might have declined to make any detachment from my force without the same authority expressly communicated; but believing that Major General Scott was possessed of the views and wishes of the Government, I had no hesitation in complying to the fullest extent with his call for troops, and should have done so equally had it placed me under the necessity of abandoning all that had been gained in this quarter. I have the satisfaction of knowing that the troops he has required have been promptly placed in position for embarkation, and that no delay whatever had occurred in carrying out his instructions as soon as received.

Again: I would respectfully state that no reply has been received to my communications of October 15, November 8, and November 19, replying, respectively, to the despatches brought out by Lieutenant Armistead, Major Graham, and Mr. McLane. In those communications I expressed fully and frankly my views on many important points connected with the prosecution of the campaign, and had reason to expect at least the courtesy of an acknowledgment.

While exercising a command which it is well known I never sought, it has been my constant aim to perform my whole duty without fear and without favor. The best interests of the service and the country have been my guide, and will continue to be while I remain in command, however limited may be my force or embarrassing my situation: but, from the course which the department has pursued in the above particulars, I am constrained to believe that I no longer possess the confidence of the Government. I can only regret that the President did not think proper, while

withdrawing so large a portion of my command in the manner above indicated, to relieve me from a position where I can no longer serve the country with that assurance of confidence and support so indispensable to success.

The force with which I am left in this quarter, though greatly deficient in regular troops, will doubtless enable me to hold the positions now occupied. Major General Scott seems to expect that I will assume offensive operations, say by March; but, from what I have heretofore reported on the subject of such operations, I am sure they will not be expected by the department with my present means. The terms of service of nearly all the regiments here will expire in May and June, and it will become an important question how to replace those regiments in time even for defensive purposes. I am, sir, very respectfully, your obedient servant,

Z. TAYLOR,
Major General U. S. A. commanding.

To the ADJUTANT GENERAL of the Army, *Washington.*

From this letter it would be seen that General Taylor exhibited the deepest discontent, and he complained to the Department of War of the manner in which he was treated; and he (Mr. S.) asked the gentleman from Indiana, or any other gentleman on that side of the House, if they would undertake to defend the Administration in the course it had pursued? They dared not do it; but they sought to create impressions unfavorable to General Taylor. What was General Taylor's position at that time? Santa Anna was in his front with an army of twenty thousand men. General Taylor then saw the importance of a position beyond Monterey, for he was not willing that Santa Anna should catch him in Monterey, and there blockade him and his small but gallant band. General Taylor knew that it was of the utmost importance to occupy a position in advance of Monterey, and the world knew of his position at Buena Vista, and the glorious victory he achieved there.

Mr. S. proceeded to comment on this letter at some length, and then said he had detained the committee longer than he intended when he rose, but he was not willing when this ball was set in motion to allow it to pass without an effort to stop it; and he only wished that these letters, to which he called the attention of the committee, should go to the country side by side with the statements of the gentleman from Indiana. That gentleman's speech needed no other answer.

Mr. TURNER, of Illinois, said it was very true, as the gentleman from Georgia had remarked at the commencement of his speech, that the country was placed in a very peculiar position at the present time. But its peculiarity arose from very different circumstances, as they appeared to his mind, than those to which the gentleman from Georgia attributed them. Our country, for the first time in its history, found itself with a conquered nation on its hands, and this was the only peculiarity which he had been able to discover. It was no peculiarity to have two great contending parties arrayed against each other, and engaged in a severe contest every fourth year. This had been the case ever since the days of the first President of this Republic. The peculiarity, he repeated, was, that we had a conquered nation on our hands; and, however it might be disposed of—whatever might be said in relation to the causes and progress and final consummation of the war which was now waged against Mexico—all must admit that the circumstances in which we were placed were invested with a deep importance which would be felt for some time. He proposed very briefly to take a review of the positions assumed by the Whig party, and, if time permitted, of the Democratic party also, and see which was the most likely to stand the scrutiny of coming generations.

He was not prepared to admit that the annexation of Texas was the cause of this war; but this position had been assumed by the Whig party. They had contended that annexation was not only cause of war, but that it was war itself. This had been the opinion of all the leading Whigs both at this and the other end of the Capitol. Annexation, however, was the act of Congress, and if annexation was not only the cause but actually war, war was made by Congress, the war-making power, and not by the President. Such was the dilemma in which the gentlemen opposite had placed themselves.

But he would follow this subject a little further. In 1846 the President sent a message to Congress, in which he stated that war existed at that time; and then they found the Whig party changing its position and deciding almost unanimously that the war existed by the act of Mexico. How would the historian be able to reconcile these palpable contradictions? If war existed by the act of annexation in 1843-'44, how could it be that the war existed in 1846 by the act of Mexico? By no logic of which he was master could he reconcile these conflicting opinions.

But the war progressed still further, and again they found the Whig party changing its position. They came together during the present session, and, under the solemnity of an oath, the same Whig party declared that the war was unnecessarily and unconstitutionally begun by the President of the United States. Here, then, were three distinct positions, two of which must necessarily be false, and probably the third was likewise. The American Congress had something else to do than to make political capital for the approaching Presidential contest; for that was the point at which most of the speeches delivered here were aimed; the manufacture of public opinion was the object contemplated. But how, he asked, did the Whig party propose to succeed before an intelligent people with three propositions that were so diametrically opposed to and inconsistent with each other? He should like to know which of those positions they were willing now to take? The Democratic party was willing and ready to meet them, on either or all of them. Would the Whig party at the same time explain how it was that they had voted supplies for an unholy war, which at one time they affirmed was the consequence of the annexation of Texas, at another that it was the act of Mexico, and again that it was the unwarranted act of the President? It would be well remembered that the leaders of the Whig party and the Whig presses throughout the country had proclaimed the war to be unholy, while the Whig party here was voting supplies of men and money. They had furnished the means to carry on a war which they had predicted would bring on this nation the wrathful visitation of God. But while they were thus involving themselves in contradictions, our army was invariably successful, ever victorious, without a single repulse, even when met by overwhelming numbers of Mexico's best disciplined troops.

After commenting at some length on the ground taken by gentlemen opposite on this subject, he proceeded to notice the objects contemplated by this war. They were, to secure our rights and to defend our honor. Mexico was indebted to our citizens for spoliations on their property, but Mexico had no pecuniary means wherewith to liquidate her obligations; and thus the acquisition of territory on our part became necessary as an indemnity for the past. To this objections were raised by the Whig party, and to the acquisition of territory there had ever been an opposing party in this Union. There was opposition to the acquisition of Louisiana by the same party, and dire consequences were predicted as inevitably to follow the consummation of that act. The acquisition of Florida and Texas met with the same opposition, and the same spirit prevailed now, and manifested itself in opposition to the war. Extension and expansion were preëminently democratic, but the anti-war Whigs preferred the government of corporations. The great West had found an outlet for our people, and thus had frustrated their designs. But circumscribe our limits, give corporations the controlling influence, and white slavery would be substituted for black. Of this we have evidence in England and in Massachusetts, for wherever corporations rule, the great mass of the people are enslaved.

If this republic had been confined to the original thirteen States, from one end to the other we should have been under the control of corporations, and no power on earth could have saved us from their shackles. He believed—he would not say it was our destiny—he believed there was a higher power impelling us onward. This had been manifest since the day the Pilgrims landed on Plymouth rock. Look at the Spanish settlers on this continent. With better soil and a more genial climate, they had made no progress, while our Anglo-Saxon race had spread itself from the rocky coast of New England to the Pacific Ocean, making of the whole one great republic. And would any one say that this had not been a blessing to the human family?

He next turned to the correspondence of our functionaries, which had to-day and on other occasions elicited so much discussion in this House, alluding particularly to the questions involved in the President's refusal to furnish the correspondence of Mr. Slidell. The President, he contended, had refused, because to furnish it was incompatible with the public interests; and in this the President was sustained by the example of Washington. But his refusal had been seized upon by his political opponents, and perverted to sustain an accusation of a rapacious design on the whole of Mexico. To defend the President from such a charge, he read largely from various published documents, commenting upon them as he passed.

Mr. VAN DYKE next obtained the floor, but gave way to

Mr. SIMS, who moved that the committee rise.

Mr. VINTON suggested that gentlemen should allow the bill to be reported to the House, and, if they were desirous to continue the discussion which had been commenced, they could do it on some other bill. He hoped this bill would be laid aside to be reported to the House, and that the committee would agree to take up the bill making appropriations for revolutionary and other pensions for the next fiscal year.

The suggestion was acquiesced in, and the bill indicated was taken up and read by the Clerk.

Mr. VAN DYKE, being desirous to secure his position on the floor when the House should next go into Committee of the Whole on the state of the Union, again moved that the committee rise.

Mr. KING, of Georgia, entreated him to withdraw that motion, that the committee might take up the bill making appropriations for the dry dock at New York.

The motion of Mr. VAN DYKE, however, was agreed to, and the committee rose and reported the Military Academy bill to the House, and progress on the revolutionary pension bill.

WEST POINT ACADEMY.

The SPEAKER stated the question to be on the engrossment of the Military Academy bill.

Mr. DICKEY moved to strike out the item of $2,000 for the expenses of the Board of Visiters, and briefly sustained his motion. He thought that the Secretary of War could obtain these visiters without pay; and said that such had been the practice for many years. He disavowed any hostility to the military academy.

Mr. McLANE said the gentleman was in error; but admitted that when Congress had failed to pay these visiters, the Secretary of War did order gentlemen from the army to perform this service; but the reports obtained from this source were unsatisfactory and prejudicial to the school; and the system was soon abandoned, under the advice of the President. The appropriation for these visiters was only $2,000. He rose to offer an amendment to increase the pay of cadets, but would not press it now.

Mr. J. R. INGERSOLL opposed the motion. He corrected, from his own personal knowledge, a mistaken impression that there was a great willingness on the part of distinguished gentlemen to be appointed on the board of visiters at the time the existence of such a board had been suspended by Congress. On the contrary, he knew gentlemen who had been invited by the Secretary of War to receive the appointment, but had declined. The department was then compelled, by the necessity of the case, to appoint military men as examiners, who, by their position in the army, were under command, and were obliged, by orders from the department, to attend the examinations at the academy. Of course their travelling expenses were allowed them, and the result to the Government, in point of expense, did not much differ from what it would have been had a board of visiters been appointed as usual.

Gentlemen were greatly mistaken if they supposed the appointment of such a board every year had not greatly advanced the prosperity of that admirable institution. On the contrary, it had been attended with the happiest effects. Mr. I. believed there never had been one of these official visits made to the academy which had not proved of infinite benefit in removing prejudice and misconception, and averting hostility from an institution which to this country was truly invaluable. The selection of cadets had been so conducted, by a double reference to party divisions and local residence, as to command, without fail, the highest approbation of all who investigated it.

The general control in those appointments had been confided to a gentleman of whom it gave Mr. I. the utmost pleasure to speak in the highest terms, for he was well worthy of any commendation which Mr. I. could bestow. General Bernard, the per-

sonal friend and companion of Bonaparte, than whom no man was more entitled to speak with authority on such a subject, had said, when leaving this country to return to France, that the United States wanted none of those whom Bonaparte had to aid him in carrying out his great designs so long as she possessed General Totten, an officer not surpassed by any man alive. The academy was safe in his hands.

Mr. I. expressed his regret that a blow should at this day have been aimed at an institution which, after the most strenuous opposition and obloquy, had fought itself into honor and distinction by the science and the deeds of those who had there received the elements of their military education. He trusted that all those clouds of error, misconception, and prejudice, which once had obscured its prospects, had now passed away, having forever been dissipated by the exploits of a corps of officers such as was not to be found in the world.

He knew that there were in the service of other countries individual officers of the highest attainments, and whose education had been of the very first order. But he spoke of our officers as a body; and the beauty of our system was, that owing to the system of rigid discipline established and enforced in our Military Academy, every officer was first a well-trained soldier. Before he could win his epaulets he must pass through an arduous course of military training; and so thorough was this previous course of preparation, that it had been asserted, and with truth, that there was no young man who came out of West Point, and was of the age of twenty-one, who was not able to command a regiment in the field. Mr. I. trusted that this motion to abolish the board of visiters would not prevail.

Mr. McCLELLAND did not regard the motion of the gentleman from Pennsylvania [Mr. DICKEY] as a blow aimed at West Point; on the contrary, it was the result of a conviction entertained by some of the best friends of the institution. The question of the expediency and value of such a board had been thoroughly discussed some two years ago, and the amendment for the abolition of the board had been carried almost unanimously. There had been very few votes against it on either side of the House. In 1844 Mr. McC. was, he believed, the only Democrat who had made a speech in favor of the West Point Academy.

Mr. HOLMES, of South Carolina, here rose inquiringly, and asked in what year of our Lord that speech was made? [A laugh.]

Here a somewhat humorous colloquy took place between Mr. McCLELLAND and Mr. HOLMES (who has ever been a zealous supporter of the institution) about the priority of their regard for and advocacy of it, which elicited much merriment in that quarter of the House, but which was wholly lost to the reporter.

Mr. HOLMES said he remembered making a speech for West Point in 1843.

Mr. McCLELLAND never had been personally at West Point, but had, from the beginning, been its unfailing and unflinching advocate.

Mr. HOLMES had been an early friend to the school, and he was now happy to find there was another whom he had never heard of before.

Mr. McCLELLAND said he had always been opposed to the board of visiters as an unnecessary appendage to the system, increasing its expense without any corresponding benefit, and still more as tending to an improper increase of Executive patronage. Gentlemen on the other side of the House were accustomed to represent themselves as very decided opponents to all increase of this patronage; so was Mr. McC. Here was an item of $2,000 to cover the expense of a visit to the school at the annual examination by certain gentlemen not officers, but in civil life, selected for that honor by the department.

How many of those thus invited were competent to conduct a thorough examination of the cadets in the various departments of their very extensive education? Let gentlemen take up the list, and they would not find any body of visiters equally competent in this respect to the board of military officers appointed to the duty since the civil board had been suspended. Military men were the only men competent to conduct such an examination.

The gentleman from Pennsylvania [Mr. J. R. INGERSOLL] had paid a fine and a well-deserved compliment to Colonel Totten. Mr. McC. agreed fully with every word of it; and as a proof that he was sincere in this, he would add that he would rather have Colonel Totten as an examiner than a whole board of visiters, take them from where you would.

There was, in truth, no need of any board of examiners at all. The thoroughness of the training to which these young gentlemen were subjected had been severely and fully tested in Mexico, and their deeds in the present war were the best of all proof of the competence of their education. Years ago it had been the fashion in certain quarters to attack this institution: it was perhaps a political and party hobby in some districts; but who now was found coming forward to assail it? The country had tried it, found its effects, and proved them to be good.

Mr. McC. would with great pleasure vote for the amendment. Pending the question—

The House adjourned.

PETITIONS, &c.

Notices of motions for leave to introduce bills were given under the rule—

By Mr. FEATHERSTON: Of a bill for the relief of certain citizens of the county of Lowndes, in the State of Mississippi.

By Mr. JOHNSON, of Arkansas: Of a bill regarding the location of Lovely donation claims in Arkansas.

The following memorials and petitions were presented under the rule, and referred:

By Mr. REYNOLDS: The petition of Richard Ames, a soldier in the war of 1812, for pay and bounty land.

By Mr. HOLMES, of New York: The petition and other papers of Amos Knapp, a soldier in the last war with Great Britain, for relief.

By Mr. BARROW: The petition of A. Z. Bonnet, praying compensation as Chargé d'Affaires at the court of Portugal from 18th April to 28th December, 1841.

By Mr. HALL, of New York: The petition of sundry masters and owners of steamboats and vessels on the great lakes, asking for an appropriation for the establishment of eight buoys on the Niagara Rock, near the harbors at Buffalo and Black river, in the State of New York.

By Mr. TAYLOR: The petition of Cornelius Brown and 56 others, citizens of Pike and Scioto counties, in the State of Ohio, praying Congress to establish a new mail route between Piketon and the Slaven Settlement, on Little Scioto, in Beaver township, in said Pike county; and that a post office be located at or near Charles Slaven's, in said township, to be called "Gibson" post office.

By Mr. WENTWORTH: The petition of Isaiah Williams, for a pension. Also, the petition of citizens of La Salle county, for a mail route from Peru, via Troy Grove, Earlville, and Four-mile Grove, to Paw paw Grove, Illinois. Also, the petition of Captain Silas Chatfield, for arrears of pension.

By Mr. KAUFMAN: The petition of John Baldwin, F. Robb, and others, praying for alternate sections of land situate on the Louisiana side of Sabine river, for clearing out said Sabine river.

By Mr. GAINES: The petition of sundry citizens of the city of Covington, in the State of Kentucky, praying for an appropriation by Congress to repair the dam at Cumberland bar, on the Ohio river.

By Mr. ECKERT: Two petitions, signed by 242 citizens of Philadelphia, praying the Government to purchase 150 acres of the Mount Vernon estate, embracing the sepulchre and mansion of Washington.

By Mr. TWEEDY: The petition of B. O. Conner, P. M., and 116 others, for a post route from Port Washington to Fond du Lac, in Wisconsin. Also, the petition of H. M. Dickinson, P. M., and 205 others, for a post route from Janesville to Madison, in Wisconsin, via Stone's Bridge, Fulton, and Dunkirk. Also, the petition of Alvin Foster and others, for a post route from Sheboygan to the county seat of Dodge county, Wisconsin, via Horricon and Iron Works at Maysville. Also, the petition of Cyrus Hebbard and 78 others, for a post route from Summit to Fond du Lac, in Wisconsin, via Cammenoc, Neasho, and Iron Works at Maysville. Also, the petition of Andrew E. Ellmore and 229 others, of Waukesha county, Wisconsin, praying for the freedom of the public lands, in limited quantities, to actual settlers, and that all traffic by the Government, or under its permission, may be prohibited: of the petitioners, who are respectable citizens of Wisconsin, 157 are owners and occupants of lands, and several have served with credit in the Legislature and in other important offices.

By Mr. McLANE: The memorial of certain citizens of the United States, praying for the purchase of Mount Vernon, that it may be held as the property of the United States.

By Mr. HALL, of Missouri: A petition of John Warren and other citizens of Daviess county, Missouri, praying a grant of land to the Hannibal and St. Joseph Railroad.

By Mr. STUART, of Michigan: The petition of citizens of Van Buren county, Michigan, for a mail route from Paw Paw, via Almena Centre, in said county, to Alamo, in Kalamazoo county, intersecting at that point the route from Kalamazoo to Otsego, in the county of Allegan.

IN SENATE.

THURSDAY, *April* 6, 1848.

Mr. BENTON presented a memorial from the firm of Ward & Smith, American merchants at San Francisco, Upper California, asking to be allowed interest and premium for a loan made by them to the United States at San Francisco; which was referred to the Committee on Finance.

Mr. CASS presented a petition from citizens of the United States, asking that Mount Vernon may be purchased by the General Government; which was referred to the Committee on Military Affairs.

Mr. BELL presented a petition from Western Cherokee Indians, asking a settlement of their claims under the treaty of 1846; which was referred to the Committee on Indian Affairs.

Mr. JOHNSON, of Maryland, presented a petition from Eliza Ann and Mary Brewer, representatives of a deceased revolutionary soldier, asking to be allowed bounty land; which was referred to the Committee on Pensions.

Also, a petition from Henry La Reintree, asking the interposition and influence of the Senate with the President of the United States to procure the appointment of purser in the navy; which was referred to the Committee on Naval Affairs.

[This gentleman, it appears, is secretary to the Pacific squadron, and is on board the United States ship Independence; he bases his request on long and faithful service, of all which the evidence is appended. The memorialist says in his letter, that "it is a new mode of seeking an appointment, but it is an upright course. I rely on the integrity of my motives and the justness of my cause."]

REPORTS FROM COMMITTEES.

Mr. FELCH, from the Committee on Pensions, reported the following House bills, without amendment: The bill for the relief of the heirs of William Evans; the bill for the relief of Esther Russell; the bill for the relief of Jonathan Fitzwater; and the bill for the relief of Zilpha White.

Mr. PEARCE, from the Committee on the Post Office and Post Roads, reported a bill for the relief of John Lorimer Graham, late postmaster of the city of New York; which was read a first time.

Mr. UPHAM, from the Committee on Revolutionary Claims, made an adverse report on the petition of the representatives of Wm. Russworm.

Mr. ASHLEY, from the Committee on Public Lands, reported a bill for the relief of William Wynn; which was read a first time.

Mr. UNDERWOOD, from the Committee of Claims, made an adverse report on the memorial of the administrator of Francis R. Sanchez.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill to declare the true intent and meaning, so far as respects the franking privilege of members of Congress, of the act of the 1st March, 1845, &c.; which was read a first time.

Mr. DIX, from the Committee on Military Affairs, reported a bill to increase the pay of military storekeepers; which was read a first time.

[This bill gives to those at the armories of Springfield and Harper's Ferry, and at the arsenals at Watervliet, Alleghany, Watertown, and Washington, the pay, emoluments, and allowances of a major of infantry, and to those attached to all other arsenals and depôts, the pay, emoluments, and allowances of a captain of infantry, the whole to be in lieu of the pay and allowances received under existing laws.]

FRENCH REVOLUTION.

Mr. ALLEN moved to postpone the previous orders, and to proceed to the consideration of the joint resolution submitted by him relating to the revolution in France.

At the request of Mr. HANNEGAN, who promised to renew it, the motion was withdrawn.

Mr. HANNEGAN, from the Committee on Foreign Relations, to whom the message of the President was referred, reported the following series of resolutions:

JOINT RESOLUTION tendering the congratulations of the United States to the people of France.

Resolved, &c. That, in the name and on behalf of the American people, the congratulations of this Government are hereby tendered to the French people upon the recent change in their form of government, and their successful efforts thus far to found for their country institutions similar to our own.

Be it further resolved, That the moderation, humanity, regard for order, and veneration for Christianity manifested by the French people in the accomplishment of their freedom, inspire the confident hope that their deliberations in the organization of the new Government will be so directed, under Providence, as to ensure the liberty, the true glory, and the enduring happiness of a great and enlightened nation.

Be it further resolved, That Congress fully approves the conduct of our minister, Richard Rush, in his prompt recognition of the Provisional Government of France.

And be it further resolved, That the President of the United States be, and he is hereby, requested to transmit these

resolutions to the American minister at Paris, with instructions to present them to the supreme authorities of the French Republic.

The resolution having been read,

Mr. HANNEGAN moved to postpone the previous orders, as he had pledged himself to do, and moved that the resolutions he had just reported be taken up conjointly with the resolutions of the Senator from Ohio.

Mr. FOOTE expressed a desire to make some remarks. There had been objection urged to an expression in the resolutions of the Senator from Ohio—"consolidate the principles of liberty." Now, he wished to state that the word selected by the Senator was sustained by the best scholastic authority in the world.

Mr. HALE rose to a question of order. A motion to postpone the previous orders was not debatable.

At the request of Mr. MANGUM, Mr. HALE withdrew his point of order.

Mr. FOOTE said he wished only to say a single word. The Senator from Connecticut took exception to the word "consolidate," as applied to liberty. Now, he (Mr. F.) thought it was most happily selected; it was the best word that could have been chosen—the most scholastic, and, which was still better, it was perfectly in accordance with the French idiom, and therefore conveyed a peculiarly graceful compliment. He had picked up the last work of Lamartine, who was justly celebrated as a literary man, a poet, an orator, and a statesman; and he would read a passage from the second volume of his work on the Girondists. Here Mr. F. read an extract from the French edition, (stating that he translated literally as he proceeded,) to show that the word "consolidate" was therein used in reference to "the results of victory." He hoped no one, after this, would question the accuracy of the expression.

One word more. Gentlemen seemed to think so much of consolidated power—to which he was as much opposed as any one—that they could not separate the words. He then showed that the word was not only scholastic, but Washingtonian. The word consolidated was first used by Washington, in reference to the consolidation of the Union. Therefore it was Washingtonian. He would only add that he was in favor of the French movement, because it consolidated the principles of liberty.

The motion to postpone was agreed to without a division.

Mr. HANNEGAN then moved to take up all the resolutions for consideration; which was agreed to.

The question being on the amendment moved by Mr. HALE—

Mr. MANGUM moved to strike out all the original resolutions submitted by the Senator from Ohio, and insert the resolutions reported by the Committee on Foreign Relations.

Mr. ALLEN asked for a division of the question. His resolution was intended to give a general expression of the feeling of one nation to another. If we were to adopt individual opinions as to particular acts, we should never agree on any general form of resolution. It would be necessary to construct a resolution embracing a detail of all the French had done. To avoid that difficulty he had condensed his views into a single sentence, so as to make it most clear and simple.

To go into details in order to give a reason for everything we do, is to place ourselves rather in the attitude of advisers than congratulators. He thought it best to imbody a general expression in a few sentences, as the only way to obtain a general and prompt expression of the feelings of the Senate. He should prefer his own resolution, on account of its plainness and simplicity.

Mr. NILES said his objection to the resolutions was not because of any particular phraseology, but because we state in them what is not the fact. We go beyond what has actually been done. We say a government has been overthrown and liberty consolidated. He presumed consolidating liberty meant providing a guarantee for the security of liberty. This had not been done. The government established was merely temporary; it had not yet been properly elected. It may, indeed, be presumed that public opinion sanctions it. The results have not yet been obtained; so that we go beyond the pale of history. He preferred the resolutions reported by the Committee on Foreign Relations, although they did not exactly harmonize with his views.

Mr. DICKINSON said it was not a question with him what France was about to do, but what she had done. He thought the recent movement merited congratulation, and he expected that, notwithstanding the opposition of the Senator from Connecticut, the resolutions would be adopted. He then glanced at the past life of Louis Philippe, who at first was a guardian of popular rights, but had recently curtailed the privileges of the people. He adverted to the manner in which, by means of a mean disguise, and through great difficulties, he had escaped the personal consequences with which his perfidy had menaced him. Even if Louis Philippe should be replaced on the throne to-morrow, he would still vote for congratulations, because the recent movement had solved one great problem: that opinion is stronger than bayonets. If there was no precedent for this act of legislation, as the Senator from Connecticut had said, let us establish one, as it is very probable that, before the close of the session, we may be called on to vote similar congratulations to other countries. Ireland was ready to start; and over Europe the flame of liberty is spreading. He went most cordially for the passage of the resolutions.

Mr. HALE said he did not desire to protract the discussion. But it had been said that France had not done enough to satisfy our cold, calculating, mathematical policy. He protested against this idea. Did not the heart of the mother yearn over her new-born babe, before it is possible to know whether it can grow to maturity, or whether it may not perish in its infancy? What had France done? The Senator from New York undertook to tell us what she had done, and he had expected to hear something worth congratulating for. Had France done nothing more than to expel Louis Philippe from the throne, and drive him a wanderer through the country, he would never have congratulated her for that. But she had done more than that; she had not limited her views of liberty to any particular hue or complexion of men, but had proclaimed liberty to all. And this was more worthy of admiration than the overthrow of an hundred kings. Nations have their crises as well as individuals. There is a moral Rubicon to be crossed as well as a natural one. France was in this difficult and perilous passage, and he would mingle some words of advice with the language of congratulation, lest she might yet falter in her course. He referred to the idea thrown out at the period of our Revolution that this Republic was to be the last hope and asylum of human liberty; and added that he had latterly felt strong apprehensions that the realization of that idea was not likely to be given to the world. He saw, indeed, the sun of freedom rising in radiant splendor up the eastern horizon, and he indulged the hope that the success of human liberty would yet be secured; so that if we should fail to redeem the pledge we had given to the world, when our tale shall be told, another nation will be found to carry out what we have not done.

Mr. HANNEGAN then addressed the Senate in support of the resolutions reported by him. He expressed his fervent desire that the revolution which had so well commenced would be carried through without the shedding of a drop of human blood. He explained to his friend from Ohio that he did not propose to interfere with his resolutions, as he would show by his vote. But he preferred the resolutions reported by the committee. He went for the spirit of the resolutions. The resolutions he had reported were merely an imbodiment of the public sentiment, an echo of the opinions of every man in the country, of every laborer round the Capitol. He referred to the action of our Government in the revolution of 1789, when Louis XVI. communicated to General Washington the fact that he had signed the constitution pressed on him by the National Convention. General Washington communicated that information to Congress, and Congress replied by resolutions. Here, then, was something like a precedent. He disliked the word. But if we had no exact precedent, it was because the event itself was without precedent.

He had heard suggestions from the distinguished Senators from South Carolina and Connecticut that it was too early to adopt these resolutions. So he had himself thought at first. But reflection had led him to think differently, and as he could see no ill consequences likely to result from the passage of the resolutions, he would vote for immediate action. When liberty and humanity had been laid in a common grave, monarchs had exchanged congratulations; and now, when new-born France stretches out her hand and invites us by her infant smiles, shall we hesitate to cheer and sustain her? If there was anything in these resolutions at war with the usages of nations, or against the courtesy of international intercourse, he would pause before he gave his sanction to the resolutions. But he saw nothing of the kind in them. It was not impossible that before the present sun may set we may have information that every government of Europe has recognized the act of the French people. He complimented our minister on his promptitude; said he had trembled lest Mr. Rush should have proved derelict, in which case he could not have safely returned home; and quoted language imputed by a correspondent to M. Lamartine, that two things which had occurred had given him peculiar delight—the advances of the nuncio of the Pope and of the minister of the United States.

He briefly adverted to the manner in which the revolution had been accomplished; and expressed his entire confidence in the discretion and sagacity of the French people for the support of those brilliant intellects to whom their destinies had for the present been intrusted. The spirit of liberty was now afoot, traversing the whole world, and he anticipated the general emancipation of the human race from thraldom and tyranny. All this was to be traced to our example, and we had some reason to be proud of the laurels which our fathers had gained in the cause of freedom.

He was authorized to say that if any of these resolutions should pass before midnight, they would be forwarded by express to go by the Cambria, which sails on Saturday from the United States. He would now say that he would not stop here; but, if the acts of the Convention—to assemble on the 20th instant—should realize the hopes we indulge, he would send out such an embassy as had never before gone from our shores to congratulate and fraternize with the French people.

Mr. ALLEN then expressed his gratification at the manner in which the Senator from Indiana had referred to his (Mr. A.'s) course in offering his resolutions. He went on to remark on the debate which took place on the question of sending a chargé to Rome, and to some observations which had fallen from him in the warmth of discussion, in which he had expressed a hope that Congress would, before the termination of the session, pass a resolution congratulating the French people. In conformity with that suggestion, he had felt himself called on to offer the resolutions. He did not think there could be any objection to congratulating France, but there might very probably, and very properly, be differences as to the exact form in which the resolutions should be clothed.

Mr. DOWNS said, he should be satisfied with either of the resolutions which were before the Senate; but he was compelled to say a few words on the subject of the revolution itself, in consequence of what had fallen from him on a previous day. He went on to advocate the cause of the French people up to this time, and to distinguish the progress of this revolution from that of the old revolution, referring to the error committed by the leaders in the latter in setting up the Goddess of Reason, and throwing off all allegiance to a superintending Providence. In the present revolution, morality and liberty went hand in hand, and some dignitaries of the church had eloquently sustained the cause of freedom. He stated that France asked no aid from us further than our cheering and sustaining voice; and we ought to cheer and support her in her cause, for our own sake as well as for hers. It would strengthen our own system. And if France should hereafter need advice, we shall stand in a position to enable us to offer it with effect. He read extracts from letters which had come into his hands from Paris, in order to show that the revolution was passing off quietly and without any disasters.

Mr. DAYTON said he would have been much better satisfied if the Senator from Ohio had consented to let these resolutions lie over until the first or second Monday in May. He thought that if the laborers round the Capitol were shaking hands with each other, the Senate within was engaged pretty much in the same way. This might do

well enough for us as individuals, but it did not become us as a legislative body. If we are to congratulate a people on consolidating liberty, we should first be sure that liberty is consolidated, or perhaps when we send them out, the return may be *non est*. It was said that it was right to offer congratulations when a child was born. True; but he would wait until it was born. France had not yet been delivered—she may miscarry. He referred to the haste with which results were achieved, by a mere stroke of a pen—the emancipation of a hundred thousand slaves, without providing any recompense for the owners—the redemption of pledges from the pawnbrokers—the conversion of the Tuileries into a hospital. All these were done by a set of intelligent men, who were only a *quasi* government, and might be displaced as rapidly as they were elevated. It becomes us to do things decently and in order, and he thought a month's delay could not diminish the value of the congratulations. It would give him great pleasure to vote for the resolutions after we have had time to ascertain the result.

Mr. JOHNSON, of Georgia, objected to delay. He did not think that a month would be sufficient to enable us to know the precise result of the great movement which had taken place. It might require the lapse of a year before the French can have matured their system of government. It occupied much time before our Constitution was matured, and it had only grown with our growth, and strengthened with our strength. And still our Government is yet considered by foreign nations as merely an experiment. We could not, therefore, reasonably expect that a month would enable us to come to a more correct judgment than we can now arrive at. He had doubts at first, but they had been dispelled by the message from the President.

He said he should give his vote in favor of the resolutions reported from the Committee on Foreign Relations. He did not object to the word "consolidate" in the resolutions of the Senator from Ohio, but he objected to a statement which went beyond the fact when it indicated that the French people had succeeded. He would not congratulate them on their *success*, but he was willing to say *success so far*. They had only decreed a Republic, but the Republic had not yet been established. He read a long extract, to prove that the French people had acted with great moderation throughout the whole movement hitherto, and that under the whole of the decrees of the new government there lay the elements of public liberty. A movement in favor of public freedom anywhere would call forth the sympathy of our citizens, but a movement in France produced recollections and associations of a peculiar nature, calculated to excite in us the warmest sympathies.

He expressed his deep regret that the amendment of the Senator from New Hampshire had been introduced, because it was calculated to disturb the unanimity with which these resolutions ought to pass. The United States minister had already anticipated the action of Congress, and his course having been approved by the President, the rejection of the resolutions would amount to a vote of censure on the Executive.

Mr. PHELPS said he agreed with his countrymen in rejoicing at every advance of human liberty; but he was opposed to any hasty action of Congress, for the purpose of congratulating the French people, until we have knowledge of the events which must occur before it is consummated.

Mr. HOUSTON said he desired to make some remarks, and as the hour was late, he moved that the Senate adjourn.

Mr. HANNEGAN requested the Senator from Texas to withdraw his motion. It was desirable to pass the resolutions to-night, in order that they may be transmitted by the Cambria, which will sail at twelve o'clock on Saturday. If the vote was not taken this evening, there was no probability that the resolutions would be again acted on before the assembling of the French Convention on the 20th. He had an understanding with the Senator from Kentucky, by which he was pledged to assist in disposing of the judiciary bill to-morrow and Saturday, and next week he had promised to aid in having the California bill acted on. So that he hoped the motion would be withdrawn.

Mr. HOUSTON said the delay of a day could be of no great importance. The President's message would go out by the Cambria, and this would satisfy France as to the disposition of our Government to sympathize with her.

Mr. HANNEGAN asked for the yeas and nays on the motion; and they were ordered, when

Mr. HOUSTON withdrew the motion.

Mr. UNDERWOOD expressed a wish to speak, and renewed the motion to adjourn.

Mr. HANNEGAN renewed his call for the yeas and nays, which were ordered; it resulted as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Butler, Greene, Hale, Phelps, Spruance, and Underwood—9.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Clarke, Crittenden, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Johnson of Maryland, Johnson of Georgia, Lewis, Mason, Moor, Niles, Rusk, Turney, and Westcott—26.

After some remarks from Mr. UNDERWOOD approving of the movement in France, as far as it had gone, but expressing doubt as to the propriety of congratulation before the work was finished—

The question was taken on Mr. HALE's motion to amend, which was decided in the negative: Yeas 1, nays 28; Mr. HALE being absent, and Mr. PHELPS only voting in the affirmative.

Mr. CASS then addressed the Senate in favor of the resolutions of Mr. ALLEN.

The question was then taken on the motion of Mr. MANGUM to strike out the resolutions of Mr. ALLEN, and insert the series reported from the Committee on Foreign Relations, and decided as follows:

YEAS—Messrs. Bell, Butler, Calhoun, Clarke, Davis of Mississippi, Dix, Johnson of Maryland, Johnson of Georgia, Lewis, Mason, Niles, Phelps, and Turney—13.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Breese, Cass, Crittenden, Dickinson, Douglas, Downs, Felch, Foote, Hannegan, Houston, Moor, Rusk, Spruance, Underwood, and Westcott—19.

After a few remarks from Mr. CRITTENDEN, Mr. BUTLER, and Mr. DAVIS of Mississippi, the question was put on the passage of the resolutions, and decided as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bell, Bradbury, Breese, Butler, Cass, Clarke, Crittenden, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hale, Hannegan, Houston, Johnson of Maryland, Johnson of Georgia, Lewis, Mason, Moor, Niles, Rusk, Spruance, Turney, Underwood, and Westcott—32.

NAYS—None.

The following are the resolutions as passed:

Resolved, &c., That in the name and behalf of the American people the congratulations of Congress are hereby tendered to the people of France upon the success of their recent efforts to consolidate the principles of liberty in a republican form of government.

And be it further resolved, That the President of the United States be, and he is hereby, requested to transmit this resolution to the American minister at Paris, with instructions to present it to the French Government.

At half-past six o'clock, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 7, 1848.

Mr. VINTON, from the Committee of Ways and Means, reported a bill making appropriations for the payment of navy pensions for the year ending June 30, 1849.

Also, a bill making appropriations for the service of the Post Office Department for the year ending June 30, 1849.

Also, the bill which was referred to the committee, making appropriations for the naval service for the year ending June 30, 1849, with sundry amendments; which bills were severally twice read, and referred to the Committee of the Whole on the state of the Union.

Mr. CUMMINS asked the House to take up the joint resolution just received from the Senate, tendering the congratulations of the United States to the French people.

Objection being made, the resolution was not taken up.

Mr. GRINNELL asked the House to take up the bill providing for the ventilation of passenger vessels, and for other purposes.

There being no objection, the bill was taken up, considered, passed, and sent to the Senate for concurrence.

Mr. BROWN, of Mississippi, on leave, introduced the following resolution; which was adopted:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the causes of the extraordinary delay in the transaction of the business at the Pension Office, and that they report, at the earliest day practicable, such measure as may, in their judgment, be necessary to ensure a more prompt and efficient disposition of business in that bureau.

PRIVATE BILLS.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole on the private calendar, (Mr. THOMPSON, of Mississippi, in the chair,)—this being one of the days on which, under the rule, the calendar is to be called over, and those bills to which no objection is made, to be acted upon without debate.

The Senate bill for the relief of the legal representatives of George Fisher, deceased, was first taken up.

Mr. TOMPKINS moved an amendment, which was read and agreed to, and the bill was laid aside to be reported to the House.

The following bills were taken up, considered, and ordered to be reported to the House without amendment:

Senate bill for the relief of Peter Engels, sen.

Bill for the relief of Elizabeth Converse, widow of Josiah Converse.

Bill for the relief of Captain John Percival, captain in the United States navy.

Bill for the relief of H. Carrington, executor of Paulina Le Grand, deceased.

Bill for the relief of Richard Reynolds.

Bill granting a pension to John Morrison.

Bill for the relief of William Harding.

Bill for the relief of John S. Conger.

Joint resolution for the relief of H. M. Barney.

Bill for the relief of Sarah D. Caldwell, wife of James H. Brigham.

Bill for the relief of Edna Hickman, wife of Alexander D. Peck.

Bill for the relief of William M. Blackford, late chargé d'affaires to the Republic of New Granada.

Bill for the relief of Francis Hutinack.

Bill for the relief of Eliza S. Roberts.

Bill for the relief of Seth Morton.

Bill for the relief of Joseph Johnson.

Bill for the relief of Christopher H. Pix, of Texas.

Mr. SAWYER here moved that the committee rise.

The question was put, and there were ayes 7, noes 83.

A quorum not voting—

The Chairman ordered the Clerk to call the roll, in compliance with the 126th rule of the House, in order "that the names of the absentees might be reported to the House, to be entered on the Journal."

The call having been completed, the committee rose, and the Chairman reported that the committee, having found itself without a quorum, the roll was called, and that 154 members had answered to their names.

After making the foregoing report, the committee resumed its session, and, after some time spent therein,

On motion of Mr. RICHARDSON, the committee rose, and the Chairman reported the action of the committee on the above-mentioned bills.

A motion was made that when the House adjourns, it will adjourn to meet on Monday next. The question was decided in the negative, by yeas 56, nays 97.

The House then took up the foregoing bills reported from the Committee of the Whole, concurred in the action of the committee, and the bills were severally read a third time, passed, and sent to the Senate.

Mr. McLANE asked the House to take up the resolution from the Senate tendering the congratulations of the United States to the French people. It was objected to.

Mr. GREGORY asked leave to offer a resolution, which was read; but, before any action was taken,

The House adjourned.

IN SENATE.

FRIDAY, *April* 7, 1848.

Mr. MANGUM rose to inquire if the resolutions which passed the Senate last evening were still in the possession of the Senate, so as to enable him to move their reconsideration?

The VICE PRESIDENT replied that they were out of the possession of the Senate.

THE CONGRESSIONAL GLOBE.

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Mr. MANGUM said he would have wished an opportunity to reconsider the resolutions, in order to give Senators, who were absent, an opportunity to record their votes for them. He would have voted for the resolutions of the Senator from Ohio, had he been present, although he preferred those reported from the Committee on Foreign Relations. The Senator from Indiana had pledged himself to support the resolutions of the Senator from Ohio, and therefore was compelled to take that course. He particularly regretted, considering the delicate position of the Senator from Indiana, that he (Mr. M.) had not been here to take charge of the resolutions of the Committee on Foreign Relations. He had hoped the vote would have been merely recorded as unanimous, without the formality of taking the yeas and nays.

Mr. ALLEN explained that he did not call for the yeas and nays, for that very reason. He would have preferred to see it recorded as a unanimous vote.

The VICE PRESIDENT communicated a message from the President, transmitting information called for by a resolution, respecting the claims of Captain McClellan's corps; which was referred to the Committee on Claims.

Also, a copy of the proceedings in the trial of Lieutenant Colonel Frémont, together with the letters between Colonel Frémont and the Adjutant General, on the resignation of the former; which were laid on the table and ordered to be printed.

Also, some resolutions of the Legislature of Michigan in relation to Sault de Ste. Marie; which were ordered to be printed.

Also, a memorial from citizens, praying for the purchase of Mount Vernon; which was referred to the Committee on Military Affairs.

Mr. DIX presented a petition also in favor of the purchase of Mount Vernon; which was referred to the Committee on Military Affairs.

On motion of Mr. MASON, Friday and Saturday of next week were ordered to be set apart for the consideration of private bills on the calendar.

Mr. ATHERTON, from the Committee on Finance, reported the Indian appropriation bill, with amendments, and gave notice that he should call it up on Tuesday week.

Mr. UPHAM, from the Committee on Revolutionary Claims, made adverse reports on the petition of Nancy Haggard and others.

Mr. DOWNS, from the Committee on Indian Affairs, reported a bill for the relief of Henry D. Grandin, and a bill to provide for the sale of lands purchased from the Saginaw Indians; which were read a first time.

Mr. WESTCOTT, on leave, introduced a bill for the relief of the *bona fide* settlers under the act for the armed occupation of Florida; which was read twice, and referred to the Committee on Public Lands.

Mr. DAYTON, on leave, introduced a bill in relation to the terms of the circuit and district courts of the United States in and for the judicial district of New Jersey; which was read twice, and referred to the Committee on the Judiciary.

Mr. DIX, from the Committee on Commerce, reported a bill to prevent the importation of adulterated drugs or medicines; which was read a first time.

Mr. HANNEGAN, from the Committee on Roads and Canals, reported a bill to provide for the repair and improvement of the dam at the head of Cumberland Island, in the Ohio river; which was read a first time.

Mr. BELL urged immediate action on the bill; but objection was made.

Mr. DIX, from the Committee on Commerce, reported House bill to make Ship Island, in the collection district of Pearl river, a port of delivery, and to authorize the appointment of a deputy collector of said port, with amendments, which were concurred in, and the bill was passed.

Mr. CASS moved to take up the bill to provide for the calling out of twenty additional regiments of volunteers; but, at the suggestion of Senators round him, he withdrew his motion.

SUPREME COURT BILL.

On motion of Mr. CRITTENDEN, the Senate postponed the previous orders, and proceeded to the consideration of the bill concerning the Supreme Court of the United States.

The bill was then considered as in Committee of the Whole.

Mr. BUTLER said he was a member of the Judiciary Committee, and felt it to be his duty to say that the bill received the assent of only a majority of the committee. The greatest objection he had heard against it was that advanced by the Senator from Missouri, who asserted that it was intended to cut loose the Supreme Court of the United States from the States. He would say he, for one, in supporting the bill, entertained no such intention. The accumulated cases before the Supreme Court rendered some measure of this kind necessary, judgments being suspended for three or four years, because of the impossibility of reaching them. He went on to show that no harm could arise from passing the bill, while much would be prevented by passing it.

Mr. WESTCOTT said he was one of the minority of the committee who voted against the bill, and he had seen no reason since to change his views. He opposed the bill partly for the reasons so cogently urged by the Senator from Missouri, and partly because he thought the delay in deciding on cases before the Supreme Court could, in all cases, be remedied by the parties or by the court. The passage of the bill he regarded as dangerous to the system. The present system worked very well, and he did not wish to see it changed.

Mr. ASHLEY also regarded the bill as dangerous, and he could not, therefore, give it his support. He stated that an opinion prevailed even among the judges themselves, that it was unconstitutional for Congress to compel the judges to perform circuit duties. He looked back into the early history of our Judiciary, and expressed his belief that the judges of the Supreme Court performed harder duties than are performed now. He expressed his conviction that from the year 1789 to this time, every movement for the relief of the judges of the Supreme Court had emanated from the judges themselves. If he was mistaken in this fact, it was after the closest examination he had been able to give to the subject. The law of 1793, which gave relief to the court, continued in force until 1802. They had been accustomed to meet on the first Monday in February; subsequently the time was changed to the first Monday in January, and latterly to the first Monday in December. Other reliefs have been given, yet the docket had been gradually on the increase; so that the lengthening of the time has not had the effect of diminishing the business, which has fallen in arrear. During the last term about forty-one cases were disposed of, comparing very unfavorably with the number of cases in the State courts, where there is as much talent and legal ability as in the Supreme Court. One third of the appeals came from Louisiana and Arkansas, yet we do not hear from these States a single application for this bill. It has emanated from the Supreme Court itself.

He then referred to the unsuccessful attempts made from time to time to relieve the judges of the Supreme Court from circuit duties, and to give them other privileges.

He proceeded to read a project which he had prepared by way of amendment to this bill, which he felt authorized to say was approved by some of the judges themselves.

Mr. JOHNSON, of Maryland, asked on what authority he said this?

Mr. ASHLEY said, judges of the Supreme Court had told him so in conversation, and he presumed they made no secret of their opinions. The principal feature in the project was, the substitution of United States district judges as circuit judges for the judges of the Supreme Court. A bill had been introduced in the House of Representatives making some change in the present system, by which four judges were empowered to hold an adjourned court to dispose of the ordinary business of the Supreme Court—their judgment, when concurred in by the whole four judges, to be final. He believed the present bill would not have passed the House of Representatives, had it not been limited to one year, during which it was understood that a system would be prepared. He did not think that, after the census of 1850, the western people would send their lawyers to Washington, and their cases there for decision. He stated at some length his objections to the bill, and pointed out some evils which would result from taking away the judges of the Supreme Court from circuit duties. He believed, that if the Supreme Court meet in May and sit until December, there will then be more cases on the docket than there are now, because the mass of the people have not that confidence in the district judges which they have in reference to the Supreme Court. Out of the thirty-one district judges, there is not half of them in whom the people repose any confidence. The judges of the Supreme Court embrace the best legal talents in the country; and, to secure such, salaries are given which will tempt such talents to the bench. He believed the friends of the bill did not contemplate any change in the system, but he did not acquit the first movers of the measure of such motives. He did not think that our Supreme Court had shown much energy in their measures to facilitate the despatch of cases. It had adopted a rule making it imperative that only two lawyers should be heard on one side, but it gave those lawyers such a latitude of argument that they might be as excursive as they chose, talking about ethics or religion, or any other subject which might be agreeable. He intimated that this bill was brought forward at the instigation of the judges, and that its introduction was purposely delayed until the eve of the adjournment of the court, when it was pressed as necessary to be acted on immediately or never.

Mr. DAYTON. I desire to make a very few remarks on this bill. Of course I do not propose to follow the chairman of the committee from whom this bill came, through all his objections. We considered them in committee, and did not regard them as militating against the merits of the bill, which lie within a much narrower compass than that which has been assumed by the honorable Senator from Arkansas. It is proper, in the first place, to look to the evil which this measure is designed to remedy. There are now upon the list, as I am informed by the Senator from Kentucky, [Mr. CRITTENDEN,] one hundred and sixty-four cases undisposed of; fifty-two cases having been disposed of at the last session of the court. Assuming, then, that the same progress shall be made at future sessions of the court, it will require three or four years to dispose of the calendar, while if the present measure of relief be granted, you can dispose substantially of the aggregate of the calendar in a single year—rubbing out old scores, and giving the court a new docket. Such is the present state of the calendar of the Supreme Court, and such is the object sought to be attained by the bill now before the Senate.

Now, what are the objections urged against the passage of the bill? Why, first, it is objected that the bill originates with the judges, and that every other bill relative to the Supreme Court, from 1789 to this hour, originated with them, or through their instrumentality. Now, who are properly to be supposed to be most familiar with the business of the court, and most anxious for its prompt despatch? Sir, we are not to assume that the judges of the Supreme Court of the United States are any other than high-minded, upright, and honorable men, desirous of discharging with fidelity and efficiency the high functions imposed upon them by law. It is surely no more than just to those gentlemen, to give them that degree of credit. The court is, then, the very source from which such a measure should emanate with propriety, because it is a source that acts with light and knowledge. And, pray, whence does that very bill which the Senator from Arkansas now proposes as the bill upon which Congress ought to act, emanate? From a majority of the judges of that court; and permit me to say, that from consideration of the measure in committee, I am satisfied, that if adopted, it will produce the

very evil which the Senator, and those who think with him, deprecate so much—the separation of the court from the State judicatures, and its continual session here as a central, absolute power. That is the measure of all others most likely to produce the result which the Senator dreads. But I refrain from any remark on that bill till it comes before us. At present, we have to deal with this temporary law. It provides for the evil. It applies a remedy suggested by the court itself. Is there anything really in the objection, that the design is to undermine the present system, and obtain for the court the power of sitting here continually, cutting itself altogether loose from the States? I appeal to the intelligence, to the knowledge of members of the Senate, as to the character of the judges presiding in that court, and ask whether it is possible that such a design can be entertained by them? Those most deeply interested in that court come here and say, "our docket is encumbered by upwards of one hundred and sixty cases. A case coming up now cannot be reached within several years. We ask of you only to allow a prolongation of the term, from three months to one year. We ask no additional remuneration —no additional privileges. We ask only the privilege of laboring continuously for one year, for the purpose of disposing of all the cases on the docket." Such is the appeal and request of the court; and now gentlemen object, that this merely covers a design to undermine the present system, and establish a court that is to live here for all time to come, independent of the States. Permit me to ask the Senate with all respect, to look at the case as it really exists. There are one hundred and sixty cases on the docket, and the court, with no disposition in the world to get rid of labor, ask only, that instead of being compelled to adjourn at the end of three months, they may be allowed to labor till the end of the year. One might reasonably imagine, that this was a case in which any impeachment of the motives of the court was utterly impossible.

I know, perfectly well, that there are some inconveniences which may result from the passage of this temporary law, growing out of the condition in which appeals from the district courts may remain during the current year. These appeals may, to a certain extent, remain undisposed of, but is a comparatively small evil, as compared with the great good which is to be accomplished by the relief of the docket. Gentlemen tell us that delay is not unusual; that in the courts of New York, for instance, cases stand for some length of time. I grant it; and that very evil has put the courts of New York under foot. It has destroyed them; it has uprooted and overturned the whole judicial system of that State. The evil has gone on increasing, from year to year, till the people demolished the courts altogether. Permit me to say that the evil, if unchecked, will have the same result here. No business community will, for any great length of time, submit to the suspension of business operations for three or four years together, simply because the court has not sufficient power to dispose of the cases on its docket. Something must be done; and the measure now before us, if adopted, will enable you to apply the remedy in the most unexceptionable manner. No permanent change is sought or intended. I submit, then, whether the objection of the gentleman is not altogether inapplicable? Whether this be a good bill to afford a permanent remedy is not the question. The Senator informs us that the bill by which it is proposed to apply a permanent remedy has the favorable consideration of a majority of the judges. I believe that the present bill has the approbation of them all. All are willing to come here and labor continuously for a year, in order to relieve the docket. This is the whole case, and I submit that the bill ought to pass.

Mr. ALLEN. I have a very few words to say on this subject. The United States Supreme Court has a jurisdiction, both as regards territory and subject-matter, greater than any other judicial tribunal in the world. Everything, therefore, which relates to the organization of that court, becomes a matter of the gravest importance, and is entitled to the most serious consideration. The judges of the court are elected by the Executive. They are appointed for life. In that respect, the organization of this court is not in harmony with the balance of the political system of this country. It has about it no one single feature by which it is connected either with the States of this Union, or with the people of these States, except it be the circuit feature, which gives the members of the court a direct intercourse and communication with the States and the people of this Confederacy. It is in that circuit feature that the strength of this tribunal consists; and the day that that feature ceases to exist in its organization, will the public opinion of this country move upon the subject, and never cease its action, till the tribunal itself is entirely reorganized. If, therefore, I was ever so much disposed to attack this tribunal, and to break it down, the thing that I would first do, would be to encourage the concentration of the tribunal permanently at the Capitol of the United States, and its total withdrawal from any communication with the States and people of the Union. I say this to those who may lay a greater estimate upon this tribunal than I do, that if they do not want it to be passed through the burning crucible of the public will, and recast in all its elements *de novo*, they had better let this circuit feature remain untouched.

It is proposed here to relieve the judges of this court from circuit duties for one year. For it is a bill of relief from the labor and expense of travel. It is a bill of relief and repose. But it is limited to one year. Now, I have observed, and all who have seen as much of legislation as I have must also have observed, that when you commence legislating by instalment, you never end. You commence in this case by giving this court one year's relief; and the next year, the same reason existing for a repetition of the act, the precedent of the previous year is pleaded as an additional argument for an extension of the relief one year longer. It is the grant of an exemption from the labor and expense of travel, to the judges of the court; and the same force which is now brought to bear in favor of this bill, through the instrumentality of the present contact of Congress with the judges of the court, will be brought to bear with added strength next session; all the reasons that are now urged being poured forth, with the additional one that Congress once did the act. Now, though I have no idea that the gentlemen who advocate this bill intend any such thing—as I do not suppose that there are any members of this body who would vote for the permanent concentration of this court here—yet I am convinced that that result will inevitably follow from the adoption of this measure. You commence this business of relief from circuit duty—I care not what the excuse may be, it is the commencement of a system of relief from circuit duty, freeing them from the labor and expense of travel—and when you commence it, the same reason applying next year for the continuance of it, the same motives which induce us to pass this bill now being equally influential then, the bill will be renewed, and so on *ad infinitum*. I view this measure, then, as simply a bill to change the judicial system of the United States; though not so designed, yet in its consequences tending to that point inevitably. Viewing the matter in that light, it next becomes a subject of inquiry, what will be the effect upon our political organization? What will be the effect of the existence of a fixed, central tribunal, seated in this Capitol, composed of men who hold their places for life, cut off from all communication with the States and the people of the States—a Washington city star chamber, under the influences which act upon the capital where the political powers of the nation are all concentrated temporarily? When that kind of a spectacle is presented to the people of the United States, how long will it stand? If it stood twenty-five years, it would become the prevailing power of the Government. Power is a thing which generates itself, which enlarges itself, which contains within itself the means of its own expansion, sustenance, and support. It wants nothing but time to gratify the cravings of its ambition. Whether it be judicial or not, duration is all that it wants to make itself permanent over any other power that is fleeting and transitory. This local power, if it were permitted to stand twenty-five years, would render the whole Constitution a perfect nullity. In less than ten years it would take the place of your Attorney General in all the decisions of the Executive upon law questions, and thereby connect itself with the administrative portion of the Government. The idea would be perfectly natural that the Executive would connect itself with the Judiciary, would consult its members, would employ its influence; and thus the two would mutually strengthen each other, and engross the powers and energies of the Government more and more in one spot in Washington city.

Besides, the permanence and existence of the court here would give it large influence over our deliberations in these Halls. The very fact that nine men armed with great power, having great reputation and beyond the reach of popular control, being permanently located here for their lifetime, would render them objects of adulation and importunity and court for men at a distance who wished to achieve illicit objects in this capital. It would become a cabal. These results would flow inevitably, if it were not for the fact that such a power would call down upon it the curses of the nation too soon to allow it to take hold and mature itself.

I have always been of opinion that the members of this tribunal ought to be elected for a term of years, and that by the people; and it will not be many years before that opinion will be found on more lips than mine. All this idea of life tenure of office is akin to that of hereditary power, an idea which is fast losing its hold upon even the European mind. The nature of this judicial organization is altogether inharmonious with the balance of our political system. It destroys the symmetry of our system, and is founded upon an idea which is utterly ridiculous when applied to American society and American institutions. It is founded upon the idea of rendering the Judiciary independent of the people; and hence we hear it said on all hands—we read it in our horn-books before we come to the bar—we hear it from the bench and the bar, that the Judiciary ought not to be elective. The idea of the independence of the Judiciary in England was an idea of liberty. It originated in the fact, that by the fiction of the English constitution, the King was supposed to administer the laws in his own proper person, and to be present on every bench declaring what the law was. When, therefore, the King was absent, he undertook to supply the place of his presence, by sending a court to give their judgment and mandates, which were implicitly obeyed by the juries. It became essential to the liberties of England in this state of things that the court should be made independent of the Crown, and therefore the judges were appointed for life. But ours is an inversion of the English system; and the only mode of reasoning truly with regard to our system is, to reason reversely of what would be true with regard to the English system. That which is true of the English system, is, for that very reason, false here. There should be no independence of any Judiciary here. To make the case analogous, the word *independence* should apply as between the appointing power and the court, and not as between the people and the court. And to make the case still more analogous, there would have to be a supposition that the appointing power had the right to adjudicate, and, in virtue of the right, the power to control those whom it had appointed to adjudicate. Both of these positions being false, and not entering in anywise into our system, there should be no tribunal in this country independent of the wholesome influence of public will. Our Government rests upon that influence. It is that public will which gives sanction and legality to the acts of our Government. It is not the thing which we call a Constitution that forms the Government of the United States. "Ink and paper cannot form a Christian," said a celebrated divine more than two hundred years ago, in a sermon preached before the House of Commons. Ink and paper cannot form a government, nor can they make a freeman. Government consists in the will of the people—a will dictated by their interests, and the union of their interests constituting the interests of the nation. The public sympathies, the manners, the morals, the sentiments, the reason of the people, constitute our Government. The Constitution is to the Government what a fence is to a farm, and no more. It defines its limits, and keeps out stray cattle. But the source, and authority, and power of the Government is within—in the hearts and sympathies of the people, to be found at the firesides, and in the family circle, in the neighborhood ideas and associations. There is the Government, and in that sense there should be nothing not amenable to the people.

This feature, then, in the organization of the Supreme Court is not in harmony with our sys-

tem; and I would admonish those gentlemen, who do not think as I do on these points, but wish to maintain this Judiciary in its present features, that if they do not wish to sound the tocsin, they had better not separate the judges for an hour from circuit duties, and direct intercourse with the people of the States. That is the only feature in the system which connects them with the nation; and if that be struck out, the striking out of the court will follow as naturally as the snuffing of a candle issues in darkness.

Mr. CRITTENDEN. I intend to occupy the attention of the Senate only for a few moments. I regret that gentlemen have chosen this occasion, so important in itself, for the purpose of debating questions and principles which, according to my judgment, are not included in the subject under our consideration. To what purpose is it to debate the question as to the political character of the Supreme Court of the United States—to debate the question whether it was best to appoint the judges in the manner prescribed for in our Constitution, or to change that Constitution and make them elective? Where is the necessity of inquiring into the nature and extent of the jurisdiction of the court? Where the propriety, on this occasion, of inquiring into the individual or collective competency of the judges? In no one of any of these particulars, in no regard to any principle or question involved in it as a system, does this bill touch the subject. It takes the court as it stands—as it is legally and constitutionally established—without change or alteration of its jurisdiction, and simply proposes—what? That, because of an inconvenient accumulation of business in the Supreme Court of the United States, rendering it impossible for the court to dispose of the business before it in less than two or three years, a remedy should be applied, by which this evil may be obviated. And what is the remedy? This bill simply proposes to authorize the judges of the Supreme Court to hold a second term in the course of the year besides that to which they are now limited, for the purpose of despatching this accumulated business. Now, what principle is involved in this beyond the simple question of providing a remedy which all admit? Sir, If I understand all the arguments that have any application to this subject, gentlemen would have no objection to this measure if they did not apprehend that it was intended as a wedge or the commencement, as they express it, of another system, having for its object the suspension of the judges of the Supreme Court from all duty in the circuit courts, confining them to the duties belonging to the Supreme Court. Gentlemen imagine this, and therefore refuse to apply the proposed remedy for an acknowledged evil. They do not suppose that the evil is so great but that it may be borne. So it may. And gentlemen speak of the danger of the remedy. Let us examine it. The bill provides for a single year. According to existing laws, the next term of the Supreme Court will commence on the first Monday in December next. We are now in the first week in April. Four months of the year have then expired. The three corresponding months of the next year will be occupied by the court in the transaction of its business, so that the whole peril of the proposed measure lies within the compass of eight months. But, forsooth, if we indulge the Supreme Court—for gentlemen seem to regard it as an indulgence—by granting them permission to come here and despatch the business of the court in that period, great danger is to arise—a new system is to grow up—a new principle is to be evolved which is to relieve the judges of the Supreme Court from all other duties except those belonging to the Supreme Court, and other serious political consequences will result! I do not apprehend any such thing. The bill itself seems to guard against any such consequences by its limitation to one year. It is proposed solely as a particular remedy for a particular case. But are not those consequences in our own hands? Are gentlemen afraid that they themselves will do this wrong? There is not a Senator here, so far as I can judge from the opinions that I have heard expressed, who is willing to change the present system so far as to separate the judges from the circuit court and limit them to the Supreme Court. I am glad to believe that there is not a single Senator who entertains that opinion. When the Senate, then, have the issue and consequences in their own hands, I ask, what solid ground there is for any apprehension? Is there any danger that the Senator from Arkansas will be even in these revolutionary times so perfectly revolutionized in his opinions as to come back prepared to reverse all his opinions which he has expressed here to-day? Here is an evil which we can correct. This bill proposes to correct it. The only objection is, that the remedy proposed is one out of which dangerous consequences may hereafter grow; and we have no security for ourselves that that will not be the case. Why, sir, we are afraid of ourselves! If I believed that ever so remotely or possibly this measure could be perverted to such an object as gentlemen seem to apprehend, I would be one of the last to vote for it. But I do not desire to go into this subject. I desire rather to have this bill voted upon than anything else. If the Senate be against it, let it go.

Another remark or two I must be excused in making. It is supposed that this is a bill for the relief of the judges of the Supreme Court. Relieve them from what? It relieves them by requiring them to hold a term of the Supreme Court and discharge all the arduous duties of their office. What relief is there in that? Are these labors less arduous and fatiguing than travelling in the season of the year which has now come, and in any portion or climate of this country, from this period till December next? Are these labors less expensive to them individually than travelling in their circuits would be? I apprehend not. But relief, it is obvious, is no part of the purpose of this bill. It is only to make it their particular and exclusive duty, within a limited period, to discharge the highest of their duties, the decision of the cases which have accumulated in the Supreme Court of the United States. But the honorable Senator is apprehensive that some cases may not be tried according to law—that some admiralty cases may be delayed to the most tremendous and incalculable detriment to all the parties. And there is another case of which we hear—appeals to the circuit courts. Now, litigation may be infinitely more active in the part of the country where the honorable Senator practises his profession so much more profitably than I do; but in the section of the Union from which I come, in twenty years there has not been twenty cases of appeal from the district to the circuit courts. And as to the Spanish pirates, the gentleman will agree with me, that our entire coast is free from such a pestilence! But if such a case should occur in these eight months, and a ship-load of pirates should be brought into any port from New Orleans to Boston, this bill permits one of those judges to go there, and hang those pirates *secundum artem*, and as nicely as the Senator can desire!

Mr. ASHLEY. I extended my remarks to all cases of felony and murder.

Mr. CRITTENDEN. Well, then, the keeping of a felon out of the penitentiary for a few months is the only possible contingency that may occur. I dare say that in our widely-extended empire such cases might happen. But do they deserve serious consideration in such a case as that now before us? Some petty robber of your mails—some post boy, or something of that kind, and for the important reason of trying him, all things else must be forgotten, and this remedy for existing known evil is not to be applied! It seems to me, Mr. President, that the honorable Senator has got his mind a little fevered on this subject, and that he does not view it with that calmness and discretion which usually characterize his labors as chairman of the Committee on the Judiciary. I apprehend that he has allowed his mind to run off, in fact, from the consideration of the particular subject before it, to other principles and questions not at all involved in it, or to minor difficulties that ought not to be allowed any weight. His mind is evidently prejudiced. He apprehends that the judges, consulting their own experience, had suggested this bill as a proper remedy for the existing evil, and that that is a sort of Nazareth, out of which no good can come. But as my friend from New Jersey has said, who so well qualified to suggest a remedy as the judges of the court; and are not their suggestions subject to our consideration and judgment? I do not know that the judges have suggested this thing. I know nothing about the fact; but admitting it to be as the gentleman supposes, I derive no prejudice against the measure on that account. Not at all. The judges are very competent persons to suggest a remedy, and the measure is commended to us from that very circumstance.

I do not wish to debate this question; I would rather avoid debate. I desire the decision of the Senate. I have no doubt the minds of Senators are sufficiently made up, and to their judgment I shall bow with all the deference to which it is entitled. I hope, sir, the question may be taken.

Mr. BENTON. I always regret, sir, when debate takes a personal turn; and when the intentions or wishes or motives of Senators become the subject of remark, the discussion may be regarded as having become personal. In the little I have said and the little I may say, I leave out of view entirely the intentions of every Senator. I impute to no one a design to separate the Supreme Court of the United States from the States, but I reason from the nature and effect of things. The effect of this measure will be that separation, and it is perfectly immaterial what are the intentions of Senators, or what obligations they may impose upon themselves never to do this again. If a Senator says that he will vote this once and never vote it again, certainly he will do what he says; but it is altogether a personal matter; it depends upon his life—upon his coming here—upon this Senate continuing in time to come, to be exactly what it is to-day. The moment we go into the intention of Senators in regard to our legislation, we fall into the absurdity that the Senate is not only permanent as a body, but permanent in its constituent members—that they are always to sit here, and that having done the thing once they will not do it again. But we are to have successors, and God knows there have been examples enough to show that successors are not at all bound by any resolves of those who preceded them. As reasonable men we would be bound on a recurrence of the evil that now exists to apply the same remedy. That is the point of view in which I regard this question; and while I am ready to admit that every Senator will redeem his pledge and vote against it, I must say that it is only by virtue of his pledge he will be bound, because if this divorce of the Supreme Court from their duties in the States is an appropriate remedy for a surcharged docket now, it must be the remedy in all time to come. Just so often as there is a surcharged docket, this will be the remedy if we agree to it now. Here lies the difficulty. The danger is in admitting this to be the appropriate remedy, thereby making it the remedy in any case which is to occur hereafter, until it become habitual, just as habitual as to pass the bill every year. Thus the application of this remedy will become a matter of course, till at last there will be a general law to divorce the Supreme Court from the States forever.

For myself, I look upon this one-year plan as the application for the wood which is to make the handle to the axe. Grant but a little bit of wood, and the whole forest will be cut down. Begin with these yearly instalments of relief, and where will you end? Fortified, strengthened, stimulated by this encouragement, that best of all argument, precedent, will be urged, and the separation of the Supreme Court from the States will be inevitable. That there is a great evil I do not dispute, all admit it. The docket is locked up, and the court cannot meet and despatch cases as they arise. The question is, what is the appropriate remedy? In the first place, I say that the remedy we propose to apply is a greater evil than the evil itself; and, secondly, that it is no remedy. The docket will be as it is at present, for we know that if we pass this bill, the appeals must be more numerous than heretofore. I desire time for deliberation in order that the attention of the Judiciary Committee may be directed to the subject. I recollect very well that some years ago a judge of the Supreme Court told me that he could get on very well if it were not for the business of this district; that there is very little limitation with respect to the cases arising here; that the counsel and the parties all live here, and that the court is blocked up with the business of the District of Columbia, which there is no reason in the world to bring before it. It seems to me that there might be some additional limitations imposed which would diminish the number of appeals; but I have not examined this subject for the purpose of ascertaining the appropriate remedy. I can only express the belief that the evil may be remedied without falling into a far greater evil than the one of which we wish to get rid. I am in favor of a remedy ample and complete, or none at all. I am against the application of a little half-way remedy—a temporary instalment remedy—for I

believe it will be like all other instalment remedies, renewed until it become habitual.

The judges have separated—they have gone away—some of them are near the discharge of their duties in the circuit. I think it will be best, in all the circumstances, to recommit the bill, and as we have a long session before us, devote time and consideration to the subject; which may result in the application of a permanent and safe remedy, relieving us from the necessity of recurring year after year to a species of remedy, which, after all, does not meet the case, and produces a greater evil than that which it was designed to remove.

Mr. BADGER. I feel great reluctance in rising to say anything on this bill. I see around me friends who are anxious for its passage, gentlemen whose wishes I delight to promote, and for whose deliberate judgment I entertain the highest respect. But I am deeply impressed with the conviction that the measure now proposed for the action of the Senate is mischievous in its tendency. Without reference to the motives and considerations which have induced its introduction into Congress, and before I make two or three observations on the merits of the measure, as some gentlemen who have spoken on this subject have stated views in reference to this court in which I did not concur, permit me to say, that I am, in every sense of the term, a friend of that court. I regard that institution as one of the wisest provisions of the great charter of our liberties which our ancestors devised and transmitted to us. I am not opposed to the independent tenure of office by which the judges occupy their seats on that bench. I look upon that as the very provision of the Constitution of the United States which renders the court not only in the highest sense valuable, but which alone renders it safe; and I should look with horror upon a tribunal of last resort, vested with such high powers, if its members held their office by the tenure of Executive caprice or popular passion and prejudice. Neither am I opposed to this bill on the ground that it may have been suggested by the judges, and is intended to afford them relief. I shall always feel myself prompt and ready to afford any relief to the gentlemen who occupy a place upon that bench, provided it be in my judgment consistent with the public welfare; and other things being equal, it would be to me a strong recommendation of a measure that it was calculated to afford relief, and manifest a generous consideration on the part of Congress for those high functionaries, upon the efficient discharge of whose duties everything which is in the highest degree valuable to us as American citizens, in my opinion, greatly depends. Still, I am opposed to this bill. I am opposed to it because I am a friend to the court. I am opposed to it because I believe it to be the commencement of a system by which the moral influence and power of that court will ultimately be overthrown; and it will remain either an incubus upon our institutions, pressing them with a weight injurious to the community, or perhaps producing such a state of things in the public mind as ultimately to destroy the institution itself, or overthrow that independent tenure of office which to me is its highest recommendation. I have no doubt, sir, that the measure is sincerely brought forward simply as a temporary relief for an admitted evil; that it is designed to operate only for a present emergency. But I believe the consequence of it will be—not the necessary and inevitable, but the natural and probable consequence—the ultimate separation of the judges from their circuit duties. We are not to take this bill and look upon it as an isolated measure. This is not the first time, within a few years, that Congress has been called to act in reference to the accumulation of business in that court and the means of relieving its docket. In June, 1844, Congress passed an act, having in view the same object, and containing two provisions—the first directing that the term of the Supreme Court should commence, not on the second Monday in January, but on the first Monday in December, so as to add five weeks to the term of the court, and the second declaring that the judges of that court should be discharged from their obligation to attend two terms of the federal courts each year, and should thereafter be under an obligation to attend only one term each year. Now, in my opinion, this second provision in the law of 1844 involved an unwise alteration of the system. I believe that the great difficulty with regard to the connection of the judges of the Supreme Court with the circuits is, that they do not hold, and, from the nature of the case, owing to the extent of our country, cannot hold, circuit courts enough; and that, therefore, when Congress authorized a judge of that court to absent himself from one term in the year, they did much to impair the efficiency of the members of the Supreme Court. In my view, it is absolutely essential that the judges of every court of last resort should be judges constantly in the habit of trying causes in the court below. After all, whatever questions of admiralty law may fall under the jurisdiction of courts of the United States, the most important part of their functions as judges consists in administering the old common law of England, as modified by the different States of this Union. Who formed that common law? Five or six gentlemen in their private chamber or public court at Westminster Hall? No! It was the result of the application of wise and intelligent minds to the practical operation of the rules they themselves first educed from the transactions of mankind, and then applied to regulate them. Does any one believe that such a system as the common law could have been built up in any other way? If so, are we to trust to powers who occupy the highest station the great paramount authority of preserving, perpetuating, and defending these very principles which they were incapable of building up, isolated from the ordinary transactions of judicial business, and sitting in this Capitol to publish their decrees to the American people? I have said, that in my view, the relaxation afforded by the act of '44 was unwise and dangerous; but I have alluded to it now in order to show to what this course is tending. Four years ago, Congress, for the purpose of facilitating the despatch of business, and enabling the court to reduce it to manageable bounds, added five weeks to the term of the court, and discharged the judges from sitting one term in the circuit courts. What was the result? Was the docket relieved? Is the court now able to control its business? Why, we are now called upon to discharge the judges from the obligation to attend any court in their circuits for one year. They are now, by existing law, discharged from riding one of their circuits in the year; and now it is proposed to discharge them for one year from holding any jury courts whatever!

I think that, in view of the past legislation of Congress, and of the consideration suggested by the Senator from Missouri, there is every reason to believe that at the next session of Congress the necessity for further relaxation will not only not be removed or diminished, but will be increased and more strongly urged as a reason for a continuance of relief. If appeals be so numerous now, when the circuits below do have occasionally two judges for the purpose of hearing and deciding important causes, what may we expect when, for a whole year, the determination of every cause, important or unimportant, involving whatever amount of property, or whatever perplexing question, will be thrown, by the necessity of the case, on a single judge? I think that in every important cause there will be a writ of error or appeal to the Supreme Court; and that twelve months hereafter you will have just as much reason, nay, greater reason, for the passage of a special law.

Then, as I apprehend, if Congress act consistently, applying this remedy from year to year, *toties quoties*, it must come to this, that we shall have these gentlemen as judges of the Supreme Court of appeals, not mingling with the ordinary transactions of business—not accustomed to the "forensic *strepitus*" in the courts below—not seeing the rules of evidence practically applied to the cases before them—not enlightened upon the laws of the several States, which they have finally to administer here, by the discussion of able and learned counsel in the courts below—not seen by the people of the United States—not known and recognized by them—not touching them as it were, in the administration of their high office—not felt, and understood, and realized as part and parcel of this great popular Government; but sitting here alone—becoming philosophical and speculative in their inquiries as to law—becoming necessarily more and more dim as to the nature of the law of the various States, from want of familiar and daily connection with them—unseen, final arbiters of justice, issuing their decrees as it were from a secret chamber—moving invisibly amongst us, as far as the whole community is concerned; and, in my judgment, losing in fact the ability to discharge their duties as well as that responsive confidence of the people, which adds so essentially to the sanction of all the acts of the officers of Government.

These are the consequences to which, in my judgment, the measure tends. I am willing, promptly and cheerfully, to extend to the judges, for their own benefit, and at their own request, any reasonable indulgence and relaxation which may not be inconsistent with the public good. But the gentlemen who advocate this measure say, here is an evil, and we propose to remedy it by special legislation. Now, it has been well said in ancient fable, that when the aid of Hercules was supplicated by the unfortunate wagoner, the answer which the god gave was, "lay your own shoulder to the wheel, and if, after putting forth your own powers, you find yourself not adequate to the emergency, then Hercules will help you." I apprehend that the court has no right to expect or ask any special legislation until after it has put its own shoulder to the wheel—until it has fairly applied all the powers with which it is vested by law, in order to accomplish this desirable result. Now, has the court done so? What occasions this accumulation of business? During a session of upwards of ninety days the court decided, as the Senator from Arkansas informs us, about forty cases.

Mr. CRITTENDEN. Upwards of fifty cases.

Mr. BADGER. My friend from Kentucky says, from the statement of the clerk, upwards of fifty cases have been decided. I imagine that the two statements are quite reconcilable. The clerk puts down all the cases that have gone off the docket; several cases being involved in one opinion, and some merely docketed and dismissed. Why were not there more cases disposed of? We are all somewhat familiar with the manner in which cases are argued in that court. Now, Lord Bacon has informed us in one of his essays—and no man understood better, theoretically, than he the duties of a judge, whatever might have been his practical discharge of those duties—that one of the offices of a judge was, "to moderate length, repetition, and impertinence of speech," using the latter term of course in its original and appropriate signification, not as meaning insolence, but irrelevancy. Now, has that remedy been applied by the court? Has the court taken upon itself the responsibility which it ought to have exercised, in order to prevent a waste of the public time by those who happen to gain the ear of the court a little earlier, in debate, indulging in idle and frivolous discussion, felt by the court themselves to be totally immaterial to the decision of the cause? Has the court been careful to prevent discussion of questions which might be regarded as axiomatic in this country—dissertations or scholastic essays, like those delivered to young men prosecuting their studies in a lawyer's office, in the expectation of obtaining a license? It is quite familiar to us all, that in a case which attracted some attention, one of the learned counsel occupied an entire day for the purpose of demonstrating this very difficult proposition in America, that the people are sovereign; and then pursued his argument on the second day by endeavoring to make out the extremely difficult conclusion from the first proposition, that being sovereign they had a right to frame their own constitution! Well, now, if the court sit quietly while gentlemen, from whatever motive, either to gain distinction from an exhibition of their polemical powers, capacity for didactic discussion, or any other reason, occupy the attention of the court with such discussions, what hope, what expectation can be entertained, that this bill will supply any remedy for the evil of a surcharged docket?

I have no doubt, if the court had met on the 1st of December, with the resolute purpose of confining the argument of counsel to the questions on record, and refusing to listen to any discussion of any points which the court considered to be clear and settled, that instead of deciding forty cases, the court might have decided one hundred and forty. Gentlemen around me know, that we belong to a profession exceedingly discursive, and that when we have looked into a subject, and imagine that we can make a display, we are very apt to occupy time without consideration of the just claims of those who are to come after us.

A SENATOR, (in his seat.) And abuse the court if they stop us!

Mr. BADGER. Yes, and abuse the court if it administer even a gentle admonition. But I ask, why was the Supreme Court made independent as regards the tenure of office, and the salaries of its judges placed above control? Surely, that it might be independent. I mean to cast no reproach upon the court; far from it. I am aware that the duty to which I have just alluded is one of great delicacy. I can readily appreciate the reluctance with which the court would interpose this rightful power—this unpleasing remedy; and, therefore, if the court had time, I would have no objection to their amiable sufferance of irrelevant discussion. If they could dispose of their business, I have no objection to their allowing gentlemen to occupy days in demonstrating that the whole is equal to all the parts, or that things that are equal to the same thing are equal to one another, or any other grave and difficult question. But here is a case in which the public are interested, in which it is not the time of the court that is occupied, but the time of the suitors, whose cases are delayed, and whose interests suffer. I insist that in such a case it is the duty of the court to lay aside all considerations of personal courtesy, and—not with rudeness, for that never can be the duty of the judge, but with moderation, firmness, and decision—to inform counsel that the time of the court must be strictly applied to the business before them. Independently of the consideration which I have stated, that, in my view, the natural and probable result of the adoption of this measure will be the ultimate discharge of the judges from attendance on circuit altogether, which I would look upon as fatal to the usefulness and moral influence of the court, I object that this is an application to Congress for a special act of legislation to apply a special remedy for a special grievance; and before we shall entertain favorably such an application, it ought first to be shown that the ordinary remedies placed in the hands of the tribunal have been resorted to, and have proved inefficient. Now, so far from that being the case in the present instance, give me leave to say, that all are perfectly aware that the court has interposed no such authority to shorten needless debate and enable them to dispose of the cases on their docket. But, sitting there, and gaining universal favor by allowing everybody to talk *ad libitum*, they are obliged to seek this special act discharging them from circuit duty for a year, in order to sit here and accomplish in that time the business which I have no doubt could have been disposed of in the four months in which the court was in session.

Believing, then, that the experiment is a dangerous one, on account of the consequences which may flow from it, and believing that, at all events, it is an application for an act of special legislation, to afford special relief when the ordinary powers of the court, if exercised, would have enabled them to discharge their duty without the necessity of special legislation, I, for one, cannot vote for the measure now before the Senate.

Mr. PHELPS. I regard this judicial system which has been in operation some fifty years, and with a very slight interruption ever since the organization of the Government, as the best that can be devised for the General Government and for the people. I deprecate as much as the Senator from North Carolina, or any other gentleman on this floor, the separation of the judges of the Supreme Court from their circuit duties. The consideration that the separation of the judges of the Supreme Court from their circuit duties would operate very much to the prejudice of the country, is not to be overlooked. I have had my fears, however, that this system, admirable as it is, would have to be abandoned; and that apprehension has been founded upon the fact, that in the first place, the judges have not time to attend to their circuit duties; and that, in the second place, the docket of the Supreme Court had become so loaded, that the business of the court cannot be despatched—the very evil which I apprehended as likely to grow out of the extension of our territory, and the utter impracticability of having the duties of the circuit court discharged by such a number of judges as would be proper to be congregated here. If you increase the number of the judges of the Supreme Court with a view to enable them to discharge all the duties of the circuit courts, you have a court too numerous. On the other hand, they cannot, if they be limited to their present number, discharge the duties of the circuit courts. What is to be done? Some remedy must be applied. In my humble judgment, we have this alternative before us: we must either afford temporary relief, or abandon the system altogether. This is the issue presented. Well, not being disposed to abandon the system—preferring to retain it, and for the very considerations suggested by other Senators—I desire to apply some remedy to relieve the court from the accumulation of business here. In my judgment, if an extra session of this court can dispose of this accumulation of business, the court can attend in future to the ordinary discharge of its duties. If this be not done, what is the result? Why, if the docket of this court is allowed to accumulate and increase from year to year, and the community becomes satisfied that the business of the court cannot be despatched, we are driven irresistibly to the very measure which gentlemen deprecate—the separation of the court from the States. In these circumstances there is but one alternative—we must either change the system, or we must adopt some temporary measure of relief. I am decidedly of opinion that we should resort to some measure of temporary relief, and preserve the system. It is really a choice of evils, and I prefer that course which looks to temporary relief, rather than that which must result in an entire change of the system. As to the recommendation of the Senator from North Carolina, I have only to say, that it is easy to talk on this floor about the manner in which the judges should discharge their duties. I confine myself to the subject before us, and allow the judges to go on in their own way.

Here a motion to adjourn was put and lost.

Mr. CRITTENDEN. What, let me ask, is the condition of the law now? The judges of the Supreme Court may continue in session throughout the whole year, can they not?

Mr. JOHNSON, of Maryland, (in his seat.) Certainly.

Mr. CRITTENDEN. There is no limit to the session of the court except what their own discretion imposes. By law the court can now sit throughout the whole year, so long as there is any business before them. What does this bill propose to do? It says, "and the business of the Supreme Court shall receive the undivided attention of the court for one year." They can then obtain this relief by the law as it now stands. But if we order them to do what they can do without an order, lo and behold, infinite danger results to the whole system, and the Chamber is filled with grave alarms! I admit that it is wise to be jealous. But that jealous wisdom must have its limit. What do gentlemen fear? If they apprehend evil, why not change the law now? Gentlemen fear a consequence which exists only in their own argument. Does anybody desire this consequence? Do not all deprecate it and disclaim it? And yet gentlemen are greatly alarmed at the tendency of this measure—a tendency which they have in their own hands! In this case, literally, men flee when no one pursueth. I hope that the vote may now be taken.

Mr. FOOTE. Until the debate occurred to which we have just listened, I confess that I was decidedly favorable to the passage of this bill. But some objections to its becoming a law have been preferred which are too cogent to be resisted; and I shall, contrary to my first inclinations, vote against it. The merits of the bill have been so fully debated, that nothing which I could now say would aid the Senate in coming to a wise decision concerning it. I shall, therefore, content myself with responding to a single suggestion which has just fallen from the Senator from Vermont. That gentleman seems to be particularly horrified at certain animadversions in which honorable Senators have indulged touching the conduct of those who preside in the Supreme Court of the Union. He appears to be of opinion that we ought not, under any circumstances, to find fault with the action of a coördinate department of the Government, and especially with the judicial department. The Senator may or may not be right in the general doctrine which he asserts; and yet it is most evident to me, that if any one of the three departments of Government decreed by the Constitution to be separate and independent of each other, should be allowed to interfere with the action of another in any case, the exception to the general rule should be admitted in favor, either of the Legislative or Executive, in preference to the Judiciary. Nor do I imagine that there will be much difference of opinion as to the correctness of this proposition among Senators who attach sufficient importance to the fact, that the judges of the Supreme Court are appointed (not elected, either by the people or otherwise) for life, and are only responsible to the country through the medium of impeachment—a proceeding long since ascertained to be wholly inefficient for the purpose of punishing an unworthy judicial functionary. The occasion is not such as to allow of my objecting in form to the mode in which the members of the Supreme Court of the Union are appointed to their high stations, or to their peculiar tenure of office, which induced Mr. Jefferson to declare this tribunal to be a solecism in our system. I shall not now undertake to review the history of the court for the purpose of showing how deadly the tendency of its decisions has generally been to what we call republican principles. I shall confine my observations to a single act of one of the judges of the Supreme Court, of very recent perpetration, which I had hoped would have been long since suitably noticed, and denounced by some other member of this body of more weight and influence in the country than myself; but which having heretofore escaped revision here, I shall take leave now to remark upon. Sir, one of the judges of the Supreme Court has lately taken it upon himself, whilst the country was engaged in war with a neighboring nation, to throw the whole weight of his personal character and official influence against his own Government, and in favor of the public enemy. He has declared the war with Mexico unjust, cruel, and unchristian. He has done more: he has undertaken to dictate to Congress as to the legislation proper to be adopted in relation to this war, and has recommended measures such as would have disgraced the nation, and which no true friend to his country in either House of Congress could ever have sanctioned. He has urged that no supplies should be granted for the support of our army in Mexico—that no authority should be given to Congress for the issuance of treasury notes, so that the Government might be compelled, if the war should be continued, to resort to the most grinding taxation; and thus, by the influence of serious suffering upon our people, to constrain them to demand of the President the recall of our brave troops from Mexico, and the termination of the war, without such indemnity for the past and security for the future as can alone secure the national honor. Sir, I have no words strong enough to express the contempt which I feel for such sentiments as this judicial functionary has dared to avow. I know not which most to condemn, the unpatriotic views which he has promulged, or his unblushing audacity in attempting to dictate to Congress as to the course proper to be pursued at this delicate and difficult juncture of our affairs. It is certain that he has been guilty of a high offence against public decency—that he has expressed sentiments which, if acted out, would consign him to the scaffold as a traitor to his country—that he has soiled, and deeply soiled, the pure ermine of justice with which he stands invested—that he has shown himself anything but a true American in heart, and a wretched devotee to faction in its worst and most accursed form. I will not say that his conduct has been precisely as bad as that of the notorious Arnold, but I do say that our public councils have been profaned by insidious harangues that Lucius Cataline himself would have been ashamed to pronounce; and even the high tribunal where a Marshall was once seen to preside with a majestic dignity which acknowledged no affinity with the low feelings of partisan warfare, has been so discredited by a Presidency-seeking official, that neither gentleman nor patriot can consent hereafter to be elevated to the noblest and most sacred office in the Republic, without feeling that he is disgraced even by the attempt to advance him.

Mr. DOWNS. I confess I agree with the Senator from North Carolina, that much of the evil that we complain of might be remedied by the court itself, still I think it is necessary that the bill should pass. It is not an act for the relief of the court, but for the relief of those who are engaged in litigation before that court—for the relief of the people of the United States. It is said that if this measure be not adopted, another measure will be brought forward that will remedy the evil. I shall be happy to see a remedy applied, and I see an opportunity now for the adoption of a remedy. There is in my State a large amount of property in litigation. A case was carried to the Supreme

Court before the act of 1844 was passed, involving some hundred thousand acres of land, and it still remains undecided; how many years more it will take, I do not know. The delay has become positively intolerable. But if the court could be allowed to sit through the year, the docket might be cleared off, and we should then have time to adopt such measures as may be necessary to prevent a recurrence of the evil.

Mr. CALHOUN. I rise simply to state, in a very few words, the reasons that will govern me, in giving my vote on this occasion. It must be admitted on all sides, that this is intended to be only a temporary measure, and that the present system ought to be continued. I believe this is the general impression; such is mine, very strongly. This bill is presented on the ground, that the cases upon the docket have so accumulated, that it requires an extraordinary law—to relieve the judges from their circuit duties for one year—in order to clear them off. Well, what possible assurance have we, that at the end of the year the same reason will not exist for enacting such a law for the next year? It appears to me that we are inverting the order of things. The first object should be to adopt some measure that would prevent the accumulation of cases in future, and then some measure for disposing of those which now exist. But proceeding as we are, it appears to me, it will be tantamount—without intending it to be so—to a permanent change in the circuit system. Now, I believe there are very few Senators prepared for this; I believe the judges themselves are not. We have ample time during the remaining part of the session—it will probably last three months, yet I should be very glad to think it would terminate in three—surely this will furnish ample opportunity to the Judiciary Committee, or if that committee be overloaded with business, to a select committee to take the subject into consideration, and propose some measure that will prove an effectual remedy for the evil that is complained of.

Mr. DAYTON. The Judiciary Committees in both Houses have had the subject under consideration. A bill has been reported, and is now before the House of Representatives; but any bill that is passed should be a bill calculated to sweep away the accumulation of the cases with which the docket of the Supreme Court is now lengthened. They must be disposed of irrespective of any bill for the regulation of the Judiciary hereafter.

Mr. CALHOUN. I was not aware that there was a bill before the House relating to this subject; but that being the case, it is a reason why this bill should lie upon the table until that bill passes. Let us apply first the general remedy, and then adopt any additional measure that may be necessary. Being strongly desirous that the system should not be changed, and fearing that this bill if adopted will change it, I feel myself compelled to vote against it.

The question was then taken on the engrossment of the bill, and decided as follows:

YEAS—Messrs. Bell, Breese, Butler, Crittenden, Dayton, Downs, Greene, Hannegan, Johnson of Maryland, Mangum, Mason, Miller, Pearce, Phelps, Rusk, Underwood, and Upham—17.

NAYS—Messrs. Allen, Ashley, Badger, Bagby, Benton, Calhoun, Davis of Mississippi, Dickinson, Dix, Douglas, Felch, Foote, Hale, Houston, Lewis, Niles, Spruance, Turney, and Westcott—19.

Mr. DIX, from the Committee on Commerce, reported a bill to authorize the issuing a register to the American brig Palmetto, which, by unanimous consent, was considered, went through its several readings, and was passed.

The Senate proceeded to the consideration of Executive business, and, after a short time, the doors were reopened.

Ordered, That when the Senate adjourns, it adjourn to meet on Monday.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 8, 1848.

Mr. STEWART, of Pennsylvania, asked the House to take up the joint resolution of the Senate tendering the congratulations of the United States to the French people. Objected to.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole, (Mr. GOGGIN, of Virginia, in the chair,) and took up the private calendar.

The first bill taken up was for the relief of John W. Hockett. It was debated by Messrs. DANIEL and SMITH of Illinois, and was laid aside to be reported.

The bill for the relief of James Glynn and others, next came up. Mr. BOWLIN opposed and Mr. SCHENCK (who reported it from the Committee on Naval Affairs) advocated the bill. It was laid aside to be reported.

The joint resolution for the relief of J. Melville Gillis and others was then taken up. Mr. BOWLIN moved that the resolution be reported, with a recommendation that it do not pass. Mr. STANTON and Mr. SCHENCK briefly advocated, and Mr. BOWLIN briefly opposed, the resolution. The motion of Mr. BOWLIN was rejected, and the bill was laid aside to be reported.

The bill for the relief of Charles Reeder, Walter R. Johnson, and the legal representatives of Thos. P. Jones, deceased, next came up; and, after debate by Messrs. FICKLIN and STANTON—

Mr. BOWLIN moved an amendment, to add a proviso that no compensation should be made for service subsequent to the 10th January, 1844, and advocated his amendment. Mr. STANTON opposed it.

The question being taken, the amendment of Mr. BOWLIN was agreed to.

Mr. COBB, of Georgia, moved an amendment, to strike out the provision that the compensation should be made at the rate agreed upon by the Hon. A. P. Upshur, the Secretary of the Navy, and insert a provision that "reasonable compensation should be allowed not exceeding $100 per month."

Mr. BROWN, of Pennsylvania, opposed the amendment.

The question being taken, Mr. COBB's amendment was agreed to.

The bill was then laid aside to be reported.

On motion, the committee rose and reported their action on the above several bills to the House, when it was concurred in, and the bills were respectively read a third time and passed, with the exception of the joint resolution for the relief of J. Melville Gillis, which was not acted on, Mr. SAWYER opposing it, and desiring it to be laid over.

Mr. HOLMES, of South Carolina, asked the general consent to take up and refer a Senate bill lying on the Speaker's table.

Mr. JONES, of Tennessee, and others objected, unless all the bills on the Speaker's table could be taken up in their order.

On motion, the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented, under the rule, and referred:

By Mr. MACLAY: The petition of many citizens of the city of New York, for the abolition of the sale of the public lands, and for granting farms to actual and destitute occupants only. Also, a petition of many citizens of the United States, for the purchase of Mount Vernon by the Government.

By Mr. CRANSTON: The petition of Charles Holden and 93 merchants, and others interested, praying Congress to construct a breakwater at Nantucket, Massachusetts.

By Mr. PEASLEE: The petition of sundry citizens of Dover, New Hampshire, praying Congress to extend to the widows of officers and soldiers of the late war with Great Britain the provisions of all laws in force granting pensions to the widows of officers and soldiers of the revolutionary war.

By Mr. TUCK: The petition of D. M. Kelsey and 322 other citizens of Randolph, Washington, Marion, Perry, and Jackson counties, Illinois, praying that Congress will repeal all laws authorizing slavery in the District of Columbia, and will enact laws prohibiting the inter-State slave trade, and will reënact the principles of the ordinance of 1787 in regard to slavery in the Territories.

By Mr. BINGHAM: The petition of H. R. Schoolcraft, W. H. Brockway, and others, for a military road from the capital in the State of Michigan to Sault Ste. Marie, in said State.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 10, 1848.

The Journal of Saturday was read and approved.

Mr. GOGGIN introduced certain amendments to the bill to regulate the foreign mail service; which were laid on the table, and ordered to be printed.

TEN-REGIMENT BILL.

Mr. BOYD rose and said he hoped that, by general consent, the House would now take up and dispose of the bills and joint resolutions from the Senate on the Speaker's table. If any objection was made, he should move to suspend the rules for that purpose.

Objection being made, Mr. B. made the motion, and demanded the yeas and nays thereon; which were ordered, and being taken, resulted: Yeas 93, nays 79, as follows:

YEAS—Messrs. Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Bridges, Brodhead, William G. Brown, Albert G. Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Dickinson, Dunn, Edsall, Faran, Featherston, Ficklin, French, Fries, Fulton, Willard P. Hall, Haralson, Henley, Hill, George S. Houston, Inge, Iverson, Jackson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, La Sère, Sidney Lawrence, Leffler, Lincoln, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, Mann, Meade, Miller, Morris, Morse, Murphy, Nicoll, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Pollock, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Wiley, and Williams—93.

NAYS—Messrs. Abbott, Adams, Ashmun, Blanchard, Botts, Boydon, Brady, Buckner, Cabell, Canby, Chapman, Cocke, Collamer, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Duer, Daniel Duncan, Eckert, Edwards, Embree, Nathan Evans, Farrelly, Freedley, Gentry, Giddings, Goggin, Gregory, Hale, Nathan K. Hall, Hammons, Haskell, Henry, Hilliard, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jameson, John W. Jones, Kellogg, T. Butler King, Levin, McIlvaine, Marsh, Marvin, Morehead, Nelson, Nes, Palfrey, Pendleton, Preston, Putnam, Julius Rockwell, John A. Rockwell, Root, Ramsey, St. John, Shepperd, Sherrill, Silvester, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Tallmadge, Taylor, Thibodeaux, Richard W. Thompson, Toombs, Tuck, Van Dyke, Vinton, and Warren—79.

Two-thirds not voting in the affirmative, the rules were not suspended.

FRENCH REVOLUTION.

Mr. STEWART, of Pennsylvania, said he hoped the House would this morning, by common consent, take up and dispose of the joint resolution from the Senate tendering the congratulations of the American to the French people. It would take but little time, he said, to dispose of it. If objection was made, he should move to suspend the rules.

Mr. SMITH, of Illinois, appealed to Mr. STEWART to include in his motion the joint resolution to authorize the Secretary of the Navy to contract for American water-rotted hemp.

Mr. STEWART declined.

Mr. THOMPSON, of Pennsylvania, inquired whether his colleague intended to call the previous question on the resolution?

Mr. STEWART replied in the affirmative.

Mr. THOMPSON, (continuing his sentence.) If he did not, he (Mr. T.) should object.

Mr. ASHMUN. Do I understand the gentleman to give notice that he will call the previous question on the resolution? If he does, I object.

The SPEAKER stated that the joint resolution, like all others, must have three readings.

Mr. ASHMUN said he had no objection to taking up the resolution, if opportunity was allowed for debate. He, however, finally waived his objection, remarking that he would take his chance for the floor when it came up.

Objection being made from other quarters—

Mr. STEWART moved a suspension of the rules.

The yeas and nays were asked and ordered, and, being taken, resulted: Yeas 165, nays 10, as follows:

YEAS—Messrs. Adams, Ashmun, Atkinson, Barringer, Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Bridges, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cabell, Canby, Cathcart, Chapman, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Cocke, Collins, Conger, Crowell, Crozier, Cummins, Dickey, Dickinson, Dixon, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edsall, Edwards, Embree, Nathan Evans, Faran, Featherston, Ficklin, Freedley, French, Fries, Fulton, Giddings, Goggin, Gregory, Hale, Willard P. Hall, Nathan K. Hall, Hammons, James G. Hampton, Haralson, Harmanson, Haskell, Henley, Henry, Hill, Hilliard, George S. Houston, Hubbard, Hunt, Inge, Jos. R. Ingersoll, Irvin, Iverson, Jackson, Jameson, Jenkins, Andrew Johnson, James H. Johnson, George W. Jones, John W. Jones, Kaufman, Kellogg, Kennon, Thomas B. King, La Sère, Sidney Lawrence, Leffler, Levin, Ligon, Lincoln, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McIlvaine, McKay, McLane, Mann, Marvin, Meade, Miller, Morehead, Morris, Morse, Murphy, Nelson, Nes, Newall, Nicoll, Palfrey, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Pollock, Preston, Richardson, Richey, Robinson, Rockhill, Julius Rockwell, John A. Rockwell, Rumsey, St. John, Sawyer, Shepperd, Sherrill, Silvester, Simpson, Sims, Caleb B. Smith, Robert Smith, Truman Smith, Stanton, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Tallmadge, Taylor, Thibodeaux, Thomas, James Thompson, Jacob Thompson, Richard W. Thompson, John B. Thompson, William Thompson, Thurston, Tuck, Turner, Van Dyke, Venable, Warren, Wentworth, Wick, Wiley, Williams, and Woodward—165.

NAYS—Messrs. Botts, Boydon, Brady, Buckner, Cranston, Henry, Marsh, Root, Toombs, and Vinton—10.

The rules being suspended—

The resolutions were taken up, and read a first time by their title.

Mr. THOMPSON, of Pennsylvania, moved the previous question.

Mr. ASHMUN said the resolutions had not been read. He called for their reading before any action was taken upon them.

The SPEAKER said, the resolutions having been read the first time, the previous question, being moved, would apply to the second reading.

The previous question was seconded, and, under its operation, the resolutions were read a second time by their title.

The question being on the third reading—

Mr. HOLMES, of South Carolina, called for the reading of the entire resolutions; which were read for information, as follows:

Resolved, &c., That in the name and behalf of the American people, the congratulations of Congress are hereby tendered to the people of France upon the success of their recent efforts to consolidate the principles of liberty in a republican form of government.

And be it further resolved, That the President of the United States be, and he is hereby, requested to transmit this resolution to the American minister at Paris, with instructions to present it to the French Government.

Mr. ASHMUN said: When resolutions were presented to this House, some days since, on the same subject, by the gentleman from Ohio, [Mr. CUMMINS,] that gentleman stated that the resolutions were drawn by himself, although they appeared here in the form of a newspaper article.

Mr. CUMMINS asked the gentleman from Massachusetts to yield the floor that he might explain.

Mr. ASHMUN yielded accordingly.

Mr. CUMMINS then stated that he drew the resolutions as originally presented without the influence of, or consultation with, anybody.

Mr. ASHMUN said he had so stated. He had said that the gentleman from Ohio claimed to have drawn them originally, although they appear here as a newspaper paragraph, from which it was but reasonable to infer that they had been made use of elsewhere.

Mr. CUMMINS. Never! never!

Mr. ASHMUN understood the gentleman from Ohio had offered them here on a previous occasion.

Mr. CUMMINS again explained. Those resolutions were originally drawn up by himself, to be presented to this House. Nobody saw them but himself. When resolution day arrived, he presented them, but they were objected to, and the reporters published them as resolutions offered but not received. As they were not received, he got them back, that he might offer them again when a proper time should arrive; and until they were offered, nobody saw them but himself.

Mr. ASHMUN was satisfied with the gentleman's explanation. He had not intended to spend a moment's breath on that subject; but that they came from the gentleman from Ohio, and not from a standing committee of this House—a fact which had elicited some remarks from the gentleman from Virginia [Mr. BAYLY]—induced him to move an amendment. Now, these resolutions come to the House in a different form. They come from the Senate, another branch of this Government; and they are not, therefore, subject to the criticism which the gentleman from Virginia [Mr. BAYLY] made on those of the gentleman from Ohio [Mr. CUMMINS] some days ago. They now stand in a different position, and they come here entitled to a more respectful consideration. On the previous occasion to which he had referred, the resolutions came neither from the Senate nor from the Executive, nor were they based on any Executive message, nor yet had they had the consideration of a standing committee of this House; and, consequently, they were not entitled to the same consideration that the resolutions now before the House were entitled to. With these views he had moved the amendment which had brought down upon him the remarks and denunciations of several gentlemen on this floor. But for the course which gentlemen had taken in those remarks he should have been silent. He should have been content to have had the vote taken on his amendment, or on the proposition to refer them to the Committee on Foreign Relations, that that committee might report them back in such form as they, in their judgment, might think proper. But he was free to say, that he deemed those resolutions, as they were presented to this House, even now premature. There was no man that would more rejoice than himself to see a republican form of government consolidated in France. No man on this floor would more gladly mingle his voice with others in congratulations, if he could see France maintain her rights, and not France alone, but all the people of Europe. He should rejoice to see civil liberty prevail throughout the whole world; and when, by their exertions, the oppressed throughout the world shall have achieved their liberties and asserted their rights, he should be ready to join with the foremost in the expression of their congratulations.

Mr. A. confessed that he objected to the resolutions of the gentleman from Ohio the other day; and he hesitated to concur in the proceedings contemplated this day, because France has not yet achieved republican liberty. They had been told that a republican government had been formed in France; that it had been already achieved, and was now existing. The President of the United States, in his message to Congress, had announced the fact, "that France had been suddenly transformed into a republic." The President must have singular ideas of what constitutes a republican government. Indeed, his conduct as the Executive of our own Union, in his frequent usurpation of power, gave room to doubt whether he well understood the true spirit of republicanism. But how was the present Government of France established? Where was the charter of that Government? Where was its constitution? Everybody who had read the proceedings in France knew that the present Government was formed by the introduction of a mob into the Chamber of Deputies. In the midst of turbulence, a soldier took a bayonet, and, piercing a piece of paper with names upon it, held it up, and, with a shout, the names on that paper were proclaimed to be the Government. Such was the history of the transaction. That was the charter of France at the present moment. It was a bayonet government. It was not a government established by the exercise of constitutional liberty. The power of France was exercised by a few gentlemen; but where was the charter to limit their power? It did not exist. On the contrary, the papers of this morning brought the intelligence, in a document issued by the Minister of the Interior, that those few individuals were sovereign and independent, and that their own discretion was the limit of their power. In such a case, then, might it not be that the same power which constituted them the Government of France might turn them out, and put others in their place? He denied, then, that France had achieved republican liberty. It was nothing less than an arbitrary despotism at present. It was true that yesterday, (Sunday,) the ninth of April, was appointed for the election of nine hundred French delegates; and if they have succeeded, may look forward to the organization of a national legislature; but, until that has been done, he confessed that, individually, he had no sanguine hopes of the result.

At the head of the present Government of France there were gentlemen of the highest character and the greatest purity, but there were others that he feared. He was, therefore, induced to pause. If France should establish for herself a constitutional republic, he should greatly rejoice, and he should be willing to see this House recognizing a government by which the inalienable rights of man were maintained. He was understood to say, (though throughout his remarks he was very imperfectly heard,) that in the altered circumstances in which these resolutions came before them, he should vote for them without renewing the amendment he submitted to the resolutions of the gentleman from Ohio, [Mr. CUMMINS;] for he was ready to admit that he wished to see resolutions of this kind not only cheerfully but unanimously adopted. He, however, should avail himself of this opportunity to make some remarks in reply to the attacks which his amendment had brought down upon him from the gentleman from Virginia [Mr. BAYLY] and others. France, in the incipient stages of her new Government, had given reason to hope that she would emancipate the slaves in her colonies, and that there would be there no slavery nor involuntary servitude, except for crime. For congratulating France on that auspicious movement he had been most unsparingly denounced. First, however, the indignation of the gentleman from Virginia [Mr. BAYLY] was poured out upon the gentleman from Ohio, [Mr. GIDDINGS;] but it was afterwards transferred to himself, and he with pleasure accepted it, and promised that he should not return it in the same temper, although he should speak with the most perfect freedom. He claimed to live under a republican government, where all were entitled to equal privileges and equal rights, and, as a member of this House, he claimed the right freely to discuss any topic that came legitimately within their action; and the gentleman from Virginia greatly mistook his character if he supposed that either denunciation or coarse abuse could deter him from the exercise of his rights. He sympathized with the downtrodden humanity of France, and the expression of his sympathy was the exercise of a legitimate right when such resolutions were before this body. Why, the resolutions of the gentleman from Ohio [Mr. CUMMINS] might be supposed to contemplate the precise object which he had in view in preparing his amendment. The gentleman from Ohio, in his third resolution, expressed the hope that the downtrodden humanity of France might succeed in breaking down all forms of tyranny and oppression; and what was that but a prayer that slavery shall cease? Did the gentleman from Ohio, or the gentleman from Virginia, or any other gentleman, say that the three hundred thousand slaves that exist in the French West India islands were not downtrodden humanity? If those gentlemen did deny it, he would ask their attention to a description given of it by a gentleman who now held a high position in the new Government of France. He desired them to listen to what M. Lamartine, the French Minister of Foreign Affairs, had said of it in a well-known book which he had published.

Mr. ASHMUN here read the following extract from a work of M. de Lamartine, entitled "History of the Girondists," vol. 1, p. 312:

"San Domingo, the richest of the French colonies, was swimming in blood. France was punished for its egotism. The Constituent Assembly had proclaimed, in principle, the liberty of the blacks, but in fact slavery still existed. Two hundred thousand slaves served as human cattle to some thousands of colonists. They were bought and sold, and cut and maimed, as if they were inanimate objects. They were kept by speculation out of the civil law, and out of the religious law. Property, family, marriage, all was forbidden to them. Care was taken to degrade them as brutes. If some unions, furtive, or favored by cupidity, were formed amongst them, the wife and children belonged to the master. They were sold separately, without any regard to the ties of nature; all the attachments with which God has formed the chain of human sympathies were rent asunder without commiseration."

That (said Mr. A.) was the condition of slavery in the West India Islands. I am not speaking now of Virginia. Lamartine's description is the description of slavery in the French colonies in the West Indies. When the gentleman from Ohio [Mr. CUMMINS] says in his resolution "that we 'sincerely hope that downtrodden humanity may 'succeed in breaking down all forms of tyranny 'and oppression, and in the establishment of free 'and national governments for the good of the 'governed, and not for the aggrandizement of those 'who govern," what does he mean? Is it not, in substance, what my amendment more fully expresses? And if the House adopt the one as proper, how can they reject the other? His fourth resolution says: "Whatever of blood and treasure 'may be shed or spent in a struggle of the op-'pressed against the oppressor is to be charged to 'the unjust resistance of the oppressor." When the gentleman from Virginia [Mr. BAYLY] denounced the gentleman from Ohio for referring to the emancipation of the slaves in the French colonies, because emancipation, when suddenly effected, must always occasion bloodshed, why did not he turn on his own friend for invoking blood? The gentleman turned his thunder on one man, yet averted it from another who had done the same thing. Was it because there was a political affiliation between the gentleman from Ohio [Mr. CUMMINS] and the gentleman from Virginia [Mr. BAYLY] which made it expedient to keep a prudent silence in that quarter? This resolution uttered the self-same voice with his amendment, and no ingenuity could pervert it to any other meaning Mr. A. spoke out what the gentleman might suppose would be concealed in his resolution, or would remain there unnoticed.

What was the House, by the proposal of these resolutions, asked to do? To congratulate France on the attempt to form a republican government. Now, when the charter of their new government was stuck on the point of a bayonet and handed about for adoption, M. de Lamartine said:

"I propose to form a government, not definite, but provisional—a government charged, first of all, with the task

of stanching the blood which flows, of putting a stop to civil war—a government which we appoint without putting aside any portion of our resentments and of our indignation; and in the next place, a government on which we shall impose the duty of convoking and consulting THE PEOPLE in its totality—all that possess the title of man, the rights of a citizen."

When such was the declaration of the great popular leader, and we congratulated the people of France on the adoption of such a government, and while the President in his message called that government a republic, why should not Congress say with Lamartine that everything which possessed the form of humanity ought to be a citizen? The decrees of the Provisional Government had been sent to the Government of the United States, and the President had transmitted them to Congress. Among them was one which gave instant freedom to three hundred thousand downtrodden human beings in the French colonies. Why, in congratulating France on what she had achieved, must we stint our praise so as to withhold all commendation on this reform also? Why, at such a moment, when the glad tones of liberty to three hundred thousand fellow-creatures are sounding to the islands of the Caribbean sea, may not one voice in this Hall, dedicated to liberty itself, swell the shout that goes up to Heaven in thankfulness and rejoicing?

The gentleman from Virginia [Mr. BAYLY] had denounced Mr. A. for having proposed an amendment which contained a declaration of a principle which he considered as amounting to a libel on half the States of this Union; and Mr. A. perceived, in the next morning's Union, that the Government editor joined in the gentleman's denunciations, and blew his penny whistle in chorus. Yes, the editor of the organ expressed *his* "disgust" at what Mr. A. had done in offering his amendment to the resolution of the gentleman from Ohio. Mr. A. had no doubt that editor felt great disgust and dissatisfaction at it; he should have expected it from him. But the abuse of the organ and the denunciations of the gentleman from Virginia, better suited in their manner and tone to his plantation than to this Hall of equals, were in excellent accordance with the spirit which had been manifested in the Senate chamber of Virginia when that body refused to join in resolutions of regret on the death of Mr. Adams, because he had ever been the champion of freedom on the floor of this House. The two proceedings were in one and the same spirit. It was because that distinguished statesman, while alive, had been the constant and fearless champion of human rights; because in this Hall he had dared to stand up against the encroaching power of the slave interest in this Government, that a party majority in the Senate of Virginia had refused to join in the universal manifestation of respect and mourning which had spread over the rest of the Union. But was Mr. A. to be silenced here? Was he to be prevented from speaking his sentiments as a freeman, the representative of freemen, lest he should excite the resentment of the gentleman from Virginia or the abuse of the Government organ? At the very moment we were congratulating the people of France on having overturned the throne of Louis Philippe precisely because he had attempted to put down, by military force, the liberty of speech—to put a padlock on the mouths of the Representatives of the people, and prevent the people themselves from discussing their own rights—an attempt of a kindred sort was to be made in the House of Representatives of this land. The gentleman from Virginia greatly mistook that part of the Union from which Mr. A. came, if he had expected that, while, on the one hand, they attempted no interference with the gentleman, his people, or their domestic institutions, they would, on the other hand, keep silence on a subject which so deeply interested them. They had a right to sympathize, and they did sympathize, with the French people in the whole, not in only a part of what they had attempted. And, in wishing so to sympathize, Mr. A. was but the exponent of American feeling. As an American Representative, he stood on that floor to announce to the world what was the opinion of the American people on these events. And he believed that the American people fraternized with M. de Lamartine in the sentiments he had imbodied in these decrees of the Provisional Government, and no less in that abolishing slavery in the French colonies than in the other items of reform.

Mr. A. said that in what he had done he had not only manifested his own feelings and those of his constituents, but there was a gentleman high in the confidence of the present Administration, the exponent of its policy and principles at the Court of St. James, who was at this moment undoubtedly fully sympathizing and fraternizing with Lamartine in all that had been done in France with reference to slavery. He was placed at the Court of the greatest Power of Europe, with a full knowledge of his sentiments on this subject, because he had solemnly and publicly avowed them. In 1834 Mr. Bancroft, the present minister to England and late Secretary of the Navy, was proposed as a candidate for Congress in the district which Mr. A. represents, and he put forth a printed address to the people, announcing the principles which would govern his action. Mr. A. would read a short extract from that address to show what was then the Democratic doctrine, and that the principle of the amendment of Mr. A. was fully accorded in by the accredited plenipotentiary of Mr. Polk's administration:

"If further great reforms in society are expected, they must come from the people. Slaves are capital; the slaveholder is a capitalist. Free labor will be the first to demand the abolition of slavery; capital will be the last to concede it. We would not interfere with the domestic regulations of New Orleans or of Algiers; but we may demand the INSTANT ABOLITION of the slave trade in the District of Columbia, and should assist free labor to recover its rights in the capital of the country."

Here was a declaration of principles that came fully up to any which Mr. A. had avowed; and could it be doubted that this Democratic functionary was even now shaking hands with Lamartine, and thanking him in the name of free labor, in the name of liberty and democracy, for this pledge to abolish slavery in the colonies?

Here was an exposition of the Democratic faith, made by a most unquestionable Democrat, who now represented this country at the Court of London. And while it was proposed to congratulate France on having overturned her monarchical government, Mr. A. claimed the right, which our minister is probably exercising, to congratulate her on having emancipated her slaves.

The gentleman from Alabama [Mr. HILLIARD] had said that he regretted the introduction of this topic, because there was a deep feeling concerning it at one end of the Union. It might be and probably was so. But he could tell that gentleman there was quite as much and quite as intense a feeling at the other end. Slavery had manifested itself in the Federal Legislature ever since the organization of our Government, and its influence upon national policy had created a feeling at the north that was quite as much to be regarded as the apprehensions of the South, and gentlemen should look to it.

The gentleman from Virginia thought that Mr. A.'s amendment implied an insult on all the republican States of the South. Mr. A. said, that by the Declaration of Independence, freedom was declared an inalienable right of man, and his was held to be an insult to the southern States. In 1776, all the enlightened and patriotic representation from Virginia united in publishing to the world, as their belief and principle of action, that "all men were created equal, and possessed of 'certain inalienable rights, among which were life, 'liberty, and the pursuit of happiness."

Was it true that all men were created equal? He had heard a gentleman from Tennessee [Mr. HASKELL] say that he believed black men were created to be the servants of white men. That might be the gentleman's belief; it was not the belief of Virginia's favorite sons in '76. Was it a libel to insert such a proposition in the Declaration of Independence? Was it a libel for Congress to pass the ordinance of '87, declaring that through all the Northwestern Territory neither slavery nor involuntary servitude should exist, save as a punishment for crime? This ordinance had been enacted by the Representatives of the entire American Union. Did they mean to insult and libel the republican States of the South? Why, Virginia herself assented to it. The paper itself was drawn by the pen of Jefferson. And, when Mr. A. repeated only what the most illustrious sons of Virginia had themselves declared, was he guilty of a libel on Virginia? Did he insult her? The gentleman said that Congress had had no right to enact such an ordinance. Mr. A. was not now going to enter on the constitutional question; but he would content himself with saying that he did not accede to the authority of the opinion of the gentleman from Virginia. Whatever had been the authority of the ordinance, theoretically considered, practically, at least, it had been no nullity; on the contrary, it had been operative through all that region for half a century. At the time that ordinance had been passed, while the Northwestern Territory was a wilderness, Virginia was an old, densely-peopled State, and, from her commanding position and great influence, she might be said to hold the destinies of the Union in her hand. But how stood the comparison at this day? What was the condition of that venerable State at this day, and what the state and population and prospects of the vast and fertile region northwest of the Ohio? Yet the gentleman from Virginia, standing on the banks of the Ohio and beholding the contrast, could gravely assert that the ordinance of '87 was a nullity! Had it been possible, at the time that ordinance was passed, to rid Virginia of her slave population and place her in that respect on a footing with the northwestern States, her progress might at this time have been as rapid as theirs. Look at her natural advantages, superior in many respects to theirs. With mountains of mineral wealth piled one on another to heaven, with a soil rich and fertile, a genial climate, with seaports at her feet, and capacious harbors opening to all the rich commerce of the Atlantic, what might she not have been at this day? The gentleman spoke of Virginia as one of the republican States of the South. Mr. A. did not deny that she was as republican as any of the other States, and he had no wish to interfere with her domestic arrangements in any way; she might, if she so pleased, base representation upon soil and not on man, and she might cherish slavery as a blessing, if she so esteemed it; but this could not prevent other States from instituting a comparison between her condition and that of her neighbors, when challenged to it by such remarks as had fallen from the gentleman from that State.

Mr. A. could not accept of the gentleman from Virginia as an exponent of the sentiments of the people of Virginia; he did not, as Mr. A. conceived, fairly represent the wisdom or the justice of that Commonwealth. While Virginia was entitled to insist upon respect for her own rights, she should not interfere with the rights of other States, nor charge them, because they rejoiced in the abolition of slavery in a distant part of the globe, with encouraging revolt and massacre in our own land.

Again, he asked the gentleman, was it an insult to the slaveholding States to adopt the Declaration of Independence?—to pass the ordinance of '87?—to pass the resolution admitting Louisiana into the Union?—or that admitting Missouri?—or that admitting Texas? Yet in all these cases there were restrictions on the existence of slavery within certain limits. Or was it an insult when the last House of Representatives, which the gentleman would claim as a Democratic Congress, inserted a clause into the constitution of Oregon forever prohibiting slavery in that Territory, or to insert a similar restriction in Mexico in the three-million bill? All these successive acts of the representatives of the American people were equally liable to the charge of insulting the slaveholding States with Mr. A.'s amendment. Would the gentleman esteem it an insult and a libel, if, after we should have acquired new territory sufficient to form some half dozen new States of this Union, Congress should put a similar restriction into their constitutions? The gentleman and his friends had forced the House and the country into a war which seemed likely to end in the acquisition of such territory, and they would then call upon Congress to make laws for it. And when that came, he was much mistaken if they would not find that the people of the North would take their stand to a man on that point. They had resisted the war, but the war had been forced upon them; and when it should be attempted to force them to allow the existence of slavery in the new territory, and thus prepare a new accession of slaveholding States, and slaveholding power and predominance, it would be resisted, and they would do all which constitutionally they could do to prevent the extension of the institution of slavery in this Union. Mr. A. had nothing to do with it as it already existed in the southern States. For himself, though he did not pretend to say precisely when, he had not a

doubt that slavery would ultimately be abolished in all those States. That, however, should be done by no unconstitutional act of his. He had a right to speak, and to speak freely, his sentiments of the institution, and this he should do at all proper times.

But gentlemen might assure themselves that the people of the North would resist the extension of slavery as an element of political power in the Union. As a domestic institution, existing within a State, they never would touch it. Let the South take it, and enjoy it, if enjoyment it were; let them suffer under it, (as he believed they did;) with all that, the North had nothing to do. But when it should be attempted to bring into the Federal Legislature new Senators and new Representatives on the basis of slave property, they should most assuredly resist it. It changed the whole Government; it made a new Constitution, a new Union. Against such an attempt, though at the risk of the high displeasure of the gentleman from Virginia, and at the risk of being called insulting and libelous, they should certainly take their stand. Mr. A. admitted that there were in the North a set of men of one idea; but so there were at the South. There were ultra men on both sides; and he could scarcely say which were the most mischievous. But these were not the great mass of the people of the North; and it was the mass of sober-minded, reflecting, foreseeing people of the free States who would take the stand he had indicated. They would take their stand upon the Constitution, as it was originally formed. The element of slavery was there; they could not take it out, or not at least without endangering the safety, if not the existence of the whole. There then let it stand until God in his Providence shall move the hearts of the people to blot it out. But gentlemen, with their progressive Democracy, who wanted to make new slave States, new Senators, new Representatives, based on slavery, could not with any show of reason expect northern men to stand quietly by and see this done without an effort to resist it. If they did, they would find themselves wofully deceived.

Mr. A. said he had no disposition to prolong this debate. He had given the reasons which had induced him to offer the amendment which he had had the honor of proposing to the resolutions before the House. In the remarks he had made in reply to the gentleman from Virginia he had taken the liberty of speaking freely—as freely as the gentleman had done of him. To be sure, he had thought the gentleman's manner somewhat supercilious; but he entertained no resentment, far less any enmity, to that gentleman. He conceded to him the same rights he claimed for himself, and should take no offence at their free exercise.

Mr. BAYLY next obtained the floor. When he had spoken one week ago upon this question, (he proceeded to remark,) he had spoken without one——

Mr. ASHMUN interposed, and desired the gentleman to give way for a moment while he added a few observations on a topic which had escaped him.

The SPEAKER, (addressing Mr. BAYLY.) Does the gentleman give way?

Mr. BAYLY. With pleasure.

Mr. ASHMUN said he wished to add a few words in relation to the remarks which the gentleman from Virginia [Mr. BAYLY] had made on the subject of the emancipation of the slaves during the old French revolution. The gentleman had charged that the emancipation by the French Government of the slaves in the islands of the Caribbean sea had produced the terrific results of slaughter and rapine and crime which, we all knew, had marked that time. Notwithstanding the gentleman had told the House he spoke from the book, and made no assertions without knowing on what they were founded, yet in this respect he was false in history. Every reader of the history of the times knew that those revolts were the result, not of emancipation by the French Government, but of other causes. The only emancipation prior to 1793 by the French Government of the slaves in those islands was what was contained in the declaration of the National Assembly of the 20th August, 1789. At that time the National Assembly declared, in the words of our own Declaration of Independence, that "all men are born, and are to continue, free and equal as to their rights." Prior to any of these insurrections in the West India islands, no other emancipation of any kind than what was contained in that declaration was ever enacted or decreed by the National Assembly. That declaration attracted the attention of the population of those islands, in all its extent, and the principles of it induced the mulatto race, which was a distinct race from either the whites or the negro slaves, to attempt to achieve their own natural and political rights. There were at that time three distinct races in the West India islands: in the first place, the white planters, who were the owners of slaves; then the mulattoes, who were also men of large property, some of them men of education, and the owners of slaves; and, lastly, the African negro slave caste. The first disturbances grew out of the attempt of the mulattoes to vindicate for themselves the principles contained in the declaration of the 20th August, 1789. The failure of the National Assembly of France to carry out in practice the principle which they had thus declared was the primary cause of the insurrection that ensued. It was that that led to open war, bitter feuds between the white planter and the mulattoes; and it was not until they had been continued some time that the slaves, partaking of the general ferment, attempted insurrection for the purpose of achieving their own freedom. Then it was that the terrible scenes which had been described were enacted. But the act of the French Government which emancipated slavery did not take place until long after.

Mr. BAYLY, (in his seat.) I know it did not.

Mr. ASHMUN. Therefore, when the gentleman from Virginia asserted that these scenes of carnage, bloodshed, and pillage, were the result of an act of emancipation such as had now been proposed, he spoke without the book, and without any authority of history.

Mr. BAYLY resumed the floor, and proceeded with his remarks. He said he was about to remark, when he had yielded the floor to the gentleman from Massachusetts, that when he had spoken a week ago on this subject, he had spoken without one moment of preparation, and under the feeling very manifest in the House at the time, which he did not attempt to suppress. The gentleman from Massachusetts, subsequently on the same day, had obtained the floor, and declined then, under circumstances similar to those under which he had spoken, to reply. He had taken a week to fortify himself, and all he (Mr. B.) asked, was now, not a week of preparation to rejoin to him, but the attention of this committee. He should follow the gentleman step by step through his remarks.

And, first, as to what the gentleman had said in reference to his (Mr. B.'s) suggestion as to the terms in which the resolutions of congratulation to the French people ought to be presented to the country. The gentleman said he had objected to the resolutions of the gentleman from Ohio, [Mr. CUMMINS,] because they had not come from any committee of this House, or even from a gentleman connected with the committee having charge of our foreign relations, and had seemed to intimate that that was ground of objection on his (Mr. B.'s) part to the resolutions themselves. On the contrary, gentlemen knew very well that it was impossible to get this subject before the House in the imposing form he (Mr. B.) had desired, until they had first been submitted by some member of the House. His (Mr. B.'s) argument had been in favor of referring the resolutions, and nowhere had he objected on account of the gentleman from Ohio having introduced them. That gentleman had quite as much right to introduce them as anybody else. They had come with quite as much propriety from the gentleman from Ohio, as they could have come from anybody else. But he (Mr. B.) had desired to give them an imposing appearance. He had desired that they should not seem to the country the suggestion of a single individual, but rather the deliberate and well-considered action of this House.

He had not understood the resolutions of the gentleman from Ohio, nor had the gentleman from Massachusetts himself understood the resolutions of the gentleman from Ohio, as referring to the subject of abolition in the French colonies; because, if he had, why did he move his amendment? The resolutions had created no excitement here, though the gentleman from Massachusetts now maintained that they contained the substance of his amendment; there had been no excitement, no ill feeling, no indisposition to vote them when they were brought forward in an imposing and proper form. Was it that the gentleman found that although thus containing his amendment, as he now maintained, they were not likely to become the subject of broil and discord here, and hence he deemed it necessary to give additional point to it, to render it obnoxious as far as their feelings were concerned, and thus raise the storm of which he now complained? The gentleman had one of the two horns of the dilemma: he must either admit that he did not understand the resolutions as he now maintained them to be, or, being everything he desired, yet as they were going quietly along, his purpose of agitation was not likely to be attained, and therefore it was necessary for him to interfere with his amendment. So far from the gentleman's remarks having relieved him from any odium, which he (Mr. B.) undertook to say his amendment had brought upon him in the estimation of three-fourths of the members of this House, they only served to fix it more indelibly upon him.

But the gentleman said that the resolutions were premature; that he desired to congratulate France, but wished to wait until he saw the result of the movement there making. Even now he wished to wait until republicanism was consolidated in France before he could express a word of sympathy in this movement in the direction of free principles; he desired that the movement should first be consummated. He (Mr. B.) wished for no such ill-timid delay. In this contest for free principles, waged in imitation of our own glorious contest of '76, he did not wish now, any more than France did then, to wait for the movement to be consummated before the cheering voice of sympathy was heard. So far from its being premature, it was in the midst of the strife, when the issue was yet uncertain, when these people were contending for their political rights, that they required the cheering voice of sympathy. It was at such a period as that that he (Mr. B.) wished to speak: whilst the contest waged, not when it was over. Then would be a time for congratulation when they had achieved the glorious object for which they were struggling; now was the time to send over to them the voice of sympathy and encouragement. He had none of that cold calculating policy which would restrain him from sympathizing with men fighting for their liberties because perchance they might be stricken down in the struggle. He ardently hoped that France might establish, on a firm basis, her republican principles; and it was precisely because he entertained that hope that he wanted to cheer them in the effort. It was precisely because he did not want to produce despondency for lack of the sympathy of this great nation that he did not want to wait. If this was to be the case, if we were not to rejoice now, we never could rejoice at the inception of any movement. Somewhat of irregularity, confusion, disorder—somewhat (he was sorry to add) of error, must always precede the full establishment of any great principles of this nature. Was France premature when she not only aided us by her cheering voice of sympathy, but with men and money? Was it premature in France then? It was precisely, exactly as premature as it was in us now. He had no sympathy with the gentleman in this ill-timed prudence.

But the gentleman from Massachusetts again to-day could not speak to these resolutions—with all his professed anxiety to produce no discord, merely to discharge his duties here—he could not speak to these resolutions without recurring to the conduct of our Government in the Mexican war, virtually charging us with hypocrisy—not in terms, but that was the effect of his argument—charging, that at the time we were exulting at the birth of a Republic in the Old World, we were exerting the power of our nation to crush a Republic on this continent. What had we done, either in Mexico or elsewhere, that showed any disposition on our part to put the iron heel of war upon any Republic here? Was Mexico less likely to be free, less likely to be republican, after the termination of this war, which the gentleman's course had tended so much to protract, than it was now? Was there any man who had looked attentively at the course of events, who believed that this war would result in injury to the civil and political condition of Mexico; who did not know that there the principles of liberty were better understood; that the reign of military despots had been cut short; that the rights of man would come to be respected to a greater extent in Mexico than they ever had been before?

The gentleman had expressed some surprise that the resolutions of the gentleman from Ohio contained a virtual congratulation at this abolition movement in France, and had said, that "but for the position" (emphasizing the word) of the gentleman, he would have been more explicit in its utterance. What did the gentleman mean by this, that *but for his position*? Had it come to this? Had a leader of the Whig party in this House been brought to admit that the *position* of a Democratic member on this side of the House was a restraint upon him in throwing an apple of discord here which did not prevail on that side of the House? They all knew—scarcely any man was so inattentive to what was going on here from day to day as not to know—that such was the fact; but he had thought that the calculating prudence of the gentleman from Massachusetts would probably have restrained him from the open, undisguised avowal of it on this floor.

The gentleman had referred to the remarks of the French minister; had quoted from his book what he had said on the subject of slavery in the West India islands. Now, he (Mr. B.) begged leave to say to this House that he attached precisely the same importance to Lamartine's description of slavery in the West Indies, that he did to the constant descriptions of slavery in the southern States by the gentleman and his associates on this floor. He had never lived in those colonies. He knew nothing of their condition. He was precisely as ignorant of it as the gentleman from Massachusetts and those who operated with him were of the condition of slavery in the southern States, and his presumptions would never supply the place of knowledge. He attached precisely the same importance to the opinions of Lamartine upon a subject which he did not understand, that he did to the opinions so often expressed here by a class precisely in the same category.

But the gentleman had not been content with a legitimate reply to his argument, such as it was—wholly unpremeditated; but had seen fit to come into this Hall, in a manner which every gentleman here must feel to have been offensive, to drag before the nation and to denounce the conduct of the Senate of Virginia for refusing to pass certain resolutions in reference to the death of Mr. Adams. It was not for him to defend that body, composed as it was of patriots and statesmen. They were able to defend themselves, and they had defended themselves. But why was it that the Senate of Virginia had not passed those resolutions? They were willing to pass such resolutions as were becoming the occasion. They offered to pass resolutions of regret at the death of the man; but they were unwilling to stamp hypocrisy upon themselves, and to pass general resolutions of approbation of the conduct of a gentleman whose conduct, it was well known, had never met the approbation of Virginia. He spoke of his political course. Of his private character as a man, of his ability as a statesman, no man in Virginia had ever undertaken to speak in terms of disparagement. But they were not willing to pass resolutions of approbation of his political conduct; and the friends of Mr. Adams were the sole authors of the rejection of those resolutions, by the attempt to avail themselves of the reluctance which men ever have to refuse to say anything laudatory of the dead, and to seize upon a solemn occasion of that sort to effect a party purpose, and to make the people of Virginia, on such an occasion, pass a vote of condemnation upon their whole course. The Senate of Virginia had firmness enough, had respect for itself enough, not to unite in any such unhallowed movement. Proper resolutions could have been passed, and would have been passed unanimously; but the friends of Mr. Adams insisted on that being done which the Senate of Virginia, with proper respect for itself, could not possibly do.

But suppose the Senate of Virginia in this respect had erred. Suppose their conduct had been so outrageous as the gentleman from Massachusetts would have the nation believe, with what propriety was it that he came forward to assail the conduct of the Legislature of one of the oldest, and I beg leave to add, one of the most patriotic States in this Union? It was an impudent intermeddling, an effort, not unusual here, to throw a stigma upon that old State, the mother of States and of statesmen, which had reposing in her bosom the mortal remains of the man who first roused the American people to a sense of their rights, of the author of the Declaration of American independence, and of that patriot, such as the world never saw before or would see again, who, by his virtue, patriotism, moderation, and prudence, carried out the design and conducted the colonies through the struggle which established our independence.

The gentleman said, when he (Mr. B.) pronounced his amendment a libel on one-half of the States of this Union, he was virtually saying that the Declaration of Independence was equally a libel. What was the resolution of the gentleman as modified by his friend from Ohio, [Mr. SCHENCK?] It was a declaration that slavery, domestic slavery, was a violation of a cardinal republican principle. He said that that declaration was a libel on one-half of the States of this Union, because it affirmed that those States were living in the habitual violation of a cardinal republican principle, and he maintained it still. But had the gentleman's resolution any analogy to the Declaration of Independence? Did the Declaration of Independence speak of anything else than political rights? When the Declaration of Independence declared that all men are born equal, did it mean to assert the untruth that all men were in fact born equal in their moral and physical condition? Did it mean to say that the idiot was born equal in every respect with the man of genius? In what were they equal? Equal in stature? in intellect? in any gift of God? The Declaration of Independence never meant to assert any such absurdity as that. It meant to assert that men are equal in their native political rights. That was what it declared, and that was all it declared; and there was no ingenuity which could torture the Declaration of Independence into having the remotest allusion to the institution of domestic slavery.

The gentleman had read a long list of bright names that represented Virginia at that time in the old Continental Congress—the name of Lee, who introduced the resolution that "these colonies are, and of right ought to be, free and independent States;" of Benjamin Harrison, Carter Braxton, and other eminent men, who participated in that movement. Did he not know that every one of these men at that time were large slaveholders—among the largest in that State? that every one of them continued to be slaveholders till the day of their death? With what purpose, then, did he come in here and assert that these men propounded any such declaration? I say (said Mr. B.) that the Declaration of Independence is a libel on my State! Sir, it is the handiwork of her noblest and most gifted sons. But it is as little like the resolution of the gentleman from Massachusetts, either in its purpose or sentiment, as he is like the eminent men who asserted and maintained it! And, in saying that, I do not know how I can draw a stronger contrast.

The gentleman from Massachusetts asked (continued Mr. B.) if the ordinance of 1789 was a libel on the States of the South. He (Mr. B.) did not choose to repeat now what he should have an opportunity on another occasion to say, when he should pay his respects to that ordinance, and show all it ever was, or is. It contained no such sentiment as that expressed by the gentleman.

In the same spirit in which he had referred to the action of the Senate of Virginia, the gentleman had undertaken to come here and criticise her constitution; and to refer to the fact that suffrage there was confined to the soil and did not attach to the citizen. In this he had shown precisely the same sort of information in reference to her constitution that he had in his speeches heretofore in reference to the institution of domestic slavery in Virginia. The constitution of Virginia made no such restriction.

Mr. ASHMUN interposed, and, the floor being yielded, inquired of the gentleman if the right of voting in several counties in Virginia was not incident to ownership of the soil?

Mr. BAYLY replied in the negative. Not one-half of the voters in Virginia owned one foot of soil.

Mr. ASHMUN had not said they did. But he asked again whether owning territory in different counties did not give the owners the right to vote in each county where the real estate was situated?

Mr. BAYLY replied in the affirmative.

Mr. ASHMUN said that was his assertion.

Mr. BAYLY continued. The ownership of the soil (he said) gave one class of rights; but one-half of the voters of Virginia did not own one foot of land. The right of suffrage in Virginia was not as extended as he would have it; it was not as extended as he desired to see it; but it was almost as universal as it could be where there was any property restriction whatever.

But to recur to the subject of the Declaration of Independence. The gentleman had said that every creature that had the form of a man was entitled to the right of citizenship. He asked the gentleman in what State of this Union did any such right obtain? He asked him in what State of this Union, except, perhaps, his own, did free negroes enjoy any rights of citizenship? Did they vote? Did they serve on juries? Had they the right, which was secured by the Constitution to every citizen, of going to any State they please to reside in? Did not the gentleman know that, although he talked so much about negroes being deprived of their rights by the institution of slavery, they were as much deprived of every political right in the other States as they were in Virginia?

Mr. ASHMUN was understood to say (Mr. B. yielding) that there were other States beside Massachusetts in which the black population were entitled to vote. This was the case, he believed, in Democratic New Hampshire.

Mr. BAYLY. Do the negroes vote there?

Mr. ASHMUN. Yes, and in New York.

Mr. BAYLY (continuing) undertook to say, that neither in New York nor New Hampshire—and he did not speak from the book, nor did he presume to be as well acquainted with their domestic institutions as their own Representatives were—but he undertook to say, that neither in New York nor New Hampshire did the negroes stand on the same footing with the white voter. There were discriminations against them; and if there were any discriminations, they did not enjoy all the privileges of citizenship.

Mr. TUCK interposed, and, the floor being yielded, begged leave to correct the gentleman in regard to New Hampshire. Free negroes voted in New Hampshire; and he would inform the gentleman that very many of them were intelligent and respectable men. [A laugh.]

Mr. BAYLY continued. How many of them had the gentleman ever seen on the jury, at the bar, on the bench of justice? Not one, he would undertake to say. And they could not marry a white woman. [A laugh.] And yet gentlemen came here and told them that they were free and equal. It was not the fact anywhere. Look at Connecticut, in the very heart of New England: on a late occasion, by an overwhelming popular vote, she had denied them the right of suffrage. Look at New York, Pennsylvania, to every State in the Union, where they were not entitled to the enjoyment of the rights of the white; and yet gentlemen talked to them about emancipating their slaves. Go home, (said he,) and emancipate your free negroes. When you do that, we will listen to you with more patience. Until you have taken the beam out of your own eye, do not undertake to remove the mote from ours.

But the gentleman, not content with referring to the Legislature of Virginia and her constitution, had undertaken to tell the House about her want of prosperity, and to refer them to the greater growth and success of other States. He (Mr. B.) knew that this was a very common idea; but he undertook to say, with some small knowledge of the fact, that there was not one of the old States which had advanced in prosperity with more steady, decided step than Virginia. He undertook to say that there was no State in which the progress of improvement had been more rapid and certain. He knew some of the new States had outstripped her. The cheapness of their lands, and many other circumstances, which he could not now stop to discuss, had stimulated them into rapid prosperity—a prosperity which he had never envied them. But he maintained that, among the old States of this Union, there was no State which had advanced in population and wealth with more steady step than had Virginia. Even Massachusetts herself, with all the protection she had received from the General Government, elevating her and depressing us, had not a larger ratio of representation, in comparison with Virginia, on this floor, than she had in the first Congress under the Constitution.

And yet with these circumstances, their people constantly going out, the new States keeping up a constant drain upon them in consequence of their

cheap and fertile lands, which stood as an inducement to them, he asked to be referred to one of the old States that had advanced in population, wealth, improvement, more rapidly than the State in part so ably represented by his friends near him [Messrs. STEPHENS and TOOMBS] from Georgia. If they went into one of the new States, let them show him one that had advanced faster than Missouri. The institution of slavery had been no blight upon them. But if it had been, it was their misfortune; and did it become certain gentlemen from the free States constantly to throw up to them a misfortune which they did not feel, and one which they had not the power to remedy? Did the gentleman from Massachusetts find it consonant either with the feelings of humanity and patriotism? If they had a deformed limb, in the name of God let it pass the notice of their brethren. If it could not pass their notice, let them not be jeered and ridiculed for it. It was an institution which was upon them: if it was a deformity in their social system, no portion of the people of this globe had done more to produce this deformity than the people of Massachusetts themselves; and they were doing it (as his colleague suggested) at this hour in Brazil; there they were fastening it upon them.

But the gentleman from Massachusetts had said that he had been in error in what he had said in reference to abolition in St. Domingo. The gentleman seemed to suppose that he had maintained that it was the action of the French Government which brought about that emancipation, and had undertaken to show that it occurred prior to any action of the Government on that subject. He knew that quite as well as the gentleman. He had never said that abolition in St. Domingo was brought about by the action of the French Government. On the contrary, in as explicit terms as he could employ, he had said it was brought about by the agitation of the subject by English and French fanatics, without the concurrence of the Government of either, and by the operation of societies there of the character to which the gentleman belonged.

Mr. ASHMUN (Mr. B. yielding) said he had understood the gentleman to make use of these words, precisely as he was reported in the Intelligencer:

"Mr. BAYLY said he was not mistaken; he spoke from the book. *The House knew very well that he seldom addressed it, and when he did, that he was not in the habit of speaking of what he had not looked into, or of making assertions without knowing on what they were founded. But he would give the professed philanthropist from Ohio one instance—a horrible instance it was—where this process of universal emancipation was done at a blow, with a single dash of the pen; it was the well-known case of St. Domingo. * * * Liberate three hundred thousand negroes by a stroke of the pen! Who did not know that it could not be done but through scenes of carnage and horror from which humanity recoiled?"

Mr. BAYLY (resuming) said if the gentleman would hand him the report he would show him exactly what he had said. That report, considering the circumstances under which he had spoken, he was free to say, was a very faithful one. His own impression was, that in the connection in which it was there used he had not spoken of the St. Domingo abolition having taken place in consequence of the dash of a pen. But if he had, the former part of his remarks showed conclusively that he understood then, as now, that it did not originate with the French Government. The remarks immediately after what the gentleman quoted showed clearly enough what was his understanding. He had said the thing had been effected. How? By the action of the Government? No such thing.

"Then the thing had been effected by the busy intermeddling of visionary fanatics, just as it was now sought to be done by the gentleman from Ohio and his associates. There was then a band of fanatics in London who met in the Old Jewry, and who passed resolutions very similar to the amendment which it was now sought to foist on the pending resolutions.

"It was then proposed to aid these negroes with men and money in a struggle for their freedom; and similar resolutions were at the same time adopted in France by an association similar to that to which the gentleman and his abolition friends belonged among us. These fanatical visionaries set the revolt of the blacks in St. Domingo in motion; their machinations succeeded in exciting a servile insurrection, in the course of which every white man and woman and child in the island was massacred, with the exception of a small remnant, who fled to the shipping in the harbor, and barely escaped with their lives. Whole hecatombs of dead bodies were piled up in the streets, amid burning, murder, and pillage. Nay, so great was the fury of the blacks that their rage and revenge could not glut themselves with the butchery of every white person, (and they found no difficulty in drawing that line of distinction which the gentleman thought so great a mystery; it was no problem to the negroes;) but they then turned upon the mulattoes and exterminated them. They seemed to hate every human creature that had white blood in his veins with a bitterness that had no parallel unless in the breast of the member from Ohio."

He had made other remarks which were not in this report. The House would recollect—those who had paid attention to his speech—that he had referred expressly to the fact that the Abolition Society of London had furnished Ogé with a ship, with men and money; and it was by this aid, thus furnished by persons belonging to associations precisely similar to those that existed here, that these negroes had been stirred up to insurrection, and been enabled to succeed. How? By cutting the throats of every white man, woman, and child in the land, except the few that escaped.

Mr. ASHMUN wished to correct the gentleman on one point. Ogé's mission, he presumed the gentleman would recollect, was to vindicate the rights of the mulattoes against the whites. His mission was not emancipation.

Mr. BAYLY knew, as well as a man could expect to know from general reading, the history of that transaction; and he now repeated, if the gentleman would go to his own historian, Edwards, he would find that the whites would have succeeded in suppressing this insurrection but for the men and money furnished by these abolition fanatics of England and France. And how did the mulattoes profit? As he had said the other day, after the whites were exterminated by the joint action of the blacks and the mulattoes, they were not yet satiated with blood, and at a subsequent period the blacks turned upon the mulattoes themselves, and from that hour to this there had been nothing but confusion and bloodshed in that island, until it was fast relapsing into that barbarism which he fully believed it was impossible to keep the negro out of in any other way than by the guardianship and protection of the white. He said now, whether by the torch of the incendiary and the dagger of the assassin, or by the peaceful action of the Government, emancipation could never take place in any country where there was a predominance of blacks without absolute destruction to the whites. There was no man who was thoroughly acquainted with the black race who believed that the two races could ever live together in the same community as equals: they never did anywhere, and never could. Look to the British Islands: British statesmen had admitted that their attempt at emancipation there had proved a failure. It had taken place under circumstances more favorable than could ever again occur: the masters were in some sort compensated for their slaves by the appropriation of $100,000,000, and there was not that acute sting of wrong which would occur where they were not thus emancipated; they underwent a probation of ten years; they had British bayonets there to keep them in order and protect the throats of white men against their murder; and yet with all these safeguards, with all these favorable circumstances, which never did occur, and which never could occur again, what was the condition of things there? Look to the debates in the British Parliament; look to the admission of her statesmen, and even of her abolition journals, and it was everywhere conceded that the attempt had proved a failure. It had been maintained in the British Parliament, as it was here, that white labor would be more profitable than slave labor; that emancipation would enhance the products of those islands. We of the South (said he) knew otherwise. As young as he was, he reviewed in one of the periodicals of the day these positions; he was not wise after the fact; in 1833, in this article which was in print, he had predicted exactly what had since occurred. He undertook to say there was no man in the South who understood the negro character who had not foreseen precisely what had occurred. English statesmen did not understand the fact—which it was a pity could not be learned here—that ignorance and presumption were no substitute for knowledge, and that men cannot wisely regulate a subject who do not understand it.

The gentleman from Massachusetts had referred to (he was sorry he [Mr. ASHMUN] had referred to so many miscellaneous subjects in this connection, for it had betrayed him into a discursiveness of debate which he hoped he was not much accustomed to) and asked him if the Oregon bill, with the anti-slavery restriction, was a libel on the southern States. He regretted that the gentleman had made it necessary for him to refer to the circumstances under which that anti-slavery restriction was put in the bill. It had been in none of the territorial bills that had preceded it, except the Wisconsin bill, and there in so loose and general phraseology that it had escaped the attention of the House. The effort had been abandoned in the case of the Iowa bill, and had never been renewed. When the Oregon bill came into this House in 1845, reported by a gentleman from a slave State, and from a committee the majority of whom were from non-slaveholding States, there was no such restriction in it. It was placed there—and he regretted it—on the motion of a gentleman whose elevated personal character, whose elegant accomplishments, whose urbanity, whose ability, whose statesmanship, ought to have made him scorn to have participated in any such proceedings—by the gentleman who then, as now, represented the city of Boston. It was brought there against all precedent, against all necessity—circumstances which he regretted, as he regretted the source from which it came. If it had come from such a source as this amendment he should have expected nothing better; but he confessed he was disappointed, mortified, to see it come from the source from which it did.

There were many other topics to which the gentleman had referred which he should not take up his time in speaking of now—speaking without one moment's preparation as he did.

But one more remark. He sought altercation with the gentleman as little as the gentleman did with him. He had no fondness for personalities; he had no taste either to indulge in abuse in the first instance, or to retort it. The retort of abuse was low and vulgar; it was rather the recourse of vulgar minds, overflowing with bad passions, than the resort of patriotic indignation at unprovoked attack. He confessed that some remarks which he had made when he occupied the floor a week ago were pretty pointed: if he had had the language he would have made them more so. All he could say now, in speaking under the impulses which he then felt, as far as any abhorrence had been expressed of the character of that proceeding, he would have expressed it in his cool moments, and then he might have better measured his words and found those which had more point.

Mr. STEPHENS next obtained the floor, and moved to amend the resolutions, by striking out all after the enacting words in the first resolution, and inserting the following:

That the efforts of France to establish civil liberty upon the basis of a republican form of government command the admiration and receive the warmest sympathies of the American people."

Mr. STEPHENS said he did not intend to trouble the House with a discussion of this question. He submitted his amendment without any comment, and asked for the previous question.

The previous question was seconded, and the main question was ordered, being first on agreeing to the amendment.

Mr. McCLERNAND called for the yeas and nays; which were refused by the House.

Mr. JAMESON called for tellers; and they were ordered.

Messrs. CABELL and BOWDON, the tellers, having taken the vote, reported 85 in the affirmative, and 96 in the negative.

So the amendment was rejected.

The question then recurred on the third reading of the resolutions; which was agreed to without a division.

Mr. COBB, of Georgia, moved the previous question on the final passage of the resolutions; which was seconded, and the main question was ordered to be now put.

Mr. STEWART, of Pennsylvania, called for the yeas and nays; which were ordered, and resulted as follows:

YEAS—Messrs. Adams, Ashmun, Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Bingham, Birdsall, Blanchard, Bocock, Botts, Bowdon, Bowlin, Boyd, Brady, Bridges, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Buckner, Burt, Cabell, Canby, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, W. R. W. Cobb, Cocke, Collins, Crisfield, Crowell, Crozier, Cummins, Dickey, Dickinson, Dixon, Duer, Daniel Duncan, Garnett Duncan, Eckert, Edsall, Edwards, Embree, Nathan Evans, Faran, Farrelly, Featherston, Ficklin, Freedley, French, Fries, Fulton, Gentry, Giddings, Goggin, Gott, Green, Gregory, Hale, Nathan K. Hall, Hammons, James G. Hampton, Haralson, Harmanson, Harris, Haskell, Henley, Hilliard, Hilliard, Elias B. Holmes, George S. Houston, Hubbard, Hudson, Hunt, Inge, Irvin, Iverson, Jackson, Jameson, Jenkins, Andrew Johnson, James H. Johnson, R. W. Johnson, George W. Jones, John W. Jones, Kaufman, Kellogg, Ken-

non, Thomas B. King, La Sère, Sidney Lawrence, Leffler, Lincoln, Lord, Maclay, McClelland, McClernand, McDowell, McIlvaine, McKay, McLane, Mann, Marsh, Marvin, Mead, Miller, Morehead, Morris, Morse, Murphy, Nelson, Nes, Newall, Nicoll, Palfrey, Peaslee, Peck, Pendleton, Petrie, Pettit, Peyton, Phelps, Pollock, Preston, Richardson, Richey, Robinson, Rockhill, Julius Rockwell, John A. Rockwell, Rumsey, St. John, Sawyer, Shepperd, Sherrill, Silvester, Simpson, Sims, Smart, Caleb B. Smith, Robert Smith, Stanton, Starkweather, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Tallmadge, Taylor, Thibodeaux, Thomas, James Thompson, Jacob Thompson, Richard W. Thompson, John B. Thompson, William Thompson, Thurston, Tompkins, Tuck, Turner, Venable, Warren, Wentworth, Wick, Wiley, Williams, Wilmot, and Woodward—174.

NAYS—Messrs. Cranston and Root—2.

So the joint resolutions of the Senate were concurred in and finally passed.

Mr. SMITH, of Illinois, expressed a desire that the House should take up joint resolution No. 14 from the Senate to authorize contracts for water-rotted hemp.

Objections being made, he moved a suspension of the rules for the purpose indicated.

The motion was not agreed to.

Mr. MURPHY moved a suspension of the rules for the purpose of obtaining an opportunity to submit a joint resolution to fix the adjournment of Congress *sine die* on Thursday, the 15th of June.

Objections were made to the introduction of the resolution.

Mr. MURPHY called for the yeas and nays on the motion to suspend the rules, which were not ordered; and pending the question—

On motion, the House adjourned.

The following Select Committees were appointed on the 28th ultimo:

On Mr. Whitney's plan for a railroad from Lake Michigan to the Pacific: Messrs. Pollock, Toombs, McClelland, Hilliard, Woodward, Dixon, Venable, Taylor, and Maclay.

On the petition of James Johnson and others, physicians and druggists, at Milwaukie, Wisconsin, for the passage of an act providing for the inspection of all articles imported for medical use: Messrs. Edwards, Jones, Fries, Eckhert, Lord, Nes, Newall, Henry, and Williams.

IN SENATE.

MONDAY, *April* 10, 1848.

A message was received from the President of the United States, transmitting a copy of the instructions from the minister of Foreign Affairs of Brazil to Mr. Leal, the Brazilian chargé d'affaires at Washington, communicated by him to the Department of State, and in compliance with a resolution of the 28th of March last; which was ordered to be printed.

The VICE PRESIDENT laid before the Senate a communication from the Department of War, made in compliance with a resolution of the 29th ultimo, calling for information in relation to the reserved lands in and about Fort Snelling; which was ordered to be printed.

[The Secretary says that directions were given some time since to have prepared a list of reserves east of the Mississippi no longer required for military purposes, and as soon as practicable the necessary measures will be taken to dispose of them pursuant to law.]

Also, a communication from the Department of War, in compliance with a resolution of the Senate of the 20th and 30th of December, relative to the regulars and volunteers employed in the service of the United States since the commencement of hostilities with Mexico; which was ordered to be printed.

MEMORIALS AND PETITIONS.

Mr. BAGBY presented documents in relation to the claim of H. F. Toulmin for damages to his land by United States volunteers; which were referred to the Committee on Military Affairs.

Mr. HUNTER presented a petition from Cyrus H. McCormick, asking an extension of his patent for a reaping machine; which was referred to the Committee on Patents.

Mr. DICKINSON presented papers relating to the claim of J. S. Bowen; which were referred to the Committee on Finance.

Also, documents relating to the claim of Manuel X. Harmony; which were referred to the Committee on Claims.

Also, papers relating to funds withheld from the Seneca Indians by a late Commissioner; which were referred to the Committee on Indian Affairs.

Mr. LEWIS presented a petition from Joseph K. Boyd, of Washington, the only survivor, with the exception of Commodore Morris, of the party engaged in the destruction of the frigate Philadelphia at Tripoli in 1804, asking such compensation as may be deemed just; which was referred to the Committee on Military Affairs.

Mr. DAVIS, of Massachusetts, presented a memorial from sundry citizens of the United States for the purchase of Mount Vernon; which was referred to the Committee on Military Affairs.

Mr. HALE presented sundry memorials from different States and Territories in relation to the prohibition of slavery in the District of Columbia, in relation to the slave trade therein, &c., and against the acquisition of territory with slaves, and one asking that in no territory hereafter to be acquired may monarchy or slavery be tolerated. The last petition from Illinois, was referred to the Committee on Foreign Relations. With reference to the slave petitions, the motion to receive them was raised, and laid on the table.

Mr. CRITTENDEN presented Professor Espy's second report on meteorology; which was referred to the Committee on Printing.

Mr. RUSK presented joint resolutions of the Legislature of Texas, in favor of paying the volunteers called out in 1846, and not received into the service; which were referred to the Committee on Military Affairs.

Mr. DOWNS presented additional documents in relation to the claim of John Rist; which were referred to the Committee on Private Land Claims.

REPORTS FROM COMMITTEES.

Mr. DOWNS, from the Committee on Private Land Claims, reported House bill for the relief of Elizabeth Burriss, with an amendment.

Also, from the same committee, House bill for the relief of Anthony Bessee.

Also, House bill supplemental to the act approved July 6, 1842, entitled "An act concerning certain land claims in Louisiana."

Mr. BREESE, from the Committee on Public Lands, reported a bill for the relief of Jesse Toles; also, a bill for the relief of David Penrod; which were severally read a first time.

Also, from the same committee, a bill in relation to the boundary line between Alabama and Florida; which was read a first time.

BILLS INTRODUCED ON LEAVE.

Mr. BREESE, on leave, introduced a bill to authorize the sale of reserved lands, and for other purposes; which was read twice, and referred to the Committee on Public Lands.

Mr. DOWNS, on leave, introduced a bill for attaching a portion of the northwestern land district of Louisiana to the district north of Red river, Louisiana; which was read twice, and referred to the Committee on Public Lands.

Mr. BADGER submitted the following:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of repealing the joint resolution, approved August 3, 1846, entitled "A joint resolution directing the manner of procuring the printing for the two sessions of Congress."

CALIFORNIA CLAIMS.

On motion of Mr. CASS, the Senate proceeded to consider the bill for ascertaining and paying certain claims in California.

The bill being under consideration, as in Committee of the Whole—

Mr. BENTON rose and addressed the Senate as follows:

Mr. PRESIDENT: These claims grow out of the conquest of California, and are supported by a mass of depositions taken by the Military Committee of the Senate, and printed by its order. These depositions constitute a document of eighty pages, and are full of material, valuable to the public history of the country, as well as to the private rights of the claimants. The Senate, on the application of the committee, have ordered twenty thousand extra copies of this document to be printed—a fact which sufficiently announces its public and national importance; for no extras, much less twenty thousand, are ever printed of merely private papers. It requires a public interest to be concerned before such a thing can be done; and that is eminently the case in the present instance. These depositions concern public history; and no one can understand the history of the United States, as connected with the conquest of California, without understanding them.

The conquest of California was commenced, and its first act finished, before the existence of the Mexican war was known in that country; and this fact standing out incontestably among the events of the times, and presenting a presumptive case of aggression against the United States, very naturally attracted the attention of the committee, and commanded their most searching and thorough examination. The result is before the Senate, in the depositions referred to, and may be examined in detail by every Senator. For myself, I propose only to make a brief, connected story from their ample contents, to rebut in the first place an injurious presumption, and to exhibit afterwards in lucid order the summary of events which gave rise to these California claims, and show that they ought to be paid.

In the month of May, 1845, Mr. Frémont, then a brevet captain of engineers, set out on his third expedition of geographical and scientific exploration in the Great West. War had not then broken out between the United States and Mexico; but affairs were critical between them, and Mr. Frémont was determined, by no act of his, to increase the difficulties, or to give any cause of complaint to the Mexican Government. His line of observation would lead him to the Pacific Ocean through a Mexican province—through the desert parts first, and the settled parts afterwards, of the Alta California. Approaching the settled parts of the province at the commencement of winter, he left his equipment of sixty men and two hundred horses on the frontier, and proceeded alone to Monterey to make known to the Governor the object of his coming, and his desire to pass the winter, for the refreshment of his men and horses, in the uninhabited parts of the valley of the San Joaquin. The permission was granted, but soon revoked under the pretext that Mr. Frémont had come into California, not to pursue science, but to excite the American settlers to revolt against the Mexican Government. Upon this pretext troops were raised, and marched to attack him. Having notice of their approach, he took a position on the mountain, hoisted the flag of the United States, and determined, with his sixty brave men, to defend themselves to the last extremity. Waiting there four days, and not being attacked, he quit his position, descended from the mountain, and set out for Oregon, that he might give no further pretext for complaint by remaining in California.

The United States consul at Monterey, Mr. O. Larkin, gave official information of these events to the Secretary of State, (Mr. Buchanan,) and from these I will read what is necessary to verify the statement which I have made:

"Captain J. C. Frémont, of the United States army, arrived at this United States consular-house in Monterey, on the 27th of January, 1846. Being very anxious to join his party of fifty men at the second place of rendezvous, without the settlement, they having missed the first place by mistake, he remained but two days, in which time, with myself, he visited the commandant general, prefecto, alcalde, and Colonel Alvarado, informing them that he was surveying the nearest route from the United States to the Pacific Ocean. This information, and that his men were not United States soldiers, was also, by myself, officially given to the prefecto. Having obtained funds and supplies from myself, he returned to his camp; it being well known in Monterey that he was to return when he collected his men. Some fifteen or twenty days after this, Captain Frémont, with his party, encamped at a vacant rancho belonging to Captain Fisher, (about ninety miles from here,) to recruit his men and animals. From there he proceeded towards Santa Cruz, making short journeys. On the 3d of March he encamped on the rancho of Mr. E. P. Hartwell, where he received letters from the general and prefecto, ordering him out of the country, and to obey the order without any pretext whatever, or immediate measures would be taken to compel him to do so. This not corresponding with assurances received at Monterey, it was not answered, *and he gave orders to hoist the United States flag the next morning, as the only protection his men were to look to.* From the 7th to the 10th of March they fortified their camp with a breastwork of logs. Encamped on a high hill, which commanded a view of the surrounding country, they could see, with the use of spy-glasses, the general and his troops, numbering about two hundred men, at their camp, in the mission of St. John's, preparing their cannon. On the 9th instant I sent duplicate letters—one by an American, who lost his papers, and the other by a Californian—to Captain Frémont, informing him of the movements of the Californians. The Californian courier returned to the consulate in about nine or ten hours, bringing a letter from Captain Frémont, having travelled in that time sixty miles. He reported being well treated by Captain Frémont and his men; *and that two thousand of his countrymen would not be sufficient to compel him to leave the country, although his party was so small.*"—*Letter, 27th March*, 1846.

"Captain Frémont was well received in this place, and to the last day we heard of him, by the natives individually,

who sold him provisions, and liked his presence. During his encampment thirty or forty miles from here, despatches were received by the commandant, General José Castro, a native of Monterey, from Mexico, ordering him to drive Captain Frémont out of this department; which order, with one hundred and seventy or two hundred men present, and over one hundred more daily expected, he pretended to execute. Captain Frémont left his camp a few hours after he received the undersigned's letter of the 9th of March, (not from fright of General Castro,) as he had been preparing the week before to travel. It is supposed he has gone to Santa Barbara, where an American was sent by the undersigned in February with funds and provisions for his use.

"The undersigned has not supposed, during the whole affair, that General Castro wished to go after Captain Frémont, and was very confident that, with all California, he would not have attacked him, even had he been sure of destroying the whole party, as five times their number could have taken their place before the expected battle. Captain Frémont received verbal applications from English and Americans to join his party, and could have mustered as many men as the natives. He was careful not to do so. Although he discharged five or six of his men, he took no others in their place."—*Letter, April* 3, 1846.

This is the official history of the first difficulty with the Californian authorities, and presents the conduct of Mr. Frémont in the most unexceptionable point of view: halting his command upon the frontier; going alone to Monterey; asking and obtaining permission to winter in an uninhabited valley; only raising the flag of the United States when in danger of being attacked; leaving the country as soon as the danger was over; and refusing to receive any of the American settlers into his service, (even to supply the place of discharged men,) that there might be no room for misconstruction of his conduct, or for false accusations against the settlers.

The hoisting of the United States flag on this occasion is the only act which requires a word of explanation or of justification. It was complained of as an act of aggression: it was no such thing, but an act of self-protection and of self-defence. It was an appeal to their country, and a proper appeal for an American officer to make when in danger of being unjustly attacked. Mr. Frémont, in his reply to the consul's communication, in a brief note written in pencil, and in view of the enemy, gave the reasons for the act which justified it, and exalted it into an act of devotion and heroism. It was in these words:

"I this moment received your letters, and without waiting to read them, acknowledge the receipt which the courier requires immediately. I am making myself as strong as possible, in the intention that if we are unjustly attacked, we will fight to extremity, and refuse quarter, trusting to our country to avenge our death. No one has reached our camp, and from the heights we are able to see troops (with the glass) mustering at St. John's, and preparing cannon. I thank you for your kindness and good wishes, and would write more at length as to my intentions, did I not fear that my letter would be intercepted. We have in nowise done wrong to the people or the authorities of the country, and if we are hemmed in and assaulted here, we will die, every man of us, under the flag of our country.

"Very truly yours, J. C. FRÉMONT.

"P. S. I am encamped on the top of the Sierra, at the head waters of a stream which strikes the road to Monterey, opposite the house of Don Joaquin Gomez.

"J. C. F.

"THOMAS O. LARKIN, Esq.,
"*Consul for the United States, Monterey.*"

Such was the reason for raising the flag. It was raised at the approach of danger: it was taken down when danger disappeared. It was well and nobly done and worthy of our admiration—sixty of our countrymen, three thousand miles from home, in sight of the Pacific Ocean, appealing to the flag of their country, unfurling it on the mountain top, and determined to die under it before they would submit to unjust aggression.

Turning his back on California, and looking to Oregon as the field of his further labors, Mr. Frémont determined to explore a new route to the Wah-lah-math settlements and the tide-water region of the Columbia, through the wild and elevated region of the Tlamath lakes. A romantic interest attaches to this region from the grandeur of its features, its lofty mountains, and snow-clad peaks, and from the formidable character of its warlike inhabitants. In the first week of May he was at the north end of the great Tlamath lake, and in Oregon, the lake being passed near its south end by the parallel of forty-two degrees. On the 8th day of that month a strange sight presented itself—two men riding up and penetrating a region which few ever approached without paying toll of life and blood. They proved to be two of Mr. Frémont's old *voyageurs*, and quickly told their story. They were part of a guard of six men conducting a United States officer who was on his trail with despatches from Washington, and whom they had left two days back while they came on to give notice of his approach, and to ask that assistance might be sent him. They themselves had only escaped the Indians by the swiftness of their horses. It was a case in which no time was to be lost or mistake to be made. Mr. Frémont determined to go himself; and taking ten picked men, four of them Delaware Indians, he took down the western shore of the lake on the morning of the 9th, (the direction the officer was to come,) and made a ride of sixty miles without a halt. But to meet men, and not to miss them, was the difficult point in that trackless region. It was not the case of a high road where all travellers must meet in passing each other: at intervals, there were places—defiles or camping grounds—where both parties must pass; and, watching for these, he came to one in the afternoon, and decided in his own mind that, if the party was not killed, it must be there that night. He halted and encamped; and, as the sun was going down, had the inexpressible satisfaction to see the four men approaching. The officer proved to be Lieutenant Gillespie, of the United States marines, who had been despatched from Washington the November previous to make his way by Vera Cruz, Mexico, and Mazatlan, to Monterey, in Upper California, deliver despatches to the United States consul there, and then find Mr. Frémont wherever he should be. His despatches for Mr. Frémont were only a letter of introduction from the Secretary of State (Mr. Buchanan) and some letters and slips of papers from Senator Benton and his family, and some verbal communications from the Secretary of State. The depositions taken by the committee show the nature of these verbal communications, which were, in substance, that he should watch and counteract any foreign schemes in California, and conciliate the good will of the inhabitants towards the United States. Upon this intimation of the Government's wishes, Mr. Frémont turned back from Oregon, in the edge of which he then was, and returned to California.

This is the letter of introduction; and I think it right to show it, and to read it, lest any one should suppose it to be of more importance than it is:

"WASHINGTON, *November* 3, 1845.

"MY DEAR SIR: The bearer hereof, Mr. Archibald H. Gillespie, is about to visit the northwest coast of America, on business, and has requested me to give him a letter of introduction to you. This I do with pleasure, because he is a gentleman of worth and respectability, and is worthy of your regard. I do not deem it probable that he will fall in with you, but, if he should, allow me to bespeak for him your friendly attention. He will be able to communicate to you information of the health of Mrs. Frémont and of Colonel Benton and his family.

"From your friend, very respectfully,
"JAMES BUCHANAN.

"J. C. FREMONT, Esq., *Oregon.*"

This is the letter, and of itself it signified nothing; but it accredited the bearer, and gave the stamp of authority to what he communicated, and upon this Mr. Frémont acted; for it was not to be supposed that Lieutenant Gillespie had been sent so far, and through so many dangers, merely to deliver him that letter on the shores of the Tlamath lake. Mr. Gillespie, in his testimony, has explained all the reasons of the mystery of this letter, and of the verbal communications, and shown that they were precautions to avoid detection in his perilous journey through Mexico in the fall of 1845.

This is not the time or the occasion, Mr. President, to show amidst what dangers and hardships scientific discovery was pursued by Mr. Frémont in these remote and unexplored regions. The time may come for telling these things. But the events of a week on the shores of the great Tlamath lake, sketched with the brevity which the occasion requires, may give a glimpse of these hardships and dangers, and of the courage and fidelity with which he was supported by his men.

The night he met Mr. Gillespie presented one of these scenes to which he was so often exposed, and which nothing but the highest degree of vigilance and courage could prevent from being fatal. The camping-ground was on the western side of the lake, the horses picketed with long halters on its shore to feed on the grass, and the men (fourteen in number) sleeping by threes at different fires; for, though in May, the elevation of the place and the proximity of snow-clad mountains made the night intensely cold. His feelings joyfully excited by hearing from home, (the first word of intelligence he had received since leaving the United States, a year before,) Mr. Frémont sat up by a large fire, reading his letters and papers, and watching over the safety of his camp while the men slept. Towards midnight, he heard a movement among the horses, indicative of alarm and some danger. Horses, and especially mules, become extremely sensitive to danger under long travelling and camping in the wilderness, and manifest their alarm at the approach of anything strange. Taking a six-barrel pistol in his hand, and, without waking the camp, he went down among them. The moon shone brightly—he could see nothing. Encouraged by his presence, the horses became quiet—poor dumb creatures, that could not tell what they had seen—and he returned to the camp, supposing it was only some beast of the forest, some wolf or bear prowling for food, that had disturbed them. He returned to the camp-fire; Lieutenant Gillespie woke up, talked with him awhile, and then laid down again. Finally, nature had her course with Mr. Frémont himself. Excited spirits gave way to exhausted strength. The day's ride and the night's excitement demanded the reparation of repose. He laid down to sleep, and without waking up a man to watch, relying upon the loneliness of the place and the long ride of the day as a security against the proximity of danger. It was the second time in twenty thousand miles of wilderness explorations that his camp had slept without a guard; the first was in his second expedition, and on an island in the Great Salt Lake, and when the surrounding waters of the lake itself constituted a guard. The whole camp was then asleep. A cry from Carson roused it. In his sleep he heard a groan—it was the groan of a man receiving the tomahawk in his brains. All sprung to their feet. The savages were in the camp; the hatchet and the winged arrow were at work. Basil Lajeunesse, a brave and faithful young Frenchman, the follower of Frémont in all his expeditions, was dead; an Iowa was dead; a brave Delaware Indian, one of those who had accompanied Mr. Frémont from Missouri, was dying—it was his groan which awoke Carson. Another of the Delawares was a target for arrows, from which no rifle could save him—could only avenge him. The savages had waited till the moon was in the trees, casting long shadows over the camp: then approaching from the dark side, with their objects between themselves and the light, they used only the hatchet and the formidable bow, whose arrow went to its mark without a flash or a sound to show whence it came. All advantages were on the side of the savages; but the camp was saved, the wounded protected from massacre, and the dead from mutilation. In the morning, Lieutenant Gillespie recognized, in the person of one of the slain assailants, the Tlamath chief who, the morning before, had given him a salmon in token of friendship, and who had followed him all day to kill and rob his party at night—a design in which they would certainly have been successful had it not been for the promptitude and precision of Mr. Frémont's movement. Mr. Frémont himself would have been killed when he went to the horses had it not been that they counted upon the destruction of the whole camp, and feared to alarm it by killing one before the general massacre.

It was on the 9th of May—a day immortalized by American arms at Resaca de la Palma—that this fierce and bloody work took place.

The morning of the 10th of May was one of gloom in the camp. The evening sun of the 9th had set upon it full of life and joy at a happy meeting: the same sun rose upon it in the morning stained with blood, ghastly with the dead and wounded, and imposing mournful duties on the survivors. The wounded were to be carried, the dead to be buried, and so buried as to be hid and secured from discovery and violation. They were carried ten miles, and every precaution taken to secure them from the wolf and the savage; for men, in these remote and solitary dangers, become brothers, and defend each other living and dead.

The return route lay along the shore of the lake, and during the day the distant canoes of the savages could be seen upon it, evidently watching the progress of the party, and meditating a night attack. All precautions, at the night encampment, were taken for security—horses and men enclosed in a breastwork of great trees, cut down for the purpose, and half the camp constantly on the watch. At leaving in the morning an ambuscade was planted—and two of the Tlamaths were killed by the men in ambush. At night the main camp,

at the north end of the lake, was reached. It was strongly fortified, and could not be attacked; but its whole neighborhood was infested, and scouts and patrols were necessary to protect every moment. In one of these excursions the Californian horse, so noted for his spirit and docility, showed what he would do at the bid of his master. Carson's rifle had missed fire at ten feet distance. The Tlamath bow, arrow on the string, was bending to the pull. All the rifles in the party could not have saved him. A horse and his rider did it. Mr. Frémont touched his horse; he sprang upon the savage, and the hatchet of a Delaware completed the deliverance of Carson.

It was in the midst of such dangers as these that science was pursued by Mr. Frémont, that the telescope was carried to read the heavens, the barometer to measure the elevations of the earth, the thermometer to measure the temperature of the air, the pencil to sketch the grandeur of mountains and to paint the beauty of flowers, the pen to write down whatever was new or strange or useful in the works of nature; it was in the midst of such dangers as these, and in the wildest regions of the Farthest West, that Mr. Frémont was pursuing science, and shunning war, when the arrival of Lieutenant Gillespie turned him back into California, and engaged him in the operations which gave rise to the bill which now claims the attention of the Senate.

Mr. Frémont turned back to California, and arrived in the valley of the Sacramento at a most critical and exciting time. Three great operations, fatal to American interests, were then going on, and past remedy, if not arrested at once. These were the massacre of the Americans and the destruction of their settlements in the valley of the Sacramento, the subjection of California to British protection, and the transfer of the public domain to British subjects, and all with a view to anticipate the events of a Mexican war, and to shelter California from the just reclamations of the United States.

The American settlers came to the camp of Mr. Frémont, in the valley of the Sacramento, laid all these dangers before him, and implored him to place himself at their head, and save them from destruction. General Castro was then in march upon them; the Indians were excited to burn their wheat fields and to attack their families. Juntas were in session to transfer the country to Great Britain; the public domain was passing away in large grants to British subjects; a British fleet was expected on the coast; the British vice-consul, Forbes, and the emissary priest, Macnamara, ruling and conducting everything, and all their plans so far advanced as to render the least delay fatal. It was then the beginning of June. War existed between the United States and Mexico, but that was not known in California. Mr. Frémont had left the two countries at peace when he set out upon his expedition, and was determined to do nothing to disturb their relations; he had even left California to avoid giving offence; and to return and take up arms in so short a time was apparently to discredit his own previous conduct as well as to implicate his Government. He felt all the responsibilities of his position; but the actual approach of Castro and the immediate danger of the settlers left him no alternative. He determined to put himself at the head of the people, and to save the country. To repulse Castro was not sufficient. To overturn the Mexican Government in California, and to establish its INDEPENDENCE was the bold resolve, and the only one adequate to the emergency. That resolve was taken, and executed with a celerity that gave it a romantic success. The American settlers rushed to his camp; brought their arms, horses, and ammunition; were formed into a battalion, and obeyed with zeal and alacrity the orders they received. In thirty days all the northern part of California was freed from Mexican authority; independence proclaimed; the flag of independence (the bear flag) adopted; Castro flying to the south; the American settlers saved from destruction; and the British party in California counteracted and broken up in all their schemes.

The effects of this decisive and rapid movement can only be conceived from a careful perusal of the depositions. From them it will be seen that deep-laid plans, conducted by the British vice-consul, Forbes, and the emissary priest, Macnamara, were going on, to shelter California under the British crown, and to vest its domain in British subjects; that everything was verging to a crisis, and a British fleet expected upon the coast, when this rapid and successful movement broke up all these designs. And when Admiral Seymour arrived on the 16th of July, instead of an invitation from the California junta to take the country under British protection, and an invitation from the grantees of principalities to take British interests under his protection, he found the American flag flying over Monterey, Frémont and his riflemen encamped over the town, the British party extinct, and the Americans triumphant. The effect which the appearance of this daring body of western riflemen produced upon the minds both of the British and American naval officers is well stated by Lieutenant Minor in his deposition, and, in justice to those men as well as to the truth of history, deserves to be read here. He says:

"The undersigned was on duty on shore when Captain Frémont arrived with his force at Monterey from the north. The undersigned believes that the appearance of this body of men and the well-known character of its commander not only made a strong impression upon the British admiral and officers, but an equally impressive and more happy one upon those of the American navy then in Monterey. For himself, the undersigned can say, that, after he had seen Captain Frémont's command, all his doubts regarding the conquest of California were removed."

This is the testimony of a disinterested witness; one who himself, in the subsequent operations in California, rendered good service on land, there being no chance for him on the water. It shows that the timely and successful movement of the California battalion, and its sudden appearance at Monterey, simultaneously with the arrival of the American and British fleets, was the turning point in the fate of California. It showed the country was in arms to resist instead of asking British protection; and it encouraged the navy to believe that the whole country could be conquered: for, without a land force, the naval forces could only have operated along the coast.

And here a great fact presents itself—one which these depositions have consecrated to history, and which belongs to the chapter of events which determine the fate of countries. It is the fact that Frémont's operations determined the action of Commodore Sloat, and induced him to take possession of Monterey, contrary to his intention when he anchored before that town; and thereby anticipated Admiral Seymour, frustrated his designs, whatever they were, and induced him to leave Monterey as suddenly and as mysteriously as he had arrived. The depositions establish this fact, and some reference to their contents will prove what I say; and, first, of the effect of these operations in deciding the action of Commodore Sloat. It is in proof that he entered the bay of Monterey as a friend, on the 2d of July, offering to salute the town, which the authorities declined, on the ground that they had no powder to return it, but probably because the British admiral was expected. On the 5th of July, the operations of Frémont were heard of, and on the 7th, Commodore Sloat took the town. The testimony of the naval officers (Messrs. Minor and Wilson) and the Commodore's own correspondence (pages 70 and 73) show circumstantially that his action was induced by hearing of these operations; and the testimony of Messrs Frémont and Gillespie pointedly prove it. Mr. Frémont says:

"I came down to Monterey with my command, upon the request of Commodore Sloat, to coöperate with him; and immediately on my arrival waited upon him, in company with Lieutenant Gillespie, on board the frigate Savannah. Commodore Sloat appeared uneasy at the great responsibility he had assumed. He informed me that he had applied to Lieutenant Gillespie, whom he knew to be an agent of the Government, for his authority, but that he had declined to give it. He then inquired to know under what instructions I had acted in taking up arms against the Mexican authorities. I informed him that I had acted solely on my own responsibility, and without any authority from the Government to justify hostilities. Commodore Sloat appeared greatly disturbed with this information, and gave me distinctly to understand that in raising the flag at Monterey he had acted upon the faith of our operations in the north. Commodore Sloat soon relinquished the command to Commodore Stockton, who determined to prosecute hostilities to the complete conquest of California."

Captain Gillespie says:

"In reply to the above question of the honorable committee, I beg leave to state, that at an interview between Commodore Sloat, Captain Frémont, and myself, held on board of the United States frigate Savannah, lying in the harbor of Monterey, in July, 1846, Commodore Sloat manifested a feeling of dissatisfaction that Captain Frémont and myself had not reported ourselves and the force under our command to him, and said, addressing both, as near as I can recollect, 'I do not know by what authority you are acting. I can do 'nothing. Mr. Gillespie has told me nothing; he came to 'Mazatlan, and I sent him to Monterey; but I know noth-'ing. I want to know by what authority you are acting.' Captain Frémont replied, 'he had acted upon his own authority, and not from orders of the Government.' Commodore Sloat then expressed much surprise and distress, and said, 'I have acted upon the faith of your operations in the north.'"

Coincident with these statements is the letter of Commodore Sloat, of the 6th of July, to Commander Montgomery, of the Portsmouth, then in the bay of San Francisco, who had sent down a launch with the news of Frémont's successes. The letter is dated from the flag-ship Savannah, Bay of Monterey, July 6, 1847:

"Since I wrote you last evening I have determined to hoist the flag of the United States at this place to-morrow, as I would prefer being sacrificed for doing too much than too little. * * If you consider that you have sufficient force, or if Frémont will join you, you will hoist the flag of the United States at Yerba Buena, or any other proper place, and take possession, in the name of the United States, of the fort, and that portion of the country."

This settles the great fact that Mr. Frémont's operations determined the action of Commodore Sloat—induced him to change his mind after he had been four days at Monterey—encouraged him to take the town, and to send out orders to hoist the United States flag at other places. On the 16th, Admiral Seymour, in the Collingwood, of 80 guns, arrived; the frigate Juno was previously on the coast: the largest squadron that the British Government had ever had in the Pacific Ocean was then there; and all the evidence combines to show that the object of this squadron was to watch Commodore Sloat, to follow him wherever he went, to anticipate him in getting to Monterey, and to be in readiness to take California under the British flag, and to do what the protection of British interests might require him to do. This is well and fully shown by the testimony. Lieut. Minor says:

"The undersigned, being in command of the southern district of California, during the latter part of 1846, was informed by Pedro C. Carrillo, (and he believes the information thus obtained is founded on facts,) that he, the said Carrillo, was a member of a junta that assembled at Santa Barbara, in June, 1846, for the purpose of declaring the independence of California, and of asking the protection of the United States or Great Britain; that the junta was represented by all of the inhabited portions of California; that a majority of the same were for claiming the protection of England; that their resolves would probably have been executed had it not been for the war and their fears of an armed force, then on the north side of the bay of San Francisco, under the command of Captain Frémont. The undersigned has understood from other sources entitled to confidence, that a majority of the people of California desired the protection of England; the opinion he thus formed was strengthened by the fact that an English frigate (the Juno) had, about the time the junta met, landed an English subject named Macnamara at Santa Barbara, of whom it was said that he had obtained a grant from the Mexican Government of a large and fertile portion of California, embracing the whole valley of the San Joaquin, from its source to its mouth—a valley, as the undersigned believes, comprising one-third of the richest portion of California. The undersigned believes that the British squadron in the Pacific, commanded by Rear Admiral Sir George T. Seymour, composed then of a larger force than they ever had upon that ocean, were employed in closely watching the movements of the American commodore. Being aware of this fact, Commodore Sloat, when he heard of the first battle on the Rio Grande, got under way in the frigate Savannah, then anchored off Mazatlan, for the ostensible purpose of proceeding to California; an English vessel of war weighed soon after the Savannah, and stood in the direction of San Blas, where it was known the admiral was. After cruising in the Gulf two days, the commodore returned to his anchorage off Mazatlan, when another English ship got under way, and stood in the direction of San Blas. The undersigned believes that this manœuvre of Commodore Sloat was intended for the deception of the English admiral. On the 8th of June, 1846, the Savannah again made sail, and, after a passage of twenty-three days, during which a press of canvass was carried, she arrived at the port of Monterey, in Upper California. The Collingwood, of eighty guns, the flag-ship of Admiral Seymour, entered the harbor on the 15th July, and the undersigned believes that the admiral was disappointed when he saw the American flag flying on shore."

Midshipman Wilson says:

"On the sixteenth of the same month (July) Admiral Seymour, who had been following us for several months previous, arrived and anchored in his flag-ship, the Collingwood, (80.)

"Upon his vessel appearing in sight, Commodore Sloat sent orders, I understood, to the commanders of the different vessels comprising our squadron to be in readiness, in case the admiral should be entering with hostile intentions, or an order to that effect, leaving the impression on the minds of his officers that Admiral Seymour must have intended to have prevented our squadrom from taking possession of California. Although such had been our impression previously, and, but for the timely movements of Colonel Frémont and his party in the north, thereby influencing the commodore in his movements, such I fear would have been the result."

This testimony, as to the presumed designs of the British admiral is fully corroborated by all that was going on in California itself while Admiral Seymour was watching and following Commodore

Sloat on the coast of Mexico and California. During all that time *juntas* were held, under the management of the British vice-consul, Forbes, to place the country under British protection; the public domain was passing away to British subjects; the arrival of a British fleet in the course of the summer to take possession of California was confidently foretold; and, as a preliminary to this measure, the expulsion and destruction of the Americans was resolved upon, the *banda* or proclamation for their expulsion actually issued, and troops raised and Indians excited for their destruction. The expected arrival of the British fleet connected itself with all these operations; and all these would have been successful had it not been for the success of Mr. Frémont and the people, and so says all the testimony. There is too much of it to read; and, besides, a part of this labor has been anticipated, and well performed, in the luminous and statesmanlike observations of the Senator from New York, [Mr. Dix,] in what he presented to the Senate a few days ago in favor of this bill, and in his exposition of British designs upon this continent. He read some passages from the depositions which show these designs in California. I will now read more for the same purpose, and especially to show that a British interest was to be created, to claim his protection as soon as the admiral arrived, and the Americans to be expelled or destroyed to prevent their opposition:

Captain Gillespie's deposition.—Extract.

"Having joined Lieutenant Colonel Frémont upon the 9th May, 1846, upon the northern end of the Tlamath lake, I returned with him to the valley of the Sacramento, and arrived at the settlements upon the 24th of the same month. We could obtain no news from below; so soon, however, as it became known to the settlers that Captain Frémont had returned, they came to the camp, bringing us the information that the Indians of the valley were leaving their ranchos or wigwams and flying to the mountains. In some places, they had shown a very hostile feeling, and certainly had been aroused by some foreign emissary. Remaining at Lawson's two days, we proceeded down the valley, and on arriving at Neal and Dutton's, upon Deer creek, the reports we had received were confirmed, the Indians in that section having taken to the mountains, and had killed an Indian boy in the employ of Mr. Dutton because he had refused to follow them. On the day the camp remained at this place, the settlers, old and young, men and women, came to Captain Frémont, begging him to take part against the Indians, and to give them protection.

"About June 30th, I learned that the junta which was to have assembled at Santa Barbara upon the 15th June, and which had been planned and arranged by and through the agency of Mr. Forbes, the British vice-consul, and an Irish Catholic priest by the name of Macnamara, had been prevented from assembling in consequence of the rising of the settlers. This junta was proposed for the purpose of asking the protection of England, and of giving an immense tract of land in the valley of the San Joaquin for the settlement of ten thousand Irishmen, to be brought to California under the direction of Macnamara. All this intrigue of British agents was broken up by the timely and prompt operations of the settlers, under the direction of Captain Frémont."

Captain Hensley's deposition.—Extract.

"I am a resident in California, where I have resided since the autumn of 1843. In the month of May, 1846, I went to San Francisco, where I met with General Vallejo, one of the most prominent and influential men in Upper California. I understood from him that he had recently attended a convention, composed of General Castro, himself, and five others, delegates from the different districts in California, at which the proposition had been made and debated to separate from Mexico and establish a government in California, under the protection of some foreign Power, believed by us to be England; but, as the General positively stated, the majority was not in favor of placing the country under the protection of the United States, though he himself was. General Vallejo was of course guarded in conversing on so dangerous a subject as this was at that time; but the above is the substance of his remarks, as understood by myself and others who heard them.

"About this time I heard that Captain Frémont had returned from the northward, and was then in the upper part of the Sacramento valley. I immediately repaired to his camp, where I informed him of all that I had learned respecting the condition of the country and the designs of the leading men among the Californians, giving it as my opinion that the American residents would have to leave the country or fight for their homes; at the same time saying I was sure we would not leave the country.

"Captain Frémont resolved to join the Americans for their safety, and to overthrow the Mexican forces in that province.

"The 4th of July was duly celebrated, and on the 5th we organized the 'California battalion,' adopting the 'grizzly bear' as our emblem, requesting Captain Frémont to take command of the battalion, and of all the forces and resources of the country, which command he accepted. As soon as it was known that Captain Frémont had accepted the command, the Californian population seemed to become well pleased with the change in affairs, and brought in their property and means of warfare, which they placed at Frémont's disposal. He restored to them and to the American settlers all the horses which had been previously captured or pressed into the service by the Americans, retaining only a number sufficient for the actual wants of the service. He then set out with the battalion in pursuit of Castro, by way of the Sacramento, sending me with a small party to communicate with Dr. Marsh. When I arrived at Marsh's, I learned that war had been declared between the United States and Mexico, and that Commodore Sloat had arrived at Monterey and raised the American flag. Returning with this intelligence, I found that Captain Frémont had already learned it, and was on his way to Monterey. I followed and joined him at the mission of San Juan, near Monterey."

Captain Chile's statement.—Extract.

"I know that General Vallejo left Sonoma for the purpose of attending a general council at Monterey, about the time the Irish priest, Macnamara, arrived in California, and a short time before the revolution in that country; and I recollect hearing that the English consul, Mr. Forbes, accompanied him to the Puebla de los Angeles, for the purpose of seeing the Governor in relation to obtaining a grant of land, upon which it was said a colony of British subjects was to be established.

"The revolution, to the best of my knowledge, put an entire stop to such grants and sales."

Captain Owen's deposition.—Extract.

"The settlers made many applications for help to Captain Frémont, on the ground that they were American citizens. We went down and camped at the Buttes, about sixty miles above Suter's. There was a good deal of correspondence between the settlers and our camp, and as the danger seemed near at hand, and there was no other way to get out of it, it was finally agreed to join the settlers and fight the Californians. In this way the revolution began. The settlers were driven to it in self-defence. But I do not think that it would have taken place, or that they could have been united together without the aid and protection of Captain Frémont. They had not confidence enough in their own strength to undertake the war without support. Captain Frémont's party was strong and well armed, and went together like one man. The strength of this party and the name of Captain Frémont as a United States officer, gave confidence and kept the people together both during the revolution and in the war afterwards."

Lieutenant's Loker's deposition.—Extract.

"About the time Castro was raising men to drive Colonel Frémont out of the country, I was staying at Suter's Fort, in the Sacramento valley; there was also a considerable number of American settlers around and near the fort, and Castro's movements created a good deal of excitement, so much so that many of them wanted to go to Frémont's assistance immediately, and would have gone had not the Colonel and his party arrived on the American fork. After he had left for the Tlamath lake there was a good deal of talk about England taking possession of the country, and many foreigners of the highest standing in the country asserted that they knew that England had a mortgage on it; and that a British man-of-war was on the northwest coast, and would be down in the course of the summer to take possession of California. Soon after Colonel Frémont left, Major Gillespie arrived, started after, and brought him back; then commenced the revolution, which, had he not countenanced and aided, I know not what would have been the consequences to the American settlers, (women and children included;) for, just before his return, there was a meeting of the principal men of the country at Monterey; they there thought it advisable to order all foreigners to leave the country, and published a *banda* to that effect, ordering all foreigners to leave the country by a certain day, or force would be used to compel them to leave: women and children were included in the banishment; and Colonel Frémont returning in the country about that time, and finding the men in the valley much excited, and the alarm of the women, could not have acted otherwise than he did."

Dr. Baldwin's deposition.—Extract.

"I again entered Mexico (city) on the 14th of September, 1847, and remained there until the 1st of November; during that time I made the acquaintance of the priest Macnamara, and, from sources entitled to credit, I was informed that he had, under the auspices of the British legation, projected a plan to colonize California with emigrants from Ireland. His project had met the approbation of the Mexican Government, and he went to California to perfect his plans. In the mean time it was ascertained that the ulterior views of Macnamara were to promote the interest of the British Government, and not the Mexican Government. A fierce opposition was contemplated by the republican members of Congress when he should return with his matured plans from California; this resistance became unnecessary in consequence of the conquest of California by the arms of the United States. Macnamara lived in the family of either the British consul or chargé d'affaires in Mexico."

This is a part—a small part only—of the depositions which establish the great points which I have mentioned, that there was a plan in progress at the time of Mr. Frémont's return from the Tlamath lake, to place California under British protection—to transfer the public domain to British subjects, and to expel or destroy all the American settlers; and that this plan was frustrated by the heroic determination of Mr. Frémont to put himself at the head of the people, and to overturn the Mexican Government in California. But it is not all the proof which shows the British desire to possess California, and especially the magnificent bay of San Francisco. That desire is no new passion with that Power. From the time of the great navigator, Captain Cook, her eyes have been fixed on the northwest coast of America. Three times, within half a century, have British national vessels surveyed that coast, and especially the bay of San Francisco. Vancouver, Beechey, and Belcher, have each surveyed it, and the bay itself, with all the particularity of the survey of a British harbor. Here is a chart of this bay made by Beechey in 1828, published at the Royal Hydrographic Bureau, exhibiting the most commodious and capacious harbor upon the face of the earth, large enough to hold all the navies of the world, an easy and defensible entrance from the sea, opening out forty miles to the right and left, sheltered from every wind, receiving two handsome rivers, draining a basin of five hundred miles of fertile valleys and picturesque mountains, a healthy and delightful climate, and backed at the distance of one hundred and twenty miles by the lofty ridge of the *Sierra Nevada*, crowned with eternal snow. Upon this bay Great Britain has had her eyes fixed for half a century; and, in June, 1846, at the moment of Mr. Frémont's return from the Tlamath lake, all her long-deferred and cherished inclinations seemed to be on the point of realization. The revolt of the settlers frustrated this ripened hope, in the apparent moment of fruition, and placed the coveted prize under the flag of the United States.

This finishes the first act of the conquest of California. It finishes the revolutionary movement in favor of independence, and brings Mr. Frémont and his victorious battalion to Monterey—their flag of independence exchanged for that of the United States—themselves uniting with the naval forces, and turning over all the fruits of their successful enterprise to the Government of the United States.

The committee, appreciating at its full value all the importance of this revolutionary movement, both as it concerns nations and individuals, and the truth of history, have instituted into it a most searching examination; and the result is what I have stated, and what the document of evidence proves. And their opinion was unanimous, that although this movement was made without the authority or knowledge of the Government, and without the knowledge that war existed at the time between the United States and Mexico, yet such being the fact, and the United States having received all the benefits of the movement, they are bound in honor and in conscience to pay all its expenses.

Commodore Sloat returned to the United States; Commodore Stockton succeeded to the command; and here commenced his connection with the conquest of California. He proposed to complete the conquest by pursuing Castro to the south, and taking the "*City of the Angels.*" But the aid of a land force was indispensable to this enterprise; and here the American settlers again showed their courage and patriotism. Commodore Stockton applied to Frémont and Gillespie to join with their battalion—to serve under him, and obey his orders. They agreed to do so, both men and officers, and this was fully sworn by Commodore Stockton before the late court martial. On receiving the command from Commodore Sloat, he says:

"I immediately sent to Major Frémont to inform him of what had occurred, and to let him know that if he and Lieutenant Gillespie, with the volunteers who were with them, would volunteer to serve under my command, so long as I might be in possession of California and desired their services, that I would form a battalion by appointing him (Captain Frémont) major, and Lieutenant Gillespie captain, and all the other necessary officers. This was all done in the course of the day and the next morning, when they were ordered to embark on board the United States ship Cyane, to be landed at San Diego. These men were not of the kind of *personnel* which sometimes compose regular armies; they were principally free American citizens who had settled in California; they were men of respectability, of influence, and of property; they were no ordinary men, because, when told that I had offered them as pay ten dollars a month, they said (as I was told) that they would not accept that pay; that it would not pay their expenses; but that they would volunteer to serve under my command without (fixed) compensation."

Thus the men of the battalion passed into the service of the United States without a stipulation for fixed compensation, but with the full expectation that justice would be done them. Mr. Frémont, actuated wholly by public and patriotic considerations, took command under Commodore Stockton. His influence carried along with him the whole of the battalion. He gave up his independent position; became subordinate to Commodore Stockton; carried with him the men of the country, and ensured the complete conquest of the country; for, without land forces, the conquest could not have been accomplished.

This was the last of July. Leaving their horses on shore, the men immediately went on board the Cyane, sailed down the coast five hundred miles to San Diego, and marched for Los Angeles, distant one hundred and fifty miles. This city (the capital of the Californias) was taken early in August; and with its capture the conquest of Califor-

nia was complete. But the conquest was to be preserved. The orders to the naval officers were to conquer, hold, and govern California; and to do that, the service of land forces was further wanted. The seamen and marines were wanted on board the vessels; no troops of the United States were there. The further services of Frēmont's battalion became indispensable. They demanded twenty-five dollars a month, (which is very near the amount allowed by law to mounted men,) and only remained in service upon condition of receiving it. So testifies Captain Hensley, an officer of the battalion, and a gentleman of character and intelligence, who was examined before the committee. He says:

"I was present when the California battalion was mustered into the service of the United States, and the men then positively refused to serve for eleven dollars per month. They remained in the service without any rate of pay being specified until, in August, 1846, at the City of Angels, Colonel Frēmont ordered me to inquire of my company at what rate of pay they would consent to remain in the service. They unanimously demanded twenty-five dollars per month, and refused to remain any longer in service unless that amount was promised them. I considered the rate of pay demanded by the men as reasonable for that country, and under all the circumstances."

Upon these terms they remained in service to garrison the country.

But a new and more arduous service was required from the California battalion. In the fall of 1846, an insurrection broke out in Southern California, and the battalion was called upon to join in its suppression. Most of them had returned to the north. Another campaign to the south was required, and many recruits necessary to complete its strength. A body of emigrants had just arrived from the United States, and stopped in the valley of the Sacramento. Leaving their families slightly provided with shelter and subsistence, above two hundred of them joined Mr. Frēmont for this new expedition of near seven hundred miles distance. At first it was attempted from the San Francisco bay by sea. Baffled in that attempt, after twenty days' contest with adverse winds, a return to Monterey, and an overland march to Los Angeles, became unavoidable. It was the beginning of winter—the cold rains already set in—a country of defiles and mountains, and in a state of insurrection, to be traversed—and everything to be procured, and without money. In a few weeks all was ready—cannon mounted, beef-cattle procured, six hundred horses collected. It was a march of extraordinary hardship, as well as requiring military skill. Every day many horses perished of hunger and cold, and on Christmas day above an hundred died on the Santa Barbara mountain in a storm of wind and rain black with the tempest from the Pacific Ocean. The march required skill; but it was with something more than a soldier's eye that Mr. Frēmont felt it to be his duty to survey the field before him. He knew that the Californians against whom he was going were themselves revolutionists—successful insurgents against Mexican authority—and conscious that they must come either under the American or British flag. Conciliation was his policy. To gain over these people by mildness and justice, instead of crushing them by arms, became his object; and to the attainment of this object all his military movements became subordinate and subservient. San Luis Obispo, a focus of insurrection, the seat of a commandant, and distant one hundred and fifty miles, was to be taken and passed. He conceived the design of a secret march—a surprise—a capture without bloodshed—and the seizure of the insurgent chiefs: and he accomplished that design. The secret march was made—the town surprised—and the arrests effected—and effected with the quiet and order of so many civil arrests in one of our peaceful cities. Don Jesus Pico, and some thirty others, were taken. Then an event occurred which gave a decisive turn to the character of the war, and ensured its peaceful and happy conclusion. Don Jesus Pico was particularly obnoxious to the Americans. He had broken his parole—been active in the insurrection—and had sent out expeditions in which Captain Borrows and some brave men had been killed. He was placed before a court-martial, condemned, and ordered to be shot. Mr. Frēmont pardoned him, and in that act consummated his policy of conciliation, prevented further resistance to his march, and prepared the way for the capitulation of Couenga. Don Jesus was connected with all the principal families by blood and by marriage. He was cousin to Don Andres Pico, a principal chief of the insurrection at Los Angeles. He attached himself to Mr. Frēmont, took the side of peace and conciliation, went with him in his march, and contributed to quiet the towns through which they had to pass. The people remained in their houses, offered no resistance, and received no harm. A corps of observation, which hung upon his march, yielded the maritime pass of the *Punto Gordo* without resistance, and galloped about without giving or receiving any serious attack. The main body of the insurgents at Los Angeles, hearing of his approach, and that he had passed Santa Barbara, marched out to meet him; then, changing their minds, they turned back to the south, and fought the actions of the 8th and 9th of January with Commodore Stockton. Repulsed, but not routed, (for Commodore Stockton's command was all on foot, and the insurgents all mounted,) they turned again to meet Mr. Frēmont, and took post in the pass of San Fernando. They undertook to defend the pass, which being turned by the riflemen, they fell back into the plain of Couenga, famous as a battle-field in the strifes of California. Mr. Frēmont sent them a message. They agreed to meet him. He went out alone to see them, attended only by Don Jesus Pico, (who had attached himself to him for life and for death since his pardon,) and had an interview with Don Andres Pico and other chiefs. They agreed to capitulate to him, and to nobody but him, declaring that they would take to the mountains "*and die like wild beasts*" before they would submit to any one but him. The terms were agreed upon, and they were conformable to the law of nations, and to the law of common sense and justice. The insurgents gave up their cannon and public arms, retired to their homes, promised submission to the American authority, and aid in preserving order, and in return were to receive protection, and not to be required to take the oath of allegiance to the United States until a definitive treaty of peace with Mexico should fix their political condition. These terms, agreed upon in person, were reduced to form by commissioners appointed on each side, approved by the respective commanders-in-chief, (Commodore Stockton and Don Andres Pico,) and the war not only terminated and peace established, but the fruits of peace acquired and enjoyed.

This was the conclusion of the war, and was so related by the United States consul at Monterey, (Mr. O. Larkin,) who was a prisoner in the hands of the insurgents at the time of Mr. Frēmont's approach to Los Angeles. He says:

"On the 3d or 4th of January, news reached the Puebla that Colonel Frēmont was south of Santa Barbara, marching to meet the Californian forces. The latter then mustered all they could, to the number of 400 to 500, and encamped two or three days at the mission of San Fernando, awaiting the arrival of the riflemen, and appeared very anxious to have a fight. Information now reached General Flores that Commodore Stockton, with 600 men from San Diego, would soon be in his vicinity. He immediately ordered all the Mexicans and Californians to leave San Fernando, and march to the opposite site of the Puebla to meet the marine forces.

* * * * * *

"On the 13th of January, the capitulation of Couenga was signed. * * * * * *

"The war in California is now over, as far as the Californians are concerned, *and if their manners and customs are tolerated, and common protection afforded them, they will gradually fall into the new order of affairs.* They have had, in different parts, nine hundred men under arms, every man with good horses and a lance, most of them with swords, pistols, rifles, or carbines, every one of them countrymen, to aid them either by choice or force; a perfect knowledge of every hill and valley; yet they did not succeed, and have found their losses in horses and waste of time so great, as to prefer peace for the future, under a guarantee of good treatment."

The capitulation of Couenga was the happy conclusion of the war, and is so testified by many witnesses. Midshipman Wilson, a captain in the California battalion, says:

"We had frequent skirmishes with parties of the enemy until the *capitulation of Couenga*, which acted almost magically in restoring peace and tranquillity to the country; and but for that capitulation, so beneficial in its results, my impression is that the Californians would have carried on a system of guerrilla warfare, by which many lives and much property would have been sacrificed."

Colonel Russell, who was chief staff officer in the battalion, and one of the commissioners for making the capitulation, says:

"At the capitulation of Don Andres Pico to Colonel Frēmont, he and other Californians boldly declared their determination never to submit to any other officer than him, and on the terms granted in the capitulation of Couenga, of which I was one of the negotiators.

"I hesitate not to give it as my decided opinion that the *capitulation of Couenga* on the 13th January, 1847, was the main cause of saving the country from a bloody, vexatious, predatory warfare, that would necessarily have been protracted for a considerable length of time.

"I remained at Los Angeles over two months after the capitulation, and became well acquainted, and conversed much with the families in that part of the country, and from all I could learn, the good results of that treaty in preventing a guerrilla warfare was fully confirmed."

This was the conclusion of the war, and the restoration of peace and its fruits. The capitulation of Couenga was the pacification and the reconciliation of California. It was the last act in the drama of the conquest, and, like the first movement in the valley of the Sacramento, was done upon the responsibility of Mr. Frēmont alone. From the day it was signed peace and good-will prevailed in the country. Travelling and living became as secure as in any part of the United States. Mr. Frēmont could have gone back alone, without arms or guards, upon the line of his march from Los Angeles to Monterey, without interruption from the people, except in the manifestations of their gratitude and affection. He did go back upon it in that extraordinary ride with Don Jesus Pico, and was greeted everywhere by the hospitalities of the people. He afterwards lived two months as governor in the capital of the Californias, like any Governor would live in the capital of one of our States, without guards or sentries, or any semblance of military protection, the battalion being sent off ten miles to keep it out of the town.

And thus the same men who began the war finished it. The California battalion, formed out of the American settlers on the Sacramento and the men of the topographical party, (reinforced afterwards by later emigrants from the United States,) finished on the plains of COUENGA the movement which had commenced at SONOMA, and in the same spirit of justice, moderation, and patriotism. In conjunction with the sailors and marines, they had twice conquered California before the United States troops arrived in the country. They did it without aid from the United States—without quartermasters, commissaries, and paymasters to carry, feed, and pay them. The fruits of all their labors have been received by the United States, and the bill rendered is only seven hundred thousand dollars—a fraction only of the amount paid to those who arrived after the work was done. It should have been provided for in one of the public bills. It is an appropriation, and of a public nature, and of the most sacred nature. It should at least have had a place in that "*deficiency*" bill of fourteen millions which lately passed Congress; for what can be more deficient than nonpayment, for almost two years, for such extraordinary services? Even if this bill is passed at once, and with the least possible delay from legislative forms, it will still be almost half a year before the claimants can begin to touch their pay.

The bill is carefully drawn, both with a view to public and to private justice. It is intended to settle up and pay up at once all just claims, and to close the door forever upon all false ones. A commission acquainted with the subject, familiar with every transaction, is to go to California, visit every district in which claims originated, call all before them, allow the good, reject the bad, and bar all that are not presented to them. In this way, and in this alone, can justice be done to all parties, just claimants saved from the depredations of agents and speculators, the United States saved from paying false accounts, and California prevented from becoming a mine for the production of false claims for half a century to come. The great and main facts, that services have been rendered, that the United States have received the benefit of these services, and that they have not been paid for, are established by the depositions; the mode of settlement, and the detail of payment, is directed by the bill.

Mr. DAYTON rose and said, it was his intention to make a few remarks on the bill; but as the hour was late, and as he understood there was some Executive business to be acted on, he would wish the bill to be informally passed over, should such be the sense of the Senate.

EXECUTIVE SESSION.

On motion of Mr. HANNEGAN, and by general consent, the bill was then informally passed over, and the Senate proceeded to the consideration of Executive business. The doors were soon afterwards reopened, and

The Senate adjourned.

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HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 11, 1848.

Mr. PALFREY rose, as soon as the Journal had been read, and moved a reconsideration of the vote by which the joint resolution from the Senate, tendering the congratulations of the American to the French people on the consolidation of a French republic and the principles of liberty, was passed yesterday.

The SPEAKER inquired if the gentleman from Massachusetts voted in the majority.

Mr. PALFREY replied that he did.

The SPEAKER then stated the question to be on the motion to reconsider.

Mr. PALFREY said he was desirous yesterday to offer an amendment to the resolutions when they were pending, but he was prevented by the motion of the gentleman from Georgia [Mr. STEPHENS] for the previous question. If he had had an opportunity, he should have offered the following resolution as an amendment to be prefixed to the series of resolutions that were introduced:

Resolved, That no despotism is more effective than that which exists under the semblance of popular institutions; and that a great nation emancipated from the control of an oligarchy of two hundred thousand voting citizens is entitled to the congratulations of every friend of freedom.

The French Government lately overthrown (he remarked) was said, at the time of its institution, to be a throne surrounded by popular institutions, by institutions of a republican character; and yet it had come to this, that about two hundred thousand voting citizens had wielded the power of that Republic, and governed some thirty-five millions of men. They had done it in the way in which other oligarchies, other monarchies had done it in other days, without disturbing the forms of republicanism, acting through the channels of republican government, yet wielding an arbitrary and tyrannical power, by means of influence, of bribery, of intimidation, and in other ways. The time, however, had gone by, and he should not now offer his amendment. But he would take occasion, which he could have desired to have had yesterday, to make a remark or two, called forth by some observations of the gentleman from Virginia, [Mr. BAYLY,] whom he saw near him. He had not heard the gentleman from Virginia distinctly, though he sat near that gentleman. The observations of the gentleman from Virginia, as the gentleman had himself very properly said, had been very discursive, though certainly interesting as far as he (Mr. P.) could hear them. He had not heard them distinctly, because his hearing, never the quickest, was affected by indisposition under which he labored.

He was not now proposing to follow the gentleman from Virginia in the general course of his remarks. He had no means of doing it. He had sought the means in the newspapers—or rather in the newspaper, the *National Intelligencer*—this morning, that he might see the remarks of the gentleman from Virginia, and revive his own impressions, and correct any errors into which he might have fallen. There was no report, however, there; so that he was thrown entirely on his own very imperfect recollection. He was, nevertheless, obliged to address the House to-day, if at all; for the privilege of moving a reconsideration, which gave him the right to address the House, would be exhausted to-morrow.

As he had said, he did not propose to follow the gentleman from Virginia in the whole range of his remarks; it was only one or two of the most important topics which that gentleman had brought forward that he should touch; and particularly he wished to correct the gentleman's impression—for he supposed the gentleman from Virginia did not wish to rest under any misapprehension, or mislead any of those who reposed confidence in him—respecting a certain state of sentiment and law in Massachusetts to which the gentleman had alluded. He might, to be sure, have interrupted the gentleman from Virginia when he was treating on this topic yesterday, but he saw the gentleman from Virginia was in much better hands than in his own—he alluded to his colleague, [Mr. ASHMUN.] He was far from saying that Massachusetts, in this or any particular, entirely conformed to the idea of a perfect commonwealth. He knew there was nothing perfect here below, in either the individual or the social state. He was far from maintaining that the practice of Massachusetts conformed to her theories. But one thing he would tell the gentleman from Virginia, that Massachusetts was not too old to grow wiser, and she was growing wiser day by day, thank God. Massachusetts was a little younger than Virginia, and if he might draw an inference from what had fallen from the gentleman from Virginia, he feared that Virginia was too old to grow wiser.

The gentleman from Virginia had adverted to the marriage laws of Massachusetts; and he begged, if his recollection of what the gentleman from Virginia had said was not correct, that the gentleman would correct him. Massachusetts saw that there were people within her borders of mingled blood. Mulattoes were born in Massachusetts. He presumed mulattoes were born in Virginia. There were mulattoes there in 1836, 1843, and 1844. He stated that fact from his own observation. Well, Massachusetts thought—her legislative will was—that if there were to be persons born there of mingled blood, there should be no legal obstacle to their being honestly born; and so she had declared by her laws some five or six years ago.

The gentleman from Virginia, in speaking of the social position of the colored race in Massachusetts, had asked if it had been known that a colored man had ever served on a jury. He (Mr. P.) could not answer that question; but he could tell the gentleman from Virginia how the laws of Massachusetts stood on that subject, to the best of his knowledge and belief. The laws of Massachusetts specified no distinction of color among the qualifications of jurymen, and a colored man was as liable to be draughted to sit in the jury box as a white man.

Mr. BAYLY asked the gentleman from Massachusetts to yield the floor for explanation.

Mr. PALFREY assented.

Mr. BAYLY said he had referred to instances of a universal social feeling repealing the laws of the State.

Mr. BROWN, of Mississippi, inquired what the question was that was before the House?

The SPEAKER replied, that it was on a motion of the gentleman from Massachusetts [Mr. PALFREY] to reconsider the vote of the House yesterday adopting the resolutions congratulating the French on the establishment of a republican government.

Mr. BROWN inquired if those resolutions were now before the House, and if they had not been returned to the Senate? And if they had been returned to the Senate, if this motion was now in order?

The SPEAKER explained, that the rules of the House gave the privilege to move a reconsideration on the day on which the vote was taken, or on the day succeeding; and such privilege was not superseded by the return of the resolutions to the Senate. That point had been frequently settled in this House. He would, however, state, as a matter of fact, that he understood that the papers were still in the hands of the Clerk.

Mr. PALFREY then resumed. He said he was the most helpless man in this House in the hands of a tactician: the rules might choke him off from all participation in debate, and he should not know how to help himself. He once thought he knew something of parliamentary law; but the Rules and Orders of this House were an unfathomable mystery to him. He believed, however, that the rules had been applied by the Chair honestly and justly. He was sometimes fain merely to rise in his place, as he and the Speaker had been taught to do when boys at school in New England, raise his right hand, and say, "Sir, may I speak?"

The gentleman from Virginia had suggested a case in which he supposed the laws to be overridden by public sentiment. Now, he did not know but that the gentleman from Virginia was right. He (Mr. P.) had never sat on a jury; he had never argued before a jury; he had never been tried by a jury. He knew not, then, how that might be; but this he knew, that the selectmen of the town placed in a box the names of those citizens who were eligible to serve on juries. The law gave them a discretion as to the names they should place there, and they were authorized to deposit the names of those that they thought suitable. He supposed that the actual practice would be found to conform to the views of town officers.

But the gentleman from Virginia had looked a little higher, and asked if a colored man had been ever heard of on the bench? Now, had a justice's court a bench? [Mr. BAYLY assented.] A justice's court had a bench; and not many months had passed since, in his humble capacity of Secretary of State of the Commonwealth of Massachusetts, he had set the great seal of that Commonwealth to the commission of a gentleman learned in the law, who, he believed, was nearly as black as his (Mr. P.'s) coat. And if the gentleman from Virginia should go to Massachusetts, as he (Mr. P.) hoped he would, and if he got into trouble there, which he (Mr. P.) hoped he would not, he was as likely to have justice, tempered with mercy, meted out to him by that respectable magistrate as by any other person bearing a judicial commission in the old Bay State.

The gentleman from Virginia had said something, too, about the Legislature. Now, he (Mr. P.) had been in the Legislature of Massachusetts in the years 1842 and 1843, and in one of those years—1842, he believed—it was said in the House that a colored man was chosen from one of the towns of Massachusetts to represent it in the Legislature. He believed he spoke truly on this question, though he had never seen the election certificate. He believed the town to which he referred was the town of Pepperell. [Some gentleman remarked that it was the town of Townsend.] He was informed by a friend near him that it was the town of Townsend, which was next to Pepperell.

Mr. BAYLY. Did he take his seat?

Mr. PALFREY. That was a very pertinent question. He did not. If he had, he (Mr. P.) had no doubt he would have been treated with proper respect and courtesy there; and, for anything he knew, that colored representative might have been chairman of the committee on the Latimer petition, which reported a law making it highly penal for the officers of the Commonwealth to employ themselves in arresting fugitive negroes, and forbidding the use of the jails for such a purpose. But he did not take his seat. Perhaps he had no political ambition. He (Mr. P.) dared say he was a modest man, and did not desire a seat in the Legislature. Would not the gentleman from Virginia be modest about taking a seat in a Legislature where all its members were of a color different from his own?

The gentleman from Virginia had alluded to some other particulars of the social position of those persons. He would say to that gentleman that they associate with our children in the public schools—those institutions which make the great glory of our Commonwealth, and give her directly and indirectly that standing which she has in this confederacy of republics. After making a few remarks some weeks ago in this House, which were published in the National Intelligencer, he had received a letter from a gentleman who resided in the town of New Bedford, with whom he was not acquainted, but, on making inquiry from the gentleman who represented the tenth congressional district of Massachusetts, who was now absent, he had learned that the writer was a gentleman of wealth, and standing, and respectability, and philanthropy, and education. The writer had given him some facts which he believed would be interesting to the gentleman from Virginia, and to other members of this House. Amongst other things in that letter, he said:

"There are in this city about twelve to thirteen hundred colored people, and of that number between three hundred and four hundred are slaves, or rather were slaves, but have

emancipated themselves, as Frederick Douglass would say, by 'praying with their heels.' This class of people are beginning to improve themselves. The signs are already visible, both as to deportment and mental improvement. Last year the first scholar in our high school (which is among the first in the State) was a colored girl—one who was far above all others, (I think in all the branches,) and one whose composition would have done no discredit to a graduate of Harvard. * * * In addition to this, there are two colored boys in our public schools, each of whom is as black as possible, and who stand at the very head of their classes in mathematics. Moreover, there is a colored girl who, though not the first, was among the first of her class when she graduated in our high school about two years since, who has since established an infant school among the colored children. * * * There is also a colored man here who is worth twenty thousand dollars, who has within a few years twice visited France, and travelled, who speaks French with accuracy, and is quite a good Latin scholar, and moreover somewhat of a poet, and of good moral character. There are some others worth from two to ten thousand dollars."

Mr. P. said he would add, that he had lately known something of a charming boy, whom God, in his providence, had seen fit to take away. [Voices: "Charming!" "A charming negro!"] Yes, (said Mr. P.,) I said the word, and I do not take it back because of the sneers of gentlemen. The expression was unpremeditated, but the reception it meets only attracts my attention to its propriety. I do not know what there is that has a charm for rightly-thinking men if it be not moral and intellectual excellence. I repeat it, a charming and most interesting colored boy, who, as his instructor, an accomplished and experienced teacher, informed me, was the best scholar he had in all the departments of the institution; a youth of amiable manners and gentlemanly and correct deportment in all respects—one who inspired respect and regard among all his white associates. He was fitted for the oldest university in the country. But God took him away. Had his life been spared, that youth would now have been in that oldest of American universities. He would there have been the equal associate, perhaps the successful competitor of Mr. P.'s own son, and of the son of a gentleman from South Carolina, not now in his place. Mr. P. could say, for his own son, that had he not treated this lad with every demonstration of respect and good will, his father would not have felt for him that esteem and confidence which he now felt.

Mr. P. said, he had no wish to depart from the regular and orderly course of business in the House. He had been led into the course of remark in which he had indulged by some of the remarks of the gentleman from Virginia, [Mr. BAYLY,] who did not, he was very sure, desire to remain under a misapprehension of the true state of facts in regard to which he was speaking.

Before he resumed his seat, he would add one word in regard to the action of the Senate of Virginia respecting his lamented friend, Mr. ADAMS. Mr. P. supposed that his colleague [Mr. ASHMUN] had not meant to express displeasure at what had been done by that body. Certainly Mr. P. felt none. Honesty was first of all the virtues, and one which Mr. P. ever desired to maintain both in himself and others. He would not praise the dead because they were dead. Let his tongue be palsied before it uttered commendation of some departed men, prominent in American history, of whom he had heard animated laudations in that House. He held that the Senate of Virginia ought, in their course of public action, to be true to the opinions they held. The misfortune was, not that they acted according to their opinions, but that they held such opinions. They could not sympathize with that great life; they were unable to appreciate its noble aims, and they were right in not saying that they did. But other times were coming for Virginia. The time was coming, perhaps was not very far off, that her sons, when showing her public records to a stranger, would turn over that leaf hastily, as not liking to remember or to dwell upon it. The days were hastening on when Virginia would again come to the van of public opinion. She had stood there once—she would stand there again. If the great State of Virginia, for a quarter of a century, had not exerted any appreciable influence in the councils of this nation, it could never be forgotten that her influence had once been great and salutary, and it would be again; she possessed material, which, under better appliances than what now existed, would yet make its due contribution to the glory of the Republic. And when that bright day should come, then, he repeated it, would this be turned hastily over as a defaced leaf in her history. The gentleman remembered the inscription written on the monument of Molière, who had failed, by one or two votes, of admission into the French Academy. On his death the Academy decreed him a monument in their own hall, on which, by their order, this was written: "*Nothing was wanting to his glory: he was wanting to ours.*"* So it might be said of this proceeding of the Senate of Virginia: her condolence was not wanting to the glory of Mr. Adams; but a due expression of regret at his loss was wanting to hers.

Mr. JOHNSON, of Tennessee, desired to interpose one question; and (Mr. P. yielding) said: The gentleman told them if that "charming" young black had not been called hence, he would have been the associate of his son in one of the oldest universities of the State; and if his son had not treated his associate with proper respect, he would thereby have forfeited the consideration of his parent. Now, his question was, would the gentleman from Massachusetts be willing to see that interesting, talented, "charming" negro boy, become the married companion of his own daughter?

Mr. PALFREY said, the gentleman from Tennessee inquires whether I would introduce such a young person as I have described to the acquaintance of the female members of my family. The question was of a nature very foreign from that of the academical association of young men. There were various conventional circumstances having relation to the habits of social life, which would determine his mind in such a case, and which the gentleman from Tennessee could estimate as well as himself. The gentleman, he supposed, was able to put much stronger questions than that, which was answered by stating that he would introduce no female of his family to the society of any person who, for reasons operating on the minds either of his family or their friends, he might know would be disagreeable, either on account of anything personal to himself, or weighing upon him because of the habits or views of others.

The definite object for which he had risen, was to move a reconsideration of the resolution of the Senate, so that it might be amended by the substitution of the language of the gentleman from Georgia, [Mr. STEPHENS.] He considered that proposed amendment as fully meeting the case, and as very happily expressed. Mr. P. said he dreaded the resolution on the table. He had, indeed, voted for it, because he did not like on such an occasion to sit silent, and because he was unwilling to vote "nay" on such an occasion. In yielding his vote, he had done it rather in favor of what he supposed the resolution was intended to convey, than that which it actually expressed.

Mr. P. would not speak in a disrespectful tone of any gentleman in the House, nor did he know who it was that had draughted this resolution; but, to speak the real truth, he did not know what it meant. If anybody knew what "consolidating the principles of liberty" meant, and that the French had done it, he knew more than Mr. P., which, to be sure, was not saying much. [A laugh.] No; the language was French, and sadly modern French, too. No such French could be got out of the pages of Voltaire. It was the French of Cousin, and that school. For aught he knew, the phrase in question might have been drawn from some of the speeches or papers of Lamartine, in whose proclamations and harangues, while there were many very good things, there were others like those of a much greater character, "some things hard to be understood."

The French loved a brilliant saying as well as anybody; and they might be gratified by the enthusiastic sympathy which our resolutions were intended to express; but they were a people of very rigid taste, and had as keen a sense of the ridiculous; and Mr. P. confessed he should not like to be present when this resolution should be read in the French legislative hall, for he verily believed it would excite such merriment as would be little flattering to our national vanity. He hoped, for the sake of our own good taste and exactness, that the resolution would be reconsidered and amended.

Mr. KAUFMAN obtained the floor, and moved to lay the motion to reconsider on the table; but consented to withdraw it at the earnest solicitation and remonstrance of

Mr. BAYLY, who said he should not reply to the gentleman from Massachusetts with any asperity. There was so much of the man that was the gentleman, so much propriety of conduct and of manner about him, that, much as Mr. B. abhorred the principles he held, he should not attempt, in his reply to his remarks on this occasion, to give any expression to his feelings. But it was due to himself, that he should add a few words to his reply to the other gentleman from Massachusetts, [Mr. ASHMUN.]

But before he did so, he must say a few words in reply to the gentleman who had last spoken, [Mr. PALFREY.] And, in the first place, that gentleman had said that Mr. B. was in error in regard to the legislation of Massachusetts. Now, if the gentleman had heard his remarks distinctly, as he had said he did not, he could not but have been struck with the fact, that in all he had said in relation to the legislation of the States of this Union on the subject of free negroes, he had carefully excepted Massachusetts. He had repeated that exception with particularity more than once, and the reason must be obvious. He knew the general fact that there had been of late much legislation in Massachusetts on that subject, but he was not fully aware of the precise extent to which it had gone. Most of the remarks he had made in reference particularly to Massachusetts he had made on the statements and suggestions of others. But, after all, he did not think the gentleman had pointed out any very important errors into which he had fallen. He had one other remark to make on this point. He had said that Massachusetts had made it a penal offence for her magistrates to assist in the delivering up of fugitive slaves, and had prohibited the use of her jails for any such purpose. He recollected those laws perfectly well, and had intended to refer to them in his reply to the gentleman [Mr. ASHMUN] on yesterday, but in the hurry of an unpremeditated speech he had forgotten to refer to the assertion of that gentleman that his State was willing to abide by the compromise of the Constitution. He would therefore advert to that subject now, because he should dwell upon it more at large in his printed remarks, should he hereafter write out his speech and amplify it as he proposed to do for publication. The gentleman had said that he himself was willing and his State was willing to abide by the Constitution as it stood, and that in reference to the subject of slavery he was willing to stand by the compromises on which that instrument had been formed. Let him ask the gentleman whether in passing such laws as these his State was doing that?

Mr. ASHMUN. Yes; she is.

Mr. BAYLY. No; she is not. The United States courts have declared precisely the reverse. Mr. B. quoted the following clause of the Constitution: "No person held to service or labor in one 'State, under the laws thereof, escaping into an- 'other, shall, in consequence of any law or regula- 'tion therein, be discharged from such service or 'labor, but shall be delivered up *on claim* of the 'party to whom such service or labor may be 'due."

Judge Story, a jurist who was the boast and glory of the gentleman's own State, in commenting on this clause in the Constitution, observed, that it contemplated a summary ministerial proceeding not in conformity with the rules of the common law. That commentator laid emphasis on the expression "delivered up *on the claim* of the party to whom," &c. And so said the United States Supreme Court. In 1793 Congress had passed a law to carry out this constitutional provision: and that law made it the duty of the State magistrates to assist in the surrender of such fugitives.

Mr. ASHMUN. Will you show me the law which makes any such requirement.

Mr. BAYLY. Yes, I will. Hand me the volume of the Laws of the United States, and I will show it.

The Constitution of the United States, he said, declared that the Constitution, and the laws passed in pursuance of it, should be the supreme law of the land. The constitutionality of the law of 1793 had come before the Supreme Court in the case of Sprigg against the Commonwealth of Pennsylvania; and the members of the court, with a single dissenting voice, had pronounced it to be in accordance with the Constitution, and therefore the law of the land. Yet the State of Massachusetts, with this doctrine taught by her own great jurist, and this decision of the court of last resort staring her in the face, has set at nought this supreme law

* "Rien ne manquait à sa gloire;
Il manquait à la nôtre."

of the land by a law of her own—a law that was so designed. She had done more; she had extended the right of trial by jury to these fugitives; she had also authorized negroes to sit upon juries, according to the gentleman who had just spoken; and thus the case of a runaway negro might come before a jury of negroes (who might themselves have been runaways) for trial. It was idle to tell him that this important clause of the Constitution—a clause which had been made an indispensable condition by the southern States before they would sanction the Constitution—had not been nullified by the State of Massachusetts. With what propriety, then, could the gentleman come here and say that his State was willing to stand by the Constitution as it was? Did not public sentiment there make the enforcement of the rights of a slaveholder impossible?

Mr. GIDDINGS here asked leave of Mr. B. to make an explanation.

Mr. BAYLY having assented—

Mr. GIDDINGS said he would state the point as it existed. He understood the gentleman from Virginia [Mr. BAYLY] to say that the United States law of 1793 made it the duty of State officers to arrest a fugitive slave, or to assist in his arrest. He called on the gentleman to show in what part of that law any such provision was contained. If the gentleman could find any such clause in it, from beginning to end, Mr. G. was ready to acknowledge that he had made some progress in knowledge to-day.

Mr. BAYLY said it was of course impossible for him to stop now to examine the details of a law. Could he possibly have anticipated that such a point would be made, he would have examined the law beforehand.

Mr. McLANE explained, that, as he understood the decision of the Supreme Court in regard to the act of 1793, the Supreme Court had decided that the clause in the Constitution which provided for the arrest of fugitives from labor executed itself so far as the fugitive could be arrested without illegal violence; but, as such remedy would be very insufficient, the court further decided that Congress was bound to provide legislative remedy, and that this legislative power of Congress was *exclusive;* and that no State could interfere to qualify or restrain the remedy provided by the act of 1793; the magistrates named in that act might, if they pleased, execute the law, and if State legislation interfered to forbid them, such legislation was unconstitutional. The act of Massachusetts refusing the use of her jails was an attempt indirectly to *restrain* the remedy provided by the act of 1793, and in spirit it was *unconstitutional.*

Mr. GIDDINGS wished this matter clearly understood, because it was an important point. Knowing the legal science of the gentleman from Virginia, [Mr. BAYLY,] and the ardor of his desire to have it established according to his own views, he had looked into it with an anxious desire to know whether the gentleman was right or himself, and he would now point out the result of that examination.

But he must begin by going back of the law of 1793. He would go all the way back to the adoption of the Constitution, and give a historical detail of the action both of the Convention and of Congress on this subject, as well as the decisions of the Supreme Court, and the legislation of the States. In the Convention, a member from South Carolina offered, as an amendment to the reported draught of the Constitution, a clause declaring that the free States should arrest a fugitive slave coming within their limits in the same manner as they would a fugitive from justice. Whereupon, a member from Pennsylvania (Mr. Wilson) instantly rose and objected to the adoption of the amendment, because it would involve the people of the free States in the arrest of slaves—that is, in the expense of it; and he was followed on the same side by a gentleman from Connecticut; and the result was, that the amendment was rejected without a division.

The rejection was put upon the ground that it would involve the people of the free States in the arresting of slaves. And he would say that the intention of the people in thus refusing to be laid under any such obligation had been carried out by the Supreme Court. The true doctrine of the court was, that the people of the free States could not legislate either to aid the arrest of slaves or to hinder that arrest. They had nothing to do in the matter. The soil of the free States was a common race-ground for the slave and his master, and the Governments of those States were not to interfere between them. They were neither to surrender up the slave nor to prevent his master catching him, if he could. The master must be suffered to come and catch his own slave as he could. The law of 1793 carried out that principle; it did not make it the duty of the free States to aid the master in arresting his slave. There was no legal process by which to arrest a fugitive slave. When the master overtook and seized him without process, then the law made it the duty of the State magistrate to give him a certificate of the fact; and so far the court had pronounced the law to be unconstitutional.

Mr. VINTON said, as he understood the decision, it made no distinction between slaveholding States and States not slaveholding. No State could arrest a fugitive, whether it was a free State or a slave State, under the law of the United States.

Mr. GIDDINGS. Certainly; the court made no distinction. The law left the master to arrest his own slave, and then the magistrate commenced his action; but the court had pronounced this to be unconstitutional.

Mr. BAYLY (resuming) said that the interruption of the gentleman had given him time to examine the law, and he was not mistaken. He had said, and he repeated it, with the law before him, which he thanked the gentleman from Ohio for handing to him, that the law of 1793 made it the duty of State officers to assist—that was his statement—in removal, by his master or his agent or attorney, of his fugitive slave. It did so in express terms. As he had been contradicted on that point, he desired to read the section:

"SEC. 3. *And be it further enacted,* That when a person held to labor in any of the United States, or in either of the Territories on the northwest or south of the river Ohio, under the laws thereof, should escape into any other of the said States or Territories, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the State, *or before any magistrate of a county, city or town corporate, wherein such seizure or arrest should be made; and upon proof, to the satisfaction of such judge or magistrate,* either by oral testimony or affidavit taken before, and certified by, a magistrate of any such State or Territory, that the person so seized or arrested doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it should be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which should be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled."

That law made it the duty of the State magistrates to assist in the surrender to the owner, agent, or attorney of these fugitive slaves. The Supreme Court of the United States had decided that that law was constitutional, in the case of Prigg against the Commonwealth of Pennsylvania.

Mr. COLLAMER, (in his seat.) That part of it.

Yes, that part of it, (said Mr. B.) He knew perfectly well what that decision was. He had read it at the time. It was several years since, but he undertook to state what that decision was. There were three leading points made in the case: one was, that the Constitution executed itself—that no legislation either on the part of Congress or of the State Legislatures was contemplated, and therefore that this law was unconstitutional; another point was, that Congress had the right of legislation, and of exclusive legislation; the third point was, that there was a concurrent power of legislation on this subject in Congress and in the State Legislatures, with this difference, that the States might pass laws in aid and furtherance of the laws of Congress, but that they could not pass a law in contravention of the law of Congress. These were the points made in the case. What was the decision? Mr. Justice Baldwin, of Pennsylvania, was of the opinion, as he (Mr. B.) was told, that the constitutional provision was ample in itself; that the law of 1793 was therefore unnecessary; and that the Constitution gave the right to the master, or his agent or attorney, without the interference of any officer or anybody, to go and take his slave who had got into a free State precisely as he would his horse if he went there, and bring him back, without any other authority than that which the Constitution provided. And he maintained that any legislation of the States going to impair this provision was unconstitutional. A majority of the judges of the court—Mr. Justice Story delivering the opinion—decided that the Constitution did contemplate legislation, and that that legislation was exclusively in Congress; and that the State Governments had no right to legislate on the subject at all. That was the decision of the court. But three judges—the Chief Justice, Mr. Justice Daniel, of Virginia, and Smith Thompson, of New York—gave their opinion that the right of legislation was concurrent; that Congress might legislate on the subject with propriety, and that the law of 1793 was therefore constitutional; and that the State Legislatures might legislate in aid, not in contradiction, or rather, in better law language, not in contravention of the law of 1793, or of the Constitution; that they might make further provisions in aid of the law of Congress on the subject. His (Mr. B.'s) own opinion was very distinctly that that opinion gave the true law of the subject. But that was not necessary to his present argument. For the point he meant to make on Massachusetts he would abide by the decision of the majority, delivered by her own distinguished jurist. He had decided that this law was constitutional. The court had so decided. The Constitution said that the laws of Congress, made in pursuance of the Constitution, are the supreme law of the land, "anything in the Constitution or laws of any State to the contrary notwithstanding."

This decision staring Massachusetts in the face, what had she done? She had undertaken to forbid not only her officers, but, if he was not mistaken, her citizens, to aid in any manner in the recapture of fugitive slaves. Now he begged gentlemen to tell him how this constitutional right, secured to every slaveholder in the Union, was to be exercised without the aid of the citizens of that State, when fugitive slaves escaped thither? Did the Constitution contemplate that he was to go there with his posse from the slave State to execute his rights? It contemplated, most clearly, and the law of 1793, which had been decided to be constitutional, declared explicitly, in express terms, that the State and local authorities should exert their power in aid.

But suppose he was wrong in this matter—as most clearly he was not—the Supreme Court of the United States had decided, in accordance with the opinion of Mr. Justice Story, in his Commentaries, that a proceeding according to the rules of the common law—that was, a trial—was not contemplated by the Constitution; and that the person was to be surrendered up *on the claim* of the party, not on the suit of the party. Mr. Justice Story had also said, that the question of the legality or illegality of the claim could not be inquired into in the free States, and so had Mr. Justice Washington also decided. They held, that the moment the fact was established that he was held in the State from which he fled as a slave, whether rightful or wrongful, he must be delivered up and turned over to the State whence he came, to have the question of legality there decided.

But what had Massachusetts done? She had provided for and authorized a trial of the case by jury. The gentleman from Massachusetts [Mr. ASHMUN] said he was mistaken; that Massachusetts had not extended the right of trial by jury to these fugitives. Such was his (Mr. B.'s) impression; the gentleman might be better informed; but he did know that other States had—that Pennsylvania had, and New York had, and so had others. He had had the honor at one time to represent his State, as chairman of the committee, in conducting the controversy between Virginia and New York in reference to this very question. The law of New York went before her own courts, and the supreme court of New York decided, almost unanimously, that the State law on that subject was unconstitutional: her own highest judicial tribunal decided it. And yet this State, that claimed to stand by the provisions of the Constitution as they were framed, had virtually nullified that provision of that instrument! He put it to the gentleman from Ohio or the gentleman from Massachusetts, and asked them if this right was not a barren and a remediless right in Massachusetts? He asked, if he went to Massachusetts to-morrow—where he had been invited by the gentleman from Massachusetts—and carried with him his servant, who travelled with him everywhere, and whose attendance upon him and his family was necessary,—if he went there, he asked the gentleman if her courts and citizens would not force that man or woman out of his possession, even against their remonstrance? It had been done and would be again; and his own impression was, that, anxious as he

was to go to Massachusetts, this unconstitutional provision of her law would make him an exile from her soil so long as it was continued——

Mr. DUER (interposing) inquired if the gentleman contended that if a slaveholder took his slaves into one of the free States, and the law of that State made him free, that it was unconstitutional?

Mr. BAYLY replied, it was unnecessary for the purposes of his argument to take that position; he had not taken it, and should not argue it.

Mr. DUER wished, as he was upon the floor, to make one remark; and (Mr. B. yielding) said he had understood the gentleman yesterday to say that there were laws in force in New York prohibiting the immigration or restraining the immigration of free blacks into that State. He wished to inform the gentleman that there were no such laws.

Mr. BAYLY (continuing) said, the House would recollect, in the remarks he had made in reference to the legislation in the non-slaveholding States prohibiting free negroes going into their limits, he had not undertaken particularly to point out the States that had done it. He knew Illinois had lately done it; he believed Pennsylvania had; and he had been under the impression that New York had. But, be that as it might, many States had. He told the gentleman from New York that a former member from his own State in arguing the Wilmot proviso, referring to the recommendation of the Governor of Virginia to expel from her borders all the free negro population, in very bitter remarks had said that Virginia should keep her own free negro population, and that New York would go to war sooner than permit them to come into that State and settle.

Mr. DUER. He spoke for himself probably.

Mr. BAYLY. I ask the gentleman from New York if they do not require some security against their going on to the parish or something of that sort?

Mr. DUER. None in the world.

Mr. BAYLY (resuming) said, whether or not it was a law upon the statute-book, it was the law of public opinion, which was still stronger.

Look to Ohio—a State which had more abolition Representatives on this floor perhaps than any other—what had she done in relation to the Randolph negroes? At his death he emancipated them, and made provision that land should be purchased for them to settle on. His executors went into Ohio and bought lands for that purpose; no objection was made to the purchase of the lands, but when they undertook to settle on their lands, were the rights of freemen sacred to them? Were they not mobbed? Did not almost an army of armed men beset the canal banks on which they were floating? And a gentleman from that State, not now here, who was so active in all these abolition movements, maintained, with many, that they were right in not letting the free negroes settle there to contaminate their society; yet these free negroes would not be one to twenty thousand of their population, while the same gentlemen would be glad to set loose the whole of the black population in Virginia and the other southern States, where they, in many parts, outnumbered the whites. This was their philanthropy, and their love for the negro!

Mr. GIDDINGS wished to say one word on that point; and (Mr. B. yielding the floor) observed that the act of a mob in the district represented by his colleague [Mr. SAWYER] should not be applied to Ohio in its capacity as a State or to its citizens generally. The act of that mob—his colleague said he took the responsibility of it; he (Mr. G.) was aware of that; and he had only risen for the purpose of throwing it entirely from the State as a State, and from the people as a people. It was a mob; and when the gentleman from Virginia called it a mob, his own heart responded to the truth which he asserted. It was a mob; one with which the people of that State had no sympathy whatever; one on which the people of that State looked with deep, unutterable abhorrence; one on which they had placed their seal of condemnation, as he believed; and whose procedure they held in detestation and in violation of all the principles of humanity and of the laws of the land. He knew his colleague [Mr. SAWYER] thought differently. He (Mr. G.) had only expressed what the people generally felt in his part of the State, and what he thought the people of the whole State generally felt and had expressed. He responded to the sentiment of the gentleman from Virginia, that it was the act of a mob—inhuman and detestable.

Mr. BAYLY (resuming) said he was very sorry that this debate had been prolonged to such an extent. He had said when he rose that he should not occupy more than five minutes, and he should not have done so but for these repeated interruptions.

Mr. FICKLIN here rose and requested the gentleman to give way for a moment.

Mr. BAYLY, after some hesitation, assented; remarking, however, that he could not give way any more to anybody. [A laugh.]

Mr. FICKLIN proceeded to say that he had not understood the early part of the remarks of the gentleman from Virginia in regard to those free States which had excluded, or legislated with reference to excluding, the free negro population from their borders. He found that his friend from Ohio seemed to repel the idea that his State, as a State, had taken steps to exclude the free negro population; and his friend from Virginia, in the course of his remarks, had said something about Illinois as being one of those States which had had legislation of that sort on the subject. He wished to inquire of the gentleman whether he had intended to say it was improper or proper on the part of those States, as he had not understood him on this point?

Mr. BAYLY replied, that he had not the slightest doubt of the constitutional power of those States to pass those laws; and, if they esteemed them wise, he was the last man on the face of the earth to express any difference of opinion with them. It was a subject for them to determine for themselves. His own impression was, if he resided in one of the free States, he should be opposed to the introduction of free negroes there; certainly, he was very much opposed to the introduction of them in Virginia. He had expressed no disapprobation of those laws.

Mr. FICKLIN (again interposing, and Mr. B. yielding) would say to his friend from Virginia, that for a number of years past the legislation of Illinois had looked to the exclusion of the free-negro population by imposing restrictions upon their ingress into that State. Very recently, however, there had been a convention of the State; the constitution had been amended, and a provision had been included in it which gave the Legislature express authority to exclude, absolutely, all the free-negro population. That amendment had been submitted to the people, and adopted by an overwhelming majority; and a separate vote being taken upon the exclusion of all the free-negro population, it had been adopted by several thousand [a voice: "ten thousand"] majority.

Mr. BAYLY (resuming) remarked, it was proper that he should say that most, he believed all, of the delegation from Illinois—perhaps he did wrong in saying all, but he knew it was true in reference to most of them—were acting towards the South on this subject in a spirit very different from the spirit in which Ohio and other States were acting. At the same time that they would not permit free negroes to be carried into their States, they were trying to force their own upon others. Ohio, through some of her members here, did that. If the laws of Ohio did not absolutely forbid free negroes going there to settle, they did require security from them; they did throw embarrassments upon them, which were sometimes impossible to be overcome, which they did not in reference to white people. They made laws in reference to them which, if they were citizens, as they were not—for they were not a party to the constitutional compact, and therefore they were not citizens—they passed laws which, if they were citizens, as their members here maintained, were unconstitutional.

But he had been a great deal in Ohio, and, for the benefit of the gentleman from Ohio, he would tell him some facts which he knew existed there in reference to the free-negro population. When he was out there in 1845, he had found a large colony of emancipated slaves from North Carolina colonized on one of his surveys. They had gone there, as they had told him themselves when he visited their cabin, because he was a slaveholder and a Virginian, and they knew therefore with such a man they would escape oppression; and they preferred to do that to going on the lands of any man of Ohio or from any of the non-slaveholding States to settle. He conversed with these men; one of them, who was an exceedingly intelligent man, told him his condition in Ohio was infinitely worse as a free man than it had been in North Carolina as a slave. "Sir," said he, "there I had a master to protect me; nobody undertook to encroach on my rights; nobody undertook to wrong me in any respect; if they did, I had a man of character to vindicate me. But here, any petty fellow in the neighborhood would undertake to oppress us in every form and style, and we cannot have justice done us." And when he sold the land, as he did sell it, he sold it with the encumbrance; and, when this man found it out, he told him (Mr. B.) to put in some stipulation to protect his crops. He (Mr. B.) told him he did not wish to become involved in the matter. The negro replied, that if he did not put in such an express stipulation they would seize his crops. From this fellow he had been confirmed in the idea which he had before entertained, that in manumitting a slave he ceased to be the slave of an individual master who would protect him, and became the slave of the community at large.

One other fact he would relate. He had been told that the free negroes in Ohio would not go up to the gentleman's district; that they were all hanging down about Chilicothe and that part of the county peopled by citizens from the slaveholding States. They said: "These Kentuckians and Virginians understand us; they treat us well; they respect our rights;" but the very moment one of them was found in the abolition districts, he was oppressed in every form and style.

Mr. GENTRY, (in his seat.) And cheated.

Mr. BAYLY, (continuing.) And cheated, as his friend from Tennessee said; he had not seen fit to use that word.

Look into the statistics of the gentleman's State, (Mr. B. continued.) How many negroes were there in Ross county, which was peopled by Kentuckians and Virginians? His own impression was, that there were one thousand, perhaps seventeen or eighteen hundred. But go to the northwestern reserve, and how many were there? They had an instinct which pointed out to them from whom they might expect respect for their rights and kindness. It was those men who had been raised among slaves, who treated them with kindness and justice.

One other point. The gentleman from Massachusetts had undertaken to come before this House and say that he (Mr. B.) did not represent the enlightened opinions of his district or State on this subject. He would like to know how the gentleman found it out, and how he assumed to know their opinions better than he, (Mr. B.) It was the same arrogant assumption of superiority which had led the gentleman to undertake to decide that he was wiser in reference to the subject of slavery than he (Mr. B.) was. But he would decide this question by the Representatives of Virginia. If there was any gentleman, Whig or Democrat, from Virginia who said that, in the remarks he had made relating to the question of slavery, he had not represented the feelings of his State, he demanded that he should rise in his place and say so.

Mr. B. here paused, and, no gentleman rising, he asked if there was not one Representative from Virginia, whether he be Whig or Democrat, who would back the gentleman from Massachusetts in his assertion that he (Mr. B.) had misrepresented the feelings of his State? He called again, if there was any such gentleman, to rise and avow it. Mr. B. again paused for a moment.

Mr. ATKINSON rose and (Mr. B. yielding) said he had heard with great pleasure the remarks of the gentleman from Virginia, his worthy colleague. As the Representative of the first Congressional district of Virginia in this House, he (Mr. A.) unhesitatingly declared that the sentiments expressed by his colleague were according to the views of the people whom he had the honor to represent; he believed, moreover, that his colleague had spoken the views of the people of Virginia, both Whigs and Democrats.

He would say one word more while he was on this subject: that, so well were they satisfied with the condition of slavery in that portion of Virginia in which he lived, even the negroes themselves would rise up against the abolitionists if they were to go among them and promulgate the doctrines he had heard advanced by them upon this floor.

Mr. BAYLY (resuming) said the Representatives from Virginia all either openly or tacitly repudiated the charge of the gentleman from Massachusetts that he had misrepresented his State

There was one other remark that he had intended to make yesterday, but it had escaped him. It was due from him to an old and esteemed friend. The gentleman from Massachusetts had undertaken to assail Mr. Ritchie, the editor of the Union, for commenting on his course in this House. Now, he (Mr. B.) thought the House would bear him witness that what he had said was quite as offensive as what Mr. Ritchie had said; it therefore would have been as proper if the gentleman from Massachusetts had vented his wrath on him (Mr. B.) who was privileged to reply, and not on a gentleman who had no seat on this floor and enjoyed no such privilege.

Mr. KAUFMAN again moved to lay the motion to reconsider on the table.

Mr. ASHMUN desired the gentleman from Texas to withdraw that motion, to give him an opportunity to reply; to which Mr. KAUFMAN, after some conversation, assented.

Mr. ASHMUN was proceeding to address the House, when—

Mr. McLANE rose to a point of order.

After an explanation from the Speaker, who decided that Mr. ASHMUN had the floor, the gentleman from Texas having withdrawn his motion to lay on the table, Mr. McLANE waived his point of order.

Mr. ASHMUN again essayed to address the House, but was interrupted by

Mr. SAWYER, who said the House was not now in Committee of the Whole on the state of the Union, but was considering a motion to reconsider the vote of yesterday giving a vote of thanks to France. [Laughter.] The gentlemen, however, who took part in this debate were discussing the question of abolition, which appeared to him to be irrelevant to the subject under consideration. He asked the Chair to decide if the debate which had been going on this morning was or was not in order?

The SPEAKER replied that the gentleman from Ohio was too late in his objection in regard to those gentlemen who had already spoken, to whose remarks the gentleman from Massachusetts, [Mr. ASHMUN,] as the Chair understood, was about to reply. He would remark, that the general question involved the subject of slavery in the French West India Islands, and thus the question to which the gentleman from Ohio had alluded came up. The Chair, however, was ready to admit that the debate had assumed a wide range, which he did not now feel at liberty to interrupt, inasmuch as it had been continued so long by general consent.

Mr. MEADE inquired if the motion to lay on the table was debatable?

The SPEAKER replied, that a motion to lay on the table was not debatable; but there was no such motion pending.

Mr. ASHMUN said, after gentlemen had exhausted their ingenuity in attempts to silence him, he would proceed. The gentleman from Virginia [Mr. BAYLY] had now occupied the attention of the House with three separate prolonged harangues. Yes; for three several hours he had fretted himself on this floor, and he had fretted nobody else. Yet, notwithstanding all the roughness of manner, and the overbearing, supercilious deportment which the gentleman from Virginia had manifested towards him (Mr. A.) and other members of this House, he would say that he had no unpleasant personal feeling towards that gentleman, for he knew not but it might have been occasioned by the manner of his education, and that it was a habit which he had acquired towards those whom he was born to command.

Mr. McLANE said it was with extreme regret he rose to call the gentleman from Massachusetts to order. He was thoroughly convinced that a greater breach of order had never been committed in this House than had been here witnessed under this privilege of courtesy. He was satisfied that the gentleman from Massachusetts was entitled to reply, but he was just as well satisfied that he was wrong, in making that reply, to introduce this general subject.

The SPEAKER called the attention of the gentleman from Maryland to the fact that he had not stated any point of order.

Mr. McLANE said he supposed that, in stating his point of order, he could make a brief explanation. His point was, that the gentleman from Massachusetts was going into a general debate, when, in good faith, he should discuss the subject before the House, which was a personal explanation, to make which his understanding was that the gentleman from Texas had yielded him the floor.

The SPEAKER corrected the mistake of the gentleman from Maryland. The gentleman from Texas had yielded the floor altogether, and not for any particular purpose.

Mr. McLANE said he had entertained a different impression.

Mr. ASHMUN again proceeded. The gentleman from Virginia had indulged in a tone and apparent temper—he said *apparent* temper, for he might have mistaken the gentleman after all—a tone and apparent temper which was unfitted for this House. What brought this feeling into this House? Who commenced it? Whence came personality into this debate? Did not the gentleman from Virginia rise here in his place, and on a mere proposition of his (Mr. A.'s) pour on him a series of abusive epithets and denunciations which yesterday he (Mr. A.) characterized as more fitting a plantation than this Hall? And now the gentleman from Virginia rises, and with that audacity of manner which he could sometimes assume, stated that he (Mr. A.) had passed over him [Mr. B.] to attack his friend, Mr. Ritchie. Now, there was nothing in either the position or character of the gentleman from Virginia that placed that gentleman above him (Mr. A.) in this House. He was that gentleman's equal and no more; and on no occasion would he submit to such remarks as had fallen from that gentleman, which, to say the least, were very inappropriate. He (Mr. A.) had commented on both the remarks of the gentleman from Virginia and the comments of the venerable editor of the Union, because both of them had indulged in remarks on him personally. He had done it because both happened to represent the same State, and both seemed to be animated by the same spirit. He had done so because both seemed to be animated by the same spirit that actuated an accidental majority in the Senate of Virginia, who had refused to join their fellow-citizens in the adoption of resolutions expressive of their feelings on the death of Mr. Adams. He had spoken of this the other day, and yet the gentleman, as if he believed it, and as if he wished the House and the country to believe it, now charged that he (Mr. A.) had avoided him and attacked Mr. Ritchie because he knew that Mr. Ritchie had not the right to reply.

Mr. BAYLY said if he had the opportunity, after the gentleman had done, he would make some remarks on this subject; but he wished to say now that the gentleman from Massachusetts was stating his remarks incorrectly. He had not said that the gentleman from Massachusetts had avoided him to attack Mr. Ritchie; but he said that the gentleman from Massachusetts might have confined his remarks to him, and not extended them to a gentleman who had not the privilege of a reply.

Mr. ASHMUN said the gentleman from Virginia might now put his language in that form and he would accept it in that shape; but the gentleman from Virginia would not be safe in taking the testimony of those who surrounded him as to what he had said. He repeated, however, that he accepted the gentleman's explanation. The gentleman from Virginia said he had attacked Mr. Ritchie, who had not the privilege to reply. Why, Mr. Ritchie was here, he believed, at this moment, occupying a member's seat, in violation of the rules of the House, writing abusive articles of members of Congress, and he had a press at his command, which was more potent than any voice in this Hall, and he exercised it whenever he saw fit, and he (Mr. A.) did not choose to attempt to restrict him in the exercise of it, but he claimed for himself the same right to speak for himself. The editor of the Union had denounced him in his paper, and through the same medium he could reply; he had not, therefore, attacked the editor of the Union because he had no right or opportunity to reply.

Mr. BAYLY denied that he had said the gentleman from Massachusetts had attacked the editor of the Union *because* he had not an opportunity to reply. He had remarked that the gentleman from Massachusetts had attacked the editor of the Union, who had not the privilege to reply on this floor, while he (Mr. B.) had, and that it would have been quite as proper if the gentleman from Massachusetts had confined his remarks to himself, who had spoken quite as pointedly of him as Mr. Ritchie had.

Mr. ASHMUN said it was not for the gentleman from Virginia to dictate to him how he should confine his remarks. When he saw characteristic remarks in the public press—remarks similar to those delivered by the gentleman on this floor—he should exercise his own judgment as to the manner in which he should treat them. He had had no difficulty in discovering a similarity of feeling between the gentleman from Virginia and the editor of the *Union*, and he found no fault with the commendation which the gentleman from Virginia had bestowed on his venerable friend, the editor of the Union, who throws it back, through the columns of his newspaper, on the distinguished orator of Virginia. If the gentleman and the editor of the Union found any comfort and consolation in this mutual admiration and commendation, he certainly should not attempt to disturb in the slightest degree the harmony which seemed just now to exist between them. How long it had existed, or what had been their former relations, others could tell.

Yesterday the gentleman from Virginia had informed the House, that unpremeditatedly he had replied to remarks which he (Mr. A.) had made after a week's preparation. Now, the circumstances were known to the House, and therefore he need not say that he (Mr. A.) had been desirous to proceed when he had obtained the floor, after a lengthened debate just at evening, but there was a manifest reluctance on the part of the House to continue the debate at that time, and an adjournment took place. The gentleman from Virginia knew full well, that up to yesterday, there had been no opportunity to get the floor, though, as the newspapers had recorded, he had several days in succession attempted to get the House to take the subject up. He knew full well, too, that on the morning after the attack had been made on him by the gentleman from Virginia, he had given him an intimation that he should move to take the subject up at the earliest moment; and yet the gentleman, with the same time for preparation, came here and told the House, with an evident feeling of superiority, in which he was so much accustomed to enwrap himself, that he was then, and on all occasions, ready to reply impromptu to that which he (Mr. A.) had had a week to prepare. And the gentleman from Virginia to-day had taken advantage of a renewal of this debate, to renew his attack on him, (Mr. A.,) which he some time since began. Not content with his exhibition of yesterday, after, he (Mr. A.) hoped, sleeping soundly upon it, encouraged, perhaps, by the eulogy on his proceedings which appeared in the government paper this morning, in which the government editor announced to the whole Democracy that the gentleman from Virginia had "used him up," he came here again, and exhibited so little magnanimity over a fallen foe. Again and again, like Falstaff, he gave the deadly thrusts at a prostrate foe, and "thrice he slew the slain." [Laughter.] Was that Virginia chivalry? Was the spirit which the gentleman from Virginia had exhibited throughout, the Virginia spirit of which he proclaimed himself to be the exponent? He hoped not; he believed not. He believed there was no other gentleman from Virginia, of either party, that would take the course which that gentleman had done. He trusted there was not another in the State. But the gentleman from Virginia had made another point in his speech, which he was preparing to write out and extend to such a reasonable length, that his constituents would throw aside their numerous newspapers when it came, that they might be able to read it—he had charged him (Mr. A.) this morning with asserting that which he knew was not true—with saying that the gentleman from Virginia was not the proper exponent of Virginia feeling. Now, he (Mr. A.) believed that many of the extreme notions of the gentleman were held by Virginia, and he had never attempted to say otherwise; but what he had intended to say was, that the gentleman was not the proper exponent of the spirit of Virginia, and of the feelings of the men of that State, in his manner and tone on this floor. He had referred especially to the conduct of the Senate of Virginia, in relation to the death of Mr. Adams, and he (Mr. A.) knew the gentleman was not the exponent of the feelings and spirit of the men of Virginia on that subject, for he understood the popular Assembly passed the resolutions unanimously. He appealed then to the record of that fact, to sustain the position which he had assumed, by which it would appear that the popular repre-

sentative body of that State, forgetting all past differences, had passed unanimously the resolutions which an accidental party majority of the aristocratic body had refused to pass. He thought he had here justification for saying that the gentleman was not the exponent of the feelings of the people of Virginia.

He came now to make a few remarks in relation to another point which the gentleman from Virginia had stated and urged with the confidence which usually characterized the exposition of his oracular knowledge, and he (Mr. A.) should not devote much time to it. The gentleman from Virginia had promised to write out his speech on this subject, but when he read the decision in the case of Prigg, to which he (Mr. A.) now called his attention, he thought he would not write out the speech as he had promised.

What was the position of the free States of the North? Massachusetts and the other free States were content to stand on the Constitution as it is. He stated what the history of the free States proved. But the gentleman from Virginia had cited the case of the Legislature of Massachusetts to show an instance in which she had violated the principles of the Constitution and the rights of the slaveholding States. The gentleman had told them, that by the Constitution of the United States, slaves escaping from labor should be given up on the claim of the person to whom such service was due. He had also set forth the law of Congress of 1793, which provided that when a person's claim was brought before a magistrate, and the magistrate was satisfied, he must give a certificate. That was true. And what had Massachusetts done? Had she interfered more than to say that the Congress of the United States—the national Government—had no power over State officers? Why, the gentleman came from a State that was an extreme stickler for State rights—a State that passed the resolutions of 1798—and yet he came here and argued that the Congress of the United States had power to require official acts from State officers; and that a law of a State forbidding these officers to do these acts, was a violation of the Constitution. The gentleman contended that this Congress had power to require the discharge of duties by State officers, and to compel the performance of them; for there must be a correlative power to compel if there was a right to require. Now, the Constitution merely required that they should be delivered up; and the Constitution provided that taxes may be collected; but could Congress require the State officers of Massachusetts to act as the collectors of the national taxes? Could Congress impose any duties on State officers within the State? He would like to know on what decision or what provision in the Constitution such an opinion was based.

Mr. MEADE asked the gentleman to yield him the floor, that he might answer the question which the gentleman had proposed.

Mr. ASHMUN yielded the floor accordingly.

Mr. MEADE called the attention of the gentleman from Massachusetts to the clause in the Constitution which requires fugitives from justice to be delivered up on the *demand* of the Executive of the State from which they fled. He contended that every State was bound to pass the necessary laws to carry out this clause of the Constitution; and the States were equally bound to pass the necessary laws to execute the succeeding clause in reference to fugitives from labor, which required that the slave "shall be delivered up on the *claim* of the party to whom such service or labor may be due." On whom shall the claim be made, and who shall deliver up the fugitive? The claim in the one case, like the demand in the other, shall be made on, and the fugitive delivered up by, the authorities of the State into which the fugitive in both instances goes The law of Massachusetts, instead of aiding, obstructed the execution of this clause in the Constitution.

Mr. ASHMUN said the Supreme Court had decided in the negative the questions of the gentleman from Virginia [Mr. MEADE] in the Pennsylvania case.

Mr. GIDDINGS asked the gentleman from Massachusetts to give him the floor, that he might say a word of explanation on this point.

Mr. ASHMUN assented.

Mr. GIDDINGS said, so far as this discussion embraced great and fundamental principles, it was with the utmost pleasure that he mingled in the debate; but when it degenerated to personal attacks, he had no desire to take part in it. But here was a high and an important question, to which neither the gentlemen of the North nor of the South had paid the attention which its importance demanded; and, therefore, he had requested the gentleman from Massachusetts to give him an opportunity to correct a misstatement which had been made. When the gentleman from Virginia, on this floor, had stated it to be the duty of the free States to arrest fugitives from labor, basing his statement on the law of '93, he, (Mr. G.,) in the sincerity of his heart, had asked the gentleman from Virginia to read the law for himself. He (Mr. G.) had thrown out the defiance to the gentleman that he could find no such law, and the gentleman from Virginia had replied that, if he could find the law, he would read it. He had here the law, and he believed it contained no such provision as the gentleman from Virginia seemed to suppose, requiring the arrest of fugitive slaves, or any interference whatever by the authorities or people of the free States. He would now read the law, because the gentleman from Virginia, after he had furnished him with it, had passed over a very important consideration to which he had called the gentleman's attention.

[Mr. G. here read the third section of the law of 1793.]

Now, that to which he wished to call the attention of the House and of the country was this, that there was no provision there whatever authorizing the people of the free States to arrest such fugitives. There was nothing in this law, nor in the Constitution, to authorize a State magistrate or judge to issue process to arrest them. There was nothing in this law to authorize the executive officer of any free State to serve such process. It was provided that the owners or persons to whom such service was due, or their agent, might arrest; but there was no obligation on the people of the free States to make the arrest. He was aware that in some States the practice was for the State magistrates to arrest, but they had no authority in this law for doing it; and, in short, the practice was without law to justify it—without Congressional law,—and therefore he had desired to call the attention of the gentleman from Virginia to this law, that he might correct the error into which he had fallen; and he did this the more anxiously, because he knew the force of that gentleman's opinion on the community when it should go out to the country. How, then, stood the fact? The arrest was a matter between the owner and the slave.

Mr. BAYLY assented.

Mr. GIDDINGS. The gentleman from Virginia admitted that he was right. Well, then, he would call the attention of the gentleman opposite [Mr. MEADE] to the fact that the agent of the master might arrest the fugitive slave, but there was no obligation on the free States to assist him. Whenever a slave was on their free soil, he was a man regenerated and redeemed from his fetters, and the laws of Virginia, or of any other slave State, ceased to control him. He was then only liable to the provision of the Constitution of the United States, and that authorized the master to arrest him in a peaceable manner, the same as an officer would arrest a criminal or a debtor. He (Mr. G.) would go a little further, for he wished the gentleman to know the whole state of the case. When a fugitive slave was on the free soil of Ohio, he was clothed with power to defend himself. They lent the master no aid to arrest him, and they could not defend the slave against the master. They left the slave to his natural right to defend himself; and if the slave slew the master in self-defence, he (Mr. G.) would pronounce him a good fellow. By the laws he was treated as a gallant man, and there was no law in Ohio to punish him. Gentlemen had proclaimed in this House that they had no right to interfere. Why, they did not interfere. They would not interfere. "Hands off," was their motto. "Take your slave and catch him if you can," was another motto. And would the gentleman opposite [Mr. MEADE]—he knew the gentleman near him [Mr. BAYLY] would not urge that point—stand there and contend that it was the duty of the free States to catch southern slaves? Certainly not. The gentleman shook his head. Now, the gentleman knew better. He knew the free States had no right to interfere. Why, if a southern slave should slay his master in Ohio in self-defence, they could not be required in Ohio to hang him. There was no law by which they could do it.

Mr. CABELL rose to a point of order.

Mr. THOMPSON, of Pennsylvania, rose at the same time, and said he felt it to be his duty now—more especially because he knew it would be no grievance to his friend from Ohio, [Mr. GIDDINGS] —to make a point of order. The gentleman was not addressing himself to the question before the House; the gentleman well knew that; and he was of opinion that this scene had continued long enough.

The SPEAKER desired the gentleman from Pennsylvania to state his point of order.

Mr. THOMPSON said his point of order was this, that all discussions of questions regarding acts of Congress and slavery, and the Constitution, were totally inapplicable to the motion to reconsider the vote by which they had congratulated the French in achieving their revolution.

Mr. SAWYER. I made that point some time ago.

Mr. THOMPSON renewed it, then, now. He made it with no disrespect to the gentleman from Ohio, but to put an end to this discussion, which was not creditable either to this House or to the country. It was not relevant to the resolutions of congratulation with the French Republic. This House had become the arena for domestic conflicts.

The SPEAKER reiterated his former decision, that the slavery of the French West India Islands, which was affected by the French revolution, brought up the subject of slavery, into which those who had participated in the debate had gone by general consent. There had been no objections made to the remarks of the gentleman from Massachusetts, [Mr. PALFREY,] nor of the gentleman from Virginia, [Mr. BAYLY:] the discussion had been continued by universal consent; and therefore the Chair held this particular debate to be in order, and that the gentleman from Massachusetts [Mr. ASHMUN] had the floor in reply to the gentleman from Virginia, [Mr. BAYLY.]

Mr. THOMPSON said the debate was without his consent, and he desired to know what course the Chair would lay down for the future discussions. He wished to know if the Chair would allow the gentlemen to proceed against the opinion that they were out of order.

The SPEAKER replied that the gentleman from Massachusetts [Mr. ASHMUN] was entitled to the floor in reply to the gentleman from Virginia [Mr. BAYLY] by general consent.

Mr. THOMPSON said he must correct the Chair. The consent was not general, for he objected.

Mr. GIDDINGS inquired if he might proceed.

The SPEAKER. The gentleman will proceed.

Mr. GIDDINGS said he regretted that a gentleman from a free State—a State professing freedom such as that of Pennsylvania—should raise his voice to obstruct the discussion of these great principles on this floor, or anywhere else.

The SPEAKER desired the gentleman from Ohio to confine himself to the question.

Mr. GIDDINGS said he would merely add to what he had said, that the case of the Commonwealth of Pennsylvania had settled this question, that the people of the free States might refuse to lend their aid to the slave owner in capturing his fugitive slave. This distinct point had been settled, and it was to bring this before the House that he had interfered and trespassed on the kindness of the gentleman from Massachusetts.

Mr. ASHMUN (resuming) said he did not intend to occupy the attention of an unwilling House a moment longer. He was replying to the gentleman from Virginia, [Mr. MEADE,] who had asked him a question, under the second paragraph of section two of article four of the Constitution, when the gentleman from Ohio had risen, and cited a decision which answered that question. The gentleman from Ohio had shown that the States were under no obligation to assist in the capture of fugitive slaves. Neither were the free States under any obligation to pass laws for such a purpose, and the Congress of the United States could not require the officers of the free States to execute its laws. However, this whole question might come up hereafter, incidentally, if not directly. It would certainly be opened upon the Oregon bill, and perhaps that would be a more suitable time to continue this discussion. It would then be divested of the feeling which had now been brought into it.

He had but one more topic on which he should now touch. The gentleman from Virginia [Mr. BAYLY] had charged that Massachusetts had violated the Constitution of the United States; and with what strength of argument? Upon what legal authority did he base his accusation? The House would be able to decide that question after hearing both sides of the argument. And there was another side. The same article of the same section of the Constitution which provided for the recovery of fugitive slaves had this provision in it, standing first in the order of time:

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

Who had been the most faithful to that portion of the Constitution? Virginia might make any question she chose; Massachusetts might do the same. Massachusetts had given to the negro man the right of citizenship. She had made him a citizen of her Commonwealth; but, when he went to other States on board of a ship from Massachusetts, was he treated as a citizen of Massachusetts? He could go from her ports with the privileges of an American citizen to France, England, Russia, or China, or wherever else a sail could carry him, and in all he would receive protection; everywhere the flag of our Union announced him and guarded him as an American citizen. But, if he went to the slave States of the South, he would be thrown into prison, on no other charge except that he was guilty of a skin not colored like our own. Let a colored citizen of Massachusetts go to the republican State of Virginia, and the moment he arrived there in any one of her harbors, he would be arrested and imprisoned by virtue of her laws, for no crime but that of complexion. What, then, became of the regard of Virginia for the Constitution of the United States? Had the citizens of Massachusetts the same privileges within her limits as Virginia claimed for her own citizens elsewhere? Had they the protection of her laws or of our constitution? Was the colored citizen of Massachusetts recognized? No; on the contrary, when Massachusetts, by her constituted authorities, for the purpose of testing the legality and constitutionality of those provisions of her laws before the highest tribunal known to this Union; when she had sent respectable citizens within the limits of one of the slave States, for the purpose of testing in a peaceable manner, through their own courts, and by an appeal to the Supreme Court of the United States, the constitutionality and legality of such laws, they had been mobbed, and driven from those cities at the risk of their lives. He cared not now to go into a comparison of this kind, unless he were challenged to it; but the gentleman from Virginia would find that comparisons might be drawn on one side as well as on the other. There were dark shades upon the picture from which it might not be so pleasant that the veil should be lifted.

Mr. HALL, of Missouri, moved to lay the motion to reconsider on the table.

Mr. BAYLY appealed to the gentleman from Missouri to give him an opportunity to say a few words. He had been placed in a false attitude before the House, which he did not choose to occupy; and it would be exceedingly discourteous to deprive him of the privilege to set himself right.

Mr. HALL said he would withdraw the motion if the gentleman from Virginia would pledge himself to renew it.

Mr. BAYLY replied that he would do so.

Mr. HALL accordingly withdrew his motion.

Mr. BAYLY said he should not have asked the indulgence of the House again if it had not been for the character of some of the remarks which had fallen from the gentleman from Massachusetts, [Mr. ASHMUN.] He, however, thought it necessary for his own justification to refer to some of the remarks of the gentleman from Massachusetts, who had stated that he (Mr. B.) commenced this debate. Now, would not this House bear him witness that he had not opened his lips on the subject; that he had not evinced a disposition to say a word until the amendment had been offered by the gentleman from Massachusetts, and after the gentleman from Ohio [Mr. GIDDINGS] had made his exceedingly inflammatory speech, in which he had attacked the South with great bitterness?

Mr. ASHMUN said he must set the gentleman right. He had not charged the gentleman from Virginia with introducing the subject of slavery, for that was introduced by the resolution itself, or by the amendment which he had offered, or by the President's message, he cared not which. But he had charged the gentleman with introducing personal denunciations, and to those personal denunciations he (Mr. A.) had replied.

Mr. BAYLY said the gentleman was greatly in error, as the House would bear him testimony. Before the gentleman from Ohio had made his vindictive speech against the South, in which he had denounced them, and spoken of them in terms which no southern member could listen to unmoved—but for that course of debate, which had been commenced by the gentleman from Ohio in the advocacy of the amendment of the gentleman from Massachusetts, which was in itself offensive to the South, and not till after that, had he opened his mouth.

Mr. GIDDINGS must set the gentleman right. He had not introduced any personal denunciations into this debate.

Mr. BAYLY reiterated his denial that he had introduced this personal debate. He asked the gentlemen to look at their own resolutions. Those resolutions were personal to him as a southern man, and to every slaveholder there. They were charged with living in the habitual violation of cardinal republican principles. Such was the character of their resolutions, and the remarks of the gentleman from Ohio which brought him to his feet were of the most offensive character. And who had renewed the debate to-day? Was it he, (Mr. B.?)

But the gentleman from Massachusetts had spoken of his manner as habitually supercilious and discourteous. He did not choose to vindicate his manners there. His manners were learned in a different school than that in which those of the gentleman from Massachusetts were learned; and, whenever he wished to improve them, he should go to a better model than the gentleman from Massachusetts. Whenever he desired lessons and lectures on manners, he should not select the gentleman from Massachusetts as the lecturer. His manners are such, he hoped, as became a Virginia gentleman.

But the gentleman from Massachusetts had made another charge, referring to him personally, which was equally unfounded. He had charged him with discourtesy. Now, he appealed to this House—he appealed to the gentleman's own colleague, who had renewed the debate this morning, [Mr. PALFREY]—whether he [Mr. ASHMUN] had received at his hands anything like discourtesy? He appealed to this House to know if on every occasion, when requested, he had not yielded the floor to the gentleman from Massachusetts and every other gentleman who had desired it? He appealed even to the gentleman from Ohio, [Mr. GIDDINGS,] whose course was so constantly offensive to the South—who charged them with being men-thieves, and applied to them other abusive epithets which his imagination alone could conceive. Abusive as his conduct was to the South, he asked if he had not treated *even him* with courtesy, and yielded the floor to him for explanation when he had desired it. If he had not, let that gentleman say so. He called upon any member of the committee to say that, either in the House or out of the House, he had treated him with other than courtesy.

Mr. GIDDINGS here said he would do the gentleman justice, as he would do all others on that floor. He had thought that in the gentleman's first speech, delivered on Monday last, he was very discourteous. He had on that occasion thought him to be personal in his remarks; and on reading his speech, as reported in the paper, he considered his language as exceedingly offensive. He so understood it. But to-day the gentleman's course had certainly been very courteous towards him.

Mr. BAYLY would put the charge of the gentleman from Massachusetts to the test. Throwing the gentleman and his immediate coadjutors out of the question, (who were not to be a judge in their own cause, and to whom he had not sought to be courteous,) he would appeal to the whole committee and ask if any one present could rise and say he had received discourtesy at Mr. B.'s hands? [After a pause]—Not one! Then what became of the gentleman's charge that he had been habitually supercilious and haughty? It was stamped with the unanimous disapprobation of the House.

Again: the gentleman, in his great desire to place him in a disadvantageous light before the country, had said that he had lauded Mr. Ritchie, and that in turn Mr. Ritchie had lauded him. He demanded of all gentlemen present to say whether he had used a solitary expression laudatory of Mr. Ritchie—in any way expressive of approbation or applause? Would any gentleman say he had? [After a pause.] Not one! What then became of that charge? Like the other, it was stamped with universal disapprobation.

The gentleman had affirmed that he had said he [Mr. A.] had taken a week to concoct his speech, while Mr. B. had only asked the attention of the committee to make an impromptu rejoinder. In speaking of the time the gentleman from Massachusetts had taken to prepare himself, to what had he referred? Was it the personalities of the gentleman, or was it not to the substance, the facts and arguments of his speech, and the authorities he had quoted? Certainly to its substance, if there was any in it, and nothing else. He had not, of course, referred to its personalities. He had not presumed to say that the gentleman could not at any moment get up and abuse a fellow-member. By no means: he knew him too well. Abuse was low and easy; and he never had said that the gentleman from Massachusetts was not ready at any time to utter it. What he had referred to was the substance of his speech—his historical facts and references to books. These were what he had said the gentleman had taken a week to prepare; and so the committee understood him.

The gentleman had attempted to put him in a false position. He affirmed that he (Mr. B.) had said the United States Government had a right to command State officers to perform certain duties, and had argued to show that this position was false. That was very easy. But he never had taken that position. He never had asserted that Congress could make laws controlling State officers as such. Congress might (as it had done in 1793, and on many other occasions) impose certain duties on men who were State officers, *but not as officers of the State*, but simply as citizens of the United States. His reference to certain State officers in the United States law was simply *designatio personæ*. They were made by the law, *quoad hoc*, United States officers. And thus much Congress always had exercised the right to do. It was done in some of the United States revenue laws, which required sheriffs and other State officers in the States, without other personal designation, to perform certain duties relative to the payment and collection of the revenue and other subjects; but when they so acted in obedience to the law of the United States, they virtually held two offices, one under the State and one under the United States. There were many other cases he could quote where the laws of the United States availed themselves of State officers for their execution.

Another point he (Mr. B.) had made was this: not that the United States Government could control State officers, as such, but that the State Legislatures had no right to pass laws controverting the laws of the Union, constitutionally passed, though they might legislate practically to strengthen and carry them more fully into effect. But Massachusetts had passed laws directly contravening the law of Congress as well as the Constitution. He should not allow himself to be misrepresented. He had no doubt that his remarks made here would be correctly reported; and the gentleman was wholly mistaken in his prediction that he never should write them out in full and publish them.

The gentleman had further said that Virginia and South Carolina had violated the Constitution, in forbidding free negroes to come within their borders. The gentleman affirmed that free negroes were citizens of Massachusetts. Did not the gentleman know that almost all the courts in the whole country had decided that free negroes were not citizens? They held that, as they were not parties to the constitutional compact, as they had had no hand either in its formation or subsequent administration, they were not citizens in view of it; and the Supreme Court had decided that the States might prohibit free negroes from coming into their borders by virtue of their exclusive jurisdiction over every subject of police, exactly as they might exclude vagabonds and evil-disposed persons. But, even if these laws were violations of the Constitution, which he expressly denied, who had driven the southern States to the adoption of such laws? Did not that gentleman well know that if there was

an error anywhere, it lay on just such persons as himself? It was the mischievous machinations of just such people as this member from Massachusetts which had compelled the South to fence out the free negro population as they would a pestilence—and they did it under the great, original, natural, inherent, inalienable right of self-preservation; which was just as applicable to States as to individuals.

As to the charge of superciliousness, and haughtiness, and discourtesy, and other epithets, he would not notice it. He should not stoop to bandy epithets with the gentleman from Massachusetts. That gentleman had assumed that the attack and offensive remarks had first come from him, (Mr. B.) All he should say on the subject was, that he should not notice it. He had no more disposition to assail the gentleman than the gentleman had disclaimed to assail him. During the little intercourse they had had together—and the gentleman had served with him during more than one Congress—he had tried to act toward him as a gentleman should act; and he would undertake to say that he had not applied to him one remark which any member from the South thought unfit, unduly severe, or unprovoked. The gentleman had undertaken to assume that his (Mr. B.'s) colleagues of the Whig party disapproved his remarks as unbecoming a Virginia Representative——

Mr. PENDLETON said he had no desire or intention to interfere between his colleague and his personal friend the gentleman from Massachusetts. He did not choose to endorse what had been said by either of them, simply for the reason that he had heard neither. But as his colleague had made, as he understood, repeated appeals to the Virginia delegation to say if he did not utter their sentiments, and as these appeals would probably be published, Mr. P. wished to say that he did not choose to endorse in the dark in that way. He did not by any means intend to be understood as contradicting anything his colleague might have said, but he could not endorse what he did not hear. He had heard neither of the gentlemen.

Mr. BAYLY said, then it was unnecessary, if his colleague had not heard the debate, to have taken the floor. He (Mr. B.) stood there in defence of the South and of the principles of the South; and if his colleague did not approve what he had said, in doing so he was entirely willing he should except himself and his constituents from any approbation of such defence. It was enough for him to know that there were Whigs here from his own State, and others who had heard his remarks, who had come up to him after his first speech and congratulated him on the part he had taken. He should not have appealed to the committee if the gentleman from Massachusetts had not done so before him. He had therefore appealed to the entire Virginia delegation who had heard his remarks; and it now seemed that there was but one, and he had not heard them, that did not approve of them. He undertook to say, that he knew the sentiments of Virginia, and that the people of that ancient Commonwealth would respond to all he had uttered. Whether it met the approbation of his colleague or not, was matter of great indifference to him.

Mr. PENDLETON said he had had no intention to enter into this debate. When he had risen he presumed that every gentleman had understood what was his precise object. He had taken some pains to let his colleague understand that he meant nothing unkind to him. But it seemed, that notwithstanding this, his colleague, with that very good temper which he sometimes displayed here, declared that it was a matter of great indifference to him whether he (Mr. P.) approved what he said or not. Now, what he had said certainly invited no such remark; but as the gentleman had permitted himself, without cause, to make such a remark, he would say, in return, that it was a matter of equal indifference to him what his colleague thought upon the subject. He had not been here during the debate. He was wholly ignorant what had been the issue between his colleague and the gentleman from Massachusetts before; but he had understood, to-day, that the question was, whether his colleague had fairly represented what took place in the Senate of Virginia in regard to the death of Mr. Adams. As to the gentleman's statement of the sentiments of Virginia on the subject of slavery, he (Mr. P.) was ready to endorse what his colleague had said; and, though he did not owe it to his colleague to say this, he owed it to himself. He had no sort of sympathy whatever with abolition movements in any form; but, so far as his colleague had attempted to vindicate the course of the Virginia Senate, in refusing to express regret at the death of Mr. Adams, he certainly had not spoken the general sentiment of the people of Virginia.

Mr. BAYLY said the committee would recollect that he had done no more on the subject referred to than to state the reasons which had influenced the course of the Senate of his State in what they had done or refused to do. He had given those reasons for what they were worth, expressly declaring that it was not his duty to vindicate the Senate's course. That was a matter for themselves, not for him. Whatever were his personal views on the subject, he was not called on to express them; and it was not with this that the gentleman from Massachusetts had charged him with misrepresenting the sentiments of his State, as all who heard him knew.

Mr. PENDLETON said, that if his colleague had listened to what he had said, he would have perceived that there was no cause for the indulgence of any ill-temper because he would not endorse what he had not heard. He could not endorse the tone and manner of his colleague, for the same reason. He had taken no part against his colleague, but he did not choose, as the appeal had been made over and over to the Virginia delegation in particular, to be considered by his silence as approving remarks he had not heard. He could endorse neither of the gentlemen, because, as he had again and again stated, he had heard neither of their speeches.

Mr. BAYLY. My appeal was to those who heard me, none of whom have dissented.

Mr. KAUFMAN again obtained the floor, and renewed he motion to lay the motion to reconsider on the table, which was agreed to: Yeas 123, nays 46, as follows:

YEAS—Messrs. Adams, Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowdou, Bowlin, Boyd, Bridges, Brodhead, Charles Brown, Albert G. Brown, Buckner, Burt, Cabell, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Dickey, Dickinson, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Faran, Featherston, Ficklin, Freedley, French, Fulton, Gaines, Goggin, Gott, Green, Willard P. Hall, Hammons, James G Hampton, Haralson, Harris, Henley, Hill, Elias B. Holmes, George S. Houston, Hunt, Inge, Irvin, Jackson, Andrew Johnson, James H. Johnson, George W. Jones, Kaufman, Kennon, La Sère, Sidney Lawrence, Leffler, Ligon, Lincoln, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Mann, Meade, Miller, Morris, Morse, Murphy, Newall, Nicoll, Peaslee, Peck, Pendleton, Petrie, Peyton, Phelps, Pollock, Preston, Richardson, Richey, Robinson, Rockhill, St. John, Sawyer, Shepperd, Sherrill, Sims, Smart, Robert Smith, Stanton, Starkweather, Andrew Stewart, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, Richard W. Thompson, John B. Thompson, William Thompson, Thurston, Tompkins, Venable, Wentworth, Wick, Wiley, Williams, Wilmot, and Woodward—123.

NAYS—Messrs. Abbott, Ashmun, Blanchard, Botts, Boydon, Brady, Canby, Clingman, Cook, Collamer, Conger, Cranston, Crowell, Crozier, Dixon, Garnett Duncan, Nathan Evans, Gentry, Giddings, Gregory, Hale, Nathan K. Hall, Henry, Hubbard, Hudson, Kellogg, McIlvaine, Marsh, Marvin, Nelson, Palfrey, Putnam, Julius Rockwell, Root, Rumsey, Silvester, Caleb B. Smith, Strohm, Tallmadge, Taylor, Toombs, Tuck, Van Dyke, Vinton, Warren, and White—46.

So the motion to reconsider was laid on the table, and the joint resolutions stand, as passed yesterday.

WEST POINT ACADEMY.

The House then took up the bill making appropriations for the support of the Military Academy of the United States for the year ending June 30, 1849, which was reported by the Committee of the Whole several days since, and to which an amendment, moved by Mr. DICKEY, was pending, viz: to strike out the item "for expenses of the board of visiters, $2,000."

Mr. McKAY said he should vote for the amendment proposed by the gentleman from Pennsylvania. This little item for expenses of a board of visiters had been dropped from the bill for many years, and had only been restored about two years ago. He would suggest to the gentleman that he had better modify his amendment in the manner he would point out. The President now, under the law as it stood, made the appointment of these visiters, and their compensation was also fixed by law. The President, after the amendment of the gentleman was passed, would still have the same power to appoint; and, as the law warranted the compensation of the visiters, and fixed the rate of compensation, the President would pay them out of the contingent fund of the army, or in some other way; and if he failed to pay them, they would have a valid claim on Congress for their compensation. What he proposed, and what he hoped the gentleman would accept, as a modification of his amendment, was the addition of a new section to the bill, declaring the provision for the board of visiters, contained in the second section of the original act for the establishment of the Academy, to be repealed.

Mr. DICKEY accepted this as a modification of his amendment.

Mr. McKAY thereupon moved the previous question; and it was seconded by the House, and the main question was ordered, being on the adoption of the amendment as modified.

Mr. HARALSON moved a reconsideration of the vote by which the House had ordered the main question to be now put.

A conversation on points of order arose, in which Messrs. HARALSON, JONES of Tennessee, and HOUSTON of Alabama, participated; and which was directed principally to the point whether, in case the vote by which the main question had been ordered were reconsidered, the second for the previous question could then be reconsidered, and the subject thus be reopened to debate.

The SPEAKER ruled—differing on this point, he remarked, from the decisions of his predecessors in the chair for the last two Congresses—that when the House reconsidered the vote by which the main question was ordered, the seconding of the motion was reconsidered of course, since it was technically no more than the seconding of a motion by an individual. The second of the previous question, though by a majority of the House, merely brought the motion before the House for its action; which motion was decided as in other cases.

The question being taken, the motion to reconsider was rejected without a division.

The question then recurring on the amendment of Mr. DICKEY, as modified, was taken and decided in the negative—yeas 76, nays 84—as follows:

YEAS—Messrs. Atkinson, Beale, Bingham, Blanchard, Bowlin, Boyd, Boydon, Charles Brown, Franklin Clark, Beverley L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Conger, Crowell, Crozier, Dickey, Dickinson, Daniel Duncan, Edwards, Nathan Evans, Faran, Featherston, Ficklin, Freedley, French, Gentry, Giddings, Goggin, Green, Hammons, Hill, George S. Houston, Hubbard, Jenkins, Andrew Johnson, George W. Jones, Kennon, Sidney Lawrence, Lincoln, Lumpkin, McClelland, McClernand, McKay, Mann, Meade, Miller, Morris, Peyton, Phelps, Pollock, Richey, Robinson, Julius Rockwell, Root, Sawyer, Shepperd, Sherrill, Sims, Smart, Robert Smith, Truman Smith, Starkweather, Andrew Stewart, Charles E. Stuart, Strohm, James Thompson, Jacob Thompson, Wm. Thompson, Thurston, Tompkins, Toombs, Tuck, Wentworth, Wiley, and Woodward—76.

NAYS—Messrs. Abbott, Adams, Barringer, Barrow, Bayly, Bedinger, Birdsall, Bocock, Botts, Bowdon, Bridges, Albert G. Brown, Buckner, Burt, Cabell, Canby, Clingman, Cocke, Collamer, Cranston, Crisfield, Duer, Garnett Duncan, Dunn, Eckert, Embree, Alexander Evans, Fulton, Gaines, Gott, Gregory, Willard P. Hall, Nathan K. Hall, James G. Hampton, Haralson, Harris, Henry, Hilliard, Elias B. Holmes, Hudson, Hunt, Inge, Joseph R. Ingersoll, Jackson, John W. Jones, Kaufman, Kellogg, La Sère, Leffler, Ligon, Maclay, McDowell, McLane, Marsh, Marvin, Morse, Murphy, Nelson, Newall, Nicoll, Peck, Pendleton, Petrie, Preston, Putnam, Richardson, Rockhill, John A. Rockwell, Rumsey, St. John, Caleb B. Smith, Stanton, Stephens, Strong, Tallmadge, Taylor, Thomas, Richard W. Thompson, Van Dyke, Venable, Vinton, Warren, White, and Wick—84.

The bill was then read a third time, and passed. [Its appropriations are as follow:

For pay of officers, instructors, cadets, and musicians	$79,764
For commutation of subsistence	5,621
For forage for officers' horses	4,512
For clothing for officers' servants	420
For repairs and improvements, fuel and apparatus, forage for public horses and oxen, stationery, printing, and other incidental and contingent expenses	30,155
For the increase and expenses of the library	1,500
For expenses of the board of visiters	2,000
For barracks for cadets	17,500
	$141,472]

CONTESTED ELECTION.

Mr. THOMPSON, of Indiana, chairman of the Committee on Elections, gave notice that he would, on Thursday of this week, call up the contested election case of Monroe *vs.* Jackson, from the 6th Congressional district of New York.

The House adjourned.

IN SENATE.

TUESDAY, *April* 11, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Treasury Department in answer to a resolution of the Senate of the 22d January, 1847, in relation to certain inquiries concerning the grants of public lands offered for sale at given periods; which was referred to the Committee on Public Lands.

MEMORIALS AND PETITIONS.

Mr. JOHNSON, of Maryland, presented a memorial from John S. Skinner, of the city of New York, praying, in behalf of the agriculturists of the country, an appropriation of money, to be applied under the direction of the State Governments, or as Congress may otherwise direct, to the establishment of institutions for instruction in geology, mineralogy, and vegetable and animal physiology, in civil engineering as applied to road making, bridge building, and other rural architecture, and to instruction in the mechanical principles on which depend the labor-saving properties and efficiency of agricultural implements and machinery.

In presenting this paper, Mr. J. said he could but express his gratification that it should have been committed to his charge. The memorialist himself (said Mr. J.) is not only known, but justly distinguished for the zeal, ability, and efficiency with which, for a period of near thirty years, he has pursued and promoted the great cause of agricultural science. It may, I think, with truth be said, that its present improved condition amongst us is more or less to be attributed to his long and continued efforts. He has not only been its first pioneer, but he has been throughout and still is in the advance, earnestly striving to remove all remaining obstructions, and to bring it to a state of ultimate perfection. Such is his object in the present memorial; and if he succeeds, as, looking to the real honor and interest of the nation, I trust he will, what incalculable benefit will he have conferred upon the country! Military glory may cause the nation's heart to beat high with gratitude, but it more often dazzles to delude than ends in permanent strength and renown. It is the achievements of civil life which impart to human power its highest value; and, of all the departments of civil employment, the most worthy, the most to be cherished, and especially under a government like ours, is agriculture. To say nothing of the incalculable value of its productions, capable as they are, too, of continued increase by the proper intellectual improvement of its followers, what strength is not given to free institutions by the uniform and almost necessary virtue of such a population.

And yet, sir, whilst millions have been and are still being expended by us for the arts which teach the destruction of life, how much has been given to this noblest of all sciences, which instructs only to promote, to prolong, and to render life happy and virtuous? Nothing, literally nothing. Sir, the memorialist states, and I have such confidence in his accuracy that I am sure the statement may be relied upon, that of the amount of the disbursements of the Government, eighty per cent. is for military and naval expenses; that is to say, EIGHTY dollars of every one hundred dollars paid by the people into the treasury, is appropriated to the keeping up our military establishments and preparations for WAR; whilst for AGRICULTURE, which exists only for peace, and through peace, which brings no wo, but only immense good, *not one dollar* is given. He reminds us, also, and it is a fact eminently worthy of the public attention, that during the whole period of WASHINGTON'S administration, our military expenses were only $11,000,000, whilst for a similar period of eight years, terminating in 1843, they were $164,000,000. It is, sir, a striking and a fearful lesson. It teaches us that, popular as war is, other institutions have in that respect a natural tendency in the same direction, and that the result in the end may be the same—the oppression of heavy and crushing taxation.

He gives us another fact, worthy also of notice, and especially worthy of the notice of the agriculturists of the nation. It is this: that from 1789 to 1843, the expenditures of the Government, exclusive of payments on account of the public debt, for merely civil objects, were $246,620,000, whilst for the same time, they were for military and naval objects $538,964,278. And even of this trifling comparative amount, appropriated for peaceful purposes only, the agriculturists of the country enjoyed no exclusive advantage. To encourage their department of human labor, to improve their condition, to increase their power, to elevate them in the scale of social existence, not a dollar of it was applied. And yet, sir, what claims have they not had upon the countenance and protection of the Government?

To say nothing of the fact which reason establishes and history confirms, that it is with them that the true strength and virtue of a free people are ever to be found, the immense disproportionate wealth that they bring into the common fund persuasively demands for them the fostering hand of all. It is estimated, sir—and the amount is, I incline to think, below the truth—to be $654,387,597; a sum three times greater than the value of the manufacturing industry of the country, and five times greater than that of all the other sources of human industry combined.

I invoke the serious regard of the agriculturists to these facts. They must see in them how commanding are their claims upon the Government, and how shamelessly they have been disregarded. The cause is to be found in their want heretofore of union amongst themselves in some movement upon the subject. There seems to be now approaching a propitious time for some joint and effectual effort. Peace, I trust, will soon be seen to hush the noise of war within our own borders. The mighty popular convulsions now heaving with terrific power in the Old World promise to subside in the annihilation of arms as an employment. The long lost or limited liberty of man appears to be on the eve of complete restoration. Civil employment—nothing but civil employment—should be the result; and happiness, and wealth, and power, and true glory will be promoted in proportion as governments devote their means to the proper encouragement of civil life. This, sir, is not the occasion to meet in advance any constitutional impediment which may be suggested to the particular encouragement solicited by this memorial. I content myself, therefore, with saying, that a careful examination of the question, founded upon the letter and spirit of the Constitution, and the opinions of its fathers, leaves my mind in no doubt—in none whatever.

If commerce can be protected and encouraged—and it has been from the beginning of the Government to the present day; if manufactures can be protected and encouraged—and they have also been from first to last; if the profession of arms even can be protected and encouraged—and when has it not been?—then why may not agriculture and her followers be protected and encouraged?

Without adding a word more, I submit the memorial, and, as I believe there is no committee to whom its reference would be peculiarly appropriate, I move that it be referred to a special committee, and be printed.

Mr. BERRIEN observed, that there was a Committee on Agriculture, to which it appropriately belonged.

Mr. JOHNSON then moved that it be referred to that committee.

The motion was agreed to, and the memorial was ordered to be printed.

Mr. BRADBURY presented a petition from citizens of Maine, for the abolition of the slave-trade in the District of Columbia: the question of reception was raised, and laid on the table.

Mr. HALE presented sundry memorials from different quarters in relation to slavery in the District of Columbia, and for setting apart the proceeds of the public lands for the gradual abolition of slavery throughout the United States: the question of reception was raised, and laid on the table.

Mr. DICKINSON presented joint resolutions of the Legislature of New York in relation to securing the pay of officers and soldiers killed in battle to their widows; which were ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. MASON, from the Committee of Claims, made an unfavorable report on the petition of James Edwards.

Mr. M. also reported, from the same committee, House bill for the relief of William Ralston, without amendment, and recommended that it do not pass.

Mr. HANNEGAN, from the Committee on Foreign Relations, reported House bill for the relief of William M. Blackford, late chargé d'affaires at New Grenada, without amendment.

Mr. H. also reported, from the same committee, a joint resolution for the relief of Mrs. Ann Chase; which was read a first time.

Mr. DIX, from the Committee on Military Affairs, reported a bill for the relief of the society for the reformation of juvenile delinquents in the State of New York; which was read a first time.

Mr. UNDERWOOD, from the Committee on Public Lands, reported a bill to confirm the location, and to grant a quarter section of public land, for the county site of Hillsboro' county, in the State of Florida; which was read a first time.

Mr. DOWNS, from the Committee on Private Land Claims, reported House bills, without amendment, for the relief of Edna Hickman, wife of Alexander D. Peck; and for the relief of Sarah D. Caldwell, wife of James H. Brigham.

Mr. BRADBURY, from the Committee of Claims, reported a bill for the relief of Henry Williams and others, owners of the schooner Ticonic; which was read a first time.

Also, from the same committee, an adverse report on the petition of the heirs of Caleb Swann.

Mr. BELL, from the Committee on Indian Affairs, reported a bill for the relief of P. Chouteau, Jr., & Co.; which was read a first time.

Mr. DAVIS, of Mississippi, from the Committee on the Library, offered the following resolution, which was agreed to:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate 2,000 copies of each of the three maps of the battles in the valley of Mexico, at Cerro Gordo, and of the operations at Vera Cruz, published from the originals, drawn from actual survey by Captain McClellan and other officers of the United States Topographical Engineers; two hundred copies of each to be on plate drawing paper, the remainder on good thin map paper.

Mr. HANNEGAN moved that so much of the President's message as relates to the Amistad be referred to the Committee on Foreign Relations. Agreed to.

Mr. DICKINSON moved to take up the bill to establish a branch mint in the city of New York, with a view to make it the special order for the second Monday in May next. It was a bill of great public importance, and he wished a day fixed for its consideration. The motion was agreed to.

On motion of Mr. NILES, the amendments of the House to the bill for the relief of the legal representatives of George Fisher were concurred in.

On motion of Mr. DOWNS, the Senate proceeded to consider the bill relating to the collection district of New Orleans, and for other purposes; which was passed.

ACQUISITION OF TERRITORY, ETC.

The Senate proceeded to consider the resolutions submitted by Mr. BAGBY, on the 25th and 27th of January last, in relation to the acquisition of territory by treaty or conquest, and the question of slavery in any such acquired territory.

Mr. BAGBY said: Mr. President, these resolutions were introduced on the 25th day of January, at which time there were before the Senate questions of pressing practical importance, connected with the vigorous and efficient prosecution of the war with Mexico, and claiming the paramount, if not the exclusive consideration of the Senate. They were called up repeatedly in the progress of the business of the Senate, and, at each time they were so called, I stated distinctly, what I now repeat, that, satisfied as I was upon the fullest, maturest, and most deliberate consideration of the justice of that war on our part, I would not, so far as depended on my action, permit any other measure, no matter what considerations it might involve, to interfere with the adoption promptly, and at once of the measures necessary for the efficient and vigorous prosecution of the war. I did not believe then, nor do I believe now, in windy, fustian speeches. Action, and not words and noisy declamation, is the appropriate business of men engaged in matters of great concern, not only to this country, but to other countries; not only to the present generation, but to after times.

These resolutions embrace four distinct propositions, upon the correct solution of some, if not all of which, in my judgment, the perpetuity of our institutions depends. The first contains a distinct, substantive, and unqualified limitation upon the constitutional power of Congress, to abolish or to prohibit slavery in any State or Territory of this Union. This position is assumed upon the fullest

consideration, and after the most mature reflection as to all the consequences proximate or remote; consequences either present or prospective, so far as the action of Congress is concerned. If the correctness of this position is well sustained and deep laid in the Constitution, of which I have not the shadow of a doubt, then, the truth and the correctness of it, ought to be adopted and proclaimed. The people of the country ought to be informed, whether, in the opinion of Congress, their rights depend and stand upon the adamantine principles and guarantees of the Constitution, or, whether they float in the visionary imaginations of moonstruck philosophers, or pretended philanthropists. I cannot be led now, I cannot be tempted into discussion upon the abstract question of slavery. Whatever it is, those who hold it under the provisions of the Constitution, found it, either for good or for evil, either as a blessing or a curse, in the pathway of their destiny, and there it will stand until the Constitution is changed, or until it is undermined by that insidious torrent, which is ever and anon lashing against it. I have but little fear of either. The second resolution I should not have introduced, but for the daily insinuations here, that the acquisition of territory in a lawful war, was, in the expressive and refined language of the day, land stealing. Whenever the truth and correctness of the proposition contained in the second resolution is seriously controverted, I stand prepared to sustain it fully, and to the whole extent, by law, precedent, practice, and principle, as recognized by every civilized nation from the earliest periods of authentic history, down to the present time. I will not anticipate objections which I do not think will be seriously urged, and which I know cannot be sustained, either by reason or authority. The third resolution contains a clear and express limitation upon the powers of two branches of the Government of the United States, to wit, the treaty-making power, and Congress; and declares that neither of these branches, in territory to be acquired by the United States, shall have power to exclude slavery, as property, from such territory; but that such territory shall be equally free and open to all the citizens of each and all of the States of the Union, without any limitation, prohibition, or restriction, in regard to slaves or any other description of property whatever. The first branch of this proposition restrains the General Government from the exercise of any interference with the rights of property in the possession under the Constitution of any portion of the people of the United States; and the second branch contains but a reassertion and reaffirmance of that great fundamental principle that lies at the bottom of our institutions, that whatever is acquired by common blood or by common treasure, or by both, shall be the common property of all the people of the United States, and equally free to the use, occupation, and enjoyment of all. This proposition rests upon the Constitution; it is sustained by every consideration of equity, truth, and justice, and fortified by the eternal principles of reason and of right. And, as I had occasion to say on a former occasion, I do not believe there is a man in America with a mind unswayed by local considerations, or unbiassed and uninfluenced by sectional considerations, who believes that property acquired by common blood and common treasure should not inure to the equal benefit of all the people of all the States of this great and growing nation. What is the Constitution of the United States? There is no difference of opinion upon this point. It is universally admitted by American statesmen to be a compact between sovereign States. In political power the parties to it are perfect equals. There is no difference in this respect between Delaware and New York, or Rhode Island and Pennsylvania. If, then, the Constitution be a compact between parties, whose rights and powers under it are precisely the same, let us inquire into the causes and considerations that induced the parties to enter into that compact. It was, in the language of the preamble to the Constitution, "to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and our posterity." These were the objects for which the States voluntarily disrobed themselves of a portion of their sovereignty and offered it up a willing sacrifice upon the altar of a common country. They were objects, the permanent security of which constituted a fair and adequate equivalent for the solemn surrender of a portion of that sovereignty, to obtain and establish which, the aspirations of the purest patriots had been elevated, and the best blood of the Revolution was spilt; to obtain which, the eloquence of Henry had thundered, and Warren had died. The great question for the consideration of the Senate is, how these objects can be best promoted, secured, perpetuated? To my mind, this is a question of easy solution. It is by carrying out the provisions of the Constitution according to their obvious meaning and import, keeping in view the rule equally applicable in the proper construction of all instruments, the intention of the parties, and the objects they intended to secure and provide for at the time they entered into it; guarding with equal vigilance and caution against implication and unauthorized construction on the one hand, and officious interpolation on the other; in a word, by taking the Constitution as it is, and as its immortal framers intended it to be. I do not propose, Mr. President, to inquire into the power of the Government to acquire territory. I hold that to be a point settled, beyond the power of controversy to disturb it. It is a power necessarily, properly, and inseparably incident to the war power, and the treaty-making power. I shall content myself, for the present, with inquiring what are the rights of each and all the citizens of all the States of the Union in regard to the territory acquired either by treaty or by conquest. And I assert and maintain, in the language of the third resolution, that such territory, when acquired by the United States, is, and of right ought to be, equally free and open to all the citizens of all the United States, without any limitation, prohibition, or restriction in regard to slaves, or any other description of property whatever; and would it, permit me to ask, tend to establish justice, or to promote its great ends, to declare that when territory had been acquired by the joint efforts and joint contributions of the people of the slaveholding and the non-slaveholding States, that the latter should use, possess, and enjoy it *ad libitum*, and that the latter should be excluded from it, unless they divested themselves of their property and the means of subsistence, before they set their feet upon it. The proposition is at once absurd and ridiculous; to state it is at once to answer and refute it. For the sake of illustration, assimilate the compact entered into by the States at the adoption of the Constitution, to the case of an ordinary copartnership into which two or more persons had entered for the purpose of promoting, by lawful means, their mutual interests. Suppose, in the course of their mutual exertions, sacrifices, and labors, they acquire land by purchase, or in payment of a debt due to the copartners, contracted in the course of the partnership transactions: is there a man so dead to all the feelings and suggestions of reason, and above all, to the eternal principles of justice, equity, and morality, as to contend that one or more of said partners would be at liberty, and have a right to the full and uninterrupted enjoyment of the land thus acquired, and that the other partner or partners should be excluded from it, contrary to, and in violation of, the original articles of copartnership or compact between them? And yet this is the precise monstrosity in law, equity, justice, morality, reason, and common sense, into which those have fallen who contend for the power in the General Government to exclude slaves as property from territory acquired by the United States. I know a distinction has been attempted to be drawn of late, between territory where slavery exists, at the time of acquisition, and that where it does not. But they cannot dispose of any territory or any other property belonging to the United States, with a view to promote the interests of any portion of the people of the United States, and thereby to prejudice or exclude the rights of other citizens of the United States. The foundation of our system, and of every system of free government is, equality of rights. This distinction, whether true or false, real or imaginary, has nothing to do with the question. The true question is, not what are the institutions existing in the territory at the time of its acquisition, but what powers the Government of the United States can exercise in regard to it after it is acquired. The title to the territory vests in the United States, and they can dispose of it in the same manner and under the same rules and regulations that they can dispose of other property belonging to the United States. The only legitimate object for which territory can be acquired is the formation of new States. We cannot, according to the provisions of the Constitution, or the nature and genius of our institutions, hold it as provinces. The colonial system was never in the contemplation of the framers of the Constitution, and is not only not contained in any of its provisions, but is at war with all its fundamental principles. Such a system would tend, with inevitable certainty, to a vast and dangerous increase of Executive power, and might in the end overshadow the rights and independence of the States, and subvert the Government, and establish a despotism in its stead. Colonial organization would live, and move, and have its being in Executive power and patronage, and would end in the destruction of liberty. I am not ignorant that a doctrine different from the one for which I am contending has been asserted in an imposing form, and in some sections of the Union to a considerable extent. Great and intelligent communities, speaking solemnly through their assembled representatives, have asserted the power to be in Congress, and called for its exercise, to exclude, by a fundamental law, slaves as property from all territory to be hereafter required. I shall not attempt to investigate or to answer the arguments by which they arrive at this conclusion. I have no doubt they are sincere in the entertainment of these views. Somebody has said that when a man is determined to believe, the very absurdity of the doctrine confirms him in the faith. I leave them to their reflections, and appeal to the law and the testimony. I consult the Constitution, and fearlessly assert that such a doctrine has no support, either in the provisions or spirit of that instrument, or in the more enduring and eternal principles of equality and justice. I warn the advocates of this doctrine, in advance, that they are contending for principles destructive of the Constitution, destructive of the rights of the southern States, destructive of equality among the citizens of the United States, and that this Union would not survive the establishment of such a doctrine an hour.

I have listened with apprehension, not unmixed with indignation, at the coolness and complacency with which gentlemen from the free States speak of the institution of slavery, as it exists under the guarantees of the Constitution, in some of the States of this Union. After felicitating themselves, with more than Pharisaical righteousness, that they "are not as other men," they, in a spirit of amazing condescension and kindness, charitably assure us they will not interfere with slavery, as it now exists. Was there ever more surpassing impudence? I scorn to accept the charitable donation. I reject the proffered boon. Sir, the people of the slaveholding States do not hold their rights by a tenure so frail and uncertain as the will, or the forbearance, or the concessions, or the gratuity of a majority in Congress. They derive them from a higher and purer source. They derive them from the Constitution; and highly as they venerate that instrument, when it ceases to ensure to them the free and full enjoyment of these rights, they will no longer consider it worth preserving. These, sir, are some of my views in regard to the principles involved in the first three resolutions. Before I took my seat in the Senate at the present session, the honorable Senator from New York [Mr. DICKINSON] had introduced a series of resolutions, embracing to some, perhaps to the whole extent, the principles involved in those which, at a later day, I had the honor of submitting to the Senate. Anxious, so far as a sense of propriety and the paramount obligations of duty would enable me to do so, to avoid the introduction of topics which might subject me to the imputation of being influenced by sectional views and local considerations, I examined the resolutions brought forward by that honorable Senator with great care, and with a sincere desire, if I could, according to the dictates of my best judgment, upon the principles of the Constitution and the rights of the people, to agree with him. After the most thorough examination of his resolutions, and with entire respect for him, I have found myself utterly unable to do so. I therefore brought forward the fourth resolution, which is exactly antagonistical to the resolution of the Senator from New York. His resolution is in these words:

Resolved, That in organizing a Territorial Government for territory belonging to the United States, the principles of self-government, upon which our federative system rests,

will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to legislatures chosen by the people thereof.

Now, although this resolution does not assert the power of the Government in positive terms, it is evidently intended to convey the idea that the territorial legislature chosen by the people are, and of right ought to be, the exclusive judges of all questions of policy arising in the territory. The correctness of this position I deny to the whole extent. The people of a territory belonging to the United States possess no other rights than those which belong to all unorganized communities or bodies of men, which flow from the laws of nature, except those which they derive from the United States; and unless it can be shown that the Constitution authorizes Congress to impose limitations and restrictions upon them in regard to slavery, they cannot derive that power from Congress. But I do not consider it necessary to discuss this question, or the still graver one, whether Congress has power to establish territorial governments at all. Although I admit, if this was a new question, presented for the first time, I should be at a loss from what particular clause, or provision, or principle of the Constitution to deduce it. And, in reflecting upon this subject when these resolutions were brought forward, I stated to an honorable friend near me, whose friendly intercourse and confidence it is my good fortune to enjoy, my own doubts or convictions upon this subject, but said I would not disturb that question when there were so many topics of agitation and disagreement among the people of the United States, who ought to be bound together by the indissoluble ties of fraternal feeling and good fellowship; but would leave it to the uniform, unbroken practice of the Government for fifty years. There I am willing to leave it. *Stare decisis.* But to return to the people of the territory. They are of two descriptions: those who inhabit, or are upon the territory at the time it is acquired, and those who migrate or remove to it afterwards. The rights of the former are defined by treaty stipulation. The latter carry with them rights of citizens of the United States, so far as the possession and enjoyment of property is concerned, and such political privileges and immunities as Congress may confer upon them, by the act authorizing them to form a temporary government, confining that act, of course, within the limits of the Constitution. But the idea that the people residing upon territory acquired by the United States, either by treaty or conquest, are to be entitled to the enjoyment of any right, privilege, or immunity to which the citizens of the United States, or any of them, who may remove to such territory after it becomes attached to the United States, are not entitled, is not only repugnant to every principle and feeling of American liberty and equality, but is in the very teeth and jaws of the Constitution. I can readily imagine, Mr. President, why this new-born zeal in favor of the rights of the people of a territory to exclude slaves as property is exhibited with so much fierceness and pertinacity at this particular juncture in our history. Everybody knows that territory is about to be acquired from Mexico, where, it is said, slavery does not exist. But is that territory to be governed by Mexican law after it becomes the property of the United States, and passes under the jurisdiction of our laws? No one in his senses can contend for this. When it becomes American territory, it will be governed by American laws, and American citizens must be entitled to the enjoyment of equal rights upon it, else liberty and equality under our system are but phantoms, and the guarantees of the Constitution vain, deceptive illusions. I shall not stop to inquire whether slavery is a blessing or a curse. It is nominated in the bond. The Constitution guaranties it to those who think proper to hold it; and while the Constitution exists, they cannot be deprived of it, without doing violence to that instrument. If the Constitution be defective in this respect, or any other, let it be amended in the manner provided for by its illustrious framers. But to violate is not to amend—to destroy is not reform.

I will not trespass further upon the indulgence of the Senate at present. I consider these resolutions as involving considerations of vast importance. I have thought it proper to call the attention of the Senate to them, and all I ask is, that they be postponed until Monday week, and made the special order of the day. Then, if no other Senator desires to discuss them, I shall respectfully ask for a deliberate vote of the Senate upon them.

On motion of Mr. BAGBY, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Monday, the 24th instant.

CALIFORNIA CLAIMS.

On motion of Mr. CASS, the Senate resumed the consideration of the bill for ascertaining and paying certain claims in California.

Mr. DAYTON then occupied the floor, premising that he did not propose to discuss the merits of the bill, but to go at large into the subject of the war in Mexico, with which it was connected. He apologized for taking this course now, regretting that circumstances connected with his personal concerns had prevented him from addressing the Senate earlier in the session. He believed we had now reached a point at which we may exercise the right of self-judgment. We had made an armistice, and there is in existence a paper called, or miscalled, a treaty, and we may now pause and inquire what we are likely to gain by this war. Indemnity for the past probably means the hundred millions we have paid for the expenses of the war; and security for the future must imply the twenty millions we are to pay for territory.

His remarks now were rendered necessary, in consequence of the course which had been taken by the Senator from Massachusetts, (now absent from his seat,) who had stated to the country his course on the subject of the treaty, and the reasons on which he founded it. That Senator, in throwing off all responsibility from himself, had thrown a heavier responsibility on other Senators who had taken a different course. He therefore felt himself bound to say something, at this time, in defence of his own course.

He then replied to some of the points taken by the Senator from Massachusetts, for the purpose of explaining his own course in voting for the treaty, as he avowed he had done. He designated the treaty as bad enough, but it remained for those who had insisted on the unconstitutionality of the war, and who had yet voted against the treaty, to make the propriety of their course clear to the world. He felt, that during the whole of the war, we had been obliged to act on alternatives; and in this position he felt himself when called to vote on the treaty. He did not desire territory, but he was sure, that under this Administration, there was no hope of obtaining a peace without an accession of territory. The Senator from Massachusetts was willing to put the question to the people as to the accession of territory; but this was not merely putting it off until the next spring, but was, after all, but an uncertain test. The cry of "new territory" he regarded as likely to produce a powerful effect at the next fall elections; and he regretted that the Senator from Massachusetts had urged on the Whig party to make the question of "no territory" the issue at those elections. From this course he (Mr. D.) would appeal to the whole Whig party. He preferred peace at this moment, even with territory, to a remote peace even without territory. If the question of no territory was to be made the test, there would be an end of the Whig party before the end of the year. It would find an early grave, and all its conservative glory would be buried with it. Its enemies might then inscribe on its tomb, "*Hic jacet;*" and they could truly add—

> It never said a foolish thing,
> And never did a wise one.

On the description given by the Senator from Massachusetts of the population of California he made some observations, for the purpose of showing by inference, that if it was a correct delineation, there was no reason to have any apprehensions on the subject of members from that quarter being admitted to seats in the two Houses of Congress.

The fact that the line of thirty-two, established by the treaty, excludes all territory which is favorable for the employment of slaves, was to him a very strong inducement to vote in favor of it. If a slave should follow his master from one of our southern States into California, he could not carry with him any part of the municipal law by which he had been governed in the State which he had quitted; and, by the laws of California, he would stand forth a man, unfettered, and subjected to none of the slave regulations. He disclaimed any alliance with abolitionists, and enlarged a little on the misunderstanding between the South and the North on the exciting topic of slavery.

In his conclusion, he expressed a doubt as to what may be the effect of the revolution of France on the feelings of the Mexicans. But he warned every one not to be deceived into a belief that the revolution had reached its termination, or had even advanced sufficiently to disclose what would be its result. A king may be stricken down, but a wealthy, elevated, proud population, would not be likely to yield and abandon all their wealth and influence without a struggle. He concluded with expressing his hope, that whatever convulsions might shake surrounding nations, the independence, and happiness, and prosperity of our own Republic would remain unshaken and progressive.

[A full report of Mr. DAYTON's speech will be found in the Appendix.]

Mr. MASON expressed a wish to speak on the bill; but gave way, and,

On motion of Mr. HUNTER,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 12, 1848.

Mr. THOMPSON, of Iowa, asked leave to introduce a bill of which previous notice had been given. Objected to.

FOREIGN MAIL SERVICE.

On motion of Mr. GOGGIN, the House resolved itself into Committee of the Whole, (Mr. BURT in the chair,) and proceeded to the consideration of the special order, viz: "the bill to amend an act to provide for the transportation of the mail between the United States and foreign countries, and for other puposes."

The bill having been read, Mr. GOGGIN moved to strike out all after the enacting words, and insert the substitute reported by the Committee on the Post Office and Post Roads.

Mr. G. (chairman of the Committee on the Post Office and Post Roads) explained the provisions and objects of the bill and proposed amendment. He remarked that there was a very important document upon this subject, which had been ordered to be printed by the Senate, and which every gentleman would find on his file, containing the correspondence between Mr. Bancroft, Lord Palmerston, and the Postmaster General of England; which correspondence presented all the important facts in the case. It was known to this House and the country generally that, in 1845, Congress had authorized the establishment of a line of packet ships between New York and Havre, touching at Southampton and some other ports in England, with the object of providing a mail packet of our own to do our own mail service, instead of being, as we had previously been, entirely dependent, so far as the packet service was concerned, for the transportation of letters and other mailable matter back and forth between this country and England, on British steamers. The packet Washington was accordingly built, and this line went into operation on the 1st of July last; and when she was on the eve of sailing, it was found for the first time, to the surprise of our Government and this country, that on her arrival in England she would be met by British orders in council, or orders of the Lords of the Treasury through the British Postmaster General, directing that there should be charged the same amount of postage on letters and other mail matter transported by her as was charged upon such matter transmitted by the English packets. As, for example, an instance which would serve to illustrate the operation of the whole matter: on a letter to be sent by an American packet from Richmond, Virginia, to Birmingham, England, the inland postage to New York, as was well known to the House, would be 10 cents, and the American packet postage from New York to Southampton 24 cents, making 34 cents. To this was superadded, by these British orders, upon the arrival of this vessel in England, a British postage of 24 cents, making the cost of a letter transmitted by our own packet 58 cents. The charge for the same letter if sent by the British packet would be, the inland postage from Richmond to New York 10 cents, the port charge paid to the port officer in the city of New York 1 cent, and the British packet charge 24 cents, making the cost of the transmission by the British packet 35 cents. Thus it was plainly shown, that in consequence of the British orders in council, or of the Lords of the Treasury through the British Postmaster General, the charge upon our citizens for the transmission

of letters in our own packets was 58 cents, while in the Cunard line it was only 35 cents! This double burden was laid upon the American people by Great Britain for the protection of the Cunard line—to compel our citizens to patronize that line in preference to our own. Surely it was evidently a preposterous and absurd attempt to throw upon us a burden to which we could not submit."

He read from the document referred to an extract of the letter of Lord Palmerston to Mr. Bancroft justifying the construction of a British law under which this charge was imposed, and avowing (Mr. G. said) that the object was to protect the British packet line, and to secure for them the doing of our mail service.

He would say nothing to his free-trade friends on the other side of the House about this obnoxious principle of protection on the part of Great Britain; for he wished to say nothing to lead the debate to assume a party character. This subject of the transportation of the mail between two countries having an aggregate population of fifty millions, was a question of so much importance to the country as to bring men of all parties to come up and sustain the Postmaster General in his desire to vindicate our own rights in such a manner as the merits of the case demanded at the hands of Congress. And he would say, in reference to that officer, that however he (Mr. G.) might have differed with him in regard to some of the great leading political questions which divided and agitated this country, in reference to this postal question, it seemed to him (Mr. G.) that he had done everything a faithful and vigilant officer could do in order to effect an amicable and just arrangement of a matter calculated, if not settled, to lead to dangerous results. To this end our minister at the Court of St. James, under instructions of the Secretary of State, had also exerted himself to effect a mutual arrangement; and his letter to Lord Palmerston of the 16th August, 1847, had remained unanswered as late as January last, although a sort of by-play correspondence had taken place between the British Postmaster General and Mr. Bancroft.

The object of this bill, as all our efforts at arrangement had failed, was to authorize the President of the United States, through the Postmaster General, to impose the same duty upon letters received in this country by English packets as was there imposed upon letters received through our packets. It was a retaliatory act. It applied not to Great Britain alone, however, but to all other countries which, by a similar course, should render the resort necessary. He enforced the justice of the measure, as the only resort left us in self-defence, and argued that the course of Great Britain in this respect was equally a palpable violation, in effect, of our convention of reciprocity with her of 1815, (a section of which he read,) as a violation of that amity and comity which had heretofore, and which still ought to exist between the United States and Great Britain; that it was most unjust, most onerous, most burdensome to our citizens, and if quietly submitted to would oblige us to discontinue the running of our own packet Washington, and to depend on "mother England," and pay tribute to her for the transmission of our own letters, which a nation of our commercial greatness was abundantly able to execute, and for which we had, under the law of 1845, made the necessary arrangements. It was clearly a case in which resort to a countervailing policy was justified and demanded by our rights; and he trusted it would receive the unanimous sanction of the House.

Mr. NICOLL said, after the able exposition of the gentleman from Virginia, it would not be necessary that he should go into any extended remarks, but he would express the hope that this bill would be passed by a unanimous vote. It proposed no additional postage on the letters of American citizens sent in American vessels, but was designed simply to place Great Britain on the same terms which she had prescribed for ourselves. Hitherto all postal arrangements with Great Britain had been foiled by the determination of the British Government to adhere to the unequal terms which they had imposed; and now in aid of negotiations this bill was proposed, and not to frustrate negotiations. All that we desired was just, fair, and equal terms, which the passage of this bill would be likely to secure for us. Thus we should aid our able minister at the court of St. James to remove the unequal terms which the British Government had imposed, for it would show to that Government that we have the power to retaliate if they persist in measures so injurious to this country. He repeated the expression of his hope that no obstable would be thrown in the way of the passage of this bill, and that it would be passed unanimously.

Mr. TOMPKINS rose to give the reasons which would induce him to vote for the substitute for the original bill, and he should speak very briefly, after the able exposition of the gentleman from Virginia, [Mr. GOGGIN.] He should not go into details, but confine himself to some general observations on a subject which it seemed to him should induce every friend to American rights and American interests to give his support to some such measure. He was one who believed that the principle of reciprocity was correct, and, if reciprocity could not be obtained without retaliatory measures, he believed we should be justified in resorting to retaliatory proceedings to obtain that which was right. He then proceeded to glance at the circumstances of the case before the House, which had been so fully explained by the chairman of the Committee on the Post Office and Post Roads, [Mr. GOGGIN,] and said this country had no more powerful and active antagonist than Great Britain, and therefore we ought to keep on the alert, and maintain our rights in all transactions with that Power, which had shown a disposition to monopolize the transatlantic mail. This was but a part of her system. She refused to yield anything. She, by a system of monopolies, sought to make American enterprise, American skill, and American industry tributary to the British exchequer. He was unwilling to yield to her exactions, and if we could not obtain reciprocity but by retaliatory measures, he would be willing to resort to retaliation. That was proposed by this bill, which would enable our Post Office Department to charge such rates of postage on letters brought in British ships as she charged on letters transmitted in American vessels. If we relied on the generosity of Great Britain we should obtain nothing, and hence he was in favor of the substitute. He preferred this mode to an act of Congress fixing the rates of postage, because then, if Great Britain should be disposed to yield, our law would remain fixing specific rates. But if this substitute should be adopted, and England should abandon her unjust exactions, our Postmaster General, with the consent of the President, would be enabled to enter into an arrangement on terms mutual, just, fair, and equitable.

Mr. EVANS, of Maryland, was in favor of the substitute of the gentleman from Virginia, [Mr. GOGGIN;] but he, nevertheless, thought that the rates of postage proposed in the original bill should be modified. He would propose to amend by substituting ten for fifteen cents, and fifteen for twenty-four, where they occurred. Coinciding in the remarks which had been made by the gentleman from Virginia, he should not detain the committee further than to say, that he trusted this retaliatory measure would lead to some satisfactory arrangement between the two Governments.

Mr. JONES, of Tennessee, concurred with the gentlemen who had expressed their concurrence in the amendment of the gentleman from Virginia, but disapproved of the amendment of the gentleman from Maryland, [Mr. EVANS.] The larger rates which had been stated were those charged by the British Government on letters transmitted in American packets, and there was a propriety in retaining those rates in any retaliatory measure to which we might resort. Those rates could be modified by the Postmaster General, under the direction of the President of the United States, whenever Great Britain should be disposed to enter into reciprocal arrangements that would be just and fair to all.

Some explanations were entered into between Messrs. EVANS of Maryland, and JONES of Tennessee.

The amendment of the gentleman from Maryland was rejected.

Mr. JONES suggested that the committee dispense with acting upon the several sections of the original bill, (as the committee proposed the substitute in lieu of it,) and proceed at once to mature the substitute.

The suggestion was acquiesced in by general consent.

Mr. HUNT proposed to amend by adding two additional sections, permitting newspapers to be circulated free of postage within a circuit of thirty miles from the publishing office, and to reduce the postage to one cent, to be prepaid, on transient newspapers.

Mr. GOGGIN objected to the amendment as not in order. The original bill was wholly on the subject of foreign postal arrangements, and to that subject this amendment was not germane. It had no relevancy whatever to the subject-matter of the bill.

Mr. HUNT reminded the gentleman from Virginia of the action of Congress at its last session, which he contended justified his present proposition. It would be remembered, too, that the bill of 1845 made provision for the transmission of newspapers to destinations within thirty miles from the office of publication free of postage. That law, so far as he knew, was unexceptionable. There had been no public expression against it.

Mr. GOGGIN again rose to a question of order, and maintained that the amendment was inadmissible on the ground of irrelevancy.

The CHAIRMAN was understood to sustain the ground assumed by the gentleman from Virginia.

Mr. HUNT intimated, then, that he would reserve it for some other occasion.

Mr. J. R. INGERSOLL proposed to amend the first section in the third line, by adding after the word "empowered" the words "from and after the —— day of ——." This was a measure of a retaliatory character, and he desired that proper notice should be given of a measure of that sort. Before striking a blow, he thought it would be creditable to us to give an intimation of what we intended to do. He had left blanks in his amendment because he was willing to defer to the better judgment of the gentleman from Virginia, the chairman of the Committee on the Post Office and Post Roads, on that subject. By fixing a distant period of a few weeks for the operation of our retaliatory measures, an opportunity would be given to the Government of Great Britain to reduce their postal arrangements to an amount that would be satisfactory to us. It was easier to get into difficulties than to get out of them; and whether between individuals or nations, it was prudent not to rush into difficulties hastily. There would be more dignity in the course he suggested by his amendment, and if the House should adopt it we should stand on vantage ground. He therefore hoped his amendment would be adopted.

Mr. GOGGIN made a brief reply to the remarks of the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL,] but in a voice so low that most of what he said was lost. So far as the reporter could catch a portion of what was said, he understood Mr. G. as reading various extracts from a correspondence between our minister (Mr. Bancroft) and Lord Palmerston in relation to a proposed mutual arrangement of postages on the transportation of letters between this country and England. He was understood to say that the entire intercourse between these functionaries of the respective governments had been conducted in the most friendly spirit and with entire courtesy of manner; and the result was an understanding that the United States should take its own course in the matter, and the British Government would do the same. That they understood their own interests better than any one else; and that while we might legislate with a view to better ourselves, they must adopt such regulations as were most likely to prove advantageous to themselves. He concluded by expressing his hope that the amendment proposed by Mr. INGERSOLL would not prevail.

Mr. J. R. INGERSOLL inquired of Mr. GOGGIN whether any legislative action had been had by the British Parliament in relation to the rates of postage complained of.

Mr. GOGGIN explained—stating (if correctly heard) that Parliament had not acted on the subject for many years past, but the regulation of their postages on foreign mail transportation had always been left to the Post Office Department.

Mr. INGERSOLL said, what he wished further to know was, whether the Lords of the Treasury in England had acted in the case, or whether there had merely been a correspondence between our minister and Lord Palmerston. Lord Palmerston was a man of dignified bearing, but not always of the tardiest resolves, as was abundantly manifested during the war in the Peninsula and elsewhere. The reason he had desired some short opportunity

for delay was, that he knew Lord P. was somewhat quick upon the trigger, and he did not wish that we should display a similar hastiness in a matter of this kind.

Mr. GOGGIN replied, that the Lords of the Treasury had given an order imposing the existing duty on letters transmitted by steam-packet. This was what Mr. Bancroft complained of to the President, and this was the subject of the President's communication to Congress. No copy of any definitive action on the part of the Lords of the Treasury had been submitted by the President, but simply the correspondence between Mr. Bancroft and Lord Palmerston. In the course of this correspondence, the two diplomats sometimes and on some points agreed entirely, while on others they differed in opinion.

The gentleman from Pennsylvania had referred to the astuteness, the ability, and the warlike propensities of the British minister. The committee were aware of these qualities, and they constituted one reason why the Post Office Committee were desirous that the substituted bill now before the committee should pass. He referred to the extraordinary course of the British Government in meeting our steam-packet ship Washington by a message that American postage was doubled.

Mr. INGERSOLL said he had listened with great benefit and advantage to the remarks of the honorable chairman of the Post Office Committee. He (Mr. I.) understood that the British Government had taken an unfortunate stand in relation to the imposition of postage on letters transmitted to England in American steamers; and that a remonstrance had been made on our part against this course; but this had thus far been disregarded. It was now our desire to redress the pecuniary injury we had suffered, and also the seeming neglect of our remonstrance, by imposing countervailing duties on letters brought by British steamers. In all that he entirely agreed with the honorable chairman and his committee, who had proposed this amended bill. The action of the British representative had been very prompt. He was characterized by great personal dignity, promptitude or action, and a temper perhaps still more prompt. It did sometimes so happen, that a peculiarity of temperament on the part of an individual, extended its influence, insensibly to him, even into acts of diplomacy itself. The only justification of a retaliative course by Congress, was, that under the promptitude of an individual functionary, a section only of the British Ministry, and not by any action of Parliament, an injury, as we conceived, had been inflicted, and which we were invited to redress. Our own Postmaster General had conducted himself in this whole affair with dignity and propriety, and the correspondence as now published did him credit, as indeed the greater part of our official intercourse with foreign governments did: he thought our diplomatic correspondence had in general been admirably conducted. The last letter of Mr. Bancroft to the British Secretary remained yet unanswered. And this was the gravest of the matters submitted by the Executive to Congress in the whole matter. He (Mr. I.) regretted that such was the case. There had been an omission by some officer of the Government. But every gentleman must know how a series of little omissions and seeming neglects occurred between private gentlemen; and how common it was, in such cases, to caution one of the parties not too rapidly to take offence, not to rebuke with too much severity. How much better was it to allow a little time for one of the individuals to correct the omission; and when a desire was manifested to do this, with what pleasure was such a manifestation not hailed, as preventing a quarrel about a matter that neither of the parties was willing to quarrel about. He would pursue a like course in the present matter. The passing of an act of retaliation to take instant effect, without waiting for the very first Parliamentary action in the case, would, he thought, be a step more in anger than in sorrow. Remarks had been made during the debate, which were marked with some degree of severity; not, however, by the gentleman from Virginia, [Mr. Goggin,] who had carefully forborne from the utterance of any language which he would have cause to regret.

He was aware that the members of that House represented a great nation, and one which would not approve, on their part, an undue degree of forbearance. He was in favor of passing the act in its substance: but he desired so far to modify its form as to allow a brief delay before it should go into effect. He would, therefore, amend the bill by saying, that "from and after the —— day of ——, the following duties should be levied," &c. His maxim was the wise old Roman maxim, "*Obsta principiis*"—take care of the beginnings of a quarrel: don't let it go on: stop it at once. This was the doctrine he wished to preach everywhere, especially among members of that House. If, after the passage of this act with a stay of proceedings to a day some short time ahead, England chose to adhere to her present policy, so be it: the act would then come in force by way of redress. He was ready to meet responsibility, but not to go ahead of responsibility.

Mr. McKAY inquired with what date Mr. I. proposed filling the blanks in his amendment?

Mr. INGERSOLL replied that he would propose, say two months.

Mr. McKAY said it was his purpose to vote for the substitute proposed by the gentleman from Virginia, and he did not know but the gentleman from Pennsylvania might be very right in the amendment he suggested. Suppose the blank should be filled with 4th of July next?

Mr. INGERSOLL assented to that as a very proper limitation.

Mr. McKAY observed that the law under consideration was to be a permanent and general law. The amendment of the gentleman from Pennsylvania had reference solely to our controversy with Great Britain; but suppose, before the time limited, we should have a controversy with some other European Power, would it not be better to say, instead of now fixing any special date, that "after forty days' public notice by proclamation." This was the course which had been pursued in other acts having a similar bearing on foreign countries. He was free to say that he considered the act of the British Government, in sending out to meet our mail-steamer Washington with notice of such an enormous increase of postage, was an outrage. He was not for resting under it; he would say to Great Britain, unless you correct this proceeding we shall, after the expiration of forty days, meet your vessels with corresponding duties.

Mr. INGERSOLL said he acceded to the proposed modification; he perfectly approved of it. Let the amendment read, "insert after the word *empowered*, in the third line, the words 'after giving forty days' notice by public proclamation.'"

Mr. POLLOCK wished to say a word on the amendment proposed by his colleague from Pennsylvania. He appreciated the excellent motives of his friend in proposing this amendment to the law; but he could not concur with him in the opinion that such a modification of it should be made. Our controversy with England on this subject was not of a recent date. In June, 1847, the Lords of the Treasury issued their order increasing postage on letters from this country. The United States Government had endeavored to procure its abrogation, so as to put the postal arrangements between the two countries on a footing of equality. With this view we had made to the British Government every offer which it became us to make to any foreign Power. But our offer had been before the British Ministers for five months, and no answer had been given to it; and he could not tell whether any ever would be given. Certainly there had been ample time for consideration and reply. Why should we wait a moment longer? Why delay our retaliatory enactment for forty days or for one day? He was for passing our bill at once. The gentleman from Pensylvania apprehended a danger that could not result from the course of action proposed. This was no hostile act; it was purely an act of self-defence. He regarded it, as he believed his colleague did also, as the proper measure to bring this vexed question to a speedy termination. When England saw we were in serious earnest, and were not to be put off any longer, she would come to her senses. Lord Palmerston was said to be "quick upon the trigger." It might be so, and so let him continue to be; but let us show this very quick gentleman that we knew our rights and knew how to defend them. He had no hostility to Great Britain, not the least. But no American citizen could for a moment doubt that the decree of the British Lords of the Treasury should instantly be repealed, or met by corresponding action on our part. He hoped the amendment of his colleague would not prevail.

Mr. CONGER could see no necessity for the amendment. The bill, as it stood, clothed the President and the Postmaster General with ample discretion to meet the case. He was willing to give them this discretion. The bill did not require or instruct the President to enter into the arrangement *instanter;* he had a discretion in the case under which he might, if he deemed it expedient, allow the forty days proposed by the amendment, or even a longer time. He was content to leave with him the entire control, unrestricted, as the amendment would restrict him. Whatever indulgence, in point of time, he might judge it proper to extend to the British Government on this matter, he (Mr. C.) was prepared to acquiesce in. He had no objection that we should send a word with our blow, but he would not send the word before the blow. If they were not simultaneous, he would have the blow go first.

The question being put on the amendment proposed by Mr. INGERSOLL, it was rejected.

After some further remarks from Mr. GOGGIN—

Mr. WOODWARD suggested to amend the first section of the bill, in the following clause, viz:

"The Postmaster General, &c., is hereby authorized and empowered to charge upon and collect from all letters and other mailable matter carried to or from any port of the United States, in any foreign packet-ship or other vessel, the same rate or rates of charge for *American* postage which the Government to which such packet or other vessel belongs imposes upon letters and other mailable matter conveyed in *American* packets or other vessels as the postage of such Government," by striking out the word "American."

He said the term was not distinctive, and might be wholly omitted, without inserting any other word in its place.

Mr. GOGGIN could not see the necessity or advantage of such an amendment.

Mr. WOODWARD explained; and the question being taken, the amendment was rejected.

The second section of the substitute being under consideration—

Mr. DUER moved to amend the following clause, viz:

"That all letters or other mailable matter conveyed to or from any port of the United States by any foreign packet or ship, shall be so subject to postage charge as aforesaid, whether addressed to any person in the United States or elsewhere: *Provided*, It is done by the packet or other ship of a Government imposing foreign postage on letters or mailable matter conveyed by any packet or other ship of the United States"—by striking out the words of the proviso, and substituting therefor the following: "That the Government of the country to which such packet or other ship may belong shall impose postage in similar cases on letters or mailable matter conveyed in any packet or other ship of the United States."

Mr. D. said he was not certain that he understood the proviso; he had, therefore, drawn his amendment as expressing more clearly what he supposed to be intended as its meaning.

Mr. GOGGIN explained the proviso, and was believed to object to the amendment, but his remarks could not be heard.

Mr. WOODWARD inquired whether the object of the gentleman from New York [Mr. DUER] would not be accomplished by striking out the proviso altogether? It only reënacted what had been already declared in the first section of the bill. There was absolutely no meaning in the proviso.

Mr. DUER said he was not quite sure that omitting the proviso would have the effect supposed by the gentleman from South Carolina. The amendment he had proposed expressed more clearly what he supposed the proviso was intended to declare. And he understood the chairman [Mr. GOGGIN] as having substantially admitted this.

Mr. GOGGIN dissented.

Mr. DUER. If the proviso does not mean that, what does it mean?

After some further conversation between Messrs. WOODWARD and DUER, the question was put on Mr. DUER's amendment, and it was rejected.

Mr. GOGGIN now moved to amend the second section, by inserting after the word "ship" the following, "except such letters as are directed to the owners or consignees of such ship;" so as to read: "That all letters or other mailable matter 'conveyed to or from any port of the United States 'by any foreign packet or ship, except such let-'ters as are directed to the owners or consignees 'of such ship, shall be so subject to postage charge 'as aforesaid, whether addressed to any person in 'the United States or elsewhere."

This amendment was agreed to.

Mr. WOODWARD moved to strike out the proviso in the second section, (see above,) and to add to the clause "shall be so subject to postage

charge as aforesaid," the words "in the discretion of the President as aforesaid."

After some remarks by Mr. EVANS and Mr. DUER, the amendment was agreed to, (the committee voting by tellers:) Ayes 70, noes 67.

Mr. GOGGIN moved to amend the following clause, viz: "And for refusing to do so, (viz: de-'liver their letters on arriving into, and take their 'letters on departing out of, the United States post 'office,) or for conveying said letters over or across 'the United States," by adding the words "or any portion thereof;" which was agreed to.

In the residue of the clause, viz: "the party 'offending shall, on conviction, forfeit and pay not 'exceeding —— thousand dollars for each offence," he moved to fill the blank with the word "five," so as to make the penalty on the master of a foreign vessel neglecting to deliver his letters into a United States post office immediately on his arrival, or take them from a United States post office at his departure, five thousand dollars.

Mr. G. said, that in conversation with Mr. Hobbie, the Assistant Postmaster General, that officer had suggested the necessity of making this penalty a heavy one, and had proposed this sum of $5,000 as not too large. For if it should be made but a few hundred dollars, a person with a very large mail might be tempted rather to pay that amount and pocket the postage, than to lose the carrying of thirty or forty thousand letters across the Atlantic.

This amendment was agreed to.

Mr. HUNT, of New York, proposed an amendment, providing that newspapers should be transmitted free of postage to any place within thirty miles of the place of publication, and to reduce the postage to one cent, to be prepaid, on transient newspapers.

Mr. GOGGIN raised the point that the amendment was not in order, on the ground of irrelevancy, the bill having reference exclusively to foreign and the amendment to domestic postage.

The CHAIRMAN sustained the point of order, and gave his reasons therefor.

Mr. HUNT appealed, and sustained his appeal principally by reference to precedents.

Mr. GOGGIN sustained the decision of the Chair, and stated that it was in contemplation by himself, as a member of the Committee on the Post Office and Post Roads, and he believed he might speak with almost positive certainty for a majority of that committee, that it was their intention to report a bill which would probably embrace the very subject which the gentleman desired to reach by his amendment. He entreated the gentleman, even if the amendment were in order, not to press it upon the House, as he was anxious to get through the bill to-day.

Mr. HUNT replied that he was very happy to hear from the chairman of the Committee on the Post Office and Post Roads the statement which he had made, and he was free to say that his object had been in a great degree accomplished. One great motive which had prompted him in moving the amendment he confessed was the apprehension that the committee would not report a bill on the subject, a resolution having been referred to them some time since, and no report having been made upon it.

Mr. GOGGIN stated that he had not intended to give any assurance of what were the views of the majority of the committee. He had said that such were his views, and he thought he might say that such were the views of the majority, although he could not give assurance on that point.

Mr. HUNT preferred, then, that the question should be taken on the appeal.

The question being taken, "Shall the decision of the Chair stand as the judgment of the committee?" was decided in the affirmative without a division.

So the decision was sustained, and the amendment decided out of order.

Mr. McKAY moved an amendment to the second section, to insert after the words "mailable matter" the words "carried in any foreign packet-ship or other vessel;" which was agreed to.

On motion of Mr. GOGGIN, the substitute, as amended, was then agreed to; and the bill, as amended, was laid aside to be reported to the House.

REVOLUTIONARY PENSIONS.

The bill making appropriations for the payment of revolutionary pensions for the year ending 30th June, 1849, was taken up.

Mr. VINTON moved to increase the item for revolutionary pensions under the act of March 18, 1818, from $4,122 57 to $14,122 57, in addition to an unexpended balance remaining in the treasury of $83,877 43.

Mr. VAN DYKE addressed the committee during his hour upon the subject of the Mexican war, addressing his remarks to, and arraigning the course of, the Administration upon the following points: first, the manner in which the Administration involved the country in war; second, the mode in which they had conducted it; third, the objects for which they had prosecuted it; and fourth, the benefits likely to result from it to the country.

[His speech in full, as prepared by himself, will appear in the Appendix.]

Mr. ROCKWELL, of Massachusetts, next obtained the floor.

Mr. VINTON expressed a wish that the bill before the committee should be disposed of, and that the committee would take up the navy appropriation bill, so that, while these speeches were being made, the House should make some progress with its business. He supposed gentlemen did not care to what bill they spoke, for one would answer their purpose just as well as another. He hoped, then, that this bill would be disposed of, and that the committee would take up the bill he had designated.

Mr. ROCKWELL declined to yield the floor; and, after a brief conversation between several gentlemen, moved that the committee rise.

The motion was decided in the affirmative—88 to 29.

The committee then rose, and reported the postal bill to the House, and progress on the revolutionary pension bill.

The SPEAKER stated the question to be on the amendments of the Committee of the Whole on the state of the Union to the postal arrangement bill.

Mr. GOGGIN moved the previous question, which was seconded; and, under its operation, the various amendments were concurred in, and the bill passed in the following form:

Be it enacted, &c., That the Postmaster General, under the direction of the President of the United States, be, and he is hereby, authorized and empowered to charge upon and collect from all letters and other mailable matter carried to or from any port of the United States in any foreign packet-ship or other vessel, the same rate or rates of charge for American postage which the Government to which such foreign packet or other vessel belongs imposes upon letters and other mailable matter conveyed in American packets or other vessels as the postage of such Government. And it shall be the duty of all custom-house officers and other United States agents, designated or appointed for that purpose, to enforce or carry into effect the foregoing provision, and to aid or assist in the collection of such postage; and to that end, it shall be lawful for such officers and agents, on suspicion of fraud, to open and examine, in the presence of two or more respectable persons, being citizens of the United States, any package or packages supposed to contain mailable matter, found on board such packets or other vessels or elsewhere, and to prevent, if necessary, such packets or other vessels from entering, breaking bulk, or making clearance, until all such letters or other mailable matter are duly delivered into the United States post office.

Sec. 2. *And be it further enacted*, That all letters or other mailable matter conveyed to or from any port of the United States by any foreign packet or ship, except such letters as may be directed to the owner or owners, consignee or consignees of said ship or other vessel, shall be so subject to postage charge as aforesaid, whether addressed to any person in the United States or elsewhere; provided it is done by the packet or other ship of a Government imposing foreign postage on letters or mailable matter conveyed by any packet or other ship of the United States; and such letters or other mailable matter carried in foreign packet-ships or other vessels, except such as may be directed to the owner or owners, consignee or consignees, as aforesaid, are hereby required to be delivered into the United States post office by the masters or commanders of all such packets or other vessels when arriving, and to be taken from a United States post office when departing; and for refusing or failing to do so, or for conveying said letters over or across the United States, or any portion thereof, the party offending shall, on conviction, forfeit and pay not exceeding five thousand dollars for each offence.

The House then adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. EDWARDS: The petition of Gardner Herring, asking a pension for injuries received during the late war with Great Britain.

By Mr. McCLERNAND: The petition of a number of citizens of Hardin county, Illinois, praying Congress to grant authority for the re-location of a certain section of school land.

By Mr. NELSON: A joint resolution of the Legislature of the State of New York, requesting the Senators and Representatives in Congress from that State to use their influence in favor of the passage of a law which shall secure to the widows and orphans of officers and soldiers who fall in battle, or who die of wounds received in the service of the country, pensions equal to the pay proper of said officers or soldiers.

By Mr. HALL, of New York: Joint resolutions of the Senate and Assembly of the State of New York, in favor of granting to the widows and orphans of officers and soldiers who fall in battle, pensions equal to the pay proper of such officers and soldiers.

By Mr. TUCK: The memorial of W. R. Ashard for relief.

By Mr. TWEEDY: The petition of Lucas Van Orden and 47 others, for a post route from Summit to Fond du Lac, in Wisconsin, via Oconomowock, Neosho, and Maysville.

By Mr. JOHNSON, of Arkansas: The petition of the legal representatives of Captain William Armstrong.

By Mr. MORSE, of Louisiana: The petition of J. B. Hyde, praying for an alteration in the laws of the United States in relation to the granting of patents to foreigners.

By Mr. BOTTS: The memorial of enlisted men of Ordnance department, praying to be placed on a footing with the troops of the line, so far as relates to bounty and pensions. Also, the memorial of the citizens of Richmond, Virginia, asking an appropriation for the establishment of a breakwater near the north point of the island of Nantucket.

By Mr. MARSH: The petition of N. L. Reese and 238 others, praying for the restoration of peace with Mexico.

By Mr. KENNON: The petition of Isaac Lewis and 41 other citizens of Harrison county, Ohio, praying for a reduction of postage and the unconditional abolishment of the franking privilege.

IN SENATE.

WEDNESDAY, *April* 12, 1848.

Mr. DAVIS, of Massachusetts, presented a memorial from Sampson & Tappan and other merchants and importers of the city of Boston.

These memorialists represent (said Mr. D.) that the tariff of 1846 contains provisions which compel them to have the duty assessed on the invoice value; that on many articles, such as liquors, sugars, oils, &c., there is great wastage, either from leakage or evaporation, and the articles, on being landed, fall short in gauge, weight, or measure, from the quantity represented by the invoice to have been shipped at the place of exportation, and thus the importers have been obliged to pay duty on the full quantity. They ask that the clause may be so amended that some allowance shall be made, in estimating duties, for any deficiency from the invoice. Although he did not regard it as a very grave or great matter, still he might be pardoned for calling the attention of the Committee on Finance to the subject, and asking that committee to take it into consideration and make an early report.

Mr. CAMERON presented a memorial in relation to the claim of William Parkeson, a soldier in the war of 1812, for a pension; which was referred to the Committee on Pensions.

Mr. LEWIS presented a petition from John F. Callan, and other citizens of the District of Columbia, asking the enactment of a law to incorporate the Washington Gas-light Company; which was referred to the Committee on the District of Columbia.

Mr. RUSK presented a petition from William Greer, asking the payment of an amount of postage claimed from him by the Post Office Department; which was referred to the Committee on the Post Office and Post Roads.

Mr. BENTON presented a petition from Isaac W. Taylor and other legal representatives of Jacques Clamorgan, in relation to claims on lands; which was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. HANNEGAN, from the Committee on Foreign Relations, reported House bill directing the mode for settling the claims of Charles G. Ridgely, with an amendment.

Mr. BREESE, from the Committee on Public Lands, reported the bill to authorize the sale of reserved lands, and for other purposes, without amendment.

Also, from the same committee, asking to be discharged from the further consideration of the memorial of David B. Sears.

Mr. UPHAM, from the Committee on Revolutionary Claims, made an unfavorable report on the claims of the executors of Nathan Lamme.

Mr. NILES, from the Committee on the Post Office and Post Roads, asked to be discharged from the further consideration of House bill for the relief of Elizabeth Converse, widow of Josiah Converse, and that it be referred to the Committee on Revolutionary Claims.

Mr. DAVIS, of Mississippi, from the Committee on Pensions, reported a bill for the relief of Christopher Cunningham.

Mr. DAVIS stated that this was a case of urgent necessity, the individual being without the means of support. There could be no hesitation about the justice of the claim, and he hoped the rules of the Senate would be suspended, and that the bill might be now considered.

The motion was agreed to, and the bill was considered, read a third time, and passed.

Mr. DIX, from the Committee on Commerce, reported House bill for the relief of William Harding, without amendment.

Mr. ASHLEY, from the Committee on the Judiciary, reported the bill relating to dower, without amendment.

Mr. FELCH, from the Committee on Pensions, reported the following House bills, without amendment: For the relief of Thomas Badger; an act granting a pension to John Morrison; an act for the relief of William P. Brady; and an act for the relief of Samuel Cony.

Mr. DOWNS, from the Committee on Private Land Claims, reported a bill for the relief of the legal representatives of the Marquis de Fougieres, and asked its immediate consideration.

Mr. TURNEY asked if the bill had received the examination of a committee.

Mr. DOWNS replied in the affirmative.

Mr. TURNEY objected.

Mr. WESTCOTT explained the bill in an under tone to Mr. T.

Mr. TURNEY then withdrew his objection.

Mr. ASHLEY said he was unwilling to see a bill hurried through without time being allowed for a proper understanding of it. He understood the object of the bill was to confer some privilege with reference to the Supreme Court, and he was opposed to granting privileges to an individual which were not generally enjoyed by other parties in that court. He wished for some further information on the subject.

Mr. BERRIEN explained that the right of appeal to the Supreme Court in this case was asked for, because, in consequence of the unavoidable delay caused by the residence of the parties in France, the time to which the right of appeal was limited had transpired. The case was between the parties and the United States, and the latter ought not to be placed in the position of taking improper advantage of the necessary lapse of time. He hoped there would, therefore, be no objection to the passage of the bill.

Mr. ASHLEY expressed himself gratified and perfectly satisfied with the explanation.

The bill was then considered, read a third time, and passed.

BILLS INTRODUCED ON LEAVE.

Mr. HALE, on leave, introduced an act in addition to an act for the more equitable distribution of the navy pension fund; which was read twice, and referred to the Committee on Naval Affairs.

Mr. WESTCOTT, on leave, introduced a bill respecting certain surveys in the State of Florida; which was read twice, and referred to the Committee on Public Lands.

RESOLUTIONS.

Mr. BADGER submitted the following resolution:

Resolved, That the Secretary of the Senate purchase, for the use of the Senate, two thousand copies of the Constitution of the United States of America, with an alphabetical analysis, prepared and published by W. Hickey, provided that the same can be purchased at a price per copy not exceeding that paid for 10,000 copies ordered to be purchased by a resolution of the Senate adopted 18th February, 1847.

On motion of Mr. BENTON, three thousand extra copies of the proceedings of the court martial in the case of Lieutenant Colonel Frémont were ordered to be printed.

The following resolution, submitted on Monday by Mr. BADGER, was taken up and adopted:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of repealing the joint resolution, approved August 3, 1846, entitled "A joint resolution directing the manner of procuring the printing for the two sessions of Congress."

Mr. BADGER moved to take up the bill reported by the Committee on the Post Office and Post Roads "to declare the true intent and meaning, so far as respects the franking privilege of members of Congress, of the act approved 1st March, 1845;" which motion having been agreed to, the bill was read a third time by unanimous consent, and passed.

GENERAL ORDERS.

The Senate then proceeded to the consideration of the private calendar; when the bill for the relief of Captain Foxall A. Parker, of the United States Navy, after having been duly considered, was ordered to be engrossed for a third reading, and, by unanimous consent, was subsequently read a third time and passed.

The Senate then took up the bill to repeal the act of 2d March, 1847, concerning pilots; when—

Mr. MILLER expressed the hope that the friends of the bill would not press its consideration at this time, when the Senate was thin.

Mr. DIX said he had no disposition to press the bill at that moment, when the hour had arrrived for taking up the special order. He would therefore move that it be passed over informally, and it would come up to-morrow as the unfinished business during the morning hour. The motion was agreed to.

SUPREME COURT.

Mr. MANGUM then rose and said, that at a late hour on a previous session of the Senate, he had moved to lay on the table a motion to reconsider the vote upon the bill concerning the Supreme Court, and he now moved to take up that motion for the purpose of proceeding to its consideration.

Mr. ASHLEY called for the yeas and nays on the motion, which were ordered; and, the question having been taken, it resulted as follows:

YEAS—Messrs. Atchison, Bell, Berrien, Breese, Butler, Clarke, Crittenden, Davis of Massachusetts, Downs, Greene, Hannegan, Mangum, Mason, Miller, Niles, Pearce, Phelps, Rusk, and Upham—19.

NAYS—Messrs. Ashley, Badger, Bagby, Benton, Bright, Calhoun, Cameron, Davis of Mississippi, Dickinson, Dix, Felch, Hale, Johnson of Georgia, Lewis, Spruance, Turney, and Westcott—17.

Mr. ASHLEY observed that the vote which had just been given was numerically the same as that on refusing to engross the bill; in the former case the vote stood yeas 17, nays 19. It was evident, therefore that the Senate was not more full than when that vote was taken.

Mr. MANGUM thought the Senate was now as full as it was likely to be, and he therefore moved to proceed to vote on the question of reconsideration. Should that motion prevail, he would be willing to postpone the question on the bill to another day.

Mr. ASHLEY demanded the yeas and nays on the question, which were ordered; and, being taken, resulted as follows:

YEAS—Messrs. Atchison, Bell, Berrien, Breese, Butler, Cameron, Clarke, Corwin, Crittenden, Davis of Massachusetts, Downs, Greene, Hannegan, Hunter, Mangum, Mason, Miller, Niles, Pearce, Phelps, Rusk, and Upham—22.

NAYS—Messrs. Ashley, Badger, Bagby, Benton, Bright, Calhoun, Davis of Mississippi, Dickinson, Dix, Felch, Hale, Johnson of Georgia, Lewis, Spruance, Turney, and Westcott—16.

Mr. MANGUM then observed that he did not care to press the vote at this time, and if the Senator from Arkansas would intimate any early day he would be satisfied.

Mr. ASHLEY then intimated Monday next; to which Mr. MANGUM assented; and it was ordered that the question should be the special order for that day at one o'clock.

CALIFORNIA CLAIMS.

The Senate resumed the consideration of the bill for ascertaining and paying certain claims in California.

The bill being under consideration as in Committee of the Whole—

Mr. MASON rose, and said he would confine himself in his remarks to the bill before the Senate, and the matters which are properly connected with it. Adverting to the charge which had been made against the United States of commencing a war of aggression against a sister Republic, he expressed regret that such a charge should have been made, not only by the press, but on the floor of legislation, as he looked on it as the only dark spot which would appear on the page of the present day. He asserted that the accusation was unsustainable by fact; that it would be denied by the records of Congress; and that history would establish the truth. The war was just in its conception, and the manner in which it had been conducted reflected honor on our country.

The California claims became interesting, not merely on the historical grounds set forth by the Senator from Missouri, but because they were based on services performed without the sanction of Government; and it was proper that the grounds on which they were to be allowed ought to be placed clearly before the country. The Committee on Military Affairs had reported fully on the subject, and the claims had been explained by Colonel Frémont himself. Some part of the services had been accidental in their occurrence, before the commencement of the war. The officer in command was fully justified in the course he took. He then repeated briefly the history of the expedition under Lieutenant Colonel Frémont; glanced at the condition of California, and the danger which menced her freedom from British influences, which were actively at work; reading from printed reports and correspondence in corroboration and illustration of his statements. He also referred to the difficulties which Colonel Frémont had to contend against, in consequence of the dissatisfaction of the inhabitants of California, and the necessity of guarding against and suppressing internal insurrections. He particularly dwelt on the fact that the movements of a hostile character on the part of Colonel Frémont, which took place before the war had properly commenced, were unauthorized by our Government, and consequently that the Administration could not be properly held responsible for them.

The claims amounted to $700,000; and he thought Congress was bound to pay them. But he did not wish to see a board constituted, as this was in the bill itself, as he regarded this as a usurpation of the appointing power by the Senate, which was, in his opinion, an unjustifiable encroachment.

For the purpose of amendment, he moved to recommit the bill with the following instructions: "so to amend the bill as to provide that a board 'consisting of two competent persons as commissioners shall be appointed by the President, by 'and with the advice and consent of the Senate, 'with power to examine into and determine the 'claims and demands arising out of the late military operations in California in the bill mentioned."

Mr. CASS said, as he did not see the Senator from North Carolina, who desired to speak on the bill, in his seat, he would move that, by general consent, the bill be passed over informally.

Mr. RUSK here made a movement; when—

Mr. CASS said that he did not know that the Senator from Texas intended to speak. In that case he would withdraw his motion.

Mr. RUSK said he wished to say a few words, but he was not anxious to go on at the present moment; any other time would suit him as well.

Mr. MANGUM renewed the request that the bill be, by general consent, informally passed over; which was agreed to.

The Senate then proceeded to the consideration of Executive business. After some time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 13, 1848.

Mr. HORACE MANN, of Massachusetts, elected to supply the vacancy occasioned by the death of the Hon. JOHN QUINCY ADAMS, appeared this day, was qualified according to law, and took his seat in the House.

BILLS INTRODUCED ON LEAVE.

By Mr. FEATHERSTON: A bill for the relief of certain citizens of Lowndes county, Mississippi. Read twice, and referred to the Committee on Public Lands.

By Mr. TALLMADGE: A bill to establish a branch mint in the city of New York. Read twice, and referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. STANTON, from the Committee on Naval Affairs, reported an amendment to the bill making appropriations for the naval service for the year ending June 30, 1849, accompanied by a report. The amendment was committed.

Mr. SMITH, of Indiana, from the Committee on the Territories, reported a bill for the admission of the State of Wisconsin into the Union. Read twice and committed.

Mr. MEADE asked leave to report the following preamble and resolution from the Committee on the Judiciary:

Whereas much time and money are annually expended by the Congress of the United States in legislating on private

claims, and experience has proved that it is not only a tedious and expensive, but also an imperfect mode of administering justice:

Resolved, That the Committee on the Judiciary inquire into the expediency of providing by law a tribunal before which all claims against the United States by individuals shall be prosecuted and determined on the principles of equity; and that said committee have leave to report by bill or otherwise.

Mr. ROCKWELL, of Connecticut, said, as that subject was now before the Committee of Claims, (having been referred to it by resolution,) he objected to the reception of the resolution.

The resolution was not received.

On motion of Mr. RHETT, it was

Resolved, That the Committee on Revolutionary Claims do inquire into the expediency of allowing to the heirs of Captain John D. Treville, a captain in the fourth regiment of artillery of the South Carolina line, commutation pay, on account of the military services of the said John D. Treville in the Revolution.

BRANCH MINT AT NEW YORK.

Mr. POLLOCK moved to reconsider the vote by which the bill, introduced by Mr. TALLMADGE, to establish a branch mint in the city of New York was referred to the Committee on Commerce, with a view to move its reference to the Committee of Ways and Means, to whom had been referred the message of the President on the same subject.

Mr. TALLMADGE made a remark in reply to Mr. POLLOCK, which was inaudible to the reporter.

The question on reconsidering was put and agreed to, and the bill was then referred to the Committee of Ways and Means.

THE CONTESTED ELECTION.

On motion of Mr. THOMPSON, of Indiana, the House proceeded to the consideration of the report of the Committee of Elections in the case of the contested election from the sixth Congressional district of New York.

Mr. THOMPSON, chairman of the committee, proceeded to state the facts of the case and the reasons why a majority of the committee had reported in favor of the contestant, JAMES MONROE, and against the sitting member, DAVID S. JACKSON.

The contestant's case was principally based on an allegation that upwards of one hundred and forty-three paupers, from the almshouse and hospital in the eighteenth ward of the city of New York, voted at the third election district of that ward, from which they had not been admitted to those institutions, and where, it was argued, they consequently were not residents, and not entitled to vote—and that these, together with several convicts from Blackwell's Island, and some other illegal votes, counterbalanced the majority of one hundred and forty-three votes, which the returns showed the sitting member to have received, leaving Mr. MONROE a majority of fourteen.

The minority of the Committee of Elections reported in favor of the right of Mr. JACKSON. The right of paupers to vote was examined and maintained, in view of the laws and constitution of the State of New York; and the facts and the testimony on which the contestant maintained his claim were reviewed, and deemed insufficient to unseat the sitting member.

The case was argued by Mr. THOMPSON for the contestant, and by Mr. MURPHY and Mr. COBB, of Georgia, for the sitting member.

[Mr. MURPHY has furnished us the following as the substance of his remarks:

Mr. MURPHY said, the conclusions to which he had arrived, after a most careful examination of the case and the evidence, were so different from those of the majority of the committee reporting, and so conclusive to his own mind, that he would venture to lay them before the House. He might add another reason why he should trespass on the time of the House. It was because he had observed the most studious efforts made to prejudge this case—he would not say in this House, but through the public prints. These efforts had been made in every direction. From this source we have heard it repeated over and over again, that immense frauds were perpetrated in the Congressional district, the right of whose Representative to a seat on this floor is now contested. It had been charged that even convicts were taken from the State prison, and permitted to vote in this district. Not only had the contestant himself indulged in making this charge, but the majority of the committee, in their report, (notwithstanding the protestations of its chairman, Mr. R. W. THOMPSON,) have even gone out of their way to say that frauds of this kind have been perpetrated. He asserted that there was no case of fact in the evidence to warrant such a charge, either on the part of the contestant or the committee. But, on the contrary, there was ample proof that no such frauds were perpetrated at all, much less in the district at the election under consideration. To sustain this affirmation, he quoted from the report and printed evidence a number of extracts—all going to show, from an investigation before the grand jury of the city of New York, (where these alleged election frauds were made a subject of presentment immediately after the election,) that there was not a particle of proof to sustain the charge; but that, on the contrary, the fraud that was attempted was detected and prevented; and no such illegal voting as was charged did actually take place. He felt it his duty to say thus much, not only in justice to the sitting member, but to his State, where, though there were unprincipled men, as elsewhere, who might meditate an outrage on the ballot-box, there were also vigilant officers and citizens enough to prevent the successful perpetration of such frauds.

Mr. M. then went into an examination of the general facts of the case, stating first, particularly, that he disagreed with the majority of the committee both as to the law and the facts; and adding, that, as he understood the report, the chairman of the committee was incorrect in his statement that the minority of the committee agreed with him as to the construction of the law.

He then read the suffrage qualifications by the constitution of the State of New York, which provides also where the elector shall vote. The qualifications of a voter are, that he must be a free white male citizen, twenty-one years of age, a resident of the State one year and of the county six months. With these qualifications he has a right to vote, and he must vote in the town or ward in which he actually resides, and not elsewhere. This provision of the constitution speaks of the *residence* of the voter in the State and county, and makes a distiction between this and the place where he *actually resides*. The former was his residence in legal intendment, the latter the place where he happened to be at the time of the election. The latter was not a qualifiation for voting, but a direction where a qualified voter should vote.

Mr. M. then proceeded to deny the power of the State Legislature to change a constitutional provision; and to show that the law of New York of 1842, which provides that no person shall be deemed to have acquired or lost his residence by remaining at school, consignment to an almshouse, or service in the army or navy, &c., was, in case it was construed to prevent a pauper in the almshouse from voting in the district where the almshouse was situated, who had been an inhabitant of the State for one year and a resident of the county six months, in conflict with the New York State constitution—giving several cases by way of illustration—and was therefore *pro tanto* void.

It was not contended by the minority that these paupers acquired a legal residence by being in the almshouse. They contended only that the almshouse was their actual residence. The constitution of New York intended to give all free white men, rich or poor, the right to vote; and a free black may vote, if he possesses a freehold of the value of $250.

He then proceeded to show that even if the paupers were not entitled to vote, the sitting member still held a just claim to his seat. Because of an error in the figures of the majority report, he showed that the result should have been stated at 152 pauper votes for Jackson, instead of 157. The committee had charged Jackson, the sitting member, in the first place, with 162 pauper votes; they then admitted that five of these had voted for Monroe, the contestant. They deducted five from the 162, and charged Jackson with 157, but neglected to charge Monroe with five, or, what is the same, to charge Jackson with a net pauper vote of 152. This left Monroe's majority only nine, according to the figures of the committee.

Having taken off these five pauper votes, he proceeded to look at the balance, and showed how the 152 pauper votes were made up—making copious reference to the printed evidence, and criticising Mr. Eell's testimony in relation to these pauper voters designated in schedule C of the printed testimony. He showed that John McGowan, (or McGovern,) William Harrison, James Morrill, George Carr, and Daniel Moran—five names proved beyond question to be charged against the sitting member—were not in the almshouse at the time of the election, but had been discharged several weeks before the election. He mentioned also other seven names of this schedule, charged against the sitting member, who were never in the almshouse at all. He proposed to throw three of these out of the question, in consequence of imperfections in the almshouse register. Others were charged against the sitting member, who were not admitted to the almshouse till after the election; and thus he added two names, which he proposed to throw out of the question. He proceeded in these examinations to the close of the hour, showing in the total twenty votes thus improperly charged against the sitting member; which result would still leave him a majority of votes, the legality of which must be admitted by all.]

Mr. NICOLL moved an adjournment; but he withdrew that motion at the request of

Mr. WENTWORTH, who moved a call of the House.

On this motion the yeas and nays were taken, and it was decided in the negative: Yeas 76, nays 96.

Mr. VAN DYKE said he presumed the motion just disposed of had been designed simply to gain time, and as there was no disposition on his side to come to a hasty conclusion, he moved that the House adjourn.

The motion was agreed to.

And the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. PUTNAM: Concurrent resolutions of the Legislature of New York for the passage of a law to secure to the widows and orphans of officers and soldiers who fall in battle or die of wounds received in the service pensions equal to the pay proper of such officers and soldiers.

By Mr. McCLERNAND: The petition of C. C. Hopkins and James A. Stuart, postmasters, and others, of Wayne, Marion, and Hamilton counties, praying the establishment of a post route from Hickory Hill, in Marion county, to McCleansboro', in Hamilton county.

By Mr. CHAPMAN: The memorial of the Corporation of Washington, for an appropriation of money or lands to aid public schools in Washington. Also, the memorial of citizens of the eastern section of the District of Columbia, praying that the Eastern Branch bridges in said District may be made free.

By Mr. THOMPSON, of Iowa: The petition of Josiah McCasky, praying for a revision of the laws in regard to fugitives from justice.

By Mr. CROWELL: The petition of Alpheus Wright, Sidney Edgerton, and others, citizens of Tallmadge, Summit county, Ohio, praying Congress to grant the prayer of Asa Whitney, esq., of New York, by setting apart during the present session the strip of land prayed for by Mr. Whitney, for the purpose of constructing a railroad from Lake Michigan to the Pacific Ocean.

By Mr. HOLMES, of New York: The petition and other papers of Naaman Goodsell, asking pay for services and expenses incurred in attending before the Committee on Commerce, to give information in regard to our lake trade.

By Mr. KAUFMAN: The petition of W. Baker, for compensation for wheels and looms furnished the Choctaws.

By Mr. NICOLL: The memorial of the Board of Underwriters of the city of New York, and others, for the erection of a breakwater on the northeastern point on the Island of Nantucket.

By Mr. STEWART, of Pennsylvania: The petition of Silas Reed, a citizen of Missouri, preferring numerous charges of official misconduct against F. R. Conway, esq., surveyor general for the States of Illinois and Missouri.

By Mr. PHELPS: The petition of James Rankin and others, citizens of township 38, of range 22, Hickory county, Missouri, praying to be permitted to select section 29, in the same township, in lieu of the 16th section. Also, that the petition of John Davenport, for arrears of pension, be taken from the files of the Clerk's office.

IN SENATE.

THURSDAY, *April* 13, 1848.

Mr. BELL presented a petition from citizens of Louisville, Kentucky, and the surrounding country, praying for an appropriation for the repair of the dam at Cumberland Island, in the Ohio river; which was laid on the table.

Mr. BELL then moved that the previous orders be postponed, and that the Senate now proceed to the consideration of the bill relating to this subject. If the appropriation was to be made at all, it should, to effect any good, be made now. He anticipated no opposition to the bill, and hoped the Senate would agree to his motion.

Mr. BAGBY, regarding this as one of the measures the constitutionality of which was exceedingly doubtful, expressed a hope that the motion would not be agreed to.

Mr. BELL briefly replied that he presumed, as the Senator from Alabama felt a difficulty on the

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subject, he would vote against the postponement of the previous orders. As this, however, was not a debatable motion, he would refrain from entering into any argument on the bill.

Mr. CRITTENDEN expressed a hope that the Senator from Alabama would withdraw his opposition. The object of this bill was not within the scope of the objections which had been urged against works of internal improvement.

Mr. DIX said the Senate had yesterday postponed the pilot bill until this morning, on his motion, and he believed it was the general understanding that he should be allowed a brief space, in the morning hour, to explain his views on the subject. He hoped, therefore, that the Senator from Tennessee would withdraw his motion, and renew it to-morrow.

Mr. BELL. Certainly; with great pleasure. I will then give notice that I shall make this motion in the morning hour to-morrow.

Mr. MANGUM presented a petition from citizens of the United States, asking that Congress will purchase Mount Vernon.

Mr. CASS submitted documents relating to the claim of William Lee, to compensation for services as clerk in the office of the Superintendent of Indian Affairs at Detroit; which were referred to the Committee on Indian Affairs.

Mr. ASHLEY gave notice of his intention to offer an amendment to the bill concerning the Supreme Court when it came up for discussion; which was sent to the Chair and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. FELCH, from the Committee on Pensions, made an adverse report on the petition of Elijah McDougall; which was ordered to be printed.

Mr. FELCH also moved that the same committee be discharged from the further consideration of the memorial of the wounded soldiers in the war of 1812, and that it be referred to the Committee on Military Affairs.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported the joint resolution from the House for the relief of H. M. Barney, without amendment.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, reported the bill explanatory of the act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved the 11th of February, 1847, with amendments.

Mr. BREESE, from the Committee on Public Lands, reported the bill relating to certain surveys in the district of Florida, without amendment.

Mr. BALDWIN, from the Committee on Pensions, reported a bill for the relief of Gustavus Dorr; which was read a first time.

Mr. MILLER, from the Committee on Naval Affairs, reported the following House bills, without amendment: An act for the relief of D. Myerlee; of Stephen Champlin; of Joseph Bryan; of G. F. de la Roche and W. P. Sanger; of James H. Conley; of James Glynn; of Nancy Tompkins; of Elizabeth Mays; of Anne W. Angus; of John Percival, a captain in the navy of the United States; of Edward Quinn; and the joint resolution concerning the settlement of the accounts of William Speiden, purser in the navy of the United States.

On motion of Mr. DOWNS,

Resolved, That the Secretary of the Treasury be directed to report to the Senate the quantity of sugar imported during the fiscal year ending the 30th June, 1847, and the succeeding year to the close of the last quarter, 31st March, 1848, reporting the places from whence imported, and the price, at the place of export, of the several qualities when exported.

On motion of Mr. HUNTER,

Resolved, That the Secretary pay to John Skirving, for his services in ventilating the Senate Chamber during this session, an allowance not exceeding the pay of a messenger, together with one dollar a day for an assistant laborer.

The Senate proceeded to consider the resolution submitted yesterday by Mr. BADGER, directing the Secretary of the Senate to purchase two thousand copies of the edition of the Constitution prepared by W. Hickey; and the question being on agreeing to said resolution, it was determined in the negative.

Mr. ATCHISON moved a reconsideration of the vote upon the resolution; which was agreed to.

The question recurring upon agreeing to the resolution, it was, on motion by Mr. BERRIEN, ordered that the further consideration thereof be postponed until to-morrow.

The bill from the House of Representatives to amend the act "to provide for the transportation of the mail between the United States and foreign countries, and for other purposes," was read the first and second times, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

Mr. PEARCE gave notice that on to-morrow, or some early day thereafter, he will ask leave of the Senate to introduce a bill to incorporate the Washington Mutual Insurance Company and Savings Institution.

Mr. DAVIS, of Massachusetts, gave notice that on to-morrow, or some early day thereafter, he will ask leave of the Senate to introduce a bill, the title of which he named.

THE PILOT LAWS.

The Senate resumed the consideration, as in Committee of the Whole, of the bill to repeal the act of 2d March, 1837, entitled "An act concerning pilots."

Mr. DIX. Mr. President: A bill in all respects similar to this was before the Senate at the last session of Congress, but not finally acted upon for want of time. When it was taken up for consideration, I explained the object in view; but as there are many gentlemen on this floor who were not then members of the Senate, I will recapitulate, as briefly as possible, the arguments urged in favor of the passage of the bill.

The bill proposes to repeal the act of 2d March, 1837, concerning pilots. The act proposed to be repealed made it "lawful for the master or commander of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, to employ any pilot duly licensed or authorized by the laws of either of the States bounded on the said waters, to or from said port, any law, usage, or custom, to the contrary notwithstanding."

This provision, though equal and fair on its face, is partial and unfair in its operation, as I will endeavor to show.

Before the American colonies confederated together for mutual defence and protection, each regulated its own pilotage. When they became independent States, and agreed to articles of confederation and perpetual union for their common government, they retained respectively the forms they had previously possessed on the subject. When the Constitution of the United States was adopted, and a more perfect union formed between the States, it conferred on Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Under this authority, as is supposed, the Congress of the United States passed an act at its first session, providing "that all pilots in the bays, inlets, rivers, harbors, and ports of the United States, shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be, or with such laws as the States may, respectively, hereafter enact for the purpose, until further legislative provision shall be made by Congress."

Three considerations suggest themselves in view of this provision:

1. Congress assumed to possess the authority of legislating on the subject of pilotage, either, as is most probable, under the clause of the Constitution I have cited conferring the power of regulating commerce, or possibly under the general power to make all laws necessary and proper for carrying into execution the powers expressly given to Congress. I do not intend to deny the authority, rightfully exercised; and I suppose it will be generally conceded that the regulation of pilots is the regulation of commerce.

2. Congress adopted the laws of the States then in force regulating pilots in those States respectively. By virtue of this adoption, these laws acquired all the force of acts of Congress, and all the regulations contained in them thenceforth possessed the same efficacy as they would have had if they had been recited in full in the act adopting them. They became a part of the law of the land.

3. Congress, by referring to and sanctioning the future legislation of the States in respect to pilotage, virtually clothed them with its own power over the whole subject. It virtually pronounced the regulation of pilots in the several States a fit subject for local or municipal legislation. It was, in effect, a delegation of the power of Congress, whatever that power may be, over the subject of pilotage, to the States, to be exercised *in futuro*, until resumed by the delegating authority, or, to use the words of the act, "until further legislative provision shall be made by Congress." This act was passed on the 7th of August, 1789. I believe it was the ninth act passed under the Constitution of the United States, and it was for nearly half a century the only act passed by Congress in relation to the subject of pilotage, with the exception of the act of 1792, by which pilots were exempted from the performance of militia duty.

The State of New York commenced the regulation of pilotage for her principal port at an early period of her colonial existence. The first law, I find, was passed in 1694, more than one hundred and fifty years ago, and about seventy after the first settlement of New Amsterdam. It provided for the appointment of pilots by the governor and council, and prohibited all other persons from piloting any vessel into the port of New York under a pecuniary penalty. From that time to the year 1837 the pilotage of vessels to and from the port was subject to State regulation. In this respect New York stood on the same footing, nominally and practically, with the other States in the Union.

In December, 1836, two shipwrecks of a very distressing character, from the extensive loss of life with which they were attended, occurred on Long Island—I allude to the Bristol and the Mexico. Neither of these vessels had a pilot; and this fact, combined with a previous course of conduct on the part of the New York pilots, calculated to create prejudice against them in the public mind, led to a strong feeling of excitement. There is no doubt that there was, to a certain extent, just ground for this prejudice. The business of pilotage in the city of New York had grown into a monopoly, and, like all other monopolies, had run into abuse. No man at this day desires to revive it. The number of pilots was too limited: and they had, by combining and agreeing to share equally the receipts accruing from their joint services, rendered all competition useless, and produced a relaxation of their accustomed vigilance in looking out for vessels and bringing them into port. On the fullest investigation, however, I believe they were exonerated from all direct censure on account of the loss of the two vessels referred to. But the system was not equally faultless; and, on the occurrence of these two disasters, the public attention having been strongly attracted to the subject, the Legislature of New York entered into a full investigation of it. For nearly three months the whole subject was under consideration before committees, or under discussion on the floor of the two Houses. Few subjects of legislation have received a more earnest or critical examination in any deliberative body; and it resulted in the passage of a law formed with a reference to all the known and alleged evils of the system. A board of commissioners, consisting of five persons, was authorized to be appointed by the Governor and Senate of the State. It was made the duty of the board to examine the pilots then licensed, and if found qualified, to license them anew, and also to examine and license every other person of full age and good moral character, making application for the purpose, giving a preference to those who had served three years as apprentices to licensed pilots. The duties of the commissioners in other respects were carefully defined by this act: the pilots were subjected to rigid regulations; their

numbers were increased to meet the extending commerce of the city; all combinations were guarded against, so as to produce a free competition; and the defects in the old system, which time had disclosed, were provided for by appropriate remedies. I have no hesitation in saying, if this act had been permitted to go into operation, fully and fairly, without any interfering or counteracting legislation on the part of Congress, all the evils of the preëxisting system would have been remedied, and all the advantages of a proper competition would have been fully secured without any of the inconveniences, inequality, and injustice, which have resulted from the system now in force. Or, certainly, if its provisions had proved insufficient, the defect would have been cured by further legislation.

But, before this act was matured and passed, the act of Congress, of March 2, 1837, of which we now ask for the repeal, had been hurried through the two Houses of Congress, and the power of regulating pilotage for the city of New York was virtually taken out of the hands of the Legislature of the State. The object of this act of Congress was to open the business of pilotage for the city of New York to the State of New Jersey, with a view to greater competition among the pilots in looking out for vessels destined for that port. I believe there was no other object in view at that time; and it is said to have been on the suggestion of persons in New York that the State of New Jersey was induced to pass a pilot law, as she did a few weeks before the act of Congress passed. I believe the competition, in view of the latter act, would have been fully secured by the law passed by the State of New York, and passed after the careful investigation to which I have already referred. It broke up the old monopoly: it rendered combinations impossible; and, in a word, it provided a complete remedy for preëxisting evils and defects. Under these circumstances, the interposition of Congress was unnecessary: it came in, not for good, but for ill. It frustrated the proper execution of the objects contemplated by the law of New York: it introduced other interests antagonistic to and in some degree subversive of them: it prevented a proper regulation of the system under the authority of the State. While the New York pilots, under the new system, were subjected to rigid regulations and to an active competition among themselves, they found other competitors in the field under the law of New Jersey, persons exempt from all control by the laws of New York, and acting independently of her authority. After submitting to this state of things eight years, the Legislature of New York believing it unequal and unjust to her own pilots, repealed all her laws regulating pilotage by way of Sandy Hook. The whole subject of pilotage for the principal channel of commerce with the great commercial emporium of the Union is unregulated by law, excepting so far as the laws of New Jersey have been made to operate within the territorial limits of New York. Any person may pilot a vessel into the port of New York, no matter how incompetent he is. The pilots, licensed under the New York law of 1837, still retain their licenses, but without legal regulation; a number of individuals have received certificates from a voluntary association—certificates given without a shadow of authority; and the New Jersey pilots are extensively engaged in the business of piloting; but there is no common system of rules established under the authority of the State of New York, to which either of these classes of persons are amenable; and she has by the act of Congress been deprived of the power of establishing a system to which all shall be required to conform, and the act of Congress prescribes none.

In order that there may be an end to this state of things, we ask for a repeal of the act of Congress, by which it has been produced. The grounds on which the repeal is sought may be briefly stated thus:

1. It is in the highest degree unjust to the State of New York, to take from her the right of providing, by such regulations as she sees proper, for piloting vessels into her principal seaport—the only one, indeed, in respect to which regulations for pilots are required. By authorizing the pilots of another State, licensed and governed by laws over which she has no control, to take vessels in and out of the city of New York, the State is virtually stripped of a portion of her sovereignty, and the legislation of another State is enforced, without her consent and against her wishes, within her own territorial limits.

2. To allow pilots licensed under the laws of another State to bring in and carry out vessels to and from the port of New York, is authorizing officers of one State to execute public functions within the territorial limits of another. We insist that if Congress, under the Constitution, undertakes to exercise the power of regulating pilotage in any other mode than by the adoption of the laws of the States within their own respective limits, it should do so directly, by providing for the appointment and government of pilots, under rules instituted by itself, and not by the offensive, and, as is contended, the unauthorized measure of allowing officers or agents of one State to perform public acts within the territorial limits and jurisdiction of another.

3. The act of Congress is in its operation unequal as a regulation of commerce, and, therefore, in violation of that provision of the Constitution which declares that "no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another." Massachusetts has the exclusive regulation of the pilotage for the port of Boston, Salem, New Bedford, &c.; South Carolina for Charleston; Alabama for Mobile, &c.; while New York is not permitted to provide for the regulation of pilots for her principal seaport. While the jurisdiction of the States referred to is exclusive in respect to pilots for the ports I have named, hers is concurrent with the State of New Jersey. Besides, there is no equality in the existing system, as between the States of New York and New Jersey, considered by themselves. While the New Jersey pilots receive from $25,000 to $30,000 per annum for piloting vessels to and from the city of New York, no New York pilot, that I can learn, receives a dollar for piloting a vessel into a port in New Jersey. The advantage is all on one side. The act of Congress, though expressed in general terms, and apparently equal in its effects, is, from local circumstances, partial, unequal, and unjust.

4. The act of Congress was procured through misapprehension, by attributing to the New York pilots disasters for which they were not fairly responsible.

5. If the New York pilots had been responsible for the disasters attributed to their negligence, the defects of the system under which they were appointed, were revised by the legislation of the State of New York, framed with the greatest deliberation, which ought to have been permitted to go into operation without interference by Congress.

6. That the act of Congress has led to dissensions and litigation, not only between citizens of different States, but between different classes in the same State. The pilots of Louisiana have been involved in litigation with the pilots of Mississippi; the pilots of Maryland with those of Virginia. One of the Maryland pilots was thrown into prison for piloting a vessel to Norfolk, and kept there until released under the insolvent laws of Virginia. And it is a striking illustration of the impolicy and the injurious operation of the act of Congress, that where the parties concerned stand on an equal footing, they are unanimous in urging its repeal. It is only when it is unequal in its operation that the repeal is opposed. Thus, the pilots of Maryland, though authorized under the act to pilot vessels into the ports of Virginia, on the Potomac and Chesapeake bay, and the pilots of Virginia, though authorized to pilot vessels into the ports of Maryland on the same waters, have united in petitioning for its repeal. The State of Maryland also, in view of the operation of the act in that State, remonstrates against it, on the ground that it "permits the conflicting jurisdiction of adjacent States to disturb and derange the best systems of pilotage, which either may adopt." Sir, the only remedy for the evils it has caused, is its unconditional repeal, in order that each may be left to regulate its own pilotage for itself, according to the system which existed for nearly half a century after the organization of the Federal Government. And I will only add that, in this event, I am sure the subject will be disposed of by New York with a just and liberal regard to her mercantile interest, and in such manner as to remove all ground of complaint from any quarter.

Mr. MILLER. This is a subject of deep interest to the commercial and navigating interests of the country, and is of too much importance to be disposed of in the morning hour. I suggested to the honorable Senator from New York to appoint a day for the consideration of this bill, when those interested in the matter might be present, and the Senate be full. I do not propose this morning to enter into the discussion of the subject, or to answer the remarks of the Senator from New York. My object simply is, to have an understanding with the Senator, that this bill shall either be set down for a particular day, or, if passed by informally now, that an understanding may be had that it will not be called up without previous notice. To one remark of the honorable Senator which he made in the commencement of his speech, I may be permitted to allude, as without reply it might prejudice the interests of some of those who are interested in the bill. It has been stated by the Senator from New York that this bill was originally passed in a great hurry by Congress, thus insinuating that it was passed without due reflection and deliberation. Now, it is true that the bill passed without much debate, but I think it can be made perfectly manifest to the Senate, when they come to look into the facts of the case, that if there was any hurry, it was owing to the circumstances of the case, and that the bill was promptly passed, in order to afford protection to the lives and property of our citizens. But however that may be with regard to the passage of the bill, certain it is, that there has been since abundance of time for reflection. Every year since the passage of this law, down to the present day, these pilots of New York have presented themselves here for the purpose of obtaining its repeal. At one time it received the consideration of a committee of this body, and a report was made, which is now upon the files of the Senate, and ever since the subject has been repeatedly presented, not only here, but throughout the country. It has thus undergone a very attentive examination. After a most mature consideration of the whole subject, the Legislature of New York finally came to the conclusion that the law as it now stands was a just one, and should be maintained: I speak of the resolution which passed the Legislature relative to this very subject. However, I do not intend to go into the subject now, but merely remark, that if these pilots showed half as much attention to the ships coming into the port of New York as they have to this bill, there would be no ground of complaint. I move that the bill be postponed to a future day.

Mr. DAVIS, of Massachusetts. If I had supposed that this bill was coming up this morning, I would have brought with me certain documents and papers, which bear upon the subject. Without going into the matter as fully as I would have done had I been aware that the consideration of it was to be taken up in the morning hour to-day, I may throw out one or two ideas in reference to it. I generally agree with the honorable gentleman from New York on commercial subjects; but I cannot, in the present case, at all concur with his views. In my judgment, it is not expedient to repeal this law, and I agree with my friend from New Jersey that this is a measure of very great importance, affecting interests of considerable magnitude, and is not to be passed upon hastily or inconsiderately. The first inquiry that naturally presents itself is, who desires the repeal of this law? So far as I am able to ascertain, the repeal of the law is not sought or desired by any parties except the pilots belonging to the city of New York. I believe that the papers relating to the subject in my possession do not show that any other class of individuals connected with the shipping interest of the country desire the repeal of the law, except those pilots. And why do they desire a repeal of the law? A brief reference to the history of the circumstances in which the law originated may assist us in answering this question.

It seems that a combination existed among the New York pilots, antecedent to the passage of this law, by which they entered into an arrangement to distribute amongst themselves the fees received from pilotage in that harbor; and that, in accordance with this arrangement, they divided themselves into parties, going down alternately to Sandy Hook, and anchoring there, bringing vessels into port with as little inconvenience to themselves as possible. The result was those frightful calamities by shipwreck, to which the gentleman from New Jersey alluded, and which were ascribed to

the want of proper vigilance on the part of the pilots. The wreck of the "Mexico," and several other vessels, near the harbor of New York, involving great loss of life and property, attracted much attention to the subject, and the representations made in consequence excited investigation here, and this law was the result. It was said, here is a common port, partly founded by the State of New York and partly by the State of New Jersey. The pilots of New Jersey are not permitted to bring vessels into the harbor which are bound for the State of New York; but they are authorized to bring them into the same harbor, provided they are bound to the State of New Jersey. Now, on this common water, it was said, we will make the right of pilotage a common right, and create a competition, in order to see whether the recurrence of those evils may be prevented. That was the argument which was presented, and under it the law was passed authorizing the pilots of New Jersey as well as those of New York, to bring vessels into the harbor. What was the result? The whole evil vanished immediately. Instead of anchoring quietly at Sandy Hook, leaving vessels to grope their way into the harbor, as they might, incurring all the dangers of shipwreck, the pilot boats are now often found one hundred miles out at sea in search of vessels. Free competition has been created, shipwrecks in the neighborhood of that harbor are almost unknown, and the pilotage of that important harbor has been placed on a footing highly satisfactory to the merchants, ship-owners, ship-masters, insurance offices, and all interested in the navigating and commercial interests of the port. I do not know whether I am authorized to say that there is not a merchant in the city of New York who would desire the repeal of this law; but I think I am authorized to say that every insurance office in that city, the Chamber of Commerce, and the merchants generally, are all desirous that the law should remain as it is; and why? Because these interests are safe in the present condition of things, whereas they were unsafe under the former arrangement.

This is a brief, general view of the case, in which the facts will, I believe, fully sustain me. My friend says that the present system works a little practical injustice towards the State of New York. Why, I have understood the honorable Senator from New Jersey has intimated that the New York pilots have been diligent in season and out of season, since the passage of the law, endeavoring to obtain a repeal of that law; not because they are impelled or justified by any of the great interests involved, but because they desire a monopoly, under the presumption that they will make a proper use of their power if you repeal this law. Well, I am convinced that none of those interested in insurance business or in property afloat upon the ocean, will desire that experiment to be tried. But the gentleman from New York contends that it works some practical inequality—that a certain degree of power is taken from New York, heretofore conceded to her, and which ought to remain there. Now, what is the theory of this pilot law? I apprehend that my friend from New York has fallen into a little error, in reference to the exercise of this power by the States. He says, very truly, that in 1789 Congress passed a law recognizing, and perhaps adopting—I am quite willing it should be so regarded—the then existing laws of the United States upon the subject of pilotage, making the laws of the States their own laws; but they go a step further than that, and intimate that the laws hereafter passed by the several States shall be the laws to regulate pilotage, and that that is a grant of power to the States under the Constitution of the United States. Well, now, I apprehend that if the gentleman will reflect for one moment on this view of the subject, he will be inclined to doubt whether that was the intent of that law. I do not think it is legitimately subject to such a construction. Such a view of it is not reconcilable with the Constitution. It is quite impossible that Congress should, by its legislative power, change the terms and conditions of the Constitution. If this power to regulate the pilotage be vested in Congress alone, why, then, Congress can control, by legislation, no power in the States. It is a solecism to assume that Congress can amend or change the Constitution by an act of legislation. I think it is necessary only to state that view of the case, in order to have the result to which the mind is led made perfectly palpable.

Mr. DIX. I stated that Congress recognized the future legislation of the States, and by so doing virtually clothed the States with power over this subject, to be exercised by them until resumed by the legislative power of the General Government. I had no idea that the form of the constitutional power was changed.

Mr. DAVIS. This is precisely the thing against which I contend. Congress can confer no power by legislative acts, unless conferred by the Constitution itself. How, then, are the State laws to be sustained? It is evident that the States were regarded by Congress as having a concurrent power on this subject. They have exercised it at all times, and they by no means derive that power from the legislative action of Congress. The harbor laws, health regulations, and all that power exercised by the States—the whole system of sanitary laws, is based upon the ground that the States hold concurrent power with the United States. The United States may, when they choose to exercise the power, exclude the States; but so long as they are not excluded, the States have a right to exercise the power. However, this is not a very material question. I believe no one doubts the authority of the States to legislate on the subject. The question now before us is simply whether the law of the United States shall be repealed, and we shall return to the system which existed at the time when this law was made. And what are the reasons urged for the repeal? New York, in common with New Jersey, exercises jurisdiction with regard to the pilotage over the water by which both States are, in part, bounded; and it is said that the State of New York cannot regulate her pilotage to her satisfaction. Why not? The State of New Jersey regulates it by law. She finds no difficulty in subjecting the whole system to the control of her law, nor in carrying the law into execution. The State of New York might adopt the same system, and carry it out as successfully as the State of New Jersey. Why, then, should the law be repealed? It is alleged that the Jersey pilots are incompetent. Well, who is the best judge of that—those who own vessels, those who insure them, those who have property on board, or the pilots themselves? Is it at all likely that the system can be an unsafe one, when, for eight or ten years—for eleven years, as I am just now informed by my friend from New Jersey—the system has gone on successfully, to the perfect satisfaction of the shipping interest, the insuring interest, the merchants, and all others whose interests are concerned? It is obvious that the sole motive and object of those who seek the repeal of the law, is to regain possession of that monopoly which they formerly enjoyed. I might, by adverting to authorities, make good the position which I have assumed, that the interests of the country imperatively demand of Congress that this law should be suffered to remain as it is. Certainly the law should be allowed to stand until the State of New York calls upon us, by its action, to interfere with the present system.

Mr. CASS. As the morning hour has expired, I trust that this subject will be passed over informally, so that the special order may be taken up.

Mr. DIX. I merely wish to say that I do not intend to continue the debate, but to remark, that I do not believe one word has been urged against the bill by the gentlemen who have spoken in opposition to it which is not susceptible of satisfactory explanation. The gentleman from New Jersey thinks that I am in error in saying that the law was hurried through both branches of Congress. In reply, I would simply state, that the bill was introduced into this body on the 28th of February—it not being even leap year—and received three readings the same day. It then went to the other House, where it passed in the same manner, on the 2d of March, without any debate, and very little consideration, as I believe, and after a committee in the other House had reported against any action on the subject. I wish to make this statement, in order to correct the Senator in imputing to me any error. I will now move that this subject be passed by informally, and the order of the day be taken up. I have no desire to press the matter now; nor shall I call the bill up in the absence of those Senators who may be particularly interested in it.

The bill was then passed over informally.

CALIFORNIA CLAIMS.

The Senate resumed the consideration, as in Committee of the Whole, of the bill for ascertaining and paying the California claims.

The question pending was upon agreeing to the motion made by Mr. MASON, to recommit the bill to the Committee on Military Affairs, with instructions to amend it.

Mr. BADGER requested the Senator from Virginia to withdraw his motion for the moment, to afford him an opportunity of offering an amendment.

Mr. MASON assented, and withdrew his motion.

Mr. BADGER then moved to amend the bill by striking out the words "the President be, and he hereby is, authorized to appoint a board, consisting of," in the 9th and 10th lines of the 2d section, and by striking out the word "which," in the 12th line; and inserting in lieu thereof the words "to be selected by the President of the United States, shall constitute a," and by inserting in said line the word "which" after the word "board."

The amendment was agreed to.

Mr. BADGER. I wish to submit a very few remarks, without going at all into the history of these claims. The question has been already discussed in a full and satisfactory manner by gentlemen who are perfectly familiar with all the facts. I desire only to submit a few observations to the Senate in reference to the supposed constitutional difficulty relative to the manner in which this board is to be constituted. If I understand the honorable Senator from Virginia correctly, he supposes that this is a bill undertaking to accomplish by direct legislation, what, in consistency with the Constitution, can be done only through the intervention of the action of the Executive, and upon the ground that we propose hereby a statute to appoint certain officers of the United States; whereas the Constitution declares that officers of the United States shall be nominated by the President, and be by him appointed by and with the advice and consent of the Senate. If this were so, it would follow as a clear and undeniable consequence that the Senate is bound either to reject the bill, or so to alter this provision as to make it conformable to the Constitution. But, in my apprehension, that objection is founded on a mistake. That section of the bill contemplates the doing of nothing that is in violation of the Constitution of the United States. It does not propose to appoint officers of the United States in the sense in which the Constitution uses those terms in reference to the power of appointment by the President. The Constitution necessarily deals in general terms, and it follows, as the framers of that instrument, to avoid needless and embarrassing specification, use general terms, an interpretation is to be given to the Constitution with reference to the existing wants and necessities of the people, and continual reference is to be had to the great purposes which we should suppose were intended to be accomplished by the particular provision under consideration.

Now, in the first place, I do not look upon the persons proposed to be designated by this bill as officers of the United States in the sense of the Constitution. It is manifest that there are many agencies, trusts, charges, which the necessities of the Government may require, in reference to which the persons who are called upon to discharge and perform those duties cannot be called officers of the United States in the sense in which the Constitution uses the term. In one sense they are officers. The duties which they discharge may be said to constitute an office, for there is perhaps no word in the English language of more extensive signification than the word office. It embraces every duty which we are called upon to discharge in our relations to others, whether judicial, executive, administrative, or otherwise; and all the functions which we are called upon to perform—so far as they respect the benefit and happiness of those persons, and which, therefore, places us in the confidential relation of trust towards them—are emphatically offices. The State itself is an office, the duties to be discharged are offices, but the word is used also in a restricted and defined sense. When the Government finds it necessary to call upon somebody to examine into an individual claim, and to determine whether that claim against the Government is just or not, is the person thus chosen an officer of the United States within the meaning of the Constitution? If the Government of the United States, or if Congress think proper to call artists to adorn these halls with pictures and statuary, is

the person who is called upon to execute this work an officer of the United States within the meaning of the Constitution, and to be appointed with the advice and consent of the Senate? If Congress find it necessary to make a collection of State papers, and to have them condensed and arranged, and a general review of the historical and diplomatic transactions of the country executed, is the person who is called upon to discharge that duty an officer of the United States within the meaning of the term as used in the provision of the Constitution to which I have referred? I apprehend these questions must all be answered in the negative. And these and other temporary and occasional employments cannot be confounded with those continuing public trusts which, in the Constitution, are called offices. I admit, that in this as in any other moral subject, the boundary which subdivides its different parts is not and cannot be defined with exactness; and, hence, as you advance towards it, you find yourself in some degree of obscurity, and at length find yourself unable to ascertain with precise accuracy to which side of the line a particular class of subjects belongs. But still we have to deal with these as with every other moral subject, by taking the guidance of common sense and reason. And inasmuch as the establishment of a contrary doctrine would involve great practical difficulties in carrying on the Government, I should feel content, even if the past history and practice of the Government did not furnish any precedents, to give to this term the signification which I have now stated in its connection with the bill before us. But this point has been already decided; and sensible, for my own part, of the great importance of regarding the Constitution as the same at all times and places, I believe that in all cases in which questions have been fully considered and solemnly decided, they should be regarded as settled at once and forever. Gentlemen may differ, however, in this view of the subject, though it seems to me that in a question of this kind it is absolutely indispensable, unless we would fetter ourselves at every step of our progress, that we should yield to what has been the clear, undoubted authority of all the departments of this Government, legislative, executive, and judicial. Let me now refer to a few of the cases of legislation in which the same general principle may be considered as being involved:

6th February, 1817. By the act of this date, *John Trumbull* was employed to compose and execute four paintings commemorative of the most important events of the Revolution, to be placed, when finished, in the Capitol of the United States.

2d March, 1831. By the act of this date, *Gales & Seaton* were designated by name to furnish a publication of State papers, under certain prescribed terms and conditions.

2d March, 1833. By the act of this date, *Matthew St. Clair Clarke* and *Peter Force* were designated by name to furnish a Documentary History of the Revolution, under certain prescribed terms and conditions.

2d March, 1829. By the act of this date, *L. Persico* was employed to execute two statues in front of the Capitol, &c.

2d March, 1831. By the act of this date, the employment of *James Parker* was sanctioned, and he was compensated for investigating the accounts of Robert Arnold, late collector of Amboy.

7th July, 1838. By the act of this date, a mission among the wild tribes of Indians of the southwest, by *A. P. Chouteau*, authorized, and an appropriation of $20,000 made for his outfit, and the expenditures growing out of and connected with bringing on deputations of said tribes, which he has been authorized to do.

7th July, 1838. By an act of this date, *Dr. Henry Perrine* was authorized to form a settlement, and admit settlers upon certain conditions, with a view to promote and encourage the introduction and cultivation of tropical plants in the United States.

29th September, 1789. Act to recognize and adapt to the Constitution of the United States the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned, by which all the officers belonging to the military force under the Confederation were at once made officers of the United States by force of the act itself.

14th July, 1832. By act for the relief of the legal representatives of Nimrod Farrow and Richard Harris, Third Auditor of the Treasury, Second Comptroller, and *Charles Gratiot* were authorized to examine the claims of the said representatives, to take testimony, and report the same, &c.

This last case is precisely like that now under consideration of the Senate. This bill provides that the board shall be constituted of three individuals, of whom one is expressly designated by name; the other two to be selected by the President from the officers of the late California battalion. What are they to do? To discharge precisely the same functions as those which devolved upon the commissioners under the provision of the act just cited. We thus find, that immediately after the adoption of the Constitution, there was not thought to be any difficulty in Congress, by an act of legislation, bringing into the service of the United States a whole class of officers without any nomination by the President, or confirmation by the Senate, or appointment by any person acting in behalf of the United States. These are all legislative precedents; but inasmuch as they were acts of Congress, and all received the approval and sanction of the President of the United States, they involve the undoubted approbation of the Legislative and Executive departments of this country in regard to the proposition for which I contend—that, whatever may be the meaning of the term officer of the United States, as used in the Constitution, it does not include those commissioners who are employed in the occasional auditing and settlement of accounts and examination of claims against the Government, nor require that the persons who are to discharge these duties should be appointed by the President of the United States. Doubtless Congress can if it please constitute an office for this purpose, if it deem that the best mode of accomplishing the object. But if in their wisdom they choose, as in the present case, that the duty shall be performed by commissioners, they may constitute that commission in any way which seems best, subject to the usual provision, that it meet the approbation of the President of the United States.

But I said that this view of the question has received judicial sanction. Early in the first term of General Washington's administration, an act was passed by Congress to provide for the settlement of claims of the widows and orphans of those who fell in the war. By that law the claimants were directed to apply to the circuit courts of the United States, which were to receive the evidence, examine the merits of the claims, and pass their judgment upon them. What was the view taken of the law by the judges? I read from "American State Papers," Miscellaneous volume, page 49:

"*At a stated circuit court of the United States held for the district of New York, at the city of New York, on Thursday, the fifth day of April, one thousand seven hundred and ninety-two, at ten of the clock, ante meridian.*

"Present: The Hon. John Jay, Esq., Chief Justice of the United States; the Hon. William Cushing, Esq., one of the associate justices of the Supreme Court of the United States; the Hon. James Duane, Esq., judge of the district of New York.

"The court proceeded to take into consideration the following act of Congress of the United States, viz:

"'AN ACT to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions.'

"As, therefore, the business assigned to this court by the act is not judicial, nor directed to be performed judicially, the act can only be considered as appointing commissioners for the purposes mentioned in it by *official* instead of *personal* descriptions.

"That the judges of this court regard themselves as being the commissioners designated by this act, and therefore as being at liberty to accept or to decline that office.

"That as the objects of this act are exceedingly benevolent, and do real honor to the humanity and justice of Congress, and as the judges desire to manifest on all proper occasions and in every proper manner their high respect for the National Legislature, they will execute this act in the capacity of commissioners.

"That as the Legislature have a right to extend the session of this court for any term which they may think proper by law to assign, the term of five days, as directed by this act, ought to be punctually observed.

"That the judges of this court will, as usual, during the session thereof, adjourn the court from day to day, or other short periods, as circumstances may render proper, and that they will regularly between the adjournments proceed as commissioners to execute the business of this act in the same court-room or chamber."

It is thus clearly seen that the court recognizes the authority of Congress to constitute the commissioners by name, for they say they will interpret the act as one appointing them commissioners by official instead of personal description. Here, then, we have cases continually occurring from 1789 down to the present day, in which the principle for which I contend has been fully recognized and sanctioned. One of these cases is of recent occurrence. I allude to the appointment of an arbitrator in the Pea Patch Island case. I will not trouble the Senate, however, by a reference to those cases. Enough has, I think, been submitted to satisfy the Senate that there is no constitutional impediment to the passage of the bill before it.

Mr. RUSK. Mr. President: It is my desire to trouble the Senate for only a very few moments in regard to these claims, to the payment of which I have heard no opposition. All seem to admit their justice, and appear to have no objection to the passage of such a law as may be necessary to insure their speedy settlement. The only difficulty which has been started in opposition to the bill before us is, that Congress has not the power to name commissioners or appoint an individual—call him what you will, officer, arbitrator, or what you please—to determine the amount of the claims.

This, Mr. President, appears to me to be a strange doctrine, more particularly at a time when so many complaints are heard about Executive patronage, and the difficulties into which the extension of it is leading us. It seems very strange, that just at this moment we should claim for the Executive, without any direct and positive statement to that effect, it is true, but by inference, powers which, as the courts have decided, do not properly belong to him. What is the case before us? Certain individuals have claims against the Government of the United States, and, whether they be few or many, one or a thousand, the principle is precisely the same; this Congress has the power, the right, it is their duty, and they are in the daily performance of that duty, to investigate, to look into, and determine upon such claims, and provide by law for their payment. They refer similar claims to their committees, and are in the daily habit of assigning them for examination to the Solicitor of the Treasury, the Secretary of War, the Auditors of the Treasury, and other officers. And for what purpose? Why, sir, to ascertain whether the claims be just. It is not a public or official duty which the individual to whom a claim is thus referred is called upon to perform; it is a private duty, separate and distinct from any official relation. The reference is for the purpose of determining whether the claim be just or not; and if the referee, as arbitrator, determine that it is just, we pass the laws for paying it. Now, sir, this is a reference, not to the officer selected as such for the purpose, but to the individual, the name of the office being merely used by way of designation or description. It may be contended that this is nothing more than imposing an additional duty upon an officer whose duties are already prescribed and defined; but this is, in my opinion, a mistake. The duty thus imposed is of a specific and not of a public character. We refer, for instance, the claim of A B to the Auditor of the Post Office Department. I would ask, does it therefore follow that we invest that officer with the right also to decide upon the claim of C D? Clearly not. Hence it is not an additional official duty imposed, but merely a simple reference of a private matter.

The Constitution declares, that all officers whose appointments are not otherwise provided for, shall be appointed by the President. The clause to which I have reference is in these words. Enumerating the powers of the President, it declares:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments."

This is the clause under which it is assumed the proposed appointment is unconstitutional. The question then arises, what is the meaning of the term "officer?" What is the precise interpretation intended to be attached to the word "officer" by the framers of the Constitution? Did they use it in its most broad and unrestricted sense? According to the most comprehensive meaning of the term, the performance of any duty may be called an office, and of necessary consequence he who discharges it becomes an officer. Is it not preposterous to suppose that the framers of the Constitution intended to use the word in this unconfined sense, and thus indicate that the President should appoint every person to whom any duty may be assigned? It seems to me that the only construction which can be fairly and legitimately put upon this article of the Constitution is, that it provides for the appointment of public functionaries or those officers who are attached generally to the service of the Government of the United States, and indispensable in carrying out the ordinary administration of its affairs. The word "officer," in this connection, carries with it the idea of permanence and of vacation and succession. According to the common law, officers are said to be of two kinds, public and private. It is laid down, and no one will dispute the assertion, that an attorney at law

is an officer of the courts; and yet no person will venture to contend that, under the provision of the Constitution to which I refer, no lawyer can practise in the Supreme Court of the United States, unless he be appointed by the President. Attorneys are admitted to the bar by the permission of the court itself; the authority for the power thus exercised by it is nowhere to be found in the statute book, but is one of the incidents necessarily connected with the due administration of justice. They are, however, officers, nevertheless.

There is a case, Mr. President, in point, which was decided in Virginia, and which goes far to illustrate the difference between a public and a private office. The case referred to is that of B. W. Leigh, who applied for admission to the bar as an attorney. They had in Virginia a statute requiring all officers to take an oath against duelling. Mr. Leigh refused to take this oath, and after argument and deliberate consultation, the court decided that the office of attorney was not a public office belonging to the Commonwealth, and that therefore the applicant was not bound to take the oath.

Now, Mr. President, I will ask whether, if we pass this bill, and appoint Colonel Frémont to adjust these claims, he will thereby become an officer of the Government of the United States? So soon as he shall have performed the duty assigned him, his office, if you please to call it so, will cease to exist. It has reference to private claims, and is precisely of the nature of an arbitration. And, sir, if Congress has not the power to refer a private claim to an arbitrator, who shall determine upon its fairness, unless the President shall nominate and appoint such arbitrator? Then, sir, none of your Federal courts have a right to refer a case to arbitration, unless the arbitrators be appointed by the Executive. Now, sir, if such be the provision of the Constitution, would a court of the United States, having equity jurisdiction, have a right to appoint even an auditor, unless under the sanction of the President's nomination? Establish this doctrine, sir, and you will confer on the President an extent of patronage far greater than that which he at present possesses, and infinitely beyond what, as it appears to me, the framers of the Constitution ever intended him to exercise.

But, Mr. President, there are authorities on this subject in addition to the decision of the Supreme Court, already cited by the honorable Senator from North Carolina, [Mr. BADGER,] which is of itself conclusive on this point. I refer to the case of Kendall *vs.* United States, in 12 Peters' Reports. On the 2d of July, 1836, Congress passed a law requiring the Solicitor of the Treasury to determine upon the amount of a claim held by Stockton & Stokes against the Post Office Department, which law also required, that after the Solicitor should have made his award, the Postmaster General should pass the amount to the credit of those individuals. The Solicitor of the Treasury did make his award, not as solicitor, but as arbitrator, and it is in this character alone the court consider him. They, sir, are not found straining phrases, and wresting and distorting the meaning of the Constitution, for the purpose of conferring upon him any other or greater power than that intended by the reference, but he is regarded and treated merely as an arbitrator. The Postmaster General contended strongly against this award, but he never dreamed of urging that the law of Congress, which made the Solicitor of the Treasury the arbitrator, was unconstitutional. He is regarded in that point of view, throughout the whole proceeding, by the Supreme Court. That distinguished tribunal thought it was competent for Congress to vest the authority in an officer of the Government, or in any one else; and under its decision, it seems to me, with all due deference to the opinions of gentlemen more learned than myself, as well as according to the plain language of the Constitution, Congress possesses the perfect right to submit claims against the Government to the examination and arbitrament of an officer of the Government, a private citizen, or even of an alien, without in the slightest degree interfering with, or encroaching upon, the prerogative of the President of the United States.

I read, Mr. President, from 12 Peters' Reports, page 611:

"Under this law the Postmaster General is vested with no discretion or control over the decisions of the Solicitor; nor is any appeal or review of that decision provided for by the act. The terms of the submission was a matter resting entirely in the discretion of Congress; and if they thought proper to vest such a power in any one, and especially as the arbitrator was an officer of the Government, it did not rest with the Postmaster General to control Congress, or the Solicitor, in that affair. It is unnecessary to say how far Congress might have interfered, by legislation, after the report of the Solicitor. But if there was no fraud or misconduct in the arbitrator, of which none is pretended or suggested, it may well be questioned whether the relations had not acquired such a vested right as to be beyond the power of Congress to deprive them of it."

Now, sir, unless I am most grossly in error, this decision of the Supreme Court puts the question at rest, beyond the reach of all cavil or controversy; and I deem it entirely useless to say anything further upon this point.

The question which next presents itself, Mr. President, is—are these claims to be paid? It is not my intention to enter into a detailed history of the transactions which gave rise to the responsibilities, for which the Government is held, as I think most justly, liable; but I will go sufficiently far into the subject to satisfy every unprejudiced mind that the claims are not only just and equitable, but further, that they are of the most binding and sacred character; that they should be immediately paid, and that the interests of the Government will be best promoted by the prompt liquidation and payment of them. What, sir, I would ask, are the nature and character of these claims? What are they? In the early part of the year 1846, we find Colonel Frémont in California, engaged on business totally unconnected with the army, and pursuing his topographical researches. After having obtained authority from the Governor of the Province to make his surveys and examinations, for the purpose of increasing the stores of human knowledge, and having entered upon his scientific labors, we behold him notified, that he must quit the country. This notice was peremptory, and given in a manner highly offensive and insulting. Having delayed a few days after the notice, he was threatened with being driven out of the country. It is probable, that if the order had come without the threat, Colonel Frémont would have left, rather than have had any misunderstanding with the local authorities; but, being threatened, sir, he very properly, as I think, took his position with his command of sixty men, and hoisted the flag of the United States, determined to remain until he was prepared to leave; and when he was ready, sir, he quitted the country and went to Oregon. We next find him in Oregon, where he is overtaken by a messenger, an officer of the Government, who bore to him a letter, and—there is no use in concealing it, sir—although it purported to be a mere letter of introduction, it was, in reality, an official document, accrediting the bearer of it to Colonel Frémont, with a view to the union of the two, in devising some means to counteract the designs of the British emissaries. Captain Gillespie, the officer to whom I allude, in his evidence before the Committee on Military Affairs, states, that he was directed to convey the order of the Government to Colonel Frémont, to watch the interests of the United States in California. This, sir, was the purport of Captain Gillespie's mission; and so soon as the communication was made to him, Colonel Frémont returned to California, under the order of his Government, and by its express authority. Immediately after his arrival, the American settlers, who knew him and placed entire confidence in him, called upon him for aid and protection; and under what circumstances was this call made, sir? The families of those settlers, who had been previously invited to take up their abode there, had been ordered, through the influence of British agents, operating upon the local authorities, to leave the country forthwith. A large force of troops was raised to drive out these unhappy people to where they must either perish from starvation, or be exposed to the tomahawk and scalping-knife of the blood-thirsty and merciless savages.

Nor is this all, Mr. President. The evidence before the Committee on Military Affairs shows clearly that the Indians had been incited to commence the work of destruction, by burning up the crops, and the indiscriminate slaughter of women and children. In all this, sir, as I conceive, may be seen the agency of the emissaries of the British Government. In what war have we ever been engaged with Great Britain that she did not incite the Indians against us? Yes, sir. And are not the Indians urged on by British agents, overrunning nearly the whole of Yucatan?

It was under such circumstances as these, sir, that Colonel Frémont was called upon to prevent the slaughter of the families of the American settlers, and shield them from the horrors of Indian butchery and outrage. What did he then do, sir? Colonel Frémont stands in need of no commendation from me; he has established a reputation for himself, by braving dangers and fatigues—a well-earned reputation, which had extended itself far beyond the limits of the United States. Had he faltered on this occasion even for an instant, and refused to listen to the appeal which was then made to him, his lofty fame and wide-spread renown would have been blasted in a moment. It would have been lost beyond the possibility of redemption.

From the limited acquaintance which I have with Colonel Frémont, I am induced to believe he would have risked, not only his life, but, what is infinitely more valuable, his reputation, to gratify his deep feelings of generous sympathy with his distressed countrymen. He obeyed their call, sir; and so far from meriting any blame for so doing, he deserves, for this act alone, the very highest commendation that can be bestowed upon him. His influence operated upon the Indians. They knew him to be an officer of this Government, who had incurred the displeasure of the authorities of California. Under these circumstances, he acted promptly, Mr. President, in defence of the American settlers; who turned out with all of their disposable means, and made common cause with him, not only against the authorities by whom they were persecuted, but against the British agents by whose influence that persecution had been brought about.

The country was declared independent, I believe, on the 5th of July. It will be recollected that previous to this time, I think in the month of May or June, Commodore Sloat, who had been sent out on the Pacific, wrote to the Government here, that he was about to take possession of California, as he found there were British vessels on the coast, having, as he believed, some designs against the country. Shortly afterwards, the same officer wrote, that he would not assume the responsibility; and he did not take possession of California, until the operations of Colonel Frémont in that quarter had determined him to do it. In a few days, I believe, after the declaration of independence was made, he took possession of Monterey, and shortly afterwards, the gallant Commodore Stockton arrived there with orders from his Government to take possession.

It will thus be seen, sir, that all of the expenses which were incurred in the operations in that country, with the exception of those which took place during the very brief time preceding the arrival of Commodore Stockton, were incurred with the express sanction of the Government, and under the immediate direction of its commanding officer. Shall we then, sir, repudiate these claims? Shall we say to these people "we will not pay you?" Would it be just to do so? Will any Senator within these walls say, that for obeying the best and most humane dictates of his heart—for risking his life and reputation to preserve women and children from savage butchery, Colonel Frémont shall pay, himself, the expenses attending the gallant act—the more especially when the consequence of that act has been to prevent California from falling into the hands of the British Government? Is there any one here who wishes to throw the responsibility on him? I think not.

It seems to me, Mr. President, that our right to appoint an arbitrator is beyond all doubt, in which opinion I am sustained by the decision of the Supreme Court. As to the justice of the claims, I have not heard a single whisper to the contrary; and such being the case, I hope the bill will pass, and pass promptly.

There is yet an additional and very powerful reason for its passage. The citizens who gave up everything for the defence of the country, and who were the means of saving it to the United States, are now in a state of destitution. They are your fellow-citizens; it is all-important that you convince them by your first act, that you are disposed to be just, and will not postpone the payment of their equitable claims. This is the way to attach citizens to the Government.

It may be well to add that Colonel Frémont is the person who may, with peculiar propriety, be charged with the settlement of these claims. He knows the nature and extent of them; it was under his eye that they had their origin; the people

concerned have confidence in him. He can do more, in my opinion, towards a satisfactory adjustment of them than any other man. I will only say in conclusion, Mr. President, that the way in which the Government will best consult its own interest, as well as its honor, is by the settlement of the claims before us, with no grudging and miserly hand, but with a well-ordered and discreet liberality, and above all, with the promptness which the peculiar circumstances attending them imperatively demand.

Mr. BUTLER. This is not a matter which admits of a compromise with inclination. Until I heard this discussion, I had no definite opinion on some of the provisions of this bill. My inclination had been to provide for the payment of the claims, because we had adopted the acts out of which they had grown, and have had the benefit of them. But, under the Constitution, we have no authority for making this appointment of an officer to settle the claims. The question is asked, is this an office? I will tell you what it is. It is authority to an individual to disburse seven hundred thousand dollars—for the payment of what? For the payment of troops. What is he, then? In any point of view, he is a paymaster. A paymaster of what? A paymaster of the troops of the United States. I do not mean troops originally employed by the United States, but of whose services the United States have availed themselves—the California battalion. He is neither more nor less than paymaster of the troops who have rendered services to the United States. But he is more than that. His office differs from that of paymaster of regular troops, by giving him greater power; for he is both auditor and paymaster, with discretionary power to decide the claims. His certificate, signed by two others, is to be conclusive authority to pay. It must come to that, disguise it as you please. The honorable Senator from North Carolina has undertaken to quote several precedents, but, in my estimation, there is not one of them in point. It seems to me they do not support the case at all. I know there are cases that may be quoted, where Congress, as a legislative body, has assigned to the incumbent of an office already created new duties. A preëxisting officer may have new duties assigned to him, and he is at liberty to take upon himself those new duties, or not, as he pleases. In other instances, functions may be devolved on a recognized public officer, acting under the guarantees of a previous appointment, which he may discharge gratuitously, for the benefit of persons claiming the benefit of the benevolent act of the Government; not as obligatory duties, but as gratuities. Where duties are assigned to judges that did not pertain to their office, they might decline to perform them as official duties, whilst they could well discharge such acts without official obligation, as acts of benevolence, for the benefit of individuals as well as for the convenience of the Government. There is no one of the precedents that have been quoted that does not come to this: that an officer may have new duties assigned him, or may perform gratuitous services of his own accord. Another class of cases has been quoted, involving the distinction between an officer and an employment. That distinction is sometimes narrow, and not easily recognized; whilst again it becomes palpable, and may be obviously observed. Take one of the instances referred to by the gentleman from North Carolina. Mr. Trumbull was employed to paint certain pictures for the rotundo of the Capitol. This was an employment referable to contract. It did not devolve upon him any such duties as constitute an office having the complexion of a public trust. It was a specific employment, and not an office like this, requiring discretion and judgment in the disbursement of public moneys, under a salary. I could go on and demonstrate the distinction by numerous cases, if I were disposed to enter at large into the subject, but I deem it wholly unnecessary to detain the Senate. The case of the Pea Patch Island has been referred to. I believe the appointment of arbitrator in that case was made by the President.

Mr. MASON. I believe that the act of Congress in relation to that case merely requested and authorized the President to have the matter adjusted, without indicating how it should be done. He proceeded to carry out the intention of Congress by employing Mr. Sargeant as arbitrator.

Mr. BUTLER. I do not propose to enter into the argument. I simply stated my reasons generally for regarding this individual—Colonel Frémont—as as officer. He is certainly an officer for disbursing $700,000. If this be not so, I certainly do not know what he is.

Mr. RUSK. The bill does not authorize him to make payments at all. After he shall have adjudicated the claims, they shall be paid, according to the terms of the act, by some officer of the Government.

Mr. BUTLER. The bill appropriates the money for payment of the claims; and they may be paid by the very officer who adjudicates them, and, in effect, they are paid on his certificate. He is a judicial paymaster, with judicial powers. I will not say that the Legislature might not appoint as competent an officer as the President may, nor that Lieutenant Colonel Frémont would not be my choice. He is a gentleman of rare endowments, of rare abilities; and if the selection rested with me, he would be the very individual whom I would select. Let it not be supposed that my objection to the bill arises from any objection to the individual indicated. That is not the ground of my opposition at all; but it rests upon the isolated ground that I have intimated. I trust that the bill will be recommitted, and so amended that the President shall have the nomination of the commissioner.

Mr. RUSK. I desire to ask the honorable Senator from South Carolina, before he concludes his remarks, to put his construction upon the decision of the Supreme Court, to which I referred.

Mr. BUTLER. I understand that to be entirely different from the present case. The Solicitor of the Treasury was an officer already in office. You have superadded to his duties, it is true; and to this I do not object. I do not say that after you have appointed a judge you shall not superadd to his original duties the duties belonging to an appellate jurisdiction. I am satisfied of one thing, that this is an officer to disburse or adjudicate $700,000; and that the individual appointed will, to all intents and purposes, be the paymaster of officers and troops in California, instead of troops within the United States.

Mr. BENTON. The reading of the bill, as to the duties of this officer, will show that there is a mistake on the part of the honorable Senator—that his whole argument has turned upon an entire misapprehension.

This bill has a discrimination between the officers who have the duties to perform of paying money and the commissioners who have to adjudicate the claims. The one is a board, the other is an officer. The bill provides that the payment of these claims, after they are ascertained by a board of commissioners, shall be made by an officer, either duly appointed for the purpose, or designated by the President. If there be an officer who can be spared from his ordinary duties, the President may direct him to make the payments; but if no one can be spared, then one shall be appointed for the purpose. The bill is entirely different from what seems to be supposed by the honorable Senator from South Carolina. It contains an actual provision for the appointment of an officer by the President and Senate, for the purpose of making these payments, if they do not find an officer who can be spared:

"Which certificates shall be forthwith paid in California by some officer duly appointed or designated for the purpose."

Thus you see the bill provides for the due appointment of an officer, if no one can be spared; but it leaves it entirely with the Executive Government to say whether one can be spared. This shows that the objections of the honorable Senator from South Carolina have turned on a total misapprehension of the provisions of the bill. And to this misapprehension may be added what has been read and re-read by the Senator from Texas in the decisions of the Supreme Court of the United States, that not merely an officer existing may have additional duties put upon him, but that any one may be named by Congress to perform a specific duty. Sir, there is a decision of the highest tribunal which is known to this country, which has been referred to by the Senator from North Carolina, in which the judges did not accept cumulatively the duties of arbitrators in their character of judges, but they took upon themselves the duties separately and distinctly, adjourning the court from day to day, and taking care to lay aside their judicial character. The case of the Pea Patch Island has been referred to. It was a bill twice passed by the Senate to arbitrate the Pea Patch Island; and in one R. B. Taney, and in the other H. Binney, named as the commissioner.

This bill came from the Judiciary Committee, a committee presumed to know what the law is. Another bill, in 1844, was introduced by a Senator from Delaware, (Mr. Bayard,) and sent to the Judiciary Committee, and reported without amendment. This shows the sense of that committee. The submission is, in one to Mr. Binney, in the other to Roger B. Taney, of Baltimore, in his private character, and not in his character of Chief Justice! So that these two cases, in addition to those already presented, are, to my mind, as conclusive as anything can be that there is full power in Congress to make the appointment. I apprehend, sir, that after the judicial decisions which have been read by the Senator from North Carolina and by the Senator from Texas, and these two cases from our own bills that have been shown here, there is nothing further to be said on the point of power.

Now, the question is upon a proposition to recommit this bill, with instructions, and the instructions go to leave out the mass of the claims to be provided for, to leave out all that have been ascertained and adjusted, to leave out all those which are now in this city for payment, and to carry all back to California for settlement there. The bill as drawn, discriminates between those claims the amount of which has been fixed and allowed, and those which are uncertain; and it provides for the immediate payment of the ascertained claims, and for paying the unsettled ones at the proper place, to wit, in California, so as to prevent them from coming into the hands of speculators and agents. The board is only to act on the unascertained claims. The bill provides for paying the expenses of the civil government established by Commodore Stockton, and to pay all just claims arising out of the military operations in California; but the recommitment cuts off all the expenses of the civil government. We know perfectly well that a portion of the navy was directed to proceed to the coast of California, to take possession of the country, and establish a temporary civil government. The instructions, as drawn up by the Senator from Virginia, cut off the whole of this class of claims. The expenses of the civil government are cut off, although that government was established under the precise instructions of the President of the United States. The instructions also cut off, as I said before, all the claims which have been liquidated, the amount of which is evidenced by a proper instrument from Commodore Stockton or Lieutenant Colonel Frémont. They cut off also the claims that are payable upon evidence of muster rolls, and also upon authenticated discharges of soldiers. The bill is for the payment of classes of claims, some ascertained, some not; many of those ascertained are now waiting in this city for payment. According to these instructions, drawn up by the Senator from Virginia, [Mr. MASON,] they must all go back to California, and have their claims examined over again. The instructions go to cut off four classes of ascertained claims, and to send the claimants back three thousand miles to the other side of the continent, to have their claims again examined. Lieutenant Colonel Frémont, as Governor of California, drew bills for the payment of the expenses of the civil government. These bills came here, were protested for non-payment, and are now standing against him.

In speaking of that part of the claims which have accrued without the positive authority of the Government of the United States, the Senator from Texas has very properly told you that they are only a fraction of the whole amount. They are the claims which accrued in about thirty days, in the beginning of the military operations, during the time when the independent or grisly bear flag was raised—when there were perhaps not three hundred men engaged. It was in the beginning of June that this flag was hoisted. In the beginning of July, Frémont and those with him joined Commodore Sloat, and took the flag of the United States, and soon after went under Commodore Stockton as commander-in-chief. From that time they were acting under the authority of the United States, and it was after that period that the great mass of the claims originated. Only a fraction of them accrued before. I think that by the time we meet again, I shall be able to submit a proviso

limiting the unauthorized part of the expenditures, and bringing them down to perhaps one-twentieth part of what the bill contains.

Now, after having shown that the instructions which have been submitted go to change the whole character of the bill, and cut off four different classes of the claims and send them back to California—cutting off, too, the whole expenses of the civil government—cutting off the bills now in this city drawn by Frémont, and protested—cutting off payments upon evidence of muster-rolls,—after this, all I have to say is, that if the instructions prevail I shall vote against the bill. It was in the month of October last that Frémont brought this subject before the Secretary of War, and brought to his attention the different classes of claims. One was for the payment of volunteers. His answer was, that the case required special legislation. But, sir, it is difficult for me to conceive why it should require special legislation, when the naval officers were specifically commanded to establish a temporary government there—when they were peremptorily told that they were expected not only to conquer the country, but to hold it, and to establish a temporary civil government. Was this government to live upon air? Was it to have no support? Does not the order to establish the government carry along with it the right to support it? Sir, I admit no want of authority in the drawing of these bills. We admit that Colonel Frémont acted without authority in taking up arms to defend the men, women, and children, whose lives were menaced, not only with the destruction of their fields by fire, but with the horrors of an Indian war. We admit, that for about thirty days, he acted without authority from the Government; and we own and declare that he made it apparent to the world that he did so by putting up, not the flag of the United States, but an independent flag. He declared that it was not the power of the United States, but a new power; and that very act absolved the United States from it. As soon as it was found that the United States and Mexico were at war, that flag was pulled down, and Colonel Frémont and his men passed under the command of Commodore Stockton, not in coöperation with Commodore Stockton, but in subordination to him, upon a written agreement to serve under his orders. That engagement was religiously kept. From that time forth, we admit no want of power, no want of authority. From that time forth we declare there was full authority to do everything that was done; yet the whole mass almost of the claims that are here arose after that time, and in the pursuance of that for which they had full authority to carry on hostilities, and to establish and maintain a temporary civil government. When gentlemen again speak on the subject, and suppose that Frémont incurred several hundred thousand dollars expense without authority, I must beg them to go back to the point to which the Senator from Texas conducted them to-day. For a period of thirty days we admit there was no authority. Frémont did an act for which he had no authority; but I will undertake to say, that if General Jackson were alive he would not be ashamed of such an incident in his life. He would say, "Write it down. I take the 'responsibility. I saved my countrymen, men, 'women, and children, from the tomahawk of the 'savage. Write it all down." When Frémont wrote me an account of it from California, he sent me at the same time a blank, to send in his resignation if there was any disapprobation of what he had done. To a man of honor and patriotism there are obligations infinitely higher than any that a commission imposes, and in discharge of which, commissions will be despised. This was, then, Frémont's case. He saw that his fellow-countrymen were in danger; he acted under a sense of great responsibility, of agonizing responsibility, but in obedience to the dictates of his conscience, and ready and willing to risk a responsibility above that of a military commission—the moral sense of his countrymen. And it has justified what was done. Far from wishing to throw upon the Administration, either as individuals or as a Government, the responsibility of the act from which the Senator from Virginia [Mr. MASON] took so much pains to free them, Mr. Frémont requested, in his late trial, that he might be put upon trial before the court martial for taking up arms without authority of the Government. He asked, and in writing, to have that act included in the charges made against him, that there might appear on the record judicially, and forever, an exemption of the Government from any responsibility of that act.

Now, what is the motion? To recommit the bill. For what purpose? That the committee may exercise some discretion when they come together? that they may assemble for the purpose of considering the matter, and devising an appropriate remedy? No, sir! the instruction is peremptory. It is an order to the committee to assemble in their committee-room, and transcribe the words given to them. It is to make the committee the amanuensis of the gentleman! The committee is to be assembled, not for the purpose of thinking and determining, but for the purpose of transcribing the words that are given to them. Why, the motion is properly the subject of an amendment to be made at your table. It is a proper one for the vote of the Senate, without putting the committee to the trouble of assembling and transcribing it. The whole object may be accomplished, if the Senate favors his motion, by leaving out the words, in lines ten and eleven of section two, from the words "consisting of," to the word "officers." The recommitment would be useless; for the Senate can, if it please, make the amendment itself, and without trouble to the committee, and the delay it would occasion. It would be pernicious; for it would cut off the ascertained claims from payment at once, and send them three thousand miles to be ascertained over again before paid. It proceeds upon a mistake—that the whole $700,000 was incurred by Mr. Frémont without authority, when only a fraction of that amount, say the one-twentieth part, was so incurred—all the rest being incurred under the command of Commodore Stockton, acting with the authority and approbation of the Government. And for this small amount, done without authority, the Government has received and retained all the fruits. It received all the benefit of the whole movement for independence, and it is right and high time, after almost two years, that it should pay the expenses of it.

Mr. PHELPS. It appears to me, that in any view that can be taken of the subject, the bill requires amendment. The Senator will pardon me for saying that it is neither "fish, flesh, nor fowl." It has no precedent anywhere. It appears to me that this office which is to be created is an office within the provisions of the Constitution. It is a judicial office; for, by the terms of the bill, the decision of this board of commissioners is to be final. It is impossible for me to distinguish between the duty conferred by this bill, and the duty conferred upon a vast variety of officers discharging similar duties, whose appointments are required to be made by the President with the concurrence of the Senate. The case of the Pea Patch Island was a mere matter of arbitration. It was a selection of an arbitrator by the parties, because the appointment by the President could have had no validity at all, except by the concurrence of the parties. The act giving the President power to appoint, was nothing more nor less than declaring the assent of Congress. Such cases have no sort of analogy with the present, nor does the authority cited by the Senator seem to have any direct bearing upon this case. A claim against the Post Office Department, or rather against the Government, was directed to be examined by the Solicitor of the Treasury, and officers known to the treasury. He made his award. The Postmaster General attempted to overrule his decision, and the question was raised whether it was consistent for the Postmaster General to reverse the decision of the Solicitor of the Treasury. The decision was, and very properly I think, that inasmuch as Congrsss had submitted the question to the Solicitor of the Treasury, whose determination should be final, the Postmaster General had no control over it. But it is perfectly obvious that this is not a question respecting the legality of appointment. The only question was, whether, by any law, the decision of the Solicitor could be reëxamined. I have no hesitation in saying that Congress, when they passed the act in 1792, intended to confer the power upon the board as such; but when the court came to consider it, they came to the decision that it was not intended to confer the power as a legal power. What then? Why, if they give effect to the power at all, they must treat it as a power conferred upon them individually, and take the expression to be a mere designation of parties. Was there any question there like the present? Did the court undertake to discuss the question whether Congress had the power to appoint an officer without consulting the President? Sir, the difficulty in all these precedents is, that the question was not before the court.

The bill was then passed over informally;

And, on motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 14, 1848.

The Journal having been read, the debate was resumed on the report of the Committee of Elections in the case of the contested election for the sixth Congressional district of New York, by Mr. VAN DYKE, who had the floor from yesterday, and who spoke through his allotted hour.

Mr. ROCKWELL, of Connecticut, then moved that the House resolve itself into Committee of the Whole on the private calendar; which being agreed to, the House went into committee accordingly, (Mr. MORSE in the chair.)

The committee proceeded to consider the bill for settling the claim of the legal representatives of Richard W. Meade, deceased.

Mr. ATKINSON moved to amend the bill, by adding a section requiring the legal representatives to advertise in the two principal newspapers of Washington, once a month for six months, the act of Congress for their relief, together with a notice requiring all persons claiming to be principals or representatives of those for whom said Meade acted as agent on account of claims against Spain, included in the act, to appear and prove their claims, and to receive the sums to which they may be found to be entitled, abating commissions for services of said Meade, under agreement or arrangement with any of the parties; or, in case of no agreement, such sum as the accounting officers of the treasury may deem just for the expense and trouble incurred by said Meade and his legal representatives in the prosecution of said claims; and no money due said Meade as agent to be paid to the legal representatives beyond the commissions Meade would have been entitled to as agent, &c.

Mr. A. explained and enforced his amendment.

Mr. HOLMES, of South Carolina, warmly advocated the bill.

Mr. COBB, of Georgia, opposed it.

Mr. J. R. INGERSOLL advocated it.

[Mr. I. made an explanation of the merits of the bill, to the following effect:

This claim was once of unquestionable validity on the Government of Spain. It has changed its character only so far as respects the proper party liable to pay it. In amount, in principle, in clearness, in strength, no alteration has taken place in the long lapse of time. The only difference is, that the Government of the United States has been substituted as the debtor in the place of the Government of Spain. This substitution has been effected by the mere voluntary, unsolicited, and repeated act of the United States. In effecting this result, the Government has acted in the due exercise of its treaty-making power. It has indulged in a constitutional use of its functions. It has renounced once and again to Spain all claim of this its citizen. So far it had a right. But in exercising that high constitutional power, it has assumed a constitutional obligation, no less certain, of perfect and satisfactory remuneration. "Nor shall private property be taken for public use without just compensation." [Amendments Con. U. S., Art. 8.] For the sake of the Floridas, which became a fair and valuable possession, this relinquishment was made. No one has ever regretted the large addition to our national soil, now fast peopling with freemen. Nor ought there to be the slightest hesitation in standing up to the equivalent while we are in literal enjoyment of the bounty; otherwise the Government sacrifices the rights of its citizens on the altar of its own overreaching ambition. It would make a sad exhibition of the faithlessness and unnatural feelings of republics, at a moment when our example ought to shine like the morning star, were we to avail ourselves of the property and immolated rights of our people for the national good, and then leave them unredressed and scorned.

During a course of extensive commercial operations, Mr. Meade had large dealings with the Government of Spain. His residence in that country was at a time when disturbed by domestic troubles and distressed by hostile invasion. Her finances were embarrassed and her resources re-

duced. The officers of the Government had occasion to call for assistance from the moneyed and business men of Cadiz, the great commercial metropolis. No one of that class stood higher for respectability in any shape, for wealth or liberality, than Mr. Meade. He was frequently applied to for assistance, and freely answered to the applications. He sold goods, made loans, and furnished provisions to the regular authorities. For a portion of these transactions, *libramientos* or promises to pay were from time to time given to him, and all of them have received the assent and confirmation of the Crown.

He held a bill of exchange from the Minister of Finance on the Viceroy of Mexico for three hundred thousand dollars, to be paid in Vera Cruz in specie, with license to export it to London. A part only was paid, and that not in specie, but in tobacco. The bill was protested, and a loss was finally sustained exceeding one hundred thousand dollars.

He was illegally and cruelly held in prison for two years under an arbitrary order of the Government, and claims redress for this signal act of despotic tyranny. We who breathe the air of freedom can scarcely imagine the degree of oppression which may be exercised in the name and by the sanction of those who are high in office over the innocent and the feeble. The pretext for this daring violation of the rights and the liberties of an American citizen was, that he sternly refused to comply with an exaction afterwards fully acknowledged to be unjust. A sum of money once already handed over by him was demanded a second time, and a long incarceration, with all its fearful and perhaps fatal consequences, was the barbarous penalty of manly denial of the behests of high-handed and inexorable wrong.

Thus stood the relations of the American citizen towards the Spanish Crown when negotiations were entered into for the purchase of the Floridas. It was known that such purchase was to be made. It was expected that it would create a fund for the long-deferred and heart-sickened creditors of a decayed and miserable monarchy. Invitation was given to record with the Department of State of the United States statements of all claims of our citizens upon the Spanish Government, soliciting the interposition of our Government in their behalf; and this was to be done before any treaty should be signed. Mr. Meade accordingly came with his partial *libramientos*, his distant and cold royal acknowledgments, his sufferings and his wrongs, his painful recollections, and his now brightening and beaming hopes, and deposited them all, just as they were, unadjusted, almost unarranged, in the hands of his own free and enlightened Government. For its liability and its promises and good faith, he was about to exchange, as he presumed, a precarious dependence on a falling monarchy. Fatal was his reliance—forlorn his hope.

The treaty was signed February 22, 1819—a day once auspicious as the birthday of incarnate wisdom, honor, and integrity, now prolific in much sad disappointment. The sixteenth or concluding article of the treaty provided that it should be ratified in due form by the contracting parties, and that the ratification should be exchanged in six months from the 22d February, 1819, or sooner if possible. Six months came and went without ratification or exchange of ratification. The treaty was to all appearance at an end. Hopes which had been turned for a season towards our own Government were compelled reluctantly to revert to Spain. The losses of Mr. Meade had been too great to brook further delay.

Constrained by the necessity of the case, and advised and assisted by the proper department at home, he applied, through the intervention of the American minister, to the Spanish Government for redress. In one sense, though an abortive one, he obtained it. A special junta of councillors was named by the King to take cognizance of the claim. A favorable award was made and approved by the King, amounting to near $500,000 (9,823,072.20 s. 11 maravedis, or $491,153 62.) A certificate in due form of acknowledgment was given to Mr. Meade, who had, it is believed, gone to Spain to prosecute his unhappy suit, and the letter of formal announcement is in full preservation, dated at the Royal Palace, at Madrid, 21st May, 1820. As it became him to do, Mr. Meade officially made known to the Secretary of State, and through him to the President, these facts of final liquidation and acknowledgment of the balance due by the Spanish nation, and transmitted the documents confirmatory of the result. This communication to Mr. Adams was dated August 17, and Mr. Adams's reply September 6, 1820. In this reply the Secretary of State, writing in his official capacity, offers to Mr. Meade his congratulations upon the adjustment of the accounts with the Spanish Government, and assures him "that this Government feels not a little gratification in having at all contributed to this satisfactory result." The formal acknowledgment of the royal debtor was made at a time and under circumstances which authorized the belief that he alone was to pay it.

It thus appears that the arrangement and settlement with Spain were effected with the aid and coöperation, approved of, sanctioned, and confirmed, and even rejoiced at and sympathized in, by the proper organs of our own Government.

These events occurred while the treaty was a dead letter. It remained so absolutely until the 24th October, 1820—twenty months after its date, and fourteen months after the expiration of the limited period of six months for its ratification, when it received the signature of Ferdinand, the King of Spain. Final ratification was given by the United States on the 22d February, 1821, four months afterwards, and no less than two years after its formal completion and signature in Washington.

Mr. Meade now seemed to have a double chance for remuneration. In one form his claim was entitled to consideration from his own Government, in the regular department of which it was duly entered, although then somewhat wanting in precise and definite liquidation. In another form it was before a foreign Government, adjusted, liquidated, and fully recognized. He could scarcely err in proceeding before the proper authority of either; and he could not be in danger of losing hold of the one by fairly presenting himself before the other. In full reliance upon our own commissioners, he presented his memorial, along with the proofs of acknowledgment by the crown officers of Spain and the very head of sovereignty itself.

The commissioners entertained doubts whether they had jurisdiction over contracts which had been made by citizens of the United States with the Government of Spain. They addressed a letter to Mr. Adams on the 5th of March, 1822, submitting an inquiry as to the intention of the treaty-makers on this point. A reply, dated March 9th, was made, that in providing for the claims of citizens of the United States, it was not understood by either party that claims arising from contract, as they existed at the time of the signature of the treaty, should be excluded from its benefit. By this time it will be observed, the adjustment had been made by the Spanish Government with Mr. Meade, and he held in his hand the highest possible authentication; but he had given in exchange for this acknowledgment the original vouchers by which his case was originally sustained and made clear.

A year had now elapsed of the time limited by the treaty for the duration of the commission. We are brought by this lapse of time to a second stage of an eventful controversy. The commissioners, regarding the claim as it was filed and presented originally, that is, unadjusted and unliquidated, had no proofs before them according to their peculiar views. They reasoned somewhat technically that a new debt was created by the arrangement with Spain, and the old one extinguished; and thus the circumstance which should seem to have been the best and strongest support—the settlement and acknowledgment of the debtor—was fatal to its existence.

Nothing was left, after delays and embarrassments, and after disappointments in direct appeals to the Spanish authorities for the original vouchers, who were shocked at the refusal to receive a royal *fiat* as a proof of debt—nothing was left but to apply through our own Government for the return of those incidental proofs which had availed with Spain. Accordingly, on the 18th of April, 1823, the commissioners addressed the Secretary of State requesting his intervention "to require of the Spanish authorities the documents referred to."

Another eventful stage thus was reached; another year and more of precious time was gone; a few short months only remained for negotiation with the most ponderous and tardy moving of Governments; a correspondence in all its diplomatic forms ensued. Other papers of different claimants were found. Those of Mr. Meade were referred to by the American minister in Spain as "so voluminous, although entered upon by the Spanish officers apparently in good faith to supply them," as to "seem to forbid any well-founded expectation that they could be speedily furnished." This was July 31, 1824. If they ever came, they came too late. The sands of the brief life of the commission ran out, The five millions of dollars applied by treaty for distribution among the claimants were fully divided, exclusive of this claim. All was closed, and the hopes of Mr. Meade in that quarter were shut out forever.

A feeble ray of hope still remained that Spain might redeem her pledge, notwithstanding the relinquishment of all claims by the treaty of 22d February, 1819. Perhaps she would, but for the new interposition of our Government. This glimmering light was extinguished by the treaty between the two countries of 17th February, 1834, where renewed relinquishment was given of all subsequent claims. Whatever contingency there might have been in the debt having been changed into one of a higher nature after the first treaty was signed, was now unhappily resolved by the relinquishment of everything in the second. Thus cut off from resort to Spain by double treaty abandonment, cut off from an appeal to the commission by lapse of time, and inefficiency or inability of the Government to get the papers in season, the only last hope is in this claim on Congress.

What, however, is claimed? Not money—nothing like it. Not favor; not even a measure of constitutional justice; for private property has been taken, and yet just compensation will not immediately be made. Nothing is asked except to be placed before a commission exactly as the petitioner's testator was when the delay of the commission had not taken place, and the time for its performance of duty had not elapsed. The *ignis fatuus* of government justice has throughout the whole course of the transaction lured only to betray.]

Mr. DUER, after some remarks, moved to amend the first section by adding the following: "*Provided, however*, That the said officers shall not be bound by, nor regard as evidence, the liquidation and settlement of said claim made by the Spanish Government."

Mr. BOYDON made a few remarks; after which the committee rose, and reported progress.

Senate bills of the following titles were taken up, read twice, and appropriately referred:

A bill for the relief of Commodore Foxall A. Parker, of the United States navy.

A bill for the issuing of a register to the brig Palmetto.

A bill for the relief of Christopher Cunningham.

A bill for the relief of Jose Argote Villard Cos, Marie Rose, François Felix Marquis de Fougeres, or their heirs or legal representatives.

The joint resolution for the relief of J. Melville Gilliss, which was reported by the Committee of the Whole on Saturday last, was taken up.

Mr. SAWYER rose, but, before proceeding in any remarks, the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. JOHN B. THOMPSON: The petition of Cary H. Fry, late major of the second regiment of Kentucky volunteers for losses sustained in the present war with Mexico.

By Mr. NICOLL: The memorial of William B. Bird, of the city of New York, asking to be refunded duties on goods destroyed by fire in the city of New York in the month of December, 1839.

By Mr. ROOT: The petition of 41 citizens of Dedham and Eddington, New Hampshire, for an inquiry into the slave trade in the District of Columbia.

By Mr. STEWART, of Pennsylvania: The petition and documents of Elizabeth Kinney, of Pennsylvania.

By Mr. THOMPSON, of Iowa: The petition of the officers and members of the Navigation and Hydraulic Company of the Mississippi Rapids, praying for a grant of two hundred thousand acres of unappropriated land, to be selected by said company, for the purpose of improving the navigation of the said river by a canal around the falls.

IN SENATE.

FRIDAY, *April* 14, 1848.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In answer to the resolution of the Senate of the 28th of March, 1848, I communicate herewith a report of the Sec-

retary of War, transmitting a report of the head of the Ordnance bureau, with the accompanying papers, relative to "the repeating fire-arms invented by Samuel Colt."

Such is the favorable opinion entertained of the value of this arm, particularly for mounted corps, that the Secretary of War, as will be seen by his report, has contracted with Mr. Colt for two thousand of his pistols. He has offered to contract for an additional number, at liberal prices, but the inventor is unwilling to furnish them at the prices offered.

The invention for the construction of these arms being patented, the United States cannot manufacture them at the Government armories, without a previous purchase of the right to do so. The right to use his patent, by the United States, the inventor is unwilling to dispose of at a price deemed reasonable. JAMES K. POLK.

WASHINGTON *April* 13, 1848.

The message having been read, it was ordered to lie on the table.

PETITIONS.

Mr. BRIGHT presented the petition of Samuel Simonton, heir-at-law of Isaac P. Simonton, deceased, praying the payment of a sum of money due the deceased, under the treaty of 1837 with the Saginaw Indians; which was referred to the Committee of Claims.

Mr. PEARCE presented the petition of William B. Bend, praying the return of the duties paid on a quantity of merchandise which was destroyed by fire; which was referred to the Committee on Finance.

Mr. CAMERON presented the petition of John Irons, heir-at-law of J. F. Irons, deceased, late an officer in the army, praying indemnity for loss sustained, in consequence of being robbed of public money placed in his hands for disbursement; which was referred to the Committee on Military Affairs.

Also, the memorial of Catharine Crosby, one of the legal representatives of Thomas D. Anderson, deceased, late consul of the United States at Tripoli, praying to be allowed, in the settlement of his accounts, credit for certain expenditures made by him in his official capacity; which was referred to the Committee on Foreign Relations.

REPORTS FROM COMMITTEES.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the memorial of the Central Railroad and Banking Company of Georgia, submitted a report, accompanied by a bill for their relief.

The bill was read and passed to the second reading, and the report ordered to be printed.

Mr. ASHLEY gave notice that he will move to proceed to the consideration of this bill at an early day.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred the petition of John A. Bryan, submitted a report, accompanied by a joint resolution for his relief; which was read and passed to the second reading, and the report ordered to be printed.

Agreeably to notice, Mr. PEARCE asked and obtained leave to bring in a bill to incorporate the Washington Mutual Insurance Company and Savings Institution; which was read the first and second times, by unanimous consent, and referred to the Committee on the District of Columbia.

Agreeably to notice, Mr. DAVIS, of Massachusetts, asked and obtained leave to bring in a bill to amend an act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July 4, 1836; which was read the first and second times, by unanimous consent, and referred to the Committee on Patents and the Patent Office.

Mr. BAGBY moved to rescind the resolution submitted by him some time since and agreed to, directing the Secretary of War to communicate the proceedings of Messrs. Eaton and Hubley, commissioners under the Cherokee treaty, stating that he had ascertained, in a private conversation with the Secretary of War, that the information he desired could be better obtained in a different way, and that he wished to relieve the Secretary from the appearance of disregarding an order of the Senate.

The motion to rescind the resolution was agreed to.

On motion of Mr. ASHLEY, the prior orders were postponed, and the bill to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries, was read the second time and considered as in Committee of the Whole.

Mr. A. observed that a necessity existed for prompt action on this bill, and that it was desirable it should be had before the departure of the next vessel preparing to sail for China; and on his motion, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Wednesday, the 19th instant.

The Senate proceeded to consider the following resolution, submitted on the 12th instant by Mr. BADGER, and it was agreed to:

Resolved, That the Secretary of the Senate purchase, for the use of the Senate, two thousand copies of the Constitution of the United States of America, with an alphabetical analysis, prepared and published by W. Hickey, provided that the same can be purchased at a price per copy not exceeding that paid for ten thousand copies ordered to be purchased by a resolution of the Senate adopted 18th February, 1847.

On motion, it was ordered, that when the Senate adjourns, it be to Monday next.

THE DAM AT CUMBERLAND ISLAND.

On motion by Mr. BELL, the prior orders were postponed, and the bill to provide for the repair and improvement of the dam at the head of Cumberland Island, in the Ohio river, was read the second time and considered as in Committee of the Whole.

No amendment being made, the bill was reported to the Senate.

The question being on ordering the bill to be engrossed and read a third time—

Mr. BAGBY. I have but a word to say on the subject of this bill, and would not have said that word, but for the determination I had formed in my own mind to resist the system of internal improvement by the General Government, whenever and wherever it is intended to be applied. With entire respect to the feelings of those who advocate this bill, I must be permitted to say that no case can be presented showing more clearly, not only the impolicy, but the enormity of the system. The bill now under consideration is simply this: that inasmuch as one hundred and fifty-five thousand dollars have heretofore been appropriated and expended for the improvement of the Cumberland river, and inasmuch as such appropriation has been ineffectual, or has been rendered so by the natural decay produced by time, therefore the government must appropriate fifty thousand dollars more.

Mr. BELL. I presume the gentleman was not present when I made some observations on this subject a few days ago. It is not to benefit the Cumberland river alone, except as one of the tributaries of the Ohio. It is more important to the navigation of the Ohio above that point, as well as to the communication between the Ohio and all its tributaries and the Mississippi. The interest of the Cumberland river is not a tithe of the interests included.

Mr. BAGBY. Well, sir, when I get down the Cumberland river I will get into the Ohio. I start where the appropriation commences, and I find that a hundred and fifty-five thousand dollars have been appropriated and expended in the States of Kentucky and Tennessee, in the improvement of the Cumberland river. That river, as the honorable Senator very correctly says, is but a tributary of the Ohio. But the principle is precisely the same, and involves the question—by what authority, by what grant of power does this Government derive its rights to improve any river? Indeed, if commentary were necessary on the impolicy of measures of this kind, it never could be more clearly illustrated than by the bill now under consideration. The interests involved, according to the honorable Senator, are but a tithe of the whole navigating interests of the Ohio, and yet a hundred and fifty-five thousand dollars have been already appropriated, and the safe navigation of that river has not been completed. It amounts to this: as fast as you ascertain that your appropriations have been improvidently made, or as fast as your improvements yield to the touch of time, you are called on to renew them. This is entirely adverse not only to the principles of the Constitution, but to the law of nature itself. There are wide and narrow, deep and shallow places, and, according to natural laws, if you remove a shoal at one place to-day, you create a shoal at another place to-morrow; and with the same propriety that you ask an appropriation to remove the first, you may ask one to remove the second. I have been struck with another view which some of my respected friends take upon questions of this kind; and it is this, that it is not the policy or the duty of those who contest these measures on principle to contest minor appropriations, but that they should wait for the greater and more important measure. Do not gentlemen see, if we permit ourselves to be defeated day after day by detachments, when the great battle comes to be fought, we shall be entirely destitute of power? The question must be met at the threshold. No great and important revolution was ever the result of open and glaring encroachments on the rights of the people. The glorious revolution which resulted in the establishment of the independence of the United States, was not brought about by an open, glaring, and direct assault upon the rights and liberties of the people. It exhibited itself in the insidious form of a threepenny tax upon tea. But the patriots of the Revolution detected in it the serpent sting of injustice and oppression, and nobly resolved to resist it. So of the revolution of 1688, the next in importance upon the liberties and the political destinies of mankind to our own. That crafty and unprincipled monarch, of the House of Stuart, did not dare to make a direct and open assault upon the fragment of liberty enjoyed by the people of England. But the immortal Hampden and his illustrious compatriots saw, in the levy of one shilling upon ship money, the chains that were preparing for them and their posterity, and nobly resolved to resist. They looked to the principle involved, and so must we.

This view of the case was forcibly presented by a Senator from Louisiana on a former day. He thought it did not accord with the dignity of the Senate to contest the principle upon the proposition for granting a small slip of land; but gentlemen must see that the principle is the same, whether you apply it to a small stream or the father of rivers itself—to a small strip of land, or to the whole valley of the Mississippi. I do not hope to make converts to the doctrine which I hold in regard to this system of internal improvement, and I greatly fear that gentlemen will give way so often to those interests that are pressed upon us from different quarters, that when the great day of battle comes there will but few be found occupying the ground on which Mr. Jefferson placed himself in 1825. That remarkable man said, in relation to this very subject, that once let in this doctrine of implied constitutional powers upon the subject of internal improvement, and "you enter a boundless field, no longer susceptible of limit or definition."

Believing, as I conscientiously do, that the principle upon which this bill rests has no foundation in the Constitution, I shall give my vote against it, and shall continue to oppose every measure of a similar character, while I have a vote to give or a voice to raise in this Chamber.

Mr. CRITTENDEN. I am satisfied that there is no hope of shaking the opinions of my honorable friend, the Senator from Alabama, upon this subject. His mind is distinctly made up. I could be perfectly satisfied not to say a word if I could hope that the attention of the Senate would be drawn to the subject. If there can be any exception from the strict principles advocated by the Senator from Alabama, it seems to me that this case will constitute that exception. The obstruction to be removed here is one that has been created by the act of the General Government itself. One of its improvements, imperfectly made, has given way in such a manner as to form an almost impassable obstacle, in some stages of the water, to the navigation of the Ohio. You have passed an appropriation at this very session to remove an obstruction from the Savannah river, and it has seemed to me, and I did hope, on a former day, when this was the subject of some conversation, that Congress would not consider this case as coming within the general ground of objection to measures for internal improvement by the General Government. The object is to remove a particular obstruction, which the Government itself has created within the river. If an individual had created such an obstruction, the law of the land would compel him, as a civil duty, to remove it. Should not the General Government be permitted to do that which, on a general construction of the law, an individual would be constrained to do? If the attention of the Senate only can be drawn to this question, we are content to abide by its judgment, without any debate or argument. We do not wish to occupy unnecessarily the time of the Senate. We do not wish to draw into argument or contro-

versy, at all, the constitutional principles upon which the Senator rests his objection to measures of internal improvement by the General Government, but to submit this case to the Senate as a peculiar case, governed by peculiar circumstances. For myself, I have none of those scruples or doubts on the subject of constitutional power, which the Senator from Alabama seems to entertain; but, setting that aside, it seems to me that they do not necessarily enter into our consideration in this particular instance. Who should remove this obstruction? Whose duty is it? Is it the duty of the State of Kentucky? Or of the State of Indiana? Is it the business of the counties on the one side of the river or the other? Who should remove it? If it is not our duty, I should like to know whose duty it is. Is it the duty of the navigator to do it—to stop his boat, rest on his oars, and wait there until he can remove it? How is it to be got rid of? It is a very great river in point of commerce—a very great river. From fifty to a hundred millions of dollars, perhaps, is not more than the value of the commerce that passes up and down at this very place in the course of a year. Sir, I do not intend to occupy the time of the Senate; my object is to end debate; rather to state than argue the question, and invite the attention of the Senate to it; and we shall be content, when the case is understood, to abide by whatever judgment the Senate may pronounce.

The question on the engrossment of the bill was then put, and it was

Ordered, That the bill be engrossed, and read a third time.

The said bill was read a third time by unanimous consent.

On the question, "Shall this bill pass?"

Mr. BAGBY demanded the yeas and nays, and they were ordered.

Mr. CALHOUN. As the yeas and nays have been ordered, I desire, before the question is put, to say a few words. If I understand this case aright, there is an island in the Ohio, a little above the mouth of the Cumberland, dividing the river into two parts, and rendering the navigation difficult; and, in order to improve it, a dam was thrown across from the Kentucky side to the island, and by the recent freshets this dam has been destroyed. Now, although I hold to the doctrine of strict construction, I have not the slightest doubt of the right and duty of the Government to repair this dam, or to remove the obstruction. It is the channel of one of the great navigable rivers which belong to no particular State, but which serves as a highway in which many States are interested; and if it be not done by the General Government, it can be done by no power whatever. The States are positively prohibited from entering into a work like this. If the General Government cannot do it, it is clear that neither Kentucky nor Indiana will make this improvement; for there is a positive provision in the Constitution which prevents them from doing it. Under these circumstances, I hold it to be as clearly the right of the General Government to repair this dam, under the provision in the Constitution which gives the power to regulate commerce among the States, as it is to repair lighthouses or to replace buoys that have been destroyed; and that the objection of the Senator from Alabama is as applicable to the one as the other. I shall give my vote most cheerfully for this bill.

Mr. BAGBY. I do not understand that Congress is authorized to do everything that the States are not authorized to do, or that the States cannot do.

Mr. CALHOUN. I did not say that. I say that the right exists, under the provision of the Constitution which gives to this Government the power to regulate commerce among the States.

Mr. BAGBY. I understood the Senator to say that. I understood him also to inquire, if this thing could not be done by the States, how was it to be done? Well, I reply, that supposing it cannot be done at all, still that is no answer to the objection. This Government is not authorized to do all that cannot be done by the States, but only that which it is authorized by the Constitution to do. This is the great line of difference between the honorable Senator from South Carolina and myself on this subject. With respect to the power to regulate commerce which seems to be connected with the consideration of this bill, it has ever appeared to me, that that was the most untenable ground upon which this system of internal improvement could be rested. The power to regulate commerce is only a power to interfere with something already going on; but in this matter of rendering a river navigable which was not so before, you are not regulating a preëxisting thing. The distinction is as clear as daylight between creating originally and regulating a thing after it exists. One is a substantive power, the other a mere regulation. I shall not go into this question now, however, but shall avail myself of the occasion, when some of those important measures, which gentlemen seem to have in view, come before us, to give my views, and to place some limitation, if possible, on this most alarming power, the power to regulate commerce.

Mr. CALHOUN. I by no means rest this case on the fact, that because the States have not the power, therefore the General Government has it. I place it on the fact, that the General Government has the power to regulate commerce among the States, and that this is a case which comes within that power. In confirmation of this conclusion, I stated, that the Constitution prohibited the States from entering into any treaty or agreement, by which those in the great valley of the Mississippi could unite and enter into an arrangement, by which the obstructions in that great river and its navigable branches could be removed. I also stated, that they were common highways for all those States, and not within the exclusive control of any one, as far as their navigation was concerned, and that it would be monstrous to conclude that a stream, on which we had as much or nearly as much commerce as on the ocean itself, was intended to be left by the Constitution without any power to supervise and improve its navigation. In reply, the Senator says, that this Government has the right to regulate the commerce already in existence, not to create new channels for commerce. That may be admitted, without weakening my argument. The river itself forms the channel, and the commerce existed before the Government undertook to improve its navigation, just as in the case of the commerce on the ocean. Now, I put it to the Senator, has not this Government the right to establish light-houses, buoys, and beacons, under the power of regulating commerce? If so, I ask him to point out the distinction, and show on what principle it can exercise the power in the one case, and not in the other. The river, as well as the ocean, is the common highway of the commerce among the States, and its navigation is no more under the control of the States, separately, than that on the ocean. No just distinction can be made between the two cases; and the argument which can establish the rights of the Government to improve the navigation of the one, is equally strong to establish the right to improve the other. Both will have to be abandoned, or both admitted. To make the case, if possible, more parallel and close, I ask the Senator if the Government has not the right to establish light-houses, buoys, and beacons, over the lakes?

Mr. BAGBY. Certainly—wherever your navy floats.

Mr. CALHOUN. Then suppose a light-house is necessary to the navigation of the Mississippi, can we not erect one? Now suppose, instead of erecting a light-house, you guard against the obstruction in some other way, would you not have an equal right to do it in such a way as would be attended with the least expense?

Mr. BAGBY. I had not the least expectation or desire to enter into a contest with the distinguished Senator from South Carolina. I am happy to agree with him in many things, but this is one of the cases where a point of disagreement necessarily arises. The question has been put, whether I admit the power of the Government to erect buoys and light-houses? I do, undoubtedly, to the fullest extent. But instead of deriving it from the power to regulate commerce, I derive it from the express power conferred upon this Government by the Constitution, to provide and maintain a navy. Light-houses and buoys are as necessary for the preservation of the navy as mechanics are for its construction. I do not understand the erection of light-houses and buoys to be a commercial regulation at all, but for the preservation of the navy, wherever erected, whether upon an inland sea or the Mississippi; wherever your navy floats, the erection of a light-house is not a matter for the regulation of commerce, but is a matter indispensably necessary for maintaining the navy.

Mr. CRITTENDEN. If the existence of Government vessels and the right to preserve them will justify the removal of this obstruction, I can inform the gentleman of a fact, which no doubt he has heard of, that several Government vessels have been taken up the river, and are now employed in the service of the Government.

Mr. CALHOUN. One word, if the Senator will allow me. There is a naval station in the Mississippi at Memphis, which is important to the Government; but what is more, this system of erecting light-houses, buoys, &c., was established before there was a single Government vessel. It must then have been regarded as coming under the head of the power to regulate commerce.

Mr. BAGBY. I want to ask one question of the Senator from Kentucky. This work, I understand, was constructed by the Government. Was it done upon its voluntary motion, or upon application of those interested in the navigation of the river?

Mr. CRITTENDEN. I know of no other application to the Government than that made in the ordinary way by the representatives of the States in this body.

Mr. DAVIS, of Mississippi. Entertaining views similar to those which have been expressed by the Senator from Alabama, viewing the whole system of internal improvement by the Federal Government as an assumption of power not conferred by the Constitution, and believing that if the power were possessed, the experience we have had shows that its exercise would be inexpedient and demoralizing, I think it necessary to explain why I shall vote for this bill, and to show what peculiarity there is in the case, which constitutes it an exception to the general rule. The appropriation is not, as the Senator from Alabama seems to think, to remove a bar in the Cumberland river, but it is to repair a dam which the Federal Government constructed in the Ohio river. For the purpose of improving the navigation of the Ohio, and the passage from the Cumberland into the Ohio river, a dam was built from the "Cumberland Island" to the Illinois shore, which forced the water of the Ohio river into the channel on the Kentucky side, which was by nature the inferior channel of the two, but which was no doubt selected because an incidental improvement would thus be made at the mouth of the Cumberland river. This dam has given way, the artificial advantage to the smaller channel is lost, and the larger one is obstructed by the remains of the work which the Federal Government erected. The natural navigation being thus impaired, those who are interested in it have a right to expect of this Government that it will remove the impediment; at least, restore them to their natural advantages. The broken dam is a nuisance, an injury to vast interests, private and public; and having been introduced by this Government, I hold we are bound to abate it. The practical question is, how can it be most efficiently and economically done? According to the best information in my possession, it will cost less of time and of money to repair the dam than to remove the *debris*. Large masses of stone, which have imbedded themselves in the sand, could only be removed by immense labor, to be performed only at the lowest stage of water. To remove the dam would, therefore, require that we should wait until after the present favorable season for navigation had passed by, and the injury done by the obstacle during this period would greatly exceed the expense of repair. As a measure of justice and of economy, I shall vote for an appropriation to repair the dam; and thus, at as early a day as possible, to restore the navigation to a condition which I hope will equal, if it does not exceed, its natural advantages.

In arriving at this conclusion, my reflections have not brought me to the position of the Senator from South Carolina, [Mr. CALHOUN.] If I were compelled to rely on the power "to regulate commerce" as a justification for this appropriation, my adherence to the doctrine of literal interpretation of the terms of the Constitution would compel me to vote against this bill, intimately connected as it is with the interests of the great valley of which I represent a part. To regulate is to make rules, not to provide means. The power was given by the States to the Federal Government, as part of the great purpose, the establishment of a more perfect union, and the promotion of domestic tranquillity. The common agent was intrusted with

this power, because it could only be used by the States as sovereigns making treaties with each other, and because its exercise was probably to be a detriment to the commercial interests of our political family, and a cause of dissension among us. The same clause which conveyed this power in regard to the commerce of the States, gave it also in relation to foreign nations and Indian tribes. If the construction were admitted that the power to regulate commerce carries with it the right to improve the channels through which it is transmitted, there would be no limit to our appropriations within the most remote port which our merchantmen visit, or the least known Indian tribe with whom our fur traders hold intercourse.

Any rule which could be laid down as a limit to the extent which the Federal Government may constitutionally go in works of improvement, must be found in practice defective, and liable, in the progress of legislation, to be lost sight of, unless that rule has within it its own limitation. It might, with great fairness, be urged that the Federal Government is bound, as one who uses the public highways, to contribute its proportion of the labor necessary to keep them in repair; and if this were an occasion proper to the discussion of the general subject, it might easily be shown that both historically and practically the Ohio river is emphatically a national highway, and entitled as such to all which the Federal Government has a right to bestow. If appropriations to rivers and harbors were limited to the amount collected by charges imposed upon their commerce, we should have a guide and a check to expenditures on their improvement. On our great western rivers, so often selected as the foundation of an argument, a very light tonnage duty would suffice to make all the improvements which have been, or ever will be, required for their successful navigation. The general application of such a rule would impose the burden upon those who receive the benefit of improvements; our legislation would be freed from alliances which corrupt it at the fountain, and overburden the national treasury by appropriations for local objects.

Whilst I agree with the Senator from Alabama in the general principles which he has stated, I disagree with the view which he has taken of the particular case. To tap a stream, or to remove a natural dam, is among the most difficult problems of civil engineering, and admitted to be attended by all the dangers which the Senator has indicated; but to improve the bed of a stream, to increase without radically changing the natural advantages of a national highway, are cases widely differing from those put by the Senator, whether they be viewed as questions of engineering or of constitutional construction. The cases put by the Senator endanger the natural navigation, by drawing off the original pools, or, by leaving the highway common to the States, and entering with a canal the territory of a particular State, invade its sovereignty over the soil. These are objections which do not apply to the question before us, if it were presented for original decision, instead of being, as it is, a proposition to remedy an evil which the former action of the General Government has inflicted.

The Senator from South Carolina [Mr. CALHOUN] offers the practice of erecting light-houses and buoys in the harbors on our seacoast, as an argument for the existence of the power to improve the channels of interior commerce. With great deference to the acknowledged ability of that Senator, I differ entirely from his conclusion, and deny the analogy upon which he insists. The erection of light-houses upon our maritime coast, and the placing of buoys to mark the entrance into our harbors, are mainly referable to the power to maintain a navy, and provide for the common defence; though I will admit that the construction of light-houses and buoys may also be drawn from the power to regulate commerce, and for like reasons as apply to the construction of docks, ways, and warehouses. For convenience and security in the collection of imposts, we require goods imported into the country to be laid down at particular places; thence arises an obligation to facilitate the entrance of vessels to the places so designated, and, facility and security being the common benefit of the parties, tonnage duties and port charges are imposed, and serve to create the means for harbor improvements. Surely this cannot be considered parallel to the improvement of the route over which the commerce is to pass.

Mr. DAVIS, of Massachusetts. How does that agree with the provision of the Constitution which gives power to the General Government to regulate commerce among the States?

Mr. DAVIS, of Mississippi. The power to prescribe the rules for commerce among the States was surrendered to the General Government; the States were thenceforward deprived of the power to impose restrictions or levy duties upon the commerce of each other; and the Federal Government received that power under limitations which mark the purpose of those who gave it. Our Constitution was to bring the States nearer to each other; and this power, transferred to the General Government, it was foreseen, would be the fruitful cause of jealousy and strife; the barriers then opposed by some States to the commerce of others were swept away by the compact of union, and no foundation was left upon which they could be rebuilt. All had been done which constitutions can achieve to give to the people of the United States one commerce and interest. The Constitution of these United States is a monument to free trade; and the various clauses in it bearing upon this power to "regulate commerce among the States" show that it was not to give activity to the exercise of it, but to restrain the States, that it was conferred upon the Federal Government. It was not my purpose to enter into the discussion of the great principles which have been alluded to, but only to point out some of the peculiarities of the case under consideration, which, in my opinion, make it an exception to the general rule, and, therefore, free it from objections which might generally obtain.

Mr. CALHOUN. As the Senator from Mississippi thought proper to attack the ground on which I rest my support of this bill, while he concurs with me in supporting it, I feel called on briefly to reply to his argument. He says the power to regulate commerce is restricted to the power to prescribe rules, and does not include the power to provide means for its safety and facility. And yet, while he takes this position, he admits the power of Congress to establish light-houses, buoys, and beacons, to point the way into harbors where duties are collected; and thus admits, to that extent, that the power of prescribing rules includes the power of providing for the safety and facility of commerce. And he thereby admits it to rest on the power to establish ports of entries and collection of duties. This admission concedes the whole right for which I contend, but places it on grounds far less safe and well-defined. The establishment of ports of entry and collection of duties are not confined to the seaboard. They extend on the Mississippi far up the stream, as high as St. Louis and Cincinnati; and on his own showing, Congress has the power, under the regulation of commerce, to provide for its safety and facility up to these points, by removing the obstructions in the channel of the river, which might endanger or impede its navigation. He will not, I feel confident, make a distinction between pointing out the danger, and removing the cause of it—between the power of establishing a light-house to point out snags and sawyers at night, and removing them. Nor can it be objected that the Mississippi is not navigable for sea-going vessels. Under the power of steam, it is navigated with almost the same facility that it would be, if, instead of a river, it was an arm of the ocean; while its great depth and volume of water admit vessels of as great a tonnage as most of the ports on the coast. Nor is it a sufficient objection to say that its navigation subjects it to great delay, in consequence of low water, or ice. Vessels are often delayed in consequence of adverse winds or calms off the ports on the coast; but that is not a good reason why they should not be made ports of entry, and have the entrance into them pointed out by light-houses, buoys, and beacons. If it were, the harbor at the mouth of Columbia river would forever remain without these facilities; for vessels have been known to lie before it for months, before they could enter; and, when they did, they entered with great hazard.

I do not wish to be understood by these remarks to give my countenance to the ground on which the Senator places the power. I regard it as utterly untenable and dangerous, as it would enable Congress to give any extension it pleased to the power. I pass without notice the other grounds on which he places the power "to provide and maintain a navy," as I have already replied to it in answer to the Senator from Alabama.

As to internal improvement—that is, improvement within a State—I am as much opposed to the exercise of the power by this Government as either the Senator from Mississippi or Alabama can be. I limit the power for which I contend to the great highways, common to all the States, and, of course, under the control and supervision of no one; to their exterior intercourse wito each other, and not to the internal intercourse within their separate supervision and control. I feel assured that the ground on which I rest the power is the only one on which effectual resistance can be made to internal improvements, properly understood. To undertake to give a construction to the power which would include the seacoast, and exclude its afflux to the Mississippi and the Lakes, must end either in the entire abandonment of the power to establish light-houses, buoys, and beacons, or to give unlimited extension to the power of Congress to regulate commerce both within and without the States.

Mr. DAVIS, of Mississippi. The Senator from South Carolina has misconstrued the admission made by me as to the right to erect light-houses and buoys. In addition to that which was referable to the navy power, I said there also existed a power incident to the regulation of commerce, to construct light-houses and buoys where necessary to the safety of those on whom our regulations were imposed. By making it a consequence of the laws which require imported goods to be landed at particular places, it was sufficiently indicated that the works should be connected with the places thus prescribed. The reference to the tonnage duties and port charges, as laid in consideration of the harbor facilities furnished, certainly exhibited with sufficient clearness the extent of my admission. I believe it was originally the practice to limit appropriation for a harbor to the amount of port and tonnage duties collected at it. I wish the rule was now in force. No admission has been made by me which can be fairly construed as recognizing the right to expend means drawn from the national treasury upon harbors which have no taxable commerce, and which therefore supply no funds to the Government. Least of all, can anything advanced by me be tortured into an admission of the right to go abroad, from the place for which the regulation is made, to create a commerce upon which the regulation shall operate.

The Senator selects landing on the upper Mississippi and Ohio, and asks if these are not ports of entry, and if vessels cannot go up to them from the sea. For the latter question I will refer him to his recollections of the trip he made from Memphis, after the celebrated convention held at that place, and then inform him that he was in a very deep river when compared to those he would have passed over if he had ascended to the ports of entry he has named.

The Senator is certainly aware that the places named by him as ports of entry have no foreign commerce brought to them in sea vessels; and if they had, he could only apply my admission to the landing place, which would not in the least aid his purpose, or their commerce. It will be long before I admit as an incident to laws prescribing the rules for commerce that the Federal Government can create channels through which commerce may flow, or that an act of Congress can make the entrance to a harbor equal the distance from the sea to the landing for river boats on the head branches of our longest rivers.

If to declare by law a landing on some interior river to be a port of entry can confer the power to remove all obstructions between that landing and the sea, what limit have we to the burdens which may be imposed upon the industry of the country to support the visionary or corrupt schemes which theory or selfishness may devise? If, under the power to make rules, to enact laws for the government of commerce, we have the right to appropriate money to provide for it channels of transportation, who shall discriminate between rivers, and creeks, and canals, and railroads, or who can say that from channels it may not be extended to vehicles for conveyance? So far as we may constitutionally improve our national highways, it must be for other purpose than the promotion of commerce; and the power must be drawn elsewhere than from the right to regulate it. The transportation of troops, of supplies, and munitions of war, the

transfer of public moneys, the proper discharge of the civil functions and military duties of the Federal Government, may require the improvement of public highways, and under the war power and the duty to provide for the common defence, it may as far as necessary be done. This is a necessity which the settlement of our territory removes. It has limitations both of time and of purpose. Not so with the improvements for commerce, which will increase with increasing population, and has its application to every town and village of the Union. The interests of those whom I represent, and my own conviction and feelings, unite in resistance to a construction than which none was ever adopted more latitudinous in its nature, or tending to more flagrant abuse. I have admitted that at a place where imposts are collected, where tonnage duties are paid, where imports are required to be landed, an obligation is imposed to point out the safe approach to the place so designated. The mere declaration that a certain place shall be a port of entry does not fulfill any of the conditions; and if they were all fulfilled, no application could be made of my admission to the route over which the vessel had passed in its voyage.

Mr. CALHOUN. When the wind is adverse, the vessel may lay off for weeks without being able to enter a harbor. Buoys and beacons are necessary to point the way into harbors, and therefore they come under the regulation of commerce; and if we can provide these facilities on the seacoast, on what principle is it that we are prohibited from providing facilities on our great navigable rivers? Sir, I hold it to be as clear a power as any in the Constitution, demonstrably so, from the meaning which the phrase to regulate commerce had before the adoption of the Constitution. I have examined this subject with great care, and I have never examined any question upon which I have come to so decided a conclusion. Sir, it is monstrous to say that where the interests of so many States are concerned, we shall not exercise a power which is so clearly defined. How far it will extend to the smaller rivers I will not undertake to say; but as far as regards the Mississippi and the Ohio, the only result of setting up a narrow construction will be to make the power universal. You must give it the exercise it was intended to have originally, or there will be no limitation upon it whatever.

The yeas and nays were then taken on the passage of the bill, and it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Badger, Bell, Benton, Berrien, Breese, Bright, Calhoun, Cameron, Clarke, Corwin, Crittenden, Davis of Massachusetts, Davis of Mississippi, Dickinson, Dix, Downs, Felch, Foote, Greene, Hannegan, Mangum, Miller, Niles, Pearce, Phelps, Spruance, Underwood, and Upham—31.

NAYS—Messrs. Bagby, Butler, Hale, Hunter, Johnson of Georgia, Mason, Moor, and Turney—8.

PRIVATE BILLS.

The VICE PRESIDENT announced that the Senate would now proceed to the consideration of the private bills upon the calendar, in pursuance of the order adopted on Friday last, making them the special order for to-day and to-morrow, to the exclusion of all other business.

The following bills and joint resolution were read the second time and considered as in Committee of the Whole; and no amendment being made, they were reported to the Senate:

A bill for the relief of Elizabeth Pistole, widow of Charles Pistole, deceased.

A bill for the relief of Jesse Turner.

A bill for the relief of the forward officers of the late Exploring Expedition.

A bill for the relief of J. F. Caldwell.

A bill for the relief of Nathaniel Kuykendall.

A bill granting a pension to Abigail Garland, widow of Jacob Garland, deceased.

A bill for the relief of Thomas Brownell.

A bill for the relief of Elizabeth Jones, and the other children, if any, of John Carr.

A bill for the relief of Thompson Hutchinson.

A bill for the relief of Thomas Douglas, late United States attorney for East Florida.

A bill for the relief of Samuel W. Bell, a native of the Cherokee nation.

A joint resolution for the relief of Jonathan Lewis.

A bill for the relief of Oliver C. Harris.

A bill to provide for the settlement of the claim of Henry Washington, late a deputy surveyor of the public lands in Florida.

A bill for the relief of Reynolds May.

A bill supplementary to an act to authorize the Secretary of State to liquidate certain claims therein mentioned, passed April 18, 1814.

Ordered, That they be engrossed and read a third time.

Said bills and joint resolution were read a third time, by unanimous consent.

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills and joint resolution.

The bill for the relief of the legal representatives of Captain Jesse D. Elliott, was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

The question being on ordering the bill to be engrossed and read a third time—

Mr. HALE. I am utterly opposed to the passage of this bill, or of anything like it. You are paying the officers of your navy higher salaries than officers of the same grade receive in any country on the face of the earth; and it is for the very purpose of enabling them to defray such extraordinary expenses as they may be subjected to by giving entertainments, and exchanging civilities with persons connected with governments abroad, that you give them those high salaries.

Mr. CAMERON. The sum proposed by this bill to be granted to the heirs of Commodore Elliot, is but a small part of what was expended by him. It is well known that the purpose for which he was sent to the Mediterranean was not an ordinary one. He was sent there for the purpose of exhibiting the power and strength of this Government. The money which he was obliged to spend was disbursed out of his own resources; and the sum was so considerable as seriously to injure his private fortune. All has been stricken out of the bill, however, except the items which relate to the entertainment of the sovereigns.

Mr. HALE. I do not want to say a word about the course of Commodore Elliot: I believe the country remembers that when he came home he was court-martialed.

Mr. CAMERON. Unjustly.

Mr. HALE. Well, it may be so; but I believe the King of Greece and the Queen of Saxe Cobourg were not the only animals he entertained; for I remember one of the charges against him was, that he had so encumbered his vessel with animals—elephants, jackasses, &c.—that she was disqualified for any service. He had jackasses' heads stuck through all the port-holes, and, in fact, his ship was familiarly known in the Mediterranean as the Jackass frigate. I believe the first example of voting money for such a purpose as this, was the grant made to Commodore Morgan; and I trust it will be the last. Why are such high salaries granted to our naval officers, unless it is to cover extraordinary expenditures? I believe the estimates for the naval service this year amount to fifteen millions of dollars.

SEVERAL SENATORS. Between ten and eleven millions.

Mr. HALE. I think they will be found to be not less than fifteen millions in the aggregate; but eleven is enough for my argument. During the last war with Great Britain, I believe our navy did not cost us more than four or five millions at the utmost, and it has now got up to eleven millions, and is increasing, year by year; and, in addition to this enormous expense, every time there is an entertainment given by a naval officer, there must be an appropriation made to meet the expense. Sir, I hope the bill will be indefinitely postponed, and upon that I ask the yeas and nays.

Mr. BADGER. I am sorry that the Senator from New Hampshire has thought it necessary to oppose this bill, and I regret still more that he has felt it to be his duty to indulge in the style of remark which he has addressed to the Senate on this occasion. Commodore Elliot is now no more. While in the service of the country he advanced her interests, and merited her approbation. His memory should at least be entitled to respect. If, in his conduct towards those under his command, he did anything that was calculated to bring reproach upon his name, his conduct was subjected to investigation by the proper tribunal, and he submitted himself to the punishment awarded by that tribunal, whether justly or unjustly, I do not now propose to inquire. But it does seem to me that the remarks of the Senator from New Hampshire, though probably not so designed—for I am sure he would be the last man in the world who would voluntarily inflict injury—are calculated to bring into the consideration of this question, prejudices which ought never to sway an American Senate. According to my judgment, there cannot be a plainer case, or one which appeals more directly to our sense of justice.

It is said that the expenses of the American navy are large. Sir, that furnishes no reason why a sum of money which in justice and right ought to be refunded to Commodore Elliot, or to those who represent him, should be withheld. If the expenses of the navy are large, he had nothing to do with making them so; he neither created the navy nor fixed its expenses. The expenses of the navy is a matter which has nothing to do with the consideration of this question. This gentleman was sent out in a first-class ship, not only for the purpose of adding to the stores of American science, but for the purpose of exhibiting American strength. He visits a certain port, and it is announced to him that a sovereign intends to do him the honor to visit his ship. What is he, under such circumstances, to do? Is he to say, I belong to a republic; we know nothing about kings and queens; we do not desire the honor of a visit from you; we want none of your company? I am sure that the Senator from New Hampshire would not desire him to act in such a manner as this. Well, the royal cortége comes on board, what is he then to do? Is he to announce to them that he is a member of the Washingtonian cold-water total-abstinence society, and refuse to order refreshments? Why, it is preposterous to suppose that either of these sources can be adopted. What is he to do? He is the representative of his country, and he should represent it in a manner that is suitable to its dignity; and he does so at an expense to himself of fifteen hundred dollars. The Senator says that he receives a large salary, and that is sufficient for purposes of hospitality. So it is for ordinary hospitality, but not for occasions like these. I think we should be wanting in the duty that we owe ourselves, if we should refuse to reimburse him for this outlay. I hope the bill will not be postponed.

Mr. PEARCE. The honorable Senator from New Hampshire is mistaken in supposing that the case of Commodore Morgan is the only one in which an appropriation of this kind has been made.

Mr. HALE. I did not refer to the case of Commodore Morgan as a precedent myself; it was referred to by the committee. In regard to the remarks of the Senator from North Carolina, I should have been exceedingly glad if that gentleman, who generally delivers what he has to say with so much grace and propriety, had abstained on this occasion from what appeared to me to be an unkind slur on temperance societies. I should be very glad to entertain that honorable Senator in my humble home, but the beverage I should offer him, though he might consider it an insult, would be the best water the country affords. I think the influence of such unkind suggestions as those made by the Senator, are calculated to do vast injury to a cause, which I know is dear to his heart. Now, in regard to this claim, I look upon it as establishing a dangerous practice. We shall now have to commence paying for the entertainments given by our ministers abroad. It is by them that the true dignity of the nation is represented, and if there is any propriety in the thing at all, they are the persons who should give entertainments. You will find applications of this kind multiply upon your hands. There will be no end or limitation to it.

After some further remarks from Messrs. CAMERON, BADGER, BERRIEN, WESTCOTT, and others,

The question was taken by yeas and nays, and resulted as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Bagby, Berrien, Breese, Bright, Calhoun, Clarke, Crittenden, Davis of Massachusetts, Davis of Mississippi, Dix, Downs, Felch, Hale, Hunter, Johnson of Georgia, Lewis, Mason, Phelps, Rusk, Spruance, Turney, Underwood, Upham, and Westcott—27.

NAYS—Messrs. Badger, Benton, Butler, Cameron, Dickinson, Foote, Hannegan, Mangum, Miller, Moor, Niles, and Pearce—12.

After a late session, the Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 15, 1848.

The Journal of yesterday was read and approved.

Mr. COLLAMER rose and asked leave to report a bill, but yielded the floor to

Mr. PALFREY, who asked and obtained leave to make a

PERSONAL EXPLANATION.

Mr. PALFREY said: Within the last fifteen minutes he had seen, for the first time, in the Union newspaper of the 13th instant, the report of a discussion in which he was concerned on Tuesday last, and in the course of which his remarks were interrupted by the gentleman from Tennessee, [Mr. JOHNSON,] who asked him a question. If the gentleman was correctly reported in the Union, Mr. P. wished to say now, that he had not understood the gentleman's question at the time of replying to it. He did not say the report was incorrect. He supposed, because corroborated by the recollection of a gentleman of whom he had just made the inquiry, that the gentleman's question on Tuesday had been correctly reported. [A voice: Read it.] No, sir, Mr. P. said, I decline reading it. From my reply itself, the report of which I believe to be substantially correct, it will be seen that I did not hear the real question. My object in now rising is accomplished by this statement. I will not abuse the indulgence of the House in allowing me to make a personal explanation, by any offensive retort upon the gentleman. Whatever offensiveness he intended for me, I can easily forgive; and the question whether he adopted an eligible way of offering it, is one which I am content silently to leave to the decision of men of delicacy and honor.

Mr. JOHNSON having asked and obtained permission to make a personal explanation, said he did not know whether he had heard correctly the entire remarks of the gentleman from Massachusetts; but if he had understood him correctly, he was prepared to make a proper response. As for asking the question with a view to wound the feelings of the member from Massachusetts, or to make any unkind reflection on him or on any member of his family, he assured the gentleman that such was not his intention or purpose. But he asked the question in connection with a particular set of remarks which the gentleman from Massachusetts made. He understood, and he so saw the gentleman was reported, that his remarks were to this effect: The gentleman from Massachusetts was going on to show, and to prove, that the negro race was becoming more and more elevated in character; and in proportion as they became elevated and advanced in society, they became correspondingly nearer and nearer to the condition of equality with the white man. The gentleman from Massachusetts went on to enumerate instances of remarkable negroes. He said that he had commissioned one learned negro lawyer to be a judge in a justice's court while he was Secretary of State of the Commonwealth of Massachusetts. He also informed the House that another negro had been elected to the Legislature of Massachusetts, but that his modesty was so great that he had not taken the seat to which he had been elected. And in this connection the gentlemen went on and read an extract from a letter giving an account, to use his own language, of a very intellectual, interesting, and charming negro boy. Yes; a very charming negro boy, who had excelled many white students associated with him in a particular institution of learning, but who had been called hence by an inscrutable Providence. This was the tenor of the gentleman's remarks if he (Mr. J.) had properly understood him. He also understood that gentleman to say, that if that intellectual, interesting, charming negro boy had lived, he would now have been a rival, a companion, and an associate of his own son and of the son of an honorable gentleman from South Carolina, in one of the most respectable institutions of learning in his own State. And he further stated, that if his son should have failed or refused to treat that charming, interesting, and intellectual negro boy with proper respect and esteem as a companion and associate in his studies, he would have incurred and brought down upon him a father's displeasure. These remarks of the gentleman from Massachusetts made the impression on his mind that this charming negro boy was deemed the equal of the gentleman's son, and that he would be the rival of that gentleman's son, perhaps his superior, in literary attainments. He knew that it was the duty of every man who considers himself a gentleman, no matter what the complexion of his skin might be, to treat all classes of men with civility and proper respect. But what was the case submitted to the House? The gentleman from Massachusetts was showing the elevation of the negro character—he was citing instances of negroes of a superior order of intellect—and these were introduced in connection with a member of the gentleman's own family, who, the gentleman assured the House, would have incurred his father's displeasure if he had not treated with entire respect that nteresting and charming negro boy. The question, then, which he (Mr. J.) asked, at the time he thought proper and pertinent. It was not asked with the view of making an unkind cut at the gentleman from Massachusetts or his family, or any member of his family; he asked it to test the sincerity of the gentleman, and to see how his theory would work in the social life of his own family. The question was asked, it must be remembered, when the gentleman from Massachusetts had made this charming negro boy the equal of his own son. Then it was that he asked the gentleman from Massachusetts if he should be willing, provided such a thing should meet the taste and approbation of a member of his family—to wit, his own daughter—to give his consent to her being given to this intellectual, interesting, and charming negro boy in wedlock as her companion through life? Such was the question he asked; and he asked it with no view to wound the feelings of the gentleman, or to make any unkind reflections upon him or his family, but to test the theory of the gentleman by practice. He wished it to be distinctly understood by the House that he had not introduced the family of the gentleman from Massachusetts into the debates of this House. He should be as far from doing it as any member on this floor. The gentleman from Massachusetts introduced them himself, and all that he (Mr. J.) desired to do was, to test the sincerity of the gentleman in the application and carrying out of his theory. He assured the gentleman he had no other design or purpose in what he had said.

Mr. PALFREY, (turning and walking back to his seat.) Mr. Speaker, my purpose has been answered by the simple statement of fact. An answer to the gentleman's present remarks is rising to my lips, but I suppress it.

Mr. JOHNSON said the gentleman from Massachusetts was alone answerable for the introduction of his family into these debates.

Mr. ROOT rose and objected to further explanations.

Mr. JOHNSON claimed that he was still in possession of the floor, which he had not yielded. He was interrupted by the gentleman from Massachusetts [Mr. PALFREY] as he was going on to say, that after the gentleman from Massachusetts had demonstrated that the negro was equal to his own son, and was worthy to be the companion of a member of his family, it did seem to him that the gentleman from Massachusetts could not, by giving to his question the most latitudinous construction, convert it into an attack on his family. If this intellectual, interesting, and charming negro boy was fit to be the companion of the gentleman's son, he was his equal. How, then, could the question be unkind towards the gentleman's family?

Mr. CONGER rose to a question of order, and inquired if there was not a special rule applicable to personal explanations. He wished the chair to state if there was not a rule which limited personal explanations to ten minutes.

Mr. JOHNSON said there was a rule which limited them to one hour.

The SPEAKER was understood to say that such a rule was under the consideration of the Committee on Rules, to whom it had been referred, to examine into its propriety, but it had not yet been reported to the House.

Mr. CONGER had understood it otherwise.

Mr. JOHNSON said, but for these interruptions he should have concluded what he had intended to say. He would say, in conclusion, that when he asked the question, he was well satisfied in his own mind, for he was conscious of the gentleman's refined sense of honor, and the acuteness of his observation, that any such association with his family would be repulsive and offensive to him. He did not, he repeated, intend to insult the gentleman or his family. He knew the gentleman's theory and his practice must be very different from each other, and that his sense of honor, his nice, discriminating powers, and the high tone of his morality, would forbid and reject every idea of reducing such a theory to practice. He had no more to say.

Mr. COLLAMER then claimed the floor, and diverted the attention of the House to other business.

RELIEF OF VOLUNTEERS.

Mr. COLLAMER asked leave to introduce a bill from the Committee on Public Lands. He explained briefly the provisions of it. There were certain volunteers in the Mexican war who were entitled to preëmption rights in the Miami reservation, in the State of Indiana. These lands, when brought into market, were held at two dollars an acre. The bill proposes to give to these volunteers the privilege of applying their land scrip to the payment for their preëmptions to Miami lands as though these lands were offered at one dollar and a quarter per acre, the same price of other public lands.

No objection being made, the bill, to wit: a bill for the relief of those preëmption claimants for Miami lands in the State of Indiana who by their services in the Mexican war are entitled to bounty lands, was reported, twice read, ordered to be engrossed, and was then passed.

TERMINATION OF DEBATE.

Mr. ROCKWELL, of Connecticut, proposed the adoption of a resolution to terminate debate on the bill for the relief of the legal representatives of Richard W. Meade, in Committee of the Whole House, at two o'clock this day.

Mr. COBB, of Georgia, opposed the resolution. There had been evinced yet no disposition to wander from the merits of the bill in this discussion; and there had been intimated a desire on the part of many members to postpone the discussion to a future day. He moved to lay the resolution on the table.

Mr. ROCKWELL had offered the resolution, he said, from no feeling of hostility to the bill, but with a view to progress with the business on the calendar.

The question was then taken on the motion of Mr. COBB; and, having been decided in the affirmative, the resolution was laid on the table.

Mr. ROCKWELL, of Connecticut, moved that the House go now into Committee of the Whole on the private calendar.

Mr. SCHENCK suggested that it might be the better course to dispose first of the bills already reported from the Committee of the Whole.

Mr. ROCKWELL acquiesced.

The SPEAKER then announced the first order to be the bill reported from the Committee of the Whole on the state of the Union last Saturday, to wit:

A joint resolution for the relief J. L. Gillis and others; the question being on ordering the engrossment.

Hereupon a discusssion arose, in which the resolution was opposed by Mr. SAWYER, and supported by Mr. SCHENCK, Mr. EVANS of Maryland, and Mr. STANTON.

And then, after an ineffectual motion to lay on the table, the engrossment was ordered, and the joint resolution passed.

PRIVATE CALENDAR.

On motion of Mr. ROCKWELL, of Connecticut, the House then resolved itself into Committee of the Whole, (Mr. MORSE, of Louisiana, in the chair,) and resumed the consideration of the bill for the relief of the legal representatives of Richard W. Meade, deceased; and, after some time spent in the discussion, which was continued thereon by Mr. GIDDINGS, Mr. J. R. INGERSOLL, and Mr. THOMAS, of Tennessee—

The committee rose and reported no conclusion.

And the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. HALL, of New York: The petition of chiefs of different tribes of the New York Indians, praying for relief to the survivors of the New York Indians, who emigrated west of the Mississippi, and for the representatives and relatives of those who have died.

By Mr. WENTWORTH: The petition of S. C. Collins

and others, for the extension of mail route 4,317 from Attawa via Plumfield to Cass, so as to run via Flag creek and Lyons to Chicago.

By Mr. LA SERE: The Memorial of Thomas W. Chinn, M. Courtney, and others, securities of Thomas G. Morgan, late collector of the revenue for the port of New Orleans, praying for relief.

By Mr. McCLELLAND: The claim of W. H. Brockwa, administrator on the estate of John and Susan Johnson, late of the village of Mackinac, deceased.

By Mr. TWEEDY: The petition of H. Merrill and 100 others, for the division of the Green Bay land district, in Wisconsin.

By Mr. McKAY: The petition of John Plunkett, of Fayetteville, North Carolina, asking an indemnity for injuries sustained from an explosion in the laboratory of the North Carolina arsenal.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 17, 1848.

The Journal of Saturday was read and approved.

Mr. CLINGMAN moved to suspend the rules, to enable him to offer a resolution.

Mr. PALFREY inquired what was the order of business?

The SPEAKER replied, the call of the States for petitions.

Mr. PALFREY inquired if a motion to suspend the rules was debatable?

The SPEAKER replying in the negative—

Mr. PALFREY took an appeal from this decision; but finding that he was not privileged to debate the appeal, he withdrew it.

The SPEAKER put the question on the suspension of the rules.

Mr. WENTWORTH asked if anybody had objected to the resolution? Nobody had on his side of the House. What was the need, therefore, (he asked,) for a motion to suspend?

The yeas and nays having been asked by Mr. PALFREY, but refused by the House, the question was taken by a division, and decided in the affirmative, two-thirds voting therefor. So the rules were suspended.

CORRESPONDENCE—GEN. SCOTT, ETC.

Mr. CLINGMAN's resolution was then received; and, after certain modifications at the suggestion of Mr. COBB, of Georgia, and on Mr. CLINGMAN'S own motion, assumed the following form:

Resolved, That the President be requested, if not, in his opinion, incompatible with the public interest, to furnish this House copies of the correspondence between Major General Winfield Scott and the Secretary of War during the months of October and November of the year 1846; and especially copies of any letters or despatches of General Scott bearing date on the 27th of October, the 12th, 16th, and 21st of November, detailing the plan of operations to be formed and the mode of conducting the war with Mexico, both with reference to movements from the Gulf coast and from the Rio Grande; and also the replies of the Secretary of War thereto.

Resolved further, That the President be requested, in like manner, to furnish copies of any correspondence that may have taken place recently between General Scott and the Secretary of War with reference to the change of commander-in-chief in Mexico; and all letters received from General Scott, either directly from him or transmitted by any other person, dated prior or subsequent to his suspension or removal from the command of the army in the vicinity of Mexico; and also the replies of the Secretary of War thereto, and all other correspondence between General Scott and the Secretary of War not heretofore communicated to Congress.

Mr. CLINGMAN demanded the previous question; which was seconded, and, under its operation, the resolution was adopted.

REDUCTION OF DUTIES.

Mr. C. J. INGERSOLL asked leave to offer a resolution. There being objection, Mr. I. moved to suspend the rules. Two-thirds voting therefor, the motion was agreed to.

The resolution was then moved, and read, as follows:

Resolved, That the Committee of Ways and Means ascertain, by consultation with the Secretary of the Treasury and otherwise, and report to this House, whether the immediate reduction of fifteen of the thirty per cent. ad valorem now imposed as duties on French productions imported into the United States will not, at this crisis in the French Government, afford great and seasonable relief to the distressed industry of that country, to which this is so much indebted, and also be without disadvantage, if not beneficial, to the revenue, commerce, and general welfare of the United States.

Mr. VINTON moved to amend the resolution by striking out all after the words "Secretary of the Treasury," and inserting "what modifications it is necessary to make in the tariff of 1846."

Mr. HOLMES, of South Carolina, briefly advocated the resolution. We were aware (he said) that at this time, in this House, there either existed, or was professed to exist, the greatest sympathy for France. If there were sympathy for a people struggling to be free, he thought that that sympathy had better be shown by overt acts. He referred to the story of the Frenchman who was present in a company where a poor fellow told his tale of misery and distress. "What do you think of such a case?" was asked. "Ah!" said the company, "we are very sorry for him." Said the Frenchman, taking out his money, "I sorry *twenty dollars! How much* are you sorry?" We should not confine ourselves to mere professions of sympathy, but afford some substantial evidences of sympathy, by reduction of our duties upon their productions. This would not merely relieve the French treasury immediately, but would equally benefit ours, by swelling the amount of their importations—thus increasing our revenues; and not only this: so grateful would they be, that when a permanent government was established, we might expect a greatly enlarged market, in consequence of their reduction of the duties for our tobacco, cotton, rice, and breadstuffs. Thus, at the time that we were manifesting our sympathy and generosity to the French, we should ensure important benefits to various interests of our own country.

After a word of conversation between Messrs. J. R. INGERSOLL and C. J. INGERSOLL—

Mr. HUDSON said he had no disposition generally to speak in opposition to resolutions of inquiry, more especially as he believed this resolution to be harmless in its character; but as some remarks had been made on it, he would say a word or two, which he would not have done if there had been no debate upon it. What he wished to say would be strictly applicable to this resolution of inquiry. They all knew that the tariff of 1842 was met by a popular objection on the other side, that it acted on luxuries too favorably. It was said that luxuries ought to bear the highest rate of taxation, and the thousand gewgaws from France fell within that description, together with French wines.

Mr. C. J. INGERSOLL interposed to say that wines were not comprehended in this resolution, the duty on which was forty per cent.

Mr. HUDSON was glad to hear that his friend from Pennsylvania had got his mind off wine, and that the duty was not to be reduced on that necessary of life which was consumed by the hardy yeomanry of the country. [Laughter.]

Mr. C. J. INGERSOLL said he did not propose to reduce the duty on wine. There was no such proposition embraced in his resolution.

Mr. HUDSON was aware of that, and he was glad that it was left out. The resolution now before the House related to the thousand and one gewgaws of French manufacture. The inquiry proposed was, whether we, in consideration or in consequence of a certain revolution in France, before the French people have established any government for themselves, ought now to modify our tariff, and thereby say to the French that we will receive all their luxuries, including their gewgaws and unnecessary articles, free of duty, by way of giving encouragement to them in their glorious undertaking. Now, he submitted to the House if this was a proper subject for a resolution. He also asked the House if this was a proper time and this a proper way to modify our revenue laws. If it was necessary that those laws should undergo modification, let the House take up the whole subject. Let French wines and gewgaws be considered with Pennsylvania iron, which he would recommend to the consideration of the mover of this resolution, [Mr. C. J. INGERSOLL,] together with all those interests which were most important to our people. He thought those interests which vitally affected the labor of the country should have at least as much consideration as French wines and French gewgaws. He cared but little whether this resolution was adopted or rejected. It was to him a matter of perfect indifference. But he wished the House to understand this matter, that its members might decide for themselves whether this was a proper time, a proper place, and a proper manner, to modify the revenue laws of the country. This resolution embraced a subject which vitally concerned the labor of the country, and he preferred, if the subject was to be taken up, that it should be taken up together. If it was to be taken up piecemeal, he should give the preference, over the wines and gewgaws of France, to the iron of Pennsylvania, or some other great interest of this country, any one of which was of more importance than the wines and unnecessary gewgaws of France. He repeated he was indifferent as to the fate of this resolution. He had no feeling on the subject. The reasons which influenced gentlemen in throwing in such resolutions were best known to themselves, but he hoped the House would act upon them understandingly. With respect to this particular resolution, which proposed to give to the gewgaws of French manufacture more consideration than the iron of Pennsylvania, and the necessaries of life, and the manufactures of our own country, he would only say that it should be well considered.

Mr. C. J. INGERSOLL interposed and said he merely desired to say that his resolution was simply a resolution of inquiry. It was impossible that it could do any mischief. It was a resolution of inquiry, submitted to the committee of which the honorable gentleman from Ohio [Mr. VINTON] and the gentleman from Massachusetts [Mr. HUDSON] were members—members, too, of the majority of that committee. He desired to put the subject into their hands, to do with it what they should think proper.

Then, as to the iron about which the gentleman from Massachusetts was so anxious, suffer him to say that that was what he had in view. He wanted to enable France, if possible, to pay for our iron, which they now cannot do, unless we take some of those gewgaws to which the gentleman from Massachusetts objected. And, in addition, he would afford some aid to the spirit of liberty which was aroused in France.

Mr. HUDSON inquired whether the 15 per cent. in the gentleman's resolution had any reference to liberty?

Mr. C. J. INGERSOLL. Yes.

Mr. HUDSON. And whether the gentleman would impose 15 per cent. for liberty?

Mr. C. J. INGERSOLL said by striking 15 per cent. from 30, we should go much nearer to liberty than we had hitherto been. Were there any other questions the gentleman desired to ask? He was ready to answer any other question the gentleman from Massachusetts, or any other gentleman, might wish to put to him.

Mr. ECKERT inquired what amount of iron we now export to France?

Mr. C. J. INGERSOLL replied none, but we may begin to export iron to France if we give France the means to pay for that which we shall send there.

Mr. ECKERT would inquire whether the gentleman from Pennsylvania expected or calculated that we could export iron to France until the wages of labor were reduced to the standard of France?

Mr. C. J. INGERSOLL replied that that was one of the greatest humbugs in the world. That, it appeared, was to be a standing humbug. His resolution was simply a resolution of inquiry, and it had been debated longer than he thought necessary; he should therefore make a motion that he rarely made. He moved the previous question.

Mr. McLANE moved to amend the resolution by striking out all after the word resolved, and inserting that the Committee of Ways and Means inquire into the expediency of adopting the following joint resolution:

Resolved, (the Senate concurring,) That from and after the 4th day of July, 1848, all duties now levied by existing laws upon articles imported from the Republic of France, the growth and manufacture of said Republic, into the United States of America, be, and the same are, hereby repealed: *Provided*, The duties now levied by the laws of said Republic upon articles the growth and manufacture of the United States imported into the said Republic of France, shall be repealed on or before the aforesaid 4th day of July.

Mr. BAYLY moved to lay the subject on the table.

The motion was decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Abbott, Adams, Barringer, Barrow, Bayly, Blanchard, Bocock, Botts, Boydon, Brady, William G. Brown, Charles Brown, Albert G. Brown, Cabell, Chapman, Chase, Clingman, Williamson R. W. Cobb, Cocke, Collamer, Conger, Cranston, Crisfield, Dickinson, Dixon, Duer, Garnett Duncan, Dunn, Eckert, Embree, Alexander Evans, Nathan Evans, Featherston, Ficklin, Freedley, Fulton, Gayle, Gentry, Giddings, Gregory, Hale, James G. Hampton, Moses Hampton, Haralson, Henry, Elias B. Holmes, George S. Houston, Hubbard, Hunt, Irvin, Jenkins, Robert W. Johnson, John W. Jones, Kellogg, William T. Lawrence, Sidney Lawrence, Lincoln, Lord, Lumpkin, McClelland, McClernand, McDowell, McKay, Job Mann, Horace Mann, Marsh, Marvin, Morehead, Murphy, Peck, Petrie, Peyton, Phelps, Rhett, Richardson, Rockhill, Julius Rockwell, Roman, Ramsey, St. John, Sawyer, Shepperd, Sherrill, Silvester, Simp-

son, Sims, Caleb B. Smith, Truman Smith, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Thibodeaux, Thomas, Richard W. Thompson, Venable, White, and Wilson—89.

NAYS—Messrs. Ashmun, Atkinson, Beale, Bedinger, Bingham, Birdsall, Bowlin, Boyd, Bridges, Brodhead, Buckner, Burt, Canby, Cathcart, Franklin Clark, Beverly L. Clark, Howell Cobb, Collins, Crowell, Crozier, Cummins, Daniel, Dickey, Daniel Duncan, Edwards, Faran, Farrelly, Flournoy, French, Fries, Gaines, Green, Willard P. Hall, Nathan K. Hall, Hammons, Henley, Hill, Hilliard, Isaac E. Holmes, Hudson, Inge, Charles J. Ingersoll, Iverson, Jameson, Andrew Johnson, George W. Jones, Kaufman, Kennon, Daniel P. King, Leffler, Ligon, Maclay, McIlvaine, McLane, Meade, Miller, Morris, Nelson, Palfrey, Peaslee, Pollock, Preston, Putnam, Richey, Robinson, John A. Rockwell, Root, Robert Smith, Stanton, Tallmadge, Taylor, Jacob Thompson, William Thompson, Thurston, Tompkins, Toombs, Tuck, Turner, Van Dyke, Vinton, Warren, Wentworth, Wick, Wiley, and Wooodward—85.

So the subject was laid on the table.

SUSPENSION OF GENERAL SCOTT.

Mr. BOTTS moved to suspend the rules, to enable him to offer the following resolutions:

Resolved, That the President be requested to inform this House whether Major General Winfield Scott, commander-in-chief of the United States forces in Mexico, has been arrested or suspended from command; and if suspended from duty and the exercise of his responsible functions, that the President be further requested to inform this House whether such suspension was occasioned by any breach of orders, violation or neglect of duty, or for powers assumed by said commander in conducting the war with Mexico; and if so, to state the nature of such breach of orders, violation or neglect of duty, or assumption of power, or what other high military offence has been imputed to the said commander-in-chief, and which, in the opinion of the President, rendered it necessary or expedient at such a conjuncture of affairs, in time of active operations, in the heart of the enemy's country, after a campaign among the most brilliant and successful recorded on the page of history, to deprive the republic of the eminent and invaluable services of Major General Scott, to whom the representatives of the people have unanimously voted their thanks with a medal, "as a testimony of the high sense entertained by Congress of his valor, skill, and judicious conduct, in the memorable campaign of 1847."

Resolved, That the President be requested to cause to be furnished to this House a copy of the charges and specifications (if any) which have been filed against Brevet Major General Worth by Major General Scott, and by him transmitted to the Secretary of War, for trial, by general court-martial; and that the President be further requested to inform this House whether he has disallowed the charges preferred by the commander-in-chief against a subordinate officer under his command, or whether he has appointed a general court-martial for the trial of the said Brevet Major General Worth, in accordance with the provisions and requirements of the law, which in such cases declares, "that 'whenever a general officer commanding an army, or a 'colonel commanding a department shall be the accuser or 'prosecutor of any officer of the army, the general court-'martial for the trial of such officer shall be appointed by the 'President of the United States;" and, if not, what good reason existed for disregarding the charges of Major General Scott, the superior, against Brevet Major General Worth, the inferior officer, while Major General Scott is brought before a court of inquiry in Mexico upon the charges preferred by said Brevet Major General Worth against his commander-in-chief, General Scott.

The question on the motion to suspend the rules was put, and decided as follows:

YEAS—Messrs. Abbot, Adams, Ashmun, Barringer, Barrow, Blanchard, Botts, Boydon, Brady, Buckner, Cabell, Cathcart, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Featherston, Ficklin, Flournoy, Freedley, French, Gaines, Gayle, Gentry, Giddings, Gott, Gregory, Hale, Willard P. Hall, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henley, Henry, Hilliard, Elias B. Holmes, Hubbard, Hudson, Hunt, Inge, Joseph R. Ingersoll, Irvin, John W. Jones, Kaufman, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Morris, Nelson, Newall, Pollock, Preston, Putnam, Robinson, Rockhill, John A. Rockwell, Roman, Root, Ramsey, St. John, Sheppard, Sherrill, Silvester, Caleb B. Smith, Truman Smith, Stanton, Stephens, Andrew Stewart, Strohm, Tallmadge, Taylor, Thibodeaux, Richard W. Thompson, John B. Thompson, Tompkins, Toombs, Tuck, Van Dyke, Vinton, Wentworth, White, and Wilson—107.

NAYS—Messrs. Beale, Bedinger, Bingham, Birdsall, Bocock, Bowlin, Boyd, Bridges, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Dickinson, Fries, Fulton, Green, Haralson, Hill, George S. Houston, Charles J. Ingersoll, Iverson, Jameson, Jenkins, Andrew Johnson, Robert W. Johnson, George W. Jones, Kennon, Sidney Lawrence, Leffler, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morse, Murphy, Peaslee, Peck, Petrie Peyton, Phelps, Richardson, Richey, Sawyer, Sims, Robert Smith, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, William Thompson, Thurston, Turner, Venable, Wick, Wiley, and Woodward—74.

Two-thirds not voting in the affirmative, the motion to suspend the rules was not agreed to; so the resolution was not received.

THE APPROPRIATION BILLS.

Mr. BOYD moved that the Senate bills lying on the Speaker's table be taken up, for the purpose of referring them.

The motion was decided by yeas and nays—yeas 97, nays 85. Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. VINTON moved to suspend the rules, to enable him to offer a resolution making the several appropriation bills for the year ending June 30, 1849—viz: for the payment of revolutionary and other pensions, for the payment of navy pensions, appropriations for the naval service, for fortifications, for civil and diplomatic expenses of the Government—the special order of the day for Wednesday next, at one o'clock, p. m., and so to continue at the same hour of the day for every day thereafter, except Fridays and Saturdays, until finally disposed of.

Mr. McKAY requested Mr. VINTON to include in the resolution the bill regulating the appointment of clerks in the Executive departments, and for other purposes.

Mr. VINTON assenting to the request of Mr. McKAY, the resolution was modified accordingly.

The motion to suspend the rules was agreed to, and the resolution was received.

Mr. FICKLIN moved to amend the resolution by including the bill to establish the Territorial Government of Oregon.

Mr. BOYD suggested to Mr. FICKLIN to include the ten-regiment bill in his amendment.

Mr. FICKLIN expressed his willingness to do so, if it was in order.

The point was raised that the last named bill, now lying on the Speaker's table, and never having been once read, could not be considered within the power of the House in such a manner as to justify its being included in this motion for a special order.

Mr. BOYD said the bill was certainly within the power of the House, as it had been received from the Senate, and could be taken up whenever a competent majority of the House saw fit.

The SPEAKER, upon reflection, decided that the proposition would be in order, and stated that it would require a vote of two-thirds to pass the resolution, though amendments could be carried by a majority.

Mr. FICKLIN thereupon modified his amendment so as to include the Oregon bill and the ten-regiment bill.

After several inquiries and suggestions from various members,

Mr. COLLAMER moved the previous question, which was seconded, and the main question ordered to be put.

The question on Mr. FICKLIN's amendment was divided, and taken on each bill separately.

The question on the first branch was put, viz: to embrace the bill to establish the Territorial Government of Oregon in the resolution, and it was agreed to.

The question on the second branch of Mr. FICKLIN's amendment, viz: to include also the bill from the Senate to provide an additional military force, and for other purposes, was then put, and decided as follows:

YEAS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowlin, Boyd, Bridges, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Dunn, Faran, Featherston, Ficklin, French, Fries, Fulton, Gaines, Green, Willard P. Hall, Hammons, Haralson, Henley, Hill, George S. Houston, Inge, Chas. J. Ingersoll, Jackson, Jameson, Jenkins, Andrew Johnson, R. W. Johnson, G. W. Jones, Kaufman, Kennon, La Sère, Sidney Lawrence, Leffler, Ligon, Lincoln, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Wiley, and Woodward—97.

NAYS—Messrs. Abbott, Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boydon, Brady, Buckner, Cabell, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Duer, Daniel Duncan, Garnett Duncan, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Flournoy, Freedley, Gayle, Gentry, Giddings, Gott, Gregory, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Hilliard, Elias B. Holmes, Hubbard, Hudson, Hunt, Jos. R. Ingersoll, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, Wm. T. Lawrence, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Nelson, Newall, Palfrey, Pendleton, Preston, Putnam, Julius Rockwell, John A. Rockwell, Roman, Root, Ramsey, St. John, Sheppard, Sherrill, Silvester, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Taylor, Thibodeaux, Richard W. Thompson, J. B. Thompson, Tompkins, Toombs, Tuck, Vinton, Warren, White, and Wilson—92.

So the amendment of Mr. FICKLIN was agreed to.

The question recurred on agreeing to the resolution, and it was decided by yeas and nays: Yeas 74, nays 101. So two-thirds not voting in the affirmative, the resolution was not agreed to.

REVISION OF THE LAWS OF THE U. STATES.

Mr. McKAY offered the following resolution, which was received, read, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing for the collation, digest, and revision of the public laws of the United States now in force, and including those which may be enacted by the present Congress; that, in doing this, the different acts and parts of acts which form similarity of subject ought to be so arranged and consolidated, be collected and reduced into one, distributing the same under such titles, divisions, and sections as may be proper, omitting all such acts and parts of acts, before passed, as shall either have expired by their own limitation, become obsolete, or been repealed; inserting in the body of the revised statutes such new provisions as may be proper and judicious; and that said revision be completed, in every other respect, in such manner as shall seem most useful and proper to render said statutes more plain and easily to be understood.

HARBORS AND RIVERS.

Mr. HUNT moved to suspend the rules to enable him to offer a resolution making bills 168, 169, and 176, for the improvement of certain harbors and rivers, the special order of the day for Tuesday, May 8, so to continue until finally disposed of.

The question was decided by yeas and nays—yeas 95, nays 71. Two-thirds not voting in the affirmative, the rules were not suspended.

AMENDING RULES.

Mr. WENTWORTH moved to suspend the rules to enable him to move a resolution instructing the Committee on Rules to inquire into the expediency of rescinding the 135th rule of the House. Disagreed to.

HEMP FOR THE NAVY.

Mr. KING, of Georgia, moved to suspend the rules for the purpose of taking up the joint resolution of the Senate authorizing the purchase of hemp for the use of the navy.

Pending which motion, the House adjourned.

IN SENATE.

MONDAY, *April* 17, 1848.

Mr. RUSK presented resolutions of the Legislature of Texas, in relation to having a law passed by Congress extending the jurisdiction of Texas over one-half the waters of the Sabine Lake, Sabine Pass, and Sabine river, up to the 32d degree of north latitude, which was ordered to be printed; and in favor of an act of Congress concerning military posts on the frontier, so as to extend a chain of military posts in advance of the settlements between Red river and the Rio Grande, and to be removed from time to time as the settlements advance; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DIX presented a petition from Dennis Harris, merchant, of New York, asking for a return of duties on sugar destroyed by fire in the city of New York, while yet subject to exportation; which was referred to the Committee on Finance.

Mr. ALLEN presented a petition from citizens of Mercer county, Ohio, asking that all persons promoted from the ranks during the war with Mexico, shall be entitled to their bounty land, as if they had been discharged; which was referred to the Committee on Military Affairs.

Also, several memorials relating to such changes in the post office system as will admit papers to be sent free of postage to all places within thirty miles of the place of publication; which were referred to the Committee on the Post Office and Post Roads

Also, resolutions of the Legislature of Ohio, in favor of constructing a road from Lake Michigan to the Pacific; and memorials from Wadsworth, Ohio, and from Summit county, Ohio, numerously signed, in favor of the same; which were laid on the table, and ordered to be printed.

Mr. DOWNS presented a memorial from Thos. W. Chinn and other sureties of a late collector of the port of New Orleans, asking to be released from a certain judgment obtained against them; which was referred to the Committee on Claims, and ordered to be printed.

Mr. CAMERON presented twenty memorials, signed by some thousands of citizens of Pennsyl-

vania, complaining of the monopoly of the Camden and Amboy Railroad and the Delaware and Raritan Canal Company, and the exorbitant charges exacted for carrying passengers and freight between Philadelphia and New York, and of the unconstitutional imposition by the State of New Jersey of a tax on persons and property entering and departing from that State, and asking as a remedy, that Congress will authorize a post route through the State of New Jersey, that citizens of all States may pass without unjust charge. These memorials were referred to the Committee on the Post Office and Post Roads.

Mr. RUSK presented a petition from John Baldwin, asking remuneration for losses sustained under a contract for supplying pork to the navy; which was referred to the Committee on Claims.

Mr. WESTCOTT presented a petition from John Campbell & Co., of Pensacola, asking payment for subsistence furnished troops in the service of the United States in 1847; which was referred to the Committee on Military Affairs.

Mr. PHELPS presented two memorials in favor of the purchase of Mount Vernon by the General Government.

Mr. BADGER presented memorials from numerous citizens of the United States, for the purchase of Mount Vernon.

Mr. CASS presented a memorial from citizens, for the purchase of Mount Vernon.

All these memorials were referred to the Committee on Military Affairs.

Mr. JOHNSON of Maryland presented a petition from the heirs of Colonel Truman Cross, asking to be allowed compensation for extra official services rendered by deceased; which was referred to the Committee on Military Affairs.

Also, from James Birkhead and others, United States citizens resident at Rio Janeiro, and shipmasters and others trading to Brazil, asking that the system of reciprocal duties may be abandoned, or at least limited to a direct trade with the countries in which they may be made, and showing the injurious effect of the present policy upon the shipping and other interests of the United States; which was referred to the Committee on Commerce.

Also, from John F. Weishampel and others, asking that the bill before the Senate for the appointment of examiners may be speedily passed, in order that the business of the office may be expedited; which was referred to the Committee on Patents and the Patent Office.

REPORTS FROM COMMITTEES.

Mr. DAVIS, of Massachusetts, from the Committee on Patents, reported a bill authorizing the renewal of the patent for the benefit of the widow and heirs-at-law of Timothy P. Anderson, deceased; which was read a first time.

Also, from the same committee, the bill to amend an act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July 4, 1846, without amendment.

Mr. BREESE, from the Committee on Public Lands, reported House bill for the relief of Thomas Scott, without amendment.

Also, from the same committee, the bill for attaching a portion of the northwestern land district, Louisiana, to the district north of the Red river, Louisiana.

Mr. UNDERWOOD, from the Committee on Public Lands, asked to be discharged from the further consideration of the petition of Isaac W. Taylor and other representatives of Jacques Clamorgan, and that it be referred to the Committee on the Judiciary.

CALIFORNIA CLAIMS.

On motion of Mr. BADGER, the Senate proceeded to the consideration of the bill relating to California claims, the question pending being to recommit the bill with instructions.

Mr. BADGER suggested to the Senator from Virginia, to modify his motion to recommit, by the omission of the instructions, so as to leave the committee a discretion to put the clause in the bill into such a shape as would meet the acquiescence of the Senate.

Mr. MASON replied that he had received a similar suggestion from other friends; and that he would, therefore, withdraw so much of his amendment as related to instructions to the committee.

The motion to recommit was then agreed to.

SUPREME COURT.

The Senate then proceeded to the special order, being the bill supplemental to an act entitled "An act concerning the Supreme Court of the United States," approved 17th July, 1844.

The question being on the passage of the bill—

Mr. ASHLEY said he regretted the necessity of troubling the Senate again on this bill. But the more he reflected on it, the more he was convinced of its evil tendency. He objected to all special legislation. The four Senators who advocated this bill when last before the Senate, did it on the ground that the bill was intended for a special and temporary purpose. He went into an examination of the state of the docket. It was represented that there were 163 cases depending before the Supreme Court. Of the 163 cases, there were twenty-two in which the United States is a party, yet there was no complaint from the Government, or any officer belonging to it. There have been no complaints from this quarter, as there would have been had any cause existed. North Carolina, South Carolina, and Texas, have no case before the court. Five States—Connecticut, Vermont, New Jersey, Delaware, and Indiana—have each one case. Three States—New Hampshire, Tennessee, and Iowa—have each two cases. Five States—Rhode Island, Virginia, Arkansas, Michigan, and the Territory of Wisconsin—have each three cases. Three States—Georgia, Alabama, and Florida—have each four cases. Missouri has five cases, and Kentucky six. Maine, Massachusetts, Ohio, and Illinois, have each seven cases. Pennsylvania has ten cases; the District of Columbia has eleven; New York fourteen; Louisiana and Mississippi nineteen. Yet from all these there had been no complaint of delay. He went on to show that many of these cases were important cases, to which the United States is a party; and that if this bill should pass, and the Supreme Court should meet in May, as there is no Attorney General of the United States now, it was impossible for the United States to be prepared to go into court with these cases.

He then dwelt on the inconveniences which would result from this relief of the Supreme judges from circuit duties, some of which he understood to be admitted, and others he pointed out. He went into details of the business before the circuit and district courts, in which the United States occupied the position of a party. The Government cases made up a total of 664, yet the individual interests greatly outweighed these. All these cases would be left at the disposal of an incompetent tribunal, if the Supreme judge was to be relieved of a portion of the circuit duties. There were twenty-four States entitled to be heard on the subject, and they would never be pursuaded to give their assent. The effect would necessarily be to swell the docket of the Supreme Court; so that, instead of 163 cases at the beginning of the next session, there would probably be from 300 to 400.

He stated that the amount of business in the circuit and district courts was enormous, yet the district judges did not, in some States, sit ten days throughout the year. There was no confidence in the decisions of these district judges. Some of these judges had been in office above forty years, most of them more than twenty, and had become rusty and indolent.

He thought there was no occasion to pass this bill for the purpose of relieving the judges of the Supreme Court, because the judges had it in their power to relieve themselves whenever the burden has become too onerous for them. He looked on the bill as a broad step towards the centralization of all judicial power in this city. He exculpated the advocates of the bill from any such design, but such was the inevitable tendency of the measure. He intended to move to amend the bill by substituting the bill pending before the House of Representatives; but as that bill was too long to be adopted at once, he would desire to recommit the bill for the purpose of adopting a new system. He concluded with moving the amendment, stating that there could not be a more favorable time for preparing a system, as there would be no pressing business before the expiration of a month or two, when the result of the treaty with Mexico might be expected.

Mr. ALLEN thought that the Supreme Court could reduce the number of cases, if it thought fit, without further legislation. And the only reason he could discover for their not doing so was, that they desired to see cases accumulate, until it would become necessary to dispense with their attendance on circuit duties altogether, or to appoint a new tribunal to dispose of the central business at Washington. He calculated that it would require, at the rate at which business was done at the late term, about 326 days to get through the unsettled cases on hand. The business, therefore, could not be completed before May, 1849. He designated the business of the judge of the Supreme Court as very limited, so far as regards personal, physical labor. It is by the agency of counsel that the materials for judgment are collected, digested, and arranged, and laid before the judge, so that nothing remains but to make up the decision. And here sit nine full-grown men, in solemn deliberation, as if deciding matters of the most awful importance. Oh! what an amount of humbug there is in the world! These venerable gentlemen came to the Capitol at eleven o'clock every morning, except on Saturday, when they take some relief from their labors; and he thought it not becoming in this Senate to extend the time for them to sit here and enjoy the dignity of indolence. He thought the one-hour rule adopted in the House might be usefully introduced into the Supreme Court, where it had become much more the practice of discussing what the law ought to be than what the law is. He believed the effect of this bill would be the destruction of the court.

Mr. CRITTENDEN made a reply to the objections which had been made to the bill, which he regarded as being entirely untenable. He disavowed any object but to get the arrearages of business disposed of.

Mr. BUTLER defended the judges of the Supreme Court from the aspersions cast upon them by the Senator from Ohio. He said it was easy to array a tribunal in aristocratical costume, and then assail it for popular effect. He charged any falling off which may have taken place in the character of the court to the practice of selecting noisy politicians, instead of able lawyers, for seats on the bench. And it ill became the friends of this system to come forward now, and to denounce those whose nominations had been confirmed by their votes. If the judges were negligent of their duty, the proper course was by impeachment, and not by insinuation to condemn them.

Mr. ALLEN made some remarks, in reply to the Senator from South Carolina. He admitted the evil of selecting judges from among political partisans, and asserted that, where the people had exercised themselves the right to elect, they had always chosen much more able men than the President ever had selected, or ever would select. All that is valuable in our system of civil law had been derived, originally, from the Roman civil law, which was laid down by judges annually elected by the Roman people. The wisdom of the people had been evinced in the election of our Presidents. During the last sixty years, we have had more wisdom, intelligence, and virtue, in our Executive chair, than can be found on any throne in Europe for the last six centuries.

Mr. FOOTE referred to a printed argument which had been laid on the tables of Senators, carefully, elaborately prepared, to show the necessity of passing this bill. In this argument, the author has taken the ground that this measure, although *eo nomine* a temporary measure, ought to be permanent, because the interference of the Supreme Court in circuit duties is unconstitutional. He read an extract from the work, the author of which was to him unknown. He stated that, by such apprehensions as this extract had created in his mind, he had been induced to change his original purpose of voting for the bill. He complimented the Senator from Ohio for the eloquence with which he had expressed his opposition to the bill. He stated the manner in which the system of electing the judges by the people was introduced in Mississippi, and the advantages which have resulted from it, which had been so evident as to have convinced some of the most able of those who at first opposed it. He believed the tribes of Israel, who constituted a pure democracy, elected their judges. He vindicated this mode, and expressed his warm hope that the appointment of judges for life—that last relic of aristocratical and monarchical institutions—would soon be expunged from our practice.

Mr. JOHNSON, of Maryland, obtained the floor, and

The Senate adjourned.*

* A full report of the debate this day, on the Supreme Court Bill, will be published in the Appendix.

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HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 18, 1848.

The Journal of yesterday was read and approved.

Mr. HAMMONS asked leave to make a report from the Committee on Revolutionary Pensions. Objected to.

Mr. EVANS, of Maryland, moved that the House resolve itself into Committee of the Whole on the state of the Union. Lost.

THE CAPTURED SLAVES.

Mr. GIDDINGS rose, and asked the unanimous consent of the House to introduce a resolution. [Cries of "Read it, read it," and "Object!"]

Mr. MEADE rose, and said he objected to the reading of the resolution.

[Several voices: "Oh! let it be read."]

The SPEAKER directed the Clerk to abstain from reading the resolution until the House came to order. He then desired gentlemen to take their seats; and order having been restored, he said, the Chair understood that the gentleman from Virginia [Mr. MEADE] objected to the reading of the resolution. In strictness, the reading of a resolution for information might be objected to; but it had been the uniform practice of the House, when a gentleman asked for the reading of a resolution, to allow it to be read by general consent for information merely. The Chair knew no instance of a refusal when the general consent was asked. If, however, the gentleman from Virginia persisted in his objection, the resolution would not be read.

Mr. MEADE said, if the resolution had no relation to slavery, he had no objection to the reading; but he should object if it had.

A conversation ensued between several members; and

Mr. MEADE again rose and said, at the suggestion of some of his friends he withdrew his objection to the reading.

The Clerk then read the resolution, as follows:

Whereas more than eighty men, women, and children, are said to be now confined in the prison of the District of Columbia without being charged with crime, or of any impropriety other than an attempt to enjoy that liberty for which our fathers encountered toil, suffering, and death itself, and for which the people of many European governments are now struggling:

And whereas said prison was erected, and is now sustained, by funds contributed by the people of the free as well as of the slave States, and is under the control of the laws and officers of the United States:

And whereas such practice is derogatory to our national character, incompatible with the duty of a civilized and Christian people, and unworthy of being sustained by an American Congress: Therefore,

Be it resolved, That a select committee of five members of this body be appointed to inquire into and report to this House by what authority said prison is used for the purpose of confining persons who have attempted to escape from slavery, with leave to report what legislation is proper in regard to said practice.

Resolved, further, That said committee be authorized to send for persons and papers.

The SPEAKER then stated the question to be on granting leave to introduce the resolution.

[Several voices objected.]

Mr. HOLMES, of South Carolina, said that if the resolution was considered, he would move to amend, by an inquiry whether the scoundrels who caused the slaves to be there ought not to be hung. [Laughter.]

The objection being persisted in, the resolution was not received.

Mr. KING, of Georgia, hoped the House would allow one hour to be devoted to the reception of reports from committees.

Mr. ROCKWELL concurred in that wish, and moved to postpone the special order for one hour—being the election case.

The motion was agreed to.

The SPEAKER then stated the question to be on the motion to print an extra number of copies of the document containing the Scott and Trist correspondence, on which the gentleman from North Carolina [Mr. CLINGMAN] was entitled to the floor.

Mr. CLINGMAN, to facilitate the reception of reports from committees, said he was willing to postpone this question, more especially as other correspondence had been called for, and might be expected in the course of a week, when the whole might be ordered to be printed together. He therefore moved to postpone this subject for one week.

Mr. COBB, of Georgia, inquired what would be the condition of this subject in the event of the motion being agreed to. It had now the precedence when reports were called for from committees, being itself an undisposed of question, on a report from the Committee on Printing; would it then, if now postponed for one week, have precedence on the calendar a week hence?

The SPEAKER was understood to answer in the affirmative.

Mr. COBB said, in that event, he had no objection to the motion.

After a few words from Mr. G. S. HOUSTON and Mr. HENLEY, the motion to postpone was agreed to.

REPORTS FROM COMMITTEES.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, made adverse reports on the petitions of Wiltshire Minor, David Cook, Richard S. Schaffelin, J. P. McElrath, Joseph Ingle, the legal representatives of William H. Freeman, and Ebenezer Hazard. Laid on the table.

Mr. ROCKWELL, from the same committee, reported bills for the relief of John H. Baker, and for the relief of the legal representatives of Oliver Lee. Read and committed.

Mr. CROWELL, from the same committee, made adverse reports on the petitions of James H. Chezum, Lewis F. Beeler and others, and Daniel G. Garnsey. Laid on the table.

Mr. DANIEL, from the same committee, reported a bill for the relief of Joshua Barney, United States agent. Read and committed.

Mr. DANIEL also made an adverse report on the petition of George W. Biscoe. Laid on the table.

Mr. LIGON, from the same committee, reported a bill for the relief of Eleanora B. Watkins, widow of Gassaway Watkins. Read and committed.

Mr. THOMAS, from the same committee, reported a bill for the relief of Samuel A. Grier. Read and committed.

Mr. DUNN, from the same committee, made an adverse report on the petition of Caleb Bell, administrator of Matthew Bell. Laid on the table.

Mr. HUNT, from the Committee on Commerce, to which was referred Senate bill to authorize the issue of a register to the brig Palmetto, reported the same back to the House without amendment.

The bill was then read three times, passed, and returned to the Senate.

Mr. THIBODEAUX, from the same committee, reported a bill relating to the collection district of Pearl river, in the State of Mississippi; also, a bill to establish a collection district in the State of New York; which bills were read and committed.

Mr. COBB, of Alabama, from the Committee on Public Lands, reported a bill to authorize the citizens of Ozark county, in the State of Missouri, to enter forty acres of land for a county site in said county.

The bill was read a first and second time, and, after an explanation by Mr. PHELPS, it was ordered to be engrossed; and, being engrossed, was read a third time and passed, and sent to the Senate for concurrence.

Mr. PUTNAM, from the same committee, to which was referred House bill to remove the land office from Upper Sandusky to Defiance, in the State of Ohio, reported the same back to the House, with the recommendation that it do not pass. The bill was laid on the table.

Also, from the same committee, to which was referred Senate bill to compensate John M. Moore, and also the bill of the House to promote the education of the indigent deaf and dumb, reported the same back to the House, with an amendment to the latter bill; which bills were committed to the Committee of the Whole.

Mr. DUNCAN, of Kentucky, from the same committee, reported a bill to remove the land office from Newnansville to Ocala, in the State of Florida. Read and committed.

Also, from the same committee, to which was referred the bill for the relief of Shadrack Gillet and others, moved that the committee be discharged from the same; which being agreed to—

Mr. DUNCAN reported a bill to reserve the islands in the Detroit Straits from entry, survey, or sale. Read and committed.

On motion of Mr. DUNCAN, the Committee on Public Lands was discharged from the further consideration of the resolution of the House of the 13th March last, relative to reviving the act of July 27, 1842, allowing five years for issuing and locating late war bounty-land warrants; and also from the resolutions of the Legislature of Florida relative to draining the everglades of South Florida; and from the petition of citizens of Wisconsin relative to the preëmption law of 1841; and they were laid on the table.

Mr. DUNCAN also made adverse reports on the petitions of the Mayor, &c., of Burlington, Iowa; of citizens of Lee county, Illinois; and of resolutions of the Legislature of Florida. Laid on the table.

Mr. ROOT, from the Committee on the Post Office and Post Roads, to whom was referred Senate bill in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of fraud on the revenues of the Post Office Department,'" passed March 3d, 1845, reported the same back to the House with sundry amendments.

The amendments were read; and, after a brief explanation by Mr. ROOT, were concurred in by the House; and the bill was read a third time, passed, and returned to the Senate.

On motion of Mr. EMBREE, the Committee on the Post Office and Post Roads was discharged from the further consideration of the petition of citizens of St. Joseph county, Michigan, relative to the increase of pay of postmaster at Mottville, in said county, and the memorial and resolution of the Legislature of Florida relative to a mail route from Chattahoochie to Pensacola; and they were laid on the table.

Mr. ST. JOHN, from the Committee on the Post Office and Post Roads, made an adverse report on the petition of Peters, Moore, & Co. Laid on the table.

Mr. CHAPMAN, from the Committee for the District of Columbia, reported a resolution directing the Clerk of the House to furnish the warden of the penitentiary fifty copies of the report of the officers of said penitentiary made at the present session of Congress, to be distributed according to the usage of the managers of the penitentiary.

Mr. C. advocated the adoption of the resolution, which, he said, would put the warden named in the resolution in possession of information in relation to the management of other prisons.

Mr. McKAY opposed the resolution, on the ground that it would set a bad precedent.

Mr. CUMMINS advocated the resolution; which was adopted.

Mr. McDOWELL, from the Committee for the District of Columbia, reported a bill for the relief of James Dixon. Read and committed.

Mr. COLLAMER, from the Committee on Public Lands, reported a bill to regulate the fees for the location of military land warrants; which was read a first and second time; and, after a brief discussion, in which Messrs. JOHNSON, of Arkansas, COLLAMER, and PETTIT, participated—

Mr. PETTIT moved to amend the bill by striking out the words "persons making the same," and inserting in lieu thereof the word "Government."

Mr. TURNER suggested an amendment to the bill by inserting after the word "register" the word "receiver," so as to include the receiver as well as the register.

Mr. SAWYER also suggested an amendment; but before any question was taken—

Mr. POLLOCK moved to commit the bill to the Committee of the Whole; which, after some further remarks by Messrs. JOHNSON, of Arkansas, and LEFFLER, was agreed to.

Mr. TALLMADGE, from the Committee for

the District of Columbia, made an adverse report on the petition of citizens of the city of Washington for the incorporation of the Builders' Society. Laid on the table.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, reported a bill to regulate proceedings in admiralty and for other purposes. Read and committed.

Mr. INGERSOLL made a report to accompany Senate bill for the relief of Richard Bloss and others.

Mr. I. made also an adverse report on the petition of Josiah McCaskey. Laid on the table.

The hour having expired, Mr. EVANS, of Maryland, moved that the House resolve itself into Committee of the Whole on the special order, viz: the three several bills amendatory of the act to provide an additional military force, and for other purposes. Lost.

Mr. KING, of Georgia, moved to postpone the contested election case for one hour. Disagreed to.

THE CONTESTED ELECTION.

The House then took up the report of the Committee of Elections on the contested election from the sixth Congressional district of New York—Monroe *vs.* Jackson.

Mr. BOYDON supported the contestant's right to the seat in an argument of an hour's length.

Mr. STARKWEATHER sustained the claim of the sitting member.

Mr. DUER followed on the opposite side.

Mr. GREEN, of Missouri, obtained the floor, and yielded to a motion to adjourn; which being agreed to,

The House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. KING, of Massachuseits: The memorial of Thatcher Magoun, of Medford, Massachusetts, against the admission of timber manufactured in New Brunswick into the ports of the United States free of duty.

By Mr. MANN, of Massachusetts: The petition of H. H. Dearborn and 63 others, of J. D. Churchill and 60 others, of Sullivan Whitney and 63 others, of John Shorey and 26 others, of Henry French and 126 others, and of A. H. Bradford and 110 others, severally in behalf of cheap postage.

By Mr. RICHEY: The petition of John Moore and 114 others, citizens of Muskingum and Morgan counties, State of Ohio, praying for the establishment of a post road from Chandlersville, in Muskingum county, to Haskensville, in Morgan county, Ohio.

By Mr. HUBBARD: The petition of 217 citizens of Middletown, Connecticut, for the appointment of a committee to investigate the slave trade in the District of Columbia. Also, the petition of Obed Ellis and others, citizens of Connecticut, for the erection of a breakwater on the northwestern point of the Island of Nantucket.

By Mr. TUCK: The petition of Hannah W. Gibbons and 83 others, citizens of Lancaster county, Pennsylvania, praying Congress to abolish slavery in the District of Columbia, and to prohibit the same in the Territories of the United States.

By Mr. HAMPTON, of Pennsylvania: The petition of citizens of Pittsburg and vicinity, for an appropriation to repair the late breach in the dam at the head of Cumberland Island, across a portion of the Ohio river. Also, the memorial of the Board of Trade of the city of Pittsburg, on the subject of steamboat explosions.

By Mr. HOLMES, of New York: The petition of 65 citizens of the town of Rush, New York, asking that the General Government shall no longer traffic in the public lands yet in its possession, and that they shall be laid out into farms and lots for the free use of such citizens (not possessed of other land) as will occupy them.

By Mr. BAYLY: The petition of sundry citizens of the counties of Accomac and Northampton, Virginia, praying for the erection of light-houses on Sand Shoal Island.

By Mr. THOMPSON, of Iowa: The petition of Elisha Hampton and sundry other citizens of Iowa, praying the passage of an act granting them, and all other persons similarly entitled to it, the relief recommended by the Secretary of the Treasury, in a letter transmitting a copy of the report of the Commissioner of the General Land Office, and also the report of the register and receiver of the land office at Fairfield, in the Territory of Iowa, which letter is marked Document No. 200, 1st session 29th Congress, or such other relief as the circumstances may require.

By Mr. CLARK, of Maine: The petition of William Gott, for a pension.

IN SENATE.

TUESDAY, *April* 18, 1848.

Mr. FOOTE presented documents in support of the claim of Joseph M'Afee; which was referred to the Committee on Private Land Claims.

Mr. DIX presented a petition from ship-owners of the city of New York, asking an amendment to the House bill to provide for the ventilation of passenger vessels; which was referred to the Committee on Commerce.

Mr. UNDERWOOD presented a petition from George F. Raub, asking Government to purchase the patent right of Raub's safety valve for steam engines; which was referred to the Committee on Naval Affairs.

Mr. JOHNSON, of Maryland, presented a petition from James Lowry Donaldson, an officer of the United States army, asking indemnity for losses sustained in consequence of having been robbed of public money; which was referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. HANNEGAN, from the Committee on Foreign Relations, reported a bill to provide for transcribing certain State papers of the late Republic of Texas; which was read a first time.

Mr. ATHERTON, from the Committee on Finance, reported House bill making appropriations for the support of the Military Academy for the year ending 30th June, 1849, without amendment.

Mr. MILLER, from the Committee on Naval Affairs, reported House bill for the relief of J. Melville Gilliss and others, with an amendment.

Mr. MILLER, also, from the same committee, reported a bill for the increase of the medical corps of the navy; which was read a first time.

[The bill provides for the addition of five full and five assistant surgeons.]

Mr. BREESE, from the Committee on Public Lands, reported the bill for the relief of bona fide settlers under the act for the armed occupation and settlement of a part of the Territory of Florida, with an amendment.

Mr. MASON, from the Committee of Claims, reported a bill for the relief of John McIntosh; which was read a first time.

Mr. MASON, also, from the same committee, reported a bill for the relief of A. H. Cole; which was read a first time.

Mr. FELCH, from the Committee on Public Lands, reported a bill to provide for the final settlement of the accounts of Thomas C. Shelden, late receiver of public moneys at Kalamazoo, Michigan; which was read a first time.

Mr. FELCH, also, from the same committee, reported a bill to provide for the settlement of the accounts of Abraham Edwards; which was read a first time.

Mr. RUSK, from the Committee on Military Affairs, reported a bill for the relief of Midshipman Robert C. Rogers; which was read a first time.

Mr. DIX, from the Committee on Commerce, reported a bill extending the privileges to American vessels engaged in a certain mentioned trade, and for other purposes.

[This bill allows the steam packets between New York and New Orleans to stop at Havana and take in passengers, mails, &c., provided that no merchandise be landed or taken in.]

The bill having been read a first time—

Mr. D. asked its immediate consideration; and the bill was considered as in Committee of the Whole, and on the question of engrossment—

Mr. HALE asked that it might be delayed until to-morrow, to which Mr. DIX assented.

Mr. CASS, from the Committee on Military Affairs, reported the bill to provide for the settlement of California claims, with an amendment.

On motion of Mr. NILES,

Resolved, That the Committee on Finance be instructed to inquire into the expediency of providing by law for a coinage of the denomination and value of one-fourth of a dime, or two-and-a-half cents, with an alloy of copper or other metal, and for the discontinuance of the coinage of cents.

On motion of Mr. JOHNSON, of Maryland, it was ordered that two thousand extra copies of the message of the President of the United States and the report of the Secretary of War, in reply to the resolution submitted by him in December last, relating to the losses sustained by the United States troops in Mexico, be printed.

On motion of Mr. BADGER, the previous orders were postponed, and the Senate took up for consideration a bill placing the officer who performed the duty of adjutant at the Military Academy on an equality as to pay and allowances with adjutants of regiments; which was read a second and third time, and passed.

An adverse report on the petition of Nancy Haggard being taken up for concurrence—

Mr. UNDERWOOD, on the ground that the committee had refused to allow interest on money due for commutation pay, which had been granted in many other instances, moved to reverse the decision of the committee.

Mr. UPHAM opposed the motion, because it had been the settled practice of the committee for the last six years to disallow these claims for interest.

The question on the motion of Mr. UNDERWOOD was then put, and decided in the negative.

Mr. MANGUM called for the special order.

SUPREME COURT.

The Senate resumed the consideration of the bill supplementary to an act entitled "An act concerning the Supreme Court of the United States;" the question being on its passage.

The bill was advocated by Mr. JOHNSON, of Maryland, who warmly defended the Chief Justice against the attacks which might have been made against him.

Mr. ALLEN made some remarks in reply.

Mr. JOHNSON rose to read an extract from a letter he had received from the Chief Justice, in which the Judge expressed his belief that the relief was necessary, and his hope that the bill before the Senate would pass.

Mr. ALLEN briefly rejoined, closing with a suggestion that the moment the Supreme Court cuts off its judicial intercourse with the States, public opinion will begin to demand a judicial reform.

Mr. BUTLER gave it as his decided opinion, that the Judges had no desire to relax their circuit duties. Those duties would not be neglected. There was no complaint that they had been neglected. The great object in view was, to work off the appeal docket, which had so greatly accumulated. He explained, that in his reference to politicians who had been appointed judges, he had merely intended to apply the phrase to those judges who had been pronounced by the chairman of the Judiciary Committee as indolent, neglectful, or incompetent, in the performance of their duties.

Mr. BADGER said, that his opposition to this bill did not arise out of any hostility to the court. He was a friend to the court; and he was anxious that it should retain its high position in the public respect and confidence, which it would be in danger of losing if it were to be cut loose from its circuit duties. He believed the natural, certain tendency of this bill would be, to destroy the moral influence and the intellectual ability of this tribunal. He argued that the evil which had been said to exist could not be remedied by special legislation; and that the court, under the existing law, possessed the authority to dispense with one of their circuits, and of course had the power they now asked for without any act of special legislation. If they had applied the time which they might have applied to the disposition of these appeal cases, instead of a hundred and sixty-three, not forty, nor thirty, would have remained on the docket.

Mr. ASHLEY defended himself from the charge of having made any assault on the judges of the Supreme Court. He re-stated his views delivered yesterday as the grounds on which he opposed the bill. On consultation with his friends, he had been led to believe that the substitute he had proposed to offer was too extensive to be adopted without some reflection. He would therefore withdraw his amendment.

Mr. CRITTENDEN then took the floor in reply to objections, and in defence of the bill. He expressed astonishment that the bill should have caused so much alarm among even wise men. He said that certainly the judges might have suspended their circuit duties, but they could not reconcile it to their sense of duty. Some of the judges, too, who had been exhausted too much to go on with labor, objected; while others had circuit duties too important to be neglected. These reasons had prevented the court from dispensing with their circuit duties. The object of the bill was to apply a remedy to a practical evil. The measure is intended to continue but for one year. He was astonished at the opposition to the bill, which he attributed to a timidity as to the consequences which may result, which had no foundation in reason—consequences which every one had disavowed, and which he would at all times be prepared, as far as his individual weight could go, to resist.

[The debate will appear at length in the Appendix.]

The question was then taken by yeas and nays, and was determined as follows:

YEAS—Messrs. Bell, Berrien, Breese, Butler, Crittenden, Davis of Massachusetts, Greene, Hannegan, Hunter, John-

son of Maryland, Mangum, Mason, Miller, Phelps, Rusk, Underwood, and Upham—17.

NAYS—Messrs. Allen, Ashley, Atherton, Badger, Bagby, Benton, Bright, Calhoun, Cameron, Cass, Corwin, Davis of Mississippi, Dix, Felch, Foote, Hale, Houston, Johnson of Georgia, Lewis, Moore, Niles, Spruance, and Turney—23.

Mr. BADGER then gave notice that he should move to go into Executive business to-morrow at one o'clock, on a matter that was of some importance.

On motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 19, 1848.

The Journal of yesterday was read and approved.

Mr. BOCOCK rose to a privileged question, and moved to reconsider the vote by which the bill of the Senate to amend the act entitled "An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of fraud on the revenues of the Post Office Department," passed March 3d, 1845, was passed and returned to the Senate.

Mr. B. said he did not, in making this motion, wish to interfere with any gentleman's possession of the floor. He understood that a motion to reconsider must be made on the day, or the day after the measure to be reconsidered was decided: if his motion of reconsideration could be kept alive, he was willing to yield the floor to the gentleman from Missouri, [Mr. GREEN.] He felt bound to make a speech at some time in support of his motion, and he would do so now or at another time, as the House should prefer.

The CHAIR stated that the bill to which the gentleman's motion referred had gone to the Senate: if it was, to be reconsidered, the first motion must be that the Senate be requested to send back the bill.

The CHAIR stating that the motion could be entered now and acted on hereafter—

Mr. BOCOCK did not press his motion; and it was entered on the Journal accordingly.

CONTESTED ELECTION.

Mr. COBB made a question of order, stating that a question of privilege (such as the right of a member to his seat) took precedence of a merely privileged question, (like that of reconsideration;) and the CHAIR assenting, ordered that the question of the contested election be resumed.

Mr. JENKINS then moved to amend the resolutions appended to the report of the Committee of Elections, by striking out all thereof and inserting—

Resolved, That David S. Jackson is entitled to his seat upon this floor.

Resolved, That James Monroe is not entitled to a seat upon this floor.

Mr. THOMPSON, of Indiana, intimated his intention to demand the previous question; but yielded to

Mr. BURT, who moved to amend the amendment by striking out all after the words "Resolved, that," and inserting—

"It does not satisfactorily appear that either David S. Jackson or James Monroe has been duly elected a Representative in the thirtieth Congress of the United States from the sixth Congressional district in the State of New York, and that a vacancy exists in that Congressional district."

Mr. GREEN then addressed the House in support of the right of the sitting member to the seat.

Mr. CONGER followed, and sustained the claim of the contestant.

Mr. JENKINS advocated the right of the sitting member.

Mr. MONROE, the contestant, rose and said he should not, laboring as he was under indisposition from a severe cold, avail himself of the privilege which had been extended to him by resolution of the House. Nor did he consider it necessary to detain the House after the case had been so fully argued. He had come here, and had been kept here four months and a half, for no other object than to answer the requirements of his district—with a view to purify their elections for the future, and not to take even the benefits of the past. He was willing to submit the case to the decision of the House on the facts which had been presented, declaring that he would not have been here contesting the seat if he had not solemnly believed that it was demanded by a due regard to the rights of his constituents.

He would only further remark, that if the election was sent back to the people, there was no law in the State of New York authorizing an election until the next general election.

Mr. STARKWEATHER. The Governor can authorize a special election.

Mr. MONROE. There is no such law. I speak advisedly on the subject. There never has been a law under the new constitution which authorizes the Governor to appoint a special election. But whether the sixth Congressional district was represented or not, he said—whether it was represented by David S. Jackson or James Monroe—did not alter the great question involved. It was a high moral question—one in which their whole population were deeply interested—that they should purify their elections. He was not a contestant as a Whig or a Democrat, but to show that gross frauds had been perpetrated on the people of the sixth Congressional district of New York. Without saying more, he would submit the case to the House.

Mr. JACKSON, the sitting member, was understood to say that he would not encroach upon the time of the House; he was willing that the case should go to their decision upon the evidence which had been presented. He then proceeded briefly to review certain points of the evidence, and to argue that the contestant had failed to make out his case, but that the testimony clearly confirmed his (Mr. J.'s) right to the seat which he now occupied.

Mr. THOMPSON, of Indiana, said he had intended to notice one or two points that had been made against his report, but he would forbear; and after allowing the gentleman from South Carolina [Mr. WOODWARD] to offer an amendment, would move the previous question.

Mr. WOODWARD, after a few remarks, moved the following as a substitute for the resolutions:

Resolved, That the evidence before the House is not sufficient to satisfy it whether David S. Jackson or James Monroe be duly elected a representative in the thirtieth Congress from the State of New York, and that, to admit either to a seat might be in derogation of the rights of the other and of the people he claims to represent.

Resolved, therefore, That the seat claimed by the parties is hereby declared to be vacant, and that a new election be ordered.

Mr. THOMPSON, of Indiana, moved the previous question.

The SPEAKER stated, that if the previous question was seconded, it would cut off the amendment just moved by Mr. WOODWARD.

Mr. COLLINS moved a call of the House.

Mr. STEPHENS moved that the House do now adjourn. Lost.

The question was put on ordering a call of the House. Disagreed to.

The previous question was then seconded, and the main question was ordered to be now put, viz: on agreeing to the substitute moved by Mr. BURT, and it was decided in the negative: Yeas 13, nays 160.

Mr. JONES, of Tennessee, moved to lay the whole subject on the table. Disagreed to.

The question was then put on the amendment moved by Mr. JENKINS, and was decided in the negative, as follows:

YEAS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Bridges, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Cathcart, Chase, Franklin Clark, Beverley L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Faran, Featherston, Ficklin, French, Green, Willard P. Hall, Hammons, Haralson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jameson, Jenkins, Andrew Johnson, George W. Jones, Kaufman, Kennon, La Sère, Sidney Lawrence, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Wiley, and Williams—93.

NAYS—Messrs. Abbott, Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boydon, Brady, Burt, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Flournoy, Freedley, Fulton, Gaines, Gayle, Gentry, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, Hubbard, Hudson, Hunt, Jos. R. Ingersoll, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Nelson, Newall, Palfrey, Pendleton, Preston, Putnam, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Andrew Stewart, Strohm, Tallmadge, Taylor, Thibodeaux, Richard W. Thompson, John B. Thompson, Tompkins, Toombs, Tuck, Vinton, Warren, White, Wilson, and Woodward—103.

NAYS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Bridges, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Faran, Featherston, Ficklin, French, Green, Willard P. Hall, Hammons, Haralson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jameson, Jenkins, Andrew Johnson, George W. Jones, Kaufman, Kennon, La Sère, Sidney Lawrence, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wentworth, Wick, Wiley, and Williams—93.

So the amendment was rejected.

The question then recurred on the resolutions reported by the Committee of Elections. It was divided and first put upon the first resolution, viz:

Resolved, That DAVID S. JACKSON is not entitled to his seat in this House as a Representative from the sixth Congressional district of the State of New York.

It was decided in the affirmative, as follows:

YEAS—Messrs. Abbott, Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boydon, Brady, Burt, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Flournoy, Freedley, Fulton, Gaines, Gayle, Gentry, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, Hubbard, Hudson, Hunt, Jos. R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Nelson, Newall, Palfrey, Pendleton, Preston, Putnam, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Andrew Stewart, Strohm, Tallmadge, Taylor, Thibodeaux, Richard W. Thompson, John B. Thompson, Tompkins, Toombs, Tuck, Vinton, Warren, White, Wilson, and Woodward—102.

It was decided in the affirmative, as follows:

YEAS—Messrs. Abbott, Adams, Ashmun, Barringer, Barrow, Belcher, Blanchard, Botts, Boydon, Brady, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Eckert, Edwards, Nathan Evans, Farrelly, Flournoy, Freedley, Gaines, Gentry, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, J. G. Hampton, Moses Hampton, Henry, E. B. Holmes, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Nelson, Newall, Palfrey, Pendleton, Preston, Putnam, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Andrew Stewart, Strohm, Tallmadge, Taylor, Thibodeaux, Richard W. Thompson, John B. Thompson, Tompkins, Tuck, Vinton, Warren, White, and Wilson—91.

NAYS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Bridges, Brodhead, Wm. G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Dunn, Embree, Alexander Evans, Faran, Featherston, Ficklin, French, Gayle, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jameson, Jenkins, Andrew Johnson, George W. Jones, Kaufman, Kennon, La Sère, S. Lawrence, Ligon, Lincoln, Lord, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morris, Morse, Murphy, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Richardson, Richey, Robinson, Rockhill, Sawyer, Simpson, Sims, Smart, R. Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, Jacob Thompson, Robert A. Thompson, Wm. Thompson, Thurston, Toombs, Turner, Venable, Wentworth, Wick, Wiley, Williams, and Woodward—104.

Mr. BURT inquired of the Speaker if, under the recent decisions of the House, he should not consider it his duty to inform the proper authority of the State of New York that a vacancy existed in the representation from that State in the House of Representatives of the United States for the thirtieth Congress?

The SPEAKER said that he should do so after the time had elapsed in which a motion for the reconsideration of the votes last taken could be moved.

And, thereupon, Mr. COBB moved to reconsider the vote by which the second resolution reported by the Committee of Elections was rejected.

Mr. WENTWORTH moved to lay the motion to reconsider the vote on the table; which was agreed to.

Mr. TOMPKINS then moved to reconsider the vote by which the first resolution of the Committee of Elections had been adopted.

Mr. WENTWORTH moved to lay the motion to reconsider on the table; which was agreed to.

And then the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. GREGORY: The memorial of 57 citizens of North Bergen, in the State of New Jersey, for the purchase by Congress of Mount Vernon.

Also, of 35 citizens of Jersey City and Horsinins, in the State of New Jersey, for the purchase by Congress of Mount Vernon.

Also, of 81 citizens of Jersey City, in the State of New Jersey, for the purchase by Congress of Mount Vernon.

Also, of 36 citizens of the city of Baltimore, in the State of Maryland, for the purchase of Mount Vernon.

[*Reports from the Committee of Elections.*]

Mr. R. W. THOMPSON, from the Committee of Elections, made the following report:

The Committee of Elections, to whom was referred the memorial of James Monroe, contesting the election of David S. Jackson, as a Representative in Congress from the sixth Congressional district of the State of New York, submit the following report:

The following facts are admitted by the parties in this case, to wit:

First. That the sixth Congressional district of the State of New York is composed of the following wards in the city of New York, divided, respectively, into election districts, to wit:

The eleventh ward divided into six districts.

The twelfth ward divided into two districts.

The fifteenth ward divided into four districts.

The sixteenth ward divided into five districts.

The seventeenth ward divided into five districts.

The eighteenth ward divided into three districts.

Second. That an election for Representative in Congress for said district was held on the 3d day of November, 1846, at which the sitting member, David S. Jackson, and the contestant, James Monroe, were opposing candidates.

Third. That at said election, and from the returns of the several election districts of the several wards, David S. Jackson received a majority of votes over James Monroe, of *one hundred and forty-three.*

Fourth. That the number of votes returned from the *third* election district of the *eighteenth* ward, was as follows: For the sitting member, *four hundred and sixteen*, and for the contestant, *one hundred and eighty-one.*

Fifth. That the sitting member was, at the time of such election, President of the Board of Aldermen of the city of New York, and that the officers and keepers of the almshouse and city prison are appointed by the authorities of said city.

Sixth. That David S. Jackson was, at such election, the regular candidate of the Democratic party, and James Monroe the regular candidate of the Whig party.

Seventh. That Norman B. Smith was also a candidate of the same party that nominated David S. Jackson, for a seat in the Assembly of the State of New York, and was also an officer in the almshouse of the city.

Eighth. That Moses S. Jackson, a brother of the sitting member, was, at the time of such election, an assistant alderman of the said *eighteenth* ward.

These are the material admissions of the parties, which become important in a subsequent part of this case. In addition, the contestant alleges:

First. That *one hundred and sixty-three paupers*, and upwards, from the *almshouse* and *hospital*, in the *eighteenth* ward in the city of New York, voted at the *third* election district of said *eighteenth* ward for the sitting member, which paupers had not been admitted to said almshouse from the said *third* district of said *eighteenth* ward.

This is denied by the sitting member, who alleges that he is informed and believes, that about *one hundred* electors, then "residing and having their actual residence" in said third district of the eighteenth ward, did vote at said election in said district and ward; but that he does not know for whom they voted. He has been informed and believes, that a portion of them did vote for himself, and a portion for the contestant. He does not know the ward or district from which they were admitted to the almshouse, but believes that they resided in said district and ward before they became inmates of the almshouse, and had been in the habit of voting there.

The contestant also alleges:

Second. That *nine* persons who were paupers in said almshouse on and previous to said election, voted in the *second* election district of the *twelfth* ward for the sitting member; and that none of said paupers resided in said district before they were admitted to said almshouse.

This is also denied by the sitting member, who alleges that some persons, originally from the said almshouse, and who had gone thence in the spring of the year 1846, to a farm on Randall's Island, in said *second* district of said *twelfth* ward, where they were then engaged in tilling said farm under the direction of Moses G. Leonard, almshouse commissioner of the State of New York, did vote at said *second* election district of said *twelfth* ward, at said election. He does not know for whom they voted. He insists that they were residents of said *twelfth* ward; that they were challenged at the time of offering their votes, and were only admitted to vote after having taken the preliminary oath required by the laws of New York, having answered all questions put to them by the inspectors, and having taken the final oath required by the constitution of the State of New York.

The contestant also alleges:

Third. That from *twelve to twenty-four* persons who were, at the time of said election, convicts, undergoing punishment at the city prison on Blackwell's Island, voted in the *second* election district of the *twelfth* ward for the sitting member.

The sitting member denies that said number or any other number of persons were brought from the prison on Blackwell's Island and voted for him at said election.

The contestant also alleges:

Fourth. That on the night previous to the said election, between *three* and *four hundred* persons were taken from Blackwell's Island on board of a sloop, and located principally in the eleventh ward, with a view to their voting; and that all or many of them did vote at said election for the sitting member, when none of them were entitled to vote in said Congressional district.

This is expressly denied by the sitting member.

The contestant also alleges:

Fifth. That *eight* or more foreigners, who were not entitled to vote, voted at the first election district of the twelfth ward for the sitting member.

This is denied by the sitting member.

The contestant also alleges:

Sixth. That five or more foreigners, who were not entitled to vote, voted for the sitting member at the second election district of the twelfth ward.

This is denied by the sitting member.

The contestant also alleges:

Seventh. That eight or more persons, not residents of the sixth Congressional district of New York, voted in the twelfth or some other ward of the said district for the sitting member.

This is denied by the sitting member.

The contestant also alleges:

Eighth. That five or more illegal votes were cast for the sitting member in the sixteenth ward, of a district not specified.

This is denied by the sitting member.

The contestant also alleges:

Ninth. That one of the inspectors of the fifth election district of the sixteenth ward was absent during a great portion of the day of election; and that many persons who were brought to said poll to vote were challenged, and refused to take the oath prescribed by law, as to their right to vote; and that when the inspector referred to was away from the polls, said persons were illegally admitted to vote by the remaining inspectors.

The sitting member alleges that he has no knowledge or information in relation to this charge, but admits that he has heard that (for a few minutes during the day) one of the inspectors in said district was necessarily absent, and insists that this should not invalidate the election in that district. He denies that any persons who had been challenged and refused to take the necessary oath, were afterwards admitted to vote in said district.

The contestant also alleges:

Tenth. That an inspector of the first election district of the twelfth ward declared, after the election, that he "got two votes for Jackson; one by letting a ballot drop in the box when the vote was challenged, knowing him not to be a voter; another in canvassing the votes, when Jackson's name was evidently erased, and said it was only blurred."

The sitting member declares that he has no knowledge or information in relation to this charge.

The contestant also alleges:

Eleventh. That the sitting member was, at the time of said election, president of the board of aldermen of the city of New York, and that the officers and keepers of the almshouse and city prison are appointed by the authorities of said city.

The sitting member admits that he was the president of the said board of aldermen at the time of said election; but says that the said officers and keepers had chiefly, if not in every instance, been appointed previous to his election as president of the board.

The contestant also alleges:

Twelfth. That Norman B. Smith was, at the time of said election, a candidate for the Assembly of New York, and also an officer in said almshouse; and that he was the candidate of the party which nominated the sitting member.

This is admitted by the sitting member.

The contestant also alleges:

Thirteenth. That one of the inspectors of elections of the third district of the eighteenth ward was appointed and qualified after the board of inspectors had organized and the balloting had commenced, and before the paupers had voted. That said appointment was made by the alderman or assistant alderman, *alone*, who was a brother of the sitting member.

The sitting member denies that the appointment was made under the circumstances here charged. He admits that his brother was an alderman in said ward, and insists that if the appointment was made as charged, the election would still be valid, as there were two other competent inspectors.

The contestant also alleges:

Fourteenth. That the inspectors of election of said third district of the eighteenth ward, or a majority of them, admitted the paupers from the almshouse to vote, because the said paupers "considered the almshouse their residence."

The sitting member denies that any decision was made by the inspectors in said district in regard to the right of the paupers *generally* to vote; but insists, that when each one offered his vote, it was refused, unless it appeared that he was then an actual resident in said ward.

These constitute the issues which the contestant and the sitting member have made, and which have been the subjects of examination by the committee. Upon some of them no proof has been offered by either party. Upon those to which the testimony offered refers, the committee will proceed to lay before the House the views they entertain. The published testimony to which they refer will be found in "Miscellaneous" document No. 22, already published by order of the House.

The first question to which the committee think it necessary to turn their attention, is that which arises under the law of New York, as to the right of the inmates of hospitals and almshouses to vote. That law provides that "no person shall be deemed to have *lost* or *acquired a residence* by being a student in a college, academy, or any seminary of learning; nor by living in a *poorhouse, almshouse, hospital*, or *asylum*, in which he shall be maintained at the public expense," &c. The plain meaning of this language is this: That the inmate of an almshouse, hospital, &c., neither *loses* the residence he had *before he went there*, nor *acquires* a new one *by going there.* He votes, therefore, upon his *former* residence—that is, in the district or ward where he lived *before he became an inmate* of the almshouse or hospital. He can, under no circumstances, be permitted to vote upon his *almshouse or hospital residence.* The committee are not aware that this position is seriously questioned. Independent of all legislation, these persons were not voters in the district in which the almshouse and hospital were located, by reason of their residence therein. By the common law, living in an almshouse, or other place of public charity, for any length of time, would not create a residence, or give the pauper the rights of a resident in the town, ward, or city in which such charity is situated.

By reference to the testimony of Henry A. Beach, who was one of the inspectors in the third district of the eighteenth ward, [page 67 of the printed evidence,] it will be seen that the "*legal qualifications*" of the inmates of the almshouse who voted in that district were decided to be a *residence in the almshouse*. He says: "*We considered living in that part of the almshouse in the district as giving the residence, where we could ascertain that the person had no other home.*" This "living" in the almshouse was considered the "*actual residence*" of the pauper, and that, too, without regard to the length of time the pauper had been there.

The same witness also says, on same page: "The *residence in the almshouse* was considered by the inspectors *as much a legal residence as any other house in the district*, in point of residence, provided he had the other legal qualifications, and had no other residence."

Henry S. Ackerly, another inspector in the third district of the eighteenth ward, [page 71 of the printed evidence,] confirms what Mr. Beach has said. He says, after stating certain questions which were put to the pauper, "if, in answer to these 'questions, we were satisfied that the pauper had 'no other residence than in the almshouse, and had 'the other qualifications, his vote was received. 'Some of the paupers, whose *only residence was in* 'the almshouse, and *no other residence* ascertained, 'did vote. *No voters were rejected on that account.* 'The residence of a pauper *in the almshouse* was 'considered *his actual residence*, so as to entitle him 'to vote, *as much as if he had lived in any other* 'house in the district, provided the board was satis-'fied that he had no other residence, and that the 'voter claimed that to be his residence, and had 'the other legal qualifications. The mere fact of 'his being or living in the almshouse, we did not 'consider enough to entitle him to vote."

Other witnesses corroborate what is here said by the inspectors; but this reference to the decision of the board is deemed sufficient, as it is the testimony of the officers who made it.

The committee do not hesitate to say that this decision of the inspectors of the third district of the eighteenth ward, was a direct violation of the law of the State of New York. That law expressly says that a *residence* shall not be "*acquired*" by "*living in a poorhouse, almshouse,*" &c. These inspectors decided that a residence *was acquired* by the paupers of this district. The committee can scarcely imagine a more palpable violation of law, or a more open disregard of its plain provisions.

As it is thus manifest that paupers from the almshouse, in the third district of the eighteenth ward, had no right to vote in that district, upon a mere residence there, it is necessary to know whether any such persons did vote there at the Congressional election in November, 1846. That they did so vote, the committee think is abundantly proven.

Schedule marked A, [page 88 of the printed evidence,] contains the names of *one hundred and twenty-nine* persons. Schedule marked B, [page 89 of the printed evidence,] contains the names of *twenty-two* persons. Schedule marked C, [page 89 of the printed evidence,] contains the names of *one hundred and forty-one* persons.

It will be seen by reference to the evidence, that schedules A and C were made by Paul M. Crandall, (who was a challenger at said third district of the eighteenth ward,) Mr. Otis, and John Snell. [See pages 22 and 23 of printed evidence.] Schedule A contains the names of persons who were objected to by Crandall, and corresponds with schedule C, except that schedule C contains some names marked with an X, which designates those which were written by Otis. By reference to the testimony of Dr. Hasbrouck, the resident physician of the almshouse, [page 14 of the printed evidence,] it will also be seen that schedule B contains the names of persons who were then inmates of the almshouse, and who voted in the third district of the eighteenth ward. Schedules B and C, therefore, show the names of *one hundred and sixty-three* persons.

Were these *one hundred and sixty-three* persons inmates of the almshouse? Hasbrouck swears [page 12 of the printed evidence] that he gave permits to "*about seventy*" of the inmates of the hospital to go out and vote, and that, as far as his knowledge went, "*there were from the almshouse more than double the number of paupers that went from the hospital.*" He also swears [page 13 of the printed evidence] that an omnibus was engaged for the day, under the direction of the officers of the institution, to transport these paupers to the polls, and that he saw it depart six times. Schedule B, he says, [page 14 of the printed evidence,] contains the names of persons who were then in the almshouse. Marcellus Eells, superintendent of the almshouse, swears [page 39 of the printed evidence [that he has compared schedule C "with the books kept in the almshouse in November, 1846;" and he also says [page 36] that the names on this schedule are on the register of the almshouse.

The committee think that this evidence abundantly shows that these persons *were* inmates of the almshouse, part of which is situated in the third district of the eighteenth ward. They do not understand it to be necessary to have exhibited before them the *books* of the establishment. Those books are the property of the institution, and ought not to be removed. They may be likened to a record, though certainly not of so high dignity. Yet even a record may be proven a *sworn copy*, as by one attested by the seal of the officer having its custody. *Any* person who has compared the copy with the original is competent to prove it. Thus they find the law laid down in all the elementary works on evidence, and are not aware of any adjudication to the contrary. [3d Cowen and Hill's notes to Phillips's Evidence, page 1,065, note 719; same volume, page 1,240, 1,241, note 871; 1st Phillips's Evidence, 452; 2d do., 615, 638, 639; 1st volume Greenleaf's Evidence, see page 501; Gilbert's Evidence, 26.]

They think that that part of the testimony of Hasbrouck and Eells to which reference has been made, *abundantly* proves that these *one hundred and sixty-three* persons were inmates of the almshouse. But if that were not enough, it is still more abundantly furnished by other evidence before them. Take the whole of the testimony together, and it is perfectly apparent that none of the witnesses—neither those for the contestant or the sitting member—doubted, for a single moment, the *identity* of these persons. By all of them they are treated and spoken of as inmates of the almshouse. Hasbrouck fixed the number who went out and who voted in the third district of the eighteenth ward at about *one hundred and forty*—that is, about twice as many as the number to whom he gave permits at the hospital. Schedules A and C, testified to by Crandall, show that *one hundred and forty-one* voted. These witnesses strongly corroborate each other. Crandall also says [page 22 of the printed evidence] that the persons on schedule A told him that "*they came* from the almshouse." He says, also, he was "informed by the people there that they were from the almshouse, *and most of them had on a peculiar dress.*" It is also apparent, from what Crandall says at another place, [page 25 of the printed evidence,] and from what the inspectors Beach [page 67 of the printed evidence] and Ackerly [page 71 of the printed evidence] say, that these persons were treated and regarded by them as inmates of the almshouse. Besides this, James Modell, who has resided in the third district of the eighteenth ward for twenty-six or twenty-seven years, swears, that "according to the best of his recollection, from two to three hundred of the pauper inmates" of the almshouse "voted at the poll at that election."

It will be seen, by reference to the printed testimony, that there are many other circumstances tending to show that these persons were inmates of the almshouse; but the committee think that what they have already cited is abundantly sufficient to sustain the conclusion to which they have come.

Of the fact that they voted at the Congressional election in November, 1846, in the third district of the eighteenth ward, the committee have no more doubt than that they were inmates of the almshouse. On this point Dr. Hasbrouck swears that he heard all the officers of the almshouse, "in conversing with one another, speak as though it were settled that the paupers should be allowed, as on previous occasions, the privilege of going out to vote, and that every facility should be given to them for that purpose." [See page 11 of the printed evidence.] He also mentions the order in which they were to go out. He also says [page 12] that "*about two thousand ballots*" were taken to the almshouse on the "evening previous" to the election, and were placed in the custody of the matron, to be cut up and distributed among *the paupers*. He *saw* the omnibus take six loads of them for the purpose of voting, each omnibus load being ten or twelve persons. [Page 13.] He also says that, of his own knowledge, he knows that double the number from the almshouse voted than of those from the hospital to whom he gave permits, and that those to whom he gave permits to go out from the hospital were about seventy. [Page 12.]

Crandall swears that the persons whose names appear on schedule A did vote, [page 22 of printed evidence.] Schedule N [page 109 of printed evidence] shows that all the persons whose names appear on schedules B and C did vote in the third district of the eighteenth ward. Schedule N is a true list of the voters at the election in that district and ward, certified by the proper inspectors and the clerk who has the custody of it in New York.

It is very clearly shown, in the opinion of the committee, that very few of these paupers were residents of the third district of the eighteenth ward before they went to the almshouse. Dr. Hasbrouck says, that none of the persons named on schedule B lived in that ward before going to the almshouse, [page 14;] and that of those in schedule C, only about *eighteen* or *twenty* resided in that district before going to the almshouse, [page 13.] Crandall says, [page 25,] that he does not recollect that any on the list kept by him said that they resided there previous to going to the almshouse; and [page 36] he also says, that he does not recollect that any of them voted upon such a residence there. The inspectors also show, that they voted upon their *almshouse residence alone*—certainly excluding the idea that they had any other.

It being, then, in the judgment of the committee, perfectly clear that these *one hundred and sixty-three* paupers were permitted to vote, and did vote, in the third district of the eighteenth ward, in violation of the law of New York, which confines the voters to the districts of their residence, the next inquiry submitted to the committee is, *for whom* did said paupers vote?

The committee do not doubt that they voted for the sitting member. That gentleman was the candidate of the Democratic party for Congress; the officers of the almshouse and hospital were all members of that party, and electioneering for the candidates of that party, [see Hasbrouck's evidence, pages 10 and 11 of printed evidence;] they considered it their "*duty*" to get out every legal voter, to promote the interest of "the ticket;" they distributed Democratic tickets to the inmates on the morning of the election; they superintended the passing of the paupers out of the almshouse, had charge of the omnibus in which they were carried to the polls, and accompanied them to the polls. Odell swears that they would not let him "come near them;" that "they would say, Odell, *after they have voted you may talk to them*," [see printed evidence, page 42.] Hasbrouck swears that the tickets taken to the almshouse to be cut, on the evening before the election, had on them "the names of the regularly-nominated candidates of the *Democratic party*, [see page 12 of the printed evidence.] Those tickets contained the name of David S. Jackson, [see page 40 of the printed evidence.]

Crandall swears that there was a peculiarity in the tickets voted, by which he distinguished the Whig from the Democratic tickets; that "the Democratic ticket was a larger ticket, thicker paper, and different type from either the Whig or Native American," [page 24 of the printed evidence;] and that he was confirmed in this when he saw the tickets taken from the box.

Ackerly, one of the inspectors, swears that "the outward appearance of all the *Democratic* tickets, whether voted by paupers or others, *were the same;* and so in regard to the Whig tickets." He also says, "from the *outward* appearance, I think I could distinguish which was a Whig and which was a Democratic ticket, *as it was presented by the voter*," [page 71 of printed evidence.]

The committee do not hesitate to believe, from this mass of evidence, that these *one hundred and sixty-three paupers* (except, perhaps, some *four* or *five* who boasted that they had deceived the keepers, and the eighteen or twenty who resided in that ward before they went to the almshouse) voted illegally, in the third district of the eighteenth

ward, *for the sitting* member. They would have to *shut their eyes* to all the known rules by which individual conduct is judged, to come to a different conclusion. They desire no more convincing proof of anything than that they were taken from the almshouse with the express design that they should vote for the *Democratic* ticket, and that they did so vote.

The committee do not suppose that there can be any difference of opinion as to the fact that paupers from the almshouse on Randall's Island voted illegally in the *second* district of the *twelfth* ward. And they think the evidence abundantly shows, also, that they voted for the sitting member.

Eells, who was an inspector of that ward, says, [page 37 of the printed evidence,] that the *nine* persons whose names are on schedule D [page 91 of printed evidence] voted in that ward. He says, that they were all challenged and sworn; that they distinctly stated that they *never had resided in the twelfth ward*, but that, notwithstanding this, their votes were received.

The same witness swears, that he "did know how the persons referred to voted;" that he "canvassed the votes as they were received;" and that "the name of Mr. Jackson" was on the tickets which they voted. [Page 38 of printed evidence.]

Mr. Swords, another of the inspectors of this ward, fixes the number who voted at *thirteen*, and corroborates all the material statements of Mr. Eells in regard to the course of proceeding at the polls. [Page 43 of the printed evidence.] Mr. McCarthy seems to have been the *ruling spirit* at that poll, which may arise from what is detailed by Mr. Eells, that he understood that he "*had a bet of one hundred dollars on the result.*"

These *thirteen* persons were taken to the polls, under the direction of Mr. Shea, one of the keepers of the almshouse on Randall's Island, who told Mr. Swords that "*he had a great many more that would have voted,*" if he had not "*questioned them so closely;*" in consequence of which, he "*had to send them away elsewhere to vote.*" [See page 45 of printed evidence.]

Votes were also illegally received in the *fifth* district of the *sixteenth ward*. Leete, one of the inspectors, fixes the number at "*five or six.*" [Page 55 of printed evidence.] Dodd places it also at "*five or six.*" [Page 56.] Harley thinks there were as many as "*seven or eight.*" Norvill, one of the clerks, also fixes the number at "five or six." By examining the testimony of these three witnesses, it will appear that these persons, when brought to the poll, were challenged and refused to be sworn, as is required by the law of New York, stating that "*they did not wish to get themselves into trouble.*" At that time *two* inspectors were acting. One of the inspectors was absent during a portion of the day, when *these same* men returned, and *their votes were received by the remaining inspector without swearing them.* This inspector (Seaman) admits that "he may have taken *fifteen*" votes while the other inspector was absent. [Page 75 of printed evidence.] They were clearly illegal. It is equally apparent from the same testimony, as the committee think, that they voted for the sitting member, and that it was well understood that they would so vote, when taken to the polls, both by the person who took them there and the inspector who received their votes.

Dr. Hasbrouck swears [page 14 of printed evidence] that Michael Riley told him that he had voted *twice*. The name of this man is on schedules A and C; he voted at the *third* district of the *eighteenth* ward, and for the sitting member, as the committee have already shown.

Besides the votes illegally received, as pointed out by the committee, the committee are entirely convinced that a fraud of the grossest kind was practised upon the ballot-box, by persons engaged in secretly conveying to the polls prisoners confined in the penitentiary on Blackwell's Island. They have no doubt that John B. Shaffer and Francis McLaughlin, who were keepers of the prison, did transport from the island at least *twenty* prisoners, whose term of service had not expired, with a view to have their votes received at this election. [See Mott's testimony, page 49 of the printed evidence.] Their own testimony [pages 51, 52, 53 of the printed evidence] is perfectly conclusive of their guilt. But as the committee have before them no evidence that these men voted at any particular poll, they have not taken them into the estimate in the general result to which they have come.

That result is as follows, to wit: the majority of David S. Jackson over James Monroe, in the Congressional district, was *one hundred and forty-three votes. One hundred and fifty-seven votes* were illegally cast for said Jackson in the district, which, when taken from his poll, leaves a majority of *fourteen* votes in the district for James Monroe. This is shown by the following calculation:

Almshouse votes illegally received in the *third* district of eighteenth ward	163
Illegal votes from Randall's Island	13
Illegal votes at *fifth* district of *sixteenth* ward	5
Riley's vote twice counted	1
Making in all of illegal votes	182
Of these *twenty* resided in *third* district of *eighteenth* ward	20
Votes supposed to have been given to Monroe	5
	— 25
Number to be deducted from Jackson	157

These *one hundred and fifty-seven* votes, taken from the votes of Jackson, leaves the majority for Monroe *fourteen*, as already stated.

The committee, therefore, report to the House, for its adoption, the following resolutions:

Resolved, That David S. Jackson is not entitled to his seat in this House, as a Representative from the sixth Congressional district of the State of New York.

Resolved, That James Monroe is entitled to the seat, now occupied in this House by David S. Jackson, as a Representative from the sixth Congressional district of the State of New York.

Minority Report.

Mr. JENKINS, in behalf of the minority of the committee, made the following report:

The undersigned, minority of the committee, beg leave to submit the following report:

The constitution of the State of New York, in force at the time of the election in question, provided—

"That every male citizen of the age of twenty-one years, who shall have been an *inhabitant* of this State one year next preceding any election, and for the last six months a *resident* of the county where he may offer his vote, shall be entitled to vote in the *town* or *ward* where he *actually resides*, and not elsewhere, for all officers that now are, or hereafter may be, elected by the people."—(See constitution of 1821, article 2, section 1.)

"SECTION 2. Laws may be passed excluding from the right of suffrage persons who have been, or may be, convicted of infamous crimes.

"SECTION 3. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

"SECTION 4. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen."

These are all of the provisions of the constitution bearing on the subject of elections.

From the time of the adoption of this constitution, in 1821, the various wards of the cities, and the several towns into which the residue of the State was divided, constituted the only election districts in that State. For the purpose of accommodating the voters, the elections were required by law to be held during the period of three days in succession.

By an act of the Legislature, passed April 5, 1842, [see laws of 1842, pages 113 and 114,] provision was made that all the wards in the several cities, and all the towns in the State containing more than five hundred electors, should be divided into *election districts*, and the time for holding each election was confined to one day. Under this law, the *six* wards composing the sixth Congressional district were divided into twenty-five election districts.

The same act required the elector to swear (if his vote were challenged) not only to what the constitution prescribed as to residence, but also that he was then a resident of the *district* in which he offered his vote. If the Legislature had not the power, under the constitution, to go beyond that instrument, and require the voter to be, and to prove himself, not only the resident of the ward, *but also of a particular election district in such ward*, then the question may arise whether the proof which tends to show voters non-residents of a particular election district in a ward is of any avail.

By the same statute, passed April 5, 1842, page 120, section 121, it is provided "that no person 'shall be deemed to have lost or acquired a resi-'dence by living in any poorhouse, almshouse, 'hospital, or asylum, in which he shall be main-'tained at public expense."

The laws of that State did not vest in the inspectors of election any judicial power. There was no provision allowing any other proof of a right to vote than the oath of the elector. Under the preliminary oath, the inspectors were authorized to put questions to the voter (if his vote were challenged) as to his residence, &c.; but, if the voter insisted upon taking the oath required by the constitution, they were obliged to receive his vote. The testimony, therefore, in this case, relating to the *decisions* of the inspectors of election, has no pertinence to the subject. Any person, being a lawful voter, had a right to challenge, and the voter an equal right to exercise his own convictions, by withdrawing or swearing his vote in. The question of the legality of his vote could not be tried by the inspectors of election.

Paupers, by the laws of that State, are not prohibited from voting; and are not, for that cause, in any manner deprived of the elective franchise.

The undersigned are of opinion that the rules of evidence applicable to trials in a court of law, should be taken as the guide here. The commissioner, who took the evidence in this case, did not decide upon the competency of the evidence, but held "that his power did not allow the exclu-'sion of questions, except when the question put 'to the witness was leading or did not relate to the 'matter in controversy between the parties."—[13.]* Hence, incompetent evidence has swelled the return of the commissioner, and the question of competency is left open for the decision of the House.

The sitting member has produced the usual certificate, under the seal of the State of New York, showing that he was duly elected a member of this Congress from the sixth Congressional district of that State. This is not conclusive evidence of the legality of his election; but the contestant, in order to change the result, must establish the fact that at least one hundred and forty-three illegal votes were given for the sitting member, at that election, over and above any illegal votes given for himself.

1. The contestant complains in his eighth specification, "that eight or more persons, who were 'foreigners by birth, and never had become citizens 'of the United States, voted at the first election 'district of the twelfth ward for David S. Jackson," [2.] John McMahon [46 to 49] is the only witness called to establish this charge. His deposition affords ample proof of the witness's strong desire to make out a clear case for the contestant, and if hearsay is to be taken for proof, he has more than filled up the prescribed list of illegal votes. But the character of the witness was proved by the testimony of Daniel Falvey and Peter Ostrander to be decidedly bad, [74.] No effort was made to sustain him, either by calling other proof to support the charge, or to sustain his reputation. See, also, James Leonard's deposition, [75.]

2. The contestant charges in his fourth specification, [2] "that one hundred and sixty-three 'paupers and upwards from the almshouse and 'hospital, in the eighteenth ward of the city of 'New York, voted at the third election district of 'the said ward, on the 3d day of November, 1846, 'for David S. Jackson for Representative in Con-'gress. The said paupers were not admitted to 'said almshouse from said district of the eigh-'teenth ward."

It is important to look carefully into the proof adduced in support of this charge, and to discriminate between the competent and incompetent evidence imbodied in the return of the commissioner. In order to reject these votes, it should be clearly proved, on the part of the contestant, by legal evidence, that the voters did not reside in the said third election district. The voters themselves were competent witnesses; and if called to this point, could have placed the question beyond doubt. But not one of them was called as a witness, and a *species of secondary evidence* was resorted to, not only to establish the non-residence of these voters in the said third district, but also to prove that one of them voted twice at that election. Thus Dr. Hasbrouck [14] testified that he saw Michael Riley, an inmate of the hospital, on the morning of the election, deposit his vote in this district. The counsel for the contestant then called upon this witness to state the *declarations* of Riley upon the subject; and, although this evidence was objected to by the counsel for the sitting member, the wit-

* Figures thus inserted [13] in this report, refer to the page of the printed evidence.

ness answered as follows: "He [Riley] was tipsy 'about noon, and then declared he had voted twice 'at the same poll. He told me boastingly at that 'time." This is all the evidence tending to show that this Michael Riley voted twice at that election. No reason can be offered for so relaxing the rules of evidence in this case, as to admit the declarations of a third person as proof. If he had voted twice, not only Crandall, but the inspectors, would have objected to his voting when he came to the poll the second time. The fact that there were two or more persons by the name of Michael Riley who voted at that election would surprise no one who has had occasion to look into the directory of any of our large cities. Exhibit P [100] shows that there were *two* persons by the name of *James Carr* in the almshouse at the same time. In the judgment of the undersigned, Riley is not proved to have voted twice at that election.

If the one hundred and sixty-four voters named in schedules B and C [89] are not *proved*, on the part of the contestant, to have been non-residents of the third district of the eighteenth ward at the time of their going to the almshouse, then it is obvious that their votes, or the votes of such of them as are not *proved* to be non-residents, should not be rejected. Dr. Hasbrouck, [14,] in speaking of the twenty-two voters named in schedule B, and in answer to the following question, "Were there 'any of the said persons who had their residence 'in the third district of the eighteenth ward before 'going to the almshouse?" answered, "None, to 'the best of my knowledge." What knowledge had Dr. Hasbrouck on the subject? Did he know where they did reside, or did he know them at all before they went to the almshouse?

What is the evidence offered by the contestant to show that the one hundred and forty-two persons named in exhibit C were not residents of the said third district immediately previous to their entering the almshouse? The question was put to Hasbrouck, [13,] whether any of the persons committed to the almshouse who went out on the 3d of November, 1846, were sent there from the third district of the eighteenth ward? to which he answered, "To the best of my knowledge, there 'were some eighteen or twenty sent there from 'the third district of the eighteenth ward." It could not be expected that this witness, who had been at the almshouse but two years, [10,] should know all the persons that came there from that district, especially when it is remembered that many of the inmates went to the almshouse long before he did. See Mumford's deposition, [82,] and schedule P, [99.] If in that great city, of about four hundred thousand inhabitants, Hasbrouck knew that eighteen or twenty of the paupers in question came from that district, how many of whose residence he knew nothing also came from that district? It is always better to prove where a man's residence actually *was*, in order to show where it *was not*, than to undertake to prove that he did not reside in a particular district of a great city, from the fact that the witness did not know that he lived there. The testimony of Dr. Hasbrouck is too uncertain to establish the fact that these persons were non-residents of the said third district.

The evidence of Crandall upon this point is contradictory, and at most amounts to nothing but hearsay, [25.] If the voters upon being challenged had *testified*, before the inspectors of election, to their places of residence, even their *depositions* thus taken would be incompetent evidence. Much less, then, can the *naked declarations* of these voters to their places of abode previous to their going to the almshouse be admitted as any proof whatever. The very uncertain expression of Crandall, [25,] that *he did not recollect* that any on his list said that they resided in the ward in question before they went to the almshouse, or the expression of the same witness, [36,] that *he did not recollect* that any gave their residence in the eighteenth ward, amounts to merely nothing.

It will be seen, by looking into the only remaining testimony upon this point, [Eells 37, and Ackerly 70 and 71,] that the proposition here attempted to be established is in no manner strengthened. But if hearsay be evidence, then this species of proof can be rebutted by hearsay. Hasbrouck testified [18] that *many* of the inmates, when asking for passports, said that they were going to their own homes in the fourth, sixth, tenth, fourteenth, and other wards, to vote; and that he understood at the time that they were, respectively, going to districts in which they were entitled to vote. These inmates of the almshouse could have had no motive to vote in a district different from the one in which they had a right to exercise that franchise. It will not be assumed that they voted in the wrong district, and that position not having been proved, it follows that the one hundred and forty-two voters named in schedule C, and the twenty-two in schedule B, lawfully exercised their right of suffrage.

2. The contestant has failed to prove that the persons named in schedules B and C were the identical individuals who came from the almshouse, and who voted in the said third district, with the exception of three of them, who voted in presence of Hasbrouck. The contestant has attempted to prove this by evidence, that the names on the poll list of this district, compared with the names found on the register of the almshouse, and proving by Crandall that he saw the persons named in schedule C, except 12 of them, vote at that election. For the purpose of proving that the names on schedule C were found on the register of the almshouse, the contestant called on Marcellus Eells, [26,] who testified that he was appointed superintendent of the almshouse May 11, 1846, and that there were books in the almshouse containing the names of the inmates, and that he found the names contained in schedule C upon the books of the almshouse. Was this evidence competent? H. Mumford, who kept the books of the almshouse, was called on to testify whether the persons named in schedule C were in the almshouse on the day in questtion. His entries in those books could be used by him as a memorandum to aid his memory. But these books are not shown to be such public entries, or records, as can be proved by a sworn copy; [12 Serg. and Rowle, 256, 263; 2 Cow. and Hill; notes to Phillips's evidence, page 1,150.] But Eells does not show where he obtained the books of the almshouse, nor when he compared schedule C with those books. The testimony of Mumford, [82,] and schedule P, prove that Eells was grossly mistaken. It is essential to the contestant to establish the identity of the persons whose names appear on the poll list, and on schedule C.

Suppose that paupers were forbidden to vote in New York, as they are in New Jersey, and a man were on trial for illegal voting for that cause, would any jury convict the voter upon merely producing the register of the almshouse and the poll list? Would not proof be required that the person on trial was the man supported at public charge, and who voted at the election? To hold the contrary, would be equivalent to the adoption of a rule that a prisoner, on trial for a *second* offence, could be convicted of such *second* offence, on producing the record of the conviction of a man bearing the same name, but without any proof that he was the same man tried and convicted of the first offence. Is it proved that these identical persons voted in the said third district? Crandall was produced by the contestant to prove this, and he testified that the 129 persons named in *schedule A* voted. [22 and 23.] But these voters were strangers to Crandall, and no one can claim that he could remember their names. He was, therefore, obliged to rely on a list of these names, and the accuracy of his testimony must depend on the accuracy of the list. The original list, made by the witness at the time of the voting, was the only authentic one, and hence it is not allowable for him to refresh his memory from a *copy* of the original list, or from a memorandum made by another person. [2 Cow. and Hill's notes to Phillips's Evidence, page 1,239.]

It nowhere appears where, or by whom, schedule A was made. But who made schedule C, and when? Crandall carries the impression [at page 23] that he himself made it. He there testified that he recognized the paper, and that the signature to it was his own. This schedule C bears intrinsic evidence that it is not the original memorandum. [89 to 91.] It is in the form of an affidavit, but is not sworn to. Crandall, however, expressly states that the original list made by himself, and the one made by Otis, were both lost. [30 and 31.] Schedule C then is not the original memorandum, nor is it shown to be a copy of that original memorandum. Crandall made two copies [33] of the original list, immediately after the election, and sent one to the express office, and delivered the other to Eells. But schedule C is nowhere shown to be one of these copies. If, then, a *copy* of the original memorandum were admissible to aid the memory of the witness in this case, even that proof was not given. Take away these schedules, and Crandall's evidence falls far short of proving the identity of any of the persons named in schedule C. But there is no proof of the identity of the persons named in schedule B, except three of them. Hasbrouck saw three of them vote; but who saw the rest? Who but Otis saw the twelve persons embraced in the cross marks on schedule C, vote? But Otis was not sworn as a witness in this case, and therefore there is no evidence on this point. Why was not Otis called to prove the voting of these twelve persons? [22, also 30 and 31.]

4. The contestant charges, in his fifth specification, [2,] that *nine* persons, paupers in the almshouse, having no right to exercise this franchise, voted for the sitting member, in the 2d district of the 12th ward. These paupers are alleged to have come from Randall's Island. The foregoing points, taken with regard to schedule C, are applicable to this list of nine persons mentioned in the testimony of Eells, [37,] McCarty, [69,] Swords, [72,] and schedule D, [91.] But it is said there were *thirteen* persons instead of nine. The contestant claims but nine in his specification, and his witnesses Eells, [37,] Meggs, [42,] Miller, [41,] fix the number at nine also. This testimony, produced by the contestant himself, is far more explicit than that of McCarty, [68,] who testifies that he will not be positive, but *thinks* there were *about* twelve or thirteen; or the evidence of Swords, who *thinks* there were thirteen. See schedule E, [92.]

5. For whom were the alleged unlawful votes cast? For if it were shown that all these persons voted, and that they were not entitled to that franchise, neither of which has been established, yet it would be the duty of the contestant to go further, and prove that at least one hundred and forty-three voted for the sitting member, in order to produce any effect.

Let it be borne in mind that the names of twenty-five persons were on each full State ticket at that election, [40.] Other officers were voted for calculated to excite a far greater interest than member of Congress. Neither the electors or the challengers would be as likely to pay attention to the member of Congress as to some of the more important officers. The assertion that the particular name of the sitting member was singled out from all the rest, to be *read through* the folded ticket, can, at best, have but slight weight. The name of the sitting member was erased from *many* of the tickets, [70,] and on others the name of the sitting member was erased and that of the contestant inserted, [70 and 71.] Who can tell how many of the votes thus changed by such erasure came from the inmates of the almshouse? Crandall, [32,] upon whose testimony the political complexion of the voters named in schedule C rests, in answer to the following question, "Do you mean to say that none of the persons whose names you kept voted the Whig State ticket?" answered, "I do not; I don't mean to say that." It appears, from the evidence of Hasbrouck, that each of the inmates of the almshouse exercised his right to vote without constraint; that Democrats and Whigs, who were lawful voters, were furnished with permits without distinction, and all who chose had an opportunity to ride in a public conveyance, [17;] that a large number of the inmates refused to take Democratic tickets at the almshouse, and some said that they were going to vote the Whig ticket, [18.] Some said they had taken Democratic tickets, but voted the Whig ticket, and boasted of the deception. Ackerly [70] testifies that all of the inmates of the almshouse did not vote the same ticket. With this evidence in view, taken in connection with the feeble evidence offered to show the votes given for the sitting member, it is just and right to conclude, that if anything be lawfully proved, there is about as much evidence tending to show that a large proportion of the almshouse voters cast their ballots for the contestant, as there is to show that such proportion voted for the sitting member. Crandall [24 and 25] kept no account with respect to the votes named in schedule B, nor in regard to the twelve embraced in the cross marks upon schedule C, making thirty-five votes. There is not a word of evidence showing how these thirty-five persons voted; but the burden of proving that these thirty-five persons voted for the contestant rests upon the contestant, which

he has by no means relieved himself of. If the losses of a majority of the committee be assumed as correct, wherein they place the alleged number of illegal votes cast at the various wards at one hundred and eighty-two, and deduct therefrom the twenty-five votes which they deduct, and also the above thirty-five votes, the said one hundred and eighty-two alleged illegal votes is reduced to one hundred and twenty-two, and this leaves the sitting member fairly elected by a majority of twenty-one.

But it has been the practice in these cases to call upon the voters themselves to testify who they voted for. If they decline to appear, or refuse to testify who they voted for, such refusal lays the foundation for secondary evidence, and then the political party to which the voter belonged, and even his declarations, if made at about the time of the election, have been received as the best evidence which the circumstances of the case would admit of. But in this case the contestant has made no effort to examine the voters, and therefore has laid no foundation for secondary evidence; hence he has not lawfully proved any of the one hundred and eighty-two persons to have voted for the sitting member.

6. Charles F. Mumford, [82,] the clerk of the almshouse, made the entries in the almshouse register, and, upon proving schedule P, [99 and 100,] it distinctly appears that 14 names, found on schedule C, were *not on the books of the almshouse in* 1846. This disposes of 14 alleged illegal voters. The same schedule P also shows that John McGowan, (McGovern,) James Merrill, George Carr, and Daniel Maron, were discharged from the almshouse before the 3d day of November, 1846, and that Thomas Riley was not admitted to the almshouse until the 15th December, 1846, *a month and a half after the election.* There can be no pretence that these five persons came from the almshouse to vote. Mumford must have had full knowledge of the books of the almshouse; whereas Eels, who had been in the almshouse only a year and a half, who does not appear to have any care of the books, nor any part in the keeping of them, must have found the names (if he found them at all in any almshouse books) without reference to the time when the persons named in schedule C were there. John Eels [36] has not stated when he examined the books, and compared schedule C with them, nor did he state that he examined the books to find the inmates who were there at the time of the election in 1846. Schedule C, therefore, is entitled to no weight as evidence.

It also appears from exhibit P, that 25 of the persons who were inmates of the almshouse at the time of the election in question, and whose names appear on schedule C, and who are claimed by the contestant to be illegal voters, were admitted to the almshouse *before* the passage of the statute, above quoted, forbidding the gain or loss of residence by means of going to the almshouse; for that statute was passed April 5, 1842. The question then arises whether these 25 persons, who went to the almshouse *before* the passage of the above-mentioned statute, (and at the time of the election in November, 1846, none had resided there less than four years, and some as much as twenty years,) had not obtained such a residence at the almshouse as to make them lawful voters in the said election district where the almshouse is located:

The following table comprises the disputed votes:

Schedule B has on it	22	names.
Schedule C has on it	142	"
Schedule E, Randall's Island	9	"
Fifth district, 16th ward	5	"
	178	
Deduct 20 votes conceded to be lawful by the majority	20	
Also votes conceded to be given for contestant	5	
	25	
	153	

As the sitting member's majority, according to the original returns, is 143, a further deduction from the above 153 of eleven votes, would still leave the sitting member a majority. But the undersigned believe, that if they adopt a far more favorable rule of evidence to the contestant than the practice of the House on principle will justify, yet that quite a majority will remain in favor of the sitting member.

First. It is conceded by the majority of the committee that five illegal votes were cast by the paupers for the contestant. The undersigned believe the number of votes cast for the contestant by the inmates of the almshouse much larger. But if five be taken as the number, those five illegal votes should not only be taken from the list of alleged illegal votes for the sitting member, but they should be deducted from the votes given for the contestant. This would be equivalent to a deduction of ten from the list of alleged illegal votes given for the sitting member. Therefore, deduct *five more* from the above 153.

Second. There is no proof showing for whom the persons named in schedule B voted. Deduct, therefore, 22 votes for this cause, from the above 153.

Third. There is no proof whatever that the twelve persons named in schedule C, alleged to have been on Otis's list, were not lawful voters, nor is it shown for whom they voted. Deduct this number.

Fourth. Make a like deduction of fourteen persons named in schedule P, who were not in the almshouse.

Fifth. Make a like deduction for the five persons named on exhibit P, who were discharged from the almshouse before the election.

Sixth. If the twenty-five persons who went to the almshouse before the passage of the statute of 1842 obtained a residence, then this number should in like manner be deducted.

The undersigned recommend that the House adopt the accompanying resolutions.

TIMOTHY JENKINS,
LUCIEN B. CHASE,
HEZ. WILLIAMS,
S. W. INGE.

Resolved, That David S. Jackson is entitled to his seat upon this floor.

Resolved, That James Monroe is not entitled to a seat upon this floor.

IN SENATE.

WEDNESDAY, *April* 19, 1848.

Mr. NILES presented the petition of William Pennoyer, a revolutionary soldier, for a pension; which was referred to the Committee on Pensions.

REPORTS FROM COMMITTEES.

Mr. CAMERON, from the Committee for the District of Columbia, reported a bill to incorporate the Washington Gas Light Company; which was read a first time.

Also, from the same committee, the bill to incorporate the Washington Mutual Insurance Company and Savings Institution, without amendment.

Mr. UNDERWOOD, from the Committee of Claims, made an unfavorable report on the petition of Richard P. Dove.

Mr. WESTCOTT, from the Committee of Claims, made an adverse report on the petition of J. Harris, late deputy collector at Providence, Rhode Island.

Mr. DIX, from the Committee on Commerce, asked to be discharged from the petitions relating to the adoption of Evans's patent steam safety valve.

Mr. WESTCOTT submitted the following, which was ordered to be printed:

Resolved, That the Committee on Finance be instructed to bring in a bill repealing "An act concerning tonnage duty on Spanish vessels," passed June 30, 1834, or to modify the said act so as to allow Spanish vessels from Cuba to trade between the Island and any part of the United States upon the same footing, as to tonnage duties, as the vessels of the foreign countries are allowed to trade between the ports of their country and the ports of the United States.

On motion of Mr. BREESE, the bill to reduce and graduate the price of the public lands, and for other purposes, was taken up and postponed, and made the special order of the day for the first Monday in May next.

Mr. HALE gave notice that he would to-morrow, or at some subsequent day, introduce a bill to prevent riotous or tumultuous assemblages within the District of Columbia.

On motion of Mr. DOUGLAS, the bill to grant to the State of Illinois a right of way through the public lands, and for other purposes, was made the special order for this day two weeks.

On motion of Mr. BERRIEN, the bill to change the name of Phocian Kavasales to that of Photius Fisk, was considered as in Committee of the Whole, and passed.

On motion of Mr. UNDERWOOD, the bill to confirm the location and grant a quarter-section of the public lands for a county site at Hillsborough, was considered as in Committee of the Whole, and passed.

The bill extending privileges to American vessels engaged in a certain trade therein mentioned was read a third time, and passed.

A message was received from the House of Representatives stating that the House having agreed to a motion to reconsider the amendments to the bill to declare the true intent and meaning, so far as respects the franking privilege of members of Congress, of the act approved the 1st of March, 1847, &c., requested of the Senate the return of said bill.

On motion of Mr. BADGER, the Committee on the Post Office and Post Roads, to which the bill and amendments had been referred, was discharged from the further consideration of the subject, and the Secretary was directed to return the bill to the House.

CHINA.

Mr. ASHLEY moved that the Senate proceed to the special order for this day, being the bill to carry into effect certain provisions in the treaty between the United States and China, and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those quarters.

Mr. BADGER would not object to the motion, with the understanding that, if taken up, the bill would be informally passed over, in order that he might have the opportunity to make the motion of which he gave notice yesterday, that the Senate proceed to the consideration of Executive business.

Mr. ASHLEY suggested that the bill could be passed over after it had been placed in a position to give it preference over other business.

Mr. CASS expressed his apprehensions that this bill would occupy much time. He hoped it would not be pressed. It would be recollected that he had given notice of his intention of calling up the volunteer force bill as early as possible. It was very important that that bill should be acted on without delay.

Mr. HALE asked if the honorable chairman of the Military Committee had received any recent news from Mexico, which rendered it so important that his bill should be passed?

Mr. CASS replied, that he had received no new intelligence; but if the bill should not be passed in a day or two, we might expect some disastrous news from that quarter.

The motion of Mr. ASHLEY was agreed to, and the bill was taken up. The reading of the bill was called for; but before the bill had been gone through—

Mr. DAVIS, of Massachusetts, expressed a hope that the further reading might be dispensed with, and that the chairman of the Judiciary Committee would not press its consideration at this time. This was a measure of very great delicacy and difficulty. The more he had looked into the bill, the more he had become convinced of this fact. The bill would require considerable amendment. It was to establish the laws of the United States over such of the citizens of the United States as were resident in China. He had conferred with the Senator from South Carolina [Mr. BUTLER] on the subject, and they had agreed that it was a measure of much delicacy and complexity. Yet there was no insuperable difficulty in the way, none which could not be overcome, if time were given for proper deliberation.

Mr. ASHLEY disavowed any design to press the bill at this time. He was sensible of the difficulty which surrounded the subject. This bill passed the House of Representatives last session, and was brought to the Senate too late to be acted on, and therefore was laid over with the other unfinished business. He had made some attempts to bring it before the Senate, but he was not disposed unreasonably to press it. With a view to prevent unnecessary delay, he had expressed to several Senators whom he regarded as best informed on the subject, his desire to obtain their views. He had obtained all the original documents having a bearing on the subject. He had examined the course of action in the British Parliament. He would only now express the hope that the bill would be considered from day to day, until it could be matured. The correspondence of Mr. Everett

showed the necessity of immediate action on the subject. Our treaty with China provides that we shall exercise jurisdiction over our own citizens while in the Celestial Empire. Great Britain already exercised this jurisdiction; and for the want of it, our interests were placed in daily jeopardy, and our intercourse with that country was in danger of being interrupted.

Mr. DAVIS explained that he was not opposed to legislation on the subject. He knew it was necessary something should be done. But all the examination he had yet given to it had not been sufficient to enable him to make up his own mind.

Mr. BUTLER confirmed what had fallen from the Senator from Massachusetts concerning the conference which they had had on the subject. He felt himself under great obligations to that Senator, who had convinced him that there were great defects in the present bill. Until that conference took place he had but an indistinct knowledge of the subject.

Mr. BADGER hoped the bill would be passed over informally. He pointed out one error in the bill which showed the necessity for amendment. The rule laid down for the government of our officers in China was the rule of the common law of the United States. Now, it was well known that there was no such thing known as the common law of the United States.

Mr. ASHLEY would prefer that a day be fixed on for the consideration of the bill.

Mr. DAVIS suggested Monday next.

Mr. ASHLEY assented.

The further consideration of the bill was then postponed until Monday next, and the bill was made the special order for that day.

On motion of Mr. BADGER, the Senate proceeded to the consideration of Executive business; and, after some time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 20, 1848.

The Journal of yesterday was read and approved.

PRIVILEGES OF MEMBERS.

Mr. PALFREY rose to a question of personal privilege of a member of this House. He wished to present the question to the House in the form of a resolution. Could that resolution, he would respectfully ask of the Chair, be read from the Clerk's desk, or must he himself read it from his seat?

The SPEAKER. If the gentleman rises to a question of privilege, he may state it in any form he sees fit, in order that the Chair may decide whether or not it is such a question.

Mr. PALFREY. Then I submit it in the form of the following preamble and resolve.

A voice. Can that be done?

The SPEAKER. It depends entirely upon what it is.

Mr. PALFREY then read the paper which he held in his hand, as follows:

Whereas common report has represented to members of this House that a lawless mob has assembled within the District of Columbia on each of the two nights last past, and has committed acts of violence, setting at defiance the laws and constituted authorities of the United States, and menacing individuals of this body and other persons residing in this city: Therefore,

Resolved, That a select committee of five members be appointed to inquire into the facts above referred to, and to report the facts, with their opinion whether any legislation is necessary or expedient in the premises; and that they further have leave to sit during the sessions of the House.

The SPEAKER. The Chair knows no authority for deciding that to be a question of privilege.

Mr. PALFREY. Do I understand the Chair, then, to rule that a question relating to the protection of the personal safety of a member of this House is not necessarily a question of privilege?

The SPEAKER. The Chair does not understand that a member of this House is at all alluded to in the resolution.

Mr. PALFREY. I will read it again, if you please. [He accordingly read the latter part of the preamble.]

The SPEAKER. The Chair did not hear that part of the preamble. The Chair is disposed to think, if the liberty, or safety, or life of any individual member of this House has been menaced from any quarter, it is a question of privilege.

Mr. GENTRY desired to make a remark. He would suggest to the gentleman from Massachusetts that the House would be more competent to judge of the nature of the question presented by him if it were informed of the particular manner—of all the circumstances in which the safety of any member of this House had been menaced by a mob. The House could then determine whether there were existing facts which required its interference.

Mr. RHETT said he did not know the circumstances to which the gentleman from Massachusetts alluded——

Mr. PALFREY wished to be pardoned for one moment; and (Mr. R. yielding) said he desired the gentleman, in order to give a proper direction to his remarks, to understand that this preamble stated this *report* had represented to members of this House that members of this body had been menaced. He would simply state to the gentleman that it did not refer to himself, (Mr. P.;) that the menace was not to him.

Mr. GENTRY, (in his seat.) If any member has been menaced, let him rise and state the fact to the House.

Mr. BAYLY rose to a question of order. Could the recital of fact, upon rumor, that a member of this House had been menaced, make it a question of privilege? If any member of this House was in that situation, he could come before the House and state the fact, and ask its protection; or, if he did not do this, some other member might come here, and point to the member thus menaced, and thus raise the question of privilege. But could the mere reference to a vague rumor, when, if there was any foundation for it, it was so easy to reduce it to certainty, constitute a question of privilege?

The SPEAKER remarked that this question was one entirely new; but that the Parliamentary law laid down expressly that "common rumor" was sufficient ground for action. Moreover, it was well understood that where the life, or person, or liberty of a member was menaced in any way, it was a proper subject to be acted upon by the House. The case was on record where a member had been challenged by a person out of doors, that the House had considered that he was menaced, and that it constituted a question of privilege.

The Chair therefore held, upon the best consideration he could give the question, that where an allegation was made that the life, liberty, or person of a member of this House was menaced, it was a question of privilege, in regard to which any member ought to be heard. The Chair was of opinion that the House might very well call for specifications; and if such specifications were not made, it would be sufficient ground for the House to reject it, and refuse the inquiry; but it was not sufficient reason for the Chair to rule it out of order.

Mr. RHETT (resuming) said he had no doubt, if any member of the House was menaced for anything he had done or said on this floor, that it would then be the privilege of this House to interfere. But he thought the SPEAKER, on reflection, would see that a menace either of the person or liberty of a member of this House not connected with his duties here, was no such thing as a question of privilege. Why, if he should insult a man in the street and he was likely to chastise him for it, would it be said that he had the privilege to come and demand the protection of this House against a man whom he had already insulted? He asked, because a man was a member of Congress, could he be privileged from the ordinary responsibilities of a man and a gentleman to a citizen of Washington? Had it come to this, that a member of Congress was not only to be exempt from any personal assault or menace in relation to his official duties, but that his being a member was to be a screen to afford him protection, whatever he might do in any part of the United States?

Mr. C. J. INGERSOLL interposed, and asked if the gentleman from South Carolina would allow him to refer to the Constitution on this point? The Constitution provided that—

"The Senators and Representatives" "shall in all cases, except treason, felony, and breach of the peace, *be privileged from arrest* during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House they shall not be questioned in any other place."

The SPEAKER wished, before the gentleman from South Carolina proceeded, to be allowed to refer to Jefferson's Manual, from which he proceeded to read the following, among other passages:

"So far there will probably be no difference of opinion as to the privileges of the two Houses of Congress: but in the following cases it is otherwise: In December, 1795, the House of Representatives committed two persons of the name of Randall and Whitney, for attempting to corrupt the integrity of certain members, which they considered as a contempt and breach of the privileges of the House; and the facts being proved, Whitney was detained in confinement a fortnight, and Randall three weeks, and was reprimanded by the Speaker. In March, 1796, the House of Representatives voted a challenge given to a member of their House to be a breach of the privileges of the House; but satisfactory apologies and acknowledgments being made, no further proceeding was had."

Mr. DUER remarked, that as they were discussing the question, he thought it well that they should have the facts before them. Now they had them not. He therefore suggested that the gentleman or gentlemen, if they were in the House, alluded to, who had been menaced or in any way injured, state the facts of the case. The House could then determine whether it was a question of privilege or not.

Mr. RHETT resumed. The House were all perfectly willing and ready to protect a member against any outrages committed upon him connected with his official duties; but while they did this, they had no right to say they would protect a man, because he happened to be a member of Congress, in agressions upon the rights of the citizen in acts no way connected with his duties as a member.

The Constitution of the United States was intended to restrict these unlimited privileges of Parliament. They knew that the privileges of the British Parliament were unlimited; and one reason was, that they never knew what these privileges were, and they did what they pleased. According to Mr. Jefferson, all these privileges had been exercised by the British House of Commons; but not so with the Congress of the United States. The clause of the Constitution read by the gentleman from Pennsylvania was a restriction on the general parliamentary privileges in England. Members of Congress, as such, had only these privileges which were here specified; in all other respects they were on the same footing of other citizens of the United States. Now, if a member rose on this floor and stated that for anything he had said or done on this floor he had been threatened with violence, he (Mr. R.) would move for his protection as a member of Congress; but for anything further, they had no right to put forth the arm of this Congress for the purpose of protecting any citizen against the acts of any other citizen.

The SPEAKER stated that the point of order raised had been decided by the Chair, and debate could not properly arise until an appeal had been taken.

There were two questions involved in the point raised: one was, whether this was such a question of privilege that the House would see fit to exercise its authority on this occasion, and make any examination into the facts stated by the gentleman from Massachusetts. That was a question for the House to decide, and not for the Chair. Upon debate and investigation of the question, the House might determine that it would not proceed.

The question for the Chair to decide was, whether, on the *prima facie* case presented by the gentleman from Massachusetts, it was such a question of privilege as to allow it to come before the House, superseding other matters, in order that the House should decide whether or not the rights of a member had been invaded. The decision of the Chair simply was, that, upon the facts presented by the gentleman, the question was fairly before the House for their decision.

Mr. BRODHEAD appealed from the decision of the Chair; and on the appeal demanded the previous question, which was not seconded by the House.

Mr. TOOMBS sustained the appeal of the gentleman from Pennsylvania, and was opposed to the decision of the Chair in this case, upon very obvious principles. The gentleman from Massachusetts, in his preamble and resolution, did not aver that any member of this House had been called in question by the mob or anybody else for anything uttered or done in this House; and he (Mr. T.) held that the Chair erred if he supposed that this House had the right or authority to interfere generally for the protection of members in any strait they might get into out of doors, discon-

nected with their official duties. If the gentleman from Massachusetts had said that he or any other member had been called in question by any person or assemblage for the discharge of his official duty, that would have been a question of privilege, and would have demanded the action of the House. But when the fact was presented merely that a member of this House had got into difficulty, it was not a question of privilege. It never had been held so; the case could not be found to sustain the position. The cases referred to by the Chair did not support it; there members were called in question, and their safety menaced for action in this House; and the rule read by the gentleman from Pennsylvania [Mr. C. J. INGERSOLL] from the Constitution was germane to this class of cases. Such was not the case before them.

He had no disposition to shut out this resolution—not the least. He believed the time had come, and he was ready to meet it. He wanted the question settled. If crime—crime against the laws of this District—if moral connivance with felony and theft was to be vindicated, let the question be settled before the American people; and they would be ready then to decide the right of this body to sit within this District.

Mr. SIMS said, with reference to the decision of the Chair, he wished to call the attention of the Chair and the House to the Manual for an exposition of the Constitution, as stated by Mr. Jefferson. After citing the privileges of the British Parliament, as laid down by Blackstone, Mr. Jefferson said:

"It was probably from this view of the encroaching character of privilege, that the framers of our Constitution, in their care to provide that the laws shall bind equally on all, and especially that those who make them shall not exempt themselves from their operation, have only privileged 'Senators and Representatives' themselves from the single act of 'arrest in all cases, except treason, felony, and breach of the peace, during their attendance at the session of their respective Houses, and in going to and returning from the same, and from being questioned in any other place for any speech or debate in either House.'"

He read further extracts in that connection, and said, while the two cases cited by the Speaker were correctly stated, they did not apply here; but that Mr. Jefferson himself, on the contrary, was expressly arguing that, under our Constitution, the privileges of members of Congress only extended to exemption from arrest.

Mr. WOODWARD said, the privileges of Congress were not left to the parliamentary law. The privileges of a member of Congress existed by virtue of the Constitution, and not by inference from parliamentary law. They existed by virtue of the Constitution, and to no greater extent than was provided for by that instrument. Those privileges have been defined to be, exemption from arrest, except for certain defined offences, and nothing more. A member was not accountable elsewhere for anything said in debate in this House, nor for any transaction on this floor, on which he sits as a member. But it appeared to him that this question of privilege was still more limited. How was the House to exempt and protect a member? Was it meant that this body should interfere judicially? What was meant was, that the members of this House should be protected by law. How were they to interfere to rescue a member from arrest in the District of Columbia? By their own hands? or by their laws? By authorizing the enactment of laws which should protect him in the enjoyment of his rights, did it mean to vest in the House judicial power in any given case, and that they should constitute themselves sheriff and bailiff? No; it meant that they should enact laws. The privileges and immunities of members were to be protected by laws, just as the privileges and immunities of other men were protected—laws first made, and then executed by the judicial power. Against the violation of the privileges of a member of Congress there was no defence, except by the legal authority which the law-making power has provided. The privileges of members of Congress were peculiar; but because they were so, were they sacred above the privileges of other men? Where was the authority for assuming that these privileges were higher than the privileges of others? There was none. On the contrary, the privileges of each member as a man were as sacred as any special privileges they possessed. Though they were peculiar, they were rights not more sacred than others, and they were only protected by the law. If a member should state that he had been assailed here as a member of an organized body, it would be an assault on the whole House, and he conceived that the House had a natural right to defend itself. It could, by its Sergeant-at-arms, by the authority of the Speaker, or without, put its hand on the offender; but beyond these Halls there was no protection, except such as was afforded by the laws of the land, and the authorities constituted to adjudge and administer those laws.

Why was it that a District was provided and set apart to be governed by the legislation of this body? If this body could, without law, or by an *ex post facto* law in any given case, adjudge matters of privilege, and execute their award of punishment, independent of the laws enacted under the Constitution, without legal authority on the subject, what was the use of the District of Columbia? Where, he again asked, was the use of this District? It was in order to enable Congress to protect its privileges by the enactment of the necessary laws. For this purpose, this District was set apart and placed under the legislation of Congress, that they might be able to adopt laws for the protection of all their rights as an organic body. Every member of this body, by the laws which Congress was authorized to pass, was entitled to protection from arrest, and he was not to be held responsible for any words uttered here in his place as a member; but words not uttered here in his place, and acts not done here, were not words uttered and acts done in his capacity as a member.

Mr. JOSEPH R. INGERSOLL said that he had not distinctly understood the language of the resolution, but if it proposed to raise a committee of inquiry and investigation upon mere rumor, he should be disposed to doubt the sufficiency of its foundation. This was, however, in its present stage, a question of order. The Chair had decided in favor of the right to make a motion to protect a member in that capacity from the effect of supposed threats of external violence. It was a privileged motion, and so it had been regarded by the Chair, without looking beyond the motion itself, and anticipating a determination upon the question of privilege which might afterwards arise for the determination of the House. Mr. I. said that he considered the Speaker altogether right in the decision which he had pronounced, and would cheerfully sustain him in the depending appeal. It sufficed, for present purposes, that a member acting under grave responsibility, and pledging his official character for the information he conveys, had risen to the privileged motion, which, upon that responsibility and character, ought to be heard. How it should be decided hereafter was quite another thing.

It had been argued that the power of this House was limited upon a matter of this sort to very narrow bounds. The Constitution, it was thought, alone defined the privilege which should claim its protection, and that instrument merely declared that, for any speech or debate in either House of Congress, Senators and Representatives should not be questioned in any other place. Such, as he had understood, had been the argument of his friend from Georgia and other gentlemen; and even then it was supposed that the remedy must be provided by law. Now, (Mr. I. said,) he could not, by silence, allow even a presumed acquiescence in these views. He thought them much too narrow. A far wider extent of jurisdiction was embraced in the character of the assembly, in the fundamental rules of its existence, and in the sovereign necessity and duty of self-preservation, which every constituent principle of continued organization implies. The provision of the Constitution referred to had nothing of lawless hostility, any more than amicable inquiry in view. It did not intend to prohibit a question for information, or even for fair and useful discussion, anywhere, of sentiments expressed on this floor. In that sense they were questioned every day, at home and abroad. They were questioned at the present day, and they would be questioned by posterity. Nor did the framers of the Constitution mean to provide by this sixth section against mere intemperate and ruthless outrage. They knew too well that abstract and chartered rules could not effect, as they did not provide, a punishment for evil-doers. They were left to the municipal regulations of the land as the proper restraints for all bad passions, whether excited by personal malignity or supposed legislative oppression. The whole of this clause of the sixth section looked to proceedings *in judgment*, as they were usually termed. It exempted members of Congress from *arrests*, which were measures resorted to and exercised only by color of law, and in its name. In precisely the same manner it placed in the hands of members of Congress a legal justification, a plea in bar, to any and every complaint before a court of justice for speeches or debates on the legislative floor. For such speeches or debates they were not to be questioned in any other place, where law was respected as the governing principle. The only answer to be given to such questioning was spoken by the supreme law of the land. It spoke to the courts of justice, and to them alone.

In this view it would be readily perceived that no constitutional protection whatever was afforded in terms against mere outrage. It was not to be expected that it should be. It would be to speak to the roaring waves, and expect obedience. It would as readily be perceived that mere protection for the particular act of speech or debate, while every other possible legislative duty was left naked to attack, would be a feeble exercise of parental care. The danger from legal or seemingly legal interference with the performance of Congressional functions, would consist either in arrest before or during the exercise of them, or suit for slander afterwards. To both the Constitution interposes by its verbal but inexorable fiat an insuperable bar. Anything else that could touch a member to the interference with his legislative rights must be merely lawless. No possible attempt at enumeration could cover the infinite variety of cases that might occur. They would be varied and multiplied by time and change of circumstances. They were left for efficient remedy to the lapse of time and the suggestion of circumstances.

Why should a speech delivered be the subject of protection rather than a speech prevented? If you could notice by the power of this House an unlawful attempt to rebuke or assault a member for the just performance of his duty, why should you not with equal rigor restrain and prevent disorderly attempts to overawe and restrain him from performing it at all? If, for example, during the pendency of a question of interest, crowds of uninformed individuals determined to waylay members in supposed opposition to their wishes, would it be tolerated that the dignity of the House should be prostrated and its power despised and trampled under foot with entire impunity? Such had been the beginning of revolution in almost all time, when legislation had existed. Had the mob been met, with Cromwell at its head, before it entered the House of Commons, and removed *that bauble* from the Speaker's chair, one crowned head less might have paid the forfeit of unwise scruples and unmanly submission. In quite recent days the avenues to the House of Lords, on the memorable occasion of the Queen's trial, were filled up with riotous partisans, who exacted as the price of permission to pass onward to his place a promise of obedience or a token of submission from the most distinguished and popular of the peerage of the realm. It would not be kind, at a moment of sympathy with another great nation, to dwell upon scenes which brought on one deadly tumult after another by the irruptions of the populace into the national assemblies, to the subversion of monarchy first, and pseudo-republicanism afterwards.

Such occurrences as these could not be specifically guarded against. They were in their nature irregular, and must be in precise detail unforeseen. Nothing could guard against them except the inherent principles of order which were incident to every great legislative assembly. The power to make laws carried with it the power of self-protection while engaged in the act, or taking necessary steps towards it. It was grossly inconsistent with the character of this—which, if he were not a member of it, he would pronounce an august assembly—to say that it could not protect itself, much more to make it the sport of every idle person who might choose to interrupt its proceedings or wantonly to insult its dignity.

Nothing could be done to vindicate the honor or maintain the necessary power of the House, if it be turned round to the slow necessity of enacting appropriate laws. The fitting remedy was a summary one. The evil must be nipped in its bud, or it would grow and ripen into pernicious fruit. Should these doors be invaded, and an armed multitude stand ready to cross its threshold, and hurl you from your seat, what justification would you find for yielding up your place in the supposed com-

parison of advantages of putting a bill through all the tedious forms of legislation, while the work of mischief was in fatal activity, destroying at once the means and the object of legislative power? Your Sergeant-at-Arms would be ordered to his duty. If his arm were too weak, the whole police of the well-governed population collected at the seat of Government would instantly be put in requisition; and if violence still should grow in fury and strength, the whole power of the District, that virtuous yeomanry which would never, if properly invited, falter in the support of Heaven's first law, would rally to the rescue. There was no danger from external fury at any time if we were true to ourselves. This was, however, but a discussion of principles which were at the first impression to be vindicated without any danger, he confidently trusted, of the necessity of practical exercise. They were principles which, unless he was greatly mistaken in sudden recollection, would be found fully sustained by the great constitutional writers of our country, and by solemn adjudication from the highest judicial tribunal of the land. They had been repeatedly recognized and acted on by the different Houses of Congress, from the earliest existence of the Constitution; and, if public rumor be true, they were now, or had been within a few days, in active and actual exercise at the other end of the Capitol.

Mr. DUER said he had not risen to argue the question involved in the preamble and resolutions, but simply because he wished the House to understand them.

Mr. STUART, of Michigan, rose and called upon the SPEAKER to require gentlemen to take their seats.

The SPEAKER accordingly desired gentlemen who were standing in the aisles and the area of the House to be seated; and they took their seats accordingly.

Mr. DUER repeated that he only wished to understand the preamble and resolution himself, and that the House should understand what the question was which they presented. He supposed the privileges mentioned in the Constitution were privileges against legal and judicial interference with the rights of the members of this House. These, he presumed, were privileges against all sort of legal interference; but the preamble and resolution spoke of the interposition of a lawless mob. He spoke not from any personal knowledge of the fact, but of what was alleged by the preamble, which said that a lawless mob had threatened the personal safety of a member of this House; and the question then was, whether this House had not the right to interfere to protect a member on taking his seat here. If he rightly understood the preamble and resolution, that was the question. It was a question of privilege in the strict terms of the Constitution. Now, if the member of this House to whom allusion was made had not committed any act for which he was answerable to the laws, should a lawless mob threaten his life, and this House have no right to interfere? Had they the power to protect themselves in their seats here for a moment? Or should a lawless mob be permitted to surround them and prevent their coming to take their seats? If that really were the question, it seemed to him to be a question which he did not mean to discuss here or anywhere else. If such a case arose, it was not a question for discussion, and he therefore again asked gentlemen if that was the question? He hoped the House would not go astray on this great question.

Mr. BEDINGER begged leave to state to the gentleman who had just taken his seat, that he understood the preamble and resolution very differently from the understanding of that gentleman. The preamble did not state—it had not the hardihood to state—that a lawless mob had actually threatened any member of this House; but it stated that common rumor, with her thousand lying tongues, speaking at second hand through a member of this House, had made that assertion. Here they were asked to rely on faithless reports that were circulated by common rumor. What right had they to interfere with, or be influenced by, common rumor? Were they sent here for that purpose? If they were thus to be influenced, how many common rumors would there not be daily to interfere with the business of this House? He remembered but a solitary instance of this sort in the course of his reading, and he knew not that he could give all the circumstances of that case with accuracy. He alluded to the case of John Randolph, of Virginia, a member of one of the first Congresses of this Union. Mr. Randolph was in a theatre in Philadelphia, when Congress met in that city, and there he was insulted and assaulted by an officer in the service of the United States. Mr. Randolph was grossly outraged; he was taken by the hair of his head and violently assaulted; and yet it would be found, in Sawyer's Life of Randolph, that the House decided that it could do nothing in the matter. An appeal was made to the President, and even there Mr. Randolph found no remedy. This was a case the facts of which were well established; but now the House was called upon to act on mere common rumor.

Mr. GAYLE rose and said he did not desire to discuss the question before the House; his main purpose was to ascertain the precise question now submitted to the House. A complaint was made by a member of this House, that according to rumor, the safety of a member of this House had been menaced by individuals, or a mob, and there it stopped. It was said that a mob, or individuals, had threatened somebody. Now, who was that somebody? He was a member of this House, and therefore it was contended by gentlemen, that if there was a threat against a member of this House, no matter what provoked it, this House had jurisdiction in the case, and could call the offending parties before it. That was the question submitted for their consideration. Now, he had always understood, when a man came with any complaint whatever, either to a legislative assembly or a court of justice, his complaint must contain such facts as, if true, would enable the court or the House to inflict punishment. Well, then, suppose, in this case, some one had menaced the safety of a member of this House, did it follow that that menace had resulted from any part of such member's legislative conduct? By no means. The inference was very strong the other way; for if it had arisen out of anything said on this floor, nothing would have been easier than for the gentleman to have inserted it. If this House should decide this question according to the views of the gentlemen from Pennsylvania and New York, [Mr. J. R. INGERSOLL and Mr. DUER,] it would give license to every member to go out and commit what depredation he pleased. A member of this House might go out into the city of Washington and assail any man in the community, whether provoked or unprovoked, and then come back and complain to the House—not stating the facts, not stating that the man against whom complaint was made had been assailed, but simply making a complaint; would that give the House jurisdiction? Yet such was the position assumed in this House.

Mr. J. R. INGERSOLL did not agree with the suggestion of the gentleman from Alabama, nor had he ever pretended that there was any right on the part of this House to interpose, unless some of its rights were endangered; and then by analogy, he believed the House could proceed as in the courts of justice, with which the gentleman from Alabama was familiar. The courts had always power to take into their own hands the assertion and vindication of their own dignity, whenever assailed before the court, or by waylaying witnesses, or counsel, or judges, or by publications that were calculated to interfere with the administration of justice.

Mr. GAYLE concurred with the gentleman from Pennsylvania in the cases which he had stated. If a witness or a suitor in a court was waylaid so that he was prevented attending the court, it would be competent for the court to interfere. But when the complaint was made, it was for the witness or the suitor to state to the court that he had been waylaid so as to prevent his attendance on the court. But did this complaint state that anything had been done either for the purpose of preventing the attendance of a member of this House, or in consequence of anything he had done in this House? No. The gentleman from Pennsylvania [Mr. J. R. INGERSOLL] did not mean to go so far in the cases he had cited, but he meant to sustain the pending resolution of the gentleman from Massachusetts, [Mr. PALFREY,] and that was what he (Mr. G.) had stated. This was simply a complaint predicated on rumor that a mob or individuals had threatened the safety of a member of this House. And for what had this been done? It was for the member making the complaint to state it. He understood the gentleman from Pennsylvania was eminent in the legal profession; did he not then know that when he made such a complaint he must set forth the facts of the case? What was the object of such an inquiry, if it was not that the truth of the facts should be inquired into? Suppose on such a complaint a committee should be appointed, and it should be confined simply to the complaint, and a report should be made in conformity therewith, what then? It would report that a certain member of this House (A B) had been threatened by a mob or by individuals, but no facts would be set forth, and hence, he repeated, the adoption of this resolution would be a license to members of this House to commit whatever depredations they saw fit. Suppose he found a man endeavoring to entice away his slaves, and he kicked that man from his premises, and it turned out that that man was a member of Congress, and that he should ask this House to inflict punishment for the assault: if such a case should occur, a question would come before this House which to this day had not been heard of, and he hoped and trusted would not arise.

Mr. INGE said it was manifestly proper, in order to a right discussion of the question before the House, that it should be in possession of a definite knowledge of the facts.

Mr. GIDDINGS here interposed, and said, that if the gentleman would yield the floor, he would state some of the facts of the case.

The CHAIR observed, that there was no question before the House in relation to the merits of the resolution, nor as to whether the facts were such as to justify the allegations stated in it. A gentleman from Massachusetts had stated in his place that a member of the House had been menaced, and his attendance in the House endangered by a mob; and he claimed a hearing, that the House might see whether facts justified the rumor he had heard; and if they did, whether they were such as furnished ground of proceedings or not. The Chair had decided that such allegation having been made, it raised a privileged question. He had so decided, in order that, if the privileges of the House were to be drawn into doubt, it should be by the House itself, and not by the Speaker. And that was now the issue. Did such allegation, of itself, present a privileged question?

Mr. HARALSON inquired of the Chair whether the preamble to the resolution might not and ought not to be inquired into, with the view of ascertaining whether the facts stated therein were such as made a privileged question or a question of privilege. He proposed to make some remarks on that subject.

The SPEAKER said it was clearly the right of the House to do so; and so the Chair had ruled. It had decided that the allegation of a member brought the question up at once, and then it would be the province of the House itself to determine whether its privileges had been violated or not. It was from this decision that an appeal had been taken by the gentleman from Pennsylvania, [Mr. BRODHEAD.]

Mr. GIDDINGS said his judgment accorded with that of the Speaker, and he was desirous of stating some facts to the House.

Mr. INGE (who still retained the floor) went on to remark that the appeal of the gentleman from Pennsylvania arose from the allegations contained in the preamble to the resolution; and no statement of facts by the gentleman from Ohio could vary the question. Mr. I. was, however, very willing to hear what the gentleman had to say. He wished, for one, to know what threats the preamble of the resolution referred to, and also what provocation (if any) had elicited the threats uttered. If the gentleman from Ohio was the individual who had been menaced, let him get up and say so.

The CHAIR ruled, that until the question on the appeal had been decided, no other question would be in order.

Mr. GIDDINGS expressed a great desire to get the floor.

Several other gentlemen were on their feet, and there was a good deal of sensation in the House.

Mr. BOYD wished to understand the decision appealed from. As he understood it, a gentleman had offered a resolution, the preamble to which stated that it was rumored that a member of the House had been menaced, and the Chair had decided that to be a question of privilege.

The CHAIR corrected Mr. B. What the Chair had decided was, that the inquiry proposed by the

resolution was a privileged question. When it was received as such, then it would be competent for the House itself, and not for the Speaker, to decide whether its privileges had been violated or not.

Mr. INGE proceeded to say that he regretted very much that the House could not have the statement of facts which the gentleman from Ohio had been about to submit. Under the circumstances, they would be interesting. Mr. I. was in favor of any course which went to vindicate the rights of that body, or of any member of it. He was prepared to assert them to the whole extent laid down by the Constitution, and as the Constitution went to restrict the parliamentary law. But they were now acting in the dark. Here was a proposition submitted to the House for the raising of a committee, and no facts on which to form an opinion whether any committee was necessary. They knew, indeed, that within a few days past, the rights of individuals had been assailed in this District, and an insidious attempt made to attack the property held by them under the guarantee of the Constitution. But there was no proof before the House that any member of Congress had been connected with it in any way. The resolution stated that a rumor existed that a member of the House had been menaced, and it proposed, in consequence of this rumor, that a committee of inquiry be raised. Mr. I. wanted to know what facts there were to justify the action of the House, or to raise a question of privilege demanding its interference? A question of privilege extended to cases not provided for by the law. The privilege of a member was something which the Constitution conferred upon him, but which was not conferred by law upon others. The resolution referred to the rumored action of a "lawless mob." Now, there were laws in this District for the suppression of mobs; and, if that was true, then the facts raised no question of privilege at all. The privilege of a member was something over and above what was the right of other citizens. But the law in this District was sufficient to put down a mob, if any such thing existed; but it was Mr. I.'s opinion that there was no mob, and had been none. But granting there was, if the laws were sufficient to protect the personal safety of a member, there was no cause for the House exercising any extraordinary powers in the matter. Besides, by attempting to interfere in this affair, the House might possibly involve itself in difficulty. It was possible that the House might fix a reproach on itself through some of its members. It might be that the member alleged to have been threatened had placed himself in a condition calculated to excite the public indignation. If it was true that illicit efforts had been made by kidnappers now in custody for the perpetration of a felony, then those who made them were accessories after the fact to a felony, and had no right to claim the protection of the House. Mr. I. repeated his regret that the House could not have the facts before it.

Mr. VINTON said it appeared to him that the House lost sight of the just distinction stated by the Chair between a question of privilege and a privileged question. The Chair decided that this was a privileged question; that is, that it was a question which had a right to be heard at once in preference to every other. As soon as it was before the House, then arose the question of privilege, viz: the question whether the privileges of a member had been violated. The decision of the Speaker that this was a privileged question, and as such had a right at once to be heard, decided nothing as to the question of the violation of privilege. It did not settle what were and what were not the rights of that body. That was a matter for the House itself to decide. The House could not permit such a question as that to be settled by the Chair.

Mr. V. said he should deliberate long, very long, before he would vote a committee on mere vague common rumor; he should deliberate still longer before, on the ground of such rumor, he would declare that the privileges of the House had been violated. Nor would he consent to let the Chair decide that question. He thought the decision of the Chair had been right. This was a privileged question; it was brought forward as such. When it came up for discussion before the House, then, and not till then, arose the great and often difficult and very delicate question whether any act had been done which affected the liberty of members of that House and the liberty of the people.

Mr. HARALSON wished to submit a few remarks in comparison of the declarations of the preamble of the resolutions proposed by the gentleman from Massachusetts, [Mr. PALFREY,] and the Constitution of the United States, and he should do this with a view to demonstrate that this was neither a question of privilege nor a privileged question. For the better accomplishment of his object, he would read both a portion of the Constitution and the preamble of the resolution. Mr. H. then read from section six of article one:

"They [*i. e.* members of both Houses] shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place."

"They shall be free from arrest," *i. e.* by the laws of the land, under legal process, as for debt, &c. Now, it had not been shown by the preamble of the resolution that any such arrest had been made or attempted. What were the facts set forth in the preamble?

"Whereas common report has represented to members of this House that a lawless mob has assembled within the District of Columbia on each of the two nights last past, and has committed acts of violence, setting at defiance the laws and constituted authorities of the United States, and menacing individuals of this body and other persons residing in this city."

By common report! Why, common report might have assumed a thousand different shapes as to the facts, and put a thousand varying phases upon such facts as had occurred. It was said that members of the House had been concerned in what had caused the riots or disturbances in the city. Mr. H. did not vouch for the truth of such a report; but such was the report. He did not mention this as fact, but he mentioned it to expose the folly of instituting solemn investigation by committees of that House on every floating rumor that filled the air. The House was asked, on a mere floating report, to say there had been a breach of the privileges of this House. Mr. H. trusted the time had not come when the House would be guilty of any such folly.

If the privileges of a member of this House, as stated in the Constitution, have been assailed and violated, and a member would rise in his place and make that statement, or submit it in writing, that he had been arrested, and violently prevented from attending the sitting of the House, for alleged offences other than those excepted in the Constitution, and had resorted to the law for relief without success, it might become a question whether the House would even then have the power to interpose its authority to investigate the matter. Even then it would be questionable whether this House could exercise such powers; but it certainly could not upon the statement now made to the House—a statement insufficient in itself, and founded on *mere rumor*.

The preamble says: "a lawless mob has assembled within the District of Columbia on each of 'the two nights last past, and has committed acts 'of violence, setting at defiance the laws and constituted authorities of the United States, and menacing individuals of this body." This last clause was all that related to members of the House. Now, supposing it were as rumored, he would ask gentlemen to look at the clause of the Constitution which he had read, and which contained all that related to the privileges of members of Congress, and see whether a *menace* was held to be a breach of privilege. It was presumed, and Mr. H. believed generally with truth, that members of Congress were orderly in their deportment and submissive to the laws: if one of them was improperly menaced, there were laws in this District which would abundantly protect him; if any undue menace had been addressed to a member, he could appeal to the law and get ample redress. But if redress were refused him, then it would be time for him to invoke the protection of the House. If he had been interrupted in his attendance and prevented from discharging his official duty, let that fact be made to appear, and it might be very proper for the House to inquire into the case, but not on *mere vague rumor*.

The resolution went further: it said that not only members of Congress but other citizens had been menaced; so rumor said. If any investigation was to be had at all, might it not be more proper to inquire who had interfered with the rights of the people of the District of Columbia; and whether members of the House had not had a hand in depriving them of their constitutional rights?

Mr. PALFREY here interposed to say, that if the gentleman from Georgia would introduce such a provision by way of amendment, Mr. P. would accept it as a modification.

Mr. HARALSON. I am father to no such paper as this offered by the member from Massachusetts. I charge myself with the guardianship only of my own children. I do not know that the rumor is true. I mention it as but one of the thousand rumors that prevail without any foundation, so far as I know. I have spoken with the view to show the folly of acting as proposed, until there is a specific charge made by some member of the House—a specific charge of violation of privilege, as defined in the Constitution. If a member of that body, in the streets of this city, violated the law—was found in the violation of the private right of some of the people of this District, and should meet with a sudden and summary punishment at the hands of the party injured, I imagine it would hardly be considered a violation of the privilege of the member. His difficulty would in nowise connect itself with his duty on this floor. The House would render itself ridiculous, and incur the public contempt by attempting to interfere. Much more ridiculous would it be for the House to institute an inquiry upon the bare allegation of a *menace* towards one of its members. If there was no law in the District of Columbia, or no court to enforce any, then, indeed, it might be proper for the House to inquire and act for the protection of its own members. But there was law in the District, and there were judges and juries. Let the threatened member appeal to them. There was no proof that the privilege of any member had been violated.

Mr. BARRINGER said it was important that the precise question should be understood. He had understood the Speaker to decide that there was sufficient matter on the face of the paper presented by the gentleman from Massachusetts to authorize him to declare its presentation to be a privileged question. He was fully aware of the distinction between a question of privilege and a privileged question, as taken by the Speaker, and commented upon by the gentleman from Ohio, [Mr. VINTON;] and while he fully admitted that distinction, he was equally clear in the opinion, with great deference to the uniform correctness of the Chair, that in this question the opinion of the Chair was wrong. He (Mr. B.) maintained there ought to appear on the face of the paper sufficient distinct matter, sufficient specific charges—that some specific fact, or some specific person, ought to be named, to authorize the Speaker to declare its presentation to be a privileged question. He would venture to declare that they might search the whole Parliamentary records of England and this country, and they could not find a single case where the Speaker had decided it to be a privileged question without such specification.

The SPEAKER wished to be allowed to call the attention of the gentleman from North Carolina to the fact, that the Manual said that "common fame is good ground for the House to proceed to inquire or even to"—— * * * *

Mr. BARRINGER replied, undoubtedly; but that did not reach the case. Common fame must assert that the safety of some member of the House, designating him by name, was menaced, or must designate some particular fact. There was no such designation or specification here. By way of illustration, suppose the opinion of the Chair that this was a privileged question was sustained by the House, and the House decided to pass the resolution—what a vague, indefinite inquiry, implicating the conduct of every member of this House, would they not be thrust into at once.

Another ground on which, with great respect, he thought the Chair in error, was, that the resolution contained other matters beside those relating to the personal safety of members of this House. It is proposed to take into consideration the expediency of passing general laws for the safety of members of this House. A proposition like this to legislate generally could not certainly be considered a privileged question to authorize its presentation at any time to override other business.

Mr. STEPHENS considered the question now before the House simply one of order. The gentleman from North Carolina had stated perhaps what

was true in this case, that no precedent could be found in the parliamentary history either of England or this country, where the House had acted upon such a question, unless some particular individual or fact were specified. But this, it seemed to him, would be a very good argument against the passage of the resolution, but, he submitted to the good sense of the House, was not pertinent to the question of order.

So far as the merits of this case were concerned, he fully concurred with both his colleagues who had spoken upon the point of order, [Messrs. TOOMBS and HARALSON,] that the question was not as to the nature of the menace, as to the character of the mob, as to the parties who participated in it, as to the justification of the mob. If those questions were before the House, he might be prepared, before the House and before the country, to justify it: so far as rumor was concerned, he averred he was prepared to justify it to the fullest extent. But that was not the question now, nor did he understand the Chair as having decided any question involved, or even bearing upon the merits of that question.

In reply to inquiries proposed successively by Mr. BARRINGER and Mr. GAYLE, and in further brief remarks, Mr. STEPHENS sustained the decision of the Chair, and argued that upon the presentation of the paper by the gentleman from Massachusetts, it was the province of the House, and not of the Speaker, to decide whether it was a question of privilege. If, upon an investigation of the case, there should be a failure to specify persons and facts, the House might lay it on the table or otherwise dismiss it, as they saw fit. He wished an investigation. If rumor, with her thousand tongues, were true, he believed that members of this House were implicated in violation of the law—so deeply implicated as parties to theft and felony, that they should be expelled from this floor. He was not only for the investigation, but, if the rumors proved to be true, he should go for the expulsion of the member or members implicated.

Mr. COBB, of Georgia, after some conversation with the SPEAKER as to the precise nature of his decision, appealed to Mr. BRODHEAD to withdraw his appeal, that the question might come at once before the House, that the House might decide, under the intimation of the Speaker, whether this was a question of privilege or not.

Mr. BRODHEAD replied, that he had taken an appeal from the decision of the Chair because the preamble and resolution presented by the gentleman from Massachusetts did not make such a case as required the intervention of this House, and did not amount to a privileged question, or a question of privilege. He therefore must insist on his appeal.

Mr. COBB intimated his intention, then, to move the previous question, that the House might dispose of the appeal and come to the question raised by the resolution; but waived, and finally withdrew, the motion, in accordance with what seemed to be the wishes of the House.

Some conversation ensued between Mr. COBB and the SPEAKER, in which

Mr. COBB stated the point on which he differed from the decision, and should sustain the appeal if pressed to a vote; and

The SPEAKER repeated, that if a member rose and stated a breach of privilege committed upon himself or a fellow-member, whether arising upon facts within his own knowledge or reaching him by rumor, whether growing out of debate in this House or of circumstances which happened one thousand miles distant, the Chair decided that, upon the allegation being made, it was for the House to take up the question and determine whether such a breach of privilege had occurred as to require its interposition, and whether there was sufficient ground for its being entertained as a question of privilege.

Mr. MEADE said the question had not yet, in his opinion, been correctly stated. He acknowledged the distinction drawn by the gentleman from Ohio [Mr. VINTON] between a privileged question and a question of privilege. When a member rose to a privileged question, the Speaker was bound to hear his motion, and when that motion was made the Speaker must decide whether it was in order. Its being in order depended on the fact whether or not it were a question involving the privileges of members of the House. And the Speaker must necessarily determine for himself whether it be such a question. He must decide in order to proceed with the business. If it should not be a question of privilege, then it was out of order, and the Speaker must say so. If he received the motion, then he virtually decided that it was a question of privilege, and therefore in order. If the House was dissatisfied with the decision, it must be decided by an appeal, and thus the House decided this question of privilege. If there were no appeal, then the House concurred with the Speaker, and the question then was on the adoption of the motion. He concurred with the Speaker that it was a question involving privilege. If a mob were to attack a member for words spoken in that House in debate, if the member had the right to speak the words, he should be protected. He would vote for the resolution of inquiry, and would move an amendment to inquire into the conduct of members of this House, who, it was rumored, had instigated the crime which had been recently committed. The series of resolutions introduced on Monday by the member from Ohio declaring the right of the slave to escape, and other acts of his known to the members of this body, justify the suspicion that he was connected with the crime recently committed.

Mr. HASKELL concurred in the expression of the desire that the gentleman from Pennsylvania would withdraw his appeal from the decision of the Chair, so that the whole question might come up fully and fairly before the House, that they might make that investigation which it seemed to him its importance demanded. He was glad that the gentleman from Massachusetts had availed himself of the occasion to introduce a resolution of this character. If the gentleman had not done it, he should have done it himself. It had been his design, and he had come into the House prepared to introduce a resolution, not having in view the exact object of the resolution of the gentleman, but an investigation of the matters which had lately agitated this community. Now, a strange state of things was presented here. Members of this body, as he believed and felt ready to charge, had been engaged, by the course of conduct they pursued on this floor and out of this Hall, in the deliberate attempt to scatter the seeds of insurrection and insubordination, if not rebellion, among the slaves in this District. Men on this floor, under the garb of philanthropy and love of human liberty, had been endeavoring to perpetrate felonies for which they ought to swing as high as Haman. He spoke the plain truth. He was willing to have his words measured, and he held himself responsible for the language he used. An attempt had been made on this floor to abolish slavery in the District of Columbia in the form of law, if they could, and in violation of the Constitution; and, baffled and foiled in that, these mock-philanthropists were now, as he believed before God, attempting to abolish slavery in this District by inciting the negroes to leave their masters.

The SPEAKER here interposed, and reminded the gentleman that the question before the House was upon the appeal.

Mr. HASKELL (continuing) charged that the conduct of these men, their language on this floor and out of this House, had been such as to produce this state of things—a disposition to insurrection and rebellion among the slaves in this District. He held in his hand a resolution which he intended to move, and which he should move by way of amendment when this House entertained the resolution of the gentleman from Massachusetts, having for its object an inquiry into the conduct of these members, and if they were found guilty, their expulsion from this body as unworthy to hold seats on this floor.

We had seen lately in this community an agitation and excitement which every good man must deplore—slaves leaving their masters, a vessel coming to this city——

The SPEAKER again interposed, and suggested to the gentleman from Tennessee the propriety of confining himself to the question of appeal. He was anticipating debate upon the merits of the resolution; the question was, whether there should be any such debate; the Chair had decided that the resolution was in order; an appeal had been taken from that decision, and the question was now on the appeal.

Mr. HASKELL said he would conclude what he had to say by reading, for the information of the House, the amendment which he proposed to offer to the resolution of the gentleman from Massachusetts, and which he should offer at the proper time:

"And that said committee be authorized to inquire into and report to this House whether any member or members of this House were instrumental in procuring the slaves who were recently decoyed from their owners in this District to leave their owners, and whether the said members of this House have not been guilty of felony in attempting or aiding in an attempt to kidnap slaves."

Mr. BAYLY obtained the floor, with a view, he said, to submit a motion; before doing which, he wished to make a single remark, to avoid misconception of the object he had in view. His impression was, that the decision of the Chair was incorrect, and he wanted it therefore understood that in the motion he was about to make he did not commit himself to its propriety. But he was anxious to have this committee raised; he desired this investigation to go on, that this whole matter might be probed to the bottom, and he therefore moved to lay the appeal on the table.

Some conversation ensued between the SPEAKER and Mr. STUART, of Michigan, and Mr. McKAY, in reply to an inquiry of the last-named gentleman.

The SPEAKER stated, that if the appeal were laid on the table, the resolution of the gentleman from Massachusetts would then be before the House for its action.

The question being taken, the motion of Mr. BAYLY was agreed to, and the appeal was laid on the table.

The question was then announced to be on the resolution and preamble of Mr. PALFREY.

Mr. VENABLE obtained the floor. It was with extreme and deep reluctance, he said, that he felt himself compelled to approach the discussion of the question which had been thrown before them to-day. He had taken his seat, at the opening of this session, cherishing the fondest hopes that the mere party questions and policies which divided us as Whigs and Democrats would be the subjects which would come before them; that they might meet, quietly meet, on the same platform, as citizens of the country they all dearly loved, and protected by the ægis of the Constitution they all venerated. He had come here with these fond hopes, but he had been here but a few days before he felt that those hopes were to be blighted; he saw, amidst the forbearance of the South, that spirit of fanaticism which would walk with lighted torch in a magazine; he saw that fanaticism which would authorize men to right what they considered a wrong, without ever thinking of the wrong they would inflict; that spirit of fanaticism which would never stop short of heaven or hell; which knew no middle ground, and which, when once fastened on a man's heart, led him to trample on all that is sacred and holy. He saw that hope blighted; that no subject could be introduced into this House—even a resolution of congratulation of a people throwing off the yoke of a tyrant and establishing freedom for themselves—without having this firebrand thrown into this House. He saw the South persecuted, taunted, harassed, held up to odium to the world—continually held up—until he had received from his own district and section of country urgent appeals. Were they to be made odious, were their institutions continually to be dragged before the public, by the fanatic and the hypocrite, to taunt and sneer at, and were their dearest rights to be abandoned by those who represented them? Was there no man from the South who would stand up and say to them what should be said? Yes; in his humble way, he would vindicate the rights and maintain the cause of those who had sent him here; and he would never fail to rebuke fanaticism and denounce hypocrisy, in the man, and in those who acted with him, who said he wanted to keep the knife of the slave near his master's throat; and that when the slave fled to Ohio and there slew his master in attempting to reclaim him, he would call him a clever fellow; and that there was no law there to punish him. It was a libel upon the institutions of that State. He had examined the laws of Ohio, and he found that if a man did a lawful act and another killed him when engaged in it, they called him a murderer. The Constitution of the United States provided for the reclaiming of fugitive slaves, and the Supreme Court of the United States had decided that that clause of the Constitution so far executed itself as that the master or his agent had the right to pursue his slave and retake him. If, then, the slave killed him, he killed him doing a lawful act.

When he heard such declarations made on this floor by the gentleman from Ohio, [Mr. GIDDINGS;] when their slaves were invited to run away, and were told, if you kill your master in attempting to retake you, you are clever fellows; when the gentleman from Massachusetts [Mr. PALFREY] declared that there were thousands of slaves in New Bedford who had paid for themselves by their heels; and when, in the face of these declarations, a ship from a northern State came to this District and took off a ship-load of slaves, to pay for themselves by their heels also, it was time to meet this matter as became a Representative from the South. He loved the Union. It had cost him and his much. There was not a battle-field, from Saratoga to Camden, but had drank the life-blood of some of his family and relatives; but, love it as he did, he hailed dissolution with pleasure and joy, if they were continually to be taunted by fanatics and hypocrites—if their wives and little ones were to be assassinated and destroyed by intermeddling men with hearts black as hell. This was the feeling of his heart. He could say nothing less. The South asked no favors; and if gentlemen supposed that because they had said nothing until driven to it by their unhallowed machinations and intrigues, that they were afraid to investigate the question, they had mistaken the South altogether.

He felt, and he would here express, most profound obligations to his northern and western Democratic friends, who had stood by them in defence of the rights of the South to the number of twenty-five or thirty, in a vote which had recently been taken; while, on the other side, not a northern or western man had stood by southern rights. He classified the Abolitionists of the North in two divisions: one a set of fanatics who, though possessing no genuine social feelings, were honest men; and the other, men who made use of them to secure seats in Congress and power and elevation for themselves, who stirred up the strife—vile hypocrites, who went around to the factories and Sunday schools, getting children and women to sign petitions on matters with which they had no concern, to bring them to Congress. Such miserable subterfuges, such vile and wicked resorts, disgraced humanity.

He denied that slavery was either a moral, social, or political evil. They had nothing to do with it. It was a matter which belonged to the South. He asked gentlemen if the agonizing, heart-rending cry of the slave in the middle passage, kidnapped from Africa, had ever arisen from ships from North Carolina? No; Massachusetts and Rhode Island could tell us about it. It had rung from their vessels, and that inhuman traffic had been a source of their wealth; almost everything in the town of Newport, Rhode Island, had been made out of it; and Rhode Island had been represented in the other end of the Capitol by one of these slave-dealers, for it had so been charged upon that floor. The North had brought this institution upon them. The descendants of those who landed at Plymouth, and of Roger Williams, had sold them their slaves and pocketed the money. And now they were enlisted in a crusade against their property; and they had recently undertaken to kidnap and decoy away seventy-five in one vessel from this District; and gentlemen came here and with long faces complained that the people of this city had risen to defend their rights! Mr. V. had heard of a member of Congress who had gone yesterday to the jail for the purpose of giving counsel to these felons, who were caught *flagrante delicto!* He had heard that a member of this House had volunteered his services, had gone to the jail for the purpose of throwing the weight of his character, and influence, and talents in defence of men who had plundered the owners in the District of their slaves, and were caught with the negroes in their possession!

Mr. GIDDINGS asked to be permitted to explain, and, the floor being yielded, said, if the gentleman alluded to him he would say unhesitatingly—it was due to the gentleman from North Carolina that he should say to him, and the House, and the country, most distinctly, that he did visit the prison yesterday. He did so in the character of a man, as well as a member of this House; he said to the keeper of the prison, who, so far as he knew, behaved entirely gentlemanly, that he came there to say to those men who were incarcerated under this charge that they should have counsel provided for them. The keeper of the prison heard every word he uttered—that he had brought with him a gentleman who would serve as their counsel; that he did it for the purpose of protecting their legal rights, so that upon their trial they might have the laws of the land dealt out to them as they were to other people; that he was persuaded no illegal violence would be used. For that purpose, and from his own promptings of humanity, he had visited them to give them this information. Now, let gentlemen say what they pleased.

Mr. GAYLE. Was the gentleman's object to reward these men and approve their course? Or was it mere benevolence to defend men who could not defend themselves?

Mr. GIDDINGS was glad the gentleman from Alabama had put to him that question. He had gone there to say to those men that no mob violence should take their lives; that his influence, and the aid of counsel, and the law, should save them from a barbarous mob. He had gone there from the promptings of humanity; he had never seen or heard of them, or known anything of them, before.

Mr. GAYLE. Did not the gentleman go there for the purpose of encouraging these people?

Mr. JOHNSON, of Arkansas, rose simultaneously with Mr. GAYLE, and desired to ask the gentleman from Ohio one question.

Mr. GIDDINGS expressed a willingness to answer questions which might be propounded.

Mr. VENABLE, however, resumed the floor, as his time was so rapidly running away. He would ask the gentleman from Ohio why it was so necessary to go to these men in jail and assure them they should be safe from the mob? Did not every man know that they were in no danger when safely lodged there? It was a work of supererogation. The gentleman was careful to visit those who had been caught in stealing and carrying away slaves; had he gone to see the poor burglar, the felon who was confined in jail for other crimes? No! The sympathies of his heart were drawn out to nothing there but these seventy-five negroes, and the men who had stolen them!

Mr. GIDDINGS. Does the gentleman want me to answer that question?

Mr. VENABLE declined to give way, and, after further remarks, moved an amendment to the resolution to make the committee consist of nine members instead of five, and that they be elected by ballot instead of being appointed by the Speaker.

Mr. HASKELL (the floor being yielded) desired to ask the gentleman from Ohio two questions, and that the gentleman would give him, as far as he should find it convenient, a categorical answer: the first was, whether he justified those slaves who had lately made an attempt to escape from their owners in the District of Columbia in that attempt?

Mr. GIDDINGS, (addressing the Speaker.) Have I the floor to reply?

The SPEAKER. Does the gentleman from North Carolina yield the floor to the gentleman from Ohio.

Mr. VENABLE assented.

Mr. GIDDINGS said, to the question which had been put to him, whether he justified the slaves who had left their masters in the District of Columbia in pursuit of their liberty, he could have no hesitation in answering before an assembled universe. He held, as did our fathers in 1776, that all men were born equal, and that to protect their rights to life, liberty, and the pursuit of happiness, governments were framed among men. Now, believing that mankind, as they came from God, were equal, he had ever been taught by his fathers—and here he would say to the gentleman from North Carolina [Mr. VENABLE] that he (Mr. G.) boasted not that his fathers fought for liberty. Why did not the gentleman himself fight for it? Before he assailed him, (Mr. G.,) let him put himself *rectus in curia*——

Mr. HOUSTON, of Delaware, rose to a point of order.

Mr. GIDDINGS begged not to be interrupted until he had finished the answer to the gentleman's question.

The SPEAKER. The gentleman from Ohio will give way; the gentleman from Delaware rises to a point of order.

Mr. HOUSTON stated his point to be, whether, upon a preamble and resolution stating that a member of this House had been menaced by persons out of this House for his participation, or alleged participation, in certain civil and criminal transactions, it was competent for his friend from Tennessee to put the question to the gentleman from Ohio whether he justified this act?

Mr. GIDDINGS. I take no exception to the question.

The SPEAKER replied to Mr. HOUSTON that the gentleman from Ohio was not obliged to answer any question; but that, in the wide range allowed to the debate, it was certainly competent for the gentleman from Tennessee to put the question, and for the gentleman from Ohio to answer it if he pleased.

Mr. GIDDINGS (resuming) remarked that he saw gentlemen from the South were excited on the subject, and he might become excited. But it was a beautiful question, and if the doughfaces would only not interfere, they would have a fine fight.

He was stating his views (he continued) on the rights of humanity, and he said to the gentleman from Tennessee that he held precisely with the fathers of 1776, to whom he had alluded. He held to the principle for which the gentleman's fathers and his contended at Bunker Hill and Yorktown; he held to the principle on which this Government was based for its support—that man was free and equal; and that he who attempted to interfere between his God and himself, to interfere with his God-given rights, did it at his peril. He held that he who stepped between him and his God, and attempted either to rob him of his life or liberty, did it at his peril; and so far as God and nature had bestowed on him the power, he should not do it. He held that every human being who came into the world and breathed the air God had created, came into it with this right; and he who attempted to interfere with it, did so at his peril. He held that there never was a more just and righteous retribution than was inflicted upon the Africans in 1804, when Decatur and Somers went there, and when these men who enslaved their fellow-men were made themselves to bite the dust. There never was a more glorious cause to fight for; nor would he ask for a more glorious death than to die in just such a cause. He held that it was right, and he held that any man, when he enslaved his fellow-man—when the hand of power was brought to bear on his God-given rights—his "inalienable rights," (to use the words of our fathers,) had the right to defend that liberty, and, to come down to the gentleman's specific question——

Mr. HASKELL. I am very glad to hear you reach it.

Mr. GIDDINGS, (continuing his sentence.) I say that the slaves of this District, when they felt the hand of oppression bearing on them, possessed before the universal world and before God himself the right to free themselves by any means God has put into the power——

Mr. HASKELL. The gentleman has answered that question. I am satisfied.

Mr. GIDDINGS, (retaining the floor.) I am not. I want to finish my answer.

Mr. HASKELL Inasmuch as the gentleman has justified this attempt of these slaves to escape from their rightful owners, I call on him to know whether he justifies the thieves who stole them?

Mr. GIDDINGS. I do not know that there were any thieves.

Mr. HASKELL. The men, then, the individuals, the parties who were engaged in this kidnapping?

Mr. GIDDINGS. I say, unhesitatingly, where laws are in force; where legal constitutional laws of the land enforce penalties on such actions, they are to be obeyed. I am not permitted to interfere with the rights of the people of this District, because I owe allegiance to my Government, and he who interferes does it at his peril. There can be no difference between the gentleman and myself on that subject.

Mr. HASKELL. Then do I understand the gentleman to justify these men?

Mr. GIDDINGS. I say that those who did it, did it at their peril.

Mr. HASKELL. Does the gentleman condemn these individuals?

Mr. GIDDINGS. I say, unquestionably, if they did it, they violated the law.

Mr. HASKELL. Does the gentleman consider it a violation of law?

Mr. GIDDINGS. Unquestionably, if they aided slaves in escaping. I am not very conversant with the laws of this District, though I have had occasion to look into them some—I understand it is a

penal act in this District. Now, it is wrong to violate this law, because in entering society we bind ourselves to keep the laws which are constitutionally enacted. There is a legal crime——

Mr. HASKELL. Was there any moral crime?

Mr. GIDDINGS. I do not believe there is the least moral crime on earth in maintaining the rights God has given me.

Mr. VENABLE interfered, and claimed the floor.

The SPEAKER stated that the gentleman from North Carolina was entitled to the floor.

Mr. GIDDINGS declined to yield, as the floor had been given him for explanation, until he had concluded.

The SPEAKER reminded the gentleman from Ohio that the floor was only given him by consent of the gentleman from North Carolina, who now claimed his right to it.

Mr. GIDDINGS yielded.

Mr. VENABLE resumed, sending to the Clerk's table the following amendment, which he had before indicated, but embracing now as a modification the amendment suggested by the gentleman from Tennessee, [Mr. HASKELL;] which was read, as follows:

"Strike out the word 'five,' in the resolution, and insert 'nine;' and insert after the word 'appointed,' the words 'by ballot;' also, insert after the words 'referred to,' the following, viz: 'and that said committee be instructed to 'inquire into, and report to this House, whether any member or members of this House were instrumental in procuring the slaves who were recently decoyed from their 'owners in this District, to leave their owners; and whether 'the said members of this House have not been guilty of 'felony in attempting, or aiding in an attempt, to kidnap 'slaves.'"

Mr. TOOMBS was not averse to bringing up the investigation that was sought to be arrived at, but he objected to dignify it with the claim of privilege. He denied that the resolution contained a question of privilege, or one that ought to be inquired into by this House. When he addressed the House on the question of order, he held, as he now held, that all questions of this character became privileged questions, solely because they involved questions of privilege, and that no question of this character could necessarily be a privileged question which did not involve a question of privilege. A member rose and said, he rose to a question of privilege. The Speaker must determine whether his statement involved a question of privilege. If it did, it was a privileged question, and would override all other business, and not otherwise. Now he denied the ground taken by the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL.] He wholly denied that this body had the right of the British Parliament on questions of privilege. He claimed that the people of this country had rights. The rights of the citizens were better secured by the laws of the land than they were by the libertine construction of privilege which for so many centuries oppressed the people of Great Britain. There was not a more undefined, arbitrary, and unjust principle on the face of the earth; and he denied the conclusion to be right at which the Speaker had arrived after reading the British law of privilege. He held that such principles were not to govern this body, and he denied that the extract read from the Manuel had any authority over them. Mr. Jefferson merely stated it was a principle of the British Parliament, not as a principle of this House; he submitted the argument on both sides. This was considered in 1800 in the reign of terror, during the administration of the elder Adams; and the Republican party, with which he had ever agreed, held distinctly that this House had no other privilege than was given to it by the Constitution, and that they could not refer to the common law of Parliament for power of any sort. He held that doctrine to this day. This was a Government limited in its powers by the Constitution, and to the Constitution they must look for their powers; and if they were not there, they were nowhere, and the exercise of such powers was a usurpation on the part of this House, and an aggression on the rights of the citizens, which he stood there this day to defend. He stood there to defend the rights of the mob, and he offered the Constitution of the United States in opposition to the punishment which this House might attempt to inflict.

He cared not what were the facts of this case; he submitted to the Constitution, which declared, under the general authority, that Congress had power to make all laws necessary and proper for carrying into execution the powers given them, but he denied the right of the common law of Parliament. If the rights and duties defined by the Constitution were not sufficiently protected, let Congress pass all laws under the clause to which he had referred that were necessary and proper to protect those rights. Until such laws were passed there was no power to punish. This was a question which went to the foundation of government. It was a question affecting the foundation of popular liberty, which it was more important they should defend than an individual who had shown himself to be unworthy of protection.

He begged to call the attention of the House to the language of Mr. Jefferson in the Manual. It was in these words: "The editor of the Aurora 'having, in his paper of February 19, 1800, in-'serted some paragraphs defamatory of the Senate, 'and failed in his appearance, he was ordered to 'be committed."

He would here take occasion to remark, that every newspaper editor in the country, under the authority claimed by the gentleman from Pennsylvania [Mr. J. R. INGERSOLL] and the Speaker of the House of Representatives, might be dragged before them and confined; and against such boundless, limitless power of privilege, and in defence of the rights of the country, he called upon every friend of liberty to stand forth.

The SPEAKER reminded the gentleman from Georgia that the Chair had pronounced no opinion on the facts; and at some length he reiterated the ground assumed by the Chair.

Mr. TOOMBS was showing that the principle had not been properly quoted, and the clause of the Constitution to which reference had been made was of no force unless laws were enacted to carry it out. He would like to know how this House was to do it? Could they do it directly or inferentially? This Government derived its powers from the Constitution. Such was their authority. Tyranny had assumed thousands and tens of thousands of forms under the rules of Parliament. Oppression was spread over the land; and here our forefathers intended to limit and define it, and to secure the rights and liberties of the people. This he was showing by the quotation he was reading from the Manual, and he contended that this privilege of Parliament was of no force here, further than it was prescribed by the Constitution, and carried out by laws properly enacted in accordance with the Constitution. But to proceed:

"In debating the legality of this order, it was insisted, in support of it, that every man, by the law of nature, and every body of men, possesses the right of self-defence; that all public functionaries are essentially vested with the powers of self-preservation; that they have an inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided to them; that, whenever authorities are given, the means of carrying them into execution are given by necessary implication; that thus we see the British Parliament exercise the right of punishing contempts; all the State Legislatures exercise the same power, and every court does the same; that if we have it not, we sit at the mercy of every intruder who may enter our doors or gallery, and, by noise and tumult, render proceeding in business impracticable; that if our tranquillity is to be perpetually disturbed by newspaper defamation, it will not be possible to exercise our functions with the requisite coolness and deliberation; and that we must therefore have a power to punish these disturbers of our peace and proceedings."

That was the argument of the gentleman from Pennsylvania. It was the argument of Federalism in 1800, against the publishing by an editor of that which he believed to be right.

"To this it was answered, that the Parliament and courts of England have cognizance of contempts by the express provisions of their law; that the State Legislatures have equal authority, because their powers are plenary; they represent their constituents completely, and possess all their powers, except such as their constitutions have expressly denied them; that the courts of the several States have the same powers by the laws of their States, and those of the Federal Government by the same State laws adopted in each State, by a law of Congress; that none of these bodies, therefore, derive those powers from natural or necessary right, but from express law; that Congress have no such natural or necessary power, nor any powers but such as are given them by the Constitution; that that has given them directly exemption from personal arrest, exemption from question elsewhere for what is said in their House, and power over their own members and proceedings; for these no further law is necessary, the Constitution being the law; that, moreover, by that article of the Constitution which authorizes them 'to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in them,' they may provide by law for an undisturbed exercise of their function, *e. g.* for the punishment of contempts, of affrays or tumult in their presence, &c.; but till the law be made, it does not exist, and does not exist from their own neglect; that, in the mean time, however, they are not unprotected, the ordinary magistrates and courts of law being open and competent to punish all unjustifiable disturbances or defamations, and even their own sergeant, who may appoint deputies *ad libitum* to aid him, (3 Grey, 59, 147, 255,) is equal to small disturbances; that, on requiring a previous law, the Constitution had regard to the inviolability of the citizen as well as of the member; as should one House, in the regular form of a bill, aim at too broad privileges, it may be checked by the other, and both by the President; and also, as, the law being promulgated, the citizen will know how to avoid offence."

The gentleman from Pennsylvania told him his views were too limited, and therefore he had here given that gentleman the judgment of others, based on unanswerable argument. He knew not how far the gentleman from Pennsylvania and he differed on the fundamental principles of government; but this he would undertake to assert, that that gentleman's argument was untenable when he justified the doctrine of contempts. The extract which he had read quoted the clause of the Constitution which gave Congress power to pass laws that were necessary for the execution of the powers given by the Constitution, and then added: "but till the law be made, it does not exist." Well, then, where was their law? It did not exist, and hence gentlemen claimed the right, in exercising those powers, to go back to the laws of Parliament, which he had no hesitation in saying was an abuse of power. He had the pleasure, last night, to hear the District Attorney arguing on the street, to a mob, that the laws of the land were sufficient for the punishment of offenders. But it seemed the gentleman from Massachusetts [Mr. PALFREY] did not deem them sufficient, for he came here and claimed the parliamentary privilege. It was not for the laws of the land that he asked, but for the undefined and undefinable privilege of Parliament. Now, he (Mr. T.) stood by the privilege of the people in this great controversy. He would tell this House—the gentleman from the South especially—that under this very insidious question of privilege, by avoiding the other branch of Congress and the Executive, they intended to reach the object aimed at. They had heard from a member of this House this day, that there was no moral criminality in an act recently committed. There was only one step further to go, and that step would not be taken in broad day, but in the night. And when this act, in which there was no moral criminality, was committed, they might expect to see this House protect its members by its own privileges. There was a question of deep importance to the South; and hence he wished this question of privilege decided: he wished to know, and he wished the people to know, the limits of the privileges of this House. Every man had a right to know the laws under which he lived, but the law of privilege depended upon the construction of the House: and if such a decision were to prevail, there would be as base slaves living under this Government as any that were now in the jail of this District. Yes; and he wished to tell the American people, that if the people of this District were to be dependent for their liberties and their rights on the judgment of this House on their own privileges, they would deserve the fetters of the felon if they tolerated the presence of this House for a single night.

The people of this District had rights, too; they had the rights of nature. The rights and privileges of this people must stand on some safer ground than the decision of this House, on a question affecting its own privileges. In vain they might call for order—in vain would their District Attorney argue before a mob when their rights were trampled upon—in vain would this House be invoked if the people here had no security; and he trusted in God that discord would reign forever—he wanted no peace among them until their rights were secured.

Hear again the authority from which he had read:

"But if one branch may assume its own privileges without control,"——

And this was what this House was doing now. The man who chastised a member of this House was to be punished under the law of privilege. Such was to be the operation of this law of privilege, which he called upon his countrymen everywhere to mark and to resist:

——"if it may do it on the spur of the occasion, conceal the law in its own breast, and after the fact committed, make its sentence both the law and the judgment on that fact; if the offence is to be kept undefined, and to be declared only *ex re nata*, and according to the passions of the moment, and there be no limitation either in the manner or measure of the punishment, the condition of the citizen will be perilous indeed."

This was the doctrine and these were the argu-

ments used in 1800, when they had to look at the extent of their rights and at the tenure by which they vindicated and held them.

"Which of these doctrines is to prevail, time will decide."

Well, the time has come. It had become the duty of the 30th Congress to decide whether it had been adopted by the Speaker of this House, who ruled that the case stated in the resolution before the House was embraced in the privileges given and bestowed by the Constitution. He thought the Speaker was wrong. The privileges of this House were defined by the Constitution, and they could not go anywhere else to seek for them. He was for supporting the supreme law. This doctrine, that there was no moral crime in violating the civil law, men would do well to consider. Men would do well to remember that they derive their protection from the law. It was because there was a reliance on law that there was no fear of physical force.

"Where there is no fixed law, the judgment on any particular case is the law of that single case only, and dies with it. When a new and even a similar case arises, the judgment which is to make and at the same time apply the law is open to question and consideration, as are all new laws. Perhaps Congress, in the mean time, in their care for the safety of the citizen, as well as for their protection, may declare by law what is necessary and proper to enable them to carry into execution the power vested in them, and thereby hang up a rule for the inspection of all, which may direct the conduct of the citizen, and at the same time test the judgments they shall themselves pronounce in their own case."

He did not propose to go further with the discussion of the question whether the facts of this case were such as ought to be inquired into by this House. He would not, if they went ten times further. He asserted that no privilege was invaded, and therefore any proceedings in the case by this House were improper and unnecessary.

Mr. MORSE said: I am glad that the gentleman who has just taken his seat, [Mr. TOOMBS,] has renewed the debate upon this question of privilege and contempts, which had been passed over informally, by laying the question of order on the table. I had endeavored to obtain the floor before that vote was taken, for the purpose of offering a few considerations to the House; and if the view which I have taken of the subject be correct, it would dispose of not only the case before the House, but of all similar questions involving the vexed question of privilege and contempts forever; in which, if I have the good fortune to succeed, I have no fears but that the love of justice will always outweigh the pride of consistency.

This question of privilege is one which has grown up *dehors* the Constitution; in which instrument, if rightly interpreted, no warrant for any such authority can be found.

In speaking of Senators and members of Congress, the framers of the Constitution say:

"They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place."

I maintain (continued Mr. M.) that this body has no authority to interfere with any citizen beyond the limits of this Hall, and that this high privilege has been only sanctioned by custom, and, to my mind, "a custom more honored in the breach than the observance." As a member of Congress represents some seventy thousand people, and is, consequently, intrusted with their business and important interests, he is exempted from arrest during the session, and going and returning to and from his home, and is not responsible for words spoken in debate, &c.

But, sir, this is a personal exception to the laws, made for the benefit of his constituents, and the member must plead it before any court of justice seeking to interfere with it. It must be specially pleaded, like any other exception, as coverture, &c. And the courts of justice must decide on it; and they will no doubt decide for the benefit of the constituency of a member whenever it is properly made. This body has no right to bring any person before it for a breach of privilege, and constitute themselves (the injured party) the witness, judge, as well as the executive, of their own mandates. I presume it will not be questioned that a member may be sued on a civil process, and, unless he specially pleads this privilege, that judgment may be rendered against him. I would ask gentlemen if such a judgment would be null and void? Unquestionably not. The whole of these proceedings are wrong, and no authority is anywhere to be found; and, as I do not believe with my friend from Pennsylvania [Mr. J. R. INGERSOLL] in inherent rights, I hope we shall never hear anything more of privileges and contempts. Members of Congress are amenable to laws of the land as are all other persons; and for very good and sufficient reasons, the operation of those laws is suspended in the Constitution during a certain period, for the benefit of their constituents.

But, sir, the courts of justice are alone the proper tribunals to decide this question, when properly pleaded; and I hope this Congress will not endeavor to expand its authority so as to involve us in useless and ridiculous contests with the citizens of this District, and perhaps with the people all over the United States. In the case before the House, a member has the same protection against a mob that any other citizen has, and no more; and if we think proper to interfere, why, sir, we shall need all the committee-rooms to accommodate the mob who have despised our privilege, by threatening, as Dame Rumor says, one of our body.

This Government is very properly divided into three coördinate branches, entirely independent of each other; and to the Judiciary belongs the power of deciding upon the constitutionality of the laws; and to them, I think, properly belongs the right to decide upon the question of privilege, contempt, &c. With these ideas of our high privileges, I suppose that the Senate would have brought up the district court for contempt, had they released Mr. Nugent.

I desire to see the different branches of this Government kept entirely within their own spheres; and I, for one, am perfectly willing to leave the question of *my* privilege—or rather the privilege of my constituents—to be judged of by the proper legal tribunals.

On motion of Mr. STANTON, the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. GRINNELL: The petition of Thomas Nickerson, William Phillips, and 183 other citizens of New Bedford and vicinity, and 54 other citizens of Provincetown, Massachusetts, asking for an appropriation for the construction of a breakwater at the northeastern point of the island of Nantucket.

[The petitioners state that there is not probably a place on the whole seacoast of the United States where a breakwater would afford so much protection as at this point.]

Also, of Thomas Mandall and 338 other citizens of New Bedford, Massachusetts, asking Congress to establish a uniform rate of postage of two cents on all letters not weighing more than a half ounce, and on all newspapers, of one cent for all distances.

IN SENATE.

THURSDAY, *April* 20, 1848.

Mr. DIX presented a petition from citizens of New York, asking a change in the laws now pending in Congress, relating to passenger vessels; which was laid on the table.

Mr. DAVIS, of Mississippi, presented resolutions of the Legislature of Mississippi, approving the measures adopted by the Administration in the prosecution of the war with Mexico, and in favor of its speedy termination; which were ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. DOUGLAS, from the Committee on Territories, reported the following bills, without amendment: To establish the Territorial Government of Minesota; and to establish the Territory of Nebraska.

Mr. DOUGLAS then moved that the bill relating to the Territory of Oregon, with the other bills relating to the Territories, be made the special order for Wednesday next; which was agreed to.

Mr. BELL, from the Committee on Indian Affairs, asked to be discharged from the further consideration of the petition of the Western Cherokee Indians.

SUPREME COURT.

Mr. BADGER, on leave, introduced a bill to promote the despatch of business in the Supreme Court, and to repeal the second section of the act of June, 1844, entitled "An act concerning the Supreme Court of the United States;" which was read twice, and referred to the Committee on the Judiciary.

Mr. BADGER explained the bill, which provides that the next term of the Supreme Court, and the term appointed to be held on the first Monday of December, 1849, shall continue for the despatch of business until the first Monday of July after the commencement of said terms, unless the business shall be sooner disposed of. The judges are exempted from attendance on circuit courts during the said two terms of the Supreme Court. It allows the court, if the public interest or its own convenience renders it proper, to adjourn over during each of the said two terms from the last Saturday of March to any day not later than the first Monday of May thereafter. No writ of error or appeal shall be taken from the Circuit Court for the District of Columbia, except in cases in which shall be drawn in question the construction of the Constitution, or of a statute of the United States or some part thereof, or operation of a treaty; and upon any appeal so hereafter taken or obtained, the court shall not have power to reëxamine any question other than those arising upon the construction of a statute or treaty, as aforesaid.

RIOTOUS ASSEMBLAGES.

Mr. HALE asked leave to introduce a bill relating to riots and unlawful assemblies in the District of Columbia.

[The bill provides that any property destroyed by any riotous or tumultuous assemblage shall be paid for by any town or county in the District where it occurs; and that in any suit instituted under this act, the prosecutor may declare generally and give the special matter in evidence.]

Mr. HALE stated that circumstances of recent occurrence had created a necessity for such a bill as he now desired to introduce. It was very short, and was in its general features a copy of a similar law which was formerly in force in the State of Maryland. The necessity for legislation on this subject was apparent from facts which were notorious to every member of the Senate. During the week there had been great assemblages of disorderly individuals, who had congregated together in violation of order and propriety. They had been addressed openly, and in a manner adapted to produce mischievous excitement, by men of higher character and a more elevated standing in society, from whom better and wiser counsels might have been looked for. The time had come when it became necessary to determine whether mob law was to assume the ascendency in this capital. The bill makes the town or county, in which property is destroyed by assemblages of this character, liable for the value of such property. This was all the present bill embraced. Whether further measures may be necessary must be left for time to determine. We are presenting at this moment a very singular aspect. The notes of our congratulations to France for her conduct in achieving liberty are still echoing throughout the Union, yet we are engaged in more strongly resisting the progress of freedom at home.

A debate of a most exciting and personal character ensued, in which Mr. HALE, Mr. BAGBY, Mr. CALHOUN, Mr. WESTCOTT, Mr. DAVIS of Mississippi, Mr. FOOTE, Mr. DOUGLAS Mr. HANNEGAN, Mr. MANGUM, Mr. DAVIS of Massachusetts, Mr. BUTLER, Mr. CAMERON, and Mr. CRITTENDEN, participated. A report of this discussion will be given in our Appendix, obvious reasons rendering it improper that on a subject of such delicacy any other than a full and revised version of the speeches should be presented to the public.

Mr. BAGBY indicated his intention to move, if the bill should come before the Senate, so to amend it, as to provide for punishing kidnapping.

Mr. JOHNSON, of Maryland, gave notice that when the bill came up he would move to amend it by inserting a section for the effectual protection, by penal provisions, of the citizens of this District and other cities of the United States in the uninterrupted possession and ownership of their property in slaves in said places.

Before any question was taken on the motion for leave,

On motion,

The Senate adjourned till Monday.

THE CONGRESSIONAL GLOBE.

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30TH CONGRESS, 1ST SESSION. WEDNESDAY, APRIL 26, 1848. NEW SERIES....No. 42.

HOUSE OF REPRESENTATIVES,

FRIDAY, *April* 21, 1848.

The Journal of yesterday was read and approved.

QUESTION OF PRIVILEGE.

The SPEAKER announced the business first in order to be the question of privilege pending when the House adjourned yesterday; Mr. STANTON being entitled to the floor.

Mr. JOHN A. ROCKWELL suggested, that this subject should be informally passed over until Monday, in order that the House might proceed with the consideration of the private calendar.

Mr. STANTON declined yielding the floor for the purpose, and proceeded with his remarks. He said: To every gentleman in the House, whose views were of a moderate and reasonable character, he thought it must be a matter of regret that the consideration of this question of the slavery institution had been brought up at the present time. For himself, he spoke under a sense of the necessity of opposing the resolution. He was sorry, in the discussion of yesterday, to hear several gentlemen from the South state their disposition to go into the investigations proposed. He considered these gentlemen to have widely mistaken the true policy of their party; and to point out that mistake he had now taken the floor, and desired to detain the House for a short time.

He objected to this resolution, because it proposed something to be done which was beyond the power of the House—at least the power assumed by the resolution was of very doubtful character. The proposition asserts that members of this House have been menaced—threatened with personal violence, as he supposed. Mr. S. admitted that this House has power to protect itself, to preserve order in the body, and enforce such rules as are implied in the power to legislate. But to propose any redress for the grievances of individual members, was clearly beyond the power of the House. If a member has been threatened in such a manner as to prevent him from the discharge of his public duties here, the courts were open for his redress, as well as for that of every other citizen; and if the courts of the District have this power of redress, the Constitution could not have intended to confer the same power on this House, for it would be unnecessary.

But Mr. S. was opposed to the resolution, because the inquiry it proposed could result in no good whatever. No one believed for a moment that any gentleman of this House was really in any danger from the menaces referred to. There was not one who felt within himself any apprehension at all from the least hostile attack on the part of the citizens of this District. But suppose there was seriousness in the threatenings alleged; what could the House do? There had been committed no outrage, no crime, no contempt which could be punished. The time had altogether passed by, not only for apprehension, but for any useful investigation—if there ever was a time for either.

But Mr. S. was opposed to the passage of this resolution, for a more important reason. He opposed it, because the resolution did not express the true object designed to be accomplished by the movement; because it constituted a masked battery against one of our southern institutions, and looked to the matter of the escape of slaves from their masters—a subject with which Congress could have nothing to do, unless they might pass laws further to protect the rights of the citizens concerned. He presumed that the honorable gentleman proposing the preamble and resolution would not pretend that they were designed for his protection, but would admit, perhaps, that they were intended to bear upon the question of slavery in the District of Columbia.

In view of this fact, then, Mr. S. desired to submit to those gentlemen from the South who had expressed their readiness to go into the investigation proposed, whether now, in justice to their constituents, they really ought to consent to such a thing? He submitted that it was not the true policy of the South to go into this investigation on such an issue as this. By the pending amendment, it was proposed to inquire—he read the language of the amendment—as follows:

"Whether any member or members of this House were instrumental in procuring the slaves, who were recently decoyed from their owners in this District, to leave their owners; and whether the said members of this House have not been guilty of felony, in attempting, or aiding in an attempt, to kidnap slaves."

If he believed that any attempt of this sort had been made—if there had been even a suggestion from any respectable quarter that there had been such a participation in this affair—he would not be unwilling to investigate it. But he did not understand that there existed even the suspicion, unless it may have grown out of the amendment itself. The honorable gentleman from Ohio, [Mr. GIDDINGS]—against whom the terms of the amendment seemed to have been directed by his honorable colleague, [Mr. HASKELL]—has explicitly denied the imputation; and widely as he differed from that gentleman, and abhorrent as were his principles, in the light in which he regarded them, still he had sufficient confidence in his integrity to believe his word; and until the charge should be confirmed by testimony coming from a responsible quarter, he would be wholly unwilling to affix such a stigma upon a member of this House. If such a charge as that contemplated in the amendment were pretended to be inferred from the speeches and motions of all sorts which the gentleman from Ohio has been in the habit of making here, Mr. S. would deny the correctness of the inference, as well as the correctness of the principle, that we may inferentially charge a gentleman with participation in a crime of which he knows nothing, and towards the accomplishment of which purpose his wishes were never directed.

But the most important reason why he was disposed to oppose this preamble and resolution, in every shape, in every form, in every aspect in which they may be presented, was because they indicate the approach of a struggle which is likely to take place in this Hall, and which is calculated to shake the Union itself to its very centre. It was not upon this issue that he would be disposed to go into that struggle. He would be unwilling even to enter into the slightest skirmish upon this issue. It was an issue upon the result of which the South had everything to lose, and nothing to gain; because the resolution proceeds upon an assumption which has no foundation, and upon a set of facts gone by. The amendment also proceeds upon an assumption which would, perhaps, not be sustained; so that all would be compelled to see and feel that these investigations could never produce any useful result. Whenever we enter into that struggle for the South, (Mr. S. said,) we should take care to fix ourselves on firmer and higher ground; we should take our stand on higher and nobler principles; for we have them. We have an issue upon which we can stand forever fortified by principles immutable as truth. We should stand, therefore, on such ground, and never suffer ourselves to be brought into the contest at a disadvantage.

If it should ever be shown that these honorable gentlemen have been attacked by a "lawless mob," it is a mob of those who sustain the rights of slaveholders; and mobs are not sustained by laws which we respect; and we should not allow ourselves to stand here for our justification under the cover of a mob. Nor, on the other hand, is there anything to be gained by pushing this inquiry. For suppose we were to succeed in expelling these gentlemen from the floor of this House—an event which no man thinks even probable or possible; but suppose we should expel them for this matter—we do but weaken ourselves, and strengthen those who oppose us. We weaken the power of those who sustain the institution of slavery, and whose right and duty it is to sustain it. We should not by any means allow ourselves to engage in the contest upon an issue leading to such results.

Mr. S. said he conceived that the gentleman from Ohio committed a great blunder, for an abolition leader, when he told the House that he considered a violation of law to be no moral wrong.

Mr. GIDDINGS (interposing, and Mr. S. giving way) said it was well known that in his reply to the gentleman from Tennessee, [Mr. HASKELL,] on yesterday, he barely entered upon his answer; and he read from a morning report of the interlocutory matter which passed between them—adding what he was about to say when the gentleman having the floor stopped him, as he had a right to do. He was about to answer the question as to the morality of the act of these men in prison for kidnapping. The morality of their act depended upon facts, of which the House was ignorant. If report be true, they accomplished their purpose in concert, and by a clandestine action, which involves falsehood. Mr. G. could say for himself, that it would have been wrong for him to do such a thing. He pronounced judgment on no other man's conduct; but in him it would have been wrong. He left the matter wholly with themselves, however, for he knew nothing of the facts.

Mr. STANTON continued. I have no disposition to misrepresent the gentleman; but every one around me understood him as I did: [a voice: "Certainly;"] and I recollect also the very just reply to the sentiment by the gentleman from Georgia, [Mr. TOOMBS,] in which there was as much truth as severity; for if the gentleman can go into my district and entice away our slaves in violation of law without being guilty of a moral wrong, then every bond by which society is bound together, and by which human rights are maintained, is gone—sundered forever. Upon this matter he could hardly refrain from saying, that those who hold the doctrine, and act upon it, "that there is no moral wrong in the violation of positive law, to aid the escape of slaves from their owners," could not complain if slaveholders, whose rights are involved, should hang the offenders upon the first tree.

He had said this was not the time nor the occasion for those who favor slavery to enter upon the contest which may, and perhaps will, take place with those opposed to that institution. He had said we had better ground to stand on—ground standing on which we can never fail, unless truth should fail, for we may stand upon the Constitution. We may point to that sacred instrument, and demand, in the name of our fathers, whose blood has purchased our rights, that all its sacred guarantees shall be respected. When the question comes up on the territorial issue, Mr. S. would take his stand upon this ground, and point to the blood of the South which has been poured out on the soil of Mexico, and demand that the South should also inherit its just share of the advantage it has procured. He would point to the bones of our brethren from the North and from the South, who, side by side, have fallen, pleading together the same great cause, and ask you, now that the work is accomplished, whether you can expect the rights of the South to be surrendered. He would refer to the Constitution; and on that issue he would show clearly that this Government has no right to interfere with slavery in the Territories; and that, in the admission of new States, the Congress can exercise in this respect only a species of tutelary, supervisory power, such as may be necessary to see that they shall come in with republican institutions; that, inasmuch as this Government cannot prevent the older States from regulating and perpetuating slavery, so, neither can it suppress that institution in the new States, without violating the first principles of the compact. He would point also to the Missouri compromise, and say to the North, that, when that contest came on, although they had no right to place that restriction upon slavery, yet, for the sake of harmony, for the sake of compromise and union, for the sake of our institutions, and the preservation of our glorious example of liberty, the South consented to a compromise which, as far as it goes, has shorn us of our rights. He would tell them, nevertheless, that we are still ready to maintain that solemn compromise—ready to extend that line even to the Pacific Ocean—ready to do this, and all that may be justly demanded of us, in that spirit of conciliation which we have ever evinced for the preservation of our rights and our institutions. He would

point to the thousand millions of dollars invested in slave property—would regard this vast interest in all its magnitude, and ask gentlemen if they are mad enough to suppose that slavery, as at present interlaced with all our institutions—political, social, and economical—can possibly be violently rooted up, without destroying everything with which it is connected? He would show them that the effort, if it were attempted, would be as fruitless as the puny effort of a man to stop up the flow of the mighty waters of the Mississippi. No, sir; the North may goad us at our sides; they may attack us upon the outskirts of our tower; they may strike at our rights and exasperate us; but they can never destroy our institutions.

The slavery institution, right or wrong, is ours—whether it be protected, or whether it be destroyed. It is not in the power of the North to attack it with success. It would take care of itself. Its continuance could not be prevented so long as it was found to be profitable. The people of the North only rid themselves of it when it became unprofitable; and the South may follow the example when that time shall come to them; but not before. When he spoke of profit, he had reference to the moral as well as the political sense of the term—profit to the slave, as well as to the master. Whenever slavery becomes unprofitable, it will cease. When its moral disadvantages become so great that the results of manumission will have no terrors for us, then we shall get rid of slavery. But such a result will never be accomplished by hemming us round, and confining us within a narrower sphere.

Mr. S. would not say that the negro would have been better off had he remained in the jungles of Africa, and pursued his primitive course of cannibalism; because he was assured that the change had wrought for him a great benefit. He had been thereby placed in a school of civilization—a hard school, he admitted—hard in its requirements, and oppressive in the obligations it imposed; but it has been the same school to him with that which, under the direction of the Supreme Being, humanity, as it emerges from barbarism, has been obliged to undergo in all ages. Whenever the intelligence of the slave shall come up to that measure which will qualify him for self-government, then the power of the master, like that of the late masters of Europe, will no longer be able to hold him in subjection. But that day has not yet come; and until it does come, the labors of these opposers of slavery can do nothing but mischief.

Mr. THOMPSON, of Kentucky, next obtained the floor. He promised to address himself as directly to the question before the House as he could. That question was on the adoption of a resolution for a committee of inquiry, offered by the gentleman from Massachusetts near him, [Mr. PALFREY.] That motion was predicated on the alleged fact that riotous assemblages of the people of the District of Columbia had taken place during two successive nights, and that menaces had been uttered against a member of the House. On this statement the House was asked to raise a select committee of five for the purpose of inquiring into the state of the facts.

On this resolution he proposed to submit one or two remarks. If it was true that there had been any riotous assemblages of people in this District, he presumed the laws of the District were amply sufficient to repress them. If any further legislation had been necessary in order to maintain the public peace, no doubt the citizens would have petitioned Congress, through their Mayor and Council Boards, that the necessary law should be passed. But he had heard of no such petition. Had the House been advised that new legislation was requisite or was desired? Were not the laws already in force quite adequate to the protection of the peaceable people of the District? And did not the gentleman who had offered this resolution know that the court of the District was at this time in session, and that all the common-law remedies could at once be applied to the putting down of a mob? Had further remedies been needed, no doubt they would have been asked for.

Then he came to the question of privilege alleged to be involved in this case. What were the privileges of members of Congress? What had been the extent of the threat said to have been uttered? These seemed to be questions which it was legitimate to discuss.

The privileges of the British House of Commons were in derogation of the common right; and were they to be extended by construction—to be amplified by resolution? A member of Congress was declared by the Constitution to be privileged from arrest in coming to attend his duties in Congress and in returning to his home, except for treason, felony, or breach of the peace. And why? For his own sake? Not at all; but for the sake of seventy thousand citizens of one of the States whose representative he was, and who would lose their representation in the National Councils should their representative be forcibly detained from his seat. It was that they might not be disfranchised that he was thus shielded from the arm of the law that reached other men, and not for his own special benefit or personal dignity.

Then we had an additional rule of construction to apply. The Constitution declared that Congress had power "to make all laws which shall be necessary and proper for carrying into execution the granted powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof." Had Congress legislated on this subject of privilege? How did the fact stand? What had been done? In cases not of mere threat, but of actual violence, what had the House done? He believed, that in the 27th Congress, a gentleman from North Carolina, [Mr. STANLEY,] now Attorney General of that State, and another gentleman, since employed on an important foreign mission, came into actual collision on the floor and in presence of the House. The case was referred to a committee to inquire into and report the facts; and what had been done? Nothing. A like unfortunate occurrence had taken place during the present session. Had any punishment been inflicted on either party? Not any. Now, if cases of this character could be thus passed over, would the House, upon rumor, and under color of privilege, go into an inquiry as to words spoken of a member in the public streets? He presumed not.

This question of privilege had been brought up at various times. In 1832, an assault had been made by General Houston on a Mr. Stansbery, of Ohio. And how had that resulted? A committee had been appointed in that case, and a long examination was had. And had it produced any good, either to the country or to the members of that House? There had been a more recent instance, in the case of a duel between Mr. Graves, of Kentucky, and Mr. Cilley, of Maine. A committee was appointed, and a majority of the committee, in their report, stated that there had been a breach of the privileges of the House; but it resulted neither in expulsion nor reprimand. If the gentleman from Massachusetts [Mr. PALFREY] would look at the history of that case, he would see the part that his late venerable colleague, whose removal from that House had so excited the universal grief, had taken. Had that able and experienced man contended that the duel was a breach of privilege? Not at all. And, after a great deal of discussion, the case went off, and no penalty was inflicted. A Vice President of the United States, in the early history of this Republic, had engaged in mortal combat with, and had actually killed, a highly distinguished citizen; yet, after that fact, he had continued to preside in the other House, and nothing had been said or done in the way of penalty. A dozen cases of a kindred kind might be cited, and no expulsion had followed. Yet it was proposed now, because that some one in this District—whether in sight or hearing of the gentleman from Ohio [Mr. GIDDINGS] or not; whether a man, or a boy, or a female, no one knew—had spoken in threatening language of that member, it was swelled up into a mighty affair, and the House was called upon to inquire whether its privileges had not been invaded. Nobody had been struck; nobody was in danger; nothing at all had been done—(it was this moment suggested to him that not improbably Mrs. Royall might have uttered some threat against the honorable member; a laugh)—yet a committee was to be raised with power to send for persons and papers! At this rate, the House might send out and arrest all the editors in the country. If they could go into what was said a mile from the Capitol against one member, why might they not go all over the Union and inquire what had been printed against whole parties of members? An instance of this kind had occurred in the rotundo, when President Jackson had been shot at by a lunatic by the name of Lawrence, induced possibly to the act by a desire to imitate the man who shot at George III. in the theatre, and the same plea of insanity produced the discharge of both. Nothing was done to the man. In the same place, John Adams, jr., private secretary to his father, the President of the United States, whilst on his way from the House to the Senate, with a message from the President of the United States, had been assaulted by one Russell Jarvis, on the pretext that Adams had insulted ladies who were under Jarvis's care; and a committee, after inquiry, recommended that Jarvis be reprimanded. There was a double report; Mr. McDuffie, of South Carolina, being at the head of the committee, and having made the report of the majority. A distinguished judge, [P. P. BARBOUR, deceased,] in the minority report, took the ground so ably maintained by the gentleman from Georgia [Mr. TOOMBS] yesterday, and showed what was the extent of the privilege of a member of Congress.

A member, by the Constitution, could not be questioned elsewhere for words spoken in debate on the floor. Mr. T. would not discuss the question whether this referred only to indictments or suits for libel or slander; the only intention of the clause was to secure freedom of speech in debate. Mr. T. said he knew that there were precedents to the contrary; but, if a member might not be called on in any way for abusive language uttered here——[Here Mr. T. was understood to refer to cases of violence, as the duel between Randolph and Clay, and the personal rencounter between Bell and Turney, (both of Tennessee,) on the floor of the House. These and similar cases had never resulted, when brought up, in any good. All these persons had escaped the reprimand of the Senate and House; and those of them yet surviving fill high places in the affections of the people of this country.]

The Constitution having clearly demarked the extent of a member's privilege, Mr. T. asked whether Congress had ever passed any law saying either what should constitute the crime of a breach of privilege or what should be its punishment? He believed not. Congress had enacted no law upon the subject. Neither had this been done in England. The House of Commons once banished a man for breach of its privileges. Had any law prescribed how the trial should be conducted? Whether the accused should be allowed counsel and the right of cross-examination? Not at all; nor said what should be the extent of punishment. The resolution now offered proposed that the committee to be raised should have power to send for persons and papers. The committee might send under this power for witnesses from the Aroostook, or Charleston, or New Orleans, or Oregon. And what would the House bring the man for? And, if convicted, what was to be his punishment? It was alleged that somebody had threatened a member of Congress. Well, suppose they had, was this a breach of privilege? Were gentlemen going to destroy the freedom of speech? The House was to be the accuser; the House was to be the judge; the House was to carry on the trial in its own way, and without any known law. They decided by resolution when no law had been passed—by *ex post facto* resolution—that he should be so punished for contempt. Now, was it not the extreme of tyranny? How stood the case? Why, in this city of Washington—containing a population, allow him to say, than whom he never saw any more orderly, well-behaved, and industrious—if any outbreak had ever happened, connected with it had been officers of the army and navy, members of Congress, or those who came here from other parts of the country. It was an industrious, orderly, religious population. Did we hear of any outbreak among them? of their perpetrating any row? Did they insult any man? So far from that, they rather allowed themselves to be imposed upon by the officials of Government. Such being the circumstances, suppose a man, exercising his right of freedom of speech, had said something about the gentleman from Ohio, or the gentleman from Massachusetts; suppose he had had the audacity to talk, he had injured or assaulted nobody; and would they arraign him here, and solemnly set up that he had violated the privileges of a member of Congress?

In reference to this question of privilege, he desired to read to the House the views taken by Judge Barbour, in a report made by him to this

House in behalf of the minority of the committee in the Jarvis case:

"This power, [to punish the assault in question,] if it exist, must rest for its support upon that doctrine of *privilege* which is said to be established by the law and custom of Parliament—a doctrine which, in their estimation, [of the minority of the committee,] is as incompatible with the genius of our Government as it is dangerous to the rights of the citizen. In proof of this, they propose to take a brief review of its origin and progress, as also of its practical application to that deliberative assembly which is generally regarded by those who assert the power as the source whence precedents are to be derived illustrative of the proper occasion for its exercise. It is said by a celebrated writer upon the subject, that the law of Parliament 'is to be sought after by all, is unknown 'to many, and known only to a few; that it is to be learned 'out of the rolls of Parliament and other records, and by pre-'cedents and continual experience;' that 'the maxims upon 'which they proceed, together with the method of proceed-'ing, rest entirely in the breast of Parliament itself, and are 'not defined and ascertained by any particular stated laws.' And again: 'that the dignity and independence of the two 'Houses are, in a great measure, preserved by keeping their 'privileges indefinite.' Thus, it appears, from the nature of this parliamentary law and these parliamentary privileges, that they are incompatible with the principles of our Government and against the dictates of justice. Nothing can, without a solecism in language, be called a *law*, but some rule of action which is published to those who are to be affected by it; whilst it is seen that the law of Parliament, so miscalled, is locked up in their own bosoms; and nothing can be more unjust than to punish an individual for any offence against those privileges, the nature and character of which, being indefinite, are utterly unknown, and which only become known as particular cases occur; thus making the infliction of punishment the first evidence of the existence of the rule under which it is inflicted."

He repeated, did the House possess the power to punish a citizen by an *ex post facto* resolution—a citizen who had no premonition, who was not advised that it was a breach of the privileges of the House to speak of the gentleman from Ohio or anybody else? Were they to bring him before them by virtue of a law which had been locked up in their bosoms, which he had never heard, seen, or read? It was the very essence of tyranny; and that very principle which induced a man to stand up against the extension of the prerogatives of the monarch, ought to induce him to stand up against this unwarranted extension of the privileges of the House of Representatives.

He did not wish to be misunderstood. If their order was interrupted, if any intruder came in and disturbed their proceedings, they had the proper officers—the Sergeant-at-Arms and Doorkeeper—who might require assistance, if necessary. That was an inherent power in every deliberative body, in every court—the power of self-defence and self-preservation; and so far as protecting the deliberations of this body was concerned, it was a power needful and requisite. But when they went beyond the purlieus of the House, out into the community, and said that their privilege protected them as individuals, and invested them with a kind of superior majesty of fancied sanctity; that it not only protected them as members of Congress, but when engaged in other affairs, it was going quite beyond the bounds of reason. Suppose a member of Congress insulted a man; suppose he committed a trespass, or did anything in violation of the legal rights of others, was such immaculate sanctity and immunity thrown around him by the privileges of this House as to shield and screen him? Certainly not. Such a doctrine would give him unbridled, unlicensed liberty, whenever and wherever he pleased, to assault and insult the citizen.

When they had enacted no law, then, declaring what should be breach of privilege, what should be contempt, and what should be their penalty, he asked them if, on a mere vagrant idle rumor, they would get up a kind of star-chamber commission, to consist of five or nine persons, with power to bring up and punish an individual who talked of a member of Congress, (if he had talked at all,) not in his presence, who had not impeded his going to or returning from the House? Had they the right despotically, tyrannically, to arraign the citizens of the District of Columbia for no offence against the laws? The Speaker had very properly remarked, when the resolution was first presented, that members might call for specifications. There had been no specifications. A general, loosely-worded resolution was all they had before them, which, if passed, would amount to a warrant to catch whosoever they would. The man that had talked, about whom or what he had talked, was not pointed out, and this warrant to catch whom they pleased was called for; and they were told that the privileges of the House would be protected in that way!

He should vote against this whole proceeding. Suppose the gentleman got this committee raised, and suppose an individual was brought before them who had talked: what punishment would they inflict upon him? Would they imprison, sentence to hard labor, or exile him? Suppose he had talked about the gentleman from Ohio when he was not within a mile of him. Were they for this to sit in solemn conclave of five to determine what should be done with him? He put it to the House, had they ever had brought before them a proposition so idle, so useless, and ridiculous! He would not encourage anything disorderly. The gentleman from Ohio and the gentleman from Massachusetts, so far as their personal rights were concerned, or their rights as members of Congress, were entitled to the same protection as other citizens and other members of Congress. He regretted that we should have anything of the character or description of a mob. He belonged to the law and order party. But this thing of a mob, like the privilege claimed in some quarters for members of the House, was a thing quite indefinite. It was rather hard to tell what it meant. A body of men, exercising the right of revolution in Paris, the other day had gone into the House of Deputies, and turned out neck and heels its members, and established a government. We had sent them our congratulations and felicitations. He trusted they might succeed in what they were doing, and that from their present chaotic government might come out a government like our own—founded on true republican principles, which should be handed down to succeeding generations in that country. He believed in the gentleman's own State a mob commenced the war of our Revolution—a tea-party in Boston harbor—who were now held in veneration by everybody. The people in this District had been aroused—not exactly to a revolution, for he believed they were pretty well satisfied with their government—from the fact that some piratical schooner, whether from Morocco or Algiers he could not tell, had come in and clandestinely taken some seventy or eighty slaves from their owners—had stolen some $50,000 in value, and made off with them, like a party of Indians making an incursion upon a border settlement, and running away with a lot of horses and cattle. Some of the owners, he understood, were widows, some men of small means; and they had had the audacity to denounce this as a species of larceny, theft, crime, and to talk about those who promoted it. He thought they had rather shown themselves a kind Christian people that they had not talked more. Why, there was not a man, who had the heart of a man within him, who, let any man interfere with his domestic relations—the relation of parent and child, guardian and ward, or master and servant—and drag away one so connected with him without authority or pretence of claim, would quietly, kindly submit. There were few as strong peace men as that. These men owned slaves; they had been robbed of them; and was this House to say that their talking about it under the wrongs and aggravations which had been thrown upon them interfered with the dignity and privileges of the Congress of the United States?

He would refrain from speaking at this time in reference to this slave question; for on another occasion he designed and desired to give his views at length. He knew between the gentleman who had offered this resolution and those of similar views and himself there was a wide difference. He knew when they came up to this question it always aroused excitement and feeling. This House knew, from the scenes that had transpired before in this Hall, that nothing of good to the country or to the individual participants in the debate ever arose. He regretted whenever the question came up; and in his heart, charitable as he might be, he could not forgive a man who, recollecting the compromises of the Constitution, recollecting how prosperously and gloriously we had lived under it and grown to greatness and power, unmindful of his duties and of the rights of others, assumed jurisdiction and control over questions which did not belong to him—the man who, blindly led by political fanaticism, assumed to denounce Southern men and their institutions. Even if they were wrong in holding slaves, even if it was a sore spot, did it become their brethren of the North to be continually rasping it? If they had a plague-spot upon them, let them alone; do not be continually putting upon it a coal of fire. They were their negroes; it was their own domestic institution, sustained and regulated by their own laws. Why, then, in the name of truth and justice, were gentlemen continually intermeddling with that which did not belong to them, with which they had no concern? In this instance every man saw how such proceedings generally resulted. These seventy or eighty slaves would many of them be sent to the South by their owners, and besides them perhaps a thousand more, where they would be subjected to the consequences of change of climate, food, living, and, by the time they became acclimated, perhaps five hundred of them would die.

That was the result of the benevolence of those gentlemen who took so much concern in this matter, which did not belong to them. Why, in the State of Kentucky, before this abolition movement was got up, there was a large party in favor of emancipation. That party was met in its progress in this way—by men who were not content to let them go on and themselves effect the work, but resorted to denunciation, and threats, and attempts at compulsion; and who, in their excessive zeal to free the slave of the South, only riveted his chains. When they said to the citizens of Kentucky, You shall strike off the manacles of the slave, they only riveted them on him harder and harder. The gentleman near him [Mr. BAYLY] said it was the same in Virginia. Not only this, but the gentleman from Virginia and every man from the slave States knew the fact—he knew it from personal knowledge, from observation, that wherever you turn these slaves loose they are a degraded class; they never come up to the enjoyment of equal privileges. Look at the statistics of the country; look at the last census, and we found the free negroes a poor, degraded, vagabond class—participants in theft, larceny, crime, outcasts from society, unprotected from the wrongs and injuries of bad white men, uncared for in sickness and age, as the owner from affection and interest cares for and protects his slaves. Wherever you turned a negro free, pauperism, vagrancy, demoralization, and crime overtook him and his descendants. All experience proved this. In view of these facts, there was a vast difference between these gentlemen and him. He regarded their course as an unauthorized, officious intermeddling—a species of intervention where neither their jurisdiction, their duty, nor business led them. In the madness of a mistaken philanthropy, phrensied by what they professed to be the good of the black man, they were continually defeating their own ends, injuring the cause of freedom, and binding more firmly the chains of the slave.

Mr. BAYLY had designed, when he came here this morning, to discuss this great question of privilege, but it had been so satisfactorily argued by the gentleman from Kentucky, [Mr. THOMPSON,] that he should not attempt to add anything to that gentleman's argument. But he meant to present a second view of the subject which he had at the same time had in contemplation. Conceding the right of this House to pass this resolution, yet the conduct of the person who was said to have been menaced had been such, that, admitting the jurisdiction of this House, it was not becoming in them to exercise it. What he had been subjected to was the legitimate consequence of their own conduct, and for *him* he had not the slightest sympathy.

He desired to show—and, unless he had greatly mistaken the force of evidence, he should show—that the agitation of this subject of slavery in this House, out of which so much mischief had grown, was occasioned by the instrumentality of a foreign nation, which was prompted by selfish views to aim a deadly blow at not only the prosperity, but the very existence, of this country. The House might suppose that this was a broad assertion, but he pledged himself to prove its truth. He repeated that this abolition movement in the North, which had grown up until it had assumed so fearful a character, was the prompting of the British nation, and the abolitionists here are but the instruments of another nation in its aggressions on us. Gentlemen might regard it as a bold assertion, but he was prepared to establish it, and he desired now to do it the more that the North rather than the South might see the testimony. They all knew that for more than two centuries there was no nation on the face of the earth that clung so tenaciously to the slave trade and to slavery as the British Government. Down to as late a period as 1776 a motion was made in

the British Parliament, by a Mr. David Hartley, to inquire into the propriety of abolishing the slave trade, and his resolution was not even considered: for at that time nobody in Great Britain aimed at the abolition of slavery, and very few of that of the slave trade. The British Parliament would not even consider it. At a period much later than that—in the year 1824—Mr. Canning, as a minister of the Crown, said in the British Parliament that if he were asked which he would prefer, permanent slavery or immediate abolition, he would answer that he would prefer things remaining as they were. And he gave as a reason for preferring permanent slavery to immediate emancipation, "his duty to guard the interests of those who, by no fault of their own, by inheritance, by accident, by encouragement of repeated acts of the Legislature, find their property invested in a concern exposed to innumerable hazards and difficulties which do not belong to property of another character, such as, if they had their option, as their ancestors had, they doubtless would have preferred."

At that time the doctrine of Mr. Canning was the doctrine of the English nation. But how stand matters now? A change in the physical condition and with it the policy of England took place, and they abolished in the first instance the slave trade, and secondly slavery itself; but, as he should show by historical facts, they abolished it with no views of philanthropy, but to promote their own selfish interests.

He begged permission to read an extract on this subject from a speech of his own, delivered some years ago, as the facts were there succinctly stated:

"And why does England desire the abolition of slavery in the United States? Sir, it is to cripple our prosperity; and the blow is aimed as much at the North as the South, as much at that portion of the country which is her most formidable rival in commerce and manufactures as at us, who are profitable consumers of her productions, and her rivals in but little.

"If there are any here who may be deluded by the idea that England is actuated by philanthropic motives, if he will attend for a few moments, I will show him, that so far from that, her purposes are the most selfish and heartless. A short recital of authentic historical facts will establish this position.

"We all know that for more than two centuries the African slave trade was carried on by the British nation under the patronage of the Government, and was protected by charters of monopoly and public treaties. Under the Stuart kings, charters were granted, endowed with exclusive privileges for carrying on the African slave trade, and they were sustained by all the power and patronage of the British Government.

"At the celebrated treaty of Utrecht, in 1713, by which the Spanish succession war was terminated, the British nation obtained, by what was called the *Assiento* contract, the exclusive privilege of carrying on the slave trade for thirty years, at the rate of 4,800 slaves yearly; and Lord Brougham said, in the House of Commons in 1815, the English nation had obtained 'the whole price of the victories of Ramilies and Blenheim in an additional share of the slave trade;' and Mr. C. Grant, in 1818, informed us 'that she higgled at Aix-la-Chapelle for four years longer of this exclusive trade, and at the treaty at Madrid clung to the last remains of the Assiento contract.'

"In consequence of the activity of the marine of England, and her possessing the exclusive trade, she soon stocked her own colonies. Desiring the monopoly of the tropical productions, as the means of securing it, and to prevent the supply of labor for the southern colonies of other nations, she commenced agitation in favor of the abolition of the *African* slave trade. But it was only the *African* slave trade. It was necessary that the subject of it should have a black skin and a woolly head to enlist English sympathies. It is notorious that slave fairs are regularly held in the regencies of Tripoli and Morocco, and they are transported thence up the Levant, where they are again exposed to sale like cattle in the market. But these people did not come into competition with English colonies in the production of the great articles of commerce, and hence they do not enjoy her disinterested philanthropy, which has its beginning and end in the profits of trade.

"In the abortive attempt at negotiation for peace by Mr. Fox in 1806, an effort was made to induce France to join in the abolition of the slave trade. The French minister replied:

"'England, with her colonies well stocked with negroes, 'and affording a large produce, might abolish the slave trade 'without inconvenience; but that France, with colonies ill 'stocked and deficient in produce, could not abolish it without conceding to England the greatest advantages, and sustaining a proportionable loss.'

"Upon the restoration of Louis XVIII. to the French throne, (who acknowledged that he owed it to Great Britain,) his gratitude was appealed to to abolish the slave trade; and that being ineffectual, offers of sums of money and the cession of a West India island were made, but without success; the same answer being given substantially which had been given before. In August, 1815, England restored to the Dutch Government their colonies, excepting the Cape of Good Hope and Dutch Guiana, in consideration of the entire abolition of the slave trade by the latter.

"During the negotiation of the treaty concluded at Madrid on the 5th of July, 1814, Great Britain attempted to prevail on Spain to prohibit to her subjects both the general slave trade and their importation into the Spanish colonies, and went so far as to offer to continue the pecuniary subsidies which the deplorable condition of the Spanish finances made so necessary. But she failed, the Duke of San Carlos remarking, 'that, when the 'slave trade was abolished by Great Britain, the 'proportion of negroes to the whites in the British 'colonies was as twenty to one, while in the Spanish colonies there were not more blacks than 'whites.' And he refused to take a step which 'he 'considered would be fatal to the very existence 'of the colonies.'

"In January, 1815, Great Britain obtained from Portugal, for pecuniary equivalents, the prohibition to its subjects of the slave trade on the western coast of Africa north of the equator. Further than this Portugal would not go.

"The island of Guadaloupe, conquered from France, was ceded by Great Britain to the Swedish Crown, upon condition of abolishing the slave trade; and at the treaty of Madrid of the 22d of September, 1817, she purchased from Spain the immediate abolition of the slave trade north of the equator, and a promise to abolish it altogether, after 1820, for the sum of £400,000." * * * *

"But, while these events were transpiring, a great change was taking place in the British empire. There was found in the counting-house of the East India Company an obscure boy (afterwards Lord Clive) who turned out one of Britannia's gods of war. By the power of his genius a small English trading post in India was expanded until it comprehended an empire of one hundred millions of souls.

"In the mean time great changes were going on in England. From being an agricultural people, and the exporter of agricultural produce, by the inventions of the power loom and spinning jenny, the improvements in science, and the introduction of the steam engine, she was converted into a great manufacturing nation. To sustain her manufactures, a secure market was necessary for the productions of them. The same causes which had stimulated manufactures in England had also done the same thing in the United States and upon the continent of Europe. Besides, those markets, even if they were open, were not within the exclusive control of Great Britain. This was indispensable, and the desideratum was found in India, if her people could but be raised up to the condition of consumers. To do this, it was only necessary to destroy all her rivals in the production of the growth of the tropics. These rivals were the United States, the West Indies, and Brazil. The staples of each of these countries were cotton, rice, tobacco, sugar, and coffee. These were the staples of British India. England had seen the island of San Domingo converted, by the single act of negro emancipation, from the most flourishing of all the West India Islands into the most unproductive, and the culture of the indigo plant, which was its staple, transplanted to the banks of the Ganges and Burampooter. And it was once inferred that, if African slavery could be abolished, British India would possess a monopoly in the production of the plants of the tropics, and her prosperity be established upon a secure basis. England considered the sacrifice of her West India colonies but a small price for so great a good. The £20,000,000 which was appropriated for the indemnity of the planters amounted to nothing, as scarcely a dollar of it left London, it being received by British mortgagees of West India plantations. And an agitation was at once commenced, in the hypocritical name of philanthropy, in favor of the abolition of slavery. And as soon as it was accomplished in the West Indies, the theatre of operations was transferred to this country in the manner I shall very briefly notice. The fact that philanthropy had nothing to do in the matter, is shown, if other proof were wanting, by the emancipation act of the British Parliament itself. By the 44th section of that act, it is declared that 'it shall not extend to any of the territory in the possession of the East India Company, or the islands of Ceylon or St. Helena.' And yet this is precisely the country where slavery exists in its most horrid form, and where the British Government is itself the greatest slaveholder in the world, and hires out its slaves for profit."

"His authority for this was an extract from the Asiatic Journal for 1838, published in London, page 221, as follows:

"'GOVERNMENT OF SLAVES IN MALABAR.—We know that 'there is not a servant of Government in the south of India 'who is not intimately acquainted with the alarming fact that 'hundreds of thousands of his fellow-creatures are fettered 'down for life to the degraded destiny of slavery. We know 'that these unfortunate beings are not, as in other countries, 'serfs of the soil, and incapable of being transferred, at the 'pleasure of their owners, from one estate to another. No; 'they are daily sold like cattle by one proprietor to another; 'the husband is separated from the wife, the parent from the 'child; they are loaded with every indignity; the utmost 'quantity of labor is exacted from them, and the most meager fare that human nature can possibly subsist on is doled 'out to support them. The slave population is composed of 'a great variety of classes: the descendants of those who 'have been taken prisoners in time of war; persons who 'have been kidnapped from the neighboring States; people 'who have been born under such circumstances as that they 'are considered without the pale of the ordinary castes; and 'others who have been smuggled from the coast of Africa, 'torn from their country and their kindred, and destined to 'a more wretched lot, and, as will be seen, to a more enduring captivity than their brethren of the Western World. 'Will it be believed that Government itself participates in 'this description of property; that it actually holds possession of slaves, and lets them out for hire to the cultivators 'of the country, the rent of a whole family being two farams 'or half a rupee per annum?'

"But why dwell on these comparatively free slaves? The whole of Hindostan, with the adjacent possessions, is one magnificent plantation, peopled by more than one hundred millions of slaves, belonging to a company of gentlemen in England, called the East India Company, whose power is far more unlimited and despotic than that of any southern planter over his slaves—a power upheld by the sword and bayonet, exacting more and leaving less of the product of their labor to the subject race than is left under our own system, with much less regard to their comfort in sickness and age.

"As startling as these disclosures are, the whole story is not yet told. England has not only engaged in a hypocritical crusade against slavery at the time she is herself the greatest slaveholder in the world, but she has absolutely made the act of her Parliament for the abolition of the slave trade the means of converting her national navy into slavers. Whenever one of her cruisers captures a slaver, she is carried in and condemned, and the Africans found in her are taken to the West Indies and sold into apprenticeship (as this new species of slavery is called) to raise the prize money.

"Now, (said Mr. B.,) I assert, with a knowledge of the subject upon which I am speaking, that this species of slavery and slave trade, introduced by the British Government, is the more profitable to the master and slaver, and more galling to the slave, than any which can possibly be imagined. Let us look at the operation of it. It has been seen from the publication made by D. Hall, that the English, in carrying on their slave trade, do not purchase the negroes as other slavers do, but they capture them. Under the English act abolishing the slave trade, £7 is given to the captors for every slave taken. They are taken in and condemned, and then carried to the West Indies and sold as apprentices for a term of seven years. These poor creatures are taken to a country whose laws they do not understand, and whose language they do not speak, and for a long time will be incapable of learning. Who is to see, during their apprenticeship, that they are treated well and care taken of them in sickness? The master has no interest in them but for seven years, and his object will be to get as much out of them as possible in the mean time, and to incur as little expense as possible in taking care of them. And, when the apprentice-

ship expires, who is to identify them and see that they are discharged? I may be told that a registry is provided for—but what registry can protect them? Let me illustrate. There is a plantation with one hundred of these wild Africans upon it. Who can distinguish one from another? They will be so much alike it will be impossible. A stranger had just as well undertake, after a lapse of seven years, to distinguish the different sheep in a large flock.

"Sir, this is not speculation. The impossibility of the thing has been tested in our own courts. The following are the facts in the case of the Antelope: A privateer, called the Columbia, off the coast of Africa, captured an American vessel, from Bristol, in Rhode Island, from which she took twenty-five Africans; she captured several Portuguese vessels, from which she also took Africans; and she captured a Spanish vessel, called the Antelope, in which she also took a considerable number of Africans. All of the Africans captured were shipped on board the Antelope. Thus freighted, she was found hovering near the coast of the United States, was captured by the revenue cutter Dallas, and taken into Savannah for adjudication. The Africans, at the time of her capture, amounted to upwards of two hundred and eighty. Claims were set up to the Africans by the Spanish and Portuguese vice-consuls, respectively, and by the United States. The claim of the United States, under the law for the abolition of the slave trade, was sustained as to the portion taken from the American vessel. The residue were divided between the Spanish and Portuguese claimants. About one-third of the negroes had died. It was impossible to distinguish the several classes of Africans; and the court decided that the loss should be averaged among the three different classes, and that sixteen should be designated, by lot, from the whole number, and delivered over to the marshal of the United States, as a fair proportion of the twenty-five proved to have been taken from the American vessel.

"Now, sir, what will be the operation in practice? Whenever one of these apprentices shall become disabled or die, they will be sure to make it out that he was one whose apprenticeship was expiring, whereas the apprenticeship of such as shall continue valuable will never expire. The consequence will be, the master will always hold the profitable and get rid of such as may be otherwise. And I repeat, it will be the most profitable slavery which has ever been introduced; and this is British philanthropy!

"The motive of England in agitating the subject of slavery is thus shown. Her object is to dissolve the Union; to cripple our prosperity, and destroy her most formidable rival in manufactures and commerce. And the blow is aimed as much at the North as the South. The assault, it is true, is made more directly upon the South, but it will reach the North through us."

These, then, were the motives of England. They were strictly selfish. She wished to strike down her rivals in agriculture and commerce, and hence she wished to make the South a waste, because it was her rival in the production of tropical productions, and served to build up a commercial marine and to promote maritime pursuits. She had enlisted on her behalf the abolitionists of this country; and this was the point to which, having shown the object of England in desiring the abolition of slavery, he would now call the attention of the House. He designed to show that the abolitionists and some of the State Legislatures were acting in obedience to the suggestions, and as the instruments of England, in aiming a blow at this whole Confederacy. It was aimed at the North precisely as much as at the South; and he pledged himself, unless he had greatly mistaken the force of evidence, to bring it home to them conclusively.

After the abolition of slavery by England, then commenced this agitation here on the same subject. Prior to 1832—prior to the abolition of slavery in the West Indies—there was no agitation here. It was true that some peaceable, quiet Quakers would sometimes send their petitions to Congress, but they were quietly laid on the table by the concurrence of both North and South, and there was no excitement whatever. But at that time there was raised in the British Parliament a committee on the subject of slavery, and the following question was propounded by that committee to Mr. Ogden, the American consul at Liverpool:

"If you could suppose that the slaves of Louisiana were generally able to read, and that angry discussions perpetually took place in Congress on the subject of their liberation, which discussions, by means of reading, were made known to the slaves of Louisiana, do you think that with safety the state of slavery could endure there?"

The result of the answer of Mr. Ogden to this question of the British Parliament was soon seen. Immediately after that time, the agitation of the question of slavery commenced here by emissaries of a foreign Government; and in 1840 the World's Convention was held in London, consisting of 493 delegates from every part of the world. The United States was represented; and in that convention the attention of the British nation was particularly directed to the abolition of slavery here. He should show with what views and purposes they desired to abolish it here. In reply to a question how Englishmen could affect slavery in the southern States of this Union, they were told that the Abolitionists of the United States demanded the aid of public opinion, of the religious and literary influence of England. How this literary influence was to be brought to bear he need not inform this House. Under the operation of our copy-right laws, the trash of the English press is circulated throughout the country, to the exclusion of everything else. And he was not left by the convention to conjecture how the religious influence of England was to operate. He quoted from a minute account of the proceedings of the convention the following:

"The Rev. John Angell James brought up from one of the committees a series of resolutions on church discipline as connected with slavery. These resolutions, which were unanimously adopted, after an animated debate, are grounded on the recognition of the 'essential sinfulness of slavery.' They declare that it is the incumbent duty of Christian communities to separate slaveholders from their communion; and that Christians ought to have no fellowship with slaveholders. This how, they say, is not drawn at a venture, but with sure aim at the very heart of the monster. Drive out American slavery from the presence of the sanctuary, and its doom is sealed."

That was one of the means by which the World's Convention said that slavery could be operated upon here by appealing to the church; and that appeal had, as the House knew, to a great extent been answered. But there was a third and still more efficient means suggested. It was, that persons in Congress from the non-slaveholding States should keep up a constant agitation, the effect of which would lead to emancipation, either quietly or by force. It was but a short time after the period of the question to Mr. Ogden before we found persons on this floor ready to carry out this unhallowed purpose.

Adopting the suggestions which grew out of the inquiry propounded to Mr. Ogden, the abolitionists of the North, at their annual meeting in New York, in 1838, composed of all their leading men, in discussing the mode of bringing about this abolition, say that the discussion of the subject of abolition at the North and in Congress will have that tendency. The benefit, as they were pleased to call it, of the agitation of the subject of slavery on this floor is thus explained:

"The interest which they themselves will take in the discussion. In spite of all precautions, the slaves will become acquainted with what so deeply interests them; and, so far as they do, self-respect will be regenerated—an excellent and profitable sentiment for a free laborer, but ruinous to the slave. It was the testimony of the planters of Jamaica, before the British Parliament, that their slaves became acquainted with all that passed in respect to them in the mother country, and were thereby too much excited to fill the places of slaves with slavish obedience.

"The knowledge of the slave that a portion of the whites are exerting themselves for his emancipation, upon the ground that he is illegally held in bondage, will make him, they say, impatient in his servitude. It will make him sullen and moody. It will incite him to indulge dreams of freedom in another land which he can never enjoy in his own. He will be reduced to a condition in which his master cannot rely upon his labor. He will be disposed to run away, and at a time when his services can be least spared. The master will be subjected to constant and heavy expenses to recapture him. He will thus become to his owner a source of vexation rather than comfort, of trouble and expense rather than profit."

To establish these facts there is copied into the report the following extract of a letter from a man at the South, to whose sister a gentleman of New York had sent two abolition pamphlets:

"Do you remember the two books you sent to my sister by me? My two black boys, William and Jim, who lived better and easier than I did, read them, and, in consequence, ran off, and after eleven days' riding and $267 cost I got them, and now their place is wretched by their own conduct, as I sold them at a loss of $900 to a trader."

Well, this abolition report of 1838, from which he had quoted, after going on to say what were the effects of this constant agitation on this subject; after stating that it made the negro dissatisfied; that it increased his desire to run away; that it harassed the master—went further. It did not stop there. It went on to urge on the non-slaveholding States that they should facilitate slaves in their attempts to escape, and generate such a public opinion and pass such laws as would make the recapture of the runaway slaves impossible; for if they were to be recaptured, they would be deterred from running away. It went on to say that laws ought to be passed to raise the question of slavery or freedom, or the legality of the bondage in which the slave is held. They urge the passage of such a law by the northern States, upon the ground that the laws of some of the southern States, permitting slavery, are unconstitutional, and that the slave ought to have an opportunity to test them whenever he escapes to the North. They say that the citizens of Virginia and Maryland have no right, by their own constitutions, to hold slaves in their own territory, much less to recover them from other States. They make this statement on the ground which they assume, that the bill of rights of Virginia and Maryland emancipated their slaves, and that every negro in those States was declared to be free by the bill of rights, which was of equal force with that contained in the constitution of Massachusetts, by which she declared that slavery was abolished. Well, sir, what has been the result of these recommendations by the abolitionists? I appeal to the history of the last few years. Have not the State Legislatures carried out these recommendations with a fidelity greater and stricter than they have carried out the recommendations of their own constituted authorities? They have kept up the agitation here to dispose the slaves to run away; they have raised funds to aid him in escaping; they have succeeded in exciting a feeling in the non-slaveholding States, which makes it dangerous for any man to aid a master in asserting his legal and constitutional rights; they have passed laws nullifying the Constitution, and making the recapture of a fugitive slave impossible.

I have shown (said Mr. B.) the origin and the objects of the constant discussion and agitation on the subject of slavery here. I desire to call attention to the pertinacity with which it is kept up. It commenced at the period I have named, by the presentation of abolition petitions.

The South denied that Congress had any jurisdiction of the subject, and insisted that the petitions should not be received, and a rule was adopted to suppress them. The abolitionists pretended to treat this as a great outrage, and the ear of the nation was stunned with the clamor which was made. Some well-meaning men, not understanding the objects of the agitators, advised that the whole subject should be referred to a committee, which could bring in an able report demonstrating that Congress had no jurisdiction of the subject; and they insisted a quietus would be given to the agitators. Mr. Pinckney, of South Carolina, in an ill-fated moment, yielded to these views, and undertook to reason with those persons in a Congressional report. Well, what was the result? Precisely what he predicted at the time; so far from its arresting the agitation, it increased it, by the partial success with which it met. The ground then was taken, that by the 21st rule, as it was called, the sacred right of petition was invaded. It was in vain we showed that such was not the case; the agitation went on. We were told, take from these abolitionists this plausible pretext, and you will hear no more of them—by the 21st rule, you are only adding fuel to the flame.

Some Southern men gave in to these views. As soon as they did, the Northern and Western Democrats, who had incurred some odium at home by voting with us, gave way, and the rule was repealed. But did the agitation cease? This pretext for agitation was no sooner removed than another was found. We then had amendments to territorial bills which never were thought of before, to exclude slavery from the territories. But as the territory (Oregon) in reference to which we were legislating lay so far north that it was known the slaves never would be taken there, it was regarded as pretty much a "*brutum fulmen*," and very little feeling was excited in consequence. But immediately afterward we happened to be engaged in a way in which there was a prospect that foreign territory would be acquired. This was made the pretext for the Wilmot proviso. The excite-

ment growing out of that was pretty well dying out; and the occasion of rejoicing with France, our earliest ally, at the prospect of her regeneration, was seized upon to renew it. A parcel of negroes are induced to flee from their masters, to which they were stimulated by the conduct and speeches of members here. They are recaptured, and the felons who aided in their escape are lodged in jail. A member of this House goes there to offer them his sympathy and counsel. The people, with a moderation which, as proper as it was, amazed him, (Mr. B.,) do no more than warn him off. And, forsooth, this House is to interpose for his protection. Sir, he and his associates are the authors of all the misery which has been brought on these slaves and felons, and it is a pity they do not partake with them in it.

It thus appears what are the origin and the object of this constant agitation of the subject of slavery. How is its abolition to be ultimately effected?

We were constantly told here that the fanatics of the North did not look to the insurrection of the blacks, and that they did not desire to incite the slaves to rebellion. It had been often said here that they do not either immediately or remotely expect to see abolition effected by insurrection. It was the policy of the abolitionists to deny it as yet, but this report distinctly takes the ground, that if the master will not yield to moral suasion and peaceable emancipation, insurrection would be the natural and proper consequence. Here is what they say on that point:

"If a ray of hope penetrates their gloom, though the chink through which it passes be never so small, it will banish all thought of insurrection while it shines. Though while hope of relief from some quarter holds out, the slave will abstain from rebellion, it is not to be expected that they will continue to do so if this hope shall fade away. Once let them come to an understanding of their rights, and the master will be forced to the alternative of giving them or of suffering them to be taken. Though our business is with the master—though it is for him and his political equals we print and lecture—yet we have now pledged ourselves to prevent, *what it is impossible should be prevented*, the slaves from getting knowledge that we are printing and lecturing. After our operations have, for a fair probationary space, displaced all thoughts of insurrection by a better hope of deliverance, if the masters disappoint that hope, the consequences must be upon their own heads."

With such evidence before him, he asserted that they did look to insurrection. They do look to freeing the blacks by murdering the whites. They could not, without stultifying themselves, look to any other course, and they do not. They know that peaceable emancipation never can take place. In this very report they say, they do not expect to convince the master; but even if they should be convinced of the wrong so much alluded to, he (Mr. B.) undertook to say that emancipation was impossible. In many of the States, more than half the population was black; and did the Abolitionists expect that the South would consent to have such a population let loose upon them as free negroes? Did they expect the South to live in that condition? Gentlemen from the northern States might answer the question for themselves. Do they do it? Why, in how many States did they exclude the free negroes? Had they not passed stringent laws against them in those States where the infusion of free negroes would be comparatively small and harmless? and yet they would not consent to even so small an infusion there. Did they, then, expect that they of the South would consent to let loose such a number as they had? They do not expect it.

But suppose it were possible; as far as the purposes of humanity were concerned, it would not make the case better. Suppose they were emancipated: did anybody believe that the whites and blacks in equal proportions could live in peace in the same community? They would be separated from each other by prejudices; there would be a line of demarkation that could never be blotted out. Did they not know that there would be a constant conflict of races (the most deadly of all conflicts) going on, and a struggle on the part of the negro for not only equal social and political rights, but for supremacy; a conflict which, as in all time heretofore, in all time hereafter, would exist in communities composed of distinct races, and which would end in civil war. Let them look to the example of San Domingo, where a deadly conflict was constantly going on between the negroes and the mulattoes, although they were by no means so distinct from each other as negroes and whites. If the South would consent to emancipation, how long would peace be preserved? The inevitable result would be a bloody strife; for after they were emancipated, they would claim equal privileges, and civil war with all its horrors would ensue. He therefore affirmed that the pretence that these people were not looking to insurrection and to the cutting of the throat of every white man, woman, and child, was false. The Abolitionists in their own reports avow it. But if they had not avowed it, they could not escape from the charge that such is their purpose in any other manner than by stultifying themselves; for it was the natural and inevitable consequence of their conduct. Well, and who would they benefit by it? If that conflict should arise, what would become of the black man? Did they not know that the greater intelligence and the greater enterprise of the white man must conquer? It might deluge the South in blood for years perhaps, but it would end in the extermination of the black man. And this was to be done at the instigation of a treacherous foreign nation, that they might subvert our commercial and agricultural prosperity. It was to be done, too, under the pretence of friendship for the black man, but which would be seen to be cruel and inhuman treachery. It could only end in his entire extermination.

There were some remarks which fell from the member from Ohio [Mr. GIDDINGS] on a preceding day, to which his attention had been called by a gentleman near him, of a most murderous and incendiary character, proving that he looked to emancipation by force. In arguing against the extension of slave territory, he said he wished to keep the negroes with their masters, holding their knives as near their throats as possible. To such remarks he (Mr. B.) did not mean to reply. He addressed himself to the sober serious reason of the North, and he wished not to excite their passions. He wished to show them that this abolition excitement had an origin hostile to them as well as the South, and that nothing but mischief, unqualified mischief to the whole country, would result from it.

Mr. GIDDINGS rose and inquired if the gentleman from Virginia alluded to him when he said the gentleman from Ohio wished to keep the negroes and their masters together, that the negroes might have their knives as near their master's throats as possible?

Mr. BAYLY replied that he did allude to the member from Ohio, for such he understood to be the character of that member's remarks.

Mr. GIDDINGS replied that the gentleman had entirely misunderstood him.

Mr. BAYLY said other gentlemen understood him as he did.

Mr. GIDDINGS said he cared not who made the assertion; he had used no such language. He well knew what he had said.

Mr. BAYLY said a gentleman sitting near him understood the language as he did; but, whether the member from Ohio used those precise expressions or not, of this he (Mr. B.) was certain, and he would stake his assertion on the decision of the House, that he had over and over again used expressions of similar import.

Mr. GIDDINGS. Of what import?

Mr. BAYLY. The member from Ohio had used language in his speeches the inevitable tendency of which was, if it were not his design, to lead to insurrection.

The SPEAKER called the gentleman to order.

Mr. GIDDINGS. I wish the gentleman might be permitted to proceed. I like to hear him.

Mr. BAYLY had no doubt of it. The member is fond of the notoriety which the denunciations of him here give him. He hopes to recommend himself to his constituents by assuming to be the special object of attack by southern Representatives, and thereby strengthen the tenure by which he holds his seat here with its eight dollars a day. And hence he is eternally trying to provoke us into denunciation of his detestable course and sentiments.

Mr. GIDDINGS. The gentleman is mistaken.

Mr. BAYLY. He was one of those men who was willing to obtain profits by provoking abuse of themselves; to make a traffic of his character and feelings.

The SPEAKER again interposed, and called the gentleman to order.

Mr. BAYLY said if he was out of order, it was the remarks of the member from Ohio which had provoked him to it. For personal abuse he had no taste, but he chose to speak in appropriate terms of the course of a member here which so intimately affected the dearest interests of himself and his constituents. He represented a frontier district, penetrated in every part of it by rivers and harbors, into which the vessels from the non-slaveholding States and the piratical schooners of the abolition society could come. His constituents' interests were, therefore, at stake, and he should ever be ready to expose and resist the unhallowed designs of men trying to destroy them; and, in speaking of the character of the men themselves, he should not stop to measure his words. He regretted the necessity of making any reference to the member whatever; and, unless under the strongest necessity of doing it, he should not hereafter, as he had not heretofore.

In speaking of this subject, he recollected a circumstance to which his attention had been called several years ago. His attention was called to the number of advertisements of runaway negroes in the National Intelligencer and Globe. The dates of the departure of the negroes were generally given. By comparing them, he found that the negroes went off in gangs about large enough for the load of a small schooner, at intervals of about a month—as near as may be, the period for a vessel to make a trip, to Massachusetts, for instance, and back. From this he was satisfied that these runaways made their escape by the river, and that there was an actual line of packets engaged in taking them off. He wrote an article calling the attention of the public to it at the time, and he mentioned it now for the same purpose. The House might rely upon it, the case which had just occurred was not an isolated one; indeed, he understood that the captain now in prison admitted that this was the fourth trip he had made.

He had been told, as manifest as this evil was, there was no way to prevent it; that the law of this District provided no adequate punishment for those who had instigated the negroes to run away, and assisted them in attempting it. If there is not, there ought to be. There is but one way to prevent the occurrence of such acts; that is, by holding out the terrors of such punishment to all persons engaging in it as to deter them from it, and by the masters making examples of the slaves who may be retaken. With the negro he sincerely sympathized; him he pitied; and his sore regret was, that those who had brought upon him the misery he would suffer, could not have it in his place.

He did not know that the laws as they now stood were insufficient; but he would inquire into the matter, and if they were found to be so, he should feel it his duty to ask leave to bring in a bill to remedy their defects. If there was no law to punish the publication of incendiary publications, he should bring in a bill to provide one. And he should not be deterred by being told that he would be interfering with the liberty of the press. He did not propose to establish a censorship of the press to prevent publications, but to provide a law for the punishment of an editor who should commit an offence against society, precisely as every other citizen was punished in a similar case, which offence would be judged of by the community, through its law, administered by its judges and jurors. It is no more a violation of the liberty of the press, to provide by law for the punishment of an editor who makes publications which endanger my life and property, than it is the violation of the liberty of the citizen to provide for his punishment, who does the same thing in a different way.

But he did not know that the laws were insufficient. The idea very prevalent that they are so, is the only thing which has stimulated any one to attempt acts of violence. If they shall be found to be efficient, or if they are not so now, and Congress should in good faith make them so, he would be responsible that no mob would ever be seen here. But, on the other hand, if it should be found that the laws are not effectual to protect the community in the enjoyment of its rights, and the legislative power should refuse to make them so, then the community would be remitted to its natural right of self-preservation—a law above all other laws, and as applicable to communities as to individuals. Under such circumstances, the men who did not resort to it, to use the language of the gentleman from Georgia, would be slaves who deserved the manacles now worn by the felons in your jail.

Mr. ROOT, having first caused the resolution

and the amendment to be read, said he had done so that he might really understand what was before the House, for, if he had listened to the discussion merely, he could not have had any conception of what the subject was. They had had a discussion on the Wilmot proviso and abolition societies—on mob spirit in general, and sympathy with mobs. They had had much discussion on the subject of British influence and incendiary publications—of the freedom of the press and the restraint of the press. All these things had been discussed, and they had heard very little in reference to the subject before the House, unless it were contained in the privilege of a member of this House.

The resolution of the gentleman from Massachusetts [Mr. PALFREY] had been received. He concurred entirely with the decision of the Chair as to the propriety of the course which the Chair had pursued; and he was glad that the Speaker had not arrogated to himself the right to pronounce what was and what was not a breach of the privileges of this House. He was glad the Speaker had referred it to the proper tribunal, the House itself, and that by nearly general acquiescence they had the subject before them. Well, was the House prepared to act upon it? If so, it could be disposed of readily. If they would waive all objections to the question of privilege, it could be disposed of at once. It had been proposed to elect the committee by ballot; but unless some better reason were given than any he had yet heard, he should be opposed to that amendment.

If they could not by general consent, or by a decided majority, dispose of this question of privilege, were they prepared to confine themselves to that question? There might or might not have been a breach of privilege committed. He did not understand that the gentleman from Massachusetts [Mr. PALFREY] had concluded his case. He had heard that some facts were to be stated before final action; and yet before those facts were made known, they had been discussing the law of the case, and the extent of the powers of this House to protect its members; and in the course of that discussion they had had some most preposterous claims set up and refuted most triumphantly. [Laughter.] He did not know that it was strictly proper to state what the House in a particular case might do; but it did appear to him that they should first ascertain what were the facts of this case, and then they could determine whether there had been a breach of privilege. He did not concur with some members, that nothing could be a breach of privilege unless it grew out of something which occurred here. Gentlemen might readily suppose a case in which a breach of privilege might be committed irrespective of this House. A person from the Congressional district of any member of this House, might choose to pursue such member to this city, when he came here to take his seat, and barricade his boarding-house, or threaten to inflict such personal chastisement on him as would prevent his appearance here to discharge the duties intrusted to him by his constituents. The members of this House must be free to come and go; and if he were obstructed, this House would have as much right to inquire into the facts of the case as a court would have when a suitor, witness, attorney, or juror, were waylaid and kept away.

But it had been said, that matter had better be disposed of informally; that it had better be laid on the table, or got rid of in some other such way. There was no such proposition before the House, but there was a manifest disposition thus to get rid of it. He thought that would be an unfortunate disposition of it. This resolution charged specifically, though not very distinctly, that there had been in this city a lawless mob, who had menaced a member of this House. Now, he would appeal to every member of this House, from every part of this Union, if they desired it to go forth to the people of the free States that a member of this House, in doing what he conceived to be his duty, was in danger of personal violence from a mob. He did not say that he had any evidence to satisfy him that any member of this House was in danger from a mob. This was not the time to express any opinion, but he would say that he had no such evidence presented to his mind. He had a right to speak; for he passed through the mob on Tuesday night without knowing it. [Laughter.] He passed by the side of the Patent Office about half past ten o'clock on Tuesday night, and when he got home he was for the first time told that he had passed through a mob. He did not believe the citizens of this District were in the habit of engaging in mobs. There might be loafers, idlers, and inconsiderate boys, and people from other parts of the country assembled here—and it was suggested to him to add, also, persons in pursuit of office. These might become a disorderly mob, but he had never seen anything in this District to satisfy him that there was a disposition on the part of the regular citizens to engage in a mob; and he was unwilling, if they did not deserve the accusation, that this rumor, this common report, should go forth, and give them that character. Such a report would be injurious to them; and if they did not deserve it, it ought not to go forth. They were a peaceable, law-abiding people; and if there was a mob, they would take efficient means to put it down. The gentleman from Massachusetts had not asserted that there had been a mob; he said it was common report.

Mr. PALFREY said it might be satisfactory to the House if he communicated to it a paper which he held in his hand.

Mr. ROOT. With all respect for the gentleman from Massachusetts, he would not receive the evidence now. He should want all the time allowed him by the rules. [Several voices: "Oh! let us have the evidence."] He would not yield the floor, and the House must either listen to him, or amuse themselves in some other way. This charge had been made, and he did not believe it could be true of any considerable portion of the people of this District. That such a report had gone abroad he knew. He knew it apart from anything said by the gentleman from Massachusetts, and he asked if it was not due to the people of this District that this charge should be inquired into? Uncontradicted it might do the people of this District harm, and the people of the slave States also, if the people of the North should be made to believe, and unjustly too, that their representatives here were in danger of mob violence, or that any solitary member from any part of this Union was in danger of personal violence for conscientiously doing what he believed to be his duty. He did not want the people to believe this unless it was true; and if it was true, the sooner it was known the better: and when this truth should become known to the people of the North, a very few years would pass before the bats would cluster under the roof and the foxes look out of the windows of this Capitol.

But gentlemen would see that this was not the only charge. This was mere northern suspicion, if you please, (and in this Mr. R. was willing to take his full share.) But they had asserted in the amendment that a member of the House had participated in the felonious attempt to abduct these slaves. Now, he would ask southern gentlemen, supposing the fact was not so, whether it was fair, whether it was honorable and just, to indulge such suspicions? Did they want people to think this of the members of this House? Mr. R. did not know but they might think that every northern Whig would do such things; but if there was no proof of it, was it fair to let such suspicions go abroad? Surely southern gentlemen did not believe this of all of them; but, if there was a particular individual suspected, let the matter be thoroughly investigated. If northern members had nothing better to do, or nothing else to do with their time than to concern themselves with negro-stealing——

Mr. RHETT here interposed. If he understood the gentleman from Ohio aright, his position was, that no member of that House ought to be suspected of being capable of getting slaves to run away from their masters.

Mr. ROOT said he had not distinctly heard what the gentleman from South Carolina said.

Mr. RHETT thereupon repeated what he understood to be the position taken by Mr. R.

Mr. ROOT. The gentleman puts it rather more strongly than I did.

Mr. RHETT. I state it as I understood the gentleman. Now, I do know a man from the North (not a member of this Congress) who did it.

Mr. ROOT. Did the gentleman say it was a man now in Congress?

Mr. RHETT. I expressly stated that it was no member of the present Congress.

Mr. ROOT. Well, if the person has friends or relatives here, they must settle the matter. If the person be here, he shall have the floor to explain.

Mr. RHETT. He is not here. I do not say there are such men in this House.

Mr. ROOT, (after a pause.) I am aware that there have been some very hard cases in Congress. [A laugh.] I believe there was one member convicted of forgery and sent to the penitentiary. Was it not so? [A voice: "Yes."] Mr. R. said he would not enumerate cases. He had nothing to say to those gentlemen; he should not make any issue as to the general charge; it was enough for him if one individual deserved to be exempt from it, he ought to be so exempt, and not made an object of suspicion.

Mr. R. went on to say that these were some of the reasons why he thought that this inquiry ought not to be stifled. Let it go on; and if the inquiry was thorough, when the result was made known, Mr. R. should have a decided opinion, as he always had where there were grounds for one, and gentlemen knew enough of him to believe that he would be sure to express it in some way, if no one but his friend from Rhode Island [Mr. CRANSTON] should stand by him.

Mr. R. said he hoped gentlemen would free themselves from all trammels in this matter on the ground of privilege, and would send both the resolution and amendment at once to a committee. Let the people of the United States know whether there was or was not a mob in this District to endanger any member of Congress in the faithful discharge of his official duty; and if there was not, then let the people of the District be freed from any such injurious imputation. If the House had a member in it who had nothing to do but run negroes out of the District, let it be known; it was the right of the people of the District to know it, and it was proper that his constituents should know it. And that was one reason Mr. R. was desirous that the proposed inquiry should not be stifled.

Mr. R. had a word or two more to say on this allegation about a "lawless mob." I utterly abhor (said Mr. R.) the mob spirit. I hate mobs—all mobs. I don't care what is the provocation that has got them up. I detest a mob. If other gentlemen like them and justify them, I shall not quarrel with their taste. I am in favor of a very free expression of opinion. I hold that the man who honestly speaks what he thinks, and all he thinks, is entitled to respect, though he may be made to answer for what he says. But I do know that gentlemen both think and feel very differently at one time from what they do at another; and I cannot help thinking that the very high commendations on mobs which we have had here during this debate would never have been made under other circumstances. I, to be sure, have had but little experience in mobs myself. I detest them. Now, I consider the worst of this whole business of enticing slaves from their masters is the mob spirit in which it was done. These negro-stealers were a mob, rather small I admit—for they were a few men on board a single schooner—but they were a mob, a detestable mob, and a sneaking mob, for they worked at night in the dark.

I have been greatly astonished to hear gentlemen who profess to be warm friends of slavery talk favorably here of mobs. Why, sir, if there is an institution on the face of God's earth which has reason to dread mobs, it is this very institution of slavery. I do not say that a mob does right to assail it. I say that a mob is a most damnable way of doing anything. It must be something very good indeed—like the object of your Boston tea party—to excuse it in any degree; and that was not a mob neither, for they had prayer before they began, [roars of laughter;] and, at the end, when all was done and over, it was moved that they should give three cheers spontaneously, [increased laughter.] But I tell you, your institution of slavery will never be conserved by a mob. You are the last men in God's world that should commend mobs. You rely for your protection on the Constitution; you rely on the oaths of our fathers; you rely on our good faith—and you shall have that—in the name of good faith, in the name of our fathers, in the name of the Constitution, you shall have it. But when you leave this ground, when you throw away these pleas, and put yourselves on the strength of mobs, beware! A mob deals in weak heads and strong arms. Louis Philippe himself never had stronger reason to dread a mob than you have. I do not say that any mob can reach you; but do not you know that the mob *spirit* travels faster than the cholera? The cholera left the continent of Asia

months ago; it has been making progress towards us ever since, and it has not got to us yet. But the mob spirit broke out at Paris but the other day, and has not only got here already, but it is doing business all over the continent of Europe; so that I believe there remain now but two thrones for it to work at; and it is far from impossible that a gentleman in a blouse is now sitting on the throne of the Autocrat of all the Russias. Your institution, I say, relies on the Constitution for its security; it will never be preserved by mobs.

I hate mobs for another reason. I do not know that this debate is, on the whole, to be regretted. It has afforded a very beautiful opportunity to show how devoted gentlemen here are to their constituents. Now, I like that. I want it, at times, myself. [A laugh.] And I am glad that my colleague here [Mr. GIDDINGS] is so willing to be a target for gentlemen to practise on. I am always glad to hear such fine displays. But I would venture to suggest to gentlemen, in the ardor of their patriotism, to spare it, if they can, with a little discretion. I do not complain about epithets; not at all. I have some time ago made up my mind to put up with anything. [A laugh.] They may call me old Federalist, (and that is the worst thing they can call me,) fanatic, hypocrite, if it will do them any good at home. I am willing to take it all. I know they speak it "only in a Pickwickian sense." [Loud merriment.]

But I think they had better discriminate a little when they find a northern man who defends the rights of the South. The gentleman from North Carolina [Mr. VENABLE] thanked his God, I think, that there were some northern men that were found standing by the South under all the vituperation heaped upon them. Now, I think that gentleman is ready to thank God for very small blessings; but I believe I will say no more about that, for I do not see the gentleman in his seat. Oh, yes; there he is! He looks sincere, as if he did really thank God for it; and, if he does, then I say again he must esteem it his duty to be thankful to Heaven for the very smallest favors. [Laughter.]

But when we get beyond the Pickwickian class, if we are the subject even of a vague suspicion that we have been inveigling slaves, we are to be denounced. And if we dare to say that slavery is a moral evil, then we are abolitionists. Now, I do own that we have some of the prejudices we imbibed at the North in our Sunday schools, and from our mothers, and we are so prejudiced as to look on it as a curse; but then it is a curse we have nothing to do with, and do not want to. But that is not enough. If we do not say it is a great blessing, we are abolitionists. Now, I ask gentlemen, is that cunning? Is it wise? Is that a good course for you to pursue? For one, I do not care about it. If any gentleman chooses to call me a fanatic, or an abolitionist, he is perfectly welcome. But I suggest to gentlemen the question, whether that is exactly politic, and whether it is a course likely to promote the peace of the country? Is it a wise course to hunt up the proceedings of some ultra-abolition society, to read some of the strongest passages, and then to charge the whole on the people of the North, and then to accuse them to a man of being the agents of the British Government? But, if it were so, why may not we sympathize with Britain in her system of abolition, as with France in hers? Must only Monsieur Lamartine go ahead in that business? Do you find anything in all the doings of the World's Convention, that comes up to French abolition? They gave you pure Hayti abolition. You sympathize with this, but it is terrible to sympathize with Great Britain. I do not care what you say against her, for I know perfectly that you will never get into a war with Great Britain. [Laughter.] You may quarrel with her as you please, it don't alarm me. I know, and you know, it all ends in smoke. There is something about John Bull that makes him a most undesirable customer, and you never will deal with him in the way of fighting so long as there is a single inch of Mexico left. [Laughter.] It is said that John wants to bring abolitionists in here. What for? To get up an excitement. Why, what a great fool he must be. Does not he know that southern gentlemen will do that of themselves? Their tender affection for their constituents will get up a row here at any time. You all know cases enough of this; you all know that we can have an excitement here whenever we like. No, not excitement, I mean sympathy; yes, a sympathy, that's the new word; "excitement" is too old-fashioned; the word now is a "sympathy for consolidated liberty." [Immense laughter.]

But I am almost done. I mean to yield the floor soon to the gentleman from Massachusetts, [Mr. PALFREY,] who may be getting his paper out so as to be ready.

I have said all that I desire. I am anxious that somehow this resolution and amendment should be sent to a committee, so that full justice may be done both to the accused and the accuser. Suppose it should all end in smoke, (as some gentlemen say it will,) so much the better. Who wants the rumor to be true? I hope that a committee will get the paper, and in two hours will be able to report to us that there has been no such thing.

Well, (said Mr. R.,) I have succeeded in what I aimed at. I have in some way, I scarce know how, got the House into a good humor. [A voice: "Move the previous question."] No; when two hundred and forty gentlemen have been so kind to me as these gentlemen always are, I will not move the previous question.

Mr. PALFREY here began to address the Chair.

Mr. ROOT. Stay, stay; I have not done yet. But, as I see you are all ready and very anxious to speak, I will here yield you the floor "for a personal explanation" only; remember, "for a personal explanation."

Mr. PALFREY said he believed he was not under very much obligation to the gentleman from Ohio for the use of the floor, as that gentleman had anticipated him in almost all he had intended to say. Mr. P. had perceived it to be desirable that the House should have before it something to show that such reports as the resolution referred to were in circulation. Now, his friend had said that he personally knew the fact that such rumors were afloat here. Still, if the House desired it, he would proceed and read the paper he had in his hand. [Voices: "Read, read!"] Yesterday, when doubts had been expressed as to that fact, Mr. P. had been about to move an amendment to the resolution, but had been prevented from doing so by the amendment of the gentleman from Georgia, [Mr. HARALSON.] His amendment would have been introduced by way of preamble, with the following statement made in writing by the gentleman from Ohio, [Mr. GIDDINGS:]

"Strike out all after the word 'whereas,' and insert 'the following statement has been made, viz:

"I, J. R. GIDDINGS, a member of the House of Representatives, state that during yesterday I heard from various respectable persons that in the mob of Tuesday night my name was mentioned, and my person threatened by individuals assembled; that my lodgings were inquired for, and advised that I should be lynched by those engaged in the mob.

"That friends who heard this, represented that I should be in danger if found by those engaged, and I was advised to arm myself to protect my person.

"That during the forenoon of yesterday I visited the jail of this District. I was not acquainted with the keeper; and when I arrived, I announced to him my name, and that I was a member of this body. That I further said to him that I wished to see the persons confined there on a charge of carrying away slaves from this District. I told him that I wished to say to them that they should have the benefit of counsel and a legal trial, and their rights should be protected, and desired him to be present. He went with me to the passage that leads to the cells.

"While conversing with these men in the presence of the keeper, a mob came to the iron gate at the head of the stairway, and demanded that I should leave forthwith. The keeper informed them that he would not open the gate until they left. I was then told that my life was in danger, unless I left the building immediately. This I refused to do. The keeper assured them that he would not open the door until they retired. I was further informed that the mob had compelled the guard at the lower gate to deliver up the key to them; and in this way they had opened that gate, and by that means obtained access to the passage at the head of the stairs.

"After the mob had left the stairs, and entered the lower passage, the keeper and myself, and the Hon. E. S. HAMLIN, who had visited the jail as attorney for the prisoners, with me, came down to the lower gate, in front of which the mob was assembled. He opened the gate, and I walked out. This morning I have been informed by a gentleman who is a stranger to me, but who says he was present and heard the proposition made by individuals to lay violent hands upon me as I came out of the prison, one of whom, he informed me, was a Mr. Slatter, a slave-dealer from Baltimore, whom he states to have been active in instigating the others to acts of violence.

"This day I have been informed by various individuals that during the mob of last night my lodgings were inquired for, and my person threatened with violence and lynching.

"I further state that I have no doubt of the accuracy of the statements to which I have referred.

"*Resolved*, That a committee of five members be appointed to investigate and report to this House respecting the points alluded to in the above statement; and that said committee be authorized to send for persons and papers, and to sit during the sessions of the House."

Mr. P. also read an anonymous letter received by Mr. G., advising him "to take his carcass out of the District;" that "his time was short," &c. He said it had a P. S. which he would not read.

Mr. ROOT resumed the floor. There was one other word he wished to say; it was on the intimation, he would not say the menace, of the gentleman from Virginia, [Mr. BAYLY,] about the bill he meant to introduce into the House. If that gentleman thought that such a bill ought to be brought in, he had done right to apprize the House of it. Feeling it to be his duty to do so, Mr. R. admired his independence and his scorn of all that could and would be said against it. But he could not but regret that any American statesman here, at this day, in this year of grace 1848, should think that such a measure was likely to do any good. What! Restrain the freedom of the press! At this time of day, in this nineteenth century, shackle the press! Why, what were the blouses about in France but breaking off just such fetters as the gentleman would try to put on it?

They had disposed, in a summary way, of just such modes of restricting the freedom of the press as the gentleman was for proposing. It was those very restrictions which had contributed more to produce the recent revolution in France than any other thing. And were we to resort to a policy which Europe had rejected? He would assure that gentleman, if he adopted the course he had indicated, (which no doubt he would,) he would incur more popular odium than by any other thing he could do. If he should succeed, it would be assuming a responsibility for the South which they and theirs would regret the longest day they lived. It was too late in the day to talk to Americans about a censorship of the press.

Mr. BAYLY reminded Mr. R. that he had not proposed a censorship of the press, but had expressly disclaimed such an idea. Did the gentleman consider the press under a censorship now, because an editor was responsible to a jury for what he had published?

Mr. ROOT said he did not mean that the gentleman had proposed all the machinery of a regular censorship of the press, but that was the amount and would be the effect of his bill. The press was already sufficiently responsible. If it indulged in slander, it did it in defiance of law. Mr. R. was aware of the difficulty of convicting and punishing such offences; but he did say, that to attempt to impose any other restrictions on the press would rouse all minds against the gentleman and his proposition, and, if it should succeed, it would recoil on him and his friends with a force they would be little able to endure.

Mr. WICK here got the floor, and, after a remark or two, moved an adjournment; and after several motions and some conversation, the motion was amended so as to adjourn to Monday.

And then the House adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 24, 1848.

The Journal of Friday was read and approved.

The SPEAKER laid before the House a communication from "the executive committee of a general meeting of the citizens of Washington," inviting the Speaker and members of the House of Representatives to participate in the celebration of the recent French Revolution, and of the other republican movements in Europe, by the citizens of Washington this day.

Mr. COCKE asked leave to submit the following resolution:

Resolved, That the daily hour to which the House shall stand adjourned shall be eleven o'clock, until otherwise ordered.

Objection being made—

Mr. COCKE moved to suspend the rules, to enable him to offer the resolution; on which motion the yeas and nays were ordered.

Mr. JAMESON moved that the House adjourn. Lost.

The question was then put on the motion to suspend the rules, and decided as follows: yeas 99, nays 69.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. BOYD moved to suspend the rules for the purpose of taking up and referring to appropriate committees the various Senate bills lying on the Speaker's table, one of which is the ten-regiment bill.

The motion was decided by yeas and nays, and there were yeas 84, nays 88.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. VINTON moved to suspend the rules, to enable him to offer a resolution making the various bills making appropriations for the year ending June 30, 1849—viz: for the payment of revolutionary and other pensions of the United States; regulating the appointment of clerks in the Executive departments, and for other purposes; for the payment of navy pensions; for the service of the Post Office Department; for the naval service; for certain fortifications of the United States, and for the civil and diplomatic expenses of Government, and for other purposes, the special order of the day for Wednesday next, at one o'clock, p. m., and so to continue until disposed of.

Mr. FICKLIN asked Mr. VINTON to include in the resolution the bill establishing the Territorial Government of Oregon. Mr. V. declining—

The question was put on suspending the rules, and there were ayes 92, noes 55.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. McKAY moved a suspension of the rules for the purpose of offering a resolution to fix the daily hour of meeting at ten o'clock, a. m., and to authorize the Speaker to adjourn the House daily at three, p. m.

Mr. STEPHENS suggested to the gentleman from North Carolina to make the hour of meeting eleven, a. m., and of the adjournment four, p. m.

Mr. McKAY intimated, that if the House would suspend the rules, he would so modify his resolution.

The motion to suspend was not agreed to; and then the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. MACLAY: The petition of John Downey, of New York, for a pension.

By Mr. COCKE: The petition of Dickinson Lumpkins, of Campbell county, Tennessee, a revolutionary soldier, praying Congress to grant him a pension for services rendered in the war of the Revolution.

By Mr. J. R. INGERSOLL: Two memorials from citizens of Philadelphia, asking that a route for a post road may be surveyed between the cities of New York and Philadelphia, the line of such road to be retained under the perpetual control of the Union, and to be used for the construction of a railroad.

IN SENATE.

MONDAY, *April* 24, 1848.

Mr. ASHLEY presented the credentials of Mr. SOLON BORLAND, appointed by the Governor of Arkansas to supply the vacancy occasioned by the resignation of Mr. SEVIER. After having been duly qualified, Mr. BORLAND took his seat.

The VICE PRESIDENT laid before the Senate a communication from the citizens of Washington, inviting an attendance upon the ceremonies in favor of French liberties.

MEMORIALS AND PETITIONS.

Mr. HANNEGAN presented a petition from the President of the Ohio and Mississippi Railroad Company, asking for the right of way through the public lands of Indiana and Illinois for the use of that company; which was referred to the Committee on Public Lands.

Mr. CAMERON presented a memorial from the Board of Trade of the city of Pittsburg, Pennsylvania, asking for the enactment of such a law as will give additional security for life and property in steamboats; which was referred to the Committee on Commerce.

Mr. HALE presented four memorials from citizens of New York, stating that Governor Childs had ordered the men to kneel to the Host at Jalapa, and practise other degrading ceremonies, on pain of death, which they complain of as a palpable violation of their constitutional rights; which were referred to the Committee on Military Affairs.

Mr. PEARCE presented several memorials complaining of the monopoly of certain railroad companies of New Jersey, &c., and asking that Congress will make a post route through said State; which was referred to the Committee on the Post Office and Post Roads.

Mr. MILLER observed, that in these times of wild excitement, he might find it no difficult matter to get up one on his own hook in favor of *peculiar State institutions*. In the face, however, of another excitement of a more pleasurable nature—the celebration in favor of French liberty—he would content himself by observing that the statements set forth in the memorials that had been presented, would be found, on investigation, unsustained by facts, or at least that there was great exaggeration.

Numerous memorials were presented by Senators in favor of the purchase of Mount Vernon by the General Government.

On motion by Mr. DIX, the memorial of Sarah Ann Hart and others was referred to the Committee on Naval Affairs; and the petition of Arnold Naudain was referred to the Committee of Claims.

Mr. ASHLEY presented a petition from citizens of Arkansas, asking additional land for purposes of education; which was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill for the relief of William Greer; which was read a first time.

Mr. FELCH, from the Committee of Contingent Expenses, made an adverse report on the petition of James Moore.

Mr. MASON, from the Committee of Claims, moved that the bill and report for the relief of James Lawton be referred back to the Committee of Claims; which was agreed to.

Mr. CAMERON, from the Committee for the District of Columbia, moved that the bill to incorporate the Washington Mutual Insurance Company and Savings Institution be recommitted to the Committee for the District of Columbia; which was agreed to.

BILLS ON LEAVE.

Mr. BRIGHT, on leave, introduced a bill for the relief of Gamaliel Taylor, late marshal of the United States for the district of Indiana; which was read twice, and referred to the Committee on the Judiciary.

Mr. FOOTE, on leave, introduced a bill to amend an act entitled "An act to appropriate the proceeds of the public lands, and to grant preëmption rights;" which was read twice, and referred to the Committee on Public Lands.

Mr. LEWIS, on leave, introduced a bill to change the place of holding the district court of the United States for the middle district of Alabama; which was read twice, and referred to the Committee on the Judiciary.

RESOLUTIONS.

On motion of Mr. CLARKE, it was

Resolved, That the President of the United States be requested to furnish to the Senate copies of any correspondence in the Department of State with the American chargé d'affaires in Portugal, in relation to the claim of the owners of the ship Miles Warren, in the State of Rhode Island, upon the Government of Portugal, for payment of a cargo of oil taken by the officers and applied to the uses of that Government; also, copies of any correspondence between our chargé and the minister of the Portuguese Government relating to the claim for and payment of said cargo, together with such papers as are in the department substantiating said claim.

On motion of Mr. CLARKE, it was

Resolved, That the Joint Committee on the Library be, and they hereby are, directed to ascertain, from the present owner of the library of the late General George Washington, whether the same is now for sale, of what number and value are the books in said library, and at what price the same can be purchased by Congress.

Mr. BELL submitted the following:

Resolved, That the reporter of the Senate be directed to supply each member of the House of Representatives with a copy of his report of proceedings and debates of the United States Senate for the present Congress; the expense to be paid out of the contingent fund of the Senate.

Mr. BELL hoped the resolution would be agreed to. It contemplated an act of courtesy to the members of the other House to which he presumed no Senator would be disposed to make an objection.

Mr. TURNEY objected to the consideration of the resolution at this time. He thought it was uncalled for, as the House had now the Congressional Globe, in which the proceedings and debates of the Senate were published *in extenso*. If they desired any other report, they could supply themselves.

The resolution was therefore laid over.

Mr. DAVIS, of Massachusetts, rose to present to the Senate an amendment which he had prepared and intended to offer when the bill came up relative to our commercial relations with China and the Ottoman Porte. The amendment was received and ordered to be printed.

On motion of Mr. PEARCE, the bill for the relief of Lorimer Graham was considered in Committee of the Whole, and passed.

On motion of Mr. WESTCOTT, the bill relating to certain surveys in the State of Florida was considered in Committee of the Whole, and passed.

On motion of Mr. BREESE, the bill to require holders of military land warrants to compensate the land officers of the United States for services in relation to the location of these warrants was considered, and ordered to a third reading.

On motion of Mr. CAMERON, the bill to provide a communication across the Eastern Branch of the Potomac, in the District of Columbia, was taken up; but, before any proceeding thereon,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 25, 1848.

The Journal of yesterday was read and approved.

On motion of Mr. CALEB B. SMITH, the bill for the admission of the State of Wisconsin into the Union was made the special order for Tuesday next, and every succeeding day until disposed of.

THE QUESTION OF PRIVILEGE.

The House resumed the debate on the resolution of Mr. PALFREY, respecting the individual privileges of members of the House.

Mr. WICK said, whenever a discussion arises here upon any topic connected, even remotely, with the subject of slavery, it mainly falls into the hands of men entertaining extreme opinions, and under the influence of strong feeling; and the result is, that moderate men, who think that they and their constituents see the subject in all its bearings, would, were they not admonished by opinion, almost universal, be in danger of falling into skepticism as to the truth of the admitted fact, that this House is the collected wisdom of the nation.

I propose, sir, not only to express my views in opposition to the adoption of the resolution before the House, with or without the proposed amendments; but it is also my purpose to follow the example of those who have preceded me, with the exception of the honorable member from South Carolina, and some others, and take up and consider the subject of slavery, the rights of the slaveholder, the agitation of propositions to preclude, by legislation here, the possibility of the addition to the Union of any further territory without an exclusion of slavery therein, and generally the griefs, existing or alleged, growing out of the subject and its agitation. To do so, will be but the fulfillment of a desire and purpose long entertained.

I disagree, *toto cœlo*, with those who fear that evil is to result from frequent and full discussions of this subject. On the contrary, I know that it must be discussed; and for that discussion, now or any time is the proper time. In the extreme South, you have no discussion, for you have but one opinion. In the extreme North there is a partial consideration of the subject, but not such as to elicit, to any great or sufficient extent, a frank disclosure of opinions by any, except avowed abolitionists, who have nothing to lose. Their mode of treating the subject is sufficiently blunt. But, if I mistake not, other political parties, in some instances—the Whig party almost generally—instead of taking their ground firmly upon the constitutional truth, charity, and practical good sense, whose teachings, calmly and faithfully presented, are always acceptable to the mass of the American people, and are amply sufficient to secure the perpetuity of the Union, have forgotten the relations which exist between them and their southern brethren, and, to some extent, have compromised with the enemy of the public peace and of the Union—the abolition politician, and agitator—who, having nothing to lose, can afford to be reckless and audacious. He is at the bottom of the revolving wheel. A revolution might make a Marat or a Danton of him. Hence, he agitates fearlessly and boldly. His audacity is his political virtue. It even gives him the semblance of courage. Defying all laws, he contrives to be apparently a victim, and assumes the guise of a martyr upon the smallest imaginable occasions.

If, instead of persecution, he finds himself the object of quiet disregard, he thinks himself a most unfortunate gentleman, and will add to the venom of the slime which he leaves in his tortuous path, in hopes to provoke some one to give him a kick, so that he may feel and proclaim himself a martyr. It is mortifying to reflect that abolitionism should become sufficiently formidable in any quarter to make it the *present* interest of politicians, and especially of political parties, to even a mere local extent, to descend from the platform of the Constitution, and adopt, as a part of their creeds, dogmas so far colliding with the interests and rights of entire sections of the Union, as to justly excite in the bosoms of the inhabitants of those sections a sense of injury and insult. But so it is. And this is the cause why this subject of slavery is so troublesome. The Abolitionist is among us, and there let him stay. He has a right to be among us. Shall we say that it is dangerous to discuss the dogmas of his paternity because they have been adopted by others? Sir, I fear nothing from discussion; that is, nothing of evil to the Republic. I may suffer individually. A few may be pricked by my sayings and become deadly enemies. They may cause me to fall politically. But it will not be by presenting my opinions and votes, on this and analogous questions, to those constituents by whose votes I am here; for, of those, there are not more than forty who will disapprove of my course on this subject. But, a few busy men, inspired by a single idea, and acting upon the principle that the end justifies the means, may effect a great deal, by urging against me other considerations, true or false, accordant with the popular feeling. My course on this subject will never be condemned in my district by Democrats, to any extent, except in whispers among those who, for the sake of their own consistency and candor, ought to acknowledge themselves the disciples of JOHN P. HALE. A vast majority of my Whig constituents will secretly approve of my course; but, for fear of their abolition allies, and because I am a Democrat, I shall never have the benefit of their open approval. They *must* find fault with all I do or say.

But, sir, as a member here, and in the discharge of my duty, I would not think of myself, but of my constituents and country. I am satisfied that the public good, as involved in the perpetuity and general ascendency of the Democratic party, will be promoted by the free discussion of this subject. As one of my constituents said at an Abolition Convention, and in reference to the speeches he there heard, "let every fellow talk to his notion." Sir, I deny that, in a republic, any theme, proposition, or *projet*, is to be *tabooed*. The good sense of the people will set all right, if you will discuss fearlessly, here and elsewhere, in speech and in print, and by all other possible means. The people hold truth and its advocacy in respect. "Truth is mighty, and will prevail."

But I am digressing. My first object is to state a single reason why I shall vote against the resolution before the House.

I do not understand that, under our Constitution or laws, any act is a breach of privilege, if its offensiveness be confined to members of the House in their individual character, and if its motive be found in the unofficial conduct of the member or members. If a member be assailed or menaced *for words spoken in debate, or for the discharge of his duty*, I grant it is a breach of privilege. But nothing of the kind is alleged in this case. If the member from Ohio [Mr. GIDDINGS] will bring himself within my views of the Constitution and law, I will not pause to inquire whether this application for the exertion of the most extraordinary and dangerous power of this House is or is not brought forward from a regard for the honor and prerogatives of the House. I will not suffer myself to guess that the honorable member's *forced* popularity at home, hot-housed into a long continuance by a former expulsion from this Hall, as just as it was impolitic, is failing for want of thorns to crackle under his pot; and that, in order to remain here, or elsewhere in political life, longer, he must have a new inventory of martyrdoms to lay before his most respectable, though somewhat peculiar constituency; and that he made a pilgrimage to the Washington city jail to see those who were there in durance, (but who were no constituents of his, and who had immediate Representatives in this and the other Hall, to whom they could apply,) in hopes to be mobbed or threatened, so as to make a case to bring before the House and country, and so to bring to the notice of the good people of the Western Reserve his most martyr-like virtues, and the great wickedness of Washington city mobs, and thus incline the hearts of the excellent citizens of said Reserve to give him another lease of his desk here for a two years' term, renewable forever. I would not deprive the honorable member of the advantage resulting from such amiable diplomacy. I wish him to retain his place here. I have got used to him. The House and the country are used to him. I fear there would be a stagnation here if we were deprived of his presence. Besides, sir, I am persuaded that his constituency will always—for a long time to come, at least—return to this House some sort of political monstrosity; either an abolition-mounted Whig or a Whig-mounted Abolitionist. Now, sir, the honorable member has, in a sort, been a fixture here for a long time, and I myself have cultivated for him a peculiar regard—a sort of affection; and as I was raised, as they say in Virginia, in this same Western Reserve, I have the most friendly reminiscences concerning many of his constituency, when they and I were gossoons together; and I give it as my deliberate opinion that there is no man in the world can so well represent them, while they are such as they now are, as the honorable member himself. Therefore, if I supposed it needful to the honorable member, I would do anything in reason to secure him political perpetuity. But it is not now needful. If we refuse the desired inquiry, that will be persecution. And if we grant it, he will get a first-rate electioneering document, at public expense, in the evidence reported by the committee. For that matter, he has it now in his statement presented by the honorable member from Massachusetts; for the majority of his constituents will think his pilgrimage to the city jail was a mission of mercy, and will think of him for President—though I know his well-understood modesty will decline that honor—and then they will wonder at his moderation!

I vote against the resolutions, and the inquiry which they propose, (as I hope I have demonstrated,) from no lack of kindly feeling towards the honorable member from Ohio, but solely because the menaces which he states to have been uttered against him were not aimed at, or caused by, any specific words spoken in discussion here, nor at nor by any act of official duty. It is those matters alone that are protected by our American doctrine of privilege. I know the English precedents go further. But I do not recognize their authority. They are not adapted to our institutions, or to the state of things in this country. If a member of Congress gets into a personal scrape when cruising on his own hook about the purlieus of Washington, and beyond the precincts of the Capitol, he must rely on the judiciary of the District. I believe justice is as well administered here as it is in Ohio or in Indiana, and the laws afford the most ample remedies.

I wish to premise my further remarks by a brief narrative of the events which have produced a temporary excitement in this Hall, and which will (as was intended) extend into certain vicinities of the country.

A few days ago, a vessel from one of the northern ports landed at a public wharf in Georgetown, within this District, (Georgetown, in fact, adjoins this city,) and discharged a load of firewood. In a night or two after discharging freight, the vessel made sail down the river. The next morning near eighty slaves were missing in this city and Georgetown, having been taken on board said vessel. Under the direction of the constituted judicial authorities, or of the persons interested, or both, a steamboat made pursuit in a few hours, and, in a peaceable and orderly manner, overtook the piratical craft, and brought it, the captain, and crew, and also the runaway slaves, back to this city, and lodged them in jail. On the way from the steamboat landing to the jail, there was no material disturbance, though I heard a few exclamations against the alleged thieves. I should say no more than, if as much as, I have heard on several occasions of the arrest of horse thieves, taken with the stolen horses in their possession, and brought into my own good and orderly town of Indianapolis. A member of this House [Mr. GIDDINGS] went to the jail to visit the alleged criminals. They were not constituents of his, but strangers to him. He took with him his friend, Mr. Hamlin, and recommended him to the criminals as a lawyer, to be employed for their defence. They (the prisoners) had not sent for the honorable member, or for Mr. Hamlin. They are said to be principal owners of the vessel aforenamed, and needed no charity. A variety of inferences have been started as to the motive of the honorable member in visiting the jail and prisoners. The honorable member understands himself as having been influenced by considerations of humanity solely. In the community of this District, the act was understood as an effort publicly to give the sanction of the honorable member's name in condemnation of the slave-holding which their fathers practised, and taught them to practise, and as a sort of defiance of them. By some persons it was simply understood as a not very respectable act. These inferences, of others than the honorable member, may or may not be correct. I know the honorable member likes troubled waters; but I am slow to conclude against him the implication of low or dishonorable motive. Yet I must acknowledge, that had the honorable member failed to assure us that his motives were merely humane, and were he a stranger to me, I should, on the case stated, have inferred that he went to the jail on purpose to get into a scrape. And but for his assurances, I should have inferred that Mr. Hamlin was his special friend, and that he was anxious to place him in a position as counsel for these prisoners, to present his bills to the northern Abolition societies, whose promptitude in paying such bills, on the certificate of the honorable member from Ohio, will not be doubted. They are capital paymasters. One or two of my professional brethren at home tried them, and found they bled freely. If the honorable member's friend should, in consequence of being a stranger, and of his social connections, be of no service to his clients, but the business have to be done by the lawyers of this District, who understand the local laws and the practice of the courts, and who, from their knowledge of the population, can understandingly challenge jurors—why, so much the greater will be his obligations to the honorable member. The worst inference which, in the absence of the assurances of the honorable member, I could make, would be, that he had got his friend a fee, and done something to be talked of among the good people of the Western Reserve—thus killing two birds with one stone; and if he failed in getting himself mobbed, why, he saved his bacon.

A handsome young Englishman eloped to the continent with the ugly old wife of an earl. At Florence, he met a quondam college chum, who asked him thus: "Ned! what, in the name of all that is wonderful, made you run off with such a frightful bag of shuttles—such a withered, haggard, dried-up specimen of the feminine gender as is this countess?" "Why," said Ned, "I tried every way to do something to be talked of, and get into the gazette—all in vain. I determined to be notorious. The countess was the only woman of rank who would run off with me, and find me guineas to make me happy. Had I run off with a young, beautiful commoner, it would have been a small affair. But a countess, eh! Notoriety, my dear fellow; notoriety is everything." If the honorable member from Ohio worships the same goddess with this sprig of aristocracy, he will find her propitious, I fancy, under the circumstances, which seem to have grown up as if by magic to his hand. I am persuaded he will be a fixture in political life, here or elsewhere, not while "sun and moon endure"—not "while grass grows and water runs"—but so long as just his corner of Buncombe should have the bad taste to appreciate his services at less than their great value, it can so happen that he can become the subject of an expulsion, an investigation, or of a fuss in general.

Why, sir, the honorable member is not an exception to the rule. Many a clever fellow, elected as the first choice of his district, and called a right smart man at home, sinks into disregard because he does nothing here for notoriety—nothing to be made the subject of an editorial, a letter, or a speech.

I have made a sliding scale of the means of acquiring notoriety as a member of this House, drawn from the most authentic sources, and find them as follows:

1st. To be gloriously persecuted.

2d. To get into a fight.

3d. To have many heated altercations, and always get the better in the way of hard sayings.

4th. To move a suspension of the rules often, for the purpose of introducing popular propositions.

5th. To make frequent personal explanations.

It is true that the first three will be almost unavailing, unless you can get the editors and letter-writers to take the matter in hand; and it is also true that our masters have so far come to an understanding of the last two, that none but a green one will rely much upon them. But if a man can only bring all of those means into his service, he is in a fair way to become a tall cedar, and, as a member of this House, perennial.

I myself have never had any reason to complain of persecution. They lied on me some at home; but that was to be expected. Here I have complained of nothing. I had a bargain with one of my Democratic friends to get up an altercation, and consequent fight; but we abandoned the plan, for fear we should both burst into a laugh, and so expose our plot. I have had thoughts of "lighting on" some little fellow of a Whig, but then I am afraid of "foreign intervention."

The honorable member from Ohio seems to understand such things; and I appeal to his personal kindness to get me into some scrape, which will make a great noise and fuss without hurting skin or bone, so that my good constituents may see that I am fighting gloriously in their behalf. If the honorable member refuse me this favor, I very much fear that I shall never enter this Hall after the expiration of the present Congress. To be sure I am here late, early, and always, answer all letters, attend to all commissions, vote on all questions, and make speeches when I can get the floor. But there is no excitement in these things; they are too common. O! if I could only get myself terribly mobbed, or whipped, or whip somebody, or get persecuted! Verily, my good nature and my industry will be my ruin! Would it not be hard for a man to lose a seat in Congress only because he attends to his business, and will be a gentleman?

But, sir, I am wandering somewhat from the point, I fear.

In addition to the facts which I have stated, but little remains to be told. It is said that there have been mobs collected in this city, on two consecutive nights, following the events already narrated. I was present at one of them. It was a very orderly, mob—much more so than this House often is. It passed divers resolutions. I was not pleased with one of them. I am not always pleased with the resolutions adopted by this House. They resolved that if the editor of a certain abolition newspaper, published in Washington, did not, before the next night, remove his press from the District of Columbia, they would remove it for him. He did not remove it. At the time appointed the mob "met pursuant to adjournment." Did they tear down the press, or remove it? Not a bit of it. The editor of the abolition paper (to his honor be it spoken) stood his ground. He informed the most gentlemanly mob that, so far as their resolution was concerned, he was a nullifier. He threw himself upon his reserved rights. Whereupon this most polite and law-abiding mob (to its everlasting honor, and to the honor of Washington city, and of the District of Columbia, be it spoken) most magnanimously backed out, and nullified its own resolution; and there stands the abolition printing press and office in all their glory! That it was established here on purpose to be mobbed, and demolished, so as to excite sympathy, and force abolition principles and feelings upon the people of the northern States, many do, and will continue to believe. I do not. Be that as it may, if the people of this District will not demolish an abolition press, located among them, within a week after near a hundred of their slaves have been stolen, they never will. So mote it be.

I believe I have narrated all the material facts, except that some blackguard, or abolitionist, threw a few stones out of some dark corner and broke a window or two a little.

"Behold how great a matter a little fire kindleth." Out of this affair, a very animated discussion has arisen in this Hall, and the honorable member from Ohio is, in one way or the other, sure of his crown of martyrdom. The abolitionists of the North, and the cavaliers of the South (some of them) will, for once, agree in opinion. They will both swear (to the best of their knowledge and belief) that there is a prodigious excitement all over the country. When a man is drunk he takes every man he sees to be drunk.

I am well aware that my calm mode of considering this subject accords not at all with the political interests of abolitionists. Nor will it be acceptable to the tastes of the thoroughbred southern cavalier. The interests of the one would be better subserved, and the tastes and feelings of the other more flattered, if I would go into some sort of a fit on the occasion of the discussion of this terrible topic! Excuse me, gentlemen, I am not spasmodically disposed. I am not inclined to take either a convulsion or an epileptic fit on the occasion. No! not even an hysteric spasm. The topic is *not* a terrible one to me, nor to those by whose votes I am here. Your united arguments and vociferations cannot induce me to believe, or to say without believing it, that the Union is in any immediate danger on account of slavery or abolitionism, or of the folly or wickedness of either.

I propose to give a synopsis of the opinions of myself, and of all (except about thirty) of those by whose votes I am here. Listen, and see how you like our way of thinking. I propose not only "to speak to the best of my knowledge and belief the truth, and nothing but the truth," (as is, I believe, usual here,) but also to "speak the whole truth;" in which respect I shall perhaps be rather unfashionable.

Our opinions are about as follows:

1st. The original cause of slavery—the stealing of men and women in Africa—was, in our opinion, an act, or a series of acts, of unnatural, oppressive, and unmitigated wrong. So, also, we think of knowingly purchasing, as slaves, the women and men thus stolen.

2d. We understand, in reference to the holding of slaves by descent, or purchase from those to whom they have descended, that it may or may not be wrong, according to circumstances and the intent of the actor. We generally would agree upon the declaration of one of the few churches, whose organization in the United States has not been broken up (to their shame be it spoken) by the unprofitable agitation of this subject—not generally among the church members, but principally among the clergy in their periodical assemblies, conventions, or conferences—which declaration, if my memory does not fail me, is in these words, to wit: "Slaveholding, as practised in these United States, is not, in itself, of necessity, sin."

3d. We believe that the introduction of slavery into the United States, though brought about by acts in violation of his law, is of the providence of God; and that, in defiance of the madness of fanatics, and not by their agency, He will bring out of it great good to his creature man, the special object of his providence and grace.

4th. We hold that, under the Constitution of the United States, Congress has no power to either authorize or prohibit slavery in any State or Territory of the United States. We admit the power of Congress to regulate slavery in the District of Columbia; and we think that Congress ought to exercise that power by prudent and moderate legislation aimed at any abuses which exist. A strict construction of the Constitution forces us to this conclusion. As Democrats, we are bound to adhere to a strict construction of that instrument. It is therein that we differ from Federalists, whom we accuse of frittering away the Constitution by a liberal construction of it.

I am aware that one of my votes, given in the last Congress upon an amendment to the Oregon bill, conflicts with an opinion expressed in this paragraph. That was before I had thought well upon the subject, with the Constitution before me. If any one wishes to hit me a personal rap, in retort for some of my general remarks not exactly to his taste, I can furnish him with much more glaring instances of change of opinion and practice, on my part, than in this small matter. I was a Federalist once, and now I am a Democrat. I once believed, verily, that the first chapter of Genesis contained a literal narrative of facts, and that the world was only about six thousand years old: I now find in said chapter a beautiful specimen of Oriental allegory, shadowing forth the works and providence of God. How old the world is, I do not even begin to inquire. Geology proves it to be many millions of years since it had existence in some form. In practice, too, as well as opinion, I have changed much—I hope for the better. Any fool can be consistent, but it is only a man whose wisdom exceeds his personal pride, who will gladly abandon heresy and embrace truth, as he shall, by searching, find it out.

5th. We hold that some of our northern friends very gratuitously shoulder, as national sins, matters of law, under the exclusive control of States and Territories. We deny, as antiquated, and as appertaining to a dark age, the notion that one man can be made morally responsible for any but his own acts, and those which he *directly* encourages others to commit. We are skeptical, generally, as to there being any such thing as national sin. And, in this connection, we deny that it is any part of the duty of the people of New England, or of the Western Reserve, to repent of the sins of southern slaveholders. We deny the virtue of any such vicarious repentance; and, with all our charity, we sometimes fear that those who thus busy themselves about the transgressions of others, will, as a consequence, become sad pharisees, and each go blundering along with an unmitigated beam in his own eye. We intimate this most respectfully.

6th. We respectfully suggest to our slaveholding brethren to consider of the propriety of gradually emancipating their slaves, and hope they will effect that object at the time they may judge best; and we make it a special request that they will so conduct the operation as not to inundate us with their emancipates. We dread the presence of a numerous colored population among us, and have endeavored to provide against it by State legislation. But such laws will be evaded. The newspapers, from Maine to Texas, have said that our supreme court has decided our law on this subject to be unconstitutional; on the contrary, the court decided the law to be constitutional and binding. The court consisted of a man from "the old Bay State," a Jerseyman, and a Virginian. The court was unanimous, I believe. The newspapers are not right *always*.

7th. We esteem a professional slave-dealer as an unmitigated brute beast.

8th. We deny that an increase of the area of slavery will, of necessity, increase its volume, unless the importation of slaves be again authorized, which no one thinks of. We can see that it may better the condition of slaves. We can see that the huddling together in a small compass of the slaves of the country may accelerate emancipation. But we also see that such hasty emancipation would be likely to bring upon us in Indiana an avalanche of colored population. Admitting that evil is to be feared, as to the continuance of slavery as a consequence of extending its possible area, we deny the constitutional power of Congress to legislate in prevention of that evil. It is a matter of municipal legislation appertaining to the States and Territories. We do not see the end. But we are sure that God does.

9th. When we hear a man declaim about the hardship to northern laborers resulting from slave labor coming in competition with their labor, we are sure he does not understand himself, if he proposes, as a remedy, the abolition of slavery or its restriction. If the slaves be emancipated, their labor will still and nevertheless continue to come in competition with the labor of the white man of the North. If the importation of slaves were practised or allowed, the argument would be good against such importation. The benevolent abolitionist or anti-slavery man ought not to insist on this argument. It is unsound. To remove the competition created by the labor of the colored man, it will not be sufficient to emancipate him. The poor fellow must be exterminated, to release the white laborer from the competition complained of It is very important sometimes to examine subjects. Do you remember the story of Dr. Franklin, the philosophers, the bucket of water, and the fish? Enough said!

10th. We doubt not but that there are many cruel masters in the South, who misuse and treat cruelly their slaves, to a greater or less extent; but we do not believe that God sent all the evil human nature into the southern States, and all the choice qualities of the same article into New England, New York, the Western Reserve, &c. We *guess* He adjusted the matter about equally. A man of wealth and of a cruel disposition in the South, we suppose, will indulge himself in oppression and cruelty towards his slaves; and the same sort of a man in the North will amuse himself by lording it over his poor neighbors, oppressing the widow and the fatherless, and tyrannizing over his wife, chil-

dren, and servants. One thing we know: emancipated negroes and runaways among us, after a little experience, universally prefer being employed as servants by those of our people who are from Kentucky and Virginia. They say that Yankees do not know how to treat colored people. In fact, I have frequently known them prefer pinching want, in their own little cabins, to profitable service in the most respectable families from the eastern States.

Moreover, we doubt not but that the truly benevolent man can, and does, as the owner of slaves, find numerous opportunities of exerting his good qualities in his demeanor towards them. He can be, and frequently is, to his slaves, friend, counsellor, and physician. We are of opinion that such masters are more frequently found in rural life than in towns. The town spoils the slave, and does not morally improve the master. We believe that a great deal of southern benevolence finds scope in most praiseworthy efforts to improve the condition of the slave; and are satisfied that, in many instances, southern chivalry expends much tenderness upon the female slave. We do not praise this.

New England is full of benevolence. Witness the numerous associations formed with a design to better the condition of man. Sometimes, when we become a little pharisaical ourselves, we inwardly smile at the ostentation of the thing; but we give a hospitable reception to all the missionaries the New England societies send among us to convert the heathen of Indiana; and, thus far, some of our young savages marry the female teachers they send us, about as soon as they come to hand. Send them on. They make good wives; and they look "so almighty slick," that they will soon be released from school-teaching, by being called to preside over the houses of young Hoosiers. If they preside over the Hoosier's person and mind, as well as over his affairs, why—no odds—it is not slavery. We hold the northern and southern people to be alike good and alike bad. They are good and bad in different ways. Were we to criticise you, we should say that there are a good many sinners in the South, and a good many Pharisees at the North; and we doubt not that if you were to get out of temper with us, on precisely the same day, you could get up a joint meeting of puritans and cavaliers, and unanimously vote us out of the synagogue as publicans. Do so, if you feel like it. In return, we wish you both well, and pray God to cure you of your mutual disposition to repent of each other's sins, whereby you convert this Hall into an arena for unreasonable, uncharitable, and reproachful squabbling, in which we take no interest, except to be pained thereby. We have no respect for your unfraternal objurgations. Excuse our plainness. It is our way.

11th. We have witnessed, for years, the unprofitable and most injurious effects resulting from efforts to legislate, contrary to the Constitution, on the subject of slavery; whereby much time has been wasted, and much *ill feeling* and local jealousy brought into existence, and have resolved to esteem most highly those who are most silent on that topic in this Hall. We are aware that Democrats, professing to be strict constructionists, sometimes bring the subject forward. For the benefit of such, I will tell a story. A clever young Hoosier was riding along one of our roads. He was mounted on a full-blooded whip and Bertrand horse. He met a wealthy and respectable gentleman, reasonably good-looking, very ruddy, and rather oldish, who was mounted on the ugliest specimen of horseflesh imaginable. He (the horse, not the man) was snip-nosed, big-headed, ewe-necked, swag-backed, hog-rumped, sickle-hamed, timber-limbed, knock-kneed, and clump-footed. Moreover, his mane and tail were not flowing, but bristly; each fetlock was like a festoon of chestnut burs, and he had a vile trick of stumbling against any other horse he met on the road. In that way he victimized the horse of our young cavalier, repeatedly, while the two riders were taking a chat *en passant*. The following dialogue thereupon took place between the rider of the fine horse, whom we will call for the nonce Blood, and the rider of the ugly horse, whom we will temporarily christen by the name of Jade.

Blood. I say, my dear sir, you ride just a leetle the ugliest specimen of horseflesh I ever did see. It is a mortal shame to be riding such an animal round the country, blundering against people. See, your abominable beast has corked my horse till he will limp for a month, and he has barked my shin like blazes. You ought to shoot him.

Jade. I am bound to acknowledge that my horse is no beauty, and he is no great saddle horse. But for ploughing corn, harrowing in oats, snaking logs, and riding round the farm, he is capital; and then he is so good and quiet for the boys to ride to mill, and the old woman to meeting. I admit he is a bad roadster, and blunders against people to a degree. But I say, let them keep out of the way.

Blood. Have you no better saddle-horse?

Jade. Yes, several; but it suits me to ride this beast. I think *to force some one to buy him.*

Blood. Soh! old fellow, is that your policy? Now, I do not blame your horse for being ugly. He is as he was made. I do not blame you for owning him, and using him *at home*, for your ploughing, harrowing, and snaking, and for your domestic riding round your farm; but if you are a clever fellow, you will keep that horse *at home.*

And so say I to northern Democrats of the Wilmot proviso and self-called anti-extension-of-the-area-of-slavery stamp. You cannot expect ever to convert southern Democrats. You tried your hand at browbeating western Democrats last Congress; you made personal attacks upon them; your few adherents in their districts clandestinely sought to subvert them; but they are here again; and several who voted with you last Congress now vote against you. The old men—the neighborhood politicians, who love the unity of the Democratic party, and look upon it as the rock of political safety—gave some of them a hint, I guess. And from the way the northern Democratic votes go, I guess there have been some hints given and taken in that quarter. Your ugly beast of a horse may carry you through your districts well enough; but if you bring him here upon the national highway, the riding of him can give you small satisfaction, unless you can find a malicious pleasure in the idea that you may unhorse a neighbor, or mayhap at least make him rub a shin. In the spirit of kindness, I tell you to keep that horse *at home.* But, say you, our constituents expect us to ride that horse. We rode him through our districts. He carried us into the affections of our constituents, for when we went a-wooing to them, we were ever on his back. Well, then, go to them and tell them the truth. Tell them that this same horse is a bad cross of democracy and abolitionism; that he wins no race on the national democratic course; that, in ploughing the national cornfield he runs on and ploughs up the corn and leaves the weeds standing; and that no one regards him with either respect or fear, except now and then a cavalier, who takes a fright at him, before he gets used to him. If that fails, read my speech to them; and if that fails, advise them that they ought to vote with the Abolitionists, and say so to them in the spirit of kindness, as I now speak to you, "Honesty is the best policy." We know that your course is so disgustful to the Democrats of the southern States, that if the middle and western States were to follow you, the southern Democracy would withdraw from their connection with northern Democrats, and the party organization would thus be broken up. This would bring all the elections of President into this House, to be carried by the highest bidder, or by corrupt coalitions of mere factions, without reference to principle. I wish to be in order, Mr. Speaker. I do not mean this House. This House is honest. But if parties, based upon principle, cease to control this Government, factions, having no common bond but love of place and plunder, will control it; and if honest parties are subverted or dissolved, and factions prevail, Presidential elections will constantly or frequently come into this House; and, in that event, you will not have an honest House here long. No, sir! This temple of liberty will become "a den of thieves."

We cannot, therefore, go with you. We are the majority of the Democratic party—*i. e.*, we and the southern Democracy—with whom we continue to jog along pretty comfortably by the exercise of no more mutual forbearance and charity than our Bible enjoins, and by refraining from mutual aggression or reproach. In this matter, we tell you before the country, the world, and God, that you are aggressors. No one is seeking to impose any slavery upon you; and no one asks you to vote for a law to establish slavery anywhere. We will not so vote. If you choose to make yourselves responsible for the possible—not probable—existence of slavery, (established by no vote of yours, and against your advice,) but possibly to exist as you may imagine, for the want of a previous restriction, which, if enacted, would be void for the want of constitutional authority, and which would be open to repeal by Congress, or by the act of the people interested,—why, all we have to say is, that, *on this one subject*, you have marvelously susceptible consciences. God give you equal susceptibility on matters of personal morality, and emotion of heart and life.

I say, we are the majority; and if you cannot keep that horse of yours at *home*, for *home* service, we will not "read you out;" but we will say to you, in all kindness, that it were best you should join yourselves to the abolitionists. They are an ambitious party, and will receive you, asking no questions, provided you will profess the "one idea," and give them your votes.

In the name of those who sent me here, I have spoken the result of our political lucubrations in Hoosierland. If you do not like it, there is no harm done. We charge you nothing for it.

I have a few words to say, as of myself, and without any special instruction; though I judge perfectly in accordance with the views of those who sent me here.

I wish to show, not only that there is no occasion for the angry discussion of matters appertaining to slavery, but moreover that there is no one section of this Union whose people have any right to assume the attitude of censors on the subject of slavery, and deal out reproofs, reproaches, and anathemas upon those who hold slaves, and do so conscientiously.

New England and Old England instituted slavery in the colonies before the Revolution. While New England could take rum, and guns, and gunpowder to Africa and barter them for negroes; take the negroes to the southern colonies and barter them for cotton, sugar, indigo, and rice; take the cotton, sugar, indigo, and rice to England and barter them for manufactures, and bring the manufactures home and sell them—making four profits on the capital invested, to wit: one profit on the rum, guns, and gunpowder; another on the negroes; another on the cotton, sugar, rice, and indigo; and a fourth on the manufactures; New England not only did not allege aught against slaveholding, but she justified and maintained man-stealing. She moreover justified the selling of rum to poison the poor Africans, and maintained, by the sale of guns and gunpowder, the bloody and desolating wars in Africa which brought victims to your slave marts.

These things, sons of the Pilgrims, your fathers did. The thing worked in a circle. Their rum turned the African chief into a demon. To obtain more of the accursed fire, he would sell his own people, or make war on a neighboring tribe, to bring them to the slave ships of your fathers. The slaves brought high prices in the South, where the climate and soil made their labor more profitable than in New England. Therefore, and not because they thought slavery an evil, which they wished to keep far from them, they sold the negroes in the South. The South had no ships; your fathers had them, and therefore they received in exchange for the negroes the products of the South, and carried them abroad to exchange for manufactures to be sold at home. Though born in Pennsylvania, I am a full-blooded Yankee; and I stand here, sustained by all history, and say *our* fathers were man-stealers. Some of them did not personally participate, but they stood by and said never a word for poor Africa. An advocate of the doctrine of national sins among you ought to go into sackcloth and ashes, on account of this iniquity of our fathers.

When, by importations, and by sending off her own household slaves to be sold at the South, the market was fully supplied, so that the ordinary increase of population would forever keep the South full of slaves, and no more money could be made out of the slave trade, New England began to grow moral. In process of time, the slave trade was forbidden by the common consent of the South and the North.

Now, if New England would go to the southern slaveholders and say, "Our fathers stole men, women, and children in Africa, brought them to this country, and sold them to your fathers; in those dark days this was deemed to be right; but now God requires all men everywhere to repent. We are constrained to admit that our fathers were piratical thieves, and that your fathers were no better, for they were receivers. We must do right, let what will come of it. The full price which your fathers paid to our fathers for the negroes has built up our cities and factories, and sent

our sails to be filled by every breeze of heaven. You, too, have derived profits. Your slaves have increased in number rather more than they have decreased in value. We must emancipate these slaves. We will tax ourselves, and pay you half price for your slaves, and let them go free;"—I should speak well for her honesty and fairness. New England forgets all the past. She forgets even so much of the present as does not sustain her position. She forgets that the present generation of slaveholders are neither thieves nor receivers; that slavery descended to them, and is fixed upon them by laws and circumstances prohibiting their sudden repeal or modification. She forgets that her sons are "sharp at a bargain," and are as much controlled by interest as any other people. She forgets that mighty interests are involved in this slavery question, and expects the South to be as sacrificingly moral as she herself is when interest and morality do not conflict. She cannot ask or force the South to emancipate. But she asks the South to submit to laws or policy which will keep the volume of slavery forever pent up within its present bounds, so as to force emancipation by circumstances, and as the result of the unhappy condition of both master and slave. How would New England take it, if the South were to demand that some great northern interest should be thus strangled?

New England also demands such legislation as shall admit of no other interpretation than as a national sentence against the practice of holding slaves. The South will not quarrel with any moralist who will, in ordinary speech, or writing, condemn them on this point. But to ask them to submit to a national sentence, solemnly voted, and recorded, in the form of an act of Congress, is asking what neither southern nor any other human nature can endure. The fact is, New England is not very charitable—does not "hope the best things." New England is a very great part of the world. Her people are a great people. They err, however, in other respects as well as in repenting of their neighbor's sins. They affect to act as the vicegerents of Providence, in reference to the slavery question. God governs the world. I reverence New England—especially New Hampshire and Maine, which have not yet been permanently overrun with the spirit of self-righteousness and vicarious repentance; but I scarce expect to be invited within her borders to make political speeches, and be dined and feted. No odds! The blood of her Barbers and Watsons is in my veins. God bless her.

New York does not consider herself a part of New England, though partially so considered in my country, because the blood of the Yankee has almost entirely displaced that of the Knickerbocker.

New York *was* a great State. It has, however, adopted—in part, at least—such opinions in reference to slavery as are impracticable and inconsistent with the unity of the Democratic party, and thus nullified herself as a Democratic State. Nebuchadnezzar *was* a great monarch. But he went mad, and was turned out to grass. The low diet proved salutary, and his reason returned. I believe I am prepared to turn New York out to grass. Formerly, when New York spoke, I made a sign to the Hoosiers to listen. But now it speaks so strangely, that I say to it, "Signor Benedict! I wonder you will be talking so. No one minds you."

Mr. Speaker, during last Congress I repeatedly heard the epithet "*dough-face*" flung out here—aimed, as I understood it, at Democrats from the free States who advocate opinions such as I have to-day expressed. Something of the same kind, if I mistake not, has fallen from the lips of one or two members during the present session. When an abolitionist takes occasion to be smart in that way, I have no serious answer for him. I never hold any grave discussion with any of them, because their discussions run too much into rant and declamation for an old-fashioned platform Democrat, such as I am. When a Whig aims to be racy by calling names—"*dough-face*"—I do not hurl it back in his face with unutterable scorn. No, sir! I have no unutterable scorn. I can always give expression to as much of that passion or sentiment (which is it?) as I feel. I simply hand it back to him, with the good-natured disregard of a man conscious of rectitude and of patriotic motives, and I say to him, Here, my friend, take this "*dough-face.*" The "*face*" you may dispose of at your pleasure; but take good care of the "dough." It will make a most appropriate conscience and creed for the universal Whig party, as represented in its head men, politicians, and general olio material, composed of New England Federalism, southern and western Whigery, and seasoned with abolitionism in the northern and western quarters, to exactly suit the taste of "all inquiring friends."

And, sir, should any honorable member, calling himself a Democrat, have occasion to use that epithet as applicable to me, I hope he will give me notice, so that I may give him my attention. Then, if when he comes to the end of the sentence, or paragraph, in which he uses the epithet, he will, in conformity with the usual courtesy here, yield me the floor for exactly a minute and a half, I will, without offence, either give him an answer, or tell a true story which will stand for an answer.

Mr. Speaker, my constituents have been expecting me to make a war speech. But I have deferred doing so, lest I might retard the passage of bills providing for carrying on the war. After the treaty shall be ratified, or, that failing, after the necessary bills for carrying on the war shall have passed, I will, if I can obtain the floor, make a war speech, expressive of my views upon the war and all incidental topics. But, at present, I prefer voting to speaking; and nothing would have tempted me to speak now, but that I saw that about so much time would, in any event, be occupied by this discussion, and I thought I might as well occupy the floor as a better man. Besides, sir, I think that members from the northern slave States and the southern free States, where the people are not stark staring mad on this subject, but have all their sober senses about them, ought to take the floor whenever this subject comes up, and keep the peace between the anti-slavery sons of the Pilgrims and the Cavaliers, to each of whom this subject seems to be one on which they delight to "pile up the agony."

Occasionally I hear, in discussions and conversations, threats of a dissolution of the Union. These threats generally come from New England, or from the slave States on the Atlantic slope. From this, one might infer that some of the old thirteen States have been wedded so long, and experienced so many family jars, as to have become disposed to trifle with their marriage vow. In the middle and western States a very different feeling prevails. In the West, we consider the Union our ALL. New England and the Atlantic slave States are far apart; and we hope and believe that their mutual objurgations amount to no more than a scolding-match between two querulous parties separated by an impassable barrier. We are that barrier. We guess there will be no fight; but, if there be one, we are aware, that unless we of the middle and western States take decided and high ground, our territory will be the "debatable ground" of a national passage at arms, as it now is of the slavery agitation; and thus we shall be victimized in war as we now are in politics. We shall tamely submit to nothing of the sort. It amuses us to hear sons, who acknowledge that their fathers were thieves, twit others with being the sons of receivers or accessaries after the fact, and to hear these last run into a defence of that for which their most legitimate justification is, that they cannot help themselves. We do not believe that either mean half they say. But just show us that you are in earnest, and I give you notice, on behalf of those who are victimized by your unreasonable political squabbles, that when you dissolve the Union, you shall not survey a boundary line through or near our borders. We of the middle and western States will stick to both of you like leeches. You, who are so busy fomenting discontents on this subject, may secede from the Union in welcome, and you will not be much missed. But divide the Union you shall not! WE SWEAR IT! And if you talk about a fight, I give you notice that you cannot make the territory of the middle States your battle-field. If you refuse us sureties for the peace, and go to loggerheads, you may catch a joint pummeling at our hands. We are the backbone of the Union, we would have you to know. A dissolution of the Union would ruin us; and we are resolved not to be ruined. The southern free States, the northern slave States, and the Mississippi valley, can jog along together comfortably. They cannot and will not do without the union of the States. The middle States are waking up, and beginning to understand this slavery agitation. The western States hear the Union threatened, and feel "wolfy." So look out, Messrs. Pilgrim and Cavalier, or you will hear thunder!

I have a few words to say to these same cavaliers, and I will cease to speak. Your fathers were the receivers of stolen property. No decent man will reproach you with that. The ultra Calvinism which construes literally, and in a damning sense, the declaration that "the fathers have eaten sour grapes, and the children's teeth are set on edge," cannot now be found, except in the study of some D. D., or in some other dark corner of the earth. In the studies of the ordinary parochial clergyman, or circuit preacher, it is not now generally to be found. Slaveholding is fixed upon you by circumstances much more stubborn than are your State laws. The Pilgrim Fathers stole this property, and sold it to your fathers. Their sons, now-a-days—some of them—think to make atonement for the larceny of their fathers, by stealing back some of the increase of this same property. Such is their notion. Besides, having repented of all their own sins, relieved all the distress in their own vicinity, and acquired all possible moral knowledge, they missionate with a view to find sins to be repented of, distress to be relieved, and ignorance to be enlightened. They find you in possession of slaves, in the course of their charitable perambulations, and come to the conclusion that in this you are wrong. Located at a distance from you, they do not naturally come into a knowledge of the peculiar circumstances which make it impossible for you to relieve yourselves of this evil. Instead of making the matter a subject of friendly remonstrance to you personally, they hold meetings at a distance, and resolve and declaim against you, and send madmen or bigots to the national councils to agitate and denounce. If your slaves run off to them, they hide them. Sometimes emissaries come from among them, and steal your slaves. All this is very provoking. If loud complaining would cure the evil, I would say, shout your complaints. But it does no good. These circumstances are as stubborn as are the circumstances which fix slaveholding upon you. All the non-slaveholding States and people are not arrayed against you. Many even of those who, by their sermons, speeches, and conversations, encourage the larcenies of which you complain, do not mean to produce that effect. Those in the non-slaveholding States, who understand the matter, and are prepared to sustain all your rights, have no special or personal interest in doing so, and are therefore rather sluggish in moving: while they who are against you, like all men more or less imbued with any "single idea," are active, energetic, and ubiquitous. These, also, are circumstances which no efforts of yours can modify. Your best reliance is upon the Constitution, and those who judicially administer it. It is not always an indication that the people of a Congressional district are unconstitutionally hostile to your interests, that their representative here promulges unconstitutional dogmas. The advocates of the "one idea" are, as I have said, active, energetic, and ubiquitous. They are, moreover, Jesuitical, in the bad sense of the term. Fifty of them, who do not openly act with the abolitionists, will do wonders in a Congressional district. If their representative here does his duty to the Union, by speaking and voting against their opinions, they know how to attack him. Suppressing the true reason of their hostility, they will unitedly and simultaneously throw into circulation considerations, true or false, or partly both, calculated to produce general impressions against him. With much personal popularity, and general acquaintance with the people of his district, he may sustain himself for a time; but, in the end, he will probably fall, (not generally, however, to be succeeded by a man of "one idea,") and he, and he only, will know the dirty agency which has subverted him. A politician who thinks only of achieving an election; who undervalues his personal independence; and who either knows not of, or cares not for, the mischief his course will work to the Union, to his political party, and to the States, will generally condescend to give some sort of assurance to the professors of the "one idea," to secure their active services in producing his nomination and election. When he comes here, he must redeem it. The mass of his constituents, who disapprove of his votes or course, having many ideas, do not lay much stress on the matter. They may write to him, expressing their

regret, and there will end their movement, generally, but not always. On the other hand, the "one idea" puts into requisition all its powers to sustain its representative. From this account of the matter, you will perceive how it is that the number of the representatives of the "one idea," nominally belonging to other parties, fluctuates as it does. I have said that not more than thirty or forty of the Democrats (so called) of my district are of the "one-idea" school. Many of them are known only to myself. Each one of them I know for my sworn enemy, politically. They have been, are, and will continue to be, active, energetic, and ubiquitous.

In this state of circumstances, the Democrats of the South will see the propriety of living "by faith," and not "by sight." Things are not always as they appear. In the middle and western Democratic States, public opinion is, in the main, sound on the subject I am speaking of. State legislation, offensive to the rights and feelings of the slaveholder, instead of being an index of public opinion, is generally the result of the activity, energy, and ubiquity of the men of "one idea," and of the apathy and inattention of others. At all events, I respectfully suggest to southern men the propriety of not permitting the presentation of a few petitions, the offering of a resolution, or the speech of a man they call "fanatic," to throw them into fits.

Mr. Speaker, I doubt not it will be said that I have made a very imprudent speech. I answer, that when I took up my pen to write this speech, I took leave of prudence. It is "a rascally virtue," as ordinarily exercised and exerted. I have called to my aid a higher virtue. I have written and spoken under the inspiration of truth.

Mr. GIDDINGS next obtained the floor. He said, that whatever remarks he might make on this occasion, it was no part of his intention to reply to what had been said by the gentleman who had just taken his seat. Before he commenced any regular series of remarks, he wished to take occasion to say further, that he had supposed that, after a ten years' service in this Hall; after so many times expressing the sentiments which he had so long held, and which he thought were so well understood by the members of this House, he could not have been made to believe that gentlemen, either from the North or the South, could have so misapprehended his sentiments until he had heard such impressions avowed by them. He wished the attention of the House and the country while he declared that no man in this Hall or elsewhere could lay his hand upon a remark, resolution, or speech of his, in which he had ever claimed the privilege of interfering with slavery in the States of this Union. For two days, something like a dozen gentlemen from the South had imputed to him intentions to interfere with their institutions. Now, if any gentleman in this Hall could lay his hand upon a resolution, speech, declaration, or effort of his to interfere with the institution of slavery in the States, let him stand up in this House in the presence of the nation and avow it. He would yield to the gentleman. [He here paused for a moment, and, no gentleman rising, he proceeded.] Was there any one here (he asked) who would take upon himself the responsibility of declaring that such an intimation had ever fallen from his (Mr. G.'s) lips? If none, where were the gentlemen who for days had been imputing to him such motives? Where did they stand before the people of this country? It was a duty which he owed to himself, to the people whom he represented, again to disavow all such feelings, intentions, purposes, motives, or designs. He was once expelled from this Hall, or rather, censured here, for declaring this very identical doctrine, that Congress had not the power to interfere with that institution. He now took occasion to say, that the people of the slave States of this Union held that institution supreme, uncontrolled under the Constitution of the United States, beyond the power of this Government to interfere with it for any purpose, or to any extent, with one exception, and that was, their power of legislation in regard to fugitive slaves. The people of the free States had the indisputable right to remain free from its contamination, unstained with its guilt, exempt entirely from its support, and disconnected with all its turpitude. He said that they had no claim on the people of the free States to extend that institution or to associate with new slaveholding States; that they had no right to ask the free people of the North to associate themselves with slaveholders in Mexico, who, owning one hundred slaves, would wield an influence on this floor equal to sixty freemen. Therefore, it was one of his cardinal principles, and one of those whom he represented, not to associate with any new slaveholding States or slaveholding territory. These were their sentiments: Keep your slavery where it is, and manage it according to your own judgment and discretion. With it we never had constitutionally, and never will have, anything to do.

Mr. MEADE (the floor being yielded) desired to ask the gentleman what was his object in so frequently introducing the subject into this Hall, if it were not to operate on southern institutions?

Mr. GIDDINGS said he had invited gentlemen, if they had ever heard a word from him affirming the power of Congress to interfere with the institution of slavery in the States, to say so. Did the gentleman from Virginia pretend ever to have heard from his lips such a proposition? No; no gentleman had ever heard it; no gentleman could be found to rise and declare that he had.

Mr. MEADE (in his seat) called upon the gentleman to answer his question.

Mr. GIDDINGS replied he would do it; but he did not like to have the gentleman consume his time by putting questions wholly irrelevant to the subjects he was discussing.

The gentleman asked him what were his motives in discussing this subject? To wash his hands, and those of the people of the North, from the stain of supporting this institution in this District. Did the gentleman suppose that, because he would not interfere with the slavery of the South, he was to stand here with his lips hermetically sealed from expressing his sentiments upon the outrages and wrongs perpetrated in upholding this institution in this District? No; he would unseal them, he would give expression to his deep abhorrence. Would gentlemen say that he was not to speak upon slavery here because they had slaves at the South? Take care of your own slaves, (said he;) we will look to those under our protection.

He was remarking that he stood here as a legislator under the Constitution. His duties were plain, so plain that the wayfaring man, though a fool, could not mistake them. They were to let the slavery of the southern States alone. It had ever been the duty of the National Legislature to let it be; and when they established it in this District, they violated their duty to God and to their fellow-men; they had violated the duties which they owed to themselves, their constituents, and the human race. Now, repeal those laws which involved them in the turpitude of maintaining this institution, and then they would have done with it; and he, for one, would never mention it here or elsewhere as a member of this body. This result they intended to bring about; and he took occasion to say to gentlemen, You shall not bring us to share with you in the guilt and the turpitude of this traffic in human flesh now carried on here under our protection. It was the voice of the people of the free States that they would not remain thus contaminated with the guilt of that institution; and he said to gentlemen that they would have this; they would not vote for their Presidents or any other officers who undertook to hold them partakers in that guilt and iniquity. *The separation of this Government from all interference with slavery* was the motto which they had placed on their banner. It was *freedom;* the rights of man, uncontaminated with this foul blot on the American escutcheon.

It was no part of his intention to reply to the assaults made upon him a few days since, when this matter was under consideration. He had to do with more important matters than defending himself. These personal reflections were unbecoming the solemn occasion on which they were now discussing the rights of humanity. He had taken occasion, for the hundredth time, to define his position; and when gentlemen imputed to him sentiments which they knew he did not entertain, he told them to beware lest their misrepresentations should be exposed. Gentlemen of the South had introduced the discussion of this subject here. It was a question which was discussed in all our legislative bodies throughout the United States; which was discussed in our political conventions, by our newspaper press, and by our literary periodicals; in our school districts and township meetings; in prayers and the sacred pulpit; by the fireside and by the wayside; and he said to gentlemen, it was too late in the day to attempt to suppress the discussion of this question. It would be discussed. Yet he must say he had not been desirous, nor in any way instrumental in introducing this subject into discussion at this time. He deemed it inappropriate. The resolution of his friend from Massachusetts did not allude to the institution of slavery in any way, either directly or indirectly. This resolution proposed an investigation to ascertain a simple matter of fact. In its preamble it recited that reports had reached the ears of members of this body that a lawless mob had existed in this city for two nights previous to the introduction of the resolution, setting at defiance the constituted authorities and the laws of the United States; and the proposition was, to inquire whether such was the fact. It also stated that certain members of this body had been menaced by this lawless mob, and it proposed an inquiry into this fact. As gentlemen had imputed to him (Mr. G.) that he was the individual menaced, it was proper for him to say that he had had no hand in introducing the resolution; the gentleman had done it on the motion of his own will and not his, (Mr. G.'s.) Gentlemen had represented him as not only introducing this resolution, but as insisting on the protection of this body. They had represented the gentleman from Massachusetts as asking the protection of this House. There was nothing in this resolution regarding protection. It only proposed to ascertain the fact whether members of Congress had been menaced by a lawless mob in the city of Washington. It was to let the people of the States throughout this Union know whether their Representatives, sent here for the discharge of their public duties, while confining themselves to this district, had been menaced by lawless violence. Did any man suppose that he (Mr. G.) asked the protection of this body? If he ever had occasion under heaven to ask protection from any human being, it was *from* this body, not *of* it. If he had ever seen a lawless mob, it was on Tuesday last at the jail and in this House. He had heard members here, while the galleries were filled, and while many composing the mob were said to be in them, declare themselves ready to justify the mob to the fullest extent. He had no disposition to look for protection to a body from which he had received as many indignities as he had from members of Congress? Was he, at this late day, to come here to ask for protection? No. It was no part of his object. No, said he, let the House protect its own honor; protect their own dignity; and he would take care of the protection of his person in his own way.

He therefore said that this inquiry was plain and simple in itself. Its object was to carry information to the people of this Union. To inform them of the feeling that existed in this slaveholding community. To expose the spirit of violence and anarchy which was exhibited here against those who dared to speak the sentiments which they entertained in favor of liberty, and the rights of humanity.

He wanted his constituents, the people of his State, and the free States, to understand what violence and lawless mobs arose from the slaveholding and slavedealing influence in this District. This was what he wished them to understand. He cared not whether the House passed this resolution or not. It was well known to the members of this House, that for forty-eight hours prior to the introduction of this resolution, a lawless mob did control this city; that men (if report was true, and there was no reason to doubt it) in office, clerks in the employment of the United States, attended and led on that mob; that men in official stations were there stimulating that mob to violence; that the mob consisted the first night of hundreds, and the next night of thousands; and during this time, here, where the arms, munitions, and the whole power of protection, was committed to the Executive officers of the Government, not a movement was made to suppress it, so far as they were concerned. The object of this mob unquestionably was to prostrate one of the presses of this city. There was no doubt about that. And not only this, but who were those who led it on? Not the respectable citizens of the city of Washington; so far as he knew their deportment, they were to be excepted from any charge of participating in the disgrace. They were your slavedealers from Bal-

timore, Alexandria, Richmond, and the surrounding country; it was the slavedealers and slavebreeders; the men who raise mankind for market, whose living and support was by raising and selling their fellow-men. It was that class of characters who came into this city to threaten its government and community, disturb its peace, and overthrow the press, to which he had alluded. These men, associating together in this way, were the leaders and exciters of this mob.

Now, another thing known to every man here, and one which had been referred to this morning, was, that the mob, when it assembled on the first night, did avow the intention of prostrating that press and that office, and, with this publicly avowed purpose, adjourned until the next night, for the purpose of bringing in more of these despicable characters from abroad, to enable them to effect their object. This was all known by report, and was proposed to be inquired into.

So far as report charged that a member or members of this House had been menaced, was also to be inquired into. He cared nothing about it. He would state, as his name had been connected with it, that, on Tuesday of last week, being a member of this body, and feeling some little interest in the way their laws over the District were to be carried into execution, he had visited one of the public institutions of our country, a prison in this city, erected by this Government, and where, if his person was protected in this building, it was there, as much as it was in the Treasury Department, or any other of the departments at the seat of Government. He had gone there under the consciousness of protection, as much as if he had been in front of the Speaker's desk, because it was a public building, erected by the funds of his own constituents, as well as of the people of all the free States, together with those of the slave States. He had gone there for the purpose declared here on a former occasion. He had then said all he wished to on this point. There were your slavedealers and slavebreeders gathered together in the entrance of the jail, to menace and threaten him. Did he ask protection from this House? No; when he felt in danger, he would let them know it. But what he held in unutterable contempt was, that a member of this body, in visiting one of the public institutions erected by this Government, should be threatened by a miserable mass of moral putridity, called slaveholders and slavebreeders. Had it come to this, that the members of this House could not go in and out of the public institutions in this District without meeting that class of men and being threatened by them?

He knew not who these men were, but from reports which he had received from various quarters, he understood they were that class of men. Now, the resolution of the gentleman from Massachusetts [Mr. PALFREY] proposed an inquiry into those facts.

But again: Who was it that stimulated that mob? It was members in this Hall. While their galleries were filled with slave-dealers—men who drove whole families to the market, and bartered men, women, and children, for gold—honorable members stood up here in this House and declared that they justified the mob to the fullest extent. And did he (Mr. G.) ask for protection from such men? Such a declaration had been made, and repeated, and reiterated here. This was not the place to which he should go for protection. Yes, members of this House of Representatives stood in their places and proclaimed, not only to this country, but to the whole civilized world, that in their capacity of legislators they stood by and sustained those wretches in their lawless violence. And it was with humility and deep abasement that he acknowledged that these declarations came principally from members of the political party to which he himself belonged. He also felt compelled to acknowledge, that while this was going on here, the President of the United States, to whose party he (Mr. G.) did not belong, was said to have been making efforts to put down the mob. It was due to the President that he should state this fact. The people should know it. No man there would accuse him of being a friend to the President; but he honored him nevertheless for his efforts to suppress these riotous proceedings, and for his exertions to stop those disgraceful outrages which were about to disgrace the whole Union. He took pleasure in vindicating the President for that act.

When the pending resolution was brought forward, it was immediately seized upon by gentlemen from the South, and made the subject of an exciting discussion. It was gentlemen from the southern States who did this, and it was those gentlemen who insisted upon going back into an inquiry respecting all the facts and circumstances which had given rise to the mob. And what were the facts? Why, that from seventy to eighty men, women, and children—persons who had as good a natural right to liberty as any gentleman here, who were entitled to the rights which their Creator had given them—feeling the galling chains of slavery chafing and festering in their flesh, themselves bowed down in bondage, and shut out from the social and intellectual enjoyments of life, sought the blessings of liberty; and it was said that they were assisted by three or four white men from the free States. But in the attempt to escape from the custody of those who held them in bondage, they were arrested, and placed in a prison erected with the money of this nation; and this was done under the authority of the laws of this District, enacted by Congress, and sustained by members on this floor. In that prison they were kept two or three days, and on Friday last, this very man Slatter, of Baltimore, who had headed the mob at the prison on Tuesday, purchased some forty or fifty of those fathers, brothers, and sons, mothers, daughters, and sisters, and marched them to the depôt, where their friends had collected to take their final leave ere they proceeded to the South to drag out a miserable existence in the rice fields and cotton plantations of that region. There a scene was presented which he thought not even a slaveholder could have looked upon without some sympathy for those victims of slaveholding cupidity. Sighs, and groans, and tears, and unutterable anguish, characterized a transaction which would have disgraced the slave-market of Constantinople. It was a scene which could not have failed to excite every sympathy of our nature for suffering humanity. And by whose authority were they thus sold, and doomed to hopeless suffering at the hands of worse than Mahometan masters? Here, if he could, he would make an appeal to this House; he would appeal even to the gentleman who had just addressed the House; and he would ask that gentleman if he could lay his hand on his heart, and in the presence of his God, declare that he had dealt out to those people who were his fellow-men that justice which he had expected at the hands of his fellow-man? Had he shown them that mercy which he hoped to receive from his God? He would ask that gentleman if he could thus conscientiously lend his voice and his official influence to the dealers in human flesh? Would he lend his vote to encourage these hucksters in our common humanity? It was a humiliating reflection that our laws caused these men, and women, and children, and tender babes, to be thus sold and sent to the ceaseless toil and cruel tortures of our slave-consuming States, there to wear out a life of wretchedness and misery.

If the gentleman who had just addressed the House could approve and sanction such cruelty, and torture, and barbarous murder, he (Mr. G.) could not do it. He would not do it. It was unbecoming a Christian nation. It was a disgrace to the age in which we live. What a spectacle do we present to the civilized world! Yesterday, the members of this House gathered together, with the citizens of this District, to rejoice, and shout, and sing, in honor of France for freeing herself from her bonds of oppression, and driving her King from her shores, thereby relieving herself from oppression, and giving liberty to her slaves. While we were thus before the world, expressing our sympathy with France, we were here in this District maintaining a slave market more shocking to the feelings of humanity than any to be found within the jurisdiction of the Grand Sultan.

It had been urged by gentlemen on this floor that he, and others who acted with him, had engaged in this House in discussions of the subject of slavery within the States. With one exception, that accusation was not true. Some four years ago, he admitted, he had been induced to go into that subject, by the remarks of a distinguished southern gentleman, a member of the Executive Cabinet, [Mr. CALHOUN,] who, in his official correspondence, had argued that slavery was a Christian and humane institution. On that, and on no other occasion, had he permitted himself to be drawn into a discussion of the effects of slavery in the States. He thought he would not again be dragged into it; but he would discuss the subject of slavery in the District of Columbia and in the Territories of these United States, at all times, when southern men forced it upon him.

He would now direct his attention to the remarks of some gentlemen who had preceded him, and would briefly notice some of the doctrines which had been advanced in the course of this discussion. The gentleman to whom he wished first to direct his attention not being in his seat, he would turn to the gentleman from Tennessee, [Mr. HASKELL,] to an extract from whose speech he would call the attention of the House. That gentleman, in the course of his remarks on Wednesday last, was reported to have said:

"Now, a strange state of things was presented here. Members of this body, as he believed and felt ready to charge, had been engaged, by the course of conduct they pursued on this floor and out of this Hall, in the deliberate attempt to scatter the seeds of insurrection and insubordination, if not rebellion, among the slaves of this District. Men on this floor, under the garb of philanthropy and love of human liberty, had been endeavoring to perpetrate felonies for which they ought to swing as high as Haman. He spoke the plain truth. He was willing to have his words measured, and he held himself responsible for the language he used. An attempt had been made on this floor to abolish slavery in the District of Columbia in the form of law, if they could, and in violation of the Constitution; and, baffled and foiled in that, these mock-philanthropists were now, as he believed before God, attempting to abolish slavery in this District by inciting the negroes to leave their masters.

"The SPEAKER here interposed, and reminded the gentleman that the question before the House was upon the appeal.

"Mr. HASKELL (continuing) charged that the conduct of these men, their language on this floor and out of this House, had been such as to produce this state of things—a disposition to insurrection and rebellion among the slaves of this District. He held in his hand a resolution which he intended to move, and which he should move, by way of amendment, when this House entertained the resolution of the gentleman from Massachusetts, having for its object an inquiry into the conduct of these members, and if they were found guilty, their expulsion from this body, as unworthy to hold seats on this floor."

Mr. G. said, before he proceeded to comment on this extract, he would correct an error into which a gentleman opposite [Mr. STANTON] had fallen. That gentleman said that he (Mr. G.) denied all connection with the transaction in reference to these slaves. The remarks which he had made were, that he knew, nor had heard, nothing of the persons engaged in carrying these slaves away. He had not denied having enticed away the slaves himself. He had said nothing on that subject. When such a charge should come from a respectable source, he would consider the propriety of answering it. He did not feel called on at this time to admit or deny it.

He would now return to the gentleman whose remarks had announced his intention to expel him (Mr. G.) from this House; and he would say to that gentleman that it was rather too late to attempt to seal his lips and the lips of northern members to prevent the discussion of constitutional questions in this House. He gave notice to that gentleman, and to all others, that, as he had the right to do it, he should say what he thought. He intended to call things by their right names, and, so far as able, would make himself understood by this House; and, when this Hall again ceased to be a place of free discussion, his constituents would be represented by some other gentleman, or they would cease to be represented here. The slave power had once reigned triumphant here. Not so at this time; we had regained the freedom of debate, and it would never again be surrendered. Gentlemen, in making such threats, appeared to forget that they were not now on their plantations, exercising their petty tyranny over slaves, who, in their degradation, crouched and trembled at their master's bidding. Or did those gentlemen suppose that they could bring the practices of their plantations into these Halls? Those gentlemen should know that this was not the place for that kind of demeanor. This was no place for the display of supercilious dictation. It belonged not to the dignity of legislation. The American Congress was no place for the manifestation of those traits which characterize the overseer of the South. It would not be tolerated amongst men who knew their rights and possessed the spirit to maintain them. Such language ought never to be used amongst men who felt the dignity of their office. Was he to stand there and not to speak what he thought? Why, such an idea was unworthy of a deliberative body in this land of freedom, and was more becoming of the tyrannies of Europe or of Turkey. He would tell those gentle-

men, when he ceased to have the right to speak freely in this House, he would take his departure from it. His constituents sent him here to represent them, to express their wishes, and he should do it freely, without restraint, or not at all, notwithstanding the spasmodic eloquence of the gentleman who wished to have him expelled for exercising the right to express his thoughts. Yes, the gentleman from Tennessee [Mr. HASKELL] wished to have him expelled for words spoken on this floor! Did not that gentleman know that such an attempt had once before been made? And had he not seen the consequence? Was he now to be told that he must ask southern gentlemen for permission to speak, and were they to be the judges of what he should say, and when he should say it? Never, so long as his fellow-men were held in bondage in this District would he submit to any restraint on the freedom of debate. Nor so long as he continued to hold a seat here would he relax an iota of truth to please the slave power. He would not disguise the truth even if its utterance should be the means of striking off the shackles of every slave in the Union. He had no fears of its affecting slave property here. He would not hesitate from this forum to tell the truth to all who heard him, even if slaves were listening to him. If he had the power he would give to every slave a perfect knowledge of all his God-given rights. He would open their minds to understand the oppression that weighed down their intellects and shut out knowledge and truth from their comprehension. He would give them a knowledge of the outrage upon humanity which holds them as chattels, and subjects them to sale like brutes in the market. He would inform them that they came into the world from the hands of the same Creator as those who lord it over them; that they were brethren, created by the same hand, endowed with the same rights, and candidates for the same immortality.

Mr. GAYLE asked the gentleman from Ohio if the utterance of these sentiments was not in the hearing of the slaves.

Mr. GIDDINGS said the gentleman from Alabama could answer that question as well as himself. But this he would say to that gentleman, that if the utterance of such truths would release them from bondage, God knows it should be done. Let gentlemen teach their bondmen to tremble, but let them not come here to threaten freemen. Gentlemen might hold their grasp on their fellow-men and deprive them of the rights conferred by the God who created them, and make their lacerated flesh quiver with the lash, but they need not come here and tell him that he should only speak by their permission.

Mr. GAYLE inquired if the gentleman alluded to him when he spoke of the flesh being made to quiver by the lash. He never used the lash on his slaves, who would not, however, accompany him here, because they were afraid that the abolitionists would skin them.

Mr. GIDDINGS replied that the gentleman's statement showed to what degree of degradation slavery can reduce the immortal mind. The gentleman from Alabama, it appeared, had succeeded to that extent, and he came here to boast of it. He had carried his oppression so far as to blot from the intellect of his fellow-man his natural and instinctive love of freedom. He has taught his slaves to hug their chains, to shudder at the thought of being free: and now stands up here, before the American people, and boasts of the success of his experiment. His whole statement was in keeping with the institution of slavery. It degraded the immortal mind, and reduced man to the level of brutes. He asked that gentleman if he taught his slaves to read the Word of God? or, was it not an offence under their laws to teach slaves to read that sacred book? Was not such an offence punishable by incarceration in the penitentiary? They had only to go a few rods across that river (the Potomac) and they would expose themselves to the penalties of such a law if they should attempt to teach slaves to read the Scriptures. Yes, to instruct slaves in the way of salvation, by enabling them to read the Word of God, was deemed a crime in this Christian land: this land of bibles, and ministers, and Sabbaths, and of slaves.

But to return to the proposition of the gentleman from Tennessee, [Mr. HASKELL,] who had expressed himself so strongly in regard to his exercise of the freedom of speech. The gentleman thought that he (Mr. G.) should hang as high as Haman for thus daring to speak his sentiments. That, he supposed to be slaveholding punishment for speaking truth. But he could spend no more time upon the gentleman's proposition.

Another gentleman from North Carolina [Mr. VENABLE] had spoken to the same effect on this subject. That gentleman seemed to intimate that he (Mr. G.) had treated the institution of slavery with great want of respect in saying, that if a slave defended himself on Ohio soil, even to killing his master, they would not hang him to please all the slaveholders in Christendom. That gentleman, if he was not misinformed, belonged to, and was a member of, a church founded by that good man, John Wesley. He believed the gentleman from North Carolina was a Methodist, and yet the respected founder of that church had denounced slavery as "*the sum of all villanies.*"

Mr. VENABLE said the gentleman was mistaken; he was a "*Presbyterian.*"

Mr. GIDDINGS. The gentleman was a Presbyterian, and yet he held slavery to be a blessing! Would the gentleman from North Carolina sit down with his slave and brother-in-Christ at the sacramental board, commemorative of the Lord's supper and sacrificial death? Would he partake of the bread and wine in remembrance of the crucified Saviour one day with his slave and brother, and on the next sell him who thus bears the image of God for paltry pelf, and still say he was a *Presbyterian?* He (Mr. G.) denied it; the gentleman could be no Presbyterian. No man could be a Presbyterian who sold God's image, and transformed the immortal mind into a state of degradation, and shut out the Scriptures of eternal life from his brother. It was impossible. He could scarcely realize that he lived in the nineteenth century, or in a Christian land. He could scarcely realize that he lived in an age when the principles of our holy religion were perverted for the purpose of degrading our fellow-man, and shutting out from him the hope of eternal life.

Mr. VENABLE begged to say to the gentleman from Ohio, as he had alluded to the subject of religion, that he was no Methodist, though he highly respected that sect. He was a Presbyterian; but he should not enter with the gentleman from Ohio into a religious discussion. He wished not either to hear anything of the gentleman's history, nor should he stay to dilate upon his own; but he would refer the gentleman to the Epistle of Paul to Philemon, from which that gentleman would learn that Paul did not tell servants to run away from their masters, but to return back to them. When the gentleman from Ohio could bring evidence to show that he was better, wiser, and holier than Paul, he would listen to his counsels, and not till then.

Mr. GIDDINGS said the gentleman from North Carolina was rather too much excited for a Presbyterian. But it was not enough that professors in this Hall should pervert our holy religion to the purpose of justifying the crimes of slavery, but the Scriptures of Truth were to be prostituted to the maintenance of that institution. Had it come to this, that a member of this House and of a Christian church, could here stand up and justify what such a man as John Wesley had called, not murder, nor theft, nor adultery, but "*the sin of all villanies*" compounded? The substance of all their crimes are brought into the significant expression of slaveholding. He trusted that the gentleman from Tennessee, who was disposed to hang him, nor the gentleman who had felt hurt at his former remarks, would take offence at what he was saying. If they did, he would inform them that they could probably find room in the rotundo until he should close what he had to say.

It had been said in the other end of the Capitol, by a gentleman of high distinction, that the average life of slaves on the sugar plantations was but five years, and on the cotton plantations only seven years. Thus whole generations are murdered in those regions every seven and five years. Gentlemen would remember that he spoke from high authority, upon slaveholding data. And these murders were attempted to be justified by Scripture; and because he had denounced the system and the practice, he was deserving to be, not only mobbed but hanged, according to the opinion of gentlemen in this Hall. Indeed, it was attempted to involve St. Paul in these crimes, by saying that he justified slavery while writing under Divine inspiration. If such was the fact, he would abjure his religion and turn Turk.

He would pass over much which he had intended to say on some other topics, as his time was nearly exhausted. If he should write out his remarks, he might notice them. The gentleman from Virginia [Mr. BAYLY] had complained of his (Mr. G.'s) want of respect for the institution of slavery. That gentleman had in his characteristic manner assailed his (Mr. G.'s) motives. Now, he would not stay to reply to that gentleman's censure, nor to his attempt to make them believe that slavery was a moral and justifiable institution. He would prefer to read a few passages from an author of that gentleman's own State. In Jefferson's Notes he found the following:

"There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to the worst of passions, and, thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances."

This was from the apostle of Democracy, a native of the Old Dominion, whose emphatic assertion was, "that man must be a prodigy who can retain his manners and morals undepraved" by slavery. He would commend these words to the consideration of the gentleman from Virginia, [Mr. BAYLY.] He would appeal to those present when that gentleman delivered his speech on Friday last, if this description of the gentleman's manner was not true to the life? Were not his empty vaporings, his unbounded vanity, a perfect fulfillment of this prophecy?

That member, in his official station, had attempted to argue the House into the belief that slavery was a blessing. He would refer again to Mr. Jefferson's opinion, as recorded by himself. That statesman, in his Notes on Virginia, says:

"And with what execration should the statesman be loaded who, permitting one-half the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other. For, if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must lock up the faculties of his nature, contribute, as far as depends on his individual endeavors, to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry is also destroyed; for in a warm climate no man will labor for himself who can make another labor for him."

This was the effect of slavery as portrayed in every portion of the slaveholding country. But as he had but a moment left, he would refer to that portion of the gentleman's speech in which he had declared that the abolitionists looked to insurrection among the slaves. And, he would ask, who did not look to that result? Could any reflecting man shut his eyes to that inevitable consequence of slavery? Did not Mr. Jefferson look to such a finale of that system of oppression which now cripples the energies and impoverishes the people of the whole South? Mr. Jefferson, speaking in the most emphatic language, says:

"And can the liberties of a nation be thought secure when we have removed their only firm basis—a conviction in the minds of the people that these liberties are of the gift of God; that they are not to be violated but with his wrath? Indeed, I tremble for my country, when I reflect that God is just; that his justice cannot sleep forever; that, considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest."

No, the Almighty had no attribute that would permit him to take sides with oppression, outrage, and crime. When the day of retribution should arrive, a holy and just God could take no part with slaveholders.

Mr. G. was here cut off by the expiration of his hour.

Mr. BROWN, of Mississippi, rose and said he did not intend to discuss the resolution before the House, nor the amendment which had been introduced by his friend from North Carolina; nor

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would he enter upon the discussion in relation to slavery, for that was emphatically wandering from the issue. He did not believe there was a solitary member of this Congress who thought there had been any breach of privilege growing out of this far-famed mob. Why, then, keep up this discussion? Was there any member there who believed that any member of Congress had been engaged in purloining slaves from their masters? If not, why should they continue the discussion of this second point? And if they came back to the real issue before them, they had nothing to justify a prolonged debate, for there was no proposition to which there could be two parties. They all admitted the facts to be as the gentleman from Massachusetts [Mr. PALFREY] had stated them. No living man could point to a solitary member of this House who was believed to be guilty of the act of purloining slaves, and, therefore, there was no difference of opinion among them. But, nevertheless, gentlemen had chosen to go into a general discussion on irrelevant topics. He had the honor to represent a slaveholding constituency, and at a proper time and on a legitimate question he should endeavor to present his views and the views of his constituents on that subject; but believing that this whole discussion was out of order; believing it to have been got up for a bad purpose; believing it to have grown out of bad feelings; and believing that the excitement here ought to be allowed to pass away, as it had in the city of Washington, and that the debate on this subject ought not to be sent to the country to a greater extent than it had already gone out, he moved to lay the whole subject on the table, and he called for the yeas and nays thereon.

After a few words of conversation, in which several gentlemen took part, the yeas and nays were ordered; and, being taken, resulted as follows:

YEAS—Messrs. Adams, Ashmun, Barringer, Barrow, Bayly, Beale, Bedinger, Birdsall, Bocock, Botts, Boydon, Bowlin, Boyd, Brady, Brodhead, Wm. G. Brown, Charles Brown, Albert G. Brown, Buckner, Butler, Cabell, Canby, Cathcart, Chapman, Franklin Clark, Clingman, H. Cobb, Williamson R. W. Cobb, Cocke, Crisfield, Crozier, Cummins, Daniel, Dickinson, Donnell, Edwards, Alex. Evans, Featherston, Ficklin, Flournoy, Freedley, French, Fries, Fulton, Gaines, Gayle, Gentry, Gregory, Hale, W. P. Hall, J. G. Hampton, Harris, Henley, Hill, Hilliard, G. S. Houston, John W. Houston, Hubbard, Inge, C. J. Ingersoll, Joseph R. Ingersoll, Irvin, Iverson, Jameson, Andrew Johnson, R. W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, D. P. King, Lahm, La Sère, Leffler, Levin, Ligon, Lincoln, Lumpkin, Maclay, McClelland, McClernand, McKay, McLane, Job Mann, Meade, Miller, Morehead, Morris, Murphy, Nelson, Nes, Outlaw, Peaslee, Petrie, Pettit, Peyton, Phelps, Pillsbury, Preston, Richardson, Robinson, Rockhill, Julius Rockwell, Romay, St. John, Sawyer, Shepperd, Sims, Smart, Robert Smith, Stanton, Stephens, Talbnadge, Taylor, Thibodeaux, Thomas, Jacob Thompson, Richard W. Thompson, John B. Thompson, R. A. Thompson, William Thompson, Tompkins, Toombs, Turner, Van Dyke, Venable, Warren, Wick, Wiley, and Woodward—130.

NAYS—Messrs. Abbott, Belcher, Collamer, Collins, Conger, Cranston, Crowell, Dickey, Duer, Daniel Duncan, Dunn, Nathan Evans, Farrelly, Fisher, Gott, Grinnell, M. Hampton, Henry, E. B. Holmes, Hunt, William T. Lawrence, Sidney Lawrence, McIlvaine, Horace Mann, Marsh, Marvin, Mullin, Newall, Palfrey, Peck, Reynolds, J. A. Rockwell, Root, Rumsey, Sherrill, Charles E. Stuart, Strohm, Thurston, Tuck, Wentworth, White, and Wilson—42.

So the whole subject was laid upon the table.

Mr. CLINGMAN expressed his desire that the consideration of the resolution on the printing of General Scott's correspondence, &c., be postponed till to-morrow, to allow time to see whether all the correspondence had come in from the department; which was agreed to.

SOLDIERS' BOUNTY LANDS.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ASHMUN, of Massachusetts, in the chair,) and proceeded to consider the *several* bills amendatory of the "act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847, viz: bills numbered 55, 156, 297, and 372.

Mr. JOHNSON, of Arkansas, observed that there had been four several bills reported to the House on this subject: one from the Committee of Ways and Means, one from the Military Committee, one from the gentleman from Maryland, [Mr. EVANS,] and one from the Committee on the Judiciary. Mr. J. had gone carefully through an examination of all these bills, and he found that they went extensively into detail, embracing a variety of provisions not directly connected with what he understood and believed to be the object, and the only object, of the House in this matter, which was, to extend to our volunteers who served in the present war that benefit of which they had been deprived owing to the construction put upon the original act by the officer of the Pension Office, viz: that non-commissioned officers, musicians, and privates, who might have received promotion for good behavior and meritorious services should continue to be entitled to their land bounty just as they had been while serving in the ranks. Believing this to be the object generally desired on all sides of the House, and with a view to simplicity of legislation, Mr. J. had prepared a substitute, which was confined to this one object alone. It proposed to give these volunteers just what it was supposed had been secured to them in the original bill, and nothing more. Mr. J. had submitted the bill he had prepared to a number of gentlemen of the House, and they all fully approved of it. There was no division of opinion, he believed, in the House as to the propriety of providing some relief for these meritorious men; the only question was as to the extent of that relief. He had placed them, in the proposed substitute, precisely on the ground of other private soldiers who had remained in the ranks; it gave them neither more nor less. He had, however, embraced the restriction originally contained in the amendment offered by the gentleman from Illinois, [Mr. RICHARDSON,] and confined the effect of the relief to those only who had been promoted after reaching the seat of war; and he had done so because he considered that provision as just and right. He excluded those who might have been promoted before they had served as non-commissioned officers or privates, or had served but a few days. He was in favor of giving bounty land to such only as went out in good faith and were elevated, after getting on the ground, for their meritorious behavior.

He did not include officers in this substitute, because they received a different sort of reward for their services—the high reward of military distinction. This was what officers of the army in all countries desired and prized above everything else in the world. It was a reward far above money; and let them get their pay in what they most esteemed. But as to privates, wherever they had gone forth, *bona fide*, with the purpose of serving out their time according to contract, and before that term had expired had been promoted and commissioned, let them not, on that account, lose the land they would otherwise have received.

Such was the character of the substitute he had drawn up, and which he now offered to the adoption of the committee. He did not think it could be liable to a single objection. At all events, it had the merit of extreme simplicity.

Mr. EVANS, of Maryland, objected to the substitute being now received, as the original bill had not been read. This must be done before anything as a substitute for it could be in order.

Here there was some question as to which of the four bills came first in order. The bill No. 55, from the Military Committee, was read, as entitled to precedence.

Mr. EVANS insisted that the bill No. 297, which he had introduced, should be read as first in order.

After some desultory conversation as to the order of the bills, the bill No. 297 was taken up and read, as follows:

"*Be it enacted, &c.*, That every non-commissioned officer, private, or musician, of the army of the United States, who has been, or who may hereafter, during the continuance of the present war with Mexico, be promoted to the rank of commissioned officer, and who, if such promotion had not taken place, would have been, or may hereafter be, entitled to receive from the War Department a certificate or warrant for public land, or treasury scrip in lieu thereof, under the ninth section of the act of which this is an amendment, shall, notwithstanding such promotion, be entitled to receive said warrant or certificate, or treasury scrip in lieu thereof, in the same manner as if such promotion had not taken place: *Provided*, That all the requisites of the ninth section of the act approved February 11th, 1847, shall have been faithfully complied with: *And provided further*, That the provisions of the said ninth section shall be as applicable to land warrants or certificates issued under this act as to those that might be issued in virtue of said ninth section."

To which an amendment moved by Mr. RICHARDSON was pending, viz:

"*Provided further*, That they shall have been elected or promoted after reaching the seat of war."

Mr. JOHNSON's substitute was also read, as follows:

"That the benefits conferred by the ninth section of the act entitled 'An act to raise, for a limited time, an additional military force, and for other purposes,' approved February 11th, 1847, be, and the same are hereby, extended and secured to all non-commissioned officers, musicians, and privates, who, during the war with Mexico, may have been, or may hereafter be, promoted to any company or staff office after their arrival at the seat of war."

And the question first coming up on Mr. RICHARDSON's amendment, it was agreed to; when—

Mr. THOMPSON, of Mississippi, said he had prepared an amendment consisting of an additional section to the bill. If the substitute were adopted, he would, he supposed, be precluded from offering it.

The CHAIR assenting to this—

Mr. THOMPSON said he would then move the section as an amendment to the original bill, so as to perfect that before the question should be put on the substitute of the gentleman from Arkansas.

The amendment was thereupon read as follows:

"*And be it further enacted*, That the benefits and rights conferred by the ninth section of the above recited act upon the soldiers engaged in the present war with Mexico, be, and the same are hereby, so extended that each non-commissioned officer, musician, and private of the regular army, or of any company of volunteers, rangers, or militia, who served in the Indian war in the Northwest Territory, prior to the treaty of Greenville in 1794, or who served during the late war with Great Britain, for twelve months or more, and was honorably discharged, and who has not received a bounty of land by virtue of any law heretofore passed, shall be entitled to and receive a warrant for one hundred and sixty acres of land; and such non-commissioned officer, musician, and private, of any company of volunteers or militia, who actually served for six months in the said Indian war, or in the said war with Great Britain, and was honorably discharged, shall be entitled to and receive a warrant for eighty acres of land; the bounties of land herein granted shall be subject to the same rules of descent, and be located in the same manner and with the same restrictions as are now provided in the said above recited act."

Mr. THOMPSON, of Mississippi, said he had offered his amendment with a view of doing an act of justice to a class of individuals who have long had claims upon the Government, and thus far have been neglected.

At the last session of the last Congress, the bill to which this proposition is an amendment became a law. In that enactment, bounties in land were allowed to the soldiers engaged in the Mexican war, both regulars and volunteers. This law had met, in his estimation, the sanction and approbation of the country. It passed both Houses of Congress with almost entire unanimity; and he did not believe there was opposition to the measure in any direction. The amendment just offered extends the same bounties to the same class of individuals who engaged in the service of the country in the last war. It proposes to keep within the precedent which has been established, and which has been approved by the country: to those soldiers (regulars, volunteers, and militia) who served for twelve months or more, one hundred and sixty acres of land are allowed; to those who served for six months and less than twelve months, eighty acres of land. There the amendment stops; and he hoped those who wished in good faith to have the amendment adopted, would resist changes which will be attempted to load down the bill.

Mr. Chairman, (said Mr. T.,) there is a feeling, strong, deep, and almost universal in this country, that the compensation allowed by our laws for the non-commissioned officers and privates of our army is wholly inadequate. In the last Congress, when the bill declaring war against Mexico and authorizing the President to receive into the service of the United States fifty thousand volunteers, was under consideration, an amendment was offered to

that bill to increase the pay of the volunteers to ten dollars per month. He voted against this increase, not because he was opposed to a general increase, but because he was compelled to vote on the proposition without any means of amendment; and he thought, to increase the pay of the volunteer, and not that of the regular soldier, was unequal, unjust, and, if you please, undemocratic. He thought he voted right then, and would vote in the same way again. At the succeeding session, the idea of increasing the pay of the volunteers alone was abandoned on all sides of this Hall, and he then voted to increase the pay of the whole army in accordance with the principles he had always advocated. The Senate, however, disagreed to the increase, and the compromise between the two Houses resulted in the bounties provided in the ninth section of the law which is proposed to be amended. Though this line of conduct was so clearly right and proper on his part, yet there were not wanting those who endeavored to place him in a false attitude before the country, and excite prejudice in the public mind, when none dared to avow their disapproval of his principles. This agitation had led him into an examination of the past history of the legislation of the country on this subject. At no time has any complaint been made as to the compensation of the officers. On all hands it is considered most ample; and in consideration of the pay of the private, the inequality has been most striking, and not in accordance with the spirit and genius of our institutions. Heretofore both the profit and the honor have been theirs. And, although our army had been better paid and better fed and clothed than any army of the world, yet their pay had been insufficient and inadequate. In the year 1785, before the adoption of our present Constitution, a law was passed allowing the privates in the ranks of the regular army four dollars per month. September 29, 1789, the militia and volunteers were allowed the same compensation. By the law of April 30, 1790, this allowance suffered a reduction, and was brought down to the petty amount of three dollars; and even from this, ninety cents were deducted for his clothing, and ten cents more for medical stores: so that his actual pay was but two dollars a month. March 3, 1790, the militia and volunteers were put upon the same footing. In 1792, a slight change was made for the benefit of the non-commissioned officers. January 2, 1795, the pay of the militia and volunteers, while engaged in the service of the United States, was increased to $6 66. March 3, 1795, the pay of the regular army was increased to $4 per month, with a bounty of $16 on enlistment. July 16, 1798, the pay of the regular army was increased to $5 per month, and allowed a bounty of $12. This was the pay of the soldiers in the olden time—under the old régime. And thus it continued till the late war with Great Britain. This war was declared by Congress, June 18, 1812. But previous to this declaration, laws for the increase of the army of the United States, raising volunteers, and calling out the militia, were passed, December 24, 1811, January 11, 1812, and February 6, 1812. But six months after the declaration of war, December 12, 1812, a law was passed increasing the pay of the regular army to $8 per month, allowing a bounty of $16 upon enlistment, and, when discharged, three months' extra pay and 160 acres of land. February 2, 1813, the pay of the regular army was extended to the militia and volunteers, excluding them from the bounty upon entering the service, the extra pay, and the 160 acres of land when discharged. This disparity continued during the whole war—a discrimination operating heavily and unjustly against the volunteers and the militia. The war being ended, and the volunteers disbanded, and a return made to a peace establishment, March 3, 1815, the pay of the regular army was reduced to the rates established by the law of 1798, and the militia and volunteers to those of the law of 1795. March 21, 1833, the pay of the privates of the regular army was increased to $7 per month. March 19, 1836, some time after the commencement of hostilities with the Florida Indians, the pay of the militia was increased, and they were put upon the same footing as the regular troops, except as to clothing. In 1838, during the existence of the Indian hostilities, there was some singular legislation: July 5, 1838, the pay of the privates of the whole army was increased to $8 per month, $24 was allowed for a reënlistment, and a bounty of 160 acres of land allowed; but July 7, 1838, two days afterwards, the increase of pay and bounty provision were repealed. Thus the pay stood when the Mexican war began. In all our legislation during this period, we have maintained an equality between the regular soldier and the volunteer, with these exceptions: a small bounty has been allowed the regular soldier on enlistment; and the volunteer was allowed $3 50 per month for clothing, while the regular troops receive $2 50 per month; and the volunteer receives 50 cents per twenty miles while travelling, and the regular soldiers about 15 cents.

This equality in compensation had been approved, in his estimation, by the country; and the statement made must satisfy every member of this committee that it is our duty to smooth the path of the old soldier to the grave, and, as far as it may be just and in accordance with established precedents—though too late to reach the case of many who have fallen asleep—to do now what ought to have been done long ago——

Mr. VINTON interposed, and asked what number would be entitled to land under the amendment now offered.

Mr. THOMPSON continued, and said, he had expected this point would be raised by those who act upon the principle that justice was to be determined by the amount required to satisfy its demands. He had examined the public records, and obtained all the information that could be gleaned from the published documents and from the departments. The facts, as far as ascertained, were as follows: The number of men who served for twelve months, was 6,890; the number that served for six months, 60,375 men. By reference to document No. 20, 2d session, 24th Congress, all the members of the committee may find a full statement. If we allow one hundred and sixty acres of land to each twelve-months' man, the amount of land that will be absorbed is 1,102,400 acres; 80 acres for each six-months' man, will amount to 4,830,000. The whole amount will be 5,932,400 acres. Now, it must be remembered, that those soldiers of the last war who served for five years or during the war, have already received their bounty. But there were some four thousand soldiers of the regular army who did not enlist for either of the above terms, and who would be entitled to land, having served either twelve or eighteen months; and these will require 640,000 acres of land to satisfy their claims. And the estimate may be safely made, that 6,500,000 acres will be most ample to meet every claim, on the supposition that every man appears and claims the bounty which a liberal Congress bestows upon him; and this is, in itself, most improbable. The following is the number from each State:

Table of six-months' men and twelve-months' men of the last war.

STATES.	6-months' men.	12-mo'ths' men.
New Hampshire	225	
Massachusetts	829*	860*
Rhode Island	331	
Connecticut	54*	
Vermont	476†	
New York	5,998	1,068
Pennsylvania	3,432	215
Delaware	170	
Maryland	49	87
Virginia	12,945	
North Carolina	1,697	
South Carolina	973	
Georgia	3,007	
Kentucky	8,936	
Tennessee	11,789	188
Ohio	7,022	678
Louisiana	513	174
Mississippi	1,929	750
Illinois, Indiana, and Missouri, (rangers)	-	2,870
Total	60,375 *a*	6,890 *b*

* Volunteers. † Militia.

a Eighty acres allowed each soldier will amount to..4,830,000
b Quarter section or 160 acres allowed each, will amount to 1,102,400

Total, acres..... 5,932,400

Now, in a review of the legislation of Congress on this subject of bounty land, it will be found that a reservation of six millions of acres of the public domain had been set apart for the purpose of satisfying the warrants issued in favor of the soldiers of the last war. The reservation was located in the States of Illinois, Missouri, and Arkansas. But as this whole subject of bounty land is now under consideration, the following review of the amount of land heretofore allowed by Congress will prove acceptable—prepared, he thought, with accuracy:

Aggregate of bounty lands granted by the General Government to the commissioned officers of the Continental lines, and to the officers of the hospital and medical department of the army of the Revolution..... 822,870

In the following proportions, viz: A major general, 1,100; brigadier general, 850; colonel, 500 acres; lieutenant colonel, 450; major, 400; captain, 300; lieutenant, 200; and ensigns and cornets, 150.

Hospital Department.

Director, same as brigadier general; chief physician and purveyor, same as colonel; physician and surgeon and apothecary, same as lieutenant colonel; regimental surgeons, same as major; surgeons' mates, same as captain.

Aggregate of bounty lands granted by the General Government to the non-commissioned officers, musicians, and privates of the Continental lines of the army of the Revolution—none being entitled but those enlisted for "during the war," and served to the end thereof in 1783: 12,586 warrants of 100 acres each..... 1,258,600

Total number of acres of bounty land granted to the officers, non-commissioned officers, musicians, and privates of the different Continental lines of the army..... 2,081,470

Lands granted to Messrs. Lewis & Clark, and their companions, pursuant to act of Congress, 3d March, 1807:

Two warrants, of 1,600 acres each, for Messrs. Lewis & Clark..... 3,200

Thirty-one warrants, of 320 acres each, for their companions..... 9,920

Total number of acres..... 13,120

Lands granted for services in the late war with Great Britain: 27,516 warrants, of 160 acres, issued to the non-commissioned officers, musicians, and privates of the regular army, and to the heirs of such of the United States twelve-months' volunteers who died or were killed whilst in service, in pursuance of the acts of Congress of December 24, 1811, January 11 and February 6, 1812..... 4,402,560

One warrant under a special act..... 480

One thousand and eighty six warrants, of 320 acres each, under the act of Congress of December 10, 1814, granting double bounties in land..... 347,520

Total number of acres..... 4,750,560

Under the acts of Congress of March 5, 1816, and March 3, 1817, granting bounties in lands to the officers and soldiers and to the medical and other staff of the Canadian volunteers in the late war, and including certain rangers, there has been granted—

Thirty-five warrants to the Canadian officers, (commissioned,) embracing..... 17,872

One hundred and twenty-one warrants, of 320 acres each, to non-commissioned officers and privates 38,720

One hundred and twenty warrants, of 160 acres each, to non-commissioned officers and privates. 19,200

Total number of acres..... 4,826,352

The locations of the warrants granted to the Canadian volunteers were confined, under the act of 1816, to the then territory of Indiana, and under the subsequent act of 1817 "to such lands as have been offered at public sale according to law, and no other;" hence they did not interfere with the six millions of acres of land originally appropriated in Illinois, Missouri, and Arkansas, for the purpose of satisfying those warrants which have issued pursuant to the acts of December 11, 1811, January and February, 1812, and December, 1814.

Thus it will appear that of the six millions of acres reserved for the purpose of satisfying the military warrants issued for services in the late war, nearly one million two hundred thousand acres still remain unlocated. And thus, he verily believed, it would turn out in the present instance: that though the calculation would lead us to suppose that six millions of acres would be required to satisfy the claim, yet not more than three millions of acres would ever be located.

Having ascertained the extent of the claim, the next question arises as to our means of payment. At this time he would be reluctant to increase the public debt; and though the claim be just, yet as those who had gone before us had neglected to provide for it, it perhaps may not be criminal in us to pass it by. But he had examined into this matter also; and in the State of Mississippi, at this time, there were more than eleven millions of acres of land subject to entry at private sale. He would be glad if the whole number of warrants which might be issued could be located in that State; all of them would be satisfied, and still a sufficient amount would be left to answer all the purposes of speculation. His constituents would welcome the old soldier or any of his children among them with a right hearty good will, and perform for him all the offices of good neighborhood. The last returns show, we have now belonging to the United States 146,693,663 acres of land subject to private entry. A large proportion of this land has been open for sale and entry for more than twenty years; and

he verily believed, the doing of this act of justice, and the location of these warrants, would facilitate and accelerate the disposition of the residue. All the lands now surveyed and ready for market amount to 300,216,978 acres.

But gentlemen have a convenient way of meeting all this, by saying it is all humbug. Sir, this is the resort always of a politician who is hard pressed and defeated in argument. But it is no such thing in the ordinary acceptation of that term: it is founded in truth, justice, and equality; the reward of services freely rendered; or if it be a humbug, it is one which the people will adopt and advocate—a humbug which public men will find it most difficult to resist, inasmuch as it finds its approval in the strong good sense and grateful feeling of the people. When he voted against the increase of the pay of the volunteer, because of the inequality which was proposed to be made in the compensation of the regular troops and the volunteers, he found a humbug was made out of it by low, cunning, contriving men, because an opportunity was afforded for misrepresentation; and so proper did the people consider the increase, and so much was such a movement in accordance with their feelings, that they were almost ready to take it in any shape. Some have supposed that the course which a sense of duty impelled him (Mr. T.) to take in regard to General Taylor, embarrassed him among his constituents. Not at all; this humbug exploded at the very first fire. But more patience and more care were required to satisfy the honest yeomanry as to the propriety of the other vote. But when any man is right, honest, and frank, he has nothing to fear from an intelligent and patriotic constituency.

And why should not this bill be passed, and these bounties extended to the soldiers of the last war, placing them on terms of equality with the soldiers of the Mexican war. Is this Mexican war more just, righteous, and important than the war of 1812? Is the enemy now more brave, skillful, and difficult to overcome than the enemy then? Are the results of the war more conducive to national honor and national elevation and advancement? No, sir. No one contends for such a proposition. These wars were alike necessary. The glory of our arms has been maintained, and our national character elevated in both conflicts. The volunteers of this war are placed on grounds of equality in compensation and bounties with the regular troops. Why not act in the same way with the volunteers of the last war? The difference, if any, is in this: the excitement of the last war is passed away, and a debt so long due and unliquidated, loses its force in proportion to the distance and time at which it was incurred. He would not endeavor to renew the glories of the last war; he would not endeavor to recount the hardships, deprivations, and sufferings of our army during that time—the scanty ration, the insufficient clothing, amidst the severest chilling blasts of our northern frontier—the depreciated paper with which the Government discharged their meagre wages—the dreadful conflicts with a powerful foe, and the awful carnage which ever attended them. These were left by him for others to perform, who had inclination and capacity for such an undertaking. But while we all feel proud for our countrymen in their bearing in Mexico, yet it is right to remember the fullness, and excellence, and readiness of their rations; a bountiful payment for clothing; a mild climate in which to operate, though in positions subject to the inspiration of a deleterious malaria, which, in many instances, proved fatal. He believed if the people of the United States were allowed a direct vote on this amendment, there would be little or no opposition.

Again: he had ever been against a large standing army; it is the bane and curse of every republic. It is by the army all republics have fallen. And he verily believed, if the standing army of this country was continued at the number now engaged in the public service, although he had every confidence in the patriotism, intelligence, and honesty of our army, yet this army would control the policy of this Government. For the first series of years it would be done by influence; and when that influence failed, as fail it would in the end, power, force, the strong arm, would be brought in to rule the turbulent, and to put down the insubordinate. This has been the spirit of all armies—indeed of all associated bodies of men. And man continues the same in all his passions, motives, and objects of pursuit in all ages and in all nations. And he feared, at least, our Republic had not regenerated man. Therefore, he was against large standing regular armies. The defence and the honor of the Republic ought to remain with the citizen-soldier. He was opposed to long pension rolls. This is too close an imitation of the rotten Governments of Europe, which are now crumbling into dust. It is intended for privileged orders, to maintain distinct classes in society, who may be dependants upon Government, and whose interest it will be to continue the existing order of things which feeds them, however oppressive to their fellow-citizens. This system is not suited to a plain, democratic Government. If we owe these men anything for their services—if liberality to public servants prompts, and justice demands, this bounty—pay it, whatever is due. Let him have it, and then let him take care of himself. Let him no longer look to Government for help. If he has been disabled in your service, generosity bids you to provide for his necessities, but duty to all forbids your special guardianship over any American citizen who is able to take care of himself. Let us pay the citizen-soldier liberally. In the service of his country let his patriotism and his interest be both appealed to; and thus we may bid defiance to the combined standing armies of the world, without a mercenary army, ever ready to obey the behests of the occupant of the Presidential chair.

He (Mr. T.) said he saw gentlemen all around him anxious to take the floor on this proposition. He advised them to move with caution; this was a new proposition. Men often get wrong by overhasty and inconsiderate action. This question of pay of the volunteers is an old song. And I doubt not there are many here to whom the phrase is familiar, as having been used by themselves on the stump—eight dollars a day for a member of Congress, and seven dollars per month for the poor soldier. Upon your return home, after having induced many good-meaning men to join in sending you here, how will you answer the interrogatory of the old soldier, How is it that the twelve-months' men of this war receive bounties in land, and we are deprived of the same, when we have performed the same service? I thought you were the friend of the soldier. You obtained my vote by that song, and when the proposition is made to give me a home, you forget all your professions. Sir, gentlemen will be without a satisfactory answer even to themselves. This provision is right and proper. And although it may take five or six millions of acres of land to satisfy the claim, each of you who intend to oppose this measure had better weigh your words and examine your arguments well before their delivery. Let but the remembrances and glories of Craney Island, Aux Cunards, Fort Stephenson, the Thames, Chippewa, Fort Erie, Lundy's Lane, and New Orleans, awake around you, and you will soon see how consistent with justice and right this scanty but late bounty will appear.

One other consideration. He (Mr. T.) said he had despaired of the graduation of the price of the public lands by this generation of legislators. The lands in the new States are now vacant. He wanted them occupied and cultivated. He desired to see these lands pass into the hands of individuals, so that they might become subject to taxation. At their present rates, they would not sell, and no settlement would be made, and emigration would go onward, touching and cultivating only the select lands, till they were turned back by the Pacific. If, in doing an act of justice and enlightened patriotism, we can remedy this state of things, is it not most desirable? Will not every man from a new State join me? Here is a measure in which we can all unite. The old States have the soldiers; the new States have the lands. The old States want compensation for the services of their citizens; the new States will be glad that these same patriots were in possession of some of their vacant lands, and become their neighbors. He hoped, therefore, that the friends of the proposition would protect the measure from all insidious efforts to defeat it by putting upon it ridiculous amendments, with a view of making the measure itself unacceptable to its friends. Let others do as they might, he would discharge his duty.

Mr. THOMPSON, of Kentucky, obtained the floor, on whose motion the committee rose and reported progress, and then

The House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. TURNER: The petition of L. P. Sanger, praying compensation for carrying the mails from the 13th February, 1847, until June, in the same year, over routes abandoned by O. Hinton & Co. Also, the petition of Thomas Harrison and many others, praying for a mail route from Mount Carroll, in the State of Illinois, to Pleasant Valley and Howardsville, in the same State. Also, the petition of F. G. Petrie and a great many others, praying for a mail route from Sycamore, in the State of Illinois, to South Grove, Lindenwood, White Rock, Daysville, Oregon, Mount Morris, Chambers's Grove, Cherry Grove, Mount Carroll, and Savannah, in the State of Illinois.

By Mr. ABBOTT: The petition of Henry Little and Jacob Felch, of Newbury, Massachusetts, praying for indemnity for damages sustained by the erection of a breakwater connecting with Woodbridge's Island, in Merrimac river.

By Mr. CHAPMAN: The memorial of Benedict J. Heard, praying that his claim for the destruction of his houses may be paid.

By Mr. TUCK: The petition of W. H. Y. Hackett and 27 other citizens of Portsmouth, New Hampshire, praying that Congress will purchase Mount Vernon, agreeably to a proposition of John A. Washington, Esq., to the Hon. George M. Dallas. Also, the petition of N. P. Haskell and 70 other citizens of Weston and vicinity, Maine, praying that Congress will appoint a committee to inquire into the existence, extent, and legality of the slave trade in the District of Columbia.

By Mr. JAMESON: The petition of David Jones for a pension. Also, the petition of divers citizens of Ralls county, Missouri, praying for authority to locate certain school lands on other vacant sections. Also, the petition of several citizens of the counties of St. Louis, St. Charles, and Warren, Missouri, praying for a change in mail route No. 4,717. Also, a petition in relation to certain land warrants.

By Mr. ANDREW JOHNSON: The petition of sundry citizens of Carter county, Tennessee, asking the establishment of a mail route from Elizabethton to various other places, as set forth in the petition.

By Mr. MARSH: The memorial of John Peck and others, in favor of Whitney's plan for the construction of the Atlantic and Pacific railroad.

By Mr. TWEEDY: The petition of Nancy G. Sanders and 122 others, ladies of Wisconsin, praying for an extension of the privilege of preëmption to settlers, so as the better to protect them against speculators. Also, the petition of Warren Chase and 49 others, for a division of the Green Bay land district. Also, the petition of O. Preston and 19 others, for continuation of post route No. 4,407, from Geneva to Summit, Wisconsin, via Spring Prairie, East Troy, Eagleville, and Waterville. Also, the petition of N. H. Strong and 37 others, for a post route from Watertown, via Waupun, Ceresco, and Berlin, to Plover Portage, service thereon as often as once a week. Also, the petition of Wm. Starr and 113 others, for a post route from Watertown, via Waupun, Ceresco, and Berlin, to Plover Portage, of a mail service thereon. Also, the petition of Edmund Cowdry and 79 others, for a post route from Watertown, via Waupun, Ceresco, and Berlin, to Stevens's Point, Portage county.

By Mr. BELCHER: The remonstrance of George Kendall and 41 others, inhabitants of the State of Maine, against opening our ports to British lumber floated down the St. John's river. Also, the petition of Samuel Davis, for bounty on schooner Daniel.

By Mr. WILSON: The memorial of John Plumbe, in relation to his project for a railroad from the Lakes to Oregon. Also, the petition of Ephraim Spoor, praying for a pension. Also, the petition of Ann F. Perrine and others, praying for the extension of the time allowed for locating a tract of land in Florida, granted to Dr. Henry Perrine. Also, the petition of Calvin Smith, of Henniker, New Hampshire praying that all prisons in the District of Columbia where persons are confined without conviction or allegation of crime may be abolished.

By Mr. BARROW: The petition of William Linville and 25 others, officers and soldiers in the last war with Great Britain, asking an extension of the pension laws, &c.

By Mr. ATKINSON: The petition of William Tee, of Portsmouth, Virginia, for a pension.

By Mr. C. J. INGERSOLL: Several petitions, numerously signed by citizens of Philadelphia, for the survey of a route for a post road from Philadelphia to New York.

By Mr. TALLMADGE: The petition of Gouverneur Morris and others, for an appropriation to promote the sciences of geology, mineralogy, &c.; of Lieut. J. S. Devlin, for compensation as acting assistant quartermaster in the marine corps; of George Pitt Stevenson, for an allowance for service as judge advocate on the coast of Brazil.

By Mr. WENTWORTH: A petition for a mail route from Rockford, via Kishwaukee, mouth of Stillman's Creek, Daysville, Lee Centre, and Ovid, to Peru, in La Salle county. Also, a petition for a mail route from Littlefort, via Gage's Lake, Hainesville, Fort Hill, Forkville, and Lamar, to Crystal Lake, in McHenry county.

By Mr. HALL: The petition of Charlotte S. Newcomb, for arrears of pension due her grandfather, Thomas Lincoln, deceased.

By Mr. GAINES: The petition of Robert Perry, for a pension for services rendered and injuries received during the Indian war.

IN SENATE.

TUESDAY, *April* 25, 1848.

Mr. BREESE presented a petition from the County Commissioners of Fayette county, Illinois, asking that the State of Illinois be authorized to collect tolls on the Cumberland road for keeping it in repair; which was referred to the Committee on Roads and Canals.

Also, petitions from Frink and Hadduck, and

L. P. Sanger, asking payment of a balance due under a contract for carrying the United States mail; which were referred to the Committee on the Post Office and Post-Roads.

Mr. CAMERON presented a memorial from the Professors of the National Medical College of Washington, asking an appropriation for the hospital in this city; which was read, and referred to the Committee on the District of Columbia.

[This memorial shows that the Faculty of this college, at great expense and personal sacrifice, supplied the means to open one half of the present building as an infirmary, and the other as a dispensary, trusting to be able to sustain the institution from fees derived from those able to pay; but, so far from that, they have been obliged to keep it up by their own private means until the present time. After having expended more than $5,000 from their private resources, independent of gratuitous medical and surgical attendance to some four hundred patients, they now say they find the burden too onerous to be longer continued. In speaking of the institution, the memorialists say that it has been made the asylum for the broken-down sailor and wounded soldier, and has become rather a national than a local institution, in the different wards of which have been found representatives from almost every State in the Union. The Faculty still admit their readiness to give their time and attendance gratuitously, but can no longer supply the necessary funds to sustain the institution.]

Mr. MASON presented a memorial from the Hartford Argillo Manufacturing Company, asking an examination and test of a certain material manufactured by said company to be used in lieu of marble; which was ordered to be referred to a select committee, to consist of three members, to be appointed by the Chair.

[This memorial states; that although this manufacture is in its infancy, it can now be furnished as cheaply as the finest marble, which it is destined entirely to supersede. It is a preparation of clay, by chemical agency, of great durability and intense hardness, exhibiting the high polish and lustre of the precious stones, being susceptible of every variety of hue, is of unsurpassed and permanent brilliancy, and cannot be equalled in practical use. The memorialists ask no patronage from the Government in advance, being convinced that, after examination and test, it will at once be introduced in all the public buildings in lieu of marble.]

Mr. CLAYTON presented two memorials from citizens of Pennsylvania, asking that Congress will construct a post route through the State of New Jersey, in order to do away with what is termed a monopoly of certain railroad and canal companies, by means of which the State of New Jersey imposes an exorbitant tax on citizens of other States.

Mr. CLAYTON made a brief explanation of the object of the memorials, which was, to obtain a remedy against the extortionate rates imposed by the railroad companies in the State of New Jersey, on passengers, citizens of other States, between the cities of Philadelphia and New York. A distinction was made in favor of the people of New Jersey travelling from one part of the interior of the State to another.

Mr. DAYTON expressed regret that the Senator from Delaware had called public attention to these memorials. The fact is, that this is simply a dispute between rival companies, and not a matter calling for the interposition of Congress. He vindicated the State from any desire to countenance improper rates of travel, as it merely derived a revenue of ten cents payable for every passenger, which amounted only to a moderate State tax.

Mr. MILLER also stated, that the moderate tax of ten cents for each passenger constituted all the interest which the State of New Jersey had in these railroads. He regretted that the Senator from Delaware should have thought proper to bring before Congress a matter exclusively pertaining to citizens of New Jersey, and which might be settled without the interposition of the United States.

Mr. CLAYTON, in reply, read from the memorials, and also quoted from the letters in which they were transmitted to him, for the purpose of showing the extent of the impression made on the public mind by the conduct pursued by the railroad companies in New Jersey.

Mr. MILLER and Mr. DAYTON said a few words in explanation; and after a few words from Mr. CLAYTON, the memorials were referred.

REPORTS FROM COMMITTEES.

Mr. RUSK, from the Committee on Military Affairs, reported a joint resolution requiring the Secretary of War to purchase 5,000 of Colt's repeating pistols, accompanied by a report; the joint resolution was read a first time.

Mr. UPHAM, from the Committee on Revolutionary Claims, made an adverse report on House bill for the relief of the heirs of Rignald *alias* Nick Hillary.

Mr. BELL, from the Committee on Indian Affairs, reported a bill for the relief of William Lee; which was read a first time.

Mr. HANNEGAN, in pursuance of notice, introduced a bill in addition to an act therein mentioned.

RESOLUTIONS.

On motion of Mr. BADGER, it was

Resolved, That the Committee on Printing be instructed to inquire into the causes of the delay in executing the printing from time to time ordered by the Senate, and report what measures, if any, the Senate should adopt in relation thereto.

On motion of Mr. ATCHISON,

Resolved, That the President of the United States be requested to cause to be sent to the Senate a copy of the opinion of the Attorney General, with copies of the accompanying papers, on the claim made by the Choctaw Indians for five thousand dollars, with the interest thereon from the date of the stock and the par value thereof, transferred to them by the Chickasaws, under the convention of 17th January, 1837.

Mr. UNDERWOOD called the attention of the Senate to the fact that a bill had been passed in the other House, and reported from the Committee on Naval Affairs in this body without amendment, for the relief of David Myerlee. He desired to have the bill recommitted, from the fact that he had received a memorial from a certain firm, stating that Myerlee was insolvent, and had refused to pay them any portion of the money he would receive by the contemplated bill, although they had furnished Mr. Myerlee all the means to meet his engagements. They ask that the bill may be so amended as to allow them to receive what is just, or the money retained in the treasury until such time as their claim can be litigated.

The bill was recommitted with the accompanying documents to the Committee on Naval Affairs.

The bill to require holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants, was read a third time and passed.

Mr. CASS moved that the Senate proceed to the consideration of the bill relating to California claims.

Mr. HALE hoped that the Senate would not proceed to the consideration of that bill. There was another matter legitimately before the body, to wit, the bill which he had asked leave to introduce, and for which he had been denounced as a maniac on one side, an enemy of the Constitution on the other, and as guilty of highway robbery by a "third party." These denunciations had gone forth on the wings of the press to the four corners of the earth, and he considered it but an act of justice on the part of the Senate to proceed with that bill, in order that the world might see with what justness such charges had been made. He desired to have at least the vote of the Senate on the subject, by yeas and nays.

The question having been taken on the motion of Mr. CASS, it was decided in the affirmative: Ayes 25, noes 9.

CALIFORNIA CLAIMS.

The Senate then took up the bill relating to California claims, the question pending being the amendment of the Committee on Military Affairs abolishing the board of commissioners, and substituting Colonel Frémont and two other officers to examine the claims, &c.

Mr. CASS said, the committee had reported the amendment for the purpose of obviating all objections, and he hoped the Senate would be disposed to acquiesce in the report.

Mr. MASON. I am unable to perceive that the objection which I presented to this bill, a few days since, has been in the slightest degree obviated by the amendment which has just been read. The objection which I urged was, that the bill created offices, and appointed certain officers to fill them, which was in violation of the Constitution. The honorable Senator from South Carolina, [Mr. BUTLER,] who, as everybody knows, is a very able jurist, at once took the distinction, so well known to the common law, between an "office" and an "employment." That was met by the Senator from North Carolina, [Mr. BADGER,] who endeavored to show that this mode of appointing officers was sanctioned by legislative and judicial precedents, of which he cited several examples. Deeming this a matter of vital importance, inasmuch as it is of the highest moment that we should not trench upon the rights of the Executive, I have taken some pains to look into these precedents, and into the authorities generally; and the result of that investigation has satisfied me that the supposed precedents are altogether unsatisfactory.

The bill originally proposed to create a board by name, *eo nomine*, consisting of Lieutenant Colonel Frémont and two other officers of a certain class. The objection made was, that that involved the creation of an office, and by law appointed officers, with the duty of adjudicating certain claims against the United States. Now, the amendment proposes, not to create a board *eo nomine*, but that the unascertained claims shall not be paid unless they have been previously examined and allowed by three gentlemen whose names are given—John Charles Frémont, Captain Hensley, and Major Eddie. The amendment further provides, that these gentlemen who are thus to examine these claims, shall be compensated according to their respective ranks in the late California battalion. What, then, does the amendment provide? Why, substantially the very same thing which was provided in the original bill—that these claims are to be examined, adjudicated, and determined upon evidence which shall be laid before these individuals; and, when ascertained by them to be correct, shall be paid, without further inquiry, by a proper disbursing officer, out of the public treasury. Now, I cannot for my life see any shadow of difference in the substance of this thing, whether you call these three gentlemen examiners of claims, or a "board," as they were styled in the original bill. It is further provided in the amendment, that all claims shall be barred, which are not presented to these officers for their examination within one and a half years after the passage of the bill. Thus, during that year and a half, these gentlemen are to continue in the employment of the Government, I say in office under the Government, at a fixed rate of compensation, to be paid them for the discharge of the duties of that office. Now, the precedents cited by the gentleman from North Carolina, on a former day, were, as far I could understand, in every instance, precedents of mere employment, not of office, by which certain persons were engaged to discharge a certain specified duty; and the employment was to cease when that duty had been performed He cited cases of artists employed to paint pictures, and execute statuary for the decoration of this Capitol. I have not now the list of cases cited by the gentleman, but I recollect that amongst them was one in which he conceived that the very case now before us was presented. It was the case of Mr. Choteau, who was employed to visit the western Indians and conduct a deputation from them to the seat of Government.

Now, sir, I find in the horn book of the law—and this is purely a legal question—that Blackstone thus defines the meaning of the term "office:"

"An office is a right to exercise a public or private employment, and to take the fees and emoluments thereto belonging—whether public, as those of magistrates; or private, as bailiffs, or receivers, and the like."

"Every man is a public officer, who has any duty concerning the public; and he is not the less a public officer, when his authority is confined to narrow limits; because it is the *duty* and the *nature of the duty*, which makes him a public officer; and not the extent of his authority."

So much for the meaning of the term "office." Now, to distinguish between an "office" properly such, and a mere "employment," I will take the honorable Senator from North Carolina [Mr. BADGER] back to the black letter, in the times of Charles the Second, and refer him to a case decided in the King's Bench in 1658, reported in 2d Siderpin, page 142, where the Chief Justice (Glyn) thus strikingly draws the distinction. He says:

"I hold in this case, that the grant by the word 'concessimus' to Sir John Gates is good. I consider that the precedents cited are not to the point; they not pertaining to office, but an employment, and that there is more than a verbal distinction between them."

"Now, to explain my distinction between an *office* and an *employment*, I hold that although every office be an employment, yet, *e converso*, every employment is not an office. As, if I agree with one to make my hay, or to plough my land,

or to herd my flock, these are *employments*, and differ from the duties of my manor, which is an *office*."

The difference between a "duty continuing" and a duty which ends when the particular object is attained, is here strikingly drawn. In the State of Maine, I find that there was a decision of the judges on this point, which I have examined with some care, and which I think fully sustains the view which I have presented. It will be found reported in 3d Greenleaf, page 482. The question submitted to the judges of the Supreme Court of that State, by its Governor, was, whether an agent appointed by him for the preservation of the timber on the public lands was to be considered an officer, within the meaning of the constitution of that State; and, by the unanimous opinion of the judges, it was decided that he was not: then such agent held no "office," but merely an "employment," under the State. The judges say:

"There is a manifest difference between an 'office' and 'employment' under the Government. We apprehend that the term 'office' implies a delegation of a portion of the sovereign power to, and a possession of it by, the person filling the office."

I find the same distinction taken in a case decided by the Supreme Court of Pennsylvania—"Binns's case," reported in 17th Sergeant and Rawle. Binns had been appointed by Mr. Clay, when Secretary of State, to print certain public papers, &c., for that department, being at that time an alderman of Philadelphia; and the question was, whether this appointment by Mr. Clay made him an officer of the Federal Government.

It was decided by a majority of the court, that it was a mere employment, and not an office, and the case in Siderpin was referred to for the distinction.

I apprehend, then, if there be any foundation for this distinction, resting upon the authorities I have cited, that it at once disposes of the whole class of cases of "employment" cited by my honorable friend from North Carolina. The painting of pictures, execution of statuary, the compilation of State papers, are "employments" properly within that term.

Then, as to Choteau's case, also cited by the Senator from North Carolina—it is found in the law of appropriations for Indian annuities, &c., passed July 7, 1838—in which, amongst a long series of appropriations, is the following, viz:

$20,000

"For expenses of mission of A. P. Choteau amongst the wild tribes of the southwest, including his outfit, and the expenditures growing out of, and connected with, bringing on deputations of said tribes, *which he had been authorized to do.*"

And this is cited by the honorable Senator, as an instance where one by law was clothed with an office, or made an officer, as is proposed by the bill under consideration.

Now, I understand that the intercourse with the Indians is a matter purely pertaining to the Executive. The President is the organ of intercourse with those tribes as he is that of foreign nations. It is an Executive function; and when he deems it right and proper to conduct deputations from those Indian tribes to the seat of Government, he can give the necessary orders to that effect. He reports the fact to Congress, and an appropriation is made to defray the expenses. I cannot then perceive any analogy between the case cited and that now before the Senate. There was another case presented by the honorable Senator from North Carolina, which struck me with some force at the time, and of which I have made an attentive examination. I refer to the act of Congress, September, 1789, by which it was enacted:

"That the establishment contained in the resolve of the late Congress of the 3d October, 1787, except as to the mode of appointing the officers, and also as hereinafter provided, be and the same is hereby recognized to be the establishment for the troops in the service of the United States."

The "resolve of the late Congress," thus referred to, was a resolution of the old Congress under the articles of Confederation, and will be found in their Journals, volume 4th, pages 786–7, in these words:

"*Resolved*, That seven hundred non-commissioned officers and privates be raised for the term of three years, unless sooner discharged,"

which were to be furnished in certain proportions by certain States.

In 1789, the Federal Government had been organized under the present Constitution, and this recognition of a levy of troops merely by a resolve of the old Congress the Senator construes into a legislative appointment of all the officers who were to command those troops. Surely the honorable Senator could not have read attentively the law which he quoted, or he could not fail to see that the point for which he cited it is strongly against him—the law, in express terms, excepting "the mode of appointing the officers," which was to conform to the provisions of the Constitution, then recently adopted. So much, sir, for the precedents cited by the Senator from North Carolina.

I now come to the case cited by the honorable Senator from Texas—the case of the mail contractors. A resolution or law passed the two Houses of Congress, referring a matter in dispute between these contractors and the Government—to whom? To an officer of the Government—the Solicitor of the Treasury. Does any one doubt, has it ever been doubted, that the Congress of the United States have authority to prescribe new duties to existing officers, provided these duties are not inconsistent with the rights of the officer for the time being? That was all that was done in the case in question. The Solicitor of the Treasury is an officer of the Government; and the first question before the court was, whether the Postmaster General could exercise any discretion in carrying out this law of Congress—whether, *virtute officii*, he could exercise that power; and the next question was, whether the district court of the District of Columbia could exercise jurisdiction in the case by writ of mandamus.

Mr. RUSK. Will the Senator allow me to ask a single question? I desire to ask if, when an act of Congress is brought before the Supreme Court, it would not be wanting in duty, if it failed to inquire into the constitutionality of that act?

Mr. MASON. I would answer the Senator by stating, that whether the Supreme Court of the United States would or would not inquire into the constitutionality of the act would depend upon the preliminary inquiry whether any constitutional question was raised in the case. If there was a constitutional question raised, and it was relevant to the matter at issue, I take it for granted that the Supreme Court would determine it. In the case alluded to, the Senator relies upon a loose expression of one of the judges who delivered the opinion, that it was competent to Congress to devolve the duty upon that officer or anybody else.

Mr. RUSK. Three of the judges made use of that expression.

Mr. MASON. It is perfectly immaterial. The honorable Senator well knows, that when you invoke a precedent, and rely upon it as authority, you must have a case where the point in question is directly adjudged. These loose dicta of the judges, if relied upon as precedents, and more especially in constitutional questions, will lead us Heaven knows where.

There was another case cited by the Senator from North Carolina, in which certain duties were devolved upon the judges. The court considered the act, and decided that it was perfectly competent to the legislative branch to accumulate any duties they thought proper upon the existing officers of the Government; to prescribe new duties to the Judiciary, although it were a coequal department of the Government, provided the duties prescribed were of a judicial character. But in the case cited, the court decided, and, as I apprehend, correctly, that the duties prescribed by the act were not judicial. When they had so decided, they had done all that judicially came before them. What then? They determined, as benevolent and patriotic men, that although they were not bound by law to discharge these duties, yet that they would, for the purpose of carrying out the benevolent designs of the law makers; and they say further in this recital, that the duties would be discharged by them gratuitously. Having first protested against any right on the part of the legislature to impose such duties upon them, they say that they will act as commissioners, in order to carry out the views of Congress. I apprehend that this case does not present any authority for the position taken by the honorable Senator from North Carolina. Surely he cannot mean to affirm that this is a judicial exposition of the right of Congress to create an officer.

But, sir, on this whole subject of precedent, I enter a protest. I am free to admit that the opinions of Judges and Senators with respect to the Constitution have great weight, but no authority. I deny that the precedents cited are to be regarded as authoritative in this case. I hold it to be as much the duty of the Senate to respect the rights of the Executive as it is to take care that the Executive does not trench upon theirs. If it is true that this is an office, properly such, within the meaning of the Constitution, it is our duty to avoid doing violence to that Constitution, and interfering with a power that does not belong to us—the power of appointment to office.

We are to inquire from the nature and extent of the duties to be imposed in this case, whether they come within the legal meaning of the term "office." Nothing is changed in the amendment but the language of the bill. Precisely the same trust is expressed. Duties to the same extent are devolved. The same amount of money is to be passed upon and adjudicated—to be disbursed, in fact, by the persons named, though they are not to pay it out with their own hands. They are to be compensated for the discharge of those duties. They are to continue in office, if necessary, for eighteen months. What are their duties? Why, to pass upon a series of unliquidated claims, the character of which are unknown to us—in the territory of California, some three thousand miles distant—and their adjudication is to be final; because, upon a decision of the majority of these gentlemen, the money is to be paid. If this be not an office within the definition of the Maine judges, I do not know what is. The expenditure of such a large sum of money on account of claims assumed *ex gratia* by this country is a grave affair. It should be intrusted to a board of officers appointed in the manner prescribed by the Constitution. All the safeguards which the Constitution has thrown around the public treasury should be respected in this instance. Certainly, I cannot be supposed to imply any distrust of the gentlemen named in the bill, not one of whom have I the pleasure of knowing at all. When I speak of safeguards, I mean those legislative safeguards provided by the Constitution and the laws, and which are always regarded when expenditure of public money is involved.

If the Senate reject the amendment reported by the committee, I shall offer one with the view of creating this board in the usual manner, giving the power necessary to adjudicate these claims, and placing the appointment of the members of the board, where I contend the Constitution has placed it, in the hands of the President and Senate.

Mr. BADGER replied to the Senator from Virginia, stating that the effect of the disregard of precedents evinced by that Senator, if sanctioned by the Senate, would be to throw all our legislation into confusion and disorder. He maintained that all the precedents were in favor of the power of Congress in this case—the case of C. Gratiot and others, appointed a board of commissioners to investigate claims against the United States, especially bearing on this question. He admitted the justness of the distinction laid down between an office and a special employment, but contended that this was in favor of the provision of the bill, which looked only to the requisition of certain specified duties, on the completion of which, the services of the individuals in this matter would be dispensed with.

Mr. BENTON rose and said: The amendment reported by the committee proceeds upon the principle that the claims in California heretofore ascertained and allowed by the officers under whom they originated shall be forthwith paid, and those not ascertained shall not be paid until examined and allowed by the same officers. Mr. Frémont and his staff officers allowed those which are ascertained; the same officers, by the amendment, are to allow the remainder before they can be paid. This is the principle of the amendment. It appoints nobody to do anything; it only names the persons without whose examination and allowance the unadjusted claims shall not be paid. They were officers of the battalion under whom the claims originated and were settled, as far as that has been done, and whose legal capacity to pass upon the claims is revived and continued, if the Government chooses to have the claims examined before they are paid, or chooses to save the parties from coming from California to Washington to solicit payment individually from Congress. That they are the proper persons to allow or reject these claims, and the only ones who can do it with justice to the United States and to the claimants, is manifested from the depositions, where their knowledge of the

whole subject is fully shown. Captain Hensley was commissary and quartermaster; Major Reading was paymaster. Both were cognizant of the claims: one in doing the acts which originated them; the other in settling them, as far as he could. The deposition of Captain Hensley, (a gentleman of character and intelligence, with whom the committee became well acquainted,) establishes this fact, and shows that he and Major Reading, from their respective positions in the battalion, were best acquainted with the claims, and were called by their offices to make an estimate of their amount before he left California. At page 37 of the document of depositions, he testifies thus, in answer to a question from the committee:

"As you were commissary and quartermaster, and therefore intimately acquainted with the supplies obtained by the troops, and with the general expenses of the whole conquest of California from the beginning, under the flag of independence in the north, to the suppression of the insurrection at Los Angeles in the south, you can form an opinion of the whole sum which the just claims upon the United States would amount to. Will you state that amount?

"*Answer.*" Previous to leaving the city of Angels, Major Reading, acting as paymaster, and myself, made as estimate of the amount due in that country. From the best information which we could obtain, we made the total amount seven hundred thousand dollars. Major Reading was operating in the north with Colonel Frémont, and myself with Commodore Stockton in the south."

From this answer of Captain Hensley to the committee's question, as well as from the tenor of other depositions, and the very nature of their places in the battalion, it is clear that he and Major Reading are the proper persons to be associated with Mr. Frémont in allowing or rejecting these claims. They know every transaction, and cannot be deceived. They know every claimant, and cannot be imposed upon. They know the true from the false in every instance, both of men and transactions. They can do justice, and that upon their own knowledge. Their own characters are concerned in rejecting false accounts, and preventing their names and acts from being made the means of imposition upon the United States.

At pages 35 and 36 of the document, Captain Hensley shows that all supplies were scarce and dear, and the dearer because necessarily obtained without money, there being none furnished by the United States. He says:

"After the city of Angels was taken by the United States forces, Captain Gillespie was left in command, and I acted as assistant quartermaster to the troops stationed there. After the insurrection broke out in September, 1846, provisions and supplies of all kinds could only be obtained at the most extravagant prices, the whole surrounding country being in the hands of the enemy."

And he gives a statement of prices, fully sustaining this declaration:

"Horses and mules, from	$25	to	$35 00
Saddles, complete, from	30	to	40 00
Bridles	6	to	10 00
Spurs	6	to	10 00
Botas	4	to	8 00
Rifles, very scarce, from	50	to	100 00
Powder, per pound			2 00
Lead, per pound			37½
Percussion caps, per thousand			10 00
Beef cattle, per head	8	to	10 00
Flour, per hundred pounds			10 00
Sugar, per hundred pounds	37	to	50 00
Coffee, per hundred pounds			50 00"

At such prices as these, except for the horses and cattle, which are below the price of the same in the United States, and without money to pay down, amounts soon run up high; but still small for the great results produced in conquering the country, and pacifying it, before the United States troops arrived.

A great error prevails in the minds of some Senators as to the authority for incurring these claims. The Senator from Virginia [Mr. MASON] classes them all as unauthorized. It is a great mistake. The claims arising from unauthorized operations, limit themselves to about thirty days of time, and to the expenses of a force of less than three hundred men. They limit themselves to the operations under the flag of independence—from the first week in June to the 10th of July—when the flag of independence was abandoned, that of the United States adopted, and the battalion went into service with the navy. From this time forth, all expenses were duly authorized, the naval commanders acting under special orders from the President, to conquer, retain, and govern California. These orders began in October, 1845, in anticipation of the war, and were continued by successive orders of the most urgent kind. Those of July 12, 1846, though they did not arrive until operations were over, were issued in the very time that Mr. Frémont was in the act of joining the naval forces, and show what the intention of the Government was at that time. They were addressed to Commodore Sloat, and said:

"*Previous* instructions have informed you of the instructions of this Government, pending the war with Mexico, *to take and hold* possession of California. * * * The object of the United States is, under its rights as a belligerent nation, to *possess* itself entirely of Upper California. * * * The object of the United States has reference to *ultimate peace* with Mexico; and if, *at that peace*, the basis of the *uti possidetis* shall be established, the Government expects, *through your forces*, to be found in actual *possession* of Upper California. * * * This will bring with it the necessity of a *civil administration*. Such a government should be *established* under your protection."

These instructions are positive in themselves, and refer to previous instructions. They correspond with all the previous orders to the navy. That branch of the public force was charged in advance, and in anticipation of the war, with the conquest of California, whenever war broke out. They were to conquer the country; they were to hold possession of it till peace; and they were to establish a civil government for its temporary administration. The naval commanders were to do this, and did do it. Commodore Stockton took command in July, immediately after Mr. Frémont came to Monterey, and under his orders, all subsequent military operations were carried on, and the civil government established, the expenses of which now remain to be paid. Commodore Stockton received the thanks of the Government for prosecuting the conquest of California; Commodore Sloat was censured and recalled for not doing it; and Mr. Frémont and his battalion were a part of Stockton's forces, and acted under orders from him.

The very day this letter of the 12th of July was written at Washington, Mr. Frémont was on his way to Monterey, to aid Commodore Sloat to do the very thing which these reiterated instructions required him to do. He was fulfilling, to the letter, on that day, the orders which were emanating from Washington. At the distance of 3,000 miles, and without orders, he was doing what the Government wished done, and what the naval commanders could not have done without a land force.

The letter of recall to Commodore Sloat, dated August 13, 1846, shows not only that the naval commanders were required to conquer, retain, and govern California, but that they would be censured and superseded for not doing it. Here is that order, dated, as I have said, on August 13, 1846—by a strange coincidence, the very day that Stockton and Frémont were entering the city of the Angels, and putting the finishing-hand to the conquest of California. Hear it:

"U. S. NAVY DEPARTMENT,
"*Washington, August* 13, 1846.

"COMMODORE: The department has received your letter, No. 51, of June 6, from which it appears, that while you were aware of the existence '*of actual war*' between the United States and Mexico, you remained in a state of *inactivity*, and did not carry out the instructions of June 24, 1845, framed to be executed even in the event of the mere declaration of war, much more in the event of actual hostilities. Those instructions you were ordered to carry out '*at once.*'

"In my letter of August 5, 1845, the receipt of which you acknowledged on the 28th January, 1846, referring to them, I said: '*In the event of war*, you will obey the instructions recently addressed to you via Panama.' In my letter of October 17, 1845, of which you acknowledge the receipt on the 17th of March, 1846, referring to these instructions once more, I said further: 'In the event of actual hostilities between the Mexican Government and our own, you will so dispose of your whole force as to carry out most effectually the objects specified in the instructions forwarded to you from the department, in view of such a contingency.' And surely there is no ambiguity in this language.

"And in my letter of the 23d of February last, sent through Mexico, I remarked: 'This letter is sent to you overland, enclosed, as you suggest, to Messrs. Mott, Talbot, & Co., Mazatlan, and you will readily understand the reserve with which it is written.'

"The department, on August 5, 1845, had also told you that your force should not be weakened while hostilities are threatened by Mexico.' Your course was particularly approved in detaining the frigate Constitution.

"The department will hope that a more urgent necessity than as yet appears, existed for the otherwise premature return of that vessel.

"The department willingly believes in the purity of your intentions. *But your anxiety not to do wrong, has led you into a most unfortunate and unwarrantable inactivity.*

"Very respectfully, yours,
"GEORGE BANCROFT.

"Com. JOHN D. SLOAT,
"*Com'g U. S. naval forces in the Pacific Ocean.*"

This is the letter of recall to Commodore Sloat; recalling him for inactivity; for delay in commencing hostilities; for his unfortunate anxiety not to do wrong. It is full proof, not only of authority to act, but of blame for not acting. Commodore Stockton succeeded Commodore Sloat. He acted, and Frémont with him; and the mass of these claims, the whole, except the insignificant amount accruing during the first thirty days under the flag of independence, arose under the command of Commodore Stockton, and were doubly authorized both by his position as commander on the California station, by the reiterated orders to the naval commanders, and by the express approbation of his conduct since he returned home.

The operations without authority limit themselves, then, to about thirty days of time at the commencement, and will not require forty thousand dollars to pay them; and for that sum the United States received more than the amount at the time in horses, cattle, cannon, and muskets, taken from the enemy and delivered to the United States or used in her service. Eighteen brass cannon, two hundred and fifty stand of muskets, four or five hundred cattle, and nearly double as many horses, taken under the independent flag, went to the United States. These materials of war went to the United States, and were worth full fifty thousand dollars in money. The United States received, then, in materials of war, more than it is asked to pay for these unauthorized operations. She received horses, cattle, cannon, and muskets, to more than the value; and we are ready to put a proviso to the bill limiting the amount to be paid for these operations to a less sum than the value of the articles actually received. But this would be but a poor way of settling the account. The United States received *all* the fruits of the revolutionary movement; she received *all* the benefits of the movement: and these benefits were of a kind not to be weighed or measured against money. She received all the northern half of California, conquered to her hand, before the naval forces began to act; and this half so received by her has remained tranquil in her hands ever since. It broke up the *juntas* for transferring the country to the protection of Great Britain, and stopped the grants and sales of the public domain to British subjects; and arrested the proceedings in the Macnamara grant of three thousand square leagues before the grant was complete, and all the original papers of which have been brought to the United States. It induced Commodore Sloat to change his mind after he had been five days at Monterey, and decided him to take possession of the place, thus anticipating the arrival of the British Admiral by a few days, and converting his arrival into benefit instead of harm. For when he did arrive, finding the place in possession of the United States, he saw that his mission was at an end, and went off as suddenly and mysteriously as he came, abandoning California to its new masters, and putting an end to all hope of British protection. Finally, it saved the American settlers from destruction, gave a body of organized and victorious land forces to the United States to act with the navy, and presented to the view of the British Admiral that camp of mounted riflemen which had such a discouraging effect upon his mind, and such an encouraging one upon the minds of the naval forces.

These were the benefits received by the United States from the movement under the independent flag. They are above price, and beyond dispute. The historical depositions taken by the committee prove everything, and the despatch of Commodore Sloat to the Secretary of the Navy, of July 31, 1846, coincides with the sworn testimony in showing the happy effects all this had upon the British Admiral's visit, converting it into a benefit instead of a mischief. He says:

"On the 16th the British Admiral, Sir George F. Seymour, arrived in the Collingwood, 80. An officer was immediately sent to tender him the usual courtesies and the facilities of the port. He was subsequently furnished with a set of topgallantmasts and other spars for his ship, and sailed on the 23d for the Sandwich Islands.

"The visit of the Admiral was very serviceable to our cause in California, *as the inhabitants fully believed he would take part with them, and that we would be obliged to abandon our conquest; but when they saw the friendly intercourse subsisting between us, and found that he could not interfere in their behalf, they abandoned all hope of ever seeing the Mexican flag flying in California again.*"

Thus the British Admiral disappointed the expectations of the British party in California. He came as they expected, but when he came he did nothing. He did not interfere in their behalf; he behaved friendly. He went off in a few days, carrying with him the emissary Macnamara; and on his departure the inhabitants lost all hope of

ever seeing the Mexican flag again flying in California. Thus was California saved from passing, like the Mosquito coast, and so many other places, under British protection. California was saved! And how came it to be saved? Because Mr. Frēmont, his topographical corps, and the settlers, had overturned the Mexican authority before he arrived—had extinguished the British party—had induced Commodore Sloat to take possession of Monterey, and he himself, with his battalion, had come down to the coast to second the operations of the navy. This saved California. All the depositions attribute these results to Mr. Frēmont's movement; and his coming down to Monterey to join the naval forces was the crowning act of his whole conduct. It was decisive upon the minds of both British and Americans. It showed a land force, already victorious over the Mexican authorities, ready to act with the navy. A camp of mounted riflemen suddenly appearing, and as if by magic, was an impressive sight both to British and Americans. It discouraged one as much as it encouraged the other, and assured the conquest of all the remaining part of California. Lieutenant Minor, of the navy, then in Commodore Sloat's squadron, has well testified to all this. He says:

"The undersigned was on duty on shore when Captain Frēmont arrived with his force at Monterey from the north. The undersigned believes that the appearance of this body of men, and the well-known character of its commander, not only made a strong impression upon the British Admiral and officers, but an equally impressive and more happy one upon those of the American navy then in Monterey. For himself, the undersigned can say, that after he had seen Captain Frēmont's command, all his doubts regarding the conquest of California were removed."

Such is the testimony borne by Lieutenant Minor to the decisive effect which the appearance of Frēmont's riflemen made upon the minds of both British and Americans at that time. It was certainly a strange and impressive spectacle to see a body of American riflemen at such a place, and at such a time—three thousand miles from home—on the coast of the Pacific—already victorious over the Mexican authorities, and ready to coöperate with the naval forces in repulsing British interference, and in pursuing the conquest of California to its conclusion. Immediately after, they went to sea under Commodore Stockton, sailed five hundred miles down the coast, and disembarked for new services on land. But I forbear. The object of these few remarks was to show, not the services of the California battalion in the whole war, but only for the first thirty days, while acting under the flag of independence, without a knowledge of the Mexican war, and without orders from the Government. I mean only to show the value of these services, and that all their fruits went to the United States; and that the amount to be paid for those services under this bill will be less than the value of the horses, cattle, arms, and cannon delivered to the United States, to say nothing of benefits of a different kind, above price and above calculation.

The bill and the amendment reported by the committee are drawn with the view to settle up and to close up forever this business of the California claims. It is obvious what a mine of fraud they must become if not settled up and closed up quickly and forever. For this purpose the claims are to be examined on the spot where they occurred before they are allowed. They are to be examined by those who know the truth and justice of every transaction—able to detect at once all false or exaggerated claims—and barring forever all that are not presented and allowed within the limited time. It also closes up another source of fruitful and almost perpetual claims—*that of claims for lost horses.* This is a most expensive incident of the mounted service—great in itself, and great in its continuance, and hard to be brought to a close. This amendment, if adopted, will prevent all such claims from coming from California. It will close them all up at the start. It makes an allowance for forage, at the rate of twelve and a half cents a day, in addition to the forty cents a day for the use and risk of the horse—an allowance justly made, as no forage was ever furnished the California battalion by the United States, and the horses were subsisted upon grass while watched and guarded by the men. The whole compensation is made into a gross sum, (consisting of the items of pay, clothing, use and risk of horse, and forage,) and offered in full of all demands for horses lost for any cause, or by any means whatever. It would doubtless be advantageous to the United States to settle with all their mounted forces on the same terms.

Mr. UNDERWOOD rose to address the Senate, but the hour being late, he moved, at the suggestion of Senators around him, that the Senate adjourn; which motion was adopted, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 26, 1848.

The Journal of yesterday was read and approved.

Mr. BROWN, of Mississippi, asked leave to introduce a bill of which previous notice had been given.

The SPEAKER announced the first business in order to be the report of the Committee on Printing, made the 6th instant, recommending the printing of an extra number of the correspondence between the Secretary of War and Generals Scott and Taylor, and between the Secretary of State and Mr. Trist.

After several inquiries and suggestions—

Mr. CLINGMAN said he had no disposition to create delay; all he wished was, that before the order was given to print, the whole of the documents should have been obtained. It had been intimated that an Executive message now on the Speaker's table contained the remainder of the correspondence called for. He presumed it might be now read by the general consent of the House; and if such should turn out to be the fact, the whole subject could be disposed of by ordering the printing of an extra number of the whole. He did not wish to send out an extra number of an imperfect correspondence.

The SPEAKER thereupon, by general consent, laid before the House a message from the President of the United States, communicating a report of the Secretary of War, with accompanying documents, submitted by him as embracing the papers and the correspondence between the Secretary of War and Major General Scott, called for by the resolution of the House of Representatives of the 17th instant.

The message and accompanying documents were laid on the table, and the usual number ordered to be printed.

Mr. COBB, of Georgia, moved to amend the report of the Committee on Printing, made on the 6th instant, recommending the printing of an extra number of the correspondence between the Secretary of War and Generals Scott and Taylor, and between the Secretary of State and Mr. Trist, so as to include the message and documents just laid before the House.

After some suggestions, the motion was laid over until to-morrow.

REPORTS FROM COMMITTEES.

The SPEAKER proceeded to call the Committees for reports.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, to which was referred a bill for the relief of Jose Argote Villalobos, Marie Rose, François Felix, Marquis de Fougeres, their heirs or legal representatives, reported the same back to the House without amendment. Committed.

Also, from the same Committee, reported a bill to provide for the settlement of claims against the United States, and a bill for the relief of the widow of Lieutenant Richard E. Cochran. Read and committed.

Mr. LIGON, from the same committee, to whom was referred the bill for the relief of John B. Smith and Simeon Darden, reported the same back to the House without amendment. Committed.

Mr. DANIEL, from the same committee, made an adverse report on the petition of A. Fenton. Laid on the table.

Mr. HAMPTON, of Pennsylvania, from the Committee on Commerce, reported a bill to refund a penalty remitted by the Secretary of the Treasury to John Hurdorp. Read and committed.

Mr. GREGORY, from the same committee, reported bills for the relief of Thomas H. Leggett, and for the relief of certain clerks in the New York custom-house in the year 1841. Read and committed.

Mr. GRINNELL, from the same committee, reported a bill authorizing the erection of certain light-houses, and for other purposes. Read and committed.

Mr. COLLAMER, from the Committee on Public Lands, to whom was referred the bill to create the office of surveyor general of the public lands in the Territory of Oregon, and grant donation rights to settlers therein, and for other purposes, reported the same back to the House with an amendatory bill. Committed.

Also, from the same committee, reported a bill in addition to an act therein named: [it relates to a grant of land to the trustees of the Wabash and Erie Canal Company.] Read and committed.

Also, from the same committee, reported a bill in relation to military land warrants. Read a first and second time.

Mr. C. asked to have the bill put upon its passage.

The question was put on ordering the bill to be engrossed, and it was agreed to. The bill being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

Mr. COLLAMER moved to reconsider the vote by which the bill in addition to an act therein named [*i. e.* concerning a grant of land to the trustees of the Wabash and Erie Canal Company] was referred to the Committee of the Whole on the state of the Union. Agreed to.

Mr. C. would briefly explain the substance and only object of this bill; and when it was understood, he felt assured that no one would object to the bill being at once put upon its passage. A grant of land had been made by Congress to the State of Illinois to aid in the construction of the Erie and Wabash canal. The land granted was to consist of alternate sections for five miles on each side of the proposed route of the canal. Some portion of this land the State got; but on examination it was found that other portions of it were covered by Indian reservations, while other portions belonged to preëmptors. The windings of the canal were such as rendered it impracticable for the State to get, bounded by straight lines, the quantity of land intended to be given, by allowing alternate sections for five miles on each side of it. To make up the deficit in quantity thus arising was the sole purpose of the present bill, so that the canal commissioners might be enabled to complete their contract for the construction of the canal.

After some suggestions by Mr. SIMS—

The bill was ordered to be engrossed; and was engrossed, read a third time, passed, and sent to the Senate.

Mr. BRODHEAD, from the Committee on Public Lands, reported a bill for the relief of the widow and children of Captain Robert Gray, the discoverer of the Columbia river. Read and committed.

Mr. JONES, of Tennessee, from the Committee on the Post Office and Post Roads, reported a bill to limit the amount of compensation to be paid for the transportation of the mail over railroads and on steamboats in certain cases. Read and committed.

Mr. CHAPMAN, from the Committee for the District of Columbia, reported a bill to continue, alter, and amend the charter of the city of Washington. Read and committed.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, reported a bill to repeal in part the 12th section of the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States." Read and committed.

Mr. J. R. INGERSOLL asked leave to offer the following resolution:

Resolved, That bills reported by the Committee on the Judiciary and referred to the Committee of the Whole on the state of the Union, be made the special order of the day for the third Tuesday of May.

Being objected to, it was not received.

Mr. TAYLOR, from the same committee, to which was referred the bill of the House to change the place of holding the district court of the United States for the middle district of Alabama, and for other purposes, reported the same back to the House with an amendment. Committed.

On motion of Mr. PETTIT, the Committee on the Judiciary was discharged from the consideration of the resolution of the 13th of March, 1848, directing them to inquire into the propriety of allowing defendants in criminal cases in the courts of the United States to examine witnesses in their behalf on commission.

On motion of Mr. KING, of Massachusetts, the Committee on Revolutionary Claims was discharged from the petitions of the heirs of Joseph

Frederick, deceased, and of the heirs of Jacob Nutter. Laid on the table.

Mr. BUTLER, from the same committee, reported a bill for the relief of the legal representatives of Thomas Jett, deceased. Read and committed.

Mr. IVERSON, from the same committee, made adverse reports on the petitions of the legal representatives of William Shippen, deceased, and of the heirs of William Campbell, deceased. Laid on the table.

Mr. TALLMADGE reported a bill for the relief of H. M. Salomon, legal representative of Haym Salomon. Read and committed.

Mr. TOMPKINS, from the Committee on Private Land Claims, to which was referred House bill supplemental to an act to confirm the survey and location of claims for land in the State of Mississippi, east of Pearl river and south of the 31st degree of north latitude, approved March 3, 1845, reported the same back to the House without amendment. Committed.

Also, from the same committee, a bill amendatory of an act, approved on the 26th of May, 1824, and reenacted on the 17th of June, 1844, entitled "An act enabling claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims." Read and committed.

Mr. WICK, from the same committee, made an adverse report on the petition of George Green. Laid on the table.

On motion of Mr. WICK, the Committee on Private Land Claims was discharged from the letter of George Green, relative to the claim of the heirs of William McGee; and that the petitioner have leave to withdraw the same.

Mr. TOMPKINS moved to reconsider the vote by which the bill supplemental to the act to confirm the survey and location of claims for land in the State of Mississippi, east of Pearl river and south of the 31st degree of north latitude, was referred to the Committee of the Whole on the state of the Union.

After a short debate, by Messrs. DICKEY, BROWN of Mississippi, and TOMPKINS, the motion to reconsider was disagreed to.

Mr. RUMSEY, from the Committee on Private Land Claims, made an adverse report on the petition of Mary Toorea and Frederic Grove, heirs of William McGhee, deceased. Laid on the table.

Mr. CATHCART, from the Committee on Indian Affairs, reported a bill for the relief of Israel Johnson. Read and committed

Mr. BARRINGER, from the same committee, to which was referred the House bill for the relief of Abraham Hogeboom, deceased, reported the same back to the House without amendment. Committed.

Also, from the same committee, an adverse report upon the petition of George McGuire. Laid on the table.

Also, from the same committee, the following resolution; which was read and agreed to:

Resolved, That the Secretary of War cause to be communicated to this House the report of Messrs. Brewster and Harden, late commissioners appointed to adjudicate the claims arising under the Cherokee treaty of 1835-6.

Mr. McILVAINE, from the same committee, reported a joint resolution providing for the payment of certain deficiencies to the Shawnee Indians. Read and committed.

Mr. BURT, from the Committee on Military Affairs, to which was referred the bill of the House to provide for bringing home to the United States the remains of the deceased officers and soldiers of our country who were killed in battle or who died in Mexico during the present war, reported the same back to the House with the recommendation that it be laid on the table; and it was accordingly laid on the table.

Also, from the same committee, reported a bill to establish an arsenal of construction at Atalanta, in the State of Georgia. Read and committed.

THE GENERALS OF THE ARMY.

Mr. B., from the same committee, reported the following bill to amend the act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes:'"

Be it enacted, &c., That the proviso of the first section of an act approved the 18th day of June, 1846, in the following words: 'That when the war with Mexico shall be terminated by a definitive treaty of peace, duly concluded and ratified, the number of major generals in the army shall be reduced to one, and the number of brigadier generals shall be reduced to two; and the President of the United States is authorized and directed to select from the whole number which may then be in office, without regard to date of their commissions, the number to be retained, and cause the remainder to be discharged from the service of the United States," be and the same is hereby repealed.

The bill having been read through—

Mr. BURT said it was known to the House that the act of the 18th June, 1846, directed that so soon as a treaty of peace should have been concluded with Mexico, the number of major generals, which by that act was raised to two, should be reduced to one, and the number of brigadier generals, which by that act was raised to four, should be reduced to two. We were in constant expectation of the ratification of a treaty of peace with Mexico; and when that should have been accomplished, under the act of 1846, it would become the imperative duty of the President to select from the two Major Generals one to be retained, and from the four Brigadier Generals two to be retained, without reference to the date of their commissions. It would be seen that the terms of the act required that a reduction of the Major and Brigadier Generals should be made, thereby anticipating consideration by this House, when a treaty of peace should be ratified, on the subject of a reduction of the army to a peace establishment. There would be no alternative, unless this bill should be passed, and one or the other of the major generals—either General Scott, or General Taylor—must, under the proviso of the act of June 18, 1846, be discharged from the service of the United States. It was known to the House that Major General Taylor received his appointment under the authority of the act of 18th June, 1846. He was now a Major General, and either he or General Scott must necessarily, unless this bill be passed, and the proviso of the law of 1846 repealed, be discharged from the service of the United States. He was sure it was not the disposition of the House in advance to determine that either one or the other of these Generals should be deprived of his commission and dismissed from the service.

Mr. BOYD moved to refer the bill to the Committee of the Whole on the state of the Union. The effect of this bill would be to double the number of Major Generals and the Brigadier Generals over the number which were found in the service when we entered into this war. To this he was opposed, and he therefore hoped it would be the pleasure of the House to send this bill to the Committee of the Whole.

Mr. BURT begged to state to the House and to the gentleman from Kentucky that the reference of this bill as proposed would be equivalent to its rejection. It would produce that result thus: If the bill, as it was reported from the Committee on Military Affairs, should be committed to the Committee of the Whole on the state of the Union, it would take its place on the calendar, and, according to the order of the business of this House, he feared it would not be reached during the present session. He therefore warned the House, if it meant to reject this bill, and to superinduce the necessity of one of those Major Generals going out of commission on the ratification of a treaty of peace with Mexico, that to refer it to the Committee of the Whole on the state of the Union would effectually accomplish it.

Mr. BOTTS said he should be surprised if the House should adopt the motion of the gentleman from Kentucky, [Mr. BOYD.] It would be recollected, that in the year 1846, an act was passed supplemental to an act entitled "An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes," in which there was a provision by which it was made the imperative duty of the President of the United States, on the termination of the war with Mexico, to reduce the number of major generals that might then be in commission to one, and the brigadier generals to two, "and the President of the United States is 'authorized and directed to select from the whole 'number which may then be in office, without 'regard to the date of their commissions, the number to be retained, and cause the remainder to be 'discharged from the service of the United States." Now, he had reason to believe that it was not the intention of the Congress by which this law was passed to apply this provision to other than the regular service of the United States. He believed it was not intended that the major generals and brigadier generals of the volunteer forces should be made to supersede those of the regular service; and yet, it would be seen, so loose was the phraseology of the act, it might be made to apply to the whole number of generals in service at the termination of the war. If this war should cease tomorrow, and information that a treaty of peace had been ratified between this Government and Mexico should come to us, the President of the United States would have no alternative but to discharge not only the volunteer officers, but one of the major generals now in commission in the regular service. Either Major General Scott or Major General Taylor would be necessarily deprived of his commission. Now, he could not bring himself to the belief that it was the purpose of this House to require the President of the United States to discharge either of those major generals, and to exercise his discretion in the selection between them. And yet if this bill were not passed it would be unavoidable, for by the law of 1846 the President had no discretion but to do it. The promotion of General Taylor from a brigadier's commission to that of a major general, it was well known, was the result of brilliant services, and he understood the President was desirous to avoid being placed in a position in which he would be required to choose between General Scott and General Taylor.

Mr. CABELL. There will be no difficulty respecting that matter, for we shall make one the President of these United States, and then the other major general will remain of course.

Mr. BOTTS repeated that he understood the President did not wish such duties to be lodged in his hands, but there it would remain if this bill was referred to the Committee of the Whole on the state of the Union; for, in the language of the gentleman from South Carolina, [Mr. BURT,] such a reference would be equivalent to its rejection. He hoped the bill would be put upon its passage.

Mr. JONES, of Tennessee, hoped the bill would not be put upon its passage, but that it would be referred to the Committee of the Whole on the state of the Union. If the treaty of peace should be ratified, it would be the duty of the President to act under the law of 1846, and if it were not ratified, of course he would not be called upon to act. But, suppose the treaty should be ratified, and it became necessary to reduce the army—and in such an event, he supposed all would agree that such a necessity would present itself—was it for this House, was it for the Congress of the United States to say, in reducing the army, which of those officers shall be dismissed from the service? He hoped it was not the purpose of any gentleman there to retain all the officers and men who had been brought into the service since the war began. And when it became necessary to make the reduction, would it be the province of Congress to designate who should go out? Would not that be substantially to exercise the appointing power, which was now vested in the President of the United States—a power which, according to the Constitution of the United States, could not be exercised by Congress under any circumstances whatever? He agreed with the gentleman from Virginia, [Mr. BOTTS,] that the law passed in 1846 was rather anomalous in its terms. It provided that the two major generals should be reduced to one, and the four brigadier generals to two, and that number, he conceived, would be amply sufficient. But this anomalous act also provided that the President should determine the person. This was not, he was aware, the proper time to discuss the merits of this bill, nor the subject of the reduction of the army. We did not know yet that we could reduce the army, or that the circumstances would be such as to require its reduction. But he desired that this bill should go to the Committee of the Whole on the state of the Union, that every member of the House might have an opportunity to investigate the subject. And if the treaty should be ratified, and if it should not then be thought proper to save both General Scott and General Taylor to the service, and their friends should not make one of them President, and leave the other necessarily in commission, he would say, leave it where the Constitution of the United States left it, with the President of the United States.

Mr. STANTON was sorry to hear his honorable colleague raise his voice in opposition to this

bill. He was sorry, because he thought the circumstances were such as to require this bill to be passed immediately, without the slightest delay. He was sure that no man on his side of the House who considered the policy that it was proper for them as a party to pursue, would desire that the President, or that they themselves, should be reduced to the alternative of dismissing either General Taylor or General Scott from the service. Let it be remembered, and he called the particular attention of his colleague to the fact, that the law of 1846, the operation of a proviso of which it was now deemed necessary to prevent, was passed before anything had been done by one of those distinguished men in the battle-fields of Mexico. Those great battles, except those which procured for General Taylor the reward of a major general's commission, had not then been fought. He repeated that he did not believe it would be their policy, speaking as a party, or in any other point of view, he knew not that it would be consistent with the gratitude due for the services of those distinguished men, to dismiss either of them from the position which they have attained. He had no hesitation to announce his disposition to retain both of them as long as they lived.

Mr. JONES. I am not for that—that's certain.

Mr. STANTON. With the prestige of their great services about them, he would not attempt to dismiss them from the service under the operation of that bill.

Mr. HOUSTON, of Alabama, said, as he intended to vote to commit this bill to the Committee of the Whole on the state of the Union, he felt called upon to reply to the remarks of the gentleman from South Carolina, [Mr. BURT,] and the gentleman from Virginia, [Mr. BOTTS.] He could not agree with those gentlemen in their position, that to refer a bill to the Committee of the Whole on the state of the Union was to defeat it. He did not so understand the practice or the rules of this House; and he desired to protest against such a doctrine. Gentlemen need not warn the House of the effect of particular votes; it is to be presumed, at least, that members understand not only the rules of the House, but also their duty to the country.

If it be the defeat of a bill so to refer it, why, he would ask, are all other bills referred? Appropriation bills, "*war bills*," and others of the utmost importance, are so referred; and he had yet to learn that such reference was intended to defeat them, or that it would have that effect.

Mr. BOTTS desired permission to explain. The gentleman from Alabama was aware that a rule existed by which bills were placed on the calendar in the order of their reference, and that appropriation bills could be taken up out of their order, giving them the precedence over others that might have been first reported. If, then, this bill should go to the Committee of the Whole, it would take its place behind all others, and probably it would not be reached this session.

Mr. HOUSTON said he was aware of the existence and terms of the rule referred to; but gentlemen surely expected to do more than pass the appropriation bills before the adjournment of this session. There was ample time, if it were industriously used, to pass the war bills, the appropriations, and all other important bills now before us; and if this one had a majority of friends in the House, no one could doubt but that it would be passed before the adjournment; and this new doctrine, which gentlemen had advanced, existed only in their imaginations, and not in the practice of the House.

Mr. H. said he did not intend, on the present occasion, to enter into a lengthened argument upon the merits of this bill; he intended to vote against it, and especially if pressed upon the House out of time and place, and without proper discussion, without giving members an opportunity to examine into its merits or demerits. The gentleman from Tennessee [Mr. STANTON] seemed astonished that any one on this "*side of the House*" should be found to vote against this bill. Does he mean to say that this side of the House is, or should be, "for a large standing army?" If so, he mistakes the position of his political friends, at least so far as he (Mr. H.) had any knowledge of their views upon this subject. Mr. H. said, if he had been able to understand the position of the Democratic party in relation to the army, it was, that they wanted a large army in time of war, but a small one in time of peace. They desired a small peace establishment. He did not intend to say how large. He did not say how much, if any larger, it should be after this war should terminate than the old peace establishment. That point was not now legitimately before the House. When it shall come up, however, he would be ready to act, and meet the responsibility growing out of such action. He would repeat, however, now, that he was opposed to a large army in peace, and would vote to reduce it to a proper standard when the time shall arrive which renders it necessary. Our republican institutions forbid the idea of a large peace army; the spirit and sentiment of the people forbid it.

We have been told that our policy, as a party, requires the passage of this bill. Are such arguments to be presented to influence the votes of the representatives of freemen? Are party feelings to be appealed to for the purpose of passing or defeating a bill, regardless of the great interest of the country? If so, then indeed has the time arrived for us to become alarmed for our country. He said no one would doubt but that he was a good party man. He was a party man, because he believed in the correctness of the principles of the Democratic party. Yet he would not vote for a bill through motives of policy which his judgment condemned. He loved his party; but he loved his country more. That gentleman said these distinguished generals had rendered important services to the country since the law of 1846, which contains the proviso now attempted to be repealed, for which they should be retained during their lives. Did he intend to say that these major generals and brigadier generals were appointed with the view, understanding, or belief, that they were not to render those distinguished services if an opportunity should present itself? That seemed to him to be a most extraordinary argument. Because they have rendered these services, and because the House of Representatives of the Congress of the United States had not anticipated such extraordinary services, therefore they ought not to be made subject to the operation of that law. Was it not expected by every member of Congress by whom the act of 1846 was passed, that every officer, of every kind—officers of companies and of regiments, as well as general officers—would render distinguished services, as these officers have done?

But there was another point of view in which this subject presented itself. He had been present in this House on previous occasions when propositions were made to reduce the army, or to reduce the pay of the officers; and he knew that it would be one of the most difficult undertakings in which Congress could engage, to reduce it, at the termination of this war, to a peace establishment; and if, therefore, they gave up the benefit of the provision of the law of 1846, they would throw themselves back on a position from which they would have to start anew, and engage in a contest with the army, fresh from the battle-field, covered, and justly covered, with honor and glory, with all its power and influence. In such a contest, he feared they should fail. He was free to say, he regretted to give a vote to disband either officers or soldiers who might wish to retain their places; and, if he were to consult his own personal feelings on the subject, he would not do so. But there are other and higher interests at stake in this matter; the interests of the country require it. In his view of his duty, he had no discretion left him on that subject.

Mr. STANTON asked the gentleman from Alabama if he thought, when the treaty should be ratified, that such men as General Taylor and General Scott should be dismissed from the service of the United States? He desired a categorical answer.

Mr. HOUSTON replied, that the law of 1846 created offices with the distinct provision that they should be dispensed with at the close of the war, and the officers brought down to a specified number. He would not say whether he would discharge General Taylor or General Scott. He would not say whom of the brigadiers he would discharge. But the law of 1846, which created these offices, made provision for the reduction of the major generals to one, and the brigadier generals to two; and every one knew, on accepting those offices, that, at the close of the war, the law required the President to discharge that duty—a duty which he had no doubt the President would discharge. This law of 1846, it would be seen, went beyond the major generals and brigadier generals, and provides for disbanding the army, except a necessary peace establishment. But if they now passed this bill, he would inquire if our present army was to be kept in the public service?

When, where, and how, do gentlemen propose to reduce the army? Or do they intend to reduce it at all? If a reduction be contemplated, why not hold on to what we have? Why give up the advantages of the existing laws? Experience teaches us that the great difficulty in the way of reducing an American army is the influence of the officers. They are generally men of great worth and influence, enlisting in their behalf many and warm friends; and in that way influences are brought to bear upon Congress which it cannot resist.

Mr. BOTTS thought he could relieve the mind of the gentleman from Alabama. If this bill should pass into a law, and repeal the original proviso to which it referred, the acts which created the volunteer forces would operate upon them, and they would go out of the service as a matter of course at the end of the war.

Mr. HOUSTON. The gentleman from Virginia said the volunteers would be disbanded at the end of the war. He was aware of that; but this proviso applies to the regular army, and not the volunteers, and relates to more than major or brigadier generals. He would ask, if the officers for their brilliant services were to be retained for life, what they should do with the men who had rendered valuable services to the country for a remuneration of only eight dollars per month? The men by thousands and tens of thousands had undergone all the hardships, and trials, and dangers of the campaign and the battle-field for the poor pittance of eight dollars per month; but they were to be disbanded—they were to be thrown on their own resources! There was no feeling exhibited for them. But when officers who received high salaries—major generals and brigadier generals, and other officers of high rank—were to be dismissed when their services became unnecessary, when the Government had no further use for them, the sympathy of certain gentlemen in this House was greatly excited in their behalf. Now, he held that if the men were to be discharged, the officers should go too. We have too many officers for a peace establishment.

Mr. STANTON was understood to remark that the very men for whom the gentleman from Alabama sympathized would not side with that gentleman in his opposition to our two distinguished major generals.

Mr. HOUSTON asked the gentleman from Tennessee [Mr. STANTON] if he was in favor of disbanding the soldiers, and discharging the officers of lower grade, and retaining the field officers? Was he willing to make so unnecessary and unjust a distinction between different classes of the army—a distinction founded alone upon rank?

Mr. STANTON replied, that the army would necessarily be reduced at the end of the war; but they would disappoint the hopes of the country, they would shock the feelings of the country and the patriotism of the people, and they would not have the approbation of the soldiers themselves who fought under General Taylor and General Scott, if they dismissed either of them.

Mr. HOUSTON said the gentleman from Tennessee had given a most extraordinary answer. In fact, it was no answer at all. He was really at a loss, too, to know how that gentleman had ascertained the state of the feelings of the army respecting the dismissal of some of its field officers. He seemed to think that the men would not want to be retained. Was it not as fair and reasonable to presume that the officers would not want to be retained on the peace establishment either? To say otherwise, was to make an assault upon them; for it was an intimation that they desired to retain their pay when their services were not required.

Mr. BURT was quite amazed, as he was sure the House must be, at the warmth which the gentleman from Alabama was getting up in his own bosom in relation to this matter. He begged to say to that gentleman, that there never was an army in any civilized country—he defied any military man or any civilian to show the contrary by pointing to any civilized country on the face of the earth—in which the number of officers in proportion to the number of the troops was so small as in the army of the United States. Why, throughout the battles which had been fought in the valley of Mexico, colonels were obliged to command brigades, captains regiments, and second lieutenants

companies, and so on. At the time when we had but one major general, the military establishment of the United States consisted of 8,000 troops, whereas the regular army was now 17,000; and if the territory was acquired in Mexico which they all supposed would be, he would undertake to say that the Secretary of War—he had had no conference with him, but he would undertake to say that the President of the United States and the Secretary of War, and everybody else who knew anything on the subject, would inform the House that an army of 20,000 troops would not be more than sufficient for the defence of the territory of the United States; and he would ask if an army of 15,000 or 20,000 men was to be commanded by one major general? He submitted to the gentleman from Alabama, that by the passage of this bill they did not determine, nor was it necessary now to discuss, what should constitute the peace establishment of the United States. That question would remain until its consideration should necessarily devolve upon them. When it should come up, he should be prepared for it; but he would now only repeat that the gentleman from Alabama was mistaken when he complained that the number of officers was too great in proportion to the number of men.

Mr. HOUSTON said, the gentleman from South Carolina did not present the real issue, as he understood it, which was contained in this bill. He had spoken of the disparity of the number of officers and men in the army of the United States, when compared with the armies of other nations; but if he were to ask the gentleman from South Carolina if he would have been willing to increase the number of officers, if the war with Mexico had not taken place, he should be at no loss to determine what his answer would be. That gentleman, he supposed, would not have been willing to increase the number of officers on a peace establishment; but the ground which he had now assumed was, that as they were there, they should remain. That gentleman had also stated, that during the war with Mexico, subordinate officers had been compelled to command larger divisions than belonged to their rank. Would he be pleased to inform the House why that was so? Did it not proceed from the fact that there were not officers sufficient on the field, in consequence of the incompetency of some, and the absence of others, who, while holding commissions under the Government of the United States, were unable to serve the country in Mexico?

Mr. BURT remarked that everybody knew that these major generals and brigadier generals were in the field in Mexico.

Mr. HOUSTON knew and acknowledged that fact; he neither made nor intimated a charge against either of them; he was proud to honor them as skillful and brave generals, who had discharged a faithful duty. But why retain the general officers, and discharge the various valiant officers of regiments, battalions, and companies?

If brilliant services were to be rewarded by retention in the service, why not reward to the lowest grade of office? Justice requires that the same daring conduct, the same brilliant service, should meet the same reward, whether performed by one high in rank, or low in rank. He intended to speak in military phrase.

This was not all. He would ask, why discharge the men—the common soldier—and not the officer? If we have no men, or but few men, we will want but few officers; and it follows, that to retain some and not others, expressly upon the ground of brilliant services, when it is conceded that their services are no longer needed by the country, will be drawing an unjust distinction between meritorious men in favor of those retained. Mr. H. desired to inquire of gentlemen what brilliant services had been rendered by the officers in which the soldiers—the rank and file, as they are called—did not largely participate, and to which they did not contribute in the proportion of forty-nine fiftieths, if not ninety-nine hundredths? Look to your battle-fields in Mexico, moistened with their blood, and whitened with their bones. Look to your meagre muster-rolls; look to the reports of your commanding officers; they will tell how these brilliant victories were won, for which this House seemed disposed to honor the officers and neglect the soldier. When the honor and glory are to be distributed, the brave soldier and officer of lower rank, whose daring and noble acts should entitle them to a liberal share, are turned off without even the mention of their names. These things should not be. It is inflicting upon the soldier gross, rank injustice to keep it up. He asked the members of this House to bring this thing home to their own districts. He called upon them to look around in the circle of their own acquaintance, and see if they could not point to hundreds and thousands of as brave and patriotic men as ever breathed—men who had greatly distinguished themselves in this war—men who had performed as brilliant services for the country as man could perform; and they are to be disbanded without a seeming regret from any quarter. The gentleman from Tennessee says they are discharged under the law as a matter of course. The same is true in regard to the officers; and this bill is intended to prevent that result—repeal that law as to the field officers, and let the rest go. He hoped not. He hoped gentlemen would let it take its course as other bills, and in committee undergo that discussion and examination to which its importance entitled it.

Mr. H. said it mattered not how brave and skillful the general might be, yet if his men should refuse to fight—if they should run away—he would never receive, or be considered by the country as entitled to receive, honor at the hands of the people. Successful conflicts—battles with the enemy insure the glory; yet the soldiers, who make these battles successful, seem to be forgotten as soon as the victory is won. The more he investigated this proposition, the more he was indisposed to agree to it. He never would, so long as he had a seat on this floor, bring himself to draw such odious distinctions between men. He had no hostility to the generals. He believed they deserved well of the country. But he also believed that if the number of men was brought down, the officers should be reduced also.

Mr. HOLMES next rose to address the House.

Mr. JACOB THOMPSON rose to a question of order. He believed the hour appropriated to the reception of reports from committees had expired, and, therefore, he called for the regular orders.

The SPEAKER overruled the point of order. No such limitation existed as the gentleman seemed to suppose, and the gentleman from South Carolina [Mr. HOLMES] was entitled to the floor.

Mr. HOLMES, of South Carolina, said, when this question was first presented he really hoped that it would have passed without the slightest difficulty. But the opposition to it was too manifest; and the object of transferring it to the Committee of the Whole on the state of the Union, it was evident, was, by speeches to be made upon it, ultimately to defeat it. The gentleman who had just spoken told the House that he would put the army back to the peace establishment as it stood before the war, and there was not one gentleman who had spoken in opposition to the immediate passage of the bill who had not shown a determination to subject the President to the alternative of deciding between the two major generals, and the question was one of momentous importance. When we were about to enter upon this war, the act of the 18th of June, 1846, was passed, providing that on the termination of the war the army should be *ipso facto* reduced. But the circumstances existing then did not now exist. To-morrow, if news of the ratification of a treaty of peace should come, the army would be reduced by virtue of the law of 1846, without reference to the relation we now bear to the world. Why, to-morrow a message might be expected from the President of the United States, if it had not already come, about the condition of Yucatan. The Yucatanese have sent out to this country a messenger, and now were holding out their hands imploring our aid. Would they permit that people to be exposed to entire annihilation? Did any gentleman believe that the American people, after taking possession of their ports and their seacoast, and preventing them obtaining arms, whereby to defend themselves against the Indians, would stand coldly by and see them sacrificed and given up to destruction?

But again: let this bill go the Committee of the Whole on the state of the Union, and there it would sleep as in the tomb of the Capulets. Gentlemen knew it. Deny it as they might, they knew it. This subject became important in view of the violent struggles in Europe. At a time like this, it was important that this nation, elevated as she was by her recent victories, should retain a position to vindicate her honor, if, as in the last conflict, our commerce should be subjected to insult, and our seamen to impressment. At this crisis, when the depths of power in Europe were being broken up, an army of 8,000 men was not sufficient to enable us to stand in that proud position which became us, and which made us the admiration of the world.

But, important as this general consideration was, there was a particular one, too, that deserved some reflection. He was no friend; no professed friend to the President; but he would not, if he were the President's worst enemy, do what his professed friends on this floor wished to do. They wanted to subject the President, at a time of great excitement, when the characters and merits of the respective major generals were before the people in the high attitude of candidates for the Presidency, in which the President himself stood—at such a time they would subject the President to the painful alternative, in obedience to a law, to determine which of them should be dismissed. God save him from such friends! He repeated that he was no professed friend to the President; but if he was his greatest enemy he would not subject him to such an alternative. Every consideration, therefore, of both a general and a particular nature, seemed to forbid them from entering upon the course which had been suggested; the position of this country, in view of its foreign relations, and generosity towards one in the high position in which the President was placed, urged them not to send this bill to the Committee of the Whole, which, he repeated, would be to it the tomb of the Capulets.

Mr. KING, of Georgia, thought this debate had gone far enough. They were wasting the time of the House on incidental questions as they arose, and the important bills of the session were making no progress. The House had occupied as much time on this subject as it was proper to devote to it. Therefore he felt bound to move the previous question.

The SPEAKER announced that the previous question, if sustained, would bring the House to the question of the engrossment of the bill for a third reading.

Mr. McKAY desired the gentleman from Georgia to withdraw that motion, to give him an opportunity to move an amendment. ["No, no."] If the gentleman would consent, he would promise to renew it.

Mr. KING said if the gentleman would renew it, he would withdraw the motion.

Mr. McKAY thanked the gentleman from Georgia for the privilege he had given him to attempt an amendment of this bill, as it came from the Committee on Military Affairs. After recapitulating the provisions of the bill of 1846, and of the bill under consideration, he said he was not going to express any opinion as to what ought to be a peace establishment for this country on the ratification of a treaty of peace with Mexico, though he believed that must come up and be determined during the present session.

What he was now about to propose, and it appeared to him to be a reasonable proposition, was, not that the proviso of the act of 1846 should be repealed, but that its operation, or, in other words, its enforcement, should be suspended for some reasonable time after the ratification of a treaty of peace; and, in the mean time, Congress could decide what military force should be retained as a peace establishment, or whether the army should be reduced to that condition in which it was before the commencement of this war.

Mr. BOTTS desired to interrupt the gentleman from North Carolina, who was under a pledge to renew the motion for the previous question when he had finished his remarks, to say, that if this bill should pass into a law, it would still be the duty of the Committee on Military Affairs to bring in a bill to provide a peace establishment on the ratification of a treaty of peace with Mexico, and it could be just as well done after the repeal of this proviso as now.

Mr. McKAY hoped the proviso would not be repealed, and then it would become the duty of the President to dismiss one of the major generals and two of the brigadier generals.

Mr. KING, of Georgia, interposed and said, when he withdrew the motion for the previous question, it was to allow the gentleman from North

Carolina to move an amendment, and not to go on with the general discussion. He thought he had the right to insist that the previous question should be moved.

Mr. McKAY promised not to consume more of the time of the House.

Mr. WOODWARD asked whether, if, upon a return to the peace establishment, and the reduction of the number of the general officers, it should be found that more general officers should be needed, he would approve of new appointments in the place of the major generals and brigadiers dismissed? That was what he apprehended.

Mr. McKAY said everybody knew that the ten additional regiments, with all their officers, were to be discharged on the conclusion of a peace; it therefore would become necessary to determine if a larger peace establishment should be maintained than that which we have heretofore had. When peace was made, and this question came up for consideration, Congress could determine whether there should be two major generals or only one.

Mr. COLLAMER. Yes, and in the mean time one of them will be dismissed.

Mr. McKAY (being again appealed to by Mr. KING, of Georgia) submitted his amendment, to strike out the word "repealed," and insert "be and the same is hereby suspended for three months from and after the ratification of a treaty of peace with Mexico;" and then he renewed the motion for the previous question.

The previous question was seconded, and the main question was ordered to be now put.

The main question was on agreeing to the amendment moved by Mr. McKAY. It was decided by yeas and nays in the negative: Yeas 80, nays 101.

The question was then stated on the engrossment of the bill; when—

Mr. McLANE moved to lay the bill on the table, and wished to say that he should vote to continue two major generals, but he was unwilling to separate major generals and brigadier generals from other officers who had accepted promotion on the war tenure.

The motion to lay on the table was decided in the negative, as follows:

YEAS—Messrs. Beale, Bingham, Birdsall, Bowdon, Bowlin, Boyd, William G. Brown, Charles Brown, Albert G. Brown, Franklin Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Dunn, Faran, Ficklin, French, Giddings, Willard P. Hall, Hammons, Henley, Hill, George S. Houston, Jameson, Jenkins, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, William T. Lawrence, Sidney Lawrence, Ligon, Lumpkin, McClelland, McClernand, McDowell, McKay, McLane, Job Mann, Horace Mann, Miller, Morris, Morse, Peaslee, Peck, Petrie, Peyton, Phelps, Pillsbury, Robinson, Rockhill, Sawyer, Sims, Smart, Robert Smith, Starkweather, Charles E. Stuart, Thomas, Jacob Thompson, R. A. Thompson, William Thompson, Thurston, Venable, Wentworth, and Wiley—73.

NAYS—Messrs. Abbott, Adams, Ashmun, Barringer, Barrow, Bayly, Bedinger, Belcher, Blanchard, Bocock, Botts, Boydon, Brady, Buckner, Burt, Butler, Cabell, Canby, Cathcart, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Donnell, Duer, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Freedley, Fulton, Gaines, Gayle, Gott, Gregory, Grinnell, Hale, James G. Hampton, Moses Hampton, Harris, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, John W. Houston, Hubbard, Hunt, Inge, Charles J. Ingersoll, Joseph R. Ingersoll, Iverson, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, Leffler, Levin, Lincoln, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Preston, Putnam, Reynolds, Julius Rockwell, J. A. Rockwell, Roman, Rumsey, Shepperd, Sherrill, Simpson, Slingerland, Caleb B. Smith, Stanton, Stephens, Andrew Stewart, Strohm, Tallmadge, Taylor, Thibodeaux, Richard W. Thompson, John B. Thompson, Tompkins, Tuck, Turner, Van Dyke, Vinton, Warren, White, and Wilson—105.

The bill was then ordered to be engrossed.

Mr. BOTTS moved the previous question.

Mr. SIMS rose to a question of order; and inquired of the Chair whether a bill could be read a third time on the same day it was reported?

The CHAIR referred him to the rule which forbids this being done, unless by unanimous consent of the House: and observed that even with that consent, this bill could not now receive its third reading, inasmuch as it was not yet engrossed.

Mr. COBB, of Georgia, moved that the House proceed to the consideration of the business on the Speaker's table, and the orders of the day.

The motion was rejected—the yeas being 82, nays 98.

REPORTS FROM COMMITTEES.

Mr. BOTTS, from the Committee on Military Affairs, reported a bill to refund money for expenses incurred, subsistence, or transportation furnished for the use of volunteers during the present war, before being mustered and received into the service of the United States. Read and committed.

Mr. BOYD, from the same committee, reported a bill for the payment of a company of Indian volunteers called into the service of the United States. Read and committed.

Also, from the same committee, made an adverse report on the resolution of the House of January 17, 1848, relative to the expediency of amending the "Act to provide for raising a regiment of mounted riflemen, and establishing military stations on the route to Oregon," approved May 9, 1846, so as to provide for the discharge of non-commissioned officers and privates of said regiment on the termination of the war with Mexico. Laid on the table.

Mr. KING, of Georgia, from the Committee on Naval Affairs, reported a bill prescribing the age at which candidates for the appointment of midshipmen in the navy may enter the naval school, and the number and mode of appointing midshipmen in the navy, and for other purposes;

A bill to provide for a retired list in the naval service;

A bill providing for the construction of twenty sloop-of-war brigs;

A bill for the relief of the legal owners of the ship James Mitchell;

A bill for the relief of Captain Lewis Warrington and others; which several bills were read and committed.

AMERICAN HEMP.

Mr. KING, from the Committee on Naval Affairs, reported a joint resolution authorizing the Secretary of the Navy to make contracts for hemp for the use of the navy of the United States.

Mr. K. asked to have the joint resolution put upon its passage.

Mr. KING explained. This bill was an exact transcript of a bill which had passed the Senate for the same object, and would no doubt have passed the House if it could have been reached. The object to be provided for was a very important one, and he hoped the bill might be put upon its passage at once.

Mr. THOMAS said there was, he believed, now on the Speaker's table a bill precisely like this; was it in order to take up this bill at all?

Mr. KING had already stated that it was a transcript of the Senate's bill; but owing to the present indisposition of the House to take up bills on the Speaker's table, it was impossible to get at it.

Mr. THOMPSON, of Mississippi, objected to the bill being read a third time; and as it required unanimous consent, it could not be put upon its passage.

Mr. SMITH, of Illinois, remonstrated with Mr. THOMPSON, urging him to withdraw his objection. The hemp interest was one of great importance, as well to our navy as to our commercial marine, and one in which the West felt a deep concern. He trusted the bill would not be objected to.

Mr. THOMPSON, of Mississippi, said that there was already a bill of the same character lying with other matter on the Speaker's table. The Democratic side of the House had tried repeatedly to take up bills so situated, but the majority had as often defeated the attempt. He was desirous of having all the bills which had been accumulating on the table of the Speaker taken up and disposed of. But, if he understood the present motion of the chairman of the Naval Committee, it was, in effect, to give preference to one of the bills there locked up by introducing and passing an exact transcript of it, thereby taking up one of the Senate bills out of its order. To this he was opposed; and could not, therefore, withdraw his objection.

Mr. McKAY inquired of the Chair whether such a proceeding as was now attempted was in order?

The CHAIR replied that it was acquainted with no rule of order forbidding it. There was no rule which prohibited bills in identically the same form being brought into both Houses. The question would be on the engrossment of this bill.

Mr. T. BUTLER KING moved the previous question; which motion was seconded by ayes 93, noes 19.

The previous question was accordingly put and carried; the main question being on the engrossment of the bill, was carried, and the bill ordered to be engrossed.

Mr. KING pressed for the question on its passage; but the Chair stating that the bill had not yet been engrossed—

Mr. THOMPSON, of Mississippi, objected to the question being put.

Mr. BAYLY, from the Committee on Naval Affairs, reported a bill for the relief of Edmund L. DuBarry, and a bill for the relief of Edward Myers. Read and committed.

Mr. CABELL, from the same committee, reported a joint resolution, authorizing the accounting officers of the treasury, charged with the settlement of the accounts of the navy, to settle and pay the expenses of the United States ship Macedonian on her recent voyage to Ireland and Scotland. Read and committed.

Mr. TUCK, from the same committee, reported a bill for the relief of Lot Davis; a bill for the relief of William Gove; a bill for the relief of Benjamin Cressy; a bill in amendment of an act concerning naval pensions and the pension fund, approved June 30, 1834; which bills were severally read and committed.

Mr. MARSH, from the Committee on Foreign Affairs, reported a bill for the relief of Joshua Dodge. Read and committed.

Mr. McCLELLAND, from the same committee, reported a bill for the relief of Peter Parker and Jacob L. Martin. Read and committed.

Mr. S. LAWRENCE, from the Committee on Revolutionary Pensions, made adverse reports on the petitions of M. A. Richard, Drusilla Bukey, A. P. Campbell, A. Garlick, J. Gere, L. Van Dyke, and C. Kellar. Laid on the table.

Also, reported a bill for the relief of Sarah White, and a bill for the relief of Elizabeth Williamson. Read and committed.

On motion of Mr. COCKE, the Committee on Revolutionary Pensions were discharged from the resolution of the House of February 14, 1848, relative to extending the benefits of the act of June 7, 1832, to the officers and soldiers who served in the Indian campaigns under Generals Clarke, St. Clair, Harmer, and Wayne; and it was laid on the table.

Mr. C. asked the unanimous consent of the House to make Senate bill No. 62, being a bill granting pensions to the widows and orphans of officers, non-commissioned officers, musicians, and privates of the army of the United States who have died in Mexico, the special order of the day for this day week. He would only remark that this was an important bill to many unfortunate persons in the community. He feared if it was not made a special order that it would not be reached during the present session of Congress; and he would ask the House to devote one day in healing, so far as they could, the broken and bleeding hearts of the widows and orphans of the gallant men who had fallen in Mexico.

Mr. VINTON said that several of the appropriation bills were yet unacted on, and it was probable that the present fiscal year would expire before they could be passed; and he should object to making additional special orders to those already existing until the appropriation bills were passed.

Mr. FREEDLEY, from the Committee on Revolutionary Pensions, made adverse reports on the petitions of A. M. Dade, widow of the late Major F. L. Dade, and William Pelfrey. Laid on the table.

Mr. DONNELL, from the same committee, made adverse reports on the petitions of Henry Freeman, Hannah Weston, Catharine Riddle, Esther Bartlett, Lydia Shurtliff, Nancy King, and Henry Johnson. Laid on the table.

Also, reported a bill for the relief of Polly Aldrich. Read and committed.

Mr. CUMMINS, from the same committee, reported a bill granting pensions to the surviving petty officers, seamen, and marines, who, under the command of Captain Stephen Decatur, jr., captured and destroyed the frigate Philadelphia in the harbor of Tripoli on the night of the 16th of February, 1804. Read twice.

Mr. CUMMINS explained the object and provisions of the bill. Its object was to place upon the pension roll the surviving petty officers, seamen, and marines of the crew of the Intrepid, in which the gallant Decatur had boarded and burnt the frigate Philadelphia in the harbor of Tripoli.

This subject had been before Congress for a quarter of a century past, and had in every instance been favorably reported upon in both branches of the Legislature; yet no bill had been passed, and why? It might seem strange that, when both Houses had so long concurred in a desire to make suitable provision for these brave and meritorious men, nothing should have been done. But the reason was soon explained. The object of every bill heretofore reported had been to distribute among the survivors of the crew engaged in that heroic transaction about one hundred thousand dollars in prize-money, according to the provisions of the prize laws. And all the committees had split upon the same difficulty in the case, viz: the mode of such distribution. No objection had ever been raised against the equity of the claim. How could there be? But all the difficulty lay in the shape of the law to satisfy it. Neither Decatur himself, nor any one of those who served under his command in that daring exploit, had received a dollar of the prize-money they had earned at such imminent hazard of their lives. It seemed as if the very magnitude and brilliancy of their achievement had operated as an obstacle to their getting anything from their country in the shape of reward.

The present bill avoided the fatal obstacle which had prevented the success of all previous attempts to do justice in this case. It proceeded on a new ground. It provided for no distribution of prize money at all, but substituted for such a distribution the placing of the names of the survivors of that gallant crew upon the pension roll.

It might be objected that it contained no provision for the benefit of the officers, but only for the crew. The officers would be entitled to a larger allowance. That was very true; but the bill purposely omitted their case, and allowed to the surviving petty officers, seamen, and marines, the same rate of wages as they were receiving at the time of the capture of the frigate.

And why did it make no provision for the officers? The answer would be found in a document Mr. C. held in his hand, and which he had obtained at the department. It was a list of the crew of the Intrepid. Besides Decatur there were three other lieutenants, viz: Lawrence, Bainbridge, and Power. Decatur was dead, and his lady put on the roll of pensioners, in which capacity she had drawn some $10,000 out of the treasury. Lawrence also was dead, and his widow pensioned. Bainbridge was dead, and his surviving child was enjoying a pension. Power, too, was deceased, and his child was provided for in like manner. So there were no surviving lieutenants to be provided for by this bill. Of midshipmen there had been seven.

[Mr. C. here read a list of their names also, and stated that these were all dead but one, and either their widows or children were on the pension list. The sole survivor was now in employment by the Navy Department.]

Mr. HOUSTON, of Delaware, put some query to Mr. CUMMINS, and the latter made explanations in reply; but the conversation was inaudible at the reporter's seat.

Mr. C. went on to show that no injustice would be done by the bill to the officers whose surviving relatives had been provided for by the laws of the land. But the case of the crew, consisting of petty officers, sailors, and marines, was a clear omission; they had received neither pension nor prize-money, nor were they likely to receive any, unless something should be done speedily in their behalf.

Various reports had been made on the case, some of them very able, especially the one by Mr. Patton, of Virginia, who had shown very clearly the difficulty of suitably distributing the prize-money among the various claimants entitled to receive it. It had been contended that the money must go according to the provision of the prize distribution laws; for, to make a change in the rule of proceeding would be deemed disrespectful to the deceased officers. But now the case was relieved of its chief embarrassment. The officers were dead, and their families provided for, while nothing had yet been done for the bold men who had so gallantly volunteered to share their danger. The appeal in their behalf was made, not to the charity but to the justice of the House; and it received so much the more force from the fact that this case of the frigate Philadelphia was the single solitary exception to all prize cases in the history of the service. In all other cases, when a prize was taken which was burnt at sea, or from other cause could not be brought into port, her captors invariably received her value in prize-money. Mr. C. said he had before him a list of all the prizes taken by our vessels of war.

The CHAIR here inquired of Mr. CUMMINS whether his bill contained an appropriation of money?

Mr. CUMMINS replied that it did not. It merely proposed to place certain names on the pension roll.

Mr. C., resuming, said he had in his hand a list of the captures, and in every instance an appropriation had been made to pay the captors their prize-money. He read, as a sample of preceding legislation in these cases, the act granting prize-money for the frigate Constitution.

The frigate Philadelphia formed the only exception to the general rule. She had not been cut out, but had been, by order of Commodore Preble, burnt within the harbor. The men who had volunteered to follow the intrepid Decatur were all now in the decline of life, all of them being about seventy years old, and many of them very infirm. The committee abandoned all idea of securing for them their shares of the prize-money, and had, as he had already stated, contented themselves with simply putting their names on the pension roll.

It was only to show the strength and equity of their claim that Mr. C. had referred to these papers. It was, indeed, true that $100,000 was justly due to them, but all hope of getting that was given up, and this bill simply asked a pension. It was surely as well entitled to an early consideration from that House as any claim which could be brought before it. He hoped the bill would be so placed that its consideration might be reached during the present session. If this should not be done, its fate would be sealed, and these brave and noble-hearted old men would be suffered to go down to their graves in penury and want, the only men in the navy who had bravely earned their prize-money and had not received it. The achievement in which they had had a share was one which never could fade from the historic page; it was one which had given to the American navy a standing before the eyes of the world. It was universally admitted to have been one of the boldest and most daring acts of the age. Twenty-five men, in a small light vessel, mounting but four guns, entering a strongly fortified harbor, surrounded with forts and bastions, mounting one hundred and fifteen guns, approaching the very base of the Moorish castle, and there boarding a frigate with forty loaded guns, ready to fire, and succeeding completely in destroying her, and making good their own retreat, was a naval feat the glorious memory of which could never die.

Mr. C. concluded, by moving that the consideration of this bill be made the special order for the 4th of July next.

The bill was referred, and ordered to be printed; but before the question was put on making it a special order—

The House adjourned.

IN SENATE.

WEDNESDAY, *April* 26, 1848.

Mr. PEARCE presented a petition from Littleton D. Teackle, asking a settlement of his accounts for materials furnished for the public buildings in the city of Washington; which was referred to the Committee on Claims.

Also, a petition from Ann Jeffers, widow of a revolutionary soldier, for a pension; which was referred to the Committee on Pensions.

Mr. WESTCOTT presented a petition from Major William Bayley, asking to be discharged from liability for certain public property which has been applied to the service of the public; which was referred to the Committee on Naval Affairs.

Mr. BADGER presented the following:

Resolved, That the Committee on the Library be instructed to purchase the full-length original portrait of General Zachary Taylor, painted by William G. Brown, of Richmond, if the same can be obtained at a price deemed by the committee to be reasonable.

The following resolution, submitted on Monday last by Mr. BELL, came up for consideration:

Resolved, That the reporter of the Senate be directed to supply each member of the House of Representatives with a copy of his report of proceedings and debates of the United States Senate for the present Congress; the expense to be paid out of the contingent fund of the Senate.

Mr. BELL said that he had not anticipated any objection to the resolution when he submitted it for consideration. He owed it to the reporter of the Senate to say that the subject had been brought before the Senate without any consultation with him. The only communication he had had with the reporter, in reference to the matter, was merely for the purpose of ascertaining whether he could furnish the additional copies without violating his contract with the Senate. He had ascertained that on this point there could be no difficulty. There appeared to be a difference of opinion among Senators as to the propriety of continuing the present system of reporting. Into this question he did not propose to go, as he had not given much reflection to it. It was objected that the resolution imposed an improper tax on the contingent fund of the Senate. But he regarded it as perfectly unimportant whether the cost was paid from the fund of the one House or the other, as, in either case, it must come from the same source. As to the propriety of continuing the present system, that would have to be decided hereafter. He begged it to be understood that, in offering his resolution, he did not intend to imply that there had been any want of comity heretofore in relation to this matter. Indeed, some of the Senators seemed to have been under the impression that the House of Representatives was already furnished with the reports under the original resolution.

Mr. TURNEY said he could not understand on what ground the House could complain of not receiving the reports of the proceedings and debates of the Senate, as it was already receiving twelve copies, for each member, of the Congressional Globe and Appendix, where the proceedings and debates were published *in extenso*. It would be recollected that, at the close of the last session, the Senator from Missouri [Mr. BENTON] had introduced a resolution to rescind the resolution by which the existing engagement with the reporter was authorized. He had been for some time expecting that Senator to call up his resolution which was intended to stop the present system, under which it had been made apparent that we were now paying three times as much as the newspaper press of the city offered to give full and prompt reports for. Under this new system, Senators were very irregularly supplied with the copies due to them. Sometimes he received six or seven of the weekly sheet, instead of twenty, to which he was entitled. It had been promised, also, that the reports and proceedings should be placed on the tables of Senators on the morning after the debates had taken place, which, it was notorious, had scarcely been ever done. There had sometimes been an interval of a week between the supplies of the reports. The members of the House were supplied with the Congressional Globe and Appendix. He did not know at what rate they were supplied. But he found that we were paying three times more than we ought to pay for the reports of our debates. He would prefer that the House should provide its own reports, which it might readily do by making a contract with the reporter.

Mr. CLAYTON thought it eminently proper that the Senate should furnish the reports to the House, and that that body could not consistently contract with the officers of the Senate for the proceedings. Mr. C. would venture to affirm, that they had never had such reports as were now furnished. He did not mean to assert that they were perfect; there were defects, which he believed arose out of the very limited sum allowed the reporter, which was notoriously insufficient to pay for printing and reporting. It was true there had been delays; but the Senate could easily understand, when there had been sessions of from six to seven hours, that a report of its proceedings could not be supplied on so limited a stipend as that given. He expressed the hope that, so far from abandoning the system, the Senate would go on to improve upon it, and furnish the means necessary for its complete accomplishment, which he conceived of vastly more importance than any sum they should be called on to pay.

Mr. TURNEY insisted that the reports which were now made were not more accurate, nor in any respect better than those published in the Congressional Globe and Appendix. There had been, therefore, no improvement in this respect. The Senator from Delaware said the reports could

not be perfect, because the compensation was more too limited. Yet, in the face of this statement, we had proposals from the newspaper press to give full and accurate reports for one-third of the amount now paid. It appeared strange, that while we are paying such an exorbitant sum, we should be told that the reports cannot be perfect, because we do not pay enough. Would not the same amount have enabled Blair & Rives to give full reports? Let them have the money, and it will be found sufficient. The effect of the system had been to cut off the daily newspaper press of Washington from reporting the debates *in extenso*, as they had formerly done, and as correctly as they had ever been since; and, besides, it could not be asserted that the debates of the body were not to be found on as extended a scale in the Appendix to the Congressional Globe as they were by the reporter of the Senate. He did not think the subject could stand the test of scrutiny, and he must call the yeas and nays on the adoption of the resolution.

Mr. WESTCOTT professed himself friendly to the resolution, but desired to know if there had been any understanding as to the cost involved.

Mr. CLAYTON answered that it would be what the Senate pleased to allow.

The question was then taken on the adoption of the resolution, and decided as follows:

YEAS—Messrs. Atchison, Badger, Bell, Borland, Butler, Calhoun, Cass, Clarke, Clayton, Crittenden, Davis of Massachusetts, Dayton, Douglas, Greene, Hale, Hannegan, Johnson of Maryland, Mason, Moore, Pearce, Phelps, Rusk, Spruance, Underwood, Upham, and Westcott—26.

NAYS—Messrs. Allen, Atherton, Bagby, Benton, Breese, Bright, Cameron, Davis of Mississippi, Dix, Felch, Houston, Johnson of Georgia, Lewis, Niles, and Turney—15.

Mr. CASS moved to proceed to the consideration of the bill relating to the California claims.

Mr. HALE said the morning hour had not yet expired, and he thought the leave he had asked to introduce a certain bill ought to be first disposed of. He had no disposition to debate the subject, but he desired to have a vote. If the object of the motion of the Senator from Michigan [Mr. CASS] was to get rid of his bill, and was to be taken as a denial of leave to introduce it, he must ask the yeas and nays.

The yeas and nays having been ordered, the question was decided as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Badger, Bagby, Bell, Benton, Breese, Bright, Cameron, Cass, Clayton, Crittenden, Davis of Mississippi, Dayton, Dix, Felch, Houston, Johnson of Maryland, Johnson of Georgia, Lewis, Mangum, Mason, Moor, Pearce, Rusk, Spruance, Underwood, and Westcott—29.

NAYS—Messrs. Calhoun, Douglas, Hale, Niles, Phelps, Turney, and Upham—7.

Mr. DOUGLAS said he desired to have taken up the territorial bills, and had voted in the negative because he thought such an opportunity would have been afforded. He gave notice that he should feel it his duty to call up the territorial business the earliest moment after the California bill was disposed of.

CALIFORNIA CLAIMS.

The Senate then proceeded to the consideration of the bill to settle the California claims; when

Mr. MASON moved to amend the amendment of the committee, by so changing its purport as to make it a provision for the appointment of a board of three commissioners, to be appointed by the President of the United States, by and with the advice and consent of the Senate. And as he looked on this decision, relating to a constitutional point, to be of importance, he would ask that the question be taken by yeas and nays.

A sufficient number rising to sustain the call, the yeas and nays were ordered.

Mr. UNDERWOOD said he should have probably given a silent vote on the bill but for the constitutional question which had been raised. He felt a due respect for precedents, but he thought those which had been quoted by the Senator from North Carolina, instead of being favorable, were adverse to the bill. He then considered these precedents in detail for the purpose of sustaining his view of their effect. Here was a sum of $700,000 to be disposed of; and the persons to whom the distribution of this sum was to be committed, could not surely be regarded as other than officers, and officers of an important character, embracing the duties of executive and judicial officers. They are not employed to collect matter for others to act on, but the final adjudication of this amount is vested in them. He could not sustain the bill as it was reported, and he would vote for the amendment of the Senator from Virginia. He had no personal acquaintance with Colonel Frémont; but he had viewed his course with admiration, and could he (Mr. U.) be actuated by any personal feeling, it might induce him to favor the bill. He thought the amount embraced in this bill exceeeded considerably the estimate made by Colonel Frémont in his report, and wished an explanation.

Mr. BENTON read an extract from the report, in which the estimate appeared to be in conformity with the sum embraced in the bill.

Mr. DAVIS, of Mississippi, suggested that if the battalion had continued in the service, and coming home, had left claims behind them, there would have been no hesitation in allowing them to perfect their vouchers at the spot where the claims had arisen, and that was all that the bill in effect contemplated. It was nothing more than justice to send a board out to investigate these claims. It was proper to send persons who were well informed on the subject, and such were the individuals named in the bill, whose appointment Congress was fully authorized to make.

Mr. NILES stated that the language in the original bill directing the President to appoint, and then naming the persons to constitute a board, was evidently against the Constitution. He should vote for the amendment of the Senator from Virginia to the report of the committee.

Mr. PHELPS also expressed his intention to vote for the amendment of the Senator from Virginia to the amendment reported by the committee.

Mr. CRITTENDEN considered that it rested with Congress to make provision for the payment of these claims, and also to prescribe the manner in which they shall be paid. Congress can say whether they shall be paid in California or here, and prescribe the rules by which the payments shall be awarded. Congress can also select the officers to examine the claims, and say, unless the claims shall be certified by these persons who are perfectly acquainted with the facts, the appropriation shall not be made. It is all, therefore, matter for legislation. He did not, therefore, see that the constitutional question presented itself at all, and could only be raised by a process of ingenious subtlety. These claims are of a peculiar character, have grown up out of a singular state of circumstances, and ought to be legalized and settled by Congress. The conduct of Colonel Frémont entitled him to our confidence, and on him we could more naturally rely than on any persons who have not had the same connection with the claims.

Mr. ALLEN said he entertained no doubt as to the constitutional power of Congress to appoint these officers for the purpose specified. He considered Congress as having the same power to appoint these officers as to appoint agents to take the census every ten years. This is nothing more than an adjustment of claims pending before Congress. It is not before the Executive. Congress alone can authorize and regulate the adjustment. It is a Legislative, not an Executive, function. The claims arose out of no law, and Congress has to determine how they shall be disposed of. It is our business to give them validity, before they can have any. And will it be contended that Congress is restricted from pointing out in what way their validity shall be established? Colonel Frémont, in his opinion, was the most meritorious American of his age now in existence; and had he (Mr. A.) the power of appointment, he would, ere this, have given him a military appointment in Mexico, for which nature had so clearly formed him. He would vote for the bill as amended by the Senator from North Carolina.

Mr. BUTLER pointed out some discrepancies in the argument which had been raised on the distinction between an office and an employment. From this argument it seemed to result, that while the paymaster who checks the drafts of the board is an officer, they who direct the mode of payment are not officers. According to this logic, the lowest office in fact is the highest in rank. He looked on this as an office, because it involved a disbursement of $700,000.

Mr. CASS said that these operations had taken place at a distance, and he gathered from the sentiments of Senators on both sides the Chamber that the conduct of all engaged in them had been such as to deserve the approbation of the Government. In the regular course of events, the articles for which payment is claimed would have been obtained under a requisition from the commander-in-chief, and they would have been paid for at the moment and on the spot. The trust is now continued in these officers down to the period when they shall be completed.

Mr. BADGER said, as it appeared there were other Senators who desired to address the Senate, he would move that the further consideration of the subject be postponed for the present; and, as there was a question of some importance to be disposed of in Executive session, he would move that the Senate proceed to the consideration of Executive business; which motion was agreed to; and the Senate, after some considerable time spent with closed doors,

Adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 27, 1848.

The Journal of yesterday was read and approved.

The SPEAKER stated that the first business in order was the report of the Committee on Printing, recommending the printing of 10,000 copies extra of the correspondence between the Secretary of War and Generals Scott and Taylor, and the correspondence between the Secretary of State and Mr. Trist, which was communicated by the President of the United States some time since, in compliance with a resolution of the House; and the amendment pending thereto, which was moved yesterday by Mr. COBB, of Georgia, so as to print also the additional correspondence which was communicated by the President on the 25th instant.

Mr. CLINGMAN claimed the floor. This matter, he said, had been detained some days, with a view to get in the complete correspondence. He wished the whole correspondence published; and his object now in rising was to move to amend the resolution of the gentleman from Indiana [Mr. HENLEY] so as to include in the order to publish ten thousand extra copies of the correspondence at first furnished, the correspondence which came into the House yesterday.

The SPEAKER stated that that proposition was already pending on the motion of the gentleman from Georgia, [Mr. COBB.]

Mr. CLINGMAN said it would be unnecessary, then, for him to make the motion. He wished, however, to offer a few remarks on this subject. He did not intend to make what was commonly called a speech; but he wished, for a few moments, to call the attention of the House to one or two circumstances. It turned out that he had been entirely right in his conjecture in relation to this correspondence. When he had said to the House that important letters had been kept back, the gentleman from Maryland [Mr. MCLANE] had said that there was no weight to be attached to his statement; that he was in the dark in his conjectures in relation to the letters which had not been sent in; that he was very much in the situation of a man shooting at random into a big tree for birds. But it had turned out that there was a bird in the tree, and his arrow had been sent in the right direction.

But before he remarked upon the declaration of the gentleman from Indiana, [Mr. HENLEY,] that there were no such letters withheld; that he had the authority of the Secretary of War for making the declaration that there were no such letters; he wished to allude to the remarkable circumstances which had been exposed and commented upon with so great force by the gentleman from Georgia [Mr. STEPHENS] as to relieve him from the necessity of saying much on this subject—he meant the course of the Administration in refusing to them, the representatives of the people, information which they had seen fit to communicate in other ways. The first instance of this was when the gentleman from South Carolina [Mr. RHETT] had brought forward a paper here which had not been sent in to the House—a part of the original correspondence—and had read it here. The gentleman from South Carolina had said that that paper had slipped out of the correspondence, and had been handed to him, and he had brought it here. Not long after that, the gentleman from Maryland, [Mr. MCLANE,] he believed, had alluded to correspondence which had not been communicated to the public. The House had then called for the Slidell correspondence; it had been refused, on the ground that they were not entitled to receive it, because its publication would be detrimental to the public interests.

Yet in the course of ten days it was published in the New York papers.

Mr. McLANE (the floor being yielded) was understood to say that the gentleman was under a misapprehension. He had cautiously avoided any allusion to correspondence which had not been communicated to this House—to correspondence which had not been published.

Mr. CLINGMAN was happy to be corrected by the gentleman. He had been under the impression that on some previous occasion the gentleman from Maryland had brought in letters which had not been communicated to the House: but it was no matter about that. It was the fact in the other two cases which he had mentioned—the first, where the gentleman from South Carolina had brought certain papers into this House which he had obtained from the department, and which had never been communicated; and the other where the gentleman from Indiana had brought in certain letters connected with the correspondence at present in question—which letters the House had called for and had not received. The instructions to Mr. Slidell also had been called for at an early period of the session, and the President had refused to communicate them to the House, on the ground that it was inconsistent with the public interests, and they a short time afterwards appeared in the New York papers, when it suited the interest of the persons having the control of them to give them to the public. The House had made a call for this correspondence between General Scott, Mr. Trist, the War Department, and others. They received a part of it: a number of the letters were cut to pieces—a sentence or two given here and there, and the remainder withheld. It turned out, however, that these very same letters, which were not to be furnished to the House, (oh! no, they were not to have them; if they did, they would reach Mexico,) were sent off to General Pillow; and he used them in the city of Mexico, and they were published there; and in this way they had become known here; and yet, even under the late call of the House, the Secretary of War and the President had not furnished them to this House! He complained again that all the proceedings of the court of inquiry had been held back. Gentlemen said the House of Representatives ought not to be trusted with these things; yet it was not ten days after that we had seen these very letters of Mr. Marcy published in the papers! It seemed the settled purpose of the Administration to show its contempt of this House—a coordinate branch of the Government—the immediate representative of the people.

But the most striking case of all was, that the gentleman from Indiana had brought forward four letters which had been furnished him by the Secretary of War, which he acknowledged belonged to the correspondence which had been called for by the House, but which he said the Secretary of War did not consider would be wanted, and therefore he had not furnished them; and which he also said were all the letters which belonged to the correspondence called for. Now, he (Mr. C.) intended to convict the Secretary of an attempt to palm off upon this House and the country a deliberate falsehood; he had no doubt about the fact. He acquitted the gentleman from Indiana of all intention to deceive the country; he presumed the gentleman himself had been deceived by the Secretary, who had stated a falsehood to him, and induced him to repeat it to the House. He knew he was using strong language against a man who stood in high position, but he intended to make good his assertion.

He would call the attention of the House to the remarks of the gentleman from Indiana. The call was for all the correspondence between General Scott and the Secretary of War not heretofore published. Now, a great deal had been published—the letters written by General Scott while here in the city, detailing the plans of the campaign, &c.; but the House had called for everything not published, the communication of which would not be detrimental to the public interests. Under that call, if the Secretary had read it, he must have seen that these four letters should have come in; but in his apology, made yesterday, he said he did not send in these four letters because he conceived they did not form a part of the correspondence between himself and General Scott. He gave no reason for that opinion, except that General Scott, in his letter of the 24th of February, 1848, spoke of them as memoirs. Now, in the first place, had the Secretary read that letter at that time? He did not believe General Scott had written that letter when the call was made; at all events, the Secretary of War could not have received it. But, whether he had or not, because General Scott spoke of them as memoirs, the Secretary of War did not send them in! Was that to be understood as the excuse of the Secretary of War? But the Secretary did not misunderstand it, and he (Mr. C.) would show that he did not.

It would be recollected that he had complained that General Scott's letters detailing his plan of a campaign had not been sent in, and that the gentleman from Indiana, [Mr. HENLEY,] in his speech, attempted to refute that allegation. That he might do no injustice to the gentleman from Indiana, he would read an extract from that gentleman's speech, giving first a quotation which that gentleman had made from a speech of his (Mr. C.'s) own, and then the gentleman's denial of the charge which he had made. This was what the gentleman from Indiana quoted from his (Mr. C.'s) speech:

"The Administration, while apparently undertaking to furnish all the correspondence of General Scott, knew well that it was important not to send in General Scott's plan of the campaign."

"General Scott accordingly elaborated a plan of a campaign, which the Administration has not thought proper to give to the public."

And here is the language which the gentleman from Indiana used in reply:

"Now he (Mr. H.) was prepared to say, from a careful examination of the correspondence, and from positive information which he had received from the Secretary of War, that there was not one solitary letter called for by the resolution of the House of the correspondence between the Secretary of War and General Scott which had not been furnished, except two or three, which he would exhibit here."

Again:

"The gentleman from North Carolina found that there were four letters which were not sent to this House, and his imagination had conjured up some great frauds, and he had intimated that he should be able to prove some great wrongs on the part of the Administration and Mr. Marcy."

There was another extract in these words:

"Now, he had those four letters, with which the gentleman from North Carolina thought he should be able to accomplish so much, and, to show how unfounded were the gentleman's conjectures, he would read them."

Thus it would seem that the gentleman from Indiana joined issue with him. Here was a denial distinctly made. Now, if Mr. Marcy did not understand from the resolution itself that the call was for all the correspondence between him and General Scott, he surely knew it from the remarks made on this floor in the course of debate, and published in the daily newspapers. Well, the gentleman from Indiana, in the course of his remarks, from which he (Mr. C.) had now quoted, attempted to refute his charges by bringing in four letters, and attempting to palm them off as the letters referred to. Everybody would see that if these letters were not included in the call for the correspondence, it would have been very easy for the Secretary of War to say so. And he might have said that he saw in speeches delivered here that charges were made against him of withholding General Scott's plan of the campaign, but that it was not in the call. The gentleman from Indiana, too, might have come here and stated that fact. But the Secretary said no such thing. He well knew if he had said so to this House there would have been another call upon him for those letters and that plan of a campaign, and that those documents would have been drawn from him.

Mr. HENLEY interposed to say that he thought he did make such a statement to the House. To the best of his recollection he made such a statement, that General Scott's plan of the campaign was not called for. He believed he had said so in reply to the gentleman from Georgia, [Mr. STEPHENS,] and he said it now.

Mr. CLINGMAN said he was infinitely obliged to the gentleman from Indiana for the interruption and explanation, but he again repeated that when the question was put to the gentleman from Indiana, on the occasion referred to, that gentleman made no such statement. He did—some time after he had taken his seat—some half hour after the discussion had taken place—after the yeas and nays had been called for and taken, and some other business had been transacted, and the gentleman from Georgia [Mr. STEPHENS] had occupied the floor—rise from his seat and insist that these letters had not been called for. The gentleman at that time had had an opportunity to see the Secretary of War, or to have a conference with some of his associates. But the statement was not made at the time. It was the gentleman from Maryland [Mr. McLANE] who rose and contended that the resolution did not call for these letters. Thereupon he (Mr. C.) read the resolution making the call, to show that it did embrace these very letters, and the gentleman from Maryland seemed to have abandoned his objection.

Mr. HENLEY said if, at the time alluded to, he did not—though his impression was that he did—he now asserted that the letters now mentioned by the gentleman from North Carolina [Mr. CLINGMAN] were not called for, and he could not imagine how the gentleman could suppose they were.

Mr. CLINGMAN was astonished at the declaration of the gentleman from Indiana. He would call to the attention of the House the extract which the gentleman had read from his (Mr. C.'s) own speech:

"The Administration, while apparently undertaking to furnish all the correspondence of General Scott, knew well that it was important not to send in General Scott's plan of the campaign. * * * General Scott accordingly elaborated a plan of a campaign, which the Administration has not thought proper to give to the public."

And with these extracts before him, which he read to the House, the gentleman did not know that he (Mr. C.) alluded to General Scott's plan of a campaign! Why, the gentleman's intellect must have been wonderfully obtuse. He repeated, the gentleman had exhibited an obtusity of intellect of which he had not supposed any human being capable. The gentleman, no doubt, had been misled by the false statement of the Secretary. He had thereby been induced to put his objection on the wrong ground. The Secretary supposed it was easier to induce the gentleman from Indiana to state a falsehood, with a view of misleading the House and the country, than to state his justification on the ground now assumed by the gentleman from Indiana. It was obvious, from all that had occurred, that the Secretary had a deliberate purpose to practise a fraud, by inducing the gentleman from Indiana to make a statement to the House which the Secretary knew himself to be false. But, on this point, it was not necessary that he should longer detain the House.

There were, however, one or two other points on which he desired to say a word or two. The gentleman from Indiana, in the course of his remarks, as he learned from the published reports—and he really thought he had cause to complain of him as well as of the Secretary—made some other remarks which required a passing notice. When he (Mr. C.) spoke on that subject before, it would be recollected that he expressly declared that he desired these documents for the purpose of establishing two facts: first, he desired to acquit General Scott of the charge of leaving General Taylor with a small and insufficient force to meet the Mexican army under General Santa Anna. When he looked over these documents yesterday, he was struck with one remarkable fact. This call was made on the 17th of April, but the Secretary of War, instead of answering promptly, and sending those letters to this House, kept them waiting from ten to twelve days; and he found that on the 21st of April, four days after the call was made by the adoption of his resolution, the Secretary indites a letter to General Scott, which fills some forty-nine pages of manuscript, and is full of invective against the commander-in-chief; and that letter, written with so much labor after the call was made, he sends to this House as a part of the correspondence contemplated by the resolution! He really gave the Secretary credit for his industry. Four days, be it remarked, after the call was made, the Secretary began a tirade of abuse against General Scott, which, from a hasty perusal, appeared to throw out imputations on the courage and honor of General Scott, and on all that a soldier holds dear. Yes, the Secretary, finding that the facts would come out, thought proper thus to prepare a defence for himself and the Administration, and at the same time to assail General Scott. But General Scott's character would yet stand clear before the country. The whole correspondence, when it could be brought before the country, would make that appear. It would appear that General Scott was not responsible for the position in which General Taylor was placed. It would appear from the reports of the department that General Taylor

had seven thousand regulars and thirteen thousand five hundred volunteers, and that five thousand of the regulars were drawn from him for General Scott's column, leaving two thousand regulars and a heavy volunteer force; and the Government undertook to call out nine new regiments, that General Taylor might be amply sustained. General Taylor was then understood to be at Monterey, and if the Administration had kept its promise, General Taylor would have been in no danger. The Secretary of War attempted to throw the blame on General Scott, but the facts would not bear him out.

Another point to which he had called the attention of the House was, that the department had not supplied General Scott with adequate means after the capture of Vera Cruz, and to this the gentleman from Indiana [Mr. HENLEY] replied, and attempted to sustain himself by high authority. To a quotation from the remarks of the gentleman from Indiana he called the especial attention of the House. The gentleman undertook to sustain himself by reading extracts from the correspondence of General Scott, from one of whose letters he read the following:

"The Quartermaster General (brevet Major General Jesup) at New Orleans has, I find, taken all proper measures, with judgment and promptitude, to provide everything depending on his department for the despatch and success of my expedition."

Now, to understand the fairness of the gentleman's quotations, he begged the House to listen to the next sentence of the same letter, which the gentleman from Indiana did not read:

"Transports, casks filled with water, &c., are accordingly expected to arrive here and off Tampico before the 7th of the next month."

So, then, it appeared that General Scott liberally gave the Quartermaster General credit, not for what he had done, but for what he had promised to do, and for supplies expected in the course of the next month. Now, he had in this a right to complain of the gentleman from Indiana for doing what he must call garbling a letter. Here were two sentences taken together, one of which only was given by the gentleman from Indiana, though the latter was so intimately connected with the former. The gentleman from Indiana quoted the first only, which was so well calculated to mislead the country. This was unfair to General Scott, for there were hundreds in the country who would read the speech of the honorable gentleman from Indiana who would never see the document from which he professed to quote.

But, to pass to another point. The gentleman from Indiana also quoted from another part of his (Mr. C.'s) speech, which was unfortunately not accurately reported. The gentleman from Indiana had represented him as saying that, after detailing General Scott's wonderful achievements, for all this he had been suspended. Now, what he did say was, that after all his victories, General Scott had been suspended, without cause assigned to the public, and not that he had been suspended in consequence of those victories. On the contrary, he put the question, again and again, Why had General Scott been suspended? He on that occasion asked the gentleman from Maryland, [Mr. McLANE,] who criticised one of General Scott's orders, whether he had been suspended from the command on that account? Whether this court of inquiry had been gotten up to try him for an offence against the rules of rhetoric or for grammatical errors? He asked again, if it was on account of the correspondence with General Worth that he was suspended? And here he must admit, that in one thing he had been mistaken, and he was ready to make the *amende honorable*. He did say on that occasion, that he would not stultify the Administration so far as to say that they would suspend General Scott for anything that was in the Scott and Worth correspondence. It would appear, however, that if he was to rely on the statements of the public press, he had given too much credit to the Secretary's intellect. He was ready to retract what he had said; for, from the letters circulated through the newspapers, it did seem to him that General Scott had been suspended for writing that correspondence. He was nevertheless astonished, partisan as Mr. Marcy was, that a man of his judicial mind could have been guilty of such an egregious blunder. He said judicial mind, because Mr. Marcy's partisans and puffers boasted that his "judicial mind is felt heavily in his correspondence with Scott." Until these puffs brought it to his mind, he had forgotten that he had ever been a judge; nor could he now, in looking over Mr. Marcy's judicial career, recollect any remarkable decision, except the notable one made by him, that the State of New York owed him fifty cents for having his breeches mended, because torn in the service of that State. His judicial celebrity seemed to rest on this single decision.

When Mr. Marcy used to sit upon the bench, if an advocate had appealed from his decision upon the ground that it was illegal, all this would have been proper enough. But suppose the party taking the appeal had likewise declared that the judge was actuated by malice, and that his conduct was unbecoming a gentleman and a judge, would he not have punished such an individual for a contempt of the court? This was precisely General Scott's case; and when, therefore, General Worth, under pretence of appealing, placed in General Scott's hands a paper containing these charges, he properly directed General Worth to consider himself under arrest. But in point of fact the appeal was not from the order of arrest, but simply from the refusal of General Scott to say that General Worth had not been implicated in one of Scott's general orders against the publishers of the Leonidas letter, no one being named or referred to particularly in that order.

The Secretary himself, however, had scarcely the hardihood to affirm that on so frivolous a pretext General Scott had been suspended and put on trial. He admits that there was no direct charge made by General Worth, but argues jesuitically that he is obliged to regard General Worth's appeal as implying a charge. His (Mr. C.'s) assertion in the former debate, that these were seized upon as mere pretexts to suspend General Scott and degrade him from his position, had been fully verified by subsequent events; for, on the meeting of that court, as soon as General Scott presented himself for trial, the charges were formally withdrawn.

General Scott's whole crime consisted in his having made a campaign too brilliant and glorious. It is a custom with Eastern despots, when one of their satraps or pachas fails in a campaign, to have him publicly executed on his return; but, on the other hand, if he should be too successful, if his exploits should be so brilliant and captivating as to render him the object of envy and fear, then the mutes of the despot are sent to strangle him privately with a bowstring on his way home. Mr. Polk, adopting this Eastern fashion, has sent out his mutes to do execution on General Scott because his exploits have been so great and striking as to render him formidable to the President.

He was here reminded of a rumor which he heard two weeks since, and which he then hoped was not true, though references subsequently made to the same rumor in some of the papers caused him to fear that there might be some foundation for it. It was to have been hoped, after General Scott had been ejected from his office, deprived of his sword, and disgraced, as far as the Government had power to disgrace him, he would have been permitted to return to his country. But it is said that, upon the news reaching here that the court of inquiry was about to finish its labors and adjourn to the United States with the view of examining the witnesses in this country, to prevent this a special messenger had been sent out forbidding them to do so, with a view to detaining General Scott in that country, he being ordered to attend the court until its final adjournment. It seemed to be understood that the purpose of the Administration was to prevent his return to this country until after the National Convention shall have met at least, if not until the end of the year. If the Administration have such a purpose in view, he would tell them in advance they would fail of their object. Richard the Lion-hearted of England was detained for a long while in a foreign land a prisoner by the Austrian Duke, but he was ultimately ransomed by his subjects; and the American people will ransom General Scott and liberate him from his captivity in a foreign land. It was a short despatch, something like these words, "Take care of yourself, for the devil is let loose," that made the knees of King John shake upon his throne, and there may come along these lightning wires a similar despatch which will shake the knees of our King James.

It was not necessary for him to vindicate at this day General Scott's character as a military man. In this elaborate assault of the Secretary on General Scott he was pleased to find, that without intending it, he relieved him from the charge of having prevented General Taylor's onward advance from the Rio Grande. He says that the idea of further movements in that quarter had never been entertained by the Administration. He denies that any credit is due to General Scott for the plan of attack on Vera Cruz. He says that every man of common sense knew that that was the proper point of attack. He (Mr. C.) must remind the House, however, that the Administration favored another plan, and endeavored to supersede General Scott by a lieutenant general who insisted that Vera Cruz ought not to be assailed, and wished to supersede General Scott because he insisted on assailing Vera Cruz—a point regarded as impregnable by the intended lieutenant general. After, however, the city and its fortress had been captured, the Secretary has the effrontery to pretend that everybody knew that this could be easily done. As the letters now furnished would show, General Scott foresaw clearly how this could be effected; but the Administration do not seem to have seen it. They were in the dark, as they were with reference to his first plan of campaign on the Rio Grande, wherein all his predictions had been verified, though the Administration had condemned and ridiculed his views. History would yet do justice to his extraordinary campaign of last year. He (Mr. C.) should be gratified if the Speaker's distinguished constituent, Prescott, the first historian of the age, would take the subject in hand. He might render not less famous in after ages the advance of the ten thousand Americans than was the retreat of the ten thousand Greeks rendered immortal by the pen of Xenophon. The Administration might try in vain to decry General Scott. It might try in vain to place Pillow and its other minions above him. He stands on an elevation beyond their reach. The opinion of the country has undergone a great change in relation to General Scott within a few years past. The circumstances under which he first acquired distinction were well known. It was after a series of disasters on our northern frontier during the late war with Great Britain, after Hull had surrendered, and our army had been defeated and disgraced almost everywhere, that he attracted public attention. He at once succeeded in giving discipline and courage to the troops that he commanded. His first action at Queenstown was sufficient to make him prominent. With only three hundred and fifty men he crossed the river and effected a landing in the face of the British army. He kept his position during a great part of the day against immense odds until more than half his force was destroyed—his men never giving way, and himself a mark for the sharpshooters; nor did he surrender until it became evident that the remainder of the American army could not be induced to cross the river to his support. This was the only defeat he ever met, if, under the circumstances, it ought not to be regarded as a victory. From that time forward he was successful in every struggle. His name of "Winfield," at which the Secretary sneers, is characteristic of his career. He (Mr. C.) need barely refer to his victories at Fort George, Chippewa, and Lundy's Lane, over the veterans of England. We regard the recent battles in Mexico as bloody, and they have been so. The battle of Buena Vista was not only most glorious, but it is justly regarded as perhaps the most bloody. General Taylor's loss was seven hundred and one out of a force of five thousand, or nearly one-seventh of his entire force. But at Lundy's Lane, the brigade commanded by Scott, which bore the brunt of the fight before the reserve came up, and which was victorious, and drove from the field an enemy greatly superior in numbers—this brigade lost more than half its number in killed and wounded; Scott himself, besides having two horses killed under him, was twice wounded, and the second time, supposed to be dead, was left on the ground for a time. It was, he (Mr. C.) believed, after General Scott received the first wound that he conducted Miller's regiment up the hill to carry the heavy battery. In all these engagements General Scott not only showed, while in action, the highest degree of skill, but he succeeded in infusing into his soldiers a courage which nothing could overcome, and which prevented any body of men that he commanded from giving way under any circumstances. Neither McDonald nor Ney could hold Napoleon's

old guard longer under the fire of the enemy's artillery than did Scott keep the American regiments steady under the heaviest fire. These qualities he was known to possess at the close of the late war; but since he has been elevated to the chief command, he has exhibited other high qualities—foresight, discretion, prudence, vast powers of combination. As illustrative of the character he has acquired, he (Mr. C.) heard a distinguished officer the other day remark to a brother officer, both recently from Mexico, that when going into battle under Scott every soldier felt confident that, if there was a chance to win, their General would know it. He has not only been victorious, but he has so shaped his attack as to make it tell most heavily on the enemy. Hence they saw no drawn battles in his campaign. No matter how great the superiority of numbers possessed by his enemy; no matter how strong the position occupied by him, General Scott always found means to turn that position and attack his enemy in flank and rear, so as to annihilate his army and capture all his artillery. This last Napoleon regarded as the test of decisiveness of a victory. But gentlemen on the opposite side were endeavoring to embarrass General Scott the more by speaking of him as a Presidential candidate. The gentleman from Maryland, [Mr. McLane,] in a part of his former speech, which he (Mr. C.) did not hear, represented him (Mr. C.) as having brought up General Scott as a Presidential candidate; but he had done nothing of the kind. On the contrary, he forbore to do it, knowing that it would be unfortunate for General Scott to be so spoken of at that time. He being wronged by the Administration, of course its party presses would not defend him; and from the circumstance of his having been formally spoken of as a Whig candidate for that office, the greater portion of the Whig press is afraid to speak out in his behalf, because most of the papers have taken up Mr. Clay, General Taylor, or some one else, and are afraid to do justice to General Scott, lest he should thereby be brought up in the way of their favorites. Hence the Administration and its instruments have been allowed to worry him at their will, without that burst of indignation which their misconduct ought to have called up. We all understand this; General Scott himself understands it, but he looks for ultimate justice at the hands of his countrymen.

Did gentlemen suppose that the Whigs would stand calmly by and see General Scott worried in this manner? Without saying he was in favor of General Scott as a candidate for the Presidency, and without affirming that he was the best they had to bring forward, yet he would say to the gentlemen on the other side of the House, that, whether he was as good as some others or not, he was strong enough to beat any candidate of their party.

The gentleman thought that General Scott would not do for the Presidency, because, while he admitted he was a great man in great things, he was but a small man in little things. The gentleman thought, that if he was a little man in little things, he would not do to make a President; and Mr. C. was, indeed, ready to admit that the office of President, as that office had of late been administered, seemed to be a very small thing; so small, as to be unworthy of the attention or desire of a truly great man. But he differed in this matter with the gentleman. He thought that in the proper government of this nation of more than twenty millions, the wise management of all its foreign and domestic relations was a great matter. It had been said of the worst King that England ever had, that

> "He never said a foolish thing,
> Nor ever did a wise one."

But the gentleman admitted that Scott was the reverse of this; that in action he was great, though in words unwise. Then, according to that instance, he being the reverse of Charles, ought to make a first-rate President. Mr. C. would say to the honorable gentleman from Maryland, [Mr. McLane,] that he was infinitely obliged to him for his advice. The gentleman was avowedly a Democrat, and as such, he advised the Whigs not to run General Scott. Now, Mr. C. had always understood that it was wise to learn from an adversary, but he supposed he ought to avoid what his adversary recommended. As a Democrat, the gentleman ought to desire that the Whigs should be defeated; and, so wishing, it was very consistent in him to desire that the Whigs should not run a strong man. Was he really sincere in recommending General Scott as a Whig candidate, and thereby playing the part of a Mexican Whig to his own party, in giving aid and comfort to the enemy? He might, some of these mornings, find himself read out of the Democratic church, by an editorial in the Union, as his associate from Pennsylvania had been, [Mr. Wilmot.] As to what the gentleman had said about the soup letter, Mr. C. thought the John Donkey could better reply to this part of the speech than any one else, and give a picture of the gallant Scott administering soup to Santa Anna and Mr. Polk. Santa Anna thought it too much peppered at Cerro Gordo, and other places, and Mr. Polk will find it very hasty, and scalding hot. Why, a much stronger charge had been made against President Harrison. They had charged him with drinking hard cider, which was then considered more dangerous than drinking soup in our day. They had proved, too, that he lived in a log-cabin, and, moreover, it was proved, by certificates gotten up in Indiana, that he sold poor white men and women for debt; but all these weighty charges did not prevent the State of Indiana from casting her vote for him as President, and he went in by an overwhelming majority, having been the choice of all the States of the Union but seven. Heavier charges had been made against him than against General Scott; but they could not prevent the people from gratefully remembering his services on the frontier. No more would all the parade made about hot soup make any impression. The popular mind would rest upon Vera Cruz and its formidable castle; the mountain pass of Cerro Gordo; the storming of Contreras and Churubusco, the heights of Chapultepec, and the walls of Mexico; or, it might be, that their recollection would be carried back more than thirty years, to the brilliant achievements at Queenstown and Chippewa, or the night fight at Niagara, the bloodiest and best-contested battle ever fought on the American continent. Such allegations as were urged against him by this Administration would have no more weight on the popular mind than a feather would when thrown upon a whirlwind. This the gentleman very well knew; and it was no wonder that they desired that Scott should be kept out of the field.

There was another reason why they did not wish him brought forward. The country had just been passing through a war, and the Whig party felt it to be its duty to denounce the Administration for the manner in which it had gotten us into the war, and hence they charged us with taking sides against our country. They were in the habit of calling gentlemen on Mr. C.'s side of the House British Whigs, and some of them Mexican Whigs; but they would not dare to say that Winfield Scott was either a British Whig or a Mexican Whig. They knew that all that ammunition would be rendered useless, and they did not like to waste it. They well knew, and were not likely to forget, that Scott had some forty or fifty thousand voters in the ranks of his army—all of them ardently attached to him, and all of them indignant at the manner in which he had been suspended and tried in the presence of the enemy whom he had conquered. Most of these were likely to prove active partisans, and, at all events, they would be dangerous witnesses in his favor. They had once charged General Harrison with being a coward, and they had learned by bitter experience what was the practical result of such a charge brought against such a man, when one of his old soldiers was brought up to refute it. There are many yet surviving who fought under Scott on the Canada lines, and a still larger number who have been with him in Mexico. They would now prove ready witnesses and zealous combatants in his behalf, against such charges trumped up by envy and imbecility to prostrate their gallant leader. There was no section of this Union that did not owe General Scott a debt of gratitude. He had performed important public services on the boundary in Maine; on the borders of Canada; in the Northwest; in the South, as well as in Mexico. His name was honorably connected with the historical records of every part of our country; in every quarter he had shown himself to be both a statesman and a warrior.

Mr. C. had not risen with the purpose of delivering a eulogium on General Scott. He had been drawn into saying thus much only in reply to gentlemen who had assailed him. He should not long detain the House in speaking either of his military or his civil qualifications. But he should always hold himself ready to defend a brother Whig when unjustly aspersed by small and selfish men, who sat in safety on their cushioned chairs here at Washington, and wrote tirades against the brave officers of our army who had periled their lives in the high places of the field.

Mr. C. went on to say that he had been glad to witness that at length the Secretary of War evinced a disposition to do justice to the reputation of General Taylor. After having been persecuted for two years by the Secretary, that heroic old man was now lauded in the tirade of invective against General Scott. The whole country would understand this to be hypocritical. The Secretary now lauds Taylor when he does not need it, in the hope to injure Scott. This is in keeping with his former conduct. He left General Taylor to fight the battle of Buena Vista with inferior forces. After Santa Anna had been defeated there, and a second time by Scott at Cerro Gordo, and driven back on Mexico, the department sent him a large force which he did not need, withholding it from Scott, who did need it, thereby delaying his advance for three months at Puebla. After he had to advance and conquer the country with only ten thousand men, they then sent him reinforcements. Previously, to excuse their negligence, and diminish his credit, they represented him as having thirty thousand men, when he had but one-third of that number; and they now pretended, in the correspondence just sent in, that they had sent him more transports and wagons than were ever forwarded to him. But Mr. C. said his object was not to forestall the decision of the Whig National Convention, nor to express a preference for a Presidential candidate. He was well convinced the Whigs could beat their opponents with any candidate they might agree to set up.

Mr. HOUSTON, of Alabama, obtained the floor.

Mr. VINTON made an unsuccessful effort to postpone the further consideration of the resolution, and go into Committee of the Whole on the state of the Union.

Mr. HOUSTON spoke in reply to the speech of Mr. Clingman, but turned himself round, so as to be, for the most part, unintelligible to reporters on the right of the Chair.

He was understood to charge Mr. C. with having repeated the speech which he had made on the stump in 1840; and, there was but little need of answering it now. Mr. H. referred to the extracts Mr. C. had read in relation to the charges against General Pillow: had the gentleman's object been not to serve a party purpose, but merely to inform the country, he would have said that these extracts related only to General Pillow's defence and not the public business.

The charge against the Secretary of War would have been very serious if proceeding from any serious or respectable source. It was said that Secretary Marcy had attempted a fraud; but where was the proof to substantiate such a charge? Were there any facts established which would justify these public remarks against a distinguished functionary of the Government? And was not the gentleman hazarding too much to advance such a charge in the face of the document which had been laid on the tables of all the members of that House? But Mr. H. was not going to enter into a discussion of this subject; he had risen for a different purpose.

The gentleman from North Carolina [Mr. Clingman] had been working on this matter for months past: he had been "wiring in and wiring out" against Secretary Marcy for a long while, till at length the gentleman had got himself into a more harmless position than Mr. H. had ever expected him to occupy: he had ensconced himself very snugly in a pair of the Secretary's old breeches: there he was quite safe; and if the hole, of which he (Mr. C.) had spoken, should not prove large enough for his escape, there he was likely to stay, with Mr. H.'s entire consent, for the rest of the session.

Mr. H. would now do what he had risen to do, and that was, to move the previous question.

Mr. CONGER asked Mr. Houston's indulgence but for a moment, to state, from the Committee on Printing, that the type had been taken down which contained the former reported correspondence, and if the extra number now proposed were to be printed, the composition would have to

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be all done over again, which would greatly augment the expense.

Mr. HOUSTON thought it rather extraordinary for gentlemen on the Whig side of the House to ask him to withdraw his call for the previous question. Surely the gentleman from North Carolina had spoken very abundantly on the resolution to print.

Mr. HILLIARD wished to ask his colleague one question.

The CHAIR said this could not be permitted, unless the call for the previous question was withdrawn.

Mr. VINTON moved that the House now go into Committee of the Whole on the state of the Union; but the motion did not prevail.

And the question being on seconding the call, it was decided in the negative: Ayes 66, noes 67.

Mr. STEPHENS moved to amend the amendment of Mr. COBB, of Georgia, by adding:

"And also 10,000 copies of House document 196, 1st session 29th Congress; House document 119, 2d session 29th Congress; and House document 37, 1st session 30th Congress—the same comprising all the correspondence between the Secretary of War and other officers of the Government upon the subject of the war, so far as the same may have been made public."

Mr. STEPHENS was in favor of the publication of the extra number of this document, as reported by the Committee on Printing. He did not concur with his friend on his right [Mr. CONGER] as to the expense. He thought ten thousand extra copies of the document now on their table should be printed; and also ten thousand extra copies of the communication embraced in the amendment of his colleague [Mr. COBB] yesterday; and also ten thousand copies of the documents embraced in the amendment he (Mr. S.) had just submitted. He would state to the House that the documents embraced in his amendment were the documents accompanying the war message in May, 1846. He had repeatedly, during the present session of Congress, received demands for this document. It also embraced the correspondence submitted to Congress during the last session between Generals Scott, Taylor, and other officers of the army, and the Department of War, of which no extra copies had ever been printed. If the amendment he had submitted passed, there would then be imbodied in one document all the correspondence on the subject of the war; and, for one, he cared not what the expense might be, provided there was no extravagance in the charges for printing. He wished all the correspondence to go before the country. It was suggested, that perhaps all the correspondence had not yet been sent in. It might be so. He feared it had not. But he would send to the country everything as it came. He would get all he could, and give to the country all he got.

On a former occasion he had alluded to the singular, the strange fact, that the Secretary of War had been called to send in all the correspondence, and had failed to do it, but had authorized a member on this floor to announce to the country that he had received certain of the letters called for from him (the Secretary) in a private way, and that they had been read by that member to the House. The gentleman from North Carolina had alluded to the same fact to-day; and the gentleman from Alabama thereupon had risen, and made the apology that the letters which the Secretary of War or the President had furnished to General Pillow, and with which this House had not been intrusted, related to General Pillow.

Mr. HOUSTON, of Alabama, interposing, said he had spoken only of what he had seen of the proceedings of the trial, and from no other source of information.

Mr. STEPHENS said he, too, was speaking only of this thing. At that time he had not known that such a letter existed; light was continually breaking in on all sides. He wished the House and the country to call to remembrance how long this House had been imposed upon by the President. The only excuse for these letters having been withheld was, that they related to General Pillow. Was it not known to the President and the country that a resolution was upon the Speaker's table giving the thanks of the country to General Pillow? And if such information was in the archives of the Government, relating to the conduct of General Pillow, was it not due to the House that they should have known all the facts, especially when they had, by resolution, made an express call for them? He asked the gentleman from Alabama and the House if there was any reason why the Secretary of War should have withheld from the House those letters? In his opinion, it only aggravated the conduct of the President; it was only another reason why the public indignation should be brought down upon the Administration: he thought it deserved it. How many such letters might be in the archives of the Government he did not know; but here was a very singular fact, to which he again called attention—that while resolutions were pending to vote the thanks of this Congress to General Pillow, charges which had been made against him were in the possession of the Secretary of War and the President of the gravest character; charges which brought and attached infamy to his name; and when they asked for all the correspondence in relation to this matter—in other words, when these very letters were embraced in the call, the President sent in a message that it was inconsistent with the public interest that this House should know that the darling of his eye was of such an infamous character! The Representatives of the people, when they called on the Chief Magistrate to furnish all the information which might be in the archives of the Government on a particular subject, received answer that all was sent in which was consistent with the public interest. What was the interpretation of this? Why, that it was inconsistent with the public interests that the Representatives of the nation should know that these charges had been made by Mr. Trist against General Pillow. He would not detain the House: he only wished to say, that the gentleman from Alabama's excuse for the President only aggravated the offence.

Mr. HILLIARD (the floor being yielded) wished to suggest another thought to the gentleman from Georgia. If the resolution prevailed, he understood it to embrace the recent letter of the Secretary of War—a letter which appeared not only not to have been written at the time the resolution making the call was offered and passed by the House, but which appeared not to have been written until after the motion to print an extra number of copies had been made; and the House were now called upon to give that letter to the public as a part of the correspondence which had already taken place between the Secretary of War and General Scott.

Mr. HOUSTON, of Alabama. Does that letter pinch a little too tight?

Mr. HILLIARD replied, not in the least degree; but he was indignant at the effort that had been made to put that letter before the country as having been written at the time the call was made. With the greatest regard for his colleague and for the services which he had rendered to his party, he must express the hope to his friend from Georgia [Mr. STEPHENS] that that letter would not be given to the public by this House as a part of the correspondence which had taken place previous to the call. The Government controlled its press; let it be given to the public through that medium. He was no partisan of the distinguished General whom it was intended to wound; but he did trust that this House would never suffer itself so far to lose its own self-respect as to publish in the way proposed a letter sent in under circumstances of this kind.

Mr. HOUSTON desired to say, if his colleague had rested until he had examined the resolution constituting the call, possibly he would have seen that that call was expressly intended to embrace the answer of the Secretary of War——

Mr. HILLIARD. Was it then written?

Mr. HOUSTON, (continuing his reply.) It was at the instance of his friend from Georgia [Mr. COBB] that it was so modified as to embrace the reply of the Secretary of War.

Mr. HILLIARD. Was that reply then written?

Mr. HOUSTON, (playfully.) Whenever the gentleman takes his seat I will go on.

Mr. HILLIARD repeated that he desired to avail himself of the courtesy of his colleague to inquire whether the letter of the Secretary of War, which he now sought to have printed as a part of the correspondence communicated under this call, was actually written at the time the call was made?

Mr. HOUSTON replied that he had a very pregnant answer to that question. It reminded him of the echo of his friend from New Jersey to the question, "Where?" Echo answered, *I don't know*. Now, that was his answer: he did not know except from the correspondence as it appeared on its face; nor did anybody else.

Mr. HILLIARD. Will my colleague allow me one word?

Mr. HOUSTON. Certainly.

Mr. HILLIARD. Those of us who happen to know that that letter was not written until a subsequent period will not feel at liberty to vote for its publication as if legitimately received under the call. And the gentleman from North Carolina [Mr. CLINGMAN] affirms positively that such was the fact. I do not, therefore, feel at liberty to consider it embraced in the call.

Mr. HOUSTON. Does my colleague say he knows it was not written at the time of the call?

Mr. HILLIARD. I rely on the affirmation of the gentleman from North Carolina most positively made—made without qualification, that it was not.

Mr. CLINGMAN (the floor being yielded) said the gentleman from Alabama correctly understood him. He had no knowledge when it was written except from its face; but on its face it was dated the 21st of April—*four days after the passage of the resolution* calling on the President for the correspondence, and while the motion to print an extra number was pending.

Mr. HOUSTON (resuming) said his colleague then found he had gone off a little too soon—that he had been rather too quick on the trigger. It had come out, then, that the gentleman knew as much as he (Mr. H.) did, and the gentleman from North Carolina knew no more as to when the letter was written.

His main purpose was to make one suggestion to his friend from Georgia, [Mr. STEPHENS,] and that was, that the gentleman's complaint growing out of the fact that General Pillow had read extracts from the letters before the court of inquiry now sitting in Mexico seemed to him to be not a substantial one, and for a reason which he would give in half a dozen words. In the first place, it must have occurred to the gentleman from Georgia that if the charges were made against one of the officers in Mexico, or anywhere else, it would have been the duty of the President to furnish him such charges; and in the next place, that the extracts furnished could not answer the purpose there, unless they were used in such a manner as to be made public; and if they were made public here or elsewhere, it certainly could not be true that there was any design on the part of the Administration to deceive or withhold them from the country.

Mr. STEPHENS resumed the floor, and in reply to the gentleman from Alabama would barely ask—he put it to the gentleman's own candor as well as to the candor of the House—was it not due to this House, if charges had been made against General Pillow in Mexico, that this House should have been informed of them, when it was well known there were resolutions pending before it giving the thanks of Congress to that officer?

Mr. HOUSTON would say that those charges were publicly made in Mexico, and General Pillow was arrested under them by General Scott. They came from a source certainly entitled to high credence by the gentleman and his party, and would necessarily be known to this House.

Mr. STEPHENS had spoken of the letter of Mr. Trist to Mr. Buchanan, in which he had brought to the attention of the President grave charges against General Pillow—charges of infamy. That

letter, those charges, had been kept secret from this House, and a copy of them they had never yet received. The only information they had of them was, that Major General Pillow had them in his pocket in Mexico. They were published in Mexico before they were known here. Now, what he asked of the gentleman, of this House, and what he intended to ask of the country, was, as the representatives of the people had made a call on Mr. Polk for this whole correspondence between Mr. Trist, General Scott, and the Department of War, how did he dare withhold that letter? There was but one ground on which he could attempt to justify himself: that was, that it would be detrimental to the public interest to communicate it. He had been called upon to furnish all the correspondence. He repeated, he asked the gentleman and the House if it was inconsistent with the public interest that this House should know that Mr. Trist had brought these grave charges against General Pillow? That was the question. If it was not inconsistent with the public interests that this House should know the fact, how could gentlemen dare defend the President? They could not do it.

Mr. HOUSTON, again interposing, (and Mr. S. yielding,) suggested to the gentleman—with no other view, he remarked, than to get at the right of the case—whether it would have been consistent with the true principles of law and of justice, when General Pillow had been arrested, under charges made by General Scott or anybody else, when he was to be arraigned before a court for trial, would it have been consistent with the rules of law or justice for the President of the United States or the Secretary of State to have published the statement of a witness in advance of the trial? Mr. Trist had been examined since that time as a witness. Would not the publication of his charges in advance of the trial have had the effect of prejudicing the public mind against General Pillow? And, in this view, would it have been consistent with equity and with law in the President to have made such publication?

Mr. STEPHENS. Would it interfere at all with the testimony of a witness—if Mr. Trist was a witness, would it have interfered at all with law, equity, or justice, that what he had written should have been published? Why, its publication might have been directly subservient to justice, by enabling his testimony to be contradicted, if incorrect.

Mr. HOUSTON. Does not the gentleman from Georgia know that it is the universal practice of the courts, in trials involving the reputation, life, or liberty of one of our citizens, to use extraordinary powers to prevent the publication of the testimony of the witness in advance of his trial? And that even in advance of the trial the newspapers are not permitted to publish a statement of the facts in such cases?

Mr. STEPHENS said the gentleman from Alabama might make as many excuses as he pleased for Mr. Polk; they did not answer the point he (Mr. S.) put to him. How did the President escape from his responsibility to this House? Had he not bid defiance to it? That was the question. Had they not a right to that letter which they had called for? He went one step further, and he put it to the gentleman, was it not required by the rights of the House and the people, and the duty of the President, when a resolution was pending on the Speaker's table, and known doubtless to the President, of thanks to that officer—which might have been taken up any day—that they should be informed of those gross charges, coming from a man who had been put in such a high post as Mr. Trist had been by the President himself? Suppose they had gone on in the dark and voted the thanks of Congress to a man who had drawn down such infamy upon himself, how would gentlemen have felt? How would the House have been degraded by the act of the President himself in failing to perform a high bounden duty? And how did the President dare withhold it when they had asked for it? No other excuse could be given in any case than that its publication was inconsistent with the public interests; and the President could make no pretence that that excuse existed here, because he had himself, while he had withheld it from the House, communicated it to this officer, and through him it had been made public, first in Mexico.

Now, in regard to the remarks of the gentleman from Alabama [Mr. HILLIARD] as to the publication of this long letter—which seemed very long—he was in favor of publishing it. He disagreed with his friend from Alabama. Notwithstanding it bore date April 21, four days after the call of this House—notwithstanding it was evidently got up to patch up the whole business—yet, for one, he was in favor of publishing it. The Secretary of War might write as many more as he pleased, in answer to General Scott, or any other officer, and attempt to bolster up his conduct: he should not be opposed to giving the information to the country. He had not yet had time to read it; but he knew this, that if the Secretary of War could explain the conduct of the Administration, he was willing to hear him, although in a letter of twenty, thirty, or forty pages, as this was; and he wanted the whole matter to the published to the country.

Mr. McLANE (the floor having been yielded) wished to call the attention of the gentleman from Alabama [Mr. HILLIARD] to the language of the call on the department for this correspondence. The House would remember, that when the gentleman from North Carolina [Mr. CLINGMAN] proposed this resolution, he (Mr. McL.) was very anxious that the whole of this correspondence between General Scott and the War Department should go before the country—all of it together.

Mr. HILLIARD, interposing, wished, at this precise point, to ask the gentleman from Maryland a question, and (Mr. McL. yielding) said that question was, whether the gentleman at the time believed that if the call on the part of the House for this correspondence took place, it could by any possible construction be made to embrace a letter which was not written until a period subsequent to that call.

Mr. McLANE continued. The resolution of the gentleman from North Carolina having been read at the Clerk's table, after an explanation from him that he wished the whole correspondence, he (Mr. McL.) had called the attention of the gentleman from North Carolina to the second resolution, (for there were two,) which called specifically for the despatches written by General Scott subsequently to his arrest and suspension; and had requested the gentleman to modify that resolution, so as to bring to this House the reply of the Secretary of War to such despatches.

Mr. HILLIARD, (interrupting.) Had there been a reply?

Mr. McLANE replied, he had no disposition to evade the question. He wished only that the gentleman from Alabama should hear read the first and second resolutions, and he wished him then to say whether, in his judgment, the second resolution did not cover the reply of the Secretary of War which had been received. Assuming that it was finished on the 24th April, and that the call was made on the 17th, he doubted not that it was being written on the 17th, and he could not see that it mattered whether it was wholly written or in part, or whether wholly copied or in part, on the day the call was made. The second resolution was read, as follows:

Resolved, further, That the President be requested in like manner to furnish copies of any correspondence that may have taken place recently between General Scott and the Secretary of War with reference to the change of commanders-in-chief in Mexico; and all letters received from General Scott, either directly from him or transmitted by any other person, dated prior or subsequent to his suspension or removal from the command of the army in the vicinity of Mexico; and also the replies of the Secretary of War thereto, and all other correspondence between General Scott and the Secretary of War not heretofore communicated to Congress.

Mr. STEPHENS understood that the resolution, as modified, called for the reply of the Secretary of War to General Scott. Would the gentleman from Maryland inform him whether he [Mr. McLANE] was at that time apprized that there would be a reply, and that one had not then been made?

Mr. McLANE replied, that he had had no specific information. He did know, perhaps, as well as the gentleman from North Carolina, that despatches had been received from General Scott subsequent to his arrest, and he did know the fact, in the natural course of things, apart from any personal intercourse, that a reply would be a very natural sequel to the reception of that despatch. But he had no trouble at all in saying that he did know the fact that the letter of General Scott would be replied to, and he did communicate that fact to the gentleman from North Carolina, [Mr. CLINGMAN,] and ask him to call for that reply.

Mr. CLINGMAN said he had certainly never understood from the gentleman from Maryland that a reply was to be written. The gentleman, or some other gentleman, did say that he wished to embrace a reply which was then written. He had never dreamed that the Secretary of War was going to work after that to get up a reply. He had made the resolution broad enough to cover the whole correspondence which had taken place.

Mr. McLANE did not want to rest on the question as to whether the reply was then written or not written. He submitted to the gentleman from North Carolina whether he (Mr. McL.) did not ask him to embrace a reply to all the letters called for?

Mr. CLINGMAN repeated that the gentleman, or some other gentleman, did make the suggestion that the resolution should include the whole correspondence, and he did so modify it; but he had never dreamed that any reply was to be written thereafter. The resolution was intended to embrace, and did embrace, all the correspondence which had then taken place.

Mr. McLANE. Was not the despatch here communicated, to which the letter of the Secretary of War of the 21st April was an answer, designed to be called for?

Mr. CLINGMAN. Certainly.

Mr. McLANE. Then did not the gentleman from North Carolina understand that I wished the reply?

Mr. CLINGMAN. I intended to call for all the letters that had been written by General Scott and all that had been written by the War Department; for all the existing correspondence.

Mr. McLANE. Would the gentleman from North Carolina have me understand that he did not want a reply that might be written?

Mr. CLINGMAN. I knew nothing about the particular letter, whether it had been answered or not. I wanted to get all that had been written, but I did not suppose that there was any parliamentary rule which would justify my calling for letters which did not exist, and having them manufactured, gotten up to order. I do not believe we have any such power.

After some further conversation between Mr. CLINGMAN and Mr. McLANE on this point—

Mr. STEPHENS resumed. He thought the House very well understood the position of the gentleman from North Carolina and the gentleman from Maryland. There was nothing improper in the gentleman from Maryland getting the gentleman from North Carolina to modify his original resolution so as to embrace the reply. But he asked the gentleman from Maryland if he at that time even dreamed of calling for anything that had to be written afterwards, by the modification which he had proposed to the resolution?

Mr. McLANE would answer with great cheerfulness. He had designed to reach the reply of the 21st April—the reply to the despatch of General Scott, which they had obtained.

Mr. JOHNSON, of Arkansas, here interposed, with a call for the orders of the day, and moved that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER stated that that motion was in order.

Mr. STEPHENS. Can the gentleman get the floor to make the motion?

The SPEAKER replied that after one hour devoted to reports the orders of the day might be called for, and the motion to go into committee might be made.

The motion was accordingly put, and rejected.

The question then recurring on the resolution and amendments—

Mr. STEPHENS repeated the question, Did he then understand the gentleman from Maryland to state that he expected something to be sent in which was not then written?

Mr. McLANE replied that he had no mental reservation whatever. It had never entered into his mind to inquire whether that despatch was wholly written or not, and he had not known whether it was wholly written or not. He only knew that the gentleman from North Carolina declared that the despatch received from General Scott was the despatch called for in the resolution as read from the Clerk's table; and he had designed in good faith to have the reply of the Secretary of War to that paper from General Scott, dated in Mexico after his arrest.

Mr. STEPHENS resumed the floor, but yielded at request to—

Mr. HOLMES, of South Carolina, who said he wanted to understand—they all liked to have some understanding on the subject—whether the issue between the two gentlemen did not resolve itself into this proposition: whether, after a call for information upon exciting topics, that call should include a letter to be written for a special purpose; for the purpose of suiting exactly the case? That was the question.

[Cries of "Yes," and laughter.]

Mr. STEPHENS. That is the question.

Mr. McLANE again wished the floor.

Mr. STEPHENS said he would yield if the gentleman wished to give a categorical answer to the gentleman from South Carolina. [A laugh.]

Mr. McLANE was understood to object to a new issue being presented, and to say that the case put by the gentleman from South Carolina did not, in his opinion, meet the case as presented by the words of the call.

Mr. STEPHENS said, the point to which he wished to bring the attention of the gentleman from Maryland was this: Whether, at the time he made the suggestion to the gentleman from North Carolina, he had any idea that the Secretary of War, under the suggestion he [Mr. McLANE] had made, would send in anything else than a reply which had been made before that?

Mr. McLANE. Not the least.

Mr. STEPHENS had supposed that the gentleman could not have had such an idea. This, then, showed the sense of this House when the resolution was passed, and when the very amendment was made which had drawn out this reply—that they did not dream that the Secretary of War would send in here a letter which might be subsequently written, and which the gentleman from South Carolina said was written for a particular purpose.

That was the point to which he wished to bring the attention of the House. And what was the position of the House? They had called for some letters which had been suppressed; and yet when this particular call was made, the Secretary of War had gone on and written a letter and sent that, and still suppressed the very thing for which they had called. That was the position in which this House was placed before the country. He did not wish to be understood as opposed to publishing this letter; he was willing to see it go to the country. He wanted the people of the country to see the letters for which they had called, and which had been suppressed and sent to the general in Mexico—which the President and Secretary of War decided was fit for him and was not fit for the people's Representatives, and who, after withholding that upon a call from the House, had turned round and manufactured and sent in a long letter; all he wanted was, that these facts should go to the country.

There was another important fact to which he now wished to call the attention of the House and the country with regard to this Major General Pillow, who had a higher place in the confidence of the Executive, it seemed, than the people's Representatives—who could be intrusted with a confidential despatch from a foreign minister or commissioner when this House could not be intrusted with it. If rumor was true, this General was appointed to that office by the President twelve months ago, and his nomination had not to this day been sent in to the Senate. The Constitution of the United States required that the nomination should be sent to the Senate; and why had it not been done, when Congress had been in session nearly five months? Why had the President withheld that nomination?

He did not wish to detain the House on that point. He gave it to gentlemen, however, to think of, and to bring forward any defence, if they could.

He concluded by remarking that the resolution as amended by his proposition embraced all the correspondence on the subject of the war. He wanted it all to go together. The country would see the manufactured letter, gotten up after the call. The call was made the 17th of April; this answer to General Scott was dated the 21st of April, four days afterwards. Let all these facts go to the country. He did not wish to suppress any of them. He submitted to the House and the country whether it was not a trick of Secretary Marcy. The gentleman from Maryland himself admitted that when he made the modification he never dreamed that the Secretary or President would send any other reply than had then been made. This reply had been made since; it had been manufactured for the very purpose. He wished it to go to the country; he wished to keep nothing back.

Mr. COBB, of Georgia, said, take this debate all in all, and he thought the good sense of this House and the country would pronounce it the most extraordinary that had ever occurred.

[A voice: "It is a most extraordinary topic."]

He was glad that gentlemen on the other side responded. It would be seen, (he said,) from an examination of the debate, that every original issue had been abandoned, and that there had been a constant effort on the part of those who had brought about this call to change the issue as rapidly as facts had been presented and overthrown the positions they had taken.

Mr. STEPHENS (interposing) inquired if he understood his colleague to say that all the original issues made in reference to this correspondence had been abandoned?

Mr. COBB replied that he would endeavor to allude to those to which he referred, and which had been abandoned, as far as arguments were concerned.

Mr. STEPHENS wished his colleague to allow him to suggest one that had not; that was, that important despatches called for had not been communicated, but had been kept back by the President. Did he understand his colleague to deny that they had been kept back by the President?

Mr. COBB. To what important despatches does my colleague allude as having been kept back by the President?

Mr. STEPHENS, observing that that was not answering his question, said the original charge was, that important despatches had been withheld; the instructions to Mr. Slidell had never yet been sent in; this communication from Mr. Trist had never yet been sent in. This very communication which they had received yesterday had been previously called for and not sent in, and had only come in in answer to a subsequent call, and no reason given for withholding it. This was the original charge, and if his colleague supposed that he had abandoned it, he was much mistaken.

Mr. COBB said he was alluding to facts familiar to the House which had been brought out in the debate upon the original resolution of the gentleman from North Carolina. It would be recollected by the House, that when this resolution was offered by the gentleman, it was understood by the House that his object was to draw out the correspondence between General Scott and the Secretary of War, for the purpose of showing that General Scott had been badly treated by the War Department, and defending that officer from any imputation which might have been cast upon him in reference to his conduct in the Mexican war. The very remarkable fact must also be borne in mind that, after the answer to that communication had been made on the part of the President, before any single document had been printed, before it was in the power of any member to say what was communicated, the gentleman from North Carolina [Mr. CLINGMAN] had addressed this House at considerable length, and said he had examined this document in the hands of the printer, and then had gone on to make his charges against the President and the War Department, endeavoring to bolster up the position which he had assumed in behalf of General Scott. It was at this time that the gentleman from North Carolina had attempted to forestall public opinion in reference to the course of the President and the Secretary of War, by bringing forward these charges before the public mind could be informed, by the publication of the correspondence, of the facts in reference to the matter. It showed that at that early period the examination of this document had created upon the mind of the gentleman from North Carolina the impression that it was necessary for some extraordinary effort to be made in order to relieve General Scott from the effect of that correspondence. The gentleman had then stated that documents were withheld, and had specified the documents which, if published to the country, would sustain the charges which he made. This House had responded to the call for these documents, and they had been brought before the country, and what was the issue now presented? What was the issue presented by the gentleman from Alabama? That the response made by the Secretary of War to one of these despatches, because it bore date subsequent to the date of the call of the House, ought to be suppressed. He desired to send before the country the despatch received from General Scott; and because the answer of the Secretary of War, in the progress of the correspondence, happened to bear date subsequent to the date of the call, though it was a response to one of these despatches, he now desired it should be suppressed and withheld from the country. Did his friend from Alabama, or any other gentleman, pretend to say that any facts set forth in the reply of the Secretary of War to General Scott were not true? No; no exception had been taken to it. No objection had been made that it contained allegations which were untrue or arguments which were unsupported; and yet, on a mere pretence of this kind, it was attempted to suppress this document, to present one side of the case to the country and to suppress the other. He was happy to find that his colleague did not approve of it; that he was aware that an effort of this kind could not meet the approval of the House or of the country. If they objected to the reply of the Secretary of War, they were bound to sift its facts, to analyze its arguments, and, if they were unsustained, to expose it to the country; but let them not seek by the power of this House to suppress this publication. He recollected that a few days ago, when the House were considering the question of the publication of another document, he had protested against its publication, because it was unsatisfactory in its character, and calculated to create an erroneous impression upon the public mind. He had then desired, as he now desired, that upon the publication of matters of this kind all the facts should be presented to the country, and there was then no danger that they would be misapprehended by the good sense of the people. He was willing to leave to them to decide the question for themselves upon all the facts being presented. There was no disposition on his side of the House to withhold information from the country. His colleague said that the instructions to Mr. Slidell had been withheld. Was that an argument in this case? They were not called for. No allusion was made to them whatever in this resolution. A remarkable fact in reference to these instructions to Mr. Slidell was, that we had had them published in the newspapers, whether correctly or not, we did not know. He had made no inquiry. But he had observed the fact, that since these instructions had come out they had never been commented upon on the other side of the House. Notwithstanding the issues which had been made upon them previous to their publication, they had not heard a word about them since. It was true, it might be said that we were not assured the documents were authentic. This might be the case, but gentlemen did not apply the same rule in other cases, for they had generally chosen to comment with as much freedom upon those which were thus thrown before the public as those which were presented in any other manner.

Mr. STEPHENS inquired if he understood his colleague that they had found nothing to disapprove of in these instructions?

Mr. COBB said, that since the publication of these instructions they had heard no gentleman on that side of the House commenting upon them and disapproving of them.

Mr. STEPHENS said, so far as he was concerned, (and he spoke only for himself,) the instructions which he saw published in the newspapers were very much in accordance with what he expected they were. He would not take the time of his colleague to comment upon them, but he should take occasion to do so at the earliest possible opportunity when it was in order. He would, however, ask his colleague if the instructions did not authorize five millions of dollars to be given for that very country which his friends had declared was our own soil?

Mr. COBB. With reference to what country does my colleague speak?

Mr. STEPHENS. The country to the Rio Grande.

Mr. COBB replied that such were not the instructions, as he had seen them published.

Mr. STEPHENS said such authority was given in the instructions which he had seen.

Mr. COBB replied that this unfortunate difference

with reference to the newspaper account showed gentlemen that they should be cautious how they brought forward serious charges against the Executive Department of the country with reference to documents before they were published in an authentic form. As he had read this document in the public prints, he was confident that no such authority was given.

Mr. STEPHENS. My colleague, then, agrees with me that it was very important that the President should have answered their call, that they might have known what were the real instructions.

Mr. COBB had said that he was not disposed at present to go into the discussion of these instructions, but if the newspaper accounts were authentic, he was prepared to assert two propositions: First, that they bore on their face conclusive evidence, that for the interest of the country they ought not to have been published at the time they were called for by this House; and, secondly, for the purpose of a triumphant vindication of the President against the charges made by gentlemen on the other side, that officer, if he had been actuated by no other considerations, would have been glad to have thrown them before the country. It showed the willingness of the President to sacrifice his own personal interest in sustaining himself as President of the United States in behalf of the public good. But he would not go into this subject. He assured his colleague he should listen to him with a great deal of interest, to see how it was that his anticipations of that document had been fully realized when he came to compare his charges with the document itself.

But with reference to the resolution which was now under consideration, another remarkable fact was presented. When they had called for that document, and it had been laid on the table and ordered to be printed, and a motion made for the printing of extra copies, no opposition had been manifested on the other side of the House. But to-day it was said by gentlemen, that this motion to print an extra number had been postponed from time to time until the type had been distributed, and now we were called to go to the extraordinary expense of putting up the type again. Was it not remarkable, that a document to which so much importance had been attached by the Opposition, which they said furnished foundation for serious charges upon the Executive officers, which they said threw a flood of light upon all these vexed questions between the commanding officers and the head of the department here,—was it not strange that gentlemen on the opposite side should now rise up and seriously ask this House to abandon the printing of an extra number, on the ground that the type had been distributed in consequence of the gentleman's own motion, or that of his friends, to postpone the subject from day to day? Whence came this sudden spirit of economy over the gentleman?

Mr. CLINGMAN inquired if the gentleman alluded to him?

Mr. COBB replied that he did not, but to the gentleman who was at the head of the Committee on Printing, [Mr. CONGER,] who had said that it ought not to be published now on account of the type being distributed.

Mr. CONGER (the floor being yielded) stated that the gentleman had misapprehended him. His object had not been to oppose the printing of these extra copies. He had merely desired to make a brief statement to the House in relation to the expense which would be incurred by the printing, in consequence of the delay which had taken place, in order that they might be possessed of information as to what the expenses would be before they voted upon the question. He should not now, he should not at any time, oppose the printing of these extra copies.

Mr. COBB regretted if he had done injustice to the gentleman from New York, [Mr. CONGER,] but he believed that gentleman's report had given him authority for what he had said. It was clear the gentleman from New York did not expect to induce the House to print any extra number. It was clear that the object of the gentleman from New York was to call the attention of the House to the fact that the type was distributed, and that a large expense would be incurred in printing it. The gentleman from New York did not certainly intend the House to understand that he was satisfied of the propriety of printing an extra number.

Mr. CONGER confessed that he was opposed to incur the vast expense which would be incurred if an extra number of this document was printed.

Mr. COBB found he must recall his apology for doing injustice to the gentleman from New York. He now understood that gentleman, as he originally understood him, as being opposed to printing these extra documents. And this was but one part of the remarkable circumstances that were springing up around them. Why was it that gentlemen were not so anxious now to print these documents as they were when the subject was first brought forward in this House? The reason was manifest. Gentlemen had made themselves acquainted with the facts. The contents of these documents were presented to their minds. The development had been made. The whole subject was before them, and now they were unwilling to pour this flood of light on the public mind. There have been other motions to print extra numbers of documents sent to this House during the present session, and this was the first time he had heard an argument based on the expense from that side of the House.

Mr. HOUSTON, of Delaware, made some explanation, but in too low a tone of voice to reach the reporter's desk.

Mr. STEPHENS was unwilling to interrupt his colleague; but he begged leave to say that if the gentleman from Georgia thought there was any opposition to print these extra numbers with him (Mr. S.) or his friends, he was greatly mistaken. So far from it, he had been repeatedly urged to modify his motion by striking out 10,000 and inserting 20,000.

Mr. COBB was happy to hear that there was no disposition to withhold this document from the country, though he had been led to such a conclusion from the report of the gentleman from New York, [Mr. CONGER,] from the Committee on Printing. He thought, too, he was justified in arriving at that conclusion from the remark of the gentleman from Alabama, [Mr. HILLIARD,] who had expressed his unwillingness to print a part of this document. From these gentlemen he (Mr. C.) differed. He thought they should send out this document to the country; they should give the people all the information they possessed themselves. If this subject had become unpleasant to gentlemen, it should be remembered that they had brought it on themselves. They had made their own bed, and therefore he would permit them to lie down upon it. They have nothing to charge against anybody—no complaint to make but against themselves.

But there was one thing in connection with this correspondence, when it was originally called for, to which he ought to advert, after hearing the ground taken by gentlemen this day. The correspondence of Generals Scott and Taylor, the Secretary of War, and Mr. Commissioner Trist, was called for by virtue of a resolution of this House, which contemplated obtaining information in reference to an issue made between two of these particular individuals. This point had been responded to, and yet now the gentlemen say that the main issue has been avoided, and the documents they require have been suppressed. And what were they? Why, documents in relation to charges preferred against Major General Pillow. In the speeches of gentlemen, as reported, when this subject was heretofore before the House, he found nothing in relation to Major General Pillow, nor had he heard anything on that subject until this morning. This was the first time that this subject had been brought up here. No one had been notified that the object of gentlemen in calling for this correspondence was to make any charge against or attack on Major General Pillow, or to sustain any made against him in any other quarter.

Now, however, gentlemen accused the President of a dereliction of duty in relation to some document in which Mr. Commissioner Trist had made some accusations. He begged gentlemen not to abandon the issue which they had first made, which related to General Scott and the War Department. Let them hold on to that issue. If they also desired any information in relation to General Pillow, and required documents not heretofore published, they should have his vote to call for them, if the documents could be published without injury to the public interests. But now he appealed to them not to travel out of the record. Enlighten the public mind with this document. Was it because gentlemen had discovered that this document came rather heavily down on General Scott that they were anxious to withhold it for the present, and until they could become surcharged with some argument to meet it? Were they willing to stand before the country in this attitude? Let the document go forth, and the people will form their own opinions upon it with as much ability, correctness, and promptness as the gentlemen opposite could do. If their general stood on high ground, if the facts stated in this correspondence would cast no reflection on him, it was impossible for any one man, however high in office he might be, to sustain charges against that general without facts whereon to base them.

If the gentlemen opposite had the right on their side they should not be afraid of the publication of facts and details. If, on the publication of these documents, he found the gentlemen opposite were right, (for he had not read this correspondence,) he gave them an assurance he should not persist in error. Let all stand on a common platform in this respect. Let nothing be kept in the dark. In the course of his remarks he had made no charge against General Scott or General Taylor, or any of these parties. He had carefully abstained from doing so that he might not expose himself to any imputation from the other side of having made a thrust at a man respecting whom he was not in possession of the facts. He desired all the information they possessed to go to the country, that he and the people might form an independent opinion. Till then he should withhold the expression of any opinion further than that which he had formed from the documents already before them.

Mr. HILLIARD expressed his opposition to printing that part of the document which contained the letter written by the Secretary of War four days after the call was made by the House. He would take the responsibility of that position before this House and before the people. He was not willing, by what seemed to him to be misplaced magnanimity, to give the Secretary of War the opportunity thus to send forth, in a document which was to be permanent, a long, labored, well-prepared defence of the Administration, on consultation with his political friends. There would be great injustice in this. This was no correspondence of a day. It was not to die in a week. It was to be entered on the records of this House, and permanently preserved here. The gentleman from Georgia, [Mr. COBB,] with great ingenuity, had endeavored to turn the issue here, and had appealed to his (Mr. H.'s) magnanimity on this subject. He had asked him if he would suppress a document that came from the Secretary of War. In reply, he asked the gentleman from Georgia if he would do such injustice to a gallant officer like General Scott, who had exposed his life in battle, and performed the most brilliant exploits known to modern times?

Would the gentleman from Georgia do the injustice to that officer of allowing the Secretary of War to send out and spread abroad, in a document of this House, charges which will touch the sensibilities and the character of General Scott, before they were despatched to that officer, and before a line could be received in reply? He (Mr. H.) could not be made a party to a scheme of this sort; and he was willing to assume the responsibility of withholding the Secretary's letter. Let General Scott reply to that document. Let him have the opportunity of making a manly defence; and then, if gentlemen desired it, he would willingly vote to print fifty thousand copies of Secretary Marcy's letter and General Scott's reply together. But until the reply was received, he appealed to the magnanimity of gentlemen, and he asked them to stand by him in protecting the character of an absent officer until he could be heard in his own defence.

Mr. COBB understood the gentleman from Alabama desired to wait until General Scott's reply could be received. Now, he understood that this letter of the Secretary of War was a reply to one of General Scott's; if, therefore, they were to wait for General Scott's rejoinder, they must, in justice, wait for the Secretary's replication; and when would the public ever get the correspondence?

Mr. KING, of Georgia, having made a brief explanation—

Mr. HILLIARD resumed, and proceeded to show, that on the 17th of April, the resolution was adopted by this House calling on the President for certain correspondence. He here read the reso-

lution, to show its nature and character, and then he appealed to the gentleman from Georgia [Mr. COBB] to change his ground. He appealed also to the magnanimity of other gentlemen to change the position they had taken. If they persisted, after hearing the terms of this resolution, he should look with amazement on the course of those gentlemen. He appealed to the sober sense of the House if, when this call was made, on the 17th day of April, there had been any correspondence between General Scott and the Secretary of War embracing this letter? Had it then an existence? Could the House have contemplated the calling for a letter of which not only the great body of the House had heard nothing, but which was actually not written? Could they, then, have expected a letter of this sort to be embraced in their call? What was the fact? On the 17th of April the call was made; on the 21st, four days afterwards, Mr. Marcy commenced his reply to General Scott, after having been informed that the call had been made for the correspondence on the part of the House, and, ten days after the call was made, this labored *ex parte* letter was presented to this House in obedience to the call, although it had been written but some six days since. And for the publication of such a document gentlemen appealed to his magnanimity, forsooth! It was an insult to print this letter under the circumstances, and gentlemen might appeal to his magnanimity forever, and he would not assent to it. He would resist it to the last, for he was unwilling to see injustice done to an honorable gentleman and a gallant officer. He would not stand by and silently see him thrust at in this way. He could not suppress his indignation at such an attempt—his pure, unaffected indignation, and he wondered it had not reached the bosom of the Secretary of War.

Mr. HOUSTON asked his colleague if he was willing that the letter should be cut in two, precisely at the point where it was being written when the information reached the Secretary of the passage of the resolutions calling for the correspondence?

Mr. HILLIARD said the letter was dated on the 21st of April. The place and time were given; how then could the gentleman ask, or by any resort to special pleading suggest to the minds of others, whether this letter had not been prepared before? If it had been prepared before, why had it not been sent in the next day? Why wait until the 27th? Because it was designed that this letter should be written and embraced in this correspondence, and sent out to make an impression on the public mind. No; gentlemen could not escape from the position in which they were placed by special pleading of that sort, and he called upon them to abandon the ground they have taken, and withhold this letter until the reply from General Scott could come, and then he would join them in giving both to the public. At any time he would do this, and he should not look round him to see who voted with him. If he were satisfied that he was right, he was prepared at any time to take his position, if he gave his vote solitary and alone. He was willing to stand on this question in that position, for he was sorry to see a House of which he was a member lending itself to these schemes and contrivances of the Administration.

Mr. HOUSTON, of Delaware, concurred mainly with the gentleman from Alabama, [Mr. HILLIARD.] He believed, as far as he had any evidence, that this far-famed reply of the Secretary of War had been written for the occasion; and that Mr. Marcy's conduct had been such that he was not entitled to the publication of it at their hands unless they should think proper to print it. But, notwithstanding this, he (Mr. H.) wished it to go to the country, for he was satisfied, so far as the reputation of General Scott was concerned, it would be vindicated by the country.

Mr. HILLIARD might concur with the gentleman from Delaware, if there was no other means of publishing Mr. Marcy's letter; but, as he had said, as the press was open to him, he (Mr. H.) would not be willing to put it in a permanent form, by printing it as part of a document sent to this body, and furnishing it to the country at large until General Scott could be heard in reply. The gentleman from Georgia [Mr. COBB] suspected that he (Mr. H.) had too much foresight and discretion to print this reply of the Secretary of War. He begged to assure that gentleman that he had not examined it, but he supposed, judging from the remarks of gentlemen on the other side, that the reply was a bitter partisan document.

The present Administration hold the power of the General Government, and the Whigs have a majority in this House. Every other department was against the Whig party. And when they made a call for correspondence of any description whatever, it must be presumed that they were in a position antagonistical to the dynasty, and it would follow that the Administration would be unwilling to commit itself. If this House made a call, therefore, the department would equivocate, and this House had to make call on call before they could get facts before the country. This House was in this anomalous position. In the British Parliament, if a member should defend the course which Mr. Secretary Marcy has taken here, he would be overwhelmed with indignation; and even Guizot himself, in the tribune of the French Chamber of Deputies, would absolutely be compelled to give way before the deafening indignation of his colleagues. And yet they, the representatives of this great nation—they who represented the people themselves—were compelled to fight their way hand to hand with a powerful party, that now wielded the patronage of this Government, to get information for the people; and when it came, they were expected to print a party letter written by the Secretary of War, which would be an act of injustice to the commander of our armies. He would do no such thing. He found the time had come when they should speak out, and he should lose no occasion of doing it, from this time to the end of the contest. This letter of Secretary Marcy, no doubt, he viewed as essential to the defence of this crumbling Administration. But it was the handwriting on the wall. This Administration was as certain to go out of power as it had abused power; and it would leave no monument behind of its genius, its wisdom, or its generosity.

Mr. COBB, of Georgia, called the attention of the gentleman from Alabama to the tariff act of 1846.

Mr. STANTON also asked the gentleman if that act did not produce more revenue than the tariff of 1842?

Mr. HILLIARD would answer those questions at a more appropriate time, but he would not now be driven from the issues which had been made with this Administration. Information had been called for from this Administration, and the Administration would only let out as much as would answer its own purpose. The resolution was limited in the usual way. Information was called for, if not inconsistent with the public interest, and the Administration took it that it was not to be furnished if their interest would be thereby affected. If the Administration would be injured, the information was withheld. He confessed when the gentleman from Indiana, [Mr. HENLEY,] some days since had the courage to get up and present to this body letters which form part of a correspondence which had been called for by this House and refused, and admitted he had received them from his friend the Secretary of War, he (Mr. H.) could not withhold the expression of his surprise, and he took occasion to ask how they had been obtained. In answer to his inquiry, the gentleman from Indiana fully committed the Secretary of War, in having furnished those letters to a partisan friend, which were denied to this House. The object for which they had been given to that gentleman was the defence of the Secretary in not sending them here. And then as to the Slidell instructions, the gentleman from Georgia had undertaken to defend the Administration for withholding them from this House, but they had found their way into a newspaper. The President, in sending a minister to Mexico to treat between the two Republics, or to threaten an attack by one upon the other, without instructions from the people's Representatives in this House or consultation with the Senate, to purchase or obtain possession of extensive territory to add to this Union, was guilty of a monstrous assumption of power. He (Mr. H.) cared not if territory was desirable. He cared not if it was our interest to purchase California and New Mexico: without the sanction of this House and consultation with the Senate, the President had no right to open such negotiations.

But to return to the issue. The question was, should they print this letter of Mr. Secretary Marcy? Magnanimity and justice forbade it. The gentleman from Georgia said the people would decide for themselves on this point. He was willing to appeal to the people. The people might be misled for a time, but ultimately they would do right. During party contests they might be misguided by party issues, but ultimately the people would come back; hence he had confidence in attacking this Administration, for it was one of those contests in which a man could never fail. He would now submit the following amendment to the resolution, to carry out the views which he had expressed:

"Excepting, however, from printing, a letter found among said documents signed by the Secretary of War, and purporting to have been written to Major General Scott four days after the passage of the resolution calling for the correspondence."

Mr. STANTON said the discussion of this subject would inevitably attract the public attention, and create a desire to see that letter. Whether gentlemen, therefore, should succeed in suppressing it now or not, it would be read by the people. He had not risen to make a speech on this subject, but believing there had been discussion enough, he moved the previous question.

The previous question was seconded, thereby cutting off Mr. HILLIARD's amendment, and the main question was ordered.

After some conversation, in which several gentlemen participated, the amendment to the amendment was adopted; and afterwards, in succession, the amendment and the resolution as amended.

A reconsideration was moved and negatived.

Mr. HOUSTON, of Delaware, gave notice, for the information of the House, that on Wednesday next he should move that when this House adjourns on Thursday, it shall adjourn to meet again on the succeeding Monday, to afford an opportunity for putting down the spring carpets, &c.

The House then adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. FREEDLEY: The memorial of sundry citizens of Delaware county, Pennsylvania, asking Congress to survey a post route through the State of New Jersey, between New York and Philadelphia, in order to construct a railroad between those cities, to get rid of the monopoly by means of which the State of New Jersey imposes an exorbitant tax on citizens of other States.

By Mr. HOLMES, of New York: The petition of A. Champion and 1,500 other citizens of Monroe county, New York, asking a tariff of postages on letters, for all distances, of two cents; also, for the entire exemption of postage on newspapers within thirty miles of the publishing office, and on newspapers over thirty miles from the publishing office, for all distances, of two cents; and for the special privilege of the public, the petitioners ask that the people may be allowed to send newspapers through the post office for one cent, and not *three cents*, and that prepaid, as at present.

By Mr. PHELPS: The petition of E. D. McKenney and other securities of S. H. Bunch, late Osage sub-agent, praying to be released from the payment of one thousand dollars stolen from said Bunch.

By Mr. ST. JOHN: Three petitions of inhabitants of the city of New York, praying Congress to purchase Mount Vernon, in order that the grounds and tomb of Washington may be kept in a suitable and proper state of preservation.

By Mr. TWEEDY: The petition of J. Beston and 22 others, for a post route from Sheboygan, along the Madison road, to Auburn post office, on post route 4,462.

By Mr. WENTWORTH: The petition of citizens of McHenry county, Illinois, for a mail route from Dorr, via Erin and Highland, to Geneva, Wisconsin. Also, for a route from Morris Court house to Mazou. Also, from Dorr, via Hebron, to Richmond.

By Mr. DICKINSON: The petition of Joseph Chaffee, praying Congress to adjust and pay his claim against the Wyandot Indians, in accordance with the provisions of a treaty with that people in 1842.

By Mr. FARRELLY: The petition of citizens of Philadelphia, for a post road between the cities of New York and Philadelphia.

By Mr. HAMPTON, of Pennsylvania: The petition of William Pitman, of Pennsylvania, a soldier of the late war, praying for relief.

By Mr. GAINES: The petition of David McNair, praying a pension for services in the last war with Great Britain.

By Mr. STEWART, of Pennsylvania: An application for the renewal of the patent of James Harley for "casting chilled rolls."

IN SENATE.

THURSDAY, *April* 27, 1848.

Mr. DAVIS, of Massachusetts, presented the petition of David Baker, praying an extension of his patent for an improvement in the curvilinear saw-mill; which was referred to the Committee on Patents and the Patent Office.

Mr. JOHNSON, of Maryland, presented the petition of Richard T. Merrick, an officer in the army, setting forth the loss of his vouchers after he had deposited them in the hands of the proper accounting officer of the Government, and praying

the settlement of his accounts upon the principles of justice and equity; which was referred to the Committee on Military Affairs.

Mr. MOOR presented a memorial of citizens of Ellsworth, Maine, and a memorial of citizens of Bangor, Maine, remonstrating against the admission of lumber cut in the State of Maine, and manufactured in the British province of New Brunswick, into the ports of the United States free of duty; which were referred to the Committee on Finance.

Mr. HALE presented the petition of inhabitants of Winnebago county, Illinois, praying the enactment of a law prohibiting the acquisition of any new territory by the United States, unless on condition that slavery be forever excluded therefrom; which was referred to the Committee on Foreign Relations.

Also, a petition of inhabitants of Winnebago county, Illinois, praying that two slaves, sold to satisfy a judgment in favor of the United States against the estate of a debtor to the Government, may be emancipated, and the money refunded to the purchasers; also, the enactment of a law to prohibit the sale of that species of property for any debt to the Government, and to forbid the holding of slaves by any officer of the United States; which was referred to the Committee on the Judiciary.

Also, the petition of inhabitants of Winnebago county, Illinois, praying the repeal of all laws that authorize or recognize slavery, except as a punishment for crime; the motion to receive which was ordered to lie on the table.

On motion of Mr. MOOR, it was

Ordered, That the petition of the heirs of John Riggs, deceased, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

INTERNATIONAL EXCHANGES.

Mr. BENTON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be authorized and directed to purchase one hundred copies of Hickey's edition of the Constitution of the United States, and to deliver the same, in the name of the Senate of the United States, to Mr. Alexandre Vattemare, of Paris, to be distributed by him in France, according to his system of national exchanges of books.

FIRE-ARMS FOR THE UNITED STATES.

Mr. CLAYTON submitted the following resolution for consideration:

Resolved, That the Secretary of War be, and he hereby is, directed to report to Congress—

First. How many public armories there are belonging to the United States in which fire-arms are manufactured, and where the same are located, and the date of commencing manufacturing operations in each.

Second. How much actual capital is and has been invested in such armories, and what proportion in each for sites, buildings, power, permanent machinery, &c.; specifying the amounts under separate heads to date of report.

Third. How much money has been expended annually in each of said armories for the manufacture of arms, in salaries, wages, and materials, or in any of the elements entering into all the current expenses of manufacturing such arms, independently of fixed capital and the interest thereon.

Fourth. How many small arms have been produced annually from each of the said armories, all the cost of construction, and how many of the various descriptions of arms, and of what descriptions, are now in serviceable condition.

Fifth. What number of arms have been condemned from time to time, and what disposition has been made of condemned arms at the Government armories, and if sold, at what prices.

Sixth. How many small arms and munitions of war have been procured from other sources than from the Government armories; and from what sources and in what amounts; if by private contracts, at what prices for each description; if from other Governments, from which, and at what price.

VENTILATION OF VESSELS.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, to whom was referred the bill from the House of Representatives to provide for the ventilation of passenger-vessels and for other purposes, reported it, with amendments.

On motion of Mr. DAVIS, of Massachusetts, it was

Ordered, That the further consideration of said bill be postponed to, and be made the order of the day for, Monday, the 1st of May.

FOREIGN MAILS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the bill from the House of Representatives to amend the act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes, reported it with amendments.

THE PRIVATE CALENDAR.

Mr. MASON gave notice that on to-morrow, at one o'clock, he will move to proceed to the consideration of private bills upon the calendar, and devote the remainder of the day thereto.

PAYMENT OF INTEREST TO ALABAMA.

Mr. BAGBY moved to postpone prior orders, in order to proceed to the consideration of the bill authorizing the payment of interest on the amount advanced by the State of Alabama to the General Government pending the Creek hostilities in 1836 and 1837.

Mr. PEARCE remarked that he desired to offer an amendment to the bill, and wished that the consideration of the bill might be postponed till another day, in order that he might prepare his amendment, which had for its object the extension of the general principle of the bill.

Mr. BAGBY said, that at the hazard of a little seeming unkindness to the Senator, he must press the motion. A postponement of the bill would be tantamount to its defeat at this session, and he would take the liberty of suggesting that his friend from Maryland, who did not, as he understood, object to the bill, could introduce his proposition in the form of a separate bill.

Mr. PEARCE had no desire to delay action on the bill; but he regarded it as manifestly proper that the principle should be made applicable to other States.

Mr. MANGUM said that the bill should be allowed to remain in its present position.

Mr. BAGBY reiterated his apprehension that if the proposition of the Senator from Maryland were connected with the bill, it would lead to fatal delay.

The question was then taken upon the motion to postpone the prior orders, for the purpose of taking up the bill named, and it was determined in the affirmative.

The Senate proceeded to consider said bill as in Committee of the Whole, and the amendments reported from the Committee on Finance were agreed to.

No further amendment being made, the bill was reported to the Senate, and the amendments were concurred in.

The question being upon ordering the bill to be engrossed and read a third time—

Mr. PEARCE explained that his amendment would not in the least militate against the bill. As the bill had been taken up out of its order, he was not prepared with his amendment. All that he desired was, to make the principle of the bill applicable to Maryland and other States similarly situated.

After a brief conversation, in which Messrs. BAGBY, ATHERTON, R. JOHNSON, and PHELPS took part, relative to the circumstances in which the claims of the State of Alabama provided for in the bill arose—

Mr. PEARCE asked that the bill be passed over informally.

Mr. BAGBY acquiesed, in order to allow the Senator to prepare his amendment.

The said bill was then passed over informally.

PORTRAIT OF GENERAL TAYLOR.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. BADGER:

Resolved, That the Committee on the Library be instructed to purchase the full-length original portrait of General Zachary Taylor, painted by William G. Brown, of Richmond, if the same can be obtained at a price deemed by the committee to be reasonable.

Mr. HALE. I desire to know whether it be in order to address such an order to the joint committee?

The PRESIDING OFFICER. It is addressed to the Library Committee of the Senate only.

Mr. HALE. I move that the resolution be laid on the table.

Mr. HANNEGAN. I beg to ask one question. Has there ever been a full-length likeness of General Washington or General Jackson ordered by the Senate?

Mr. BADGER. I do not know that there has been.

The yeas and nays were then demanded on the question, and being seconded, were ordered, and taken with the following result:

YEAS—Messrs. Allen, Atchison, Atherton, Bright, Felch, Hale, Hannegan, Mason, Sturgeon, Tarney, and Underwood—11.

NAYS—Messrs. Badger, Bagby, Bell, Borland, Cameron, Clarke, Clayton, Crittenden, Davis of Massachusetts, Dayton, Johnson of Maryland, Johnson of Georgia, Mangum, Moor, Niles, Phelps, Sprnance, Upham, and Westcott—19.

The question recurring on the adoption of the resolution—

Mr. HANNEGAN moved to amend it, by striking out the words "General Zachary Taylor," and inserting "Generals George Washington, Andrew Jackson, Winfield Scott, and Zachary Taylor."

Mr. HALE. I move to amend the amendment as follows:

Add "and all the full-length portraits of all the Generals in the American army."

Mr. UNDERWOOD. I desire to make a very few remarks on this motion. I voted in favor of laying this proposition on the table, in order to avoid what we just now witnessed, and what you will always witness whenever a measure of this sort is introduced. I protest against the introduction into this body of any movement of this character, because calculated to excite the heated feelings and partisan views of the members. We are sent here, as I believe, to legislate for the great interests of the American people, and not to occupy ourselves in purchasing pictures to form a picture gallery. We do not come here for the purpose of naming one popular man to the exclusion of others, thus exciting debate as to who is most deserving of honor and distinction. If General Taylor receive the nomination for the Presidency, I feel very certain that I shall vote for him. I will yield to no gentleman on this floor in admiration of General Taylor. I hope I have also a deep feeling of gratitude to the "Father of his Country." Although politically opposed to General Jackson, yet I respect and admire his character. So with regard to General Scott. There are many others that I might name, for whom I entertain the same feelings; but, without further remark, I beg to submit that the resolution is inexpedient.

Mr. HANNEGAN, (in his seat.) There is General Butler from your own State.

Mr. UNDERWOOD. Yes, and a schoolmate and associate, and a man whom, I am proud to say, here and everywhere, all must respect for his honesty and elevated character, however they may differ from him in political matters. I ask, sir, if we have not already seen enough to convince us of the impropriety of diverting our attention from the legitimate business of the country, in order to select individuals on whom to bestow honor and distinction?

Mr. BADGER. I had not the slightest expectation when I presented this resolution, either that it would produce or was calculated to produce any species of excitement. I offered this resolution for the purchase of a portrait of General Taylor because we can obtain one which is said to be an excellent likeness, painted from life. It is now exhibited in the rotundo of the Capitol, and there seemed to me to be a very evident propriety in the Government obtaining possession of it. I hold that there is no member of this body who does not know, that every American citizen is ready to acknowledge that that distinguished and illustrious general has, by his military services, shed unfading lustre on the arms and character of our country. And I assure my friend from Indiana that when he brings forward his resolution for the purpose of purchasing a full-length portrait of the "Father of his Country," of General Jackson, and of General Scott, he will not find me in the slightest degree disposed either to withhold my assent from his proposal, or to embarrass it by throwing around it propositions not calculated to advance his object. The amendment which he proposes makes the resolution absolutely nonsensical. The resolution has for its object the purchasing of a certain full-length portrait of General Taylor, executed by a particular artist. It does not designate an individual who is to execute a portrait, but it directs the purchasing of this portrait. Now, the resolution would be perfectly absurd if a provision were introduced into it, that there are other portraits to be purchased, to be executed by this artist. I was in hopes that my friend from Indiana would have allowed it to be adopted without embarrassing it with this amendment. I assure him that he cannot introduce a proper resolution to testify respect for any distinguished gentleman without receiving my hearty approbation. Now, with regard to the

objection of my friend from Kentucky, that the Senate came here to attend to the great interests of the American people, it meets my hearty concurrence. I agree to it out and out. I do assure him that I never entertained a contrary opinion in my life; but when he says that we were not sent here for the purpose of forming a picture gallery, does he recollect that he is pronouncing a solemn judgment of censure upon the American Congress, almost from the commencement of the Government? I am sure, observant as he is, he cannot so often have passed from this Chamber to the other, or when a member of it, from that House to this Chamber, without seeing that we have been actually engaged in preparing a picture gallery. And what is a very remarkable circumstance, so far from thinking it beneath the dignity of an American Legislature, sent here to attend to the national interests, we have purchased many portraits and busts for the purpose of adorning this edifice.

Mr. DAYTON, (in his seat.) Not exactly "adorning" it!

Mr. BADGER. The gentleman says, not for the purpose of adorning the edifice. Well, that is a matter of taste. But we have gone further. We have not only been in the habit of purchasing pictures, portraits of individuals, and placing them in our halls; but we have also purchased statues not intended to represent American citizens at all, and sculpture not like anything in the heaven above, nor on the earth beneath, nor in the waters under the earth. So that I must be permitted to say that the objection of the Senator from Kentucky has been made rather late in the day. I proposed the resolution in good faith, and I hope that my friend will not insist on complicating it with any amendments, but that the sense of the Senate will be taken immediately upon it.

Mr. ALLEN rose, but yielded to

Mr. HANNEGAN, who said: I am confident that there is no American anywhere, be he who he may, who holds in higher esteem than I do the eminent services of General Taylor. His patriotism, his valor, his good conduct upon all occasions have won my sincerest regard. But to my mind, sir, there is something invidious in the proposition before the Senate. A Presidential election is approaching, and the name of that distinguished soldier stands prominently among the list of those who aspire to the possession of that empty bubble. It is for that reason, in the first place, that I regarded this resolution as out of place. But, again, it signalizes General Taylor above all the illustrious men that have adorned your country's history. What is the proposition? To buy the full-length portrait of General Taylor, and suspend it, I suppose, in one of the panels of the rotundo, or perhaps in the Senate Chamber, excluding the "Father of his Country," Marion, Erin's trusted son, Wayne, Lincoln, and he who fell first at Bunker Hill! Where have you full-length portraits of these heroic men? Let me say here, that I have never seen but one life-like full-length portrait of the "Father of his Country"—taken in the vigor of life—in the bloom of manhood—just after the close of the revolutionary war. Has the nation purchased that picture? Has any man asked the nation to purchase it? It was on occasion of an accidental visit to Princeton, in New Jersey, that I had the pleasure of beholding this soul-stirring picture—Princeton, where his fame first began to approach that proud and glorious zenith from which it never receded! In the college-hall of that respectable institution, I saw this inestimable portrait, gracing the very frame from which the likeness of George III. was struck by a cannon-ball in the battle of Princeton. The portrait was taken at private expense; and it is the only life-like full-length portrait of the "Father of his Country," taken in 1783. Not one human being has ever applied to Congress to bring it here to adorn these walls! And now, sir, I am reminded of what I saw last Saturday amid the hallowed shades of Mount Vernon. On a visit to that sacred spot, I saw what is called a sarcophagus, of American marble, (and I like it none the less for that, though it is not perhaps as fine as the Parian marble;) and on the stone which, resting on poor, crumbling brick-work, covers the ashes of Washington and his wife, sleeping side by side, I found this inscription:

"By the permission of Lawrence Lewis, the surviving executor of George Washington, this sarcophagus is presented by John Struthers, of Philadelphia, marble mason, A. D. 1837."

"By John Struthers, of Philadelphia." I reverence the man who had heart enough to do it for the "Father of his Country." But talk not to me of patriotism upon an occasion of this kind, so long as the Representatives of the country into which he absolutely breathed existence, and to which he gave all the glory of his imperishable name, have left to an obscure private individual the erection of his tomb! And now you propose to select a living man and an aspirant to the Presidency, his heart warm and beating, and signalize him by this public mark of distinction! Well, perhaps I, too, may vote for him—I do not know—it is impossible in these times of change to tell what men may do. But I do maintain that there is an indelicacy in this proposition which must prevent me from giving it my approval. Where is your monument to the memory of Washington? To you, "Old Virginia," I look for the removal of the stain which this neglect has affixed upon us. You will not surrender his ashes—and you never should—but you alone should give him a monument that should tower to the skies.

Mr. BADGER. I beg to make an explanation in regard to the remarks of the Senator from Indiana, but I do not propose to enter into any animated discussion on this subject. I do not see any necessity for that, though I listened with great pleasure to my friend from Indiana. The resolution, as I have already remarked, does not propose that a full-length portrait should be executed. It is simply a proposal to purchase a full-length portrait which happens to be here.

Mr. HANNEGAN, (in his seat.) Why not buy the full-length portrait of Washington from Nassau Hall, and that of Jackson from New Orleans?

Mr. BADGER. The proposition was made by me, because there were friends of General Taylor here who said that this is an excellent likeness. Now, if there be no objection to the propriety of this thing in itself, why not adopt the resolution? I do not know where the full-length portrait of General Jackson, which it is proposed to purchase by my friend from Indiana, is to be obtained.

Mr. BUTLER, (in his seat.) What picture do you propose to buy?

Mr. BADGER. The full-length portrait of General Taylor, now in the rotundo.

Mr. HANNEGAN, (in his seat.) A burlesque of him, I have no doubt.

Mr. BADGER. Well, it may be so; but his friends say it is an accurate likeness.

Mr. UNDERWOOD. My friend from North Carolina supposes that my faculties of observation are very obtuse.

Mr. BADGER, (in his seat.) Quite the contrary.

Mr. UNDERWOOD. He supposes that I cannot have noticed the other pictures in the rotundo, and the statuary which adorns the Capitol.

Mr. BADGER, (in his seat.) Or deforms it.

Mr. UNDERWOOD. Or deforms it, then. Now, I think there is a manifest distinction between the proposition of the gentleman and the case of these pictures. The panels in the rotundo were expressly designed for pictures, and I regard those historical paintings as altogether distinct from the formation of a picture gallery. I think that this innovation on the practice of the Government with regard to this matter, is most inopportunely commenced in the case of the living instead of the dead. No one's epitaph ought to be written till after his death. We ought to be cautious in our commendations of those who are alive, and particularly those who are situated as General Taylor is at present. It does, as my friend from Indiana says, look somewhat invidious—a little like rendering personal homage to the man in consequence of the position which he now occupies before the American people. As I have already intimated, I feel deeply interested in everything that relates to General Taylor. He is a great favorite of mine; but I dislike movements of this sort, in the face of the American people, at this particular juncture, selecting him in preference to the "Father of his Country," or any of the great men of the past. I think the proposition had better be dropped. Not that I would for a moment suggest the propriety of doing so, in order to prevent the remarks which might be made upon our conduct, if we were to adopt the resolution. I would not myself be influenced by any such intimidation, and I am equally confident that it would not operate on any member of this body. But I think that it will be altogether in better taste to set aside the proposition. It may be that the adoption of a system of this kind, for the decoration of our public buildings here with portraits of distinguished citizens, would stimulate laudable ambition; but I am rather inclined to think that it would strike the American people with some surprise.

Mr. ALLEN. This resolution does not, I believe, purport to be a joint resolution, though it is addressed to a joint committee; and there is, therefore, as I understand, some irregularity in it. But if the Senate be disposed to overlook the irregularity, I have no particular objection to going into the business of commemorating the achievements of the generals of the Republic in painting, executed at the public expense, provided, that in order to avoid even the appearance of injustice to some while doing justice to others, the resolution be made sufficiently comprehensive. To be such, it ought to contain within itself something like a system under which the Government may act hereafter, and for that purpose I move to strike out all after the word "instructed" and to insert the following:

"To procure to be provided and placed in the rotundo full-length portraits of all the generals of the Republic who may, as generals-in-chief in fields of battle, have achieved victories for which they have received the thanks of Congress."

Mr. DAYTON. It is no part of my purpose, sir, to embark in this argument. I merely desire to say, in reply to my friend from Indiana, that with some knowledge of the feelings of those gentlemen who control the institution of Nassau Hall, the Federal Government is not rich enough to purchase the full-length portrait of Washington to which the gentleman alludes.

Mr. HANNEGAN, (in his seat.) I do not believe it is.

Mr. DAYTON. It is within the bounds of possibility, that if that should turn out to be the only full-length portrait of General Washington, and at any time hereafter it should become a matter of necessity to the Federal Government to have such a portrait here, it might be presented by that institution to the Government. But as a question of dollars and cents, of buying and selling, it is not a thing to be thought of between the parties. My purpose was to make that single remark, and to say, that, for one, I am always ready to grant these little appropriations for the purpose of distinguishing our illustrious men. I would be glad if the Federal Government could obtain the full-length portraits, or any other memorial, of all the Presidents of the United States, and any other men who stand a head above their fellows—whether it is Jackson, Taylor, or Scott.

Mr. HANNEGAN. Will the Senator allow me to ask him a question? Why distinguish soldiers above statesmen? Where are your portraits of the two Adamses—of Jefferson—of Madison—of Monroe—of a living man, Martin Van Buren, who, although you did not support him, you must admit has rendered the most eminent services to his country?

Mr. DAYTON. May I beg to remind the Senator that that very remark proceeded from my lips. I said that I should be most happy if the Federal Government should procure portraits of every one of those eminent civilians. There are many whom I could name: Alexander Hamilton, for instance——

Mr. HANNEGAN, (in his seat.) Yes, and John Hancock, and Henry Clay.

Mr. DAYTON. And many more—Republican and Federal—Whig and Democrat. I should gladly see their portraits here, instead of the statue of Columbus, looking like a man rolling nine-pins, and the girl frightened, lest the ball should fall on her toes! And it seems that the opposite pedestal is to receive another groupe in equally good taste—a group of four figures, illustrating the "triumphs of civilization over savage life,"—a female protecting a child, and standing over her a savage with a raised tomahawk, and behind the latter a white man holding back his arm! Certainly, I should greatly prefer making an appropriation to decorate the Capitol with portraits of eminent citizens, rather than with such "works of art!" But I did not intend to trespass on the time of the Senate.

Mr. HALE. I think that this discussion must convince the country of the present extraordinary redundance of great men. They seem to spring

up on all hands. I have been revolving in my mind some plan by which the homage which is to be paid to them may find a proper merit. Let a standing committee "ON GREAT MEN" be appointed, whose business it will be to report to us at each session of Congress. The Senator from Indiana has alluded to the neglect with which the "Father of his Country" has been treated. It has been worse than neglect. We have not only neglected to purchase any full length portrait of Washington, but we have disgraced the most beautiful grounds in the country with one of the most ill-conceived statues I have ever beheld—I allude to Greenough's statue. It resembles rather some one of the heathen deities, which, I can hardly say, for it is some time since I looked into Tooke.

A SENATOR. Jupiter Tonans!

Mr. HALE. And a very poor one at that. But this discussion has disclosed another fact, that while there are so many illustrious men whose ears are forever closed to the voice of censure or applause, an attempt is made to select a living man with whose likeness to decorate these halls. Sir, I believe that it is quite time enough to talk of thus distinguishing men when they have passed through all the trying vicissitudes of life. I cordially concur with the gentlemen from Indiana and New Jersey, that we should look to the walks of civil life for objects of respect and homage. I go further. There is at this moment in our land a female who has done more for humanity, Christianity, and the elevation of man above all that afflicts and degrades him, than a thousand so-called heroes—I refer to that illustrious woman whose "works of mercy and labors of love" are known all over the land, and through whose exertions an hospital for the insane has recently been commenced in the State of Tennessee—Miss Dorothea Dix—a name which will live so long as all that is most estimable in human nature shall command the respect of mankind.

If in order, sir, I move to lay this whole subject on the table.

The motion was decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Benton, Breese, Bright, Butler, Douglas, Felch, Hale, Hannegan, Lewis, Mason, Niles, Pearce, Rusk, Spruance, Sturgeon, Turney, Underwood, and Yulee—21.

NAYS—Messrs. Badger, Bagby, Bell, Borland, Cameron, Clarke, Clayton, Crittenden, Davis of Massachusetts, Dayton, Foote, Greene, Johnson of Maryland, Upham, and Westcott—15.

THE CALIFORNIA CLAIMS.

The Senate then resumed the consideration of the bill for ascertaining and paying the California claims.

Mr. MASON briefly replied to the remarks of the Senator from Missouri, contending that the constitutional objection to the bill had not been at all obviated by the amendment reported by the committee, and of course his argument against the bill was unaffected by it. The Senate would determine whether he was right in his view of the constitutional question. As to the precedents relied upon by the Senator from North Carolina, he had shown that they were not at all appropriate to the present case. He need not remind the Senator, that in a court of law there was no authority but that of a decision of an appellate court upon the point in question. Short of that, the decisions of courts were only persuasive, and entitled to respect. All he desired in this case was, to impose all the safeguards which the Constitution provided.

Mr. CLARKE spoke at length on the claims themselves, which, he said, had been completely lost sight of in the discussion of the clause containing the constitutional difficulty. He quoted from the reported speech of Mr. MASON his opinion that these claims, being contracted without the authority of the Government, were unjust. He referred to the expedition of Colonel Frémont, and went minutely into the details of his progress, reading the portions of the speech of the Senator from Missouri [Mr. BENTON] which related to that subject, and came to the conclusion that Colonel Frémont, in turning back from his scientific investigations to mingle in the revolutionary scenes in California, was influenced by the letter of the President of the United States, and the letter of Mr. Buchanan, conveyed to Colonel Frémont by Lieutenant Gillespie, and therefore that the claims are entitled to recognition, because they arose out of instructions sent out by Government. All services which Colonel Frémont performed after the receipt of these letters were strictly legal, and authorized by the Executive; and the Government was as much bound to pay for them as for any other services. He considered Colonel Frémont to be the most proper person who could be selected for the examination of these claims He thought the character of California had been much misunderstood, and that Colonel Frémont's report on the subject was entitled to great credit. That tract of country would be valuable to any country. It was an empire in itself; and at any price would be cheaply won. He should vote for the payment of the claims. [Mr. C.'s speech will be given in the Appendix.]

Mr. RUSK. I desire to trespass on the patience of the Senate for a moment only before the vote is taken. It seems to me that if any question can be settled, the constitutional difficulty here has been. We find in cases precisely similar, that Congress some seven or eight times has acted just as this bill proposes, by referring claims, for the purpose of ascertaining their justice, to persons who are not officers of the Government, and such a reference has never been considered, so far as the legislation of Congress is concerned, as constituting the individual to whom such reference is made, an officer of the Government. There can be no distinction, so far as this reference is concerned, between the duty to be performed by the referees, and the duty of an arbitrator to whom a case is submitted by a court. Both perform the same sort of duties. It is competent for Congress, of course, to pay the claims without testimony, as well as with the best, or the weakest testimony. It is for them to determine what evidence will satisfy them. They may take the certificates of officers or of individuals cognizant of the origin of the claims, and they may determine those to be sufficient testimony upon which they will authorize the proper officers of the Government to pay the claims. That is all that is asked in this case. And it seems to me strange—I say it with the utmost respect for the opinions of those who differ with me—it must, I am sure, proceed upon this ground alone, that they make a mistake in supposing that the right to appoint officers by the President is not inherent in him, but confided to him by the Constitution, and is more a duty than a right—it does appear to me strange, I say, that such should be the conclusion at which Senators arrive, that it is the duty of the President, and not merely a right which he may exercise or not, to fill up such offices as Congress may create by law. What is it that is proposed by this bill? We determine by it that those claims which are just shall be paid. The question, then, is, what testimony will be required to assure us of their justness? The bill proposes that Colonel Frémont, who was the commander, together with the paymaster and quartermaster of the troops who performed the service, shall furnish the evidence upon which the Government will authorize their payment. And it does seem to me, that there can be no difference in point of constitutional right, whether we declare that the evidence shall be furnished by these gentlemen or by the officers who have been appointed under all the forms prescribed by the Constitution. If there be a difference, which I confess I am unable to perceive, then Congress has violated the Constitution in several instances, because they have repeatedly referred cases to individuals who were not officers. A case was referred to yesterday, where a law was passed for the payment of some half-dozen companies of troops in Florida. How were they to be paid? Why, upon the testimony of two individuals, with the approval of the Governor of the State. Were they constituted officers of the Government of the United States? If they were, they would necessarily have to be appointed by the President. But they were nothing more than arbitrators, or rather examiners for ascertaining and satisfying the Government of the justice of the claims. Then, as I said before, if we are wrong in this, Congress has been wrong seven or eight times. The Supreme Court has been wrong in making decisions which they were not authorized to make. Notwithstanding, with all the arguments which I have heard to the contrary, I insist that the case I read is conclusive of this very point in controversy. That case was on a mandamus requiring Mr. Kendall to perform the award of the Solicitor of the Treasury. Five judges were in attendance. Two of them dissented from the opinion given by the court—one of the dissentients being the Chief Justice—upon the ground that it was not a subject for a mandamus. If, in dissenting from an opinion of this description, the law that they were required to enforce had been unconstitutional, would it not be a reflection upon the Chief Justice—who took different ground from a majority of the judges—to imagine that he would never once have alluded to the fact of unconstitutionality? Three of the judges say expressly that Congress had the power to pass a law authorizing an officer, or any one else, to determine a claim against the Government.

There seems to be another question started upon this subject, and that is, the authority under which the claims originated. I wish briefly to explain this authority, and to show the grounds upon which the Government ought to recognize the claims. What were the facts in the case? In the year 1845, before the war broke out between this country and Mexico, Commodore Sloat, with a large naval force, is despatched into the Pacific Ocean; and for what purpose? To take possession of California. Nobody has contended that this was not the purpose for which the armament was sent there. The Navy Department afterwards, upon sending him leave of absence on account of ill health, gave him something of a reprimand because he had not proceeded to take possession of California at an earlier period. It appears, then, that the sending the squadron into the Pacific, was not for mere amusement, but for a specific object. It was known that a war was likely to take place, and it was known that England was desirous of obtaining, if not full possession, at least commercial advantages in California. The armament is sent there; and afterwards an officer is sent by the land route with a letter which has been said to be a mere letter of introduction to Colonel Frémont. What did Frémont consider it his duty to do after receiving that letter? Had he not gone back, the country would have been in possession of the British. He returned; and it is highly creditable to him that he did so, and these claims accrued in consequence of the military operations which ensued. Will Congress now say that they are going to refuse the payment of these claims, because one of the most gallant officers of the United States dared to assume the responsibility of defending his countrymen from a merciless foe? For about thirty days only were the operations of Colonel Frémont carried on, previous to the receipt positive instructions, borne by Commodore Stockton, to take possession of the country. There can be no question as to the policy of the Government. So far from being deserving of any blame, the Executive is entitled to the highest credit for foresight and sagacity. Had he not been as prompt as he was, we may be assured, from what is now going on in Yucatan, that Macnamara would have been in possession of California. It is not the time now to go into the inquiry of what California is worth to us, in regard to the extension of our commerce or otherwise; it is now in our possession. I will venture the assertion, that at the end of ten years from this time it could not be purchased from the United States for two hundred millions of dollars. This country has been saved to us, in a great measure, by the promptitude, vigilance, and foresight of this officer. The question comes simply to this: If we are willing to avail ourselves of the advantages which the services of these individuals have procured us—actuated, if you will, at the same time, by a desire to save themselves and their families—in saving a country which is worth two hundred millions of dollars, exposing them to beggary, refusing to pay them, why, then, let us vote against this bill. If you are willing to pay for their services, then the only question is, whether Colonel Frémont and those named in the bill are the proper individuals for the Government to trust in investigating the claims. They are, in my opinion, the only individuals that can with propropriety be selected. Suppose you select three greedy office-seekers, of whom there are so many to be found about the purlieus of the capital, they would not understand the nature of their duties, whilst the persons named in this bill know precisely what the claims are.

I am willing to trust Colonel Frémont. In the first place, I believe he is well qualified for the task; and for selecting him, we have another reason: he is a young man who has acquired a distinguished reputation, and that reputation furnishes us a bond that he will do nothing to cast a shadow upon his character.

Mr. BAGBY. I take this occasion to say, that the vote I shall give will be given without the least reference to the distinguisaed gentleman who is named in the bill. I agree with the Senator from Texas, that he is a man of extraordinary merit and abilities. If my testimony were of any avail, to enhance the estimation in which he is held, he would have it to the full extent. Indeed, if the passage of this bill were dependent only upon his merits, I venture the assertion that the bill would receive the unanimous sanction of this body. Neither have I any hesitation as to the propriety of paying these California claims. They ought to be paid. They are as meritorious claims as were ever presented to the Congress of the United States. But I leave out these views entirely, and come to the great question involved, that is, the question of constitutional right between two departments of this Government. No matter what may have been the practice of Congress or the decisions of the Supreme Court, they have no proper application to the case now before the Senate. I say it with entire respect for the decisions of that court, I think it is no disrespect to the Chief Justice to differ with him in opinion, because as "Homer sometimes nodded," the wisest men may sometimes err in judgment. In the proceedings of this body, I am not to be bound by the decisions of the Supreme Court upon constitutional questions. The course of reasoning by which I satisfied my mind in regard to this matter was this: I asked myself, who would have investigated these claims provided they had arisen within reach of the ordinary operations of the treasury? Can there be any doubt that these accounts would have been investigated by constitutionally-appointed officers, and then have gone before the proper accounting officers of the treasury? Inasmuch, then, as they cannot be disposed of by reference to the regularly-constituted officers of the Government, the question comes up, how are they to be disposed of? Why, by a law making provision for the appointment of officers, with the same powers that those officers would have for adjusting the claims. I have had no difficulty on the subject from the beginning. I regard the amendment reported by the committee, as precisely the same in substance, in effect and operation, as the bill itself. The same thing is to be done, though in a different manner. It always pains me to differ from the views of a committee, composed, too, of the ablest men in the body; but I confess they have not satisfied my judgment, and by it I must be governed. I dissent from the view taken by the Senator from Kentucky, who says that in doubtful cases we should exercise the power ourselves. My doctrine on the subject of doubtful power, has always been to abstain from its exercise altogether. But upon this point I have no doubt, and I shall, therefore, vote for the amendment of the Senator from Virginia.

Mr. BREESE said he wished to make one remark. When the bill was reported by the Committee on Military Affairs, organizing, as it did, a board with officers and salaries, and appointing those officers by law, it was against that provision of the Constitution which gives the appointment of officers to the President, by and with the advice and consent of the Senate; and he, therefore, should have voted against the bill for that reason. The amendment, he thought, obviated the objection he entertained, and it seemed to him that the whole case was now in a very small compass. It is nothing more than this: certain claims are alleged to exist against the United States, but from their peculiar nature cannot be adjusted by the officers of the Executive department. Congress then declares by this bill, that if J. C. Frémont, Captain Hensley, and Major Reading, who know all about these claims, will certify to their extent, we will pay them by an officer to be appointed for that purpose; and this, he said, seemed to be most clearly within the constitutional competency of Congress, and he therefore should vote for the bill as amended.

Mr. WESTCOTT said he desired to say a very few words in explanation of the vote he was about to give. He should vote against the amendment of the Senator from Virginia, and for the amendment reported by the Military Committee. When the bill was first introduced, and in the shape it was in before it was recommitted and the amendment made by the committee, he expressed the opinion that he should not vote for it as it then was. He objected to the clause designating Colonel Frémont by name, as he regarded it as an encroachment on the power delegated to the President under the Constitution. The amendment had obviated the difficulty he then had, in some degree. He would not say that his convictions were entirely clear—the question was one of some doubt. But when he reflected that the Executive power of appointment, and of conferring official patronage, was the most fearful in our institutions; that its corrupting tendencies and effects were of the most dangerous character; when the fact stared him in the face that it has had for years a most pernicious influence upon the action of the Government, he felt disposed to circumscribe it in every and any case in which he could do so without plainly and palpably violating the Constitution. This is not such a case of palpable, undoubted violation. I find precedents for it approved by Presidents who would not have submitted to encroachments on their power. Among them, one in 1845, passed with reference to the payment of volunteers in Florida, is directly in point. The regiments of Colonel Brown and Major Garrison, and several companies of volunteers, were ordered to be paid at the treasury on muster-rolls, to be verified by the oaths of their officers, and approved by the Governor of Florida. These officers had been out of service for years, and Florida was made a State the very day this law was passed; and the office of territorial governor therefore became defunct. I regard that law as a precedent that I may, in voting on this bill, follow with safety, and especially when, if there is no constitutional difficulty, all admit the bill in this provision will be judicious. The President must concur in the bill before it becomes a law. If he regards it as an encroachment on his constitutional powers, he can protect himself by rejecting it. I have no idea that, under the precedents existing, such difficulty will be made.

Mr. CALHOUN. Before the question is put, I desire to state the reasons upon which I shall feel myself compelled to vote for the amendment offered by the Senator from Virginia. I have bestowed upon this case that attention which the magnitude, both of the principle and the amount of money involved, seemed to me to demand; and after the best consideration that I have been able to give it, I have been brought to the conclusion that the original bill as reported by the committee, and the amendment which the committee now propose to substitute for it, are both unconstitutional. In order to understand whether this opinion of mine be correct or not, it will be necessary to understand what are actually the provisions contained in the bill and the amendment, and what is the object intended to be effected. We are told by two of the members of the committee that the object is, to prescribe the evidence on which the claims are to be allowed, and that the persons named are to act in the character of witnesses. If so, the bill and amendment are strangely drawn. I find not a word about evidence or witness, or having the least reference to either, and the language used excludes the possibility that the object was such as they allege. They are vested with the function to examine and allow, and not to testify. They act as a board of commissioners. The majority decides, and their decision is final. By what abuse of language, then, can individuals performing such functions be called witnesses, when they are of a character so wholly different? Two other members of the committee assign a very different object. They allege that it is intended to enable the three individuals named in the amendment to perform that which they would have performed at the time, had they had funds in their hands to meet the expenses incurred: that is, to enable Colonel Frémont to perform the functions of commander, and the other two those of paymaster and quartermaster, respectively. To judge of the correctness of this allegation, it will be necessary to ascertain what additional functions they would have had to perform if they had been in funds at the time. None whatever, but to pay as the expenses were incurred, instead of giving certificates for the amount. Colonel Frémont had performed all his functions as commander, as fully as if the ample funds had been furnished, and none but those of the paymaster and commissary had any left unperformed. Now, I ask, is it the object of this bill, or the amendment reported by the committee, to enable them to perform their unexecuted functions? Is it proposed that either of these disbursing officers shall perform the function of paymaster or commissary, or that Colonel Frémont should perform that of commander? There is not a provision to that effect. Their functions are to be entirely different. In the first place, instead of acting in their individual capacity and on their individual responsibility, as they would if the duties attached to each had been performed at the time, they are to act as a board of commissioners, to be governed by the votes of the majority, and be exempt from all responsibility. Their functions are as dissimilar as is their character. Instead of performing the duties of commander, paymaster, and commissary, they are to examine and allow the claims against the Government without being subject to any restriction, either as to rule or evidence. Indeed, in not a single particular does the provisions of the bill or amendment correspond with the object which the members of the committee allege was to be effected. But suppose they correspond in every particular: would it get clear of the constitutional objection, which the allegation is intended to avoid? How can Congress vest by law the functions to execute duties which appertained to these individuals in their official characters, now when they are no longer officers? That is the question. What are these functions? Do they partake of the character of office, or that of mere employment? The answer is to be found in the fact already stated, that they appertained to them in their official character, and could only be performed by them in that character; and we have just as much power to invest them with all their other functions as these—to appoint them to the full exercise of all as of a part. The one would not more clearly and directly usurp the rights of the Executive than the other.

But I regard the functions proposed to be conferred on these individuals as not only very difficult, but of a far higher character than those which they had to perform, had they been furnished with funds. They partake of those belonging to the highest order of the fiscal officers of the Government, to whom they would have had to account had the expenses been paid when incurred. To understand who those officers are, and to what extent those individuals would, in that case, have been held responsible, I will state the process to be gone through before their accounts would be allowed. They would, in the first place, have to present them to the proper bureaus of the War Department—the commissary to the Commissary General, and the paymaster to the Paymaster General. Then they would have undergone an administrative examination. What its nature is, can best be understood by giving the process. Take, for instance, the commissary: he would have had to exhibit the orders under which he made his purchases. They would have to state the number or amount of articles, and, where necessary, their description. These orders would have to be presented to the Secretary of War for his approval, if there should be any doubt of their propriety, judged of in reference to the number of troops or the nature of the service. He then would have to exhibit his vouchers, to show that the prices of the articles were reasonable, and would have to furnish evidence to that effect. If, on examination, all were found correct, the Commissary General would endorse his approval, and pass them over to the proper Auditor of the Treasury for his examination and audit. From him, they would pass to the Comptroller General of the Treasury, who would review the whole; and then, if approved, the account would be allowed and the officer credited. Such is the careful and refined process prescribed by law and regulation, for the settlement of military accounts, and such the process through which those now in question would have had to pass, if the officers had been in funds, and had paid them at the time. By the provisions of this bill and amendment, the whole process is all laid aside. The very officers who would thus have been held responsible to account for the proper application of every cent placed in their hands, are authorized to examine and allow their own accounts; and their certificates allowing them are made as conclusive of their justice and correctness as would have been their allowance on the final settlement of the Comptroller. They, in a word, are invested in effect with all the functions of these high and responsible officers. Indeed, they are invested with far higher. The latter are bound by law and established rules; but they are bound by neither. They act under their own unlimited discretion, and are bound to establish no rules and keep no record; nor has the paymaster, or who-

ever may *hold* the funds, any discretion as to payment. Their certificates are the only vouchers necessary to the settlement of his account, so that there is no responsibility anywhere. I venture to assert that there is no example in all our legislation of an act of the kind; and, to cap the climax, these individuals are to be appointed by an act of Congress to perform these high official functions, which otherwise would have to be performed by officers who hold stations among the highest under the Government—and all this on the ground that the functions they would have to discharge are mere employments, and not offices!

I do not oppose this monstrous measure on the ground of opposition to Colonel Frēmont, or either of his associates in this high commission. Of the latter, I know nothing; but I have a slight acquaintance with the Colonel, and am so favorably impressed as to him, that I would as readily trust him as any other individual. But a regard for the Constitution, and the great fundamental principle, that no man shall be a judge in his own case, which embraces this, that no man should settle his own account, compels me to oppose it. It has been attempted to bolster it up by precedents, but without success. Not one has been cited that is applicable; and if there were hundreds to the point, they could have no weight where the Constitution and the fundamental principles of justice are so palpably violated. This I believe to be the first time that the question of our power in like cases has been formally discussed. It is of great importance that our discussion, in so leading a case, should be right.

But, Mr. President, I hold that if there be any doubt in this case—if it be not clearly right—there are reasons of a delicate character why the measure should not be adopted. It would be indelicate for me more fully to explain myself; but I will be understood when I say, there are circumstances attending it which are calculated to induce the belief, should we adopt the measure, that we have been actuated more by the feeling of *esprit du corps* than we ought to be. We all know how liable we are to be influenced by those with whom we are associated in the discharge of our duties, and with whom we *hold* daily intercourse. We ought to allow for it, and guard against it, especially in a case like this, involving the Constitution and a fundamental principle of justice.

Having said so much upon the amendment reported by the committee, I must say that I have objections even to the amendment offered by the Senator from Virginia, although, as I prefer it to the amendment offered by the committee, I shall vote for it. My opinion is, that the simple way of adjusting all these claims, is to appoint two or three able officers belonging to the army, upon whom such duties appropriately devolve, and send them there to settle these expenses, as far as they can be legally settled.

Mr. RUSK. Mr. President, the honorable Senator from South Carolina [Mr. CALHOUN] is, I think, mistaken when he supposes that the positions assumed by the chairman, and two of the members of the Military Committee, are in opposition, or inconsistent with the grounds which the honorable Senator from Kentucky [Mr. CRITTENDEN] and myself have taken upon this bill. The chairman of the committee, sir, stated in his remarks, that this bill only required the persons named in it to do now, that which they had a right to do, and which it was their duty to have done, when they were in office; and to this I can see no constitutional objection. Are not officers who have ceased to be such, constantly required to go on and settle and adjust accounts which were made while in office? The honorable Senator from Kentucky and myself have not been driven in support of this bill to any untenable position. We took the ground, sir, that the act of the persons named in this bill, in certifying to the amount, and justice of the claims, should be made the evidence upon which the proper officers of the Government are required to pay them. It pertains to the authority of Congress to pay the debts of the United States. They have the right to judge of their amount and justness. They may order payment without evidence. They may require the weakest or the strongest testimony. They may, if they choose, make the certificate of an officer, a court of justice, or a private individual, evidence of a debt against the United States, upon which to base an order for its payment.

You have laws now making the bare certificate of an officer evidence, upon which you require the proper officers to make payment. The proper department is now required by law to issue a bounty warrant to a disabled soldier upon the certificate of the captain of the company, or a surgeon, that he is disabled. The honorable Senator [Mr. CALHOUN] starts two other objections to this bill: First, that it makes these officers judges in their own case, and authorizes them to certify to their own claims against the Government. Now, sir, does anybody suppose this would be the effect of this bill? Certainly not. They could not, under its provisions, certify their own claims; nor would their own delicacy permit them, if they could.

The other objection is, that it is conferring a high power without any responsibility. All will admit, that if this campaign had been conducted from the beginning under the authority of the Government, Colonel Frēmont could have made his requisitions to any amount. The quartermaster would have been bound to furnish the supplies, and the paymaster to have paid the money.

But, sir, this bill provides responsibility with which I am content. Past experience proves that an oath may be violated—a pecuniary bond disregarded. But, sir, when you have the guarantee of the character of a man, who has a due regard to character, and as high a reputation to lose as the honorable Senator concedes to Colonel Frēmont, then, sir, you have the strongest security which man can give for good conduct.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 28, 1848.

The Journal of yesterday was read and approved.

The SPEAKER announced the pending question to be on seconding the demand for the previous question on the motion to reconsider the vote by which the House adopted the resolution ordering the printing of extra copies of the Scott, Taylor, and Trist correspondence with the Department of War.

Mr. STEPHENS hoped, by unanimous consent, the resolution might be amended so as to embrace what he would read in the following amendment, which he had intended to offer yesterday, viz:

"Also, House document No. 19, 2d session 29th Congress; House document No. 25, 1st session 30th Congress; and Senate document No. 18, 1st session 30th Congress."

The documents embraced in this amendment were very short, and therefore he hoped there would be no objection.

Mr. COBB, of Georgia, said he hoped, by general consent, the resolution would be amended as the gentleman from Georgia (his colleague) desired, without the form of reconsideration; and with this understanding, he insisted upon the question on the motion to lay on the table.

And, accordingly, the motion was laid on the table.

PRIVATE BILLS.

On motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole House on the private calendar, (Mr. COLLAMER, of Vermont, in the chair,) and, after some time spent therein, the committee rose and reported the following bills to the House, viz:

Senate bill for the relief of John Black, late consul of the United States at the city of Mexico;

And House bills of the following titles:

A bill for the relief of Joel Thacker;

A bill for the relief of John Knight;

A bill for the relief of Thomas Flanegan;

A bill for the relief of Parmelia Slavin, late the wife of John Blue, deceased;

A bill for the relief of Jonathan Slyter;

A bill for the relief of Charles Ahrenfeldt and John F. H. Vogt;

A bill for the relief of Isaac Shepard;

A bill for the relief of David Shepard;

A bill for the relief of A. C. Bryan and others;

A bill for the relief of Charles R. Allen, of Richmond, Virginia;

A bill for the relief of Almedus Scott;

A bill for the relief of the widow of Elijah Bragdon, deceased;

A bill to attach a portion of the northwestern land district, Louisiana, to the district of Red river, Louisiana;

A bill for the relief of William Via;

A bill for the relief of Eliza A. Mellon;

A bill for the relief of Benjamin Reifsnyder;

A bill for the relief of Francis M. Holton;

A bill for the relief of Israel Bayless;

A bill for the relief of Arthur Wilson;

A bill for the relief of Benjamin G. Perkins;

A bill for the relief of Beriah Wright;

A bill for the relief of John Savage;

A bill for the relief of Levi Colmus;

A bill for the relief of William Paddy;

A bill for the relief of A. Baudonin and A. D. Roberts;

A bill for the relief of John H. Baker;

A bill for the relief of Eleanora B. Watkins, widow of Gassaway Watkins;

A bill for the relief of Samuel A. Grier;

And a bill for the relief of the widow of Lieutenant Richard E. Cochran;

Which were severally ordered to be engrossed, and, being engrossed, were read a third time, and, together with Senate bill for the relief of John Black, late consul of the United States at the city of Mexico, passed.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. BROWN, of Mississippi, presented resolutions of the Legislature of the State of Mississippi, in relation to the war with Mexico. Laid on the table, and ordered to be printed.

Mr. PECK presented resolutions of the Legislature of the State of Vermont, approving of Asa Whitney's plan of a railroad from Lake Michigan to the Pacific Ocean. Laid on the table, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. HAMMONS, from the Committee on Revolutionary Pensions, reported a joint resolution relative to evidence in application for pensions.

Also, made adverse reports on the petitions of John Jones and Christopher Moore. Laid on the table.

Mr. FULTON, from the Committee on Invalid Pensions, to which was referred Senate bill for the relief of Christopher Cunningham, reported the same back to the House without amendment. Committed.

Also, from the same committee, to which was referred House bill to provide for all the officers and soldiers, regular and volunteer, who have been injured and permanently disabled in the service in the existing war with Mexico, reported the same back to the House with an amendment. Committed.

Also, reported bills for the relief of Robert Wittell and John Wilson; which bills were read and committed.

Also, made adverse reports on the petitions of Frederick Taylor, Matthew Machlin, Joseph J. Watson, Lemuel Parker, Joseph Kelly, Joseph Brown, Thomas Thompson, and Willliam Roberts. Laid on the table.

On motion of Mr. FULTON, the Committee on Invalid Pensions was discharged from the petitions of Nehemiah Holladay, James Chester, and Henry Neely, and they were laid on the table.

Mr. THOMPSON, of Virginia, from the same committee, reported bills for the relief of William H. Wilson; of Amos Bull; and of Amos Armstrong; which bills were severally read and committed.

Mr. HOUSTON, of Alabama, asked leave to make a personal explanation. Objected to.

Mr. FRIES, from the Committee on Invalid Pensions, made adverse reports on the petitions of Jonas Dutton and George Cassady. Laid on the table.

Mr. W. T. LAWRENCE, from the same committee, made adverse reports on the petitions of Linchfield Sharpe, John Holland, Frederick Perrigo, Cornelius Hughes, Jeremiah Harpham, Maria Hogue, Nathanial Lansdown, James M. Lewis, and James Coe. Laid on the table.

Also, reported bills for the relief of Edward Taylor; of Warren Raymond; of Hubert H. Booley; of William Miller; of Maurice R. Simmons; of Eliphaz C. Brown, and of Henry N. Halstead; which bills were severally read and committed.

Mr. WILEY, from the same committee, reported bills for the relief of Robert Ramsey; of John Farnham; of Andrew Flanagin; of William Gott, and of Catharine Hoffman; which bills were severally read and committed.

On motion of Mr. WILEY, the Committee on Revolutionary Pensions was discharged from the

petition of Miles Devine, and it was laid on the table.

Mr. MACLAY, from the Committee on Patents, reported a bill for the relief of John Goulding. Read and committed.

Mr. GREGORY, from the Committee on Accounts, reported the following resolution:

Resolved, That the Clerk of the House receive proposals for binding books and documents ordered by the House, and that he submit the same to the Committee on Accounts for its examination and approval.

Mr. COBB, of Georgia, desired information from the committee reporting, as to the manner of procuring the binding for the House. Heretofore, he believed, the binding had been done by the printer; but now it seemed to be the object of the resolution to require the committee to contract for it. He deprecated the contract system; and, as an instance that it was unwise, he referred to the manifest deterioration in the quality of the public printing which was now done by contract.

Mr. GREGORY said the committee, in looking over the accounts, had found heavy items of charge for binding, but no fixed rule to regulate the price; and that the committee had determined, from the first, to adopt some definite rule upon the subject; and they had considered the present a proper time to do so, before deciding upon the proposition to bind the hundred thousand volumes of the Patent Office report at seventeen cents a copy.

Mr. KENNON further explained, that the object of the committee was to have the binding done in a workmanlike manner, and with due respect to economy. As it was now, the printer contracted for the binding. The committeee desired to make the contract directly with the binders.

Mr. STARKWEATHER added the remark, that the Committee on Accounts were satisfied that the Patent Office report could be bound for twelve cents a copy, instead of going to the limitation of seventeen cents. The object of the resolution was to place this binding under the control of the Committee on Accounts, not to take it away from the printers, if they will do the work as cheap and in as good style as others.

Mr. HENLEY replied to the objections to the contract system urged by the gentleman from Georgia, [Mr. COBB.] He was himself generally in favor of the contract system, and he defended the experiment now being made with the public printing from the charge that the quality of the work has deteriorated under the effects of it. He stated, and promised to show more particularly hereafter, that the present contract would effect a saving of sixty per cent. on the prices heretofore paid for printing.

Mr. KING, of Massachusetts, further stated and explained the object and the necessity for the adoption of the resolution.

Mr. JOHNSON, of Arkansas, spoke in favor of the resolution, urging its adoption especially in view of the saving of five thousand dollars in the single item of the binding of the Patent Office report. Nevertheless, he rose to express his firm belief that every honest man ought to denounce and expose the folly of the contract system as practised by this House. He would go before his constituents with this denunciation, and show them its tendency to interrupt and destroy their most reliable sources of public information. He went for electing a public printer; and whenever the Whigs happen to be in the majority, he said, let them give the place to their friends. A press at the seat of government could not be supported on either side, without the observance of this time-honored rule; whereas, if we go upon this contract system, we shall break down every press we have here; and the press in this city was worth to the people vastly more than all our public documents. But when you come down to the mere outside of a book, he said, he would go for economy, because it involved no question which might injuriously affect the intelligence of the people.

After further remarks by Mr. CONGER and Mr. COLLAMER—the latter proposing an amendment, with a view to equalize the distribution by the Clerk of extra printed documents, under the resolution of March 20, which was ruled out of order—

The resolution, as reported by the committee, was adopted.

Mr. HENLEY, from the Committee on Patents, reported a bill for the relief of Oliver C. Harris. Read twice, and committed.

Mr. CONGER, from the Committee on Printing, reported adversely to the proposition to print a report of the Secretary of War, being a statement showing the names of pensioners placed on the pension rolls since the 12th of October, 1835, designating the name, rank, line, county, State, &c., of each.

Mr. C. would take the occasion of making this report, to reply to the statement of the gentleman from Georgia, [Mr. COBB,] on yesterday, in which that gentleman seemed to charge that this side of the House had changed their desire to print the army correspondence, after they began to know its contents. Mr. C. was as well informed as to the matter of that correspondence, when he agreed to the resolution reported by the gentleman from Indiana, [Mr. HENLEY,] as he was now. He had changed his mind on this subject wholly in view of the expense involved; and such, he believed, was the feeling which induced the chief of the opposition to the order.

Mr. STEPHENS desired to offer an amendment to the resolution reported, rescinding the resolution of the 20th March, in relation to the distribution by the Clerk of extra printed documents; which was read, and ruled out of order.

The resolution reported by the Committee on Printing was then adopted.

PERSONAL EXPLANATION.

Mr. HOUSTON, of Alabama, (by unanimous consent,) rose for the explanation of words attributed to him in the debate which took place in the House yesterday. He found that a portion of the remarks submitted by him had been imperfectly reported in a city paper—evidently without intention to misrepresent on the part of the reporter. He was made to say what seemed to be a reflection on another member, and it was therefore that he desired to explain. This was the first time he had asked such a thing since he had been a member; and he would not now ask it, but for the fact that a fellow-member was implicated, and for his desire, as far as he could, to withdraw from publication any remark which might seem to reflect upon him. In the report, he was made to refer to the gentleman from North Carolina [Mr. CLINGMAN] in the following language:

"The charge against the Secretary of War would have been very serious, if proceeding from any serious or respectable source."

Now, he desired to say that he did not use that language. He neither said, nor intended to say, anything calculated to reflect upon that gentleman, personally, or to disparage his respectability here or anywhere else. He regarded that gentleman with as much respect as any member of the House, and had no reason to speak of him disrespectfully in any sense. He had felt it to be his duty towards that gentleman, the House, and himself, to make this statement.

Mr. CLINGMAN. On looking over the report, I observed that there was a mistake. I am entirely satisfied with the explanation.

The House then adjourned.

IN SENATE.

FRIDAY, *April* 28, 1848.

The VICE PRESIDENT laid before the Senate a report from the Commissioner of the General Land Office, made in compliance with a resolution of the 3d instant, calling for a statement of permits granted under the acts for the armed occupation of Florida.

On motion by Mr. WESTCOTT, it was

Ordered, That it be printed, and that fifteen hundred additional copies be printed for the use of the General Land Office.

RESOLUTIONS OF LOUISIANA.

Mr. JOHNSON, of Louisiana, presented a resolution passed by the Legislature of the State of Louisiana, expressing their admiration of the efforts of Pope Pius the Ninth, to extend within his dominions the principles of civil liberty, and in favor of the establishment of diplomatic relations between the Government of the United States and the Court of Rome; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of the enactment of a law to extend the jurisdiction of the State of Louisiana over certain portions of the Sabine river; which was referred to the Committee on the Judiciary, and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of the enactment of a law to reimburse the parishes of St. Mary, St. Martin, Lafayette, and Vermilion, the money paid for the purchase of certain land records in the district of Attakapas, in the State of Louisiana; which was referred to the Committee on Public Lands, and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of the establishment of a light-house at the mouth of Sabine river; which was referred to the Committee on Commerce, and ordered to be printed.

Also, a resolution passed by the same Legislature in favor of extending the port of Shieldsborough, in the district of Pearl river, to Cat and Ship Islands, and the erection of light-houses on Ship Island and Proctor's Shell Bank, in the State of Louisiana; which was referred to the Committee on Commerce, and ordered to be printed.

Also, a resolution passed by the same Legislature in favor of the establishment of a navy-yard at Algiers, or some other place on the Mississippi river, within the limits of that State; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Also, a resolution passed by the same Legislature in favor of the establishment of a mail route from Winsborough to Monroe, in that State; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, a resolution passed by the same Legislature in favor of the adoption of measures to prevent the deterioration of that species of sugar cane called the Riband cane; which was referred to the Committee on Agriculture, and ordered to be printed.

PETITIONS.

Mr. UPHAM presented a memorial of citizens of Vermont, praying the purchase of Mount Vernon by the Government; which was referred to the Committee on Military Affairs.

Mr. CAMERON presented two memorials of citizens of Philadelphia, Pennsylvania, praying that a territory west of the Mississippi river may be set apart for the permanent home of the Indian tribes inhabiting the United States; which were referred to the Committee on Indian Affairs.

Mr. MASON presented a petition of citizens of the counties of Shenandoah and Frederick, Virginia, praying the establishment of a post route from Gravel Spring to Woodstock, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. NILES presented a memorial of citizens of New York, praying that Congress may authorize the construction of a railroad between the cities of New York and Philadelphia, for the purpose of facilitating the transportation of the mail and relieving the public from an alleged monopoly; which was referred to the Committee on the Post Office and Post Roads.

On motion of Mr. PEARCE, it was

Ordered, That the Committee on the Library be discharged from the further consideration of the memorial of Thomas F. Gordon, and that it be referred to the Committee of Claims.

IMPORTATION OF SUGAR.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the quantity of sugar imported into the United States during the last and during the three preceding years, the places from whence imported, the quantity of the several qualities, and the prices, respectively, at the places of export.

THE LATE JOHN QUINCY ADAMS.

Mr. HALE submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate procure, for the use of the Senate, 5,000 copies of the addresses made by the Speaker and members of the House of Representatives, and of the addresses made to the Senate, together with the discourse of the Rev. Mr. Gurley, upon the occasion of the death of the Hon. John Quincy Adams, provided they can be obtained upon the same terms that 20,000 copies of the same were furnished to the House of Representatives.

APPOINTMENTS.

Mr. JOHNSON, of Maryland, submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to inform the Senate whether any officers are now

in the *military* or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and, if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

PRIVATE BILLS.

Mr. MASON, from the Committee of Claims, to whom was referred the petition of Eugene Van Ness and John M. Brush, executors of Nehemiah Brush, submitted a report, accompanied by a bill for their relief.

The bill was read, passed to the second reading, and the report ordered to be printed.

Mr. MASON, from the same committee, to whom was referred the petition of Gad Humphreys, submitted a report, accompanied by a bill for his relief.

The bill was read, passed to the second reading, and the report ordered to be printed.

Mr. UNDERWOOD, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Jacob Gideon, reported it with an amendment.

THE SUPREME COURT.

Mr. DAYTON, from the Committee on the Judiciary, to whom was referred the bill to promote the despatch of business in the Supreme Court, and to repeal the second section of the act approved 17th June, 1844, entitled "An act concerning the Supreme Court of the United States," reported it without amendment.

NOTARIES PUBLIC.

Mr. BADGER, by unanimous consent, asked and obtained leave to bring in a bill to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

THE PUBLIC ARMORIES.

The Senate proceeded to consider the resolution submitted yesterday by Mr. CLAYTON, relative to the manufacture of arms, and it was agreed to.

TONNAGE DUTIES ON SPANISH VESSELS.

The Senate proceeded to consider the resolution submitted by Mr. WESTCOTT to repeal or amend the act of June 30, 1834, concerning tonnage duty on Spanish vessels; and,

On motion by Mr. WESTCOTT, it was ordered that it be postponed to, and made the order of the day for, Monday, the eighth day of May next.

PAYMENT OF INTEREST TO ALABAMA.

Mr. PEARCE moved that the prior orders be postponed, for the purpose of resuming the consideration of the bill authorizing the payment of interest on the amount advanced by the State of Alabama to the General Government, pending the Creek hostilities in 1836 and 1837.

Mr. CLAYTON hoped that the bill would not be taken up in the absence of the Senator from Virginia, [Mr. HUNTER,] who had been obliged to return to his home in consequence of sickness in his family.

Mr. PEARCE said that he had no intention to change or modify the bill, but only to add a general provision.

The bill was then taken up, and the following amendment was offered by Mr. PEARCE:

SEC. 2. *And be it further enacted*, That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to liquidate and settle the claims of the several States, whose claims have not been heretofore fully liquidated and settled, according to the principles of this act, against the United States, for interest upon loans or money borrowed, and actually expended, by them respectively, for the use and benefit of the United States, during the last war with Great Britain; as also interest upon money by said States respectively drawn from a fund upon which they were then receiving interest, and which was by them so expended as aforesaid, and upon money so borrowed and expended as aforesaid, which debt was discharged by said State by the transfer of a fund upon which the State was receiving interest.

SEC. 3. *And be it further enacted*, That on ascertaining the amount of interest as aforesaid, due to the said States respectively, the following rules shall govern, to wit:

First. That interest shall not be computed on any sum expended which is not evidenced by the amount which has been or shall be refunded or repaid by the United States.

Second. No interest shall be paid on any sum for which the States did not either pay or lose interest as aforesaid.

Third. The rule prescribed by the Supreme Court of the United States at its January term, 1839, [13 *Peters*, 371,] shall be the rule for adjusting these accounts, viz: interest shall be calculated up to the time when a payment has been or shall be made. To this interest the payment shall first be applied, and if it exceed the interest due, the residue shall be applied to diminish the principal. If the payment fall short of the interest, the balance of the interest shall not be added to the principal so as to produce interest.

SEC. 4. *And be it further enacted*, That the amount of interest, when ascertained, as aforesaid, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. PEARCE. There is nothing new in the principle of the bill reported by the Committee on Finance. The principle has been recognized on more than one occasion in this body. Many years ago it was recognized in the case of the claims of Maryland, arising out of advances made in the last war; and it was also recognized in the case of South Carolina in 1831. The case of South Carolina differed somewhat from that of Maryland. In that case that State had borrowed money and incurred a debt which was liquidated by the transfer of a fund from which she had derived interest. The State of Maryland borrowed money for the purpose of repelling the incursions of the enemy during the last war. She created a stock for that purpose, and discharged the debt by the transfer of United States stock which she held. The principle applied to these cases by the committee was, that when the State had lost interest, it was entitled to it. I propose to make the principle general, and apply it to all cases of State claims against the Government for money advanced in the war of 1812, which have been recognized and admitted. I do not propose to settle any of the disputed claims, but only to meet those claims which have been admitted. That is the object and effect of the first section of the amendment. The second section goes a little further, and is rendered necessary by the very extraordinary rule adopted by the accounting officers of the Treasury Department in the calculation of interest. The rule has been, that when the claim is made up of principal and interest, and payments are made by the United States, they are applied to the reduction of the principal. This is manifestly unjust, and is entirely contrary to the equitable rule observed in transactions between individuals. I have proposed, therefore, sundry rules intended to modify and correct the rule adopted by the accounting officers.

Mr. ATHERTON. It seems to me that there ought to be some examination as to the results to which this amendment would lead if adopted. I concur entirely with my friend from Delaware as to the propriety of postponing this subject till the Senator from Virginia, who has had charge of the bill, who has examined the cases, and is familiar with all the facts, shall return. Aside from that, it seems to me that this amendment contains some principles proposed to be applied to the calculation of interest in the cases of claims against the Government, which demand our attentive examination. I suggest, therefore, to the mover of the amendment, that it be printed, in order that we may have an opportunity of examining it, and that in the meantime the subject be laid over informally.

Mr. PEARCE acquiesced in this suggestion.

The PRESIDING OFFICER. Does the Senator name any particular day for the consideration of the subject.

Mr. PEARCE. We propose to wait till the Senator from Virginia returns.

Mr. LEWIS. I hope the Senator will feel bound, as soon as the Senator from Virginia returns, to call up this bill.

Mr. PEARCE. I shall do so.

Mr. BAGBY. I wish to make a single remark. I think it is evident that the apprehensions which were expressed yesterday are about to be confirmed, certainly not on account of any design on the part of the Senator from Maryland, but because, as I said, the delay of this bill will be tantamount to its defeat at the present session. The bill contains but one single distinct proposition, and that is this, whether, when a certain amount of money has been advanced by a State, and applied to the uses of the General Government, the General Government will, when it acknowledges and pays the amount of the principal, pay the interest upon it.

On motion by Mr. PEARCE, it was

Ordered, That the further consideration of said bill be postponed until to-morrow; and that the amendment be printed.

FREE BRIDGE OVER THE EASTERN BRANCH.

The bill to provide a free communication across the Eastern Branch of the river Potomac, in the District of Columbia, was read the second time, and considered as in Committee of the Whole.

Mr. ATHERTON inquired if there was any report on this bill?

The PRESIDING OFFICER. There are no papers accompanying the bill.

Mr. CAMERON remarked that the whole District was interested in the passage of the bill which had been unanimously reported by the committee.

Mr. HALE moved to amend the bill by adding the following section:

"*And be it further enacted*, That the Secretary of the Treasury be directed to purchase on the same terms the bridge over Piscataqua river, between Portsmouth, New Hampshire, and Kittery, in Maine."

Mr. HALE observed that he did not know of any authority in the General Government to purchase bridges in this District, if they had not authority to purchase bridges elsewhere.

Mr. CAMERON could hardly suppose that the Senator from New Hampshire was serious in proposing his amendment. The cases were not at all parallel. It was to be recollected that the Government owned seven millions of property in this District, for which no taxes were paid; and it was only a small act of justice to make the bridges free.

Mr. HALE did not know whether the Senator from Pennsylvania was in earnest or not. The bridge named in his amendment was similarly situated to the bridge in the bill. It was a bridge leading to property owned by the Government—to the navy-yard at Kittery, Maine.

The question was then taken upon agreeing to the amendment of Mr. HALE, and it was determined in the negative.

No other amendment being offered, the bill was reported to the Senate.

On the question, "Shall this bill be engrossed, and read the third time?" Mr. ALLEN demanded the yeas and nays, which were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Badger, Benton, Cameron, Clarke, Clayton, Crittenden, Davis of Massachusetts, Davis of Mississippi, Dayton, Foote, Greene, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, Pearce, Phelps, Spruance, Sturgeon, Underwood, Upham, Westcott, and Yulee—23.

NAYS—Messrs. Allen, Atchison, Atherton, Bagby, Breese, Douglas, Felch, Hale, Johnson of Georgia, Moor, Niles, and Turney—12.

The said bill was read the third time, by unanimous consent, and passed.

SETTLERS UNDER ARMED OCCUPATION ACT.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of the *bona fide* settlers under the acts for the armed occupation and settlement of a part of the territory of Florida; and

On motion by Mr. WESTCOTT, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Thursday, the 4th day of May next.

THE PRIVATE CALENDAR.

Mr. MASON, in acccordance with the notice given yesterday, moved to proceed to the consideration of private bills upon the calendar.

Mr. BADGER suggested that it would be better to dispose of the California claims bill, which could be done to-day, and he would then join cheerfully in promoting the views of the Senator from Virginia.

Mr. MASON acquiesced in the suggestion, and observed that he should move to proceed with the private calendar as soon as the California bill was disposed of.

THE CALIFORNIA CLAIMS.

The Senate then resumed, as in Committee of the Whole, the consideration of the bill for ascertaining and paying the California claims.

Mr. CLAYTON. In rising yesterday to address the Senate on this bill, it was my design to suggest that some amendment was necessary. In my opinion, it ought to be provided that the commissioners or persons who are to examine these claims should be sworn or affirmed to discharge their duties with fidelity. I did not suppose, until the honorable Senator from South Carolina, who last addressed the Senate on this subject, mentioned it, that there was an idea entertained by any one that either of the persons to whom the bill proposed to intrust the examination of these claims was to decide upon a claim in which he was personally interested. I do not suppose that any such thing was intended on the part of the gentlemen who advocated the bill; or that those high-minded men who were named in the bill would decide on their own compensation. But, in order to preclude the possibility of that, I shall

propose an amendment, to prevent these commissmissioners from settling any claims in which they or either of them may be personally interested. It has been also said, in the course of debate, that these claims were, or would be, the subject of extensive speculation. That objection may be easily obviated by an amendment; and before I proceed to the few remarks on the constitutional question which I intend to submit to the Senate, I give notice that I intend to offer an amendment, which I will request the Secretary to read.

The Secretary then read the amendment, which is as follows:

Add the following section:

SEC. 3. *And be it further enacted*, That the persons hereby appointed to examine the said claims shall, before they enter on the duties assigned to them, be first duly sworn or affirmed to faithfully perform the duties devolved on them by this act; and that in no case shall they or either of them examine or allow any claim in which he or any of them is personally interested. And in all cases where any claim has been assigned or transferred by the original claimant, the assignee shall be allowed no more than he paid for the claim, with lawful interest on that amount.

Mr. CLAYTON. This amendment, I think, obviates all objections which have been fairly taken in debate, with the exception of the constitutional objection.

It is contended that the Congress of the United States has no power under the Constitution to name the persons who shall ascertain the amount of claims which they are called upon to settle; but that all such persons are "officers," to be appointed only by the President, by and with the advice and consent of the Senate. I do not concur in that construction of the Constitution. It is my opinion, after giving to this subject all the investigation that I am capable of bestowing upon it, that the Congress of the United States has the right necessarily incident to its general legislative power, to appoint persons to take testimony for them, or to arbitrate claims between the Government and any private individuals, or to settle and adjust the amount due from the Government to these individuals. I hold that Congress possesses this power as a necessary and indispensable part of its legislative power. The Constitution confers upon Congress all the legislative power given by that instrument. Among the trust powers of Congress expressly mentioned in the Constitution, is the power to pay the debts of the United States, and to exercise all other powers necessary and proper to carry that power into execution. The power to pay the claims due from the Government to individuals was a right devolved upon the legislative body when the Constitution first went into operation; and Congress has exercised that power from the earliest period to the present day, in every case and form in which it thought proper to exercise it.

I shall not go through the statute-book to show how often Congress has appointed an arbitrator to settle a private claim between an individual and the Government. Some cases of that description are of recent occurrence; and it is true, as was remarked in the progress of debate, that an arbitrator in the case of the island on which Fort Delaware stands, was named to settle the controversy between the claimants in one State against the General Government, holding under the title of another State, by two bills which passed this body. I grant that two, three, or half a dozen precedents will not settle a question of constitutional law. But if we can show, that from the very origin of the Government down to this time, Congress has been in the habit of designating individuals to settle and adjust claims between the Government and claimants, and that such has been the practice of the Government *ab urbe condita* down to this time; if the principle has been settled by the Supreme Court of the United States, and proclaimed judicially, then we are justified in regarding this question as settled, if anything can be considered as settled and determined. Allow me to read from the judicial declaration of the Chief Justice of the Supreme Court two passages, for the purpose of explaining what, in my opinion, ought to be regarded as the principle binding upon us:

"*A contemporary exposition* of the Constitution, practised and acquiesced under for a period of years, fixes the construction, and the court will not shake or control it."

"It will probably be found, when we look to the character of the Constitution of the United States itself, the object which it seeks to attain, the powers which it confers, the duties which it enjoins, and the rights which it secures, as well as to the known historical fact, that many of its provisions were matters of compromise, of opposing interests and opinions; that no uniform rule of interpretation can be applied, which may not allow, even if it does not positively demand, many modifications in its actual application to particular clauses. Perhaps the safest rule of interpretation, after all, will be found to be, to look to the nature and objects of the particular powers, duties, and rights, with all the light and *aids of contemporary history*, and to give to the words of each, just such operation and force, consistent with their legitimate meaning, as to fairly secure and attain the end proposed."

I think, then, it is clearly established, so far as precedents can settle it, that Congress has a right to name the individual who shall setle and adjust these claims. Honorable gentlemen have adverted to the precedent quoted by the Senator from North Carolina on my right, where the judges of the Supreme Court, sitting then as judges of the circuit court of the United States, exercised the power of determining upon the claims of the widows and orphans of those who had died in the revolutionary war. And I have not heard any satisfactory answer given to that decision, though I have been an attentive listener to the very able argument presented by the gentleman from Virginia and others, who have spoken on the subject. What did [the Chief Justice with his associates decide? Why, that in cases of this description, where Congress devolved upon them the duty of deciding upon claims against the Government, they had the right to do it; and they actually went on, and did adjudicate and settle the claims, which they could not possibly have done, if they had considered that the Constitution of the United States had been violated by Congress in the passage of the act, calling upon them to examine the claims of the widows and orphans to the pension allowed the relatives of those who had fallen in the revolutionary war. Some of those learned and able judges were among the men who formed the Constitution; they all ranked among the fathers of the Republic; and it is impossible that they could have proceeded to settle and adjudicate these claims under that law, if they had believed that there was not any constitutional power of Congress to pass this law. They say, after quoting the law:

"As, therefore, the business assigned to this court by the act is not judicial, nor directed to be performed judicially, the act can only be considered as appointing commissioners for the purposes mentioned in it by *official* instead of *personal* descriptions.

"That the judges of this court regard themselves as being the commissioners designated by this act, and therefore as being at liberty to accept or decline that office."

They then proceed to say that they will perform the duties assigned by the act, and they do perform them. I contend, then, that in so doing they have decided the whole question now pending before the Senate. They have determined—and it is impossible to construe the act in any other way—that the Congress of the United States have the right to appoint commissioners to settle claims against this Government. What manner of answer is it to say that they do not act as judges? It is not by virtue of any judicial power that they proceed to act; but being designated as individuals to exercise a power not conferred upon them as judges at all, they proceed to settle these claims; and in doing so, I contend that they have affirmed the power of Congress in the whole matter.

Mr. MASON. Will the Senator allow me to ask him whether the law of which he is now speaking was not confined altogether to giving power to these judges to take evidence only, and that they were to report to Congress, and not to adjudicate the claims?

Mr. CLAYTON. They had power not only to take evidence, but also to decide upon the claims. But the honorable gentleman must admit, that if Congress had the right to appoint them to take evidence, the whole case is yielded.

Mr. BUTLER. As this precedent seems to be relied upon, I would ask my honorable friend from Delaware whether that power was not conferred by Congress upon the supposition that it was competent for Congress to add to the judicial functions of the judges by requiring them to perform this office; and whether it was not, therefore, simply conferring additional duties upon officers already in existence?

Mr. CLAYTON. I think I can answer the Senator by referring him to the language of the judges. He will perceive from that, that it is not the addition of a new judicial power.

Mr. BUTLER. I am aware that the judges assumed the performance of duties without salary; but my inquiry was, whether Congress did not act upon the supposition that they were adding to the judicial duties of the judges? The point of the decision was, that Congress had attempted to devolve upon them duties which did not belong to them.

Mr. CLAYTON. Will the Senator allow me to read again from the decision of the judges? [He then read the whole decision.]

The court then say that they were not appointed as judges. The term "judge" is merely *descriptio personæ*, and the effect and meaning which the court assign to the act, is nothing more than if Congress had said, when passing the act, that John Jay, and his associate judges, by name—without calling them judges—should perform this duty. That is precisely what the judges understood by it, as is apparent from their decision; and, therefore, I contend that this precedent covers the case, and settles the whole question now before Congress.

The Chief Justice of the United States says, "the best light for construing the Constitution is contemporaneous history;" and I am one of those, like most of my profession, who have great reverence for well-considered precedents. Congress has exercised this power, not only in this case, in which the judges of the Supreme Court solemnly affirmed the power, but in a great many other cases, in which no human being ever questioned the existence of the power. It is difficult to state how many cases there are of this description. I will take one case, which occurred in my own recollection as a member of Congress. I refer to the act of Congress of the 14th of July, 1832, by which the Third Auditor of the Treasury, the Second Comptroller, and Charles Gratiot, were authorized to examine the claims of the legal representatives of Nimrod Farrow and Richard Harris. If it had not been for the fact that the name of Charles Gratiot was inserted in that bill as one of the commissioner, we should have been met by the answer given to other precedents by honorable gentlemen, that the new office, or the new duty of commissioner, was conferred upon an officer already existing—an objection, which, by the by, I think has no force whatever. But, in this case, the precedent is not liable to that objection. One of the commissioners was named, by his individual designation, and no person made any constitutional objection. Another precedent is furnished in a bill which I had the honor myself to report, when chairman of the Committee on the Judiciary. I allude to the bill for the relief of Stockton & Stokes, authorizing the Solicitor of the Treasury to adjust and settle controversies between the Postmaster General and these individuals. I recollect very well the history of that bill. We heard counsel on the subject, and having, as we supposed, become possessed of all that could be urged on both sides, looking to the interest of the Government, as well as justice to the individuals concerned, we came to the conclusion that it would be best to refer the whole matter to Virgil Maxcy, who then happened to be Solicitor of the Treasury. We did not refer the subject to him, because, as Solicitor of the Treasury, it was his duty to investigate it, but because he was a competent arbitrator, and we were all content that he should decide the controversy. This, then, is another instance, like that of the Supreme Court, in which the officer selected to examine and decide claims against the Government, was named by his official character as a *designatio personæ*, to indicate the individual who was to perform the duty. This matter also came before the Supreme Court, which incidentally decided the question. For if there had been any constitutional objection to the settlement of the matter by this officer, the question would have arisen on the trial, which is reported in 12th Peters' Reports. The language of the court in this case has been already quoted by the Senator from Texas, [Mr. RUSK.]

Here the court say expressly, that it was in the power of Congress, and in their discretion, to appoint any one to settle claims against the Government, and thus we have an entire concurrence in the opinion given by the court in 1792, in the case of the adjudication of the claims of widows and orphans. So far, then, as the question has been presented before the Supreme Court, I maintain that that court never doubted the power of Congress, but, on the contrary, has given opinions entirely irreconcilable with the idea, that Congress has not the right to appoint these commissioners.

The true question to be decided is this: Is the appointment of these persons necessary and proper, in order to enable us to legislate on the subject-

matter of these claims? Honorable gentlemen, in the course of debate, have generally given it as their opinion, that the individuals named in this bill are the very men that ought to decide upon these claims—the very men upon whose testimony they would wish the matter to be settled. They are not willing to intrust the adjudication of so important a matter in California to strangers, and persons who know nothing of it, or persons in whom they have not equal confidence with that which they repose in Mr. Frémont, and the gentlemen associated with him. They are not willing to pass the bill with the names of other persons in it, or without an assurance that these men in whom they place confidence will be appointed to adjudicate the claims. I ask, then, can any man in these circumstances undertake to say that it is not indispensably necessary and proper to the due exercise of your legislative power, that you should have the right to name the men who shall settle these claims? It is in vain to say that these very individuals may be appointed by the President, by and with the advice and consent of the Senate. Before I vote for the bill, I desire to know, not only what the President may do, but without any possibility of being deceived, I desire to be assured that these are to be the very men to do it. On that ground I vote. I am not willing to trust their settlement to other men. In this opinion many, nay, most members of the Senate concur. Have we not, then, the right to say, that these men shall settle these claims; that they shall decide before the claimants receive seven hundred thousand dollars out of the public treasury? I never before heard, until this discussion arose, that there was any doubt as to the constitutional power of Congress to arbitrate a claim of an individual against this Government. It certainly is a new principle that Congress has no such power. I never heard it advanced before. I will not undertake to consume the time of the Senate by reviewing the many cases which have presented themselves bearing upon this question, but shall content myself with the general declaration, that I hold the power to ascertain the justice of claims against the Government is a necessary incident to the legislative power, and carries with it the power to appoint the person or persons to decide upon the claims. Other cases might be relied upon, on which I will not dwell. In one, the Governor of Florida was appointed to approve the claims before they could be paid. In many others, the different auditors and secretaries have been selected for a similar duty; and Congress has been in the constant habit of imposing such duties on any officer or person it saw fit to select, without reference to any other consideration than his fitness for the performance of it as an individual. I know very well that a legislative precedent is not considered entitled to much weight, unless the subject has undergone discussion; but these cases are amongst the many which go to show that Congress has never heretofore doubted its right to appoint persons to settle claims against the Government. On the other hand, it is said there are several instances in which the President has appointed commissioners to settle claims of individuals against the Government, as in the cases in which the funds provided by a treaty with foreign Governments have been distributed by commissioners appointed by the President, by and with the advice and consent of the Senate. These cases are referred to for the purpose of showing that Congress cannot appoint commissioners in this case. If, however, this argument proves anything, it proves the very reverse of that which is intended. If, in these cases, the President and Senate had the power, without authority of Congress, why were the clauses authorizing this mode of appointment inserted in the acts of Congress? Surely, if the Constitution gives the power, and the authority of Congress was not wanting, these clauses conferring upon the President and Senate the power to appoint commissioners should have been left out. Why were they inserted? Their insertion is a clear proof that those who drew the laws thought that it was necessary that Congress should authorize, in this case, the appointment of commissioners by the President and Senate. Instead, then, of being precedents against the right of Congress which I now advocate, they are against the right of others to appoint without the consent of Congress.

It is somewhat remarkable that now, and for years past, discussion on the powers of the different branches of the Government should run more frequently upon and against the powers of Congress, than upon the powers of the Executive. In former days there was a great deal of jealousy of Executive power. But now the order is reversed. Power is stealing from the many to the few, and from the few to one. The order of the day is now to advocate the exclusive right of the President of the United States to interfere in cases, where, if Congress be denied the power to appoint commissioners, they cannot properly legislate! This is Executive encroachment with a vengeance! I have never been the advocate of Executive power, and I never shall be. I stand by the rights of Congress as I understand them, and as explained to me by the judges of the courts of the United States. I hold, that if this power be denied to us, it will be sometimes impossible for us to legislate as we think right. We shall in such cases have to pay claims as the President thinks right. If we have not the right to prescribe the rules of evidence which are to govern in the decision of these claims—if we have not the right to name the persons in whom we have confidence that are to settle and adjust them, it is impossible that we can get through the labor, either by committee or otherwise, of examining them all, and consequently we never can to our own satisfaction discharge the duty which devolves upon us. I am, therefore, altogether opposed to the amendment of the honorable gentleman from Virginia.

There was one remark made yesterday by the Senator from South Carolina, to which I desire to advert. I understand him as objecting to the bill because we appointed a paymaster or disbursing officer without demanding and obtaining security. If the objection of the gentleman from South Carolina be worth anything against the bill or amendment reported by the committee, does it not lie with all its force against the amendment proposed by the gentleman from Virginia? The amendment of the gentleman from Virginia, which proposes to take from Congress the right to name the commissioners and to give it to the President, contains the very same provisions in regard to the disbursing officer who is to pay these claims in California. If the disbursing officer is not to give security according to the bill, there is certainly the same insecurity in the amendment of the Senator from Virginia. But in my opinion there is no danger of insecurity in either case. A disbursing officer must necessarily give security. In this case we shall have the security which we have in all other cases; and we want no more. With regard to the other objections of the Senator from South Carolina, (I mean the objections independent of the constitutional objection,) the amendment which I had the honor to submit, and which I intend to offer at the proper time, obviates all these objections. It precludes these gentlemen from deciding in any case in which they may be themselves interested. It cuts up by the roots all the objections which we have heard urged about the danger of speculating in these claims, and subjects these commissioners to the same responsibility, the same oaths which in all other cases are enjoined upon persons in their situation.

I have not thought it necessary, in discussing this question, to enter into the consideration of a matter which was very much debated here, whether these persons are not "officers" within the meaning of that clause of the Constitution which gives the President the power of appointment. I do not care whether they are called officers or not. You may find half a dozen definitions of the term officer; but what I mean to say is, that one clause of the Constitution gives the legislative power to Congress, and another clause confers the power of appointment upon the President. The two clauses must be construed together; and the power of appointment, given to the President of the United States, must not be so construed as to conflict with the legislative power of Congress. In every case in which the appointment or designation of the commissioner or officer is necessary to the due discharge of a legislative function, the great constitutional provisions that ordain Congress and give it legislative power confer the power to make this appointment. The general appointing power of the President of the United States, and the power incident to the discharge of legislative functions, which rests in Congress, are entirely reconcilable. If the argument of the gentlemen on the other side were sound, it would deprive us of the power to appoint commissioners to take evidence. If good for anything, the argument is good for that extent; if not, it is good for nothing.

In my judgment, then, the amendment of the honorable gentleman from Virginia is liable to constitutional objections, and does not remove those which have been urged against the bill. I shall, therefore, vote against it; and when the bill comes up for consideration, I shall move the amendment which I have had the honor to send to the desk of the Secretary.

Mr. JOHNSON, of Maryland. When this bill came from the committee in the first instance, and was first seen by me, I regarded it as being most clearly objectionable, upon the ground which I am now about to discuss—trenching upon the constitutional power of the Executive. I was not here when the bill was discussed as it originally stood; but I suppose I may infer, that in the opinion of the majority of the Senate, that discussion was fatal to the bill, and that the reference to the committee was made in order to get rid of the objections which were urged in that debate. Now, as preliminary to the remarks I propose to offer, I beg leave to recall the attention of the Senate to the provision in the original bill, so far as it is material to the point at issue. It was this:

"And for the purpose of ascertaining the justice and amount of such part of said claims as have not been allowed or authenticated by either of said officers, the President be, and he is authorized, to appoint a board consisting of John Charles Frémont and two officers of said battalion while in service."

The decision of the board was to settle the whole controversy as between the Government of the United States and the claimants; and the objection to the provision was, that Lieutenant Colonel Frémont was one of the parties named by Congress to constitute the board. Since then, the bill has been again before the committee; and I suppose, with a view to obviate the objection which seemed to be apparent on the face of the bill to some, and, as I believe, to the majority of the Senate, (or it would not have been recommitted,) the present amendment has been proposed. In my opinion, it does not obviate the objection. The original bill named Lieutenant Colonel Frémont, and limited the choice of the President in the selection of the others to two officers of the California battalion. The provision of the amendment is:

"And no unascertained claim shall be paid until first examined by the late commander of the California battalion, J. C. Frémont, and by the late commissary and the late paymaster of the battalion, Captain Hensley and Major Reading, and allowed by them or a majority of them; and payment of such unascertained claims, as soon as allowed and certified, shall be made to the claimants in California by some proper disbursing officer, duly appointed or designated for that purpose."

So far, perhaps, it was within the power of the Executive. But that did not answer the purpose. The purpose is not only to exclude claims which shall not have been examined and allowed by Lieutenant Colonel Frémont, but to provide for the payment of the claims which shall be so allowed; and with a view to that object, the amendment goes on to say:

"And all claims not presented and allowed within one year and a half from the time of passing this bill shall be forever barred; and the compensation of the examining persons shall be according to that of their respective ranks in the late battalion, and shall be paid out of the appropriation contained in this bill, and shall make return of their proceedings to the War Department."

Now, with all due deference to the committee, if the original bill was liable to objection, the amendment is, if possible, still more objectionable. The objection to the original bill was, that we took from the Executive the appointment of one member of a board, to consist of three persons, limiting the Executive in the selection of the remaining members; and the object of the committee, in good faith of course, and, as they supposed, perfectly legitimate, was to avoid that objection. Their amendment provides for the appointment by Congress of all the members of the board. It is quite immaterial whether the word "appoint" be found in the law or not. It depends upon the character of the duty to be performed. The original bill says that the judgment of the board is to be final and conclusive on the subject of all the claims—final against the Government where the claims are allowed—final against the claimants where disallowed.

Without attempting to show that the provisions in both cases are precisely alike, or that, if there be any difference, it is rather against the amend-

ment, I now proceed to inquire, what is the character of the duty to be performed? I suppose there can be no doubt that that duty is no more nor less than judicial in its character—strictly judicial; that this board constitutes an inferior court to decide between the United States and suitors to the United States, whether anything, and if anything, what is due to them by us? Is it not judicial? Why, if these claims are all known and admitted by the United States, pay them at once. If the claimants are known, and the amount due to each is known, let it be paid at once. It is because the claims of these individuals are not admitted, or because, if there be any admitted to exist, the amount is not admitted, that it has become important to appoint a board to ascertain the facts, and to decide upon the facts, and the law which is to settle the existence of the claims, as well as the amount to be paid. The duty of the board, then, is a judicial duty. If I have read aright the opinion given by the Supreme Court upon the act relating to the pensions of widows and orphans, so much relied upon by my friends from North Carolina and Delaware, [Mr. BADGER and Mr. CLAYTON,] so far from being an authority to support the proposition which they advocate, it is, I think, directly the other way. First, it has been introduced as a legislative construction, and, secondly, as a judicial interpretation. A word on both. To what weight is it entitled as an instance of legislative construction? The very judicial interpretation relied upon by my learned friends on the other side shows that in the opinion of the Judiciary it was not entitled to any weight in that aspect. I have got the law before me, and no man can read it without perceiving that the question asked by the honorable Senator from South Carolina [Mr. BUTLER] can be answered only in the affirmative. What did Congress think when they passed that act? That they had authority to exact of the judges the performance of the duties imposed. Why, clearly, they thought that they had the authority to impose upon the judges the duty of carrying out the provisions of that act. Whether it was in the contemplation of Congress that the duties were judicial or extrajudicial, is quite immaterial. So far as the act proves anything of the opinion of Congress upon the question of constitutional power, it demonstrates that they thought they had a right to exact of the judges the performance of these duties. Had they any such authority? Let us go to the opinion relied upon for a different purpose, and we will find that the judges unanimously decided, that if the functions which they were called upon to discharge by that act were not judicial, Congress had no right to impose them upon them. Why, then, did they undertake to exercise those functions? They go on to say, that the duties devolved upon them by the act did not partake at all of the judicial character—that they look to other employments and other functions, and therefore Congress had no power to impose those duties upon them. But still they proceeded to execute the provisions of the act, and why? Because they considered themselves merely as commissioners, although named by their official designation—that they were called upon to perform a mere ministerial duty, in the discharge of which they were willing to accede to the request of Congress. How did they come to that conclusion? Upon two grounds: that what they were to do in the act was not final, and that the whole was to be returned to the Secretary of War. This is their language:

"That neither the *legislative*, nor the *executive* branch can constitutionally assign to the *judicial* any duties but such as are properly judicial, and to be performed in a judicial manner.

"That the duties assigned to the circuit courts by this act are not of that description, and that the act itself does not appear to contemplate them as such, inasmuch as it subjects the decisions of these courts, made pursuant to those duties, first to the consideration and suspension of the Secretary of War, and then to the revision of the Legislature; whereas, by the Constitution, neither the Secretary of War, nor any other Executive officer, nor even the Legislature, are authorized to sit as a court of errors on the judicial acts or opinions of this court."

The provision of the law to which they referred was this:

"SEC. 4. *And be it further enacted*, That the Secretary of War, upon receipt of the proofs, certificate, and opinion aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the United States, in conformity thereto: *Provided always*, That in any case where the said Secretary shall have cause to suspect imposition or mistake, he shall have power to withhold the name of such applicant from the pension list, and make report of the same to Congress at their next session."

As a legislative construction it is entitled to no weight. If it proves anything, it proves that Congress thought they had a right to impose the duty on the judges; the judges decided otherwise. As a judicial construction it proves nothing but this: if you are disposed and I am willing to admit that you may draw that inference, that the judges would have taken into consideration the constitutionality of the act. What is this bill? Why, it makes the persons named the judges to examine the facts and decide upon them. It appropriates the money just as this board shall think that the money ought to be appropriated. It distributes the money just as the board thinks proper. Now, I know that there is a difficulty not only in relation to the particular question which is before the Senate, but in relation to many other questions as to the respective powers of the various departments of the Government. It is not in every instance easy to draw a distinct line, but that does not prove that there does not exist a line of demarcation between their separate powers. It has been proposed frequently, for many years past, to constitute a board to decide upon all claims existing now or hereafter against the Government. Now, I put it to Senators whether it is in the power of the Legislature to appoint that board. What says the Constitution?

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Can anybody doubt that the three individuals named in this act will be officers of the United States, called upon to discharge these particular functions. What are they, if they be not? Are they the officers of the Congress of the United States, contradistinguished from officers of the United States? Is there such a thing known in the Constitution as an officer of the legislative power as contradistinguished from an officer of the United States, except when, in the words of the Constitution, the legislative bodies are authorized to appoint their own officers? No. The moment these commissioners come into existence by this act, they at once become officers of the United States. The only question remaining is, are their functions such that they would be considered as having been appointed merely for the purpose of discharging some duty not falling within the range of those duties contemplated by some law of the United States. The honorable Senator from Delaware [Mr. CLAYTON] tells us that he will not stop to inquire whether these gentlemen will not, if this law should pass, be officers of the United States, within the meaning of these terms as used in the Constitution. He has found out a new power in Congress; and what is that? It is in the terms "necessary and proper." How did he make it out? Several Senators who have spoken on this subject, and perhaps all, have agreed that there are no three men in the United States so well qualified to decide upon these claims as the gentlemen named in the act, and thereupon the Senator from Delaware gravely concludes that as we have authority to pay the debts of the United States, and to pass all laws necessary to carry into execution these laws, we must have the authority to appoint these men.

Mr. CLAYTON. I said that it was a necessary incident to our legislative powers.

Mr. JOHNSON. Just so. Let us examine that position. Why, we have sometimes thought on this side of the Chamber, that there was a great deal of misconduct in some of the Executive departments. In the opinion of some of us, the Secretary of the Treasury has not faithfully discharged his duty. The Secretary of War has also been occasionally denounced for neglecting his duty, or for mal-administration of his office. Well, now, we have the authority to lay and collect taxes, to raise and support armies. These are legislative powers. Will the Senator contend, that in order to carry out these powers with efficiency and fidelity, we must have some authority to appoint the officers who are to collect the taxes, and conduct the operations of the army. It is a legislative power, under the Constitution, to raise and support armies. There are certain men in the United States, in the opinion of Senators, who alone are able to march the army to the field and conduct it to victory. Have we, then, the power to appoint these officers? To make the declaration of war effectual—to effect our object in raising an army, it may be, in our opinion, absolutely necessary—and I mention the name in no invidious sense—to place at the head of the army General Winfield Scott. Have we a right, then, to place him, by law, at the head of the army? Again: we have a right to levy duties and lay taxes, to pay the public debt, and provide for the general welfare of the United States. It is a very material matter to be considered, in carrying out that power, to whom shall be intrusted the duty of collecting taxes. I trust one man, and distrust another. Because we are clothed with legislative power to lay duties on imports, and are invested with authority to pass all laws necessary and proper to carry into execution all our legislative powers, we will name the collectors. I defy the ingenuity of man—I speak now of the argument of the Senator from Delaware—to avoid the conclusion, that the reasoning of the honorable Senator, if pushed to its legitimate result, must take from the Executive powers which have never been questioned.

The honorable Senator from Delaware has remarked, and perhaps with a good deal of truth, that the tendency of the times is to curtail the legislative and enlarge Executive power. It gives me no alarm and never has at any period. I believe now, as I have ever believed, that the power conferred upon the Executive by the Constitution in two of the particulars most censured, and, in the opinion of some, the most practically mischievous, is indeed the most wholesome grant of power to be found in the instrument—I mean the power of the veto and the power of appointment to office. I believe, as firmly as I do in my own existence, that this noble Government could not have lasted to the present day, if the power of the veto had not formed a part of the Executive power, not that it has not been abused, and in some cases improperly exercised, but because its existence has prevented such mischievous, ruinous, and tyrannical legislation as would have caused the Union to fall into fragments. It is this power that secures to the smaller States all their rights. What do we often see? Popular passion, excited and inflamed, finding its way into the halls of legislation, and the rights of the minority trampled upon in violation of all the guarantees in the Constitution. And what more than anything else prevents the successful assaults of popular passion upon the guarantees of the Constitution, except the knowledge that there exists in the Government one man who can stop it until the question is submitted to the sober good sense, better thought, and matured consideration of the people? As to the power of appointment to office, if I were called upon to take a part in the formation of the Constitution to-morrow, I should give the power to the Executive. No man feels higher respect for the Senate of the United States, or Congress, than I do; but there is no one, at all familiar with the constitution of legislative bodies, who could, I think, consent that either House of Congress should exercise such a power. I admit that there have been abuses of this power, for where power is great in human hands, it will be abused. But to talk of the abuse of this power in the hands of the Executive, and that a remedy is to be found in taking it upon ourselves, is the extreme of folly. Were the power of appointment to office vested in Congress, the most mischievous, ruinous results would follow. The number of the "Federalist," upon the subject, is entitled to great consideration, and addresses itself most favorably to the understanding of the American people, written by Alexander Hamilton, who ever wrote with a pen which illumined every page on which it was employed. He shows that it was not only better to place the power in the hands of the President, but that it was necessary to do so.

But what right has my friend from Delaware to suppose that the President of the United States, finding the three persons named in the bill to be the best qualified men in the country, will not appoint them to discharge this duty? I have a right to infer, if he is an honest man, and I am not here to say he is not—if he is an intelligent man, and I am not here to deny it, that the same evidence that satisfies the Senate that these men ought to be ap-

pointed, will satisfy and ought to satisfy the President. But again: how does the Senator know that the judgment of the Senate, which he imagines to exist—and I believe it does, so far as I know, with respect to these individuals—will be the judgment of the House? They are to go through an ordeal of two hundred and thirty members of the other House. I do not speak of the present instance, but party considerations may come to interfere with the selection of individuals to perform the duties devolved upon them by acts of Congress, if the power of appointment is to be lodged in the hands of these legislative bodies. Suppose the House does not decide that these are the best men to be selected, and that they insert, instead of this provision, such a one as has been proposed by the Senator from Virginia, [Mr. MASON,] would my friend from Delaware then reject the bill? Why, certainly, he could not say that he would not pass the bill, because unless these men were appointed, our legislative power will not be properly exercised. I am very far from saying a word in disparagement of either of the gentlemen named in the bill. I think they are qualified for this office; but what I mean to say is, and I say it with all the confidence which we can have in such a case as this, that it will be a great deal better to appropriate the seven hundred thousand dollars at once, and pay the money into the hands of Lieutenant Colonel Frémont forthwith, and let him go to California and pay the claims, than strike, as I conceive we shall do in the passage of this bill in its present form, a blow at the Constitution.

A word on another topic, and I have done. My friend from Texas, [Mr. RUSK,] yesterday, and on a former occasion in which he addressed the Senate upon this bill, stated, that the judgment of these arbitrators, or whatever you may term them, would be nothing more than evidence of the existence of these claims. It is not so. I fully admit that we can, by a committee of our own body, have testimony taken upon which the Senate is to act. I admit that we may authorize testimony to be taken before any tribunal existing, or we may create for the purpose a tribunal to take it and report it to us, and on which we are to act in our legislative capacity, and in order to enable us to act in that capacity. But this is not the character of this bill. What these commissioners are authorized to do, is not to collect the evidence, but to decide the case They are to make no report to us, upon which we are afterwards to decide, but they are of themselves, and by themselves, in the exercise of their own judgment, to settle forever the question, whether there are any California claims, and if any, what they are, and how much is due. It is as strictly judicial, as absolutely final upon the whole matter in dispute between the claimants and the United States, as would be the decision of the Supreme Court of the United States, if it could get there, and a decision of that tribunal be pronounced upon the case.

Mr. BADGER. Before I proceed with the remarks which I design to offer, it is proper that I should make a preliminary statement, because it is just to others, and because I ought to apologize for having so often trespassed on the attention of the Senate. The particular provision of this bill, which has excited so long and so earnest a discussion, was a provision suggested and insisted upon in the committee by myself. It originated with me, and with no one else. So far as I know, until I suggested it, it was thought of by no one else; and I suggested it, of course, under the impression that we had a right to adopt the provision, which I still entertain, notwithstanding the observations of my friend from Maryland; and because I chose, in devolving the power, to dispose of this amount of public money, in the peculiar circumstances of these claims, to know the persons on whose decision and award the money was to be disposed of. Without entering into any inquiry, which, I must say, was unnecessarily brought forward by my friend from Maryland, as to what or what would not be the action of the President of the United States, if the selection was left to him, I, for one, did not choose to commit the selection as a general and indefinite subject of choice to the discretion of the President or anybody else. But in making provision for the ascertaining and payment of claims against the United States, arising in the peculiar circumstances which characterize these California claims—to be investigated and decided upon in a foreign country—I, for one, was not willing that this duty should be devolved upon any but the persons selected by ourselves.

After this statement, I beg the attention of the Senate to some observations in reply to the remarks which fell from my friend from Maryland. In the first place, I wish to notice an observation made by the Senator from Virginia, [Mr. MASON.] He said, if I understood him aright, that I knew that in courts of law nothing was considered as authority except the decision or adjudication of an appellate tribunal.

Mr. MASON. If the Senator will allow me, I will state what I said. I remarked that the Senator from North Carolina well knew that in a court of law no decision was taken as authority but that which had been made directly upon the point under consideration. I mean by that, that in a subordinate court the decision of an appellate court is the law of the court.

Mr. BADGER. So I understood the Senator. Before I proceed to examine the nature and character of the precedents relied upon here, allow me, in reference to that point, to say, that so far from understanding it to be as the Senator from Virginia supposes, I understood that the authority which guides a court of law embraces not only the case of an express adjudication made upon the point, and made in a higher tribunal, but that, in the sense in which we use the term "authority," courts of law consider themselves bound by their own adjudication, even when they do not constitute the appellate tribunal. They feel themselves bound by the course and practice of their own court. They feel themselves bound by the judicial course of proceeding of their predecessors in office. But what do we mean by thus being bound? Why, of course, not bound, in the sense in which an inferior tribunal is bound to execute the decision of the superior court. The inferior tribunal is bound to obey, and can be compelled to obey. But by authority I mean those judicial measures which morally coerce the determination of the judge, whether they satisfy his understanding as a lawyer or not. There can be, of course, no physical coercion—the judge is not liable as he would be for his contempt of the mandate of a superior tribunal; but he is judicially coerced to take that ground because it has been so decided. I beg to refer to what has been said by two or three distinguished judges on this subject. [The honorable Senator quoted from Coke, Kenyon, and others.] These, then, are the great principles upon which courts of justice recognize not only adjudicated cases, but the constant practice of the courts, as being authority to direct them in the decisions to which they come; and though, upon examination, it appears that "wisdom willeth to the contrary," they cannot for that reason disregard it. They must understand that if there had been just foundation for objection, it would have been taken by some of the counsel or judges, and that the point would not have been permitted to pass *sub silentio*. It is a necessary, inevitable rule. Notwithstanding what may be said by gentlemen in theory, and said with great sincerity, as it was said by the Senator from Virginia—and I know that what he speaks here and elsewhere he speaks sincerely—yet, in point of fact, we cannot get along with the administration of this Government without habitual reference to the precedents established by those who have gone before us.

I now beg the attention of the Senate to what was said by my friend from Maryland, in order to escape the force of the decision of the judges in 1792: and let me say that what was ruled by them is of paramount importance, both on account of the person who wrote it and the time when it was written. That eminent person, Chief Justice Jay, who presided in the circuit court which came to this conclusion, was not only entitled to all confidence and respect on account of the most pure and unsullied integrity—integrity never surpassed by that possessed by any human being; not only on account of his eminent legal learning and high mental powers; but because it so happened that besides being contemporaneous with the adoption of the Constitution and the discussions upon it, he furnishes us with almost an authentic interpretation of that instrument. He had studied it in all its parts, and the time when this decision was made was immediately after the Constitution was put into operation. There was no party excitement—no heats to distract the judgment or mislead the proper exercise of the understanding—no distrust of the great and good man then at the head of this nation, as he stood prominently before the world at large. It was a question decided simply upon intrinsic merits. Well, now, let us see what was decided. My friend from Maryland and myself do not agree as to the decision. He contends that the judges decided that the duties devolved upon them were judicial. Why? Because the judges were to do nothing but simply to collect testimony, and, in the next place, they were not to decide judicially, but to report to the head of the department. I think my friend is entirely mistaken as to what the enactment is. The judges were not merely to collect testimony, for the second section of the act provides: [The honorable Senator read the section which has been already given.]

Well, now, did the judges understand that they were merely to get together and collect testimony? No. The act confines them to no such duty, but requires their decision to be made, their opinion to be written, and transmitted to the head of the department. The decision of the court was both according to the act as it plainly reads, and, what is more important on the present occasion, as the judges understood it. They understood it to be an act under which they were to take testimony, form an opinion, and certify a decision. The honorable Senator from South Carolina [Mr. CALHOUN] shakes his head. He will have an opportunity when I have concluded to show that I am in error. The words of the act I have read, and they sustain me in the view which I have taken.

Mr. CALHOUN. I shook my head because the practice of the office is quite the contrary.

Mr. BADGER. What office?

Mr. CALHOUN. The Pension Office—under the direction of the War Department. The practice is entirely different.

Mr. BADGER. I have not said one word about the practice of the Pension Office. It may be anything or nothing.

Mr. CALHOUN. The Senator spoke of the decision of the judges as being final in the pension cases.

Mr. BADGER. I stated, as a pertinent answer to the Senator from Maryland, that the judges of the circuit court of the United States did not consider that they were discharging a mere ministerial function in collecting testimony, but that they were to come to an opinion and certify their decision; and one of their objections to the act was, that their decision was to be reconsidered, and did not operate by its own power. The judges say that they decline to execute the duties imposed upon them. The duties imposed upon them were not judicial, and the Legislature did not contemplate them to be judicial. What, then, did the judges do? This is the real point of the matter. This is an act of Congress, which says that the judges of the circuit courts shall exercise certain functions. The judges say, that as judges of the circuit court, Congress has no right either to compel us to exercise these functions, or to confer them upon us. So far as the act was an attempt to confer anything upon the judges, as judges, it was, so far as the opinion went, annulled. What do the judges say next? That they will understand the act as appointing them commissioners by official instead of personal description. For instance, the judges say that they will understand the act to mean, that in the State of New York, John Jay, and the other two judges named, shall be commissioners. Then the judges assume that Congress could by the act have appointed three commissioners by name, for the ground upon which they act is, that Congress have appointed three individuals, not as officers, describing them by their official instead of personal description. They say it is a tender of an office to them; for they say, "as therefore the business 'assigned this court by the act is not judicial, nor 'directed to be performed judicially, the act can 'only be considered as appointing commissioners 'for the purposes mentioned in it by official instead 'of personal descriptions." The judges regard themselves as the commissioners designated by this act, and, therefore, being at liberty to accept or decline that office. And what did they do? Why, they proceed to accept the office and discharge the duties of it; and with an extreme solicitude to show that they had not assumed these duties as judges, they adjourned the court from day to day as usual, and in the intervals heard this evidence, and formed the opinion which the law required. How is it possible, if this case is to be

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respected, that the ingenuity of man can get over it? What is the case now before the Senate? It is to appoint certain persons to discharge certain functions, which the gentlemen on the other side say constitute an office. Well, in a certain sense of the word "office," I shall not deny it. But it is said that we have no power to designate those as the individuals who are to perform these duties. But precisely the same thing was done in the act of '92, and the judges declared that Congress had the undoubted power to name these commissioners, and that they had the right either to accept or decline the office of commissioners, on which they proceed to accept and discharge the duties.

My friend from Maryland has discovered a very ingenious mode of getting rid of the weight of this. He says that the judges in that case determined that the duties were not judicial; and that, therefore, there is no precedent here; and why? He says that the duties conferred upon the persons named in the amendment to the bill are strictly judicial duties. His whole argument is based upon that, and yet, if I understand it, he has no objection to the amendment offered by the honorable Senator from Virginia. Let us look into this for a moment. He has asked, very triumphantly, if, under the Constitution, there are any officers known except officers of the United States? I reply by another interrogatory—is there any judicial power known under this Constitution but the judicial power of the United States? I presume the answer must be in the negative. Well, then, is my friend willing to vote for the provision proposed by the Senator from Virginia? The provision of the Constitution is clear and express, that the whole judicial power of the United States—there is no exception—shall be vested in one Supreme Court, and in such inferior tribunals as the Congress may from time to time ordain and establish; and that the judges of all these courts shall hold their office during good behaviour. Now, if my friend be sincere—and no doubt he is, there is no man more sincere than he, as there is no man more generally correct; but on this occasion he is, I think, singularly mistaken—if he be correct in maintaining that the powers to be exercised by these commissioners are judicial powers, must he not admit that they cannot be conferred except upon a court of the United States? This is clear. The Constitution is imperative. No human ingenuity can make a difficulty about it. Well now, he must take one side or the other. If the power be judicial, he cannot confer it upon the commissioners; he must confer it upon a court If it be not a judicial power within the Constitution of the United States, the argument of the Senator falls to the ground. He may take either horn of the dilemma. It is impossible that he can escape from it, with all his learning, and acuteness, and long experience in the courts. It is a judicial power, or it is not. He affirms it to be judicial. Then it can be invested only in a court of the United States. If not judicial, his argument falls, for it is based upon that assumption.

I do not understand the Senator as denying that Congress may appoint an arbitrator. So far as I know, that has not been denied by any gentleman who has spoken on the subject. Are not the functions of arbitrators judicial? How are they described in the ordinary language of the books? An arbitrator, instead of being a judge appointed by public authority to decide, is a private judge nominated by the parties in the controversy. Can anything be clearer? What was the question about the Pea Patch Island?

Mr. BUTLER, (in his seat.) Did the Senator ever hear of an *ex parte* arbitrator?

Mr. BADGER. I shall notice that before I have done. The Senator is something like my honorable friend from Maryland; he did not survey the whole ground before he ventured his position. It is conceded that we can appoint an arbitrator. It is beyond dispute that the functions of an arbitrator are judicial. It is, therefore, manifest, whatever other difficulty may exist, that so far as the argument of my friend from Maryland (which he brought forward with a considerable air of triumph, and announced as conclusive) is conclusive, if against anything, it is conclusive against the bill in either of the forms contemplated, and makes it necessary that we should establish a court and make judges for good behavior. But I was about to remark, that this unusual mode of interpretation would place us in this extraordinary position. He says that to audit and settle accounts against the United States is a judicial power within the Constitution of the United States, and that the judicial power cannot by law be treated otherwise than as a judicial power. And yet he admits that we may authorize any of our committees, if we please, to examine into these claims, to produce the evidence and to furnish it to us, and that then we can decide the claims, and that when we have come to a conclusion we can act upon it and pay the money. Well, then, if to examine into claims be a judicial power, where did Congress get that power? Where can it be devolved, according to the plain letter of the Constitution, but in the courts of the United States? What is the result? We cannot adopt such an interpretation of the Constitution. It would not only make the Constitution mischievous, but impracticable. It would make it not only inoperative as beneficially as it might operate, but would prevent it from moving at all. If this rule be true, the business of Government cannot be carried on a day. Are not claims settled, audited, and determined upon, and paid by your Committee of Accounts in this Chamber, and, when so settled, are paid by disbursing officers of this body from the contingent fund placed as their disposal? As was said by my friend from Kentucky the other day, is it not clear, and such must be the effect, that to a certain extent there are powers of an Executive character which we exercise, of a legislative character that the judges exercise, and of a judicial kind that we exercise? How are we to ascertain the true boundaries upon this subject? I humbly apprehend by no other possible rule than that of plain common sense, unless we intend to embarrass ourselves at every step by technical difficulties. We are to interpret the Constitution according to the sense in which it was formed by the plain men who were its authors, and put it into execution. We are to continue to carry it out as it has been executed heretofore, without a doubt expressed from any quarter sufficiently eminent to have it handed down to us. As was well said by my friend from Delaware, Congress is charged with this special duty, of paying the debts of the United States; and is it not a strange and extraordinary interpretation to say that Congress may not ascertain and pay the debts of the United States, without calling in the action of the Executive branch of Government to assist them? That is the necessary result of his argument when pushed to its extreme. We cannot even pay the charges against our contingent fund without an appeal to the Executive—if the argument of the gentleman from Maryland be sound. The whole Government becomes impracticable, if such be the true interpretation of the Constitution.

The case put by the Senator from Maryland, about appointing a general to take charge of the army, so far from interfering with my argument, strongly confirms it. We propose to ascertain and pay a debt. That is the exercise of a function conferred upon us by the Constitution. With regard to this case also, the honorable Senator entirely overlooks the fact, that although Congress has the power to declare war, and therefore, as I conceive—though some gentlemen do not even admit that—as an incident to the power of declaring war, the right to declare the purpose for which the war is to be waged, yet it is conceded by all that as the President of the United States is, by the Constitution of the United States, commander-in-chief of the army of the United States, the actual direction of the army must be in his hands. Therefore, if we were to undertake by law to appoint officers in his army, it would obviously be a violation of the Constitution. My friend also lays down, that where the power in question is purely legislative, it follows that Congress has a right to adopt just exactly the agents for its execution that they deem most proper. Where the power is of an executive character the officer must be appointed by the President.

My friend from Maryland conceives that the amendment is more exceptionable than the original provision of the bill, because the latter named only one of the persons, whereas the former names all three. Now, I say, on the contrary, to him, that for that very reason I consider the amendment a great deal better than the bill; for what is the objection with respect to the constitutional power? Beyond all doubt, if we name one of the gentlemen, we can name the three; and therefore the amendment remains on the same footing as if one only were named. I had supposed that it was generally understood that the amendment would be satisfactory; not, as the Senator from Maryland supposes, that the recommitment was made because a majority of the Senate was opposed to the bill, but because some Senators were of opinion that debate and difficulty would ensue. Some debate had sprung up, and it was thought advisable to avoid the delay which discussion would occasion, and that, therefore, it was advisable to present an amendment which would obviate the objections that had been urged. What does the bill propose? He says that it devolves judicial powers. What are they? Why, there are certain claims, the amounts of which, and the persons to whom due, are not ascertained. This bill appoints three persons, with authority to examine into these claims, and provides, that upon their certificate the claims shall be paid. Now, the Senator admits that Congress has the right to prescribe rules of evidence, and this bill only provides that the certificates of these commissioners shall be evidence of the justice of these claims. He admits that there is no objection, provided they all shall undergo the supervision of Congress or heads of departments. But if Congress has the right to prescribe what shall be *prima facie* evidence, where is there a constitutional prohibition against their prescribing what shall be conclusive evidence? What is the course of all legislative bodies? Some evidence they make presumptive; some *prima facie;* some absolutely conclusive, beyond which none of the parties can go. The very recital in the preamble of a general statute of the existence of a certain state of facts is not only high evidence, but, as I conceive, conclusive evidence in every court. In England, even the statement of certain facts in a proclamation issued by the sovereign, and published in the State gazette, is *prima facie* evidence in all courts of the existence of such facts. All governments exercise this power, and the business of no government can go on without it. What are these men to do? I am not disputing about terms, but about the substance of things. No matter whether they certify to the existence of claims upon their own knowledge, or by the knowledge of others communicated to them, their certificate is nothing but an authority to the proper paymaster or disbursing officer to pay the amount which is ascertained to be due. I have said that I do consider it highly expedient to appoint these commissioners. An unbroken course of action on the part of this Government, and, if I am capable of understanding it, the solemn decision of a high tribunal, shows that Congress have the power to confer upon these persons the power to discharge the duties presented by the bill before the Senate.

Mr. CALHOUN. I rise, before the question is put, to make a very few remarks on the amendment of the Senator from Delaware to the amendment reported by the committee, which will, I suppose, in point of order, be put first. That amendment provides that these officers, commissioners, or whatever they may be called, shall be sworn to perform their duties faithfully; secondly, that they shall not decide upon any claims in which any of them may be interested; and thirdly, that in cases where any claim has been transferred, the assignee shall receive no further compensation than the amount which they paid for the claim with legal interest. This amendment deserves a good deal of consideration. I am struck with the use of the word "appoint" in it. It says "the persons appointed to perform these duties." If you

look to the amendment reported by the committee, you will find that the use of the word "appoint" is most carefully eschewed. You cannot find that word, nor any one of tantamount meaning, in the amendment, from beginning to end. I will not say that this avoidance of the use of that term was designed, but, certainly great care seems to have been taken to avoid the use of this word. Now, without going into verbal criticism, let me ask, what is the force of the word "appoint?" You do not "appoint" to an employment. That was never heard of. You "appoint" to office. It is the specific word which is always used in that connection; and, therefore, I have been struck at the occurrence of this word in the amendment of the Senator from Delaware. The human mind is a curious organ; and the force of habit will often lead to the use of terms of which the person may not be conscious. I take this to be a case of that description. The term "appoint" is legitimate in this connection, and has crept into the amendment, though carefully avoided in the original bill and amendment of the committee. Again: the amendment acknowledges that the exercise of the powers conferred upon these commissioners is liable to be very greatly abused. Without this amendment, the bill would allow the commissioners to decide upon claims in which they are personally interested. It is well to guard against that. Not that I suppose that these officers would abuse the power, but there is a liability to abuse. The amendment indicates another great abuse to which there is a liability under the original bill. These claims in the wilds of California are in the hands of persons who know nothing of their value; who are conversant only with Mexican faith, which is no faith at all; and, as they put very little value upon Mexican paper, they may estimate all other paper equally low, and may have passed off these claims for a mere bagatelle. Here is an obvious source of great abuse, against which the original bill and the amendment of the committee do not make the slightest provision. But, while attempting to guard against this abuse, the Senator ought to have guarded against all other abuses; and, from stem to stern, the whole of it is subject to abuse. What is the whole amount of this thing? You withdraw from the regular settlement to which all such claims in all other cases are subject—claims against this Government to the amount of seven hundred thousand dollars—and transfer their settlement to the three individuals named in this amendment.

There is not a particle of responsibility in the whole matter. There is nothing comes before the Government but the certificate of these gentlemen. The importance of the routine of examination before all the regularly-constituted officers, can only be appreciated by those who have had some practice in it. I claim the honor of instituting this process of examination, and it has saved to the Government many thousands of dollars annually. When I became Secretary of War, I found all the accounts were sent up to the treasury without passing through the War Department at all. I found there were great abuses. An act was passed, drawn up by myself, in which I inserted the provision, that all accounts should pass through the several bureaus, and if all was found to be right after examination, they should be endorsed by the heads of the bureaus, before presentation at the treasury for payment. What was the effect of this? I found the Medical department costing the Government a hundred thousand dollars a year. I brought this expenditure down to twenty-five thousand dollars. Other expenditures were subjected to the same process. The clothing accounts were reduced two-thirds; the quartermasters' accounts one-half. The expenditures of the department were brought down from four millions to two millions one hundred thousand.

From the heads of bureaus the accounts were sent to the Auditor, an officer whose name indicates his duty, and then to the Comptroller, the highest officer of the treasury, before they were finally paid. And you give to these gentlemen the same power that is confided to all those officers. Can this be right? None of these officers have equitable jurisdiction, yet these gentlemen are clothed by this bill with unlimited powers. All this may be very safe in the present case. That is not the question I make at all; but is it safe as a precedent? I put it solemnly to gentlemen opposite.

Mr. RUSK. I simply wish to ask this question: If this expedition had been under the authority of the United States, and Colonel Frémont had been commanding on detached service, would it not have been competent for him to have made the requisitions, and for the quartermaster to have supplied them on the spot, and for the paymaster to have paid the amount there, without going through these forms which the honorable Senator from South Carolina has been describing?

Mr. CALHOUN. No question at all about that; but each officer would have acted, in that case, upon his individual responsibility.

Now, I put this important question: If you appoint this board of officers, where is the responsibility? What duty is to be performed by the officer who is to pay the claims allowed by this board? No other than that which the Secretary of the Treasury would have to do in regard to accounts which had regularly passed through all the forms of examination. The certificate of the board is his warrant for paying the money, and he is relieved from all responsibility. We have had precedent after precedent quoted which are not at all analogous. A very brief view will enable us to determine as to whether the duties assigned to these men are official duties or not; whether their functions are those of officers or not. Certainly they are official duties of the highest character. Is the Commissary General not an officer? They perform his duty, or ought to do it. Is the Auditor not an officer? They must perform all his duties, or ought to do it. Is the Comptroller of the Treasury not an officer? They are to perform all his duties, or ought to do it. And yet, performing all these duties, it is solemnly argued here, day after day, that they are not to discharge official duties—that they are not officers. If they are not, in the name of Heaven, what are they? Extend this case. It is not only in California that military operations have been carried on; we have had some in New Mexico, and some further south under General Taylor; others, on a larger scale, under General Scott. Are you willing to adopt the same process in these cases? Who would dream of such a thing? Who would be bold enough to come here, and propose that General Scott and his paymaster and his commissary should constitute a board to adjust all the accounts, and draw and pay away the money? Who would say that this would be a safe depository of power? Who would say, if they were authorized thus to act, that they would not be officers, to all intents and purposes, such as I have described? Can any man doubt it? There may be greater reason for deviating from the ordinary process in settling these claims, but the cases are in every respect analogous; and there are a thousand cases where the difficulty would be as great as in California. Why, the whole country would be startled, amazed, at the adoption of such a course of proceeding as this.

Mr. CLAYTON. I will briefly reply to the objections that have been raised by the Senator from South Carolina to the amendment which I have offered. His first objection is, that I have used the word "appointed" in reference to these gentlemen who are to settle these claims in California. I am entirely willing to modify the phrase, and substitute the word "designate," or "name," but the word appoint is in itself a word of the same import. I have a dictionary here of the highest authority, and I find that the first definitions of the word "appoint" are to "allot," "assign," or "designate," and as an illustration the following is given: "Aaron and his sons shall *appoint* every one his service." So much for that. Now for the second objection of the honorable Senator.

The Senator, commenting on the report of the committee, says, that under such a provision, Colonel Frémont, and those associated with him, will be authorized to settle their own claims. I offered my amendment, not because I supposed that it was contemplated by the committee that they should settle their own claims, but because the objection was raised yesterday, and it was to exclude any such inference. The committee said nothing about whether they were to settle their own claims or not, nor have I ever heard it suggested as being necessary when a man is appointed as a judge, or to decide upon claims, that there should be an express provision accompanying the appointment, that he should decide no case of his own. Such a thing is unnecessary. Yet, I introduced this into the amendment, for the purpose of excluding any possible inference that they might do so. As to the other point, it merely provides that if any persons speculate in these claims, they shall not speculate to the disadvantage of the Government. But the gentleman leaves the amendment and goes into a discussion of the general subject. His objection is to the payment of the claims in this way. He says they should be subjected to the ordinary forms of examination, and the number of offices through which they would necessarily pass will furnish a salutary check. It was for the very purpose of preventing the monstrous injustice that would be done to the individuals who have these claims, that the measure was introduced. Who are these claimants? They are men residing several thousand miles away, men destitute of means, and to say that they shall come here and pursue their claims, is to say, that they shall never receive a dollar. The object of the measure is to afford a competent tribunal where they may be heard, and their claims adjusted. The gentleman objects, because the usual formalities will not be observed. How is it in all cases where commissioners have been appointed? Take the treaty of Paris, or the treaty respecting the Spanish claims. The certificates of the commissioners in those and all similar cases, were by law made conclusive evidence of the claims, and when presented at the department they were immediately paid. The certificates of the board of commissioners in this case will be precisely similar to those of the commissioners in the cases to which I have referred. We desire to prevent these poor men from being subjected to the necessity of travelling to Washington, or of losing their claims altogether, by paying them upon the spot where they arose.

Mr. CASS. I desire to say one or two words in answer to the honorable Senator from South Carolina. He has foreseen a great many difficulties which are to be encountered if this measure be adopted. It will be recollected there are two principal and substantial reasons for adopting it: one is, that the claims exist in a region exceedingly remote, and it is utterly impossible for these persons to come here and settle their accounts. If you require them to do so, it amounts to a refusal of justice. To compel them to go through the ordinary course of application and the usual form of authentication of their claims, you defeat the very object you have in view. The second reason is, as the honorable Senator from North Carolina has said, you take upon yourselves the advantages of the conquest, and you are morally bound, under such circumstances, to pay the claims. If we had pursued the ordinary course, we should have done, what? We should have sent disbursing officers to California, with funds to meet the requisitions of the quartermaster, in obedience to the orders of the commanding officer. Let me say to the Senator from South Carolina, that these accounts will go through the departments, and there will be precisely the checks which he desires. What testimony is required in the case of the disbursements made for the army under General Scott? Nothing but the requisitions of the commanding general and the receipts of the parties. The honorable Senator wishes to have an investigation as to the justice or proper rate of charges. I believe that is a thing unheard of. The money is paid on the requisition of the commanding officer. If fraud appears to have been practised—if anything appear which excites suspicion, the necessary information is required to be produced before the accounts are permitted to be paid. But if you require the administrative officers to judge of the propriety of the expenses authorized by General Scott, how are you to get your money back again? All the guarantee you have is the character and position of your officers, and that you have got here; and, as I said, if you pursued the ordinary course, you would have the certificate of the commanding general, and you will have more than that in this case, you have the guarantee of the three gentlemen who compose the board. Now, I do not know what the gentleman means when he talks about being interested. Have you any law making it felony or a crime at all to be interested? I do not know why fraud is to be presumed in such a case as this more than in any other. Fraud may be practised in California, and it may be practised in Mexico, and, if it appear, the matter will be investigated, and the payment checked.

The honorable Senator alluded to the fact that the certificates might get into other hands. So they may. Every man knows that on the frontier when a quartermaster gives a certificate, and it goes

out into the neighborhood, it is generally circulated at a depreciation; indeed, I have known them sacrificed at one quarter their value. It is not peculiar to these claims, but incident to all, when the Government is not ready to make payment. I repeat, sir, if you subject these claimants to the necessity of coming here to recover their claims, you put it altogether out of their power to receive payment.

Mr. CALHOUN. No one supposes that these claimants are to come here to recover their claims. The question is, first, by whom will you allow them to be investigated and paid? by persons appointed by yourselves, and wholly irresponsible, or by persons appointed in conformity with the requisitions of the Constitution? The next question is, will you have them settled by the very men who incurred the expenses? There being a necessity for knowledge in regard to the claims, I should think it very desirable to appoint some officer who served in California to be a member of the board. My opinion is, that the true way is to send a quartermaster and commissary there, and, if necessary, to add a third person. Take any officer. I have no objection that it should be Colonel Frémont. He gave the orders, and very properly, I have no doubt; those orders must be presented to the commissary, and be fortified by his endorsement.

Mr. DAVIS, of Mississippi. In the progress of this discussion, allusions, which I consider equally unjust as unkind, have been made in relation to the conduct of the committee by whom this bill and amendment were reported. It was within the knowledge of the committee that indeterminate claims against our government for supplies furnished to the battalion of Colonel Frémont, existed in California, and that the failure to make payment in these cases had produced a dissatisfaction which could not be otherwise than dangerous to whatever interests we may have in that remote country. To silence complaint, to appease discontent, and to secure our Government against fraud, and the future annoyance of manufactured claims, the plan which the committee have adopted was presented to the Senate. It approximates as nearly as the present state of the case will allow the established usage, and the bill as amended seemed to us beyond the reach of constitutional objection. It has been said that the word "appoint" was carefully avoided. Sir, the purpose of appointing officers was not entertained; and it therefore required little care to avoid the use of any word which would convey such an idea. Claims which could not be settled by the accounting officers of our Government were presented to our consideration. We believed them to constitute a just demand against us, and a bill was introduced to legalize them. The first and controlling question is, will Congress declare them to be valid? If this be decided in the affirmative, payment must be ordered as a consequence; and there remains but the minor consideration, the manner of discharging the admitted obligation. A portion of the debt is established by regular vouchers, which it is ordered shall be paid as ascertained claims. If Congress receive the testimony to these cases as sufficient, and order payment thereon, have we not the same right to specify how the validity shall be determined of those which are denominated unascertained claims? Surely the decision can be made by us as to what testimony shall be deemed sufficient to establish whether a claim be a debt of this Government or not; otherwise it would be idle for us to entertain any proposition to examine a claim presented to our consideration.

The Senator from South Carolina treats this as an ordinary case of army disbursement, and seems to me to confound the rights of those who furnish supplies to our troops with the accounts of the disbursing officers of the army. It is the latter which are adjusted, as he states, in the auditing offices here. The payment for the supplies furnished to our army is ordinarily made in the field by the appropriate officers, and first heard of here through the accounts of those by whom the disbursements were made. If the commissary and quartermaster, and paymaster, to this battalion in California had been supplied with funds, these claims would have been paid as they arose. The whole case was an irregular one, and if deemed worthy, requires an unusual course in relation to it. Hence the proposition for special legislation. The officers named in the bill were those under whose orders, or by whom the debts were contracted; they have ceased to be officers, and it is proposed to revive their functions so far as may be necessary to complete their vouchers, and to determine how far, by their former official acts, they have rendered their Government responsible. It is not only true that they are best qualified to do justice between the parties, but it is further true that they alone can give to these claims the form which will admit of their being finally audited by the United States Treasury.

The commanding and purchasing officers of the California battalion, and they only, can reduce these claims to the established forms, and give to them their appropriate character. But those who held such positions in this case are no longer in the service; to give force to their acts, it is necessary by law to revive the functions of their expired offices. That it is proposed to do to the extent required, for the purpose declared, and no further. Those who deny the justice of these claims—those who refuse to acknowledge the responsibility of our Government for the debts contracted by the persons named in the bill, when they were officers of the California battalion, may properly refuse to extend the functions of these ex-officers to the end that they may perfect their accounts; but such as admit our obligation to pay for the purchases they made for the use of that battalion, are, I think, constrained to grant to them such powers as will enable the Government justly to discharge its obligations to its creditors. The connection of the persons named in the bill with the transactions out of which the claims arose, instead of being an objection, as has been assumed, constitutes the only sufficient reason for having named them. Such is the connection which all commanding and disbursing officers necessarily have to army expenditures and purchases. Had the campaign been regularly ordered and supplied, these persons would, in their official character, have made purchases and payments upon just such accounts as it is now proposed to authorize them to prepare. That payment may be made by an officer of the Government, who is to be provided with funds for that purpose. The supposition that the check imposed by the auditors in other cases is to be here dispensed with, is entirely erroneous. A power is given to the persons named in the bill, which will enable them to perfect their accounts; but as they have ceased to be officers, it is not proposed to intrust them with funds for payment. If the President shall choose to avail himself of the means provided in this bill, he will give his instructions; and it is fair to suppose that they will require all accounts to be as fully vouched as they would have been had payment been made by these persons when they were officers. The disbursing officer who may be sent out will, of course, only make payment upon fully authenticated vouchers, and his accounts will be subject to the same revision here as would have been made had the claims been paid originally. The amount, though certainly important, is small, compared to the disbursements which have, in the progress of this war, been made by individual quartermasters. The paying officer in this case will give to the Government the same assurance of integrity and accuracy which is possessed in other cases where officers are intrusted with sums vastly disproportionate to their bond. The good faith which has heretofore been kept in our army disbursements does not warrant apprehension upon the present occasion.

To maintain the credit of the Government, so as to exclude distrust from entering into the calculations of those who sell to our officers, is an obligation which it requires no argument to enforce; but more than usual care is demanded when, as in this instance, our dealing has been with those who have the best means to know our intentions, and who may be supposed most ready to suspect our integrity. Nor should time be allowed to accumulate, and the value of the claims to depreciate in the hands of original holders, or be transferred to others who seek to speculate on the fears or necessities of those who have become creditors of the Government. At the present session of Congress the committees of both Houses have reported upon a case of deferred payment of a claim growing out of supplies furnished to our troops in Florida, that a decision which placed the rights of the claimant under the rules applicable to a disbursing officer was not reputable to our Government. Disreputable and truly unfortunate will it be, sir, when those who supply our army with food, or clothing, or transportation, shall be required to wait until the purchasing officer shall have submitted his accounts to the scrutiny of the auditing officers of his Government, with hopes and fears dependent upon the decision, but with the certainty, if it be adverse, that his property is gone, and that no redress is left to him.

The question which contains all others is, will you legalize the "California claims?" If so, then the direct and just mode is, to send those in whose official action these claims originated to collect the vouchers and perfect their accounts, to the end that prompt payment may be made.

Mr. WESTCOTT. The amendment of the Senator from Delaware asserts a rule which I should be sorry to see carried into effect in relation to any claim whatever. I have heard a great deal about speculations, and no doubt there is a great deal of speculation carried on; but it appears to me that the mode proposed to suppress speculating is a most shocking one to be adopted by the Government. What is it? A B has a claim, C D buys it, and the Government puts the profits of the transaction, when they pay C D, into their own pockets. I can well understand that there must be great depreciation in the value of claims. Already a year or two have elapsed since the claims accrued, and there is no certainty now that this bill will pass. Who, then, supposes that a purchaser would give the full amount? And if he do not, are we to punish him, as if he had committed a crime? There would be some more justice in this, if the motion I am about to make should prevail. It is to strike out that part of the amendment of the Senator from Delaware which relates to the purchasers of the claims, or else to add to it these words: "but the residue shall be paid to the original claimant." I do not see any right on the part of this Government to set itself up as a legal tribunal to try the rights of the original claimant and his assignee. I do not see any propriety in the Government meddling in these accounts. If the Government owes a hundred dollars, let them pay it honestly; and if there is any difficulty between the claimants, let them settle it between themselves. I have no idea of the Government mixing itself up in such matters. I will ask for a division of the subject; for I cannot vote for this bill if it contain such a provision as this. I have seen the principle attempted to be carried out arbitrarily by the accounting officers of the Government, in former times, who set themselves to decide questions between the assignees and the original holders of claims.

Mr. CLAYTON. The object of that part of the amendment was to prevent imposition upon the Government by speculators, and I consider it desirable that some such provision should exist. With regard to the suggestion made by the Senator from Florida, that the amount of discount from the claim which the speculator has possessed shall be paid to the original holders, I have not the slightest objection to it. I am quite willing that the Government shall be held responsible for the whole amount, but I do not wish that the speculator should receive that for which he has not paid value.

Mr. FOOTE. There is a matter which requires our attention in Executive session; and as I see no probability of taking the vote upon this bill to-night, I move that the Senate proceed to the consideration of Executive business.

Mr. CAMERON. I hope the honorable Senator will withdraw that motion, and allow the question to be taken upon the bill. I shall be compelled to leave the city in the morning, and I am anxious to give my vote upon the bill.

Mr. FOOTE. With the understanding that the vote be taken, I will withdraw the motion for the present.

Mr. MANGUM. I move that the Senate adjourn.

Several Senators. Oh, no; proceed with the bill.

Mr. MANGUM. I withdraw the motion.

Mr. FOOTE. I hope my motion for an Executive session will now be entertained; and for that purpose, I move that the further consideration of the bill be postponed until to-morrow.

Mr. MASON. Let the vote be taken on that motion, as a test whether we will vote upon the bill.

The question being taken on the postponement, it was not agreed to.

Mr. CLAYTON modified his amendment, by adding the words suggested by the Senator from Florida.

The question being about to be put on agreeing to the amendment offered by Mr. CLAYTON, the amendment was read.

Mr. UNDERWOOD. I voted to lay this bill over until to-morrow, hoping that the Senate would reflect upon the subject. What right have we to interfere with contracts between individuals? It is a subject of legitimate contract.

Mr. RUSK. They are not legal obligations, consequently they are not the subject-matter of bargain and sale. We make them legal by this bill, and, in legalizing them, we have a right to control them.

Mr. UNDERWOOD. Equitable claims are the subjects of sale.

Mr. CLAYTON. The claim is good for nothing in the hands of the speculator, until we make it good for something. We, by this bill, make it good to the full amount paid by the speculator, and I am willing to go no further in his favor, but I am willing to give to the original holder the whole. Thus the Government will make nothing out of it, but the original claimant will be protected.

Mr. UNDERWOOD. I desire to make another remark or two, because I look upon this matter as one of some consequence. The suggestion I made is attempted to be obviated by the Senator from Delaware, by saying that there is no claim legal or equitable.

Mr. CLAYTON. I do not say they are not equitable.

Mr. UNDERWOOD. If equitable, then they are the subject of contract between man and man; and if they be the subject of contract, there may be contracts already made, and this Government is attempting to annul them, and set aside those contracts. That is the effect of it. If there be no claim at all, either of a legal or equitable character, then there is no utility in your enactment. I deny that you have a right to do anything of the kind. In any point of view, what position do you occupy? You say that valuable services have been rendered to the country; that the people of California have rendered services of which you are deriving the benefit, and while you acknowledge this, you say there is no right, legal or equitable, which can be the subject of contract.

But how will this operate in another point of view? Suppose I have one of these claims, and sell it for one half of its amount, according to this amendment, one-half will come to me when the final settlement is made by the Government. If the purchaser then comes to me and says, I purchased this claim of you, and paid your price for it; what would I, as an honest man, be bound to do under these circumstances? Why, most undoubtedly, to hand him the whole of the money. It was a fair, legal transaction; the money was advanced by the purchaser, and received by me. I should be only fulfilling an obligation, which honor and conscience would render imperative, by paying over to him the money. This is what would be done by those who are honest; whilst the dishonest, considering themselves absolved by the act of Congress from the obligation to refund the money, would refuse to do so. Now, I am not willling, by the adoption of this amendment, to sanction any of those principles; and I hope the bill will be postponed, and that the Senate will reflect more maturely upon the matter.

Mr. DAVIS, of Mississippi, called for a division of the amendment.

The question was then taken upon the first clause of Mr. CLAYTON'S amendment, as modified, to the amendment reported from the Committee on Military Affairs; and it was agreed to. It is as follows:

SEC. 3. *And be it further enacted*, That the persons hereby designated to examine the said claims shall, before they enter on the duties assigned to them, be first duly sworn or affirmed to faithfully perform the duties devolved on them by this act; and that in no case shall they, or either of them, examine or allow any claim of which he or any of them is personally to receive any part

The question was then taken upon the remaining clause of Mr. CLAYTON'S amendment, as modified, which is as follows:

And in all cases where any claim has been assigned or transferred by the original claimant, the assignee shall be allowed no more than he paid for the claim, and the residue of the claim shall be paid to the original claimant.

And it was determined in the negative.

The question was then taken on the amendment of Mr. MASON, and it was determined in the negative, as follows:

YEAS—Messrs. Bagby, Butler, Calhoun, Foote, Johnson of Maryland, Johnson of Georgia, Mangum, Mason, Moor, Niles, Turney, Underwood, and Yulee—13.

NAYS—Messrs. Allen, Atchison, Badger, Benton, Breese, Bright, Cameron, Cass, Clarke, Clayton, Davis of Mississippi, Douglas, Felch, Hannegan, Houston, Johnson of Louisiana, Rusk, Spruance, Sturgeon, and Westcott—20.

The amendment reported from the Committee on Military Affairs, as amended, was then agreed to.

No further amendment being made, the bill was reported to the Senate, and the amendment concurred in; and the bill was read the third time, and passed.

EXECUTIVE SESSION.

On motion of Mr. FOOTE, the Senate proceeded to the consideration of Executive business, and, after a short time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 29, 1848.

The Journal of yesterday was read and approved.

A message in writing was received from the President of the United States, by the hands of J. K. WALKER, Esq., his Private Secretary.

Mr. McKAY moved a reconsideration of the following resolution, adopted on Friday:

Resolved, That the Clerk of the House receive proposals for binding books and documents ordered by the House, and that he submit the same to the Committee on Accounts for its examination and approval.

In support of his motion, Mr. McK. referred to a letter written by the Clerk of the House to the chairman of the Committee on Accounts, from which the House would see that there existed already an implied contract between the House and the public printers, which covered this binding of documents printed by the House's order. It had for the last twelve years been understood on all hands that the public printer, whoever he might be, was entitled to a contract for binding ordered—it being considered as an incident to the public printing.

He had recently called at the office of the present printers of the House, and had learned from them that, in pursuance of a suggestion of the Clerk of the House that such was their right, they had already entered into a contract for the binding referred to in the resolution. This being the case, Mr. McK. asked whether the House was ready to incur a double expense, which must follow if both contracts were fulfilled? His object in rising had not been that any immediate action should be had upon the subject, but merely to move a reconsideration, and let the motion lie over for a few days, so that the House should have time to inquire more fully into the case, and prepare some amendments to the resolution.

Here a letter was read from the Clerk of the House to the chairman of the Committee on Accounts, in relation to the custom which has heretofore prevailed in contracting for binding. Some conversation ensued.

Mr. STEWART, of Pennsylvania, was opposed to any unnecessary delay in regard to this resolution, and thought the subject had better be disposed of at once. There was an important document printed every year by order of the House, which was too valuable not to deserve to be preserved in a permanent form, which would not be the case so long as it was left unbound; that valuable public document, as matters now stood, was in a great measure lost to the country. He was desirous of seeing an arrangement at once entered into by which it should be bound, and thus put into a form in which it could be preserved in public and private libraries as a book of reference. It cost the country a vast sum of money, which was now to a great extent wasted. He hoped the resolution of yesterday would not be reconsidered. The gentleman from North Carolina was under a mistake; he had misconceived the nature of the resolution if he supposed that its adoption would necessarily involve a double contract and a double expense. The resolution provided that the proposals to be received by the Clerk for the contract for binding "should be submitted to the Committee on Accounts for its examination and approval." If, as the gentleman stated, a contract for this work already existed, and could not be rescinded, of course the Committee on Accounts would not approve of a second contract for the same work. The danger which so alarmed the gentleman had no existence.

Mr. KING, of Massachusetts, said he had no objection to the reconsideration moved by the gentleman from North Carolina; but the practice which he had referred to, and which he had urged as the ground of his motion, though it had once existed, did not now continue. It was perfectly true that by the usage of the House the binding of documents was considered as an incident to the printing of them, and was of course claimed by the printer to the House. But the gentleman should recollect that when this was the usage, the House was in the habit of appointing its public printer by election, and the majority for the time being determined who the printer should be. But now the public printing was executed under contract, and given to the lowest responsible bidder. In the contract under which the present printers did the work nothing was said on the subject of binding, nor was it ever intended to be included in that contract. Under the old arrangement, the right to do the binding was a perquisite, and was enjoyed as such; but that was not the case now. Mr. K. well knew the zeal of the gentleman from North Carolina to get the public work done for the least possible expense; it was very creditable to him; Mr. K. was far from finding fault with it; and he was willing, therefore, that his motion to reconsider should be entertained. But whether the resolution was reconsidered or not, there would not be any double contract, because the bids were to be submitted to the Committee on Accounts; and they would not sanction a second contract.

[At this point in the discussion, by general consent, the motion to reconsider was laid over for the present.]

Mr. ROCKWELL, of Connecticut, moved that the House go into Committee of the Whole on the private calendar.

Mr. J. R. INGERSOLL desired that by general consent the message just received from the President of the United States be read.

The CHAIR stated that there was a previous Executive message on his table which had not been read: the reading of this would come first in order.

Mr. JONES objected to taking business from the Speaker's table out of its regular order.

The CHAIR then said that as objection was made, the last message could not now be read.

Mr. ROBINSON inquired whether he had rightly understood the Chair as deciding that no business could be taken from the Speaker's table if objection was made?

The CHAIR replying in the affirmative—

Mr. ROBINSON appealed, and was going to address the House; when

The SPEAKER reminded him that the appeal was not debatable.

The SPEAKER then read the 18th rule of the House, which says:

"After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

"1st. Messages and other Executive communications.

"2d. Messages from the Senate and amendments proposed by the Senate to bills of the House.

"3d. Bills and resolutions from the Senate on their first and second reading," &c.

Mr. ROBINSON asked whether other Executive messages had not been taken up and read since the message to which the Speaker's decision referred?

The CHAIR replied that there had, but it had in every case been done by general consent.

Mr. ROBINSON said that it appeared, then, that a majority in the House could not get anything it pleased off the Speaker's table, out of its regular order, so long as one member objected.

Mr. HOUSTON, of Delaware. The objection comes from your own side of the House.

Mr. ROBINSON said he was aware of that, and he was going on to argue that a different line of policy ought to be pursued, when he was reminded that his appeal was not debatable.

Mr. R. then said, that if he could not present his views on the motion he had made, he would withdraw the appeal; and he withdrew it accordingly.

Mr. ROCKWELL renewed his motion to go into Committee on the private calendar, but it was decided in the negative—ayes 68, noes 69.

Mr. McCLELLAND again asked the unanimous consent of the House that the message of the President of the United States received this morning, should be laid before the House.

The SPEAKER said it would be in order by general consent.

Mr. BRODHEAD asked that the messages previously received should first be laid before the House.

The SPEAKER said all the messages could be presented with the consent of the House.

Mr. J. R. INGERSOLL said the message received this morning related to a matter which, if attended to at all, ought to be promptly. It was in relation to Yucatan, and contained the correspondence between the Secretary of State and the Commissioner from that country.

Mr. BRODHEAD withdrew his request for the previous messages.

Mr. ROOT called for the messages in order.

Mr. McLANE asked if an objection made would be of avail, if the House went into business in the order prescribed by the rule which had been read by the Speaker?

The SPEAKER replied, that in the regular order of business, the documents on the Speaker's table could not be reached until after one hour devoted to the reception of reports from committees.

Mr. McLANE. Then it will be in order to proceed to this business after one hour devoted to reports?

The SPEAKER. It will be.

Mr. BRODHEAD asked leave to offer a resolution to rescind a previous order of the House, distributing certain documents to the different counties in the United States.

Objection was made.

The SPEAKER announced, that by unanimous consent, the Chair would proceed to lay before the House the messages of the President of the United States in their order.

No objection being made—

The House, by general consent, proceeded to consider the message of the President of the United States in relation to the return of Generals Santa Anna and Paredes to Mexico, and refusing to communicate the instructions given to Mr. Slidell as minister to Mexico, on which several motions to commit were pending.

The message was, on motion of Mr. TOMPKINS, laid on the table, and ordered to be printed.

The SPEAKER then laid before the House a message from the President, received some time since, informing the House of the recent political events in France, and the overthrow of the French monarchy. It was laid on the table, and ordered to be printed.

YUCATAN.

The SPEAKER also laid before the House the following message, this day received from the President of the United States:

To the Senate and
House of Representatives of the United States:

I submit, for the consideration of Congress, several communications received at the Department of State from Mr. *Justo Sierra*, Commissioner of Yucatan, and also a communication from the Governor of that State, representing the condition of extreme suffering to which their country has been reduced by an insurrection of the Indians within its limits, and asking the aid of the United States.

The communications present a case of human suffering and misery which cannot fail to excite the sympathies of all civilized nations. From these and other sources of information, it appears that the Indians of Yucatan are waging a war of extermination against the white race. In this cruel war they spare neither age nor sex, but put to death indiscriminately all who fall within their power. The inhabitants, panic-stricken and destitute of arms, are flying before their savage pursuers towards the coast; and their expulsion from their country, or their extermination, would seem to be inevitable, unless they can obtain assistance from abroad.

In this condition they have, through their constituted authorities, implored the aid of this Government to save them from destruction, offering, in case this should be granted, to transfer the "dominion and sovereignty of the peninsula" to the United States. Similar appeals for aid and protection have been made "to the Spanish and the English Governments."

Whilst it is not my purpose to recommend the adoption of any measure, with a view to the acquisition of the "dominion and sovereignty" over Yucatan, yet, according to our established policy, we could not consent to a transfer of this "dominion and sovereignty" either to Spain, Great Britain, or any other European Power. In the language of President Monroe, in his message of December, 1823, "we 'should consider any attempt on their part to extend their 'system to any portion of this hemisphere as dangerous to 'our peace and safety." In my annual message of December, 1845, I declared that, "near a quarter of a century ago, 'the principle was distinctly announced to the world, in the 'annual message of one of my predecessors, that the 'American continents, by the free and independent condition 'which they have assumed and maintained, are henceforth 'not to be considered as subjects for future colonization by 'any European Power.'" "This principle will apply with 'greatly increased force, should any European Power attempt to establish any new colony in North America. In 'the existing circumstances of the world, the present is 'deemed a proper occasion to reiterate and reaffirm the 'principle avowed by Mr. Monroe, and to state my cordial 'concurrence in its wisdom and sound policy. The re-'assertion of this principle, especially in reference to North 'America, is at this day but the promulgation of a policy 'which no European Power should cherish the disposition 'to resist. Existing rights of every European nation should 'be respected; but it is due alike to our safety and our interests that the efficient protection of our laws should be 'extended over our whole territorial limits, and that it should 'be distinctly announced to the world, as our settled policy, 'that no future European colony or dominion shall, with 'our consent, be planted or established on any part of the 'American continent."

Our own security requires that the established policy thus announced should guide our conduct, and this applies with great force to the peninsula of Yucatan. It is situate in the Gulf of Mexico, on the North American continent; and from its vicinity to Cuba, to the capes of Florida, to New Orleans, and indeed to our whole southwestern coast, it would be dangerous to our peace and security if it should become a colony of any European nation.

We have now authentic information, that if the aid asked from the United States be not granted, such aid will probably be obtained from some European Power, which may hereafter assert a claim to "dominion and sovereignty" over Yucatan.

Our existing relations with Yucatan are of a peculiar character, as will be perceived from the note of the Secretary of State to her Commissioner, dated on the 24th of December, last; a copy of which is herewith transmitted. Yucatan has never declared her independence, and we treat her as a State of the Mexican Republic. For this reason we have never officially received her Commissioner; but whilst this is the case, we have, to a considerable extent, recognized her as a neutral in our war with Mexico. Whilst still considering Yucatan as a portion of Mexico, if we had troops to spare for this purpose, I would deem it proper, during the continuance of the war with Mexico, to occupy and hold military possession of her territory, and to defend the white inhabitants against the incursions of the Indians, in the same way that we have employed our troops in other States of the Mexican Republic in our possession, in repelling the attacks of savages upon the inhabitants, who have maintained their neutrality in the war. But, unfortunately, we cannot at the present, without serious danger, withdraw our forces from other portions of the Mexican territory now in our occupation, and send them to Yucatan. All that can be done, under existing circumstances, is to employ our naval forces in the Gulf, not required at other points, to afford them relief. But it is not to be expected that any adequate protection can thus be afforded, as the operations of such naval forces must of necessity be confined to the coast.

I have considered it proper to communicate the information contained in the accompanying correspondence, and I submit to the wisdom of Congress to adopt such measures as, in their judgment, may be expedient to prevent Yucatan from becoming a colony of any European Power, which, in no event, could be permitted by the United States; and at the same time to rescue the white race from extermination or expulsion from their country.

JAMES K. POLK.

WASHINGTON, *April* 29, 1848.

Mr. ROCKWELL, of Massachusetts, moved that the message and accompanying documents be referred to the Committee on Territories.

[Many voices: Refer it to the Committee on Foreign Affairs.]

He said it was perfectly evident that this was one of the most interesting messages that could possibly be communicated by the President of the United States to Congress. He did not know that the Committee on Territories was the most proper committee to which the reference could be made: he did not know, for he had no time to consider, whether that committee, or the Committee on Foreign Affairs, or a select committee, was the most appropriate committee. But he deemed the occasion appropriate to make some remarks to this House on the policy of this Government towards its territories. It was manifest, that while the Congress of the United States was occupied in the various matters which had for some weeks engrossed its attention, there was lying before them, demanding their grave consideration, in relation to several of the States in Mexico, matters of more important interest to the existence, to the duration of this Republic, than could be found in any of the other relations of this Government. He proposed, if it was in order on this occasion, to make some remarks upon the general policy of this Government towards any territories which might be expected to be acquired from the Republic of Mexico by treaty of peace or otherwise.

Mr. COBB, of Georgia, inquired if such a course of remark would be in order?

The SPEAKER remarking that he could not decide whether remarks were in order until they were submitted, said that a general speech on the subject of territories already embraced within the limits of the United States, under a treaty which was understood to have been ratified by the Senate, would hardly apply to the question of aiding a people of another territory.

Mr. ROCKWELL said he understood that the message of the President of the United States certainly contemplated, when viewed in some aspects, the annexation of the territory of Yucatan; [cries of "No, no;"] and the question would arise upon that message, in what manner the Government should proceed in relation to any acquisition from the Republic of Mexico in any manner.

Mr. COBB made the point of order, that the gentleman from Massachusetts having very properly notified the House that it was his intention to enlarge his remarks to cover the whole ground in relation to territories already annexed, this discussion was irrelevant, and not in order, on the motion to refer the message just received. And he submitted to the Chair, and to the gentleman from Massachusetts, that if the House intended to take any order whatever on the message, it was certainly unwise to enter upon a general debate; for the discussion must necessarily be prolonged, and would eventuate in preventing any action. The message ought to be referred at once to the proper committee, which he thought was the Committee on Foreign Affairs; let the committee report, and then the House could go into a discussion of the merits of the question, which would then be in order. At present it seemed that the only legitimate discussion would be as to the propriety of referring and printing the document, and not the whole subject in relation to our territories. He made this point of order, and he trusted it would be acquiesced in by the gentleman from Massachusetts.

The SPEAKER stated, that being in the House, and not in Committee of the Whole on the state of the Union, the rules of the House must apply, and no remarks would be in order which did not apply to Yucatan, its condition, and the message of the President of the United States. In Committee of the Whole, a wider range of debate was allowed.

Mr. COBB called for the enforcement of the decision.

Mr. ROCKWELL said he made the motion to refer the message to the Committee on Territories on the ground that, as he contended, all the territories hereafter to be annexed, or which might be annexed, should be annexed as territories, and remain for the present in the form of territorial governments. The Committee on Territories would be the appropriate committee to consider first the message of the President, and then, if any action of this kind was to be had, it should be in the form of a *projet* of a territorial government.

The SPEAKER said, if the gentleman from Massachusetts would point out any purpose or intimation of a purpose in the message that Yucatan was to be annexed to the United States, then he would decide the course of remark which the gentleman had indicated to be in order.

Mr. ROCKWELL had understood, from hearing the message hastily read, that the President had laid before Congress the situation of the State of Yucatan—the situation of its white population, the extreme danger in which they were from the uprising of the Indians within that State; that he had called the attention of Congress to the celebrated declaration of Mr. Monroe in 1823, in relation to the dominion or interference of any European or other foreign Power upon any of the territory on this continent; that he had called the attention of Congress to this matter with a view to action; action looking to and securing protection for the people of the State of Yucatan; that, although he had not recommended, he had made various suggestions looking to the ultimate occupation of that country—the temporary occupation for the purpose of protection; and he (Mr. R.) apprehended that the questions legitimately arose—first, shall that occupation be made? second, with what view? and third, in what manner? He proposed to discuss these questions, and he thought, if anything was to be done with relation to acquiring the territory, it should be done in the form of a territorial government. Such was the condition of that people, such their intellectual and social state, that this was the only fit way in which any portion of the territory of Mexico could ripen into a State. The remarks he was about to make in reference to Yucatan were equally applicable to any other part of Mexico which we were about to annex or might hereafter annex.

The SPEAKER suggested whether, in discussing the message in reference to the French people, it would not have been equally competent to propose to refer it to the Committee on Territories, and to discuss the policy of a territorial government in reference to the French revolution? It seemed to him that it would have been equally competent for the gentleman to have made his motion and insisted upon his course of remarks upon that subject.

Mr. ROCKWELL replied, he did not understand that the French Government had called for aid, or that the President of the United States proposed the occupation of any part of the territory of France; but it was to territory upon this continent that the present message referred, and the President had taken a broad distinction between it and foreign territory.

Mr. PETTIT called for the enforcement of the decision of the Chair, and said the remarks of the gentleman were out of order.

The SPEAKER said he had no mode of bringing the question to a test except by allowing the gentleman from Massachusetts to proceed. The Chair had given his general opinion that the course of remarks the gentleman from Massachusetts was about to pursue would not be relevant, and if the rules were insisted upon he must be ruled out of order. The gentleman, however, had the right to proceed in his speech, and then he could be called to order, if he discussed topics which were not legitimately before the House.

Mr. HOUSTON, of Delaware, inquired if he understood the Speaker to rule the motion of the gentleman from Massachusetts to be out of order.

The SPEAKER replied that the motion was not out of order, and stated that the gentleman from Massachusetts would proceed.

Mr. BURT desired to move that the message be referred to a select committee.

Mr. ROCKWELL would be exceedingly happy that the gentleman from South Carolina should have an opportunity to make the motion. It could, however, be made hereafter.

The message which had been communicated by the President of the United States to this House related (he said) to one of the States of the Republic of Mexico; and, in the present condition of the relations between the United States and that Republic, it was impossible to separate in our consideration the various matters which related to the various portions of that Republic. It was true that a treaty of peace had been acted upon by this Government which had relation to a portion of the domain of Mexico. It was yet uncertain what might be the fate in that country of the treaty as modified in this; but it was not too much to assume that the result of all this transaction might very probably be, that a large portion of the Republic of Mexico might become part and parcel of the United States; and he held that now, at this time, it was of the utmost importance that this great question should be settled—this great, vital question, which should indicate the course of this Government towards territory which was to be acquired—whether any portion of that territory was to be annexed, as Texas was annexed and admitted as a State into this Union, under that clause of the Constitution which authorized the admission of new States; or whether the protection and dominion of the Government of the United States was first to be extended over it in the form in which it had been extended over the whole western portion of this continent. Now, it was well known that in this transaction relating to the annexation of Texas and of all this new territory, different opinions had prevailed and been advocated with respect to the powers of this Government under the Constitution. It had been supposed, before the question of the annexation of Texas was disposed of, that this Government had no constitutional power to annex new States by act of Congress, or to agree to their admission as States, until the territory had been acquired by treaty on the part of this Government. It was a new doctrine at the time this question was first discussed, that the power given to Congress by the third section of the fourth article of the Constitution, which authorized Congress to admit new States, *proprio vigore* carried with it the power to *acquire* territory from foreign Governments, out of which States were to be created. That position was taken at that time, and it had already been distinctly referred to by an honorable gentleman from Illinois as a precedent by which it was to be declared by this Government that the Congress of the United States had the power to acquire territory of a foreign State. It had been his (Mr. R.'s) fortune to contend against that doctrine at that time, and now it was his duty to contend against another doctrine, which had been sought to be ingrafted upon the same section of the Constitution, which denied to Congress the power to establish territorial governments at all. Here were two questions of vital, paramount importance. In the first place, it was said, that after you have exhausted the treaty-making power, by which heretofore acquisitions had been made, you may then, by bare majorities in both Houses of Congress, annex new States to this Union out of foreign territory.

Mr. COBB, of Georgia, rose now to a point of order. The gentleman from Massachusetts had said sufficient to indicate the course he meant to pursue, and to that course of remark he [Mr. COBB] objected. He desired the action of the House on this message without irrelevant debate, and he submitted that the course of remark which the gentleman from Massachusetts [Mr. ROCKWELL] had given an indication that he would pursue, was both irrelevant and out of order.

The SPEAKER briefly explained, and decided that any debate on the abstract right of this Government to establish governments over territory that it might acquire, was out of order.

Mr. STEPHENS desired permission to say a word or two. He had not risen to discuss the question now before the House, though he was ready to admit that it was a very grave question, but to suggest that this message should be sent to a select committee. If in order, he would move its reference to a select committee of nine members.

The SPEAKER said that such a motion was not yet in order, the gentleman from Massachusetts [Mr. ROCKWELL] being in possession of the floor, if it was the pleasure of the House that he should proceed. [Several voices: Let him proceed in order.]

Mr. ROCKWELL, of Massachusetts, had no objection to make the same motion as had been suggested by the gentleman from Georgia, [Mr. STEPHENS,] and he would add to it instructions to inquire and report whether all territory that shall hereafter become part of this Republic from the Republic of Mexico, should not be first organized by forming a territorial government. By that motion he believed the whole question was thrown open, and he should now proceed to its discussion.

Mr. COBB understood this motion had been made for the purpose of giving the gentleman from Massachusetts an opportunity to make a speech that was out of order. Now, he submitted that the message before the House had no reference to territorial governments, and no motion would be in order that proposed to make a debate legitimate which on the message itself was out of order. The gentleman from Massachusetts could not thus relieve himself from the effect of the decision of the Chair, by making a motion that was not applicable to the subject before the House, and which did not legitimately grow out of it. The subject of territorial governments did not necessarily grow out of this message, and hence the instructions which he had submitted were not in order. The propriety of the motion he did not question.

Mr. VINTON said it appeared by the message of the President that there was a letter addressed to the Secretary of State amongst the documents accompanying the message which related to the government or sovereignty of Yucatan. If that letter was not too long, he should be glad to have it read, and then they should understand the bearings of the subject.

The SPEAKER expressed his dissent with the views of the gentleman from Georgia [Mr. COBB] respecting the admissibility of motions that gave a different direction to subjects before the House. Circumstances might arise in which such motions would be admissible.

Mr. COBB said he had not alluded to the amendment, but to the instructions, which were of a different character than the message. And his point was, that the House could not refer a message to a committee with instructions to consider something else. He admitted that great latitude must necessarily be allowed in debate, but he could not agree that they could refer a message and therewith instruct the committee to consider something that was wholly irrelevant.

The SPEAKER intimated that until they had read the documents they were not competent to decide on the relation they bore to the subject of territorial governments. The gentleman from Ohio [Mr. VINTON] had called for the reading of a letter to the Secretary of State.

Mr. COBB was aware of the difficulties of the case, and if he could foresee that the debate would terminate with the speech of the gentleman from Massachusetts, [Mr. ROCKWELL,] he would not persist in his objections. But other gentlemen might desire to follow him, and a debate might spring up which would consume much time. It was not necessary that the gentleman should deliver to the House the argument which he had prepared at this time: many other opportunities would present themselves almost daily. He hoped, therefore, that the gentleman from Massachusetts, seeing the difficulty in which the Chair and the House were involved on this question, would consent to free them from it by postponing his argument to some other time. When the report should come in from the committee to whom the message might be referred, a more appropriate opportunity would be afforded than the present, at which time he (Mr. C.) would not object to an enlarged debate.

Mr. ROCKWELL yielded to the force of Mr. COBB's appeal, and surrendered the floor.

Mr. STEPHENS again urged the reference to a select committee. He had not risen to enter into the discussion, for this was not the proper time for discussion. He wished to see the documents accompanying this message before he was called upon to go into any debate. It seemed to him, as he heard the message read, that it was a grave question that it presented for the consideration of Congress, and he trusted, without any discussion now, these documents would be referred, and that at an early period a report would be submitted for the action of the House.

Mr. J. R. INGERSOLL thought this message should go to the Committee of the Whole on the state of the Union. He well understood the propriety of giving time for discussion and inquiry, and he hoped each member of the House would give to the subject all the examination his ability, and opportunity, and knowledge of the history, and condition, and geographical position of the country would enable him to give to it; and this could be done as well if the direction were given to it that he had suggested, as if it were referred to a standing or select committee, and probably with less delay.

Mr. ROOT desired to know how long the gentleman from Pennsylvania thought it would be before it would be likely to be reached in Committee of the Whole, if it got there.

Mr. J. R. INGERSOLL was not able to say, but it might be made the special order for Tuesday next. ["There is one for that day."] It was a subject which had been partially under consideration for the last few days, for they had seen that application had been made to this Government by a commissioner from Yucatan for aid. And he had seen with regret, and he believed every member would concur with him in regretting, that, from whatever cause he knew not, repeated applications had been made to this Government, in a manner to bespeak the sympathy of mankind, and particularly of this country, that had interested itself in the cause of neighboring nations, and that of these repeated applications to the Government of the United States no notice was taken until the commissioner of Yucatan appealed to the public in behalf of suffering humanity. He was not in the habit of complaining of any branch of this Government. If the Government did its duty, opposed to it politically as he was, he would stand by it, and he was always ready to give it his cordial coöperation, so far as was necessary to aid it in carrying on the affairs of this country. But he said again he had seen with regret a statement published in the newspapers within the last few days, under the name of Mr. Sierra, commissioner from Yucatan, that he had again and again appealed to the Secretary of State for aid for his countrymen, and again and again a deaf ear was turned to his application. He mentioned it now not to reproach anybody. The Secretary of State may have had his hands full and not been able to attend to the application. When an appeal came from Texas, at the time that General Woll issued his proclamation threatening extermination by internecine war, we listened to her invocation, and hastened to the assist-

ance of suffering humanity, though it might be we viewed the Texans as more nearly allied to ourselves. But here, too, was suffering humanity, which appealed to us for aid, in granting which we should involve ourselves in no international conflict, for it was aid against barbarians that was invoked—against savages that thirsted for the blood of the Yucatanese, and were pursuing the inhabitants of a neighboring nation with unrelenting hostility, to utter destruction. Should we then stand by as a nation, occupying so important a part on this great continent, and give no aid? With such a force as our squadron, not now required to operate against the enemy, would furnish, though the ships could not reach the shores—he would undertake to say, with the force that could be landed by the ships' boats of well-disciplined and trained sailors, although they could not proceed into the interior, we could send terror amongst the savage foe, and teach them that they could not with impunity encroach on civilized man.

Mr. HILLIARD interposed and said he desired to make to the gentleman from Pennsylvania a single suggestion. He thought the motion of the gentleman from Georgia [Mr. STEPHENS] a good one. In such a case there must be some plan devised which must be imbodied in a bill in a clear and precise shape, and he deemed it imprudent to go into Committee of the Whole without some measure to be submitted for consideration. The Committee on Foreign Affairs or a select committee could point out some precise mode of relief for the approval of the House, and he hoped the gentleman from Pennsylvania would concur in a reference to some smaller body than the Committee of the Whole.

Mr. J. R. INGERSOLL always appreciated the suggestions of his friend from Alabama, and he did so on this occasion. His object was to promote early action, and if the course suggested by the gentleman from Alabama would produce that result, he should interpose no objection. But he should desire the committee to report to the House at as early a day as possible. He had risen suddenly, on the instant the proposition was made, with several plans suggested to his mind. He first thought that the best reference would be to the Committee of the Whole, and that Tuesday or even Monday could be fixed for its consideration. If, however, a standing or a select committee would better answer the purpose and avoid unnecessary delay, he should readily acquiesce.

Mr. HOLMES, of South Carolina, could not consent that that message should go to any committee until one of its features was brought distinctly to the view of this House; and then, in that respect, the House could determine to what committee it should go. As a mere question of instant relief, he supposed no man questioned that that relief would be by sending a portion of the army or navy, which would be the question to be submitted for consideration and decision of the House. But the President had taken the opportunity of reiterating a doctrine which was said to be the doctrine of Mr. Monroe; and there never was a more inappropriate time for the assertion of that doctrine, even if it did apply. Because the Yucatanese told them that they were about to be exterminated, and, in obedience to the law of nations—*salus reipublicæ suprema lex*—which in all minds should be above all other considerations, to save their lives, appealed to other countries, did this country, in this enlightened age, when all Europe was responding to the sentiment that a people have the right to select for themselves their own guardians in a manner and form agreeable to their own institutions—should we say, while we are unable to rescue them from the difficulties by which they are surrounded, that we will interpose between them and any other country that should attempt to give them the necessary aid and protection? Should we, in advance, throw ourselves before other nations and bid them defiance, and say to them respectively, Stop; if you do afford protection, if you do throw the ægis of your protection over these people to whom we are not able to afford assistance, we will meet you in a conflict of arms? That doctrine of Mr. Monroe was applied, be it remembered, at the time the allied sovereigns were about to interfere with self-government. When the States of South America had disenthralled themselves, the allied sovereigns, fearing difficulties in Europe from the diffusion of free sentiments and the establishment of republics in South America, contemplated bringing back to colonial subjection the southern hemisphere. But we promptly met them; and the people, feeling the justice of the course—feeling a hearty sympathy with South America—were willing to support Mr. Monroe; but did that include the doctrine that Yucatan should not choose who should be her protector? Did it prohibit her from calling upon any nation for protection? He warned gentlemen—he warned this country—while we were assuming this bold attitude, not to be so lofty in their pretensions. There was yet one nation that had not lost the imperial diadem, and such pretensions might involve us in a calamitous war. He protested against that doctrine which the President in this message had promulgated, and he hoped it would not be sanctioned by this House.

Mr. COBB said there was one remark which had fallen from the gentleman from Pennsylvania [Mr. J. R. INGERSOLL] which he regretted to hear. He regretted that that gentleman should deem it proper, in anticipation of the publication of these documents, and before the information which they contained could go to the country, to cast censure on the Government here in reference to its course on this subject. He did not know how far these documents, when published, would justify those imputations, or relieve the Government from them; but it would have been better to have allowed them to be printed and to go to the country, and then they would all be able to form a correct judgment as to the propriety of the course which the President had pursued.

Mr. INGERSOLL explained. What he referred to was this: A paper appeared the other day in the different gazettes, signed by Mr. Sierra's own name, in which he said, that seven months ago, he made the first application to the Secretary of State, to which he had received no reply. Afterwards he made another application, the precise date of which he (Mr. I.) did not recollect, and to that he had received no answer, and that he was making a third communication. He (Mr. I.) expressed his regret that such a course should have been pursued. His friend from Georgia knew that he was not apt to make complaints where they were not deserved. But in this case he expressed his regret that so much time should have been allowed to elapse when suffering humanity was appealing for succor; and he now appealed to this House, in the name of that humanity, not to let that delay be participated in by this House, as it had unfortunately been participated in by the State Department.

Mr. COBB asked the gentleman from Pennsylvania if he was sure this commissioner had been recognized? ["No; he had not."] Clearly, he had not. He would not, however, go into a discussion of this subject at this time.

Mr. STEPHENS was not prepared to say what course the House should take with this matter. But if, after all, they should grant some sort of relief, he asked the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL,] with whom he generally concurred, if it was not necessary that the plan of relief should be digested before it was presented to this House. Could the House do anything until a digested plan was before it? He suggested to the gentleman from Pennsylvania if it was not both proper and necessary that some committee should consider the subject, and prepare a plan for the action of the House? This was a great question, and he would state frankly to the House, that until he became better acquainted with the facts, and knew more of the circumstances, he was not prepared to say that this country should set out on a crusade to establish freedom in other Governments, and to throw the ægis of its protection over all the nations of the earth. While he would sympathize (if the House would pardon the use of that now common expression) with the Yucatanese, he was not prepared to say that he was commissioned by his constituents to go in search of misery and oppression in other nations, and tender them the assistance of this Government. However, he should not prejudge this case, and say it was one to which they could not extend relief. He was one of those here last year who sent bread to suffering humanity in Ireland when it was starving; and he was still willing to give all the aid that could be furnished, but he must understand all the facts of the case before he could say he would do anything in cases in which his sympathies might be aroused. He might, when he had examined the facts, agree with the gentleman from Pennsylvania in sending assistance to the people of a bordering nation. But it might turn out that something else was necessary besides. It was a new question, and should be well considered. When it came up properly, he intended and expected to give his views upon it; but at present he would not longer detain the House. In the history of this country there had been no such question presented; and a question would arise whether this Government, under any circumstances, could render assistance similar to that asked for by Yucatan. An important constitutional principle was involved. Suppose it true that the Spanish white population of Yucatan, as they were called, should propose to this Government to sell out their country, if we would protect them; suppose this was so, (and he was not going to prejudge the case,) did it not involve a grave question? Was it not a new question? It was suggested to him by gentlemen who had attended to the reading of the message, that it amounts to that. He would repeat that it was a grave question, and he appealed to the good sense of the House if it did not become them to pause before they took such a step as that? He was not prepared to do it without some reflection. And was it not, then, proper that it should be referred to a select committee to examine and report upon the facts? and, if they found it was proper for the action of the House, they could submit some digested plan to give efficient aid, that would be suitable and valuable to that country.

Mr. COBB, resuming the floor, observed that he thought a reference of the message to a Committee of the Whole on the state of the Union would answer every purpose that could be accomplished by sending it to a select committee or to the Committee on Foreign Affairs; for, whatever measures it might be proper to take, could as well be considered and digested in a Committee of the Whole as anywhere else.

Mr. STEPHENS asked whether a Committee of the Whole on the state of the Union could report a bill?

Mr. COBB replied, most certainly it could. It had the same right to prepare and report bills as any other committee.

Mr. STEPHENS said, that in considering the subject in Committee of the Whole, any measure which the committee would report would be suggested in committee by some one individual, so that the measure would be suggested by an individual at last. Else why refer any matter at all? Why send a subject to a standing committee, if it could be as well considered in the House? And a Committee of the Whole on the state of the Union would be no better able to digest measures than the House itself.

Mr. COBB said such a committee would have an important advantage over the House for such a purpose, because it enjoyed a wider latitude of debate. And, though the subject of this message did involve a principle of very great importance, yet, as to the measure to be recommended, it was a simple matter and attended with no complexity. In ordinary matters of business, especially where accounts or other details were involved, a select or standing committee might be very necessary and desirable: but this was no matter of detail, and however important in its bearings, the thing to be done must be in its nature plain and simple.

Mr. ROBERT SMITH said he did not think that the conduct of the Secretary of State had been put in a fair light. He was enabled, from the most unquestionable authority, to state that action had been had in the matter as soon as the department could get any sufficient knowledge of the circumstances. He did not wish that the Administration should be censured before the world in relation to transactions in which the country felt as much interest as in the distresses of the people of Yucatan.

Mr. COBB expressed his anxiety that immediate action should be taken by the House, and remonstrated against any prolongation of the debate.

Mr. ROOT said here was another clear case of *sympathy;* and it seemed like to take the course of other sympathetic questions, in having the House go off into immediate action, even before one of the documents on which they were to act had been read. Here was the gentleman from Pennsylvania [Mr. J. R. INGERSOLL] lashing himself and the House into a perfect tempest of sympathy for the

people of Yucatan, and complaining because the Government had not acted on the first suggestion addressed to it. Now, Mr. R. was very much inclined to believe that we were sympathizing with the aristocracy of Yucatan, and were going to oppose the democracy: if he rightly understood the matter, it was a case of the few opposing the many; of the aborigines of the country rising up for their natural rights. This was the real state of things, so far as we had any information in regard to it. Now, if that was what was going on, he wanted to know what business we had to interfere? Let the people of Yucatan take care of themselves. We had all been accustomed to sympathize with the people of South America in their struggles to resist the Spaniards who invaded and trampled on them: we were in the habit of admitting that they had a right to keep their oppressors out, and to turn them out when they came in; and Mr. R. did not know that they had lost any of their original rights. Mr. R. would say to the gentleman from Pennsylvania, [Mr. INGERSOLL,] that if our Government acted in this matter at all, Yucatan, as a Mexican province, was gone, forever and for aye. Let us once take military possession of the country, and act as its defender, and annexation was inevitable. Why were not gentlemen as ready to sympathize with France? Why not take up the cause of the blouses?

Mr. J. R. INGERSOLL here wished to have the communication of Mr. Sierra read.

Mr. ROOT said he did not care what Mr. Sierra said: he should not yield the floor for any such purpose. Here were gentlemen opposed to the acquisition of territory of any kind, yet wishing that our army and our fleet should take military occupation of Yucatan. How could gentlemen be talking in this way? They might be very sincere; he did not doubt they were; but they were certainly not very logical.

The best motion that had been made, was that which came from the gentleman from Georgia, [Mr. STEPHENS,] yet he agreed that it would be better that motion should be postponed, till we knew better what would be the effect of it.

Mr. R. would endeavor to keep himself in order, in the remarks he meant to make. This was the third thing of the same kind that had been carried through that House on the wings of sympathy; and when all had been done, and the House came to wake up, and gentlemen began to rub their eyes, they found themselves in the midst of a war, and, he would add, of a national crime.

What! were we to go out and aid the weaker party in every war all over the world? Oh, no; they did not mean that; but Mr. Monroe had committed us by his declaration in 1823. Aye! And what authority had Mr. Monroe to do any such thing? None at all. But it was sometimes very convenient, when gentlemen had a point to carry, to resort to some of Mr. Monroe's old musty letters. We had no business to interfere with the internal concerns of other nations. He would like to know whether any gentleman meant seriously to take the position that it was our duty as a nation of republicans, to take part with the aristocrats of Yucatan against "the democracy?"

The Spaniards had invaded and conquered that country years ago, and had held on to their conquest until the democracy of the country, the wool hats and check shirts, had found out that they had rights, and were resolved to maintain them. They had, to be sure, disregarded to some extent the laws of *Christian* warfare; they had made rather free with their neighbor's property, and so did the blouses in France. They, too, had shown but little respect for the personal property of Louis Philippe; they had torn his old throne to pieces, and carried it about the streets—that thing so sacred in the eyes of every old aristocrat in the country; and yet we had expressed our sympathy with the blouses, and sent them our congratulations. And now we were called on to sympathize with the Spanish aristocracy in a Mexican province! Oh, but then the Indian race were so inferior: be it so; were we, for that reason, to have no respect for their rights as the aborigines of the soil? Who were the Spaniards that were so infinitely their superiors? Mr. R. imagined they were about equal to the Mexicans; and if there was anything under the face of heaven meaner than a Mexican "greaser," he should like to know it. He felt more like taking sides against such fellows than against the poor Indians. The Yucatanese might have begged us long enough for meat and flour, and we should not have sent them any, though we did feed the starving Irish; but when a little foreign faction that held all the rest of the population in bondage cried out to us that they were no longer able to protect themselves against what he supposed gentlemen would style "a lawless mob," but who were, after all, the "native Americans" in Yucatan, we were straightway to get up a most violent sympathy for them, and censure our own President and his Secretary of State for being so dilatory in not sending fleets and armies to help them. For what were we to send troops there? The true answer was, to get a large territory, and keep it as our own. These aristocrats were to surrender us the country if we would but attack the majority, who were cruelly oppressing them, the minority. This seemed to be the only reason why we should attack the native Yucatanese, unless, indeed, it was on account of their *color*.

It was just suggested to him by a gentleman from North Carolina, [Mr. CLINGMAN,] that no doubt Louis Philippe would have been very glad if we had sympathized on his side, and protected him against the blouses. No question of it. But who would have dared to propose that? If these Spaniards in Yucatan were not able to protect themselves against the natives whom they had so long governed and oppressed, why should we be called on to do it for them? Who was troubling them? Anybody from abroad? Not at all. It was their own affair—a contest within the country between a foreign faction and the natives of the country.

Mr. R. said he did not rejoice in bloodshed—he hated war. He admitted there might at times be a necessity for it; but the heart sickened at the thought of the carnage and misery that always followed; but we were not for that reason warranted in interfering between a petty faction and a majority of the inhabitants of another country. The Administration would never have had the remotest idea of going on a crusade of pure humanity to save the Yucatanese from being slaughtered had it not been for the hope of grabbing the country—of getting more territory. The gentleman from Pennsylvania, he knew, had been actuated by no such motive; he had been perfectly sincere in his idea of what humanity required at our hands. That gentleman did not see that, if we once sent an army into Yucatan on the pretext of defending the inhabitants, we should retain the country forever; this that gentleman could not see. But Mr. R. would ask every other gentleman in that House whether, if we should once take such a step, we should not hold on to Yucatan as ours forever? Why, as soon as we had driven back the Indians, we should want to be indemnified for the expenses of the war—to be indemnified for our sympathy, our great charity and regard to the claims of humanity; and they would indemnify us as Mexico was going to do, by yielding up their territory. It would be a dear intervention for the poor Indians.

That country contained two distinct races, at war with each other; and we were called to take part with one of them, and to destroy their enemies. Now, Mr. R. admitted that his sympathies were, first, in favor of the white race; but those who went on this ground must show him better samples of the white man than these Spaniards before they would get up his sympathies very high. Under these views of the case, and not desiring any hasty or premature action in a matter of so great importance, Mr. R. would move that the further consideration of the message and of this whole subject be postponed to Tuesday next, and in the meanwhile the message and documents could be printed.

Mr. JOHNSON, of Arkansas, demanded the previous question; he believed that that was in accordance with the sentiment of the House.

The CHAIR stated that if the previous question was seconded and carried, the main question would be, first, on referring the message and accompanying documents to a Committee of the Whole on the state of the Union, and secondly, on referring them to a select committee.

After some desultory suggestions and conversation—

Mr. BOTTS asked Mr. JOHNSON to consent to withdraw his motion for the previous question.

Mr. JOHNSON said he would do so, on condition that the gentleman from Virginia would renew it.

Mr. BOTTS promised to do so. He then went on to say that this was a grave subject, and he was in an unfit condition to discuss or decide upon it, having recently entered the House, and not even having heard the message read. There might be, and he believed there were, many more gentlemen in like circumstances. No one, he believed, had read the documents accompanying the message. The action of the House in this case might establish an important precedent, and that for a day perhaps not very remote. The House ought surely to have an opportunity to consider the facts and maturely to discuss the whole subject. There was a standing committee of the House to whom the consideration of this matter was specially appropriate, and Mr. B. had risen mainly with the purpose of moving the reference of the message and documents to the Committee on Foreign Affairs, and that they be printed.

He concluded, in compliance with his promise, by moving the previous question, but said he should himself vote against it.

The motion was seconded without a count, and the previous question put and carried; and, the main question being first on the reference to the Committee of the Whole on the state of the Union, it was decided in the negative. It was then put on referring to the Committee on Foreign Affairs, and carried: ayes 96.

The message and documents were thereupon referred to the Committee on Foreign Affairs, and ordered to be printed.

And then the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. ROCKWELL, of Massachusetts: The petition of thirty-three citizens of Leyden, Massachusetts, praying for a uniform rate of postage, not to exceed one cent on newspapers and two cents on each prepaid letter of half an ounce. Also, the petition of Emily Hubbard, of East Granville, Massachusetts, for a pension. Also, the petition of Luther Edwards, of Chesterfield, Massachusetts, for a settlement of national difficulties by a congress of nations.

By Mr. LEVIN: Memorial of citizens of Philadelphia city and county in favor of the civilization and preservation of the Indians. Also, two memorials of citizens of Philadelphia city and county, praying Congress to take action in relation to the exactions of the Camden and Amboy Railroad Company.

By Mr. J. R. INGERSOLL: Additional memorials from citizens of Philadelphia, asking for the survey of a route for a post road between New York and Philadelphia—the line to be retained under the perpetual control of the Union, and to be used for the construction of a railroad.

IN SENATE.

SATURDAY, *April* 29, 1848.

After the customary prayer—

On motion of Mr. HANNEGAN, the reading of the Journal was dispensed with.

A message was received from the President of the United States, relative to affairs in Yucatan. [See House proceedings for the message.]

There were sundry documents accompanying the message. The message having been read—

Mr. HANNEGAN moved that the message and documents be referred to the Committe on Foreign Relations, and that they be printed.

Mr. CALHOUN. Before that question is put, I rise to express my regret that the President should place this recommendation on any other ground than that of humanity. If I heard the message aright, he asserts the principle as deduced from Mr. Monroe's declaration, that when the people of any portion of this continent is placed in the condition in which Yucatan is, and either party should be compelled to apply to us for protection, we should interpose and protect them, to prevent the interference of England, or some other foreign power. A broad and dangerous principle, truly. It goes far beyond Mr. Monroe's declaration. It is difficult to say what limits can be fixed to it, or to what it would carry us, if reduced to practice. I take this early opportunity—for experience has brought me to strike at once on the introduction of an objectionable measure—to express my surprise and regret, that the President should seize such an occasion as this to recommend the occupation of Yucatan by our army, or a portion of it, if it could be spared from Mexico. It is startling. Who can tell to what it will lead, and where it will end? How strange to recommend it at such a time, on the ground, if we did not occupy it, some other Power might. In the present condition of Europe, there is no more probability that England, or any other

Power there, would seize on Yucatan, than that I, as an individual, would. Who can suppose, engrossed as she is, and all other Powers in that quarter of the globe are, with questions connected with their existence, that they could, for a moment, entertain an idea of the kind? England has enough to attend to at home. Who can tell what may be her condition? The supposition of the possibility of such a step on her part, seems to me strange and unaccountable. I did hope that the experience of the Mexican war—that precipitate and rash measure, which has cost the country so dearly in blood and treasure—would have taught the Administration moderation and caution, and induced them to shun any course of policy calculated to plunge the country in a similar cost and sacrifice. Who can form an estimate of the expenditure, the sacrifice of life, and the difficulties to which the adoption of the President's recommendation in this case would lead? The condition of Europe ought to admonish us against taking it.

What are the causes which have led to its present upheaving, and the reeling to and fro of all her Governments? What are those which are assigned for the overthrow of the French monarchy, and the danger that threatens the British with the same fate? Among the prominent is the heavy burden imposed on the people, which has crushed them to the earth, and which has been continually increasing. It is charged that the onerous burden imposed on the people of France by the mighty wars of Napoleon, instead of being diminished, were actually increased under the Government of its late monarch, and that those imposed on the people of England to resist his gigantic power, are as great as they were at the end of the mighty contest between the two Powers, allowance being made for the depreciation of the currency. Are we not fairly liable to the same charge? Has there been any alleviation of the burden imposed on our people by the payment of the debts of the Revolution, or the war of 1812? Are our expenses less than they were in the war of 1812, allowing for the depreciation of the currency during that conflict? Those who have not attended to the subject would be surprised, on comparing the expenses of the Government now with what it was during Mr. Monroe's administration. It terminated in 1825, twenty-three years ago. The average expenditure of that administration did not exceed $10,000,000 annually, deducting the payment of the principal and interest of the public debt. It is difficult to say what it is now; it will probably be not less than $30,000,000. It is true, our population has increased, but it has probably not more than doubled, while our expenses has increased three-fold. And yet, heedless of consequences, it is proposed to adopt a course of policy, before we have extricated ourselves from the burden and losses of the Mexican war, which may lead to expenses and sacrifices of which no one can form even a conjecture. I am willing, on the score of humanity, to go as far as we can with safety and propriety, in this case. How far that is, I am not prepared to say; but I cannot possibly support the course of policy recommended by the President, as I understand the message. I am not certain as to what he intends; but be it such as I suppose or not, I cannot but regret that he should mix up what ought to be an appeal purely to our humanity with the considerations he has. The case of Yucatan is indeed an awful one. In the midst of our sympathy, we may derive instructions from it. The people of Yucatan, after they threw off the Spanish yoke, acting on the idea that all men are qualified to enjoy the blessing of liberty, and ought of right to possess it, liberated the large mass of their population, consisting of aborigines in a state of ignorance and subjection, and raised them to a level with themselves, by making them citizens. The result is such as we this day witness. They were too ignorant to appreciate liberty, or exercise the rights it conferred; and instead of gratitude, they have turned round and murdered those who conferred it on them, and laid waste and devastated the country. Such are the fruits of a misguided, misjudging philanthropy, combined with erroneous political notions, which are so prevalent at the present time in more enlightened and civilized countries, but which, whenever reduced to practice, must lead to disastrous consequences.

Mr. HANNEGAN. I cannot but think that the honorable Senator from South Carolina has misconceived, to a very great extent, the reasons assigned by the President for making the recommendation which he has made. I am inclined to think the Senator must have mistaken the nature of the message; and I would now proceed to set him right upon the subject, but for a reason which I suppose is known to every Senator, on account of which I intend to move an adjournment. It is out of respect to a member of this body, who is at this moment in the agonies of death. I dislike that the discussion should be proceeded with at such a time, and I therefore move that the Senate do now adjourn.

Mr. FOOTE. I hope the honorable Senator will withdraw his motion for a moment, in order that I may make a suggestion in reference to what has been said by the Senator from South Carolina.

Mr. HANNEGAN. If the debate be allowed to proceed, it will occupy the whole day.

Mr. DAVIS, of Massachusetts. Will the gentleman allow the question to be taken on a motion to print before he moves an adjournment?

Mr. HANNEGAN. Certainly.

Mr. FOOTE. I rise for the purpose of urging on the honorable Senator from Indiana, whose official station as chairman of the Committee on Foreign Affairs, seems to indicate the peculiar propriety of a suitable response to what has fallen from the honorable Senator from South Carolina, being offered by him. The unhappy condition of one of our most worthy associates in this body, so pathetically alluded to by the Senator from Indiana, might well prevent a long debate at the present moment. But, yielding to none in sympathy for my suffering friend and his distressed family, I feel bound to insist, that at least a few remarks should be made by some Senator in defence of the Executive message so pointedly and, as I think, unjustly assailed, by the Senator from South Carolina. The speech of the Senator from South Carolina going out without any reply, is well calculated to engender prejudice and diffuse error, as I am sure, in relation to a great question, involving most deeply the honor and welfare of the Republic, and which, in several of its bearings, is one of peculiar delicacy to the present condition of our country and the civilized world. I hope the honorable Senator from Indiana will consent to say something at once in defence of the message. If he will not, as he seems unwilling to do, I feel bound to say, before I yield the floor, what I am convinced will be justified by the reading of the document in question, when it shall have been examined, that it has been most surprisingly misunderstood by the Senator from South Carolina, who, "taking the question at the first pop," as he styles it, has entirely failed to interpret the language of the message with even an approximation to his usual accuracy in such matters. I have read the message at the Clerk's table, and feel authorized to insist, that had the distinguished Senator from South Carolina done himself and the country the justice to examine it before he indulged in the harsh strictures to which we have listened, he never would have uttered two-thirds of what we have heard from him on the present occasion. I solemnly invoke a complete suspension of the public judgment in regard to the message until it shall have been printed and dispassionately examined.

Mr. HANNEGAN. I feel as much anxiety to reply to what has fallen from the Senator from South Carolina as the Senator from Mississippi can do; but from the fact I have stated, I feel a disinclination to do so at present.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 1, 1848.

The Journal of Saturday was read and approved.

The SPEAKER stated, that when the House adjourned on Saturday last, the question pending was on the motion of Mr. McKAY to suspend the rules, to enable him to offer a resolution fixing the hour of meeting of the House at 10 o'clock, a. m., and of the adjournment thereof at 3 o'clock, daily.

After suggestions from various members—

Mr. McKAY so modified his motion as merely to fix the hour of meeting of the House at 11 o'clock, a. m.; which was agreed to: and the House will accordingly meet hereafter at 11 o'clock, a. m.

Mr. VINTON moved to suspend the rules, to enable him to offer the resolution he has heretofore sought to offer, making the various appropriation bills and the bill to regulate the appointment of clerks in the Executive departments the special order of the day for Wednesday next, at one hour after the meeting of the House, and for every subsequent day at the same hour, Fridays and Saturdays excepted, until they are finally disposed of.

Mr. FICKLIN hoped his friend from Ohio would consent this time to include the Oregon bill.

Mr. VINTON asked the yeas and nays; which were ordered.

Mr. FICKLIN wished to move an amendment, to include the Oregon bill.

The SPEAKER stated that no amendment was now in order, as the question was put upon the suspension of the rules.

Mr. HOUSTON, of Alabama, wished to inquire if the gentleman from Ohio had made the effort in committee to take up these bills?

The SPEAKER stated that no debate was in order.

Mr. VINTON replied, if it was in order, he would cheerfully answer the inquiry; and, no objection being made, he said that the first-named bill had been taken up in committee nearly a month ago, and they had not been able to reach it since, on account of the special orders which had put it aside.

Mr. HOLMES, of South Carolina, inquired if it would be in order to move an amendment to take up all the private bills on the Speaker's table?

The SPEAKER replied that the resolution was not open to amendment, not having yet been received.

Mr. HOLMES added, that it did this House no credit to stop the whole legislation of the country. He spoke of both political parties.

Mr. HALL, of Missouri, asked if there was not already a special order for the day named—being the bill relative to granting bounty-land warrants?

Mr. VINTON supposed, in case there was already a special order, this would take its place subsequent to that, and the bills would be acted upon in the order named in the resolution.

The motion to suspend the rules was decided by yeas and nays: Yeas 127, nays 25.

Two-thirds having voted in the affirmative, the rules were suspended, and the resolution received.

Mr. VINTON moved the previous question.

Mr. FICKLIN hoped the call for the previous question would not be persisted in.

Mr. VINTON said he felt called upon to persist in the motion.

Mr. McKAY suggested a modification of the resolution so as to place the bill in relation to the appointment of clerks before the naval service bill.

Mr. VINTON had no objection so to modify the resolution; and it was modified accordingly.

The House then seconded the demand for the previous question; and the main question being put, the resolution was agreed to.

OBITUARY.

A message was received from the Senate announcing the decease of the Hon. CHESTER ASHLEY and the proceedings of the Senate thereon. The resolutions of the Senate having been read—

Mr. JOHNSON, of Arkansas, rose and addressed the House as follows:

Mr. SPEAKER: The message just received from the Senate announces to this House the melancholy intelligence that death has again visited the halls of our National Council. The Hon. CHESTER ASHLEY, late a Senator of the State of Arkansas, is no more.

He is the second Senator, in the brief existence of Arkansas as a State of this Union, who has died, in the maturity of years which promised wisdom and usefulness, in the full vigor of a sound constitution, and the enjoyment of a general good health that promised long life.

He died, sir, on Saturday last, the 29th of April, at two o'clock in the afternoon, after a short but painfully afflicting illness. Conscious of his approaching dissolution, he made the fullest preparation Granted to him, as it was, to enjoy the ful possession of his intellect to the latest moment, but with a heart full of solicitude for his bereaved family, he died reconciled with God and the world, calm and resigned. He died in the midst of friends that were attached to him, and his family that worshipped him. Blessed with the kind offices of a Christian ministry, he was calmed in the hour of his last sleep with the elevated thoughts, the pure and soothing consolations of the Christian religion.

He died, sir, whilst yet at the summit of a just ambition, whilst yet in the enjoyment of the proudest honors to which an American and a patriot could aspire. Happy, sir, are these circumstances; few can be favored with a death like this.

He was born in Westfield, Massachusetts, and, when less than a year old, was taken with his father and family, who removed to Hudson, New York. He was educated to the legal profession, and, at the age of twenty-seven, emigrated to Illinois.

He afterwards married in Missouri, and in 1819, removed to and settled in the then Territory of Arkansas. Urged by a spirit of enterprise, sustained alone by a firm and active intellect, he fixed his habitation in a region whose boundaries were unexplored, whose lands were an unbroken wilderness, whose limits were filled with strange and savage tribes, and of which legend and tradition could tell but little. There, sir, without wealth, acquaintance, or resources, at opening manhood, near thirty years ago, he cast his lot. He closed his life, sir, a Senator of this great American Union.

Poor at the outset of his life in Arkansas, upon his profession alone he depended for the support of himself and family. Of a mind active and powerful, he acquired distinction early as a sound lawyer and an able advocate. Devoted to his profession, studious and energetic, for many years previous to his abandonment of his practice, he ranked unrivalled as the first and ablest member of the bar. The history of a professional life, its privations, trials, and dangers in a frontier country, however interesting in a thousand incidents, however eminent for success, is scarcely an object of general interest. Sufficient is it to say, a quarter of a century of uninterrupted devotion, the attainment through it of pecuniary independence, and the ultimate accumulation of wealth, marked his professional career.

He was energetic by nature, sound in judgment, deliberate in action, and distinguished for accomplished manners and unyielding purpose. His habits were frugal, temperate, and marked by no excess.

He was elected to the United States Senate in the fall of 1844, to fill the vacancy of the lamented Fulton, who died under like sudden, painful, and afflicting circumstances.

Upon his entrance into the Halls of the Senate, he was placed at once in a position conspicuous for its importance, and which required of its occupant a high order of talent and great experience. That position he continued to occupy. The acceptable manner in which he discharged the duties of that position, as chairman of the Committee on the Judiciary, is too well known to this House and the country to require any comment.

He was reelected for the full term, in 1846, after a most excited and protracted contest. For his success in that instance, he was not less indebted to his own strong will, his habits of labor, his energy, and admitted ability, than to the ardent devotion of his friends; and there is not one who then opposed him, whose heart does not reject, at the knowledge of this grief, the transient acrimony of that hour.

A human being, his were the virtues, the passions, and incident difficulties of humanity. To the deep grief of his many friends, and to the utter desolation of his family, he is lost. The scene of his happiness and his brightest virtues was the domestic circle; the temple in which he worshipped was made up of their unchanging affection, their trusting and confiding love. Truly has this circle been riven to the centre, and this temple cast down. The light which guided and cheered has gone out for them, and who is there that does not sympathize with griefs heartrending, with griefs so deep, and so well-founded. No language of mine could adequately portray them; but none there are that would not alleviate them, none so poor of heart as do not sympathize.

In the annunciation of this event, so afflicting to so many, I have discharged a painful duty which I owe to this House, to my State, and to the memory of an eminent representative of her rights, her interests, and her dignity. I could never have anticipated it, and I pray God that a like task, so intimately connected with the sorrows of others, may never again become my lot.

Mr. J. concluded by moving the following resolutions:

Resolved, That this House has heard, with deep sensibility, the announcement of the death of the Hon. CHESTER ASHLEY, a Senator in Congress from the State of Arkansas.

Resolved, That, as a testimony of respect for the memory of the deceased, the members and officers of this House will wear the usual badge of mourning for thirty days.

Resolved, That the proceedings of this House in relation to the death of the Hon. CHESTER ASHLEY, be communicated to the family of the deceased by the Clerk.

Resolved, That this House will attend the funeral of the deceased in a body; and, as a further mark of respect for his memory, that it do now adjourn until twelve o'clock to-morrow.

The question was stated on agreeing to the resolutions; when—

Mr. WHITE, of New York, rose and addressed the House as follows:

Mr. SPEAKER: May I be permitted in a few words to express upon this occasion my sorrow and grief at the sudden departure forever of our esteemed and worthy friend. Three winters have we lodged at the same house and fed at the same table; three winters and more have we been in daily social and familiar intercourse, and never, upon any occasion, or at any time, have I observed for a single moment an impertinent or angry remark—a discourteous, unkind, or ungentlemanly action.

Of his early life I know but little; but it must have been a life of industry, sobriety, prudence, and economy, to have placed him where he was when stricken down by the arrow of death. The artificer of his own fame and fortune, which were all that the moderated ambition of man could desire, though they could not avert the relentless assaults of the destroyer, yet offer a bright and glowing picture to the young men of our country to imitate his virtues if they would obtain the honors.

What a solemn warning to us all! On Saturday, one week before his death, Mr. ASHLEY, with his family and a party of friends, visited that hallowed and beautiful spot where repose the earthly remains of the immortal Washington. No member of this House has better assurances of seeing many days and years return than did this Senator upon that occasion: in the enjoyment of perfect health, buoyant and elastic spirits, most cheerful and even gay, having for the time laid aside his *toga virilis senatoris*, and entering with the light joyousness of youth into the social scenes and circles of the day, added much to the pleasure and happiness of the party by the radiation of joys from his own heart. But where is he now? In the cold embrace of that stern monarch who has so often visited these halls, that well may we cry for mercy and implore the protection of Almighty God to save us from the grasp of this destroying angel. With these often-repeated and solemn warnings, who among us can claim one day or one hour as his own? Shall these calls pass unheard and unheeded? Shall we still pursue the shadow? or, rather, shall we, like sane and sober men, accountable to God and our country, apply ourselves with diligence and zeal to the duties before us as legislators, as men, and as Christians?

The resolutions were then unanimously adopted, and the House adjourned until twelve o'clock to-morrow.

IN SENATE.

MONDAY, *May* 1, 1848.

As soon as the Journal was read,

Mr. BORLAND, of Arkansas, announced the death of his colleague, the Hon. CHESTER ASHLEY, as follows:

Mr. PRESIDENT: My official introduction into this Chamber has been marked with calamity, and overcast with gloom. The first of its public duties that has devolved upon me is of deep solemnity, and its performance is undertaken with feelings of oppressive sadness.

Just one week ago, a venerable form—in the fullness of life, and the seeming vigor of perfect health—rose in his place, and, in a voice well known and respected here, announced my position in this assembly. That form will not rise again in this presence; for it now lies lifeless and cold as a clod of the valley. That voice will be heard no more within these walls; for it is hushed in death. In return for the kind courtesy of presenting me, as his colleague, to this company of honorable Senators, I pay but the poor and painful tribute of making known his final separation. The last act of his public life was my introduction; the first of mine must be his obituary.

CHESTER ASHLEY, a Senator from the State of Arkansas, is no more. He breathed his last, at his lodgings in this city, on Saturday last, the 29th of April, at fifteen minutes before two o'clock, in the afternoon. On Sunday of last week, he felicitated himself upon the perfection of his health. Soon after breakfast, the next morning, he complained of slight indisposition; but so slight as hardly to command a second thought. At the usual hour he proceeded to his place in this Chamber. When the Journal had been read, he did me the favor to present my credentials, as his colleague. A few minutes after, his indisposition increased; he had the sensation of chilliness, and, leaving the Capitol, returned to his lodgings. That evening I found him deeply jaundiced, and in the delirium of fever. This latter symptom had usually marked even his slightest indisposition—as is very common with individuals of large brain and sanguine temperament. His family, however, thought him not seriously ill—certainly not in danger. But on Thursday morning he had grown evidently worse, and a distinguished physician of the city was called to see him. His condition was found to be such, even then, as to afford little hope of his recovery. Another eminent practitioner was consulted, and the same opinion given.

On Friday morning I was invited to make a third party in the professional consultation. But there was no ground for hope. An intense and extensive inflammation had seized upon the bowels, and, in my opinion, upon the liver also; and was of that type, occasionally encountered, which, setting at naught the highest science and the best directed efforts of human skill, run, almost from the very outset, steadily and rapidly into a fatal termination. I had seen similar cases before; and I am particularly reminded by it of that of the late Senator Fulton, who was, alike in station, in disease, and in death, the predecessor of him whose loss we now deplore.

Colonel ASHLEY was a native of New England. He was born at Westfield, in Massachusetts, on the 1st day of June, 1790; and, consequently, at the time of his death, was in the 58th year of his age. When an infant only three months, he was carried by his parents, who removed to the town of Hudson, in New York. He grew up, engaged in the practice of the law, and resided there about twenty-seven years; then migrated to Illinois, where he remained about two years; and subsequently visiting the territory, of what is now the State of Arkansas, in 1819, determined to make his residence at Little Rock, then a mere landing on the southern bank, some three hundred miles above the mouth of the Arkansas river. Soon afterwards he married in Missouri, and removed, with his young family, to his home in the wilderness.

At that period, a settlement in what was truly "the far West," was no trivial undertaking. It required a high degree of enterprise to encounter the privations, hardships, and perils of frontier life—now so much talked about, but then actually endured. An uncommon share of mental forecast would alone suffice to ascertain a point in so wide a range, which must become the centre of important operations, from which settlement and civilization must radiate, and then throw back an accumulated interest. A firmness, fixedness, singleness of purpose, true to its object as the needle to the pole, was alone capable of abiding the full development of the little cloud of improvement, then no bigger than a man's hand, which was, within a quarter of a century, to cover with its golden drapery the whole horizon. Yet many a New England boy—many a strippling, from anywhere this side the mountains, impelled by the irrepressible spirit of progress, guided by a judgment so clear in its perceptions, and so rapid in its combinations, as to seem intuitive, and sustained by a will as potent as the lever of Archimedes, has exhibited all the high qualities I have mentioned; and that, too, in the construction of imperishable monuments—not monuments like the towering pyramids of Egypt, barren of utility as the wastes of sand they overlook—nor like the huge walls of the Roman coliseum, within which human beings were wont to be degraded to the cruel level of wild beasts; but of monuments of a purer order, of a loftier structure, of more comprehensive proportions—dedicated to the higher sentiments of the human heart, and adapted to the true wants of human society—monuments made up of the wilderness reclaimed and converted into cultivated fields; of the towns, with their brist-

ling spires, which crowd our thoroughfares; of the teeming commerce of our "inland seas;" and, above all, of the millions of freemen who sleep securely under their own roof-trees, and stand in conscious sovereignty upon the fertile soil of their own broad acres. In a word—the noble aggregate of these monuments is before the world, in the peerless prosperity of "the great West." I have selected the New England boy, the cis-montane strippling, as the type of a class. And of that class it would be difficult to find a more characteristic representative than the individual of whom I am here to speak, whether we regard the vigor, the perseverance, or the success of his exertions.

At the age of twenty-nine years, without patrimony, without resources of any kind, except those he possessed in his acute and comprehensive intellect, his high purpose, and indomitable will, but recently married to a woman of congenial spirit, he landed at Little Rock, and entered upon the practice of the law, which was necessarily restricted then, and for several years afterwards, almost exclusively to cases before the territorial courts, involving the titles to land, and personal violence among a border population. In attending to these cases, of which, on account of his high intelligence and untiring industry, he soon obtained a large proportion, he was frequently required to traverse, as his circuit, the whole country which now forms the State of Arkansas, and portions of that included in Missouri. Even for one who participated in them, it would be difficult to depict the scenes incident to professional life, in times and under circumstances when the law was administered almost without books, the courts often held in the open air, the leathern thong serving the place of prison walls, and the ready rifle that of the jailer's key. Then the land had no roads, the streams no bridges, the country, for many miles between certain points of settlement, was unmarked by human habitations. Through all this, the course of the young lawyer was onward and upward—undismayed, unchecked by difficulties, which seemed, indeed, but to excite to still greater activity the strong energies of his nature. Storing his mind from books whenever the means were within his reach, he was ever improving his powers by those exercises among men, and in the practical affairs of life, which qualify the man of business to be useful to his fellows, while giving due attention to his own interests. But it is not necessary that I should follow up in detail the steps of him I would represent. It is of results, and not the particular means of their accomplishment, I have to speak. And if the results attained by my deceased colleague may be the measure of his worth, then, in the success of his exertions, he has established a reputation for wisdom and sagacity which might satisfy the ambition of any man. Devoting himself assiduously to the business of his profession, he suffered not the contagious example of political aspiring to lure him from the high and holy purpose of making provision for the wants and comforts of the interesting family he was gathering around him. Until the frosts of more than fifty winters had bleached his locks, we find him in the walks of private life, with unflagging industry and unabating vigor raising upon the foundations he had already laid the superstructure of affluence for his children. He was at length successful; and, as if Providence—ever propitious to those who are laborious in useful pursuits—had been watching his career, so soon as he had completed the provision for his own household, a station of high public trust—the station he held in this Chamber—was presented to his acceptance.

Although he had long enjoyed a high character for ability, and ever felt a deep interest in the public welfare, it was not until the month of April, 1844, that Colonel ASHLEY entered actively into the political movements of the country. At that time, a warm party contest was commencing, and his talents were called into the service upon the Democratic electoral ticket of Arkansas. Well and nobly did he justify the confidence and fulfill the expectations which had induced his selection. With an activity rarely witnessed in one of his years, he traversed the whole State, through the heats and rains of summer; with zeal and power he advocated the principles, and urged upon the people the measures of his political faith; and while all confessed his fidelity and efficiency in the cause he espoused, even those who most suffered from the blows he dealt so fast and forcibly, were the last to be offended at the manner of their infliction. He accomplished one achievement in that canvass, which stands unparalleled, I apprehend, in the annals of political controversy. He actually converted from the "error of his ways" one of the electors on the opposing party ticket—caused him to withdraw from the contest, and enjoyed the satisfaction of knowing that, in the autumn election, he voted for the Democratic electors. From this, some idea may be formed of the character of his services. *Ex pede Herculem!* In the month of August of that year, the excellent, the estimable Fulton died. Almost all eyes were at once turned to the accomplished elector as his successor. So, when the General Assembly of the State convened in November, the popular expectation was realized, and Colonel ASHLEY was elected to a seat in this body to fill the unexpired term, without any regular opposition, and by an almost unanimous vote. In 1846 he was reëlected to the same high station for six years from the 4th day of last March. From these demonstrations, an estimate may be formed of the place he occupied in the hearts of his people—of the standing he had at home, in the Territory of which he had been among the earliest pioneers—in the State he had helped to found, and with whose growth he had grown, and with whose strength he had strengthened. Of his standing and his reputation here, I am not competent to speak from personal observation. To those whom I address, he was better known. But if I may judge from the distinguished position you assigned him, even as a new member, in the business of this body, it is certain that he fully sustained the reputation for ability with which he came here. And from those indications which never deceive, for they are of the heart, so abundantly furnished by the anxious throng of his brother Senators about his death-bed—by the quivering lips and tearful eyes of hosts of friends—by the touching solemnity of this Chamber—I gather testimonials to his heart's goodness; laurels for the crown of his private worth, of far more real value than those which may be commanded by the brightest coruscations of mere intellect—far more enduring than "the bubble reputation" snatched from the cannon's mouth.

If to be great a man must perform with ability his public trusts, so to be good he must sustain worthily his private relations. In my opinion, no man can be wholly unhappy who is surrounded with an amiable family, nor can he be otherwise than good if he devote himself with fidelity to the happiness of that family. I am aware, sir, that I am approaching a sacred subject—fitter for discussion in narrower and less public walls than these. But I merely allude to it in illustration of the finest feature in the human character—I mean domestic affection—a feature strikingly predominant in the otherwise strongly-marked character of my deceased colleague. Many who now hear me have noticed and admired, as all must respect, this endearing characteristic. It distinguished him at home, wherever he was known. But if he loved his family, he was loved by them in return. If his investment of the heart's best treasures in this noblest of institutions, sanctioned of Heaven and known among men, was munificent, he was not without reward—well and punctually was he repaid with usury. Even had business disappointed or ambition failed him, he had this rich resource, which no power on earth could destroy. The tide of domestic affection and happiness at home, like the fabled Pactolus, rolled its golden sands, in attractive beauty and unfailing abundance, along his pathway of life.

But, sir, if the strong cords of pious sympathy, which bind the members of a family together, confer the truest happiness upon those within the charmed circle, the severance, and, above all, the sudden and unexpected severance of those cords, is productive of the hardest agony the heart can know. That this is so, I have but to refer to that scene which I have but recently left. But who shall describe that? Surely I shall not attempt it. Sir, though I am comparatively but a young man, my pursuits in life and my own sad experience have made me familiar with scenes of suffering, too often with death. As a duty, I have trained myself to look upon the sufferings, even the dissolution of my own sex, not with coldness of heart, I trust, but with some degree of composure. But the sight of a woman's sorrows—and of such sorrows as I have had to witness within the last few days—has, I confess, unmanned me—has made me a very child in feeling; and in its manifestations I have seen the strong man, full of life and hope, suddenly cut down—not afraid to die, but unwilling to leave those he loved so tenderly. His agony was touching. I bowed my heart in humility before that Power who has created, and who may destroy all things, while I confessed the emptiness of earth and the fleeting vanity of all human pursuits. But, sir, it was the heart-breaking of that noble and devoted wife, who, for more than a quarter of a century, had spread the balm of her affection about his heart, and smiled away his cares, while she leaned upon him for that support and protection which was never withheld—it was the utter prostration of that lovely daughter, who, like an angel of grace, hung about his pillow, endeavoring to repay his early and never-failing care, with those offices of affection which the heart of woman alone knows when to offer, as her hand alone can apply;—it was these things, sir, which overcame me—under these my heart has sunk. From the scene of these occurrences I have come here to speak of their subject. No wonder, then, I am unable to do him justice; no wonder that language fails to do the bidding of my own full heart, and falls far short of your desires.

But, sir, gloomy as the picture we contemplate undoubtedly is, it is not entirely without relief. Deep as its shades confessedly are, the light is not wholly excluded. Our friend has died, and his loss has brought agony to the hearts of survivors; but, as he lived not without usefulness, so he has died not without hope. He gave abundant and heart-cheering evidence, in that hour when deception is never practised, and self-delusion rarely indulged—on his death-bed, and when he knew he must die—in that solemn and soul-trying hour, he gave abundant and heart-cheering evidence that he was a *patriot* and a *Christian*. It has been my fortune to stand by many beds of death, in the retirement of domestic privacy, surrounded by all the endearing associations of home and friends. I have seen brave men die upon the field of battle, when nerved by all the appliances of enthusiasm—the clash of arms and the shouts of victory. But I can say with perfect truth, that never have I seen any man meet death (although unwillingly) with more calm courage or pious resignation. Among his last words, addressed to his family, with great self-possession, and in tones of emphatic sincerity, were these—and they are worthy of remembrance: "Pray for the welfare of our country, and prepare to meet me in Heaven."

Mr. President, my relations toward all of the three Senators from Arkansas have been peculiar. Though not yet five years a resident of that State, it has been my fortune to succeed one of them upon this floor—to have attended, as a friend and medical adviser, in the dying hours of the other two; and, in reference to the last, to pronounce his eulogy. Sad have been these latter relations; and strange are the mutations which they mark upon the calendar of human affairs! May Heaven grant me strength to sustain the responsible duties to which I have succeeded.

Mr. BORLAND concluded by offering the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. CHESTER ASHLEY, a Senator from the State of Arkansas.

Resolved, That, as a testimony of respect for the memory of the deceased, the members and officers of the Senate will wear the usual badge of mourning for thirty days.

Resolved, That the proceedings of the Senate in relation to the death of the Hon. CHESTER ASHLEY be communicated to the family of the deceased by the Secretary.

Resolved, That the Senate will attend the funeral of the deceased in a body; and, as a further mark of respect for his memory, that it do now adjourn.

Mr. BREESE then addressed the Senate to the following effect:

Mr. PRESIDENT: In rising to second the motion of the honorable Senator who has just made the solemn announcement of the death of one of our honored associates—an event alike startling and sudden—I may be permitted, I hope, without intrusion, to add a few words to the beautiful eulogium he has so feelingly pronounced. I fear, in so doing, I shall disturb the harmony of its language, whilst it is yet vibrating on the ear, and interrupt that generous flow of feeling it has so universally inspired. Yet, sir, there are circumstances in the life of the deceased, and of him who now addresses you, to which it may not be improper, on this

mournful occasion, to advert, and which prompt me to offer a slight tribute to his memory. It is, sir, thirty years since we met for the first time in the then far-off wilderness of the West, he my senior by many years, then a practising lawyer, I a student, preparing for that honorable profession, both buoyant with hope, with a bright and promising world before us, and both entering it with an ardor and a determination to win a name. Professional business in the winter of 1819-'20, called the deceased temporarily, as he thought, to Arkansas, from which he did not return. Common report, which reached the friends he had left in Illinois, told them of the high standing he had acquired at the bar of that State; and that he had, by a proper exercise of his talents, amassed a large fortune. I never saw him again until I met him here as an associate in this Chamber, at the second session of the twenty-eighth Congress. Our acquaintance was at once renewed, and we had much to speak of the varied yet similar fortunes a quarter of a century had achieved for us. In the next Congress we were appointed on two of the most important committees of this body; we lived together at the same house, and an intimacy was established, mutually cordial and sincere. Knowing him as I did, Mr. President, I may be permitted to say, that to every task to which he was called, he brought to its accomplishment untiring industry, great research, and an unflagging zeal seldom surpassed. His talents were of no common order, and he was never found unprepared upon any subject submitted to his charge; and, with six years' service still before him, who knows to what high honors he might have attained? The character of his mind was investigating; and, aided by a pleasing manner, always courteous, and often energetic, he was enabled to make his views well understood by the Senate, and to produce a marked effect upon its deliberations. As a public man, sir, he was valuable, and gave certain promise of great usefulness and distinction.

In his disposition, the deceased was eminently social. His suavity of manner, his unruffled temper, his freedom from irritation by all those little annoyances that disturb the pathway of our lives, was a subject of common remark to those who were intimately associated with him. But it was in the family circle he shone most conspicuous, as a husband, as a father, as one connected with those delicate relations of life in which humanity is exhibited in its most captivating form. In all of these, sir, he was a model and an example, lavishing all the tenderness of his nature upon those dear objects of his love, who returned it with the most sincere and devoted affection, and to whom it was permitted to receive his last sigh at that dread moment which must come upon us all. How terrible is this blow to them, who, but a few days ago, were all joy and gladness, now sobbing in anguish over his inanimate remains, conscious—painfully conscious—they are never more to feel the pulsations of that heart which beat alone in love for them; and as they take their lonely way back to their home, how agonizing will be the thought that they have parted forever with the idol of their hearts—their protector, their father, their dearest friend—and that his place at their once happy board is to be vacant forever!

How quick, Mr. President, is the passage from the Senate to the grave! How fleeting and transitory the hopes and promises of this life! And how full of warning should be this sad event, so sudden and so startling, prompting us to recur often to the injunction, "Be ye also ready," for no one of us can tell at what moment that awful summons may break upon our ear; no one can tell when the dread messenger may appear.

"Leaves have their time to fall,
And flowers to wither at the north wind's breath,
And stars to set; but all,
Thou hast all seasons for thine own, O Death!"

The resolutions having been unanimously adopted—

The Senate adjourned.

IN SENATE.

TUESDAY, *May* 2, 1848.

The funeral of the Hon. CHESTER ASHLEY, of Missouri, took place to-day, from the Senate; an appropriate discourse on the occasion having been delivered by the Rev. Mr. SLICER, Chaplain to the Senate.

At twelve, o'clock, m., the funeral moved from the Senate Chamber to the place of interment, (the Congressional Burying Ground,) in the following order:

The Chaplains of both Houses of Congress.
Physicians who attended the deceased.

Committee of Arrangements:

Mr. Hannegan, of Ia.,	Mr. Butler, of S. C.,
Mr. Greene, of R. I.,	Mr. Dayton, of N. J.,
Mr. Houston, of Texas.,	Mr. Mangum, of N. Y.

Pall-Bearers:

Mr. Bagby, of Ala.,	CORPSE.	Mr. Breese, of Ill.,
Mr. Davis, of Mass.,		Mr. Hale, of N. H.,
Mr. Johnson, of Md.,		Mr. Atchison, of Mo.

The family and friends of the deceased.
The Senator and Representatives from the State of Arkansas as mourners.
The Sergeant-at-Arms of the Senate of the United States.
The Senate of the United States, preceded by the Vice President of the United States and their Secretary.
The Sergeant-at-Arms of the House of Representatives.
The House of Representatives of the United States, preceded by their Speaker and Clerk.
The President of the United States.
The Heads of Departments.
The Chief Justice and Associate Justices of the Supreme Court of the United States and its officers.
The Diplomatic Corps.
Judges of the United States.
Officers of the Executive Departments.
Officers of the Army and Navy at the seat of Government.
The Mayor of Washington.
Citizens and Strangers.

No business, of course, was transacted in either House of Congress.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 3, 1848.

Mr. McCLELLAND, from the select committee appointed to consider the various memorials concerning the proposed railroad from Lake Michigan to the Pacific Ocean, reported a bill to set apart and sell to Asa Whitney, of New York, a portion of the public lands, to enable him to construct a railroad from Lake Michigan to the Pacific Ocean; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. CABELL presented sundry resolutions of the Legislature of Florida for a light-house at Indian River Head; for the improvement of the Ocklawaha river; on the subject of draining the everglades; for amendment of the act of the 4th of August, 1842, known as the armed occupation act; for the removal of the Seminole Indians from Florida; and a petition from citizens of Florida for the modification and alteration of the armed occupation law: all of which were referred to appropriate committees, and ordered to be printed.

Mr. STUART, of Michigan, presented resolutions of the Legislature of Michigan for a donation of land by the General Government for the erection of State asylums for the insane, blind, deaf and dumb, and for the refunding by the General Government to the State of Michigan, all sums expended by said State in fitting out the first regiment of volunteers called out under a requisition from the United States; which were appropriately referred, and ordered to be printed.

Mr. TAYLOR presented resolutions of the Legislature of Ohio, relative to certain lands near the Wabash and Erie and Miami canals in that State; also, relating to an amendment of the postage laws; to a change in the rates of postage upon transient papers; to the powers and duties of Congress in certain cases, and the course of the Hon. Thomas Corwin with reference to the present war with Mexico; to the improvement of western rivers and harbors; to the acquisition and control of foreign territory by the United States; declaring that so much of the ordinance of 1789 as relates to slavery should be extended to all territory acquired from Mexico; which resolutions were referred to appropriate committees, and ordered to be printed.

VIRGINIA LAND WARRANTS.

Mr. TAYLOR asked the unanimous consent of the House to offer the following resolution:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 81, further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office, and that the same be put upon its passage.

After a brief explanation by Mr. TAYLOR, the resolution was agreed to.

The bill was then read.

Mr. TAYLOR moved a verbal amendment to the bill substituting 1841 for 1840. It was agreed to.

Mr. T. also moved to amend the bill by inserting an additional section, as follows:

SEC. 2. That the same right and privilege is hereby also extended for the same time to all such warrants as have issued subsequent to said 10th day of August, A. D. 1841; provided, that before the location thereof, it shall be shown to the satisfaction of the Commissioner of the General Land Office that such warrant was issued justly and legally, and that the person who received said warrant was legally entitled to the same.

He explained the grounds of his motion. There was in Ohio, between the Miami and Scioto rivers, a tract of land which had been set apart exclusively for the satisfaction of Virginia land warrants; and such were the terms of the law, that it could not be settled by any but persons in possession of such warrants, or entitled to land under them. It was very important to the circumjacent country, as well as to the interests of the State, that this large tract should be settled and brought into cultivation. The time for the location of these warrants had been prolonged from time to time, and the amendment which he desired to have added to the bill was only to extend the time a little further.

Mr. GOGGIN said he had no objections to the bill in itself, which the gentleman from Ohio was so desirous of having introduced by way of amendment; but the object for which these bounty lands had been originally set apart, would not be accomplished unless an additional appropriation of land should be made to satisfy the warrants issued by the State of Virginia to her soldiers at the close of the revolutionary war. The gentleman's bill proposed to extend the time during which those warrants could be located. To this he was not in the least opposed; but the difficulty lay in this, that there were no more of these bounty lands to locate.

Mr. TAYLOR interposed to say that there yet remained two hundred thousand acres of the tract in Ohio, on which no warrants had been yet located; but the land was for the most part very poor.

Mr. GOGGIN resumed. The gentleman might very well say that these lands were of a poor quality; for in the report of the Commissioner of the Public Lands, they were declared to be not worth ten cents an acre. He had no wish to oppose the bill; all he wanted in the matter was, that more land should be appropriated, as there was not now enough to satisfy the outstanding warrants. Everybody knew that there was likely, before long, to be a large accession to the public domain; and why should not enough be set apart to meet the demands of men whose right to their land was just as unquestionable as that of a member of that House to his per diem allowance.

He had applied for years to obtain such an appropriation; he had renewed his efforts from time to time, but hitherto without success. He knew that the validity of these warrants had been assailed on the ground that some of them were discovered to be fraudulent. He would not deny that fact, nor did he stand there as the apologist of fraud; but because imposition had been practised in some cases, that constituted no reason for condemning and refusing the whole. Unless further grants of land should be made to satisfy such demands as were clearly just, it would amount to a denial of justice. He knew, of his own personal knowledge, that there were cases in which the bounty land was as justly due as any other demand upon the Government. It was very true that such warrant-holders as resided in Ohio, and whose homes were near by the bounty-land district, might get the residue of that tract which was not yet occupied; but his constituents in Virginia, and others who resided in Kentucky, and others scattered all over the West, must be virtually denied their just and legal right unless land in addition to the poor remnant in Ohio should be provided to satisfy them. There were but two hundred thousand acres left, by the gentleman's own showing. If these were all good lands, instead of being refuse land not worth ten cents the acre, there would still not be enough by three hundred thousand acres to satisfy the warrants outstanding. He hoped the gentleman would consent to allow the bill to be recommitted to the Committee of the Whole on the state of the Union; in which case he would move

to appropriate five hundred thousand acres. He repeated the assurance that he cherished no hostility to the gentleman's proposition, and he trusted the gentleman would not refuse to have his (Mr. G.'s) bill ingrafted as an amendment on his own; and with that view he moved that it be recommitted to the Committee of the Whole.

Mr. COLLAMER said that as he had reported the original bill, it was, by a recently-adopted rule of the House, his privilege to close the debate; but he should not occupy the floor upon it at this time if the gentleman from Ohio wished to make any further remarks.

Mr. TAYLOR said he had no objection that the gentleman's proposition should be moved by way of amendment when the bill came up, but was opposed to any recommitment. The gentleman from Virginia was mistaken in supposing that the citizens of Ohio had any exclusive privilege of locating their warrants in the bounty-land district—those lands were equally open to everybody. He desired that the two hundred thousand acres still remaining should be taken up, and he trusted the gentleman would not insist on his motion. The bill had been on the calendar since the 17th of January; meanwhile, these lands were fast becoming a desert. The tract was hilly and sterile, covered with timber of but little value; and, so long as the surveys were suspended, it could not be settled: he therefore was desirous that the surveys should be completed.

Mr. McCLERNAND said that the bill under consideration had for its object simply the extension of the time limited by the act of 1838 for the location of Virginia military land warrants issued by the department prior to 1840. On such a bill the only question that arose was, whether the House would extend this time any further. It had already been extended by five years at a time for a long time. He did not now say that he would not consent to its extension for two or three years; but he was opposed to the amendment advocated by the gentleman from Ohio, which went to allow the location of all warrants and at any time. That question had been fully discussed in the Committee on the Public Lands, who had decided against that feature of his bill.

The gentleman from Virginia [Mr. GOGGIN] objected to the bill because it did not go far enough; he thought it ought to grant more land, and of a better quality. He (Mr. McC.) could not agree in this opinion. He thought it was quite enough that this Government had already granted land to satisfy more land warrants than there were soldiers from the State of Virginia in our revolutionary army. He thought it had gone too far, indeed, in doing thus much; much less ought it at this day to think of giving more. The bounty-land tract was not yet exhausted; much of it had not even been surveyed. What right had the gentleman to assume that this unsurveyed land was not worth $1 25 an acre? The improvement of the surrounding lands of the State had contributed to raise the value of the bounty lands themselves, and he trusted that no further grants would be made for this object. Besides, the proposition of the gentleman from Virginia, he must be very sensible, would be violently contested in the House; to graft it upon this bill, would be a certain way to defeat the whole.

Mr. GOGGIN asked Mr. McCLERNAND how he knew that more warrants had been issued than there were soldiers? He denied such to be the fact.

Mr. McCLERNAND replied, that in making that statement, he had relied on reports made to the House by responsible committees.

Mr. GOGGIN wished to know to what report he alluded.

Mr. McCLERNAND said, he had had reference more especially to one made by Mr. Hall, a former member of the House. But he should not waste time and argument on that point at this time. The question for the House to determine was, whether it would extend the time of location to warrants of any class?

Mr. HOUSTON, of Alabama, inquired what was the reason of the limitation in this bill to warrants which had been issued since 1840?

Mr. McCLERNAND would explain. The time for locating these warrants had been extended every five years for a long time past. In 1838, all persons who were entitled to locate these warrants were notified that unless they were located before the year 1840 they would be barred. Thus the holders had fair notice and ample time. The object of the limitation was to put an end to this business, and bring it to a final conclusion, so that Congress might be rid of the necessity of any further legislation in regard to it.

Mr. GOGGIN withdrew the motion to refer, and offered an amendment to the amendment of the gentleman from Ohio, providing that such land warrants may be located on any lands belonging to the United States which may at the time of such location be subject to private entry.

This amendment (he said) would accomplish the object he had in view. He had not come to the House with any intention of discussing this subject, for really he had not known that any such bill was on the calendar; he would not go into a detail of all the reasons for this amendment, but he thought it an act of simple justice to the owners of the Virginia land warrants. He did not advocate it because it was a Virginia measure; it was one in which the people of the whole western States were concerned; in which the citizens of Kentucky, Tennessee, Alabama, Mississippi, Missouri, and every portion of this Union west of the Alleghany mountains, as well as those portions of our seaboard north and south, in which all portions peopled by those who had emigrated from Virginia, were deeply interested.

He briefly glanced at the circumstances under which these claims arose. Virginia, in a spirit of liberality of which he did not stand here to boast—in a spirit of patriotism which it was her duty to show in the days which tried men's souls—in the days of the Revolution, made a donation of public lands, embracing almost the whole of Ohio, a large portion of that fertile country northwest of the Ohio river, including several States and Territories. He knew that the question had been raised whether Virginia had the right to all this land; he came not here to argue it; it was immaterial, as far as any practical bearing was concerned, whether she had or not; the belief then generally entertained was, that it was the property of Virginia, and it was accepted and received as such; and out of those States which were to be carved, Virginia thought proper to reserve, and did reserve, to herself lands enough to satisfy these military services of the soldiers who fought in the war of the Revolution on the northwestern border, who spilt their life-blood to secure that rich inheritance of liberty we now enjoy. This reservation was distinctly made by Virginia, and, from time to time, the appropriation of lands had been made; he would say, in justice to the people of this whole Union, they had been liberal in their provision for the satisfaction of these warrants. But it was notorious that it was not until this subject had been agitated elsewhere, not until land-mongers, speculators in land warrants, came among them, that hundreds of men—or rather hundreds of widows and orphans, who held a large share of them—ever knew that they were entitled to these bounty lands. They did not rake them up before the treaty of peace was ratified, as had been the case in the Mexican war; that was not the spirit that actuated Virginia: no; she had sacrificed everything on the altar of patriotism, and was satisfied when that struggle terminated, as it did, so happily for her and this Union. But when, this subject having been brought to their notice, the Legislature of Virginia had investigated it a few years since, and ascertained that a large portion of these claims were still due and unadjusted, applications had been made to Congress from time to time when there were no lands to satisfy these claims, to appropriate others, which, he said, had several times been done, and which was necessary now.

The gentleman from Illinois [Mr. McCLERNAND] and the gentleman from Alabama [Mr. HOUSTON] had seemed to suppose that these warrants were now issuing. He (Mr. G.) had no reason to suppose that a warrant of this sort had issued in the State of Virginia for years. If his colleague near him [Mr. McDOWELL] had the information to enable him to set this matter right, he would thank him to correct him if he erred.

Some conversation occurred between Mr. GOGGIN and Mr. HOUSTON, of Alabama, on this point.

Mr. COLLAMER rose to a point of order, and contended that, as the amendment proposed an appropriation of the public lands to satisfy these warrants, like an appropriation of money, it should go to the Committee of the Whole on the state of the Union, and there be considered. He also objected to the amendment as not germane to the bill; the bill merely extending the time for locating the warrants, and the amendment extending to another subject, and appropriating indefinitely from any of the public lands of the United States subject to private entry to satisfy them.

Mr. COLLAMER explained and enforced the two points; and, after some conversation upon them—

The SPEAKER sustained the second point, and ruled the amendment out of of order on the ground of irrelevancy.

Mr. GOGGIN then renewed his motion to refer the bill back to the Committee of the Whole on the state of the Union.

Mr. BOCOCK was very much in hope that the House would see fit to adopt the suggestions of his friend and colleague. The question had been sprung upon the House with no expectation on his part, or that of his colleagues, of its being made, and consequently they were unprepared to do justice to their constituents on this occasion. They might be in favor of this proposition to extend the time for the location of these warrants, and they probably would be, but they objected that, at this period of the session, the House should attempt to legislate upon a subject partially, when it was to come before them again in another shape. A bill was now pending before the Committee on Public Lands, he believed the object of which was to appriate additional military lands to meet the Virginia military land warrants. That bill must be passed; and was it judicious, was it wise and proper, to legislate upon this subject by piecemeal? Would not the subject be better met, and the views of all be better consulted, by taking up the whole subject together—by discussing and acting upon it together? They thought they would be able to show, at the proper time, that their proposition was right; that the land ought to be appropriated; that the remark of the gentleman from Illinois was not founded in fact; that it was a captious objection to this proceeding, and one which could not be sustained; at any rate, that they would be able to show that the Virginia military land warrants rested on a most substantial basis, and ought to be provided for. If there were false or fraudulent claims which had been brought forward——

Mr. McCLERNAND briefly explained.

Mr. BOCOCK continued. The remark he made was, that when the subject was before the House he was satisfied that they should be able to produce fact for fact, and stronger facts than their opponents. If there had been some false claims, if there had been claims that had no foundation in justice, did those invalidate all the others? If there had been twenty or forty, or any other number that were not founded in justice, he could show that there were twenty or forty that were well-founded. Were they to be cut off because some were bad? But his object in rising now was to urge on the House the propriety of referring this bill back to the Committee of the Whole on the state of the Union, so that the whole subject could be brought up and discussed together, to the satisfaction of every gentleman, and the promotion of justice to all concerned.

Mr. KAUFMAN called for the orders of the day.

After a brief conversation, the bill under consideration was referred back to the Committee of the Whole on the state of the Union.

BOUNTY-LAND WARRANTS.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. HILLIARD in the chair,) and took up the bill to amend an act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847. The bill is as follows:

Be it enacted, &c., That the above entitled act shall not be so construed as to deprive the non-commissioned officers, musicians and privates therein named of the bounty land or scrip secured to them, in consequence of their promotion to to a company, field, or staff office, or appointment either in the corps to which they belong, or in any other corps of the army; but that, on the contrary, such promotion shall be held and considered as equivalent to an honorable discharge in adjudicating upon their right to such bounty land or scrip.

To this bill, Mr. THOMPSON, of Mississippi, had moved an amendment on a previous day, to extend the grant of bounty land to the non-commis-

sioned officers, musicians, and privates of the Indian wars of 1790 and of the last war with Great Britain; and the pending question was on the amendment.

Mr. THOMPSON, of Kentucky, being entitled to the floor, made some introductory remarks in favor of the general merits of the bill, and also in favor of the amendment making provision for those soldiers who were engaged in the Indian wars, under Harmar, St. Clair, and Wayne.

He supported his views in a very animated speech, in which he pronounced a very warm eulogium on the brave troops who had fought under Harmar, St. Clair, and Mad Anthony Wayne, not forgetting the merits of Shelby, Adair, Slaughter, Davis, Allen, and their comrades. He touched on the failure of an attempt to raise the pay of the volunteers from $7 to $10 a month, which he charged on the Democratic majority of the last Congress, who refused so to amend the bill for raising an additional military force; and concluded by suggesting, that instead of bringing home the dead from the Mexican battle-fields, each State should erect a grand mausoleum to the memory of her sons who fell in defence of their country's cause.

[A full report of this speech will appear in the Appendix.]

Mr. McCLERNAND said it was not his purpose to introduce the subject of party politics or party action into this discussion, although he might say, in answer to his friend from Kentucky who had just taken his seat, to the last Congress—a Democratic Congress—belonged the credit of having passed the law granting bounty lands to the soldiers in the present war; and he might add, that he (Mr. McC.) had had some agency in originating the proposition for the increase of the pay of the common soldier. But he would not dwell upon this branch of the subject, which had been referred to by the gentleman from Kentucky. In the outset of his remarks he would also observe, that much of what he had intended to say, had been so happily anticipated by the gentleman from Mississippi, who spoke some days since, [Mr. THOMPSON,] and by the gentleman from Kentucky this morning, that there was little left for him but to enlarge and enforce the views already presented, which, with the indulgence of the committee, he would endeavor briefly to do.

The bill and pending amendments presented two distinct propositions: the first, the extension of the same bounty to commissioned officers below the grade of major, who had been promoted from the lines during the present war, that was granted by the act of February 11, 1847, to soldiers in the line; and, second, the extension of a ratable bounty to soldiers who served in the Indian war of 1790, and the militia, volunteers, and rangers, who served in the war of 1812 against Great Britain.

He would consider these propositions in the order in which he had stated them.

Without pausing to dwell upon the argument in favor of the first-mentioned proposition, he would endeavor to elucidate its merits by a particular example. He took the case of Captain Corder, of his own State, for the purpose. Captain C. entered the service of the United States as a volunteer on the 29th of June, 1846, and proceeded from Illinois to San Antonio, in Texas, where he was transferred to Captain Webb's company, which afterwards served as one of the advance guard of General Wool's column. From San Antonio he marched to or near Monclova, to Saltillo, to Buena Vista. In the battle of Buena Vista, at 9 o'clock on the morning of the 23d of February, every officer of his company had been slain, and he was ordered to take command of the company, which he did until the battle was over. On the 26th of the same month, the brave and devoted remnant of this company, in consideration of his heroic and skillful conduct, unanimously elected him their captain. On or about the 19th of June, 1847, Captain C.'s service expired, after he had marched near one thousand miles on foot, and after he had served about nine months as a private, and about three months as captain. Such was Captain Corder's case; there were others like it—others where the individual had been deprived of his entitled bounty in consequence of promotion only one or two months, or a few days, before the expiration of his service.

He asked whether these cases, standing as they did, either upon the grounds of public necessity, or upon both grounds, did not deserve to be relieved; whether it was either just or wise to victimize such men on account of their merit; whether such a rule was not grossly unjust and absurd, as dooming the unpretending but patriotic citizen who had entered the lines, to remain there, under the penalty of a forfeiture of his inchoate rights in the event of his promotion? Such a rule was a virtual declaration that military rank and emolument should be reserved alone for the benefit of the ambitious and aspiring. It was grossly violative of the true principle and policy of a republic, which should stimulate the militia to eager emulation of duty by every proper incentive. No; the humble soldier and the subaltern, who toil upon the long march and mingle in the bloody fray, should be rewarded, as well as the commanding generals, in whom, from the habit of public opinion, all the glory of war centered, and upon whom Congress had already bestowed a formal token of approbation.

With these remarks upon the bill reported by the committee, he came now to consider the amendment moved by his friend from Mississippi, [Mr. THOMPSON,] which proposed to extend a ratable bounty to the soldiers of the Indian wars of 1790 and of the war of 1812 with Great Britain. If that gentleman, or some other gentleman, had not moved this or a similar proposition, he should have felt himself called upon to do so. He was prepared to vote for it, and, with the indulgence of the committee, he would endeavor to assign some reasons why it should be adopted.

What, then, were these reasons? Reverting to the history of the country, we found that the treaty of peace of 1783, between the United States and Great Britain, although it gave peace and security to the inhabitants of the eastern States, did not as much to the inhabitants of the Mississippi valley. Those settlements were surrounded by the Chicopees, the Choctaws, the Kickapoos, the Shawnees, and numerous other tribes, who kept up bloody war upon them, not unfrequently shooting down the peaceful husbandman at his plough in the field, murdering the defenceless women and children, firing their houses, laying waste their cornfields, and pillaging their property. He would take the case of Captain Daniel Boone, one of North Carolina's noblest sons, to whose memory the republic owed a monument, to illustrate many like it. He said, in his simple but eloquent narrative:

"Two darling sons and a brother have I lost by the savages, which have also taken from me forty horses and abundance of cattle. Many dark and cheerless nights have I spent separated from the cheerful society of men, scorched by the summer's sun, and pinched by the winter's cold—an instrument ordained to settle the wilderness."

The first expedition projected against the enemy in the Northwest was in 1790, which was commanded by General Harmar. The expedition was composed of three hundred regulars and one thousand one hundred and thirty-three militia, drawn from Pennsylvania, Virginia, and other States and the border settlements. Soon after this force reached the seat of war, an engagement took place between a detachment of eighty regulars and three hundred militia, commanded by Colonel Harding, and a large body of Indians near the Great Miami Village. The battle was fiercely contested by our troops at the point of the bayonet; but at length, overwhelmed by numbers, they were forced from the field, leaving seventy Americans killed.

Another engagement followed soon after, and near the same place of the former. The American force now numbered eighty regulars and between four and five hundred militia, commanded by General Harmar in person. The force of the Indians amounted to several thousand warriors. The battle waged was bloody and severe; our troops resorted to the bayonet, but in vain, as the odds against them were overwhelming. Our loss in this battle was one hundred and eighty-three killed and seventy-one wounded. An author, writing of this battle, and the disparity of the opposing arrays, said: "While the poor soldier was engaged with one Indian, two or more Indians would sink their tomahawks in his head." Thus closed the first campaign.

In 1791, another expedition was projected, which was commanded by General St. Clair. This expedition was composed of eleven hundred men, who were surprised and attacked by four thousand Indian warriors near the Miami Village. A bloody and desperate battle ensued; thrice and last the American cannon were taken by the enemy; six hundred and fifty Americans were left dead upon the field, or more than one-half of the whole American force. General Scott, afterwards Governor of Kentucky, who soon after in some measure retrieved this disaster by a victory upon the same field, says, in his official report, alluding to the previous engagement: "The place had a very dis-'mal appearance. Nearly in the space of three 'hundred and fifty yards lay three hundred skull-'bones, which were buried by my men while on 'the ground; from thence about five miles on the 'road through the woods was strewed with skele-'tons."

This victory under General Scott was followed by another reverse in 1794, when a body of 1,200 Indians attacked a party of 130 Americans, and killed thirty and wounded forty of the number. The causes of these unusual disasters to American arms were explained by history. They were attributed, first, in no inconsiderable degree, to the false estimate placed by the Government upon the numbers and warlike efficiency of the Indians, and to the failure of the Government to furnish an adequate armed force at the outset to subdue all resistance; and secondly, perhaps, to the inexperience of the commanding generals, who were surprised and attacked by overwhelming numbers. This was said with a proper appreciation of the conduct of the Government and the patriotism of Generals Harmar and St. Clair, both of whom had been signalized for their merit and valor in the revolutionary war.

Thus things stood in 1794, when General Wayne assumed command of the army in the field. With a force of 900 men, he suddenly fell upon the enemy, to the number of 2,000 warriors, upon the banks of the Miami river, and defeated, routed, and forced him to sue for peace. Of Wayne, it is but just to say, he was a noble exemplification of American daring, energy, and enterprise. A nation's gratitude was due to his memory for his many valuable services, and not least for the brilliant and successful close to which he brought this war.

It should be said that the whole number of American troops employed in the field in this war appeared to be considerably less than five thousand, of whom it may be estimated about one thousand were killed and five hundred wounded. Now, granting a bounty of eighty acres to each soldier, of one-half of the whole number of troops, as six-months' men, and one hundred and sixty acres to each one of the remaining half as twelve-months' men, and the whole quantity of land thus to be granted would be 600,000 acres.

Such were the causes of the Indian war of 1790, and such the sufferings and services of the soldiers of that war. Hence, he asked whether these meritorious men should not be rewarded as others had been rewarded? We had given to the officers and soldiers of the revolutionary war a bounty variously of from eleven hundred to one hundred acres, amounting in the whole to 2,081,470. And why should not a suitable bounty be granted to the soldiers of the Indian war? There was no room for a distinction.

If the soldiers of the Revolution achieved our independence in civilized warfare, the soldiers of the Indian wars, perhaps under greater hardships, subdued the savages who were the allies of the British in that war, and who continued it after the British abandoned it; they fought in the war which was an aggravated prolongation of the revolutionary war—they gave the same blessings of peace and security to the white inhabitants of the Mississippi that was given to their brethren of the eastern States by the treaty of peace of 1783. More, they conquered the vast and fertile valley of the Mississippi to American laws and civilization; they opened the way for the addition of eleven flourishing and noble States to the Union; they enabled the Government to establish its gigantic system of land sales, which has filled the public coffers with more than $120,000,000. Upon the last named points he had an official statement in his hand, showing the quantity of public land originally contained in *each* of the new States, the quantity sold in each, the amounts of money received therefor, and the quantity remaining to be sold on the 31st of December, 1846.

Now, the arguments he had used in favor of the soldiers of 1790 would apply with more or less force, in a modified form, to the soldiers of the war of 1812. What were the services of the soldiers

of that war, and what their claim upon our justice and gratitude? History taught us that Great Britain early and grossly violated our neutral rights; that she had made the commerce of the United States a prey to British cruisers and privateers; that she pertinaciously continued to impress American citizens into her service, and if the hardy American dare refuse submission to her unjust and illegal assumptions, he was hung at the yard-arm. In fact all, or at least many, of the fruits of the Revolution depended upon the resistance provoked by their wanton outrages. As our ancestors waged the revolutionary war to establish our political independence, so now we were called upon by every consideration of duty and patriotism to come forth for the vindication of our maritime and personal rights. And what was the result? The nation girded itself for the contest. New York and other eastern States sent forth their militia, who fought side by side with the regulars at Fort Erie and Niagara, where American valor was crowned with brilliant success. The southern States sent forth their militia, who were found battling for their country wherever danger and duty called. The northwestern States, and particularly Kentucky, including the Territories, poured forth their best spirits, who repressed the savages upon the frontiers, and defeated Proctor and Tecumseh upon the Thames, avenging the horrid butcheries at Fort Meigs and the River Raisin. The southwestern States, and particularly Tennessee, including Kentucky, poured forth their best citizens, who beat the British at New Orleans, and closed the second war of American independence in a blaze of glory.

Such were the causes of the war of 1812; such the services of the volunteers, militia, and rangers who served in that war. He asked now, as he had already asked with reference to the soldiers of the Indian wars, whether these men were not entitled to be rewarded as we had rewarded others? We had given to the regulars who fought by their sides bounties varying from one hundred and sixty to three hundred and twenty acres, amounting in the whole to 4,825,352 acres; and why should we not give the equally meritorious militia, rangers, and volunteers of 1812 an equal bounty? There was no reason why we should not. We were indebted to these men for humbling the arrogant pretensions of Great Britain, for extorting her respect and her pledge of peace, which were worth more than countless treasure. But, independent of these considerations, there were others growing out of the nature and genius of our institutions which imperiously called for this measure—for the establishment, at least, of the principle involved in this measure. The Constitution made it the duty of Congress "to provide for organizing the army and disciplining the militia;" and for what purpose? Because, as was declared in an amendment to the Constitution, "a well-regulated militia" is "necessary to the security of the State." Well, if this were so, if this were a fundamental maxim, did it not follow that we should stimulate the militia in the spirit and the efficiency which became them as guardians of the public liberty, as the ultimate force ordained by the Constitution "to execute the laws of the Union, to repress insurrections, and repel invasions?" Certainly so. Well, if this were true, how better could we perform this duty than by granting to the militia who served in the field a home for themselves or for their families, if they fell in battle? No man would deny that the elevation of the citizen to the dignity and independence of a freeholder enabled him better to maintain the character and discharge the duties of the citizen-soldier than he would be able to do if he was landless and dependant. Besides, it was but just and right that the citizen who periled his life in the wars of the country should be rewarded by a home for his old age; or, if he fell in battle, for his wife and fatherless children.

The brilliant events of the present war fully attest the truth and general position he had assumed. Behold our armies, hastily composed, for the most part, of volunteers from the private and peaceful walks of life, had crossed the great solitudes of the West, and planted our victorious standard upon the distant shores of the Pacific. Again, they had penetrated southward through rocky defiles and against walled cities, obstinately defended, towards the heart of Mexico. And again, from Vera Cruz, through pestilence and blood, quite to and even beyond the Mexican capital. All this they had done, and more. They had, in a short time, overrun a vast country, at a great distance, inhabited by seven or eight millions of people, and deemed impregnable, from the number and strength of its natural defences. Such had been the wonderful achievements of citizen-soldiers, impelled by patriotism and encouraged by the promise of a home for their old age, or, if they should fall, for their fatherless children. Who now would say that the policy which had contributed to produce such gigantic results should not be rendered permanent and certain?

There were some objections which heretofore had been urged to this measure, which he proposed merely to notice. The first was, that it was a measure novel and subversive of the established policy of the Government. He denied this, and he had only to cite the act of 1847, already referred to, to prove that under that act bounties were granted to some fifty thousand regulars and volunteers whose terms of service had either expired or had run for several months or years before the passage of that act. The quantity of land thus granted by the retroactive operation of the law amounted to many millions of acres.

Again, it was contended that it was a measure violative of the public faith, pledged to pay the $23,000,000 obtained for the prosecution of the war. He denied this assumption also. The public lands were not pledged for the payment of this debt, but from the very terms of the loan act, "the sales of the public lands." It was not the design of that act to limit the discretion of Congress over the public lands; that discretion was as unlimited as before. While the proceeds of the sales of the public lands were faithfully applied to the payment of the interest and principal of the loan, the public faith was preserved.

Again, it was objected that the measure would prove wasteful, prodigal; that it would squander away the public lands. This objection was founded on the assumption that it was the true policy of the Government to sell them, to treat them as a source of revenue. He denied that this was our true policy; it was to grant them in limited quantities to occupiers and settlers. This would elevate the mass of the honest citizens to the dignity and independence of freeholders; it would enhance the public revenues by enhancing the ability of the people paying taxes. This would be its effect upon the people at large and upon the Government. What would be the effect upon the people of the new States? Here he addressed himself more particularly to gentlemen representing the new States. It would increase the tide of immigration to that quartee; it would convert a large portion of waste lands to occupancy, cultivation, productiveness; it would increase the taxable inhabitants and property of those States; it would hasten the time when a formidable and corrupting element of public patronage connected with the land system should be withdrawn from these States, and thus promote their independence and the wholesome and just action of this Government. [A full report of Mr McC.'s speech will be found in the Appendix.]

On this ground he appealed to members from the new States to come forward and support this measure. He appealed also to the friends of the opposing schemes of "graduation" and "distribution" to come forward and meet on this common platform of compromise.

Mr. EMBREE sustained the provisions of the bill, and warmly advocated the extension of the grants of bounty lands to the soldiers of the Indian wars of 1790, and of the war of 1812 with Great Britain. He also reviewed and arraigned the course of the present Administration in reference to the Mexican war and connected topics, the Oregon questions, &c. [Mr. E.'s speech, reported in full, will appear in the Appendix.]

Mr. LUMPKIN said he did not rise for the purpose of entering into the discussion of the various topics introduced into this debate by the gentleman who had just taken his seat. He had no disposition now to discuss the justice and propriety of the policy of this Administration in regard to the Oregon question; nor would he be diverted from the original purpose for which he had claimed the consideration of the committee, by entering into a discussion of the policy of annexing Texas to the Union. He did not desire to enter into a general discussion of the causes and consequences of the war with Mexico. These he had long since considered and acted on, and the result of his action had gone before his constituents, and he was gratified to say that they had at all times been cordially approved by them. But what did the gentleman from Indiana expect to accomplish by this course of argument, so far as the merits of this bill and the amendments under discussion in this committee were involved? The bill and amendments now under consideration proposed to extend the provisions of an act approved 11th February, 1847, granting bounty land or treasury scrip to non-commissioned officers and privates who have served during the Mexican war, to such privates as have been elected and commissioned officers since they have entered the service in Mexico; and the pending amendment of the gentleman from Mississippi, [Mr. THOMPSON,] extended the provisions of the act of 11th February, 1847, to the volunteers who served in the war against Great Britain. He could not see how the gentleman from Indiana could expect to advance the interest of this measure by enlarging upon and even magnifying the expenses of the war in which we have been engaged with Mexico. If he were to judge from the course of the gentleman's argument, he should come to the conclusion that he was unwilling to grant to our soldiers in Mexico, who were partly provided for by this bill, this bounty of land, as a reward for their patriotic and meritorious services in defence of the Union and the rights of the country. He could not believe that such was his object. He differed with the gentleman in regard to the merits of this question, and had done so from the time war was declared. He thought it a just war, brought on by the act of Mexico, and he had so declared by the vote he had given when the act recognizing the war passed this House. He did not then regard the expense, and he hoped that he never should do so, when it became necessary to pass any measure through this body requisite to defend the rights and honor of the country. His constituents had canvassed this vote particularly, and he gloried in the fact that they had given it their most cordial approval. They had sustained him at all times in the discharge of his official duties, and they had sustained, too, the honor and rights of the country on every field and in every plain of Mexico, and he did not doubt they would continue to maintain those who had carried it on with so much honor and with such brilliant success, be the expense what it may. They did not measure patriotism, honor, and our national rights by any expenditure of public treasure. But he had been diverted from his original intention in what he had already said. He rose for the purpose of giving notice simply of his intention to offer, when in order, an amendment to the amendment of the gentleman from Mississippi, [Mr. THOMPSON,] which he would now read for the information of the committee:

"*Be it further enacted*, That all the benefits and provisions of this act, and the act to which this is an amendment, be, and the same are hereby, extended to the volunteers who served in the late Florida war, subject to the same limitations and restrictions as those imposed by said acts upon the volunteers in the present war with Mexico."

There was within his State and district a large number of meritorious individuals who, on the call of their country, entered to serve as soldiers in the war waged in Florida against the Seminole Indians. They served long and faithfully, and endured all the hardships and sustained all the injuries that were incident to a state of war against barbarous savage Indians in the most insalubrious climate. They encountered death in every form, and privations and losses, for which they never will and never can be fully compensated. The Government of the country had still the power to do them partial justice, by giving them a reward in bounty land that will furnish to many of them comfortable homes, and to all of them means to increase their comforts in living. He approved of the principles of the original bill, and the amendment offered by his friend from Mississippi, [Mr. THOMPSON.] It provided that a reward should be given in the shape or form of land as a bounty to all such as had rendered faithful military service to the country in time of war, either in the Mexican war or in the war between this country and Great Britain. He approved of the principles of this bill, and could see no reason why a bounty of land should not be given to those who served in the war against Great Britain as well as to those who had more recently covered themselves with glory and honor in the war with Mexico. Both claims were equally just, and in both we were in the right, and

he would *not* deny to the war-worn soldier in the one service what he would most cheerfully grant to the other. And he called on the committee to say, why exclude the Florida volunteers from the benefits of this bill? Was not this war just? was it not meritorious? and were they not equally entitled to the claims to favorable consideration? It ought to have been done heretofore, and had been delayed too long already; but he would not permit himself to doubt that this committee would grant to the soldiers who served the country in the Florida war the same quantity of land as a reward for their meritorious services, that they gave to those who served for the same length of time in Mexico or in the war against Great Britain. If the service was equally just and meritorious—and no man can doubt it—it was our duty to give them the same reward.

Mr. BROWN, of Virginia, said: Mr. Chairman, my remarks shall be confined principally to the vindication of the leading measures of the present Administration, all of which have met my hearty approbation and support; so that, in defending them from the assaults made upon them by the Opposition, I will but defend my own course on this floor, and place myself in a right position before those I have the honor to represent.

When I first came to Congress, I found the people had returned to this body a debating talent equal to any emergency; and believing this arm of the public defence sufficiently strong, I have been content with being numbered among the silent members of this House, always ready to cast my vote on any question or measure, so soon as it could be rescued from the great vortex of public discussion. In this I am happy to know that I have met the approbation of my constituents, who not only returned me to the thirtieth Congress by an unprecedented majority, but in their very recent county meetings in my district, most generously and freely tendered me their thanks, and expressions of confidence and approbation. For this mark of kindness, I can only respond in the silent language of the heart, that can be better felt and understood than expressed.

My constituents will pardon me, I know, for a departure from my usual course, when I ask the privilege of communicating to them my views on coming political events, in which our common country is deeply interested. None, after hearing the debate on the motion to print the correspondence between General Scott and the War Department the other day, can be blind to the strong, and, I think, unfair efforts that are to be made on this floor and in the country, to reverse and change all those salutary and valuable measures and reforms brought about by the present Administration. Mankind have always been, and always will be, until the millennium arrives, divided into two political divisions. They are now to be found in France—in Europe—in all the Old World, and in this country. The one is in favor of a strong, cumbrous, and complex government; the other inclines to a free and simple government, placing on the shoulders of the people no greater burdens or restraints than are necessary to secure good order, the safety of the person and property of the citizen. They are sometimes denominated the friends of despotism, and the friends of liberty.

The advocates of a strong government find many subjects about which to legislate; and in this country, even written constitutions are not sufficient to control them. They find ample power in the Constitution of the United States to interfere in the industrial pursuits of the people, and think it very wise to exercise it, by which the earnings of one branch of industry, or of one section of this Union, is transferred to another. They are for *regulating* commerce and building it up to the highest pitch of prosperity, by laying heavy restrictions and burdens upon it. Agriculture, too, is to receive the fostering care of this great central Government; the strong arm of the law is to interfere with the markets abroad, and reduce the consumption of her mighty products almost exclusively to a home market; her prosperity (by very wise legislation!) is to be vastly enlarged by circumscribing her markets, and reducing her consumers. But to cap the climax of all earthly wisdom and love for the tillers of the soil, all that they consume of the products of the rival branches of industry are to be highly protected in the shape of high tariffs, with a view of reducing the prices of such fabrics and articles in the market for the especial benefit of the farmer! But not satisfied with this, under the power given to Congress "to coin money, regulate the value thereof, and of foreign coin," or some more mysterious *implied* power, they claim for Congress the right of regulating the paper currency of the States, or the credit system generally of the United States, and that, too, by *delegating* that precious power to a great corporation, whose "bowels are moved with compassion" for the people, and who is sure to expand its issues in an easy money market and contract them in a hard one. All this is done professedly to aid the country, and enable it to develop its growing resources and better the condition of the governed.

Now, sir, I am opposed to all this legislative tinkering with the private affairs of the people by this Government; it was created for no such purposes, and nothing but mischief can result from the exercise of such powers. Heresies so monstrous can never meet the approbation of the people of this country when the issue is fairly presented to them. But, sir, the advocates of power sometimes argue that there is something mysterious about the science of government—that the ordinary routine of reasoning from cause to effect will not produce correct results in the political as in the natural or physical world, and they not unfrequently illustrate their argument by referring to the *fact* that high duties make low prices. Now, that an iron-master or a large manufacturer might be able to reason himself into a belief of this strange heterodoxy, is natural enough; but that men, looking through a disinterested medium, should fall into so monstrous an error, seems to me passing strange. Others point to the valuable results of the legislation of Great Britain on the subjects of tariffs and banks, and in directing the labor of that country. Sir, the policy of Great Britain is no model for me. She presents—what I deprecate—a splendid Government, and a starving people. I met with an article from the London Times of the 21st of March last, which shows the views of the friends of a strong government as well as anything that I have ever heard in our own country on that subject. After speaking of the forces sent by the Government to suppress the popular movements in Ireland, he congratulates the Crown on the quiet state of England, and gives the reasons for such good order, as follows:

"The State is wise, and good, and great in the eyes of humble men. They fear it, they worship it, they love it. What childlike confidence does the honest laborer repose in 'the gentleman' who rules the destinies of his little sphere! The British laborer is taught from his childhood to look up for counsel and aid. For our part, we have continually urged that it is the duty of the State to fulfill such expectations."

Now, sir, on this subject I am probably vastly behind the age; but, after a careful examination, I am bound to conclude that this Government cannot legislate into existence an additional barrel of flour or bushel of corn; but I can easily see a hundred ways in which it can transfer them from the granary of A to the granary of B. But there will be private *larcenies* enough of this kind, without the Government embarking in it and legalizing it on a large scale. For a man to be robbed by his fellow-man is bad enough; but to be coolly robbed by a government, for the support of which he is daily contributing of his substance, is the unkindest cut of all. In the early history of parties in this country, the advocates of a strong government, like the Times, spoke freely their opinions on the subjects over which, and about which, they claimed the right of legislating. They did not hesitate to pass the alien and sedition laws, to *indict and try men as criminals* for speaking of their public servants, and fine and imprison too, unless they were able to prove the truth of all they said or wrote. However many and extravagant the errors of the Federal party of 1800, they were honest men—mistaken, but honest men.

Believing, as I do, that the Whig party of the present day are but the degenerate sons and successors of the old Federal party, I would like to examine into their claims to the confidence of the American people. I am told, and the people of this country are told, from a highly respectable source, that all the old issues between the two great political parties are obsolete, and that the great "imbodiment" is also obsolete; that they have all gone to the "tombs of the Capulets." By this, it would seem that the great Whig party had grounded their arms, and that all party warfare, bickerings, quarrels, and strife, had ceased, and that "peace on earth and good will to man" were to be preached from one end of this happy land to the other. Upon hearing these "good tidings of great joy," I ran to my colleague of the Richmond district, knowing that he would be good authority on a subject like this, knowing that he would be the last to disband—the very last of the "Mohegans;" and I soon learned from him, sir, that he did not understand the matter like many distinguished members of his own party. Now, sir, what does all this mean? Is it true that the Whigs are going to run a no-party man, and abandon all their long-cherished measures? Or is it an attempt to re-enact what was so falsely called the glorious scenes of 1840, and which were so beautifully alluded to the other day by the honorable gentleman from North Carolina? Do you recollect, sir, when the celebrated Harrisburg Convention nominated the great hero of "Tippecanoe, and Tyler too," and bade the nation "go it blind"—extend a generous confidence, and elect those great and good men to the two first offices in the Government? The people took them at their bidding; but the nation mourned four long years for their sins and folly. God, in his kindness, took the old hero to himself, and left Tyler, "the spared monument of his amazing mercy," to buffet with the storm, to be threatened with *decapitation* and impeachment by those who had called him into power.

But, Mr. Chairman, have you forgotten, have the people of this country forgotten, the frauds and deceptions that were practised upon them by the artful leaders of the Whig party to secure that triumph? Let me call the attention of the country to what was done in my own State by a Whig State convention, intended to ratify and approve the nominations made at the Harrisburg Convention. Permit me to read a few extracts from the address to the people of Virginia, viz:

"Upon the tariff and internal improvement, General Harrison cannot be worse than Mr. Van Buren, as we have shown you; and as to the bank, his unqualified declaration that it was unconstitutional is before you; and there is no reason to believe that he is in favor of a bank in any form, for he is assuredly opposed to a Government bank. As far as we know or believe, fellow-citizens, General Harrison has but one opinion about the bank, and that is against it."

"Of Mr. Tyler we have said little, because it was not necessary to say much as to him. *John Tyler is known to the people of Virginia as one of their best-tried and most faithful servants.* If the man who has always been the advocate of *Republican* measures, and during nearly his whole life the representative of Republican people, needs vindication from the charge of *Federalism*, we feel satisfied that it will be made triumphantly by the Republicans of Virginia, whom he has so long and so faithfully served; and to *their* protection we commit *him*, confident in their hands he will sustain no wrong, and that they will say to him, 'Well done, thou good and faithful servant.'"

"But we are gravely informed, that Mr. Van Buren is opposed to a national bank, to internal improvements by the General Government, and to the tariff, and that his hostility to these measures gives him an irresistible claim to the confidence and suffrages of the people of Virginia. These, fellow-citizens, are the *stereotyped phrases* by which cunning tacticians hope to deceive and mislead you. All candid men, of all parties, admit that they have ceased to be *practical* questions. *All idea of chartering a national bank has been relinquished by its former most sanguine advocates, as unnecessary* and inexpedient in the present and probable future *monetary condition of the country;* the necessity of internal improvements by the General Government has been entirely superseded by the energetic application of the resources of the several States to that object; and the tariff is settled by the terms of the compromise act of 1833, *unless it shall be reopened for political purposes by those who affect to dread the reëstablishment of high protective duties.* These duties, indeed, are *no longer necessary, the stability of our manufacturing establishments enabling them to maintain a competition with foreign fabrics without a resort to this extraneous support*—a support which, fluctuating with the alternate rise and fall of parties, is far from being desirable, even were it any longer essential; for with that branch of national industry, as with every other, stability of legislation is far more important than temporary advantages, of which they may, when least expected, and when their withdrawal might operate most disastrously, be deprived by the result of an annual election."

Now, sir, who would have ever dreamed that Harrison or Tyler would have been called upon to sign a bank charter? Yet, if my memory serves me aright, it was for refusing to sign one that honest John came well-nigh losing his head. I again ask the leaders of the Whig party, are the great issues you heretofore presented to the people "obsolete," in the Whig vocabulary of 1840? have "they ceased to be practical questions?"—or do you only intend to repudiate them for the present—to keep them out of sight until you get into power, and then betray a confiding nation, and fasten your oft-repudiated measures on an unwilling and a betrayed people? If, sir, this is your design, let me call upon you, by every consideration of patriotism, by every motive

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that can influence the actions of honest men, to stop before you commit yourselves to a line of conduct that would disgrace a pettifogger, much more a great political party. But, sir, if you are sincere in the declaration that the great Whig issues are obsolete, and that the great statesman of Kentucky—the imbodiment, the head and great representative of your party principles—is also obsolete; that you as a party have become satisfied that the principles of the tariff of 1846, as well as the independent treasury, embrace the true financial policy of this Government; that the war in which we are now engaged is a just and necessary war, brought about by the oft-repeated wrongs of Mexico; and that the war shall be prosecuted until terminated by an honorable peace, with ample indemnity for the past and security for the future; and if that indemnity should chance to be in territory, that it shall be received and thrown open to emigrants from all the States of this Union, that they may freely enter and possess the goodly land, with their families, their domestics, herds, and property of every kind and description; sir, let the fathers of the Whig party step forward and take this ground, with General Taylor at their head, and you may elect him to-morrow, and I will say, amen. Abandon your political errors, and administer the Government on correct principles, and you may have all the offices, honors, and emoluments, so far as I am concerned, and I will cheerfully retire to the more honorable and happy station of a tiller of the soil, and one of the sovereigns of the land.

But, sir, if the Whig party should be disposed not to disband, but to follow the lead of my worthy colleague from the Richmond district, and make another fight on their old issues, which, from the last bulletin from Ashland, now seems likely to be the case,—then I would say to the young Whigs on the other side of the House, and in the country, who have seen the error of their ways, Come out from among your old associates, come freely over to us on this side of the House, confess your sins openly, and promise to do better, and we will baptize you into the Democratic church. Sir, thousands of the Whig party, indeed, I think, all honest men, must know and confess that the great Whig leaders are false prophets and mistaken politicians. They can prognosticate as much evil as any set of men in the world; but they cannot successfully administer the Government. They prophesy ruin and calamities dire growing out of the adoption of Democratic measures; but those calamities only are fully realized by the country when they themselves are administering the Government. When did the Federal party of this country come into power that they did not bring with them national calamities and misrule, that aroused the people to a sense of their dangers, and lead to a speedy change of their rulers? The present Opposition have never been permitted to continue a second time in succession in power, and they never will. If you were to come into power to-morrow, unless you change your principles and policy, the people would give you your walking-papers at the expiration of your first constitutional term. Your partial legislation in favor of the capital of the country—in favor of associated wealth, in the shape of manufacturing or banking corporations; your opposition to the extension of the area of freedom; your apparent sympathies with the enemies of your country in times of war,—conspire to unfit your leaders for successfully and satisfactorily administering this Government on the principles and scale which are calculated to make her fulfill her high destiny and mission among the nations of the earth. I do not want to make a partisan speech, nor to place the Opposition in a worse light than they stand before the country; but I propose examining their conduct and course on the subject of the war, and see how it will compare with the dictates of patriotism, plain honesty, and consistency.

By the eighth section of the first article of the Constitution of the United States, Congress is invested with the power of *declaring* war. No other branch of this Government save Congress can put this country in a state of war with any other country or nation. General Taylor, in command of your troops, cannot do it. The President in the White House cannot do it. The Supreme Court cannot do it. A commander in the navy cannot do it. No, sir; nothing short of a declaration by Congress, recognizing or declaring a war, will be adequate to put into force the laws of war. General Taylor might give an offence. The President might give an offence. The Supreme Court might give an offence. A commander in your navy might give an offence. Indeed, any private citizen may give an offence to another nation; but all that don't produce a state of war. The United States and her citizens may have a thousand injuries inflicted upon them, any one of which might be sufficient to authorize a declaration of war; but until that declaration is made by Congress, no war exists.

Now, I would inquire when this war with Mexico did commence. Will any deny that it commenced *on our part*, and only commenced when the act of the 13th of May, 1846, took effect? It is true that Mexico had taken the initiative steps, but General Taylor had only acted on the defensive up to that period. Then, sir, for causes good and sufficient in the eyes of Congress—the constitutional war-declaring power—this war was brough about by the acts of aggression on the part of Mexico, and the law of Congress recognizing it, and providing for its *prosecution*. So soon as Congress declares war, and gives the supplies of men and money, it becomes the duty of the commander-in-chief of the army and navy of the United States to prosecute it. Congress "lets slip the dogs of war." The President conducts the chase. The Constitution has made this wise division of power. Whilst Congress is responsible for bringing the country into a state of war—whilst we, sir, are responsible to the people of our respective districts for our votes on a declaration of war—the President is responsible to the whole people, by whom he is elected, for the manner in which the war shall be conducted, and in which it shall be brought to a close. It is true, that the Senate, representing the States, has to divide the responsibility of finally ratifying a treaty of peace.

How will the leaders of the Whig party justify themselves before this nation in their repeated attempts to make the world believe, to make Mexico believe, and even the less informed of our own countrymen believe, that this is the President's war, "an unconstitutional and an unnecessarney war"—yes, "a damnable war"—prosecuted by the President for ambitious, wicked, and unholy purposes? All this, and much more, we have heard from the Whig party on this floor, in the Senate, and from the Whig press of the country, since the 13th May, 1846, and while the war was raging in Mexico, whilst the President had his hands full with a foreign and deadly enemy, and whilst the blood of our brave countrymen was freely flowing in vindication of the rights and glory of their country. No sooner was the responsibility of this war, by the act of May, 1846, placed on the shoulders of the President, than the leaders of the Whig party, and almost the entire Whig press of the country, commenced throwing the most difficult obstacles in the way of its successful prosecution and honorable termination. Supplies were delayed, the war was denounced as unjust; all at once it was discovered that the climate of Mexico was poisoned with sickness and death, that it promised nothing but a *robber's* grave to the soldier that went there to fight the battles of his country; the horrors of war were depicted in the high imagery of the Whig orators, poets, and scribblers of the land; the frantic wife and mother, the weeping sister and lover, were all held up to the full gaze of the citizen-soldier that otherwise might be willing to enter the service of his country; not a sentiment entertained in Mexico herself against the justness of the war on our part, but found a response on the other side of this Hall. When the guerrilla chief harangued his murderous band, and told them of the wrongs offered to Mexico—when he told them that the war was one of invasion, unconstitutionally and unnecessarily begun by a poor, weak, lying, *come-by-chance* President of the United States—that it was damnable in its conception, and wicked in its purposes,—he proved all his assertions from the votes, records, and speeches emanating from the Congress of the United States and Whig press of the country. Now, sir, I ask, what was all this opposition for? Was it to help our own country or Mexico? Can any man be mistaken in its purposes and effects? I know it is natural for great and good men to take sides in favor of the weak and oppressed against the oppressor; but I think patriotism should have induced the relentless Opposition to look better to the causes and history of the war before they gave this kind of "aid and comfort" to the enemy.

Sir, I do not much wonder that the young Whigs should wish to bury all the old party issues, and enter the campaign of 1848 in a "blaze of glory" for a hero of the war and a no-party candidate. Now that Mexico has been chastised for her wickedness and folly, in spite of all the sympathies that could be raised in her favor, and has consented to make an honorable peace—when the blessings of that peace are about visiting both countries, and the rich haryest of the war is about to be gathered to our own,—I am not surprised to see the more sagacious of the Whig party, like our first parents after they had sinned, discovering their nakedness, and trying to cover themselves from the gaze of an indignant people.

Now, I have a few remarks to make, connected with the history and conduct of the two great political parties of the country, and I am done. The Democratic party never forsakes the cause of their country because the Executive branch of the Government may be in the hands of their opponents. In 1840 the Whigs came into power, under circumstances as well calculated to sour and imbitter the Democrats as any which we can well conceive of; yet that Administration, in its trials and misfortunes, found much, indeed most, of its support, aid, and comfort from the Democratic party; not for any partiality for the incumbents, but because we loved the people and the country they represented. How has it been with the Executive that the people brought into power in the election of 1844? Has it got any aid and comfort in its trials and difficulties? Has it been encouraged or sustained in good faith in any of its measures of domestic or foreign policy. No, sir; no. The city of Rome was saved by the opposition and jealousy of a Carthaginian Senate, and Carthage, in her turn, sacked and overrun by a Roman army. Mexico has not been so fortunate as the imperial city, nor the calamities so great to our own country as to Carthage; but, so far as the party effort was concerned, the cases are parallel. I do not wish to be understood to insinuate that the Carthaginian Senate intended to bring destruction upon their own country, but it was the result of an effort to break down a rival in the person of Hannibal. I am also quite sure that the Opposition here had no separate and independent wish to injure their own country. Their object was to break down a rival. But, sir, they were willing to do it at too great a cost. Their well-directed blows at the Executive of their own country whetted the sword end nerved the arm of Mexico; and I doubt not that many a noble soldier and patriot are now sleeping in death, who could have been saved to the nation, but for this misguided effort.

Again: the Whig party seems quite inclined to come into power without giving to the people any pledges or opinions by which they will be guided in the administration of public affairs. In 1840, they came into power in this way, and the disastrous consequences that followed are too fresh in the memory of all to need recapitulation.

In 1844 the Democratic party held out in bold relief the contrary policy. We, in the Baltimore Convention, by our resolutions and address to the people, pledged our nominee to a line of conduct and measures that have been to him like the polar star to the mariner, and enabled him to keep the noble vessel in his charge set to the breeze of enlightened public will. Sir, this Administration came into power pledged to bring upon the country the blessings of free trade, and enlarged and libe-

ral commerce; to establish the independent treasury on a firm basis; to settle the Oregon question; and finally to annex Texas; all of which it has most faithfully done; and, by way of good measure, it is about throwing in New Mexico and Upper California, with all their golden treasures and commercial advantages; and all this in spite of one of the most talented, as well as most bitter and relentless oppositions that ever existed in this country. Polk's valuable and glorious administration is about to close; glorious I may call it—history will record it so. It has fulfilled the high purposes for which it was designed by a wise Providence, and the people by whom it was called into existence. It has cleared away the doubts and embarrassments left hanging over all the branches of the Government by its immediate predecessor. Its financial and commercial policy has been felt at home and abroad, and has attracted the notice and admiration of the civilized world. Its foreign relations have been conducted with a capacity and success never surpassed, if ever equalled in the history of the country. With regard to our naval and military operations, what language shall I employ to do them justice? Shall I compare them to the campaigns of Napoleon? Although on a smaller scale, in point of energy and glory of achievements, even the skill and exploits of the Emperor will furnish no parallel. Sir, in future, when orators find it necessary to refer to the highest and noblest efforts of which man is capable, they will not have to travel to the far-famed field of Thermopylæ, but they will find stronger and brighter examples in the history of our own beloved country.

Sir, those who think with me on these subjects have a duty to perform in selecting and electing a successor able and worthy to fill the place of our present Chief Magistrate. Who that individual may be I care not, so that he is capable, willing, and pledged to carry out the great doctrines and democratic principles found in the Constitution and bases of free government, as adopted and interpreted by our republican fathers.

I regret, sir, to see the manufacturing interest of the country attaching itself to a great political party. I regret to see the river and harbor interest attaching itself to a great political party, and regret to see the plunderers of the public domain attaching themselves to a great political party. Who can mistake the objects of those *very disinterested* politicians? Can any doubt, if the party to which they, or any one of them, belong succeeds, that they will expect to be rewarded for their services by taxing and plundering the other great interests or sections of the country to the amount of many millions for their own especial benefit? I wish I could say that my own party was entirely free from this class of politicians; but, thank God, I can say that it is more so than any other party of this country that is likely to come into power. I am very anxious, sir, to see this session of Congress brought to a close so soon as our relations with Mexico will permit. I am anxious to meet my constituents on the court greens of my district, when I can talk to them on these subjects with more freedom and ease than through the embarrassing medium of a written speech. There I will not be talking at the public expense, but upon "my own hook." I will be ready to help to discuss those great questions of national policy with our political opponents, whether they are fighting in the open field under the lead of the bold and fearless champion of Kentucky, or concealed and forted up under the auspices of a military chieftain.

Mr. Chairman, the Democratic party voted for the war—helped to place on the head of the President the burden and responsibility of its prosecution; they have in good faith, in *word and deed*, stood by, and cheered on the commander-in-chief of the armies and navy of the country in the conflict. With a few exceptions, the Whig party in Congress voted for the war; but how far they have encouraged the constitutional conductor of that war—what aid and comfort they have given him, I will leave to the people and the history of the times to decide.

As a specimen of the patriotism and consistency of our friends over the way, I would call your attention to what took place during the last Congress, and to a vote taken a few days since in this House. When the President determined to strike a blow at the heart of Mexico, he asked the last Congress for an increase of the regular army. The Opposition were greatly alarmed at the idea of a large standing army, and made that the pretext for their opposition to the passage of the ten-regiment bill, and other provisions for the increase of the army. To quiet the fears of the Opposition and country on that subject, we inserted in the laws having for their object the increase of the army, a provision, that at the close of the war, all such increase, both of officers and men, should be disbanded, and the army reduced to the peace establishment, as it stood at the commencement of the Mexican war. But now that peace is hoped for, we find a provision introduced for the modification and repeal of this wise precaution in our army bills. And who, sir, are the advocates of this repeal? Principally the Opposition who were so alarmed at a large army in time of war, but who can see no danger or inconvenience from it in time of peace.

I wish, Mr. Chairman, I could, in the short time allotted to me by the hour rule, lay before the country a list of the inconsistencies of the Opposition during this Administration. Look, if you please, at the Oregon question. The President at one time took ground in favor of the parallel of 54° 40′ as our northern boundary; but finding, subsequently, that England had receded from her claim and pretensions to all the territory up to the Columbia river, and was willing to accept the rejected offer of the parallel of 49°; also that a majority of his constitutional advisers, as well as a majority of the representatives of the people, were in favor of a compromise on the latter boundary, he yielded his own views on a *mere matter of boundary*, and concluded a treaty in conformity with the clearly expressed will of the nation. Who now, sir, are the first to taunt the President for yielding the parallel of 54° 40′? Is it not the very men whose advice he followed? I was a 54° 40′ man—I stood there to the last—but I never blamed the President for settling the question by accepting the parallel of 49°.

Again: The Opposition, with a very few exceptions, voted for the war with Mexico, and many honorable members of that party voted to ingraft the preamble on the war bill of May, 1846. Yet we find them a few months since—just at the moment that Mexico was giving her first indications of returning reason, when she began seriously to talk and think of peace—in mass, voting, solemnly voting, that the war was "unconstitutionally and unnecessarily begun by the President of the United States." You said, sir, you did this to fix a plaster on the back of the President. Have you not fixed a plaster on your own backs, that will stick to you as tight as the poisoned shirt of Nessus?

Sir, what are you doing now, in this House, where you have the majority, and can control our action? You are, day after day, refusing to take up the bill from the Senate, now on your table, providing for the further prosecution of the war if negotiations should be broken off. Sir, does not your conduct and policy, as a party, invite Mexico to reject the treaty, procrastinate negotiations, and profit by the chapter of accidents? Are you not inducing her to believe that within a few months you will come into power, and give Mexico relief from all the consequences of a war which you yourselves have declared to be aggressive, unconstitutional, and unnecessary on our part?

If, sir, negotiations are interrupted, and a procrastinated war follows, on your heads will rest the responsibility. The Executive, with the aid of one of the most gallant armies that ever stood upon God's earth, has fairly conquered a peace; and if you defeat it, by your apparent sympathies with Mexico, Obadiah's curse is in reserve for you by an indignant and injured country.

Mr. VINTON obtained the floor, and said he had a few remarks to make on the subject before the committee; but the usual hour of adjournment having arrived, he would prefer making them in the morning, and he therefore moved that the committee rise; which being agreed to—

The committee rose and reported progress.

And the House adjourned.

IN SENATE.

WEDNESDAY, *May* 3, 1848.

The VICE PRESIDENT laid before the Senate a letter from William Brent, stating that he had received, addressed to his care, from Robert Walsh, consul of the United States at Paris, a portrait of Major General Baron de Kalb, for the purpose of being presented to Congress, as an offering from the surviving members of the family of the late Baron de Kalb, which was read.

Mr. HANNEGAN, before the reading of the Journal, rose and stated, that it was the understanding of a majority of the Senate that the message of the President relating to Yucatan was, on Saturday, referred to the Committee on Foreign Relations, and ordered to be printed. As it did not so appear on the Journal, he would now make that motion. The motion was agreed to.

MEMORIALS AND PETITIONS.

Mr. MOOR presented a petition from the heirs of Robert Libby, asking arrears of pension; which was referred to the Committee on Pensions.

Also, a petition from citizens of Aroostook county, Maine, remonstrating against the admission of timber free of duty; which was referred to the Committee on Finance.

Mr. CASS presented a petition from Joseph Masterson, a wounded soldier, asking for a pension. Referred to the Committee on Pensions.

Mr. BORLAND presented a petition from John S. Luce, asking to be allowed remuneration for certain losses incurred; which was referred to the Committee on the Judiciary.

Petitions from citizens of the United States for the purchase of Mount Vernon were presented by Messrs. JOHNSON of Maryland, CRITTENDEN, and STURGEON; and referred to the Committee on Military Affairs.

Petitions in favor of the concentration and civilization of the Indians were presented by Messrs. JOHNSON of Maryland, STURGEON, BAGBY, and others; and referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported the following House bills, without amendment:

For the relief of Harvey Jones;

For the relief of Richard Reynolds;

For the relief of Seth Morton;

For the relief of H. Carrington, executor of Paulina Le Grand, deceased; and

For the relief of Joseph Johnson, accompanied by a report.

Mr. PHELPS, from the Committee on Finance, made an adverse report on the memorial of John W. Leucks.

Mr. WESTCOTT, from the Committee on the Judiciary, reported House bill authorizing a term of the United States circuit and district courts at Chicago, Illinois.

Mr. W. stated that the bill had been accidentally laid over by the committee, and, as it was important that it should be acted on at once, he asked the indulgence of the Senate to take it up and pass it.

The motion having been agreed to, the bill was read a third time and passed.

Mr. BUTLER, from the Committee on the Judiciary, to whom had been referred the resolutions of the Legislature of Kentucky, asking for a law for the recovery of runaway slaves, submitted an elaborate report; which was read and ordered to be printed, with ten thousand additional copies; accompanied also by a bill to provide for the more effectual execution of the third clause of the second section of the fourth article of the Constitution of the United States, which was read a first time.

Mr. BUTLER, from the same committee, reported House bill for the relief of Charles Reeder, Walter R. Johnson, and the legal representatives of Thomas P. Jones, with an amendment.

Mr. UNDERWOOD, from the Committee of Claims, reported a bill for the relief of the American Colonization Society, accompanied by a report. The bill was read a first time.

On motion of Mr. WESTCOTT, it was

Ordered, That Mr. Butler, of South Carolina, be appointed chairman of the Judiciary Committee, in the place of Mr. Ashley, deceased; and that the Vice President appoint a member to fill the vacancy in said committee occasioned thereby.

Mr. MOOR was appointed.

On motion of Mr. BREESE, it was further

Ordered, That the vacancies in the Committees on Public Lands and Printing be filled by the Chair.

The Chair appointed Mr. BORLAND on these committees.

Mr. WESTCOTT gave notice of his intention, to-morrow or some future day, to ask leave to in-

troduce the following bills: An act respecting the public archives in the State of Florida; and an act to grant the Everglades and certain lands contiguous thereto, in the State of Florida, to said State, upon certain conditions.

RESOLUTIONS.

On motion of Mr. HANNEGAN, it was

Resolved, That the Assistant Doorkeeper of the Senate be directed, when so requested by the widow of the deceased, to convey the remains of the Hon. Chester Ashley, late Senator of the United States from the State of Arkansas, from the metropolis of the United States to the residence of the family of the deceased in that State; that the expenses attending the same be paid out of the contingent fund of the Senate; and that the Secretary of the Senate pay the widow of the deceased, from the contingent fund, whatever sum may be due for per diem, compensation, and mileage.

On motion of Mr. HALE, it was

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation, if any, be necessary to secure to the colored citizens of the non-slaveholding States the privileges and immunities guarantied by the Constitution of the United States to citizens of each of the States.

On motion of Mr. BORLAND, it was

Resolved, That the Vice President be requested to communicate to the Executive of the State of Arkansas information of the death of the Hon. Chester Ashley, late a Senator from said State.

Mr. CRITTENDEN moved that the prior orders be postponed, with a view to take up House bill for the relief of Mrs. Harriet Barney, widow of the late Commodore Barney.

The motion having been agreed to, the bill was considered as in Committee of the Whole.

Mr. NILES said he had always supposed that there was a general bill which embraced all cases of this character.

Mr. CRITTENDEN explained that the pension in this case had expired under the limitation in the general bill.

Mr. YULEE said it was the intention of the Naval Committee shortly to report a general bill, which would cover this case.

Mr. CRITTENDEN said that the bill was now before the Senate. The report showed that the case was a proper one for legislative action, and he hoped it would be now disposed of.

The bill was then reported to the Senate, and ordered to be engrossed and read a third time. By unanimous consent, the bill was then read a third time and passed.

Mr. DOUGLAS moved to postpone the previous orders, and to take up the bill granting to the State of Illinois the right of way and a donation of public land, for making a railroad connecting the Upper and Lower Mississippi with the chain of northern lakes at Chicago.

Mr. HALE expressed a hope that his motion for leave to introduce a bill for the suppression of riots in the District of Columbia would first be disposed of. He was desirous for an expression of the sense of the Senate on this question, which was still pending, and had precedence over all other business.

The CHAIR said it would be taken up as a matter of course whenever a motion to that effect should be made.

Mr. DOUGLAS suggested that it belonged to the business of the morning hour, which had now passed. It must therefore give way to the special orders.

The motion of Mr. DOUGLAS was then agreed to, and the Senate proceeded to consider the above-named bill, as in Committee of the Whole.

On motion of Mr. DOUGLAS, some verbal amendments to the bill were agreed to, by unanimous consent.

Mr. CLARKE suggested, that as the Senator from Indiana, [Mr. HANNEGAN,] who had indicated a wish to make an amendment, was absent from his seat, it would be better to pass over the bill informally.

Mr. DOUGLAS hoped it would not be passed over. The amendment proposed by the Senator from Indiana contemplated merely a change in the designated route, so as to embrace Lafayette. He was willing to adopt that course, and would make an amendment to that effect.

The bill was amended accordingly, and was then reported to the Senate as amended. The amendments having been concurred in, and the question being on the engrossment of the bill—

Mr. CLARKE again expressed a hope that the bill should be passed over informally until the Senator from Indiana could be present, as he appeared to feel a strong interest in his amendment.

Mr. DOUGLAS said, if the bill was permitted to be now disposed of, and the Senator from Indiana should not be satisfied, he would pledge himself to move a reconsideration.

Mr. CLARKE then withdrew his opposition.

Mr. NILES desired some information. He wished to know what was the quantity of land given away by this bill.

Mr. DOUGLAS said, he was not prepared to say. The bill granted the alternate sections along the route to the width of six miles.

Mr. NILES. What is the extent of the road?

Mr. DOUGLAS. About four hundred miles.

Mr. NILES. Four hundred miles! Here was room for a pretty speculation. Did the bill propose to vest the land in the State, in case the road should not be made?

Mr. DOUGLAS replied that it did, on certain conditions.

Mr. NILES. Is there any provision for the transportation of the United States mail?

Mr. DOUGLAS replied in the negative. He thought it proper that there should be some provision of that kind; and if the distinguished chairman of the Committee on the Post Office and Post Roads would prepare an amendment, to the effect that the United States mail should be carried over the route at a moderate rate of compensation, he would be happy to adopt it. The right of the United States to transport troops and munitions of war was expressly reserved.

Mr. NILES thought, that if the land was given to make the road, the mail ought to be transported free of charge. It was not, to be sure, quite so extensive a grant of land as that asked for by the projector of the railroad to the Pacific, which embraced a breadth of twenty miles on each side of the road. He could not vote for the bill. Neither could he propose any amendment to it, because he thought the whole thing was wrong, both in a constitutional view and as a question of policy. He denied the power of the General Government to make a railroad across any State. He wished he could satisfy himself that such a power existed; but he could not bring his mind to such a conclusion. And this mode of giving away the public lands to enable a State to do that which the General Government could not do directly, was merely a way of getting round the difficulty. The whole thing was wrong, and could not be sustained without adopting the construction of the Constitution which conferred unlimited powers on the General Government. He denounced the new principle which had been introduced in our legislation, which sanctioned the taking that which was the property of all the States of the Union for the purpose of making a road for the benefit of a particular State. There was no power in Congress to do this; and if there was, it would be an act of injustice to the other States. He must ask the yeas and nays on the engrossment of the bill.

Mr. DOUGLAS said he had prepared an amendment, making provision for the transportation of the United States mail at a reasonable rate of compensation, which he would now submit.

Mr. CRITTENDEN expressed his satisfaction at this amendment, which removed his only objection to the bill. This mode of disposing of the public lands had his entire concurrence. The amendment would protect the United States against the exorbitant exactions of railroad companies. It was of the greatest importance that a connection should be established between these two great rivers and the northern lakes. And there could be no wiser purpose to which the General Government could apply the public domain than in the construction and improvement of the great roads to the West.

Mr. BAGBY stated his constitutional objections to legislation of this character, and went at some length into his views on this point.

The debate was further continued by Mr. CRITTENDEN, Mr. NILES, Mr. BENTON, Mr. BUTLER, Mr. CASS, Mr. CALHOUN, and Mr. FOOTE; when

The bill was ordered to be engrossed, by the following vote:

YEAS—Messrs. Allen, Atchison, Badger, Bell, Benton, Borland, Breese, Bright, Cass, Clarke, Clayton, Crittenden, Davis of Mississippi, Douglas, Felch, Foote, Greene, Hannegan, Houston, Johnson of Louisiana, Mangum, Spruance, Underwood, and Westcott—24.

NAYS—Messrs. Atherton, Bagby, Butler, Calhoun, Hale, Johnson of Georgia, Lewis, Niles, Sturgeon, Turney, and Yulee—11.

The bill was subsequently read a third time, by unanimous consent, and passed.

[The debate, at length, will be found in the Appendix.]

A motion was made to adjourn, but withdrawn; and

Mr. FOOTE, on leave, introduced a bill for the relief of the West Feliciana Railroad Company; which was read a first and second time, and referred.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 4, 1848.

The Journal of yesterday was read and approved.

Mr. MURPHY, from the Committee on the Library, reported a bill to regulate the exchanges of certain documents and other publications of Congress. Read and committed.

On motion of Mr. VINTON, it was

Ordered, That the Committee of Ways and Means be discharged from the consideration of the letter of the Secretary of War respecting the claim of Daniel Parker, and that it be referred to the Committee of Claims.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported a bill for the relief of John P. B. Gratiot, and the legal representatives of Henry Gratiot. Read and committed.

Mr. DUNN, from the same committee, made adverse reports upon the petitions of David Little and of Alexander H. Mechlin. Laid upon the table.

Mr. GRINNELL, from the Committee on Commerce, reported a bill to admit certain articles of the growth or production of Canada into the United States free of duty, upon the condition that the like articles of the growth or production of the United States are admitted into Canada free of duty. Read and committed.

Mr. COLLAMER, from the Committee on Public Lands, reported the following:

Resolved, That there be prepared, by the procurement of the Clerk, for the use of this House and the Committee thereof on Public Lands, a map of the public lands in each State, showing the state of the survey, and also what has been sold; and that the same be prepared under the supervision of the Commissioner of the General Land Office, and that the said maps be revised and extended after each session of Congress.

After a short debate by Messrs. COLLAMER and HOUSTON, of Alabama, the resolution was agreed to.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, reported a bill to regulate the postage on newspapers, and for other purposes. Read and committed.

Mr. G. moved that the post-route bill be made the special order for Friday next.

After a few words from Messrs. GOGGIN and KAUFMAN—

Mr. ROCKWELL, of Connecticut, objected to the motion, and it was not received.

Mr. EMBREE, from the Committee on the Post Office and Post Roads, asked to be discharged from the further consideration of the petition of citizens of Elkhart county, Indiana, for the passage of a law compelling the Post Office Department to assume the responsibility of the safe transmission through the mails of all prepaid matter, and that it be laid upon the table.

On motion of Mr. JONES, of Tennessee, the same committee was discharged from the further consideration of the resolution of the House of the 13th of March last, relative to providing for a permanent arrangement with the railroads in the several States of the Union to transport the United States mail, and means and munitions of war upon long contracts, say twenty years.

Mr. TOMPKINS moved that the resolution from which the Committee on the Post Office and Post Roads had just been discharged, be referred to a select committee.

After some remarks by Messrs. TOMPKINS and JONES, of Tennessee, the motion was agreed to.

Mr. BARROW, from the Committee for the District of Columbia, reported a bill for the relief of J. W. Nye, assignee of P. Bargy and H. Stewart. Read and committed.

On motion of Mr. BURT, the Committee on Military Affairs was discharged from the further consideration of the petitions of Robert Gamble and of James W. Schaumburg, administrators of Bartholomew Schaumburg. Laid upon the table.

Mr. BURT, from the Committee on Military Affairs, reported a bill to establish two national foundries and an armory. Read and committed.

Mr. STANTON, from the Committee on Naval Affairs, asked to be discharged from the further consideration of the petition of C. Evans, of Pittsburg, Pennsylvania. Laid upon the table.

Mr. TUCK, from the same committee, reported a bill for the relief of S. B. Elliot, of the United States navy. Read and committed.

Mr. KING, of Georgia, from the same committee, reported a joint resolution proposing the establishment of a line of war steamers from the port of Monterey or San Francisco, in California, to Shanghae and Canton, in China. Read and committed.

Mr. K. moved that 10,000 copies extra of the report and chart accompanying the said resolution be printed; which motion to print 10,000 copies extra of the report was referred to the Committee on Printing, and the motion to print 10,000 copies extra of said chart was referred to the Committee on Engraving.

Mr. HOUSTON, of Delaware, said he had on yesterday several times endeavored to obtain the floor to make the motion of which he had previously given notice, that when the House adjourned yesterday that it would adjourn to meet on Monday next; but he had failed in his efforts. He had been requested by members to make the motion this morning, but he was informed by officers of the House that three days were insufficient to do the necessary cleaning in the Hall, and he therefore declined to make the motion to-day to adjourn over to Monday.

Mr. KING, of Massachusetts, from the Committee of Accounts, asked to be discharged from the further consideration of the resolution of the House of March 23d, 1848, in relation to the funeral expenses of John M. Holley, late a member of the House from the State of New York. Laid upon the table.

Mr. CONGER, from the Committee on Printing, reported the following resolution:

Resolved, That one thousand copies extra of report No. 498, being the report of the Committee of Claims in relation to the establishment of a board of commissioners for the examination of claims against the United States, made to this House on the 26th day of April, 1848, be printed.

Mr. COCKE rose, as soon as the resolution had been read, and inquired if the extra copies were not already printed, and he wished to know by whose authority?

Mr. MILLER and others also rose to elicit the information called for by Mr. COCKE.

Mr. CONGER explained the circumstances under which this resolution was offered. When this document was ordered to be printed by the House, no extra copies were ordered; and, deeming it a document which should be sent forth to the people, he went to the office of the public printer and ordered one thousand copies to be printed on his own responsibility, so as to prevent the type being kept or reset. The Committee on Printing have recommended the Printing of an extra number of this report. It was a subject on which much labor had been devoted, and many valuable statistics collected, which are imbodied in this report. The report had relation to the organization of a board of examiners of claims against the Government, for which purpose a bill had been reported.

Mr. MILLER inquired if he understood that these large extra numbers had been ordered by an individual member of this House without its authority?

Mr. CONGER reiterated his explanation, and asserted his right as an individual to order any number of documents he pleased.

Mr. COCKE did not deny the right of the gentleman from New York to order any number of documents for his own use, and on his own responsibility, but he did deny the right of any member of this House to order the printing of extra copies of any document for this House without its authority.

Mr. CONGER protested against the gentleman from Tennessee saying that he had ordered any printing for this House. He had ordered the printing on his own responsibility, and did not ask this House to sanction his act unless it was deemed right.

Mr. COCKE said this resolution proposed to authorize the printing of the number of documents which the gentleman from New York had ordered, and if it should be adopted, then this House would have to pay for the extra numbers which had been ordered. It was a document which was useful only to the members of this House, and therefore an extra number were not required, and hence he was opposed to the adoption of the resolution. He hoped it would not be adopted.

Mr. ROCKWELL, of Connecticut, had no personal interest in the adoption of this resolution; but as to the subject-matter of it, he differed from the gentleman from Tennessee, [Mr. COCKE.] He deemed it a subject of very great importance both to the House and to the country. It had been said by the gentleman from Tennessee that it was a matter interesting only to the House, and not to the country at large; but he begged to inquire if there were any matters of greater interest than the claims against the Government and the great difficulties which arose in relation to them? Why, the statistics which had been collected showed that of 3,500 claims which had been brought to this House during one session from all parts of the Union, less than one hundred had been passed by Congress—not because they had been rejected, but because they had not been brought forward to be passed upon. He went on to show that in some cases not one-half of such cases had been reported upon, and he hoped this report would be sent to the country, for the facts which it contained would have a beneficial influence on the people, and he hoped would react on the members of this House. He undertook to say, that if gentlemen would read the facts which this report contained, they would be satisfied that no greater abuse existed than the mode of adjudicating private claims. A portion of it had been made up by Mr. Whittlesey, who was formerly chairman of the Committee on Claims; another portion consisted of facts collected by one of the clerks of this House with great labor; another portion contained some information as to the legislation of other countries on such subjects. These facts comprised a very valuable document.

With regard to the question which had been started as to the individual agency of the gentleman [Mr. CONGER] in ordering the printing of extra numbers of this document, he had but little to say. It had certainly been done without his (Mr. R.'s) knowledge and sanction. It had been done on the gentleman's own responsibility; and the amount involved was so small—but some $23—that he supposed the gentleman would be able to meet it if the House did not.

Mr. THOMPSON, of Mississippi, desired to know if the gentleman from New York had ordered the extra printing as a member of the committee or in his individual capacity?

Mr. CONGER again explained. He said the Committee on Printing had recommended the printing of the extra number, and authorized him to make a motion for that purpose; but, failing in obtaining the floor, he gave direction to the printer to print the extra copies before the type was distributed, to save the expense of resetting the type in case the House should order the printing to be done. The order was given on his own responsibility.

Mr. THOMPSON had supposed that it had been done by the committee. The report was made, as he understood it, purely for the action of the House, and the ordinary number was ordered. It was not a subject of general interest. To that report he wished briefly to call the attention of the House. He had only looked through it cursorily, but he found it recommended that a board should be appointed for the adjudication of private claims; or, in other words, that another court should be established. This was a subject which had been long under discussion at both ends of the Capitol, and on which various reports had been made. He believed they could appoint no board which could adjudicate claims, and take money for them out of the treasury of the United States, without the action of Congress.

Mr. ROCKWELL, of Connecticut, interposed, and assured the gentleman from Mississippi that he was greatly mistaken. It was not proposed to appoint a board to adjudicate private claims, and to take money out of the treasury. It did provide, however, for the examination of those claims, and for reports thereon to Congress, without requiring Congress to appropriate money for those claims even then.

Mr. COCKE inquired if the morning hour had not expired?

The SPEAKER informed the gentleman from Tennessee that the gentleman from Mississippi was in possession of the floor.

Mr. THOMPSON would only add, that the course recommended on the subject of private claims would be the establishment of a singular precedent.

Mr. DUER said he observed that the conduct of his colleague [Mr. CONGER] had been commented upon. Now, he asked permission to say that the object of his colleague, in ordering the printing on his own responsibility, was to save the Government the expense of resetting the type.

Mr. THOMPSON said the gentleman from New York had ordered these extra copies either on his own account or on behalf of the House. If he had ordered them for himself, they were for his own distribution; but if for the House, he (Mr. T.) was not willing to sanction the right of any individual to spend money for this House without authority.

Mr. CONGER would say again that he did not wish the House to adopt this resolution, unless the House thought that number of extra copies should be ordered. For what he had done he asked no favor from the House, or from any individual; and he desired that gentlemen, in the discussion of this subject, should be confined to the real question on its merits. The single question before the House was this: Shall there be an extra number of this document printed? and not whether he was liable for the payment of those ordered. He desired gentlemen to leave the discussion of that point.

Mr. THOMPSON reiterated that the gentleman from New York either ordered them on his own account or for the House, by its authority, and on its credit. If he had ordered them for himself, of course he would pay for them; but if for the House——

Mr. CONGER again interrupted the gentleman from Mississippi, to say that he had not put forth the fact that he had ordered these documents to be printed as a reason why this resolution should be adopted. The gentleman seemed to have some object to accomplish in thus commenting on this point.

Mr. COCKE said it was not his purpose to reflect upon or to condemn the gentleman from New York; he did not say that the gentleman's motives were not of the purest kind. Mr. C.'s sole object had been to put down the practice of members going in their private capacity to the public printer and ordering any number of copies of public documents printed on account of the House.

Mr. CONGER said, that had not the gentleman called out this fact, of Mr. C.'s ordering an extra number of this document printed, the House would very quietly have acted on the question; and if, in their judgment, this report was of sufficient importance and value to deserve printing, would have so ordered.

Mr. STEPHENS had one word to say to the gentleman from Tennessee, [Mr. COCKE.] So far from agreeing in the principle which the gentleman had asserted, he utterly dissented from it. It was the right, and might often be the duty of a member to apply to the printer, and have a number of extra copies of a public document printed for the benefit of his own constituents.

Mr. COCKE did not mean to deny this right; but he denied the obligation or the right of the House to pay for printing out of the Treasury of the United States, if it was ordered, not by the vote of the House, but by a private individual member; and he had called up this subject with a view to prevent what he considered a dangerous precedent.

Mr. STEPHENS said that he now understood the gentleman from Tennessee differently from what he had before.

Mr. THOMPSON, of Mississippi, said he did not think this report of sufficient importance to deserve printing at all.

Mr. CONGER said he had ordered the printing on his own responsibility, but not for his own use.

Before any action was taken on the subject—

Mr. COCKE said, that as the morning hour was elapsed, he moved that the House now proceed to take up the bills upon the Speaker's table.

Mr. ROCKWELL remonstrated, and hoped the motion would not be pressed.

Mr. COCKE insisted on his motion, observing that there were many items on the Speaker's table which were of great importance, and it was time to get rid of them.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. KAUFMAN rose to a privileged resolution—which was, to close the debate on the bill now pending before the House, (the bounty-land bill,) at two o'clock this day.

Mr. VINTON hoped the resolution would not be adopted. There were amendments proposed to the bill which were of great importance. The chairman of the Land Committee, and he believed two or three other gentlemen, were desirous of submitting their views on the whole subject. He moved to amend the motion of the gentleman from Texas by inserting Monday, at two o'clock.

The question being put, the amendment was carried, and the resolution as amended agreed to. So the debate on the pending bill is to close on Monday, at two o'clock.

The question recurring on Mr. VINTON's motion that the House go into Committee of the Whole on the state of the Union, the motion was negatived: Ayes 64, noes 67.

Mr. COCKE moved that the House proceed to the consideration of the business on the Speaker's table.

The question was decided in the affirmative: Ayes 78, noes 57.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following Executive communications:

A letter from the Secretary of War, transmitting a report (in answer to a resolution of the House) of the number of regulars enlisted and volunteers received into the service of the United States since the commencement of hostilities between the United States and Mexico; the number killed in battles, or who have died from wounds and from disease; the number discharged; the strength of each regiment when mustered into service, and their strength according to the last returns; also, the name of the State where raised, &c. Laid on the table, and ordered to be printed.

A letter from the Postmaster General, transmitting, in compliance with the act of 2d July, 1836—

1st. A copy of the abstract of the offers for carrying the mails made within the year preceding the 1st of July, 1847.

2d. A report of all contracts made for the transportation of the mail within the year aforesaid.

3d. A statement of all such land and water mails as have been established or ordered within said year.

4th. A report of all additional allowances made to mail contractors within the said year.

5th. A report of curtailments of mail service and pay ordered within the said year.

6th. A report of fines imposed and deductions made from the pay of contractors within the said time. Referred to the Committee on the Post Office and Post Roads.

A letter from the Commissioner of Public Buildings, transmitting, in compliance with a resolution of the House of the 13th of March last, information as to whether any injury has been done to the Capitol by cutting through the walls and arches of the same for the introduction of gas-pipes, or from digging about or under the foundation for the purpose of putting in furnaces to heat or warm the Hall and rooms of the Capitol, and whether the weight upon the dome from the pole does not endanger the dome itself, &c. Referred to the Committee on Public Buildings, and ordered to be printed.

THANKS TO GENERAL TAYLOR.

The joint resolution giving the thanks of Congress to Major General Zachary Taylor, which had passed both Houses, and was returned from the Senate with amendments, was laid before the House—the question being on concurring in the amendments of the Senate.

The amendments, which were merely verbal, were concurred in, under the operation of the previous question, moved by Mr. STEWART, of Pennsylvania. And thus the joint resolution has finally passed both Houses.

PATENT EXAMINERS.

The next bill was a bill to provide additional examiners in the Patent Office, returned from the Senate with a disagreement in amendments.

Mr. FARRELLY moved that the House insist, and a committee of conference be appointed; which was agreed to.

Messrs. FARRELLY, McCLELLAND, and BARRINGER were appointed to constitute such committee on the part of the House.

TEN-REGIMENT BILL.

The Senate bill "to raise, for a limited time, an additional military force," was next laid before the House.

Mr. BOYD moved to refer the bill to the Committee of the Whole on the state of the Union.

Mr. COCKE moved to refer it to the Committee on Military Affairs.

The SPEAKER stated that the question would be first on the reference to the Committee of the Whole on the state of the Union.

Mr. BRODHEAD asked the yeas and nays, which were ordered; and, being taken, resulted as follows:

YEAS—Messrs. Atkinson, Bayly, Beale, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cathcart, Franklin Clark, H. Cobb, Williamson R. W. Cobb, Collins, Dunn, Featherston, Ficklin, French, Fries, Green, W. P. Hall, Hammons, Harmanson, Harris, Henley, Hill, G. S. Houston, Inge, Andrew Johnson, James H. Johnson, G. W. Jones, Kaufman, Kennon, Lahm, La Sère, Leffler, Lumpkin, Maclay, McClelland, McClernand, McDowell, Miller, Morris, Murphy, Nicoll, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Pillsbury, Richardson, Robinson, Rockhill, Sawyer, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Jacob Thompson, R. A. Thompson, Thurston, Turner, Wentworth, Wick, Wiley, and Woodward—74.

NAYS—Messrs. Abbott, Adams, Barrow, Belcher, Blanchard, Boydon, Brady, Buckner, Cabell, Canby, Clingman, Cocke, Collamer, Conger, Cranston, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Freedley, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Haskell, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, John W. Houston, Hubbard, T. B. King, D. P. King, William T. Lawrence, Lincoln, H. Mann, Marsh, Marvin, Morehead, Mullin, Nes, Outlaw, Palfrey, Pendleton, Putnam, Reynolds, Julius Rockwell, J. A. Rockwell, Rumsey, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stephens, A. Stuart, Strohm, Tallmadge, Taylor, Thibodeaux, R. W. Thompson, Tompkins, Toombs, Tuck, Van Dyke, Vinton, and White—79.

So the House refused the reference to the Committee of the Whole on the state of the Union.

The question recurring on the motion of Mr. COCKE, it was taken and agreed to without a division; and the bill was referred to the Committee on Military Affairs.

AMERICAN HEMP.

The joint resolution from the Senate respecting contracts for hemp for the use of the American navy then came up, and was read a first and second time; and, the question then being on ordering it to a third reading—

Mr. KING, of Georgia, moved the previous question; which was seconded.

Mr. FRIES proposed to refer it to the Committee on Naval Affairs; but the motion was not now in order.

The question being taken, the third reading was ordered; and the bill was accordingly read a third time. The question then being on its passage—

Mr. JONES, of Tennessee, moved to refer the resolution to the Committee on Naval Affairs, with instructions to report a certain amendment.

The SPEAKER ruled the motion out of order at this time.

Mr. JONES then moved a reconsideration of the vote ordering the third reading. He said his object in moving the reconsideration was to enable him, when it should be reconsidered, to move an amendment to strike out so much of the resolution as authorized the making of the contracts at a price not exceeding the average price for the last five years, and to insert a provision for making the contracts at the market price when the hemp should be delivered. For the last three years, hemp had been much lower than it was at this time—much lower than the article had generally been in this country; and if they restricted the contracts to the average price of the last five years, he thought no person would be found in the country to take the contracts. He referred to general considerations in favor of making the market price at the time of delivery the standard. This was the reasonable, fair method of the Government, as well as for individuals, and best secured the interests of both.

Mr. KING, of Georgia, had but a single remark to make in reply to the gentleman from Tennessee. The gentleman proposed so to change the resolution as that the contracts should stipulate to pay the price which hemp might bear at the time of delivery; that was precisely what it was desired by the resolution and by the growers of hemp to avoid. The term of five years was placed in this resolution so as to give the hemp-growers a certainty that they should positively receive the designated price, that being understood and known by them to be a remunerating price. The price of hemp was extremely fluctuating, and the object of this resolution was to avoid the injurious consequences of it. The price at this time was $315 per ton; the price paid two or three years ago was $228; the average price since the foundation of the Government had been about $200. Now, in the absence of the supplies of hemp in this country, owing to the uncertainty on the part of the growers as to what they were to receive, the importers of foreign hemp were enabled to vary the prices as he had shown had been the case for years, and thereby the Government was frequently under the necessity of paying almost twice as much as they could procure American hemp for, provided the American grower could rely upon the certainty of receiving remunerating prices. There was no limit in the resolution, except that the price should not exceed the average price for the last five years; and if American growers were willing to enter into contracts for the supply of hemp at these average prices, surely the Government itself ought not to complain. It was believed that the terms proposed in the joint resolution were the best both for the Government and the hemp-growers that could possibly be devised. He did not desire to detain the House. He hoped the motion of the gentleman from Tennessee would not prevail, and that the joint resolution would be passed.

Mr. TURNER moved the previous question, which was seconded; and the main question, being first on the motion to reconsider, was ordered, and being taken, was decided in the negative.

The question then recurring on the passage of the resolution, it was agreed to.

BILLS FROM THE SENATE.

The following bills from the Senate were taken up, read a first and second time, and appropriately referred:

An act granting to the State of Illinois the right of way and a donation of public lands for making a railroad connecting the Upper and Lower Mississippi with the chain of northern lakes at Chicago.

An act placing the officer who performs the duty of adjutant at the Military Academy on an equality as to pay and allowances with the adjutant of recruits.

An act for the relief of John Lorimer Graham, late postmaster in the city of New York.

An act to confirm the location, and to grant a quarter section of public lands, for the county site of Hillsborough county, State of Florida.

An act respecting certain surveys in the State of Florida.

An act extending privileges to American vessels engaged in certain mentioned trade, and for other purposes.

An act for ascertaining and paying the California claims.

An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants.

An act to provide a free communication across the Eastern Branch of the river Potomac, in the District of Columbia.

An act to provide for the settlement of the claim of Henry Washington, late a deputy surveyor of the public lands in Florida.

An act for the relief of Reynolds May.

An act authorizing the purchase of the papers of Alexander Hamilton.

An act for the relief of the forward officers of the late Exploring Expedition.

An act to authorize the Secretary of the Treasury to make an arrangement or compromise with Mangle M. Quackenboss and his coöbligors, or any of them, for claims on bonds given by them as sureties to the United States.

A resolution for the relief of Jonathan Lewis.

An act for the relief of Jeanette C. Huntington, widow and sole executrix of William D. Cheever, deceased.

An act for the relief of Creed Taylor.

An act for the relief of Elizabeth Pistole, widow of Charles Pistole, deceased.

An act for the relief of Jesse Turner.

An act for the relief of Joseph F. Caldwell.

An act for the relief of Nathaniel Kuykendall.

An act granting a pension to the widow of Jacob Garland, deceased.

An act for the relief of Thomas Brownell.

An act for the relief of Elizabeth Jones and the other children of John Carr.

An act for the relief of Thompson Hutchinson.

An act for the relief of Thomas Douglas, late United States Attorney for East Florida.

An act for the relief of Samuel W. Bell, a native of the Cherokee nation.

An act supplementary to an act to authorize the Secretary of State to liquidate certain claims therein mentioned, passed April 18, 1814.

An act for the relief of Oliver C. Harris.

THE FRANKING PRIVILEGE.

The bill from the Senate entitled "An act to declare the true intent and meaning, so far as respects the franking privilege of members of Congress, of the act approved the 1st of March, 1847, and entitled 'An act to amend the act entitled An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the Post Office Department,' passed 3d March, 1845, and for other purposes," was read a first and second time.

Mr. GOGGIN moved its reference to the Committee on the Post Office and Post Roads.

Mr. JONES, of Tennessee, rose and said that this was an extraordinary bill. It was designed to give to members of Congress the right to put their names on parcels and send them out to any part of the country; and the Postmaster General, nor any postmaster, would be authorized, or would dare, under the bill, to question the genuineness of the name of the member that it might appear to be, whether it were written by himself, or engraved, or lithographed. He moved to lay the bill on the table.

The motion was not agreed to.

The bill was then referred to the Committee on the Post Office and Post Roads.

The bill from the Senate entitled "An act to provide for the repair and improvement of the dam at the head of Cumberland Island, in the Ohio river," was read a first and second time, and referred to the Committee on Commerce.

The House proceeded to the consideration of the bill of the House supplementary to the act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court in certain cases, and for other purposes." Laid on the table.

The House proceeded to the consideration of the amendments of the Senate to the bill of the House entitled "An act to make Ship Island, in the collection district of Pearl river, a port of delivery, and to authorize the appointment of a surveyor for said port."

The amendments of the Senate were agreed to, and the title was amended by striking out the word "surveyor," and inserting in lieu thereof the words "deputy collector."

The joint resolution of the House extending the time for the erection of certain light-houses, which was ordered to be engrossed on the 3d of February, was read a third time and passed.

GENERAL OFFICERS OF THE ARMY.

The House next proceeded to consider the engrossed bill of the House to amend the act entitled "An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes;" the question being on the passage.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso of the first section of an act approved the 18th day of June, 1846, in the following words: "That when the war with Mexico shall be terminated by a definitive treaty of peace, duly concluded and ratified, the number of major generals in the army shall be reduced to one, and the number of brigadier generals shall be reduced to two; and the President of the United States is authorized and directed to select, from the whole number who may then be in office, without regard to the date of their commissions, the officers to be retained, and cause the remainder to be discharged from the service of the United States," be, and the same is hereby, repealed.

The question was taken, and the vote stood—yeas 80, nays 67, as follows:

YEAS—Messrs. Abbott, Barrow, Bayly, Belcher, Blanchard, Bocock, Boydon, Brady, Brodhead, Burt, Cabell, Canby, Cathcart, Clingman, Cocke, Collamer, Conger, Cranston, Crozier, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Freedley, Gayle, Gentry, Goggin, Gott, Gregory, Hale, Harris, Haskell, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, John W. Houston, Inge, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McDowell, Marsh, Marvin, Morehead, Mullin, Outlaw, Palfrey, Pendleton, Petrie, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Rumsey, Shepperd, Sherrill, Slingerland, Caleb B. Smith, Truman Smith, Stanton, Stephens, Andrew Stewart, Strohm, Taylor, Thibodeaux, Tompkins, Toombs, Van Dyke, Vinton, White, Wilson, and Woodward—80.

NAYS—Messrs. Atkinson, Beale, Bingham, Bowdon, Bowlin, Boyd, William G. Brown, Charles Brown, Albert G. Brown, Chase, F. Clark, Howell Cobb, Williamson R. W. Cobb, Garnett Duncan, Dunn, Featherston, Ficklin, French, Fries, Giddings, Green, Grinnell, Willard P. Hall, Hammons, Harmanson, Henley, Hill, George S. Houston, Hubbard, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sère, Leffler, Lumpkin, Maclay, McClelland, McClernand, Horace Mann, Miller, Morris, Morse, Nicoll, Peaslee, Pettit, Peyton, Phelps, Robinson, Rockhill, Sawyer, Robert Smith, Starkweather, Charles E. Stuart, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Tuck, Turner, Wentworth, Wick, and Wiley—67.

So the bill was passed.

MOUNT VERNON.

The SPEAKER presented a memorial of sundry American citizens, praying that Mount Vernon may become the property of the United States, in order that the mansion and favorite grounds of Washington, with the tomb containing his sacred remains, may be kept in a suitable and proper state of preservation.

Mr. HILLIARD moved the reference of this memorial to a special committee of nine members.

Mr. BURT suggested to the gentleman from Alabama that this memorial related to a subject which had been under the consideration of the Committee on Military Affairs, to whom similar memorials had been referred; and he hoped this would have the same direction. It was perhaps not the time to state what action the Committee on Military Affairs had taken upon such memorials, but he would observe that that committee would very soon be prepared to report on this and the other similar memorials that had been referred.

Mr. HILLIARD said his object was to secure a proper consideration for these memorials; and if like memorials had been referred to the Committee on Military Affairs, he had no desire to disturb or change the reference. He hoped the Committee on Military Affairs would make a favorable report, which would enable the House to act on this subject at the present session. He would not press his motion for a select committee, but allow the memorial to go to the Committee on Military Affairs.

Mr. JOHNSON, of Arkansas, moved to lay the whole subject on the table, but afterwards withdrew it, that the memorial might go to the Committee on Military Affairs. But he wished to say that he was opposed to the object contemplated. It was desired by these memorialists, that this Government should give $150,000 for property that was entirely worthless to the Union. If such a measure should come before this House, he should oppose it, and take every means in his power to defeat it. Of late, much of the legislation of Congress involved useless expenditures that ought not to be indulged in, and it was time that the members of this House should set their faces against it. He cared not with whose name such legislation should be connected, it ought to be stopped. With these views, he should oppose it by every honorable and sensible means in his power.

The motion to refer to the Committee on Military Affairs was then agreed to.

TEXAS VOLUNTEERS.

On motion of Mr. BURT, the House proceeded to the consideration of the joint resolution for the payment of the regiment of Texas mounted volunteers called out by Colonel Curtis, commanding officer at Camargo, and not mustered into service.

Mr. BURT said, this resolution had heretofore been under consideration in this House, and it was on the question of its passage when the House adjourned on a preceding day. Its object had been fully explained and discussed, and therefore he hoped there would be no objection to its passage at this time; for the Texas volunteers were as much entitled to remuneration as any others called into the service in Mexico. This was special legislation, it was true, but it was necessary and indispensable under the circumstances of the case. It was recommended by the Secretary of War, and he presumed would be objected to by nobody. He hoped he should have the approbation of the House in moving the previous question upon it.

The previous question was seconded, and the main question was ordered to be now put, being first on the pending amendment, which provided against payment for horses lost for want of forage.

The question being taken, the amendment was rejected, and the resolution was then ordered to be engrossed for a third reading.

The SPEAKER stated the question to be on the third reading.

Mr. HALL, of Missouri, moved the reconsideration of the vote ordering the resolution to be engrossed for a third reading. He said he had no objection to paying the Texas volunteers precisely the same as other volunteers were paid. He thought it right that they should be so paid; but this resolution proposed to pay those who had been in the service for a very short period as much as others, nay more than those who had been longer in the service. It proposed to give to the Texas volunteers who had not been in service more than sixty or ninety days, bounties and compensation and remuneration exceeding the payments to those who have been in the service since the war began. Those who have been in the service since the war commenced were not entitled to compensation for their horses, unless they were actually killed in battle; but these men called from Texas, who have never seen the enemy, were to be entitled to payment for their horses, which, it was said, had been lost in consequence of the neglect of the Government to furnish them with forage. What reason was there to be offered for this peculiar exception? It was said, if they passed a general law to pay fot horses lost in the service, still these men would nor be paid, because they were called out irregularly. This, he held, was not a valid objection; for a provision could be introduced into the general bill to give them the same that was given to other volunteers. If it was intended to pass a general bill, provision could be made for the Texas volunteers; but until it was determined to provide for all others, he was unwilling to make an exception in favor of these men, who had been in service a very few days. There were men from Missouri who went out on the first call for volunteers by the President of the United States; they travelled some five thousand or six thousand miles, and nearly all their horses perished. And where, he asked, was the law giving them a cent for the losses they had sustained? Again, the horses of other volunteers from other States were thrown overboard in the Gulf, and why had not they as good a claim as these Texas volunteers, who marched one hundred and fifty or two hundred miles only, and when they got to the seat of war were immediately sent back again?

Mr. BURT understood the gentleman from Missouri to say, that this resolution proposed to give Texas volunteers a greater sum than any other volunteers were likely to receive. Now, he should be much indebted to the gentleman if he would show him specifically in what particular this resolution proposed to pay these Texas volunteers a greater sum, or allowance, or emolument, than was received by other volunteers.

Mr. HALL thought he had been sufficiently explicit. This resolution proposed to pay the Texas volunteers for horses lost for want of forage, but there was no provision to pay other volunteers for such losses, and thus they would receive pay which was not received by others.

Mr. BURT had yet to learn that pay for horses lost was part of their pay and allowance for service. This resolution did certainly propose to give to the Texas regiment of volunteers payment for their horses also, and it was known to the House that the Committee on Military Affairs had likewise promptly reported a bill to pay for all horses lost in the war for want of forage being furnished by the Government of the United States. But if such a general law had been passed giving the Secretary of War authority to pay for horses lost in Mexico under such circumstances, this regiment of Texas volunteers would receive nothing by virtue of that law.

Mr. HALL begged leave to ask the gentleman from South Carolina, if a law were passed to pay other volunteers for horses lost in the war, with a proviso extending to this case, together with all others, whether these Texas volunteers would not be paid for their horses?

Mr. BURT replied, that it must be obvious, if Congress should make special provision to pay for these horses, they would be paid for. The very statement of the gentleman furnished an answer to his own question. What he (Mr. B.) had contended for was, that they must make special provision for the payment of these Texas volunteers. Why? Because they were called into the service by Colonel Curtis, without constitutional authority. That was the reason why they could not receive pay and remuneration for their horses, if a general law should be passed to pay for horses lost in the service. The Committee on Military Affairs recommended that they should be paid all that they would have been entitled to if they had been regularly mustered into the service; and he appealed to the House to pass this resolution, and to pass it without amendment, which would require a paymaster to hunt up these men twice to pay them sums which could be as well paid at once. The Committee on Military Affairs desired to pay for all horses lost by the fault or misfortune of the Government; but he repeated that this was a special case, which required special legislation. He hoped the resolution would pass.

Mr. GIDDINGS briefly spoke in favor of the motion to reconsider.

Mr. LINCOLN said the objection started by the gentleman from Missouri [Mr. HALL] struck him as being a sound one; and he wished to ascertain if there was anything further to be learned about this claim, for he desired fully to understand it. He understood that the volunteers who served in Mexico were not by any general law entitled to pay for lost horses, and he understood that if this resolution should pass, the Texas volunteers would be entitled to compensation for lost horses. Thus, they would be placed in more favorable circumstances than others.

Mr. BURT begged leave again to explain. The Committee on Military Affairs had reported a bill, which was before the Committee of the Whole on the state of the Union, to pay for all horses lost in Mexico, under the circumstances indicated by this resolution, or by casualties not necessarily incident to the service without the fault of the owners. He begged to say to the gentleman from Illinois, [Mr. LINCOLN,] that if that bill were now a law, they would have to make a special provision for the payment of the Texas volunteers. This was admitted by the gentleman from Missouri, [Mr. HALL,] for the Texas volunteers were called into service by Colonel Curtis, of the Ohio regiment, who had no authority to call them into the service. This resolution, then, was in the nature of a private bill. It was to provide for the payment of a particular regiment, in consequence of the irregularity of which he had been speaking. When the general bill was passed, all the others would be provided for. If, however, the provision for the payment of the lost horses were stricken from this resolution, as some gentlemen desired, and incorporated in the general law, no good would be produced, but a double journey of a paymaster into Texas would inevitably follow, for the purpose of paying, first, that which would be allowed by this joint resolution, and afterwards the compensation to be awarded by the general law.

Mr. LINCOLN said the payment for these lost horses came within a class of cases in which he was a good deal like a gentleman near him, who was in favor of paying for everything by way of being sure of paying all those that were right. But if this resolution should be passed, and the general law should fail, then everybody but these Texas volunteers would go without their compensation. He was not willing to do anything that would produce such a result. He preferred placing the Texas volunteers on a level with all other volunteers; and, therefore, he should vote for the reconsideration.

Mr. KAUFMAN warmly advocated the passage of the resolution. He urged that the resolution had been carefully considered by the Committee on Military Affairs, and reported to the favorable consideration of the House; and, being entirely meritorious in its character, he regretted that it should have met with any opposition here. If gentlemen were acquainted with all the circumstances of the case, which had not been detailed here, they would not have hesitated to pass it. He then proceeded to detail the circumstances under which the Texas volunteers were called into the service of the United States by Colonel Curtis, as briefly stated by Mr. BURT, of South Carolina, and said that it had ever been the policy of this Government to pay for horses so lost. It was not a valid argument against this resolution that it could be incorporated into the general law. This resolution might now be passed, and there could be no question that the general law would be passed hereafter.

He then detailed the course pursued by the Texas volunteers in endeavoring to effect a settlement of this claim. They had actually incurred the expense of sending their lieutenant colonel to Washington for that purpose. He appealed, then, to the House not to subject these gallant men to further inconvenience. When Colonel Curtis called upon them, they rallied around his standard, when they believed that danger would attend them at every step, and he claimed for them the favorable consideration of the House.

Pending the question—

On motion, the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. THOMPSON, of Kentucky: The petition of Henry Childs, praying for a pension, on account of a disability received while in the service of the United States.

By Mr. CABELL: Resolutions of the Legislature of the State of Florida, and petitions, preamble, and resolutions of the General Assembly of the State of Florida, for lighthouses at Smyrna, Egmont Key, and at the mouth of the Suwanee river. Also, memorials for a marine hospital and custom-house at Appalachicola, and for the improvement of Appalachicola bay. Also, for the construction of a canal to connect Indian river with the St. John's. Also, for the fortification of Cape Florida and St. Andrew's bay. Also, for the grant of St. Francis barracks at St. Augustine, for the use of a seminary of learning. Also, for a port of entry at Miami, in Dade county. Also, for mail routes to St. Lucie and Dade counties, and from Milton to Nathansville.

By Mr. BARROW: The petition of Samuel Graves, praying for a pension for injuries sustained while acting as a pilot on Lake Champlain during the late war with Great Britain.

By Mr. DUNCAN, of Ohio: The memorial of Clarissa Sumner and Lucy Duc, heirs of Colonel John Sumner, of the Connecticut Continental line of the Revolution, praying pay for two final settlement certificates, which were funded in 1790, still due and unpaid.

By Mr. McCLELLAND: The petition of Thomas B. Clarke, of Detroit, for a land patent.

By Mr. KELLOGG: The petition of Archibald McAllister, for a renewal of letters patent.

By Mr. MACLAY: The petition of many citizens of the city of New York, for the repeal of the law requiring newspapers sent through the mail by other persons than publishers to be prepaid.

By Mr. SMITH, of Illinois: The memorial of Jonathan Church, praying the passage of a law authorizing the survey and sale of a tract of land in Monroe county, Illinois, called the "Renault Grant."

By Mr. DUER: Remonstrance of citizens of the State of New York, residing in the county of Oswego, against the passage of a bill to place on a retired list, and reduce the compensation of officers of the navy, who become incompetent from age or infirmities to perform the duties of their stations.

IN SENATE.

THURSDAY, *May* 4, 1848.

Mr. CLAYTON presented two memorials from citizens of Pennsylvania, asking the construction of a post road between Philadelphia and New York; which were referred to the Committee on the Post Office and Post Roads.

Mr. C. said the memorialists had alluded to the fact that the statements made in their memorials had been contradicted on the floor of the Senate, and stating their willingness to be examined touching the same before any committee.

Mr. WESTCOTT, on leave, introduced a bill respecting the public archives in the State of Florida; which was twice read, and referred to the Committee on the Judiciary.

Mr. BENTON presented several memorials from certain settlers and claimants, half-breeds, asking such action as will establish a fee simple to their settlements on certain reservations; which were referred to the Committee on Private Land Claims.

Mr. HALE presented a memorial very numerously signed, asking some new mode of legislation by which colored citizens might be secured in their just rights, such as the writ of habeas corpus, &c. The motion to receive this petition was laid on the table.

Messrs. WESTCOTT and YULEE presented memorials from citizens of Florida, in relation to the mails; which were referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. BREESE, from the Committee on Public Lands, reported House bill relating to an act therein named, without amendment, and asking the indulgence of the Senate to act on the bill at once.

The bill was then considered as in Committee of the Whole, and ordered to be engrossed The question being on its passage—

Mr. BAGBY objected, but subsequently withdrew his objection at the earnest solicitation of Mr. HANNEGAN, and the bill was read a third time and passed.

Mr. PHELPS, from the Committee on Pensions, reported a bill granting a pension to Elizabeth Munroe; which was read a first time.

Mr. BADGER, from the Committee on Naval Affairs, to whom had been referred the memorial of a certain firm, asking for an amendment to the bill for the relief of David Myerle, reported that the committee saw nothing in the memorial to induce an amendment to the bill, or to delay its passage.

RESOLUTIONS.

On motion of Mr. CALHOUN, it was

Resolved, That the President of the United States be requested to communicate to the Senate all the correspondence between the Secretary of State and Don Justa Sierra, the representative of the Government of Yucatan, if not inconsistent with the public interests.

On motion of Mr. STURGEON, it was

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of granting a compensation to Commodore James Biddle, for the diplomatic services which he has rendered as actual commissioner to China.

On motion of Mr. JOHNSON, of Louisiana, a resolution was adopted directing the Committee on the Post Office and Post Roads to inquire into the expediency of establishing certain mail routes therein expressed.

Mr. DAVIS, of Mississippi, moved that the Senate proceed to the consideration of the bill to provide for a retired list of the army of the United States. Mr. D. thought the bill would lead to no discussion; but, if the Senate were not disposed to act on it at once, he desired to name some early day for its consideration.

Mr. CLAYTON hoped the consideration of the bill would not be pressed at this time; in his opinion, the subject would require investigation.

The bill was taken up, and made the special order for Monday next.

PROPOSED OCCUPATION OF YUCATAN.

Mr. HANNEGAN rose and said he was instructed by the Committee on Foreign Relations, to whom had been referred a message of the President in relation to Yucatan, to report "An act to enable the President to take temporary military occupation of Yucatan."

Mr. H. asked to have the bill read a second time then, not with a view to immediate action, but that it might be made the special order for to-morrow, at one o'clock.

There being no dissenting voice, the bill was read, as follows:

AN ACT to enable the President of the United States to take temporary military occupation of Yucatan.

SECTION 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to take temporary military occupation of Yucatan, and to employ the army and navy of the United States to assist the people of Yucatan in repelling the incursions of the Indian savages now overrunning and devastating that country.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized and empowered to furnish, on such terms and conditions as he may deem proper, to the white population of Yucatan, such arms, ammunition, ordnance, and other military means as they may need, to enable them to resist and repel the Indian hostilities now waged against them, and to restore peace and security to their country.

SEC. 3. *And be it further enacted*, That the President be, and he is hereby, authorized and empowered to accept the services of an equal number of volunteer troops to supply the place of such as may be withdrawn from their present duty by virtue of this act, provided their services shall be required; the same to be raised for service during the war with Mexico, agreeably to the provisions of the acts of May 13, 1846, and March 3, 1847.

Mr. HANNEGAN then moved that the bill be made the special order for to-morrow.

Mr. HALE asked for the yeas and nays on this motion, and they were ordered.

On this bill a protracted discussion took place, in which Mr. CALHOUN, Mr. HANNEGAN, Mr. HALE, Mr. FOOTE, Mr. WESTCOTT, Mr. CASS, and Mr. NILES, participated, a full report of which will be found in the Appendix.

Mr. CALHOUN moved that the bill be made the special order for Friday; which was negatived—ayes 12, noes 17.

Mr. HALE moved Monday, and asked for the yeas and noes, which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Calhoun, Clarke, Clayton, Crittenden, Dayton, Green, Hale, Johnson of Louisiana, Niles, Spruance, Underwood, and Upham—15.

NAYS—Messrs. Allen, Atherton, Bagby, Benton, Borland, Breese, Bright, Butler, Cass, Davis of Mississippi, Felch, Foote, Hannegan, Hunter, Lewis, Moor, Sturgeon, Turney, Westcott, and Yulee—20.

The bill was then made the special order for to-morrow.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 5, 1848.

The Journal of yesterday was read and approved.

On the motion of Mr. WHITE, the petition and papers of Thomas C. Green were taken from the files of the House and referred to the Committee on Private Land Claims.

WAR STEAMERS IN THE PACIFIC.

On the motion of Mr. KING, of Georgia, the Journal was corrected so as to show that the joint resolution reported by him yesterday to establish lines of war steamers in the Pacific Ocean, embraced ports in the Sandwich Islands as well as California and China.

PORTRAIT OF BARON DE KALB.

The SPEAKER laid before the House a letter received from W. W. Brent, Esq., of Washington, communicating the intelligence that he had just received, addressed to his care, from Robert Walsh, Esq., the consul of the United States at Paris, a portrait of Major General Baron de Kalb, to be presented to Congress as an offering from the surviving family of De Kalb, which awaited the decision of Congress as to its reception and disposition. Referred to the Committee on the Library.

GENERAL TAYLOR'S PLATFORM.

Mr. STEWART, of Pennsylvania, asked the unanimous consent of the House to offer the following resolutions:

Resolved, That "the power given by the Constitution to the Executive to interpose his veto is a high conservative power, which should never be exercised except in cases of clear violation of the Constitution, or manifest haste and want of consideration by Congress."

Resolved, That "the personal opinions of the individual who may happen to occupy the Executive chair ought not to control the action of Congress upon questions of domestic policy, nor ought his objections to be interposed where questions of constitutional power have been settled by the various departments of Government, and acquiesced in by the People."

Resolved, That "upon the subjects of the tariff, the currency, the improvement of our great highways, rivers, lakes, and harbors, the will of the People, as expressed through their representatives in Congress, ought to be respected and carried out by the Executive."

Resolved, That "war, at all times and under all circumstances, is a national calamity, to be avoided if compatible with national honor;" that "the *principles* of our Government as well as its true *policy* are opposed to the subjugation of other nations and the dismemberment of other countries by *conquest*, for, in the language of the great Washington, 'why should we quit our own to stand on foreign ground.'"

Objection being made, the resolutions were not received.

PRIVATE BILLS.

On the motion of Mr. ROCKWELL, of Connecticut, the House resolved itself into Committee of the Whole House, (Mr. KAUFMAN in the chair,) and took up the private calendar.

Some difficulty was found in agreeing upon a mode of proceeding with the bills on the calendar, and in settling the precedence which should be given to them, and a long and irregular conversation ensued thereon.

Mr. STEPHENS moved that the committee rise, with the view of moving that the House resolve itself into Committee of the Whole on the state of the Union. Disagreed to: Ayes 46, noes 70.

The conversation was then resumed, points of order were raised, and parliamentary law was read and enforced by argument, until the committee found itself without a quorum, and the Chairman, according to rule, directed the roll of members to be called.

The committee then rose and reported the bill No. 318, and the fact, that having found themselves without a quorom, the roll had been called, and was now reported to the House.

At the call of Mr. STEPHENS, the list was read; and, as it showed a quorum to be present, the committee resumed its session.

After some further time spent in committee, and acting on a few bills to which no objection was made, the committee rose by the vote of a majority of less than a quorum, and reported the bills agreed upon to the House.

The SPEAKER, the propriety of the course adopted having been questioned, decided that less than a quorum could rise and report.

Mr. JOHNSON, of Tennessee, doubted the propriety of less than a quorum transacting business by reporting bills to the House.

The SPEAKER replied, that in the progress of its business, the committee laid bills aside to be reported, and therefore they were properly before the House.

The bills reported were the following, which were respectively ordered to be engrossed for a third reading, and were read a third time and passed:

A bill for the relief of John B. Smith and Simeon Darden.

A bill for the relief of Thomas H. Leggett.

A bill for the relief of Lot Davis.

A bill for the relief of Christopher Cunningham.

A bill for the relief of William H. Wilson.

A bill for the relief of Amos Bull.

And then the House adjourned.

IN SENATE.

FRIDAY, *May* 5, 1848.

A message was received from the President of the United States, communicating, in compliance with a resolution of the Senate of the 3d instant, the correspondence of Don Justa Sierra and the Secretary of State in relation to Yucatan; which was laid on the table and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill for the relief of Commander James M. McIntosh; which was read a first time.

Mr. YULEE also reported, from the same committee, a bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal heavers in the navy, and to their widows; which was read a first time.

Mr. YULEE also asked that the same committee be discharged from the further consideration of the following petitions: John H. Williams; Passed Midshipman John L. Worden; Susan T. E. Williamson, widow of Charles L. Williamson; Henry La Reintree; and of Samuel Raub.

Mr. WESTCOTT, from the Committee of Claims, reported the following House bills:

For the relief of John Morgan, with an amendment, accompanied by a report.

For the relief of G. De Lirac.

For the relief of Wm. T. Holland.

Mr. W. pressed immediate action on the last named bill, as it was merely to pay a witness sent from Rio Janeiro to Richmond, Virginia, to testify in relation to the slave trade, and would not involve an amount of more than three hundred dollars.

Mr. JOHNSON, of Maryland, moved an amendment to the bill; and—

Mr. WESTCOTT preferred that it should take its place on the calendar.

BILLS INTRODUCED ON LEAVE.

Mr. ALLEN, on leave, introduced a bill further to extend the time for locating Virginia military land warrants, and returning surveys thereon; which was read twice, and referred to the Committee on Public Lands.

Mr. ATCHISON, on leave, introduced a bill granting to the State of Missouri the right of way and a donation of public lands, for making a railroad connecting the town of St. Joseph, on the Missouri river, with the town of Hannibal, on the Mississippi river; which was read twice, and referred to the Committee on Public Lands.

Mr. BELL, on leave, introduced a bill to authorize the district judge of the State of Tennessee to hold a special term.

The bill having received its first reading—

Mr. BELL requested immediate action on it, which was opposed by Mr. WESTCOTT. The bill was then read a second time, and referred to the Committee on the Judiciary.

The bill from the House to amend an act entitled "An act supplemental to the act entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico,'" was read a first and second time, and referred to the Committee on Military Affairs.

The joint resolution from the House extending the time for the erection of certain light-houses, was read twice, and referred to the Committee on Commerce.

The following resolution, submitted by Mr. HALE on the 28th of April last, came up for consideration:

Resolved, That the Secretary of the Senate procure, for the use of the Senate, five thousand copies of the addresses made by the Speaker and the members of the House of Representatives, and of the addresses made to the Senate, together with the discourse of the Rev. Mr. Gurley, upon the occasion of the death of the Hon. JOHN QUINCY ADAMS: Provided they can be obtained upon the same terms that twenty thousand copies of the same were furnished to the House of Representatives.

Mr. TURNEY moved to lay the resolution on the table. For the motion 11—no quorum voting.

Mr. ALLEN demanded the yeas and nays, which were ordered.

And the CHAIR having restated the question, the vote stood, for laying the motion on the table, as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Bagby, Borland, Breese, Bright, Butler, Calhoun, Cass, Crittenden, Felch, Foote, Houston, Johnson of Georgia, Lewis, Moor, Niles, Sturgeon, Turney, Underwood, Westcott, and Yulee—23.

NAYS—Messrs. Baldwin, Bell, Clarke, Clayton, Davis of Massachusetts, Greene, Hale, Johnson of Maryland, Johnson of Louisiana, and Upham—10.

The following resolution, submitted on the 28th of April by Mr. JOHNSON, of Maryland, came up for consideration, and was adopted:

Resolved, That the President of the United States be requested to inform the Senate whether any officers are now in the military or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

Some few minutes afterwards, Mr. ALLEN moved to reconsider the vote on the resolution.

Mr. JOHNSON, of Maryland, inquired if the Senator had voted for the adoption of the resolution?

To which Mr. ALLEN replied that he had not.

And Mr. JOHNSON objected to his motion.

Some conversational remarks were made by Messrs. BREESE, BAGBY, and HANNEGAN, on the subject of the practice of the Senate.

Mr. JOHNSON withdrew his objection, and the motion to reconsider was decided in the affirmative.

Mr. ALLEN said he had no other motive but that the Senate should exercise a proper caution before they adopted a resolution of this character. The Constitution gave the President a right to withhold his nominations until the latter part of the session. There was no precedent for a request that the President would communicate his reasons for not doing in the earlier stages of the session what he had a right to do at any time previous to the adjournment of the Senate. This resolution, therefore, if proper to be offered now, might have been submitted with equal propriety on the second day of the session. If the Senate had a right to call on the President for the reasons which influenced him in his Executive course, he had the same right to ask for the reasons which operated on the Senate, to induce this body to reject any of his nominations.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of the special order, and the further discussion of Mr. JOHNSON's resolution was postponed.

AID FOR YUCATAN.

The special order being the bill to enable the President to take temporary military occupation of Yucatan, and the bill being under consideration as in Committee of the Whole—

Mr. HANNEGAN then rose and addressed the Senate, at some considerable length and with no little animation, in favor of the bill as reported by the committee. When the bill was first reported he did not anticipate any opposition, but since it had become apparent that there would be, he should confine himself to the remarks made by the

Senator from South Carolina, [Mr. CALHOUN,] and endeavor, as far as was in his power, to answer, and he hoped successfully, all his objections. Mr. H. then proceeded, with his usual fervor, to reply to the objections of Mr. CALHOUN *seriatim*, as derived from the remarks of that gentleman, on the introduction of the bill. He (Mr. H.) could not discover, after the closest and most rigid scrutiny, any of those hidden dangers in the message that had been suggested by the Senator from South Carolina, but not designated; but he did discover that Yucatan appealed to this country, urging it, by every tie of humanity that binds man to man, to save her from destruction, or that in two short months she must cease to exist—that the whole white population must be swept from the face of the earth. The committee had reported a bill strictly in accordance with the message, proposing to allow force enough to drive back the savage hordes from their murderous assaults upon the innocent and unoffending inhabitants; this was all the bill proposed, and neither the President nor any one else had ever dreamed of anything but temporary military occupation. He would not pretend to say that a state of things might not arise which would oblige us to hold the country permanently, and he should not, in his opinion, be acting fairly or candidly if he avowed that under no circumstances would he consent to a permanent occupation; that, however, was his private opinion. Already had we seen that one of the most formidable Powers of the earth was hastening with race-horse speed to seize the Isthmus; and although the Senator from South Carolina had said that England in her present condition could no more seize Yucatan than he could, they had the most authentic information that she had seized Honduras and the Mosquito country, and had been advancing her troops upon Yucatan, under the guise of taking care of British interests. England never had enough to do at home to prevent her from accomplishing any mighty designs which she had in anticipation. Had they not seen in the late troubles in Europe, where thrones had been demolished "as by the stroke of the enchanter's wand," England had remained firm and immovable? Does any one suppose that her settlement near Yucatan was brought about by any hope of gain to her citizens from a miserable traffic in dye-woods? If they did they were mistaken. That nation was looking to secure the great route by the Isthmus to the Pacific, which would give her the control of the trade of the East. Let her get possession of Yucatan, and what would be the effect on southern interests? Look to the map, and see that Yucatan shakes hands almost with Cuba; let her then obtain Yucatan, and he had no more doubt that she would get possession of Cuba than he had that the trees would sprout and the flowers blossom in the spring; indeed, at this very hour had they possession of information that England was endeavoring to obtain that fertile island, and that once effected, the Gulf of Mexico would become a *mare clausum*. Cuba was said to be the key, and with Yucatan she would have both lock and key, and control the whole outlet of the vast Mississippi; and were they to fold their arms quietly and see Yucatan and Cuba fall into the arms of England?

Mr. H. went on to allege that England was now, through her agents, supplying the Indians with muskets, bearing on them the stamp of the Tower of London. If we refuse to respond to this call, we shall also stand supine while England seizes on Cuba. He did not consider that this measure could be regarded as inopportune because it might give offence to England. He did not believe England would take offence at our action, and if she should, he did not care. England would not interfere with any country in which we had planted our foot. Not that she had any fear of us. Fear was not an element in the English character. Did she believe that her honor required it, although she were to read her fate written in the book of doom, she would not hesitate a moment to go to war with us, or with any other country on earth.

Mr. H. alluded also to the objections Mr. CALHOUN had made to the policy avowed by Mr. Monroe in his message of 1823, touching foreign interference on this continent, and desired to know why it was that the Senator from South Carolina had taken such exceptions to it now, as reiterated by Mr. Polk, when he was committed to it while in the cabinet of Mr. Monroe? Was it not of more force now than then, when England had seized, by violence or fraud, every foot of land which she holds south of Yucatan? Mr. H. also dwelt on the phantoms of debt and taxation conjured up in the brain of the Senator from South Carolina; and insisted, that as our territories were extended, all the elements of strength and prosperity were likewise increased, and that no parallel could be drawn between the kingdoms of England and France and this country, as there was no similarity between them. He drew a comparison between the time of Mr. Monroe with the present, when the Senator said the whole cost of the Government did not exceed ten millions of dollars. At no period during the administration of that President, had the population reached ten millions; now it might be fairly estimated at twenty-four millions of souls. He pointed to St. Louis and New Orleans as being the rivals of New York—the former city, during the time of Mr. Monroe, a mere collection of huts for the Indian trader. He pointed, too, to Pittsburg, to Cincinnati, with the hundred thousand inhabitants, and the vast internal commerce of the lakes, which had literally grown up since that time, and asked if that was not something to show for the increase of expenditures now required?

The Senator from South Carolina had said he would go far for humanity. What could humanity suggest less than this bill proposed? Food and clothing would be of little avail without arms. He repeated that there was no intention to do more than take temporary occupation of Yucatan. It had also been asserted that the language of the message went beyond the declaration of Mr. Monroe. He insisted, on the contrary, that Mr. Monroe's declaration embraced the whole of the two continents of America; the message of Mr. Polk went to a more limited extent, as it only looked to North America. He read from Mr. Monroe's declaration to sustain him in this view. But he put it to the Senator from South Carolina, how he could reconcile it to his own consistency, that he sustained the declaration of Mr. Monroe at the time it was issued, and that he opposed the principle now. He stated that he had been permitted to have an interview with John Quincy Adams, (on whom he passed an eloquent eulogy,) in which he had learned that that distinguished statesman was the author of that declaration, as he had prepared it, in consequence of a conversation with Mr. Monroe. The object was to prevent any interference of European Powers, not by war, but by negotiation. When this declaration was communicated to the foreign ministers, the British minister instantly protested against it. All the other ministers acquiesced, except the minister from Russia, who said he would communicate the declaration to his Government, and communicate the reply. Nothing, however, had been since heard from Russia. He stated these facts, to prove that both Mr. Monroe and Mr. Adams meant something by this declaration more than a mere sound. He concluded with reading a paragraph from the message, to show that nothing more than a temporary occupation was contemplated.

Mr. CLAYTON took the ground that the President had merely suggested the employment of the troops so long as the Mexican war should continue, and not an hour longer. The President, therefore, could not be regarded as responsible for this bill, which went beyond his suggestion, inasmuch as it proposed a temporary occupation, and the word temporary meant just so long as might be convenient. He viewed the bill as incompatible with our treaty stipulations with Mexico, which provided that we should withdraw our troops within a designated line. After the ratification of this treaty, Mexico may think proper to resume her sovereignty over Yucatan. Can Mexico be made to believe that we are only actuated by motives of humanity, and that our real object is not to scatter our treaty stipulations to the winds? It should also be recollected that we have concluded an armistice with Mexico. Now, will not that armistice be violated the moment we send fresh troops into Mexico? He dwelt on the cruelty of taking our troops, debilitated by the climate to which they have so long been exposed, and transporting them to Yucatan. Was it possible that any of these troops would ever return home?

Mr. HANNEGAN said the climate about Merida was very wholesome.

Mr. CLAYTON replied that the way to it passed through a very unhealthy country, as was the case in Mexico. The population of Yucatan was said to be about 500,000, of which the proportion of whites was only 50,000. He cautioned the Senate against entering into another Indian war, after the experience we had in Florida, and while we are now engaged in a fight with the Camanches. He expressed a hope that the true object of this measure was not to raise a new issue for the next Presidential election. He was opposed to the bill. If we are to act, he thought we ought not to do so until we had obtained the consent of Mexico.

Mr. DAVIS, of Mississippi, said that the President had proposed nothing beyond the temporary occupation of Yucatan. Whenever a proper time came, he was ready to take his stand against the intervention of European Powers. But that did not enter into this question. Yucatan was a part of Mexico, and he was willing, on the ground of humanity, to respond to the request of Yucatan for aid in her present difficulty and distress. He said, that whenever the two great salient points should be endangered by England, whenever Yucatan and Cuba should be attempted by her, he would step forward to oppose her.

Mr. CLAYTON put the case, if the colored people of Cuba should rise against the white population, and they should call on England for assistance, would the Senator, because England granted the aid, and took military possession of Cuba, be ready to make war with England?

Mr. DAVIS replied in the affirmative. On the subject of the armistice, he said he had a difficulty at the outset, but he had been advised that the armistice would not interfere. He believed that the armistice would expire before we could send out aid to Yucatan. He had no proof to satisfy him that England was interfering with the Yucatanese. He did not regard the fact that the Indians had Tower muskets as any evidence, because these muskets, which were condemned by the English Government, in consequence of the improvement in those arms, were a commodity of trade common throughout Mexico, being an article of ordinary traffic. He desired to move an amendment to the bill, so as to make it merely an authority to raise more volunteers to supply the place of such of our present force as may be deemed necessary for the defence of Yucatan.

Mr. D. then moved to strike out all after the word "authorized," in the fourth line, down to the same word in the second line of the second section, and to insert, after the word "duty," in the fifth line, the following words: "To answer the exigent demand for the immediate presence of a portion of our army in Yucatan."

So that the bill, if amended, would read:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized and empowered to accept the services of an equal number of volunteer troops to supply the place of such as may be withdrawn from their present duty to answer to the exigent demand for the immediate presence of a portion of our army in Yucatan: *Provided*, Their services shall be required; the same to be raised for service during the war with Mexico, agreeably to the provisions of the act of May thirteenth, eighteen hundred and forty-six, and March third, eighteen hundred and forty-seven."

Mr. HANNEGAN. Where, then, would be the authority for the President to take possession of and to occupy Yucatan?

Mr. DAVIS, of Mississippi. He would derive his authority from the declaration of war with Mexico. It is on the ground of our war with Mexico that he wished to place this measure.

Mr. CRITTENDEN said the amendment completely changed the character of the bill, making it merely an authority to raise an additional force for the war in Mexico. He referred to the difficulty which the chairman of the Military Committee had found in marching along at the head of his twenty thousand volunteers. He had been daily giving the word, "forward, march!" but not a step had they advanced. This amendment cut loose the bill from the suggestion of the President. If the treaty should be ratified, these troops would not be required. What, then, would become of the people of Yucatan? Besides, the object of raising troops for the war with Mexico is to put down an enemy. How was this object to be effected by lending aid to Yucatan, who is our enemy? He thought the armistice also stood in the way. The civil war in Yucatan was raging at the time the armistice was made, and probably, had it been intended to exclude Yucatan, it would have been done in express language. The chairman of the Committee on Foreign Relations, he

presumed, regarded this measure as distinct from the war in Mexico. If so, he could only regard it as a violation of the principle of intervention which we laid down for the observance of all other nations. Other nations would be induced to create slight pretexts, on which they would justify themselves in following our example. This might lead to a slobbering and protracted war everywhere. It would add to the number of the unjust wars which had agitated the world.

He stated that he would be willing to render assistance to any people suffering as these people are. But he thought we should be cautious how we brought such a measure forward as a part of our general system of policy. There was another point. They who suffer are a minority. Were we to send arms and armies to aid the minority in putting down the majority? [Mr. HANNEGAN. They are savages.] For three hundred years this Government has ruled the country; and can they come to us, after three hundred years, and tell us these are savages, without incurring an imputation on themselves? What misgovernment must have been practised to keep these people in a savage state! But it was not so. These people were not slaves—there was a law in existence against slavery—they were citizens, in the enjoyment of an equality of rights and privileges. He desired much more light before he could consent to vote for this bill. He would rather send out an umpire, in the first instance, to ascertain where the right lay. We ought to be judges before we became executioners. He would willingly do everything to rescue the people of Yucatan from the murderous assaults of their enemies. But he could not but remember that for three hundred years these people have groaned under the Spanish yoke, and what oppressions may they not have endured to urge them to their dreadful retaliations?

There were no fixed limits to the occupation in the bill. How long may it be before the vengeance of these Indians will be satisfied? How long will it be before these fifty thousand white people would be able to make head against their enemies? We must make a permanent military settlement there to effect any beneficial result. He desired information as to the probable extent of the occupation, and of the probable cost, in order that he might give an account of his vote, and his reasons for it, when required by his constituents.

Mr. DAVIS, of Mississippi, made a brief explanation in reference to the terms of the armistice, which, in his view, excluded the wild Indians and bodies of troops which were acting without authority.

Mr. FOOTE thought that the President was in a most unfortunate predicament as he seemed to have failed to obtain the acquiescence of either party, and went on to address the Senate until the hour of adjournment, near four o'clock.

[A full report of the debate will be found in the Appendix.]

The Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 6, 1848.

The Journal of yesterday was read and approved.

Mr. ROCKWELL, of Connecticut, offered a resolution, in the usual form, to terminate debate in Committee of the Whole on the bill for settling the claim of the legal representatives of Richard W. Meade, deceased, after the House has again had the same under consideration for two hours, if not sooner disposed of.

Mr. BOWLIN moved to lay the resolution on the table; on which motion 41 voted in the affirmative, and 49 in the negative, being less than a quorum.

Mr. COBB, of Georgia, moved a call of the House; which motion was agreed to, and the roll was called accordingly.

Mr. ROCKWELL, of Connecticut—a quorum having been found present—moved that further proceedings under the call be dispensed with. The motion was agreed to: Ayes 82, noes 39.

The question was then taken on the motion to lay the resolution of Mr. ROCKWELL on the table, and was determined in the negative: Ayes 58, noes 61.

The question then recurred on the adoption of the resolution.

Mr. BOWLIN called for the yeas and nays; which were not ordered.

Mr. McCLELLAND moved to amend the resolution, so as to provide that the debate shall terminate at two o'clock on Friday next.

After some conversation, in which Messrs. ROCKWELL of Connecticut, McCLELLAND, and HOLMES of South Carolina, took part, the amendment was agreed to, by a vote of 69 to 53.

The resolution, as amended, was then adopted.

PRIVATE CALENDAR.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar.

Mr. McCLERNAND moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of proceeding with the consideration of the bounty-land bill, which being a special order, he contended, took precedence of the motion made by the gentleman from Connecticut, on Fridays and Saturdays, as well as other days.

The SPEAKER decided, that according to the practice of the House, the special order alluded to would not take precedence on private bill days.

Mr. McCLERNAND appealed from the decision of the Chair.

The question, Will the House sustain the decision of the Chair? was taken, and decided in the affirmative.

The motion of Mr. ROCKWELL was then agreed to, and the House resolved itself into Committee of the Whole House on the private calendar, (Mr. CABELL in the chair,) and resumed the consideration of the "bill for settling the claim of the legal representatives of Richard W. Meade, deceased."

Mr. BOWLIN and Mr. MARVIN participated in the debate on this bill.

Mr. PUTNAM offered the following amendment in lieu of the first section, and spoke in its support:

"That the Secretary of the Treasury be, and hereby is, authorized to examine any claims arising on contracts which Richard W. Meade had on the 22d of February, 1819, and as the same then existed against the Government of Spain, and determine by competent testimony, and as full as that required in support of claims before the board of commissioners under the Florida treaty, the balance due, if anything, to said Meade. The Attorney General of the United States shall attend the said examination on the part of this Government, and be permitted to offer any counter-evidence tending to defeat the said claims or reduce the amount thereof."

Mr. WOODWARD next obtained the floor, but gave way to

Mr. SAWYER, who moved that the committee rise. Agreed to by a majority of 56 to 24.

The committee accordingly rose and reported progress.

The House then adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. THOMPSON, of Virginia: The petition of the citizens of Ritchie county, Virginia, for a post-route.

By Mr. GOGGIN: The petition of Robert Hare and 202 other citizens of Philadelphia, remonstrating against the course pursued by the Camden and Amboy Railroad Company in the transportation of passengers, and asking for the survey of a post-route and construction of a railroad between the cities of New York and Philadelphia.

By Mr. EDWARDS: The memorial of the American Medical Association, convened in Baltimore on May 1, asking for the passage of stringent and effective laws for preventing the importation of adulterated drugs, medicines, and chemicals used in the practice of medicine.

By Mr. DUNCAN: The memorial of John Poe.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 8, 1848.

Mr. CABELL (objection being made) moved a suspension of the rules, to enable him to move to make the joint resolution authorizing the settlement by the proper accounting officers of the treasury, and payment of the expenses of the United States ship Macedonian, on her recent voyage to Ireland and Scotland, the special order of the day for Tuesday of next week, and until disposed of.

The question being taken, the House refused to suspend the rules.

Mr. BRODHEAD (objection being made) moved to suspend the rules, to enable him to offer a resolution to rescind a resolution passed by the House on the 20th of March last, providing for the distribution of documents to clerks of the county courts.

The question being taken, the rules were suspended; and, under the operation of the previous question, the resolution was adopted.

Mr. BROWN, of Mississippi, moved to reconsider the resolution just passed, and briefly and warmly vindicated the justice and propriety of the original resolution. He referred to objections which had been made, and maintained that it would be equal in its operation, and that its effect would be to place in the hands of the clerks of the counties a copy of each of the documents printed by order of the House of Representatives, where they could be consulted by the whole people, and where, in a few years, would be collected a valuable amount of information, accessible to the public, and constituting public property; whereas the documents, as soon as they now left the House under the franks of members, became private property. Of how much value would not be a collection of all the public documents printed by order of the House for the last twenty years! Such a collection, from this time forward, would be attained at a very trifling expense under the resolution, if it were allowed to stand.

Mr. BRODHEAD briefly contended that the resolution which it was proposed to rescind would be unequal in its operation, impracticable, and unnecessary. Each member, he argued, was best qualified to judge to what part of his own district the public documents should be sent; and if the clerks of the counties were the proper persons, they would receive them. As for the general reading of them at the clerks' offices contended for by the gentleman from Mississippi, he thought a law office was the last place to which the farmers would be likely to resort for the purpose.

Mr. DICKEY demanded the previous question.

Mr. PETTIT moved to lay the motion to reconsider on the table; which was agreed to.

So the matter was disposed of, and the original resolution was rescinded.

Mr. KING, of Georgia, (objection being made,) moved to suspend the rules, in order to move to take up and make the special order, after the special orders already made shall have been disposed of, except for Fridays and Saturdays, the bill granting to the Alabama, Florida, and Georgia Railroad Company the alternate sections of the public lands along the route of their contemplated road, on certain conditions.

The question being taken, the rules were not suspended.

BOUNTY-LAND BILL.

Mr. HOUSTON, of Alabama, said there was a special order on the calendar, the debate on which the House had decided should be terminated to-day at two o'clock. He alluded to the bounty-land bill, which was of some importance to many of them; on which, therefore, he moved that the House resolve itself into Committee of the Whole on the state of the Union.

The yeas and nays were called for and ordered on that motion; and, being taken, resulted thus: Yeas 117, nays 33.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HILLIARD in the chair,) and resumed the consideration of the following bill:

A BILL to amend an act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847.

Be it enacted, &c., That every non-commissioned officer, private, or musician of the army of the United States, who has been, or who may hereafter, during the continuance of the present war with Mexico, be promoted to the rank of commissioned officer, and who, if such promotion had not taken place would have been, or may hereafter be, entitled to receive from the War Department a certificate or warrant for public land, or treasury scrip in lieu thereof, under the ninth section of the act of which this is an amendment, shall, notwithstanding such promotion, be entitled to receive said warrant or certificate, or treasury scrip in lieu thereof, in the same manner as if such promotion had not taken place: *Provided*, That all the requisites of the ninth section of the act approved February 11, 1847, shall have been faithfully complied with: *And provided, further*, That the provisions of the said ninth section shall be as applicable to land warrants or certificates issued under this act as to those that might be issued in virtue of said ninth section. *Provided, further*, That they shall have been elected or promoted after reaching the seat of war.

The pending question was on an amendment offered by Mr. THOMPSON, of Mississippi, as follows:

"*And be it further enacted*, That the benefits and rights conferred by the ninth section of the above recited act upon the soldiers engaged in the present war with Mexico be, and the same are hereby, so extended that each non-commissioned officer, musician, and private of the regular army, or of any company of volunteers, rangers, or militia who served in the Indian war in the Northwest Territory, prior to the treaty of Greenville, in 1795, or who served during the late war

with Great Britain for twelve months or more, and was honorably discharged, and who has not received a bounty of land by virtue of any law heretofore passed, shall be entitled to and receive a warrant for one hundred and sixty acres of land; and such non-commissioned officer, musician, and private of any company of volunteers or militia, who actually served for six months in the said Indian war, or in the said war with Great Britain, and was honorably discharged, shall be entitled to and receive a warrant for eighty acres of land; the bounties of land herein granted shall be subject to the same rules of descent, and be located in the same manner and with the same restrictions as are now provided in the said above recited act."

Mr. VINTON, who was entitled to the floor from a preceding day, said the amendment to the bill now under consideration proposed, in the first place, to give land bounties to the officers and soldiers who served in the campaigns of 1792 and 1793, or in what were commonly called the Indian campaigns in the western country, and also to give a bounty to all the militia called into the public service during the last war with Great Britain, for periods of six and twelve months. This, aside from the establishment of a new principle, was, as he thought, a proposition of vastly more importance than at the first view would seem to belong to it.

Permit him to remark in the outset, that he regarded this proposition, together with one or two others which have been presented to this House during the last ten days or two weeks, as equivalent to a proposition to surrender up the whole of the public domain of this country to the hands of those who may think proper to speculate in the public lands. They would require to satisfy them a quantity of land as great, or nearly as great, as all the land that had been sold by this Government in every part of the country from the foundation of the Government down to this day. He was inclined to think this House did not know what it was asked to do on this subject. When they remembered that the public domain of this country was worth at this moment at least one thousand millions of dollars, it was of some consequence at least, that before they legislated upon a subject of this importance they should weigh well what they were about to do. There was no gentleman in this House more willing than he was to do whatever was proper to be done by way of compensating those who had exposed themselves in defence of their country; but still he thought that in such matters there should be some rule, some principle, some time somewhere fixed, that the door at some time might be closed against such legislation. No gentleman that he had heard speak on the proposition before the committee had undertaken to say that this Government was under any obligation to grant these bounties. No gentleman had undertaken to say that they had been ever promised by the country to those soldiers who enlisted in the late war with Great Britain; but it had been shown by the gentleman from Michigan, who addressed the House the other day, that at that time the proposition was made to give bounties, and after consideration of the subject, a bill to grant bounties was passed, but it was repealed again in a single week.

Well, what was this proposition? It was a proposition to give bounties to armies raised sixty years ago, or nearly so; and to armies raised a quarter of a century ago, and half a quarter of a century more. The subject of rewarding those men came up as a matter of course for consideration, when they were called into the public service. The Government had the land at that time, which could have been given to them if it had been thought proper; and yet, with a full view of and on a proper consideration of the subject at that time, the Government thought proper to withhold it. And when laws were passed on full consideration, for the employment of men in the public service in any form or shape, unless there was some great and important reason to the contrary—unless it could be shown that some mistake had been made by those who had gone before us, public policy seemed to require that we should pause before we, at this late day, engaged in such legislation as was now proposed. We had now the Mexican war on our hands, and we had made some provision, after full debate of the consequences to grow out of it, for the soldiers serving in Mexico. Well, now, suppose that some sixty years hence some gentleman should get up and say to the Congress then sitting in this Hall, "the Congress sitting here sixty years ago did not do its duty to those Mexican soldiers, and therefore it is our duty to order that money and lands or something else shall be given to them that survive, and not to them only, but to their children and descendants." How would such a proposition differ from the present? This Congress doubtless thought it was competent, when it had all the facts before it, and possessed a knowledge of all the circumstances of the case, to decide correctly what ought to be done, as well certainly as any gentleman sixty or even forty or thirty years hence. He held that the business of legislation, as well as of adjudication, and everything else for one generation, should be done by that generation. Every generation must legislate for itself. It must do its own work. Public policy required that every generation should do its own work as it went along. There was an evident impropriety, when a generation had passed away, and one or two succeeding generations, from some notion of benevolence, thus to give away the public treasure—for property was money. He desired to call the attention of the committee to the fact, that neither during the war of the American Revolution, which was fought chiefly by the militia that was then called into the service, nor during the last war, nor at any time prior to this present Mexican war, had there ever been a land bounty granted to those who had served their country as militia. If Congress should pass this bill, and thereby should say that they would grant bounties to those who served during the Indian wars of 1792 and 1793, and those who served during the last war, for twelve or six months, was there any gentleman there who could tell him why they should not go back to the war of the American Revolution, when the militia served as long or longer than either of these periods, when their services were as valuable, and when everybody knew they were not paid, for the country was not then able to pay? Yea, that was the distinguishing feature of those who served during the war of the Revolution, whereas all those embraced in the proposition before the committee had been paid.

Mr. THOMPSON, of Mississippi, interposed to explain. The reason why he had not gone back to the period of the Revolution was, that all the revolutionary soldiers had been provided for by pensions, and he had no desire to interfere with the pension system.

Mr. VINTON asked if the gentleman from Mississippi meant to say that all the soldiers of the Revolution had received pensions? The gentleman could not mean that. Those only had received pensions who had been spared and continued alive down to 1832. All those who died during the first quarter or half century after the Revolution had had no pensions: they had received neither bounty lands nor money, nor had their heirs received any for their services. And were there any services rendered that were more valuable than those of the American Revolution? And yet those soldiers were the only troops that had died without receiving any pay, and whose children and grandchildren were now spread over this wide land, each of whom had as good a claim as many for whom gentlemen desired to make provision by this bill: not that he wished any legislation for them when two generations had passed away. But he asked again, if they adopted this proposition, could any gentleman rise up and say he would refuse to give the same bounties to those who served during the war of the American Revolution?

Mr. McCLERNAND. Does the gentleman affirm that none of the States granted bounties of land to their militia who served in the revolutionary war? If so, he is mistaken. Virginia and North Carolina more particularly provided for their militia in a most liberal and munificent manner. These States granted bounties of land to their revolutionary soldiers. Connecticut reserved a large quantity of land, which she preferred to apply for the support of schools. So the gentleman is mistaken.

Mr. VINTON replied, that some of those States might have given bounties to their troops, but that did not affect the argument he was making. Where did the larger proportion of troops come from during the war of the Revolution? From New England, New York, and Pennsylvania; and he undertook to say that north of the Potomac no reservations were made when the public lands were relinquished for the soldiers of the American Revolution. North Carolina and Virginia made such reservations, he admitted; but New York, and Massachusetts, and other States which had claims equally valid, relinquished their lands without reservation. But he would not dwell on this point. He intended merely to state the question; and he asserted that they could not give bounty lands to the militia that were embraced in the amendment, and equitably withhold bounties from the militia who served during the American Revolution.

But why, he would ask the gentleman from Mississippi, stop at six months?

Mr. THOMPSON was understood to say that he had followed the precedents which had been set by the friends of the gentleman from Ohio.

Mr. VINTON. Why, a succeeding Congress might come and say that they had not done half enough, and that, instead of stopping at six months, they should have stopped at three months. But to proceed. Why should they not include the militia employed in the Black Hawk war? Why not include those who served in the Florida war? Why not include those who sustained the honor and glory of the country on the lakes and the ocean? Why should our sailors and marines be shut out? If this proposition were agreed to, every other person who had rendered service in defence of the country should also be provided for by bounty lands, even down to service for a single month. The man who served for one month suffered as much, and perhaps more, than some others. His loss of crops would perhaps be as great by one month's service as six months.

Now, then, the gentleman from Mississippi, [Mr. THOMPSON,] and the gentleman from Illinois, [Mr. McCLERNAND,] had stated to the committee that the proposition in this bill would be satisfied, probably, by some six or seven millions of acres of the public domain. Only from six to seven millions! an amount equal to all the bounties ever granted by this Government for the entire amount of military services rendered during the war of the Revolution and the last war with Great Britain. But, instead of being confined to that, the bill established a principle which, once adopted, would admit of no stopping-place until a bounty should have been provided for every man who at any time, or for any period, had done military service. Instead of seven millions of acres, it involved an appropriation which forty millions of acres would not satisfy.

He had understood from the intelligent chairman of the Committee on the Public Lands (and he stated the fact here, lest that gentleman, as was too probable, might fail to obtain the floor) that he had found, on examination, that three hundred and eighty thousand men had served, for a longer or shorter period, during the last war alone. How many had done service during the Revolution none could even conjecture. From this one fact the committee would be able to see something of the consequences of adopting measures like that proposed.

Again: he objected to the amendment in consequence of the principle it went to establish. It was proposed to throw open the land offices of the country to every soldier who obtained a warrant, just as if his certificate was so much money in hand. Once adopt an arrangement like this, and there was an end at once to the landed branch of the public revenue. The revenue was derived from two sources—the customs and the public domain. From the sales of the public lands this Government had already derived one hundred and twenty millions of dollars.

[The House being here in some confusion, Mr. V. observed, that as he perceived the committee were not disposed to listen to him, he did not desire longer to intrude himself upon their attention. And he took his seat. Cries of "Go on;" "go on!" from all quarters. The order of the committee being in some measure restored, he was prevailed on to proceed.]

He had been observing that the measure proposed, if it should be adopted, must inevitably put an end to that branch of the public revenue which was derived from the public lands.

If this amendment should pass into a law, what would happen? Immediately men who had money in all parts of the country, and who understood the process of land jobbing, would hire agents just as a man who had capital in Connecticut hired men to go about the country and peddle tin, who would spread themselves in all quarters and hunt up old men who had served in Harmar's and Wayne's campaigns, or their widows or descendants, and would buy up their claims for a song,

and then enter the land. If this sacrifice of the public domain was to inure to the benefit of the soldiers who had fought for the country, the proceeding, whatever might be thought of its policy, would be less objectionable: but who did not know that in all these cases of donations of land it was not the soldier who got the benefit? Who was so ignorant of the past as to hope such a result? It was the speculator who ever got the lion's share, while the man who had done the service and borne the burden and heat of the day got but a mere pittance of what was given as a reward to him. Everybody knew that the standing market price of the land bounties granted in the last war was $20; and two years ago, when it had been proposed in Congress to provide bounty lands for our soldiers serving in this Mexican war, it was declared in debate, and none disputed it, that unless some measure was adopted to fix the value of land warrants as a saleable commodity, their price in the market would inevitably run down to little or nothing. As a means of guarding against this evil, he had himself proposed that the Government should issue certificates of stock for $100 bearing interest at six per cent.; and should then grant the returning soldier his option to take his reward either in land or in stock: this would effectually prevent land warrants from depreciating much below that point: and those warrants, in point of fact, stood at about that price now. He had recently seen a notice in a New York paper of warrants to be had at $95.

Mr. SMITH, of Illinois, stated that he had recently learned that they were worth $124.

Mr. VINTON, resuming, said that, on the other hand, one gentleman near him had just informed them that they had recently been sold at $40; and another added that he had seen them sold by thousands in New Orleans at $60. It was always so. These certificates were always a commodity in the hands of speculators and land jobbers.

Whenever a law was proposed for land bounties, nothing was heard in that Hall but the services and hardships of "the poor soldier"—his patriotism and his sacrifices were the theme of many pathetic speeches, and the obligations of public gratitude were urged with a burning zeal: not a word was said about the speculators. It was usually pressed on the House under the pretext that the effect of such grants would be to settle the country; it would do no such thing; not one soldier in fifty entitled to these bounties ever saw his land or set his foot within a hundred miles of it. The grant always went to the benefit of somebody else, and the land remained as it was before.

The measure now so warmly urged upon the House would practically amount to a total surrender of the public lands. It was true we had granted land bounties for the soldiers of the Revolution and those who had served in the last war; but there was this wide distinction between those bounties and those in the bill—the former warrants were all to be satisfied out of a designated tract; the lands lay in a body, within certain prescribed metes and bounds; the revolutionary land warrants were to be located on a particular tract in the State of Ohio, while those of the last war lay in the States of Missouri, Mississippi, and Arkansas, within certain limits in each of those States laid down and specified in the law. But in this case, there was no such specification; the warrants were to be receivable in all the land offices of the Union; and it required no prophet to perceive that if each of these offices was not converted into a broker's shop, there would speedily be found such a shop not far from the door where these warrants would be bought up. The purchaser was required by law to pay for his lands in gold and silver. He came with $200 in hard cash to enter a farm for himself and his sons, but he would be very soon tipped on the elbow by a man who would offer him a warrant that would get him the same amount of land for $180, or possibly for $160, and the broker who made this offer would at the same time pocket probably $120 by the operation. That was the way this thing would go. A gentleman near him said it was going so now in regard to warrants issued for the present war. This result had been foretold at the time the law was passed, but the law was all for the benefit of "the poor soldier." A gentleman from Tennessee assured him that the grants under this amendment would amount to fifty-one millions of acres.

Mr. McCLERNAND here interposed, and (the floor being yielded him for explanation) went on to observe, that the gentleman who made that statement was mistaken. Mr. McC. held in his hand an official report, which gave the total number of the militia who served during the last war. They were given by classes; and the total number amounted to 69,897; and the land, at this estimate, would amount but to 6,138,000. He felt confident that this estimate was very nearly correct.

Mr. EMBREE said, that if the amendment should become a law, only one-fiftieth part of the public lands now surveyed would go to the soldiers for whom these bounties were proposed.

Mr. VINTON, resuming, said it was perfectly immaterial to him which statement was right. Begin once to grant bounties on the principle of this amendment, and you could not stop short of every man who had served in the Revolution, and in the last war with Great Britain, and in the Black Hawk war, and even those who had served upon the ocean. Adopt the principle, and there was an end of this branch of the revenue.

But further: could Congress adopt the proposed measure without a violation of the national faith? When we made the late loan of twenty-three millions, the Government pledged to the public creditor these very lands as his security. He knew that it had been said by the gentleman from Illinois, [Mr. McCLERNAND,] that in this he was mistaken; that the pledge made by the Government covered only the actual sales of the public lands.

Mr. McCLERNAND. Under the ordinary administration of our land system.

Mr. VINTON. Yes: under the ordinary administration of our land system. But what was this ordinary administration? The United States had forty land offices for the sale of its lands under certain provisions of law, perfectly well known and understood. It said to the creditor who loaned his money, "Here is our land system, as established by law and administered under it; you shall have the result for your security." These land sales had heretofore brought us one hundred and twenty millions of dollars. Now, if this were a private transaction between two citizens, and one had loaned his money to the other on this understanding, and the borrower should, after that, make such a disposition of his lands as to put a stop to the sale of them, what would a chancellor say to the transaction? If, after borrowing money on such pledges, the Government entered into a new arrangement of its public domain, such as should put an end to the operation of its former land system, or suspended that operation, would it not be a palpable violation of our engagement?

And now, he would ask, was the existing state of the country such that we could spare this branch of the revenue? That was the question which presented itself; for if this scheme went into effect, that source of revenue must be dried up. Could we dispense with it? We were in the midst of an expensive war. True, we hope for peace; but if we should not get peace, then the war must go on at the rate of some sixty millions a year. To meet this, we must take up loans to the amount of thirty or forty millions per annum. But suppose we should get peace, then we should have to settle up the expenses of the whole contest, and see how we stood, and where we found ourselves. If we had to bring home the army and pay Mexico twenty millions for New Mexico and California, we should have on our hands a public debt of one hundred and twenty millions, drawing an interest of six or seven millions. Besides, our treaty guarantees would require an increase of our standing army to protect the Mexicans. Besides, we should then have an extension of our territory, and more of it to guard, so that there could be no hope of ever getting back to our former peace establishment.

A gentleman from South Carolina of great knowledge and experience on all military subjects, who was a member of the Committee on Military Affairs in the Senate, had given it as his opinion that it would be impossible to reduce our standing army below twenty thousand men. He (Mr. V.) did not pretend to have any very accurate acquaintance with those subjects, but he gave the opinion of one who had.

On the whole case, he came to the conclusion, that if we would meet the increased expense of the Government and pay the interest of the public debt, we must calculate on providing some thirty-five millions annually; it could not certainly be done under thirty. But we must do more than this; we must do what our fathers did—we must raise a sinking fund of five or ten millions of dollars per annum. Should we get out of this war to-day, we could not get on with less than forty millions a year.

Now, what had we got to stand against this? If we should throw away a fund worth a thousand millions of dollars, what had we to fall back upon? The customs, and nothing but the customs. Did any gentleman dream of getting along upon these? If there was any gentleman in the House who expected it, all he could say was, that he was a gentleman of large powers of faith.

In the very nature of things, as the country filled up with settlements and population, the revenue from the customs would fail to increase in the same proportion. Our revenue for this year had been estimated at thirty-one millions; but was it possible that it would keep up to that amount another year? What were we sending abroad at this time which could pay for these vast importations of foreign goods? Why, we had already discovered that "free trade" would not sell anything abroad except what those who lived abroad were under an imperious necessity of buying. What were we now sending abroad, or what had we, for the last six months, beyond the ordinary exportation of the country? Nothing. And if we were receiving a revenue of thirty-one millions of dollars duties upon imports, when we considered the very limited amount of exports going abroad, it was impossible but that a very large debt must accumulate against the country for the present year, which must be paid by the exports of future years. It might be that money would be sent in from abroad for the purpose of taking our stocks; but this did not alter the case. It was a debt which foreigners had against us, and which must hereafter be paid in principal and interest. The stocks to be issued under the bill of the present session might possibly, to some extent, go abroad for these importations; but that was a process which must be very shortly ended with the war. No principle in political economy was better settled than that the ability of any country to import was limited by the amount of its exports. No country could import beyond its exports. The one must pay for the other. And if we were over-importing now, as a matter of course, we must pay by the exports of future years; or, in other words, by curtailing, limiting the imports. There was the check: that whenever any country for any considerable time continued to keep its imports above its exports, it destroyed their credit. Now, when we considered our condition, uncertain whether we should get peace, and if we did, in view of the large demands for money which must come upon the treasury for years to come, he asked this committee, were they prepared to pass a measure which, in its present shape, must inevitably dry up that branch of our revenues?

There were other views of the subject which he considered of no little importance, but the great question was as to the ability of the country, as to whether it could possibly afford to spare this branch of the public revenue? This was the leading objection. We were under no obligation to make this appropriation. As he had already said, there was no gentleman who would more cheerfully vote anything for those who had hazarded their lives and given up their service to the country; but there must be a limit to such legislation in the action of those who had gone before us thirty, forty, sixty years; for one portion of the proposition was to go back to services sixty years ago, and the rest of it to thirty years, since which a whole generation had gone by. There must be an end to this thing somewhere; we must have a public policy which would put an end to that sort of legislation, and by which it would be understood that what each generation does for itself, as it goes along, with regard to the contracts it makes for the public service, ends and closes up the matter.

Mr. BROWN, of Mississippi, after some preliminary remarks, in which he gave notice he intended to occupy the floor but a few moments, said he was in favor of the main features of the bill and the amendment. He favored it from the great consideration that those who performed military services for the country were as eminently entitled to be compensated for those services as those who performed any other service; and that the miserable little pittance which the Government doled out to the soldier who fought our battles was no adequate

compensation for the loss of his time, for the privations, toils, dangers, he undergoes. Independent of his patriotism, the pittance of seven dollars a month was no compensation to him. Like his colleague, who had explained his views, [Mr. THOMPSON,] he should be unwilling to vote a larger sum in money, because the Government might not always have the cash to pay. He did not wish to bankrupt our exchequer; he did not wish to run our Government in debt beyond its ability to pay; but when the Government was rich—rich in the possession of public lands—lands won, defended, by the valor of our troops, he asked whether we could not, without a great stretch of liberality on the part of this Government, give a small portion to those to whom we were indebted for the whole?

The gentleman from Ohio [Mr. VINTON] had assumed a most extraordinary position: he said we gave no bounty lands to the militia in the Revolution, and therefore he argued against the proposition to grant lands under this amendment. He (Mr. B.) cared not whether they were militiamen or regulars; the one was as much entitled to compensation as the other, if he fought the battles of the country; they were alike American citizens, and alike entitled to the bounties of the Government.

But the gentleman asked, if you pass this bill, why not go back to the Revolution, and grant bounty lands to all the non-commissioned officers, musicians, and privates, who served then? His colleague [Mr. THOMPSON] had answered, that the revolutionary soldiers received pensions. But another answer, still more cogent, occurred to his mind. There was a vast difference in the ability and resources of this Government now and at that time: then it consisted of thirteen infant colonies, which had long been engaged in a war with the most powerful nation on earth; now it was composed of twenty-nine States, rich in all the resources which constituted the wealth of a nation—rich in the possession of a vast public domain—rich in the possession and receipt of revenues from other sources.

But, said the gentleman from Ohio, it will not do to grant these lands to the soldiers who have fought our battles, because, perchance, the speculators will buy them. It seemed to him that this was a most extraordinary conclusion to be arrived at by a gentleman of the eminence of the gentleman from Ohio. Why, if a man owed another a debt, would he say he would not pay him because he would squander away the money? We owed the soldiers who had fought for the rights we now enjoy a debt of gratitude, and should we refuse to pay them bounty lands because somebody would cheat them out of them? The gentleman would kill the soldier with his kindness. It was no matter to the Government what the soldier did with his lands. We might as well refuse to pay him his seven dollars per month because some sutler would sell him shoes at five dollars a pair. Besides, had it never occurred that there might be guards and protections thrown around the soldier to protect him from sharpers? Such laws had been passed, and why might they not be again?

But, said the gentleman, these lands are pledged for the redemption of the war debt. This pledge was security for the punctual payment of the interest; but if that debt, principal and interest, was punctually redeemed when it fell due, of what matter was it to the public stockholder whether he was paid out of the land revenues or revenues from other sources? And where was the man, either in this House or out of it, who believed that this Government was going to allow its credit to suffer by not meeting the demands against it as they fell due?

But the gentleman from Ohio remarked, also, that this Government would fall into discredit, and had ventured the prediction that the $31,000,000 customs of this year would not be received the next year. But the gentleman, he thought, had lost his reputation for prophecy, for only some four short months since, at the opening of the session, he had predicted that the actual receipts for the year would fall some eight or ten millions short of the estimate of the Secretary of the Treasury—$31,000,000. We had facts which demonstrated the correctness of the Secretary, for there had already been received $28,000,000, and two of the twelve months had not yet expired. The gentleman had proved himself not a prophet, and he must excuse him (Mr. B.) if he did not rely on his predictions hereafter.

He referred to a computation he had made from the public records—which he believed would be found correct in the main—from which it appeared that 93,872,000 acres of public lands have been sold, and yielded to the treasury $130,000,000: the cost of the 93,872,000 acres, at 23 cents an acre, was $21,390,000. The whole number of acres sold and unsold, and now in the market, was 333,000,000 acres—the whole cost of which, at 23 cents an acre, was about $77,000,000; and for that part which was sold, having received $130,000,000, the land operations of the Government had proved a source of revenue to the Government of some $53,000,000.

For himself he was free to declare, he never had, he did not now desire to see this Government resolved into a mere land-jobbing machine. If she received back what the land had cost her, he thought she was amply compensated. So far as he was concerned, he did not desire anything more, but thought the Government should rely on other sources of revenue for support, and ought to take especial care that every citizen who desired, and especially every citizen who has fought her battles in the hours of her trial and difficulty, should be provided with a home.

He concluded by briefly explaining the following amendments, which he intended to offer when in order:

Insert after the words "eighty acres of land," in line ——, "and any such non-commissioned officer, musician, and private of any company of volunteers or militia, who actually served *three* months in said Indian war, or the war with Great Britain, shall be entitled to receive forty acres of land."

That the benefits of the 9th section of the above recited act be extended first to the unmarried sisters, and after them to the infant brothers under sixteen years of age, of all deceased officers, non-commissioned officers, musicians, and privates, in the same manner and to the same extent that the benefits of said 9th section are now extended to widows, children, fathers, and mothers of said officers, non-commissioned officers, musicians, and privates.

That in addition to the bounty land allowed to volunteers by the act of 11th February, 1847, "to raise, for a limited time, an additional military force, and for other purposes," there shall be a further grant to each of said volunteers of forty acres for every three months' service after the first twelve months.

Mr. COLLAMER next obtained the floor. He said he hardly knew whether, on a great question like this, he had occasion of regret or of congratulation upon the fact of so few members being induced to hear, and therefore so few to be present to make disturbance. It was a question rather equivocal, there being various considerations *pro* and *con*. No doubt those who wished to hear would attend, and take the means of informing themselves; as to those whose minds were made up to the thing whether or no, it was very little matter whether they heard or not; it might disturb them.

He was very little inclined to disguise a transaction, or to speak with any obliquity. They might as well avow their opinions and feelings boldly, as to discover a great deal of ingenuity, and perhaps some sinister motives, unbecoming the character of a gentleman, in endeavoring to disguise them; therefore he was disposed to look every subject directly in the face, dealing with it with entire frankness, and asking a reciprocation of that frankness. It was never a matter of choice with him that he broke the quiet silence of this House; but, as the Committee on Public Lands, of which he was a member, had had this matter under their consideration, he felt it his duty to speak of it somewhat at large.

There were in the contemplation of gentlemen, various projects standing directly behind this, by which, if this could not be carried alone, it was intended to be aided; and gentlemen who entertained very different views—though they might not be aware of it—were uniting their efforts. He thought a considerable body, upon different sides of this House, composed of very different materials, and actuated by very different reasons, were laboring towards the same point, and that point was, *to get rid of the public lands*. That was the purpose. Some were frank enough to own it; others partially owned it; others disguised it even to themselves; and yet this was the common result at which they were aiming. Some were for dispensing wholly with dealings in the land and with revenue from it, under the impression that the lands would thereby become cheaper, and be settled more rapidly in their neighborhoods; he charged them with nothing dishonorable. Another said: "As to the public land system, I think it a sort of land-jobbing business on the part of the Government, and had better be got rid of any way." Another said he thought it was the tendency of our present system to accumulate large quantities in particular hands, and thereby introduce the system of landlord and tenant in our country, which would be a disgrace to our institutions; and he was in favor of breaking it up for this reason. The reason of another class was, unless they could get the prices reduced to mere nothing, extremely poor people could never settle the lands; they were desirous of aiding them to settle, and if they could succeed, they would throw our public domain open. That was their motive.

But another considerable class, including, he apprehended, a larger part of this House than would at first be supposed, said that you never can have in a government like ours a large quantity of money on hand at the disposal of the government but it is always becoming a corruption fund. It will be at the disposal of Executive power and patronage. It will always be used, therefore, as a means of corruption, for it will stick in the hands of those who have the keeping of it. They contended that the same principle, to a comparatively limited extent, applied to the public lands. How? Why, because it would be considered that the party or candidate who would hold out the largest promises of bribery, by giving away the public lands when they came into power, would be most likely to secure their elevation. He might as well tell the truth. Many and many a man sat in that House who said, "I am disposed to believe the lands have been used in this way, under the idea that the larger the promises gentlemen can hold out to their States and their people, the better their chance for election; and because the possession of our public lands has this tendency to corruption, I am for getting rid of them altogether. I am for any system which will get them out of the hands of the Government. I do not care where they go, let them go."

Another motive, which might as well be told while he was about it. There were some men in this nation who said, if we could get rid of this $2,000,000 or $3,000,000 income from the public lands we would have a protective tariff; and we will vote them away for that reason, and the quicker we get rid of them the better.

These were some few of the many motives which operated on the minds of different gentlemen in voting for these various propositions. There were many more rather more sinister, which perhaps might have weight; but it might be unbecoming a gentleman even to suggest that they could be entertained by anybody. Now, to a man conscious of this state of things, it must occur to the minds of gentlemen that it could not be a very agreeable position to be placed at the head of a committee which was charged with the taking care of these lands, when he knew that, to some extent at least, these various motives were operating upon different parts of this House, all tending to the same result—that was to thwart him in the very business about which they had been set about by the House. They had set the committee at the business of taking a proper charge, a prudential oversight of this department; and the motives, intentions, and feelings of the men who had set them about it being to thwart them if they could, it was rather a thankless part. But no matter, the duty must be discharged. Until it was succeeded in squandering away the land, they should take the best care of it they could.

Now, what was this bill? It was a bill, he granted, reported from the Committee on Public Lands. What was it? It was time for them to recur to what it was. Why, it was nothing more or less than this: Government had made a contract by which it had agreed that the soldiers of the Mexican war, who had served out their periods faithfully, or were discharged honorably, should have one hundred and sixty acres of land. Well, some of them had happened to conduct themselves so well that they were promoted, received commissions—the officers of some of the companies had died or were killed, and they were elected to command and received their commissions—and behold! somehow or other, (he did not blame anybody,) the department here had decided that promotion was not an honorable discharge. He said promotion from the line to be an officer and to a commission under the Government was an honorable discharge to the soldier. He ought to have received his bounty lands. But the department had

decided the reverse, and the committee had reported this bill that he should have his lands. He did not know that anybody objected to it. But what had been done? Why, these men who were entitled, as all admitted, to their lands, were to be overslaughed by these propositions to carry back this same provision to the soldiers of the last war, of the Seminole and Black Hawk wars, of all the wars under Generals Wayne, Harmar, St. Clair, and it ought to have included those of the Revolution. He asked, what on earth had this to do with the bill? Had it any relationship with it? None in the world. And why were these poor soldiers to be trod upon, rode over rough-shod with measures which had nothing to do with them?

Mr. THOMPSON, of Mississippi, interposed, and inquired if the gentleman imputed that his (Mr. T.'s) object in moving the amendment was to destroy the bill? If the gentleman meant to indicate that he was not sincerely desirous to pass the bill he was certainly mistaken.

Mr. COLLAMER had said nothing about the gentleman's motion. He had said that would be the effect. Whether gentlemen intended what would be the effect, was another matter. He did not intend to impute to the gentleman from Mississippi, or any other gentleman, bad motives; but, in due time, when a vote was asked, he should insist upon it that all these propositions were not germane to the bill, and were out of order. They should be presented by bills coming from committees having the matter in charge. There was a bill now upon the table, he believed, in relation to these Wayne wars, which had been committed to a committee, at the head of which was the gentleman from Kentucky. Let each proposition be discussed, as it should be, on its own merits. But, inasmuch as they had been introduced and discussed, he wished to give his views.

In the first place, he thought gentlemen mistook the effect of the law of the last session authorizing the $23,000,000 loan. By that law the sales of the public lands were pledged not merely to the payment of the interest of the loan. Gentlemen seemed to suppose because this Government was good, because it would finally redeem that loan, therefore it might disregard the pledges contained in that bill. He wished to call the attention of gentlemen who had any regard for the public faith to the very condition expressed in that act. Now it was not enough that this Government was good, and would finally pay up that loan, principal and interest. The effect of that provision of the act was not merely that a man when he subscribed for that loan should not distrust the Government, but it was very important for every man who subscribed that the stock should continue good in the market during the twenty years, so that whenever his circumstances should require him to realize his money he could sell his stock in the market any day. He would refresh the recollection of gentlemen by reading the section:

"SEC. 19. *And be it further enacted*, That for the payment of the stock which may be created under the provisions of this act, the sales of the public lands are hereby pledged; and it is hereby made the duty of the Secretary of the Treasury to use and apply all moneys which may be received into the treasury for the sales of the public lands, after the 1st day of January, 1848, first, to pay the interest on all stocks issued by virtue of this act; and, secondly, to use the balance of said receipts, after paying the interest aforesaid, in the purchase of said stocks at their market value, provided no more than par shall be paid for said stocks."

Now suppose that $3,000,000 was received annually from the sales of the lands; it would take only about one million to pay the interest, and then under this section the remaining $2,000,000 were required to be put by—for what? To pay the principal; whenever the stock could be bought in the market at par, that money was to be taken and the stock was to be bought. Now, did not every man see that the stock could not go below par in the market while the Government kept this fund?

That was the true character of the pledge; and the position of the gentleman from Mississippi, that the Government would be good enough to pay it finally, would not do; the promise was a distinct promise from this—it was that at all times while any of this fund remained after paying the interest, this stock should be kept at par in the market. Now, what was implied in that pledge? Why, that the Government would not intentionally do anything to essentially diminish the sales of the public lands. He did not consider that it would prevent making a donation of lands to a college or other institution of learning, of alternate sections to railroads through the public lands, or to any ordinary purposes of legislation; but they were clearly not at liberty, they had solemnly bound the faith of this Government not to entertain such a proposition—a proposition which would essentially diminish the revenue from the public lands. How, then, could any man, having any regard for the public faith, vote for propositions of this character? It was an old and just maxim, that we should be just before we are generous; surely it would not be just thus to dry up for a long series of years this source of revenue which we had expressly pledged to the public creditor to keep our stock at par.

He referred to the frequent use of the term "bounty lands" as calculated to convey an erroneous impression, and said that in no instance had this Government voted lands as a mere gratuity; but that these "bounty lands" were part of the payment to the soldiers now serving in the war with Mexico, as much so as their money and clothing, stipulated before they entered the service, except in the case of a small proportion who had entered the army before the law was passed, and who were placed on the same footing as all the rest of the army.

In relation to the Indian wars under Wayne, Harmar, St. Clair, and others, this subject of grants of land had been discussed and considered, from time to time, by men who knew all about it, thirty years ago, and been refused. And here he would remark to the gentleman from Mississippi, that we had then more land in proportion to the number of our inhabitants than we have now.

With regard to the computation made by the gentleman from Mississippi, [Mr. BROWN,] of the profits made by the Government from the sales of the lands over and above their cost, he said it should be remembered that we received a large proportion of them from Virginia; and when she gave her quit claim, it was on the express condition that their proceeds should go first to extinguish the debt of the Revolution. Now, that debt had been paid in money; but take every dollar we had ever received from the lands, and it would not pay more than two-thirds of that debt. Therefore, it was not true that we had such lands over and above their cost. We had no such lands.

He referred gentlemen to House document No. 20, 2d session 24th Congress, for the real number of men who served in the last war, and who were covered by the amendment. The gentleman from Illinois [Mr. MCCLERNAND] had estimated them at about 70,000.

Mr. MCCLERNAND said the whole number of troops, being six and twelve months, contemplated by the amendment of the gentleman from Mississippi, [Mr. THOMPSON,] was 69,897, and the whole quantity of land to be granted as bounties to these troops, was 6,138,520 acres.

Mr. COLLAMER said that the official returns showed that the whole number of militia in the last war was 382,000, of non-commissioned officers 57,000, and of officers 31,000, making 472,000 in all; and these, in addition to 38,000 warrants which had been issued to the regular army of that war for bounty lands.

But where was the propriety of the gentleman from Mississippi stopping with the six months' men? Were not those who had served three months, for instance, equally deserving? And how did the gentleman draw the line of distinction? But why stop here? He had no doubt that the men who went from Kentucky, Tennessee, and from other States, with General Jackson, to New Orleans, served six months, and yet they had not been paid at all. Those who were at the "Bladensburg races," too, were out perhaps for six months. How that was, he knew not, nor had he any means of knowing. But this he knew, that many of those who were out, for whom provision was to be made, were in garrisons, holding them in the absence of the troops in active service. Those men doing garrison duty enjoyed easy times. Such were the six months' men. He had some little knowledge on the subject, for he was among them, though of those who were a few days short of six months' service, so of course they would get nothing.

He repeated, there was no propriety in giving these bounties as proposed, and shutting out the soldiers of the war of the Revolution. Such a distinction could not be justified to his satisfaction. For seven years that war went on, and when the British came to Horse Neck and burnt New London, they were subject to be draughted every month of the year. But oh, he was told, they had had pensions. This he denied. The first pension law was passed in 1832 granting pensions to militia men, and then only to such as were at that time living. From fifty to sixty years passed over from the time the service was rendered to the passage of that law, and thousands of them had sunk into the grave without having received any pension. This distinction, then, assumed the shape of gross injustice.

But again: had they ever given a dollar to the seamen and marines who fought the battles of the country on the ocean and on the lakes? Those men had met the enemy on the element on which he had assumed to reign; they had bearded the lion in his den. And why, then, should not they be included? There was also the Seminole war in Florida, and even the Creek war. This bill could not be made acceptable to him unless the soldiers of those wars were included. If this amendment was to pass, he presumed it would be so modified as to meet these cases.

But there was another point to which he wished to call the attention of gentlemen for a few moments. It was impossible to disguise the fact, that if this bill, with the proposed amendments, should pass, it would destroy the income from the public lands for many years. With these warrants in the market, they could not sell the public lands. He knew the warrants of the soldiers of the Mexican war were kept up because they had the alternative of taking scrip for $100; and therefore below that amount the warrants would not fall. But what would be the fact if this proposition should be passed? Why, they would be thrown into the market at a time when fifty thousand were already issued, and fifty thousand more were to be issued. Why, as soon as these men came home from Mexico and found these warrants in the market, they would fall back upon the alternative and take Government scrip. Every man, instead of taking his warrant, would take his $100 scrip. And how much would it amount to? Why, to $5,000,000. It was a simple question of mathematics. These Mexican soldiers would not take land warrants, for with these additional warrants in the market, they would not be able to sell them; they would prefer the scrip, and thus $5,000,000 would be added to the public debt, which would be increased by that amount. Now, did gentlemen desire that? Some gentlemen might, for the purpose of obtaining a higher tariff; but to such gentlemen he would say, "take care that you do not get direct taxes." What was the income of the public land? We had been receiving about three millions per annum. For the next year, Mr. Walker anticipated the receipt of three millions and a half. He calculated that sum, which he based on the preemption rights, and he may realize it. Already more had been received than the proportion of three millions for the same period; but if these warrants were issued, should they ever be able to get back the public lands to pay Virginia and other States the debt contracted in the Revolution?

He knew there were gentlemen here who were tenacious of that revenue; there were some who desired free trade, and others who called for internal improvements; and to such gentlemen he would say, beware how you cut off this revenue of three millions of dollars; do not say that a man from New England stood here and encouraged you to get rid of that revenue; do not charge it on me. Remember you have been told of it to-day plainly and fairly. He knew not but gentlemen might think that as much capital could be made in the approaching election by this as they might lose by the final result; but they had better beware. If advantage were to be gained by it, he should not resort to such contrivances for any sinister advantages that might accrue to him. If this bill should be passed in its present shape, the revenue from the public lands would be cut off, and a large amount would be added to the public debt, and this he was not willing to sanction for any temporary personal advantage. Of the consequences of such legislation gentlemen could judge as well as he could, if they would but take the trouble to think.

As he had yet a few minutes remaining of his allotted time, he would call the attention of gentlemen a little more at large to a question to which he had already briefly referred. He had said that there were men who were willing to destroy the income from the public lands for the motives which

he had suggested. They said they wanted to get rid of this source of public revenue, and they did not care how, for these lands were used as capital wherewith to operate in choosing Presidents. Gentlemen who were actuated by motives of that kind were those who were ordinarily of a conservative character. But gentlemen who had any regard for honor and honesty would consider how these lands came into our hands, and for what purposes we hold them. We were not without light on this subject if we desired it, even from the Supreme Court of the United States. The question had been before that court, and it had been decided that Congress were merely trustees of the public lands, and were bound to administer the trust fairly for the benefit of the estate, as though it were a private estate. Could a man who was a trustee for a private estate say he would not keep the property vested in him as trustee because he feared it would corrupt him? What if a trustee should say, "with this property in my hand I cannot act with integrity; I shall be tempted to steal it; I will therefore throw it away!" Was that an honest discharge of a trust? He did not know how it struck other members, but he, with old-fashioned notions of the duty of a trustee, with respect to property that came into his hands, could not reconcile it with his idea of common honesty. So he would say of this mode of getting rid of our trust property. It was not honest. He knew they might invest it for the benefit of the estate in ten thousand ways. He did not say they were bound to hold money, and not expend it for the benefit of the estate, or build colleges or institutions for the benefit of the people to whom it belonged. He said nothing against that. But he could not agree with those gentlemen who alleged that this was a corruption fund, and therefore that they must get rid of it. That was the point to which he was calling the attention of the committee. Gentlemen should bear in mind, too, that these public lands were pledged for debts contracted by the Government; the public faith, therefore, required that they should be husbanded with care, and the price kept up in the market. If he borrowed money, and pledged his horse as security for the payment, could he then say that he would dispose of that, as he was personally good enough for the debt? He certainly had no right to sell his horse without the consent of the creditor who had advanced him money on the pledge of that horse as security. But that was not all. The public domain was set apart as a permanent fund, in which their children had an interest, and, therefore, he believed that he was not at liberty to entertain these various projects, for every man must see that they will reduce the income from the public lands.

Mr. COBB, of Alabama, next rose; but there were but a few minutes remaining for discussion on this bill, the House having fixed two o'clock as the time at which debate should be stopped, and therefore he said he should simply indicate an amendment which he should offer, if he had the opportunity, when the proper time arrived. He should propose an amendment to repeal so much of the act, the title of which was recited in the bill before the committee, as provided that bounties of lands shall be located in one body, containing not less than one hundred and sixty acres, and then he desired a provision to be made for the issuing of warrants for quantities containing not less than forty acres, at the option of the holders, and in conformity to the legal subdivisions of the public lands. But he would give the holder of such warrants the power to return them and to take warrants for the aggregate one hundred and sixty acres, limiting, however, these provisions to the soldiers and their heirs. He would also, if he could get the opportunity, seek to extend the provisions of this bill to the soldiers of the Creek and Seminole Indian wars, and to those for whom no provision had been heretofore made by any act of Congress. Into the merits or demerits of the general measure before the committee he had not time now to enter, but he would remark that he believed the amendments which he had intimated his desire to offer would be very beneficial in their tendency. The small pittance which the Government gave to those who risked their lives and all they held dear in defence of the honor and for the promotion of the glory of the country should be so given as to produce the greatest possible amount of good to the recipient. The gentleman from Vermont [Mr. COLLAMER] had indulged in some complaint that none of these propositions met his own case. Now, he begged that gentleman's attention to the amendments he had suggested, which would be found sufficient to embrace his case and remove his ground of complaint. He trusted, therefore, to have that gentleman's aid on its passage. He would make provision for all men who have served their country, though their term of service might be less than twelve or even six months. He would include the soldiers of the war of the Revolution, though more remote, with those of the Creek and Florida wars of more recent date; and, as soon as the national debt should have been paid, he would be willing to give to every man a home who was not able to buy one for himself.

Mr. THOMPSON, of Mississippi, hoped he might be indulged in a single remark, as there was yet a minute remaining, simply in relation to the revenue from the public lands, on which the gentleman from Vermont [Mr. COLLAMER] had taken occasion to make some comments. The gentleman from Vermont had said that this measure would destroy the revenue from the public lands; but what was their experience while twenty thousand warrants had been issued to the soldiers of the Mexican war? Why, the gentleman from Vermont, himself the chairman of the Committee on Public Lands, had admitted that the revenue from that source was going up. The fact was, that the more these bounties were given the more emigration there would be to that section of country, and the value of the lands would be thereby enhanced. Thus, then, while they were doing acts of justice to the soldiers in the past wars, they were doing no injustice to the old States, but they were benefiting essentially the new. He was not apprehensive that the public faith would be affected by the passage of this act. Bounties had been granted to the soldiers of the Mexican war, and nobody then thought the public faith was tarnished or in any way endangered. It never was intended that the Government was to be restricted, as the gentleman from Virginia appeared to imagine; and he fully believed that they could apply the graduation principle to public lands and still increase the value of the public domain.

The hour having arrived at which debate was to cease, the question was announced to be on the amendment of the gentleman from Mississippi, [Mr. THOMPSON.]

Mr. COLLAMER raised a question of order as to the relevancy of the amendment.

The CHAIRMAN decided that the objection came too late; and said if it had been made in time, he should have overruled it.

Mr. LUMPKIN moved to amend the amendment by inserting after the words "Great Britain," in the ninth and sixteenth lines, the words, "and in the late war against the Seminole Indians in Florida."

Mr. CABELL also sent an amendment to the Chair of a similar character, which was, however, cut off by the amendment of the gentleman from Georgia, [Mr. LUMPKIN.] Mr. C. desired to give the privilege also of locating lands in lots of eighty acres, to those who had served less than twelve months, which the amendment of the gentleman from Georgia did not permit.

Mr. LUMPKIN consented to modify his amendment so as to meet the views of the gentleman from Florida.

Mr. STEPHENS suggested a further amendment, so as to add the words "or the Creek Indians in Georgia and Alabama."

Mr. LUMPKIN accepted that amendment also.

Mr. HALL, of Missouri, moved further to amend, so as to add, "or the campaign against the Sacs and Foxes, in 1832, commonly known as the Black Hawk war."

Mr. JOHNSON, of Arkansas, rose to a question of order. His point was, that after an amendment to an amendment, a further amendment was not in order.

The CHAIRMAN decided that it was competent for the mover of the amendment to the amendment to accept them on their being suggested, though it was not in order to offer them as distinct propositions.

The amendment of Mr. LUMPKIN, as modified, was agreed to.

The question then recurring on the amendment of Mr. THOMPSON, as amended—

Mr. STEPHENS further moved to amend, by striking out "twelve," and inserting "three," so as to extend the provision to those who had served for three months. He also moved to strike out all of the last passage of the amendment of Mr. THOMPSON. Agreed to.

Mr. SMITH, of Illinois, moved to amend, by inserting after the words "Greenville, 1795," in Mr. JACOB THOMPSON's amendment, the words, "and to the volunteers or militiamen of the ranging service, who defended our frontiers against the Indians from 1794 down to the close of the late war with Great Britain."

Mr. SMITH, of Illinois, said he had no desire to figure in this debate, or in any of the debates which were continually arising within this hall; but, like his honorable friend from Mississippi, [Mr. BROWN,] when a measure came up in which his constituents were deeply interested, he felt bound to say a few words. He had struggled to obtain the floor, to speak at length on the bill, but was unsuccessful; and, having but a few minutes to speak, he could not say all he had desired on the bill and amendments. While he was in favor of the amendment of the honorable gentleman from Mississippi, [Mr. THOMPSON,] he doubted very much the propriety of attaching it to the bill under consideration; but, inasmuch as it had been offered, he could not, in justice to the early settlers of the State from which he came, refrain from offering the amendment which he had sent to the Chair, and which had just been read. No class of men had ever served their country more devotedly, or encountered more perils and hardships in its defence, than the bold and hardy pioneers who entered the ranging service and defended our western frontiers against the savage foe. He was sorry to see so little apparent sympathy in the committee for these gallant men, or their descendants. He could, if time were allowed him, recount hardships and privations endured by these patriotic defenders of our frontiers, and deeds of savage cruelty and barbarity perpetrated by the Indians upon the women and children within his own district, that would thrill with horror through the veins of gentlemen, and stir up their sympathies in behalf of these men. He could relate the fact of the father leaving his little family in the morning, in the full enjoyment of health, and as he supposed in safety, and, on his return home at night, finding the mangled bodies of his wife and children, who had, in his absence, been butchered by the Indians. He had made his amendment with a view to cover all the cases from 1795 down to the close of the late war with Great Britain; and it was but a simple act of justice that it should pass.

The amendment was adopted.

Mr. THOMPSON, of Mississippi, desired to withdraw his amendment. He said amendments were made and were being offered which were not acceptable to him, and he therefore desired to withdraw the amendment.

The CHAIRMAN replied, that the amendment was not now under the control of the gentleman from Mississippi.

The amendment of Mr. SMITH, of Illinois, was then agreed to.

The question again being on Mr. THOMPSON's amended amendment—

Mr. HAMMONS moved to insert after the words "Great Britain," in the tenth line, the words, "or in the Aroostook war for the period of thirty days."

In supporting his amendment, Mr. H. observed that the people of Maine had shown themselves as patriotic as any of those whose services it was proposed to reward with land bounties. When their territory was threatened with invasion by the British, they shouldered their muskets, and were ready to meet the enemy, and to vindicate the sovereignty of the State over her entire territory. Another reason was, that the State of Maine had been robbed by the Ashburton treaty of nearly one-third of her territory. If the soldiers who had been engaged in the Aroostook war should receive the bounty proposed in his amendment, Maine would be in some degree restored to her rights. These men had seen hard service; they had fought in the woods, had been kidnapped and imprisoned by the enemy, and were in all respects as meritorious as any whom it was proposed by this bill to remunerate.

The question being put, the amendment was agreed to.

Mr. VENABLE offered the following amendment to the amendment: "Also those who served thirty days in the anti-rent war against Big Thun-

der, and those who served thirty days in the Mormon war, or in the Dorr war, or in the whiskey expedition in Pennsylvania, or in the buckshot war."

Mr. McCLERNAND rose to order. The amendment of the gentleman from North Carolina (Mr. VENABLE) was out of order, as it referred by name to a war which had no historic or other existence.

The CHAIR sustained the objection, and ruled the amendment of Mr. VENABLE out of order.

A member proposed an amendment to extend the provisions of the bill to those who had served in the Southampton insurrection in Virginia. It was agreed to, as the reporter believes.

Mr. ROCKWELL, of Connecticut, moved the following amendment to Mr. THOMPSON's amendment:

Provided, That all the provisions of this act shall extend to and include all those who served as volunteers or militia in the war of the Revolution, and their heirs, not including those for whose services pension has been granted; and the same shall also extend to and include all who served the length of time therein stated as petty officers, seamen, and marines in the navy of the United States during the last war with Great Britain.

The amendment was agreed to.

Mr. DUER moved to amend Mr. THOMPSON's amendment, as follows:

Strike out all after "the same are hereby," 4th line, and insert: "extended to every inhabitant of the United States above the age of twenty-one years, being in indigent circumstances, or having a family dependent upon his or her labor for their support, who now is or who hereafter may become a citizen of the United States."

He said that if Congress was about to make a division of the public domain, he was for having an equal division. He wanted to give all a share. He could not see why those only who had fought for the country were to be sharers in the common spoil. There were other claims as well as those for military service. Let the division be something like equal.

He approved of the principle of making a donation of small portions of the public domain to actual settlers, under certain restrictions, and on certain prudent and necessary conditions; but if Congress was going to enter on these large grants, he hoped his amendment would be adopted.

The amendment to the amendment was agreed to.

The question again being on Mr THOMPSON's amendment as amended—

Mr. JOHNSON, of Arkansas, sent to the Chair as a substitute, to be offered at the proper time, the draft of a bill, which was read for information, and will be found below.

Mr. GREEN proposed to insert an amendment to grant the bounty to all who had desired to slay a Mexican. [A laugh.]

Mr. TOMPKINS feared that what the committee were doing would look rather bad upon paper. He would therefore move that the committee rise.

The motion was rejected by an overwhelming majority.

A member from New York moved to include all who had been engaged in the Dorr insurrection.

It was ruled out of order.

Mr. EDWARDS proposed to add, "particularly the man who had admitted Santa Anna into Mexico." [A laugh.]

It was ruled out of order.

Mr. JONES, of Tennessee, offered an amendment extending the provisions of the bill to all who had served in the Revolution from the 1st of January, 1775.

He supported his amendment by observing, that it was his desire to go back to those noble-hearted men who had commenced the great fight for our national liberty—men who fought upon their own hook. He would give one hundred and sixty acres of the public lands to every one of them who had served the cause of America against Great Britain, either in the military, naval, or marine service. This amendment was rejected.

Another motion was here made, that the committee rise, but promptly negatived.

Mr. DUNN offered an amendment not distinctly heard by the reporter, and of which he could obtain no copy.

The question now occurring on the original amendment to the bill which had been moved by Mr. THOMPSON, of Mississippi, as amended by the adoption of the various amendments to it which had since been offered, the amendment was *rejected;* so all the previously adopted amendments fell with it

Mr. WICK moved an additional section to the bill, the object of which was to prevent any reduction in the commutation allowed to volunteers who did not need the full amount allowed to regulars for clothing. He explained the nature of his amendment.

Mr. STEPHENS rose to order, and objected to this amendment as not germane to the bill, and therefore prohibited as an amendment by the fifty-fifth rule of the House. The sole object of the bill was, to rectify a false interpretation given at the Pension Office to the law granting bounty to our soldiers in the Mexican war, so as to secure the land bounty to soldiers who had been promoted from the ranks and received officers' commissions for good conduct. The subject of this amendment was wholly foreign to that, and therefore not in order. The same objection, indeed, would apply to the whole of the amendments which had been proposed to the bill. He hoped the committee would rise and report the bill in its original form.

Mr. THOMPSON, of Mississippi, thought his amendment was germane to the bill, because the bill itself extended the land bounty to those who would not otherwise receive it, and the amendment did no more.

The CHAIR sustained Mr. STEPHENS's objection, and ruled Mr. WICK's amendment out of order.

Mr. JOHNSON, of Arkansas, moved a substitute for the whole bill after the enacting clause, as follows:

That the benefits conferred by the ninth section of the act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847, be, and the same are hereby, extended and secured to all non-commissioned officers, musicians, and privates, who, during the war with Mexico, may have been, or may hereafter be, promoted to any company or staff office after their arrival at the seat of war, and after the original organization of the company, corps, or regiment to which they respectively belonged.

SEC. 2. *Be it further enacted*, That all non-commissioned officers, musicians, and privates, who may have been, or may hereafter be, taken prisoners whilst in the line of their duty in the war with Mexico, shall be entitled to and receive, whether as infantry or mounted men, and whether their term of service shall expire or not, the same rate of pay, allowance, and commutation of subsistence during captivity that they were actually entitled to receive at the time of capture.

He explained and briefly advocated his amendment. He said it had received the approval of experienced men; it was simple, and covered the whole ground. He hoped the committee would now go seriously to work and pass the bill.

Mr. JONES, of Tennessee, proposed to Mr. JOHNSON to modify his bill so as to restrict the first section to such privates as had been promoted from the ranks after the organization of the regiments to which they belonged.

Mr. JOHNSON accepted this as a modification of his substituted bill.

Mr. JONES explained and advocated the amendment.

The question now recurring on the adoption of Mr. JOHNSON's substitute, as modified by him at the suggestion of Mr. JONES—

Mr. STEPHENS opposed the substitute, and hoped the original bill would be adopted and reported.

Mr. THOMPSON, of Kentucky, wished to amend the original bill by the adoption of a substitute. He hoped the gentleman from Arkansas [Mr. JOHNSON] would accept it in lieu of his own as an amendment. It was as follows:

Be it further enacted, That in all cases where, by the laws now existing, the wife, children, or parent of any volunteer officer or soldier who has died in the service during the present war with Mexico, are entitled to bounty land, in the event that such officer or soldier has died, or shall hereafter die in the service, having no wife, children, or parent, then the next of kin who, by the laws of the State where such volunteer officer or soldier enlisted, are heirs-at-law of such decedent, or such person as said officer or soldier shall appoint by will, shall be entitled to inherit and receive such interest in said bounty lands as they or any of them would be entitled to under the laws of the place of enlistment or by such devise.

He remarked that the whole purpose of the original bill, as reported from the committee, was to supply a *casus omissus* in the former bounty-land bill. Now, there were three cases which that bill failed to provide for, and which it was the purpose of his substitute to cover. He hoped it would be accepted as a modification of the amendment proposed by the gentleman from Arkansas.

Mr. JOHNSON, of Arkansas, declined to accept it.

Mr. TURNER moved that the committee rise; but his motion was negatived without a count.

The amendment of Mr. THOMPSON to the original bill was ruled for the present out of order.

Mr. SMITH, of Illinois, offered the following amendment to the amendment of Mr. JOHNSON:

SEC. —. *And be it further enacted*, That the land warrants for military services in the present war with Mexico, issued in pursuance of the ninth section of the act of February 11, 1847, to raise for a limited time an additional military force, and for other purposes, may be located by the warrantee or his heirs-at-law, in forty or eighty-acre tracts, at any land office in the United States, upon any of the public lands in such district subject to private entry, or upon any lands improved by the warrantee or his heirs-at-law, or to which he or his heirs may have secured a pre-emption right.

Mr. SMITH, of Illinois, said: When the bill reported by the honorable gentleman from the Committee on Public Lands [Mr. EVANS] was under consideration, he proposed an amendment which he deemed of the first importance to the gallant men who went from the new States to fight our battles in Mexico: it was, to permit them to select their lands in forty or eighty-acre tracts, as they might consider most for their interest. This would enable them to secure a part of their bounty in timber land, and part in prairie. Without this, the bounty which the Government intended to bestow on these patriotic men would fail of accomplishing the object designed by the passage of the law making these grants. His amendment was cut off by a motion to refer. He therefore renewed it, and offered it as an additional section to the bill. It was so equitable and just in its provisions, that he did not see how any gentleman could oppose it. Aside from the benefits it would confer upon the gallant men who *periled* their lives in defence of the rights and honor of our country, and shed a lustre upon the American name unequalled in this or any former age, it would be an advantage to the Government, as it would insure the entry of many detached forty and eighty-acre tracts, which have been long in market, and that otherwise would not be entered. If this amendment becomes a law, many of the young men who have served in this war will appropriate their warrants to enlarging the farms of their fathers, by taking second-rate lands because of its contiguity to the farm.

When the bill to which the bill now under consideration is an amendment was under consideration, he gave his views at some length. It did not pass in the shape he desired. It was not, in his opinion, liberal enough to the soldier who left the endearments and comforts of home, and marched to the battle-field. He was opposed then to any restrictions upon these grants of land, and was in favor of leaving the soldier free to dispose of this small bounty, granted to him as a reward for his patriotism, in such manner as he might think would best promote his interest. He then remarked, that the warrants issued to the soldiers should be in such form as to make them most available to the soldier. He should be left free to locate his warrant upon any lands belonging to the Government and subject to sale, and at such time as might best promote his interest or convenience. Any restrictions in relation to the location or transfer of the warrant, would lessen the value of the grant, and of course destroy one of the principle objects contemplated by the bill now under consideration. He was for giving the soldier full power to make the most out of this land bounty that he could.

The bill of 11th February, 1847, was defective in another particular: it should have extended its provisions to the brothers and sisters of those who were killed, or who died in the service. He had the honor, when that bill was under consideration, to offer a substitute which embraced them. The same reason existed for extending the benefits of that act to the brothers and sisters of those who were killed, or who died in the service, as in extending it to the father and mother. It was true that in many cases the son was the stay and support of the aged and infirm parents; and it was equally true, that in very many cases he was also the stay and support, the guardian and protector, of younger brothers and sisters; many of these cases were within his own knowledge. Did any gentleman, in voting for the bill granting bounty lands to those who enlisted or volunteered to serve in the present war with Mexico, make any other calculation than to give the full amount of land provided in the bill, either to the soldier or his heirs? Did any one, think you, make the calculation of how

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many would die or be killed, and how much land the Government would save thereby in consequence of the bill not extending to the brothers and sisters? Did any member desire to withhold this bounty from the brothers and sisters of those who sacrificed their lives in the service of their country, which this brother would have been entitled to if he had lived to fulfill his term of service, and return to his friends and his home? What compensation is this paltry bounty for the loss of a kind and affectionate brother?

Sir, said Mr. S., we ought not to hesitate for one moment in passing this amendment. His opinions in this matter had undergone no change. While the bill was under discussion which we were now trying to amend, he advocated not only a larger bounty in land than passed, but advocated an increase of pay to the soldiers. And, in answer to objections urged against the ability of the Government, he remarked, that "the Government had land enough and to spare, and he had yet to learn that our Government could not raise the money necessary to prosecute the war, even though the pay of the soldier should be raised to ten dollars per month. Sir, is there any member of this House who has so low an estimate of the patriotism of his countrymen as to suppose that they would not, when all other legitimate sources of revenue fail, cheerfully pay a *direct tax* to prosecute this war with energy to an honorable peace? He hoped no one doubted for a moment the will or the ability of the country to furnish promptly and cheerfully the means to carry on the war. And to say that if land warrants were issued to our soldiers, that they would fall into the hands of the speculator, and then they would 'dry up the land revenue, and prevent our getting a loan,' was certainly showing that our credit hung upon a frail thread. He did not believe any such doctrine. If the raising of money to carry on the war depended upon raising two or three millions of dollars from the sales of the public lands, our credit was at a low ebb, and the sooner we ceased making appropriations the better for us. He believed the credit of the nation rested upon the honesty, energy, and ability of her citizens, who have always been found equal to any exigency. And if one hundred millions of dollars should be necessary to prosecute this war to an honorable peace, he had full faith that it could be raised, and that the interest could be paid."

Mr. STEPHENS renewed his question of order, insisting that this amendment was not germane to the bill.

The CHAIR overruled the objection.

Mr. STEPHENS took an appeal.

The amendment was again read, and the Chair, being now able to hear it more distinctly, ruled it not to be in order.

Mr. SMITH then offered a second amendment to the amendment, to which Mr. STEPHENS made the same objection; it changed the whole land system of the country.

The CHAIR ruled it not to be in order.

Mr. SMITH appealed; but the decision of the Chair was sustained.

Mr. THOMPSON, of Kentucky, again proposed his substitute, as above.

Mr. HALL, of Missouri, objected to it as out of order.

And the CHAIR so ruled.

Mr. McCLERNAND offered the following amendment to Mr. JOHNSON's amendment:

SEC. —. *And be it further enacted*, That the provisions and limitations of the ninth section of the act of February 11, 1847, be, and the same are hereby, so extended, that the non-commissioned officers, musicians, and privates, of the regulars, militia, volunteers, and rangers, who served in the Indian war of 1790, and who served in the war of 1812 twelve months or more, shall receive a bounty of one hundred and sixty acres each; and all of said soldiers who served six months or more shall receive a bounty of eighty acres of land each; provided that bounties shall not be granted to those who have already received bounties.

The CHAIR ruled this amendment out of order.

The question now recurring on the amendment of Mr. JOHNSON, of Arkansas, it was rejected.

The question being then on the original bill, as inserted in the beginning of these proceedings, (with an amendment, consisting of the last proviso, formerly offered by Mr. RICHARDSON,) it was agreed to.

And the committee thereupon rose, and reported the bill to the House.

Mr. THOMPSON, of Kentucky, offered the substitute he had proposed in committee.

Mr. VINTON moved the previous question, under the operation of which the amendment submitted by Mr. THOMPSON was rejected.

The bill was then ordered to be engrossed for a third reading; and it was read a third time, and passed.

Mr. STEPHENS moved a reconsideration of the vote on the passage of the bill.

The motion to reconsider was laid on the table.

The House then adjourned.

IN SENATE.

MONDAY, *May* 8, 1848.

Mr. STURGEON presented a petition from citizens of Philadelphia, praying the adoption of measures for the settlement and protection of the Indians; which was referred to the Committee on Indian Affairs.

Mr. DIX presented joint resolutions of the Legislature of the State of New York, in favor of the payment of claims for French spoliations prior to 1800; which were read.

Mr. D. said, that during the second session that he had the honor of occupying a seat in the Senate, this subject had been presented here for consideration, and he was appointed a member of the select committee to which it was referred. A majority of that committee was in favor of the claims, and a bill was accordingly reported. With the Senator from North Carolina, [Mr. MANGUM,] he had dissented from that report, and it became his duty to explain the grounds of his dissent. Although he considered the case of these claimants one of peculiar hardship, he did not think the burden of payment ought to be imposed on the treasury. His opinion on the subject had not been changed by subsequent reflection. The resolutions which he had now presented were not in the shape of instructions. Had they been in that form, he would have cheerfully obeyed them. But they simply requested the Senators from New York to support these claims. And he would only add, that whenever the subject came up for discussion he would give that request the respectful consideration which was due to the high source whence it proceeded.

The joint resolutions were ordered to be printed.

Mr. DAVIS, of Massachusetts, presented a petition from citizens of New York, praying Congress to purchase Mount Vernon; which was referred to the Committee on Military Affairs.

Mr. UPHAM presented resolutions from the Legislature of the State of Vermont, in favor of Asa Whitney's plan of a railroad from Lake Michigan to the Pacific; which were read and ordered to be printed.

Mr. DICKINSON presented a petition from citizens of New York, praying Congress to establish a post route from New York to Philadelphia; which was referred to the Committee on the Post Office and Post Roads.

Mr. GREENE presented the petition of Nancy Jillson, praying for a pension; which was referred to the Committee on Pensions.

Mr. BENTON presented a petition from citizens of Oregon, asking the immediate extension of the laws of the United States over that Territory, and donations of land to settlers therein; which was laid on the table, and ordered to be printed.

RESOLUTIONS.

On motion by Mr. YULEE,

Resolved, That the Committee on the Judiciary inquire into the expediency and best mode of extending the circuit court system to the States of Texas, Florida, Iowa, and Wisconsin.

On motion by Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post-route at Bougeries, in the parish of St. James, State of Louisiana, on the west bank of the Mississippi river, to be called St. James.

On motion by Mr. DAVIS, of Massachusetts,

Resolved, That the Committee on the Library be instructed to inquire whether the provisions of law requiring of publishers who take out a copy-right to place the work in the Library of Congress needs amendment.

On motion by Mr. JOHNSON, of Georgia,

Resolved, That the Committee on Naval Affairs be, and they are hereby, instructed to examine into the propriety and necessity of establishing a professorship of international law in the naval school of Annapolis.

Resolved, That the same committee be, and they are hereby, instructed to inquire into the propriety and necessity of removing the restrictions imposed by the act of 1st August, 1842, by which the number of midshipmen in the navy is limited to 451, so far as to authorize the increase of the number to 460; and also of allowing, at all times hereafter, each State and Territory to have two midshipmen for each representative in Congress to which it may be entitled.

Resolved, That the said committee be, and they are hereby, instructed to inquire into the expediency of authorizing by law the appointment of one midshipman out of eight in ten at large, irrespective of actual residence, and that they report upon each of the above-named subjects by bill or otherwise.

REPORTS FROM COMMITTEES.

Mr. BREESE, from the Committee on Public Lands, reported a bill to grant a right of way through the public lands in the State of Indiana, for certain purposes; which was read a first time.

Mr. BREESE, from the same committee, reported the following House bills, without amendment: An act for the relief of those preëmption claimants on the Miami lands in Indiana, who, by their services in the Mexican war, are entitled to bounty land; an act to authorize the citizens of Ozark county, Missouri, to enter less than a quarter section of land for the seat of justice in said county; and an act relating to military land warrants.

Mr. BREESE moved the discharge of the Committee on the Judiciary from the further consideration of the memorial of the Legislature of Alabama, in relation to the assent of Congress to an act leasing the canal round the Muscle Shoals; and that it be referred to the Committee on Roads and Canals.

Mr. HANNEGAN, from the Committee on Foreign Relations, reported a bill for the relief of the personal representatives of William A. Slacum; which was read a first time.

Mr. WESTCOTT, from the Committee on the Judiciary, made an adverse report on the memorial of Sarah Ten Eyck, on the ground that the committee, at this and former sessions, had declared "that verdicts and certificates of juries finding balances in favor of defendants, when sued by the United States, cannot be received as evidence."

Mr. NILES, from the Committee on the Post Office and Post Roads, reported, without amendment, a joint resolution from the House for the relief of George R. Smith.

Mr. DAYTON, from the Committee on Patents, moved that the committee be discharged from the further consideration of the petition of Oliver Evans, and that it be referred to the Committee on Commerce.

Mr. DAYTON, from the Committee on the Judiciary, reported a bill in relation to the terms of the circuit and district courts of the United States for the district of New Jersey; which was read a first time.

Mr. DAYTON, from the Committee on the Judiciary, reported, without amendment, the bill authorizing the district judge of the State of Tennessee to hold a special term.

Mr. D. moved that this bill be now considered. The motion being agreed to, the bill was considered as in Committee of the Whole, and was then read a third time and passed.

Mr. WESTCOTT, from the Committee on the Judiciary, reported the bill respecting the public archives in the State of Florida, with an additional section.

Mr. W. moved that this bill be now considered; which motion being agreed to, the bill was considered as in Committee of the Whole, the amendment of the committee was agreed to, and the bill was then read a third time and passed.

Mr. DAYTON, on leave, introduced a bill for

the relief of John W. Simonton; which was twice read, and referred to the Committeee on Naval Affairs.

Mr. BORLAND, on leave, introduced a bill to grant to the State of Arkansas certain unsold lands, subject to overflow, for the purposes of internal improvement, education, and for other purposes; which was read twice, and referred to the Committee on Public Lands.

SPECIAL ORDER—YUCATAN.

The Senate then proceeded to the consideration of the bill to enable the President of the United States to take temporary military occupation of Yucatan; the question pending being on the amendment moved by Mr. DAVIS, of Mississippi, as a substitute for the original bill.

Mr. FOOTE called the attention of the Senate to a report which appeared in the Baltimore Sun, to the effect that the Senator from South Carolina had stated that he did not think it necessary to correct a statement made by the Senator from Mississippi; which report he asserted to be incorrect.

Mr. CALHOUN said he had used a general expression, that he was not in the habit of correcting misstatements, unless under particular circumstances.

Mr. HOUSTON then gave his reasons for the vote which he proposed to give for the bill. He thought the geographical position in which we stood in relation to Yucatan must prevent us from viewing her situation with indifference. The possession of that country was intimately connected with the navigation of the Gulf. And although we are at present amicably situated as regards foreign nations, that affords no reason why we should not adopt a careful policy. He referred to a correspondence between the United States Secretary of State and M. Jalayar and M. Obregon, on the subject of a supposed intention to make an attack on Cuba, and also to a letter addressed to Mr. Middleton, in Russia, suggesting in what contingency the United States would feel bound to interpose in the servile war in Porto Rico, &c., in order, from the course of policy indicated in that correspondence, to argue that we are bound, in carrying out the same views, to interpose for the defence of Yucatan against the hostile Indians. He contended that the similarity between our institutions and those of Yucatan rendered it still more incumbent on us to interfere. If we do not, and England or any other Power should stretch out a friendly hand for her relief, he did not see on what ground we could act, in such case, on the declaration of Mr. Monroe, and resist the movement as an improper interference with the American continent. Humanity ought to operate upon us, in all cases in which we could act without prejudice to our own interests; and in all cases, the appeals of humanity should be received with all proper consideration.

He did not apprehend any interposition on the part of England, occupied as she must now be with her own internal difficulties. He did not believe that she would raise her voice against our interference for the relief of Yucatan, to give the assistance which that country needs and asks. He glanced at the language of the President in his message, in which he indicated a strong disposition to aid Yucatan, but that he had not the power. He had recommended to Congress to give assistance to Yucatan; not for the purpose of acquiring her territory, but to relieve her from the attacks of her internal foes, and then to seek for recompense in such commercial arrangements as might afterwards be made between them. The weakness of the white race in Yucatan—a feeble, fearful, helpless minority, hunted down by savages, no age nor sex spared from the butchery of the savages—rendered the appeal to our humanity much stronger than if the Yucatanese had been strong, and able to make head against their enemies.

He would not, because the savages were a majority, and, as had been asserted, had an equality of rights with the white race, let it be supposed that we regarded them as having a right to assassinate the peaceful and helpless citizens. He was opposed to our standing aloof, and folding our arms, until other nations should be prevailed on to give their aid. Give our citizens an opportunity, and it would soon be seen that a sufficient number would volunteer in spite of all the dangers of the enterprise, to rescue the suffering citizens of Yucatan.

He referred to the charge that this subject was to be connected with the Presidential election, but he hoped that no such apprehension would prevent us from taking the course dictated by humanity. If there was any individual on this floor so base as to be huckstering for office by the course he took on this subject, the intelligence of the people would detect and defeat him. The question was above party considerations; and he hoped that party views would not be permitted to defeat just legislation.

He was willing to aid the people of Yucatan until they were delivered from the danger in which they are plunged. He saw no reason why Mexico should take offence at our interference, from humane motives, in the behalf of Yucatan. Every Texan would be in favor of the movement. He stated that our Government had, in her treaty with Texas in 1832, stipulated to defend her against the incursions of the Indians; yet, in the teeth of this treaty, either by the connivance of this Government, or by the treachery of her agents, this treaty had been violated.

If we do not interfere to rescue Yucatan, we shall be forever estopped from taking offence against any other Power which may at a future time lend her aid. He hoped we should not be laggard on this occasion, and turn a deaf ear to those who had applied to us as their first friend, and thus make her alien to us. He desired to know what distinction should be made between a people dying from famine and a people falling under the knife of the assassin. He admitted the case to be novel and without precedent, and he hoped no similar case would ever again occur; but, because it was novel, he hoped we should not be induced to stand aloof.

Always an advocate of peace and indisposed to any entangling alliances—believing that in times of tranquillity commerce flourished and industry prospered—still he knew, that as peace was not the natural element of man, contests between nations will continue, and we must not dream that we shall be able to keep ourselves in a state of peace at all times. As to the war with Mexico, he had no speech to make over on that question. But no one could deny that annexation was the cause of the war with Mexico. The war grew out of the joint resolution of the two Houses of Congress for the annexation of Texas. Mexico had recognized the independence of Texas, when that joint resolution was adopted, on the sole condition that Texas would not annex herself to the United States. Texas rejected that treaty for the purpose of annexing herself to the United States. The United States knew when she took Texas that she must take also the wars in which Texas was engaged at the time of the annexation.

He denied that there had ever been a Congress in Mexico. Iturbide had kicked out the Congress. Santa Anna had done the same. It was nothing but a nominal power, which was employed or destroyed at the will of the ruling despot.

As to the Mexican war, we had not commenced it; we had adopted it when we adopted Texas. He denied that Texas had ever any other boundary but the Rio Grande. The Nueces was never the boundary.

Mr. DAVIS, of Massachusetts, asked who had occupied the valley of the Nueces?

Mr. HOUSTON replied, that part was occupied by the cavalry of Texas, and the other part by predatory bands of Mexicans and Indians. He insisted that Texas would never have consented to annexation, but for the sake of being protected against Mexican hostilities. Mexico was constantly menacing her with an attack—the reports of preparations came with every breeze—and it was merely to obtain relief from these dangers that she consented to annex herself to the United States.

Mr. NILES said he presumed that it was desirable to take a vote as early as possible. It was now getting late, and he had as yet had no opportunity to examine the papers before the Senate, which had just been laid on the table.

Mr. GREENE said there was Executive business to be transacted, and he thought it might be better to postpone the consideration of the bill until to-morrow.

Mr. HANNEGAN hoped that this motion would not prevail. Some other Senator might be prepared to go on; and he hoped the question would be taken on the bill in the course of to-morrow.

Mr. JOHNSON, of Maryland, expressed a hope that the bill would not be pressed through with such haste. If he understood the papers, this subject had been before the Executive for six months. He had not had an opportunity to look at the documents just laid on the table.

Mr. HANNEGAN said it was very important that we should act at once, not merely for the purpose of relieving the Yucatanese, but mainly because it is a question whether we shall take hold of Yucatan, or that England shall do so. England is ready to put her foot there if we do not. If we move first, she will go no further.

Mr. JOHNSON, of Maryland, said he desired information which was not contained in the documents on the table.

Mr. HANNEGAN suggested that there had been sufficient time for Senators to call for any information they might desire.

Mr. JOHNSON replied, that he had always thought that the President of the United States would not recommend a measure to the Senate, without transmitting the information on which he had founded his recommendation; but as it appeared that the information which had induced him to act had not been sent to the Senate, he would now propose to call for this very information.

Mr. CALHOUN made some remarks under the gallery, which could not be heard with any distinctness. He was understood to say, that the President had now in his hands, under his own construction, sufficient power to enable him to furnish all necessary aid to Yucatan. He had the navy at his disposal; and as Yucatan was regarded as a portion of Mexico, he could use it in this case. It would be long before an army could go there to give relief—not before its aid would cease to be of any use.

A discursive colloquial discussion went on for some time, having little relation to the bill, in which Messrs. JOHNSON of Maryland, HOUSTON, HANNEGAN, DAVIS of Mississippi, CALHOUN, CRITTENDEN, WESTCOTT, CASS, and FOOTE, took part; when a motion was made to adjourn, but was withdrawn; and

Mr. JOHNSON, of Maryland, submitted the following resolution, which was considered and agreed to:

Resolved, That the President be requested to communicate to the Senate all the information in his possession in relation to the condition of Yucatan, and which he had before him when his recent message relative to that country was sent to Congress, and also any information which he may since have obtained as to its present condition.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 9, 1848.

Mr. BURT rose, as soon as the Journal had been read, and said he believed the motion of the gentleman from Missouri, [Mr. HALL,] to reconsider the vote by which the joint resolution providing for the payment of the regiment of Texas mounted troops called into the service of the United States under the requisition of Colonel Curtis, in the year 1847, had this morning precedence of other business. When it was last before the House, the gentleman from Ohio [Mr. VINTON] moved an adjournment, and therefore, if that gentleman desired to address any remarks to the House, he presumed that gentleman would be entitled to the floor.

Mr. VINTON said it was not his intention to make any remarks.

Mr. BURT said he did not rise to protract the discussion on that resolution, but to express his concurrence (he having reported the resolution) in the motion of the gentleman from Missouri, with the view to offer an amendment, which he apprehended would meet the views of the House, so far as he was able to judge by those elicited in the previous debate on this subject. He trusted the question on the motion to reconsider would be put and agreed to by the House.

The motion to reconsider was agreed to.

The question recurring on the adoption of the resolution—

Mr. BURT moved the following amendment in the form of a proviso:

"*Provided*, That nothing in the act approved March 2, 1847, entitled 'An act to amend an act to provide for the payment of horses and other property lost and destroyed in the military service of the United States,' approved January 18, 1837, shall be construed to revive the proviso to the second section of the act approved June 15, 1840, entitled 'An act making an appropriation for the payment of horses lost by the Missouri volunteers in the Florida war.'"

On this amendment he desired to say a few words. In 1837 a general law was passed for the payment of horses lost under certain circumstances in the service of the United States. That law was confined in its application to twelve months. It was then revived for two years, and it has been continued by renewals to the present time. The act of 1837 is therefore now in force. But in 1844 a proviso was made to the act renewing the act of 1837, by which it was provided that the act of 1837 was not to apply to horses lost in any subsequent war. The act of 1837 was renewed for the last time in 1847; and the auditor whose duty it was to fix the construction of such acts, determined that the proviso of the act of 1844, which says that the act of 1837 shall not apply to horses lost in any subsequent war, was renewed by the act of 1847. A review of all those acts left on his mind the impression that the decision of the Third Auditor was very probably incorrect; but, inasmuch as he has decided, and as his decision has been approved by the competent authority, it becomes necessary that the construction of the act of 1837 should be fixed as he proposed to fix it by the amendment which he had now submitted, by which the general provisions of the act of 1837 would be renewed. The gentleman from Ohio [Mr. GIDDINGS] the other day objected to this resolution for the payment of these Texas volunteers because the sums paid under acts of Congress for the use and risk of the horses were not to be deducted by the terms of the resolution from the price of the horses, when horses might be lost under circumstances which required the Government to pay for them. Now, he would say to that gentleman and to the House, that he knew of no instance under the act of 1837—and he was informed by the Third Auditor that there had been no such instance whatever—of any deduction being made from the daily allowance for the use and risk of the horses, of the value of the horse when it should have been subsequently lost in the service of the United States. There had been no such instance whatever, and therefore there was no such provision in this resolution. The forty cents per day, or the twelve dollars per month, were for the use and risk of the horses; and if the horses were subsequently lost, and the Government was called upon to pay the price at which they were appraised when they were carried into the service of the United States, in no instance, he was informed by the Third Auditor, had there been any deduction made from such compensation for their use and risk. He submitted, therefore, to the House, that as there could be no valid objection to the proviso which he had submitted, with the adoption of that the joint resolution should be adopted. The proviso being adopted, provision would be made not only for the payment of the Texas volunteers, but for all horses lost under circumstances which obliged the Government to pay for them, or made it just and expedient that the Government should pay for them.

Mr. GIDDINGS was still opposed to the resolution. If a person had a horse in the public service for two or three hundred days, at the rates which the Government paid for use and risk, the owner would get the double value of the horse. He could not, therefore, approve of the payment of the full value afterwards, in case the horse should be lost.

Mr. HALL, of Missouri, wished to set the gentleman from Ohio right; for without some correction the House might be misled. The forty cents per day for the use and risk of the horses was given by the Government for the use and risk and the loss to which the horses might be exposed by the act of the owners or of the enemy, and had never been understood to be extended to risk and loss by the act of the Government of the United States. He would suppose a case. Suppose a man with his horse entered into the public service and should march one day, and at its close the horse should be taken sick and die: the volunteer would receive his forty cents for that day for use and risk, but nothing for the loss of the horse. He mentioned this as an illustration, and there were many other cases that could readily be imagined which would place the owner in a precisely similar position. He wished the House distinctly to understand, that when a horse was lost by the act of the volunteer or of the enemy, unless it was actually killed in battle, the Government did not pay for it.

Mr. JONES, of Tennessee, proposed to amend the amendment, by adding at the end thereof the following words:

"*Provided, also*, That all horses belonging to volunteers, which were lost in the Gulf of Mexico, since the 13th May, 1846, by being thrown overboard or otherwise, shall be paid for in the same manner as is provided for the payment of other lost horses in this act."

The acts which the gentleman from South Carolina wished to revive would not meet the cases contemplated by this amendment, and therefore he thought it was necessary it should be adopted. The laws proposed to be revived were specific: they specified how the horses were to be lost to entitle the owner to payment. But for a horse thrown overboard in the Gulf there was no provision. If horses were lost for want of forage, or were abandoned or shot by order of the commanding officer, the Government would compensate the owner, and his amendment was designed to meet cases which were not provided for in any of those acts which were passed prior to the Mexican war.

Mr. BURT assured the gentleman from Tennessee that he was mistaken. The act of 1837, and a subsequent act passed in 1838 or 1839—an act on which he could not put his finger at this moment—provided for the payment of horses lost under the circumstances indicated by the gentleman from Tennessee, and for all horses lost by any unavoidable accident without the fault of the owner. The point made by the gentleman from Tennessee occurred to the committee on Military Affairs, and was well considered by that committee; the committee referred to the acts heretofore passed, and the result of their examination was a conviction that the act of 1837, and the successive acts renewing that act, provided for the payment of horses lost under every possible circumstance which any member of this House would deem expedient and proper. There was no instance of an accident or a casualty connected with the service, under which the horse of a volunteer was lost, that it was not paid for by this Government. It always had been the case. When a horse was shot in battle, or died for want of provender, or was abandoned by a commanding officer, or was otherwise lost by unavoidable accident, it was always paid for. The Committee on Military Affairs was satisfied that the existing laws, with this proposition now pending, would furnish authority to meet every circumstance under which it would be just and proper that the Government should pay for lost horses. He assured the gentleman from Tennessee the cases were provided for that were contemplated by his amendment.

Mr. JONES said the gentleman from South Carolina was correct in saying that Congress had passed laws providing payment for all horses lost by unavoidable circumstances or accidents, and without the fault of the owners; but if that gentleman had as much experience at the Third Auditor's office as he (Mr. J.) had, he would find, perhaps, that constructions were given to laws that were not strictly in accordance with his own constructions. The law was clear, that if a horse should die for the want of forage, it should be paid for by the Government, by whose act the loss was occasioned. But some time since he was intrusted with a case in which payment was claimed for a horse. The proofs were clear, and the muster-roll showed that the volunteer with his horse had been in the service 103 or 104 days, and that during that time the Government had furnished but about thirty rations, leaving upwards of seventy not furnished—and that, he thought, was sufficient to starve any horse to death. Well, when the volunteer was discharged, he was paid 12½ cents for each ration which the Government had not furnished; and when payment for the lost horse was applied for, the position was taken, that as the Government had paid for the rations, the horse did not die for want of them, and that the Government was not liable. Thus, the owner got some $10 or $12 for rations for a dead horse that was valued at $140 when he went into the service. He had not examined all the acts which the gentleman proposed to revive; but of those he had seen he saw none that provided with sufficient clearness for the cases contemplated in his amendment. What were those cases? In 1847, when troops were ordered from Tampico, a portion of the mounted volunteers were sent by one vessel, and their horses were shipped in another across the Gulf to Vera Cruz. During the passage a storm arose, and many horses were thrown overboard to save the vessel. Other vessels, freighted with horses of the same regiment, were landed in safety, and the horses were restored to the owners, who served out their time with them; and, when they came to be discharged, their horses were turned over to the Government, and the Government paid for them. But the owners of those which were thrown overboard not only lost the value of the horses, but they had to submit to a reduction of pay also, for their pay was reduced from that of mounted men to that of the foot. Now, not to pay for horses thus lost was manifest injustice, when the others were paid for which belonged to volunteers, at the end of their term of service. Those horses were certainly lost without any fault of their owners, and under circumstances which they could not control. It was possible that they might be brought within that provision which met cases of unavoidable accident; but, as he could not say what construction would be put upon it by the Third Auditor, he proposed a very plain, simple, and comprehensive amendment, by which those men would obtain payment for their property.

Mr. GIDDINGS was understood to say, that as the amendment placed the payment for horses lost on the same footing as was done by the law of 1844, he should not make any opposition to it.

Mr. BURT explained, and insisted that the act of 1842, after specifying under what circumstances lost horses should be paid for, went on to say that horses lost by unavoidable accident should be included, and this would cover the case stated by the gentleman from Tennessee. The class to which the gentleman's statement and his amendment referred was a class which had always been paid for under that act. However, if there could be any doubt on the subject, it might be well enough to adopt the amendment; it could at any rate do no harm.

The question being put on the amendment proposed by Mr. JONES, it was adopted, and the amendment as thus amended was agreed to.

And the question being then on ordering the bill to be engrossed and read a third time—

Mr. HAMMONS inquired of the gentleman from Texas [Mr. KAUFMAN] how long these troops had been in service?

Mr. KAUFMAN. They were in service different periods. They arrived at San Antonio at different times between April 4 and May 14, 1847, and were mustered in as they arrived at that place of rendezvous. All but two companies were mustered out of service on the 2d, 4th, and 5th of June, 1847. These two companies, commanded by Captains B. F. Hill and T. J. Smith, refused to be mustered out of service.

Mr. BURT stated that these Texas volunteers had been called into service by Colonel Curtis just before the battle of Buena Vista, at a time when it was known that Santa Anna was approaching Saltillo, while at the same time another Mexican army was moving toward the Rio Grande. Under the requisition of the Executive of Texas, they marched early in March, and were ordered to rendezvous at San Antonio. They came to that point from all quarters of the State, and they arrived there about the middle of March, and continued to arrive till the early part of May. They marched from San Antonio to relieve General Taylor; but in the meanwhile the great battle of Buena Vista had been fought, and they were met on their way by order from General Taylor to return to San Antonio, and there be mustered out of the service; which was done about the first of June.

Mr. HAMMONS said he must confess that he could not see any good reason why these troops should receive any bounty land. The bill provided that they should receive full wages as troops of the United States; that their expenses should be paid; that their lost horses should be paid for; and then, in addition to all this, that they should be entitled to bounty land beside, although they had served but from fifteen to forty-five days.

Mr. BURT again rose to explain. Bounty land was not necessarily granted to these troops by the resolution. The resolution provided that they should receive all the bounty land to which they would have been entitled had they been mustered into the service of the United States by a competent authority; it did not decide whether they would have been entitled to any land or not; it did no more than place them where they would have stood if the requisition had been made by legal authority.

Mr. HAMMONS said that he had looked at the resolution, and he understood that the provision of bounty land was expressed in rather vague terms; and he was not quite sure whether it did give these volunteers any land or not. But if it gave them none, why was this clause placed in the resolution at all? As long as it stood there, it might possibly be so construed as to give these troops, who had served but ten, fifteen, or at the longest forty-five days, 160,000 acres of land; which, at $1 25 the acre, would be equal to $200,000. Believing that the clause ought not stand there, he moved to strike it out of the resolution. He did not see why men who had served but a few days should get a quantity of the public land worth $200,000 for being willing to perform service which they in fact never did perform.

Mr. BURT read the clause proposed to be stricken out. This only gave these men the land they would have been entitled to receive if they had enlisted under a legal requisition; whether they would get any depended entirely on the construction that should be given to the act providing bounties for the troops who served in the Mexican war. And would any gentleman deny to these patriotic men the land bounty to which they would have been legally entitled? On what ground could such a refusal be justified? It was said they had done no service in the field; that was not their fault. They equipped themselves for service, and set out to perform it.

Again, it was urged that they had served for only a short period; that was true; but did gentlemen forget that the regiment to which they were attached embraced many who were in the regiment of Colonel Hays—that chivalrous and celebrated commander, who had performed such brilliant service in the battles on the Rio Grande? A more gallant body of men never fought for our national banner. Who had not heard of Hays's mounted men? They were ever ready to fly to the rescue. These Texas volunteers had done all they could do; they had equipped themselves for service at their own expense, and provided themselves with the best horses in Texas. They were the citizens of the soil they had been so prompt to defend, and if the law would have given them their land, there were no troops who better deserved it. That point, however, the resolution did not undertake to decide.

Mr. HAMMONS said the explanation just given by the gentleman from South Carolina did not relieve his mind in the least degree; on the contrary, it rather increased his difficulties. He was now perfectly satisfied that the resolution would grant the land absolutely, and he was assured that all who read it carefully must come to the same conclusion. If this was not its effect, why was the clause inserted, and why were gentlemen so anxious to retain it? It meant something or it meant nothing: if it meant nothing, why not strike it out? If it meant something, let them understand what that something was. The gentleman from South Carolina asked if any gentleman here would stand up and say that these men should not get the same amount of land with other troops if the law would give it them? He, for one, would make a distinction between men who had served a few days and never seen an enemy, and men who had served in all the great battles in Mexico. He would not give these men the same reward. There was no reason a body of men who had done no more than they did should get $200,000 worth of the public domain. The gentleman said that some of these troops belonged to Hays's mounted regiment: if so, then they were under different officers as such, and would get their land under other acts of Congress, and so there could be no need to provide for them in this resolution.

He would not be understood to maintain, that because Colonel Curtis had no legal authority to call them out, therefore they should not receive a full remuneration: he was willing to allow them all the resolution contained but this provision of bounty land. And he insisted on his motion that that clause be stricken out.

Mr. PILLSBURY hoped the motion would not prevail. There seemed to be an impression that these Texas volunteers were going to make a large amount of money out of the Government. Why, did not gentlemen know that no man in Texas could equip himself for the public service as these men had done, for double the amount of all they would receive? It was only justice to put these troops on the same footing with others who had volunteered to serve the country. The resolution pronounced no judgment whether these men, if legally called out, would have been entitled to bounty land; it only cured the illegality of the requisition under which they were mustered into service, and put them where they would have stood had the requisition been covered by law. They could form no judgment whether the call addressed to them was strictly legal or not. They rushed to obey the call of the Executive of their State; they never thought about legal quibbles in the matter; such a thing never once entered into their hearts; they consulted only the impulses of patriotism. The consideration of these few dirty acres never came into their minds. Let gentlemen only consider what would have been the condition of our whole frontier if General Taylor had been defeated. The whole country would have been swept by those semi-barbarians. They met this danger, and were ready to do their utmost to avert it. Was it because they did not run to a lawyer to be informed whether the requisition made by Curtis was in strict conformity with law, that they were to be deprived of their land? There was not a Texas soldier in the field who did not expend more than he received. Some of them had fought the Mexicans before for ten years, and received their pay in money not worth more than twenty cents in the dollar. He could not believe that the House would refuse to reward such men as it did others.

Mr. HOUSTON, of Alabama, said he agreed in the general principle of the resolution, but differed from the gentleman from South Carolina [Mr. BURT] in one point.

Mr. HAMMONS interposed to say that he was willing to modify his motion; and instead of striking out the land bounty clause, to add a proviso that they would have been entitled to it had the requisition under which they enlisted been legal.

Mr. HOUSTON, of Alabama, said he differed with the gentleman from South Carolina [Mr. BURT] upon one point which would probably have an important bearing upon the bill now before the House. He understood from the gentleman that it was the intention of the Military Committee not to express any opinion on the subject of the bounty lands which might or might not be given to this regiment called out by Colonel Curtis. His (Mr. H.'s) opinion was, that this law should make an explicit declaration on this subject, or, in other words, that Congress itself should determine whether these men were entitled to bounty lands or not. They had the facts before them; they were the law-making power, and certainly it was their duty to declare whether the law should be extended, by construction or otherwise, so as to apply to these men. His own opinion was, that if these Texas volunteers were entitled under this law to their bounty lands, it would be doing injustice to a large number of troops which had been called out in several of the States for this same war, and who were not mustered into service at all, or who were mustered into service and discharged immediately. It was known to his colleagues and to the House generally, that a large number of troops had enlisted under the call of Major General Gaines, some of whom got to Mexico; Colonel Desha's regiment was the first to leave New Orleans and to arrive at the Rio Grande; they got their bounty lands. But then there was a number of troops from sections a little more remote, who were mustered into service and were mustered out immediately; others who enlisted and were not mustered into service because the order rescinding the call of General Gaines reached there previously, and they had to go home, receiving no bounty lands as a matter of course. He asked, then, the gentleman from Texas, and the gentleman from South Carolina, to show him the distinction between those volunteers and the Texas volunteers. Precisely the same state of things existed also in Ohio. Thousands and thousands of troops, who enlisted as volunteers, marched hundreds of miles to the place of rendezvous, and were not there received, because the quota of the State was made up.

The only difference between these volunteers from Texas and from the other States was, that the one were mustered into service and discharged seeing no service, and the others were not mustered into service, but had seen as much and done as much as those who were. He had no point to make on the illegality of the call of Colonel Curtis: the troops should not be made to answer for his want of authority, as they went there in good faith for the defence of their country. If that was the only objection, he should go for the bill. As to the fighting of these troops for the last ten years, as was urged by the gentleman from Texas, he considered that had nothing to do with the case. If they had fought there for the last ten years, they had fought, not for the interest or benefit of the United States, but on their own hook, or the hook of Texas.

Mr. PILLSBURY said that they had been fighting for the United States; they had got nothing but annexation, and had given up their whole country for nothing.

Mr. HOUSTON replied that the gentleman from Texas certainly brought in a very singular claim—one which he believed could not be sustained by the gentleman's colleague. If his object was to make the United States pay for all the fighting that Texas had done for the last ten years, there should at least be brought in a separate bill. The gentleman said they had got nothing by annexation. He (Mr. H.) was not now saying what Texas had got, or what the United States had got; but it was sufficient answer to the gentleman, that they were willing to come in.

Mr. McKAY called attention to another portion of the resolution, which provided for paying these men from the time they were called out until they were mustered out of the service; and further, in regard to two companies, commanded by Captains Smith and Hill, who refused to be mustered out of service, who were to be paid up to the period that they thought proper to disband themselves. He asked whether the House would sanction the principle, when the militia were called into service, whether by competent or incompetent authority, that they should be allowed to continue in service as long as they pleased, and the Government be under obligation to pay them?

Mr. BURT (with Mr. McKAY's permission) stated that he thought the resolution was not correctly understood by the gentleman from North Carolina. He (Mr. B.) stated to the House, from official papers before him and before the Committee on Military Affairs, that this regiment was called into service for six months by Colonel Curtis. The resolution provided that their pay should commence from the time they were mustered into service. He did not understand the gentleman from North Carolina to object to that.

He related the circumstances under which the companies of Captains Smith and Hill refused to be mustered out of the service, and said the resolution simply provided that their pay should stop when they refused to be mustered out of service, or were disbanded. Whenever they refused, their pay stopped; and whenever they were disbanded, it stopped, as a matter of course.

Mr. McKAY accepted the explanation of the gentleman, although he confessed he was not entirely satisfied with it. But he thought the House would hesitate long to adopt the resolution, unless that part was stricken out which declared that these volunteers were entitled to their bounty lands. He read this portion, which provides that they shall be entitled to bounty lands, the same as they would have been had they been called into service by the competent authorities. It was true, the gentleman said this resolution expressed no opinion; but it seemed to him (Mr. McK.) that it should be stricken out. If gentlemen examined the act of 11th February last, they would see that this description of troops were not entitled to bounty lands at all. That act only gave bounty lands to those volunteers called out for twelve months, and who subsequently marched to the seat of war. A provision, it is true, was made for those called out by requisition of General Gaines for less than twelve months, but this provision was wholly retrospective. He read both provisions in support of his view of the case.

Now, there were two difficulties in the way of this regiment getting their bounty lands: first, they did not march to the seat of war; they were discharged before they reached the Rio Grande; and, second, they were called out after the passage of this resolution, and not for twelve months. He hoped that part of the resolution relative to bounty lands would be stricken out.

Mr. SMITH, of Indiana, obtained the floor, and yielded to

Mr. BURT, who proposed to offer an amend-

ment to strike out and insert, so as to read, "and 'the said regiment are hereby declared to be entitled to bounty lands: *Provided*, They would have 'been entitled to bounty lands if they had been 'called into service under requisition by competent 'authority, and not otherwise."

The amendment was not received at this time.

Mr. SMITH said he did not rise for the purpose of making a speech. He had no objection to those volunteers who were called out in Texas being paid; but his object was, to call the attention of the House to the fact, that the bill for the admission of Wisconsin had been made the special order of this day, and he thought, as an act of justice to Wisconsin, it should be taken up. He was willing, however, that this subject should be disposed of, and as this House was sufficiently enlightened, for the purpose of testing the question, he moved the previous question.

Some conversation arose on a point of order between Mr. SMITH, of Indiana, and Mr. KAUFMAN.

Mr. HAMMONS modified his amendment, so as to embrace Mr. McKAY's desired proposition, by striking out all that part of the resolution relating to bounty lands.

Mr. BURT urged that his amendment should be received as an amendment to the amendment of Mr. HAMMONS.

After some conversation between Mr. BURT and the SPEAKER—

The SPEAKER decided that the amendment of the gentleman from South Carolina could not be received, not being in its nature an amendment to the amendment, but to the original bill.

The demand for the previous question was then seconded: Ayes 83, noes not counted.

And the main question was ordered, being first on the amendment of Mr. HAMMONS.

The question being taken, the amendment was agreed to; and the resolution was ordered to be engrossed for a third reading.

Mr. KAUFMAN (the bill having been engrossed) moved to reconsider the vote, in order that he might offer an amendment giving to this Texas regiment bounty land.

The SPEAKER decided, that as the engrossment had been already once reconsidered, the motion could not again be made.

Mr. KAUFMAN contended, that as the bill had been materially altered since the last reconsideration, by making a general provision in regard to horses lost in the service, a motion to reconsider should now be entertained.

The SPEAKER adhered to his decision.

Mr. KAUFMAN then asked whether a motion to recommit the bill would not be in order, so that the amendment indicated might be made through the instrumentality of the committee?

The SPEAKER decided that a motion to recommit would be in order, but without instructions to the committee.

Mr. KAUFMAN then moved to recommit the bill to the Committee on Military Affairs, and addressed the House in support of his motion, and of the claims of this regiment of Texas volunteers to bounty land. He expressed his regret that the previous question had cut him off from addressing the House prior to taking the vote on the amendment of the gentleman from North Carolina, [Mr. McKAY.] This bill had gone through many dangers. On a former day, it passed to its third reading; was this day reconsidered, an amendment offered and carried with his (Mr. K.'s) consent, providing for compensation for all horses lost since the commencement of the present war with Mexico; but in its progress again to its third reading, an important part of the bill had been lopped off—that part of it which relates to bounty land. The bill only provided that these men should be entitled to the bounty land they would have been entitled to if the call of Colonel Curtis had been *legal*. Was there anything unjust in this provision? Should the promptitude and patriotism with which these gallant men rushed to the post of danger and of honor, regardless of petty forms and technicalities, be set down to their disadvantage? Sir, there is a call which is above all law, and which every true republican who loves his country and her institutions will respond to; and that is, to fly to the succor of his country and her flag when they are in danger. This is the call which the Texans *had*, and to which they promptly responded, and to which I trust they may ever respond, however their uncalculating and self-sacrificing patriotism may be rewarded.

The gentleman from Maine, [Mr. HAMMONS,] in order to frighten the House "from its propriety," had made a calculation of the enormous amount that would be drawn from the treasury by the bounty provision—fixing it at two hundred thousand dollars. Mr. K. did not care what the amount was, if others, who went out under legal calls, were entitled to the *same* amount. But the gentleman was mistaken in his calculation. He put down the amount of bounty land to which each soldier, under this provision, would be entitled, as one hundred and sixty acres; whereas the highest they could possibly receive, under the law of February 11, 1847, was forty acres, (one-fourth of the amount embraced in his calculation;) and he estimated the men in this regiment at one thousand, when their numbers (those that would be entitled to land) were only eight hundred and twenty-five. Besides this, the United States having no land in Texas, the soldiers of that State generally preferred to take their bounty in money scrip—twenty-five dollars in scrip being the amount allowed for the forty acres of land by the act of 1847. So that, after all, twenty-five dollars in United States paper was the only additional amount in the shape of bounty proposed to be allowed these men—and that, provided they would have been allowed it in case the call had been legal.

But, say gentlemen, these men were out too short a time to be allowed bounty. The very reason given for denying them bounty (Mr. K. said) was, to his mind, the strongest reason why it should be allowed to them. And why? Because, if they had been retained the whole six months for which they had been called, their pay (some twenty-five dollars per month) would have been some sort of a *partial* compensation for their trouble and expense; but by their being so suddenly discharged, they have not to this day received a single cent, and, after this bill is finally enacted into a law, will only receive pay for the time actually in the service. And yet the whole summer was comparatively lost to these men. The people of Texas are generally farmers; and the men who composed this regiment were principally of that class. Some of them have farms of their own; and others, poor but industrious and useful young men, made crops on the shares. Now, sir, at what time did these men leave their homes? In the spring of the year, when to leave was to sacrifice all hopes of making any crop for that year. Many of them had to travel four and five hundred miles to the place of rendezvous; and some of them, on account of the United States failing to supply forage, having lost their horses, and being too poor to buy others, had to make their way back as best they could. Some were compelled to return on foot. When to this is added, that to this day they have never received a single cent for services actually performed—and which they would have long since received, and for six months, if their call had been legal,—I hope there are few members of this House who will still consider the twenty-five dollars bounty scrip as unjust to this Government, or more than just to these valuable citizen soldiers.

Mr. K. said, that in order to put the claims of this regiment upon a proper footing before the House and the country, he proposed to refer briefly to the circumstances connected with the call of Colonel Curtis, to which these men responded. It will (said Mr. K.) be recollected, that at no time during the existence of the present war, did so dark a cloud lower on our horizon as in February and March, 1847. Santa Anna was reported to be descending upon General Taylor with a force calculated to beat down all opposition. Nothing could be heard from General Taylor for a long time. At last, news arrived of the most painful and unsatisfactory character. What was this first intelligence? It was, that a battle or battles had been fought between General Taylor and Santa Anna, in which two thousand of our army, and four or five thousand of the Mexicans had been killed or wounded; that General Taylor was falling back on Monterey; that in the mean time a formidable division of Mexicans under General Urea was advancing upon Camargo; that a number of wagons on their route from Camargo to Monterey had been taken by the Mexicans, their teamsters all murdered, and that all communication with Monterey was cut off.

Dr. Jarvis, in his statement, says: "From 'what source General Taylor is to expect relief, it 'is impossible to say. Every soldier, and, in fact, 'double or thrice the numbers that now constitute 'the garrisons at the different depôts, are actually 'necessary for their defence, and not one can be 'spared. Information can hardly reach General 'Scott in time for him to march a division to his 'relief."

It was further said, that "the Black Fort at 'Monterey might be made impregnable, and with 'the small force under his command, General Tay-'lor could hold it against any force the Mexicans 'might bring against it."

One of the periodicals of the day, dated March 27, 1847, expressed itself in this manner: "What a week of intense anxiety," alluding to the condition of affairs west of the Rio Grande, "to this 'whole country! How many throbbing hearts, at 'the moment we put this paper to press, are aching 'with suspense, and yet dreading to hear the in-'telligence that is expected every hour!" Then came the proclamation of Colonel Curtis, of the Ohio volunteers, commanding at Camargo, making a requisition on the President of the United States for fifty thousand volunteers, a number equal in amount to those originally authorized by the act of May 13th, 1846, for carrying on the war with Mexico. Mr. K. requested the Clerk to read the call of Colonel Curtis; which was done as follows:

HEADQUARTERS, CAMARGO, *March* 2, 1847.

SIR: I send an officer to headquarters at Washington, making a requisition on the President of the United States for fifty thousand six-months' volunteers. All communication, for several days, has been cut off between this place and the army above, and I see no adequate relief this side of New Orleans. I request you, therefore, to call out ten thousand men of this character of troops, and I anticipate they will be recognized under the call of the President.

As fast as any considerable force can be accumulated, let them be forwarded to Brazos Santiago. All troops, as far as practicable, should be armed before leaving the United States, and the officers commanding companies should take in charge ammunition enough to distribute in case of emergency—forty rounds at least.

Very respectfully, your obedient servant,
SAMUEL R. CURTIS, *Col. Comm'dg.*

To the GOVERNOR OF LOUISIANA.

Simultaneously with the above requisition, a call was made by Colonel Curtis upon the State of Texas for two thousand mounted riflemen, which reached Austin, the seat of government, in the early part of March, 1847. In reply to which, a proclamation immediately issued, on the part of the State of Texas, calling upon the citizens to organize themselves into companies, and rendezvous at San Antonio, to the full amount of the number required. And, in conjunction with this proclamation, Captain Howe, of the regular army, then the commandant at San Antonio, issued an order seconding the call upon the citizens of the State, and announcing that subsistence and forage would be issued to them in companies or squads immediately on their arriving and reporting to him at that point.

Under these several orders, the forming of companies was commenced with rapidity in every part of the State, and as the news of the battle of Buena Vista reached them, more than two thousand men were either on their way or nearly ready to march to the rendezvous. This news, vague and uncertain as it was, induced some to turn back, and others who had not yet started, to suspend the further organization of their companies. Those who were nearer, marched on to the rendezvous, where others had already arrived. These companies continued to reach San Antonio at different periods during the months of March and April, according to the distances they had to march; some of them having marched as much as five hundred miles. During the month of March, the commandant at San Antonio, in doubt what course to pursue, despatched an express to General Taylor, informing him of the troops he was receiving and had commenced mustering into service under Colonel Curtis's call, and asking instructions. The proper time elapsing, and no return coming from the express, it was believed to have been cut off by the enemy. News came from Camargo that all communication was cut off between General Taylor and the Rio Grande. Several expresses were sent, and no answers received. Individuals came in at different periods during March and April, all of whom reported that the arrival of these troops was anxiously expected every day at the Rio Grande. Thus, under the best information that could be procured, about the last of April,

Captain Howe determined to perfect the company organizations (which had been delayed) and send them forward at the earliest day for Camargo. About this time an order was received from the Governor, through the Adjutant General, directing that the companies then at San Antonio, for greater efficiency, should organize themselves into a regiment previous to their march for the army. Captain Howe had also issued a similar order about the same time, which was carried into effect about the first of May by the election of John C. Hays colonel, C. A. Harper lieutenant colonel, and William H. Bourland major; and by the 12th day of May the regiment, consisting of ten companies, was fully organized and mustered into service, and on the 13th or 14th took up the line of march.

The march was continued to near the Rio Grande, a distance of about one hundred and sixty miles from San Antonio. The advance reached the river at Laredo. At this point they received from the hands of Major Smith (then on his return with the frontier companies) a copy of an order from General Taylor, which was awaiting them at Camargo, directing that all troops arriving *there*, under the call of Colonel Curtis, should be supplied with subsistence and forage, and sent back to be disbanded. A consultation was called, and from the fact that the horses were already nearly broken down, having been entirely without forage and almost without grass for the entire march, and provisions also being nearly exhausted, it was determined that, as a regiment, a countermarch should be ordered for San Antonio, but, at the same time, that leave should be given to any of the companies or individuals to go on to Camargo or to General Taylor's headquarters, if they elected so to do.

Under this determination, nine of the companies (as such) together with a portion of the tenth, with the field and staff officers, returned to San Antonio, where they were mustered out of service or disbanded. Captain Hill, with the larger portion of his original company, together with individuals from all the other companies of the regiment, making, in all, about one hundred men, went on and reported to General Taylor, who issued him supplies, and afforded him some encouragement that his company could be received as twelve-months' men on a former call. Yet, from some cause, they were not received, but disbanded by Captain Hill some time in June, near Monterey, from whence they made their way back to San Antonio and thence to their homes.

This regiment, it was generally conceded at the time, was the best armed and best mounted corps of troops, with perhaps one exception, that ever went out from the State. It was composed, to a great extent, of the gallant men and officers who had served the preceding summer in the regiments of Colonels Hays, Wood, Young, and Johnson. The names of the captains of the ten companies are, Captains B. F. Hill, J. Gillespie, T. W. Clarke, James Smith, David Muckleroy, J. S. Gillett, J. Long, S. W. Sims, T. J. Smith, and W. G. Crump. Captain M. K. Snell commanded a detachment.

For many of the above facts (Mr. K. stated) he was indebted to Colonel Harper, the gallant and intelligent lieutenant colonel of this regiment, who has been sent on to this city by many of those interested, to render his assistance in procuring for these men a recognition by Congress of their rights.

Such, said Mr. K., are the circumstances attending the call upon the people of Texas. If they had not promptly responded to Colonel Curtis, to Captain Howe, to the State of Texas, to our exposed army, and to the country, they would have been recreant to every principle of honor and of patriotism. They did respond, and he most earnestly hoped that the decision of this Congress, in regard to their claims, would not be such as to dampen those noble and lofty impulses which are at once the pride, the characteristic, and the strength of a free people.

Mr. K. said that these men were the real friends of General Taylor and his little army. They had gone to his relief when danger threatened, and when he had nothing to bestow. And notwithstanding many gentlemen on the other side of this House now professed to be General Taylor's friends, yet Mr. K. expressed his regret that when this measure of relief for those who proved their friendship by their acts was under consideration, instead of receiving a warm and cordial support from these gentlemen, he had heard but "a still, small voice" from them in favor of the bounty asked for the men, whose claims should be more *fully* vindicated by this bill than it now is.

Mr. K. said that when he had risen and made the motion to recommit, he had intended to insist upon it; but it being suggested that a recommittal might delay if not defeat the bill at this advanced stage of the session, and relying upon the Senate to make the provision for bounty which he so ardently desired, he reluctantly declined to press the motion he had made; and, in order to have the bill finally disposed of to-day in this House, he called for the previous question. It was sustained, and, under its operation, the bill was finally passed and sent to the Senate.

The following is the form of the joint resolution as it passed the House:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required to cause to be paid out of any unexpended appropriations for the prosecution of the war between the United States of America and the Republic of Mexico, the regiment of Texas mounted troops, which was mustered into the service of the United States for six months, under the requisition of Colonel Curtis, in the year eighteen hundred and forty-seven, and discharged before joining the army, the pay, usual allowances, and travelling expenses, from the time the several companies thereof arrived at San Antonio, the place of rendezvous, until they were mustered out of service, and the companies of Captains Smith and Hill, until they refused to be mustered out of service, or were disbanded by their respective captains; and also, that he cause to be paid to the said regiment, the fair value of all horses, which he shall be satisfied were lost by them, for want of forage, during the periods herein specified. *Provided*, That nothing in the act approved March 2, 1847, entitled "An act to amend an act to provide for the payment of horses and other property lost and destroyed in the military service of the United States," approved January 18, 1837, shall be construed to revive the proviso to the second section of the act approved June 15, 1840, entitled "An act making an appropriation for the payment of horses lost by the Missouri volunteers in the Florida war."

ADMISSION OF WISCONSIN.

On the motion of Mr. SMITH, of Indiana, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. COBB, of Georgia, in the chair,) and proceeded to the consideration of the special order, being the bill for the admission of the State of Wisconsin into the Union.

The bill having been read through, was taken up by sections for amendment. The first section is in the following words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Wisconsin be, and is hereby, admitted to be one of the United States of America, and is hereby admitted into the Union on an equal footing with the original States, in all respects whatever.

Mr. SMITH, of Indiana, moved to amend it by adding at the end thereof the following:

With the boundaries prescribed by the act of Congress approved August 6, 1846, entitled "An act to enable the people of Wisconsin Territory to form a Constitution and State Government, and for the admission of such State into the Union."

He said the Committee on Territories, in reporting this bill, had conformed to the boundary fixed by the act of Congress of August 6, 1846, making the St. Croix river to be the starting point, to which the convention of Wisconsin had given its assent, though preferring another some fifteen or twenty miles further east.

An explanatory conversation ensued between Mr. SMITH and Mr. THOMPSON of Mississippi, in relation to the conformity of the proposed line with that fixed by the constitution of Wisconsin, which Mr. SMITH affirmed.

Mr. SMITH, of Illinois, then moved to amend by striking out all after the word "with," in the first line of the amendment, and inserting the following as the boundary of the State:

Beginning at the northeast corner of the State of Illinois, that is to say, at a point in the centre of Lake Michigan, where the line of forty-two degrees and thirty minutes of north latitude crosses the same; thence running with the boundary line of Michigan, through Lake Michigan and Green Bay, to the mouth of Menominee river; thence up the channel of said river to the Brulé river; thence up said last mentioned river to Lake Brulé; thence along the southern shore of Lake Brulé, in a direct line, to the centre of the channel between Middle and South Islands in the Lake of the Desert; thence, in a direct line, to Trout Lake; thence, in a direct line southwesterly, to the highest peak of Mountain Island, which, according to Nicollet's map, is about where the forty-fourth degree of latitude crosses the Mississippi; thence down the main channel of said river to the northwest corner of the State of Illinois; thence due east, with the northern boundary of the State of Illinois, to the place of beginning, as established by an act to enable the people of Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, approved April 18, 1818.

Mr. BOWLIN said the boundary proposed by the gentleman from Illinois was neither the boundary fixed by the constitution of Wisconsin, nor that fixed by act of Congress, nor yet that recommended by the convention of Wisconsin; and he could see no reason for such a reduction in the size of the new State. It was not disproportioned with other States of this Union as Congress had agreed to bound it. It differed but little from New York or Pennsylvania, and was much smaller than Missouri. There was nothing, then, that he could see to recommend the line of the gentleman from Illinois, which, if adopted, would establish an unnatural boundary, and for some time keep the State of Wisconsin out of the Union. He proceeded to point out the different propositions for the division of the Territory of Wisconsin, cited the act of Congress authorizing the adoption of certain boundaries, reminded the House that Wisconsin, in pursuance of the assurance which Congress had given, had proceeded to elect her State officers; and he hoped, therefore, that she would not be repulsed by the adoption of this amendment.

Mr. SMITH, of Illinois, defended his proposition to amend, on the ground that it was a convenient line, and would avoid the objection to the others that they brought people into the new State who had no interests in common with those who live in the State as he defined it. From St. Croix to Madison, the capital of the State, was a distance of five hundred miles, which the inhabitants of the valley of the St. Croix would have to travel to get to the seat of their Government. To compel them to endure these hardships would be gross injustice, to which they should not be subjected.

Mr. TUCK could readily perceive that this was an important matter to the people living on the St. Croix river, and therefore the House should pause before it committed an act that might injuriously affect those people for several generations. He examined the propositions presented to the committee, and expressed his preference for that of the gentleman from Illinois. If this amendment were adopted, the Convention of Wisconsin could conform to it in a few weeks, and no great inconvenience would be sustained by them until the new line was ratified.

Mr. TWEEDY expressed great surprise that such an amendment should have been offered. He contended that this House had no right to entertain and discuss such an amendment, and that it was insulting to the dignity of Wisconsin. He recapitulated the terms of the ordinance of 1787 and the act for the division of the Indian territory, defining the boundaries of the fifth State to be formed therefrom, and complained that an attempt should be made to vary from well-established positions. If the territorial limits were now to be changed, it must be done by a common agreement between Wisconsin and the United States, and not by an act of Congress alone. Two years ago, the Congress of the United States passed an act proposing a line for the boundary of the State, to which she acceded. The compact was complete. And now, having complied with those terms, she was ready to come into the Union. She had a population more than three times the requisite number, and she had not anticipated, at this time, any further obstacle. He did not think it became him now to go into the discussion of this amendment. It was useless to discuss what could not be disturbed. He proceeded, somewhat in detail, to reply to observations of gentlemen who had preceded him, and more particularly contended, that irrespective of the objections to which he had alluded, the division proposed by the gentleman from Illinois was unequal, unjust, and would be unacceptable to the people of Wisconsin.

Mr. VINTON said, when the law of 1846 was introduced into the House, he had taken some interest in the bill, and he had at that time been of opinion that the boundary line ought to run nearly where it was now proposed by the gentleman from Illinois, [Mr. SMITH;] but Congress fixed upon a different boundary, running along the St. Croix river. This had been submitted to the convention of the people of Wisconsin, who had assented to it, and he held that in good faith Congress was still bound by that act. His own personal impression had been, and still was, that a line further south would have been preferable, but he thought we could not now alter what we had proposed without a violation of the public faith. The people of Wisconsin, though, according to their own

showing, they would prefer a boundary further north, had expressed their willingness to abide by the line laid down by Congress, and it was now too late for Congress to go back from its own proposition on grounds of mere expediency.

There was great force in what had been said by the delegate from Wisconsin; Congress was in the hands of the people of Wisconsin, not Wisconsin in the hands of Congress. The ordinance of 1787 provided that as soon as there was a population of 60,000 souls in any one of the Territories erected northwest of the Ohio, it had the right to erect itself into a State, and to come, on equal terms with other States, into the Union; and Congress had no power to exclude it. The right was irrepealable except by the consent of Wisconsin itself.

When that ordinance was passed, nobody knew the country, or had any idea how very large a State would yet remain to be formed. When Michigan was admitted, the matter was better understood; and Congress, to prevent Wisconsin from forming too enormous a State, had extended Michigan to both sides of the lake. Nothing could possibly be more inconvenient; but it was done on the principle of equalizing the States to be formed. When the country was better known, it was discovered that the western side of Wisconsin would be some eleven hundred miles in length. Congress thereupon proposed to her to divide that distance, and take limits not so extended, and Wisconsin had consented. But should Congress refuse to stand by the boundary it proposed to her, she could come in entire, on her own right under the ordinance of '87, and Congress could not hinder her. She might do so this very session, if the session lasted long enough, and she would then be an empire State half as large as France. It would be better to take her at her word, and stand to the limits we had ourselves proposed.

Mr. WILSON now made a speech, which showed him intimately acquainted with the geography and local interests of every part of the Territory, but of which, without too much local reference, we can only present an outline.

The committee were aware of the terms under which the United States held the Northwestern Territory by the grant of Virginia, and also the terms of the ordinance of '87; but the provision in that ordinance as to a line drawn due east and west from the southern extremity of Lake Michigan had been disregarded. The northern line of Ohio had been run nearly in conformity with that line, but Indiana had gone above it, and Illinois had extended her territory still further north of it, so as to leave a belt between that line and her northern boundary of sixty miles in width. As this had been agreed to both by the inhabitants and by Congress, he admitted it to be all right and proper. There had been difficulties between the States as to their boundary lines, but these had all been finally compromised.

After stating the three lines which had been proposed as the northwestern boundary of Wisconsin, he gave it as his judgment that that which had been assented to by the last convention of the people was, upon the whole, the best. He preferred that either this should be adopted, or the line described by the delegate, [Mr. TWEEDY.] There was but little difference between the two; either of them would secure all that was valuable to the new State. He described the local differences between different portions of the Territory in point of fertility, which was greatest along the immediate borders of the streams. He dwelt on the excellence of the country and of the Mississippi, and its capacity to maintain a dense population, and spoke of the necessity of preserving the Ojibbeway and Ottawa Indians on the headwaters of the Mississippi.

The line to which the convention had assented would avoid separating the people who inhabited the valley of the St. Croix river.

Mr. SMITH, of Illinois, inquired whether the delegate from that district in the convention had not protested against that line?

Mr. WILSON admitted that he had, but explained the reasons which had probably operated at the moment, and insisted that the general and permanent advantage of the future State was to be looked to, and not local and temporary prejudices and interests.

Mr. McLANE spoke with much interest on the bill, warmly opposed the amendment proposed by the gentleman from Illinois, [Mr. SMITH,] and advocated the boundary which was declared to be preferred by the people of Wisconsin in their late convention. He went into a history of both conventions, the rejection of the first boundary and constitution, and the adoption of the second. The people obviously preferred the most northerly and westerly line, by Rum river, though, from the fear of still further delay, they had been afraid to insert it in their act. He contended for keeping the valley of the St. Croix as an entirety, and taking in the west bank of that river.

Mr. VINTON wished to know whether the gentleman's line west of the St. Croix would not include all the people there now?

Mr. McLANE replying in the affirmative—

Mr. VINTON said that there would then be no nucleus of population for the territory of Minesota. There was already a court-house on the west bank.

Mr. TWEEDY said the great mass of the people of Wisconsin would prefer a boundary line north of the St. Croix.

Mr. McLANE resumed, and went into a recital of the reasons which had influenced Congress in fixing the present boundary of Michigan, though it was allowed at the time it would be doing great injustice to the future population of Wisconsin. The fear had been that Wisconsin would form too large a State.

The St. Croix was the best river in the territory, and the only one which watered a fertile country: those which ran north into Lake Superior passed through a region comparatively sterile.

He observed that the whole legislation of Congress in relation to the Territories rested on a very doubtful foundation. This had been admitted by the best jurists. And he held that Congress ought to be very careful how they trenched upon the right of a people to make their own laws. While gentlemen on the one hand held up the ordinance of 1787 as the ground of the right of Congress to make laws for the people of the Territories and to tax them, it was now, on the other hand, proposed to violate that ordinance in fixing the boundary of one of them rather than allow Wisconsin to have the entire St. Croix valley.

Mr. SAWYER briefly advocated the boundary as proposed by Congress and assented to by the people of Wisconsin in convention. The Delegate from Wisconsin himself was willing to take this line.

Mr. TWEEDY said he preferred the northern line as the best, but would take this as the second best.

Mr. SAWYER said, if so, he thought the true policy would be to take the middle line, and not to throw back this question once more. This would leave more territory for Minesota at the south, the northern and western portions of it being in a great degree unfit for habitation.

Mr. McLANE reminded Mr. SAWYER that the convention had themselves stated that they would prefer the northern line.

Mr. SAWYER. Yes, because it would give them a little more territory, and, if they could get this for asking, no doubt they would take it; but they were willing to take the middle line, and for that he should vote.

Mr. GAYLE, without stating which of the lines he should himself prefer, was opposed to any amendment being now made to the constitution Wisconsin had accepted. He drew a parallel between the case of the admission of Wisconsin and the admission of Texas. Texas had demanded the recognition of the Rio Grande as her southwestern boundary, and Congress rejected her on that ground. Texas had then agreed to leave this question open for negotiation, and Congress had then received her. Congress had not violated her faith with Texas: why should she with Wisconsin? Was there any difference, in point of obligation and national faith, between a joint resolution and a treaty? Were they not equally sacred? We had prescribed the conditions on which we would receive Wisconsin; she had accepted them; and now ought we to insist on others? It would be a violation of good faith. The act had been for the admission of "the State of Wisconsin," not the Territory of Wisconsin; Congress had, therefore, recognized her as a sovereign, independent State, before her admission. Now, the Constitution did not compel Congress to admit new States, nor new States to come into the Union; and Wisconsin might remain without, throw herself on her rights, and set up an independent empire. It was not to be expected that two hundred thousand people would long be kept in territorial bondage. She had a right to repudiate the United States Government, refuse to be taxed by it, and erect herself into an independent Power. He threw these thoughts out for consideration.

Mr. SMITH, of Illinois, said, it was with reluctance that he made any remarks upon the bill under consideration. He had not given the subject that investigation its importance demanded, and felt himself unable to do justice to the question. He had seen and conversed with a number of very intelligent young men, who had lived for a number of years in the vicinity of the falls of St. Croix, and he knew the aversion they had to being included within the State of Wisconsin. The boundary proposed by his friend, the chairman of the Committee on Territories, [Mr. SMITH, of Indiana,] divided the settlement upon the St. Croix river, and compelled those living on the east side of the river to travel some four or five hundred miles to reach the capital of Wisconsin, and forced them into a State and community where they had no interests or feelings in common with those among whom they were thrown. They consider it unjust to disregard their interests and wishes, and they never will make good citizens of Wisconsin. Mr. S. said he had listened with attention to the remarks of the honorable gentlemen who were in favor of the St. Croix river as the boundary, and to those in favor of the extreme northern line being that of Rum river; but they had failed to convince him that either of those lines were correct or judicious. He admitted the position taken by the honorable gentleman from Ohio, [Mr. VINTON,] that Wisconsin had the right to demand admission into the Union under the ordinance of 1787, and come in as a whole, in the event of their not accepting such line as Congress might propose, and, for himself, he would prefer including the whole territory within the State, and providing that they might hereafter divide it into two States, rather than consent to an unjust and unequal division. Wisconsin Territory contains, by computation, 90,000 square miles, and would make two States larger than the great State of Ohio. He was informed that, by a calculation made by Mr. Wilson, the able and efficient clerk in the General Land Office having charge of the surveys in that region, that the State of Wisconsin, by the line he had proposed, would contain nearly 47,000 square miles. This calculation, it was not to be presumed, could be precisely accurate, but there could be no question that it would be as large as the State of Ohio.

Mr. S. said he would call the attention of the committee to the statement of the honorable delegate from Wisconsin, [Mr. TWEEDY,] who admitted, that as a delegate in the convention, he would have advocated the southern line—the one he (Mr. S.) had proposed—still, as a delegate on this floor, he advocated the northern line. He admired the devotion of the gentleman from Wisconsin to the will of his constituents, as expressed by the constitutional convention of Wisconsin. He was carrying out the doctrine of instructions, which was the correct course for him to pursue. But Mr. S. would call upon the committee to *remember*, that the judgment of the gentleman was on the side of the southern line, although he denies here our right to interfere at all with the boundary. Congress certainly has the right to stipulate as to boundary, or to compel Wisconsin to come in as a whole; and he had no doubt but that they would accept an equitable division rather than be forced into a State of such unwieldy dimensions. Great stress was laid upon the action of the constitutional convention which fixed the boundary. Gentlemen should recollect that the settlers in the valley of the St. Croix had little voice in that convention. The more densely populated southwestern portion of the Territory had entire control in that body, and could fix any line they pleased. The delegate from the St. Croix region, (Mr. Brownell,) a very intelligent and highly respectable gentleman, and one who by his profession and residence in the country entitled his opinions to great weight, fought manfully to protect the interests of those whom he represented. Mr. S. sent to the Clerk's table the minority report made by Mr. Brownell in the convention on the boundary question.

"The first line (that adopted by Congress) divides the settlements along the St. Croix, which are identical in interest and closely connected by business and other relations, into

two portions, retaining one within the limits of Wisconsin, and transferring the other to the new territory of Minesota. This line would be, in all respects, an unnatural and inconvenient one, severing those whom association has joined together, establishing different jurisdictions on the opposite sides of the same stream, and opening the door to conflicting legislation and clashing interests. Of the three lines proposed, this would be the most obnoxious to the people of the St. Croix valley.

"Nor would the plan of carrying the boundary line fifty or sixty miles northwest of the St. Croix to the mouth of Rum river, be much more acceptable. It would indeed keep the settlements of the St. Croix together, but it would attach them to a government from which, by reason of the distance which intervenes between the settlements and the capital, they could derive but little advantage. The principal settlements on the St. Croix are near 250 miles above Prairie du Chien, and some 400 from Madison, the seat of Government in Wisconsin, to say nothing of the still greater inconvenience to the people living on the south shore of Lake Superior. In the spring, summer, and fall, access is obtained to the settlements on the St. Croix by the Mississippi; this, in the low stage of water, the navigation is greatly obstructed, and the transportation of passengers and goods is rendered difficult, tedious, and expensive. During the winter season, say for more than four months in the year, this avenue is closed, and the inhabitants of the valley of the St. Croix are in a good measure cut off from all communication with their fellow-citizens in the southern and thickly-settled portions of Wisconsin. There is no road on either side of the Mississippi, leading to the St. Croix country; and there is no probability of one being made for some time to come. The country intervening between the St. Croix and Black rivers, a distance of one hundred and forty miles, is of a forbidding character. Except in the immediate valleys of the streams, there is but little good land; while pine barrens, tamarac swamps, and innumerable marshes and lakes, cover the face of the country, and render the prospect of settlement remote and doubtful. This broad belt of waste land constitutes a barrier almost impassable between the settlements on the St. Croix and the nearest ones in Crawford county. Is not the simple statement of this fact sufficient to show the impropriety, not to say injustice, of attaching the St. Croix country to Wisconsin? Is it reasonable to ask the inhabitants of that remote region to come under the rule of a government from which they are so distant that they can take but little interest in its concerns, and derive but little benefit from its protection? In further illustration of this point, the undersigned respectfully refers to the report herewith submitted, of a select committee of the constitutional convention on the subject of boundaries.

"It remains to speak of the third line, which is the one proposed by the late convention. The principle which led to the adoption of this line, viz: the desire to consult the wishes and convenience of the people along the St. Croix valley, meets with the hearty concurrence of the undersigned. But in conformity to the views of those whom he represents, he would respectfully propose to bring the line still further to the eastward, by which, while no additional settlements or population of great amount would be cut off from Wisconsin, a more convenient line would be adopted for the division of our territory into two States, [still leaving 47,000 square miles to the new State of Wisconsin, exceeding even the State of New York.] A very strong, and, as it seems to the undersigned, a conclusive argument in favor of the proposed change, is to be found in the fact that its adoption would leave population and territory enough on the north and west of Wisconsin to form, in a very few years, another State; while if the line of Rum river, as proposed by the majority of the committee, or of the St. Croix river, as prescribed in the act of Congress, should be agreed upon, a long period must elapse before the settlements would be sufficiently numerous to warrant the establishment of another State on our northwestern border."

Mr. S. contended that this report showed clearly the injustice of fixing the northern line, or even the line of the River St. Croix; and he called upon the committee to protect the rights and interests of a small minority, from being trampled upon by an overgrown majority. To the honorable gentleman from Maryland, [Mr. McLANE,] who advocated the northern line, and who spoke of the interest and influence of capitalists at the falls of St. Croix, and that a more southern line might be better for these gentlemen, he would say—(to all those who had served with him in the 28th and 29th Congresses he need not say)—that in all cases where the interests of the masses were to be subserved, he had always been found aiding, to the extent of his ability, in protecting and advancing their interests; his sympathies were with these men, and not with the capitalist or the speculator. He had also, in too many instances, shown his devotion to the interests of Wisconsin for any one to doubt his friendly feeling towards that State. His present course was dictated by what he deemed to be just to all parties interested. When the bills were under consideration for the admission of Florida and Iowa, he had proposed an amendment ceding the lands to those States, as soon as they had paid into the treasury a sum equal to the cost of said lands to the Government, and the expenses of surveying and selling the same; and he would cheerfully offer a similar amendment to the bill admitting Wisconsin, if there was any prospect that it would pass.

Mr. HOUSTON, of Delaware, opposed the amendment, and advocated the middle line, to which the convention had given its consent.

He went into a history of the Virginia grant of the Northwestern Territory, and her first restriction as to the size of the States to be created out of it. This she had abandoned at the request of Congress, and had agreed to new conditions—one of which was, that the territory should not be divided into less than three nor more than five States. And before we could divide Wisconsin at all, he contended that we must have the consent of Virginia, as to make six States out of this territory would be a violation of our compact with her. Whether that compact had been superseded by the adoption of the Constitution, was a question still open; it had never yet received an official adjudication.

He was unwilling to cross the wishes of the people of the Territory, and was prepared to receive her entire at any time. The people of Wisconsin were well qualified to judge as to what would best promote their own good. He considered Congress as a good deal in the dark on that subject.

Mr. DICKINSON moved that the committee rise; which motion prevailing, the committee rose.

And the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. THOMPSON, of Mississippi: The memorial of citizens of Philadelphia, for the concentration and civilization of the Indians.

By Mr. WILSON: The petition of Sally Hart, for a pension. Also, of Philip Tabers, for arrears of pension.

By Mr. C. J. INGERSOLL: Eleven memorials from citizens of Philadelphia, for the establishment of a mail route from Philadelphia to New York.

By Mr. C. E. STUART: Petitions of citizens of Branch county, Michigan, that a mail route be established from Bronson, in said county, to the township of Noble, in the same county.

By Mr. HOLMES, of New York: The petition of Mrs. Harriet Gay, of Monroe county, New York, praying further relief for her aged father, Elkana Stevens, of Chelsea, Vermont, who was a soldier of the Revolution, and is now destitute and infirm.

By Mr. TWEEDY: The petition of J. J. Brown and sixty-one others, of Green Bay land district, Wisconsin, praying for a division of that district.

By Mr. HAMPTON, of Pennsylvania: The petition of Rezin Tevis, for an increase of pension.

By Mr. GRINNELL: The petitions of citizens of Boston, New Bedford, and Fairhaven, asking an amendment of the law of July 20, 1840, so that all applications to consuls in a foreign port for the arrest of vessels on the charge that they are unseaworthy, shall be made by the first and second officers, and a majority of the crew. Also, that the laws requiring vessels to be registered or enrolled, shall be amended so that each owner's share, or part of share, be set forth in the register or enrollment; and that provision be made for recording at the custom-house all attachments, transfers, or mortgages of vessels.

By Mr. HALL, of Missouri: The petition of Isaac Hays and others, citizens of Saline and Lafayette counties, in the State of Missouri, praying the establishment of a post route from Marshall to Lexington, in said State.

By Mr. WENTWORTH: The petition for a mail route from Blue Island, via Cooper's Grove, Chelsea, Wallingford, and Bloomsville, to Bulbonia.

On motion of Mr. DUNCAN, of Ohio,

Resolved, That the memorial of Mary E. Carney, praying for a pension, be referred to the Committee on Revolutionary Pensions.

IN SENATE.

TUESDAY, *May* 9, 1848.

A message was received from the President of the United States, covering a report from the War Department, in compliance with a resolution of 25th of April, calling for information relative to certain transfers to the Indians; which was referred to the Committee on Indian Affairs.

A message was also received from the President of the United States in reply to a resolution submitted by Mr. JOHNSON, of Maryland, transmitting the information in his possession concerning the condition of Yucatan; which was ordered to be printed.

MEMORIALS AND PETITIONS.

Mr. DICKINSON presented a petition from the Seneca, Onondaga, and Cayuga Indians, asking a reimbursement of expenses incurred in an ineffectual attempt to emigrate to the territory assigned them in the southwest, and asking that homes may be provided for them in the northern portion of the United States; which was referred to the Committee on Indian Affairs.

Mr. STURGEON presented a petition from citizens of Philadelphia, asking that a territory may be set apart for a permanent home for the various tribes of Indians inhabiting the United States; which was referred to the Committee on Indian Affairs.

Mr. BORLAND presented a petition from representatives of William Armstrong, asking compensation for his services as United States Indian agent; which was referred to the Committee on Indian Affairs.

Mr. HOUSTON presented a petition from citizens of Pennsylvania, in relation to the preservation of the Indians; which was referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill for the relief of Michael Hanson; which was read a first time.

Mr. MOOR, from the Committee on the Judiciary, reported a bill to change the place of holding the circuit and district courts in the district of New Hampshire; which was read a first time.

Mr. DIX, from the Committee on Military Affairs, reported a bill for the relief of the legal representatives of Thomas J. V. Owen, deceased; which was read a first time.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, asked to be discharged from the further consideration of House bill for the relief of Francis M. Holton, and that it be referred to the Committee on Naval Affairs.

Mr. DAYTON, from the Committee on the Judiciary, reported the bill to authorize notaries public to take and certify oaths, and affirmations, and acknowledgments in certain cases, with an amendment.

Mr. UNDERWOOD, from the Committee of Claims, reported a bill for the relief of Calvin Reed, accompanied by a report, which was ordered to be printed. The bill was read a first time.

Mr. DIX, on leave, introduced a bill respecting the pay department of the navy; which was read a first and second time, and referred.

RESOLUTIONS.

On motion of Mr. YULEE,

Resolved, That the Committee on Commerce be instructed to inquire into the necessity of making further provision for buoys at Nassau bar, in Florida, and at St. Andrews, St. Simons, Sapello, St. Catharines, Ossibau, and Warsaw, in Georgia.

Mr. BADGER submitted the following:

Resolved, That the resolution adopted on the 21st December last, authorizing the Vice President to appoint a superintendent of the Senate's antechamber, be and the same is hereby, rescinded.

On motion of Mr. BORLAND, the bill and amendment for dividing the State of Arkansas into two judicial circuits, was recommitted to the Committee on the Judiciary, with instructions to report by bill.

The bill from the House to amend an act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, moved that the Senate take up the private bills on the calendar on Friday next.

Mr. DAVIS, of Massachusetts, said that he had hoped the emigrant passengers bill would be taken up.

Mr. TURNEY objecting to the motion, it lies over.

On motion of Mr. UPHAM, it was ordered that two additional members be added to the Committee on Enrolled Bills; and that they be appointed by the Chair.

The CHAIR appointed Mr. JOHNSON, of Georgia, and Mr. BORLAND.

APPOINTMENTS WITHHELD FROM SENATE.

The following resolution, submitted by Mr. JOHNSON, of Maryland, on the 28th ultimo, was taken up:

Resolved, That the President of the United States is requested to inform the Senate whether any officers are now in the military or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

Mr. JOHNSON said, that when the Senator from Ohio moved a reconsideration of the vote on the adoption of the resolution, he had stated that he made the motion because he considered the call unconstitutional; and it did not appear that he was opposed to the object of the resolution. Retaining his original opinion, that there was nothing in the resolution which conflicted with the constitutional functions of the President, he was still ready to

modify it, so far as to strike out the part which called for the reasons which had delayed the sending in the nominations, so as to leave it a bare inquiry into the fact.

Mr. ALLEN said that the modification rendered the resolution less objectionable, but it did not entirely remove his reluctance to vote for it. It was a kind of inquisition, of which there was no instance to be found in our history. The President might, with just as much propriety, call on the Senate for information of what it had done, and why it had left other things undone. It was altogether an irregular motion. The President could not send in the information which was called for without furnishing a list of all the nominations which were not yet sent in. It was not so much to the unconstitutionality as to the irregularity of the proceeding that he was opposed. He moved to lay the resolution on the table; but withdrew the motion, and

Mr. JOHNSON, of Maryland, said he had hoped that the amendment would have removed the objection of the Senator from Ohio, and that the resolution would have been adopted. He had been disappointed in his expectation. The Senator from Ohio says it is a call for information of all that the President had done in the exercise of the appointing power, and that it was both unconstitutional and irregular. He (Mr. J.) did not regard the resolution as unconstitutional. The Senator from Ohio said, the other day, that the resolution was in conflict with the provision of the Constitution which allowed the President to hold back his nominations during the session, so that the commission granted by him during the recess did not expire until the close of the session. So that it seemed the Senator from Ohio thought it quite sufficient, to carry out the spirit of the constitutional provision, if he sent in his nominations at the last moment of the session. Were it not that there was important business now pressing on the attention of Congress, he would like to go at large into the reasons which induced him to submit this resolution, and the historical matters with which the subject was connected. But he did not feel disposed to trespass on the indulgence of the Senate.

It was clear to him that the objects of the constitutional provision to which reference had been made were, first, to give the President reasonable time for inquiry, and to send in the nominations to the Senate; and, in the second place, to allow the Senate reasonable time to deliberate and act upon them.

He did not mean to find fault with the investment of the appointing power in the President. But he would say, that so great a latitude of construction had not of late prevailed in reference to the power of the other departments as to the power of the President. If he adhered to the letter of the Constitution, he was to be sustained, whatever departure there might be from the spirit of the instrument; while charges of usurpation of power were constantly made against Congress. We had sent abroad an army to conquer territory which we were to acquire as indemnity. We wanted field officers. Congress gave him the authority to appoint, and he had, during the recess, appointed officers. But he had not sent in these nominations until this hour. Among these was General Pillow, who, in the event of the disability or recall of the Commander-in-chief, would have been entitled to command. He alluded also to General Cushing, appointed by the President during the recess, and who was now sitting in judgment on the Commander-in-chief. The *quasi* court, of which he is a member, is a judicial court, and before it is arraigned the greatest captain of the age, whom they have the power to condemn, if they shall see fit.

If this call was trenching on the rights of the President, he asked if we had no rights? He considered that the Senate had a right to as long a time as would enable it to pass deliberately on the nominations submitted to it. The object of the provision in the Constitution was merely to authorize the President to appoint until there could be an opportunity for consultation with the Senate. If he were to keep his nominations until the last moment of the session and they should then be rejected, the Senate being compelled to adjourn, the vacancies would be again filled by the President without the interference of the Senate.

Mr. ALLEN vindicated the right of the President to retain the nominations as long as the Constitution permitted. He acted for the general good as well as the Senate, and he had as much right to ask of the Senate if they intended to pass a bill, as the Senate had to ask if he was about to send in any nominations. The rule of the Senate by which the doors were closed—a rule which he had always tried to get rid of, and which he should live to see got rid of, because public opinion everywhere was against it—prohibited the President from complying with this call, even if he were disposed to do so. It was this rule which required nominations to be sent in secretly; while this resolution called for a list of the nominations to be publicly made. So far as the public is concerned, the Senator from Maryland had given the names of the officers pointed at; so that the public could gain nothing further by the adoption of the resolution and the response of the President. He contended that no department had any right to interfere with the Executive functions of the President as laid down in the Constitution.

He was in favor of watching the Executive power, but he did not perceive that the tendencies to usurpation were so great in the Executive, who stood on his individual responsibility, as in the departments which exhibited a responsibility divided among many, as in the legislative branches, and all other of those aristocratic institutions which dotted the whole land, under the name of corporations. He referred to the bill making the apportionment under the last census, which, in the House of Representatives, was constructed so as to admit the largest volume of democracy into that branch; but which, when it came into the Senate, was so changed as to throw the weight of influence into the Senate. It was this body, so far removed from the people, in which we are to look for usurpation, rather than in the Executive and the House of Representatives. He held all this cry about Executive usurpation as unworthy of apprehension. It was the secret, noiseless usurpations in this body which were to be feared; let us get rid of these, and he would leave the rest to the people.

On motion of Mr. HANNEGAN, the further consideration of the subject was postponed, and the Senate proceeded to take up the special order.

YUCATAN.

The Senate then resumed the consideration of the bill to enable the President to take temporary military occupation of Yucatan.

Mr. LEWIS said he desired to offer an amendment to the amendment of the Senator from Mississippi, [Mr. DAVIS.] The amendment was in the shape of a preamble, to go at the head of the bill, and a proviso to be inserted at the close. He thought, that to put the bill on the ground of humanity alone, would be carrying them further than he was disposed to go. They could not, and ought not, to become the champions of the whole human race; he thought the true base to place it on was, that Mexico owed Yucatan protection, and as she was no longer able, from the fact of our having superseded her military power, that we were bound to treat the invasion of Yucatan as other Mexican invasions. If the amendment prevails, it will read—

Whereas an extraordinary war is now being waged by the Indian upon the white population of Yucatan, which, if not arrested, threatens the extinction of the white race; and whereas Yucatan, as one of the States of Mexico, is entitled to the protection of the Mexican Government; and whereas, by reason of the existing war, the authority of the Mexican Government has been to a great extent suppressed within the limits of Mexico, and the military authority of the United States substituted in its stead; and whereas to such substitution is to be mainly attributed the impunity which is now given to cruelty and outrage on the part of the insurgents, justice and good faith to Yucatan, as well as the existing armistice with Mexico, require, as in the case of other Indian invasions of Mexican territory during the war, that the United States, having superseded the power of Mexico, should assume the protection of Yucatan until Mexico shall be in a condition to reassume the same. Therefore—

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized and empowered to accept the services of an equal number of volunteer troops to supply the place of such as may be withdrawn from their present duty to answer to the exigent demand for the immediate presence of a portion of our army in Yucatan: *Provided*, Their services shall be required; the same to be raised for service during the war with Mexico, agreeably to the provisions of the act of May thirteenth, eighteen hundred and forty-six, and March third, eighteen hundred and forty-seven; and provided, further, that nothing herein contained shall be so construed as to require that the protection hereby afforded to the people of Yucatan should be withdrawn until Mexico is in a situation to resume the same; and provided, further, that no warrant is hereby intended to be given for the permanent occupation or annexation of the territory of Yucatan to the United States.

Mr. DAVIS, of Mississippi, accepted the modification without hesitation; when—

Mr. NILES rose and addressed the Senate to a late hour against any interference with the internal concerns of other nations, and urging caution and prudence in all our relations with other countries. It was after four when Mr. N. closed his remarks. [See Appendix for the debate on this bill.]

Mr. CASS took the floor; when—

Mr. BREESE moved to go into Executive session; but the Senate refused the motion, and adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 10, 1848.

The Journal of yesterday was read and approved.

DEBATE ON THE WISCONSIN BILL.

Mr. STEPHENS moved the usual resolution to close all debate in Committee of the Whole on the state of the Union on the bill for the admission of the State of Wisconsin into the Union, at two o'clock, this day.

The resolution was adopted.

BINDING BY CONTRACT.

Mr. HENLEY then called up a motion, previously submitted by him, to reconsider the vote by which the following resolution had heretofore been adopted:

Resolved, That the Clerk of the House receive proposals for binding books and documents ordered by the House; and that he submit the same to the Committee on Accounts for its examination and approval.

He said that the resolution which he wished reconsidered was one which it was not within the constitutional power of the House to pass—one which, at the time it passed, had not been investigated, and was not understood. Mr. H. wished to submit some remarks on that resolution, and also on the subject of performing the public printing of Congress by contract. There was, particularly on the latter subject, a prevailing misapprehension, both as to how the printing was now executed, and on the possibility of having the printing of Congress well done on the contract system.

It had been said here that the House and the country had gained nothing by putting out the printing on contract; and it had been further asserted that the work had deteriorated in the manner of its execution, and that the country had lost credit from the appearance of its public documents, both as respected paper and printing also. Mr. H.'s object was to show, that instead of the country's gaining nothing by the change which had been made in the mode of getting the printing done, there had, on the contrary, been an immense gain; and, moreover, that the public printing was done at this time as well as it ever had been.

[The total sum paid for the printing of Congress for the last seven years, was $947,555
At the prices we now pay, the same work would have been done for 368,509

Showing a saving of $579,046
or upwards of 66 per cent.

The amount paid to Gales & Seaton for the printing of the 27th Congress, was $289,160
At the prices we now pay, this work would have cost only 97,041

Showing in two years a saving of $192,119
or about 75 per cent.

The average saving per year for seven years, if the work had been done at present prices, would have been $82,720.]

The CHAIR here called Mr. HENLEY to order, on the ground of irrelevancy. The resolution he had moved to reconsider had reference solely to a contract for binding documents printed. Remarks on the mode or cost of the public printing were not in order on such a motion.

Mr. HENLEY, after a sudden pause, here said that if the Chair would tell him what remarks would be in order on the motion, he would make them, for he certainly intended to make some. [A laugh.]

The resolution proposed to be reconsidered was read by the Clerk.

Mr. HENLEY said that when that resolution was adopted, it had been said on this floor that the public printing was worse performed now than it ever had been. He was replying to those remarks by showing the contrary.

The CHAIR remarked that Mr. H. could get an

opportunity to do this by moving a separate resolution, or embracing some time when the subject of the public printing was before the House.

Mr. HENLEY went on to say that the printing, if done under the old method by Blair & Rives, or by Ritchie & Heiss, would have cost the country three hundred thousand dollars; and if by Gales & Seaton, under former prices, would have cost $360,000; it now cost but $135,000 for this Congress, being a saving of $200,000 from what would have been paid to Gales & Seaton under the old rates.

The CHAIR again reminded Mr. H. that it would be out of order for him to proceed in any further remarks on the subject of the public printing. He had now replied to the remark to which he referred as having been made on a former day in discussing the resolution he wished to reconsider.

Mr. HENLEY said the House had been considering a resolution which went to take from the public printers a part of their contract; and it had then been stated that the public had gained nothing by letting out the printing on contract. He regretted that the rules of the House had suddenly become so stringent as to prevent him from replying and vindicating the contractors, by showing that the mode of performing the work had not deteriorated, and that the country had been a great gainer by the change.

The CHAIR said the gentleman might assert this, but not go into an argument on a subject out of order.

Mr. GREGORY here inquired of Mr. HENLEY if he had looked at the contract?

Mr. HENLEY. Certainly I have, or I should not have asserted what I have.

Mr. GREGORY. There is nothing about binding in the contract.

Mr. HENLEY. I *assert* that there is. And if, as the Chair decides, assertion is to go for argument, my assertion is as good as his. On what ground has the gentleman from New Jersey asserted this? I ask, when there is no law on the subject, but the practice of the House has gone on a certain principle, and the House has adopted it, and made rules and regulations which assumed it, and reports have been made to the House in favor of it, and the House have adopted those reports, is not all this equivalent to a law? He held in his hand a report from a committee made but the other day on the subject of binding documents, which proceeded on the principle that binding the documents was an incident to printing them, and went with it. When in 1841 the attempt was made here to separate the binding from the public printing, the whole subject was referred to a committee, who, after thoroughly investigating it, made a report to this House. That report I have before me, but shall not read more than that portion of it which states the conclusions to which they came. [Mr. H. here read the third head of the results on the subject, which declares that, under a usage of twelve years, it had been established that the "binding is an incident to the public printing."]

Mr. STARKWEATHER here inquired when that report was made?

Mr. HENLEY. It was made in the session of 1840–'41, in February; and from 1841 to the close of the last session, the doctrine of this report has been concurred in by the House—that is, for a period now of nineteen years. What more was done? When the present contractors made their bid for the printing, the committee appointed to let out the contract—and which committee consisted of the President of the Senate, the Speaker of the House, and the Secretary and Clerk of the two bodies—told them that whoever was appointed public printer would have the binding of the documents. They were furnished by Messrs. Dickins and French with an estimate of the binding; and here it is. [Mr. H. here quoted the instructions.] This estimate is contained in the instructions then given to the contractors; and can any man, with these facts before him, deny that the binding forms a part of the contract for the printing of Congress?

It is now proposed to take away from these gentlemen a part of their contract—to take it from public officers appointed by law. Though I am no lawyer, I believe that this usage, thus established and confirmed, has become a part of the law of the land. The instructions say, that, as the documents are furnished, they shall be deposited in a room in the Capitol, and, at the close of the session, shall be taken thence to be bound. How can this contract be lawfully taken away?

I hope I shall now be permitted (by general consent, if not otherwise) to say a word as to the manner in which the printing has been executed.

The CHAIR once more reminded Mr. HENLEY that the resolution he had moved to reconsider had reference only to binding. To admit remarks on the public printing would involve the necessity of permitting a reply, and might probably draw on a prolonged debate.

Mr. HENLEY. Then I hope all present will be willing to hear the facts I am about to state.

Mr. STEPHENS. I object.

Mr. HENLEY. The gentleman from Georgia objects. Very well; I suppose I may be allowed to make a single *assertion*.

Mr. MORSE hoped the gentleman from Georgia would withdraw his objection. The gentleman from Indiana might have important information to communicate.

Mr. STEPHENS said he could not withdraw his objection. The debate on the Wisconsin bill was to end at two o'clock. The gentleman could just as well make his statement at another time. He belonged himself to the Committee on Printing, which committee had the privilege of reporting at any time, (a prerogative not enjoyed by any of the standing committees of the House,) and he could introduce the subject by resolution; but the resolution to be reconsidered was confined to binding the documents.

Mr. HENLEY. When the resolution I want to have reconsidered was introduced into the House, one reason for it was stated to be, that the paper and printing under the existing contract were altogether inferior to anything before. It is really very extraordinary that all at once the rules should have become so exceedingly strict that I cannot reply to that, though speaking on the same resolution.

The quality of the paper, so far from being inferior, is better, if anything, than formerly. The paper on which the printing was done for the last Congress cost $3 a ream; this costs $3 50. That was one fact. It was due to the public printers that he should state another fact. The paper on which the President's message had been printed was, confessedly, an inferior article.

Mr. STEPHENS here called Mr. HENLEY to order.

The CHAIR ruled him to be out of order.

Mr. HENLEY. I cannot for my life imagine why gentlemen are so unwilling to hear charges refuted now which were suffered to be made when this same resolution was under consideration on a former day.

If there is no way by which I can be suffered to proceed, I suppose I must desist. I will only say, then, that I hope the resolution will be reconsidered and referred to a committee, to be examined into. If the House will not take my statement, that these contractors were informed by the officers of both Houses that the binding went with the printing, and that, in consequence of being so informed, they have made a contract for the binding, I hope they will refer the matter to a committee, who will report the facts. If I am to be debarred in this manner from going further, I here give notice that I will reply at some time—that is, if I shall ever be so fortunate as to find a time when it will be in order.

Mr. GREGORY (a member of the Committee on Accounts) remarked that the course which the debate had taken on this resolution was very extraordinary; instead of being confined to the binding, it had run upon the printing which had no connection with the subject. The Committee on Accounts, who had the oversight of all the expenditures from the contingent fund of the House, in auditing the late Clerk's accounts, had found items for binding to the amount of about $11,000, for which they found no previous arrangement by contract or otherwise as to the prices; and, at that early day of the session, they had determined to have the matter taken care of by some committee, and for that purpose had made preparation for the adoption of the resolution. On reference, it was found there was nothing at all in the contract with the printers about the binding, and the chairman of the Committee on Printing and the committee considered they had nothing to do with it. Upon the introduction of a new subject of binding, to wit, 100,000 copies of the Patent Office document, the Committee on Accounts, in view of the importance of having a committee of the House to take charge of that branch of expenditure, which would amount to between $30,000 and $40,000 for this Congress, reported the resolution which had been adopted inviting proposals for binding. He was in favor of the contract system; he was favorably disposed to the printers, and hoped their proposal would be as low as others, for he should be as willing to see them get it as anybody; but he thought the contract system should be adhered to.

Mr. STARKWEATHER explained his remarks of a former day. What he had then said had been called forth by the inquiry of the gentleman from Georgia, [Mr. COBB,] whether it had not been the uniform practice of the House to allow the public printer to bind the documents; to which he had distinctly answered, referring to the report read by the gentleman from Indiana [Mr. HENLEY] this morning, that it had been the practice, and that a committee had been raised on this question and made a report: one of the three conclusions of which was, that the binding was an incident of the printing.

Now, it was not contended by any man in this House that there was a single word mentioned in the contract for the printing relative to the binding of the documents. He would like to know to whom these documents belonged when published. Did they not belong to the House? Were they not under their control, to be bound or not as they saw fit? And how did it happen that an *incident* of $17,000 was to be attached to the contract—the incident being greater than the principal?

Mr. COBB, of Georgia, repeated the questions he had put the other day. Had it not been the invariable practice of the two Houses of Congress to allow the public printer to do the binding? Had not these printers entered into the contract under the expectation, justified by that practice, that they would be entitled to the binding? And, furthermore, had not these printers, under this implied contract, already entered into a contract with other parties for the binding? And would not Congress be bound to defray the expenses of this contract? And if the binding was now taken from them, instead of economizing, would it not subject the Government to a much greater expense?

Mr. STARKWEATHER replied he had stated to the House, from the examination he had given to the subject, that he had good reason to believe that five thousand dollars could be saved to the country by giving out this binding by contract. He now believed it. He had not then known what was stated by the gentleman from Indiana, that these printers had had any instructions to go on and execute this binding under the old arrangement; he should have said, had he known it, and he said now, if they had made such an arrangement with the Clerk of the House, and under it had gone on and contracted for the binding, the contract should not be taken from them. He totally disagreed with gentlemen in the conclusion that this was an incident of the contract. It never could be considered so; yet, if they had acted upon it as such, under the authority of the Clerk of the House, he should feel, as a member of this House, bound by it. He dissented, however, *in toto* with the correctness of the construction. The whole course of the action of Congress on the subject of printing had changed; this Congress had entered upon the contract system; and the question now was, whether this system should be carried out or not? He repeated, if a contract for the binding had been made in good faith by the printers, under the understanding that it was an incident of the printing, this House ought to carry out that understanding. But the House ought to understand how far the contract went; whether it was for the whole one hundred thousand Patent reports, and two thousand five hundred of War correspondence; and any further action of this kind should be prevented. He asked this House whether it was not time to enter upon the contract system with reference to the binding? If this amount could be saved to the Government on one document, should not the steps be taken to effect this saving in all such cases? He cared not who the printers were; he had no particular individuals in view; but he meant to discharge his duties to the country. If a contract had already been made in this case, let it stand; if not, and they could save five thousand dollars in this one case, let them save it, and do the same in all future cases. It was not his object

to overleap or break down any contract entered into by the printers for binding, but to call the attention of the House to the contract system, which was adopted by the last Congress with a view to save expense, and which system has been pursued by the present Congress.

Mr. STEPHENS was favorable to the reconsideration of this resolution. He thought the public printers ought to have the binding, if they would do it on as reasonable terms as others; and, under this condition, hoped the Committee on Printing would contract with the printer. He moved the previous question.

The previous question was seconded, and the main question ordered, being on the reconsideration, which was agreed to.

The question then recurring on the adoption of the resolution—

Mr. McKAY moved to recommit the resolution to the Committee on Accounts, with instructions to inquire whether any agreement had been made between the Clerk of this House and the Secretary of the Senate and the public printers as to the binding. He was proceeding to call attention to the unequal distribution of the documents under the present practice, and the necessity of some regulation on the subject, when he was called to order for irrelevancy, and yielded the floor.

Mr. CONGER desired to offer certain resolutions as a substitute for the motion of the gentleman from North Carolina.

The SPEAKER stated that the resolutions were not in order while the motion to recommit was pending.

At Mr. CONGER's request, and by general consent, the resolutions were read, as follows:

Resolved, That the Committee on Printing be, and they are hereby, authorized and instructed to enter into contract with Messrs. Wendell and Van Benthuysen, public printers, for the execution of all binding which has been ordered or may hereafter be ordered by this House, which contract shall remain in force for and during the continuance of the contract under which the said printers are now executing the public printing: *Provided*, That such contract can be entered into with the said Wendell and Van Benthuysen on as favorable terms as are offered by any other individuals.

Resolved, That the Committee on Printing, in pursuance of the instructions contained in the foregoing resolution, do report to this House, at the earliest practicable day, their proceedings, together with the prices offered, the persons by whom offered, and the price agreed to be paid, in case a contract is entered into with said printers.

Mr. CONGER then moved his resolutions as an amendment to the instructions of Mr. McKAY.

The question being on Mr. CONGER's amendment—

Mr. HENLEY remarked, if this House had not the authority to pass the original resolution, they had not the authority to pass the resolutions of the gentleman from New York. If the binding was already contracted for, they had no right to instruct the Committee on Printing to make a new contract. It would first be proper, it appeared to him, to adopt the instructions of the gentleman from North Carolina, and ascertain whether a contract had been entered into or not.

The question being taken, Mr. CONGER's amendment was rejected.

Mr. STEWART, of Pennsylvania, proposed to amend the motion of Mr. McKAY, by authorizing the Committee on Printing to have bound any of the documents printed for distribution they might think proper, provided that the expenses should in no case exceed twelve and a half cents per volume.

The amendment was ruled out of order on the ground of irrelevancy; and

The question recurring on the motion of Mr. McKAY, it was taken, and decided in the affirmative.

So the resolution was recommitted, with instructions.

ADMISSION OF WISCONSIN.

On motion of Mr. SMITH, of Indiana, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. COBB, of Georgia, in the chair,) and resumed the consideration of the bill for the admission of the State of Wisconsin into the Union.

When this bill was taken up yesterday, Mr. SMITH, of Indiana, moved to amend the first section by adding at the end thereof the following:

"With the boundaries prescribed by the act of Congress, approved August 6, 1846, entitled 'An act to enable the people of Wisconsin Territory to form a constitution and State Government, and for the admission of such State into the Union.'"

And Mr. SMITH, of Illinois, moved to amend the amendment of Mr. SMITH, of Indiana, as follows:

"Beginning at the northeast corner of the State of Illinois, that is to say, at a point in the centre of Lake Michigan, where the line of forty-two degrees and thirty minutes of north latitude crosses the same; thence running with the boundary line of Michigan through Lake Michigan and Green Bay, to the mouth of Menominee river; thence up the channel of said river to the Brulé river; thence up said last mentioned river to Lake Brulé; thence along the southern shore of Lake Brulé, in a direct line, to the centre of the channel between Middle and South Islands, in the Lake of the Desert; thence, in a direct line, to Trout Lake; thence, in a direct line southwesterly, to the highest peak of Mountain Island, which, according to Nicollet's map, is about where the forty-fourth degree of latitude crosses the Mississippi; thence down the main channel of said river to the northwest corner of the State of Illinois; thence due east, with the northern boundary of the State of Illinois, to the place of beginning, as established by an act to enable the people of Illinois Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, approved April 18, 1818."

The first question before the committee to-day, was on agreeing to the amendment of Mr. SMITH, of Illinois.

Mr. DICKINSON recited the provisions of the amendments pending—the northern boundary, provided by that of Mr. SMITH, of Indiana, being the St. Croix, as authorized by the act of Congress of 1846, and accepted by the convention of Wisconsin. Congress having agreed to accept Wisconsin into the Union, and prescribed such boundaries, and Wisconsin having accepted of them, they were bound to them, unless it could be shown that there had been some fraud committed upon Congress, or some mistake sufficiently serious to prevent the consummation of the compact. But if he understood correctly, there was none.

The great objection to the admission of Wisconsin as a State was, that the territory was too large. The objection that those residing in the valley of the St. Croix would be put to serious hardship and inconvenience was of some weight; but this was an objection which would always be largely exaggerated in a new country. He referred to similar inconveniences which had been anticipated of a formidable character at the time of the admission of Ohio, but which had disappeared with the progress of improvement and settlement.

Wisconsin had the same power to prescribe her boundaries that Congress had; if Congress did not agree to the boundaries she was willing to accede to, she had the right to remain as a Territory. She had formed a State constitution; she had made all the preparations for coming into the Union as a State; suppose Congress did not confirm this line, and proposed a new one, which she should refuse to accept, by what laws would she be governed in the mean time? By the laws of the State for which she had formed her constitution, or the laws of the Territory? Would she go on to elect her Governor, Legislature, and various officers under State authority, or must she be thrown back upon the Territorial government, and be governed by Territorial judges, governors, and other officers? He concluded not; but that if Congress disagreed to her proposition, she would have the right to act independently of the General Government, so far as her internal police and general legislation were concerned; and that she would be subject to the laws of the General Government, so far as the States were subject to them, and no further.

He further argued the superiority of the line proposed by the committee over that proposed by Mr. SMITH, of Illinois—the former having been proffered by Congress in 1846, having been accepted by Wisconsin, and being now asked by the Territory, through her delegate on this floor. If they were now, for the first time, acting upon the question of the line, he should prefer a southern line; but as it was, he considered that Congress were bound, by every sense of reason, justice, and consistency, to adhere to the line proposed by them and accepted by Wisconsin.

He noticed the objection to the bill, that it violated the ordinance of 1787, which prescribed that five States should be formed out of the Northwestern Territory—this being the sixth. He did not consider that ordinance binding; it never had been so considered by the people northwest of the Ohio. It had always been disregarded by the State of Ohio. Why, one important provision of that ordinance was, that slavery should not exist there; and others, that all the inhabitants of the territory should enjoy the right of habeas corpus, of trial by jury, and all the rights and privileges of citizens of any other portion of the Union; and the very first thing that Ohio did when she became a State was to disregard some of these important provisions: she disfranchised all Africans, disregarded the ordinance with reference to the right of trial by jury, passed laws prohibiting the immigration into that State of free persons of color; went still further, and prohibited the blacks from testifying in courts of justice in cases where white persons were parties. Some of these laws had been continued on the statute-book until this day. They had never regarded the principles of that ordinance since the State was formed; nor was Congress going to regard it; they were going to disregard it now in receiving Wisconsin into the Union.

It was possible that Illinois was much larger than she ought to have been, and Indiana also, and he knew not but Ohio too. But we had, in relation to the Northwestern Territory, often disregarded that ordinance. It was held by some gentlemen that Congress had the right to resort to special legislation for these territories; but he held that they had not. He held, that so far as general legislation was concerned, the Territories stood in the same relation to the General Government as did the States; and that the power to legislate for the government and general police of Territories not being in Congress, it necessarily remained with the people of the Territories, and, to exercise this legislative power over such Territories, the consent of the inhabitants must in the first place be obtained. If the Territory consented to the legislation of Congress, it then became constitutional. He laid down the position that Wisconsin could forever remain in a territorial state if she should be pleased to do so, without the aid or action of the General Government, except so far as related to general laws. She could adopt a State Government; she could elect her own judges, and manage her own affairs. All the territory northwest of the Ohio river had the same right. They could have introduced slavery into those territories, and Congress would have had no right or power to interfere. The provisions of the ordinance being superseded by the adoption of the Constitution, the territory northwest of the Ohio river was left untrammelled in its action, and the States carved out of it could either admit slavery or exclude it, as suited their interests.

But, as he had already said, the ordinance of 1787 had been disregarded, and they meant to disregard it now; this State would come in, and we should also have a sixth, although the ordinance provided that there should be but five States in the Northwest Territory. The adoption of our present Constitution was a virtual revocation of the unalterable provisions of that ordinance; for, by the adoption of the Constitution, those provisions became merged in that instrument, and what was intended as a special provision for this territory was by the Constitution extended to the whole Union. Such, for instance, was the benefit of the habeas corpus act; the right of trial by jury; that good faith should be kept with the Indians; and also the provision that no tax or impost should be levied upon property in its transit through this territory. The latter part of the 4th article of the ordinance was as follows:

"The navigable waters leading into the Mississippi and St. Lawrence and the carrying places between the same shall be common highways, and forever free as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other State that may be admitted into the Confederacy, without tax, impost, or duty therefor."

The object of this clause was, not to make common highways for any other purpose but for the free transit of property through that territory. The adoption of the Constitution provided a remedy for this evil by prohibiting the several States from levying imposts or duties on exports or imports. The reason ceasing, the law ceased; consequently, those streams and the carrying places between them ceased to be common highways.

When the ordinance of '87 was adopted, the Constitution had not been framed; and at that time there was seen the difficulty of paying debts and regulating commerce. At that time, each State had the right to collect taxes; and until this was provided for by the Constitution, the ordinance operated for the benefit of the people. The provisions of the ordinance, however, were merged in the Constitution.

He concluded, therefore, that they ought to adopt

the proposition of Wisconsin without amendment, except it were to take the line proposed to them by Congress in 1846, to which they had assented. He thought so because he thought Congress had no right to take them with any other line than the one which met with their acceptance. They had a right to say what kind of a territory they would come into the United States with; and if Congress did not accept the line which suited the people of Wisconsin, they had the right to remain out of the Union. He thought they were bound by the act which Congress had heretofore passed, and they should not now disturb the compact into which they had entered. He certainly should not vote for any other line, unless some better reason could be shown him than any he had yet seen. He hoped this bill would be acted upon, as the people of Wisconsin wished. He would not longer detain the House, because he knew there were several gentlemen who desired to express their views upon this subject.

Mr. COLLAMER said he understood that, before he came here this morning, the House had adopted a resolution to terminate debate this day at two o'clock. He would remind gentlemen, that, ordinarily, when they had a bill under discussion, and the House fixed a limit to the debate, they never got further than the first section of the bill until the hour to close debate arrived; and that if anybody had any remarks to make on any subsequent section, he must make them while the question was pending on the first section. The time, then, being now limited, it became necessary that he should say what he had to say on other sections at this time, unless he would be content with the five minutes allowed by the rules for the explanation of an amendment, which would not be sufficient for his present purpose. He would say nothing of the first section, for he thought that was pretty well understood, but he felt it to be his duty to make some remarks in relation to the second and third sections, and he should do it at this time because no other time would be afforded him.

The second and third sections, he would here remark, were not necessary parts of this bill, either to admit Wisconsin as a State or to carry a constitutional government into effect. If those sections were stricken out, and the bill were passed without them, Wisconsin could be admitted a State of this Union just as well as if those sections were retained. They were sections which related to the public lands of the proposed State, and they were inserted in consequence of the passage of certain resolutions by the convention of Wisconsin. If gentlemen would turn to the latter part of the document containing the constitution, they would find these resolutions, and they would find that they contained requests that Congress would do certain things. Whether they were exactly such resolutions as the Legislature of Wisconsin would have passed, if it had been convened, he knew not. They related to grants of land in that State; and he would take this opportunity to explain what they were, that gentlemen who had not examined them might understand them before they were called upon to vote.

The first resolution was to this effect. In 1838 a grant was made by Congress of a tract of land to make a canal to connect Lake Michigan with Rock river. Each alternate section of land was granted, and the price of the remaining sections was elevated to $2 50 per acre. The purpose of that grant, however, had failed, and the project had been given up. In the mean time, however, some of those reserved sections were sold at $2 50 per acre. The application of the convention then was, that the State of Wisconsin might be permitted to locate the 500,000 acres allowed her by Congress on those reserved sections. With respect to the 500,000 acre grant, it would be recollected that in 1841, in what was called the distribution law, such a grant was made to each of the new States that had not theretofore received so much land, for the purpose of aiding such States in making internal improvements, with permission to select such lands as were not subject to private entry. Now, inasmuch as the Rock river grant was subject to private entry, and as the projected canal had been abandoned, they asked permission to choose so much of that grant as was necessary to complete their grant of 500,000 acres; and to that he could see no good objection.

The next question presented was this, that the purchasers of the reserved sections at $2 50, they having purchased with the understanding that a canal was to be made, should now be permitted to have other lands for the amount paid beyond $1 25 per acre. As they had purchased in good faith, with the expectation that a canal would be made, and as it had not been made, he saw no good reason why that should not be acceded to.

The next resolution related to another subject. It would be recollected that in our land system five per cent. of the money received from the sales of the public lands went to the State in which the lands were sold, for the purpose of making roads. And it was true that this Government had some interest in making good roads there, for they helped to sell the land yet remaining unsold. But by this resolution the convention of Wisconsin asked Congress that they might have the 500,000 acres allowed for internal improvements, and also the five per cent. on the lands sold for making roads, and that they might have the privilege of appropriating both to the support of schools. The object certainly was a praiseworthy one, and he should throw no obstacle in the way of it, more especially because other States had been allowed to do the same thing.

He came now to another resolution. In 1846 a grant was made to Wisconsin, to take effect when she became a State, of certain sections of land to make a continuous course from Green Bay, by Fox river, thence by Wisconsin river, to the Mississippi. To do this a canal of about a mile, or a mile and a quarter, was requisite from Wisconsin river, at a point where it was navigable for steamboats, to Fox river, and some improvements in the course of Fox river, Winnebago lake, and the entrance to Green Bay. The act took effect granting the alternate sections of a tract three miles wide for the purpose of making those improvements, and the reserved sections were raised to $2 50 per acre to make it even. By the last resolution, the convention asked the Government of the United States to let that grant stand, but to lower the price of the reserved sections to $1 25. To that he could not agree; it was going a little too far; and it was to this more especially that he had risen to call the attention of the committee. He thought a dangerous precedent would be established if this Government should acquiesce in this request, and it was to the establishment of such a precedent that he objected more than to anything else. It would be a precedent that would have an injurious effect on the many projects which were before Congress, and which were more or less meritorious. It would have a tendency to defeat those projects, and it involved a still more important principle. How? The idea of using the public domain for purposes of internal improvements had been by some entertained from an early period of this Government. The internal improvements of a great many of the States had been promoted in that way; but, finally, in 1838, the Government came to the conclusion that grants of this sort ought not to be made. Some, under President Jackson's administration, viewed such grants as unconstitutional, and they insisted that such grants should be stopped altogether, and consequently no more grants had been made for internal improvements since. But many then contended, that inasmuch as the money could not be had, the internal improvements could not go on, and that they ought to have the avails of the public land distributed, that they might therewith make internal improvements. It was on that principle that the distribution act was framed. But it would be remembered that in that act a clause was inserted providing that the avails of the public lands should not be distributed to the States if the duties on imports rose above twenty per cent. This clause put it beyond the power of the Government ever to distribute anything. They all understood that. Well, what next came up? Why, then came the new States claiming this and that improvement, this river and that road, and then a canal, and grants of public land were made to them for such purposes. Why? Oh, because they could not get money. But was not this an abuse of the elder States? Should the public lands be used for internal improvements in the new States only? The purpose he did not pretend to say was not a good one; but could it be conceived that the old States would submit to such partiality?

Mr. C. would merely say that the old States were not prepared for such a principle. They were very willing to make grants out of the public domain to the new States, but not on such a principle as that.

We had entertained another policy, by making a railroad or canal through a portion of the public lands, where, owing to deep morasses or extensive prairies, the settlers could get no timber, or to obstacles rendering the country otherwise unapproachable, it could not be settled, and therefore never could be sold. In such cases, we had settled one-half of it, and sold that at double price, and so got as much money as if we had sold the whole at the minimum price. It was plain that the Government, by granting alternate sections for the construction of such railroad or canal, had, in fact, granted away nothing at all, but, on the contrary, saved the whole amount it granted. This was not graduation. It was doubling; it was going on an ascending, not on a descending scale. In such a case the Government, it was true, granted land, but it got back the money.

Mr. HOUSTON, of Delaware, here put a question to Mr. COLLAMER, not distinctly heard by the reporter, but the purport of which may be inferred from Mr. COLLAMER's reply.

Mr. COLLAMER replied, that the subject of graduation was not understood by him as it was by many gentlemen. "Graduation" was a technical phrase. It referred to the system of classing public lands by the length of time they had been in market, and fixing the price accordingly. The practical effect of which was, to induce a man who wanted a certain piece of the public domain to wait awhile, because he would then get it at a lower rate. That was graduation. This had nothing to do with that, nothing at all.

Mr. C. now wished to call the attention of the committee to what had been effected by this principle of granting alternate sections, and selling the residue at double price. By this system, the Ohio canal, extending from Portsmouth, on the Ohio river, all through the State, to Cleveland, on Lake Erie, had been made, and the grant never cost the Government a dollar. So the Erie canal, extending from Eel river to the Wabash, and down that river, running all through Indiana and a part of Ohio, had been constructed in the same manner, and had cost the Government nothing. The extension canal, from Dayton to the Miami river, connected Lake Erie with Cincinnati through the other two. All these canals were now in actual operation. They had all been made on this same principle, and all without costing the Government anything at all. So the Illinois canal had been constructed—a work which had essentially aided that State in reëstablishing her credit. The Wabash canal to Evansville had enabled Indiana to redeem her bonds. He might refer to various cases of the same kind. The railroad from Cairo to Chicago had been built on this principle.

But what Mr. C. wished to show was, that if, after reserving alternate sections of the public land, and holding them up at double the minimum price, Congress afterward, by a subsequent law, threw open these reserved sections for sale at the minimum price, Government got nothing back, and the State got the whole. This brought us round again to the principle that the public lands were a fund for the internal improvement of the new States, but not of the old ones.

The moment Congress assented to the fifth resolution of the convention of Wisconsin, they did just this thing. He did not believe that this could understandingly be done.

He had another objection to that fifth resolution. Nothing had been done on the Wisconsin and Fox river canal. He did not say but that in some cases, through inadvertence, alternate sections had been granted by Congress without doubling the price of the sections reserved. Such a case had happened, he believed, in relation to the improvement of the river Des Moines. He had not then been present, though he had been when the grant was made for the canal between the Wisconsin and Fox rivers. The Des Moines grant had not undergone much examination, and he did not think it constituted any precedent to be now followed.

He would further remark, that the State of Wisconsin was entitled, with other new States, to five hundred thousand acres of the public domain for the purposes of internal improvement, and her convention asked that the avails of this land might be, instead, applied to the support of public schools. To this he had no objection.

In granting Wisconsin alternate sections for the Sac and Fox river canal, Congress had said that she might have them, but not that she must. Let the Legislature say they declined taking the grant, and then the State would be entitled to her five hundred thousand acres, and would not need the help of Government. But she asked to keep her five hundred thousand acres; to keep her five per cent. for roads; to keep her Fox river grant, and then that Congress would throw off the additional dollar and a quarter on the reserved sections. The compliance with these requests was in nowise important to the admission of the State into the Union. The first and second sections of the bill might be stricken out without disturbing that at all. The provisions in the fifth resolution, however, he should move to strike out. [He here designated the lines which must be stricken out in order to effect this purpose.] All the residue of the bill he was willing to leave undisturbed.

Mr. MORSE said he would avail himself of the apology made by the gentleman from Vermont for discussing other sections of the bill, when, according to strict rule, he could only speak to the first, and would follow the remarks of that gentleman with some words in reply.

He considered, that in reporting the bill as it stood, the Committee on the Territories had done no more than an act of sheer justice to the new State that was now about to come into the Union. The gentleman had urged objections to several features in the bill, but had graciously consented to waive them all, provided the House would strike out its compliance with the fifth resolution of the Wisconsin convention; in relation to reducing the price of the reserved sections granted for the canal between the Wisconsin and Fox rivers.

Mr. M., after adverting to the general grant of 500,000 acres of the public land to each of the new States, referred more particularly to the grant by Congress of alternate sections for five miles on each side of the Des Moines river to aid Iowa, when a Territory, in improving its navigation. At the very same session it had made a similar grant to Wisconsin for the construction of a canal to unite the Wisconsin and Fox rivers, but had added a proviso that the reserved sections should not be sold for less than $2 50 an acre. Now, Mr. M. had been in hopes that a gentleman who had so shrewd an eye to every grant made to the new States, and who seemed to consider every acre given to them as so much taken out of the pocket of the old States, would have shown some good reason for this invidious distinction between two Territories whose boundaries were contiguous, and both of whom at the time were just about coming into the Union.

The improvement of the Des Moines river was very important to the now State of Iowa, and it was right to aid her by a grant of land: was not the canal in Wisconsin equally important to her? Why should she not get a grant on the same terms with her sister State? Until some good reason should be shown for it, he hoped the House would make no such invidious distinction between them. The liberality shown to Iowa had astonished the gentleman from Vermont; but did he not well know that all such grants did but in the end enhance the value of the public domain, and eventually increased our landed revenue?

The gentleman objected to the third resolution of the convention, giving to the purchasers of the alternate sections granted for the Fox river canal at double price an equivalent in land after that project had been abandoned.

Mr. COLLAMER said the gentleman was wholly mistaken: he had not made the least objection to it, but had admitted it to be just.

Mr. MORSE was glad he had not; nothing could have been more just and fair. He understood the gentleman to have objected, but graciously consented to give up his objection.

Mr. COLLAMER said he never had made any. The only resolution he objected to had been the fifth.

Mr. MORSE considered the reduction in the price of the reserved sections, as asked by the fifth resolution, an act of sheer justice to this new State; and it came with an especially good grace, as Wisconsin had agreed to take this grant as part of their 500,000 acres.

Mr. COLLAMER said the gentleman was again mistaken. Wisconsin did not propose to do any such thing. She was willing to take the alternate sections on Rock river as part of her 500,000, but not on Fox river.

Mr. McCLERNAND said there was no need of deducting the sections on Fox river from her quota of 500,000 acres, as that had been already provided for in the act of 1841.

As to the charge of the application of her quota of land from works of internal improvement to the support of common schools, Mr. McC. presumed there could be but one opinion in regard to it.

In respect to the boundary, he had but a word to say. Three lines were proposed: One to which the convention had assented; another which the people of Wisconsin would prefer; and a third proposed by the gentleman from Illinois, [Mr. SMITH.] He was indifferent as between the first two, but he hoped the House would reject the third, as its adoption would only make trouble and delay.

He hoped the House would adopt such a course as would enable Wisconsin to take her place as speedily as possible as the *thirtieth State* in our glorious Confederacy.

Mr. ROCKWELL, of Connecticut, (as Mr. COLLAMER was not in the Hall,) explained in defence of the positions he had taken, and which seemed to have been strangely misunderstood by the gentleman from Louisiana, [Mr. MORSE.] Mr. R. then indicated his purpose at the proper time to offer a resolution granting to Wisconsin section No. 36 in each township of the public land to aid in support of purposes of education. He thought all our new States ought to have larger grants toward this object than they enjoyed under our present land system. They only got one-thirty-sixth of a township for schools, and five per cent. of land sales for the construction of roads. But in ten years, the taxes from which United States land was exempt, if collected by the State, would amount to four times as much as the new States now received. Probably the indisposition of Congress to do more for them had arisen in part from the inordinate, unfounded claims set up by them on the subject of graduation, and their intemperate threats to the old States. This might have made Representatives from the older States a little more sensitive than they otherwise would have been. But the Government, as a large landholder, was bound, by all considerations of sound policy, to promote the establishment of common schools in all the new States. In the Oregon constitution one section out of each township had been set apart to this use. It was a noble provision; it ought to be done in each of the new States. Not only would the State be benefited, but ultimately the entire Union. In his own State there was but one voice on this subject. All her public lands in the Western Reserve had been so applied, the consequence of which was, that she enjoyed this day a fund of two millions of dollars for purposes of education, and he had himself never known a native of Connecticut who could not read, nor ever heard of but two who could not write. He was the more in favor of liberality to Wisconsin, because her own course on this subject had been liberal in the highest degree. The adoption of such a course would meet the just demands of the new States, and thereby save us from the outrageous projects of graduation, which were brought forward from time to time, based on the falsest principles and supported by the most unfounded arguments.

Mr. R. here read his proposed amendment, granting No. 36 in each township for the purpose of public schools, with the exception of inchoate preemption rights.

Mr. TWEEDY (Delegate from Wisconsin) now obtained the floor, and went at considerable length into a discussion of the general subject, and especially into a reply to the objections of Mr. COLLAMER to the fifth resolution of the convention on the subject of reducing the price of reserved sections of the public lands. Mr. T. said he should not now enter on the question of boundary; on that subject he had made some statements on a previous day. It must be apparent, from the indications of opinion throughout the House, that Congress had no right to impose on Wisconsin the southern line proposed by the gentleman from Illinois, and make that a condition of Wisconsin being admitted into the Union. Mr. T. knew well the feeling of the people of Wisconsin on that subject. If it were out of self-respect alone, and a just regard to the dignity of the State, the very men themselves who had in convention been most in favor of a southern line, would now vote against it. No; Wisconsin would never come as a beggar to the door of this House, and sue as a boon for that which was her right. Her people would place themselves in no such degrading attitude. Mr. T. and those associated with him had labored with the people day and night for two weeks to prevail with them to wait and consent to the boundary proposed by Congress in the new constitution; they had had the utmost difficulty in holding back their friends from insisting on the rights of the State. They had planted themselves on the ordinance of '87. But at length, with great reluctance, they had consented to waive for the present what all held to be their right. But they came not as the people of a British province suing at the foot of the throne for privilege of self-government. If they came into the Union at all, they would come into it on a footing of perfect equality with the other States. Wisconsin must come in as a sister, or not at all. On this point men of all parties were as one; every soul in the State was of but one mind. It was vain for gentlemen to try to bring them to any other terms. As to the two northern lines which had been spoken of, gentlemen might fix on which they pleased. The people of Wisconsin preferred Rum river as their boundary; but if the St. Croix route was fixed on by the House, they were ready to acquiesce. He would say that he had been instructed to advocate the first of these boundaries, and he believed it would carry.

And now as to some other points which the gentleman from Vermont [Mr. COLLAMER] had stated with so much clearness and fairness. That gentleman had a perfect acquaintance with the whole subject of the public lands; and, after having thoroughly examined all the resolutions of the Wisconsin convention, he found none to object against but the fifth. Mr. T. presumed there would be no serious objection in the House to any other. That resolution referred to a repeal of the proviso in the act granting alternate sections of land for the construction of a canal to unite the Wisconsin and Fox rivers, which proviso required the sections reserved by the United States to be sold at not less than two dollars and a half the acre. The gentleman from Vermont had very frankly stated that his chief objection to this was as a precedent. Mr. T. did not pretend to be competent to decide whether Congress had established the doctrine of the inviolability of precedent or not; he had not himself heard of such a decision; but this he knew, that if there was any case which could claim the repeal of such a proviso, both on grounds of liberality and of justice, this was that case.

On the very same day that Congress had granted these alternate sections of land to Wisconsin for her canal, the same body had granted to Iowa a strip of land in alternate sections, extending five miles on each side of the Des Moines river, four hundred miles in length, for a work lying wholly within the limits of one State, and therefore in no sense national, without any such proviso. The canal for which the grant had been made to Wisconsin connected two rivers, running five hundred miles in opposite directions—rivers a mile in width at their mouths, but approaching in their upper branches so near to each other that in a freshet their waters mingled into one. It was the most wonderful, and at the same time one of the most important natural water communications on the North American continent. At the point where they approached, a canal a little over one mile in length, with a slack-water navigation of forty miles, enabled the same vessel to visit both New Orleans in one direction and Montreal in the other, and provided the means of transporting all the lead of that most productive mineral region, to be transported by water carriage to any part of the world. If there was a national work in the world, it was this. Yet, while Congress had granted alternate sections in a strip of three miles on each side the rivers, and ninety miles in length, the same Congress, on the same day, had granted to Iowa alternate sections in a strip four hundred miles in length, and extending five miles from the river; and this for a State work, lying wholly within a single State, and not national in any sense of the word!

Mr. T. went on to say that Congress had never given to Wisconsin a cent; and the land it had given was clogged with a condition from which Iowa was wholly free. If Wisconsin had enjoyed her five per cent. ever since her population had been sufficient for her becoming a State, she would have received more than all that Congress paid for her governor, judges, and the whole system of

her territorial government, roads, harbors, and all. This was the evenhanded justice which had been meted out to Wisconsin! She might have been a State five years ago, when her road fund alone would have far exceeded all she had ever received at the hands of this Government.

Congress had made a grant of lands to construct a canal from Milwaukie to Rock river, which the State did not want and never asked for. The land was not granted to the State, but to a company of private individuals, who were not able to carry on the work, and finally abandoned the project. It was a route for a railroad, and for a canal. The State sold the land granted to her, and she had some left yet. In any other case the Government might have whistled for its money; but the people of Wisconsin had volunteered to charge themselves with all that money, if Congress would but put them on the same footing with all other settlers on the public land. This was the only instance in which Wisconsin had ever asked anything from the Government; yet now it was said that to grant her request would be setting a dangerous precedent, and would violate a fundamental principle of our land system. Mr. T. said that, after looking at these facts, and after looking at all the reports of her own engineers on the subject, as well as the early reports of the French, (for there were reports two hundred years old in favor of this communication,) and perceiving that all who had ever investigated the subject were of but one opinion,—if, after all this, gentlemen were disposed to maintain that it was not competent for Congress to grant a few hundred acres from the public domain to aid in such a work, and that to a State that had never before asked the Government for anything, they might continue to hug their vast domain, and might continue to draw from the State a million of dollars a year, as they had done for years past.

They had kept their hands off of their quota of five hundred thousand acres, to which they were entitled with the other new States; yet by every day that the entrance of Wisconsin into the Union was delayed, Congress took two hundred dollars from her school fund. Whether the land they had received was or was not to be deducted from her five hundred thousand, Mr. T. knew not and cared not. If the Government was so mean as to open an account current with the State, it might have whatever the footing would show to be due, and Wisconsin would pay it without looking at the items of the account.

Mr. T. here said that he should move an amendment which had received the sanction of the whole Committee on the Territories.

Mr. ROCKWELL, of Connecticut, rose to say that it seemed to him that the views of the gentleman from Vermont [Mr. COLLAMER] had been mistaken by the honorable delegate. Mr. R. thought that in his remarks he had been disposed to show great liberality, and such a disposition toward the coming State as ought to shield him from some of the remarks which had fallen from that gentleman. All that the gentleman from Vermont maintained was, that if the alternate sections granted to Wisconsin should be reduced to the minimum price, and that reduction should not be charged upon the five hundred thousand acres to which she was entitled, it would form an injurious precedent against doubling the price of reserved sections in all cases hereafter. Mr. R. was willing to give liberally to new States, as he had proved by his course in relation to such lands; but, really, unless this was to be considered as part of Wisconsin's five hundred thousand acres, he could not vote for this provision in the bill.

Mr. TWEEDY (resuming) said the principle of this grant was not new. When a canal or railroad ran through a portion of public domain that was wholly unsettled, it was the duty of Congress to grant alternate sections of land in its vicinity, in order to aid in its construction; because the making of the canal aided the sale of the rest of the land; and then it was proper enough to double the price of the sections reserved. But when the road or canal passed through a region partially settled, the reservation of such sections operated as a robbery on the settlers already there, because it compelled them to pay double for the lands they had already improved. The effect was to drive off or keep off every emigrant for ten miles round the proposed course of the canal. They were afraid to make improvements, for fear, when the alternate sections came to be reserved, their houses would fall within the sections reserved by Government, and so they would be compelled to pay double as much as their neighbors. In fact, this was the case in Wisconsin at this moment. People were waiting till the reservations were fixed; and the consequence was, that that part of the country remained unsettled. Every such restriction operated injuriously to the country where it took effect; and the people would continue to agitate and agitate, at the expense of the contemplated improvement itself, rather than submit to so injurious an arrangement. The plan worked admirably on a great prairie, or in a country wholly unsettled, but not in a country settled to the extent Wisconsin was. To the reserves on the north side of the river these remarks did not so much apply, because there the lands were of inferior quality; but on the south side there were multitudes ready and desirous to settle who were now deterred. Ought a work so important, of a character so clearly national, and so easy of completion, to be clogged and retarded by a restriction of this description?

[Mr. T. here gave notice of an amendment which he intended to offer.]

Mr. T. would not detain the committee with further remarks. He would merely add, that as he understood the gentleman from Illinois [Mr. SMITH] had consented to withdraw his amendment for a southern boundary, he hoped that gentleman would seize an early opportunity of doing so, as the hour allotted to this debate would soon close.

Mr. McCLERNAND would not intrude upon the attention of the committee but for the gratuitous assault made by the member from Connecticut [Mr. ROCKWELL] upon western members, and particularly the advocates of the graduation policy; which assault was the more wanton because it was indirect and deliberate. Mr. McC., however, would first address himself to some of the details of the bill, before he would proceed to notice this assault, which reflected more upon the courtesy of the member from Connecticut than upon the advocates of a relaxation of the rigors of the present land system. Mr. McC. would vote for the bill, in such proper form as would most speedily admit the State of Wisconsin into the Union, of which her worthy and patriotic people were anxious to become a member. He would do this from a regard for the expressed wish of the people of Wisconsin, and because he was not unwilling to see the number of sister States composing the great family of this Federal Union increased. Wisconsin would make the thirtieth State of the Union.

He was in favor of the St. Croix boundary, because that was the boundary fixed by the act of Congress of 1846, and because that boundary had been adopted by the people of Wisconsin in their late constitutional convention. Public attention had been called to that boundary, and was prepared, perhaps, to receive it. The faith of Congress was also pledged, in some measure, if not absolutely, in favor of that boundary, in consequence of what had been stated, and for that reason, no other or different boundary ought to be prescribed by Congress. He should therefore vote against what was called the Rum river, or extreme western boundary, which had been recommended, alternatively, by the people of Wisconsin; also against the boundary proposed by his colleague, [Mr. SMITH,] which was not perhaps a natural, but an arbitrary boundary.

In regard to the lands heretofore granted to the Territory or State of Wisconsin, for purposes of internal improvement, and which were recognized and regulated by the constitution of Wisconsin, it was of little or no consequence whether provision was made in the bill for the deduction of the quantity from the grant of five hundred thousand acres, to which the State would be entitled under the act of September 4, 1841, or not; for that act, by a general regulation, expressly required that all such special grants should be deducted from the general grant of five hundred thousand acres to each of the new States.

Upon the subject of graduation, he denied the charge of the member from Connecticut [Mr. ROCKWELL] that it was a "gross and outrageous" measure; such a denunciation could only proceed from a gross misconception of the merits of the measure. Mr. McC. was for graduation, for many reasons; among others, because it was consonant in its principles and effects to the spirit and genius of our constitution of Government.

The Constitution certainly contemplated that all the States, the new as well as the old, should stand upon the same footing of constitutional sovereignty and independence. No one would deny this as an abstract proposition. Well, could it be true that the new States held such a footing, when they were subject to an anomalous and degrading jurisdiction unknown to the old States? When this Government might claim to invade the new States with a peculiar and arbitrary jurisdiction, to punish by fine and imprisonment any citizen of the new States, as a trespasser, who might tread, or cut a twig, upon the public domain—when this Government might, in virtue of its pretensions, send a military force into the new States to exclude or drive the settlers from the public lands,—could such be a footing of equality in regard to the new States, when such arbitrary pretensions were disavowed in relation to the old States? Certainly not. The Constitution, therefore, demanded that such a policy should be adopted in relation to the public lands as would most speedily release the new States from their vassalage to the Federal Government, and admit them, in fact, to constitutional equality.

Not only the Constitution demanded this policy, but also considerations of public policy. Agriculture was the great and primary interest of the country. It was essentially a republican interest. In proportion, therefore, as we developed and improved this interest, so we would augment national and individual wealth, and strengthen the republican props of the Government. By reducing the price of public lands, the circle of competition for their purchase would be extended, the lands thus brought within the reach of the poor as well as the rich, monopolies prevented, the number of freeholders increased, and the public revenues improved.

The old States graduated the price of their lands according to their qualities. Maine sold hers for some twenty-five cents per acre, payable, perhaps, in work upon the high roads; Pennsylvania for a still smaller price; so also Kentucky, Georgia, and other States; and the policy thus adopted by States for local benefit should be adopted by this Government for the benefit of the whole.

Graduation had been tried and worked well—it was tried in Georgia, also in Tennessee, in regard to the lands of this Government: and why should not the benefits of a policy approved by the States be adopted by this Government? Lands, like all other property, were of unequal value—some worth more, others less, of course; therefore policy, justice, common honesty, required that they should be rated and sold according to their different values. And this was the whole extent of graduation.

The public lands have cost the Government an average of twenty-three cents per acre, including the whole expense of purchasing, surveying, and selling them. Is it just, is it fair, therefore, that these lands should be held by the Government for an indefinite period for sale at $1 25 per acre? This would be avarice, which would be questionable in an individual, much more so in a Government professing to be popular and free.

But was it not strange—even affrontive—that the member from Connecticut should object to graduation, when he and his party advocate that wasteful and agrarian measure of "distribution?" And what was distribution? It proposed to tax the people of the new States unequally, as consumers, to buy more and more lands, to be sold chiefly to themselves, at an advanced price, in order that the proceeds of such sales might be distributed among all the States. It proposed to divert the proceeds of the sales of the public lands from the treasury to the States; it proposed, in effect, to squander the land revenue for party purposes. Was not such a policy most obnoxious and dangerous?

The member from Vermont [Mr. COLLAMER] had undertaken, the other day, to censure what he considered the faithlessness of granting bounties of land to soldiers for services in past wars, inasmuch as the "sales of the public lands," not the lands, had been pledged for the payment of a public debt. The member should remember that he voted against the repeal of the distribution act, which diverted the land fund from the payment of a large public debt, created by a Whig administration, for the payment of which the fund had been pledged. The member from Vermont should have consulted his record before he adventured upon the task of a lecture on public morality.

Mr. FICKLIN read the following amendment, which he proposed to introduce, but which, being ruled out of order, he did not offer:

"Insert after the word '*States*,' at the end of the preamble, in lieu of the first, second, and third sections:

"Whereas, by the compact entered into by the Government of the United States when the cession of the territory northwest of the Ohio river was made, provision is made that States formed out of said territory 'shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence as the other States;' and whereas the possession of lands within the new State by the Federal Government, other than for the purposes mentioned in the Constitution of the United States, deprives those States of the power of taxing a large part of the property within their limits, and also of making donations to actual settlers, and therefore deprives them of some of the rights of sovereignty, freedom, and independence possessed by the other States: Therefore,

"*Be it enacted*, &c., That all the public lands within the State of Wisconsin be, and the same are hereby, relinquished to the State aforesaid for the following purposes:

"1st. That the State authorities secure to each actual settler, being the head of a family, who shall occupy the same for a term of years, not less than eighty nor more than one hundred and sixty acres of land, proportioned to the number in family.

"2d. That ample provision be made from the proceeds of the public lands to educate, by a system of common schools, each child within the limits of the State aforesaid, who may not otherwise be provided with the means of doing so."

Mr. SMITH, of Illinois, read a modification of his amendment, which is inserted in a subsequent column.

Mr. JONES, of Tennessee, went into a short speech in strenuous opposition to a southern boundary, as calculated to throw back the admission of the new State. She had now a right to come in; she was, according to law, a State of this Union; or, if anything was wanting to make her so, it was only the President's proclamation. The design of the amendment was to fasten on her a system of territorial vassalage, with all the machinery of territorial government, for twenty years to come. Mr. J. was against it. He thought it wrong in principle for the General Government to pay the expenses of a government for a territory; he thought the people of the Territory should be allowed to tax themselves for the support of their own government. He was opposed to this amendment, but whenever a bill should be brought in giving to every free white male citizen in the United States a tract of one hundred and sixty acres of land, on condition of five years' inhabitation and cultivation, it should have his cordial support. He believed this would be the very best disposition that could be made of the public domain.

The time allotted to debate having expired—

Mr. SMITH, of Indiana, availed himself of the privilege allowed by the rule to the gentleman reporting a bill from a committee, and addressed the committee. The gentleman from Illinois, [Mr. SMITH,] he said, had determined to modify his amendment, so as to authorize the State of Wisconsin, with the assent of Congress and the Territories of the northwest, to change the boundary. So far as he was concerned, he had no objection to that proposition. If a change was hereafter made, with the assent of the United States, the people of Wisconsin, and the territory beyond, all interested would be consulted, and no injury could result. He could not, however, consent to the adoption of the change suggested by the gentleman from Wisconsin. That subject had been under the minute examination of the Committee on the Territories, and he believed it was the unanimous recommendation of that committee that the line heretofore sanctioned by Congress, and now by the convention of Wisconsin, should be ratified by Congress, and, under all the circumstances, was the best line to be adopted.

Mr. TWEEDY was understood to say that the report of the Committee on the Territories was a majority report—the minority had not submitted a report.

Mr. SMITH replied, that unless he was mistaken, the committee were united in recommending the St. Croix boundary in preference to that of the Rum river. He could see no reason for the change. The St. Croix was a navigable stream for boats of large tonnage, and he believed a stream of that character presented a better boundary than any imaginary line. It avoided conflicts of jurisdiction; it gave to the bordering States the joint use of the stream—as in the case of the Ohio forming a boundary line for Ohio, Virginia, Indiana, Kentucky, and Illinois, all of which States were equally benefited.

Another reason why they should circumscribe the limits of the State as much as they could was, that if they run the line up to Rum river, they left not territory enough to form a new State. West of the St. Croix was territory, out of which, in a few years, would be formed a new State. Instead of still further circumscribing the territory, by running the line thirty or forty miles further west, if any objection was to be made to the line of the St. Croix, it was, that with it the limits would be too much extended; and if they were to vary from this line, he should rather go for a more southern line. He had only given his sanction to the line that had already been sanctioned by Congress and by the Territory; and by agreeing to that line, they closed the subject without further legislation. If they adopted this line, immediately on the passage of the act Wisconsin became a State of the Union. On last Monday she elected her representatives, and in the course of two weeks two representatives of that State might be here to take their seats on this floor. He was unwilling to adopt any course to prevent their taking their seats; to postpone their coming into the Union a year or eighteen months longer.

A word in regard to this second section. Gentlemen had spoken of it as though this bill proposed to make extensive donations of land to Wisconsin; nothing of this kind was proposed by Wisconsin, and he was surprised when he read their constitution and their convention to find, that instead of making these clamorous demands of which they heard so much as coming from the new States, they did not ask the General Government to give them one acre of land. This bill gave them not one acre; it only proposed to change the direction of previous grants heretofore made by the Government.

The honorable chairman of the Committee on Public Lands [Mr. COLLAMER] had said that this resolution called for nothing to which he would object. He (Mr. S.) was certain that if the gentleman would not object no other gentleman would; for he was very certain there was no man in this House who looked upon the demands of the new States with a more jealous eye than that gentleman; and if he could find nothing objectionable in the resolution, he presumed no other gentleman would.

A few words with regard to a thing to which the gentleman did object. He was unwilling to recognize the principle that grants of land should be made to the new States for the purpose of any improvements on a different principle from that of the donations to the old States.

Mr. COLLAMER, interposing, said this was not the case. He did not know what the gentleman meant by the jealousy, suspicion with which he (Mr. C.) looked on the new States; if the gentleman would examine the history of his (Mr. C.'s) course and votes here, he thought he would find that no such charge could be made against him. He had entertained, and did entertain, favor for the policy of making grants of land on the alternate section principle, raising the prices of the sections to be reserved. This could not be done in the old States, of course, yet he was in favor of the policy, and because he believed that the proposition of this section was inconsistent with such policy, he was opposed to it.

Mr. SMITH confessed he was unable to recognize any great degree of liberality in that proposition—in getting the new State to increase the value of one-half of certain sections of the public domain to the value of the whole, and to give to them one-half. The General Government gave nothing; it prevailed upon the citizens of the new State to enter one-half at the value of the whole. Such was the liberality of the General Government in benefiting the States. He believed the call on the liberality of this Government was much stronger than would be asserted by this principle. The public domain was held by the General Government in trust, not for the old States or the new States, but for all the States collectively. How should that trust be exercised? Upon the niggardly principle that not one acre should ever be parted with until we could see the cash coming back into the treasury? Was this Government not to be benefited by other means than the receipt of revenue into the treasury? There were other and higher reasons that should govern in the administration of the public lands; the great and paramount interest was the improvement and settlement of the country. He asked the gentleman from Vermont if every acre of land cultivated in the new States was not a benefit to Vermont?

Mr. COLLAMER. It is not of as much benefit as it would be if they cultivated it in Vermont.

Mr. SMITH. From what I have heard of Vermont, I am afraid there would be a poor prospect of our people becoming rich by cultivating land there.

Mr. COLLAMER, (in his seat.) We are a poor people.

Mr. SMITH. Not a poor people, but your land is poor compared with ours.

There were other reasons, he continued, to sustain the policy of liberal grants of the public lands by the General Government to the new States. In the old States they had roads and canals—channels for their produce which yielded a ready return; but in the new States there were farmers who had to wade through swamps in dragging their produce to points where they received but a poor return; that were situated in the interior, remote from market, without channels of communication; and without some assistance from the General Government they must remain destitute of improvements of this kind. Then it was a matter of interest, of policy, for the General Government to aid them; every improvement was adding to the general wealth of the country, and precisely in the ratio that the States increased in wealth and population, would increase the revenues and resources of the General Government. By extending settlements there, they extended the area of consumption for the manufactures of the East—Massachusetts, Connecticut, Vermont. All the manufacturing States now found their most profitable market in the new States. Where could they collect their revenues, their wealth, from their manufactured articles, if they did not find them in the markets opened in the new States west of the Alleghany mountains? The benefits were mutual: by extending the benefits of these improvements to the western country, the old States, interested in manufactures, increased their revenue and resources; they had a direct interest in affording these facilities to the western people, in order to enable them to increase their settlement and bring them on something like an equality with the older States.

These improvements which were made by the General Government, or by the citizens of the new States from the means extended to them by the grants of portions of the public domain, were the subject of just and proper appeals to the liberality of the old States, for other reasons. Where did our three millions of dollars a year sales of the public lands come from? From the old States? How much did Vermont, how much Massachusetts contribute towards it?

Mr. COLLAMER said a very large part of the money paid in the new States for the public lands was paid by the people who had migrated there from the old States and settled.

Mr. SMITH replied that the gentleman from Vermont was laboring under a very great mistake. More than three-fourths of the entire receipts from the public lands were paid by the *bona fide* settlers who had been there for years, and not by immigrants into the new States; by the men who had worn out their constitutions and injured their health in tilling these lands for the purchase of homes for their children. Every individual familiar with the people, their institutions, and habits, knew those who were immigrants into the new territories constituted but a very small portion of those who purchased the lands. And another fact was, that a very large proportion of those who went there took with them no money to buy lands, but were men dependant on their own industry, their toil after they get there, to raise the money to buy the lands. It was not every man who went out there with a wagon-load of money. [A voice: Many with a wagon-load of children.] Yes, with a wagon load of children, it was true, and they had to toil there to raise the means to support them, and buy land for them. And where was the money expended? In the West? For light-houses, buoys, &c., there? No; the money drawn from the people of the new States upon the sales of the public lands was brought here and expended on the Atlantic seaboard, and the people of the old States received the benefit of it—of three-fourths of it. They had no navies in the West to absorb the public revenue, no light-houses, no buoys, beacons, breakwaters—only a few neglected, abandoned

harbors on the lake shore, and they were unable to wring from the coffers of the Government anything to improve them. The fact was notorious, that three-fourths of the money drawn from the western country on the sales of the public lands was expended in the old States in these improvements, in which the new States had no interest but an indirect and general one. Did this afford no reason why the old States should exercise some liberality towards the new States? He thought it did—a very strong one; and he wondered that any objection should be made to the extremely reasonable request of Wisconsin. She did not ask one acre of land, that the General Government should give her one foot of soil, but that this land, which had been reserved, should be sold at the same price as other lands. The gentleman from Vermont had objected that it would be setting a bad precedent. A bad precedent? Had the gentleman from Vermont found no such precedents before? He could refer the gentleman to several which had taken place since he [Mr. COLLAMER] had had a seat on this floor, for he believed the gentleman and himself first took their seats in this Hall at the same time. A grant had been made to Indiana to aid in the construction of the Wabash and Erie canal. Did the General Government increase the price of the reserved lands in that case?

Mr. COLLAMER explained that there had been instances he knew in which lands had been granted to the States—as to Iowa for the improvement of the Des Moines river, and there had been some others; but generally speaking, these grants had been made by elevating the reserved sections. In Indiana this was the case with some, and with others it was not. Now, after having elevated them and having made the grant, it was asked that the prices should be reduced. His objection was, that it would be establishing a precedent which would injure the new States; that they would not get their lands any more. He wanted them to get them.

Mr. SMITH replied, that so far as he knew anything of the feelings or wishes of the new States, he was sure they were not anxious to obtain grants on those terms——

Mr. COLLAMER, (in his seat.) They ask many more.

Mr. SMITH, (continuing the sentence,) and if they could not obtain them on other terms, they did not want them. He was advised that if Congress continued to hold up these reserved lands at $2 50, Wisconsin would abandon her public works; she would be driven to it by the force of public opinion there.

But he argued that even if the weight of the precedents was the other way, they should not be followed if they were bad in themselves. It was not right in Congress to hold these reserved lands in Wisconsin at two dollars and a half per acre. In 1846 Congress passed a bill by which it gave to Iowa half of the land within five miles of the Des Moines river for the purpose of improving that river; and the reserved lands were allowed to be sold at one dollar and a quarter per acre. On the same day she passed a bill granting to Wisconsin half of the land within three miles of the Fox and Wisconsin rivers, which were not half as long. Iowa, then, by this bill got four times as much as Wisconsin, for the purpose of making a work by no means as valuable as that in Wisconsin, either to the country locally interested or to the general interests of the Union. He asked, then, why should Congress demand that Wisconsin should have these lands withheld from settlement until they would bring two dollars and a half, while they sold those in Iowa at one dollar and a quarter? How could this invidious distinction be made in favor of one State and against another?

Mr. DUER was understood to inquire, whether, in case the price of two dollars and fifty cents an acre retarded the settlement of the Government lands, it would not be advantageous to the State by enabling her to sell her share?

Mr. TWEEDY was understood to say, you could not get settlers to go on these lands; they would give up their lands before they would submit to pay such a price; they could not be made to believe that they had not the inalienable right to them.

Mr. SMITH would give the general answer to the gentleman from New York, that no State could ever be benefited by a policy which drove settlers out of it; and this price placed upon the lands in Wisconsin would inevitably have that effect. The lands were not worth it, and the Government could never receive the price they demanded until necessity extorted it from the settler. The lands were no better than those in Iowa. Would not the General Government derive some benefit from the improvements beside this miserable increase on the price of the lands? Was not the opening of a water communication from Green Bay to the Mississippi, by which a direct water course was opened between New Orleans and the lakes, of benefit to all the States of the Union? And would not the vast commerce which would be carried through that channel add to the revenues of the Government? He thought it was consideration enough. In the case of the Wabash and Erie canal, Congress with liberality granted the alternate sections to Indiana, and sold the balance not at $2 50, but they were selling now at $1 25; and the benefit was that those lands which before found no purchasers were sought for with avidity; that thousands of dollars had come into the treasury for lands which until this had remained unsold, and which would otherwise have remained so for years.

But, again, before that time, lands had remained unsold for forty years. The Government did not exact terms of this kind from Illinois when the Michigan and Illinois canal was projected, the completion of which has recently taken place, connecting the lake with the river, and affording important facilities to the commerce of the West. The Government, with becoming liberality, granted land to aid in the construction of that work, and it did not say that the rest should not be sold for less than $2 50. The Government was willing to trust to the work itself for a return for its liberality in the promotion of the interests of the people of this country. Why, then, should they insist upon these terms with Wisconsin? Was she entitled to less consideration than her older sister States? Was she to be treated with a step-mother's kindness? Was she to come into this Union on terms more onerous than were exacted from Iowa? He believed there was too much magnanimity, too much liberality in the representatives of this Union to require Wisconsin to submit to conditions of this kind. All the provisions of this bill regarding this matter were liberal. They exhibited no exacting spirit; and Wisconsin asked no favor that had not before been extended to others. She asked that the public domain within her limits should be offered at the same price as was fixed on lands in other States. He would not detain the committee longer.

Mr. SMITH, of Illinois, then modified his amendment to the amendment of Mr. SMITH, of Indiana, (both of which are published above,) by substituting the following:

Provided, That the people or Legislature of the State of Wisconsin, (in the manner provided in the constitution for amending the same,) and the new Territory to be created out of the remaining territory of Wisconsin, and any other that may be included in the same, shall have the power, by mutual agreement, at any time within ten years, to change or fix the boundary between them, so as to include within the new Territory the valley of the St. Croix river, or such line south of the St. Croix river as they may agree upon.

He availed himself of the few minutes allowed by the rules to explain the purport of his amendment. He had submitted an amendment to fix a line, and there were other projects prescribing dividing lines; but he had become sensible that they could not pass, and therefore he had modified his amendment, to be added to the amendment of the chairman of the Committee on the Territories, [Mr. SMITH, of Indiana,] so as to put it in the power of the State of Wisconsin and the new Territory to be hereafter created, to agree on a more equitable dividing line between them. He believed his proposition was just, and he warned gentlemen not to prescribe a line which would not be consonant with the wishes of the people of the Territory. It would be better to bring in the whole territory as it now is.

The amendment which he now submitted met the approbation of the Delegate from Wisconsin, and also the views of the chairman of the Committee on the Territories. With their approval he presented it; and he hoped this committee would not refuse to the people left north of the line of the St. Croix the poor privilege, at some future time, to fix a line more just and more in conformity with the true policy of Congress. He held it to be unjust to make a dividing line here which would compel persons in the new State to travel four hundred or five hundred miles to the capital. Congress should not compel people to be embraced in the State of Wisconsin who had no interests or feelings in common with many of its inhabitants. He presumed there would be no material objection to his amendment, as modified.

The amendment was rejected.

Mr. TWEEDY then moved to amend the amendment by striking out all after the word "with," and inserting the following:

"The change of boundary proposed in the second article of said constitution, to wit: leaving the boundary line prescribed in the act of Congress entitled 'An act to enable the people of Wisconsin Territory to form a constitution and State Government, and for the admission of such State into the Union,' at the foot of the rapids of St. Louis river; thence, in a direct line bearing southwesterly, to the mouth of Iskodewaba or Rum river, where the same empties into the Mississippi river; thence down the main channel of the said Mississippi river, as prescribed in the said act."

Mr. T. would simply state that this amendment was offered as a substitute for that offered by the chairman of the Committee on Territories, and its object was to fix the Rum river line as the boundary instead of the St. Croix. It had been recommended by the convention of Wisconsin, after mature discussion; and, therefore, he was bound to advocate it. The reason why they preferred this line was not because they desired the additional territory, but because they believed it would be more convenient and more judicious to bring those living in the St. Croix valley all within the State. Another reason was because of certain advantages to be derived from steamboat navigation, which he explained in detail.

The amendment to the amendment was rejected, and the amendment of the gentleman from Indiana [Mr. SMITH] was then agreed to.

The second section was next read, as follows:

SEC. 2. *And be it further enacted*, That the assent of Congress is hereby given to the *first*, *second*, *fourth*, and *fifth* resolutions adopted by said convention and appended to said constitution, and the acts of Congress, referred to in the said resolutions, are hereby amended, so that the lands granted by the provisions of the several acts referred to in the said *first* and *fourth* resolutions, and the proceeds of said lands and the five per centum of the net proceeds of the public lands therein mentioned, shall be held and disposed of by said State, in the manner and for the purposes recommended by said convention; and so that, also, the lands reserved to the United States by the provisions of the act entitled "An act to grant a quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in the Territory of Wisconsin;" and also, the even-numbered sections reserved by the provisions of the act entitled "An act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," shall be offered for sale at the same minimum price and subject to the same rights of preëmption, as other public lands of the United States: *Provided, however*, That no person shall be entitled to a preëmption by reason of the settlement and cultivation of any quarter section or other subdivision of said even-numbered sections, which tract, before the commencement of such settlement, shall have been claimed by any other person cultivating and improving the same in good faith, and which shall have continued to be claimed, cultivated, and improved in like good faith by such person, his representatives or assigns, until the sale of said tract, and of which said prior claim, cultivation, and improvement, the person so claiming preëmption shall have had notice at the time of his entry and settlement. Notwithstanding, such other person, his representatives or assigns, for want of personal residence, or from other cause, may not be entitled to a preëmption to such tract, under the existing laws of the United States: *And provided, further*, That the liabilities incurred by the Territorial Government of Wisconsin, under the act, entitled "An act to grant a quantity of land to the Territory of Wisconsin for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," hereinbefore referred to, shall be paid and discharged by the State of Wisconsin.

Mr. COLLAMER moved to amend this section, to make it conform to the views he expressed before the debate was closed, by striking out the words "and fifth," so that it would read, "the first, second, and fourth resolutions adopted by said convention, &c. Also, strike out the words—

"And so that, also, the lands reserved to the United States by the provisions of the act entitled 'An act to grant a quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in the Territory of Wisconsin,"

After a few words of explanation between Mr. COLLAMER, Mr. TWEEDY, and Mr. JACOB THOMPSON, the amendment was agreed to.

Mr. TWEEDY moved to amend the same section by striking out the words—

"Notwithstanding, such other person, his representatives or assigns, for want of personal residence, or from any other cause, may not be entitled to a preëmption to such tract, under the existing laws of the United States: *And provided, further*, That the liabilities incurred by the Territorial Government of Wisconsin, under the act entitled 'An act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in the opening a canal to connect the

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waters of Lake Michigan with those of Rock river, hereinbefore referred to, shall be paid and discharged by the State of Wisconsin.'"

And inserting—

"Neither shall any preëmption be allowed to any tract to the injury of any person, or of the representatives or assigns of any person claiming and occupying the same, or any part thereof, in good faith, in his or her right, at the passage of this act, and owning valuable cultivation or improvements thereon, which cultivation or improvements shall have been assigned by the person so claiming preëmption, or if commenced subsequently to the entry and settlement of such person, shall have been made with his consent or acquiescence."

Agreed to.

Mr. ROCKWELL, of Connecticut, moved to amend, by adding at the end of the section the following:

"And, in addition to the land hereby appropriated for the purposes of education, sections numbered thirty-six in each township of the public lands of the United States in said State be, and the same is hereby, appropriated in support of common schools, to be disposed of by the Legislature of said State of Wisconsin, in accordance with the provisions of said constitution; and the President of the United States is hereby directed immediately to withdraw from sale the said sections numbered thirty-six, in order that they may be appropriated as aforesaid: *Provided*, That all lands sold or reserved under any act of Congress, or in relation to which any preëmption rights, inchoate or perfect, shall have been acquired prior to the time when the same shall be withdrawn from market, shall be excepted from this grant."

Mr. R. briefly explained the purport of his amendment. Its object was to promote common school education, and he offered it the more heartily because there were schemes here in regard to the public lands which he thought would be injurious. He should be glad if the House would go even beyond this proposition, and make provision for the blind, the deaf and dumb, and the insane.

Mr. VINTON (having moved an amendment, to give him the opportunity) said no gentleman here would be more willing than he was to appropriate large amounts of land for the promotion of education, but the plan of the gentleman from Connecticut would not be satisfactory, inasmuch as it was unequal. Why, he asked, make this provision for Wisconsin, and deny the same to Illinois, Indiana, Ohio, and other States? It was a grave question, and should not be acted upon here without having passed through an examination by a committee.

Some further conversation ensued, in which Messrs. ROCKWELL, VINTON, and JOHNSON, of Arkansas, took part

Mr. THOMPSON, of Mississippi, then objected to the amendment as irrelevant, and therefore out of order.

The CHAIR sustained the objection.

Mr. ROCKWELL appealed from the decision of the Chair, but it was sustained by the House.

Mr. McCLERNAND moved to strike out the second section. Lost.

The third section was then read, as follows:

SEC. 3. *And be it further enacted*, That the purchaser of any tract of the said even-numbered sections mentioned in the preceding section, and sold since the reservation thereof, at the minimum price of two dollars and fifty cents per acre, shall be entitled to receive from the Commissioner of the General Land Office a certificate of the quantity of land so purchased and of the amount of the excess paid therefor, over and above the value of said land, at the rate of one dollar and twenty-five cents per acre, which certificate, to the amount of such excess, shall be receivable from the holder thereof or his assigns, in like manner as so much money, in payment of the public lands of the United States. That, in the event of the death of any such purchaser before the issuing of such certificate, the same shall be issued in favor of the lawful representatives of such purchaser.

Mr. THOMPSON, of Mississippi, moved to strike it out. Lost.

The remaining sections were read and passed without amendment; and on the motion of Mr. SMITH, of Indiana, the committee rose and reported the bill and the amendments to the House.

Mr. SMITH moved the previous question, and it was seconded, and the main question ordered to be now put.

The first amendment of the Committee of the Whole, fixing the St. Croix as the boundary of the State, was concurred in.

The question was then stated to be on concurring with the second amendment of the Committee of the Whole, viz: the amendment to the second section submitted by Mr. COLLAMER; on which the yeas and nays were called for, and ordered.

Mr. STANTON moved an adjournment.

Mr. STEPHENS, by general concurrence, offered a resolution for an adjournment to Monday next, to permit of the removal of the carpets. Rejected.

The House then adjourned.

IN SENATE.

WEDNESDAY, *May* 10, 1848.

Mr. GREENE presented a petition from numerous citizens of Newport, Rhode Island, in favor of the purchase of Mount Vernon by the General Government; which was referred to the Committee on Military Affairs.

Mr. DICKINSON presented a petition from the citizens of Champlain district, New York, asking the removal of the port of entry from Plattsburg to Rouse's Point; which was referred to the Committee on Commerce.

Mr. DIX presented a petition from the widow and daughter of Charles Newbold, asking remuneration for the invention of the cast iron plough invented and perfected by Charles Newbold at great expense and loss.

Also, from numerous citizens of the United States, asking that the widow and daughter of said Newbold may receive relief from Congress. All these petitions were referred to the Committee on Patents.

REPORTS FROM COMMITTEES.

Mr. DAVIS, of Mississippi, from the Committee on Pensions, reported a bill for the relief of Nehemiah Brush, accompanied by a report. The bill was read a first time.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported a bill granting a pension to William Pittman, accompanied by a report. The bill was read a first time.

Also, from the same committee, the following House bills without amendment:

An act for the relief of Joel Thatcher;
An act for the relief of John Knight;
An act for the relief of Benjamin Reefsnyder;
An act for the relief of William Paddy;
An act for the relief of Israel Bayless;
An act for the relief of Arthur Wilson;
An act for the relief of Benjamin G. Perkins;
An act for the relief of Beriah Wright;
An act for the relief of John Savage.

Mr. JOHNSON moved, in compliance with instructions from the same committee, that Friday next be set apart for the consideration of private bills on the calendar. The motion was agreed to.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from New River post office, on the east bank of the Mississippi river, to Gatestown, in the State of Louisiana.

Mr. WESTCOTT asked the indulgence of the Senate to take up the bill for the relief of *bona fide* settlers under the act for the armed occupation of Florida; which motion having been agreed to, the bill was considered as in Committee of the Whole. The amendments reported by the committee were agreed to. The bill was further amended, on motion of Mr. UNDERWOOD, and, by unanimous consent, was read a third time and passed.

LABOR, AGRICULTURE, MANUFACTURES.

Mr. UNDERWOOD said he desired to introduce a resolution with a view to obtain certain statistical information through the medium of the Patent Office, which he thought would be invaluable to the country. He did not desire the consideration at present, but would content himself with moving that the resolution be printed, and he should then take occasion to call it up at some convenient season.

Mr. U. then submitted the following joint resolution, which was read a first time, and ordered to be printed:

Resolved, &c., That the Commissioner of Patents be, and he is hereby, directed to report annually the selling prices of the agricultural products of the several States of the Union upon the farm or plantation, and at the market town or city nearest to the produce; and also the price of labor, by the day or the month and the year, in each State or division of a State, where prices materially vary in different parts of the same State.

Resolved, further, That said Commissioner also report annually the number and description of manufacturing establishments in the United States in which the capital invested exceeds $——; the amount and quality of goods manufactured at each; the selling prices at the manufactories; the prices paid for labor to the hands engaged in the manufactories, and the places where the manufactories are situated.

Resolved, further, That it shall be the duty of the several deputy postmasters in the United States to answer all such inquiries as may be submitted to them by the Commissioner of Patents, and give such information as they may be able to obtain touching the subjects embraced in the foregoing resolution.

APPOINTMENTS WITHHELD FROM SENATE.

The following resolution, submitted by Mr. JOHNSON, of Maryland, came up for consideration:

Resolved, That the President of the United States is requested to inform the Senate whether any officers are now in the military or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and, if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

Mr. JOHNSON, of Maryland, said, when he submitted this resolution, he had not the least expectation that it would lead to debate. Nor did he expect that he should be called on to censure in advance the conduct of the President. But as he had heard reports concerning the appointment of certain officers, which had caused some disapprobation, he had thought it right to give the President an opportunity to set himself right. He had worded the resolution so as to exclude everything which could give offence. He had heard friends of the President express a desire that he should be permitted an opportunity to show that he had acted correctly. Supposing that he was actuated by no improper motive, but that the delay had been brought about by circumstances not foreseen, he wished that the President should show the facts in justification of the delay. If he (Mr. J.) had anticipated this debate, he could never have imagined such a course of argument, such an expression of startling doctrines, as had been heard from the Senator from Ohio. We had been asked, looking at the constitutional grant of power to the President, whether the Senate had any right to ask what nominations were to be sent for the confirmation of this body. Yesterday he had modified the resolution so as to omit the call for the reasons of the delay. But still the Senator from Ohio was not satisfied. The resolution was still resisted—partly as unconstitutional, partly as irregular and unprecedented. We then had a discussion from the Senator from Ohio of the constitutional power in the hands of the Executive; and to show, that under our system, the tendencies to usurpation and abuse are greater in the hands of the many than of the few.

Mr. ALLEN explained that he alluded to the Senate, where the danger of usurpation of power was greater than with the President.

Mr. JOHNSON resumed. The danger in the Senate was greater because it was composed of many, and was further removed from the people than the President. He asked what there was in the elector of the President to make him more responsible than the Senate. Was it not understood that the elector in both cases had the whole Union in his view, and not any particular individual or interest? South Carolina had changed her mode of election, and many of the other States had made changes in their mode of election. Some elect by the people, others by the Legislatures, as representatives of their various portions of the country. He would like to know an instance of an usurpation of the Senate.

Mr. ALLEN said he would refer to the resolution condemning the conduct of General Jackson, which the people had rebuked.

Mr. JOHNSON said this proved the overshadowing influence and power of a President of the United States; that he can control the popular will,

and that he can extend his overpowering and overshadowing influence over the Senate itself. It proves that he has power to command them, even in the case of their own records, which they are bound to keep sacred, to expunge or mar them. It proves that the hand of the Executive can guide the pen of the Senate to draw black lines, or any other lines, around their own archives, and that the Senate may be made simply his instruments and tools. The case referred to proves no usurpation of power on the part of the Senate.

He asked if no case could be found of the President using his power to overawe and control Congress. As to the veto power, he referred to it as a salutary feature in our system. The power to make internal improvements had been exercised by Congress to the great benefit of the Union, and had caused great prevention of the loss of life and property. But since the administration of the present Executive, what had we seen? We had seen bills advocated by the very persons who had elected him; we have seen bills passed by large majorities, checked and destroyed by the veto, all having reference to the improvement of our great highways, and the protection of human life. It was found that even here the power of the Executive curtailed the will of the people. The power of Congress to make any improvements of this character was denied by the President in his message returning the bills. The result of this doctrine was, to leave property and life at the mercy of State Legislatures.

Here Mr. JOHNSON gave way, and

Mr. FOOTE called for the special order.

OCCUPATION OF YUCATAN.

The Senate then resumed the consideration of the bill to enable the President to take temporary military occupation of Yucatan.

Mr. CASS then rose to address the Senate, and began by referring to the remarks of the Senator from Connecticut, as to the great delay in the Executive department, in relation to the case of Yucatan. He stated that this delay was caused by the desire to obtain all necessary information on the subject. As soon as this was obtained, the facts were communicated to the Senate for its prompt and energetic action.

He stated that the question involved matters concerning our own security. The declaration of Mr. Monroe, and the doctrines expressed by Mr. Polk two years ago, contemplated no interference with European settlements on this continent. They merely looked to a prevention of the reduction of any of the free States of America to European dependence.

He glanced back to the discovery of America, and the establishment of the colonial governments; to subsequent changes of domination, which rendered this country for centuries a battle-field for European ambition to fight in. Thence he came down to the revolutions which agitated Europe, and applauded the wisdom and patriotism of Mr. Monroe in seizing the proper opportunity to publish his declaration against any further interference on the part of Europe.

To other points in the remarks of the Senator from Connecticut he made brief replies. He then contended that the policy of our country was not to interfere with other Powers, but to prevent other Powers from interfering with us. We are bound to act promptly and vigorously when we see any evidence of a desire on the part of European Powers to interfere with us. The war with Mexico—"rash and precipitate" as it had been called—had placed us in a position to enforce the policy laid down by Mr. Monroe. If we had not obtained a foot of land in Mexico, the war would be worth all that it has cost us, in the glory which it has shed around our country. No European Power will now venture an interference with us.

The position of Yucatan, between us and the advancing Indians, is one of peculiar interest to us. Her condition calls on us for our deepest sympathy. England holds the key of the Mediterranean. She has stretched her powerful arm so as to touch every cape and headland on every ocean.

Mr. CRITTENDEN asked how near a ship of war could approach any harbor of Yucatan?

Mr. CASS said the power of steam would be able to carry any naval armament to the coast.

Mr. CRITTENDEN asked how near a steam-frigate could approach?

Mr. CASS disclaimed any particular knowledge on this subject. The Senator from Connecticut had supposed England had reached the highest point of elevation, and that she was approaching her decline. He would not pretend to give an opinion on this point. But he believed that although great reforms, which he believed were necessary, might be effected in the English system of government, it was idle to anticipate that her Government would be overthrown—that she would be destroyed. Her intelligence and her moral power would remain, and she would rise, like Antæus, stronger after every stroke. He understood there were now four companies of British artillery in the southern portion of Yucatan. How largely they may be reinforced he could not say. He did not say what course England would pursue, but it was our duty to be on our guard against any interference which may be injurious to our interests. When she lays the lion's paw on Yucatan, it will be difficult to displace it.

The value of the commerce of the Mississippi down to the Gulf of Mexico, it was impossible to estimate. Here was the great artery of the boundless and extending West, the population of which the man is now living who may see multiplied to a hundred millions. The idea of Napoleon was to have possession of the Mediterranean, but fate prevented him. England has now the command of that sea. Let England get possession of Yucatan, and she will make the Gulf a *mare clausum*. The Gulf of Mexico should be American: not that America should exclusively use it in time of peace; but in case of war, we should be able to close it against hostile occupation.

With the command of Cuba, the water of the Gulf is reduced to a hundred miles. While Cuba and Yucatan are held by feeble Powers, having no ambition to interfere with our commercial interests, there is no danger. But let these places fall into the hands of a Power like England, and the danger will be evident. He did not mean to say that she contemplated taking possession of Cuba by force, or of Yucatan by force; but if she should yield to the request of Yucatan and lend her aid, and thus acquire possession, what right shall we have to complain? England wants Cuba for commercial purposes; we want it for our very existence as a nation. In a question of so much importance as the possession of Cuba, we should resist to the last. He hoped it would be communicated to Spain that the United States would not see Cuba transferred to any other Power. So long as Spain can remain at peace, and be able to retain her monarchy and power, there is nothing to be apprehended. But this condition was not likely to be permanent, and he trusted Spain would, before any change took place, perceive that it was more to her interest to dispose of Cuba by purchase than to retain it, or yield it for any other consideration. He referred to the remarks of Lord William Bentinck, in the British Parliament——

Mr. WESTCOTT, in some explanatory remarks, insisted that Lord William Bentinck's observations on Cuba were intended to convey an intimation of a desire to abolish slavery in the southern States of the United States.

Mr. CALHOUN replied that he did not doubt that there was a disposition in the British Government to abolish slavery all over the world. But since the debate which had been referred to, a momentous change had taken place in the opinions of British statesmen on this subject, and there was nothing to be feared from the interference of England in our institutions.

Mr. CASS resumed. He only desired to show that there were English statesmen who contemplated taking possession of Cuba, in order to shut up the Gulf of Mexico, or, as they expressed it, to cut our trade in two.

The object of this bill is to aid Yucatan. There was no more connection now between Yucatan and Mexico, than between Yucatan and China. Yucatan is independent, and may select her own government. He did not think we were precluded by the armistice, and he gave his reasons at some length. As to the character of the Indians in Yucatan, he regarded it as so low as to render that race entirely unfit to enjoy an equality of rights and privileges with the white race. The war in Yucatan was clearly a war of races—a war for physical existence, and not for moral power; and we are called on by humanity to interfere to prevent the entire extermination of the white race.

He expressed his opinion that the British agents had supplied the Indians with arms; not because the arms had the Tower stamp upon them, but because the Indians would not be likely to purchase them, and must have been supplied gratuitously. He stated, from his own knowledge, that in 1822, the British agents were in the practice of inviting the Indians on the northwestern frontier to certain places, where they were gratuitously furnished with arms.

He expressed his preference for the bill in its original shape over the amendment which had been submitted.

Mr. DAVIS, of Massachusetts, obtained the floor, when, on motion of Mr. BREESE, and by common consent, the further consideration of the bill was postponed till to-morrow.

On motion of Mr. JOHNSON, of Maryland,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the claim of such Cherokee Indians as remain east of the Mississippi to commutation for removal and subsistence, and report such measures, if any, as in the opinion of the committee, should be adopted for the adjustment of such claim.

On motion of Mr. BREESE, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 11, 1848.

The Journal of yesterday was read and approved.

The SPEAKER stated that the first business in order was the bill for the admission of the State of Wisconsin into the Union, which was yesterday reported to the House by the Committee of the Whole on the state of the Union, with sundry amendments, on which the previous question had been moved and seconded, and the first amendment of the Committee of the Whole [Mr. SMITH's, of Indiana] had been agreed to.

The question pending, when the House adjourned, was on agreeing to the second amendment of the committee [Mr. COLLAMER's] to the second section; (which amendment related to grants of land for certain works of internal improvement.)

Mr. GOGGIN asked the general consent of the House to enable him to move that the business first in order be suspended for a short time for the purpose of calling the committees for reports. It was objected to.

The question was again stated on agreeing to the second amendment of the committee to the Wisconsin bill: it was decided in the negative: Yeas 46, nays 94.

The third amendment of the committee [Mr. TWEEDY's] was read and agreed to without a division.

The bill was then ordered to be engrossed and read a third time.

Mr. COBB, of Georgia, moved the previous question; which was seconded, and, under its operation, the bill was read a third time and passed.

This bill, as it passed, is in the following words:

A BILL for the admission of the State of Wisconsin into the Union.

Whereas the people of the Territory of Wisconsin did, on the first day of February, eighteen hundred and forty-eight, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government, which said constitution is republican, and said convention having asked the admission of said Territory into the Union as a State, upon an equal footing with the original States:

Be it enacted, &c., That the State of Wisconsin be, and is hereby, admitted to be one of the United States of America, and is hereby admitted into the Union on an equal footing with the original States, in all respects whatever, with the boundaries prescribed by the act of Congress approved August 6, 1846, entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union.

SEC. 2. *And be it further enacted*, That the assent of Congress is hereby given to the *first, second, fourth*, and *fifth* resolutions adopted by said convention and appended to said constitution, and the acts of Congress referred to in the said resolutions are hereby amended, so that the lands granted by the provisions of the several acts referred to in the said *first* and *fourth* resolutions, and the proceeds of said lands and the five per centum of the net proceeds of the public lands therein mentioned, shall be held and disposed of by said State in the manner and for the purposes recommended by said convention; and so that, also, the lands reserved to the United States by the provisions of the act entitled "An act to grant a quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in the Territory of Wisconsin;" and also the even-numbered sections reserved by the provisions of the act entitled "An act to grant a quantity of land to the Territory of Wisconsin for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock

river," shall be offered for sale at the same minimum price, and subject to the same rights of preëmption, as other public lands of the United States: *Provided, however*, That no person shall be entitled to a preëmption by reason of the settlement and cultivation of any quarter-section or other subdivision of said even-numbered sections, which tract, before the commencement of such settlement, shall have been claimed by any other person cultivating and improving the same in good faith, and which shall have continued to be claimed, cultivated, and improved in like good faith by such person, his representatives or assigns, until the sale of said tract, and of which said prior claim, cultivation, and improvement, the person so claiming preëmption shall have had notice at the time of his entry and settlement. Neither shall any preemption be allowed to any tract to the injury of any person, or of the representatives or assigns of any person claiming and occupying the same, or any part thereof, in good faith, in his or her right at the passage of this act, and owning valuable cultivation or improvements thereon, which cultivation or improvements shall have been assigned by the person so claiming preëmption, or, if commenced subsequently to the entry and settlement of such person, shall have been made with his consent or acquiescence.

SEC. 3. *And be it further enacted*, That the purchase of any tract of the said even-numbered sections mentioned in the preceding section, and sold since the reservation thereof, at the minimum price of two dollars and fifty cents per acre, shall be entitled to receive from the Commissioner of the General Land Office a certificate of the quantity of land so purchased and of the amount of the excess paid therefor over and above the value of said land, at the rate of one dollar and twenty-five cents per acre; which certificate, to the amount of such excess, shall be receivable from the holder thereof, or his assigns, in like manner as so much money, in payment of the public lands of the United States. That, in the event of the death of any such purchaser before the issuing of such certificate, the same shall be issued in favor of the lawful representatives of such purchaser.

SEC. 4. *And be it further enacted*, That the judge of the district court for the district of Wisconsin shall hold a term of said court in each year at the seat of government, to commence on the first Monday of July, and another term of said court in each year at Milwaukie, to commence on the first Monday of January. He shall also have power to hold special terms for the trial of causes, and for the determination of all suits or proceedings in said courts, at either of the aforesaid places, at his discretion, as the nature and the amount of the business may require. The said court shall be open at all times for the purpose of hearing and deciding cases of admiralty and maritime jurisdiction, so far as the same can be done without a jury. The records and papers of said court may be kept at either of the places herein designated for the holding of said court, as the judge in his discretion shall direct.

SEC. 5. *And be it further enacted*, That the clerks of the district courts of the Territory of Wisconsin shall, before their term of office expires, certify, under seal, and transmit to the clerk of said court, all records of all unsatisfied judgments and of suits pending in said courts respectively, attaching thereto all papers connected therewith, in all cases arising under the laws or Constitution of the United States, or to which the United States shall be a party; and they shall forward the same to the clerk of said district court of the State of Wisconsin, who shall enter the same in his docket, and the said district court shall proceed therein to final judgment and execution, as if such suits or proceedings had originally been brought in said court.

SEC. 6. *And be it further enacted*, That the clerk of the supreme court of the Territory of Wisconsin shall deliver over to the clerk of said district court all records and papers in the office of the clerk of the said supreme court relating to proceedings in bankruptcy under the late bankrupt law of the United States. He shall also certify under seal, and deliver to said clerk, all records of judgments and of proceedings in suits pending, and all papers connected therewith, in cases arising under the Constitution and laws of the United States.

SEC. 7. *And be it further enacted*, That from and after the fourth day of March, eighteen hundred and forty-nine, and until another census and apportionment shall be made, the State of Wisconsin shall be entitled to three Representatives in the Congress of the United States.

Mr. LINCOLN moved to reconsider the vote by which the bill was passed. He stated to the House that he had made this motion for the purpose of obtaining an opportunity to say a few words in relation to a point raised in the course of the debate on this bill, which he would now proceed to make, if in order. The point in the case to which he referred arose on the amendment that was submitted by the gentleman from Vermont [Mr. COLLAMER] in Committee of the Whole on the state of the Union, and which was afterwards renewed in the House, in relation to the question whether the reserved sections, which, by some bills heretofore passed, by which an appropriation of land had been made to Wisconsin, had been enhanced in value, should be reduced to the minimum price of the public lands. The question of the reduction in value of those sections was to him, at this time, a matter very nearly of indifference. He was inclined to desire that Wisconsin should be obliged by having it reduced. But the gentleman from Indiana, [Mr. C. B. SMITH,] the chairman of the Committee on the Territories, yesterday associated that question with the general question, which is now to some extent agitated in Congress, of making appropriations of alternate sections of land to aid the States in making internal improvements, and enhancing the price of the sections reserved; and the gentleman from Indiana took ground against that policy. He did not make any special argument in favor of Wisconsin; but he took ground generally against the policy of giving alternate sections of land, and enhancing the price of the reserved sections. Now he (Mr. L.) did not, at this time, take the floor for the purpose of attempting to make an argument on the general subject. He rose simply to protest against the doctrine which the gentleman from Indiana had avowed in the course of what he (Mr. L.) could not but consider an unsound argument.

It might, however, be true, for anything he knew, that the gentleman from Indiana might convince him that his argument was sound; but he (Mr. L.) feared that gentleman would not be able to convince a majority in Congress that it was sound. It was true, the question appeared in a different aspect to persons in consequence of a difference in the point from which they looked at it. It did not look to persons residing east of the mountains as it did to those who lived among the public lands. But, for his part, he would state that if Congress would make a donation of alternate sections of public land for the purpose of internal improvements in his State, and forbid the reserved sections being sold at $1 25, he should be glad to see the appropriation made; though he should prefer it if the reserved sections were not enhanced in price. He repeated, he should be glad to have such appropriations made, even though the reserved sections should be enhanced in price. He did not wish to be understood as concurring in any intimation that they would refuse to receive such an appropriation of alternate sections of land because a condition enhancing the price of the reserved sections should be attached thereto. He believed his position would now be understood; if not, he feared he should not be able to make himself understood.

But before he took his seat he would remark that the Senate, during the present session, had passed a bill making appropriations of land on that principle for the benefit of the State in which he resided—the State of Illinois. The alternate sections were to be given for the purpose of constructing roads, and the reserved sections were to be enhanced in value in consequence. When that bill came here for the action of this House—it had been received and was now before the Committee on Public Lands—he desired much to see it passed as it was, if it could be put in no more favorable form for the State of Illinois. When it should be before this House, if any member from a section of the Union in which these lands did not lie, whose interest might be less than that which he felt, should propose a reduction of the price of the reserved sections to $1 25, he should be much obliged; but he did not think it would be well for those who came from the section of the Union in which the lands lay to do so. He wished it, then, to be understood that he did not join in the warfare against the principle which had engaged the minds of some members of Congress who were favorable to improvements in the western country.

There was a good deal of force, he admitted, in what fell from the chairman of the Committee on Territories. It might be that there was no precise justice in raising the price of the reserved sections to $2 50 per acre. It might be proper that the price should be enhanced to some extent, though not to double the usual price; but he should be glad to have such an appropriation with the reserved sections at $2 50; he should be better pleased to have the price of those sections at something less; and he should be still better pleased to have them without any enhancement at all.

There was one portion of the argument of the gentleman from Indiana, the chairman of the Committee on Territories, [Mr. SMITH,] which he wished to take occasion to say that he did not view as unsound. He alluded to the statement that the General Government was interested in these internal improvements being made, inasmuch as they increased the value of the lands that were unsold, and they enabled the Government to sell lands which could not be sold without them. Thus, then, the Government gained by internal improvements, as well as by the general good which the people derived from them, and it might be, therefore, that the lands should not be sold for more than $1 50 instead of the price being doubled. He, however, merely mentioned this in passing, for he only rose to state, as the principle of giving these lands for the purposes which he had mentioned had been laid hold of and considered favorably, and as there were some gentlemen who had constitutional scruples about giving money for these purposes, who would not hesitate to give land, that he was not willing to have it undersood that he was one of those who made war against that principle. This was all he desired to say, and having accomplished the object with which he rose, he withdrew his motion to reconsider.

POSTMASTERS' COMMISSIONS.

Mr. BOCOCK called up a motion made by him on the 18th ultimo to reconsider the vote by which the House passed an act in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of fraud on the revenues of the Post Office Department,'" passed the 3d of March, 1845.

The SPEAKER stated the question to be on the motion to reconsider; and at the same time announced that the bill had been obtained from the Senate, and was consequently before the House.

Mr. BOCOCK then spoke in explanation of his purpose, which more particularly referred to the compensation by commissions of the postmasters, and the mode of calculating those commissions, which he contended were an inadequate remuneration for the services rendered.

Mr. VINTON moved the previous question.

Mr. STEPHENS moved to lay the motion to reconsider on the table. Decided in the negative by yeas and nays: Yeas 40, nays 115.

Mr. VINTON, at the request of Mr. GOGGIN, withdrew the motion for the previous question.

Mr. GOGGIN made a statement of facts showing the deficiency in the compensation of certain classes of deputy postmasters, and explained certain amendments which he wished to offer to remedy the obvious injustice under which these small officers now labored; and in the course of his remarks yielded to Mr. STARKWEATHER, who made a brief statement bearing on the same point.

Mr. G., in compliance with his pledge, renewed the demand for the previous question, which was seconded, and the main question was ordered, being first on the motion to reconsider.

The question being taken, the vote was reconsidered.

The question recurring on the passage of the bill—

Mr. GOGGIN moved to reconsider the vote by which the bill had been ordered to be engrossed, in order to enable him to offer the amendments which he had indicated.

The motion to reconsider not being in order, as coming too late, after some conversation as to the proper mode of effecting what seemed to be a generally desired amendment, the bill was recommitted for this purpose to the Committee on the Post office and Post Roads.

REVOLUTIONARY AND OTHER PENSIONS.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. COBB, of Georgia, in the chair.)

The committee took up the bill making appropriations for the payment of revolutionary and other pensions of the United States for the year ending the 30th of June, 1849, which was under consideration on the 12th of April last.

When the committee were last in session on this bill, Mr. VINTON moved to amend the item "for revolutionary pensions under the act of the 18th of March, 1818, $4,122 57," by striking out four thousand and inserting "in addition to an unexpended balance remaining in the treasury of $83,877 43, fourteen thousand;" so as to increase the appropriation from four to fourteen thousand one hundred and twenty-two dollars and fifty-seven cents, in addition to the unexpended balance.

Mr. ROCKWELL, of Connecticut, addressed the committee. More than two months since (said he) I called the attention of the House to some very serious errors in the report of the Secretary of the Treasury. They were of a character to require either an acknowledgment of their correctness or an explanation of the apparent discrepancies. Such an explanation was promised by the ex-chairman of the Committee of Ways and Means, but has not been given. A month since, the official organ of the Administration promised the next day to give an official statement in relation to the charges which I had made, but no such statement has been given. Some letter-writers, apparently in the confidence

of some of the officers of the treasury, have, in that paper and others, made general denials of any serious mistakes, and charged me with disingenuousness and unfairness in my charges against the Secretary, but attempted no explanation of the errors pointed out.

At last, sir, after so long a time, and after much labor at the department in furnishing materials, the chairman of the Committee on Finance in the Senate has undertaken a labored exposition of the affairs of the treasury, in a speech delivered on the 22d March, and first published about two weeks thereafter. As there has been no explanation furnished by any member of this House, and as this was clearly designed as substantially not only an authorized but an official vindication of the Secretary of the Treasury, I propose to examine its main positions.

The design of the speech was plainly to explain the whole subject of the loans and treasury notes issued under the acts of 22d July, 1846, and 28th January, 1847, and to show that the Secretary had not committed the errors charged.

I shall endeavor to show that the figures of the honorable chairman—of the Register of the Treasury in his statement, on which those of the chairman are based—and in the general statement of the Secretary of the Treasury, in the beginning of his report on the finances, in relation to the treasury notes and loans under these two acts, are grossly erroneous; not in one or two instances, but in almost every instance—not that there are errors in their statements, but that in scarcely an instance are they correct. Nor are they errors running through an entire statement, arising out of one or two errors which might thus affect the subsequent result, but the mistakes are various and independent; they are not of small sums, but of very large amounts.

On a former occasion I pointed out a number of very gross mistakes in the report of the Secretary of the Treasury, and endeavored to show, from that document and the accompanying tables, the nature and extent of these errors. It is now acknowledged that one of these mistakes, of a very large amount, was committed. No attempt is made to explain or correct my statements in relation to the others. It is now officially or semi-officially admitted that the Secretary committed a blunder in his annual official report to Congress of at least $1,401,900. When this was first pointed out by me, it was denied that there was any such mistake.

I am aware that the honorable Senator has labored very much to show that the error is not in an over-statement of his *means*, but in an under-statement of *expenditures*. It is not very material which, so long as the error is acknowledged to be a serious one in the statement of the actual receipts and expenditures of the Government, requiring a larger loan than called for by about a million and a half of dollars. I may well leave the Senator to settle the matter with the officers at the treasury. I do not, however, agree with him; and, unless all the printed tables in the Secretary's report bearing on this point are wrong, the Senator is himself wrong. I need not add, I think, to what I said on a former occasion to show this. If hereafter it should be deemed important to show when and in what way this error arose, I will go more fully into it. As it now stands, from all the official statements accompanied by this authorized explanation, it is, I think, apparent that the Secretary did not possess the means which he publicly stated the department to possess: that he had not the treasury notes on hand that he said he had by about a million and a half of dollars. At the time when these charges were made, an advertisement had been issued for proposals for $5,000,000 of treasury notes, which were said to be in the hands of the Secretary of the Treasury, which he was authorized under the law to reissue. When the bids had been received for the stock, the amount which he could deliver was found to be about a million and a half less than he had advertised. Various apologies were given in the papers and elsewhere for this deficiency. The Secretary had *forgotten* that he had sold to some State or individual a million of dollars of the notes, and to some one else half a million, &c. The true reason doubtless, and the one which should have been honestly avowed, was, that the Secretary had proposed to sell more notes by at least $1,401,900 than he could by law sell; and having at last discovered the error, he withdrew the notes from market.

It is very obvious, if this gross mistake had not been pointed out, and he had followed out his own calculations, as contained in his report, that there would have been an illegal and excessive issue of treasury notes to the acknowledged extent of at least $1,401,900.

In the speech of the chairman of Finance of the Senate, to which I have referred, he says:

"If the honorable Senator will have patience, I believe that, before I get through, I shall be able to show that there can be no mistake in the financial statements of the Secretary, with the exception of one, which I will hereafter explain, and which was discovered in the Committee on Finance."

And subsequently:

"But, sir, as I have before intimated, there is an error in the financial statements of the Secretary's report. It is but justice to say that it was first discovered in the Committee on Finance, and it is due to my friend from Virginia [Mr. HUNTER] to remark that from him first came the suggestion as to the nature of the mistake. It was communicated to the department first verbally, and afterwards (on the 25th of February) by letter to the Register of the Treasury."

It seems to be considered of great importance by the honorable chairman who it was that "first discovered" this error. I do not consider it an evidence of very wonderful astuteness to discover mistakes in the reports of the Secretary of the Treasury; the wonder is, that he should have made them. If, however, a patent is to be issued for this discovery, I shall claim the letters patent myself. Long before the time referred to, I pointed out these errors to the officers of the Treasury, and the Register of the Treasury furnished me, under his own hand, the statement on the subject, which is printed at length in the published copy of my former speech, which he furnished as showing that the error *had not been committed*, and not to show *how* it had been made.

It may well be asked, whether this is all? Whether the error is not still greater? Whether the Secretary has withheld enough from market? Whether there is not now an over issue of treasury notes? If this is so, who is responsible? Can the Secretary relieve himself by talking of registers and clerks? If so, it is time that Congress make their own examinations.

But, sir, although I am exceedingly unwilling to trespass again upon the time of the House on this subject, the course which has been taken leaves me no choice; I cannot permit the matter to rest here. This acknowledgment of mistake, tardily and reluctantly given, is itself, I think, short of the truth, and no answer is given to the other errors and discrepancies which I pointed out.

There is appended to the speech of the honorable chairman an official statement from the Register of the Treasury "explanatory of the loans and treasury notes authorized by acts of 1846 and 1847." Upon this statement all the facts and figures of the chairman of Finance in the Senate on the subject of treasury notes are based. Every statement made by him is but a combination, in one form or other, of the figures contained in and derived from his statement. This is also the same statement which was furnished me by the Register of the Treasury, and which is printed at length in my former speech.

I propose to show, from the tables connected with the report of the Secretary of the Treasury, and statements since furnished by the department, in whole and in part, in the results and in the details, this statement is entirely erroneous.

Since I last addressed the House on this subject, I find that the attention of the Committee on Public Expenditures has been called to it. One of the members, my honorable friend from Pennsylvania, [Mr. STROHM,] a most intelligent and competent gentleman, has spent much time and labor in the investigation, and has obtained from the books in the department an accurate statement of facts and figures on various points, and especially in relation to the treasury notes and loans under the acts of 1846 and 1847. This statement he has furnished me. The points of inquiry were presented by himself. A portion of the answers were furnished to him personally by the officers in the department and taken down by him, and the residue were subsequently furnished by those officers. I need not say to those who know him that the honorable member has given the subject a most intelligent and thorough examination, and that the results of his labors are of great value. I shall have frequent occasion to refer to them.

The following is the statement of the Register of the Treasury, to which I have referred, and each part of which I propose to examine separately:

REGISTER'S OFFICE, TREASURY DEPARTMENT.

Statement explanatory of the Loans and Treasury Notes authorized by Acts of 1846 *and* 1847.

Amount received for treasury notes and loans under acts of 1846 and 1847, during the fiscal year ending 30th June, 1847, per Secretary's report	$25,679,199 45	
Deduct treasury notes redeemed under acts of 1846 and 1847, being part of the sum of $2,361,397 07, included under the head of reimbursement of treasury notes, for same year, the difference being for notes redeemed under other acts	2,167,700 00	
		23,511,499 45
Amount received for treasury notes and loans during the quarter ending the 30th September, 1847, omitted in the financial statement in Secretary's report, but contained in the table referred to in that statement	6,915,078 00	
		30,426,577 45
Deduct treasury notes reimbursed under acts of 1846 and 1847, being part of the sum of $2,385,329 63, included under the head of redemption of treasury notes and interest in the same quarter, the difference being for treasury notes issued under other acts, and interest	2,242,350 00	
		28,184,227 45
Deduct also treasury notes redeemed and funded, issued under acts prior to act of 22d July, 1846, also part of said sum of $2,385,329 63	67,622 00	
		28,116,605 45
Deduct also the amount of treasury notes issued under acts of 1846 and 1847, which were in the hands of accounting officers on the 1st of October, 1847, and not covered by warrant, but which notes, when covered, will make the charge against the Treasury equal to the notes converted into stock or received for public dues	1,401,900 00	
		26,714,705 45
Add amount of treasury notes and stock available for the remainder of the fiscal year ending 30th June, 1848; see statement G, accompanying Secretary's report	6,285,294 55	
		$33,000,000 00

The first entry is: "Amount received for treasury notes and loans, under acts of 1846 and 1847, during the fiscal year ending 30th of June, 1847, per Secretary's report, $25,679,199 45."

This is the same sum given by the Secretary of the Treasury, in his official report, on the first page, under the head of "receipts and expenditures for the fiscal ending 30th June, 1847."

By table A, accompanying that report, is given a *detailed* "statement of the duties, revenues, and public expenditures during the fiscal year ending June 30, 1847, agreeably to warrants issued, exclusive of trust funds." This table purports, among other things, to contain the items of this sum of $25,679,199 45, which are as follows:

Avails of treasury notes issued under act of July 22, 1846, after deducting $1,931,000, which were funded under the act of January 28, 1847	$5,506,800 00
Avails of treasury notes issued under act of January 28, 1847, after deducting $1,221,850, which were funded under the said act	11,149,300 00
Avails of loan under act of July 22, 1846	4,888,149 45
Avails of loan under act of January 28, 1847, after deducting $40,350, which were funded	4,134,950 00
	$25,679,199 45

A statement, still more in detail, has been furnished to the Committee on Public Expenditures, from the books at the treasury. The amount of treasury notes which are here stated to have been "funded under act of January 28, 1847," of $1,931,000, appears, by the statement procured for the Committee on Public Expenditures, to have been $1,683,300—a discrepancy of $247,700.

The sum said to have been funded in the second entry, of $1,221,850, appears, from the same authority, to have been $1,132,550—a discrepancy of $89,300.

These together show the error in the report, if the figures furnished at the department be correct, to be $336,000.

The fourth item is "avails of loan under the act of January 28, 1837, after deducting $40,350, which were funded, $4,134,950."

This item appears to be composed of the following amounts:

Treasury notes, per act of July 22, 1846, funded	$1,683,300
Do do Jan. 28, 1847, funded	1,132,550
Do per acts prior to July 22, '46, funded	36,250
Money deposited for stock, under loan of 28th January, 1847	1,323,200
	$4,175,300
Deduct	40,350
	$4,134,950

It will be perceived that the sum of $40,350 deducted is said to be "notes which were funded" under prior acts, as is supposed, of course. This sum, therefore, is for the same thing as the sum of $36,250; and the childish act is performed of making the entry in the account, and immediately afterwards deducting it from the same side of the same account; and to make the transaction the more remarkable, it is stated to be $4,100 less in the one case than the other.

I think that the true amount of stock used to fund notes of prior acts should be entered as a part of the avails of the loan, and should not be deducted. It was merely so much stock used to pay an old debt, and it is the same as if the stock had been sold, and the money so applied.

These mistakes show a serious error in the first item in the report of the Register of the Treasury, and that the sum of $25,679,199 45 is incorrect.

2. The second entry in the Register's statement is as follows: "Deduct treasury notes redeemed, under acts of 1846 and 1847, being part of the sum of $2,361,397 07, included under the head of reimbursement of treasury notes for same year, the difference being for notes redeemed under other acts, $2,167,700."

In table A, accompanying the Secretary's report, under the head of expenditures, is the following entry: "Redemption of treasury notes, deducting $3,193,200, which were funded under the act of January 28, 1847, $2,361,397 07."

It was doubtless proper to deduct the notes so funded, but the amount which is deducted as having been funded during the year is not correct, if the statement furnished from the books at the treasury to the Committee on Public Expenditures is correct. By that statement, it appears that the amount of notes funded during the same year, of the issues of 1846 and 1847, is, for the former loan, $1,683,300, and that of 1847, $1,132,550, and showing the same discrepancies as before referred to in relation to the first item.

3. The next sum in the Register's statement is the amount remaining after deducting an erroneous amount, and the result is erroneous.

4. "Amount received for treasury notes and loans during the quarter ending 30th September, 1847, omitted in the financial statement in the Secretary's report, but contained in the table referred to in that statement, $6,915,078."

This large amount is the one originally omitted in the report of the Secretary of the Treasury, and which he at last discovered, very luckily, before the loan bill was finally acted upon. All the materials are not in my possession to enable me to judge whether the item is correct or not.

5. The next amount of $30,426,577 45, being the sum of the last two amounts, is of course erroneous.

6. "Deduct treasury notes reimbursed under acts of 1846 and 1847, being part of the sum of $2,385,329 63, included under the head of treasury notes and interest, in the same quarter, the difference being for treasury notes issued under other acts and interest, $2,242,350."

7. "Deduct also treasury notes redeemed, and funded, issued under acts prior to act of 22d July, 1846, also part of said sum of $2,385,329 63, $67,622."

I have placed these two sums in connection, as they are, in fact, connected. There appears to be a series of mistakes connected with these two amounts. I pointed out in my former speech the manifest mistake in relation to this sum of $67,622. The error is still persisted in. It is not so important in amount, being only a mistake of about $135,000; but, as it seems to be claimed that it is no mistake whatever, and is still paraded in the treasury statements, and its correctness vouched for in such high quarters, and an error here affects the accuracy of subsequent statements in the report of the Register of the Treasury, I propose to consider it at length.

It appears that the outstanding treasury notes issued prior to 1846, was, on the 1st of December, 1846, $388,030 97. By table F, in the Secretary's report, it appears that the amount outstanding of these notes, December 1, 1847, was $239,789 31. Of course the amount redeemed during the year was $148,241 66, and not $143,441 66, as stated in table E of the Secretary's report. It also appears, from the same table F, that a portion of these notes were funded, amounting to $77,178. This is supposed to represent the same notes as are described in the above statement of the Register of the Treasury as "notes redeemed and funded, issued under acts prior to act of 22d July, 1846," $67,622.

The chairman of the Committee on Finance in the Senate acknowledges the error of $1,401,900. I endeavored to show that the amount was in those statements $1,537,144. If the above statement is correct, it would be about $20,000 more. This error of erroneously deducting the $67,622, or $77,178, is persisted in. It is an error. The object is to show the amount of treasury notes and loan available. This is found by showing the amount which has been heretofore used in exchange for specie, and in payment of debts, deducting the amount "redeemed." In this statement of the amount "redeemed" is entered this sum of $67,622, and thus much diminishes the amount of "avails," and increases the amount available in future. This is wrong. A portion of the stock authorized under the loans of 1846 and 1847, is used to pay an old debt. The amount of stock thus used, is properly placed as a part of the avails of these notes and loan. The stock is outstanding, and constitutes a part of the public debt. It was applied to pay treasury notes issued under former acts. This is the same as if applied to pay any other debt, and that is the same as if it had been exchanged for specie, and that specie applied to pay that debt, or for any other purpose. The stock is outstanding, a debt against the Government. So much of the loans of 1846 and 1847 have been used. It cannot be used again. It diminishes the amount on hand. If it is said that this is merely a payment of an old debt by a new one, it is true; but nothing to the purpose. Much of this loan has been very properly so applied. The amount of stock or notes on hand is as effectually exhausted by taking up an old loan, or paying any old debt, as by exchanging the amount for specie. Surely nothing can be more evident, and yet the Department of the Treasury, and the friends of the Secretary and Administration in both Houses of Congress, persist in this gross error. The question is, whether the amount of the *avails* of treasury notes and loans of 1846 and 1847 for the quarter is *reduced*, because a part of the notes or loan is applied to pay this old debt. These notes are not reissuable, but are cancelled when paid, like any other debt, and just so much of the loans of 1846 and 1847, as is used to pay them, does most clearly so much reduce the balance remaining available of the notes and loans of 1846 and 1847.

It will be seen, by a reference to the statement of the Register, that the amount of $67,622 is *twice* deducted from the avails of the notes for the quarter. First it is deducted as a part of the sum of $2,385,329 63, or, which gives the same result, of $2,242,350, from the sum of $30,426,577 45; and, having thus much reduced the avails of the treasury notes, it is again deducted from those avails thus reduced. Instead of being deducted from the avails of treasury notes, it should have been deducted from the sum of $2,385,329 63, and so much reduced the amount to be subtracted from the avails of treasury notes. If it is claimed that the act of January 28, 1847, authorized the issue of stock beyond the $33,000,000, to provide treasury notes issued under prior acts—which I do not admit—it does not relieve the difficulty. I cannot but think that this sum is entirely wrong, and that no such sum exists on the books of the treasury. It purports to be a part of the sum of $2,385,329 63. By the statement furnished to the Committee on Public Expenditures, the items of this sum appear, and the only entry of treasury notes funded under prior acts for the quarter ending October 1, 1847, is the sum of $22,478.

8 and 9. The two sums of $28,184,227 45 and $28,116,605 45, on account of these errors and those previously pointed out, are of course far from the true amounts.

10. "Deduct also the amount of treasury notes issued under acts of 1846 and 1847 which were in the hands of the accounting officers on the 1st October, 1847, and not covered by warrants, but which notes, when covered, will make the charge against the treasury equal to the notes converted into stock or received for public dues, $1,401,900."

If I am right in the positions which have been taken in relation to the previous entries in this statement, the inevitable conclusion is, that this last amount is purely fictitious, given entirely at random, and to force a balance. If this be so, it destroys all confidence in the statements of the Treasury Department, and shows not only confusion but recklessness. It is a very serious matter, indeed, if, when purporting to furnish officially a statement of facts as actually appearing on the books of the treasury, an officer at the department furnishes at random, and without knowledge or examination, the figures necessary to balance the account. I am by no means sure that I understand the explanation of the Secretary of the Treasury, or Register, if he is the responsible person; but if I do, the explanation sought to be given in no way relieves the difficulty; and if there were any such sum, the error would not be obviated at all.

11, 12, 13. The then remaining sums of $26,714,705 45, $6,285,294 55, and $33,000,000, being the results of the previous erroneous calculations, are of course themselves grossly wrong. The sum of $6,285,294 55 *was not* the true amount of treasury notes available for the remainder of the fiscal year ending June 30, 1848, and the full amount of $33,000,000 is not the true result of the previous figures in this statement of the Register of the Treasury.

I have thus shown that the whole of this statement of the Register is wrong, and that there is no soundness whatever in it; that scarcely one individual entry out of the thirteen is right; but they are very far from the truth, provided the recent statements furnished at the Treasury Department are correct.

In the course of this investigation, I have thus sustained the positions assumed by me in my former speech, except so far as I have shown that the tables themselves connected with the report of the Secretary of the Treasury are wrong. *On the basis of that report* no position then assumed has been successfully assailed, but all are, as I suppose, fully vindicated.

I have not time or patience to give a full detail of numerous other errors pointed out by my honorable friend from Pennsylvania, derived from the books and officers at the department. I will content myself, and relieve the House from these dry details, with giving the results as they are exhibited by his very full and precise statements on some of the points.

The discrepancies shown by bringing down the statement to the first December, 1847, in relation to these treasury notes issued under the two acts of 1846 and 1847 are as follows:

As to the amount of stock issued under the act of July, 1846, the report of the Secretary and the statement of the committee differ $115,200.

As to the stock issued under the act of January 28, 1847, $1,050,452.

As to the notes outstanding under the act of 1846, the difference is $178,150; and, under the act of 1847, $1,437,400.

As to the amount of notes and loan available at the Treasury, December 1, 1847, under the act of 1846, $293,350, and under the act of 1847, $386,950.

There is only one of the propositions taken by me in my former speech which now remains to be briefly noticed:

"7. That the statement of the amount of public debt and interest paid during the year ending December 1, 1847, is more than $10,400,000, as shown by table E, and less, as shown by table Q, than $9,300,000 for seventeen months, embracing the period mentioned in table E."

This discrepancy is admitted, but no attempt is made to explain it. It is a practical and interesting question how much of our public debt has been paid during the year. It would seem to be an easy question to answer. The head of the Treasury Department has undertaken to answer it. In one place he says that in twelve months it was $10,480,362 14, and in another place that it was but $9,045,511 35 for seventeen months, including the same twelve months. In other words, that the amount paid in the whole seventeen months was $1,219,103 06 *less* than in three-quarters of that time.

I ask, sir, does the Secretary know *himself* how much of the public debt was paid during the times mentioned? If so, is it to insult or deceive Congress that such a statement is sent to us? For my own part, I do not suppose that the Secretary had any idea whatever on the subject, otherwise how could so monstrous a mistake have been committed? Is it true that the books in the department are in so vicious a system or so badly kept that on a point like this they contradict each other, and

the Secretary knows so little about the whole matter, that, not knowing what is right, he sends in both, and leaves Congress to guess for themselves? If he cannot tell how much we have paid during the year, does he know how much we owe with any certainty or accuracy? Has he any better means of knowing the amount received into or paid out of the treasury for any other purpose? Can he tell the amount in the treasury? If a thief should steal by night, or a dishonest agent should abstract a few hundred thousands at a time, would he know it? If the department is in such a condition as to render it necessary to make such inconsistent statements, to the extent of millions of dollars, in relation to the public debt, what is the security about anything connected with this department?

Did my time permit, I would inquire why it is that the Secretary considers the exchange of stock for treasury notes as a *payment* of the public debt? Why is it that in a "statement of the amount of the public debt paid from the 1st December, 1846, to the 1st December, 1847," he includes some three millions, more or less, being the amount of stock issued in exchange for treasury notes? Does the Secretary regard this operation as a *payment*? If so, it will be an exceedingly easy matter for the Government to relieve itself from the $100,000,000 of debt which my honorable colleague in the Senate [Mr. NILES] supposes will be against us on the 1st July next, if the treaty of peace is ratified with Mexico. I cannot, however, enlarge upon this and sundry other vagaries of the Secretary.

Now, sir, what is the excuse for all this? He makes no excuse publicly to Congress, which is his duty, but leaves it for the writers in the Government organ and other newspapers to make his lame and discreditable apology. The attempt is to screen the head of the department by charging the blunders upon subordinate officers, to cast off the responsibility from the shoulders where the law has placed it, upon some subordinate. When, in obedience to law, he has made his statements to Congress of the past receipts and expenses of the Government, and these are found to be grossly erroneous, is the Secretary to turn an inquiring and indignant Congress and people to a Register, and he to an aged clerk, and that clerk to a younger one, and so on? What are the duties of the Secretary of the Treasury? His general duties the law prescribes as follows, in the "act to establish the Treasury Department," of September 2, 1789:

"SEC. 1. The Secretary of the Treasury is to be 'deemed the head of the Department,' &c.

"SEC. 2. That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue; to decide on the forms of keeping and stating accounts and making returns; and to grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the treasury in pursuance of appropriations by law, &c., and generally to perform all such services in relation to the finances as he shall be directed to perform."—1 *Stat. at Large*, 65, 66.

In addition to these plain provisions of the law, I refer the House to a most able report made some years since by a committee of Congress on the duties of the different officers of the Treasury Department. It points out the duties of the Secretary as follows:

"The Secretary of the Treasury superintends the collection and receipts and the disbursement of public moneys. In consequence of this, all authorities for transferring them from one public agent to another, or for the final disbursement of them, originate with him. He directs the drawing of moneys into the treasury, and regulates the time, manner, and circumstances, subject to the sanctions prescribed by law, and judges exclusively of the other officers of the department when and what disbursements are to be made, subject nevertheless to the check of the Comptroller, who, in countersigning warrants, is jointly responsible with him for their being conformable to appropriations by law; and to the further check and settlement of the accounts of all persons to whom he may have caused advances of public money by the Auditor and Comptroller. All warrants for the payment of money into the treasury, or for the payment of money out of the treasury, are first signed by him. It is also his duty to decide on the forms of keeping all public accounts."

What is understood by the Secretary's being the "head" of the Treasury Department? Is it not meant that he shall superintend and direct the affairs of the department; that he shall distribute among the different officers and clerks their appropriate duties; direct the modes of keeping the accounts, and cause to be furnished the materials necessary for fully understanding the condition of the public treasury, and to enable him to make his reports to Congress; in a word, that he should be the *head*, as the clerks and other officers are the *hands*—that he should devise, arrange, digest, and they execute the labors assigned them?

The specific duties of the Secretary in relation to treasury notes are as follows:

"That it shall be the duty of the Secretary of the Treasury to report to Congress, at the commencement of each session, the amount of treasury notes which have been issued under the provisions of this act; the amount redeemed, and the manner in which redeemed; the amount purchased, and of whom, and at what time purchased; and the amount reissued, stating in lieu of which redemption they are reissued, with the date of such reissue, during the preceding year."—*Stat. 2d sess. 29th Cong., 20th Jan., 1847, sec. 22.*

Although, sir, the Secretary is required by law "to report to Congress, at the commencement of each session, the amount [of treasury notes] reissued, stating in lieu of which redemption they are reissued, with the date of such reissue during the preceding year," he has not seen fit to make any such report; and, as I am informed by the honorable gentleman from Pennsylvania, [Mr. STROHM,] he has not learned from the department—what seems to me almost incredible—that any account whatever has been kept at the department at all of the treasury notes reissued, either the amount, or date, or in lieu of which redemption they are reissued.

I wish to know, sir, whether this violation of the plain and positive statute is the fault of a clerk or of a register; and I ask, what apology is given for the omission of these important entries? No one of the duties presented by this section of the act has been intelligibly and correctly performed; and one important branch is entirely omitted, not only in the report, but, as I suppose, in the books themselves.

It is certainly true that clerks may commit mistakes in their accounts for moderate amounts, which may escape detection of the most careful and competent persons; but these are not such mistakes at all. *Those to which I formerly referred all appear on the face of the Secretary's own report*, with the exception of one table furnished by the Secretary of the Treasury. It was clearly the duty of the Register, if he has any duty whatever to perform, from the materials furnished by his own officers, to make a plain and clear statement of the main facts to Congress, divested of all the technicalities of clerks or registers. The only materials which I then had was from his own report and the accompanying tables, and he certainly had the same. In the first place, it was his duty to correct the obvious errors appearing on the face of some of the tables, or by comparison of them. It certainly was his peculiar province, in the brief summary in the first and second pages of his report, to make a correct use of the materials furnished him, and not have made a blunder in the first instance of, as he afterwards supposed, $6,915,000, and a counter-mistake, now acknowledged, but long denied, of more than one million four hundred thousand dollars. That very sum of $6,915,000 was actually contained in table B, furnished by the Register to the Secretary, and printed with his own report, showing the receipts and expenditures of the first quarter of the present fiscal year. That table was very short, containing but seventeen entries, and was one of the tables furnished to the Secretary to enable him to make his still more general statement to Congress. This general statement is contained in the first three pages of the Secretary's report, and yet he leaves out this most important sum from the statement of the actual receipts into the treasury during the quarter.

Truly, Mr. Chairman, if it is not the duty of the Secretary to attend to such services, I know not what his duties are. Next to the fact that such blunders could be committed by any head of the Treasury, is the scarcely less surprising one that such excesses should be made by his friends.

One word, Mr. Chairman, in relation to the statement of domestic exports from this country, and the poetic flights of the imaginative Secretary to which I referred.

In many other poetical works the authors often so overload the page with copious explanatory statements that the *notes* are said to have run away with the *poetry*. Not so with Mr. Walker. His poetry has surely run away with his "notes." He evidently considered these treasury notes as a very minor matter, to be left to the registers, and clerks, and other drudges about the treasury, and that the field of fiction, the "enthusiasm," the wild and extravagant visions as to the future, were not only his peculiar province, but his sole duty.

Since my former speech in relation to the Secretary's report, I have followed out the calculations as to the domestic exports of the country on the basis furnished by him, for the period of twenty years from the 30th June, 1846, as it was desirable to know what our ability would be to pay up these loans which we are making. A young friend of mine has done the figuring for me, and informs me, that in the year 1866, on the principle of table CC in the Secretary's report, the amount of domestic exports would be $334,640,302,925 34, estimating the increase at 48 per cent.; which would be more than $16,000 annually, in a population of 20,000,000, for every man, woman and child in the United States. I do not understand that the Secretary supposes that the population of the country is also to increase in the same ratio of 48 per cent. annually.

The learned chairman of Finance of the Senate seems to think that in 1870 we shall have a population of 38,000,000. "And surely," says he, "this may be considered a sinking fund sufficient for a loan of sixteen millions." I am willing to be liberal on this subject, and call it 40,000,000. The amount of domestic exports would average for each person over $8,000 annually; and a very moderate tax on such enormous exports of three cents on a hundred dollars of the export of 1866, or $3 upon $10,000, would not only pay off the paltry loan of $16,000,000, but a debt of $100,000,000 in one year!

The table as to the increase of tonnage would show, if carried out, similar extravagant results, although the ratio of increase is less, and the number of vessels and the amount of tonnage less, which would lead to this disastrous result: that the quantity of our goods to be exported would be far greater than the number and tonnage of our vessels would enable us to transport.

I do not mean to do the Secretary of the Treasury injustice. He does not say that this result to its full extent will follow, but he does cause to be prepared these tables, duly certified, and comments upon them as affording an approximation at least to the truth, and as furnishing a fair basis of calculation for the future.

But, most unluckily for the Secretary, while he was yet writing, while his eye,

"With fine fancy rolling,"

was kindling with the prospect of the glorious result of his free-trade policy, the foundation of the whole was sinking under him—like the milkmaid in the fable, who suddenly dashed to the ground the source of all her wealth, and the foundation of her schemes of future grandeur. My honorable and respected colleague in the Senate, [Mr. NILES,] in an able speech on the finances a few days since, has furnished some important facts on the subject of the domestic exports of the country. He has shown in that speech, from sources of information which he regarded as reliable, that instead of any increase, there had been a remarkable decline in our domestic exports. His statement is as follows:

"I have a document here which will show the condition of our exports for the last six months, and for a corresponding period last year. It was received from a commercial friend in New York:

Statement of the Exports of Breadstuffs from this country to Great Britain, from September 1, 1847, to March 4, 1848.

From—	Flour. Bbls.	Meal. Bbls.	Wheat. Bushels.	Corn. Bushels.
New York	137,082	39,913	177,934	751,170
N. Orleans to Feb. 26	13,554	20,656	33,195	322,830
Philadelphia	1,535	19,639	–	76,149
Baltimore	770	1,796	4,000	88,478
Boston	504	3,100	–	77,494
Other ports to Feb. 26	–	–	–	21,184
Total	153,445	76,104	215,139	1,337,204
The exports for the same period a year ago, were	1,258,876	248,852	1,273,882	6,931,640
Decrease	1,105,431	172,748	1,058,743	5,594,436

"I have computed the value of these exports for each period in New York, assuming for last year's prices $8 50 for flour, $2 25 for wheat, $5 50 for meal, and $1 12½ for corn; and for the last period the prices ruling at the present time. The total value of the exports for the first period exceeds $22,000,000, and those of the last period a little more than $2,000,000; showing a difference of over $20,000,000. The freights for the first period exceed $3,000,000, and for the last are less than $200,000; so that the loss on the freights, had it all gone to American citizens, exceeds the

whole amount of the exports and freights for the last six months. The facts in this statement were taken from the Commercial Shipping List, and are presumed to be substantially correct.

"This astonishing decline in our exports does not afford a very encouraging prospect for our trade the coming year. The balance against us the present year will be large, probably from twenty to thirty millions. It is ascertained to amount to twelve millions the first quarter."

It thus appears that in six months, in the articles of wheat, corn, flour, and meal, the exports fell off $20,000,000 out of $22,000,000, and that the freights on the amount for the first period were more than the entire value of the export of the last period. All this was occurring at the very time when these absurd calculations were made and presented to Congress, and, although the details were not known, the general fact of the great falling off of the domestic exports was known to every one, and it seems to be incredible that Mr Walker, whose position gave him the best means of knowledge, should have been ignorant of the fact, that at the very time when he was writing and sending in to Congress these fallacious and deceptive calculations of the great increase of our exports, those exports, instead of increasing, had fallen off in an astonishing degree. The *fact* was contradicting the *theory*, at the very moment when the theorist, almost necessarily knowing the fact, was urging his speculations, which were directly in conflict with them.

I am greatly tempted by the ample materials furnished by the report of the Secretary to bring forward before a reflecting community the lucubrations of the Secretary, which, if not so absurd as to be ridiculous, would have called forth the severest public censure for their injurious and disorganizing tendency. This is, however, aside from my present purpose; my present object being not to assail Mr. Walker's principles or his estimates, but to point out his mistakes upon his own principles, and to show the utter disorder and confusion existing, as might be expected, in his department.

So far from there being only occasionally an error in these statements of the Treasury Department, there is scarcely a correct statement of any one amount which is given in relation to these treasury notes. I am rejoiced that the Committee on Public Expenditures have taken the matter in hand. I trust that they will not intermit their efforts until the subject shall be thoroughly investigated by an actual examination of the books in the treasury. The officers at the treasury have given statements enough. No two agree, and no one of them is entitled to the least confidence. If the committee require the aid of a clerk, the House should at once grant it. The question is one of very serious consequence, and the honor as well as interest of the nation and of the head of the department require that the real facts in this matter should be ascertained and laid before the country. If this is the state of the treasury, what an inducement is held out for fraudulent agents and officers in all parts of the country to embezzle the funds of the Government. They will naturally suppose that their small peculations will pass unnoticed in the confusion of the finances.

I have had nothing to say on the *estimates* of the Secretary or to the accruing revenue. Those estimates may or may not be correct. The whole is of course a matter of conjecture. The calculations of the most sagacious are frequently disappointed, while the most reckless person may sometimes guess right. Whenever the enormous errors of fact and figures of the Secretary's own report are pointed out, the only answer is, that the Secretary has, at all events, guessed right as to the future means of the Government.

If the Secretary of the Treasury makes a mistake of seven millions of dollars in stating the amount actually received into the treasury during the first quarter after he has received it, you are told by his friends that, at all events, he can give a capital guess what will be received in the next three quarters. When another mistake of a million and a half is pointed out, it is at first denied that there is any mistake, and then it is declared to be of very small consequence, and we are given to understand that the head of the department is so much occupied in conjecturing about the future that he has not time to inform himself or any one else of its present condition.

It may not, Mr. Chairman, be inappropriate to ask of those gentlemen in this House who voted for the treasury-note substitute of the minority of the Committee of Ways and Means to the war bill of the majority, how it has happened that the friends of the Administration in the Senate preferred the bill to the substitute—the loan to treasury notes? At the instance of the Secretary of the Treasury, the honorable gentlemen of the minority of the Committee of Ways and Means were exceedingly earnest and impassioned on the subject.

It was, indeed, somewhat difficult for my honorable friend from New York, [Mr. NICOLL,] with all his ability and ingenuity, to show the importance of a substitute which (as the amount authorized to be outstanding under all acts was limited to $20,000,000, and the amount at the time outstanding was $19,500,000) could only authorize an issue at the time of half a million of dollars in treasury notes, and when the only mode of increasing the issues of treasury notes was by other notes being exchanged for stock of the very character provided to be issued under the loan bill. That honorable gentleman made the most ingenious and plausible defence in his power; but, with most of the friends of the Administration in the House of Representatives, it seemed to be enough that the plan was the project of the great financier at the head of the Treasury. The majority in this House were charged with a design to embarrass the Administration in carrying on this beautiful war with Mexico. The "organ" gave the pitch, and all the smaller instruments sent forth their discordant notes. Barnburners and Hunkers, the "Hards" and the "Softs," the "Chivalry" and Wilmot Proviso men found one subject on which all could agree, and that was the denunciation of the factious spirit of the "Mexican Whigs," as the courteous editor of the "Union" calls his political opponents. The cautious, able, and prudent chairman of the Committee of Ways and Means was considered as the "chief traitor," and the confiding Democrats in the wilds of Maine and Iowa, on the Hudson and the Columbia rivers, in all quarters of "our free and happy country," have been led to look upon my friend as a "monster" of a "most frightful mien." The indignant responses to the appeals in this House, and unscrupulous attacks of the official newspaper, are just seen returning from the remote regions of the country. They must be exceedingly agreeable to our friends on the other side of the House.

It is a notorious fact that there are but very few gentlemen in this House who have any confidence whatever in the practical skill and wisdom of the Secretary of the Treasury, and yet he seems to change them about with the utmost ease. He recommends a substitute of treasury notes for a loan, and consents to such restrictions as to render it nugatory. The venerable ex-chairman of the Committee of Ways and Means [Mr. McKAY] introduces the measure with due solemnity; it receives every Democratic vote in the House, but is lost. When it reaches the Senate, the friends of the Administration, and Mr. Walker himself, do not think the loan bill so bad a bill after all. The measure of treasury notes, which the Secretary thought so vital, he now entirely abandons. The Committee of Finance of the Senate, in accordance with his views, as will not be denied, report back the very loan bill which this House had passed, amid the denunciations of the leaders of the Administration, and a Democratic Senate passes it without a murmur. These changes, sir, come easier from their frequency. The President has accustomed his friends to these sudden and unexpected movements; and I must do them the credit to say that they are far more patient and submissive than on some former occasions.

Mr. STRONG rose to make an inquiry in regard to a matter which had perplexed him somewhat. The bill, in the first paragraph, provides the pay for revolutionary pensioners under the act of 1818, and so on; provision was made for other classes; but there was nothing for the payment of that large class of pensioners under the act of the 7th of June, 1832. More than 4,000 pension certificates were granted under that act. There was probably a larger number of these certificates outstanding than of those under the act of 1818. He asked the chairman to make some explanation that might satisfy his mind with reference to this apparent omission in the items of the bill.

Mr. VINTON. The appropriations in the bill were based on the estimates from the office of the Secretary of War. The act of 1832 made its own appropriation. He read the estimates for this purpose from a paper before him.

Mr. SAWYER next rose, but he said he did not propose to make a speech on the subject now before the committee. They had heard *Buncombe* speeches enough, while the important business of the session remained unfinished. He thought the majority should turn its attention to the business of the House, and when they had got through that, let them adjourn, or, if there was any time left, they might then go to work, and make *Buncombe* speeches. [Laughter.] The bill before the committee was a bill to provide for the payment of pensions due to the old soldiers who had faithfully served their country, and while that was under consideration, the gentleman from Connecticut [Mr. ROCKWELL] got up, and made a tirade against the Secretary of the Treasury. He presumed there was no person in that Hall who thought it necessary to reply to that tirade. The Secretary of the Treasury stood so high above the reach of these little squibs that his reputation as a man and as a financier was not to be prejudiced by any of these little innuendoes and insinuations. The Secretary of the Treasury stood perfectly secure above them all, and not one of his friends on this floor would consider it necessary to say one word in reply and in vindication of his conduct or his talent. And he might say also that the attacks which had been made on the President of the United States, charging him with dereliction of duty, and a premeditated determination to involve the country in a war with Mexico, and with pursuing a course that was in opposition to the interests of the country, deserved no reply. There were gentlemen there who had taken a peculiar interest in examining the orders for the marching of our troops on the Rio Grande, to see whether the date of this order coincided with the occurrence of this or that fact, for the purpose of ascertaining if they could not, by some means, bring the Executive into disrepute. He would say to those gentlemen that the time would come, and there would pass away but a few years first, when the people of these United States would look at these speeches, delivered on this floor, condemning the acts of the Executive, and remember the course those gentlemen pursued, when their special pleading would have been forgotten. When the war shall have ceased, the special pleading of gentlemen would not be permitted to be presented in bar of the necessary consequences of such conduct; for then, without regarding such special pleadings, the people would endeavor to learn who, when their country was engaged in a foreign war, were against their own country, and took sides with the enemy. This fact would rise up when the special pleading of gentlemen about the recall of this minister and the issuing of this or that order would have been forgotten, and they would not be able to escape from the just indignation of the people.

He perceived that there was no desire on the part of the committee to debate the merits of this bill; all the speeches made upon it were made for *Buncombe*—that was the correct term, and he desired to give things their right names. He therefore hoped the committee would rise and report the bill to the House. If no other gentleman desired to make a speech, he should himself desist; but if any other gentleman desired to make a speech on the merits of this bill, he had no objections, and might himself indulge in a few remarks. But he had sat here five months——

Mr. VINTON interposed and begged permission to say to the gentleman from Ohio, that since this bill had been reported to the House, the War Department had sent in some additional estimates, which would require some additions to be made to the bill before the committee could rise and report it to the House. But for this, he should be glad if the committee should rise and report at once.

Mr. SAWYER understood that his colleague [Mr. VINTON] was anxious to push forward the business of the House. In his position as chairman of the Committee of Ways and Means, he (Mr. S.) must say that his colleague had done everything that any man could desire him to do to push forward the business of legislation; but he would remark that he had sat here for five months, and in that time he had not attempted to get the floor for the purpose of making *Buncombe* speeches. He had no need of such speeches in his district; and he believed, when the time should come to

take the important vote in Ohio, it would be found that they did not need them there. The people in Ohio were intelligent, and speeches of that kind found little favor with them. He had been bored by such speeches from both sides of the House, and he believed if a stranger should come into this Hall and inquire for the Speaker, he would not take the gentleman who occupied the Speaker's chair for the Speaker. Some three or four gentlemen, who almost any day could be found on the floor, would be more likely to be looked upon as the Speaker than the gentleman who really held that position in this House. Nay, there were some thirty gentlemen in this House who appeared to claim the exclusive right to speak on every subject; and having gone over all the ordinary topics, they were now beginning again, with the evident design to go the round again, and to occupy the attention of the House to the exclusion of all others. And perhaps it was well that there were these few gentlemen with the capacity to enlighten not only this assembly, but this country. The wide world would be in darkness if these gentlemen were not here to enlighten it. And yet their constituents had some claims on the smaller lights for the exercise of talents they were supposed to possess. It might be that they should occasionally make a speech, if the gentlemen to whom he had referred would be magnanimous enough to permit it. He had a desire to make one himself on a certain subject; but he was not inclined to obtrude himself on the time of the House, and speak to a question which was not really under consideration. It had been the custom during the present session to pass bills first and speak on them afterwards, but he disliked to do that. He would like to say something about the late war, and on the subject of abolition, and also on the subject of our prospects in the Presidential campaign. ["Ay, that's the subject; we all want to speak on that. Go on, SAWYER."] Gentlemen were urging him to go on, but probably they would not be satisfied with him when he had done, for perhaps he should take a course that would not be pleasing to the gentlemen who desired him to go on, and to certain portions of this House. He was not going into that matter now. He was serious in his opposition to the making of speeches for *Buncombe* when such subjects as that under consideration were before the House. If they had a question before them in which the people had not much interest, he might perhaps make a speech to consume some of the time of the House. But this was a serious subject. It was a bill to pay the poor old worn-out soldier, and he was not willing to consume the time which should be devoted to the perfecting and passage of such a measure. If gentlemen were inclined to propose amendments to this bill, and to abstain from debating about the next Presidency, he would desist from any further remarks, and take the risk of again obtaining the floor on some other occasion.

Mr. BRODHEAD had an amendment which he desired to offer, if it were now in order. The usual sum paid to the heads of bureaus in this Government was $3,000 per annum; but some four or five years ago a fit of economy came over Congress, and they reduced the compensation of some heads of bureaus, or it might be of but one only. Now, a very arduous addition had been thrown on the head of one of those bureaus, who had a large amount of claims annually to examine, and it was proper that he should receive the same amount of compensation that was paid to the heads of other bureaus.

Mr. VINTON reminded the gentleman from Pennsylvania, that this bill proposed to make appropriations for the payment of pensions, to which the amendment which had been suggested was not pertinent. It more properly belonged to the civil and diplomatic appropriation bill, to which the gentleman from Pennsylvania could offer his amendment when it came up for consideration.

Mr. BRODHEAD would forbear then to offer his amendment now, but he would offer it when the civil and diplomatic appropriation bill was under consideration.

Mr. JONES, of Tennessee, wished to give notice that when the gentleman from Pennsylvania should make the motion he had indicated, he should make another to equalize the compensation of the heads of bureaus. His plan would be to level the heads of bureaus down to the compensation paid to the Commissioner of Pensions, to whom he supposed the gentleman from Pennsylvania alluded, and not to raise him up to them. The Commissioner of Pensions now received a salary of $2,500 per annum, which appeared to be an ample compensation for the head of any bureau in this city. He would take occasion to say, that in making the motion of which he had given notice, he should not do it with any feeling of hostility to, or disapprobation of, those officers, particularly the Commissioner of Pensions, for he believed the duties and labors of that gentleman were very arduous, and that they were as well performed by him as were the duties of the head of any bureau in connection with this Government. There were several—he believed the number was three—heads of bureaus in the Post Office Department who received the annual compensation of $2,500. There were, too, he believed, others—for instance, the Comptroller, and Auditor, and Register of the Treasury—who received $3,000 per annum.

Mr. SAWYER wished to suggest to the gentleman from Tennessee that he might make an addition to his contemplated motion, that there was one officer of this Government who received $4,500 for one office, while at the same time he was receiving $1,500 for another. One single individual received these two separate sums.

Mr. G. W. JONES supposed the gentleman from Ohio alluded to the head of the coast survey. He would say to that gentleman, that if he would propose an amendment to bring that down to $2,500, it should have his (Mr. J.'s) vote. A salary of $2,500 was equal to the interest, at six per cent., on, he believed, about $45,000; and it might be considered, in any part of the United States, that an individual who was worth $45,000, or was in the receipt of the interest of that sum of money, was in tolerably comfortable circumstances, if he might not be considered independent. His experience there had taught him that the salaries of these officers were not always regulated by the importance of the services which they rendered, and the duties which devolved upon them; and they hardly ever saw them raised all at once. It so happened, perhaps, that some one of these officers who had been through a long course of public service, and had faithfully served the country and made himself popular with Congress, was recommended for an increase of salary.

But when the proposition came up here, the same gentlemen would rise and insist that it would be partial and unjust not to increase the salary of all the officers of the same grade in the same proportion, and, as a matter of justice, to avoid what gentlemen would call an invidious distinction, they were induced to increase the salaries of the others up to the highest amount paid without regard to the services rendered. Now, he thought all of the heads of bureaus should be content with $2,500. It was ample compensation; and when the civil and diplomatic appropriation bill came up, he should attempt to fix the salaries at that amount.

Mr. VINTON said it was something like a month since this bill had been taken up in Committee of the Whole, and gentlemen might have forgotten the precise object of the amendment which was now pending. He begged, therefore, to say, that in consequence of changes in the statements from the Treasury Department, it was necessary to amend the first section by increasing the item from "four" to "fourteen" thousand. The bill was originally drawn up in accordance with the estimates of the Secretary of the Treasury, in which a mistake had been discovered, and hence the amendment to correct that error.

The amendment was agreed to.

Mr. VINTON said that it was necessary also to amend the paragraph making an appropriation for pensions to widows and orphans under the act of the 4th of July, 1836. The Secretary of War had reported that there was an unexpended balance in the treasury from former years of $151,156 36; he therefore moved to add after the words "thirty-six," in the 16th line, the words "in addition to an unexpended balance remaining in the treasury $151,156 36." Agreed to.

Mr. V. offered the following as a separate item, to be inserted after the 17th line of the bill:

"For pensions to widows under the act of the 2d of February, 1848, in addition to the unexpended balance of $263,729 87 remaining in the treasury of a former appropriation for the payment of pensions under the act of the 17th of June, 1844, $136,270 13."

He would simply state, that during the present session the act of 1844 had been renewed. At the commencement of the session no estimates were prepared by the Secretary for these pensions, because the law which created them had expired. Since, however, the bill renewing the act of 1844 had been passed, the estimates had been sent in, and now it became necessary to insert this item. Agreed to.

On motion of Mr. VINTON, the item for half-pay pensions to widows and orphans, payable through the Third Auditor's office, was amended by adding the words "in addition to an unexpended balance in the treasury of $8,790 04."

Mr. VINTON said, in the last item there was an error in relation to the date from which the item was created. It provided for arrearages prior to the 1st of January, 1817, payable through the offices of the Second and Third Auditors. Instead of "January, 1817," the date should be "July, 1815." The item should also be amended by the addition of the words "in addition to an unexpended balance in the treasury of $3,201 45."

The item was amended in accordance with Mr. VINTON's suggestions.

Mr. McKAY then proposed to add the following additional sections by direction of the Committee of Ways and Means:

SEC. . *And be it further enacted*, That no pension for alleged disability either in the army, navy, militia, or volunteers, shall be allowed; unless the application for the same shall have been presented within the period of five years from the time the disability occurred.

SEC. . *And be it further enacted*, That in all future applications, either under the act entitled "An act for the relief of certain surviving officers and soldiers of the army of the Revolution," approved May 15, 1828, or under the act entitled "An act for the relief of certain surviving officers and soldiers of the Revolution," approved June 7, 1832, the pay or pension which may be allowed under said acts respectively, or any other amendatory of the same, shall commence only from the completion of the proof in each case, and not from the time specified in said acts.

SEC. . *And be it further enacted*, That in no case shall the widow or child or children of a pensioner who may under any law be entitled to a pension, or part of a pension, receive more than at the rate allowed to the pensioner in his lifetime; nor shall the pension allowed be increased in any case after the death of a pensioner, if the death shall have been made known at the Pension Office.

Mr. McKAY recapitulated the various provisions of his amendment, and urged them on the attention of the committee.

Mr. STANTON opposed the amendment, in part on the ground that the Pension Office was so extremely strict in its construction of all pension laws, that it was less likely to allow pensions under the law as it now stood than if it should be amended as now proposed. There were many cases where individuals were entitled to draw pensions as invalids who abstained from making application for them because their circumstances were not such as to oblige them to apply, and they postponed it until necessity should compel them. And, moreover, it often might happen that an injury was incurred in the service which did not develop itself until the decline of life. He thought the provision proposed by the gentleman from North Carolina was likely to increase the difficulties it was designed to remedy.

Mr. TOMPKINS had no objection to urge against any of the amendments which had been stated by the gentleman from North Carolina, except the first. The restriction therein contained was in the nature of a statute of limitation. Did it mean to operate prospectively, so that applications must be made within five years from this time; or did it apply to cases where the disability had existed already for five years? The courts decided that no statute of limitation should be retrospective in its application, but should in all cases operate only from the date of the law. If the amendment was intended to apply to cases where application might be made at any time within five years from the present time, Mr. T. would have no objections to it; but if it was intended to exclude all from applying now and hereafter who had already suffered five years to run without applying for their pension after disability had actually occurred, he should be decidedly opposed to it. It would in that case have the nature of an *ex post facto* law.

Many men had become disabled in the cause of their country who were nevertheless men of some substance, and patriotic pride held them back from applying for the bounty of the Government so long as their circumstances would permit them to get along without it; but the vicissitudes of life stripped them of their means, and sheer necessity compelled them at length to apply: ought such persons

to be excluded from the benefits of the law because they struggled on for five years without making application? Not suspecting that a law would be passed to limit the time during which they might apply, they would, without fault of theirs, be deprived of the bounty their country designed they should enjoy, and this without previous notice or warning. Mr. T. would ask if the gentleman from North Carolina was certain such would not be the operation of his amendment?

Mr. McKAY said it was far from his intention to give the law an operation of that kind, and to prevent it he was willing to modify his amendment.

Mr. McK. thereupon modified the first section of his amendment by striking out the words "from the time the disability arose," and inserting "from and after the passage of this act, and within five years after any such disability which may arise from and after the passage of this act."

Mr. VAN DYKE did not see how the modification removed the difficulty. The law would be a statute of limitation for all future time, and such an one as he was unwilling to advocate. He related a recent case where a soldier deprived of an eye and a leg had still energy and resolution enough to earn his own bread for thirty years, but was now old and in adversity. Men of resolution and of patriotic pride might often delay making application for more than five years after disability actually occurred; many were ignorant, and might remain for that time and longer unapprised that they were entitled to receive any pension: ought such to be cut off?

Mr. COCKE concurred in the propriety of the amendment, especially as it had now been modified. It was high time Congress should take some legislation on this subject. The Commissioner of Pensions had long been desirous of some provision against the payment of such large sums as were now drawn from the Government every year for back pay. Mr. C. should not so much object to it if the money went to the sufferer himself, but everybody knew that in nine cases out of ten it fell into the hands of harpies who were ever on the watch to make a gain of the miseries and the want of knowledge of better men than themselves. These money sharks got it nearly all.

Mr. McKAY said the gentleman from Tennessee was under a great misapprehension if he supposed the amendment applied to pensions of every description: it had respect to one class only, the invalid pensioners.

Mr. STANTON said that that was the most meritorious class of all.

Mr. COCKE again expressed his assent to the first section of the proposed amendment: it only gave notice to such as might have long been entitled to, but did not claim their pensions, that if, for five years longer, they failed to make application, their claim would be barred.

Mr. STANTON again referred to the case of men withheld by pride till poverty compelled them to apply.

Mr. COCKE believed that such cases were extremely rare; and if any extreme cases should occur, Congress would provide for them by special act.

Mr. JONES, of Tennessee, opposed the amendment, as not likely to effect the object for which it was intended. Disability did not always appear as soon as a wound was received, but often not till long afterward; and the strict construction at the Pension Office might exclude very meritorious and patriotic men from the benefits intended by the law. Pensions were now paid, not from the time of the wound or the time of the disability, but from the date of completing the proof.

After some further conversation—

Mr. JONES moved an amendment, which proposed to strike out the first section of Mr. McKAY's amendment, and insert:

"That, upon the application of the widow of a revolutionary soldier for a pension, no further proof of the services of the husband shall be required of the widow, if her husband received a pension in his lifetime."

Mr. J. maintained that if the proof was valid for the man, it ought to be deemed sufficient for his widow. To require her to establish her claim anew by reference to documents, was a hardship to which she ought not to be exposed. He referred to a case in North Carolina, where a clerk, who held the records from which such proof was to be drawn, would not examine them for a poor widow under a fee of five dollars, which was often more than she could pay.

Mr. McCLELLAND was opposed to all restrictions in our pension laws; he would rather extend than restrict them. As to this amendment, it would in practice defeat its own object, if that object was to give less money in pensions. It would operate as a warning to all who had any legal claim to come forward and present it at once, lest it should be barred altogether. Many who might not have applied at all, would be led by such a notice to apply, lest they should hereafter be cut off.

Mr. BARROW here moved that the committee rise; which prevailing, the committee rose, and

The House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. FREEDLEY: Two petitions for a new mail route from West Philadelphia, by Kellysville, Lobb's Store, Springfield, Rose Tree, and Bishop's Works, to Howellville, in the county of Delaware, Pennsylvania.

By Mr. KING, of Massachusetts: The petitions of Increase S. Hill and 140 others, of Andover, and Daniel F. Pratt and 125 others, of Reading, for cheap and uniform postage. Also, of Samuel Porter and 85 others, of Beverly, for a specific duty on imported fish, and the same rate as by tariff of 1842. Also, of Susannah Kimball, of Ipswich, for pension for revolutionary service of her late husband.

By Mr. TWEEDY: The petition of Ebenezer Giles and 42 others, of Jefferson county, Wisconsin, for the extension of the time of proof and payment to settlers on public lands to four years.

By Mr. BARROW: The petition of the heirs of Jonathan Faire for arrears of pension.

By Mr. EDWARDS: The memorial and petition of the physicians, druggists, and many citizens of Alexandria, Virginia, praying for the passage of an act preventing the importation of adulterated drugs, chemicals, and medicinal preparations used as medicine.

By Mr. MACLAY: The memorial of B. Bates and others, citizens of the United States, in favor of the reduction of the present rates of postage on letters, and the free delivery of letters and newspapers in the principal cities.

By Mr. DUNCAN, of Ohio: The applications of Mrs. Dorothy Mead, Mrs. Barbara Baughman, and Mrs. Abigail Williams, for arrearages of pay and pensions.

By Mr. PALFREY: The petition of Convers Francis and 2,933 others, ministers and laymen of the Unitarian denomination, praying Congress to take measures for putting a stop to the war. Also, of A. G. Stevens and others, of Erie county, New York, praying for the repeal of the law of February 12, 1793, respecting fugitive slaves. Also, of Stephen Pope and others, of Marlborough, Massachusetts, praying for redress of grievances in relation to the ill-treatment of free citizens of Massachusetts by South Carolina, Louisiana, and other slaveholding States. Also, of H. D. Pinney and 44 others, citizens of Tioga county, State of New York, praying for provision for the better observance of the 10th article of the treaty of Ghent. Also, of Elisha Hutchinson and 38 others, of Haverhill, Massachusetts, praying for a peaceable division of the United States. Also, of R. B. Little and 24 others, of Montrose, Pennsylvania, praying for the abolition of slavery in the District of Columbia, and against the extension of the same into territory now free. Also, the petition of Ebenezer C. Hinckley and 56 others, of Carmel, Maine, praying that a committee may be raised to inquire and report, for the public information, whether, and by what laws, the slave trade exists in the District of Columbia. Also, of John Needles and 36 others, of Baltimore, Maryland, praying for the abolition of the slave trade in the District of Columbia, and the protection of all persons therein in their inalienable rights. Also, of G. W. F. Miller and 723 others, praying for further protection to the persons and liberty of American citizens. Also, of N. Fiske and 136 others, of Levant, Maine, praying for a law prohibiting the acquisition of new territory, unless domestic slavery be excluded therefrom. Also, from the same and 132 others, for the prohibition of slavery and the slave trade in the District of Columbia and the Territories. Also, from the same and 129 others, praying for a prohibition of the domestic commerce in slaves. Also, from the same and 133 others, praying for the emancipation of certain negroes sold on account of the United States, and for a law prohibiting any similar sales in future, and the holding of slaves by officers of the General Government. Also, from the same and 129 others, praying for a repeal of the law of February 12, 1793, respecting fugitive slaves. Also, from the same and 83 others, praying for a committee to report information respecting the slave trade in the District of Columbia. Also, from E. Loud and 30 others, of Plymouth, Maine, praying for a committee to report information respecting the slave trade in the District of Columbia. Also, of John Bailey and 739 others, of New Bedford, Massachusetts, praying for the protection of colored seamen when visiting southern ports. Also, from H. M. Twining, of Pennsylvania, and 71 others, praying Congress to devise some plan for the immediate and peaceful dissolution of the American Union. Also, of John W. Davis and 30 others, of Pennsylvania, praying for such changes of the Constitution and laws as will abolish slavery throughout the country. Also, of James Adamson and 165 others, of Pennsylvania, praying for the abolition of slavery throughout the Union. Also, of Thomas Shortlidge and 36 others, of Pennsylvania, for the abolition of slavery throughout the Union. Also, of Joshua Pickering and 10 others, of Pennsylvania, praying for the abolition of slavery throughout the Union. Also, of Emily Pickering and 7 others, of Pennsylvania, praying for a peaceful dissolution of the Union. Also, of Josiah Bond and 18 others, of the same State, for the same object. Also, of Morris Fussell and 6 others, of the same State, for the same object. Also, of Robert Lamborn and 17 others, of the same State, for the same object. Also, of Barclay Ivins and 30 others, of the same State, for the same object. Also, of Caleb P. Way and 35 others, of the same State, for the same object. Also, of Aaron Kirk and 33 others, of the same State, for the same object.

By Mr. SMITH, of Illinois: The petition of a large number of citizens of Madison and other counties, praying the establishment of a mail route from Greenville, in Bond county, to Staunton, in Macoupin county.

By Mr. WENTWORTH: The petition of citizens of Plainfield, for the extension of the present mail route from Ottawa to Cass, through to Chicago, via Flag Creek and Lyons; and also for the increase of the trips from weekly to tri-weekly.

By Mr. FEATHERSTON: Notice of a bill to be entitled "An act to authorize and require certain illegal entries of the public lands of the United States at the land office at Columbus, in the State of Mississippi, to be cancelled, and for other purposes."

IN SENATE.

THURSDAY, *May* 11, 1848.

Mr. STURGEON presented a petition from citizens of Philadelphia city and county, asking that a territory may be set apart for the concentration, civilization, and preservation of the various Indian tribes; which was referred to the Committee on Indian Affairs.

Mr. BALDWIN presented a petition from citizens of New Haven, Connecticut, asking a reduction of postage on letters and newspapers; which was referred to the Committee on the Post Office and Post Roads.

Mr. DICKINSON presented a petition from citizens of Clinton, Franklin, and St. Lawrence counties, New York, asking for the removal of the port of entry from Plattsburg to Rouse's Point; which was referred to the Committee on Commerce.

Mr. UNDERWOOD presented a petition from citizens of Simpson and Logan counties, Kentucky, asking a mail route from Franklin, in that State, to Springfield, Tennessee; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

On motion of Mr. ATCHISON, the Committee on Indian Affairs were discharged from the further consideration of the memorial of Patrick Marraulette.

Mr. ATCHISON, from the same committee, made an adverse report on the memorial of James Wilkins.

APPOINTMENTS WITHHELD FROM SENATE.

The resolution of Mr. JOHNSON, of Maryland, in relation to the call for names of officers not sent in to the Senate for confirmation, came up for consideration; when—

Mr. JOHNSON stated that he felt too much indisposed to pursue the subject, and, if it would be agreeable to the Senate, he would prefer that it be postponed until to-morrow; which motion was agreed to.

The resolution submitted some days since by Mr. BADGER to rescind a resolution appointing a messenger for the ante-room of the Senate Chamber, came up in its order but,

On motion of Mr. BADGER, was, by common consent, informally passed over.

Several adverse reports of committees on private claims were concurred in.

OCCUPATION OF YUCATAN.

The Senate then resumed the special order, being the bill to enable the President to take temporary military occupation of Yucatan.

Mr. DAVIS, of Massachusetts, expressed his intention not to confine himself to the question of the amendment, but to go generally into the subject under discussion.

A message was received from the President some short time ago, stating that the subject was of such great and pressing importance as to permit no delay in the action of the legislative branch. The result was the bill now before the Senate. He felt greatly obliged to the Senator from South Carolina for bringing this message so promptly to the attention of the Senate. It appeared, from what had subsequently occurred, that the ground of humanity, originally taken, had been entirely abandoned. From the candid avowal of the chairman of Foreign Relations, and of the Senator from Michigan, it would appear that we are called on to take possession of Yucatan, because it would be unsafe in the hands of any other Government. In this view, therefore, he was about to discuss the bill.

The representations made to the Senate are, that

the people of Yucatan are divided, and that one portion cannot sustain itself against the majority. It is said that this is a war of races. This he denied. It was an assumption not borne out by the documents which had been laid on the tables of Senators. An officer in the navy, Mr. McKenney, estimates that about 120,000 Indians are engaged in this war. Out of at least 500,000, which is the minimum amount of the Indians, about one quarter only is engaged in the war. Therefore it is not a war of races. The mixed race, it is worthy of remark, have all joined the Indians. What wrongs have been committed to provoke the Indians to this war? He called attention to the fact, that these Indians took the field when their country was invaded by Mexico, and defeated Ampudia. They were therefore a brave people. They were then promised a remission of the capitation tax, which oppressed them severely. But this promise was violated, and thus commenced the war

The Yucatanese, on the other hand, are represented as weak, cowardly, helpless. Our officers seem thus to consider them in their letters. Part of them deserted their army in the hour of need. Instead of being a contest of races, one of our officers describes it as a war of parties. And we are called on to assist in exterminating these Indians, who, in the time of danger, drove back the invaders of their country. He thought it unjust to charge upon these people that they are savages. They have been admitted to all the political rights of other citizens; they have a right to all the privileges which belong to the Yucatanese. They were not wanderers, living by hunting, predatory, but subsisted on the soil, made fruitful by their labor.

It is proposed to take temporary occupation of this country. What was meant by temporary occupation? We are told that it is intended to hold occupation until Mexico shall be able and willing to protect them. This was not likely to be the case; and why should we not as well strike out of these papers the word "temporary," and insert "continuous and permanent" occupation? The people of Yucatan want us to protect them against Mexico. This is what they want.

He was gratified that the Senator from Michigan had discussed this question on the true ground. It was a question of annexation. How was Texas admitted? She had for seven years maintained herself in an independent position, and was therefore in a condition to enter into any arrangement for annexing herself to what country she pleased.

That Yucatan was in a state of war with Mexico, he did not say; she perhaps held a neutral character. She had not been always consistent in her course, having at one time allied herself to Santa Anna. She is now in a state of rebellion against Mexico.

He replied to some of the views of the Senator from Michigan, [Mr. CASS,] as to the glory we had acquired by the war with Mexico—views which he charged as having been thrown out without a true conception of the genius and proper end of our institutions. Glory and fame might be very legitimate objects of pursuit in a monarchy, but they ought to be considered in a republic as subordinate to the convictions of men as to the true interests of their country. What were all the wars which had ravaged the world from the days of Alexander, in their progress and their results, compared with the silent, wholesome, effectual operations of peace? Let any one who had but now looked at Austria, and had seen the mere volition of popular will crumbling a throne into dust, contrast this with the glories of war. He implored the Senate to pause before, under the name of a republic, it perpetrated outrages which would not only bring a stain on its name, but a disgrace on its principles. As to the fame acquired by our troops, who ever doubted that our citizens would conduct themselves bravely in a good cause?

The position, and power, and glory of England, were held up to us to intimidate us into hasty action on this question. He had looked over the history of England; he was familiar with her movements, her greatness, her territorial aggrandizement; but, whenever she contemplated any aggressions, she always looked out for some specious pretext in which she found something like a justification of her course. When England placed her foot in India, it was because she interfered to help the weak against the strong; and, like Rome, wherever she once planted her foot, she never took it up again. And what was the reply of England, when she was remonstrated with by the oppressed people?—we have given you firmer protection, a better government, a greater extent of liberty than you possessed before.

We are adopting a similar course, violating the right of intervention, not permitting others to enjoy the right of judging for themselves, so long as they do not interfere with others.

It has been said that if we do not take possession of Yucatan some other government will. To prevent this, we are to interfere. In the documents or the letters there are some facts stated to show that it is the intention of England to interfere. His friend from South Carolina had stated that these are not facts; that there is no ground for such statements. They are not facts; they are merely suggestions—insinuations—certainly nothing like facts. We had been told the same story in relation to Texas; yet it had been since admitted that all this was mere humbug—diplomatic humbug. When his friend from Maryland [Mr. JOHNSON] referred, a day or two ago, to a declaration made by the Senator from Texas [Mr. HOUSTON] in a speech at New Orleans, or somewhere on the Mississippi, in which he asserted that a little coquetry had been practised, the Senator from Texas, it is true, had disavowed it; but, in his explanation, he had admitted that there was a little diplomatic impudence played off.

It had been said that England had sent troops into Yucatan, and that Spain had also taken part in the contest. In that case, our interference may result in bringing us in conflict with one or both of these Powers. The Senator from Michigan (if in his place) might say that these were the acts of colonies, and that the veritable Great Britain and Spain had done nothing. But he believed that the acts of the colonies would be sanctioned by the mother country, and then the aspect would be threatening.

As to the charge that Great Britain furnished arms to the Indians, he stated, that it appeared in the documents that these arms were freely offered to the other side as well as the Indians. So it was evident this supplying of arms was a mere transaction of trade.

On the subject of the declaration of Mr. Monroe he made some remarks, to show that the views of Mr. Polk, at the period when the Panama mission was under consideration, were not similar to what they are now represented by his friends to be. He gave a brief history of the nominations of ministers to Panama, and the debate to which they gave rise. The object of that Congress was not to call in bayonets and swords and military array, but to wield only the moral power of united opinion. Yet it was contended that this Congress was a fearful source of danger to our country; that we ought to conform to the recommendation of the Father of his Country to avoid entangling alliances; and the resolutions submitted in the House apprehended a breach of our neutral engagements with Spain and other countries, and might involve us in the danger of war. He quoted from the speech of Mr. Polk on that occasion, to show that he was then opposed to making common cause with the republics of the South; and that self-preservation was the first law of nature. Such was the language of the President when he opposed the Panama mission.

He expressed doubts as to the effect of this measure on the treaty now pending with Mexico. Some who were opposed to the treaty would rather rejoice at such a result as its violation would produce. An expedition to Yucatan, undertaken under an invitation from her, in which she looks to annexation with the United States as a remuneration, would be as likely to lead to war as was the annexation of Texas. We might thus, in addition to a war with England and Spain, have a renewed war with Mexico on our hands. He reminded the Senate, that when the treaty with Mexico was received at Washington, the Yucatan commissioner presented a protest against any treaty which did not include a protection for Yucatan. It is evident, therefore, that Yucatan feels a great interest in the defeat of the treaty with Mexico, and will not hesitate to adopt a course which might lead to its defeat.

He was disposed to do a great deal for humanity; but he could not bring himself to sanction a measure of such doubtful and dangerous import as this was now urged on the Senate.

Mr. MILLER obtained the floor; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 12, 1848.

The Journal of yesterday was read and approved.

Mr. GOGGIN moved to reconsider the vote by which the bill of the Senate in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department,'" passed March 3, 1845, was yesterday recommitted to the Committee on the Post Office and Post Roads. Agreed to.

The bill being now before the House, the question was put on its passage, and it was decided in the affirmative, and the bill returned to the Senate.

Mr. FEATHERSTON, by leave, introduced a bill, of which previous notice had been given, to authorize and require certain illegal entries of the public lands at the land office in Columbus, Mississippi, to be cancelled, and for other purposes. Read twice, and referred to the Committee on Public Lands.

PRIVATE CALENDAR.

The House, on motion of Mr. ROCKWELL, of Connecticut, resolved itself into Committee of the Whole, on the private calendar, (Mr. CABELL, of Florida, in the chair.)

The first bill on the calendar for the consideration of the committee was the bill for settling the claim of the legal representatives of Richard W. Meade, deceased.

The debate was resumed by Mr. WOODWARD, who was entitled to the floor, and was continued by Messrs. LINCOLN, McLANE, and MARVIN, each of whom were frequently interrupted in their remarks for explanations.

At the heretofore appointed hour the fall of the Chairman's hammer announced the close of the debate.

Mr. J. R. INGERSOLL asked to be allowed the privilege, under the rule, of closing the debate; and after suggestions from various members, and a brief explanation by Mr. C. J. INGERSOLL, who reported the bill, the amendment which was moved some time since by Mr. DUER, to be added at the end of the first section, was read, as follows:

"*Provided, however*, That the said officers shall not be bound by, nor regard as evidence, the liquidation and settlement of said claim made by the Spanish Government."

Mr. J. R. INGERSOLL moved to amend the amendment by striking out the words, "nor regard as evidence."

Mr. I. availed himself of the five minutes allowed by the rules to explain his amendment.

The amendment to the amendment was lost.

Mr. DUER's amendment was then agreed to.

Mr. ATKINSON then moved to amend the bill by adding a preamble and an additional section requiring the legal representatives to advertise in the two principal newspapers of Washington, once a month for six months, the act of Congress for their relief, together with a notice requiring all persons claiming to be principals or representatives of those for whom said Meade acted as agent on account of claims against Spain, included in the act, to appear and prove their claims, and to receive the sums to which they may be found to be entitled, abating commissions for services of said Meade, under agreement or arrangement with any of the parties; or, in case of no agreement, such sum as the accounting officers of the treasury may deem just for the expense and trouble incurred by said Meade and his legal representatives in the prosecution of said claims; and no money due said Meade as agent to be paid by the legal representatives beyond the commissions Meade would have been entitled to as agent, &c.

Mr. A., under the five-minutes rule, explained his amendment.

Mr. HOLMES, of South Carolina, moved to amend the amendment by striking out all after the enacting words of the amendment.

Mr. H., after making a few remarks strongly in favor of the claim, withdrew his motion.

Mr. PUTNAM moved to amend Mr. ATKINSON's amendment by striking out all thereof, and inserting a section very nearly in substance the same as the amendment of Mr. A. It was rejected.

Mr. KAUFMAN said, in order to test the sense of the committee, he moved the following amendment:

"*Provided*, That no money shall be paid out of the treasury by virtue of this act."

Mr. GAYLE rose to a question of order. The amendment was equivalent to a rejection of the bill, and the committee could not reject a bill.

The CHAIR sustained the point of order, and ruled the amendment out of order.

Mr. HALL, of Missouri, moved to amend the preamble by changing the word "appears," after the words "whereas it," to "is said." It would then read: "Whereas it is said," &c.

Mr. ATKINSON accepted the amendment as a modification.

The question was then put on the amendment of Mr. ATKINSON, and it was agreed to.

The committee then rose and reported the bill to the House, with amendments.

Mr. BARRINGER moved the previous question.

Mr. McKAY moved to lay the bill on the table; which was decided in the affirmative: Yeas 118, nays 38.

The House then adjourned.

IN SENATE.

FRIDAY, *May* 12, 1848.

A message was received from the House of Representatives informing the Senate that the House had passed the bill for the admission of the State of Wisconsin into the Union.

On motion of Mr DOUGLAS, the bill was read a first and second time, and referred to the Committee on Territories.

The VICE PRESIDENT laid before the Senate a communication from the Department of State, made in compliance with a report by resolution of the Senate of 2d February last, referring the memorial of A. A. Frasier and Alvin Baker, claiming indemnity for the illegal capture by a British cruiser of the American brig Douglass.

On motion of Mr. WESTCOTT, the message was ordered to be printed for the use of the Senate.

[The Secretary states that the claim had been urged against the British Government, in behalf of the claimants, before he came into office, but had been since abandoned; that he could not, consistently with his other duties, give the subject that thorough examination he could have desired. He gives an explicit opinion, however, that the vessel was captured and detained in direct violation of the laws of nations and the right of the American flag; and that it was the duty of this Government to hold that of Great Britain responsible. He says further, that, whether the United States, by abandoning the claim against the British Government, has rendered itself responsible, he does not feel himself, under the resolution, called on to express any opinion; and that such duty more appropriately belongs to the Legislative than to the Executive branch.]

MEMORIALS AND PETITIONS.

Mr. DAVIS, of Mississippi, presented a petition from David Hunt and Aylett Buckner, asking to be confirmed in the entry of certain public lands; which was referred to the Committee on Private Land Claims.

Mr. DICKINSON presented a petition from citizens of New York, asking that a port of entry may be established at Rouse's Point; which was referred to the Committee on Commerce.

BILLS INTRODUCED ON LEAVE.

Mr. DOUGLAS, on leave, introduced a bill granting to the State of Iowa the right of way and a donation of public lands for making a railroad connecting the Mississippi and Missouri rivers; which was read twice, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, on leave, introduced a bill to amend the act approved 17th June, 1844, entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the 30th degree of north latitude, and between the Mississippi and Perdido rivers;" which was read twice, and referred to the Committee on Public Lands.

ALABAMA CLAIM.

On motion of Mr. BAGBY, the prior orders were postponed, and the Senate proceeded to the consideration of the bill authorizing payment of interest on the amount advanced by the State of Alabama to the General Government pending the Creek hostilities, in 1836-'37.

The bill having been explained and advocated by Mr. BAGBY, the amendment offered by Mr. PEARCE was agreed to. The bill was then ordered to be engrossed, and was, by unanimous consent, subsequently read a third time and passed.

PENSIONS.

Mr. DAVIS, of Mississippi, asked the Senate to take up, out of its order, Senate bill explanatory of the act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved February 11, 1847. Mr. D. said that prompt action on the bill became necessary from the fact that decisions under the act which had been made in the Pension Office conflict with the spirit of the bill.

The motion having been agreed to, the bill was considered in Committee of the Whole, and the amendments reported by the committee were agreed to. The bill was then ordered to be engrossed, and was subsequently read a third time, by unanimous consent, and passed.

APPOINTMENTS WITHHELD FROM SENATE.

Mr. JOHNSON, of Maryland, moved to proceed to the consideration of the resolution submitted by him some time since, calling on the President to know if there were any officers whose names had not been sent in to the Senate for confirmation.

Mr. JOHNSON, of Louisiana, suggested that the day had been set apart for the consideration of the bills on the private calendar, and hoped the Senator would consent to postpone the further consideration of the resolution until to-morrow.

Mr. JOHNSON, of Maryland, would cheerfully do so, but he desired to go away that day, and hence would prefer saying what he had to say at once.

The point was yielded by Mr. JOHNSON, of Louisiana, and the resolution taken up, which is as follows:

Resolved, That the President of the United States is requested to inform the Senate whether any officers are now in the military or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

Mr. JOHNSON, of Maryland, resumed his remarks, commencing with a reference to the *quasi* usurpation of the Executive in the veto of the river and harbor bill. He referred to the course of the President, while a member of the House of Representatives, advocating similar bills, instead of raising constitutional objections to them. These measures had always gone on without interruption, as connected with our commercial interests. The power to pass such bills was conferred by the Constitution, in the clause relating to the regulation of commerce. After such an uninterrupted construction of the power, it appeared very extraordinary that a new construction should now be put on the same words. If the meaning of the words "regulate" and "commerce" had remained the same, why was a new construction to be given them. He commented on the insufficiency of the arguments by which a distinction between salt and fresh water was made. A new construction, however, had been placed on the words by the present Executive, who, as was alleged by the Senator from Ohio, was not likely to be guilty of usurpation. He had understood the Senator from Ohio as asserting that the tendency to usurpation was greater in the Senate and in the House of Representatives than in the President; but that Senator had corrected him, and had stated that he had been misunderstood. He (Mr. J.) had thought it probable that this conclusion had been brought about in the mind of that Senator by the changed aspect of the House of Representatives, the party character of which had been reversed. The present House was composed of representatives fresh from the people, who were indignant at the course of the President in interposing his veto on the river and harbor bill.

Another instance of the usurpation of the Executive was to be found in the veto of the bill for the indemnity of our citizens for losses caused by French spoliations previous to 1800. No one doubts, from the spirit and disposition of the French people, as illustrated by the recent revolution, that they would now pay these claims, had they not been relinquished, so far as regards the responsibility of France, by our citizens. He adverted to the able reports and unanswerable speeches made in defence of this bill, from time to time, by the most distinguished men, by the brightest intellects of the country. The bill, which at various times had passed the one or the other House, was at length passed by both Houses; and having received the sanction of this power, which represents the intelligence and moral feeling of the people, it was sent to the President. He returned it with objections founded on the assumption that the claims were of too long standing, and that the United States were not bound to pay them. The mode of returning the bill was disrespectful to the Senate, which had allowed him the full constitutional time for examination and reflection. We were told, also, that we had become involved in the war, and that there was no surplus in the treasury. We have credit, we are able to raise money to pay armies, but we cannot find means to pay our just debts. Great credit was given to the President by his friends for this veto.

He brought forward these instances to show the tendency of the one-man power to usurpation. The Senator from Ohio considered the granting charters as an usurpation on the part of Congress. Yet the charters for the various banks were all signed by the President. George Washington, with the advice of all his Cabinet, signed the charter of the United States Bank. James Madison, an original opponent, retracted the opinion, and sanctioned the renewal of the charter. General Jackson had to pass on the same charter which was reported by you, sir, and he said there was no difficulty in chartering a bank, if he could draw up the charter. The Supreme Court, with Chief Justice Marshall at its head, had confirmed the constitutionality of the charter of the bank. Ohio resisted the proceedings of a branch of the bank within her territory, and this brought the question again before the Supreme Court, when all the authorities were examined, and it again resulted in a confirmation of the constitutionality of the bank and its acts.

Referring to Mr. Tyler's veto, he characterized him as a President *per se*, and stated that his objection to the thing was as to the name by which it was baptized: he would have been satisfied with it under the name of *fiscal agent*. To this hour, Mr. J. stated it as his opinion that the constitutionality of the question was so well settled that nothing but courtesy could induce the present Supreme Court ever to listen to an argument about it.

The Senator from Ohio takes the ground that the President truly represents the people of the United States, and that we do not. He would ask that Senator, whether, if the course taken by the President in reference to the river and harbor bill and the French spoliations had been shadowed out to the people beforehand, he would ever have received the nomination or election to the Presidency? He believed the President had no objection to a reëlection; but if he should be nominated, it would only be to be beaten. There was one will he would have to obey, and that was the will to be beaten.

In one of the numbers of the Federalist, Alexander Hamilton had treated as the wildest fictions of imagination these objections to this veto power, which we have been doomed to see realized. [Mr. J. read an extract.] Facts had proved that the President might assume the supercilious pomp of majesty, and yet remain the idol of a party. The consequences may not be all developed in one day, but they must follow; and it may yet be that a diadem may sparkle on the brow of an American President, and the imperial purple may flow in his train. Man is man the world over; power is power the world over, and it may again be used as it has been before used.

He remarked on the political excrescences which had appeared on our system in the shape of conventions. He called them so without reference to one party more than another. They took the business out of the hands of the people, in order to build up a party idol. Out of the twenty millions of our population, not ten thousand had any share in the getting up of these conventions. He did not wish to say anything disrespectful; but he asked what Senator on the other side, looking among the distinguished of his party, would have selected Mr. Polk? He asked if the Executive lash had not been applied in the Senate, and if Senators had not often been told that they were lagging behind their duty, and this in terms offensive to any man of honor? It had been still more

fiercely applied in the House. And when some impracticables insisted on offensive measures—when the tea and coffee tax was repudiated—the organ was required to play, discoursing not music, but curses. Patronage was also wielded in favor of those who yielded to the wishes of the President, and against those who resisted it.

He returned to his resolution, the constitutionality of which he defended. He adverted to the manner in which the Senator from Ohio had spoken of the Supreme Court. He asserted that it was never intended to give the power of appointment to the President alone, but to the President and Senate conjointly. In case of vacancies during the recess, the President has the right to fill up—and this is the extent of the power intended to be conferred on him. He asked if, supposing the practice of General Washington prevailed now, and Mr. Polk was seated in the Senate chair, or by the side of it, and he were to put the question to him, There is one Gideon J. Pillow, a mighty man of war, who has overthrown armies by his prowess, and who is forced to herald his own history because no one witnessed his achievements but himself, is he a major general of the United States? Now, he merely proposed to ask by resolution what, in the case referred to, he would have orally asked. And had the President any more right to be offended in the one case than he would have had in the other? Why was not Gideon J. Pillow sent in? Was it because the President knew he would be rejected? There was General Quitman, too, a man of high sense of honor, and who had been here, holding his commission by the mere will of the President: why had not his name been sent in? Was it because he was in bad company? There was also General Cushing, who is now a member of the court of inquiry in Mexico: why had not his name been sent in? He would suppose, for the sake of argument, that the nomination of this general had been kept back, so that, by his present dependence on the will of the President, he may be led to act so as to prejudice the case of the gallant general at the head of the army.

Mr. JOHNSON, of Louisiana, moved to postpone the further consideration of the resolution; and as so much time had been occupied on this resolution, he moved to extend the order relative to the private calendar so as to include to-morrow.

Mr. HANNEGAN rose, and expressed his determination to oppose any such motion. It was his intention to call up the Yucatan bill to-morrow. The order appropriating this day for the consideration of private business had been made while he was absent, or he should have felt it his duty to oppose it. When the Yucatan bill should be disposed of, he would be ready to give a week to the consideration of private bills. If there was any disposition on either side of the Chamber to keep the subject of Yucatan open, for the purpose of playing at a game for political capital, he knew nothing about it, he was not concerned in it. If the Senator from Louisiana persisted in his motion, he should be compelled to ask for the yeas and nays. He was for Yucatan, let others have in view what objects they may.

Mr. JOHNSON, of Louisiana, said, with the understanding that a week would be allowed for the private calendar after the Yucatan bill was disposed of, he would withdraw that part of his motion which went to set apart to-morrow for that subject.

Mr. DOUGLAS begged to be understood, that he was no party to any arrangement which would give priority to the private bills for a week, or for any particular period. There were some important bills which he should ask the Senate to take up whenever he had an opportunity.

Mr. BADGER said, the Senator from Indiana had said he was for Yucatan. Now, he (Mr. B.) occupied a position directly the reverse. For reasons which were obvious, he was against Yucatan. He hoped the Senate would take up the private calendar.

Mr. FOOTE said he was astonished to hear the Senator from North Carolina express himself in such extraordinary language. That Senator had declared that he was against Yucatan. Now, he did not believe that that honorable Senator intended it to be understood that he had any hostile feelings against Yucatan. Yet his language was liable to that construction. He did not suppose there was a single person here who did not deeply sympathize with the people of that unhappy country; and he presumed the Senator from North Carolina would not be willing that his language should be made the subject of misconstruction. He therefore had thought it right to give that Senator an opportunity to explain.

Mr. BADGER said it must be obvious that he only intended to be understood as saying that he was against the Yucatan bill.

The question was about to be taken on the motion of Mr. JOHNSON, of Louisiana, when—

On motion of Mr. CAMERON, the Senate proceeded to the consideration of Executive business; and, after a short time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 13, 1848.

The Journal of yesterday was read and approved.

Mr. BROWN, of Mississippi, by leave, previous notice having been given, introduced a bill for the relief of the West Feliciana Railroad Company. Read twice, and referred to the Committee on Public Lands.

Mr. ADAMS, by leave, presented resolutions of the Legislature of the State of Kentucky favorable to Asa Whitney's plan of a railroad from Lake Michigan to the Pacific Ocean.

Also, a resolution of the same Legislature concerning the Mobile and Ohio Railroad Company. Laid on the table, and ordered to be printed.

Mr. ADAMS, from the Committee on Engraving, to which was referred the subject of engraving the chart of the proposed route of steamers from San Francisco or Monterey, in California, to Shanghae and Canton, in China, and the Sandwich Islands, reported the following resolution:

Resolved, That one copy of the chart accompanying said report be engraved for each number thereof ordered by the House to be printed.

Mr. BURT moved to refer the report and resolution to the Committee on Printing, with a view to ascertain the expense of the engraving, &c.

Mr. CONGER opposed the motion to commit to the Committee on Printing, and suggested that it be recommitted to the Committee on Engraving.

Mr. BARRINGER moved to recommit the report to the Committee on Engraving, with instructions to ascertain the cost of engraving the maps, &c., and report the same to the House.

Mr. JONES, of Tennessee, moved to lay the report on the table. Lost.

The question was then put on the motion to recommit, with instructions, and it was agreed to.

On motion of Mr. EDWARDS,

Resolved, That Charles Ewing, an invalid pensioner, have leave to withdraw his petition and accompanying papers, now on file in the Clerk's office of this House.

Mr. CONGER, from the Committee on Printing, reported the following resolution, which was read:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House of the cause of delay in furnishing to the public printers the index and other matter required to complete the annual report of that officer on commerce and navigation; and also when the same will be furnished, so that said printers can deliver said report to this House as ordered by it.

Mr. CONGER desired that the resolution might be put upon its passage.

Objection being made, it lies over under the rule.

Mr. HAMPTON, of Pennsylvania, asked leave to offer the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the improvement of the navigation of the Alleghany river, and that said committee report by bill or otherwise.

Objection being made, the resolution was not received.

PAYMENT FOR A SLAVE.

The House, on motion of Mr. ROCKWELL, of Connecticut, resolved itself into Committee of the Whole, on the private calendar, (Mr. SIMS in the chair.)

The first bill on the calendar was the bill for the relief of the legal representatives of Benjamin Hodges, deceased. It provides for the payment for a slave conveyed from the United States by the British fleet in the year 1814. The amount appropriated by the bill is two hundred and eighty dollars, out of the fund (if so much there be unapplied) allotted by the British Government under the first article of the treaty of Ghent.

After the bill had been read, Mr. TUCK rose and addressed the committee in a speech of nearly an hour's length in opposition to the bill, and on the subject of slavery generally.

Mr. RHETT (who reported the bill) explained the bill; and replied briefly to Mr. TUCK.

Messrs. BURT, CHAPMAN, VENABLE, WOODWARD, and ATKINSON, also spoke in reply to Mr. TUCK, and in support of the bill.

[Mr WOODWARD said: The few observations I have to make, shall be restricted to the principle of the bill.

There is a fallacious opinion prevalent of late, that persons cannot be considered property. It is assumed that there is a philosophical or metaphysical incompatibility between the two things. And the question is raised, is a slave property and person? A precious piece of metaphysics! The framers of the Constitution meant to determine no such question as this. At the formation of the Constitution, slaves were property as a mere *matter of fact*; and were also persons as a matter of fact. And the question then made was, whether the Constitution should *contemplate* them in the one character or the other, or both. This question of legal contemplation was compromised. But how? Not upon any idea of incompatibility between person and property, but upon an assumed compatibility. It was agreed, that to the extent that slaves should be considered property, for the purpose of apportioning direct taxes among the States; to the same extent they should be considered persons, in the apportionment of Representatives among the States. The same three-fifths that are considered property, are also considered persons. Nothing is said of the remaining two-fifths. The two-fifths are not considered either persons or property. The three-fifths, both. The Constitution assumes the perfect compatibility of the two things, person and property; or else, three-fifths being made property, the remaining two-fifths would have been regarded persons. Such a compromise as this would, indeed, have recognized an incompatibility between the two characters, and furnished some ground for the reasoning of the gentleman from New Hampshire.

The gentleman says this bill ought not to pass, because the Constitution does not recognize slavery. If he means, that the Constitution does not recognize the principle of slavery, as moral and right, I agree with him. The Constitution says nothing on the subject. But if he says the Constitution did not recognize the *fact* of slavery, he makes a most extraordinary assertion. What does the Constitution mean by "a person bound to service?" What better definition of a slave could there be, than this? What does the Constitution mean by "the party to whom such labor or service is due?" What better definition of a master? What does the Constitution intend, when it enjoins upon every State to deliver up a fugitive bound to service, to the party entitled to such service, upon his own demand? What stronger recognition could there be of the perfect right of the master to property in the slave?]

Mr. ATKINSON moved to amend the bill by inserting after the words, "the sum of $280 out of the fund (if so much there be unapplied,") the words "and not necessary to the discharge of claims that were allowed by the commissioners and yet unsatisfied."

The debate was then continued by Messrs. COLLAMER and GIDDINGS. [The speech of Mr. G., and others, will be found in the Appendix.]

After Mr. GIDDINGS concluded—

The committee rose and reported progress.

CONSTITUTION OF THE UNITED STATES.

Mr. BRODHEAD asked leave to introduce a joint resolution to amend the Constitution of the United States.

And then the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. HUDSON: The memorial of the American Statistical Association in relation to the mode of taking the next census.

By Mr. THOMPSON, of Iowa: The petition of Samuel Steele and sundry other citizens of Iowa, praying for the establishment of a mail route from Ashland, via Sand Point and Floris, to Bloomfield, in Davis county.

IN SENATE.

SATURDAY, *May* 13, 1848.

Mr. CALHOUN presented a petition from citizens of Charleston, South Carolina, asking a uniform and cheap system of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS, of Mississippi, presented a petition from J. Anthony King and Cuyler W. Young, asking to be allowed to organize a military force to aid the people of Yucatan; which was referred to the Committee on Foreign Relations.

Mr. DIX presented a petition from J. Howard & Son, of New York, asking to be allowed to use two Spanish war-steamers in the line which they propose to run between New York and certain Spanish and Mexican ports; which was referred to the Committee on Commerce.

Mr. MASON presented a memorial from physicians, chemists, and citizens of Alexandria, Virginia, remonstrating against the importation of adulterated and spurious drugs; which was laid on the table.

Mr. DICKINSON presented a petition from two hundred and twenty-three citizens of the District of Columbia, asking that the General Government purchase Mount Vernon; which was referred to the Committee on Military Affairs.

Mr. DOUGLAS presented a petition from citizens of the United States residing in Oregon, asking that the laws of the United States may be extended over the Territory, and that donations of land may be granted.

Mr. DIX, from the Committee on Commerce, reported a bill to admit certain articles of the growth or production of Canada into the United States free of duty, upon the condition that the like articles of the growth or production of the United States are admitted into Canada free of duty; which was read a first time.

On motion of Mr. WESTCOTT, the report of the Secretary of State concerning the illegal seizure of an American vessel, was ordered to be referred to a select committee of five, to be appointed by the Chair.

RESOLUTIONS.

On motion of Mr. DAYTON,

Resolved, That the Secretary of the Treasury furnish the Senate with a statement of all the iron and the manufactures of iron imported into the United States from the 1st July, 1847, to the 1st May, 1848, designating the different kinds of iron, and the value of each kind, and also the value of the manufactures thereof; and the quantity and value of all mineral coal imported during the same period.

On motion of Mr. DOUGLAS,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of amending the law, approved 23d April, 1808, appropriating annually $200,000 for arming the whole militia of the United States and Territories, so as to increase the same to an amount equal to the present wants of the country, and report by bill or otherwise.

On motion of Mr. JOHNSON, of Maryland,

Resolved, That the Secretary of the Navy be requested to send to the Senate all the papers filed by Mary Cassin, widow of the late Lieutenant John Cassin, of the United States navy, in her application for a pension.

On motion of Mr. HANNEGAN,

Resolved, That N. J. Holland act as Assistant Doorkeeper of the Senate during the absence of the Assistant in conveying the remains of the honorable CHESTER ASHLEY to the State of Arkansas.

Mr. HANNEGAN submitted the following; which lies over:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of establishing the consulate at Muscat, in the dominions of the Imaum, upon the same footing with those of Tangiers, Tripoli, and Tunis, in the Barbary States.

Mr. BAGBY submitted the following, which was referred to the Committee on the Contingent Expenses of the Senate:

Resolved, That John M. Jameson, Postmaster of the Senate, be continued hereafter yearly in charge of the post office, at the same per diem he now receives.

PUBLIC PRINTING.

On motion of Mr. DAYTON,

Resolved, That the Secretary of the Senate inquire and report to the Senate *why* the document relating to the proceedings of the arbitration in the matter of the island on which Fort Delaware is situated, commonly called the "Pea Patch," has not been printed, according to the order of the Senate.

Mr. BADGER alluded to the fact of his having introduced, several weeks ago, a resolution of inquiry into the delays constantly occurring in the public printing. Seeing that the chairman of the Committee on Printing had just reached his seat, he would call his attention to the facts, and inquire whether the committee had thought it worth while to investigate the subject?

Mr. CAMERON replied, that since the introduction of the resolution he had been absent, and, besides, too unwell to make a detailed report. He might state, verbally, however, for the satisfaction of the Senate, that there was error in supposing that there was any unnecessary delay; in short, there was less delay in the public printing now than at any time since he had had the honor of a seat in that body. He thought the charges against the public printers altogether groundless, and that the facts had not been sufficiently looked into or investigated.

Mr. BADGER said the Senator from Pennsylvania must pardon him, but he really thought there was great irregularity in his proceeding, to say the least. The resolution he had the honor to submit long ago, showed that the Senate was fully sensible of the truth of the delay, or it would not have been adopted. It was not the fact of the delay that the resolution called on the committee to inquire into, but the cause thereof. The delay the Senate had already affirmed to exist. As to the printing being executed as rapidly as heretofore, the Senate knew it was not so, and the resolution just submitted by his friend from New Jersey, calling on the Secretary to inquire and report, was further evidence of the fact.

Mr. CAMERON thought the printing had been as rapidly executed as it could have been done, and was at present more so than it had ever been heretofore. As soon as time and health would permit, he should submit a report setting forth the facts, which he thought would satisfy the Senator. And here the subject dropped.

Mr. YULEE asked the indulgence of the Senate to take up the bill to promote the efficiency of the navy, by authorizing a retired list, not with a view to discussion, but simply for fixing a day for its consideration.

The motion having been agreed to, the bill was made the special order for the first Monday in June next.

Mr. NILES moved to take up the amendments of the House to the bill to amend an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department,'" passed March 3, 1845.

This motion having been agreed to, Mr. NILES explained the effect of the amendments; and the first and second were disagreed to, and the third concurred in.

OCCUPATION OF YUCATAN.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of the special order, being the bill to enable the President of the United States to take temporary military occupation of Yucatan; when

Mr. MILLER rose and said, that if this bill had been placed simply on the ground of humanity, it would have met with his entire approbation. But, in the progress of the discussion, the measure had been entirely stripped of humanity, and advocated as a matter of cold, calculating policy. It was a strange proposition to require of us aid to resist an overwhelming foe, and then that we should receive pay for the same. He gave a brief historical view of the circumstances which had preceded this application, and then reviewed the correspondence which had taken place between the Secretary of State and the Yucatan commissioner. He dwelt on the fact that at the time of this application, Yucatan was a part of the territory of Mexico. The commissioner presents a deplorable picture of the condition of Yucatan—representing the white race as in danger of extermination by the Indians. But, no response being given to the cry of distress, he shows a pretty accurate knowledge, if not of human nature generally, of the human nature of our country, by then calling the attention of our Government to the declaration of Mr. Monroe, and referring to our course in reference to the Greeks, &c., and by throwing out a menace of appealing to England or other European Powers, in case we do not act. It was like the case of a man who, finding his house on fire, offers his neighbor a deed of the building if he will put out the fire; but, seeing that his neighbor makes no movement to save the property, he tells him, Well, if you don't take the offer, there is a man over the way who will do it, and I will go to him.

He adverted to the position taken by the chairman of Foreign Relations, that it was necessary to act to keep England out of Yucatan; so that the real object was, not to drive out the Indians, but to drive out the English. The Eagle and the Lion were to be watching to see which shall seize the victim. He put the case of the people of South Carolina, or Alabama, making an application to Great Britain. What would be thought if Great Britain were to indicate a disposition to take possession of the complaining State, without the sanction of the General Government? Would it not be regarded as an act of war? If Yucatan is not independent of Mexico, we cannot interfere without danger of war. He referred to the pending treaty, the ratification of which may be defeated by any unwise and over-hasty movement on our part. Mr. Sierra, the Yucatan commissioner, had entered a protest against the treaty, but withheld his threat of calling on other Powers until a subsequent period. He took exception to the style assumed by Mr. Sierra in his letter of protest—a style which would have been suitable to a sovereign prince making on some other sovereign a demand sanctioned by the laws of nations.

It had been rumored that the President himself was not at heart in favor of the pending treaty with Mexico, and since this subject had been before the Senate, the probability of the rumor had received some strength. He adverted to the causes of the war with Mexico—to the annexation of Texas and the boundary question—to the manner in which it had been carried on, and to the anxious desire for its speedy termination which at this moment pervades the whole country. It was emphatically the duty of every man who held the peace of the country in his hands to be particularly cautious not to do anything which would tend to the disappointment of those hopes and desires.

If this measure were only urged in a spirit of charity, for the sole purpose of saving the white citizens of Yucatan from extermination by the Indians, we certainly should have no right to be displeased because we have been anticipated either by Spain or England. The reply of Spain, in which she declares that she will not take advantage of the present distressed condition of Yucatan to seize hold on her territory, he lauded as worthy of old Spain in her best days. Such an answer ought to have been ours. France had also declined in a similar manner. And as to the interference of England, he had seen no proofs of it. It did not yet appear that she had been even asked. The possession of English arms he did not regard as ground of suspicion against the English Government. England could not interfere without bringing on her war with Mexico and war with ourselves, who are now at war with Mexico. A great deal of political capital has been made out of this cry about English interference in Texas and in California, but he has yet to discover the first particle of evidence on which this cry could be justified.

He proceeded to remark on the declaration of Mr. Monroe, which was issued in opposition to the encroaching spirit of the Holy Alliance. He denied that it could be applied here without a complete perversion of the principle. We propose to do precisely what we say England and France and Spain shall not do. We desire to take possession of another State, and defend the act by appealing to the declaration of Mr. Monroe, which was issued to prevent one nation from interfering with the affairs of another. If we say to another, You shall not take Yucatan, shall we take Yucatan ourselves? Are we about to drive others away from this afflicted territory, in order that we may have all the plunder to ourselves?

He then went on to speak of the domestic affairs of Yucatan, to show that Mendez had used these Indians to promote his ambitious views, under a promise that he would repeal the capitation tax. After he had obtained their services, he violated his obligations, and murdered many of the Indians, with their women and children, in cold blood. In the party movements in Yucatan, the Indians stand by their country; and who does not approve of their course? The whites have an army of 8,000 men, but we have never heard of any battle they have fought. It had been called a war of races. Every war from the discovery of Mexico has been

a war of races—a war between the Indians and the whites; and what Christian nation has ever stepped in to aid the Indians? These Indians are not subjects, they are citizens. Almonte and others, with whom our Government has had correspondence, are full-blood Indians. In the French revolution, the *blouses* had no legal right to take the step they did—they violated the law at the outset, yet we have given them our highest approbation. On the other hand, the Indians of Yucatan, as citizens possessing an equality of rights, had a perfect right to take the steps they have taken.

If Great Britain has determined to take possession of Yucatan or any portion of it, to the detriment of our national safety, it becomes a great question between us and Great Britain. If so, we ought at once to speak out in plain language, and tell her we will oppose her, instead of trying to get ahead of the Lion, in order to be beforehand in seizing the prey. The first is the manly course. The possession of Cuba would in all probability come up under the next Administration, because, in the present state of Europe, it is not likely that Spain will long hold out.

He concluded by throwing a censure on the Administration for devoting its attention exclusively to foreign affairs, and neglecting the domestic interests of the country. It seemed to have entirely turned its back on all those objects which are connected with home concerns.

Mr. CALHOUN then obtained the floor, and expressed his intention to give his views on the question.

A motion was then made to adjourn; which was withdrawn, and,

On motion of Mr. CLARKE, it was

Resolved, That the President of the United States be requested to inform the Senate whether all or any part of the navy stationed in the Gulf of Mexico has been ordered to proceed to the coast of Yucatan, for the protection of the white population of that country; and if so, to transmit to the Senate a copy of such orders, and also a copy of any advices from the commander or officer of the squadron of a date later than those already communicated.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 15, 1848.

The Journal of Saturday was read and approved.

Mr. HARALSON moved to suspend the rules, to enable him to move that the Committee of the Whole on the state of the Union be discharged from the consideration of the bill to refund money for expenses incurred, subsistence or transportation furnished for the use of volunteers during the present war, before being mustered and received into the service of the United States: Ayes 92, noes 26. Two-thirds voting in favor thereof, the rules were suspended.

The bill was then taken up and read.

Mr. H. briefly explained the bill. It revived and extended the provisions of the resolution of the last Congress so as to embrace companies, towns, corporations, individuals, &c., and required proof to be made to the satisfaction of the Secretary of War. It was framed, as nearly as practicable, in accordance with the views of the House, as expressed when the subject was before under consideration. He apprehended that there would be no desire to discuss the question, and he therefore demanded the previous question.

The previous question was seconded; and, under its operation, the bill was engrossed, read a third time, and passed, as follows:

A BILL to refund moneys for expenses incurred, subsistence or transportation furnished for the use of volunteers during the present war, before being mustered or received into the service of the United States.

Be it enacted, &c., That the provisions of the joint resolution, approved March third, eighteen hundred and forty-seven, entitled "A resolution to refund money to the States which have supplied volunteers and furnished them transportation during the present war, before being mustered and received into the service of the United States," be, and the same are hereby, extended so as to embrace all cases of expenses heretofore incurred in organizing, subsisting, and transporting volunteers previous to their being mustered and received into the service of the United States for the present war, whether by States, counties, corporations, or individuals, either acting with or without the authority of any States: *Provided, however*, That proof shall be made, to the satisfaction of the Secretary of War, of the amount thus expended, and that the same was necessary and proper for the troops aforesaid.

SEC. 2. *And be it further enacted*, That an amount sufficient to refund said expenses so incurred be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated.

CHARTER OF WASHINGTON.

Mr. CHAPMAN moved a suspension of the rules, in order to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill to amend the charter of the city of Washington.

By common consent, Mr. C. stated that the charter election of this city was very near at hand, being appointed either for the first of June or the first Monday of June. This bill embraced a compromise charter, which had been agreed to, after the question being advertised, by four-fifths of the inhabitants of the city. The principal difficulty which had existed in former years was with reference to the right of suffrage. They had unanimously agreed upon a basis of suffrage, he had been informed by a number of the inhabitants of the city, and particularly by the Corporation.

The question being taken, the rules were suspended, and the bill was laid before the House and read.

Mr. SIMS suggested that a clerical error in the 16th line of the 1st section required amendment, and it was corrected accordingly by substituting "or" for "and." He then moved the previous question on the engrossment of the bill.

Under the operation of the previous question, the vote on the engrossment was taken by yeas and nays, as follows: Yeas 95, nays 59.

Mr. CHAPMAN moved the previous question on the passage of the bill.

Mr. MEADE inquired if a motion to reconsider the vote by which the bill had been ordered to be engrossed would be in order?

The SPEAKER replied in the affirmative.

Mr. MEADE moved to reconsider, for the purpose of introducing a proviso to submit the charter to the people.

Mr. SIMS, (in his seat.) It has already been submitted, and a large majority of the people have voted in favor of it.

Mr. MEADE (apparently not understanding Mr. SIMS) had no objection, he said, to the provisions of the bill as he understood it; but he thought this charter, which stood in the place of a constitution to the people of this city, should be submitted to them, to be accepted or rejected at their will. He read the amendment he wished to add, as follows:

"*Be it further enacted*, That this act shall be in force from and after the —— day of ——, provided that previous to that date a majority of the people of the city qualified to vote under the present charter shall signify in a manner hereafter prescribed their assent thereto; and that the sense of the people may be ascertained, the Mayor of the city shall, before the —— day of —— next, cause a poll to be opened, and kept opened for three days, (of which thirty days' notice shall be given in two newspapers published in the city of Washington,) at the court-house of said city, in which the names of those who shall offer to vote shall be recorded in separate columns, for or against the amended charter; and the polls aforesaid shall be examined by the Mayor and Aldermen of the city, who shall make proclamation of the result; and this amended charter shall be considered as adopted or rejected, according as the majority of the votes polled shall be for or against the same."

Mr. CHAPMAN remarked that the gentleman from Virginia, he thought, could not have been in the House when the bill was first taken up, and heard the statement which had been made. He repeated that it had been expressly stated to the Committee on the District by the Corporation of this city that this charter had been submitted to the people, and that three-fourths of them had voted for it; and further, they believed the people were unanimously in favor of it. He therefore moved to lay the motion to reconsider on the table.

Mr. MEADE inquired in what form it was submitted, who drew it up, and who voted for it?

Mr. CHAPMAN replied that it was submitted to the people at the polls; they voted upon it section by section; and the report had been made to the Committee for the District of Columbia by the officers who took the vote of the people. He moved to lay the motion to reconsider on the table.

Mr. COLLINS demanded the yeas and nays, which were ordered; and, being taken, resulted—Yeas 92, nays 67.

So the motion to reconsider was laid on the table.

The question recurring on the passage of the bill, it was agreed to, without a division.

So the bill was passed.

Mr. HENLEY moved to reconsider the vote by which the bill was passed. He said he was very much obliged to the gentleman from Maryland for endeavoring to put the gag upon those opposed to the bill, by preventing them from saying a word upon its odious features.

Mr. CHAPMAN assured the honorable gentleman from Indiana that he had no disposition to arrest his remarks; he would listen to them with great pleasure. If he had supposed the gentleman was desirous of being heard upon this question, he certainly should have thrown no obstacles in his way.

Mr. HENLEY said it was passing strange that the gentleman should not have known that those opposed to the bill were desirous of being heard, when they had made every effort in their power to make some few amendments, and to give their reasons therefor.

This bill contained a feature than which, at this enlightened age of the world, none more odious could be proposed—that was, a property qualification for the voter: a restriction upon a man, that because he did not own property, and had not paid taxes upon that property, he should not therefore be entitled to cast a vote at the ballot-box. It had been said, and was now said by a gentleman near him, [Mr. McLANE,] that no such provision was contained it. He read the following: "and who 'shall have paid the school tax and all taxes upon 'personal property due from him, shall be entitled 'to vote.'" He submitted it to the country if this was not a property qualification? If this section did not require a man not only to be assessed as a property holder, but to have paid a tax upon that property before he could be admitted to vote, he had no idea of the force of language.

Mr. McLANE (the floor being yielded) said, as the gentleman from Indiana had referred to him, and had declared that there was a property qualification in the bill, and as he, (Mr. McL.,) after examination, had voted for it, and as he knew it contained no property qualification at all, (for if it had, he should not have voted for it,) he desired at this time to call the particular attention of the House to the fact that there was no such provision in the bill. It was provided, that if a man had personal property, he should have paid the taxes upon it before he voted, but if he had no property he could vote.

Mr. HENLEY. Then he must be assessed as a tax-payer?

Mr. McLANE. Not at all; if he has no property, he can vote. I ask the gentleman from Indiana to answer the question whether it is necessary, under this bill, for a man to be possessed of a certain amount of property before he can vote? I deny it.

Mr. HENLEY asked the gentleman to answer the question, if an individual must not be assessed to pay his school tax before he could vote?

Mr. McLANE, objecting to the gentleman's mode of answering a question by putting another, called attention to the fact that the gentleman had made the direct allegation that the bill provided a property qualification, and then turned round and said it was a school tax. Now, would the gentleman frankly, explicitly state that it was a property qualification, and that a man could not vote without it?

Mr. HENLEY supposed a case: A man who has personal property in the city of Washington, which is assessed, makes his appearance at the ballot-box, not having the receipt of payment of that assessment, could he vote?

Mr. McLANE answered with very great pleasure. In his judgment, a man, holding property, and assessed upon that property, ought not to vote unless he had paid his taxes.

Mr. HENLEY. There is the property qualification, and the gentleman is in favor of it.

Mr. McLANE. It is no part of my democracy to contribute by my vote to degrade, to corrupt the ballot-boxes; I would at all times keep them pure and honest; and if there be a citizen holding property in this county, I would require that that citizen, with others, should pay his taxes before he exercises that high and honorable privilege.

The gentleman had said that this bill contained a property qualification. Now, it was very well understood, and no man knew better than the gentleman from Indiana, what was a property qualification; and he (Mr. McL.) did not choose to sit in this House and vote upon a bill, and then have a motion to reconsider with a view to strike out a clause which was not in the bill, and then permit the gentleman, when he (Mr. McL.) stated the fact, to turn round and put a question about the

school tax or a mode of guarding the ballot-box, and entirely change the issue. Let the honorable gentleman meet the question, and say he was not willing that an assessment should be made and payment required of the voter who had property.

Mr. HENLEY. Then the gentleman acknowledges, if a man has not paid his tax upon the assessment or property, he cannot vote. This is not only equal to, but is still more odious than, a property qualification.

Mr. JONES, of Tennessee, (the floor being yielded,) called the attention of the gentleman from Indiana and the gentleman from Maryland and the House to one fact in the bill; that was, it provided that no man should vote unles he had first paid his school taxes and all other taxes upon personal property due from him. Now, one man in this city, owning no personal property, but a house and lot on the President's square, which might be assessed for taxes for fifty thousand dollars, would come up to the ballot-box, and no objection be made to his vote, although he owed the corporation the tax upon fifty thousand dollars; while one of those maimed soldiers whom you met on the avenue, who might have lost both arms or both legs in fighting the battles of his country, who owned but a pig and a cow, a couple of chairs, and a square table, and who was assessed twelve and a half cents, might come up by the side of that nabob, that millionaire, and offer his vote, and, because he had not paid his twelve and a half cents, be spurned from the ballot-box, and sent hobbling off. That would be the operation of the bill as it stood.

Mr. HENLEY said that was the true representation; that was the property qualification in the bill; and he understood the gentleman from Maryland to be in favor of it.

It was not necessary for him to dwell upon the enormities of this bill, upon the outrages which it perpetrated upon those who had not got their dollar to pay their school tax, and the money to pay the tax upon their personal property, (and there were such,) but it was necessary for him to say what he knew, which was, that there had been fraud practised upon the members of this House by certain citizens of Washington, who had been endeavoring to force this bill upon the House for the express purpose of cutting out the poor men from voting. There was a sort of aristocracy, he was sorry to say, in this city, which was not found in the States—certainly not in the western States; there were men here who would scorn to go to the ballot-box side by side with the poor man who had not got his dollar to pay this tax, which they were determined he should pay before they would let him vote; and this class of men had been intriguing here to impose upon this House, and make the country believe that a majority of the voters of this city had voted for this bill.

He referred to the circumstances in which the election took place, and said that the former charter was a much worse one than this; that, like the English Government, these aristocrats, having found that they could no longer oppress the people to that extent, had determined to relax a little, and had submitted this charter to the vote, and the people had had to support it as a choice between two evils, but for which they voted as a whole, protesting against some of its provisions, and among others, this. Let him ask gentlemen who came here from the great West, where, thank God, they knew no distinction in reference to property, if they would come forward, and under the operation of this gag, the previous question, be dragooned into a vote which was to restrict the people of Washington in the right of suffrage, and deprive many of them of it, when at this very moment, on the other side of the water, our example had induced them to throw off the yoke of tyranny, and declare as one of their very first enactments, that every citizen of twelve years of age should be an elector. Did we see anything there about this restriction? Was there a man in the Provisional Government who would say a man must be assessed, taxed, and have paid his money before he could be a voter?

This great, liberal principle of unrestricted suffrage had taken root in Europe; and here was represented the strange anomaly that the American Congress, a Congress representing freemen, freemen who had set this great example to their brethren across the water, had sustained a bill containing this odious feature, and passed it under the gag of the previous question, and endeavered to dragoon the minority here and force this bill into a law, by which the poor men of this city would be deprived of the inalienable right of suffrage. Such a thing could not be tolerated in France; he hoped it would not be long in England, Austria, Prussia; even in Russia he hoped soon to see this abuse corrected. This proposition to require the payment of school taxes and taxes on personal property before they could be allowed to vote, he pronounced an outrage on American freemen. All he desired was, the opportunity to place his name on record on the question, and then to make the issue—not before the people of this District, because they had not the right to vote, but before the country, before the people who elected their Representatives to come here. It was the principle which was put down in Rhode Island by the *Algerine* party, and upon this he wanted to go before the country.

Mr. MEADE, with the permission of Mr. HENLEY, explained that the gentleman was mistaken in supposing the tax must necessarily be laid upon property of some sort, but that it was a poll tax, which the corporation, elected by the people, might lay or not, as they saw proper.

Mr. HENLEY said the gentleman from South Carolina, who represented the Committee for the District of Columbia, [Mr. SIMS,] had refused to explain the provisions of the bill, or to discuss it at all.

Mr. SIMS (the floor being yielded) said, if the gentleman would turn to the thirty-fourth line of the bill, he would see it provided that "the said corporation shall have power to lay and collect a school tax upon every white male citizen," and that it was merely a grant of power which might or might not be exercised by the corporation. To entitle a citizen to vote, it was necessary that it should appear on the books of the corporation that the person who offered his vote was twenty-one years of age, had been for twelve months a resident of the District, and was then a resident of the ward in which he proposed to vote, and was subject to be assessed for school taxes: in other words, that he was not a free negro or mulatto, but that he was a free white male citizen, subject to be assessed if the corporation thought proper. There was, therefore, no such thing as a property qualification connected with the right of suffrage in the bill.

It was objected to the bill, by the interrogatory of the gentleman from Tennessee, [Mr. JONES,] that a man might have fifty thousand dollars worth of real estate, and be allowed to vote when he owed his tax, and no objection be made; while a poor man, owning the smallest amount of personal property, and taxed twelve and a half cents, would not be allowed to vote if he had not paid it. Why, if the owner of real estate was in arrears, it was the corporation's own fault; for there was the visible means by which the debt might at any time be collected. The only difference between real and personal property looked to the comparative tangibility or intangibility of the two.

Mr. HENLEY understood the gentleman from South Carolina that voters must be subject to the assessment of one dollar for school tax; now, suppose the assessor neglected for a particular purpose to assess that individual?

Mr. SIMS replied, if the corporation levied the assessment, the constable was bound to receive it whenever it was tendered. It was only necessary to appear upon the books that the voter was of that description of persons who might be assessed.

Mr. HENLEY. Is it not necessary that this tax should be paid?

Mr. SIMS. If he is taxed, he is required to pay it before he votes.

Mr HENLEY said none of the explanations removed from his mind the objections against this bill. He entertained precisely the same objection—that was, that the individual must be subject to be assessed, must be assessed, must have paid his tax, before he could vote. Such were the provisions of the bill, and such would be its construction by those persons called to decide upon it.

He was about to state that the majority of the people of this District were not, and could not, possibly be in favor of this restriction upon the right of suffrage. As he had before said, they had voted for the whole bill together, protesting against this restriction on the right of suffrage. He had been told, and authorized to state to this House, that a large majority of the people were opposed to this restriction, and most sincerely hoped that Congress would provide that free white male citizens who had resided in this District twelve months, and were residents of the ward in which they proposed to vote, should be permitted to enjoy all the privileges of franchise which were extended to the man of property.

Mr. McLANE next addressed the House, and alluded to the connection of the State of Maryland with this District, and the necessary importance to that State of the legislation for the people of the District of Columbia. He was therefore exceedingly anxious that all legislation for this District should be undertaken with great caution. With respect to the restriction which had been magnified into a property qualification, he said the House would find on examination that it was purely democratic, for it remained with the people to impose the law or not, as they thought fit. He lived in a State where a poll tax could not be imposed, for the constitution forbade it, and the principle of that constitution had his hearty assent. And he was glad of an opportunity to give a vote to enable the people of this District to enjoy a privilege which the people of Maryland enjoyed—to enact what sort of taxes they would pay. If they pleased to enact that a poll tax should be paid for the support of schools, they had his free consent to do it, for he recognized their right to tax themselves. He also availed himself of this opportunity to say that he should be glad, if he could do it, to give his vote for the passage of a law to enable the District of Columbia to do all its own legislation. He did not mean to open that question now, but he believed that the passage of the Constitution which authorized Congress to exercise exclusive jurisdiction over this District, simply meant jurisdiction exclusive of every other State. He had no idea that it gave to honorable gentlemen from the West any more than to those from the East the right to come here and force on the people of this District their own peculiar election laws. He desired that the people of this District should enact their own election laws; and he hoped that gentlemen, whether from the East, West, South, or North, would not attempt here to carry out their own notions. He contended that the people here had the right of self-government, and for his own constituents he could say with much confidence, that they denied to Congress the right to exercise in the District of Columbia any other than a Federal jurisdiction. This bill gave to the people of this District the privilege of self-government. The feature in it which struck him as the most admirable, was its democratic feature—that which gave to the people the right to make their own laws and to prescribe their own taxes.

But another word as to this property qualification of which so much had been said. He saw before him a gentleman who, at an early period of the session, introduced a proposition here for the retrocession of the District of Columbia to the State of Maryland; and he had not seen one of his constituents since who had not made that a subject of inquiry. In Maryland there was but one opinion on this subject. They would be too happy to relieve this Government from all agitation which had been occasioned by the transient population of the District of Columbia. The people of Maryland were exceedingly jealous of movements in this District by its floating population (which was a perfect nuisance) on the subject of slavery. So long as the Federal Government exercised exclusive jurisdiction over this District, and tens of thousands of people came here annually to get office, they constituted a floating population that was dangerous to his own State. The House, then, would readily understand the great anxiety felt in the State of Maryland respecting the suffrage in this District. He claimed for the people of the District to act for themselves in this matter, and to pass such laws as they should think best for their own protection. By this bill the right of suffrage was given to the free white men of the District; and he called the attention of the gentleman from Indiana [Mr. HENLEY] to this provision, which was perfectly free from any property qualification. This bill gave universal suffrage, except on the point of residence. The State from which he came also conferred universal suffrage, and he was for the same system here.

Mr. HENLEY said he did not understand the force of language if it were so.

Mr. McLANE did not propose to rest the issue on his own assertion. He referred to the language of the act itself. What did the bill propose? Why, that every white male citizen of twenty-one years of age should vote in this District, provided he could bring proof to the authorities of his residence. If a person claiming to reside here have property, the assessment book, it was provided, should furnish proof; and if his name were not found there, then he should prove that he had the right to be assessed. Assessment was proof of residence. In the State of Maryland, a residence of six months in any county was necessary to enable a person to vote, and without that qualification he could not vote; and yet who would deny that they had universal suffrage in the State of Maryland? The person desiring to vote must prove that his residence was in the State, and he must do it by a prescribed form. This was provided to guard against frauds. And, to the best of his judgment, this bill provided universal suffrage for the District of Columbia. Every man was entitled to vote who had the qualifications which the people themselves prescribed; and any resident here could vote though he did not hold property to the value of one dollar. And if it could be proved that a man could vote without holding a farthing's worth of property, was there, he asked, any property qualification?

Mr. STARKWEATHER said there was a provision in relation to a poll tax of one dollar per annum. Now, suppose that tax were not levied, and the person desiring to vote possessed no property, would not such person be excluded from voting?

Mr. McLANE. Not at all.

Mr. STARKWEATHER read the clause to which he had referred, and contended that the poll tax must be paid before the vote could be given.

Mr. McLANE proceeded to explain, to show that the gentleman from New York was mistaken, and that the rights of the people were carefully preserved and protected.

Mr. COCKE moved to lay the motion to reconsider on the table.

The vote was decided in the affirmative: Yeas 74, nays 58, as follows:

YEAS—Messrs. Abbott, Adams, Barrow, Bayly, Bedinger, Belcher, Blanchard, Bocock, Botts, Boydon, Brady, William G. Brown, Buckner, Butler, Cabell, Canby, Chapman, Cocke, Collamer, Conger, Cranston, Dixon, Duer, Garnett Duncan, Dunn, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Flournoy, Gentry, Goggin, Grinnell, Hale, Hilliard, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Thomas B. King, Daniel P. King, Wm. T. Lawrence, McDowell, McIlvaine, McLane, Marsh, Marvin, Outlaw, Pendleton, Preston, Rhett, John A. Rockwell, Sherrill, Sims, Slingerland, Truman Smith, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Tallmadge, Taylor, Thibodeaux, John B. Thompson, Tompkins, Van Dyke, Vinton, Warren, White, Wilson, and Woodward —74.

NAYS—Messrs. Atkinson, Beale, Boyd, Bridges, Cathcart, Clapp, Franklin Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Dickinson, Ficklin, Fries, Green, Willard P. Hall, Hammons, Henley, Hill, George S. Houston, Charles J. Ingersoll, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Lahm, La Sère, Leffler, Lincoln, Lumpkin, McKay, Job Mann, Meade, Miller, Morris, Morse, Mullin, Murphy, Palfrey, Phelps, Pillsbury, Richardson, Richey, Rockhill, Sawyer, Smart, Robert Smith, Starkweather, James Thompson, William Thompson, Venable, Wentworth, Wiley, Williams, and Wilmot—58.

So the motion was laid on the table.

EXPORTS AND IMPORTS OF SPECIE, ETC.

Mr. STEWART, of Pennsylvania, moved to suspend the rules, to enable him to offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to this House the aggregate amount of exports and imports during the three quarters of the years 1847 and 1848, ending the 31st March; also, showing the amount of specie exported and imported; breadstuffs, viz: flour, wheat, corn, and cornmeal, exported during said periods; showing separately the amount of each exported to and imported from England.

Mr. VENABLE suggested to Mr. STEWART to modify his resolution, by striking out the words, "viz: flour, wheat, corn, and cornmeal," and inserting, "provisions of all kinds."

Mr. STEWART assenting, the resolution was accordingly so modified.

The question was put on suspending the rules, and there were ayes 80, noes 37.

Two-thirds voting in the affirmative, the rules were suspended, and the resolution received.

Messrs. VENABLE and MEADE having each made suggestions to modify—

Mr. BAYLY said he wished to offer an amendment to the resolution. He desired to make the resolution cover the whole year, and not three-quarters only.

Mr. HUDSON said the fourth quarter was already reported, and would in a few days be on the table.

Mr. BAYLY said he wanted to have it altogether, so as to have the return presented to view in one document.

Mr. STEWART said the resolution called for the exports and imports of the fiscal year, and the object was to contrast the last year's exports with those of the present. Last year our exports of breadstuffs was about $50,000,000, and we were told by the Secretary of the Treasury that the exports of breadstuffs would increase and go on increasing. He had now seen, however, a statement in the newspapers of New York, showing that the exports of flour and wheat to England this year had not amounted to one-tenth part of the amount of exports of the last year to England. The same statement had appeared in the *Union*. The Secretary of the Treasury had assured them that the effect of free trade would be to increase the exports—not so rapidly hereafter to be sure—but still that it would go on increasing. Well, how had the exports of flour increased? Why, last year 2,500,000 barrels of flour were exported to England, and this year the exports had not been more than 207,000, being less than one-tenth. Now, if that was the effect of the present tariff for the past, what would be the diminution for the future under the operation of the tariff of 1846?

Mr. STEPHENS suggested to the gentleman from Pennsylvania to modify his resolution so as to include cotton.

Mr. STEWART said he had no objection. He then proceeded to say that the Secretary of the Treasury had told them that under this system of free trade the increase in exports would go on until they amounted to hundreds of millions of dollars; but instead of an increase of exports, we had come down to one-tenth of the exports of last year. At the same rate of decrease, what, he asked, would be our condition next year? Why, under the Secretary's system, the exports would be nothing.

But since he was up, and seeing his colleague in his place, there was another point on which he wished to say a word. His colleague, [Mr. C. J. INGERSOLL,] some days since, when he (Mr. S.) was not in his seat, introduced a proposition to take off half the duty on iron, coal, woollen goods, and cotton goods, and every species of manufacture in which the people of his State were much interested. The proposition was to reduce from thirty to fifteen per cent. every species of manufacture, as well as every species of luxury, a proposition which would seriously affect the revenue, for it was from such goods the revenue was mainly raised. That proposition, he supposed, was made on consultation with the Secretary of the Treasury.

Mr. C. J. INGERSOLL said there was no such proposition made. His proposition was, to take off fifteen per cent. from the tariff on French silks and jewelry.

Mr. STEWART insisted that the effect of such a proposition, if agreed to, would be to reduce all those things that came under the thirty per cent. rates, such as iron, woollen and cotton goods, hats, shoes, boots, &c., and to bring them down to fifteen per cent., and that, he supposed, was offered on consultation with the Secretary of the Treasury.

Mr. J. C. INGERSOLL. I am my own master.

Mr. STEWART said his colleague had been chairman of the Committee on Foreign Relations, and did he not know that we had reciprocity treaties with England and other nations, putting them all on a footing with the most favored nation, and that, if these reductions were made in relation to French goods, the effect would be to reduce the duties on the same kind of goods of every other nation? Did his colleague deny that such would be the operation of our treaties, and that it would not reduce the duty on cotton and woollen goods, on iron and coal, shoes, boots, hats, as well as every species of luxuries, thus reducing revenue on the various articles from which our revenue was mostly derived exactly one-half, at a time when our expenditures were double our entire revenues, and at the same time give a mortal blow to our national industry in every department?

Mr. INGERSOLL would simply say, that his colleague was in a state of excitement. He recommended his colleague to keep perfectly cool. His resolution, to which his colleague had referred, merely proposed that the Committee of Ways and Means should be instructed to inquire into the expediency of certain reductions of duty; and of course, as that was to be submitted to the Committee of Ways and Means, they would report as they thought proper. On that committee, he was aware when he offered the resolution, was the gentleman from Ohio, [Mr. VINTON,] who moved an amendment to his resolution, and the gentleman from Massachusetts, [Mr. HUDSON,] who opposed it. These gentlemen were leading members of a majority of the committee, which stood six to three on that subject. In their hands he presumed the gentleman from Pennsylvania would deem the matter save.

While he was on the floor, and to obviate the necessity of his colleague questioning him again, he wished to say that the resolution of his colleague, for the introduction of which he had voted to suspend the rules, was a good one; but he thought his colleague was giving the worst reasons for its adoption. The Secretary of the Treasury had informed them that the duties this year would exceed his estimates. They were now exceeding $31,000,000, and if it had not been for the commotion in which all Europe now was, they would not only have exceeded $36,000,000, but would have amounted to $38,000,000.

Mr. SAWYER rose to a question of order. The resolution was a call on the department for information, and, therefore, if objection was made, it must go over under the rule.

The SPEAKER reminded the gentleman from Ohio that the resolution was before the House under a suspension of the rules, and consequently his objection was not well taken.

Mr. STEWART said his colleague did not deny what had been said as to the ruinous effects of his proposition upon the country, but seemed to think the Committee of Ways and Means could prevent it; but he would not press the matter at present. Mr. S. said he had not intended to engage in any debate on this subject. He had at first intended to give a silent vote, and would have done so had not objections been raised on the other side, and he was willing now that the debate should stop. He had, however, taken occasion to point out to his colleague the effect which his proposition to the House some time since would have had. He would not now make any further remarks, and, as many gentlemen seemed anxious to terminate the debate, he would call for the previous question.

Mr. BAYLY (at whose request the motion for the previous question was withdrawn) desired to make a few remarks in reply to the gentleman from Pennsylvania. In the first place, the gentleman from Pennsylvania misstated, doubtless unintentionally, the position of the Secretary of the Treasury on this subject. The Secretary of the Treasury never said that the exports of breadstuffs this fiscal year would be greater than they were the last fiscal year. The position which the Secretary of the Treasury took was this, that under the altered tariff there would be a progressive increase in the exports of agricultural products; but no one could have understood him as saying that the effect would be instantaneous. The statement which the Secretary of the Treasury did make he (Mr. B.) would maintain. He was prepared to show at the proper time that it was correct. The experience of the past year sustained the position of the Secretary of the Treasury; and he (Mr. B.) would assert, without the fear of error or successful contradiction, that the exports of breadstuffs and provisions from this country to Great Britain had been larger this year than any preceding year under a protective tariff. It was extraordinary that it should be so, for they knew that the last year was one of unprecedented productiveness in Great Britain, and therefore such a result might not have been expected. He reiterated the assertion that the exports of breadstuffs and provisions to Great Britain had been greater this year than any year of a protective tariff.

Mr. STEWART. The gentleman is mistaken.

Mr. BAYLY was not mistaken. He would not, however, argue the question now. He should have an occasion to do so hereafter; and he gave notice that he should point out numerous errors and fallacies of a printed speech of the gentleman from Pennsylvania, to which his attention had

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been called, though he knew not when it had been delivered. When the proper time came, he should show that there had been an increase of the exports of agricultural products.

Mr. STEWART inquired if the gentleman from Virginia intended the House to understand that there had been an increase of exports of agricultural products.

Mr. BAYLY replied, that he meant to say that we have exported more breadstuffs and provisions to Great Britain this year, following an exceedingly productive harvest in England, than any year of a protective tariff—any fiscal year he meant, though he was willing to take from the 1st day of January, if the gentleman from Pennsylvania pleased.

Mr. STEWART said, from a statement which was published in the Union last Friday or Saturday, it appeared that, taking the exports of breadstuffs, flour, and wheat, to England and Ireland during the last three months, and supposing them for the next three to be on the same average, we would have exported to Great Britain this whole year not one-tenth part of the amount we exported last year. He had that statement on the authority of the Union; he asked the gentleman from Virginia if he denied it?

Mr. BAYLY replied that he denied no such proposition. That was not the proposition he made, and he called on the gentleman to deny it; he did not desire that he should evade it. He said that, taking the period that had elapsed of the present fiscal year, there had been a larger exportation of provisions to Great Britain than there ever had been before during the same period under a protective tariff; and that upon the heel of a large crop there.

Let him state another thing. The gentleman was very ingenious in his statement of facts; he hitched upon wheat flour——

Mr. STEWART, (in his seat.) And corn too.

Mr. BAYLY, (continuing his sentence,) and had lost sight of the great exportation of Indian corn, of which we had already exported over two million bushels this year. That was a larger amount than we had ever been in the habit of exporting under a protective tariff to the whole world together.

Mr. VINTON inquired if the gentleman attributed that amount of exportation to the reduction of our duties, or to the removal of the British duties?

Mr. BAYLY replied, partly to both. The removal of the duty at one end of the line produced precisely the same result as at the other. When they removed the duty in Great Britain, the tendency was to increase the exportation there; when we removed the duty here, it still further unshackled the arms of commerce, and increased exportations.

Mr. STEWART observed that the gentleman had said that the exportation of corn to Great Britain this year was 2,000,000 bushels; he asked him whether last year the exportation of corn did not exceed $14,000,000 worth.

Mr. BAYLY replied it did; and nobody ever maintained that the whole of that exportation was owing to the tariff of 1846. It was owing to that to a considerable extent, but not altogether, and this he would undertake to show when the proper occasion arose. But why did the gentleman hitch on the last year? Why did he not take a long series, a period of say twenty years? He should, before he sat down, move an amendment to provide for the presenting, in one statement, our exports and imports of agricultural products for the last twenty years——

Mr. STEWART, (in his seat.) I accept that as a modification.

Mr. BAYLY, (continuing)—so that the House and the country might see in one view what had been the average export of our agricultural products during periods of a high protective and a low tariff. The gentleman, having accepted the modification, it would present the case fairly.

Mr. C. J. INGERSOLL. Put in cotton.

Mr. STEWART. Yes.

Mr. BAYLY, remarking that the term "agricultural products" included cotton, said he would like to have furnished, not only the amounts of agricultural products, but what was akin to them, of provisions—beef and pork.

Mr. STEWART, adverting to the declaration of Mr. BAYLY of his intention to correct certain mistakes which he (Mr. S.) had made some time ago, said the gentleman from North Carolina [Mr. VENABLE] had said at the time—some four or five months ago—that these mistakes should be corrected promptly; but no answer had been given by that gentleman, or any one else in the House, in the "Union," or any other public print, up to this time.

The gentleman from Virginia had said that we exported more agricultural products under a low than under a high tariff. Under four years of the highest tariff we had had, we had exported more to Great Britain, a hundred times, than we had done for four years under a low tariff.

Mr. BAYLY. I beg leave to take issue with the gentleman.

Mr. STEWART. I thank you. I make that statement, and challenge any gentleman to controvert it if he can.

Mr. BAYLY. If the gentleman will take any period of four consecutive years. I do not mean that he may run over the whole period of twenty or thirty years, and select a year here and there to make up four years of high tariff; but let the gentleman select any cycle of four years under a high protective tariff——

Mr. STEWART. Four consecutive years.

Mr. BAYLY. Four consecutive years.

Mr. STEWART. I take four years of the tariff of 1828 and four years of the lowest part of the compromise act.

Mr. BAYLY. Then I understand, and this House understands, the issue between the gentleman and myself, and we will decide it by the document. He states he will take four consecutive years under a high tariff, and will show that the exports of agricultural products were greater than under any four years of low tariff which I may select. If the gentleman convicts me of an error, I will agree never to make another assertion in this House.

Mr. STEWART repeated the statement that our breadstuffs exported to Great Britain for four years under the tariff of 1828, contrasted with the same exports for four years under the compromise bill, amounted to a hundred times larger amount under the high than under the low tariff.

Mr. BAYLY said if he had not some little acquaintance with these facts the gentleman might undertake to trap him, but he told him his labor would be in vain. The gentleman hitched upon the exports to Great Britain; he threw out of view not only the rest of the world, but the colonies and dependencies of Great Britain. Why did he this? Did we not all know that until the reduction of the British corn laws nearly all our exports of breadstuffs to Great Britain went through the Canadas, and were put down in our commercial tables as going to the dependencies of Great Britain, not to Great Britain herself? The gentleman undertook to presume on his ignorance in the matter and to hitch on Great Britain; he (Mr. B.) took the whole world.

Mr. STEWART. Agreed.

Mr. BAYLY. Or, if the gentleman wishes, I will take Great Britain and her dependencies.

Mr. STEWART. Agreed.

Mr. BAYLY. Well, the gentleman takes the whole world; let that be the issue, and we will decide it when the document comes in.

In reference to the allusion of Mr. STEWART to his speech being unanswered, Mr. BAYLY said he felt a great repugnance to discussing questions out of order, as the gentleman had when he had made that speech, of the delivery of which, in fact, he had not been informed until he had heard of copies of it being sent to his own State, with inquiries why its misstatements had not been answered in the House. He would attempt to answer it whenever opportunity presented; and he would undertake to show that every solitary prediction which the friends of free trade had made with reference to its results had been literally fulfilled, at the same time that every solitary prediction of ruin made by its enemies had been signally falsified.

He now submitted the following amendment to the resolution:

And that the Secretary of the Treasury be also required to report to this House the whole amount of agricultural products and products of the forests of this country exported from 1824 to the present time, together with the exports and imports of specie for the same period.

Mr. STEWART accepted this amendment, and modified his resolution accordingly.

Mr. BAYLY, in accordance with his pledge, renewed the demand for the previous question.

The demand was seconded, and the main question ordered, and, being taken, the resolution was adopted.

Mr. GRINNELL moved to suspend the rules, for the purpose of calling on committees for reports. Lost.

Mr. VINTON moved the usual resolution to terminate the debate in Committee of the Whole on the state of the Union in one-half hour after the House shall again resolve itself into committee, on the bill making appropriations for the payment of revolutionary and other pensions of the United States for the year ending June 30, 1849.

Mr. STRONG moved to extend the time to one hour. Lost.

The resolution was then agreed to.

Mr. KAUFMAN moved to suspend the rules, to enable him to offer a resolution to make the post route bill the special order of the day for Friday next.

The yeas and nays were ordered on the motion; but, before being taken—

The House adjourned.

IN SENATE.

MONDAY, *May* 15, 1848.

A message was received from the President of the United States, transmitting, in compliance with a resolution of the 13th instant, calling for copies of any orders to officers of our naval squadron in relation to giving aid to Yucatan, a communication from the Navy Department containing copies of orders issued on the 8th and 12th May to Commodore Perry.

[The communication of the 8th instant directs the Commodore to allow powder to be landed at Sisal, provided the Commodore has reason to think that it will not be used against us. That of the 12th instant compliments Commodore Perry on his efforts, with his limited means, to give aid; and satisfaction that he should have visited the coast; directs the entire force of the marines at Alvarado to be sent to Laguna, with instructions to repel the Indians if they approach that point, and tells him that his force will not justify a march into the interior, and goes on to say, that "while the United 'States are engaged in a war with Mexico, the 'actual presence, without our consent, of the armed 'force of a neutral Power, within the territory 'of our enemy, coöperating with any portion 'of the Mexican people in military operations, 'cannot be permitted. Such a state of things, it is 'hoped, will not occur. If you should have rea-'son to believe that it will, you will communicate 'it without further delay, that the President may 'take such measures as his constitutional duty 'will require at his hands."]

Mr. WESTCOTT, from the Committee on Patents, reported a bill for the relief of Obed Hussey; which was read a first time.

Mr. WESTCOTT, also, from the same committee, reported a bill for the relief of Bancroft Woodcock, accompanied, in each case, by a report; which was read a first time.

The following resolution, submitted on Saturday last by Mr. HANNEGAN, was taken up and adopted:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of establishing the consulate at Muscat, in the dominions of the Imaum, upon the same footing with those of Tangiers, Tripoli, and Tunis, in the Barbary States.

On motion of Mr. YULEE, the Senate proceeded to the consideration of the bill concerning school lands in the State of Florida; which was ordered to be engrossed, and was, by unanimous consent, read a third time and passed.

NOMINATIONS WITHHELD.

The following resolution, submitted by Mr. JOHNSON, of Maryland, came up in its order:

Resolved, That the President of the United States is requested to inform the Senate whether any officers are now in the military or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

Mr. BORLAND addressed the Senate against the resolution, which he considered as not merely inquisitorial, but beyond the power of the Senate. The manner in which the resolution was at first agreed to showed that it was regarded as a common-place proposition, such as no Senator could object to, and the President would not be unwilling to answer. But as a little examination had shown that it had a more important bearing than was at first imagined, he was glad that it had been reconsidered. He thought there was great harm embraced, although he did not charge that any was intended, in this resolution, and he protested against its adoption.

He read from the Federalist the views of Alexander Hamilton on the power of appointment, in which it was alleged that the President had the sole power of appointment during the recess. After this quotation, he insisted that the President had no authority to send nominations of officers so appointed by him during the recess, to the Senate for confirmation. The President had the power, and was bound to execute it, without the coöperation of the Senate. Having made the appointment, it was beyond his control, except as regards the operation of the law, because the term of service is fixed and specified by legal provisions.

He pointed out several motives which might have influenced the President in delaying to send in his nominations, without attributing to him anything censurable. He stated that General Pillow could not have succeeded General Scott, because the commission of General Worth was of an earlier date, and consequently he would have precedence over General Pillow. He disclaimed any wish to refer to the personal character or conduct of the individuals holding commissions, because there were circumstances pending which seemed to render such a reference unnecessary and improper.

With reference to all the leading principles of the Whig party, he went over them separately, for the purpose of showing that they had all become obsolete, and could no longer be sustained, and that the Whigs had been at every point defeated. He intimated his belief that Mr. Tyler had, by his veto, prevented the entire destruction of the Whig party, which was in danger of being annihilated by public indignation. The Democratic party he regarded as standing in a strong position, and that the result of the labors of the party next week in the Monumental City would be the nomination of a leader who would carry out its measures to the utmost.

Mr. HANNEGAN moved to postpone the further consideration of the resolution, and to proceed to the consideration of the special order; which was agreed to.

YUCATAN.

The bill to enable the President of the United States to take temporary military occupation of Yucatan was then taken up.

Mr. CALHOUN rose, and referred to the ground on which the message of the President of the United States had placed the proposition now before the Senate, to prevent Yucatan from becoming a colony of a foreign Power, and to prevent also the devastation of the country and the destruction of the white inhabitants. He had placed our proposed interference on the ground of Mr. Monroe's declaration. Against all these points, against the message and the report of the Committee on Foreign Relations, he had, after deep reflection, made up his mind to record his vote.

He went on to show that the declaration of Mr. Monroe was published in opposition to the designs of the Allied Powers, called the Holy Alliance; and contended that the case of Yucatan could not be brought within the range of that declaration. He stated what was the conduct of the Holy Alliance, and what were their designs, and the alarm taken by England at the innovating principles laid down by them. He adverted to the information given by Mr. Rush, and the manner in which the Cabinet acted on it. The schemes and the existence of the Holy Alliance had entirely disappeared; and, if a final blow had been necessary, it was given by the recent revolutions in Europe. A more especial declaration with regard to Spain was then agreed on, and Yucatan cannot be comprehended in it.

It had been charged that England would interfere to save the people of Yucatan; but he had seen no evidence of anything of the kind. He had seen no proof that England had furnished arms to Yucatan; none that she intended to make a settlement in Yucatan. If England should come in, she comes without any hostile intentions against Yucatan, and we should have no right to take offence at her conduct.

He glanced at the causes which led to this declaration of Mr. Monroe; the principal of which was, the attempt of Russia to extend her settlements on the northwest coast of America, in which she was opposed by England and the United States. He gave his own version of the history of the construction of this declaration, varying in some respects from that which was given by the Senator from Indiana. The effect of this declaration was, to impose a check on the colonization schemes of England, which so offended her as to prevent her from going heartily with the United States against the claims of Russia.

He denied that there was any such principle in the declaration of Mr. Monroe, as is assumed by the message of the President. If his views were to be received as the true construction, and they were to be carried out, we should be kept in a constant state of war. There are cases in which he would be willing to interfere. He instanced the case of Cuba. So long as that island remained in the hands of a peaceful nation like Spain, we ought to be content. But he would never consent to let Cuba go into the hands of any other European Power, because the transfer would be prejudicial to our interests.

In the case of Texas, he favored annexation, because he saw clearly, in his opinion, that there might be an interference on the part of England, which would involve us in a triple war—with England, with Texas, and Mexico.

He had been asked if he would resist England in case she should attempt to relieve Yucatan, and should take possession. He was prepared to answer that he would not, and this for irresistible reasons. Yucatan was, for the greater part, worthless. The possession of her would not strengthen the facilities of England to injure us. Yucatan has no ports which could be made serviceable to her. He took a glance at the outward and inward passages into the Gulf of Mexico, to show that England, in consequence of her great naval power, had entire command of the Caribbean Sea, and could, in time of war, close the Gulf against us.

In the event of our interference with Yucatan, who can fix the cost or the limitation of the war? We might defeat the Indians, but they would retire, and render it necessary that we should pursue. It would be a repetition of the Seminole war; and no one could say what would be the expense of the war, and when it could be brought to a termination. He was opposed to it also, because it involved a violation of our treaty with Mexico.

He regretted that the questions of humanity and policy should have been mixed up in the same message. If this be in reality a war of races, if the white race is not responsible for the war, strong indeed would be his sympathy with them. His feelings were with the whites. And if the Indians had so far forgotten their obligations to the whites, who had raised them to a position of equality, as to seek their extermination, it would then be our policy to interpose. All the intelligence of the country was with the whites. Although they have no very enlarged views of political science, still, while they continue to have the ascendency, Yucatan may go forward. But if the Indians gain the control, the reverse will be the case: she will go down—down—until she will be entirely lost. He condemned the indiscriminate liberality with which political rights had been given to the Indians. If this liberality had been more stinted, if the intelligent among the Indians had been first selected for promotion, things would have worn a different aspect. It ought to be our duty, as far as we can consistently, to give all our influence to elevate the most intelligent throughout this continent. He would not say that he might not be willing to extend military aid, but this must be in a very extraordinary instance, standing out from all general cases.

He believed that in this case rival chiefs had made use of these Indians; that promises had been made to them by Mendez, who engaged to abolish the capitation tax, but had violated his promise, which had led to considerable disturbance. If by acts of treachery the whites have brought this war on themselves, and had not the courage to make resistance, he knew not why they should expect us to defend them. But there are women and children—and here our feelings are excited. He undertook to say, that the latest arrivals showed that England had shown no disposition to interfere, except for the protection of helpless fugitives. He had reason to believe that the white race in Yucatan cannot retain permanent control.

As between the bill and amendment, he would prefer the bill. He considered the amendment as defective, because it gives no sufficient indication of its purpose. Nor did he agree to the preamble of the Senator from Alabama. He referred to the protest of Mr. Sierra against the treaty with Mexico, because it left Yucatan at the mercy of Mexico. He stated that there had been great mismanagement in the whole business; and the Yucatanese complain that one of the effects of this is, that they have been kept destitute of arms. Perhaps they were as well off as if they had been in possession of arms. Still we have to bear the responsibility. We ought either to have refrained from giving any countenance to the Yucatanese, or we should have furnished them with means of defence.

Mr. CASS made a very brief explanation on the subject of the harbors of Yucatan. Lieutenant Porter had examined the map on Saturday, at his request, and had discovered the existence of an excellent harbor.

Further explanations took place on this point, in which Mr. CALHOUN, Mr. CASS, and Mr. FOOTE, participated.

On motion of Mr. BAGBY, the bill was then informally passed over; and,

On motion of Mr. DAVIS, of Massachusetts, the Senate proceeded to the consideration of the bill for the ventilation of passenger ships and for other purposes.

Mr. D. explained the object of the amendments to the bill, and they were concurred in, and the bill was read a third time and passed.

On motion of Mr. CAMERON, the Senate proceeded to the consideration of the bill for the relief of William B. Grady, which, after having been explained by Mr. C., was read a third time and passed.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 16, 1848.

The Journal of yesterday was read and approved.

The regular order of business was the call of the committees for reports.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported a bill for the relief of Archibald Beard, and twenty-one others, mounted Tennessee volunteers; and a bill to authorize an increase of the number of clerks in the Treasury Department; which bills were severally read and committed.

Mr. R. asked leave to offer a resolution. It being objected to, the resolution was not received.

Mr. FLOURNOY, from the same committee, reported bills for the relief of William J. Turner, and for the relief of William P. Yonge; which bills were read and committed.

Also, from the same committee, made an adverse report on the petition of Thomas Chaney. Laid on the table.

Mr. THIBODEAUX, from the Committee on Commerce, reported a bill to establish a collection district of South Carolina, and for other purposes. Read and committed.

Mr. GRINNELL, from the some committee, reported a bill to authorize the issue of a register to the brig Encarnacion. The bill was read a first and second time, and ordered to be engrossed; and,

being engrossed, it was read a third time, passed, and sent to the Senate for concurrence.

Also, from the same committee, reported a bill for the relief of Philip J. Fontaine. Read and committed.

Also, from the same committee, to which was referred Senate bills authorizing the repair of the dam at the head of Cumberland Island, in the Ohio river, reported the same back to the House, with amendments. Committed.

Also, from the same committee, to which was referred Senate bill extending privileges to American vessels engaged in a certain mentioned trade, and for other purposes, reported the same back to the House, with amendments.

The amendments were read and agreed to; the bill was read a third time, passed, and returned to the Senate.

Mr. HUNT, from the same committee, reported a bill making appropriations for certain marine hospitals therein named. Read and committed.

Mr. HAMPTON, of Pennsylvania, from the same committee, reported a bill making appropriation for certain rivers and harbors, and for the survey of certain other rivers and harbors. Read and committed.

Mr. PUTNAM, from the Committee on Public Lands, made an adverse report on the petition of Evander M. Soper and others. Laid on the table.

Mr. COLLAMER, from the same committee, to which was referred Senate bill to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants, reported the same back to the House, without amendment.

The bill was then read a third time, passed, and returned to the Senate.

Mr. DUNCAN, of Kentucky, from the same committee, reported a bill to settle the title to certain tracts of land in the State of Arkansas, and a bill to authorize the location of certain adjudicated claims in the State of Arkansas, commonly known as Lovely donation claims; which bills were read and committed.

Also, from the same committee, reported a bill extending to John Whitsett's heirs the privilege of purchasing a quarter section of land which was given to him by an act approved March 2, 1839; which bill was read a first and second time and ordered to be engrossed, and being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

Also, from the same committee, made an adverse report on the petition of Archibald Laughrey, deceased. Laid on the table.

Mr. COBB, of Alabama, from the same committee, reported a bill to amend the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preëmption rights," approved September 4, 1841. The bill was read a first and second time, when Mr. C. moved that the bill be now put upon its passage.

Mr. TOMPKINS explained the bill, and strenuously urged its immediate passage.

Mr. CONGER moved to commit the bill to the Committee of the Whole on the state of the Union.

Mr. THOMPSON, of Mississippi, moved the previous question, which was seconded, and under the operation thereof, the bill was ordered to be engrossed, and was engrossed, read a third time, passed, and sent to the Senate for concurrence.

Mr. COBB, also, from the same committee, made an adverse report on the petition of Alfred R. Randolph. Laid on the table.

Mr. EMBREE, by general consent, offered a preamble and resolution; which were agreed to.

The preamble sets forth that Congress granted to the State of Indiana the reserved township in Gibson county, in said State, for the use of a university of learning, which deprived the people of said township of the sixteenth section for school purposes, and to remedy which, Congress granted other lands in lieu of said sixteenth section, and that the said other lands were selected by James Smith, of said county: that Smith made his report to the Commissioner of the General Land Office, and which report and selection were not approved because the minimum price of the selected land was two dollars per acre; that since the selection was made, parts of the land have been sold, &c.; and for the purpose of giving time for a special act to be passed in relation to the unsold selected land, the Commissioner has reserved the same from sale: Therefore,

Resolved, That the Committee on Public Lands inquire into the expediency of passing a special act authorizing said Commissioner of the General Land Office to confirm said report of said James Smith, and to authorize him to make a further selection in lieu of said parts sold since said selection.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, reported sundry amendments to the post route bill. Committed.

Also, from the same committee, to whom was referred Senate bill to declare the true intent and meaning, so far as respects the franking privilege of members of Congress, of the act approved the first of March, one thousand eight hundred and forty-seven, and entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the Post Office Department,' passed third of March, eighteen hundred and forty-five," and for other purposes, reported the same back to the House with an amendment. Committed.

Also, from the same committee, to whom was referred Senate bills for the relief of Nathaniel Kuykendall, for the relief of Creed Taylor, and for the relief of Joseph F. Caldwell, reported them severally back to the House without amendment. Committed.

Also, from the same committee, to whom was referred the letter of the Postmaster General, of April 14, 1848, transmitting an abstract of offers made for carrying the mail within the year preceding July 1, 1847; a report of contracts for carrying the mail within the year aforesaid; a statement of the land and water mails within the time aforesaid; a report of extra allowances made to contractors within the aforesaid time; a statement of the curtailments of mail service, &c., within the year aforesaid; a report of fines and deductions from the pay of contractors within the same time; asked that the committee be discharged from the said abstract, statement, &c., and that the same be laid on the table; and that so much of said letter as relates to extra allowances for mail service be printed; which was agreed to.

BUSINESS ON THE SPEAKER'S TABLE.

The House, on motion of Mr. HOUSTON, of Alabama, proceeded to the consideration of the business on the Speaker's table.

The SPEAKER then laid before the House a communication from the Secretary of War, transmitting a report of Messrs. Hardin and Brewster, late commissioners under the 17th article of the Cherokee treaty of 1835–'36, called for by resolution of the House on the 26th ultimo. Read and referred to the Committee on Indian Affairs.

SENATE BILLS.

The following Senate bills were taken up, read a first and second time, and referred to appropriate committees:

A bill authorizing the payment of interest upon the advances made by the State of Alabama, for the use of the United States Government, in the suppression of the Creek Indian hostilities of 1836 and 1837 in Alabama, and for other purposes;

A bill concerning school lands in the State of Florida;

A bill respecting the public archives in the State of Florida;

A bill for the relief of the bona fide settlers under the acts for the armed occupation and settlement of a part of the Territory of Florida;

A bill to authorize the district judge of the State of Tennessee to hold special terms; and

A bill explanatory of the act entitled "An act to raise for a limited time an additional military force, and for other purposes," approved February 11, 1847.

BILLS PASSED.

The House proceeded to consider the amendments of the House, which were disagreed to by the Senate, to the Senate bill in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of fraud on the revenues of the Post Office Department,'" passed 3d March, 1845; when—

On motion of Mr. GOGGIN, the House agreed to recede from the said amendments disagreed to by the Senate.

And the bill was then returned to the Senate.

Mr. JOHNSON, of Arkansas, moved to reconsider the vote by which the Senate bill explanatory of the act entitled "An act to raise for a limited time an additional military force, and for other purposes," approved February 11, 1847, was referred to the Committee on Military Affairs. Agreed to.

The bill was then read at length.

Mr JONES, of Tennessee, moved to amend the second section, by adding thereto the following words:

Provided, That such promotion shall have taken place after the original organization of the regiment, company, or corps to which the soldier or officer belonged.

Mr. JOHNSON, of Arkansas, moved the previous question, which was seconded; and, under the operation thereof, the amendment was agreed to, and the bill read a third time, passed, and returned to the Senate.

REVOLUTIONARY PENSIONS.

On motion of Mr. VINTON, the House then resolved itself into Committee of the Whole on the state of the Union, on the bill making appropriations for the payment of revolutionary and other pensions, for the year ending June 30, 1849, (Mr. COBB, of Georgia, in the chair.)

The CHAIRMAN stated the question to be on the following amendment of the gentleman from Tennessee, [Mr. JONES:]

That, upon the application of the widow of a revolutionary soldier for a pension, no further proof of the services of the husband shall be required of the widow, if her husband received a pension in his lifetime.

Which had been offered as an amendment to the following amendment proposed by the gentleman from North Carolina, [Mr. McKAY,] viz:

SEC. —. *And be it further enacted*, That no pension for alleged disability either in the army, navy, militia, or volunteers, shall be allowed, unless the application for the same shall have been presented within the period of five years from the time the disability occurred.

SEC. —. *And be it further enacted*, That in all future applications, either under the act entitled "An act for the relief of certain surviving officers and soldiers of the army of the Revolution," approved May 15, 1828, or under the act entitled "An act for the relief of certain surviving officers and soldiers of the Revolution," approved June 7, 1832, the pay or pension which may be allowed under said acts respectively, or any other amendatory of the same, shall commence only from the completion of the proof in each case, and not from the time specified in said acts.

SEC. —. *And be it further enacted*, That in no case shall the widow, or child, or children, of a pensioner who may under any law be entitled to a pension, or part of a pension, receive more than at the rate allowed to the pensioner in his lifetime; nor shall the pension allowed be increased in any case after the death of a pensioner, if the death shall have been made known at the Pension Office.

Mr. McKAY inquired if the amendment of the gentleman from Tennessee was in order.

The CHAIR decided that it was not, and he stated the ground of his decision to be the irrelevancy of the amendment to the proposition proposed to be amended.

Mr. JONES appealed from the decision of the Chair.

In elucidation of the question presented by the appeal, explanatory remarks were made by Messrs. JONES, DUER, COCKE, FICKLIN, and CUMMINS.

The vote was then taken by tellers, who announced 63 in the affirmative and 3 in the negative, being less than a quorum.

The CHAIRMAN directed the roll to be called, under the rule, after which the committee rose and reported the names of the absentees to the House to be entered on the Journal.

There being 163 members found to be present, the House again resolved itself into Committee of the Whole on the state of the Union, and the vote was again taken on the question "Shall the decision of the Chair stand as the judgment of the committee?" which was decided in the affirmative: Ayes 74, noes 48.

Mr. JONES, of Tennessee, raised the point that Mr. McKAY's amendment was not in order.

The CHAIRMAN overruled the point of order.

On appeal taken, the decision of the Chair was sustained by the committee.

The question recurring on the first clause of the amendment of Mr. McKAY—

Mr. TOMPKINS moved an amendment to the amendment, to add at the end thereof the following:

"*Provided*, That the application in cases of disability now existing may be made within five years next after the passage of this act."

The amendment to the amendment was agreed to.

The question recurring on the first section of the amendment of Mr. McKAY as amended—

Mr. JONES, of Tennessee, moved to amend the original amendment, by striking out the words "five years."

This amendment, he said, would require the application to be made within five years after the disability, and thus increase the burdens on the treasury; for now the pensioner did not get his pension only from the time his proof was perfected; and, to his knowledge, some of them had let their cases lie twenty-five years without making the application. Now, requiring them to come forward within five years, would be paying them much earlier than they would otherwise be paid. He could not see that the matter could be placed on better ground for the Government than it was now.

The amendment to the amendment, and the first branch of Mr. McKAY's amendment as amended, were respectively rejected.

The question recurring on the second branch of Mr. McKAY's amendment—

Mr. DUNCAN moved to amend it by striking out the words "completion of the proof," and inserting "from the time that the application therefor shall be made at the proper office."

Mr. D. explained his amendment, and, on the question being put, it was disagreed to.

The question was put on the second section of Mr. McKAY's amendment, and it was disagreed to.

The question was then put on the third and last section of Mr. McKAY's amendment, and it was disagreed to.

Mr. JONES, of Tennessee, moved to amend the bill by adding the following section:

Sec. —. *And be it further enacted*, That the proviso to the second section of the act entitled "An act making appropriation for the payment of revolutionary and other pensions of the United States for the year ending June 30, 1847, and for other purposes," approved May 7, 1846, be, and the same is hereby, repealed.

After a brief explanation of the amendment by Mr. JONES, it was agreed to.

The committee then rose, and reported the bill as amended.

Mr. STEPHENS moved the previous question, which was seconded; and under its operation the various amendments of the committee were agreed to, and the bill ordered to be engrossed, and read a third time.

The question recurring on the passage of the bill, the previous question was moved and seconded; and under its operation the bill was passed, and sent to the Senate for concurrence.

NAVY PENSIONS.

On motion of Mr. VINTON, the House again resolved itself into Committee of the Whole on the state of the Union, (Mr. KING, of Massachusetts, in the chair,) and proceeded to consider the bill making appropriations for the payment of navy pensions for the year ending June 30, 1849.

Mr. BAYLY rose and addressed the House in an argument concerning the power of Congress to legislate for the Territories, and in refutation of the principle of the Wilmot proviso. [This speech will appear in the Appendix.]

Mr. WILEY next obtained the floor.

Mr. VINTON appealed to the gentleman to allow this bill to be reported, and take the floor on the next bill which came up, in order to promote the despatch of the appropriation bills. He presented the urgent necessity of action upon these bills, and deprecated the great delay that had taken place, notwithstanding his repeated and earnest efforts to dispose of them.

After some conversation—

Mr. WILEY declined to yield to Mr. VINTON's request; but, on further appeal, gave way for a moment to

Mr. WHITE, who proposed to offer an amendment.

The amendment was read, and ruled out of order.

Mr. WILEY resumed the floor, and delivered a speech in support of the Mexican war and the acquisition of Mexican territory; enlarging upon the value to us, in a commercial and agricultural point of view, of New Mexico and California; reading from various authorities to show the fertility of those countries, and to controvert the views expressed by Mr. Webster and others on this point. [This speech, also, will appear in the Appendix.] After Mr. W. concluded—

Mr. DICKINSON got the floor; and the committee rose, and reported progress.

Mr. VINTON moved the usual resolution to close the debate in fifteen minutes after the House shall again resolve itself into committee on the bill making appropriations for the payment of navy pensions. Agreed to.

And then the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. DICKINSON: The memorial of the purchasers of section No. 16, township No. 3, range No. 16, in the county of Seneca, State of Ohio, praying Congress to pass an act to quiet the title to said section No. 16.

By Mr. CHAPMAN: The memorial of Lawrence Y. Morton and others, of the pay department of the United States army at New Orleans, for an increase of pay.

By Mr. JOHNSON, of New Hampshire: The memorial of George Bellows and 54 others, citizens of Coos county, New Hampshire, praying for the purchase of Mount Vernon by the United States.

By Mr. SMART: The petition of Thomas B. Grose and 200 others, asking the construction of a light-house on Indian Island, near Goose River village, in Camden, Maine.

By Mr. HOLMES, of South Carolina: The memorial of the citizens of Charleston, praying a reduction of postage and a uniform rate thereof.

By Mr. FREEDLEY: The petition of Calvin Blythe, executor of the last will and testament of Commodore Jesse D. Elliott, deceased, asking to be remunerated for certain expenses incurred while commander of the naval forces in the Mediterranean from 1835 to 1839.

IN SENATE.

TUESDAY, *May* 16, 1848.

Mr. DIX presented a petition from Howard & Son, of New York, asking that the same privileges exteuded to American steamers trading to Havana may be granted to Spanish steamers trading between Havana and New York; which was referred to the Committee on Commerce.

Mr. STURGEON presented a petition from citizens of Trenton, New Jersey, asking that certain obstructions to the navigation of the Delaware river, at Periwig Shoals, may be removed; which was referred to the Committee on Commerce.

Also, from William Greer & Co., asking the patronage of the Government to a periodical called the "Mirror of the Patent Office;" which was referred to the Committee on Patents.

Also, two memorials from citizens of Philadelphia, asking the construction of a railroad from that city to New York, to facilitate commercial intercourse and transportation of the mail; which was referred to the Committee on the Post Office and Post Roads.

Mr. BORLAND presented a petition from citizens of Arkansas, in favor of the purchase of Mount Vernon; which was referred to the Committee on Military Affairs.

Mr. LEWIS presented a petition from Elijah Pratt, asking compensation for the use of certain valves by the Government, in violation of his patent right, and for the purchase of his invention by the Government for the use of the pontonier service; which was referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. DOUGLAS, from the Committee on Territories, reported the bill for the admission of the State of Wisconsin into the Union, without amendment, and recommended its immediate passage.

Mr. D. adverted to the fact that prompt action on the bill was necessary, as the Legislature of that State would meet on the first Monday of June next. It must therefore be perceived how necessary it was that the bill should be acted on with the least possible delay. He therefore gave notice that he should call for the consideration of the bill on Thursday next.

On motion of Mr. DOUGLAS, the bill to establish the Territory of Minesota was recommitted to the Committee on Territories.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Samuel W. Chilson, accompanied by a report. The bill was read a first time.

Mr. UPHAM moved to postpone the prior orders to take up the bill for the relief of John Mitchell. The motion was agreed to, and the bill was considered, and was informally passed over.

ACQUISITION AND SLAVERY.

Mr. BAGBY moved that the Senate proceed to consider the resolutions submitted by him on the 25th and 27th of January. Unless some Senator was desirous to discuss the question, he would like to have the vote taken without further debate.

The resolutions were then read as follows:

1. *Resolved*, That Congress has no constitutional power to abolish or to prohibit slavery in any State or Territory in this Union.

2. *Resolved*, That conquest is a legitimate mode of acquiring territory, and so recognized by the laws and the universal practice of civilized nations.

3. *Resolved*, That if territory is hereafter acquired by the United States, either by treaty or conquest, it shall not be competent for the treaty-making power or Congress to exclude slavery from such territory, either by treaty stipulation or by act of Congress; but such territory shall be equally free and open to the citizens of all the United States, without any limitation, prohibition, or restriction in regard to slaves, or any other description of property whatsoever.

Resolved, That neither the people nor the Legislature of a Territory have any constitutional power to exclude slavery from such Territory; and that the people or Legislature of a Territory possess no other political power than such as is delegated to them by Congress, in the act authorizing them to form a Territorial Government. And inasmuch as Congress has no power to exclude or prohibit slavery in any Territory of the United States, they cannot delegate such a power to the Legislature of a Territory or the people thereof.

Mr. BADGER then rose and said, that believing there were subjects of more practical importance requiring the consideration of the Senate, viewing these resolutions as embracing a series of abstract propositions, which could result in no beneficial legislation, and deprecating all discussion on mere axiomatic problems, he intended to move to lay the resolutions on the table. He thought, if any discussion were to take place, it would more properly come on whenever any legislative measure involving the principles laid down in the resolutions should be before the Senate. He therefore moved to lay the resolutions on the table.

Mr. FOOTE requested the Senator from North Carolina to withdraw his motion for a moment.

Mr. BADGER withdrew his motion, on condition that it should be renewed by the Senator from Mississippi.

Mr. FOOTE said he would do so. He said he had a wish to give his opinions on these resolutions before there was any final action upon them, and he would therefore have been willing that they should be informally passed over; but at present he should feel inclined to vote for the motion of the Senator from North Carolina, because he believed that at the present time a discussion of the subject would do no good, and might be productive of much evil. If ever there was a grave and momentous question agitated, it would be found in the resolutions submitted by the Senator from Alabama. He was not prepared to discuss them at present, and would therefore renew the motion of the Senator from North Carolina [Mr. BADGER] to lay the resolutions upon the table.

Mr. BAGBY again appealed for a withdrawal of the motion; and Mr. FOOTE having the assent of Mr. BADGER, the point was yielded.

Mr. BAGBY said, after the indulgence he had received the other day from the Senate, in permitting him to offer his views on the resolutions, it would not become him to press the subject to a vote. If any Senator desired to discuss the subject, he was willing that it should be passed over informally; but if the motion to lay the resolutions on the table should be persisted in, he would feel bound to call for the yeas and nays, and should consider the vote a test question.

Mr. BADGER was of opinion that no good could grow out of the discussion, and therefore it was in that very sense of a test vote that he desired it to be considered. His great object was to prevent discussion to the detriment of more important matters.

Mr. FOOTE would not be understood as voting against the principles contained in the resolutions of the Senator from Alabama, because he should vote to lay them on the table, though that Senator might put that construction on his vote, if he pleased to do so, in the face of his (Mr. F.'s) explicit declarations.

Mr. DICKINSON did not desire the vote to be regarded as a test vote. He had submitted resolutions identical in some respects with those just read, but differing in others. He would prefer that the subject be passed over informally.

Mr. WESTCOTT said: I rise merely to say that I object to any vote on an incidental question, and not a direct vote on a measure proposed, being made a *test* vote. I shall vote against the motion

to lay on the table. I shall do so not merely because I am in favor of the doctrines advanced in the resolutions, but because I regard a different course the most proper one. There are several different sets of resolutions on this subject before the Senate—one set offered by the Senator from New York, [Mr. DICKINSON,] another set offered by my colleague, [Mr. YULEE,] and those offered by the Senator from Alabama, [Mr. BAGBY,] now before the Senate. The principles maintained in them, that Congress or a Territorial Legislature has no power to prohibit slavery in the Territories, it is known I contend for as true. But all the phraseology of these resolutions does not precisely suit me; for instance, I do not like the precise language of the conclusion of the last resolution of the Senator from New York, even as modified at the suggestion of the Senator from Mississippi, [Mr. FOOTE.] It is ambiguous, not explicit enough, and it leaves the true position to deduction and inference.

Again: the conclusion of the first resolution of my colleague would be more acceptable to me, if, instead of asserting "that the people of the several States" of the Confederacy are the depositaries of the sovereignty of the people of a territory till their own State government should be established, it was modified so as to declare that the people of the Territory were themselves the depositaries of their own sovereignty, but that it could not be exercised by them, being in abeyance and dormant, till their own State government was organized; for this I conceive to be the true theory. I hold the American doctrine to be, that all political sovereignty is inherent in and springs from the people of the local political community over whom such sovereignty is to be exercised. *They* may be so situated as not to be able to exercise it; but in this country no other authority can, for the reason that it is inherent in *them* alone. This is the condition of the people of a territory. As to Congress, it has no more right to exercise such *sovereignty* than the legislature of an adjoining or any other State. But this digression is perhaps unnecessary. The slight variance in opinion between my colleague and myself on this collateral point is of little consequence, and I cordially concur as to the correctness of the principles so ably sustained by him as to the main question involved in the resolutions. As to the resolutions of the Senator from Alabama, now before the Senate, I can vote for them cheerfully, but they do not, I think, go far enough, or rather, are not full enough. I hope all the resolutions will be referred to an appropriate committee, to report in lieu of them others carefully drawn in such terms that all who sustain the leading doctrines can vote for every word of them. It is difficult for an individual Senator to draught a resolution that in its terms will suit all. I hope the resolutions will not be laid on the table, but will be referred for the object suggested. My chief object, however, in rising, was to protest against this mode of making *test* votes.

Mr. BADGER moved to lay the resolutions on the table, but again withdrew it.

Mr. BAGBY said he was willing that the resolutions should be passed over informally, in order that they might be discussed.

Mr. BADGER renewed his motion to lay them on the table, stating, that while he intended no discourtesy to any Senator, he could not again withdraw his motion, his object being, as he already declared, to prevent any discussion.

Mr. BAGBY asked for the yeas and nays, and they were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Badger, Benton, Breese, Bright, Cass, Clarke, Clayton, Dickinson, Dix, Felch, Foote, Greene, Hannegan, Johnson of Louisiana, Miller, Moor, Niles, Rusk, Sturgeon, Underwood, and Upham—24.

NAYS—Messrs. Bagby, Calhoun, Davis of Mississippi, Hunter, Lewis, Mason, Turney, Westcott, and Yulee—9.

On motion of Mr. YULEE, the Senate proceeded to the consideration of the bill to renew certain naval pensions for the term of five years, &c.; which, after a brief debate, was ordered to be engrossed, and was subsequently read a third time, by unanimous consent, and passed.

Mr. ALLEN called the attention of the Senate to the resolution submitted by Mr. JOHNSON, of Maryland, calling on the President for the names of certain military officers withheld from the Senate. The Senator from Maryland not being present, he would not then reply, but should give notice that he would call up the resolution during the morning hour on Thursday next.

On motion of Mr. BRIGHT, the Senate proceeded to the consideration of the bill authorizing the surrender of certain bonds held by the United States to the State of Indiana.

The bill having been amended, was, after a brief discussion, in which Messrs. BRIGHT, BREESE, CLAYON, HANNEGAN, and others participated, ordered to be engrossed, and was subsequently read a third time, by unanimous consent, and passed.

CHARTER OF THE CITY OF WASHINGTON.

The bill from the House to alter and amend the charter of Washington, having been read a first and second time by its title—

Mr. MILLER urged upon the Senate immediate action on the bill. It was the same in effect that had been reported from the Committee for the District of Columbia in the Senate.

Mr. ALLEN thought the bill should be referred. He would venture to say that very few Senators present knew any thing about the bill, and he should object to its consideration.

Mr. MILLER expressed the hope that the Senator from Ohio would not interpose any objection. This charter had been submitted to the people of Washington, and fifteen hundred out of nineteen hundred had voted for it. It had already been passed on by the people, and as their annual election came on the first Monday of June next, and the people were anxious to have it, he could see no necessity for delay.

Mr. ALLEN inquired if there was not a property qualification in the bill?

Mr. MILLER replied that there was not; but there was a clause which gave the power to collect a poll-tax, to be appropriated exclusively to the common-school fund.

The bill was then reported to the Senate without amendment, and ordered to a third reading. The question was then put, "Shall the bill be read a third time now?"

Mr. ATHERTON asked that the bill lie over until to-morrow; which was agreed to.

Mr. HANNEGAN here called for the special order, informing the Senate that the time had already passed, it being then half-past one o'clock.

YUCATAN.

The Senate then resumed the consideration of the bill to enable the President of the United States to take temporary military occupation of Yucatan.

Mr. BAGBY, after laying down the proposition that we are not bound to stand forth as the grand almoner of the world, for the purpose of taking charge of the suffering nations of the earth, went on to state that an erroneous ground had been taken when it was asserted that the President had recommended to Congress to interfere in the affairs of Yucatan. The fact was, that he had done nothing more than lay before the Senate the information which had been communicated to him, leaving it to the wisdom of Congress to take such course as it may think best.

Mr. B. did not think that the doctrine contained in the declaration of Mr. Monroe either sanctioned or discountenanced this measure. He did not give credit to Mr. Monroe or his Cabinet for the inception of the doctrine of that declaration. It was suggested by the movements of the great Powers of Europe, and the American minister at that time in London was the first, months before this declaration was made, to take his stand on the principle here laid down. Mr. Canning desired rather to pause, until he could discover the effect of the measure of the Holy Alliance on the commercial interests of Great Britain. Mr. Rush communicated to our Government the course which England was about to pursue. The policy of Mr. Monroe he had always regarded as the true policy, but it was not the fighting policy of our country. It was only fitted for diplomatic action. If any other nation should desire to occupy Yucatan, and the United States should also desire it, he did not think, with the exception of a case which might involve our self-preservation, that the United States would be justified in carrying out to extreme results the policy of Mr. Monroe's declaration. Considering that nations, like individuals, had a perfect right to make mutual contracts, he could not sustain the principle of our right to interfere with any contracts which might be made between Yucatan and any other nation.

He had no apprehensions as to any design on the part of Great Britain to interpose in relation to Yucatan. But he could not shut his eyes to the evidence which existed of the determination of Great Britain to extend her territory and power in every direction. And he thought that the present position of things rendered it very proper that the Government of the United States should take the course indicated by this bill. The thing ought to be done; and the only question with him was, whether circumstances are auspicious to the doing it at this moment, provided no great obstacles stood in the way. In reference to the relief we had extended to Ireland, he did not consider that this case, or the case of Caraccas, had any bearing on the present bill.

He admitted that this was a grave question, and required great caution; but, after sufficient deliberation, the time of action must come. It had been said that the case of Yucatan was not one which should induce us to send any troops there. He did not see that there was anything in our relations with Mexico which could stand in the way. If he was disposed to advocate this bill on the ground of humanity, he would derive great aid from our relations with Mexico: as we have disabled Mexico from rendering assistance to Yucatan, it becomes our imperative and indispensable duty to do that which we have taken from her the power to do.

His friend from Connecticut seemed to think there might be projects behind this measure which did not meet the view. It might be so; but he was not informed of any such, and he could only speak for himself. He voted for the treaty, not because he approved its stipulations, but to give Mexico one more opportunity to pause on the edge of her destiny. He did not covet Mexican territory. He would not have a foot of it unlawfully. He knew that it was the disposition of his friend from Michigan to keep the temple of Janus always open, but he was not one of the war inevitables. He did not see the danger of any interference on the part of Great Britain, because he did not think she was now in a condition to interfere. He was in favor of the measure, because it was less likely to lead to a war now than it would be on any future occasion.

As to the great importance of Yucatan, he did not agree with those who estimated it highly on agricultural or political grounds. But he thought we could never obtain her on better terms than at present.

He went on to reply to the various arguments which had been brought forward against the measure, and repeated that he was in favor of taking possession of Yucatan, and of holding it so long as our interests may render it expedient for us to do so. He went, therefore, for the bill, even although it may lead to the annexation of Yucatan to the United States.

The question was then taken on the motion of Mr. DAVIS, of Mississippi, as modified by the proposition of Mr. LEWIS, and it was decided in the negative—ayes 5, noes 26.

Mr. DIX then moved to amend the bill by striking out the first section, and substituting a provision, "that the President be authorized to use the army and navy of the United States to aid the people of Yucatan, provided that the consent of the Government thereof be obtained."

The vote was about to be put on the amendment of Mr. DIX; when—

Mr. CLAYTON said he was as anxious as any Senator present, even the Senator from Indiana [Mr. HANNEGAN] included, that the subject should be brought to a close; but it must be remarked that the vote on the amendment just given showed that there were more than twenty Senators absent, and he submitted to the Senate whether they had not better adjourn, with the understanding that the vote should be taken to-morrow.

Mr. HANNEGAN expressed his extreme desire to have the bill disposed of. He would yield in the present instance, and suffer the bill to be postponed; but, so far as he was concerned, he gave notice that he should do all in his power to press the subject to a consummation to-morrow, alike regardless of importunities from either side of the Chamber.

Mr. CLAYTON. Then let it be understood that the vote shall be taken to-morrow.

The further consideration of the bill was then postponed; and the Senate proceeded to the consideration of Executive business, and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 17, 1848.

The Journal of yesterday was read and approved.

Mr. KAUFMAN, (by leave,) previous notice having been given, introduced a joint resolution giving the consent of the Government of the United States to the State of Texas to extend her eastern boundary so as to include within her limits one-half of Sabine Pass, Sabine lake, and Sabine river as far north as the thirty-second degree of north latitude. Read, and referred to the Committee on the Judiciary.

Mr. K. also presented resolutions of the Legislature of Texas, in relation to extending the jurisdiction of said State over one-half of Sabine Pass, Sabine lake, and Sabine river. Referred to the Committee on the Judiciary.

Mr. HOLMES, of New York, asked leave to offer a resolution of instruction to the Committee on Mileage to abolish the allowance of mileage to members of Congress, and to allow a per diem and travelling expenses in lieu thereof. It was objected to, and therefore not received.

REPORTS FROM COMMITTEES.

Mr. CHAPMAN, from the Committee for the District of Columbia, to whom was referred Senate bill to provide a free communication across the Eastern Branch of the Potomac river, in the District of Columbia, reported the same back to the House, with amendments. Committed.

Also, from the same committee, a bill to provide a communication across the Eastern Branch of the river Potomac, in the District of Columbia. Read and committed.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, reported a bill for the relief of Levi H. Corson, and for other purposes. Read and committed.

Also, an adverse report on the petition of Wm. Fuller. Laid on the table.

Mr. J. R. INGERSOLL asked leave to offer a resolution making the bill further to amend the judicial system of the United States the special order for some day in June. The reception of the resolution was objected to.

Mr. TAYLOR, from the Committee on the Judiciary, to whom was referred Senate bill for the relief of Reynolds May, reported the same back to the House, without amendment. Committed.

Mr. KING, of Massachusetts, from the Committee on Revolutionary Claims, reported the following resolution; which was agreed to:

Resolved, That D. F. Manice have leave to withdraw from the files of the House the papers presented by him; and that the Commissioner of Pensions be requested to transmit to the Clerk the petition and papers in the case of Charity Freeman.

Mr. GAYLE, from the Committee on Private Land Claims, reported a bill to grant portions of the public lands to the Mobile and Ohio Railroad Company, and for other purposes. Read and committed.

Mr. BUTLER, from the Committee on Revolutionary Claims, reported bills for the relief of the heirs of Lieutenant Bartlett Hinds, and for the relief of the heirs of Nehemiah Stokely. Read and committed.

Mr. B. also made an adverse report on the petition of Abram Brinker. Laid on the table.

Mr. HOLMES, of New York, gave notice of a motion for leave to introduce a bill to change and establish the compensation for mileage of Senators and members of the House of Representatives of the United States.

Mr. BARRINGER, from the Committee on Indian Affairs, made adverse reports on the joint resolutions of the Legislature of Indiana in relation to the Miami Indians, on the petitions of the Catawba tribe of Indians, and of Joseph Keener and others in behalf of the same. Laid on the table.

Mr. BARRINGER also, from the same committee, to whom was referred Senate bill for the relief of Samuel W. Bell, a native of the Cherokee nation, reported the same back to the House without amendment. Committed.

Also, from the same committee, a bill for the relief of E. B. Cogswell, and a bill for the relief of Jesse Sutton. Read and committed.

Mr. THOMPSON, of Mississippi, presented the petition of B. Marshall, Tuchahatchee, G. W. Stidham, and George Scott, delegates of the Creek nation, for the passage of a law for the adjustment of their unsettled business. Referred to the Committee on Indian Affairs.

On motion of Mr. BURT, the Committee on Military Affairs was discharged from the further consideration of the resolutions of the Legislature of Florida for the appropriation of the St. Francis barracks at St. Augustine, for the use of a seminary of learning; from the resolutions of the Legislature of Michigan in relation to the refunding of money advanced for the equipment of troops; and also, from the petition of John Campbell & Co., of Pensacola, for payment for subsistence furnished troops in the United States service; and they were laid on the table.

On motion of Mr. BOYD, the Committee on Military Affairs was discharged from the further consideration of the petition of officers of the United States army now on duty in Mexico, for an increase of the price of rations; and from the petition of George W. Crawford, for the payment of his account for supplies furnished, &c.; and they were laid on the table.

Mr. FISHER, from the Committee on Military Affairs, made adverse reports on the petitions of John F. Staser and George E. Blake, administrator. Laid on the table.

Mr. FARRELLY, from the Committee of Conference on the part of the House, appointed to confer with a similar committee on the part of the Senate, on the disagreeing votes of the two Houses of Congress on the bill to provide additional examiners for the Patent Office, made a report which recommended that the Senate recede from its disagreement to the amendment of the House, in striking out the words in section 3, "that the Commissioner of Patents is hereby authorized to appoint," and inserting in lieu thereof "that there shall be appointed in the manner aforesaid;" and that the House recede from its amendment to section 1, striking out the words "twenty-five hundred dollars," and inserting "two thousand dollars," and that the following proviso be added to the first section of the bill:

"*Provided*, That the power to extend patents, now vested in the board composed of the Secretary of State, Commissioner of Patents, and Solicitor of the Treasury, by the 18th section of the act approved July 4, 1836, respecting the Patent Office, shall hereafter be vested solely in the Commissioner of Patents; and when an application is made to him for the extension of a patent, according to said 18th section, and sixty days notice given thereof, he shall refer the case to the principal examiner having charge of the class of inventions to which said case belongs, who shall make a full report to said Commissioner of the said case, and particularly whether the invention or improvement secured in the patent was new and patentable when patented; and thereupon the said Commissioner shall grant or refuse the extension of said patent, upon the same principles and rules that have governed said board, but no patent shall be extended for a longer term than seven years."

Mr. McCLELLAND explained the action of the Committee of Conference and the result of their deliberations, in which he concurred, except in relation to the salaries of the Examiners of Patents. The House, after full discussion, had decided that $2,000 was an ample remuneration for the services rendered. The Senate had so amended the bill as to make the sum $2,500. But he felt bound to resist the Senate's amendment, as the will of the House had been expressed after mature deliberation so unequivocally. It had been said that the sum of $2,000 was an insufficient remuneration, and that these examiners could make a larger sum by leaving the office and becoming patent agents. He admitted that science commanded more when it was free and independent than when it was employed by the General Government. A member of the bar could make more than $3,000 or $5,000 per annum, and yet no State gave its judges more than $1,500 or $2,000, and for such salaries good judges were obtained. It was not the policy of this Government to give extravagant salaries; and whenever an officer found he could make more out of office than in, he could go out. He thought if any change were requisite, it was in the number of the Examiners. He was of opinion the number was too small. There should be Examiners to examine specifications, and to give instructions to applicants, and to save the sacrifice of time and money to which applicants were now subjected by their detention in this city, after which they were too frequently obliged to return home without accomplishing their object, and to leave their business in the hands of patent agents. The salary fixed by the House, with the increase of the number of Examiners, would be sufficient and proper. Why, the heads of bureaus, the engineers in the military service, topographical engineers, artillery officers, and officers in the military and naval service, where science, and extensive information, and much talent were required, received no more than the Senate proposed to give to these Examiners of Patents. He saw no reason to induce him to propose that the House should recede from the position it had taken.

A conversation then ensued, in which Messrs. FICKLIN, McCLELLAND, MARVIN, FARRELLY, BARRINGER, and LAHM, took part.

Mr. CUMMINS moved the previous question, which was seconded; and under the operation thereof, the report of the Committee on Conference was agreed to by yeas and nays: Yeas 92, nays 69.

NAVY PENSIONS, SLAVERY, ETC.

On motion of Mr. KAUFMAN, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. KING, of Massachusetts, in the chair,) on the bill making appropriations for the payment of navy pensions for the year ending June 30, 1849.

Mr. DICKINSON, who was entitled to the floor, rose and addressed the committee on the general subject of slavery and of the Wilmot proviso. [Mr. D.'s speech will be found in the Appendix.]

The appointed time having arrived, the debate the bill terminated.

Mr. WHITE offered an amendment as an additional section to the bill.

Mr. VINTON rose to a point of order, and objected to the amendment as irrelevant to the bill.

The CHAIRMAN sustained the objection, and decided the amendment not in order.

THE POST OFFICE BILL, SLAVERY, ETC.

Some conversation ensued between Messrs. GOGGIN and VINTON; after which the bill was laid aside to be reported to the House; and the committee proceeded to consider the bill making appropriations for the service of the Post Office Department for the year ending June 30, 1849.

Mr. WOODWARD, referring by way of apology for the remarks he was about to make to the indulgence allowed to the gentleman from Virginia, [Mr. BAYLY,] in the latitude of debate which he had taken yesterday, observed, that the gentleman had taken issue upon the abstract proposition as to the power of Congress to legislate for the Territories. Now, besides not being before the House, there is no such direct issue before the country. I grant there are questions before the country which involve the discussion of that proposition. There exists a case to which the law is to be applied; but the case, and not the law, is the issue. The Wilmot proviso is not the true issue. I cannot consent that the particular slip of paper introduced here by the gentleman from Pennsylvania is the issue; but the principle and the purpose of that measure—whatever means might be used to carry them out—are what concern me. I am indifferent whether you bleed me to death with a spring lancet or a thumb lancet—whether you destroy my life with a bowie-knife or a pistol. I look to the principle and purpose of that proviso, and take my position against the principle and the purpose. And he who stands by me in opposition to them will stand by me in opposition to *all* the means of carrying them into execution.

I assent to many of the propositions laid down by the gentleman from Virginia, and do not undertake to say, when fully understood, that there will be any material difference between us on the constitutional questions involved. I did not rise to answer the gentleman's speech; I will take a future occasion to do that. I rose to state the issues that had been made before the country, and which divided the party with which he was connected.

Sir, the territory of the United States is the common property of all the people of all the States, and none can disturb any of the people of any of the States, in the enjoyment of any of their property in such territory. I have no interest in the question who has the power to do so, whether this Congress or the settlers on a portion of the

public lands. I affirm the impossibility of the thing by any power. I therefore deny the proposition, that the inhabitants occupying any designated region of territory belonging to the United States, can assume a jurisdiction to impose any conditions upon the purchase and settlement of lands not belonging to them. I deny that, where the United States has marked out for the purpose of sale and colonization, a territory, say 600 miles square, a few settlers could occupy two or three counties, and because they were first settlers, assume eminent domain, sovereignty, and jurisdiction, over the whole territory—even beyond the counties over which they might be scattered; assume power to prescribe who should come after them, and who not; and on what terms and conditions the great bulk of public lands should be disposed of, and what not. This, sir, is a matter of substance with the southern States. It is a matter of real interest with them, whether their population is to be prevented from amplifying and expanding; whether, while all the rest of the Union is clamoring for land, more land, "all the land the Lord has," (to use the language of a Senator,) they are to be restricted to their present homes; whether they are to be proscribed as unlawful emigrants to their own territories, unless they shall have first sacrificed and abandoned everything that could create a motive to emigration. Sir, the South wants more lands, as well as the North. We, too, want cheap, fresh lands. We, too, want the means of being relieved from the evils of a crowded population, and exhausted fields. We, too, would like to have "contiguous territory," as well as our brethren of the North. Sir, your lands are now given away for a trifle, to whomsoever may choose to occupy them. Indeed, the territory beyond the Rocky Mountains, is filled with unauthorized settlers from the free States. What right had the people of Oregon to occupy that Territory? By what authority from the United States, have they appropriated the lands there? What right had your adventurers, Mormons and Abolitionists, to occupy the California lands? to appropriate them in defiance of the rights of the people of the Union? And shall it be tolerated, that a few unauthorized squatters, who have paid us nothing for the lands they have appropriated, should turn about and say to the South, You cannot buy lands anywhere in three hundred miles of us, at whatever price; we have resolved to take possession in defiance of the owner; ask us no questions: Having plundered a part, we claim, thereby, sovereignty of the whole; and we command you to keep away.

Sir, this is the real issue, about which I want to hear gentlemen talk a little; and not the abstract question of the relations between the Federal Government and our territories. I want this question to go before the country, as it ought to have done at first. I do not know that I am making any issue with, or throwing any obstacles in the way of, any aspirant to the Presidency, in this part of the House. If I am not misinformed, or misled, I may hope, and hope sanguinely, that all the gentlemen to whom I have alluded, may come to terms consistent with the views I have expressed. I trust it may be so. I wish all the country would meet together on the only safe platform—the Constitution. I wish all would consent never again to violate the Constitution. That is a ground on which my support could be obtained by any public man whatever. I seek no pretext for opposing any; I mean only to defend the rights of the South. This I am obliged to do as a southern Representative. I take it for granted, others will expect me to set the example of defending my own rights, and those of my constituents, before they will help me to defend them. I never imagined that another could have greater respect for me, personally, or for my rights, than I myself might entertain.

But, my friend from Virginia has dismissed the question I make—the only substantial question—by delivering it over to the Judiciary. The Judiciary, and not Congress, must determine, whether slavery can exist in California. So, the Judiciary enters into a territory my friend holds, but the Legislature cannot go there. Now, I had supposed the Government was compacted; that every part was blended with all the other parts, though differing in nature; that there could be no perfect operation of one of the parts of Government, without the cooperation of all the others. How, then, I should like to understand, could our Judiciary go where our Legislature, or the whole Government, could not go?

But admitting the question to belong to the Judiciary, why should that disconnect it from the politics of the country? I had supposed the political views of the country were expected to be harmonized in the different branches of the Government—that difference of views among the departments, were intended to be annihilated in their reciprocal action upon one another, and that the whole operation of the system would produce unity, instead of establishing diversity. And we must all be aware of the inevitable influence which the legislative branch exerts upon the others. Sir, I have no idea of dismissing questions involving the most vital interests of the country, on the ground that they are properly in the hands of the judiciary. If deference is to be shown to any one department of the Government, let it be the Congress, the people's representatives, elected at short intervals, and quickly responsible, whose authority is to determine not what is, but what shall be, law; to establish all public regulations affecting the rights of individuals; and not to that department which is, in a sense, our subordinate, and whose duty it is to apply the law as it is to cases that may arise, whether the law be right or wrong. It was maintained by Hamilton, one of the so-called Federalists of the day—and he supposed that no man on this side of the House would admit that he was less a Democrat than Alexander Hamilton—that Congress was the supreme branch of the Government.

Mr. BRODHEAD (the floor being yielded) would like to know from the gentleman from South Carolina, whether this Congress could add to or take from the constitutional power and rights of slaveholders? If they had the constitutional right to go into the new territories and hold their slaves, that power would be given to them by the judiciary deciding upon the Constitution.

Mr. WOODWARD said he was coming to that point. How was the judiciary to get into the Territories, if you kept the other departments out? I speak in reference to the question of slavery. What judiciary does my friend from Pennsylvania mean? The courts of the United States, or the local courts of the Territory? The United States court could only get there in company with the Constitution and the laws; and it could only take jurisdiction of cases arising under the Constitution and laws of this Government—I mean all descriptions of laws made through its different functions, legislative and treaty-making.

Mr. BAYLY wished to be allowed to ask a single question, and (the floor being yielded) inquired if his friend from South Carolina meant to maintain the proposition that the Congress of the United States could pass a law or legislate in any manner upon the subject of slavery in the Territories?

Mr. WOODWARD. I am not talking about that. I was asking how the Federal court could get jurisdiction of a slave case?

Mr. BAYLY. Is not the Constitution of the United States the supreme law of the land; and is not it part of the law which the judiciary must administer?

Mr. WOODWARD. Exactly so. But if there is no constitutional establishment of slavery in the territory, as you contend, and Congress can make no law for that purpose, as all agree, how is the United States court to get jurisdiction of a slave case there? That's the question. I am told that slavery could only exist by the laws of the territory. Now, who is to adjudge the laws of the territory, but the courts of the territory? So my friend puts us in the hands of territorial authority at last.

Mr. BAYLY. Do you say that the Constitution establishes slavery in a territory?

Mr. WOODWARD. No; it only recognizes it. But I was not on that subject. It has been asserted that slavery could exist in a territory only by local authority. *If* so, then I say, one's right to his slave could be adjudged only by the local judicature—and we have no protection in the judicial department of the Federal Government, as has been asserted. Now, I should like to have some guaranty for my rights beyond this.

Mr. BAYLY. How will you get it?

Mr. WOODWARD. If those having a common interest with me, in this subject, will stand by me, I will get a guaranty.

Mr. LAHM asked the gentleman from South Carolina if he should remove to a Territory with his slave, and the slave should there claim his freedom, and should be brought up on a *habeas corpus* to the Supreme Court, if the gentleman pleased, would not the Supreme Court decide whether by the Constitution, without legislative action, the gentleman could hold a slave thus taken into a Territory or not?

Mr. WOODWARD said the gentleman might resort to precise technicalities, to make difficult cases, such as he did not intend now to enter upon, even if the refinements of municipal law were properly applicable to great constitutional questions. But suppose a slave should escape into the District of Columbia, would not the remedy provided in the Constitution apply? I mean the remedy in the case of fugitive slaves. Would the gentleman contend that an obligation which rested on the whole people of the Union, did not rest on the Government itself? The gentleman from Virginia had argued, some two years since, that this was a local Legislature as regarded this District, and under the same obligations as State Legislatures. But whether it was or not, it was bound to perform all the duties, in this respect, towards the people of the States, which they owed to one another. The injunction was upon all the people of the Union. I take the ground that a territory is a dependency, like the District of Columbia. The argument of my friend from Virginia, yesterday, made it a State, partly in the Union, and partly out. There is not one power conceded to a State, he did not concede to a Territory; nor one conceded to this Government in a Territory, he did not concede to it in a State. If he admits any difference in the distribution of power in the two cases, I should like to have him point it out. It would puzzle him to do so, consistently with his territorial doctrines.

Mr. BAYLY did not rise, after the great indulgence shown him yesterday, to engage in this debate again. He had not argued the proposition at all which the gentleman from South Carolina has this day mooted. He expressly declined to argue it yesterday, on the ground that this House has no jurisdiction over it. The whole burden of his argument was, to show that Congress had no jurisdiction to legislate on the subject of slavery in the Territories, and whether he established that proposition to the satisfaction of everybody else he knew not, but he did it to his own. If, then, he succeeded in establishing the proposition that Congress had no authority to legislate on the subject of slavery in the Territories, it seemed to him, that as far as they were concerned, the argument was at an end. He referred certainly to the question which the gentleman from South Carolina had brought into the discussion, that, by the act acquiring territory, slavery was established in such territory. He referred to that opinion simply; he did not argue it. He declined to do so because it was a question which Congress could not decide.

Mr. FICKLIN asked, if Congress should acquire territory with existing laws prohibiting slavery, would the Constitution of the United States abrogate those laws?

Mr. BAYLY said that was a question which he declined to argue the other day, and he also refused to argue it now, because it was a question which Congress could not decide. There was but one way on the face of the earth by which Congress could decide anything, and that was by the passage of a law. If, then, they had no right to pass laws on the subject, it was a question which they could not decide.

There was another proposition which he also referred to as a mooted question. It was, that the territorial legislature could either legalize slavery where it did not exist, or abolish it where it did. He declined to argue that also, because Congress could not decide it. He took it that both these questions were judicial questions. They were questions which could be decided alone by the courts. If they could be decided by any other tribunal than the courts, he begged to be informed by any lawyer in the House, or by the gentleman from South Carolina, [Mr. WOODWARD,] he being one of the most eminent, where they could be decided?

Mr. WOODWARD inquired how the gentleman from Virginia would get a question before the courts?

Mr. BAYLY was greatly surprised at the question. Why, in his own practice, he had raised

such questions a hundred times before the courts. He would tell the gentleman how. The gentleman from South Carolina took the position that the moment territory was acquired, no matter whether slavery existed there or not, the Constitution of the United States extended over it and created slavery there. Well, proceeding on that opinion of his, the gentleman might go to California and carry with him his slave.

Mr. WOODWARD begged to interrupt the gentleman. He (Mr. W.) had not said the Constitution *created* slavery in the United States territory. The Constitution simply recognizes it. Allow me a moment to explain the idea. A great error prevailed in calling slavery an institution. They might as well call tobacco or rice, a ship or a steamboat, an institution. It preëxisted as a mere fact before the making of the Constitution. The Constitution took it as it found it, like other matters of fact. As with other property, mere legislation could do nothing with it but regulate it. It would require constitutional authority to break it up—to make it where it did not exist, or unmake it where it did. According to the common notion of property, I cannot permit you to call it an institution. There is a more strict notion of property, which constitutes the idea, opposed to *communism*—that is, the idea which recognizes an individual as capable in law of an exclusive ownership of lands, chattels, or anything else. In this sense we may speak of the "institution of property;" but the *substance* of property is not an institution. Slavery existed as a form of property without being instituted. How did it make its beginning? The white race, without authority from law or Constitution, at an early period of American history, thought it no harm to go to Africa, and seize without process of law, and hold without the aid of law, the negro race found there, as appropriate objects of commerce. Preëxistent law did not make negroes property any more than it made caoutchouc property, or any other newly discovered article of commerce. I have said that the substance of property is not an institution, but wealth; and the law does not create wealth. You cannot, therefore, with propriety call slaves an institution. It was a matter of fact; existed as a fact prior to the Constitution, independent of it, and much more independent of legislation. Such was the way slavery came into existence. I have given a statement from actual history. And if it be such an enormity as some gentlemen pretend, let them unmake the bargain which was made with it by the founders of the Republic, and not imagine that the moral Judge of the Universe will admit the plea of treachery and bad faith as a valid excuse for the sin of a bargain with slavery.

But, sir, I did not rise to make any argument on the general subject of slavery. I wish to show that the gentleman from Virginia is incorrect in saying that the political question before us is simply as to what action Congress may take on the subject of slavery, and has nothing to do with anything that belongs to the judiciary. For, supposing it admitted that slavery exists in the territory under the Constitution, without legislation on the part of Congress or a territory; yet, if it be true, or probably true, that we are to be at the mercy of the judiciary in California or here, I want to know it. I want the opinions of Congress and public men on that subject. I wanted to know it from the beginning, in order to know what interest my constituents were to have in our conquests. I desire my constituents to know it, that they may judge for themselves, with a full knowledge of circumstances, how far they will enter into wars for conquest, where they are to have no share in the conquest when made. I think they are entitled to judge for themselves, whether the South will spill its blood and expend its treasure for territory from which it is to be excluded. If it be the opinion of politicians, that in spite of all the Congress and the judiciary might wish to do for us, slavery cannot exist in territories acquired from Mexico, let me know it, that I may shape my course accordingly.

The gentleman from Virginia is wholly at fault, in assuming, that because the question belongs to the judiciary, we have no interest in discussing it; that it has nothing to do with politics. My political course in future may depend upon this judicial question and the opinion of politicians how the judiciary would decide. If I find that a large majority of politicians entertain certain opinions, I shall suspect the judiciary will be of the same opinion, and might be disinclined to put myself in its power. I should be afraid to put myself in a situation to make a case for the judiciary. In case I wanted to obtain the opinion of the court, how would I get a case before it? Is it supposable that I would take my slaves two thousand miles into California, to make a feigned issue, as it were, for the benefit of my friends behind me? Suppose the court should be against me, what would be my predicament? The process of carrying slaves to the country must have a beginning, if they are to go there at all. Who would take the first step at such a hazard? If the first man who goes is to find the people against him, and in all probability the court too, who will be the first man to go? Is it not reasonable, then, that I should stand up here as a Representative, and, on behalf of my constituents, demand to know the opinions of men and parties, where those opinions may influence the future policy I may pursue? Sir, if certain doctrines taught here are to prevail, then I am against California, New Mexico, Yucatan, and all.

Such, sir, is the issue I choose to make. And you will perceive I am not quibbling about an abstraction.

Mr. BAYLY said the gentleman from South Carolina had made but one solitary issue respecting his speech, and that was the one he meant now to discuss. He did not understand the gentleman to take issue on the point that Congress could not legislate on the subject. The gentleman distinctly said he would not take issue on that. Having, then, settled that question, he would not detain the House again upon it after the indulgence extended to him yesterday. The question which the gentleman had mooted, he repeated, was a judicial question, and by the courts it must be decided, and by nobody else, for no other tribunal could decide it. He had shown, and the gentleman had acquiesced, that Congress could not decide it. The gentleman had admitted that Congress could not decide it, and therefore no law was to do it. The gentleman from South Carolina said slavery was a fact, and that it would exist as a fact in the territories which we might acquire. Well; but the gentleman knew that there were some others—and some of them very learned jurists—who maintained the opposite doctrine. Who, then, was to decide? The gentleman from South Carolina insisted on knowing beforehand how it was to be; but who could tell him how it was to be? Who could tell how it would even probably be? The gentleman who propounded the question was a lawyer of learning and talent. He said that slavery would exist. Why, then, could he not trust the courts to decide it? Would he insist that the courts should decide the question before it was before them? It must be referred to the courts, and nowhere else, for there was no other tribunal to decide it. The gentleman asked how the question was to be got before the courts, and he (Mr. B.) would tell him precisely how he might get it there.

Mr. WOODWARD explained. He was understood to say that he never would make a case for the courts under such circumstances.

Mr. BAYLY would nevertheless tell the gentleman how it would come before the courts, and if it came not there at all it would remain a moot question to the end of time. A slave is found in California. A master carried him there. When he was there, it was found by some gentleman who differed from the gentleman from South Carolina, that, inasmuch as slavery did not exist there when the territory was acquired, until laws were passed to recognize it, he was free. The slave then refused to work for his master; the master corrected him; he brought his action for assault and battery; the master pleaded that it was moderate correction, which he had the right to inflict on his servant: the plea was demurred to, and the court had to decide whether slavery existed there or not. That was precisely the manner in which the question could be brought before the courts. In giving the gentleman a case, he could perhaps have selected another; for instance, one which had been stated by a gentleman from Ohio; but he selected this case because it was the precise mode in which a similar question was brought before the courts of Massachusetts, when the singular decision was made that her bill of rights abolished slavery, and that the master had no right to correct his servant at all.

Mr. WOODWARD had never felt any difficulty in seeing how to form a plea; but he would never venture to make such a case.

Mr. BAYLY would put it to the gentleman, then, how he could avoid it? Who could decide beforehand what would be the fact? The gentleman had admitted that Congress could not settle the question; who, then, could do it? It was obviously impossible that the question could be decided by anybody but the judiciary.

Mr. STEWART, of Pennsylvania, desired to ask the gentleman from Virginia whether the Supreme Court had not decided that slavery existed by local laws, and that if he removed his slave to free territory, the slave remained no longer property.

Mr. BAYLY replied that the gentleman from Pennsylvania was not so good at the laws as he was in fixing up tariff statistics, and not very good at that, though the country perhaps entertained a different opinion.

Mr. STEWART rose to a point of order.

The CHAIR. The gentleman from Pennsylvania will state his point of order.

Mr. STEWART would do so. The gentleman from Virginia had pledged himself to the House in the course of his remarks a few days ago, that if he was wrong on the question stated, respecting the exports and imports at particular periods, he would never open his mouth on this floor again. Now he (Mr. S.) maintained that the gentleman from Virginia had no right to open his mouth on this floor. [Laughter.]

The CHAIR paused.

Mr. BAYLY desired that the point of order should be decided.

The CHAIR recognized no point of order in the statement made. [Laughter.]

Mr. BAYLY said, that though foreign to this discussion, he would state to the gentleman from Pennsylvania, for his edification, that, before he took the floor, he was writing a card for the National Intelligencer, to show how that gentleman had quibbled in his card which appeared in the National Intelligencer this morning, to enable him to get out of the difficulty in which he had involved himself; and if he (Mr. B.) did not show that he had done so to the satisfaction of every impartial man, he would agree to resign his seat in Congress.

Mr. STEWART made some remark, which was not audible at the reporter's desk.

Mr. BAYLY could not give way to these tariff discussions. He was sorry he had alluded to the gentleman from Pennsylvania at all. He said this with no disrespect to that gentleman; but they must dispose of the case before them. There was his friend from New York [Mr. MURPHY] anxiously waiting at his side to get the floor to speak upon this question, and he (Mr. B.) was equally anxious that he should have it. He would return, then, to the remarks of the gentleman from South Carolina, [Mr. WOODWARD,] and he would say, that if Congress should undertake, by a unanimous vote, to say that slavery was a fact (to use the expression of the gentleman from South Carolina) in the Territories, that would not bind the Legislature or Judiciary, unless Congress had jurisdiction over the subject. It would, at the last, come before the courts, and it could be nowhere else decided. Had he not, then, the right to say, *cui bono?*—what good would arise if they undertook to maintain that slavery existed there? Gentlemen equally talented and learned maintained the reverse—that it did not exist there until it was legalized. Why, if they should discuss this point for six months, until every gentleman had made up an opinion about it, would that settle the question? Reference had been made to the case of a bank, and the question had been asked how that was a party question when it could go before the judiciary? Did not the gentleman see that it was properly a party question, because this Government had to act upon it, and to make a charter before it went to the country? And did not the gentleman know that it went before the court on the question of its constitutionality, and that the court decided it to be constitutional? Well, then, suppose this House should, by a two-thirds vote, decide that slavery existed without legislation, did that settle the question? Still the case could and would come before the courts, and the courts would decide the question without reference to the opinions of politicians. They could not avoid it.

But if the gentleman from South Carolina so much distrusted his own opinion—if he was so

fearful that the law was against him—if he took it for granted that the courts would so decide, then he would advise that gentleman to go against the acquisition of all territory, for in no other way could the gentleman be relieved. The gentleman said he could. In the name of common sense, let the gentleman tell him how this question was to be settled in advance, if, as the gentleman admitted, Congress had no control over it?

Mr. WOODWARD made the proposition that Congress could and ought to legislate for the protection of the rights of the slaveholders as prescribed by the Constitution. The gentleman from Virginia said the courts had to determine the question. If that were so, he never would consent to make a case for them.

Mr. BAYLY. The gentleman now has changed his position. He now says Congress has a right to legislate on the subject.

Mr. WOODWARD. Let the gentleman understand me correctly. There is a special jurisdiction in certain cases conferred on Congress, for the *protection* of the rights of slaveholders. I allude to the provision in the case of fugitive slaves, and for using the records and judicial proceedings in a State in such a case, if necessary. But I did not propose to discuss that question, or any power of Congress, but to define the issue before the country.

Mr. BAYLY said that was entirely a new question. The right to recapture fugitive slaves was one thing, but the question which the gentleman from South Carolina had discussed was a different one. No man would deny that the provision of the Constitution to which the gentleman had referred operated in every State of this Union; but the question whether a territory was a free or a slave territory was an entirely different question. The question which he had been arguing was not in reference to a fugitive but a resident slave with his master. Would that provision of the Constitution enable a master to hold his slave in Maine or Massachusetts? Would it enable a master to remove to either of the free States, take up his residence there, and continue to hold his slave? Nobody would maintain that. The gentleman from South Carolina was too good a lawyer to believe that; but the gentleman argued that slavery would exist as a fact in territory acquired. Well, but who was to decide whether it did or not? Congress could not decide it. If Congress should undertake to decide, its decision would not be obligatory on the courts. The gentleman from South Carolina had spoken of the judiciary of a territory, but the gentleman knew well that it was a question that would come before the Federal Judiciary, under the laws and Constitution of the United States, for it was expressly provided that the Supreme Court shall have jurisdiction in such cases. He regretted to differ on a proposition of this sort with a gentleman from a southern State; and with a few words on this subject, he closed his remarks, and then resumed his seat.

Mr. MURPHY next addressed the committee on the general subject of slavery. [This speech will be found in the Appendix.]

When Mr. M. concluded—

Mr. COCKE obtained the floor, and moved that the committee rise; which was agreed to, and the committee rose and reported progress accordingly.

On motion of Mr. HOUSTON, of Delaware, it was resolved that when the House adjourns on Monday next, it adjourn to meet again on Thursday, for the purpose of changing the carpets of the House.

Mr. VINTON moved the usual resolution to close the debate in Committee of the Whole on the state of the Union in one hour on the bill making appropriations for the service of the Post Office Department for the year ending June 30, 1849, after the House shall again resolve itself into committee on that bill. Agreed to.

NAVY PENSIONS.

The House then proceeded to the consideration of the bill making appropriations for the payment of navy pensions for the year ending June 30, 1849, reported by the Committee of the Whole without amendment, and the bill was ordered to be engrossed; and being engrossed, was read the third time, passed, and sent to the Senate for concurrence.

And then the House adjourned.

IN SENATE.

WEDNESDAY, *May* 17, 1848.

Mr. DAVIS, of Massachusetts, presented resolutions of the Legislature of Massachusetts in relation to a reduction of postage, accompanied by a memorial from the State Legislature. The proposition is to charge two cents on each letter of half an ounce, and one cent on all newspaprs; the latter to be prepaid. The resolutions were ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. DIX, from the Committee on Commerce, made a report recommending a concurrence in the amendments of the House to the bill extending certain privileges to American vessels engaged in a certain mentioned trade, and for other purposes; which was agreed to.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported House bill for the relief of William Via, without amendment.

Mr. BRIGHT, from the Committee on Pensions, made an adverse report on the claim of Hugh W. Wormley.

Mr. NILES submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to the Senate such information as may be in the Treasury Department in regard to the manner in which the interest of the public debt has been paid at Boston, New York, Philadelphia, and other places in which the interest on the public debt is paid, and particularly that he inform the Senate whether in any instance payment has been made in any other medium than gold or silver.

The bill from the House making appropriations for the payment of revolutionary and other pensions of the United States for the year ending the 30th June, 1849, was read the first and second time by its title, and referred to the Committee on Finance.

The bill from the House to amend the act entitled "An act to appropriate the proceeds of the public lands and to grant preëmption rights," &c., was read a first and second time by its title, and referred to the Committee on Public lands.

The bill from the House authorizing a register for the barque Incarnacion was read a first and second time by its title.

On motion of Mr. MOOR, the ordinary rules were dispensed with, and the bill was read a third time and passed.

The amendments of the House to Senate bill explanatory of the act entitled "An act to raise for a limited time an additional military force, and for other purposes," were taken up and concurred in.

The private bills from the House were also read a first and second time by their titles, and appropriately referred.

On motion of Mr. JOHNSON, of Louisiana, the Senate proceeded to the consideration of the bill to authorize the relinquishment of the 16th section in certain cases and the selection of other lands in lieu thereof; which was ordered to be engrossed, and was subsequently read a third time, by unanimous consent, and passed.

Mr. GREENE asked of the Senate, as a favor to himself, that it would take up the bill for the relief of Robert Purkis; which was agreed to.

Mr. G. explained the grounds on which the bill rested, and gave a history of the gallantry of Mr. Purkis, in recapturing a vessel taken by the British in the war of 1812, and delivering to the authorities of Newport four British prisoners. The bill, on the motion of Mr. G., was so amended as to insert $700 in the place of $400, and was then ordered to be engrossed, and was, by unanimous consent, read a third time and passed.

On motion of Mr. BADGER, the Senate proceeded to the consideration of the bill to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases.

The bill having been amended, at the suggestion of Mr. BADGER, so as to include the District of Columbia, was ordered to be engrossed, and was subsequently read a third time, by unanimous consent, and passed.

On motion of Mr. MILLER, the bill to alter and amend the charter of the city of Washington was read a third time and passed.

On motion of Mr. MASON, the bill for the relief of Clements, Bryant & Co. was recommitted to the Committee of Claims.

On motion of Mr. WESTCOTT, the Senate took up for consideration the bill providing for the obtaining of testimony in relation to claims for losses sustained in the late war in Florida.

The bill being under consideration as in Committee of the Whole—

Mr. BREESE expressed a desire to hear some explanation of the object of this bill. It appeared to him to be one of too great importance to be hastily passed. There was a bill pending in the House for the creation of a board of claims, which would cover all these cases.

Mr. WESTCOTT made a brief explanation, in which he was understood to refer to the difficulties which have existed in the way of collecting testimony, in consequence of the distances between the places where it was to be sought for. He was opposed to the bill establishing a board of claims in this city. He was against the increase of Federal patronage here, where public officers only labor from nine till three, occupying only six hours a day, and devoting a great portion of that to reading newspapers. He hoped the Senator from Illinois would consent to withdraw his objections.

Mr. CLAYTON said, that if the Senator from Florida was against the establishment of a board of claims, he (Mr. C.) was in favor of it. The bill now under consideration might lay the foundation for the expenditure of millions. He was against adopting one rule for the State of Florida, and a different one for all the other States of the Union.

Mr. UNDERWOOD was of opinion, that, whether the House bill, which had been referred to, came here or not, this bill, or something like it, must pass. As a member of the committee, he had paid some attention to the subject, and he had suggested a plan. The effect of the bill would not be to put the State of Florida on a better footing than other States. He was in favor of the bill, because he desired to fix some rule the operation of which might be advantageous to the country. It would do away with *ex parte* testimony. He could have wished to obtain a general law, but that he had been unable to effect. Therefore, he should go in favor of adopting a rule for this large class of cases in Florida. He thought good policy required that this bill should pass.

On motion of Mr. HANNEGAN, the further consideration of the bill was then postponed until to-morrow, for the purpose of taking up the special order.

OCCUPATION OF YUCATAN.

The Senate proceeded to consider the bill to enable the President of the United States to take temporary military occupation of Yucatan.

The question being on the amendment proposed by Mr. DIX—

Mr. DIX rose to explain his amendment. He stated the position of Yucatan at this moment, reduced by her helplessness to offer the surrender of her sovereignty to any nation which will aid in her rescue from the hostility of the Indians which threaten the extermination of the white inhabitants. The President had, as he was bound to do, communicated to the Senate the proposition of Yucatan to our Government. The Committee on Military Affairs had reported a bill. This being a question relative to the internal difficulties in which Yucatan is involved, becomes one of some delicacy and complexity. As we lay down the rule that interference with the domestic concerns of other nations cannot be permitted by foreign governments, it is our duty to take care that we ourselves do not violate this rule. But there were, in the case of Yucatan, circumstances which seemed to authorize and justify some interference on our part. He proceeded to give a succinct history of the changes in Yucatan, which had resulted in her obtaining, not an entire, but a qualified independence of Mexico. He viewed her as occupying a neutral position in relation to the United States.

By the treaty with Mexico, we are restrained from any hostile act towards any part of the territory of Mexico. He did not see that we could take military occupation of Yucatan, under a rigid construction of the treaty with Mexico, without subjecting ourselves to the imputation of bad faith. He expressed a hope that the chairman of Foreign Relations would not adhere to the first section of the bill. As to the other sections of the bill, they had his entire acquiescence. The outrages which

characterized the war in Yucatan shocked humanity. He pointed out the difference between his amendment and the original section. The latter supersedes the Government of Yucatan, while the former contemplates coöperation with that Government. He thought that we might properly transfer some of our troops from Mexico, for the purpose of aiding the Yucatanese in their defensive contest against the Indians. By his substitute, he defined the conditions on which an army and navy shall be employed. They are to be subordinate to the Government of Yucatan.

He did not think that this interposition would be any violation of international law. We are already in possession of one of her ports—Laguna—and this fact may be cited as a justification of our interference. If we were at peace with Mexico, this would be a very embarrassing case. It must be a very extreme case which would justify us in trampling on the political organizations of nations; but such cases he admitted might occur, in which all respect for these political organizations must yield to the higher duties which bind man to man.

On the subject of the supply of arms to the Indians by British agents, he quoted, from a newspaper published at Kingston, Jamaica, (the Morning Chronicle,) a paragraph denouncing this traffic, and stating that a commissioner from Yucatan had arrived there, to remonstrate against it, as a violation of an ancient treaty with Spain, negotiated at London in 1786, by which this traffic in arms was prohibited. The commissioner had received assurance that the trade should be discontinued, on the score of humanity alone—the prohibition in the treaty of 1786 not being regarded as applicable to this case. It appears, from other paragraphs from a paper published at Belize, that the British authorities had not interfered to stop the traffic. He would not charge the British Government with a design to aid the Indians to extirpate Spanish rights; but circumstances justified the belief that British agents may have taken this course from a desire to extend British dominion.

He then went into some geographical statements, derived from the map of Arrowsmith and other sources, for the purpose of showing that the boundaries of Yucatan were mostly shadowy and uncertain, and that they had not been entirely respected by Great Britain. He charged that Power with having encroached on Central America, for the purpose of maintaining the Mosquito king—whose throne a sandhill, whose sceptre a rush, and whose robe a blanket, sets fleets and armies in motion, and carries on his usurpations with all the "pomp and circumstance of glorious war." He had, on a former occasion, stated that the object of Great Britain in her extension was to obtain a site for a ship canal. He did not suppose that these views emanated from the Mosquito king; but he should not be surprised if the enterprises to be carried on should be in the name of that distinguished personage. He brought forward a notice of the British consul-general in Central America, addressed to the Government of Nicaragua, in confirmation of his opinion that Great Britain was extending her dominion in that quarter. While making these statements, he disavowed any idea of considering Great Britain as an enemy. On the contrary, he regarded her as a friend—at most, a commercial rival in all the generous pursuits of industry and enterprise. Nor did he envy her the possession of those torrid plains, which are parched by a vertical sun above, and scorched by volcanic fires beneath. Nor did he apprehend any danger to ourselves. His object was, merely to awaken an attention to what was in progress around us. It did not become us to remain inert or incredulous, while Great Britain was seizing every opportunity to enlarge her territory and extend her sovereignty.

To prevent a breach of international obligations, we have no right to interfere in the affairs of European countries. At the same time, he held that we had a right to take such measures as would prevent the interference of European Powers in the domestic concerns of this continent. What those measures should be, he would not pretend to say. It was a question of prudence. But he did not place his support of this bill on the ground of the danger of European interference in the affairs of Yucatan.

One of the main grounds on which he placed his support of this bill was that of justice. We had taken away the means which would have enabled Mexico to assist Yucatan, and we are bound in strict justice to do what we have prevented Mexico from doing.

He also supported the bill on the ground of humanity. We are in the full enjoyment of all the blessings and privileges of law, order, tranquillity, and uninterrupted prosperity. In Central America the picture is reversed; there, law, order, tranquillity, and prosperity, are all rent asunder—towns sacked, houses burned, and every description of ferocious outrage perpetrated. Such was the sketch—an imperfect one he admitted—but he would not attempt to fill it up with the loathsome details which truth would furnish.

Mr. CLAYTON said he would ask the Senator from New York if he was perfectly satisfied that a war was at this moment existing between the whites and the Indians.

Mr. DIX said he was perfectly satisfied of the fact.

After a few words from Mr. DIX, by way of conclusion—

Mr. HANNEGAN then rose and said, that since this bill was under discussion yesterday, he had received intelligence that a treaty had been concluded between the Government of Yucatan and the Indians, and that the war had been brought to a close. Similar information had reached the city, in the Baltimore Sun, which had given the heads of the treaty. The terms agreed on appeared to him to be fair, and he trusted that the difficulties had been settled. In this state of things, he thought it due to the Senate to state that he should no longer feel himself called on to press the passage of this bill. No harm could result from a little delay, and it might be advisable to wait for further advices from Yucatan before any definite action took place. As we are in a state of war with Mexico, no foreign armed vessels would attempt to enter the ports of Yucatan. A force of four hundred marines had been ordered from Alvarado to Laguna, and this would suffice for the present. He would, therefore, move that the bill be informally passed over.

Mr. DIX said, that if he had been aware of these facts, he would not have troubled the Senate with the remarks which he had felt himself called on to submit.

Mr. HANNEGAN replied that he had not communicated the information to the Senator from New York, because he was not disposed to prevent the Senate from hearing a good speech.

Mr. UNDERWOOD concurred in the motion of the Senator from Indiana, although the effect would be to cut off a speech which he also had intended to make. He would, therefore, merely allude to the extraordinary delay which had taken place in the Executive department before the correspondence of Mr. Sierra had been communicated to the Senate, and which he had understood to have been accounted for by the Senator from Indiana on the ground that the authority of that gentleman had not been recognized by the Government.

Mr. HANNEGAN said, that if the motion he had made had cut off the speech of the Senator from Kentucky, it had not prevented him from giving the gist of it to the Senate. He knew that there were several Senators desirous to be heard on the bill, and he had himself intended to offer some remarks. What he had said on the subject of the recognition of Mr. Sierra had been misapprehended by the Senator from Kentucky.

Mr. NILES, while he acquiesced in the postponement of the bill, expressed some surprise at the change of ground which this new course indicated on the part of the Senator from Indiana. In the first place, that Senator had urged immediate action on the bill on the ground of humanity; but, afterwards, he had urged it as a matter of national policy, to prevent the interference of any of the European Powers. The settlement of the difficulties in Yucatan disposed of the question of humanity. But he did not see how it changed the aspect of the policy of preventing other Powers from interposing at the request of Yucatan. He expatiated, in a tone too low to be heard in the gallery, on the inconsistency of this course.

[A discussion of a sharp and personal character ensued between Mr. HANNEGAN and Mr. NILES, which was settled amicably.]

Mr. FOOTE then addressed the Senate at much length, remarking severely on the course of the Senator from Connecticut, and the Senator from South Carolina, [Mr. CALHOUN,] against whom he charged desertion of the Democratic party. He reviewed the course of the Whigs in the war of 1812, eulogized the stand taken by the Senator from South Carolina in favor of that war, but argued, that from the subsequent conduct of that Senator, the Democratic party had now finally withdrawn its confidence from him.

When Mr. FOOTE had concluded,

Mr. HOUSTON rose and complimented the Senate on the universal sentiment which seemed to prevail in favor of peace. It appeared that they were all for peace. The next thing was an armistice. He would therefore move that the Senate go into secret session.

A motion was, however, made to adjourn; which was decided in the affirmative.

The further consideration of the bill was then postponed until to-morrow, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 18, 1848.

The Journal of yesterday was read and approved.

Mr. DUER asked leave to offer the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of setting apart a portion of the public lands for the exclusive use and possession of free black persons, on the following terms and conditions:

1. That every free black male person above the age of twenty-one years, removing to and making his residence in such territory, shall be entitled to occupy and cultivate —— acres of the public lands situated therein, and, after so occupying and improving the same for —— years, shall be further entitled to receive a grant of the same, free of all cost or charge whatsoever.

2. That no sale of land within such territory be made by the Government, or be permitted to be made by individuals, to white persons.

3. That portions of said lands be set apart for the purposes of education.

4. That such territory be separately organized, and governed under the authority of Congress.

5. That when the inhabitants of said territory shall amount to —— thousands, they be invested with such powers of self-government as are usually granted to the Territories of the United States.

Objection being made, the resolution was not received.

On motion of Mr. BINGHAM, leave was granted the administrator of John Johnson, deceased, to withdraw papers pertaining to the claim of said Johnson.

On motion of Mr. CABELL, leave was granted for the withdrawal of the papers in the case of J. M. Bates.

On motion of Mr. CABELL, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of declaring the town of Miami, in the county of Dade, State of Florida, a port of entry and delivery; and that they report by bill or otherwise.

On motion of Mr. BROWN, of Mississippi, the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill supplemental to an act to confirm the survey and location of claims for lands in the State of Mississippi, east of Pearl river, and south of the 31st degree of north latitude, approved March 3, 1845, and it was committed to the Committee of the Whole House to-morrow.

Mr. ABBOTT presented resolutions of the Legislature of Massachusetts, and also a memorial of the same Legislature, favorable to the reduction of the rates of postage. Referred to the Committee on the Post Office and Post Roads.

On motion of Mr. SMITH, of Illinois, leave was given to Lieutenant M. Thomas to withdraw the papers relating to his claim against the Government.

On motion of Mr. MARVIN, leave was given to Daniel G. Garnsey to withdraw his petition.

On motion of Mr. FRENCH,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the Poplar Plains, in Fleming county, Kentucky, via Plummer's Mills, on Fox's creek, John's Mills, in Triplett, Triplett's Post Office, and up Charity creek, to West Liberty, in Morgan county, in the same State.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Thomas J. Dobbin's store, in Montgomery county, Kentucky, to the mouth of Aaron's Run, in the same county.

On motion of Mr. WHITE, the bill to amend the act making appropriations for the naval service for the year ending the 30th June, 1848, approved

March 3, 1847, was recommitted to the Committee on Naval Affairs.

Mr. KING, of Georgia, from the Committee on Naval Affairs, to which were referred Senate bills for the relief of the forward officers of the late Exploring Expedition, and for the relief of Thomas Brownell, reported the same back to the House without amendment. Committed.

Mr. ADAMS, from the Committee on Engraving, to which was recommitted the subject of engraving the maps of the route of a proposed line of mail steamers between Monterey or San Francisco, in California, to Canton and Shanghae, in China, touching at the Sandwich Islands, to accompany a report on the subject, reported the following resolution:

Resolved, That one copy of the chart accompanying said report be engraved for each number thereof ordered by the House to be printed.

Mr. KAUFMAN presented resolutions of the Legislature of Texas in relation to the "proviso," slavery, the tariff, and the war with Mexico; and also in relation to the Texas volunteers called out in 1846. They were ordered to be printed, and the latter one was referred to the Committee on Military Affairs.

On motion of Mr. HILLIARD, the Committee on Foreign Affairs was discharged from the petition of citizens of Erie and Huron counties, Ohio, asking that the territory acquired from Mexico be set apart for occupation by free negroes; and it was laid on the table.

Mr. STRONG, from the Committee on Revolutionary Pensions, made adverse reports on the petitions of Oliver King, Eunice Clark, Caty Burnham, and Elizabeth K. Brunot. Laid on the table.

Also, from the same committee, reported a bill for the relief of Mary Pike. Read and committed.

Also, from the same committee, to which was referred a resolution of the House in relation to the delay of business in the Pension Office, made a report, which was laid on the table.

Mr. FULTON, from the Committee on Invalid Pensions, reported bills for the relief of Sarah Wood; for the relief of Henry Miller; granting a pension to Gideon A. Perry; which bills were severally read and committed.

Mr. VENABLE, from the same committee, reported a bill for the relief of Fielding G. Brown. Read and committed.

Mr. ECKERT, from the same committee, reported a bill for the relief of Jos. Taylor. Read and committed.

Also, adverse reports on the petitions of Benjamin Holland, Abner Long, and Charles Taylor. Laid on the table.

Mr. W. T. LAWRENCE, from the same committee, made adverse reports on the petitions of Ephraim Spoor and Robert Milligan. Laid on the table.

Also, from the same committee, reported bills for the relief of Mary W. Thompson and John Haup. Read and committed.

Also, a bill for the relief of William Tee; which was read twice and ordered to be engrossed; and, being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

Mr. HENLEY, from the Committee on Patents, reported a bill to provide for applications for the renewal of patent rights in certain cases.

The bill was read twice and ordered to be engrossed; and, being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mr. FARRELLY, the Committee on Patents was discharged from the petition of Calvin Emmons; and it was laid on the table.

Mr. HOUSTON, of Delaware, from the Committee on Public Buildings and Grounds, made a report on the plans of R. E. Monaghan and of Stephen Bowerman for taking the yeas and nays. Laid on the table.

On motion of Mr. C. J. INGERSOLL, the Committee on Rules were discharged from the further consideration of the resolution in relation to allowing a member not more than ten minutes to make a personal explanation; and it was laid on the table.

Mr. McILVAINE, from the Committee on Indian Affairs, reported a bill for the relief of the Cherokee Indians in North Carolina. Read and committed.

Mr. McKAY asked the House to proceed to consider the joint resolution defining the reports to be annually made to Congress by the heads of the several Executive departments, and requiring the same to be prepared immediately after the close of each fiscal year and forthwith communicated for publication. Objected to.

SENATE BILLS ON THE SPEAKER'S TABLE.

Senate bills of the following titles lying on the Speaker's table, were taken up, read twice, and referred to appropriate committees:

A bill authorizing the payment of a sum of money to Robert Purkis.

A bill to authorize the relinquishment of the 16th section in certain cases, and the selection of other lands in lieu thereof.

A bill to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases.

A bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal-heavers in the navy, and to their widows.

A bill authorizing the Secretary of War to surrender certain bonds of the State of Indiana, held by the United States, to the agent of the State for the said State of Indiana.

The resolution reported some days since by the Committee on Printing, to print 1,000 copies extra of the report of the Committee of Claims, in relation to the establishment of a board of commissioners for the examination and adjustment of claims against the United States, was taken up, read, considered, and agreed to by the House.

The House then proceeded to consider the joint resolution defining the reports to be annually made to Congress by the heads of the several Executive departments, and requiring the same to be prepared immediately after the close of each fiscal year, and forthwith communicated for publication.

Several amendments were made to the resolution; but, before it was read entirely through, it was, on motion of Mr. WHITE, referred to the Committee of Ways and Means.

POST OFFICE APPROPRIATIONS, ETC.

The House then resolved itself into Committee of the Whole on the state of the Union on the bill making appropriations for the service of the Post Office Department, for the year ending June 30, 1848, (Mr. KING, of Massachusetts, in the chair.)

Mr. COCKE, who had the floor from yesterday, rose and said he was aware that the remarks which he proposed to make to the committee were not strictly in order, but they would not be inconsistent with custom; for it was usual, when the House was in Committee of the Whole on the state of the Union, for gentlemen to indulge in a wide latitude in the discussion of any question that might be under consideration. This was his apology for the train of argument in which he should indulge this morning.

It was not his purpose to discuss at large the origin of the war with Mexico in which the country was engaged. He was fully sensible that he could not furnish to the committee any new views on that subject; for it had been thoroughly examined and ably discussed by others, and long ere this every member of this House and the people of the country had formed an opinion upon that great question. He should not, then, for it was unnecessary, detain the committee with a discussion of the origin, rise, and progress of the war with Mexico. His purpose was to discuss some other questions intimately connected with the policy which the present Administration had pursued during its term of service.

At an early period of this session an amendment was submitted to a resolution, by the gentleman from Massachusetts, [Mr. ASHMUN,] which declared "that this war was unnecessarily and unconstitutionally commenced by the President of the United States," and for that amendment he gave his vote. He was then governed by the convictions of his best judgment and a sense of public duty; and, after mature consideration and deep reflection, he was enabled to say that he had never, in the whole course of his life, been more fully convinced of the truth of any sentiment than he now was of the truth of the averment of that amendment. It was to him no new proposition; for in the last canvass, before the people of his own district, on every occasion when an opportunity presented itself, he took the same ground respecting the origin of that war, and he was triumphantly sustained by the people. In short, in giving the vote to which he had referred, he was representing truly the feelings and sentiments of the people of the second Congressional district of Tennessee, which he had the honor to represent.

He desired also to allude for a moment to a vote which he gave during the last session of Congress on an amendment submitted by his honorable friend from Kentucky [Mr. BOYD] to the preamble of the bill that was passed during that Congress, which declared that the war was commenced by the act of Mexico. He voted for that amendment; but, as had been said by the gentleman from South Carolina, [Mr. RHETT,] in an early debate in this House on the subject, he did not consider the preamble a part of the bill. In this view many other gentlemen participated who voted on opposite sides on the same question. The gentleman from Kentucky, [Mr. BOYD,] in Committee of the Whole, proposed to strike out the first section of the original bill, which was highly improper, because it fixed no limit as to the force to be called into service; it fixed no limit as to the length of service; nor did it make an appropriation of a single dollar. The amendment did. It placed at the disposal of the President ten millions of dollars, authorized him to call into service fifty thousand volunteers, and likewise limited the time of their service. But because it contained the preamble, while in committee he voted against it, hoping, if it was rejected, that a suitable amendment would be offered and adopted. But the amendment was adopted by the committee, and reported to the House. The critical condition of General Taylor and his army on the Rio Grande admitted of no delay, and he voted for the amendment because he considered it less objectionable than the original section in the bill, protesting at the same time that the preamble was not true, and that it had no necessary connection with the bill. Many of his Democratic friends on the other side of the House voted against that amendment, and afterwards for the bill in which it was incorporated, but did not consider that they were voting for the preamble, which they contended was no part of the bill. And that was the light in which he (Mr. C.) considered it. He did not believe that the inception or the beginning of the war was the act of Mexico, although it had been contended by many that we had had, for several years, ample cause of war against her. On the contrary, he firmly believed that the first act of war was committed by the President of the United States. The President assumed the power to order the army into a territory that was disputed, and in the possession of Mexico. It was a question which had been pending between this Government and the Government of Mexico from the time Texas was admitted into this Union. In the resolutions by which Texas was received into this confederacy the point was reserved to this Government, and not to the President, who had no right to determine a question of boundary, which was then the subject of negotiation, or at least was open to negotiation. After Texas was annexed to the United States, and became a part of the Union, he was willing to regard her as a sister State in this confederacy, and to extend to her that protection which this Government was bound to afford to every other State of this Union; and every citizen of Texas who had emigrated thither, and felled the timber of its forests, and tilled its soil, and erected the log huts that studded its surface, had an equal claim on this Government for protection with any other citizen of even the oldest States. But it became an important question for consideration at what point they were to find the unquestioned frontier of Texas.

Mr. Donelson, in a communication written by him on this subject, pointed out Corpus Christi as a place that might with propriety be occupied by General Taylor, and as a place which presented conveniences for the furnishing of supplies to our troops. General Taylor did go to Corpus Christi, and there remained for twelve months in peace and quiet; and not until the President assumed the power to order the advance march into disputed territory was the peace broken. Peace then existed between the two Republics; and in whom was the power vested by the Constitution to change the relations of the two countries from peace to war? Certainly not in the Executive department of this Government. The power was vested exclusively in Congress, and the exercise of such power by the President was an assumption of its

rights and powers and duties. The occupation of the disputed territory, while Mexico was in possession of it, was an act of war; it was an act of war committed by the President of the United States, while the Constitution clearly and unequivocally vested that power in Congress. The President had no right to do it; and hence the order of the 13th January, 1846, directing General Taylor to march his troops and take a position on the left bank of the Rio Grande, was an act of war, and an unnecessary and unconstitutional act, by which all the horrors of war had been made familiar to the two Republics.

He was aware it had been urged that the President had sent to Mexico a messenger of peace in the person of Mr. Slidell; but if all the instructions given to Mr. Slidell were made known, he felt satisfied that it would appear that even the President did not then regard the Rio Grande as the western boundary of Texas. It became all-important, therefore, to the Administration that those instructions should be withheld from the people. Give to them publicity, and the arguments of the friends of the present Executive would be at once overthrown, and their lips would forever be sealed on this question. It was, therefore, the interest of that party not to communicate them. The gentleman from Illinois [Mr. TURNER] had told them that if these instructions were communicated they would give important information to the enemy. His language was as follows:

"It will be apparent that sound policy required, that while negotiations for peace were pending, those instructions should not be made public, for it is well known that whatever is published in this House soon finds its way into Mexico; and if the importance the President attaches to the purchase of the bay of San Francisco should be made known to Mexico, it would induce them to hold out for the most exorbitant terms."

Now, although those instructions had not been communicated to this House, they had somehow found their way into the newspapers, and the gentleman from Illinois had shown an intimate acquaintance with their contents. Their unofficial publication perhaps might attach to them some distrust; but had not the gentleman from Illinois, in daring, as a member of the President's party, to make such disclosures thus authoritatively, exposed himself to the charge of affording "aid and comfort to the enemy?" However that might be, the disclosures had clearly shown that Mr. Slidell's mission was not so much to restore friendly relations between the two Republics as to acquire New Mexico and California. It was apparent that he was sent out to promote another scheme of annexation which the President then had in contemplation. But, besides that scheme, what were Mr. Slidell's instructions? Why, to obtain the Rio Grande as the boundary, from its mouth to its source, including New Mexico, for which he was authorized to offer five millions of dollars. And for the acquisition of California, including Monterey, he was authorized to offer twenty-five millions of dollars; and, on the completion of either bargain, this Government would undertake to settle with our citizens who have claims for spoliations on Mexico.

Well, it was understood that a treaty had been ratified on the part of our Government, though he would not undertake to say positively what were its terms, as they were not officially made known. Its provisions, nevertheless, were said to have crept into the newspapers; and, as he had not seen them contradicted, he presumed some reliance might be placed on them. They must not, however, forget that the President's object, from which he had proclaimed he would not swerve, was "indemnity for the past and security for the future." This was echoed from the President by the "Union," his organ, and it had become the burden of the song of Democracy throughout the land.

"Indemnity for the past and security for the future!" Why, as he had shown, Mr. Slidell was instructed to offer twenty-five millions of dollars for certain acquisitions and a boundary, in the first instance; and our own Government, if reports were true, had agreed to pay upwards of twenty millions of dollars, by a treaty, which would secure to us the territory which Mr. Slidell was instructed to purchase for twenty-five millions. What, then, became of "indemnity for the past and security for the future?" Was nothing meant by that assertion of a determination on the part of the President; or was it merely used to hoodwink the people? How could the President escape from the charge of insincerity? What said the President, in his last annual message, on this subject, for he desired to give the President the benefit of his own statement? On page eight he says:

"The doctrine of no territory is the doctrine of no indemnity; and, if sanctioned, would be a public acknowledgment that our country was wrong, and that the war declared by Congress with extraordinary unanimity was unjust, and should be abandoned—an admission unfounded in fact, and degrading to the national character."

And again, on page 14, he says:

"In my annual message to Congress, in December last, I declared that 'the war has not been waged with a view to conquest; but, having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much injured citizens, who hold large pecuniary demands against Mexico.' Such, in my judgment, continues to be our true policy; indeed the only policy which will probably secure a permanent peace."

And, on page 14, he again says:

"We demand an honorable peace, and that peace must bring with it indemnity for the past and security for the future."

Such were the professions of the President. "Indemnity for the past and security for the future" was his determination, and no treaty that did not contain these provisions, he told them emphatically, would meet his sanction and approval; and yet he had adopted a treaty made by an unauthorized agent with Mexico, securing to us New Mexico and California on the payment of twenty millions of dollars—a sum much greater than the whole of that territory was worth; and, in addition to that, we were to assume the debts due to private citizens for spoliations. Where, then, he again asked, was this vaunted "indemnity for the past and security for the future?" Where was the indemnity for the expenses of the war? And, he might well ask, what were the expenses of the war? Did the committee know what this war was to cost us? For two long years we had been engaged in a war, and what was to be its cost? Was it intended to estimate New Mexico and California as equal in value to the expenses of that war, together with the twenty millions that we were to pay for those territories? Was that the purpose of this Administration? Again he asked, what were the expenses of this war? What were the appropriations which Congress had made for its prosecution? He had undertaken to make a calculation of these expenses, and he found that Congress had appropriated already, including the twenty millions which was to be paid under the treaty and an estimate of the public lands which were to be given to the soldiers who had served in Mexico, the sum of $105,751,301 56. This sum was exclusive of the expenses of the several States in furnishing necessary supplies to the troops before they were mustered into service, and the amount that would be requisite to bring the troops home. And beyond all this, there was the large amount to be paid to our gallant soldiers and their widows, in the way of pensions. Such was a rough estimate of the expenses of this war; and did they seriously propose to value New Mexico and California at that amount? Why, if the war were wound up to-day, the cost of it would not be less than two hundred millions of dollars—not a cent less. And would they value this acquisition of territory at two hundred millions of dollars? He could not believe that such an idea was entertained in any quarter.

But again: if Mexico owed our citizens five millions of dollars, and she was to be held responsible for the expenses of the war, as the President assured them she should be, why should we pay to her fifteen millions of dollars? Why should one cent be paid to her? This territory, which we were to acquire, was not worth one-tenth of the amount which the war had cost us, and yet we were to obtain "indemnity for the past and security for the future," by paying to her fifteen millions of dollars. Oh! it was all a humbug, and a gross attempt to delude the honest people of this country, who had too long confided in this Administration. He was very much pleased a few days since with an illustration given by the gentleman from Indiana [Mr. EMBREE] of the amount of the cost of this expensive war. The idea was a familiar and a happy one, and it was calculated to strike the minds of the people with great force. It brought the subject before them in a manner by which it could be understood. He (Mr. C.) had had occasion to follow out that gentleman's train of thought, and he had submitted to the same illustration the larger amount which we have now expended. The gentleman from Indiana [Mr. EMBREE] estimated the expenses of the war by wagon loads, and he allowed 35 cwt. to a team, and that was a good load, in his (Mr. C.'s) judgment, though there might be a few teams in Pennsylvania equal to a greater load. Assuming, however, that calculation, and taking the amount of our expenditures at $105,000,000, we had 1,857 wagon loads of silver dollars. And how far did they calculate those teams would reach? Why, when moving in a direct line, they would extend more than twenty-one miles, even when following close upon each other. But that was not all. To the sum which he had stated as the amount of our expenditures must be added the interest on the debt which had been incurred. And how much would that amount to? Why, to over six millions annually.

Mr. STEPHENS. Which is to go to Europe.

Mr. COCKE. Yes, as has been suggested by the gentleman from Georgia, which is to go to Europe. Now, apply the mode of illustration of the gentleman from Indiana to this annual interest, and they would see 112 wagon loads of silver dollars, extending a mile and a quarter in length, bearing over six millions of dollars a year to our seacoast, to be shipped to foreign lands, for the benefit of men of other nations; and yet, oh shameless hypocrisy! the President was obtaining for us "indemnity for the past and security for the future!"

This, however, was only the money consideration; and if that were all, gladly, oh, how gladly, would he be willing to ingulf it in the ocean, and bury it forever from human remembrance! "Indemnity for the past!" What indemnity would they give to those sonless mothers who had been bereft of the comfort of their age in this desolating war? What "indemnity" had they to offer to console the sorrows of widowhood? Were the lives of sons and husbands estimated as nothing? Were they of no account? Was the cost of this war merely a cost of dollars and cents? Were they alive to no other than mercenary considerations? Was the host of gallant spirits lost in this war, to sink beneath the value of dross? If the mighty host of brave men who had fallen in this strife of arms could be restored to their friends and their country; if this country could be restored to its condition at the period when this war began, he would forget that we had sacrificed millions of wealth in the conflict. He had before him an estimate of the number of men lost in this war, in a report from the Adjutant General, in compliance with a resolution of this House. This report exhibited the number of deaths according to the last returns, specifying those killed in battle and those who died of their wounds, together with those who had died in consequence of diseases to which the service had subjected them. And what did the committee think the loss of the country amounted to in human lives? Why, 7,907 gallant spirits had fallen in battle or died of their wounds.

Mr. STEPHENS. And how many have died of disease incidental to the service in the hospitals?

Mr. COCKE. Yes, how many have silently passed away, where death stalks abroad like "destruction that wasteth at noonday," who can tell? Of those discharged from the service for disability, this report shows there were 6,558; but how many of those died on their way to their homes after their discharge, no statement could be made. At least one-third had doubtless died of diseases contracted in the service, and the total sacrifice of lives in battle and by disease could not fall short of fifteen thousand. And, to all this, add those mangled frames that had succeeded in reaching their homes, as melancholy monuments daily to remind us of the horrid carnage and destruction and desolation that were consequent on wars! They could not pass through the streets even now without meeting the remnants of men whose limbs had been torn from their bodies.

But look again at the disastrous effects of this war over the whole country, and not alone on the brave soldiers who had fought our battles. Behold the widows and orphans that had been left husbandless and fatherless. How were they going to "indemnify" them for the past, and give them "security" for the future? Go to the country, visit their mountain homes, hunt out the widows and orphans, enter the hovels of sorrow and misfortune, witness their desolation, and then talk to them of "indemnity for the past and security for

the future." What indemnity would restore a husband to the widow, and a father to the fatherless? On whom were they to lean, now that their earthly stay and support was gone? Oh! go to them in their wretchedness and talk to them of "indemnity," and their tears would fall like burning curses upon your garments. Bravely did our soldiers bear aloft the banner of our country in Mexico. Wherever danger was present they were ready to rally. On every battle field of Mexico how much of the best blood of our land had been poured out as an evidence of their devotion to their country. How sanguinary soever the conflict might be, they followed wherever they were called upon to go; and the best and noblest spirits of which this country could boast, have been offered up on the altar of their country, and yet the place of their burial is forgotten and unknown. But the little streams that burst fresh from the bloody heights of Cerro Gordo, trickling on their winding way to the ocean, murmur the requiem of the gallant dead, while the dreary valley of Mexico—

"Waves above them her green leaves,
Dewy with Nature's tear drops * * *
Grieving, if aught inanimate e'er grieves,
Over the unreturning brave."

To this whole country the President of the United States was answerable for bringing on this calamitous war, and the people would hold him, and the party that sustained him, to a strict account.

But to proceed: Will the treaty be ratified by both Governments who are parties to it? There were many who thought it would not be ratified; and why was it so? There were reasons sufficient to justify the apprehension that it would not be ratified by Mexico. The course pursued by this Administration towards our generals in Mexico, would doubtless have its influence in producing such a result. What had it done? Why, the negotiator of the treaty had been ordered under arrest, and to be sent out of the country in the face of the enemy. And, in addition, the gallant Scott, who had been invincible in every hard-fought field, and whose name filled the enemy with despair and despondency, had been stricken down in his glory, while the laurel wreath of victory encircled his brow, and, in the face of the enemy, he had been ordered home in apparent disgrace. And could it be supposed that this attempt to disgrace the old soldier would have no influence on Mexico? Strange, indeed, it would be if it had not. And why had this been done? Because he had dared to execute an old army order which had been revived by the War Department for a special purpose; that purpose being to insult and degrade another victorious soldier (General Taylor) for writing a confidential letter to an old, intimate, and gallant friend—General Gaines. For that, General Taylor was insultingly censured by the Secretary of War, and this old order was revived to punish him, if he should again venture upon its violation. But, for executing that order, which he had been commanded to execute, General Scott had been suspended from his command and ordered home. This Administration had a fearful account to render to the American people for such conduct.

In the course of some three or four days there would be a convention held at Baltimore. A Democratic convention assembled there four years ago, and gave to this Union its present Executive; and the convention to sit next week was to select their candidate for that office for the next term of four years. In anticipation of that event, he had been anxiously looking for something from his colleagues on the other side of the House in defence of this Administration, that the claims of the present occupant of the Presidential chair might go before that convention. But they had manifested a studied silence; they had had nothing to say on that subject. He had been exceedingly solicitous to hear them say something respecting the next Presidency, and the claims of their favorite candidate. As a Tennesseean, who had a proper regard for the credit of his State, as his colleagues refused to say anything, and declined to present the claims of the President, he would consider himself as counsel assigned by the balance of the delegation to present those claims, and endeavor to secure for him due consideration from that body; and, if he succeeded in nothing else, he hoped he should succeed in obtaining for the accused a fair trial.

Mr. G. W. JONES said, as the friends of his colleague were in great difficulty about the selection of a candidate for themselves, they had better try the President as their candidate.

Mr. COCKE was surprised to hear that the party of his colleague [Mr. G. W. JONES] were ready to throw him overboard.

Mr. JONES said, whoever they did throw overboard generally went to his colleague's party, and by it were promoted.

Mr. COCKE said, the accessions to the ranks of his party from those of his colleague's were not those who had been thrown overboard, but those who had left them in disgust. You never throw any overboard, no matter how much they sin. You have none to spare.

His time, however, was rapidly passing away, and he must proceed with his advocacy, as assigned counsel of the present Executive, whom he was presenting to the nation, and particularly to the Baltimore Convention, which was to meet next Monday to nominate a candidate for the Presidency. He wished it to be distinctly understood that he was presenting the claims of a Tennesseean for the next Presidency. And he wished to give some reasons why those claims should be highly estimated. But four years ago, the candidate that he presented to them was the Samson of their party; he was deemed the strongest man; and who to-day had shorn him of his strength? Had he not strength enough to stand before the Baltimore Convention? Had he not one solitary friend left to present his name? Singular, indeed, in its construction, must that Convention be, if it could not furnish one friend to sustain him who but four years ago was their Samson.

He was not sure that the Baltimore Convention could nominate anybody; for it would be a heterogeneous assemblage. It would consist of Wilmot-proviso men and anti-Wilmot-proviso men, of Old Hunkers and Barnburners, of fifty-four-forty men and those who only went to forty-nine, of tariff men and anti-tariff men, internal-improvement men and anti-internal-improvement men, spoilers and anti-spoilers, warriors and anti-warriors, indemnifiers, and no-indemnifiers, and a variety of other hues and colors too tedious to mention. And how was all this heterogeneous mass to harmonize, except by taking the "model?" Why, not to renominate the present Executive would be a violation of party usage. Hitherto, every Democratic President had been renominated, and why should the present be an exception? To be sure, it had been asserted that he had expressed a desire to retire at the close of his present term; but he had asserted that he would have fifty-four forty, and then took forty-nine; and, as a friend near him said, that meant nothing. He repeated, then, that it would be a violation of party usage to deny to him the renomination, for it had been hitherto invariably done. It was given to General Jackson, and to Mr. Van Buren it was given twice, and proposed to be given a third time, and would have been given by a majority.

If the present Executive was their strongest man four years ago, why was he not so now? What issue had arisen to blight his prospects? If he should not be renominated, it would be a tacit admission by his own party that they were afraid to go to the people on the war and other issues which grew out of it, and be considered by the country as a virtual condemnation of his Administration by the Democracy in convention assembled. If his time was not so nearly exhausted, he would call their attention to other considerations; he could not, however, abstain from reading an extract from a recent article by Mr. Ritchie, the editor of the Executive organ, the *Union*. That gentleman said:

"Never since this Government was established has any Administration been truer than the present to the principles and the pledges on which it came into power. Whatever may be said of it hereafter, either by friend or foe, this its great praise, of absolute fidelity to the recorded principles of the party that made it, can neither be gainsaid nor denied."

Truer to the principles and pledges on which it came into power! What were those "principles and pledges?" Spoils. A most odious and extensive system of spoils. And had any Administration been truer to those "principles" than the present? The present Executive had done much for the party, especially for those from whom he received his nomination. What had he done for them? He (Mr. C.) had taken the pains to gather materials by which to show the manner in which the President had rewarded those who tendered him the nomination, and perhaps an exhibition of these facts might have some influence on the approaching Baltimore Convention. He wished the House to remember he was only acting as assigned counsel, believing that if he (Mr. C.) did not undertake the case, the President would be entirely overlooked.

He had looked over the list of the delegates to the last Baltimore Convention, and to show to the House and to the country how the President had rewarded his friends and their connections, he begged their attention to the document which he had prepared. It was as follows:

Delegates to the Baltimore Democratic Convention in May, 1844, who have been rewarded by Mr. Polk, and the amount of the public money which each has received or will receive during his administration.

Robert J. Walker, Secretary of the Treasury		$24,000 00
George Bancroft, Secretary of the Navy	$12,000	
Do. as Minister to Gr. Britain	31,500	
		43 500 00
Cave Johnson, Postmaster General		24,000 00
Nathan Clifford, Attorney General	4,350	
Do. Commissioner to Mexico	22,500	
		26,850 00
Ralph J. Ingersoll, Minister to Russia	31,500	
Son of the Minister as Secretary of Legation	4,000	
		35,500 00
Romulus M. Saunders, Minister to Spain		40,500 00
George W. Hopkins, Chargé to Portugal		14,625 00
Andrew J. Donelson, Minister to Prussia		49,500 00
John W. Davis, Commissioner to China		6,000 00
Benjamin G. Shields, Chargé to Venezuela		18,000 00
Henry Hubbard, Subtreasurer at Boston		6,500 00
Marcus Morton, Collector of the Customs, Boston		25,500 00
Phineas Allen, reappointed Postmaster at Pittsfield, Massachusetts		4,039 48
C. G. Greene, Public Printer, Boston, salary unknown.		
R. Rantoul, jr., District Attorney for Massachusetts		16,000 00
Isaac H. Wright, appointed Navy Agent, and rejected by the Senate.		
H. K. Smith, Postmaster at Buffalo, N. Y.		6,847 84
Benjamin F. Butler, U. S. District Attorney for the Southern District of New York		24,000 00
John L. Dawson, U. S. District Attorney for the Western District of Pennsylvania, salary unknown.		
Daniel S. Bizer, Inspector of Customs, Baltimore		4,038 00
Gabriel Holmes, District Attorney for North Carolina, salary unknown.		
W. T. Colquitt, son Paymaster in the Army		3,000 00
D. B. Turner, Postmaster at Huntsville, Alabama		4,896 16
Charles A. Bradford, Surveyor General, Jackson, Mississippi		4,000 00
George R. Fall, Public Printer, Mississippi, salary unknown.		
Samuel H. Laughlin, Recorder Land Office		8,000 00
Gideon J. Pillow, Brigadier and Major General		7,470 00
G. A. Caldwell, Major in the Army		3,384 00
John W. Tibbatts, Colonel in the Army		4,392 00
Samuel Medary, Postmaster, Columbus, Ohio		6,128 40
Thomas H. Bartley, U. S. District Attorney for Ohio, salary unknown.		
W. D. Morgan, Secretary of Legation to Brazil		8,000 00
John S. Simonson, Captain of Dragoons		2,000 00
J. C. Sloo, Receiver at Shawneetown, Illinois		4,000 00
William Walters, Public Printer, Springfield, Illinois, salary unknown.		
A. H. Sevier, Commissioner to Mexico		22,500 00
W. F. Ritchie, Public Printer		5,000 00
Thomas Ritchie, Editor of the Union and Public Printer		289,478 82
Benjamin H. Brewster, Cherokee Commissioner.		2,920 00

To be sure, Mr. Ritchie was not in the convention, but he claimed his right to the spoils upon the ground that his son was. The ascertained sums in this table amounted to the convenient sum of $742,410 56. Truly, the Administration had been faithful to its friends, and doubtless he would remunerate them again for like services. Well might Mr. Ritchie laud this Administration; for his item proved incontestably how amply he had been rewarded. Let what will be said of Mr. Polk, it cannot be denied that he *paid well*.

Mr. COBB, of Georgia, said that was one of the peculiar principles of the Whigs; they always took good care of their own friends.

Mr. COCKE replied that the party of the gentleman from Georgia always paid better than his (Mr. C.'s) did, and it was because that party was less economical of the public money, and more careful to reward Executive favorites.

He had been very anxious to say a word about General Taylor and the course of the Administration towards him, but he had not time to do so. He was extremely anxious to speak of General Taylor's position, and to show that it was perfectly consistent with the ground upon which the Whig party had uniformly acted; but he must reserve it for some other occasion.

He had not time to read; but he must refer to one little paragraph from the "Union," in order to show how great was the consternation and alarm of its venerable editor as soon as General

Taylor's letter of the 22d of April made its appearance. Here was what he thought of that letter:

"In a word, we have rarely seen a production so perfectly unsatisfactory as a confession of faith."

Mr. Ritchie seemed to think there was some prospect of the old General's nomination by the Whig convention, and the idea filled him with horror. It brought him to his knees. He was struck with amazement, and he began to pray:

"Would to Heaven, that for his own sake, he had never yielded to the solicitations of any of his own countrymen; that he had modestly declined the honor, from a sense of his own inexperience; but that he had been content to wear the military laurels which he had so gloriously won."

After the production of this letter of the 22d of April, the mere mention of the old hero's name filled with horror not only the "Union," but the rest of the prints of the like stripe, and their friends throughout the country. "*Would to Heaven!*" Why pray so fervently? Was it because Mr. Polk's editor feared that General Taylor would be defeated? Or was it not rather the apprehension for any candidate whom they might select to run against him? It was from a full conviction, a consciousness that if he were the nominee of the next convention at Philadelphia, a disastrous defeat awaited that party. Hence the old man fell upon his knees, and exclaimed, "Would to Heaven he had never yielded to the solicitations of his countrymen," in reference to accepting the nomination——

Here the debate closed, in compliance with the order of the House.

THE POST OFFICE BILL.

Mr. RHETT moved to amend the item "For transportation of the mails within the United States, $2,540,700," by reducing the sum to $2,495,700, and adding to the end of the item the words, "for the transportation of the maill in steam-vessels between Charleston and Havana, $45,000."

Mr. KING, of Georgia, moved to amend Mr. RHETT's amendment by adding the following thereto:

"The said steamers to be employed in the conveyance of the mail from Charleston to Havana shall stop, going and returning, at Savannah, in Georgia, to deliver and receive letters, papers, passengers, and freight; provided there shall be no increase of compensation therefor. The said steamers shall also be commanded by officers of the navy not below the grade of lieutenant, and shall receive four midshipmen on board as watch officers; the said officers to be accommodated without charge to the Government."

After explanations by Messrs. RHETT and KING, and inquiries by Mr. CABELL—

The question was put on Mr. KING's amendment, and on a division a quorum did not vote.

The CHAIRMAN directed the roll to be called; which being done, the committee rose, and the Chairman reported that the committee having found itself without a quorum, the roll had been called.

The names of the absentees were ordered to be entered on the Journal.

A quorum having appeared, the committee resumed its session.

The vote was again taken on Mr. KING's amendment by tellers, and there were—ayes 62, noes 58.

So Mr. KING's amendment was agreed to.

Mr. HOUSTON, of Alabama, moved to amend Mr. RHETT's amendment by reducing the amount $1,000 for carrying the mail between Charleston and Havana.

Mr. H. then entered into an explanation in regard to the contract made by the Postmaster General for carrying the mail between Charleston and Havana. When Mr. H. had concluded, he withdrew his amendment.

Mr. VINTON availed himself of the privilege allowed to the gentleman reporting a bill from the committee briefly to explain the character and object of the provision relative to contracts for carrying the mail, the former legislation on the subject, and the action of the Postmaster General under it. He caused to be read the 6th section of the act of last session, as well as an extract from the annual report of the Postmaster General, and one or two recent letters from the same source, from which it appeared that the Postmaster General was authorized to contract for mail transportation from Charleston to Chagres, by way of Havana, and then across the Isthmus of Panama, to Oregon—the major portion of the route to be performed in steam-vessels—that he had advertised for the whole route, but had received no bids except for that part between Charleston and Havana; that for this part he had made a conditional contract for $45,000 for twice a month—the condition being the ratification of the contract by Congress; that he desired this ratification, considering it the most important portion of the route, and that the compensation was a reasonable one compared with that paid for similar service on other routes.

He also stated, that during the last Congress a law was passed authorizing the Secretary of the Navy to contract for carrying the mail by steamships from New York to New Orleans, thence to Chagres, and around to Oregon; and that the Secretary of the Navy had entered into the contract for the entire route, the running to be twice a month.

The effect of ratifying the contract made by the Postmaster General would be, that when the line of mail steamers was put into operation under the contract of the Secretary of the Navy, there would be a weekly mail from the United States to Havana, and beyond a mail but once in two weeks. It would be an amendment of the law which authorized the Postmaster General to contract for carrying the mail to Oregon, converting it into an authority to contract for the same service once in two weeks from Charleston to Havana, which the Postmaster General considered more important than any of those other lines which were provided for, and which were being carried into execution.

These were the facts, and with them the committee would be able to decide for themselves whether it was expedient to carry this part of the contract into execution. The majority of the Committee of Ways and Means, he might observe, upon the case being submitted to them, had thought it inexpedient to ratify this contract, and had reserved the subject for further consideration. The minority, however, of whom he was one, were of the opinion that the present bill, according to the recommendation of the Postmaster General, was a proper one.

After a few remarks by Mr. SCHENCK, (upon an amendment moved to enable him to speak,) in which he opposed ratifying the present contract, and urged that these lines of steamers should be placed under the control of the Secretary of the Navy, that they might be the more readily convertible into efficient war-steamers when required—

On motion of Mr. CABELL, (made with a view to reconsider the resolution, and extend the time for the debate on this subject,) the committee rose and reported progress.

Mr. VINTON, in accordance with what seemed the sense of the committee in rising, moved to reconsider the resolution by which the debate in committee had been terminated.

Mr. COBB, of Georgia, moved to lay the motion to reconsider on the table. Agreed to: Ayes 76, noes 38.

The resolution thus being adhered to—

On motion, the House again resolved itself into Committee of the Whole, and resumed the consideration of the subject.

Mr. RHETT (upon an amendment moved for the purpose) warmly advocated the provision for ratifying the contract of the Postmaster General, which, he contended, was made under the positive requirements of the act of the last Congress. He urged the importance of a weekly mail between Charleston and Havana, especially in the present state of national affairs, and contended that a more rapid and frequent communication upon this part of the route was vastly more necessary than upon the remaining portion. He had no objection to these steamers being built under the inspection of the Navy Department.

Mr. SCHENCK moved an amendment, (which was withdrawn at the close of his remarks,) and said he was in favor of these ocean steam-packets; but he insisted that it had been found by the experience of other Governments, and thus far of our own, that they could not support themselves, or even make one-fiftieth part of their expenses, by carrying the mail. He considered, then, that we should follow the example of England, as we had already done to some extent, and adopt this ocean steam-packet service, with a view to accomplish two things: the transportation of the mail, which would pay some little towards sustaining their expenses; and to secure the ulterior and still greater advantage of having these vessels so constructed that at any time they might be converted into war-steamers; and for this purpose he argued they should be built and run, under the supervision of the Secretary of the Navy.

Mr. KING, of Georgia, moved the followtng amendment to Mr. RHETT's amendment:

"*Provided, further*, That the contract made by the Postmaster General for the transportation of the mail from Charleston, via Savannah and Key West, to Havana, is hereby transferred to the Navy Department, and placed under the care and direction of the Secretary of the Navy, who shall appoint a skillful naval constructor to superintend the construction of the steamers to be employed in said service."

The amendment to the amendment was agreed to; and pending the question on the amendment as amended, on motion, the committee rose,

And the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. MACLAY: A preamble and resolution from the Common Council of the city of New York, relative to duties collected upon goods consumed by the great fire of July, 1845.

By Mr. HALL, of Missouri: The petition of James H. Woodward and others, citizens of the State of Missouri, praying grants of bounty land to teamsters engaged in the war with Mexico.

By Mr. MORSE: The petition of W. Woodward, praying for a remission of a fine imposed on him.

By Mr. JOHNSON, of Arkansas: A petition for the relief of John Phagan.

IN SENATE.

THURSDAY, *May* 18, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Treasury Department, made in compliance with a resolution of the 28th ultimo, calling for the quantity of sugar imported into the United States during the years 1844, 1845, 1846, and 1847.

[During the year 1844, the quantity of brown sugar imported was 179,857,491 pounds, value $6,793,540; white clayed 4,731,516 pounds, value $276,704; loaf and refined 2,215,517 pounds, value $134,454.

During the year 1845, brown 111,957,404 pounds, value $4,556,392; white clayed 1,662,574 pounds, value $91,172; loaf and refined, 2,044,862 pounds, value $132,991.

During the year 1846, brown 126,731,661 pounds, value $5,348,082; white clayed 1,043,835 pounds, value $81,268; loaf and refined 253,379 pounds, value $17,909.

During the year 1847, brown 222,683,261 pounds, value $9,344,721; white clayed 9,196,106 pounds, value $466,372; loaf and refined 1,089,477 pounds, value $66,119.

The communication also states that the resolution of the 13th ultimo, requiring the quantity of sugar imported during the fiscal year ending on the 30th June, 1847, and the succeeding year, to the close of the last quarter ending the 31st March, 1848, has not been answered, from the want of returns for the last-named quarter, but will be complied with as soon as the necessary data can be obtained.]

MEMORIALS AND PETITIONS.

Mr. PEARCE presented a petition from Sarah A. Mackay, asking for a renewal of pension; which was referred to the Committee on Pensions.

Mr. JOHNSON, of Louisiana, presented a petition from citizens of the parish of Natchitoches, asking an appropriation for the improvement of the navigation of Red river; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CLAYTON presented a petition from citizens of Bucks county, Pennsylvania, asking the construction of a post route from Philadelphia to New York; which was referred to the Committee on the Post Office and Post Roads.

Mr. CRITTENDEN presented a petition from Johnson Rice and R. McKee, asking a grant of land for a number of families ready to settle in Oregon; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. TURNEY, by unanimous consent, obtained leave to bring in a bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, and the act approved 14th October, 1837, and 23d August, 1842, amendatory of the same; which was read twice by its title, and referred to the Committee on Claims.

On motion of Mr. CASS, 200 copies of the reports of Lieutenants Emory and Abert, of the expedition to the Pacific, were ordered to be given to the Topographical Bureau for distribution.

REPORTS FROM COMMITTEES.

Mr. YULEE, from the Committee on Naval was no question raised in this House or in the Affairs, reported a bill for the relief of the legal representatives and sureties of Benjamin F. Hart, late purser in the navy of the United States; which was read a first time.

Mr. YULEE also, from the same committee, asked to be discharged from the further consideration of the following petitions: From that of John Crosby; of Henry W. Paine; and of the citizens of Buffalo, asking for a naval depôt for the northwestern lakes; which was agreed to.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, reported the joint resolution from the House extending the time for the erection of certain lighthouses, without amendment.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill for the relief of L. P. Sanger, accompanied by a report. The bill was read a first time.

PATENT EXAMINERS.

On motion of Mr. WESTCOTT, the Senate took up the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill to provide additional examiners to the Patent Office and for other purposes, and agreed to the same.

Mr. JOHNSON, of Louisiana, moved that Friday and Saturday next be set apart for the consideration of the private bills on the calendar.

Mr. ATHERTON would be happy to accede to the wishes of the Senator from Louisiana, but must remind him that there was the military appropriation bill, which it was important should be acted on with as little delay as possible. He should call it up during the morning hour to-morrow; and, as he did not anticipate any discussion, he should make no objection, after that was disposed of, to the motion of the Senator from Louisiana.

Mr. BRIGHT said he had no objection to the motion, but must also remind the Senator from Louisiana that the bill to admit Wisconsin into the Union was to have been taken up to-day, but the Senator from Illinois, [Mr. DOUGLAS,] who had the matter in charge, having been unexpectedly called away yesterday, he (Mr. B.) should feel bound to call it up to-morrow, as there were urgent reasons why it should be promptly disposed of.

Mr. JOHNSON, of Louisiana. Why not call it up to-day, as this is the day set apart?

Mr. BRIGHT replied that there were some estimates to be furnished, which were not quite ready; and besides that, the Senator from Ohio [Mr. ALLEN] was to occupy the floor in answer to Mr. JOHNSON, of Maryland.

Mr. DAVIS, of Massachusetts, would inform the Senate that there were other bills full as important as any that had been named, and he would mention, in particular, that relating to our intercourse with the Chinese empire, a measure that was exceedingly important in itself, and one that had been already too long suspended for the interests of our commerce with that country, and he hoped that private bills would not be permitted to interfere with those of national importance.

Mr. DICKINSON desired to call the attention of the Senate to the fact that the Senator from Ohio [Mr. ALLEN] was to occupy the morning hour in the discussion on the resolution submitted by Mr. JOHNSON, of Maryland, only one side of which had been heard. He would therefore move to lay the resolution of the Senator from Louisiana on the table, with a view to taking up the resolution alluded to.

The question on Mr. DICKINSON's motion having been taken, it was decided in the affirmative: Ayes 17, noes 12.

APPOINTMENTS WITHHELD FROM SENATE.

The resolution on this subject was then read as follows:

Resolved, That the President of the United States is requested to inform the Senate whether any officers are now in the military or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

Mr. ALLEN rose in reply to the Senator from Maryland, [Mr. JOHNSON.] He stated that the Senator from Maryland had requested him to inform him by letter when he proposed to address the Senate. He had accordingly advised him of his intention to do so to-day. And last night he received a letter from that Senator, stating that professional engagements would prevent him from attending in his place for several days, and requesting him, after he had spoken, to move that the resolution be informally passed over. He went on to say, that when he had moved the reconsideration of the resolution which had been so inconsiderately passed, and that motion had been agreed to, he had intended simply to vote against the resolution, without inflicting a speech on the Senate. The Senator from Maryland, however, had occupied three hours and a half in defence of the resolution, and it now devolved on him to examine the argument which that Senator had brought forward. He referred to the triumphant answer given by the Senator from Arkansas, [Mr. BORLAND,] and then went on to reply to the portions of the argument which remained to be answered.

It had been assumed by the Senator from Maryland, that the Executive was the enemy of the people, while the Senate was their only true friend; that the President had fewer reasons to be a friend of the people than the Senate, and therefore that the Senate should suspend the sword of Damocles over his head. He contended for the reverse of this proposition. The only absolute security for the defence of the rights of the people is to be found in the press of the people themselves. He proposed to prove this, and also that the people have a greater security for their rights in the President than in the Senate.

There was some security in the character of the individual himself who was selected for the Presidency; but there was a still greater in the operation of two thousand presses, which were vigilant and fearless in ferreting out and exhibiting all the traits of his character, all the elements of his pretensions, and all the infirmities of his life. It was scarcely possible, therefore, that a very bad man can be selected. Elevated from a private citizen to the highest political station, considerations of gratitude must have powerful influence on his actions. He is also required, before God and man, to take an oath to administer faithfully his constitutional functions. He feels that all the presses of the country are watching him, and that the two Houses of Congress are prepared always to exercise a restraining power over him. There is also the danger of impeachment, should he be guilty of any treachery, by which he may be removed from office by a vote of two-thirds of the Senate, and disqualified from ever being in office thereafter. Here, then, he is in the power of Congress. Every dereliction on his part carries with it the penalty of extreme turpitude. On the contrary, every dereliction on the part of the Senate is merged in the idea that it is a public act, for which no responsibility can attach to any individual. Thus the President, elected by a million and a half of the people, may be displaced by a vote of the Senate, elected by not more than six hundred thousand votes. If the Senate violate the Constitution every day in the year, where is the tribunal on earth which can inflict punishment on any individual of the body? The only punishment must be inflicted by the people, six years, it may be, after the violation of the Constitution may have taken place.

But the Senator from Maryland thought that the veto power might be, and had been, frequently abused. The power itself had not been disputed. It was conferred by the Constitution. General Harrison, in his inaugural speech from the portico of the Capitol, went into an elaborate argument on the veto, which he regarded as a conservative principle. He had defined the three objects for which it was conferred: first, for the defence of the Constitution; secondly, for the defence of the people; and thirdly, for the defence of minorities against majorities—of the weak against the strong. A larger range of power had never been claimed by any. But if the President had the veto power, had not the Senate also the veto power, and that without any qualification? What law can pass, if we say, "No?" Thus the Senate, which does not represent the people, can veto any act of the House of Representatives, which does represent the people. The Senate can overrule the veto of the President, but the veto of the Senate cannot be overruled. He then referred to the power of the Supreme Court to pronounce any law unconstitutional after it has passed. Thus these nine men in a cellar may overrule the President, the two Houses of Congress, and all the State Legislatures.

In reference to the act of the Senate against General Jackson, the Senator from Maryland spoke of the Bank of the United States, and made a statement which astounded him, that the court, as now constituted, would declare that institution constitutional. If so, that tribunal is a fraud on the public. He had voted for the appointment of the new members of that court, and he would aver that their nominations would not have been confirmed had it not been well understood that they denied the constitutionality of that bank. There would have been as much propriety in the President appointing an enemy of our institutions to an important office, as in a Democratic Senate appointing the members of a court which might have to decide on the constitutionality of the bank, who were known to hold an opposite opinion.

He went on to speak of the act of the Senate in expunging the resolution against General Jackson, which the Senator from Maryland had referred to as proof that the President could wield the Senate to his will. Was it so? Was the Senate, after all, nothing more than the supple tool of the President? If so, one President could wield the Senate as well as another. Why, then, could not President Tyler wield the Senate? He had a greater power in his hands than General Jackson, yet he was utterly powerless in the Senate. That he could not do this, was a proof that the purity of the Senate could not be made subservient to Executive influence. If the power of the Executive was so irresistible in the Senate under General Jackson's administration, how was it that a mere change of men made such a difference that President Tyler found it intractable in his hands? Was it not because one retained the confidence of the people, while the other had forfeited it? General Jackson got the resolution expunged, it seems, because of his influence, but it was the influence of truth and justice. Senators were instructed by their States to vote for expunging it. How did General Jackson control the Legislatures of eighteen States to instruct their Senators to vote for expunging the resolution? What force did he employ? He had only a standing army of six thousand men. It was the force of truth and justice, which is even now abroad in the earth kicking down thrones.

Pending this expunging resolution, it was proposed to refer the whole matter to the State Legislatures, in order that they might decide on the case. But the Senate refused to sanction an appeal to its own creators. He read the resolution of Mr. Clay from the Journal. Here was the charge against General Jackson; and when the people saw it, together with the usurping spirit rising in the Senate, then arose that power which condemned the act.

The proposition of the Senator from Maryland went to overthrow the principle on which our Government stands. But he did not believe that Senator's own convictions went with the declaration, which could not be sustained without proving that the people are not competent to self-government.

He went on to remark on the exercise of the veto power on the French spoliations bill, which he considered the greatest and boldest act of the President. It fixed the public attention on these claims, and stopped the issue of perhaps forty or fifty millions out of the treasury. It was this act which had conferred more honor on the President than any other act of his Administration.

The Senator from Maryland was particularly hard on the veto of the river and harbor bill. But he would ask that Senator whether, if there was a single unconstitutional feature in that bill, the President was not as much bound to veto it, as if the whole had been unconstitutional? He did not say that there was any such feature. But if, in the President's opinion, there was such, he was bound, by his oath to support the Constitution, to veto it. Were it not so, it would be easy so to mix up constitutional and unconstitutional measures, as to obtain the passage of those which the Constitution prohibits. If the period should arrive when public opinion should be so powerful as to induce the President to violate his oath, there will be very little constitutional security left for us.

He then remarked on the idea thrown out by the Senator from Maryland, that the Executive scourged the Senate to submission, which he regarded as unworthy of serious refutation. It was

treated as a *ridiculous* assumption, that the President, by means of a single newspaper in the hands of Mr. Ritchie, could scourge three hundred members of Congress into submission. As to the influences of corruption, before corruption could be available, there must be something corruptible to work upon. It must, therefore, first be shown that this Senate is itself a corrupt body.

The Senator from Maryland had gone to the first source for information. He had not referred to any of the small fry which had been spawned from the womb of the party; but he had gone back to the great founder of the party, and had exhibited here the name and sentiments of General Hamilton, which he held up as an example for our action. When an object was presented to us in this imposing form, it seemed to become us to examine it with more than common caution. He had felt himself called on to examine General Hamilton's opinions. It appears, in the debates of the Convention, that it was the opinion of General Hamilton that the State governments must be annihilated. It has been supposed that the existence of these State governments are essential to the maintenance of our liberty. General Hamilton also held that the rich and the powerful should have the control of the Government, to the exclusion of the mass. This was proved by his suggestion to a friend, that the President should be elected for life, and that the Government should be fashioned on the model of that of Great Britain. On the eleventh day after General Hamilton was sworn in as Secretary of the Treasury, he committed a flagrant violation of the Constitution. On the 11th of September, 1789, he was appointed, and on the 22d of that month he issued a treasury circular, in reference to the act providing for the collection of duties, which act decreed that the duties should be paid in gold and silver coin only. This circular instructed the collectors to receive the notes of the Bank of North America; and this in the face of the law passed eleven days before, and while that Congress was still sitting. And he was now held up to us as an example. Had he been impeached for this violation of the law, we should not now be cursed with that flood of paper money which has since overflowed the country. A reference to the writings of General Hamilton would show that he was preparing measures for introducing into our system the corrupt practices and influences which prevail in Great Britain, for the purpose of stamping it with the impress of those principles which characterize the British system. No man would pretend to say that General Hamilton was not herein guilty of a crime against our institutions.

The Senator from Maryland had also taken his stand in favor of a Bank of the United States. He thanked the Senator, and accepted the issue. He would docket the case. The jury was in the box, and he was willing to wait for the verdict. He then went on to speak of the sub-treasury system, contending that until the passage of the sub-treasury act, there never was a sufficient security for the public money. He referred to the movements and arguments of the enemies of the sub-treasury during the period of Mr. Tyler.

They repealed the sub-treasury before they had provided a substitute, and thus threw all the public money into the hands of President Tyler. The bill for a bank was sent to him, and was vetoed. It fell dead by the feeblest hands that ever struck down such a monster. This veto went forth, and changed the next year the character of the elections. Since that period it had been impossible to raise a bank. But we must have it now. For it was impossible to suppose that the Senator from Maryland had not made his speech after due deliberation and for some specific purpose.

Mr. A. then gave a brief history of the course taken for the recharter of the United States Bank, and of the "gratifications" which were issued by the bank for the purpose of facilitating its efforts for a recharter. He read from a document before him a list of sums which had been lent to members of Congress and others, for the purpose of showing the system of bribery resorted to by the bank to obtain a renewal of its charter, and inferred that this proved the corruptibility of Congress, which might have led to the recharter of the institution but for the firmness with which General Jackson exercised the veto power.

Mr. ALLEN concluded with some statistical details of the Presidential elections.

The resolution was then, on motion of Mr. ALLEN, informally passed over; and—

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business. After some time, the doors were reopened, and it was

Ordered, That when the Senate adjourns on Monday next the adjournment shall be until the Thursday following.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 19, 1848.

The Journal of yesterday was read and approved.

On motion of Mr. HUNT, the Committee of the Whole on the state of the Union was discharged from the further consideration of bills to reëstablish the collection district of Wareham, in the State of Massachusetts; to establish a collection district in the State of New York; and to reëstablish the collection district of Brunswick, in the State of Georgia; and they were respectively read and ordered to be engrossed; and, being engrossed, were read a third time, passed, and sent to the Senate for concurrence.

Mr. HASKELL asked the House to take up the joint resolution authorizing the accounting officers of the treasury, charged with the settlement of the accounts of the navy, to settle and pay the expenses of the United States ship Macedonian on her recent voyage to Ireland and Scotland. It was objected to.

Mr. FULTON, previous notice having been given, on leave, introduced a joint resolution authorizing the Secretary of State to furnish the clerk of the district court of the United States for the western district of Virginia four copies of Little & Brown's edition of the Laws of the United States; which was read twice, and, after an inquiry from Mr. McKAY and a brief explanation by Mr. FULTON, was ordered to be engrossed; and, being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mr. THIBODEAUX, the Committee of the Whole was discharged from the further consideration of the bill to establish a collection district in South Carolina, and for other purposes.

The bill was read and ordered to be engrossed; and, being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

Mr. ROCKWELL, of Connecticut, moved the usual resolution to close the debate in Committee of the Whole on the bill for the relief of the legal representatives of Benjamin Hodges, deceased, in ten minutes after the bill shall again be taken up by the Committee of the Whole.

The resolution was amended by extending the time to twenty-five minutes, and, as amended, was agreed to.

Mr. COLLAMER moved to reconsider the vote by which the bill to provide for applications for the renewal of patent rights in certain cases was passed. The motion was entered on the Journal and ordered to lie over.

PRIVATE CALENDAR.

The House, on motion of Mr. ROCKWELL, of Connecticut, resolved itself into Committee of the Whole on the private calendar, (Mr. SIMS in the chair.)

The first bill on the calendar was the bill (No 68) for the relief of the representatives of Benjamin Hodges, deceased, on which an amendment, offered by Mr. ATKINSON, was pending. [The bill provides—as was stated in our report when the bill was previously under consideration—for the payment of a slave taken away by a British vessel in the last war with Great Britain, out of the fund received from that Government for this purpose.]

Mr. CHAPMAN briefly explained and enforced the claim, and was interupted in his remarks by the expiration of the time alloted to debate.

Messrs. ATKINSON and TUCK made inquiries of Mr. CHAPMAN in relation to the claim, which were partly replied to; when objections were made to further colloquy, and the order of the House to close the debate insisted upon.

Mr. RHETT, who reported the bill, availed himself of the privileges of the rules, and made some closing remarks in explanation and support of the bill. When he had concluded—

The CHAIRMAN stated the question to be on the amendment of Mr. ATKINSON.

Mr. ATKINSON said that the remarks of the gentleman from Maryland [Mr. CHAPMAN] were so satisfactory to him that he would withdraw his amendment; and it was accordingly withdrawn.

Mr. TURNER moved that the bill be reported to the House, with the recommendation that it be recommitted to the Committee on Foreign Affairs.

Mr. CHAPMAN moved that the bill be reported to the House, with the recommendation that it *do pass*.

The CHAIRMAN decided the latter motion to have precedence.

Mr. VINTON asked a division of the question on the latter motion, so as to have the question first put on the first branch, viz: "that the bill be reported to the House;" and secondly, on the second branch, "with the recommendation that it *do* pass."

The CHAIRMAN decided the question to be indivisible; from which decision an appeal was taken; and the question being taken, the decision of the Chair was sustained.

After many inquiries from various members, the question was put on Mr. CHAPMAN's motion; and it was agreed to by tellers: Ayes 69, noes 59. So the bill was laid aside to be reported, with the recommendation that it *do* pass.

The next bill on the calendar was for the relief of the legal representatives of Cornelius Manning, deceased. This bill is precisely similar in all respects to the bill for the relief of the legal representatives of Benjamin Hodges, deceased. It provides for the payment to the legal representatives of Cornelius Manning, deceased, of Maryland, of two hundred and eighty dollars, the value of a slave conveyed from the United States by the British fleet in 1814; the money to come out of the fund allotted by the British Government under the first article of the treaty of Ghent.

This bill was debated by Messrs. DICKEY, RHETT, BURT, STEPHENS, LAHM, and C. J. INGERSOLL.

Mr. COCKE moved that the committee rise; which was agreed to.

The committee rose accordingly, and reported bill No. 68, with a recommendation that it do pass, and progress on bill No. 69.

Mr. COCKE then submitted a resolution to terminate debate in five minutes after bill No. 69 shall be again taken up in Committee of the Whole, which was agreed to; and the House again resolved itself into Committee of the Whole, and resumed the consideration of that bill.

Mr. TUCK obtained the floor, and resumed the discussion on the bill; and while proceeding in his remarks—

The fall of the Chairman's hammer announced the expiration of the time allowed to debate.

Mr. DUNCAN, of Kentucky, moved to amend the bill by adding the following:

"*Provided, however*, That no part of the above sum shall be taken from any of the claimants whose claims shall have been recorded in the State Department, nor shall it be paid unless the Secretary of State is satisfied that no other person shall be injured or prejudiced by the payment of the same; and also that the claim comes within the treaty of Ghent, and ought to be allowed."

He availed himself of the five-minutes rule, by making a few remarks in support of the bill.

Mr. COLLAMER moved to amend the amendment by inserting after the words "satisfied that," the words "it can be paid out of said fund, and that."

Mr. DUNCAN modified his amendment as suggested by Mr. COLLAMER; and it was then agreed to.

Mr. GIDDINGS moved to add to the bill the following proviso:

"*Provided, also*, That nothing in this bill shall be so construed as to pay from the treasury any greater sum, including the expenses of the commission to determine the claims for slaves, than the amount received from Great Britain."

He made some remarks, which occupied the five minutes allowed by the rules, during which he was called to order at different times by Messrs. C. J. INGERSOLL and HASKELL.

Mr. VENABLE moved to amend Mr. GIDDINGS's amendment by striking out the words "including the expenses of the commission to determine the claims for slaves."

Mr. V. explained his amendment, and it was agreed to.

The amendment as amended was agreed to.

The committee then rose and reported the bill to the House as amended.

Mr. STEPHENS moved to amend bill No. 68 by adding thereto the same amendments agreed to

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by the Committee of the Whole on bill No. 69, and moved the previous question, which was seconded, and under the operation thereof the amendments were agreed to, and the bill ordered to be engrossed, and, being engrossed, was read a third time and passed.

The bill No. 69, for the relief of the legal representatives of Cornelius Manning, deceased, was next taken up, and, under the operation of the previous question, moved by Mr. STEPHENS, the amendments of the committee were agreed to, and the bill read a third time and passed, by yeas 125, nays 28, as follows:

YEAS—Messrs. Adams, Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Boydon, Brady, Brodhead, Albert G. Brown, Buckner, Burt, Butler, Cabell, Catheart, Chapman, Chase, Clapp, Franklin Clark, Beverly L. Clark, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Collamer, Cranston, Cummins, Daniel, Dickinson, Donnell, Duer, Garnett Duncan, Dunn, Eckert, Embree, Alexander Evans, Nathan Evans, Featherston, Ficklin, Flournoy, Freedley, French, Fulton, Gaines, Gayle, Gott, Green, Willard P. Hall, Haralson, Harmanson, Harris, Haskell, Henley, Hill, Hilliard, Isaac E. Holmes, George S. Houston, John W. Houston, Hunt, Inge, Charles J. Ingersoll, Irvin, Andrew Johnson, George W. Jones, Kaufman, Kennon, Lahm, Ligon, Lincoln, Lumpkin, Maclay, McClelland, McDowell, McKay, McLane, Job Mann, Meade, Morehead, Morris, Morse, Mullin, Murphy, Nelson, Outlaw, Pendleton, Phelps, Preston, Rhett, Richardson, Richey, Rockhill, John A. Rockwell, Roman, Rumsey, Sawyer, Shepperd, Simpson, Sims, Truman Smith, Stanton, Stephens, Chas. E. Stuart, Strong, Taylor, Thibodeaux, John B. Thompson, Robert A. Thompson, William Thompson, Tompkins, Turner, Van Dyke, Venable, Vinton, Warren, White, Wick, Williams, and Woodward—125.

NAYS—Messrs. Belcher, Bridges, Canby, Collins, Conger, Dickey, Dixon, Edwards, Fisher, Giddings, Hale, Hammons, James G. Hampton, Hubbard, Hudson, McIlvaine, Horace Mann, Marvin, Palfrey, Putnam, Reynolds, Robinson, Root, St. John, Slingerland, Thurston, Tuck, and Wilson—28.

Mr. McLANE moved that when the House adjourns to-day it will adjourn to meet on Monday morning, at nine o'clock. Rejected: Yeas 55, nays 78.

On motion of Mr. VINTON, the bill making appropriations for the support of the Military Academy for the year ending June 30, 1849, which had just been returned from the Senate with amendments, was referred to the Committee of Ways and Means.

And the House adjourned.

IN SENATE.

FRIDAY, *May* 19, 1848.

A message was received from the President of the United States, transmitting reports from the Secretary of War and Commissioner of Indian Affairs, showing the result of the settlement by the treaty of August, 1846, with the Cherokees, and the further appropriations necessary to carry the provisions of that treaty into effect, and disbursements made under the treaty of 1835–'6.

The statement of the Second Auditor shows the amounts paid to various classes of officers and agents employed in the execution of the Cherokee treaty of New Echota of 1835–'6:

Employment of Superintendents	$7,797 96
Clerks	10,898 68
Salary agents	15,729 38
Conductors of emigrants	25,824 88
Disbursing agents	5,502 32
Physicians	35,635 47
Interpreters	28,345 83
Issuing agents	11,547 17
Enrolling agents	10,274 00
Collecting agents	7,232 93
Medical supplies	5,487 55
Services of Cherokee committee	19,296 50
Transportation of military officers	7,062 31
Cost of transportation of funds	6,615 06
Expenses of negotiating treaty	36,531 47
Stationery	1,202 50
Printing	532 62
	$235,516 63

The additional appropriation called for under the report of the Commissioner of Indian Affairs amounts to $564,866 74.

MEMORIALS AND PETITIONS.

Mr. CLAYTON presented a petition from William H. Rogers, attorney of the United States for the district of Delaware, asking compensation for extra official services; which was referred to the Committee on the Judiciary.

Mr. C. also presented a petition from citizens of Pennsylvania for the construction of a rail post route from Philadelphia to New York; which was referred to the Committee on the Post Office and Post Roads.

Mr. DIX presented a petition from Edward A. Buttolpk, asking the purchase of the papers found in possession of Major Andrē at the time of his capture during the revolutionary war; which was referred to the Committee on the Library.

[Mr. Buttolpk states that he has in his keeping the original papers found in the boot and upon the person of the unfortunate Major Andrē at the time of his capture, and believing them to be important for preservation among the archives of the nation, asks Congress to purchase them.]

Mr. STURGEON presented a petition from W. Norris & Co., asking to be allowed a drawback of duties on imported iron used by them in the manufacture of steam engines and reëxported; which was referred to the Committee on Commerce.

Mr. DIX, from the Committee on Commerce, reported a bill concerning Spanish steam vessels. The bill having been read a first time—

Mr. DIX asked that it might be considered at this time. A line of ocean steamers had been established between New York and New Orleans, to touch at Havana. This was done with the concurrence of the authorities of the Island of Cuba, with the assent of the Spanish Government, and these steamers were exempted from the payment of the customary duties. The object of this bill was to place Spanish steamers coming from Havana on the same footing in our ports. They very rarely came into the ports of the United States, unless it was rendered necessary for repairs. One was expected at New York in a short time, and it was very desirable that this bill should pass immediately, to give that vessel the benefit of the exemption.

Mr. WESTCOTT asked if the regulations in Cuba applied to this line only, or whether it extended to all American steamers?

Mr. DIX replied, that he regretted he had not full information on that point in his possession, but he believed the regulations applied to this line only.

Mr. WESTCOTT would vote for the bill, because it imbodied a principle which he had submitted to the Senate in a resolution which he proposed to call up shortly.

Mr. DIX said he would look into the subject with great pleasure.

The bill was then considered, and read a second and third time, and passed.

Mr. DIX also, from the Committee on Commerce, reported a bill to authorize the issuing of a register to the Spanish steamers Tridente and Cetro; which was read a first time.

Mr. DIX explained that the same urgency existed as to the action on this bill, and asked its immediate consideration.

The bill was read a second and third time, and was passed.

On motion of Mr. ATHERTON, the bill making appropriations for the support of the Military Academy for the year ending 30th June, 1849, was considered in Committee of the Whole.

On motion of Mr. ATHERTON, the bill was amended by the insertion of an appropriation for the expenses of the Board of Visiters at their annual examination in June next, $2,000.

The bill was then read a third time, and passed.

On motion of Mr. BRIGHT, it was

Resolved, That the Committee on Finance be instructed to inquire into the expediency of providing by law for the payment of a fair and just compensation to the various Assistant Treasurers of the United States, appointed in pursuance of an act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue, who are not now specially provided for in said act.

On motion of Mr. BADGER, it was ordered that 20,000 copies of the annual report of the Commissioner of Patents received during the session be printed for the use of the Senate.

On motion of Mr. BRIGHT, the bill to admit the State of Wisconsin into the Union was considered in Committee of the Whole, read a third time and passed.

On motion of Mr. JOHNSON, of Louisiana, the Senate proceeded to the consideration of the private bills on the calendar; when the following bills were severally considered in Committee of the Whole, read a third time, and passed:

A bill for the relief John Mitchell;

A bill for the relief of Purser Benjamin J. Cahoone;

A bill for the relief of the widows and orphans of the officers, seamen, and marines of the brig of war Somers.

A bill for the relief of Messrs. Cook, Anthony, Mahon, and others;

A bill for the relief of William H. Prentiss;

A bill for the relief of Anna J. Hassler;

A bill for the relief of Welcome Parmeter;

A bill for the relief David Currier;

A bill for the relief of Mary Brown, widow of Jacob Brown.

On motion, the Senate adjourned to Monday next.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 20, 1848.

The Journal of yesterday was read and approved.

On motion of Mr. COBB, of Georgia, it was ordered that when the House adjourns it will adjourn to meet on Monday morning at nine o'clock.

The following Senate bills lying on the Speaker's table were taken up, read a first and second time, and referred to appropriate committees:

For the relief of Purser Benjamin G. Cahoone.

For the relief of the widows and orphans of the officers, seamen, and marines of the brig of war Somers.

For the relief of Cook, Anthony, Mahon, and others.

For the relief of William H. Prentiss.

For the relief of Anna J. Hassler.

For the relief of William Parmenter.

For the relief of David Currier.

Concerning Spanish steam vessels.

Authorizing the issuing of registers to the Spanish steam-vessels Tridente and Cetro for a limited time.

The SPEAKER laid before the House a letter from the President of the United States, transmitting a communication from the Secretary of War and a report from the Commissioner of Indian Affairs, showing the result of the settlement required by the treaty of August, 1846, with the Cherokees and the appropriations required to carry into effect the provisions of that treaty.

Mr. WHITE asked the House to take up the Senate bill making an additional appropriation for the dry dock at Brooklyn navy-yard.

Mr. STEPHENS disliked to interpose any objection to the request of the gentleman from New York, [Mr. WHITE,] but as this was private bill day, and a very important bill (the bill to purchase the Madison papers) stood at the head of the calendar, he hoped the House would go into committee on private bills.

Mr. HOUSTON, of Delaware, asked leave to offer a resolution instructing the Committee on Public Buildings and Grounds to have the Hall of the House of Representatives ventilated, and also authorizing that committee to have erected the fixtures necessary for that purpose. Objected to.

THE PRIVATE CALENDAR.

The House, on motion, resolved itself into Committee of the Whole on the private calendar, (Mr. ROOT in the chair.)

The first bill on the calendar was the bill of the Senate to provide for the purchase of the MS. papers of the late James Madison, former President of the United States.

Mr. STEPHENS moved that the bill be laid aside to be reported to the House.

Mr. BOWLIN objected to this as a public bill, and therefore improperly on the private calendar.

The CHAIRMAN overruled the objection.

Mr. JONES, of Tennessee, objected to that part of the bill which provided trustees for Mrs. Madison, in whom twenty thousand dollars of the money to be appropriated by this bill should be vested for her use. If any citizen of this District required guardians or trustees, he apprehended the courts of the District were fully competent to appoint them.

Mr. JOHNSON, of Tennessee, objected to this bill, as the establishment of a pension system, which was inconsistent with the principles of this Republic. This bill proposed to give to Mrs. Madison $5,000, and to invest in the name of trustees the sum of $20,000, the annually accruing interest of which such trustees were to pay to her; but the principal was placed beyond her control, except by will or devise, by which means she might bequeath it to whomsoever she pleased. It was alleged that this sum was to be paid for the papers of the late President Madison. He proceeded to show that Congress had heretofore bought and paid for the papers of James Madison, and that this was a mere pretext for the purpose of giving Mrs. Madison a donation for her lifetime and a bequest to some other person, for aught he knew to some profligate or disreputable individual, at her death. He reminded the House of the strenuous opposition made on this floor to the bill to provide a pension for Mary Brown, the widow and mother of meritorious officers who had rendered valuable services to the country; and of the bootless petitions of many other poor widows who sought a poor pittance to sustain them for the remnant of their days, made desolate by the sacrifice of their natural protectors on the altar of the country. Jame Madison was living in comfort in the receipt of $25,000 per annum while the husbands of these petitioning widows were serving on the battle-field at eight dollars a month, where they bled and died. The services which they rendered to this Republic were as important as, yea much more important than reasoning and philosophy. He saw no reason to prefer Mrs. Madison to the widows to whom he had referred.

Mr. BOWLIN, Mr. JONES of Tennessee, Mr. JOHNSON of Tennessee, and the CHAIRMAN entered into some conversation as to a point of order.

Mr. McDOWELL made a short statement of facts to show that this was an equitable payment for papers to be sold to this Government, and that the gentleman from Tennessee was mistaken in supposing that these were the papers which had been heretofore paid for. They were a totally different and distinct series.

Mr. JOHNSON quoted from a published document to show that he was not mistaken.

Mr. STEPHENS proceeded to show what the papers really were, to sustain the position of the gentleman from Virginia, [Mr. McDOWELL,] that the gentleman from Tennessee was mistaken.

Mr. JOHNSON continued his argument to sustain his position.

Mr. BAYLY replied.

Mr. COLLAMER said one referred to the Articles of the Confederation, and the other set of papers to the debates on the Constitution, and therefore they were totally distinct.

Mr. McDOWELL defended the bill, arguing that these works were of great national interest, and the nation should be their possessor, and they should not be an article of private barter to booksellers, many of whom had made offers for their purchase. He mentioned this fact to show that the House was not asked to purchase worthless articles, and that Mrs. Madison entertained proper sentiments respecting the nationality of the object contemplated.

Mr. PALFREY denied that this bill proposed to make an eleemosynary grant. It is proposed to purchase papers on equitable terms which the public good required that the nation should possess. These papers in some respects were a commentary on the happy Constitution under which we live; they were valuable materials for the composition of history which had yet to be written. Such materials were wanted, and this age must collect them.

Mr. CLARK, of Kentucky, contended that this House could not constitutionally make a donation to Mrs. Madison, and if this sum was to be paid in consideration for an article delivered, it became them to consider whether they were making a good trade, if indeed they were to become traders in books. He objected to the provision appointing trustees for Mrs. Madison. If it was an absolute sale of books, the price should be paid absolutely, and left to her own disposition. But he was led to the conclusion that it was a donation to Mrs. Madison, which they had no right to make. If a purchase, he denied that they received the full value of $25,000; he therefore was opposed to the bill.

Mr. STEPHENS warmly defended the bill. He had heard no objections from the gentlemen who opposed this bill to the expenditure of upwards of $40,000 for the printing of the Patent Office report, while they were bitterly opposed to the printing of documents which furnished materials for the history of the country.

Mr. SAWYER explained that he had voted to print the Patent Office report because they were to be sent to the people, whereas these documents would be given to members of Congress.

Mr. STEPHENS eloquently replied, and, stating that this was Mrs. Madison's birthday, he hoped the bill would on this day be passed. He moved that the committee rise and report progress. Agreed to.

The committee rose and reported progress accordingly.

Mr. STEPHENS then submitted a resolution to terminate debate on the same bill in ten minutes after it should again be taken up in committee; which was agreed to.

The House again resolved itself into Committee of the Whole on the same subject, and the debate was resumed by

Mr. HOLMES, of South Carolina, who eloquently advocated the passage of the bill.

The CHAIRMAN, at the appointed time, closed the debate.

Mr. BRODHEAD moved to amend the bill by adding an additional section providing for the purchase of the MS. papers of Thomas Jefferson from his grandson, Thomas Jefferson Randolph, and appropriating $25,000 for the purpose.

The CHAIRMAN ruled the amendment out of order.

Mr. BOWLIN moved to amend the bill by striking out that part of the bill which proposes to create Mr. Buchanan, Secretary of State, Mr. Mason, Secretary of the Navy, and Richard Smith, Esq., trustees to receive, for the purpose of investment in stocks for the benefit of Mrs. Madison, twenty thousand dollars of the money appropriated by the bill for the purchase of the papers.

Mr. B. occupied the five minutes allotted by the rules for debate or for explanation of amendments.

The amendment was rejected.

Mr. JOHNSON, of Tennessee, moved an amendment to the bill, which, after making some remarks occupying the five minutes allowed by the rules, he withdrew.

Mr. J. then moved to amend the bill by striking out the last sentence, viz: "But subject to be disposed of as she may please by her last will and testament," and inserting a provision requiring the trustees, on the death of Mrs. Madison, to return the sum in trust ($20,000) to the treasury of the United States. And was proceeding in further remarks, when he was called to order by

Mr. VINTON, on the ground that it was his evident intention to abuse the privileges of the rule allowing five minutes for a *bona fide* explanation of amendments, by speaking indefinitely on amendments successively moved and withdrawn.

Considerable conversation ensued on this and connected points of order, and Mr. JOHNSON's five minutes having expired, the question was taken and the amendment was rejected.

The committee then rose and reported the bill to the House.

Mr. BAYLY moved the previous question; which was seconded, and, under the operation thereof, the bill was ordered to be read a third time.

The question then recurred on the passage of the bill.

Mr. BAYLY moved the previous question.

Mr. JOHNSON moved the reconsideration of the vote ordering the third reading of the bill.

Mr. J., after one or two points of order had been raised and settled, entered into some remarks to show that the vote ordering the third reading of the bill ought to be reconsidered; and when he had concluded—

Mr. BAYLY moved to lay the motion to reconsider on the table; which was agreed to.

The previous question was seconded; and, under its operation, the bill was passed by yeas 80, nays 59.

Mr. BAYLY moved to reconsider the vote by which the bill was passed.

Mr. ROCKWELL, of Connecticut, moved to lay that motion on the table. Agreed to.

So the bill stands passed.

The House adjourned.

—

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. HALE: The petition of Ezra Finney and others, for a breakwater near the northeastern point of the Island of Nantucket, Massachusetts.

By Mr. PUTNAM: The petition of James S. Baughton and 124 other citizens of the county of Wyoming, New York, praying for the investigation of the conduct of Colonel Childs, in requiring the soldiers of the army to kneel before the Catholic Host.

By Mr. WENTWORTH: A petition for a mail route from Blue Island, via Cooper's Grove, Chelsea, Wallingford, and Bloomsville, to Bulbonia.

By Mr. TWEEDY: The petition of O. Cole and 78 others, citizens of Grant county, Wisconsin, praying for the purchase of Mount Vernon by the Government. Also, the petition of Mason C. Darling and 49 other citizens of Wisconsin, for the same object. Also, the petition of G. H. Smith and 53 other citizens of Sheboygan, in Wisconsin, for the same object. Also, the petition of C. M. Baker and others of Walworth county, Wisconsin, for the same object. Also, the petition of William C. Larnon and others, for a post route from Exeter, Green county, Wisconsin, via Union, Cookville, Dunkirk, and Cambridge, to Lake Mills, in Jefferson county.

By Mr. ABBOT: Resolutions of the Legislature of Massachusetts, with an accompanying memorial, in relation to the reduction of postage.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 22, 1848.

The House met, and after the reading of the Journal,

On motion, adjourned until Thursday next.

IN SENATE.

MONDAY, *May* 22, 1848.

The Senate was called to order at twelve o'clock. After prayer by the Rev. Mr. Slicer,

On motion of Mr. BADGER,

The reading of the Journal was dispensed with, and the Senate adjourned to Thursday, with the view to have the Chamber cleansed and the summer matting put down.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 25, 1848.

The House met pursuant to its order heretofore adopted.

The Journal of Monday was read and approved.

Mr. WICK (previous notice having been given) obtained leave and introduced a bill to prohibit the introduction of slaves into the District of Columbia.

Mr. THOMPSON, of Mississippi, moved to lay the bill on the table; on which the yeas and nays were asked and ordered.

Mr. BURT doubted if there was a quorum present, and he therefore moved a call of the House; which was ordered.

Mr. THOMPSON withdrew the motion to lay on the table, expressing a willingness, on further consideration, to allow it to be referred.

Mr. BURT insisted on his motion for the call, as he desired to know whether there was a quorum before they proceeded to business.

The roll having been called—

The SPEAKER announced that 114 members were present, and that 113 were necessary to a quorum.

Mr. WHITE moved to suspend further proceedings in the call. Rejected.

The list of the absentees was called, and 120 members having answered to their names—

On motion of Mr. SCHENCK, the call was suspended.

Mr. BURT said it was evident that the seats on one (the Democratic) side of this Hall were almost entirely unoccupied. He trusted there was no disposition on the other, in the absence of members, to proceed with business, especially with business of the description of this bill.

Mr. SCHENCK. Will not the gentleman from South Carolina give way for a motion to adjourn?

Mr. BURT replied that was the motion he was going to submit himself, in consideration that there

were but 120 members present. He moved that the House adjourn.

Mr. JOHNSON, of Tennessee, appealed to Mr. BURT to withdraw his motion for a moment to enable him to offer a resolution, to which, involving no party question, no objection would be made.

Mr. BURT yielded, and Mr. JOHNSON's resolution was sent to the table; but, before it was read—

Mr. VINTON suggested that this bill, by common consent, could be laid aside, and that the Post Office and the West Point Academy bills should be taken up and considered.

Mr. WICK intimated that he would consent to have the bill laid on the table and printed.

Before any action was taken, the question on the adjournment was taken by yeas and nays, ordered at the call of Mr. VINTON, and decided in the affirmative: Yeas 69, nays 56.

The House accordingly adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. HALL, of New York: The petition of Stephen Howard, praying for arrears of pay and bounty land as a soldier in the war of 1812. Also, the petition of sundry inhabitants of the county of Erie, New York, praying Congress to inquire into the truth of the report that Colonel Childs compelled Protestant American soldiers to kneel and do homage to the Catholic Host at Jalapa, and to call him to an account for such offence, if the report should be found to be true.

IN SENATE.

THURSDAY, *May* 25, 1848.

Mr. BRADBURY presented a petition from Clifford S. Worthing, asking a mail route to be established between Augusta and Bangor, in the State of Maine; which was referred to the Committee on the Post Office and Post Roads.

Mr. BENTON presented a petition from J. Quin Thornton, praying for the establishment of a territorial government in the Territory of Oregon.

Mr. B. stated that this petition contained matter of much interest, and he would therefore move that it be printed; which motion was agreed to.

Mr. DIX presented a petition from the New Jersey and New York Steam Navigation Company, and from the Providence and Rhode Island Company, asking to be remunerated for maintaining a light-boat in the Eel Grass shoal, in Fisher's Island sound; which was referred to the Committee on Commerce.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Friek & Haddock, with a report; which bill was read a first time.

On motion of Mr. BELL,

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a list of the Creek Indian warriors, who were killed or wounded, or who died in the service of the United States during the late war in Florida; with the dates when they were severally killed or wounded, or when they died; together with a statement of the arrears of pay due to each of them respectively.

Ordered, That when the Senate adjourns, it adjourn to meet on Monday.

The following resolution, submitted by Mr. NILES some days since, was then taken up for consideration:

Resolved, That the Secretary of the Treasury be directed to report to the Senate such information as may be in the Treasury Department in regard to the manner in which the interest of the public debt has been paid at Boston, New York, Philadelphia, and other places in which the interest on the public debt is paid; and particularly that he inform the Senate whether, in any instance, payment has been made in any other medium than gold or silver.

Mr. NILES explained that he had offered this resolution in consequence of information which he had received from a friend, in whom he had entire confidence, that in one transaction at least, at one of the points of collection, there had been an express violation of the sub-treasury law. One of the officers employed under that law had made a deposit of a large amount of public money—some $80,000—in one of the banks of the city in which he transacted his business, and was in the practice of paying out the interest of the public loans by checks on that bank. This was an express violation of the law, one of the great objects of which is, the establishment of a system by which all money transactions of the Federal Government shall be in the constitutional currency of the country. Having been one of the earliest and most strenuous advocates of this system at its commencement, he felt great anxiety for its successful operation. It had worked well, and, while he continued a member of this body, he would not permit any violation of the law, if his efforts could prevent it.

Mr. DAVIS, of Mississippi, said he had no objection to any inquiry, but he asked the Senate if it was fair to tolerate these harassing calls on the Government, and to sanction these frequent attacks on the Secretary of the Treasury, without some evidence to support them? Charges of this kind, which may be introduced merely for political effect, ought not to be received, unless they are accompanied by proofs of the facts on which they are stated to be made.

Mr. NILES was surprised at this opposition to a mere resolution of inquiry. He had seen the Secretary of the Treasury on the subject, and he had no suspicion that the violation of the law had been with the connivance of that officer. It may have been the act of a subordinate, committed without his knowledge. There certainly could be no impropriety in inquiring if the law had been faithfully executed. If the violation of the law had taken place, it was an offence, the punishment for which was provided by the act, and it could not be improper to ask if the offence had been committed. In 1840, when the law was passed, we had been told by those who had opposed it, that it would turn out a mere mockery, and could lead to no practical effect. In its present form, it has produced all the effect for which it was intended, and that effect had been most salutary, inasmuch as it had saved our entire banking system, and prevented results which would have been calamitous to the country. Yet we are now to be told, that we must not institute an inquiry whether the law has been honestly carried out, for fear censure should fall on somebody! He hoped the resolution would be adopted.

Mr. DAVIS replied that he had only thrown out the suggestion that calls of this harassing character on the Secretary of the Treasury ought not to be received without some evidence to sustain them. Certainly, if the Senator from Connecticut has authority for his statement, and is himself satisfied that a violation of the law has been committed, he would not object to the inquiry. The Senator had stated that he had seen the Secretary on the subject, and acquitted him of any knowledge of the transaction.

The resolution was then agreed to.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 26, 1848.

The Journal of yesterday was read and approved.

On motion of Mr. COCKE, leave was given for the withdrawal of the papers in the case of Samuel F. Reed, of Tennessee.

Mr. WENTWORTH rose to say, that when the House adjourned yesterday, there was a bill on the table, and a motion before the House pending and unacted on. The bill was very important. He referred to the bill to prohibit the importation of slaves into the District of Columbia, with certain exceptions. It was a bill in which every gentleman on the floor must feel himself to be interested. He hoped, therefore, that it would be taken up and considered first among the unfinished business of yesterday.

The SPEAKER said the unfinished business were the orders of the day and the Senate bills on the Speaker's table.

THE PRIVATE CALENDAR.

The House, on motion of Mr. ROCKWELL, of Connecticut, resolved itself into Committee of the Whole on the private calendar, (Mr. MCCLELLAND in the chair,) and, after devoting some time to the consideration of bills thereon, the committee rose and reported the following bills to the House:

A bill for the relief of Maurice R. Simons;

A bill for the relief of Eliphas C. Brown;

A bill for the relief of Henry N. Halstead;

A bill for the relief of Robert Ramsey;

A bill for the relief of John Farnham;

A bill for the relief of Andrew Flanagin;

A bill for the relief of William Gott;

A bill for the relief of Catharine Hoffman;

A bill for the relief of John P. B. Gratiot and the legal representatives of Henry Gratiot;

A bill for the relief of Mrs. Mary B. Renner;

A bill for the relief of Archibald Beard, and twenty-one other mounted Tennessee volunteers;

A bill for the relief of Philip J. Fontane;

A bill for the relief of Levi H. Corson, and for other purposes;

A bill for the relief of Elisha F. Richards;

A bill for the relief of Gideon A. Perry;

A bill for the relief of Fielding G. Brown;

A bill for the relief of Joseph Taylor;

A bill for the relief of Mary W. Thompson, widow of Lieutenant Colonel Alexander R. Thompson;

A bill for the relief of John Haup;

A bill amendatory of an act entitled "An act amendatory of the act entitled 'An act to incorporate the Provident Association of Clerks in the civil department of the Government of the United States, in the District of Columbia,'" approved March 3, 1825;

A bill supplemental to an act to confirm the survey and location of claims for land in the State of Mississippi, east of the Pearl river and south of the thirty-first degree of north latitude, approved March 3, 1845;

A bill for the relief of Mary Pike, widow of Ezra Pike;

A bill for the relief of Sarah Wood, widow of Major James Wood.

Also the following Senate bills, severally without amendment:

A bill for the relief of Reynolds May;

A bill for the relief of Thomas Brownell;

A bill for the relief of Samuel W. Bell, a native of the Cherokee nation;

A bill for the relief of Edward Bolon.

The committee also reported the following bills, with an amendment to each:

A bill for the relief of the legal representatives of Lieutenant Francis Ware;

A bill for the relief of Hugh Riddle;

A bill for the relief of Joseph Perry, a Choctaw Indian, or his assignees;

A bill for the relief of Joseph Gerard;

And Senate bill to authorize the settlement of the account of Joseph Nourse, deceased.

The bill for the relief of the Cherokee Indians in North Carolina was reported to the House, with the recommendation that it be committed to the Committee of the Whole on the state of the Union.

The House bill to pay James Crutchett $2,000 for lighting the Capitol and Capitol grounds, and also a Senate bill of the same title, were reported to the House, with the recommendation that they be laid on the table.

Which recommendations were concurred in by the House.

The House then proceeded to the consideration of the various bills reported by the Committee of the Whole. The action of the Committee of the Whole on said bills (some of them having been amended) was concurred in by the House, except the amendment to the bill for the relief of the legal representatives of Lieutenant Francis Ware, which amendment was disagreed to; and this bill and the others were severally read a third time and passed, with the exception of the bill supplemental to an act to confirm the survey and location of claims for land in the State of Mississippi, east of the Pearl river and south of the thirty-first degree of north latitude, approved March 3, 1845. This bill was postponed until to-morrow, and it was ordered that the Clerk acquaint the Senate therewith.

Mr. THOMPSON, of Mississippi, moved that the House do now adjourn. Lost: Ayes 46, noes 51—not a quorum.

Mr. POLLOCK moved a call of the House.

Mr. THOMPSON again moved to adjourn.

The question was decided by yeas and nays. Yeas 50, nays 73.

The question was put on ordering a call of the House, and it was rejected.

Mr. ROCKWELL, of Connecticut, moved that the House again resolve itself into Committee of the Whole on the private calendar. The motion was rejected.

PRE-EMPTION LAW.

Mr. COLLAMER moved to discharge the Committee of the Whole on the state of the Union from the consideration of the bill explanatory of the law of the 4th September, 1841, appropriating the proceeds of the sales of the public lands and granting preemption rights. Mr. C. said the Gov-

ernment was now without the force of any pre-emption law whatever, and he proceeded to explain the necessity of final action upon the bill.

The motion was then agreed to; and the bill, having been ordered to be engrossed, was read a third time, and passed.

Mr. WHITE moved that the House resolve into Committee of the Whole on the state of the Union; which motion was disagreed to.

BROOKLYN DRY DOCK.

Mr. MURPHY moved to discharge the Committee of the Whole on the state of the Union from the consideration of the bill making additional appropriations for the dry dock of the Brooklyn navy-yard—stating, as an inducement for the action of the House, that the men employed upon this work had had no pay for four months, and that this was one of the first bills on the calendar.

Mr. VINTON reminded the gentleman from New York that the bill referred to, which was a bill to make an appropriation of money, had not yet received the action of the Committee of the Whole on the state of the Union; and therefore it was not yet in order to bring it before the House.

The House then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 27, 1848.

The Journal of yesterday was read and approved.

The House proceeded to the consideration of the bill yesterday reported to the House by the Committee of the Whole supplemental to an act to confirm the survey and location of claims for lands in the State of Mississippi, east of Pearl river and south of the 31st degree of north latitude, approved March 3, 1845.

The question being on the engrossment and third reading of the bill—

Mr. BROWN, of Mississippi, moved to amend the same so as to extend the time to any person interested in the lands for making the surveys and returns from and after the passage of the bill to the 1st of January, 1850.

The amendment was agreed to, and the bill ordered to be engrossed; and, being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

Mr. HUNT, from the Committee on Commerce, to which was referred Senate bills concerning Spanish steam vessels, and authorizing the issuing of registers to the Spanish steam vessels Trident and Cetro for a limited time, reported the same back to the House without amendment.

They were then severally read a third time, passed, and returned to the Senate.

Mr. BOWLIN moved to reconsider the vote by which the Senate bill to authorize the settlement of the accounts of Joseph Nourse, deceased, was passed. The motion, by consent, was laid over.

The House, on motion of Mr. ROCKWELL, of Connecticut, resolved itself into Committe of the Whole on the private calendar. The Speaker invited Mr. DANIEL, of North Carolina, to take the chair, who, for cause, asked to be excused. The Speaker thereupon called to the chair Mr. COLLAMER, of Vermont.

The first bill on the calendar was the bill for the relief of John P. Converse. It was debated by Messrs. BOWLIN, ROCKWELL of Connecticut, DANIEL, EVANS of Maryland, HAMMONS, CROWELL, and SAWYER.

Mr. EVANS, of Maryland, moved to amend by striking out $591 and inserting $379. Lost.

Mr. SAWYER moved that the bill be laid aside to be reported to the House with a recommendation that it do not pass. Agreed to.

The bills for the relief of William Fuller and Orlando Saltmarsh, and for the relief of H. D. Johnson, and Senate bill for the relief of Joseph Wilson, were next taken up, read, and laid aside to be reported to the House.

Senate bill for the relief of William B. Slaughter, late Secretary of the Territory of Wisconsin, was then taken up and amended, by adding a proviso, providing that the said balance shall not exceed $1,731 51, and ordered to be reported to the House.

The next bill taken up was for the relief of the legal representatives of Joshua Kennedy, deceased.

It was debated by Messrs. DANIEL, POLLOCK, and ROCKWELL of Connecticut; but, before final action was had upon the bill—

Mr. DANIEL moved that the committee rise.

Decided by tellers—ayes 47, noes 47. The Chairman voted in the affirmative; and the committee rose accordingly, and reported its action to the House.

And then the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. MANN: The petition of Wm. Bartlett and 113 other citizens of Massachusetts, in behalf of cheap postage.

By Mr. WENTWORTH: The petition of sundry citizens of McLean county, for a post route from Waynesville, via Mount Hope, Hittle's Grove, and Mackinaw Point, to Dillon.

By Mr. ASHMUN: The memorial of R. B. Forbes and a large number of others, citizens of Massachusetts, engaged in commerce, navigation, and insurance, representing that our naval force in the European waters is inadequate to the protection of American commerce in the present unsettled condition of European Governments, and asking that it may be speedily increased, and that a portion of the vessels to be constructed should, with a view to economy and promptness, be built by private enterprise.

By Mr. GRINNELL: The petition of Pope & Morgan, and other owners of ship Chandler Price, asking compensation for expenses incurred in ransoming the crew of the whale-ship Columbia, of New London, from the inhabitants of the King's Mill Islands, Pacific Ocean.

By Mr. SCHENCK: Sundry petitions from many citizens of Ohio and New York, praying Congress to direct a purchase of breadstuffs, and test the utility of the same for army and navy purposes, as prepared under the process patented to J. R. Stafford, of Cleveland, Ohio, for drying flour and meal in such manner as to resist the influences of time and climate.

By Mr. NICOLL: The petition of Godfrey Pattison & Co., Howland & Aspinwall, N. L. Griswold, Cary & Co., and others, merchants and manufacturers of the city of New York, praying for the passage of a law permitting manufactured goods adapted for printing to be imported in the gray and printed in bond, and thereafter exported free of duty.

By Mr. ROCKWELL, of Connecticut: The petition of 176 citizens of Norwich, in the State of Connecticut, representing that a monopoly has been established by the laws of New Jersey, in relation to the Camden and Amboy Railroad Company and Delaware and Raritan Canal Company, in violation of the rights and highly injurious to the interest of the public, and especially in the transportation of the United States mails, and praying that Congress will direct the survey of a route for a post road between the cities of New York and Philadelphia; the said road to be retained under the perpetual control of the Union, and to be used for the construction of a railroad; the road to be constructed by the United States, or by a company authorized by act of Congress, for the transportation of the mail and for other purposes.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 29, 1848.

The Journal of Saturday was read and approved.

Mr. TUCK asked the unanimous consent of the House to offer the following preamble and resolution, which were read for information:

Whereas citizens of the United States, in great numbers, have often memorialized Congress on the subject of abolishing slavery and the slave trade in the District of Columbia, and petitions for this object, signed by citizens of the District and others, have been presented to this House at its present session:

And whereas all the memorials and petitions on this subject ever presented, have either been laid on the table without being read or printed, or have been referred to committees who have never taken any action thereon, nor reported whether said petitions ought or ought not to be granted:

And whereas it is the right of the citizens of these United States, not only to present their petitions to Congress, but to have the justice and propriety of their requests carefully considered and acted upon: therefore,

Resolved, That the several committees of this House, to whom have been referred petitions or memorials for the abolition of slavery and the slave trade in the District of Columbia, be directed to take the same into consideration, and to report thereon at the earliest practicable period.

The reception of this resolution being objected to, Mr. T. moved a suspension of the rules to enable him to offer it, but the motion to suspend the rules was rejected.

Mr. PETTIT, by general consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be requested to report to this House how many persons, of all descriptions, were employed in the naval and marine service of the United States at the commencement of the present war with Mexico, and how many have entered said service since that period, and the respective States from which both classes entered said service.

THE NEXT CENSUS.

Mr. J. R. INGERSOLL moved a suspension of the rules, in order that a resolution might be submitted by him to make the bills which had been reported from the Committee on the Judiciary, and referred to the Committee of the Whole on the state of the Union, (public bills,) the special order of the day for the third Tuesday in June. He stated that unless opportunity should be afforded at the present session for passing some of these bills, serious mischiefs would probably be the consequence, amounting even to a disregard of the Constitution. In the 26th Congress it was so late when provision was made for taking the census or enumeration of the inhabitants of the United States, that it was believed not to exhibit the population of 1840, as contemplated by the Constitution, but that of 1841. He wished to enact a law at the present session which would enable the proper officers to make arrangements for beginning the work in the very beginning of the year 1850, so that it might be completed in proper time. Other bills embraced in the motion were scarcely less entitled to consideration. After the repeated attempts which he had made to the effect now suggested, Mr. I. said he should despair of getting these important matters acted on during the present session if the present motion to suspend the rules should not prevail. Objection was made.

Mr. I. said the gentleman had no right to object. He moved to suspend the rules, and no objection could prevent him from insisting on having the question put.

The question was then put on suspending the rules—ayes 75, noes 45. Two-thirds not voting in the affirmative, the rules were not suspended, and the resolution was not received.

OREGON.

Mr. SMITH, of Indiana, asked the general consent of the House to offer a resolution making the bill to establish the Territorial Government of Oregon the special order of the day immediately after the general appropriation bills (now the special order) shall have been disposed of, except on Fridays and Saturdays.

Mr. McCLERNAND appealed to his friend from Indiana [Mr. SMITH] to modify his amendment, so as to resolve the House into committee at once, in order that immediate action might be had upon the Oregon territorial bill. Mr. McC. had a letter from a citizen of Oregon, dated as late as the 1st of January last, which represented the country to be in a most distressing situation. The Indians had murdered a number of the whites, and an open and cruel war was waged by the Indians against them. Humanity and public duty demanded that prompt measures should be taken to give security to the persons and property of American citizens in Oregon.

Objection being made to the reception of Mr. SMITH's resolution—

Mr. SMITH moved a suspension of the rules, to enable him to offer the resolution; on which motion the yeas and nays were taken, and the vote resulted: Yeas 155, nays 12.

Two-thirds having voted in the affirmative, the rules were suspended, and the resolution received.

The SPEAKER, by general consent, laid before the House the following message from the President of the United States:

To the Senate and House of Representatives of the United States:

I lay before Congress the accompanying memorial and papers, which have been transmitted to me by a special messenger, employed for that purpose by the Governor and "Legislative Assembly of Oregon Territory," who constitute the temporary government which the inhabitants of that distant region of our country have, from the necessity of their condition, organized for themselves. The memorialists are citizens of the United States. They express ardent attachment to their native land, and, in their present perilous and distressed situation, they earnestly invoke the aid and protection of their Government.

They represent that "the proud and powerful tribes of Indians" residing in their vicinity have recently raised "the war-whoop, and crimsoned their tomahawks in the blood of their citizens;" that they apprehend that "many of the powerful tribes inhabiting the upper valley of the Columbia have formed an alliance for the purpose of carrying on hostilities against their settlements;" that the number of the white population is far inferior to that of the savages; that they are deficient in arms and money, and fear that they do not possess strength to repel the "attack of so formidable a foe and protect their families and property from violence and rapine." They conclude their appeal to the Government of the United States for relief by declaring: "If it be at all the 'intention of our honored parent to spread her guardian 'wing over her sons and daughters in Oregon, she surely 'will not refuse to do it now, when they are struggling with 'all the ills of a weak and temporary government, and when 'perils are daily thickening around them and preparing to 'burst upon their heads. When the ensuing summer's sun 'shall have dispelled the snow from the mountains, we 'shall look with glowing hope and restless anxiety for the 'coming of your laws and your arms."

In my message of the 5th of August, 1846, communicating "a copy of the convention for the settlement and adjustment

of the Oregon boundary," I recommended to Congress that "provision should be made by law at the earliest practicable 'period for the organization of a territorial government in 'Oregon." In my annual message of December, 1846, and again in December, 1847, this recommendation was repeated.

The population of Oregon is believed to exceed twelve thousand souls, and it is known that it will be increased by a large number of emigrants during the present season. The facts set forth in the accompanying memorial and papers show that the dangers to which our fellow-citizens are exposed are so imminent that I deem it to be my duty again to impress on Congress the strong claim which the inhabitants of that distant country have to the benefit of our laws and the protection of our Government.

I therefore again invite the attention of Congress to the subject, and recommend that laws be promptly passed establishing a Territorial Government, and granting authority to raise an adequate volunteer force for the defence and protection of its inhabitants. It is believed that a regiment of mounted men, with such additional force as may be raised in Oregon, will be sufficient to afford the required protection. It is recommended that the forces raised for this purpose should engage to serve for twelve months, unless sooner discharged. No doubt is entertained, with proper inducements in land bounties, such a force can be raised in a short time. Upon the expiration of their service many of them will doubtless desire to remain in the country, and settle upon the land which they may receive as bounty.

It is deemed important that provision be made for the appointment of a suitable number of Indian agents to reside among the various tribes in Oregon, and that appropriations be made to enable them to treat with these tribes, with a view to restore and preserve peace between them and the white inhabitants.

Should the laws recommended be promptly passed, the measures for their execution may be completed during the present season, and before the severity of winter will interpose obstacles in crossing the Rocky Mountains. If not promptly passed, a delay of another year will be the consequence, and may prove destructive to the white settlements in Oregon. JAMES K. POLK.

WASHINGTON, *May* 29, 1848.

Mr. COBB, of Georgia, said the information contained in the message of the President of the United States, which had just been read, had been confirmed by private letters which some gentlemen on this floor had received from citizens of Oregon. The time at which it came to them was very opportune. He was happy to hear the gentleman from Indiana [Mr. C. B. SMITH] this morning introduce a resolution to make the bill for the establishment of a territorial government in Oregon a special order, but he feared, if it was to be preceded by the appropriation bills, that some weeks would elapse before this House could take action upon it, and that it would not be reached until the arrival of a period too late for the purpose contemplated by this message. What had they now heard? Why, that the Indian tribes were waging war against our citizens in Oregon, who called upon us for assistance; and it was our duty to respond promptly to that call, and furnish them with the means of protection. The bill to establish a territorial government in Oregon had been long before Congress, and it had been postponed again and again, until the people of that Territory had been driven to form a government for themselves, using for their protection all the power which God and Nature had given them. But they now appealed to this Government in an unusual emergency, and that appeal should be promptly responded to by this House. Immediate action should be had for the protection of our own people in one of our own Territories. He suggested, therefore, and he should make such a motion when he had an opportunity to do so, that the President's message should be laid on the table and printed, and he should then move an amendment to the motion of the gentleman from Indiana, [Mr. C. B. SMITH,] to strike out all that portion which provides for making the Oregon territorial bill the special order immediately after the general appropriation bills, and insert words to postpone the present special orders, that immediate action might be taken on the territorial bill, so as to dispose of it at the earliest practicable period.

Mr. COLLAMER desired to ask the gentleman from Georgia if the Oregon territorial bill contained a provision for the protection of the citizens of Oregon; and if in 1846 there was not an act passed to provide for raising a regiment of mounted riflemen and for establishing military stations on the route to Oregon? He wished to know what had become of those troops which were ordered to be raised for that specific purpose.

Mr. COBB replied that the Oregon territorial bill did not contain any provisions to furnish the protection for which an appeal had now been made, and he hoped the gentleman from Vermont would now coöperate with him in the adoption of a measure which should furnish the aid required. Though it contained no such provision, it could be easily amended so as to answer that purpose, and he hoped it would be so amended as to carry out the wishes of the people of Oregon, and afford them protection against the Indian tribes.

In reference to the act of 1846, of which the gentleman from Vermont had spoken, it would be recollected that it was passed before the war broke out with Mexico; and if the gentleman would examine the provisions of that bill, he would see that that regiment was not designated for any particular service. That regiment was an addition to the forces in the United States service; and when the war broke out, all the troops in the service were required to carry on the war.

Mr. MURPHY wished to ask the gentleman from Georgia if it was necessary, in order to give protection to the people of Oregon, to organize a territorial government in that territory? Could they not act promptly, and adopt a measure to furnish them with protection? Nay, could not the Executive do it without any action of this House?

Mr. COBB said it must be admitted that it was in the power of the Government of the United States to protect its own people without the passage of this bill, but this bill was a protection to which the people of Oregon had been entitled for two years. For more than two years they had been promised the protection of laws; and now, when such an opportunity presented itself, and the people were exposed to immediate danger, and the consequences which followed if support were withheld, why, he would ask the gentleman from New York, should they stop half way?

Mr. C. therefore moved that the message and accompanying documents be laid on the table and printed.

Mr. VINTON said the message now before the House, if he had heard it correctly, proposed, in the first place, to raise a military force for the protection of our people in Oregon, and in the next place, it proposed that the Congress of the United States should provide a territorial government for the Territory of Oregon. Now, there was no necessary connection between these two things. If our people were in danger, that might be good ground, of course, for raising a military force for their protection; but a bill to establish a territorial government did not contemplate any such thing as raising a military force. It would be out of place in such a bill to make an addition to the standing army.

The proposition of the gentleman from Georgia [Mr. COBB] contemplated the putting aside of the appropriation bills for the purpose of taking up the Oregon territorial bill, giving notice of a provision which he should move to incorporate into that bill to raise a military force for Oregon. They were now about entering upon the month of June, and the great appropriation bills, which would require much time and attention in their consideration, had not yet been acted upon; and unless the House was disposed to give to them more attention than it had heretofore been its pleasure to devote to them, they would not be able to dispose of them by the first of July next, when they should enter upon the fiscal year for which these bills made provision. And after that period they would have to be acted upon by the Senate, so that the Government would not have at its command the means which these bills provided at the time they would be required. If there was any immediate necessity for raising a military force for the protection of the citizens of Oregon, he was willing that that subject should be promptly acted upon; but the general appropriation bills were of more importance than any private bill. The gentleman from Georgia, he would suggest, could accomplish his purpose by moving to make the Oregon territorial bill the special order for Fridays and Saturdays; but if they took up the territorial bill, and intended thereby to make provision for the protection of the citizens of Oregon, they would not be able to dispose of it for a month to come; and it was for that, amongst other reasons, that he was opposed to incorporating in the same bill a proposition to protect the people of Oregon and one establishing a territorial government for that people.

Mr. COBB inquired, if a majority had not the power, at any time, to stop debate, and bring the committee to a vote on any bill?

Mr. VINTON assented, but added, that this was one of those subjects on which gentlemen could not be gagged here. He did not say that he wished to speak upon it himself, but there was a great question involved which had been much debated out of place, and when it should come up in its proper place he should be disposed to hear both sides of the House upon it, and to give to gentlemen from all portions of the country an opportunity to express their sentiments. He was not willing to take up that bill with the understanding that the gag was to be applied in its passage. There was no necessary connection between the territorial bill and the proposition for the protection of the citizens of Oregon, and he desired that they should be kept separate. We were in daily expectation of receiving intelligence of the ratification of the treaty of peace with Mexico, and then there would be a large military force at the disposal of the Government, which would render unnecessary these additional troops which the gentleman from Georgia called for.

Mr. BOYDON asked why it was that the President of the United States could send an army into Texas, yea, even into the territory of Mexico, without giving notice to Congress of his intention to do so, and yet could not send aid to our own citizens in our own Territory of Oregon without calling upon Congress for authority?

Mr. VINTON replied that that was a question which the gentleman from North Carolina could answer as well as he could. He then expressed the hope that the Oregon territorial bill would not be made to interfere with the general appropriation bills.

Mr. HARALSON said it was important to act speedily on this message from the President of the United States. Our citizens who were now inhabitants of Oregon were in need of military aid to protect them against the Indian tribes, and prompt action was necessary to give them that aid. He hoped it would not be mixed up with the consideration of the Oregon territorial bill; for when that bill shall come up, it would be discussed from day to day and week to week, and hence it was important to give this message such a direction—for instance, by referring it to the Military Committee—as would lead to the furnishing of speedy relief to those who appealed to us for protection.

How could this be done? They were separate questions; both embraced, it was true, in the message of the President—one, however, urging the importance of the establishment of a territorial government in Oregon; and the other a specific recommendation that the President be authorized to raise a volunteer force for the purpose of going speedily to the scene of these disturbances, and giving relief to our citizens there. He would propose, then, instead of the motion of his colleague, that the President's message be referred to the Committee on Military Affairs, with instructions to that committee to report, and to report forthwith, if they pleased, a bill to this House authorizing the President to raise a sufficient force to proceed forthwith to Oregon to give our citizens there the relief they demand. Thus speedy relief would be afforded, and the House would not place themselves in the attitude of disregarding the call, and engaging in idle debate upon subjects disconnected with that relief. The two subjects were not connected with each other; the one related to the establishment of a territorial government which might tend ultimately to their security against the encroachments of the Indians; and the other proposed to raise a military force for their immediate relief.

Mr. COBB wished to make the simple suggestion to his colleague that this very war in which the people of Oregon were engaged with these Indian tribes originated in consequence of the failure of this Government to establish Indian agencies there to conciliate and control them, and furnish them those articles which were usually given to the Indians, and were necessary for carrying on peaceable relations with them. That was one of the chief causes of the present difficulties. The establishment of Indian agencies would be more effective towards putting an end to this war, and restoring friendly relations, than all the regiments we could send. They needed both; but, until Congress gave them the protection of law, all other measures of relief were merely temporary, and might do as much harm as good.

Mr. HARALSON replied that he had just voted to make the Oregon bill the special order for an early day, and he trusted he should not be considered opposed to speedy action. But he asked his

colleague if he did not know that it was utterly impossible to have as prompt action on the territorial bill as he in his fervor might desire. It had already been intimated that there were various questions which might arise in the discussion of that bill upon which a very large number of the members might desire to be heard.

Mr. COBB would answer his colleague's interrogatory with great pleasure, by telling him that there was not a question which could arise out of the Oregon bill, either in its present form or as it might be amended, which had not been discussed over and over again; and upon the determination of this House to act, or not to act, would depend the early decision or the postponement of the question.

Mr. HARALSON agreed that some of the questions which would grow out of the Oregon Territory bill had been discussed year after year and session after session, but urged that in all probability they would be discussed again. Could any member expect that the questions embraced in that bill would not be discussed when it came up to be acted on? He perhaps might not be disposed to enter into the discussion, but other gentlemen would, and one already had the floor upon it, and it would be difficult, if not impossible, to close the debate at an early day. If the motion to lay on the table prevailed, he would go with his colleague to consider as speedily as possible the Oregon Territory bill; if it failed, he should move to refer the message to the Committee on Military Affairs, with instructions to prepare and report a bill making proper provision for affording immediate security to our people in Oregon. But they might do both; they might, and he hoped they would as soon as possible, proceed to consider the territorial bill, and then, if his anticipations were fulfilled, the Committee on Military Affairs might report the bill to afford p ompt relief, which he hoped would be passed immediately, and then gentlemen could spend the time in discussing the bill to establish the territorial government.

Mr. COLLAMER said there had been several instances in the course of his short Congressional experience in which, at least, there had been this successful experiment—that some pressing emergency was seized hold of, because it was pressing, not for the purpose of providing for that peculiar exigency, but of taking advantage of that exigency to carry the necessary measure together with something else. This experiment had in various forms successfully been practised upon the House. He referred, as one of the most notable instances, to the preamble of the war bill, as thus forced through, in connection with which men had been driven to votes, some under protest, which he thought many of them had had occasion to deplore; if they had not, the country had. "A burnt child dreads the fire." He was inclined from this experience to say, if there were an exigency arising, they should confine their action to this exigency, and not undertake to connect with it, by any artificial contrivance, other matters which had no necessary connection. He thought, in raising the army for Mexico, they did not confine their action to the exigency; and it seemed to him that on this occasion he could perceive a similar attempt. What was the state of the case? We had been informed that our inhabitants who had gone to Oregon were in great peril; that the Indians had waged war upon them and had already committed massacre and bloodshed. Very well; the first proposition offered was immediately to take up a certain bill to establish a territorial government in Oregon. Now, he asked whether that bill would protect the people, if it passed? Would it stop the Indian war? Would it afford relief to the citizens there? Not at all; it did no such thing. But there had been an open avowal of another purpose, which was to take advantage of this exigency to press through the territorial bill and prevent the discussion of the question of slavery in that Territory; and it was said, moreover, that the subject had been talked about enough. Now, if gentlemen chose to allow themselves, after this purpose had been avowed, to be coaxed into a transaction of this kind, they did it with their eyes open. He would not.

The gentleman from Georgia [Mr. COBB] had said that Indian agencies should be established over the country. Now, the Oregon Territory bill contained no provision for Indian agencies; there was nothing of the kind in it. The Indian agencies were a branch of the Government by themselves; they might be extended to as much or as little of the Indian territory as Congress thought proper; they were entirely independent of the territorial governments. Therefore that did not answer the purpose.

The truth was, if anything was wanted, a bill was wanted for the purpose of raising troops to be sent immediately to that country. Now, he wished to be distinctly understood, he did not object to raising any troops if necessary; neither had he any objection that this message should be sent to the Committee on Military Affairs. He would, however, give the committee no instructions about it; he would send it to them expecting that they would take such action as the emergency of the case required. He did not object to anything which was really necessary; but what did the occasion demand? What were its necessities?

He was not satisfied with the reply of the gentleman from Georgia [Mr. COBB] upon a suggestion that had been raised. Before the war with Mexico existed, a bill had been brought into the House, in pursuance of the recommendation of the President himself, providing, with a view to the protection against the Indian tribes of emigrants on their way to Oregon, for the erection of stockades and block-house forts along the route, and authorizing a regiment of mounted riflemen to be raised for this specific service. [He read this recommendation of the President, and an extract of the act.] The act was entitled "An act to provide for raising a regiment of mounted riflemen, and establishing military stations on the route to Oregon." This bill was passed into a law, as recommended by the President, for the express, distinct purpose thus avowed in its title. The President could not have failed to know the intention of Congress. And was it not his duty to carry out that intention, when it was known, and when it was constitutional? But they were told that inasmuch as, on looking over the bill, it did not expressly say that the President should not use this force elsewhere, he had sent them off to Mexico? Who, then, was responsible for the state of things which now existed there? We were told that a small force had been put on the way to Santa Fé; but the great purpose for which the regiment was expressly authorized by Congress had been totally neglected by the Executive, and hence the inhabitants in Oregon had suffered. Who was responsible? He did not stand here to make particular charges against anybody, or to impute bad motives, but he wished it correctly understood that it was not true, as the message implied, that Congress had failed to do its duty to the citizens in Oregon; and if their measure had not answered its purpose, it was because the Executive had not carried out the clearly expressed intentions of Congress.

Mr. BOWLIN was understood to say that a part of a regiment were now employed on the route to Santa Fé and to Oregon to protect emigrants.

Mr. COLLAMER said this might be so, but he repeated that the Executive had v olated the clearly expressed intentions of Congress in raising this force, and animadverted upon the insufficiency of the excuse that he was not expressly prohibited from sending this force to Mexico. He did this with a view to have the facts of the case correctly understood. The fault, if fault there was, did not lie upon Congress, for they had made express provision for this case, and the President had diverted the force to other service. The President had assumed to send our troops into disputed territory; he certainly had the right, within the acknowledged limits of the territory of the United States, to dispose of the army as he saw fit; and he should always have a reserve force sufficient to defend the frontiers in any contingency against the encroachments of the Indians. If the committee and the House thought that additional forces should be sent, let a bill be passed accordingly; but his main purpose was to object against the emergency being made a pretext for pressing through the Oregon Territory bill with hot haste and without discussion.

Mr. HILLIARD called for a division of the question.

After some conversation on a point of order—

The question on the first division, viz. on laying on the table, was taken, and negatived.

The question recurring on the second branch, viz. on printing—

Mr. BROWN, of Mississippi, said he intended to favor the proposition of his friend from Georgia who last had the floor, [Mr. HARALSON,] and to express very briefly his opposition to the course taken by his other friend from Georgia, [Mr. COBB.] He was as willing as any other member of Congress that the two Houses should act immediately upon the proposition to give efficient and immediate relief to the people of the Territory of Oregon. He believed it was their duty to afford that aid promptly. But he objected to the proposition of his friend over the way, [Mr. COBB,] because it contemplated the hurried passage through the House of a bill involving the most important question which agitated the people of this country. Whenever that question was fairly before Congress, he, for one, desired to hear it discussed by men of all political complexions, and from every portion of the Confederacy. He had no idea of seeing the great question of the power of Congress over the Territories forced through under the gag. Let the two questions be separated; let the message be referred to the Committee on Military Affairs, and they report that sort of relief which the occasion required; and when the Oregon Territory bill came up, let them have a full and fair discussion upon the territorial question. He thought he saw the object of the gentleman from Georgia; in the smoke created by the President's message, in the excitement at the condition of our people in Oregon, to force this question through under the gag, and get clear of this question, involving the most weighty consequences to this entire Confederacy, and especially the southern portion of it. However it might affect Presidential aspirants, he could not sanction the attempt to blink the question and force it through under the gag. He wished at the proper time to express his views upon it, as other gentlemen had done upon occasions when the question did not properly arise. He was not willing that the views of the gentleman from Georgia who had first addressed the House should go as the views of the southern portion of this Confederacy. He hoped, therefore, the gentleman's proposition would be rejected, and that of the other gentleman from Georgia receive the sanction of the House. Whether the views of gentlemen might agree with those of others, or with those of Presidential aspirants, it mattered not; let every gentleman express his own views and those of his constituents boldly, fearlessly. This he intended to make his course.

Mr. SMITH, of Indiana, said he had introduced the resolution relative to the Oregon Territory bill without consultation with any individual, or without knowing that it was the intention of the President to send in the message which had this morning been received, but upon his own impression that the House was imperatively called to act upon this measure at an early period. He was aware that the general appropriation bills had already been made the special order, and that they were acting under it, and also, as had been stated by the chairman of the Committee of Ways and Means, [Mr. VINTON,] that but a month would elapse between the present and the commencement of the next fiscal year; and he had not, therefore, desired to anticipate these bills, but had proposed to make the Oregon bill the special order immediately after they had been disposed of.

The gentleman from Vermont imagined he saw in this proposition an effort to make this exigency a pretext for rushing through this territorial bill——

Mr. COLLAMER said his remark did not apply to the gentleman from Indiana.

Mr. SMITH said, if any such purpose had been entertained by anybody, it was not by him, and proceeded warmly to urge the imperative duty of Congress long ere this to have made provisions for a government for Oregon. It was now something like two years since the question of our title had been relieved from all doubt and controversy; a population of ten to twelve thousand souls and more had gone there, having emigrated from almost every State in the Union; they were surrounded by savage tribes, who were making incursions upon them, pillaging their property, and attacking and murdering them. We claimed the territory, and the reciprocal obligation rested upon us to extend to them the fostering care and protection of this Government; we should either do this or declare that we left them to take care of themselves. Unless a resolution to make the bill a special order was adopted, the session would pass, and it would not be acted on.

He had no objection to the proposition of the gentleman from Georgia to refer this message to the Committee on Military Affairs. If its statements were true—and he had reason to believe they were, they were corroborated from other sources—if the people of that territory were now preyed upon by Indians, if they were the subjects of slaughter and massacre, we ought to provide means for their immediate protection. He was aware, as had been stated by the gentleman from Vermont, that these means had been furnished at a former period by Congress, but they had been diverted to another purpose, and it was enough now for them to know that protection was not now provided. Let the responsibility of diverting the military force rest where it might, Congress were obliged now either to call back that force or provide another. He was willing that that force should be provided.

He concurred with the gentleman from Mississippi that the questions involved in this bill were of the highest importance. He was aware that a new, and not only a new, but a startling doctrine had been propounded in this House and elsewhere, that this Government had no right to establish territorial governments. He desired to see this question settled; he desired, with his friend from Mississippi, to allow the largest latitude in the discussion of this and collateral questions, and he was willing to meet them. He did not desire to delay the action of the House upon the measure which might be necessary for the immediate protection of that people until these other subjects could be discussed. Let the message be referred to the Committee on Military Affairs, or some other appropriate committee, and, when it was reported, let it receive the prompt action of the House; and, in the mean time, he trusted that the House would fix on a time when this territorial bill would be brought up, and if Congress had the power to establish a territorial government, let it be known; and, if they had not, let the people there be informed of it, and be left to their own resources to form a government.

Mr. VENABLE concurred fully with the gentlemen who thought they should adopt immediate action for the protection of the people of Oregon, and he took occasion to say to his friend from Vermont, that whatever might be the disposition of others, it was none of his (Mr. V.'s) to annex this amendment to the Oregon bill for the purpose of avoiding the discussion of the question to which the gentleman had referred. He wished to stand *rectus in curia* upon that question; and when it came up, he trusted an opportunity would be afforded him of giving his views in full. A more important and interesting question had never, and could never, be agitated. He was unwilling, by indirect legislation or by parliamentary manœuvre, to avoid any question; he was willing that the world should know any political opinion he held, and to give full expression to it, affect whatever individual it might.

He proceeded to vindicate the President from the charges made against him by Mr. COLLAMER, and read from the message of 1845 recommending the erection of stockades and block-house forts, and the employment of a mounted regiment on the route to Oregon; and said that the regiment was raised, and they were told by the gentleman from Missouri that two battalions of it were there.

Mr. BOWLIN, (in his seat.) Two battalions of *a* regiment!

Mr. VENABLE. Two battalions of *a* regiment. Ah! how had the thing diminished and come down to nothing! Did the law restrict the President to one particular regiment, if, as commander-in-chief of the army, he though best to send one regiment there instead of another? If the men were there—if the stockades and block-house forts were there to protect the emigrants on the way to Oregon, and not in the Territory of Oregon, the President was not responsible. He had carried out the provisions of the law of Congress. But that made no difference with some gentlemen; it was impossible for the President to suit the tastes, inclinations, and feelings of certain individuals; if a Democratic cook prepared the food it was either too salt or too fresh, too done or too raw, the blame must be thrown upon the President at any rate!

He concurred with his friend from Georgia, (Mr. HARALSON.) He would detach this question from party strife, from slavery, the Wilmot proviso, and other political questions. When the voice of distress and agony came up to us from those who had carried their wives and their little ones into that territory under the expectation of our protection, let them afford immediate relief.

His principal object in rising was to inform the people everywhere that there was no disposition, he believed, on his side of the House, and it was disclaimed on the other, to blink this great question. He was willing to discuss it; he wanted all its principles to be made as familiar as household words, let who would be injured by it. He wanted it understood. When the Oregon bill came up, he hoped that no hurry to adjourn or anything else would prevent a thorough discussion and understanding of each other's views. If the platform on which he and those who thought with him stood had a bad foundation, let it be torn from them; but let it be understood that the rights of the southern portion of the Confederacy were never to be made the subject of compromise. He felt that his children were the legitimate children of the country; that they had an equal interest in the common property of the Union, and no man should say, you have no right to put your foot upon the territory of the Union. With his heart's blood he would defend that principle. In all our broad territory, whether acquired by purchase or conquest, by cession or treaty, his children and the children of his constituents had the right to put their foot and their property, and to demand that protection which the Constitution of the United States gave them. When he ceased to stand by this right he hoped to be denounced as recreant to every high, noble, and holy feeling which should fill an American bosom.

Mr. HILLIARD recalled the attention of the House to the question under consideration, and was understood to confess that he was not without suspicion that there were concealed objects lurking beneath the proposition of the gentleman from Georgia, which looked to cutting short the debate on the territorial bill. He heartily responded to the sentiments of his friend from Mississippi, [Mr. BROWN,] who did not wish this question to be suppressed. He had no desire to pin these two subjects together, and dispose of them under the press of the gag, or to cut off any part of this House from the full and free expression of any sentiment which they might hold. He was willing to give prompt relief to our citizens in Oregon, and it seemed to him best to adopt the very sensible suggestion of the gentleman from Georgia, and refer the message to the Committee on Military Affairs; for how could this House mature the proper bill without a committee? He wished to give efficient military protection both to residents and to emigrants on their way to Oregon. Let them act wisely; let no ultra object influence their legislation; let them do their duty to the country, and not bring into the discussion of every question small and great subjects which were not connected with it, and which ought not to be brought here. Whether it was designed to affect the Presidential contest which was coming off he knew not; but, if no other and sinister object was to be accomplished, the proper course was to refer to the Committee on Military Affairs, and let them prepare a bill to raise a sufficient force to send out to Oregon. He was willing to vote for it; he sympathized with our citizens in that distant country; the very first speech he had made on this floor was in their behalf, and he was willing now to act in accordance with it. But he argued that there was no necessity for such hot haste, for pressing aside all the important business of the session.

With reference to the question of establishing territorial governments, he had views which would conflict with those of some other gentlemen, but which he believed would receive the support of the great body of the people. He did not desire to mix up the subject with other questions affecting the Presidential canvass. So far as he was concerned, he recognized no ally of that description. He meant to fight the Presidential contest upon the lofty ground on which it ought to be placed—upon public policy, independent of local interests, which had no place in it, upon a high conservative policy, opposed to the recklessness of the course of the present Administration.

So believing, he was unwilling to bring up the Oregon bill now, but expressed his preference to adhering to the order of business, and especially to executing the special order by disposing of the general appropriation bills which it was so necessary to pass, as the commencement of the fiscal year was at hand. By this course the general despatch of business would be promoted——

Mr. COBB inquired at what time his friend from Alabama thought the appropriation bills would be passed? And why they had not been passed long ago?

Mr. HILLIARD could not undertake to conjecture when they would be passed, if topics of this kind were allowed to supersede them. But if the House would go on in the ordinary course of legislation, they would be able to dispose of them in a very few weeks. He would, however, refer to his friend from Ohio.

Mr. VINTON, being thus appealed to, said, if when the appropriation bills were up, all other subjects except the bill were to be discussed, he could not form a conjecture when they would be disposed of. That had been the course heretofore; the discussion had been about things totally foreign to the bills before the House. If the House, however, would pursue the course indicated by the gentleman from Alabama, and confine the debate to the bills and the subjects properly involved, the probability was that they would be passed in the course of all the next month.

Mr. HILLIARD said, as to why it had not already been done, the gentleman could as well answer as himself, having watched the course of business as closely.

He was anxious that they should act on the Oregon bill; he was anxious also that this message should be acted on, and was in favor of referring it to the Committee on Military Affairs; and when reported it could be acted on with little delay, after which they would have time to discuss the other very delicate question upon this floor. While the section of the country he in part had the honor to represent asked no exclusive favors, it would submit to no exclusive deprivations; while it did not appeal to the generosity of the Government, it appealed to its justice; it held it to its constitution and compromises; and while they were unwilling to offend the feelings of any gentleman who acted with them, they never would merge the rights of that section for any other object near or remote, nor support any gentleman who did not heartily agree with them in all the great conservative measures which formed an issue before the country.

Mr. NICOLL obtained the floor, and, after some conversation—at the suggestion of Mr. HARALSON and others, having moved an amendment to the motion to print, to refer to the Committee on Military Affairs—demanded the previous question.

The demand was seconded, and the main question ordered, and being taken, the amendment and motion as amended were successively agreed to, and then the message was referred to the Committee on Military Affairs and printed.

The question recurring on the resolution of Mr. SMITH, of Indiana, to make the Oregon territorial bill the special order immediately after the general appropriation bills are disposed of, and so to continue from day to day (except Fridays and Saturdays) until disposed of—

The SPEAKER ruled out of order the amendment of which Mr. BOWLIN had given notice, and which he now offered, making the Oregon bill the special order for this day and until disposed of, and for this purpose postponing all previous special orders.

Considerable conversation ensued upon this point of order, but the decision of the Chair was acquiesced in without appeal.

Mr. ROCKWELL, of Connecticut, demanded the previous question; which was seconded, and under its operation the original resolution of Mr. SMITH was adopted.

PROPOSED ADJOURNMENT OF CONGRESS.

Mr. ASHMUN asked the general consent of the House to introduce a joint resolution to close the present session of Congress, by an adjournment *sine die*, on Monday, July 10, at 12 o'clock, meridian.

Mr. COBB, of Georgia, said the resolution was not now before the House, and therefore, in order that they might put themselves in a condition to adjourn, he would move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of disposing of the business before them.

Mr. ASHMUN said he moved a suspension of the rules for the purpose of submitting his resolution, and he asked the yeas and nays thereon.

Mr. COBB contended that the gentleman was

too late, and that he could not now submit such a motion.

The SPEAKER informed the gentleman from Georgia that the gentleman from Massachusetts had possession of the floor, he having risen to submit a resolution, and to move a suspension of the rules for its admission.

Mr. ASHMUN then again moved the suspension of the rules, and asked for the yeas and nays thereon, which were ordered.

Mr. COBB asked the gentleman from Massachusetts what time he proposed to fix by his resolution for the adjournment of Congress.

Mr. ASHMUN replied the 10th of July.

Mr. COBB said the chairman of the Committee of Ways and Means had this morning informed them that the appropriation bills would not be got through with before the 1st of July, and then there would be the army bill, the Oregon bill, and others of great importance.

The SPEAKER interposed, and informed the gentleman from Georgia that the question was not debatable.

The yeas and nays were then taken on suspending the rules, and resulted thus—yeas 113, nays 69; so the rules were not suspended.

Mr. HUNT moved to reconsider the vote by which the Senate bill concerning Spanish steam vessels was passed by the House on Saturday last. The motion was laid over for the present.

Mr. KAUFMAN moved to suspend the rules, to enable him to offer a resolution to make the post route bill the special order of the day for Friday next. It was decided by yeas and nays—yeas 88, nays 82. Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. GRINNELL moved a suspension of the rules, to enable him to offer a resolution making Senate bill to repair the dam at the head of Cumberland Island, in the Ohio river, and the several river and harbor bills of the House, the special order of the day after the Oregon bill was disposed of, and so to continue, Fridays and Saturdays excepted, until disposed of.

After several inquiries from members—

Mr. THOMPSON, of Mississippi, moved an adjournment. Lost.

The vote was then taken on suspending the rules by yeas and nays, and there were—yeas 100, nays 67.

Two-thirds not voting in favor thereof, the rules were not suspended.

POST OFFICE DEPARTMENT.

The House, on motion of Mr. VINTON, resolved itself into Committee of the Whole on the state of the Union, (Mr. DANIEL P. KING, of Massachusetts, in the chair,) and resumed the consideration of the bill making appropriations for the service of the Post Office Department.

When the committee was last in session on this bill, Mr. RHETT moved to amend the item:

"For transportation of the mails within the United States, $2,540,700," by reducing the sum to $2,495,700, and adding to the end of the item the words, "for the transportation of the mail in steam-vessels between Charleston and Havana, $45,000."

Which amendment was amended by adding thereto the following, (moved by Mr. KING, of Georgia:)

The said steamers to be employed in the conveyance of the mail from Charleston to Havana shall stop, going and returning, at Savannah, in Georgia, to deliver and receive letters, papers, passengers, and freight; provided there shall be no increase of compensation therefor. The said steamers shall also be commanded by officers of the navy not below the grade of lieutenant, and shall receive four midshipmen on board as watch officers; the said officers to be accommodated without charge to the Government.

Mr. KING then moved further to amend the amendment by adding the following:

Provided, That the contract made by the Postmaster General for the transportation of the mail from Charleston, via Savannah and Key West, to Havana, is hereby transferred to the Navy Department, and placed under the care and direction of the Secretary of the Navy, who shall appoint a skillful naval constructor to superintend the construction of the steamers to be employed in said service.

The question on this latter amendment was pending when the committee rose on the 18th instant.

Mr. RHETT explained that this amendment was necessary in order to carry out the provisions of a contract which had already been entered into by the Postmaster General with certain individuals for the transportation of the mail by steam between Charleston and the Havana. In the faith of this contract one of the steamers was in progress of construction, and provision had been made for the building of another. The Postmaster General had supposed that the sum inserted in this bill for general mail transportation would have been sufficient to cover this contract; but it turned out otherwise, and hence the necessity for inserting the amendment.

The amendment as amended was agreed to.

Mr. SCHENCK was desirous of amending this amendment, but Mr. RHETT objected, and raised the point of order that it would not be in order to amend the amendment, because tellers had been ordered upon it.

This point was argued by Messrs. RHETT, SCHENCK, and HOUSTON, of Alabama; when Mr. R. not pressing his objection, the CHAIR ruled to receive Mr. SCHENCK's amendment, the object of which was to require that these steamers should be so constructed, that while the direct purpose of their construction was the transportation of the mail, they might be susceptible of a transformation into war steamers, if the exigencies of the Government should render such an addition to the strength of the navy expedient or necessary.

Mr. S. thought we ought not to refuse to be instructed by the experience of other countries; and he then referred to the policy observed by Great Britain in the building of her mail steamers, which had purposely been so planned that each of her large mail vessels might at pleasure become a vessel of war. If this contract should, as had been proposed by the gentleman from Georgia, [Mr. KING,] be transferred from the Post Office Department to that of the Navy, the contract might, with the assent of the contractors, be so modified as to effect the purpose he had indicated. But unless such an ulterior use of these steamers should be provided for, Mr. S. would be compelled, however reluctantly, to vote against the whole appropriation, as he could not consent to incur such an expenditure for mail transportation solely.

Mr. STRONG wanted the question divided, so as to get a separate vote on the appropriation of $45,000 for these steamers between Charleston and the Havana, the propriety of which appropriation he was disposed to question.

A long and desultory discussion on order here arose, as to the manner in which such a vote might be reached in conformity with the rules.

It was at length suggested by Mr. FICKLIN that a vote on the amendment as amended would accomplish the gentleman's purpose.

The amendment to the amendment having been agreed to, the question recurred on the amendment as amended, when it was carried: Ayes 75, noes 41.

Mr. SCHENCK moved to amend the item "for mail depredations and special agents, $12,000," by inserting after the word "for" the words "the detection and prevention of;" so that it would read "for the detection and prevention of mail depredations," &c.

This amendment was agreed to.

The reading of the bill was continued, and when completed, the committee rose and reported the bill as amended.

Mr. VINTON moved the previous question, which was seconded, and the main question ordered; but before being put,

The House adjourned.

IN SENATE.

MONDAY, *May* 29, 1848.

The VICE PRESIDENT laid before the Senate the following letter:

WASHINGTON, *May* 29, 1848.

SIR: I hereby resign my seat in the Senate of the United States as one of the Senators from the State of Michigan.

I have the honor to be, sir, your obedient servant,

LEW. CASS.

Hon. GEO. M. DALLAS,
Vice President of the United States.

On motion of Mr. FELCH,

Ordered, That the Vice President inform the Governor of Michigan of said resignation.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, transmitting a memorial and other papers from the Governor and "Legislative Assembly" of Oregon, invoking the aid and protection of the Government of the United States. [For the Message, see House proceedings.]

Mr. BRIGHT moved that the message and documents be referred to the Committee on Territories, and be printed for the use of the Senate.

Mr. ATCHISON said that there was no necessity for any reference of the subject to the Committee on the Territories, as that committee had already done what the President recommended; and the Committee on Public Lands has also reported a bill to grant donations of land and for the appointment of Indian agents; which bills were only now awaiting the action of the Senate. There was, therefore, no necessity for a reference of the subject to either of those committees, if indeed at all; but, if the Senate thought it ought to be referred, there might be some propriety in sending to the Committee on Military Affairs so much of it as related to the raising of the additional regiment of mounted men, as there was no law authorizing the President to raise this force. He suggested the reference of the message to the Committee on Military Affairs.

Mr. BRIGHT signified his acquiescence in this course; and the message and documents were accordingly referred to the Committee on Military Affairs, and ordered to be printed.

MEMORIALS AND PETITIONS.

Mr. HALE presented three several memorials, numerously signed by inhabitants of Maine, asking that an inquiry may be instituted by Congress as to whether the slave trade is carried on in the District of Columbia; and, if so, under what authority of law. The motion to receive these petitions was laid on the table.

Also, a petition from citizens of Pennsylvania, asking the construction of a post route from Philadelphia to New York, in the shape of a railroad; which was referred to the Committee on the Post Office and Post Roads.

Mr. FELCH presented a petition from Jedediah Gray, asking a pension for injuries received while in the service of the Ordnance department; which was referred to the Committee on Pensions.

Mr. BELL presented a petition from Samuel F. Read, asking compensation for a horse taken for the United States service during the Florida war; which was referred to the Committee on Claims.

Mr. DOWNS presented a petition from citizens of the western district of Louisiana, asking the establishment of a judicial district north of Red river, in that State; which was referred to the Committee on the Judiciary.

Also, a petition from citizens of Louisiana, in favor of the purchase of Mount Vernon; which was referred to the Committee on Military Affairs.

Mr. CRITTENDEN presented a petition from Lawrence M. Morton and others, clerks in the pay department of the army at New Orleans, asking an increase of compensation; which was referred to the Committee on Claims.

Mr. C. observed that the memorial was couched in respectful and appropriate language, and he thought the prayer reasonable, and that it ought to be granted.

Mr. NILES presented a petition from Candace Munn, asking to be allowed a pension; which was referred to the Committee on Pensions.

REPORTS FROM COMMITTEES.

Mr. YULEE, from the Committee on Naval Affairs, asked to be discharged from the further consideration of the memorial of William Norris, and that it be referred to the Committee on Finance.

Mr. YULEE also, from the same committee, asked to be discharged from the memorials of Sarah Hebbard and Sarah Ann Hart.

Mr. YULEE also, from the same committee, made an adverse report in the case of Abel Gregg.

Mr. YULEE also, from the same committee, reported the bill in addition to an act for the more equitable distribution of the navy pension fund, recommending that it be indefinitely postponed.

Mr. YULEE also, from the same committee, asked to be discharged from the further consideration of the memorial of John Baldwin.

Mr. YULEE also, from the same committee, reported the bill for the relief of John W. Simonton, with an amendment substituting a new bill.

Mr. YULEE also, from the same committee, asked to be discharged from the further consideration of the memorials of John Erickson and of Ann Kelly, and made a report in each case.

Mr. BRADBURY, from the Committee on

Claims, asked to be discharged from the further consideration of the memorial of Amos Holton, on the ground of insufficient evidence.

Mr. BADGER, from the Committee on Naval Affairs, reported House bill for the relief of Francis M. Holton, without amendment, and a report recommending its passage.

Mr. BUTLER, from the Committee on the Judiciary, reported a bill to punish violations of the secret proceedings of Congress; which was read a first time.

[This bill provides that any person who shall abstract, receive, or carry away from any one having the lawful custody or possession thereof, or from where the same may have been deposited or placed, any paper, document, or communication, or any copy of the same, or part thereof, or any minute or report of the proceedings, shall, on conviction before any United States court having criminal jurisdiction, be adjudged guilty of a misdemeanor, and punished by a fine not less than ——— dollars, and imprisoned for a term not more than ———, nor less than ———. It also makes the same punishment applicable to those who, having the lawful custody, charge, or control of such papers, either give, lend, or otherwise communicate the same, or print or publish them. And, in all cases of such contempt, it is made the duty of the marshal of the District to take the culprits into custody, and retain them in the public jail, according to the tenor and terms of the order of commitment.]

Mr. WEBSTER rose and stated, that at the last session a sum had been appropriated for the erection of a light-house at the western end of Long Island Sound, and some progress was made in the work. Some causes had occurred to delay the construction. He wished to submit a resolution of inquiry, which he hoped the Senate would agree to. For want of this light, the Government had very recently sustained a heavy loss. He submitted the following resolution, which was agreed to:

Resolved, That the Secretary of the Treasury inform the Senate what progress has been made in the erection of a light-house on Execution Rocks, under the act of 3d March, 1847, and what causes have occurred to delay the completion of that work.

On motion of Mr. BADGER, it was

Ordered, That Mr. BENTON be chairman of the Committee on Military Affairs, in the place of Mr. CASS, resigned, and that the Chair fill the vacancy.

The VICE PRESIDENT nominated Mr. BORLAND to supply the vacancy thus occasioned.

An immense number of private bills from the House of Representatives were read a first and second time by their titles, and appropriately referred.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the bill making appropriations for the Indian department; and the amendments proposed by the Committee on Finance having been adopted—

Mr. ATCHISON said he had been instructed by the Committee on Military Affairs to move an amendment to the bill. He was not at this moment prepared to offer the amendment, and he would therefore move that the further consideration of the bill be postponed until to-morrow; which motion was agreed to.

On motion of Mr. NILES, the prior orders were postponed, and the Senate proceeded to the consideration of the bill from the House to amend the act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes.

Mr. NILES having explained the object of the bill and amendments reported by the committee—

Mr. DAVIS, of Massachusetts, moved an amendment to one of the amendments, which was agreed to, after some explanations between Mr. NILES and Mr. DAVIS.

Mr. HALE moved to amend the first section of the bill by striking out the words which empower custom-house officers to open packages to search for letters.

Mr. H. thought, as the bill now stood, it gave a power to the custom-house officers which might be much abused. He thought the power to break open packages, on suspicion that they might contain letters, was too great to be conferred on any officer.

Mr. NILES said the clause only referred to foreign steam vessels. Frauds had taken place, and if we undertake to legislate at all, we should make the legislation effectual.

The amendment was rejected.

The bill was then read a third time, and passed.

The Senate then proceeded to consider the bill for the relief of David Myerle.

Mr. UNDERWOOD moved to amend the bill by inserting a provision that Myerle, before receiving the amount appropriated by the bill, should give bonds, with sureties, to be approved by the Secretary of the Treasury, to secure the payment, out of the sum, to certain creditors, who, as was alleged, had furnished him with hemp, to enable him to fulfill his contract with the Government.

Some discussion ensued, in which Messrs. BAGBY, UNDERWOOD, BENTON, CRITTENDEN, and BADGER, took part; when—

On motion of Mr. UNDERWOOD, the further consideration of the bill was postponed until Wednesday.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 30, 1848.

The Journal of yesterday was read and approved.

The SPEAKER stated that the first question before the House was on agreeing to the amendments of the Committee of the Whole on the state of the Union to the bill making appropriations for the service of the Post Office Department for the year ending June 30, 1849; which question was pending when the House adjourned yesterday, and on which the previous question was operating.

The question was put on agreeing to the first amendment, viz: the amendment moved by Mr. RHETT, which was amended by adding thereto the amendments moved by Messrs. KING, of Georgia, and SCHENCK.

The question was decided by yeas and nays: Yeas 75, nays 77.

The other amendments were then read and agreed to, and the bill ordered to be engrossed and read a third time; and being engrossed, it was read a third time and passed.

Mr. VINTON, from the Committee of Ways and Means, to whom were referred the amendments of the Senate to the bill making appropriations for the support of the Military Academy for the year ending June 30, 1849, reported the same back to the House, with the recommendation that the House concur in said amendments of the Senate.

A QUESTION OF ORDER.

The House then, on motion of Mr. VINTON, resolved itself into Committee of the Whole on the state of the Union, (Mr. TOOMBS, of Georgia, in the chair,) and proceeded to consider the above-mentioned bill, and the Senate's amendments thereto.

Mr. RHETT obtained the floor, and observed that it was his purpose on this occasion to depart in what he had to say from the subject directly before the committee, and speak of some other matters which were connected with the interests of the American people, and with the existing state of things.

Mr. VINTON hereupon rose to order. The gentleman had with great frankness given notice to the committee, that what he intended to say would not be on the bill or amendment immediately before the committee, but on something else. It was very true, that in Committee of the Whole on the state of the Union, great latitude of debate was usually allowed, but not, as was now frankly avowed, a total departure from the subject before the committee for discussion. All remarks than those which had reference to the subject under consideration would be irrelevant and wholly out of order.

Mr. RHETT said that most certainly he had not risen, avowing, as he had done, his intention to discuss other matters than those connected with the bill before the committee, without having first fortified himself with precedents to sustain him in such a course. When the post office bill had recently been under consideration in Committee of the Whole on the state of the Union, and a gentleman had commenced a speech upon the Mexican war, the chairman of the committee had called him to order for irrelevancy, and ruled him to be out of order in speaking to a subject not before the committee; but on an appeal from that decision, it had been reversed, and it was held that when the House was in Committee of the Whole on the state of the Union, a member might speak on any subject he pleased.

The CHAIR ruled Mr. RHETT to be out of order.

From this decision Mr. RHETT took an appeal, referring to the decision by the House in opposition to the Chairman on the occasion mentioned. The only difference in the question then and now, lay in this: that on the former occasion, the committee had had the post office bill before them, and now they had the Military Academy bill.

Tellers were demanded on the vote to be taken, and ordered.

Mr. COBB, of Georgia, rejoiced that the question had been presented for decision. There was now an opportunity to get a decision that should guide the future course of the House in cases of this kind.

Mr. HOUSTON, of Alabama, insisted that this was a very different case from that when the House had been in committee on the post office bill. It had now no entire bill before it, but simply an amendment sent back from the Senate on one solitary isolated point, viz: the appointment of a Board of Visiters to attend the annual examination at West Point for the present year. This differed entirely from ordinary cases of bills taken up in Committee of the Whole on the state of the Union, and the practice of the House on such bills ought not to be considered as a precedent for this case.

Mr. RHETT could not see the distinction which the gentleman considered as so broad and obvious. The committee were upon an amendment to a bill, and it made no difference in principle whether that amendment had originated in the House itself or in the Senate. When the House was in committee on the state of the Union, anything that in any way affected the state of the Union was admissible and in order. Ever since Mr. R. had had the honor of a seat here, such had been the practice; and, as he had before stated, when a contrary decision had been attempted, the House had overruled it.

Mr. BROWN, of Virginia, said that it mattered not what had been the practice in times past, the House could make a new decision now; and he trusted they would, and such a decision as would for the future keep gentlemen within legitimate bounds of order, and prevent such violations of all parliamentary principle as had been witnessed in that Hall, and more especially during the present session. The gentleman from South Carolina gave notice beforehand that he should not speak to the bill before the committee, but about something else; and after this frank annunciation asked the gentlemen to sit and hear him. Mr. B. hoped that, instead of doing this, they should sustain the decision of the Chair. Mr. B., for one, was ready to do so by his vote, and hoped to see an end put to this wandering all over the world in rambling speeches, instead of speaking to the subject on which the committee was called to act.

Mr. BAYLY said he should entirely agree with his colleague, were it now earlier in the session, and the practice was now to be originally settled; but, having allowed the liberty to others, he thought it would seem invidious if the committee should now rigidly enforce the strictness of parliamentary law. The ruling of the Chair was undoubtedly right, according to the rules of the House. It was for the House to relax the application of its own rules, and not for its Chairman to do it.

Mr. WOODWARD could not sustain the decision of the Chair. The rules did not and could not define with exactness the range of debate. They declared that an enlarged liberty of debate should be permitted in Committee of the Whole, but not how large that liberty should be. The rules not having defined it, its limitation must be only by the practice of the House.

Mr. SIMS here read two rules of order, one declaring that in the House gentlemen should confine their remarks to the question in debate, and the other that the rules of the House should be applicable in Committee of the Whole. Of course, a member in Committee of the Whole could not speak on questions not under debate.

Mr. WOODWARD resumed, and still insisted that no rule could exactly define how large the sphere of debate should be; that must be left to be settled by the practice of the House. And what was the practice on this subject? It was notorious

that on bills of almost every character speeches of a general character on the politics of the country had been permitted in Committee of the Whole on the state of the Union.

Mr. BURT held the decision of the Chair to be manifestly improper. The rules read by his colleague were rules of the House; but in Committee of the Whole on the state of the Union anything that affected the state of the Union generally was strictly pertinent and in order. When this committee rose, its chairman would report to the House that the committee "had had under consideration the state of the Union generally, and particularly such and such a bill." Why was it that there was such a fluttering the moment his colleague had announced his determination to speak, in answer to a speech of a gentleman from Virginia, (understood to mean Mr. BAYLY,) on a subject not connected with the matter of the bill before the committee, and which speech itself had had as little connection with the bill under discussion when it was made, and had been therefore just as much out of order as the answer to it would be? Mr. B. insisted that it was his colleague's right to speak on any subject he chose; and he demanded it on his behalf, as an act of justice.

Mr. DUER considered the rule of the House limiting debate in Committee of the Whole as a very bad rule; but the practice of the House had relaxed its strictness, and granted an enlarged freedom of discussion. The practice on this subject had been uniform, and amounted to a common law, established by precedents If the House wished to alter this practice, they had to make a new rule.

Mr. D. had that sense of equal justice within him which would ever induce him to treat with perfect fairness every gentleman, whatever might be his political opinion. So far as he himself was concerned, therefore, (and he believed he might say so far as gentlemen on his side of the House were concerned,) the appeal had been quite unnecessary, as there was no disposition to deny to gentlemen on one side of the House what had been granted so often to those on the other. It was impossible to shut out from discussion great questions which agitated the people of this Union. They ought to be discussed, and they would be. Why, then, was the discussion of them out of order? Because the existing rules which the House had established to regulate its proceedings prevented members from speaking what they wished, so that they could not be strictly in order if they spoke freely what they desired to speak, and what ought to be spoken. Mr. D. himself desired to speak on what he believed to be the subject on which the gentleman from South Carolina [Mr. RHETT] had intended to address the committee. If the House would so modify its rules that they would not prevent proper discussion in committee, why then he would be as much in favor as any one of a strict enforcing of the rules.

Mr. J. R. INGERSOLL was sorry to differ in opinion from the worthy gentleman from New York; but the gentleman was certainly mistaken in supposing that the rules of order prevented such a discussion as that in which he seemed desirous to engage. There was always an opportunity, without the violation of any rule, to entertain the widest discussion on the general concerns and politics of the country. That opportunity was afforded when the message of the Executive was received in the opening of each session of Congress. That document was properly of the widest and most general character, comprehending a general view of the whole state and interests of the country. At that period of the session its buisiness was just assuming shape—it was in a state of preparation, but was not yet laid before the House and referred to the several standing committees. There was nothing which compelled prompt action; but an interval occurred in which it was proper and appropriate to indulge in the most enlarged and general discussion. But when the business of the House was prepared, referred, and seriously commenced, how could any gentleman of business (such as Mr. I. well knew his friend from New York to be) desire that all those rules should be trampled under foot, the very object of which was to secure a prompt and orderly discharge of the public business? How could he desire that when a subject was referred to a committee to be discussed and acted upon, gentlemen should be permitted to depart from the subject under discussion, and wander in their speeches over the wide world without limit or restraint?

Mr. DUER explained. He had said that there were two bad rules here; one that allowed a member to discuss in Committee of the Whole other subjects than that referred to the committee and under consideration; this was one bad rule or practice; the other was that which forbade the bringing before a Committee of the Whole subjects of deep and general interest which ought to be discussed in the Halls of Congress. But he had declared that if the House would agree on a rule that would allow of such subjects being discussed in committee, then he should be for a strict enforcing of the rule. Until then, he would say to gentlemen that it was in vain to seek to prevent the discussion in order, or out of order, of great and vital subjects in which the people took a deep concern.

Mr. INGERSOLL, resuming, said it was an evil great enough when gentlemen, desirous to discuss a particular subject not strictly before the committee, contrived, by distant analogy or some circuitous process, to bring it sufficiently into connection or affinity to the legitimate subject of debate to prevent its being ruled out; but when a gentleman got up in his place, and with that manly frankness which always characterized the gentleman from South Carolina, [Mr. RHETT,] avowed in the outset and gave public notice that he did not mean to speak to the subject before the committee at all——

Mr. RHETT here interposed to say that he had not declared that he did not mean to speak on any subject which concerned the state of the Union, but only that he should not discuss this particular bill about the West Point Academy.

Mr. INGERSOLL said that he so understood the gentleman; and when a gentleman made such an avowal beforehand, he did not see how any gentleman who regarded the orderly discharge of the public business could possibly object to his being ruled out of order.

The gentleman from New York had spoken of precedent having established a sort of common law on this subject. Now, none knew better than that gentleman that a bare solitary case like that which had occurred a few days since in the reversal of a decision of the Chair did not amount to a precedent. In the courts it was held necessary that there must be a succession, a course, or system of precedents, before the law was held to be settled in contrariety to the wording of a statute.

For these reasons Mr. I. held the decision of the Chairman in the present case to have been strictly right and proper. If a gentleman could show that the subject on which he wanted to speak came within the scope of a legitimate, though it might be a rather remote, connection with the subject under debate, then certainly great liberty and latitude of discussion ought to be allowed; but the gentleman from South Carolina had intended, he said himself, to discuss matters connected with the state of the Union, and not with the bill before the committee. This certainly ought not to be allowed. Mr. I. had always contended for a strict observance of the rules and order of business; but if the various appropriation bills and all other important business which remained to be done were to be put off and superseded by general and irrelevant speeches, and that, too, when the period of debate was limited, he did not see how the public business was ever to be done. The chairman of the Committee of Ways and Means had been compelled by the urgency of the business of which he had special charge, and by the advanced period of the session, repeatedly to move that the period of discussion in Committee of the Whole should be limited by authority of the House; and he had been driven to this by the practice of prolonged and miscellaneous debate on other matters than those before the committee; matters which might better be discussed in the papers, in pamphlets, or even on the stump, (though he knew the gentleman from South Carolina was far above the level of stump speaking,) than on the floor of that House, to the interruption of the business of the country.

Mr. BURT, with the utmost respect for the honorable gentleman from Pennsylvania, would ask leave to put to him one question.

Mr. INGERSOLL. Certainly, with pleasure.

Mr. BURT. Does the gentleman recollect one solitary instance in which any member has been declared out of order for irrelevancy when the House was in Committee of the Whole?

Mr. INGERSOLL'S reply was drowned by the noise in the House, (which continued in an unusual degree throughout this entire debate;) but he was heard very distinctly to exclaim, *malus usus abolendus est.*

Mr. HOUSTON of Alabama, would ask the gentleman from South Carolina [Mr. BURT] whether he remembered one solitary instance where, on an isolated point touching the amendment of a bill which was suspended between the two Houses, a long, rambling debate had been permitted?

Mr. J. R. INGERSOLL observed, that in the absence of all regular books of reports of what took place in Committee of the Whole, individual cases adduced from the recollection of members were a very uncertain authority to guide the action of the House. He presumed that every gentleman who desired an early adjournment of Congress would be in favor of seeing the business before it done in conformity with its rules, and not in a loose, informal, irregular manner.

Mr. SIMS again quoted the rules, and insisted, that though the practice might have been different, the chairman was always bound to decide according to the rules laid down by the House. If the Committee of the Whole chose by its own act to relax the rule, let it do so; but this should be regulated by circumstances; each case should stand by itself; and a decision in one case should not be drawn into precedent as a rule for another. Circumstances greatly varied, and each case was to be judged by its own merits.

The decision of the Chair had been perfectly right. If the gentleman from South Carolina was to be allowed to speak on a subject foreign from the bill, let that be done by the committee, not by the chairman. If they were now at the commencement of the session, he should refuse the leave; but after the repeated departures which had been allowed, he did not see how the committee could insist on the strict observance of the rule.

Mr. VINTON said that it had been remarked by a gentleman from Virginia [Mr. BAYLY] that the motion of Mr. V. was invidious, as refusing to a particular individual what had freely been allowed to others. This rendered it necessary for Mr. V. to state, that in making the motion he had done, he had been actuated by no personal dislike to hearing the gentleman from South Carolina, [Mr. RHETT;] on the contrary, there was no member of the House to whom he would rather listen. But he had previously given notice, that when the next appropriation bill should come up, he should use his best endeavor to keep the committee to the observance of the rules of order. The rules of the House had been enacted for the purpose of facilitating the public business; and the sole legitimate purpose of debate was to enable the committee the better to understand the subject on which it was called to act. Now, the rules of the House, like every other law or legal writing, should be so interpreted as to accomplish the purpose for which they were made. During the present session those rules had suffered greater abuse than Mr. V. had ever before witnessed. The practice which had been indulged in was an absolute and an intolerable abuse of the rules of order; and he felt it his duty, in the position in which he had been placed, here to give notice, that unless it should be arrested, the bills could not be reached and carried through which were necessary to carry on this Government.

Mr. RHETT asked whether a majority of the House could do what it pleased out of committee? And why not in committee?

Mr. VINTON admitted that a majority of the House could act its pleasure; and its pleasure had been to enact rules the better to enable its members to understand and to do the business committed to them.

The gentleman from South Carolina said that slavery was a subject which affected the Union, and therefore he was in order in speaking on it in Committee of the Whole on the state of the Union.

Mr. RHETT reminded Mr. V. that he had not said that; he had not said that he was going to speak on that subject.

Mr. VINTON admitted that he had not: Mr. V. had supposed the case for illustration. It was now three months that Mr. V. had been using every effort and seizing on every occasion to press the House to action on the appropriation bills. The best way to test a law was to show its abuse: and in the present case the strongest argument to show that the decision of the Chair had been right, was to state the evil effect of a contrary practice. And

with this view Mr. V. had referred to the fact, that after three months of strenuous effort on his part, the House had even now scarcely entered on the consideration of these important and necessary bills. Yet there was but one month remaining in which to get through them. To reverse the decision of the Chair would be in effect to say, that when an appropriation bill was under discussion for the maintenance of our military academy, a gentleman might delay its passage by discussing the Mexican war, or the Texas boundary, or the Wilmot proviso, or whatever else he chose to talk about. The effect of this was, that the time for discussing the bill having been limited, no opportunity was allowed Mr. V. or anybody else to explain the grounds of the bill; and it had repeatedly happened that the debate had been closed without the true grounds of the bill being either explained or understood.

The House would thus be prevented from ever enforcing discussion on any subject of whatever importance, because the whole time which should be devoted to such discussion was consumed in irrelevant speeches. By such a course the whole value of debate must eventually be lost and destroyed. Gentlemen had called for precedents. They knew that no journal was kept of decisions in the Committee of the Whole—so that no authentic record of precedents could be produced. The rule was, that although in Committee of the Whole great freedom of debate was to be allowed, yet matters wholly foreign from the subject in debate were not to be discussed. This was only that a fuller opportunity might be afforded properly and fully to discuss the real matter under consideration.

The CHAIRMAN [Mr. TOOMBS] here stated the position of the Academy bill—its passage in the House, and its return from the Senate with a single amendment.

He knew that very great latitude of debate had been permitted in Committee of the Whole. One reason of this had been, that when a gentleman rose to speak, it was very difficult to tell, beforehand, that his remarks were going to be out of order, and he could not be checked until that was clearly apparent. But when a gentleman avowed at the outset that he did not intend to speak to the bill before the committee, it was not possible for his remarks to be in order. The Chair did not consider previous decisions in committee as furnishing rules for the House. The House had made its own rules, and the chairman of a committee must be guided by them alone. He should have no hesitation in overruling at any time decisions in committee which contravened the rules of the House. The only question was, whether the present debate should be on the bill referred to the committee. The rules confined debate expressly to the subject before the House; all else was out of order.

Mr. BEDINGER could not agree with the decision of the Chair, nor did he think (though meaning no disrespect to the chairman) that the reasoning by which it had been sustained was conclusive. It was the privilege of any member, when in Committee of the Whole on the state of the Union, to utter anything which was connected with or had a bearing on the state of the Union; and if he might do this, it mattered not whether he avowed beforehand the intention to do so or not. If it was his right to speak to what he pleased, then it was also his right to avow the intention to do so. This right had ever been held the great bulwark of freedom of debate and of freedom in the country. Was the House, when in committee, to be confined to those subjects only which came to it from its standing committees, or which were suggested by the Executive? He thought not. He held that the people had a right to information on other subjects as well as these. It had been said by an eminent statesman, and a no less eminent orator, that he would not give the debates in Congress on the Panama mission for any treatise nor all the treatises put together which had ever been written upon government. Those debates had not been confined to that mission merely; they had taken a wide and vast range.

As to the objection of the gentleman from Alabama [Mr. HOUSTON] about permitting a long and rambling debate on an isolated question in an amendment to a bill, he would ask that gentleman if he had ever heard a debate in that House which was not a rambling debate? There had been a rambling debate now; and, if the rule against irrelevancy was to be put upon the House or committee in all its strictness, the Chair would have little else to do than perpetually to be calling members to order.

Mr. C. J. INGERSOLL desired to add one or two views that had not been suggested by any other gentleman. He protested against the decision of the Chair. If the decision of the Chair should be sustained, and he apprehended that it would, whose rights would be affected thereby? Not their individual rights, but the rights of the constituencies that they represented on this floor. They were there in a representative capacity, and the question then arose, what right had anybody to say that his constituents should not be heard here by their representative?

After a brief allusion to the remarks of the gentleman from Alabama, [Mr. HOUSTON,] which elicited a reply from that gentleman, he proceeded to say that this was a money bill which had been sent to the Senate, and returned with an amendment, in which the House was asked to concur. If the sum involved in the amendment was $2,000 or $2,000,000, the principle was the same. They who represented the people, who pay the taxes—those from whom the money was taken—had the right on such a question to say what they pleased. It was the right of their constituents that they should do so. It was a right which had been theirs since the English revolution of 1668. He then alluded to the practice in the Commons House of the English Parliament, in which, when in Committee of the Whole, the chairman did not occupy the Speaker's chair, as was the practice here, but took a seat at the Clerk's desk, the mace, the emblem of authority of the House, being removed, and the House became simply a committee of gentlemen assembled to talk over matters, governed only by gentlemanly rules of decorum and propriety.

He next referred to the case which arose here when William Lowndes called John Randolph to order for irrelevancy in debate, and spoke of the difficulty of ascertaining when John Randolph was in order, and yet they had rarely a more attractive speaker. The manner of approaching a subject was different in each different individual. One individual would go directly to a question, while another approached it more circuitously. Each one had his own way, and the question therefore arose, what is irrelevancy? He was an advocate for the largest liberty being allowed to every man. They had been told by the chairman of the Committee of Ways and Means, that much of the time of the House had been consumed by irrelevant debates, and the real business of Congress had been left undone. Now, what better business did this House of Representatives do than to debate? [Laughter.] He spoke not jocularly. He asked again, what better business had they to do than to make speeches? He spoke neither in contempt nor ridicule. He asserted that speeches delivered here were more useful to this great American nation, than any laws they could pass. The members of this House came from constituencies extending over two thousand miles square, and soon to be extended by one thousand miles square of Mexican territory to be annexed; it was therefore of the highest importance that the representatives of the people of every section of this great Union should express their views to their colleagues coming from such distant extremes of the country. He did not apprehend that he should be accused of demagogism, but what, he would ask, was the cause of the delay in this House in the transaction of its business, of which gentlemen had complained?

The CHAIR intimated that the gentleman was entering upon irrelevant matter.

Mr. C. J. INGERSOLL would not then pursue it; he had simply intended to say, that some years ago he had a seat on this floor, when their per diem was five dollars, and then they sat a sufficient number of hours to do their business; but now that their per diem was eight dollars, they sat a less number of hours, and complaints were made that the chairmen of the Committee of Ways and Means, of the Judiciary Committee, and others too, could not get their bills acted upon. If, however, to dwell on this point was out of order, he would not further allude to it. He would only say, in conclusion, that if on this occasion he was to be in a minority, he would submit with the best grace he could command; but he was satisfied that on reflection the Chair would come to the conclusion that he was in error.

Mr. THOMPSON, of Pennsylvania, said the discussion which had been got up on this subject sounded very peculiar to him. When he came to Congress first, he made a solemn point of order against somebody's rambling speech, and desired the Chair to call him to order; but he was then instructed that when they were in Committee of the Whole on the state of the Union, they had the right to say anything on any subject. Time and again, for two years, when he was yet but a neophyte, he made similar attempts to arrest irrelevant debate, and with the same success. At an early period of the present session, he called a gentleman to order, and then was told by the Chair that in Committee of the Whole on the state of the Union, gentlemen had every latitude they thought proper to take. He thought that all wrong, but it was the practice of the House, and the practice had become its law. He had heard a slavery debate on the French resolutions; he had heard the Mexican war debated on a variety of questions; and why, he would ask, this newborn zeal, when the practice had become so well settled? Why should they now attempt to curtail the liberty of speech? He did not hesitate to say that those gentlemen who had spoken against the utmost latitude of debate, had delivered themselves fully on questions before this House.

He had not troubled the House himself with any remarks of his during this session, though he would not conceal the fact that he desired to do so. He had recently attended a convention at Baltimore, and now, having changed his candidate for the Presidency, he wished to explain his position, but he had found it impossible to get the floor for that purpose. He had been desirous, too, to make some observations on other questions which engrossed the attention of the country—the Mexican war, for instance—but he had found it impossible to do so. He had been assured that, according to the universal practice of the House, he could avail himself of an opportunity on some other occasion when in Committee of the Whole on the state of the Union, when debate was entirely unrestricted. If this were not so, why was there such a difference in the rules respecting the Committee of the Whole House and the Committee of the Whole on the state of the Union? In Committee of the Whole House, members were confined to the pending question; but not so in Committee of the Whole on the state of the Union, in which they might discuss anything having any reference to the state of the Union; and when they got tired, they usually rose and passed a resolution fixing a limit to the debate, under the operation of which all discussion was stopped. The rule now attempted to be established would be a correct rule to start with, he was ready to admit; but for twenty years it had not been the practice of the House to restrict debate in Committee of the Whole on the state of the Union, and therefore he protested against the decision of the Chair at this time.

Mr. HUNT contended that the decision of the Chair was according to the rules of the House, but they had been told that the practice of the House had superseded its rules. To this doctrine he could not subscribe. He concurred with the Chair that no practice of the committee could supersede the rules adopted for its government, and he dissented from the views which some gentlemen had expressed, that to restrict debate by rules was an infringement of the right of debate. What was the right of members there? It was to discuss questions presented for their action; and in doing this, it was proper to bring in questions incident to or relating to the question under discussion. But it appeared to him that they should not continue a practice which had been permitted to supersede the parliamentary law, and to retard the public business by introducing topics that did not appertain to the subject before them. If such a practice were to be longer tolerated, it would be impossible to do the business of the country in any reasonable time. He hoped gentlemen would content themselves with discussions in order, and not when in Committee of the Whole on the Military Academy bill discuss the power of this Government over the territories.

He concurred also in the rule which required the committee to take up the bills in the order in which they stood on the calendar, and he was opposed to the repeal of it, which he understood the Committee on Rules contemplated. That rule, with debate limited to the subject under consideration, would enable the House to transact all its

business; and he hoped the decision of the Chair would be sustained. He thought it highly necessary that the committee should establish a new practice. He was in favor of the largest liberty so long as the debate was legitimate; and he assured the gentleman from South Carolina, that he would extend to him the utmost freedom of debate as soon as to any gentleman on this floor. But so great had become the abuse that he felt himself compelled to sustain the decision which the Chairman had made.

Mr. GENTRY admitted that the decision of the Chair was conformable to the rules, but it was in opposition to a long course of practice. The point involved in this decision had been repeatedly raised since he had been a member of this House, extending over a course of eight years, and it had been invariably decided in opposition to the decision now made. He trusted the committee would adhere to its long-established usage, and insist on the largest liberty when in Committee of the Whole on the state of the Union. Whenever the House surrendered that right, it would surrender up a very important right of the representatives of the people. Why, if the decision now made had governed this House, he did not remember a speech for the last ten years that could have been made. He alluded to the discussion on the celebrated resolutions of Mr. Foote, and others also, which had not been strictly limited to the subject before the House at the time, and then adverted to the tenacity with which the House clung to freedom of debate, as shown in its giving permission to members called to order for irrelevancy to proceed in order. When an appropriation bill came up, was it not the right of a member to examine not only one, but other appropriations, and the administrative policy of the Government? It was also the right of a member, when in Committee of the Whole on the state of the Union, to examine and discuss the welfare of the Union, and to call in question the acts of the Administration and its administrative policy. But if they enforced this rule, every member would be debarred from discussing those questions. The gentleman from Ohio [Mr. VINTON] had had a foretaste of the effect of such a rule, for, while making his brief statement this morning, he had been called to order three times.

In the extreme freedom of debate which had been so long tolerated there might be some evil, but in seeking to escape from one evil they should not involve themselves in a greater. He begged the attention of all parties to the consideration of what might be expected if, in times of high party excitement, some unprincipled partisan should occupy that chair. A gentleman might rise to discuss the policy of the Administration of which the chairman might be a supporter, and he might enter upon an excoriating examination of the acts of the Administration; but how easy it would be for the Chairman to arrest such remarks under such a practice? With such a rule, and an Administration majority on this floor, it would be impossible, in times of high party excitement, to examine and discuss the acts of the public officers of this Government.

[Loud cries of "Question."]

Mr. COBB, of Alabama, after some playful remarks on the subject of the difficulty with which he had obtained the floor, and congratulating the House, himself, and his constituents that a representative from the northeastern corner of Alabama at length enjoyed the privilege of addressing this august body, proceeded to sustain the decision of the Chair. He knew not how they were ever to get through the business before them without a more strict adherence to the rules than he had heretofore witnessed. The practice had been to introduce discussions on every subject totally at variance with the matter presented for their consideration. He saw around him gentlemen who spoke from four to six times on every topic—relevantly? Oh, no; and if such latitude were to be allowed in debate, they would continue so to talk on every measure to be brought before them. It was time that they should pause, and ask themselves when they expected to do the business in which their constituents were deeply interested. There were several important bills on the calendar in which his constituents had an interest; but if they were to go on and discuss every question in the known world on a post office bill, or some other solitary measure, when, in the name of common sense, he would ask, would his constituents be able to be heard? He appealed to the House to act upon those measures which were of practical importance to their constituents, and not waste their time in the discussion of mere theories.

The rules had been given to them as their polar star, for their guidance through the mazes in which some gentlemen would involve them, and he hoped the younger members especially would follow the light which they afforded. The Chair had given a correct interpretation of those rules, and the decision of the Chair ought to be sustained. If it were true, as had been asserted, that in this vast catalogue of rules there were none to meet the present case, let a resolution be introduced instructing the Committee on Rules to report one for the government of the committee forthwith. He, however, was of opinion that the rules were amply sufficient to meet the case; and he hoped, further, that this present discussion would be brought to an end, for, without possessing any peculiar interest, it obstructed the business in which they ought to be engaged. If the question before the committee were not now settled by sustaining the Chair, to-morrow they would see the same identical gentlemen who had occupied so much of the time of the House in the discussion of every question that came before it, again ready to make speeches on every topic on which debate could be hung. Besides the Mexican war, and the incidental questions arising out of it, they had now a very prolific theme for discussion—he meant President-making. In the course of ten or twelve days, their Whig friends would be coming here from Philadelphia fully charged with speeches on that subject; and if the Chair should not now be sustained in the decision which had been made, he despaired of ever seeing one of those little bills come up for consideration by which his constituents were to some extent to be affected. He spoke with the highest respect for the gentleman from South Carolina, who could make his speech on some other occasion; and, at the same time, even the gentlemen opposite would admit that he was acting in no partisan spirit, for he was sustaining a chairman who belonged to the Whig party against a gentleman of the party of which he was himself a member. He had solely in view the proper discharge of their duties to the country, and, with that view, he again expressed the hope that the decision of the Chair would be sustained.

Mr. POLLOCK rose to a question of order. He asked if there was not a special order for this day, and whether the business before the committee was not confined to the morning hour? There being a special order, he contended that it should be taken up by the committee and acted upon, and, for that purpose, that the Chair was bound to lay this bill aside.

The CHAIRMAN overruled the point of order. The committee was charged with this bill, and, to get at the special order, the motion should be that the committee rise.

Mr. STANTON next obtained the floor.

Mr. SCHENCK expressed his desire to obtain the floor, with an intimation that he would make an hour's speech, unless gentlemen would agree to terminate this debate.

Mr. STANTON said the gentleman could do so if he pleased; but all he had risen to say was, that the simple question was, whether the rules of the House were applicable to the Committee of the Whole on the state of the Union? They had always been considered applicable; but the gentleman from South Carolina was entitled to be heard, because they had under consideration the state of the Union generally, and consequently everything relating to the state of the Union was relevant. If the rules of the House were not applicable, a gentleman might speak ten hours instead of one.

Mr. HOLMES, of South Carolina, said that the question had not been understood. The question was not whether upon a bill in Committee of the Whole there be no limit to debate, but whether upon a bill in said committee, which had passed the House and been amended in the Senate, there was not a limit of the discussion to the amendment and its effects upon the bill. He remarked, that if full latitude be granted in such cases, the most useful bills might be defeated at the near termination of the session by protracted discussion.

Mr. COBB, of Georgia, argued at great length in support of the decision of the Chair, and in reply to gentlemen who had taken adverse views in the course of this debate. He particularly controverted the position, based on certain phraseology, that the rules which were applicable to the Committee of the Whole were not applicable to the Committee of the Whole on the state of the Union. He read several rules, and amongst them the 16th, which empowered the Speaker or Chairman of the Committee of the Whole House to clear the galleries in case of any disturbance or disorderly conduct in the galleries or lobby, and said that if the gentlemen to whom he replied were correct, the Committee of the Whole on the state of the Union had no such power to protect itself.

If the rules of the House were not operative in Committee of the Whole on the state of the Union, how, he asked, were they restricted to an amendment to an amendment as the utmost limit of amendment? If they had no such rules, everything that was decorous was in order. He was aware that even the civil and diplomatic appropriation bill, which appropriated millions of dollars, was usually long in Committee of the Whole without one word being said of the appropriations which it proposed to make, until the debate was stopped by order of the House. Under the five-minutes rule, amendments could be explained, but the general discussion on the bill was ordinarily devoted to irrelevant topics. He was not disposed to make the rules too restrictive, but some regard should be had to the relevancy of debate.

Mr. THOMPSON asked the gentleman from Georgia what was meant when the chairman of the committee, on rising, reported that the committee had had under consideration the state of the Union generally, and particularly such and such a bill.

Mr. COBB replied that there was much in their proceedings that was mere form, which could be well dispensed with. There was a proper latitude of debate.

Mr. C. J. INGERSOLL inquired if the gentleman from Georgia had ascertained the precise latitude.

Mr. COBB replied that that must be submitted to the judgment of the Chair, under the correction of the committee.

Mr. THOMPSON inquired if the gentleman from Georgia was willing to put such a power in the hands of any one man, as to say how far any member should discuss a question on this floor.

Mr. COBB replied that there was an appeal to the committee, and the majority could control the Chair.

Mr. THOMPSON agreed with the gentleman that a majority could control the Chair; but what would become of the minority when a partisan of the majority was in the chair?

Mr. COBB had confidence in the glorious principles of Democracy by which majorities were allowed to govern.

Mr. THOMPSON remarked that majorities were not always Democratic.

Mr. COBB said when they were not, still the minority must acquiesce.

Mr. BROWN, of Pennsylvania, said the latitude claimed for debate would give members the right to do as they pleased. He had often voted to close debate on a bill because everything else except the bill under consideration was the subject of debate, to the gratification only of certain gentlemen who took occasion to discuss local or irrelevant questions.

Mr. COBB proceeded with his argument still further, and contended that it had become necessary to provide for the relevancy of debate; but, at the same time, he was not disposed to be unnecessarily restrictive.

Mr. SCHENCK said that if gentlemen were willing to take the question now, he would waive his right to address the committee. He knew how well gentlemen liked to hear him, [a laugh,] but he would forego the floor; but, if the question was not now to be taken, he should insist upon his full hour. He therefore wished gentlemen to indicate now whether, if he spoke, they intended to answer him. He knew gentlemen were all men of honor; and if any man would rise and say that he would reply, Mr. S. would now proceed; if not, he would resume his seat.

No gentleman answering, Mr. S. said he yielded the floor.

[Loud calls for the question.]

The question being, "Shall the decision of the Chair stand as the judgment of the committee?" the question was taken by tellers, and decided in the affirmative—ayes 74, noes 72. So the decision

of the Chair was sustained, and Mr. RHETT ruled to be out of order.

The amendments of the Senate were then read and agreed to.

And the committee rose and reported accordingly.

Mr. VINTON moved the previous question, which was seconded, and, under the operation thereof, the amendments of the Senate were agreed to.

Mr. HUDSON, from the Committee of Ways and Means, made an adverse report on the petition of Henry Simpson, surviving administrator of George Simpson, deceased. Laid on the table.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, to which was referred Senate bill authorizing the payment of a sum of money to Robert Purkis, reported the same without amendment. Committed.

Mr. ROCKWELL also reported a bill for the relief of the legal representatives of Darius Garrison. Read and committed.

Mr. ROCKWELL also made adverse reports on the petitions of J. B. Cooper and Cary H. Fry. Laid on the table.

Mr. CROWELL, from the Committee of Claims, reported a bill for the relief of Staunton W. Gaar. Read and committed.

Mr. CROWELL also made an adverse report on the petition of James Sloan. Laid on the table.

On motion of Mr. CROWELL, the Committee of Claims was discharged from the petitions of Augustus Steele and Peyton A. Kay. Laid on the table.

Mr. DUNN also, from the same committee, reported a bill for the relief of Mr. Snavely, of Indiana. Read and committed.

Mr. GRINNELL, from the Committee on Commerce, reported a bill for the relief of Henry Little and Jacob Felch; and a bill to authorize the Secretary of the Treasury to sell the marine hospital and the lot of land on which it stands, at Chelsea, in Massachusetts, and for the purchase of a new site and the erection of a new marine hospital near the city of Boston. Read and committed.

On motion of Mr. GRINNELL, the Committee of the Whole on the state of the Union was discharged from the bill to transfer the towns of Vinal Haven, North Haven, and Islesboro', from the collection district from Penobscot to that of Belfast. Recommitted to the Committee on Commerce.

Mr. COLLAMER, from the Committee on Public Lands, reported a bill to confirm the title to section 16 and the west half of section 12, in township three north, range sixteen east, in Seneca county, Ohio; and a bill to amend an act entitled "An act for the discontinuance of the office of surveyor general in the several districts, so soon as the surveys therein can be completed; for abolishing land offices under certain circumstances, and for other purposes;" which bills were severally read and committed.

Mr. DUNCAN reported a bill to provide for the settlement of conflicts between Spanish land claims and purchases under the United States, and for other purposes. Read and committed.

Mr. PUTNAM, from the same committee, made adverse reports on the petitions of Thomas G. Holmes and of citizens of the State of Maine, praying an appropriation of the public lands for the extinction of slavery in the United States. Laid on the table.

Also, from the same committee, to which was referred Senate bill to provide for the settlement of the claim of Henry Washington, late a deputy surveyor of the public lands in Florida, reported the same back to the House with an amendment. Committed.

Mr. EVANS, of Maryland, from the same committee, reported a bill granting the right of way through the public lands in Indiana and Illinois to the Ohio and Mississippi Railroad Company. The bill was read twice.

Mr. EVANS stated, that as the bill involved no appropriation, and as it was necessary to obtain speedy action on the bill, he was directed by the Committee on Public Lands to ask that it be put upon its passage.

Mr. COBB, of Georgia, inquired of Mr. EVANS if the bill contained a provision requiring the railroad company to carry the United States mails.

Mr. EVANS replied that it did not, and briefly explained the bill; and—

After brief remarks by Messrs. COBB, of Ga., DUNN, ROOT, HENLEY, and WHITE, who moved the previous question, which was not seconded, the bill was committed.

On motion of Mr. ROOT, the Committee of the Whole was discharged from the consideration of the bill to establish certain post routes, and it was recommitted to the Committee on the Post Office and Post Roads.

Mr. WHITE moved to reconsider the vote by which the bill making appropriations for the service of the Post Office Department was passed, and asked that the motion be laid over for the present.

Mr. VINTON said there was no need of the motion lying over. It could be acted on at once; and he therefore moved the previous question.

Mr. WHITE moved to postpone the motion to reconsider, but subsequently withdrew the motion to postpone.

Mr. HOLMES, of South Carolina, said he was detained on his way to the House this morning, and did not enter the Hall until after the vote had been taken on the amendment to the Post Office appropriation bill providing for the transportation of the mail between Charleston and Havana in steamers. It was a subject in which his constituents felt a deep interest, being interested possibly to the amount of one hundred and fifty thousand dollars, and he hoped the House would extend to him the courtesy of a reconsideration, in order to afford him the opportunity of recording his vote. This was an act of courtesy which he believed was never refused.

Mr. BINGHAM moved to lay the motion to reconsider on the table. Lost.

The question on reconsideration was then put, and decided in the affirmative: Yeas 84, nays 74.

Mr. HOLMES, of South Carolina, moved to reconsider the vote ordering the bill to be engrossed.

Mr. RICHARDSON moved to lay that motion on the table. Lost.

The question was put on the reconsideration of the vote ordering the engrossment of the bill, and it was agreed to.

Mr. ROCKWELL, of Connecticut, moved to reconsider the vote by which the amendment of the Committee of the Whole, appropriating $45,000 for the transportation of the mail in steamers, under command of navy officers, between Charleston and Havana, was disagreed to by the House.

After a few words by Mr. SAWYER—

Mr. DUER moved the previous question, which was seconded; and, under its operation, the vote rejecting the amendment of the Committee of the Whole was reconsidered: Yeas 93, nays 77.

The bill and amendment being now before the House—

Mr. COBB, of Alabama, moved to amend the amendment by inserting after the word "Savannah" the words "Mobile, in Alabama." Lost.

The question recurred on the amendment of the Committee of the Whole.

Mr. LINCOLN moved the previous question, which was seconded; and, under the operation thereof, the amendment reported by the Committee of the Whole was rejected: Yeas 76, nays 87.

The bill was then ordered to be engrossed; and, being engrossed, was read a third time.

Mr. EVANS, of Maryland, moved the previous question, which was seconded; and, under the operation thereof, the bill was passed.

And then the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. TAYLOR: The memorial of John Savage and 40 others, citizens of Philadelphia, setting forth the difficulties existing in the transportation of merchandise, passengers, and the mails, between the cities of New York and Philadelphia, in consequence of the monopoly claimed by the Camden and Amboy Railroad Company, and the Delaware and Raritan Canal Company, under their charters from the State of New Jersey, and praying Congress to direct the survey of a route for a post-road between the said cities; the line of such road to be retained under the perpetual control of the Union, and to be used for the construction of a railroad by the United States, or by a company to be formed by an act of Congress, empowering the Postmaster General to make such arrangements relative thereto as he may deem best calculated to secure to the people of the United States, for themselves, their correspondence, and their merchandise, frequency and rapidity of intercourse, and moderate charges. Also, the memorial of David Hultz and 41 others, citizens of Philadelphia, on the same subject. Also, the memorial of John W. Leigh and 35 others, citizens of Philadelphia, on the same subject.

By Mr. VINTON: The petition of Andrew McKim, praying to be placed on the pension-list.

By Mr. J. R. INGERSOLL: Additional memorials from citizens of Philadelphia, asking for the survey of a route for a post-road between the cities of New York and Philadelphia.

By Mr. KELLOGG: The petition of a meeting of inhabitants of Northeaston, Washington county, New York, praying for the termination of the war with Mexico.

By Mr. PHELPS: The petition of Charles McClain, of Missouri, praying the confirmation of a tract of land to him.

By Mr. RUMSEY: The petition of N. V. Knickerbacker and 524 others, citizens of Steuben county, New York, for the passage of a law making newspapers free for thirty miles, and for a uniform rate of postage on letters.

By Mr. DUER: The remonstrance of Silas Wood and others, citizens of the United States, against the passage of a bill to surrender to the State of Indiana the bonds of that State held by the United States Government, and to receive new bonds instead thereof.

By Mr. TALLMADGE: The petition of Timothy Carman for a register for the schooner James, of New York. Also, the petition of Dennis Harris for return of duties on sugars destroyed by fire in the city of New York.

By Mr. SMART: The petition of Nesmith McClure and others, asking the appointment of a committee of Congress to ascertain whether, and to what extent, and by what law, the slave trade exists in the District of Columbia.

By Mr. WARREN: The petition of Egbert S. Manning and others, citizens of Dutchess county, New York, praying that the General Government no longer traffic in the public lands; that they be laid out into farms and lots for the free use of such citizens as will occupy them, allowing the settler the right to dispose of his possessions to any one not possessed of other lands; and that the jurisdiction of the public lands be transferred to the States or Territories, on condition that such disposition should be made of them.

IN SENATE.

TUESDAY, *May* 30, 1848.

The VICE PRESIDENT laid before the Senate a report of the Second Auditor of the Treasury, made agreeably to law, accompanied with such accounts as have been rendered by persons charged or intrusted with the disbursement of moneys, goods, or effects, for the benefit of Indians, from the 1st of October, 1846, to the 30th of September, 1847; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. YULEE presented a petition from citizens of Hamilton county, Florida, and James county, Georgia, in favor of a mail route from Troupville, Georgia, to Columbus, in Florida; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS, of Massachusetts, presented a petition from citizens of Boston, asking the purchase of Mount Vernon by the General Government; which was referred to the Committee on Military Affairs.

Mr. FELCH presented a petition from certain citizens of Wisconsin, asking that the next census may contain information relative to the number of freeholders in each State and Territory of the Union; which was referred to the Committee on the Judiciary.

Mr. DIX presented additional documents relating to the claims of Elijah Pratt for remuneration for the use of his patent valves; which were referred to the Committee on Naval Affairs.

Mr. DOWNS presented a petition from judges and members of the bar of New Orleans, with a report of the committee of the Louisiana bar, asking that the practice in the circuit and district courts of the United States in all civil cases may be made to conform to that of the courts of that State.

Mr. D. explained the present system as being very injurious in its operation, great injustice having been perpetrated under it. The State and the bar of Louisiana would not have complained had the evil been limited to the mere matter of procedure; but it affected the principles of law, and had led to very serious consequences in the reversal of the decision of the Supreme Court of the State, by merely changing the residence of the claimants to another State, and thus causing the improper transfer of an immense amount of property.

Mr. YULEE, from the Committee on Naval Affairs, asked to be discharged from the further consideration of the following memorials:

From the surviving officers and crew of the United States brig Somers;

From that of Ebenezer Whitten;

From that of William Davis; which was concurred in.

On motion of Mr. ATCHISON, it was

Resolved, That a select committee of three be appointed by the Presiding Officer of the Senate to examine into and report upon the memorial of certain Cherokee claimants presented to the Senate, complaining against the course of the Commissioner of Indian Affairs, as also the different boards of commissions appointed under the Cherokee treaty of 1835 and 1826; and that said committee have power, and

they are hereby directed, to send for records and papers, and to compel the attendance of witnesses, and report to the Senate such evidence as may be furnished by the records and papers or be given by the witnesses touching the matters of complaint contained in miscellaneous House document No. 8 of the present session, and that said committee report what measure of relief, if any, the claimants are entitled to.

Mr. ATCHISON, in pursuance of leave, introduced a joint resolution to close the present session of Congress, and to fix a day for the next session; which was read and ordered to a second reading, as follows:

Resolved, &c., That the present session of Congress be closed by the President of the Senate and the Speaker of the House of Representatives, by adjourning their respective Houses at 12 o'clock meridian, on the first Monday of July next, and that the next session of Congress be held the first Monday of October next.

On motion of Mr. ATHERTON, the Senate resumed the consideration of the bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending on the 30th June, 1849.

Mr. ATCHISON moved to amend the bill by inserting a clause appropriating $10,000 to remunerate Colonel R. M. Johnson for the houses rendered useless by the discontinuance of the Indian school.

Mr. ATHERTON said he must object to the proposed amendment, which had nothing to do with the bill, or with any other appropriation bill. It was strictly and properly a claim. It proposed to pay $10,000 to Colonel R. M. Johnson for injuries alleged to have resulted to him from the removal of the Choctaw school. If it was to be the subject of legislation at all, it ought to be introduced as a distinct measure, and made the subject of a separate bill. A rule had been introduced in the House of Representatives prohibiting the insertion in appropriation bills of amendments, unless for some object authorized by law. Bills of this character ought to be kept clear of amendments which had not been subjected to examination by the committee. Admit every amendment which might be proposed, and the bill would be made a sort of omnibus to carry through all schemes, however extravagant they may be. Let that practice be admitted, and every object embraced in every other bill may be attached to an appropriation bill. He hoped the Senate would not be prevailed on to give its sanction to any amendment which did not limit and guard the appropriations.

Mr. ATCHISON replied that this subject had undergone the examination of a committee; that it was deemed a just claim; and he had offered it by instruction of the committee. He admitted the impropriety of introducing amendments which had not passed through a committee. He would not go into the justice of the claim, which did not seem to be doubted, or he could show, by sufficient evidence, that it ought to be received.

Mr. ATHERTON said he did not believe in the justice of the claim, as he regarded that Colonel Johnson had already been paid over and over again.

Mr. ATCHISON referred to parts of the bill to show that there were more inappropriate matters than the one he had offered. He would ask for the reading of the memorial. The memorial was then read.

Mr. ATHERTON reiterated his objections to any amendments, except such as went to guard and limit appropriations; and defended the items in the bill which had been called inappropriate by the Senator from Missouri. He knew of no law creating the Choctaw school; and proceeded to comment on the manner in which it was established, and the extravagant expenditures to which it had led. He read from documents to sustain his various statements, and adverted to an agreement made by Colonel Johnson with Mr. Crawford, that the school should be continued for two years longer, and that it should, at the end of that time, be discontinued.

Mr. BELL vindicated the amendment, as originating, after much consideration, with the Committee on Military Affairs. The school had been continued, with the sanction of the Government, until this time, and had constituted the means of Colonel Johnson for his own support. And now that the school is to be withdrawn, it ought not to be contended that all the improvements Colonel Johnson had been induced to make should be left on his hands as a dead loss.

Mr. CRITTENDEN, in reference to a charge made by Colonel Johnson of one dollar for each scholar for the use of a spring, explained that there was a medicinal spring in the vicinity of the school, which was not in the hands of Colonel Johnson, and that the proprietor charged this dollar for the use of the spring for each pupil. The amendment was, in his opinion, very proper, and this was the proper bill in which it should be introduced. He hoped it would be adopted.

Mr. BAGBY thought the amendment out of place in this bill. But if it was not, he could not give his vote for it. Colonel Johnson had been paid for twenty-five years all he had charged, and we are now called on to pay him the full value of the property. To this he could not give his consent. If he were to give way to his sympathies, he would give liberally to Colonel Johnson; but he could not sanction his conduct in pressing this claim on the Government.

Mr. WESTCOTT gave his reasons for his support of the amendment, and pointed out some inconsistency in the course of the Senator from New Hampshire to-day, and his course in reference to another bill some short time since—the deficiency bill.

Mr. ATHERTON made a brief reply, to put himself right as to the consistency of his course.

Mr. ATCHISON asked for the reading of a paper containing Colonel Johnson's own idea of the inception of the school, and the understanding entered into between him and Governor Barbour, when Secretary of War.

Mr. NILES made some remarks against the amendment.

Mr. BUTLER expressed a desire to know whether this sum was intended to pay for buildings erected with an understanding that they were erected for the use of the Government.

Mr. WEBSTER said he was willing to give a fair compensation for the injury done to the buildings occupied for a school.

Mr. ATCHISON stated that the evidence of the injury to the amount appropriated by the amendment was complete. If the Senate would agree to postpone the bill until to-morrow, he would put his amendment in a more unexceptionable form.

After a few words from Mr. BELL, the further consideration of the bill was postponed until to-morrow.

Mr. BELL submitted an amendment, which he proposed to offer to the bill, which was ordered to be printed.

Mr. FOOTE asked leave to submit the following resolution, which was considered and agreed to:

Resolved, That the President of the United States be requested to send to the Senate (if in his judgment not inconsistent with the public interest) a copy of any communication from Commodore Perry, or from any other authentic source, containing additional information connected with the existing condition of affairs in Yucatan.

On motion of Mr. BADGER, the Senate proceeded to the consideration of Executive business; and, after some time, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 31, 1848.

The Journal of yesterday was read and approved.

Mr. CUMMINS, by leave, introduced a bill, of which previous notice had been given, declaratory of the rights of naturalized citizens of the United States, and to protect them in the peaceful exercise and enjoyment of their rights and privileges against the acts and influence of foreign Governments and their diplomatic agents; which was read twice.

Mr. CUMMINS moved to refer it to a select committee of five members.

Mr. ASHMUN moved to refer it to the Committee on the Judiciary; which latter motion was agreed to.

Mr. OUTLAW, from the select committee to which was referred so much of the annual message of the President of the United States as relates to making provision for the families of regulars and volunteers who have died from wounds or other causes in Mexico, reported a bill to provide for the families of such commissioned and non-commissioned officers, privates, and musicians, whether belonging to the regular army or to any volunteer corps, as may have been killed in battle, or died from wounds received, or diseases contracted, or other casualties occasioned whilst in the service of the United States during the war with the Republic of Mexico, and for other purposes. The bill was read and committed.

THE NATIONAL FINANCES, ETC.

Mr. STROHM, from the Committee on Public Expenditures, having had under consideration the report of the Secretary of the Treasury, transmitting his annual report on the state of the finances to Congress, with the view of ascertaining whether the statements contained in said report are correct, and whether the said statements could not be submitted in a form more simple and less difficult to comprehend, made a report, which concludes with the following resolutions, and recommended their adoption:

Resolved, That the Secretary of the Treasury be, and he is hereby, required to transmit to this House, as soon as may be convenient, a statement of the duties, revenues, and public expenditures during the last and the present fiscal years, ending June 30, 1848, exclusive of trust funds, according to the form of statement A, in the last annual report of the Secretary, specifying particularly and keeping separate the stock issued for specie deposited and that issued in funding treasury notes, and noting what amount of said stock was issued under the act of July 22, 1846; what amount under the act of January 28, 1847; and what amount under acts prior to July 22, 1846, respectively.

Resolved, That the Secretary of the Treasury be, and he is hereby, required to furnish this House with a statement of the public debt on the 30th day of June, 1848, and such other statements in reference to treasury notes at the expiration of the present fiscal year, as are required by the 22d section of the act of January 28, 1847, entitled "An act authorizing the issue of treasury notes, a loan, and for other purposes," to be furnished at the commencement of each session.

Resolved, That it be recommended to the Secretary of the Treasury, in making up his annual statements of the finances at the commencement of each session, to make those statements close at and embrace one period of time, so far as the circumstances of the case render it practicable to do so.

Resolved, That the Committee on Printing be instructed to inquire into the expediency of printing ten thousand extra copies of the report of the Committee on Public Expenditures on the report of the Secretary of the Treasury.

The report and resolutions being before the House for its consideration—

Mr. BEDINGER said, that until the present session, the Committee on Public Expenditures had been considered, generally, he believed, certainly by him, as a mere nullity. At the last session, if he was rightly informed, that committee had not had a single meeting. But, all of a sudden, this same committee seemed to have sprung into great importance. From doing next to nothing, or nothing at all, it had suddenly commenced an elaborate attack on the official report of the Secretary of the Treasury. The report prepared by the committee contained some thirty-nine or forty pages. The simple history of this matter, so far as Mr. B. knew it, was, that this elaborate report had been made and adopted by the committee before the Secretary of the Treasury had the slightest idea that any such thing was going on.

Mr. B. said that what he had to ask of the House was, that the report might not be ordered to be printed as yet, but that time should first be allowed for the making of a minority report.

Mr. B. admitted that he had received some notice of something of the kind. There had been a sub-committee appointed by the committee, of which sub-committee he was appointed a member, and he had been notified of a meeting of the committee generally, but not of the sub-committee; he had not even known where the committee itself sat; nor had he had the least idea that a report so labored was to be offered in the House by that committee; but it was suddenly sprung on the committee, and had been at once adopted. He wanted further time for the preparation of a counter report; and with this view he would move that the report be recommitted.

Mr. COBB, of Georgia, suggested a modification of the motion so as to print the report of the minority of the committee, and let both reports go to the country together.

Mr. STROHM said that the report he had submitted to the House had been ordered by the Committee on Public Expenditures in the Treasury Department. The minority of the committee had had ample time to prepare any paper they wished to submit. The gentleman himself, from Virginia, who had just taken his seat, had had the majority's report in his own hands for two weeks, with full opportunity to examine it; yet he complained of the report as having been sprung on a sudden, and asked for time to make a minority report. If the House thought that further time

ought to be allowed, they would of course grant it. If the report contained, as was asserted, numerous errors, there had certainly been sufficient time to expose them. Mr. S. would not say that there were no errors in it, but one thing he was entirely sure of, and that was, that the Secretary's report contained not a few. That document would be found to be full of errors. The report from the committee was not an attack upon the Secretary, but simply a fair examination and exposition of the errors to be found in his official report to the country.

The gentleman from Virginia was mistaken in saying, that at the last session of Congress, the committee had not sat at all; they had had meetings, and sundry matters had been referred to them by order of the House.

Mr. COBB, of Georgia, asked whether the gentleman from Pennsylvania would have any objection that the minority and majority report should go out together? The printing of the majority report would not be delayed a single hour. The minority report would be ready in the course of some eight or ten days, and that was as soon and sooner than the public printers would be able to set it up. What could the gentleman find to object against such an arrangement?

Mr. STROHM replied, he did not know that, for himself, he had any particular objection——

Mr. COBB, (in his seat,) interposing, said he hoped it would be done.

Mr. STROHM (continuing in reply) said, he had stated the time that the minority of the committee had had to make a counter report, and he would leave with the House to decide whether they would defer the printing to give the minority more time.

Mr. HUDSON said it seemed to him that the motion suggested by the gentleman from Georgia [Mr. COBB] was a very singular one—a motion to print a document which was not yet prepared. He presumed that when the minority of that committee should make a report, there would be no disposition on the part of the House to suppress it; but the idea of ordering a document to be printed which was not now in existence, seemed to him very extraordinary indeed, and very objectionable. When a report was presented, and a motion was made to print, it was competent for any gentleman to call for its reading, and the reading would enable the House to judge whether it was suitable to be printed or not. But how could they call upon the House to vote on a document which was not yet in existence—which would perhaps be written by somebody at some future period? The question was an entirely different one; the House could not judge until the report was presented whether it should be printed. If the report was presented, he certainly would vote to print it, unless there was something very objectionable, very much out of character, in it, which he did not anticipate from this committee, or any committee of the House; but he could not vote to print that or any other document until such document was prepared. It seemed to him, while the gentleman from Georgia had shown his usual ingenuity, he had not presented a case which would bear examination at all. If any gentleman on this side of the House should move for the printing of a document which was not yet prepared, and which perhaps never would be, he presumed that gentleman would be among the very first to interpose his objection.

Now, suppose they ordered this report to be printed, and printed together with the minority report, which might be made at some future period, and suppose the minority should conclude not to make a report, what would become of this majority report? Why, it was ordered to be printed on a *condition*-precedent which might never be complied with.

Mr. COBB. You can limit them as to the time; require them to make their report within a given time. There is no difficulty about that.

Mr. HUDSON. If it be true that the minority have had this report in their hands for two weeks——

Mr. BEDINGER said the gentleman from Pennsylvania [Mr. STROHM] did very courteously offer that report for his examination two weeks ago; but it should be remembered that it contained forty pages, and that they had been preparing it all winter.

Mr. ROCKWELL, of Connecticut, inquired of Mr. BEDINGER if the report had not been in his hands and those of the gentleman from Missouri [Mr. HALL] two weeks?

Mr. BEDINGER. About that.

Mr. HUDSON (resuming) said, if he understood correctly, there had been a sub-committee chosen for this investigation. His friend from Virginia [Mr. BEDINGER] was on that sub-committee; and if his friend from Pennsylvania had had that subject in his hands during the whole winter, surely his colleague on the same sub-committee had had it in his hands during the same length of time; and certainly the gentleman from Virginia had had precisely as long a time to prepare a minority report as the gentleman from Pennsylvania had had to prepare the majority report; and, in addition, had had two weeks after the document had passed out of the hands of the majority of the sub-committee. It seemed to him, under all these circumstances, to ask a delay of two or three weeks, or even ten days more, was a very unreasonable request. He would print the majority report; when the minority report came in, he would print that; and if there were extra numbers printed of the one, he would print extra numbers of the other. He would deal alike with them. But he objected to one being kept back, for the purpose, perhaps, of preventing its early circulation among the members of this House and the people.

As he presumed the House were prepared to vote, he would move the previous question; but, upon urgent appeal, he waived the motion for the present.

The SPEAKER stated that the motion to print a paper which was not in possession of the House was strictly not a parliamentary motion, and could not be received except by general consent; but that the object might be accomplished by a motion to postpone the printing until the minority report came in.

Mr. HOUSTON, of Alabama, said he was not aware of the existence of the report now under consideration, until this debate called his attention to it. Not being a member of the Committee on Public Expenditures, he of course could not know anything of its intentions.

Upon looking at the report, however, very hastily, he found it to be one of the most extraordinary papers ever presented to this House. He would ask to read its commencement:

"The Committee on Public Expenditures, having had under consideration the letter of the Secretary of the Treasury, communicating his annual report on the state of the finances to Congress, with a view to ascertain whether the statements contained in that report are correct, and whether said statements could not be made in a form less difficult and more easily to be comprehended, report," &c.

That committee had taken jurisdiction and charge of the report of the Secretary of the Treasury; they had assumed the duties of the Committee of Ways and Means. And why or how had they done so? Who had authorized them to take charge of that subject? Certainly not the rules of this House; nor had it been referred to that committee by resolution or order of this body. If such resolution exists, let it be produced. He presumed none such could be found. He would read the rule of the House prescribing the duties and marking the proper jurisdiction of that committee:

"It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers."

Now, was there any branch of this report which came within the jurisdiction of the Committee on Public Expenditures, as marked out by this rule? He did not complain, nor did any member on his side of the House, or of the minority of the committee, complain that the committee had thought proper to investigate the statements of the Secretary of the Treasury. He was willing and desirous to have that investigation take place. All he wanted was, that justice and fairness should be observed. Had that course been pursued? He would like to know of some member of the committee whether the Secretary had been heard.

Mr. HALL, of Missouri, (in his seat.) No; no notice was given.

Mr. HOUSTON, (continuing.) He would like some gentleman of the majority of the committee to state whether the Secretary of the Treasury had been notified by any member of the committee that such an examination was going on? He did not deny the right of any committee of this body to examine and pass upon whatever the House committed to its charge; he did not intend to say that such committee had to give an officer notice in advance of their investigation. No such thing. But if, in the course of such examination, the committee should find, or think it had found, an error, an inconsistency, or a falsehood, it should communicate the fact to the officer whose conduct was being passed upon, and give him an opportunity to explain it. After the explanation, it should decide and report to the House accordingly.

Mr. HALL, of Missouri, the floor being yielded, in further reply to the question of Mr. ROCKWELL, stated his recollection to be that the report of the majority had been in his possession and that of the gentleman from Virginia, about two weeks from last Monday.

Mr. ROCKWELL, of Connecticut, interposed further, to inquire whether the gentleman from Virginia was not one of the sub-committee appointed by the committee, and whether that was not more than two months since?

Mr. BEDINGER, (in his seat.) I will answer.

Mr. HALL. The gentleman from Virginia was on the sub-committee. I do not know how long since the resolution appointing them was adopted.

Mr. ROCKWELL. Was it not known to the officers of the Treasury Department?

Mr. HALL did not know; but his impression was, that the Secretary of the Treasury knew nothing about the matter until ten days ago.

Mr. ROCKWELL. Has he not been informed?

Mr. HALL'S impression was, that the Secretary of the Treasury had been informed of it within the last ten days. He wished to state, further, he did not know how long the majority of the sub-committee had been engaged in preparing that report as the report of the majority of the committee. He knew it was very long, embracing thirty-nine pages, that more than half of which was taken up in difficult, intricate calculations. Now, all that the minority of the committee desired was, that they might have a full and fair opportunity of examining these estimates made by the majority of the sub-committee, and if they were incorrect to be permitted to show their incorrectness, and put the actual state of facts before the country. He, for one, had no objection to the publication of this majority report; he was anxious it should be published; he was anxious, if the Secretary of the Treasury had not discharged his duties, that the country should know it. On the other hand, if the Secretary of the Treasury had been assailed improperly, he wished it to be known, and that opportunity should be given to expose the errors of the majority of the committee. He wished, in one word, that "the truth, the whole truth, and nothing but the truth," should go before the country.

Then what did they propose? They were engaged in preparing a minority report; it was not yet completed; they believed they could get it ready in ten days; if they did not, they were willing that the majority report should be printed without it. All they wanted was a fair opportunity to examine and elicit the whole truth and put it before the country.

Mr. ROCKWELL. Has not that report been in the possession of the Secretary of the Treasury?

Mr. HALL. It has not.

Mr. ROCKWELL. Had not a copy of it been in possession of the officers of the Treasury Department?

Mr. HALL referred to Mr. BEDINGER for an answer.

Mr. BEDINGER said he thought it very probable it had; but at the same time not one particle of notice had been given to the Secretary of the Treasury while they were preparing it. It would be very strange if, after the majority of the committee had adopted it, the Secretary should not know it. But this report had been sprung upon the committee as it had been sprung upon the House and the country, and it was impossible to imagine that the committee intended or designed anything like such action when they appointed the sub-committee; if so, it was kept entirely secret from the minority.

Mr. STEWART, of Pennsylvania, inquired whether, if this report were printed, it would not give every gentleman an opportunity to examine it, and answer it, if they saw fit to attempt it? Whether the printing of the report would not be better for the other side of the House?

Mr. HALL replied, he thought it would not be

better for his side of the House or the country that this report should be first printed, and an *ex parte* statement be spread before the country. That was not the way to do justice.

Mr. HOUSTON, of Alabama, resumed the floor. He had been referring to the extent of the jurisdiction of the Committee on Public Expenditures, not for the purpose of conveying the impression that he or any other member on his side of the House desired the suppression of that report, but for the purpose of showing that it was a piece of the party machinery of the other side of the House, and not intended to elucidate and bring forth the facts of the case as they existed. The rule which he had read defined the jurisdiction of the Committee on Public Expenditures; and they saw, that according to their own statement, the majority had transcended their jurisdiction. The report of the Secretary of the Treasury had not been referred to them, but they, so eager to create party capital, had gone beyond the extent of their powers, and grasped after the report of the Secretary of the Treasury, and drawn it within the vortex of their investigation. Let them go further, and see how this had been done. One would imagine that the object of the report was to bring forth facts connected with the report of the Secretary of the Treasury; but, instead of that, the fact was admitted that the Secretary had not been advised of the investigation at all. If gentlemen desired to know the truth, and publish to the world whether the Secretary of the Treasury had been correct in his statements, why had they not given him the opportunity of being heard when they held their sessions? Why hold their sessions in secret, not only so far as the Secretary of the Treasury—whose statements and allegations were under examination by them—was concerned, but why hold them in secret, as far as their colleagues on the committee were concerned? It had been stated in this debate, that in preparing this *ex parte* statement, which they had endeavored to force upon the country involving interests of such magnitude, they had not advised a part of the committee, as well as the Secretary, of their proceedings.

Mr. STROHM (*the floor being yielded*) said he was chairman of the sub-committee, and had taken particular pains to inform the gentleman from Virginia of its meetings, and that he had promised to attend, but had taken no notice of it, and never did attend, and neither was he present when the whole committee were called together.

Mr. BEDINGER could not suffer this statement without notice to go forth to the world, and the impression to be made, that he, as one of that sub-committee, had had full notice of what was intended, and had refused to attend its meetings. He said he knew nothing of the sort. The gentleman from Pennsylvania had notified him once or twice that the committee (he did not say the sub-committee) would meet. He had never dreamed of this committee appointing a sub-committee to consider and spring on the House such a report as that; and from such a committee as that to which he was compelled to say he had been degraded from the Committee on Military Affairs. He had had no idea of it; and the gentleman knew very well that half of the time they had not known in what room they were to meet; they had not met at first, because they could not find a room, then because they could not get a quorum, and, finally, when he had despaired of meeting the sub-committee, the whole committee were astonished by having this bundle of errors and false statements hurled upon them. And when they asked ten days to set the matter before the country correctly, they were told that they had had time to prepare; that he (Mr. BEDINGER) was one of the sub-committee appointed to work such wonders. He had his doubts whether any member of that committee had prepared the report; he thought he saw upon it blundering marks which he could find elsewhere. Certainly he could not be charged with delinquency, with neglect of his duty in such a case as this, when he had gone for days, and not been able to find either the sub-committee or the committee.

Mr. STROHM had no intention to misrepresent the gentleman, neither could he submit to be misrepresented by him. He proceeded to state more minutely the facts relative to the meetings of the committee, and said that it was only at the first meeting that the gentleman from Virginia could have had any difficulty in ascertaining the place of meeting; that he had more than once notified the gentleman of the meeting of the sub-committee, and he had as often failed to attend; that, after the report was made to the committee, the chairman notified the gentleman from Virginia, (or at least said he did,) who had in like manner failed to attend there also; that, after the report was adopted, it was given into the hands of the gentleman from Missouri, [Mr. HALL,] and subsequently to Mr. BEDINGER also, and this something like two weeks since.

As to the authorship of the report, the House could judge for itself when it was printed. As it had been called in question, however, he might state that no man had written one word or syllable of it but himself. He had collected the materials at the Treasury Department; he had told the officers there that he was about, as one of the sub-committee, to examine the report of the Secretary of the Treasury; that he believed it contained erroneous statements, and some which, upon a close examination, would appear on its face.

He was asked how long since he had first gone to the department. He could not say precisely, but he believed more than two months since. He had to examine the books, &c., and they had given him every facility he had asked for.

Mr. HOUSTON, of Alabama, proceeded to comment on the fact that the gentleman from Pennsylvania had given no notice to the Secretary of the Treasury of the purpose of the majority of the committee to prepare this report.

Mr. STROHM said, it had never occurred to him that a committee or sub-committee of this House was required, as a part of their duty, to notify the Secretary of the Treasury of their intention to enter upon an examination of a report which the Secretary of the Treasury, in the discharge of his duty, made to this House at the commencement of the session. It would be recollected, however, that some time after the Secretary's report had been before the country, a communication was received from him apprising the House that an error had been discovered to the amount of nearly seven millions of dollars. Now, he would ask the gentlemen opposite if that was not enough to call to that report the attention of not only the Committee on Public Expenditures, but of every member of the House? It did arrest the attention of the members of the House, and a gentleman from Massachusetts [Mr. HUDSON] made a speech upon it in pointing out other errors. The gentleman from Connecticut [Mr. ROCKWELL] also made a speech upon it, and the gentlemen opposite, the particular and political friends of the Secretary of the Treasury, promised to reply to those speeches; but weeks and months had passed away, and no reply had yet been made. Now, were not the speeches of those gentlemen notifications to the Secretary of the Treasury that his report was undergoing an examination? It was a subject that, it would be admitted, ought to be inquired into; and it seemed to him that the gentleman had no right to complain that ample notice had not been given. Why, notice was given: for he went himself to the department to make inquiries to aid him in the investigation which he was making, and he never concealed his object.

Mr. HOUSTON, of Alabama, said that the gentleman from Pennsylvania [Mr. STROHM] had confessed, in the face of the House and of the country, that he had given the Secretary of the Treasury no opportunity to explain what the majority thought to be discrepancies or errors. Then it must have been his intention to obtain what he might call facts in his own way, and through his own medium. No one would deny but that statements, and especially those which naturally and necessarily pertain to a report from the Secretary of the Treasury, are difficult of a proper understanding, and particularly by those unacquainted with such calculations and reports. Different men put different constructions upon the same sentence, understanding it to mean different things. He had no doubt such was true in regard to the report of the Secretary of the Treasury; yet, upon those very points of doubt and misunderstanding on the part of the committee, they have refused an explanation from the author of the report; a man whose political reputation, if not his private character, was involved. He could see neither fairness, justice, nor propriety in this; nor would any fair-thinking man, free from party bias, approve the course of the committee.

He asked gentlemen if they were willing to publish that which would injuriously affect the character of an officer or a citizen, without knowing whether it is true—without giving the individual, thus to be injured, an opportunity to explain.

If gentlemen desired nothing but fairness, why did they desire to send forth an *ex parte* statement? Why not agree to let the minority report be printed, and form a part of the same document with the majority report? If they believed in their own report, they would not fear it—they would prefer that the views of the minority should go with theirs, side by side, giving to the country a fair opportunity to examine and determine upon their respective merits or demerits. Such were his notions of justice and liberality.

It was not his purpose to defend the present head of the Treasury Department because a Democratic administration was in power. No such thing. He would defend upon the same grounds and under like circumstances any public functionary or any administration. If truth be the object, let us have it; and to obtain it, let us adopt those means best calculated to bring it forth. He appealed to gentlemen's sense of propriety and right. He appealed to their love of justice and truth, and asked whether the course pursued by the committee was open, frank, or manly? If the report was a development of facts, and an exposure of error, why not let the minority send their views with it? He wanted this report published, and would regret its suppression. The minority desire it made public; they believe it abounds with mistakes and errors. All they ask is an opportunity to exhibit those errors.

Mr. STEWART, of Pennsylvania, wished to ask the gentleman from Alabama if he intended to be understood as saying that it was the duty of a committee of this House to go to officers of this Government or to other functionaries to get from them a report to sustain a report which such officers might have made to Congress?

Mr. HOUSTON. Not at all.

Some interlocutory conversation followed, when the debate was arrested by the expiration of the morning hour.

CLERKS IN THE DEPARTMENTS.

On motion of Mr. McKAY, the House proceeded to consider the special order, viz: the bill regulating the appointment of clerks in the executive departments, and for other purposes.

The bill was read.

Mr. ANDREW JOHNSON moved to amend the bill by inserting two new sections, to come in after section 1, providing for the apportionment of the offices according to representation, and the arrangement of the officers in four classes, one class to be discharged every two years.

Mr. J. expressed high gratification on finding his distinguished friend from North Carolina [Mr. McKAY] standing up in that House, and reporting a bill of the character of that which had now been read. Mr. J. entirely approved of the first section, and wished that his amendment should immediately follow.

It would be objected by some gentlemen that the amendment proceeded on the principle of the offices of Government being considered as spoils, to be equally divided. One thing was clear, that the offices were essential to the carrying on of the Government, and that for discharging the duties of these the clerks received an emolument. Now, if so, he could not see why a fair proportion of these clerks should not be taken from the various sections of the Union, and not all from one favored locality, subjected to a particular influence. Such an arrangement could not justly be charged with being founded on the spoils principle. If all the public offices should be divided among the several Congressional districts throughout the country, they would average some ten or twelve to each district; and all men knew that in each district there were far more than that number more than competent to discharge the duties of all the offices. If the possession of office was considered as conferring any honor on those who held it, and if it was productive of any profit to the occupant, why not let these honors and profits be equally shared among all the districts in the country? How had the fact stood? Some particular portions of the Union had enjoyed a very large portion of all the appointments to clerkships under the Government—so much so, that it had with truth been said that

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some particular States had for some time been pensioned by the General Government. This had, some time since, been especially true of Maryland and Virginia, while Ohio and the other States of the West had scarce a man in any of the departments here.

If efficient and able men were required to discharge the duties required, why not seek them in the Congressional districts generally, instead of looking for them all from one or two States only? Why this partiality to one favored section of country?

The principle of the amendment was clearly right in itself. Adopt it, and what would be the effect? How would it operate? If the people of the West came to understand that a bill had become a law which required a distribution of Government offices throughout all the Congressional districts, according to a fair proportion, and that they were to have their share with the rest of the Union, would not their ambition be awakened, and would they not take pains to educate and qualify their boys, so as to fit them for such a duty? It would do immense good. They would find that their sons stood a chance, at least, to be placed in public office; and even if that hope should be disappointed, the effort to prepare himself would have done a young man no harm. Though he failed to get an office at Washington, he might, perhaps, obtain as good a situation elsewhere.

It was objected by some gentlemen, that Congress could not control the Executive in his power to make appointments; that they could not require him to make an appointment from a particular Congressional district—he must have the whole Union to choose from. But did not gentlemen remember that in the ten-regiment bill the President was required, in the appointment of colonels, to take them only from among the majors? Now, if it was competent for Congress to restrain the power of appointment, by restricting it to a particular class of individuals, why not to a particular Congressional district? Congress could as well require the one condition as the other.

Mr. J. would imbody one idea still further, would he not subject himself to the old charge of ultra Democracy; yet he did believe he was a little better Democrat than many who, when before the people, professed to believe them all that was honest and upright; but when they arrived at headquarters, seemed quite to forget their constituents, and could sneer at the very idea that the people were always honest.

Mr. J. had been going further to insist, that in making these appointments, there should always be a fair proportion of Whigs as well as Democrats among them.

He would inquire who it was that now ruled this Government? and who was it that supported the Government? Was it the farmers and the mechanics of the country who had the rule? Was it the laboring, the producing class of our population? Was it the farmers, who alone amounted to between four and five millions? What interest was felt in them? What proportion had they in the representation on that floor? and what in the public offices? Who was it, he again asked, who ruled this country? Let any gentlemen go to our State Legislatures and inquire into the professions of the members who composed them, and he would find that the legislators were confined almost entirely to the lawyers. Now, Mr. J. said this in no invidious spirit: he entertained no ill-will against lawyers: he wished he was himself a good one; but it was a fact that nearly all the members in our State Legislatures were lawyers; it was they who had the control of this Government. Now, man was but man, and could any one who understood man attempt to argue that men would not be influenced in legislation by a view to subserve to some extent their own interest?

Mr. THOMPSON, of Pennsylvania, here interposed to say, that in the Legislature of his State, a large proportion of the members were farmers.

Mr. JOHNSON said he was glad to hear such a favorable account of things in the Commonwealth of Pennsylvania. If a majority of her Legislature consisted of farmers, the body was so much the more likely to be sound and healthy. But taking the State Legislatures together, he did not believe the farmers were one to a thousand; and if the representation of the lawyers of the country was compared with the representation of the farmers, he should not be surprised if it turned out to be almost a million to one. At the last Congress he had furnished himself with statistical tables which showed this difference. Mr. J. was understood to say, that he did not believe there were twenty laboring men in all our Legislatures put together; the residue were almost all lawyers. Mr. J. was stating facts as they existed. And such being the fact, what was the natural result? What could any man reasonably expect? Would any one attempt to convince him that the legislation of the country would not be warped to some degree—he did not say designedly, but where all were perfectly honest in their intentions—so as to suit their own interests?

Mr. HUNT asked Mr. J. what he meant by a "laboring man?"

Mr. JOHNSON said, as the word was used in common parlance, (it was true, that, in some sense, a lawyer might be a laboring man;) it signified a man who performed physical labor—a farmer or a mechanic; men who earned their bread by the sweat of their face, and not by fatiguing their ingenuity.

Mr. HUNT. Did the gentleman confine the term to them?

Mr. JOHNSON. Not at all; but he mentioned mechanics and farmers, because they constituted the basis of society, on which all the rest must stand. Mr. J. had no objection to any man because he was a lawyer; but he stated the fact when he said that lawyers ruled this Government, and that they constituted the aristocracy in this country. It grew, in part, out of their reading and early habits of thought. The young man who entered a lawyer's office was set to reading Blackstone and Kent's Commentaries; he came soon, and, in the first place, to understand the form of the British Government much better than he did our own; and he came to believe it to be the best in the world. He learned this before he understood the Constitution of his own country. Young men who passed through an academic course and a regular collegiate education, and then went to reading English law books, might, indeed, talk about Democracy, but it was all mere theory; it was talk, and talk only. They had no sympathy with the man in the workshop or the field. [Here Mr. J., addressing the other side of the House, turned quite round, and became inaudible to the reporter.]

Mr. HUNT called Mr. J. to order for irrelevancy—he was not speaking to the bill.

The CHAIR observed he was not able to perceive the connection of the gentleman's last remarks with the subject before the House.

Mr. JOHNSON said it was very hard sometimes to see what was not to be seen. He supposed the gentleman's point of order was a mere quibble. Men who found themselves in a tight place were very apt to raise questions of order. Mr. J. did not profess to know much about special pleading.

Mr. HUNT made a reply, but in the confusion of the House it was not distinctly heard.

Mr. JOHNSON said he had been going on to speak of things as they ought to be, and of such a state of things as his amendment was calculated to bring about, and his remarks were relevant. His amendment proposed that a fair proportion of the public offices should be distributed to each district, and a fair proportion of the clerks appointed should be taken from the class of farmers and mechanics. Now, if it was not in order, while advocating such an amendment to show that these classes had had great injustice done to them, the discovery must be made by a mind much brighter than ordinary.

But here Mr. J. wanted to read a letter. There had been many attempts made to flatter him by letters and otherwise; and he had had to set his face against them; but this letter had not been written by a lawyer. When he received flattery from a man who subscribed himself as did the writer of this letter; when it came from men who wielded the scissors or the plough, he confessed that even flattery from such men was most dear to him; and this was the more especially so, as coming from a part of the country which he had expected to be opposed to him. The letter he would send to the Clerk's table came from a farmer of the old Bay State.

It was read as follows:

BROMFIELD FARM,
Harvard, Worcester Co., Mass., April 19, 1848.

RESPECTED SIR: Receive a farmer's thanks for your prompt attention to the request I took the liberty of addressing to you through Mr. Palfrey. I have read your resolutions, sir, with very great satisfaction. As one of the farmers of Worcester county, although approving highly of the justice of the high-toned republican principle which breathes through them *all*, yet in the name of my fellows of the plough and sickle, do I express my gratitude for "the due regard that should be had to the farmers and mechanics of our country," as expressed in your last resolve but one. I shake your hand heartily for these resolutions, and accept the "compliments" you did me the honor personally to offer to myself. "Ayes 87 to 39" for laying on the table! Do these 87 reflect for a moment that were it not for the producer and mechanic they would themselves be laid, not indeed on or under the table, but on or under the sod, with or without a coffin? Do the 87 know, sir, or knowing do they heed, that the body for which you act is the decided *majority* of their constituents? Do they theorize only, or do they feel, when speaking of the sovereignty of the people, that of this mass every cultivator of God's beautiful earth is a king—ay, "every inch a king?" Do they not consider that our minds, in the free country, are not reflected by the venal, servile party presses of our cities, those imposthumes on our body politic? No, sir; we ploughmen of Massachusetts, as well as your cotton planters of Tennessee—we of the interior—feel that these 87 misrepresent us. They despise the God-ordained "sweat," and turn away their aristocratic noses from our barn odors, and hands redolent of tobacco! They forget we can read, surely; that we, their sovereign, gave them a chart to steer by—a CONSTITUTION: a polar star, too, to direct their compass by—LIBERTY! They forget that their President we look upon merely as our head-waiter, to whose office we give the most money, because we expect the most intelligent work from our chief servant! Ah, sir, revolutions need not be confined to France, nor to sunny Italy. You need one, many of us think who see Bunker Hill monument, here. Yes, we cis-Atlantic paper freemen need one. The thrice-broken Constitution, by our chief servant, has more matter in it than threepence a pound on tea for revolution.

Excuse a plain farmer, respected Mr. Johnson; but let the 87 beware of trampling down in the dust the spirit of "liberty, equality, and fraternity," which we drink in at our ploughs, fresh from the air of God's heaven, whether we drive the ox, or, as you, the horse, in our teams.

Again we shake your hand, friend of the farmer; and unlike Virgil's "fortunatos agricolas," we *know* our own good, and are happy to find (as we are without, it appears, in Massachusetts) a Mæcenas from the State of the Cumberland Mountains.

Honored sir, should you move again in this matter, will you do me the favor to remember your new friend of Massachusetts, and send him, as a citizen of the United States, your speech or other effort on such occasion?

With affectionate respect, I am, sir, a Harvard farmer, and your obedient servant,

HENRY BROMFIELD PEARSON.

Hon. A. JOHNSON.

That (said Mr. J.) was one of not a few letters he had received on this subject. He had introduced the principles on which his present amendment was founded at the last Congress, and again at the present session. He had received, in consequence, many letters from that class of the community, and others connected with it more or less nearly. To receive flattery from such men, encouraged him to press forward, and with untiring zeal to urge upon Congress the adoption of all suitable measures to advance their interests.

It was from the labor of these men that all we possessed was derived; and so long as he had breath to speak, and continued to be honored with a seat on that floor, he should continue to act as their humble advocate. He was aware, that as a class of men, they might not understand or appreciate fine-spun theories; but when it came to action on the great principles of Democracy, they did understand them well, and they would act rightly. Though Mr. J.'s attempts had again and again been given the go-by, yet he should proceed on the maxim of a great man, who has said, "Reiterate—reiterate—reiterate!" and as long as he should be able to lisp these principles of Democratic action, so long should he be found reiterating and reiterating them here.

There was one other thing that ought to be in this bill. If the amendment he had offered should be adopted, he was convinced it would do good. It incorporated into this bill for the appointment

of Government clerks, the principle of succession which the Constitution applied to the Senate. There, one-third of the members went out every two years, and in their places a supply of pure, uncontaminated representation, fresh from the people, came in. The enervating, corrupting influence which usually resulted from the long tenure of office, would thus be counteracted by bringing in, from time to time, a mass of pure and healthy material. The amendment adopted and imbodied this principle in the bill. It proposed to divide the appointments into four classes, one class to go out every four years.

What was the state of things here in Washington, in regard to the offices under the Government? Who did not know that the office-holders held on like grim death until they became imbecile from age, and incompetent to the right discharge of their official duties. Had this principle of succession been put in operation, there would not now be found so many imbeciles in our public offices. There were men who had lived here so long that they thought they could not live elsewhere. Hence, whenever a change of Administration took place, the incomers were besieged with prayers and tears by the occupants or their friends: "Oh, for God's sake, don't turn out Mr. A.; he can't do anything else; do keep him in." Had there been a law providing that one-fourth of those in office should go out and make room for others, this would not happen. Such a law would work great good. There were men here who had gotten their places by serving one of the political parties of the day. When that party went out of power, and their opponents came in, straightway these men changed their politics. When it was a Whig administration, oh, then they were very good Whigs, and, what was more, always had been. Again, when the Democrats came in, then they were just as good Democrats. They were all things to all men, but always for their offices. But if a man came here with the understanding that he was to remain but four years, what would he do? Why, if he had common sense, he would begin and calculate how much he could live on; and knowing it would continue but a little while, he would practise economy, and adopt a course of frugal living. He would try and take back with him to his home enough to buy him a little farm, and thus secure a home for himself and his children. But how was it now? Expecting to remain here, office-holders launched out into all manner of extravagance, lived to the extent of their salaries, and often beyond them. Hence, when there was a change of parties, nothing was heard but tears and groans—"Oh, sir, for God's sake, don't turn him out; he has got no money; what is he to do?" And thus it got to be a matter of humanity to retain those who were unfit to fulfill the duties of office. Should not such a change as Mr. J. proposed be desired by all? Let us bring in new, fresh, uncontaminated material at one end of the line, while a like amount was dropped at the other. Such a system of office tenure must surely be wished for by all who desired political purity in our public offices.

Mr. J. said he had prepared, also, another amendment, which he should offer in due time, unless he should be cut off by the previous question. It was in these words:

Be it further enacted, That from and after the passage of this act, all persons appointed to office, and who may have served eight consecutive years in any one or all of the departments of this Government, shall be deemed and held ineligible to reappointment for the next four years ensuing.

And then he purposed moving a third, as follows:

Be it enacted, That the salaries of all officers, civil and military, holding offices under this Government, where the salary is over one thousand dollars, and no constitutional prohibition, from and after the first Monday in December, 1848, shall be reduced one-fifth upon the whole amount of said salary, provided it does not reduce the salary below one thousand dollars, and then down to that sum.

Was not a provision like this in conformity with the object of this bill? Talk of retrenchment! Let gentlemen test their faith by their works. Let them not go into the approaching Presidential election and talk from the stump about retrenchment and retrenchment, when they used no efforts to effect retrenchment. We had had loud cries of that kind in previous canvasses; but where was now the effect of all that talk? Could any man show him where it was to be found?

We were now with an empty treasury; the Government was borrowing money; the country was bleeding at every pore. Let gentlemen commence this work of retrenchment with *themselves*. This bill was in its character a bill for reformation, and, if carried out, it would have glorious results. Mr. J. was in favor of prohibiting the removal of office-holders unless for bad conduct, but it should be united with his limitation of the term of office. With that restriction, he was prepared to support that feature of the original bill.

Some gentlemen might say that Mr. J. had introduced this amendment with a view to demagoging it; but the amendment was founded on a principle obviously correct. So far as Buncombe was concerned, he had not been as hard pressed as some gentlemen whom he saw around him. He had no doubt about his course meeting with the acceptance of his constituents. It was not because he was bankrupt in political capital that he presented this amendment, but because he was satisfied it was right in itself, and likely to effect great good, in advancing the interest of common men, which should ever be paramount in the view of the people's representatives.

He concluded by expressing his hope that the House would indulge him with the yeas and nays.

Mr. HAMMONS observing, as was understood, that he was in favor of the general features of the bill, proceeded particularly to notice the declarations of Mr. JOHNSON with reference to the influence of lawyers.

When the gentleman from Tennessee said the whole country—both the General and State Governments—were under the dominion of lawyers, belonging to that class, he felt bound to deny it. So far as the State of Maine was concerned, such was not the fact; he did not know how it was in Tennessee. But he thought if the gentleman would extend his researches into the other New England States, and most, if not all, the other States west and south, he would find it to be so.

Mr. JOHNSON explained that his declaration was, that the number of lawyers in the State Legislatures and in Congress was greater in proportion to the number of lawyers who were to be represented than the number of farmers and laborers in proportion to the number of their classes throughout the country, by one hundred to one.

Mr. HAMMONS understood the gentleman perfectly. He assumed that the lawyers and their influence controlled the legislation of the country. It was all assumption, so far as his (Mr. H.'s) section of the country was concerned. This practice of attacking lawyers had long been understood in Maine. It had been the theme of every demagogue who had taken the stump there for party or selfish purposes; and when the gentleman rose here and made a regular premeditated attack on the lawyers of this country as a class, he assured him that the people of Maine would understand his position, if the people of Tennessee did not. So sensible had the gentleman been of the position in which he was placing himself, that he had protested that he was not playing the demagogue! If he had not been playing the demagogue, why make the protest? The gentleman styled the lawyers the aristocracy of this country. He (Mr. H.) gloried in such an aristocracy as that! Of the signers of the Declaration of Independence, something like four-fifths were lawyers. Of our Presidents, all, he believed, excepting Washington and Harrison, had been lawyers—even Andrew Jackson himself. If the gentleman from Tennessee chose to term such men the aristocracy, he (Mr. H.) gloried in such an aristocracy. Perhaps, however, the reason for the peculiar aversion of the gentleman from Tennessee to lawyers was, that he might have had a lawyer for his opponent during his last canvass, and might expect another for the next; and although he had disclaimed all idea of speaking for *Buncombe*, it might possibly be that he might conclude to circulate this speech from here instead of delivering it from the stump.

He also noticed and commented with some severity upon the second proposition of Mr. JOHNSON, to reduce by one-fifth the salaries of clerks who now received but two or three dollars a day for six or seven hours' work, when he himself was very willing to take his eight dollars per day as member of Congress, and eight dollars for every twenty miles travel—amounting to something like one thousand dollars from Tennessee here—and say nothing about reducing this; but Mr. JOHNSON explaining that his proposed reduction extended also to members of Congress, he accepted the correction, and further proceeded to vindicate the lawyers as a class, and discountenance the drawing of invidious distinctions between them and tailors, carpenters, farmers, &c.

Mr. HOLMES, of South Carolina, interposed, and said he hoped there would be no further altercation between the two gentlemen, because one was a lawyer and the other a tailor. They were both engaged in *making suits*. [Roars of laughter.] Why should not they live in peace as brothers?

Mr. HAMMONS having concluded—

Mr. CUMMINS said he thought, if they were to legislate on this subject, the first proposition of the gentleman from Tennessee was equitable and proper to be adopted. It was simply saying that each district of the United States, embracing the Territories, should have the right, if they desired, to place in the several departments their due proportion of the public servants. At present, the States located near the seat of Government got a proportion of clerks far beyond what their comparative population would entitle them to, and when individuals from remote States made application, they were told the offices were filled; and after a clerkship was once filled, if a vacancy occurred by death or removal, those who lived here watched the vibrating pulse of the sick man, and before the breath was fairly out of him, applications by dozens, and hundreds, were made for his place; or they knew of his removal, and some of them were likely to secure the place before persons from a distance could know anything of it; and thus those who lived beyond the mountains, or in remote States, could not get appointments, for the reason that the places were filled.

The same principle as was contained in this amendment was applicable to the appointment of cadets and midshipmen in the naval schools, and would be equitable and just in reference to the appointment of clerks in the public departments. Under it, each section, if they desired, could have some of their young men in the public offices, with whom they could intrust their business and know their man. It would also have a salutary effect as a check, to some extent, upon the clean sweeps of officers which were too common on the overthrow of one administration and the coming into power of one opposed to it. He would not make the provision obligatory, but would provide, that in case of vacancies in the public offices arising, if applications were made from districts which had not their complement according to population, they should have the preference. For these reasons, he favored the principle of the amendment, though he might prefer other words to be used in expressing it.

He called the attention of Mr. McKAY to one provision of the bill, and thought the principle of availing the departments of the benefit of the clerks' experience should be carried still further, by transferring, in case of vacancy arising in the lower grades in the Comptroller's office, persons from the Auditor's office, instead of making new appointments.

Mr. EVANS, of Maryland, moved an amendment to Mr. JOHNSON's amendment, to add at the end the following:

Said appointments to be made by the heads of the departments, upon the nomination of the member of Congress of the Congressional district at the time the vacancy takes place therein.

He said the Constitution authorized Congress to vest the appointment in the heads of departments, and the appointment by them upon the recommendations of members of Congress for their respective districts was the course pursued with reference to West Point.

Mr. STANTON saw little necessity for any portion of this bill, and certainly little, if any whatever, for the amendment of his colleague. He doubted the constitutional power of Congress to control the appointments made by the President; and if they had it in their power, they ought not to do it, at least by the complex machinery of this bill. He objected to these boards of examination, because they would have a tendency to remove from the Executive officers that responsibility which was placed upon them. He could not see the necessity for the establishment of such a system as this, because he did not know that the public service was suffering in any degree from the want of such machinery as was proposed. It was now very common, with his colleague especially, to denounce the public clerks for failure to discharge their duties.

Mr. JOHNSON thought his colleague was mistaken.

Mr. STANTON said his colleague knew, of course, what he had said; but he certainly had heard him make long speeches in which the clerks had figured very largely.

Mr. JOHNSON explained, that some time since he had made a speech on the subject of clerks generally, and had said something about some of them; but as to denouncing the clerks in the general, broad sense, he had not, nor did his speech as reported represent him so. He had spoken of some of them, but had not denounced them as a class, without limit or qualification, for failure to discharge their duty.

Mr. STANTON was very glad to hear the explanation of his colleague. But he was sure that the gentleman had considered that there was great remissness on the part of many of the clerks, if not all; that they did not work a great many hours during the day, and that they ought to be made to perform service for a longer time. Now, he knew from intercourse with the departments, that whenever it was necessary, the clerks were required to work seven, eight, and sometimes ten and twelve hours during the day; and he believed all that was necessary would be attained by holding the heads of the Executive departments, and the President himself, to the responsibility to which they were always held—he meant, to public opinion; for he was most sure, that if any single individual, in any single department, should be found indolent, or fail to perform his duties, the representation of the fact to the head of the department, or the President, would secure his dismissal at once.

The amendment of his colleague seemed to be based upon the idea that these appointments were for the benefit of the individuals appointed—to afford them a support. This was not his idea. He thought these places were created for the public service, for the public good, and that the public good was the only thing that ought to be consulted. It was not whether this or that man should be provided with a living, but whether he was capable of performing the public service of the situation to which he aspired. He thought this clearly the proper view, and that it plainly showed the impropriety of his colleague's proposition, that, at a particular period, a man who had become accustomed to do the duties of a particular office should be turned out, and an inexperienced person put in. He was opposed to that system; he believed it to be wrong, and injurious to the best interests of the country.

Mr. JOHNSON asked if he was to understand his colleague to be opposed to giving a fair proportion of those offices to the citizens of his Congressional district?

Mr. STANTON replied, that he certainly would be glad that every man in his district who desired an office should have one, and whenever he came to him and was qualified, he would always recommend them to the President, who was the appointing power. But they had no right, under the Constitution, to control the President in these matters. The Constitution said:

"The President shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which should be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments."

Congress could not control this discretion given by the Constitution itself; they could not circumscribe the discretion of the President in making these appointments. They could not say he should appoint a man from a particular district. If he had the disposition to do so, he might appoint them all from the District of Columbia.

Mr. JOHNSON desired to ask his colleague where Congress derived the power, in the ten-regiment bill, to confine the President in appointing colonels and majors of the army, and midshipmen? and also, to provide that cadets should be distributed among all the Congressional districts, which involved the same principle?

Mr. STANTON apprehended, if the subject were examined properly, such a provision would be found to be invalid; if they were officers within the meaning of this section of the Constitution, it was altogether invalid, and the proper tribunal would so determine. The President might respect the will of Congress thus expressed, but would not constitutionally be bound by it.

Mr. NICOLL replied to the constitutional objections of Mr. STANTON. Without referring to officers appointed by the President, it was sufficient for him to say that these officers were appointed only by the heads of departments; now, the gentleman from Tennessee knew that Congress was authorized to vest the appointment of certain officers with heads of departments, and he submitted with some confidence, whether, in vesting in them these appointments, they could not prescribe certain limitations? If so, the whole constitutional objection was done away with.

Mr. STANTON inquired if it would be competent for the Congress of the United States to provide that in every district of the United States there should be elections for officers, and that appointments should be made of them by the heads of departments?

Mr. NICOLL replied that that was a very different question. He merely contended, that as Congress had the power under the Constitution to vest certain appointments in the heads of departments, they had the right to say under what limitations and restrictions that power should be exercised. If so, all constitutional objection fell to the ground.

Probably no bill had come up for a long period in so unobtrusive a manner, which, if carried out, would be productive of as much benefit to the public service. He agreed with the gentleman from Tennessee, [Mr. STANTON,] that these offices were for securing the performance of the public service, not for the benefit of political partisans; therefore, it behooved them, by every means in their power, to give efficiency to this branch of the public service. Now, when they recollected that there were more than 500 offices within the gift of the Government in this city—(a gentleman near him stated there were about 800; it might be so)—any one could see at a glance that it would be impossible for the President and heads of departments—the Secretary of the Treasury, with his 300 clerks in his department—with all the multitudinous cares of office upon them, to make their appointments in all cases such as would best promote the public service; and when they recollected the mighty press that always had been and always would be made upon the Executive as a reward for political services; when they recollected the numerous applications for aid made to gentlemen on this side of the House, and, in the course of events, gentlemen on the other side might be called to undergo the same applications; when they recollected this, he should think that every one would gladly avail himself of the means of escaping from this great labor. This bill provided that all candidates for appointments in the bureaus should be examined by a competent board to examine their fitness. From the statement of this proposition, it was difficult to see how anybody could object to it, if the board should be properly constituted, and he had no doubt it would be, of so important a character would be its duties. The bill went one step further, and said that merit should be the test of office. Now, carry out these two principles, and we had a system which would materially improve the state of the departments. No doubt there were now a great many efficient clerks, but all gentlemen would admit, that in many instances there were inefficient men in the departments. They proposed by this bill to establish a system now and hereafter of regulating appointments, which would relieve the Government from great embarrassments, and heads of departments and members of Congress from the press of applicants on account of political services, and secure appointments upon merit.

Mr. POLLOCK glanced at the constitutional question, and considered that they were clearly authorized to make the proposed limitations upon the appointments. He vindicated the bill as designed to do away with the revolting system of "to the victors belong the spoils," and to make the test of appointment honesty and capability. Here were some 800 individuals employed in the various departments at the seat of Government, constantly receiving pay from the treasury; and unless he was greatly misinformed by those who knew, one-fourth or one-third of them were utterly incompetent for their duties, and had been placed there because they were zealous partisans.

He recited and defended the provisions of the bill, and opposed the amendment of Mr. JOHNSON. He considered the appointment of a young man of talent to an office in this city, as a death-blow to his future prospects. It required more integrity, more sterling principle, to resist the temptations of this city, than they often found in young men who were applicants for office, and by remaining in office for a while, he argued that they were entirely unfitted for any independent business. He cared not for any limitations as to the localities from which the officers were selected, provided they were honest, capable, and faithful, as this bill required.

Mr. HOUSTON, of Delaware, concurred in the general views of gentlemen who had advocated the bill. He did not doubt but the public offices in this city were in many instances filled by incompetent persons, and he believed that some such provision as was proposed by this bill should be established by law. The constitutional objection of the gentleman from Tennessee did not in his opinion apply to this case.

He proceeded to condemn the amendment of Mr. JOHNSON, as based upon the spoils principle, calculated to make the scramble more general, as directly inviting thereto every Congressional district in the Union, and as entirely inconsistent with the principles of the bill, which made merit, to be ascertained by the thorough examination of a board, the test, while the requisite qualification under the amendment would be geographical location.

Mr. JOHNSON explained and urged the compatibility of his amendment with the bill, and that if it were adopted, its only effect would be to require the test to be applied to applicants from particular sections.

Mr. HOUSTON was aware there was such a distinction to be made; but how did the gentleman reconcile it with the qualification test? If they were to be taken from the several districts under all circumstances, the qualification test could not be applied.

Mr. JOHNSON replied, that if, on examination, an individual who came from a district was found incompetent, of course he would not be appointed.

Mr. HOUSTON said, the proposition in this bill was, that those should be appointed who were found to be the best qualified by the board of examiners, without any restriction as to districts, and of its general principles he approved; and he hoped it would be passed without the amendment of the gentleman from Tennessee. The test should be proper qualifications for the office—qualifications both intellectual and moral, which would be the best guarantee for the faithful discharge of the duties of the office. It had been proposed that the appointments should be made on the nomination of the members of Congress; but to this he was opposed, inasmuch as it would be to transfer the appointing power to members of this House.

Mr. CABELL thought there had been debate enough on this bill, and therefore he called for the previous question, which was sustained by the House; and, under its operation, the amendment of the gentleman from Maryland was rejected.

Mr. A. JOHNSON called for the yeas and nays on his amendment, and they were ordered on a division by tellers.

Mr. CUMMINS called for a division, and the vote was taken on the first branch of the amendment.

The yeas and nays being taken, they resulted thus: yeas 64, nays 90; so the first part of the amendment was rejected.

The second branch of the amendment was then withdrawn by Mr. JOHNSON, as it was dependent on the first part, which had been rejected.

Several verbal amendments were made on the motion of Mr. VINTON and Mr. HUDSON, to the first and second sections.

The bill was then ordered to be engrossed, and was read a third time and passed.

Mr. McKAY moved a reconsideration of the vote on the passage of the bill; and, on his motion, that motion was laid on the table.

OREGON.

Mr. HARALSON, from the Committee on Military Affairs, reported a bill to provide for suppressing Indian hostilities in the Territory of Oregon, and for other purposes.

The bill was twice read, and, after inquiries by Messrs. THOMPSON, of Pa., J. R. INGER-

SOLL, ASHMUN, and McCLERNAND, was referred to the Committee of the Whole on the state of the Union.

Mr. ST. JOHN, from the Committee on the Post Office and Post Roads, to which was referred Senate bill for the relief of John Lorimer Graham, late postmaster of the city of New York, reported the same back to the House without amendment. Committed.

Mr. CRANSTON presented resolutions of the Legislature of Rhode Island in relation to the abolition of slavery in the District of Columbia. Laid on the table.

On motion of Mr. SIMS, the Committee on the District of Columbia was discharged from the petition of Charles Fletcher, and it was laid on the table.

POSTAL ARRANGEMENT BILL.

Mr. BROWN, of Pennsylvania, said, the Postmaster General was anxious that this bill should be speedily passed, and as the Committee on the Post Office and Post Roads had reported in favor of all the amendments but the third, they could strike that out and adopt the rest. He confessed he did not understand the precise object of the third amendment, for it was very obscurely drawn, unless it was to prevent the breaking of bulk until the mails were delivered to the post office authorities.

Mr. KING, of Georgia, hoped the bill and amendments would be referred to the Committee on Naval Affairs for examination, and that the amendments would be printed. It appeared to him that it was proposed by this bill to give a greater power to the Postmaster General than he could bring himself to sanction; but at least he desired time to examine into its provisions.

Mr. JONES, of Tennessee, said, as a member of the Committee on the Post Office and Post Roads, he did not acquiesce in the recommendations of that committee to concur in these amendments; nor did he concur in the sentiments of those who were the friends and supporters of this bill, either originally or now. He believed it was an assumption of power on the part of this Government, which was not authorized by the Constitution, to establish mail routes, or to control the mails beyond the limits of the United States. He could find no authority in the Constitution for the exercise of such a power, and therefore he was opposed to both the bill and the amendments, and he hoped they would not be concurred in.

Mr. ROOT said he had reported in favor of a concurrence by the direction of the Committee on the Post Office and Post Roads.

Mr. JONES did not intend to convey the idea that the representation of the gentleman from Ohio was not correct; he only meant to say that he, as a member of that committee, dissented from the report.

Mr. KING, of Georgia, moved to lay the bill and the amendments on the table, and that the amendments be printed.

Mr. ROOT said the amendments had been examined by the Committee on the Post Office and Post Roads, and they concurred in all but one. It was desirable that the bill should be passed immediately, and therefore he moved the previous question, which was seconded by the House.

On the motion of Mr. KING, of Georgia, who avowed his object to be to gain time to examine the amendments, the House adjourned.

IN SENATE.

WEDNESDAY, *May* 31, 1848.

Mr. BORLAND presented the credentials of the Hon. WILLIAM K. SEBASTIAN, appointed by the Governor of Arkansas to fill the vacancy occasioned by the decease of the Hon. CHESTER ASHLEY. Mr. SEBASTIAN was then sworn, and took his seat.

Mr. HALE presented a memorial of numerous citizens of Sandusky city, Erie county, Ohio, praying the removal of the seat of Government from Washington city to the city of Cincinnati; which was laid on the table.

Mr. YULEE, from the Committee on Naval Affairs, moved the discharge of the committee from the bill to authorize the President to increase the naval establishment of the United States; which was agreed to.

On motion of Mr. MASON,

Resolved, That the President of the United States be requested to communicate to the Senate the correspondence, not heretofore communicated, between the Secretary of State and the minister of the United States at Paris, since the recent change in the Government of France, provided that in the opinion of the President the same may be done without injury to the public interest.

On motion of Mr. DIX,

Resolved, That the Secretary of the Senate be authorized to purchase an atlas of the United States, for the use of the Committee on Commerce, and pay for the same out of the contingent fund.

The joint resolution submitted yesterday by Mr. ATCHISON for the adjournment of Congress on the first Monday in July, and the commencement of the next session on the first Monday in October, was read a second time, and taken up as in Committee of the Whole.

Mr. TURNEY moved to refer it to the Committee on Finance.

Mr. ATCHISON said he saw no necessity for this reference. The subject was in no way connected with the public revenue. His object, on consultation with some friends, was to avoid the necessity of sitting here, during the months of July, August, and September. He presumed the appropriation bills could be passed by the first of July. There would then be a considerable amount of business to be done. Among other things, the war with Mexico, if the treaty was ratified, would have to be wound up, and if it was rejected, new measures must be adopted. This may all be done before winter if we meet in October.

Mr. BAGBY thought it would be improper now to fix on any day for adjournment, because our relations with Mexico must be first understood and attended to. He moved to lay the resolution on the table, but consented to withdraw it.

Mr. BADGER moved to amend the resolution so as to provide that the unfinished business should be resumed in the state in which it was left at the adjournment.

Mr. ATHERTON expressed a hope that this question would not be pressed at this time. There was a large amount of important business yet to be acted on—the appropriation bills—our affairs with Mexico—the state of the Territory of Oregon, and other business. He hoped the resolution would be laid on the table.

Mr. BAGBY said he would pledge himself to call up the resolution the instant we hear from Mexico.

Mr. MILLER expressed a doubt whether the object of the Senator from Missouri could be obtained by a joint resolution. He thought it would be found necessary to pass a law, and referred to a precedent in 1813, when by law the second session of Congress was ordered to commence in November.

Mr. ATCHISON said he cared not what form the matter assumed. He had no objection to any change which would accomplish the object. He was desirous to avoid an extension of the present session through July, August, and September. Still he thought the object could be effected by the consent of the two Houses, given in the form of a joint resolution. Should the treaty be ratified, it may be necessary to legislate for the new territory. Should it be rejected, new measures would have to be brought forward for our adoption. He was willing to make any change, so that we adjourn from the first Monday in July to October. It would be found that the important business which would press on Congress at the next session, could not be disposed of in thirteen weeks. He was willing, in order to give time to hear from Mexico, to postpone the further consideration of the resolution until Monday week. He made this motion; which was agreed to.

The select committee on Mr. ATCHISON's resolution of yesterday was ordered to consist of Messrs. JOHNSON of Georgia, JOHNSON of Maryland, and HOUSTON.

OREGON.

On motion by Mr. BRIGHT, the prior orders were postponed, and the Senate proceeded to consider the bill to establish the territorial government of Oregon.

Mr. BENTON moved to amend the bill by introducing a section authorizing the President to raise a regiment of volunteers in the Territory, to serve for twenty months; which was agreed to.

Mr. HALE moved to amend the bill by introducing the 12th section of the Senate bill of last session, prohibiting slavery, as the 21st section of the present bill.

Mr. HALE. As this was a question of such importance as to involve the destinies of the country, he would move to postpone the further consideration of the bill until Monday week.

Mr. BRIGHT hoped the motion would not prevail. It was necessary that there should be immediate action on the bill. Recent accounts from the Territory show the necessity for this action. The principle in the amendment is very important, and he hoped it would not be discussed on this bill. He intended to press the bill to a vote to-day.

Mr. CALHOUN asked if it was the intention of the chairman of the committee to vote for the incorporation of this principle in the bill?

Mr. BRIGHT said he should vote against it.

Mr. CALHOUN said, if he could be assured that such was the general sentiment, he would not object to the immediate passage of the bill. But if this proposition was to be inserted, he desired that it might be met by a manly and full discussion. He was ready to meet the question; but if it was to be debated, he would go for fixing on some particular day.

Mr. NILES objected to the pressing of this bill with such unusual urgency. It was a very important question, but it was not to be pressed through without allowing Senators to be heard. He hoped this bill would be postponed. He thought it unfortunate, that owing to the existence of the war with Mexico, the settlers in Oregon should be placed in such a perilous situation; and to relieve them, he was willing to take the amendment of the Senator from Missouri to raise a military force, as a separate bill, and to pass it immediately. But he desired time to examine the bill before it was passed, and for this purpose he wished the postponement of the bill.

Mr. HANNEGAN said he should vote against this amendment. The whole of the Territory of Oregon lay within the boundary from which slavery was excluded by the Missouri compromise, to which the South had assented.

Mr. HALE. Does that extend to the Pacific?

Mr. HANNEGAN answered in the negative. But there was no sane man who believed that slavery would ever be established there. He appealed to every man not to turn a deaf ear to the cries of our citizens in Oregon, surrounded by hostile Indians, and not to be turned from it by this wicked and useless question being agitated. He hoped the vote would now be taken, and that even gentlemen who in ordinary cases would vote for the Wilmot proviso would vote against the motion.

He concluded by explaining the necessity for sending out authority to raise a military force without delay, to prevent the dangerous results which might follow a continuance of the present state of things in the territory.

Mr. BENTON referred to the delays which had taken place in the establishment of a territorial government in Oregon. Our meritorious settlers, at a distance of three thousand miles, have deserved well of their country from their enterprise, and he hoped they would not be left exposed to danger and inconvenience from calamities which a proper attention to their wants on the part of the Government would prevent. We might, by timely action, have prevented these calamities. But it has not been done. The settlers have been compelled to send on an express, encountering the dangers and difficulties of streams, and snows, and mountains, and Indian enemies, and he hoped no delay would now be interposed to the adoption of measures necessary for their protection. The effect of the delay has been all the murderous outrages which have taken place; and all is to be attributed to the mixing up this question which has been unnecessarily urged. The law of nature and the law of the people are opposed to the admission of slavery there. Who would think of carrying slaves through the Lake of the Woods? What would be thought there of a law to prevent such an act? It would be regarded as idle and useless. He had hoped this bill would be passed this morning; that this question, which had already produced such calamities, would not have been brought up; but that we should have exerted ourselves to stop the calamities which have befallen the settlers. This question may be discussed on some other occasion.

He said he had availed himself of all opportunities to make himself acquainted with the character of the Indians in the Oregon Territory, and he had

satisfied himself that they essentially differed from the Indians on this side of the mountains. They are more disposed to labor; they are more willing to apply themselves to all the useful arts; are more readily trained, and are prepared to enter on all the duties of civilization. He believed that if this pestiferous question had not been urged, and this bill had passed when it should, all the evils we now mourn would have been prevented. He was disposed to meet this pestiferous question at any time—to vote it down now, and to go into its discussion on any proper occasion. He would not consent to see all the urgent, pressing, crying business of Congress thrust aside by this question, which, like the frogs of Egypt, intruded itself everywhere—to our table, to the fireside, to the nuptial couch. We ought now to put down the question. He was ready to stay here—not to go home until the bill was passed. He called on Senators of every diversity of opinion to unite in passing this bill, and prevent new massacres.

Mr. HANNEGAN said massacres had already commenced in California. News had arrived this morning that the Indians had commenced massacring the Mormons.

Mr. WESTCOTT repelled the unjust accusation made against the Judiciary Committee, of having retarded the passage of this bill by thrusting on the Senate this question. It was not thrust on the Senate by that committee, but by the House bill; and it was not then, or now, thrust on the Senate by any Senator from the South. It was now thrust upon them by the Committee on Territories. The amendment was entirely unnecessary, as it is already in the bill under consideration. The laws of Oregon already inhibit slavery. These laws were submitted to the Judiciary Committee last session, and will be found among the documents. If the bill should pass as it has been reported, it will contain a perfect inhibition of slavery. He made some further explanations of the course of the Judiciary Committee, and read the bill reported by the committee last session for the information of the Senate, and to sustain the views he had thrown out. He agreed with the Senator from Missouri, that no slaves would ever be carried to Oregon.

Mr. HANNEGAN. There are not now ten slaves in the whole Territory.

Mr. WESTCOTT had no doubt of the fact. And for this reason he would vote against the proposition now made. He thought the details of the bill were very crude and unsatisfactory, and that they would be found so on examination. They might suit Iowa or Wisconsin, but were not adapted to the Oregon Territory. The Committee on the Judiciary had discovered that the bills relating to Iowa and Wisconsin were unsuited to Oregon, and considerable changes were made to adapt them to the condition of Oregon. If we take the bill now, and undertake to make the necessary amendments, it will consume two or three days. The best mode might be to recommit the bill, for the purpose of having it modified. He would feel himself bound to examine the details.

Mr. BRIGHT moved the postponement of the bill until to-morrow, at one o'clock.

Mr. WESTCOTT gave notice that he would move to amend the bill, by substituting the Senate bill of last session, and that the amendment be printed.

Mr. HALE said he had proposed to postpone this bill until Monday week, because he supposed, that following the line of safe precedents, the Senate would next week adjourn over pretty much all the time; and it could not be desired to take up the bill, and pass it, when nobody was in the Senate. He replied to the remark of the Senator from Indiana, that no sane man would suppose that slaves would ever be carried to Oregon. There was one—he would not say whether sane or insane, because, when a man is becoming insane, he himself is the last to suspect it: he himself supposed that they would. He eulogized the State of Indiana in very glowing terms for her former course relative to the ordinance of 1787, and said: To hear the Senators from that State now, one might suppose that they had forgotten the mother from which they sprung. As to the pretext that this was not the time to agitate the question, he quoted, in reply, the answer of the land speculator who had given his notes for large sums of money: when applied to for payment, he said he would pay all, but it was not yet the time. The present moment was the time for action; he knew of no time beyond it. The future is in the hands of Providence, and it is our duty to act at once. The best way is to meet the question at once. Human freedom and slavery must come in conflict, and the sooner the issue is decided the better. He thought it time for us to decide whether the Declaration of Independence meant anything more than a rhetorical flourish when it declared that "all men are born free and equal," or whether it was to be received as a practical element of our political institutions. Slavery he regarded as like the frogs of Egypt. It meets us at every turn, starts upon us at every step, and controls our legislation. He declared that he would not be intimidated, whether sane or insane, from pressing this question whenever he could, in defiance of all consequences. And if this Union, with all its advantages, has no other cement than the blood of human slavery, let it perish!

Mr. HANNEGAN disavowed, on the part of himself and all the Senate, any intention to intimidate the Senator from New Hampshire. He acknowledged the kindness of that Senator in taking the Senators from Indiana under his protection; but as it was a voluntary act, he could not look for any remuneration. The Senators from Indiana declined his guardianship. He regretted that the Senator from New Hampshire should have taken, at the moment when we are appealed to by the cries of victims of both sexes, sinking under the knife of the assassin, a course calculated to delay relief, by introducing this pestiferous question.

Mr. HALE withdrew his motion, and

Mr. WESTCOTT moved to amend the bill by striking out all after the first section, and inserting the substitute he had named.

Mr. HALE renewed his motion.

Mr. DAVIS, of Mississippi, said he desired the establishment of a territorial government in Oregon. No one could desire it more. But he desired time for consideration. By adopting the laws applied to Iowa, we take laws adapted to an interior territory, and make it applicable to a territory settled in a very different position, and under different circumstances, and requiring different ordinances. He would desire to recommit the bill to the Committee on the Judiciary; and, if necessary, he would add instructions to report immediately.

Mr. BERRIEN suggested that this object would be attained by adopting the amendment of the Senator from Florida. He hoped the postponement would not be until Monday week, but that it would be laid over until to-morrow; when, if the amendment should be adopted, the bill might be passed without delay. It was most desirable to give the Territory a government with as much expedition as possible.

Mr. DAVIS, of Mississippi, said his object was to have the Committee on the Judiciary examine whether there was anything in the changed condition of Oregon to render a change necessary in the bill of last session.

Mr. BRIGHT said that there was a difference between the Senator from Florida and the Senator from South Carolina [Mr. BUTLER] as to the meaning of the 12th section.

Mr. CALHOUN said he was not disposed to interpose any delay which his duty did not imperiously require. He wished to give a government to the Territory of Oregon immediately.

Mr. BUTLER made some explanations as to the course of the Judiciary Committee last session.

Mr. HALE withdrew his motion to postpone the bill till Monday week.

The question was then taken on the motion of Mr. BRIGHT to postpone the bill until to-morrow at one o'clock, and it was agreed to.

On motion of Mr. WESTCOTT, three hundred copies of the amendment moved by him were ordered to be printed.

The amendment submitted by Mr. HALE was ordered to be printed.

On motion of Mr. ATHERTON, the Indian appropriation bill was taken up, when Mr. A. withdrew his amendment appropriating ten thousand dollars for the benefit of Colonel Richard M. Johnson, for the purpose of bringing in a separate bill.

The question being on an amendment submitted by Mr. BELL, the further consideration of the bill was postponed until to-morrow.

A message was received from the President of the United States, in reply to a resolution introduced by Mr. FOOTE yesterday, communicating additional correspondence on the subject of the affairs of Yucatan; which was laid on the table, and ordered to be printed.

On motion of Mr. BADGER, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 1, 1848.

The Journal of yesterday was read and approved.

Mr. CUMMINS rose to a privileged question, and moved to reconsider the vote by which the bill he yesterday introduced, declaratory of the rights of naturalized citizens of the United States, and to protect them in the peaceful exercise and enjoyment of their rights and privileges against the acts and influence of foreign governments and their diplomatic agents; was referred to the Committee on the Judiciary. The motion was entered and laid over for the present.

Mr. ROOT moved to reconsider the vote seconding the previous question, on the question of agreeing to the amendments of the Senate to the foreign postal bill. Agreed to.

Mr. KING, of Georgia, moved to amend the amendment of the Senate, by inserting after the words "Postmaster General" the words "or Secretary of the Navy." Agreed to.

The previous question was then moved and seconded, and, under the operation thereof, all the amendments of the Senate as amended were concurred in, except the third, which was disagreed to.

THE NATIONAL FINANCES.

The House then proceeded to the consideration of the report made yesterday by Mr. STROHM from the Committee on Public Expenditures, in relation to the national finances, and reviewing the annual report of the Secretary of the Treasury on that subject.

Mr. HOUSTON, of Alabama, who was entitled to the floor from yesterday, remarked that he had intended to add nothing further to what he had then said. He would, however, say a word in reply to the question of the gentleman from Pennsylvania [Mr. STEWART] yesterday. The gentleman had asked whether he (Mr. H.) considered, that when a committee of this House had under examination a report of one of the officers of the Government, it was their duty to call on such officer to make another report to sustain the previous one? He had taken no such position as this; but he had said, and still said, that it was due to a public functionary, when his conduct was undergoing investigation by a committee of this House; when efforts were made, as was avowed by the majority of this committee in the outset of their report, to show that his report contained false and not reliable statements, to give him an opportunity of explanation. If such explanation was not satisfactory, the committee would of course go on with their criticism of their original report, and point out its errors and misstatements if they existed. This was the course which equity and fairness demanded, and that was all he and his friends desired.

Mr. CLINGMAN made a brief statement of the manner in which the committee and sub-committee had been called together from time to time, showing that the gentleman from Virginia [Mr. BEDINGER] had repeatedly been notified of the meetings of the committee and had failed to attend. He stated, moreover, that it was three months since this sub-committee, of which the gentleman from Virginia was a member, was appointed. The gentleman from Pennsylvania, [Mr. STROHM,] as a member of the sub-committee, (the gentleman from Virginia failing to meet the committee,) had gone, from time to time, to make his examinations at the Treasury Department. He had not called upon the Secretary of the Treasury himself, but the object of his investigations at the department was well known to the officers there. After the report was presented by the sub-committee, and adopted by the committee, it was placed in the hands of the gentleman from Virginia and the gentleman from Missouri, and had been with them ever since, being two weeks ago last Monday. He had understood the gentleman from Virginia to say that a copy of the report had been handed to the Secretary of the Treasury two weeks since. He

wished to know from the gentleman whether he had understood him correctly?

[Mr. BEDINGER nodded assent.]

The Secretary of the Treasury, then, (continued Mr. C.,) had had it under consideration for two weeks, and the sub-committee had been engaged upon it for three months. So there had been ample time for examination.

He wished it distinctly understood, that no member of the majority of the committee objected to the minority making a report. The gentleman from South Carolina was mistaken in so supposing. What they did object to was, that the printing of the majority report should be delayed, and that they should in advance order the printing of a report prepared by the Secretary of the Treasury, which nobody had yet seen, which might not come in in a month. They had had one instance this session of the way in which the departments manufactured letters. After a call had been made upon the Department of War for all the correspondence that had taken place up to that date between the department and General Scott, the Secretary had gone forward and written a long communication, which was not dated till some ten days after the call, and sent it in. He protested against such a proceeding; he had no idea of ordering the printing of a document which was to be prepared hereafter. Whenever the minority were ready, let them come forward and ask the printing of the report; he would vote to print it. He wished, however, this report to be published at once, that the whole country might see it; and if, on comparison of it with the report of the Secretary of the Treasury, mistakes were found in it, they could easily be corrected in the minority report.

Mr. THOMPSON, of Pennsylvania, said there was one point in this report to which he wished to call the attention of the House, for the purpose of making it the foundation of a motion. The committee said:

"In the statements which they have submitted, the committee dare hardly presume to hope that they have attained perfection and avoided all errors. On the contrary, the discrepancy between the books in the department has presented a difficulty which they have not been able to overcome, though the committee entertain no doubt that with time and opportunity to compare those books, the differences between them could be accounted for and reconciled."

Mr. STROHM asked the gentleman to read a little further.

Mr. THOMPSON accordingly read as follows:

"It will be remarked, too, that the greatest discrepancy in the books is in reference to the amount of stock issued in funding treasury notes, and therefore cannot affect the result of the general statement by which the deficiency in the treasury is ascertained; for, if the amount of stock issued to fund treasury notes is greater than that assumed by the committee in their calculations, the amount of treasury notes outstanding must of necessity be diminished to exactly the same amount, and the summing up of the whole will not be affected thereby."

His objection to this report at this time was, that it professed to be a criticism, a correction of errors which it assumed to exist in the report of the Secretary of the Treasury, and it confessed on its face that the committee had neither the time nor the opportunity for investigation. This was not exactly the way to correct errors. No man had more faith in the gentleman who stood at the head of the committee than he had; he knew him well; and the gentleman had candidly put on record that, although every facility had been offered by the clerks of the department, neither time nor opportunity had been afforded for a full examination.

To give his colleague [Mr. STROHM] time to re-examine these alleged inaccuracies and discrepancies, he would move to recommit the report to the Committee on Public Expenditures.

Mr. BEDINGER asked the gentleman from Pennsylvania to give him an opportunity to explain before he yielded the floor.

Mr. THOMPSON assented, stating that he only yielded the floor for explanation.

Mr. BEDINGER said he merely wished to make a personal explanation. He was unwilling that the impression should go forth that he had neglected his duty as a member of a committee of this House when he had not. It had been stated, that on three several occasions he had been requested to cooperate with the gentleman from Pennsylvania in prosecuting this examination at the Treasury Department; but, if it was so, he surely must have been deaf at the time. He admitted that he had been informed that the committee would meet, and he went again and again in search of the committee, but could not find the room in which they met. He went first to one and then to another room, and was not able to find them.

Mr. CLINGMAN said, every notification which he issued of the meeting of the committee stated in what room the committee would meet.

Mr. HALL said he had never been notified as to the room in which the committee would meet.

Mr. CLINGMAN begged to state the course which he adopted, which was a usual one in notifying committees of their meetings. He wrote a notice to the effect that the Committee on Public Expenditures would meet in a room which was specified, and he sent one of the pages to the members of that committee with that notice, directing the page to show it to them. If the members of the committee neglected to read that notification, it was no fault of his.

Mr. BEDINGER was only desirous to show that he had not neglected his duty as a member of that committee. He certainly could not have supposed, however, that the place of meeting of the Committee on Public Expenditures was the Treasury Department; nor could he believe that this examination was the legitimate business of the Committee on Public Expenditures. Suppose the gentleman from Pennsylvania [Mr. STROHM] should undertake to make an elaborate report on the subject of the Mexican war, would it be his (Mr. B.'s) duty to go to the Treasury Department to aid him in such an investigation? He was satisfied, that without an express resolution of this House committing that subject to the committee, they had no jurisdiction over the subject on which the gentleman from Pennsylvania had reported; but, if they had, the gentleman had certainly never said anything to him about their meeting at the Treasury Department. And he could not but wonder that the Secretary of the Treasury had not been apprized of the attack that was to be made upon him. Before the Secretary should be made to fall under the attack of the gentleman from Pennsylvania, there should have been some notification given to him in common justice. As to the printing of the report, he cared nothing; but he reiterated his assertion that he had not neglected his duty as a member of the committee. The report was already before the public in the newspaper of this morning, and all he wanted was, that he should have a short time to make a counter report. It had been said that the gentleman from Pennsylvania gave him the papers two weeks ago. Well; but were not gentlemen aware that the Baltimore Convention intervened, during which he had not an opportunity to answer this report of thirty-nine pages? If he had the power of steam, and of fifty clerks, he could not have done it. It was impossible that any gentleman could have done it. He had nothing more to say.

Mr. THOMPSON then resumed the floor.

Mr. ROOT requested the gentleman from Pennsylvania to deal as liberally with him as he had done with the gentleman from Virginia, by giving him a little of his time.

Mr. THOMPSON preferred to finish what he had to say. The committee's report admitted that "in the statements which they have submitted, 'they dared hardly presume to hope that they have 'attained perfection, and avoided all errors. On 'the contrary, the discrepancy between the books 'in the department has presented a difficulty which 'they have not been able to overcome, though the 'committee entertain no doubt, that with time and 'opportunity to compare those books, the differ-'ences between them could be accounted for and 'reconciled." His colleague desired him to read the residue of that paragraph, with which he would comply with great pleasure. The paragraph went on as follows:

"It will be remarked, too, that the greatest discrepancy in the books is in reference to the amount of stock issued in funding treasury notes, and therefore cannot affect the result of the general statement by which the deficiency in the treasury is ascertained; for, if the amount of stock issued to fund treasury notes is greater than that assumed by the committee in their calculations, the amount of treasury notes outstanding must of necessity be diminished to exactly the same amount, and the summing up of the whole will not be affected thereby. Both constitute a part of the public debt, both have been charged as avails accruing to the treasury, and the increase of the one and the diminution of the other, adds no more in one place than it deducts in another, and produces no change whatever in the final result."

"It must be recollected, too, that for the sum of $114,301 63, taken into this calculation as interest paid during the first quarter of the present fiscal year, the committee had no positive data to rely upon; but as the statement in the Secretary's report, then referred to, embraced interest, and the committee being unable to discover any other amount that could appropriately be applied to that statement, they assumed the aforesaid sum to have been paid for interest."

The report then went on to say, "There are 'various other errors in the different statements 'which compose the Secretary's report, but which 'the committee will not now take time to notice." Now he (Mr. T.) confessed his inability, in the short time he had had to examine this report, to understand it properly. He could not see to what it points, or to what error it applied. He had not learnt from it whether there was more money in the treasury or less than the Secretary had reported. There were "words, words, words," and figures, figures, figures; but to what practical end they tended, he was unable to say. It had been suggested that this array of figures of the majority of the committee might not be right, and the committee had frankly confessed themselves that they had not time to give the subject a thorough examination, so as to have avoided all errors, and therefore he proposed to give them an opportunity for further examination. Let the report be sent back to the committee, and when it was printed let the majority and minority reports go together. If the committee was sincere in its complaints, and well satisfied of the truthfulness of its own statement, they would have, they could have no objection to the course which he suggested. If the report were recommitted, no material delay would be occasioned in the printing, for they had ordered printing to be done a month since which had not yet been executed. There was the Patent Office report and the correspondence of the War Department with Generals Scott and Taylor, which had been ordered but not yet printed, and he did not expect it for a month or six weeks. They could therefore give the minority of the committee ample time to prepare its report without delaying the printing of the majority report; for if the printing were now ordered, it would be some time before the public printer could execute it. The gentlemen from Virginia and Missouri [Messrs. BEDINGER and HALL] had appealed to the House for such time only as was necessary to enable them to make a report, and they should see if the gentlemen on the other side of the House were willing to let the two reports go to the country side by side. He hoped the report would be recommitted, which he now moved.

The SPEAKER stated that to the report there were several resolutions; and there was also a motion to print, which were the proper subjects for the action of the House; and that the motion to recommit was not in order until those resolutions were in some way disposed of.

Mr. ASHMUN inquired if the first question was not on the motion to print.

The SPEAKER replied that the first question was on the adoption of the resolutions.

Mr. ASHMUN said, then the previous question would bring the House to a vote on the adoption of the resolutions, and not on the motion to print.

The SPEAKER assented.

Mr. THOMPSON desired the Speaker to state the position of his motion to recommit.

The SPEAKER replied, that the gentleman's motion was not now in order, for the report made yesterday had several resolutions appended, which were properly before the House, and were the first in order.

Mr. ASHMUN said he understood the motion yesterday was to print, and on that the discussion had taken place.

The SPEAKER reiterated his explanation of the position in which the question stood.

Mr. ASHMUN inquired what would be the effect of a motion to lay on the table the pending question until the question on printing could be taken.

The SPEAKER was understood to say that a motion to lay on the table would be in order.

Mr. COBB, of Georgia, inquired if the first resolution must not necessarily go over to another day.

The SPEAKER replied that as it was a call on the department for information, it must go over under the rule, but that the others could be acted upon.

Mr. COBB said he had no objection to the adoption of the resolutions and the motion to print—none at all—and he hoped the motion submitted yesterday would be so modified as to give the mi-

nority leave to report, and to print the two reports together. ["Oh, no."] Why not? What reason had the gentlemen opposite for refusing to allow the two reports to go to the country together? He called upon gentlemen to give a good reason. ["It will occasion delay."] Not at all. The printer had already more work in hand than he could execute for the next two months. He had the Patent Office report, which had been ordered to be printed a month ago, and the correspondence of Generals Taylor and Scott with the War Department, which would take up all the printer's time prior to the end of the session. He apprehended they would not get that correspondence at all before Congress would adjourn. He was not desirous to keep this report from being printed. He should be glad to see it in print, but he desired the majority and the minority reports to go together. To relieve all parties from difficulty, he would be willing to see these resolutions adopted, and then let the House agree to give the minority of the committee leave to report, and to have the two reports printed together, so that every man who got the poison would at the same time receive the antidote.

Mr. ASHMUN could not see the force of the argument of the gentleman from Georgia. The House was in possession of a report from the Committee on Public Expenditures. There was no other report.

Mr. COBB. There will be one.

Mr. ASHMUN. There might be another, and there might not. They had now a report in the usual form and manner, and the proposition to print it was a regular proposition.

Mr. HOUSTON, of Alabama, suggested a delay in the printing for a period not to exceed ten days, in which time the minority of the committee could be prepared with a report.

Mr. ASHMUN saw nothing to induce him to consent to such an arrangement. This report might be delayed for ten days, and even then there might be no minority report. He never heard of such a proposition before. It seemed to him that the only course was to print the report as it stood, and if the gentlemen on the other side of the House saw fit to bring in a minority report, they could have that printed when it came in. If, however, it was going to take such a length of time as gentlemen seemed to apprehend to print this report, why did the gentlemen longer object? If the minority report could be prepared in ten days, and the majority report could not be printed in six weeks, what was there to prevent the two reports going out together? He wished now to make an inquiry of the Chair. If the motion to lay the resolutions on the table should prevail, would a motion to print then be in order?

The SPEAKER replied in the affirmative.

Mr. ASHMUN, then, would move to lay the resolutions on the table, with a view to move that the report be printed.

Mr. BARRINGER. Why not let the resolutions be adopted, and then move to print?

Mr. ROCKWELL, of Connecticut, made a like suggestion.

Mr. ASHMUN, to gratify his friends, would withdraw his motion to lay on the table, and move the previous question.

Some conversation then ensued between the SPEAKER, Mr. THOMPSON of Pennsylvania, Mr. McLANE, and Mr. McCLERNAND.

On seconding the demand for the previous question, 75 voted in the affirmative, and 90 in the negative; there was therefore no second.

Mr. COBB, of Georgia, said, he desired to move an amendment to the last resolution; but if the House was prepared to take the vote on the motion to recommit, he would not submit his amendment.

Some explanatory conversation ensued between Mr. COBB and the SPEAKER.

Mr. COBB then moved that the consideration of the motion to print be postponed for two weeks.

Mr. ROCKWELL, of Connecticut, could see no real objection to the printing of this report at once, and he would be equally as willing to print the minority report when it should come in. But he could not consent to the motion to postpone the consideration of the motion to print, for the result might be that they should get no minority report at all.

Mr. COBB suggested that a limit could be fixed, beyond which there should be no delay in the printing of the majority report.

Mr. ROCKWELL would state, that when the Secretary of the Treasury made his report originally, it contained an error of nearly seven millions of dollars in the statement of the accounts for the first quarter of the fiscal year.

The SPEAKER interposed, and apprized the gentleman that he was not in order in going into that statement at this time.

Mr. ROCKWELL was aware of it, but he did not propose to occupy five minutes of the time of the House. He then continued. Subsequently, about the 1st of March, he (Mr. R.) pointed out a variety of errors in the report of the Secretary of the Treasury. Some few days after, it was stated in the official paper, the "Union," that on the next day there would be published an official statement and explanation of those errors. That was three months since, and as yet no such statement had appeared, nor had any explanation been given except as to an item of $1,401,900, all the rest being denied. In a speech made subsequent to the one to which he had here alluded, he pointed out more in detail those errors, which he had reduced down to the following summary:

"The discrepancies shown by bringing down the statement to the 1st December, 1847, in relation to these treasury notes issued under the two acts of 1846 and 1847, are as follows:

"As to the amount of stock issued under the act of July, 1846, the report of the Secretary and the statement of the committee differ $115,200.

"As to the stock issued under the act of January 28, 1847, $1,050,452.

"As to the notes outstanding, under the act of 1846, the difference is $178,150; and, under the act of 1847, $1,437,400.

"As to the amount of notes and loan available at the treasury, December 1, 1847, under the act of 1846, $293,350; and, under the act of 1847, $386,950."

These differences and discrepancies, then, he had heretofore pointed out; and in addition to all that——

The SPEAKER again interposed to remind the gentleman that he was not in order.

Mr. ROCKWELL, then, would say only another word. There was no necessity to postpone the printing of this report, for the minority of the committee had had ample opportunity to make a report. He held in his hand a resolution adopted by that committee for the appointment of the sub-committee, of which the gentleman from Virginia [Mr. BEDINGER] was a member, which he would read.

Mr. McCLELLAND objected to the gentleman reading any resolution or making any statement of what had been done in that committee. Such a course was in conflict with parliamentary law and usage.

Mr. ROCKWELL replied that all the debate hitherto had been respecting what had been done in committee or in the sub-committee. On the one side it was stated that certain things had been done in committee three months ago, and on the other side all this was denied, and he desired to show what the action of the committee really was on a point so much controverted, and he could not do this better than by reading the following resolution:

Resolved, That a sub-committee, to consist of three members, be appointed to investigate the statements contained in the "letter from the Secretary of the Treasury, transmitting his annual report on the state of the finances," with the view of ascertaining the accuracy of said statements. And also to examine the said statements, with the view of having them submitted in a more simple and direct form, so as to exhibit with perspicuity and precision the actual condition of the finances at the termination of each fiscal year; said committee to report the result of their investigations to the Committee on Public Expenditures as soon as convenient.

Mr. McCLELLAND insisted that the gentleman was out of order.

Mr. ROCKWELL would not then proceed further.

Mr. BARRINGER said that the motion made by the gentleman from Georgia [Mr. COBB] was equivalent to that made yesterday by the gentleman from Virginia, [Mr. BEDINGER.] The object in view was unusual not only, but unparliamentary, and indeed the whole proceedings seemed to him to be very extraordinary. In the first place, the right of the minority to present a counter report was a thing unknown to any parliamentary rule; it was no right; it was a mere permission accorded by the courtesy of the House. True, it was a liberty which had never, he believed, been refused; but it had been the universal practice to present the report of the minority at the same time with that of the majority of a committee; but if, owing to particular circumstances, a member of the minority was unprepared to give in his report at the time, he so stated to the House, and gave notice that when he should present his report, he should at the same time move to have it printed. But who ever heard of detaining the printing of a report made to the House because some other paper in opposition to it was to be presented at some future time? It was certainly a most extraordinary proceeding, to ask to postpone the printing of a document which was before the House, in order to print one which was not, and which might never be.

But the postponement was urged on another ground: that was, that these gentlemen of the minority in the committee might have time to get further facts from the Secretary of the Treasury. A most dangerous doctrine had here been assumed; viz: that when a standing committee, one of the regular organs of the House, was about to make a report on an official document received from one of the Executive departments, the committee were bound to notify the head of that department beforehand. The report of the Secretary was a public exposé of the state of the finances which his duty required him to present before Congress and before the world; and a Committee on Public Expenditures was appointed, whose duty it was to examine it. Was that committee under any conceivable obligation to go to the Secretary and inform him that they were going to scrutinize his report? Surely not. Mr. B. trusted that the motion to postpone would not prevail. If the gentleman from Virginia [Mr. BEDINGER] wished to present a minority report, let him do so; and when he brought it in, Mr. B. would cheerfully vote to have it printed.

Mr. McCLERNAND thought that the proposal to postpone the printing of the report of the Committee on Public Expenditures to a day certain ought to prevail, and that for several reasons; and one was found in the extraordinary circumstances in which the report had been made. The Committee on Public Expenditures had transcended their authority in making it, and had usurped jurisdiction over a subject which did not belong to them; and yet when the report came in, gentlemen on that side the House were found uniting to print it instantly, without admitting a minority of the committee to present a counter statement exposing the errors contained in the report. What was it which had been asked by the gentleman from Virginia, [Mr. BEDINGER?] Anything unreasonable? Anything unusual? Anything to the prejudice of the country? Not at all. All he asked was, that both sides might be heard; all he sought was, to give the people light. Let them have light, and they would always pronounce correctly. This was a tyrannical attempt of the majority to gag their opponents, who were in a minority, and keep out information from the minds of the people. And though a minority of the committee had stated here, in their places, that the report took them completely by surprise, yet the majority refused to wait and allow them time to prepare a counter statement correcting the errors of that document.

The gentleman from North Carolina [Mr. BARRINGER] thought it a most extraordinary thing that a minority should complain of this, and should ask for more time.

Mr. BARRINGER said the gentleman totally misunderstood him. What he complained of as most extraordinary, and as dangerous as it was unheard-of, was the doctrine that a committee of Congress must notify the head of a department before proceeding to examine and detect errors in one of his public communications to Congress. That was the doctrine which had been insisted on. The gentleman from Virginia [Mr. BEDINGER] had stated it as a wonderful thing that the Committee on Expenditures should have been examining the Secretary's report, and yet the Secretary all the while knew nothing about the matter!

Mr. HOUSTON, of Alabama, said the gentleman from North Carolina had misapprehended him, if he supposed him to maintain any such doctrine. What he complained of was, not that the Secretary of the Treasury had received no notice of what the committee were doing, but that, when errors or discrepancies were discovered in a public document, which went to injure the reputation of a public officer both as a statesman and as a man, no notice should have been given him, that

he might have an opportunity to explain, if he could.

Mr. McCLERNAND resumed. The doctrine of the gentleman from Alabama [Mr. HOUSTON] was, that where an assault was made on a gentleman high in office which implicated his skill, statesmanship, and private and personal reputation, the accused should always be afforded an opportunity to explain; and in that position Mr. McC. entirely coincided. The Secretary of the Treasury had been publicly arraigned in a report suddenly sprung upon a committee of the House. Justice demanded that the printing of the report so arraigning him should be deferred till a counter report was ready, so that both might go out to the country together.

Mr. BARRINGER replied that the Secretary had had sixteen days to explain, and he had sent in one document in the way of explanation already.

Mr. ROCKWELL, of Connecticut, said that the Secretary had had two months to explain.

Mr. McCLERNAND said he had not had an opportunity to examine, and scarcely to read, the report; very few members of the House had yet seen it. How could he have had two months to explain?

Mr. BARRINGER inquired whether the gentleman from Illinois wished the Secretary of the Treasury to answer the report of the Committee on Expenditures? Was that the duty of the Secretary?

Mr. McCLERNAND said he had no such desire.

Here Mr. VINTON, observing that the morning hour had expired, moved that the House go into Committee of the Whole on the state of the Union; which was agreed to.

The House accordingly went into Committee of the Whole on the state of the Union, (Mr. THOMPSON, of Indiana, in the chair,) and took up the

NAVAL APPROPRIATION BILL.

Mr. VINTON made a brief explanation of the bill. The estimates, as originally sent in, were a fraction under $11,000,000, and the Committee of Ways and Means had ascertained from the Secretary of the Navy that he would have about $1,000,000 remaining in the treasury at the end of the year. They had applied to him to ascertain if these estimates could not be reduced, and, on an interview with the Secretary, he had expressed the opinion that they could be reduced one and a half million. The estimates originally sent in were based on the supposition that ten thousand men of all descriptions would be employed in the navy during the next fiscal year. The estimates now sent in, and reduced one and a half million, were based on the supposition that 8,500 instead of 10,000 men would be employed. As a matter of course, the estimates for some items could not be reduced. The Committee of Ways and Means believed that a sub-committee could better judge from what items this reduction should be taken; they accordingly appointed the gentleman from North Carolina [Mr. McKAY] a sub-committee, to sit with the Secretary of the Navy, for the purpose of making a full revision of his estimates, as they had full confidence that he would bring the Secretary down [a laugh] to the lowest possible point. Such was the bill, reduced a million and a half from the original estimates.

Since the bill was reported other estimates had been sent in, which had given rise to certain amendments, which he was instructed by the Committee of Ways and Means to report, and which he should move at the proper time. One was an estimate for the appropriations that would be necessary to meet the expenditures under the law of last session; which provided for carrying the mail of the United States by war-steamers between New York and Liverpool, which was one line; another was for the same service from New York, by the way of New Orleans, to Chagres, another line; a third was for the same transmission between Panama and the Territory of Oregon. The steamers on these various lines, which were ordered by the law of last session, were all in the course of construction; and the Committee of Ways and Means, since this bill was reported, had directed an amendment to be moved, for the purpose of making provision for this service.

Mr. PETTIT interposed, and said he had understood the gentleman from Ohio to say that the estimates in this bill were principally based on the recommendation of the Secretary of the Navy; he wished, then, to ask particularly whether the Secretary of the Navy had recommended the appropriation at the navy-yards at Portsmouth, New York, Philadelphia, Washington, and Norfolk, for *dredging* machines to clear out the channels and make improvements?

Mr. VINTON replied that there was nothing in the estimates for these various objects, except such as was recommended by the Secretary of the Navy.

Mr. PETTIT was glad to know that there was one gentleman in the Administration that concluded that the Government could clear out and improve rivers and harbors.

Mr. VINTON further said, that while there was nothing in the bill about which the gentleman from Indiana inquired which was not recommended by the Secretary of the Navy, it was proper to say that the estimates for these various navy-yards had been considerably cut down; that the provision in the bill was not as large as the original estimates. But there was nothing here which was not originally estimated for.

Mr. PETTIT. That is all I wished to know.

Mr. VINTON proceeded further to say, that the Committee of Ways and Means had also directed him to move an amendment for the purchase of ground for the enlargement of the navy-yard at New York—an item of near $300,000. In a word, the amendments which he had been directed to move by the Committee of Ways and Means, to provide for the various objects which had come to the attention of the committee since they had reported the bill, amounted to something over one million of dollars; and the principal purpose for which he had desired the floor at this time was respectfully to ask that the committee would permit the Committee of Ways and Means to offer these various amendments, and dispose of them before the debate was opened on the bill at large, for the reason that important amendments, appropriating large sums of money, required some elucidation, and could not be satisfactorily explained within the few minutes allowed after the debate was closed. He concluded by offering an amendment, to insert, between the first and second items, the following:

For the pay of the Superintendent of the Naval Observatory at Washington city, who shall be a captain, commander, or lieutenant in the navy, three thousand dollars, which shall be the salary per annum of said Superintendent. And the provision in the act entitled "An act making appropriation for the naval service for the year ending the thirtieth of June, one thousand eight hundred and forty-eight," which is in these words, viz: "including three thousand dollars for pay of the Superintendent, who shall be either a captain, commander, or lieutenant in the navy," shall be construed to apply to the Superintendent of said Naval Observatory, and shall take effect from and after the passage of that act.

He explained that the sole object of this amendment was to correct the law of last Congress, which intended to give the Superintendent of the Observatory the salary named; but the law giving it to "the Superintendent," the department had refused to pay it. This amendment, therefore, only did what the original law intended to accomplish.

Mr. RHETT next obtained the floor, and occupied an hour in the delivery of a speech in support of the rights of the people of the southern States to remove to any of the territories of the United States, and take with them their property of every description. [This speech will appear in the Appendix.]

Mr. VENABLE followed in an argument on the general subject of the power of Congress over slavery in the territories. [This speech will also appear in the Appendix.]

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a letter from the Second Auditor, transmitting copies of such accounts as have been rendered by persons charged or intrusted with the disbursement or application of money, goods, or effects for the benefit of the Indians, from October 1st, 1846, to September 30th, 1847, inclusive, with the names of all persons to whom goods, money, or effects have been delivered within the same period. Laid on the table and ordered to be printed.

Also, a communication from the acting Secretary of War, transmitting a report of the Commissioner of Indian Affairs, in answer to a resolution of the House of Representatives of the 13th of March last, requiring information respecting Creek Indian reservations under the treaty of 1832 remaining unsold or undisposed of. Laid on the table, and ordered to be printed.

REPAYMENT OF EXPENSES TO VOLUNTEERS.

The House then took up the bill to refund money for expenses incurred, subsistence or transportation furnished, for the use of volunteers during the present war, before being mustered and received into the service of the United States, which had been returned from the Senate with an amendment.

The amendment was read and concurred in, and the bill stands passed.

On motion of Mr. POLLOCK, the petition of Captain Alexander McEwen was referred to the Committee on Invalid Pensions.

And then the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. RUMSEY: The petition of William Wambaugh and 179 others, citizens of Steuben county, New York, for the passage of a law making newspapers free for thirty miles, and for a uniform rate of postage on letters. Also, the petition of Morris Brown and 101 others, citizens of Steuben county, New York, for the passage of a law making newspapers free for thirty miles, and a uniform rate of postage on letters.

By Mr. HUNT: The petition of 140 citizens of Geneva, New York, for a reduced and uniform rate of postage.

By Mr. SMITH, of Illinois: The memorial of a large number of citizens of Madison county, Illinois, praying Congress to lay out and establish a post road for the transportation of the mail between the cities of New York and Philadelphia, to be under the control of the Government. Also, the petition of Charles Hibbs, a messenger in the Pension Office, praying an increase of salary.

IN SENATE.

THURSDAY, *June* 1, 1848.

The Secretary called the Senate to order at twelve o'clock.

Mr. BENTON moved that in the temporary absence of the Vice President, the Senator from Missouri, [Mr. ATCHISON,] who had before been the choice of the body, be appointed President of the Senate *pro tem.*

The motion was unanimously agreed to, and Messrs. MANGUM and STURGEON escorted Mr. ATCHISON to the chair.

Mr. ATCHISON, on assuming the chair, returned thanks, sincere thanks, for the distinguished honor which had been again conferred on him by this appointment. He was not vain enough to attribute this proof of the generous confidence of the Senate to any peculiar qualifications for this dignified station; but, however defective he might be in that knowledge and experience so desirable for a satisfactory fulfillment of the duties of the Chair, he might at least pledge himself, as he did, to discharge them faithfully and impartially.

On motion of Mr. BENTON,

Ordered, That the Secretary wait on the President of the United States, and inform him that the Senate, in the absence of the Vice President, have chosen the Hon. DAVID R. ATCHISON President of the Senate *pro tempore*; and that he make a similar communication to the House of Representatives.

Mr. ALLEN presented various resolutions from the Legislature of Ohio, touching the reduction of the price of public lands adjacent to the Wabash and Erie canals; declaring that so much of the ordinance of 1787 as relates to slavery ought to be extended to any territory that may be acquired from Mexico; reduction in the rates of postage; declaring it to be within the constitutional power of the Federal Government to construct harbors and improve rivers, and condemning the veto by the President of the bill making appropriations for that purpose; and also approving of the course pursued by THOMAS CORWIN, one of the Senators from that State, in regard to the Mexican war. These various resolutions were read, and ordered to be printed.

Mr. DOWNS presented a memorial from judges and members of the bar of New Orleans, asking that the rules of all proceedings in United States courts in civil cases conform with the practice of the State courts of Louisiana; which was referred to the Committee on the Judiciary.

REPORTS FROM COMMITTEES.

Mr. BUTLER, from the Committee on the Judiciary, reported the joint resolution from the House authorizing the Secretary of State to furnish the clerk of the district court of the United

States for the western district of Virginia with four copies of Little and Brown's edition of the Laws of the United States, with amendments.

Mr. B. also, from the same committee, reported House bill for the relief of Levi H. Corson, without amendment.

Mr. RUSK, from the Committee on Military Affairs, reported House bill to refund money for expenses incurred, and subsistence or transportation furnished for the use of the volunteers during the present war, before being mustered and received into the service of the United States, without amendment, and recommending its immediate passage.

Mr. R. asked that the bill might be immediately considered; which motion was agreed to.

Mr. TURNEY alluded to the fact that he had endeavored the other day to offer an amendment, not having been aware at the moment that the bill had not been referred; but, as it was now reported from the Military Committee, he should embrace the opportunity to offer the following amendment:

"*Be it further enacted*, That in refunding moneys under this act, and the resolution which it amends, it shall be lawful to pay interest at the rate of six per cent. per annum on all sums advanced by States, corporations, or individuals, in all cases where the State, corporation, or individual paid or lost the interest, or is liable to pay it."

The amendment having been agreed to, the bill was ordered to a third reading, and was subsequently read a third time and passed.

On motion of Mr. DAVIS, of Mississippi,

Resolved, That one thousand additional copies of the report of the Regents of the Smithsonian Institution be printed for the use of the Senate.

On motion of Mr. ATHERTON, the Senate resumed the consideration of the bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1849, and for other purposes.

The question being on the following amendment of Mr. BELL:

"Sec. —. *And be it further enacted*, That the Secretary of War cause to be ascertained the number and names of such individuals and families, including each member of every family of the Cherokee nation of Indians, that remained in the State of North Carolina at the time of the ratification of the treaty of New Echota, May twenty-three, eighteen hundred and thirty-six, and who have not removed west of the Mississippi, or received the commutation for removal and subsistence, and report the same to the Secretary of the Treasury, whereupon the Secretary of the Treasury shall set apart, out of any moneys in the treasury not otherwise appropriated, a sum equal to fifty-three dollars and thirty-three cents for each individual ascertained as aforesaid, and that he cause to be paid to every such individual, or his or her legal representative, interest at the rate of six per cent. per annum on such per capita, from the said twenty-third day of May, eighteen hundred and thirty-six, to the time of the passage of this act, and continue annually thereafter said payment of interest at the rate aforesaid.

"Sec. —. *And be it further enacted*, That whenever hereafter any individual or individuals of said Cherokee Indians shall desire to remove and join the tribe west of the Mississippi, then the Secretary of War shall be authorized to withdraw from the fund set apart as aforesaid the sum of fifty-three dollars and thirty-three cents, and the interest due and unpaid thereon, and apply the same, or such part thereof as shall be necessary, to the removal and subsistence of such individual or individuals, and pay the remainder, if any, or the whole, if the said Indians or any of them shall prefer to remove themselves, to such individuals or heads of families, upon their removal west of the Mississippi."

Mr. BELL explained that there were about 1,250 Cherokees in Tennessee, Georgia, Alabama, and North Carolina; about half of whom were a nuisance in those States. They are under the apprehension of losing their lands in North Carolina, in consequence of a difficulty in the construction of the treaty of 1835. The Indians remaining in North Carolina took no part in the treaty, and had received no portion of the annuities since 1820. They had held lands in North Carolina since 1783, and had never been disturbed by the State. They had lost their lands by the treaty of 1835, and had repurchased them, and there is a difficulty as to the perfectness of the title. The treaty required the removal of all the Indians west of the Mississippi, and some refused. The United States commissioners agreed to give compensation for improvements and injuries, and the means necessary for removal and subsistence. The treaty allows a due portion of the money to such as were averse to removal, and were qualified to become citizens; and the difficulty is, whether this shall be paid out of the five millions appropriated for the purchase of the lands of the Cherokees, or out of the treasury. By subsequent legislation, additional appropriations have been made for transportation and subsistence. The Cherokees of North Carolina contend that they are entitled to their full share of the five millions, without any deduction for removal and subsistence. The Committee on Indian Affairs has decided that they are entitled to their claim.

The question is, out of which fund shall this claim be paid—out of the Indian fund, or out of the treasury of the United States? Congress has already established a precedent in favor of the latter. The amendment had been made at the instance of the committee.

Mr. ATHERTON hoped the Senator from Tennessee would not burden this bill with a subject of so much importance, and involving so great an amount of expenditure. It would require more consideration than could be given to it at this time; and he suggested the propriety of making it the subject of a separate bill.

It would be necessary to call on the department for information. The subject had been under examination by the Commissioner of Indian Affairs. It had been reported against. Mr. Mason, Attorney General, had made an adverse report, which was approved by the Executive. A Committee on Indian Affairs had also reported against the claim. The subject is before a committee of the House; a call has been made for information; and it will have to undergo a full discussion. We ought not to act on it without such consideration and discussion, and therefore the amendment ought not now to be received.

Mr. BADGER said, that if the question was important, it was not difficult. It was an appropriation which ought to have been introduced into the present bill. The claim was under a treaty with the United States, and it would be only fair to insert a provision which ought to have been reported with the bill. He referred to the treaty to show the correctness of his statement. The treaty gave twenty dollars *per capita*, and thirty-three dollars and thirty cents for subsistence for one year; and those who were averse to go were as much entitled to this fifty-three dollars and thirty cents as they were who went. The case was too plain to require a protracted discussion. If the Executive had refused to pay this claim, there was a more imperative obligation on Congress to provide for it. The amount offered no objection to the proposition, if the principle was correct. The Cherokees were a nuisance to the people of North Carolina, and this itself should be a reason for the appropriation now asked for. The amendment was in the most unexceptionable form, and its adoption was necessary for the preservation of the peace in North Carolina.

Mr. BRIGHT moved to postpone the further consideration of the bill; which was agreed to.

OREGON.

On motion of Mr. BRIGHT, the Senate resumed the consideration of the bill to establish the Territorial Government of Oregon.

The question being on the amendment moved by Mr. HALE, to insert the following section:

"Sec. —. *And be it further enacted*, That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages, granted and secured to the people of the territory of the United States northwest of the river Ohio, by the articles of compact contained in the ordinance for the government of said territory, on the thirteenth day of July, seventeen hundred and eighty-seven; and shall be subject to all the conditions, and restrictions, and prohibitions in said articles of compact imposed upon the people of said territory; and the existing laws now in force in the Territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the principles and provisions of this act; subject, nevertheless, to be altered, modified, or repealed by the Governor and Legislative Assembly of the said Territory of Oregon; and the laws of the United States are hereby extended over, and declared to be in force in, said Territory, so far as the same or any provision thereof may be applicable."

Mr. BUTLER briefly explained his course in the Judiciary Committee in relation to the bill of last session, in order to show that it was only intended to make it conform to the laws of Iowa. If the bill now brought forward, as the bill of last session, contains the ordinance of 1787, it was adopted by a misconception on his part. The amendment of the Senator from New Hampshire extended that ordinance to the Territory of Oregon, which was already covertly included in the clause of last session as it came from the Committee on Territories.

Mr. BRIGHT regretted the absence of the chairman of the Committee on Territories. The bill would not have been brought up during his absence but for the recent events in Oregon, and the message of the President on the subject. The bill is substantially the same as the bills for the admission of Wisconsin and Iowa, with the exception of the 12th section, which varies in some respects from the clause in the other bills. The laws of Oregon prohibit slavery in the Territory, and these laws will remain unless changed by the legislative authority. He objected to the proposition of the Senator from Florida to insert the 12th section of the bill of the last session, because it restricted the Legislature of Oregon too severely. If the question which has been introduced by the Senator from New Hampshire were now to be discussed, the bill could not be passed for some days, and he regretted that that Senator should have felt it his duty to offer it at this time. He would have no objection to strike out the 12th section if any substitute could be provided for it.

Mr. WESTCOTT, if he understood the section, regarded it as excluding slavery, as adopting the organic law of Iowa to that effect. Did the Senator from Indiana admit that the act of the provisional government of Oregon excluded slavery?

Mr. BRIGHT said he so admitted it.

Mr. HALE, with leave of the Senator, withdrew his amendment for the present. He had been accused of thrusting a firebrand in the Senate. He would now take it out, and see how the bill would go on without it. He would renew it hereafter or not, as he might deem best.

The question recurring on the motion of Mr. WESTCOTT—

Mr. BRIGHT, with the consent of the friends, consented to strike out the 12th section. He moved to strike it out.

Mr. HALE said if that section was stricken out he should renew his amendment. His object was to permit the bill to pass in its present shape. He asked the yeas and nays on the motion.

Mr. CALHOUN thought the striking out of the 12th section would not remove the difficulty. There are three questions involved: 1st. The power of Congress to interfere with persons emigrating with their property into the State; 2d. The power of the Territorial Government to do so; and, 3d. The power of Congress to vest such a power in the Territory. The amendment moved by the Senator from Florida was the only course. He did not wish to delay the bill. But if the matter was to be gone into, it would be the best way to separate the military authority from the residue of the bill, and act on that at present.

Mr. MILLER expressed surprise at the extent of the assumption that the people of Oregon had no right to prohibit slavery. Where was the authority to create slavery there?

Mr. DICKINSON said he was willing to strike out the 12th section, and to leave the territorial government to take care of itself. He had full confidence in the wisdom of the territorial legislature to make its own laws.

Mr. BAGBY referred to the principles laid down in the resolutions he had some time since submitted to the Senate as those which must be sustained, and should regulate the action of Congress. Congress has no more right over the territory than it has over any other property of the United States. Here we were about to erect a wall around a territory in which citizens of other States could not meet without leaving their property behind them. He differed from the Senator from South Carolina as to the twelfth section. That section was an eyesore to him, and he wished it stricken out; in which event he would vote for the bill, deeming it sufficient for its purposes as it would then stand. He protested against the monstrous doctrine advanced by the Senator from New York, [Mr. DICKINSON,] and protested also against these attempts to stir up agitation in reference to a territory into which it was generally admitted that slavery was never likely to enter.

Mr. HALE. Will the Senator allow me? I have withdrawn my firebrand, and this is a southern firebrand which is now thrown in.

Mr. BAGBY. I know he has withdrawn it, but he promises to renew it. The northern fire burns more slowly than the southern fire; and whenever the Senator from New Hampshire desires to renew it, he has wind enough to kindle a flame. He deprecated the new doctrine as to these ephemeral

things called territorial governments, by which any twenty thousand settlers on the public lands might set up a government, and demand the right to enact their own laws. He contended that a power could not be delegated to a creature which the creator did not possess. If by inherent right the people could form a government, why do they come to Congress to ask the power? and to what extent could Congress confer power? Not beyond the power vested in it by the Constitution.

Mr. FOOTE regretted that this discussion had been commenced and had gone on in such a strange manner. Admitting that the striking out of the twelfth section would remove his objection to the bill, still the Senator from Alabama went at length into a question which it had been the desire of many Senators, by a mutual understanding, to avoid. He was prepared to go into this question whenever it was forced upon him; but he had been stricken with a thrill of delight as he listened to the wise and patriotic suggestions of the Senator from Missouri yesterday, that we should confine our attention to the duties imposed on us. Should the resolutions submitted by the Senator from New York be taken up, he should be prepared to offer his views at length on this question. He was opposed to the agitation of this question at the present time, as it might enable an individual to whom the Abolitionists were attracted to increase his popularity, and might also have the effect of exciting the South so as to weaken the strength of the great party to which he was attached in that section of the Union. There was a plan on foot to distract the South, which he would expose at a proper time.

Mr. HALE assured the Senator from Mississippi that his friends did not calculate on the vote of his State at the pending election. He had risen to say, that this firebrand did not come from him. He had drawn out his firebrand, but the fire had burned more brightly than before it was taken out. He regretted that Senators should now consider the ordinance of 1787 as insulting to the southern States. If that ordinance was an insult, how was it they had remained quiet under it more than half a century? With all his respect for gentlemen, and all his abhorrence to wound the feelings of any, he could not avoid saying that he felt little sympathy with those who had lived under an insult which was sixty years old before it was discovered. He charged the Senator from Alabama with introducing and arguing abstractions, while he charged him [Mr. HALE] with doing that very thing. At the risk of offending those who had sustained him at a time when sympathy was worth something and votes were worth more, he had withdrawn his amendment, and then a more pestiferous movement was made.

Mr. BUTLER asked if the Senator had not indicated, when he withdrew his proposition, his intention to introduce the firebrand again, as soon as he saw that one which was about to be introduced had burned out?

Mr. HALE replied. He had asked the Chair if it would be in order to offer his amendment again, if he withdrew it, for the purpose of enabling the Senator from Florida to offer his? Having been informed that it would be in order, he withdrew it, stating that he might offer it, or not, as he should think proper. His intention was, if the bill was suffered to pass in the shape proposed, not to offer it again. But when he found other doctors dosing it, he determined that he would try his own medicine again. He then laid down his proposition that slaves could not be regarded as property, and quoted some judicial decisions to sustain him in this view.

In the views which he had expressed, he was happy to say that he was supported by many distinguished men from the South. Every southern gentleman regarded the existence of slavery as an evil, and was anxious to free the slaveholding States from the odium of its introduction. It was alleged by some, that the curse had its origin in the mercenary course pursued by the New England merchants, who entered into the traffic in slaves for profit; others charged all the responsibility on Great Britain. If the evil, therefore, was of that odious character that even the South shrunk from the responsibility of its introduction, with what consistency could southern Senators vote for extending it to new territories where it had never yet obtained a footing, and where it was said that it was not likely to enter? He gave southern gentlemen great credit for the open and manly manner in which they expressed their views. They met the question fairly and candidly. Every man could understand them. There was no beating about the bush among them. With such opponents it was gratifying to contend. Very different was their course to that of certain animals which had been characterized as northern men with southern principles. He invoked the attention of the Senate to the declaration of the Senator from Mississippi, that in the discussion of this great question, he was not influenced by truth, justice, and humanity; but that he was anxious to evade its full and fair discussion, from an apprehension that it would have the effect of distracting a party, and weakening that glorious ticket which was to sweep over the whole of the United States like a hurricane.

Mr. FOOTE begged to explain, that he had only named this as one of the consequences of the discussion of the question at this time, and he was prepared, at a proper time, to go into the proofs which had come into his possession on this point. But he had stated, as his main objection, the delay of the bill; which must be the consequence of the agitation of the subject at this time, and this, too, at a moment when our immediate action is demanded by the perilous condition of our fellow-citizens in the Territory of Oregon.

Some further discussion ensued between Mr. HALE and Mr. FOOTE, which partook of a personal character, and had no reference to the question legitimately before the Senate; and, pending this debate,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 2, 1848.

The Journal of yesterday was read and approved.

Mr. EDWARDS, from the select committee appointed to consider the various memorials praying the passage of a law prohibiting the importation of adulterated drugs and medicines, reported a bill to prohibit the importation of adulterated, deteriorated, and misnamed medicines.

The bill having been twice read—

Mr. EDWARDS begged leave to state that the bill which he had just reported had met with the entire approbation of the select committee to whom the subject had been referred. It was a subject of great importance to the entire country. He had recently received a letter informing him that twenty-four thousand pounds of adulterated Peruvian bark alone had just been imported; and as this subject had been for two months before committees of this House, it having first been referred to the Committee on Commerce, and afterwards to a select committee, those who were engaged in this trade had become wide awake, and were importing largely in anticipation of the passage of some such bill as this. It was therefore obviously necessary that this bill should be promptly passed, that such deleterious importations might be caught on their arrival in our ports. He moved that the bill be put upon its passage.

Mr. HUNT hoped there would be no objection to the immediate passage of this bill. It was of vital importance to the country. The importation of deleterious drugs had been very injurious to our army during the war with Mexico, and hence some action on this subject was loudly demanded. When it was before the Committee on Commerce, there was but one opinion respecting it; but it was deemed better that it should be referred to a select committee of medical men, who would perhaps be better able to suggest a remedy to protect the country against the mischiefs to which it was exposed by deleterious importations. He hoped it would be passed without debate; but, if any discussion were necessary to satisfy the House of the propriety of passing this bill, he would suggest that the able report of the committee should be read. Nothing more would be necessary. In conclusion, he moved the previous question.

The House sustained the call for the previous question, under the operation of which the bill was passed.

On motion of Mr. VINTON, the bill and report were ordered to be printed.

Mr. ASHMUN moved that 10,000 extra copies of the report accompanying the bill be printed.

After a few words between Messrs. COBB, of Georgia, ROOT, and ASHMUN, this motion was referred to the Committee on Printing.

PRIVATE BILLS.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar.

Mr. VINTON said he had been instructed by the Committee of Ways and Means to move to go into Committee of the Whole on the state of the Union on Fridays and Saturdays for the residue of the session, that the appropriation bills might be acted upon on those as well as the other days of the week.

Mr. ROCKWELL begged the gentleman from Ohio not to press that motion to-day, as this was "objection day," on which bills could be passed that were unobjectionable.

Mr. COBB, of Georgia, said it was a question of importance whether the House would go on with the public business, and, therefore, he called for the yeas and nays on the motion to go into Committee of the Whole House on the private calendar.

The yeas and nays were ordered, and being taken, resulted thus: Yeas 84, nays 81. The House accordingly (Mr. BRODHEAD, of Pennsylvania, in the chair) resolved itself into Committee of the Whole House on the private calendar.

The following bills were taken up, read, considered, and ordered to be reported to the House, viz:

For the relief of Peter Shaffer.
For the benefit of John Ozias.
For the relief of the legal representatives of Robert Fulton, deceased.
For the relief of Anna Giffin, of the county of Wyoming, State of New York.
For the relief of William Butler.
For the relief of William De Buys, late postmaster at New Orleans.
For the relief of Artemas Conant.
Granting a pension to Ruth Hollenbeck.
For the relief of Jesse Washington Jackson.
For the relief of James Fugate.
For the relief of Samuel Gray.
For the relief of Lizur B. Canfield.
For the relief of John Hibbert.
For the relief of Daniel H. Warren.
For the relief of Nathaniel Shiflett.
For the relief of Skelton Felton.
For the relief of Emanuel Berri and John M. Keese.

And Senate bills for the relief of Richard Bloss and others; for the relief of Jones & Boker; and for the relief of Charles L. Dell.

The following bills were amended, and ordered to be reported to the House, viz:

Joint resolution of the Senate in favor of David Shaw and Solomon T. Corser; and House bill for the relief of Lewis Hastings.

The following bills were also acted on and ordered to be reported to the House: Bills authorizing the Secretary of War to issue a duplicate of land warrant No. 1,469, which originally issued in favor of Adam Hart, February 3, 1829; and for the relief of Thomas B. Graham; and Senate bill for the relief of Fernando Fellany.

The committee having reported all of the above bills—

The House first proceeded to consider the bill for the relief of John P. Converse, reported to the House by the Committee of the Whole on Saturday last; when—

On motion of Mr. EVANS, of Maryland, it was recommitted to the Committee of Claims.

Bills from the Senate for the relief of Joseph Wilson, and for the relief of W. B. Slaughter, late Secretary of the Territory of Wisconsin, reported from the Committee of the Whole on Saturday last, (the latter with an amendment, which was agreed to,) were taken up, read a third time, and passed.

The bills for the relief of William Fuller and Orlando Saltmarsh, and for the relief of H. D. Johnson, which were reported by the Committee of the Whole on Saturday last, were taken up and ordered to be engrossed; and being engrossed, were read a third time, passed, and sent to the Senate for concurrence.

The House then proceeded to consider the bills this day reported from the Committee of the Whole, when they were severally read a third time and passed, except the bills for the relief of Peter Shaffer and for the relief of William De Buys, late postmaster at New Orleans, which were laid over for further consideration.

Mr. JOHNSON, of Tennessee, asked the consent of the House to introduce the following resolution:

Resolved, That the Committee on Patents be, and they are hereby, authorized and required to send for persons and papers, and to thoroughly investigate the charges as preferred by H. S. Thistle against the Commissioner of Patents for granting letters patent to Thornton Grimsley for an improvement in the manufacture of dragoon saddles, when at the same time (as alleged by said Thistle) an application for the same invention for letters patent had been pending in the Patent Office some several months prior to and at the time of said Grimsley's application, and for which letters patent were issued to said Grimsley without due notice being given to said Thistle, as required by law in such cases; and that said committee report the result of such investigation to this House at the earliest day practicable.

Mr. BOWLIN objected, and the resolution was not received.

INTERNATIONAL EXCHANGES.

Mr. MURPHY asked the unanimous consent of the House to offer a resolution in relation to Mr. Vattemare's plan of international exchange of foreign publications. Mr. Vattemare had been here for three months, and was still remaining in the dark respecting the result of his application to this Government. He hoped there would, therefore, be no objection to the resolution which he desired to offer:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 469, to regulate the exchange of certain documents and other publications of Congress.

The resolution having been agreed to, the House proceeded to consider said bill, which was read, as follows:

A BILL to regulate the exchange of certain documents and other publications of Congress.

Be it enacted, &c., That the Joint Committee on the Library shall appoint such agents as they may from time to time deem requisite, to carry into effect the donation and exchange of such documents and other publications as have been or shall be placed at their disposal for the purpose.

SEC. 2. *And be it further enacted*, That all books transmitted through such agents for the use of the Government of the United States, or of any government of a State or of its Legislature, or of any department of the Government of the United States or of a State, or of the Academy at West Point, or of the National Institute, shall be admitted into the United States duty free.

SEC. 3. *And be it further enacted*, That the sum of two thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, and the same is put at the disposal of the Library Committee, for the purpose of carrying into effect such donation and exchange, and of paying the expenses already incurred in relation thereto.

Mr. JONES, of Tennessee, moved to recommit the bill to the Committee of the Whole on the state of the Union.

Mr. MURPHY urged Mr. JONES to withdraw his motion and let the bill pass. Mr. Vattemare had been here three or four months at considerable expense, and it was the wish of the Committee on the Library to defray his expenses, and there was no way by which the committee could do so unless the bill passed.

Mr. McKAY said the bill required consideration in committee, and he hoped the motion of the gentleman from Tennessee would prevail.

Mr. FARAN rose to a question of order. A rule of the House required that all money bills or bills appropriating money be first considered in Committee of the Whole on the state of the Union, and he desired to know if it was not the duty of the Chair to put them there?

The SPEAKER stated that the Committee of the Whole had just been discharged from the consideration of the bill.

The question was put on recommitting the bill, and no quorum voted.

The House then adjourned.

IN SENATE.

FRIDAY, *June* 2, 1848.

The CHAIR communicated a report from the Secretary of the Treasury relative to experiments in weights and measures; of which, on motion of Mr. DOWNS, 10,000 extra copies were ordered to be printed.

Also, a report from the Fifth Auditor of the Treasury, in reply to a resolution submitted by Mr. WEBSTER on the 29th ult., on the subject of the delay in the progress of erecting a light-house on Execution Rocks, Long Island; which was ordered to be printed.

Mr. CALHOUN presented a memorial from a number of merchants of Charleston, asking that the contract entered into between the Postmaster General and certain citizens of Charleston, for carrying the mail between that city and Havana, in Cuba, may be approved by Congress; which was referred to the Committee on the Post Office and Post Roads.

Mr. HUNTER presented a petition from John R. Bryant, administrator of Purser Garretson, asking a reimbursement of money expended for office rent; which was referred to the Committee on Naval Affairs.

Mr. BREESE presented a petition from Mary Ann Bronaugh, widow of a deceased volunteer in the Mexican war, asking a pension; which was referred to the Committee on Pensions.

Mr. WEBSTER, from the Committee on Foreign Relations, reported the bill further to carry into effect the provisions and stipulations of the ninth article of the Florida treaty, with respect to certain losses by Spanish subjects in West Florida, without amendment, recommending its passage, and accompanied by a report; of which, on motion of Mr. WESTCOTT, 500 extra copies were ordered to be printed.

Mr. DAVIS, of Mississippi, from the Committee on the Library, reported the following resolution; which was read a first time:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the portrait of Major General Baron De Kalb, presented by his surviving family, be placed in the Library of Congress.

Mr. DAVIS also presented, in the name of Brigadier General Twiggs, a Mexican flag, taken in Mexico, which he introduced by an eulogium on the exploits of our army in the various battles which led to the occupation of the capital.

Mr. DAYTON suggested that the flag be deposited in the Department of State; but as Mr. DAVIS thought some more conspicuous position should be assigned to it, Mr. DAYTON withdrew his suggestion, and the subject was suffered to lie over.

OREGON.

On motion of Mr. BRIGHT, the Senate resumed the consideration of the bill to establish a territorial government in Oregon.

Mr. BRIGHT withdrew his motion to strike out the twelfth section.

Mr. BERRIEN renewed the motion, and asked the yeas and nays, which were ordered.

Mr. WESTCOTT wished to ask if Senators understood the character and effect of the existing laws in Oregon. He alluded to all the laws. We were about to sanction laws which have not yet been submitted to us. There was among them a sumptuary law, prohibiting the introduction of any ardent spirits in the territory. [Mr. HALE: Good!] The Senator from New Hampshire says "good," and he will probably vote for the bill. But he would ask, if the territorial government had a right thus to interfere with the United States system of import duties? The provisional government of Oregon was merely an assemblage of emigrants who first went there—of all nations and castes—and never was recognized as a government while we held the territory in joint occupation with Great Britain. He suggested these facts for the consideration of the Senate.

Mr. TURNEY was in favor of the motion when made by the Senator from Indiana, because he regarded it as intended to conciliate the North and the South. But he had withdrawn it, and it was renewed by a southern Senator; so that it was intended now to make it a sectional question. He regarded it as a violation of the common platform agreed on by the Democratic party. He warned the Senators who advocated the retention of the section, of the dangers to which they subjected themselves by withdrawing the motion to strike it out. The party would be at sea, and there could be no union between the North and South.

Mr. BADGER gave briefly his reasons for voting to retain the twelfth section. The settlers in Oregon, for the purpose of self-defence, had established a provisional government. Congress was now called on to sanction the acts of this provisional government. Should this section be stricken out, the people of Oregon will be left in a situation in which they will have no laws which can be carried into execution. Months must elapse before the system now to be established can be made effective. We must either give temporary force to the laws now existing, or abolish them. He regarded the retention of the section as necessary to enable the people to obtain the benefits of the existing laws. He thought the inhabitants ought to have the power to establish their own municipal regulations, and that the restrictions contained in the Senate bill are sufficient to prevent any evil results.

Mr. RUSK regretted that the Senator from Indiana had consented to withdraw his motion to strike out the section, because he thought it constituted a common ground on which all might have united, and have avoided the discussion of the slavery question. He took a different view of the effect of this section from that taken by the Senator from North Carolina who had just spoken.

Mr. WESTCOTT sent to the Secretary a copy of the organic laws of Oregon, as adopted previous to the treaty of Oregon; which was read.

Mr. BUTLER said it was evident that this bill did not come to the Senate with the twelfth section in it by the consent of a full Committee on the Territories. It was sanctioned by two members of that committee, and was in direct conflict with the well-guarded and able bill reported by the Judiciary Committee. He had hoped the section would be stricken out, and that the people of Oregon might be left to make such laws as they may think proper, whether they exclude or admit slavery. He did not wish to send out a bill which could be held up by the North as a concession of the South. He was willing to give the people the right to legislate hereafter, but he was required to go further. He did not, however, admit the right of a territory to legislate in opposition to the opinions of Congress. He believed that slavery would never exist in Oregon, and therefore he would not discuss the question now. But he protested against the doctrine that any territory could frame laws in contradiction to the laws of Congress.

Mr. BADGER explained what he had said, and which (he complained) had been misunderstood or misstated, and reasserted the grounds on which he had placed his argument against striking out the section. He insisted that territories had no power to legislate independent of Congress; that they derived all their legislative authority from Congress. The people of Oregon had established a government without the authority of Congress, and it had continued by sufferance and not by right, until Congress shall establish it. By the omission of Congress, the people of Oregon have been compelled to make laws; but any of these laws—such as that assuming the right to make war, and to dispose of the public lands—as violate the powers of the General Government, are void.

Mr. RUSK referred to the fifteenth section of the act which gives to all the existing regulations the force and character of laws. He objected to the twelfth section, because it was taken up by politicians to foment discords in the country and on this floor. He did not wish to force, or to restrict slavery, in any State. But he would not go into that question now. He hoped the friends of the bill would reconsider their course.

Mr. NILES said he had always desired to avoid this subject whenever it was introduced on a mere abstraction; but now it was brought before us in a bill of a very important character to establish a form of government. He objected to the term "firebrand" being applied to the subject. The question, as far as he understood it, was, whether we should incorporate slavery in the new territory, or leave the door open, and permit slavery to insinuate and establish itself there. He understood the gist of the principle laid down by some Senators to be, that slavery was the fundamental law of every territory. If it was intended to assert that all property belongs to the Federal Government, what became of the rights of States? And how could this ground be taken by the advocates of State rights? The Constitution took no cognizance of property. Its regulation was left to the States; and if what is property in one State is not property in another, we must adopt some rule of decision which will violate the provisions of one State or another. The question is in our hands, and the majority must determine it, and the minority must submit to the decision. He was ready to act on this view.

We had been told that the Federal Government must not touch slavery, and he went with the southern Senators in that view. It was said to be a State right, yet here it is required to be regulated by the Federal Government. He could not go for this. To introduce slavery into a territory now free was a new question, and he was not pre-

pared to sanction it. He asked Senators if they supposed that the northern States would send representatives here to see such a course carried out. The doctrine that the question of slavery should be left to the people of the territory to determine, (which might be very popular,) he was opposed to, because he did not recognize every assemblage of individuals as possessing the element of sovereignty.

He regretted to see a disposition on both sides the Chamber to avoid the discussion of important questions. He was prepared to meet it in any shape. Would Senators from six States, who were instructed to introduce the non-slavery principle in all acts for the establishment of new territorial governments, be willing to sit still when a bill like this was under consideration? He could not do so. He did not know how the Senators from New York, who had been instructed twice over, would act. He had himself been instructed twice, but the instruction made no difference in his course. He believed the discussion and settlement of this subject by Congress would have the effect of tranquilizing and settling the public mind. He should go against striking out the section. If you strike out the section, you introduce an entirely new system in our legislation. He referred to the course adopted in the establishment of territorial governments and the admission of States, to show that it was at variance with that now pursued. It had always been a rule to make the existing laws and condition of the people the basis of legislation. But we refuse to do that in the present case; we leave the present condition and laws of the people entirely out of view. We have now to settle the question of slavery in Oregon finally, as regards the Federal Government, because, when the territory becomes a State, it acts in its sovereign capacity, and he thought the best way was to settle it conclusively, without attempting to shun it. In reference to slavery as an element of power, he stated that it was not a power which would concentrate itself in the North; but in the Federal Government it was an element of immense power, because it enabled it to control and wield the whole power of the South. He warned the North against being deluded by the siren song of harmony and conciliation, which never did mean anything else, and never would mean anything else, than that the North must give up. He wished to see the balance-wheel of justice preserved, lest, by long forbearance on the part of the North, the South should pursue a course which would finally become intolerable, and then the North might be compelled to vindicate itself, and to do it with more power than discretion. He went on to speak of slaves being regarded as property, and concluded by a very eloquent appeal to the Senate to permit the question to be now disposed of.

Mr. DOWNS followed. He stated that he did not go the full extent of the sentiments entertained and expressed by some of the southern Senators. He had never gone the length of asserting that slavery was the fundamental law of any territory. He complained of the assertion that this question concentrated power in the South. He said that the South had never received her due portion of the benefits of the Federal Government. He did not allude to offices. The South was willing to permit the offices, which they considered as merely incidents, to be given to the North; but in commercial facilities and in the appropriations for the public benefit, the South had been left far behind the North. The South did not desire to bring on this question for debate. She understood her position too well. She knew that her position was a defensive one, and it was not for her to come forward and provoke a discussion. The vote of the South in favor of the annexation of Texas was an act of self-defence, in consequence of the repeated assaults made on her from the North. There had been no preliminary movements in the South—no meetings; all the movements were made in the North. And these movements led to the union of the South for the purpose of self-defence. On the Missouri question, the South did not move the first, nor will they make the first movement. They will expostulate with their friends in the North; they would entreat, but they would not move until they should find it necessary for self-preservation. Let us lay this question at rest; let us dig a grave and bury it, and swear on the Constitution never again to disturb its repose, and every member from the South will come there and kiss the book.

Mr. HOUSTON, for the purpose of putting an end to the discussion, moved to amend the twelfth section, in the ninth line, by inserting the following words: "or in violation of any rights by the laws or Constitution of the United States vested in or secured to the citizens of the United States, or any of them," so that the section would read as follows:

SEC. 12. *And be it further enacted*, That the inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Iowa and to its inhabitants; and the existing laws now in force in the Territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of this act, or in violation of any rights by the law or Constitution of the United States vested or secured to the citizens of the United States, or any of them; subject, nevertheless, to be altered, modified, or repealed, by the Governor and Legislative Assembly of the said Territory of Oregon; and the laws of the United States are hereby extended over and declared to be in force in said Territory, so far as the same, or any provision thereof, may be applicable.

The amendment was agreed to.

The question recurring on the motion to strike out the section—

Mr. CALHOUN asked the Senator from Texas what was the object contemplated in his amendment; whether it was to give protection to the property of southern gentlemen?

Mr. HOUSTON said his object was to protect the citizens of Oregon. As to slavery, it was a question not belonging to Congress. It was the province of the Judiciary to set aside any unconstitutional act of Congress. He was not to be alarmed by any little outbreaks in this Chamber. He had no idea that we were standing on the verge of a crisis—that the Union was about to be dissolved. He believed nothing of the kind. He had too much confidence in the integrity and patriotism of Senators; and if that should fail, he would appeal to the integrity and patriotism north and south. He regretted to see the most important principles made the football of passion and bad feeling.

Mr. CALHOUN made a few remarks on the applicability of the principles adopted in reference to Iowa to the Territory of Oregon.

Mr. HOUSTON explained.

Mr. HANNEGAN suggested that the ordinance of 1787 could never have been operative in Iowa.

Some further explanations on the subject were made between Mr. BUTLER and Mr. CRITTENDEN.

Mr. HANNEGAN said that every difficulty had been removed by the adoption of the amendment. He hoped the bill would now be passed, and that then, for an important reason, the Senate would go into Executive business.

Mr. CALHOUN made some explanation as to the admission of Iowa.

Mr. BERRIEN added a few words, and moved that the Senate proceed to the consideration of Executive business.

Mr. BRIGHT asked for the yeas and nays; which were ordered.

Mr. UPHAM moved that the Senate adjourn.

Mr. BRIGHT asked for the yeas and nays; which were ordered.

The question being taken, it was decided as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Calhoun, Clarke, Davis of Massachusetts, Dayton, Mangum, Miller, Niles, Spruance, and Upham—14.

NAYS—Messrs. Allen, Atchison, Atherton, Bagby, Benton, Borland, Bradbury, Breese, Bright, Crittenden, Davis of Mississippi, Dickinson, Dix, Downs, Felch, Foote, Hale, Hannegan, Houston, Hunter, Johnson of Georgia, Lewis, Moor, Rusk, Sebastian, Sturgeon, Turney, Underwood, Westcott, and Yulee—29.

Mr. HANNEGAN desired to go into Executive session for a few minutes on a matter of much importance.

Mr. BRIGHT asked the yeas and nays.

Mr. HANNEGAN spoke of the importance of acting on the bill without delay, and avowed his readiness to sit there until Monday morning if he could effect it; but, if not, he was desirous to go into Executive session on a matter which the Senate found to be pressing.

The CHAIR having intimated that the motion would not be in order while the bill was pending—

Mr. WESTCOTT moved that it be passed over informally, with a view to go into Executive session.

On this question Mr. BRIGHT again demanded the yeas and nays; which were ordered: when the vote stood for passing over informally: Yeas 26, nays 17, as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Butler, Calhoun, Clarke, Crittenden, Davis of Massachusetts, Davis of Mississippi, Dayton, Downs, Hunter, Johnson of Georgia, Lewis, Mangum, Miller, Niles, Sebastian, Spruance, Turney, Underwood, Upham, Westcott, and Yulee—26.

NAYS—Messrs. Allen, Atherton, Bagby, Benton, Borland, Bradbury, Breese, Bright, Dickinson, Dix, Felch, Foote, Hannegan, Houston, Moor, Rusk, and Sturgeon—17.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 3, 1848.

The Journal of yesterday was read and approved.

Mr. MOREHEAD presented a memorial of officers of the army in Mexico, praying the purchase and improvement of a piece of ground to be denominated the "American Cemetery," and that the bodies of all American soldiers, who have sacrificed their lives for their country in Mexico, or who may hereafter die in that country, may be therein interred. Referred to the Committee on Military Affairs.

The House proceeded to consider the bill for the relief of Peter Shaffer, yesterday reported from the Committee of the Whole and laid aside for consideration this day.

Mr. DANIEL took the floor, and spoke in opposition to the bill, and, while proceeding in his remarks, yielded the floor at the request of

Mr. VINTON, who moved that the House resolve itself into Committee of the Whole on the state of the Union on the appropriation bills.

The question was decided in the affirmative: Yeas 97, nays 60.

NAVAL APPROPRIATION BILL.

And the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROCKWELL, of Connecticut, in the chair,) and proceeded to consider the bill making appropriations for the naval service for the year ending June 30, 1849.

Mr. BRODHEAD said that the bill before the committee was the naval appropriation bill; but the subject under discussion was slavery, and the power of the Government over slavery in the Territories. The two gentlemen who had yesterday discussed this question had, by their speeches, convinced him that there were gentlemen in the South who held extreme opinions on this subject. He had heretofore supposed that the people of the South, with one accord, maintained the absolute neutrality of the General Government in regard to slavery; and all must remember with what vehemence the exercise of the right of petition to Congress on that subject had been resisted, and what menaces of disunion had been uttered, if it should be allowed. This was on the express ground that the General Government had nothing to do with slavery, in the way either of supporting or abolishing it. The South loudly disclaimed asking the Government to protect it in the Territories. But now a different ground was assumed. The advocates of the Wilmot proviso insisted that the Government could and ought to prohibit slavery in the Territories: it was both the power and the duty of Government to do so. Now, the gentleman from South Carolina [Mr. RHETT] agreed with them that Government possessed power over the subject in the Territories, but contended that that power should be exercised in upholding and supporting it there. There were, however, but few, either in the South or in the North, who contended that the power, if it existed, ought to be exercised. And Mr. B. avowed his position to be in favor of an entire neutrality in the Government on the whole subject. Congress gave the Territories the machinery of a territorial government, and he was for letting the Territories work the machine for themselves. He admitted that Government had the power, but he did not think it was wise to exercise it.

The gentleman from Virginia [Mr. BAYLY] contended that the clause in the Constitution respecting the legislative power of Congress in regard to the Territories of the United States conferred no

political jurisdiction. The practice of the Government, however, had proceeded on an opposite construction. Mr. B. waived any discussion of that question, but contented himself with maintaining the inexpediency of the Government taking any action on the subject, but leaving it entirely to the people of the Territories. Congress could not alter the provisions of the Constitution, and he insisted that the whole matter ought to be left with the States and the Territories to act in regard to it as they thought best. The Territories had no representative to vote for them in Congress, and he thought we ought to regard the ancient republican principle of the Revolution, that freemen ought not to be controlled by a Government in which they had no voice.

Mr. B. thought the northern States ought to be content with the observance of the Missouri compromise. Whatever might have been the authority to enact that compromise in the first instance, if it was adhered to in good faith, it would operate as a peacemaker and quiet the agitations of the country.

Mr. B. had observed that those who opposed it, and were for the forcible exclusion of slavery from the Territories, were obliged to resort for support to the extreme of fanaticism, and they had certain catchwords which marked them as a party, and were used for party ends alone. Among these was that of "free soil." What did this mean? Had it any intelligible meaning? It could not mean free rocks, free sand, free loam; if it meant anything, it must mean free government. Well, if that was what they really meant, it was the very thing for which Mr. B. contended. The country was full of these party terms. Thus we had a Liberty party, as if we were not all friends of liberty; and a Native American party, just as if there were some among us who were not the friends of America, or were enemies to native-born Americans. So they called all northern men who did not go to their own fanatical extremes, "doughfaces." He thought, when they used this expression, they must have had the mirror before their own faces.

It was said that slavery was a great moral and political evil: it might be so; but the world was full of evils of various sorts, which it was impossible to remedy, and which we must make up our minds to endure; and, great as this evil might be, it might become yet greater if an attempt was made forcibly to pen it up within its present geographical limits. Could such a design be effected, and should it turn out that slavery within those limits ceased to be profitable to slaveholders, the adjacent States would soon be overrun with a black population of the very worst description. Slavery had always existed in the world, and he presumed always would; it had been made no ground of excommunication from the church, and it ought not to be of excommunication from a political party. The negro race, always subjected to degradation among men, had never occupied a condition so elevated as it held in our southern States. Slavery was distinctly recognized in the Constitution, and those who recognized the authority of that instrument ought to hold their peace upon the subject; but, however they might rave, the Constitution could not be changed.

Mr. B. held that the legislation which had been resorted to in New York and in Massachusetts to prevent the recapture of runaway slaves was in direct conflict with the Constitution.

Mr. JENKINS asked to what legislation of New York the gentleman alluded?

Mr. BRODHEAD said he did not pretend to a minute knowledge of all the laws passed by the New York Legislature, but he was under the impression that a law had been passed in that State which forbade all State officers to aid the owner of a runaway in recovering his property.

Mr. JENKINS said no such law existed in New York.

Mr. BRODHEAD was happy to learn the fact, and was very sorry the same could not be said for his own State.

The nation had lately been greatly agitated on this subject, and there was a party among us who were perfect Don Quixottes in philanthropy; they could totally overlook an evil at their own doors to gaze upon and weep over one a thousand miles off. Men worked themselves into a fever about this Wilmot proviso, from whose States probably not one family would ever remove into California or New Mexico. Southern men would probably not take their slaves there in any numbers, because the country was one where slavery would not be profitable; and where it was not profitable, slavery never went or long continued; but southern men, by a very natural feeling, were unwilling to be put under the ban.

There existed a sickly sentimentality in some of the northern States, that was finding its outlet sometimes in Fourierism, sometimes in Millerism, and sometimes in anti-slavery. But Massachusetts might as well undertake to meddle with and prohibit slavery in the State of Pennsylvania as in New Mexico or California. She might as well order Pennsylvania to strike out the word "white" from her constitution before the words "free male" citizen. It was an impertinent intermeddling with other people's business.

The gentleman from South Carolina [Mr. RHETT] had objected to permitting a "handful of squatters" in the Territories to settle this question of slavery there for all time to come. Now, Mr. B. did not think it very well became us Americans to sneer at "squatters;" for, take us together, we were a nation of squatters; and it was squatters who, by their industry and hardy enterprise, had made the country what it was. Mr. B. had rather trust a company of squatters to make a constitution under which to live than a pack of dreaming Fourierites shut up in cities, who knew nothing of life in a new country. He held that those who were in the Territories had a right to form their own laws, provided they were not in conflict with the laws of the United States.

As to this Wilmot proviso question, it was not a practical question. California, it was obvious, must be the future home of a maritime people; and it was notorious that the progress of all settlement must be what it always had been, from the coast to the interior. Slave labor would not thrive there. The South, hitherto, had always held that the Constitution was a sufficient protection to them in the holding of their slaves; but when we came to look at the doctrine put forth by the Baltimore Convention, we found there was a backing off from that doctrine in some quarters. The Whigs in the North began to discover that there was nothing to fear on this question; in evidence of which, he read quotations from a speech made by Mr. Dayton, of New Jersey, in the Senate of the United States, on the Mexican treaty; one great inducement for the adoption of which was, that it practically avoided "that wretched Wilmot proviso question." Here was an intelligent northern man who considered the whole thing as "a miserable question." The new Territories to be acquired by the treaty were not suited to slave labor; so that the whole of the agitation which the introduction of that proviso had produced throughout the country was gratuitous, and without any reason or necessity.

Mr. B. here read some authorities in support of his position. He expressed his surprise that Mr. Van Buren had not been satisfied with the Missouri compromise. He had said once that he would veto any bill abolishing slavery in the District of Columbia.

Mr. McCLERNAND inquired whether Mr. B. meant to assert that Mr. Van Buren had changed his opinions?

Mr. B. disclaimed any such assertion.

Mr. WILMOT asked if the proviso was not adopted and acted on, would not slaveholders go into these territories, and would not the perpetuation of slavery there inevitably follow?

Mr. B. said, if the Constitution carried it there, he was willing it should go there. His colleague had admitted, in his speech, (which Mr. B. quoted,) that the people of a Territory, when it became a State, ought to be allowed to decide the question of tolerating slavery for themselves; why not accord them the same liberty while they continued inhabitants of a Territory? Why not permit the Territorial Legislature to act on the subject?

Mr. B. maintained that all the States were bound by the provisions of the Missouri compromise; and he was willing to adopt it as tending to the same result as his own doctrine of Government neutrality.

Mr. B. quoted the Alabama platform, as laid down by Judge Dargin, chief justice of that State, and formerly a member of Congress.

The Missouri compromise had been forced upon the southern States by the northern representatives. By it, the existence of slavery north of 36° 30′ was abolished; south of that degree of latitude, the people were to be suffered to choose for themselves whether it should exist within their limits or not. Men from all parts of the Union at the last Congress had been willing to agree upon this as a peace measure. In March, 1820, when that compromise was first adopted, the States had been equally divided on the subject of slavery, eleven of them prohibiting, and eleven admitting it. The vote in the House of Representatives on its adoption had been 134 to 42, and in the Senate 34 to 10. The compromise had been imposed upon the South by northern votes; and he held that men of the North ought now to be willing to abide by it as a peace measure.

The Whigs talked of nominating for President a gentleman who was himself a practical slaveholder. If they wanted to carry him into the chair, or when they got him there, they would have to abandon the plan of getting into power by abusing slavery. They would be obliged to back out from the Wilmot proviso, or their candidate would not get a southern State. If that question should be taken out of the arena of political controversy in the northern States, Mr. B. should heartly rejoice. For if it was pressed to its results, it must lead to disastrous issue. The ground of entire neutrality was the true ground to be assumed by the Democratic party. On this, that party would stand united and firm, however much the Whigs might divide. The coming election would finally settle this question. He wanted to know whether his friends to meet in Philadelphia were for or against the Wilmot proviso. The Democracy were against it. He hoped the Whigs would either affirm or repudiate it.

Mr. DUER asked whether the gentleman from Pennsylvania meant to say that the Baltimore Convention had repudiated the Wilmot proviso. Would the gentleman affirm that that was the present attitude of his party?

Mr. BRODHEAD replied that the Democratic party all over the Union would repudiate it.

Mr. DUER would thank the gentleman to read him the resolution adopted at Baltimore in which such a position was taken.

Mr. BRODHEAD said the position of the Democratic party was a position of neutrality. Let the Whigs declare how they stood in regard to this matter. If they abandoned the proviso, (and if they supported a slaveholding candidate they did virtually abandon it,) let them say so at once. [Mr. BRODHEAD's speech will be found in the Appendix.]

Mr. BROWN, of Mississippi, after a brief apology for speaking to a subject not before the committee after having recently expressed strong disapprobation of the practice, and laying the blame on the decision of the committee yesterday, which had overruled its chairman, and pronounced the gentleman from South Carolina [Mr. RHETT] to be in order in speaking to slavery when the bill before the committee was the naval appropriation bill, proceeded to deliver a speech in opposition to the Wilmot proviso, and in vindication of the right of the people of the South to go into the Territories with their slaves, and the want of all authority, either in Congress or the Territorial governments, to prohibit them. [Mr. B.'s speech will be found in the Appendix.]

Mr. SAWYER said that he was about to pursue a course which probably would not meet the acceptance of many gentlemen around him. It was known to all who heard him that he had not troubled the House with many long speeches of his either during the present session of Congress or the last. Yet he was a diligent attendant on the sittings of the House. When it was opened in the morning by the prayer of the chaplain, he was in attendance; and with scarce an exception, he had been present at every vote taken since the beginning of the session, and had at all times endeavored in his place to forward the public business. But how stood that business now? They had a bill before them appropriating money for the pay of the officers and seamen of our navy, and for providing whatever was needful to keep it in a proper condition. Yet, while this bill was waiting the action of the House, gentlemen had got into the discussion of a subject entirely foreign to the bill: and just so it had continued from the commencement of the session till this very hour. The public business had been criminally neglected.

Mr. S. would now quote, for the benefit of the country and for the information of the committee

some items from the general calendar of the business of the House which yet remained to be done. There were on that calendar more than five hundred bills yet unacted upon, while only some fifteen or twenty had received the action of the House. All the bills providing for the pay of our brave soldiers were still to be passed, while the House was engaged in discussing abstract questions on slavery—a subject introduced by whom and on which side of the House? Did not gentlemen perceive that no gentleman from the other side of the House attempted to get the floor? The whole discussion was confined to the Democratic side of the House; it was they who, instead of doing the business of the country, were occupying the time in discussions on slavery. The debate had been opened by a gentleman holding the extreme of southern principles; and the practical result would be, that in some portions of the Union that speech would be quoted on them as exhibiting the party's doctrine, while an ultra Wilmot proviso Democrat had made a speech on the opposite side of the question; and in other sections of the Union, the Whigs would read that speech to the people as a sample of Democratic doctrine. The other side, seeing the game thus coming into their hands, sat perfectly quiet.

Mr. S. said he would now read the titles of some of the bills which were suffered to remain on the calendar while this proceeding was going forward, and would call the attention of his own constituents to the fact that he, at least, had not been for consuming the time of Congress on mere abstractions, neglecting the important business of the country. Gentlemen were calling for an early adjournment, and yet were thus delaying the business that ought to be done.

Mr. S. said he wanted this slavery debate to be at least postponed to next week, when many gentlemen would be absent from the House at the convention to be held at Philadelphia. While those gentlemen were away, they could not, in justice, take up the important business and act upon it. He hoped, therefore, the House would dispose of this appropriation bill, and perhaps of one other to-day; and then, while the gentlemen were absent at Philadelphia, those who remained might discuss just what they pleased, to occupy the time. But the bills on the calendar were important to every man in the country; and if gentlemen would, by continuing this sort of debate, rob their constituents of their just rights, Mr. S. would tell the country and the world of it. Here were bills on the calendar from No. 9 up to No. 520, still waiting, unacted on. There was one to protect the suffering emigrants to Oregon, who were being butchered by the scalping-knife of the bloody savage; yet, while they were falling massacred in the wilderness, and gentlemen knew it, they could sit here day after day discussing negro slavery. Mr. S. called on the House and on the country to bear him witness that it was not his fault. Here was another bill providing half-pay to the widows and children of men who had died in the service of their country. There was another for removing sunken rocks in the harbor of New York; he called the attention of gentlemen from New York to it. Another bill provided for widows and orphans of men who had died in our naval service. Then there were bills providing for the improvement of rivers and harbors, some of them just and honest; and, if gentlemen would keep out of it such as were dishonest and unjust, the President was not going to veto the bill.

Mr. STEWART here asked the gentleman from Ohio on what authority he asserted that the President would not veto the river and harbor bill?

Mr. SAWYER said, on the authority of the President's veto message.

Mr. STEWART. Which message?

Mr. SAWYER. The last veto message. He was not mistaken. He understood the objections of the President. He went against bills which were not of public and general importance.

Mr. BURT wanted to know whether the gentleman from Ohio meant to say, that among the bills which the House had neglected to take up was the river and harbor bill, and that it would not be vetoed?

Mr. S. replied in the negative.

Mr. BURT. Did you not mention that bill?

Mr. SAWYER. I mentioned a bill to remove rocks in the harbor of New York.

Mr. BURT said the gentleman from Ohio was a good Democrat. Did he mean to pledge himself that the President would not veto any bill for internal improvements? If so, he hoped that the Democratic party would adopt some other resolutions besides those put forth at Baltimore.

Mr. SAWYER had said that there were certain bills for rivers and harbors which the President would not veto; but there were others which he held that the President ought to veto, and would.

Mr. STEWART. What bills are they?

Mr. SAWYER said he had not time now to specify them.

Mr. STANTON asked whether Mr. SAWYER meant to say that the nominee of the Democratic Convention would veto any bill for which he had himself voted?

Mr. SAWYER said he must proceed in his remarks. There were bills on that calendar in which every gentleman in the House was interested, and it was an abuse of the rights of the people to prevent by irrelevant debate these bills from being passed. There were five hundred bills yet behind, many of them granting pensions to gentlemen's own neighbors, which they would not be able to reach; and then, when an adjournment was moved, gentlemen were so much afraid of their constituents that they cried out for the yeas and nays, that they might show them that they were willing to adjourn. Mr. S., for one, desired to record his own name as having been in favor of taking up the legitimate business of the House. Mr. S. quoted the following list of bills:

A bill making provision for the widows and children of officers and soldiers of the army of the United States who have died or may die while in the service, or after their discharge, on account of sickness or a wound incurred while in the service.

A bill making appropriations for the support of the army and of volunteers for the year ending the 30th of June, 1849.

A bill giving further time for satisfying claims for bounty lands, and for other purposes.

A bill to amend the act approved the 24th of May, 1824, entitled "An act supplementary to an act approved on the 3d of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices.'"

A bill to provide for cases of lost bounty-land warrants.

A bill to increase the efficiency of the regiments and corps of the army, and to provide for disabled and infirm officers.

A bill to found a military asylum for the relief and support of invalid soldiers of the army of the United States.

A bill authorizing certain promotions in the naval service.

A bill directing the Secretary of the Navy to settle certain accounts of officers of the navy who have been required to act as pursers of the vessels of which they were placed in command during the existing war with Mexico.

A bill supplementary to an act for the relief of sick and disabled seamen, and for other purposes.

A bill supplementary to an act approved July 7th, 1838, entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam."

A bill to provide for the payment of horses and other property lost or destroyed in the military service of the United States.

A bill to establish the territorial government of Oregon.

A bill making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th day of June, 1849, and for other purposes.

An act to allow further time for satisfying claims for bounty-lands for military services in the late war with Great Britain, and for other purposes.

An act to extend the provisions of existing pension laws to enlisted men of the Ordnance corps of the United States army.

A joint resolution to defray the expenses of transporting to the United States and interring the remains of deceased officers and soldiers of the army in certain cases.

A bill for the relief of widows and orphan children of officers and seamen of the navy of the United States.

A bill further to amend the judicial system of the United States.

An act amending the act entitled "An act granting half-pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers," passed July 4, 1836.

A bill for the relief of the volunteers engaged in the military service of the United States.

A bill appropriating money to remove the sunken rocks in the harbor of New York.

A bill to create the office of Surveyor General of the public lands in the Territory of Oregon, and to grant donation rights to settlers therein, and for other purposes.

A bill to promote the education of the indigent deaf and dumb.

A bill to provide for all the officers and soldiers, regular and volunteer, who have been injured and permanently disabled in the service in the existing war with Mexico.

A bill to set apart and sell to Asa Whitney, of New York, a portion of the public lands, to enable him to construct a railroad from Lake Michigan to the Pacific Ocean.

A bill further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

A bill making appropriations for the naval service for the year ending 30th June, 1849.

A bill for the payment of a company of Indian volunteers, called into the service of the United States.

A bill to provide for the families of such commissioned officers, non-commissioned officers, privates, and musicians, whether belonging to the regular army or to any volunteer corps, as may have been killed in battle, or died from wounds received, or diseases contracted, or other casualties, occasioned while in the service of the United States during the war with the Republic of Mexico, and for other purposes.

A bill to provide for suppressing Indian hostilities in the Territory of Oregon, and for other purposes.

He would now move that the committee rise, that he might in the House offer a resolution to limit the debate, and then returning into committee, the chairman of the Committee of Ways and Means would have an opportunity to speak to the bill. He hoped that, after having allowed an opportunity, while the Convention was held at Philadelphia, for debate on general topics, they should afterwards set in seriously to the business of the session, and go through with it, and then when they went home they would receive the cheering plaudits of their constituents, "Well done, good and faithful servants!"

Mr. S. moved that the committee rise. The vote was decided by tellers: Ayes 75, noes not counted.

The committee having risen, and the Speaker resumed the chair—

Mr. SAWYER moved to limit the debate to ten minutes after the House should have returned into committee, and then take the question on the bill and amendments.

Mr. DUNCAN, of Kentucky, hoped the House would not adopt any such limitation as that, but would allow sufficient time for legitimate debate on the merits of the bill.

Mr. COBB remonstrated, and hoped the time would be extended to two o'clock on Monday.

Mr. COLLAMER hoped they would not insist on passing such important bills as this while the Whig side of the House were absent.

The resolution was then laid on the table.

The House having returned into committee, the amendment moved by Mr. VINTON was agreed to.

The amendment, moved on Thursday last by Mr. VINTON, in relation to the Superintendent of the Naval Observatory, to come in after the first item, was read and agreed to.

The reading of the bill was continued down to the item "for nautical books, maps, charts, instruments, binding and repairing the same, and all the expenses of the Hydrographical Office, $30,000."

Mr. STANTON moved to amend this item, as follows:

Strike out the words "thirty thousand dollars," and insert the following in lieu thereof: "thirty-five thousand dollars; and the Secretary of the Navy is hereby directed to 'expend five thousand dollars, or so much thereof as may 'be necessary, in causing the observations to be made which 'have been recently recommended to him by the American 'Philosophical Society and the Academy of Arts and Sciences."

[In support of this motion, Mr. STANTON addressed the committee as follows:

Mr. Chairman: This subject was brought to the notice of the Committee on Naval Affairs by a letter from the Secretary of the Navy, transmitting a highly interesting correspondence between Lieutenant Gillfiss, of the navy, and many distinguished scientific men in this country and Europe. The committee, by a unanimous vote, directed this amendment to be presented. It was accompanied by a report in which all the correspondence alluded to was imbodied, and that report has been for some weeks in the possession of the House. The proposition has been favorably noticed in many of the leading journals of the country without distinction of party.

If this report and these notices of it had received the attention of members of the House, it would be unnecessary for me to offer any remarks on the subject. But I fear, in the stirring political events and movements of this part of the session, these matters, however interesting to many, have not attracted general notice, and I therefore propose to submit a brief explanation of the objects of this amendment.

I commence by quoting the resolution of the "American Academy of Arts and Sciences," Boston and Cambridge, January 15, 1848, in the following words:

"*Resolved*, That, in the opinion of this Academy, the enterprise for determining the solar parallax, in the method proposed in the correspondence between Lieutenant Gilliss and Dr. Gerling, is worthy to be promoted by the Government of the United States by sending an expedition to Chiloe, both on account of the great uncertainty which attends the adopted value of this fundamental basis of astronomical measurement, and from the probability that this attempt will prove successful, and thus redound to the honor of the country by which it is undertaken."

The resolution of the American Philosophical

Society is to the same effect. The enterprise referred to in these resolutions, and thus recommended to the patronage of the Government, is simply an expedition to South America, to be conducted by one of our most accomplished naval officers, in order to make observations upon the planet Venus, in conjunction with similar observations to be made at the Observatory in this city. The ultimate object is to determine the sun's parallax more correctly than it is now known.

A few words will explain the necessity for this more accurate knowledge. The present quantity of the sun's parallax is derived from observations of the transit of Venus in 1769. It is admitted on all hands that this great phenomenon—the transit of Venus—affords the best means of ascertaining the quantity in question. But it is of such rare occurrence and so short in its duration that the observations of a single transit during the last century have been far from inspiring perfect confidence in the result. Another transit will take place in 1874, but the position of the planet on the sun's disc will be less favorable; and, indeed, it is said by astronomers that for a period of something like a thousand years there will not occur a transit of this planet under circumstances equally favorable for this purpose as that of 1769. The demands of science, however, will not admit of delay even until the occurrence of the next transit, however favorable that might be for observation. The general voice of astronomers and scientific men seems to establish the great probability that the new method proposed by Dr. Gerling will be productive of valuable results. For the testimony of distinguished astronomers on this subject, I refer to their respective letters in the report. I will only quote a short passage from the letter of Professor Bache, whose high authority on such a question will be acknowledged by us all. He says, page 51 of the report:

"As was no doubt expected, the searching examination to which your proposal has given rise, has nearly exhausted the various bearings of the problem. The importance of the inquiry proposed is generally admitted. In discussing the question of the probability of obtaining new data for the solar parallax, which shall diminish the probable error of the value obtained from the transit of Venus, there are different shades of opinion expressed. I do not see, however, that the two reasons which strongly favor Dr. Gerling's method are met by any opposing arguments.

"The large number of observations upon which results may be founded, and the independence of the new method with that formerly used, are indeed striking features in this method. Independent methods give the best confirmation of results, or show errors beyond the accidental error deduced from calculation of observations which are all made by the same method."

I propose to say a few words upon the importance of the information to be derived from the proposed observations, and to show in what manner they connect themselves with the interests of the Government. It might be sufficient for this purpose, in a general point of view, to refer to the fact stated in the report, that, for the observation of the transit of 1769, astronomers spread themselves over the whole world, at much expense and labor, in order to get the benefit of the great phenomenon. This, in all probability, would not have been the case, had there not been an immense practical value connected with the results of this important labor.

But, to enter a little more into particulars. There are some irregularities in the moon's orbit which our present knowledge of the solar system does not enable us to explain. It is obvious, therefore, in calculating the position of the moon for two or three years to come, which is always done in the Nautical Almanac, there must be an error greater or less in the place assigned to this luminary by the nautical tables. This error has a direct bearing upon the safety of navigation. Now, there is reason to believe that a different distance assigned to the sun might entirely explain these anomolous motions of the moon. It is certain that if the calculated distance of the sun from the earth be changed, the path of the moon will be to some extent different from that attributed to it by the present tables. Great practical good may therefore result from the new investigation of the solar parallax.

I know there are some gentlemen present who will probably object to the appropriation upon constitutional grounds. For this reason I have abstained entirely from alluding to many other valuable and interesting results which are likely to flow from the proposed expedition. Many gentlemen believe that this Government has no power to do anything for the promotion of science from the mere general utility of an increase of knowledge. They are probably right. I have confined myself, in these remarks, to the direct and particular utility of this investigation in its bearing upon the material interests of the Government. It is indispensable to the interests of navigation, and is, therefore, within the competency of the Government, because its navy must be sent to all parts of the world.

In reference to the important problem of longitude, and for the purpose of illustration, I will read a passage from Herschel's popular treatise on Astronomy:

"If there were in the heavens a clock furnished with a dial-plate and hands, which always marked Greenwich time, the longitude of any place would be at once determined so soon as the local time was known by comparing it with this clock."

"In a clock, the marks on the dial-plate are uniformly distributed all around a circumference of a circle, whose centre is that on which the hands revolve with a uniform motion. But it is clear that we should, with equal certainty, though with much more trouble, tell what o'clock it were, if the marks on the dial-plate were unequally distributed, if the hands were eccentric and their motion not uniform; provided we knew, first, the exact intervals round the circle at which the hour and minute marks were placed, which would be the case if we had them registered in a table from the results of previous careful measurement; 2dly. If we knew the exact amount and direction of eccentricity of the centre of motion of the hands; and 3dly. If we were fully acquainted with all the mechanism which puts the hands in motion, so as to be able to say at every instant what were their velocity of movement, and so as to be able to calculate, without fear of error, HOW MUCH *time* should correspond to so MUCH *angular movement*.

"The visible surface of the starry heavens is the dial-plate of our clock, the stars are the fixed marks distributed around its circuit, the moon is the moveable hand, which, with a motion that, superficially considered, seems uniform, but which, when carefully examined, is found to be far otherwise, and regulated by mechanical laws of astonishing complexity and intricacy in result, though beautifully simple in principle and design, performs a monthly circuit among them, passing visibly over and hiding, or, as it is called, occulting some, and gliding beside and between others, and whose position among them can, at any moment when it is visible, be exactly measured by the help of a sextant, just as we might measure the place of our clock-hand among the marks on its dial-plate with a pair of compasses, and thence, from the known and calculated laws of its motion, deduce the time."

Now, sir, this is a very fair and a very beautiful illustration of the lunar method of ascertaining longitude. And I have quoted this long passage for the purpose of demonstrating to the mind of every man in the House that there can be no valid constitutional objection to the appropriation proposed. It is indispensable for our Government to make use of this celestial clock. For this purpose our national vessels are supplied with the instrument for observing it—the sextant. But it is necessary to correct the indications of this celestial clock, not of course in its actual motions, but relatively in our knowledge of it. Now, it is just as competent for our Government to make all astronomical observations necessary to a complete and accurate understanding of this celestial clock as it is to purchase a sextant to ascertain its true indications. There can be no answer to this argument. You must deny the power of navigation at all, or you must yield the power to adopt all the instruments and appliances necessary to its perfection.

But, sir, it is not in navigation only that this expedition will be of actual benefit to the Government. I hope one day to see a different system adopted in reference to the survey of our vast public domain—a system of topographical examination and survey, in which the utmost possible accuracy will prevail—in which the meridian lines shall be true meridians, and the section lines actual parallels of latitude. This is not the case at present, and important difficulties result from the imperfection. The day, I hope, is not distant when the public lands will be the subject of operations similar to those of the coast survey, so far as they are applicable. The interests of the Government and the people require it.

I do not design, Mr. Chairman, to consume the valuable time of the committee in useless speaking. My object is simple and pertinent explanation. If I have succeeded in this, I have done all that I desired. But the committee will tolerate one further remark in connection with this subject. It is aside from the direct utility of the expedition in question, but I hope it will not be without its weight. The Government of the United States, it is acknowledged, has contributed but little to the interchange of scientific knowledge among the nations of the world. The proposed expedition to the southern hemisphere will be a slight offering on our part in return for the thousand obligations we have incurred to the labors and science of the Old World. Indeed the accuracy and efficiency of the very instruments we must use in conducting these observations, and all the tables of which our Government and people must avail themselves in navigation, are chiefly due to the investigations and labors of European astronomers. I hope we shall not refuse to take this single step towards repaying our national debt to the science of the world.]

[Mr. EVANS, of Maryland, said that the object of the amendment proposed by the gentleman from Tennessee [Mr. STANTON] was, to enable the Navy Department to fit out an expedition for the purpose of giving an opportunity to a scientific officer of the navy (Lieut. Gilliss) to put to a practical test the method proposed by Gerling, of Marburg, for ascertaining the sun's parallax. This method, for the sake of distinction, he should call "Gerling's Method," though it had been suggested by other astronomers many years since, and though this and other methods nearly allied to it were well known to scientific men. Dr. Gerling, however, had more lately called attention to this subject, which had been brought prominently into notice in this country by the scientific ardor of Lieut. Gilliss. The method of Gerling consists of observations to be made upon the planet Venus at the times of its inferior conjunction, and at the stationary periods when the positions of the planet are to be carefully ascertained from those of certain fixed stars previously selected whose places have been determined with the utmost possible accuracy. These observations are to be made with astronomical instruments of the best workmanship, with all the modern improvements; they are to embrace a considerable period of time; the observers are to be nearly under the same meridian, but in different hemispheres; the one to be, as it is proposed, at the Observatory in this city, and the other at some point of the west coast of the South American continent, as remote from Washington as practicable, so as to obtain the longest possible base line. It must, then, be apparent to the committee that these observers, thus separated from each other, will not see the planet in precisely the same part of the heavens. The difference of position of Venus as viewed from the northern and from the southern points will be susceptible of direct observation and ascertainment, and from this difference the parallax of the planet, and thence that of the sun, may by an easy computation be deduced. The method just explained is in its essential particulars that of Gerling; it is not necessary to state it more elaborately, nor if it were done, would the committee in all probability take any greater interest in it, or understand it with greater clearness.

Perhaps it is as well to state here to the committee, that other methods for the ascertainment of the sun's parallax have been proposed and adopted; one of these, and perhaps the rudest, is very old. It is to observe the moon when dichotomized. It is not necessary to dwell further upon this plan, as it is not possible by it to determine the parallax with any accuracy.

Another method a good deal dwelt upon, particularly before the transits of Venus in the last century, is by observations made upon Mars in opposition; by these means the parallax of that planet has been determined, and that of the sun thence deduced amounts to about nine seconds and a half. As well this method, however, as all others yet proposed, must yield in point of accuracy to those made upon the transits of Venus over the sun's disc, which are, as the gentleman from Tennessee [Mr. STANTON] has correctly stated, occurrences of great rarity, happening only at alternate periods of about eight years and of upwards of a century apart. Thus there were transits at different nodes in 1761 and 1769; while the next transit will not occur until the year 1874. At the intermediate conjunctions the planet will not be seen upon the sun's disc. The transit of 1769 engaged the utmost attention of all the astronomers of the world. Expeditions were fitted out for almost every part of the globe where that phenomenon was visible, and observations upon it were made at Paris, at Greenwich, at Wardhus, at Pekin, on the island of Otaheite, at Kola, at Santa Anna in California, and at a number of other places. The observations at Wardhus, made by Pène Hell, have been considerably distrusted, and those made at Santa Anna by Velasquez have been absolutely discredited, and subjected to the charge of forgery, it being pretty generally believed that he compu-

ted his observations from the amount of parallax as deduced by other observers. It is upon the remaining observations, these being set aside, that the amount of parallax, as at present received, of eight seconds and fifty-eight hundredths, rests for its accuracy.

Mr. E. further observed that it will, if the committee are not already completely wearied by these details, be proper at this place to explain what this parallax is whose ascertainment has been thought worthy of so much labor and research. If the committee were tired of the subject, he would proceed no further in it. [Cries of "Go on; we want to hear it."] Well, then, the committee will understand that the sun's parallax is the angle under which the semi-diameter of the earth would be seen if viewed from the sun's centre, and its use is, to ascertain the distances of the heavenly bodies, and to reduce their apparent to their real places. It is plain that an observer, if he could be placed at the centre of the earth, would view a body situated at any finite distance higher than it would appear to another situated upon any part of the earth's surface. The effect of parallax is, then, to depress the body, and the amount of the parallax in altitude is always to be added to the observed in order to obtain the real place. This correction is of constant use among astronomers and navigators. Its effect has been very accurately stated by the gentleman from Tennessee, [Mr. STANTON;] it will not, therefore, be necessary to say more upon it at this time.

Now, to return for a moment to the transit of Venus, as observed in 1769. The committee, from what has just been said, will readily perceive that two persons very distant from each other on the earth's surface will see the planet upon different portions of the sun's disc. To the one it may appear to describe a path passing much nearer to the sun's centre than it will to the other. Then, by ascertaining as accurately as possible the instants of external and internal contacts, the times of describing these paths will be ascertained, and the time will be longer to that observer by whom the planet is seen projected nearest the sun's centre. From the difference of these times the differences of the parallaxes of Venus and the sun may be determined, and then, by Kepler's law, the true amount of either. This method is unquestionably the most accurate of any that has ever been proposed, since an error more considerable in noting the times of the transit than can be made by any ordinarily careful observer will but slightly affect the difference of parallaxes, and of course that of the sun in a still smaller degree. These are some of the reasons which give such value to the transits of Venus for purposes which are now sought to be effected by the proposed expedition and observations, made after the method of Gerling. It was noticed, however, by the observers in 1769, that there was a difficulty about the exact instant of internal contact, owing to certain phenomena of light which prevented the planet at that instant from appearing perfectly circular, the edge nearest the limb of the sun appearing to run out into a band or to spread into drops, so that the time of the first internal contact was delayed, and that of the last accelerated. However, taken altogether, no other method yet proposed seems to approach this in accuracy, and a very full discussion of the observations of 1769 by a number of astronomers, Encke among the rest, have fixed the parallax at eight seconds and fifty-eight-hundredths. A very good article upon its amount by De Ferrer will be found in the fifth volume of the Transactions of the Astronomical Society; and it is observed by him, and confirmed by Encke, that the amount just mentioned of eight seconds and fifty-eight-hundredths is the mean parallax, without a likelihood of error amounting to three-hundredths of a second. The whole error may exceed this, but it is doubtful if it exceed five hundredths of a second of space. Now, it is proposed, by means of observations made, as before remarked, in this city, and upon the west coast of South America, to eliminate this error if it exists. Is this of practical importance? And, if it be, can it be effected by the method proposed to us by the Committee on Naval Affairs?

Mr. Chairman, it must be confessed that, considered purely as a scientific question, this is one of great importance, and well worthy the attention of this committee. It is matter of congratulation, sir, that the gentleman from Tennessee [Mr. STANTON] has reported this amendment from the Committee on Naval Affairs. From this country much is due to the cause of science, and but little has been paid. No other has derived greater or more lasting advantages from the scientific investigations and astronomical observations of distinguished Europeans, made under the direction of the several Governments of that continent, and none, until lately, has done less to return the obligation. It is by means of their labors that commerce has been made to expand, and that navigation has been rendered easy; and there can be no doubt but that those very labors have conduced to make us what we are—one of the very greatest naval Powers of the world. Common justice, therefore, requires of us repayment, and that we too should contribute our just proportion to the common stock of scientific research and scientific investigation. But, sir, we are accustomed to consider every question practically, and to desire that every enterprise undertaken by us may be speedily successful, and make a quick return of profit. We are apt to require that the immediate result of every undertaking should at once be clearly and palpably visible to us. It then becomes a question, what immediate gain shall we derive from this proposed expenditure? Shall we thereby, as is suggested in the report of the committee, facilitate the solution of the problem of the longitude?

Mr. Chairman, if this were to be the result, no one would doubt for an instant, as it is to be hoped, indeed, for other reasons, that no one will doubt, of the importance of this expedition; but candor renders it necessary to say that we are not likely, by any future researches into the amount of the sun's parallax, to enable navigators to determine their position at sea with a greater accuracy than that which has already been attained. It is true, that one of the periodical inequalities of the moon's motion in longitude is dependant for its amount upon that of the sun's parallax; that therefore the perfection of the lunar tables is in a measure dependant upon the ascertainment of that parallax: and, as the method of lunar distances for determining the longitude at sea is largely in use, it may follow that the question at present under discussion connects itself with that of the longitude, which latter is one of great importance, and well worthy the serious attention of this committee. But, Mr. Chairman, we may perhaps safely conclude, if the probable error of parallax be three or even five hundredths of a second, that a correction to this amount will be imperceptible in its effect upon the lunar tables. Again, it may be said that in the method of lunar distances for the determination of the longitude, the parallax enters directly as an element into the computation; that when the angular distance apart of the moon and sun is taken, this correction must be applied to the observed altitude of the sun; or that, if Venus be observed with the moon, the allowance of her parallax in altitude, as corrected by the observations proposed to be made, is a matter of some importance; but it is pretty evident that these corrections are extremely minute, and such as are never taken into account by practical navigators. A difference from the truth of even a minute or two in the altitudes is not of considerable importance, while such an error in the distance would be fatal. Indeed, the whole amount of the parallax in altitude may be merged in other corrections; for example, in that for the dip, which depends upon the altitude of the observer's eye above the level of the sea, the common allowance made when the lower limb of the sun is observed is twelve minutes, additive, for the correction of its altitude on account of parallax, dip, and semi-diameter; such small quantities as those now under discussion being neglected, as in fact the instruments in use at sea, both for the purpose of measuring the altitudes and the distance, are incapable of appreciating them. Enough, Mr. Chairman, has been said concerning the bearing of this problem upon that of the longitude, which, it is again repeated, it is believed will not be materially affected by small corrections of parallax.

The next question is, will the sun's parallax probably be altered by the proposed observations? for, as upon the amount of this parallax is dependant our knowledge of the dimensions of the planetary system, (the earth's semi-diameter being used as a base for that purpose, and the diameter of the earth's orbit, afterwards, in order to determine the annual parallax of those fixed stars whose parallax is appreciable, as it is said to be in a few cases,) it becomes important to determine the sun's parallax with the last degree of accuracy; and here, Mr. E. remarked, there appeared to be room for some doubt. Many of the observations will, of necessity, have to be made at very low altitudes of the planet, when there will be difficulties arising from refractions, which may themselves be different at the northern and southern observatories; besides, when extra-meridional observations are resorted to, the small stars will not be visible so as to admit of accuracy of comparison at any considerable altitudes; and this would seem, by referring to the report of the committee, to be the opinion of those distinguished astronomers, Encke and Gauss. Other gentlemen, however, had formed a favorable opinion of this method; and, Mr. E. observed, that he would not pretend for a single instant to place his humble judgment in conflict with that of persons distinguished in the science of astronomy. With regard to any great alteration in the amount of parallax, it might be necessary here to remark upon its amount, as ascertained by a method entirely independent of any of those previously commented upon, in order to see whether we were likely to arrive at such a result: Laplace, in the seventh book of the Mechanique Celeste, had determined the parallax by means of the parallactic inequality in the moon's longitude, and had remarked that this was a very accurate method of determining the sun's parallax. By his computations he had fixed its amount at eight seconds and fifty-six hundredths—as the committee will perceive, within two hundredths of a second of the amount as determined by the transit of 1769. This may then be taken as corroborative of the received amount, and as a further reason to believe that but little alteration will be made in it. But, although but little if any alteration of the amount of parallax, as now received, may be expected from this expedition, much good may undoubtedly, Mr. Chairman, be predicted of it. If it do not alter that amount, it may at least suffice to corroborate and to confirm it; and if this result only be clearly and evidently effected, a benefit will be conferred upon science far beyond the amount which it is proposed to appropriate; and, sir, that is the effect which may be expected of this expedition. But, further, indirect advantages, both in a scientific and practical sense, will, in all probability, flow from it. The positions of many of the stars of the southern hemisphere will be ascertained with greater accuracy, and the observations upon the planet itself will not be without their advantages, to say nothing of the great quantity of useful information, unpredicted in the beginning, which always flows from an expedition of this character. Sir, this may find its illustration in the vast labor of mathematicians in the improvement of analysis, and in the solution of problems apparently the most trivial in themselves, and, so far as human vision could discern, the furthest removed from any practical application; yet the end of these labors has been to enable the great mathematicians of this, and the close of the last century, to ascertain, by means of the improvement in analysis, springing directly from the apparently wasteful efforts of their predecessors, the motions of the moon with an accuracy before unattainable, which has led to the present completeness of the lunar tables, and has almost doubled the commerce of the world. Yet who would have voted an appropriation for such analytic experiments? Sir, we must not measure the final usefulness of an expedition of this sort by our limited knowledge. It may attain to results as yet unknown and unpredicted. Of this, one thing, Mr. Chairman, we may be assured, that, whatever of perfection can be given to Gerling's method by untiring industry, unwearied patience, by skill or ambition, or the hope of success, will be given to it by the labors of Lieutenant Gillis abroad, and of Lieutenant Maury at the Washington Observatory. It is only to be wished that this amendment had provided for the southern observer instruments of the highest excellence; these, however, he will by some means procure, and we may rest satisfied that whatever is capable of ascertainment will be discovered by him.

Mr. E. here concluded his remarks by returning his thanks to the members of the committee for the very attentive hearing which they had given to him while discussing a question generally considered too dry and unentertaining to be listened to with patience upon the floor of the House.]

THE CONGRESSIONAL GLOBE.

PRINTED AND PUBLISHED AT THE CITY OF WASHINGTON, BY BLAIR & RIVES.

30TH CONGRESS, 1ST SESSION. WEDNESDAY, JUNE 14, 1848. NEW SERIES.....No. 52.

Some further discussion followed, in which Messrs. CATHCART and HOLMES, of South Carolina, participated.

Mr. PETTIT expressed his wish to speak to the bill, though not to this amendment, and he moved that the committee rise. He withdrew the motion, however, at the request of

Mr. STANTON, who entered into a further explanation of his views as to the advantages likely to result to navigation as well as astronomical knowledge in general, from the expedition proposed, and was proceeding to fortify his positions by quoting the scientific letter imbodied in the report of the Naval Committee, when

Mr. HILLIARD expressed his hope that the gentleman would give way for a motion that the committee rise.

Mr. VINTON remonstrated, and expressed his earnest desire that the bill would be disposed of to-day.

Mr. STANTON said he would waive further remark if the question could be taken now. [Cries for the question.]

Mr. STEPHENS moved that the committee rise. Lost.

The question was then taken on Mr. STANTON's amendment, appropriating five thousand dollars for the expedition to Chili, and it was decided in the affirmative by ayes 80, noes 34.

Mr. VINTON moved an amendment to the bill; which was read.

Mr. PETTIT moved that the committee rise; which motion prevailing, the committee rose accordingly.

Mr. HOLMES, of South Carolina, asked leave to offer a resolution, that when the House adjourns on Tuesday next, it will adjourn to Friday next. The resolution being objected to, it was not received.

Mr. THOMPSON, of Mississippi, on behalf of the minority of the Committee on Indian Affairs, made a report in relation to the Cherokee Indians in North Carolina. [The majority report on the same subject was made some time since.] The minority report was referred to the Committee of the Whole, and ordered to be printed.

And then the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. MANN, of Pennsylvania: The petition of Nancy Hough, in her own right and on behalf of Andrew Finley, Polly Finley now the wife of Walter Bell, and the widow and children of John Finley, deceased, heirs of Samuel Finley, deceased, who was a lieutenant in the revolutionary war, praying for commutation pay.

By Mr. McCLERNAND: The petition of a number to citizens in Illinois, for a post route from Metropolis city of Jonesborough.

IN SENATE.

SATURDAY, *June* 3, 1848.

Mr. STURGEON, presented a petition from William Gilmer and others, asking the construction of a post road between Philadelphia and New York; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill for the relief of —— Allen; which was read a first time.

Mr. BREESE, from the Committee on Public Lands, reported House bill in explanation of an act entitled "An act to apportion the proceeds of the public lands, and to grant preëmption rights;" which was taken up for consideration, and read a third time, and passed.

On motion of Mr. DIX, 2,000 copies of the map of the route for a canal across the Isthmus of Panama were ordered to be printed.

RESOLUTIONS.

Mr. HALE introduced the following, which was referred to the Committee on the Contingent Expenses of the Senate:

Resolved, That Lloyd Wallace and Sylvester Gray, laborers in the service of the Senate, be allowed, the former at $2 per day, and the latter $1 50 per day, to take effect from the commencement of the present session of Congress, to be paid under the direction of the Committee to audit and control the Contingent Expenses of the Senate.

Mr. DOWNS submitted the following:

Resolved, That on and after Monday next, the Senate will meet at 11 o'clock.

A considerable number of bills received from the House of Representatives were read a first and second time by their titles and appropriately referred.

On motion of Mr. UNDERWOOD, the Senate proceeded to the consideration of the resolutions in relation to the collection of statistical information submitted by him on the 10th ultimo. The resolutions were read, as follows:

Resolved, &c., That the Commissioner of Patents be, and he is hereby, directed to report annually the selling prices of the agricultural products of the several States of the Union, upon the farm or plantation, and at the market town or city nearest to the produce; and also the price of labor, by the day or the month and the year, in each State or division of a State, where prices materially vary in different parts of the same State.

Resolved, further, That said Commissioner also report annually the number and description of manufacturing establishments in the United States in which the capital invested exceeds $——; the amount and quality of goods manufactured of each; the selling prices at the manufactories; the prices paid for labor to the hands engaged in the manufactories, and the places where the manufactories are situated.

Resolved, further, That it shall be the duty of the several deputy postmasters of the United States to answer all such inquiries as may be submitted to them by the Commissioner of Patents, and give such information as they may be able to obtain touching the subjects embraced in the foregoing resolutions.

The resolutions being before the Senate as in Committee of the Whole—

Mr. BENTON rose to resist the adoption of the resolutions, which appeared to him to open a field of inquiry to which there were no limits. Folios might, under these resolutions, be collected, of no more value to the public than the contents of last year's Almanac. Manufacturing establishments! Of what character? Was it to include all the domestic establishments for the fabrication of clothing? The price of labor! What particular kinds of labor were intended? Was it the price for the present or the past year, or for years back? How was all this information to be collected? It was to be done by the Patent Office; and all this vast amount of unnecessary labor was to be thrown on that office, while the examination of patents is fifteen months in arrear—so much so, that resolutions have been submitted here for the purpose of getting patents examined. Pass these resolutions, and a new set of officers will be required. There must be a head to direct, and it would employ a number of clerks to write letters all over the United States. Then the answers must be received, and digested, and filed. And how were they to be verified? Would you have agents in every place where agricultural produce is sold? Then, the printing alone of this mass of matter would bring an enormous expense on the Government. And for what purpose? We have now a price current printed in every commercial city and town, and by this the people are governed in all their transactions. The Federal Government seemed to him to be madly shooting from its sphere. If we were to print millions of the document called for by these resolutions, we should not supersede the use of the prices current.

Mr. UNDERWOOD expressed his regret that he should have introduced resolutions which had excited the Senator from Missouri—a Senator of such experience, the oldest Senator on the floor—to such a vehement opposition to them. Had he supposed they would have led to such consequences as had been stated, he surely would never have offered them. Had he supposed that he was about to impose on the Commissioner of Patents the duty of inquiring at every farm in the United States the value of the products sold, he would not have introduced his resolutions. He never had dreamed that his call would have been capable of being construed as the Senator from Missouri had construed it. Certainly he had no intention of the kind; and he was willing to make any modification which might be suggested. He had, in expectation that his resolutions would be opposed, spoken to the Commissioner of Patents, and was told that his plan would subject the office to no additional expense. The information would be sent through the Post Office Department. It was only necessary for the Commissioner to prepare the form of a circular, which would be addressed to all the deputy postmasters. They would, no doubt, send answers; and these replies would be put on file. He did not propose, in calling for a list of manufacturing establishments, to go into the domestic operations of carding, and spinning, and weaving. As to the expense, he had left a blank which might be filled with $5,000 or $10,000—a sum which would be so limited as to exclude the possibility of going into these details. If the Senate should think the inquiry as to the agricultural products too searching, he was willing to make it specific—to name wheat, rye, corn, &c.

The Senator from Missouri said the information, when obtained, would be of no more value than last year's Almanac. He disagreed with the Senator on that point. He thought the information would be very useful; and he would give the Senate an example to illustrate this: How are our army and navy supplied with clothing, &c.? Whence do they derive their subsistence? You send out contractors to make purchases. He had looked into the accounts of some of these contractors, some time ago, and had seen, that, in some instances, oats had been charged at a price two or three times beyond what they could have been obtained for in his neighborhood. With this information before it, the proper department could institute a comparison of prices, and thus detect any abuses which might exist. The Senator from Missouri might think this no object; but he (Mr. U.) thought it important to gain information which would have the effect of enabling the contracting department to be on its guard against abuses.

As to the price of labor, the resolution says that the return is to be merely a general return from States, or divisions of States, when there is a material variation in the prices. In this matter a good deal was left to the discretion of the Commissioner of Patents. If we employ the deputy postmasters, and collect this information, the whole expense of the printing would certainly not exceed $1,000. He again expressed his regret that so vehement an opposition should have been made to his resolutions by a Senator who had so much more experience than himself. If he could have seen any of the great evils which that Senator had described, he certainly would not have offered the resolutions.

Mr. BENTON adverted to the enormous costs for printing which had been brought on the country by resolutions apparently of trifling importance in themselves. One of these calling on the Commissioner of Patents to furnish certain agricultural statistics had led to the report of a document of some 1,400 pages, and the cost of printing of which amounted to $90,000. Again, in the instance of a voluminous documentary history, Congress was rescued from a heavy pecuniary expenditure, and thought itself fortunate to escape at the cost of $550,000. When the fifteen thousand deputy postmasters shall have burdened the mails with their answers to these inquiries, it would require a new building to hold the mass of paper which would be collected. How many clerks would be necessarily employed in digesting the information, under one directing head? Then we should begin to see the extent of the consequences of this inquiry. Yet, all this would be merely preliminary. When the matter is collected, then will come the printing, and then the distribution of the matter printed. And then would come the great inquiry, Of what use is all this? Would not everybody in the world find out the price of everything in the world without this volume? Every man who makes a contract will refer to his own knowledge—to his own memory—for the necessary information to guide him. Nothing that he can obtain from this document will alter the price of a single commodity in the market. The sellers will not go to these books, supposing they can get them, to regulate their prices. The books might show that at one time cotton brought thirty cents per pound; but would that in-

fluence the market price now? The Senator from Kentucky said this information would be beneficial to the Subsistence department, but it would have no effect on the market prices. The officers at the head of the Subsistence department are gentlemen in whom he had entire confidence. General Gibson and General Jesup were men of experience, and deserving of trust. He said that the charge alluded to by the Senator from Kentucky on the subject of oats was a typographical mistake. He hoped the Senator from Kentucky would withdraw the resolutions, which would only be productive of a mass of details of no kind of use.

Mr. UNDERWOOD objected to the style of sarcasm in which the Senator from Missouri had thought it proper to treat these resolutions, and reiterated his conviction that information of great value would be produced by the resolutions. He had no objection, as the morning hour had elapsed, to postpone the further consideration of the resolutions.

On motion of Mr. UNDERWOOD, the resolutions were then permitted informally to lie over.

OREGON.

On motion of Mr. BRIGHT, the Senate resumed the consideration of the bill to establish a territorial government in the Territory of Oregon.

Mr. FOOTE moved to amend the twelfth section in the fourth line, by inserting the words, "provided the same be compatible with the laws and Constitution of the United States."

He explained his object to be to obviate objections to the clause as it stood, which were likely to lead to a prolonged discussion.

Mr. BRIGHT was understood, amidst much noise and confusion, to accept the amendment.

Mr. WESTCOTT gave his opinion that the amendment would not change the character of the section. It would be utterly inoperative, and he would vote against it.

Mr. FOOTE replied that not one word of the Senator's argument was pertinent to the subject, and that he looked to those who had charge of the bill for advice rather than to the Senator from Florida.

Mr. UNDERWOOD suggested that when this bill took effect, the judges and officers appointed by the General Government would be bound by the Constitution, and nothing which could be introduced to strengthen their obligations could render them more perfect. He then proceeded to make some reply to the charge made by the Senator from Connecticut that the power exercised by the South was greater than that of the North, because the slave interest was a bond of union in the South. He thought the Senator was mistaken as to the fact. The South was not welded together by this slave interest. But if it was true, was it discreet to endeavor to weaken this cement by attacking that interest? He believed that he could see a disposition in the northern Senators to restrict the extension of slavery by preventing it from being introduced into any of the territories we may hereafter acquire. We who advocate the striking out of the bill, are disposed to leave it to the people of Oregon to make their own laws, instead of attempting to prescribe to them laws which do not operate on ourselves. He thought the arguments advanced against his views unsound and unsustainable. If the will of the people should extend the institution of slavery, nothing that we can interpose in the form of law, could prevent its extension. Congress has no remedy for such an evil. Congress could not set aside the acts of any of the States who might think proper to take this course. He denied that Congress has the power to bind its successors by its acts. Congress might prescribe laws for a territory, and compel obedience to them while a territory; but when a territory becomes a State, there is no power in Congress to annul any of her acts in her sovereign capacity.

If the slave power in the South was so great, he asked if the course of the Senator from New Hampshire was not calculated to strengthen it. Abolish slavery, and the South, instead of having three-fifths, will have five-fifths in her elections. If the schemes of abolitionists should prevail, do they suppose that the South will extend the right of suffrage, so as to admit all the colored persons to vote, to place them on the same level with the white citizens? He appealed to Senators from the North not to intermeddle with a matter they do not understand, but to let the South alone. If they attempt to carry out their views, they never can succeed until they have annihilated the South.

It had been thrown out that this slave question was to influence the proceedings of the convention at Philadelphia next week; that in the contingency of the nomination of a particular individual, the abolition thunder would be heard rolling from the North. It had also been suggested that the possession of a slave should be a disqualification for office. He protested against all tests of this kind. On the subject of fraternizing and amalgamation, he pointed the attention of northern Senators to Hayti and Yucatan, and expressed the hope that such consequences would not be brought on this country. He defended those northern Senators who went with the slaveholders from the imputation of being dough-faces. He expressed his regret that difficulties should have arisen in particular States in the way of the restoration of the slave to his master, and attributed their existence to a decay of the proper spirit among us.

Mr. BALDWIN believed the striking out of the twelfth section would be an expression of the opinion of Congress against the validity of the legislation of the existing government of the Territory of Oregon.

In reference to fugitive slaves, he took the ground that the slave laws of South Carolina are local; that they are a violation of the natural rights of man; and that when a slave enters a free State, he does not take slavery with him into that State, but the local laws having lost their power there, he becomes free. He also contended, that when a slave goes on board a ship and leaves the slave State, he becomes free. Even when a slave accompanies his master to a free State, for a temporary sojourn, he believed that his shackles fell off. He admitted that in these opinions he went beyond many Senators on his side of the Chamber, beyond the decisions of the Senate and of the United States.

Mr. BUTLER asked whether, in case slaves were carried away from the State of Georgia, the Senator from Connecticut would not vote to indemnify the owners?

Mr. BALDWIN. Just so far as I would to indemnify a master whose apprentice had been carried off by the enemy—not as property, but as a person in whose services the master had a certain interest.

He then proceeded with a constitutional argument, which he delivered from a manuscript before him, and which occupied a long time in its delivery.

After Mr. B. had concluded—

Mr. HALE took the floor, and, the hour being late, moved that the further consideration of the bill be postponed until Monday; which was agreed to.

Mr. BADGER, by unanimous consent, submitted an amendment, substituting for the words proposed to be inserted by Mr. FOOTE, in the twelfth section of the bill, a proviso that the people of Oregon shall not be subject to the sixth article of the compact in the ordinance of 1787; which was accepted by Mr. FOOTE, and ordered to be printed.

Mr. DAYTON submitted the following:

Resolved by the Senate, That the Vice President be requested to have the flag of the United States first erected by the American army upon the palace in the capital of Mexico, and now here presented, deposited for safekeeping in the Department of State of the United States.

After some remarks from Messrs. DAYTON, DIX, and ALLEN, the resolution was adopted.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business; and, after a brief session therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 5, 1848.

The Journal of Saturday was read and approved.

Mr. WILLIAM PITT LYNDE, a Representative from the State of Wisconsin, appeared this day, was sworn to support the Constitution of the United States, and took a seat in the House.

Mr. HOLMES, of South Carolina, offered the following resolution:

Resolved, That when this House adjourns to-morrow, it adjourn to meet on Friday next.

Mr. TALLMADGE moved to lay the resolution on the table; which motion was rejected.

The question was then put on the resolution, and it was agreed to.

On motion of Mr. HOUSTON, of Alabama,

Resolved, That the act of the General Assembly of the State of Alabama entitled "An act for the improvement of the Tennessee river," approved March 3d, 1848, be referred to the Committee on Commerce, and that said committee inquire into the expediency of reporting a bill carrying into effect the provisions of said act.

Mr. CUMMINS called up the motion he made on Thursday last, to reconsider the vote by which the bill he introduced the previous day, declaratory of the rights of naturalized citizens of the United States, and to protect them in the peaceful exercise and enjoyment of their rights and privileges against the acts and influence of foreign Governments and their diplomatic agents, was referred to the Committee on the Judiciary.

Mr. CUMMINS said his object in making the motion to reconsider was to change the reference of the bill. He thought it should not properly be referred to the Committee on the Judiciary. That committee had jurisdiction of questions touching the judicial proceedings of this country; the bill pertained to points of international law and not laws of the United States; therefore it more properly belonged to the Committee on Foreign Relations, if it went to any standing committee. But, for himself, he preferred to have it sent to a select committee.

He proceeded to refer to the provisions of the bill to sustain his views relative to its reference. His mind had been called to the subject from the passing of certain events, not remote in time or place, from the investigation of certain proceedings had in this metropolis, which had been already published over the whole land, touching certain questions of international law.

The first question to which he wished to direct the attention of the committee was to the decision of the American law upon the subject of allegiance—whether allegiance was a matter of choice, or whether a man necessarily owed allegiance to the land of his nativity as long as he lived. This was the root of two other doctrines, to wit: the right of search, and the right of impressment, which were the legitimate offspring of this selfish doctrine of natural and eternal allegiance. He referred to the acts of the British Government prior to the war of 1812, requiring all the natural-born subjects of that kingdom, to whatever foreign countries they had emigrated, to return, and leave their business and fight the battles of Great Britain, and to her declaration that the naturalization laws of other countries were void, and that those natural-born subjects who refused to return to their allegiance to Great Britain were guilty of high misdemeanor, and that those who bore arms in defence of another country were guilty of treason. He wished the American doctrines distinctly declared. There was now no law of the United States upon the subject; the Constitution was silent upon it, except so far as it provided for the passage of naturalization laws. Congress had never acted on the question. Four times had it been presented to the Supreme Court, and four times had they blinked its decision. Neither had the question which sprung directly from it been met in the treaty of Ghent—the question of the right of search and the question of impressment. It was quite proper, perhaps, under the circumstances, that they should not have been pressed. Europe was strong then; we were comparatively weak. Circumstances had changed, and rendered this a most fitting time to declare our position on this subject. It was therefore that he desired to send this branch of the question to the Committee on Foreign Relations, or a select committee, who would carefully examine and critically analyze the history and the right of this question, to show that the true American doctrine was the doctrine of expatriation, at the choice of the citizen. When we had settled this, and had said to the other Governments of the world, this is our position, it would be respected, and might keep us out of foreign war.

The number of the naturalized citizens of the United States at this time was very great, and they were engaged in all the diversified pursuits of life, both on land and on sea. The same doctrine of eternal allegiance and the right of search and seizure, that would impress the naturalized citizen found

upon the seas, who had made his home in this country for half a century, and compel him to fight against his adopted country, the same doctrine would reach the land but for the want of opportunity to enforce it; and we had millions of naturalized citizens in the service of our military marine, and variously employed throughout the country, who, in the agitation of Europe—in the upheaving and upturning of thrones there—if we should become involved in war with them, would at any time be met by orders in council requiring them to forsake their homes and leave their families, and, notwithstanding they had sworn allegiance to our Government, to go to the land of their nativity and take up arms against this country.

This question was at least of some importance in the present state of the world. As he had said before, if we declared in advance our position, now that we had gained strength since the war of 1812—if we declared that the American doctrine was in accordance with the rights of man, and in opposition to this old, barbaric, feudal doctrine of natural and eternal allegiance—we should not only be respected in that position, but, in the revolutions in Europe, and in the remodeling of Governments there, we should find allies springing up who would unite with us in asserting and maintaining that doctrine. It was the principle upon which we had acted. We had resisted the right of impressment and the right of search; we were bound to fight, and would fight, rather than submit to their application. If, then, this was understood to be the doctrine of our Government, why should we hesitate to give it legislative sanction, that we might announce it to the world, and strengthen the hands and second the efforts of our negotiators abroad from the consciousness that they were backed by the laws of their own country? At this time we were making Presidents in this country—France was making Governments. She had pulled down her ancient capitol, inhabited by the Bourbons for centuries. Her lofty columns, her stately domes, her kingly palaces, were all dissolved, and her Government was reduced into its original elements. They were now to erect a temple of liberty, suitable to their own condition, suitable to their wants and desires.

If at this period, when they were recomposing their Government, we should declare the American doctrine, as in fact it existed—that allegiance was not eternal, but that a man had the right to choose the Government which he would serve, and to which he would owe allegiance; if we would repudiate, as we were bound to do, the doctrine of search and impressment, France—as she did a few years since, when the quintuple treaty was about to be ratified, which was nothing more than an invasion of this doctrine—France would again be our ally. Hence this was a peculiarly favorable time to consider this subject and have action upon it.

But another branch of this subject. If he understood the law of nations, the laws of no country were operative extra-territorially. The efficacy and operation of the laws of every country were confined to the territory of that country; if, then, any foreign country, through its autocrat, king, or potentate, should attempt to give vitality and force to its laws upon persons or property within any other country, it was an invasion of the rights of such country; one that should be met and promptly met. He had examined the laws on that subject, and also the "conflicts of law," and he had no hesitation in saying it was a clear, palpable violation of the laws of nations, for a monarch, through his diplomatic ministers, emissaries, or agents in other countries, to attempt to exercise the laws of his country over the rights of persons or things in a foreign land.

He desired that the committee should examine this subject and when they should have made a full and perfect report, he thought there would be room for something more to be said. When the facts were collected and laid before the House, if he was not misinformed, a case would be presented for the action of this Government which would at least call for a rebuke in certain quarters. At that time he might be induced to debate the various questions. At present he had recapitulated the provisions of the bill, to show that the bill should be reconsidered and the reference be made to a select committee, or to the Committee on Foreign Relations.

Mr. CUMMINS having concluded his remarks—

Mr. LEVIN obtained the floor, and delivered a written speech, the following copy of which has been handed to the reporter:

The bill now before the House is for the relief of the heirs of Kosciusko, as well as Major Tochman, now a citizen of the United States, extensively known as an exiled patriot from downtrodden and bleeding Poland. It is, sir, a marvellous concurrence of events that can bring Poland and Russia—the one free in spirit even to the romance of freedom, and the other despotic in temper and system—upon this arena, the American Congress, for an adjudication of the first principles of liberty. It is even more marvellous that this concurrence should happen at a period when all the people of Europe should be flinging off the galling yoke of tyranny—a crisis of national revolutions, shooting up and budding from the seed sown by our illustrious sires of 1776! Wonderful indeed are the ways of God to enfranchise the human family! Infatuation or love of power in the Old World blinding kings to rush upon their fate! Infatuation in their ministers here, blinding them to the preposterous exercise of authority, not only insulting to the American people, but insulting to the institutions of our country; committing outrages on American rights that no patriot can behold with patience or tolerate without injury!

Major Tochman is now an American citizen, naturalized under the laws and Constitution, and fully entitled to the protection of all his rights and immunities. True, he is by birth a fellow-countryman of Thaddeus Kosciusco, and represents the rights of his heirs for certain properties in this country. The name of Kosciusco conjures up a thousand ennobling and pleasing recollections of our struggles for freedom. Even as far back as 1776, Poland came to the relief and succor of infant America when struggling for freedom. We achieved our independence, and were enabled to offer Poland's exiled sons a safe asylum. From that period to this, we have thrown around all *exiled* patriots the ægis of American freedom. *From this time hence, Europe will send no patriots or lovers of freedom to this country. If they be patriots, if they love freedom, they will remain at home to fight for it, not come here to control our ballot-box and overturn our institutions.* No, sir; Europe no longer sends REPUBLICANS to our land. But, sir, a naturalized Pole is an American citizen, and even here the poisoned shaft of tyranny follows him to this his adopted home of freedom. The master whom he spurned at home follows him into his exile; for when did tyrants ever forget or ever forgive? When did the Autocrat of Russia ever fail to hunt down a patriot who had struck at his black eagles in the sacred cause of human rights? Sir, shall this country be an asylum for the exiled advocates of freedom, or a cage in which the tyrants of Europe shall confine them as criminals and torture them as felons?

The petition of Major Tochman is before the House, and members are no doubt familiar with its import; for the case is one not only of peculiar oppression, of peculiar high-handed tyranny in the minister of the Autocrat of Russia, but of stupendous importance to the principles of our institutions, and the fame and character of our common country. It is not my intention to indulge in a legal review of this interesting case. It comes before this House in a political, not a legal aspect. We are asked to protect an American citizen in the exercise of his unquestionable rights, against the illegal interference of a foreign despot. There is no other question at issue in this case. Is the Constitution of the United States supreme in this country, or the will and pleasure of the Autocrat of Russia? Sir, men may quibble and equivocate, juggle and twist, sophisticate and confuse, yet this is the sole question at issue. The Emperor of Russia, holding Major Tochman in unbounded hatred for his noble efforts in behalf of *his native land*, in her struggle of 1830, has thought proper to persecute him through his minister, Mr. Bodisco, on an occasion presented for the adjustment of the claims of the heirs of Kosciusco, and all the force and power of his position is brought to bear upon his destined victim. So far, sir, he has succeeded. But it is for this House, as the representative of the American people, and the exponent of a free Constitution, to arrest this crying wrong at this stage of aggravated enormity.

Sir, we are now appealed to by the victim of Russian tyranny to vindicate his rights as an American citizen. Can we refuse to grant his petition? Can we refuse to throw the ægis of American freedom over him? Sir, we are bound by all obligations, human and divine, to protect him. By the laws of nations, the Russian minister has no power to interfere while the heirs are competent and willing to act in the selection of their own agents for the settlement of their own claim. Even if Poland be a conquered province of Russia, this has no relation to Major Tochman's rights of American citizenship. Admit that Russian sovereignty extends over Poland, does this invest Russia with power over an American citizen? The very idea is preposterous. An American, sir, scouts the indignity, scorns the insult, and repels the usurpation. I disdain to enter into any argument as to the fact of this pragmatical and offensive interference; it lies before us in the most authentic form of sworn testimony. By some means, only surmisable by those familiar with the machinations and intrigues of foreign tyrants, an American citizen, standing high in the social relations of life and attached to the most responsible and dignified profession in the country, is deprived of his constitutional rights—by whom? The minister of the Government of Russia—a Government that is a libel on the age, a burlesque on modern intelligence, an outrage on human rights, a satire on all pretensions to civilization; but, worst of all, a deep and diabolical wrong on the human family.

Sir, there are occasions when, not to vindicate the rights of man under the guarantees of the Constitution, is to become an ally of the tyrannical oppressor. And this, sir, is one of those solemn occasions when every noble sentiment, every generous impulse and inspiring thought that clusters around the ægis of liberty, impels us to the prompt relief of the petitioner.

Sir, when all the world seems to be in arms for freedom, shall we alone become the ally of a tyrant, in the disfranchisement of an American citizen, because he boasts of Poland for his birth-place, because his valor has wielded a sharp sword in behalf of his native land—because his patriotism has kindled the ire of a despot?—and in a time like this, when the people of Europe are toppling down rotten thrones, and rallying to the standard that proclaims, on its glowing folds, "the rights of man"—when France has imbibed a lesson of patriotism from the fields of her glory on this continent, and struck down royalty for a republic—when even Austria has disarmed despotism of her falchion, and prostrated the very father of all systems of tyranny in the exile of Metternich—when Italy blazes with the fires of emancipation, and even the Pope is reluctantly driven, by the fear of the people, to admit an element of popular power into the absolute hierarchy of ages—when the united voices of all noble hearts in the Old World are sending up to the vault of heaven a hymn and a prayer for the liberation of Poland, whose born son, a chivalric and enthusiastic champion of the independence of his country, is now a suppliant before this free Government for protection against the tyranny of Russia!

Will the living age, sir, believe this monstrous paradox of modern despotism operating in a free land? Will not posterity scout it as a falsehood, and scorn it as a libel? Must Russia not only conquer Poland, subjugate, exterminate her as a nation, imprison her heroes, exile her patriots, execute her martyrs, and confiscate the property of the lone and helpless—but must she come here, into the very bosom of freedom, to drag her Polish exiles to the stake—to proscribe and brand them? Not one man in this whole nation, who retains in his heart a single lone throb of liberty, but will cry out against it.

Sir, the self-respect of the American Government is now implicated in this measure. The institutions of our country are implicated. The Constitution is compromised; our national fame is involved in it. It appeals to the self-respect of our Government to vindicate the rights of every American citizen, when he invokes by a public attitude the protection of the nation. If he asks only for a known right, we cannot withhold it. If he complain of a notorious wrong, we cannot deny him redress without assuming the wrong.

Sir, a free constitution must never be allowed to sink into a dead letter. Eternal vitality is its first and only attribute. Inert, inactive, passive or inefficient, and it is extinct. Let it breathe its holy aspirations—let it speak its inspired truths—let it

act out its consecrated rights, or it is ashes, dust—the worm hath eaten it, and it is corruption.

But, sir, not only have the rights of one party been outraged by this monstrous interference, this wanton usurpation of power, this audacious tyranny of the minister of Nicholas of Russia, (Major Tochman is only one party aggrieved,) but through him, the heirs of Thaddeus Kosciusko—a double banquet for the oppressors is presented, by which the tyrant of Russia may "feed fat the ancient grudge" he feels towards Poland. Shall we, the Congress and people of the United States, become accessory to an injustice towards the heirs of the gallant and illustrious Kosciusko, whose valiant conduct on the battle-fields of the American Revolution, as well as those of his native land, render even his descendants conspicuous and bitter objects of hatred to the Russian Autocrat? Shall we do injustice to Kosciusko, as well as combine in a nefarious wrong towards Major Tochman?

Sir, shall the minister of a tyrant execute the penal laws of a foreign country upon an American citizen for having exposed his life in defence of his country? This is exclusively a question of national justice on the one hand, and of national fame on the other. To sacrifice either, would be to degrade the country at the behest of a foreign potentate, whose creed is, that the people, being slaves, can enjoy no rights but those conceded as an act of grace and bounty by their masters. This may answer in Russia; but, sir, what shall we say, what shall we do, when we behold this creed attempted to be carried out in the United States by the minister of the Autocrat of Russia?

Take the specification of the letter of A. de Bodisco, in page 37 of the petition of Major Tochman, and you will find a direct interference with the judiciary power of the United States by that individual, in a letter addressed by him to the Judge of the Orphans' Court—N. P. Causin. Now, sir, we have nothing to do with the merits of the litigation pending between the heirs of General Kosciusko, but we have everything to do with the interference of a foreign minister in the action of *American counsel* before *an American court*. How dare A. de Bodisco question the rights of a member of the American bar? Did he forget that he was in the United States? Did he forget that Major Tochman was no longer an enslaved and conquered Pole, subject to Russian tyranny, but an American citizen, amply protected by the American Constitution? Did he forget that the judicial power of a republic is a part of the organized freedom of the people, and that to attempt to overawe its decisions by diplomatic power, was an outrage on American rights, a positive and highhanded interference in the decrees of justice. Behold the Emperor of Russia entering an American court, and thundering his insolent dictation in the ears of the judges. Remember, I quote the words of A. de Bodisco himself, who, advancing up to the judge, thus announces his royal pleasure, on the assumed ground that the Emperor of Russia is the arbiter of justice in the United States, and not the judiciary and laws of the land:

"In the mean time, I would beg to request that no action, not necessary to the preservation of the property of the estate, shall be had, nor anything done which is not sanctioned by the counsellors employed by the Imperial Legation."

Now, sir, what does this letter amount to? Why, that all the proceedings of an American court shall be stayed and suspended by the arrogant dictation of the Emperor of Russia. Is this the tenure of an American judiciary? The laws of nations have nothing to do with our judicial system, which rests on the Constitution and the laws. No treaty with a foreign Power can overturn our judiciary. Then, whence the power of the Emperor of Russia to browbeat an American court, arrest the current of justice, and place an interdict upon the proceedings of the judge? Did the heirs of Kosciusko apply to the Russian Government for justice, on any denial of our Government to award it? No! We have no such record. The whole proceedings, in due legal form, were in full progress under Major Tochman and his competent colleague, the honorable Reverdy Johnson, when his Russian Majesty, like a true Cossack, rushes into court, and at the point of his spear, hurls Justice from her throne!

This outrage upon American rights having come to the knowledge of Congress, we have no alternative but to give it a signal rebuke, by the reconsideration of the vote of yesterday, and the prompt passage of the bill.

Stripping the question of all its other and solemn adjuncts, this intrusion of the Russian envoy alone demands the passage of the bill. Never let it go forth to the world as a theme for the scorn and contempt of all independent minds, that the United States tamely submitted to Russian interference in her courts of justice, and allowed an American citizen to be trampled on, because the noble and free blood of Poland flowed in his chivalric veins. Audacity like this, if not resented, would be followed by still more atrocious interference.

Encouraged by our forbearance, emboldened by our passive and abject endurance of the wrong, what shall prevent this minister from entering the very Halls of Congress, and, by an interdict of the Emperor Nicholas, move the rejection of Major Tochman's petition? As much right has he to do the one as the other, and no more. The court is one department of the Government; this House is another department. If A. de Bodisco has any official duty to perform, he must discharge it by communications with the Secretary of State. This is well known to the minister of the Emperor of Russia. Then why did he enter a court of justice, in contravention of all the rights of nations, of all the forms of comity, of all the rules of courtesy, of all the principles of justice, to outrage our independence, and insult the majesty of the people? Why, to wreak the vengeance of the Russian Autocrat on a Polish patriot; to reach Major Tochman, whom he knew to be far above his reach, if he addressed the Secretary of State; for what American Secretary of State would have listened for a moment to any proposition affecting the constitutional rights of an American citizen who happened to love and fight in defence of *his native land?*

So far, if we blush for our country that any court of the United States has allowed its records to be defiled by such a letter of dictation from the envoy of any foreign king, it is only because we have had no opportunity to display the indignant sense which this House of Congress entertain for the audacious outrage.

At any moment such an outrage would create a stimulus to prompt action in its most energetic form; but, at a crisis like this, when Poland is again arming to battle for her independence, we, the American people, feel more than ever the high responsibility of preserving national rights from despotic pollution.

Sir, what does this bill propose? That if a citizen of the United States, native or naturalized, enters into an agreement with a foreign subject or citizen having reference to property within the United States, and if such agreement be revocable at the pleasure of the party or parties, and if the revocation thereof be obtained at the instance of a foreign diplomatic representative near this Government, from *political* motives, that it shall not take effect within the United States. This is the substance of the bill, which is in perfect accordance with the genius and spirit of our institutions, and ought to command the unanimous vote of this House.

Sir, there are not in the United States one hundred and fifty Poles. *They* have remained at home, waiting for the morn of Poland's retribution to dawn, while hundreds and thousands of Irishmen and Germans are *deserting* their country in the hour of their country's peril. When *they*, like the Poles, remain at home to fight for freedom, the sympathies of my nature shall circle around them, but not till then.

Sir, it is true we would that "an ocean of fire were between us and the Old World;" but, as Native Americans, so far from disfranchising, we are as ready as either of the two old parties to protect the rights of the naturalized American citizen; we would extend to him every civil and religious privilege; but we would arrest his unholy hand when he attempts to pollute and control our ballot-boxes. We desire to extend an existing law, or, if we could, make birthright in all future time the basis of American suffrage.

I stand where I stood years ago, defending the rights not only of the native-born, but of the naturalized American citizen. Major Tochman is anxious to return to his native land, to peril his life once more in its defence. He is anxious to return with a reputation as unspotted as that with which he came. He desires to revisit the scenes of his boyhood, to renew the recollections of by-gone days—kneeling where he once knelt, at the shrine of a breathing image, and hearing from the pale lips of a mother the words of everlasting life. But, sir, Russia has determined upon his destruction!—Russia, who has evoked the execration of Europe!—Russia, who is the champion of the crusade against human freedom and human rights!—Russia, whose perfidy to Greece and cruelty to Poland has gathered around her the wrath of the universal world!

Sir, I trust the House will reconsider the vote, and refer this subject to a select committee. Whigs and Democrats who court the foreign vote have now an opportunity to protect a defenceless, exiled patriot; they have an opportunity to show that they are sincere in their professions of friendship to our naturalized citizens, and ready to protect them against the unjust interference of foreign despots. Sir, the test has come at last; and while the Native Americans scorn the thought of courting foreign votes, they will point to the action of the House this day to prove that in *their hands* the rights of the naturalized citizen, as well as the rights of their own children, will be amply protected and fearlessly defended.

Mr. SIMS asked the indulgence of the House while he presented the true state of the case. He did not propose to discuss the present posture of affairs in Europe, nor the state of certain judicial questions in this District between conflicting powers of attorney for the settlement of the estate of Kosciusko. The bill, whose reference it is proposed to reconsider and change, arose, as he understood, out of the distribution of General Kosciusko's estate, in the courts of this District.

Mr. CUMMINS wished to correct the gentleman from South Carolina as to a matter of fact. The bill which he proposed to refer had nothing at all to do with the controversy of Major Tochman and the Russian minister, but solely referred to a question of international law, and was intended to have nothing to do with this affair.

Mr. SIMS undertook to hazard the opinion that the reference already ordered was the appropriate and becoming reference. This bill grew out of the distribution of Kosciusko's estate; and no matter how diversified or how simple the questions proposed to be submitted might be, the Judiciary Committee was the proper committee to examine them. What were they, as explained by the gentleman from Ohio—the mover of the bill—but questions as to the revision of our naturalization laws?

And here he must differ entirely with his friend from Ohio in reference to the position of our Government upon the first proposition which was asked to be considered and decided upon by Congress. If there was a fundamental proposition declared in the Constitution, it was the doctrine of expatriation. Congress was expressly authorized by that instrument "to establish an uniform rule of naturalization"—thus clearly asserting the right of the foreigner to throw off his allegiance, and become a citizen of this country; and the action of Congress under that provision of the Constitution had been to require, in the act of naturalization, a renunciation of all allegiance to all foreign princes, powers, and potentates whatever, and especially to the prince or potentate within whose dominions the individual seeking citizenship was born. The exercise of this constitutional power by Congress, in the act making "an uniform rule of naturalization," had been no bare declaration on our part. Whenever a question had arisen in our history involving the truth of the doctrine, the principle had been asserted and firmly maintained by our Government. Under the guidance of this principle, thus declared as a fundamental law, and thus carried out practically in the action of Congress, when, in the war of 1812, a British General threatened to execute as a traitor a prisoner taken in arms under the American flag, who was charged to be a native-born subject of the King of Great Britain, what was the response of Mr. Madison? It was no abstract declaration; it was on a point made in the midst of arms and the personal dangers of the soldier. Substantially, this was his response: For every American soldier, no matter if born within the allegiance of the King of Great Britain, which you shall execute, I will cause ten British prisoners to be executed under the *lex talionis*. And there the subject rested; for he had the power of performing his threat. As extreme and

cruel as appeared the policy indicated, the necessity of the occasion demanded it, no less than considerations of clemency. The President, standing upon the known and recognized doctrines of the Government—the very fundamental law of the land—thus announced, and was prepared to maintain, his intention; and the British authorities quailed before its assertion, and no military execution took place.

Here, then, was the asserted and recognized doctrine which this Government was supposed by the gentleman from Ohio never to have sufficiently declared. He objected entirely to taking any action which would go to throw doubt upon the position of the Government on this subject, as uniformly declared and from the first maintained. If now we were to commence with abstract paper declarations on a subject which had been thus settled, in the midst of arms and of personal danger to our soldiers in the field, by the strong action of our Government in the cases made as they arose, we might well apprehend the inefficiency of such declarations, or, if productive of any result at all, might well fear their tendency to weaken the force of our former action.

But, it was said, there were other principles which were collateral, and flowed from this doctrine of expatriation—the denial of the right of search and of impressment—and that we ought to make a Congressional declaration of these. These principles required no new declaration. Why, every school-boy in the country knew that the war of 1812 had for one of its principal causes the contrariety of opinion existing on these subjects, between this Government and that of Great Britain. Our doctrine was that of "free trade and sailors' rights;" not the right of native-born sailors only, but of every sailor who stood under the American flag; it being the flag which determined, not only the character of the cargo, but of those who sailed under it. This doctrine of the non-impressment of American seamen, whether native-born or naturalized, was vindicated in that glorious war; and though the question was waived in the treaty of Ghent, which terminated the hostilities in that controversy, yet it was practically settled, and the enforcement of their adverse claims by the British Government had been abandoned from that day to this. Though on paper that question was waived, upon the high seas, the dominion, the tyranny of Great Britain, in this regard, had been abandoned, and so it always would be.

We might make declarations, as many as we pleased, but unless we had armies, and navies, and physical strength, and natural courage to execute and enforce them, they were mere *brutum fulmen*. But when, as was the case with the United States, the power of the country was demonstrated, when its ability to defend itself was manifested, when liberty and life were hedged in and defended from foreign aggression by bristling bayonets, borne by strong arms, guided by brave and patriotic hearts, then a practical declaration in a case made would be respected, and not till then. He respected all those philanthropic men who, dreaming in their closets, applauded peace. But, while he respected their doctrines of peace as humane, and tending to advance the prosperity and happiness of nations when practically applicable, he must be permitted to dissent from their denunciations of all war. When war was just and necessary, no country could safely decline it, no matter how unpleasant the duty of its prosecution; and those who denounced such a war were really the sappers and miners—the very destroyers of peace. There could be no security, no peace, unless sustained and protected by the power of the nation, manifested either in the accumulated form of national character, acquired by past achievements, or in the exhibition of subsisting ability to defend its rights.

The Greeks, in their mythology, most beautifully symbolized great truths. To the statesman, nothing can be more beautifully poetic, and at the same time more practically truthful, than the character of Minerva, springing, full-grown and in armor, from the brain of Jupiter. Here is illustrated the true origin of a State, and the philosophy of its continuance in peace and prosperity: it springs from wisdom in council—from the brain of Jupiter—is full-grown and in armor—it asserts its equality with other States, and its ability to maintain it. Such was the guardian divinity of Athens, the symbol of a State; and, though born in arms, she yet delighted in the olive. The olive was best planted and tended in peace; yet in peace she still wore her armor. Were he a painter, he would represent the Genius of Liberty in this country in a beautiful form, the perfect imbodiment in animation and patriotism of that nation-stirring air of Yankee Doodle: in time of war, in full panoply herself, she should be surrounded with bayonets and armed men, marshaled for the conflict: in time of peace, still in armor herself, as symbolizing the perpetual existence of national courage and character—those accompaniments of war should be placed further in the back ground, and so arranged as to exhibit an ability, with readiness, to call them into action, rather than the idea of a constant military preparation—in a word, so arranged as to illustrate the American idea of a citizen-soldier; and, at the same time, the advice of Washington, "in time of peace prepare for war." This was the protection of the country in peace or war. No abstract declaration of opinion would diffuse a knowledge or a respect for our rights: it was the power of defence alone which could effect such a result. When General Davie, our minister to the court of France at the time of Bonaparte's consulship, commenced to talk of the law of nations, the First Consul replied, that it was all *bagatelle;* that the law of nations depended on the ability of a nation to defend its pretensions; and, though Great Britain had never had the boldness to assert the same doctrine, yet on every question, on land or sea, she had practically assumed the same position. The doctrine of impressment had been abandoned, because we had the power to drive her from this position, and make her yield to our demands.

As to the doctrine of search, the gentleman from Ohio was mistaken in supposing that it entirely affiliated itself to the doctrine of expatriation—a voluntary abandonment of the rights of citizenship in one's native country. The last time this doctrine was brought up in discussion by the negotiators between this country and Great Britain, it was asserted on a very different principle—on the principle of suppressing piracy. It was maintained by the British negotiator, that as Congress, equally with the British Government, had abolished the slave trade, and declared that American seamen engaged therein were pirates, the British armed vessels, according to the law of nations, had a right to make search of any ships found floating on the seas, in order to ascertain whether they contained the contraband articles, and whether the crews were in fact pirates. This was asserted by Lord Ashburton. The question, too, was waived in the negotiation. It did not become him to speak of the wisdom or the impropriety of the principles on which the question was settled; suffice it, that our Government, denying this right of search, nevertheless, in execution of the act of Congress abolishing the slave trade, stipulated to keep up a sufficient fleet in the African seas to supervise and control our merchantmen in those seas. That was the way the question was evaded; and the discussion of it proceeded on entirely different principles from that on which the gentleman seemed to consider it founded, and into which he wished to inquire.

But while the gentleman from Ohio thus sought to give jurisdiction to a special committee, or to the Committee on Foreign Affairs, for the purposes avowed by him, should they shut their eyes to the speech of the gentleman from Pennsylvania, [Mr. LEVIN]? Was it not a recital of the case of Major Tochman, a naturalized citizen of the United States? And was not a declaration of opinion in this bill sought to be drawn from Congress, to affect the judicial proceedings now pending before the courts of this District? The gentleman from Pennsylvania had told them that a change of venue was desired. The gentleman ought to know that no change of venue could be made; that it had been decided by the Supreme Court of the United States, upon solemn and able argument, that the citizens of this District were not citizens of the States of this Union in that sense which the Constitution contemplated in giving jurisdiction to the courts of the United States of cases arising between the citizens of different States; and that the citizens of this District could not sue or be sued in the adjoining circuit of Maryland or Virginia, or in any other of the courts of the United States. Connected, then, with the practical question, it was strictly a judicial question, and proper to be referred to the Judiciary Committee.

Taking it, however, in the other view as a mere declaration of abstract opinion, the Judiciary Committee was the proper one. Was he to be told now, for the first time, that the laws of nations were no part of the laws of this land? The conventional laws of nations—treaties—next to the Constitution, were the supreme law of the land. They stood on an equal footing with the acts of Congress. The very first position assumed by our old Congress, after the declaration of independence, was the declaration that the law of nations, as known to the civilized Powers of Europe, was the law of the land in reference to our intercourse with foreign Governments; incorporating, therefore, by our declaration, the laws of nations as a part of the general laws of the land so far as our citizens were concerned. If there ever was a question which belonged peculiarly, in its intricacies and connection with the practice and decisions of our courts, as well as the practice and legislation of our Government upon this highly important subject, to the Judiciary Committee, constructed as it was in reference to the knowledge of its members on such questions, this was the question.

He protested, therefore, against raising a special committee at this time to consider questions that were fundamentally settled, that had been acted on both by Congress and the Executive. He protested against sending a question which so appropriately belonged to the Judiciary Committee to any other committee; and he equally protested against it in contemplation of the object indicated by the gentleman from Pennsylvania, that object being to affect a question pending in the courts for adjudication.

Mr. VINTON moved the previous question, which was seconded; and the main question was ordered, viz: Will the House reconsider the said vote? It was decided by tellers, and there were ayes 56, noes 57.

Mr. JONES, of Tennessee, raised a question of order. He contended that one hundred and fourteen members did not constitute a quorum of the whole House. Two members had been elected to represent the State of Wisconsin, one of whom had appeared and been this morning sworn in and taken his seat, and the other was on his way. Counting these two members, the House would consist of 230 members; it would of course take 116 to make a quorum.

The CHAIR replied that he had been informed by the Clerk that 114 were a quorum.

The CLERK, being permitted to explain, said that, including the two members from Wisconsin, there would be 230 members; but there were three vacancies to be deducted. This being done, 114 would constitute a quorum.

Mr. JONES denied that the vacant districts were to be deducted.

The CHAIR was understood to state it as his own opinion, that if this were an original question, the Chair might insist that gentlemen from a new State were not entitled to their seats unless their election had taken place not only after the actual admission of the new State into the Union, but also after that admission had been officially notified to the authorities of the State and the notification received. But, in the existing case, one member from Wisconsin having been already admitted, he should rule that 114 did not constitute a quorum, and of course that the question was not yet settled, no quorum having voted.

Mr. COBB, of Georgia, suggested that there be a new count.

The CHAIR said this could only be had by general consent.

Mr. DUER contended that the vacant districts ought not to be included in determining the number of which the House consisted, and that none ought to be taken into the account but those actually elected and returned.

The CHAIR ruled otherwise.

A new count was then permitted, and resulted as follows: Ayes 78, noes 66.

So the question was decided in the affirmative.

Mr. J. R. INGERSOLL, chairman of the Committee on the Judiciary, objected to the debate which had taken place as foreign to the business before the House; but, lest by the most distant analogy it might possibly be held as relevant, he would offer a few words in reply.

He insisted that there was not a nation on this earth in which the rights of individuals, whether

native or naturalized, were better protected than they were by the Constitution and laws of these United States, this highly-favored land, which was becoming the resort of the oppressed from all quarters of the world. Yet they were told by the gentleman from Pennsylvania and the gentleman from Ohio, [Messrs. LEVIN and CUMMINS,] that our Constitution and laws were insufficient to protect a naturalized citizen from the oppression of a foreign Government and her diplomatic representative. Let him tell those gentlemen and all others, that the humblest straw-built shed upon our soil was a protection to its inhabitant against all the foreign despots of the world. So far as the amplest protection of the rights of all our citizens was concerned, no further legislation at all was needed. They had it in perfection already. Every American, whether native or naturalized, enjoyed the amplest immunity against the tyranny of all the world.

The question before the House was a question of reference purely.

The second section of the bill undertook to settle whether the Supreme Court of the United States should or should not have jurisdiction in certain cases. Now, was not a question like this most clearly and obviously a question for the Committee on the Judiciary? So far as he was personally concerned, he had not cared one farthing whether the bill went to his own committee or to any other; but when the bill had actually been referred to them, and an attempt was made to take it away from their jurisdiction, it became his duty to show that it was one which legitimately belonged to the jurisdiction of that committee.

He argued this from the face of the bill, not from the speeches which had been made in support of its reference to a select committee. Matters had been introduced into those speeches which did not appear on the face of the bill, and were not legitimately connected with the question of reference. If it was true, as alleged, that the district judges of the court in this District had violated their duty, they were impeachable, and ought to be impeached. If Major Tochman would apply to the Secretary of State, that officer would most assuredly do his duty in the premises. A foreign minister, come he from what court he might, who should dare to attempt to perpetrate oppression here on an American citizen, native or naturalized, would be ordered out of the country in half an hour.

Mr. CUMMINS was understood to say that application had been made to the Secretary, but without effect.

Mr. INGERSOLL observed that if that were so, and the Secretary refused to do his duty, the Secretary himself was liable to impeachment: and the liability went still higher, for the President who should neglect or refuse to act in such a case, would in like manner become impeachable.

Mr. PETTIT was understood to suggest that possibly the Secretary's course was attributable to ignorance.

Mr. INGERSOLL said that still Major Tochman's remedy was against the Secretary, and not in any alteration of our naturalization laws.

Mr. LEVIN here referred to a letter of Mr. Bodisco, which stated that, owing to Major Tochman's political offences against the Russian Government, the Emperor could not recognize him as the attorney for Kosciusko's heirs, and therefore Mr. Bodisco asked that other attorneys might be appointed. Was not this an oppressive interference with the rights of a naturalized American citizen?

Mr. INGERSOLL said that was Mr. Bodisco's own affair; he knew nothing about it; he knew only what this bill was; to this he confined his argument; and from the face of the bill it was most obvious that its proper reference was to the Committee on the Judiciary. A desultory conversation here took place, in which Messrs. J. R. INGERSOLL, CUMMINS, and PETTIT took part, which was ended by Mr. WHITE'S demanding the previous question.

The House seconded the call, and the bill, by a vote of yeas and nays, was again referred to the Committee on the Judiciary: Yeas 76, nays 64.

PATENTS.

Mr. COLLAMER called up the motion he made some days since, to reconsider the vote by which was passed the "bill to provide for applications for the renewal of patent rights in certain cases."

The question was put on reconsidering said vote, and it was agreed to.

On motion of Mr. COLLAMER, the vote by which the bill was ordered to be engrossed was also reconsidered.

The bill then being before the House—

Mr. COLLAMER moved to amend the same by adding, at the end of the bill, the following:

And all persons who shall, after such expiration, and before such extension, have manufactured or put in use any machine or "composition of matter" secured by such patent, their executors, administrators, or assigns, may continue the use of said machine, or "composition of matter," actually made during the period for and during said extended term, but no one shall make or put in use any such machine or composition after such renewal.

And if any person shall, before such renewal, or within eighteen months before said expiration, have made preparations specially for manufacturing such machine or "composition of matter," he may proceed in the same and carry on the said manufacture during said extended term, on such terms as he and the patentee may agree upon, or as the district court of the United States of the district where such person so desiring to proceed in such manufacture resides, on a petition of such person, to be filed within one year from the date of such extension, shall direct, which said court are hereby directed and authorized to do.

The amendment was agreed to, and the bill ordered to be engrossed, and, being engrossed, was read a third time and passed, and sent to the Senate for concurrence.

Mr. HENLEY, from the Committee on Printing, reported the following resolution, which was read and agreed to:

Resolved, That ten thousand copies extra of the report on the subject of the importation of adulterated drugs and medicines be printed for the use of this House.

NAVAL APPROPRIATIONS.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union.

The vote being taken, there were ayes 51, noes 31—not a quorum.

Mr. PETTIT moved that the House do now adjourn.

The motion was decided in the negative: Yeas 20, nays 125.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. THOMPSON, of Indiana, in the chair,) and resumed the consideration of the bill making appropriations for the naval service for the year ending June 30, 1848.

Mr. PETTIT, who was entitled to the floor, declined to proceed, and it was obtained by

Mr. KAUFMAN, who occupied the allotted hour in a prepared speech in defence of the course of the present Administration relative to the Mexican war, his argument being directed mainly to the point, that the territory of Texas at the time of annexation extended to the Rio Grande. [This speech will be found in the Appendix.]

Mr. PETTIT again obtained the floor, and, on his motion, the committee rose and reported.

Mr. GREEN, from the select committee appointed to consider the various memorials to establish an additional land office in Missouri, reported a bill to establish an additional land office in the State of Missouri. Read twice.

Mr. GREEN stated that the chairman of the Committee on the Public Lands [Mr. COLLAMER] had examined the bill, and was not unfavorable to its passage, and he hoped that the House would suffer it to pass at this time.

Mr. VINTON said that the bill might be very proper and very just, but he did not approve of putting bills so fast through the House; it established a bad precedent. Mr. V. moved the commitment of the bill. Before the question was taken—

On motion of Mr. HOLMES, of South Carolina, it was ordered that when the House adjourns, it adjourn to meet to-morrow morning at nine o'clock.

Mr. DUNCAN, of Kentucky, asked leave to offer a resolution providing that on and after Monday next, no member shall occupy more than twenty minutes in debate on any of the appropriation bills in Committee of the Whole.

Objected to, and not received.

And then the House adjourned.

IN SENATE.

MONDAY, *June* 5, 1848.

The following memorials and petitions were presented and appropriately referred:

By Mr. CLARKE: Resolutions of the General Assembly of Rhode Island in favor of abolishing slavery in the District of Columbia, or an act for the immediate removal of the seat of Government to some free State.

By Mr. BORLAND: From citizens of Arkansas in favor of purchasing Mount Vernon by the General Government.

By Mr. BENTON: From citizens of Cape Girardeau, Missouri, in favor of the location of a Western Armory at that place.

By Mr. DOWNS: From R. W. Richardson, asking confirmation of a tract of land.

REPORTS FROM COMMITTEES.

By Mr. BREESE, from the Committee on Public Lands, without amendment, House bill to attach a portion of the Northwestern Land District of Louisiana to the district west of Red river.

On motion of Mr. BREESE, the bill was considered in Committee of the Whole by unanimous consent, read a third time, and passed.

On motion of Mr. MILLER, the Senate proceeded to the consideration of the bill to increase the medical corps of the navy of the United States; which was read a third time by unanimous consent, and passed.

On motion of Mr. BENTON,

Resolved, That the Secretary of the Senate be authorized to contract for lithographing and printing 20,000 copies of J. C. Frémont's map of Oregon and California, reduced from the originals according to the projection to be furnished by the said J. C. Frémont.

Resolved, That there be printed for the use of the Senate the same number of copies of J. C. Frémont's geographical memoir on Upper California, the manuscript and printing of said memoir to be subject to the revision and correction of the author.

Mr. DAVIS, of Massachusetts, moved to postpone the previous orders, and take up the bill to carry into effect certain provisions in the treaty between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries.

After a brief colloquy, in which Messrs. DAVIS of Massachusetts, BUTLER, and WESTCOTT, took part, the question was taken by yeas and nays, and decided in the negative, as follows:

YEAS—Messrs. Atchison, Atherton, Badger, Baldwin, Berrien, Butler, Davis of Massachusetts, Downs, Hunter, Miller, Niles, Sturgeon, Underwood, Upham, and Webster—15.

NAYS—Messrs. Benton, Borland, Bradbury, Breese, Calhoun, Cameron, Davis of Mississippi, Dayton, Dickinson, Dix, Felch, Lewis, Rusk, Sebastian, Turney, Westcott, and Yulee—17.

Mr. BADGER then moved to proceed to the consideration of the resolution submitted by him relating to the printing of 20,000 copies of a certain portion of the report of the Commissioner of Patents, on which some debate ensued; but before any question was taken, the Senate adjourned to Thursday.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 6, 1848.

Pursuant to its order of yesterday, the House met at nine o'clock.

The Journal of yesterday having been read, the House adjourned until Friday next.

IN SENATE.

THURSDAY, *June* 8, 1848.

The reading of the Journal was dispensed with, on motion of Mr. MANGUM, and the Senate proceeded to the consideration of Executive business. After a short time, the doors were reopened; when

Mr. BADGER presented the petition of Gaspard Tochman, praying for the passage of an act authorizing a change of the venue of certain suits now pending before the United States district court of the District of Columbia, to the United States district court of Maryland.

Mr. CALHOUN presented the petition of Maria Caldwell Robertson, representative of James Caldwell, deceased, praying the payment of certain outstanding loan office certificates.

Mr. PEARCE, from the Committee on the Post Office and Post Roads, reported the following joint resolution, which was read a first time:

A RESOLUTION to authorize and require a renewal of a contract for carrying the mail.

Be it resolved, &c., That the Postmaster General be, and he is hereby, authorized and required to renew the engagement heretofore existing for the transportation of the great southern and northern mail by the Richmond, Fredericks-

burg, and Potomac Railroad and Steamboat Company, at a price not greater than that which was paid by the present Postmaster General for the transportation of said mail up to the month of July, 1847.

Mr. MASON, from the Joint Committee on the Library, reported a bill authorizing the purchase and publication of the papers and manuscripts of the late Thomas Jefferson; which was read a first time.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported, without amendment, the following House bills:

An act for the relief of Hannah Yarrington.

An act for the relief of Anna Griffin, of Wyoming county, New York.

An act granting a pension to Ruth Hallenback.

An act for the relief of Eliza A. Mellen.

An act for the relief of William H. Wilson.

An act for the relief of Amos Ball.

An act for the relief of Maurice R. Simmons.

An act for the relief of Henry N. Halsted.

An act for the relief of John Farnham.

An act for the relief of Andrew Flanegan.

An act for the relief of William Gott.

An act for the relief of Catharine Hoffman.

An act for the relief of Mary Pike.

An act for the relief of Gideon A. Perry.

An act for the relief of Joseph Taylor.

An act for the relief of Henry W. Thompson.

An act for the relief of John Haup.

An act making appropriations for the payment of navy pensions for the year ending 30th June, 1849.

A joint resolution relative to evidence in applications for pensions.

On motion of Mr. JOHNSON, the same committee was discharged from the further consideration of the act for the relief of Robert Ramsey; an act for the relief of W. Butler; and the report of the Secretary of the Navy concerning papers filed by Mary Cassin, in her application for a pension; and they were respectively referred to the Committee on Naval Affairs.

Mr. BREESE, from the Committee on Public Lands, reported the following bills, which were read a first time:

A bill for the relief of Charity Herrington; and

A bill for the relief of William L. Wigens.

The Senate then adjourned till Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 9, 1848.

The Journal of Tuesday was read and approved.

Mr. MASON C. DARLING, a Representative from the State of Wisconsin, appeared this day, was sworn to support the Constitution of the United States, and took a seat in the House.

PRIVATE CALENDAR.

The House proceeded to the consideration of the regular order of business, being the consideration of private business. The bills for the relief of Peter Schaffer, and for the relief of William De Buys, late postmaster at New Orleans, which had been laid over from last week, were severally announced by the Chair as the business first in order; and the gentlemen having charge of the same not being present, they were again informally laid over.

The SPEAKER then announced as the next question in order, to reconsider the vote by which Senate bill directing the proper officers of the treasury to settle the claim of Joseph Nourse was passed by the House. The member who made the motion to reconsider the vote by which said bill was passed not being at the moment in his seat, it was informally passed over.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar.

Mr. JONES, of Tennessee, said, in order to ascertain if members enough were present competent to do business, he asked for tellers.

They were ordered, and, on a count, there were ayes 71, noes 15—not a quorum.

The House then adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. SMITH, of Illinois: The petition of sundry citizens of Randolph county, Illinois, and of Perry county, Missouri, praying the establishment of a mail route from Chester, in Randolph county, Illinois, to Perryville, in Perry county, Missouri.

By Mr. THOMPSON, of Kentucky: The petition of Joseph D. Ward, praying an additional pension, he having faithfully served as a non-commissioned officer up to and during the battle of Buena Vista, in which engagement he was literally shot to pieces, and thereby rendered perfectly helpless.

By Mr. ATKINSON: The petition of D. Nash, coroner of Norfolk county, Virginia, and committee of the estate of Thomas Bressie, deceased, praying for half-pay for revolutionary services of the said Bressie.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 10, 1848.

The Journal of yesterday was read and approved.

Mr. BROWN, of Mississippi, by general consent, offered the following preamble and resolution, which were read and agreed to:

Whereas it is the practice of the district and circuit courts of the United States to permit the institution of suits against the legal representatives of deceased persons before the period prescribed by the State statutes for commencing suits has elapsed, thereby giving to plaintiffs in the United States courts an undue advantage over those in the State courts: Therefore,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law as to forbid the institution of suits against the representatives of deceased persons in the courts of the United States until such time as, by the State laws, such suit might be instituted in the State courts.

RAILROAD MONOPOLY.

Mr. TALLMADGE, on leave given, presented the memorial of a large number of merchants of the city of New York, asking the interposition of Congress in relieving them and the community at large from the effects of a monopoly granted by the government of the State of New Jersey to the Camden and Amboy Railroad Company and the Delaware and Raritan Canal Company, two companies composed, as he was informed, of the same individuals, or principally so.

The memorial sets forth that, in 1832, a grant was made by the Legislature of New Jersey to those companies, investing them with the exclusive right of transporting passengers and goods by railroad or canal through the State of New Jersey, with a clause in the law granting these extraordinary powers, which prohibits the exercise of such right by any other person or persons, unless by the consent, not of the Legislature of New Jersey, but of those companies. It was not (Mr. T. said) a little remarkable, that, for this *exclusive* grant to those individuals, the State received a direct bonus from them, consisting of a certain number of shares of the stock of those companies, together with a provision in the law requiring the companies to pay into the treasury of the State *ten cents* upon every passenger that was conveyed through the State on the railroad or canal, and eight cents upon every ton of merchandise, coal, &c., that was conveyed on the canal.

In 1837, by another law of New Jersey, those companies were authorized to demand and receive from each passenger conveyed across the State of New Jersey on the railroad, if in the night, the sum of five dollars, and if by daylight, the sum of four dollars; the same law requiring the companies to pay into the State treasury the one-half of the passage-money thus received, after retaining three dollars for the use of the company.

No legal restriction existed in regard to the charge which these companies might make for the transportation of the great Southern mail to and from the cities of New York and Philadelphia, while the laws of New Jersey prohibit every possible competition in the conveyance of the mail by railroad between those two cities. The Government was subject, in this particular, to the will, and possibly the exorbitant demands of these companies; and Mr. T. understood that complaints had heretofore been made, in this particular, by the Post Office Department.

Congress had the power by the Constitution "to establish post offices and post roads," and that power had been exercised both in Maryland and Virginia, and the memorialists ask that it may be interposed in this case by Government, for the double purpose of effecting greater economy as well as producing greater speed in the transmission of the mail on this important route.

By the present arrangement, the great southern mail was now detained in Philadelphia from about two o'clock in the morning until nine o'clock, arriving in New York about two o'clock, p. m., when it should be there by eight to nine o'clock in the morning. This delay in the transmission of the mail from Philadelphia to New York was a source of great inconvenience to the commercial community, and was utterly inexcusable; but they and the Government must submit to it, because the railroad company would consult alone their interest and convenience, by despatching their cars at an hour when they could best secure a large number of passengers, and the laws of New Jersey prohibited the formation of any other railroad for the transmission of the mail or more speedy conveyance of passengers, except with the consent of the Camden and Amboy Railroad Company.

But, Mr. Speaker, (continued Mr. T.,) another very singular, and, in my judgment, unconstitutional provision, is incorporated into the laws granting these special privileges to those companies: I mean the discrimination which these laws contemplate and permit between residents and non-residents of the State of New Jersey who travel these roads. These laws authorize the companies to demand and receive from strangers or others passing through the State, a sum not exceeding five dollars if in the night, or four dollars if by daylight, and restrict the companies from demanding over three cents per mile to any way passenger, even if he passes from one extremity of the State to the other. At that rate of charge, if the same law was applicable to the entire route from New York to Philadelphia, estimating the distance at eighty-five miles, the traveller from city to city would be subject to an expense of only $2 55, while the company demand at this time, for that distance, the sum of four dollars from those passing over the entire road.

The Constitution of the United States provides that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States;" and yet, by the laws of New Jersey, persons passing through that State on their railroad are required to pay a transit duty of from ten cents to one dollar, at the discretion of the proprietors of these roads, to enrich the treasury of the State. This law, then, in its design and operation, discriminates between the citizens of other States passing through New Jersey and the citizens of New Jersey, who are denominated way passengers—the law in the one case requiring the payment of five cents per mile, and in the other not to exceed three cents per mile.

Our Constitution does not authorize the imposition of a transit duty by any State upon passengers or freight passing through it; and the law of New Jersey, discriminating between the citizens of other States and their own, is clearly unconstitutional. I might also allude to a similar imposition that it is said is practised by these companies in regard to the transmission of freight through their canal, which is a most odious monopoly, operating very injuriously upon the commerce of the two principal cities of this Union, as well as upon other portions of the country which are connected in business with those cities.

Upon another and more appropriate occasion, I will present this subject for the consideration of the House in a more extended form, and with the necessary statistics. At present, my object in rising was merely to invoke the particular attention of the House, and especially of the Committee on the Post Office and Post Roads, to the urgent and important character of this memorial, to whom I move its reference.

Mr. GOGGIN inquired of the gentleman from New York if that petition did not contemplate the making of a road by the General Government for the transportion of the mail?—if that was not its object?

Mr. TALLMADGE replied, that the memorialists asked for any relief which this Government might afford them.

Mr. GOGGIN understood that this was the object of the petition, and, if so, it should be referred to the Committee on Roads and Canals, if referred at all. The Committee on the Post Office and Post Roads had nothing whatever to do with the making of a road for the carrying of the mail.

Mr. TALLMADGE said, the memorial asked relief from a double oppression—that upon persons passing through the State, and upon the transportation of the mail.

No objection having been made to the reception of the memorial—

The SPEAKER announced the question to be on the motion to refer to the Committee on the Post Office and Post Roads.

Mr. GOGGIN said there had been similar memorials referred to the Committee on the Post Office and Post Roads, but he had not proposed they should be acted on, as he considered them not within the jurisdiction of the Committee.

Mr. JONES, of Tennessee, said it seemed to him that the Committee on the Post Office and Post Roads, in neither of the aspects in which the petition could be viewed, had jurisdiction over it, nor was there any appropriate committee to which it should be referred. If its object was to redress the grievances of any portion of the people who had been unjustly taxed by the railroad company, acting under a charter granted by a sovereign State, this House had nothing to do with it. If individuals thought they had been unjustly taxed, the courts of the country must be the medium of redress, and not Congress. Suppose they should pass a law declaring that the company had no power to make this distinction, and to tax the citizens of other States higher than the citizens of New Jersey: the act would only be declaratory, and would be of no force and effect except through the courts of the country.

He believed it had been settled by this House that they had no right to pass laws to control these railroads in the transportation of the mail any further than to prescribe the rates which should be paid to them. That had already been done; and, if he mistook not, in the recent lettings, the Postmaster General had concluded a contract for the transportation of the mail over this road.

Mr. GOGGIN, (in his seat.) Satisfactorily.

Mr. JONES. Satisfactorily, for the first time in seven or eight years. For the first time in several years had any of these corporations now come to a satisfactory agreement, or entered into a written contract with the department for the transportation of the mail. In consequence of the action of this House at the present session in relation to the Richmond and Potomac Railroad Company, and the determination on the part of the House not to sustain the railroads against the department in their exorbitant exactions, this road had been brought to an arrangement. The only right which Congress had over them was, to prescribe the amount which should be paid to them, and adhere to it; and if the companies did not come to it, to provide for the transportation of the mail some other way. He hoped the memorial would not be referred to the Committee on the Post Office and Post Roads; that Committee had nothing to do with the subject.

Mr. J. R. INGERSOLL said that the memorial had not been read, and its contents had not been very fully stated by the gentleman who presented it. He was not sure that he exactly understood its character, but presumed it to be similar to several memorials which he had himself presented; and if so, he entirely concurred in the proposed reference.

[Several voices: Let it be read.]

The memorial was accordingly read from the Clerk's desk.

Mr. INGERSOLL, having retained the floor, proceeded to remark, that in substance, and probably in letter, it was the same that he had several times presented within the last few weeks, each time with numerous and increasing signatures. In thus placing before Congress an urgent appeal for relief, he had communicated the earnest wishes of an estimable portion of intelligent citizens. Applications had come up from various quarters. The route or line of road lay immediately between the two densest and largest masses of population in the country; intelligence of almost every sort was constantly passing between them. The route was also a material and a central link in the great chain which connected together the different and most distant parts of the Union. All had an interest, and many had a deep concern in its condition, The memorial exhibited evils not merely of a private but public nature, and asked that they might be redressed. It called for interposition from the National Legislature on an occasion and for purposes purely national. The mail, which was as much entitled to protection and assistance from the Government as any others of its great concerns, was alleged to be inadequately provided for in its passage across the State of New Jersey.

Mr. GOGGIN interposed, and inquired of Mr. INGERSOLL whether he had heard the statement of the gentleman from Tennessee, [Mr. JONES,] that the Postmaster General had lately made a satisfactory arrangement with the railroad company?

Mr. INGERSOLL said that he perfectly understood what had been stated by the gentleman from Tennessee, now endorsed by the gentleman from Virginia, [Mr. GOGGIN.] It did not in any degree affect the merits of the case. If, in view of complaints and remonstrances, addressed in animated notes through the press to the public, and more recently communicated in form to Congress, the company had been led to make, as was now declared for the first time, a somewhat satisfactory arrangement—satisfactory compared with anything that had been effected heretofore—it proved the justice and efficacy of the complaints, and the existence and curable nature of the evil. It did not disprove, however, a word that was said in the memorial, or diminish the necessity of further interposition. Very probably the Post Office Department had made an arrangement so far satisfactory as existing abuses would authorize. If the allegations before us were well-founded, there were inherent impediments interposed by contracts between the State and the corporation, which nothing but national legislation would remove.

We are told that New Jersey had vested the corporation with certain exclusive privileges which, by her own innate power, she might not be able to abrogate if she would, and perhaps would not if she could. However adverse it might be to settled principles, for one Legislature to tie up its hands and deny to successive Legislatures the power to repeal existing laws, yet there might be what were called vested rights, which, however savoring of monopoly and consequent wrong to the commonwealth at large, had created embarrassment and prevented free agency in local legislation. The State was believed to possess an equivalent, while the company possessed its monopoly. If so, and all State action was paralyzed to the extent at least of inconvenience, and possibly of inability to move at all, another sovereign remedy was invoked, and it might be applied in direct obedience to the Constitution, and agreeably even to the laws of poetry, which permitted the highest interposition when the *dignus vindice nodus* was presented. If the State could not or would not act because of some subsisting arrangement with the company, and the company would not act because of its arrangement with the State, there was happily a clause in the Constitution which would at once afford relief. To this clause the memorial referred when it asked for "the survey of a route for a post road between the cities of New York and Philadelphia.

Mr. GOGGIN, interposing, asked Mr. I. whether he had ever known it done by Congress in any of the States?

Mr. INGERSOLL replied that the memorial expressly informed us that Congress has "caused such roads to be made through Maryland, Virginia, and other States." It would be of little consequence if it had not. Monopolies under legislative sanction were of too rare occurrence in this country to present an exact analogy. They had been overturned abroad with signal vengeance after having existed for centuries. The question was not now about the monopoly, or the propriety of its overthrow. Not at all. That was not the point before us. The question was simply one of reference to a committee of a series of applications from respectable sources for the survey of a post route. What was the objection? Congress alone had power to establish post offices and post roads. Whatever construction might be given to the word *establish*—whether to found originally, or to give firmness and strength to something already imperfectly begun—there could be no doubt of the authority in the present case. Was it expedient that it should be exercised? Transportation over the particular route of every kind was supposed not to be effected under present contracts in the shortest time and in the best manner. Between the company and the State this condition of things would not, it seemed, be changed; the defect was inherent and enduring. So far as the mail was concerned there might be an alteration for the better. It was no proper objection to the change that in bringing about one sort of public good it brought about another at the same time; that while the mail and all its incidents might be facilitated in passing over the route, and greatly accelerated in progress, a variety of like advantages would be conferred upon the whole community. So much the better.

Supposing, then, the object to be lawful, expedient, and beneficial, nothing remained but to inquire, under what official auspices of this House the proper inquiry for giving it effect should be made? To which of two standing committees should the memorial be referred? There was, indeed, a Committee of Roads and Canals. It had not much occupation under the present proscription of internal improvements. Under any circumstances it had nothing to do with establishing post roads. It would be out of the sphere of its duty to inquire into any such subject. As preliminary to its action, at least, the post road must be authorized. The first step towards authorizing it could be taken only by the committee to which the subject of post roads was confided; that was the Committee on the Post Office and Post Roads. If the reference was to be made at all, it could with no propriety be diverted from that committee; and he trusted that it would accordingly take that direction and no other.

Mr. VENABLE said, if he understood the history of this complaint, the Legislature of New Jersey had granted a certain advantageous charter to this railroad company; the people of New York and Philadelphia complained of it, and very gravely asked this House to interfere and to override the charter granted by a sovereign State and prostrate it. The people of New York and Philadelphia wished Congress to go down into a State and hold this company *in terrorem*, and regulate its tariff of tolls. He had never heard a more bold assumption of power on the part of the Federal Government advocated. If anything unconstitutional had been done, if New Jersey had assumed power which she surrendered when she became a member of the Confederacy, the courts were open, and would protect the citizen, and put the Legislature right if they had done wrong. But Congress had no right to walk to the house of the citizen and say to him, every question which arises between you and your Legislature we will regulate. He thought the House had no jurisdiction of the matter, and he moved it be laid on the table.

Mr. J. R. INGERSOLL asked the yeas and nays, which were ordered; and, being taken, resulted—Yeas 60, nays 67.

So the House refused to lay the memorial on the table, and it was then referred to the Committee on the Post Office and Post Post Roads.

Mr. WHITE asked leave to offer the following resolution:

Resolved, That the Speaker be authorized to pay from the proper fund to Mrs. Holley, the widow of John M. Holley, deceased, late a member of this House, the amount due to him for mileage and per diem compensation at the time of his death; also, three hundred dollars to pay the actual expenses of removing his remains from the place of his death, in the State of Florida, to his former residence in the State of New York.

Mr. STUART, of Michigan, objected, and the resolution was not received.

Mr. GOGGIN asked leave to offer the following resolution:

Resolved, That the Secretary of War cause to be communicated to this House a copy of any order or orders which may have been issued from the War Department, directing the paymasters or other officers to retain a certain portion of the wages or pay of the Virginia volunteers in service in Mexico, for expenses incurred by said State in the enrolment of said volunteers; with the reasons for such or any similar order, with the number also of said volunteers who have been discharged from the service before such order or orders were issued.

Mr. HOUSTON, of Alabama, objected, and the resolution was not received.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar: Ayes 64, noes 24. Not a quorum.

The House then adjourned.

PETITIONS, ETC.

The following memorial and petition were presented under the rule, and referred:

By Mr. SMITH, of Illinois: The petition of Jonathan Church and others, praying Congress to authorize the sale of certain lands in Monroe county, Illinois, known as the Renault grant. Also, the memorial of Captain William P. Lamothe praying compensation for mail service performed by him in carrying the mail from Alton, in Illinois, to St. Louis, Missouri.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 12, 1848.

The Journal of Saturday was read and approved.

Mr. DANIEL WALLACE, a Representative from the State of South Carolina, elected to supply the

vacancy occasioned by the death of the Hon. JAMES BLACK, appeared this day, was sworn to support the Constitution of the United States, and took a seat in the House.

RIVERS AND HARBORS.

Mr. WENTWORTH asked leave to offer a resolution making the various bills for the improvement of certain harbors and rivers, for the removal of obstructions in certain rivers, &c., the special order of the day after the appropriation bills shall have been finally disposed of.

The reception of the resolution being objected to—

Mr. WENTWORTH moved to suspend the rules, to enable him to offer the resolution.

Mr. HOUSTON, of Alabama, moved a call of the House, on which the yeas and nays were ordered and taken, and resulted as follows: Yeas 45, nays 103. So the House refused to have a call.

After inquiries (not distinctly heard by the reporter) by Messrs. BOYD and HOUSTON of Alabama, the question was put on suspending the rules, and was decided as follows: Yeas 99, nays 62. Two-thirds not voting in the affirmative, the rules were not suspended.

ADJOURNMENT OF CONGRESS.

Mr. ASHMUN moved to suspend the rules to enable him to introduce a joint resolution to terminate the present session of Congress, by an adjournment, on the 10th day of July next.

The motion to suspend the rules was decided as follows: Yeas 119, nays 40. Two-thirds voting in the affirmative, the rules were suspended, and the resolution was received.

Mr. ASHMUN modified the resolution by altering the day fixed for the adjournment of Congress from the 10th to the 17th day of July next.

Mr. A. moved the previous question, which was seconded; and, under the operation thereof, the resolution was passed and sent to the Senate for concurrence.

At a subsequent time in the day, Mr. A. moved to reconsider the vote by which this resolution was passed, and then moved to lay the motion to reconsider on the table; which latter motion was agreed to.

REMOVAL OF THE BIG LAMP.

Mr. STEPHENS, by general consent, offered the following resolution:

Resolved, (the Senate concurring,) That the Commissioner of Public Buildings be directed to cause to be removed without delay the lamp and staff from the dome of the Capitol.

Mr. HOUSTON, of Delaware, moved to amend the resolution by striking out all after the word "Resolved," and inserting:

By the Senate and House of Representatives of the United States of America in Congress assembled, That twelve thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Senate and the Clerk of the House of Representatives, in removing the mast and lantern above the dome of the Capitol, and in the erection and construction of lamps, lamp-posts, gas-pipes, and other necessary fixtures though and around the grounds of the Capitol for lighting the same with solar gas.

The SPEAKER ruled the amendment out of order.

Mr. STEPHENS moved the previous question, which was seconded; and, under the operation thereof, the resolution was agreed to.

CLOSING DEBATE.

Mr. VINTON moved the usual resolution to close all debate in Committee of the Whole on the state of the Union, on the bill making appropriations for the naval service for the year ending June 30, 1849, in two hours after the bill shall again be considered in Committee of the Whole. Agreed to.

OHIO RIVER.

Mr. FRENCH moved to suspend the rules, to enable him to submit a motion to make the bill to repair the dam at the head of Cumberland Island, in the Ohio river, the special order of the day after the existing special order (the appropriation bills) shall have been finally disposed of.

The vote on suspending the rules was decided by yeas and nays: Yeas 92, nays 60. Two-thirds not voting in the affirmative, the rules were not suspended.

TROOPS IN MEXICO.

Mr. COCKE, by general consent, moved the following resolution:

Resolved, That the Committee on Printing be instructed to inquire into the propriety of printing 10,000 extra copies of Executive document No. 62, being the report of the Adjutant General in relation to the number of United States troops that have been engaged in the war with Mexico, the number who have been killed, died of wounds received, &c.; and that they report to this House at the earliest practicable period.

Mr. BURT said, that in a conversation had two or three days since with the Adjutant General, he was informed by that officer that the printed report, of which 10,000 copies extra was contemplated by this resolution to be printed, contained a great number of typographical errors, and that the Adjutant General was now engaged in drawing up a report to Congress pointing out and correcting the errors. Mr. B., for the present, moved to lay the resolution on the table.

Mr. COCKE said, from the information furnished by the gentleman from South Carolina, he would, for the time being, withdraw the resolution.

So the resolution was withdrawn.

JUDICIARY BILLS.

Mr. J. R. INGERSOLL moved a resolution making all the bills reported by the Judiciary Committee and referred to the Committee of the Whole on the state of the Union, the special order of the day after the existing special order shall have been disposed of.

After some conversation by Messrs. J. R. INGERSOLL, MEADE, THOMPSON of Pennsylvania, and SCHENCK, the question was put; and two-thirds not voting in the affirmative, the resolution was not agreed to.

PRE-EMPTION RIGHTS.

Mr. SCHENCK, previous notice having been given, introduced a bill to grant preëmption rights for certain islands in the great Miami river. Read twice, and referred to the Committee on Public Lands.

Mr. WHITE moved to suspend the rules, to enable him to offer the following resolution:

Resolved, That the Speaker be authorized to pay from the proper fund to Mrs. Holley, widow of John M. Holley, deceased, late a member of this House, the amount due to him for mileage and per diem compensation at the time of his death; also, three hundred dollars to pay the actual expenses of removing his remains from the place of his death, in the State of Florida, to his former residence in the State of New York.

After some conversation by Messrs. WHITE, HUNT, FICKLIN, ATKINSON, and STUART of Michigan, the question was put on suspending the rules; and two-thirds not voting in favor thereof, they were not suspended.

APPROPRIATIONS FOR NAVAL SERVICE.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union on the bill making appropriations for the naval service for the year ending June 30, 1849, (Mr. THOMPSON, of Indiana, in the chair.)

The question before the committee when they were last in session on this bill was on inserting, after the item "for contingent expenses for objects not hereinbefore enumerated, $2,000," the following:

For the transportation of the United States mail between New York and Liverpool, between New York and New Orleans, and Havana and Chagres, and between Panama and Astoria, under act of March 3, 1847, $874,600. [And the Secretary of the Navy is hereby directed to advance to the contractors for said service, or to their assignees, for the purpose of enabling them to finish their steamships, contracted for, under their respective contracts, the sum of twenty-five thousand dollars per month on each of said ships, after such ships shall have been launched; but the money so advanced under any one of said contracts shall not exceed the amount of one year's compensation stipulated for in such contract, to be secured in all cases by a lien on said ships, in such manner as the Secretary of the Navy may require; and the money so advanced shall be faithfully expended in finishing said ships to the satisfaction of the Secretary of the Navy;] and compensation on the contract from Panama to Astoria shall commence from the time the ships are ready for service and placed at the disposal of the United States.

Mr. PETTIT, being entitled to the floor, addressed the committee through his allotted hour, chiefly in reply to the speech made some days since by Mr. RHETT in regard to the constitutional powers of Congress to legislate for and exercise powers over any territory now possessed or that may hereafter be acquired by the United States. [This speech will be found in the Appendix.]

Mr. SIDNEY LAWRENCE followed Mr. PETTIT in a written speach, which he read from the Clerk's desk, and which occupied the remainder of the time allowed for debate. [This speech will be found in the Appendix.]

Mr. VINTON explained the pending amendment.

Mr. JONES, of Tennessee, moved to amend the amendment by striking out the advance of $25,000 a month.

Mr. VINTON hoped the amendment would not prevail. The subject came recommended by the Secretary of the Navy; it had originally been referred to the Committee on Naval Affairs. That committee had thoroughly examined and approved of it, and had reported accordingly, but wished it might be sent for confirmation to the Committee of Ways and Means. The Committee of Ways and Means had looked into the whole subject, and they concurred with the Naval Committee on the propriety and expediency of the measure. The vessels were in the course of construction, but on a much larger scale than was provided in the Government contract. But, though they were much larger than the Government contract required, the cost to the Government was no greater on that account. The Secretary of the Navy, in his letter to the committee, expressed it as his opinion, that in consequence of the increased expenditure on this account by the contractors, and of the importance of having the building of the ships proceed without delay, and also on account of the pressure in the money market, it would be to the advantage of Government that this monthly advance of money should be made, but not in any case to exceed one year's compensation. The committee had allowed the money to be advanced on condition that due security should be taken, and that the Secretary should undertake to look to the proper application and expenditure of the money.

The question being taken on the amendment proposed by Mr. JONES, it was rejected without a count, only ten gentlemen rising in its favor.

Mr. McKAY moved to amend the amendment by striking out that portion which is above printed in brackets.

Mr. McK. said the contractors engaged to run a mail steamer from Panama to Astoria every two months, but the understanding of the contract was that the pay should commence at the time that the steamers were actually on the Pacific and ready to commence running. True, the Secretary of the Navy had stated, in a letter to the committee, that on examining the terms of the contract, he was of opinion that it might commence previous to that time. If such was the language of the contract, it differed from what had been the understanding and intention of the Government when it was entered into; and the bill should be recommitted, so that it might be modified. Besides, the estimates had originally been sent in at a time when the nation was at war, and when the prospect was that the war would continue; but now peace was returning to the country, and if our hopes should be confirmed of this result, there could be no necessity for this large amount of appropriation. Mr. McK. went on to explain that there had remained at the end of the fiscal year between three and four millions unexpended; the amount in the bill was some nine and a half millions; and this, together with some other balances he mentioned, would swell the amount in all to about fourteen millions, and this in a time of peace. Was the committee prepared to make such an appropriation as that for the naval service alone? If the money was appropriated it would certainly be expended; it would not remain in the treasury.

Mr. McK. had a reasonable degree of confidence in the officers of the department, but he was not willing to intrust them with an unlimited discretion. He hoped this item would be stricken out, or else let the bill be returned to the committee and modified.

Mr. VINTON now modified the amendment so as to provide that the payments should not commence before the 1st day of October next.

Mr. V. here read extracts from the words of the contract made with Mr. Harris for the building of these mail steamers.

On the request of Mr. McKAY, the letter of the Secretary of the Navy was also read.

Mr. V. went on to say that it was true the Secretary, when he wrote to the Naval Committee, had been of opinion that these payments were not

to commence till the vessels were actually in the Pacific; but at a later date, when he wrote to the Committee of Ways and Means, (in consequence, probably, of having in the meanwhile examined the contract more closely,) he admitted that he was of a different opinion. And in fact it must be plain to any one that the money was to be paid prior to that time.

The question being now put on the amendment proposed by Mr. McKAY, it was rejected, and Mr. VINTON's amendment was agreed to.

Mr. VINTON offered a second amendment, as follows:

To pay arrearages due for grading University square, and other expenses for the construction of the depôt for charts and instruments, being a reappropriation in part of a sum carried to the surplus fund, heretofore appropriated for that purpose, $10,043 77.

A letter was read from the Fourth Auditor, explaining and recommending the appropriation; whereupon it was agreed to.

Mr. VINTON moved the following, to come in after the last amendment, viz: "For furnishing the marine hospital at New Orleans, $7,500."

Mr. V. stated that the marine hospital at New Orleans had been completed, but was not furnished, and could not, therefore, admit any patients. This provided beds, &c., for one hundred patients.

The amendment was agreed to.

Mr. VINTON offered a fourth amendment, to come in at the end of the third, as follows:

For meteorological observations, to be conducted under the direction of the Secretary of the Navy, two thousand dollars.

Mr. V. stated that this appropriation had been recommended by the Secretary of the Navy, and his letter to the committee had been accompanied by others from Professor Henry, Mr. Bache, and other scientific gentlemen, giving it as their opinion that these observations were of great value and importance, as opening a field of investigation that was likely to result in great advantage to science, and in giving greater security to navigation. The combining of these with the rapid communications by the telegraph would probably lead to the development of a system which would enable navigators to discern the approach of storms, and to avoid their course. A warning of this kind might save many valuable lives, as well in the commercial as the naval marine of our country.

Mr. JONES, of Tennessee, moved to amend the amendment by striking out "meteorological observations," and inserting, "Professor Espy, for regulating storms and the weather generally, under the direction of the Secretary of the Navy, $2,000."

This (Mr. J. said) was nothing more than a renewal of the old question of paying Mr. Espy for regulating storms, making rain, and taking a general charge of the weather; and really, from the course already pursued in regard to this gentleman, he seemed as though he might be a very suitable person for such business. Mr. J. was unwilling, however, to throw away this amount of the public money on mere visionary projects for the regulation of storms and the creation of rain, while we had invalid soldiers to take care of, and the widows and families of brave men to provide for who had sacrificed their lives in the public service. The sum to be given to this regulator of storms was more than was likely to be voted for twenty poor widows.

Mr. VINTON here called for the reading of the letter of Professor Bache, and it was read accordingly.

Mr. STANTON moved to strike out $2,000, and insert $2,500.

Mr. S. observed, that some years ago he had had the honor to make a few remarks in support of a similar appropriation, and had at that time been asked what was the advantage to be derived from meteorology? In reply to that query, he had stated just what Mr. Bache, the able Superintendent of the Coast Survey, now stated in his letter, which had just been read, and the statement produced a general laugh all over the House. He now congratulated the House on the progress which had been made in a due respect for science. That which had been laughed at two years ago now seemed to meet with general favor.

By the rules for the regulation of both the army and the navy, our officers at every naval and military station were required to make and register meteorological observations daily, which records were reported to the department here. Now, there must be some individual to compare and classify the results thus obtained, and note the inferences to which they led, or their chief value would be lost. The sum was small, while the benefit resulting from it was great.

Mr. ATKINSON moved to amend the amendment offered by the gentleman from Ohio, [Mr. VINTON,] by striking out $2,000 and inserting $100, his purpose being, as he stated, to have an opportunity of expressing his views under the rule allowing five minutes to the mover of any amendment.

Mr. A. said the gentleman from Tennessee [Mr. STANTON] had congratulated the House upon the fact that science was progressing under legislative sanction. He (Mr. A.) *could not* congratulate the country on the advancement of Democratic principles in this House. Progressive Democracy, as often exemplified in this Hall, did not comport with *old* Democracy. When Mr. John Quincy Adams was President of the United States, in his *first* annual message to Congress, he recommended the erection and establishment of a national observatory, which had been designated a light-house in the skies. That recommendation, Mr. Chairman, together with the avowal of the principle that the representative ought not to be palsied by the will of his constituents, were the chief causes why Mr. Adams was not reëlected President of the United States. *Then* the Democrats ridiculed the recommendation, and the words "light-houses in the skies" were used as terms of reproach. The Democratic party *then* repudiated the idea that the Constitution gave to Congress the power to create or establish a national observatory. What was *then* considered Federalism was *now* advocated by some of the progressive Democracy. The gentleman from Tennessee [Mr. STANTON] had adopted one of the Federal notions of Mr. John Quincy Adams, as set forth in his message; *perhaps* he had adopted the other, that "the representative is not to be palsied by the will of his constituents." He trusted, however, it was not so.

Mr. A. said, this claim of Professor Espy to regulate the storms under the sanction of Congress was an old thing; it had been before Congress year after year for many years, and found no favor, especially with the Democracy. But he was inclined to adopt the idea advanced by one of the purest statesmen who ever graced a legislative body, (he meant the distinguished, the virtuous, the honest and intelligent Macon, who, while living, was the pride of North Carolina, as he deserved to be of the whole Union.) Mr. Macon said, that a claim before Congress was like spirits of wine: the older it got, the better it was received. This project was considered monstrous at first, but *now* much of the opposition was hushed; and it was now looked on, even by many Democrats, with very great favor. The powers of Congress were limited by the Constitution, and that limit should be observed.

Again: we must recollect that all the large sums appropriated for the Observatory and to employ some scientific person to regulate the storms, all, sir, were charged to the navy expenses; and thus you bring into disrepute among the people the best arm of the national defence. Mr. A. believed the officers of the navy were as meritorious as any men living; that they were always ready and willing to pour out their blood in their country's service, and deserved the praise of their countrymen; they were a gallant set of men, and had none on earth to excel them; they should not bear the blame of such extravagant appropriations as were made by this bill. The appropriation proposed by the gentleman from Ohio ought not to come into this bill. Mr. A. could not consent that the navy proper should be saddled with every scheme and humbug. A large share of the appropriations annually made by the navy appropriation bill was designed to try projects and schemes not calculated, in his opinion, to advance the interests of the navy, and surely not necessary and proper, in the language of the Constitution, "to provide and support a navy."

Mr. A. then withdrew his amendment.

Mr. STEPHENS (upon an amendment moved and subsequently withdrawn) did not concur at all in the views expressed by the gentleman from Virginia, [Mr. ATKINSON,] and he was certain a large majority of the gentleman's own party on this floor would not endorse his sentiments. He did not belong to the "progressive Democracy," but he did profess to belong to the party of progress—progress in the arts and sciences, and everything that elevated and ennobled man. That was the party of progress to which he belonged; and, while he believed a large majority of the gentleman's party professed to belong to the party of progress, he claimed that those with whom he acted were the party of progress, and he was willing to go before the country on that ground. The gentleman had quoted the message of the distinguished gentleman from Massachusetts who had recently departed from among us. What he said of this message was true, and it would be quoted hereafter as one of the highest eulogiums in proof that he lived in advance of his age; and this very recommendation of the gentleman from Massachusetts had been endorsed by the gentleman's own party; and not only an observatory, but a depôt of charts had already been established. The object of this appropriation was not to regulate the storms; the gentleman seemed to denounce it as such. We knew that the physical world was governed by laws, and, for his own part, he believed great good would result to this country and to mankind from the observations of these laws, and in no other way could the same amount of money be appropriated so as to be more useful in subserving the great objects of humanity. He concurred in the views of the gentleman from Tennessee, [Mr. STANTON.] A few years ago the proposition was ridiculed; he had then stood by the gentleman; he had believed, and still believed, the appropriation wise and good. When the first appropriation was asked by Professor Morse for the magnetic telegraph, who did not know how it was hooted and scoffed at (he did not say it offensively) by the "progressive Democracy?" but, by continued application to Congress, he had succeeded in obtaining an appropriation, and the electric wires were extended to Baltimore; they now reached thousands and thousands of miles, and he trusted to live to see the day when they would extend throughout the length and breadth of this country; when our whole body politic would be knit together, and the wires communicating intelligence from one extremity to the other, would make us more and more one people.

This electric telegraph would form a kind of sensorium by which the intelligence of the system would be conveyed from one part to another. He asked the gentleman from Virginia if he was opposed to that; if he would stand up and say that appropriation was unconstitutional? Would he erase it from the statute book? He knew he would not. He (Mr. S.) would not detain the committee longer. He trusted the House would make the appropriation, and that these observations would be collected. The remarks of Professor Bache might turn out to be true, and perhaps in less than two years developments might be made in reference to the laws of storms which gentlemen now ridiculed, which would bring additional honor to our country, and that those men who had the lead of them might become as distinguished as Franklin and Morse, and that Professor Espy, by his scientific discoveries, and the benefits which would result from them, would acquire a fame equal to that which crowned the heads of other distinguished Americans.

Mr. BROWN, of Pennsylvania, renewed the amendment, and remarked that this appropriation perhaps owed its existence to his repeated applications to the Secretary of the Navy, and he did not ask the gentleman from Virginia to endorse his Democracy either. Twenty years ago had he first listened to Professor Espy's lectures on storms—the first a private lecture in Philadelphia; and from that time he had been a constant attendant upon his lectures on the subject. He had not only watched the progress of his lecturing, but the progress of experience under them, and their results upon the mind of the country and the world. Professor Espy had visited Europe, and was treated with the greatest respect by the savans there. True, in his theory a great deal appeared visionary, but in its application in detecting the history and character of storms great practical good had been attained. He was satisfied of the knowledge already derived from Professor Espy's theory, and if its application had been known to the world years ago, many valuable lives would have been saved. He had seen vessels leave our ports, and in less than twenty-four hours heavy storms had arisen; in one case three or four vessels in

company, of which one was his, had left Hampton Roads, and in less than six hours a violent storm arose, and all their crews perished in the ocean, and their bodies were some of them now buried in the gentleman's own district.

Had they known what we now know, they had not been lost. Had it been known to our gallant officers of the Hornet that perished in the Gulf stream, their bones would not now have been bleaching in the caves of ocean. Six years ago, the present Commissioner of Patents, who was always known for the care with which he guarded the treasury, and himself, had stood side by side on this floor and obtained this appropriation, sustained then by friends on this side and on that side, friends of humanity and science; and he trusted there would be enough of them to sustain this appropriation now, notwithstanding the ridicule of the gentleman from Tennessee, [Mr. JONES,] and the "progressive Democracy" of his friend from Virginia. He belonged to the "progressive Democracy," but he wished also to see science, humanity, everything good progress; and for this reason he hoped this appropriation would be retained. It was to carry on experiments already begun, some of which were immature, and would be productive of no good unless further prosecuted. He concluded by withdrawing the amendment.

Mr. ROOT moved to amend by striking out $2,000, and inserting $3,000. He said he thought this House had better keep on the right side of Professor Espy. [A laugh.] No doubt but what he understood a great deal he professed to; no doubt there was truth in his system, and that a scientific man, if he had time, could convince a large majority of this House of that fact. He believed he himself might do it; but five minutes was not time enough for him to undertake it. He would just quote a fact upon this Democracy—this *stationary* Democracy. At the first session of the last Congress this appropriation was asked by Professor Espy; the stationary Democracy had a large majority on this floor; they calmly struck it out. Professor Espy, who was near at hand, did not say much; he shook his head. What was the consequence? The very next election [laughter] in Pennsylvania and Ohio gave them such a *storm* [renewed laughter] as "knocked them into a cocked hat." *That* the stationary Democracy could understand; it was no theory. He commended it to the consideration of the gentleman from Virginia and the rest of the stationary Democracy.

Now, another thing that perhaps ought to be noticed as a matter for congratulation. In old John Quincy Adams's time, the "Democracy" were against light-houses in the skies; they had no inclination to look that way [a laugh] at all. But he thanked God they had begun to look up: the old *stagers*, like his friend from Virginia, still had their heads earthward, [laughter,] but the young Democracy, like his friend from Tennessee, were looking heavenward. [Renewed laughter.] They talked about making calculations, reducing observations to practical use. This spoke well for the country.

If he thought the committee would sustain it he would adhere to his amendment; but as he believed there was a disposition to compromise by letting it stand as it was, he withdrew it.

Mr. THOMPSON, of Mississippi, (an amendment was moved for the purpose and withdrawn,) expressed the opinion that this question was not placed on its proper basis. He believed they should strike out this appropriation, because he did not think it the duty of Congress to establish any office or appoint any officers for the purpose of scientific experiments. No one contended that they should establish a professorship of chemistry, although many valuable improvements might be made. Our Observatory was kept up by the officers of the navy; but here was a proposition to employ men who were not in the service of the Government for this specific purpose. If no additional expense were to be incurred he should not object to the plan, but he hoped the appropriation would be stricken out.

The Committee then rose, and the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. TALLMADGE: The resolution of the Common Council of the city of New York for a return of duties on goods consumed by fire on the 9th of July, 1845. Also, the petition of the heirs of Captain David Van Ness for compensation for revolutionary services.

By Mr. TUCK: The petition of G. W. Perkins and 15 others, citizens of Meriden, Connecticut, praying for an investigation into the legality of slavery in the United States. Also, the petition of Benjamin Watson for a pension. Also, the petition of William Brown and 21 others, citizens of Winnebago county, Illinois, praying that a law may be passed inhibiting slavery in the Territories of the United States.

By Mr. RUMSEY: The petition of W. Barnes and 102 others, citizens of Steuben county, New York, praying for the passage of a law that newspapers be free of postage for thirty miles, and for a uniform rate of postage on letters.

By Mr. FREEDLEY: The petition for a mail route from Norristown via Jeffersonville, Shannonville, and Lumberville, to Phœnixville, in Pennsylvania.

IN SENATE.

MONDAY, *June* 12, 1848.

A message was received from the President of the United States, transmitting, in compliance with a resolution of the 31st ultimo, all the correspondence not heretofore communicated between the Secretary of State and the minister of the United States at Paris since the recent change in the Government of France. Five thousand additional copies were ordered to be printed.

Mr. BRADBURY presented the credentials of Mr. HANNIBAL HAMLIN, of Maine, elected by the Legislature of that State to fill the vacancy occasioned by the death of Mr. JOHN FAIRFIELD.

Mr. HAMLIN, after having been duly qualified, took his seat.

The PRESIDENT of the Senate laid before the body a communication from the Department of War, in answer to a resolution of the Senate of the 28th of April last, in regard to the expenses of the armories, cost of arms, quantity of arms made, procured, sold, &c., covering a report of the information required, derived from the Ordnance Office. The document was ordered to be printed and laid on the table.

MEMORIALS AND PETITIONS.

Mr. WEBSTER presented a petition from D. G. Ingraham, asking payment of a balance due for the manuscript papers of his father, Joseph Ingraham, furnished to the Department of State; which was referred to the Committee on Foreign Relations.

Mr. JOHNSON, of Maryland, presented a memorial from the officers of the regiment of volunteers from the District of Columbia and Maryland, denying certain allegations contained in the memorial of Charles Lee Jones to Congress, and soliciting an investigation of the same; which was referred to the Committee on Military Affairs.

Mr. DICKINSON presented a petition from George C. De Kay, asking reimbursement of moneys expended by him while engaged in transporting provisions to Ireland in the United States frigate Macedonian; which was referred to the Committee on Claims.

Mr. DAVIS, of Mississippi, presented a petition from James Ferrell, asking an increase of pension; which was referred to the Committee on Pensions.

Mr. BRADBURY presented a petition from Isaac Davenport, asking for a pension; which was referred to the Committee on Pensions.

Mr. B. also presented a petition from Nathan Worthen, in relation to a pension; which was referred to the Committee on Pensions.

Mr. B. also presented a petition from John Reed and others, citizens of Maine, asking the establishment of a mail route from Mexico, through Roxbury, to Byron, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. WESTCOTT presented a petition from George Colee P. Martin, of Picolata, Florida, for increase of compensation; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAYTON presented a memorial from citizens of Trenton, New Jersey, asking the removal of an obstruction in the river Delaware, which enables the Camden and Amboy Railroad Company to have a complete monopoly of trade and travel above said obstructions; which was referred to the Committee on Commerce.

[These memorialists express the belief that the obstruction can be removed for $10,000, which would prevent the monopoly which enables it to charge at least six times as much as the *pro rata* rate between the city of Trenton and Burlington and Bristol as it does between Bristol and Burlington and the city of Philadelphia, between which latter places competition does exist.]

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported House bill granting a pension to John Le Roy, without amendment.

On motion of Mr. BADGER, it was

Resolved, That the Committee on Public Buildings be instructed to inquire into the expediency of transferring to the Secretary of the Senate and Clerk of the House of Representatives all the duties and powers now vested in or exercised by the Commissioner of Public Buildings, so far as respects the Capitol and the grounds appertaining to the same, and the persons therein employed.

Mr. B. also submitted the following resolution:

Resolved, That there be printed for the use of the Senate —— copies of Executive document No. 60, of the House of Representatives, of the present session, for the use of the Senate, without the Mexican war correspondence.

Mr. WESTCOTT submitted the following resolution:

Resolved, That the Secretary of the Senate be authorized to pay out of the contingent fund of the Senate to Charles L. Fleischmann such sum as the Commissioner of Patents may certify as reasonable, and the Committee of the Contingent Fund may approve of, for finishing the drawings and engravings for the publication, by order of the Senate, of the Patent Office report.

Mr. WEBSTER desired to give notice that he would to-morrow ask leave to introduce "A bill to extend the benefits of an act entitled 'An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject,' to the wives and children of citizens."

The bill provides that all persons now or hereafter born out of the limits of the United States, of a father or mother being or having been a natural-born citizen of the United States, shall be entitled to all the rights and privileges of citizenship; also, that every woman married, or who shall be married, to a citizen of the United States shall be deemed and taken to be a citizen, and entitled to all the rights and privileges of citizenship.

Mr. YULEE moved to postpone the prior orders with a view to take up two bills, viz: "A bill to increase the efficiency of the army by a retired list for disabled officers," and "A bill to promote the efficiency of the navy," for the purpose of referring them to a select committee, in order that they might be embraced in a single bill.

The motion having been agreed to, Mr. Y. moved that they be referred to a select committee.

Mr. WEBSTER adverted to the fact that a large branch of the military forces would be disbanded on the proclamation of peace by the President, under the act of February, 1847. There were also other questions before the Senate touching the subject of raising a new mounted regiment for the protection of the people of Oregon. Part of the present force might be employed for that purpose, and save the necessity of creating a new force.

Messrs. YULEE and DAVIS, of Mississippi, replied that the bills in question did not touch the subject of increase or diminution of force, but simply to provide for a retired list.

After some further remarks, the subject was laid over.

The resolution offered some days since by Mr. BADGER, was taken up for consideration, on his motion. The resolution directs the printing of 20,000 copies of the agricultural portion of the report of the Commissioner of Patents, for the use of the Senate.

Mr. WESTCOTT moved to amend the resolution by striking out 20,000, and inserting 50,000, and by adding at the close, "and 5,000 of the other portion of the report, including the patent laws and decisions, 1,000 copies of each to be placed in the hands of the Commissioner of Patents for distribution."

Mr. CALHOUN asked for the yeas and nays on this motion, and assigned as his reasons for the call, his unwillingness to sanction this practice of expending large sums in printing a document which could not be relied on for its correctness, on account of the impossibility of obtaining satisfactory data. He regarded the proper duties of the office as sufficient to occupy the whole time of the Commissioner. And if details such as this resolution proposed to throw before the people were to be collected, the duties of the office should be separated, and two distinct departments established. If we want a department for our internal affairs, be it so. But he objected to the course which had been recently introduced of throwing this mass of unnecessary labor on the Commissioner, and of authorizing large and improper expenditures.

The yeas and nays were then ordered.

Mr. JOHNSON, of Maryland, asked for the reading of the resolution.

Mr. HALE said he should vote against the amendment, and afterwards against the resolution. This business of book-making he regarded as a perfect nuisance. He was opposed to it throughout. It had been said, that in making many books there was no end. It could not be pretended that all these books were intended for the use of the Senate. They were for gratuities to the constituents of Senators. He was against the whole of it.

Mr. BADGER referred to the large numbers which had been ordered to be printed of documents far less interesting to the people than this report. He adverted to the California claims, the trial of Colonel Frémont, and other matters which had been liberally distributed. He could not presume to give a precise idea of the value of this document, as he was neither a farmer nor a planter. But he thought the agricultural information embraced in this document, important to the whole country. His resolution named 20,000. The amendment of the Senator from Florida increased the number to 50,000. He knew not what number was desirable, but he believed the public money could not be better expended than for the benefit of that large portion of our fellow-citizens engaged in tilling the soil; and he knew the information in this report would be very acceptable to them. It might be that 50,000 was too many, but a considerable number would be required. The adoption of this resolution would add nothing to the labors of the Commissioner of Patents, as he has already made his report; and the question now is merely as to the printing of that which has been prepared. He said nothing about the propriety or impropriety of employing the time of the Commissioner hereafter in labors of this character. That was not the question now before the Senate.

Mr. CAMERON remarked that the Patent Office was the only department which sustained itself. This document was very interesting to the whole country. His constituents felt a deep interest in it. Every mail brought him letters requesting to be furnished with it. We were in the habit of expending large sums in printing other documents, and even reports of our own speeches—a practice which was very unwise, and which he hoped to see changed before the close of the session.

Mr. HALE made a brief reply, stating that as the subject of this resolution was one which could not excite any party feeling, he thought it a most favorable opportunity to strike a blow at this system of printing books for distribution. He did not intend to say anything against this particular book, which might be very good. But we might as well print 20,000 copies of Dombey & Son, which would be quite as much sought after as this document. The resolution was merely intended to put it in the power of Senators to send copies abroad to favorite or influential constituents, at the public expense. He hoped the whole system would be put an end to.

Mr. WESTCOTT made a brief explanation, and modified his resolution so as to read 30,000, instead of 50,000.

Mr. NILES briefly condemned the system, which, some years ago, had been decided to be wrong. This practice of printing the Patent Office reports, in their present enlarged form, grew up from a simple resolution appropriating $1,000 to enable the Commissioner to collect some agricultural statistics. From this small beginning we had gone on to the printing of a volume of some 1,400 pages, at a cost of $90,000. He was opposed to the resolution. If we were to decide on the score of utility what should be printed, it would be found best to print a large edition of the New Testament for circulation.

After a few words, in explanation, from Mr. CALHOUN and Mr. BADGER—

Mr. JOHNSON, of Louisiana, advocated the amendment and the resolution. The document was one of great interest to the whole country, and the number required bore small proportion to the number of inquiries for it.

After a few words from Mr. CALHOUN, and from Mr. UNDERWOOD, who also advocated the resolution and amendment, and expressed a hope that his resolutions, submitted some time since, would be appended to the next report, the question was taken on the amendment of Mr. WESTCOTT, and decided as follows:

YEAS—Messrs. Badger, Borland, Berrien, Breese, Cameron, Corwin, Crittenden, Davis of Massachusetts, Downs, Felch, Greene, Hamlin, Johnson of Maryland, Johnson of Louisiana, Mangum, Pearce, Rusk, Sebastian, Sturgeon, Underwood, Upham, Webster, and Westcott—23.

NAYS—Messrs. Atchison, Atherton, Bagby, Bell, Butler, Calhoun, Davis of Mississippi, Dickinson, Dix, Hale, Hunter, Lewis, Niles, Turney, and Yulee—15.

The resolution was then agreed to, after a few words from Mr. DICKINSON, (in opposition,) who said he had been recently written to for a copy of the Blue Book, but as he found it would cost $3 50, he declined sending it. Another person wrote to him, that understanding Congress had printed a book on Odd Fellowship, he desired a copy.

The resolution as amended and adopted reads thus:

Ordered, That 30,000 copies of so much of the annual report of the Commissioner of Patents received during the present session as has been ordered to be printed by the House of Representatives be printed for the use of the Senate, to be bound in like manner, and also 5,000 copies of the residue of said report, embracing the laws relating to patents and the legal decisions thereon; and that 1,000 copies of each be given to the Commissioner of Patents for distribution.

The joint resolution from the House relating to the adjournment of Congress on the 17th of July, was read a first time; when

Mr. BADGER moved that it lie over until to-morrow; agreed to.

Mr. DOWNS called up his resolution to change the hour of meeting to eleven o'clock; which was considered and negatived.

Mr. BREESE, from the Committee on Public Lands, reported, without amendment, House bill to amend the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preëmption rights to settlers prior to 5th November, 1841."

On motion of Mr. DAVIS, of Mississippi, the Senate considered this bill, and it was read a third time and passed.

On motion of Mr. ATHERTON, the Senate proceeded to consider the bill making appropriations for the current and contingent expenses of the Indian department, &c.

The question being on the amendment submitted by Mr. BELL—

Mr. ATHERTON said the amendment involved a very important question. Its object was to enable the Secretary of War to ascertain the number of Cherokees at the treaty in May, 1836, and directing the Secretary of the Treasury to pay $53 33 to each individual, whether these persons remove or not. These Cherokees have expressed it to be their wish and design to remain in North Carolina. The amount of appropriation involved is about $100,000. This does not properly belong to the Indian appropriation bill. It is a claim now renewed by a memorial from Mr. Thomas, although it has been rejected from time to time during the last twelve years. The claim is pressed by numerous agents desirous to derive profit from their exertions. After this explanation of the character and history of the claim, he went on to reply to the various statements and arguments brought forward in defence of the claim, contending that the different authorities to which the matter had been referred had decided that the claim was not authorized by the terms of the treaty. To the language of the treaty he made reference, for the purpose of sustaining that decision, and of showing that the amendment was not deserving of support. He contended that it was never contemplated to give the same commutation for removal and subsistence to the Indians who remained as to those who consented to remove, otherwise they who refused to remove were placed in a better position than they who went. He contended that the subject was before Congress in another shape, and that this amendment ought not to be pressed while that was pending.

Mr. BELL made a brief reply, in which he stated that the Senator from New Hampshire had placed the question before the Senate in a wrong point of view; that he had not made himself sufficiently acquainted with the whole subject; and he regretted that the errors of his statement had been communicated in a tone calculated to influence Senators who had not given their minds to the investigation of the facts. Mr. B. went on to state that the faith of the Government was pledged to the adoption of the principle of his amendment. Instead of being out of place in the present appropriation bill, he asserted that it ought to have been inserted in the first appropriation bill after the completion of the treaty of New Echota. He regretted that the thinness of the Senate must have the effect of lessening the influence of the statements which he felt it to be his duty to make, in reply to what had fallen from the Senator from New Hampshire. Still he could not permit such erroneous statements to operate on the minds of Senators without an attempt to place the subject in a correct point of view. These Cherokees had given up the whole of their lands, and had not received a dollar for them. He again expressed his regret that there was not a quorum of the body present.

Several Senators suggested the propriety of adjournment, and Mr. BELL assenting to the general wish, gave way.

Mr. MANGUM moved that the Senate adjourn, but withdrew his motion; when,

On motion of Mr. WESTCOTT, the Senate proceeded to the consideration of Executive business; and, after a short time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 13, 1848.

The Journal of yesterday was read and approved.

Mr. PALFREY asked the unanimous consent of the House to the suspension of the rules, that there might be taken from the Speaker's table a report and a bill from the Committee on the Library, having reference to international exchanges.

Objections were made, and a motion to suspend the rules was not now in order.

WIDOWS OF REVOLUTIONARY SOLDIERS.

Mr. POLLOCK moved to take up and consider a motion to reconsider a vote to refer to the Committee of the Whole on the state of the Union a report from the Committee on Revolutionary Pensions, adverse to extending the provisions of the pension laws to the widows of the officers and soldiers who were married since 1794. The reference was made by the House on the 29th of February; since which time, the motion to reconsider has been undisposed of. His object was, if the motion to reconsider should prevail, to move to recommit the report and accompanying resolution to the Committee on Revolutionary Pensions, with instructions to report a bill to extend the provisions of the existing pension laws to widows who were married subsequent to the 1st January, 1794. What time should be fixed as the ultimate limit he was not prepared to say. Some gentlemen were in favor of fixing the 1st January, 1812; but, so far as he was concerned, he had no other object in view than to get the subject recommitted to the committee, with instructions to extend the period beyond that now fixed. Some months ago, this subject was brought prominently before the House, and many gentlemen expressed opinions in relation to it. There was then an almost unanimous opinion that the time fixed by the existing laws granting pensions to the widows of deceased soldiers was arbitrary, and an unjust mode of determining those to whom the benefit of these laws should be extended. There could be no good reason why the 1st of January, 1794, should be fixed as the ultimate period beyond which no pensions should be granted. Such a limit was arbitrary, unjust, and unequal, and it ought to be abandoned. The committee, however, to whom the subject was referred by a majority, reported a resolution declaring it inexpedient to extend those laws. But if any laws ought to be extended, it was these laws which afford relief to the widows of those who rendered such signal services to this country in its infancy. Why the period now named—the 1st January, 1794—should be the limit, and why they should be confined to that particular period, was to him inexplicable. He desired the House to take this subject into consideration at this time, and hence he hoped his motion to reconsider would prevail. He had no desire to consume the time of the House unnecessarily in the discussion of a subject which had already consumed so much time, and, therefore, he moved the previous question on his motion to reconsider.

The House, however, did not second the motion for the previous question.

Mr. G. W. JONES moved to lay the motion to reconsider on the table.

Mr. STUART, of Michigan, asked the yeas and nays on that motion, but they were not ordered.

Mr. COCKE (at whose request Mr. J. W. JONES withdrew the motion to lay on the table) having made the report from the committee, entered into an explanation of his action, and expressed a hope that the House would not reconsider the vote by which the report and resolution were referred to the Committee of the Whole on the state of the Union. He hoped the matter would come properly before the committee for consideration. Some time ago, a resolution passed this House directing the Committee on Revolutionary Pensions to inquire into the expediency of extending the pension laws to all widows married subsequent to the 1st of January, 1794, and prior to the 1st of January, 1818. The Committee on Revolutionary Pensions having considered the question thus presented, reported against such an extension of these laws. They thought there was no reason for their extension, but that there was cause for limiting the laws to those who were married prior to the 1st of January, 1794. The committee thought that if they were extended beyond the period now fixed, there was no good reason why they should be limited to 1800, 1812, 1818, or any other time which had been suggested. The object was to provide pensions for all those who had shared in the revolutionary struggle, and hence pensions had been provided for those widows who were married to revolutionary soldiers prior to the 1st of January, 1794. It was supposed that that period closed, not only the revolutionary struggle, but those Indian wars which grew out of it. The unsettled state of the country prior to that time, required the services of all, for all served and all suffered to some extent in that struggle and the struggles which grew out of it, and all married during that time were deemed entitled to the relief afforded by the provisions of these laws.

He repeated that the object was to provide pensions for all those who shared in the toils of the Revolution, and the consequent Indian wars. There was good reason, then, for fixing that limit at the 1st of January, 1794, from which time all the difficulties were supposed to be settled. But, if pensions were to be granted to those subsequently married; if the period was to be changed to 1800; why should it not be extended to 1805-8-10, or even to 1830? Why should not pensions be granted even to those married at the present period? He knew not how a limit could be fixed that would not be partial and invidious. As he had shown, there was reason for fixing the limit at 1794, and that limit has heretofore been acquiesced in by Congress, and no good reason had been shown for extending the provisions of those laws at this time. This was the opinion of the Committee on Revolutionary Pensions, and hence a resolution had been reported declaring it to be inexpedient to extend those provisions, which he hoped the House would sustain by refusing to adopt this motion to reconsider. As the gentleman from Pennsylvania [Mr. POLLOCK] had been heard in support of his motion, there would be no injustice in now moving to lay the motion to reconsider on the table, and he made that motion accordingly.

Mr. S. LAWRENCE (at whose request the motion to lay on the table was withdrawn) said, as one of the committee, he wished to reply very briefly to the remarks of his honorable friend from Tennessee, the chairman of the Committee on Revolutionary Pensions. The question, as the gentleman says, had been before the committee, and had been fully examined. A majority were against any extension of the limitation of marriage as now fixed by law. It was due to the House and to the subject to say, that the committee were about equally divided, as nearly so as was possible.

Mr. COCKE rose to a question of order. It was not in order to refer to what had been done in the standing committees. He was well aware that the decision in committee was not unanimous, but the majority decided in favor of the resolution, and the majority of course controlled the committee.

Mr. S. LAWRENCE. That may be so, but the gentleman spoke in general terms of the action of the committee, and his remarks were calculated to leave the impression on the House that the committee were unanimous. I desire to correct this impression; and with the view of showing what were the views of the minority, I desire the Clerk to read a report which I had the honor to present to the House at the time the gentleman from Tennessee reported this resolution.

Objection was made to the reading of the report.

Mr. S. LAWRENCE. Then I adopt it as part of my remarks.

The Clerk then read the report.

Mr. COCKE asked Mr. L. to consent to have the report of the majority of the committee also read. It was very short; and, as the gentleman had read one side, it was fair he should now present the other.

Mr. LAWRENCE assenting, this report was also read.

Mr. LAWRENCE then resumed his remarks, and said he would not detain the House but a few moments, as they were anxious to take the question. Since the attention of the House and the country had been called to this subject by the publication of the reports which had been read, he had received numerous letters, from various parts of the Union, especially from the North and West, approving, in strong terms, the measure proposed by the minority of the committee. Indeed, Mr. Speaker, (said Mr. L.,) I believe there is a very general wish, especially at the North and West, for the success of the proposition. Nothing would give more general satisfaction than to see these aged matrons, many of whom are standing upon the very borders of the grave, provided for in such manner as to relieve them from the pressing hand of poverty and want, under which very many of them are suffering.

The gentleman says the Government have gone to the utmost extent to which they should go in their liberality with the revolutionary soldier and his widow. Sir, I think otherwise; the public generally think otherwise; and if we obey the public voice, we shall extend the limitation of marriage so as to include at least all such as were participators in the trying scenes of the Revolution. We have grown up to a great, prosperous, and wealthy people, and we are inclined to forget, overlook, and not appreciate, the hardships and sufferings of our fathers and mothers who passed through the trying ordeal. Sir, our independence was not achieved by the strong arms of our fathers alone. Our mothers acted quite as important a part in the great drama, which surprised the world, and which, in fact, laid the foundation of a free system of government which is destined to overturn the ancient dynasties of the Old World.

The tottering and fall of monarchies and despotisms, which almost daily reach us from the distant quarters of the globe, are all, directly or indirectly, traceable to our free republican Government, which was founded by the toil, suffering, and blood of our ancestors.

The gentleman says the distinction heretofore adopted is the true limit, and to extend it would be improper.

Sir, I think he is incorrect. The limitation is an arbitrary one, without a single well-founded reason to uphold it; and I apprehend the reason why the period of marriage was limited to January 1, 1794, was the fear of bringing into the range of the law a greater number than the Government had means at that time to provide for, without detriment to other interests; in other words, of drawing too largely from the treasury.

This might be a penny-wise conclusion. It may now be satisfactory to the gentleman from Tennessee, but it is no reason at all for me.

It is, in my judgment, dealing out the most *gross injustice* to one of the most deserving and praiseworthy classes of our community—a class to whom we are quite as deeply indebted as to the revolutionary soldier. Sir, let me illustrate, by reference to a case within my own knowledge.

A family of some eight or ten in number, resided on the frontier; the father was engaged in the field as an officer of the continental line; the sons, who were old enough, were also in the service; a husband of one of the daughters, who was also in the service, was taken prisoner by the Indians, carried to Montreal, made his escape, and, after suffering incredible hardship, reached his family, but was soon after again captured, and tomahawked. The mother and family left at home were twice driven from their homes by the savage yell, and escaped only with their lives, and from the hills saw their house and barns, with the hard earnings of a summer's toil, and their entire all, except what few clothes they had on, burned to the ground or carried off. Their whole dependance for an approaching winter was swept away, and indescribable suffering followed. Several of the brothers fell in the sanguinary battles with the Indians and Tories. One of these daughters, old enough to share in all these deprivations, afterwards became the companion and partner of a soldier who had served through the war. After his death, she became the wife of a second soldier of the war. She has survived both, and is now dependant upon the charity of the public. She has no legal claim upon the Government, because she was not married prior to the period fixed by the present law—a limitation which my friend from Tennessee thinks just and equitable, and which he says should be adhered to.

Sir, this is gross injustice, and should be at once remedied. Either exclude all, or admit all—certainly those who were partakers of the severe trials of those dark and gloomy times. It is a fact, which has probably been observed by all, that a long service in the army of the Revolution incapacitated many of the soldiers from ever becoming wealthy: the best portion of their lives was devoted to their country's service. They were poorly paid, or not paid at all—Government money proving worthless. These widows have aided and assisted these veterans onward through life, and have rendered important aid and comfort, and smoothed their pathway to the grave. They are, therefore, doubly entitled to our consideration: first, for the service rendered their brothers and fathers in time of the war, in supporting and sustaining the family at home, while the soldier was in the camp, and fighting for our very existence; second, for the valuable service rendered the soldier in after life. Neither the gentleman nor the country need be alarmed at the magnitude of the addition which this will make to the pension list. It may add 5,000 to the list, bringing up the number to 28,000, and increase the expense $300,000; but what is this, in offset, to the great amount of comfort and happiness which would be imparted to a venerated class of a former age, who are yet lingering among us, although upon the verge of the grave, and many of whom are in indigent circumstances? Death is daily thinning their ranks, and a very few years more will remove them all to that bourne from whence none return.

We have magnanimously voted $25,000 to the aged and respected widow of one of our ex-Presidents. This assumed the form of consideration for valuable manuscripts, but I regarded it as substantially a gratuity, and certainly none could grudge the boon. But, sir, what an amount of happiness would a similar sum have imparted, distributed, as is proposed in this bill, among the widows of the poor soldiers?

Are we less indebted to the soldier who bore the musket on the bloody fields of the revolutionary struggle, or to their widows, who shared their dangers and toils, than to our statesmen, who have rendered ever so valuable service in the council chamber? I admit the obligation of the country to see that both are provided for; but I insist that the aged partner of the revolutionary soldier should not be forgotten while we are dealing so liberally with those in the higher walks of life, however deserving.

The consideration for a pension, or gratuity, is always founded upon important services rendered the Government in military or other employments. Who will say that in the case before us we have not the most ample consideration? Our Government has adopted a pension system, which has been in operation since the days of Mr. Monroe, who recommended it in 1817; in 1818, the first general law granting pensions to revolutionary soldiers was passed, and, under the different laws providing for revolutionary soldiers and their widows, the Government has paid the sum of $43,968,700 46; other pensions, $16,000,553 64; making a total of $59,969,254 10. The invalid pension system dates back to 1791. The highest sum paid to revolutionary pensioners was in 1833, and amounted to $4,294,861 12. The last year (1847) there was paid to this class of pensioners $1,148,378 81. From this statement it will be readily seen that the list is rapidly diminishing, notwithstanding the additions that have been made from time to time. It will still continue to diminish, if this bill reported by the minority should become a law, and, as I have already said, would in a few short years entirely disappear.

I am aware that this sixty millions paid to our pensioners looks like a large sum; but who will say that we, as a people, are any the poorer for having discharged this debt of gratitude, so richly merited? Who could wish to recall it? Who

does not rejoice in the reflection, that we have, to some extent, been able to indemnify them for the great sacrifices made by them in our struggle for independence? I am confident there is but one opinion on this subject everywhere, unless it be in some sections where the whole system is opposed. Since the subject has been brought before the House and the country, in the publication of the reports of the majority and minority, I have read letters from various portions of the country strongly recommending the measure, and expressing the greatest anxiety that it may become a law. I will add an extract from a letter received, which is but an expression of public sentiment, as far as I have been able to gather it from all quarters:

"SIR: Having lately received from a friend at Washington several reports of committees, among them, I observed one by Sidney Lawrence, from the Committee on Revolutionary Pensions, about the last of February, which much attracted my attention; first, because it is a subject which I have for two or three years past submitted to the consideration of my late friend and neighbor, John Q. Adams, deceased; and second, because I admire the tenor of the language and illustrations employed in your report, to affect a good and just object. It has fallen to my lot to assist a very considerable number of these pension claimants in this quarter, and many of which 'without money and without price;' and about nineteen out of twenty were actually poor and much needed and deserved something of that country's bounty, which received aid, both from male and female exertion, in the period you mention, that truly 'tried men's souls.' And barely to need assistance by such claimants is not all in this matter: it is well known that most of the soldiers of the Revolution lost most of their wages for this important service, by the depreciation of the medium called *Continental money*, and the females of that day necessarily shared in the losses and sufferings of that day. General Washington mentioned this circumstance many years since—I think in his address to the Governors of the then thirteen States of America—and expressed a sincere hope and wish that the States might be prosperous under their new system of government, and, sooner or later, have the means, and do something more for the veteran soldier, who had done much for his country; and I have the impression it was the same object and feeling which induced President Monroe to recommend the system of revolutionary pensions in the year 1817.

"It is well known in this quarter that the pension allowances have relieved many, both male and female, from the necessity of passing their very last days on the cold charities of a poorhouse; and, sir, should your bill prevail, it would confer acts of charity, as well as acts of justice; it would furnish the means to procure a few little necessary comforts for the aged widow, to cheer the evening of life, which she could not expect otherwise to realize and enjoy. Believing our country to possess abundant means, I always hope she will never be reluctant in doing acts of public justice.

"If George Washington ever uttered a sentence of twelve words of more weight and irresistible truth than any other of the same length, it was when he said, 'Public justice is one of the main pillars to sustain our Republic.'

"I will only add, that my only wish is, on this point, that our Republic may be preserved for the benefit and tranquillity of the people of this and of the other nations of the earth; and that all people may be favored with sufficient light, knowledge, self respect, and virtue, to govern themselves, and that the despots and monarchs of the earth may find safety in retirement to peaceful citizenship."

Mr. Speaker, I hope the motion to reconsider will prevail, in order that the resolution may be sent back to the committee, with instructions to report the bill attached to the minority report, and that, when it shall be so reported, it may receive the sanction of the House, as I believe it will of both branches of Congress, by a large majority.

Mr. WHITE thought they had consumed quite enough of the public time about this matter, and he therefore moved the previous question.

Mr. CUMMINS remonstrated; but the call for the previous question was seconded, and, under its operation, the motion of Mr. POLLOCK was agreed to.

Mr. VINTON moved that the House go into Committee of the Whole on the state of the Union; but withdrew the motion at the request of

Mr. GOGGIN, on whose motion the reference of a bill was changed from his committee to that on the Judiciary.

APPROPRIATIONS FOR NAVAL SERVICE.

The House, on motion of Mr. VINTON, resolved itself into Committee of the Whole on the state of the Union, on the bill making appropriations for the naval service for the year ending June 30, 1849, (Mr. THOMPSON, of Indiana, in the chair.)

When the committee rose yesterday the amendment pending was "for meteorological observations, to be conducted under the direction of the Secretary of the Navy, $2,000."

Mr. STANTON moved the following amendment, to come in immediately after the last amendment: "For the establishment of a depôt for naval stores, which the Secretary of the Navy is hereby required to cause to be located at or near New Orleans, $20,000."

Mr. S. said he should embrace the first opportunity which should present itself to reply to the remarks of Mr. ATKINSON, that it might be seen which of them stood in the right before the country.

At his request, a letter from the Secretary of the Navy was read in favor of the appropriation.

Mr. WHITE moved an amendment to reduce the sum to $5,000. He said that this subject had been before the Committee on Naval Affairs, where it had undergone a thorough investigation. It was true that a majority of the committee had voted in favor of the object, but the committee were by no means unanimous in approving it. There were some members who considered the establishment of such a depôt wholly unnecessary. There was one already at Memphis, and another in the naval establishment at Pensacola. He considered this as a mere entering-wedge for future appropriations to an indefinite amount. The proposed depôt was a matter wholly of a local character; it was intended for the benefit of New Orleans, but would be of no practical benefit at all to the naval service.

Mr. STANTON briefly advocated the appropriation on the ground of its usefulness in proportion to the small amount it would cost the Government.

Mr. WHITE continued to oppose it as not needed. The Secretary of the Navy had not recommended it; he said indeed it would be a good thing, and he had no objection to it, but he did not urge it. There would be great difficulty of access to it if placed where it was proposed; it was not a suitable place for such an establishment.

Mr. STANTON could not conceive how the gentleman from New York could say that the Secretary did not recommend it; the gentleman surely could not have read the letter, or listened to it when read at the Clerk's desk. If the gentleman had attended to it, he would have found that the Secretary gave some half dozen of strong and cogent reasons in its favor.

Mr. WHITE thought his recommendation a very faint one indeed.

The question being put, the amendment proposed by Mr. WHITE was not agreed to.

Mr. TUCK moved to reduce the amount in the amendment to $3,000.

Mr. T. said he was opposed to this amendment in the Committee on Naval Affairs, on the ground that we had now sufficient accommodations for naval stores. If they made the appropriation recommended by the gentleman from Tennessee, it was but the beginning of appropriations which would be asked for year after year for the next half century, and neither we nor posterity would soon hear the end of the demands for appropriations for this station for dry docks, &c. It looked to a state of war; all the arrangements for the navy looked to a state of perpetual war. He opposed this on the same principle that he would oppose arming every citizen. Let us arm the navy as though we considered every nation our enemy, and we would always be in danger of getting into war, and should be continually falling into it, according to the caprice or ambition of the Executive. He was opposed to the appropriation of itself, and as being the commencement of appropriations without limit. Mr. T. then withdrew his amendment.

Mr. ATKINSON moved to reduce the amount in the amendment to $10,000.

Mr. A. remarked that he had yesterday opposed the appropriation of $2,000 towards (as it had been called by some) the raising of storms, and he had then showed that the notions or opinions advanced by some gentlemen of his own political party were those which, a few years ago, were the distinguishing characteristics of the Federal party; and he had then said, and still entertained the opinion, that the gentleman from Tennessee had fallen into one of the Federal notions of that distinguished statesman who had recently gone to a better world, as he hoped.

The gentleman from Tennessee had been pleased to say he would take an early opportunity to notice this subject; and he thought the gentleman would need to make some effort to clear himself entirely of the charge of Federal notions, and might save himself the labor of attacking his (Mr. A.'s) Democracy. During the long period that he (Mr. A.) had been in public life, he had never given a vote which had even smelt of Federalism; he had never voted for an appropriation not strictly authorized by the Constitution of the United States; neither had he made a speech against James K. Polk, the President of the United States, and held him up before the people for his veto of the river and harbor bill. When he should have done that, he acknowledged he might well be suspected of being tinctured with what was now called Whiggery, but in old times was known by the name of Federalism.

The impression seemed to exist upon the minds of some that the appropriation of $2,000, which was under consideration yesterday, had been recommended by the Secretary of the Navy. This was not the case. It was recommended by Professor Bache, of the coast survey——

Mr. STANTON (interposing) said he did not intend to enter into any discussion of matters which were not pertinent at this time, but should recur to the subject on an early occasion.

Mr. ATKINSON replied, that whenever he recurred to it, he would meet a rejoinder which would not be very agreeable to him, as far as regarded his political opinions. He had no hesitation to compare his opinions with those of the gentleman. Mr. A. then withdrew his amendment.

The question recurring on Mr. STANTON's amendment—

Mr. McKAY would like to know of the gentleman from Tennessee what would be the probable cost of the works contemplated? If he understood the reading of the letter, it stated that the present appropriation was merely for the purchase of the land.

The CHAIRMAN reminded Mr. McKAY that his remarks were out of order, as he had moved no amendment.

Mr. STANTON would refer the gentleman from North Carolina for a reply to the letter of the Secretary of the Navy, and hoped it would again be read; which was done accordingly by common consent.

The question was taken on Mr. STANTON's amendment by tellers, and the vote stood ayes 61, noes 37; no quorum voting.

The CHAIRMAN then ordered the roll to be called, in compliance with the 126th rule of the House; which being done, the committee rose, and the chairman reported the names of the absent members to the House, to be entered on the Journal.

The committee then resumed its session, and the question being again stated on Mr. STANTON's amendment, it was agreed to: Ayes 91, noes 36.

Mr. SCHENCK moved, by direction of the Naval Committee, the following amendment, to come in after the last amendment:

For indemnification for losses of necessary clothing, uniform, bed and table furniture, books and instruments, to the officers and crews of the sloop Peacock, which was wrecked and lost at the mouth of the Columbia river on the 18th day of July, 1841; of the steam frigate Missouri, burnt at Gibraltar in 1843; the schooner Grampus, lost at sea; the schooner Shark, wrecked and lost at the mouth of the Columbia river, September 10, 1846, fifty thousand dollars: *Provided*, That the amount of such losses in the case of each claimant shall be established, by affidavit or proof, to the satisfaction of the Secretary of the Navy, and shall be paid only to the applicant himself, or his authorized agent, or, in case of his death, to his widow, or if there be no widow, then to his surviving children, or if there be neither widow nor children, then to the brothers and sisters now living, and who are minors, or were minors at the time that the loss occurred: *And provided also*, That no more than the actual amount of loss shall be paid in any case, nor shall the entire allowance on account of any individual in their respective grades exceed the following sums, viz: to a captain, eight hundred dollars; to a commander or lieutenant commanding, six hundred dollars; to a lieutenant, surgeon, assistant surgeon, purser, chaplain, professor, chief engineer, or captain of marines, four hundred and fifty dollars; to a master, passed midshipman, first assistant engineer, first lieutenant of marines, three hundred dollars; to a midshipman, second or third assistant engineer, third lieutenant of marines, clerk, or master's mate, two hundred dollars; to a boatswain, gunner, carpenter, sailmaker, one hundred dollars, to a petty officer, or sergeant or corporal of marines, fifty dollars; to a seaman, ordinary seaman, marine, or musician, forty dollars; to a landsman, boy, or fireman, thirty dollars.

Mr. SIMS inquired if that amendment was in order? It made no appropriation for the naval service, but was in fact making this bill the means of legislation on private claims.

The CHAIR decided it to be in order.

Mr. SCHENCK explained the purpose which the committee contemplated, in the course of which he was understood to say that this amendment was designed to indemnify officers and seamen for losses hitherto sustained by the loss of vessels of the United States at sea, for which no existing law made any provision, and that a bill would be reported to make provision for all future cases of a

like character. He urged on the House the justice of the claims of the officers and seamen of the vessels named in the amendment.

Mr. WHITE moved to amend the amendment, by inserting after the word "Shark" the word "Somers."

Mr. KING, of Georgia, moved an amendment, to obtain the opportunity to say a few words, which he withdrew when he concluded. He said, in the American service there was no law authorizing the payment of indemnities for losses by officers and seamen of ships of war. In the British service provision was made, and a *pro rata* scale of remuneration established, by which the Admiralty remunerated the sufferers. He desired to call the attention of the committee particularly to this fact. It was part of the discipline of a ship of war, that when a ship was on fire, or in danger of being wrecked, the officers and crew were not permitted under any circumstances to take any measures for the preservation of their own property; and, consequently, when the Missouri was lost by fire in the Bay of Gibraltar, her crew, as in all such cases, were beat to quarters; not a man was permitted to take the slightest thing of his own, or to make any attempt to save anything belonging to him. All the exertions of the officers and crew were directed to the saving of the ship, and not until the ship was beyond all hope of preservation, were they permitted even to save their lives—not even until there was danger of the ship being blown up by the explosion of the magazine. And so it was when the Peacock was lost, the officers and crew not being permitted to leave the ship until she was actually going to pieces; those who were the last to leave being exposed to imminent peril of their lives, and actually escaping without a second suit of clothes to their backs. The Naval Committee have had this subject under consideration, and they approved of the amendment offered by the gentleman from Ohio, [Mr. SCHENCK.] The committee had not been able to establish a *pro rata* amount to be paid in future cases, but they had come to the conclusion that the amount proposed to be paid by the amendment was fair and equitable, and future cases they intended to provide for by a bill to be hereafter introduced. He hoped the amendment would be adopted. It was due to the officers and seamen who had suffered such imminent perils and privations.

Mr. RICHARDSON moved to amend the amendment by inserting "the steamer Caroline, and all steamboats lost on the Ohio and Mississippi rivers."

Mr. KING said he should be willing to have all such cases provided for, but they should be charged to the proper quarter. But the amendment was not now in order, because those steamboats were not in the naval service of the United States.

Mr. RICHARDSON replied that the steamer Caroline was in the service of the United States. Many of the steamers lost on the Ohio and Mississippi rivers were employed in carrying the mails, and consequently they were in the employment of the Government.

Mr. SCHENCK said this was a naval service bill, and vessels engaged in carrying the mail could not be said to be in the naval service of the United States.

Mr. GENTRY begged to suggest to the gentleman from Illinois [Mr. RICHARDSON] that he might accomplish his object by getting a liberal appropriation for removing the snags out of the Ohio and Mississippi rivers.

The CHAIR intimated that gentlemen were not in order in debating an amendment which was itself not in order. He did not understand the gentleman from Illinois to desire to make provision for vessels in the naval service.

Mr. RICHARDSON said he would inquire if steamboats could be in the *land* service? [Laughter.]

The CHAIRMAN said he did not undertake to decide constitutional questions. [Renewed laughter.]

Mr. GENTRY submitted to the gentleman from Illinois that he should ask for an appropriation of $500,000 to clear out all obstructions from navigable streams of the United States.

The CHAIR decided that such an amendment would be out of order.

Some other conversation ensued, and then the amendment of Mr. RICHARDSON was rejected.

Mr. I. E. HOLMES (having obtained the floor to explain an amendment which he subsequently withdrew) advocated the adoption of the amendment of the gentleman from Ohio, [Mr. SCHENCK.] In reference to the object contemplated by the gentleman from Illinois, [Mr. RICHARDSON,] he said he hoped the gentleman from Illinois would not aid in continuing the neglect of those in the naval service because the western country had met with neglect. He (Mr. HOLMES) was opposed to internal improvements generally, but he granted that the western country had been neglected by Congress. There had been great losses sustained, of the cause of which, in those western rivers down which the great argosies of the West floated, there was reason for complaint, and at the proper time he would give his assistance to clear out those waters. But he repeated, he hoped, because the gentleman from Illinois found evils in the rivers to correct for which no adequade provision had been made, that he would not object to the correction of evils on the ocean. In this case, equity demanded that those in the service of the United States, who were committed to the charge of the Government, and who dared not disobey when in peril on the ocean, to save their own property and preserve their own lives, should be indemnified by Congress. They were obliged to attend to the saving of the ship, the property of this Government, in the midst of excitement, and alarm, and danger, and consternation, which were attendant on the loss of such vessels. They were obliged to neglect the preservation of their own property to save that of the Government under which they serve; and would the gentleman from Illinois see them sink down and be ingulfed in poverty without lending a single hand to save them? He trusted there would be felt a generous emotion, and that there would be generous action for those men who have lost their all in the service of the country.

Mr. GREEN pointed out the necessity of some further amendment in the amendment of the gentleman from Ohio, [Mr. SCHENCK,] so as to prevent any claims for clothing and other property over and above what might be required by the service of the country. It might be in the navy as in the army, that officers would carry a greater amount of clothing and other property than the service required, and he thought Congress should not be bound to pay for that which was not requisite. An officer, for instance, might take with him a servant who might lose his life, and such loss was borne by the officer to whom he belonged; but without some modification he feared the door would be left open for such claims to come here. He believed that Cassius M. Clay carried with him two fiddles to the Mexican war, which were certainly not required by the public service, and should not be paid for by the Government in the event of their loss.

Mr. SCHENCK consented to modify his amendment by the insertion of the word "necessary" before the word "clothing," &c., so as to remove the objection of the gentleman from Missouri.

Mr. CABELL offered the following amendment to the amendment of Mr. SCHENCK:

And to Lieutenant O. H. Berryman and the seamen sent by Commander Carpenter to communicate to the squadron off Vera Cruz the condition of the brig Truxton, which went ashore near Tampico, on the coast of Mexico, in the year 1846, for the loss of necessary clothing, uniform, bed and table furniture, books, and instruments.

Mr. C. briefly explained the object of his amendment to be to indemnify Lieutenant Berryman and the twelve seamen who were with him in the hazardous service mentioned in the amendment, in which they suffered the losses for which he proposed they should be remunerated. They endured hardships such as few men were capable of enduring, and lost all their private property, which was taken by the Mexicans, and hence he hoped the amendment would be adopted.

The amendment was agreed to by a majority of 63 to 58.

The question then recurred on the amendment of the gentleman from Ohio [Mr. SCHENCK] as amended.

Mr. GREEN said the amendment made on his suggestion by the gentleman from Ohio did not entirely meet his views. He wished to limit the provision to clothing, &c., "necessary to the public service, as required by the regulations;" consequently the modification did not go far enough.

Mr. SCHENCK replied that the gentleman from Missouri would perceive that the property actually lost must be proved, and the Secretary of the Navy would then exercise his judgment in the matter. With the insertion of the word "necessary," to which he had consented, and the exercise of the discretion of the department, every object would be accomplished in the prevention of claims for articles that were not requisite. There was this objection to the insertion of the words "as required by the regulations of the service," that there were no such regulations. There were certain things which the officers and seamen must have, and of those things the department must judge; but there were no regulations prescribing how many pantaloons and shirts each officer and man must have. If, therefore, the words suggested were inserted, all allowance for clothing would be excluded. It would be better to leave it to the department, by which it would be ascertained whether a claimant was making a sham claim or not.

Mr. GREEN was satisfied with this explanation.

Mr. McKAY said, there was no instance in the legislation of this Government in which such a provision had been made as was proposed to be made by this amendment. There had been no law passed by Congress heretofore, from the foundation of the Government, which had authorized indemnification, either to officers of the army or the navy, for loss of personal effects. If they adopted this amendment, justice would require that its provisions should be greatly extended, even as far back as the year 1789, when this Government was organized, and that military officers, as well as those of the navy, should be entitled to its benefits. He quoted from the provisions of the British Government, which were exceedingly liberal, to show that this proposition went beyond them in liberality. He hoped the amendment would be rejected.

The CHAIRMAN, on reflection, decided that the amendment was not in order. His decision was based on the eightieth rule, which provided that no appropriation shall be reported in the general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Mr. SCHENCK appealed from that decision, and proceeded to debate the question.

Mr. SIMS inquired if the gentleman was in order?

The CHAIRMAN decided that he was.

Mr. SIMS contended, that when the committee was acting under an order of the House closing debate at a certain time, when that time arrived, the committee was in the position in which the House would be placed when acting under the previous question—no debate being in order except five minutes explanatory of amendments.

The CHAIR was of opinion that such questions were embraced within the general rule of the House, and that debate was in order on the appeal.

Mr. SIMS appealed from that decision.

The CHAIR decided that the appeal would not now lie, an appeal being before the committee. The question was on the appeal of the gentleman from Ohio from the decision of the Chair.

Mr. SCHENCK said, there were precedents to justify such an appropriation. The corps of scientific men who were on board the Enterprise, as well as her officers and men, had received compensation for the loss of their property. But there was no need to resort to precedents for authority. The very rule of the House referred to by the gentleman from North Carolina [Mr. McKAY] admitted expressly of the introduction into an appropriation bill of contingencies requisite to carry on the several departments of Government. This appropriation was for one of the contingencies of the naval service. If by its regulations the Government compelled both sailors and officers, in a case of emergency at sea, to abandon all personal care of their own property, and to devote themselves wholly to the safety of the property of the Government, a contingency thus arose, if the property of sailors or officers was lost in consequence, in the naval service, for which it was in order to make provision in an appropriation bill. He admitted that there was no general law making provision for such a case, and this was the only country in Christendom in which there was not. But he would refer the gentleman from North Carolina to a case, by way of illustration. He meant that of the cadets at West Point. There was but one cadet allowed by law to be sent to that

academy from each Congressional district. And the clause which made this restriction was to be found in an appropriation bill, because, from the late period of the session in which the appropriation bill passed, it was apprehended that the proper bill for such a provision could not be reached before the adjournment, and the clause was therefore inserted in the appropriation bill as a rider. Here was a case of general legislation in an appropriation bill. And so the clause limiting the compensation of officers in the navy was in like manner inserted in an appropriation bill. And in both cases this had been allowed, because the provisions thus inserted were held to relate to the departments of the Government, and were contingencies of the service.

As to the objection to government's becoming the insurer of the personal property of officers and and men on board our public ships, Mr. S. considered it no more than fair, when that property was lost in consequence of the devotion of men and officers to the preservation of the vessel when in imminent danger, or that of the ship's stores, or other public property, to the neglect of their own. In the case of the United States shooner Shark, while she was lying on the breakers all night, the officers and men stuck to her to the last; and when the sailors would have gone below to look after their sea-chests, with a view to save them, the officers drove them up on deck to attend to the vessel. They were not suffered so much as to throw a bag of clothing overboard, that it might float ashore; and the officers did not leave till just before the vessel went to pieces, when they left her at the imminent risk of their lives. To refuse to compensate such men for the loss of their personal property in the wreck would be against precedent, against the practice of the House, and against all principles of equity.

Mr. McKAY said the gentleman from Ohio had shown, by his own arguments, that his appeal was not well founded. Almost all the gentleman had said had not been on the point of order, but on the merits of his amendment. The only cases he had quoted were cases of general legislative provisions, and not special and particular, as this would be. To admit such into an appropriation bill might be very proper; but the rules of the House positively prohibited the introduction into an appropriation bill of anything for which there did not exist a previous law, or for continuing public works already commenced, or for the contingencies in the departments. Here was a proposed appropriation of $50,000 for a special, particular purpose, for which the mover himself admitted that there was no law. "Contingencies in the departments" was a technical phrase, which did not at all refer to contingencies that might arise in the public service, but to contingent expenditures required in the departments themselves, such as stationary, fuel, &c.

Mr. SCHENCK inquired whether Mr. McKAY could point him to a single naval appropriation bill which the House had ever passed in which there were not many items for which there was no previous general law?

Mr. McKAY admitted that there had occasionally been a few such items admitted, but they were very few.

The question being now put on Mr. SCHENCK's appeal, the decision of the Chair was sustained.

So Mr. SCHENCK's amendment was decided to be out of order.

Mr. SCHENCK, after some conversation with the Chair, moved the following amendment to the bill:

For gun practice in vessels at sea, $5,000; and it is hereby made the duty of every officer in command of a vessel of war of the United States in commission and at sea to exercise the officers and men under his command at practice with shotted guns, under such further regulations as may be prescribed by the Secretary of the Navy, at least as often as once a month.

Mr. DICKEY objected to the amendment as out of order.

Mr. SCHENCK defended it as in order. If there was not an express law on this subject, there was a law which directed the firing at targets, and provided the necessary powder to be expended in such gunnery practice; and he considered it as one of the contingencies of the naval service that the navy should have something to shoot with. It had formerly been the practice at our naval stations to fire at targets with cannon. The practice had for some cause been discontinued, either because there was no navy regulation providing for it, or if there was, it had been suffered to fall into neglect. From whatever cause it happened, the fact really was, that there were officers who had been eight and ten years in the service, and had never in their lives witnessed firing with shot or shell. In the squadron under Commodore Conner before Vera Cruz there had been no target firing to practice the men, though an immediate attack was in contemplation. An officer who had recently returned in the Columbus from the Pacific had informed Mr. S. that during her entire cruise of three years she had never fired a single shot or shell. Under such a system, what improvement could there be, or what practical skill could be acquired in gunnery? Certainly there ought to be a regulation providing for such practice. No petty saving of the cost of powder and shot ought for a moment to stand in the way, more especially in the existing state of the world, when we might be under the necessity of looking to the state of our navy and preparing for the event of a general war.

The Naval Committee desired to have a requisition of the practice of firing for practice with shot and shell at least once a month when our vessels were at sea. To acquire skill in gunnery was surely the very business of our navy; the science and practice of it was their especial duty.

The CHAIR ruled the amendment out of order.

Mr. SCHENCK then offered his amendment in a modified form, striking out the appropriation. Rejected.

Mr. S. then again renewed his amendment, inserting, in the place of "gun practice," "ball and shell practice."

Mr. SCHENCK said the fate of the amendment he had offered was personally a matter of indifference to himself, except so far as the good of our naval service was concerned. The whole section under consideration was made up of items of contingencies, and the Naval Committee were of opinion that this was as fit to have a place there as any others which were already in the bill. If a provision of this kind could not be introduced into this bill, where would the gentleman have it? Could not Congress, in an appropriation, direct how money appropriated should be applied? He presumed the Committee on Naval Affairs understood subjects of this nature *almost* as well as the Committee of Ways and Means. Every one at all conversant in naval affairs must see the propriety of such a practice as this amendment proposed to provide for.

The question being put, the amendment was rejected, only 33 rising in its favor.

Mr. SCHENCK proposed the following amendment:

And the Secretary of the Navy is hereby authorized and directed, out of the appropriation for provisions, to purchase, at his discretion, a sufficient quantity of corn meal and flour, dried and prepared by the process and machinery invented by J. R. Stafford, of Ohio, to be sent to the various naval stations, to test the capability of such prepared meal and flour to resist the influences of time and climate, and to ascertain what advantage there may be in the introduction of the same for the use of the navy.

Mr. S. said it was presumed, when our ships of war were sent on their cruises, that the officers and men were to eat something. The amendment proposed to give the Secretary a discretionary power to purchase a proper amount of corn meal and flour, dried by the process recently introduced by Mr. Stafford, of Ohio, and send it out to our various naval stations, in order to test its power of enduring damp and the vicissitudes of climate, without getting sour. This subject had been before the Committee on Naval Affairs, and they had heard one of the most scientific men in this country explain the nature and results of Mr. Stafford's method of kiln-drying meal, until they had become entirely satisfied of the propriety of the amendment proposed. Some of this meal had been sent to Liverpool, where it had been exposed to damp for more than sixteen months, and at the end of that time remained perfectly sweet.

Should the experiment fully succeed, the gain to the naval service, and to the commercial marine also, would be inappreciably great. The owners of several of our packets were now trying specimens of the meal. The committee desired that our Government should do the same. For this end, they wished samples sent to all our distant stations, so that the test should be rigid and severe. As things now stood, if corn meal should be taken to sea, it would become sour in a few weeks; hence we were obliged to take ship bread; and this was either as hard as brickbats, or else became loathsome from worms, which penetrated every part of it. If it should turn out that corn meal could be so prepared as to stand the effects of humidity without souring, it might be taken on board our ships of war and cooked from day to day, as it was wanted. And what an addition would this be to the comfort and enjoyment of all on board! Mr. S. appealed to gentlemen especially from the West and Southwest. Should we be able to send corn meal to sea as a constituent of our marine ration, they must inevitably feel the effects of it.

Mr. McKAY opposed the amendment as unnecessary. The Secretary had power to make this purchase as the law stood. He suggested to the gentleman from Ohio that a better course would be to bring in a separate bill, containing this provision not only, but regulating the whole subject of our naval supplies.

Mr. JOHNSON, of Arkansas, proposed to strike out all that part of the amendment which had special reference to the process of Mr. Stafford: this gave the whole thing the air of being got up for the personal benefit of a particular individual. Indeed, he thought the whole provision unnecessary; but if the Secretary was to make the experiment, and preferred the meal prepared by Mr. Stafford, he could resort to that without having it specified in the law. But he wanted to know why these various objects for which such a string of amendments had been offered by the gentleman from Ohio had not sooner been brought to the notice of the Naval Committee, and bills reported for them in due time and in the regular course of business? It was a very great annoyance to the House to have them thus stuck in one after another, unnecessarily consuming time and retarding the course of important legislation. Mr. J. withdrew his amendment.

Mr. BAYLY renewed it. He thought there was much misapprehension on this subject. The Naval Committee had examined the subject, and understood it perfectly. The gentleman from North Carolina [Mr. McKAY] was certainly mistaken in supposing that the Secretary could make this purchase for experiment by the law as it at present stood. This kiln-dried corn meal was the best now known; and Mr. B. did not doubt it would justify all the hopes which had been created by the discovery. Unless prepared by this or some other very effectual process, meal would not keep at sea a week without turning sour. Mr. B. represented a corn-growing district, as most of them did; but he could not regard as very important to corn-raisers the small additional market to be opened by the use of this substance in our navy; but, for the comfort of the service, he was very desirous it should be used if it would answer the purpose. Its use would soon become extensive out of the navy as well as in it.

The question occurring on the amendment renewed by Mr. BAYLY, it was rejected.

Mr. SCHENCK moved to strike out the word "corn," and insert "Indian." [A laugh.]

Mr. VINTON observed that this amendment did not increase at all the amount of money appropriated; its adoption would cost nothing and might prove of some use; at all events, it could do no harm. He really hoped the committee would, without further loss of time, adopt this small amendment, so that they could get on and take up others which yet remained and were of great importance.

The question being put, the amendment was carried: Ayes 89, noes 39.

Mr. VINTON moved to strike out in line 76 the words "commandant's office," and in line 77 "water tanks." He said, since the estimates were sent in, the chief of the bureau reported that the improvements could be dispensed with. The amendment was agreed to.

Mr. WHITE moved to add, at the end of the item for dry dock at New York, the following, which was rejected:

The Secretary of the Navy is hereby authorized to contract with any suitable and competent person or persons for the masonry or other parts of construction of the said dry dock and its appurtenances, as may in his opinion be conducive to the public interests.

Mr. VINTON moved an amendment providing for the purchase of ground in Brooklyn, near the navy-yard.

He said the correspondence from the Navy Department respecting this amendment had been some time since published, and he presumed the House were familiar with it. This appropriation

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was recommended by the chief of the Bureau of Docks and Yards, as well as by the Secretary of the Navy himself. He would simply state that the Secretary of the Navy and the officers having control of it said, while the navy-yard at New York must be at all times and was one of the most important in the United States, it was one, in point of extent, most limited and contracted; and this ground, which it was proposed to purchase, was essentially necessary to give to the navy-yard the requisite room to carry on and properly conduct the operations of that establishment. It further appeared in evidence, from the statements presented, that the Government had been for a long time, perhaps for a period of twenty years, endeavoring to purchase this same property, but had been unable to obtain a valid title. Such title, he said, was now to be obtained, and at a rate, though greater than it could have been purchased for when the attempt was first made, much less than there was reason to apprehend would have to be paid if the purchase were much longer delayed.

Mr. KING, of Georgia, moved a slight amendment to the amendment, and was proceeding to sustain Mr. VINTON'S views and further to explain, when he was interrupted by a question of order raised by Mr. SCHENCK, which gave rise to some conversation.

Mr. KING'S amendment not being pressed—

Mr. VINTON'S amendment was then adopted.

Mr. VINTON moved to increase the appropriation for the Philadelphia navy-yard from $11,500 to $14,500, and explained that the necessity of the increase arose from being obliged to pay $3,000 more for a dredging machine there than was originally estimated.

The amendment was agreed to.

Mr. V. also moved to add for the Pensacola yards $50,000, for the construction in part of a new timber shed, and explained, that since the bill was reported, the Secretary of the Navy had informed the committee that the Government had a large amount of very valuable timber at Pensacola, which could not be preserved without such a provision. The amendment was agreed to.

Mr. HUNT moved to insert for necessary repairs for marine hospital at Mobile, $1,900, and said this amendment was reported by the Committee on Commerce. Agreed to.

Various other verbal amendments and amendments striking out minor items, which the department had agreed to dispense with after the bill was reported, were offered by Mr. VINTON, and agreed to.

Mr. DUNCAN, of Kentucky, moved to insert $50,000 for completing, under the direction of the Secretary of the Navy, the marine hospitals heretofore commenced at Pittsburg, Cleveland, and Louisville.

He explained the previous legislation on this subject, and urged the importance of these marine hospitals, the construction of which he presented as a matter of direct and positive duty, the expenses therefor being met by the tax which the Government imposed on seamen. The amount of this tax received annually at Louisville, for several years had been eleven or twelve hundred dollars, while the appropriations there had been but five hundred.

Mr. WENTWORTH moved to reduce the amount proposed one-half, and concurred in all the gentleman from Kentucky had said. The older members of the House would bear witness, if he had not made the same speech just delivered by the gentleman from Kentucky, for years, he had, at least, expressed the same sentiments. There was now on the calendar a separate bill providing for these very hospitals. And another thing he wished to mention, for which he felt himself bound to hold the gentleman from Kentucky and his party responsible, was, that the rules of the House were so framed as that the majority could not control its business, and that the minority were installed in power. If the gentleman from Kentucky would go with him to modify the rules and make them what they were when the Democrats had the majority, they would be able to get along with their business. The Locofoco party would never be guilty of such weakness as to instal the minority in power, and enable them to prevent the despatch of business. They had never done it, and never would do it.

Mr. CABELL called the gentleman to order on the ground of irrelevancy; and, after some conversation, Mr. WENTWORTH withdrew his amendment.

Mr. STEPHENS moved an amendment, and said a few words in reply to Mr. WENTWORTH. He had understood the gentleman to intimate that the rules adopted by the Whig House were different from those of the Democratic House.

Mr. WENTWORTH, (in his seat.) They are, certainly.

Mr. STEPHENS. I should like to have the gentleman point out wherein they differ.

Mr. WENTWORTH would point it out, if the gentleman would allow him, though he presumed the gentleman would hardly wish to give him up his five minutes for the purpose.

Mr. STEPHENS knew not to what rule the gentleman referred. The gentleman had said they had adopted rules by which the majority could not do the business. He would like to have the gentleman point out any material alterations they had made. But he would tell the gentleman that when he would get his party to vote for some of these improvements, which he would have the country believe he was desirous to get, then he would have them, and not before.

Mr. WENTWORTH said he was in favor of this proposition.

Mr. STEPHENS believed the gentleman himself was; but let him come out manfully and say his own side was not for it, and his (Mr. S.'s) side was, and not take the position that this House had adopted rules by which this subject could not be reached. The rules were the same in this respect as they had been in the last Congress: two-thirds were required now as then to take up business out of order. The only difference was, that the motion to suspend the rules now could only be made once a week, whereas, under the rules of the gentleman's party, the gentleman might move to suspend them every day in the week, and they would do nothing else so long as there were two-thirds Democrats in the House. There was but one remedy, and that was for a House to be returned two-thirds Whig. He withdrew his amendment to the amendment.

Mr. BROWN, of Mississippi, moved to amend the amendment, by adding $10,000 for marine hospital at Natchez, and briefly urged the importance of the completion of the works there, now begun, to afford accommodations to the many sailors who were taken there with yellow fever, and the general necessity to those who navigated the western waters for the erection of a hospital at that point.

Mr. FRENCH wished the gentleman to modify his amendment to the amendment, so as to include also $10,000 for a marine hospital at Paducah.

Mr. BROWN declined to do so, reminding the gentleman that it would be in order for him to offer the proposition after his amendment had been voted on.

Pending the question, the committee rose,

And the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. HOLMES, of South Carolina: The petition of seamen and seamen's friends in Charleston, to stop the spirit ration. Also, the memorial of the citizens, merchants, and City Council of Charleston, for a custom-house.

By Mr. CHAPMAN: The memorial of the representatives of Colonel John Crowell, late Indian agent, for compensation for his services.

By Mr. BLANCHARD: The petition of sundry citizens of Pennsylvania for the abolition of slavery throughout the United States.

By Mr. TUCK: The petition of Lucien Clavadetscher for the removal of Captain William Ramsay from the naval service for fraudulent conduct, and using his official position for the purpose of perpetrating deception, and of cheating private citizens.

IN SENATE.

TUESDAY, *June* 13, 1848.

Mr. HALE presented a petition from William C. Williams and twenty others, citizens of Hamilton county, Ohio, asking that the seat of Government may be removed to some free State, and suggesting Cincinnati as the most central spot.

Mr. HALE moved that the petition be referred to the Committee on the Judiciary; but, according to the practice of the Senate, the motion to receive the petition arose, and the question was put to lay that motion on the table.

Mr. HALE asked for the yeas and nays; but the Chair decided that the call was too late, the motion to lay on the table having been decided in the affirmative.

Mr. HALE then asked leave to withdraw the petition, with a view to present it again when the Senate should be full.

The question being put, no quorum voted; and the question being again put, there appeared ayes 7, noes 12, so that no quorum voted.

The Sergeant-at-arms was directed by the Chair to ascertain if a quorum was present, and reported in the affirmative.

Mr. HALE moved that the Senate adjourn, which was negatived.

The question was again put on the motion for leave to withdraw the petition—ayes 14, noes 14. No quorum.

Mr. HALE asked for the yeas and nays, and they were ordered.

Mr. STURGEON called for the reading of the petition before he would give his vote.

The petition was then read as follows:

That whereas recent events, as well as the indications of past years, have rendered it but too painfully manifest that the liberty of the press and freedom of speech in our Houses of Congress are no longer, on all subjects, safe and untrammelled at our seat of Government in its present location, but presses are liable at any exigency to attack and destruction from a lawless mob, for sentiments uttered on the subject of slavery, and members of Congress are exposed to insult and personal violence from the ruthless bully and assassin for words spoken in debate in their respective Houses on the same subject:

The prayer of your memorialists, therefore, is, that measures be immediately taken by your honorable bodies for the removal of the seat of Government as speedily as convenient from its present location to some new site, within the bounds of some free State, where the rights of the press and the privilege of parliament in the persons of members of Congress may be more fully respected and secured.

Your memorialists would also further suggest that what renders such a change still more proper and called for, is the fact that in the unparalleled growth of our country the present seat of Government, however central it may have been in its original selection, is now far east as well as south of the centre of the voting population. They would, therefore, venture to present the city of Cincinnati, in the State of Ohio, as a place in which, from its more central position, as well as its other numerous and great advantages, would be specially suitable for the new location.

Finally, as a further reason in behalf of such a change of location, your memorialists would urge the fact of the slave traffic so extensively carried on within the bounds of the District, and in sight of the very Capitol itself; thus disgracing our country by making what ought to be the *citadel and sanctuary of liberty the great slave mart of the Union.*

Mr. MANGUM suggested that a petition could not be withdrawn but by unanimous consent.

Mr. HALE was willing to withdraw his motion for leave, if he could have the yeas and nays on the motion to lay the motion for reception on the table.

Mr. BAGBY said he was disposed, in the first instance, to allow the Senator to withdraw the memorial; but since it had been read, he should vote

against it as coming within that class of petitions on which the motion to receive was ordered to lie on the table.

The question was then taken on the motion of Mr. HALE for leave to withdraw the petition, and decided as follows:

YEAS—Messrs. Davis of Massachusetts, Greene, Hale, Niles, Phelps, Upham, and Webster—7.

NAYS—Messrs. Atchison, Atherton, Badger, Bagby, Bell, Berrien, Borland, Butler, Cameron, Davis of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Hamlin, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Pearce, Rusk, Sebastian, Sturgeon, Turney, Underwood, Westcott, and Yulee—31.

Mr. HALE rose to a point of order, contending that the Senate had no property in the paper, which belonged to him, to be disposed of as he might think proper. The Senate had refused to receive it, and yet refused him permission to withdraw it.

Mr. MANGUM said the paper belonged to the Senate; that for the last twelve years the practice invariably had been to dispose of these petitions by the motion to receive being laid on the table, and that not an attempt had been made to infringe it until the Senator from New Hampshire came there to agitate the subject anew. He considered that the petition was under the control of the Senate, and was the property of the body.

Mr. NILES denied that the petition came within the rule, and that therefore the remarks of the Senator from North Carolina [Mr. MANGUM] were gratuitous. That the petition showed on its face that it was for the removal of the seat of government for certain reasons therein specified, showing slavery among the number.

The CHAIR decided the question of order against Mr. HALE.

Mr. SEBASTIAN presented a petition from citizens of Arkansas, in favor of the purchase of Mount Vernon by the General Government; which was referred to the Committee on Military Affairs.

Mr. RUSK presented a petition from George C. Hutter, asking arrears of pay as an officer of the United States army; which was referred to the Committee on Military Affairs.

Mr. DIX presented a petition from Nicholl & Co., asking payment for tea furnished to the Navy Department at Norfolk, Virginia, in June, 1846; which was referred to the Committee on Naval Affairs.

Mr. BUTLER presented a petition from James C. Chapman, asking to have paid over to him one-fourth part of the proceeds of the cargo of the brig Diana, condemned for a violation of the non-intercourse laws; which was referred to the Committee on Foreign Relations.

Mr. CALHOUN presented a memorial from citizens of Charleston, South Carolina, asking the erection of a new and larger custom-house in that city; which was referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

By Mr. WESTCOTT, from the Committee of Claims: Asking to be discharged from the further consideration of the petition of Thomas F. Gordon, accompanied by a report.

Also, from the same committee, the bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved 18th January, 1827, and the acts approved 14th February, 1837, and August 23, 1842, amendatory of the same.

Mr. TURNEY moved that the Senate proceed to the consideration of the bill, which was agreed to; and a considerable discussion took place on the bill, in which Messrs. TURNEY, WESTCOTT, DAVIS of Miss., BADGER, DAYTON, BORLAND, NILES, RUSK, BUTLER, BREESE, DOWNS, and DIX, took part. It was contended by the advocates of the bill that the practice of the Government had always been to pay for horses and property lost in the military service of the United States; and there was no ground for exception to the bill, which merely revived the acts of 1827, 1837, and 1842. On the other hand, it was argued that the cases which called for the passage of those acts probably varied from those to which it was now proposed to apply the principle of those acts, and a doubt was expressed whether the allowance of forty cents a day was not intended to cover the risk of loss.

Motions were made to postpone the further consideration of the bill until Monday, and to refer it to the Committee on Military Affairs, and the latter prevailed: Ayes 20—Mr. BORLAND pledging himself that no delay in the action of the committee should take place.

The motion of Mr. YULEE, to refer to a select committee the naval and military bills referred to yesterday, was renewed and agreed to.

Mr. MASON, from the Committee on Claims, asked to be discharged from the further consideration of the memorial of the clerks of the pay department at New Orleans, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. MASON, from the same committee, also reported the joint resolution for the relief of Clements, Bryan & Co., without amendment.

Mr. MASON, from the same committee, also reported House bill for the relief of William Ralston, without amendment.

BILLS INTRODUCED ON LEAVE, ETC.

Mr. BORLAND, on leave, introduced a bill to revive an act authorizing certain soldiers in the late war with Great Britain to surrender bounty lands drawn by them, and to locate others in lieu thereof; which was read twice, and referred to the Committee on Military Affairs.

Mr. WEBSTER said: I yesterday asked leave of the Senate to introduce a bill further to extend the provisions of the naturalization laws of the United States. The main object of the bill is a very simple one. I will endeavor to state it, with all possible brevity, in the hope that when the committee shall have examined the bill, and shall have reported, it may pass without much delay, as it is certainly somewhat of an important object. The difficulty which exists in the case respects the national character of children of American parents born abroad. It would seem, that by the existing law of 1802, without a very violent construction of its provisions, children now born abroad of American parents resident abroad, whether in a public capacity, like that of ministers or consuls, or private persons travelling for pleasure or on business, are not to be deemed and taken to be citizens of the United States. The question or difficulty arises in this way. The phraseology of the act of 1802 is, "that children born abroad of 'parents who heretofore have been, or now are, 'citizens of the United States, shall be deemed and 'taken to be citizens of the United States them-'selves." But there are in the act no prospective words; it does not say that children born of parents who have been, or now are, or hereafter shall be, citizens of the United States; and therefore the thing has reached this point, that American citizens, born since the year 1802, who may consequently be forty-six years of age, now going abroad temporarily with their families, either for business purposes, public or private, or for the sake of travel, and having children born abroad, those children are excluded from citizenship by the necessary construction of that law.

It is the opinion of commentators (Justice Story, Judge Kent, and others) that this clause was very vaguely drawn. The phrase was intended to be applied to naturalized citizens, but it cannot be so construed. The object that I have in view, then, is to provide again for what was provided for by the act of 1802, and make it extend to the future, and apply to all the children of American parentage, in cases where such parents have gone to reside temporarily abroad, still preserving their allegiance to the United States. There are other provisions in the act concerning which there may be different opinions, perhaps, but this is the main one, and I think it will recommend itself to all; and I hope, if the committee find the law to be as I understand it to be, they will report this bill, and that the Senate will give it enactment in the form I have given to it.

The bill was read twice and referred to the Committee on the Judiciary.

On motion of Mr. MASON,

Ordered, That Friday and Saturday, the 16th and 17th instant, be set apart for the consideration of private bills on the calendar, to the exclusion of all other business.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making an appropriation to pay the extra compensation allowed to the judge of the United States district court for the State of Louisiana by the act of 1824, to enable claimants of land under French and Spanish grants in Louisiana to try the validity of their titles.

ADJOURNMENT OF CONGRESS.

Mr. BERRIEN moved to take up for immediate consideration the joint resolution of the House fixing the time for adjournment on the 17th July next.

Mr. ATHERTON expressed a hope that the motion would not prevail. It was yesterday postponed on account of the thinness of the Senate, and the same reason would operate to-day. Several Senators who were now absent would be in their seats on Monday. He had no objection to take up the resolution for the purpose of fixing a day for its consideration. But we were not now in a condition to fix a day for the close of the session. The principal appropriation bills had not yet passed the House of Representatives. If we pass this resolution now, we yield the power of the Senate over it, and the day will be fixed irrevocably, unless the two Houses could be brought to agree on a new proposition, and some important business may be lost. The delay of a few days could not affect the question. If, after a week or two, we can see our way clear, we can then fix on the day named. It may be seen, from the delay in passing the Indian appropriation bill, how difficult it may be to get the other appropriation bills through by the 17th of July. That bill may yet occupy some time, as a very important question is involved in the amendment of the Senator from Tennessee. The only appropriation bill which has yet passed the Senate is the one relating to the Military Academy.

Mr. BADGER hoped the motion of the Senator from Georgia would prevail, and that we should not only proceed to consider, but to pass the resolution. The business of the two Houses will be expedited as soon as the day of adjournment is fixed; and nothing of importance will be done until it is fixed. He would merely add, that if the resolution were now considered, he would move the amendment which he had submitted to the joint resolution of the Senator from Missouri, [Mr. ATCHISON,] providing that the business should be taken up at the beginning of the next session in the State in which it may be left at the adjournment.

Mr. DICKINSON thought it probable that we might be able to adjourn at the time named. But he was opposed to the consideration of the resolution at this time. Some of the chairmen of the principal committees—the Military Committee and the Foreign Relations—were now absent, and there may be important business before those committees. The absent Senators may be expected to return in a day or two. The chairman of the Committee on Territories is also absent. If we concur at this time in the resolution of the House, there will be an end of the matter.

Mr. DAVIS, of Mississippi, said, that although the chairman of the Committee on Military Affairs was absent, it was now well known that the army in Mexico must be disbanded before the day fixed by the resolution for adjournment. This reason, therefore, could not operate as an objection to adopting that day. If the President should not recommend any increase of the army, there could be no occasion to delay for any action of that committee. It was well known that the circumstances which have recently taken place are unfavorable to sound legislation on any important political questions. He desired that an early day should be fixed, and that the important measures should be laid over until next session.

Mr. BAGBY thought the day fixed was remote enough to leave ample time to get through all the necessary business. He knew that some Senators were absent, but when they return others will leave, so that the Senate will every week become thinner. We shall never get through any business until the day of adjournment is agreed on. He was willing to vote for an earlier day than the 17th July.

Mr. BUTLER had no objection to fix a day for closing the session, but he was sure the day named was too early. There were many very important bills now waiting for the action of Congress. Why were Senators so very anxious to adjourn? Was it because they were desirous to avoid the introduction of certain questions which might come up? Among the bills of importance, we had that regulating the proceedings as to our citizens in China, which had been twice called for, and was very important in its principle. Something also must be done with regard to the army, and he was not going to adopt all the recommendations of the

President as to its disbandment. Many important and delicate questions may arise for consideration. He would have no objection to name an early day in August.

Mr. BERRIEN thought that the amendment suggested by the Senator from North Carolina [Mr. BADGER] would remove any objections to leaving the business unfinished.

Mr. RUSK hoped the resolution would not now be taken up for consideration. There was much important business to be disposed of, and many Senators absent. The ratification of the treaty of peace rendered it necessary to introduce new subjects for legislation. Our boundaries are now greatly extended. It was important that a government be established in California. If we adjourn on the day named in the resolution, we shall have to leave things as they are. No provision will be made relative to the disbanding of the army. California will be left without a government, or under a military government, which is worse than none. He hoped the resolution would not be taken up.

Mr. DAYTON hoped the resolution would be taken up. Although several Senators were absent, their sentiments on most of the important measures likely to arise were known. He saw no symptoms of impatience in the motion. It is the usual time of adjournment. As to business, the Senate is usually ahead of the House of Representatives. We possess greater facilities for expediting business, and we are fewer in number. If longer time should, on trial, be found necessary, there would be no difficulty in getting the resolution rescinded. Until we fix a day for adjournment, we shall not work. Fix the day, and we shall work up to it.

Mr. JOHNSON, of Louisiana, reminded the Senate that there were now more than two hundred bills on the Senate calendar for action. Was it probable that one-half of these bills (and among them were some of very great importance, especially to the new States, and which had been investigated with so much labor by the various committees) could be passed by the time named in the resolution? He was willing to adjourn whenever we could properly do so. But, for one, he was not at present prepared to fix any day until the important cases before Congress shall have been acted on The best plan was, to postpone the subject for a week or two. It had been suggested that it was not the practice of the Senate to postpone resolutions coming from the House. He believed it had sometimes been done; and that even so recently as the session before the last, it was so, and Congress sat till August.

Mr. CALHOUN insisted that there was no Senator more desirous to adjourn than he was. But it would be impossible to get through the business before Congress by the 17th July. There was the Oregon business, which was very important, and other matters of equal importance, to be acted on. Pass this resolution now, and we lose our control of it. It had been said that circumstances were unpropitious to sound legislation, because subjects involving delicate questions in reference to the outgoing and the incoming Administrations might arise. He was ready to take the responsibility of prolonging the session whenever there was any important business to be done.

The question was then taken on the motion of Mr. BERRIEN, and decided in the negative: Ayes 16, noes 21.

Mr. BELL presented a memorial from a portion of the Cherokee Indians, remonstrating against the decision of the Government of the United States adverse to these claims; which was ordered to be printed.

The bill for the relief of the Central Railroad and Banking Company of Georgia was considered in Committee of the Whole, and, after having been ordered to a third reading, was subsequently read a third time, and passed.

On motion of Mr. WEBSTER, the Senate took up the joint resolution from the House for the removal of the pole from the dome of the Capitol, and concurred in the same.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 14, 1848.

The Journal of yesterday was read and approved.

Mr. CONGER, from the Committee on Public Printing, to which had been referred the resolution authorizing the Clerk to make contracts for the binding of all the public documents, reports, bills, &c., of the 1st session 30th Congress, made a report thereon.

Mr. C. observed that the Committee on Printing had made no recommendation to the House. They had been directed to inquire into the facts and ascertain whether any contract had been made for binding the public documents, and their report simply was, that no such contract had been made.

Mr. McKAY moved, for the present, that the report be laid upon the table and printed.

Mr. CONGER proceeded to make some remarks, under the apprehension that Mr. McKAY had proposed to recommit the report.

Mr. McKAY disclaimed any such motion.

The motion to lay on the table was agreed to.

Mr. McKAY, from the Committee of Ways and Means, to which was referred the joint resolution defining the reports to be annually made to Congress by the head of the several Executive departments, and requiring the same to be prepared immediately after the close of each fiscal year and forthwith communicated for publication, reported the same back to the House with sundry amendments.

The amendments were read and agreed to; and the joint resolution was then read a third time and passed, and sent to the Senate for concurrence.

Mr. McKAY, from the same committee, reported a bill to repeal the fifth, sixth, and seventh clauses of "An act in addition to the several acts regulating the shipment and discharge of seamen and the duties of consuls," approved July 20th, 1840, and also to amend the act entitled "An act supplementary to the act concerning consuls and vice consuls, and for the further protection of American seamen," approved 28th February, 1803. Committed.

Mr. ROCKWELL, from the Committee of Claims, reported bills for the relief of Ira T. Horton and Augustus Ford. Committed.

Also, from the same committee, reported the following resolution, which was read and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire and report whether any, and what, further legislation is required in relation to costs on the criminal side of the United States courts.

Mr. DUNN, from the same committee, reported a bill for the relief of James Y. Smith. Committed.

Also, from the same committee, made adverse reports on the petitions of William H. Russell and W. H. Brockway, administrator of John Johnson, deceased. Laid on the table.

Mr. WILMOT, from the same committee, reported a bill for the relief of James Morehead. Committed.

Mr. HAMPTON, of Pennsylvania, from the Committee on Commerce, reported a bill making appropriations for the improvement of the navigation of certain rivers and harbors, and for the survey of certain other rivers and harbors. Committed.

Mr. DUNCAN, of Kentucky, from the Committee on Public Lands, made adverse reports on the petitions of the Navigation and Hydraulic Company of the Mississippi Rapids; of citizens of Akron, Ohio, for a grant of public lands; and of a joint resolution of the Legislature of Indiana, in relation to marsh and wet lands in the counties of Jay and Adams. Laid on the table.

POST ROUTES.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, to which was recommitted the bill to establish certain post routes, reported the same back to the House with sundry amendments; which were read and agreed to.

Numerous other amendments were offered and agreed to; when—

Mr. CUMMINS moved to recommit the bill to the Committee on the Post Office and Post Roads. Lost.

Mr. KAUFMAN then moved the previous question; which was seconded, and, under the operation thereof, the bill was ordered to be engrossed.

After much confusion, Mr. ROOT moved to reconsider the vote ordering the engrossment of the bill, with a view to having the bill and amendments printed.

Mr. JONES, of Tennessee, moved to lay the motion to reconsider on the table. Lost.

Mr. ROOT expressed the hope that this bill would be printed before its final passage, for many amendments had been offered in a way which prevented a thorough examination of them. It had been intimated that any errors which might have been committed might be corrected by the Senate; but to this he could not assent. This House ought to do its own legislation, and to do it correctly. He again hoped the House would allow the bill to be printed before its passage.

Mr. VINTON concurred in the suggestion of his colleague, [Mr. ROOT.] He was informed that there was a provision in this bill to establish a post route in the State of Texas, to terminate at Santa Fé. Now, they were all aware that important results had arisen from careless legislation heretofore, which it became them now to avoid. The bill, therefore, ought to be printed before they should do that which could be regarded by the Executive as affirming by this House that the State of Texas extended to and embraced Santa Fé. He again hoped the bill would be printed.

Mr. KAUFMAN was understood to say that the bill contained no such provision.

Mr. GOGGIN said the explanation of the gentleman from Texas must be satisfactory to the gentleman from Ohio, but still there were many amendments made to this bill in a hurried manner; and, as they should not rely on the Senate to do that which they should do for themselves, he concurred in the propriety of printing the bill before its passage.

Mr. THOMPSON, of Pennsylvania, said he was in favor of reconsidering the vote to engross the bill; and his object was to offer as an amendment the bill reported by the Committee on the Post Office and Post Roads, that permits newspapers to be carried thirty miles free of postage.

Mr. GOGGIN. The amendment has been ruled out of order on this bill.

Mr. THOMPSON said he had looked back and found that the very bill now desired to be repealed was passed in the bill to establish post routes at the last Congress—exactly the same kind of bill as the present. We had the precedent of the last Congress.

Mr. GOGGIN rose to a point of order, whether the gentleman could discuss the proposed amendment on the present motion?

The CHAIR decided the gentleman in order, as he was giving his reasons for his vote to reconsider.

Mr. THOMPSON said he thanked the Chair for recognizing him in order, as he found himself often otherwise. He could see no objection to making the amendment. It had been matured by the Committee on the Post Office and Post Roads, and was not the act of himself or of any individual. Still he thought this was the only chance for repealing what he conceived a premium operating in favor of the city press against the country press.

Mr. GOGGIN again called the gentleman to order.

Mr. THOMPSON said he would not trespass, if possible. He could but call on the friends of the country press to act now; if they did not, they could get no further opportunity this session. He did not desire to injure the city press; but, while the postage was charged as at present, the postage being as much on a country paper whenever it passes through the mail any distance, however short, as a city paper two or three hundred miles distant, the result was, that the law operates to the exclusion of the former, and in favor of the latter. Let us give them an equal chance. He would call on the friends of equality to the country press. This was the only chance to put the law right, and it would not occur again.

Some conversation ensued between Mr. GOGGIN, Mr. PHELPS, Mr. THOMPSON, and others.

Mr. JOHNSON, of Arkansas, moved the previous question, but there was no second.

Mr. HILLIARD moved that the further consideration of the subject be postponed to Monday next, to give gentlemen an opportunity to become acquainted with the details of this bill.

The motion was agreed to.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union. Lost.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, to which was referred Senate bills respecting the public archives in the State of

Florida, and to authorize the district judge of the State of Tennessee to hold special terms, reported the same back to the House without amendment.

Also, reported from the same committee, to which they had been referred, Senate bill to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases, and a bill supplementary to an act to authorize the Secretary of State to liquidate certain claims therein mentioned, passed April 18, 1814, back to the House with amendments. Committed.

Also, from the same committee, reported bills to alter and amend the act entitled "An act for the punishment of counterfeiting the current coin of the United States, and for other purposes;" to provide for the taking of the seventh census, or enumeration of the inhabitants of the United States; and for revising the laws of the United States. Committed.

Also, from the same committee, to which had been referred bills to regulate and equalize the compensation of district attorneys of the United States; giving the consent of the Government of the United States to the State of Texas to extend her boundary so as to include within her limits one-half of the Sabine pass, Sabine lake, and Sabine river, as far north as the 32d degree of north latitude, reported the same back to the House without amendment. Committed.

On motion of Mr. J. R. INGERSOLL, the Committee on the Judiciary was discharged from the consideration of the petition of Major G. Tochman, attorney for the heirs-at-law of General Thaddeus Kosciusko, deceased, and it was laid on the table.

Mr. I., from the same committee, reported the following resolution, which was read and agreed to:

Resolved, That the Committee on the Public Buildings and Grounds be requested to inquire into the expediency of providing a suitable hall for the due permanent accommodation of the House of Representatives, and into the expediency of providing in the mean time for its temporary accommodation in the department now occupied as a Congressional Library.

On motion of Mr. FRENCH, the Committee on the Judiciary was discharged from the consideration of the bill to change the place of holding courts in New Hampshire, and it was laid on the table.

Mr. F., from the same committee, to which was referred Senate bill for the relief of Thomas Douglass, late United States attorney for East Florida, reported the same back to the House without amendment. Committed.

On motion of Mr. KING, of Massachusetts, the Committee on Revolutionary Claims was discharged from the consideration of the petitions of Orpha Roe, Sarah Smith, heir of Elijah Alford, Elizabeth Stanford, formerly widow of John McCaffrey, and the heirs of Zeph. Halsy, and they were laid on the table.

Mr. MORRIS, from the Committee on Revolutionary Claims, made adverse reports on the petitions of Moses Matthews and Noah Smith. Laid on the table.

Mr. TALLMADGE, from the same committee, reported bills for the relief of the heirs and legal representatives of Presley Thornton; for the relief of the heirs of Larkin Smith; to provide for the payment of seven years' half-pay to Sarah Ann Dye, who was the widow of Lieutenant Jonathan Dye, an officer of the army of the United States, and who was killed at Brandywine; and for the relief of the legal representatives of John Mandeville; which bills were severally read and committed.

Mr. BARRINGER presented a protest of the Cherokee delegation of Indians against the report of the Commissioner of Indian Affairs in relation to the settlement to be made under the treaty of 1846. Referred to the Committee on Indian Affairs.

Mr. NEWALL, from the Committee on Revolutionary Claims, reported a bill for the relief of Abigail Stafford. Read twice and committed.

Mr. THOMPSON, of Mississippi, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate for the relief of Jonathan Lewis, reported the same back to the House with amendments Committed.

Mr. PECK, from the same committee, reported a bill for the relief of Robert B. Mitchell. Read and committed.

Mr. BOTTS, from the Committee on Military Affairs, reported a joint resolution in relation to the transportation and discharge of the military forces of the United States at the close of the war with Mexico; which was read three times, and, under the operation of the previous question, (moved by Mr. BOTTS,) passed, and sent to the Senate for concurrence.

Mr. BOTTS, from the same committee, reported a bill for the relief of Josiah P. Pilcher. Read and committed.

Also, from the same committee, to which was referred Senate bill placing the officer who performs the duty of adjutant at the Military Academy on an equality as to pay and allowances with the adjutants of regiments, reported the same back to the House without amendment. Committed.

Also, from the same committee, reported the following resolution, which was read and agreed to:

Resolved, That the resolution of February 16, 1843, relative to the Army and Navy Registers, be rescinded, and in lieu thereof, that the Secretaries of the Departments of War and Navy be required to furnish this House annually on the 1st of January with a transcript of the official army and navy lists, in such form as to affix opposite the name of each person contained therein, in separate columns, the annual pay of such officer or person, the amount paid him for rations, servants, and forage, and the gross amount paid or allowed him in all respects, for and on his account, for and during the preceding fiscal year.

Mr. TALLMADGE asked leave to make a motion to discharge the Committee of the Whole from the bill to incorporate the Washington City Gaslight Company, with a view to the consideration of the said bill in the House. Objected to.

Mr. KING, of Georgia, from the Committee on Naval Affairs, to which was referred Senate bills for the relief of Purser Benjamin G. Cahoone, and for the relief of the widows and orphans of the officers, seamen, and marines of the brig-of-war Somers, reported the same back to the House without amendment. Committed.

Mr. WHITE, from the same committee, to which was referred Senate bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coalheavers in the navy, and to their widows, reported the same back to the House with an amendment.

The amendment was read.

Mr. WHITE urged the immediate passage of the bill.

Mr. McKAY asked to have the amendment printed.

NAVAL APPROPRIATION BILL.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, on the bill making appropriations for the naval service for the year ending June 30, 1849, (Mr. THOMPSON, of Indiana, in the chair.)

When the committee rose yesterday the amendment of Mr. DUNCAN, of Kentucky, was pending, viz: For the completion of the marine hospitals at Pittsburg, Cleveland, and Louisville, $50,000.

Which amendment Mr. BROWN, of Mississippi, moved to amend by inserting after the word "Louisville" the word "Natchez," and to increase the sum from $50,000 to $60,000.

The question was stated on agreeing to the amendment of Mr. BROWN, and being put, it was agreed to.

Mr. FRENCH then moved to amend the amendment by adding thereto, "for the erection of a marine hospital at Paducah, Kentucky, on the Government ground, $10,000."

Mr. DUNCAN, of Kentucky, objected to the amendment as being out of order, and thereupon a protracted debate on order took place, in which Messrs. DUNCAN, POLLOCK, SCHENCK, and McLANE took part, and which ended in pronouncing the amendment to be in order.

Mr. FRENCH's amendment was then agreed to.

Mr. HUNT moved an amendment proposing for the completion of the marine hospitals at Louisville, Pittsburg, and Cleveland, each, $10,000; for the erection of marine hospitals at Paducah, Natchez, and St. Louis, each, $10,000; and also for the construction of a marine hospital on the Government ground at Chicago, $10,000.

Mr. H. explained the provisions of his amendment, which had originally been reported from the Committee on Commerce. The hospitals at Louisville, Cleveland, and Pittsburg had been already commenced. The title to the ground at Paducah, St. Louis, and Natchez had now been perfected, and the committee were of opinion that appropriations should be made to commence work at each of those points, and they directed such a measure to be proposed as an item to be inserted in the naval appropriation bill. They also recommended another item of $10,000 for a similar work at Chicago, to be commenced as soon as the title to the ground at that place should have been secured. He hoped the gentleman from Kentucky [Mr. DUNCAN] would accept the amendment he proposed as a substitute for that offered by himself.

Mr. DUNCAN had no objection to do so, save that $10,000 was too small a sum to complete the hospital which had been commenced at Louisville, on the plan on which it had been commenced.

Mr. HUNT suggesting that that sum might answer for the present year, and a further amount, if necessary, would doubtless be granted the year following—

Mr. DUNCAN accepted the substitute.

Mr. HAMPTON, of Pennsylvania, by leave, made a statement of the condition and progress of the hospital building at Pittsburg, the sums thus far expended, and urged the necessity of completing the building.

Mr. McKAY said that there was some misapprehension as to the fund out of which these appropriations when made were to be paid. Some seem to think they would be payable out of the marine hospital fund, which was formed by the collection of twenty cents per month from each seaman, including the boatmen, on the western waters, that amount being deducted from their wages. That was a mistake. That fund had been regularly expended, since its formation, under the direction of the Secretary of the Treasury, in affording relief to destitute seamen, either in public hospitals or private boarding-houses. It was true, that in the act of the 16th of July, 1798, which created the fund, there was a provision, that in case there should be any surplus, it should be applied to the erection of hospitals. But no such surplus had ever accumulated. It would be seen, by an executive document communicated some years ago, that there had been collected under this law, up to the 31st December, 1841, the sum of $2,173,101 18, and that Congress had appropriated within the same period, in aid of the fund, $550,069 34, the whole of which had been spent in providing "for the temporary relief and maintenance of sick and disabled seamen," according to the act of 1798. Many of the committee, perhaps, would be surprised when they learned how few hospitals had been established under the authority of the Government. There were, until the last few years, only two in the United States: one at Chelsea, Massachusetts, and the other at Norfolk, Virginia. The one in Charleston, South Carolina, had been established under peculiar circumstances. An appropriation for its benefit was first made in the year 1830; and it will be seen, from the terms of the act, that the buildings then belonged to the city authorities, and that the appropriation was intended to execute a contract which had been entered into as far back as 1804, between the Secretary of the Treasury and the city council. The whole amount expended for these hospitals, in the purchase of grounds and buildings, up to the 31st December, 1841, according to the document before referred to, was $63,780 39. There had been since appropriated for the same purposes at Ocracoke, Key West, Mobile, New Orleans, Cleveland, Louisville, and Pittsburg, $206,696, the whole of which was for the benefit of the Southwest, except the small sum of $10,000 for a hospital at Ocracoke, North Carolina. Now, the amendment before the committee proposed the establishment of seven additional hospitals in the same section of the Union, literally dotting the Ohio and Mississippi with these establishments. He would submit that the adoption of the amendment would be exceedingly unjust to the other parts of the Union. I have already stated that there are only four, including the one in North Carolina, recently constructed, along the seacoast, from Maine to Georgia, inclusive. There are none at Portland, New York, Philadelphia, Baltimore, Wilmington, Savannah—not to mention several other towns on the Atlantic which have equal claims upon the Government with any of those named in the amendment. If these hospitals are considered the better plan for providing for the temporary relief of sick and disabled seamen, some system should be observed in the establishment having

reference to the claims of the several towns and the different sections of the Union. He could not, however, enlarge on this point. There was another which he would simply bring to the notice of the committee; and that was, that the establishment of these hospitals by the Federal Government was at least of doubtful policy. Without saying anything about the increase of Executive patronage which they would necessarily bring with them, he thought, from some statistical statements on the subject before him, it might well be questioned whether the seamen could not be provided for with as much comfort and more economy in private boarding-houses, or in institutions belonging to the States or to the corporate cities and towns, than in those which may be established by the General Government. [Here the hammer fell.]

Mr. JOHNSON, of Arkansas, moved to amend the amendment by adding "For the construction of a marine hospital at Napoleon, Arkansas, on the site now selected and purchased, so soon as the title is perfected, $10,000."

He explained that this hospital stood on the same ground as the others which were provided for, being one of the seven authorized by the act of Congress; that the site had been selected and purchased, and that the title was in fact perfected, and all that was lacking was that the papers should be returned from the district attorney of Arkansas. He therefore asked that the amendment be adopted.

Mr. HUNT concurred with Mr. JOHNSON that this hospital at Napoleon was one of the seven authorized by the act of 1842, and stood on the same footing with the others, except that on application to the War Department the Committee on Commerce had ascertained that the title was not perfect; if it had been, they would have included it. For himself, he was entirely willing that the appropriation should be made on the conditions prescribed by the gentleman from Arkansas. He hoped it would be agreed to.

The amendment of Mr. JOHNSON to the amendment was adopted, and the amendment of Mr. DUNCAN, as amended, was agreed to.

Mr. HUNT moved an amendment to the item for Norfolk of $1,600 for necessary repairs of the marine hospital at that place. Agreed to.

Mr. WHITE moved an amendment to repeal the fourth section of the act of March 3, 1845, making appropriations for the naval service for the year ending 30th June, 1846.

[The proviso proposed to be repealed was subsequently read, and provides that no more than one hundred and eighty passed midshipmen, and those senior in rank, shall, at the same time, receive the pay fixed by law for that class of officers.]

Mr. W. briefly explained the necessity for the amendment.

Mr. BAYLY moved a verbal amendment to the amendment, and advocated the insertion of a provision to authorize the Secretary of the Navy to fill certain vacancies which now existed within the number prescribed by law. Having concluded, he withdrew his amendment.

Mr. POLLOCK renewed the amendment of Mr. BAYLY, to enable him to say a word, (after which he withdrew it.) He inquired whether, if this provision of the law of 1842 was repealed, the Secretary of the Navy would not be authorized to appoint more than one hundred and eighty passed midshipmen?

Mr. BAYLY did not so understand it.

Mr. McKAY asked what was the use then of repealing the law?

Mr. POLLOCK said, if the repeal of this law would only give the Secretary power to fill the vacancies, he would vote for it; but if its effect would be to authorize him to appoint *ad libitum*, he was opposed to it.

The amendment of Mr. WHITE was then rejected: Ayes 47, noes 70.

THE SPIRIT RATION.

Mr. ROCKWELL, of Connecticut, moved an amendment providing for the abolition of the spirit ration in the navy and in the marine service, and for the payment of six cents in lieu thereof to each person entitled to receive the same. He considered it a matter of very great importance that the spirit ration should be abolished in the navy. In no other department of the Government were they retained; they had been abolished in the army; and in addition, in the merchant service, where there were some 60,000 seamen, there were not more than one-quarter of the vessels to which spirits were furnished. In the coasting trade also, where there were some 70,000 seamen employed, a very small portion of them received spirits; and, as was testified by the gentleman from Massachusetts [Mr. GRINNELL] last year, and as was generally known, in the whaling business not more than one-tenth of the 19,500 seamen employed were furnished spirits. The number in the navy was only some 8,000 or 9,000 men, to whom, old and young, except boys, these rations were regularly furnished every day, unless the individuals chose to give them up. He referred to the testimony on the subject as furnishing abundant evidence that the furnishing of liquor to the seamen was the cause of a large proportion of the shipwrecks, offences which required punishment by whipping, and various disasters which happened on board vessels at sea, and read particularly from Dr. Foltz and other physicians in the navy sustaining this opinion; and to the recognition of this fact by business men in insuring vessels which carried no liquor at a less rate than others. In these views he but expressed the opinion of the chairman of the Committee on Naval Affairs and of the majority of that committee, who hoped the spirit ration would be given up. He hoped the amendment would be adopted.

Mr. MURPHY moved to add to the amendment a provision that no officer or other person on board should have or take on board a ship any wine or other liquor.

He said he was a friend to temperance. He believed the greatest curse to the human family—sailors and all classes—was the use of grog; but he believed also that this evil was to be eradicated, not by law, but by moral suasion. In different parts of the country, in his own State for one, efforts had been made by law to abolish the drinking of liquor; but they had been a failure, and in his State they had been compelled to repeal the law. He would give to Jack the same liberty of choice, to drink or not, that he would to any other man. He had no objection to provide that he might commute if he chose; but if he did not choose to commute, he should be at liberty to drink. The only difficulty perhaps was, that the Government furnished bad liquor. [A laugh.] He had visited several ships within a few days; he had conversed with the officers in relation to this matter; all of whom said, give the sailor liberty to drink or not, to commute or not, as he chooses, but do not, as you value the navy, abolish it altogether. There were men who were habituated to it, who expected to have it; and, in his opinion, there were many able bodied men whom we had in the navy under the present regulation, whom we could not keep if the ration was abolished. We must take men as they are, with their present habits, and give them the liberty of choice.

The amendment of Mr. MURPHY to the amendment was agreed to—the vote being taken by tellers: Ayes 80, noes not counted.

The question recurred on the amendment as amended.

Mr. BAYLY (upon an amendment moved for the purpose and withdrawn) said that, in his opinion, the effect of the amendment as it stood was to increase drinking among sailors. He would tell them how: The spirit ration cost about two cents for each sailor; they proposed to give him six in lieu of it, so that he would get money enough to buy three drinks instead of one—it would enable him to drink more liquor, and have sugar in it, without any expense to him.

Mr. McKAY (speaking in like manner) said this same subject was before the House at the last session, on the motion of the gentleman from Connecticut, and a provision was then adopted, and was now the law of the land, by which every seaman was authorized to commute his spirit rations and was allowed three cents. This House agreed to allow six cents, but the matter was settled by compromise between the two Houses at three cents. The gentleman from Virginia said the ration cost the Government two cents: that was one hundred per cent. too much—it cost less than a cent, as anybody could see from reckoning, whiskey being purchased at twenty-six cents a gallon.

His friend from Virginia had well observed that so far from the provision, if adopted, having a tendency to reform our seamen, it would actually give them a larger fund when they got ashore to drink upon; it would give them six times as much to spend for liquor as they now had. Let the House abolish the ration if they pleased, and make an equivalent in money; but he trusted they were not prepared to allow six times as much as it now cost.

In conclusion, he moved a new amendment to the amendment, providing that no officer in the navy or marine corps should receive the commutation, and reducing the commutation to two cents.

Mr. ROCKWELL accepted the first branch of the amendment to the amendment, and modified his proposition accordingly.

The question being taken on the last branch of Mr. McKAY's amendment, viz: to reduce the commutation to two cents, it was rejected.

Mr. DUER (upon an amendment moved and subsequently withdrawn) said the argument of his colleague [Mr. MURPHY] might be a sound one, but it appeared to him he did not apply it correctly in this case. He understood the gentleman to say that legislation on this subject was improper, and that it should be left to moral suasion; that he was opposed to laws prohibiting persons from drinking. He asked his colleague, then, if he was not equally opposed to laws encouraging drinking, and whether this was not a proposition to repeal a law which encouraged drinking by furnishing the sailors liquor? He thought the gentleman's principle would equally hold him to oppose one species of legislation as the other—the legislation that prohibited, or that encouraged drinking. The question was, whether this Government should tempt Jack to drink: we all knew his disposition, his habits that way; the question was, whether the Government would furnish rations endorsing the habit. He did not believe sailors would drink more, even if they commuted with them six cents. They might get drunk occasionally when they went on shore, but their habits were such that they would not procure liquor in large quantities and carry on board the ships, (even if they were allowed;) and the habits of temperance they would acquire by being without liquor would indispose them to drink on shore. He believed this proposition an important one, and hoped it would be adopted.

Mr. MURPHY moved another amendment, (and subsequently withdrew it.) He was glad the House had adopted his amendment to the amendment. He thought they had declared by their vote, that in their opinion it was quite as important to have temperate officers as temperate seamen. In his opinion it was more so.

But he wished to answer his colleague. He [Mr. M.] said, that by leaving the provision as it now stood, allowing the seamen their grog or not, they left him a free agent; but when they abolished the ration altogether, they took from him free volition, and restricted him to living without drink—they took it from on board, and said he should not have it. Therefore, he reiterated his position, that they left him a voluntary agent, open to moral suasion, under the provision as it now stood.

Mr. SAWYER moved an amendment to the amendment, to declare that corporal punishment by whipping is abolished in the navy of the United States.

Mr. VINTON raised a question of order against the amendment, on the ground that it proposed legislation in an appropriation bill.

The CHAIRMAN stated that his individual opinion was, that the amendment was not in order for the reason stated; but, inasmuch as there were various precedents to the contrary, (several of which he read,) he felt constrained to overrule the point of order, and submit the amendment to the committee.

Mr. VINTON remarking that he did not think the cases read applicable to the present; that he was well satisfied that they could never get through their business unless they confined themselves to the rules of the House; and that the CHAIR announced that the decision was against his own opinion, appealed.

The question being taken by tellers on the appeal, the decision was sustained—ayes 67, noes 54.

Mr. SAWYER was aware there were objections to this proposition, but he still believed it to be right, and therefore he would not give it up. He believed when these amendments should become the law, the officers would be curtailed of some of their privileges; they would not then so often get drunk, and offences by the seamen would be less frequent. He believed another thing, and that

was, that no man had the right to exercise the lash on the back of the seamen and marines. He believed they were created for a different purpose. He also believed that the whipping was generally done by drunken officers. He had been asked how he would regulate the navy without corporal punishment? to which he replied, by moral suasion. He would act in such cases as in other affairs of life. If a sailor behaved himself badly, discharge him. Or, as an inducement to good conduct, higher wages might be paid to him; but the barbarous practice of lashing the sailor's back he could not tolerate. It was barbarous, and ought to be abolished. Whipping for crimes was formerly in force in many of the States of this Union, but the moral sense of the community had abolished it, and he saw not why it should not be abolished also in relation to seamen. There was an evident determination with some gentlemen to continue the spirit rations, which were an inducement and a temptation to get drunk, and then, for what the sailors did while under the influence of liquor, they were tied up at the gangway, and flogged to the amount of 50 or 100 lashes. He would diminish the great moving cause of offence, and he would abolish cruel and degrading punishments, which, with all propriety, could be abolished, and he was satisfied this amendment would meet with the approbation of their constituents.

Mr. NICOLL suggested some modification of the amendment, for he supposed the gentleman from Ohio did not intend that there should be no punishment whatever in the naval service.

After a few words from Messrs. ATKINSON and VENABLE, the amendment to the amendment was declared to be agreed to.

Mr. T. B. KING called for a division on the adoption of the amendment to the amendment, and he called upon the committee to reject it.

The vote was again taken by Messrs. McLANE and POLLOCK, tellers, and it was agreed to—68 voting in the affirmative, the negative not counted.

Mr. McKAY called the attention of the committee to the fact that the existing law on the statute-book made provision for the commutation of the spirit ration.

The question being on the amendment as amended—

Mr. T. B. KING moved an amendment to enable him to say that if this House should adopt a provision whereby they would prohibit any officer from drinking wine on board a ship, they would make themselves a laughing-stock to the world; and if they absolutely abolished corporal punishment by whipping, they would seriously injure the discipline of the service, in which there was already a tendency to produce too much laxity. Discipline was essential. He inquired if they could bring up men to the cannon's mouth without discipline? No, there must be discipline as stern as death itself, or the service would suffer material injury. With respect to the spirit ration, he should be glad to see some substitute adopted—something that would induce the sailor to refuse it and prevent its becoming a habit with the landsmen and boys from the time they enter upon the service. By the act of 1842, in the passage of which he had some instrumentality, the use of the spirit ration had been reduced about one-half, and he should be glad to see it entirely abolished, and some suitable commutation established; but it was not the proper way of doing it by proposing these amendments to this bill, and he hoped they would be abandoned. If they were not withdrawn, and if they should be adopted, they would render the service ridiculous, and would seriously affect its efficiency. He withdrew his amendment.

Mr. VINTON renewed the amendment, for the purpose of obtaining the opportunity of saying to the committee, that under the practice which it seemed was now about to grow up in the committee, it was to him very apparent that the appropriation bills could not be passed within any reasonable time, so as to meet the exigencies of the Government. The rules of the House were intended to prevent this kind of general legislation. It was intended to do this, in the first place, because the appropriation bills must pass. No matter what general laws they incorporated into these bills by way of amendment, they must pass, and that was the objection which he had to this mode of general legislation. Then again, the general policy of the Government should be settled by the careful examination of committees; and yet here, under the operation of the five-minutes rule, a gentleman rose and moved an amendment to alter the general laws of the land, without the examination of a committee, without a report upon its merits, without a statement of the facts upon which it was based, for they could not be stated in five minutes; and, in short, without any consideration, such an amendment was to be thrust into a bill which must go through and become a law. If this practice was to prevail, the appropriation bills never would be got through. They had had before them for three or four months the appropriation bills, and they were not half passed. They were now within two or three weeks of the close of the fiscal year, when the Government would require the appropriations which these bills would make, and, after they passed this House, they would have to go to the Senate to be acted upon by that body. He appealed, therefore, to his friends on that side of the House, who were in the majority, and responsible for the despatch of business, and for providing the ways and means for the operations of the Government, to stand by bills, and see them carried through. If this practice was to prevail, it would be impossible to carry through these bills without resorting to the practice which prevailed when he first came to this House, and that was, to sit a bill out. ["Agreed! agreed!"] He called upon his friends to sit out this bill. [Renewed cries of "Agreed!"] He withdrew his amendment.

Mr. ROCKWELL, of Connecticut, (having moved an amendment,) said that gentlemen stated that at some future time they might make the changes in the regulations of the service which had been suggested; but why not do it now? It was the opinion of surgeons in the naval service, and some of our best officers, that the spirit ration could be dispensed with now. They say, further, that the spirit ration is the cause of the greater part of the punishments of which gentlemen had spoken. He had never seen a surgeon in the navy who had not recommended the abolition of it; and he could not but wonder that gentlemen here should say that if the seamen were not allowed these spirit rations, they would get worse habits. It is well known that the habits of the sailor were formed by this daily administering to those habits. But if these rations were given up, temperance on board of our ships would be secured. To guide us in this matter, we had the experience of another branch. We had but from eight thousand to nine thousand seamen in the United States navy, whereas there were from one hundred thousand to two hundred thousand in other branches of the marine service. He alluded to the merchant ships, coasting vessels, whalers, &c., in nine-tenths of which no ardent spirits were allowed. He urged, then, on the committee to pass no laws by which the cup would be lifted to the mouth of the seamen. He wished not to resort to coercion to secure sobriety, but he was equally desirous that there should be no coercion in the use of spirits. The voice of humanity appealed to them to act at once on this matter. The good of the service and the welfare of the men required it; and he hoped they should not be diverted from their purpose by a sneer, nor permit the loss of the amendment by loading it down with amendments which certainly would not improve it.

Mr. ROOT (who had also obtained an opportunity to speak by moving an amendment, which he withdrew when he finished) said they had heard an earnest appeal from the chairman of the Naval Committee [Mr. KING] not to make the reforms which some of them contemplated, and he told them further that if they would refer to the officers of the navy, they would learn that the use of the "cat" was indispensable, especially in bringing up the men to fight. Now, as to the kind of courage which the "cat" would infuse into a man, or the operation of whipping insubordination out of a man, he would only say that it would be better to dispense with such a system altogether, or to dispense with the persons who could not get along without it. Gentlemen would recollect that the time had been when "witches" were put to death, and the abolition of that punishment then, like the abolition of flogging in the navy now, he had no doubt met with many opposers who deemed it indispensable. Again, it was no very distant day since whipping for crime was a common punishment in many of the States. It was doubtless deemed indispensable when it was practised, but, thank God, it was now abolished; and he hoped they would take from commanding officers and all the other officers the power to administer corporal punishment to the men under their command. He hoped the "adjutant's daughter" would be turned out of the service, for we could well dispense with her.

Mr. SCHENCK inquired what substitute for corporal punishment his colleague would propose?

Mr. ROOT replied that he would leave that to the ingenuity of the gentleman from Ohio, [Mr. SCHENCK;] but if no punishment in lieu of so barbarous a practice could be found, in God's name, do not, at this period of the world, permit a law to exist which would authorize any petty tyrant to tie up God's image, and whip him for "the good of the service." He hoped the practice would be abolished forever. As to what his colleague [Mr. VINTON] had said about introducing general legislation into appropriation bills, he would only say that he fully concurred with that gentleman; but here was a proposition before the committee, and he hoped the committee would sustain it.

Mr. SCHENCK moved to amend by inserting the words, "and that it shall not be lawful for any 'commander to shorten sail in a storm without 'first piping all hands on deck, and taking a vote 'of the ship's company." He said that gentlemen had spoken much of petty tyranny in this House who could not by any possibility have seen that of which they spoke; and yet they now sought, by amendments to an appropriation bill, to make essential and radical changes in the whole discipline of the navy without being able to suggest any substitute for that with which they were disposed to dispense. In the States they might abolish the whipping-post, and they might resort to confinement in prison, but what jacktar in a hundred was there that would not give a blessing to the man who should give him an exemption from work by confining him on board of ship? It was suggested that the sailor in confinement might be starved instead of whipped; but he saw not why "God's image" should be punished inwardly more than outwardly. Gentlemen talked of punishment being inflicted by petty officers in the service; but gentlemen were evidently not aware that a single blow could not be struck without an appeal to the commanding officer of the vessel, and an officer who should do so would be liable to a trial by court martial. Gentlemen should bear in mind that when they sent a ship to sea, they sent but eight, ten, fifteen, or twenty officers to command eight hundred or a thousand men, amongst whom there were many turbulent spirits, who, without strict discipline, might turn upon their officers, and render the service useless. From a petition signed by the seamen and boys on board the steamship *Union*, he found that in the navy itself there was an opinion against the abolition of corporal punishment. This was the opinion of all gentlemen who had had much experience in naval affairs.

This whole subject of abolishing corporal punishment in the navy had been referred to the Secretary of the Navy by this House in the 28th Congress, and his opinion asked as to any possible substitute, and he had reported "that it could 'not be dispensed with on shipboard without in-'jury to the discipline of the service, and endan-'gering the safety of our ships of war."

The Secretary's report was in these terms:

NAVY DEPARTMENT, *February* 24, 1845.

SIR: In obedience to a resolution, requesting "the Secre-'tary of the Navy to report to the House of Representatives 'what substitute, if any, can be made for the present mode 'of corporal punishment in the navy, without endangering 'the discipline of the service," I have the honor to report: That the subject has engaged my most anxious attention, and that I am not aware of any mode of punishment that can be substituted by which the authority, as now conferred by law, to inflict corporal punishment, is to be wholly superseded, without serious injury to the discipline and efficiency of the service. In the present state of the law, corporal punishment cannot be inflicted except by order of the commanding officer, on his responsibility; he cannot inflict more than twelve lashes; a court-martial, for an offence not capital, cannot exceed one hundred lashes. This power of the commander cannot be delegated to his subordinates; and, by a regulation of the department, quarterly returns are required from every ship in commission, showing the offences, the punishments, and by whose order they are inflicted. These reports are carefully examined, and it has afforded me much satisfaction to perceive that in some of our public vessels punishments are very rarely resorted to.

In considering the important inquiry presented by the resolution of the House of Representatives, we should not fail to direct attention to the light in which such corporal punishment is regarded by those who are subject to it. I confidently believe that it is not regarded as a personal degradation by the great body of seamen in the navy, but that

they consider it as necessary to preserve discipline, to ensure the safety of the ship, and to secure a faithful performance of duty by all hands on board. To their minds it is far less odious than a system of punishment by confinement, or by the use of symbols or dresses exposing them to ridicule. A sanguinary code, by which punishments affecting life or limb, for petty offences constantly occurring on shipboard, which cannot be passed over with impunity, would be revolting to humanity in this enlightened age, and would be cruel and unjust to the brave and meritorious but thoughtless men who would suffer under its operation. It is true that the infliction of corporal punishment is revolting to the great body of the American people; and it is because of this general feeling that it might be dispensed with on the shore stations within the United States, where citizens are frequently employed. This, I think, might be advantageously done by a regulation of the department; but I feel constrained to express the opinion that it cannot be dispensed with on shipboard without injury to the discipline of the service, endangering the safety of our ships of war, and making necessary a system of punishments far more oppressive and cruel to those in whose behalf sympathy has suggested the modification.

I have the honor to be, very respectfully, your obedient servant, J. Y. MASON.

The question was then taken on Mr. SCHENCK's amendment, and it was rejected.

Mr. DUER (who offered an amendment, and who was frequently called to order during his remarks for irrelevancy) said, he appreciated the difficulties which were in the way of abolishing corporal punishment in the navy; and yet he hoped that our seamen were not to be eternally treated like brutes. There might be difficulties, but was it impossible to dispense with whipping? Were we forever to continue this practice? If seamen had been a degraded class, that was no reason why they should be forever whipped; and, as it was evident the practice must be abolished, he saw no reason why they should not begin now. When they treated sailors like men, they would have them a higher class than they were now. Why could not other punishments be substituted? Gentlemen laughed at the idea of starving men; but he thought they might be put on short allowance as a punishment, which would not make them feel that sense of degradation which was consequent on whipping. There was no class of men that made such good sailors and soldiers as the Americans, and the reason was, because they were freemen; men who exercised their reason, and saw the necessity of things. Hence they would submit to discipline. Abolish degrading punishments, and the character of our sailors would improve. Whipping was the punishment of slaves, and not of freemen. They might subdue a man's spirit by putting him on short allowance, but they would sink him into degradation and not subdue his spirit by whipping. Whip him, and he became more stubborn than before. Such was the character of the men. He thought naval officers were not the men from whom counsel should be taken on this subject. How many lawyers were there to be found in favor of reforming the practice of the courts, and how many doctors to change medical practice?

The allotted five minutes expired, and the gentleman withdrew his amendment.

Mr. MORSE, of Louisiana, offered an amendment providing that sailors should be reprimanded by the commander of the ship for offences committed.

He said it seemed the discipline of the navy was to be set aside without discussion or consideration; and hence he had submitted an amendment which he thought was requisite, no substitute for the punishment to be abolished having been suggested hitherto. He objected to the sickly sentimentality which had been exhibited here to-day by gentlemen who knew nothing of the discipline of the navy, but who, nevertheless, undertook to make laws for its government. If it were true that the punishment of flogging ought to be abolished, let it be referred to a committee, and be considered by men who had devoted some time to the consideration of that subject, and who would be able to report a proper measure to effect the purpose contemplated without injury to the service. He said he had lived on the seaboard, and knew something of the subject, and he never knew an experienced man who, on sober second thought, did not say such punishment was necessary; and even the sailors submitted to it with a consciousness that it was the only way by which discipline could be preserved. He went on to show that ships could only be governed by a despotism, and that disobedience must meet with prompt punishment; and then he withdrew his amendment.

Mr. MURPHY offered the following amendment:

Provided, however, before flogging shall be abolished, a commission of three or more competent persons shall be appointed by the Secretary of the Navy, to examine into the facts, and report the same, with their opinion, for the further action of Congress.

Mr. STEPHENS rose to a question of order, and maintained that the amendment was irrelevant.

The CHAIR sustained the point of order, and the amendment was not received.

Mr. BROWN, of Pennsylvania, offered the following amendment:

And that the Secretary of the Navy, with the approbation of the President of the United States, is hereby required to establish, in lieu thereof, a system of rules and regulations for the punishment of offences committed by seamen in the navy, as shall be most likely to secure proper discipline, and at the same time be more in accordance with the principles of enlightened humanity and legislation; and that the same be published to every ship's crew monthly.

Mr. VINTON said this amendment was liable to the same objection as the last.

Some conversation ensued on its relevancy, but the chairman decided that it was in order.

Mr. BROWN, in advocating his amendment, said the seamen should be as much under the protection of laws on sea as on land; and that it should not be left to any officer to say what kind of punishment should be inflicted, and for what offences. He hoped they should get rid of the punishment of whipping, and he had no doubt that then they should obtain a higher class of men for the naval service. Whipping had been abolished in the land service, and there was no good reason why it should be continued at sea. It had been abolished in many of the States as a punishment for crime, and it was not tolerated in even many district schools.

Mr. LEVIN moved that the committee rise.

Mr. VINTON hoped the committee would not rise. He hoped they would stay here until to-morrow morning, if they could not pass this bill in less time.

The committee refused to rise, and then it rejected the amendment of the gentleman from Pennsylvania, [Mr. BROWN.]

Mr. CATHCART offered an amendment to obtain an opportunity to say that he trusted in God the committee would come up to the spirit of the age, and abolish the degrading punishment of whipping. He spoke during his five minutes in the expression of his opposition to the punishment of whipping, and then withdrew his amendment.

The question now recurring on the amendment as amended—

On motion of Mr. RUMSEY, it was further amended by inserting "except for medicinal purposes."

Mr. McKAY moved to strike out the word "marines," because they were on a different footing, and under different regulations from the sailors, they constituting, in fact, but a portion of the army serving on shipboard. And if the marines were allowed six cents commutation, Congress would soon have to make a similar regulation throughout the army.

Mr. McKAY's motion was not agreed to.

Several motions to amend having been ruled out of order, the question was loudly demanded.

The vote on the amendment as amended was decided, on a count by tellers, in the negative—ayes 51, noes 72.

Mr. ROCKWELL proposed the following amendment:

That, in lieu of the spirit ration now allowed in the navy and marine service, such mariners and marines as should elect to do so might receive six cents per diem.

The amendment was ruled out of order.

Mr. ROCKWELL remonstrated, and finally appealed; but the decision of the Chair was sustained.

Mr. CATHCART moved to amend by providing that corporal punishment should be abolished in the naval service.

It was ruled out of order; and, on Mr. CATHCART's appeal, the Chair was again sustained.

Mr. SAWYER proposed to strike out from the list of miscellaneous items of appropriation that for the purchase of "musical instruments." As drums and fifes had been already enumerated, these must mean the bugles and horns which were used in our concerts at the Capitol and President's House, prepared to tickle the ears of the dandies and exquisites who resorted there.

[A voice: "Don't you attend there, sometimes, yourself?"]

No; I don't grace such exhibitions with my presence. [A laugh.] Now, at home, his constituents, when they wished for music, expected to pay for it out of their own pockets, not at the expense of the public. But here Congress was called on to pay for horns and bugles, and things like pot-lids, which a fellow rattled together. [Laughter.] No such instruments were used on board our ships of war; they were reserved for the ears of our Washington exquisites. These things had cost the Government already from four to eight thousand dollars.

The amendment was rejected.

On motion of Mr. VINTON, an amendment was inserted for the relief and protection of American seamen in foreign countries, $20,000; and the second and last section of the bill, the necessity for which was superseded by the ending of the war, was stricken out.

Mr. WHITE offered an amendment authorizing the Secretary of the Treasury to contract for the masonry or other parts of construction of a dry dock at Brooklyn, New York; but before any decision was had on it——

The committee rose and reported progress.

Mr. VINTON moved to discharge the Committee of the Whole on the state of the Union from the bill making appropriations for the naval service for the year ending June 30, 1849.

Mr. KING, of Georgia, moved that the House do now adjourn; decided in the negative—yeas 60, nays 67.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union. Ayes 58——

The yeas and nays were called for, but refused by the House.

Mr. BAYLY moved an adjournment of the House. Agreed to.

And the House accordingly adjourned.

IN SENATE.

WEDNESDAY, *June* 14, 1848.

Mr. DIX presented a petition from Daniel G. Garnsey, an officer in the late war with Great Britain, asking compensation for military services; which was referred to the Committee on Military Affairs.

Mr. FELCH presented a petition from citizens of Michigan, asking that Mount Vernon may be purchased by the General Government; which was referred to the Committee on Military Affairs.

Mr. BENTON desired to submit a joint resolution, and asked the unanimous consent of the Senate, intimating his intention to call it up for consideration to-morrow, after it had been printed. The consent having been granted, Mr. B. submitted—

A JOINT RESOLUTION to regulate the discharge and payment of the temporary troops returning from the Mexican war.

Be it resolved, &c., That, on the restoration of peace with Mexico, by a treaty of peace duly ratified and proclaimed, all the military forces of the United States, whether volunteers, regulars, or the marine corps, who by law or the terms of their engagements, are to be discharged at the close of the war, shall, under the direction of the President of the United States, be transported or marched, with the least practicable delay, to such posts or places in the United States as may be least expensive, and may be most convenient to the troops; and at such places they shall be discharged from the service of the United States; and that, until they shall respectively reach such places and be discharged, the officers and men shall be considered, paid, and treated as in the service of the United States, in the same manner as if the war had not closed.

The resolution was read twice and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. ATHERTON, from the Committee on Finance, reported House bill making appropriations for the service of the Post Office Department for the year ending June 30, 1849, with an amendment. The amendment consists of striking out $540,000, and inserting $495,000, and also inserting "for transportation of the mail between Charleston, South Carolina, and Havana, under the contract made with M. C. Mordecai, $45,000."

Also, from the same committee, House bill making appropriations for the payment of revolutionary and other pensions of the United States for the year ending June 30, 1849, without amendment.

Also, from the same committee, asking to be discharged from the further consideration of the memorial of John Golden in relation to his discoveries in finance.

Mr. DOWNS, from the Committee on Commerce, reported the following House bills without amendment:

An act for the relief of Philip J. Fontain.

An act for the relief of the owners of the Spanish brig Restaurador.

Mr. BADGER, from the Committee on Naval Affairs, reported House bill for the relief of Robert Ramsay, without amendment.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported the following House bills, without amendment:

An act for the relief of Artemas Conant.

An act for the relief of Jesse Washington Jackson.

An act for the relief of Nathaniel Sheflett.

An act for the relief of Hugh Riddle.

Mr. JOHNSON also, from the same committee, asked to be discharged from the further consideration of House bill for the relief of William Tee, of Portsmouth, Virginia, and that it be referred to the Committee on Naval Affairs.

Mr. JOHNSON also, from the same committee, made adverse reports on House bills for the relief of Sarah Wood and for the relief of Daniel H. Warren.

Mr. BORLAND, from the Committee on Military Affairs, reported back, with an amendment, the following bill: "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved 18th January, 1827, and the acts approved 14th February, 1837, and August 23, 1842, amendatory of the same.

Mr. B. asked that the bill might be considered at once, which was agreed to; and, after the amendment was explained, it was agreed to, and the bill read a third time, and passed.

Mr. RUSK, from the Committee on Military Affairs, reported the joint resolution from the House providing for the payment of the Texas troops called out by order of Colonel Curtis, with an amendment.

On motion of Mr. RUSK, the bill and amendment were considered in Committee of the Whole, and, after having been explained, the amendment was agreed to, and the bill was read a third time, and passed.

Mr. YULEE, from the Committee on Naval Affairs, made an adverse report on the bill for the relief of John R. Bryan.

Mr. BADGER called up the following resolution for consideration:

Resolved, That there be printed for the use of the Senate ——copies of Executive document No. 60 of the House of Representatives of the present session, for the use of the Senate, without the Mexican war correspondence.

Mr. B. moved to fill the blank with 10,000 copies.

Mr. NILES inquired as to the extent of the correspondence embraced in this document.

Mr. WESTCOTT and Mr. MANGUM said a few words, which were almost entirely inaudible in the gallery. They were understood to state that the whole of the correspondence, excepting such as had been communicated in Executive session, was contained in it.

With the consent of Mr. BADGER, the resolution was laid over by common consent.

Mr. BREESE called for the special order, being the bill to establish a Territorial Government in Oregon.

Mr. ATHERTON inquired if the Indian appropriation bill had not the precedence?

The PRESIDENT *pro tem.* decided that it had.

Mr. BREESE then moved to postpone the consideration of the Indian appropriation bill, or to pass it by.

Mr. ATHERTON expressed the hope that the bill would not be passed by, but that an hour would be appropriated to its consideration.

Mr. DAYTON hoped the Senate would first dispose of the Indian appropriation bill, which at present blocked up the way.

Mr. BREESE suggested that the Indian appropriation bill might occupy the Senate a day, or perhaps a week. The subject of the special order had been brought to the attention of the Senate by a message from the President of the United States, and he hoped it would be taken up.

The question was then taken by ayes and noes, and decided in the negative: Ayes 14, noes 19.

The resolution submitted by Mr. WESTCOTT, yesterday, instructing the Committee on Patents to inquire into the propriety of paying Mr. Fleischmann for certain work prepared by him, was considered and agreed to.

INDIAN APPROPRIATION BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the Indian appropriation bill, the amendment pending being that offered by Mr. BELL in relation to the Cherokee Indians.

Mr. BELL went again into an explanation of the grounds on which his amendment was introduced, reiterating the history of the treaty of New Echota, by which five millions was stipulated to be paid to the Cherokees for these lands. The Senate afterwards determined that the cost of removal should not be deducted from the five millions. The Cherokees residing in North Carolina became dissatisfied, because, although equally entitled with the treaty party, they had not received their quota of the amount of the appropriation for removal and subsistence, amounting to $53 33 each. The North Carolina Indians were no parties to the treaty, yet their land was sold from them, and they were compelled to purchase other lands of the Government at the minimum price. The treaty gave them a right to what they claim, although they refused to remove to west of the Mississippi. He read extracts from the treaty and from other documents, which he relied on as sustaining the claim. The instructions of the United States Government to the commissioners were also quoted to the same effect. When the North Carolina Indians asked the commissioner why he had ceded away their country, and whether they were to be entitled to the same advantages as those who had agreed to the treaty, he replied that such was his construction of the treaty. The vote on the ratification of the treaty was very close in the Senate. If the construction of the Senator from New Hampshire and of the Executive be the correct one, the North Carolina Cherokees have lost the whole of their lands, and are not to receive a cent for them. By making an additional appropriation for the cost of removal and subsistence, the Government of the United States admitted that this expense was not to be taken out of the five millions Indian fund. In addition to this, the Government had pledged itself, two years after the ratification of the treaty, to pay the whole expenses of removal and subsistence. In every view, the claim was equitable, and there was no fund out of which it could be paid.

Mr. MANGUM considered the argument and exposition of the Senator from Tennessee so conclusive, as to require no additional support. He appealed to the Senator from South Carolina [Mr. CALHOUN] as to the difficulty with which this Indian treaty was ratified. He stated that the vote on the ratification was 30 to 15, exactly one majority in the constitutional construction. He had been induced to give his vote for the ratification, which he did very reluctantly, knowing beforehand that it could not be ratified without his vote, and he could have never given his vote for it, had he not been satisfied that the true construction was that which has been given by the Senator from Tennessee.

Mr. CALHOUN recollected the circumstances attending the ratification of the treaty generally, although he did not remember the particular incident alluded to by the Senator from North Carolina. But he had not the least doubt of its entire correctness. He had never regarded the treaty as a treaty at all. He thought the North Carolina Indians had fared very badly. He had been at one time opposed to this claim; but the investigation he had made had much weakened this impression. Still, he required more light before he could finally make up his mind.

Mr. MANGUM said the statement of the Senator from South Carolina was perfectly accurate. He had himself felt assured that it was no treaty at all, and he had voted for it to save the Cherokees from the sword of Georgia.

Mr. BERRIEN. "Sword of Georgia!" What sword?

Mr. MANGUM. He meant simply that Georgia was determined to have the land, and this he had intended when he used the expression.

Mr. BERRIEN said that Georgia looked to the United States, regarding herself as entitled to the lands by cession from the United States. As to waging war against the poor defenceless Indians, Georgia never had such an intention.

Mr. ATHERTON made some remarks in reply to what had been said by the Senator from Tennessee, contending that it was designed that the cost of the removal and subsistence should be taken out of the five millions fund. He expressed his readiness to do justice to these North Carolina Indians, provided that the subject was introduced in a separate bill. If he could then discover that the claim was just, according to his views, and if these Indians had been badly treated, he should be disposed to vote for it. He desired this claim to be kept out of the bill, because there was a question involving the claim pending, which would have to be gone into shortly. The other portion of the Cherokees have a memorial before the Senate, praying that the whole cost of removal and subsistence should be paid out of the United States treasury, and not out of the Indian fund.

Mr. HALE wished his colleague to say whether the Indian lands had been sold by the United States for above half a million, and what portion of this had been paid to the Cherokees?

Mr. ATHERTON was not sufficiently informed to reply.

Mr. HALE had understood that the Cherokees had not received a dollar.

Mr. MANGUM. Not a dollar.

Mr. BUTLER wished to know how the Cherokees in North Carolina were connected with the Georgia Indians?

Mr. BELL replied that they belonged to the same tribe of Indians. He stated that the treaty party denied the right of the North Carolina Indians to any portion of the sum appropriated for the removal and subsistence of the Cherokees.

Mr. NILES said the great question before the Senate, when the treaty was under consideration, was as to the manner in which it was negotiated. His opinion, and, he believed, the general sense of the Senate, as to the amount given for the lands, was that the appropriation was very ample, both for the lands and the cost of removal and subsistence. But it seems this has been expended in the cost of removing and subsisting those who were willing to go; so that they who remain get nothing for their improvements, while those who have gone have homes in the West. He thought it just, then, that these North Carolina Indians should be paid. Again: these North Carolina Indians had been no party to the treaty; and if they had received no advantage from it, he thought they had a strong claim on the Government. He did not, however, regard this as the best form in which the appropriation should be made.

Mr. ATHERTON said that the North Carolina Cherokees were receiving the same as other Indians who remove from other States. If they had been deluded, he was willing to pay them, but not in this form. These Indians have been paid for their improvements.

Mr. BERRIEN asked if the Senator from New Hampshire knew that these North Carolina Indians had received any payments?

Mr. ATHERTON had so understood it.

Mr. MANGUM said some of the North Carolina Indians had received payment for improvements.

The debate was still continued by Mr. BERRIEN, Mr. ATHERTON, Mr. BUTLER, and Mr. WEBSTER; when—

The question was taken, and decided as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benton, Berrien, Borland, Butler, Corwin, Downs, Greene, Hale, Johnson of Louisiana, Lewis, Mangum, Miller, Niles, Pearce, Rusk, Spruance, Underwood, Upham, and Webster—22.

NAYS—Messrs. Atherton, Bradbury, Breese, Davis of Mississippi, Dayton, Dickinson, Dix, Felch, Hamlin, Hunter, Johnson of Georgia, Mason, Sebastian, Sturgeon, Turney, Westcott, and Yulee—17.

Mr. RUSK submitted the following amendment:

Be it further enacted, That the President of the United States be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint one Superintendent of Indian Affairs and such number of sub-agents as he may deem proper, not exceeding four, for the Indians residing in the State of Texas, and that the sum of ten thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of the salaries of said officers, and to enable the President to comply with the treaty entered into by the United States with said Indians.

Mr. RUSK explained his object, which was to restrain the vagrant Creeks and Cherokees which were committing outrages on the citizens of Texas. The United States were bound to protect the citizens of Texas against the incursions of Indians. Texas suffered no injuries from the Camanches.

The only Indians who committed hostilities against the Texans were those of the United States. The Caddos, Kickapoos, Shawnees, Creeks, Cherokees, Choctaws, and others, are constantly depredating on the citizens of Texas. He had once, at the head of a military force, pursued the Indians over the boundary to Shreveport, in the State of Louisiana, where he took the Indians, deprived them of their arms, and took an engagement from the United States agent there, that they should not return to Texas. For this he was denounced by the Governor of Louisiana, &c.; but these were United States Indians, and he considered himself justified in his course.

Mr. BELL made some objection on the ground of the want of authority on the part of the Government of the United States to interfere with the Indians and white settlers on the borders of Texas. There is no fixed boundary between the Indians and the Texans. It would be necessary to have the assent of Texas.

Mr. ATCHISON informed the Senator from Texas that the subject embraced in his amendment had already attracted the attention of the Committee on Indian Affairs, and would not be neglected. The committee knew well the difficulties of the situation in which Texas was placed, and was disposed to give proper consideration to them. He hoped the amendment would not now be pressed.

After a few words from Mr. WESTCOTT, the question was taken, and decided as follows:

YEAS—Messrs. Benton, Borland, Bradbury, Calhoun, Davis of Mississippi, Felch, Hamlin, Mangum, Rusk, Sebastian, Sturgeon, Turney, and Westcott—13.

NAYS—Messrs. Atchison, Atherton, Badger, Bell, Berrien, Butler, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Downs, Greene, Hale, Hunter, Johnson of Ga., Mason, Miller, Niles, Pearce, Spruance, Underwood, and Yulee—23.

Mr. SEBASTIAN desired a postponement of the bill until to-morrow, in order that he might submit an amendment which he intended to offer.

The suggestion was acquiesced in by Mr. ATHERTON.

Mr. MANGUM submitted the following:

Ordered, That 20,000 copies of the proceedings of the Senate in Executive session on the treaty with Mexico, and of the documents from which the injunction of secrecy has been removed by the resolutions of the Senate of the 31st May and the 2d instant, be printed for the use of the Senate.

A resolution was submitted that the daily hour of meeting of the Senate shall be at 11, a. m., until otherwise ordered. Lies over.

The Senate then proceeded to the consideration of Executive business, and, after a short time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 15, 1848.

The Journal of yesterday was read and approved.

Mr. BURT asked the House by general consent to take up the joint resolution providing for the payment of the regiment of Texas mounted troops called into the service of the United States under the requisition of Colonel Curtis, in the year 1847, and for other purposes, which was returned from the Senate with amendments.

No objection being made—

Mr. BURT explained that the only amendment of substance made by the Senate provided simply that this regiment of Texas mounted troops should receive the usual pay and allowances from the time they left their homes respectively until they arrived at San Antonio, the rendezvous, and from San Antonio to their homes respectively after they were discharged. The other amendments were purely verbal. He trusted the House would at once concur in the amendments of the Senate.

After a few words of conversation between Mr. JONES, of Tennessee, and Mr. BURT—

The question was taken, and the amendments of the Senate were concurred in, and thus the joint resolution is finally passed.

Mr. HOLMES, of New York, asked leave to introduce the following bill:

A BILL to alter and establish the compensation for mileage to Senators and Representatives in Congress.

Be it enacted, &c., That, instead of the pay now allowed by law to Senators and Representatives in Congress for travel, there shall be allowed each member one dollar for every hour actually and necessarily spent in travelling on the most usually traveled route to and from their respective places of residence, together with the usual and ordinary travelling expenses.

Mr. WENTWORTH objected, and the bill was not received.

Mr. STROHM called up the report made by himself some days ago from the Committee on Public Expenditures. He said this was the day by which the minority of the committee had stated they would be prepared with their minority report, and he hoped, therefore, there would be no objection to the printing of the report.

Some conversation ensued, in which Mr. BEDINGER stated that the minority were not ready with their report, but would be on Monday, and, at the suggestion of Mr. McKAY, by general consent the subject was passed over informally.

APPROPRIATIONS FOR NAVAL SERVICE.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, on the bill making appropriations for the naval service for the year ending June 30, 1849, (Mr. THOMPSON, of Indiana, in the chair.)

The CHAIR stated that the pending question was on the amendment offered yesterday by Mr. WHITE, authorizing the Secretary of the Navy to contract with some suitable person for the masonry or other parts of the construction of a dry dock at Brooklyn, New York.

The Chair ruled this amendment out of order, it being substantially the same moved and decided on a previous stage of action on the bill by the committee.

Mr. BAYLY then offered the following, as an amendment to section 2:

And be it further enacted, That the restriction established by the fourth section of the act approved March 3d, 1845, whereby no more than one hundred and eighty passed midshipmen, and those senior in rank, shall at the same time receive the pay fixed by law for that class of officers, be suspended in its operation from the passage of this act until the class of 1841 and 1842 shall have been examined, and the relative rank established among those who shall pass their examination.

Mr. POLLOCK moved to amend the amendment by adding as follows:

Provided, That nothing herein contained shall be so construed as to authorize a greater number than one hundred and eighty to receive the pay of passed midshipmen.

After some explanations of his amendment, in the course of which he objected to the amendment of the gentleman from Virginia as a removal of all restrictions on the Secretary of the Navy, Mr. P. withdrew his amendment. It was, however, subsequently renewed.

Some conversation ensued between Mr. McLANE, Mr. BAYLY, and others, in the course of which it was stated that the act of 1845 limited the number of passed midshipmen to one hundred and eighty, below which number the passed midshipmen now in the service were reduced; and, as the class of midshipmen of 1841 and 1842 had not all been examined, their relative rank was not fixed, and hence the Secretary was unable to supply the vacancies from amongst them. To relieve him from this difficulty, Mr. BAYLY offered his amendment; but, to prevent an ultimate increase of the number of passed midshipmen, Mr. POLLOCK proposed his proviso as an amendment to the amendment, and it was agreed to.

Mr. BAYLY now proposed to withdraw his amendment.

The CHAIR decided that he had no power to do so.

Mr. McLANE moved further to amend by adding the following:

And that the Secretary of the Navy, immediately after the examination of the present year, shall assign rank to those who have been examined, so that the number one hundred and eighty may be ascertained, without prejudice to those of the same date who may be examined hereafter.

Mr. McLANE briefly advocated his amendment, on the ground that the provisions of the law which required the number of passed midshipmen receiving pay to be limited to one hundred and eighty, could not be complied with until the rank of those to be examined could be ascertained; if the amendment should take effect and result in completing the number, while some were still absent on distant cruises, and could not be examined during the present year, still no injustice would ultimately be done, because on their return they could be examined next year, and those who were entitled to full pay as passed midshipmen would then get what they were entitled to receive.

The question being put, the amendment proposed by Mr. McLANE was rejected.

The question then recurring on the amendment of Mr. BAYLY, as amended by Mr. POLLOCK, it was negatived.

Mr. T. BUTLER KING offered the following amendment, to come in as a new section of the bill:

And be it further enacted, That, for preparing for publication, from the observations made at the National Observatory, the American Nautical Almanac, to be calculated for the meridian of Washington, six thousand dollars, including fifteen hundred dollars for the pay of the superintendent of the same, in addition to the pay of a lieutenant in the navy, be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated: *Provided*, Said superintendent shall be either a captain, commander, or lieutenant in the navy of the United States: *And provided further*, That the Secretary of the Navy shall cause copies of this work to be sold at the cost of publication, with the addition of ten per cent.

Mr. COBB inquired whether there was any existing law to authorize this expenditure?

Mr. KING replying in the negative—

Mr. COBB read the rule prohibiting the insertion in appropriation bills of anything not authorized by previous law, &c.

The CHAIR explained, that although his personal opinion coincided perfectly with that of the gentleman from Georgia, [Mr. COBB,] yet, on examing the precedents, he found that matters forbidden by the rule had so often been admitted and inserted by votes of the House, that he had felt himself constrained to bow to the decisions of the House rather than follow his own judgment. He therefore ruled the amendment to be in order.

From this decision Mr. Cobb took an appeal.

Mr. McCLELLAND supported the appeal. The precedents to which the Chair referred had been admitted when no objection had been made; but whenever the items were opposed under the rule, the authority of the rule had been always recognized and submitted to.

The Chair again stated, that in his opinion, various amendments which had been inserted were all out of order; but as the authorities were the other way, he had admitted them to be in order; and on that ground he made a similar decision in the present case, and decided the amendment of the gentleman from Georgia, the chairman of the Naval Committee, [Mr. KING,] to be in order.

The question being taken on a count by tellers, the decision of the Chair (which had yesterday been affirmed) was now reversed, and so Mr. KING's amendment was ruled out of order.

Mr. KING then moved an amendment making provision for the naval school at Annapolis.

Mr. COBB urged the same objection; but

Mr. KING explaining that these appropriations were for a school already established by law—

The CHAIR ruled them to be in order.

Mr. SCHENCK proposed an amendment, that he might offer some remarks. He went on to say that the committee presented a singular spectacle. Here was an attempt by one part of the House to assume to itself all the power of the body. In this case the particular items now proposed to be inserted had been omitted to be sent to the Naval Committee in time for insertion in the original bill, because it was known that the committee were fully aware that they were necessary, and were well acquainted with the whole subject of this naval school. They were now moved by order of the Naval Committee of the House, and, in conformity to all usage and precedent, were strictly in order, and ought to be admitted. Mr. S. supported this position by quoting numerous precedents from the naval bill of last year, nearly one-half of which, he said, had been made up of just such amendments as were now so vehemently opposed. In fact, this very naval school was itself authorized and established under an amendment in the naval appropriation bill.

Having quoted various items which had been inserted, Mr. S. withdrew his motion to amend.

Mr. COBB having renewed it, replied. The gentleman from Ohio seemed to think that Mr. C.'s opposition to the amendment proposed by the chairman of the Naval Committee involved disrespect to the committee, but the fact was not so; there was none intended or fairly deducible from the objections he had urged from the rules of the House. The chairman of the committee himself [Mr. KING] did not so consider the matter; and Mr. C. should continue to insist on his point of order, and endeavor to protect the appropriation bills from being loaded down with irrelevant and improper amendments prohibited by the rules of

the House. The purpose and sole end of an appropriation bill was to draw money from the treasury to pay for objects authorized by existing laws. This was its sole legitimate purpose. But if all matters of general legislation were in order as amendments, there need be no other bills introduced, because the whole legislation of Congress might be carried on by inserting, one after another, all laws in an appropriation bill. If the doctrine of the gentleman from Ohio [Mr. SCHENCK] was sound, what could be out of order in the bill now under consideration? The committee at that rate might insert in this naval appropriation bill all the private bills on the calendar, all pending bills for internal improvements, and everything else which the public service might be deemed to require. Where was it to end?

Mr. C. was for adhering to the theory of the rule, and keeping out of these bills everything but the simple appropriation of money for objects already sanctioned by law. If the Naval Committee, and the Military Committee, and the Committee of Claims, and all the other standing committees of the House might propose their several amendments, including all the business referred to them, and all were to be admitted as in order, the House wanted but this one bill to cover all the business of the session. Where were they now? Near the close of the session, and the first appropriation bill not yet passed; while days on days were wasted in discussing amendments in the face of the rules of the House. Gentlemen talked about precedents, but precedents were of no force when they went to overturn the order of business, and abrogate the rules of order. Mr. C. withdrew his amendment.

Mr. WENTWORTH renewed it—

When Mr. SAWYER rose to order, contending that this practice of making motions to amend, merely for the purpose of getting in five minutes' speeches, under the new rule, and then withdrawing them, was a clear violation of the spirit of the rule, and ought to be put a stop to.

The CHAIR observed, that the rules of the House were certainly liable to abuse if members chose to abuse them. But unless a member avowed that he offered an amendment merely as a pretext to make a speech, the Chair could not rule his amendment out of order, if the amendment itself came within the rules, because every member had a right to propose an amendment, and to speak in support of it for the space of five minutes; but the Chair was not disposed to countenance the abuse alluded to.

Mr. WENTWORTH inquired whether it would be in order for him to reply to the gentleman from Georgia [Mr. COBB] in the same strain in which he had made his remarks?

The CHAIR replied that it would not; gentlemen must confine themselves to explaining and supporting the amendments which they should move.

Mr. SCHENCK moved to amend by inserting "and one additional magazine," and he was then going on to speak of the improper attempt to control the right of offering amendments—

When the CHAIR called him to order for irrelevancy.

A desultory and somewhat refractory discussion now took place between Mr. SCHENCK and the CHAIR, which ended in Mr. S.'s giving notice to the House that he should certainly, if not now, at some future time, fully express his opinion of the attempt on the part of one portion of the House to absorb everything, and confine it within the control of one committee alone.

The CHAIR called Mr. SCHENCK to order.

Mr. SCHENCK. Well, I give notice of such a speech. [A laugh.]

Mr. KING, of Georgia, claimed to retain the floor; and having briefly urged the propriety of his amendment for the naval school—

The question was taken, and the amendment was agreed to: Ayes 81, noes 48.

Mr. KING, of Georgia, moved the following as an additional section:

Be it further enacted, That, in making purchases of shoes and pumps for the use of the navy, the Secretary of the Navy be, and hereby is, authorized to purchase of those articles manufactured at the United States penitentiary in the District of Columbia, not exceeding five thousand pairs per annum; provided they shall be of suitable quality, and furnished at as low a rate as the contractor for the time being, shall have stipulated to furnish the said articles respectively.

The amendment was ruled out of order.

Mr. KING, of Georgia, moved the following as an additional section at the end of the bill:

Be it further enacted, That, in execution of the act approved March 3, 1847, making appropriations for the naval service, &c., directing, among other things, the construction of floating dry docks at the navy-yards at Philadelphia, Pensacola, and Kittery, and in pursuance of the reports in favor of the two plans hereinafter named as best adapted to naval purposes, made by a board of officers appointed to examine all the plans, and by the Bureau of Yards and Docks, the Secretary of the Navy is hereby directed forthwith to enter into a contract with Samuel D. Dakin and Rutherford Moody for the complete construction, within a reasonable time from the date of the contract, of a sectional floating dry dock, basin, and railways at the navy-yard at Philadelphia, according to the plan and specifications submitted by them to the Navy Department; and also to enter into a contract with John S. Gilbert and Zeno Secor for the complete construction, within a reasonable time from the date of the contract, of a balance floating dry dock, basin, and railways at the navy-yard at Pensacola, according to the plans and specifications submitted by them to the Navy Department; and also to enter into a contract with one or the other of the respective parties above named, for the complete construction, within a reasonable time from the date of the contract, at the navy-yard at Kittery, of a floating dry dock, basin, and railways, upon either of the above-named plans that the said Secretary may prefer as best adapted to said yard; the said works at each yard to be of the largest dimensions proposed in said plans and specifications: *Provided*, That in each case such contract can be made at such prices as shall not exceed by two per cent. the prices which have been submitted by either of the said proprietors to the Navy Department for a floating dry dock on either of said plans, and for the basin and railways of the dimensions aforesaid, at any of the said navy-yards: *And provided further*, That the said Secretary shall also, by further contract with said parties, enlarge the dimensions of said works at each yard to a capacity sufficient for docking war-steamers of the largest class, at least three hundred and fifty feet in length, if the dimensions above-mentioned should not be found adequate for that purpose.

Be it further enacted, That the sum of four hundred thousand dollars is hereby appropriated towards said works from any money in the treasury not otherwise appropriated; which sum, together with the sums that remain unexpended of the appropriation made by said act of March 3, 1847, for floating dry docks at the three navy-yards aforesaid, shall be applied towards the payments to be provided for in the said contracts, and be equally divided between the said contracts for the said works at the three navy-yards aforesaid.

Mr. K. said it would be recollected by the committee that the House passed, at the last session of Congress, an amendment to the navy appropriation bill of $350,000 for the construction of dry docks at Pensacola, Kittery, and Philadelphia. The Secretary, however, had not been authorized to go on and contract for their construction, and this authority it was now proposed to give, and also to appropriate $400,000 in addition to the appropriation of last session, with which a very large amount of materials had been purchased. The estimates sent in by the patentees for these docks were quite reasonable.

He would not attempt to enter into a discussion of the merits of these floating docks. The subject had been much discussed, and he supposed all the members were familiar with it. It was a fact, however, that we had not now a single stone dock of sufficient length and capacity to take in steamers of the largest class; and the dock now building in New York would barely receive the large steamers constructing in that city for the mail service; and if Mr. Collins had made his steamer three hundred feet keel, the dock now constructing there, at an expense of a million and a half of dollars, would not have received it. He referred to the destitution of docks at the places sought to be provided for, and to their great importance there, especially in time of war; and glanced at the superiority of these sectional floating docks with railway basements, which were so made as to be capable of being enlarged so as to hold vessels of any size.

Mr. STUART, of Michigan, moved to amend the amendment by adding: "Provided, in the opinion of the Secretary of the Navy; it ought to be done." Rejected.

The amendment of Mr. KING was then agreed to.

Mr. KING moved another amendment to add at the end of the bill as follows:

Be it further enacted, That, immediately after the passage of this act, it shall be the duty of the Secretary of the Navy to advertise, in the manner prescribed by law, for proposals for the transportation of the United States mail from Philadelphia, New York, or Boston, to Havre, in France, in steamships of not less than twenty-four hundred tons burden each, and suitable in all respects to be converted, in the shortest possible time and at the least practicable cost, into war-steamers of the first class; the proposals to state the speed of said steamers per hour, and to embrace a period of ten years' service; one ship per annum to be furnished during the first five years, and as many trips to be performed as the number of ships will admit of, and not less than two trips per month each way to be made during the last five years. It shall also be the duty of the Secretary of the Navy to advertise, in like manner, for similar proposals for the transportation of the United States mail from either of the above ports in the United States to Antwerp, in Belgium, to extend to the port of Gluickstadt, at the mouth of the Elbe, during those months of the year that the navigation of the North Sea may be considered safe. All said proposals to be returned to this House at its next session; and the sum of one hundred dollars be, and the same is hereby, appropriated to defray the expenses of this advertisement.

Be it further enacted, That, until said proposals shall have been received and acted on by this House, the Secretary of the Navy may contract with Captain Charles H. Marshall and his associates for the transportation of the United States mail from New York to Havre, in their steam ship the "United States," once a month each way; provided the sum to be paid shall not exceed the price authorized by law to be paid, *pro rata* for each ship to be employed, to E. K. Collins and his associates for the transportation of the United States mail from New York to Liverpool; said ship to be commanded by an officer of the navy not below the grade of lieutenant, and to receive four passed midshipmen on board as watch officers, who shall be suitably accommodated without charge to the Government; said officers to be selected by the owner or owners of said ship with the consent of the Secretary of the Navy.

The amendment was ruled out of order.

Mr. ROCKWELL, of Connecticut, moved an amendment having for its object the commutation of the spirit rations in the navy, but in different form from his amendment offered yesterday. He referred to the action of Congress on this subject last year—to the precisely similar amendment which then passed the House, giving six cents commutation; to its passage in the Senate, through the committee and through that body, with an additional clause appropriating a sum for these commutations, which was referred to the Committee of Conference of the two Houses, on which his friend from North Carolina [Mr. MCKAY] had succeeded in recommending a reduction of the commutation to three cents, which was finally agreed to by both Houses. He proceeded to argue that the larger commutation would operate as a more powerful inducement to the sailors, and would be sufficient to bring most of them voluntarily to abandon the use of spirits. He caused a letter to be read from Dr. Smith, and referred to the testimony of other physicians in the navy in regard to the reduction of crimes in consequence of the discontinuance of the use of liquors. He had also conversed with a large number of navy officers, not one of whom expressed an unfavorable opinion to this amendment.

Mr. MURPHY moved to amend the amendment by appropriating $150,000 for the commutations. He said it was useless to adopt the amendment unless they provided the means to pay the commutations. There were 8,500 sailors in the naval service, whose rations cost one cent.; it was now proposed to commute by giving them six cents; this would of course increase the expense to the Government five cents per day for each man.

Mr. ROCKWELL said that the appropriation now made was for three cents.

Mr. MURPHY (continuing) said that five cents each for 8,500 seamen would amount to something more than $150,000; and if gentlemen were desirous to vote for the commutation, they must, as a matter of course, appropriate to meet it. He was sorry the amendment had not gone further. He thought three-fourths of the flogging in the navy resulted not from drunken men, but from drunken officers; they went to their private stores, became excited, and came out and imagined all kinds of insults; and this fact was confirmed by observation—the greater or less frequency of flogging on different vessels being apportioned to the more or less temperate character of their officers.

The amendment of Mr. MURPHY to the amendment was rejected.

Mr. SAWYER moved to amend the amendment by adding a provision that corporal punishment be abolished in the navy. Ruled out of order.

Mr. SCHENCK moved an amendment as a substitute for the amendment of Mr. ROCKWELL, providing that hereafter the amount of the money commutations allowed by law in lieu of spirit rations be increased to six cents.

Mr. ROCKWELL accepted this, and modified his amendment accordingly.

The amendment was then agreed to: Ayes 81, noes 39.

Mr. BROWN, of Pennsylvania, offered an amendment, the provisions of which he explained to be these: passed midshipmen now received $750; when promoted to masters they received $1,200; if a lieutenant on board died, the master was obliged to act in his place, and, instead of getting his $1,200, dropped down to $750, while the junior midship-

man got the $1,200. This amendment was to allow the senior midshipman while acting as lieutenant to continue to receive the higher salary. It was just, and he hoped would be adopted.

After a few words from Mr. SCHENCK, (on an amendment moved and withdrawn,) Mr. BROWN's amendment was adopted.

Mr. CABELL moved an amendment as an additional section, authorizing the Secretary of the Navy to make an agreement with the assignees of the contract with A. G. Sloo for the transportation of the United States mail from New York to New Orleans, to touch, going and returning from port to port, at Key West, or to convey the mail in a small steamer, to be commanded by an officer of the United States navy from Key West to Havana.

He briefly presented the importance of mail facilities, not only to the inhabitants of the island of Key West, but to all parts of the country having communication with it, and urged the adoption of the amendment.

The amendment was agreed to.

Mr. SCHENCK again submitted an amendment, which was ruled out of order yesterday, to provide for the indemnification of officers and seamen for losses sustained by the wrecking of certain vessels.

The CHAIR decided it to be out of order.

Mr. SCHENCK appealed, but the decision of the Chair was sustained by the committee.

Mr. SCHENCK submitted an amendment to fix the commencement of the graduated pay of surgeons in the navy at the time they enter into the service, and not at the date of their appointment. Agreed to.

Mr. McKAY moved an amendment to require the Secretary of the Navy to report annually the number of floggings in the service. He said it was alleged that such a system existed in the navy, and it was proper that the facts should be put upon record for the guidance of the House, that hereafter it might legislate understandingly on that subject.

The CHAIRMAN decided the amendment out of order, but upon appeal taken by Mr. McKAY, the decision was reversed, and the amendment decided in order by the House.

After some observations by Mr. SCHENCK, the amendment was agreed to.

Mr. DUNCAN offered an amendment for the appropriation of $49,400 for the removal of a dam in the Ohio river, which he specified.

The CHAIR ruled the amendment out of order.

Mr. DUNCAN appealed, but the Chair was sustained.

On motion of Mr. VINTON, the committee rose and reported the bill and amendments to the House; and Mr. V. moved the previous question thereon, which was sustained by the House.

The first amendment to which objection was made was that which proposed an appropriation of $5,000 for making astronomical observations in Chili, South America.

Mr. SAWYER called for the yeas and nays thereon, which were ordered; and resulted—yeas 105, nays 65.

Mr. McKAY called for the yeas and nays on the next amendment, which proposed an appropriation for lines of steamships to carry the United States mail from New York to Liverpool, New York to New Orleans, Panama to Astoria, &c.

The yeas and nays were ordered, and, being taken, resulted thus—yeas 118, nays 57.

So the amendment was concurred in.

The next amendment objected to was the one appropriating $2,000 for taking meteorological observations, on which Mr. JONES, of Tennessee, asked a special vote; which was taken, and the amendment was agreed to.

Mr. DANIEL asked a separate vote on the amendment appropriating, for the completion of the marine hospitals at Pittsburg, Cleveland, and Louisville, $10,000 each; and for the commencement of marine hospitals at St. Louis, Paducah, Natchez, Napoleon, and Chicago, on the sites owned by the United States, $10,000 each.

The vote was taken by yeas and nays, and resulted—yeas 120, nays 41. So the amendment was concurred in.

A separate vote was taken, by yeas and nays, on the amendment authorizing the Secretary of the Navy, in further execution of the law of 1847, making appropriations for the naval service, to contract with Samuel D. Dakin and Rutherford Moody for the construction of a sectional floating dry dock, basin, and railways, at Philadelphia; and with John S. Gilbert and Zeno Secor for the construction of a sectional dry dock, basin, and railways, at Pensacola; and to contract with either of the above-named parties for a sectional or floating dry dock, basin, and railways, at Kittery, Maine, and resulted—yeas 117, nays 48. So the amendment was concurred in.

A separate vote was taken on the amendment allowing six cents per day to those seamen in the navy of the United States who may elect to receive the same in lieu of the spirit ration now allowed; and the amendment was agreed to.

The amendment authorizing the Secretary of the Navy to make an agreement with the assignees of A. G. Sloo for the transportation of the mail between New York and New Orleans, to touch at Key West going and returning, or to convey the mail in a small steamer from Key West to Havana, to be commanded by an officer of the navy, was voted on separately by yeas and nays, and was disagreed to—yeas 68, nays 78.

The question was put on the other amendments of the Committee of the Whole, to which no exception was taken, and they were severally agreed to.

And the bill was then ordered to be engrossed and read a third time.

Mr. VINTON moved to reconsider the vote ordering the engrossment of the bill.

Mr. MURPHY moved to lay that motion on the table. Agreed to.

And then the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. HOUSTON, of Delaware: A memorial signed by sundry citizens, praying for the establishment of a marine hospital at the Delaware Breakwater, Lewes, Delaware.

By Mr. GREEN: The petition for the relief of the heirs and legal representatives of Joseph Spencer, deceased, a captain in the revolutionary army. Also, the petition of the heirs and legal representatives of Colonel Joseph Crockett, deceased, praying relief.

By Mr. GOTT: The petition of citizens of the county of Onondaga, New York, praying for a repeal of the act of Congress imposing postage upon newspapers within thirty miles of the place of publication.

By Mr. KELLOGG: The petition of Charles Stewart.

By Mr. TALLMADGE: A memorial of Luther Bradish and others, members of the Historical Society of New York, urging upon Congress to purchase Mount Vernon.

IN SENATE.

THURSDAY, *June* 15, 1848.

The VICE PRESIDENT resumed the chair this morning, and laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the 28th ultimo, calling for the number of Creek Indian warriors killed or wounded, or who had died, while in the service of the United States during the war in Florida.

[This document contains a muster-roll of the Indians, with their names, some of whom were conspicuous in the Florida campaign.]

MEMORIALS AND PETITIONS.

Mr. ATCHISON presented a memorial from W. H. Eaton, asking remuneration for a horse purchased from the United States which proved unsound; which was referred to the Committee on Claims.

Mr. BUTLER presented a petition from citizens of Charleston, asking that the spirit ration in the navy may be abolished; which was referred to the Committee on Naval Affairs.

Mr. CAMERON presented a petition from citizens of Philadelphia, asking an increase of the naval establishment of the United States; which was referred to the Committee on Naval Affairs.

A message was received from the House of Representatives, communicating a joint resolution to regulate the discharge and payment of the troops returning from the Mexican war.

Mr. BENTON inquired if it was not the same in effect as that which he had introduced yesterday? If it was the same, and there was no objection, he would move to proceed to its immediate consideration, as he intended, at the moment it was received, to call to the attention of the Senate the one yesterday submitted.

The resolution from the House having been read—

Mr. BREESE professed not to understand its meaning, at least so far as the marine corps was concerned. He adverted to the fact, that, under a late act, there had been an increase of the marine corps, by which captains had been made from the rank of first lieutenants, and so on from the inferior grade of officers. If the joint resolution were passed in its present shape, it would materially disturb the present position of the corps. What was to become of them when disbanded? These officers could not go back to their original rank; that was a thing never heard of. He thought we ought to await the peace proclamation of the President, who might, in his message, recommend a peace establishment on a larger scale, such as the extended frontier acquired would seem to warrant. He did not see how this thing would work as to the marine corps. He would prefer that the subject be postponed.

Mr. BENTON had no objection that the resolution should lie over until to-morrow; and in the mean time, he would submit an amendment giving three months' extra pay to the officers thus disbanded.

Mr. JOHNSON, of Maryland, inquired if the men were included in the amendment?

Mr. BENTON replied that it did not include the men; they had their land bounty. The amendment was the same as that adopted on the disbandment of the army in 1815.

Mr. CAMERON was in favor of extending it to the non-commissioned officers and privates, and moved to amend the amendment to that effect.

Mr. BENTON. And musicians.

Mr. CAMERON. Yes, musicians. I accept the modification.

Mr. WEBSTER. All correct, sir; all correct.

Mr. ATCHISON asked if this included all the troops? He thought there should be some discrimination. There were many of the troops who would in that case receive this additional gratuity who had never even smelt gunpowder. These would all be entitled to their lands, and now were to receive three months' extra pay. If the amendment could be so modified as to include those only who had served through the war, he would have no objection. He had no doubt that hundreds upon hundreds had enlisted with a view to land and other bounty, believing the war would be at an end before they got there; and were such to be entitled to the same remuneration as those who had brunted the whole war, and been engaged in almost every battle? He was willing to extend it to all who had been engaged meritoriously in the service.

Mr. WEBSTER said he took an opposite view of the matter from the Senator from Missouri, [Mr. ATCHISON.] It was said that many of the troops sent to Mexico had never smelt gunpowder. The greater their misfortune. The desire of every officer and soldier who had entered the service of his country was distinction; and such as had not had the good fortune to meet the enemy were loud in the expression of their regret, their deep regret, that they had been deprived of the opportunity of participating in the glory of our military achievements. He knew of no safe principle on which we could act, unless we embrace the whole. All had taken their chance; but all had to encounter the disease of the climate, more fatal than the sword. He wished to see all placed on an equality. If the amendment was made applicable to officers, it ought also to embrace soldiers, all of whom had entered with a view of performing the service they were called on to perform; and if it were not made to embrace all, he, for one, would not concur.

Mr. BENTON thought it could lie over until to-morrow, when the amendments could be properly prepared.

Mr. ATCHISON felt the force of the remarks of the Senator from Massachusetts, [Mr. WEBSTER,] and agreed with him that it was rather regarded as a misfortune by those troops that they had not smelt gunpowder. His remarks were intended to apply to those who had never reached Mexico; indeed, many had been enlisted within the last two months, and had never reached the scene of warlike operations. These would all receive their 160 acres of land, at the minimum price worth $200. And were those just enlisted to be entitled to the same remuneration as those who had fought through every battle and periled the deadly climate? His object was to make a proper and legitimate distinction, and not to place those who

had not been in the service long enough to meet the enemy on the same footing with those who had gone through the war.

Mr. WEBSTER made a brief rejoinder as to the difficulty of partial legislation in such matters, which, while it might include some that had not worked quite as hard for the glory of their country, or suffered as much as others, still might exclude others of great merit. There might, perhaps, be some five hundred men who had never seen the enemy; but he would not exclude those who had, by any phraseology which would produce injustice to a single soldier. The whole was a bounty and grace, and should operate in such manner as to reach all who showed a disposition to exert themselves in the service of the Government. If it embraced a few who might be regarded as less deserving, it was nothing.

The question was then postponed.

REPORTS FROM COMMITTEES.

Mr. BERRIEN, from the Committee on the Judiciary, reported the bill relating to the naturalization laws, with an amendment.

Mr. BERRIEN explained the amendment, and asked the Senate to proceed now to the consideration of the subject.

Mr. WESTCOTT expressed a hope that the bill would be postponed till Monday, and that the bill and amendment be printed.

Mr. WEBSTER stated that until the subject had been brought to his notice, about a month ago, he had not been aware of the precise operation of the existing laws. He hoped the Senator from Florida would permit the amendments to be concurred in, or not, as the Senate might determine. The bill would then be reduced to a simple form, embracing only some ten lines, which every one would understand. Then, if there should be found any difficulty, the bill might lie over.

Mr. WESTCOTT had some doubts as to the propriety of one of the amendments, which appeared to him to interfere with the local laws of the States as to aliens, and might affect the title to property by devise.

Mr. CALHOUN said the bill was a very important one, and, as he had no idea that it would come up to-day, he was not prepared to give his opinion. He hoped it would not now be pressed.

Mr. WEBSTER repeated his desire that the amendments, which strike out the greater portion of the original bill, should be agreed to. Senators would then be able to understand the character of the bill.

Mr. WESTCOTT moved to strike out the preamble.

Mr. WEBSTER. Agreed.

The further consideration of the bill was then postponed till Monday, and, with the amendments, ordered to be printed.

The following is the bill as amended by the Committee on the Judiciary:

Be it enacted, &c., That the children of the citizens of the United States, born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States: *Provided*, That the rights of citizenship shall not descend to persons whose fathers never have been residents in the United States.

SEC. 2. *And be it further enacted*, That every woman married, or who shall be married to a citizen of the United States, and shall continue to reside therein, shall be deemed and taken to be a citizen of the United States.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported House bill for the relief of William Fuller and Orlando Saltmarsh, without amendment, and recommending its passage.

Mr. BUTLER, from the Committee on the Judiciary, reported a bill for the better organization of the district court of the United States within the State of Louisiana; which was read a first time.

Mr. BUTLER also, from the same committee, made an adverse report on the memorial of the inhabitants of Winnebago county, Illinois, asking that two slaves sold to satisfy a judgment in favor of the United States may be refunded to the purchaser, and that that species of property may be prohibited from being sold for debt, accompanied by a report; which was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, reported a bill granting to the State of Michigan a right of way and a donation of public lands for the construction of a ship canal around the falls of Ste. Marie; which was read a first time.

Mr. BRADBURY, from the Committee of Claims, reported a bill for the relief of John G. Mackall, accompanied by a report; which was ordered to be printed. The bill was read a first time.

Mr. BORLAND, from the Committee on Public Lands, reported House bill supplemental to an act to confirm the survey and location of claims for lands in the State of Mississippi, east of Pearl river and south of the 31st degree of north latitude, approved March 3, 1845, without amendment, and recommending its passage.

Mr. WESTCOTT, from the Committee on the Judiciary, reported the bill to divide the district of Arkansas into two judicial districts, accompanied by a report; which was ordered to be printed.

Mr. RUSK, from the Committee on Military Affairs, asked to be discharged from the further consideration of the resolution of the Legislature of Tennessee, in favor of compensating certain companies of mounted volunteers, and that it be referred to the Committee of Claims.

Mr. ATCHISON, from the Committee on Indian Affairs, asked for the printing of certain documents in relation to the Indian relations of of Texas; which was agreed to.

Mr. MASON, from the Committee of Claims, made an adverse report on the claim of Ann B. Cox.

On motion of Mr. HUNTER,

Resolved, That, to provide accommodations for the horses and wagons employed in the service of the Senate, the Commissioner of the Public Buildings cause a stable to be built on the public ground near the Capitol; and that the expense thereof, not to exceed five hundred dollars, be paid out of the contingent fund of the Senate.

On motion of Mr. BENTON,

Resolved, That there be printed, for the use of the Topographical Bureau, one hundred copies of Frémont's map of Lower California, and the same number of Frémont's geographical memoir, in illustration of his map of Upper California.

On motion of Mr. ATCHISON,

Resolved, That the Secretary of War inform the Senate what number of recruits have been enlisted in the army during the war with Mexico within the last ninety days.

The following resolution, submitted by Mr. MANGUM, was taken up and agreed to:

Ordered, That twenty thousand copies of the proceedings of the Senate in Executive session on the treaty with Mexico, and of the documents from which the injunction of secrecy has been removed by the resolutions of the Senate of the 31st May and the 2d instant, be printed for the use of the Senate.

The following resolution, submitted by Mr. BADGER, was taken up and agreed to:

Resolved, That there be printed, for the use of the Senate, —— copies of Executive document No. 60 of the House of Representatives of the present session, without the Mexican war correspondence.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the Indian appropriation bill.

Mr. SEBASTIAN read from a manuscript before him, an argument in favor of his amendment, which was also supported by Mr. BORLAND, Mr. RUSK, Mr. ATCHISON; and it was opposed by Mr. ATHERTON and Mr. BENTON; when the amendment was agreed to.

The bill was then reported as amended.

The amendments reported by the Committee on Finance were concurred in.

The question being on concurring in the amendment of the Senator from Tennessee—

Mr. HUNTER resisted this amendment in a speech of some length, in which he repeated all the remarks which had been before urged against the amendment.

Mr. BADGER objected to this innovation on the usage of the Senate, by reviving a question which had been regarded as settled.

Mr. BERRIEN said a few words in defence of the character of Colonel Hanson, who had acted between the United States and the Indians.

Mr. BELL replied to Mr. HUNTER, reiterating all that he had before said in favor of the amendment.

Before any question was taken on the amendment, the further consideration of the bill was postponed till to-morrow.

The Senate then resumed the consideration of the following joint resolution from the House, and passed it:

A JOINT RESOLUTION to regulate the discharge and payment of the temporary troops returning from the Mexican war.

Be it resolved, &c., That, on the restoration of peace with Mexico, by a treaty of peace duly ratified and proclaimed, all the military forces of the United States, whether volunteers, regulars, or the marine corps, who, by law or the terms of their engagements, are to be discharged at the close of the war, shall, under the direction of the President of the United States, be transported or marched, with the least practicable delay, to such posts or places in the United States as may be least expensive and may be most convenient to the troops; and at such places they shall be discharged from the service of the United States; and that, until they shall respectively reach such places and be discharged, the officers and men shall be considered, paid, and treated as in the service of the United States, in the same manner as if the war had not closed.

After which, the Senate proceeded to the consideration of Executive business, and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 16, 1848.

The Journal of yesterday was read and approved.

Mr. VINTON asked that the naval appropriation bill might be put upon its passage, and on that motion he moved the previous question.

Mr. McKAY said he objected to that motion yesterday, and he should do so again to-day. His object was to have that bill recommitted. The bill was framed on the supposition that the war would continue another year. Both this and the military bill were framed for a war establishment, and not for one of peace.

The SPEAKER said, if the gentleman from North Carolina objected, the motion of the gentleman from Ohio could not be entertained.

Mr. McKAY said he wished simply to make a statement and not a speech. He did not desire to offer any factious opposition to this bill.

Mr. ASHMUN called the gentleman from North Carolina to order.

Mr. McKAY said, if he could not be permitted to make his statement, he should not withdraw his opposition to the third reading of this bill.

The SPEAKER stated the substance of the rule which prevented the motion of the gentleman from Ohio being received at this time without unanimous consent; and as objection was made, it was not received.

Mr. VINTON said he was instructed by the Committee of Ways and Means to move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. ROCKWELL said that he was instructed by the Committee of Claims to move that the House resolve itself into Committee of the Whole on the private calendar.

The motion of Mr. ROCKWELL was not agreed to, the vote being 62 in the affirmative, and 64 in the negative.

FORTIFICATIONS.

The House then resolved itself into Committtee of the Whole on the state of the Union, (Mr. TALLMADGE, of New York, in the chair,) and took up the "bill making appropriations for certain fortifications of the United States for the year ending the 30th of June, 1849."

The bill was read through, and was then taken up by sections for amendment.

Mr. STANTON said he desired to address the committee for a short time in support of the provisions of the bill which had been just read; and he should take occasion to make a few remarks in reply to some observations which had fallen from the honorable gentleman from Virginia, [Mr. ATKINSON,] some days since, in reference to himself, (Mr. S.,) and the votes he had given for some provisions and amendments which were made to the naval appropriation bill. He believed it was the practice of this Government to direct officers of the army and the navy at different fortifications and naval stations to make observations of a meteorological character; and, as it was on a subject of that kind that the gentleman from Virginia [Mr. ATKINSON] took occasion to make the remarks to which he referred in relation to himself, (Mr. STANTON,) he believed it would be in order to make some reply while this bill was before the committee. The specific appropriation to which the honorable gentleman addressed his remarks was that of two thousand dollars, intended to be for the payment of the salary of Professor Espy, who was to be employed in the Navy Department to compare and classify the results of the observations on meteorological science.

The CHAIRMAN inquired if the gentleman from Tennessee was speaking to an amendment

which he intended to offer, or to the general provisions of the bill?

Mr. STANTON said he spoke of the provisions of the bill generally; and, while speaking on the subject of fortifications, he believed he should not be out of order in the course he designed to pursue. The War Department of this Government has directed observations of the kind that he spoke of to be made by officers in the service. It was a part of the purpose for which such appropriations were made. He candidly admitted that his object was to reply to the remarks of the gentleman from Virginia, made the other day, and he presumed a reply would now be in order. The committee would bear testimony that he made no allusion to the gentleman from Virginia when he addressed the House a few days ago. He made no attack on that gentleman. He made no attack on anybody. The considerations which he presented to the committee at that time were very simply expressed; they were very unpretending in their character, and they could furnish the gentleman from Virginia no possible motive nor any reasonable excuse for making any attack on him. The honorable gentleman from Virginia, in the course of his remarks, referred to a message of Mr. J. Q. Adams to Congress in 1825, in which Mr. Adams recommended to Congress to establish a national observatory for astronomical purposes, and he took occasion to say, that "*then* the Democrats 'ridiculed the recommendation, and the words ''light-houses in the skies' were used as terms of 'reproach. The Democratic party *then* repudiated 'the idea that the Constitution gave to Congress 'the power to create or establish a national ob'servatory. What was *then* considered Federal'ism is *now* advocated by some of the progressive 'Democracy. The gentleman from Tennessee '[Mr. STANTON] has adopted one of the Federal 'notions of Mr. John Q. Adams, as set forth in 'his message; *perhaps* he has adopted the other, 'that 'the representative is not to be palsied by 'the will of his constituents.' He trusted, how'ever, it was not so."

Two years ago he (Mr. S.) had the honor of offering in this House an amendment to the naval appropriation bill, proposing an appropriation for the purpose of computing and publishing a nautical almanac. He had never, except in voting for the general appropriation bill and offering that amendment, had any part in the establishment of a national observatory, although, if it had been his lot to have been in Congress when the appropriation for that purpose was passed, he should have voted for it with great pleasure; and he should not have imagined that, by any intelligent gentleman, he could have been supposed to have subjected himself to the charge of Federalism.

Mr. EMBREE rose to a question of order. He thought it was time that the members of this House should confine themselves to the business before them, and he desired the Chairman to confine gentlemen to the bill making appropriations for fortifications, which was now before the committee.

The CHAIRMAN said the gentleman from Tennessee was speaking of the bill generally, and therefore he was in order and would proceed.

Mr. ATKINSON rose and said he begged that the gentleman from Tennessee would be allowed to proceed.

Mr. STANTON resumed. He thought the honorable gentleman from Virginia was mistaken when he supposed, as he said the other day, that this particular recommendation of Mr. John Quincy Adams was the principal cause of his defeat.

Mr. ATKINSON. One of the causes.

Mr. STANTON. Well, one of the causes of his defeat. He was aware that the expression used in that message—"light-houses in the skies"—was greatly ridiculed, but the honorable gentleman from Virginia ought to have sufficient intelligence to know that ridicule is not more an argument than the course which that gentleman had himself seen fit to adopt. He alluded to the argument which the gentleman from Virginia had put forth that this, that, or the other was a Federal measure; in other words, the calling of names. The gentleman was from the proud State of Virginia—a State that once had a right to be pronounced "the mother of statesmen," if not now. Since the subject had been brought forward some days ago, he had taken occasion, for the purpose of justifying himself, to look back and see what some of the noblest and greatest statesmen Virginia had ever had had done and said on this subject. It was well known to the world, though he supposed it could not be known to the honorable gentleman from Virginia, that Mr. Jefferson recommended an appropriation for the military expedition of Lewis and Clarke, in 1803, and on that recommendation the Congress of the United States passed a law authorizing that expedition. Now, on looking at the instructions given by Mr. Jefferson to those gentlemen, when they were about to set out on that expedition, he found that they were directed to make astronomical observations. It was a military expedition, and astronomical observations were to be made for the purpose of ascertaining where it was proper that fortifications should be made. Mr. Jefferson said:

"Your observations are to be taken with great pains and accuracy; to be entered distinctly and intelligibly for others as well as yourself; to comprehend all the elements necessary, with the aid of the usual tables, to fix the latitude and longitude of the places at which they were taken; and are to be rendered to the War Office, for the purpose of having the calculations made concurrently by proper persons within the United States."

Now, at every station at which these observations were made there was a temporary observatory, and these observatories were for the purpose of making observations on those "light-houses in the skies;" and if John Quincy Adams, in recommending such an observatory at Washington or elsewhere, was treading on Federal ground, Mr. Jefferson, twenty-odd years before, trod on the same ground, for he made the same recommendation, and caused appropriations to be made for the same purpose. Now, he asked the gentleman from Virginia if he had the information to enable him to answer what was the difference between permanent observatories for astronomical observations and migratory, perambulating observatories going all over the country to make astronomical observations? He asked the gentleman from Virginia wherein was the difference in the principle between observations made on the top of the Rocky Mountains, with temporary instruments, and observations made here, with instruments permanently fixed and adjusted for the same purpose. There might be some difference in the expense, but, so far as related to the object, in the principle there was no difference; and he called on the gentleman from Virginia, as he valued his reputation, as he valued truth and honesty, not to call names—not to call him a Federalist because he favored such objects—but to come forward like a true Virginian who dared avow his principles and defend them—to come forward and defend his position here. If the gentleman could show him the difference he would candidly acknowledge his error.

In the few remarks which he had the honor to submit a few days ago, in support of the proposition to set on foot an astronomical expedition, to which the honorable gentleman referred in his remarks, he (Mr. S.) drew from a popular work, an astronomical illustration, comparing the moon to the hands of a clock in the heavens, and he stated the irregularity to which that celestial clock by experience was subject, and the means of ascertaining that irregularity. He spoke of the uses of the sextant, and he argued that if it was in the power of the Government to purchase a sextant for the purposes which he designated, it was equally within its power to make astronomical observations for the same purposes. Now, he called on the honorable gentleman to show him the folly of that argument. Instead of calling "nicknames," instead of resorting to the argument of the ignorant, casting slurs on those who differ from him, he should have been glad to have seen the gentleman, in a more respectful manner, resorting to more legitimate arguments. He called on that gentleman, if he claimed the character of a Virginia statesman, if he claimed the character of a man of candor, and honesty, and intelligence, to come forward and answer his (Mr. S.'s) argument. He (Mr. S.) acknowledged that there was a difference in the expense between purchasing a sextant and making astronomical observations, that they might have better assurance of their correctness; but he asserted that if the Government had the right to make clumsy observations, it had the right to make nicer and more correct observations. There was no difference in the principle. If the Government had the constitutional power to use one set of instruments, it had the constitutional power to use instruments, either permanent or temporary, to obtain the same information, which was so necessary to enable our officers to navigate our ships over the globe.

But the subject of meteorology was another in relation to which the gentleman from Virginia had seen fit to bring on him (Mr. S.) the charge of Federalism. Now, he would refer again to the Father of Virginia Democracy; and proud might the gentleman from Virginia be if he had the capacity to walk in the footsteps of his father. Messrs. Lewis and Clarke were instructed by Mr. Jefferson not only to make astronomical observations, but to observe "climate, as characterized by 'the thermometer, by the proportion of rainy, 'cloudy, and clear days; by lightning, hail, snow, 'ice; by the access and recess of frost; by the 'winds prevailing at different seasons; the dates 'at which particular plants put forth or lose their 'flower or leaf; times of appearance of particular 'birds, reptiles, or insects."

Now, what had this Government to do with the habits of reptiles, birds, and insects? What had it to do with lightning, hail, snow, ice, heat, cold, and winds? And yet here were meteorological observations ordered and directed to be made by the Government of the United States, on the recommendation of Mr. Jefferson. The gentleman from Virginia either forgot or he had never known that Mr. Jefferson had recommended and this Government had ordered meteorological observations; and when he (Mr. S.) sustained an appropriation of $2,000 for that purpose, the honorable gentleman from Virginia cried out "Federalism." He would ask the honorable gentleman by what authority this Government bought barometers and sent one to sea in every national ship that went there? Why, by the changing of the height of a column of mercury, the master of a ship foresaw the coming of a storm as certainly as he saw it when in the midst of it, and he was enabled to reef his sails and put his ship in order to sustain its fury. Why, then, did the Government use these barometers? For meteorological purposes.

Again: one of the most distinguished officers of our navy had been for some years past engaged in making a most valuable map showing the track of all the voyages on record, and ascertaining the prevailing winds and currents, and everything that concerned meteorology; and the most valuable results might be expected from such labors. It appeared, then, that we were daily and hourly paying the expense of making such a map by a distinguished officer, and also for assistants, engraving, and other attendant expenses. And who objected to that as unconstitutional? Every naval and army officer scattered over this country was directed to make meteorological observations at the different stations, and the Secretary of the Navy had sent to that House an application for an appropriation for a clerk to take up those observations and classify them, that useful results might be deduced from them, and yet the gentleman from Virginia came forward and argued that it is "Federalism" to vote for such appropriations. If, however, the remarks of the gentleman from Virginia were heard alone in that House, he (Mr. S.) should never have opened his lips in reply, for he knew that both himself and the honorable gentleman from Virginia were properly appreciated there. He knew that that gentleman's charge of "Federalism" on such grounds as those would receive there just as much weight as it was entitled to, and no more; but in his Congressional district there might be a hundred persons or more who knew as little on the subject as the gentleman from Virginia himself, and who were as little capable of making up an intelligent opinion upon it; they therefore might take the word of the gentleman from Virginia and believe that he (Mr. S.) had really stepped over to the ranks of the Federalists. It was to correct such impressions as these that he had now taken occasion to make this explanation, and to invite the honorable gentleman, if he could do it—if he dared do it—to step forward in a spirit of manly candor and argue the question, but not to call names.

But the honorable gentleman from Virginia was not content with that. On the next day succeeding that on which the remarks were delivered from which he had quoted in the course of these observations, he (Mr. S.) having said that he would take an early opportunity to notice this subject, the honorable gentleman from Virginia became inflamed again, and he arose, in the same spirit which

characterized his remarks on the previous day, and used this language:

"During the long period that he (Mr. A.) had been in public life, he had never given a vote which had even smelt of Federalism; he had never voted for an appropriation not strictly authorized by the Constitution of the United States; neither had he made a speech against James K. Polk, the President of the United States, and held him up before the people for his veto of the river and harbor bill. When he should have done that, he acknowledged he might well be suspected to be tinctured with what was now called Whigery, but in old times was known by the name of Federalism."

Thus the gentleman from Virginia had indicated that he (Mr. S.) had adopted the Federal notions of John Q. Adams, and that he had misrepresented his constituents. To this accusation let facts speak. He was a candidate for Congress in the year 1843, when Mr. Polk, the present President of the United States, was the candidate of his party for the Governorship of Tennessee. He (Mr. S.) was defeated on that occasion, but he nevertheless received more votes in that district than Mr. Polk, by two or three hundred votes. In 1845, he was again a candidate for Congress, and a successful one, and he received more votes than any other candidate, by three or four hundred. In 1847, when he had voted against the veto of the present President of the United States, he was again elected, by more votes than were given for Mr. A. V. Brown, the successful candidate for Governor, by some two or three hundred. He would leave it, then, to the gentleman from Virginia, if he saw fit, to continue the false charge that he misrepresented his constituents, or, like a candid and honorable man, to withdraw it.

But perhaps the gentleman from Virginia might think, that because he made a speech in opposition to the veto of the President of the United States, he did something that was very wrong. It might be, that the gentleman would not object to a vote in favor of the vetoed bill, and that he simply objected to the speech. Now, that speech, as far as he was able to appreciate it, was perfectly respectful to the President of the United States. In that speech he did not deny the existence of the veto power, but he denied the force of the arguments on which the President rested that veto. Whether his argument or that of the President was the best, he would leave others to determine; but the propriety of expressing his opinion and justifying his vote, he left to no man. He claimed the right, in that case, to judge for himself, and he should always do it according to his best judgment. It would appear, however, that, according to Virginia chivalry of the present day, an opinion was to be withheld when it conflicted with the opinion of persons in high places; but such was not the doctrine which he had entertained, and such was not the principle on which the father of Virginia Democracy acted. But there was one other remark which he had to make in reference to his vote on the river and harbor bill, and it was, that he found himself in most excellent company. Some of the best Democrats in this Union—some who had been endorsed by the Democracy of the Union—voted with him on that bill. He need only name Lewis Cass, the Democratic nominee for the Presidency of the United States, who voted for the bill and against the veto of the President. The only difference between that distinguished gentleman and himself was, that he made a speech, and Mr. Cass did not. Mr. Cass did not attempt to justify himself, because he had a character in the Union, and justification was unnecessary.

After enlarging on this point, Mr. S. asked the gentleman from Virginia, in all candor, if General Cass was not equally with himself to be denounced as a Federalist for the opinions he entertained on this subject, or why it was that such a charge should be made only against him who but followed in the footsteps of the leaders of the Democracy? Why, the Cumberland road received the sanction of Thomas Jefferson. Proof of this would be found in his messages. And many improvements which had been vetoed by Mr. Polk were commenced with the approval of General Jackson, and were sanctioned by him down to the end of his Administration. These things then were not anti-Democratic—they were not then Federal measures; but now the honorable gentleman from Virginia, without any provocation, singled him out for an attack, and he was proscribed and denounced as a Federalist because he had trod in the footsteps of Jefferson, Jackson, and Cass. He would not undertake to say whether he or the gentleman from Virginia was the best entitled to the designation of a Democrat, but this much he would say, that, within the scope of constitutional power, he would never be found casting his influence, little as it might be, against the light of science, the diffusion of knowledge, and the prosecution of improvements. Whatever might have been Jefferson's opinions of the constitutionality of such measures, he has said that in his messages which showed very clearly that on this subject he differed very much from the gentleman from Virginia. He had here Mr. Jefferson's message of 1806, in which he spoke of the great expeditions of Lewis and Clarke, Lieutenant Pike, Mr. Freeman, and others, in these terms:

"The expedition of Messrs. Lewis and Clarke for exploring the river Missouri, and the best communication from that to the Pacific Ocean, has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific Ocean, ascertained with accuracy the geography of that interesting communication across our continent, learnt the character of the country, of its commerce and inhabitants, and it is but justice to say that Messrs. Lewis and Clarke, and their brave companions, have by this arduous service deserved well of their country.

"The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approbation, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended while the country was in their possession, our geographers were obliged to return without completing their work.

"Very useful additions have also been made to our knowledge of the Mississippi by Lieutenant Pike, who has ascended it to its source, and whose journal and map, giving the details of his journey, will shortly be ready for communication to both Houses of Congress. Those of Messrs. Lewis and Clarke and Freeman will require further time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi and its western waters. Some principal rivers, however, remain still to be explored, towards which the authorization of Congress, by moderate appropriations, will be requisite."

Now, what was this exploration of the Missouri and Mississippi rivers for? And what was this map to be for which was to be published by Congress? It was to make us acquainted with those rivers, that commerce might be benefited by the information thus acquired. We, for the same reason, are now making explorations and a survey of our coast. This system was approved by Jefferson. Jefferson had a great, an enlightened and liberal mind, and he saw nothing like Federalism in these things. But the gentleman from Virginia was more astute, able, and enlightened than Jefferson, and he sees more than Jefferson could ever see.

Mr. DANIEL thought the gentleman from Tennessee did injustice to the memory of Mr. Jefferson. With respect to the expedition of Lewis and Clarke, he believed Mr. Jefferson did not put it on the ground and recommend an appropriation for that object for the reason that it would promote commerce, but it was for the purpose of obtaining information in regard to the property of the United States; and in that point of view it was perfectly just. And, again, so far as referred to Mr. Jefferson's sanction of the Cumberland road, it had been stated by Judge Smith, of South Carolina, that Mr. Jefferson regretted his approval of that act more than any act of his public life. He had been led to sanction it supposing that the sanction of the States would be obtained, and that thus it would be stripped of all unconstitutional objections; but he regretted it to the last day of his life. And thus it would be seen, that so far as Mr. Jefferson was authority for this doctrine, it was without foundation.

Mr. STANTON did not pretend to know what Mr. Jefferson's private opinions were at the time of his death, or at any other time, further than they were expressed in his public messages and writings. What was the object with which Mr. Jefferson recommended the expedition of Lewis and Clarke they had seen from the instructions which Mr. Jefferson gave to them. They embraced astronomical observations, amongst other things, which he must then have supposed to be within the constitutional power of the Government. He believed it was well known that Mr. Jefferson was proud of the result of that expedition to the day of his death.

Mr. ATKINSON desired the gentleman from Tennessee to inform the committee whether by those instructions to Lewis and Clarke there was any additional expense incurred by the country, or any additional officers appointed, or any patronage extended?

Mr. STANTON replied in the affirmative. He then read the following passage from Mr. Jefferson's instructions to Lewis and Clarke:

The object of your mission is to explore the Missouri river, and such principal streams of it as, by its course and communication with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado, or any other river, may offer the most direct and practicable water communication across the continent for the purposes of commerce.

Mr. ATKINSON observed that Messrs. Lewis and Clarke were officers in the army at the time.

Mr. STANTON replied that they were, but it was idle to say that this expedition was a military one merely.

There was one thing more on which he wished to say a word. The Constitution of the United States gave to Congress the right to establish a uniform system of weights and measures. Now, what would the gentleman from Virginia say if he were to show him, that, for the purpose of carrying out this provision of the Constitution, it was necessary to make observations, inasmuch as it was a fact that in different localities there was a difference in weights, owing to a difference in the earth's attraction? Would the gentleman then admit the force of the argument, and concede that Congress was not exceeding its constitutional power?

He repeated the statement, and said an intelligent man must admit he was right; but the honorable gentleman from Virginia might dispute it and pronounce him a Federalist. These observations were carried on for the very purpose of ascertaining facts in reference to the subject over which this Government had unquestionable power; yet it was charged to be Federalism in him to advocate a proposition for $2,000 to employ a clerk in the Navy Department to examine and compile the observations made at the military and naval stations. He had done with the subject, at least at present. It was with reluctance that he had engaged in this discussion; but justice to the principles on which he had acted, justice to himself and to his own reputation, had required him to answer the charges of the gentleman, which doubtless would be rung through his own district as coming from one of the statesmen of Virginia.

Mr. ATKINSON said he did not often rise to address the House, and therefore he most respectfully asked an attentive hearing. He professed to be a man of peace, but at the same time he professed to be a sort of *noli me tangere* man.

Mr. STANTON explained that he had said that General Cass had voted for the bill which the President vetoed, and that he thereby had voted against the veto; but the gentleman had represented that General Cass had not voted against the veto, inasmuch as the bill having originated in the House was sent back there, and he (Gen. C.) had not had the opportunity to vote for it, though he had voted for the bill originally.

Mr. ATKINSON said it was unnecessary for the gentleman to have made this correction, because he thought, of all mistakes that was the very least he had made; and the gentleman had only confirmed him in the opinion he had heretofore entertained of him, that in star-gazing his whole attention had been directed to little matters, while he neglected the great concerns of the nation.

Another mistake into which the gentleman had fallen was, that the public would believe—this committee who knew them would not, however—that he had thought it necessary to make an attack upon the gentleman from Tennessee with the view of injuring him at home or elsewhere. He had never considered the gentleman a rival. God forbid that he should look on him as such. Those who knew him would never for one moment suspect he was so destitute of intelligence and of that noble quality, self-esteem, as to consider him a rival.

He should attempt to speak as calmly and deliberately as he thought the nature of the occasion would allow; he had not when he addressed the House a few days ago. He assured the committee, while he offered no apology to the gentleman from Tennessee, he had not intended any unkindness or injustice to the gentleman. He had been arguing the question in a way he thought proper and legitimate; he had stated what his opinion was of the views the gentleman had expressed, as he had a right to do. The gentleman was altogether wrong in believing he had thought so much of him as to desire to injure him in his district.

The honorable gentleman had told them that Virginia was once considered the mother of states-

men. Perhaps if the gentleman had been born in Virginia he might have considered that Virginia was the mother of *one* statesman. He believed that the gentleman at one period of his life had lived in Virginia, and it might be that the gentleman intended to declare that when he departed from Virginia all the great men of that old Commonwealth had gone. He, however, had migrated to the "far West," as it was called, and Virginia had lost one of her sons, although he assured the House the sun had risen and set afterwards as it did before; although one of her sons had taken up and gone to the West, there was the same noble spirit in the old Commonwealth which had ever existed, and which he hoped would continue to exist as long as she was a Commonwealth.

In the remarks he now made he trusted the House would not consider that he exhibited the strength of his intellect. He was not making an effort to establish his reputation; he assured the House he should use nothing but mustard-seed shot, and should reserve his cannon balls until a more important contest. He should treat that gentleman as he deserved here and elsewhere.

He repeated his disavowal that he had made an attack on the gentleman the other day. He had been arguing against the appropriation of two thousand dollars to employ a certain individual for the purpose of enlightening the people at large.

Mr. STANTON inquired if the gentleman had not said that he (Mr. S.) had adopted one of the principles of Federalism, and perhaps another, that the representative was not to be palsied by the will of his constituents?

Mr. ATKINSON would answer the gentleman with great pleasure, and should not be found backing out here on any occasion from positions which he had taken. He had stated distinctly, and he now reiterated it—and he stood by his remarks as reported in the Intelligencer—that the gentleman had adopted one Federal opinion of the late Mr. Adams; and that he perhaps might have adopted the other, that the representative was not to be palsied by the will of his constituents. He had said he trusted it was not the case, (it was so reported.) He trusted the gentleman had not, for it pained him to see a man who had been classed with the Democratic party adopting Federal notions. He had, on the previous day, attempted to show that the Democratic or Republican party, (as it was more properly called at that day,) when Mr. Adams recommended the establishment of a permanent observatory, repudiated it as a Federal idea, and the consequence was that no notice was taken during that session of Congress of that recommendation by the Congress of the United States, although that went far, together with the other opinions Mr. Adams expressed, to prevent his reëlection as President of the United States. Was he right in that opinion? Was there any gentleman who would rise in his place and say that that opinion of Mr. Adams was not at that day considered anti-Republican? If there were one, let him rise and speak. [A pause.] Not one. Then he was right. The Democratic Congress in 1831, after Mr. Adams recommended the establishment of a permanent observatory in 1825, passed an act extending and carrying into effect the act of February, 1807, providing for the survey of the coast of the United States, and so careful were they lest it should be construed in any way to endorse the recommendation of Mr. Adams, annexed this proviso—the bill being reported by Mr. Hoffman—that nothing in this act shall be construed to authorize the construction or maintenance of a permanent astronomical observatory. He said that up to 1831 so jealous were the Republican party of this thing called an observatory or a "light-house in the skies," which suited the honorable gentleman from Tennessee better than matters of fact, that at that time they actually incorporated a provision in the bill declaring that no construction should be put upon it to provide for the establishment of a permanent observatory. Now, he did not mean to go into an argument upon the merits of these astronomical observations before this committee at this time, because he was always opposed to talking to a subject irrelevantly, and nothing could induce him now to do so but the attack made by the gentleman from Tennessee upon him. He would not discuss here the propriety or impropriety of the course pursued by Mr. Jefferson, or his recommendation in the case of the expeditions of Lewis & Clarke, as he had not recently had an opportunity of examining into the subject as the gentleman from Tennessee had, who had been preparing his speech for days, but he understood and he believed there was no doubt that the recommendation of Mr. Jefferson in regard to this expedition was not for the purpose of the establishment of a permanent observatory like that recommended by Mr. Adams and since established.

Mr. STANTON would like to know the difference between the constitutional power of establishing a temporary observatory and a permanent one?

Mr. ATKINSON begged not to be interrupted. He had just stated, that he should not discuss before this committee the propriety of the recommendation of Mr. Jefferson, or of an observatory, because that had already been done.

Mr. STANTON again invited Mr. A. to answer the question.

Mr. ATKINSON persisted in his refusal, and said he would answer pertinent questions. He had come here now to meet the gentleman on the issue he had raised a few days ago. The gentleman had then distinctly announced to the House, that on a suitable occasion he should compare principles with him, (Mr. A.,) to show which of them was a Democrat, and which a Federalist. Now, he charged upon the gentleman that he had favored and supported, as well as he could support, appropriations for that observatory, which, at that day at least, was a Federal measure. He charged again, that the gentleman had made a speech against the veto power, as exercised by Mr. Polk upon the river and harbor bill.

Mr. STANTON said he had never made a speech against the veto power; on the contrary, in the speech to which the gentleman referred he had expressly approved and advocated the veto power, as the gentleman would find by referring to the speech.

Mr. ATKINSON reiterated his assertion, that the gentleman had made a speech against the veto power, as exercised upon the river and harbor bill, and he had also assumed to enlighten the people of the United States, and to prove that James K. Polk was wrong and he was right; and he had told the House, that he had since been reëlected by the people of his district. He (Mr. A.) could account for that very readily. The people of his district, he imagined, had been found to be more Federal than it was supposed they were, and Federalism had no doubt come to his relief; and in that way he got the approbation of what he had done in the Congress of the United States.

But the gentleman from Tennessee said, if he was to contend, in order to regulate weights and measures, that it was necessary for the Government to make astronomical observations, an intelligent man would pronounce that he was right and sensible; but the gentleman from Virginia, he presumed, would not so pronounce. And did that gentleman set himself up to judge of his intelligence? If so, he would move to change the venue, because every man who was tried had the right to be tried by his peers.

Something had been said the other day about progressive Democracy. If the gentleman was a progressive Democrat, he did not want to belong to the party; his progressive Democracy was an approximation to Federalism. It was said by some that he (Mr. A.) was of the stand-still Democracy. Yes, he was of that Republican or Democratic party—call it what you please—which contended for a strict construction of the Constitution of the United States. He was one of those who believed that the Congress of the United States had no powers except those which were delegated to them, and that all the powers of Congress were such as were expressly delegated, or were necessary and proper to carry into execution the expressly delegated powers. That was the kind of Democracy to which he had always belonged. But whenever he found any of the Democrats ready to go, as he found some were, to adopt the rule that the majority must construe the Constitution of the country, that the will of the majority was the only rule by which they were to be governed, he abandoned a Democracy entertaining such principles. He knew it was considered rather out of sorts to talk here about the Constitution. Yes, that old instrument of trusts had been so long neglected that he would be called an old-fashioned man who called it up for the purpose of examining and construing it strictly. He was for progressive Democracy when progressive Democracy meant progress in human happiness, in the sciences, in the wealth of the people, provided all these things could be attained according to the constitutional rules which he had prescribed for himself. But whenever they travelled out of the Constitution, whenever they would lay aside the limitations of that instrument, whenever they would violate the fundamental principles of the Government, as established and as laid down by the Virginia resolutions of 1798 and 1799; when they would do that, he begged gentlemen not to ask him to go with them, if they called that progressive Democracy. He went for the progress of science, but not for the encouragement of science by act of Congress. He held that the Congress of the United States had no power to encourge science, except by granting letters patent, and securing copyrights to authors and inventors. So far as that went to encourage science he was for it; but he was for encouraging science by individual efforts; for encouraging that which would make mankind able and intelligent, and that must be accomplished by individual enterprise, and not by the operation of our Government.

Although he should probably be considered by the gentleman from Tennessee as not ranking in his class of intelligent men, he said it was not necessary in order to regulate weights and measures that this observatory should be established by the Government of the United States. A uniform standard of weights and measures had been established without this observatory and appropriations for meteorological observations. Why, then, was it necessary at this late period to establish an observatory? It was not; and, until the contrary could be shown, the gentleman's argument fell to the ground.

He referred to Mr. STANTON's invoking the authority of Mr. Jefferson, and said he frequently heard the name of that illustrious patriot and sage pronounced in such a way as to be a slander upon his memory. It was not all who hurraed for Cass and Butler, who said they walked in the footsteps of Jefferson, Madison, and Jackson, who belonged to the school of which they were the founders. He denied that there was anything in Mr. Jefferson's actions or writings which sustained the gentleman in the advocacy of such doctrines as he advanced.

In passing he referred to the remarks of Mr. STEPHENS in reply to his previous ones, and thanked him for the agreeable, gentlemanly course he had taken. That gentleman was in favor of an observatory, as he had the right to be, and had boldly stood up for his principles and for that construction of the Constitution which he believed was right, and which justified appropriations for these objects as incidental to expressly-granted powers. He had argued the question as a gentleman, and he should always treat him as such both here and elsewhere, he trusted.

The gentleman from Tennessee had said he was not afraid that any remarks which he (Mr. A.) might make would prevent his reëlection to Congress; and yet his actions had indicated that he did fear the effect, and he had made a most powerful effort to prevent the influence of his (Mr. A.'s) remarks on the people of his district.

Mr. STANTON was understood to say he had never heard from the gentleman anything but what the gentleman himself called mustard-seed shot.

Mr. ATKINSON replied that he had expressly stated, in the outset of his remarks, that he did not consider anything more than mustard-seed shot necessary for the gentleman; grape would blow him to the skies; and he would recommend to the gentleman to become one of the soarers, because he very much doubted whether, unless Tennessee became much more Federal than she now was, he would again be returned to this House.

But the honorable gentleman from Tennessee, it seemed, after he had made a speech against Mr. Polk's veto on the river and harbor bill, was so elevated in the opinion of his constituents that he had received even a larger vote than Mr. Polk himself received when he was a candidate for the Presidency. That, he thought, did not speak much for the gentleman's Democracy; for, as without doubt Mr. Polk received all the Democratic votes, the gentleman from Tennessee must have received Federal ones. That was the way the gentleman came to overleap the present honest, intelligent, consistent President of the United States.

He repeated, that in the remarks he had made a few days ago, he had had no spleen to gratify against the gentleman from Tennessee; nor had he

any intention to operate upon his constituents against him. Since, however, the gentleman had done him the honor to complain that such would be the effect of his (Mr. A.'s) remark, permit him to say, that with a Democratic people, the remarks made subsequently by the gentleman himself would not tend to elevate him in their estimation.

The gentleman had thrown down the gauntlet, and had declared he intended to compare Democratic opinions with him, (Mr. A.) Had he done it? Had he stuck to the issue? He defied him to show any deviation on his (Mr. A.'s) part from the principles of the old Republican party; and he would yield the floor if the gentleman wished to attempt it.

Mr. STANTON said he had not designed to enter into such a contest. If he had made such a remark it was a slip of the tongue. His object had been to justify himself, and show by argument that the measure he advocated was constitutional. The gentleman had not met it.

Mr. ATKINSON replied that he did not decline any discussion with the gentleman. He said, according to the Constitution of the United States, Congress had no power granted to establish an observatory. Where did the gentleman get the power? From that clause which authorized Congress to raise and support a navy? He supposed that was the clause on which he relied. Now, he put this question to every intelligent mind in the committee: Is it necessary, in order to raise and maintain a navy, that an observatory shall be established by Congress? The navy of the United States had been raised and supported for years without an observatory, and without appropriations to allay storms, which were under discussion a few days ago, and why were either any more necessary now?

Mr. STANTON asked whether it was not absolutely necessary that our navy should use the observations of other Governments, unless we furnished them ourselves? And whether we had not, from time immemorial, used such observations, and been dependant to this extent upon other Governments?

Mr. ATKINSON urged, in reply, that, as we were in possession now of all the information of other countries on the subject, it was the less necessary that we should be at the expense of establishing and keeping up an observatory.

He recurred to Mr. STANTON's charge upon him of want of information, and advised the gentleman to go to his district and make the remark, and he would be hissed and scorned by the intelligent people of that district. The gentleman had once been among the people of Virginia and had found them too intelligent for him, and that he never could have gone to the Congress of the United States from there, and so he fled and sought refuge without her precincts. Virginia had once been the mother of statesmen, and in time had ceased to bear statesmen within her limits! Where, then, should she look for them? To the gentleman's district in Tennessee? It was laudable for a man to have a proper degree of ambition and self-esteem; but young statesmen were sometimes inclined to think the weight of the Government rested on their shoulders—the weight of the Democracy rested on them—and that no good thing could come except from them. He had seen such instances even in this House.

In conclusion, he again expressed his regret that he should have been drawn into this discussion as he had been by the attack of the gentleman from Tennessee. But he undertook to say the gentleman might come on with his battle knife as soon as he pleased, and although he affected to think that the statesmen of Virginia were no more, he would find her citizens always ready to stand up to support their honor and the honor of their State, even if it cost their life-blood. He sought no controversy with any man; he went for peace. All the honorable gentleman needed to have done the other day to have prevented this difficulty, if he had chosen, was to have asked him whether he (Mr. A.) intended his remarks in unkindness or not; he should with great pleasure have responded that he did not, and meant no injury, personal or political, but was merely attempting to show that the course taken by him was the Federal and not the Democratic course. But he begged gentlemen to cease to throw abuse on old Virginia. Let him tell gentlemen there were intelligent men, and many of them, in this House who had the honor of being born in Virginia; and although they had gone, there still remained in that old Commonwealth hearts and hands ready to battle for their rights and to repel all attacks both here and elsewhere. He dismissed the subject he trusted forever; but, whilst he was ready to dismiss it, he wished it to be distinctly understood that whenever the occasion should require it he could be found.

Mr. STANTON, in correction of an erroneous conception of Mr. ATKINSON, stated that his native place was not Virginia, but Alexandria, District of Columbia; that he had taught school in early years in Virginia—though he thought not in the gentleman's district, and at the age of nineteen had left the State never to return to it again. He was very sure if he had gone into the gentleman's district, and there been a candidate for Congress, inasmuch as the population of the district had elected the gentleman, he never would have stood any chance there.

Mr. ATKINSON, (in his seat.) Surely not. [A laugh.]

Mr. STANTON continued. But one thing he could say in reference to the constituency he had the honor to represent, that the gentleman never represented such an one.

Mr. ATKINSON. Never. [A laugh.] God forbid!

Mr. STANTON, in reference to the argument he had used this morning, had nothing to say, for the gentleman had not attempted to reply to it, but had expressly waived the question by which he (Mr. S.) had invited him to show wherein the proposition he had advocated in this House differed from the principles advocated and maintained by Mr. Jefferson himself. He asked the gentleman to show why he should denounce him and (notwithstanding his disclaimer) make a severe attack upon him, which, if not designed to injure him before his people, had no purpose whatever. The gentleman had waived all these arguments, and told him he should only use mustard-seed shot. He must say it was impossible for him to find shot small enough to fight the gentleman with.

Mr. ATKINSON was very sure the gentleman could not find shots small enough for his opponents, because the truth was, he had no ammunition at all. [A laugh.] He was a blunderbuss [renewed laughter] without any powder or shot.

Having again disclaimed any intention of injuring Mr. STANTON in his district or elsewhere, and again insisted that this unpleasant controversy had arisen from the gentleman himself, Mr. A. concluded his remarks.

On motion of Mr. VINTON, the committee then rose, and the House passed a resolution to close the debate on this bill in five minutes after it should be again taken up in committee.

The House then again went into committee on the same bill.

Mr. VINTON stated that the Engineer department had sent to the Secretary of War estimates for the fortifications for the year, observing in their report that they had reduced the amount as low as possible, in consistency with the continuance of the war with Mexico. Notwithstanding this, however, the Secretary had cut them down to a little more than half of the sum estimated. Both estimates had been submitted to the Committee of Ways and Means, and the committee had made the bill to conform to the estimates, not of the Engineer department, but of the Secretary, and the sums inserted were just sufficient to keep the existing works in a state of preservation, without advancing them at all.

Mr. SAWYER inquired what was the total amount appropriated by this bill?

Mr. VINTON replied, a little over half a million, instead of several millions, as had usually been put in.

Mr. J. R. INGERSOLL moved to insert, "For the construction of Fort Delaware, on the Pea Patch Island, one hundred thousand dollars." He said that there was no appropriation in the bill, as reported, to meet this object; nor had there been any estimate from the department on which an appropriation would, according to the usual course of things, be founded. The probable reason for these omissions was readily to be given, and, on giving it, he trusted that the deficiencies would promptly be supplied. The Pea Patch Island lay between the shores of the States of New Jersey and Delaware. Each State had claimed authority over it. Suits had been brought, but the jurisdiction being questioned, neither State had been disposed to submit to judicial investigations within the limits of the other. Thus the matter had stood for many years. At length the two parties—the United States Government on the one side, and the agents of the family claiming under a Jersey grant on the other—came to an agreement to submit the question of title to a reference. Accordingly a quit-claim deed was executed by the individuals to the Secretary of War, to be held by him until the dispute should be ended. A referee (Mr. Sergeant, of Philadelphia) was named and agreed on. The arrangement was, that if the individual or Jersey title should prove the better, referees should be chosen to ascertain the value, and the amount so ascertained should be paid by the United States. If, on the other hand, the referee should decide against the private claimant, there was an end of controversy, and the Government would stand secure in its rights against all assailants.

Thus stood the case at the opening of the present session. After a lapse of some months, a decision was pronounced here, in the Capitol. Nothing remained but to proceed with the military works which had been so long suspended. A fort was long ago constructed at the place; but it was destroyed partly by the sinking of the foundation, and afterwards by a conflagration, which took away all the combustible parts. A remnant of former appropriations had been in the treasury, amounting, some months since, to $20,000. But this had been partially or altogether exhausted in preliminary surveys and arrangements. Nothing adequate at all to the work itself—the construction of a great fortification—remained. What was the consequence? The shores of the fine river, in the bosom of which this *fungus* had arisen, as if provided by nature on purpose for security, remained defenceless. Except a small fort five miles from Philadelphia, nothing was found for the protection of about half a million of people and many millions of property near and upon its shores. The States of Pennsylvania, New Jersey, and Delaware, were exposed to attack and invasion with comparative impunity.

Mr. I. said he merely supplied an omission on the part of the department and the committee by offering the amendment. As the final settlement of the title had been comparatively recent, he was bound to suppose that the omissions which he had adverted to were inadvertent. Whatever might be the character of them, he felt it due to a large section of country to provide, if possible, a suitable remedy.

Mr. VINTON, after a *pro forma* motion to reduce the amount, went into a brief reply. The title of the United States to the Pea Patch Island had long been in dispute; but since the original estimates had been sent to the Committee of Ways and Means the title had been secured, and an appropriation had been inserted in the bill to cover the expenses of the arbitration. No estimates had been sent from the War Department for this work, although the arbitration had been concluded and the title obtained at the commencement of the present session of Congress.

Mr. INGERSOLL corrected this statement. The arbitration had not been brought to a close till the month of March last.

Mr. VINTON said he would send to the Clerk's table a report of the War Department in regard to this work, in which the Secretary stated that if the title should be awarded to the United States there would be no necessity for a new appropriation, because there was money already in the treasury appropriated for the object. But if the title should be found to be in other parties, then it would be requisite to appropriate in order to make the purchase.

The report was read.

After a brief reply from Mr. J. R. INGERSOLL, and some inaudible statements from Mr. C. J. INGERSOLL, Mr. FICKLIN wanted to know how much money had already been expended on this fort on Pea Patch Island!

Mr. J. R. INGERSOLL replied that that question was readily answered, and the answer was, nothing at all. No money had been spent upon it at all. There had formerly been a work upon this site, but it was burnt down. That had nothing to do with what was now asked. No money had been appropriated except a small sum for a survey of the site of the fort.

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Mr. McKAY opposed the appropriation, on the ground that nothing had been asked for this work by the War Department, and before a new work should be commenced the House had always required that it be reported from the Committee on Military Affairs. The gentleman from Pennsylvania asked the modest sum of one hundred thousand dollars for this unauthorized work, while the whole amount provided in the bill, for all the fortifications of the United States, was but five hundred and thirty thousand dollars. If the amendment were admitted at all, the sum should be reduced. He moved to reduce it to forty thousand dollars; which was agreed to.

The question then recurring on Mr. INGERSOLL's amendment as thus amended, after several further propositions to amend, the proposition of Mr. I. was rejected.

Mr. BOWLIN moved to strike out the last item in the bill, for the building of a sea-wall round Brewster's Island, in Boston harbor, on the ground that this was not an appropriation for a fortification, but for a harbor improvement.

The item is as follows:

For the protection of great Brewster's Island, and security and defence of the principal ship channel in the harbor of Boston, Massachusetts, $40,000.

Mr. VINTON briefly explained the ground on which it had been inserted in the bill. Brewster's Island was a site selected for a fort for the defence of Boston harbor, but the currents were fast sweeping it away and filling up the adjacent channel; the sea-wall was to prevent this, and secure the site for a future fortification. A prolonged and desultory debate ensued, in which Messrs. FICKLIN, VINTON, SAWYER, JONES of Tennessee, HUDSON, McKAY, McCLELLAND, GRINNELL, MARVIN, POLLOCK, BURT, and ASHMUN, took part.

The appropriation was advocated on the ground that it was not a new work, but one which had been contained in former bills; that though not directly for the erection of a fort, it was to preserve from destruction an island immediately adjoining the channel which led up to Charlestown navy-yard, the dry dock, &c., being one of the points laid down in a plan for the defence of Boston harbor for the erection of a fortification. Unless the gradual abrasion of this island were not prevented, (and the currents had already carried away about one-fifth of it,) the channel would be choked up, and if a fort were ever built there, the expense of erecting it would be vastly increased, as its foundations would have to be laid under water. It was reported by the engineers, and the Secretary had sent estimates for the work to the Committee of Ways and Means.

The appropriation was opposed on the ground that this item had no proper place in a fortification bill, because it was not for the erection of any fort or other military work whatever, but merely for the protection of an island and a channel in Boston harbor. It was in fact a harbor improvement, and as such had formerly been inserted in the river and harbor bill which had received the Executive veto. It would be found in the harbor bill of the present session, and had never been in a fortification bill before; and one gentleman [Mr. McCLELLAND] wished it to remain in the harbor bill still; so that if the Executive should veto the western harbors, he might be compelled to do the same on the seaboard; while another was for excluding it, lest the whole bill should be vetoed on account of it.

Besides, the island belonged to the State of Massachusetts, and not to the United States, and this was therefore no legitimate subject of Congressional legislation; and, if otherwise, still there was no law authorizing the erection of a fort upon it. No such measure had been submitted to the Committee on Military Affairs.

Mr. KING, of Massachusetts, moved to insert $50,000 instead of $40,000 in this item. He moved the amendment simply for the purpose of saying that this appropriation was necessary for the defence of Boston. It was strictly a military appropriation, and could not be considered anything else. By the War Department it had been considered necessary to have two batteries on Brewster's Island, but within a few years two or three acres of that island had been washed away. The island itself had very little intrinsic value for private purposes. It was only valuable to the Government, whose fortifications protected Boston harbor, and the great amount of public property at the Charlestown navy-yard, including the naval hospital, the marine hospital, the dry dock, and all the naval effects. It was not because the mercantile interest required this appropriation that it was asked for, but because it was necessary to the complete military defence of Boston harbor. On concluding he withdrew his amendment.

Mr. PALFREY, having moved an amendment, said he was well satisfied that gentlemen who objected to this appropriation on the ground that it was an appropriation merely for the security of and to afford facilities to commerce, and that it was not a part of the military defences of the country, had in some manner failed to inform themselves of the facts of the case. There was nothing more distinctly plain than the fact that this appropriation was essentially a part of the appropriations for the military defence of Boston harbor. He argued this question at some length, showing that the erection of a wall at the place which had been designated was necessary also for the protection of the channel. If the channel should not be protected, he said vessels entering the harbor would no longer be subject to the control of the expensive works which the Government had already erected there; he could not, therefore, see how this appropriation could with any reason be objected to. He also called attention to the point presented by his colleague, [Mr. KING,] who argued that it was necessary for the defence of the Government property at the Charlestown navy-yard.

Mr. FICKLIN contended that the purpose for which this appropriation was required partook of the character of a harbor improvement, and therefore it did not belong to this bill. If, however, this were not so, it was for a fortification which had not as yet been authorized by law, and in this case also it was out of order. But again: if the channel was or would be closed, as gentlemen had contended, that would be an ample protection of the public property against a foreign enemy, and furnished a reply to the argument based on the necessity to protect public property there.

Mr. WHITE, of New York, also argued in favor of the appropriation, on the ground that it was necessary to the military defence of the harbor.

Mr. MARVIN entered into some reminiscences of the manner in which appropriations were made for rivers and harbors in times past, and spoke of the change which had been brought about in that respect in these modern times. He said he had no idea of permitting this Administration to steal a march on this House, and spread along our coast fortification after fortification, when at the same time the commerce of the country was entirely neglected.

Mr. WICK moved to reduce the appropriation to one thousand dollars. He made this motion, he said, for the same reason which should control his vote adverse to the passage of the bill. The time had come when, with the exceptions of temporary field-works, constructed to facilitate operations in a campaign, and permanent fortifications at a very few prominent points, fortifications, like a national bank, have become an obsolete idea—a relic of the dark ages. The use of steam-vessels had superseded them. By their use an army could be landed, even on a lee shore, within a few miles of the forts, and surround them, steam enabling vessels of light draught to approach sufficiently near a shoal and lee shore to land troops. All this had been done and demonstrated on the landing of our army at Vera Cruz. He would vote against any fortification bill appropriating sums beyond what was necessary to preserve forts as they now are. This amendment was for a fort not yet begun. He would begin no new works. He was prepared to attack the bill in an hour's speech; but, as he was restricted to five minutes, he must be content with thus hinting at his objections to the system of fortifications as heretofore carried on. This system, before the use of steam vessels, was proper; but now it amounted to little else than a scheme for eviscerating the treasury and the promotion of private jobbing.

Mr. CLARK, of Kentucky, also opposed the proposed appropriation. He objected to it because it was for a fortification which was not yet commenced. He asked if there was money in the Federal treasury from which this sum could be paid? The country was already involved in an enormous debt, and they knew that from day to day the bonds of the Government were hawked in the market. Early in the session, they were told that no one desired the Government to become a borrower; more especially the Government ought not to borrow for the purposes of internal improvement when it could not provide the means of defence. This was an appropriation for the improvement of a harbor, and it should be placed on the same footing with river improvements. He objected to this entering wedge, believing that this Government had no power to make such appropriations.

The question finally recurring on the motion of Mr. BOWLIN, to strike out the item for Brewster's Island, &c., it was decided, on a count by tellers, in the negative: Ayes 68, noes 76.

Mr. BOWLIN moved an amendment appropriating for sea-walls on islands in the harbor of St. Louis. But—

The CHAIR ruled it to be out of order.

Mr. BOWLIN appealed; but the committee sustained the decision of the Chair.

Mr. HOLMES, of South Carolina, moved to increase the appropriation in the bill for the preservation of Fort Moultrie, in the harbor of Charleston, and supported his motion by a letter from an engineer, describing the abrasion of the island on which the fort stands, and the danger of its foundations being seriously injured.

After opposition by Messrs. FARAN and HALL, of New York, the amendment was carried.

Mr. FARAN proposed to add a proviso to the appropriation for Brewster's Island, in Boston harbor, which he modified at the suggestion of Messrs. FICKLIN and HUDSON, providing that the United States should first be in possession of a good and valid title to so much of the island as was needed for the erection of a fort.

This was agreed to.

Mr. GREEN moved a further proviso that the money should not be expended till the Secretary of War was satisfied that it was for a work previously authorized by law.

This was negatived.

Mr. HOUSTON, of Delaware, moved an amendment to add at the end of the bill the following:

For rebuilding Fort Delaware, on the Pea Patch Island, in the river Delaware, $30,000.

Mr. H. briefly glanced at the history of the public works on this island, their destruction by fire many years ago, the cession of the island by Delaware on the express condition that fortifications should be kept up, and urged this appropriation, as, though small, highly useful as the beginning of works highly necessary, and which Congress must appropriate more largely for at the next session, to redeem its plighted faith to the State of Delaware. This bill did not contain a solitary cent for the defence of the river Delaware, or of the States of New Jersey, Pennsylvania, and Delaware, which were so deeply interested, and that river and those States had been left absolutely unprotected for the last fifteen years, in consequence of the dispute which had arisen with reference to the title to the Pea Patch Island, which had now been so happily settled.

The amendment was rejected.

Mr. HOLMES, of New York, moved to amend by adding the following:

For the purpose of erecting fortifications and establishing

a military depôt, under the direction of the Secretary of War, at or near the mouth of Genesee river, in the State of New York, fifty thousand dollars.

The amendment was ruled out of order.

Mr. HALL, of New York, moved to add at the end of the bill the following:

For the continuance of the defensive works at Buffalo, New York, heretofore recommended by the War Department, and part of which have been constructed under its direction, twenty-five thousand dollars.

Mr. H. briefly advocated the appropriation.

The amendment was rejected.

Mr. WICK moved to add the following as an additional section:

And be it further enacted, That no money shall be expended under authority of this act before the 1st day of April, 1849.

The amendment was rejected.

Mr. SLINGERLAND moved an amendment to appropriate for deepening the channel of the Hudson river, near Albany, $50,000. Ruled out of order.

On motion of Mr. WHITE, the committee rose and reported the bill and amendments to the House.

Mr. VINTON moved the previous question; which was seconded, and, under the operation thereof, the first amendment of the committee (the proviso) was agreed to without division.

The second amendment (increasing the appropriation for Fort Moultrie, Charleston, South Carolina, from $10,600 to $13,600) was voted on by yeas and nays, and resulted—yeas 75, nays 69.

So the amendment was agreed to.

The amendments having been agreed to, the bill was ordered to be engrossed, and, being engrossed, was read a third time.

Mr. VINTON moved the previous question; which was seconded, and, under the operation thereof, the bill was passed by yeas and nays: Yeas 79, nays 62.

Mr. V. moved to reconsider the last vote.

Which motion to reconsider was laid upon the table.

And then the House adjourned.

IN SENATE.

FRIDAY, *June* 16, 1848.

The VICE PRESIDENT laid before the Senate a letter from Mr. BAGBY, of Alabama, resigning his seat as Senator from that State.

On motion of Mr. LEWIS, it was ordered that the Vice President communicate the same to the Governor of Alabama.

Several Senators rose with petitions, reports, and resolutions, when the VICE PRESIDENT announced the first bill on the calendar, and read the resolution of the Senate declaring that Friday and Saturday next be set apart for the consideration of private bills, to the exclusion of *all other business*.

An ineffectual effort was then made to give priority to certain bills over others, which consumed some time of the morning hour; after which, the private calendar was taken up in its order, and the following bills passed:

A bill directing the Secretary of the Navy to purchase from Dr. James P. Espy his patent right for the conical ventilator.

For the relief of James F. Sothoron.

For the relief of John Clark.

For the relief of the heirs of Jean F. Perry, Josiah Blakely, Nicholas Jarrot, and Robert Morrison.

To provide compensation to William Woodbridge and Henry Chipman, for services in adjusting titles to land in Michigan, and for other purposes.

For the relief of David N. Smith.

For the relief of Silas Waterman.

The following bills were laid on the table:

For the relief of the heirs and legal representatives of Wm. Grayson.

For the relief of George Newton.

For the relief of Russell Goss.

For the relief of John Caldwell.

For the relief of John P. Baldwin.

The Senate then took up House bill for the relief of Phineas Carpenter, administrator of John Cox, deceased, of Boston, and, after discussion, adjourned, at a few minutes before four p. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 17, 1848.

The Journal of yesterday was read and approved.

Mr. VINTON said he was instructed by the Committee of Ways and Means to move that the House resolve itself into Committee of the Whole on the appropriation bills.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar.

Mr. HUNT hoped that neither motion would prevail, and that the House would devote some time to the reception of reports from committees.

The question was put on the motion of Mr. ROCKWELL; it was decided in the affirmative, tellers reporting ayes 67, noes 64.

PRIVATE CALENDAR.

The House accordingly resolved itself into Committee of the Whole on the private calendar, (Mr. WICK in the chair.)

The bill for the relief of the legal representatives of Joshua Kennedy, deceased, which was under discussion when the House were last in committee on private bills, was taken up this morning, and the discussion was resumed by Mr. DANIEL, and continued by Messrs. CROWELL and ROCKWELL, of Connecticut.

Mr. DANIEL moved that the bill be laid aside to be reported to the House with the recommendation that it do not pass. Ayes 48, noes 71.

The bill was then laid aside to be reported to the House.

The next bill taken up was for the relief of Lyon and Howard. It was debated by Messrs. HAMMONS and WILMOT.

The committee then rose and reported the bill for the relief of the legal representatives of Joshua Kennedy, deceased, and progress on the bill for the relief of Lyon and Howard.

The question was stated on ordering the engrossment of the bill for the relief of the legal representatives of Joshua Kennedy, deceased.

Mr. ROCKWELL, of Connecticut, moved the previous question, which was seconded.

Mr. BOWLIN moved to lay the bill on the table. Ayes 48, noes 66, a quorum not voting.

Mr. HAMMONS moved an adjournment. Lost, ayes 44, noes 74.

A quorum having appeared, the question was again put on laying the bill on the table, and it was decided in the negative. Ayes 49, noes 68.

The bill was then ordered to be engrossed, and, being engrossed, was passed. Ayes 77, noes 59.

And then the House adjourned.

IN SENATE.

SATURDAY, *June* 17, 1848.

The Chair commenced calling the calendar of private bills; when

Mr. DAYTON asked leave to introduce a resolution, which he was instructed to submit by the Committee on the Judiciary.

Symptoms of opposition being exhibited—

Mr. DAYTON requested permission as a favor personal to himself, when, by unanimous assent, he stated that heretofore, in taking the decennial census, there had been great defects, owing to the hasty manner in which the preliminary arrangements were made. He instanced the return of emigrants in the last census, the total number of which as reported was considerably below the number which arrived at New York alone. All the numerous defects, which have heretofore been so apparent, might be avoided hereafter by timely reflection and early movements to obtain and classify all the variety of useful information which ought to be collected and presented in the most simple and accurate form in this decennial document. This could be readily and effectually done, at a small comparative expense. He hoped that the Senate would acquiesce in the correctness of these views.

Mr. D. submitted the following resolution, and asked its immediate consideration:

Resolved, &c., That a sum not exceeding $700 be appropriated, out of any money in the treasury not otherwise appropriated, for the payment of such person or persons as the Secretary of State may employ, under and by virtue of this resolution, to prepare a plan for taking the census of 1850—embodying therein all important information which may be procured abroad and at home, in respect to details as to our population, productive industry, and resources; and suggesting the entire outlines of the best method to be pursued, the subject-matters to be embraced, and the classification to be adopted in the taking of said census, and that he report the same to this or the next session of Congress.

Mr. CALHOUN. Let it lie over.

The Senate then proceeded to the consideration of the private calendar, when the following bills were considered in Committee of the Whole, and were subsequently read a third time, by unanimous consent, and passed:

An act for the relief of Phineas Carpenter, administrator of John Cox, deceased, of Boston;

An act for the relief of the legal heirs of John Snyder, deceased;

An act for the relief of the legal representatives of James Brown, deceased;

Bill for the relief of J. W. Nye, assignee of Peter Bargy and Hugh Stewart;

Bill for the relief of B. W. Slaughter, late Secretary of State for the Territory of Wisconsin.

The Senate then went into Executive session; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 19, 1848.

In the absence of the Speaker at the usual hour of meeting—

The CLERK called the House to order, and said that he had received a letter from the Speaker stating that on account of indisposition he was unable to discharge the duties of the Chair this day.

Mr. ASHMUN said he had been requested by the Speaker to inform the House, that owing to a slight indisposition, he was unable to attend the session of the House this day. He held in his hand a letter he had received from his physician informing him that he deemed it imprudent for the Speaker to leave his room to-day. He had, since the receipt of the letter, examined the precedents relating to cases like this. He had found that on some occasions the House had adjourned; on others, they had proceeded to elect a Speaker *pro tempore* by ballot. He did not know what course the House would be disposed to take. In the pressure of public business at this time, he apprehended they would hardly be disposed to adjourn, as the Speaker's indisposition was slight: he hoped he would be able to resume his attendance here to-day or to-morrow. By resolution some gentleman might be appointed to act as Speaker for this day; if the Speaker were unable to attend to-morrow, the House could then appoint a Speaker for that day. He threw out these remarks by way of suggestion, and should acquiesce in anything that might be done. In order to expedite proceedings, he would venture to propose that the Hon. Mr. BURT, of South Carolina, be requested to act as Speaker this day.

Mr. STEPHENS seconded the motion.

The question being propounded by the CLERK, it was unanimously agreed to, and Mr. BURT was conducted to the chair.

The Journal of Saturday was then read and approved.

Mr. GOGGIN (chairman of the Committee on the Post Office and Post Roads) called up the post-route bill which had been passed over informally in order that it might be printed. Having been printed, he presumed no gentleman would object to it, and he knew of no reason why it should not be passed this morning.

With reference to the difficulty suggested by the gentleman from Ohio [Mr. VINTON] the other day, he would state, for the information of gentlemen, that since this bill was before the House on Friday last, on examination he found that the bill embracing the amendments of the gentleman from Texas [Mr. KAUFMAN] did involve a question of the jurisdiction of the State of Texas, providing as it did for a post route from Corpus Christi to the Rio Grande.

Mr. STEPHENS suggested, that as the members of the House had not yet received printed copies of the bill, it be informally passed over until to-morrow; which, after some conversation, was agreed to.

CLAIMS OF ALABAMA.

Mr. HOUSTON, of Alabama, from the Committee of Ways and Means, to which was referred the Senate bill authorizing the payment of interest upon the advances made by the State of Alabama for the United States Government, in the suppres

sion of the Creek Indian hostilities of 1836 and 1837 in Alabama, and for other purposes, reported the same back to the House with an amendment, which was read.

Mr. CHAPMAN said this bill included a provision in which several other States as well as Alabama were interested. As passed by the Senate, it authorized a settlement of the accounts of several States for expenditures made during the late war with Great Britain. It would be recollected by the House, that there were some outstanding questions of considerable interest and importance between several of the States of this Union and the General Government, for expenditures made by them during the war of 1812. Maryland was one of those States. The Treasurer of Maryland and the Treasury Department of the General Government, for several years had been endeavoring to adjust upon principles of equity the differences existing between them. The bill which had passed the Senate contained a provision which authorized the settlement of these accounts on principles of equity. He understood the amendment reported, and now before the House, precluded the settlement of any of these accounts except those of the State of Alabama. If he was misinformed, he hoped the gentleman from Alabama would correct him.

The bill and amendment having been read at his request, Mr. C. moved to refer them to the Committee of the Whole on the state of the Union.

Mr. HOUSTON, of Alabama, said the bill as originally brought forward, applied alone to the State of Alabama; but, by an amendment which was made in the Senate, upon motion of a Senator from Maryland, it was extended so as to apply to all of the States which had made advances in the late war with Great Britain. The Committee of Ways and Means (of the House) were unanimously opposed to incorporating in this bill any general provision bringing up all of the loans and advances made by the various States to the Government during the war of 1812.

The most, if not all of those States had received interest on their advances; but, in every instance, without exception—so far as the committee could ascertain—the interest was paid under a special enactment of Congress, for the particular State making the application. By examination, it would be found that New York, New Jersey, Delaware, Pennsylvania, South Carolina, Maryland, and, he believed, every one of the States that had advanced money for, or loaned money to, the United States, had received interest for it, under a special act, in each case.

In 1826 Maryland had received over $66,500 of interest upon an advance of some $292,000; and, if his memory had not failed him, he believed two acts had already been passed for her benefit. He did not intend now to discuss the merits of the claim brought forward by Maryland. His object was to let each case stand or fall upon its own merits. Alabama needed no prop in this matter, further than fairness and justice required from her sister States. Her claim was a just one; and all she wanted was, that it should be adjudicated—that Congress should now hear it. In her case, the facts were before the House. There could be no fear of legislating in the dark. It was very fully made out. Such had been the universal and uninterrupted practice of Congress heretofore with the other States; and he asked the same for Alabama. Such was not the case with Maryland's present claim. She had presented us no facts. Her case (if any she has) was not made out; and it was unfair for her to attempt to fasten it to a case so clear and so eminently just, and deserving of the speedy action of Congress as was that of Alabama.

In 1826 Maryland was allowed her interest. She in that year had two settlements, or partial settlements, with this Government for interest—the last one in December of that year—more than ten years after the close of the war; and if a greater sum was then due to her, why did she not collect it? why did she not bring in her claim for it? why did she not demand it? We were bound to presume that she received at that time all she claimed. Her settlement was of record. Again: It had been more than the third of a century since the advance was made upon which she now claims interest, and almost a quarter of a century since her former settlement with this Government was made for interest. And he would like to know why she had so long slept upon her rights. Did she not know, when she made her other settlements, that her present claim was due? If she did, why has it been held up or neglected so long? Can the gentleman from Maryland point to any bill or proposition which any of Maryland's representatives had brought forward for it? If so, he would like to see it. It is only brought forward in this instance, as an amendment to the bill for the benefit of Alabama. It underwent no supervision or examination of any committee of the Senate, as he understood it. It had been *unanimously* rejected by the Committee of Ways and Means of this House; and now he put it to the gentleman from Maryland, whether Alabama was to be embarrassed, and her bill defeated, because, unfortunately, Maryland had thought proper to attempt to put her claim in the same bill? He hoped not. He appealed to the Representatives of Maryland to let their case stand upon its own merits—make it out by collecting and presenting to Congress the facts—let Congress see and know whether it is just or unjust; but do not delay or defeat Alabama, because your own claim is not ready to be heard, or your case is not made out. As he had been able to understand the claim of Maryland, it was not a claim for interest in truth, on an item advanced or loaned to the United States, and which had not been taken into the account in her former settlement with this Government; but it was an effort to open the former settlement, and calculate interest upon a different principle than the one adopted in the first settlement, and in that way increase the amount. He had made these remarks, not with a view to show that Maryland's claim was unjust, or that it should not be allowed; but for the purpose of showing that it was not in a condition to be acted upon now by Congress—that it was a contested, disputed claim—and if persisted in, as an amendment to this bill, that it would inevitably defeat it, for the present at least. The claim of Alabama was not disputed. Its justice and the necessity of its speedy payment had been acknowledged by a unanimous report of the Finance Committee of the Senate, as well as its unanimous passage through that body. The same was true in regard to it in the Committee of Ways and Means of this House. That committee had not only stricken out the claim of Maryland without a dissenting voice, but it had also unanimously agreed to the claim of Alabama, and authorized him to ask the House to pass it forthwith, without any other reference of it to any other committee.

Mr. GENTRY asked the gentleman from Alabama [Mr. HOUSTON] if he did not perceive that he was furnishing an argument which goes conclusively to show the propriety of referring this matter to the Committee of the Whole on the state of the Union, where it could alone be discussed? He asked gentlemen who were interested in this matter to allow it to be referred, and to reserve all discussion for the Committee of the Whole on the state of the Union, where they could make their exposition of facts and submit their arguments.

Mr. ASHMUN inquired if this bill did not make an appropriation?

Mr. HOUSTON replied that it did.

Mr. ASHMUN then inquired if it must not necessarily go to the Committee of the Whole on the state of the Union?

The SPEAKER *pro tem.* said it must, unless the House should suspend the rules, or, by unanimous consent, allow the bill to be put upon its passage.

Mr. HOUSTON, in the course of some further explanations, said he thought, if gentlemen were acquainted with the facts, they would not resist his application.

Mr. ASHMUN must still insist on his point of order—not because he wished to prejudice the bill, for he had no doubt it had merits; but the 133d rule of the House required that all proceedings touching appropriations of money shall be first discussed in Committee of the Whole.

Mr. STEPHENS said the uniform practice of the House had been not to allow a discussion on the merits of a measure which the rule required should be first discussed in Committee of the Whole. The motion of the gentleman from Alabama [Mr. HOUSTON] was not now in order without a suspension of that rule.

Mr. HOUSTON said he could not well be induced to believe that those gentlemen who had made the points of order on him were hostile to the claim of his State. He regretted their course—not that he cared for the points of order raised—they could not be sustained—but they indicated a determination to refer this bill to the state of the Union, which, at this stage of the session, and, with the special orders now on the calendar, he considered fatal to it. Those gentlemen seemed to think that Alabama should hold up and take her chances with the other States in a general bill. Such had not been the practice of Congress on this subject; and why, he asked, should they desire to defeat Alabama, because they are not included in the same bill? Admitting their claims to be just and proper ones against this Government, does that show that because they are not paid, therefore a claim due to another State, and acknowledged on all sides to be just, should also be defeated? He thought not. His rule was to do all the good he could; and if he could pay one just claim he would do it, and pay the others as they might be brought forward and examined.

He had not gone fully into the origin of the advances of Alabama; they were made from the highest considerations of patriotism; they were made to *clothe* and *feed* and *sustain* the troops called out by the Government of the United States in 1836 and in 1837, during the Creek Indian hostilities, and under circumstances and at a time which made it fall with peculiar hardship upon the State, and which should recommend it the more urgently to the favorable consideration and speedy action of this Government. The State had already been a heavy loser in the transaction. The rigid rules adopted by the department here had excluded several thousand dollars, because the vouchers could not be properly arranged and authenticated; the State had paid and must lose that money. She had had an agent here and at home for several years, under pay, preparing the vouchers and presenting them to Congress; that had cost her thousands of dollars. This bill had been reported favorably upon in the Senate several times, and he could but believe it would be promptly paid. Upon the very fund out of which Alabama advanced the money for this Government, she was now paying interest to this Government. Alabama had borrowed money of the United States, which formed a part of her banking capital. Upon that she pays interest to this Government, as the agent of the Chickasaw tribe of Indians. Out of her banks she drew money and advanced for the United States; and all she wants is to obtain, to get back the very interest she has paid and is now paying to the United States. He hoped that the opposition would be withdrawn, and the bill passed. Let justice be done; he asked no more; Alabama wanted nothing else.

The motion to commit was agreed to.

A PERSONAL MATTER.

The SPEAKER *pro tem.* presented to the House a communication from Captain William Ramsay, of the United States navy, stating that in the proceedings of the House on the 13th instant, as reported in the National Intelligencer, he found that a petition had been presented which reflected on his character, in relation to which he submitted a long statement.

The reading was called for; and, when it was partially read, on motion the further reading was dispensed with, and it was referred to the Committee on Naval Affairs, to which the petition complained of had been referred.

COMMANDER DEKAY'S CLAIM.

Mr. McDOWELL moved a suspension of the rules, to enable him to offer the following resolution:

Resolved, That the House report, with its accompanying joint resolution, authorizing the accounting officers of the treasury charged with the settlement of the accounts of the navy, to settle and pay the expenses of the United States ship Macedonian, on her recent voyage to Ireland and Scotland, be made the special order of the day for Saturday, the 24th instant, and so continue until disposed of.

On this motion Mr. FICKLIN demanded the yeas and nays.

Mr. SMITH, of Indiana, made a point of order as to the motion in reference to a bill which was still in Committee of the Whole.

Mr. FICKLIN inquired whether this was not a bill, in fact, for the relief of Commander DeKay? whether this was not a private bill? and whether the motion was anything else than an attempt to take up a private bill out of its order, and in preference to hundreds of others equally meritorious?

Mr. McDOWELL frankly acknowledged that this was a bill for the relief of Commander De-Kay, and that his object was to get immediate action by the House upon that bill.

A debate on order ensued, in which Messrs. FICKLIN, McCLELLAND, SIMS, JONES of Tennessee, CABELL, and others, took part, and which resulted in a refusal by the House to suspend the rules.

MEMORIAL OF CHICAGO CONVENTION.

Mr. JOHNSON, of Tennessee, demanded the order of the day; and the CHAIR stated that order to be the calling of the States for memorials and petitions.

The call being resumed at the State of Illinois, and that State having been called—

Mr. WENTWORTH presented the memorial of the Chicago Convention in behalf of river and harbor improvements, and moved that it be read and referred to the Committee on Commerce, and printed.

Mr. HUNT, from the Committee on Commerce, advocated with much earnestness the motion to print, basing his argument, 1st, on the great and vital importance of the subject to the interests of the American people—a more important paper had not, he observed, come before Congress for many years; and 2d, on the distinguished ability with which it had been drawn up. It contained an argument on the constitutional power of this Government over the navigation of the country and the improvement of its rivers and harbors, which would be found unanswerable. It had been prepared by a gentleman who had rendered, in various eminent stations of public trust, very important services to the country and the Government. This formed an additional reason why the memorial should receive the respectful attention of the House. But, more than all, this respect was due to the occasion which called forth this eloquent and cogent expression of enlightened public opinion. The paper came from a Convention assembled at Chicago for the express purpose of taking these subjects into consideration. In that distinguished assemblage of the people, representatives were present from eighteen States of this Union, and this memorial embodied the sentiments of that body in regard to the obligation of the General Government to provide for the improvement of the rivers and harbors of the Union. Many States were represented in that Convention by very large delegations; and the unanimity with which they agreed on the adoption of this memorial was evidence of the deep hold which this question had taken on the public mind. Great anxiety prevailed that the subject should receive the speedy action of Congress, and it was certainly a just and reasonable expectation, and one which the House could not respectfully disregard.

Several bills had been reported from the Committee on Commerce for the improvement of rivers and harbors, but none of them had yet been taken up; nor had any motion succeeded to suspend the rules for their consideration, nor had they been made the special order of the day. But the expression of public opinion was general and emphatic, and it would prove irresistible.

It was no answer to say that the Executive had refused his sanction to bills on this subject. The people did not inquire what the President would or would not do; they expected and they demanded that their representatives should do their duty. Gentlemen were called on by the necessities of their country, and they would find that that country would not be satisfied if the duty was not done. The opposition of the Executive was but a temporary snag, which would shortly be removed by the force of popular opinion. In the hope that the House would speedily act on this memorial, and adopt satisfactory measures on the whole subject, Mr. H. would conclude by moving the previous question.

The call for the previous question was seconded by the House. The previous question was thereupon put and carried, and the main question being on referring the memorial to the Committee on Commerce and ordering it to be printed, it was decided in the affirmative, as follows:

YEAS—Messrs. Adams, Ashmun, Barrow, Belcher, Bingham, Blanchard, Brady, Buckner, Cabell, Canby, Chapman, Cocke, Collamer, Collins, Conger, Cranston, Crisfield, Crowell, Crozier, Cummins, Darling, Dickey, Dickinson, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Fredley, Gayle, Gentry, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henley, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Jenkins, Kellogg, Thomas B. King, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Leffler, Levin, Lincoln, Lynde, Maclay, McClelland, McIlvaine, Job Mann, Horace Mann, Marsh, Marvin, Morehead, Morris, Murphy, Nelson, Nes, Newall, Nicoll, Outlaw, Peck, Petrie, Pettit, Pollock, Preston, Richey, Rockhill, Julius Rockwell, John A. Rockwell, Roman, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Robert Smith, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Tallmadge, Taylor, Thibodeaux, James Thompson, Richard W. Thompson, John B. Thompson, William Thompson, Tompkins, Toombs, Tuck, Turner, Vinton, Warren, Wentworth, White, Wilmot, and Wilson—122.

NAYS—Messrs. Atkinson, Bayly, Beale, Birdsall, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Chase, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Daniel, Featherston, Ficklin, French, Fries, Fulton, Goggin, Green, Hammons, Haralson, Harris, Hill, George S. Houston, Inge, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Ligon, Lumpkin, McClernand, McDowell, McKay, Miller, Morse, Peaslee, Peyton, Phelps, Pillsbury, Sawyer, Sims, Smart, Thomas, Jacob Thompson, Thurston, Venable, Wallace, Wick, Wiley, Williams, and Woodward—56.

So the memorial was referred and ordered to be printed.

DUTIES ON LUXURIES.

Mr. STEWART, of Pennsylvania, moved a suspension of the rules, to enable him to offer the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill increasing the duties on foreign luxuries of all kinds, and on such foreign manufactures as are now coming into ruinous competition with American labor.

The question on the suspension of the rules was decided by yeas and nays, as follows:

YEAS—Messrs. Adams, Ashmun, Barrow, Belcher, Blanchard, Brady, Chapman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Cummins, Dickey, Donnell, Duer, Daniel Duncan, Eckert, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Gayle, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Jenkins, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Levin, Lincoln, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Nelson, Nes, Newall, Outlaw, Peck, Pollock, Preston, Julius Rockwell, John A. Rockwell, Roman, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Starkweather, Stephens, Andrew Stewart, Tallmadge, Taylor, Thibodeaux, Richard W. Thompson, Tompkins, Vinton, Warren, and Wilson—86.

NAYS—Messrs. Atkinson, Bayly, Beale, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Bridges, William G. Brown, Cathcart, Chase, Beverly L. Clark, Howell Cobb, Williamson R. W. Cobb, Daniel, Darling, Dickinson, Dunn, Farran, Featherston, Ficklin, French, Fries, Fulton, Green, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, Leffler, Ligon, Lumpkin, Lynde, Maclay, McClelland, McClernand, McDowell, McKay, Job Mann, Meade, Morris, Morse, Murphy, Nicoll, Peaslee, Petrie, Pettit, Peyton, Phelps, Pillsbury, Rhett, Richey, Rockhill, Sawyer, Sims, Smart, Robert Smith, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, William Thompson, Turner, Venable, Wallace, Wentworth, Wick, Wiley, Williams, Wilmot, and Woodward—82.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. STEPHENS moved the following resolution, which was adopted:

Resolved, That when the House adjourns to-day, it adjourn to meet at ten o'clock a. m. to-morrow; and that hereafter the hour of the daily meetings of the House shall be ten o'clock a. m., unless otherwise ordered by the House.

INTERNATIONAL EXCHANGES.

On motion of Mr. MURPHY, the House proceeded to consider the bill to regulate the exchange of certain documents and other publications of Congress.

Mr. MURPHY said, the Committee of the Whole on the state of the Union had been discharged from the further consideration of this bill some days since, and after it had come into the House it had been passed over informally upon an objection raised by the gentleman from North Carolina, [Mr. McKAY;] the gentleman had since examined the bill, and had therefore withdrawn his objection. He hoped the bill would be passed without delay.

Mr. THOMPSON, of Pennsylvania, demanded the previous question.

Mr. McKAY (the demand for the previous question being withdrawn at his request, and on pledge of its renewal) said, he had objected to the bill under the impression that it interfered more materially with the provisions of the act of 1846 (the tariff act) than he now found it did. He therefore waived his objection on this point. But there was another point which he did think somewhat important; he hoped the friends of the bill would modify it in this respect. It gave authority to the Library Committee indefinitely for all time to come to appoint these agents, without limitation either as to time or to salaries. He moved to add a proviso, that this act shall continue in force two years, and no longer; and renewed the demand for the previous question.

Mr. MURPHY, (Mr. THOMPSON having further waived the demand for the previous question, on pledge by Mr. M. of its renewal,) for the purpose of meeting the objection of his friend from North Carolina, moved to insert in the third section fifth line the words "agency and," so that it should read that this two thousand dollars should be appropriated for that purpose. If there was no other appropriation made for these agencies, it was perfectly evident there could be no such authority exercised by the Library Committee to bind this House.

He was asked why he objected to this proviso to limit the operation of the bill to two years. He replied, that this was or was not a valuable agency for the States and the General Government. The Library Committee were of opinion, and he doubted not a majority of the House were of the opinion, that it was one of the greatest objects that could command the attention of Congress, having in view, he might say, the *fraternization* of nations; making them acquainted with each other's laws and institutions. It merely provided that there might be sent from this country to Europe, and received from the nations of Europe, the laws and public records of each other. That was not an object for two years; he hoped it might be continued for all time. If it should prove in the course of two years to work ill, Congress would have it in its power, and could repeal it.

Mr. McKAY, (in his seat.) If it works well, we can renew it.

Mr. MURPHY. If it works ill, we can repeal it. I renew the demand for the previous question.

The demand for the previous question was seconded, and, under its operation, the bill was ordered to be engrossed, and was read a third time and passed.

SLAVERY IN THE DISTRICT.

Mr. CROWELL, by general consent, introduced the following bill, of which previous notice had been given, to repeal the first section of an act concerning the District of Columbia, approved February 27, 1801, and for other purposes:

Be it enacted, &c., That the first section of an act concerning the District of Columbia, approved February 27, A. D. 1801, and all other acts and parts of acts that in any manner interfere with, regulate, or sustain the institution of slavery in said District be, and they are hereby, repealed.

TROOPS ENGAGED IN MEXICO.

Mr. COCKE asked leave to introduce a resolution directing the Committee on Printing to inquire into the expediency of printing 10,000 extra copies of Executive document No. 62, as revised and corrected by the Adjutant General, being a report from that officer, showing the number of United States troops that have been engaged in the war with Mexico; the number who have been killed, died of wounds, &c. It was objected to.

Mr. C. then moved a suspension of the rules, to enable him to offer the resolution: Yeas 92, nays 43; two-thirds voting in the affirmative, the rules were suspended, and the resolution was received, and under the operation of the previous question (moved by Mr. C.) it was agreed to.

The motion submitted several day since by Mr. ROCKWELL, of Connecticut, to reconsider the vote by which leave was granted for the withdrawal of the petition and papers in the case of the legal representatives of John Johnson, was taken up; and, after a brief conversation between Mr. ROCKWELL and Mr. JONES, of Tennessee, was, under the operation of the previous question, agreed to.

VIRGINIA MILITARY LAND WARRANTS.

Mr. TAYLOR moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office, and that the same be put upon its passage.

The question being put, there were—ayes 87, noes 22—a quorum not voting.

Mr. VENABLE moved a call of the House. Lost.

The question on suspending the rules was again put, and there were ayes 96, noes 29.

Two-thirds having voted in the affirmative, the rules were suspended, and the resolution was read and agreed to.

The House then took up the bill extending the time for locating Virginia military land warrants, &c.

Mr. TAYLOR explained the provisions of the bill, and urged its immediate passage. He said, as it was merely a local measure, which could not be injurious to any other portion of the Union, he could not suppose there would be any serious opposition to it. It related to that part of the State of Ohio known as the Virginia military district of Ohio, lying between the Scioto river, the Little Miami, and the river Ohio, embracing some four millions of acres or more. That district, when the cessions of public land were made to the United States, was reserved by Virginia for her officers and soldiers of the continental army who served in the revolutionary war. The greater part of that land had been surveyed and located, leaving but some two hundred thousand acres of very inferior quality, which was particularly described in the annual report of the Commissioner of the Land Office, in document No 2 of the present session. These two hundred thousand acres of land were the only remaining public lands in the State of Ohio that were unsurveyed, and unless this bill were passed, the public land office at Chilicothe would be closed. In fact, it had been suspended since the first of January last for want of authority, which had been renewed repeatedly during the last twenty years, to extend the time to survey and locate those lands. The last act of that character was passed in the month of August, 1844, extending the time to the 1st of January, 1848; but still there were some portions remaining unsurveyed and not located, for which the authority of this bill was necessary. The passage of this bill would work no injustice to anybody. It was not for Ohio alone that he asked for the passage of this measure, for it would extend the right to locate land warrants to those who held them, whether they resided in Virginia, Kentucky, Ohio, or any other State. And surely they ought to be allowed this privilege. After fully explaining his object, and making some allusions to another measure in which the gentleman from Virginia [Mr. GOGGIN] took some interest, he said he was unwilling to consume the time of the House at greater length than was necessary. He was not in the habit of occupying much of its time, and he was opposed to long speeches anywhere. At this late period of the session, they had better act than talk. He therefore moved the previous question; which was seconded, and, under the operation thereof, the following amendment, moved by Mr. TAYLOR on the 3d of May last, was agreed to, viz:

SEC. 2. That the same right and privilege is hereby also extended for the same time to all such warrants as have issued subsequent to said tenth day of August, A. D. 1841; provided, that before the location thereof, it shall be shown to the satisfaction of the Commissioner of the General Land Office that such warrant was issued justly and legally, and that the person who received said warrant was legally enfitled to the same.

The bill was then ordered to be engrossed, and, being engrossed, was read a third time and passed.

BOUNTY LAND CLAIMS.

Mr. COLLAMER offered the following resolution:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of the House bill extending the time for satisfying claims for bounty lands and for other purposes, and that the same be now considered and disposed of.

Mr. C. explained the necessity of passing this bill; otherwise, many holders of military land warrants would not be able to locate them.

Mr. CUMMINS, Mr. McCLERNAND, and Mr. JOHNSON, of Arkansas, also made some remarks on this bill; the latter gentleman moving the previous question, which was seconded; and, under the operation thereof, the bill was ordered to be engrossed, and, being engrossed, was read a third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POSTAGE ON NEWSPAPERS.

Mr. GOTT moved a suspension of the rules, to enable him to offer a resolution to discharge the Committee of the Whole on the state of the Union from the bill to regulate the postage on newspapers and for other purposes, and that the said bill be put upon its passage.

Mr. COBB, of Georgia, said, that as he believed no further business of importance to the country would be done this day, he would move that the House do now adjourn. Lost.

The question was then put on the suspension of the rules by yeas and nays, and there were yeas 129, nays 26.

Two-thirds voting in the affirmative, the rules were suspended, and the resolution received.

Mr. GOGGIN moved to lay the resolution on the table. Lost.

Mr. THOMPSON, of Pennsylvania, moved the previous question; which was seconded, and, under the operation thereof, the resolution was agreed to.

The House then proceeded to consider said bill.

Mr. BRODHEAD moved to amend the bill by inserting the words "county or within," in the first, second, and third sections of the bill, so as to allow all newspapers to pass free through the mail within *the county or within* thirty miles of the office of publication.

Mr. B. also moved the previous question.

Mr. HOUSTON, of Delaware, suggested to the honorable gentleman from Pennsylvania [Mr. BRODHEAD] that he should accept a modification of his amendment so as to allow of all newspapers passing free of postage when mailed to any place within the Congressional district in which they are or shall be published. But he refused to accept the modification suggested.

Mr. BEDINGER moved an adjournment of the House. Lost.

The previous question was then seconded; and, under the operation thereof, the amendment was agreed to, and the bill ordered to be engrossed and read a third time.

Mr. THOMPSON moved the previous question; which was seconded, and, under the operation thereof, the bill was passed.

Mr. ROCKWELL, of Connecticut, moved a reconsideration of the last vote; which motion was laid on the table.

Mr. FRENCH asked leave to offer a resolution to discharge the Committee of the Whole on the state of the Union from the consideration of Senate bill to repair the dam at the head of Cumberland Island, in the Ohio river, and that said bill be put upon its passage. Objection being made—

Mr. F. moved a suspension of the rules, to enable him to offer the resolution; but before any vote was taken, the House adjourned.

IN SENATE.

MONDAY, *June* 19, 1848.

Mr. WEBSTER rose and said, it was known to the Senate that in the course of the last year a convention had assembled at Chicago, in Illinois, to take into consideration the subject of the improvement of our lakes and harbors, particularly of those in the western States. That convention adopted a series of resolutions, and appointed a committee, which was charged with the duty of preparing a memorial for Congress. That duty had been performed, and the task of presenting that memorial had been devolved on him. All he could say concerning the memorial was, that it was a highly respectable paper. It appeared to him to be marked with much ability. It presented a subject for consideration in which there was a well-known diversity of opinion in Congress. He had looked over the Journals for an analogous case by which he might be directed as to the course he ought to take in the disposition of this paper; and he had found the proceeding on the subject of the Memphis Convention, which took place in 1846. Both the memorials of these conventions were important and able papers, although they were different in their views. The Memphis memorial was presented by the honorable Senator from South Carolina, [Mr. CALHOUN,] who moved its reference to a select committee of five members. He would, therefore, propose a similar disposition of this paper. He moved its reference to a select committee of five members, to be appointed by the Presiding Officer, and that it be printed. The motion was agreed to.

Mr. WEBSTER said he might be induced, at some other time, to move for the printing of an extra number of copies, as was done in the case of the Memphis memorial.

The following was announced by the Chair as the committee: Messrs. WEBSTER, DAVIS of Mississippi, BREESE, JOHNSON of Maryland, and BORLAND.

Mr. WEBSTER also presented a petition from Charles Colburn, asking payment for the full term of his enlistment in the navy of the United States.

Mr. HALE presented a petition from the inhabitants of Rosendale, Wisconsin, remonstrating against granting land to Mr. Whitney for the construction of a road from Lake Michigan to the Pacific Ocean; which was referred to the Committee on Public Lands.

Mr. LEWIS presented a petition from delegates of the Creek nation, asking Congress to pass an act for the adjustment of their unsettled business; which was referred to the Committee on Indian Affairs.

Mr. STURGEON presented a petition from citizens of New York, complaining of the Camden and Amboy railroad, and asking that Congress will establish a post route between Philadelphia and New York; which was referred to the Committee on the Post Office and Post Roads.

Mr. WESTCOTT presented a petition from Captain Paynes, of a company of Florida volunteers, for pay; which was referred to the Committee on Military Affairs.

Mr. TURNEY presented a petition from the late Choctaw commissioners, praying the allowance of milcage for travel while in the discharge of their duties; which was referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. ATCHISON, from the Committee on Indian Affairs, reported House bill for the relief of Joseph Perry, a Choctaw Indian, or his assigns, without amendment.

Also, from the same committee, Senate bill to regulate trade and intercourse with Indian tribes residing within the limits of the State of Texas, with an amendment.

Mr. NILES, from the Committee on the Post Office and Post Roads, made a report recommending that the Senate concur in the amendment by the House to the bill for the relief of David Shaw and Solomon T. Corser; which was agreed to.

Mr. BUTLER, from the Committee on the Judiciary, reported a bill to regulate the trial of issues in the District of Columbia; which was read a first time.

Mr. WESTCOTT, from the Committee of Claims, made an adverse report on House bill for the relief of Thomas B. Graham.

Mr. WESTCOTT also, from the same committee, made an adverse report on House bill for the relief of James Porterfield's legal representatives.

Mr. WESTCOTT also, from the Committee on the Judiciary, reported Senate bill for the relief of Gamaliel Taylor, late marshal of the State of Indiana, and his sureties, with an amendment.

Mr. BREESE, from the Committee on the Public Lands, reported a bill granting to the State of Missouri the right of way and a donation of public lands for making a railroad connecting the town of St. Joseph, on the Missouri river, with the town of Hannibal, on the Mississippi river, with accompanying documents; which was ordered to be printed.

Mr. UNDERWOOD, from the Committee of Claims, reported House bill for the relief of Alborne Allen, without amendment.

RESOLUTIONS.

Mr. DOWNS submitted the following:

Resolved, That a member leaving the Senate, shall, neither directly nor indirectly, assign his seat to another, and that the vacant seats shall be assigned by the President, from a list kept for that purpose, and according to the date of the record of their names.

Mr. JOHNSON, of Maryland, submitted the following:

Resolved, That the Secretary of the Treasury inform the Senate of the whole number of officers now employed in and about the custom-house of the United States in the city of Baltimore, with the compensation allowed to each; and that he also inform the Senate what was the number of such officers at the same custom-house on the 4th of March, 1845, and the compensation allowed each.

Mr. DAVIS, of Mississippi, in pursuance of notice, obtained leave to bring in a joint resolution to authorize the adjudication of certain Indian claims under the act of 23d of August, 1842.

Mr. DICKINSON moved to postpone the previous orders, to take up the bill to amend the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States."

Mr. DICKINSON stated that the object of this bill was to enable those individuals who had not been able to perfect their letters of naturalization, in consequence of being compelled to be absent from the United States since the notification of their intention, to obtain relief. He had been for four years trying to get this bill through, and if there was opposition, he must ask for the yeas and nays on his motion.

Mr. UNDERWOOD asked whether the bill proposed that the time an individual might be absent from the United States, was to be made up by subsequent residence, prior to the granting of the certificate?

Mr. DICKINSON replied in the affirmative.

Mr. BREESE said that if the applicant for naturalization should be called out of the United States, and remain abroad four years and eleven months, that time would not be counted.

Mr. CALHOUN referred to another bill on the subject of naturalization, which had been introduced, and thought it would be advisable to have the whole subject before the Senate at the same time. He would therefore prefer that this bill be informally passed over.

Mr. WESTCOTT was opposed to the bill, and gave some reasons which were inaudible, from his position under the gallery.

Mr. BERRIEN explained the law as it would stand after the passage of this bill, which required that the five years' residence should be completed. If the applicant for a certificate were absent any part of that time, it would remain for the court to decide whether that absence was sufficient to prevent the issuing of the certificate. As the law now stands, if any person, after notifying his intention to become a citizen, sets his foot out of the United States, he must go through the full term of five years' residence again. Under this bill, he may be called away for a short period by business, but having filed his desire to become naturalized, the court may decide that there is no sufficient reason for his going again over the whole term of probation.

The bill was then considered, and read a third time and passed.

SUPREME COURT.

Mr. BADGER moved to postpone the prior orders, and to take up the bill to promote the despatch of business in the Supreme Court, and to repeal the second section of the act approved June 17, 1844, entitled "An act concerning the Supreme Court of the United States."

The motion having been agreed to, the Senate proceeded to consider the bill as in Committee of the Whole. The bill was reported without amendment, and ordered to a third reading. The bill was then read a third time.

The further consideration of the bill was then postponed until to-morrow.

SOUTHERN MAIL.

Mr. PEARCE moved to postpone the prior orders, and to take up the joint resolution requiring the Postmaster General to renew the contract with the Richmond, Fredericksburg, and Potomac Railroad and Steamboat Company for the transportation of the great southern mail, as follows:

Resolved, &c., That the Postmaster General be, and he is hereby, authorized and required to renew the arrangement heretofore existing for the transportation of the great southern mail by the Richmond, Fredericksburg, and Potomac Railroad and Steamboat Company, at a price not greater than that which was paid by the present Postmaster General for the transportation of said mail up to the month of July, 1847.

Mr. ATHERTON hoped the Indian appropriation bill would be taken up.

Mr. BERRIEN hoped the joint resolution would be taken up, as the public convenience was now suffering in consequence of the delay in the transportation of the mail.

The motion was then agreed to: Ayes 16, noes 14.

The joint resolution was then taken up for consideration as in Committee of the Whole.

Mr. UNDERWOOD thought the joint resolution ought to be so amended as to contain a provision for the payment of the proprietors of the line of stages employed by the Postmaster General for the damage they will sustain by the withdrawing of their contract.

Mr. PEARCE considered the amendment unnecessary, because the general rule, under the law which authorizes the Postmaster General to rescind a contract, is to allow the contractors a reasonable allowance for damages.

Mr. UNDERWOOD suggested that this rule applied to the ordinary transactions of the department, and would not apply to any case of special legislation by Congress. In this case, the proprietors of the stages had made arrangements for a long service, and it would be unjust to leave them with a large number of horses, &c., on hand. The amendment, even if useless, could not be injurious.

Mr. PEARCE still maintained that the amendment was unnecessary.

Mr. NILES said there was great inconvenience experienced from the present arrangements of the department, and he understood that no saving had been effected. Still he felt very reluctant to sanction any act which would diminish the force of the law which establishes the maximum of compensation to railroad companies. This joint resolution virtually sets aside the existing law, and on this ground he objected to the resolution.

The amendment was then negatived.

Mr. PEARCE briefly stated the history of the transaction between the Postmaster General and the company. He then showed that the route now travelled by the mail was much longer than it was when the mail was conveyed by the steamboat and railroad; and the delay in the transmission of letters and the transportation of passengers was very much increased by the new arrangement. The cost to the public, also, was heavier by some thousands than it was by the steamboat route. He referred to the Journals in order to show in what cases and at what times Congress had deemed it proper to interfere. The mail from Washington to Richmond is now carried in two-horse wagons, at a cost to the Government of fifteen thousand dollars. It was supposed by some, that, after the passage of this resolution, the different railroad companies would be crowding the department for an increase of pay. He reminded the Senate, however, that this line of boats ran through the winter and summer, and was at the expense of keeping an ice-boat.

Mr. BRADBURY said that the department was exceedingly anxious to make a contract with this company, and had offered a fair price. He thought the effect of this resolution would be to throw the Postmaster General at the feet of railroad companies. As a matter seriously affecting the public interests, we ought not to dispose of this resolution hastily. Application ought to have been made to the Legislature of Virginia to enforce the fine of five hundred dollars for every refusal to carry the mail, whenever the company had so refused.

Mr. HUNTER corrected the Senator from Maine. The Legislature of Virginia had never authorized any such fine.

Mr. BRADBURY was sorry it had not, and hoped we should adopt a wiser course.

The resolution was reported; and the question being on the engrossment—

Mr. HALE expressed his hope that the resolution would not be passed, because it would be establishing a dangerous precedent. It would induce other companies to come forward with demands for special contracts, and would subject the Government to constant impositions. He knew nothing about the merits of the controversy between the Postmaster General and the company, but he knew that great evils must result from passing this resolution. Companies travelling from Boston to the East would be sure to come forward for special aid.

Mr. BERRIEN said it was very evident that the Senator from New Hampshire had not looked into the contract, and replied to his objections in a few words.

Mr. RUSK also took ground against the Senator from Maine [Mr. BRADBURY] and the Senator from New Hampshire, [Mr. HALE,] and advocated the resolution.

Mr. BRADBURY reiterated his former objections to the resolution, and submitted an amendment, providing that the company shall pay any damages which may accrue to the proprietors of the local mail and to the company now employed to transport the mail across the bay to Fredericksburg.

Mr. PEARCE showed the impropriety of the amendment, and read extracts from the correspondence between Mr. Robinson and the Postmaster General, in order to disabuse the minds of Senators of any wrong impressions which may have been made on them. The effect of the amendment, if agreed to, would be to destroy the resolution. The company could not be made legally or morally liable for damages; and if not, it was certainly not very dignified to introduce such a proposition into the resolution.

Mr. BRADBURY vindicated his amendment, and was replied to by Mr. PEARCE.

Mr. YULEE said he should vote for the resolution as it was reported, and against any amendment. The public had been a long time suffering under serious inconvenience from the derangement of the southern mail. At the beginning of the session he was disposed to leave the matter in the hands of the Postmaster General, but as he had neglected to suggest any remedy, he (Mr. Y.) would now vote to adopt the remedy suggested by the joint resolution.

Mr. ALLEN objected to this interference of Congress with the contracts of a department. He considered it a dangerous innovation on the established practice of the Government. Congress had passed a law regulating the rate of compensation to these railroad companies, and fixing a maximum which was liberal. And now Congress was called on to condemn the conduct of the department, and to turn the two Houses of Congress into a vault, in which there shall be a general scramble for the public money. He was opposed to feeding these greedy corporations from the public treasury. He would rather transmit the mail by engaging all the blooded horses in the Union to carry it speedily, than pay the exorbitant demands of these steam companies.

Mr. MASON said that while he agreed in the general views taken by the Senator from Ohio, as to the impropriety of interposing the power of Congress between the departments and their contractors, he could not apply that principle to a case in which so many States were put to great inconvenience, and where commerce was thrown into confusion, for the purpose of saving a few thousand dollars. While the Postmaster General was so decided in his construction of the law, it was to be regretted that the opinion of the law officer was not communicated. He was disposed to believe that the construction put on it by the Postmaster General was wrong. The correspondence between the Postmaster General and the president of the company seemed to him to savor more of a personal difference between the two individuals than of an argument on the case; and it was not of a sufficiently elevated character to enter into the deliberations of this body. He adverted to the enlarged liberality which had been evinced by the Virginia railroad companies in their conduct in conveying troops and munitions of war without charge, while large sums were expended for this purpose in other States.

Mr. WESTCOTT was glad this discussion had taken place, because it enabled him to say something about the inconvenience which the people of Florida had suffered from the want of a mail to Key West, and other parts of the State. He had just received a letter from the interior of Florida, which his correspondent had to ride thirty miles to put into the mail, and then it was forty days coming to hand. He would not vote for any accommodation to the middle States until the mail facilities were extended to Florida.

The question was then taken on the amendment of Mr. BRADBURY, and it was decided in the negative: Ayes 18, noes 27.

Mr. DAVIS, of Massachusetts, said he had voted against the amendment because he regarded it as preposterous. He did not exactly like the resolution, but he believed he should have to vote for it. He would be glad to see in what way the expenses could be diminished, without interfering with the convenience of the public. He thought the idea of the Senator from Ohio as to running blood horses against steam would not answer. The only way was to set up against steam horse another steam horse.

Mr. HALE submitted an amendment, the object of which was not distinctly heard.

Mr. CAMERON defended railroad companies, maintaining that they had rendered great service to the country. They may be exorbitantly paid, but we have the option to agree or to take another course.

Mr. ALLEN made some further remarks on the extortions practised by these companies, opposing any concession to them. The railroads traverse two-thirds of the country, as regards population, and will raise a flame unless we take a stand between them and the people, and show that these companies are extorting money from the pockets of the people. If the companies referred to carry the mail, he would go before the people. It was a question of taxes and intelligence. He would shew them that although the people would pay one dollar of tax for one dollar's worth of intelligence, they would not pay five dollars of tax for one dollar's worth of intelligence. He moved to lay the resolution on the table, and would ask the yeas and nays.

Mr. ALLEN withdrew his motion, to enable

Mr. PEARCE to show that the company in this case did not make an exorbitant charge. The dividends on their stock for ten years did not average more than three and a half per cent. So that they had not charged sufficient to swell their dividends.

Mr. UNDERWOOD remarked that he was opposed to exorbitant demands on the Government, but he should vote for this resolution, because he had been assured that the charge in this case was moderate. He wished to say, that if he perceived any danger of this resolution bringing all the railroad companies to thrust in their demands, he would not vote for it.

Mr. DAVIS, of Massachusetts, made a few additional observations in support of the resolution.

Mr. HALE said that the Senator from Kentucky had declared he would vote for the resolution under protest. The railroad companies would be glad of the vote, and would care little about the protest. Some persons, he recollected, voted the Polk and Dallas ticket under protest against certain measures. But they gave their vote, and took nothing by their protest. He would enter his protest in his vote. He made also some few remarks on what had fallen from the Senators from Massachusetts and Georgia. He moved to lay the resolution on the table, and asked the yeas and nays on the question, which were ordered.

The question was then taken, and decided in the negative.

YEAS—Messrs. Allen, Atchison, Atherton, Benton, Borland, Bradbury, Breese, Bright, Davis of Mississippi, Dickinson, Dix, Felch, Foote, Hale, Hamlin, Houston, Niles, Sebastian, Turney, and Westcott—20.

NAYS—Messrs. Badger, Baldwin, Berrien, Butler, Calhoun, Cameron, Clarke, Clayton, Corwin, Davis of Massachusetts, Downs, Greene, Hannegan, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Miller, Pearce, Phelps, Rusk, Spruance, Sturgeon, Underwood, Upham, and Yulee—29.

Mr. HALE withdrew his amendment.

Mr. JOHNSON, of Georgia, then moved to amend the bill by inserting a proviso that the company owning the bay line and the James river line, now carrying the mail, shall relinquish their present contract, without claiming any damages to be paid by the Post Office Department.

On this question the yeas and nays were demanded, and the question was taken on the amendment of Mr. JOHNSON, and decided in the negative, as follows:

YEAS—Messrs. Allen, Atherton, Benton, Borland, Bradbury, Breese, Bright, Davis of Mississippi, Dickinson, Dix, Felch, Foote, Hale, Hamlin, Johnson of Georgia, Niles, Sebastian, Turney, and Westcott—19.

NAYS—Messrs. Badger, Baldwin, Berrien, Butler, Calhoun, Cameron, Clarke, Clayton, Corwin, Davis of Massachusetts, Downs, Greene, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Lewis, Mangum, Mason, Miller, Pearce, Phelps, Rusk, Spruance, Sturgeon, Underwood, and Yulee—27.

The question was then taken on ordering the joint resolution to be engrossed for a third reading, and was decided in the affirmative. But on the third reading, it was discovered there were gross inaccuracies in the printing, which rendered it indispensable to reconsider the vote ordering the engrossment, which was done, the proper correction made, and the resolution passed in the same form published above.

Mr. DIX gave notice of his intention to call up during the morning hour to-morrow the bill to prevent the importation of spurious drugs.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 20, 1848.

The Journal of yesterday was read and approved.

The CLERK called the House to order this morning at ten o'clock—the time fixed for the future daily meetings—and stated that the sickness of the SPEAKER still continued, and, as the time for which Mr. BURT was elected Speaker *pro tem.* had expired, it became necessary that the House should again appoint a presiding officer.

Mr. KING, of Massachusetts, said he supposed that in the course of a very few days the Speaker would be able to resume the chair, but for those days it was necessary that some provision should be made. On consultation with some friends he had prepared a resolution, which he begged to offer, as follows:

Resolved, That the Hon. A. BURT, of South Carolina, be requested to discharge the duties of the Chair during the present week, if the sickness of the Speaker should so long continue.

Mr. COBB, of Georgia, suggested an amendment, so that the resolution should appoint Mr. BURT Speaker *pro tem.* for the present week, if the sickness of the Speaker should so long continue, instead of requesting him to discharge the duties of the Chair.

Mr. KING accepted the modification, and in that shape the resolution was adopted.

Mr. BURT, before taking the chair, from the Clerk's desk, suggested whether it was not necessary that he should be sworn before entering upon the discharge of the duties of the temporary office to which he had been elected. He was sworn as a member of this House at the commencement of the session to support the Constitution, but he had taken no oath to discharge the additional duties of Speaker *pro tem.*

Mr. COBB would inquire if there was any oath but that to support the Constitution?

Mr. BURT. That is the oath taken by the Speaker.

Mr. COBB suggested, that as that oath had been taken by the gentleman from South Carolina as a member of this House, no further oath was necessary now.

Mr. ASHMUN said he did not understand that at the commencement of a session the Speaker was sworn as such, but simply as a member of the House.

Mr. SIMS. He is sworn *first;* that is all.

Mr. BURT requested the Clerk to read that portion of the first day's Journal which recorded the fact.

The CLERK read it accordingly. It was recorded that Mr. ADAMS administered the oath to support the Constitution to the Hon. ROBERT C. WINTHROP, the Speaker, and that the Speaker administered the same oath to the other members of the House.

Mr. BURT, with these explanations, was satisfied, and he then took the chair.

Mr. ASHMUN moved a resolution directing the Clerk of the House to inform the Senate that the House had elected the Hon. A. BURT Speaker *pro tem.* for the present week, if the sickness of the Speaker should so long continue. Agreed to.

On motion of Mr. BOYD,

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of procuring of the inventor a sufficient supply of "Colt's recently-improved repeating pistols" for our Indian and frontier service; and, if favorable, an amount necessary to purchase them be added to the general military appropriation bill.

Mr. HARALSON asked leave to offer a resolution calling on the Secretary of War to communicate to the House of Representatives what the respective force of each corps of the army would be when the several laws authorizing a reduction of the army on the conclusion of peace with the Republic of Mexico were carried into effect. It was objected to, and not received.

Mr. GOGGIN called for the regular order of business, being the call on committees for reports.

After some conversation between gentlemen who desired to get special business before the House—

The SPEAKER announced that the first business in order was the report of the Committee on Public Expenditures, which was postponed some two weeks ago to this time.

Mr. STROHM said he understood the minority of the committee would be ready to report to-morrow, and therefore he moved the further postponement of this subject, that the reports of the majority and minority should be before the House at the same time.

Mr. BEDINGER said he was ready to report now from the minority of the Committee on Public Expenditures.

Mr. STROHM had been informed that the minority would not present their report until to-morrow. He, however, desired the postponement of this question until to-morrow, that he might have an opportunity to read the minority report before its presentation, he not having had an opportunity yet to read more than a few pages of it.

By general consent, it was further postponed until to-morrow.

REPORTS FROM COMMITTEES.

Mr. BAYLY, from the Committee on Naval Affairs, to which were referred Senate bills for the relief of Commodore Foxal A. Parker and for the relief of Anna J. Hassler, reported the same back to the House without amendment. Committed.

Mr. S. LAWRENCE, from the Committee on Revolutionary Pensions, reported a bill for the relief of Eunice Crossman. Read and committed.

Also, from the same committee, made an adverse report on the petition of George Bock. Laid on the table.

Mr. COCKE, from the same committee, reported bills for the relief of Polly Damrow and Elizabeth Kinney. Read and committed.

Also, from the same committee, made adverse reports on the petitions of Lucy Clark, Abigail Higbee, and Anna Oldham. Laid on the table.

On motion of Mr. COCKE, the Committee on Revolutionary Pensions was discharged from the further consideration of the petitions of Francis P. Gardner, Frances Fowler, Catharine Freeman, Mary Martin, of Tennessee, Hannah Lord, James Oldham, of Maryland, Valentine Miller, Joseph Phelps, Sarah Hammond, Levi Nichols, and Thomas Pritchard, and they were laid on the table.

Mr. CUMMINS, from the same committee, reported a bill for the relief of Mary G. Leverett. Read and committed.

Also, from the same committee, made adverse reports on the petitions of John Cripps, J. L. Fair and others, heirs of Jonathan Fair, Francis Ingraham, and Jos. Cogswell. Laid on the table.

On motion of Mr. CUMMINS, the Committee on Revolutionary Pensions was discharged from the further consideration of the resolutions of the Legislature of New York in relation to granting pensions to widows and orphans of officers and soldiers who fall in battle, or who die from wounds received, &c., and they were laid on the table.

Mr. HAMMONS, from the same committee, reported a bill for the relief of Mary Buck. Read and committed.

Also, from the same committee, made adverse reports on the petitions of Henrietta Moore and other widows of revolutionary soldiers, praying for a continuance of their pensions during life, of the heirs of Robert McNeill and Catharine O'Neale. Laid on the table.

Mr. FREEDLEY, from the same committee, made adverse reports on the petitions of Ada Smith, David Troxell, Wolcott Burnham, the widow of George Hubbard, and of Asa Day. Laid on the table.

On motion of Mr. F., the same committee was discharged from the further consideration of the petitions of citizens of Dover, New Hampshire, in relation to the granting of pensions to the widows of officers and soldiers of the revolutionary and last wars with Great Britain, and they were laid on the table.

Mr. SILVESTER, from the same committee, made adverse reports on the petitions of Mary Stanton, Rhoda Drury, Ann O. Wright, Sally Hart, and Susan Oglesby. Laid on the table.

Mr. BOCOCK, from the same committee, to which was referred Senate bill for the relief of Elizabeth Pistole, widow of Charles Pistole, deceased, reported the same back to the House without amendment. Committed.

Mr. FULTON, from the Committee on Invalid Pensions, made an adverse report on the petition of Stephen A. Cory. Laid on the table.

On motion of Mr. F., the same committee was discharged from the further consideration of the petitions of James Somers, Samuel T. Winslow, John Gordon, Mary Ann Fitch, Chester Parish,

and Hugh G. Smith, and they were laid on the table.

Mr. FULTON, from the same committee, to which was referred Senate bill for the relief of David Currier, reported the same back to the House without amendment. Committed.

Mr. WILEY, from the same committee, reported bills for the relief of Francis Trebon, Edward Cole, William Whitcher. Read twice and committed.

Mr. W. T. LAWRENCE, from the same committee, made adverse reports on the petitions of Solomon Street, Martha Flood, and March Farington. Laid on the table.

On motion of Mr. L., the same committee was discharged from the further consideration of the petitions of William Linville and others, Thomas L. Richardson, John Davenport, and David Ladd, and they were laid on the table.

Also, from the same committee, reported bills to increase the pension of Henry Click, for the relief of David Towle, for the relief of George S. Claflin, for the relief of Henry Childs, for the relief of William Pittman, for the relief of Catharine Clark, for the relief of Joseph D. Ward, and for the relief of Isaac Downs; which bills were severally read twice and committed.

Mr. THOMPSON, of Virginia, from the same committee, reported bills for the relief of Giles London, for the relief of Gardner Hening, and for the relief of David Murphy; which bills were severally read twice and committed.

Also, on motion of Mr. T., the same committee was discharged from the consideration of the petitions of Jonathan M. Young, Hugh W. Dobbin, A. A. Whitlock, and others, in behalf of Samuel House; and from the joint resolution of the Legislature of New York in relation to granting pensions to widows and orphans of officers and soldiers who fall in battle; and they were severally laid on the table.

Also, from the same committee, made an adverse report on the petition of Russell Jefferson. Laid on the table

Mr. HOLMES, of New York, asked leave to introduce a bill regulating and reducing the mileage of Senators and Representatives in the Congress of the United States.

Mr. PETTIT objected.

Mr. HOLMES appealed to Mr. PETTIT to withdraw his objection to the introduction of this bill.

Mr. PETTIT declined acceding to the appeal.

VOTING BY MACHINE.

Mr. HOUSTON, of Delaware, by direction of the Committee on Public Buildings and Grounds, reported the following resolution:

Resolved, That the Clerk of the House of Representatives cause to be erected and prepared for operation the machine of Francis H. Smith for taking the yeas and nays in the Hall of the House of Representatives, and that the same be adopted when erected as the mode of ascertaining the sense of the House on a call for the yeas and nays and on a call of the House.

Mr. HOUSTON observed that the Committee on the Public Buildings and Grounds had had sundry memorials referred to them on this subject, and he himself made a report, by direction of the committee, some weeks since, in relation to it. It was true that a majority of the committee did not recommend the adoption of Mr. Smith's invention; but, as there existed a difference of opinion among its members, they had authorized Mr. H. to make a report setting forth the advantages of the plan, and leaving the House to act upon it according to their own good pleasure. Mr. H. was, personally, of opinion that the proposed mode of taking the yeas and nays ought to be adopted, because it would be attended, if successful, with a great saving both of time and money. Believing that this machine of Mr. Smith was well calculated to accomplish the end in view, namely, a speedy and unerring mode of taking and recording yeas and nays, he hoped it would be adopted, and he had therefore submitted a resolution to that effect, on which he demanded the previous question, and asked for the yeas and nays.

Mr. JONES, of Tennessee, raised a question of order. As he understood this was not the report of the committee, but simply of one individual member, could it, as such, be received but by general consent?

The CHAIR observed, that as the Committee on Public Buildings and Grounds had authorized their chairman to make the report, he ruled it to be in order.

Mr. JONES remonstrated. This was nothing more, at best, than a minority report. It expressed but the opinion of a single member, while all the rest of the committee were of a different opinion.

Mr. HOUSTON said he had been directed by the committee to submit this report to the House.

Mr. McCLELLAND moved to lay the report on the table.

On that motion Mr. HOUSTON called for the yeas and nays.

Mr. McCLELLAND then said he would withdraw his motion to lay on the table, if Mr. H. would consent to withdraw his demand for the previous question.

Mr. HOUSTON consenting, both motions were withdrawn.

Mr. JONES desired to renew the motion to lay on the table.

Mr. FARAN said he was one of the Committee on the Public Buildings, and he stated that it had been agreed in the committee that their chairman should make the present report, and leave it to the House to take what course it pleased. This resolution had two defects which Mr F. considered important. First, it directed that the Clerk of the House should enter into the proposed contract with Mr. Smith to put up this apparatus. Now, he thought the proper officer to do this was the Commissioner of the Public Buildings. The Clerk was not presumed to be conversant with the putting up of such a machine. Congress had a public officer whose official business it was to oversee and direct all alterations and fixtures in the Capitol and the public grounds; he, if any one, ought to be charged with this matter. And the other defect of this resolution was that no limit was specified as to time or money. The contractor might demand $100,000 for the job. If the resolution were adopted, it should at least be restricted as to amount.

Mr. POLLOCK thought this was a subject which should receive the consideration of the House. Whether the method invented by this Mr. Smith was the best way of effecting the object was one thing, but certainly the thing itself was proper and desirable. The object of this apparatus for taking yeas and nays was to economize the public time. With this view the House had restricted the speeches of its members on subjects, however momentous to the nation, to one hour. Now, this process of taking and recording a vote by yeas and nays consumed upon an average from twenty to thirty minutes, and the yeas and nays were sometimes called as often as six times in one day; and besides, as gentlemen well knew, the calling of them was often resorted to for the purpose of defeating by delay a measure which the majority of the House were prepared to pass. One-fifth of the members could compel the yeas and nays to be taken on any question, and it was a power by which a minority could at times defeat and had actually defeated a measure that had a majority of the House in its favor. The House, on certain critical questions affecting the power of parties, had been known to sit from eleven in the morning to eleven at night, occupied during almost the whole of the time in calling yeas and nays. This was an evil, a great evil; and the machine now proposed to be set up at the Clerk's table would save at least one-half of the time ordinarily consumed in the process. It would thus be productive of a great economy of time, besides having a salutary effect in preventing factious movements in the House.

Mr. P. had not taken the trouble to go into a minute calculation of the time saved, but he was satisfied it would amount to at least two months in the long sessions of Congress. Was not the saving of so much time an object worthy of the serious attention of the House? Every consideration of economy and reform demanded it at their hands. This was an age of reform, an age of progress; and he hoped gentlemen who advocated reform in other things would not refuse to promote it in this. There should, no doubt, be a proviso appended to the resolution limiting the amount of the contract; and it might be proper that a committee should be directed to superintend the carrying of it into execution. But that something of the kind, if practicable, should receive the earnest attention of the House, no advocate of economy could for a moment doubt. He hoped they should have the yeas and nays on adopting the resolution. Mr. P. did not, however, wish to be understood as implying, by this demand, any imputation on gentlemen who differed with him in this matter, as if they wished wantonly to consume the public time; but he wished to record his own vote in favor of a measure which he thought economy demanded and the country would expect at their hands.

Mr. BOWLIN moved to lay the resolution on the table, and the motion prevailing, the resolution was laid on the table.

Mr. WHITE, from the Committee on Naval Affairs, reported a bill for the relief William K. Ashard. Read and committed.

Mr. SCHENCK, from the same committee, reported a bill for the relief of Samuel Graves. Committed.

MONUMENT TO MR. ADAMS.

Mr. KING, from the Committee on Accounts, reported the following resolution:

Resolved, That the Committee on the Library of this House be authorized to procure a monument of Quincy granite, with suitable inscriptions, to be erected in the Congressional burying-ground in memory of John Quincy Adams.

Mr. KING said, that unless the House took some order on the subject, a bill would be presented to the Committee on Accounts within less than a month for the erection of such a monument as they had been erecting for thirty or forty years, without shape or form, and made of such perishable materials that it was necessary to paint them every three or four years to keep them from falling to the ground. There was no form or comeliness in these monuments; they were of one invariable description, and it was not at all creditable to the Government to erect so shapeless a monument there to any person. But in the present instance, where a monument was proposed to be erected in memory of one so distinguished for his long public services, distinguished, too, by the universal mourning of a nation, as well as by the peculiar honors conferred upon his memory by this House and the other branch of Congress, it was thought the duty of the committee to call the attention of the House to the case, that it might exercise its discretionary power. There was no limit or sum fixed in the resolution, but it was perfectly competent for the House to limit the Library Committee to any sum they thought proper. At least, the Committee on Accounts thought they would not discharge their duty to the House if in some form or manner they did not call attention to the subject.

Mr. BOWLIN understood that there was already a law upon the statue-book providing for the erection of monuments in the Congressional burying-ground to every deceased member of this body. Now, if this resolution intended anything at all, it intended to draw a distinction in that ground between the monuments that should remain there to the memory of one class of members and to that of another class. If there was no design in this resolution to put the country to the expense of a magnificent monument, that was to overshadow all the monuments of the brother members that had passed off the stage of action, there was no use in the resolution at all; because, as he understood, there was ample provision under existing law for putting precisely the durable monument that had already been placed there to the memory of deceased members. If there was not, he would go for any proposition to put it there. But he did protest against this House engaging in the business of erecting splendid, magnificent monuments to the memory of deceased eminent statesmen. Who had ever asked this House to erect a monument to the memory of Washington, the Father of his Country? to the memory of Jefferson, or any of the eminent statesmen and patriots who had gone before us? The people were ready to take that work into their own hands.

The foundation of a monument, to be erected by general subscription, was about to be laid in this city to Washington; the foundation for a monument to Jefferson, he understood, had already been laid. No doubt a monument would be erected to the memory of the distinguished statesman who had recently departed from our midst; but he solemnly protested against this House engaging in erecting these monuments. If they once begun the system, where was it to end? There was no precedent for it, and no necessity for it. The gentleman told them a monument differing from those usually erected should be authorized in this case on account of the distinguished abilities which it was desired to commemorate. Were monuments in the Congressional burying-ground to mark

the distinctive characters of the men—to be more or less magnificent in proportion to the greater or less abilities, or the higher or lower esteem in which the individuals were held by the people? And this to be done by authority of Congress? Let there be no distinction; he thanked God there was no distinction in that burial ground. There was a perfect equality there, and a perfect equality should remain. He did not stand here to say one word of the merits and of the esteem in which the friends of this statesman held his memory, but he protested against drawing this distinction between deceased members of Congress.

Mr. JOHNSON, of Tennessee, moved the following as an amendment to the resolution:

And that the Committee on Accounts be, and they are hereby, instructed to report to this House the entire funeral expenses of the late Hon. John Quincy Adams, and the items composing the same.

Mr. VINTON called for the orders of the day.

The SPEAKER *pro tem.* stated that the morning hour had not expired.

Mr. JOHNSON said it seemed to him that this thing had been persisted in long enough. When they came to examine the history of monuments, funeral processions, and appropriations made by this House for purposes of this description, it seemed to him that the great mass of the people, that the laborers, the tax payers, and those who bore the burdens and expenses of the Government ought to be informed how their money was appropriated. If members of Congress, or individuals occupying any other important public station, rendered meritorious or distinguished services, the country would duly appreciate them; they would occupy a place in the minds and hearts of their countrymen which the appropriation of dollars or the erection of monuments could not give in this country. It seemed proof to some extent that something was wanting in the individual when we saw the effort made on the part of legislative bodies to erect spires and monuments to impress the minds of the people.

Mr. VINTON again called for the orders of the day, and moved that the House resolve itself into Committee of the Whole on the state of the Union.

The resolution accordingly went over till to-morrow, Mr. JOHNSON retaining his right to the floor upon it.

Mr. FEATHERSTON inquired if the post route bill was not first in order, the question pending on the motion to reconsider being a privileged question?

The SPEAKER *pro tem.* stated that the motion to suspend the rules to go into committee was in order; if it did not prevail, the post route bill would be first in order.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House, on motion of Mr. VINTON, resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1849, and for other purposes.

Mr. LINCOLN delivered a speech on the subject of internal improvements, in the course of which he argued in opposition to doctrines advanced on this subject in the President's veto message.

Mr. WICK next obtained the floor, and from the tribune proceeded, in a speech of forty-five minutes, to support the Baltimore platform as it respects the power of Congress to legislate for Territories, and on other topics. [Mr. W.'s speech will be found in the Appendix.]

Mr. HUDSON also spoke through his hour on the subject of the power of the General Government over slavery in the new Territories. Towards the close of Mr. HUDSON's speech—

Mr. LAHM wished to ask the gentleman this question: entertaining the views the gentleman had expressed on the subject of slavery, would he vote for General Taylor for President?

Mr. HUDSON would answer the gentleman very cheerfully. The gentleman, he presumed, well understood that there were two classes of men devoted to the institution of slavery in this country: a class of men from the South, who, born with the institution about them, and all their early associations connected with it, had reconciled themselves to it, and saw less evils in it than northern men were supposed to see, although he believed all men must admit it to be a calamity.

Here the hammer fell and the hour expired; but Mr. FICKLIN having obtained the floor, yielded it to—

Mr. HUDSON, who (in continuation of his reply) said there was another class from the North who were often known as dough-faces, who regarded the institution precisely as he did, but who, nevertheless, for the sake of the loaves and fishes, were willing to bow to the slave power, to the slave institutions—to do anything and everything for the purpose of getting promotion. Now, if he was called upon to select between men of that description, if he was compelled to give his vote for either, he should vote for General Taylor in preference to General Cass, just as he would vote for an honest man in preference to a *hypocrite!*

Mr. FICKLIN followed Mr. HUDSON in a speech of about forty minutes, chiefly in reply to Messrs. LINCOLN and HUDSON. [These several speeches will be found in the Appendix.]

Mr. HILLIARD then obtained the floor, and moved that the committee rise; which was not agreed to.

Mr. H. said his object in obtaining the floor was to make an explanation of some amendments which he designed to offer, for which the five minutes allowed by the rule would not be sufficient. He should at the same time make some observations on some provisions of the bill, but he would prefer making his explanations and observations to-morrow morning.

Mr. ASHMUN suggested that there were other gentleman who desired to speak on this bill, and he hoped the gentleman from Alabama would allow them to go on with their general orations, and he would have ample time hereafter to make any explanation he might desire to make.

Mr. HILLIARD was quite willing to allow any other gentleman to proceed, though he should prefer that the committee should rise, so that he could speak on the merits of the bill to-morrow morning. There was other business with which the House could occupy itself for the residue of this day. Amongst other undisposed of measures was the post route bill, which might be acted upon; and he would therefore again move that the committee rise.

The motion was agreed to, and the committee rose and reported progress.

HOUR OF MEETING.

Mr. COLLAMER moved to reconsider the vote by which the House yesterday changed the hour of meeting from 11 to 10 o'clock. Instead of saving the time of the House, he was satisfied tha tby that resolution a contrary effect would be produced, or at least that no more business would be done; for when were the committees to meet? The House must be aware that the bills which came from the Senate had to be referred to committees, and the committees had also before them much business of the House, which they could not attend to if this House should persist in meeting at 10 o'clock.

Mr. STEPHENS moved to lay the motion to reconsider on the table.

Mr. COLLAMER remarked that if the House did not wish the committees to sit, he desired it to say so by the adoption of the motion of the gentleman from Georgia. On that motion he asked the yeas and nays.

The yeas and nays were ordered.

Mr. COBB rose to a point of order, and contended that the motion of the gentleman from Vermont was made too late, inasmuch as the order which the House made yesterday had been in part executed. If the House should now reconsider that resolution, what, he asked, would be its effect on the proceedings of the House from ten to eleven o'clock this morning? If it was desired to change the time of meeting, the House could do it without reconsidering the resolution adopted yesterday by the introduction of another.

Thd SPEAKER overruled the point of order.

The question was then taken on the motion to lay on the table, and it was negatived: Yeas 54, nays 75.

The resolution was then reconsidered.

Mr. McKAY rose and said he desired to move an amendment to the resolution to provide for a recess each day. ["No, no, no."]

Mr. ROCKWELL, of Connecticut, moved to lay the resolution on the table. Agreed to.

The effect of this proceeding is, that the House will meet at the hour of eleven until otherwise ordered.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. VENABLE rose and said that a bill was introduced yesterday, by unanimous consent, to repeal the first section of an act concerning the District of Columbia, approved February 27, 1801, and all other acts and parts of acts that in any manner interfere with, regulate, or sustain the institution of slavery in the said District. The object of that bill was to abolish slavery in the District of Columbia, and if he had been aware of the introduction of the bill at the time, he should have objected to it. He now moved a reconsideration, for the purpose of saying that he hoped the Committee for the District of Columbia would speedily bring it before the House. Although he did not think they had any jurisdiction over the subject to which the bill related, yet he was willing to meet it, and prepared to meet it, rather than that it should lie in the committee-room unacted on. He then withdrew the motion to reconsider.

Mr. FARRELLY rose to inquire if the House had not rescinded the resolution adopted yesterday fixing the hour of meeting at ten o'clock?

The SPEAKER answered in the affirmative.

Mr. FARRELLY then said, when the House adopted the resolution to meet at ten o'clock, that vote was an abrogation of the earlier resolution fixing eleven o'clock; and, as the resolution to meet at ten had been rescinded, there was no time fixed; and he desired to know when the House was to meet to-morrow. ["The House is adjourned *sine die.*"] He asked if there was any resolution which bound the House to meet at any hour. [Laughter.]

Mr. WHITE, without waiting for the question to be answered, moved that the House take from the Speaker's table, and act upon, the widows' pension bill.

Mr. STEPHENS moved an adjournment, which was carried; and the House adjourned to eleven o'clock, to-morrow morning.

IN SENATE.

TUESDAY, *June* 20, 1848.

Mr. FELCH presented the credentials of Mr. THOMAS FITZGERALD, appointed by the Governor of Michigan to supply the vacancy occasioned by the resignation of Mr. CASS.

Mr. FITZGERALD, after having been duly qualified, took his seat.

The VICE PRESIDENT laid before the Senate a communication from the War Department, made in compliance with a resolution of the 15th instant, calling for the number of recruits enlisted within the last ninety days, for during the war with Mexico.

[The Adjutant General reports the number of regular recruits at 1,233, and the volunteers at 1,246, making a total of 2,479.]

MEMORIALS AND PETITIONS.

Mr. PEARCE presented a memorial from Emily Maria Pinkney, infant daughter of Commander Pinkney, who was drowned at Tuspan on the 15th of May last; which was referred to the Committee on Naval Affairs.

[The memorial is in the handwriting of Miss Pinkney, and sets forth that she is nine years old, and that her father was drowned in the execution of his duty; and that, having lost her mother, she is thereby cut off from the support which the law allows only to widows, and she asks that Congress will pass a special act for her relief.]

Mr. JOHNSON, of Louisiana, presented a memorial from Margaret Deveal and Littleton Bailey, asking the confirmation of their titles to tracts of land; which was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. PEARCE, from the Committee on the Library, reported a joint resolution authorizing the presentation to the Government of France of a series of the standard weights and measures of the United States.

On motion of Mr. P., the Senate proceeded to the consideration of the resolution; and, after having been explained, it was read a first and second time, was ordered to be engrossed, and was subsequently read a third time, by unanimous consent, and passed.

Mr. MASON, from the Committee of Claims, reported House Bills for the relief of B. O. Tayloe and John H. Baker, without amendment.

Mr. MASON also, from the same committee, made an unfavorable report on the petition of Arnold Naudain.

Mr. MASON also, from the same committee, reported House bill for the relief of Mary B. Renner, with a recommendation that it do not pass.

Mr. RUSK, from the Committee on Military Affairs, asked to be discharged from the further consideration of the memorial of Albert Pine.

Mr. RUSK also, from the same committee, reported House bill for the relief of Dr. A. G. Henry, of Illinois, without amendment.

Mr. UNDERWOOD, from the Committee of Claims, reported the following House bills, without amendment:

For the relief of Almedeus Scott.

For the relief of Elijah Bragdon's widow.

Mr. WESTCOTT, from the Committee of Claims, made an unfavorable report on the bill from the House for the relief of H. D. Johnson.

Mr. WESTCOTT also, from the same committee, reported, with amendments, the following House bills:

For the relief of Samuel A. Greer.

For the relief of Eleanor B. Watkins, widow of Gassaway Watkins.

The following bills were severally considered in Committee of the Whole, and passed:

House bill to regulate the exchange of certain documents and other publications of Congress.

House bill giving further time for satisfying claims for bounty lands and other purposes.

ADULTERATED DRUGS.

Mr. DIX moved to postpone the prior orders, and to take up the House bill in relation to the prohibition of adulterated drugs, in pursuance of notice given yesterday; which motion was agreed to.

Mr. DIX said that this bill had been considered in a committee of the House composed partly of members of the medical profession. A similar bill had been reported by him in the Senate, from the Committee on Commerce. In the opinion of many, the bill of the Senate was considered preferable to the other, on some accounts. As the subject was well understood by Senators, he would not go into any lengthened explanations, but would content himself with moving to strike out the provisions of the House bill, and substitute the Senate bill.

Mr. DICKINSON said this bill belonged to that class of legislation which attempts to put the bell on the cat. He had no faith in it. The materials would be brought here, and the spurious drugs would be manufactured. If we could stop the compounding of these drugs, interdict patients from taking, and physicians from prescribing, we might do some good. He would not oppose the bill, but he had no faith in this legislation.

Mr. DIX referred to the practice which prevails in Great Britain as to the examination of drugs and medicines. He said that spurious drugs were imported, in large quantities, into various ports. Peruvian bark, blue pill, and quinine, had been introduced in a spurious and pernicious form. He did not know whether Congress had power to put an end to the evil; but as it was a matter of life and death, it was a subject deserving of the most serious consideration. The physician seldom compounds the medicine, and cannot always detect what is spurious, as the compounding is left to the apothecary. He thought it the duty of Congress to take some steps to terminate the evil.

Mr. DAVIS, of Mississippi, stated that drugs were prepared for this market in Belgium and France, of spurious and poisonous materials. Prussian blue was mingled with blue mass, and poisons were sometimes substituted. He had conversed with medical men in New York, who were all in favor of such a bill.

Mr. DAVIS, of Massachusetts, said there was no exaggeration in the statements which had been made by the Senators who had preceded him. The bill had been prepared in pursuance of the views of some of our most eminent chemists. If we can stop the importation of the spurious drug from abroad, we shall know how to deal with those who may choose to go into their adulteration in the United States.

Mr. BORLAND said a few words in favor of the bill; believing, from his own experience as a medical practitioner, that it would diminish the existing evil. He attributed the success of empirics to the use of genuine drugs.

Mr. CALHOUN expressed his apprehension that the bill could not have the effect of terminating the evil.

Mr. DIX referred to the opinion of a national convention on the subject; the opinion of which was, that the bill would prove beneficial if it was not too much restricted in its provisions.

The amendment was then agreed to; and the bill, as amended, was read a third time and passed.

On motion of Mr. DIX, the title was amended.

SUPREME COURT.

On motion of Mr. BADGER, the bill to promote the despatch of business in the Supreme Court, and to repeal the second section of the act approved June 17, 1844, entitled "An act concerning the Supreme Court of the United States," was then taken up.

Mr. BUTLER said there was an inconsistency between this bill and one which he had reported yesterday; and he should therefore move to lay the bill on the table for the present.

The motion having been withdrawn—

Mr. BADGER said he felt no solicitude at all about the bill. It might be amended or rejected, or any other disposition may be made of it that the Senate might please. The bill had received the entire approbation of those to whom he had shown it. He thought the best way was to pass over the bill informally until to-morrow.

Mr. BUTLER acceded to the postponement of the bill until to-morrow, stating that he did not know that, after examination, he should oppose the bill.

The bill was then postponed until to-morrow.

INDIAN APPROPRIATION BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the Indian appropriation bill, the question being on concurring with the Committee of the Whole in its adoption of the amendment moved by the Senator from Tennessee [Mr. BELL.]

Mr. BELL then repeated the arguments he had formerly brought forward in support of his amendment, recapitulating the prominent facts which have already been reported—the treaty of New Echota, by which it was stipulated by a portion of the Cherokee tribe, without the consent of the greater part of the nation, that the whole of the lands of the nation should be ceded to the United States for five millions of dollars; that fifty-three dollars and thirty-three cents should be paid, as commutation for the cost of removal and subsistence, to all of the Indians, whether they removed or not, and that this commutation was not to be deducted from the five millions, but paid out of the treasury. The portion of the Cherokee Indians resident in North Carolina, who were ignorant of the treaty, who had lost their lands, and who had refused to move, had not received any portion of the principal debt or of the commutation money; and the amendment provided for this payment.

It had been contended by the Senator from Virginia [Mr. HUNTER] that it was absurd to pay these North Carolina Indians for removal and subsistence, when, in fact, they refused to remove. The answer is, that we have taken their country from them, and we are bound to pay the equivalent which was stipulated. He admitted that the treaty was drawn up in a loose way, very discreditable to the United States; but the right of these North Carolina Indians to receive the equivalent from the treasury of the United States had been admitted by the President of the United States. He calculated, that as one-fifteenth part of the tribe, they were entitled to receive $250,000 as their share of the wild and uncultivated lands sold and ceded to the United States. Instead of this sum, it is proposed to give them not more than $50,000 or $60,000. Indeed, the report of the Committee of Indian Affairs cuts it down to $12,000 or $15,000. He would not suppose that the opposition arose from the fact that these Indians are feeble and powerless. On the ground of justice and humanity the claim ought to be exclusively advocated.

He referred frequently to, and made many quotations from, the treaty of New Echota, the talk of the President to the Cherokees, the language of the Commissioner, in order to show that commutation for removal and subsistence was due to the North Carolina Indians.

Mr. HUNTER then rose to defend himself against the imputation raised against him by the Senator from North Carolina, [Mr. BADGER,] that he had, by reviving this debate, violated the usages of the Senate. He regretted if he had done so, and apologized on the ground of his ignorance of such usage, claiming the credit of a good motive. He then replied to the statements and arguments of the Senator from Tennessee, and restated his own opinions. According to his construction of the treaty, he maintained that the North Carolina Indians had no just claim to the commutation for removal and subsistence, which was only to be given to those who removed, after they had reached their new homes. He insisted that these Indians had no claim under the treaty. He objected to the amendment, because it would be a precedent to be referred to in a much larger case which was submitted to the arbitration of the United States. He stated that the Government had held out liberal inducements to the Cherokee Indians to remove, giving them, in exchange for the seven millions of acres which they ceded to the United States, fourteen millions of rich land. The Government never intended to place the Cherokees who refused to remove on the same footing with those who had removed.

Mr. ATHERTON moved to amend the amendment, by inserting a provision directing the amount appropriated by the amendment, for the benefit of the Cherokees of North Carolina, to be paid out of the general Cherokee fund under the treaty of New Echota.

Mr. NILES expressed a hope that the Senator from Tennessee would accept this amendment, as a modification of his amendment, as he considered it fair and equitable.

Mr. BELL replied that the effect of this amendment would be to absorb the fund on which it proposed to charge this appropriation. It would be robbing one fund to pay another. It was a question involving the honor and justice of the Government, and not whether we should take the amount out of a fund to which the Indians were admitted to be entitled, instead of out of the treasury. By adopting the amendment, you give the North Carolina Indians some relief, to be sure, but you take it out of their own fund.

Mr. NILES insisted that the principle of the amendment was the correct one.

Mr. PHELPS was in favor of the amendment of the Senator from New Hampshire. He thought the payment should be made out of the Cherokee fund, and not out of the treasury of the United States.

The question was then taken on the motion of Mr. ATHERTON, and decided as follows:

YEAS—Messrs. Atherton, Benton, Borland, Bradbury, Breese, Bright, Davis of Mississippi, Dickinson, Dix, Downs, Foote, Hamlin, Hunter, Johnson of Georgia, Mason, Phelps, Sturgeon, Turney, Westcott, and Yulee—20.

NAYS—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Clarke, Corwin, Davis of Massachusetts, Greene, Hale, Houston, Johnson of Maryland, Johnson of Louisiana, Lewis, Mangum, Miller, Rusk, Spruance, Underwood, and Upham—20.

The VICE PRESIDENT gave the casting vote in the negative.

The question was then taken on Mr. BELL's amendment, and decided in the affirmative, as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Benton, Berrien, Butler, Clarke, Corwin, Davis of Massachusetts, Downs, Greene, Hale, Houston, Johnson of Maryland, Johnson of Louisiana, Lewis, Mangum, Miller, Niles, Pearce, Rusk, Spruance, Underwood, and Upham—24.

NAYS—Messrs. Atherton, Borland, Bradbury, Breese, Bright, Davis of Mississippi, Dickinson, Dix, Felch, Foote, Hamlin, Hunter, Johnson of Georgia, Mason, Phelps, Sturgeon, Turney, Westcott, and Yulee—19.

Mr. BORLAND then renewed an amendment in relation to an increase of Indian agents; which was agreed to.

An amendment was sent to the Chair in relation to the payment of an Indian agent by the name of Mitchell, by Mr. HANNEGAN; which was adopted.

The bill was then ordered to a third reading, and was read a third time; and on the question "Shall the bill pass?"—

Mr. ATHERTON exercised his privilege, and objected to it, on the ground of a desire to examine the effect of the amendment on the appropriations required by the bill.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 21, 1848.

The Journal of yesterday was read and approved.

REPORT OF SECRETARY OF THE TREASURY.

Mr. BEDINGER, by leave, in behalf of the minority of the Committee on Public Expenditures, made a report in relation to the annual report of the Secretary of the Treasury on the state of the finances, made to Congress during the present session.

Mr. STROHM inquired whether the question would not be on adopting the resolutions contained in the report?

The CHAIR replied that the first question would be on printing, and then on adopting the resolutions reported.

The question being put on printing the report, it was agreed to.

The question then being on the adoption of the resolutions contained in the minority report—

Mr. COBB moved to amend the second resolution in such a manner as to order the same number of copies of the minority's report as of the majority's, and that the two reports be printed together.

Mr. STROHM said he had no objection to the adoption of the amendment, but he felt it due to the majority of the committee to say a few words before the question should be taken.

Through the politeness of the gentleman from Virginia, [Mr. BEDINGER,] he had had an opportunity of looking over a copy of the report of the minority, and he must say that a part of that report appeared to him to be of a very extraordinary character; so much so, that he must embrace this opportunity to offer a few remarks upon it. The minority set out by saying that certain members of the committee had gone into an examination of the report submitted to Congress by the Secretary of the Treasury, and had prepared an elaborate statement of alleged errors in that report, without giving any information either to the Secretary or to the other members of the committee, that such an investigation would take place.

Mr. BEDINGER said, in explanation, that the copy submitted by him to the honorable gentleman from Pennsylvania, [Mr. STROHM,] was, as he had stated to him, only a rough draught of the report, and the charge to which the gentleman had now alluded was not inserted in the report. The gentleman would find not a word of the kind in that document.

Mr. STROHM was happy to hear that this charge had been dropped. A misunderstanding had existed among the members of the committee as to the time and place of meeting. But, on behalf of the majority of the committee, he would say, they did not consider themselves called upon to give any notice to the Secretary before they went into a scrutiny of his report to the House. That was a public official document, and, as such, fairly subject to the most careful examination. It was a large document, and contained statements from different subordinate officers of the department—from the Register, the Treasurer, &c.; but the whole had been submitted to the House as the report of the Secretary of the Treasury. The several portions of it were made by officers over whom he had control, and therefore the entire document was to be considered, and always was treated and spoken of, as emanating from the Secretary. In the report of the majority, Mr. S. had endeavored to point out and explain some of the errors contained in that report. The minority report now submitted was occupied in the first fifteen or twenty pages by an argument intended to show that, if there were errors in the report submitted to Congress, the Secretary was not chargeable with them. He was not called upon by law to submit these details to the House. This Mr. S. was not going to dispute: but these several statements came to the House under the sanction of the Secretary; he sent them to the House as true statements, and the House was entirely justified in considering and treating them as his. If, however, the minority could succeed in shifting the responsibility from the shoulders of the Secretary, and fixing it on his subordinates, he supposed they would have to bear it as they could.

The report of the majority alleged that the Secretary had not, in his report, given to Congress the information required by law, and which Congress had a right to expect, but had, on the contrary, presented erroneous statements, calculated to mislead the House.

Mr. S. here referred to the act of 1847, 22d section, to show what was required of the Secretary in relation to the treasury notes authorized by that act, and recapitulated the points in which he maintained the report of the Secretary to have been defective. To some of these charges the minority had attempted to respond, and, in the first part of their reply, gravely charged the majority with having overlooked entirely a report made by the Secretary. Mr. S. explained, and stated that this report, which he was charged with having overlooked, had never been seen by him or any other member of the House till a few days ago, viz: on the 17th of the present month—*i. e.*, six months after the Secretary's report was sent in. It had been reported to the House, and immediately sent to the printers; but, though it was a document of great value, and did not contain over 500 pages, the printers had had it in their hands for nearly six months. How this happened, Mr. S. should not stop to inquire.

Mr. CONGER (chairman of the Committee on Printing) here rose to explain. This was the document which, at the request of the Secretary, had been repeatedly sent back to him; and the printers had experienced the greatest difficulty in getting it from him at all. The index to it was in the hands of the Secretary for four or five weeks, and so continued, though almost daily called for. The responsibility for this delay rested with the Secretary, and with him alone.

Mr. STROHM said he had supposed such to be the fact, and he rendered his thanks to the honorable gentleman at the head of the Committee on Printing for the explanation he had given. Thus it appeared that the information which the majority of the committee were charged with having overlooked had been withheld by the Secretary himself. What he had been doing with this document all that while, whether he detained it to make alterations after it had been officially reported to the House, Mr. S. did not know, but it seemed to him extremely probable.

How the minority of the committee had got access to this withheld document, Mr. S., to use a Yankee phrase, could *guess*.

Mr. S. here went into various quotations, first from the report of the majority, formerly made by himself, and then from the report of the minority in reply, (both lying before him;) but, as these related to figures, no report of particulars could, of course, be given by a reporter so as to be intelligible to the reader.

Having gone though a revision of the charges of error contained in the majority's report, and attributed by them to the Secretary, and having defended them as well founded and fully justified by that document, notwithstanding the explanations and palliations of the minority report, Mr. S. proceeded, in the next place, to notice that portion of the minority report which retorted the charge of error on the report of the majority. He reminded the House that the majority had never pretended that their report was wholly free from mistakes; in an examination so extensive, that was hardly to be expected; and while he admitted that there were some errors in the report, the only wonder was that they were so few. And he would, by examining those charged by the minority, satisfy every candid mind that they did not amount to much, after all.

After noticing, in detail, their several charges of error, Mr. S. said that the majority had had no intention, by their report, to make a personal attack upon Mr. Walker; they had no wish to injure him; their only object had been to have the annual fiscal report of the country rendered correct. They had pointed out some of the errors it contained, of which some might have been made by Mr. Young or Mr. Graham; but as they appeared in the official document rendered to Congress, under the sanction and in the name of the Secretary, the committee had treated them as his. Mr. Young had made a supplemental report correcting some of the statements previously made. The minority charged the majority with having fallen into errors in their report to the amount of $11,000; it might be that they had, though Mr. S. did not admit it to be so, not having had time fully to examine. But admitting that they had erred to the amount of $11,000, they had detected errors in the Secretary's report to the amount of $1,400,000.

Mr. BEDINGER next obtained the floor, but the morning hour had expired, and the subject therefore went over.

POST ROUTE BILL.

Mr. GOGGIN moved to reconsider the vote by which this bill was ordered to be engrossed for a third reading, that he might have an opportunity to submit the following amendment:

Provided, That nothing contained in this bill shall be so construed as to express any opinion as to the true boundary of any State or Territory therein named.

Mr. VINTON read an amendment which he desired to offer, as follows:

And be it further enacted, That nothing in this act contained shall be held or construed to affect any claim or question of boundary or jurisdiction of any State or Territory of the United States.

Mr. GOGGIN explained. He said that the amendment offered by the gentleman from Ohio was in substance the amendment which he had offered.

Mr. THOMPSON, of Pennsylvania, asked what necessity there was for such an amendment, for all questions of boundary were completely settled and set at rest.

Mr. GOGGIN again explained. The necessity did not arise between this country and Mexico, but between State and State. The post routes were arranged by States, and this was to avoid any difficulty between Texas and the new States which may be formed out of the new territory which we have now acquired from Mexico.

Mr. THOMPSON still insisted that the gentleman's answer was not a good one, and he could not see why the amendment should be inserted.

Mr. GOGGIN said, if the gentleman from Pennsylvania had only looked at the bill he would have seen that the post routes were separated into States, and when they came to Texas the distinction was drawn between the State and the Territories, and it was deemed prudent to guard against the establishment of a boundary by a post route bill, which heretofore had occasioned some trouble. It was designed to avoid the expression of an opinion that Texas extended to this or that or the other place, leaving the settlement of boundaries to those whom it concerns.

Mr. PILLSBURY protested against the course pursued by the gentleman from Virginia. He said the people of that Territory who asked for these post routes were citizens of this country, paying taxes to support its Government. Why then should the question of boundary be started here in a post route bill, especially when they were carrying post routes to Bremen, Norway, and Liverpool?

Mr. GOGGIN did not blame the honorable gentman from Texas [Mr. PILLSBURY] and his colleague [Mr. KAUFMAN] for standing by every inch of that territory so strenuously; but he must be permitted to tell the gentlemen that this question had been raised by the people of Texas themselves. And even the President had maintained that a portion of that territory did not belong to Texas, for he had treated Santa Fé as a portion of the Republic of Mexico.

Mr. PILLSBURY denied that the question was disputable. The right of Texas was well established, and hence it was with the utmost astonishment that he heard these objections raised.

Mr. KAUFMAN said the gentleman from Virginia [Mr. GOGGIN] was mistaken in saying that the President had in any manner denied the right of Texas to the territory east of the Rio Grande. If he would look at the President's special message of December 22, 1846, to this House, he would ascertain his error. The President there said that the government instituted at Santa Fé was only for *temporary* purposes, and as in no way calculated to impair any of the rights of Texas. He would also find in one of the President's annual messages that the President said that the Texas annexed to the United States was with the boundaries as described by Texas herself.

Mr. K. said that the gentleman from Virginia feared that the establishment of these routes would confirm the title to Texas. Well, if it would be a confirmation, that confirmation has already been made. The last Congress had established post-routes in this same section of country, (on the lower Rio Grande.) They had established routes from Corpus Christi to Point Isabel, and from Point Isabel to Fort Brown, which was on the east bank of the Rio Grande, opposite to Matamoros.

Mr. K. said that the routes so strenuously objected to had all been recommended by the Legislature of Texas, and none of them were within six hundred miles of Santa Fé. He said he was astonished to hear these objections at this time. Last session a similar objection was made by gentlemen. We were then, they said, treading on Mexican territory. Now, however, the war had closed, and the boundary had been established to the Rio Grande. The same objection was still made, but the reasons had assumed a different phase. We were now treading on the rights of the United States! Mr. K. said that Colonel Benton admitted that the boundary of Texas included the lower Rio Grande. Even John Quincy Adams, as late as the 13th of May, 1846, (the day war was declared by the United States,) admitted that the western line of Texas run a short distance up the Rio Grande. Mr. K. said that the right of Texas to all the soil east of the Rio Grande had been confirmed to Texas by a treaty with Mexico, dated May 14, 1836, which on another occasion he had shown was a valid and binding treaty. To this portion of the territory where these routes are proposed to be established, Texas had always held possession since the days of her revolution. Mexico was afraid to meet our rangers on the east side of the Rio Grande. Her right was good. It was founded upon revolution; it was maintained by force of arms.

Mr. GOGGIN replied, amidst much noise and confusion. He was very partially heard by the reporter, but was understood as saying that Mr. KAUFMAN had himself virtually acknowledged that the claim of Texas up to the upper Rio Grande was subject to doubt. He knew that the capital of New Mexico had submitted to the arms of the United States. Did our army attack a city in the midst of one of the States of the Union? What sort of a conquest was it to subdue one of our own cities? The gentleman had referred to the authority of Colonel Benton. Mr. G. was glad to hear such an authority invoked by him. Colonel Benton had said, in his place in the Senate, when our army was on the Rio Grande, and our fleet blockading the mouth of the river, that our march was a piratical war—a war in disguise—and that the country on that river no more belonged to us than to a nation which never had heard of its existence. The same gentleman, speaking of the advance of our army under the orders of the President, said that if he were sitting on a court-martial, he would hang any man who had obeyed such an order of the President.

The gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] while chairman of the Committee on Foreign Affairs, and speaking officially on the subject of the Texas boundary, had settled the question; he had said, so far from the Rio Grande being the boundary, that the line ran through the centre of a stupendous desert, which neither nation could ever pass with impunity. That it had been placed there by the hand of the Almighty as a barrier between the two races—the Anglo-Saxon on the north of it, and the Mauritanian race on the south—and that whenever it was crossed, one or the other race must be destroyed.

Mr. THOMPSON, of Pennsylvania, here desired to put a question to the honorable gentleman from Virginia.

The floor being yielded to him, (as Mr. G. said for the third time,) Mr. T. asked whether Mr. G. considered the territory between the Nueces and the Rio Grande as belonging to Mexico?

Mr. GOGGIN said he denied that it belonged to Texas. He would refer the gentleman from Pennsylvania to his colleague from Philadelphia, [Mr. C. J. INGERSOLL.]

Mr. THOMPSON asked whether the treaty did not recognize the Rio Grande as our boundary?

Mr. GOGGIN said that the treaty was not now before the House, and he did not know, officially, what it contained. Gentlemen contended that a vast extent of country, for which the United States were to pay fifteen millions of dollars, all belonged to Texas. Did the treaty lately concluded give Texas a right to the Rio Grande as contended?

Mr. KAUFMAN said he had referred to the treaty between Mexico and Texas, and not the treaty between the United States and Mexico.

Mr. GOGGIN denied that there was, or ever had been, a treaty between Mexico and Texas. He was aware that Santa Anna, when a captive, had entered into some sort of an agreement, in which he consented to a boundary proposed by Texas; but that so-called treaty was of no binding force, had been repudiated by President Jackson, and denied by the Mexican Government.

Mr. PILLSBURY here made some explanations, which were in a great measure lost at the reporter's seat. He was understood to say that Mexico had made the treaty, had got all the benefit, and had received all she agreed for.

Mr. GOGGIN said he had merely referred to the fact that the Texas boundary was a disputed question. The gentleman from Texas [Mr. KAUFMAN] had called on him for his authority: he would refer the gentleman to Mr. Secretary Marcy, who stated, in his official instructions to General Taylor, that Mexico had certain military posts on the Rio Grande, which had always been in her possession; that the country on the river was in the armed occupation of Mexico; and that General Taylor was not to disturb, or in any way interfere with, her posts on that river. How did this agree with the gentleman's doctrine that the whole country up the river had always been a part of Texas? The Secretary of War said it was, and always had been, in possession of Mexico, and she was not to be disturbed or molested either in her people there or in her military posts.

Mr. KAUFMAN said, that according to his recollection, the Secretary did not say that Mexico held those military posts on the river, but only that he had heard that she did; the department had been so "informed." Be that as it might, the Secretary was in error; no such posts were there. Of this he was positive.

Mr. GOGGIN said that the Secretary informed General Taylor that the department had been informed that there were Mexican posts on this side of the Rio Grande, and these were not to be molested. And, besides, the despatches of General Taylor himself showed that such posts were there.

Mr. KAUFMAN said that General Taylor had met Mexican soldiers east of the Rio Grande, and so said; but he never reported that he had found any *posts*.

Mr. GOGGIN went on to say, that he had no idea that the question of the Texas boundary would come up on this occasion. The amendment he wished to insert in the bill was merely of a declaratory character, disclaiming all declaration in this bill as to what the boundary of Texas was. He was not opposed to the Texan mail routes in the bill; not at all. He was perfectly willing that these routes should all remain, and should be still further extended. The country was now said to have been acquired by treaty, and was now a part of the United States. But he had deemed it important to guard against any inferences, from the establishment of those routes, as to the question of the Texas boundary. The whole purpose of his amendment was to guard against such inference.

Mr. PILLSBURY observed that the United States was arbiter under the treaty, and was to settle the boundary question between Mexico and Texas. She was not a residuary legatee. He made some other remarks, which, in the confusion, and from his position, were totally inaudible to the reporter.

Mr. GOGGIN said he had merely risen to state what were the facts in the case; and, not wishing to protract any discussion on this question of the boundary of Texas, he moved the previous question.

The call for the previous question was seconded, put, and carried; and the main question being on the reconsideration of the order to engross the bill, the vote was taken by yeas and nays, and resulted as follows:

YEAS—Messrs. Abbott, Adams, Ashmun, Barringer, Belcher, Brady, Butler, Cabell, Chapman, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Daniel Duncan, Dunn, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Hilliard, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Daniel P. King, Lahm, William T. Lawrence, McIlvaine, Horace Mann, Marsh, Nelson, Nes, Outlaw, Pollock, Preston, Julius Rockwell, J. A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Tallmadge, Taylor, Richd. W. Thompson, John B. Thompson, Toombs, Van Dyke, Vinton, Warren, White, and Wilson—88.

NAYS—Messrs. Atkinson, Beale, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Bridges, William G. Brown, Charles Brown, Albert G. Brown, Cathcart, Chase, Franklin Clark, Howell Cobb, Williamson R. W. Cobb, Cummins, Daniel, Darling, Dickinson, Faran, Featherston, Ficklin, French, Fries, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Sidney Lawrence, Leffler, Ligon, Lord, Lumpkin, Lynde, Maclay, McClelland, McClernand, McDowell, McLane, Job Mann, Miller, Morris, Morse, Nicoll, Peaslee, Peck, Petrie, Phelps, Pilsbury, Richardson, Richey, Rockhill, Sawyer, Sims, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Thomas, James Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wallace, Wentworth, Wick, Wiley, Williams, Wilmot, and Woodward—87.

The CHAIR, (occupied by Mr. BURT, of South Carolina,) not having been called, and not having voted, now chose to exercise its right, and voted in the negative; which creating a tie, the motion to reconsider was lost.

[Much sensation and confusion; the Chair endeavored to restore order.]

Mr. GOGGIN moved to lay the bill upon the table; and on that motion demanded the yeas and nays.

Mr. CROWELL moved a call of the House, and demanded the yeas and nays; which were ordered, and, being taken, resulted: Yeas 91, nays 104.

So the House refused to order a call.

The question being now put on laying the bill on the table, it was decided as follows:

YEAS—Messrs. Abbott, Adams, Ashmun, Barrow, Belcher, Blanchard, Brady, Buckner, Butler, Cabell, Canby, Chapman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Gayle, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Daniel P. King, William T. Lawrence, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Nelson, Nes, Newall, Outlaw, Palfrey, Pollock, Preston, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Andrew Stewart, Strohm, Tallmadge, Taylor, Richard W. Thompson, John B. Thompson, Van Dyke, Vinton, Warren, White, and Wilson—91.

NAYS—Messrs. Atkinson, Barringer, Bayly, Beale, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Cathcart, Chase, Franklin Clark, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Darling, Dickinson, Faran, Featherston, French, Fries, Fulton, Gentry, Green, Willard P. Hall, Hammons, Haralson, Harris, Henley, Hill, Hilliard, George S. Houston, Inge, Charles J. Ingersoll, Jenkins, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, Sidney Lawrence, Leffler, Ligon, Lincoln, Lord, Lumpkin, Lynde, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morris, Nicoll, Peaslee, Peck, Petrie, Pettit, Peyton, Phelps, Pilsbury, Richardson, Richey, Rockhill, Sawyer, Sims, Smart, Robert Smith, Stanton, Starkweather, Stephens, Charles E. Stuart, Strong, Thibodeaux, Thomas, James Thompson, Robert A. Thompson, William Thompson, Thurston, Tompkins, Turner, Venable, Wallace, Wentworth, Wick, Wiley, Williams, Wilmot, and Woodward—100.

So the motion to lay on the table was lost.

The question then recurring on the third reading of the bill—

The previous question was moved and seconded.

Mr. WHITE inquired if the bill had been engrossed?

The SPEAKER *pro tem.* replied that it had not.

Mr. WHITE objected, then, to the third reading to-day.

The SPEAKER *pro tem.* sustained the objection, and decided, that under the rule, if the point were made, the bill could not be read a third time until it was actually engrossed.

Mr. JONES, of Tennessee, suggested that the objection did not apply in this case, as the bill had been ordered to be engrossed several days since. It must, therefore, be received as engrossed, constructively at least.

The SPEAKER replied, that a notice to reconsider having been made at that time, and having remained undecided, it suspended the vote ordering the engrossment.

Mr. SIMS read from the rules, and insisted that the House having just ordered the main question to be put, it was a direct positive vote of the House that the bill should be read a third time now.

The SPEAKER adhered to his decision upon the point raised by Mr. WHITE.

Mr. SIMS appealed from the decision.

Mr. COBB raised the point that the objection of the gentlemen from New York was made too early, and that it would not be pertinent until after the vote on ordering the third reading. When that reading was ordered, the point would lie.

The SPEAKER overruled this point, deciding

that the objection applied now, since, if it was sustained, it would be absurd to go on and vote upon the question of ordering to a third reading at this time.

After some further conversation upon incidental points of order, the question was taken, and the decision of the SPEAKER, that it was not in order to read the bill the third time to-day, was sustained by the House: Ayes 100, noes 87.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and resumed the consideration of the general appropriation bill.

Mr. HILLIARD being entitled to the floor, addressed the committee in a speech which occupied an hour, in explanation of certain amendments he designed to offer to the bill in relation to our diplomatic missions, &c.

[This speech will be found in the Appendix.]

Mr. SAWYER next obtained the floor; but he gave way, at the request of Mr. HALL, of Missouri, for a motion to rise, and the committee rose accordingly, and reported progress.

Mr. VINTON, by direction of the Committee of Ways and Means, submitted a resolution to terminate debate on the civil and diplomatic appropriation bill on Monday next, at two o'clock.

Mr. THOMPSON, of Mississippi, objected.

Mr. VINTON. The motion was a privileged one.

Mr. JENKINS moved an adjournment, but withdrew it at the request of several gentlemen.

Mr. THOMPSON said, to-morrow was Thursday, and the succeeding days of this week were private bill days; he therefore hoped the resolution would not be adopted.

Mr. VINTON urged the necessity of adopting the resolution.

Mr. THOMPSON, of Mississippi, moved an adjournment. Lost.

Mr. VINTON had no objection to allow the resolution to lie over until to-morrow. The object of the Committee of Ways and Means was——

Mr. HOUSTON, of Alabama, said the resolution was not debatable.

Mr. VINTON said he had no intention to debate it. His object was simply to say that he had offered the resolution in obedience to the direction of the Committee of Ways and Means, but he was willing that it should lie over, as it would show what their intention was. It was necessary that the bill should be passed at an early period, that it might go to the Senate, where, gentlemen must not forget, it had to be considered before it could become a law. He suggested that the House should now take up the navy appropriation bill, which would also have to be returned to the Senate. It would be recollected that that bill was ordered to be engrossed for a third reading, but some objection was made to its passage. Subsequently he had communicated with the Secretary of the Navy, who had made in it some reductions which he hoped would now be concurred in without recommittal.

NAVAL APPROPRIATION BILL.

By general consent the naval appropriation bill was then taken from the Speaker's table, and the question was stated to be on its third reading.

Mr. VINTON begged leave to make a brief explanation. At the time this bill was reported, in answer to a question put to him, the Secretary of the Navy informed the Committee of Ways and Means that the unexpended balance for this branch of the service at the close of the year would be about $1,000,000, and the first section of the bill appropriated for the service for the next fiscal year the unexpended balance in hand at the end of the year. The estimates of the Secretary must necessarily be conjectural to some extent. The answer of which he had spoken was given in January last, when it was scarcely possible that the Secretary should know what the balance in hand would be. We were now near the end of the year, and the Secretary was now of opinion that the balance in hand would amount to $2,500,000, instead of $1,000,000, as estimated three or four months ago. He had then an amendment to offer to limit the amount of appropriations of unexpended balances of former appropriations to $1,500,000, and to provide that the residue should be returned to the surplus fund. It was, in effect, to cut down the appropriated unexpended balances $1,000,000. He begged further to state that a naval peace establishment was confined to 7,500 men and boys; but since the Mexican war was begun, the Secretary of the Navy was authorized to employ a greater number, not exceeding 10.000; that employment, however, was limited to the time of the war; at the close of which, the naval establishment would fall back, as a matter of course, to 7,500. The estimates had been predicated on a state of war, and as peace was now made, the Secretary of the Navy had reduced his estimates, and the item of the bill in this respect must now be reduced some 25 per cent. There were other amendments which he would request the Clerk to read.

The Clerk read all the amendments accordingly. They were as follows:

In the first item, strike out the words "to the 'unexpended balances of former appropriations 'for the naval service," and insert "the sum of '$1,500,000 of the unexpended balances of former 'appropriations for the naval service, the remainder of such unexpended balances, after deducting 'the said sum of $1,500,000, to be carried to the 'surplus fund."

In the second item, reduce the amount from "$2,918,948" to "$2,189,211."

In the item "for provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service," reduce the amount from "$903,813" to $677,860."

In the item "for surgeons' necessaries and appliances for the sick and hurt of the navy, including the marine corps," reduce the amount from "$38,000" to "$28,500."

In the item "for increase, repair, armament, and equipment for the navy, including wear and tear of vessels in commission, coal for steamers, purchase of hemp, and one million two hundred thousand dollars for completing four first class steamers," reduce the amount from "$2,975,281" to "$2,531,474."

Strike out of the 2d section the words "funds from one head of appropriation to another head of the appropriations made for the naval service: this authority of transfer to remain so long as the war with Mexico shall continue, and no longer;" and insert "any portion of the sum of $1,500,000 of the unexpended balances of former appropriations mentioned in the 1st section of this act from one head of appropriation to any other head of the appropriations made for the naval service." And add the following as a new section:

SEC. —. *And be it further enacted*, That it shall be the duty of the Postmaster General, under the direction of the President, to cause the net receipts of postages collected on the several lines of steamers from New York to Liverpool, from New York to Charges, and from Panama to some point in the Territory of Oregon, stipulated for in contracts made with the Secretary of the Navy, to be deposited in the treasury to the credit of the appropriation for the annual compensation for the service to be rendered under said contracts, or otherwise apply the said postages in payment of the said annual compensation.

Mr. McKAY said, that as he had objected to the third reading of the bill when it was, on a former day, before the House, he asked the indulgence of gentlemen now, in making a brief explanation. This bill, as it was reported by the Committee of the Whole on the state of the Union, and subsequently ordered to be engrossed, contained appropriations to the amount of $11,277,133. The Secretary admitted that there would be at the close of the present fiscal year, of the unexpended balances of former appropriations, about $2,500,000. He (Mr. McK.) was satisfied, from a statement which had been furnished to him by some of the treasury officers, that the amount of these balances would be larger, say $3,000,000 If this latter estimate should be realized, the House would at once perceive that there would be an aggregate sum appropriated for and applicable to the naval service, for the next fiscal year, of $14,277,133.

He supposed that it would be conceded, on both sides of the House, that this was entirely too large. The bill as it was originally reported to the House, had been framed by the committee on the supposition that the war with Mexico might continue during the next year. We had now positive assurances that the relations of peace will soon be reëstablished between the two countries. It seemed to him that in this change of the condition of the country, it was every way proper that the appropriations should be reduced, adapting them to a peace establishment. The reductions which had been suggested by the Secretary of the Navy, and which were now before the House, on the recommendation of the Committee of Ways and Means, would, if adopted by the House, still leave the appropriations for the naval service upwards of eleven millions of dollars. This, it would be recollected, was for a state of peace, and was a larger amount than had been made for the same object in any year prior to the commencement of the war with Mexico. He would, for the information of the House, state the appropriations and expenditures for the naval establishment for several years past, which were as follows:

	Appropriations.	*Expenditures.*
1835	$4,998,234 13	$3,864,939 05
1838	5,076,336 26	6,131,580 53
1840	5,801,679 40	6,113,896 89
1842	6,741,683 21	8,397,242 95
1844–'5	6,051,700 98	6,297,177 89
1845–'6	9,091,388 40	6,455,013 92
1846–'7	7,771,773 64	7,900,635 76

He admitted that there was force in the suggestion, that in consequence of the unsettled state of Europe, it might be prudent to employ a larger naval force than would otherwise be required, and thus increase the expenditure. Should the House, therefore, agree to the reductions which had been proposed, he would withdraw any further opposition to the passage of the bill, though, as there were provisions in it which were in his opinion exceedingly exceptionable, he could not give it his vote.

The amendments were then agreed to collectively, and the question recurred on the third reading of the bill.

Mr. JONES, of Tennessee, said he was unwilling to vote for this bill; and would not, though his vote should reject it, and withhold from the navy every dollar of appropriation for the next fiscal year. Aside from the enormous and unnecessary appropriations which are proposed to be made by the provisions of the bill for the support of the navy for the next year, it contains appropriations for purposes wild, visionary, and unauthorized by the Constitution, which he never had and never would sanction or approve by his vote. That so far as he was concerned, those who had voted this bill into its present shape must take the responsibility of passing it. Therefore he called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and being taken, resulted thus: Yeas 105, nays 41. So the bill was ordered to be read a third time; and, having been so read, was passed.

Mr. VINTON moved to reconsider the vote on the passage of the bill; and the motion to reconsider was laid on the table.

ADULTERATED DRUGS.

On motion of Mr. EDWARDS, the House proceeded to consider the amendments of the Senate to the bill of the House to prevent the importation of adulterated drugs and medicines.

The amendments of the Senate were read and agreed to, and the bill is therefore passed.

And then the House adjourned.

IN SENATE.

WEDNESDAY, *June* 21, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, made in compliance with a resolution calling for the amount of hospital money, received at each of the custom-houses in the United States in each year, from 1833 to the 30th June, 1847, and the amount expended in each for the same period.

This is a document of considerable interest. The reporter gives the amount received and expended at some of the chief ports, leaving out the fractions.

Places.	Amount received.	Amount expended.
Boston	$333,300	$424,679
New York	589,452	602,021
Philadelphia	197,165	321,874
Baltimore	139,313	380,881
Charleston	57,453	139,955
New Orleans	140,816	414,016
St. Louis	15,937	29,825
Galveston	428	89
Norfolk	54,443	195,644
Petersburg	9,735	22,123
Richmond	11,561	9,209
Georgetown, D. C.	8,096	4,703
Alexandria	23,160	20,109
Mobile	30,897	89,251
Savannah	21,690	90,441

The whole amount received in the United States was $2.604,275 81, and the whole amount expended was $3,345,291 33.

MEMORIALS AND PETITIONS.

Mr. ATCHISON presented a petition from citizens of Missouri, asking the establishment of a mail route from Sandhill to Kenksville, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. JOHNSON, of Maryland, presented a memorial from Captain L. Warrington, in behalf of himself, officers and crew of the United States sloop-of-war Peacock, asking the payment of certain prize money due them and improperly retained in the treasury; which was referred to the Committee on Naval Affairs.

REPORTS FROM COMMITTEES.

Mr. BRIGHT, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Colonel George Gibson, accompanied by a report. The bill was read a first time.

Mr. WESTCOTT, from the Committee on the Judiciary, made an adverse report on the memorial of John B. Luce.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported the following House bills without amendment, and recommending their passage:

An act for the relief of Eliphas C. Brown.
An act for the relief of James Fugate.
An act for the relief of John Hilbert.
An act for the relief of Lewis Hastings.
An act for the relief of Samuel Gray.

Mr. BERRIEN, from the Committee on the Judiciary, reported a bill for the relief of James Chapman, administrator of Thomas Chapman; which was read a first time.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill to reduce the rates of postage; which was read a first time.

The following is a synopsis of the bill:

Be it enacted, &c., That from and after the 1st day of July, 1849, the postage on letters shall be as follows: Letters not exceeding half an ounce in weight, conveyed any distance, shall be charged with three cents postage, and a like sum for every additional half ounce or fractional part thereof, the postage being prepaid, and if not so prepaid then the postage shall be five cents; and all drop letters, or letters to be delivered at the office where deposited, shall be charged one cent postage if prepaid, and two cents if not prepaid.

That it shall be the duty of the Postmaster General at all offices where the postage amounts to —— thousand dollars annually, to provide for conveying letters to the post office by establishing convenient places of deposit and by employing carriers to receive and deposit them in the post office free of charge; and to cause letters to be delivered by suitable carriers, to be appointed by him for that purpose, for which one cent on each letter is to be charged, and on advertised letters an additional charge of one cent.

That the postage on newspapers and other printed matter shall be as follows: All papers, pamphlets, magazines, and books, whether periodical or not, (exchange papers excepted,) not exceeding one ounce, shall pay one cent postage, and a like sum for every additional ounce or fractional part thereof; provided that papers not exceeding one ounce, and not conveyed more than fifty miles, shall be charged with half a cent postage; and on all papers sent from the office of publication, the postage must be prepaid.

All handbills and circulars to be considered as letters, and charged accordingly.

Mr. NILES, on reporting this bill, made some observations, which, from his position, and the low tone of his delivery, was almost inaudible in the gallery. He was understood to state that this bill was of too great magnitude to justify the hope that it could be passed at this late period of the session. He had, however, reported it for the purpose of presenting its details for the judgment of public opinion as to their suitableness to the wishes of the country. It would be seen that the postage of letters would be reduced to three cents. It had been thought of to make the postage half a dime, but as there was no coin of that description, it had been fixed at a little over that amount. Newspaper postage, it would be seen, was reduced to one cent, including pamphlets, magazines, and books, and half a cent where the distance did not exceed fifty miles. This was not an experiment, not an untried system. It had been tried in England, and had been considered as one of the greatest measures ever introduced in the legislation of that country, as regards its commercial, social, and political character. Even in a financial view, it had exceeded the expectations of those with whom it originated. The revenue had gradually and rapidly increased, so that it was calculated the returns of the present year would bring it up to what it was under the old system. The numerical increase of letters (as well as we could understand the honorable Senator) had been from a little more than one hundred millions to three hundred and twenty millions annually. This was an important fact, as the advantages of the reduction were indisputable on every point but that of its financial operation. But as regards this point, which involved the only risk, a review of the results of the present law had brought him to the conclusion that the experiment of this further reduction could not diminish the revenue for the first year more than half a million, and this deficiency would disappear with the advance of the system. He did not desire to press the bill in the present situation of the treasury, because he did not wish to increase the necessity for loans, and to embarrass our financial operations. The provisions of the bill, it would be seen, were not to take effect until the 1st of July, 1849, so that there would be sufficient time given for the arrangements of the department, if the bill should pass at the next session, as he hoped it would.

Mr. N. gave some statistical statements, which could not be distinctly heard.

On motion of Mr. MANGUM, it was

Resolved, That the President of the United States be requested to communicate to the Senate the proceedings of the court of inquiry which convened at Saltillo, Mexico, on the 12th January, 1848, and which was instituted for the purpose of obtaining full information relative to an alleged mutiny in the camp of Buena Vista, Mexico, on or about the 15th August, 1847, which led to the death of one of the soldiers by the hand of Colonel Payne, of the regiment of North Carolina volunteers, and for the purpose of investigating the facts connected with the dishonorable discharge of certain officers of the North Carolina volunteers.

On motion of Mr. MASON, it was

Resolved, That Saturday next, the 24th of June, be set apart for the consideration of private bills, and that at one o'clock p. m. on that day the Senate will proceed to the consideration of those bills, to the exclusion of all other business.

Mr. SEBASTIAN asked and obtained leave to introduce a bill to revive and extend the provisions of an act entitled "An act to settle the title to certain tracts of land in the State of Arkansas;" which was read twice, and referred to the Committee on Public Lands.

Mr. BRIGHT pressed upon the Senate the necessity of prompt action on the bill to establish a Territorial Government in Oregon, &c., and moved that it be taken up for consideration.

Mr. HANNEGAN disliked to interfere with the wishes of his colleague, but he would suggest that the Oregon bill give way for a motion to go into Executive session on a very important subject, which might consume the day; but, if it did not, the Oregon bill could be taken up afterwards, or, at all events, in the morning.

Mr. BRIGHT was unwilling to acknowledge that any question was more important than the bill he had designated; but, in this case, he would yield the point to his colleague.

Mr. ATHERTON asked the Senate to take up the Indian appropriation bill before going into Executive session, which was assented to, on the condition that there should be no debate.

The bill was then taken up, and a motion was adopted to reconsider the motion ordering the bill to a third reading.

Mr. ATHERTON then offered an amendment, which was assented to by Mr. BELL and adopted by the Senate; and the bill was then ordered to be read a third time, and was, by unanimous consent, read a third time and passed.

The Senate then proceeded to the consideration of Executive business; and after some time spent therein, the doors were opened, and the following bills were severally considered in Committee of the Whole, and, after having been explained, were ordered to be engrossed, and were subsequently read a third time, by unanimous consent, and passed:

The bill for the relief of the personal representatives of William A. Slacum.

The bill for the relief of the Society for the Reformation of Juvenile Delinquents' in the city of New York.

The bill to change the time of holding the terms of the circuit courts of the United States in the district of Maine.

An act concerning testimony.

The bill to divide the district of Arkansas into two judicial districts.

The House bill making appropriation for the payment of revolutionary and other pensioners of the United States, for the year ending June 30, 1849.

The Senate then adjourned, at about four p. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 22, 1848.

The Journal of yesterday having been read—

On motion of Mr. FEATHERSTON, it was so amended as to show that the bill to establish certain post routes was taken up yesterday on his motion; and then it was approved.

Mr. GOGGIN obtained the floor to make an explanation. I am (said he) reported in the Intelligencer of this morning as having said yesterday, when the post route bill was under consideration, that Colonel BENTON (to whom Mr. KAUFMAN had referred) "had said in his place in the Senate, *when 'our army was on the Rio Grande* and our fleet blockading the mouth of the river, that our march was 'a piratical war, a war in disguise," &c. Now, the error is important in point of time only, to which I wish to call your attention. What I said was: "I was glad to hear such an authority (Colonel BENTON) invoked, for he had said, *when the first treaty for annexing Texas to the United States was pending before the Senate in* 1844, in allusion to the orders to the army and navy, that 'the 'President and his Secretary of State made the war 'themselves, and made it unconstitutionally, per-'fidiously, clandestinely, piratically,'" &c. The reporter, however, makes me impute these or similar remarks to Colonel BENTON *after* the war was recognized and our army was *on the Rio Grande.* I make (said Mr. G.) the correction from my own sense of what is due to the distinguished Senator whose opinions are referred to, and I deem it but just to him that the correction should be as public as the remarks themselves. The reporter is also mistaken in saying that I had said the Mexican military posts were *on the Rio Grande.* I referred to posts and military establishments on the east side of the river, and *between* it and the Nueces.

I do not complain (said Mr. G.) at all of the reporter, for the distance I was, while speaking, from his desk, I am well aware, prevented his hearing distinctly what I said.

Mr. JOHNSON, of Tennessee, raised a point of order with reference to priority of business, and contended that the report of the Committee on Accounts providing for the erection of a monument to Mr. ADAMS was first in order.

The SPEAKER *pro tem.* overruled the point of order.

THE NATIONAL FINANCES.

The SPEAKER *pro tem.* announced as the business first in order, the report of the Committee on Public Expenditures, and the report of the minority of the same committee on the annual report of the Secretary of the Treasury on the finances.

Mr. BEDINGER being entitled to the floor, expressed the regret with which he now encroached on the time and patience of the House by asking them to hear remarks which he deemed it his duty to make in support of the report of the minority of the Committee on Public Expenditures which he had the honor to offer yesterday, and in reply to some of the remarks of the gentleman from Pennsylvania [Mr. STROHM] yesterday. The subject was one of considerable interest, inasmuch as it involved a most labored attack upon the annual report of the Secretary of the Treasary, and an attempted defence by the minority of the committee of that report. The Committee on Public Expenditures, if not in positive violation of their duties, at least, as he conceived, by usurping jurisdiction of powers which did not properly belong to it, had been employed during nearly the whole of the last winter, and a great part of the last spring he believed, in investigating the annual report of the Secretary of the Treasury, and in preparing an elaborate report setting forth divers errors which they said were to be found therein. He said that the committee had done this rather by usurping the powers of other committees than by attending to their own.

By reference to the rules of the House defining the duties and powers of the different committees, it would be seen that the Committee on Public Expenditures was in fact a mere nullity; and he thought it had been so considered until this session. He certainly had never known anything of its proceedings until now. It would be seen by the duties conferred upon the Committee of Ways and Means in 1802, that there was the sum of all the powers and duties which had been given to the Committee on Public Expenditures; and, by the six committees appointed in March, 1816, all the duties of the

Committee on Public Expenditures were positively superseded. He referred to this question of jurisdiction, not because he meant to object to it at all, but simply because, when the report of the committee was first handed to this House, he was compelled to inform the House that, although he was a member of that committee, yet he had been entirely ignorant of the action which they had designed to take in reference to the report of the Secretary of the Treasury.

It was very true, and he had said it at the time, that at the first and only meeting of the Committee on Public Expenditures which he had attended—for the reason that, when he had been notified of a meeting, sometimes he could not find the room, as he believed there never had been any regular room assigned to the committee, and at other times he could not find a quorum, until he had become tired of the effort—he said at the only meeting he had had the good fortune to attend, a sub-committee was appointed, consisting of the gentleman from Pennsylvania, [Mr. STROHM,] the gentleman from Georgia, [Mr. JONES,] and himself, and something was there said about an investigation of the report of the Secretary of the Treasury. Although he was appointed on that sub-committee, he did not hesitate to confess here that he did not know one single solitary step which that committee had taken from that time forth until their report was adopted by the Committee on Public Expenditures. Now, it might be said it was his duty to have found the committee, and to have attended all their meetings, even though it might have required a search-warrant to find their whereabouts; and it might be charged on him as a neglect of duty that he had not also attended particularly to every step taken by the sub-committee, of which he was a member. If he had not done what was his duty, he must bear the blame of it; and he did here now so far confess that he owed the committee an apology for not having ascertained what they were doing, and participated perhaps to a certain degree in their action, (even though he had known they were transcending their duties and their powers.) He owed them an apology for this reason; by not ascertaining what the committee were doing, he had, without designing it, inflicted upon them quite a serious injury; because, if he could by any possibility have ascertained that this report was designed to be made by the committee; that they were to go through an investigation of the whole subject at the department; that day after day of the whole winter was to be exhausted in searching in the Treasury Department and Register's office,—if he had known all this, as gentlemen said he should have known it, (though he did not see how he could,) he thought it extremely probable he should have informed the Secretary of the Treasury of the premeditated attack, because it was against his creed to make an attack on any one without first informing him, and giving him a fair opportunity to defend himself.

He should then have informed the Secretary, and this injury which his (Mr. B.'s) negligence had inflicted on the committee would have been avoided, for the Secretary would have saved them from the blunders into which they had so heedlessly fallen when they had prepared the report. The Secretary, so far as he knew him, was a humane man, and he was unwilling to believe that that officer would maliciously, cruelly, willfully, have suffered the committee to go blundering on, here forgetting one of the most important documents which had ever been printed, and there confounding the tables of the Register with matter for which the Secretary was responsible; here taking the uncertified statements of the clerks, and charging the Secretary with having prepared them, and making blunder after blunder such as had never before been committed by a committee of this House. He said in all probability the Secretary would have stopped these blunders, for he would have told the committee of their first error, and then they would not have perpetrated it forty times. Thus, he said, he might owe the committee an apology, because the fact was, that neither the Secretary nor the acting Secretary had known one solitary word of this investigation that was going on. They had not the slightest intimation of the monstrous labor of this mountain until the mouse crawled out at their feet; they had known nothing of it.

The gentleman from Pennsylvania [Mr. STROHM] had said on yesterday that he did not deem, or the committee did not deem, it their duty to inform the Secretary of what was going on. It might not possibly have been within the strict pale of their duty; it might not have been positively obligatory upon them; but would not generosity, would not liberality, have prompted those gentlemen to withhold the blow until they had warned the man against whom it was to be aimed? The gentleman had brought forward a serious charge against the Secretary of the Treasury—a charge of negligence or of incapacity; they had charged him in their report with errors, blunders, negligences, which, although their language was courteous—very much so—yet, if they existed, would be sufficient actually to disqualify him forever from the office the duties of which he discharged with such consummate and distinguished ability. Then, would it not have seemed but bare justice to have informed him of this impending blow which they meditated? Not only would it have been just, but it would have been politic; for, as he had said before, the committee by their liberality would have saved, not the Secretary, but themselves, from these enormous blunders, about sixty-four in number, contained in a report of thirty-nine pages, which they had now unfortunately published and blazoned to the world, and which, on their own account, he was sorry they could not take back.

Now, there was but one ground on which the committee could justify the fact that they did not notify the Secretary that this investigation was going on, and that ground was simply this, that in truth the attack was committed, not upon the Secretary of the Treasury at all, not on the report of the Secretary of the Treasury, but it was an attack, from beginning to end, upon another and a very different officer—an attack upon the Register of the Treasury—upon his tables, which were appended to the report of the Secretary of the Treasury, and it was not an attack upon the Secretary at all. Now, the Register of the Treasury was an entirely different officer from the Secretary of the Treasury.

The gentleman from Pennsylvania, in his remarks yesterday, had stated that the Register was under the control of the Secretary. It was a great mistake; one of those mistakes which the committee had perpetrated in the beginning of their report, but a great mistake, nevertheless. The Register was not under the control of the Secretary; the Register's duties were separate from the Secretary's. The Secretary could not appoint, could not remove the Register. The Secretary could not, he did not hesitate to say, do more than simply criticise the tables handed him by the Register, if he chose; he could not reject them. The law made it imperative on him to accept and receive them. He had, in fact, no more control over the Register than he (Mr. B.) had; the duties of the Register were as different from those of the Secretary as the duties of the gentleman from Pennsylvania [Mr. STROHM] were from those of the Speaker of this House; as different as the duties of the Committee on Public Expenditures were from those duties which they had attempted to perform; they were fundamentally, entirely different.

Now, what were the duties of that officer? In answer to this question he read the second section of the act of September 7, 1789, establishing the Treasury Department, and then proceeded to show that there was not a solitary word to require the Secretary of the Treasury to keep the books, make out the balance sheets, investigate the proofs, or do anything of the kind, and the gentleman from Pennsylvania [Mr. STROHM] had been greatly mistaken in attributing so much to the Secretary of the Treasury. Against that which really was the Secretary's, the report of the gentleman from Pennsylvania contained not a solitary objection. His statements had not been touched, because they were accurately made, and so well fortified that they could not be assailed. He next read the section of law which prescribed the duty of the Register of the Treasury, and said that with that duty the Secretary could not interfere. Here, then, it was shown not only that the Secretary was not required to make these tables, but that they were made and furnished to him by officers whose duty was prescribed by law, and by law they were made evidence in courts of justice. If, then, courts of justice were bound to receive them in evidence, why should the Secretary of the Treasury be held responsible for any error, if any, which they might contain? Why should he be expected to examine the facts and compare the books to try and test their accuracy? It was not possible for him to do it. Why, were gentlemen aware of the number of the tables sent in to this House? If not, he would inform them that there were here thirty-two tables, all of which were dated about the time the Secretary's own report bore date—ranging from the 1st to the 8th of December—and covered the action of the Government in regard to its finances from the year 1789 to the end of the last fiscal year. How, then, in the multitudinous labors of the Secretary of the Treasury, could he be expected to find time to examine these tables? The Secretary of the Treasury never shrank from any duty or any responsibility inseparable from his office, and his duties he had performed with an ability which had astonished everybody. Thus, then, the gentleman opposite had not attacked the report of the Secretary, but certain tables which it was the duty of other officers to prepare and furnish. The gentleman from Pennsylvania had accused the Secretary of seeking to shift the responsibility upon others; but in this the gentleman was in error. The Secretary desired no such thing.

But let them look a little further, and see how successful the gentleman had been in his attack on the Register; for it was an attack on the Register in reality, and not on the Secretary. The gentleman went to the Treasury Department to examine these matters, and did they go to the Secretary of the Treasury or to the acting Secretary? No. They took copies furnished by clerks, that were uncertified and unattested; and, on the mere assertion of some clerks, without the attesting signature of a single human being, they sought to sustain their grave accusations. Now, what assurance had they that those clerks had even copied accurately the tables that were presented? And how did they know that these things were taken properly from the books?

Mr. STROHM interposed to explain; and he was understood to say, though very indistinctly heard, that the committee had had recourse to the books for some part of these statements.

Mr. BEDINGER was perfectly willing to let it rest there; but yesterday the gentleman from Pennsylvania did not say so, and statement after statement had been sent forth to the world without the attestation of a single human being. If they did have access to the books, the Secretary did not know of it, nor did he (Mr. B.) know who those clerks were on whom the gentleman from Pennsylvania had relied. It was not in that way, he would assure the gentleman, that they could demolish such a monument of genius as the Secretary had raised for himself. The gentleman might as well attack Gibraltar with a pocket pistol.

But he would proceed to the discoveries which the gentleman had made; and the only error which they had pointed out, and which they have assumed to have discovered—the only genuine error which was made at all—they did not discover at all. It was discovered months before, and communicated to the Senate. The error to which he alluded was an error of $1,401,900; the letter stating which, dated the 25th of February, 1848, he had before him. And here he could not but mark the difference between the conduct of a committee of the Senate and the Committee on the Expenditures of the Treasury Department of this House. The committee of the Senate, when the error was discovered, went to the Secretary and pointed it out, and a satisfactory explanation was given, long before the committee of this House made its report on the authority of unknown clerks. But were there no inaccuracies in the report of the gentleman from Pennsylvania? It appeared to him, that when gentlemen attempted to investigate a report like this, and gravely accuse the Secretary of the Treasury of such important errors, they should be extremely careful not to err themselves. And yet the gentleman from Pennsylvania frankly admitted that in his report he had committed some errors, and he expressed his astonishment that there were not more. That there were errors in that report, he (Mr. B.) concurred with the gentleman from Pennsylvania; and he thought sixty-four errors in a report of thirty-nine pages was a pretty considerable number for even the Committee on Public Expenditures.

He then proceeded to notice the first error which the committee had committed. The gentleman

from Pennsylvania told them that he was not aware that a certain statement was in their possession, when there was the law which compelled the Secretary of the Treasury to place it before the House; and yet the gentleman from Pennsylvania told them he knew nothing of it. Then again the gentleman from New York [Mr. CONGER] stated that the Secretary of the Treasury had sent to the printers and obtained proofs of his report before it was furnished to this House, and that but for that it would have been on their tables sooner. The gentleman was mistaken. He (Mr. B.) asserted broadly, on the authority of the Secretary of the Treasury, that he never sent to the printers, and never set his eyes on it in printed form until it was printed for the use of this House.

Mr. CONGER begged permission to say a word by way of explanation. He desired to say that in the remark which he made yesterday there was an error in relation to the index to that work. In making his explanation yesterday he mistook the document; and to set himself and the House right on that subject, in case it should be necessary that he should hereafter have occasion to make explanations, he this morning called on the public printer to make further inquiries, and he found he was in error on the subject of that index being in the hands of the Secretary of the Treasury for the period he yesterday named. There was no index to this document. But he stated on the authority of the printers—and he knew nothing more about it—that proofs of that document had been in the hands of the Secretary, that they remained there weeks and weeks, and that that was the reason of the delay in furnishing them to the House. This explanation he made in justice to the printers; and if there was a question of veracity between them, that must rest with the printers and the Secretary of the Treasury.

Mr. BEDINGER again asserted, on the responsibility of the Secretary of Treasury, that the Secretary never did send for proofs of that document.

Mr. CONGER did not assert that he sent for the report; but, on the authority of the printers, he stated that proofs were furnished.

Mr. BEDINGER cared not what the printers might say. The printers' testimony in this case was somewhat like the unattested authority of some clerk with which the Committee on Public Expenditures sought to affix blame on the Secretary of the Treasury. Yesterday the gentleman from New York spoke on his own authority, and now he furnished the authority of the printer; but he, (Mr. B.,) on the authority of the Secretary of the Treasury, gave it a broad denial.

He then returned to the admission of the gentleman from Pennsylvania that he was ignorant of information which was literally piled up in a document which he had before him, and from which he read several extracts, and then asked, with such facts before them, what confidence could be placed on the statements which the report of the gentleman from Pennsylvania contained?

He next, as was understood, proceeded to comment on an admitted error made by the gentleman from Pennsylvania to the amount of half a million of dollars. He also spoke of a small error of seventy-two dollars, and of some mistake in subtracting. He said he had been told that he was much better at figures of rhetoric than figures of arithmetic; but he nevertheless should not take eight from thirteen and leave four.

There was another small error. In the table B of the report of the majority, a certain balance (which Mr. B. specified) was stated at one hundred and two millions; and in another part of their same table B the same balance was stated at one hundred and twelve millions; thus falling into only the little error of ten millions of dollars! They accused the Secretary's report of errors, but here was a whapper in their own.

Mr. STROHM reminded Mr. B. that he had explained this on the day before. The gentleman would find, that when the amount was brought over to the next page, it was stated correctly; so that the result remained unchanged.

Mr. BEDINGER said this was very true; but should not their falling into so great an error as this in their own figures teach them to extend some little charity to the statements of others? Mr. B. had as much right to charge this upon the majority report as the majority had to charge similar mistakes (if any such there were) upon the Secretary of the Treasury.

The gentleman had said that it happened very fortunately that one error of his report balanced another. This was particularly rich; and it reminded Mr. B. of an old adage that certain people were remarkable for good luck. He did not mean to apply the whole proverb to the majority of the Committee on Accounts, although some persons might have been so malicious as to make such an application of it.

[A voice: "Who do you say are remarkable for good luck?"]

It is pretty well known, I believe, what persons they are. [Laughter.]

To sum up the errors into which this investigating committee had themselves fallen: they commenced with wholly neglecting to consider one of the most important documents presented to Congress under this Government—a document the presentation of which they were by law compelled to know, but of the very existence of which the gentleman had confessed himself ignorant till within a few days past. The gentleman had said that he could guess how the minority of the committee had got access to that document: no doubt they could; who could not? The law requiring the document to be presented to Congress compelled every member to know of its presentation.

But, without having even seen this document, the majority had started up to the Treasury Department, and had there obtained unattested transcripts and memorandums from the clerks. Thus they had started wrong; and as they had set out, so they proceeded. Even when they had got these materials from the clerks, they did not know how to put them together. When all the bricks were given them, they had not the skill to build them up; insomuch that they had committed sixty-four mistakes in thirty-nine pages; and this in a report which was to shake the Secretary in his chair. Mr. B. said he regarded the production of this report of the majority as a fortunate event for the country, for the Secretary, and for that House. It would serve the more to attract public admiration to the able and accurate manner in which the Secretary of the Treasury had discharged the arduous and responsible duties of his high office.

The credit of the country was elevated higher than ever it had stood before; for during an impending war the stocks of the Government had gone up instead of declining; and this while members on that floor were aiming daggers at the Secretary, and to reach him were striking at the credit of their own country. The Secretary had been authorized by law to borrow forty-nine millions of dollars, and none of the stock or treasury notes had been sold under par, and most of it at a premium; insomuch that the amount of premium realized by the treasury exceeded $600,000. Compare this with the state of the public credit in 1814, when the Government could realize but thirty-six millions of dollars from eighty millions of treasury notes.

And who could forget that in 1843 the credit of the United States went a begging, not only throughout this land, but all over Europe?—when the loans could not be obtained here, and we had to send a financial agent to beg us a little money on the other side of the water to keep alive the credit of the American Government? Compare such a state of things as this with the height to which the public credit had been advanced under the present Administration. And all this had been effected under the much-abused system of free trade and the independent treasury. Who could ever forget the thunders of denunciation, the croaking, the howling, the predictions of public ruin which resounded from one end of the land to the other? But such had been the force of experience that merchants in all parts of the Union were fast becoming converts to the practical wisdom of both those great features of public policy. They saw how the system worked, and their prejudices gave way before the evidence of fact. The credit of all this was in an eminent degree due to the able officer at the head of the Treasury Department. The prosecution of these two systems of operation in our financial affairs had devolved upon the Secretary an amount of labor which must have crushed any man who did not possess the same great ability and the same indomitable capability of labor.

Mr. B., in conclusion, said that it had not been his intention to wound the feelings of any gentleman. If he had unintentionally done so, he regretted it. But the plain truth was, that the Committee on Expenditures had gone beyond their depth. They were like little wanton boys who swam on bladders on the bosom of a deep sea, and they found the waves too heavy for them. To use a homely phrase, they had gone out for wool and come home shorn. The gentlemen had gone out a whaling, but they had met with a huge leviathan of the deep, one flourish of whose tail had tossed up their little boat into the heavens, and plunged the poor boatmen into the depths of the sea.

Mr. STEWART, of Pennsylvania, now moved the previous question, but consented to withdraw it at the request of Mr. VINTON.

BUSINESS ON THE SPEAKER'S TABLE.

On motion of Mr. VINTON, the House proceeded to the consideration of business on the Speaker's table.

The bill making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1849, and for other purposes, which had been returned from the Senate with amendments, was taken up and referred to the Committee of Ways and Means.

The following Senate bills were then taken up, read twice, and referred to appropriate committees:

A bill to increase the medical corps of the navy.

A bill for the relief of the Central Railroad Company of Georgia.

A bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, and the acts approved 14th October, 1837, and August 23, 1842, and the last proviso of the act of March, 1843, amendatory of the same.

A bill directing the Secretary of the Navy to purchase from Dr. James P. Espy his patent right for the conical ventilator for the use of the United States.

A bill for the relief of David N. Smith.

A bill granting a pension to John Clark.

A bill to provide compensation to Wm. Woodbridge and Henry Chipman, for services in adjusting titles to land in Michigan, and for other purposes.

A bill for the relief of the heirs of Jean F. Perry, Josiah Bleakley, Nicholas Jarrot, and Robert Morrison.

A bill for the relief of James F. Sothoron.

A bill for the relief of J. W. Nye, assignee of P. Bargy and H. Stewart.

A bill to authorize the sale of a part of public reservation numbered 13, in the city of Washington, and for other purposes.

The bill from the Senate to amend an act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed March 3, 1813, was read a first and second time; when—

Mr. BIRDSALL moved that the bill be now read a third time and put upon its final passage. Mr. B. explained the practical operation of the law of naturalization, as now interpreted by the courts of the State of New York, and showed the necessity of the bill to relieve persons who, after declaring their intention to become naturalized, had left the country as volunteers for Mexico, and thus been prevented from obtaining the residence required by the law.

Mr. McCLERNAND further explained the object of the bill, and urged the necessity of passing it. Those who had enlisted in the service of the country, and had been sent beyond its limits in the prosecution of the war, fell within the wording of the present law, and were forced to lose all the time they were thus absent, though they had previously notified their intention of being naturalized.

Mr. HOLMES, of New York, moved the previous question, which was seconded, and, under the operation thereof, the bill was read a third time, and passed by yeas and nays: Yeas 165, nays 4.

Mr. HOLMES, of New York, moved to reconsider the last vote; which last motion was laid on the table.

THE SOUTHERN MAIL.

The joint resolution of the Senate to authorize and require a renewal of a contract for carrying the mail was read a first and second time; when—

Mr. GOGGIN moved to refer the bill to the Committee on the Post Office and Post Roads.

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Mr. JONES, of Tennessee, said it was very late in the session; that this was a bill, the question upon which he thought had been settled; that it had at an early period of the session been referred to the Committee on the Post Office and Post Roads, and had been reported back with a recommendation that it be rejected; that upon deliberation it was rejected by the House, and he could not believe the House would change a determination so manifestly proper. To save time, therefore, he moved to lay the resolution on the table.

Mr. GOGGIN. Will the motion to lay on the table supersede the motion to refer it to the Committee on the Post Office and Post Roads?

The SPEAKER *pro tem.* Undoubtedly.

Mr. MEADE asked the consent of the House to have a short petition—of only 12 lines—read to the House before the vote was taken.

The SPEAKER said it could only be done by general consent.

Mr. GOGGIN demanded the yeas and nays on the motion to lay on the table; which were ordered.

Mr. JONES withdrew the motion to lay on the table upon an appeal by several members, giving notice, however, he should renew it.

The question recurring on the reference to the Committee on the Post Office and Post Roads—

Mr. GOGGIN moved the previous question; but withdrew it on being informed that it would cut off the motion to refer, and bring the House to a direct vote on the bill itself.

Mr. VINTON expressed the hope that there would be no debate.

Mr. McLANE wished to say a few words, and he should not do this had it not been that the gentleman from Tennessee had given notice of his intention to renew the motion to lay on the table. He had no doubt himself but the route ought to be changed for the direct southern route; but he had just as little doubt, that throughout this controversy between the railroad company and the Postmaster General, not only had the Postmaster General been fully sustained by the law, but fully sustained by all the circumstances of the case; and, anxious as he was that the mail should be restored to the most direct, the shortest, and, as he believed, the cheapest route, he did not hesitate to sustain the Postmaster General so long as the case rested where it did, on the extreme demand of the railroad company; and if the motion to lay on the table was to be a test question between the company and the Postmaster General, he should sustain that motion. While he and the whole community with whom he held intercourse preferred the direct route, he thought he might say that they believed in the present controversy that the Post Office Department was right, and the railroad company wrong.

Pending this question—

CIVIL AND DIPLOMATIC APPROPRIATIONS.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and proceeded to consider the bill making appropriations for the civil and diplomatic expenses of the Government, &c., for the year ending June 30, 1849.

Mr. SAWYER spoke through his hour, in the course of which he introduced some general topics; but he spoke more particularly of the introduction of emancipated negroes into the state of Ohio and the injury done to the negro race by the abolitionists.

Mr. CRISFIELD followed in an argument by which he maintained that this Government had no authority to prohibit the introduction of slavery into the newly-acquired territories, that being a question for the territories to settle when they became States.

Mr. SLINGERLAND also addressed the committee in a speech on the subject of the river and harbor bill.

[These speeches will be published in the Appendix.]

After which, Mr. FEATHERSTON obtained the floor, and the committee rose and reported progress.

Mr. VINTON asked the House to take up the resolution he yesterday moved to close the debate in committee on the civil and diplomatic bill; pending which motion—

The House adjourned.

*** The motion made by Mr. DUNCAN, of Kentucky, on the 15th of June, (see page 843,) was a motion, not for an appropriation to *remove* the Cumberland Dam, but to perfect it.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. BOWLIN: The petition of William Dawson and one hundred and eighty-seven others, citizens of Missouri, setting forth the superior advantages of the site, and praying for the establishment of the western armory at the city of Cape Girardeau. Also, the petition of John Scudder and thirty-seven others, citizens of Missouri, praying the establishment of the western armory at the town of Birmingham, in the State of Missouri, which is also accompanied with a petition of the President and two Directors of said town, proffering every facility for the accomplishment of said object. Also the petition of John R. Roberts and thirty-five others, citizens of Missouri, praying a donation of alternate sections of the public land along the route to aid in the construction of a railroad from Lexington, Missouri, to the mouth of the Ohio river; and also for lands in lieu of the occupied portions along said route.

By Mr. DUER: Memorial of Nevens, Townsend & Co., and others, remonstrating against the passage of a bill surrendering to the State of Indiana the bonds of that State held by the United States.

By Mr. CROWELL: The petition of P. Adams, J. W. Edwards, and others, citizens of Ellsworth, Mahoning county, Ohio, praying the reduction of the rate of postage to two cents on all letters, and other mailable matter in like proportion, and doing away with the franking privilege.

By Mr. T. BUTLER KING: The petition of John Cassedy, praying compensation for services, &c.

IN SENATE.

THURSDAY, *June* 22, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Treasury Department, covering the report of a geological reconnoissance of the Chippewa land district of Wisconsin, and the northern part of Iowa, by David Dale Owen.

Also, a memorial from James W. Day, messenger to the President of the United States, asking extra compensation.

Mr. BRADBURY, from the Committee of Claims, reported an act for the relief of Daniel Robinson, without amendment.

Mr. BREESE, in pursuance of notice, introduced a joint resolution for the relief of such persons as may have incurred the disability of the 28th section of the act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof; which was read twice, and referred to the Committee on the Post Office and Post Roads.

The naval appropriation bill from the House was read a first and second time, and referred to the Committee on Finance.

Mr. BADGER moved to take up a resolution submitted by him some time since, to rescind the resolution of December last, appointing a doorkeeper to the ante-room of the Senate.

A motion was made to lay the resolution on the table; and, after some debate, the question was taken by yeas and nays, and resulted as follows:

YEAS—Messrs. Allen, Atherton, Benton, Borland, Bradbury, Breese, Bright, Butler, Dix, Foote, Hannegan, Houston, Hunter, Mason, Niles, Sturgeon, Turney, Westcott, and Yulee—19.

NAYS—Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Calhoun, Clayton, Corwin, Davis of Mississippi, Downs, Hamlin, Johnson of Maryland, Johnson of Louisiana, Maugum, Miller, Phelps, Rusk, Spruance, and Upham—19.

The VICE PRESIDENT gave the casting vote in the negative.

The resolution was then referred to the Committee on the Contingent Fund of the Senate.

The resolution submitted by Mr. ATHERTON, to meet at eleven o'clock, was taken up and adopted.

On motion of Mr. ATCHISON, the Senate proceeded to the consideration of the resolution from the House fixing the time for the adjournment of the two Houses of Congress on the 17th July next.

Mr. BADGER moved to amend the resolution by adding a clause providing for the next meeting of Congress. The blanks in that amendment, he moved to fill with the words "second Monday in November."

Mr. ATCHISON moved to substitute "third Monday in October." He thought the time he had named would leave the next session as short as it could be made so as to ensure the completion of the business which would be before Congress.

Mr. CALHOUN was confident that the Senate, as already organized, would do more business in one month than would be accomplished between the third of October and the usual period for commencing the session. As to the taking up of business again at the stage in which it would remain at the adjournment, he objected to it as unparliamentary, and if we begin it anew, so much time will be taken up in getting it forward, that nothing would be gained. He reminded Senators, that, so far as business was concerned, an adjournment would be till December, 1849, because the old Administration would shun the responsibility of beginning new measures, and the coming in Administration would not be prepared. If we remain here, we might get through from the 1st to the 10th of August. He felt as much inconvenience from the hot weather as any one, but he was willing to remain. The southern harvest takes place in October and November, when it is particularly important for Senators from that section to be at home. He would prefer to lay the resolution on the table.

Mr. BERRIEN was doubtful if it was not disrespectful to the House to delay action on their resolution. That resolution fixed the 17th of July. We could hold the House to that day; but it seemed discourteous to let the resolution lie until within a few days of the time fixed, and then adopt it. As to the day of meeting, the objection to the third Monday in October applied so far as that the Presidential election will be then pending, while on the second Monday in November the contest will be ended, and no such inconvenience will occur. He admitted that it was unparliamentary to disturb the order of business, but the urgency of the case might justify a change of the usual course. The adjournment would, in fact, be merely a recess.

Mr. ATCHISON referred to the opinions of the Senator from South Carolina, that the Senate could now do more business in a month than could be done by meeting in October, and that it would be unparliamentary to take up the business in October as it might be left now. He believed we should be in a better condition, after three months' recess, to go on with the business of Congress, than we are now. And as to the state of business, it was the practice of the House to take up business in the stage in which it is left at the close of the preceding session. He was particularly anxious to see the bill relating to the Territory of Oregon passed, and there was a mass of business on the table which might require two, or even three months. As to the Presidential election, he suggested that the election might be made without the presence or superintendence of members of Congress.

Mr. CLAYTON referred to a law formerly passed, fixing the commencement of the second session on the first Monday in November. There was great unanimity in Congress on the subject; but owing to a constitutional objection, the President put his veto on the law. No mode therefore is left, but for Congress to make its own arrangements, by adjourning to such day as it may think best. He thought the day named in the law formerly passed, would be the best—that is, the first Monday in November. He was himself disposed to shorten the long session, and lengthen the short one. He agreed with the Senator from Missouri, that it was unnecessary for members of Congress to intermeddle with the election of President. And he thought it much better to do the public business in cool weather than in the hot months.

Mr. BUTLER was opposed to meeting in Octo-

ber. October and November were the months in which the presence of southern members at home was particularly required. He desired to get through the business of Congress now. The close of the war would render it necessary to adopt measures for the government of the new territory. There were measures which he desired to see acted on before the Presidential election took place, as he desired to see his way very clear, before he advised his constituents to vote one way or the other. At present, he admitted himself to be pretty much unconcerned about the result.

Mr. ATHERTON referred to the business which remained undone, and expressed his belief that we might get through the business during the month of July. A summer session he regarded as more healthy than a winter session. It was important, in his opinion, that we should retain the House resolution a little longer, until we can see whether it is practicable to adjourn on the day named. We may be able to get through earlier, or by the last day of July.

Mr. BRIGHT moved to amend the resolution of the House by inserting the 31st of July. If there was to be more debate, he would call for the special order.

Mr. FOOTE said it would be unfair to the able tacticians of the Whig party to suppose that they would attempt to meet the opposite party on fair grounds in the contest which was about to take place. He expressed his belief that as it was formerly the policy of the Whigs to be all things to all men to gain converts—to spread out their net to catch birds of every feather—he presumed that the same policy was now to be resumed. He was disposed to resist any adjournment until Senators on the other side were compelled to show their hands.

Mr. MANGUM said he did not very well understand the Senator's reference to measures which he supposed the Whigs would not desire to meet. For himself, he would say that he was ready to meet any question which might come up, and he believed he might say that his friends around him held the same views. He admitted that the Whigs had spread their net, and that they expected to draw up from the great deep a good many fishes which do not belong to the Whig party. He thought it was the peculiar duty of Senators to do the public business. It was very inconvenient for him to come here in the early autumn. He thought we might get through the business by the first of August. He desired to postpone the further consideration of the resolution for a week. He would move to postpone the resolution until Wednesday next.

Mr. M. withdrew his motion.

Mr. BRADBURY expressed a hope that the resolution of the House would be so amended as to fix the 31st of July, before the amendment of the Senator from North Carolina [Mr. BADGER] was acted on.

Mr. BADGER was entirely willing to take that course.

Mr. FOOTE had no doubt that the Senator from North Carolina spoke correctly when he referred to his own willingness to meet every question. The remark of that Senator, that the Whig net would be thrown out to catch every description of fish, was rather a *fishy* one. He referred to the proceedings of the Philadelphia Convention, sitting publicly all day, and talking together all night, yet separating without adopting any resolution declaratory of any political principles whatever. There were birds of every feather there—blue-light Federalists, no-territory men, abolitionists, &c. Why were not those subjects discussed, and made the basis of a declaration? He said that he had a great number of Whig newspapers marked, from the North, in which the editors had all taken the Wilmot proviso ground, while the Southern Whigs took the opposite ground. He then proceeded to detail the course taken by the Whigs in Massashusetts and other places, and to descant on the political characters of prominent Whigs, and on the opinions attributed to General Taylor. He referred to the declaration of Abbot Lawrence, that General Taylor was as much a Whig as he was; and said it would be hard to make any intelligent citizen of Mississippi believe that General Taylor was an Abbot Lawrence Whig. He desired that Congress should not adjourn until the question should be met which the Philadelphia Convention had not dared to meet. He was anxious that the Whigs should show their hands at once. He alleged that the candidate on the Whig ticket for the Vice Presidency went further in his sentiments than the Wilmot proviso, and was certainly the author of the tariff of 1828.

Mr. MANGUM said he had no intention to commence this debate, nor was he disposed to extend it. There were some remarks made by the Senator from Mississippi, however, which called for some reply. Who brought up this question to-day? The Senator from Missouri, who certainly could not be suspected of being a Whig. Yet it was charged that the Whigs desired an early adjournment, in order to evade the discussion of certain questions. It was charged that the Philadelphia Convention exhibited a congregation of birds of every feather. At the Baltimore Convention, also, there were the streaked and ringtailed of every description. As to the principles of the great Conservative Whig party, they were too well known everywhere to require to be exhibited on a platform. It was not necessary for them every six months to avow what their principles are. It was not necessary to enlist every penny paper in the Union to expound them. He referred to the questions put to General Cass at Cleveland, Ohio, as to his opinions on internal improvements and the Wilmot proviso, and to the sudden manner in which he lost his voice when expected to reply. He adverted also to the *harmony* of the Democrats in New York, and to the sentiments avowed in Charleston, South Carolina. He admitted that the Whigs had taken a candidate pretty much on trust, but he thought General Taylor was none the worse because he had not mingled in the arena of party politics. He did not know that General Taylor was a Wilmot proviso man. He did not know whether his Whigery was as good as that of Abbot Lawrence. He was willing to trust the South in the hands of General Taylor, believing that he would not be found in the hands of party tacticians, but would act on his own strong sense. He believed it not necessary to say that Millard Fillmore was a sound Whig, and had been a very useful member of Congress. He concluded with stating that although there might be some novelty and irregularity in this mode of introducing this subject, he was not sorry that his friend from Mississippi had thought proper to bring it forward.

Mr. FOOTE replied, stating that the sun of Whigery, which had been described as shining with such a cheering, and beneficent, and unmistakable light, sometimes shone darkly. It had been alleged that Whig principles were everywhere known and understood. He confessed that he had hitherto been extremely ignorant on this point. He was desirous to be instructed, and he was willing to put himself under the tuition of the Senator from North Carolina.

"Delightful task! to rear the infant mind,
And teach the young idea how to shoot."

He wished to begin by learning whether all the old issues of the Whig party were to be abandoned. Would General Taylor advise the revival of a national bank? Would he go for an enlarged system of internal improvement, for a high tariff, for the independent treasury? Would he interpose his veto on the Wilmot proviso? He expressed his suspicion that General Taylor is a Wilmot-proviso man. It had been so charged on him, and he had never, to this day, given the charge a denial. The people do not know what are the opinions of General Taylor on this subject; and they are entitled to know them, and will know them.

But the Whigs, it is alleged, are conservative. This is a word of many imports. In what way are they conservative? The devils in hell were sent there to dwell in never-wasting fire, that they might be conserved there for eternal punishment. There might be conservative for evil as well as for good. Did they propose to conserve a national bank, &c.? It was to be supposed, then, that General Taylor had become acquainted with all the sinuosities of the Whig principles all at once. A little while ago he was not at all conversant with party politics; and now he understands all the differences which are to be found in Whig opinions. His skill in acquiring knowledge exceeded that of any other individual on record. The amount of the speech of the Senator from North Carolina was praise of the patriotism and honesty of General Taylor.

And did the Senator from North Carolina pretend to say that the standard-bearer of the Democratic party ever concealed his opinions, or ever was backward in expressing them on this floor? Did he ever betray any want of boldness? He had sat next to him in this Chamber, and could bear testimony to his boldness on every occasion. Did he hesitate to express his views as to revolutionized France? Did he hesitate to unfold his views as to emancipated Italy? On any question of importance, had he not acted boldly and without hesitation? He vindicated General Cass for not answering every impertinent question propounded to him—for not following the example of the Whig candidate, who answered every question. He appealed to Senators on the Whig side of the Chamber to say if General Taylor had written all the letters which are in circulation with his name affixed to them. He had the strongest circumstantial evidence that General Taylor was not the author of all these letters. Some of them were written with so much grammatical inaccuracy as to show an entire ignorance of the elements of education. Others were written with a grammatical accuracy, a logical precision, and a skill, which exhibited the practical statesman. Whoever had written the latter would not have been such a fool as to write the former.

He then proceeded to speak of the death of Cæsar—the destruction of Henry Clay, who was the embodiment of Whigery, who had stood by the principles of the party through every scene of good and evil, whose voice had controlled the Senate. That great man was no more. *Carthago fuit.* Clay is stabbed—stabbed by his own friends—deserted for General Taylor. He was opposed to adjourning until the great questions pending in the Senate were disposed of—until this image of conservatism was shivered by the sledge-hammer of truth.

Mr. MILLER had hoped the question of adjournment would have been discussed without bringing into it a discussion on the Presidential election, and all the questions connected with it. The Senator was unwilling to adjourn until the Whig party should be brought out on certain points. He probably would prolong the session until he supposed it would be entitled to the name of the second Long Parliament. He then stated, that when the two-million bill, in 1846, was brought to the Senate with the Wilmot proviso, from the House, and was defeated by Mr. DAVIS, of Massachusetts, speaking to the hour of adjournment, Mr. Cass afterwards went over to the Whig side of the Chamber, and complained, in terms somewhat discourteous, that Mr. DAVIS, by his speech, had defeated the bill, as he (Mr. Cass) had determined to vote for the Wilmot proviso. Then, when he (Mr. M.) travelled to the North with Mr. Cass, that gentleman held the same language. At the next session, to his surprise, Mr. Cass voted against the proviso, on the ground of the unfitness of the time for inserting it. How, then, does the standard-bearer of Democracy stand as to the Wilmot proviso? He would not have adverted to this, but for the questions which the Senator from Mississippi had put in relation to General Taylor. Had General Taylor not been a Whig, he would have been the candidate of the Democratic party, and the same eulogy this day pronounced on Mr. Clay would have been uttered in reference to the present candidate of the Democratic party. He anticipated the triumph of the Whig party under the standard of General Taylor.

Mr. FOOTE, Mr. MILLER, and Mr. MANGUM made long explanations; when

Mr. BUTLER suggested the inconvenience and personal injury to which Senators were subjected by sitting here so many hours during this intense heat. Every one was exhausted; and he would therefore move that the Senate now adjourn.

The question was put, and decided in the affirmative; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 23, 1848.

The SPEAKER, having recovered from his recent attack of illness, resumed the duties of the chair this day.

The Journal of yesterday was read and approved.

Mr. CONGER, from the Committee on Printing, to which was referred the resolution relative to the printing of ten thousand extra copies of Executive document No. 62, as corrected, being a report of the number of United States troops engaged in the

war with Mexico, &c., reported the following resolution, which was read and agreed to:

Resolved, That extra copies of said document be not printed.

On motion of Mr. CABELL,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry and delivery at Chessahowiska, Barton county, East Florida, and that they report by bill or otherwise.

Mr. ROCKWELL moved that the House resolve itself into Committee of the Whole on the private calendar. This being objection day, he hoped the motion would be agreed to.

Mr. GOGGIN desired the House to act upon the bill for the renewal of the contract for carrying the mail to Richmond.

Mr. WHITE moved that the House receive reports from committees for one hour.

Mr. FARAN inquired what course the chairman of the committee intended to pursue in relation to the business of the House.

Mr. VINTON said he understood this was objection day, and therefore, though he was desirous to go forward with the civil and diplomatic bill, it was not his intention to make a motion to that effect until the private calendar had been called through.

Mr. COBB said the Committee on Territories had determined unanimously to ask the House to take up the Oregon bill, and he hoped that the House would go into Committee of the Whole on the state of the Union thereon.

A conversation ensued as to the position of that bill, in which the SPEAKER, Mr. COBB, and others participated.

Mr. COBB moved that the House resolve itself into Committee of the Whole on the state of the Union, with the avowed intention of moving to take up the Oregon bill.

Mr. VINTON said, if the House should go into Committee of the Whole on the state of the Union, he should insist upon the civil and diplomatic bill being taken up.

Mr. HUNT gave notice, that if the motion of the gentleman from Georgia should fail, he should move to call for reports from committees.

Mr. COBB called for the yeas and nays on his motion, and they were ordered, and resulted as follows: Yeas 74, nays 98.

So the House refused to go into Committee of the Whole on the state of the Union.

REPORTS FROM COMMITTEES.

Mr. HUNT moved that the committees be called for one hour for the reports that would not give rise to debate. Agreed to.

Mr. HUBBARD, from the Committee of Ways and Means, reported a bill for the payment of outstanding loan office and final settlement certificates issued, for money loaned, or for services or supplies during the revolutionary war. Read and committed.

Mr. VINTON, from the same committee, reported a resolution to close all debate in Committee of the Whole on the state of the Union on Monday next, at two o'clock p. m., on the civil and diplomatic appropriation bill.

Mr. BOWLIN moved to amend the resolution so as to make it read Monday week at two o'clock p. m.

Which was agreed to, and the resolution as amended was then agreed to.

Mr. DANIEL, from the Committee of Claims, reported a bill for the benefit of the legal representatives of James C. Watson, of Georgia. Read and committed.

Mr. CROWELL, in behalf of the minority of the same committee, made a report containing the views of the minority on the petition of the legal representatives of James C. Watson, of Georgia. Committed to the Committee of the Whole with the bill.

Mr. THOMAS, from the same committee, reported a bill for the relief of John F. Ohl. Read and committed.

Mr. CROWELL, from the same committee, reported bills for the relief of Thomas L. Judge and for the relief of Satterlee Clarke. Read and committed.

Also, from the same committee, made an adverse report on the petition of William Armstrong. Laid on the table.

On motion of Mr. ROCKWELL, of Connecticut, the Senate bill for the relief of Jose Argote Villalobos, Marie Rose, François Felix, Marquis de Fougeres, or their heirs or legal representatives, was taken from the calendar and referred to the Committee of Claims.

Mr. FLOURNOY, from the same committee, reported a bill for the relief of the Union Bank of Florida. Read and committed.

HARBOR AND RIVER IMPROVEMENTS.

Mr. HUNT, from the Committee on Commerce, to which was referred various memorials for the improvement of harbors and rivers, the message of the President stating his reasons for not approving the "bill to provide for continuing certain works in the Territory of Wisconsin, and for other purposes," (*i. e.* the river and harbor bill,) and the memorial of the Chicago Convention of July 5, 1847, made a report thereon, accompanied by the following resolutions:

Resolved, That the Constitution of the United States vests in Congress the power to appropriate money to open and improve harbors, and remove obstructions from navigable rivers, in all cases where such improvements are necessary to the protection and facility of commerce with foreign nations or the commerce among the States.

2. *Resolved*, That the interests of our national commerce, the common defence, and general welfare of the United States require a judicious exercise of the foregoing powers.

3. *Resolved*, That the reasons assigned by the President in his veto message of December 15, 1847, for his refusal to approve and sign the bill passed March 3, 1847, making appropriations for the improvement of certain harbors and rivers, are deemed insufficient and unsatisfactory.

4. *Resolved*, That it would be inexpedient, and contrary to the principles of the Constitution, to give the general consent of Congress, in advance of legislation by the States, to the imposition of tonnage duties by the several States as a means of improving the ports and harbors at which such duties may be levied.

5. *Resolved*, That the report of the Committee on Commerce on the memorial of the Chicago Convention, respecting harbor and river improvements, the President's message of December 15, 1847, on the same subject, and the bill referred to said committee in relation to tonnage duties, with the minority report on the same subject, be printed, and that the Committee on Printing be directed to inquire into the expediency of printing extra copies of said report.

Mr. H. stated that the gentleman from South Carolina, [Mr. SIMPSON,] a member of the Committee on Commerce, would, at an early day, submit a report containing the views of the minority of that committee on the improvement of rivers and harbors.

Mr. H. moved the previous question on the resolutions.

Mr. COBB, of Georgia, raised a question of order. The House had agreed to receive such reports and resolutions as would give rise to no debate. It was with this clear understanding that the assent of the House had been asked and obtained. To call the previous question on these resolutions was a plain, unequivocal violation of the general understanding under which the House had acted. He trusted the Chair would not entertain the motion for the previous question, if the Chair considered it, as he did, a palpable violation of good faith. The gentleman from New York knew, as well as he did, that it was only with that understanding that consent was given. And now, by thrusting on the House a motion for the previous question, was he to force gentlemen on Mr. C.'s side of the House to vote on resolutions which they had never seen or considered, and which they had not even heard but as read from the Clerk's desk?

Mr. McLANE inquired whether Mr. COBB had not objected to these resolutions as soon as they were offered, as likely to lead to debate?

Mr. COBB said he had risen to do so, but before he could get a moment to state his objection, the previous question was sprung upon the House.

The CHAIR decided that it was not competent for the Chair to rule out a report regularly made, as this had been; but if it led to debate, it would go over, had not the previous question been called. The question had frequently been raised, and as often decided, that a member had a right to move the previous question in such a case, and the House, if it so pleased, to sustain the call. Whatever might be the personal opinion of the Chair on the motion under existing circumstances, if it was made, the Chair was bound to receive it. The Chair could recognize no informal agreements or understandings among the members of the House.

After some further remarks on the question of order by Mr. HOUSTON, of Alabama—

Mr. COBB took an appeal from the decision of the Chair, and he again stated his point of order.

The CHAIR repeated its decision, and the question was about to be taken on sustaining the Chair; when—

Mr. SIMS reminded the Chair that the gentleman from New York had not called the previous question on all the resolutions he had reported, but had excepted some. Those excepted by him, Mr. S. desired to debate.

Mr. HUNT said he had at first moved the previous question on all the resolutions, but had afterwards been requested to except one, to which he said he would not object.

The CHAIR, on this statement of fact, ruled that the resolutions, giving rise to debate, must lie over.

So the resoluions lie over for debate.

Mr. GREGORY, from the Committee on Commerce, reported a bill for the relief of Lewis H. Bates and William Lacon. Read and committed.

Mr. HAMPTON, of Pennsylvania, from the same committee, reported a bill for the relief of William Milford. Read and committed.

Mr. GRINNELL, from the same committee, reported a bill to authorize the issuing of a register to the schooner James, which was read twice, and ordered to be engrossed; and, being engrossed, was read a third time and passed, and sent to the Senate for concurrence.

Also, from the same committee, to whom was referred House bill to transfer the towns of Vinalhaven, North Haven, and Isleboro', from the collection district of Penobscot to that of Belfast, in the State of Maine, reported the same back to the House, without amendment, and it was left on the Speaker's table.

Mr. COLLAMER, from the Committee on Public Lands, to whom were referred various memorials and petitions on the subject, made a report on the reduction and graduation of the price of the public lands. Laid on the table.

Mr. McCLERNAND said, when he should have an opportunity to examine the majority report made by the gentleman from Vermont, he might deem it proper to submit a report, if time should allow, dissenting from that of the majority. If the report made was adverse to graduation, of course his convictions would not allow him to approve it.

On motion of Mr. DUNCAN, of Kentucky, the Committee on Printing were directed to inquire into the expediency of printing 10,000 extra copies of Mr. COLLAMER's report.

On motion of Mr. COLLAMER, the Committee on the Public Lands were discharged from the resolution in relation to amending the 9th section of the act to raise, for a limited time, an additional military force, and for other purposes; the resolution of the House of 13th March last in relation to receiving military bounty land warrants in payment for lands by persons holding prëemption rights; and a resolution of same date for receiving bounty land warrants in payment of prëemption claims on the Miami lands. Also, from the joint resolution of the Legislature of Indiana, in relation to the postponement of the sales of the Miami reserve lands, and from various joint resolutions of the same Legislature in relation to the reduction of the price of the public lands; in relation to bounty land warrants; in relation to the location of bounty land warrants; in relation to the location of bounty land warrants on the Miami reserve lands; in relation to the reduction of the price of the Miami reserve lands to $1 25 per acre; in relation to volunteers who have settled on the Miami lands; from the petition of citizens for the postponement of sale of Miami lands; from the petition of Protestant University for a donation of land; and they were laid on the table.

Mr. COLLAMER, from the Committee on the Public Lands, reported a bill supplemental to an act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant prëemption rights." Read and committed.

Also, from the same committee, a report on the subject of the resolution of the 9th of March last, in relation to repealing and amending the laws relating to the public lands. Laid on the table.

Also, from the same committee, to which was referred Senate bill granting to the State of Illinois the right of way and a donation of public land for making a railroad connecting the Upper and Lower Mississippi with the chain of the northern lakes at Chicago, reported the same back to the House without amendment, and the bill was left on the Speaker's table.

On motion of Mr. COLLAMER, the Committee on Public Lands was discharged from the resolutions of the Legislature of Kentucky, concerning

the Mobile and Ohio Railroad Company, and also resolutions relative to Whitney's plan of a railroad from Lake Michigan to the Pacific; and they were laid on the table.

Mr. COLLAMER also, from the same committee, to which was referred the bill of the House to grant preëmption rights for certain islands in the Great Miami Reserve, reported the same back to the House without amendment.

The bill having been previously read twice, the question was stated on the passage of the bill; when—

Mr. SAWYER objecting, the bill was laid over.

Mr. EVANS, of Maryland, from the same committee, reported a bill granting a half section of land for the use of schools within fractional township nineteen south, of range eighteen west, in the county of Lowndes, State of Mississippi.

The bill was read twice; when—

Mr. FEATHERSTON moved to strike out the second section; which giving rise to debate, the bill was laid over.

Mr. DUNCAN, of Kentucky, from the same committee, to which was referred a joint resolution relating to errors and defective returns in certain surveys, plats, and field-notes, reported the same without amendment. Committed.

Also, from the same committee, to which was referred Senate bill respecting certain surveys in the State of Florida, reported the same back to the House with an amendment.

The amendment was read and agreed to, and the bill was then read a third time and passed, and returned to the Senate.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, reported a bill further to amend the act entitled "An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," approved 3d of March, 1845, and for other purposes.

This bill provides a uniform system of postage of five cents on all letters not exceeding half an ounce in weight for all distances. It was read and committed.

On motion of Mr. EMBREE, the Committee on the Post Office and Post Roads was discharged from the petition of citizens of Jackson county, Florida, for the release of judgment in favor of the United States against the estate of Charles Mathews and Isaac L. Battle, deceased; and the same was laid on the table.

Mr. JOSEPH R. INGERSOLL, from the Committee on the Judiciary, reported a bill concerning the taking of official oaths in the District of Columbia.

This bill was read three times and passed.

Mr. THOMPSON, of Mississippi, moved to reconsider the vote by which the last named bill was passed. The motion to reconsider lays over.

Mr. J. R. INGERSOLL also, from the same committee, reported a bill for giving full effect to treaties of extradition.

The bill was read a first and second time, when—

Mr. J. R. INGERSOLL asked the indulgence of the House for a few moments while he stated the object of this bill, and then he hoped it would be the pleasure of the House to put it upon its passage. It was known to the House, that by treaty stipulations made with more than one Government of Europe, we were bound to deliver up fugitives who have fled from justice on the commission of crime. Cases were familiar to everybody which showed that it was necessary to enlarge the facilities to comply with our obligations. It often happened that an individual came to this country where the crime was obvious, and the application for the fugitive regular; but there were no such officers in the part of the country where the fugitive was found as were authorized or were willing to take on themselves the burden and weighty responsibility of issuing a warrant to arrest and to take the preliminary proceedings towards handing over the individual to the properly authorized officer. The object of this bill was to appoint officers and to authorize others to carry out the provisions of the treaties with France and England, at all times, without delay and the danger of a denial of justice. It provided for the appointment of commissioners, or authorized the courts of the United States to appoint commissioners to take the preliminary steps, and to procure the authority of the Secretary of State, to whom the treaties give authority to deliver up fugitives to foreign countries, for the accomplishment of the desired object. If the House would pass this bill, it would be to the Government a matter of gratification. The Secretary of State desired it to pass. He had had a correspondence with the charge of the British Government on the subject, and he desired it to pass; and by Canada and France the passage of this bill would be looked upon as an act of great propriety.

The bill was then read the third time and passed, and sent to the Senate.

Mr. POLLOCK, from the select committee to whom were referred the various memorials, &c., on the project of a railroad from Lake Michigan to the Pacific on the plan of A. Whitney, made a report to accompany the bill he reported some time since. Laid on the table.

The hour allotted to reports from committees having expired—

The House, on motion of Mr. ROCKWELL, of Connecticut, resolved itself into Committee of the Whole on the private calendar, (Mr. HARALSON, of Georgia, in the chair,) and, after devoting some time to the consideration thereof—

Mr. MORRIS moved that the committee rise; and, on a division being had, a quorum did not vote.

The roll was called in compliance with the rule; and then the committee rose and reported the bill to incorporate the Washington Gas-light Company, with an amendment; and bills for the relief of Dr. Adolphus Wislizenus, for the relief of William Parker, and for the relief of Joshua Barney, United States agent, severally, without amendment; and that, on a division of the committee on a motion that the committee rise, a quorum did not vote; and the roll was accordingly called, in compliance with the rule.

A quorum having appeared, the committee resumed its session.

The question was again stated on the motion that the committee rise, and there were ayes 71, noes 68.

The committee accordingly rose.

The House then proceeded to consider the bills just reported by the Committee of the Whole, when the said bills were severally ordered to be engrossed, and, being engrossed, were read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. HARALSON,

Resolved, That the Committee on the Judiciary be instructed to inquire what further legislation may be necessary more effectually to provide against the frauds practised upon the soldiers of the Mexican war, and to secure to them the land warrants or treasury scrip to which they are entitled for their services; and that said committee report by bill or otherwise.

On motion of Mr. KAUFMAN, the House proceeded to the consideration of the business on the Speaker's table.

The SPEAKER laid before the House the following communications:

A letter from the Comptroller of the Treasury, transmitting statements of the accounts which have remained due more than three years prior to the 1st of July, 1847. Laid on the table.

A letter from the Secretary of the Navy, transmitting, in answer to a resolution of the House of May 29, 1848, a statement showing the number of persons of all descriptions employed in the naval and marine service on the 13th of May, 1846, and the number who have entered said service since that period. Laid on the table.

A letter from the Committee of Arrangements of the Washington National Monument Association, inviting the Speaker, members, and officers of the House of Representatives, to be present at the ceremony of laying the corner-stone of the Washington Monument on the 4th day of July next.

On motion of Mr. ROCKWELL, of Connecticut, the said invitation was accepted.

The following Senate bills were taken up, read, and appropriately referred:

A bill to divide the district of Arkansas into two judicial districts.

A bill concerning testimony.

A bill to change the time of holding the terms of the circuit court of the United States in the district of Maine.

A bill for the relief of the Society for the Reformation of Juvenile Delinquents in the City of New York.

A bill for the relief of the personal representatives of William A. Slacum.

The joint resolution of the Senate authorizing the presentation to the Government of France of a series of the standard weights and measures of the United States, was read a first and second time. No motion to commit being made—

The question was stated, Shall the joint resolution pass?

Mr. BOWLIN moved that the said joint resolution be laid on the table. Rejected.

The joint resolution was then read the third time, passed, and returned to the Senate.

SOUTHERN MAIL.

The joint resolution of the Senate providing for the restoration of the southern mail to the railroad and steamboat line, having been reported to the House by the Speaker, and the question being on a motion to refer it to the Committee on the Post Office and Post Roads—

Mr. GOGGIN, who was entitled to the floor, said he hoped no obstacle would be thrown in the way of the passage of the joint resolution, which was the same he had introduced in the early part of the session, and which had for its object the arrangement also contemplated by the resolution of his colleague, [Mr. BOTTS,] then introduced. The gentleman from Tennessee, however, [Mr. JONES,] had said yesterday it was his intention to move to lay this bill on the table, and Mr. G. therefore hoped he should be permitted to make some explanation of its provisions.

The measure (said Mr. G.) now comes before us, not only recommended by its own intrinsic merits, as it did when first introduced, but also by a vote of the Senate, which had passed it, after a full and free discussion. With all the experience of this now by no means short session, during which the present wretched mail arrangement has been suffered to continue—with a full knowledge of all the facts—that body had taken up this subject, and have thrown off all the trammels of party or of prejudice, and had resolved that the people should have those accommodations in the way of mail facilities which they now asked should be given them by this House also.

Mr. G. said the vote of the Senate clearly showed that this measure had not been pressed or adopted as a sectional or a party one. Men of all parties, and from every portion of the Union, had given their support to it. He should not urge the measure as one in which Virginia alone was concerned, nor as one which challenged the respect only of southern members. It was a measure in which the North as well as the South—Pennsylvania as well as Virginia, New York as well as South Carolina—the whole East, West, North, and South were concerned. This great mail line supplied, as was well known, all the lateral lines on the seaboard, and extended its branches even to and beyond the mountains. Just as this mail line, then, was affected by a delay of any length of time, so were affected many other routes, in all portions of the country. He trusted, then, he should have the aid of all on that floor who felt an interest in the speedy transmission of intelligence to every portion of the Union; and he appealed to both sides of the House to unite and ratify what the Senate had asked them by its vote to do. Certainly, he should not attempt to cast any imputations of a dereliction of duty on the part of the Postmaster General, of whom he would say, and he took pleasure in doing so, that he had no doubt his course was influenced by the convictions of duty; and (said Mr. G.) that officer, in all my intercourse with him during this session, in his official character, has certainly made no unfavorable impression on me, however he (Mr. G.) might differ, as he often did differ with him, in his views. He believed he was actuated by honest but by mistaken notions of his duty and of the law he was called on to administer.

The object of this bill is simply to restore (said Mr. G.) the mail to the railroad and steamboat line from this to the city of Richmond, by which it was sent, until December last, a distance of one hundred and thirty miles in nine hours for $32,252 per annum. It is now sent from Washington to Baltimore, in the first place, where it lies about seventeen hours; it is then sent down the bay to Hampton Roads, where it is transhipped to two other vessels, and sent up the rivers (the James and the Appomattox) to Richmond and Petersburg,

a distance from Baltimore of three hundred and fifty miles more; making in the whole circuit near four hundred miles, at a cost of $34,000, in about thirty hours! This cost, too, (said Mr. G.,) is exclusive of the supply of the local mail in the neighborhood and along the line of the railroad, which is now effected by means of two-horse carts, (my colleague, Mr. BOTTS, says one-horse,) at a cost to the department of $13,000 more, from Washington to Richmond, in Virginia, in some twenty-three hours, a distance of one hundred and thirty miles. In addition to all this increase of cost, as is now shown, though Mr. Johnson had told them that by this *very safe, wise, rapid, and economical* arrangement, he would be able to save to the department *a large* sum, ($575 48!) it turns out that he has been compelled to add other service, which has cost him the further sum of $1,950 for the supply of the local mail from Richmond to Petersburg, besides the necessity which exists for the supply of other parts of the route at its termini, and for the delivery of the mail at intermediate points not estimated at all, amounting in all to $49,407 50. The present arrangement, then, clearly subjected the mail to a most oppressive, ruinous, and unnecessary delay, and the department also to a large increased cost for its transportation. This should not be tolerated, whatever of personal feeling may have been suffered to spring up between the Postmaster General and others connected with this most unfortunate controversy. Mr. G. said he hoped that the members of this House would act at once from their own convictions of right, regardless of either the wishes of the department, the railroad company, or of individuals and members of other companies who hang around this Hall, with the view, as he supposed, of influencing the legislation of the country, because they happened to be interested to the extent of a few dollars under some contract or sub-contract connected with this subject. If such persons should have any claims for damages on account of the recision of the existing contracts—which, however, he by no means admitted they would have—yet should they establish them under other and different proceedings, by exhibiting their claims and fairly referring them to a committee for a report, he (Mr. G.) should feel inclined to listen to them; but this bill was no place for the insertion of such amendments, by which the bill would be embarrassed and probably defeated. At all events, if such provision was made in the bill, which has but a single object in view, (the speedy restoration of the mail to the proper line,) he (Mr. G.) should feel himself free to vote against the whole bill with such amendments in it.

Mr. G. said, as many gentlemen now present were not in the House when this subject was up for its consideration in the early part of the session, he would state more fully the points on which it rested. The mail (said Mr. G.) since the year 1843, had been carried from this place to Richmond, one hundred and thirty miles, by railroads and steamboats, for $12,752 for the steamboat part of it, on the Potomac, a distance of fifty-four miles, and on the remainder of the one hundred and thirty miles by the railroad, for $19,500; making in the whole $32,252, as he had already stated. This sum was paid the steamboat and railroad for the service, under the sanction of the law, which he would send to the Clerk to read, passed in 1842, by which the Postmaster General, then Mr. Wickliffe, he believed, was authorized to extend the contract with the steamboat company for carrying the mail on the Potomac on the terms before existing, the company agreeing to furnish at least two ice-boats for the purpose of keeping open the navigation of the river at all times, by which the mail should be sent forward without delay, as had not been the case before. Mr. G. said the company were, it would be seen, under the necessity of providing, not one, but at least two of these boats, which cost them a vast deal of their earnings, if not more than their mail pay. This law which he was about to have read, the action of Congress on the subject, and the requisition of ice-boats, showed most clearly that both Congress and the Postmaster General regarded the navigation of the Potomac by mail-boats as entitled to that protection which it received. There is, in fact, no river in the United States on any important mail line where, from its particular locality, it is so subjected to interruptions from ice, which can be overcome, as it is in this case, by proper exertion. Not so at the North; for there, when a freeze once comes on, the navigation is closed for the season. Nor so at the South; for there the freezes, if any at all, are so slight that an ordinary boat can overcome them. Hence it was apparent why the carrying of the mail on this river (which was the route for but few passengers comparatively, by-the-by, who aided in remunerating mail companies sometimes) had required some special legislation, as it had done before and now did. [Mr. G. here sent to the Clerk the law, which was read to the House.]

As to the railroad part of the route, (Mr. G. said,) it was well known that the mail carried by it was one of the largest in the Union—the route in all respects, as a mail route, one of the first importance. Like the steamboat route, it could not subsist by the receipts it derived from passengers alone; it had been established with a view to the facilities it had afforded, and was always now ready to give, in the speedy transmission of the great mail south. Its friends had invested their funds in it with the assurance that it was to be used as a mail agent; it had been so employed for years, and the Postmaster General informs us that the service had been satisfactory. Some difficulty arising, however, in 1842 or 1843, about the terms on which the mail was to be carried, it was finally submitted by the Postmaster General to the decision of the then President of the United States, (Mr. Tyler,) who awarded to the company, as but a fair compensation for increased speed, accommodations, and other advantages, the sum of $260 per mile: thus making in the whole to the railroad and steamboat company the aggregate sum already stated of $32,250, which, under the law, under the award of Mr. Tyler, under the sanction of Mr. Wickliffe, as well as under the sanction of the present Postmaster General, Mr. Johnson, (who has continued to pay it,) the companies continued to receive down to the month of December last. They now ask no more; in fact, they ask nothing, but are willing to carry the mail on the same terms as heretofore, in order that the public may be served, the department enabled to do its duty, and the company absolved from all censure in regard to the whole matter.

The Postmaster General, however, no doubt honestly thinks (said Mr. G.) that he is not authorized to give the sums heretofore paid. Strange, indeed, that all others should be wrong, and he alone should be right! The grounds on which his objection rested was the peculiar phraseology of the law itself, which the Postmaster General thinks limits his discretion and limits the pay to all roads of the first class to $237 50 per mile. Let us see (said Mr. G.) what the law is, and then let the House decide the matter for itself. He then read the act of 7th July, 1838, declaring every railroad in the United States a post route, and which declares that "the Postmaster General *shall* cause 'the mail to be transported thereon, provided he 'can have it done upon reasonable terms, and not 'paying therefor, in any instance, more than 25 'per cent. over and above what *similar transportation* would cost in post coaches."

This act (said Mr. G.) then fixes the compensation at 25 per cent. over and above what similar transportation would cost in post-coaches. Now, (said Mr. G.) let us see how this case would stand tried by this law. The *only* bid, he believed, offered for carrying the whole southern mail in four-horse post-coaches, on the route from Washington to Richmond, when proposals were lately invited, was $28,000; that is, this "*similar transportation*" between the same points was offered to be done for this sum. Now, add 25 per cent. to this, which would be $7,000, and it would give us the sum of $35,000, to which the company would be entitled, instead of $32,252, which it offers to take, and has repeatedly taken.

But (said Mr. G.) let us look at the law of the next year. The law of the 25th January, 1839, declares that the Postmaster General shall not, "by virtue of the act of 1838, pay more to any 'railroad company in the United States for the 'conveyance of *one or more daily mails* than $300 'per mile per annum!" Here, then, (said Mr. G.,) though the Postmaster General has refused to pay these companies what they have heretofore had for their services, (which is but $260 per mile *for a part* of their route,) he might have clearly paid them $300 per mile, as the law itself abundantly shows. And this (said Mr. G.) is the law as it now is, subject to the act of 1845, to which he would presently refer.

The Postmaster General, with these laws before him, with the acquiescence of his predecessor and the approbation of Congress stamped on it, has, however, thought proper to put himself on a most singular decision, growing out of the action of the department in settling the meaning of the words "*similar transportation.*" It has been there determined to take the coach service, performed on the Cumberland road, for which is paid $190 per mile, as the basis, and it so happens that 25 per cent. on this sum makes the sum of $237 50 per mile, which he determines shall be the compensation in future for all railroads of that class carrying a daily mail. This Mr. G. thought, indeed, a most singular decision, by which, when the law says you may pay $300, the Postmaster General says it means $237 50. But if by the words "similar transportation", it is meant to refer a case in one part of the Union to what may have been the cost of a route in another, our legislators must have been blind to all experience, and to all the history of mail contracts. A thousand reasons, indeed, might operate to make the coach service higher at one place than another. Is it reasonable, then, (said Mr. G.,) to take one as a guide for another? A coach with the mail in one place may be permitted to travel at the rate of four miles an hour only, while at another it may be required to run at the rate of eight miles in the same time. One may carry a part only of the mail, while the other, in a different section, for proper reasons, may be required to carry all the mail going to a particular portion of the Union. A stage-coach may be required to carry passengers by the department in one portion of the country, but not in another; and such a coach may in one place be required to deliver its mails in the night time, and to travel in the night time also, while in another part both are done in the day time. All these and other causes may operate against any general rule of this sort, settling the amount to be paid in this place by ascertaining what is paid in another. Here, however, we have no necessity for resorting to such a rule, for the offer made shows that "*similar transportation*" of the mail between the proper points at $28,000, which was offered, would justly entitle these companies to the sum of $35,000, when it is proposed only to give them $32,252.

The Postmaster General, in carrying out his rule, has also settled that steamboat service is worth twelve-and-a-half per cent. less than railroad, and he accordingly reduces this portion of the route even below what he is willing to pay the road; and this, too, with the facts before him in regard to the navigation of the Potomac, to which he had already referred.

Mr. G. said he only wished to call the attention of the House to the law, and he should be perfectly willing to rest this matter where the law itself placed it. The act of 1845, to which he had referred, declared that the Postmaster General should arrange the railroads, "including those in which 'the service is *partly by railroad and partly by steam-'boat*, into three classes, according to the size of 'the mails, the speed with which they are con-'veyed, and the importance of the service." * * * * * "*Provided*, he shall not pay a higher 'rate of compensation *than is now allowed by law* 'for the conveyance of the mail on any railroad of 'the first class." The law, then, makes no distinction between routes where the service is all by railroad or "*is partly by railroad and partly by steamboat.*" In either case he might pay $300 per mile for the whole distance. He, however, declares he can pay $237 50 for the railroad only, and 25 per cent. less for the steamboat. These companies, however, ask not that the maximum by any means be given them: they ask only what has heretofore been settled as due them; and although, under the law, they could justly claim that the steamboat route should be paid as much as the railroad, they do not now nor have they ever asked it, within Mr. G.'s knowledge.

Mr. G. said one of the great difficulties in the way of some gentlemen, when this subject was before up for consideration, and particularly the gentleman from South Carolina, not now in his seat, [Mr. RHETT,] was, that the bay company could claim damages of the department for a recision of their contract by Congress as contemplated by this resolution. Mr. G. said he denied there was any contract at all with any company on the

bay. A paper had been prepared *to be executed*, but it never had been, and, if Mr. G. understood the law, the company had forfeited all right under it by failing to enter into the contract as required by the department and by the law, and were themselves liable for damages. Be that as it may, however, Mr. G. should contend, even if the contract had been signed, the department had no right to make it, as it is proposed, for the paper on its face showed it was meant to be *irrevocable*, while the law and all the regulations of the department looked to the revocation of its contracts for carrying the mail whenever the public interest required it. If, therefore, the Postmaster General had gone beyond his duty and the law, he alone was liable, and he alone could be looked to. Congress sat here not to declare how a pretended contract of his might operate on individual rights. If, however, there had been anything in this objection, it had been obviated by the express disclaimer of all damages by those most interested in the contract, as shown by the letter he would now ask the Clerk to read.

Here Mr. G. sent to the table to be read a letter from Mr. N. Falls, agent of the bay line, saying that, although they had been put to expense, &c., if the mail could now be transferred from them *to the railroad*, that company would claim nothing for damages. He said he was well aware he should be answered that the railroad company had bought out the bay line, and that it was done in order to thwart the Postmaster General; yet (said Mr. G.) such is not the case. The railroad company, as he was informed, had no interest in the bay company, but an individual of that company had; and, no doubt, in making the purchase, he had looked in some degree to the interests of the railroad, and to get the mail back on the latter was only so far of importance as it regarded the travel, to accommodate which they were now subjected to many difficulties by the present mail arrangements.

In regard to the local mail, that which supplied the district of his colleague [Mr. BEALE] near him, and other parts of the route from here to Richmond, that (said Mr. G.) is already provided for in the contract itself, which provides, in case the contract shall be taken from them, that the contractors shall have one month's *extra pay*, no more; and this was the stipulation in regard to all contracts, except the *very formal* one to which he had alluded, and which had been so specially excepted by the Postmaster General. He hoped, then, gentlemen would no longer doubt as to the course they should pursue, and he called on them from all sides to lend a helping hand in setting to rights this singular freak of the Postmaster General. Mr. G. said gentlemen could not, he was sure, hesitate, if they would but look at the difficulties attending the bay route, so called. He then read from a report the number of failures from Baltimore south, and from Petersburg north, on this bay line, in December and January last, and they seemed (said Mr. G.) to have increased rather than diminished. Opposite to all these failures (9, 10, 12, &c., in the space of a few days) was the reason given: "Fog;" "fog;" "fog;" "heavy fog;" or "*boat aground*," in James or Appomattox rivers, &c. These accidents (said Mr. G.) might occur and did occur elsewhere sometimes; no doubt they had on the Potomac: but they were less likely to occur there than in the bay. One, in fact, was but a distance of fifty or sixty miles by water, the other some three hundred and fifty; most of the one was by railroad, all the other was by steamboat from Baltimore.

Mr. G. said, however, as it was late, and the weather excessively hot; as all were doubtless wearied, and, in fact, almost exhausted by the protracted sitting, he should close what he had to say, hurried and unconnected as had been his remarks, by calling on all sides of the House to sustain this resolution of the Senate. He called on his friends on both sides to set this matter as it deserved to stand; importuned as they were, not only by memorials but by letters from their friends at home, who invoked them to lend them *some relief;* he hoped, he said, that the bill would be passed without being committed at all; that the appeal made would address itself to all, and especially to those who would perhaps find an only merit in its economy, and particularly as the present arrangement, he had no doubt, was diverting large portions of the legitimate revenues of the department into the pockets of private expresses, which had been and would be of necessity kept up while those unreasonable delays continued.

Mr. BOWLIN next obtained the floor, but gave way to a motion to adjourn.

And the House adjourned.

IN SENATE.

FRIDAY, *June* 23, 1848.

Mr. BENTON presented the credentials of Mr. HENRY DODGE, Senator elect from the State of Wisconsin.

Mr. DODGE was qualified, and took his seat.

Mr. FELCH presented the memorial of certain citizens of Washington for the purchase of Mount Vernon by the General Government; which was referred to the Committee on Military Affairs.

Mr. HALE offered a resolution that the Committee for the District of Columbia be instructed to bring in a bill to abolish slavery in said District. Objection being made, it lies over.

Mr. DOWNS moved that the resolution offered by him some days since, relative to the disposition of the vacant seats in the Senate, be taken up; and no objection being made, it was taken up for consideration.

Some little colloquial discussion took place as to the propriety of disturbing the usual practice of the Senate, in which Messrs. BERRIEN, MANGUM, DOWNS, BUTLER, MASON, HALE, BRIGHT, and BADGER, took part, when the resolution, on motion of Mr. BADGER, was laid on the table—ayes 16, noes 15.

REPORTS FROM COMMITTEES.

By Mr. UNDERWOOD, from the Committee of Claims: House bill for the relief of John P. Gratiot and the legal representatives of Henry Gratiot.

By Mr. BALDWIN, from the Committee of Claims, the following House bills without amendment:

For the relief of Charles Ahrenfeldt and John F. H. Vogt.

For the relief of the legal representatives of Captain George Shoemaker.

For the relief of the legal representatives of David Gardner, of Southborough, Massachusetts.

By Mr. ATCHISON, from the Committee on Indian Affairs: A bill to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw Academy.

Also, from the same committee, a joint resolution to authorize the adjudication of certain Indian claims under the act of 23d August, 1842.

By Mr. NILES, from the Committee on the Post Office and Post Roads: Recommending that the Senate concur in the amendments of the House to the bill to amend the act to provide for the transportation of the mail between the United States and foreign countries, which was agreed to.

Mr. TURNEY, in pursuance of notice, asked and obtained leave to bring in a bill for the relief of Richard Field.

On motion of Mr. MASON, the resolution setting apart Saturday at one o'clock for the consideration of private bills was so amended as to make the private business commence to-morrow at the hour of twelve, m.

FLORIDA CLAIMS.

On motion of Mr. UNDERWOOD, the Senate proceeded to the consideration of the bill providing for the obtaining of testimony in relation to claims for losses sustained in the late Florida war.

Mr. DICKINSON objected to the bill, because it devolved on the commissioner the duty of taking the testimony, which he regarded as incompatible with his other duties.

Mr. WESTCOTT explained, that it would not impose any improper labor on the commissioner, who was the fit person to look to the interests of the Government.

Mr. CLAYTON wished a modification of the bill so as to make it conform to the practice of the Senate. No one would contend that we were bound to pay all claims for property lost in every case. Certain principles had been laid down by the Committees of the Senate, which should regulate our future action. No one would contend that we ought to pay for all property destroyed by the Indians. Why, then, should we go to the expense of collecting testimony on all cases, when our rule forbids us from allowing above one-fifth of them? He thought there should be some person, besides the commissioner, to represent the Government. In some sort, the commissioner had to act as a judge. When all the testimony shall be sent to the department, cases of great hardship would appear, and these would be pressed on Congress; and where would be the end of it? It would lead to the expenditure of millions.

Mr. MASON was in favor of the bill, which was so guarded that although testimony on the part of the Government would be taken at the expense of the United States, the testimony of the claimants would be at the cost of each claimant. He saw no reason for the additional expense of an attorney or agent. It would be the duty of the commissioner to make his report to the Secretary of War, and the Secretary would report to Congress. It was by no means improbable that many unjust claims had been paid, and many just claims had not as yet been settled.

Mr. UNDERWOOD said the sole object of the bill was to secure the cross-examination of witnesses by the Government. How was this to be done? By the commissioner, who has a clerk at his elbow to record the testimony. What more was required? The President would doubtless appoint a clerk who had some knowledge of the law. The whole object of the bill was to protect the Government against fraud. The Senator from Delaware desired that the nature of the claims should be defined before testimony was permitted to be taken. That point had been mooted in the committee, who had thought the most proper course would be to leave it to the discretion of the commissioner, who would not be likely to listen to matter which was irrelevant. He himself had always desired the passage of a general law on the subject of testimony, but as that could not be obtained, he was willing to take this bill for so much as relates to the Florida claims, which constitute a large portion of the whole.

Mr. BADGER did not think the objections of the Senator from Delaware had been answered, and expressed his dislike to the bill for the loose manner in which it was drawn.

Mr. WESTCOTT stated that the commissioner was the proper person to take the testimony on behalf of the Government. Congress would then have to decide on the report of the Secretary of War. The Government would be subjected to no expense beyond the per diem of the commissioner. The people of Florida would be perfectly satisfied with the appointment of any intelligent citizen, to whatever State he belonged, to act in the matter.

Mr. BRIGHT moved to postpone the further consideration of the bill, with a view to take up the bill to establish a Territorial Government in Oregon.

The question having been taken, it was decided in the affirmative: Yeas 19, nays 17.

WYANDOTS AND DELAWARES.

Mr. ATCHISON then moved to take up the joint resolution to sanction an agreement made between the Wyandots and Delawares for the purchase of certain lands by the former of the latter tribe of Indians.

Mr. BRIGHT maintained that the Oregon bill had precedence, but it was contended that the motion to postpone did not include the motion to take up; and the question having been taken on Mr. ATCHISON's motion, it was decided in the affirmative: Yeas 19, nays 15.

The joint resolution relative to the Wyandots and Delawares was then taken up, and read a second and third time, and passed.

A brief discussion ensued as to whether the unfinished business of yesterday had not precedence over all others, and the Chair maintained that it had.

Mr. BRIGHT said he had given way yesterday to allow the resolution fixing the time for the adjournment of Congress to be taken up, which had lost him the whole day, and he felt it his duty to press the motion to take up the Oregon bill, on which question he must demand the yeas and nays.

Mr. BUTLER hoped that the Senator from North Carolina [Mr. MANGUM] might be permitted to close his remarks, as that Senator had given way yesterday for a motion to adjourn.

The question on Mr. BRIGHT's motion was taken by yeas and nays, and decided in the affirmative, as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Benton, Brad

bury, Breese, Bright, Davis of Mississippi, Dickinson, Dix, Dodge, Felch, Foote, Fitzgerald, Hale, Hannegan, Houston, Hunter, Johnson of Georgia, Lewis, Mason, Niles, Rusk, Sebastian, Sturgeon, and Turney—27.

NAYS—Messrs. Badger, Baldwin, Berrien, Bell, Butler, Clarke, Clayton, Corwin, Davis of Massachusetts, Greene, Johnson of Maryland, Johnson of Louisiana, Miller, Phelps, Spruance, Underwood, Upham, and Westcott—18.

Mr. BUTLER apologized for having been unconsciously the cause of depriving Mr. MANGUM of the floor on the adjournment resolution.

Mr. WESTCOTT said he had voted in the negative to enable Mr. MANGUM to conclude his remarks.

Mr. MANGUM said he knew no disrespect to him was intended. He could speak some other time.

TERRITORY OF OREGON.

The bill to establish a Territorial Government in the Territory of Oregon was then taken up for consideration as in Committee of the Whole.

Mr. YULEE called the attention of the Senator from Indiana to the necessity of some change in the phraseology of the bill, which extends the jurisdiction of Oregon over all west of the Rocky Mountains, so that of course it will embrace California, and all our possessions west of the Rocky Mountains.

Mr. BRIGHT said the question was on the motion of the Senator from Mississippi, [Mr. FOOTE,] which he should oppose.

Mr. BERRIEN said his motion was to strike out the 12th section; that the section was then open to amendment before the vote on striking out could be taken.

Mr. BADGER moved to amend the section, which was accepted by Mr. FOOTE, as a modification of his amendment.

The yeas and nays were ordered on the amendment.

Mr. DAVIS, of Mississippi, could not see what importance could be attached to the amendment, as the ordinance of 1787 could have no application to the Territory of Oregon, where it could never be in operation.

Mr. BADGER said *proprio vigore* the ordinance could not apply, and there would be no propriety in the amendment. But the bill conferred on Oregon all the rights, privileges, and immunities given to other Territories and States, and on reference to the subject, it appeared that the restriction of the ordinance of 1787 was operative in some of them. He desired to guard against any conclusion that the restriction should operate in Oregon.

Mr. DAVIS, of Mississippi, said, why did not the Senator from North Carolina move at once that the inhibition of slavery which is adopted as to Iowa, should not be adopted as to Oregon?

Mr. BADGER contended that his motion was to that effect, although the language was different.

Mr. JOHNSON, of Maryland, argued that the amendment was in effect a prohibition of the establishment of slavery in Oregon, whether she wills it or not. It is said that Oregon has already abolished slavery. Then what do we propose to do, but to sanction what the people of Oregon have already done? If they have excluded slavery, we only give approval of their decision, with an addition that it shall be perpetual. Slavery cannot be carried into Oregon, because it cannot be carried into Iowa, if you pass the law as it stands. It will be as perfectly excluded as if we passed the Wilmot Proviso. He opposed the amendment of his friend from Georgia. By the 6th article of the ordinance of 1787, slavery is prohibited in the Territory of Iowa, so far as regards certain sections. The amendment under consideration leaves the bill precisely as it stands. In every view he could take of it, it could have no effect. Was it the intention of the North to prohibit slavery for all time? Was it the intention of the South to say this is right? Did the North intend to say that slavery might be introduced in Oregon? He desired to see the platform established. He wished to have the question distinctly determined, so that the people might understand what was intended to be done. He assured southern Senators, if they voted for this 12th section, they would vote the Wilmot Proviso.

Mr. FOOTE expressed his willingness to withdraw his amendment, if the Senator from North Carolina would consent to withdraw his motion.

Mr. BADGER said he would do so with the greatest pleasure, after he had made a brief explanation as to his amendment. He then briefly replied to the remarks of the Senator from Maryland, in order to show that that Senator had not examined the proposition with his usual accuracy, or that he was less fortunate than usual in his clearness of explanation. He then read an extract from documents and statutes on file, to justify himself against the attacks which had been made upon him. Different minds took different views of the subject, and it was his object to throw out something which would settle and guide them. He considered the ordinance of 1787 a dead letter in Oregon. He considered Congress as having full power and authority over the whole question, until it abandoned this power and authority to the States. He believed that slavery would never exist in Oregon, as it was not desired there by a majority of the people. He thought the matter should be left in the hands of the people of Oregon.

The amendment was then withdrawn.

Mr. BERRIEN and Mr. JOHNSON, of Maryland, mutually explained as to the effect of the 12th section of the bill.

Mr. DAVIS, of Mississippi, then sent to the Chair the following amendment, to come in at the close of the bill:

Provided, That nothing contained in this act shall be so construed as to authorize the prohibition of domestic slavery in said Territory whilst it remains in the condition of a Territory of the United States.

Mr. HALE then said he thought the proper course would be to take the question on the amendment that he had offered and withdrawn, and said he should move it when the bill came up. The following is the amendment:

That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio by the articles of compact contained in the ordinance for the government of said territory on the 13th day of July, 1787; and shall be subject to all the conditions, and restrictions, and prohibitions in said articles of compact imposed upon the people of said territory; and the existing laws now in force in the Territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the principles and provisions of this act; subject, nevertheless, to be altered, modified, or repealed by the Governor and Legislative Assembly of the said Territory of Oregon; and the laws of the United States are hereby extended over, and declared to be in force in, said Territory, so far as the same, or any provision thereof, may be applicable.

The Senate then proceeded to the consideration of the bill for the relief of David Myerle.

This bill was discussed by Messrs. UNDERWOOD, BERRIEN, and BENTON; but, without taking the question on its passage,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 24, 1848.

The Journal of yesterday was read and approved.

Mr. HUNT rose and asked leave to make a personal explanation. General consent being given, he proceeded to say that during several years service he had never had occasion to appear before the House in explanation of any matter personal to himself; but he perceived that the report in this morning's Intelligencer of yesterday's proceedings in relation to the report which he had the honor to submit from the Committee on Commerce was so imperfect and erroneous, he felt compelled, most unwillingly, to ask the indulgence of the House for a moment.

Deeming it important that the standing committees should have an opportunity to bring forward the measures they had matured, he had moved that one hour should be devoted to receiving reports from committees which might be disposed of without giving rise to debate. The form of the motion he made was quite different from the phraseology of the reporter.

When the Committee on Commerce was called, he submitted a report on the several topics heretofore referred to that committee, in relation to river and harbor improvements, including the bill introduced by the gentleman from South Carolina [Mr. RHETT] respecting tonnage duties, the President's veto message, and the Chicago memorial. The report concluded with a series of resolutions imbodying the conclusions of the committee; and in submitting them to the House, he distinctly stated that these subjects had been discussed on several occasions at the present session; that there would be further opportunity for debate when the harbor bills shall be taken up; that, although there were differences of opinion, he believed every member had formed a settled opinion on the propositions contained in the resolutions, and must be prepared to vote on them without discussion; and, deeming early action desirable, he moved the previous question. These remarks were wholly omitted in the Intelligencer. The honorable gentleman from Georgia [Mr. COBB] contended that the motion was contrary to the implied understanding of the House, that such reports only should be received as gave rise to no debate, and in the excitement of the moment he spoke of it as "a violation of good faith.' It had been his good fortune to associate with that gentleman as a member of this body for five years, and, notwithstanding political differences, perfect cordiality and personal kindness had attended their intercourse from the day they met in this Hall.

[Mr. COBB nodded assent.]

He was unwilling now to believe that the gentleman could have designed to impute to him an intention to take an undue advantage or to violate any understanding, express or implied. He was sure the gentleman would not expect him to quietly submit to such a charge. If (said Mr. H.) I am mistaken in this, I will only say that I am ready to repel the imputation, I hope with becoming indignation, yet with that calm unconcern which springs from conscious rectitude of purpose. He willingly left it for others to decide how far he was observant of the rules of the body and the proprieties of his position.

The motion he made was in accordance with the habitual usage of the House. It was of frequent occurrence, as every member knew when committees were called for reports giving rise to no debate, to call the previous question for the avowed object of precluding debate. It had been decided uniformly that the mover of a resolution which went over, if debate arose, might move the previous question, to cut off debate. In submitting this report and making the motion, Mr. H. said he but acted in pursuance of the instructions of the Committee on Commerce. They directed him to move the previous question, with a view to immediate action. By that motion it was distinctly submitted to the House whether debate should or should not be allowed. It was for a majority to determine whether to take the question then or keep it open for discussion. It was not for him to presume in advance that debate would be desired on either side; and it was obvious the effect was precisely the same as if a like motion had been made on a general call of committees. He emphatically denied that it was, in any possible aspect of the case, inconsistent with any implied understanding, or with the uniform practice of the House. He had desired to say thus much yesterday in reply to the gentleman from Georgia. When personally assailed, his motto was:

> "To right the wrong, where'er 'tis given,
> Though in the very court of Heaven."

But under the decision of the Chair, and in the precise state of the question yesterday, no opportunity was afforded him for defence or reply.

Mr. COBB, of Georgia, in reference to the remarks just made by the gentleman from New York, felt it incumbent upon himself to state that he entertained the same kindly feelings towards the gentleman as the gentleman had represented to exist between them. In reference to what had occurred yesterday, the gentleman from New York seemed to think that by his remarks he had cast imputations on his (Mr. H.'s) personal motives. Since he had been a member of this House he had never impugned the motives of any member upon this floor—never in any instance. His own self-respect, as well as his respect for the House with which he was associated, he trusted, would prevent him from so doing. His remarks were correctly reported in the Intelligencer. He had contended that the reception of the report at that time, with the previous question moved upon it, was in violation of the general understanding under which the House had consented to receive such reports as would not give rise to debate, and that the effect would have been a violation of the good faith of the House if the majority of the House had sanctioned the demand for the previous question, and forced the minority to a vote.

Mr. HUNT inquired whether the effect would not have been precisely the same as if the motion for the previous question had been made when reports were open to debate under a general call of the committees?

Mr. COBB replied: Precisely the same, with this exception, that under the general call of the committees there would not have been the same inducement for the majority to sustain the previous question, for the reason that if it was not sustained the report would not go over, but would be considered and voted on. But, in this instance, if it went over, the House would not have the opportunity of voting on the question. Under the peculiar circumstances connected with the reception of the report, with the understanding that no debate would arise, the friends of these resolutions might be induced to sustain the previous question, to force a vote upon it; and it was of that he had complained. He thought the gentleman from New York would see he was right in the position he had taken. He submitted to the gentleman whether he believed that he (Mr. C.) or any gentleman on his side of the House would ever have assented to the proceedings that had taken place, if they had believed that the effect of those proceedings would have been to force them to a vote upon several resolutions, involving questions of party policy, which they had never had the opportunity of seeing or hearing except as they had been read from the Clerk's table? It was of that he had complained, and he thought his objection was well taken at the time. He had already said, and he repeated, with reference to any personal imputation upon the gentleman from New York, in accordance with what had been his universal practice in this House, he had had no such design.

Here the conversation dropped.

Mr. THOMPSON, of Mississippi, asked the House to take up the motion he made yesterday to reconsider the vote by which was passed the bill concerning the administration of official oaths in the District of Columbia.

Mr. ROCKWELL, of Connecticut, moved that the House proceed to the consideration of private business.

Mr. WHITE moved the reconsideration of the vote by which the resolution was passed to close the debate in Committee of the Whole on the state of the Union on the bill making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1849.

The motion to reconsider was entered and laid over for the present.

The House then proceeded to the consideration of the Senate bill authorizing the proper officers of the Treasury to settle the accounts of Joseph Nourse, deceased, which was amended and passed by the House some time since, and on which a motion (made by Mr. BOWLIN) to reconsider the vote by which the bill was passed was pending.

The bill was opposed at some length by Messrs. BOWLIN and THOMAS, and supported by Messrs. POLLOCK, PALFREY, and ROCKWELL, of Connecticut. The latter gentleman concluded his remarks by moving to lay the motion to reconsider on the table.

Mr. DANIEL requested Mr. ROCKWELL to withdraw his motion for the purpose of having a letter read.

Mr. BOWLIN moved a call of the House, the vote on which was decided by yeas and nays in the negative: Yeas 40, nays 112.

Mr. DANIEL said, having appealed to the gentleman from Connecticut, and having appealed in vain for the withdrawal of the motion to lay on the table for the purpose of having a letter bearing on the case read, he would now appeal to the House not to lay the motion to reconsider on the table.

The question was put on laying the motion to reconsider on the table, and was decided by yeas and nays in the affirmative: Yeas 83, nays 73. So the motion to reconsider was laid on the table.

Mr. ROCKWELL, of Connecticut, moved a resolution to close all debate in Committee of the Whole on the bill for the relief of Lyon & Howard, in half an hour after the bill shall be again considered in committee.

Mr. THOMPSON, of Mississippi, moved to lay the resolution on the table. It was decided by yeas and nays in the negative: Yeas 66, nays 93. So the resolution was not laid on the table.

Mr. ROCKWELL, of Connecticut, now modified his resolution by extending the time to three-quarters of an hour, and moved the previous question, which was seconded, and, under the operation thereof, the resolution as modified was agreed to.

Mr. WHITE asked the House to take up Senate bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coalheavers in the navy, and to their widows.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar.

Mr. SAWYER moved that the House do now adjourn, Lost: Ayes 61, noes 63.

The question recurred on the motion to go into Committee of the Whole, which being put, was disagreed to.

Mr. KAUFMAN moved that the bill to establish certain post-routes be taken up and read a third time.

Which motion was objected to, and then the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. LYNDE: Petition of E. R. Utter and others, citizens of Wisconsin, for the purchase of Mount Vernon.

By Mr. HAMPTON, of Pennsylvania: The petition of Mary Ann Ballan, widow of John Ballan, a soldier in the war of 1812-'13, and who died from injuries received in the service.

IN SENATE.

SATURDAY, *June* 24, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Solicitor of the Treasury, transmitting a report on the claims of Father Mediore in relation to certain church lands at St. Augustine, Florida; which was referred to the Committee on Public Land Claims.

Also, a report from the Secretary of the Treasury, in answer to a resolution of the Senate respecting the custom-house at Charleston, South Carolina; which was referred to the Committee on Commerce.

Mr. DIX presented a memorial from citizens of Rochester, asking that the Tonawanda band of Indians may be compensated for their lands taken by the United States under the treaties of 1836 and 1842; which was referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, from the Committee on Pensions, made adverse reports on the memorials of Levi Wells, praying arrears of pension, and of Mary Frances Foot.

Mr. DOWNS, from the Committee on Indian Affairs, made an adverse report on the memorial of the Onondaga and Cayuga Indians.

On motion of Mr. YULEE,

Resolved, That so much of the naval appropriation bill as relates to the discipline and organization of the navy and improvements of navy-yards be referred to the Committee on Naval Affairs.

Mr. DIX subsequently moved to reconsider this resolution; and the motion lies over.

The following resolution, submitted by Mr. JOHNSON, of Maryland, on the 19th instant, was taken up and adopted:

Resolved, That the Secretary of the Treasury inform the Senate of the whole number of officers now employed in and about the custom-house of the United States in the city of Baltimore, with the compensation allowed to each; and that he also inform the Senate what was the number of such officers at the same custom-house on the 4th March, 1845, and the compensation allowed each.

The resolution submitted yesterday by Mr. HALE, to instruct the Committee on the District of Columbia to bring in a bill to abolish slavery therein, was taken up. The question was taken by yeas and nays, and decided in the negative, as follows:

YEAS—Messrs. Baldwin, Clarke, Corwin, Davis of Massachusetts, Hale Miller, and Upham—7.

NAYS—Messrs. Allen, Atchison, Atherton, Bell, Berrien, Benton, Bradbury, Breese, Bright, Butler, Calhoun, Davis of Mississippi, Dickinson, Dix, Dodge, Downs, Felch, Fitzgerald, Foote, Hamlin, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Niles, Rusk, Sprunance, Sturgeon, Turney, Underwood, Westcott, and Yulee—36.

The resolution submitted some time since by Mr. DAVIS, of Mississippi, relative to the patent of Major General Baron De Kalb, was agreed to.

On motion of Mr. DOWNS, two additional members to the Committee on Enrolled Bills were ordered to be appointed by the Chair.

A number of adverse reports, made from different committees, were taken up and concurred in.

Numerous bills received from the House of Representatives were read a first and second time by their titles and appropriately referred.

The Senate then took up the bill to promote the despatch of business in the Supreme Court, and to repeal the second section of the act approved June 17, 1844, entitled "An act concerning the Supreme Court of the United States."

After a brief explanation, the bill was read a third time and passed.

The Senate then proceeded to the consideration of the private calendar, in compliance with the resolution of the 22d instant.

The bill for the relief of George Center having been taken up, considerable debate ensued, in which Messrs. UNDERWOOD, YULEE, CALHOUN, WESTCOTT, GREEN, and others participated. When the question was taken on ordering the bill to be engrossed, it resulted: Yeas 19, nays 24.

The following bills were then considered in Committee of the Whole and passed:

An act for the relief of Russel Goss.

An act for the relief of Barclay & Livingston, and Smith, Thurgar & Co.

Bill for the relief of Charles Richmond.

Bill for the relief of William B. Stokes.

Bill granting a pension to Bethia Healy, widow of George Healy, deceased.

Bill to confirm to the legal representatives of Joseph Dutailles the location of a certain New Madrid certificate.

Bill for the relief of Samuel Grice.

Bill for the relief of George V. Mitchell.

An act to change the name of the steamboat Charles Downing to the Calhoun.

Bill for the relief of Stalker & Hill.

Joint resolution for the relief of H. B. Gaither.

Bill for the relief of Alfred White.

Bill for the relief of Benjamin Adams & Co. and others.

The bill for the relief of Frederick Dawson, James Schott, and Elisha Dana Whitney, was discussed at very considerable length, and its further consideration postponed without any question having been taken.

The bill is for the payment of certain vessels of war furnished the late Republic of Texas.

Mr. HALE resisted the bill very strenuously, as the first step towards the assumption of the debts of the State of Texas.

Mr. JOHNSON, of Maryland, read a bond wherein the faith of the Republic was pledged for the payment of the same.

Mr. DIX moved to reconsider the vote by which the bill for the relief of George Center was lost.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 26, 1848.

The Journal of Saturday was read and approved.

Mr. FEATHERSTON moved that the bill to establish certain post routes, now lying on the Speaker's table, be taken up and read the third time.

The SPEAKER said if no objection were made, he would lay the bill before the House.

Objection being made, Mr. FEATHERSTON moved a suspension of the rules for the purpose of taking up the bill.

The question being taken, there appeared—yeas 87, nays 63. Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. EMBREE moved a suspension of the rules, to enable him to introduce a bill to establish certain post routes.

[This bill is similar to the post route bill now lying on the Speaker's table, except that it contains a proviso declaring that no opinion is expressed as to the boundary of any State or Territory.]

The motion to suspend the rules was decided as follows: Yeas 81, nays 77. Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. THOMPSON, of Mississippi, rose to a privileged question, and moved to take up the motion made by him some days since to reconsider the vote by which was passed the bill concerning the administration of official oaths in the District of Columbia.

Mr. T. desired to offer the following amendment to the bill, which he read and explained:

SEC. —. *Be it further enacted*, That in all cases in which,

under the laws of the United States, oaths, or affirmations, or acknowledgments may now be taken or made before any justice or justices of the peace of any State or Territory, or District of Columbia, such oaths, affirmations or acknowledgments may hereafter be also taken or made by or before any notary public duly appointed in any State or Territory, or District of Columbia, and when certified under the hand and official seal of such notary, shall have the same force and effect as if taken or made by or before such justice or justices of the peace. And all laws and parts of laws for punishing perjury, or subornation of perjury, committed in any such oaths or affirmations, when taken or made before any such justice of the peace, shall apply to any such offence committed in any oaths or affirmations which may be taken under this act before a notary public: *Provided always*, That on any trial for either of these offences, the seal and signature of the notary shall not be deemed sufficient in themselves to establish the official character of such notary, but the same shall be shown by other and proper evidence.

SEC. —. *And be it further enacted*, That all the powers and authority conferred in and by the preceding section of this act upon notaries public, be, and the same are hereby, vested in, and may be exercised by, any commissioner appointed, or hereafter to be appointed, by any circuit court of the United States, under any act of Congress authorizing the appointment of commissioners to take bail, affidavits, or depositions, in causes pending in the courts of the United States.

Mr. J. R. INGERSOLL opposed the amendment proposed to be offered by Mr. THOMPSON to the bill as not congruous; and, after urging the immediate passage of the bill in a few brief explanatory remarks, moved to lay the motion to reconsider on the table; which was agreed to. So the motion to reconsider was laid on the table.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House then, on motion of Mr. VINTON, resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1849.

Mr. FEATHERSTON discussed the powers of the General and Territorial Governments over the subject of slavery in the Territories through the hour allotted to him, with some brief remarks interspersed respecting the Presidential candidates.

Mr. A. STEWART occupied his hour with a speech relating to the emoluments of General Cass, when Governor of Michigan Territory for eighteen years and *ex officio* Superintendent of Indian Affairs, during which time his extra compensation and rations were very considerable items. He also introduced some statistical statements of the expenditures of the war and the General Government as compared with earlier Presidential terms. As an example, the expenses of collection under Mr. Adams were three per cent., whereas under Mr. Polk they have increased to seven per cent.

Mr. CLARKE, of Kentucky, discussed General Taylor's position respecting the veto power as unexampled (although he professed to follow the course pursued by the earlier Presidents) and as dangerous, especially to the South. He also commented on the uncertainty in which General Taylor's political opinions were shrouded. He was anxious especially to know the views of General Taylor respecting the Wilmot Proviso; and on this point a colloquy ensued between Mr. C. and Mr. HASKELL, but no positive information was communicated, although Mr. H. said he believed General Taylor was opposed to the Wilmot Proviso.

Mr. THOMPSON, of Pennsylvania, then took the floor, and occupied it for about thirty minutes, when he yielded for a motion that the committee rise; which being agreed to, the committee rose and reported.

[These speeches will all appear in the Appendix.]

ARMY OF THE UNITED STATES.

On motion of Mr. HARALSON,

Resolved, That the Secretary of War be requested to communicate to this House the strength of the different corps of the army of the United States after the discharge of those who, by the terms of their enlistment and the operation of existing laws, are required to be discharged at the close of the war with Mexico; also, that he communicate what will be the strength of the corps remaining in the army when filled to the maximum authorized by law.

Mr. VINTON said, as he understood the Secretary of War was engaged in making out new estimates for an army bill, he would move to discharge the Committee of the Whole on the state of the Union from the bill making appropriations for the support of the army and of volunteers for the year ending June 30, 1849, and that it be recommitted to the Committee of Ways and Means. Agreed to.

And then the House adjourned.

IN SENATE.

MONDAY, *June* 26, 1848.

At eleven o'clock, a. m., the SECRETARY of the Senate called the body to order; when—

Mr. BENTON moved that Mr. ATCHISON be selected to preside during the temporary absence of the Vice President, which was unanimously agreed to; and a resolution was also adopted directing the Secretary to inform the President of the United States and the House of Representatives of said election.

Mr. DODGE presented the credentials of his colleague, Mr. ISAAC P. WALKER, Senator elect from the State of Wisconsin; who, after having been duly qualified, took his seat.

Mr. BENTON then submitted the following resolution, which was agreed to:

Resolved, That the Senate proceed to ascertain the classes in which the Senators from the State of Wisconsin shall be inserted, in conformity with the resolution of May 14, 1789, and as the Constitution provides.

On motion of Mr. BENTON,

Ordered, That the Secretary put into the ballot-box two papers of equal size, one of which to be numbered 1, and the other to be blank; that each Senator from the State of Wisconsin draw out one paper; that No. 1 shall entitle the Senator to be placed in the class whose term of service will expire on the 3d of March, 1849. That the Secretary then put into the ballot-box two other papers of equal size, numbered *two* and *three*; that the Senator who shall have drawn the blank shall then draw one of the papers; that No. 2, if drawn, shall entitle the Senator to be placed in the class whose term of service will expire the 3d of March, 1851, and No. 3 in the class whose term will expire the 3d of March, 1853.

Mr. WALKER drew No. 1, and is accordingly in that class whose term of service will expire on the 3d day of March, 1849.

The Secretary then put papers Nos. 2 and 3 in the box, and Mr. DODGE drew No. 2, and is accordingly in that class of Senators whose term of service will expire on the 3d of March, 1851.

Mr. NILES presented a memorial from John T. Sullivan, asking compensation for binding the laws and instructions of the Postmaster General for the use of the department; which was referred.

REPORTS FROM COMMITTEES.

Mr. UNDERWOOD, from the Committee on Public Lands, reported a bill to vest the title of the United States in the purchasers of certain lands sold under execution against Gordon D. Boyd; which was read a first time.

Mr. U., in explanation of this bill, stated that by its passage the Solicitor of the Treasury expected to save $20,000 to the United States. Boyd was a receiver of the public moneys in the State of Mississippi, and had issued receipts in his own name for large sums paid in for the purchase of public lands, not a dollar of which had ever been received. The Government instituted suits for the recovery of the money, and levied execution on the very lands which he pretended to have sold. The purchasers, under these executions, had given their bonds for one and two years in payment, but had not been able to obtain patents for the lands. They have refused to pay their bonds, and suits have been commenced against them. The Solicitor says the subject is still under consideration before the Commissioner of Public Lands. The object of this bill was to remove the difficulty, by securing to the purchasers a valid title to the lands. He hoped that this explanation would induce the Senate to take up the bill for immediate action.

The bill was then considered, and read a second and third time, and passed.

Mr. DOWNS, from the Committee on Private Land Claims, reported a bill for the relief of Robert W. Richardson, accompanied by a report.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, reported a bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same.

Mr. BORLAND, from the Committee on Military Affairs, reported a bill to allow pay and subsistence to certain Arkansas and other volunteers who have been prisoners of war in Mexico.

Also, from the Committee on Public Lands, on the memorial of Asa Whitney relative to the construction of a railroad from Lake Michigan to the Pacific Ocean, reported a joint resolution providing for a survey and exploration of one or more routes for a railroad from the Mississippi river, below the Falls of St. Anthony, to the Pacific Ocean, under the direction of the Secretary of War.

Mr. BORLAND gave notice, that when this resolution came up for consideration, he would propose certain amendments, requiring the Secretary of the Navy to cause a hydrographical survey of the Pacific coast, with the view of determining the best point for a dock-yard and naval station on that coast; and authorizing the Postmaster General to contract for carrying the mail between San Francisco, in Upper California, and Santa Fé, in New Mexico, or some other point in convenient connection with the United States mail lines west of the Mississippi river.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a joint resolution for the relief of persons who have incurred the disabilities of the 28th section of the act of July 2, 1836; which was read a first time.

Mr. N. asked for the immediate consideration of this joint resolution. He stated, that by the existing law, any contractor who has been a party to a combination to cheat the department was disqualified thereafter from obtaining any contract. The object of this joint resolution was, to authorize the Postmaster General, at his discretion, to annul this disability, after the expiration of five years. The operation of the law, which was a good one, had borne hardly on individuals whom it was desired to relieve.

Mr. JOHNSON, of Maryland, said, that the proposition to rescind the operation of a law admitted to have been wholesome in its effects, and to substitute a disqualification of only five years, was an important change, and ought not to be hastily adopted. He would prefer, therefore, that the bill lie over.

The bill was then informally passed over.

On motion of Mr. JOHNSON, of Louisiana,

Ordered, That Friday, after twelve o'clock, be set apart for the consideration of Senate private bills, to the exclusion of all other business.

Mr. WESTCOTT submitted the following:

Resolved, That the First Comptroller of the Treasury be directed, as soon as practicable, to report to the Senate any facts that have come to his knowledge since the passage at this session of the act for the relief of Jones & Boker, showing that said act was passed under a misapprehension of the facts; and that, until the further action of Congress on the subject during the session, said Comptroller suspend any allowances or payments under said act.

Mr. WESTCOTT explained, that since the passage of the bill for the relief of Jones & Boker, it had come to the knowledge of several Senators, from the Comptroller himself, that a portion of the very notes for the loss of which the bill had made compensation, had, previous to the passage of the law, been paid to these very individuals. It was important, therefore, that the facts should be inquired into before payment was made under the provisions of the bill.

Mr. NILES made a brief response, in a low tone. He is believed to have said, that the Post Office Department had, indeed, put some of these notes in circulation, but to have denied that they were paid to Jones & Boker.

Mr. WESTCOTT replied, that the Comptroller had positively stated that the notes were paid to the parties themselves. He hoped the resolution would at once be adopted, that proper inquiry might be instituted.

Mr. HALE. Let it lie over.

The resolution, therefore, lies over for consideration.

TERRITORY OF OREGON.

On motion of Mr. BRIGHT, the Senate proceeded to the consideration of the bill to establish a Territorial Government in Oregon.

The question being on the motion of Mr. DAVIS, of Mississippi, to amend—

Mr. DIX said he had hitherto abstained from entering into the discussions on slavery in the Territories, because he had regarded the questions heretofore presented as abstract questions. Here, however, is an act of legislation which is to establish our government over thousands of miles. It will affect the interests, the destinies of the population which will hereafter fill the valleys and crown the mountains of Oregon. The discussion now, therefore, conducted in a temperate manner, can do no harm; but out of it some light may be struck to guide us through our progress. He adverted to the different views which had been thrown out on the subject; but there was a question which, in his opinion, lay beyond all these, the determination of which may have a great effect on the settlement of the question. He referred to that of the power of

Congress to regulate the government of the Territories, and all matters relating to them.

The right to regulate all matters relating to the public domain may be construed to extend over all classes occupying those public lands. He referred to the constitutional clause on this subject, of which he thought an improper construction had been given. He went into a history of the clause, dwelling on the mode in which it was introduced, and of the propositions made to amend it. The proposition was introduced by Mr. Madison, and although not adopted in that form, it was not rejected. That of Mr. Morris was favored and adopted. He also stated the proceeding in relation to the introduction of the celebrated ordinance of 1787. The coincidence of the two subjects in point of time, might, he thought, throw some light on the views of the Convention. Mr. Madison denied the legality of the ordinance; but to give a further insight into the views of Mr. Madison, he read an extract from a paper in the Federalist, of which Mr. Madison was the author. Mr. Madison, he thought, regarded the new Government about to be established under the Constitution, as intended to supply defects in the Government under the Confederation; and this was made clear by Mr. Madison himself in the forty-third number of the Federalist. He referred to the condition of the Northwest Territory at the time when this ordinance was passed; and it was in looking at the character of the States about to be admitted, that Mr. Madison regarded this power as of very great importance.

He proceeded to show how far this ordinance was sustained by the action of Congress, in order that the Senate might have before it the full benefit of a knowledge of the legislative precedents in its favor. From these he inferred an intention to extend the area of human liberty. Neither the framers of the ordinance nor the first Congress could have considered the prohibition of slavery as incompatible with the establishment of States out of the Northwest Territory on an equal footing with the original States. The authority of the ordinance was recognized by the Supreme Court of Louisiana, as appears from a decision which he read of that court in 1830. He recited the dates of several acts on which he relied to support his views of the force of the ordinance, and to illustrate the action of Congress under its operation. He made frequent use of extracts from the several laws on the subject, and from the judicial decisions under them. Slavery existed in Louisiana when she came into the United States, and although Congress adopted no course which would interfere with the vested rights of property in that State, laws were passed restricting the importation of slaves from foreign countries. He looked at the acts by which subsequent States had been admitted, to show that Congress had exercised power over the question of slavery in the Territories until they became States.

The decisions of the Supreme Court of the United States, as to the existence of this power in Congress, he quoted from very copiously. Writers on public law concur in this construction. He insisted, that by every authority which could be quoted, the question of this power had received a similar decision. The question of power, therefore, was, in his opinion, indisputable. He would next consider whether it was expedient in all cases to exercise this power.

On the subject of the prohibition of slavery in the Territory of Oregon, the very admission, broadly made, that it was unnecessary, because slavery would never exist in that Territory, divested the question of any injurious operation. In reference to the effect of the prohibition of slavery on the slave population, he contended, that as productive surface was the great element in the multiplication of races, the extension of slavery over a larger surface tended irresistibly to the increase of slaves. So that by every step we may take in extending slave territory, we are reproducing the original responsibility of the establishment of slavery.

In reference to emigration from Europe, he stated that we had, within the last twenty-five years, received an addition of one million persons from England and Ireland; yet this drain did not diminish the population of these countries, because the reproduction was more than equal to the exhaustion. The character of the various races which flocked into our country was a subject well worthy the consideration of the philosophical statesman. He believed the only States in which the black population was on the increase, were those in which slavery existed. He referred to the depressed condition of the blacks which prevailed in New York and some other States, and laid it down as a principle which never varied, that a degraded race could never multiply. Emancipated slaves, he asserted, never multiplied.

It would not be right for us to check the tide of emigration from foreign countries. The trackless wastes of our western Territories would be the homes of all the foreign emigrants who may flock into the country, as well as our own surplus population. As to the propriety of a policy which looked to the peopling of our country from the race most celebrated for its moral and intellectual elevation, he considered there could never be a doubt. He admitted that there was a section of the country where slave property was considered necessary, but in what he had said he had no reference to these States. He depicted the advantages which would result from the substitution of independent for slave labor, both as to individual interest and national character.

There was nothing in the soil, climate, or productiveness of Oregon, to render slave labor indispensable. But it could be profitably employed there, as in every new country, for a short time. And he asked, would it not be unwise to decline to prohibit slavery in a Territory where it could not long continue to exist, and where it must ultimately wear out in the competition with free labor? If we strike out the 12th section, we say that slavery may exist in Oregon, unless the Territorial Government shall reënact the prohibition of it. Such he considered to be its effect. He read the section, and assumed that the part of that section which provides that the laws existing in Oregon shall continue in force, must operate as an exclusion of slavery full as effectually as if the amendment suggested by the Senator from New Hampshire [Mr. HALE] had been adopted.

He referred to the positions he laid down in the discussion of the three million bill, which he still held. The principle of these positions was, that we are bound to take a territory as we find it: if we find slavery there, we ought not to abolish it—if we find that no slavery exists there, we ought not to introduce it so long as it continues to be in the condition of a Territory; and that we have no power over the regulation of the subject as soon as the Territory becomes a State. He still maintained these views.

Mr. CALHOUN said, if the discussion was to continue, he thought it would be better to continue it on this amendment. He was not now prepared to go into the debate himself; but if no other Senator was now prepared to go on, he would wish the bill to go over until to-morrow morning, when he would be prepared to deliver his views.

The motion was agreed to, and the further consideration of the bill was then postponed till to-morrow.

The motion submitted on Saturday by Mr. ATHERTON, to reconsider the vote by which Mr. YULEE's resolution to refer the naval appropriation bill to the Committee on Naval Affairs, was taken up and agreed to.

BILLS PASSED.

The following bills were then severally considered in Committee of the Whole, read a third time by unanimous consent, and passed:

An act for the relief of William Lawson.

Bill for the issuing of patents in certain cases, and for other purposes.

Bill concerning taking official oaths in the District of Columbia.

An act for the relief of Edna Hickman, wife of Alexander D. Peck.

The bill supplemental to an act passed the 9th July, 1846, entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia."

An act for the relief of Thomas Scott, register of the land office at Chilicothe, Ohio, for services connected with the duties of his office.

SURVEY OF MOUTH OF RED RIVER.

On motion of Mr. JOHNSON, of Louisiana, the Senate proceeded to the consideration of the bill to provide for a survey of the mouth of Red river, in the State of Louisiana.

Mr. WESTCOTT moved to lay the bill on the table, and asked for the yeas and nays, which were ordered.

The question having been taken by yeas and nays, it was decided in the negative, as follows:

YEAS—Messrs. Atherton, Bright, Butler, Davis of Mississippi, Dickinson, Hamlin, Houston, Hunter, Johnson of Georgia, Lewis, Mason, Turney, Westcott, and Yulee—14.

NAYS—Messrs. Atchison, Badger, Bell, Bradbury, Clarke, Clayton, Corwin, Davis of Massachusetts, Dix, Downs, Felch, Greene, Johnson of Maryland, Johnson of Louisiana, Miller, Niles, Phelps, Sebastian, Spruance, Sturgeon, Underwood, and Upham—22.

The bill was then read a third time and passed.

Mr. MASON, on leave, introduced a joint resolution, the object of which was to correct an error in the engrossment of a bill passed some time since, for the relief of William B. Slaughter, of Wisconsin, which consisted in the substitution of the word "treasury" for "territory," which error had prevented the settlement of the claim by the accounting officers. The joint resolution was read three times and passed.

On motion of Mr. BELL, the Senate proceeded to the consideration of Executive business, and, after a short time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 27, 1848.

The Journal of yesterday was read and approved.

On motion of Mr. SMITH, of Illinois, leave was granted for the withdrawal from the files of the House of the petition and papers of Enoch Baldwin.

On motion of Mr. STROHM, leave was given to withdraw the papers in the case of Samuel Royer.

On motion of Mr. NEWALL,

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of amending the law approved April 23, 1808, appropriating annually $200,000 for arming the whole militia of the United States and Territories, so as to increase the same to an amount equal to the present wants of the country, and report by bill or otherwise.

Mr. HOLMES, of New York, asked leave to introduce a bill to alter and establish the mileage of Senators and Representatives in the Congress of the United States, of which he had given previous notice.

Mr. WENTWORTH objected to the reception of the bill.

On motion of Mr. HAMPTON, of Penn.:

Resolved, That George Cochran have leave to withdraw his papers from the files of this House relating to his claim against the United States.

Mr. S. LAWRENCE asked and obtained leave to introduce a bill, of which previous notice had been given, to revive and amend the act entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," approved March 5, 1816.

Mr. McILVAINE, from the Committee on Indian Affairs, reported a bill to provide for the organization of an Indian territory west of the Mississippi river. Read and committed.

Mr. EMBREE asked leave to introduce a bill, of which previous notice had been given, granting to the State of Indiana the right of way and a donation of public land for making a railroad from New Albany to the Wabash river, opposite Mount Carmel. Read and referred to the Committee on Public Lands.

On motion of Mr. HILLIARD, the Committee of the Whole was discharged from the bill of the House to change the place of holding the district court for the middle district of Alabama, and it was referred to the Committee on the Judiciary.

On motion of Mr. KAUFMAN, the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill giving the consent of the Government of the United States to the State of Texas to extend her eastern boundary so as to include within her limits one-half of Sabine Pass, Sabine Lake, and Sabine river, as far north as the 32d degree of north latitude.

The House then proceeded to consider the said bill, when the same was ordered to be engrossed; and being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

Mr. STEPHENS, from the Committee on Public Lands, to which was referred Senate bill for the relief of the *bona fide* settlers under the act for the armed occupation and settlement of a part of the

Territory of Florida, reported the same back to the House without amendment.

The bill was then ordered to be read a third time, and was read a third time, and passed, and returned to the Senate.

The SPEAKER laid before the House a letter from the Clerk of the House of Representatives, acknowledging the receipt of certain books addressed "To the Chamber of Deputies of the United States of America, Washington."

The books, fifteen in number, are handsomely bound, and mostly printed in the Greek language, and are presented by the Government of Greece to the House of Representatives of the United States.

The letter was read and referred to the Committee on the Library.

THE NATIONAL FINANCES.

Mr. HUNT calling for the order of business—

The SPEAKER announced the report of the Committee on Public Expenditures on the annual report and statement of the Secretary of the Treasury on the state of the finances, and the minority report of the same committee on the same subject, as the business in order.

On this subject Mr. ROCKWELL, of Connecticut, addressed the House in a speech which occupied nearly an hour in its delivery, and which will be given in the Appendix.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House, on motion of Mr. VINTON, resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and proceeded to the consideration of the bill making appropriations for civil and diplomatic expenses of Government for the year ending June 30, 1849.

Mr. THOMPSON, of Pennsylvania, resumed the debate this morning, and finished the speech which he commenced yesterday. He treated largely on the novel position of a large political party in this country, which, when free institutions were progressing in the world, was making a retrograde movement, by the abandonment of their principles and rallying under the banner of a military chieftain, whose principles were concealed from public examination, as was the person of the veiled prophet from the gaze of his worshippers. His remarks likewise embraced other general topics.

Mr. ROCKWELL, of Massachusetts, occupied his hour with an argument on the subject of free territory and the power of the General Government over slavery therein.

Mr. THOMPSON, of Mississippi, read a written argument on the same subject.

Mr. BRADY entered upon an examination of the purposes of this Administration as developed by recently published documents in connection with the Frémont court martial, which, he said, were palpably to create a revolution in California by means of American officers for the acquisition of that Territory. He also discussed some positions assumed by Mr. THOMPSON, his colleague, in relation to the United States Bank and the ground assumed by parties thereon.

[These speeches will be published in the Appendix.]

Mr. HOLMES, of South Carolina, next obtained the floor, but he gave way to a motion that the committee rise; which being agreed to, the committee rose and reported progress.

The resolution to explain an act passed 24th of June, 1848, entitled "An act for the relief of William B. Slaughter, late Secretary of the Territory of Wisconsin," was taken up, read a third time, and passed.

Mr. SMITH, of Indiana, gave notice that at an early day he would ask leave to introduce a bill to surrender to the State of Indiana so much of the Cumberland road as lies within said State.

And then the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. HOLMES, of South Carolina: The petition of Horatio Fitch, praying to have certain arrearages of pensions which have been withheld from him paid over.

By Mr. ABBOTT: The petition of Leonard Woods and sixty-one others, officers and students of Theological Seminary of Andover, Massachusetts, praying that ordinary letter postage be reduced to two cents, and that the franking privilege now enjoyed by members of Congress be commuted for an increase of pecuniary compensation.

By Mr. HAMPTON, of Pennsylvania: The petition of Henry Bears.

By Mr. THOMPSON, of Mississippi: The petition and accompanying papers of Wyott Eppes, asking the payment of a bill of cost allowed by the District Judge of the United States for the State of Mississippi.

By Mr. CHAPMAN: Four memorials of the Hon. Wm. Cranch, Charles Wilkes, Joseph H. Bradley, and many other citizens of Washington, asking an appropriation to remove nuisances from the public grounds in the city.

By Mr. HUNT: The petition of the officers and students of Geneva College in favor of abolishing the franking privilege, and reducing letter postage to a uniform rate of two cents.

By Mr. LUMPKIN: The memorial of William Y. Hansell, William H. Underwood, and the representatives of Samuel Rockwell, deceased, attorneys and counsellors for the Cherokee nation, praying that Congress do make provision, by law, for the early payment of the respective claims, according to the amounts awarded by the referees; which award was made under the authority of the Government of the United States.

IN SENATE.

TUESDAY, *June* 27, 1848.

The PRESIDING OFFICER laid before the Senate a communication from the Committee of Arrangements, addressed to the Vice President and Senators, inviting them to attend the ceremony of laying the corner-stone of the Washington Monument on the 4th of July next.

On motion of Mr. CLAYTON, it was resolved that the Senate do attend the same.

Mr. DIX presented a memorial from Miss D. S. Dix, asking an appropriation to provide for the relief and support of the indigent insane in the several States of the Union. In presenting the memorial, Mr. D. said:

I rise, Mr. President, to present a memorial from Miss Dix, who is well known to the American public for her disinterested efforts in ameliorating the condition of the indigent insane. For many years her time, her health, and her pecuniary means have been freely spent in this charitable service. Through her perseverence, and through the impression produced by the information which she has gathered, institutions have been reared in different parts of the country. The wealthy have contributed from their abundance, and States laboring under heavy burdens of debt have heavily taxed themselves for the relief of a class which, of all others, has the strongest claim to our sympathy and support.

The memorialist asks that a portion of the public lands may be appropriated for the purpose of affording relief and support to this unhappy class in each State of the Union. Her memorial contains a mass of interesting and instructive information, derived partly from public sources, and founded partly on her own personal observation; and her application is supported by reasonings and facts which cannot fail to make a strong impression on the mind and the feelings.

It is due to her to say that she comes before the Senate with the greatest reluctance, but that she has yielded to a sense of duty, which has overruled all personal considerations, in behalf of the cause of humanity, which she pleads.

I will read to the Senate a very few passages from the closing pages of the memorial.

[Here Mr. D. read a part of the memorial.]

I ask, Mr. President, that this memorial may be printed. Its object is purely public, and its purpose is coextensive with the universality of the moral disease which it aims to relieve. It does not concern one State alone, but all. And, in view of the importance of the subject, I also ask that it may be referred to a select committee, to be appointed by the Presiding Officer of the Senate.

The motion having been agreed to, the Chair named Messrs. DIX, BENTON, BELL, HANNEGAN, and DAVIS, of Massachusetts.

On motion, five thousand extra copies of the memorial were ordered to be printed.

Mr. NILES obtained the unanimous consent of the Senate to introduce a bill to set apart and sell to Asa Whitney, of New York, a portion of the public lands, to enable him to construct a railroad from Lake Michigan to the Pacific Ocean.

Mr. N. briefly addressed the Senate upon the subject, but it was impossible to hear him in the gallery. He alluded to the fact of the numerous memorials that had been presented from individuals, State Legislatures, &c., and referred to the Committee on the Public Lands, which committee had not as yet reported. He said, he had thought it due to the general expression of the country that some action should be taken by Congress on the subject.

Mr. BREESE defended the Committee on the Public Lands, on the ground of the magnitude and importance of the subject, and said they were not prepared to report a bill; but that a report had been made at some length at a prior session, and the committee had been waiting to prepare some plan which might insure success to the undertaking.

The bill was then referred to a select committee, to be appointed by the Chair, when the following gentlemen were named: Messrs. NILES, CORWIN, LEWIS, DIX, and FELCH.

Mr. BENTON obtained the unanimous consent of the Senate to introduce a joint resolution in relation to the naval pension of John McGarr; which was read twice and referred.

The resolution submitted several weeks since by Mr. JOHNSON, of Maryland, calling on the President for the names of such military officers as had been appointed by the President and not yet submitted to the Senate, came up for consideration; when—

Mr. JOHNSON desired that it might lie over. He desired, at some future period, to reply to the remarks of the Senator from Ohio, [Mr. ALLEN,] he, unfortunately, not being present when they were delivered.

The resolution was laid over.

The resolution submitted yesterday by Mr. WESTCOTT, relative to the claim of Jones & Boker, was taken up, and referred to the Committee on the Post Office and Post Roads.

OREGON BILL.

Mr. BRIGHT moved that the Senate proceed to the consideration of the bill to establish a Territorial Government in Oregon; which motion was agreed to; and Mr. B. alluded to the fact that he had at an early day moved to strike out the twelfth section of the bill, with a view to avoid the discussion which he saw was likely to ensue; but it not appearing likely to be the case, he had subsequently withdrawn the motion. It had, however, been renewed by the Senator from Georgia, [Mr. BERRIEN,] which had led to so much discussion. The Senator from Mississippi [Mr. DAVIS] had also proposed an amendment, which involved another question of equal delicacy. Under these circumstances, he felt it his duty to lay before the Senate an amendment which, though it would not satisfy the entire country, (for there were some determined not to be satisfied,) might yet restore peace to our distracted counsels on a subject which menaced the very safety of the Union. The amendment was bottomed on the Missouri compromise.

Mr. B. then sent to the Chair the following amendment, which, on motion of Mr. TURNEY, was ordered to be printed:

And be it further enacted, That in all the Territories owned by the United States, including Oregon, New Mexico, and Upper California, which lies north of 36° 30′ north latitude, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited: *Provided, always*, That any person escaping into the same whose labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Mr. BERRIEN was not disposed to rest under the charge of having been the means of bringing about this protracted discussion. The twelfth section was put in the bill by the committee, and the Senator from Indiana, on the ground of a spirit to conciliate, had moved to strike it out. If he had persevered, the vote would have been taken silently, and no discussion have ensued. He (Mr. B.) had made the same motion, in the same spirit and with the same feelings, and had expressed at the time the hope that there might be no debate; and, in manifestation of his honesty of purpose, had not offered a word in support of the motion, contenting himself simply with demanding the yeas and nays. The fault, therefore, must lie at the door of the Senator, and not with him. He concurred entirely with the views entertained by the Senator from Indiana, and felt with him that the subject was one that deeply menaced the safety of the Union.

Mr. BRIGHT hoped he was not understood as meaning to censure the Senator from Georgia. He certainly had no such intention.

Mr. CALHOUN rose and said the slave States asked for nothing. They were willing to leave the Territories free for all to settle there, so long as

they remained Territories. The non-slaveholding States desired to have a monopoly in the Territories, to exclude slavery, and even to control the States after they have ceased to be Territories.

The amendment of the Senator from Mississippi embraced the southern view of throwing open the Territories to all. He proposed to discuss this great question calmly, without yielding any right which the South ought to claim. He disclaimed party and sectional influences. He regarded this question as one far transcending the Presidential question. He would discuss the subject fairly and calmly. The first question is, have the non-slaveholding States the power claimed by them in the twelfth section? Where do they get the power? Slave property was the only description of property recognized by the Constitution, and if we disturb this property, it is a denial that the Constitution intended there should be an equality between all the States. If the power exists at all, and its origin cannot be found anywhere else, it must be looked for in the constitutional compact. We are told that this Government has an absolute control over the Territories. If so, he admitted that this embraced the power to exclude or admit slavery. But where was the power to be found? He denied that it was to be found in the clause giving Congress power over the Territories, as asserted by the Senator from New York, [Mr. DIX.] That merely gave power over the land, not over the population. He went into a critical examination of the language of the clause, and came to the conclusion that it conferred nothing like governmental power. He then referred to the clause giving Congress power over this District and over navy-yards and arsenals. If the Constitution had in the first clause given governmental power over territory, why was it necessary to introduce another clause, giving special legislation over the District of Columbia, and navy-yards and arsenals?

Sovereignty, so far as this District is concerned, remains in Maryland. She has, by her cession, given the power of legislation to Congress, but the sovereignty has not been ceded. He contended, therefore, that the Constitution conferred no sovereignty in the United States in relation to Territories. He relied on these general views as answering the arguments and precedents brought forward by the Senator from New York. But he would glance at one or two of them.

In reference to the first act quoted by the Senator from New York, it could not be considered as a precedent, because the old Confederation was then in the arms of death. He went into a historical view of the ordinance of 1787, and of the proceedings of the Convention thereupon; also of the proceedings of Congress and of the compromise which subsequently took place. The South had faithfully fulfilled her part of the compact. He was sorry that this could not be said of the people of the northern States, except Illinois, which, to her honor, had remained faithful. Individuals had organized themselves into a power to control slave property in Ohio.

[Here some explanations took place, in which Mr. CORWIN denied that there was any law or corporation of individuals in Ohio which interfered with that kind of property.]

Mr. C. resumed, with a declaration that no charge could be made against the South of any violation of the compact. He quoted the language of Mr. Jefferson in a letter to Mr. Adams, in which he stated that all the other agitating questions of the day were of little importance. They were billows which would pass under the ship, but the Missouri question was a breaker. [He sent the letter addressed by Mr. Jefferson to Senator Holmes to the Secretary to be read.] In the face of such sentiments, the name of Jefferson is used as a basis on which to build up an opposite policy. Having disposed of all the precedents which had been brought forward, he would now come to the question, Has Congress power over the Territories?

He admitted that Congress has power. Whence was it acquired? It appertains to the power of acquiring territory. It is involved in, embraced in, the power of acquisition. That we have the right of acquiring territory, he admitted. It belonged to the war power. If any Senator differed with him as to the origin of the power, it is of no consequence. But it is the sole power in the Territories. It is not an absolute power. It does not follow that because absolute power is exclusive power, therefore exclusive power is absolute power. The power of Congress is not absolute in the Territories. It is limited. We are trustees to administer the benefits of government to the Territories. All trust powers are limited by the nature and object of the trust. To whom does the property belong? To the United States. Who are the United States? The States in their sovereign and independent character. There is no right in the Government of the United States to make a discrimination between the citizens of one State and those of another.

It had been said that the Territories had the right to control the question. He denied that Territories had any more possession of absolute power over the subject than Congress had. If neither Congress nor the Territories have the power to exclude slavery, what power has? It has been said, the laws of nations. He went into a close investigation of this point in the argument, in order to prove that it was not a sustainable one.

He had thus shown that the non-slaveholding States had no power to exclude the southern States from going with their property into the Territories. But even if they had the power, could they rightfully and justly exercise it? He put the question to the northern Senators, Can you justly, rightfully, intermeddle with the subject? Can you exclude the southern States, which are equally partners with you in this great political compact, from passing into the Territories? He alluded to the fundamental sources from which the rights of the southern States were derived—the purchase of Louisiana, of the Floridas, and of the discoveries of Captain Gray, and of Lewis and Clarke. They were all paid for out of a common fund. In private life any attempt to defraud a partner would be met by proper execration. And would not the same rule apply to the States? Did not the same rule which is good for thirty be equally good for thirty millions?

These questions go to the heart, not to the head; and if they are decided wrong, they are a proof of malformation, of the existence of prejudices too deep to be removed. He asked the Senators from the North to come forward and show their regard to the South by voting for the amendment of the Senator from Mississippi, and thus admit the South to a participation in the benefits of the common fund. If the northern Senators refuse this, they have wofully degenerated. The question was capable of settlement, and, although the Presidential question was now agitating the public mind, he did not see that this should prevent it. This is, in fact, the very time to settle it, as all must now feel that there is a power overriding every other question, which will make itself felt. The only way to settle the question is to leave it to the country. It was a great mistake to suppose that the white laborer was disgraced in the South by associating with slave labor. There were but two kinds of labor in the South which were regarded as disgraceful—that of a body servant, or a domestic servant. To neither of these would a southern white man stoop; and he hoped the time would never come when the white man of the South would brush a coat or clean a pair of boots. The labor of every white man in every other respect was highly appreciated.

He feared that a perseverance in wrong would entirely alienate the South. He commented on the phrase, "all men are born free and equal." He considered that there had never been a proposition of such dangerous import, or which had been so misunderstood, or been productive of so much evil. Men are not born—infants are born. Infants are not born free and equal; they are subject to their parents. He denied that there was any such phrase in the Declaration of Independence, although there was something like it. "All men are created equal." Men are not created; there were but two created, one man and one woman; and the woman was inferior to the man. Locke and Sidney gave the idea "all men are free in a state of nature." This he considered as a hypothetical truism. He denied that man ought to be regarded in any other than a political character. That, surely, could not be natural which is repugnant to our feelings. There are rights which belong to man, and which may be called natural, and these, when they come in conflict with political rights, assume the ascendency. Civil rights he regarded as the highest order of rights. What we call liberty is a different thing in different states of society. It is necessary to invest government with an extraordinary amount of power for its own preservation. Instead of every man having a right to equal liberty, nothing can be more unequal than the quantum of liberty assigned to every individual. He regarded the axiom that all men are free and equal, as producing disastrous effects abroad at this moment, and as likely to plunge Europe in a state of hopeless anarchy, which would terminate in military despotism.

Mr. BERRIEN regarded the points made by the Senator from South Carolina as of so much importance as to require some consideration. He therefore moved that by common consent the further consideration of the bill should be postponed until to-morrow.

Mr. HALE made an effort to convict the Senator from South Carolina of an error as to the votes by which the Missouri compromise had been forced on the country, but it was suggested that he had taken up the wrong question for his illustration.

The further consideration of the bill was then postponed till to-morrow.

THE POST OFFICE APPROPRIATION BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the bill making appropriations for the Post Office Department for the year ending 30th June, 1849.

The bill having been amended on motion of Mr. BERRIEN—

Mr. BADGER moved further to amend it by adding the joint resolution which had passed the Senate in relation to restoring the great southern mail to its legitimate route, via Aquia Creek and Fredericksburg.

On this motion a long debate ensued, when the question was taken by yeas and nays, and decided in the negative, as follows:

YEAS—Messrs. Badger, Berrien, Clarke, Clayton, Corwin, Davis of Massachusetts, Greene, Houston, Johnson of Maryland, Johnson of Louisiana, Miller, Rusk, Spruance, and Underwood—14.

NAYS—Messrs. Allen, Atchison, Atherton, Benton, Borland, Bradbury, Breese, Bright, Calhoun, Cameron, Davis of Mississippi, Dickinson, Dix, Downs, Felch, Foote, Hamlin, Hannegan, Johnson of Georgia, Lewis, Niles, Phelps, Sturgeon, Turney, Westcott, and Yulee—27.

The amendments were ordered to be engrossed, and the bill was subsequently read a third time, by unanimous consent, and passed.

On motion of Mr. RUSK, the Senate proceeded to the consideration of Executive business, and, after a short time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 28, 1848.

The Journal of yesterday was read and approved.

Mr. STEWART, of Pennsylvania, asked the general consent to offer the following resolution:

Resolved, That the President of the United States be requested to communicate to this House the amount of extra compensation paid to Lewis Cass, over and above his regular and fixed salary, whilst in the service of the United States.

Mr. JONES, of Tennessee, objected, unless the resolution was so modified as to include also all moneys paid General Taylor since his entrance into the service of the Government.

Mr. STEWART said the gentleman from Tennessee could move to amend the resolution.

Mr. JONES declined to move to amend the resolution.

Mr. STEWART said that, for the sake of pleasing gentlemen, he would accept the amendment, so as to call "for all the *extra* pay allowed General Taylor since his entrance into the service of the United States."

Mr. JONES, of Tennessee, wanted the resolution so modified as to call for a statement of all money paid General Taylor since he entered the service of the Government.

Much confusion here prevailed.

Mr. STEWART modified his resolution by adding to it the following:

And also the amount of extra compensation paid to Zachary Taylor, over and above his regular and fixed salary, whilst in the service of the United States; and the said statement shall include also the whole amount of money paid to each.

Mr. SIMS objected to the reception of the resolution.

Mr. STEWART gave notice that he would renew his motion on Monday; and, if objection were then made, he would move a suspension of the rules for the purpose of obtaining an opportunity to offer the resolution.

Mr. JONES, of Tennessee, said he had prepared a resolution, to which he hoped no objection would be interposed. It was read, as follows:

Resolved, That the President be requested to cause to be furnished to this House a statement of all the moneys respectively received from the treasury by General Lewis Cass and General Zachary Taylor, for regular and extra services, from their first entrance into the public service to the present time, designating the service for which each sum was paid.

Mr. WICK suggested to Mr. JONES to include all moneys paid Mr. Van Buren.

Mr. STEPHENS requested Mr. JONES to modify his resolution by adding the words, "designating extra from regular pay."

Mr. DUNCAN, of Ohio, objecting, the resolution was not received.

On motion of Mr. STANTON, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a collection district in that part of Tennessee which borders on the Mississippi river, with a port of entry at Memphis, and to report by bill or otherwise.

On motion of Mr. MEADE, it was

Resolved, That the Postmaster General communicate to this House, at as early a day as practicable, a statement showing the expenditures and receipts on account of the mail, in each State and Territory of this Union, for the last ten years, including the present fiscal year.

Mr. McILVAINE asked leave to offer a resolution directing the Committee on Printing to inquire into the expediency of printing ten thousand copies extra of the report accompanying the bill to organize an Indian Territory west of the Mississippi river. Objected to.

Mr. BOWLIN moved that the resolution of the Senate authorizing and directing the renewal of the contract for carrying the southern mail be taken up.

Mr. HUNT called for the order of business.

THE NATIONAL FINANCES.

The House resumed the consideration of the report made by Mr. STROHM on the 31st of May last, from the Committee on Public Expenditures, on the annual report of the Secretary of the Treasury on the finances.

The question being on the amendment moved by Mr. COBB, of Georgia, to the last resolution reported by the committee, instructing the Committee on Printing to "inquire into the expediency 'of printing ten thousand copies extra of the report 'of the Committee on Public Expenditures on the 'report of the Secretary of the Treasury," by adding the following: "And also ten thousand 'copies of the views or report of the minority of 'said committee upon the same subject, to be 'printed with the report of the majority;" upon which amendment the previous question was moved yesterday—

The House refused to second the demand for the previous question: Ayes 75, noes 86.

The question was then stated on agreeing to the amendment moved by Mr. COBB, of Georgia; and being put, the amendment was agreed to.

Mr. ROCKWELL, of Connecticut, moved the following, to come in after the first resolution:

Resolved, That the Committee on Public Expenditures be instructed to make a thorough examination into the condition of the Treasury Department, and especially in relation to the treasury notes and loans under the acts of July 22d, 1846, and January 28th, 1847, and that said committee have leave to send for persons and papers, and to employ a clerk at the usual compensation.

Mr. R. moved the previous question.

Mr. COBB, of Georgia, submitted the point of order that the resolution was not germane to any of the resolutions reported by the committee, and therefore could not be received as an amendment.

The SPEAKER decided that it was germane to the report of the committee, for that was upon the state of the Treasury Department, and it would be in order if no resolutions had been reported.

Mr. COBB insisted that the resolutions alone had been reported for the action of the House; that the previous question, if sustained, would bring the House to a direct vote upon the resolutions, and that no proposition to amend which was not germane to the resolutions was in order.

The SPEAKER adhered to his decision, and overruled the point of order.

Mr. HOLMES, of South Carolina, suggested that the friends of the Secretary should make no opposition to this measure. They need feel no apprehensions at an investigation being made.

The SPEAKER reminded the gentleman that debate was not in order, the previous question having been moved.

Mr. COBB, of Georgia, (in his seat, in reply to Mr. HOLMES.) We feel no apprehensions whatever.

The previous question was then seconded, and, under the operation thereof, Mr. ROCKWELL's resolution was agreed to—yeas 137, nays 37.

The resolutions reported by the committee, as thus amended, were then agreed to.

On motion of Mr. JOHNSON, of Arkansas,

Resolved, That the Sergeant-at-Arms is hereby authorized to pay to C. W. Deane, administrator of the estate of A. Yell, deceased, the amount of per diem and mileage which shall, upon examination, be found to have been due said Yell as a member of the 29th Congress.

Mr. G. W. JONES, at a subsequent part of the day, moved a reconsideration of the vote by which this resolution was passed. He explained that the resolution proposed to pay the balance of the per diem and mileage of the late Archibald Yell to his administrator, directing the Sergeant-at-Arms of this House to pay the same. Now, the money in the hands of the Sergeant-at-Arms was placed there under an appropriation to pay the members of the 30th Congress, whereas the late Mr. Yell was a member of the 29th Congress. He would therefore suggest a doubt whether the Sergeant-at-Arms could divert an appropriation in his hands for other purposes than those for which the appropriation was made. Having made this explanation, he withdrew the motion to reconsider, and suggested to the gentleman from Arkansas [Mr. JOHNSON] that he should endeavor to get the payment from the contingent fund.

Mr. JOHNSON, of Arkansas, asked the House to permit the resolution to be so modified as to direct the payment from the contingent fund.

The modification was made by general consent.

Mr. CABELL called up the motion made by Mr. WHITE to reconsider the vote by which was passed the resolution to close the debate in Committee of the Whole on the state of the Union on Monday next on the bill making appropriations for civil and diplomatic expenses of the Government for the year ending June 30, 1849, with a view of offering a resolution to close the debate to-morrow (Thursday) at two o'clock.

Mr. C. remarked that everything was in order in this discussion, except the merits of the bill itself, and under the five minutes rule the debate would be confined to the amendments and to the bill.

Mr. COBB, of Georgia, moved to lay the motion to reconsider on the table. Agreed to.

Mr. TALLMADGE asked the House to take up the bill to incorporate the Washington Gas-Light Company, which was reported on Friday last from the Committee of the Whole, with an amendment. Unless it were now done, (Mr. T. said,) great inconvenience would be sustained, inasmuch as the company's operations would expire in the course of two or three days.

The bill was then taken up, and the amendment was read as follows:

SEC. —. *Be it further enacted*, That nothing in this act contained shall be construed to authorize the said Washington Gas-Light Company to make, issue, or put in circulation any bill, draft, check, order, promissory note, change-ticket, or anything else promising or agreeing to pay money, intended to circulate as money, or the tendency of which shall be to circulate as money or currency; and the violation of any one of the provisions of this section shall be a forfeiture of the charter herein granted, and a fine of fifty dollars against each of the directors voting for the same.

SEC. —. *And be it further enacted*, That each of the stockholders in the Washington Gas-Light Company shall be held liable in his or her individual capacity for all the debts and liabilities before the court or tribunal having jurisdiction of the case.

Mr. JONES, of Tennessee, said the design of the amendment was to prevent the company exercising banking powers, and to make each individual stockholder liable for its obligations. It was an amendment which he believed would be satisfactory to the company.

Mr. HENLEY explained that the bill had been modified, and that it now contained such a provision as that to which the gentleman from Tennessee referred.

The amendment was agreed to, and the bill ordered to be engrossed and read a third time; and being engrossed, was read a third time and passed.

On motion of Mr. MEADE,

Resolved, That the Committee of the Whole House on the state of the Union be discharged from the consideration of the bill of the House to change the times for holding the district courts of the United States in the western district of Virginia, and for other purposes, and that the same be put upon its passage.

The bill was then read, and the question recurred on the engrossment for a third reading.

Mr. VINTON said he believed that the bill proposed to increase the salary of the judge of the western district of Virginia from $1,600 to $2,500. He moved, therefore, to reduce that sum to $1,600. That was the salary paid to the judge of Ohio who transacted the business of a population of two millions of people; and, in short, there was no judge in any of the States west of the mountains—Indiana, Illinois, or Missouri—whose salary exceeded $1,600, and he could not see why the judge of the western district of Virginia should receive more than a judge of Ohio who presided over two millions of people.

Mr. JONES, of Tennessee, said they had but one judge in Tennessee, and he held his courts at three different places, receiving a salary of $1,500 a year. He moved to strike out the third section of this bill, or that which proposed the payment of a salary of $2,500.

Mr. MEADE hoped the House would indulge him in a few remarks, and he thought he could prove the justice of this provision. The judge of the western district of Virginia in the course of a year travelled two thousand two hundred and eighty miles on horseback, over a rough country, and his salary was $1,800 in 1819, when he had but six courts to hold and one thousand miles to travel. His duties, too, had increased since that time, from time to time, until now he has eleven courts, and is employed six months of every year in discharging his duties of a judge. In addition, too, he pays his own expenses, for he has no mileage allowed him. Of those expenses the present judge had kept an accurate account, and he found that they amounted to $400 per annum, reducing his salary to $1,200, for doing more business than was done in any other district court of the United States. The criminal docket of two courts contains from eighty to one hundred cases per annum. Now, he submitted to the House if the sum of $1,200 was sufficient for a judge who held eleven courts a year, who was employed six months out of twelve in holding them, and who travelled two thousand two hundred and eighty miles on horseback, in travelling from one court to another. The judge of this district had appeared before a committee of the House and stated the nature of the duties he had to perform, and the committee unanimously recommended this increase of his salary.

Mr. HALL, of New York, interposed to say, that he was a member of the committee referred to, and he was opposed to the increase of the salary of this judge.

Mr. MEADE said, probably the gentleman was not present at the time the vote was taken, and therefore he could not know what that gentleman's opinions were. But at the time the bill was passed upon in committee he heard no objection to it.

Mr. ASHMUN thought the gentleman from Virginia [Mr. MEADE] was perfectly correct. The action of the committee was unanimous. He was present himself, and he thought the gentleman from New York was not present when the final action was taken. He begged further to say, that the committee examined the case accurately and thoroughly, and, as far as he understood, they were unanimously in favor of increasing this salary.

Mr. MEADE did not believe there were thirty votes here to be found that would be against it if they were acquainted with all the circumstances of the case. He then reiterated the distance the judge had to travel, the salary he received, and the amount of business he had to transact; and then called the attention of the House to the fact, that a judge who resided in the city of Boston received $2,500, who had no travel at all. He enumerated a list of other judges who received $2,000, $2,500, $1,800, and even $3,000, some of whom had but a few hundred miles to travel by steamboat. He was also understood to say that there was another district judge in Virginia who received $1,800, who held but two courts a year, and travelled 150 miles by steamboat. That judge had not more than one-tenth part of the labor performed by the judge of the western district of Virginia. If gentlemen would take the trouble to inquire into the circumstances of this case, they would find that this was one of the most important Federal districts, and one of the most arduous. It was the most difficult to travel over, and he ventured further to say, that no judge could hereafter be got to perform the duties of that dis-

trict unless the salary should be increased. The present judge had been induced to accept the judgeship, because he was assured by the judge who preceded him—Judge Pennybacker, who left the district to take a seat in the United States Senate—that he would introduce a bill to increase the salary; and if it were not done, Judge Brockenbrough must resign his office from sheer necessity, and no man who was fit to discharge the duties would accept the salary. He hoped the House would allow this bill to pass.

Mr. VINTON begged permission to make a slight correction of the remarks he made a few minutes ago in relation to the remuneration of the judges of Ohio and of the western States. They received but $1,500, and not $1,600, and for performing the duties of an entire State; whereas, in Virginia, there were two district judges, each receiving a large salary. He knew that in Virginia the expenses of the judges were not extravagant. The people in the western district were a simple people; their modes of living were not expensive. The gentleman from Virginia said the judges travelled round their districts, but that, he supposed, was a matter for their own convenience. The judge of Ohio held his court at but one place, and the people engaged in litigation in the courts of the United States were required to go to the seat of government of that State. It might be a matter of convenience to the people of Virginia that the judge should travel round, but it was no reason why this Government should pay more to a judge in western Virginia than to the one who held his court at Columbus, Ohio.

Mr. MEADE inquired how many days that judge sat?

Mr. VINTON said he could not tell, but he saw from the roll of the Supreme Court of the United States, that there was three times as much business there from the State of Ohio in the last few years, as from all the State of Virginia. He had no objection to the judge of the western district of Virginia receiving $2,500 a year, but he was for even-handed justice, and he should ask that the salary of the judge of Ohio should be increased also.

Mr. GOGGIN thought that what the gentleman from Ohio had said was conclusive evidence that the judge of Ohio got more than he was entitled to, but it was not evidence that the judges of Virginia got enough.

Mr. VINTON said, the judge of Ohio was formerly a member of this House; and he had seen gentlemen from Virginia here who were not more intelligent than he is.

Mr. GOGGIN had no doubt there were gentlemen here from Ohio, near the line of the State of Virginia, who were, perhaps, not as intelligent as that judge. He had no intention to reflect on the gentleman from Ohio, [Mr. VINTON.] He had only risen to say, that this Government should give salaries commensurate with the duties and the position of its officers. If not, they would drive men of talent to the State courts, and they would not be able to get a man of even moderate abilities to preside in the Federal courts. He bestowed a flattering eulogy on Judge Brockenbrough, and called upon the House to reject the motion to strike out.

Mr. DICKEY moved the previous question, and there was a second.

The motion to strike out the third section was agreed to, by yeas and nays; the vote being—yeas 117, nays 40.

The bill was then ordered to be engrossed for a third reading.

Mr. MEADE moved to reconsider the vote ordering the engrossment of the bill, with a view to move its recommitment to the Committee on the Judiciary, with instructions so to amend the bill as to fix the salary of the judge at two thousand dollars.

Mr. MEADE again stated the large amount of labor to be performed by the judge, the extent of country over which he had to travel, the number to of the population, the number of courts he had hold, and the very great amount of travel he had to perform on horseback, &c.; and expressed an earnest hope that the motion to reconsider would prevail.

Mr. LINCOLN said, he felt unwilling to be either unjust or ungenerous, and he wanted to understand the real case of this judicial officer. The gentleman from Virginia had stated that he had to hold eleven courts. Now, everybody knew that it was not the habit of the district judges of the United States in other States to hold anything like that number of courts; and he therefore took it for granted that this must happen under a peculiar law, which required that large number of courts to be holden every year; and these laws, he further supposed, were passed at the request of the people of that judicial district. It came, then, to this: that the people in the western district of Virginia had got eleven courts to be held among them in one year, for their own accommodation; and being thus better accommodated than their neighbors elsewhere, they wanted their judge to be a little better paid. In Illinois, there had been, until the present season, but one district court held in the year. There were now to be two. Could it be that the western district of Virginia furnished more business for a judge than the whole State of Illinois?

Mr. J. R. INGERSOLL advocated the motion to reconsider at some length and with much earnestness. He referred to the law of Virginia, which imposed an immense amount of business on the judge of the western district of Virginia. Mr. I. had travelled through a number of the States the last season; but in his whole journey he encountered no such roads as those over which this unfortunate gentleman was destined to travel 280 miles every year. He held eleven courts, and received but $1,600, a sum greatly reduced, too, by his travelling expenses, for he was allowed no mileage. It was said that this was attributed to the law. If the law was wrong, correct it; but as long as the law remained which exacted this enormous amount of service, let the compensation be in some fair proportion to the labor rendered. It was said that in all Illinois there had been but one district court held in a year. If a similar rule should be enforced in Western Virginia, it would amount to a delay, and almost to a denial, of justice. The people might break their necks in trying to get to the court, and after all fail. Our only sovereign, under the people, was the law: and the ministers of the law were justly entitled to an adequate compensation in proportion to the services discharged. In England, not only did judges receive a liberal allowance while they continued in office, but when, owing to length of service and the infirmities of age, they were obliged to retire, the law provided for them an ample honorary pension during the residue of their days. The duties of this bench were sufficient to break down a constitution of iron. As an instance of this, he referred to the case of Judge Kennedy, of Pennsylvania, who, when he entered on judicial duty, was, as he said, "able to handle any man in Pennsylvania;" but the course of his duties on the bench ultimately prostrated his large and powerful frame, and brought him to a premature grave. He referred to the salaries allowed in his own State and some others, and warmly pressed an increase of the allowance for the bench of Western Virginia.

A statement was now sent to the clerk's table to be read, exhibiting the comparative amount of travel, courts held, and distance travelled by all the district judges of the United States.

Mr. VINTON did not know how correct that table might be as to the amount of travel; but he knew, that so far as Ohio was concerned, it was incorrect. A judge residing in Steubenville, and required to hold his court in Columbus, was set down as having no travel to perform. How he got from the one city to the other without traveling, Mr. V. did not pretend to understand. He was satisfied there were many of our judges who did not receive as much as in justice they ought to have; but Mr. V. was in favor of a general revision and due apportionment of salary, according to the service respectively rendered.

He moved that the motion to reconsider be laid upon the table. The motion prevailed; and the bill was then read a third time and passed.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House then, on motion of Mr. VINTON, resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and proceeded to consider the bill making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1849.

Mr. HOLMES, of South Carolina, addressed the committee during his hour, basing his remarks upon the memorial of the citizens of Charleston for an appropriation of $100,000 for the purchase of a site and the erection of a custom-house in that city, and (notwithstanding the favorable report of the engineer in charge) the hostility of the President thereto, which he ascribed to the general hostility of the Executive to the State of South Carolina on account of Mr. Calhoun's thwarting his efforts on the Oregon question, and saving us from a war with England. He related some interesting facts connected with Mr. Calhoun's course in opposition to 54° 40′, and ascribed to him the credit of having turned back the current of public opinion, lashed into fury by the President's extreme claim to that territory, and having preserved peace. He touched incidentally upon the Mexican war, and expressed the opinion that it was got into and precipitated by the rashness of the President. While we were in the war, he had never disputed about its propriety, necessity, and expediency, but had reserved this expression of his opinion until we were out of it. In closing, he paid an eloquent tribute to General Taylor, in his military, civil, and social character, and proclaimed his intention to support him for the Presidency.

Mr. SIMS replied with much warmth, and vindicated the Secretary of the Treasury against the charges made in relation to a custom-house at Charleston, and the Executive against an imputation of partiality to one State above another.

[These speeches will appear in the Appendix.]

Mr. WOODWARD said, he did not rise for the purpose of entering into this debate, but to make some explanation personal to himself. Having voted with his colleague [Mr. SIMS] on the proposition to increase the appropriation for the repair of Fort Moultrie, he could not avoid taking to himself the censure pronounced by his colleague [Mr. HOLMES] against his colleague [Mr. SIMS.]

Mr. W. said the department had indicated the sum necessary for the work, and the proper committee had, upon consideration, recommended that sum as sufficient. He thought proper to be governed by the recommendation of those in whose charge the law had placed such matters. He had no other reliable source of information. It would not be safe, as a rule of conduct here, to look to any less responsible source. True, his colleague, [Mr. HOLMES,] a little before the vote was taken, had informed him that some engineer had reported an additional sum to be requisite; and although he (Mr. W.) felt all becoming respect for the opinions of his colleague, [Mr. HOLMES,] and those of any engineer he might recommend as worthy of confidence, he yet concluded it would be a more warrantable course to look to the department and the committee for information, though he confessed his mind did somewhat hesitate.

But there was a great mistake in supposing these appropriations were for the State of South Carolina, or for the people of Charleston. They were for the public works of the Government. Charleston is not the proprietor of Fort Moultrie, or of the custom-house in that city. The United States have a fort near Charleston, and a custom-house in Charleston; but appropriations for these structures are not, therefore, to be called appropriations for South Carolina. These works are the property of this Government, and within its jurisdiction.

He made these remarks, because the language of the debate was calculated to produce the impression on the public that Congress had been making an appropriation for the benefit of South Carolina. His State had never received any of the bounties of this Government, and desired none.

If his colleague [Mr. H.] had intended to convey the idea that his State was likely to be influenced in her course in the Presidential election, by the hope of receiving bounties from this Government, in any shape or form, directly or indirectly, he took the liberty of saying that gross injustice had been done the character of the State. He (Mr. W.) felt bound to repudiate the idea that any such hopes would operate upon the State of South Carolina. Indeed, he did not hesitate to say that, other things being equal, the candidate from whom she had most to hope in this respect, would be least apt to get her vote. She is opposed to internal improvements.

He did not mean to intimate that there was anything to choose between parties on this subject. If he might judge from the votes of members on a late bill, vetoed twice by the President, and after-

wards reaffirmed in its principle by a vote of two-thirds and twenty over; there was little to hope from either party on this subject. But he repeated what he said in a speech two years ago: if we *must* choose between schemes, he would prefer the general to the partial system.

But he apprehended the Government would have little money to bestow the next twenty-years. Whichever party came into power, there would be little else for the Government to do but raise money, and little for the people to do but pay taxes. He doubted whether import duties would prove equal to the discharge of the public debt, at all, without other resources.

If a proper occasion should offer, he should undertake to show that it will require the greatest fiscal and financial skill, supported by rigid economy and judicious retrenchment, to discharge the public debt in twenty-five years; even supposing, what is hardly supposable, that during that long period, no further debt will be contracted.

Mr. POLLOCK next obtained the floor, but gave way to a motion to rise, and the committee rose and reported progress.

Mr. JOHNSON, of Tennessee, asked the unanimous consent of the House to submit the following resolution:

Resolved, That the Committee on Patents be, and they are hereby, authorized and required to send for persons and papers, and to thoroughly investigate the charges as preferred by H. S. Thistle against the Commissioner of Patents, for granting letters patent to Thornton Grimsley for an improvement in the manufacture of dragoon saddles, when at the same time (as alleged by said Thistle) an application for the same invention for letters patent had been pending in the Patent Office some several months prior to and at the time of said Grimsley's application, and for which letters patent were issued to said Grimsley without due notice being given to said Thistle, as required by law in such cases; and that said committee report the result of such investigation to this House, at the earliest day practicable.

Objections were made; and, on motion,
The House adjourned.

IN SENATE.

WEDNESDAY, *June* 28, 1848.

Mr. MASON, from the Committee of Claims, reported a bill for the relief of George Poindexter; which was read a first time.

Mr. BORLAND, from the Committee on Public Lands, reported a bill to revive an act authorizing certain soldiers in the late war with Great Britain to surrender bounty lands drawn by them, and to locate others in lieu thereof.

On motion of Mr. B., this bill was considered in Committee of the Whole and passed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported the following House bills without amendment: An act for the relief of Jonathan Slyter, and for the relief of William Parker.

Mr. FELCH, from the Committee on Pensions, made an adverse report on the memorial of Isaac Davenport.

On motion of Mr. BREESE, the Senate proceeded to consider the bill for the relief of such persons as may have incurred disabilities in the Post Office Department, under the twenty-eighth section of the act for the better organization of the Post Office Department, approved July, 1836.

At the suggestion of Mr. JOHNSON, of Maryland, Mr. BREESE submitted an amendment requiring the Postmaster General to report all cases in which relief was granted, to Congress; and the amendment being agreed to, the bill was read a third time and passed.

On motion of Mr. BORLAND, the bill for the relief of Jonathan Fitzwalter was taken up, considered, and passed.

The joint resolution from the House in relation to a naval pension to John McGarr, was read a third time and passed.

On motion of Mr. RUSK, the bill to authorize the President to increase the naval establishment of the United States was taken up, and made the special order for Thursday, the 6th of July next.

OREGON BILL.

The Senate then proceeded to the consideration of the bill to establish a Territorial Government in Oregon, the question being on the amendment submitted by Mr. DAVIS, of Mississippi.

Mr. BERRIEN said he had ever carefully abstained from this discussion. He had opposed every accession of territory which could bring the subject before Congress. He had ever been anxious to urge on all the propriety of letting the South alone, and leaving it to enjoy its domestic institutions without interruption. But reluctant as he was to go into the discussion, it was forced on him, and he would meet it. The twelfth section of the bill prohibits slavery in the Territory of Oregon, not in direct terms, but in its effect. It was precisely the same as extending to Oregon the ordinance of 1787, or declaring, in fact, that slavery should be prohibited in that Territory. He denied the power of Congress to do this, and to an argument on that point he addressed himself.

He denied the existence of this power in Congress, and even if it existed, he asked if it was prudent or wise to carry it out? He replied to the argument of the Senator from New York, [Mr. DIX,] founded on the derivation of the power from the clause in the Constitution which gives to Congress power over the Territories of the Union. He contended that the view of this question taken by the Senator from South Carolina was unanswerable, and that the references made by the Senator from New York to cotemporaneous authority and other decisions, proved that he himself felt the weakness of his position. The language quoted by the Senator from the 38th and 43d chapters of the Federalist, written by Mr. Madison, he regarded as having been entirely misunderstood or misapplied in reference to this question. But the Senator from New York looked principally to legislative precedents and judicial decisions to sustain him, and he, (Mr. B..) from the same authorities, had come to a directly antagonist conclusion. He insisted that there was nothing in the ordinance of 1787 to affect in any way the question of the power of Congress to inhibit slavery in the Territories. Virginia was the uncontested proprietor of the sovereignty and the soil of the Northwestern Territory, and had the power to abolish slavery in the Territory while it remained in her possession. When she made the cession of the territory to the United States, she transferred all her powers of sovereignty; and when Congress afterwards recognized the ordinance of 1787 and its validity, it affirmed no such power as had been assigned to it by the Senator from New York, but merely adapted that ordinance to the new form which the government of the Territory had assumed. By carrying out the ordinance to the new States formed out of that territory, it merely carried out the original understanding of the framers of the clause concerning territory in the Constitution. He regarded the authority of these legislative precedents vanished as the mist of the morning.

As to the judicial decisions, startled as he confessed himself to have been, by the great stress laid on them when introduced, he was entirely relieved on investigating the facts. The case of McCulloch *vs.* the State of Maryland had no bearing on the question. That of the Cherokee Indians *vs.* the State of Georgia was still more alien. In all the judicial decisions quoted by the Senator from New York, the principles for which he (Mr. B.) contended, were sustained, viz: that the United States had power to dispose of the soil, but not the people of the Territories. They fell short entirely of establishing the positions laid down by the Senator from New York.

There are three opinions prevalent on the subject of Territories:

1st. That Congress has power over the Territories to regulate all matters therein.

2d. That this power is in the Territorial Legislature.

3d. That it belongs to neither Congress nor the Territorial Legislature, but to the people of the Territory until they reach a definite number.

To the first he replied that it was not so designed. To the second, that it involved an absurdity, because it denied any power to the source from which the Territorial Legislature derived all its own power. It was the third which he desired, in the name of his constituents, to present to the consideration of the Senate. Congress unquestionably had the power to organize a Territorial Government, but it is a power subject to limitation. It is not derived from any express grant, and must be exercised in reference to the common rights of the people of the Territory. Derived from the Constitution, and not by specified grant for a particular purpose, it must be limited. He referred to the rule laid down by Vattel as to the rights of corporations, for the purpose of showing that the same principle which applies to the common property of a corporation was applicable to the Government; the United States being a great corporation, and the people of the United States the members, while the soil of the United States is the common property in which every citizen has a right to an equal participancy.

Entertaining this view, he denied the power of Congress to prohibit any citizen from taking any portion of his property into any of the States. No citizen could be prevented from taking his property into any State. There is no power in the Government to enforce any such prohibition, nor in the State governments to prevent any citizen of another State from bringing his property with him. The only ground on which the opponents of this doctrine can make a stand, is that taken by the Senator from Connecticut, [Mr. NILES,] that a slave is not property. In answer to this, he contended that the slave was as perfectly the property of his owner, as is any other kind of property he possesses. It is, to be sure, a qualified right of property which he holds, because he is restrained from destroying or injuring this property. If a master is entitled to the labor of an apprentice, surely the owner of a slave has at least as good a title to the labor of his slave. If an apprentice runs away, he can be taken, or his master may carry him with him into any other State; but this will not apply to the slave and his owner, according to the construction of many.

The property of the master in his slave is recognized by the Constitution, and cannot be destroyed by the action of any State. To show this, he quoted from the Constitution. The proprietary right of the owner in his slave is not only recognized in the slave States, but even in those States the laws of which inhibit slavery. To the argument of the Senator from Connecticut, that no master could retain his slave after the latter had set his foot on board a vessel—when under the protection of the stars and stripes, he became free—Mr. B. opposed the existence of the law to regulate the transportation of slaves. He regretted that the eagerness of those who opposed slavery led them into so many errors of fact and argument.

Mr. B. then proceeded to ask, even if we had the power to inhibit slavery, if it would be an act of wisdom and prudence to exercise it? This question he met with a direct negative. He answered the various propositions put forth by the Senator from New York as to the effect of an extension of the slave population in increasing the race. The ground of humanity was then entirely abandoned. He defended the slaveholders from the imputations cast upon them when their antagonists affected such a holy horror of slavery. If these persons were right, then (said Mr. B.) we who live in the midst of slaves must be mere outcasts from those principles of humanity which they affect to feel. Yet southern citizens are not behind their northern brethren in the discharge of their civil and religious obligations, in the duty which they owe to their fellow-creatures and their God. He deprecated the ignorance in which such erroneous statements had their origin. He regretted that northern gentlemen did not pause before they mingled these falsehoods in the elements of their children's education, to such an extent, that the rising generation grew up with a growing hatred of the institution and of those to whom it belongs.

He descanted on the character and condition of the slave—on the protection which legal and moral codes drew around them—on the attachment which existed between the master and his slave—on the affection of the white child to its black nurse, and to the colored boys with which it has sported in the sunny hours of infancy.

He referred to the use of the existing prejudices against slavery for political effect. He warned Senators from the free States to abstain from pandering to the spirit of demagogism, and entreated them to stand still, not to touch the subject, but to leave the institution free to work its own destiny. He glanced at the dangers which threaten us from any unwise interference. At this moment, when the two great parties are divided upon cardinal questions, a demagogue, mounted on the hobby of free soil, rides in among us, and distracts both parties. He appealed to the Democratic party to stand by its principles laid down in the Convention at Baltimore, which maintained the impropriety of meddling with the question of slavery in the new Territories. He was ready to give in his adhesion to

this, however he might differ with Senators on the other side, on any other question.

He concluded with some further remarks on the course taken by the opponents of slavery in the free States, and the rigid manner in which they persecuted the slaveholder when he brought his property with him into those States, and appealed to Senators from the free States to say if they believed, had such a spirit exhibited itself previous to the adoption of the Constitution, that this Union would ever have been consummated.

Mr. PHELPS moved that the bill be informally passed by until to-morrow.

Mr. UNDERWOOD (the motion being for a moment withdrawn) desired to read an amendment which he proposed to submit. The amendment of the Senator from Indiana would, in his opinion, lead to some difficulties. He desired to meet the question so plainly and so boldly that there can hereafter be no difficulty whenever any emigrants carry their property into any of our Territories.

Mr. BRIGHT's proposed amendment is as follows:

SEC. —. *And be it further enacted*, That in all the territory owned by the United States, including Oregon, New Mexico, and Upper California, which lies north of thirty-six degrees and thirty minutes north latitude, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided, always*, That any person escaping into the same from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Mr. UNDERWOOD proposes to add the following:

Provided, further, That citizens of the United States emigrating, with their slaves, into any of the Territories of the United States south of said parallel of latitude, shall be protected in their property in their slaves so long as the Territory to which they emigrate continues under a territorial government.

The amendment was ordered to be printed, and then the further consideration of the subject was postponed until to-morrow, when Mr. PHELPS will occupy the floor.

FORTIFICATIONS.

The bill making appropriations for fortifications for the year ending on the 30th June, 1849, was taken up and amended, so as to insert an item of $50,000 for the fortification at Fort Delaware, on the Pea Patch Island.

Mr. JOHNSON, of Louisiana, was about to offer an amendment; when—

Mr. BENTON moved that the Senate proceed to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 29, 1848.

The Journal of yesterday was read and approved.

Mr. HAMMONS rose (he said) to a privileged question. He moved to reconsider the vote by which was passed yesterday the resolution directing the Clerk of the House to pay to the administrator of Colonel Yell any money found to be due him for pay or mileage as a member of the twenty-ninth Congress.

Mr. H. understood the facts to be these—if he was wrong, the gentleman from Arkansas, [Mr. JOHNSON,] who had introduced the resolution, could correct him:—that Colonel Yell was a member of the twenty-ninth Congress; that he served during the first session of that Congress, and received his mileage and per diem; that he never took his seat at the second session of that Congress; that he never travelled one mile, or attended one day of that session; that this resolution contemplated to pay to his family constructive mileage from here and constructive per diem for the session which he did not attend. If these were the facts, it would appear to him that the claim was not just. For the purpose of ascertaining how the facts might be, he moved the reconsideration.

Mr. WENTWORTH was next recognized, and yielded the floor for a moment to—

Mr. THOMPSON, of Mississippi, who wished to know whether the resolution contemplated paying Colonel Yell from the time he left here to the end of the long session, and there stop, or whether it proposed paying him per diem and mileage for the ensuing session? Colonel Baker, and the others who had left this House, as Colonel Yell did, had received pay from the time they left to the end of the session. Colonel Yell was the only man who did not draw his pay. He supposed this resolution was intended to place this claim on an equal footing with the others; and, if so, he did not object to it.

Mr. WENTWORTH said, considering the circumstances of Colonel Yell's death, and considering that the other colonels had come here and got their mileage and per diem, he should be extremely mortified to see anything of this kind appear on the Journal of the House. He hoped the gentleman from Maine would withdraw the motion to reconsider, or he (Mr. W.) should move to lay it on the table. He believed it would be an act of gross injustice to try to deprive the family of a man who had died under such circumstances of the mileage and per diem which others had received who had no more right to them.

Mr. JOHNSON, of Arkansas, would make a statement in regard to this matter, as it was desired by gentlemen. He knew, from the name of the individual concerned, that it would attract the attention of this House and its fair and generous consideration. Governor Yell was a member of the twenty-ninth Congress—that we all knew; he came here at the commencement of the session; he left at the commencement of the war, and drew his pay up to the time. He went to the war as a volunteer of the State of Arkansas, in the ranks as a private; he marched one hundred and forty miles in the ranks to the place of rendezvous, where he was elected, under the militia laws of the State of Arkansas, colonel of the regiment. He was commissioned by the Governor, went to the war, and served up to the 22d or 23d day of February, when he was killed at the head of his regiment at the battle of Buena Vista. None who knew him here or elsewhere ever knew in this country, or any other, a more perfect gentleman, a more gallant man, or one more devoted to the interest and welfare of his country. So much here; and in the course of the time he was *there*, he met with such injustice and unkindness that he would dislike to make any allusion to them here, and which he should regret most exceedingly to see carried out here towards his family. Governor Yell left behind him, without father or mother, a number of children; the estate was greatly embarrassed, and was likely to be sold, and not one cent left to take care of them. To whatever he was entitled from this Congress, whether constructively or for actual service, he could not believe there was a man within the sound of his voice who would be so ungenerous, so wanting in self-respect, as to think of refusing it, and of coming here to talk on this question about a pitiful matter of dollars and cents.

What was the resolution? It provided that the Clerk of the House be instructed to examine into the accounts of Colonel Yell, a member of the 29th Congress, and that the amount which was ascertained to be due to him should be paid over to his administrators. Now, before it could be paid, the account must necessarily go to the Committee on Accounts and be examined, and not one cent could be paid without their authority. But there were spirits just low enough to approach and oppose any subject presented, if it was to pay any money. If any gentleman had asked him what was the nature and character of this claim, he would have answered him with pleasure. Gentlemen knew that members of Congress received their pay, and were entitled to receive their pay, if they had their certificate of election, even though they were unable to come here at all. Colonel Yell drew his pay up to the time he left, and no further. Now, when it was found that Colonel Baker, of Illinois, came on here at the 2d session of the 29th Congress, and drew the whole of his per diem and his mileage up to that time, could objection be made to paying the family of Colonel Yell in the same manner? He did not object to Colonel Baker receiving his pay at all; he had gone from this Hall to serve his country in another capacity under the militia laws of his own State.

Mr. THOMPSON, of Mississippi, understood this resolution merely to refer the question to the Clerk to determine what was due to Colonel Yell.

Mr. JOHNSON, of Arkansas, repeated that members came here at the beginning of the session and were gone months at a time, and no question was raised of their right to their per diem during the whole time. He only asked that the same course be taken now; he asked that the children of that man, towards whom the heart of every citizen of Arkansas at least must turn with veneration and affection, should receive the same thing that gentlemen were constantly receiving. He did not believe that the House ought to permit the discussion of a thing so plain. If the Committee on Accounts found nothing due to Colonel Yell for his services, they would of course refuse to audit the account.

Mr. HAMMONS explained that his object in moving a reconsideration was, that when reconsidered the subject might be referred to the Committee on Accounts, and whatever might be found due to Colonel Yell, he should make no objection to paying.

Mr. STARKWEATHER was about to make a suggestion to the gentleman from Arkansas, which he thought would obviate the whole difficulty. It had been supposed by the gentleman from Maine [Mr. HAMMONS] that this resolution did not refer the subject to any committee. He apprehended if it did, it would be satisfactory to the gentleman from Maine, as well as the gentleman from Arkansas, and the whole House. The facts, as he understood them, were these: that Colonel Yell was a member of the 29th Congress; that he served the first session; that he was not here the second session, and that his successor took his seat on the 7th February. This resolution contemplated the payment of his per diem up to the 7th of February, and his travel fees from Arkansas here. Now, if this resolution went to a committee, and that committee ascertained that there was no law allowing that mileage and travel, it would then be their duty—he should consider it his duty as a member of the Committee on Accounts—to report the facts, and when the House were in possession of all the facts, it could judge for itself of the whole subject-matter.

Mr. McKAY said that the resolution on its face simply provided that the Clerk pay to the legal representatives of Colonel Yell the per diem and mileage to which he was entitled. Of course nobody would object to that. But he had understood, informally, from the gentleman that the purpose was to go further. Colonel Yell had received pay, as he (Mr. McK.) understood, up to the time when he left the service of the House and joined the volunteers in the military service, in which he continued until he was killed at the battle of Buena Vista. Now, what the gentleman proposed by his resolution was, that the Clerk pay the legal representatives of Colonel Yell for constructive mileage and per diem up to the time of the election of his successor. He wished to know from the gentleman if that was the fact?

Mr. JOHNSON, of Arkansas, with reference to the suggestion of Mr. STARKWEATHER that it would be generally satisfactory to the House to refer this resolution to the Committee on Accounts, repeated that of its own force and effect it would refer the subject to them before the accounts could be audited.

As to the inquiry of Mr. McKAY, with reference to the amount of this claim, he replied that he claimed for Colonel Yell's legal representatives all that was due to him under the law of the land, if it was to come up to the hour of his death. But, as this House was the judge of the elections of its own members, it had concluded to oust Col. Yell when it admitted Colonel Newton, not that he was dissatisfied with the admission of Colonel Newton at the last session of Congress, although he knew it virtually superseded Colonel Yell, and consequently deprived him of the right to draw any per diem from the time he ceased to be a member of the House. Now, he asserted that Col. Yell never had resigned his seat; that the proclamation for the election was issued and the election took place without his resignation having been made, and it never had been made to this day. The consequence was, that the man could not be deprived of his seat here except by the direct action of this House. He (Mr. J.) claimed, under these circumstances, that Colonel Yell was entitled to his pay up to the very last moment that he was considered a member of this House; up to the time the Governor issued his proclamation for an election. It would be with the committee to examine this and the whole matter. He believed it was justly due, and he had not only discharged his duty, but acted out the feelings of his heart in presenting this claim, which he could not doubt would receive the prompt and favorable action of the House.

THE CONGRESSIONAL GLOBE.

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Mr. TOMPKINS (the floor being yielded) rose for the purpose of making a suggestion to his friend from Arkansas. He was willing, under the circumstances, to vote to the children of Colonel Yell some bounty as an evidence of the gratitude of the Government for his patriotic services and his fearful sacrifice. His friend had remarked that these children were without any parent—the mother having been gathered to the tomb preceding the time when the father fell a sacrifice in the cause of his country—and also that the estate was greatly embarrassed. Now, he suggested whether the resolution directing the payment of this money to the legal representatives of Colonel Yell would accomplish the generous object for which it was intended? Would it not go in with the other assets and fall into the hands of the creditors, and leave the children in want? He abominated the maxim that republics are ungrateful, and was willing to show its falsity in this instance by voting this bounty—for, after all, it must be considered in the light of a bounty; but a bounty voted thus out of gratitude for the services of the gallant and patriotic father ought not justly to fall into the hands of creditors, but should be secured for the benefit of the orphan children, and be lodged for the present in the hands of a guardian. He suggested to the gentleman from Arkansas whether some such modification of the resolution would not better accomplish the object with which it was moved.

Mr. JOHNSON replied that he did not urge the measure as one of bounty, but of justice, and in accordance with the principles on which this House had hitherto uniformly acted. With regard to the suggestion of the gentleman from Mississippi relative to securing the sum due the father for the benefit of the children, he would state that the estate of Colonel Yell was greatly embarrassed, and that this sum of money would save the property from being sold out at a heavy sacrifice, and leave to the children the property.

Mr. TOMPKINS professed himself satisfied with this explanation.

Mr. JOHNSON (continuing) said he had no idea of making such a movement for the benefit of speculators and harpies. To a man who would even claim a debt from the estate under circumstances like these, he would not give his hand; he would not associate with him. He would have nothing to do with those who would press a claim under such circumstances.

But he would call the attention of the House to one more fact; and gentlemen who were members of the last Congress would recollect it. When Colonel Newton presented his credentials as a member of Congress from Arkansas, it was a matter of grave consideration—as there was no evidence before this House of the resignation of Colonel Yell—whether Colonel Newton should or should not be permitted to take his seat. He would say further, that one of the Senators from Arkansas came into this House and advised gentlemen on this side of the House to make no opposition to it, as it might be considered that it was, to some extent, thwarting the expressed will of the people of Arkansas, and consequently no objection was made. Yet it was seriously doubted whether Colonel Newton was entitled to his seat or not, as, although he had the certificate of the Governor, there was no evidence of the resignation of Colonel Yell. He thought it must appear perfectly evident that Colonel Yell was entitled to his pay up to the time that the proclamation was issued by the Governor; and he hoped no gentleman would object to its being paid, if, after a full examination, it should be proved.

Mr. COCKE, after recapitulating the facts of the case, as he understood them, said, he was sure no gentleman would object to paying what was due to Colonel Yell as a member of the twenty-ninth Congress. But this resolution was designed merely to cause an inquiry to be made to ascertain what amount was due, and whether the seat of Colonel Yell was vacated by his acceptance of a commission in the volunteer service. He (Mr. C.) was not able to determine that question; but he thought, if there ever was a case where the practice of the House could be justified in paying members who were not in attendance, this was one of those cases. He hoped there was no serious disposition on the part of the House to reconsider this resolution; and believing the House was ready to vote, he moved to lay the motion to reconsider on the table.

Mr. SCHENCK asked the gentleman from Tennessee to withdraw that motion, to give him an opportunity to make some remarks and some reference to facts which occurred during the last Congress.

Mr. COCKE consented, on condition that the gentleman from Ohio would renew the motion.

Mr. SCHENCK said, no man could object to pay what was due to "Representative" Yell, and the amount due could be readily ascertained by the Clerk; but this resolution had been pressed on other grounds, which made it necessary to look a little further into this proposition. It was not improbable that Colonel Yell received all that was due to him as a member of Congress up to the time he accepted his colonel's commission; and it was well known that the question had arisen whether he was entitled to his seat here after he became a commissioned officer. He had no desire that Congress should be inconsistent in its course, especially toward one whom he had ever found a gallant, a worthy, and a respectable man; but when a principle was involved, such as that which this case presented, he could not allow it to pass in silence.

He then referred to proceedings of the last Congress in reference to the case of Colonel Baker, of Illinois, who came here, remained one day, and drew his pay as a member of this House, although he had been absent in the military service in Mexico, receiving the pay and emoluments of a colonel in the army. He (Mr. S.) at that time offered a resolution to institute an inquiry whether Colonel Baker, being in the volunteer service, was entitled to his pay as a member of this House. The subject was referred to a committee of this House, and he remembered well that there were gentlemen here who contrasted the conduct of Colonel Yell with that of Colonel Baker. Colonel Yell, he believed, settled up his account to the day that he retired from Congress, and no longer; whereas Colonel Baker drew his per diem while he was receiving emoluments as an officer in the army. He then read a series of resolutions which were reported from a committee, but not acted upon by the House at the last session, and briefly stated the substance of the argument which the accompanying report contained, and its conclusion that a colonel of volunteers could not consistently be a member on this floor. He alluded also to some precedents of an earlier date, and commented on the questions involved at some length, and likewise on the proceedings had in the case of Mr. Newton, who succeeded Colonel Yell as a member of this House. He said they should not mix up with this question kind and generous feelings for a worthy man; they were not to be guided in the discharge of their duties by sympathy. Besides, if this resolution were passed, it would not benefit the children of the late Colonel Yell, for the amount that might be paid would go to the deceased's general estate, and not to the children for whom the sympathies of gentlemen were excited.

Mr. RICHARDSON explained the present state of the pension laws and their operation upon the children of the deceased, in case of the death of the mother.

Mr. SCHENCK spoke in favor of the reconsideration.

Mr. RICHARDSON opposed it as unnecessary. The matter would be referred to a committee as a matter of course.

Mr. SCHENCK said the rights of the House were involved, and he was unwilling to subject those rights to the judgment of any committee. The question involved the declaring of Mr. Yell to be a member of the House at the same time with Mr. Newton, and from the same district. In consideration of his pledge, he renewed the motion to lay on the table, but withdrew it at the request of

Mr. FARAN, who took this occasion to press the propriety of a law providing that the pension which would accrue to the widow of a soldier who perished in the service should, in case of the death of his wife, go to his orphan children. As the law now stood, if those poor children lost mother as well as father, they were cut off from all the relief intended, and cast on the cold charity of the world.

Mr. COCKE stated that a bill had been prepared to cover the very object, with many others, and reported by the Committee on Pensions; but, owing to debate on irrelevant subjects, it had not yet been reached on the calendar.

Mr. SCHENCK, after some further remarks, moved to lay the motion to reconsider on the table; which was agreed to.

So the reconsideration was laid on the table.

CUMBERLAND ROAD.

Mr. SMITH, of Indiana, previous notice having been given, introduced a bill to surrender to the State of Indiana that portion of the Cumberland road lying within said State.

The bill was read twice.

Mr. SMITH, of Indiana, in explanation, stated the present condition of the road. It had been opened and partially graded through a great part of the State; but it had now been ten years since any appropriation had been made towards its completion, and it was falling rapidly into a state of dilapidation. He knew personally of three bridges upon it which had fallen down for want of repair; and unless something was done, in the course of three years more the whole road would be impassable. It was now, in winter time, the worst road in the State. The people of the State had waited long in hope of aid from the General Government, but they had now abandoned all hope from that quarter; they did not expect to get a dollar more; and, as the last remedy, they now asked that it might be surrendered to the State, and in the course of a few years they hoped to be able to complete, if not the whole, a large part of it.

Mr. THOMPSON, of Mississippi, asked on what conditions this work was proposed to be surrendered to the State?

Mr. SMITH replied that the surrender in the bill was absolute and unconditional. The reason why the surrender differed in this case from the terms on which other parts of the national road had been surrendered to Ohio and Pennsylvania was, that in those cases the Government had first completed the road, but in Indiana it remained incomplete. The State did not, therefore, enter into any terms or conditions with the General Government. The object was to get the State Legislature, after the surrender, to divide the road and parcel it out among different private companies, who would finish it out of their own means. The State was not willing to bind itself to complete the road; it was a work too heavy for it to undertake.

Mr. McKAY asked some question not distinctly heard by the reporter, but believed to have relation to the terms on which the other parts of the road had been surrendered, such as the obligation to keep it in repair, &c. Why did not the same obligation apply in this case?

Mr. SMITH replied that the same principle did not apply in this case, because the Government had left the road in an unfinished state so long, that it was falling into ruins. Not more than a mile, or two miles, in different places, was finished; the residue, from long neglect, had become the worst road in the State. If the General Government had delivered over the road in a finished state, then they might require certain corresponding conditions on the part of the State receiving it; but here they had done no such thing. In so terrible a state of dilapidation was it fallen, in many places, that it would require as much money to repair it as it would to make it *de novo*. All the State got by the transfer, was the right, on a part of the line of road, to cut the timber on the public lands for a certain distance on each side of it, to aid in the repair. Some parts of the road were a complete morass. Many gentlemen must recollect the time when Mr. Van Buren was completely swamped

in the very middle of it. Mr. S. should be glad if the bill could be passed without delay; it was obviously proper, and greatly needed.

Mr. FICKLIN concurred fully in the entire statement which had been made by the gentleman who had just taken his seat. He hoped, however, the bill would be referred to a Committee of the Whole, in order that he might move an amendment providing for a like surrender to Illinois of so much of the road as passed through that State.

Mr. VINTON said that this bill had now been reported to the House for the first time: the proposition was new. That portion of the line of road which passed through Ohio, Virginia, and Pennsylvania had been surrendered to those States on certain specified conditions, and in a qualified manner only. One special condition was, the right on the part of the General Government to resume the jurisdiction and control of the road if the States failed to keep it in repair. None of these conditions, as he understood, were inserted in this bill. The bill might be a very proper one, but he could not consent to rush suddenly into definitive action upon it, and dispose of an interest which had been a subject of discussion in Congress for twenty years, on its first presentation. He wanted time to examine it, to think about it; and he hoped the bill would be recommitted, and with that view he would move its reference to the Committee on Roads and Canals.

Mr. GREEN thought that if the general system which had prevailed was now to be abandoned, and the portions of the road which had been begun were to be surrendered to the States in which they lay, the State of Missouri ought to receive the two per cent. on the proceeds of the sales of the public lands which had heretofore been reserved for making roads to and in that State; and he would move, as an amendment to the motion of the chairman of the Committee on Ways and Means, that the Committee on Roads and Canals be instructed to provide for paying to Missouri the amount of that two per cent.

Mr. SMITH, of Illinois, was understood to say that he concurred in the propriety of the amendment suggested by the gentleman from Illinois. He thought that State should enjoy a like transfer as the bill provided for Indiana. It was due to all parties that this long-vexed subject should receive some final disposition, and that without delay.

The question was then put on Mr. VINTON's motion, and decided in the affirmative.

So the bill was referred to the Committee on Roads and Canals.

MONUMENT TO MR. ADAMS.

The orders of the day being called for, the resolution reported by the Committee on Accounts, instructing the Committee on the Library to procure and cause to be erected, a monument of Quincy granite, with suitable inscriptions, in memory of the late John Quincy Adams, was announced as the business first in order, to which was pending an amendment moved by Mr. JOHNSON, of Tennessee, directing the Committee on Accounts to inquire into and report to the House the whole amount of expenses incurred for the funeral and removal of the remains of Mr. Adams to Massachusetts.

Mr. JOHNSON, of Tennessee, was entitled to the floor.

Mr. GRINNELL appealed to the gentleman to yield, and he would move to lay the resolution on the table, remarking that it was the present wish of the delegation from Massachusetts that it should so be disposed of, rather than that such a debate should go on as had ensued upon its introduction.

Mr. JOHNSON refused to yield, and proceeded at some length to oppose the resolution, and to condemn the general prodigality of the contingent expenses of both Houses of Congress, and other Governmental expenditures.

Mr. WOODWARD briefly gave his reasons in opposition to the resolution, and concluded by moving to lay it on the table; which was agreed to.

BILLS READ AND REFERRED.

The following bills and joint resolutions of the Senate lying on the Speaker's table were taken up and read a first and second time, and referred to appropriate committees:

A bill to revive an act authorizing certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof.

A bill to provide for a survey of the mouth of Red river, in Louisiana.

A bill for the issuing of patents for lands in the State of Louisiana in a certain class of cases, and for other purposes.

A bill to vest the title of the United States in the purchasers of certain lands sold under execution against Gordon D. Boyd.

A bill to promote the despatch of business in the Supreme Court, and to repeal the second section of the act approved June 17, 1844, entitled "An act concerning the Supreme Court of the United States."

A bill for the relief of Alfred White.

A bill for the relief of Stalker & Hill.

A bill to relinquish the reversionary interest of the United States in a certain Indian reservation in the State of Alabama.

A bill for the relief of George V. Mitchell.

A bill to confirm to the legal representatives of Joseph Dutaillis the location of a certain New Madrid certificate.

A bill for the relief of Samuel Grice.

A bill granting a pension to Bethiah Healy, widow of George Healy, deceased.

A bill for the relief of William B. Stokes.

A bill for the payment of Charles Richmond.

A bill for the relief of Benjamin Adams & Co. and others.

A resolution for the relief of such persons as may have incurred the disability of the 28th section of the act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof, approved July 2, 1836.

A resolution for the relief of H. B. Gaither.

A resolution to sanction an agreement made between the Wyandots and Delawares for the purchase of certain lands by the former of the latter tribe of Indians.

The following bill and joint resolution of the Senate were taken up, read three times, passed, and returned to the Senate, viz:

A bill supplemental to the act passed on the 9th day of July, 1846, entitled an act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia.

A resolution in relation to the naval pension of John McGarr.

The concurrent resolution of the Senate for placing in the Library of Congress the portrait of Major General Baron de Kalb, presented by his surviving family, was taken up, read, and agreed to.

The amendments of the Senate to the bill of the House supplemental to an act to confirm the survey and location of claims for lands in the State of Mississippi, east of Pearl river, and south of the 31st degree of north latitude, approved March 3, 1845, were read, and the bill and amendments referred to the Committee on Private Land Claims.

The amendments of the Senate to the bill making appropriations for the service of the Post Office Department for the year ending June 30, 1849, were read and referred to the Committee of Ways and Means.

The House then proceeded to consider the Senate bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal-heavers in the navy, and to their widows, which was reported some days since from the Committee on Naval Affairs, with an amendment.

The question was stated on agreeing to the said amendment, when

Mr. JONES, of Tennessee, moved to commit the bill to the Committee of the Whole on the state of the Union; which motion was agreed to.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1849.

Mr. POLLOCK being entitled to the floor, addressed the committee in a speech of an hour's length, upon the evil consequences of the Mexican war, which he zealously charged upon the Democratic party. He denounced the veto power, and, in closing, made some remarks in favor of the tariff of 1842.

Mr. FRENCH next obtained the floor, and went into an argumentative speech on the subject of slavery, and of the power of the General Government to prohibit it either in the District of Columbia or the Territories of the United States, in which he took very decidedly the negative side of the subject. When Mr. F. concluded, the floor was obtained by

Mr. J. R. INGERSOLL, who yielded to a motion by Mr. POLLOCK that the committee now rise.

Mr. HOLMES, of New York, asked leave to introduce a bill to alter and regulate the mileage of Senators and Representatives in Congress.

Mr. HALL, of Missouri, objected.

And then the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. TALLMADGE: The memorial of the heirs of Colonel Seth Warner, for relief for revolutionary services. Also, the petition of John Frazer, for compensation for services in the erection of the New York custom-house.

By Mr. MANN, of Pennsylvania: The petition of Robert Morrison, who was a soldier in the first regiment of heavy artillery, United States army, under General Brown during the late war with Great Britain, praying for relief.

By Mr. CHAPMAN: The memorial of William Brent, Daniel Carroll, of Duddington, John S. Meehan, and other citizens of Washington, asking an appropriation to remove nuisances from the public grounds.

IN SENATE.

THURSDAY, *June* 29, 1848.

Mr. DAVIS, of Massachusetts, presented a memorial from citizens of Boston, asking that Government will survey the route of a railroad from New York to Philadelphia; which was referred to the Committee on Roads and Canals.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, from the Committee on Private Land Claims, reported a joint resolution authorizing the submission of certain claims to arbitration; which was read a first time.

Mr. BUTLER, from the Committee on the Judiciary, reported an act giving the consent of the Government of the United States to the State of Texas to extend the eastern boundary so as to include within her limits one-half of the Sabine pass, Sabine lake, and Sabine river as far north as the 32° of north latitude.

Mr. B. asked for the immediate consideration of the bill, and briefly explained its character. The boundary of the United States, it was known, embraced the Sabine river and lake to its western shore. The boundary of the State of Louisiana extended to the middle of the Sabine; so that the half of the river and lake, to the western shore, belonged to the United States, and was not included in the State of Louisiana; therefore, the boundary of the State and that of the United States, was not identical. The bill before the Senate gives the half of the river beyond the boundary of the State of Louisiana to the State of Texas, for the purpose of enabling the latter to extend her criminal jurisdiction to the Louisiana boundary. There could be no objection to the bill, and he hoped it would now be passed.

Mr. JOHNSON, of La., and Mr. DOWNS, in behalf of the State of Louisiana, expressed their acquiescence in the arrangement.

The bill was then read a third time and passed.

Mr. DOWNS, from the Committee of Claims, reported a joint resolution for the relief of Richard Field.

Mr. D. explained the circumstances connected with this resolution, and solicited the indulgence of the Senate to take it up and put it on its passage. The motion was agreed to, and the joint resolution was read a third time and passed.

Mr. RUSK, on leave, introduced a bill to establish the collection district of Brazos Santiago, in the State of Texas; which was read twice and referred to the Committee on Commerce.

[Mr. R. invoked the early action of the committee on the bill.]

Mr. HAMLIN, on leave, introduced a bill to make Bangor a port of entry for ships or vessels coming from and beyond the Cape of Good Hope; which was read twice, and referred to the Committee on Commerce.

Mr. JOHNSON, of Maryland, moved to print 10,000 copies of the memorial of the Chicago Convention, that being the number printed of the memorial of the Memphis Convention.

Mr. J. explained that he had been guided in his selection of the number of extra copies by the course taken in reference to the proceedings on the memorial of the Memphis Convention. The memorial was an able one, and as the one memorial had been extensively circulated by Congress, he presumed there would be no objection to a similar circulation of the other.

Mr. NILES objected to this loose mode which had crept, of late years, into our practice of circulating, at the public expense, matter which did not legitimately belong to the proceedings of Congress.

Mr. BUTLER also was opposed to printing the reports of irresponsible conventions. He had no doubt whatever of the respectability of the Convention, and the ability which characterized its proceedings, but he should be obliged to vote against the motion.

Mr. BRIGHT moved to postpone the further consideration of the motion, for the purpose of proceeding to the special order.

Some opposition being manifested, Mr. ALLEN asked for the yeas and nays; which were ordered. The question was then taken, and decided as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Borland, Bradbury, Breese, Bright, Butler, Davis of Mississippi, Dickinson, Dix, Dodge, Downs, Felch, Foote, Hale, Hamlin, Hunter, Mason, Niles, Sturgeon, and Turney—22.

NAYS—Messrs. Badger, Bell, Clarke, Clayton, Corwin, Davis of Massachusetts, Greene, Houston, Johnson of Maryland, Johnson of Louisiana, Phelps, Rusk, Spruance, Underwood, Upham, and Walker—16.

OREGON BILL.

On motion of Mr. BRIGHT, the Senate proceeded to the consideration of the bill to establish a Territorial Government in Oregon.

The question being on the motion of Mr. DAVIS, of Mississippi, to amend the bill—

Mr. PHELPS said it was not his purpose, when the debate commenced, to take any part in this debate, which he regarded as dangerous; but he had changed this purpose, in consequence of the points which had been taken by Senators. He took a view of the character of the Missouri compromise, and stated that it was now asserted, that in the teeth of this compromise, Congress has no power to exclude slavery in any of the Territories of the United States. It was now insisted that there was in Congress no power whatever to interfere in this question. Before he could give his assent to this new doctrine, he must be permitted to examine it.

He went on to say, that it was too late now to set up this objection, because it was a question settled by the legislation of the country from the adoption of the Constitution to this day. The acquisition of territory brought with it the power to govern it. The power of Congress over it is unqualified and unlimited. If Congress possess the general power of legislation in relation to Territories, it has the same power as the State Governments have over their territory. If there are any restrictions on this power, he called on Senators to point out the clause in the Constitution which contains them. There is no restriction, unless it be one arising from the subject itself.

He admitted that all the powers of Government are held in trust; but there is no analogy between this and a common legal trust. No two things are wider than a legislative power and a legal trust: the former involves a large amount of discretion. The analogy drawn between the Government and a corporation was well enough in principle, but it had no application in this case. He examined the character of slave property, which had its origin in domestic relations; it is merely an incident to the relation between parent and child, and a still closer incident to the relation between master and servant; it is analogous to the relation between master and apprentice; it can exist nowhere where that relation does not exist. The right of the citizen to remove his property into any other State is fully admitted; but the citizen, when he removes his property to another State, takes it there subject to the local laws of that State. Does not this hold good as to all property? This is a species of property which is not recognized everywhere as such: the citizen can remove property which is everywhere recognized as such, but he has no right to carry a peculiar kind of property, only recognized as such in his own State. If he has a right to carry this property, how is it that he can lose his title to it? It is not so as to goods and merchandise, which are recognized and respected everywhere. You may carry your property where you please, but it must be subject to the jurisdiction of the State where he selects his residence. This slave property is incident to a peculiar institution which is permitted in particular States, but is not permitted to exist in others. If you take it into those States in which it is not permitted to exist, how is it to stand against the power of local legislation?

But it is still further insisted that the South has the power to carry its property into any other State, and to hold it in defiance of local legislation. Admit this, and the power is yielded to spread slavery over any territory you may acquire; and wherever the area of freedom is to be extended, the standard of slavery must be carried with it. Against this, he must enter his protest. Before he could admit this doctrine, he must see the clause which ties up his hands.

It had been said, the Constitution recognizes this description of property. The Constitution speaks of persons "held to service," but it is silent as to their being property. He denied that what was incident to a domestic relation, and ceased when the institution ceased, could be regarded as property. The regulation which binds master to slave is confined to the State in which that relation exists, but cannot extend beyond it. But where did southern Senators find the clause authorizing the extension of this institution, by the introduction of slavery in States whose local legislation is opposed to it? The claim is asserted to introduce slavery into Oregon: he would like to know on what basis it rested. The master, when he takes his slave into a free State, emancipates him, whether he will or not. It depends not on his will, but on the local laws of the State into which he has carried his slave.

He approved of the doctrine laid down by the British authorities, and by the free States, because the converse would place slavery above the institution of legislation.

Mr. BUTLER asked whether, if a slave were seduced or stolen in a slaveholding State, and carried into a free State, the person committing the act would be punishable?

Mr. PHELPS said, that as the act would be a crime against the laws of the slaveholding State, it would be held as a crime everywhere; but whether the offender would be punished, might depend on legal technicalities or matters into which he would not go.

If southern gentlemen laid it down that they could not carry on their social system without slaves, he requested them to cast their eyes over the free States—Ohio and others—and to say if slavery was indispensable to prosperity. He pointed to the progress of the great western country, where the institution of slavery had not penetrated.

Congress has the right to legislate on the subject, but whether Congress will assent to the introduction of slavery in new Territories is a mere question of expediency.

The people of Oregon having formed a temporary Government, adopted a system of laws by which slavery was prohibited. This clause recognizes those laws, and the motion is to strike out the clause. If we are called on to force the institution on the Territory, it may be well to look at the consequences. If they are not adapted to the institution, the institution is not adapted to them. It is suited to a different region of country. Let us not force it on them. If they are to have it, let them introduce it themselves, when they have grown up into greater power. We should let them alone.

He disclaimed any desire to make a display by going into the thousand and one stories—some exaggerated, and others without foundation—with which the Senate was entertained yesterday. He did not intend to throw any reproach on the South because of the existence of slavery. The people of the South had received it from their ancestors. He was willing to say, as far as his narrow observation had extended, that many of the slaves were much better treated than he previously had expected. Still it was an evil—admitted to be such by many southern gentlemen themselves; and he hoped no favor would be shown to an effort to extend the institution.

Gentlemen had complained that slavery was pent up within a few States. Why should it not be pent up? Would gentlemen desire to inflict the institution on other States? What was to become of the slaves in the new Territory—were they to enter them free or as slaves? The moral sense of the age was against the institution—it was denounced by the Christian world—everywhere it was opposed. We had seen the overthrow of aristocratic systems in France by the movement of the masses, and in the midst of the ardor of that revolution, slavery was put down. While we are congratulating the French people on their success in putting down these aristocratic institutions, we are ourselves extending this institution of slavery to the new Territories we acquire. He desired to see something like consistency in our legislation. He regretted to see the spirit of acquisition walking abroad through our country. How long it may be before we shall lay our hands on Canada and the West Indies, he could not tell. But he hoped we should yet be consistent enough to refuse to extend the evil of slavery to whatever Territory may fall into our hands.

If the new ground taken, which violates the Missouri compromise, be maintained, he foresaw great difficulty and danger. The question in that case never can, never will be settled. It can only be settled by a withdrawal of the free States. He would not have meddled with this debate, but his silence was forbidden by a strong sense of duty.

Mr. MASON wished to address the Senate, and would go on now, or wait till another day.

But the further consideration of the bill was postponed till Monday.

FORTIFICATIONS.

On motion of Mr. ATHERTON, the Senate took up the bill making appropriations for fortifications for the year ending on the 30th June, 1849.

Mr. UNDERWOOD moved to amend the bill by inserting an appropriation of $50,000 for the repair of the dam at the head of Cumberland Island, in the Ohio river, on which some debate ensued, in which Messrs. ATHERTON, CLAYTON, JOHNSON of Maryland, DOWNS, and DAVIS of Mississippi, opposed the motion, on the ground that a bill on the subject having already passed the Senate, and gone to the House, it was not proper to insert the same bill in an appropriation bill, which would seem like an attempt to coerce the House into an acquiescence of the measure. It was also urged that to imbody this subject in the fortification bill, was the introduction of irrelevant matter, and might induce the President to veto the bill.

Messrs. UNDERWOOD, BENTON, and BELL defended the proposition, on the ground that the bill which had gone from the Senate could not be taken up in the House without a vote of two-thirds in its favor, and was therefore in peril of being lost.

The question was then taken, and decided as follows:

YEAS—Messrs. Allen, Bell, Benton, Bright, Clarke, Corwin, Hannegan, Johnson of Louisiana, and Underwood—9.

NAYS—Messrs. Atchison, Atherton, Badger, Berrien, Bradbury, Butler, Cameron, Clayton, Davis of Mississippi, Dickinson, Dix, Downs, Felch, Hale, Hamlin, Houston, Hunter, Johnson of Maryland, Johnson of Georgia, Mangum, Mason, Niles, Phelps, Sebastian, Spruance, Sturgeon, Turney, Upham, and Yulee—29.

Mr. DAVIS, of Mississippi, then moved to strike out the clause making an appropriation of $40,000 for building a sea-wall at Great Brewster's Island.

Mr. DIX opposed the motion, as the appropriation had been inserted by the sanction of the committee, and was connected with the general plan for the completion of the system of fortifications.

Mr. DAVIS, of Massachusetts, explained the condition of Brewster's Island, on which the waters of the ocean were making such inroads, that, unless the sea-wall was built, it must be gradually washed away, and the entrance of the harbor by that channel entirely obstructed. The plan of the Government was to erect a battery on the island, and the building of the sea-wall was the necessary preliminary step.

Mr. DAVIS, of Mississippi, said he was opposed to making this appropriation for building a sea-wall on an island which was not yet in the possession of the United States, as it had never been ceded to the United States.

Mr. ATHERTON explained the propriety of the appropriation, and stated that the State of Massachusetts was prepared to cede the island at any time.

The question was then taken on the amendment of Mr. DAVIS, and decided as follows:

YEAS—Messrs. Allen, Atchison, Benton, Bright, Butler, Davis of Mississippi, Dickinson, Downs, Felch, Foote, Hannegan, Houston, Johnson of Georgia, Mason, Sebastian, Turney, and Yulee—17.

NAYS—Messrs. Atherton, Badger, Bell, Bradbury, Cameron, Clarke, Clayton, Corwin, Davis of Massachusetts, Dix, Greene, Hale, Hamlin, Hunter, Johnson of Maryland, Johnson of Louisiana, Niles, Phelps, Spruance, Sturgeon, Underwood, and Upham—22.

Mr. JOHNSON, of Louisiana, moved to amend the bill by inserting an item for fortifications on Proctor's Island, Lake Borgne, $50,000.

The question being taken, it was decided in the negative; and the bill was then read a third time by unanimous consent and passed.

On motion of Mr. BENTON, the Senate went into Executive session; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 30, 1848.

The Journal of yesterday was read and approved.

INDIAN APPROPRIATION BILL.

Mr. VINTON, from the Committee of Ways and Means, to which was referred the amendments of the Senate to the bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849; and to the bill making appropriations for the service of the Post Office Department for the year ending June 30, 1849, reported the same back to the House, accompanied by a written report.

The bills and amendments were committed to the Committee of the Whole, and the amendments and report ordered to be printed.

Mr. VINTON gave notice that he would ask the House, on Monday next, to consider the amendments of the Senate to the Indian appropriation bill.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar. Disagreed to.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House then, on motion of Mr. VINTON, resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1849.

Mr. J. R. INGERSOLL spoke his hour on the subject of a proposed change in the character of our diplomatic agents abroad, a proposition having been foreshadowed which looked to an elevation of our ministers to foreign courts. The office of an ambassador, he said, was inconsistent with our republican institutions, and the salary and outfit of $12,000 each was greater by one-third than was paid to the highest office or functionary in connection with this Government, except only the President himself. He discussed the whole subject, and gave utterance to his inflexible opposition to the changes that were proposed.

Mr. THOMPSON, of Kentucky, addressed the committee on the general topics which constituted the Presidential controversy.

Mr. BOCOCK followed, and discussed the same subjects, but more particularly that of the power of this Government over the territories recently acquired, in the course of which he stated his opinion to be, that this Government could create slavery in those territories if it should be its pleasure to do so.

Mr. MANN, of Massachusetts, next obtained the floor, and addressed the committee during the hour. He confined himself to the simple question as to the power of the General Government over the new territories, and of slavery therein.

[The above speeches will be found in the Appendix.]

Mr. TOOMBS next obtained the floor, but gave way for a motion to rise; and the committee rose accordingly and reported progress.

ORDNANCE CORPS OF THE ARMY.

Mr. FULTON asked the general consent of the House to make a motion to discharge the Committee of the Whole from the bill to extend the provisions of existing pension laws to enlisted men of the ordnance corps of the United States army. Objected to.

The House then adjourned.

IN SENATE.

FRIDAY, *June* 30, 1848.

Mr. DAYTON presented a memorial from the Medical Society of New Jersey, asking for a law respecting the appointment of inspectors to examine adulterated drugs; which was laid on the table.

REPORTS FROM COMMITTEES.

Mr. UNDERWOOD, from the Committee of Claims, reported a bill for the relief of Thomas W. Chinn and others, accompanied by a report. The bill was read a first time.

Mr. CLARKE, from the Committee on Roads and Canals, reported a bill for the relief of the legal representatives of Moses Shepherd, accompanied by a report. The bill was read a first time.

Mr. WESTCOTT asked and obtained leave, by unanimous consent, to bring in a bill respecting the employment, by the Postmaster General, of public steamers to carry the mail along the coasts of the United States; which was read twice, and referred to the Committee on the Post Office and Post Roads.

RESOLUTIONS.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the Secretary of War report to the Senate whether or not a fortification at Proctor's Landing, on Lake Borgne, Louisiana, is not necessary for the defence of New Orleans, and if necessary, what sum is required to commence the work.

Mr. YULEE submitted the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Newnansville to Orange Springs, via Madisonburg, Florida.

On motion of Mr. DAVIS, of Mississippi,

Ordered, That 10,000 additional copies of the report of the Secretary of War, and the report of Lieutenant Emory communicated therewith, be printed for the use of the Senate, and that the said copies, as well as those already printed, be bound in muslin.

On motion of Mr. DIX, the Senate took up the bill to repeal the act of 2d March, 1837, entitled "An act concerning pilots."

Mr. DIX said, Mr. President: On a former occasion I said to the Senate all I desire to say in relation to the legal questions involved in this bill. I shall not therefore repeat what I said then, or enter into any new assignment or discussion of objections arising out of the powers of Congress over the subject of regulating pilotage in the States. But I am constrained by the remarks which were made by the Senator from Massachusetts, [Mr. DAVIS,] and the Senator from New Jersey, [Mr. MILLER,] to enter into a somewhat detailed history of the pilot question in New York. I regret that I am compelled to do so, because it has become, in some degree, a dissension between classes, involving private interests; and these are always subjects which I wish to avoid, when I can do so consistently with my duty to the public.

I have stated heretofore that the pilots of New York, in 1836, had entered into an agreement to share equally their joint receipts, and that this combination had led to a relaxation of their accustomed vigilance in looking out for vessels and taking them into port. In consequence of some disasters which occurred, the public attention was called to the defects of the system of pilotage existing in New York. In the annual message of the Governor of the State, on the 3d January, 1837, he brought the subject before the Legislature. On the following day select committees were appointed in both branches. On the 11th of February, a bill was reported by the chairman of the select committee in the House of Assembly; and after a very thorough discussion in committee of the whole, the bill was reported to the House by a vote of 91 to 7, on the 8th of March. It was subsequently read a third time and passed by a vote of 85 to 5. In the Senate the bill was received on the 14th of March, referred to the select committee of that body, and reported with amendments which were concurred in; but in consequence of the pressure of important business, it was not passed until the 6th of April. I state these facts to show the deliberation with which the Legislature of the State of New York acted on this important question. The number of pilots was increased, a careful system of examination was established, combinations were guarded against, and all the known and alleged evils of the system were provided for by appropriate remedies, or remedies at least which were considered appropriate and effectual.

The Senator from Massachusetts, [Mr. DAVIS,] in his remarks, seemed to assume that the New York pilots of 1848 are answerable for the acts of those of 1835 and 1836; and the Senator from New Jersey, [Mr. MILLER,] who followed him, made some allusion to them which appears to warrant the same inference. But if those gentlemen will consider how rapidly the lapse of years is thinning the ranks of their own friends and associates, they will not be surprised to learn that the great enemy has been busy with the pilots also. Of the sixty pilots following the business in 1837, there are but twenty-nine now engaged in piloting. More than half have perished at sea, died on shore, or become disqualified by age for the arduous service in which they were engaged. The number of New York pilots holding branches under the laws of the State, is eighty; and of these, fifty-one have been appointed since the State law of 1837 was passed. Whatever responsibility, therefore, belongs to the pilots of 1836, has, for the most part, gone with them to be met at a higher tribunal than this. I state these facts that the Senate may understand why it will be proper to deal with systems and not with men.

The haste manifested in passing the act of Congress of 1837, of which we ask for the repeal, stands in strong contrast with the legislation of New York. Let me recite the facts as briefly as possible.

By the Senate Journal of 1836–7, it will be seen that a resolution was introduced on the 12th of January, by Mr. Tallmadge, of New York, instructing the Committee on Commerce to inquire into the expediency of legislating on the subject of pilots on the seacoast, with power to report by bill or otherwise. This resolution was adopted. The Committee on Commerce consisted of the following distinguished gentlemen: Mr. King of Alabama, chairman, Mr. Davis of Massachusetts, Mr. Linn of Missouri, Mr. Brown of North Carolina, and Mr. Ruggles of Maine. The committee, though they had ample time for deliberation, never made a report on the resolution.

On the 28th day of February, the last day of the month, Mr. Wall, of New Jersey, introduced a bill on notice. It was instantly read the first and second time, reported to the Senate, and immediately read a third time—the work probably of as much time as I take to give the details.

But, sir, it is necessary that we should accompany the bill through all the stages of its course. It was received in the House on the 28th of February, the day it passed the Senate, (House Journal, page 552,) and on the next day received its proper number of readings, and passed. On the 2d of March it received the President's signature, and became the law of the land.

Nor is this all. The subject had been referred to a committee in the House early in that session. The committee made an elaborate report on the 22d of February, and asked to be discharged from the further consideration of the subject. In the face of this proceeding, the bill was passed, and in the summary way I have stated.

It is as remarkable a specimen of the despatch of business—business involving a question of constitutional power, and bringing in its train collisions between individuals, and classes, and States—as can be met with. It was hurried, or rather rushed, through Congress, almost at the last hour of its session—indeed, almost at the last hour of its existence.

I have heretofore told the Senate that the Legislature of New York, after becoming satisfied that the act of Congress operated injuriously on the pilots of that State, and after waiting eight years for its repeal, came to the conclusion to repeal her own laws regulating pilotage by way of Sandy Hook, the great outlet and inlet for the foreign commerce of the country, providing only that the pilots then licensed should continue to be pilots. It has been alleged that the New York pilots were applicants to the Legislature for repeal. This is a mistake. They appealed to the Legislature of the State to—

"Try and determine whether the aforesaid act of Congress does or does not transcend the legislative power of the Federal Government, and whether the acts exercised under its sanction and under the authority of the laws of the State of New Jersey by the citizens of that State, are or are not in

violation of the sovereignty of the State of New York, and in contempt of her laws."

It is true, they acquiesced in the repeal of the State laws, and desired it as an alternative, if they could not procure the repeal of the act of Congress. The latter object was always what they sought. Failing in it, they consented to the repeal of the State laws—a measure proposed by the mercantile interest. The pilots believed it would place them on an equal footing with the pilots of New Jersey. It was under this view of the subject, that the New York pilots, on consultation with the mercantile interest, the Chamber of Commerce and Board of Underwriters, consented to it. Such appears to be the fact from the petition to the Legislature, and the debate on the bill. It was supposed that it would open a fair field of competition to them and the New Jersey pilots, and that their fitness and industry would be the measure of their success.

As soon, however, as the State laws were repealed, the chamber of commerce and the board of underwriters organized a board of commissioners to examine pilots and give them certificates. Nor was this all. They published a notice, which I will read, calling on the ship-masters not to receive a pilot unless he could produce a certificate from them or the State of New Jersey:

"It is recommended that no vessel receive a person as pilot except on his producing a certificate signed by the above board, or those issued under authority of the State of New Jersey."

This measure was a virtual proscription of the New York pilots, unless they would consent to receive the certificates of this irresponsible board, and acknowledge its authority. It was not to be supposed that they would discredit the licenses they held under the laws of the State by receiving the certificates of a board organized without any legal authority whatever—certificates, which could confer no authority on those to whom they were given. Was it reasonable to expect them to do so? Certainly not. They possessed in the State licenses the highest warrants of authority. They required nothing more: they should not have been asked to take less.

Though the Chamber of Commerce and the Board of Underwriters have no legal control over the subject of pilotage, their actual control is very great. They represent, and indeed wield, the commercial influence of the city of New York. The ship-masters are subject, in a great degree, to that influence, and hence the recommendation had in many cases the efficacy of a command. It was literally warning the public against employing the New York pilots, though trained from their youth to their vocation, unless they, holding the State authority in their hands, would consent to receive certificates from an irresponsible board having no legal power to grant them. What was the effect? Was it to break up a monopoly—the great evil of which the public complained? The New York pilots were eighty-two in number; the New Jersey pilots seventeen; and the merchants' board, as it is called, soon after these regulations were published, granted certificates to sixteen persons. If the recommendation had been acted on, the whole pilotage of the city would have been given to thirty-three persons, and eighty-two persons would have been excluded from all participation in it. But it was not generally acted on. With all the weight it carried with it, the New York pilots continued to be, and are still extensively employed, though, as I shall show, they have felt severely the effect of the invidious distinction which has been made between them and others.

I will now proceed to state in detail the consequences which have resulted from the act of Congress; for it is to this act that all the difficulty which exists is to be traced.

1. There has not been a fair competition. The ship-owners, who represent a considerable portion of the active commercial capital of the city, have contributed to make it unequal. In the first place, the regulation I have quoted has had its influence. The New York pilots are passed by, and the New Jersey and merchants' pilots, as they are called, are employed in preference; not because the latter are more competent, but because they are considered as preferred by the mercantile classes, on whom the ship-masters are often dependent for employment. The injustice of the regulation is more distinctly seen in a practice which has grown up under it, and become very extensive, of taking a vessel brought in by a New York pilot out of his hands, and giving her to a New Jersey or merchants' pilot to take out.

It may be proper to say that in every State, of which I have been able to examine the laws, and in which those laws are passed with a view to equality, a pilot bringing in a vessel, or a pilot belonging to the same boat, has the privilege of taking the vessel out. The reason is obvious. The inward pilotage is often hazardous and laborious. Vessels are sometimes boarded two hundred miles at sea. Pilots are often out a week or ten days in pursuit of them. They are to be brought into port in all weathers. But the outward pilotage is always easy. Vessels go to sea in fair weather only. The pilot takes his charge a few miles from shore, and leaves her. There is no labor, no hazard, and but little responsibility in it. Nothing can be more unjust, more repugnant to every principle of fairness and liberality, than to take from a pilot a vessel he has brought in, and give her to another to take out. It is in fact only by taking a vessel out, that a pilot can be compensated for the labor of bringing her in. Accordingly, this privilege is usually secured by law. The laws of Massachusetts, for instance, provide that the pilot who brought in a vessel (or one belonging to the same boat) is entitled to take her out. In like manner the laws of South Carolina provide, that "every 'pilot taking a vessel in, has the exclusive right to 'take her out," except in case of misbehavior, &c.

Let us see what has been the operation of the system in New York since the act of Congress passed. That act authorizes a pilot from New York or New Jersey to be employed to pilot a vessel to or from New York. It leaves it optional with the master of a vessel to employ the same pilot who brought in a vessel, to take her out, or to employ another pilot; and here the regulation of the Chamber of Commerce and the Board of Underwriters come in, recommending him to employ no pilot not certified by their board or licensed by New Jersey, excluding the eighty New York pilots. The consequence may be readily seen. I hold in my hand several lists of vessels brought in by New York pilots and given to New Jersey or merchants' pilots to take out again. The names of the vessels are given as well as the time of the transactions. There is also a list of vessels taken out by the merchants' pilots, which they did not bring in. This list is furnished by the secretary of the board of commissioners, and is under his own hand. The pilotage on these vessels amounted to $3,038 53, and must have been taken from the New York pilots. There are in addition, lists of 148 vessels taken from the New York pilots during a portion of the years 1846 and 1847, and given to other pilots to take out again. Even these lists are not complete. There were numerous cases which were omitted for want of precise information. The average pilot fees for each vessel are estimated at $25. They are probably a little more—certainly not less. At this rate, the amount taken from the New York pilots on the vessels above mentioned, and by violating a rule of universal justice, is $6,688.

These facts are proved by unquestionable evidence. In the year 1844, before the merchants' pilots were appointed, it appears by a "remonstrance of the underwriters of the port of New York," Doc. No. 60, House of Representatives, 1st session 29th Congress, that the New York pilots brought in 1,992 vessels, and took out 1,610—a difference of 382, the pilotage on which must have amounted to $9,550. By the same return it appears that the New York pilots, 81 in number, piloted in and out 3,602 vessels, or 44½ vessels each pilot, giving them, at $25 per vessel, $1,112 50 each, to pay the expenses of their boats, and maintain their families on shore. It also appears that the New Jersey pilots, 17 in number, piloted in and out 1,131 vessels, giving them, at $25 per vessel, $1,663 23 each, or $550 73 each more than the New York pilots. A very considerable portion of this difference is owing to the open manner in which the New York pilots have been discouraged by the board of commissioners.

I have stated these facts, Mr. President, in justice to the New York pilots, who have been charged by the Senator from Massachusetts, [Mr. DAVIS,] and the Senator from New Jersey, [Mr. MILLER,] with sinister motives in coming to Congress to ask for a repeal of the act of 2d March, 1837. I have felt it due to them to show that they are laboring under a serious disability, and are the objects of a most invidious distinction under the operation of this act.

But I proceed to other considerations.

2. One of the great complaints against the system in force previous to 1837, was, that pilots would not go to sea in search of vessels, but waited at Sandy Hook to receive them. This evil has been remedied; but it has been followed both by inconveniences and injustice, which, perhaps, fully counterbalance it. I will first state the inconvenience. Pilots now go far out to sea in quest of vessels. It is not an uncommon thing for a pilot to present himself two hundred miles from New York. Now, there is no particular advantage in this. It may be safely said that no vessel requires or wishes a pilot at a greater distance than twenty or twenty-five miles from Sandy Hook. If a pilot gets on board a vessel one or two hundred miles from New York, he does not take charge of her. She is ordinarily given to him when she comes in sight of land. It is not every pilot who is capable of taking charge of a vessel out of sight of land, and carrying her into port. The consequence of the present over-active competition is, that the pilot boats go to sea, vessels constantly pass them, and on reaching Sandy Hook they find no pilots. At the very place where they are most wanted, they are often not to be found. I shall refer to an honorable Senator from Maryland, [Mr. JOHNSON,] to know whether, on arriving at Sandy Hook in the Great Western, that vessel was not detained because no pilot could be found. I will read some notes from the log-book of the United States lightship off Sandy Hook, showing that it is a very common occurrence for vessels to arrive there and be detained for want of pilots. There are over seventy cases on the abstract of the log-book, which I hold in my hand; and in addition, the captain of the ship states on one occasion that there was "a large number of vessels in sight wanting pilots;" on another, that "several vessels near us want pilots;" and that there were many other cases which he saw himself, and of which no entry was made in the log-book. While, therefore, the active competition in piloting has corrected one evil, it has produced another.

And now, sir, I will state the injustice of the system. Under the laws of New York and New Jersey, and I believe under the laws of most other States, if a pilot boards a vessel beyond a certain distance from the land, he is entitled to 25 per cent. in addition to his established fees. In New York this distance is some fifteen miles outside of the Sandy Hook light. This is called off-shore pilotage, and was intended as a compensation for the extra labor and inconvenience of the pilot. When there was a legally-established system, it could be exacted. Now it cannot, and ship-owners and masters knowing this, refuse to pay it. This remark is not of universal application, but the practice is becoming very general. It is believed that four-fifths of the vessels refuse to pay the off-shore pilotage. They are willing the pilot should go one or two hundred miles to sea, but they are unwilling to pay him the customary addition to his fees. If he presents himself, the first question is, "Do you charge off-shore pilotage?" And if he refuses to give it up, the ship refuses to take him. Or if no bargain is made with him, he is required to deduct it when the vessel goes out, or she is given to another person. Under such a system he has no legal security either for just or liberal treatment.

3. The active competition which has grown out of the existing system, and which would have grown up without the act of Congress under the State law of New York, has not had the effect of securing commerce against shipwrecks and other disasters. I very much doubt whether they have been at all diminished in number. The cases of the Mexico and the Bristol were extraordinary occurrences. They happened at an inclement season, and even if the old system had been continued, such disasters might not have occurred again in half a century. Since that time there have been shipwrecks equally disastrous, except in the loss of life. Some of the property in the Bristol and Mexico was saved, and the deaths which occurred in the Mexico were not from drowning, but from frost, the passengers, who were emigrants, having been driven to the deck in a winter's night of unparalleled severity.

I hold in my hand a list of 220 vessels stranded, run aground, or wrecked, from April 1839 to March 1846—seven years—all under the new sys-

tem. Of this number, over 30 were a total loss, and 22 were engaged in foreign commerce. Some of these shipwrecks were of a most distressing character on account of the loss of life with which they were attended. The ship John Minturn, for instance, went ashore on Squam Beach, about fifteen miles from Sandy Hook—the captain and his family, the pilot, and thirty-eight others, having perished together, and the ship and cargo were totally lost. On the score of property, it was probably a heavier loss than that of the Bristol or Mexico.

I have another list of 111 vessels stranded, run aground, or wrecked, from February, 1846, commencing where the other list terminated, to the 14th January, 1848—say two years. Of this number, 24 were a total loss—a large increase in the ratio compared with former years—and nine were engaged in foreign commerce. In the first seven years above-named, the vessels totally lost amounted to nearly five per annum. During the last two years they have been twelve per annum—more than doubled, though the increase of the commerce of the city has been in a much larger proportion.

I state these facts to show that security to property and life has not increased under the existing system, whatever opinions may be expressed to the contrary. It is true, I have not been able to make comparisons with the period preceding 1837 for want of data. There is, however, an account by Captain Earl, who was adduced as a witness against the New York pilots, and who stated, in 1835, that he had enumerated, from memory, 39 vessels totally lost within a "few years." The number of years is left to conjecture; but, upon the most unfavorable supposition, the loss could not have exceeded that of the last two years.

I have also felt myself called on to make this statement to meet the declaration of the honorable Senator from Massachusetts, [Mr. DAVIS,] that "shipwrecks in the neighborhood of that harbor are almost unknown"—a declaration which he would not have ventured to make, if he had taken time to investigate the facts with his usual care and discrimination.

From what I have said it will be apparent that the whole control of the subject of pilotage is in the hands of the ship-owners and ship-masters, without legal regulation. The master of a vessel may take any pilot he pleases—he may bargain for the amount of pilot fees—he may, after having taken a pilot two hundred miles at sea, when coming in, give his vessel to another pilot to take out. The pilot himself has no security either that the customary fees will be paid him, or that he will have the preference in taking out a vessel he has brought in. He is, in fact, wholly dependent on the ship-owner or ship-master. Is this right?

I believe, Mr. President, that the best systems of pilotage are those which are under the most rigid regulation. The defect of the system in New York is, that there is no law, no systematic government or rules. Nor can there be while a master of a vessel is allowed to take a pilot from two different States. It is impossible to enforce prohibitions or commands in one State, when there is a competition between different classes holding warrants or licences from two separate authorities, neither of which is responsible to the other.

The Chamber of Commerce and the Board of Underwriters have, by establishing rules themselves, confessed the necessity of legal regulation. They have no authority to enforce the rules they have adopted, and those rules are not enforced. They fixed the rates of pilotage according to the standard established by the law of New York, which had been repealed; but these rates are not uniformly paid. The pilots are constantly obliged to take less in order to obtain employment. Pilots are required to board the nearest vessel under a penalty of $50; but there is no power to enforce the penalty. The commissioners are authorized by the regulations to impose fines; but it is a perfectly nominal authority. Off-shore pilotage is allowed by their regulations; but vessels, as has been seen, in most instances, refuse or evade the payment, because there is no legal authority to exact it.

If a pilot offers his services to the eastward of the white buoy, about three miles from Sandy Hook, and is refused, he is entitled to half-pilotage; but it is never paid because the commissioners had no power to make such a regulation. They have no authority whatever. Their regulations are a dead letter. All the control there is rests upon the commercial influence wielded by the commissioners and the ship-owners.

I believe this state of things to be radically wrong. The reasons for subjecting the business of pilotage to legal regulation seem to me urgent and unanswerable. Let me advert to a single one. The entries and clearances of foreign vessels at New York exceed 1,100 per annum. They are entirely dependent on a judicious system of pilotage for their safety. The regular traders may know the pilot boats, and sometimes may make selections; but foreign vessels, without this knowledge, will naturally take the first pilot that presents himself. They can have no knowledge of his qualifications; they are entirely at his mercy; and it is only by a proper system of regulation, under an undivided authority, that we can do justice to the vast foreign commerce which centers in the city of New York. The act of Congress is the only obstacle to the establishment of such a system. If it were repealed, I am entirely satisfied that a system could be adopted, in concurrence with the mercantile classes, which would meet the views and interests of all, and secure every public object.

But, to pursue this point a little further, the New York merchants are not the only parties in interest. New York is the centre of commerce of the whole Union. Foreign countries, as I have already shown, have also a deep interest in the matter—an interest which we have no right to subject to the control, without law, of a single class. It is due to the country that the system of pilotage for the great emporium of the Union should be made efficient by judicious regulation, instead of being thrown open to unrestrained competition. The interests at stake are too important: not property alone, but human life is concerned. I am not aware that there is any commercial country which intrusts the business of piloting to open competition. It is one of the few matters in which regulation has always been deemed indispensable. Strongly impressed as I am with the importance of freeing commerce and navigation, as far as possible, from all shackles and restrictions, I cannot, on the fullest reflection, bring my mind to the conclusion that pilotage should be without law.

But there is another consideration. Those who now control pilotage in New York to a great extent, have an interest adverse to the pilots. Their interest is to have piloting done cheap. Bargains are frequently made, and the pilot is compelled to take less than the customary rates—less than the rates fixed as reasonable and just by the Chamber of Commerce and the Board of Underwriters. The tendency of this state of things is to drive the best pilots into other employments, and to introduce an inferior class of men in their place. And from the best judgment I have been able to form, I cannot but think, that if this state of things continues until the present stock of well-trained pilots pass off the stage, New York, instead of having pilots equal to the best in any country, will have the worst.*

I am not quite certain, Mr. President, that the interest of insurers is so very decidedly in favor of the highest degree of security to property afloat as the Senator from Massachusetts supposes. Insurance is regulated by the hazards. The rates are high when the hazard is great, and they are low when the hazard is small. Now, I believe it may be said with safety that the rates of insurance rise in a ratio higher than that of the increase of hazard, and that the profits of insurance are greatest when the security is least. I speak in respect to the operation of principles, and not in respect to motives of action; and only for the purpose of explaining why a very defective system of pilotage might exist without prejudice to insurers.

The Senator from Massachusetts has said that the mercantile interest generally is in favor of the present system, and he intimates pretty strongly that there is not a merchant in New York who is not opposed to the repeal. Now, I can assure the Senator that the memorials from New York asking for the repeal of the act of Congress, signed by some five thousand persons, contain the names of several highly respectable merchants, besides a large number of ship-masters and ship-owners. I can also assure him that I have conversed with some of the most respectable ship-masters who sail from New-York, and who believe the present system tends to degrade the pilots, and to render life and property insecure. It is no doubt true that the merchants generally are opposed to the repeal: 1st, for reasons I have stated; and 2d, because it has been industriously circulated by interested persons that the object of the repeal is to establish the old monopoly. The Senator from Massachusetts twice said so, and I regretted to hear it. He has been deceived. There is not a shadow of foundation for the charge. It is this belief which has produced so much hostility to the repeal, and I regret that my honorable friend from Massachusetts should have fallen into so great an error. Let me state a few facts.

The New York pilots assented in 1846 to the creation of a board of commissioners of three persons, one to be chosen by the Board of Underwriters, one by the Chamber of Commerce, and one by themselves, to regulate the whole business of pilotage. They offered to take into the association of pilots all those now licensed by New Jersey and the merchants' pilots, if found qualified on examination. This proposition contemplated a repeal of the act of Congress and the establishment of a system of pilotage by State legislation. The agent of those two bodies was understood to give his assent to it in this city, and I supposed the matter would be satisfactorily adjusted. But on his return to New York they refused to accede to it. The pilots agreed that the mercantile interest should have two to one of the commissioners, a complete control, provided they could have legal regulation. Under the existing system this interest has the control without legal regulation. This is the issue joined between the parties. The New York pilots desire no monopoly. They do not ask even for control. They ask only legal protection for rights universally acknowledged to be just.

The Senator from Massachusetts also stated as his belief, that the papers in his possession showed no persons connected with the shipping interest of the country, except the pilots, desired the repeal of the act of Congress. I have shown this to be a mistake. I might go on and say that two sovereign States have complained of it as injurious to great public interests. But if it were true that none but the pilots desired the repeal of the law, would it be a reason why Congress should turn a deaf ear to their appeal? May not any individual, or any class of individuals, fairly appeal to Congress for protection against the operation of its own enactments, when they are oppressive or injurious to the party appealing? I have always supposed it to be the peculiar duty of Congress to see that, in the enactment of laws, individual rights were not injuriously affected. The only question is, how far those rights shall give way to great public interests. And, sir, I insist that, on the application of the pilots alone, asking for the repeal of an act which has proved oppressive to them, it would have been the duty of Congress to look into the facts, and to grant the prayer of the petitioners, unless high public considerations rendered it improper. But, as I have already said, the pilots are not the only complainants. Numerous and respectable classes of citizens unite with them; and the Legislatures of two States remonstrate against the act of Congress either as oppressive or as injurious to the public interest which it is designed to secure.

I cannot dismiss this part of the subject without saying that I entertain for the merchants of the city of New York the highest respect. In enterprise, intelligence in commercial matters, and in an honorable discharge of their pecuniary obligations, they are unsurpassed by any class of men in this country or any other. When I took my seat in this body, it was with an earnest desire to contri-

* Since making this speech, I have seen a notice in the New York papers, which is annexed:

"*Notice to Ship-masters.*—The Board of Underwriters of this city have resolved to revive the practice of examining the conduct of the masters of vessels wrecked or meeting with serious disasters without extraordinary cause, occasioning loss to the members of the Board; and that pending each examination and suspension, no risks are to be taken on vessels in charge of such masters.

"Notice is also given, that information has been communicated to the Board that several ship-masters have recently entered this port without pilots, and others with persons pretending to be pilots, who were incompetent. The Board requests masters to act with greater care for the future, as the insurance companies will hold parties to a strict accountability for omitting to take a pilot, and also for taking an incompetent pilot. JNO. S. TAPPAN,

"*Secretary Board of Underwriters of New York.*"

Nothing can more clearly show the defectiveness of the existing system than this notice, or prove more conclusively the truth of what I have said.

bute my humble efforts to the promotion of the commercial interest of the country, which I thought had not received all the notice to which it was entitled; and it is to this subject more than any other that I have devoted myself. I shall continue to do so. But in this matter of the pilots, I am constrained to differ from what seems to be the general opinion among the merchants of New York. And yet I am entirely satisfied that if we understood each other, there would be little difference between us. I do not think the great body of the merchants have looked into the subject critically. I have inquired of many of them why they were opposed to the repeal of the act of Congress; and I have received the same answer in every case—"because we are opposed to the reëstablishment of the old monopoly." And when I have rejoined, that I was equally opposed to such a measure, that I was in favor of placing the whole subject of pilotage for the city of New York under legal regulation, and leaving the administration of the system in the hands of the Chamber of Commerce and the Board of Underwriters, their representatives, I do not recollect an instance in which they have not acquiesced in the propriety of the suggestion. What I have insisted on is legal control, to be exercised by those who have a practical knowledge of the subject. But I am unwilling to leave it even in their hands without legal control—if for no other reason, because there is no power to enforce proper regulations, or punish their infraction. And I do not hesitate to say, if the merchants will look into this question, that there will be a general concurrence in the propriety of the measure I propose. It is possible I may be deceived; but if I am—if they shall continue to differ with me in opinion—one assurance I shall still retain, that they will do me the justice to believe I am actuated solely by what I consider the true interests of the city and country at large.

One word in conclusion. My suggestion in respect to a system of pilotage in New York is this: 1. A board of commissioners of three persons, one appointed by the Chamber of Commerce, one by the Board of Underwriters, and one by the pilots, who shall have power to examine and license all persons desirous of acting as pilots, and to superintend the administration of the system generally. 2. A classification of the boats, to include those of New York, New Jersey, and merchants' pilots, with all the persons now belonging to them, who shall be found competent, and an assignment of the boats, in turn, to three descriptions of service, viz: cruising out of sight of Sandy Hook, within sight of the light-house, and in the vicinity of the Hook. This will correspond substantially with the station system at Liverpool, and will at all times insure to vessels arriving at the city of New York, competent pilots, under legal regulation, and under the supervision of the mercantile interest of the city. The first step towards the establishment of such a system is a repeal of the act of Congress, without which it cannot be placed upon such a footing as to insure its efficacy.

Mr. DAYTON expressing a desire to make some reply, the bill was, by common consent, laid over.

PRIVATE BILLS.

The Senate proceeded to consider the bill for the relief of Frederick Dawson, James Schott, and Elisha Dana Whitney.

The bill being under consideration as in Committee of the Whole—

Mr. JOHNSON, of Maryland, described the character of the bill. The claimants made a contract with the Government of Texas to build six vessels, carrying sixty-two guns, which were to be paid for at the rate of $336,000, if paid within one year after delivery of the vessels, or $550,000 in sterling bonds of Texas, bearing interest, or a still larger amount, in the event of failure in the terms stated. The vessels were delivered according to contract; but no part of the purchase money had ever been paid, although the whole revenue of Texas, from imports or any other source, was pledged for the payment of the amount. He showed that the revenue of Texas was amply sufficient to have redeemed the pledge. To prove this, he went into numerous minute details. The debt of Texas, at the time of annexation, exclusive of this debt, was only $650,000; and to this is to be added $560,000 due to these claimants. A law was passed authorizing the funding of the debt, and about a million was funded, when that law was repealed. This claim of $560,000 is the whole of the debt of Texas, for which she pledged the duties which might accrue, from time to time, from her imports, the million funded resting on the usual obligation between debtor and creditor. He gave a history of the annexation of Texas, the treaty entered into stipulating that the United States would pay the debt of Texas, specifying the debt due to these contractors as included, and the fact that this treaty had not been ratified. Had that treaty been ratified, and had annexation been effected by that mode, we should have been spared the war with Mexico, and, what is still worse, the agitating question which now convulses the Senate. The conjunction between Texas and the United States was completed by a resolution, in which no provision was made for the payment of the debt. But Mr. J. referred to the language of the President in the instructions to the minister of the United States, to show that it was the intention of our Government to agree to any arrangement which might be suggested for the payment of her debt. Texas then surrendered her sovereignty and her revenue, relying on the honor of the United States. The question now was, not whether we are bound to pay the whole debt of Texas, but if we are not bound to pay this debt? The debt would not have existed but for annexation. He regarded the United States Government as bound, by every consideration of honor and justice, to pay this claim, as the very property for which this claim is made has fallen into the hands of our Government.

On motion of Mr. PHELPS, by common consent, the further consideration of the bill was then postponed.

The following bills were considered as in Committee of the Whole, and were read a third time and passed:

A bill for the relief of Charles M. Gibson.

A bill for the relief of D. A. Watterston.

A bill for the relief of Columbus Alexander and Theodore Barnard.

A bill for the relief of the heirs of Moses White.

A bill for the relief of the heir of John Wall, deceased.

A bill for the relief of Mary Taylor, commonly called Polly Taylor.

A bill for the relief of James C. Carson.

A bill for the relief of David Wilkinson.

A bill for the relief of Stalker & Hill. [This was the House bill, and an order was adopted, instructing the Secretary to apply to the House for the return of the Senate bill on the same case, which had passed some days since.]

A bill for the relief of H. Fredieu, M. Vercher, C. Sanmiguel, N. P. Gagnon, V. Caubarreux, and F. Harbo, of Louisiana.

A bill for the relief of William W. Wynn.

The following bills were laid on the table, similar bills being before the Senate in another form:

The bill for the relief of David Myerle.

The bill for the relief of Colonel Robert Wallace, aid-de-camp of General W. Hull.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 1, 1848.

The Journal of yesterday was read and approved.

The joint resolution of the Senate for the relief of Richard Fields was laid before the House, read twice, and referred to the Committee of Claims.

Mr. HUNT suggested that, by general consent, the committees be called for reports.

The SPEAKER stated that if that suggestion were acquiesced in, the first subject in order would be the report of the Committee on Commerce on the Chicago Convention memorial.

Objections were made by Messrs. PHELPS and FICKLIN.

Mr. KAUFMAN urged the House to take up and act upon the business on the Speaker's table, among which was the engrossed bill to establish certain post routes.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar. Lost: Ayes, 54, noes 65.

The House then, on motion of Mr. VINTON, resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair.)

INDIAN APPROPRIATION BILL.

Mr. VINTON said he had already given notice that he should to-day call up the Indian appropriation bill, that the amendments proposed to it by the Senate might be taken up and acted upon.

Mr. JOHNSON, of Arkansas, inquired whether the Committee of Ways and Means had concurred in the Senate's amendments?

Mr. VINTON replied that the committee were ready to agree to some and disagree to others.

Mr. JOHNSON then expressed his hope that that bill might be suffered to lie over until the beginning of the week. It contained one provision in regard to the Indian agencies in which his State was very deeply interested, and on which he desired a little time to prepare himself to address the House.

Mr. VINTON expressed a willingness to do anything to oblige the gentleman from Arkansas, which was not inconsistent with his duty; but he went on to explain the position of this and other appropriation bills, and gave reasons why he must oppose any delay.

Mr. JOHNSON earnestly remonstrated, and Mr. McKAY coming to his support, and Mr. McCLERNAND suggesting that all the amendments were not printed, it was finally agreed not to call up the Indian bill at this time, but to suffer the debate (which was limited to two o'clock on Monday) to proceed on the

CIVIL AND DIPLOMATIC APPROPRIATIONS.

Mr. TOOMBS spoke through his hour, taking for his theme the "Platform" of the Democratic Nominating Convention held at Baltimore in May last, on every section of which he commented with some severity, designating it as a document that was fraudulent in its purposes, being intended to deceive the people.

Mr. McCLELLAND replied elaborately to the speech of Mr. STEWART, of Pennsylvania, delivered a few days ago, in which General Cass was charged with having received extraordinary compensation for his services as Governor of Michigan and superintendent of Indian affairs many years ago. In the course of his speech he yielded the floor for a few minutes to Mr. BURT, who made some brief explanatory observations in defence of General Cass.

Mr. COBB, of Georgia, next obtained the floor, and yielded to

Mr. THOMPSON, of Mississippi, who wished to say a word with reference to the charge made by the gentleman from Georgia, [Mr. TOOMBS,] of the lieutenant-general bill having been carried through this House by corruption.

Mr. TOOMBS said that he had stated the *fact*, that it was at first unanimously laid on the table, but, when brought up again, it was rejected, and finally that it was passed; and that many who first voted against it, and afterwards voted for it, were now receiving the rewards of office.

Mr. THOMPSON wished the gentleman to name the persons.

Mr. TOOMBS said, if the gentleman himself was personally concerned, or if he spoke for others, he would do so.

Mr. THOMPSON said he could speak for himself. He was influenced by no such considerations in his vote for the bill. The gentleman, in his opinion, had aspersed all the members of the last Congress who had changed their vote on this subject.

For the purpose of setting the matter right, he wished to allude for a moment to the facts. The bill was reported by the chairman of the Committee on Military Affairs, and was laid upon the table without a dissenting voice, because no question was raised—no point was made. He himself was dissatisfied with it, and, the very next day, had moved, in Committee of the Whole, the appointment of a lieutenant general. It was voted down—85 to 120; and he saw no one who had changed his vote and who had received office. Afterwards, when the bill was sent in from the Senate, Mr. GEORGE W. HOPKINS, who had previously voted against it, was recorded as voting in its favor; and he supposed the character of Mr. HOPKINS was so high that the gentleman could hardly intend to asperse him; and if he did, it would be of no avail.

Mr. TOOMBS said that every man who voted for the bill changed his vote. When it was first

reported by his colleague, [Mr. HARALSON,] it was unanimously laid on the table.

Mr. THOMPSON denied that where no division was made upon a question, gentlemen could be considered as committing themselves.

Mr. COBB resumed the floor, and remarked that he had risen to address the committee without the slightest premeditation; but at the same time upon a question such as he proposed to consider, in his opinion, any elaborate preparation was hardly necessary. He proposed to follow the example set by his colleague [Mr. TOOMBS] this morning, and discuss party politics at large. Not only in this House, but in the party press of the country, there were some new and dangerous doctrines put forth by the Whig party. During this debate a distinguished gentleman on the other side of the House had not only attacked the platform on which the Democratic party professed to stand in the coming campaign, but had denounced everything like party organization. The gentleman from Pennsylvania, [Mr. STEWART,]—in reply to whom he should say very few words, in consideration of the feelings of mercy raised in his heart towards the gentleman by the remarks made by the gentleman from Michigan [Mr. MCCLELLAND]—the gentleman from Pennsylvania had advanced the sentiment, (which seemed to meet a very general response on the part of his party in this House and throughout the country,) that the time had arrived when party organization should be laid aside; when men should be elected to the highest office in this Republic irrespective of all party considerations; when the people of the Union should assemble on the day of election and deposit their votes unbiased by party influences. He desired, with the utmost kindness, courtesy, and good feeling, to inquire into the sincerity of these declarations. He desired to know whether his opponents, in placing themselves upon this ground for the approaching election, had deliberately assumed it in reference to the principles on which it rested, or whether they were acting with direct reference to mere party purposes. Were they honestly opposed to party organization? Beyond their profession, where was the evidence of it? Whence had originated parties in this country? Who were the fathers of party organization? Look to the history of the best and purest men of the Republic. Go back to 1800, when Thos. Jefferson, at the head of the Republican party, and Alexander Hamilton, at the head of the Federal party, arrayed their opposing principles, and the people rallied around the standard which their hearts approved. From that day to the present, when, in the history of the country, had party organization been thrown aside? What was party? Was it a mere catch-word, used to delude, deceive, impose upon the honest people of the land? or was there something in that word, of principle, which commended itself to the intelligence and integrity of the country? What was party? It was an association of men organized to carry out great fundamental principles in the administration of the Government. Did Thomas Jefferson, in the organization of the Republican party, in opposition to the principles laid down by his great compeer, Alexander Hamilton, and had the people of this country, one and all, from that day to the present, been blundering along in error, when, throughout the Union, and in every county and township, those who agreed in principles had associated themselves together for the purpose of carrying those principles into the administration of the Government? This was what he understood by party; and this met the denunciation of gentlemen on the other side of the House. What would we do if we abolished parties in this country? What was the test, the inquiry to be made respecting him who was presented by his friends as the individual suitable to fill the highest office in the Republic? If one asked for his principles, he was told that he was a partisan! If one asked what was to be the policy of his administration, he was told that he was engaged in party warfare! Aside from the principles on which the Government was to be administered, (and these constituted the basis of party organization,) what was a man to do in the executive chair of the United States? He would have but one purpose to accomplish in the eyes of those who were opposed to party organization, and that was, to distribute the loaves and fishes of office. He called upon gentlemen on the other side of the House, who went before the people of this country with the cry of, Down with party organization, down with the only organization which secured the perpetuity of our institution—the only organization which exacted from our rulers the healthful and right administration of the Government upon the principles on which they were put into office,—to know if this was their issue, if it was their policy to break down these long-settled principles of action both on the part of the Republican and Federal party, of all parties that had existed throughout the history of our Government and every Government.

But he would proceed one step further. How did this cry of no-partyism comport with the history of the party to which these gentlemen belonged? When, in the history of the country, had they denounced party organization? When before had they said that it was inconsistent with the true principles of government, violative of the Constitution, derogatory to the character of freemen? Look at the spirit of proscription which had marked the career of the Whig party from the very inception of its power to its termination by the people, both in the Federal and State Governments. Where were the men in the Democratic party who had been retained or placed in office by their opponents when in power? Where was the evidence, that when power had been lodged in their hands by their hues and cries before the populace, they had disregarded all party considerations and applied the test of qualification alone to men who desired office? The scene that had occurred at the organization of this House at the commencement of this session, small though it might be, was big with the expression of their conduct. Where was the monument of Whig clemency to be found among those who had previously held offices in this House?

Mr. PENDLETON, (in his seat.) The postmaster.

Mr. COBB. Yes; and the gentleman came very near being read out of his party for voting for him. There was the monument of Whig clemency which was followed by the expulsion of his friend from the Whig party almost. Party organization, party movements, were they opposed to? They professed to be horrified at the very word party, and yet their history was marked by the blood of Democrats sacrificed for mere opinion's sake, whenever the Whig party had come into power! General Harrison was elected, it was professed, upon no-party principles. Read the history of the three months' administration of the Government under his cabinet. [Several voices: thirty days.] He spoke of his cabinet; they remained longer. Did they turn nobody out of office for opinion's sake? Did they apply no party screws? Did partisan devotion during the canvass not commend men to their support, and were not Democrats, scores and hundreds of Democrats, carried to the block simply because they were members of the Democratic party? Who denied it here, in the face of high Heaven and before the country? Gentlemen all well remember the celebrated remark of Mr. Granger, then Postmaster General, that the guillotine had scarcely gone into operation. More men were turned out of office in sixty days than had been during the whole preceding administration; and he said he only wished that he could have remained in office a short time longer, and he would have cut off fifteen hundred heads more! And yet the Whig party had now come out with the cry of no party, and in oppostion to party organization.

He now came to party platforms, which seemed a favorite theme with his colleague, [Mr. TOOMBS,] who had argued the question with his usual ability and ingenuity. What was a party platform? An avowal of principles. Was it anything more? A man was presented to the people of the United States as the candidate for a responsible office: was it right or wrong that the people should know what were his principles? That was the question. If a man was intrusted with the highest power known to the world—the guardianship of the interests of this great people—he was required by the Constitution to recommend measures for the action of Government. The Constitution placed in his hand a power to be exercised to protect and guard it, as well as the great rights and interests of the people under it. Honest and intelligent men were told here to-day that the man thus selected by a party convention ought not to be held responsible for the principles laid down by his party; that he ought not to be asked to define any for himself; and that the party ought not to be required to make any avowal of principles. For what, then, would they elect him? Were the people of the country called upon to vote for General Taylor, and shut their eyes to all that was to be done under his administration, if perchance he could be elected, until he should, in his inaugural, make a proclamation of his principles? Was he to be brought forward by the party Convention, constituting the talent and intelligence of the party, as he apprehended it would not be denied, and were they to go forth to their respective places of abode, and ask the people to give him their cordial support, telling them only that he was a good Whig, that he would administer the Government on Whig principles? What did that mean? Was it consistent that the Convention should refuse to lay down a platform, and yet that every Whig orator from the stump should endeavor to convey the impression, that in the event of General Taylor's election, their principles were to predominate in the administration of the Government? There was a reason for it. It was not found in justice or principle, or an honest regard for the intelligence of the country. If the Whig Convention agreed upon the principles on which the Government was to be administered, why did they not say so, and define them? If they disagreed, why did they not say to the people, we differed on vital questions, and therefore we intrusted the decision of them to an individual in whose honesty and integrity you may have confidence? Was it an original idea or an old practice? Was this the first time the Whig party had refused to establish a platform upon which to rally throughout the Union? It was a new idea, got up for the occasion, made to order, to suit the emergencies of the case. This same party, in 1844, assembled in Baltimore, and nominated a President and Vice President; but then these intelligent, patriotic gentlemen, who were now so horror-struck at the very idea of a platform, set themselves busily at work, and by the aid of the congregeted intelligence of the Whigs there assembled, brought forth and placed before the country a Whig platform, on which they rallied in that contest. He had it before him. His colleague, who had addressed the committee with so much earnestness this morning, was a member of that Convention. Why had not his eloquent voice been raised at that time against this system of platforms? Why was it he allowed his party, around which his affections clustered with so much warmth, to fall into that great Democratic error of an open frank avowal of principles? In the council of the Whig ranks, no one was listened to with more interest or more heeded. If he mistook not the records of Whigery, his colleague's eloquent tones were heard in behalf of Clay and Frelinghuysen, perhaps, too, of the platform of 1844. Now the platform flashed before his mind and filled his whole system with a tremor, and he had concluded that the great Whig party, of which he was so honorable and efficient a member, could never so condescend as to erect a platform and make the Democratic effort to catch and deceive the people. No, that was not the reason. In 1844, the Whig party nominated the man who was the imbodiment of their principles, of whose principles they were proud, and who they said, if elevated to the Executive chair, would stand upon the Whig platform in the administration of this Government. The imbodiment of Whig principles then received a unanimous and enthusiastic nomination at the hands of his party, and from one end of the Union to the other, the Democratic party was taunted with the declaration that they had no principles, except opposition to those of the Whigs. Where were those glorious Whig principles? Condemned by the people; doomed to an ignominious grave, to sleep the sleep of death, by the verdict of the nation. What higher compliment could be paid to the integrity of the Democratic party than this admission formally made by their opponents, that Whig principles could not, ought not to be galvanized into life? The Democracy in 1844 had said, Down at our feet, and the people had placed them there. Whigery in 1848 had abandoned them, and came before the country with no avowal of principles. Was not this the faithful and honest picture? The facts were familiar to all, and he thought there were gentlemen on the other side of the Chamber, who would agree with him as to the course of the Whig party, both in reference to their "imbodiment" and their principles. Was Henry Clay less deserving of the popular support in 1848 than in

1844? Was he less true upon the questions of a bank, the tariff, internal improvements, the veto, distribution, and all the great and cardinal principles around which the Whig party of this Union rallied with such enthusiasm four years ago? Why was it that he had been laid aside that they might erect upon his remains a no-party platform, and present a no-party candidate? The Democrats had declared, in 1844, that Henry Clay was unworthy the confidence and support of the American people; that this Government would not be safely and honestly administered by him, on the principles which his party held and avowed. The Whig party had then denied it; but the rejection of Henry Clay at Philadelphia, was an admission of the correctness of the charge. Did any man believe that if Mr. Clay had been the nominee of the Whig party we should ever have heard of no-partyism? It was only by the strong and unequivocal condemnation of the American people upon both the imbodiment and their principles, that they had been driven to desert his standard, and sought this new imposition, sought to carry into the Executive chair and the administration of the Government these condemned and repudiated principles, under the false guise of no-partyism; and to avail themselves of the glory of a military hero, whose laurels were won in a war condemned by them as "unnecessary and unconstitutional," and he and his gallant band in effect held up before the country as the murderers of innocent women and children in Mexico. They sought to avail themselves of his popularity, in order to foist upon this Government their odious and abominable principles.

He would allude to another evidence that the Whig Convention at Philadelphia were not able to agree upon a platform—that they considered necessary one set of principles at the South and another at the North. He had before him a Whig paper of his own State, which had no doubt been seen by his colleague, in which a correspondent, writing from the Philadelphia Convention to the people of Georgia, told them, that in the action of that Convention they saw evidence of safety to the institutions of the South. He told them, and he (Mr. C.) called upon the northern portion of the party to hear him, that the Wilmot proviso was introduced into the Philadelphia Convention, and the cry came up from all quarters, Make it a test vote; and it was rejected, only ten voting in its favor. It was sought to make the people of Georgia and of the South generally believe, from that action that the majority of the Convention was opposed to the Wilmot proviso. Was that true? There were gentlemen here who were members of that Convention; there was one, a gentleman from Massachusetts, [Mr. ASHMUN,]—he regretted that the gentleman was not within the hearing of his voice—he would like to ask that gentleman if he had intended his vote upon that resolution to be in condemnation of the Wilmot proviso? The gentleman dared not do it. He held in his hand evidence under the gentleman's own hand and seal, written subsequent to the action of the Convention, which condemned him if he were so to declare.

Mr. HILLIARD inquired, if Mr. Forman, of Georgia, did not offer, in the Baltimore Convention, a resolution in opposition to the Wilmot proviso, and if he was not warned not to press it?

Mr. COBB said he was not present in the Convention, but had been informed that Mr. Forman had introduced some resolution on the subject of the Wilmot proviso, and withdrawn it upon the ground taken by a large majority of the South in that body, that the resolution already adopted was satisfactory.

He asked the gentleman, in turn, if he believed that the Whig Convention, in voting down the Wilmot proviso, intended to declare themselves against it?

Mr. HILLIARD said he judged of the sentiments of the body by its actions. It was rejected by a large majority.

Mr. COBB recalled the gentleman to the question. This was no time, when they were discussing a question involving the dearest interests of the gentleman's constituency and his own, to equivocate upon terms. He again asked the gentleman if he believed that a majority of the Philadelphia Convention were opposed to the Wilmot proviso?

Mr. HILLIARD replied, that the gentleman had as much information upon the subject as he had. He asked the gentleman if a more significant expression of the opinion of any body could be given than the deliberate vote of that body?

Mr. COBB said, that unfortunately that body declared they would not express any sentiment; and his honorable colleague [Mr. TOOMBS] was an able advocate of that position. Now, did the gentleman from Alabama pretend to say that his party could denounce platforms and principles, and yet avail themselves of that vote—a vote given upon the principle of erecting no platform? Would the gentleman from Alabama, before the people of that State, before the Union, say that that was the honest sentiment expressed by that Convention?

Mr. HILLIARD replied, that the northern gentlemen of that body assured them that the resolution should be put down if it was offered; and by the motion of a northern man, a member from Pennsylvania, when the Wilmot proviso was brought forward, it was laid on the table by an overwhelming vote. He asked if there could be a stronger expression of the sentiment of that body, and of respect of southern rights, than was shown on that vote?

Mr. COBB remarked, that the gentleman from Alabama was very diffuse in answering his question. He again asked, that there might be no equivocation, did the gentleman from Alabama believe that the majority of the Philadelphia Whig Convention were opposed to the principles of the Wilmot proviso?

Mr. HILLIARD said that the gentleman seemed determined not to understand him. He desired to say, that when that Convention, in the open light of day, thousands looking on, did vote to put down the Wilmot proviso, it gave him the strongest assurance he could ask, that they would stand by the South against it.

Mr. COBB replied, so strong was the assurance, that the gentleman would not say that he believed it. [Laughter.] The gentleman was right not to believe those with whom he was associated. He commended the gentleman to his constituency for the open avowal made, in effect, before the country, that he could not place confidence in the assurance of his northern friends.

Mr. HILLIARD never liked to risk unnecessary declarations: he referred to facts.

Mr. COBB said the gentleman was right in this contest. He advised him to follow his leader, and to risk no "unnecessary declarations." He was strictly on the *no-party* platform.

Mr. HILLIARD again asked if the gentleman would answer why Mr. Forman was prevailed upon not to press his resolution in the Baltimore Convention?

Mr. COBB had already answered. He would repeat, however, that the resolution was withdrawn upon the declaration given at the time that the resolution already adopted was sufficient. He had answered the gentleman, but the gentleman had failed to answer him.

Mr. HILLIARD asked if the gentleman would say that he honestly believed that was the only reason why the resolution was withdrawn by Mr. Forman?

Mr. COBB did not pretend to deny that other influences might have operated upon some of them.

Mr. HILLIARD, (in his seat.) Ah!

Mr. COBB declined further to continue the conversation as his time was rapidly running away, and as he wished to ask the gentleman from Massachusetts, [Mr. ASHMUN,] who was a member of the Philadelphia Convention, and who had made some remarks in that body, if it was to be understood before the country that the laying of the Wilmot proviso on the table was a declaration, on the part of that Convention, against the principles of the proviso?

Mr. ASHMUN said that he would answer that or any other which the gentleman from Georgia might choose to put to him with pleasure.

Mr. COBB would not have presumed to put the question if he had supposed the gentleman would have received it in any other spirit than that which he expressed.

Mr. ASHMUN, in reply, stated, that although he was a member of that Convention, he was not in the body at the moment that proposition was made, nor did he hear one word upon the subject of it, nor was he present when he understood it was laid upon the table. He could not, therefore, answer for any one gentleman as to his reasons for voting for or against the motion, nor could he now state in what precise form the proposition came up. But he would state this, if the gentleman wished to know: he was acquainted with his (Mr. A.'s) individual opinions—everybody knew them. He would state that he believed a majority of that Convention coming (as that majority did) from the free States, were in favor of the principles of the Wilmot proviso. He stated it as a matter of belief and of fact; he did not state it in reference to any action of that Convention, because, although they held individual opinions upon the subject, he did not consider them an essential part of their proceedings. He thought, however, they were in favor of the Wilmot proviso, as General Cass was two years ago, because he came from the latitude where it was thought proper; and if he (General Cass) had changed since, would the gentleman tell him why?

Mr. COBB replied, if General Cass had entertained the opinion ascribed to him, and had changed since that time, the reason was to be found in the course pursued by every honest man, who, when the conviction was made on his mind that he was wrong, changed the position which he had erroneously taken. But gentlemen on the other side, he knew, could not appreciate such a course. [Laughter.] That, however, was not his fault. It was for him to lay the truth before them—not to give them the intellect and heart to appreciate it. [Renewed laughter.]

Mr. ASHMUN asked the gentleman if he did not believe that a majority of the Baltimore Convention were then, and were at this time, in favor of the Wilmot proviso? He asked the gentleman, further, if the Oregon bill passed the Senate and this House with the Wilmot proviso in it, if he believed that General Cass, if elected President, would veto it? He wanted the question answered in the face of the world.

Mr. COBB asked why the gentleman put the question in reference to the Oregon bill? He (Mr. COBB) himself had voted at the last session of Congress for that bill with this very proposition in it, and had been willing that it should pass in that form, because the Territory was north of 36° 30′. He was then in favor of it. He thought, and southern Democrats generally who voted for it thought, that this provision ought not to have been there; that it was an unconstitutional exercise of power; but when, as in that case, it was not a practical question, he, for one, was not willing to deny to the people of Oregon a government on an abstract objection.

Mr. ASHMUN asked if he was to understand the gentleman to state that the insertion of that proviso in the Oregon bill was an unconstitutional exercise of power on the part of this House, and yet that he had voted for it?

Mr. COBB had stated what he had said at the time, both in this House and before his people. He had voted against the proposition which was made to insert that proviso, and had sustained the effort which was made to take it out of the bill—looking upon it there as merely nugatory and void. But, that effort being unsuccessful, he had given his vote for the bill, not being willing to withhold from the people of Oregon the benefit of a government. In connection with the Oregon bill, the Wilmot proviso was not a vital question; still, it ought not to have been attached to it. But in reference to the question propounded by the gentleman about the Baltimore Convention, he unhesitatingly declared that he did not for a moment entertain the belief that the majority of that Convention were favorable to the Wilmot proviso. That there might have been members who were, he was free to admit.

Mr. GAYLE asked if the attempt was not made in the Philadelphia Convention to adopt the Wilmot proviso, and if it did not fail?

Mr. COBB replied that that very question had been propounded by the gentleman's colleague [Mr. HILLIARD] some moments since, and had been answered by him. He would refer the gentleman to that answer.

But he wished the point not to be lost sight of. He was discussing the question of platforms, and had instanced the case of the Philadelphia Convention as illustrative of his argument, to show why the Whig party could not, or would not, lay down a platform.

Mr. ASHMUN reminded the gentleman that he had not yet answered the question whether General Cass, if elected, would veto the Wilmot

proviso. Would the gentleman answer it before the country?

Mr. COBB remarked that the gentleman seemed very unwilling to allow him to proceed with his course of argument. He was showing the reason why the Whig Convention would not agree upon a platform. He had referred to the fact that in Georgia, and in the South, General Taylor was supported on the ground that he would protect the great interests of the South on the Wilmot proviso, and had shown that it was attempted to induce the people of Georgia to believe that the Philadelphia Convention was against the Wilmot proviso. He had also drawn out evidence to show, if that effort met with success, that success would be a fraud upon the intelligence of the people of his State. While at the South General Taylor was advocated upon the ground taken by that correspondent, and the Whigs of the North were held up as sounder on that question than the northern Democracy, what were the notes which came from the North and fell upon the ears of southern men and of the country? Let him read a single paragraph from a document emanating from the honorable gentleman from Massachusetts, [Mr. ASHMUN]—a letter addressed by him to his constituents, after the action of the Philadelphia Convention:

"His [General Taylor's] declared sentiments are a guarantee that he will never in the slightest manner interfere with the action of Congress, when they shall forbid the existence of slavery in our newly-acquired territories. Let the representatives of the people and of the States be left free to act upon that question, uncontrolled by Executive influence and Executive veto, and we are safe."

He had before him extracts from leading Whig papers of the North, in which they declared to the people of that section of country, not only that General Taylor stood pledged not to interfere by virtue of the veto power with the regular action of Congress on this subject, but that, from the avowed sentiments of General Taylor, as expressed in his "Signal" letter, he was himself opposed to the extension of the institution of slavery. One of the leading organs of the Whig party, now out in warm and cordial support of General Taylor in the city of New York, declared that the pledge (as they read it) in the letter of General Taylor, that he would not exercise the veto power upon questions of domestic policy, was ample guarantee to them; that with this "arrangement"—to use the emphatic language of the editor—they of the North were satisfied. Not only so, but these gentlemen and these editors, in their anxiety to foist upon this country an Administration which should stand as mute and as dumb as a statue, called upon their people to send Representatives to Congress who would prove true to the North on this question. Yet at the South the effort was made to induce the people to believe that the northern Whig party were sounder and truer on this question than the northern Democracy! Would gentlemen have the country shut their eyes to the plain reading of the records of this Congress, and of every Congress which had assembled during the agitation of this question? Would they call on the people of the South to believe that at this late day a sudden, unaccountable revolution had taken place in the public opinion of northern Whigery on this subject? When, during the history of Congress, had the first northern Whig voted with the South on any of these test questions? Never. Let the records bear evidence to the truth or falsity of his statement. Read the history of the Wilmot proviso in past Congresses, and in this one. There was the evidence.

Not many days ago, in the Senate of the United States, a resolution had been introduced to instruct a committee of that body to report a bill for the abolition of slavery in the District of Columbia. The vote might have been an accidental one; it was certainly a strange one: there were six votes in its favor, and all of them northern Whigs, including Mr. HALE. There was not a northern Whig who voted against it, not a northern Democrat who voted for it. The records spoke volumes of truth; would his southern friends turn a deaf ear?

General Taylor's position in reference to the Whig party was a peculiar one. It was one which the people of this country would examine with more scrutiny, more anxiety to arrive at the truth than gentlemen seemed at present to anticipate. A man who had responded at one time to a Native American nomination—the first that was made—and to every nomination that had brought him before the country as a candidate for the Presidency, in approving terms—a man who stood pledged under his own sign manual to be the candidate of the people, and so to remain, and not the candidate of a party, and yet who, during the Philadelphia Convention, was authoritatively placed at the disposal of the Whig party—a man who had declared at one time that he would avow no principles——

Here the hammer fell, and the hour expired.

Mr. FLOURNOY obtained the floor, and yielded it for a moment to

Mr. BAYLY, who said he had been informed that his friend from Georgia, [Mr. TOOMBS,] whose argument he regretted he had not heard, for the reason that he had expected the House would this morning take up private bills, had represented him (Mr. BAYLY) as maintaining upon this floor that there was sovereignty in the Territory, and that its inhabitants had the right to abolish slavery therein. He rose to correct the gentleman, and to state the fact that that was a question which he had not discussed in his speech at all, in reference to which he had not expressed any opinion, much less had made an argument.

Mr. FLOURNOY then obtained the floor, and spoke through one-third of his hour on the subject of the Wilmot proviso and the position of parties thereon; when he gave way to

Mr. R. W. THOMPSON, on whose motion the committee rose and reported progress.

[The above speeches will be given in the Appendix.]

On motion of Mr. WOODWARD, the Committee of Claims were discharged from the bill of the Senate for the relief of Stalker & Hill; and said bill was returned to the Senate in compliance with their request.

On motion of Mr. FARAN, the amendments of the Senate to the bill to amend an act supplemental to an act entitled "An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes," were referred to the Committee on Military Affairs.

And then the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. FICKLIN: The petition of Mrs. Mary Flowers, of Lawrence county, Illinois, praying that she may be permitted to purchase at the Government price that portion of the sixteenth section on which she resides.

By Mr. WENTWORTH: The petition of citizens of Jackson precinct, in Kane county, for a mail route from Dundee, via Jackson precinct, to Marengo.

IN SENATE.

SATURDAY, *July* 1, 1848.

The motion of Mr. JOHNSON, of Maryland, to print ten thousand extra copies of the Chicago memorial, was taken up, and decided in the negative: Ayes 15, noes 16.

Mr. RUSK, from the Committee on Military Affairs, moved the discharge of that committee from a number of private petitions, &c.; which motion was agreed to.

Mr. BENTON, from the Committee on Military Affairs, reported the act from the House of Representatives repealing the proviso to the act which required the President to reduce the generals to one major general and two brigadiers at the end of the war.

Mr. B. explained the nature of the act from the House, and of the amendments proposed to it, and, as it was necessary for Congress to act upon the subject before the proclamation of peace—an event now to be daily looked for—he would ask for the immediate consideration of the act and amendments.

The immediate consideration was ordered.

Mr. BENTON said, at the commencement of the war, the number of generals in the regular army was increased from three to six—from one major general and two brigadiers to two major generals and four brigadiers—and directed the President, at the termination of the war, to reduce the number to that from which it was raised. The act from the House *repealed* the clause which imposed this duty of reduction upon the President. The Military Committee of the Senate proposed to *suspend* instead of repeal that clause, and make the suspension continue until the fourth day of March next, in order to give time for organizing a suitable and permanent peace establishment, providing, at the same time, that no vacancy which may occur among the generals shall be filled up.

The committee also recommend, as a further amendment to the act from the House, a second section, to provide in the same manner for the temporary retention of other officers by *suspending* until the same day (fourth of March next) the provisions of the existing laws which would discharge them on the day of the proclamation of peace. These officers were the *second* majors attached to regiments during the war, and certain staff officers, quartermasters, paymasters, surgeons, &c., all of whom were enumerated in the section proposed. The public service and justice to individuals required, in the opinion of the committee, these classes of officers to be temporarily retained. The second or additional majors would be thrown out of the line of their profession and unjustly disbanded, if not now provided for. It was the opinion of the committee that they should be retained as they were; but, as in a permanent peace establishment, it would not be advisable to keep up two majors to a regiment, it was the opinion of the committee that vacancies among such majors should not be filled up, and thus leave the reduction of these additional majors to be effected by promotions and other casualties of the service. The same provision applies to the staff officers named in the section. The provisions of the acts which would disband them are suspended until the fourth of March next, vacancies in the mean time not to be filled up. The services of these officers are deemed necessary for some time to come.

The third section recommended to the act is to allow three months' extra pay to the officers, non-commissioned officers, musicians, and privates, who have served in the war with Mexico, and who have served out the term of their engagement or been honorably discharged, or may be so discharged. The provision is to include all who served out the term of their engagement, or were honorably discharged from it, whether for the whole war or for twelve months, or for a special service. The committee deem this allowance of extra pay just in itself and conformable to the usage of the Government, being the same that was allowed to officers at the conclusion of the late war with Great Britain, and less than was allowed them at the close of the revolutionary war. It is but a small indemnity for loss of time, interruption of business, expenses, &c., incident to the change of life from the military life to civil pursuits. The present provision only differs from those referred to in giving the same extra pay to the non-commissioned officers, musicians, and privates, as is allowed to the officers, the principle being the same in both cases. It is the *pay* alone, and not pay and *emoluments*, which is thus given.

Mr. B. asked that the amendments might be ordered to be engrossed; which motion having been agreed to, the bill was read a third time, by unanimous consent, and passed.

Mr. DAVIS, of Mississippi, said, that in consequence of an impression which had been made on the mind of the officer who had participated in the raising of the flag which he had some time since presented to the Senate, on the palace of Mexico, because the report which accompanied the flag when it was sent to General Twiggs had not also been laid before the Senate, he now submitted that report, and moved that it be read and printed.

The report having been read—

Mr. FOOTE complained that he had not been consulted by his colleague before he presented the flag. There was an impression among the friends of Major General Quitman, that injustice had been done to him, by the total suppression of his name in the remarks which his colleague had made on introducing the flag. He had intended, however, to let the matter rest, and he would have done so but for the revival of the subject this morning. Without intending the slightest disrespect to General Twiggs, he thought he should not be doing his duty, if he permitted the name of General Quitman, who had ordered the flag to be raised, and who was a distinguished son of Mississippi, to be silently passed over. He had in his possession documentary evidence on this point, which he hoped to be able at an early period to submit to the Senate, in order that justice should be done to all on the official records of this body.

Mr. DAVIS, of Mississippi, expressed himself

a little surprised at the course of his colleague. The officer who had placed the flag in his hands, had said nothing on the subject, and if there was any wrangling for the honor among subordinates, he would not stoop to mingle in it. He did not expect that there existed any misunderstanding between the commanding officers. He should be found as ready to defend the reputation of General Quitman, whenever a proper occasion offered itself, as any man; and he should feel great grief if anything took place to ruffle a single plume in his wreath of renown. The fame of this distinguished man, and of others who had performed a conspicuous part in the late war, he was willing to hand over to the historian; and he would not wish to be numbered among those who desired to make political capital out of it.

Mr. BUTLER said it was natural for military officers to be jealous of their fame. He rose merely to state a fact which he had from good authority. In the midst of the fire, General Quitman mounted the edifice, and displayed, not a flag, but a handkerchief. He then called for a flag, which was brought, and that flag was the Palmetto flag of South Carolina.

Some further discussion took place between Mr. FOOTE and Mr. DAVIS, which became at first warm and then personal in its character.

Mr. BORLAND explained, from his own observation, the details of the fight, and awarded the credit of raising the first American flag to General Quitman.

Mr. DAYTON said, when the flag had been first presented by the Senator from Mississippi, he thought it a matter of at least questionable propriety, deeming as he did the proper place to have been the War Department, and he should therefore move to lay the subject on the table; which motion was agreed to.

THE WASHINGTON GAS-LIGHT COMPANY.

The Senate then proceeded to the consideration of the bill to incorporate the Washington Gas-Light Company.

Mr. JOHNSON, of Maryland, moved to amend the bill by adding another section, giving the city authorities wholesome control over the company, as to location, &c.; which was agreed to, and the bill was read a third time and passed.

On motion of Mr. BRIGHT, the Senate proceeded to the consideration of the bill for the relief of Gamaliel Taylor, late marshal of the State of Indiana, and his securities; which, having been explained and advocated by Mr. B., was ordered to be engrossed, and was subsequently read a third time, by unanimous consent, and passed.

On motion of Mr. BORLAND, the Senate proceeded to consider the bill to allow pay and subsistence to certain Arkansas and other volunteers who have been prisoners in Mexico.

This bill, having been explained, was ordered to be engrossed, and was subsequently read a third time and passed.

Mr. UPHAM asked the Senate to take up the bill for the payment of the fourth regiment of the second brigade of the third division of the Vermont militia, for services at the battle of Plattsburg. The bill, he thought, would give rise to no debate; it had already been passed three times by the Senate. The motion was not agreed to.

Mr. BRIGHT wished to have a general understsnding that the question should be taken on the Oregon Territory bill on Tuesday week.

Mr. WESTCOTT was opposed to anything being done until the treaty with Mexico was returned, when all relating to the territories newly acquired could be settled.

Mr. JOHNSON, of Maryland. Say Wednesday week, by which time the treaty will doubtless be here.

Mr. BRIGHT assented, and it is now the understanding that the question will be taken on that day, should the debate have terminated.

On motion of Mr. DOWNS, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 3, 1848.

The Journal of Saturday was read and approved.

Mr. BURT asked the unanimous consent of the House to allow him to move to discharge the Committee of the Whole on the state of the Union from the bill to increase the efficiency of the regiments and corps of the army, and to provide for disabled and infirm officers.

Mr. McKAY said that that was a very important bill, and he desired to discuss it in Committee of the Whole.

Mr. BURT moved to suspend the rules to enable him to move to discharge the committee from the above-mentioned bill. Agreed to, two-thirds voting in favor thereof.

Mr. BURT, to save the time of the House this morning, proposed that the bill take its place on the Speaker's table to come up in its order. He should then be glad to meet the gentleman from North Carolina on its merits.

This suggestion was acquiesced in, and the bill went to the Speaker's table.

On motion of Mr. VINTON, it was ordered that when the House adjourns to-day, it adjourn to meet on Wednesday next.

REVOLUTIONARY TROPHIES.

Mr. COLLAMER, by leave, introduced the following joint resolution:

Resolved, &c., That two brass field-pieces captured from the enemy at the battle of Bennington, in the State of Vermont, in 1777, now in the possession of the United States, be immediately well mounted under the direction of the Secretary of War, and delivered to the Governor of the State of Vermont, to be hereafter holden as the property of said State.

The resolution having been read a first and second time—

Mr. COLLAMER addressed the House to the following effect: Mr. Speaker, a motion has now been entertained that when this House adjourns, it will adjourn to the 5th instant, and *this* is, therefore, for all the practical purposes of this House, the 4th of July. I therefore take this as a fitting occasion to present this resolution. I am sensible that the House has little of time or patience to listen to a subject to them of so little interest or importance, and I will therefore state, as concisely as possible, the history of the two field-pieces mentioned in the resolution, and the claim of Vermont to the same.

In 1775, before the declaration of independence, and immediately after the commencement of hostilities with England, the people of Vermont, then called *The New Hampshire Grants*, captured the fortresses of Ticonderoga and Crown Point, and therein took one hundred and thirteen pieces of cannon, six mortars, and three howitzers, good for service. These all passed into the service of the United States, and the people of Vermont have received therefor no compensation. This constituted the basis of the artillery with which the war of the Revolution was achieved. In 1776 little but disaster attended the American arms. In 1777 General Burgoyne entered the country, from Canada, with his imposing army of invasion, the best-appointed and best-furnished army, though not the largest, ever landed in America. He captured Ticonderoga, opened the whole northern frontier, pushed forward to the Hudson, and spread consternation through the country. It should, however, be remarked that he had some proper appreciation of Vermont. In the published journal of his expedition as it advanced will be found this entry of General Burgoyne: "The *Hampshire* '*Grants*, in particular, a country unpeopled and 'almost unknown in the last war, [that is, the *old* '*French war*,] now abounds in the most active and 'most rebellious race on the continent, and hangs 'like a gathering storm upon my left." There was a depôt of provisions at Bennington, in Vermont, and a detachment of Burgoyne's army under Col. Baum was sent to capture it, and upon this detachment this *gathering storm* burst like a tornado. Sir, I wish it remembered that no United States troops were present. It was the *people* of Vermont, assisted by their neighbors of New Hampshire under the *gallant Starke*, and a few bold neighbors from Berkshire, Massachusetts, who overthrew this army under Baum, behind their log breastwork, and captured over seven hundred men, besides the killed and dispersed; and then it was that they took these two field-pieces. Did they not belong to that people? But, sir, they were wanted by the country. They were taken down to the Hudson, and constituted a part of the artillery in the battles of Beamis's Heights and Saratoga, which resulted in the capture of the whole British army. They have been retained by the United States ever since. Sir, the expenses of Vermont in the Revolution have never been settled, or a dollar of them repaid. Their efforts at Ticonderoga, at Hubbardton, at Bennington, and even those of last war, when Vermont rose *in mass* and went to the rescue at Plattsburg, have never been adjusted or a dollar paid therefor by this nation. All I now ask is, that you return to Vermont these two field-pieces, which you have kept seventy years, and now, having worn out their carriages, you have thrown them aside as valueless, outside your arsenal; and there, sir, you may now see them, neglected and corroding, but there is chisseled on them the precious memento that they were captured at Bennington, 1777. This Government regards them as of *no value*. May we have them? Will you remount and return them? To us of Vermont they are invaluable. We will put them in the vestibule of our granite capitol, and they shall be kept bright, in patriotic, filial, and grateful remembrance of our fathers' valor. Again I ask, *may we have them?*

The resolution was then read a third time, and passed unanimously.

Mr. STANTON asked that the House, by general consent, discharge the Committee of the Whole on the state of the Union from the consideration of Senate bill to enable and authorize the accounting officers of the treasury to audit and settle the accounts of certain acting officers therein named.

Mr. HOUSTON, of Alabama, objected.

Mr. STANTON then moved a suspension of the rules for the purpose indicated. Disagreed to; two-thirds not voting in the affirmative.

Mr. GAINES moved the following resolution, which was read and agreed to:

Resolved, That the papers on file in relation to the claim of the legal representatives of William Vawters, deceased, be referred to the Secretary of War, that that claim may be settled under the act of Congress of July 5, 1832, if it is embraced by that law; and if not, that he may report to this House the facts of the case.

Mr. FRIES moved a suspension of the rules to enable him to move a resolution to rescind the resolution closing the debate in Committee of the Whole at two o'clock this day on the civil and diplomatic appropriation bill. Lost; two-thirds not voting in favor thereof.

Mr. McILVAINE moved a suspension of the rules to enable him to offer a resolution directing the Committee on Printing to inquire into the expediency of printing 10,000 copies extra of the report accompanying the bill to establish an Indian Territory west of the Mississippi river. Lost; two-thirds not voting in the affirmative.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1849.

Mr. FLOURNOY spoke out the residue of his hour, and compared the two candidates for the Presidency in relation to the positions which they had assumed, to the advantage of General Taylor. He spoke of General Cass's extreme party policy, and maintained that the excitement now existing in the country on the subject of slavery was created by Democratic ultraism. General Taylor, he asserted, was really Democratic, but perfectly safe and conservative, and under his administration the Union itself would not be endangered.

Mr. WOODWARD, of South Carolina, followed, and argued the constitutional question in relation to the power of the General Government over the Territories.

Mr. PRESTON addressed the committee on the position of the exciting slave question and the means of settling it, and on other questions which parties had brought into the approaching contest. He was interrupted by the expiration of the time allowed for debate, without finishing his argument.

[The above speeches will be found in the Appendix.]

Mr. VINTON said, he understood there were many amendments to be offered to this bill. The Committee of Ways and Means had amendments to offer, and there would be a great number submitted by gentlemen individually. He therefore suggested, that as it was impossible to dispose of the civil and diplomatic bill to-day, and as the House would not sit to-morrow, the committee

should now lay the bill aside informally, and take up and dispose of the Post Office and the Indian appropriation bills, which had been returned from the Senate with amendments.

Mr. HOUSTON, of Alabama, inquired if the gentleman from Ohio [Mr. VINTON] intended to avail himself of his privilege to speak on the civil and diplomatic appropriation bill? If so, he had better proceed now.

Mr. VINTON said he had listened very attentively to the debate, but he had heard nothing that called upon him for an answer. He did not, therefore, propose to avail himself of his privilege.

Mr. RHETT inquired, if the committee should agree to the suggestion of the gentleman from Ohio, whether the civil and diplomatic bill would not lose its place?

A conversation ensued; but ultimately the civil and diplomatic bill was laid aside by common consent.

POST OFFICE APPROPRIATION BILL.

The committee then took up the bill making appropriations for the service of the Post Office Department for the year ending June 30, 1849, and the amendments of the Senate thereto.

The first amendment of the Senate was read. It reduces the appropriation for the transportation of the mails within the United States from $2,540,700 to $2,495,700, (reduction $45,000,) and appropriates $45,000 for the transportation of the mail between Charleston, South Carolina, and Havana, in steam vessels, to touch at Savannah and Key West, and $5,000 for the employment of smaller steam vessels to furnish mail facilities to such places on the coast of Florida as the Postmaster General shall think proper.

Mr. BIRDSALL obtained the floor, and inquired if the House was not now in Committee of the Whole on the state of the Union?

The CHAIRMAN replied in the affirmative; but he intimated to the gentleman from New York that the debate must be limited to the pending question, which was one of concurrence in the amendment of the Senate.

Mr. JONES, of Tennessee, inquired on what principle the Chair made this decision? The House was now in Committee of the Whole on the state of the Union; and, consequently, they were in precisely the same position that they were half an hour ago, with the exception that they had before them a different bill. He could not see, therefore, on what principle the gentleman from New York was to be so restricted that he could not go into a party discussion, which had been going on here for some days.

The CHAIRMAN intimated that debate was not in order unless the gentleman appealed.

Mr. JONES took an appeal from the decision of the Chair.

Some conversation ensued thereon, in which Messrs. EVANS, JONES, VINTON, SIMS, and others took part.

The decision of the Chair was then sustained by a vote of 77 to 44.

Mr. VINTON made some brief explanations of the amendments made by the Senate, and the recommendation of the Committee of Ways and Means to concur therein.

After a few words from Mr. POLLOCK—

The question on the amendment was divided, and was first put on the first branch, viz: To reduce the amount from $2,540,700 to $2,495,700. It was agreed to.

The question being on the second branch of the amendment—

Mr. HOLMES, of South Carolina, explained the provisions of the law of last Congress, and the action of the Postmaster General in making the contract. He argued that he was sustained by the spirit of the law in entering into the contract, and briefly and warmly urged the importance and the justice of the appropriation, the faith of the Government being pledged to the contract, as he contended.

Mr. FICKLIN called for the reading of the letter of the Postmaster General on this subject; but it was not in the House. He briefly opposed the appropriation. He answered the argument of the faith of the Government being pledged, by stating that the contract was made expressly subject to the action of Congress in the premises.

Mr. POLLOCK stated that the company had already gone on to construct vessels.

Mr. FICKLIN replied, if they had done so, they had done it at their peril, and had no claim upon Congress. He urged that the House should stand by its deliberate decision against the appropriation made when the subject was formerly under consideration, and that this spirit of growing expenditures should be arrested.

Mr. RHETT admitted with the Postmaster General that the mail might be conveyed without the employment of steamers between Charleston and Havana, but urged that it would be inadequate to meet the wants of the community and the interests of the country, as well as behind the spirit of the age. He replied to Mr. FICKLIN's objection on the ground of economy, that it was a measure intended to subserve two purposes: the transmission of the mail and the keeping up of the navy, and that the argument was not valid unless the navy itself should be abolished for the sake of economy.

The debate was continued by Mr. HOUSTON, of Alabama, and when he concluded, the committee rose and reported progress.

Mr. JONES, of Tennessee, asked leave to offer a resolution calling on the President to furnish the House with a statement of all moneys paid General Cass and General Taylor, since their entrance into the public service, whether for regular or extra services. Objected to.

Mr. JONES moved a suspension of the rules for the purpose of offering the resolution.

Whereupon the House adjourned.

IN SENATE.

MONDAY, *July* 3, 1848.

Mr. UNDERWOOD presented the credentials of Mr. THOMAS METCALFE, appointed a Senator by the Governor of the State of Kentucky, to fill the vacancy occasioned by the resignation of Mr. John J. Crittenden.

Mr. METCALFE, after having been duly qualified, took his seat.

MEMORIALS AND PETITIONS.

Mr. NILES presented a petition from citizens of Pennsylvania, asking a reduction of postage and discontinuance of the franking privilege; which was laid on the table.

Mr. TURNEY presented a petition from citizens of Tennessee, asking the establishment of a mail route from Smithville to Batton's Store, in that State; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. HUNTER, from the Committee on Finance, reported House bill for the relief of the Red River Railroad Company, with a recommendation that it pass.

Mr. BREESE, from the Committee on Public Lands, reported an act to extend an act entitled "An act providing for the adjustment of all the suspended preëmption land claims in the several States and Territories," approved August 3, 1840; which was read a first time.

Mr. B. also, from the same committee, made a report recommending the printing of two thousand additional copies of David Dale Owen's geological reconnoissance of the Chippewa land district of Wisconsin and the northern part of Iowa.

Mr. BORLAND, from the Committee on Public Lands, reported a bill allowing exchanges of and granting additional school lands in the State of Arkansas, accompanied by a report; which was read a first time.

Mr. ATCHISON, from the Committee on Indian Affairs, reported House bill for the relief of the legal representatives of Joshua Kennedy, deceased, without amendment.

Mr. DOWNS, from the Committee on Private Land Claims, made an unfavorable report on the several petitions of settlers and claimants to the reservation of land in the county of Lee, Iowa, accompanied by a report; which was ordered to be printed.

ADJOURNMENT OF CONGRESS.

The joint resolution from the House fixing the time of adjournment on the 17th instant was taken up; the question being on the motion of Mr. BADGER to amend the resolution, by adding a provision that the next session of Congress shall commence on the second Monday in November next.

Mr. MANGUM referred to the extended and desultory range which the discussion on this resolution had taken, and reminded the Senate that the debate had been fastened on him personally, leaving him, the most humble of the members of this body, no alternative but to enter into it. He regretted that the Senator from Mississippi, who had provoked certain questions from him, was not now present. That Senator had propounded certain questions relating to the course of General Taylor. He now desired to ask a question respecting General Cass's views on internal improvement, and the western lakes and harbors. He had already referred to the subject, and had been told that his sentiments were imbodied in a certain letter to an individual. He was desirous, however, to avail himself of the latest edition of his opinions. He would now state it to be his belief that General Cass stood nowhere on the question of slavery. His course leaves the question unsettled one way or the other, and this he proposed to show.

In the first place, he stated that General Cass had evaded the general issue, and left us in the dark as to his real opinions. On the subject of the course of General Cass as to the Wilmot proviso, the Senator from New Jersey [Mr. MILLER] had already cast some light. When the two-million bill came up, General Cass was opposed to it—not from any change of principle, but because he thought it out of place. The next item was the letter of General Cass to Mr. Nicholson, in which he asserts that Congress has no power to interfere with slavery in the States. On that point, all the Senators are agreed, not excepting the Senator from New Hampshire, [Mr. HALE.] The next point is, that General Cass is of opinion that Congress cannot touch slavery in the Territories. General Cass leaves the whole matter to the Territories, and to the people of the Territories, to be disposed of by any regulations they may make not inconsistent with the Constitution. He went into an examination of this point, and asked how it could be applied to California, made up of a mixed race, without a single white man. The population of New Mexico is the most degraded of any population in Mexico. Yet these are the people on whom will devolve the right of selecting representatives. Suppose New Mexico should select slavery: General Cass, according to his principles, avowed in his letter, must veto it. He is committed by his letters neither to accept nor reject any bill on the subject from the people of a Territory. His object in making this point was, to reply to those who said General Taylor had no avowed opinions on the subject, that, on the same subject, General Cass stood nowhere.

He referred to the platform laid down by the Baltimore Convention, and the cordial and full recognition of the principles here laid down, by General Cass. In the seventh canon of this platform, it is laid down that Congress has no right to interfere with the domestic institutions of a State. This was a copy of the canon of the Baltimore Convention of 1844, and that was a copy of the canon of the Baltimore Convention of 1840. He quoted resolutions introduced by Mr. Campbell in 1844, from which the canons of the Democratic platform on the subjects of internal improvements and slavery were taken, word for word. He suggested that this explanation showed the claim which the Democratic party had to the gratitude even of their own party for their originality and their regard for the country. He adverted to the Journal, to show that almost every Whig voted to sustain these resolutions.

Mr. FOOTE asked if the Whigs generally did not vote for the tariff in 1842, and if they did not make a change in their basis of 1844?

Mr. MANGUM said he believed the Whigs generally did vote for the tariff of 1842, although it was not the general bill. He did not approve of the tariff of 1842, and he voted against it.

Mr. FOOTE asked if the tariff of 1842 was not the issue at the Presidential election of 1844?

Mr. MANGUM said it was made the issue at the Presidential election in most of the States. He adverted to the spring which had been given to our industry and prosperity by the tariff of 1842. He went on to read the second resolution of the platform, and its history. He named with some emphasis some of the individuals—Mr. Preston King and others—who had voted for this resolution, and asserted that the platform was constructed of principles which no one would deny.

General Cass had taken his stand on this plat-

form, which was not precisely as Mr. Stevenson represented it, just broad enough to contain the whole Democratic party, but none beyond it, but which in some parts was wide enough to admit all parties. He referred to the celebrated Kane letter which circulated so generally in Pennsylvania, and expressed a conviction that it had its origin in the same brain in which was engendered the Baltimore platform. He held in his hands two copies of the life of General Cass, printed at the Congressional Globe office, price fifty cents per hundred, identically the same up to the last page, one addressed "North," and one "South." In the pamphlet for the northern market, his outgushing burst of eloquence on the struggles of France—well calculated to work on the North—is given. There is but one reference to the Wilmot proviso, where a Federal Senator [Mr. UPHAM] is charged with a design to defeat the two-million bill.

Mr. HANNEGAN expressed his conviction that neither General Cass, nor any friends of his, had ever sanctioned the publication of two distinct editions of a speech, one intended for one section of the Union, and one for another section. He had authority to state from the Congressional committee on the Democratic side, that they had never sanctioned any such practice.

Mr. MANGUM did not wonder at the sensitiveness of Senators on the other side. He then referred to the language in the other copy of the Life of General Cass, which he presumed to be intended for the South—although he admitted that there was nothing printed on the face of the documents to the effect that one was for the North and the other for the South—in which General Cass evaded the question of the Wilmot proviso.

Mr. FOOTE asked if the Senator from North Carolina did not know that one edition of the biography was printed before the agitation of the French question, and that afterwards his friends thought it right to modify the pamphlet by inserting his remarks on that question?

Mr. MANGUM said he certainly attributed no censure to the friends of General Cass for inserting his remarks on the French struggle; but he asked why it was, at the same time, deemed expedient to omit the opinions of the General on the Wilmot proviso? He asserted that he was a southern man: he was ready to die for the institutions of the South whenever it should be necessary. He went for liberty first, and for Union next, and he hoped they would not be divided; but if he had the firmness he trusted he had, he would stand by his country in repelling, to the last, every attempt to touch the institutions the sanctity of which was guarantied by the Constitution.

He paid a tribute to the kind and generous courtesy of General Cass, with whom he had intercourse when the General held a place in an administration with which he (Mr. M.) had no personal communication excepting General Cass. He said he had put a question to which he desired an answer. The harbor and river bill which Mr. Polk had vetoed, would General Cass veto? The second resolution of the Baltimore platform denies the power of the General Government to make internal improvements. Mr. Polk gave in his adhesion to the platform of 1844, Oregon up to 54° 40', and all. But for the veto of the internal-improvement bill, Mr. Polk would have been the nominee of the Baltimore Convention again.

Mr. FOOTE. He would not have accepted it.

Mr. MANGUM. My dear sir, not accept! I beg pardon—I have known Mr. Polk a long time. He went on to state that General Cass had voted for internal improvements; but how would he act in reference to vetoing a bill? He regarded General Cass as the representative of the worst type of Democracy, and he anticipated new foreign wars, should he be elected and serve his four years. He supported General Taylor, because he looked on him as ready to carry out all the principles of the Whig party—to promote industry, and to cultivate a pacific policy; because he believed him to have a true sense of national honor, and that he would never stretch out a strong hand to wrest territory from a weak neighbor; and because he considered him as above mingling with low party intrigues. He characterized the Democratic party as going for bold enterprise, regardless of the cost of treasure or of blood; as pursuing an aggressive, gallant policy, more anxious to achieve a glittering position in history than to introduce or secure domestic peace and comfort at home. As to Cuba, he was opposed to any powerful nation holding it. He desired it to remain free; and he was equally opposed to any strong naval power holding the key to the Gulf.

Mr. FOOTE asked whether General Taylor considered the United States as in the wrong, and Mexico in the right, during the recent war?

Mr. MANGUM said he was not going to be the expounder of all General Taylor's opinions. He took a view of the course of the Administration in the commencement of the war, asserting that the President had not calculated on any of the consequences of the war falling on him and his Administration. But the President had relied too much on the effect of the clamor about British Whigs, &c. He touched on the Oregon dispute, and the annexation of Texas, and the ambition to acquire territory which had characterized some of our recent administrations. He was opposed to the policy. He went for home in preference to all the broad territories of the earth. Our policy is not to promote the welfare of others, but our own. When the country is engaged in a foreign war, sanctioned by the Executive, he could never stand ready to go against her. Yet he was one of those called Mexican Whigs. He differed with some of his friends as to the possibility of avoiding the war, and stated that some of our gallant officers had been persecuted by the Nero of the day, when they ought to have been rewarded. He said that had the Whig party selected a civilian, he would have rejoiced; but as this had not been done, he was glad to take hold of the gallant military man by the hand, relying more on him than on many other more conspicuous civilians who might have been brought forward.

Mr. FOOTE asked if General Taylor's friends held that the President of the United States or the Mexicans had commenced the war.

Mr. MANGUM replied that the war, in his opinion, was commenced by the President of the United States. In reference to the maxim, "to the victors belong the spoils," he denounced it with the most unutterable scorn. He eulogized General Taylor and Millard Fillmore, defending them against the attacks of Croswell, who had at one time declared General Jackson unfit to fill the office of President, and at another time that the General was the greatest hero that ever walked the land; who had abused and eulogized other great men—perhaps Mr. Van Buren. He had seen the Senator from Mississippi so severely handled by the press that he would have scorned to have lent a countenance to. Such, indeed, was the harsh and indiscriminate abuse of the mercenary press that the only protection of any man was his insignificance. It would be well to discontinue this debate here, for he had no doubt that the presses would be so industrious, that they would, before the end of the campaign, prove General Cass to be destitute of any good quality whatever; and that General Taylor never dared to show his honest, ruddy face on the battle-ground of Buena Vista.

Mr. HANNEGAN rose to explain the cause of the discrepancy in the sketch of General Cass. He stated that the only omission was that of part of a letter of General Cass to Mr. Nicholson, which was left out of one. He knew, and the Senate knew, that Francis P. Blair and John C. Rives would never stoop to be guilty of a falsehood, and they were men who would never stoop to be guilty of a fraud. The one was a publication in March, the other in June; and the difference was caused by a desire of the young man who prepared the sketch to correct it, so as not to swell the limits and increase the expense.

Some further explanations on this point ensued; and the parts of the pamphlet were read and reread; and Mr. HANNEGAN read a further extract, which, he said, the Senator from North Carolina had omitted.

Mr. MANGUM said he had not read it, because it was not contained in either of the editions of the pamphlet which he had before him. He believed that General Cass would scorn to sanction such a vile course, or that the Senator from Indiana would; but there are hangers-on, leeches, who are ready to do anything to promote their object.

Mr. HANNEGAN said he did not know the author positively; but if it was the person he supposed, he was a young man, not more than twenty-five years of age, open and ingenuous, who, he thought, would never be guilty of a fraud. He wished the Senator from North Carolina had described and defended the Philadelphia platform, and General Taylor and his principles. He was not disposed to say a word against General Taylor, who was an honest and a brave old soldier, who, according to his own statement, never cast a vote, nor filled an office, from a constable upwards. It had been asserted that the Philadelphia Convention had been disposed to nominate Old Zack for President and Old Whitey for Vice President. General Taylor's sentiments were not known. He was taken on trust, as John Tyler was, and he reminded the Senator that in less than eighteen months after the election of John Tyler, curses loud and deep were heaped upon him. He asserted his belief that the Whigs had destroyed themselves by the nomination of General Taylor.

Mr. JOHNSON, of Maryland, made some explanations of the course of General Cass, in order to show that the defence of the Senator from Indiana did not clear the General from the charge of inconsistency, nor exactly settle the question as to the absence of any fraud. The Senator from Vermont [Mr. UPHAM] had also applied at the Globe office for copies of the sketch, and he had obtained the two editions—March and June—from which it appears that the very words said by the Senator from Indiana to have been left out of the June edition in his hand, because other matter was introduced in its room, appear in the June edition which he (Mr. JOHNSON) held in his hand. The Senator from Indiana could compare the pamphlets, and he could then decide whether the young man of twenty-five was so entirely innocent of fraud as he supposed.

Mr. HANNEGAN said his authority was General Bayly and Mr. Howell Cobb, of the House.

Mr. JOHNSON said this was the policy of the Democratic Association, at Jackson Hall, to send out different editions, one for the North and one for the South, where they were scattered broadcast. The thing did not do itself—who did it?

Mr. HANNEGAN. Some villain.

Mr. JOHNSON. Yes, some villain. I echo the Senator from Indiana. Why was it done, if not to give different impressions in the North and the South? He cared not what platform General Cass stood on; but there was one platform which God had planted—common honesty—on which every man could stand. Our penitentiaries are filled with persons charged with more trivial crimes, for false pretences of a far less criminal and detestable character than this. If General Cass were here, it would become him to denounce at once that class of men which seeks support for him by cheating others. A thimble-rigger is a virtuous man compared with such.

Mr. HANNEGAN was certainly very much surprised at the disclosure of the Senator from Maryland. He would take occasion to disclaim on behalf of every member of this Senate, and of the other House, any participation in this fraud. Whoever had been so misguided as to do it, had not hugged to his heart so closely as he ought the principles of honor. But while he admitted this, he desired to know what there was in the matter omitted of such consequence that it should be hurled against General Cass? To find the history of General Cass, he referred Senators to the history of our country, from the time of Mr. Jefferson to this day.

Mr. FOOTE made a reply at some length to the remarks of the Senator from North Carolina, [Mr. MANGUM.]

Mr. NILES then made a few humorous remarks, in which he compared the proceedings of the day with those of a ratification meeting.

Mr. CLAYTON then rose and expressed a wish to reply to some of the remarks which had fallen from the Senators on the other side. But as the hour was late, he suggested the propriety of adjournment.

On motion, it was then ordered that when the Senate adjourns, it adjourn to meet on Wednesday, in order to enable it to join in the ceremony of laying the corner-stone of the Washington National Monument to-morrow.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 5, 1848.

The Journal of Monday was read and approved.

Mr. COCKE, by the unanimous consent of the House, offered a resolution to discharge the Com-

mittee of the Whole on the state of the Union from the bill of the Senate granting pensions to the widows and orphans of such officers, musicians, and privates, of the army of the United States, as have fallen in Mexico, and that the same be put on its passage.

The resolution was agreed to.

The bill and the amendment reported by the Committee on Revolutionary Pensions of the House were read.

Mr. COCKE explained the bill and amendment, and urged its passage in a few remarks.

Mr. HARALSON moved to amend the amendment so as to embrace the widows and orphans of those officers and soldiers who died on their march to Mexico.

Mr. COCKE moved the previous question, which was seconded, and, under the operation thereof, the amendment to the amendment was agreed to.

The amendment, as thus amended, was adopted, and the bill read a third time, passed, and returned to the Senate.

Mr. BINGHAM, by leave, introduced a joint resolution to change the location of the site of a light-house on Lake Superior; which was read three times and passed.

OFFICERS OF THE ARMY.

Mr. BOTTS said, some time since a bill was reported from the Committee on Military Affairs, repealing so much of the act of 1846 as required the President to discharge, at the close of the war, the number of brigadier and major generals, and other officers appointed under that act. The bill had passed the House and gone to the Senate, and was taken up there on Saturday last, and sent back with various amendments. Upon its return to the House, it was, on the motion, he thought, of the gentleman from Ohio, [Mr. VINTON,] referred to the Committee on Military Affairs. That committee had had no meeting since that day. He did not believe it had been within the knowledge of any member of the committee that the bill had been referred to them; otherwise, a meeting would have been called, and the committee would have had the bill under consideration. It had become indispensably necessary that it should be acted on to-day. He understood that the treaty had arrived from Mexico—that the proclamation of the President would be published to-morrow, and would probably have been to-day, had any paper issued in this city this morning. If the bill was not acted upon to-day, it became the President's imperative duty to dismiss the officers—the major generals, brigadier generals, and other officers—provided for in the act of 1846, many of whom, for their meritorious services, had been promoted.

The amendment of the Senate suspended the operation of this act to the 4th of March, 1849, thus affording additional time for legislation on this subject. It would be perfectly competent for either House to introduce and pass a bill repealing these laws at any subsequent period of this or of the next session; but there was no time to act upon it now in any other way than by a suspension of the law such as was now proposed, for the reason, as he had said, that these gentlemen were to go out of office immediately upon the proclamation of peace.

He therefore moved that the Committee on Military Affairs be discharged from the further consideration of the subject, and that the amendments of the Senate be put on their passage immediately. He hoped there would be no objection.

Mr. DICKEY objected.

Mr. BOTTS hoped the gentleman would not by his power of objection under the rules defeat the will of a large majority of the House.

Mr. DICKEY adhered to his objection.

Mr. BOTTS inquired if it would be in order to move to suspend the rules for the purpose.

The SPEAKER replied in the negative.

POST OFFICE DEPARTMENT.

Mr. VINTON moved a resolution to close all debate in Committee of the Whole on the state of the Union on the bill making appropriations for the service of the Post Office Department for the year ending June 30, 1849, in thirty minutes after the House shall again consider said bill in Committee of the Whole. Agreed to.

GAS-LIGHT IN WASHINGTON.

The bill of the House to incorporate the Washington Gas-light Company, which was several days since returned from the Senate with an amendment, was taken up, and the amendment of the Senate was read and concurred in, and the bill stands passed.

Mr. HUNT called for the orders of the day.

RIVER AND HARBOR IMPROVEMENTS.

The SPEAKER announced the report of the Committee on Commerce, and the accompanying resolutions on the message of the President giving his reasons for withholding his approval from the river and harbor bill of last session, on the memorial of the Chicago Convention, and on various other memorials for the improvement of rivers and harbors, as the subject first in order.

The resolutions were read as follows:

Resolved, That the Constitution of the United States vests in Congress the power to appropriate money to open and improve harbors, and remove obstructions from navigable rivers, in all cases where such improvements are necessary to the protection and facility of commerce with foreign nations or the commerce among the States.

2. *Resolved*, That the interests of our national commerce, the common defence, and general welfare of the United State, require a judicious exercise of the foregoing powers.

3. *Resolved*, That the reasons assigned by the President in his veto message of December 15, 1847, for his refusal to approve and sign the bill passed March 3, 1847, making appropriations for the improvement of certain harbors and rivers, are deemed insufficient and unsatisfactory.

4. *Resolved*, That it would be inexpedient, and contrary to the principles of the Constitution, to give the general consent of Congress, in advance of legislation by the States, to the imposition of tonnage duties by the several States as a means of improving the ports and harbors at which such duties may be levied.

5. *Resolved*, That the report of the Committee on Commerce on the memorial of the Chicago Convention respecting harbor and river improvements, the President's message of December 15, 1847, on the same subject, and the bill referred to said committee in relation to tonnage duties, with the minority report on the same subject, be printed, and that the Committee on Printing be directed to inquire into the expediency of printing extra copies of said report.

Mr. SIMS, who was entitled to the floor, said he had no disposition to occupy the time of the House at this late period of the session upon the subject of these resolutions. He would much prefer that the regular necessary business before them should be attended to; and in order to arrive at that result, he would move to lay the report and resolutions on the table.

The yeas and nays were ordered on the motion to lay on the table.

Mr. McCLERNAND asked to be excused from voting, and for leave to state his reasons for his motion.

The SPEAKER. The gentleman cannot be allowed to state any reasons under the rule.

Mr. McCLERNAND, then, would vote against the resolutions, because in effect they must precipitate the country into an enormous public debt; and because, too, they could not be regarded otherwise than as an attack, a gratuitous attack, upon the Administration.

The question to lay upon the table was put, and decided in the negative, by the following vote:

YEAS—Messrs. Atkinson, Bayly, Beale, Bedinger, Birdsall, Bowdon, Brodhead, William G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Williamson R. W. Cobb, Cummins, Daniel, Dickinson, Featherston, Ficklin, Fries, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jameson, Andrew Johnson, J. H. Johnson, Robert W. Johnson, George W. Jones, Kennon, Lahm, La Sere, Lord, Lumpkin, Maclay, McClernand, McDowell, McKay, Miller, Peaslee, Phelps, Pillsbury, Rhett, Richey, Sawyer, Simpson, Sims, Smart, Stanton, Thomas, Jacob Thompson, Robert A. Thompson, Venable, Wallace, Wick, Wiley, Williams, and Woodward—65.

NAYS—Messrs. Abbott, Barrow, Belcher, Bingham, Blanchard, Botts, Bowlin, Brady, Buckner, Butler, Canby, Chapman, Clingman, Collamer, Collins, Conger, Cranston, Crowell, Crozier, Darling, Dickey, Dixon, Donnell, Dunn, Eckert, Edwards, Embree, A. Evans, Nathan Evans, Faran, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Grinnell, Hale, Nathan K. Hall, J. G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Irvin, Jenkins, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Sidney Lawrence, Leffler, Lincoln, Lynde, McClelland, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Morris, Mullin, Nelson, Newall, Outlaw, Palfrey, Peck, Pendleton, Petrie, Pettit, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Root, Rumsey, St. John, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Starkweather, Stephens, Charles E. Stuart, Tallmadge, Taylor, Thibodeaux, James Thompson, John B. Thompson, William Thompson, Thurston, Toombs, Turner, Van Dyke, Vinton, Warren, Wentworth, White, and Wilson—109.

Mr. McCLELLAND had very little objection, he said, to the first and second of these resolutions, though he confessed, if he had been on that committee, he would not have agreed to report any of them. He thought it would have been sufficient for the committee to have made their report, and had that report, together with the President's veto message, circulated among the people.

The first resolution he looked upon as rather loosely drawn, and many and various constructions would be put upon it. Yet he had no particular objection to vote for that resolution.

The second resolution he could vote for with great pleasure.

The third he could not vote for at all. He viewed it as unnecessary. He looked upon it, furthermore, as a direct reflection on the President of the United States. He differed with the President, and did not agree that the reasons he had assigned in that veto message were good and sufficient; but at the same time he was unwilling to give any vote in this House which might be tortured into a censure of that officer, for the simple reason that he, in the discharge of his duties, was compelled to differ with him; and whatever difference of opinion might exist between the President and himself as a member of this House, he was nevertheless obliged to presume that he had acted honestly in the discharge of his duties, and the President had as good a right to differ from him as had any member of this House.

Having requested the Clerk to read the fourth resolution, Mr. McC. said he had very little doubt, from the examination he had been enabled to give this subject, that it would be improper and inexpedient to give this power to the States in advance of the action of each State on this particular subject; but at the same time he could not vote for that resolution, because he believed it constitutional. He thought Congress had power to give authority to the States in advance, and it seemed to him that any one who would refer to the constitutional provisions on that subject, would concur with him in that opinion. The clause of the Constitution which related to this question was in the following words: "No state shall, without the consent of Congress, lay any duty of tonnage," &c.

Whether that consent was given before or after any action on the part of the State, it was certainly constitutional, because this grant of power was express, authorizing Congress to give their consent to the States to impose these tonnage duties. His opinion was, that the power could not be given to the extent that had been contended for by some gentlemen on this floor. He thought it a very limited power, and upon the lakes and upon the largest rivers of the United States, which had heretofore been improved by appropriations from Congress, the power would be of no avail. But at the same time (for he wanted to speak briefly on the subject) he could not vote for this resolution, because he thought the power was constitutionally in Congress to give authority to any State in this Union to pass laws in regard to tonnage duties previous to the action of the State itself. He could not, therefore, vote for this resolution. He suggested an amendment to strike out that part of this resolution which related to the question of constitutionality.

Mr. HUNT was very unwilling to consume the time of the House, at this advanced stage of the session, in debating the propositions contained in these resolutions. It was a subject which had been very fully discussed on former occasions, not only in this House but throughout the country, which had been fully investigated by every gentleman here, and on which, no doubt, every one was as fully prepared to vote without further debate as they would be after days had been consumed in its further discussion.

Mr. ATKINSON wished to make an inquiry of the gentleman. Being one of the Committee on Commerce, by which this bill had been reported, he desired to know of the gentleman, who was the chairman of that committee, whether the report had received the unanimous sanction of the committee, or whether there were dissenting voices; and, if so, who they were?

Mr. HUNT replied that this subject was referred to the Committee on Commerce at an early day of the session. They had felt it their duty to investigate it and take some action on the various questions referred to them by the message of the President, and the bill of the gentleman from South Carolina [Mr. RHETT] in relation to tonnage duties. There had been a very full discussion of the subject in committee, and the conclusions arrived at were adopted by the majority of the committee—the gentleman from Virginia [Mr. ATKINSON] and

the gentleman from South Carolina [Mr. SIMPSON] dissenting from these resolutions.

He wished to call the attention of the House for a moment to the true character of the resolutions as they had been commented upon by the gentleman from Michigan.

Mr. TURNER inquired if the resolutions had been printed?

Mr. HUNT replied that they had, but not by the order of the House.

Mr. TURNER hoped, then, that the gentleman would allow them to be referred, or at least postponed, until they could be examined by all.

Mr. RHETT said, if the gentleman would agree to refer them to the Committee of the Whole on the state of the Union, and fix any day on which they should come up, they would be perfectly ready to meet them.

Mr. HUNT replied that the gentleman from South Carolina would recollect that these resolutions had been reported two weeks ago, and that his colleague [Mr. SIMS] had at that time got the floor, and they had gone over until this morning. They had been printed in the papers of the city, and he could not suppose it was necessary to take up any further time for gentlemen to prepare to vote.

Mr. LAHM inquired, in case the previous question were moved and seconded, if it would be in order to call for a division so as to vote upon the resolutions separately?

Mr. HUNT. Undoubtedly.

Mr. LAHM said there were two for which he would vote.

Mr. HUNT proceeded to say that the first resolution declared the power of Congress to make improvements of harbors and rivers in all cases where they were "necessary to the protection and facility of commerce with foreign nations or the commerce among the States." It was a general declaration of that power, in specific and precise phraseology, which he thought could not be questioned. He believed every gentleman had made up his mind on that point.

Mr. FARAN wished to be allowed, while the gentleman was on the first resolution, to put to him one question. That resolution declared that the power of Congress extended to all cases where it was necessary to facilitate commerce among the States. He wished to ask the gentleman whether he understood the resolution to extend to cases of a local and not purely of a national character?

Mr. HUNT replied that every gentleman would judge for himself of the extent of the power granted to Congress by the Constitution to regulate commerce among the States. In his opinion, the power extended to all cases where it was necessary to protect commerce among the States, whether the rivers were large or small, but it did not extend to purely local works.

As to the duty of this Government to exercise this power, there was a difference of opinion; but he believed there was a majority of the House, and of the country, who were prepared to declare their opinions in favor of this also. But he would not take up the time of the House.

He had a single word to say in reference to the third resolution, which had been objected to by the gentleman from Michigan, on the ground that it was disrespectful to the President of the United States. It would be remembered, that at the opening of the session, the President had thought it his duty to send a message to this House, with the bill passed by the last Congress, containing his reasons for refusing to give his assent to that bill. It could not have been supposed by the President that this Congress would take any action on that specific bill; there was an end of it, and the power of Congress was exhausted when the President had refused his assent to the bill; and the only object in sending it here was, to make up an issue with Congress, and (if anything was hoped to be secured) to control the action of Congress. That message had been referred to the Committee on Commerce, and for what purpose? According to the view taken by the committee, it was incumbent on them to express, in proper form, their dissent from the message; and the resolution simply declared that the reasons assigned by the President were insufficient and unsatisfactory. The Committee on Commerce felt them to be unsatisfactory. He believed they were unsatisfactory, not only to Congress, but the country; and he thought, upon a subject of such magnitude, when the President had gone out of his way to proclaim in advance that he would not give his assent to any measure which might be adopted for the protection of our national commerce, that it was not only proper on the part of Congress, but that it was eminently due to themselves and the country to declare their sentiments; that it was due to the importance of the subject; due to the public opinion of the country; and he thought they would fall short of that duty if they failed to record, in unequivocal terms, that the judgment of the President, as to the constitutional power of the Goverment, and the objections he had assigned to the exercise of that power, were not satisfactory, and would not control the action of Congress.

Mr. EVANS, of Maryland, remarked that the President of the United States never hesitated to declare his opinions of the action of Congress, and that he or his friends did not consider *that* disrespectful, even when done with the direct view to influence the action of Congress.

Mr. HUNT said it was quite as respectful for Congress to express their opinion upon the message of the President which had been communicated to them, as it was for the President in advance to advise Congress of what his action would be.

As to the fourth resolution, he entirely agreed with the gentleman from Michigan, that it was entirely within the power of Congress to give its assent to the imposition of tonnage duties by any State. That power was given in express terms by the Constitution. But in his opinion—and that was the conclusion of the Committee on Commerce—it was not within the meaning and intent of the Constitution that Congress should give its assent in general terms, in advance, to any law a State might pass. Such a course would virtually abrogate that clause of the Constitution which declared that Congress should give its assent and surrender up the whole power over tonnage duties to the States without prohibition. The clause of the Constitution which conferred this power was:

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into an agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

These several powers stood on the same footing, and were grouped together under the same clause of the Constitution. What sort of a proposition would it be to give the consent of Congress in advance to any State to engage in war or enter into a treaty with a foreign Power?

Mr. McCLELLAND wished to ask the gentleman whether any agreement or contract with another State, or with a foreign Power, could be entered into by a State previous to obtaining the consent of Congress?

Mr. HUNT replied, Certainly not. The practice always had been for the States to make their agreements, and then submit them specifically to the sanction of Congress that they might know, when they gave their assent, what they gave their assent to. The practice with reference to tonnage duties had been the same, for several States, time after time, had passed laws to impose tonnage duties.

Mr. McCLELLAND admitted that was the proper course, and all the precedents went to show that was the course which had heretofore been pursued. But at the same time there was nothing in that clause which went to show that Congress had not the power, if they pleased to exercise it, to give their consent to the States to impose tonnage duties, previous to any action by the State upon the subject.

Mr. HUNT said his own opinion was, that it would not be a legitimate and proper exercise of the power of Congress to give its consent in advance to the imposition of tonnage duties by a State. But he was not tenacious as to the precise phraseology of the resolution. If the gentleman objected to that part which declared it to be contrary to the principles of the Constitution, he would give way to enable him to offer an amendment, and submit the question to the sense of the House.

Mr. RHETT, in reference to the remark that all the precedents went to show that Congress had never in anticipation given its consent to the imposition of tonnage duties by the States, asked whether the law authorizing the State of Georgia to lay tonnage duties for the improvement of the harbor of Savannah did not give the consent of Congress in advance of the action of the State?

Mr. HUNT thought in that particular instance the gentleman was correct, although in other cases the law had previously been passed by the State of Georgia, and submitted to the sanction of Congress.

Mr. RHETT asked whether the Senate had not given its consent to treaties in anticipation of their being made? And had anybody ever said that was unconstitutional?

Mr. HUNT replied that they always knew what the treaty was. They had never given their assent in general terms to a treaty of which they knew nothing.

Mr. RHETT said the gentleman was mistaken. The Senate had put down terms not in the treaty, and the other party had come up to them. The treaty with Mexico, which had now gone into effect, was an instance.

Mr. HUNT was not aware that the Senate in any instance had given their assent to the formation of a treaty without at the same time having indicated to them the specific terms and principles imbodied in the treaty. But he was not tenacious as to the terms of the resolution, and was willing that it should be modified to meet the objection raised.

Mr. THOMPSON, of Pennsylvania, desired to ask the gentleman from New York a question. His second resolution affirmed the right to make the appropriation of money mentioned in the first resolution under the constitutional power to regulate commerce, as well as the power to legislate for the "common defence and general welfare:" under which clause did the gentleman claim the power?

Mr. HUNT replied that the gentleman was under an evident misapprehension. The second resolution affirms nothing as to the origin of the power of Congress. The existence of the power is asserted in the first resolution, and it is derived exclusively from the authority to regulate commerce with foreign nations and among the States. The second resolution may be regarded as a corollary from the first. It simply asserts the expediency and necessity of a judicious exercise of the power. The authority is not claimed under the general clause to which the gentleman objects. We contend that the common defence and general welfare of the country require the exercise of the constitutional power, and the gentleman must determine for himself whether he will make an issue on that proposition.

Mr. THOMPSON said he would vote for the first resolution, and against the second, because he believed the power to make the grant was to be found under the constitutional power to regulate commerce, and only there. He would not lose the exercise of any such power under these expressions of "common defence and general welfare."

The third resolution he would not vote for. It could tend to no useful purpose. We could discharge our duty without the necessity of making this expression against the message of December last of the President.

As to the fourth resolution, he was opposed to it. He believed it constitutional, and that tonnage duties might be imposed. Where vessels and boats paid no taxes for State purposes, it might be a most proper exercise of legislative duty under a clear constitutional power to levy such duties, if the States should feel disposed to do so. He was opposed to this resolution, which denied the constitutional right to assent in advance that they might be laid.

Mr. HUNT would move to amend the fourth resolution by striking out the words "and contrary to the principles of the Constitution." He would also propose to amend the fifth resolution, but, being informed by the Speaker that but one amendment was in order at a time, waived the latter amendment; and, remarking that he believed there was no necessity for further debate in order to an enlightened and deliberate expression of the opinions of this House upon the subject, demanded the previous question.

Mr. C. J. INGERSOLL inquired if the resolutions could be divided, so as to take a separate vote on each?

The SPEAKER replied that they could, after the previous question was seconded.

Mr. C. J. INGERSOLL. That is all I want.

Mr. RHETT expressed his dissatisfaction that the chairman of the committee, after making his speech and moving an amendment, should demand the previous question, but was called to order.

Mr. THOMPSON, of Pennsylvania, inquired if it was in order to move to postpone the resolutions?

The SPEAKER replied in the negative.

Mr. RHETT inquired if it was in order to move to go into Committee of the Whole on the state of the Union; and, being answered affirmatively, he made that motion, which was decided in the negative: Yeas 78, nays 101.

The previous question was then seconded, and the question was stated, Shall the main question be now put?

Mr. McCLERNAND asked the yeas and nays, which were ordered; and they resulted as follows:

YEAS—Messrs. Abbott, Ashmun, Barringer, Barrow, Belcher, Blanchard, Boydon, Brady, Buckner, Butler, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Cummins, Darling, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gentry, Giddings, Goggin, Gott, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Leffler, Lincoln, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stanton, Stephens, Tallmadge, Taylor, Thibodeaux, James Thompson, Richard W. Thompson, John B. Thompson, Toombs, Van Dyke, Vinton, Warren, Wentworth, and Wilson—100.

NAYS—Messrs. Atkinson, Bayly, Beale, Bedinger, Birdsall, Bowdon, Bowlin, Boyd, William G. Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Daniel, Dickinson, Faran, Ficklin, Fries, Green, Willard P. Hall, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jameson, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kennon, Lahm, Lumpkin, Maclay, McClelland, McClernand, McDowell, McKay, Job Mann, Miller, Morris, Peaslee, Peck, Peyton, Phelps, Pillsbury, Rhett, Richardson, Richey, Rockhill, Sawyer, Simpson, Sims, Smart, Robert Smith, Starkweather, Charles E. Stuart, Thomas, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wallace, Wick, Wiley, Williams, Wilmot, and Woodward—78.

So the main question was ordered to be now put.

The amendment moved by Mr. HUNT to the fourth resolution—viz: strike out the words "and contrary to the principles of the Constitution"—was agreed to.

The question then recurred on agreeing to the resolutions.

Mr. THOMPSON, of Pennsylvania, called for a division of the question, so as to take a separate vote on each resolution; and the question was so divided.

The first resolution was agreed to by the following vote:

YEAS—Messrs. Abbott, Adams, Ashmun, Barringer, Barrow, Belcher, Bingham, Birdsall, Blanchard, Botts, Bowlin, Boydon, Brady, Buckner, Butler, Canby, Chapman, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Crowell, Crozier, Darling, Dickey, Dixon, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gaines, Gayle, Gentry, Giddings, Goggin, Gott, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Irvin, Jenkins, Robert W. Johnson, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Leffler, Lincoln, Lynde, Maclay, McClelland, McIlvaine, Job Mann, Horace Mann, Marvin, Morehead, Morris, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Peck, Pendleton, Petrie, Peyton, Pollock, Preston, Putnam, Reynolds, Richardson, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Sheppard, Sherrill, Silvester, Slingerland, Caleb B. Smith, Robert Smith, Truman Smith, Stanton, Starkweather, Stephens, Charles E. Stuart, Tallmadge, Taylor, Thibodeaux, James Thompson, Richard W. Thompson, John B. Thompson, William Thompson, Thurston, Turner, Van Dyke, Vinton, Warren, Wentworth, White, and Wilson—128.

NAYS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bowdon, Boyd, Brodhead, William G. Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummins, Dickinson, Faran, Featherston, Ficklin, Fries, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Hill, George S. Houston, Iverson, Jameson, Andrew Johnson, James H. Johnson, George W. Jones, Kennon, Lord, Lumpkin, McClernand, McDowell, McKay, Miller, Peaslee, Phelps, Pillsbury, Rhett, Richey, Sawyer, Simpson, Sims, Smart, Thomas, Jacob Thompson, Robert A. Thompson, Venable, Wallace, Wick, Wiley, Williams, and Woodward—59.

Mr. TURNER moved to reconsider this vote, stating that he had made the motion to reconsider that he might be enabled to give his reasons why he was opposed to the passage of these resolutions at this time.

Mr. COBB, after consultation with the gentleman from Illinois, moved that the House resolve itself into Committee of the Whole on the state of the Union. He intimated, that if this motion should be agreed to, the gentleman from Illinois would retain the floor for to-morrow.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) on the bill making appropriations for the civil and diplomatic service of the year ending the 30th June, 1849.

The first section appropriated for compensation and mileage of Senators and members of the House of Representatives and Delegates, $388,440, provided that no member of either House of Congress, after the present session, shall be allowed a larger sum for mileage than $1,000 for each session, any act of Congress to the contrary notwithstanding.

Mr. C. J. INGERSOLL moved to strike out the proviso.

Mr. VINTON having made a *pro forma* motion, said, it must be known to every one that propositions had, at various times, been made to regulate the payment of the mileage of members of Congress. He supposed there was no one who came from the most distant part of this Union whose actual expenses exceeded from $100 to $150, and yet there were several members who were in receipt of a sum exceeding $2,000. The Committee of Ways and Means did not propose to interfere with the mileage of members who received less than $1,000, and that would give to those who received that amount some $600 or $800 beyond their actual expenses.

Mr. McKAY submitted an amendment, the purport of which was to direct the Postmaster General to revise the table of distances of post routes, and that the mileage of members be paid according to such routes. He said he believed several of the State Legislatures had instructed their Senators and requested their Representatives to give their assistance to a correction of the enormous irregularities which existed, and he thought the time had come to put a stop to them. The law of 1818 was passed when there were not one-fourth the facilities for travelling that they now possessed by the construction of railroads and steamboats. With the per diem he did not propose to interfere.

Some conversation ensued on the relevancy of the amendment and its admissibility, and ultimately it was accepted by Mr. C. J. INGERSOLL as a modification of his motion.

Mr. BOWLIN offered a long amendment to the amendment, which was designed to provide for the payment of services actually rendered, and to deprive members of their per diem for such days as they might be absent from the House.

The amendment was rejected.

Mr. GREEN proposed an amendment to the amendment, by striking out "the nearest post routes," and inserting "the most usual routes of travel." At present (he said) the rule was vague and indefinite, and it should be corrected and made plain. He did not subscribe to the positions of gentlemen, that western members received too much for mileage, for the disadvantages under which they labored should be taken into consideration. They had to endure privations in travelling to the seat of Government which the eastern members were not called upon to sustain, and they could not return to their homes in case of the sickness of their families, or to superintend their farming operations, or such as were lawyers to attend to the business on circuit, as could gentlemen from States near the seat of Government, and hence it was but just that they should receive a larger amount.

The amendment was negatived.

Mr. RHETT made a *pro forma* motion, that he might say that this rate of mileage was a condition on which the capital was allowed to remain on one side of the Union. If it were not so, the great West would have the capital removed to the other side of the mountains. Some gentlemen could return to their homes in two days, and some even in two hours, while the gentlemen from Illinois or Arkansas could not get home in less than two weeks; and he hoped this would cease to be a subject of demagogism.

Mr. EVANS, of Maryland, moved to strike out "Postmaster General," and insert "Committee on Mileage." He was not willing to leave the computation of his mileage to the Postmaster General. Agreed to.

Mr. LAHM moved an amendment, which proposed to allow a mileage of five dollars for every twenty miles not exceeding three hundred miles, and two dollars per twenty miles for a greater distance. He argued in support of his motion, contending that they were paid too extravagantly. Some members received $2,000 and upwards for mileage, and could make more out of it than other gentlemen could make out of their mileage and per diem for the ninety days of the short session. That he held to be unjust and unequal; nor did he think that he was entitled to a greater amount of compensation because he came across the mountains than a gentleman who lived on the same side of the mountains with the capital.

The amendment was rejected.

Mr. JAMESON moved a proposition providing for the removal of the seat of Government from Washington to ——, for the abolition of mileage to members of Congress, and the withholding of their per diem compeneation if absent, unless detained by sickness of themselves or families. He argued that while the Capitol remained here the present mileage should be continued, it being the result of the compromise made on that subject in 1816 or 1817. He justified the excess of mileage received by distant members, by the peculiar disadvantages which they suffered of loss of business, inability to return home, &c., which was not the case with members who resided nearer, or within more direct rapid facilities of communication; and said that the western people were the poorest paid of any who rendered public services. He ascribed to demagogism the clamor that was raised upon this subject of mileage; and touched, in his five minutes, upon several other points.

The amendment was rejected.

Mr. VENABLE (upon an amendment moved and subsequently withdrawn) denied, that in his section of the country at least, there was any clamor among the people at the present compensation, and maintained that it was no more than a man who was fit to be a member of Congress ought to receive.

Mr. HENLEY moved to amend the proviso by reducing the limitation from $1,000 to $500. He maintained the injustice of the present rate of mileage, and instanced several cases of its gross inequality. He denied that it was demagogism to take this side of the question, and threw back the charge upon those who made it. He contended that the matter should be regulated upon rules of justice, and regardless of any idea that by maintaining the present mileage the Capitol would be continued at Washington. Whenever the people of the West determined it should be removed, this matter of mileage would be but a feather in the scale of their decision.

The amendment was rejected.

Mr. JAMESON moved to increase the sum to $2,000, and replied—under frequent checks from the Chair for transcending the limits allowed for debate—to Mr. HENLEY.

The amendment was rejected.

Mr. MEADE moved to raise the amount to $1,500; and expressed his opinion rather in favor of the increase than of the reduction of the compensation given to members.

The amendment was rejected.

Mr. WICK offered an amendment, the effect of which was to reduce the per diem of members of Congress to $5 after the first three months of any session, and to allow but half mileage at special sessions. Rejected.

He briefly argued that such a reduction of the per diem compensation would greatly tend to promote the despatch of business and shorten the duration of the sessions, and that the compensation he proposed for extra sessions would be sufficient, being in addition to ordinary compensation.

The amendment was rejected.

Mr. W. T. LAWRENCE moved an amendment to do away entirely with the per diem compensation of members, leaving to their constituents to make up by private subscription whatever amount they considered them respectively entitled to, in addition to the present mileage. He briefly explained and enforced the propriety of the amendment; and it was rejected.

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Mr. CUMMINS (on an amendment moved and withdrawn) moved to reduce the sum, and expressed himself satisfied with the proviso contained in the bill, and, in addition to the general reasons of the inequality and injustice of the present allowance of mileage, urged the pressing importance of reducing to the proper standard now, as with every accession to the States of the Union, the influence against the reduction would be increased.

Mr. CONGER moved an amendment "that 'members of both Houses of Congress, from and 'after the present session, shall be allowed mileage 'as follows, to wit: Five dollars per day during 'the time necessarily and actually spent in coming 'to and returning from the Capitol, and, in addition 'thereto, the actual necessary travelling expenses, 'to be settled on the affidavit of the member, by the 'Committee on Mileage; and, provided further, 'that from and after the present session, the com-'pensation of members shall be reduced to five dol-'lars per day." Rejected.

Mr. HOLMES, of New York, moved an amendment to substitute, in lieu of the present mileage, the payment of one dollar for every hour actually and necessarily expended upon the routes to and fro, together with the necessary travelling expenses. He expressed himself not only in favor of the reform indicated by the gentleman from North Carolina [Mr. McKAY] and accepted by the gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] but desired to go further in the correction of abuses and inequalities which now prevailed; some members receiving $2,500 mileage, for which they expended only some ten, fifteen, or twenty days' labor. He would abolish all the mileage now allowed, and substitute a per diem compensation from the time of leaving to the time of returning home, together with all necessary travelling expenses; the per diem in travelling to depend upon the number of hours occupied, which he considered the justest and fairest basis of its computation.

The amendment was rejected.

Mr. WICK offered an amendment reducing the per diem to six dollars after the first five months of any session. Rejected.

The question recurring on Mr. INGERSOLL's amendment, as modified by the acceptance of Mr. McKAY's, was taken, and the amendment was rejected: Ayes 40, noes 78.

Mr. STUART, of Michigan, moved to strike out the proviso, and for the purpose of setting a laudable example, which he thought gentlemen would do well to follow, would make no speech for *Buncombe*, but submit his amendment to a vote without debate.

The amendment was rejected.

Mr. McKAY renewed his amendment; but, after some conversation between him and Mr. VINTON, he withdrew it.

Mr RUMSEY moved an amendment to fix the mileage at twenty cents a mile, but that no member shall receive more than one thousand dollars. Lost.

Mr. VINTON moved to amend the item making an appropriation for the stationery, fuel, printing, and contingent expenses of the House, so as to include a clerk for the Sergeant-at-arms, at a compensation of four dollars a day.

Mr. HOUSTON, of Alabama, made a *pro forma* motion to obtain an opportunity to say, that if the committee would look at the facts of the case, he was sure they would not agree to this amendment. It had been repeatedly thrust upon the House during the present session, and the House had invariably rejected it. Preceding Sergeants-at-arms had had no clerks, having done their business with the aid of a messenger. He entered into some explanations in relation to a quarrel which Dr. Lane, the preceding Sergeant-at-arms, had with his messenger, and a compromise which was then entered into; but there was nothing in that to show that both a messenger and a clerk were necessary in the Sergeant-at-arms' office. He was willing that the Sergeant-at-arms should keep his messenger, but it appeared he was determined to dragoon the House into giving him an officer that was heretofore unknown to his office.

Mr. JONES, of Tennessee, inquired if the amendment was in order. It was making provision for an officer not authorized by law.

The CHAIRMAN overruled the objection.

Mr. LAHM moved to amend the amendment by reducing the per diem from $4 to $3. He was proceeding to show that he believed the Sergeant-at-arms required a clerk, when he was required by the Chairman to confine his remarks to his amendment. He then said that where he believed such an officer was necessary, he thought a compensation of three dollars per diem was an ample remuneration.

The amendment to the amendment was lost.

The amendment of Mr. VINTON was then agreed to by a vote of 69 to 47.

The committee then rose and reported progress, and the House adjourned.

IN SENATE.

WEDNESDAY, *July* 5, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, made in compliance with a resolution of the Senate of the 25th May last, communicating information as to the manner in which the interest on the public debt has been paid.

[The Secretary states that circulars have been addressed to all the agents, giving notice that the interest on the public debt must be paid in specie; that remittances were made by the Treasurer of the United States, by drafts payable in specie, and so paid in favor of those agencies in the several depositories, for the purpose of paying the public debt in coin. That on the 16th May last, a rumor of a possible violation of the law, unaccompanied by any evidence, reached the department, when circulars were again sent. The Secretary says there is no evidence of any violation of the law by any of the disbursing officers. The specie is in their possession but a very few days before it is disbursed, and there can be no motive with them for violating the law. The letter states that under all the circumstances it has been thought most wise to discontinue the former agencies at Boston, New York, Philadelphia, and Charleston, and to assign the duty of paying the interest on the public debt there on the 1st of July, 1848, to the assistant treasurers at those places, to whom the duty would originally have been assigned if sufficient means had been placed by Congress at the disposal of the department. The duty of paying the semi-annual interest on the public debt is represented as onerous and important. The public debt, including the stock and treasury notes still authorized to be issued, amounts to $65,778,540 41; the interest on which must be paid punctually semi-annually, embracing a very great number of names, including attorneys, trustees, executors, and administrators, and several hundred pages of schedules of names and amounts; and the Secretary says these payments cannot be made with punctuality and certainty without additional clerical force in the office of the Assistant Treasurer, and without an additional appropriation, which, at this session, is requested from Congress.

The Secretary goes on to show, as satisfactory proof to the Senate that the department has carried into full operation the provisions of the law, the tables of the Register of the Treasury establishing:

1st. That during the seventeen months of the operation of the sub-treasury, the payments in specie into the treasury have been $67,801,776 22, and during the same period the disbursement in specie has been $69,059,574 81; that during the seventeen months, the aggregate of receipts and disbursements has been $136,861,351 03. The coinage at the mint during three years and three months has been $36,507,119 07 under the special order of the department, or several millions of dollars more than in thirty-seven years preceding—from 1792 to 1830.]

Mr. NILES presented a memorial from citizens of New York, in favor of reduction of postage, which was laid on the table.

Mr. ATCHISON, from the Committee on Indian Affairs, made an adverse report on the memorial of Samuel Rusk and others, Choctaw commissioners.

Mr. JOHNSON, of Louisiana, on leave, introduced a bill "to provide for a survey of the Red river, from its mouth to the head of its navigable waters;" which was read twice and referred to the Committee on Commerce.

On presenting the bill, Mr. J. remarked that a bill passed the Senate a few days since directing the Secretary of War to detail from the corps of Topographical Engineers a competent officer to proceed forthwith to the State of Louisiana, there to survey the mouth of Red river, with a view to ascertain the most practicable mode of rendering the mouth of said river navigable for steamboats at all seasons of the year. This survey, although highly important, (for, in consequence of a large sand-bar formed at the mouth of the river, its navigation is nearly excluded from the Mississippi,) is not all that is required. There are other obstructions to the navigation of the Red river at different points which should be removed. The falls at Alexandria may be rendered navigable at all seasons, and the remains of the great raft in the river above Shreveport may be readily removed; but these are national works, which require appropriations by Congress. One hundred thousand dollars would probably be sufficient.

Mr. JOHNSON argued to show the importance of improving the navigation of this great river, in a national point of view, and the obligations of the national Government to make the necessary appropriations for the purpose. Three States, he said—Louisiana, Arkansas, and Texas—are directly and deeply interested in the navigation of the Red river. A large portion of their most valuable productions are greatly reduced in value in consequence of the obstructions to the navigation of Red river. Petitions, numerously signed by the citizens of Arkansas and Louisiana, praying appropriations to be made by Congress for the removal of the great raft and other obstructions to the navigation of Red river, were presented to the Senate and referred to the Committee on Commerce, some of them early in the session, but no report had been made. He considered it his duty, therefore, to introduce the bill.

ADJOURNMENT OF CONGRESS.

The resolution from the House fixing the adjournment of Congress on the 17th July, came up in its order as the unfinished business.

Mr. CLAYTON considered himself called on to make some remarks, although he was most reluctant to introduce matter irrelevant to the subject under discussion. But this course was forced on him by the remarks of the Senator from Mississippi. He knew nothing of the opinions of General Taylor more than any other Senator.

Mr. NILES called the Senator from Delaware to order on the ground of irrelevancy.

Mr. WESTCOTT regretted that the Senator from Connecticut had taken this course, because there can be nothing impertinent in discussing the subject if we are to settle the Presidential question here, and to leave the people nothing to do but to vote.

The PRESIDENT decided that the debate was irrelevant, and out of order.

Mr. CLAYTON appealed against the decision of the Chair, on the ground that the debate had been brought on by a statement on the other side that the friends of General Taylor desired an early adjournment, for the purpose of evading the debate on the Territory bill. It was proper, therefore, that Senators on his side of the Chamber should be heard in reply to this charge.

Mr. MANGUM, for the purpose of disposing of the whole subject, moved to lay the appeal and the question of order on the table, but withdrew the motion.

Mr. CALHOUN said that, although he would have desired to see this debate arrested earlier, he thought it could not now be stopped without injustice to those Senators who were entitled to reply.

Mr. BERRIEN expressed a hope that the debate would now be stopped. Because we had been guilty of delay in stopping an evil, was no reason we should not now stop it.

Mr. FOOTE contended that he was perfectly clear, in his judgment, that the debate was entirely in order. He did not feel the least regret on account of the course he had felt it his duty to adopt, in introducing this debate, and in which he had been sustained by the approbation of those who generally acted with him. He referred to the debate on Mr. Foote's resolution relative to the public lands, when the celebrated passage between Mr. Webster and Mr. Hayne took place, and during which even the name of public lands was not introduced. He believed the Senator from Delaware was called on to reply, and it would be injustice and wrong to him, to prevent him from replying at as much length as he may desire.

Mr. HAMLIN said he should vote to sustain the decision of the Chair, and he was glad that the Senator from Connecticut had moved to arrest the debate. He did not intend to be guilty of any discourtesy to the Senator from Delaware. There were other reasons than had been urged for stopping the debate, which might be resumed on some other subject—perhaps on the appropriation bill.

Mr. CLAYTON withdrew his appeal.

Mr. MANGUM moved that the Senator from Delaware have leave to proceed, and asked for the yeas and nays, which were ordered.

The CHAIR then stated the question to be, whether the Senator from Delaware, notwithstanding the decision of the Chair, should be permitted to proceed.

Mr. BERRIEN said he must vote against the motion, which looked to a permission to the Senator from Delaware to proceed out of order.

Mr. DOWNS said he should vote to sustain the Chair, and against the motion.

Mr. BORLAND stated that it appeared extraordinary to decide the Senator from Delaware out of order, before he had given any evidence of what he had intended to say. He had not made any progress in his remarks, and it was impossible to say whether he was about to be in or out of order.

Mr. BADGER thought that as the debate had been continued with the general consent of the Senate, it ought not now to be stopped by a decision of the Chair because it was irrelevant and out of order, when it was recollected that the Chair on a former occasion, when a question of order was made, decided that the debate had taken too wide a range; but, as it had gone on unchecked, the Chair would not arrest it.

Mr. WESTCOTT gave his reasons for supporting the motion.

Mr. BUTLER said he should have voted to sustain the decision of the Chair; and although the question assumed a rather discourteous form, he would still be compelled to vote against the motion, because it was merely an evasion of the first question. He disliked the whole tone of the debate, and thought it was inconsistent with the duty and dignity of the Senate.

Mr. FOOTE said that a Senator from South Carolina [Mr. Hayne] had been allowed to address the Senate for days without once alluding to the subject which called up the debate.

Mr. BUTLER replied briefly.

Mr. NILES said we were now called on to decide by a vote of yeas and nays, that a Senator might proceed out of order. Originally, he admitted, the debate might have been decided in order, because it related to the reasons which might affect the duration of the session. But, subsequently, it had embraced issues entirely foreign to the subject, and could no longer be considered as in order. There were many very important bills which required the action of the Senate; and how would the people respond to the course which had been taken relative to the merits of the several candidates for the Presidency? Two days had already been consumed in this debate, irregular and extraordinary as it was; and much more time might yet be wasted in the same strain; and yet we had informed the country that we have most important measures to pass on, which were thrust out by this reckless and indecent debate, which was suited only for the stump.

Mr. FOOTE vindicated himself against the charge of recklessness and indecency which the language of the Senator from Connecticut may have implied against him. He referred to the course of that Senator in writing from his seat a letter of great length, and violent, and he would, if not restrained by a sense of respect, term reckless, on the slave question, which had been published in a newspaper called the Liberator. This was the more censurable, as other Senators met the question fairly in debate, instead of penning letters on the subject.

Mr. NILES began to reply, touching the letter, when—

Mr. JOHNSON, of Maryland, called the Senator from Connecticut to order, on the very ground that the Senator had taken in relation to the Senator from Delaware. He stated that his point of order was, that the matter was irrelevant.

The CHAIR decided, that if the Senator from Connecticut was about to defend his letter, he would be out of order.

Mr. JOHNSON, of Maryland, moved that the Senator from Connecticut be permitted to proceed.

Mr. BRIGHT moved to postpone the prior orders, and to take up the special order, being the bill for the establishment of a Territorial Government in Oregon; and asked for the yeas and nays, which were ordered.

The question was then taken on the motion, and decided as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Benton, Bradbury, Breese, Bright, Dickinson, Dix, Dodge, Downs, Felch, Fitzgerald, Hunter, Johnson of Georgia, Lewis, Mason, Sebastian, Sturgeon, and Walker—20.

NAYS—Messrs. Badger, Bell, Berrien, Borland, Butler, Calhoun, Cameron, Clarke, Clayton, Davis of Massachusetts, Davis of Mississippi, Dayton, Foote, Greene, Hale, Hamlin, Johnson of Maryland, Johnson of Louisiana, Metcalfe, Mangum, Miller, Niles, Phelps, Rusk, Spruance, Turney, Underwood, Upham, and Westcott—29.

Mr. TURNEY moved to lay the resolution on the table; and asked for the yeas and nays, which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Benton, Davis of Mississippi, Downs, Hunter, Johnson of Georgia, Lewis, Mason, Rusk, Sebastian, Sturgeon, and Turney—11.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Berrien, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Clarke, Clayton, Corwin, Davis of Massachusetts, Dickinson, Dix, Dodge, Felch, Fitzgerald, Foote, Greene, Hale, Hamlin, Johnson of Maryland, Johnson of Louisiana, Mangum, Metcalfe, Miller, Niles, Pearce, Phelps, Spruance, Underwood, Upham, Walker, and Westcott—39.

Mr. NILES then said, that what a Senator did out of the Senate, could not be quoted as a case parallel to what was done in the Senate. He did not, therefore, think himself called upon to defend his letter. But he thought it was not worse to write a letter, than to be absent a week from the Senate on an electioneering trip.

Mr. BADGER read from the record of debates the decision of the Chair, on a former occasion, to which he had already alluded, that the debate had become too discursive; but at the stage it had reached, the Chair did not think it proper to arrest it; and added that if the VICE PRESIDENT had permitted a debate to proceed out of order, it must be considered as tolerated by the general consent of the Senate.

Mr. HUNTER asked if it did not require the unanimous consent of the Senate to permit a Senator to proceed out of order?

Mr. MANGUM said there was no such motion, which was entirely an assumption. The only motion was, that he should have leave to proceed. If he gets out of order, he may be called to order.

Mr. JOHNSON, of Georgia, said he should vote for the permission, because he thought the Senator from Delaware was especially called on to reply.

Mr. HALE said he should vote against permission to proceed, although he did it with great pain, because there was no Senator for whom he had greater respect.

Mr. FOOTE said the Senator from New Hampshire never did anything but what was strictly parliamentary and correct.

Mr. TURNEY said, in a few words, he should vote against the permission, and moved to lay the resolution on the table, but withdrew the motion.

The question was then taken by yeas and nays on the motion to permit Mr. CLAYTON to proceed, and was decided as follows:

YEAS—Messrs. Badger, Bell, Borland, Breese, Calhoun, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Foote, Greene, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Metcalfe, Miller, Pearce, Phelps, Rusk, Spruance, Underwood, Upham, and Westcott—26.

NAYS—Messrs. Atchison, Atherton, Benton, Berrien, Bradbury, Bright, Butler, Dickinson, Dix, Dodge, Downs, Felch, Fitzgerald, Hale, Hamlin, Hunter, Mason, Niles, Sebastian, Turney, Walker, and Yulee—22.

Mr. CLAYTON then resumed his remarks, stating that he would confine himself as closely within the limits of order as he could. But he had been directly invoked to reply by the Senator from Mississippi. As to the views of General Taylor, he knew no more of them than every other person who had access to the newspapers of the day might know. He believed that General Taylor's opinions had been misrepresented by the Senators on the other side. Although he had been nominated by a Whig convention, and as a Whig, which he undoubtedly is, he is not pledged to carry out every principle and measure which have been advocated by the Whigs. He comes into the field, and he trusted he would come into the Presidency, not as a party man. He was originally brought forward by the Democrats; he had received the nominations of thousands of Whigs and Democrats, before he became the nominee of the Philadelphia Whig Convention. The only ground on which the Democrats now disaffect him is, that he was nominated by the Whig Convention. Mr. C. then read General Taylor's letter to Captain Allison, to show that he was in favor of the right of man to exercise self-government, of the will of the majority to govern; that he was opposed to the exercise of the veto power, except in cases where the Constitution is violated; and that he was in favor of the improvement of our lakes and rivers.

He then referred to the principles of the Baltimore Convention and the nomination of General Cass, likening the action of the party to the course of a man who sits down with cards to play the game of *solitaire*, and who never fails to deceive himself. So, he maintained, the party deceived itself from the commencement of the campaign. He asked if the course of the Democratic party was not looking to the supremacy of an oligarchy of office-holders, and ultimately to a monarchy? This, he said, was proved by the introduction and the operation of the two-thirds principle in the Baltimore Convention. He went on to refute the construction which placed the veto power in the hands of the President to enable him to defend himself. He quoted from the Federalist to show that this was an erroneous conclusion. It was never intended that the President should be a part of the legislative power of the Government. He referred to the debates on the veto in the Convention which framed the Constitution, in order to show the true intent of the instrument as to the powers of the Executive. Among other opinions, he introduced the opinions of Franklin, Mason, and Sherman, to show that they regarded the introduction of the veto power as a step towards monarchy. Yet this very veto power was laid down as one of the principles of the Baltimore Convention which has fastened it on the Democratic party. This extreme medicine has become our daily food, when the President exercises his veto power in reference to a private bill. In advocating General Taylor, he was called on to assert the right of man to self-government. On that ground he would support General Taylor, who has plainly and nobly advocated the right of the majority to govern, and because he will only apply the veto in extreme cases. General Taylor will not set himself as a part of the legislative branch.

Mr. FOOTE asked if the Senator from Delaware would say if General Taylor would veto the Wilmot proviso?

Mr. CLAYTON said he would answer, when he reached that question. The author of the veto power intended to make the President a part of the legislative power, but the framers of the Constitution had thwarted his intention. The veto power is asserted by the Baltimore Convention, and General Cass assents to the principles laid down by that Convention.

He went on to reply to the questions put by the Senator from Mississippi; and first, as to the tariff. General Taylor lays it down, that he will be directed by the will of the people, as evinced by their representatives. This was all he (Mr. C.) required. He only desired that our tariff policy should conform to the will of the people. He did not desire a new tariff to be forced upon the country by Executive dictation.

Every man who occupies Democratic ground may vote for General Taylor without disgracing or degrading himself, because General Taylor admits that the will of the majority ought to govern,

and every Democrat admits the same. Every Democrat, therefore, if he be a republican, may consistently vote for General Taylor. On the contrary, no true republican can support General Cass.

Mr. C. glanced at the history of the Baltimore Convention of 1844, to show that a fraud was there practised on Mr. Van Buren, who went into the Convention under the impression that a majority would govern.

To the charge against General Taylor that he is not a learned man, that he has not a sufficient knowledge of books, that he had no college education, Mr. C. replied, asserting that the Senator from Mississippi had not lessened the character of General Taylor by this imputation. General Cass was a man of knowledge, General Taylor was a wise man, Martin Van Buren was a cunning, but not a wise man. As to General Taylor's admission of his ignorance of politics, he, in that respect, stood precisely on the ground occupied by General Washington. It was asked whether General Taylor would support the sub-treasury and the bank. To this he answered, that General Taylor would submit to the voice of the people in all respects, while General Cass was bound by the party obligations to put down the will of the people.

In answer to a question from Mr. FOOTE, he asserted that the veto was a conservative power, and that it was no part of the policy of the Whig party to destroy the veto. As to the United States Bank, he asserted his belief that it could no more benefit the country, unless it would be sustained by the two great parties of the country. He had himself always voted for the bank, "under your lead," sir, said he, (addressing himself to the President of the Senate,) when you were chairman of the committee which reported the bill, and when you afterwards advocated it. I also, sir, voted with you against the message of the President which returned the bill after it was vetoed. He referred to some further movements in the Baltimore Convention as to a system of internal improvements, when the Convention expunged a certain portion of the resolutions under consideration, lest it should condemn its nominee. He asked if General Cass would veto a general-improvement bill?

Mr. FOOTE expressed a belief that General Cass would veto an internal-improvement bill: he would like to know if General Taylor would veto such a bill.

Mr. CLAYTON believed he would not, unless the two Houses had gone raving mad, and passed an appropriation of much more amount than could be found in the treasury. He would ask the Senator from Illinois if General Cass would veto a bill for internal improvement in Illinois?

Mr. BREESE. If I thought he would, I would not vote for him.

Mr. CLAYTON. Does the Senator from Illinois think General Cass would veto a bill for the improvement of lakes and rivers?

Mr. BREESE. I believe he would not. He voted for the bill which was vetoed, and, with me, against the veto. But General Cass would not sustain a general system of internal improvement.

Mr. CLAYTON. It is difficult to know precisely what are General Cass's opinions, as one of his friends says one thing, and another gives him the credit of opinio ns directly the opposite. But General Cass had voted for every internal-improvement bill since he (Mr. C.) had been with the General in Congress. Probably there were two sets of opinions—a northern and a southern set—which were to be identified with General Cass, as might suit his purposes and promote his interests. In reference to the charge which had been advanced that the Whigs had no platform: The Baltimore Convention had laid down a great platform in 1844, on which they put Oregon—the title clear and indisputable up to 54° 40'. Did the party obey this platform? For six months they agitated the country with the question, and then abandoned the platform, and took the British boundary line. Platforms now were only objects of contempt. There was another platform concerning the tariff, which was played off in different forms, in different parts of the country: and now the public have become pretty well tired of platforms. He illustrated the character of the Democratic platform and candidate by referring to the couplet—

"The devil was sick—the devil a monk would be;
The devil got well—the devil a monk was he!"

As to the Wilmot proviso, he knew no more of General Taylor's opinions than the Senator from Mississippi did. The State of Delaware was opposed to the adoption of these geographical and sectional questions as political questions. She was willing to leave territories free which we found free, and where they are slaveholding, to suffer them to remain so. Should he discover that a geographical question is about to be made out of the Wilmot proviso, he would do all he could to obtain a compromise.

Mr. FOOTE still pressed the question.

Mr. CLAYTON said he had no authority to speak for General Taylor. If General Taylor would appoint him to be the medium of his sentiments on the subject, he would willingly inform the Senator. He would now ask whether General Cass would veto the Wilmot proviso?

Mr. FOOTE believed that General Cass would veto it.

Mr. CLAYTON then asked if General Cass concurred in the sentiments contained in the report of Mr. Yancey to the Baltimore Convention?

Mr. FOOTE replied that he believed he did. He then said that it was a subject he had not investigated, and he could not say positively. General Yancey's sentiments were reprobated by the Democracy.

Mr. CLAYTON. And they were supported by General Cass. Had he traveled with General Taylor through the country, he would have known his opinions. He then referred to a law in Michigan, credited to General Cass, by which a man who did not attend to his business, take care of his family, or who was licentious in speech, &c., should be punished with ten stripes. He recollected that a charge was made in the Harrison campaign that General Harrison had obtained the passage of a law for the sale of poor white people, which it gave the Whigs some trouble to remove.

Mr. FOOTE said a law must be verified before it could be admitted. He understood there was such a law in existence in Michigan. But where did the Senator from Delaware get this law? Did he cut the paragraph from a newspaper? and was it an Abolition paper? He said that the original law was in Vermont.

Mr. HALE called the Senator to order, but, at the suggestion of several Senators around him, withdrew the call.

Mr. FOOTE resumed. He believed there was some such statute in Michigan; but General Cass did not introduce it into the Legislature; but as Governor, he did not veto it. And this was a charge brought by the anti-veto Senator against General Cass.

Mr. CLAYTON said that General Cass was a member of the Council, had nothing to do with veto, and had given his sanction to the law.

Mr. FOOTE said, notwithstanding all this attack, General Cass would ride into the Presidential chair triumphantly over that party which either has no principles, or is ashamed to express them. He then ran over in review the sentiments which he had previously thrown out.

Mr. UPHAM said he desired to tell the Senator from Mississippi, that no such law as the Senator had charged as existing in Vermont had ever existed there.

Mr. FOOTE explained.

Mr. WESTCOTT said the original law was enacted in Massachusetts.

Mr. CLAYTON made some further explanations respecting the law.

Mr. FELCH also made some remarks on the law.

Mr. JOHNSON, of Maryland, defended the President of the Philadelphia Convention against some misconstructions of his expression in his inaugural speech. It was charged that he had said "to the victors belong the spoils." No such language was used by him.

The question pending was on the motion of Mr. BRIGHT to strike out the "17th" and insert the "31st" of July, as the day of adjournment.

Mr. DOWNS moved to postpone the further consideration of the resolution until Monday, the 17th; and on this motion the yeas and nays were ordered.

Mr. BERRIEN thought it was uncourteous to the House to hold the resolution until the very day fixed before we act on it.

Mr. DOWNS expressed a hope that this question would not be urged now, but that Congress would refuse to adjourn until the slave question shall be settled. He referred to the proposition for a Congress of Wilmot proviso men near Buffalo; and expressed his fear that an alarming crisis was approaching, which he hoped Congress would remain in session to meet.

The question was then taken, and decided in the negative—yeas 19, nays 32.

Mr. BREESE moved the postponement until Thursday, 13th instant; and the yeas and nays were ordered on this question.

The question being taken on this motion, it was decided in the negative—yeas 22, nays 28.

The question being on the motion to insert the 31st July—

Mr. DOWNS moved to strike out 31st July and insert 14th August. He stated his reason for this motion to be the impossibility of determining now whether the public business could be disposed of before the day he had named. He believed it impossible that the appropriation and the territorial bills could be passed by the 31st July.

Mr. BRIGHT expressed his belief that we might be prepared to adjourn on the 31st, if Senators would vote more and speak less. Too much time had been lost here in speech-making; but he did not fear that speeches here would endanger the Union.

Mr. RUSK said that he could not give his assent to these sentiments while a war is going on in Oregon—while so many private claims remain unacted on—and the Californias are without a government. Fix the 31st July, and these bills will not pass.

A motion was then made to lay the resolution on the table, which was negatived—yeas 25, nays 26.

The debate was then renewed on the motion of Mr. DOWNS; when

Mr. LEWIS moved to lay the whole subject on the table; which was negatived—yeas 24, nays 25.

Mr. RUSK moved that the Senate adjourn—yeas 21, nays 26.

The question was then taken upon the amendment of Mr. DOWNS, substituting the 14th of August for the 31st of July, and determined in the negative—yeas 14, nays 33, as follows:

YEAS—Messrs. Atherton, Benton, Borland, Butler, Calhoun, Dickinson, Downs, Foote, Hunter, Johnson of Louisiana, Johnson of Georgia, Lewis, Rusk, and Sebastian—14.

NAYS—Messrs. Allen, Badger, Bell, Berrien, Bradbury, Breese, Bright, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson of Maryland, Mangum, Mason, Metcalf, Miller, Niles, Pearce, Phelps, Spruance, Sturgeon, Turney, Underwood, Upham, and Yulee—33.

After a few remarks from Messrs. DAVIS, of Mississippi, and ALLEN—

The question was taken upon the amendment of Mr. BRIGHT, to strike out the 17th and insert the 31st July, and it was determined in the affirmative—yeas 30, nays 18, as follows:

NAYS—Messrs. Allen, Atherton, Badger, Bell, Berrien, Bradbury, Breese, Bright, Clarke, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson of Maryland, Mangum, Metcalf, Miller, Niles, Pearce, Phelps, Spruance, Sturgeon, Underwood, and Upham—30.

NAYS—Messrs. Benton, Borland, Butler, Calhoun, Davis of Mississippi, Dodge, Foote, Hunter, Johnson of Louisiana, Johnson of Georgia, Lewis, Mason, Rusk, Sebastian, Turney, Westcott, and Yulee—18.

After a few words from Mr. DICKINSON—

A motion was made by Mr. BRIGHT to lay the resolution on the table, which was agreed to—yeas 26, nays 22, as follows:

YEAS—Messrs. Atherton, Bell, Benton, Borland, Breese, Bright, Butler, Calhoun, Davis of Mississippi, Dickinson, Dodge, Downs, Fitzgerald, Foote, Hunter, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Rusk, Sebastian, Sturgeon, Turney, Westcott, and Yulee—26.

NAYS—Messrs. Allen, Badger, Berrien, Bradbury, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Felch, Greene, Hale, Hamlin, Johnson of Maryland, Metcalf, Miller, Niles, Pearce, Phelps, Spruance, Underwood, and Upham—22.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 6, 1848.

The Journal of yesterday was read and approved.

Mr. COBB, of Alabama, by the general consent of the House, moved to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill to amend the act approved 24th of May, 1824, entitled "An act supplementary to an act approved on the 3d of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices.'"

The motion was agreed to, and the bill was then read and ordered to be engrossed; and, being engrossed, was read a third time and passed.

Mr. PRESTON, by leave, from the Committee on the Library, to which was referred Senate bill to purchase the papers of Alexander Hamilton, deceased, reported the same back to the House, without amendment. Committed.

On motion of Mr. VINTON, the bill making appropriations for certain fortifications for the year ending June 30th, 1849, was recommitted to the Committee of Ways and Means.

Mr. HUNT called for the orders of the day.

RIVER AND HARBOR IMPROVEMENTS.

The business first in order was the report of the Committee on Commerce, and accompanying resolutions, on the message of the President assigning his reasons for withholding his sanction to the river and harbor bill of last session, the memorial of the Chicago Convention, and various other memorials for the improvement of rivers and harbors.

The pending motion was to reconsider the vote of yesterday by which the first resolution was agreed to.

Mr. TURNER, who was entitled to the floor, rose and occupied an hour in giving expression to his views on the subject of internal improvements, and in opposition to the Committee on Commerce in reporting the resolutions before the House. [This speech will be found in the Appendix.] When he concluded—

Mr. WENTWORTH said, if any member of this House ought to speak on this question, one coming from his locality ought to be heard in relation to it; but there were an immense number of measures before Congress which ought to be acted upon before the adjournment, and before he sat down he should therefore move to lay the motion to reconsider on the table. This was the first Whig Congress that he had ever attended, and it was the only Congress he had seen delay so long the passage of a bill for harbor and river improvements. After commenting on this fact, he called upon the House to print the Chicago memorial, the report thereon, and Mr. Polk's veto message in one document, that they might go to the country and be read by the people together. He concluded by moving to lay the motion to reconsider on the table.

The motion was agreed to.

POST OFFICE APPROPRIATION BILL.

On motion of Mr. VINTON, the House then resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and took up the bill making appropriations for the Post Office Department, which had been returned from the Senate with some amendments.

The first amendment of the Senate reduces the amount proposed to be appropriated for the transportation of the mails within the United States, $45,000. This amendment was concurred in, under a recommendation of the Committee of Ways and Means some days ago.

The second amendment of the Senate appropriates for the transportation of the mail between Charleston, South Carolina, and Havana, by way of Key West, touching at Savannah, $50,000; and for the transportation of the mail by said line, or by other steamers, to such other places on the coast of Florida as the Postmaster General may deem practicable and expedient, $5,000.

The Committee of Ways and Means recommend a disagreement to the second amendment of the Senate.

Mr. HARALSON desired to lay before the committee some facts which might be serviceable in forming a correct opinion as to the vote they might give on the pending question. If they were now commencing the system of steam mail-boats for intercommunication with distant parts of the Union, and other countries, he did not know what would be the course he should pursue. He might be disposed to doubt the course which we ought to pursue. That policy, however, having been commenced, and as we could not now discontinue a system which was pursued with so much activity by other nations, he was inclined the rather to facilitate such communication, and therefore he at once declared himself the advocate of the measure under consideration. This Union ought not to be dependent on other nations, but should pursue a policy of its own; and hence the subject was one which we ought gravely to consider, when other nations were making such rapid strides in the establishment of lines of communication with other parts of the world. They were aware that the British Government had two immensely expensive lines of communication: the one communicating with the ports of Boston and New York in the north, and the other with the West India Islands in the south.

These lines were sustained by the British Government at a loss of more than a million of dollars per annum, so conscious were they of the importance of the facilities which these lines of steamers afforded. And in the advantages of lines of communication between New York and the southern cities to New Orleans, and thence by the Gulf of Mexico and the Pacific Ocean, in which we have now considerable possessions, this country should participate. It would be well to look for a moment at the legislation of Congress on this subject. He then called the attention of the committee to the act approved March 3d, which gave to the Navy Department authority to control the building and equipment of certain steamboats, which were intended for these lines of intercommunication, touching at Charleston, Havana, Chagres, &c., and pointed particularly to the fact that the law authorized the Navy Department to control them while in such service, and to take them for the exclusive use of the United States whenever circumstances might require it; a large penalty of one hundred thousand dollars being the prescribed punishment for refusing or neglecting to surrender those vessels to this Government on the demand of the Secretary of the Navy.

This Government, then, would ever have steam vessels ready for the transportation of its troops to such points as might call for their presence. The vessels were to be connected with the naval service of the country, but they were only to be taken and paid for in case of emergency, when they would be valued by commissioners to be appointed by the company and by the United States; and who was there that would not say the Government would do well thus to have the control of private property which it could take to its exclusive use in case of necessity? It would obviate the necessity of keeping a large naval armament at an enormous expense in time of peace, and would still keep the Government prepared for any sudden emergency.

This Sloo contract, as well as all the other contracts, contained the same provision of law, that the vessels were to be turned over to the Government, at the option of the Government, whenever required, and subjecting the contractors to a heavy penalty in the event of their declining to comply with this condition. He read the law authorizing the Postmaster General to contract for the transportation of the mail in steam vessels from Charleston to Chagres, touching at St. Augustine and Havana, thence across the Isthmus of Panama, and thence to Oregon, and contended, that as the Secretary of the Navy had contracted for a part of the route, the Postmaster General, in contracting only for the other part, had carried out the spirit of the law.

Mr. HOUSTON, of Alabama, desired to ask the gentleman from Georgia whether any of the other lines of mail steamers between New York and Savannah, or anywhere else, run oftener than once a fortnight? And why it was that this line alone was to run weekly?

Mr. HARALSON said the gentleman was entirely mistaken. The contract with the company in South Carolina was to run only once in two weeks.

Mr. HOUSTON replied, Very true; but the gentleman from Georgia would certainly not attempt to conceal the fact that another line was running over the same route once in two weeks, and the two made a weekly line to Charleston and Savannah, which was not the case on any other route.

Mr. HARALSON was understood to admit that by the two lines a weekly mail would be transmitted between New York and Charleston and Savannah, and to express his surprise that a southern gentleman should object to it.

Mr. HOUSTON said the gentleman seemed desirous to put him [Mr. HOUSTON] in a position antagonistic to the South.

Mr. HARALSON replied that he put the gentleman in no other position than that which he voluntarily assumed.

Mr. HOUSTON took his position where his sense of duty pointed, however it affected the North or the South. He was not restricted within geographical lines in the discharge of his duties here. But the gentleman seemed to indicate that this was an effort to defeat the South in procuring mail facilities. He would like to know what mail facilities New Orleans had? Did New Orleans get the benefit of this weekly service which was now attempted to be given to Charleston and Savannah? He believed Savannah was in Georgia, the gentleman's own State.

Mr. HARALSON had never charged the gentleman with being opposed to the South and in favor of the North, nor would he degrade himself so much as to stand here the exclusive representative of any particular section or interest. If gentlemen would listen to him, they would discover that by this arrangement, which might be made by the Postmaster General, all the ports on the Atlantic would enjoy a weekly communication, not only with Havana and the West India Islands, but also, by means of the northern line of intercommunication, with England and with Europe. The Sloo line run once in two weeks: if this line was authorized to be made by the Postmaster General, it would run also once in two weeks, but under the order of that officer might be required to run on the alternate weeks, so that the result would be a weekly communication between New York and the West India Islands, touching at the Atlantic ports, and a weekly communication would have a tendency to discontinue the southern British line, which communicated with the West Indies at so great cost on their part. Now, if by amicable arrangement we could become the carriers of the mail along our coast to the West Indies, and do away with this British line, would it not be a great point gained, and would it not contribute largely to sustain these lines, which we were told by the Postmaster General were so expensive to the United States?

There was another view of this subject which he desired to present. He was proud to represent in part a State which, although it boasted not, might boast that it was the great railroad State of this Union. According to the latest estimates which he had seen, there were in actual operation in the State of Georgia railroads which communicated with the city of Charleston on one side and their own seaport town, Savannah, on the other, to the extent of nearly seven hundred miles; an amount of railroad communication, he believed, not surpassed except by one State in the Union. This line of communication, he would state, passed beyond the mountains, and connected with the great waters of the West; Savannah and Charleston were the seaport towns, nearer the great centre of the western water communication—the junction of the Ohio and Mississippi—than any other of the Atlantic ports. He dwelt upon the great importance of having thus a direct and frequent communication between the western country and the Atlantic, and warmly urged the advantages of authorizing the line under contemplation, particularly mentioning the fact that it would cost but $50,000—only half the amount appropriated for the purpose by the law of 1837; and was proceeding, when he was arrested by the expiration of the period allotted to debate.

The CHAIRMAN announced the question upon concurring in the amendments of the Senate.

Mr. HOUSTON, of Alabama, by general consent, addressed an inquiry to the chairman of the Committee of Ways and Means. From the papers relative to the subject, he understood the amount of the contract to be $45,000, and yet he saw that the appropriation proposed was $50,000. Would the gentleman inform him the reason of this discrepancy in amounts?

Mr. VINTON replied that the gentleman from Alabama, who was a member of the Committee of Ways and Means, and one of those who rejected this amendment, knew as much about it as he did. The amendment appropriating $50,000 was put in by the Senate; the contract was for $45,000; why this $5,000 excess was proposed was more than he could state, as the Senate had sent no papers over.

Mr. KING, of Georgia, would answer the question. It was simply an additional compensation for their going to Savannah.

Mr. RHETT explained also that the contract did not stipulate for the steamers going to Savannah. The appropriation provided for it.

Mr. HOUSTON understood, then, this appropriation to be clearly in violation of the contract.

Mr. CABELL asked to have a letter read from the First Assistant Postmaster General on the subject.

Objections were made.

Mr. VINTON called a division of the question, but withdrew the call.

Mr. HOUSTON, of Alabama, renewed the call for a division of the question.

The CHAIRMAN, on reflection, decided the question indivisible, and that it was on concurrence in the Senate's amendments collectively.

The committee were dividing on the question; when—

Mr. HOUSTON proposed to bring up the question by moving an amendment to the Senate's amendment to reduce the amount $5,000.

The CHAIR ruled it out of order as coming too late.

The question being taken, the Senate's amendments were concurred in—ayes 71, noes 46—and were laid aside to be reported to the House.

INDIAN APPROPRIATION BILL.

The committee then took up the bill "making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849, and for other purposes," to which various amendments were made by the Senate.

The Committee of Ways and Means, to whom were referred the amendments of the Senate, recommended to the House to concur in the thirteen first amendments, and also to concur in the 17th and last amendment.

The recommendation of the Committee of Ways and Means being agreed to, the above indicated amendments of the Senate were concurred in by the Committee of the Whole.

The 14th amendment of the Senate strikes out the third section of the bill. The Committee of Ways and Means recommended a disagreement to this amendment.

Mr. JOHNSON, of Arkansas, spoke an hour in opposition to the reduction of the Indian agencies which was proposed by this bill.

Mr. McKAY replied at some length. Messrs. THOMPSON, of Indiana, and BARRINGER, of North Carolina, also participated in the discussion.

The committee then rose and reported, without having passed upon all the amendments proposed to this bill.

APPROPRIATIONS FOR THE POST OFFICE.

The committee, however, having reported its concurrence in the amendments of the Senate to the bill making appropriations for the service of the Post Office Department—

The question was stated to the House on concurring with the Committee of the Whole in their agreement to these amendments.

The first amendment, reducing the appropriation for the transportation of the mails within the United States, $45,000, was agreed to.

The question was then stated on the second amendment of the Senate, viz: appropriating $50,000 for the transportation of the mail in steam vessels between Charleston, South Carolina, and Havana, by way of Key West, touching at Savannah; $5,000 for the transportation of the mail in the same line, or by other steamers, to such places on the coast of Florida as may be deemed practicable and expedient by the Postmaster General.

Mr. JONES, of Tennessee, called for the yeas and nays, and they were ordered and taken, and resulted as follows:

YEAS—Messrs. Abbott, Adams, Atkinson, Barringer, Barrow, Blanchard, Boydon, Albert G. Brown, Burt, Cabell, Cathcart, Chapman, Clingman, Cocke, Cranston, Crowell, Crozier, Donnell, Duer, Dunn, Edwards, Fisher, Fulton, Gaines, Goggin, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Haralson, Haskell, Henry, Hill, Hilliard, Elias B. Holmes, John W. Houston, Hunt, Iverson, Robert W. Johnson, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, McDowell, McIlvaine, McLane, Marsh, Meade, Morehead, Outlaw, Pettit, Pollock, Preston, Rhett, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Shepperd, Silvester, Simpson, Sims, Smart, Truman Smith, Stanton, Stephens, Strohm, Taylor, James Thompson, Richard W. Thompson, Tompkins, Toombs, Venable, Vinton, Wallace, Warren, Wentworth, and Woodward—81.

NAYS—Messrs. Bingham, Bowlin, Boyd, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummins, Dickey, Dickinson, Embree, Nathan Evans, Faran, Featherston, Ficklin, Fries, Giddings, Green, Willard P. Hall, Hammons, Harris, George S. Houston, Andrew Johnson, James H. Johnson, George W. Jones, Kennon, Lahm, Lord, Lynde, McClelland, McClernand, McKay, Job Mann, Miller, Morris, Mullin, Palfrey, Peaslee, Peck, Peyton, Phelps, Pillsbury, Rockhill, Sawyer, Robert Smith, Starkweather, Charles E. Stuart, Thomas, Thurston, Wick, Wiley, and Wilmot—50.

So the amendment was agreed to.

Mr. VINTON moved a reconsideration of the last vote; which motion to reconsider was laid on the table.

The amendments of the Senate having been agreed to, the Post Office appropriation bill stands passed.

THE MEXICAN WAR.

The SPEAKER laid before the House the following message, in writing, from the President of the United States:

To the Senate and House of Representatives of the United States:

I lay before Congress copies of a treaty of peace, friendship, limits, and settlement, between the United States and the Mexican Republic, the ratifications of which were duly exchanged at the city of Queretaro, in Mexico, on the 30th day of May, 1848.

The war in which our country was reluctantly involved, in the necessary vindication of the national rights and honor, has been thus terminated; and I congratulate Congress, and our common constituents, upon the restoration of an honorable peace.

The extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past, and the brilliant achievements and signal successes of our arms will be a guarantee of security for the future, by convincing all nations that our rights must be respected. The results of the war with Mexico have given to the United States a national character abroad which our country never before enjoyed. Our power and our resources have become known, and are respected throughout the world; and we shall probably be saved from the necessity of engaging in another foreign war for a long series of years. It is a subject of congratulation that we have passed through a war of more than two years' duration, with the business of the country uninterrupted, with our resources unexhausted, and the public credit unimpaired,

I communicate for the information of Congress the accompanying documents and correspondence relating to the negotiation and ratification of the treaty.

Before the treaty can be fully executed on the part of the United States, legislation will be required. It will be proper to make the necessary appropriations for the payment of the twelve millions of dollars, stipulated by the twelfth article to be paid to Mexico in four equal annual instalments. Three millions of dollars were appropriated by the act of March 3, 1847, and that sum was paid to the Mexican Government after the exchange of the ratifications of the treaty.

The fifth article of the treaty provides, that "in order to designate the boundary line with due precision upon authoritative maps, and to establish upon the ground land-marks which shall show the limits of both Republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte." It will be necessary that provision should be made by law for the appointment of a commissioner and a surveyor on the part of the United States, to act in conjunction with a commissioner and surveyor appointed by Mexico, in executing the stipulations of this article.

It will be proper also to provide by law for the appointment of a "board of commissioners" to adjudicate and decide upon all claims of our citizens against the Mexican Government, which, by the treaty, have been assumed by the United States.

New Mexico and Upper California have been ceded by Mexico to the United States, and now constitute a part of our country. Embracing nearly ten degrees of latitude, lying adjacent to the Oregon Territory, and extending from the Pacific Ocean to the Rio Grande, a mean distance of nearly a thousand miles, it would be difficult to estimate the value of these possessions to the United States. They constitute of themselves a country large enough for a great empire, and their acquisition is second only in importance to that of Louisiana in 1803. Rich in mineral and agricultural resources, with a climate of great salubrity, they embrace the most important ports on the whole Pacific coast of the continent of North America. The possession of the ports of San Diego, Monterey, and the bay of San Francisco, will enable the United States to command the already valuable and rapidly increasing commerce of the Pacific. The number of our whale-ships alone, now employed in that sea, exceeds seven hundred, requiring more than twenty thousand seamen to navigate them; while the capital invested in this particular branch of commerce is estimated at not less than forty millions of dollars. The excellent harbors of Upper California will, under our flag, afford security and repose to our commercial marine; and American mechanics will soon furnish ready means of ship-building and repair, which are now so much wanted in that distant sea.

By the acquisition of these possessions, we are brought into immediate proximity with the west coast of America, from Cape Horn to the Russian possessions north of Oregon; with the islands of the Pacific Ocean; and, by a direct voyage in steamers, we will be in less than thirty days of Canton and other parts of China.

In this vast region, whose rich resources are soon to be developed by American energy and enterprise, great must be the augmentation of our commerce; and with it, new and profitable demands for mechanic labor in all its branches, and new and valuable markets for our manufactures and agricultural products.

While the war has been conducted with great humanity and forbearance, and with complete success on our part, the peace has been concluded on terms the most liberal and magnanimous to Mexico. In her hands the territories now ceded had remained, and, it is believed, would have continued to remain, almost unoccupied, and of little value to her or to any other nation; whilst, as a part of our Union, they will be productive of vast benefits to the United States, to the commercial world, and to the general interests of mankind.

The immediate establishment of territorial governments, and the extension of our laws over these valuable possessions, are deemed to be not only important, but indispensable to preserve order and the due administration of justice within their limits, to afford protection to the inhabitants, and to facilitate the development of the vast resources and wealth which their acquisition has added to our country.

The war with Mexico having terminated, the power of the Executive to establish or to continue temporary civil Governments over these territories, which existed under the laws of nations whilst they were regarded as conquered provinces in our military occupation, has ceased. By their cession to the United States, Mexico has no longer any power over them; and, until Congress shall act, the inhabitants will be without any organized Government. Should they be left in this condition, confusion and anarchy will be likely to prevail.

Foreign commerce to a considerable amount is now carried on in the ports of Upper California, which will require to be regulated by our laws. As soon as our system shall be extended over this commerce, a revenue of considerable amount will be at once collected, and it is not doubted that it will be annually increased. For these and other obvious reasons, I deem it to be my duty earnestly to recommend the action of Congress on the subject at the present session.

In organizing Governments over these territories, fraught with such vast advantages to every portion of our Union, I invoke that spirit of concession, conciliation, and compromise in your deliberations, in which the Constitution was framed, in which it should be administered, and which is so indispensable to preserve and perpetuate the harmony and union of the States. We should never forget that this Union of confederated States was established and cemented by kindred blood, and by the common toils, sufferings, dangers, and triumphs of all its parts, and has been the ever-augmenting source of our national greatness and of all our blessings.

There has, perhaps, been no period since the warning so impressively given to his countrymen by Washington to guard against geographical divisions and sectional parties, which appeals with greater force than the present to the patriotic, sober-minded, and reflecting of all parties and of all sections of our country. Who can calculate the value of our glorious Union? It is a model and example of free government to all the world, and is the star of hope and the haven of rest to the oppressed of every clime. By its preservation, we have been rapidly advanced as a nation to a height of strength, power, and happiness without a parallel in the history of the world. As we extend its blessings over new regions, shall we be so unwise as to endanger its existence by geographical divisions and dissensions?

With a view to encourage the early settlement of these distant possessions, I recommend that liberal grants of the public lands be secured to all our citizens who have settled, or may in a limited period settle, within their limits.

In execution of the provisions of the treaty, orders have been issued to our military and naval forces to evacuate, without delay, the Mexican provinces, cities, towns, and fortified places in our military occupation, and which are not embraced in the territories ceded to the United States. The army is already on its way to the United States. That portion of it, as well regulars as volunteers, who engaged to serve during the war with Mexico, will be discharged as soon as they can be transported or marched to convenient points in the vicinity of their homes. A part of the regular army will be employed in New Mexico and Upper California, to afford protection to the inhabitants, and to guard our interests in these territories.

The old army, as it existed before the commencement of the war with Mexico—especially if authority be given to fill up the rank and file of the several corps to the maximum number authorized during the war—it is believed, will be a sufficient force to be retained in service during a period of peace. A few additional officers in the line and staff of the army have been authorized; and these, it is believed, will be necessary in the peace establishment, and should be retained in the service. The number of the general officers may be reduced, as vacancies occur by the casualties of the service, to what it was before the war.

While the people of other countries, who live under forms of government less free than our own, have been for ages oppressed by taxation to support large standing armies in periods of peace, our experience has shown that such establishments are unnecessary in a republic. Our standing army is to be found in the bosom of society. It is composed of free citizens, who are ever ready to take up arms in the service of their country, when an emergency requires it. Our experience in the war just closed fully confirms the opinion, that such an army may be raised upon a few weeks' notice, and that our citizen-soldiers are equal to any troops in the world. No reason, therefore, is perceived why we should enlarge our land forces, and thereby subject the treasury to an annual increased charge.

Sound policy requires that we should avoid the creation of a large standing army in a period of peace. No public exigency requires it. Such armies are not only expensive and unnecessary, but may become dangerous to liberty.

Besides making the necessary legislative provisions for the execution of the treaty, and the establishment of Territorial Governments in the ceded country, we have, upon the restoration of peace, other important duties to perform. Among these, I regard none as more important than the adoption of proper measures for the speedy extinguishment of the national debt. It is against sound policy and the genius of our institutions, that a public debt should be permitted to exist a day longer than the means of the treasury will enable the Government to pay it off.

We should adhere to the wise policy laid down by President Washington, of "avoiding the accumulation of debt, 'not only by shunning occasions of expense, but by vigor-'ous exertions in time of peace to discharge the debts which 'unavoidable wars have occasioned, not ungenerously 'throwing upon posterity the burden we ourselves ought to 'bear."

At the commencement of the present administration, the public debt amounted to $17,788,799 62. In consequence of the war with Mexico, it has been necessarily increased, and now amounts to $65,778,450 41, including the stock and treasury notes which may yet be issued under the act of January 28, 1847, and the sixteen million loan recently negotiated under the act of March 31, 1848.

In addition to the amount of the debt, the treaty stipulates that twelve millions of dollars shall be paid to Mexico in four equal annual instalments of three millions each; the first of which will fall due on the 30th of May, 1849. The treaty also stipulates that the United States shall "assume and pay" to our own citizens "the claims already liquidated and decided against the Mexican Republic," and "all claims not heretofore decided against the Mexican Government" "to an amount not exceeding three and one quarter millions of dollars." The "liquidated" claims of citizens of the United States against Mexico, as decided by the joint board of commissioners under the convention between the United States and Mexico, of the 11th of April, 1839, amounted to $2,026,139 68. This sum was payable in twenty equal quarterly instalments. Three of them have been paid to the claimants by the Mexican Government, and two by the United States; leaving to be paid of the principal of the liquidated amount assumed by the United States, the sum of $1,519,604 76, together with the interest thereon. These several amounts of "liquidated" and unliquidated claims assumed by the United States, it is believed, may be paid as they fall due out of the accruing revenue, without the issue of stock or the creation of any additional public debt.

I cannot too strongly recommend to Congress the importance of husbanding all our national resources, of limiting the public expenditures to necessary objects, and of applying all the surplus at any time in the treasury to the redemption of the debt. I recommend that authority be vested in the Executive by law to anticipate the period of reimbursement of such portion of the debt as may not be now redeemable, and to purchase it, at par, or at the premium which it may command in the market, in all cases in which that authority has not already been granted. A premium has been obtained by the Government on much the larger portion of the loans; and if when the Government becomes a purchaser of its own stock, it shall command a premium in the market, it will be sound policy to pay it, rather than to pay the semi-annual interest upon it. The interest upon the debt, if the outstanding treasury notes shall be funded, from the end of the last fiscal year until it shall fall due and be redeemable, will be very nearly equal to the principal, which must itself be ultimately paid.

Without changing or modifying the present tariff of duties, so great has been the increase of our commerce under its benign operation, that the revenue derived from that source and from the sales of the public lands will, it is confidently believed, enable the Government to discharge annually several millions of the debt, and at the same time possess the means of meeting necessary appropriations for all other proper objects. Unless Congress shall authorize largely increased expenditures, for objects not of absolute necessity, the whole public debt existing before the Mexican war, and that created during its continuance, may be paid off, without any increase of taxation on the people, long before it will fall due.

Upon the restoration of peace, we should adopt a policy suited to a state of peace. In doing this, the earliest practicable payment of the public debt should be a cardinal principle of action. Profiting by the experience of the past, we should avoid the errors into which the country was betrayed shortly after the close of the war with Great Britain in 1815. In a few years after that period, a broad and latitudinous construction of the powers of the Federal Government unfortunately received but too much countenance. Though the country was burdened with a heavy public debt, large and in some instances unnecessary and extravagant expenditures were authorized by Congress. The consequence was, that the payment of the debt was postponed for more than twenty years; and even then, it was only accomplished by the stern will and unbending policy of President Jackson, who made its payment a leading measure of his administration. He resisted the attempts which were made to divert the public money from that great object, and apply it in wasteful and extravagant expenditures for other objects, some of them of more than doubtful constitutional authority and expediency.

If the Government of the United States shall observe a proper economy in its expenditures, and be confined in its action to the conduct of our foreign relations and to the few general objects of its care, enumerated in the Constitution, leaving all municipal and local legislation to the States, our greatness as a nation in moral and physical power, and in wealth and resources, cannot be calculated.

By pursuing this policy, oppressive measures operating unequally and unjustly upon sections and classes will be avoided; and the people, having no cause of complaint, will pursue their own interests, under the blessings of equal laws and the protection of a just and paternal Government.

By abstaining from the exercise of all powers not clearly conferred, the cement of our glorious Union, now numbering thirty States, will be strengthened as we grow in age and increase in population, and our future destiny will be without a parallel or example in the history of nations.

JAMES K. POLK.

WASHINGTON, *July* 6, 1848.

The message having been read—

Mr. BURT moved to refer so much of it as related to making provisions for carrying into effect the treaty with Mexico, to the Committee of Ways and Means; so much as related to the army, to the Committee on Military Affairs; so much as related to the establishment of territorial governments, to the Committee on the Territories; and that the message be printed.

Mr. McKAY suggested to the gentleman to modify his motion. There was another very important part of the message—much more important than that which referred to the appropriations necessary to carry the treaty into effect; for those would not be needed until the next session. He referred to that which proposed to authorize the President to purchase the stock of the Government, and suggested that that portion be referred also to the Committee of Ways and Means.

Mr. BURT acquiesced in the suggestion, and modified his motion accordingly.

Mr. McCLERNAND said there was another portion still which related to the public lands. This should be referred to the Committee on Public Lands.

Mr. VINTON said, before that portion of the message which related to the territories was referred to the Committee on the Territories, he desired to know a little more distinctly what it was that constituted the territory that we had acquired. He understood this message to say that we had acquired by this cession the country beyond the Rio Grande. We all knew that the President of the United States had set up a government and kept in operation a government for nearly two years past on this side of the Rio Grande. He informed this House that these governments, which he had set up by virtue of his military authority, were now extinguished by the peace. If the territory of the United States prior to this war extended to the Rio Grande, he desired to know by what authority the President of the United States had established governments there. He desired that some investigation should be had; that the President of the United States should be called upon to communicate to this House by what authority he had established a government at Santa Fé, and had exercised the powers of government there.

Mr. BURT suggested to the gentleman from Ohio to allow the question to be taken on the reference of the message, and that the debate, which the gentleman seemed to have commenced, be carried on on the question of printing the message.

Mr. VINTON replied, that when the message was referred, it was out of the hands of the House. As he had already said, if the boundary of the United States before this war extended to the Rio Grande, he trusted the message would never be referred until the President of the United States had been called upon to declare by what authority he had established a government over any of the then territories of the United States, or within the limits of any State of this Union. If Texas extended to the sources of the Rio Grande, he desired to know by what authority the President had set up a government within the territory of a State of this Union? If he had done it, it was a high-handed usurpation of power, which he did not see how it was possible for this House, as the impeaching authority of this country, to pass over without notice. If the territory on this side of the Rio Grande was a portion of Mexico, if it was acquired by our arms, the question as to his right to set up military governments by virtue of subjugation and conquest, stood on the same footing on this side as on the other side of the river. He wished to know if the President had derived his authority to set up a government this side of the Rio Grande from any other source of power than that which authorized him to set them up on the other side of the Rio Grande? And, for one, he was not prepared to see this message pass out of the hands of the House until the President had answered this interrogatory.

Mr. THOMPSON, of Pennsylvania, obtained the floor, and moved the previous question on Mr. BURT's motion.

Pending this question, the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. MANN, of Pennsylvania: The petition of the heirs of Matthew Jack, late of Westmoreland county, deceased, who was a captain in the 8th regiment Pennsylvania line, in the revolutionary war, praying for his commutation pay.

By Mr. MULLIN: The petition of Thomas M. Reade and others, citizens of the county of Jefferson, New York, praying the abolition of the franking privilege, and the reduction of letter postage to the uniform rate of two cents.

Also, the petition of P. Burchard and others, citizens of the same county, praying the establishment of a post route from Cape Vincent to French creek, in said county.

By Mr. HALL, of Missouri: The petition of John Osborn and others, citizens of Davies county, in the State of Missouri, praying the establishment of a certain post route.

By Mr. LAWRENCE, of New York: Petitions of citizens of the towns of Newfield, in Tompkins county, and Veteran, in Chemung county, for a post route from Elmira to Ithaca, through East Veteran and West Cayuta.

By Mr. KING, of Massachusetts: Remonstrance of Hosea Ilsley and 38 others, citizens of Suffolk county, Massachusetts, against the removal of the marine hospital in the town of Chelsea.

By Mr. INGE: The petition of Edward S. Dargan, W. P. Chilton, H. W. Collier, and sundry other citizens of the State of Alabama, praying modification of the copy-right law.

By Mr. HAMPTON, of Pennsylvania: The petition of citizens of Alleghany county, Pennsylvania, praying Congress to abolish the franking privilege, and reduce ordinary letter postage to two cents, and that of newspapers in proportion.

IN SENATE.

THURSDAY, *July* 6, 1848.

Mr. DIX presented a petition from citizens of Albany county, New York, asking the reduction of the rates of postage and the abolition of the franking privilege; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEBASTIAN presented a petition from John P. Williams, asking a confirmation of his title to a certain tract of land; which was referred to the Committee on Private Land Claims.

Mr. HAMLIN presented a petition from citizens of Harrison, Maine, asking the abolition of the franking privilege and reduction of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. WESTCOTT presented a petition from citizens of Apalachicola, Florida, setting forth sundry grievances occasioned by certain mail arrangemens, and asking that they may be redressed; which was referred to the Committee on the Post Office and Post Roads.

Mr. BUTLER presented a petition from citizens of Sumter county, South Carolina, asking the establishment of a certain post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. DIX, from the Committee on Commerce, reported House bill to establish a collection district at Brunswick, Georgia, without amendment.

On motion of Mr. D., the Senate proceeded to the immediate consideration of the bill; which, after having been explained, was read a third time and passed.

On motion of Mr. PHELPS, the Senate took up the joint resolution from the House to dispose of two brass field-pieces captured at the battle of Bennington in 1777; which, after having been considered in Committee of the Whole, was read a third time and passed.

On motion of Mr. FELCH, the Senate took up the joint resolution from the House to change the location of a light-house on Lake Superior, in the State of Michigan, which, after having been explained, was read a third time and passed.

On motion of Mr. YULEE, the Senate proceeded to consider the joint resolution of the Senate authorizing the submission of certain claims to arbitration. The resolution was ordered to a third reading, but lies over.

On motion of Mr. DAYTON, the Senate proceeded to consider the joint resolution in reference to taking the next census; which was read a third time, by unanimous consent, and passed.

Mr. DOWNS submitted the following, which lies over:

Resolved, That, after the present week, until the further order of the Senate, Friday and Saturday of each week be set apart, after 12 o'clock, for the consideration of the private bills of the Senate first, and then those from the House; and that, when so considering Senate bills, any one giving rise to debate beyond a brief explanation, shall be passed over until the other private bills shall have been disposed of.

Several adverse reports were taken up and concurred in.

THE OREGON BILL.

On motion of Mr BRIGHT, the prior orders were postponed, and the Senate proceeded to the consideration of the bill to establish a Territorial Government in Oregon; when—

The question being on the amendment submitted by Mr. DAVIS, of Mississippi—

Mr. MASON addressed the Senate. He stated that the people of Oregon had undertaken to pass laws purely conventional and without authority, among which was one prohibiting slavery therein for ever. No one now believes that the people of a territory belonging to the United States have the right to pass any laws which can be binding, unless by the consent of the United States Government. By the 12th section of this bill, the laws of Oregon

are sanctioned, among which is this law prohibiting involuntary servitude in the Territory, or in other words, prohibiting the introduction of slavery into that Territory. It becomes us to uncover this act, and to defeat it. Our object should be to defeat the recommendation of the committee. Should this measure succeed, and slavery be prohibited, it will be in derogation of the spirit and letter of the Constitution.

He referred to the prevailing disposition to make the construction of the Constitution a mere struggle for power, and predicted the most calamitous results from a continuance of such a course. He went into the history of the introduction of the provision concerning slavery into the Constitution, to show that in the form in which it was adopted, it was adopted by the aid of three New England States; the two-thirds vote being inserted for an equivalent. He complained of the course of some of the northern States which had refused the use of their jails for the security of fugitive slaves, which he regarded as a violation of the Constitution; while he denied that any southern State had evinced the slightest disposition to violate the mutual compact between the North and South. He contrasted the legislation of the northern States with regard to other fugitives from justice, with that practised in relation to fugitive slaves. The Senator from Vermont [Mr. PHELPS] had assailed what he termed slave power. He desired to know what was intended by the phrase? He wished Senators to use intelligible terms. What he called the slave power, was nothing more than the representative weight given to the South for ample equivalents. He warned northern Senators to be cautious in assailing this representative weight. It required but a torch to set the whole South in a blaze. The South had made great concessions, and entered into a compromise, in the expectation that the question would thus be settled for ever. But now there appears to be a disposition, on the first occasion presented by the acquisition of new territory, to violate the compromise. Should this spirit influence the legislation of Congress, when the subject shall come up relating to the establishment of Territorial Governments in California and New Mexico, he warned Senators of the consequences.

The ordinance of 1787 was a compact formed between the United States Government and the people in possession of the Northwest Territory, before the Constitution was formed. The history of that ordinance is shrouded in secrecy, as the journals were not made public. But it is well known that there was much conflict. The item concerning slavery was the result of compromise. Under the Articles of Confederation, most of the States were large importers of slaves, and, having an immense territory under their control, they limited the territory within which slavery should be permitted to exist. This will account for the introduction of the slave clause in the ordinance of 1787. He recited some of the difficulties which stood in the way of the perfection of the ordinance. Some States came into the measure with difficulty, and some with a protest. He read several extracts from the papers before him, to show the various action of the States on the subject. The course of New York in 1780 he contrasted with the course of her able representative on this floor [Mr. DIX] now. Virginia never would have been a party to that compact, never would have made the cession she did, had she supposed her right to extend her population whither she would, would have been denied. Slaves form a great part of the property of the South, and are a considerable element of her political power; and he asked, by what authority was this property to be touched and interfered with by the General Government? Legislative discretion he regarded as limited by the object of the trust committed to it; and it did not extend to any interference with the question of slavery. There were States who did not regard the slave as a trust, as he was defined to be by the Senator from Vermont, but as a real property, which the owner, under the sanctions of the Constitution, may take where he pleases. There are now three millions of slaves penned up in the slave States, and they are an increasing population, increasing faster than the whites. And are the slaves to be always confined within what may be deemed their prison States? He referred to the attempt to settle the manumitted slaves of John Randolph on lands purchased for that purpose in the State of Ohio, when they were forcibly driven off, to show the character of the humanity which was professed by the anti-slavery party.

That a slave was not property, but a mere incident to a domestic relation, as was asserted by the Senator from Vermont, he entirely denied. The slave was property under the construction of the common law. The first slave who landed on our shores brought his condition with him, and it was recognized by the colonial laws. That condition was, that he was the substantial property of his master—not temporarily, as in the case of master and apprentice, but for life. Writers have described him, not as an incident to a domestic relation, but as an incident to the right of conquest. What forms may be thrown round him by convention or by law, is another question. In Africa, they are either taken in battle or sold by parents; but they are in bondage—perpetual bondage; and this condition they bring with them here, and it is recognized by our laws. The first slaves were brought to Virginia in 1620 by a Dutch vessel, and were sold as merchandise; and this was done with the knowledge and permission of the British Crown. This proves that it requires no special legislation to institute slavery, but it must require a special law to abolish it. He denied the proposition that when a slave enters a free State, where there is no such domestic relation, he becomes free, on this ground, that the relation cannot be abolished without a special law. There was no law, originating under the present Constitution, until 1820, which interfered with the right of the owner of a slave to carry his property with him into any of the States of the Union. Congress had never undertaken anything more than to regulate the subject in the admission of any new territory.

He then remarked on the party lines which had been drawn between the slaveholding and non-slaveholding States, lamenting their existence, and predicting the most fatal catastrophe, should they continue to operate. The election of a President was a question greatly inferior to that which was now agitating the Union.

Mr. JOHNSON, of Georgia, moved that the further consideration of the bill be passed over informally until to-morrow, which was agreed to.

NAVAL APPROPRIATIONS.

On motion of Mr. ATHERTON, the Senate then proceeded to the consideration of the bill making appropriations for the naval service for the year ending June 30, 1849, as amended by the Committee on Finance.

An amendment of the committee, striking out a clause appropriating $7,500 for the furnishing of the marine hospital at New Orleans, led to considerable discussion, in which it was contended on the one side that the appropriation was out of place in this bill, and that the introduction of foreign matter was a bad precedent; on the other side, the necessity of passing the appropriation was urged, because, as every one was satisfied that the furniture must be bought, a mere difference as to the shape in which the money should be granted ought not to be urged to the defeat of the appropriation.

Messrs. ATHERTON, JOHNSON of Louisiana, DAVIS of Mississippi, PHELPS, BREESE, UNDERWOOD, DAVIS of Massachusetts, BENTON, DOWNS, SEBASTIAN, WESTCOTT, BORLAND, STURGEON, and BADGER, took part in this debate; when the bill was laid aside until to-morrow.

[Mr. BREESE said: It appears from the argument of the chairman of the Committee on Finance, and of the Senator from Vermont, [Mr. PHELPS,] that the objections which they entertain to these appropriations are wholly technical. They have not attacked the objects; they have not said they were not important; but, conceding that point, they insist that they are out of place; that they should not be in the naval appropriation bill, as the marine hospitals were under the charge of the Secretary of the Treasury. Mr. B. said that was true. They are under the charge of the Treasury, but that did not furnish a valid objection to the place in which the appropriation is now found. These hospitals (Mr. B. said) had all, save one, been estimated for as far back as 1837. Some of them are in a course of being erected, and the sites of others purchased by the Government. The site at Chicago is owned by the Government, and although no estimates are made for that, the reason of the omission is found in the fact, that in 1837 Lake Michigan had no commerce. Now, many thousand seamen are employed upon it, exposed to sickness, and requiring shelter, medicine, and care.

Mr. B. said he did not see the propriety of striking them out of this bill; and he warned the Senators who were interested in them, if they are stricken out, no appropriation will be made for them this session. And if they are in the wrong place, he said, it was better, in his opinion, that they should be in a wrong place rather than in no place at all, and hoped the Senate would retain the appropriations where they are found, coming as they do from the House holding the purse-strings of the nation.]

A message from the President of the United States was received, communicating copies of the treaty of peace; which was read, and five thousand copies of the same ordered to be printed for the use of the Senate. [For message, see House proceedings.]

Mr. HANNEGAN moved that the different parts be referred to the appropriate committees; which was agreed to.

Mr. WESTCOTT offered a resolution that so much of the message as relates to the organization of Territories be referred to a select committee of seven, to be balloted for; which lies over.

Mr. BUTLER moved to increase the number of the Committee on the Territories to seven.

This led to some debate, in which Messrs. BUTLER, BREESE, WESTCOTT, ATCHISON, and others, participated; when—

Mr. JOHNSON, of Maryland, moved that the Senate adjourn; on which motion Mr. RUSK demanded the yeas and nays, which were ordered, when the vote stood as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Benton, Bradbury, Clarke, Corwin, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson of Maryland, Johnson of Louisiana, Miller, Niles, Pearce, Underwood, and Upham—20.

NAYS—Messrs. Borland, Butler, Davis of Mississippi, Dickinson, Downs, Hannegan, Johnson of Georgia, Lewis, Mason, Rusk, Turney, Westcott, and Yulee—13.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 7, 1848.

The Journal of yesterday was read and approved.

Mr. FULTON, by leave, moved to discharge the Committee of the Whole on the state of the Union from the bill of the Senate to extend the provisions of the existing pension laws to enlisted men of the ordnance corps of the United States army, and that the same be put upon its passage.

A letter was read from the chief of the ordnance bureau, showing the necessity of the passage of the law.

The motion to discharge the Committee of the Whole was agreed to.

The bill was read, and amended by altering the phraseology so as to embrace those who might hereafter serve in the corps as well as those who had been and are now in service.

It was then read a third time and passed, and returned to the Senate.

Mr. BURT, by leave, from the Committee on Military Affairs, reported a bill to provide for the payment of the companies of Captains Bush, Price, and Suasey, for military services in Florida. Read twice and committed.

DISBANDING THE OFFICERS OF THE ARMY.

Mr. BOTTS, from the Committee on Military Affairs, to which was referred the amendments of the Senate to the bill of the House to amend the act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes,'" reported the same back to the House with amendments.

This bill relates to the disbanding of the officers of the army at the close of the war with Mexico.

The amendment of the Senate postpones the execution of the bill until the 4th of March, 1849.

On motion of Mr. BOTTS, the House proceeded to the consideration of the said bill and amendments.

Mr. JONES, of Tennessee, was opposed both to the bill and to the amendments. He was opposed to continuing these officers in the service.

He thought the time had arrived, by the proclamation of the President that the war was terminated, when that law, which was now attempted to be extended to the 4th of March next, took effect, and it became the duty of the President to execute that law. He could see no necessity for continuing any of these officers in the service longer than the emergency which called them into the service. The emergency having ceased, they should not be continued in the service of the country, and therefore he moved that the bill and amendments be committed to the Committee of the Whole on the state of the Union.

Mr. GENTRY, as at present advised, and with the information before him, concurred in the views presented by his colleague [Mr. JONES] fully. When legislation was had by Congress for the creation of additional officers of the army, it was deemed sound policy to provide that when the public necessity which required this creation of officers should have passed away, the law by which they were created should provide for the termination of their office at the end of the war. He saw no reason nor public policy which required a change in this respect. Why should they suspend the operation of the law to the 4th of March next? They might as well suspend the law which provided for disbanding the rank and file—the privates as well as officers. If the existing law should operate injuriously—if any officer had rendered preëminent services, which would commend him as an exception from its operation, let the law take effect, and then let a special law be passed to restore him to his rank. But it was proposed to keep in the service all the officers until the 4th of March next. He could not, he repeated, see any reason for this suspension of the operation of the law; he preferred, as he had stated, that those who were meritorious should be restored to their rank by special law.

Mr. BOTTS said there was certainly no reason why he, as a member of the Committee on Military Affairs, or as the chairman of that committee, should feel any particular anxiety for the passage of this bill. But it became his duty as the organ of that committee to state to the House the reasons why they had agreed to concur to some of the amendments of the Senate, and to propose amendments to others.

Mr. HOUSTON, of Albama, inquired if this bill did not make an appropriation, and, therefore, if, as a matter of course, it must not go to the Committee of the Whole on the state of the Union?

The SPEAKER said he was not aware that the bill contained an appropriation, but the gentleman from Alabama must be aware, that if it did, it had already been in Committee of the Whole on the state of the Union, had been passed by this House and sent to the Senate, whence it had come with some amendments.

Mr. BURT assured the gentleman from Alabama the bill made no appropriation.

Mr. HOUSTON said it might not in direct terms, but he thought it would be found that a large amount was involved.

Mr. BOTTS again rose for the purpose of making an explanation of the character of this bill, and of the necessity of its passage. Personally, he should be satisfied with any action the House might take upon it. He would repeat what he said yesterday respecting the case which was now presented to the House. He then recapitulated the provisions of the law of the last Congress, which provided that on the restoration of peace the major generals then in commission should be reduced to one, and the brigadier generals to two. This bill, which had been to the Senate and had come back with an amendment, must, therefore, either be passed immediately, or the unavoidable consequence would be that either Gen. Scott or Gen. Taylor must be stricken from the roll, and likewise all brigadier generals save two, who would be retained at the discretion of the President of the United States. The time has arrived when the act, whose provisions he had quoted, would be in full force, the President's proclamation of peace having been published, unless this bill were passed this day.

The Senate, instead of repealing this section of the act, proposed to suspend it till the fourth day of March next; and this not only as respected general officers, but all other officers connected with the army. The object of this, Mr. B. said, was simply to allow time for more judicious legislation than could now be possible. It was not hereby intended to retain these officers in commission until the 4th of March; but as they would, under the operation of the existing law, go out immediately on the proclamation of peace, and no time now remained for deliberation, the postponement was made to prevent such a result, and gain the time necessary to act understandingly in the case. It was in contemplation by both Houses to provide for the country a peace establishment. Now, until it should have been decided what number of troops were to be retained in the service, it could not of course be ascertained how many officers it would be necessary to retain. It was understood, as of course, that more would be required than were in commission before the war, especially if the peace establishment was to be increased, as it probably would be. How, then, was it possible for Congress to decide in an hour how many of the officers now in commission should be dismissed? It was impossible; and to give the House time for deliberation, the Military Committee proposed that there should be a postponement, as recommended by the Senate. Should the House agree to do this, it would be competent to repeal the provision to-morrow, if it so pleased, and go on to provide a peace establishment. To repeal the law at once, would inflict great hardship on some of the officers. Mr. B. cited particularly the case of meritorious captains who had recently been promoted to a majority.

Mr. GENTRY said that if the object of suspending was no more than what had now been stated, he should give it his hearty concurrence; but the terms of the amendment were general and sweeping. If its effect was confined to officers promoted, he should have no objection to it. But what did we want with all these additional generals? Off with their epaulets! The war was now over, and there was no need of retaining them a day longer.

Mr. BOYDON suggested, in reply to Mr. BOTTS, that the proclamation of peace, though made to-day, was dated on the 4th instant; so, if there was any force in what the gentleman had said on that subject, the officers were out of the service already.

Mr. BOTTS said that he had not before asserted that all the officers would go out, but only those of a high grade. He would not undertake to say whether the proclamation would take effect in law from the day of its date or the day of its promulgation. He should suppose it would be reckoned from the day when it was made known to the world. It might be dated a month back. Four of the oldest and most meritorious captains in the line, without any request of their own, had been promoted to be majors. Now, there could not be a more glaring and more monstrous act of injustice than that these men, without a fault, should in their old age be legislated out of office. Were there time to do what was desired by his friend from Tennessee, [Mr. GENTRY,] Mr. B. should be as ready as he; but it was because of the want of time, that in order to avoid oppression and rashness, he wished to postpone the repeal of the act, and retain these officers, not until the 4th of March next, but until there should be a fair opportunity of acting on their case without inflicting injustice.

Mr. ROCKWELL, of Connecticut, moved that the House go into Committee of the Whole on the private calendar.

Mr. VINTON said, if that motion was rejected, he should move to go into Committee of the Whole on the state of the Union.

The question being put on Mr. ROCKWELL's motion, it was negatived.

Mr. VINTON then moved to go into Committee of the Whole on the state of the Union.

Mr. SAWYER demanded the yeas and nays, but the House refused to order them; and voted, under a count by tellers, in favor of the motion: Ayes 69, noes 56.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar. Lost.

So the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair.)

INDIAN APPROPRIATION BILL.

The committee took up the bill making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849.

The question pending was on concurring in the 14th amendment of the Senate, to wit, to strike out the third section of the bill.

Mr. BARRINGER wished to say, in addition to what he had observed yesterday, that the proposition in the bill had two branches: the first to reduce the number of these Indian superintendents and agents, and the other to change their salaries. By the law as it now stood they consisted, in all, of twenty-nine. Should the third section of the bill be retained, they would be reduced to seventeen, viz: two superintendents, nine agents, and six sub-agents. The section assigned to the superintendents $1,600 salary, instead of $1,500, which they received at present; it allowed to Indian agents $1,200, instead of $1,500, the present salary; and to sub-agents $800, instead of $750.

In 1834, a law was passed regulating our intercourse with the Indian tribes, and another reorganizing the Indian department. Previous to that, the process of removing the Indians west of the Mississippi river had been commenced; since then, it had been almost completed. Before that removal, the tribes, for the most part, occupied an isolated position, separate entirely from each other, and it was proper and necessary to retain an agent in each tribe; but since they had been transported to the West, tribes which had been separate were now in close collocation, and in some cases actually amalgamated into one. In this state of things, the Secretary of War had, at a former session, recommended a reduction in the number of these agencies. The Indian Committee had introduced such a provision into the Indian bill of last year, but the Senate struck it out. They had again introduced it in the present bill, and the Senate had stricken it out again. Mr. B. was in favor of the measure; he thought it proper and expedient. Did he believe, as the gentleman from Arkansas [Mr. JOHNSON] did, that it would produce discontent and dissatisfaction among the Indians, and perhaps lead to bloodshed, he should, of course, oppose it. But he could not conceive how any such consequences were likely to grow out of it. The Seminoles and Creeks were now put together; and the Chickasaws and Choctaws were similarly situated, as were many other tribes.

The mere saving of money that would be effected by the proposed arrangement was not the sole or the chief argument in its favor, though it was not to be overlooked. It would save about $11,000 in actual salaries, and about a like sum in houses, fuel, &c.—say some $20,000 in all. But it would also curtail Executive patronage, now wielded by the Secretary of War under the direction of the President. The subject was not new. There was, to be sure, no report upon it from the Indian Committee, because the subject had not been brought up in that committee during the present session. He hoped the House would not concur in the Senate's amendment.

Mr. THOMPSON, of Indiana, explained the ground why he was in favor of concurrence. According to his reading of the act of 1834, it would increase instead of diminish the number of superintendents. He had heard nothing from either of the gentlemen from North Carolina which convinced him he had been wrong. The gentleman from North Carolina on his left [Mr. MCKAY] had, indeed, given him, as the gentleman seemed to suppose, a severe dressing, and had said he (Mr. T.) was laboring under a most marvelous delusion; and the gentleman had enlightened the House upon the law, by informing the House of Representatives what had been his own intention in introducing the clause which the Senate had stricken out. But that gentleman, one would think, had lived long enough to know that his personal intention constituted no part of the law, but that a statute must be interpreted by its own terms. No doubt the gentleman intended to reduce the number of these officers; but the question was, did the words of this section have that effect? Mr. T. believed not.

He had avowed a disposition to look with jealousy into the power exercised over the Indians by our Commissioner and his superintendents, for he believed that more than half of all the frauds perpetrated under this Government took place in this department of it. Almost every step taken in the management of our Indian affairs was in some way connected with fraud. He did not say that these frauds were committed by the officers; but that they were committed was the universal belief in all his part of the country. The superintendent of

Indian Affairs exercised a power which should be confided to no man under our free Government.

Mr. T. here went again into a reference to the power of granting and revoking at will the licenses to Indian traders, and the manner in which that power might be and had been misused. Being asked to specify the case to which he more particularly alluded, he stated it to be that of a Mr. Ewing.

Mr. BARRINGER here interposed, and explained that a large mass of documentary testimony in the case of Ewing had been submitted by the Commissioner of Indian Affairs to the Indian Committee, and was now before them.

Mr. THOMPSON disclaimed all intention of challenging the conduct of the Commissioner. He had cited this case merely to show that the War Department considered that officer as not amenable to the Secretary of War, and he seemed, therefore, to be without control or responsibility to anybody. For this reason he contended that it was the duty of Congress to scan with more particularity the exercise of so delicate and irresponsible a power as that over our Indian trade. As to this particular case, Mr. T. knew nor cared nothing, nor was he much concerned whether the section under debate was retained in the bill or not. (Mr. McKAY here having entered the House) Mr. T. said he was going to recur to the castigation inflicted on him yesterday by the gentleman from North Carolina.

The gentleman from North Carolina had stated yesterday that this section would reduce the number of Indian superintendents. He read the section proposed by the Senate to be stricken out, and contended that, instead of reducing, it would retain the present number of superintendents at $1,500, and authorize an addition of two with a salary of $1,600. The committee were certainly to judge of this amendment from its words, and not from any design which the gentleman from North Carolina might have in offering it. Now, was there a necessity for this increase, for the authorizing of two additional superintendents at a salary of $1,600? If the design expressed by the gentleman from North Carolina could be accomplished by now moving an amendment expressly providing that the number of superintendents should be but two, and repealing previous laws authorizing a larger number, he had no objection. He was satisfied that, simply as a question of law, the section did not accomplish the object of the gentleman from North Carolina.

Mr. BARRINGER explained that the present number of superintendents was regulated by the law of 1834. At that time, Michigan being a Territory, its governor was *ex officio* superintendent of Indian affairs. That superintendency was dispensed with, as were also, from the same cause, the superintendencies of Iowa and Wisconsin. He did not concur with the gentleman from Indiana in the construction he placed upon this third section, but thought the clear effect of the language was exclusive, and that in effect, although not in express terms, it repealed previous laws fixing the number of superintendents.

Mr. THOMPSON resumed the floor, and proposed to offer an amendment, but, after some conversation with the Chair, waived it until a more appropriate stage of the bill.

Mr. STANTON obtained the floor, and yielded to—

Mr. McKAY, who, in reply to Mr. THOMPSON, admitted that the effect of the section was to be judged of from its words, and not from any avowed intention he might have had in offering it; but he contended that, thus construed, the section did limit the number of superintendents and agents. He read the law of 1834, and admitted that while it authorized but one superintendent *eo nomine*, the section he proposed fixed the number at two—being an increase of one *eo nomine;* but said that under the law of 1834, the agents received the same salaries as superintendents, and that two of these agents had been acting as superintendents, besides the Governor of the Territory of Wisconsin being *ex officio* superintendent, (which superintendency had now ceased)—thus making, in fact, four Indian superintendents under the present law, while the section in question expressly reduced the number to two. He read from the report of the Commissioner of Indian Affairs, recommending the increase of the superintendents to three. The section proposed, however, was explicit, and fixed it at two, and limited the number of agents to nine, and of sub-agents to six.

Mr. STANTON, remarking that he did not profess to be very intimately acquainted with the Indian affairs of the country, said if the section were so framed as to have the effect indicated by the gentleman from North Carolina, he should not object to it for a moment, but he believed that other consequences would result from the reduction of these agencies. We knew the relations between the Chickasaws and Choctaws, and that the attempt to amalgamate them, or appoint only one agent for these tribes, would be received as a very unfriendly act by both of them, which would be of far greater disadvantage to us as well as the Indians than any saving which would be effected. He understood that the deputation from both these tribes—the Chickasaws and Choctaws—as well as from the Seminoles and Cherokees, were in the city, and strongly protested against this proposed action of the House, and concurred in the amendment of the Senate.

The feelings and desires of these Indians, whom we had removed from their original homes and placed in a new country, ought to some extent to be respected. The saving of some $10,000 or $12,000 in carrying on the relations between these Indian tribes surely was of too small importance to induce us to excite the least unfriendly feelings on the part of these tribes. He did not know that the apprehensions of the gentleman from Arkansas were just; he could not say that the reduction of these agencies—the attempt to amalgamate these tribes—would be productive of war; but it was sufficient for him to know that the citizens on our western frontier, to which these Indians had been removed, entertained serious apprehensions that such would be the result; and he knew it not merely from the gentleman from Arkansas, but from his own personal knowledge. Every gentleman knew that the intercourse of these agents with the Indians had a beneficial effect—a tendency to keep up friendly feelings on their part. He should therefore give his vote to the amendment of the Senate.

Mr. ROCKHILL replied to the remarks of his colleague [Mr. THOMPSON] relative to the case of the recall of the license of the Messrs. Ewing to trade in the Indian country, and stated the facts of the case, showing that a charge had been made, and the case thoroughly investigated, upon evidence adduced before this license was recalled. He had been astonished to hear his colleague make the broad assertion that these gentlemen had been driven out of the Indian country without a single particle of testimony, but upon the bare assertion of a single individual. He would ask his colleague whether he had not some personal and pecuniary interest in the continuance of this license? The gentleman certainly must have understood what were the facts and the evidence, and he thought it ill became him to make the broad assertion he had made. Evidence had been taken and the case was reported by the Superintendent of Indian Affairs in a document of thirty-seven closely-written pages. This document, he urged, should be printed, in justice to the Commissioner of Indian Affairs, to the superintendent, and to all concerned.

Mr. VINTON appeal to the committee to take the vote on this amendment: it had already been fully debated, and must be well understood. As there was another amendment which would necessarily give rise to some debate, if this discussion was to be continued, he should be compelled to offer a resolution in the House to terminate the debate. He hoped the committee would at once take the vote, and let them pass on to the other amendment of the Senate.

Mr. PHELPS next obtained the floor, and spoke at some length on the questions involved in this discussion, opposing the reduction both of agents and the salaries of agents.

The question was stated on agreeing with the Senate in their fourteenth amendment, striking out the third section of the bill, and, being put, it was decided in the negative.

So the 14th amendment of the Senate was not concurred in.

The 15th amendment of the Senate was then read as follows:

"SEC. —. *And be it further enacted*, That the Secretary of War cause to be ascertained the number and names of such individuals and families, including each member of every family of the Cherokee nation of Indians, that remained in the State of North Carolina at the time of the ratification of the treaty of New Echota, May twenty-three, eighteen hundred and thirty-six, and who have not removed west of the Mississippi, or received the commutation for removal and subsistence, and report the same to the Secretary of the Treasury; whereupon the Secretary of the Treasury shall set apart, out of any moneys in the treasury not otherwise appropriated, a sum equal to fifty-three dollars and thirty-three cents for each individual ascertained as aforesaid, and that he cause to be paid to every such individual, or his, or her legal representative, interest at the rate of six per cent. per annum on such per capita, from the said twenty-third day of May, eighteen hundred and thirty-six, to the time of the passage of this act, and continue annually thereafter said payment of interest at the rate aforesaid.

"SEC. —. *And be it further enacted*, That whenever, hereafter, any individual or individuals of said Cherokee Indians shall desire to remove and join the tribe west of the Mississippi, then the Secretary of War shall be authorized to withdraw from the fund set apart as aforesaid, the sum of fifty-three dollars and thirty-three cents, and the interest due and unpaid thereon, and apply the same, or such part thereof as shall be necessary, to the removal and subsistence of such individual or individuals, and pay the remainder, if any, or the whole, if the said Indians, or any of them, shall prefer to remove themselves, to such individuals or heads of families, upon their removal west of the Mississippi: *Provided*, That nothing herein contained shall prevent Congress, on a final settlement of the questions arising under the treaty of New Echota, from charging the sums herein required to be funded or paid for the benefit of the Cherokees of North Carolina, or any part thereof, to the Cherokee fund under that treaty, if Congress shall find it just and proper to do so."

The Committee of Ways and Means reported the following as an amendment of the foregoing:

"Strike out all of both sections after the word 'Indians' where it first occurs, in the fourth line, and insert the following, viz:

"Who had their residence east of the Mississippi, at the date of the ratification of the treaty of New Echota of May 23, 1836, and who have not removed west of the Mississippi, or received the commutation for removal and subsistence, and report the same to the Secretary of the Treasury; whereupon it shall be the duty of the Secretary of the Treasury to cause to be deposited in the treasury, to the credit of said Indians, out of the unexpended balance of the Cherokee fund, under said treaty, a sum equal to $53 33 for each individual, ascertained as aforesaid; upon which amount interest shall be allowed at the rate of six per centum per annum from the date of said deposit.

"SEC. —. *And be it further enacted*, That whenever, hereafter, any individual or individuals of said Cherokee Indians shall desire to remove and join the tribe west of the Mississippi, then the Secretary of War shall be authorized to withdraw from said money, so deposited as aforesaid, so much thereof as may be necessary for the removal and subsistence of such individual or individuals or families as may go west of the Mississippi, and to disburse the same, so that the money withdrawn as aforesaid do not exceed the sum of $53 33, and the interest due thereon, for each person removing as aforesaid; and the remainder of said per capita, if any, and the interest due thereon, shall be paid to each of said individuals so removed, after deducting the costs of such removal and subsistence. And the Secretary of War is further authorized to pay the said sum of $53 33, in money, to any of the said Indians who shall prefer to remove him or herself, on his or her arrival in the Indian country west of the Mississippi river."

The question was stated on agreeing to the amendment reported by the Committee of Ways and Means to the amendment of the Senate; when

Mr. McILVAINE spoke at length, giving a detailed history of the treaty negotiations with these Indians, and was followed by Mr. CLINGMAN and Mr. BARRINGER, in explanation of the Indian treaties, and of the amendments proposed respectively by the Senate and the Committee of Ways and Means.

Mr. HOUSTON, of Alabama, next took the floor, and spoke with much earnestness in reply to Messrs. CLINGMAN and BARRINGER, in opposition to the amendment proposed by the Senate.

Before Mr. H. had concluded his argument, he yielded to a motion by Mr. BURT, that the committee rise.

The committee rose and reported their action to the House.

Mr. VINTON moved a resolution to close the debate in Committee of the Whole on the Indian appropriation bill in one hour after the committee shall again consider said bill in Committee of the Whole. Agreed to.

And then the House adjourned.

IN SENATE.

FRIDAY, *July* 7, 1848.

Mr. NILES, from the select committee to whom was referred the bill to set apart and sell to Asa Whitney, of New York, a portion of the public lands to enable him to construct a railroad from Lake Michigan to the Pacific, reported back the same with amendments.

In reporting this bill, Mr. NILES briefly alluded to the importance of the measure as connected with the public interests. In a few days the bill would be laid on the tables of Senators, and he invoked their especial attention to its provisions. He gave

notice that he should call it up during the morning hour on the first appropriate occasion. He desired to have a vote without debate, as he presumed that all the Senators had made up their minds upon the subject. He expressed the opinion that a careful examination of the bill would do more to make it better understood than any debate.

EXTRA ALLOWANCE TO PAYMASTERS.

Mr. DIX, from the Committee on Military Affairs, reported a bill concerning the pay department of the army.

This bill authorizes the Paymaster General to allow those paymasters who have been employed in the payment of volunteers during the war with Mexico a commission not exceeding one-half of one per cent. on all sums disbursed, as he shall deem reasonable, for the risk and labor attending such service, provided the same shall not exceed $1,000 per annum from the commencement to the close of the war; and also allowing said Paymaster General at his discretion to allow any paymaster's clerk, in lieu of pay now allowed by law, an annual salary of $700 per annum.

Mr. DIX would be gratified if the Senate would proceed at once to consider the bill.

Mr. JOHNSON, of Maryland, inquired whether the bill did not involve a new precedent, and whether one of a similar character had been introduced at the close of the preceding war.

Mr. DIX replied that he was not sure that any bill of this character was passed at the close of the last war; but there had been a bill similar, in principle, at the close of what was denominated the Black Hawk war.

Mr. JOHNSON then inquired if the Senator from New York could give any statement of the amount likely to be involved by the introduction of such a bill, and what the pay allowed by law to that class of officers at present amounted to.

Mr. DIX adverted to the fact of the arduous duties of this class of officers, and their liability to loss in the discharge of their trusts, to which the best of them had been subjected. While these officers had to be everywhere with the troops, exposed to all the perils of war and climate, they actually received some eight hundred dollars less than paymasters employed on the Atlantic seaboard, and had actually been losers by their appointment. The Senator would perceive from looking at the bill that it was limited in amount, beyond which it could not go, to wit: the half of one per centum on all moneys disbursed, in no instance to exceed the sum of $1,000 per year from the time of the war to its close.

Mr. JOHNSON asked what was the pay of these paymasters, setting aside the losses?

Mr. DIX said it was the pay of a major of infantry.

Mr. BADGER said the Committee on Military Affairs had been unanimously in favor of the bill, and expressed his opinion of its entire justice.

The motion of Mr. DIX was then agreed to, and the bill was read a third time, by unanimous consent, and passed.

Mr. DOWNS, from the Committee on Indian Affairs, made an adverse report on the memorial of citizens of Rochester, New York, in behalf of the Tonawanda band of Seneca Indians.

Mr. UNDERWOOD, from the Committee on Claims, reported a bill for the relief of Ward & Smith; which was read a first time.

Mr. WESTCOTT, from the Committee on Claims, reported House bill for the relief of Archibald Beard and twenty-one other Tennessee mounted volunteers, with an amendment.

Also, from the same Committee, House bill for the relief of John W. Hockett, without amendment.

Also, from the same committee, Senate bill for the relief of Bryan Callaghan.

On motion of Mr. RUSK, the Senate proceeded to consider this bill; but, after some few words, interposing objections to the bill, from Messrs. UNDERWOOD and BRIGHT, it was laid on the table for the present—ayes 20, noes not counted.

BILLS INTRODUCED ON LEAVE, ETC.

Mr. ATCHISON, on leave, introduced a bill to amend an act in relation to the payment of claims; which was read twice, and referred to the Committee on Claims.

Mr. DICKINSON, on leave, introduced a bill to amend an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes, approved 3d March, 1825; and an act authorizing the issue of treasury notes or loan, and for other purposes, approved 28th January, 1847.

MEXICAN CLAIMS.

Mr. JOHNSON, of Maryland, desired to introduce a resolution calling the attention of the Committee on Finance to what he deemed a very palpable error in the late message of the President, relating to the liquidated claims of our citizens against Mexico, calculated to be very injurious to their interests.

The President (said Mr. J.) states in his message, that these claims are to be liquidated by twenty equal annual instalments, three of which have been paid by Mexico, and two by the United States, leaving a million and a half unliquidated. For this unliquidated amount, he recommends an appropriation to be made out of the treasury, without the issue of stock, so as to make it payable out of the current revenue. Now, it would be seen, on reference to the proceedings of the commissioners in 1839, that it was agreed that the whole of these claims, principal and interest, should be paid in five years; and the act of 1843 confirmed their award, the payments being by instalments every three months, making twenty quarterly instead of annual payments; so that the whole amount is due now. The mistake of the President* was calculated to operate injuriously on the claimants, many of whom were citizens of Maryland. He would therefore submit the following resolution, which he hoped would be agreed to.

The resolution was then read and agreed to, as follows:

Resolved, That the Committee on Finance be instructed to inquire what measures are necessary to secure the prompt payment of the claims of citizens of the United States which have been liquidated and decided against the Mexican Government, and which are now due, and that they have leave to report by bill or otherwise.

SALARIES OF JUDGES.

Mr. MASON desired to introduce a resolution directing the Committee on the Judiciary to increase the salary of the judge of the western district of Virginia. Mr. M. spoke of the great increase of the duties of that office, owing to the additional number of courts that had been established, and their extended terms, &c.

Mr. BERRIEN took upon himself to say, in the absence of the chairman of the Committee on the Judiciary, that if the Senator would so modify his resolution as to make it a matter of inquiry into the expediency of such a step, instead of rendering it obligatory, the committee would be prepared to give the subject all due consideration.

Mr. WESTCOTT adverted to the fact that there were now before the Committee on the Judiciary some three or four memorials for the augmentation of the salaries of different judges, and he thought this subject might come under consideration with the rest. He would have no objection to the resolution if modified as indicated by the Senator from Georgia.

Mr. MASON then modified his resolution, and it was adopted, as follows:

Resolved, That the Committee on the Judiciary, to whom is referred House bill No. 290, entitled "An act to change the times for holding the district courts of the United States for the western district of Virginia," be and are hereby instructed to inquire into the expediency, by an amendment to said bill, to increase the salary of the judge of said court, in consideration of the additional duties devolved upon him by the increase in the number of courts in said district, and the extension of their respective terms.

Mr. HALE desired to offer a resolution inquiring into the expediency of increasing the salary of the district judge of New Hampshire, which at the present time was lower than any other in the State. The salaries of the State judges had been raised by a late law.

Mr. BERRIEN inquired what was the amount of the salary of the State judges?

Mr. HALE replied, by the late law they received some $1,600 and some $1,800, while the salary of the United States judge was only $1,000. Mr. H. then introduced the following resolution, which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of New Hampshire.

Mr. JOHNSON, of Louisiana, adverted to the fact of memorials having been over and over again presented from the bar of New Orleans for an increase of the salary of the judge of the district of Louisiana, which was so notoriously inadequate. On his motion it was

Ordered, That the memorial of the bar of the city of New Orleans, praying an increase of the salary of the district judge of the district of Louisiana, presented at a former session, be referred to the Committee on the Judiciary, to whom was referred the resolution of Mr. MASON.

On motion of Mr. PHELPS,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the destruction or other disposition of spurious and counterfeit treasury notes and other public securities, and of spurious and counterfeit plates and coins and implements for making the same, and prevent future circulation or use.

On motion of Mr. PEARCE,

Resolved, That 150 copies of the report of the Regents of the Smithsonian Institution, printed for the use of the Senate, be furnished to the Secretary of the Institution for the use of said Institution.

On motion of Mr. UPHAM, the Senate proceeded to the consideration of the bill for the payment of the 4th regiment in the 2d brigade of the 3d division of the Vermont militia for services in the battle of Plattsburg; which, after having been explained and advocated by Mr. U., was ordered to be engrossed, and was subsequently read a third time and passed.

The joint resolution authorizing the submission of certain claims to arbitration, was read a third time and passed.

OREGON BILL.

On motion of Mr. BRIGHT, the Senate proceeded to the consideration of the special order, being the bill to establish a Territorial Government in Oregon; when—

The question being on the amendment submitted by Mr. DAVIS, of Mississippi—

Mr. JOHNSON, of Georgia, said, that although the British Parliament was considered as omnipotent, still the meanest subject was protected in his property. How strange, therefore, must it appear, that the American Congress should be engaged in seriously discussing a question which affects the property of fifteen of the States of the Union! The admission of the right of Congress to prohibit slavery implies the right of Congress to establish slavery. And what would be thought if the fifteen slaveholding States were to come forward with a proposition to Congress to establish slavery in the States in which it does not now exist? Or, if it was proposed to prohibit any citizen of the free States from entering a slaveholding State with his property, would not the right of Congress to interfere be denied? He looked on the present question as a question of power, in which the numerical strength of the free States was to be arrayed against the feebleness of the South. In this condition, the South has only to say, "We stand still; we have not the power to resist." The South invokes the free States to stay their hands, and to yield obedience to the mandates of the Constitution.

He referred to the restricted nature of our Government, and quoted from the authorities, to show the extent of the powers of Congress in reference to the Territories. He regarded the word "territory" in the Constitution as meaning nothing more nor less than *land*. Congress had a right to protect this property, to cause surveys to be made, and to establish judicial districts and courts to try criminals who may commit offences against the property. Beyond these powers, he thought, Congress could not go. Wherever the framers of the Constitution intended to confer exclusive legislation, they inserted in the Constitution proper terms to express that intention. The power of Congress to establish territorial governments, although it had been denied by some, he would be willing to admit, for the sake of argument. But if Congress had the power, it must use it in reference to its character as a trust—it must act as a mere agent. The territory is the property of the United States, and not of the Government of the United States. If Congress had the power to distribute the public lands among the several States, and were to do so, would it be tolerated if Congress were to give a portion of this land free, while it clogged another with the condition that no slave should be there? Yet the principle was the same

* In copying the President's message, an error occurred in a single word, by substituting "annual" for *quarterly*. The President states the sum awarded to our claimants under the Mexican commission at $2,026,139 68, which sum is taken from the awards on file in the State Department, and is perfectly correct. He adds: "This sum was payable in twenty equal annual instalments," as *copied*, whereas it is truly stated by the President as *quarterly*.—*Union, July 8.*

in this case as in the effort to prohibit slavery in the Territories.

Gentlemen had referred to former legislation on the subject, and had brought forward precedents to throw their light on our path. He examined some of these precedents, in order to show that they did not aid the purposes of those who had brought them forward. He stated that Mr. Dane, of Massachusetts, not Mr. Jefferson, was the author of the restrictive clause in the ordinance of 1787; so that all the weight supposed to attach to it from the name of Jefferson fell to the ground. Having been adopted before the existence of the present Constitution, the ordinance could not properly be quoted as a legislative precedent under our Constitution. He did not doubt that any of the great States had the right to establish slavery within their limits; yet, under this ordinance of 1787, the United States could not establish slavery within their territories. Looking at the ordinance as a compromise, neither party to such compromise parted with any of its respective rights. He had carefully examined all the acts which had been relied on to prove the power of Congress over slavery, and had found that, in part, they related to the powers exercised by Congress under the clause relating to commerce. Their only connection with the subject was in relation to the traffic of slaves.

As to the judicial decisions which had been also relied on, he coincided in the lucid views thrown out by his colleague [Mr. BERRIEN] on the subject, regarding them as having no bearing on the question. There never had been a solemn decision that Congress had the power to exercise the right of excluding slavery from the Territories.

He construed the principles laid down by the Baltimore Convention as his colleague did. It was intended to convey the distinct opinion that Congress has no power to interfere with the question of slavery in the Territories. He referred to the history of the Convention to sustain him in this view—to the course of Mr. Forman, of Georgia, Mr. Yancey, and others, who asserted their impression to be that the principles of the platform covered all the ground of the non-interference of Congress with the question of slavery in the Territories. He had great confidence in the Democratic party, and believed that on its integrity depended the settlement of this question in a way which would prevent the dissolution of the Union. He referred to the apostacy of Mr. Van Buren, for whom the South sacrificed herself in 1840, and to the conduct of some few of the party who had consented to become his minions, with great severity.

The amendment of the Senator from Mississippi brought up the question, whether Congress had the right to interfere on the question of the transfer of slaves from one Territory to another. He maintained that Congress had reserved the power of the *veto* over the laws of a Territory; so that if a Territory should pass a law excluding slaves from a Territory, it would not be valid until it had received the sanction of Congress. He held that the Constitution had as effectually precluded Congress from abolishing slavery, as it had excluded the assumption of titles of nobility.

Mr. MANGUM having put the question, whether General Cass does not assert that the people of the Territories have the right to regulate slavery within their limits, and that Congress had no power over the question?—

Mr. JOHNSON resumed, referring to the letter of General Cass to show that he had not conceded any right in the people of the Territories to regulate the subject, but that he was willing, as a matter of policy, to leave it to be regulated by any new Territories.

Mr. MANGUM said that General Cass seemed to have no opinions on the subject.

Mr. JOHNSON said that was precisely the situation of the South. She desired no interference, but that she should be let alone. He wished to know General Taylor's opinions.

Mr. MANGUM could not give them. But if General Taylor should write a dissertation on the subject, he would inform the Senator that it would be so plain that any one might understand it. He asked, supposing a North Carolinian went into a Territory with a slave—into California or New Mexico, which he understood to have been always free—who was to judge of the fact whether the slave was property or not?

Mr. JOHNSON referred to the condition of the Mexican territories to show that the prohibition of slavery is a political law there, and read an extract from a judicial decision to prove from the laws of nations, that a political law is changed, when by conquest, or otherwise, territory is transferred from one country to another. If a Carolinian were to go into these territories with his slaves, his property in these slaves would be recognized completely there. He stated that he intended to vote for the amendment of the Senator from Mississippi.

He asked what great view of public policy, what law of humanity, demanded that slavery should be prohibited in the law constituting a Territorial Government? He did not see how the interests of policy or humanity were likely to be promoted by the adoption of such a principle, but he saw clearly how both these interests must suffer. The North will not receive the slave on any terms of political equality; he is not permitted to vote, he is not elevated socially; on the contrary, he is more degraded than even in the southern States. He went into an exposition of the fallacy which laid down the slave power as a power which was to be dreaded and opposed, contending that it would not produce a single representative of the slaves. He invoked the Senate to take a calm and deliberate view of all the bearings of this important question. He denied the power of Congress to legislate on the subject; and if Congress attempted to legislate for the Union, he would stand here to oppose, so long as he could utter a sound, or move a muscle of his frame. The South had expected that the question was settled by the Missouri compromise, and that the subject would never again be stirred. The South had fulfilled her pledge, and had remained satisfied. But it was notorious that in the North abolitionism had sprung up and spread itself, and the compromise had lost its hold. The olive branch had frequently been tendered by the South, but it had as often been refused by the North, as was evident by facts which he referred to in the legislative action of Congress, to show that the North had uniformly acted against the South.

Mr. FOOTE reminded the Senator from Georgia, that their northern friends had stood by the interests of the South, in resisting the Wilmot proviso.

Mr. JOHNSON said he had not the least intention to say anything which could evince unkindness to the North. He admitted there had been occasions when the North had stood forward in behalf of the South. But he did not thank the North for offering them the Wilmot proviso.

Mr. HALE asked if he understood the Senator from Georgia, as denying the power of Congress to legislate on the subject of slavery in the District of Columbia?

Mr. JOHNSON replied in the affirmative.

Mr. HALE replied that in that case, as relates to the District of Columbia, it was at least the duty of Congress to undo what had been done in this District. If the United States Government carries slavery wherever it goes, he wished to know what kind of slavery we take with us—whether Delaware, or Maryland, or New Jersey, or Georgia slavery? He denounced the monstrous doctrines on slavery which he had heard this day.

On motion of Mr. DAVIS, of Massachusetts, the further consideration of the bill was then passed over until to-morrow.

TERRITORIES.

Mr. BUTLER moved that the Senate proceed to the consideration of his motion for the appointment of two additional members to the Committee on Territories. Some very important business had been devolved on this committee by the recent message of the President. Some of the members of the committee were absent, and he was not willing that all the increased business and its responsibility should fall on him.

Mr. HALE thought the question was of too much importance to be disposed of when the Senate was thin. He suggested the propriety of suffering the motion to lie over, that it might be taken up to-morrow, in the morning hour, when the Senate would be full.

Mr. DAVIS expressed a hope that the motion would not be agreed to, and that the subject presented in the President's message would be referred to the Committee on the Judiciary.

Mr. BREESE expressed a hope that the Committee on the Judiciary would be increased by two additional members. He referred to the history of the Committee on Territories, and stated that previous to its organization, the Judiciary Committee had charge of the Territories.

Mr. ATCHISON said, this was the first time that he had heard it intimated that the Committee on Territories was an inappropriate committee for the preparation of the business relating to the Territories. There was no need to call in the learning of the Judiciary Committee to regulate these matters. The simplest of all bills were those for the establishment of Territorial Governments, the forms of which could be found on our statute books.

Mr. WESTCOTT stated, that under an impression that the question relating to the government of the new territories involved some important considerations, he had yesterday moved for the appointment of a select committee by ballot. He would not persist in that motion, as he had not been backed by his friends. It was not the question of slavery only to which he had reference. There was the claim of Texas to a boundary embracing all the territory of New Mexico to be considered, which was very important.

Mr. RUSK replied that this claim had been established by the consent of Mexico and the United States.

Mr. FOOTE said that in looking over the list of committees, he had come to the conclusion that they were all learned, astute, and sound, and he thought it would be very discourteous to take the subject out of the hands of the Committee on Territories.

Mr. BUTLER explained his motion, stating, that as the committee was now constituted, too much responsibility would be thrown on him.

Mr. RUSK said he should vote against the motion, as it was his desire that a special committee should be raised to take charge of the subject.

Mr. BRIGHT referred to the absence of the chairman of the Committee on Territories, [Mr. DOUGLAS,] and the uncertainty of his return during the residue of the session. He (Mr. B.) had used every exertion in his power to press forward the bills reported by the committee; but he thought the labor would be too great unless some additional members were appointed.

Mr. DAYTON urged the propriety of passing over the subject until to-morrow. Many Senators had left the Chamber, not expecting that business of moment, coming properly within the morning hour, would be called up at this hour of the day.

Mr. BUTLER said he had given notice in the morning of his intention to call it up after the debate on the Oregon bill.

Mr. DAYTON presumed that the Senators who had gone away did not think it necessary to regard a notice to do what would be out of order. He wished the subject to be considered when the Senate was full, as it seemed to involve matters of some importance. He moved that the Senate adjourn; which was agreed to—ayes 22, noes 19; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 8, 1848.

The Journal of yesterday was read and approved.

Mr. BOTTS moved to recommit to the Committee on Military Affairs the bill of the House to amend an act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico,'" and for other purposes, together with the amendments of the Senate thereto.

Mr. B. said that he perceived from the papers that the President (by what authority Mr. B. did not pretend to know) had directed that the officers whose term of service would by law expire on the termination of the war, should continue in commission until the 20th instant: as that would allow ample time for the necessary deliberation, he would now move that the bill from the Military Committee be recommitted to the Committee on Military Affairs.

Mr. BRODHEAD hoped the motion would prevail, and that the bill might be so amended as to allow to all officers and privates of the army three months' extra pay, and providing that the law passed for raising an additional military force might be carried fully out. If the third section of the bill as it came from the Senate should pass, he hoped the second would be stricken out.

The motion of Mr. BOTTS was agreed to, and the bill recommitted accordingly.

Mr. WHITE moved to discharge the Committee of the Whole on the state of the Union from Senate bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal-heavers in the navy, and to their widows.

The reading of the bill was called for; it not being at hand—

Mr. CONGER, from the Committee on Printing, to which was referred the resolution relative to printing 10,000 copies extra of the report of the Committee on Public Lands on the graduation, reduction, and disposition of the public domain, reported the following resolution, which was read and agreed to:

Resolved, That 10,000 copies extra of said report be printed.

Also, from the same committee, to which was referred the resolution relative to printing the reports of the majority and minority of the Committee on Public Expenditures on the subject of the report of the Secretary of the Treasury on the finances, reported the following resolution, which was read and agreed to:

Resolved, That extra copies of neither of said reports be printed.

The bill of the Senate renewing certain naval pensions, &c., having been brought to the Clerk's table—

The SPEAKER stated the question on discharging the Committee of the Whole, as stated above.

Mr. BURT called for the regular order of business.

The SPEAKER stated that there was no regular order of business on Fridays and Saturdays except private business, and there was none of that character on the Speaker's table which could be put before the House at this time.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar. The motion was rejected.

INDIAN APPROPRIATION BILL.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and proceeded to the consideration of the bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849.

The question pending was on agreeing to the amendment reported by the Committee of Ways and Means to the 15th amendment of the Senate, and heretofore published.

Mr. HOUSTON, of Alabama, being entitled to the floor, concluded the remarks commenced by him yesterday, which consumed his allotted hour.

Mr. GENTRY spoke with great earnestness in favor of concurring with the Senate's amendment in favor of the North Carolina Cherokee Indians; arguing that on all principles of equity and of national law the treaty of New Echota should be so interpreted as to allow to those Indians the sum provided for the removal and subsistence of such of the tribe as removed west of the Mississippi, on the ground that whether the words of the treaty, if made with a foreign Power, would in strictness of law bear that construction or not, yet the treaty having been so explained to the Indians by our commissioner, and they having so understood it, it ought to be carried out according to their understanding of it. And if the allowance of the principal should be made, then the interest since accruing would follow of course.

Mr. THOMPSON, of Indiana, made some remarks in reply to Mr. ROCKHILL in relation to certain licensed Indian traders who were driven from the Indian country by the Indian agent.

The hour allotted for debate having expired, the question was stated on agreeing to the amendment proposed by the Committee of Ways and Means to the amendment of the Senate, when—

Mr. VINTON, who was entitled to an hour in closing the debate, went into a full explanation of his own understanding of the whole subject of the treaty; the policy in which it originated; the ends it was intended to secure, and the manner in which it was originally proposed, and in what shape it was finally ratified. He contended that the policy of General Jackson, and those who supported him, having been to effect the removal of the Indians from all the States where they were settled to new territory west of the Mississippi, the provision for the expense of their removal, and for their subsistence in their new homes for one year, had been inserted in the treaty to furnish an inducement to their assent to the removal. Some of the Indians refused to go, and great difficulty arose in finally effecting the object in view. To allow the same amount to those tribes or individuals who refused to remove as was given to those who did, was, in effect, to offer a premium for refusal, and by such a proceeding the Government was effectually counteracting and defeating its own policy. Perceiving this, the treaty, before its final ratification, had been altered; the clause providing the cost of removal and subsistence to Indians (such as those in North Carolina) who did not remove was stricken out, and in place of it was a provision that those who remained should receive, in common with those who went, an allowance, *per capita*, out of a certain Indian fund in the Treasury, after certain charges on that fund had first been deducted. He, therefore, argued against the Senate's amendment, as contrary both to the terms and policy of the treaty.

He then explained an amendment which was proposed by the Committee of Ways and Means, which provided in substance that a fund should be set apart and kept in the treasury, so that whenever any of these Indians concluded to remove, they should receive the full amount of removal and subsistence as stipulated in the treaty; and meanwhile to pay them the interest on their *per capita* share of the Indian fund.

Mr. V. having concluded his remarks—

The question was stated on agreeing to the amendment reported by the Committee of Ways and Means to the 15th amendment of the Senate; when—

Mr. CLINGMAN moved to amend the amendment of the Senate by striking out the proviso in the 4th and last section, which is as follows:

Provided, That nothing herein contained shall prevent Congress, on a final settlement of the questions arising under the treaty of New Echota, from charging the sums herein required to be funded or paid for the benefit of the Cherokees of North Carolina, or any part thereof, to the Cherokee fund under that treaty, if Congress shall find it just and proper to do so.

And inserting in lieu thereof the following:

Provided, That the amount herein required to be funded for the benefit of the said Cherokees of North Carolina, and the amount required to be paid to them, shall be charged to the general Cherokee fund, under the treaty of New Echota, and shall be reimbursed therefrom.

The amendment was agreed to.

The question was then put on the amendment proposed by the Committee of Ways and Means to the amendment of the Senate.

The count was had by tellers, and there were—ayes 71, noes 76.

So the amendment of the Committee of Ways and Means was disagreed to.

The question recurred on agreeing to the amendment of the Senate, (the two sections,) and, being put, it was decided by tellers in the affirmative—ayes 77, noes 60.

So the amendment of the Senate was agreed to.

All the amendments to the Indian appropriation bill having been acted on, the committee rose and reported the bill as amended to the House.

The House proceeded to consider the said amendments.

Mr. VINTON moved to amend the 15th amendment of the Senate, by striking out all after the word "Indians," where it first occurs, and inserting the substitute reported by the Committee of Ways and Means, and also moved the previous question.

After suggestions and inquiries by various members, the previous question was seconded; and under the operation thereof, the first thirteen amendments of the Senate (which were concurred in by the Committee of the Whole) were read and agreed to by the House without a division.

The question was stated on the 14th amendment of the Senate, which strikes out the third section of the bill.

The Committee of the Whole disagreed to this amendment.

The question being put on agreeing to the Senate's said amendment, it was decided by yeas and nays in the negative—yeas 68, nays 109.

So the House refused to strike out the third section.

The 15th amendment of the Senate, which adds two sections, was read, and the amendment thereto reported by the Committee of the Whole (Mr. CLINGMAN's proviso) was agreed to.

The amendment moved by Mr. VINTON to the 15th amendment of the Senate, viz: to strike out all after the word "Indians," where it first occurs, and insert in lieu thereof the amendment reported by the Committee of Ways and Means, was read; and the question being put on agreeing thereto, it was decided in the negative by yeas and nays—yeas 75, nays 94.

The question recurred on agreeing to the 15th amendment of the Senate as amended, and being put, was agreed to by yeas and nays—yeas 94, nays 71.

The 17th and last amendment of the Senate, (a new section,) which was agreed to by the Committee of the Whole, was then read and concurred in by the House.

Mr. CLINGMAN moved to reconsider the vote by which the 15th amendment of the Senate was agreed to.

The motion to reconsider was laid on the table.

Mr. JOHNSON, of Arkansas, moved that a committee of conference on the part of the House to meet a similar committee on the part of the Senate be appointed on the disagreeing votes of the two Houses on the Indian appropriation bill.

The motion was rejected.

Mr. VINTON, from the Committee of Ways and Means, to which had been referred the bill making appropriations for certain fortifications of the United States for the year ending June 30, 1849, asked leave to report the same back to the House. Objected to.

The following bills of the Senate, lying on the Speaker's table, were taken up, read twice, and referred to appropriate committees:

A bill for the relief of Gamaliel Taylor (late marshal of Indiana) and his securities.

A bill for the relief of William W. Wynn.

A bill for the relief of David Wilkinson.

A bill for the relief of H. Fredieu, M. Vercher, C. Sanmiguel, P. U. Gagnon, V. Carbanaux, and F. Harbo, of Louisiana.

A bill for the relief of Mary Taylor.

A bill for the relief of the heirs of John Wall, deceased.

A bill for the relief of the heirs of Moses White.

A bill for the relief of Columbus Alexander and Theodore Barnard.

A bill for the relief of D. A. Watterston.

A bill for the relief of Charles M. Gibson.

A bill for the relief of James G. Carson.

A bill concerning the Pay department of the army.

A bill for the payment of the 4th regiment in the 2d brigade of the 3d division of the Vermont militia for services at the battle of Plattsburg.

A bill to allow subsistence to certain Arkansas and other volunteers who have been prisoners of war in Mexico.

A resolution in reference to the next census.

The Senate bill to extend an act entitled "An act providing for the adjustment of all suspended preëmption land claims in the several States and Territories," approved August 3, 1846, was read three times and passed, and returned to the Senate.

Mr. SIMPSON asked leave to make a report from the Committee on Commerce.

Mr. ROCKWELL, of Connecticut, objected to the reception of any report out of order.

Mr. McLANE gave notice, under the rule, that on some subsequent day he would bring in a joint resolution for the erection of the Territories of Oregon, California, and New Mexico into States for admission into the Union, and providing for the organization and admission of other States formed out of the Territories of said States of Oregon, California, and New Mexico, upon certain terms and conditions.

And then the House adjourned.

PETITIONS.

The following petitions were presented under the rule and referred:

By Mr. HAMPTON, of Pennsylvania: The petition of the legal representatives of Major L. P. Montgomery.

By Mr. PALFREY: The petition of James T. Woodbury, of Acton, Massachusetts, and 55 others, praying for the repeal of the franking privilege and the reducution of letter postage.

IN SENATE.

SATURDAY, *July* 8, 1848.

Mr. DIX presented a memorial from Samuel Colman, proposing to prepare a general index of all the Congressional documents.

REPORTS FROM COMMITTEES.

Mr. BELL, from the Committee on Indian Affairs, reported a joint resolution allowing the proper accounting officers of the treasury to make a just and fair settlement of the claim of the Cherokee nation of Indians according to the principles established by the treaty of August, 1846.

The joint resolution having been read a first time—

Mr. BELL asked the Senate to take up the joint resolution for consideration at this time. He explained the difficulties which had arisen in the adjustment of the amount appropriated under the treaty of 1846, by which the Government had laid down certain principles on which the settlement should be based. There had been great difficulty in coming to an understanding with the three parties among the Cherokees—the old settlers, the treaty, and the Ross or anti-treaty party. The commissioner had reported a mode in which he thought the settlement could be made. But the Indians have protested against the equity and justice of that mode. The Committee on Indian Affairs, without sustaining the views of either of the parties, have come to a conclusion to recommend to the Senate that the matter be referred to the Comptroller of the Treasury, as it is believed that he will be able to come to an accurate conclusion on the subject.

Mr. ATHERTON asked if it was intended by the committee to reject the report of the Commissioner?

Mr. BELL replied that the joint resolution was not intended to give a negative to the report. It does not interfere with the report in any way. There was a difficulty as to assigning the proper proportions to the different heads. Everything was intended to be submitted to the Comptroller. It was not intended to involve any expenditure so far as he knew. The only object was to determine how the balance should be distributed.

Mr. ATHERTON, deeming the matter of more importance than appeared on the face of the resolution, suggested the propriety of laying the subject over for further consideration.

The joint resolution was therefore passed over informally.

Mr. BENTON, from the Committee on Foreign Relations, reported a bill to carry into effect certain stipulations of the treaty between the United States of America and the Republic of Mexico, of the 22d February, 1848.

[The first section authorizes the Secretary of the Treasury to pay the certificates issued to citizens of the United States under the act of September 1, 1841.

The 2d section provides that the claims adjudicated by the Board of Commissioners appointed under the convention of April 11, 1839, and referred to the umpire, and which were not decided by him, but returned to said board on the 25th of February, 1842, shall be considered as adjudicated; and the sums awarded in favor of said claimants, respectively, and reported to said umpire, together with the interest on the same, be paid to said claimants, or their representatives.

Section 3 provides for the appointment of a board of three commissioners to examine all claims of citizens of the United States upon the Republic of Mexico provided for by the treaty.

Sections 4 and 5 relate to details.

Section 6 fixes the salaries of the commissioners at $3,000; of the secretary at $2,000; and of the clerk at $1,500.

Section 7 provides that claims shall be paid in certificates of stock of the United States, and redeemable at the pleasure of the Government, or in money, at the option of the United States.

Section 8 provides that the board shall terminate its business in two years from its organization.]

On motion of Mr. FOOTE,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of requiring marshals, clerks, and district attorneys, in all criminal cases, to make reports to the Solicitor of the Treasury, as in civil cases; and also as to the propriety of requiring said officers, on the settlement of their respective accounts with the Treasury, to have their fees, costs, and charges allowed and paid to them.

THE COMMITTEE ON TERRITORIES.

Mr. BUTLER moved to resume the unfinished business of yesterday, being the motion made by him to increase the Committee on the Territories to seven members.

Mr. DAVIS hoped some reason would be assigned for the motion.

Mr. BUTLER said there were but three members of the committee in the habit of attending the meetings. There was some important business now referred to the committee, and he hoped these additional members would be given.

Mr. DAYTON thought the subject should go to the Committee on Territories, and not to the Judiciary Committee. As to the additional members, he thought it unnecessary. Business was not expedited by having a numerous committee. Experience rather justified a different conclusion. There were but three Territories, and he presumed only one bill would be prepared.

Mr. WESTCOTT suggested, as a point of order, that a rule of the Senate could not be changed by a mere vote of a majority.

Mr. BUTLER said similar changes had heretofore been made on motion. Two members had been added to the Naval Committee. He repeated that important business was before the committee.

The CHAIR decided against the point of order, and stated that the motion was in order.

Mr. BADGER asked on what day the order was made referring this matter to the Committee on the Judiciary?

The CHAIR replied that it was made on the 6th.

Mr. BREESE read the rule of the Senate regarding the functions of the committees, to show that the Committee on the Judiciary was the proper one.

Mr. DAVIS, of Massachusetts, considered the Committee on Territories, as its name seemed to imply, to be the proper committee. To this committee belongs the duty, not only of organizing a Territorial Government, but of attending to the business of the Territories generally. He asked if it was known what opinions were entertained by the members of the committee, and whether on this ground the motion of the Senator from South Carolina had been made? He thought it might be best for the committee to try the experiment before additional members were given. If more strength should be required, it can be given when the committee shall find it necessary. If there was a disposition to constitute a committee all on one side, it would be an unfair proceeding. The committee should compare opinions, and come to a result, and if it makes a report, then the Senate will be able to decide.

Mr. BUTLER said he had attended the committee when notified, except when out of the city. He was absent when the Nebraska and Minesota bills were reported. He believed that in the settlement between Wisconsin and Minesota, the ordinance of 1787 was violated. He merely stated this to show that these bills had not been reported with his assent.

Mr. BRIGHT expressed his belief, that as the committee was now constituted, there was no prospect of the committee coming to an agreement on the subjects now referred to it.

Mr. DAYTON said he thought the Senate should not interfere, as it was clear, from the statements made, that the committee had as yet taken no action on the subject. He deprecated the adding of new members to a committee because it was intimated that the members constituting the committee differed in opinion. He repeated his conviction that the Territorial Committee was the proper committee, and that the subject would be referred to that committee, and not to the Judiciary Committee; and that the motion for two additional members would not be agreed to. He had no doubt that the chairman and a working member or two would do the business satisfactorily.

Mr. BUTLER said, that if his motion was objected to, he would modify it so as to ask for the addition of one member in the room of the chairman, now absent.

Mr. FOOTE was against the reference of the subject to the Judiciary Committee, but he thought, after the explanations of two members of the committee, that it would be proper to give the additional members asked for.

Mr. HALE said it was apparent that the question of slavery was the point in question. If we add two members—one in favor of and the other against slavery—what would be gained? He saw no good from making the change, as there had been no effort yet made by the committee to agree. He was opposed to any course of the Senate which would force the committee to a one-sided report, as it would resemble the packing of a jury, and would destroy the effect of any report throughout the country.

Mr. WESTCOTT said his great objection to the increase asked for was the danger of the precedent, which, in high party times, might be made the ground of some improper action. As to the practice of the Senate, he referred to a precedent or two, which would be found in the Congressional Globe, to show that the course now objected to had been taken.

Mr. BUTLER modified his motion so as to add one member.

Mr. UPHAM asked if there was any vacancy.

Mr. BUTLER withdrew his modification.

The question was then taken, and decided as follows:

YEAS—Messrs. Bell, Berrien, Breese, Bright, Butler, Calhoun, Davis of Mississippi, Downs, Foote, Hunter, Johnson of Louisiana, Johnson of Georgia, Lewis, Pearce, Sebastian, Turney, and Yulee—17.

NAYS—Messrs. Allen, Atherton, Badger, Benton, Bradbury, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Johnson of Maryland, Metcalfe, Miller, Niles, Rusk, Spruance, Sturgeon, Underwood, Upham, Walker, and Westcott—27.

OREGON BILL.

On motion of Mr. BRIGHT, the Senate proceeded to the consideration of the special order, being the bill to establish a Territorial Government in Oregon.

The question being on the amendment submitted by Mr. DAVIS, of Mississippi—

Mr. DAVIS, of Massachusetts, said the discussion of this subject had heretofore been deprecated; but now it seemed to be invited by those who had hitherto been reluctant to enter on it. He was ready to enter into the discussion, and he hoped the question would be temperately debated on both sides. He felt himself constrained to take some notice of the question of the power of Congress under the Constitution to create, abolish, or regulate slavery. The power of Congress over the subject had been entirely denied by some Senators. He read the clause giving power to Congress over Territories. It had been argued that this was merely a power over property, and that it conveyed no sovereignty. It had been said that the language of the Constitution, in reference to the power given over the District of Columbia, was "exclusive jurisdiction," and that this phrase was not applied to any of the Territories. He admitted that the phraseology of the Constitution favored this view, and gave some strength to the argument that sovereignty was not conveyed to Congress over Territories. But to meet this, he adduced the contemporaneous sentiments of the framers of the Constitution, and the circumstances under which the Convention came into existence. The Convention found the ordinance of 1787 in existence, and this ordinance excluded slavery from the Territories to which it extended, and these comprised all the territory of the United States under the treaty of 1783 which was not at that time within the limits of the States. The Convention looked into this ordinance, and left it untouched, to bind future generations. The thought of acquiring new territory, and of purchasing sovereignties, never entered the head of any one. The ordinance referred to the territory then in possession of the United States, but did not reach any new States which might be acquired.

The Convention knew that out of the Northwest Territory six States would hereafter be constructed. It was calculated that a certain number of slave States and a certain number of free States would be admitted. But the idea of any new territory to be acquired from foreign countries, never entered into the calculation. No one then ever dreamed of trading in sovereignties. The statesmen of that day were of the opinion that there was no power to acquire or govern. But when territory was acquired, it brought with it the power to govern. The right of sovereignty implies the right to regulate property. Such a thing as sovereignty without the right to regulate property, was never heard of. When we came to acquire territory out of our original boundary, we left soundings, launched out to sea, and went beyond the reach of the Constitution

Gentlemen may turn over the leaves of the Constitution, but they can find no warrant for the government of territory which was never contemplated in the Constitution. And then Senators turn round and say, Congress has no power over the matter, because they can find nothing written on the subject in the Constitution. If we assume the right to acquire territory beyond the reach of the Constitution, and for which the Constitution makes no provision, we shall do wisely to endeavor to regulate it on principles as nearly in accordance with the spirit of the Constitution as possible.

On the question of property in slaves, which he conceded for the sake of argument, it is not distinguishable from other property. It existed in Louisiana and in Florida when the United States took possession of the sovereignty; and the United States has so used that sovereignty, that slavery has been maintained and upheld there by the power of law, or else it has existed without law. It has existed by the will and law of the United States, and not by any other power. The United States has also prohibited the traffic in slaves with foreign countries. Who, then, can rise up and say that Congress has no power to prohibit slavery in Territories? He admitted that Congress could not interfere with slavery in the States. But if Congress could create or maintain slavery in the Territories, so it could prohibit slavery. He would not, however, that Congress should attempt to abolish slavery anywhere without adequate compensation.

On the subject of a slaveholder carrying his slaves with him into any free territory, he made some remarks, in reply to the assertion that he carried with him the laws of the State from which he came, on the principle of coequality. This had been answered by the suggestion, that if the citizens of thirty States took their slaves into a free territory, they would, in that case, carry with them all these conflicting laws, and every individual would have to act as his own lawyer.

He regarded the arguments advanced on the other side as tending to draw us away from the basis on which the Constitution was originally placed. He could not see anything to offend the delicacy of any Senator in tendering the same proposition to them, which was given by the ordinance of 1787 to the Northwest Territory. At the adoption of the Constitution there were six slave and eight free States. He then went into calculations to show how the representation of the free and slave States would have stood, if we had never extended our territory beyond the limits embraced in the treaty of 1783. He also gave some statistics to prove how the representation will stand when the new Territories shall be all admitted. The South had boasted that it asked nothing and expected nothing; and that it only required to be permitted to stand still. To stand still! After obtaining a vast expenditure of blood and treasure for the acquisition of territory, the South says we only ask to be let alone, and suffer the Constitution to work out its purposes; when they know that there is not a word in the Constitution applicable to the state of things. The Constitution never anticipated such a distribution of political power as now exists. The South has obtained a great preponderating power, yet it assumes a grave face, and complains of wrongs.

Mr. CALHOUN made some explanations to show that the Senator from Massachusetts was in error in his statistics as to the proportion between slave and free States.

Mr. DAVIS went on to say we had seen treasure taken out for the purpose of enhancing the power of the slave States; and to illustrate the spirit which had so often induced the South to endeavor to spread its institutions, and to curtail the limits and influence of the free States. The present discussion, he thought, might be productive of good effects, because it would lead to a comparison of views. The Senators from the South had warned us of fearful consequences. They heard the mutterings of the distant thunder, and foretold the approach of the storm. Let it come. He would be as much concerned as any one should the Union be endangered. But if we cannot speak the truth to each other, the Union is but a rope of sand.

He referred to the annexation of Texas, and the resolution annexing it, which provided that there may be five States taken out of that State, three of which would be slave States. What have been the consequences of the admission of Texas? It may be called bad taste to complain; but from that act grew out the war with Mexico. From the presence of the representatives from Texas on this floor, resulted the repeal of our previous beneficial revenue system, and the substitution of the present system in 1846. The evils to which he referred had not been produced by the Whigs here, but by the union of the Democracy of the South and the North. And even now we have been told by the Senator from South Carolina that this is the favorable moment to make a new push for power; that just on the eve of the Presidential election it is the proper moment to give the screw another turn, and to use party machinery to overthrow the public interests. He intimated that the people had become awake to the true condition of things, and that it was too late to expect further concessions to the South than it had already obtained. He warned it not to make further experiments on the free States, which would now take their stand and resist any further innovations upon the compromises of the Constitution.

As to the introduction of slavery into the new territory, he assured the Senate that the people would not allow it. Senators who calculated on the public acquiescence in such an attempt would find themselves greatly mistaken. He had often declared it as his opinion that free soil should not be encumbered with slavery. He was not disposed to dwell more on this topic; but he trusted the Senate would ponder well on this subject.

Mr. JOHNSON, of Maryland, expressed a desire to address the Senate; but the hour being somewhat late, he moved that the further consideration of the bill be postponed until Monday next; which motion was agreed to.

On motion of Mr. DAVIS, of Mississippi, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 10, 1848.

The Journal of Saturday was read and approved.

Mr. PETTIT asked leave to offer a resolution making Senate bill for the repair of the dam in the Ohio river at Cumberland Island the special order of the day next succeeding the general appropriation bills and the bill to establish the Territorial Government of Oregon.

Objection being made—

Mr. P. moved a suspension of the rules. Disagreed to, two-thirds not voting in favor thereof.

Mr. GOGGIN, by leave, presented a memorial of citizens of Richmond for relief from the present oppressive mail arrangements between the city of Richmond and the North. Laid on the table.

Mr. G. also moved a suspension of the rules for the purpose of taking up the bill of the Senate in relation to the renewal of the contract for carrying the southern mail, but withdrew it at the request of—

Mr. McLANE, who presented a petition of citizens of Baltimore similar to the one just presented by Mr. GOGGIN.

Mr. McL. renewed the motion to suspend the rules for the purpose of taking up the southern mail contract resolution.

The question was put, and the motion was disagreed to, two-thirds not voting in the affirmative.

Mr. COBB, of Georgia, moved a suspension of the rules for the purpose of taking up the President's message in relation to the treaty with Mexico, and referring it to the appropriate committees, as suggested by Mr. BURT on Thursday.

The yeas and nays were taken on the motion to suspend, and resulted as follows:

YEAS—Messrs. Atkinson, Beale, Bedinger, Bingham, Bocock, Bowlin, Boyd, Brady, Brodhead, Wm. G. Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Howell Cobb, Williamson R. W. Cobb, Cocke, Cummins, Daniel, Darling, Dickey, Dickinson, Edsall, Faran, Featherston, Ficklin, French, Fries, Goggin, Green, Willard P. Hall, Hammons, Haralson, Harris, Henley, Hill, George S. Houston, Inge, Charles J. Ingersoll, Irvin, Iverson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, G. W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Lincoln, Lord, Lumpkin, Lynde, Maclay, McClelland, McClernand, McDowell, McLane, Job Mann, Meade, Miller, Morris, Nicoll, Peaslee, Petrie, Peyton, Pillsbury, Richardson, Rockhill, Julius Rockwell, Sawyer, Simpson, Sims, Smart, Stanton, Starkweather, Charles E. Stuart, Thomas, James Thompson, William Thompson, Thurston, Tompkins, Van Dyke, Venable, Wallace, Wick, Wiley, Williams, Wilmot, and Woodward—81.

NAYS—Messrs. Abbott, Adams, Blanchard, Boydon, Buckner, Cabell, Canby, Chapman, Clingman, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dixon, Donnell, Duer, Daniel Duncan, Embree, Alexander Evans, Nathan Evans, Fisher, Flournoy, Freedley, Gentry, Giddings, Gott, Gregory, Grinnell, Nathan K. Hall, Moses Hampton, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, John W. Jones, Kellogg, Daniel P. King, Marsh, Marvin, Mullin, Nelson, Newall, Outlaw, Palfrey, Pendleton, Preston, Putnam, Reynolds, John A. Rockwell, Rose, Root, Rumsey, Shepperd, Sherrill, Silvester, Slingerland, Truman Smith, Strohm, Tallmadge, Toombs, Vinton, Warren, and Wentworth—70.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. STEPHENS moved a suspension of the rules for the purpose of enabling him to offer the following resolutions, which were read for information:

Resolved, That the President be requested to communicate to this House the best and most reliable information in his possession relating to the proper limits and boundaries of New Mexico and California, with the population of each respectively, and particularly copies of the maps referred to in the late treaty between Mexico and the United States.

Resolved, further, That the President be also requested to inform this House whether there are not now civil governments organized in New Mexico and California; and, if so, what are their form and character; by whom and when were they instituted, and by what authority; by whom and in what way are they maintained and supported; and particularly that he inform this House whether the Governor and other officers appointed in New Mexico by General Kearny, in 1846, and the Governor and other officers appointed by Commodore Stockton in California during the same year, still hold the appointments thus conferred on them; and whether the salaries affixed to their offices have been paid out of the treasury of the United States; and, if so, by what authority of law.

Resolved, That the President be requested to inform the House whether there have been any trial or trials and convictions of any person or persons of treason against the United States in that part of Mexico lying east of the Rio Grande, since the same has been in the occupancy of our army; and if so, before what tribunals such trials were had, whether civil or military; and by what authority of law such tribunal or tribunals were established; and that he furnish the House with a copy of the proceedings in such case or cases.

On the motion to suspend the rules, the yeas and nays were taken, and resulted—yeas 169, nays 7.

Two-thirds having voted in the affirmative, the rules were suspended, and the resolutions received.

Mr. STEPHENS did not intend to consume much of the time of the House in presenting the reasons which influenced him in offering these resolutions. The President of the United States communicated to this House a few days ago the fact that he had lately made a treaty, by which we acquired California and New Mexico, and he called on Congress to make the necessary legislation for those new territories; and it seemed to him (Mr. S.) manifestly proper that this House should be informed what was the extent of the boundaries and limits of this country over which we are to legislate, and the character of the people over whom we are to legislate. So far as New Mexico is concerned, for one, he wished to know authoritatively from the President what the limits of that country are. He wished to know whether New Mexico extends to this side of the Rio Grande or not; and, if so, to what extent. He wished to know if the President calls on Congress to legislate for portions of territory which he had previously informed the country belonged to Texas, and he was sure the honorable Representatives from Texas wished to obtain the same information. He wished the President to inform this House and the country if, in the face of his message of 1846, which he (Mr. S.) had before him, Santa Fé is in New Mexico, or within the limits of Texas which has been attached to this Union. He had the President's message of 1846 in his hand, and he would read a short extract from it. It was as follows:

"The Congress of Texas on the 19th of December, 1836, passed 'An act to define the boundaries of the Republic of Texas,' in which they declared the Rio Grande from its mouth to its source to be the boundary, and by the said act they extended their 'civil and political jurisdiction' over the country up to that boundary. During a period of more than nine years which intervened between the adoption of her constitution and her annexation as one of the States of our Union, Texas asserted and exercised many acts of sovereignty and jurisdiction over the country and inhabitants west of the Nueces. She organized and defined the limits of counties extending to the Rio Grande. She established courts of justice and extended her judicial system over the territory. She established a custom-house and collected duties, and also post offices and post roads in it. She established a land office and issued numerous grants for land within its limits. A senator and a representative residing in it were elected to the Congress of the Republic, and served as such when the act of annexation took place. In

both the Congress and Convention of Texas which gave their assent to the terms of annexation to the United States proposed by our Congress, were representatives residing west of the Nueces who took part in the act of annexation itself. This was the Texas which, by act of our Congress of the 29th of December, 1845, was admitted as one of the States of this Union."

What Texas? He wanted the President to show what Texas he meant. The Texas which extends from the mouth of the Rio Grande to its source? That was the assertion of the President of the United States, as nine-tenths of the people doubtless understood him.

Now, about the same time this message was sent to Congress, there was on file in the Department of State a document to which he wished to call the attention of the House. It was a document which emanated from Brigadier General Kearny, which was in these words:

Appointment by General Kearny of civil officers.

Being duly authorized by the President of the United States of America, I hereby make the following appointments for the government of New Mexico, a Territory of the United States. The officers thus appointed will be obeyed and respected accordingly:

Charles Bent, to be Governor.
Donaisano Vigil, to be Secretary of the Territory.
Richard Dallam, to be Marshal.
Francis P. Blair, to be United States District Attorney,
Charles Blumner, to be Treasurer.
Eugene Seitzendorfer, to be Auditor of Public Accounts.
Joab Houghton, Antonio Jose Otero, Charles Beaubian, to be Judges of the Superior Court.

Given at Santa Fé, the capital of the Territory of New Mexico, this 22d day of September, 1846, and in the seventy-first year of the independence of the United States.

S. W. KEARNY,
Brigadier General United States Army.

He also read the following extracts from document No. 24, entitled "Organic Law of the Territory of New Mexico:"

"ART. 1.—Sec. 1. The country heretofore known as New Mexico shall be known hereafter and designated as the Territory of New Mexico, in the United States of America, and the temporary government of the said Territory shall be organized and administered in the manner herein prescribed."

"ART. 2. *Executive power.*—Sec. 1. The Executive power shall be vested in a Governor, who shall reside in the said Territory, and shall hold his office for two years, unless sooner removed by the President of the United States.

"He shall be the commander-in-chief of the militia of the said Territory, except when called into the service of the United States, and *ex officio* Superintendent of Indian Affairs.

"He shall have power to fill all civil and military offices which shall be established, the appointments to which shall not be otherwise provided for by law."

"ART. 3. *Legislative power.*—Sec. 1. The legislative power shall be vested in a General Assembly, which shall consist of a Legislative Council and a House of Representatives.

"Sec. 2. The House of Representatives shall consist of members to be chosen every two years by the qualified electors of the several counties; and the Legislative Council shall consist of members to be chosen every four years by the qualified electors of their respective districts."

"Sec. 7. Until the legislative power shall otherwise direct, the Territory of New Mexico shall retain the division of counties and districts established by the decree of the department of New Mexico of June 17, 1844, and they shall be represented as follows: In the House of Representatives, the county of Santa Fé shall have three members; the county of San Miguel del Bado, three; the county of Rio Arriva, three; the county of Valencia, five; the county of Taos, three; the county of Santa Anna, two; and the county of Bernallillo, two. In the Legislative Council, the central district shall have three members; the northern district, two members; and the southeastern district, two members. Which apportionment shall continue until otherwise directed by law."

"Sec. 10. The General Assembly shall convene at the city of Santa Fé on the first Monday in December, A. D. 1847, and on the first Monday in December every two years thereafter, until otherwise provided by law; and each house shall elect one of its own members as speaker, and shall choose clerks and such other officers as may be necessary; and shall sit from day to day, on its own adjournments, until all its business shall be finished."

"ART. 4. *Judicial power.*—Sec. 1. The judicial power shall be vested in a superior court, and inferior tribunals to be established by law.

"Sec. 2. The superior court shall consist of three judges, to be appointed by the President of the United States. One of them shall be the presiding judge, and the others associate judges. The judges shall be conservators of the peace throughout the Territory, and shall hold courts at such times and places, and perform such duties as shall be prescribed by law."

"ART. 5. *Miscellaneous.*—Sec. 1. Members of the General Assembly; the Governor, whose salary shall be $2,000 a year; the Secretary of the Treasury, whose salary shall be $1,200 a year; the Judges of the Superior Court, whose salaries shall be $1,500 a year each; the Marshal of the Territory, whose salary shall be $500 a year; the United States District Attorney, whose salary shall be $500 a year, shall be paid out of the Treasury of the United States. The Auditor and Treasurer shall each receive a salary of $500 a year, one-half of which shall be paid out of the Treasury of the United States, and the remainder out of the Territorial Treasury."

General Kearny says he was authorized by the President of the United States to make such appointments; and they were made from his headquarters at Santa Fé, which is on this side of the Rio Grande, in that very Territory which the President informed the nation and the world belongs to Texas which has been annexed to this Union. Now, he would again ask the honorable Representatives from the State of Texas whether, if this be true, they will tolerate this interference of this Government in that State.

Mr. PILLSBURY said they did not tolerate it. He made other observations which were not heard at the reporter's desk.

Mr. STEPHENS said he had expected that Texas would have given utterance to her dissent before to-day; and that they would have informed the President that they would not assent to these proceedings.

Mr. PILLSBURY was understood to say that his State did dissent.

Mr. STEPHENS then inquired why the gentleman from Texas did not vote for this inquiry?

Mr. PILLSBURY said it was presumable that Texas knew her own boundary better than the President of the United States. They had certainly had a little more to do with it, and if the President was mistaken, Texas should not suffer on that account.

Mr. STEPHENS said that was true, and he supposed the gentleman, as a representative of Texas, would have asserted her rights, whatever they may be; but, although these things had occurred two years ago, and a government has existed there during that period, yet the gentleman has been silent to the present moment, and was even now unwilling to make inquiry into them.

Mr. PILLSBURY. It is not their business.

Mr. STEPHENS would leave that to the Representatives from Texas to decide. He, however, wished, before he undertook to legislate, to know what the extent of the new territory was. He wished to know which of these governments which have been established have jurisdiction on this side of the Rio Grande. How can Congress, without knowing what were the limits, organize a Territorial Government there? He believed it was the modern doctrine held by the party opposite, that Congress cannot legislate at all in the Territories; and yet the President calls on them to legislate for these Territories, and has given us no satisfactory information as to what we are to legislate for—where the jurisdiction of New Mexico ends, and Texas begins. He had noticed amongst the documents accompanying the late message of the President, a copy of the instructions to Mr. Slidell, in 1845, which this House, on a former occasion, had called for in vain, and which now were slipped in with other papers, without one word in relation to them. Mr. S. well knew, or believed, that these instructions would never see the light so long as the war lasted, for they showed conclusively, as he always thought they would, that the statements in the message of 1846, which he had quoted, were made to deceive the people of this country as to the true boundary of Texas, and were not consistent with the facts of the case. Now, (Mr. S. said,) in those instructions, Mr. Buchanan, after arguing the claim of Texas to the Rio Grande near its mouth, or below the Paso del Norte, uses this language:

"The case is different in regard to New Mexico. Santa Fé, its capital, was settled by the Spaniards more than two centuries ago, and the province has been ever since in their possession and that of the Republic of Mexico. The Texans never have conquered or taken possession of it, nor have its people ever been represented in any of their legislative assemblies or conventions."

And yet Mr. Polk, in 1846, had informed the country that the Texas we had annexed extended to the Rio Grande, from its mouth to its source. No wonder he kept these instructions from the public, and no wonder he refused the call of this House for them.

Mr. McLANE here entered into a colloquy with the gentleman from Georgia, but, from the position in which Mr. McL. stood, he was not distinctly heard.

Mr. STEPHENS proceeded, and said that the Slidell instructions (to which Mr. McLANE's observations were supposed to have referred) had never been published by the President. They had been published by some minion or some enemy of the President, but not by the President himself. Nor had they ever been published by the Senate that Mr. S. was aware of. He knew that this House had called upon the President for those documents, but they had not been received from the Executive; nay, the President had positively refused to give them.

Mr. McLANE again interposed, but the reporter could not hear the purport of his remarks.

Mr. STEPHENS continued. The documents furnished do not contain the information I want. There is no map exhibiting the boundaries of New Mexico. The President has once asserted that the whole territory on this side the Rio del Norte, from its mouth to its source, constitutes a part of the State of Texas; and, in the instructions to Mr. Slidell, his Secretary of State asserts that all New Mexico had for two centuries belonged to Mexico. Who, after such contradictions as these, can believe him? Yes; who can believe the President of the United States?

Mr. McLANE here interposed, and insisted that the two documents were strictly consistent. They were both laid before the House by the Executive of the country; and he called on the gentleman from Georgia to put confidence in the official statements of his own Government. He told that gentleman, as the President told the House, that the Rio Grande was the western boundary of Texas, from its mouth to its source; and yet that a portion of that line was disputed by Mexico. He told the gentleman, further, that the information he sought for lay at this moment on the Speaker's table, and would have been now in possession of the House had it not been for the opposition of the gentleman from Ohio, [Mr. VINTON.]

Mr. STEPHENS resumed. The gentleman said the instructions to Mr. Slidell and the message to the House which he had cited were perfectly consistent with each other. If the gentleman could believe that, he could believe anything. Mr. S. turned him over. The one document said that Texas had extended its jurisdiction up to the Rio Grande from its source to its mouth, while the other affirmed that they never had established or exercised any jurisdiction above El Paso. Were these two statements consistent? Would the gentleman say they were? He did not wish to get the gentleman from Maryland into any difficulty, and he would read him the two statements over again.

Mr. S. here read them again, and particularly called the attention of the gentleman to the language of Mr. Buchanan to Mr. Slidell. Here Mr. Buchanan admitted that Texas never had established her jurisdiction farther up the river than the Paso del Norte, and that was the very point in the whole case. The gentleman from Maryland said that the information sought for was on the Speaker's table. Mr. S. took issue with him on that assertion. The information was not there. Mr. S. was familiar with the documents; he had examined them, and he knew what they contained, and he informed the gentleman that what he sought for was not there.

Mr. McLANE reiterated his assertion that it was all there; and again maintained that the instructions to Mr. Slidell and the President's message stated precisely the same thing.

Mr. STEPHENS said he could not bear any more of these interruptions; he had submitted to them three times and the gentleman did but repeat the same thing. He would ask the gentleman where the boundary of New Mexico begun?

Mr. McLANE said that the instructions took the Rio Grande from its mouth to its source as the true boundary, but admitted that Mexico disputed this as to the river above El Paso.

Mr. STEPHENS said that those instructions said nothing about disputed boundary, but declared that Texas had never extended her jurisdiction over Santa Fé. Now, what Mr. S. wanted was the line—the boundary line between Texas and New Mexico; it was not there. If the gentleman asserted that it was, Mr. S. would again tell him it was not. There was no information on that subject as to where the proper line was.

Mr. McLANE replied, and was understood by the reporter to say that Congress had not called for any map. The boundary was specified in words. The instructions recognized the river as the boundary quite up to its source, but admitted that Mexico had never admitted this.

Mr. STEPHENS said he hoped the gentleman would not interrupt him by a repetition of that statement. The instructions to Mr. Slidell said nothing about an admission of Mexico. Nor did the message, in words, say where the boundary

was. Congress should have some limits to legislate for. He wanted the best information now in the State Department as to the boundary; and he wanted the President to reconcile these contradictions if he could.

One of the resolutions offered inquired whether individuals had not been tried for treason on this side of the Rio Grande? Now, if, as he affirmed, the Rio Grande was the boundary, and all on this side of it, from its mouth to its source, was a part of the State of Texas, then how *dare* the President—Mr. S. put the question to the freemen of this free land—how dare the President—he asked it in the presence of men inheriting the spirit if not the blood of Hampden and of Sidney—he asked it in the face of high Heaven, how dare he thus trample not only upon the rights of the people by these informal and illegal proceedings, but upon the rights of one of the sovereign States of this Union? He wanted Mr. Polk's authority for such an act as this.

Mr. McLANE asked where else should a man be tried for treason but within the limits of the United States?

Mr. STEPHENS. Try a man for treason by court martial?

Mr. McLANE'S reply was not heard.

Mr. STEPHENS said he did not know what sort of times we had fallen upon, if a gentleman of the intelligence and standing of the gentleman from Baltimore would say in his place in that House that a man could be tried for treason by a court martial. The crime of treason was well defined, as was the manner in which a man must be tried for it. Would the gentleman say that an alien enemy could be tried for treason at all? Treason must be tried before the civil courts of the country. Alien enemies were prisoners of war, and should be treated accordingly.

Mr. S. said that while the late war was in progress, any man that inquired into its constitutionality, or spoke a word against any act done in its prosecution, rightfully or not, was accused of giving "aid and comfort" to the enemy. But a day of retribution was come. It is time for an inquiry into these things; and he hoped the gentleman from Maryland and the whole House would go with him in the inquiry.

Mr. SCHENCK (Mr. STEPHENS yielding a moment) promised to confine himself to the resolutions before the House, and not to wander from the question in debate.

This was no new subject. No sooner had the message of the President to the last Congress been read than Mr. Garrett Davis had risen in his place and offered a resolution to refer the statement that General Kearny had established a civil government in Santa Fé to a select committee; and he called upon the members from Texas to say whether Santa Fé was in Texas or not. The gentleman from Texas nearest to him [Mr. PILLSBURY] now talked about there being a conflict as to jurisdiction between the Government of Texas and the Government of the United States; but what had this same gentleman said on that occasion? [Mr. S. here read from a report in his hand.] The gentleman had admitted that there was some little inconsistency in the matter, but said that he did not care much what sort of a government was established there.

Mr. PILLSBURY said that on the occasion referred to he had answered the gentleman from Kentucky [Mr. Garrett Davis] almost jocosely. The members from Texas were here without instructions, and they thought the House was doing what it had no right to do.

Mr. STEPHENS (resuming) said he respected the opinions of the Representatives from Texas, and wanted to know their opinion whether Santa Fé belonged to Texas, or did not belong to it? He wanted to get this information, and had therefore moved a suspension of the rules, and the gentleman had voted against his getting it. The gentleman said that Texas extended up to the Rio Grande from its mouth to its source. Now, Mr. S. had before him a letter from Mr. Walker, Secretary of the Treasury, as late as June, 1846, allowing drawbacks to be paid on goods going to Santa Fé. How could drawbacks be allowed at the custom-house on exportations to Santa Fé, if Santa Fé was within the limits of the State of Texas? Would the gentleman from Texas be good enough to answer that question?

Mr. PILLSBURY was understood to reply that the same allowance would have been made for goods intended for any other part of the United States. [Much laughter.]

Mr. STEPHENS. Indeed! Well, that is certainly a new idea—the last leap in our progressive Democracy. Democracy is said to be progressive. A late writer in a work entitled the "Vestiges of Creation," holds the opinion that the progress of nature is by leaps in development. And he supposed this doctrine of the gentleman about drawback was the last leap of progressive Democracy. [Laughter.]

After some other remarks on this point not heard, Mr. S. proceeded to quote the constitution established by General Kearny for New Mexico, and particularly that item which declared that the "General Assembly should convene at Santa Fé." He would ask the gentleman from Maryland, if the President did not assent to the course of General Kearny in the premises, how General Kearny would have dared to direct the General Assembly to sit at Santa Fé?

Mr. McLANE wanted to know whether the gentleman from Georgia considered these directions of General Kearny as authorized by the President, and virtually his act?

Mr. STEPHENS replied that he did, and he would show that they were so. General Kearny himself expressly declared, that having been directed by the President of the United States, he issued these orders under his authority. And he would show the gentleman, further, that the President, in his message upon this subject, had only disavowed that part which looked to permanent government. If General Kearny had attempted such an act without any authority from the President, under whose orders he acted, why had he not been court-martialed? Why had he not been tried as a usurper? But General Kearny himself said it was done by authority of the President. If he had stated what was false, why had he not been censured?

Mr. McLANE here was understood to say that the President had disavowed these acts of General Kearny.

Mr. STEPHENS asked, when and where?

Mr. McLANE did not mean to say that the President had expressly disowned them; but he affirmed that he never authorized them.

Mr. STEPHENS said, that that was on the assumption that we had all the instructions which had been given to General Kearny.

Mr. McLANE said, the gentleman had no right to assume that we had not.

Mr. STEPHENS said he had a right to assume that and much more. He had the testimony of as pure a man as the country contained, and the country would agree with him in believing what General Kearny asserted. What! was General Kearny a man whose word was to be impeached before that of James K. Polk—a man whom none could believe? He said that he was acting under directions from the President. Would he have publicly stated this, if it had not been so? He would never have done such a thing. He had a soldier's heart, as well as a soldier's arm; and Mr. S. could not be made to believe that he would tell a lie upon the President. The gentleman placed his reliance on the President's retraxit. Why, if a man were ambitious of acquiring a reputation for duplicity and equivocation, he could not select a better example in all history than to follow in the footsteps of our President. He did not know any better or more fitting appellation in after times, than Polk the mendacious!

But Mr. S. went on to show that Mr. Polk had not disavowed the authority of General Kearny, except so far as the government he established was intended to be permanent. When Mr. Polk was called on for his authority for creating these governments, he says: "Among the documents is a 'form of government for the conquered territory 'of the United States." Conquered what? (said Mr. S.) Why, conquered Santa Fé. Santa Fé, an integral part of the sovereign State of Texas—of Texas which Congress annexed to the States of this Union. If this be true, he should have been impeached the next day. What! The President of the United States, by his army, *conquer* a portion of our own territory? Who would say that he would do such a thing? But the President went on to tell the House that a part of these regulations were declared to be temporary, but a part of them were in their nature permanent. "These (that is, 'the permanent regulations) have not been ap-'proved by me." Which regulations? Those that were permanent; but not a word is said against such as were temporary merely. Mr. S. therefore insisted that he had the authority of Mr. Polk himself for saying that he approved what General Kearny had done, so far as temporary governments were concerned. But the President now said, that the war having ceased, these temporary regulations, which had been enacted under the authority of the law of nations, ceased. This too plainly inferred, that while the war continued he approved of them—he approved of all the regulations established by General Kearny, except those of a permanent character, while the war lasted.

Now, Mr. S. would ask the representatives of American freemen, and all others in this broad land who were in heart attached to the Constitution, whether a President of the United States was empowered under our Constitution to claim the exercise of the rights of kings derived from the law of nations? There was in the country a political party who made great boasts of their strict construction of the Constitution. They pretended to hold that this Government had no power of any sort but what was expressly granted in that instrument; yet now this party seems to hold that the President had all the unbounded power of monarchs and of autocrats under the law of nations—that he is above and beyond the Constitution. Mr. S. repudiated the idea. He claimed to be a Republican. He went for the Constitution as it stood, and as it was expounded and administered by the fathers of the Republic; and he averred that this new Democratic doctrine claimed for the President something little short of royal prerogative. He charged this act of creating a government for New Mexico as a daring outrage and usurpation. Who gave him any such power? He granted that in war we possessed the military rights which flowed from conquest; but under pretence of this, our Executive had undertaken to set up a government, to take the public treasure to pay governors and judges and a host of civil officers, and all this under the law of nations.

Had Mr. S. a voice that would echo from the mountain tops to the remotest plains and valleys of the country, he would rouse the people from their slumbers to a sense of these outrages upon the great fundamental principles upon which their Government was founded, and upon which their liberties rested. The same party that justified the President in such pretensions had undertaken to defeat the election of a man whom the people had set up because he maintained that to judge of the propriety of all domestic questions was the province of the people, through their representatives, and not that of the President.

There were some other points in this communication which Mr. S. desired to touch upon. The President told the House, and meant the nation to believe, that the expenses of this war amounted to some forty-nine or fifty millions. He said that the entire national debt was but sixty-five millions. Yes, but there was a debt before the war began of seventeen millions. Mr. S. only gave round sums. This made the war debt about $49,000,000 only. But there had been, besides, some ten or twelve millions in the treasury. Add these to the amount stated by the President, and they made $60,000,000. Now, add to this the $20,000,000 we are to pay Mexico and our citizens, and it makes $80,000,000. The amount of outstanding balances cannot be less than $30,000,000. This added makes $110,000,000. And then add the charge upon the land fund for bounty lands, &c., at least $10,000,000 more, and we have the sum of at least $120,000,000 as the cost of the war, instead of $59,000,000, as intimated. And all this was our "indemnity for the past."

Mr. GREEN here called Mr. S. to order for irrelevancy; but being remonstrated with by cries of "No, no, let him go on," withdrew his point of order.

Mr. STEPHENS said he had never doubted that when it came to the money they would flinch. [A laugh.] Mr. S. said he was within bounds when he said, that besides the $120,000,000 he had stated above, that when the pension roll was paid, and all claims for horses lost, and the California claims, which are half a million at least, the actual cost of the war would be much larger. He intended to be within bounds, and only alluded to

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the subject now because he thought the President intended to create a false impression on the public mind concerning the cost of the war. Let gentlemen remember that the loan bill of $16,000,000 of this session was for deficiencies of the last year. The deficiencies of the present year were yet unknown. On the whole, Mr. S. here declared that the total sum which the people of this country would have to pay, and lose out of the land fund together, in his opinion, in consequence of this war, would greatly exceed $120,000,000. But he put it at the lowest probable sum.

Mr. VINTON reminded the gentleman that he had omitted one very important item—the excess of the revenue over the ordinary current peace expenditures of the Government.

Mr. STEPHENS replied he had not put that into the estimate, because he took it for granted that the party in power would spend all there was in the treasury, notwithstanding all their professions for economy. [Laughter.]

Where was the indemnity, then, for this war? The payment of at least $120,000,000. This was our *indemnity* for the past. Why, this Administration had gone to war for the enormous outrages committed by Mexico, and for the *debt* of $5,000,000 due from that Republic to our citizens, and, after expending $120,000,000, had got a territory which was not claimed to be worth more than $30,000,000 before the war, and we ourselves were to pay this $5,000,000 to our citizens!

Mr. SCHENCK said, that growing out of this war, the Treasury Department had made a call for additional clerks, whose salaries alone amounted to as much as would pay a regiment of a thousand men—to $84,000.

Mr. STEPHENS continued. Well, in addition to this indemnity for the past in a barren country, which we should have to pay some four times as much for as it was worth before the war, what was the security for the future of which the President spoke? The glory of our arms. He (Mr. S.) told the Administration and the country that the President laid claim to that which did not belong to him. These glories could never be snatched from the brows of those gallant officers and men who had won them. These laurels appertained to those brave men who had gone to war in their country's cause—they could never be wrested from them by the Administration. There were glories which belonged to this war, and there were certain inglorious deeds, too, of the Administration connected with it. There was the glory of involving his country in an unconstitutional and unnecessary war—a glory which rested on the brow of the President. The glory of equivocating to the country as to the objects of the war; the glory of entering into an odious if not a treacherous intrigue with Santa Anna, by which he was restored to lead his countrymen to fight against our gallant army; the glory of not only withholding troops from General Taylor, but of stripping him of his gallant men, of leaving him exposed to the overwhelming numbers of Santa Anna's army; the glory of attempting to supplant the same gallant general with a lieutenant general—these laurels encircled the President's illustrious brow! The glory also of having ordered Mr. Marcy to write that ignominious letter to General Taylor, charging him with giving valuable information to the enemy, and threatening him with dismissal, when he had borne aloft so gallantly our flag at Palo Alto, Resaca de la Palma, and Monterey, and in whose hands the flag of his country had never been soiled; the glory of having sent General Pillow to Mexico to write his own praise; the glory of having brought home the gallant Scott, after his brilliant victories there, to be dishonored and disgraced in his own country,—these were a part of the glories which encircled the President's brow! But the war glories of a different sort which had been won by our officers and soldiers; by the gallant Twiggs, Shields, Smith, Worth, Quitman, Davis, Wool, and many others; by the brave and lamented Hardin, McKee, Clay, and Yell; by the gallant dead as well as by the gallant living; by the illustrious Scott and Taylor; these were glories which the Administration had no power to wrest from the brows of those who had so nobly won them.

But in that message the President intimated that soon after the last war the Government had gone into enormous extravagancies, into wasteful appropriations of money for a general system of internal improvements, and that General Jackson had arrested it. Now, he intended to nail that charge to the counter, as one of the specimens of this spurious coin which the President attempted to palm off upon a credulous and confiding country. He had intended to have done it at an early period of the session, but he had not then had the opportunity to contradict that statement. We had published, in a Senate document (No. 44) of the last session of the last Congress, the amount of appropriations made by the General Government for internal improvements since 1806. He had an abstract of this document before him, and he would read it, and let the country see how far it was that Mr. Monroe and Mr. Adams had gone into a gigantic system of internal improvements, which it had been reserved for General Jackson to arrest. Here (said Mr. S.) is the recapitulation of the amount expended in each four years from 1806 for internal improvements, taken from Senate Doc. 2d sess. 29th Cong., 44th page:

Year.	*Amount.*	*Year.*	*Amount.*
1806.....	$48,400 00	1831.....	$926,311 84
1810.....	60,000 00	1832.....	1,225,008 43
1811.....	50,000 00	1833.....	1,159,451 82
1813.....	30,000 00	1834.....	1,641,621 52
1815.....	100,000 00	1835.....	1,352,243 01
1816.....	10,000 00	1836.....	1,837,520 31
1817.....	4,000 00	1837.....	1,768,218 63
1818.....	317,989 60	1838*.....	2,087,044 16
1823.....	32,920 00	1839.....	60,500 00
1824.....	175,000 00	1841.....	75,000 00
1825.....	176,712 00	1842.....	100,000 00
1826.....	284,253 00	1843.....	230,000 00
1827.....	398,541 45	1844.....	695,500 00
1828.....	1,020,120 56	1845.....	50,000 00
1829.....	608,560 25		
1830.....	672,596 03		$17,199,223 21

* The appropriation law of 1838 directed that but a portion (not exceeding one-half) of amounts appropriated should be expended in that year.

BUREAU OF CORPS TOP. ENGINEERS, *Dec.* 6, 1846.
J. J. ABERT,
Corps of Topographical Engineers.

From this document it appears, (said Mr. S.,) that—

During Mr. Monroe's Administration there was appropriated for internal improvements.....	$702,621 60
During Mr. Adams's four years there was appropriated.....	2,311,475 26
During Gen. Jackson's 1st term,	$3,983,278 12
Do. do. 2d term,	5,990,837 26
During General Jackson's eight years.....	9,974,115 38
The average per annum during Mr. Adams's Administration was.....	577,868 81
The average per annum during General Jackson's Administration was.....	1,246,764 42

The President also intimated in his message now upon the table, that a standing army was dangerous to the liberties of the people. He would have the country perhaps believe, that he there recommended a reduction of the army to its number before the war. Now this he (Mr. S.) believed was a deliberate attempt to create a false impression upon the country. The President had told us, in his message, that—

"The old army, as it existed before the commencement of the war with Mexico, especially if authority be given to fill up the rank and file of the several corps to the maximum number authorized during the war, it is believed will be a sufficient force to be retained in service during a period of peace. A few additional officers in the line and staff of the army have been authorized, and these, it is believed, will be necessary in the peace establishment, and should be retained in the service. The number of the general officers may be reduced, as vacancies occur by the casualties of the service, to what it was before the war.

"While the people of other countries, who live under forms of Government less free than our own, have been for ages oppressed by taxation to support large standing armies in periods of peace, our experience has shown that such establishments are unnecessary in a republic. Our standing army is to be found in the bosom of society. It is composed of free citizens, who are ever ready to take up arms in the service of their country when an emergency requires it. Our experience in the war just closed fully confirms the opinion that such an army may be raised upon a few weeks' notice, and that our citizen-soldiers are equal to any troops in the world. No reason, therefore, is perceived why we should enlarge our land forces, and thereby subject the Treasury to an annual increased charge. Sound policy requires that we should avoid the creation of a large standing army in a period of peace. No public exigency requires it. Such armies are not only expensive and unnecessary, but may become dangerous to liberty."

Now, who can doubt that it was sought to make the honest people of the country suppose that this was a recommendation to Congress to go back to the peace establishment as it existed before the war? No such thing. The bill of the 13th May, 1846, empowered the President to *double the army;* and if the army were to remain as the President here clearly intimates as proper, and said might safely be done, it would be 17,256 men in the rank and file of the army, instead of 8,616, as it existed before this war. If the intimation of the President, or covert recommendation, should be carried out, our standing army would be doubled.

Mr. McCLERNAND obtained the floor, and said he had risen, without previous preparation, to make such reply as he might, from his general knowledge of the facts and circumstances, to the extraordinary speech which had just been delivered—with much eloquence and ability, he confessed—by the gentleman from Georgia, [Mr. STEPHENS.] He had had some experience in this body; he had been here several years, and he must confess the spectacle exhibited this morning was the most extraordinary of any which had ever come to his knowledge within the walls of this chamber. What were the facts? A few days ago this House had received a message from the President of the United States communicating the treaty which terminated the war with Mexico, and, instead of gentlemen on the other side of the House meeting the question and the facts presented in that message, they were found now sedulously, ingeniously devising means to avoid the responsibility of meeting this question and the facts—he might say, by resorting to a subterfuge. The President informed us in his message that the war had terminated; that by the treaty terminating the war we had acquired New Mexico and California. What was the extent of these countries? We found that California stretched upon the Pacific coast something like one thousand miles; that it extended back upon the continent some six or seven hundred miles; that California comprised within its limits the great Pacific harbor of the world—a harbor of sufficient capacity to receive all the navies of the world. We found that by the acquisition of California we had obtained the mastery of the Pacific—the control of that great ocean which opened out upon the East Indies and China, which country we might reach in thirty days with the aid of steam power; and that inexhaustible markets had been opened for the products of our country. We found that this vast acquisition had been made by this war, and consummated by this treaty. Not only had we acquired California, but New Mexico, a part of which country bordering upon the Rio Grande contained excellent lands, capable of producing such grains as were grown in this country, and vines from which were manufactured the finest wines—wines high in estimation in Mexico and in the United States. The President told us that all this had been acquired by this war; and now what did he propose? He asked Congress to take measures to consummate these acquisitions, to render them effectual; and Democrats on this floor were prepared to do so. But what was the position taken by the Opposition? Did they come forward to meet the question, and to disparage the value of these acquisitions? No; but to revamp an old question, to renew an old issue, and thus avoid meeting the subject. The Whig members of the House came forward, not directly to resist the consummation of the measures recommended by the President, but to make an old issue a new one—to bring up again the question of the boundary of Texas, the question of the power of the President of the United States, under the Constitution, to establish military governments in New Mexico and California; and thus, by indirection and evasion, they sought to shirk from their position of opposition to the war, and of under-estimating the value of the acquisition of the extensive territories which became ours under the treaty. The country would

appreciate the effort. A few days ago, as soon as the message had been received from the President of the United States, the gentleman from Ohio [Mr. VINTON] had proposed that its reference should be arrested until the President had advised this House by what authority he had established military governments in New Mexico east of the Rio Grande. Was that gentleman, he wished to ask, prepared to refuse laws granting donations of lands to the settlers in that country? Was he prepared to refuse to extend civil government over that country, to extend our commercial system over the harbors and forts of California, until the President had been catechised by this House, and had advised them—of what he had already advised them—of the authority by virtue of which he had established military governments in New Mexico and California? Upon the call of a gentleman from Kentucky, [Mr. Garrett Davis,] the President had, at the last session, informed Congress that it was under the authority of the United States as a conqueror that these military governments had been established; that they had only been established for the purpose of securing the benefits of our conquest; that he had only gone to the extent of the authority of the conqueror under the principles of international law; and that, in fact, his course had been a great amelioration from the rigidness and severity of the old system of military law.

Gentlemen on the other side would arrest the consummation of all these measures; would keep New Mexico and California out of the Union; would refuse to grant bounties of lands to our settlers there; to establish civil governments for the protection of those of our citizens there, and who should go there; to extend our commercial system over the ports and harbors of that country, and thus open a new and important source of revenue for the treasury of the United States, until they should obtain, what had already been furnished by the President, full and satisfactory information as to the authority by which he had set up military governments over the conquered country during the time of war. It was a false issue attempted to be played off upon the country—an effort to skulk the tremendous responsibility which resulted from the uniform opposition they had made to the war which had now so successfully and so brilliantly terminated.

Mr. EVANS, of Maryland, said the gentleman from Illinois did not touch the point at issue made by the gentleman from Ohio or the gentleman from Georgia: Was Santa Fé in Texas or not? Before they agreed to set up civil government over Santa Fé, they wished to know whether it was actually within the territory and jurisdiction of a sovereign State or not?

Mr. McCLERNAND replied that he was coming to that point in due time. The complaint he made against the Whig party was one founded upon the fact that they had uniformly opposed this war, and were now trying to prevent the consummation of the acquisitions brought about by it. How? By meeting the question directly, boldly? No; by indirection, by subterfuge, by making anew the question of boundary, and of the authority of the President to establish military governments in the conquered territory. In this way they were attempting to dodge the responsibility of the position they had taken in reference to this war. Why was it that they sought to evade this responsibility? Was it because they indulged the vain delusion that they would succeed in electing their candidate for the Presidency, and because they foresaw that in that event they would be unable to administer the Government? He would not impute anything to them as gentlemen of respectability and honor, but their principles were so incoherent, so inconsistent, that it was impossible for them to exercise power, if they should happen to be elevated to it, of which he assured them there was no chance. Hence we had found that under the elder Adams the alien and sedition laws had been forced upon the country, which had aroused the indignation of the people to such an extent that both they and their authors had been swept away in the whirlwind of popular fury; hence it was that under the younger Adams an enormous system of internal improvements had been projected, which, if carried out, would have involved this Government in a debt of a hundred millions; and now, if they should elect their President, which they were very far from doing, they knew that they would be unable to administer this Government in reference to its Territories; they knew that there was not cohesive power enough in their party to enable them to establish civil governments over these Territories, to establish a land system; they knew that they could not agree to the incorporation of these Territories into the Union as a part of the Union; and hence, at this early day, they sought to throw away the fruits of this war in the acquisition of New Mexico and California.

He now came to the question of boundary, and he would remark in the outset that there was nothing in it that should influence the action of this House in reference to its duties in the establishment of civil governments in New Mexico and California. Even if the President had once held the opinion that Texas extended from the mouth to the source of the Rio Grande, yet if in point of fact it did not, did that fact authorize this House to refuse the necessary legislation in regard to these Territories? Suppose the President were in error—which he did not concede—was that sufficient reason for this House to neglect to discharge its solemn duties with reference to New Mexico and California—to refer and act upon the message of the President informing them of a treaty of peace and of the conclusion of the war? But what were the facts? The boundary of the Spanish province of Texas extended perhaps from the mouth of the Rio Grande with that stream to the 30th parallel of north latitude; thence, by the San Saba mountains, to Red river. Now, Texas claimed for the whole extent of the Rio Grande, but, in point of fact, her boundary and her jurisdiction did not extend above 27½ degrees north on the Rio Grande; at all events, not beyond the 30th degree north. To the north Taos, Santa Fé, Albuquerque, and other villages, were in the possession of the Mexicans. The President, then, had as rightfully established military government over Santa Fé as he had over any portion of Mexico west of the Rio Grande. When the war broke out, the President found Santa Fé in the possession of the Mexicans; he directed one of the columns of our army into that country; General Kearny overran it, established military government there, instead of the hostile Mexican government which he found there. If he was authorized to establish military authority west of the Rio Grande, he was equally so east of that river, to the extent of the hostile possession of the Mexicans.

But he did not understand the President, in that portion of his message read by the gentleman from Georgia, to say that the boundary of Texas extended from the mouth to the source of the Rio Grande, or to the 42d degree of north latitude. He was speaking of the boundary or limit which Texas *claimed*, and he understood the President to say that by the act of 1836 the Legislature of Texas had claimed the Rio Grande from its mouth to its source, or to 42° north, as its western boundary. The President only undertook to repeat what Texas claimed, and he did not understand him to affirm in fact that the Rio Grande in its whole extent was the boundary. He (Mr. McC.) was satisfied, he was clear upon the point, that the boundary of Texas did not extend to the Rio Grande in its whole extent, but that a great portion of the country east of the Rio Grande, contiguous to Texas, belonged to New Mexico; and he presumed that was the opinion of a large majority of the House and of the country where the subject had been investigated.

The gentleman from Georgia had made a question of the extent of the jurisdiction of the United States as a conqueror. The authority of this Government as a conqueror was equal to the authority of any other Government in the world—restrained, however, by such general limitations as the Constitution might impose. He said, therefore, that whatever rules or government any other Government might adopt, our Government might also adopt—restrained, however, by the general limitations of the Constitution.

Mr. SCHENCK wished to know who was the Government of the United States. Was it the President?

Mr. McCLERNAND replied that the President of the United States was the representative of the military authority of the country, as the Constitution provided that he should be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States. He represented the military authority of the country, and might do, subject to the general limitations of the Constitution, what any conqueror might do.

But the gentleman from Georgia had adverted to the debt created by this war, and undertaken to impeach the veracity of the President for saying, as the gentleman represented him to have said, that the debt now existing, incurred in consequence of this war, amounted to some $65,000,000. The President said no such thing; and if the gentleman had examined this part of the message as carefully as he had those parts on which he had undertaken to attack the President, he would have found that the President made no such assertion. The President spoke of the debt as existing now at the close of the war, when he said it was $65,000,000, and not of the expenses of the war. We all knew that the expenses of the war exceeded $65,000,000. The President said, after the end of a war of two or three years, after overrunning the extremities of a large empire, after conquering several of the States of Mexico, and reducing several provinces to our possession and ownership by treaty, the public debt of the country amounted to only $65,000,000.

Mr. THOMPSON, of Pennsylvania, said, as he understood the President, he stated the whole amount of our national debt at present to be $65,000,000, and that, at the commencement of his administration, it was $17,000,000.

Mr. McCLERNAND accepted the explanation. He had intended to say that the entire debt of the United States at the present time amounted to some $65,000,000, after having overrun a vast country; having reduced to our ownership an extensive territory; after having vindicated our name in the estimation of the world, through the process of our people in every battle which had been fought, and their readiness and ability to meet every emergency that might arise. But it came with ill grace from the gentleman from Georgia to declaim against a public debt, when the Administration which had preceded the present had found a public debt of some $8,000,000, and in a short time had increased it to $26,000,000, and that in a time of profound peace, in violation of their professions of economy, in virtue of which principally they had obtained power. He understood it to be one of the doctrines of the Whig party that a public debt was a public blessing.

Mr. DUER. Whence does the gentleman derive that doctrine?

Mr. PENDLETON. What gentleman of the Whig party holds such doctrines?

Mr. McCLERNAND replied that he had come to the conclusion from their wasteful extravagance by their uniform disposition to vote every appropriation which was proposed.

Mr. BOYDON wished to know if the present party in power, who talked so loudly of economy, had not *reduced* the expenditures of the Government from some $12,000,000 or $13,000,000 under Mr. Adams, to between $30,000,000 and $40,000,000 under Mr. Polk?

Mr. McCLERNAND confessed that the public expenditures had increased as our population had increased, as our country had expanded, as the public interests had become more complicated, as the necessities for expenditures in many directions had increased. Did the gentleman, as a sane man, believe that the expenditures of the Government could be limited to what they were under General Washington and Mr. Jefferson, when we had only four or five millions of people, when our western limit was the Alleghanies, when the vast empire of the valley of the Mississippi had scarcely been marked by the footstep of a white man? Or did he expect to dupe the people so as to believe it? The thing was absurd. Our expenditures, as a matter of necessity, had increased correspondingly with the increase of our country and the wants of our country.

But under Mr. Van Buren's administration, a war had existed between the United States and the Seminole Indians, and it had been a subject of loud clamor and denunciation that the expenditures under Mr. Van Buren were wasteful and extravagant; that he should be ejected from power and Harrison and Tyler installed, and that the expenditures should be reduced. But were these promises realized? On the contrary, when General Harrison had come into power, and this war had ceased, so far from reducing the expenses of the Government, they were increased; so far from reducing the public debt, they added to it. And

this all in a state of profound peace! With what consistency, then, did the gentleman from Georgia declaim against the public debt incurred during the great emergencies of existing war?

Mr. STEPHENS wished to state that the debt created by the Whigs arose from the funding of the accumulated debt of the country, in the nature of outstanding treasury notes, at the time of their coming into power in 1841. The accruing revenue at the time, under the operation of the tariff left by the Democratic administration, had run down to about eleven millions of dollars. From the deficiency of the accruing revenue to meet the ordinary wants of the treasury, Mr. Van Buren had issued an enormous amount of treasury notes. These notes had been funded by the Whig administration when they came into power in March, 1841; that was the only debt; and it was being rapidly paid off under the tariff of 1842. It had been reduced on the incoming of this Administration to $17,000,000, and that tariff had brought a surplus of $10,000,000 into the treasury, which would have reduced it to $7,000,000.

Mr. McCLERNAND understood the effect of the gentleman's explanation to be this: that the public debt under Mr. Van Buren was so large and so indefinite in its form that when the Whigs came into power in 1841 they had found it necessary to fund it, and that, in effect, the public debt had not been increased under General Harrison's administration. Now, he took issue with the gentleman, and he did not speak from a general recollection of facts, but from the facts themselves.

Mr. STEPHENS explained that the gentleman had misapprehended him, and that he had stated, or intended to state, that no other public debt was created by the Whigs except that which was necessary to meet the deficiency in the accruing revenue, that, under the operation of the tariff under Mr. Van Buren, (during the last years of the compromise act,) had run down to eleven millions of dollars per annum. That was the whole amount of the accruing revenue. It was not, of course, sufficient to meet the ordinary expenses of the Government, which, he would state, were greatly less than those under Mr. Van Buren—at least ten millions of dollars less than the highest expenditures under his administration. The Whigs, he acknowledged, were obliged, on first coming into power, to increase the debt, but it was owing to the misrule of the Democratic party in reference to the tariff; but as soon as the tariff of 1842, which they passed, had time to go into effect, it proved sufficient not only to meet the ordinary expenses of the Government, but rapidly to pay off the public debt; which had in effect been done to within seven millions of dollars, the amount of debt upon Mr. Polk's elevation to the Presidency being seventeen millions of dollars, and there being a surplus of ten millions in the treasury.

Mr. McCLERNAND understood the gentleman's explanation then to be, that the Whigs, when they came into power in 1841, had found the accruing revenues of the Government insufficient to meet its ordinary expenditures in time of profound peace, when these same accruing revenues had been sufficient to support Mr. Van Buren's administration in a war with the Seminole Indians.

Mr. STEPHENS. Not at all. Mr. Van Buren found the revenue a good deal too small, and made up the deficiency by issuing treasury notes.

Mr. McCLERNAND proposed to reduce these speculations to facts. The expenditures of the last year of Mr. Van Buren's administration were less than those of the first year of the Whig administration. The public debt when Mr. Van Buren went out was a little more than $8,000,000, embracing outstanding claims, and that was all that it amounted to. Within perhaps the first year, or if not the first year, at all events within the two years immediately succeeding the inauguration of General Harrison, the public debt was increased to some $26,000,000; so that not only were the expenses of a Whig administration, but the public debt increased, and that in a state of profound peace. Yet the gentleman rose and taunted the Democratic party with a public debt which had been brought about by a great, a brilliant, a successful war; a war which had far more than reimbursed the expenses in the value of the country acquired.

The gentleman had also spoken of the ungenerous course, as he held, of Mr. Polk towards General Taylor. How had that course been ungenerous, or unjust? At the breaking out of the war, had not the President selected General Taylor from all the officers of the army for the command? Was that an act of hostility? Shortly after, had he not promoted him to be a major general, and put him in command of all the army in Mexico for a time? And during the greater part of the war, had not General Taylor been holding the rank of major general? Had this been unjust or ungenerous? It occurred to him that it was rather unjust and ungenerous in the gentleman to bring this charge against the Administration. The gentleman said the Administration had stripped General Taylor of his arms, and left him with a small band at Buena Vista to defend himself against the thousands who attacked him there. The thousands who were taken from him there were taken under the command and by the recommendation of General Scott. It had become necessary, as he (Mr. McC.) understood, not only in the judgment of General Scott, but of General Taylor, that a portion of the men in his command should be detached to General Scott, in order that the line of operations from Vera Cruz to Mexico might be carried on.

But the gentleman glorified General Taylor for his military achievements. He (Mr. McC.) would be the very last man to detract one particle from his reputation. He had served his country faithfully; he had served his country well. He was willing to accord to him all the honor which was due to him as a military chieftain. But with what propriety could it be said before the country that he was fit to occupy the highest civil station within the gift of the people—the highest civil office in the world? A few years ago the voice of the gentleman and of his whole party had been heard denouncing, in eloquent tones, from one end of the country to the other, the policy of elevating military chieftains to the Presidency as dangerous to the liberties of the country; and the great "embodiment" of the Whig party, as he (Mr. McC.) had understood from history and tradition, had solemnly declared that he would rather see war, pestilence, and famine desolate the country, than to see a military hero elevated to the Executive chair. He had made the declaration in reference to General Jackson, whose civil was superior to his military reputation. He had been a lawyer, a district judge, a member of the convention which framed the constitution of Tennessee, a United States Senator, the Governor of Florida, a minister to Mexico. The greater portion of his life after he had attained his majority had been spent in the service of his country, and his military reputation was only incidental and subordinate to his civil merits. Yet, in reference to that man, the great leader and embodiment of Whigery had proclaimed he would rather see war, pestilence, and famine desolate the country than see a military chieftain elected President. Was it asserted that General Taylor, with all his military skill—which he (Mr. McC.) admired—had had any civil experience; that he had ever devoted a week, a month, a year to the study of political economy; that he was anything more than a military chieftain and an honest man? And what did gentlemen propose? They proposed to transfer a military chieftain, unrecommended by any great civil services and experience, reeking—although he did not raise this as an objection for himself—reeking with blood and carnage from the battle-field, to the highest civil office known to our Constitution or to the world!

But one word in regard to the cause of this war. The gentleman from Georgia had denounced the President as being the cause of this war, by the perpetration of an unconstitutional, unwarrantable act. He (Mr. McC.) held that the President was not responsible for this war. He held that the Whig party, who elected John Tyler, who projected the scheme of annexation, and precipitated the question upon the country, were responsible for the war. The party with whom he was associated had told their opponents, when they brought John Tyler before the country, and were eulogizing him as a worthy candidate, that he was unfit for the place. Why had they elected him? Because he was the type and the representative of the southern modification of Whigery; because he was relied on to bring the South to the support of the Whig ticket, while General Harrison was to command the support of the North and West. This same John Tyler, who had been elected by the Whigs against the expostulation and efforts of the party with whom he acted, had projected the annexation of Texas, and in effect consummated the annexation of Texas; and it was not for the Whig party to shrink from the responsibility which attached to them in consequence.

Mr. SCHENCK wished to know if the gentleman, at this late day, pretended to hold the Whig party responsible for the acts of John Tyler? The Whigs had only supported him until they found him dishonest, and then the Democrats took him up.

Mr. McCLERNAND repeated that the Whig party supported Mr. Tyler because they regarded him as the exponent of Whig policy at the South, while General Harrison was to ensure the support of the Federalists of the North and the Whigs of the West. The argument was—

> "We go for Tip and Tyler therefore,
> Without a why or wherefore."

These were the evils which he and gentlemen with whom he acted had predicted would be brought upon the country by the success of the Whig party in 1840. They had foretold, if not that war would be produced, that the public debt would be increased, that the public expenditures would be wastefully, extravagantly increased, and that there would be a reign of misrule; and their prediction had been realized. He might say that Mr. Tyler, in his connection with the question of annexation, had done it as much for the disorganization and defeat of the Democratic party in the nomination they were about to make as for the success of the measure. The Democratic party were not responsible for Mr. Tyler's acts; but the Whig party, who forced him upon the country through their arts and devices. The gentleman from Ohio asked him whether the Whig party did not discard Mr. Tyler when he betrayed them, and if the Democratic party did not support him? He (Mr. McC.) replied, the Democratic party did not support him. He, for one, did not; nor did the Democratic party in this House. The gentleman from Ohio said he (Mr. Tyler) supported the Democratic party. He did support the Democratic party by bringing forward the question of the annexation of Texas to divide and distract that party.

Mr. SCHENCK said that Mr. Tyler had supported a great many of the Democracy by distributing to them the loaves and fishes.

Mr. McCLERNAND knew it was the practice of gentlemen to meet facts with bold and groundless assertions. He (Mr. McC.) knew the Democratic party had never had any connection with John Tyler; he knew he (Mr. Tyler) had projected the annexation of Texas with the view of defeating the Democratic candidate for the Presidency, and everybody admitted that the war had grown out of the annexation of Texas.

In resuming his seat, he apologized for the hasty and desultory manner in which, having risen without preparation, he had presented facts; such facts, he trusted, as were of themselves a sufficient answer and a complete refutation of the charges brought forward by the gentleman from Georgia.

Mr. SCHENCK next rose, and said that the gentleman from Illinois deprecated the introduction and discussion of the subject now before the House. Looking at it from another point of view, he (Mr. S.) congratulated the House and the country that it had taken place, and expressed the hearty hope that there would be much more of the same sort before the remainder of the session was consumed. They had now engaged in treating of matters in the discussion of which they should have been employed as early as the first week of the session. The country, and he might say the Whig party, expected a great deal of this House of Representatives; and especially that every effort would be made to ferret out the misdemeanors, the misconduct, the usurpation of power, and outrages upon the rights of the people committed by this Administration.

Mr. S. also made free use of the President's message, concerning the new governments in Mexico, arguing that he was in conflict with himself, and commenting with much emphasis thereon.

Mr. DONNELL moved to amend the resolutions by adding the following thereto:

Resolved, further, That the President of the United States be requested to inform this House how much "public land" the Government of the United States has acquired under the fifth article of the treaty concluded and signed on the 2d day of February, 1848, between the United States of America and the Mexican Republic, which is free from and not

included within grants heretofore made by the Government of Spain and Mexico; and also how much of such "public land" is within the boundaries of Texas, as defined by the act of the Congress of the Republic of Texas of the 19th day of December, 1836.

Resolved, further, That the President be requested to lay before this House copies of all such official letters, reports, or other communications as contain any information of the quantity, value, or location of the "public lands" acquired under the said section of the treaty, the title of which is in the Government of the United States, or which contain the evidence, or any part thereof, that the "extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past."

Mr. McLANE went at length into a reply, but with so rapid and so unequal a tone of voice, and amidst so much noise and excitement in the House, that the reporter endeavored without success to catch with any clearness the course of his argument.

At the opening of his speech, he made some severe allusions to the general tone of the remarks of Messrs. STEPHENS and SCHENCK, and especially to the language applied by them to the President. Some passes took place between him and Mr. SCHENCK, in which both exhibited the faculty of repartee, but which it is best should be passed over.

Mr. McLANE denied that there had been any attempt on the part of the President to conceal the policy he was pursuing in regard to New Mexico, and insisted that all the language held by him in his instructions to Mr. Slidell was strictly in agreement with what he now declared in his peace message. He explained the instructions, and showed that they were directed to obtaining the recognition of the Rio Grande, from its source to its mouth, as the boundary of Texas. As Mexico claimed above El Paso, we must obtain the upper portion of the river by purchase, if in no other way.

Mr. HOUSTON, of Delaware, here interposed, but what he said was too imperfectly heard to be understood.

Mr. McLANE said that the President's policy throughout was perfectly clear; he had all along been trying to maintain the Rio Grande for our boundary, and he had maintained it.

Mr. STEPHENS again pressed the inquiry why, if the country on this side of the river was part of Texas, and not part of Mexico, the President undertook to set up a civil government over it? Why did it not revert to Texas as soon as the enemy were subdued who held it? He insisted on the difference between the language of the instructions and that of the message.

Mr. McLANE quoted the instructions to Mr. Slidell, and further commented upon them, insisting that they were in perfect consistency with the positions taken in the message. He complained that an unfounded assault had been made on the Executive veracity.

Mr. STEPHENS read from the documents to strengthen his former position.

Mr. McLANE defended the propriety of the President's taking military possession of New Mexico, though it was in a State of the Union, from the conduct of our military commanders in proclaiming martial law within a State where the Indian tribes were in temporary rebellion. This had been done by General Jackson, and by General Taylor also. He alluded to the charges against General Jackson for his conduct in this respect, the coffin handbills, &c. He warned Messrs. STEPHENS and SCHENCK lest they should reprobate too severely conduct of which their own Presidential candidate had been quite as guilty as Mr. Polk. In this connection, he introduced the bloodhounds, but disclaimed any wish to denounce General Taylor for employing them to smell out the hidden Seminoles. Nothing more had been done by General Kearny than to drive the enemy out of a portion of Texas, and to take means to maintain order there.

He denied that General Kearny had received no reprimand, and quoted the language of the President in regard to his excess of zeal, which, though not abusive, contained a delicate reproof, which General K. had severely felt, and of which he had complained.

The President and Secretary of War affirmed that General Kearny's constitution for New Mexico and his list of temporary officers appointed by him there had not been seen by the President when preparing his message for Congress. The gentlemen on the other side insisted that it had: he left the country to judge between them.

Mr. McL. said that the attempts to charge mendacity upon the Executive by a party who supported General Taylor would react upon him; they were bespattering their own candidate with vulgarity, and he would become associated by the people with his supporters, and be supposed no better than an arrogant party, who would be effectually rebuked in November next.

Mr. McL. next adverted to the financial statements in the message. The party were startled to find, that after all their extravagant predictions and calculations, the public debt amounted to no more than sixty-five millions. They had told the country that the war was costing the people half a million a day. And now, when the true state of the fact came out, they were astounded and sat down to ciphering. But they might go on and cipher as long as they pleased; the people would well understand the distinction between a national debt and the expenditures for the war, just as well as they did the difference between the Whig estimates and the facts.

[Here a dispute arose between Mr. McLANE and Mr. STEPHENS about the debt of seventeen millions in 1845—one affirming and the other denying that it was a debt of a Whig administration.]

As to the relative results of the tariffs of 1842 and 1846, the statements of the Secretary of the Treasury had not been questioned; but there had been *almost* an attempt to misrepresent the Treasury report on that subject by not distinguishing between the commencement of the natural and of the fiscal year.

Mr. McL. then referred to the declaration of a member of the Whig party at the commencement of the war, that he gloried in the fact that when Mr. Polk asked Congress for men and money, at the commencement of this session of Congress, to prosecute the contest, the Whig party had refused both.

This called up Mr. T. B. KING, who with great warmth denied it to be true that the Whigs, as a party, had done any such thing.

[Here there was for a time such a confusion in the House, that little could be distinctly heard on either side.]

Mr. McL. said he was aware that there were war Whigs as well as anti-war Whigs; but he did not know which portion of the party were to carry out their policy hereafter. He was wholly in the dark as to what the policy of General Taylor was to be—whether he was to be in the hands of the Ohio Reserve, or his friends from Georgia and the South.

He next adverted to the delay on the ten-regiment bill, insisting that in that instance the Whigs had refused the President the men he asked for, and had thereby stopped the war.

Mr. VINTON reminded him that there were but fourteen Whig members opposed to voting supplies.

Mr. McLANE knew that; but still, by refusing the ten-regiment bill, the Whig party had prevented the President from prosecuting the war, and he believed that this course had been the result of a studied effort to effect that result.

Mr. HUNT inquired whether there had not been at that time news of the negotiation of a treaty?

Mr. McLANE was about to reply, when his hour expired.

The floor was obtained by Mr. HUDSON, who said he could not regret that this debate had sprung up, as he thought the subject of it well worthy of consideration. The resolutions were well calculated to elicit important information, and though he was prepared to proceed in some remarks upon them, he would waive that privilege, believing that after a response should have been obtained to the call, the House would be prepared to act more understandingly on the whole subject; and as, in point of speeches, the two sides of the House were now even, he would conclude by moving the previous question.

The motion was seconded, and the resolutions were adopted.

Mr. VINTON moved to suspend the rules to enable him to report back to the House, from the Committee of Ways and Means, to which it had been referred, the bill making appropriations for certain fortifications for the year ending June 30, 1849, together with the amendments of the Senate thereto.

The rules were suspended, and the bill and amendments were received and committed to the Committee of the Whole.

And then the House adjourned.

IN SENATE.

MONDAY, *July* 10, 1848.

Mr. HALE presented a petition from the citizens of Winnebago county, Illinois, praying Congress to restore to liberty the slaves abducted in the District of Columbia, the motion to receive which was raised, and laid on the table.

Mr. HALE also presented a petition from the citizens of Amesbury and Salisbury, Massachusetts, praying the abolition of the franking privilege, and a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. UPHAM presented a petition from the citizens of Washington, District of Columbia, and from other places, praying for the purchase of Mount Vernon.

Mr. UPHAM desired to give this petition a different direction from that which had been given to other petitions of similar character. His reason for this course was, that it had been suggested that Mount Vernon should be obtained for the purpose of establishing there an agricultural institution and botanical garden. Agriculture he regarded as one of the most important interests. A far greater number of persons were occupied in the pursuits of agriculture than in any other employment. Yet this great interest had been entirely overlooked, while all the other departments of industry had more or less received the favor of Government. He read from a paper in his hand some statistics, showing the number of persons employed in agriculture, manufactures, commerce, and navigation, taken from the last census, from which it appeared that about three millions seven hundred thousand of our citizens were employed in agriculture, while the aggregate of persons employed in the other three branches did not reach that number. He was desirous that the subject should go to the Committee on Agriculture, in order to obtain a report from that committee on the matters embraced in this petition.

The petition was then referred to the Committee on Agriculture.

Mr. NILES presented a petition from citizens of Brooklyn, New York, to prevent persons from purchasing lands adjoining the marine hospital in Brooklyn; which was referred to the Committee on Finance.

Mr. HANNEGAN presented a petition from the Rev. R. R. Gurley, praying that Mr. Catlin's collection of Indian curiosities may be purchased by Congress; which was referred to the Committee on the Library.

Mr. RUSK presented a memorial from the Chickasaw Indians, praying that the United States agency in that nation may not be interfered with; which was referred to the Committee on Indian Affairs.

Mr. BRADBURY presented a petition from citizens of York, Maine, praying the abolition of the franking privilege, and a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEBASTIAN presented a memorial from the Creek Indians, remonstrating against any interference with the United States agency in that nation; which was referred to the Committee on Finance.

Mr. HALE, on leave, introduced a bill to discourage speculation in the public lands, and to open the public lands for the use of actual settlers; which was read twice, and referred to the Committee on the Public Lands.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill to facilitate international exchanges, [giving the privilege of franking letters and packages connected with the subject to M. Vattemare;] which was considered, read three times, and passed.

Mr. BREESE, from the Committee on Public Lands, reported without amendment House bill to amend an act entitled "An act to amend an act for the correction of errors in making entries in the land offices;" which was considered, and read three times and passed.

Mr. ATHERTON, from the Committee on Finance, reported a bill for the payment of the liquidated claims against Mexico; which was read a first time.

Mr. BRADBURY, from the Committee on Claims, made an unfavorable report on the House bill for the relief of John B. Rogers.

Mr. FOOTE, from the Committee on Private Land Claims, reported House-bill for the relief of Lewis Kennedy.

THE AMISTAD.

Mr. YULEE rose for the purpose of asking the Senator from North Carolina whether the Committee on Foreign Relations had as yet taken any action on the Amistad case, and when a report on the subject might be expected.

Mr. MANGUM replied, that the committee had not yet acted on the subject, but that it would be taken up and reported on at an early day.

INDIAN APPROPRIATION BILL.

The bill making appropriations for the Indian department having been returned from the House of Representatives, with a report stating that the House had concurred in several of the amendments of the Senate and amended others, the subject was taken up for consideration, when a motion was made by Mr. ATHERTON to refer the bill and amendments to the Committee on Finance.

Mr. ATCHISON moved a reference to the Committee on Indian Affairs, as he regarded that as the appropriate committee; the principal amendment relating to the appointment of Indian agents, a subject on which the Committee on Finance could not be supposed to be as well informed as the Committee on Indian Affairs.

Some discussion took place on this motion, in which Mr. ATHERTON, Mr. MANGUM, Mr. ATCHISON, Mr. BADGER, Mr. DAYTON, Mr. SEBASTIAN, Mr. RUSK, and Mr. CLAYTON participated; when the bill and amendments were referred to the Committee on Finance.

SPECIAL ORDER.

On motion of Mr. BADGER, the Senate proceeded to the consideration of the bill to establish a Territorial Government in Oregon.

The question being on the amendment of Mr. DAVIS, of Mississippi—

Mr. JOHNSON, of Maryland, then addressed the Senate. He said there were several propositions before the Senate: 1st, to strike out the 12th section; 2d, to amend the 12th section by prohibiting any legislation by Congress or the Territory over slavery in the Territory; 3d, to incorporate the Missouri compromise line; 4th, to amend that proposition of the Missouri line by providing that slavery shall exist south of that line independent of any legislation by Congress and the Territory.

After stating these propositions, he expressed his dissent from the opinion of the Senator from South Carolina that this was the best moment for the consideration of the subject because we are on the eve of a Presidential election. The idea confirmed the impression which had been growing up, that the question as to who is to be the President is the most important one that can be entertained, and that it overshadows all questions as to the most important measures which may be pending. He felt the impropriety of agitating this question under such circumstances, and would have preferred its postponement until the Presidential election shall have terminated. But it had been brought up, and must now be considered. He argued that events had shown the spread of moral degeneracy through the southern section of the Union. The array of State against State, and citizen against citizen, was a spectacle which he regarded as ominous of fatal results to the Union. Sooner or later, if these signs continue to increase, the separation of the States is inevitable, and there will no longer be a Constitution for us. The page of history will then have to record the ruin of a Confederacy which was blessed with the greatest privileges; and nations which looked to our course, and to the star of our destiny, to guide them in the path of freedom, would be left, in bitter disappointment, to mourn our fall. He hoped, however, that the good sense of the people would be sufficiently strong to save us, in the midst of the gloom which now surrounds us.

He admitted that, in some sense, the annexation of Texas had been the cause of our present mournful condition. But if the administration of our affairs had been a wise and prudent one, such results as we have seen would not have taken place. It would not have necessarily led to the annexation of the Mexican territories. Not a drop of blood and little treasure would have been expended had the Government been in the hands of a wise and prudent statesman. But the war came; and when it did come, the battles of Palo Alto and Resaca de la Palma would forever have settled the question of the independence of Texas; but ambition and the lust of territory swayed the councils of our country. The Senator from Massachusetts [Mr. DAVIS] had said that Texas was brought in by southern votes, to enable southern men to carry out southern views and to secure southern interests. The record did not bear out that Senator. He referred to the Journal to show that thirteen votes were given from free States for the annexation; and the reason why Cass was not among them was, that he was not here.

Mr. DAVIS explained that he had said Texas was brought into the Union by a combination between the southern Democracy with the Democracy of the North.

Mr. JOHNSON resumed, and referred to the course of Mr. JOHNSON, of Louisiana, and Mr. HENDERSON, of Mississippi, and Mr. MERRICK, of Maryland, to show that it was these votes which obtained the passage of the law annexing Texas. He referred to his own course, expressing his strong conviction that our system of government might be safely extended to any limit; and stated that he supported the war with Mexico from a desire to evade this agitating and dangerous question. The Senator from South Carolina has now declared that if the question be not now settled, the South will stand on her rights; and from the Senator from Massachusetts, we hear a prediction that the Union will be dissolved, if the South will not yield some concessions. Beyond these walls, the aspect of things is still more appalling. We see the northern man with southern principles heading a party to confine slavery within its present boundary, and the current of public opinion is running with increased strength against the extension of slavery to any of the new States.

He contended that the power of abolishing or prohibiting slavery in the Territories must be found in the Constitution, or it did not exist at all. He did not find it in that instrument. He reviewed the arguments of the Senator from Massachusetts, [Mr. DAVIS,] and of the Senator from Vermont, [Mr. PHELPS,] deriving the power from various sources; and stated that he could not satisfy his own judgment that the power was to be found where they had supposed. Slaves were considered in the United States as both property and persons, and have been acknowledged to be such by the laws, which, while they subject them to taxation as property, permit them to be represented as persons. He argued that the States all stood on a ground of equality, and that no power could be conferred on Congress to legislate so as to give to one State privileges over another State. When the day shall come when the whole northern territory of the United States shall be admitted as States, and be represented on this floor, he was aware that slavery would no longer be permitted to exist in the South. He did not fear to express his opinions as to slavery. He wished from his heart that no African had ever been brought to this country, but that our land was exclusively peopled by freemen. He looked on the existence of slavery as a great evil. But it was a domestic institution, in some respects mutually advantageous, where it existed, to the slave as well as the master; and it might be suffered to extend without the danger of producing the destruction of the Union.

In reference to Mr. Van Buren, he said that twenty years ago any man in the United States would have considered it an insult to have had the nomination for the Presidency offered to him on the ground on which he is now placed. At that period Mr. Van Buren himself would have considered it in that light. He believed, from the spirit which was now afloat, that the time would some day arrive, when the guarantees of the Constitution will no longer be respected, and slavery will be extinguished.

He examined the supposed analogy between the owner and the slave and the master and the apprentice, and contended that they were not analogous to the extent assumed.

Mr. J. then went into a constitutional argument of great length, to show that there was no warrant for the claim of a power on the part of Congress to prohibit slavery.

He admitted that the Missouri compromise could only be defended on the ground that the power exists in Congress, but it was merely a legislative construction.

He asked, in conclusion, what was to be done? We are as dear to each other as the people of any Government in the world. Was it right that this difference should go on until it work the destruction of the Union? Every American would lay his hand on his heart, and say, "No." He would rather witness any calamity than the disruption of this glorious Confederacy. Ought we not rather to take some ground of compromise? We have slavery here. He would not that another slave should be brought here. He declared that the slaves which were sold were sold to the South by northern slaveholders; and that every slave that was imported was imported by northern men with northern capital. On the North, therefore, he contended that the responsibility rested for the encouragement of the evil of slavery, against which northern men were so eloquent. There was a greater evil than disunion, and that was, self-degradation and conviction of superiority; and he warned northern men not to cast on the South a conviction that they regarded southern men as inferior to themselves. Let them not pass us by on the other side of the street. The South was always ready to stand by the North when its rights were violated by any foreign Power. The war of 1812 was commenced by southern men.

He called on Senators to settle this agitating question at once and forever. It could only be settled by compromise. He did not speak to alarm, because he was not speaking to men who could be alarmed. But he would say, that if this question was not settled by compromise, it would be settled by blood or separation. There were days before now when the thunder muttered over us, and threatened destruction by its fiery fluid, but our fathers compromised; and why should we not compromise? He adverted to the evils which were coming on the State of Maryland by the practice of her Legislature in manumitting slaves. This was done at the instigation of the northern men. At length the evil became so apparent that the legislation of this character was arrested; and no slave can now be manumitted but by the unanimous vote of both Houses of the Legislature.

He referred to the universal satisfaction when the Missouri compromise was determined on; and if we can be brought to settle this question by compromise, a similar burst of satisfaction may be anticipated; then the prosperity of the country will be secured, and the Union will be preserved.

As to the amendments, he could not vote for the proposition of the Senator from Mississippi, because he thought it unnecessary. He also deemed the amendment of the Senator from Kentucky [Mr. UNDERWOOD] as superfluous. He felt a deep and lively interest in the success of the party to which he belonged in the election of President, but great as was this interest in his bosom, he would rather see the candidate of those who were of opposite sentiments elected, and administering the Government through all time, than not see this question settled. Other measures may be erroneously adopted, and a remedy may be found, but error on this question strikes at the very root of our existence; and he would rather surrender his attachment to any individual aspirant, than see that take place which would strike at the basis of our security. He had not the courage to raise the veil and see all the horrors which would result from unwise action here.

He would do anything to produce a compromise. The desire of the North cannot be gratified, and this Union stand. The desire of the South cannot be gratified, and this Union stand. There must be concessions on both sides; and he called on Senators, as they valued their country, to guard against any error.

Mr. HUNTER moved to pass over the bill until to morrow.

Mr. HANNEGAN sent to the Chair an amendment which he proposed to move to the amendment of Mr. UNDERWOOD; which was ordered to be printed.

Mr. UNDERWOOD sent to the Chair a modification of the amendment which he had formerly moved, which he intended to adopt in lieu of the original amendment.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 11, 1848.

The Journal of yesterday having been read, an amendment (not affecting any matter contained in

this report) was moved by Mr. STEPHENS, and having been agreed to,

The Journal was approved.

Mr. WHITE moved to reconsider the vote by which the resolutions offered yesterday by Mr. STEPHENS had been passed.

Mr. RUMSEY moved to lay the motion to reconsider on the table. Agreed to.

HARBOR AND RIVER IMPROVEMENTS.

The House then proceeded to consider the report and accompanying resolutions heretofore reported by Mr. HUNT, from the Committee on Commerce, on the subject of the message of the President, stating his reasons for not approving the river and harbor bill of last session, the memorial of the Chicago Convention in relation to harbor and river improvements, and on various other memorials on the same subject.

The previous question on these resolutions was moved and seconded some days since, and, under its operation, the first resolution was then agreed to, as follows:

Resolved, That the Constitution of the United States vests in Congress the power to appropriate money to open and improve harbors, and remove obstructions from navigable rivers, in all cases where such improvements are necessary to the protection and facility of commerce with foreign nations or the commerce among the States.

The SPEAKER now stated the question to be on agreeing to the second of said resolutions, viz:

Resolved, That the interests of our national commerce, the common defence and general welfare of the United States, require a judicious exercise of the foregoing powers.

Mr. WENTWORTH called for the yeas and nays on agreeing to this resolution; they were ordered and taken, and resulted as follows:

YEAS—Messrs. Abbott, Barringer, Bingham, Birdsall, Blanchard, John M. Botts, Bowlin, Boydon, Brady, Canby, Chapman, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Crisfield, Crowell, Crozier, Darling, Dickey, Dickinson, Dixon, Donnell, Garnett Duncan, Dunn, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, French, Fulton, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, Jenkins, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Sidney Lawrence, Levin, Lincoln, Lynde, Maclay, McClelland, Job Mann, Marsh, Marvin, Morehead, Morris, Mullin, Nelson, Nes, Newall, Nicoll, Outlaw, Palfrey, Peck, Pendleton, Petrie, Peyton, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Rose, Root, Rumsey, Sawyer, Sherrill, Silvester, Slingerland, Caleb B. Smith, Stanton, Starkweather, Stephens, Charles E. Stuart, Strohm, Tallmadge, Taylor, Thibodeaux, James Thompson, William Thompson, Thurston, Van Dyke, Vinton, Warren, Wentworth, and White—112.

NAYS—Messrs. Atkinson, Bayly, Bocock, Bowdon, Boyd, Brodhead, Wm. G. Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummins, Faran, Ficklin, Fries, Green, Willard P. Hall, Hammons, Haralson, Harris, Hill, George S. Houston, Andrew Johnson, James H. Johnson, George W. Jones, Kaufman, Kennon, Ligon, Lord, Lumpkin, McClernand, McKay, McLane, Meade, Miller, Peaslee, Phelps, Pillsbury, Rhett, Richey, Simpson, Sims, Smart, Thomas, Robert A. Thompson, Venable, Wallace, Wiley, Williams, and Woodward—53.

Mr. EVANS, of Maryland, moved to reconsider the vote by which the second resolution was passed.

The motion to reconsider was, on the motion of Mr. EVANS, laid on the table.

The question was stated on the third resolution, viz:

Resolved, That the reasons assigned by the President in his veto message of December 15, 1847, for his refusal to approve and sign the bill passed March 3, 1847, making appropriations for the improvement of certain harbors and rivers, are deemed insufficient and unsatisfactory.

The yeas and nays were ordered and taken on agreeing to the third resolution, and resulted as follows:

YEAS—Messrs. Abbott, Adams, Blanchard, Botts, Boydon, Brady, Buckner, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dickinson, Dixon, Donnell, Garnett Duncan, Dunn, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Nathan K. Hall, J. G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Levin, Lincoln, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Pendleton, Petrie, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Rose, Root, Rumsey, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Strohm, Tallmadge, Taylor, Tompkins, Van Dyke, Vinton, Warren, Wentworth, and White—91.

NAYS—Messrs. Atkinson, Bayly, Bedinger, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Darling, Featherston, Ficklin, French, Fries, Green, Willard P. Hall, Hammons, Haralson, Harris, Hill, George S. Houston, Inge, Andrew Johnson, James H. Johnson, George W. Jones, Kaufman, Kennon, Lahm, Ligon, Lord, Lumpkin, Lynde, Maclay, McClernand, McKay, McLane, Job Mann, Meade, Miller, Morris, Peaslee, Petrie, Peyton, Phelps, Pillsbury, Rhett, Richey, Rockhill, Sawyer, Simpson, Sims, Smart, Thomas, James Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wallace, Wiley, Williams, and Woodward—71.

Mr. CLINGMAN moved to reconsider the vote agreeing to the third resolution; and the motion to reconsider was, on motion of Mr. CLINGMAN, laid on the table.

The question was stated on the fourth resolution, viz:

Resolved, That it would be inexpedient to give the general consent of Congress, in advance of legislation by the States, to the imposition of tonnage duties by the several States as a means of improving the ports and harbors at which such duties may be levied.

The yeas and nays were ordered and taken on agreeing thereto, and resulted as follows:

YEAS—Messrs. Abbott, Adams, Barringer, Bingham, Birdsall, Blanchard, Bowlin, Boydon, Brady, Buckner, Cabell, Chapman, Clingman, Cocke, Collamer, Collins, Cranston, Crisfield, Crowell, Crozier, Dickey, Dickinson, Dixon, Donnell, Daniel Duncan, Dunn, Edsall, Edwards, Embree, Alex. Evans, Nathan Evans, Farrelly, Fisher, Freedley, French, Fulton, Gaines, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Nathan K. Hall, Hammons, James G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jenkins, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Lincoln, Maclay, McClelland, Horace Mann, Marsh, Marvin, Morehead, Morris, Mullin, Nelson, Nes, Newall, Nicoll, Outlaw, Palfrey, Peck, Pendleton, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Rose, Root, Rumsey, Schenck, Sherrill, Silvester, Slingerland, Smart, Caleb B. Smith, Truman Smith, Stanton, Stephens, Charles E. Stuart, Strohm, Tallmadge, Taylor, John B. Thompson, William Thompson, Thurston, Tompkins, Van Dyke, Vinton, Warren, Wentworth, and White—109.

NAYS—Messrs. Atkinson, Bayly, Bedinger, Bocock, Bowdon, Boyd, Wm. G. Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Bev. L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummins, Daniel, Featherston, Ficklin, Fries, Haralson, Harris, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Andrew Johnson, James H. Johnson, G. W. Jones, Kaufman, Kennon, Ligon, Lord, Lumpkin, McClernand, McKay, McLane, Job Mann, Meade, Miller, Peaslee, Petrit, Phelps, Pillsbury, Rhett, Richardson, Richey, Sawyer, Simpson, Sims, Thomas, Jas. Thompson, R. A. Thompson, Turner, Venable, Wallace, Wiley, Williams, and Woodward—59.

Mr. WENTWORTH moved a reconsideration of the last vote; and on his motion the motion to reconsider was laid on the table.

The last resolution was agreed to without a division. It is as follows:

Resolved, That the report of the Committee on Commerce on the memorial of the Chicago Convention, respecting harbor and river improvements, the President's message of December 15, 1847, on the same subject, and the bill referred to said committee in relation to tonnage duties, with the minority report on the same subject, be printed; and that the Committee on Printing be directed to inquire into the expediency of printing extra copies of said report.

Mr. WHITE moved to reconsider the vote on the last resolution; which motion to reconsider was laid on the table.

DISBANDING OFFICERS OF THE ARMY.

Mr. BOTTS, from the Committee on Military Affairs, to which was referred the amendments of the Senate to the bill of the House to amend an act entitled "An act supplemental to an act providing for the prosecution of the existing war between the United States and the Republic of Mexico," and for other purposes, reported the same back to the House with amendments.

The House proceeded to consider the said amendments.

Mr. BOTTS said he did not know that there was any necessity for him to offer any explanations. If any member should desire them upon any proposition, he would hold himself in readiness to make them. He would barely remark that the Committee on Military Affairs insisted on the original bill as it had passed the House, which repealed so much of the act of May, 1846, as made it imperative on the President to dismiss, at the termination of the war, one major general and two brigadier generals. That was the whole of the bill.

Mr. McKAY wished to know from the chairman of the Committee on Military Affairs, [Mr. BOTTS,] whether or not that committee had taken into consideration whether the army should be increased beyond what it was previous to the commencement of the war with Mexico. Now, the President had recommended that authority be given to increase the number of privates to 100, and he thought that the authority granted to him by the act of May, 1846, was sufficient for all these purposes. If it was the design of the Committee on Military Affairs, and if that design was approved of by this House, to bring back the army to what it was previous to the war, he submitted whether the amendment of the Senate was not far preferable to the bill of the House. The bill as originating in the House and sent to the Senate repealed the law which authorized the appointment of one major general and of two brigadier generals, and therefore there having been one major general and two brigadier generals in office previous to the war, there would be two major and four brigadier generals in all time to come, unless Congress should think proper to interfere. Was there any person in this House who believed that with a small skeleton of an army of a few thousand men, it would be at all necessary to keep in office two major and four brigadier generals? He did not; therefore he considered it greatly preferable to suspend the operation of that portion of the act which authorized the appointment of these officers until the 4th of March, as was proposed by the Senate, and in the mean time Congress could determine what should be the character of the peace establishment.

Mr. BOTTS replied that the Military Committee had had some informal conversation upon the subject of the peace establishment, but had had no action. In the mean time he would remark that this proposition had no sort of connection with this bill. This House had already, in the form of the bill which they had passed by an almost unanimous vote, expressed its determination to repeal so much of the first section of the law of May 13, 1846, as made it incumbent upon the President to dismiss from the service of the United States one of the two major generals—Generals Scott and Taylor; and two of the four brigadier generals—Generals Gaines, Wool, Kearny, and Twiggs. The House had resolved that they would continue in office these six public officers, and all the committee now proposed was, to reassert that determination by disagreeing to the Senate's amendment, which suspended instead of repealing that provision of the law of 1846.

Mr. COBB, of Georgia, understood that the Committee on Military Affairs had reported several amendments. In order that these amendments might be printed for the consideration of the House, he proposed that this bill lie over until to-morrow morning, when they would come up in order, and regularly every morning, until disposed of. He would make no motion to delay action on this measure.

Mr. McKAY suggested that the bill be printed also.

Mr. COBB accepted the suggestion, and hoped, that by the general consent of the House, the bill and amendments would be printed, and moved that the House now proceed to dispose of the business on the Speaker's table in order.

Mr. BOTTS would agree to the proposition of the gentleman from Georgia, [Mr. COBB,] but for the fact, that on the 20th of this month, these officers, under the present provisions of law, would necessarily all go out of office. If it was the object of this House to prevent that result, it was necessary that the bill should be acted on immediately. He apprehended, from the delay which they had experienced in receiving printing from the public printers, from the commencement of the session down to the present time, that if the House should determine to lay aside this bill, in order to have it printed, the 20th of July would have arrived before they could receive the printed bill, and there would be no occasion for any further legislation.

Mr. COBB said his suggestion would not delay the bill further than to-morrow or the next day.

Mr. BOTTS was informed by a gentleman that this printing could not possibly be done within less than ten days.

Mr. BURT wished to say to the House that the amendments which had come up from the Senate, and those recommended by the Committee on Military Affairs of this House, were very simple amendments. They were few in number, and their principles were perfectly plain and intelligible to everybody. He confessed he had some apprehensions—although he did not attribute that purpose to his friend from Georgia—that there was a design to give this bill the go-by, and he trusted that this House would not tolerate the further de-

lay of a bill of such absolute necessity to the public service.

Mr. COBB said, to avoid this very difficulty, he had not moved to refer the bill to the Committee of the Whole on the state of the Union, but to leave it on the Speaker's table, where it would come up regularly every morning.

The SPEAKER announced the question to be on Mr. COBB's motion to proceed to the business on the Speaker's table, and remarked, in case this was agreed to, it would be considered that the bill and amendments were ordered to be printed by general consent, unless objections were made.

After some conversation, in the course of which the SPEAKER stated, in reply to an inquiry of Mr. BURT, that the first business on the Speaker's table was the message of the President of the United States communicating information of the treaty of peace—the question was taken and disagreed to by the following vote:

YEAS—Messrs. Barringer, Bedinger, Bingham, Blanchard, Bowdon, Bowlin, Boyd, Boydon, William G. Brown, Albert G. Brown, Cathcart, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Daniel, Darling, Dickey, Garnett Duncan, Edsall, Featherston, Ficklin, Freedley, French, Fries, Gott, Green, Williard P. Hall, Harmanson, Hilliard, George S. Houston, Inge, Irvin, Jenkins, Andrew Johnson, James H. Johnson, G. W. Jones, Kaufman, Daniel P. King, Lahm, Sidney Lawrence, Lord, Lumpkin, Maclay, McClelland, McKay, Marvin, Miller, Mullin, Nelson, Newall, Nicoll, Peaslee, Peck, Pendleton, Petrie, Peyton, Pillsbury, Putnam, Rhett, Richardson, Richey, Rockhill, Schenck, Sherrill, Sims, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, Venable, Warren, Wentworth, White, Wick, Wiley, Williams, and Woodward—82.

NAYS—Messrs. Abbott, Botts, Brady, Brodhead, Buckner, Burt, Cabell, Canby, Chapman, Chase, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Cummins, Dixon, Donnell, Daniel Duncan, Dunn, Edwards, Embree, Alexander Evans, Nathan Evans, Faran, Farrelly, Fisher, Flournoy, Fulton, Gaines, Gayle, Gentry, Goggin, Gregory, Grinnell, Nathan K. Hall, James G. Hampton, Moses Hampton, Haralson, Harris, Haskell, Henley, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Iverson, John W. Jones, Kellogg, Kennon, Thomas Butler King, William T. Lawrence, Lincoln, McClernand, McLane, Job Mann, Horace Mann, Meade, Morris, Nes, Outlaw, Palfrey, Phelps, Pollock, Preston, Julius Rockwell, John A. Rockwell, Rose, Root, Rumsey, Sawyer, Silvester, Simpson, Slingerland, Smart, Truman Smith, Strohm, Tallmadge, Taylor, Thibodeaux, John B. Thompson, William Thompson, Thurston, Tompkins, Van Dyke, Vinton, and Wallace—93.

So the motion of Mr. COBB was rejected.

The above vote having been announced—

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. BOTTS asked for the yeas and nays on the motion, and they were ordered, and resulted: Yeas 105, nays 69.

CIVIL APPROPRIATION BILL.

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

Mr. GOGGIN moved to add an item to those for the Library of Congress, to appropriate twenty thousand dollars for the purchase of the manuscript papers of the late President Jefferson.

Mr. G. W. JONES interposed, and inquired if the motion was in order, there being no law authorizing the appropriation? He based his objection on the eighty-first rule, which provides that "no appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

Mr. GOGGIN said it was an amendment relating to the Library of Congress, for which it proposed a purchase of books, and it was therefore in order.

The CHAIRMAN said the amendment was in order.

Mr. JONES submitted that there was no law authorizing the purchase of these papers, and therefore it was not in order to introduce an item in the general appropriation bill to pay for them.

The CHAIRMAN said the item was proposed for the purchase of books for the library, which was now in existence; and the rule from which the gentleman from Tennessee had quoted gave authority to make appropriations "in continuation of appropriations for such public works and objects as are already in progress." He held the amendment to be in order.

Mr. GOGGIN said he did not want to discuss the amendment at all, but simply to remark that a memorial had been presented to this House, and it had been referred to the Library Committee, thus bringing the subject under consideration, and hence he had been induced to offer this amendment. The object was, to make an appropriation to purchase manuscripts which were said to be very valuable, and of which he had some proof if it was deemed necessary to produce it. He referred to two letters which he held in his hand from two gentlemen who belong to the two political parties of the country,) Mr. Van Buren to Mr. W. C. Rives.) The author of these papers belonged to the Democratic party, but he nevertheless desired that those papers should be published, for he believed they were very valuable papers, many of which had never yet seen the light. They were of a character which showed that they belonged to the country, and he hoped they would share the fate of others which this House had heretofore purchased. He would not detain the House with a speech on the subject, but refer gentlemen to a report which was made during the last Congress by the gentleman opposite [Mr. BRODHEAD] on this very subject.

Mr. PALFREY moved, for the purpose of obtaining an opportunity to make a few remarks, to amend the amendment by adding twenty thousand dollars for the purchase of the papers of Alexander Hamilton. The subject had come upon him very unexpectedly; but as allusion had been made to the views of the Library Committee, though he was not authorized to speak for that committee, as no other member of the Library Committee was present, he would say a word or two expressive of his own views upon the subject. He was not aware that the Library Committee had ever had the subject under consideration. If they had, it was at a time when he was absent; but if he was to express his opinion of this set of manuscripts, he should say that he deeply regretted that their purchase had not been earlier ordered, so that the writings of Mr. Jefferson could have been given to the world under the responsibility of the nation, and not under such auspices as those under which a part of Mr. Jefferson's papers had been published. They should all be published in a manner that would be creditable to the fame of that great man, and of this nation.

The CHAIRMAN reminded the gentleman from Massachusetts that five minutes were allowed to him to explain his amendment, to which he must confine himself.

Mr. PALFREY submitted, that in order to make his own amendment satisfactory, it was proper that he should make some remarks on the object contemplated by the amendment which he proposed to amend. However, the remarks which he desired to make, applied equally to the papers of Mr. Jefferson and Mr. Hamilton. What he had to say was true of both, and therefore, when he spoke of Mr. Hamilton, he hoped the committee would understand him as speaking likewise of Mr. Jefferson. The papers which yet remain in manuscript, both of Mr. Hamilton and Mr. Jefferson, he understood were very voluminous; they were intimately connected with the history of the country through a long series of years; nothing could be more important than these writings were to our history; and it was in the highest degree material that these papers should be rescued from the possession of anybody where they would be exposed to any chance or accident, and placed in the possession of this country and of the world through a channel such as this nation could approve. He felt confident that the Library Committee entertained these opinions in common with himself.

Mr. NICOLL inquired if these matters had ever been referred to any committee of this House? If so, he would like to have the report read.

The CHAIRMAN reminded the gentleman from New York that this was not a debatable question under the order of the House. The Chairman had not the information required by the gentleman from New York.

Mr. NICOLL supposed the information could be obtained at the clerk's desk.

The CHAIRMAN said, doubtless; and the gentleman from New York could obtain it there, and relieve the Chair from further responsibility.

Mr. BOWLIN said it was proper that the point should be settled whether these amendments were in order under the 81st rule of the House. The Chair, on the question being raised by the gentleman from Tennessee, [Mr. JONES,] decided that they were in order, and he now again raised the question for the purpose of taking an appeal from the decision of the Chair.

Tellers were demanded on the appeal, and Messrs. VENABLE and POLLOCK were appointed, and they reported 66 in the affirmative and 51 in the negative. The decision of the Chair was therefore sustained as the judgment of the committee.

The question then recurred on the amendment of the gentleman from Massachusetts [Mr. PALFREY] to the amendment of Mr. GOGGIN, and it was adopted by a majority of 63 to 55.

The question recurred on the amendment as amended.

Mr. VENABLE made a *pro forma* motion, that he might express his uncompromising opposition to this whole matter, from beginning to end. He believed it was the introduction of a system which involved an incalculable amount of money. He would vote for the purchase of the manuscripts of Thomas Jefferson and Alexander Hamilton as soon as for those of anybody; but, if this course was to be pursued, it would not be many years before the hundred volumes of Mr. J. Q. Adams's journal and writings, and perhaps the papers of ex-President Tyler, would be purchased.

Mr. PALFREY, with some warmth, denied that the House would ever be asked to purchase the papers of Mr. Adams.

Mr. VENABLE said they should have been told the same thing about these Jefferson and Hamilton papers ten years ago. He was opposed to the whole system, as one which would inevitably be attended with mischievous results. As to the purchase of Mr. Adams's papers, he hoped the question never would be tested. When papers were valuable, they would most assuredly come to the light. If he had been present when the Madison papers were purchased, he should have voted against that motion for the same reason that influenced him to vote against this. The whole was wrong in principle.

Mr. MILLER also made a *pro forma* motion. He was opposed to the amendment, and he was opposed to the manner in which it was urged on the attention of the committee. The gentleman from Virginia, in offering his amendment for the purchase of the papers of Thomas Jefferson, addressed himself to the members on the Democratic side of the House, and the gentleman from Massachusetts made a motion which commended itself to the gentleman on the other side of the House; and by these means both sides of the House were appealed to, these two gentlemen—Jefferson and Hamilton—being the founders of the two great parties which now divide this country. As these questions were presented to the committee in such a manner, it was apparent that the gentlemen who made the motions were satisfied that they could not be sustained by argument, and hence they appealed to the prejudices of both sides of the House. Now, he was opposed to this system. He was opposed to the purchase of the papers of Mr. Madison, and he should be equally opposed to the purchase of the papers of anybody else, even of the illustrious Jefferson. He would give no vote for any such purpose, for the whole system was wrong. If any writings were valuable and worthy of publication, they would present inducements for their publication without the interference of the Government. By private enterprise they would come to light, and hence no justification could be furnished for such an extravagant waste of the public money. He might here remark that all the papers of Mr. Jefferson which were deemed valuable had been published already. What evidence was there before the committee that these papers were of the value which was placed on them by the movers of these amendments, and which the committee was called upon to vote? He did not even know what these papers were. It might be that the papers of Alexander Hamilton advocated a policy which had been repudiated by this Government from its foundation to the present moment. What, he asked, was their object? He was unwilling that the committee should be brought to sanction the purchase of papers until they knew what it was they were called upon to publish. Who had given them that information? The chairman of the committee said he did not even know that they had been before the Library Committee. Did any of them know? And yet they were asked to appropriate $20,000 for each of two sets of papers of which they knew nothing. He thought it was a matter of some importance, and, especially as

the case of Mrs. Madison had been quoted, it was time that this system should be arrested; but if it was to be adopted and carried out, he hoped when it was carried to the House that the record would be made to show who it was that advocated the system.

Mr. CLARKE, having made a *pro forma* motion, said he took occasion to object to the appropriation of $25,000 for the purchase of the Madison papers; and he then argued that that appropriation was designed and intended to fasten and rivet on the country an enormous pension list; that it would furnish a precedent for all time to come, which, if it would not be dangerous to the well-being of the country, would be disastrous to its finances.

There were various reasons why they should not tolerate the amendment which had been proposed. They had heard yesterday from the other side of the House—and not yesterday only, but on all occasions when those gentlemen obtained the floor—that, by the prosecution of the Mexican war, and by other Democratic measures and policy, they had involved the country in a debt which would put the face of the people of this nation to the grindstone for years to come. And yet, in the face of these charges and statements, which were designed to have an effect on the approaching elections—statements and charges made, in many instances, by a direct suppression of the truth—there was not a solitary proposition in our whole legislation where an attempt was made to appropriate the public money, which had not met the approbation of the gentlemen on the other side of the House. All propositions for wild and extravagant expenditures have invariably been sustained and voted for by the gentlemen on the other side of the House. And yet the charge was to go to the country that the Democratic party here was in favor of squandering the public money, and comparisons were instituted between the expense of this and former administrations, for the purpose of fixing on the Democratic party the charge of extravagance. And, in bringing this House into disrepute, and in casting reproach on the President, language was used which was only fit for a fish-market, certainly not adapted to the halls of legislation.

The CHAIRMAN reminded the gentleman that he must confine himself to his amendment.

Mr. CLARKE then proceeded to protest against the amendment as a dangerous precedent.

Mr. C. J. INGERSOLL rose and moved to reduce the two sums of $20,000 to $5,000 each.

Mr. SAWYER rose to a question of order. He said it was not in order to move an amendment solely for the purpose of making a five minutes' speech.

The CHAIRMAN decided that the gentleman from Pennsylvania was in order.

Mr. INGERSOLL said that he should vote in favor of the amendment. As to establishing a system of literary pensioning, if gentleman could produce any number of such men as Thomas Jefferson and Alexander Hamilton, he, for one, was ready to pension them all. But he greatly feared that such men would continue to be very rare. There was very little danger, indeed, that the pension roll of men like these would be ruinously extended. As to Jefferson, we knew, from such of his writings as were already in print, what it was we expect to get should the resolution be adopted. After all his public situations and advantages, Mr. Jefferson died fifty thousand dollars in debt, and two of his granddaughters were for many years keeping a school, out of the proceeds of which they had paid fifteen thousand dollars of it; and he had been told that they were still employed in the same way. And, in regard to Alexander Hamilton, the act of 1789, establishing the treasury of the United States, was a monument of his public character such as he had been assured by Albert Gallatin, and Alexander Dallas, and Richard Rush, and Robert J. Walker, and other men competent to judge, was not to be found in England, nor in France, nor in the Government of any other country in the world. For his part, Mr. I. was quite ready to take all the responsibility of voting not only this $20,000, but a much larger sum.

Mr. GOGGIN said he had letters before him from William C. Rives and Martin Van Buren in favor of the purchase, and these, on such a subject, were good authority.

Mr. HOUSTON, of Alabama, said that neither of them was good authority.

The question was then put, and decided in the affirmative: Ayes 60, noes 58.

CLERK FOR FOREIGN CLAIMS.

Mr. VINTON moved to amend the item "For compensation of the Secretary of State, and the clerks, messenger, and assistant messenger in his office, $26,300," by striking out that sum, and inserting, "including a salary of $2,000 per annum for a clerk, whose duty it shall be to examine claims of the citizens of the United States against foreign Governments, and claims of the latter against the former, and to perform such other duties as the Secretary of State may designate, $28,300."

Mr. V. sent to the table a letter from Mr. Secretary Buchanan, explaining the necessity for the services of such a clerk, in reference to the claims of our citizens on foreign Governments, and those of the subjects of foreign Governments on our own.

The question being put, the ayes were 56, the noes 44.

No quorum having voted, the roll was called, and the committee rose and reported the absentees to the House, to be recorded. A quorum in the mean time having appeared, the committee resumed its session.

Mr. VINTON, by consent, made a brief statement in explanation.

The Secretary, in his letter to the Committee of Ways and Means, stated that the services of such an officer were become indispensable; and for this he gave two very sufficient reasons. The Secretary said it was impossible, with the force at present in the department, to examine American claims preferred against foreign Governments. According to the practice at present, they were forwarded to our respective ministers abroad without having been examined at all, and our ministers considered it as expected from them that they should press these claims on the foreign Governments on whom they were made. The consequences were very unpleasant, not only, but seriously injurious. Many of these claims turned out to be utterly unfounded; and the pressing of them operated to irritate the Governments abroad, and to injure our national character for honesty. The repetition of successive claims, without justice or equity to sanction them, begat an opinion which was transferred from the particular claimants to their country generally; and its effect was unfortunate to us as a nation. It was desired that a clerk should be appointed, whose duty it should be to examine the claim and the evidence adduced in support of it, at least so far as to see that a *prima facie* case was made out before the papers were permitted to be sent abroad.

There was another extensive class of claims which it was very important to examine, and that was, the claims preferred by the subjects of foreign Governments against citizens of the United States. With the clerks now in the department, it was impossible to give these claims any examination at all.

The department asked for a competent clerk, whose duty it should be to examine both these classes of claims.

Mr. GEORGE S. HOUSTON wanted to know whether the amendment was in order? Was it not for the appointment of a new clerk, with entirely new duties?

Mr. VINTON said, certainly it was. And this grew out of the necessity of the case. It was precisely because there was no such clerk now, and because those duties were not performed, that the Department asked that Congress would provide one. The gentleman did not, he presumed, desire that the character of our people should be prejudiced before foreign nations, and that a presumption of knavery should be raised against it.

Mr. FICKLIN sustained the point of order. The effect of the amendment would be, if he understood it, to erect a separate and new bureau within the Department of State, with duties at present unknown to the law.

The CHAIR overruled the objection.

And the question being taken, the amendment was carried, ayes 102, noes 25.

PATENT OFFICE.

Mr. FARRELLY moved the following amendment, to come at the end of the items under the head of "Department of State:"

For the purchase of such scientific works as are necessary for the use of the Patent Office, $1,500.

For compensation of librarian, $300.

For the collection of agricultural statistics and other purposes, $3,500; which several sums, amounting in the whole to $6,800, shall be paid out of the patent fund.

Mr. F. briefly explained the necessity of the amendment, and it was agreed to.

Mr. FARRELLY moved the following amendment, to come in at the end of the last amendment:

For defraying the expenses of chemical analyses of vegetable substances produced and used for the food of man and animals, to be expended under the direction of the Commissioner of Patents, to be paid out of the Patent fund, $1,000.

Mr. F. handed in at the Clerk's table, where it was read, a letter in explanation of the necessity of the amendment.

The amendment was agreed to.

ADDITIONAL CLERKS PROPOSED.

Mr. ROCKWELL, of Connecticut, moved an amendment, to come in at the end of the first item under the head of "Treasury Department," authorizing the Secretary of the Treasury to employ two additional clerks, one at a salary of $1,600 and the other at $1,400 per annum, and appropriating $3,000 therefor.

Mr. R. referred to a report of the acting Secretary, setting forth the want of additional clerks in the offices of the Second Auditor and Second Comptroller, and in the office of the Secretary of the Treasury.

Mr. FARAN moved to strike out two and insert one. He admitted the necessity for some additional aid; but he thought, if the force already there were properly distributed, the business of the department could be much better done. The occupation of most of those now in the department seemed to be much more the reading of newspapers than the performance of the public business. Some faithful clerks were overworked, while others had nothing to do; and there were some there who would not work, as he had personal reason to know. Mr. F. withdrew his amendment.

Mr. NICOLL renewed it, as a means of saying that he should be opposed to the granting of any more clerks till Mr. McKAY's bill should have gone into effect. That bill would enable the heads of department to regenerate their respective departments by excluding the idle and incompetent. The House could then act with some confidence: else they might only be increasing the number of those who were only burdens on the Government.

The question being put on the amendment, it was rejected.

Mr. HENLEY proposed to grant two clerks for twelve months only. As the necessity of more force in the departments grew wholly out of the war, it would probably cease by the expiration of another year; it would then be hard to get rid of them. It was better to limit the time of service beforehand.

The amendment was rejected.

Mr. ROCKWELL, of Connecticut, moved an amendment authorizing the employment in the office of the Second Comptroller for one year of six additional clerks, one at a salary of $1,150, and the others at a salary of $1,000 each per annum, $6,150.

Mr. R. explained that there was a great amount of arrears accumulating in that office. The accounts of one class now behind would require eight years to bring them up. In these accounts the relatives of our soldiers had a deep interest, and it was practically injustice to them to refuse the necessary means to bring up the accounts.

Mr. VINTON proposed as a substitute an amendment allowing the Secretary three new clerks for one year, with a salary of $1,200 each.

He read, in support of the motion, a letter from the Second Comptroller and an official report.

The question was put upon the amendment as amended, and it was agreed to.

Mr. JOHNSON, of Tennessee, moved the following proviso to the item making appropriations for the office of the First Auditor:

Provided, further, That the salaries of all officers, civil and military, as well as members of Congress, holding offices under this Government, where the salary is over one thousand dollars, and no constitutional prohibition, from and after the first Monday in December, 1848, shall be reduced one-fifth upon the whole amount of said salary; provided it does not reduce the salary below one thousand dollars, and then down to that sum.

Mr. J. remarked, that as there seemed to be a disposition on the part of the House to reduce the salaries of officers one by one, he proposed to make

the reduction general. The time was propitious; the Government was deeply in debt, and the expenditures were large; moreover, a Presidential election was approaching, and he wished to see which of the parties would go before the people with the best front on this question.

The amendment was rejected: Ayes 54, noes 62.

Mr. BRODHEAD moved to increase the salary proposed for the two additional clerks in the First Auditor's office, from $1,000 each per annum to $1,150 to each per annum, and to increase the amount appropriated for the office from $21,400 to $21,700.

Mr. B. said the salary proposed was the same as that received by the other officers who performed the same service.

The amendment was rejected.

Mr. ROCKWELL, of Connecticut, moved an amendment to the end of the item making appropriations for the Second Auditor's office, providing for thirteen additional clerks, which the Secretary of the Treasury is authorized to employ after the passage of this act in said office for twelve months, at a compensation not exceeding $3 per day, for the settlement of the accounts of paymasters and the accounts for arrears of pay of discharged and deceased officers and soldiers, and the accounts of captains of companies, and for company clothing, &c., $12,000.

Mr. R. explained the necessity for this increase of clerks, arising out of the press of business upon the office consequent upon the war.

Some conversation and explanations as to the state of business in the Second Auditor's office, the additional number of clerks necessary, &c., occurred between Messrs. BOWLIN, VINTON, ROCKWELL of Connecticut, HUDSON, HENLEY, CROZIER, FICKLIN, and JONES of Tennessee.

Mr. DICKEY moved that the committee rise: Ayes 64, noes 39.

The committee rose accordingly and reported progress.

And then the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. TAYLOR: The petition of Robert D. Stephenson and 90 others, citizens of Jackson county, in the State of Ohio, praying Congress to pass laws prohibiting, under the heaviest penalties, the importation of all intoxicating drinks.

By Mr. GREEN: A petition for the relief of Jesse Forsythe, of Knox county, Missouri.

By Mr. ROSE: The petition of Nathaniel Smith and others, of Ontario county, New York, praying Congress for a reduction of the rates of postage. Also, the petition of William F. Sheeden, Sireno French, and others.

By Mr. PALFREY: The memorial of Henry R. Schoolcraft, praying for the adoption of a suitable system of nomenclature for the public lands.

By Mr. MANN, of Massachusetts: The petition of Alonzo Chapin and others, of Abington, Massachusetts, praying for the abolition of the franking privilege and for the reduction of postage.

IN SENATE.

TUESDAY, *July* 11, 1848.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, to whom was referred a resolution inquiring into the expediency of increasing the number of cadets at West Point, reported that it was inexpedient, and asked to be discharged from the further consideration of the resolution; which was agreed to.

Mr. RUSK, from the Committee on Military Affairs, asked to be discharged from the further consideration of the memorial of Ambrose R. Davenport; which was agreed to.

Mr. RUSK made an effort to take up the bill to increase the naval force of the United States by adding thereto the *personnel* of the late Republic of Texas.

Mr. CALHOUN suggested that it had better be postponed until the Senator from Virginia [Mr. HUNTER] had closed his remarks on the Oregon bill; to which Mr. RUSK assented.

Mr. DICKINSON moved to take up the bill to establish a branch Mint in the city of New York, setting forth the reasons that pressed on his mind for prompt action on the bill; but the motion was decided in the negative.

NAVAL APPROPRIATION BILL.

On motion of Mr. ATHERTON, the Senate took up the amendments to the naval appropriation bill.

The question being on the amendment of the committee, striking out the appropriation of $7,500 for furnishing the marine hospital at New Orleans—

Mr. ATHERTON gave the reasons which had induced the committee to strike out this appropriation. It was not a proper subject to be introduced in a bill of this character. The committee desired to exclude all objects which did not legitimately belong to an appropriation bill. Sailors of the United States navy were not admitted into this institution. He defended the committee against the charge of partiality, alleging that the desire of the committee was to avoid the admission of items which might delay the passage of the bill. The committee had also been charged with a design to destroy the system of erecting marine hospitals, which he denied. This appropriation might be made in a separate bill, to which there would probably be little objection. He did not suppose that any one contemplated the carrying out of the system all at once. As in the system laid down for fortifications, it must be perfected gradually. The appropriations which had been made for the purchase of sites was intended only as a preliminary step. Congress did not appropriate money for this purpose until 1842. The only appropriations since were for three hospitals—$25,000 to be divided between the three. This was barely sufficient to make a commencement. One of these hospitals had been only raised to its first story, and another was not far advanced. It would require $50,000 for each of these buildings. It was important that the money appropriated should not be wasted, while we ought to give all the relief we could. Our first object should be to finish the three hospitals which were in progress, before we go on with others, and not rush at once to the completion of all which it was in contemplation to erect. He assured the Senate that the committee had no feeling on the subject, and that its only object was to exclude what they deemed irrelevant items from the bill, and thus prevent any unnecessary delay in its passage.

Mr. UNDERWOOD regretted this pertinacious objection to the appropriation. There was no objection to the thing on its merits, but to the inappropriateness in this bill. He then showed from the Journals that the commencement of this appropriation was in the naval appropriation bill.

Mr. ATHERTON said that was a departure from all precedent. The practice had been to introduce these matters in the naval appropriation bill.

Mr. UNDERWOOD said this was the only appropriation of the kind. The others had been for the purchase of sites. The House had inserted it in this bill, and why should we strike it out? He read from a paper in his hand a statement of the amounts received at Louisville from the boatmen, to which the appropriations for hospitals bore no proportion. The amounts contributed at Pittsburg are much greater. With these facts, shall we, for a mere technical objection, strike out the appropriation? He hoped not. There was a greater similitude between this subject and our naval service than between many other matters which frequently find their way into an appropriation bill. Many works which have been commenced are falling into dilapidation for want of appropriations. He quoted from the opinions and facts in a report of Colonel Long, superintendent of one of these works, to show the injurious consequences of these delays.

Mr. JOHNSON, of Louisiana, said he understood this motion was to be followed up by motions to strike out all similar appropriations. He reminded the Senate that this hospital was completed, and that it was only asked to buy the furniture, without which the building cannot be used. At this sickly position, where so many hundreds of sailors have already died, it is highly important that the hospital should be furnished. The completion of this work would save the Government $12,000 a year; and he hoped it would not be defeated by a frivolous objection.

On motion of Mr. BRIGHT, the further consideration of the bill was postponed until to-morrow.

OREGON BILL.

The Senate then resumed the consideration of the bill to establish a Territorial Government in Oregon.

The question being on the amendment of Mr. DAVIS, of Mississippi—

Mr. HUNTER then addressed the Senate, expressing his regret that the subject had been forced on the South, as it had been by the report of the Committee on Territories. The course of the North had been sufficient to stir the blood, but he would endeavor to discuss the question dispassionately. The truth was with the South, and the truth would be best presented when presented with calmness. Referring to the constant course of legislation in relation to the Territories, he was surprised to hear it denied that the Government of the United States had the authority to govern the Territories. It was an authority derived from the power of acquiring territories, and it was limited in its character. It is also deducible from the power of Congress to dispose of the public lands, of preventing trespasses, and of arresting fugitives. This power remains in Congress, under the provisions of the Constitution, until they become States. Congress has also the right to govern the Territories for the purpose of training them, in order that they may be prepared to become States. He then went into a view of the powers implied, in order to show to what objects they extended, and where the limitation of these powers was to be found. The limitation is, when Congress attempts to do anything which the Constitution does not warrant.

If the power to govern the Territories does not exist in Congress, where is it to be found? It has been said that it resides in the people of the Territories. This he denied. If Congress had no right to govern the Territories, what right has it to extend the revenue laws over a Territory, or to make a treaty, or do any other act of sovereignty there? The assumption was an unconstitutional one. The Constitution specifies certain restrictions on the power of Congress in the States, which are not to be found as regards Territories. It follows that the power cannot reside in the people of the Territories, but, by necessary implication, it belongs to Congress. The States cannot acquire territory. Territory acquired is the property of all the States, and must be governed by the power which is the agency of the States conjointly. The only rule of construction which can be sustained is that which renders the whole instrument consistent and harmonious.

There are certain powers of which Congress is deprived: the power of passing *ex post facto* laws, or to establish a form of religion; and it refrains from attempting to carry out any of these powers in the Territories. Congress is bound to maintain the equality of the citizens and the equality of the States. Every individual has a right to enjoy the rewards and honors of the Government, and every State has a right to share in the privileges which are conferred on the others. In this equality is to be found the whole secret of our progress. Destroy the one, and you destroy the other. He referred to the clauses of the Constitution in which this principle of equality was to be found. The States are not allowed to make treaties, or to regulate commerce, or to lay duties, because they might exercise these powers to the destruction of this equality. Congress is bound to respect this limitation in all its legislation, especially in regard to the acquisition of territory. Congress may not touch the right of the States to colonize the newly-acquired territories. He contended that it was indispensable to secure the domination of the white race, as well for the interest of that race and for the welfare of the slave.

If the power to govern Territories devolves on Congress, it brings with it the obligation on Congress to protect the property of the citizen. It had been said that the right of establishing slavery was involved in the right of prohibiting slavery. This he denied, because the questions rested on different grounds. It would not be denied in England, and it could not be denied anywhere, that in Virginia slaves were property, and that property ought to be respected wherever it goes. Instead of the owner being divested of his property whenever he moves with it into another State, he has a right to expect that it shall be protected. Was it competent to Congress to divest of his property any owner of a slave who may take his slave to his land in a new Territory? He denied that it was. Whether slavery would or would not be beneficial to the new States was a question which might be mooted. It depended on the question of climate,

and other questions which did not come within the scope of his argument. Opinions differed widely on the subject.

Let Congress refrain from interference, and let the negro race, following the law of gravitation, extend itself to the Territories, and it will be for the advancement of the harmony, the prosperity, and the happiness of the whole. The South would then feel that it was treated with proper kindness and consideration. He asked if the South had not been the balance-wheel in this Confederacy, standing between the extremes of Federalism and Democracy. The southern citizen has been at all times eminently conservative, made so not by any superiority in wisdom or sagacity, but from his position. He refuted the idea that the southern slaveholding States could ever obtain an ascendency of political power. He deprecated these sectional jealousies, the only effect of which must be to prevent that harmony and kindness which would otherwise exist between the North and the South. By a continued course of oppression, you must effectually destroy the Union, because the confidence and good will which constitute its elements would be destroyed. The effect of concession would be to band North and South together; to unite them with hooks of steel. If the South cannot be treated as an equal by the North; if she is to be deprived of her proper share in the benefits of the General Government, what white citizen would consent to remain in a slave State? and the consequence would be the reënactment of the outrages which had flooded the West Indies with the blood of the white race. There was no friend of humanity who would desire to see these results.

But is it believed that the southern representatives would stand here with folded arms, while such encroachments as would lead to these results were going on? Would they remain quiet while their houses were wrapt in flames? Let it not be supposed. But he begged pardon for suffering such words to escape him. The State which he represented had not authorized him to use the language of menace. She had never suffered herself to believe that such a result was possible.

He asked, what is slavery? Solve him that problem, and then let any one see if he cannot apply the solution at home. In what country do we not find the authority exercised by parent over child? What is this but the authority of man over man. This was productive of benefit to the whole. The connection between master and slave was almost as dear a relation as that between parent and child. Look at the pauper system in England—that focus and hot-bed of abolitionism—and see if the condition of the pauper is not worse than the condition of the slave. We hear nothing there of the rights of man. It is the peace of society which requires that condition. And so it was with the slave, who cannot exist by the side of the white man without becoming subordinate to superior intelligence and character. He referred to the results of the introduction of machinery in the manufacturing districts of England, by which the child had been converted into more importance and value than the adult, and the father and mother were reduced to subordinate positions. Here the slave was sure of his subsistence. His position was more favorable than that of the white pauper. And if, in the existence of pauperism in other countries, we see no governments overthrown, why should we apprehend from the existence of slavery any such danger to our own. He did not mean to censure other governments, because such a state of things exists. He knew that these inequalities of condition were inseparable from human existence. All that governments can do is to do the best they can to meliorate, and many governments do not do that. These matters were in existence under the decree of a Providence which he would not dare to arraign, but to which he would always bow with an unshaken faith in its wisdom.

He deprecated the continuance of doubt as to the course which it becomes us to pursue, and directed the Senate to the responsibility which it would incur to Heaven if it refrained from taking the course which wisdom and humanity indicated, and to the responsibility which posterity would demand from us, if we lose the inheritance of liberty and free government which descended to us from our fathers, and which it is our solemn duty to preserve and cherish.

Mr. DAVIS, of Mississippi, expressed a wish to address the Senate on his amendment, and moved that the further consideration of the bill be postponed until to-morrow; which was agreed to.

TEXAN NAVY.

On motion of Mr. RUSK, the Senate proceeded to the consideration of the bill to authorize the President of the United States to increase the naval establishment of the United States.

The bill having been considered as in Committee of the Whole, was reported without amendment; and the question being on ordering the bill to be engrossed—

Mr. BERRIEN wished to hear the reasons on which this bill was advocated. It was a very important bill, providing to bring the officers of the Texan navy into the service of the United States, thus overslaughing officers of our own navy. It would be an act of gross injustice to place over our own officers persons who had left their own country and entered into a foreign service.

Mr. RUSK said he did not regard the act of these officers in entering the Texas navy as entering into foreign service.

Mr. BERRIEN explained, that he referred to the fact that some of these persons had left the United States, and entered into the Texan navy while Texas was a foreign government.

Mr. RUSK defended the bill, on the ground that our treaty with Texas stipulated that the United States should incorporate the Texan navy with the navy of the United States, and that the term *navy* did not certainly mean ships alone, but also the officers attached to that navy, and forming a portion of it. These officers had made a contract with the Texan Government, to serve during good behavior; and if the United States should put such a construction on the agreement with Texas as to force her to a violation of this contract, it would be an act of hardship and injustice. It was not proposed to displace any officers of the United States. The bill would create new offices for these persons, and would not be unjust to any of the United States officers.

Mr. BADGER stated, that the action of the Naval Committee did not at all intimate an opinion that this bill ought to pass. It was the sentiment of the committee that there were serious difficulties in the way of the passage of this act. He referred to the case of Commodore Moore, who left the United States as a lieutenant, and was received in the Texan navy as a commodore. He left associates with him in the United States, who were lieutenants. He desires to return here as a captain, while his former associates, who had remained true to their own country, continue lieutenants, and would be placed under the command of their former associate, who, by leaving his own country, and going into a foreign service, had obtained this more elevated rank. He did not think we could so decide, and stand by the decision.

Mr. UNDERWOOD thought it unconstitutional to authorize the President to incorporate the Texan navy with the United States navy, and in the same bill appoint the additional officers which shall fill the stations which would require to be filled.

Mr. RUSK made some remarks in explanation, defending the propriety and constitutionality of the bill.

Mr. CALHOUN said, that although the meaning of the word navy was ambiguous, yet the usual construction embraced officers as well as ships. He was therefore disposed to give it that construction, which was the one unanimously put on the resolution annexing Texas. He thought that as Texas was now one of the States of the Union, deprived of her potential voice, she ought to be treated with kindness and liberality. He thought the bill might be so modified as to do away with any objection of a constitutional character. No injustice could be done to our own officers, nor need the feelings of any one of them be wounded by the admission of these officers. He added a few words in defence of Commodore Moore, whose conduct in leaving the service of the United States in a time of peace, and entering the Texan service, was not only free from reproach, but deserving of praise.

Mr. BERRIEN stated that there were friends, officers of the United States navy, whose reputation was dear to him, who would be overstepped if this bill should pass; and to this he would not give his assent. He controverted the proposition of the Senator from South Carolina, that it was praiseworthy in an officer of the navy to leave the service and enter into foreign service.

Mr. HALE referred to the Naval Register to show how our naval officers were now employed. Out of sixty-seven captains, forty are on leave of absence and waiting orders; out of ninety-seven commanders, forty-three are in the same situation, and eighty-six lieutenants in the same position. He wished the chairman of the committee to say what was the amount of the appropriations in the naval bill.

Mr. ATHERTON. I believe they are somewhat more than $11,000,000.

Mr. HALE said the appropriations for the naval service were formerly only $4,000,000, and no wonder that they had risen to $11,000,000 when so many officers were doing nothing. There was not so much waste in any navy of any Government under Heaven as in our navy; and should he live to take his seat here another session, he pledged himself to introduce some reform of the evil.

Mr. ATHERTON said he did not say that eleven millions was the amount of the appropriations for the navy proper.

Mr. HALE said, I meant the navy *im*proper.

Mr. FOOTE advocated the bill, regarding the admission of the Texan officers as an obligation imposed on us by our engagements to Texas. He also eulogized the character and conduct of Commodore Moore, in going to Texas and contributing his aid to the achievement of the independence of that country.

Mr. WESTCOTT moved to amend by making the provision to read so as to authorize the President of the United States to increase the United States navy by adding as many ships as were embraced in the Texan navy, without making it necessary to add the same vessels as were received from Texas.

Mr. DAVIS, of Massachusetts, said the debate on the navy of Texas was pretty well exhausted. But he did not like to permit our navy to rest under the imputation thrown on it by the Senator from New Hampshire. He referred to the attacks formerly made on West Point, and the change of opinion which had since taken place, so that now no one could be found to assail it. He then spoke of the necessity of making our navy our great defence, as we are not likely to have any war except with some European country, in which case maritime force may be very valuable. He hoped this branch of the service would be left untouched—that no attempt would be made to detract from its character or diminish its efficiency.

Mr. UNDERWOOD made some further remarks against the bill.

Mr. RUSK said a few words in defence of the officers who had gone over from the United States to the Texan service.

Mr. NILES and Mr. DAVIS, of Massachusetts, said a few words, when the amendment of the Senator from Florida was negatived.

The question was then taken, by yeas and nays, on the engrossment of the bill, and decided as follows:

YEAS—Messrs. Atchison, Borland, Butler, Calhoun, Cameron, Dickinson, Downs, Foote, Hannegan, Houston, Johnson of Georgia, Lewis, Rusk, Sebastian, Sturgeon, Westcott, and Yulee—17.

NAYS—Messrs. Atherton, Badger, Baldwin, Bell, Berrien, Corwin, Davis of Massachusetts, Dayton, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson of Maryland, Johnson of Louisiana, Mason, Metcalf, Miller, Niles, Pearce, Phelps, Spruance, Turney, Underwood, Upham, and Walker—26.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 12, 1848.

The Journal of yesterday was read and approved.

Mr. GOGGIN asked leave to introduce the following resolution:

Resolved, That when this House adjourns to-day, it will adjourn to meet on to-morrow, at 10 o'clock, and at the same hour on each succeeding day of the present session until the close thereof.

The resolution was ruled out of order.

Mr. GOGGIN inquired if it was in order to move to take up the bill to establish certain post routes?

Mr. HUDSON moved that the House resolve itself into Committee of the Whole on the state of the Union. Lost.

The committees were then called for reports.

REPORTS FROM COMMITTEES.

Mr. NICOLL, from the Committee of Ways and Means, reported a bill to establish a branch mint at the city of New York. Read twice and committed.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, reported bills for the relief of Thomas H. Noble, for the relief of John Howe, for the relief of Orange H. Dibble; which were read and committed.

Also, from the same committee, to which was referred the House bill for the relief of John P. Converse, reported the same back to the House with an amendment.

Mr. R. explained the amendment, and asked that the bill be put upon its passage.

Mr. DANIEL moved to commit the bill. Agreed to.

Mr. ROCKWELL, from the Committee of Claims, made adverse reports on the petitions of B. I. Heard, R. C. Prewitt, William Woodward, and S. B. Olmstead. Laid on the table.

Also, from the same committee, to which was referred Senate bills for the relief of Richard Fields and for the payment of Charles Richmond, reported the same back to the House without amendment. Committed.

Also, from the same committee, to which was referred Senate bills for the relief of J. F. Sothoron and for the relief of Samuel Grice, reported the same back to the House with amendments. Committed.

Also, from the same committee, to which was referred Senate bill for the relief of J. W. Nye, assignee of P. Bargy and H. Stewart, reported the same back to the House, with the recommendation that it do not pass. Committed.

Also, from the same committee, to which was referred Senate bill for the relief of Jose Argote Vallalobos, Marie Rose, François Felix, Marquis de Fougeres, or their heirs or legal representatives, reported the same back to the House with an amendment.

The amendment was read and agreed to, and the bill was then read a third time and passed, and returned to the Senate.

Mr. DANIEL, from the same committee, made an adverse report on the petition of Anna Maria Baldwin. Laid on the table.

Mr. CROWELL, from the same committee, reported bills for the relief of the legal representatives of John H. Piatt, for the relief of B. M. Bonton, and for the relief of A. H. Patterson. Read and committed.

On motion of Mr. C., the Committee of Claims was discharged from the petitions of Thomas Copeland, Mary E. Bunfoot, executrix of John Clark, deceased, George W. Kidd, Jane Parker, and of the executor of John J. Bulon, deceased. Laid on the table.

Also, from the same committee, made an adverse report on the petition of the Pacific and other Insurance Companies of New York. Laid on the table.

Mr. NELSON, from the same committee, made an adverse report on the petitions of Jeremiah Carpenter and Daniel G. Garnsey. Laid on the table.

Mr. DUNN, from the same committee, reported a bill for the relief of Thomas T. Gammage. Read and committed.

Mr. HUNT, from the Committee on Commerce, reported a bill to compensate and reimburse the owner and crew of the whaling ship Chandler Price the losses and expenses incurred in ransoming the crew of the ship Columbia. Read and committed.

Also, from the same committee, to which was referred Senate bill to provide for the survey of the mouth of Red river, in the State of Louisiana, reported the same back to the House without amendment. Committed.

Also, from the same committee, reported the following resolution, which was read and agreed to:

Resolved, That the Committee on Printing be directed to inquire into the expediency of printing 5,000 copies of the memoir, geographical, political, and commercial, on the present state, production, resources, and capabilities for commerce of Siberia, Manchooria, and the Asiatic islands of the Northern Pacific Ocean, &c., by Aaron H. Palmer, and the map appended thereto, recently communicated by the President, and printed by order of the Senate.

Mr. GRINNELL, from the same committee, to which was referred Senate bill for the relief of Benjamin Adams & Co. and others, reported the same back to the House without amendment. Committed.

Also, from the same committee, to which was referred House bill to admit certain articles the growth of Canada free of duty, reported the same back to the House with an amendment. The amendment was read.

Mr. G. explained the bill, and asked to have it put upon its passage.

Mr. POLLOCK, after making one or two remarks on the bill, not heard at the reporter's desk, moved to commit the bill to the Committee of the Whole.

Mr. McCLELLAND made an urgent appeal to the House to put the bill on its passage, it being a matter of great importance to New York and to many or all of the other States, and moved the previous question.

The previous question was seconded, and, under its operation, the bill was ordered to be engrossed, and, being engrossed, was read a third time and passed.

Mr. SIMPSON, from the same committee, reported a bill for the relief of Charles B. Cluskey. Read and committed.

Mr. BINGHAM, from the same committee, reported a bill to annex that part of the State of Indiana bordering on Lake Michigan to the Chicago collection district.

The bill was read three times and passed, and sent to the Senate for concurrence.

Mr. COLLAMER, from the Committee on Public Lands, to which had been referred House bill to cede to the State of Alabama the public lands lying within the limits of said State for purposes of education, reported the same back to the House without amendment. Laid on the table.

Also, from the same committee, to which had been referred Senate bill to confirm to the legal representatives of Joseph Dutailles the location of a certain New Madrid certificate, reported the same back to the House without amendment.

The bill was read a third time and passed, and returned to the Senate.

Also, from the same committee, to which had been referred Senate bill to revive an act authorizing certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them and to locate others in lieu thereof, reported the same back to the House with an amendment.

The amendment was read and agreed to.

Mr. C. explained the objects and provisions of the bill.

It was then read a third time and passed, and returned to the Senate.

Also, from the same committee, to which had been referred House bill in addition to an act for the relief of the inhabitants of the reserved townships in Gibson county, Indiana, reported the same back to the House without amendment.

Mr. EMBREE explained the bill, and asked to have it put upon it passage.

The bill was then ordered to be engrossed, and, being engrossed, was read a third time and passed.

Mr. GOGGIN moved that when the House adjourns, it adjourn to meet to-morrow morning, at ten o'clock.

Mr. SCHENCK moved to amend the motion by adding, "and that all the standing committees of the House be discharged from all business referred to them."

The question was stated on agreeing thereto; when—

On motion of Mr. STUART, of Michigan, Mr. GOGGIN's motion was laid on the table.

CIVIL APPROPRIATION BILL.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

ADDITIONAL CLERKS.

The amendment pending when the committee rose yesterday was that of Mr. JONES, of Tennessee, to the amendment of Mr. ROCKWELL, of Connecticut, to strike out thirteen and insert fifteen; so that it would read "for fifteen additional clerks," &c.

The question was put, and the amendment to the amendment was rejected.

Mr. HOLMES, of New York, moved to add to the amendment the following:

Provided, That such extra clerks shall not be employed or authorized until General Lewis Cass shall have repaid to the treasury of the United States eighty per cent. of the extra allowances made to and received by him from the treasury of the United States.

Ruled out of order.

The question was then put on the amendment moved yesterday by Mr. ROCKWELL, of Connecticut, authorizing the employment of thirteen extra clerks in the office of the Second Auditor, and it was agreed to—ayes 71, noes 41.

Mr. VINTON moved to add to the item providing for the Third Auditor's office, "For compensation of six additional clerks in said office for one year, two at $1,200 per annum each, and four at $1,000 per annum each, $6,400." Agreed to.

Mr VINTON moved to add to the item for providing for the Fourth Auditor's office, "For compensation of two clerks in said office, at $1,000 per annum each, under the act of ——, 1845, $2,000." Agreed to.

Mr. SAWYER moved to add to the end of the item providing for the Treasurer's office a provision reducing the salary of the assistant treasurer at New York from four thousand to three thousand dollars from and after July 1, 1848.

Mr. SAWYER said he made this motion in good faith. This bill was right in itself in reducing the salaries of certain officers. They ought to be reduced. But why the salary of the Treasurer of the United States should be reduced when the assistant treasurer residing at New York was paid $4,000, he was unable to discover. The duties and expenses of the assistant treasurer at New York were no greater than those of the Treasurer here. The work of reduction had commenced, and he desired to see it go on in the same ratio. He had taken some pains to examine the Blue Book, and he should offer other amendments when this was disposed of, for he gave his hearty assent to the work of reduction in the salaries of public officers. It might be that he did not know what he was about. If this were so, he wished to be set right.

The amendment was agreed to.

Mr. VINTON suggested to his colleague that the salary of the assistant treasurer at New York was provided for on page 24 of the bill.

Mr. SAWYER was aware of that; but there was no provision made there for the reduction of the salary. He had examined every line of the bill, and he was aware of its provisions. He could not withdraw his amendment until that portion of the bill was reached, but he had no objection to have it transferred.

By general consent, the amendment to which the committee had agreed was transferred to the 24th page.

Mr. COLLINS moved to amend the item providing for the office of the Register of the Treasury, by reducing the sum from $28,300 to $28,100, so as to reduce the salary of the principal clerk in the Stock Bureau from $1,400 per annum to $1,200 per annum.

Mr. COLLINS explained. He observed that in February a resolve passed the House, calling on the Secretary of the Treasury to give the House information respecting the number and compensation of the clerks in his department. The call was referred by the Secretary to his subordinates, and among others to the Register of the Treasury. This officer made a report to the Secretary, which the Secretary returned to the House.

Mr. C. would call the attention of the committee to that letter, as published in the documents of the House. In the original letter transmitted by the Secretary, attached to the item for the salary of the principal clerk engaged upon stocks was the following: "Submitted $1,600: see note." The note stated that the salary of that clerk had been heretofore $1,400, but it was submitted to increase it to $1,600. Now, the fact to which Mr. C. wished to call the notice of the committee was, that the letter of the Secretary as recorded, did not contain a word of this. Here, then, was obviously an *interpolation* in the Secretary's letter, over the name of the Register of the Treasury—placed there without any authority. It was intended for the benefit of this principal clerk in the Stock Bureau. He did not say it had been made by him, but he was the party to be benefited if the "submitted" item had been adopted. Mr. C., therefore, moved to amend the bill by reducing the salary of that clerk from $1,400 to $1,200.

Mr. C. had been credibly informed that the

salary had been originally $1,200, and that the duty of the place was not more arduous than that usually discharged by an eight-hundred-dollar clerk; but by some contrivance, of which Mr. C. was ignorant, it had in some way been raised to $1,400, and now the House had a sample of the means in this interpolated note. It was plain there had been culpable conduct somewhere.

The amendment was adopted *nem. con.*

Mr. VINTON moved to add to the item providing for the General Land Office, "For compensation of eight clerks in said office for one year at $1,000 per annum each, $8,000."

Mr. CUMMINS moved to increase the sum to $8,800. These clerks were needed not for general, but for specific duties. He went into an explanation of the grounds of his amendment, and stated the number of clerks employed upon the mineral lands, and those upon the military bounty lands. The business respecting the mineral lands had been transferred to the Land Office proper, and two additional clerks would be needed there on that account. And in regard to the military bounty lands, there was not now one clerk of the regular number to register warrants or issue the patents for the land. The great number of warrants rendered this a very arduous service. A letter was read from the Land Commissioner.

Mr. C.'s amendment was rejected, and that offered by Mr. VINTON adopted.

Mr. J. A. ROCKWELL moved an amendment for three additional clerks in the Comptroller's office. He argued in support of the amendment that it was necessary there should be a certain proportion between the force in the Comptroller's office and that of the Second Auditor.

Mr. FICKLIN moved to strike out three and insert two. And a long discussion ensued, which resulted in the rejection of the amendment.

Mr. VINTON moved to insert an item of $—— for the rent of additional rooms for clerks attached to the Treasury Department. A letter was read from the Secretary of the Treasury, stating the whole number of clerks in his employ, and the several rooms of the Treasury Building in which they were now distributed, representing that they were very much crowded, and that many rooms in the basement, so dark and damp as to require fires all the summer long, had been converted into offices and were now occupied by clerks. He then described the new building recently erected by W. W. Corcoran, and gave a list of the rooms it contained, and the sum asked by the proprietors for the use of the whole, including a fire-proof vault.

Mr. HOUSTON, of Alabama, moved to amend by adding a proviso that the Secretary should not pay more rent for this building than at the rate of $60 per room. If the sum in the amendment was allowed, the rooms would average $90 per year. The rooms were not fire-proof, though the vault was. He believed $90 a piece for mere naked rooms, without an article of furniture, was more than the Government had ever paid yet. For his own part, he did not think new rooms necessary; but, at all events, $90 was too large a rent. Mr. H. withdrew his amendment, and—

Mr. POLLOCK offered another, to enable Mr. VINTON to make an explanation.

Mr. VINTON said that the department had originally estimated the sum necessary to procure these apartments at $2,500, but had afterwards written to the Committee of Ways and Means stating that they could not be got for less than $3,500. The amendment he had offered did not specify what rooms the Secretary was to have; it merely allowed him a certain sum for office-rent, and left it to him to obtain such rooms as suited him. The House of Representatives could not go into regulating the rent of rooms. The Secretary was trusted to make contracts involving millions, and certainly a little matter like this might be left to his discretion.

Mr. WHITE wanted to know whether the contract with Mr. Corcoran extended for longer than one year?

Mr. VINTON said there was no contract.

Mr. HOUSTON asked whether a portion of the clerks did not already occupy these rooms, or some of them?

A letter from the Secretary was read in explanation.

Mr. STANTON, on a *pro forma* motion to reduce the amount, went on to observe that he had no doubt additional room was needed at the Treasury, but he insisted it was the duty of the Secretary to have submitted to the House before now a plan and estimates for the completion of all the public buildings. He held it entirely improper that this Government should be a renter; nor was it right that individuals should be encouraged to put up a private building with the understanding that it was to be rented by the Government. The whole system was wrong. Government was abundantly able to put up buildings for itself. Let the public buildings be completed. Whether they were to be carried out in the same magnificent style of expensive decoration, he would not say. If not, let the plan be reduced; but let the Government not be dependent on individuals for room to conduct its business.

Mr. VINTON said the arrangement was not a permanent one. The appropriation for rent was only for the present year.

Mr. STANTON knew that. But the new building had been erected with an understanding, and he presumed it would continue to be occupied on public account until Mr. William W. Corcoran had realized some fifteen or twenty per cent. on his outlay.

Mr. VINTON reminded Mr. STANTON that the rooms now occupied in the Treasury Building cost the Government on an average over five hundred dollars apiece annually.

Mr. STANTON. Yes; but a great part of that expense was to be charged on the magnificent colonnades and costly decorations of the building. The Government could build a fire-proof building that would accommodate its clerks as cheaply as individuals could. It was necessary to employ a watchman there night and day. By doing this, Government would become the insurer of the building.

Mr. McLANE renewed the *pro forma* amendment, and then observed that he considered it very unwise, very unsafe, and very unsatisfactory to have the Government dependent for its accommodation on hiring private houses. The character of the Government demanded that it should be accommodated in buildings of its own. But, in the absence of such, and under the necessity of this case, he thought it strange the gentleman from Tennessee [Mr. STANTON] should oppose this amendment.

Mr. STANTON disclaimed any intention to oppose it. He had merely pressed the duty of completing the public buildings.

Mr. McLANE reminded him that there was already a recommendation from the department for that object. But, meanwhile, all the departments had been in the habit of hiring. The Pension Office, the Pay Office, the Topographical Engineer Office, the Coast Survey Office, were all in private buildings. Was it for that House to go into a question of rent?

Mr. STANTON inquired whether, in the cases referred to, buildings had been erected with the express understanding that they were to be occupied by the Government?

Mr. McLANE did not know, nor did he know anything about this new building—whether there was an understanding or not, whether it was now occupied or not, nor even who owned it; but this he knew, that the department greatly needed more room. The House surely ought to repose some confidence in our public officers.

Mr. NICOLL advocated the amendment. The want was admitted by all; and he did not think the rent demanded for spacious and commodious rooms like those in the new building was exorbitant. The price paid for small rooms, in comparatively poor houses, in isolated positions, formed no rule to judge of the rent of rooms like these, all contiguous to each other and under one roof. The convenience of the department would be greatly promoted by this latter circumstance. Capitalists were shy of investing their money in buildings here on account of the uncertainty that the city would be permanently the seat of Government. He thought the sum asked was not more than fair.

Mr. HALL, of Missouri, moved to cut down the sum by one thousand dollars. He thought that the clerks were very comfortably accommodated where they were in the Treasury Building. He was willing, however, as the number of clerks was to be increased, that additional room should be provided, but the sum ought to be reduced.

After some further conversation, and the reading of another letter from the Secretary, the amendment of Mr. HALL was rejected, and that moved by Mr. VINTON adopted.

Mr. VINTON moved an amendment increasing the number of additional clerks in the Pension Office, engaged on bounty land business, from ten to twenty-seven, and to increase the appropriation correspondingly.

Mr. V. caused to be read a letter from the Commissioner of Pensions, showing the necessity for the increase proposed.

The amendment was agreed to.

Mr. PUTNAM moved an amendment to increase the salary of the Commissioner of Pensions to $3,000.

Mr. P. briefly urged the justice of the increase to the salary formerly received by this officer, on account of his very arduous duties, exceeding perhaps those performed by any other officer.

The amendment was rejected.

Mr. VINTON moved to strike out the item "for rent of houses occupied by the Pension Office, $600." Agreed to.

Mr. VINTON moved to increase the amount appropriated for temporary clerks in the Adjutant General's office from $1,000 to $2,000. It was agreed to.

Also, for three extra clerks in the office of the Commissary General of Subsistence for one year, at $1,000 each, $3,000. Agreed to.

Also, for extra clerk hire in the Quartermaster General's office, $5,000. [A letter was read from General Jesup, showing the necessity of this amendment.] Agreed to.

Also, for rent of additional offices and fuel for War Department, $8,500.

Mr. SCHENCK desired, before they went on voting thousands for rent to be paid to speculators upon the Government, to know how it was that this building had been put up; how it happened that individuals had gone on and put up an extensive building, expressly fitted for this purpose, to be rented to the War Department? Was it by any private understanding with the department? He thought the Government should erect the buildings it needed. He would ratify no such side-way private bargains with favorites of the department and speculators.

Mr. VINTON explained during the time allotted by the rule, and, the time having expired, was allowed by general consent to conclude. He stated that the department had recommended an appropriation of $10,500, but the Committee of Ways and Means proposed to reduce it to $8,500; that the Government, in its various departments, now rented various rooms for the use of the Engineer department, Pension office, &c., (for which the War Department now paid $4,150.) The buildings now rented were unsafe, as exposed to fire, and the object of this building, which was fire-proof, was to concentrate all these scattered offices into one safe building. He referred to fires which had occurred in previous years in the Post Office Department, Patent Office, Treasury Department, War Department, with the consequent enormous and irreparable losses to the Government, and said here was an opportunity to get the public papers into fire-proof buildings. He agreed with his colleague that the Government should put up its own fire-proof buildings, but it was not the duty of the Committee of Ways and Means to originate measures directed to this object.

Mr. WHITE inquired if there was anything in the correspondence which showed how long this building was to be occupied, and whether indefinitely?

Mr. VINTON said there was no contract, or anything that showed that they would be occupied any longer than the Secretary of War considered necessary. This individual, knowing that the Government was renting buildings all around, before he erected this building, had written to the Secretary of War, proposing to put up a fire-proof building, and to rent it for $175 per room, and find fuel; the Secretary of War replied that he had no authority to make any contract to extend beyond his term of office, but that the department wanted rooms, and while he continued at the head of the department he should rent these fire-proof rooms.

Mr. BARRINGER inquired how much rent was paid by the Government in its various departments? According to his estimate, it was about four times as much as had been paid heretofore.

Mr. VINTON said the Secretary of the Treas-

ury estimated that the rent of the necessary rooms to accommodate his clerks would be $3,500.

Mr. BARRINGER. That, with the sum proposed by the War Department, makes upwards of $12,000.

Some further conversation ensued.

Mr. J. R. INGERSOLL moved to increase the sum to $10,500. Although the correspondence showed no actual contract, he had always understood that there was a sort of agreement between the Secretary of War and the highly-respectable gentleman—Mr. Winder, of Philadelphia—who had erected this building. He instanced the recent destruction by fire of the maps and charts in relation to the northeastern boundary, in the office of Major Graham, and urged the propriety and importance of this amendment, in order to secure the public documents.

Mr. INGERSOLL's amendment to the amendment was rejected.

Mr. HUDSON (on an amendment moved and withdrawn) explained the action of the sub-committee of the Committee of Ways and Means, of which sub-committee he was a member. In an interview with Mr. Winder, that gentleman had represented that the cost of the building would be $100,000 to $125,000; but the inference he (Mr. H.) had drawn was, that it would not be over $100,000. There were 125 rooms in the building, of which the War Department proposed to occupy but 60, or not quite one-half; and for this half the department asked an appropriation of $10,500; but he thought it should be reduced to $6,000, which, for this one-half of the building, would be at least ten per cent. on the cost of the building.

Mr. BAYLY (speaking in like manner) corrected the statement of Mr. HUDSON, and said he had received information from Mr. Winder that, the erection of the buildings being more expensive here than in Philadelphia, the cost of this would probably be $125,000 to $130,000. He argued that the Government should not regulate the amount of rent it would pay on the basis of occupying but one-half of the building, for it would be unsafe and impolitic in every respect to deposit the public papers where private individuals, speculators, &c., occupied the alternate rooms.

Mr. HUDSON said, that Mr. Winder calculated that the other departments would want the other rooms.

Mr. BAYLY replied, that the Secretaries of the Navy and Treasury were not willing to take the number they had given encouragement they would do, and argued that a fair rent of the building should be given.

Mr. DUER moved to reduce the amount to $7,000. Rejected.

Mr. SCHENCK moved to make the sum $6,000, for the purpose of explanation. He spoke through his five minutes, and then called for tellers on his amendment; but they were not ordered.

The amendment was rejected.

Mr. WHITE submitted an amendment to provide that the adoption of this provision should not be a pledge or guarantee on the part of this Government to retain these buildings after the appropriation shall have been exhausted.

Mr. VINTON said there was no objection to that, and it was therefore accepted.

Mr. G. S. HOUSTON made a *pro forma* motion, on which he made some explanatory observations.

Mr. RUMSEY offered an amendment to appropriate $125,000, to be expended under the direction of the Secretaries of the War and Navy Departments, for the erection of suitable buildings for the use of those departments.

After some conversation, the amendment was withdrawn.

Several other amendments were proposed and rejected, and the amendment of Mr. VINTON was then agreed to.

THE NAVAL BUREAUS.

The committee then proceeded to the consideration of the items under the head of Navy Department.

Mr. SAWYER proposed to amend by reducing the salary of the chief of the Bureau of Navy Yards and Docks from $3,500 to $3,000.

Mr. VINTON explained, that the head of that bureau was a post captain in the navy, and his salary was fixed by the act of 1842, which limited the number of navy officers.

Mr. SAWYER replied, that Congress had the right to fix the salary of this and all other officers; and the captain who was at the head of the bureau could refuse to take the office if it gave him less salary than he obtained at sea. He had, however, resigned the situation of post captain for an easier one here, which he doubted not could be filled at $3,000 per annum.

Mr. HUDSON said the amendment of the gentleman from Ohio would incur an additional expense, rather than effect a saving; for, if the present chief of this bureau should retire, he would receive $3,500, the pay of a post captain, and they would get a civilian at the head of this bureau, at an annual charge of $3,000. They would therefore be throwing a large amount away.

Mr. SAWYER inquired if this chief of the bureau would necessarily return to the rank of post captain?

[Several voices answered, Certainly.]

Mr. SAWYER said he had no interest in this but the public good, and he saw no reason why one officer should be reduced and another kept on at a large salary.

Mr. KING, of Georgia, having made a *pro forma* motion to amend, said the law provided that the heads of these bureaus should be captains in the naval service, except the Bureau of Construction.

Mr. SAWYER. What law?

Mr. KING. The law of 1842; and it provided that they should receive simply the salary of such officers; and it prevented the necessity of appointing and paying new officers. It was supposed, too, that these naval officers would be better acquainted with the duties of these bureaus than civilians, and therefore efficiency was secured as well as economy. He had excepted the Bureau of Construction, which it was supposed, when the law of 1842 passed, would be better filled by a naval constructor, and therefore the salary of that officer was fixed at $3,000, without reference to the pay of a captain on duty. That was the reason of the variation. He hoped, therefore, that no change would take place in this provision, fixing the pay of the head of this bureau, for he was simply appointed at the discretion and pleasure of the Secretary of the Navy; and when he left that bureau he will be liable to be called to other duty, at the same amount per annum.

The gentleman from Ohio was in error if he supposed that these captains took these bureaus from choice. They did no such thing; but they took them because they were ordered there; and it was a principle in the naval service that no officer could decline any duty to which he had been ordered, without risking the danger of losing his commission and being struck from the roll of officers.

Mr. SAWYER thought he understood this matter quite as well as the gentleman from Georgia did; but he begged to ask the gentleman how many post captains there were by law, and if the number could not be conveniently curtailed? He also wished to know if the number was complete without the chief of this bureau?

Mr. KING replied that there were sixty-seven post captains authorized by law, and they did not exceed that number. That was the number fixed by the law of 1842, which limited the naval service. The heads of these bureaus were part of those sixty-seven, and were liable to be removed at any time; they only remained there because they were ordered there.

Mr. SCHENCK made a *pro forma* motion, that he might make some explanations. He said if this amendment should prevail, the effect would be that these post captains would seek other service, such as the commands of navy-yards, where they would get their $3,500 per annum, and these bureaus would have to be intrusted to civilians, at a salary of $3,000, and thus the country would lose $2,500.

Mr. SAWYER inquired if it was absolutely necessary that there should be sixty-seven post captains? He should be glad to see them reduced to a dozen.

Some further explanations were made by Messrs. SAWYER, SCHENCK, and VINTON, and then the amendment was rejected.

Mr. VINTON, by direction of the Committee of Ways and Means, moved to strike out "ten" and insert "eleven" in the item of $10,400 for salaries of civil engineer, draughtsman, clerk, and messenger. The object was to increase the appropriation by $1,000, for an additional clerk, which was found absolutely necessary.

Mr. STRONG made a *pro forma* motion that he might ask if in the navy appropriation bill there was not an appropriation for all post captains, including the chief of this bureau; and if that were so, whether, by appropriating the sum of $3,500 for his salary here, they did not in effect give him a double salary, one as post captain in the navy, and one as the chief of this bureau? He asked for information.

Mr. SCHENCK replied that the head of this bureau received pay but once. He received the pay to which he was entitled as a post captain, which amounted to $3,497 63, for all his service.

Mr. STRONG, then, did not understand why by this bill they should be asked to make compensation to him as chief of this bureau, when he was already compensated by the navy bill.

Mr. VINTON said the general estimates for the naval service were sent in; for, as a matter of course, this officer could be removed from his present position at any moment, and in such an event he would have to be paid as a post captain in the naval service. But it was provided by law that while he was at the head of this bureau he could only receive pay as its chief, and not his salary as a post captain. He could not be paid twice, and if he should remain in this bureau, his pay as a post captain would go to and form part of the unexpended balances for the year.

Mr. STRONG wished distinctly to understand if his pay as a post captain was suspended?

Mr. VINTON. Certainly.

Mr. STRONG withdrew his amendment.

Mr. VINTON again entered into an explanation to show the necessity of the increase of the appropriation by the amount which he had proposed.

The amendment was then adopted.

Mr. SAWYER said he had several other amendments to offer, but he would not offer them in violation of the express will of the committee.

Mr. KING, of Georgia, moved to amend the item providing for the payment of the chief of the Bureau of Construction, Equipment, and Repairs, so as to give him the same pay that he would receive if he were employed in other duties. It had been thought that it would promote the good of the service by having a navy captain at the head of this bureau, the duties of which were more arduous than those of any other department in the navy. It was not supposed to be necessary to have a navy captain at the head of this bureau when the law of 1842 was passed; but it had since been deemed wise and proper to place a captain at the head of the bureau, with the pay of the heads of other bureaus.

Mr. SAWYER inquired how much he got.

Mr. KING replied $3,000.

Mr. SAWYER. And what do you propose to give?

Mr. KING. The same as he would receive if he were at sea. The head of this bureau is a very meritorious officer. The steps which he has taken, with the permission of the Secretary of the Navy, in the promotion of reforms, will reduce the cost of constructing our ships one-third or one-fourth. He (Commodore Skinner) held a most responsible position. There was more money expended in his department than nearly any other, and his economical reforms would save hundreds of thousands of dollars, when the business of his department went to any reasonable extent, even in one year. He hoped the committee would place the head of that bureau on the same scale of emoluments which others received, who had less arduous duties to discharge, as commandants of navy-yards, &c. He had already explained the reason why he had not the same emolument at this time. It was not contemplated in 1842 to place a navy captain there; but it had been found that the craft were not willing to introduce reforms in the expenditures for labor and materials, especially the labor of constructing our ships, which had been found advisable in other service, and therefore became necessary in ours. It was not necessary that the head of this bureau should be an accomplished naval constructer. He required some knowledge of the expenditure of money and of labor, but not of making models, or of the particular manner of applying that labor.

Mr. SAWYER said these facts satisfied him that the head of this bureau should be a civilian,

who would be ten times better than an officer of the navy, who had spent his time on shipboard, and who possessed no mechanical genius. He did not approve of this plan of making provision for old dilapidated officers, and he believed they should save money for the Government if they put these old, superannuated officers on half-pay and turned them adrift. In this office they should have a regular ship-builder, and not one who knew nothing about mechanical construction.

Mr. FARAN moved that the committee rise. Lost.

The question was then taken on Mr. KING's amendment, by tellers, and the vote was 62 in the affirmative, and 50 in the negative, being less than a quorum.

Mr. VINTON asked for another count, for he was satisfied there was a quorum present.

[Cries of "No; call the roll."]

The motion to rise was renewed, and again rejected.

The tellers (Messrs. VENABLE and FULTON) again took the vote on the amendment, and they reported 51 in the affirmative, and 51 in the negative.

The CHAIRMAN voted in the negative, and then directed the Clerk to call the roll.

The roll was called accordingly, and the names of the absentees were reported to the House, to be entered upon the Journal.

The House having again gone into committee—

Mr. POLLOCK moved that the committee rise. Lost.

The question then recurred on the amendment, and again it was found that no quorum voted.

Mr. VINTON called upon the committee to rise, and he hoped the names of the absentees would be published in the morning newspapers.

The committee rose, and reported progress.

Mr. VINTON then moved a call of the House.

A motion to adjourn was made in several quarters, and on that motion the yeas and nays were called for and ordered, and being taken, resulted thus: Yeas 57, nays 79.

Mr. SAWYER asked leave to offer the following resolution:

Resolved, That the names of such members as are found absent on a call of the roll at any time, be published the next ensuing day in the Union and National Intelligencer newspapers.

Objected to, and not received.

Mr. WENTWORTH moved that the House resolve itself into Committee of the Whole on the state of the Union.

A motion to adjourn was again made, and again rejected by yeas and nays: Yeas 63, nays 73.

Mr. BOWDON rose to a privileged question. He said he had observed, by reference to the Journal of yesterday, that his name was erroneously recorded in the affirmative on agreeing to the second resolution reported by the Committee on Commerce, on the subject of harbor and river improvement. He had voted in the negative.

The Journal was ordered to be so corrected.

The question was then put on the motion to go into Committee of the Whole on the state of the Union, and it was rejected.

A CALL OF THE HOUSE.

Mr. VINTON moved a call of the House.

A motion to adjourn was again made, on which the yeas and nays stood: Yeas 59, nays 69.

The question was now put on ordering a call of the House, and it was agreed to.

The roll was accordingly called, and 136 members answered to their names.

The names of the absent members were then called, and 142 answered in all.

The doors of the Hall were then closed.

Mr. CABELL moved to dispense with further proceedings in the call. Lost.

Mr. McKAY said he was unwell, and he hoped the House would excuse him for the remainder of the day.

Mr. VINTON moved to excuse Mr. McKAY. Agreed to.

The call of the roll was continued.

When the name of Mr. BRIDGES was called—

Mr. LORD moved to excuse him. Agreed to.

Messrs. BUTLER and BARROW were excused for reasons assigned.

Mr. HUDSON moved, at five o'clock, to suspend further proceedings in the call. Rejected.

Mr. GREEN moved to excuse Mr. JAMESON. Agreed to.

Mr. THOMPSON, of Iowa, moved to excuse his colleague, Mr. LEFFLER, who was absent from the city. Agreed to.

Mr. BAYLY moved to excuse his colleague, Mr. McDOWELL, stating as his reason that Mr. McD. had been in the House until late in the day, and he left the House in a state of great exhaustion. Not excused.

Mr. TALLMADGE moved to excuse Mr. MURPHY, on account of indisposition. Agreed to.

Messrs. McILVAINE, NESS, and ROBINSON were severally excused for reasons assigned.

Mr. HUNT moved to excuse Mr. ST. JOHN, who was in the city of New York on business of very great importance. Disagreed to.

Mr. WILLIAMS was excused on account of indisposition.

Mr. KING, of Georgia, moved that the Sergeant-at-arms be sent for the absentees.

Mr. HOUSTON, of Alabama, moved to dispense with the further proceedings of the call. Lost..

Mr. MILLER moved, at ten minutes after five o'clock, to adjourn. Lost.

The question was put on the motion to send the Sergeant-at-arms after absentees, and it was agreed to.

Mr. BOWDON asked to be excused from further attendance this day. Not granted.

A motion was again made to adjourn, and again rejected.

Mr. COBB, of Georgia, moved to suspend further proceedings in the call. Many of the members had left the House after the roll was first called. He hoped the call would be suspended and renewed *de novo*. If the call were persisted in, it would be putting in the pockets of the Sergeant-at-arms some one or two hundred dollars, which would come out of the contingent fund of the House.

The yeas and nays were demanded and taken on suspending the call, and resulted: Yeas 48, nays 65.

Mr. COBB, of Georgia, inquired of the Chair how many members had left the House since the call was commenced?

The SPEAKER replied about twenty.

Messrs. FRENCH and FARRELLY were severally excused at their own request.

Mr. BLANCHARD was also excused on account of ill health.

Here the Sergeant-at-arms entered the Hall with Messrs. LAHM, EDWARDS, and DARLING.

The SPEAKER. SAMUEL LAHM, you have been absent from the House, without its leave and contrary to its order; if you have anything to say, you will now be heard.

Mr. LAHM said: Mr. Speaker, called upon, as I am, to render an excuse for my absence at the call of the roll, I state to you and the members of this House, that since the commencement of the present session of Congress, it has been my practice to be always present in my seat and attentive to my duty. An examination of the Journal will show that I have been absent at the calling of the yeas and nays as few times as any member of the House, and, with the exception of an absence of a few days in the spring on a visit to my family, the Journal will show that I have not missed certainly over half a dozen votes during the present session. Yesterday morning I was detained in my room a few minutes after the usual time of the meeting of the House, and when I entered the Hall I found the clerk calling the yeas and nays on one of the resolutions on river and harbor improvement, reported from the Committee on Commerce, for which I was exceedingly anxious to vote; but, my name having just been passed, I could not, and I am happy of having this opportunity to make this statement. I believe it was the only vote I have missed for a number of days. Sir, I have sat here for over seven months, and for a large portion of the time was compelled to listen to discussions which to me were exceedingly uninteresting, and very frequently were not at all pertinent to the question before the House; and when I was well satisfied that it was a useless waste of the time of the House, and a worse than useless expenditure of the money of the people. Sir, I came here this morning at the meeting of the House, and from that time until half-past three o'clock sat and listened to discussions, a large part of which were by no means interesting to me. That being the hour for my dinner, and later than the usual hour of adjournment, I left, supposing the House would immediately adjourn. Sir, I believe I have faithfully discharged my duty to my constituents; I look to them for a justification of my course here. I have committed no offence against this House, and therefore have no excuse to offer it for anything that I have done.

Mr. KING, of Georgia, moved that Mr. LAHM be admitted to his seat on payment of fees. Agreed to.

The same ceremony took place in regard to Messrs. EDWARDS, GAINES, and DARLING, who gave in excuses, and were severally admitted to their seats on the payment of the fees.

At twenty minutes before six o'clock, a motion to adjourn was again made, and rejected.

Mr. VINTON moved to excuse Mr. CRANSTON, who was present when the call commenced, and answered to his name. He afterwards left the Hall "under great exhaustion."

Mr. TOMPKINS inquired if Mr. CRANSTON had not been present nearly all day, and voted in every instance during his presence against motions to adjourn?

[Voices: "Certainly."]

The House refused to excuse Mr. CRANSTON.

Mr. KING, of Georgia, moved to excuse his colleague, [Mr. STEPHENS.] Mr. K. said it was well known that Mr. S. had been suffering from severe ill health during the session.

Mr. STEPHENS was excused.

Mr. INGE moved an adjournment at a quarter before SIX o'clock. Rejected.

The House, by a special vote, ordered the names of the members who answered to their names on the first call of the roll, and who had *not* subsequently answered, to be read. These were about twenty in number.

Mr. SAWYER said that the House had been in session nearly seven hours; it was very hot, and many members had not taken their dinner. Now, in order that those members who were hungry might go home and get their dinner, and something else "needful" to cheer the inner man—a little of "the critter"—he would move that the members who had been found absent without the leave and contrary to the rules of the House, be retained in the custody of the Sergeant-at-arms, and be brought in to-morrow morning to give their excuses and receive their sentences.

Mr. ATKINSON made one or two remarks not distinctly heard by the reporter.

At six o'clock, a motion to adjourn was made, and was rejected.

The question was then put on the motion made by Mr. SAWYER. It was decided by yeas and nays: Yeas 68, nays 47.

So the House resolved that the absent members should be brought up to-morrow morning.

The Sergeant-at-arms was then directed to bring in such members as he had in custody, and he accordingly brought in Messrs. KAUFMAN and NEWALL, who were called upon by the Speaker for excuses; giving none, they were admitted to their seats on the payment of fees.

Mr. J. R. INGERSOLL stated, that a highly respected member, (Governor McDOWELL, of Virginia, who was in a very bad state of health,) was among the absentees. He hoped, by unanimous consent, he would be excused.

No objection being made, Mr. McDOWELL was accordingly excused.

And then the House, at a quarter after six o'clock, adjourned.

IN SENATE.

WEDNESDAY, *July* 12, 1848.

A message was received from the President of the United States, transmitted in compliance with a resolution of the 25th of June last, calling for the proceedings of the court of inquiry convened at Saltillo, January 12, 1848, for the purpose of obtaining full information relative to an alleged mutiny at Buena Vista about the 15th August, 1847.

REPORTS FROM COMMITTEES.

Mr. ATHERTON, from the Committee on Finance, reported the amendments of the House to the amendment of the Senate to the Indian appropriation bill, with a recommendation that the Senate concur.

After some conversation as to the propriety of amending the amendment of the House in the item for payment of the claims of the Cherokee Indians—

Mr. ATHERTON moved that the Senate disagree with the House in its amendment, and insist on the amendment of the Senate, and asked for a committee of conference; which motion was agreed to, and Messrs. ATHERTON, BADGER, and ATCHISON were appointed on the part of the Senate.

Mr. CLAYTON, on leave, introduced a joint resolution concerning the distribution of the statutes at large; which was read three times and passed.

On motion of Mr. WESTCOTT,

Ordered, That the Secretary direct the public printers to cover the extra copies furnished the Senate of document No. 148, (Frémont's Geographical Memoir on Upper California,) with strong colored paper.

Mr. FELCH, from the Committee on Pensions, reported a bill for the relief of Judith Worthen; which was read a first time.

Mr. DIX, from the Committee on Commerce, reported a bill from the House for the establishment of a collection district in the State of New York, at Whitehall, with an amendment substituting another bill.

Mr. BALDWIN, from the Committee on Claims, reported House bill for the relief of Elisha F. Richards, with an amendment, accompanied by a report.

Also, House bill for the relief of Lisur B. Canfield.

Mr. SEBASTIAN, from the Committee on Private Land Claims, reported a bill for the relief of Joseph P. Williams; which was read a first time.

Mr. UNDERWOOD, from the Committee on Public Lands, reported a bill to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the revolutionary army, with an amendment.

On motion of Mr. ATHERTON, the Senate proceeded to consider the bill to pay the liquidated claims on Mexico; which bill was considered in Committee of the Whole and passed.

On motion of Mr. HANNEGAN,

Resolved, That the Committee on the Library be instructed to inquire into the expediency of procuring, for the use of the Senate, Morfit's Index to the National Intelligencer from the years 1810 to 1820 inclusive.

Mr. BENTON submitted the following amendment, intended to be offered to the bill to carry into effect the treaty stipulations with Mexico, &c.:

"In all cases arising under this act, except those finally adjudicated before the passage thereof, and for which certificates have already been issued, when any person or persons other than those in whose favor an award has been or may be made, shall claim the amount as awarded or any part thereof, and shall, within eighty days from the passage of this act, or from the date of said award, notify the Secretary of the Treasury of his, her, or their intention to contest the payment of the same as awarded, and shall file with the district attorney of the United States a bond, with good and sufficient security, to be approved by him, for the payment of cost and damages arising therefrom,—the amount so awarded, and the payment of which is contested as aforesaid, shall be and remain in the treasury of the United States, subject to the decision of the courts of the United States thereon; and it shall be the duty of the district attorney to file a bill of interpleader on the equity side of the circuit court of the District of Columbia for the settlement of the respective rights of the several parties to the money so awarded. In this bill the United States shall be complainants and all others defendants; and all parties shall have the right to appeal from the decree of said court in said suit to the Supreme Court of the United States, as in other cases."

Mr. TURNEY moved to reconsider the vote on the bill to increase the naval force of the United States.

On motion of Mr. RUSK, the motion was laid on the table.

Mr. BADGER moved to proceed to the consideration of the bill further to carry into effect the provisions and stipulations of the 9th article of the Florida treaty with respect to certain losses of Spanish subjects; which, having been agreed to, the bill was amended by Mr. WESTCOTT and passed.

OREGON BILL.

On motion of Mr. BRIGHT, the Senate proceeded to the consideration of the special order, being the bill to establish a Territorial Government in Oregon; when—

Mr. DAVIS, of Mississippi, addressed the Senate. He commenced with a reference to the importance of the bill, the twelfth section of which discourses abolition. He denied that there was any intention to force slavery on Oregon. The South only desired to show the ground on which she has stood from the commencement of the Confederacy to this moment; and further, that she should be let alone. He stated that the Missouri compromise had obtained its validity from the consent of the States. Congress might enact laws on the subject, or make compromises; but without the consent of the States interested, they would have no validity.

As to the introduction of slavery into Oregon, no southern Senator had ever asked it. The fact that the slave is property, which its owner may carry with him into any part of the Union, was that which they were desirous to see recognized. The clause in the Constitution relative to the regulation of commerce was a constitutional admission that the slave is property. It is because slaves are considered property that the importation of slaves from Africa has been carried on under the sanction of this clause in the Constitution. The words "slave, or any other property," in the Constitution, are conclusive on this point. If the existence of the slave as property be admitted, what power has Congress to interfere with it? He denied that there was any such power in Congress. What powers Congress possesses, he showed by reference to the Constitution itself. Congress had no power to change the condition of slavery, or to strip the master of his right in his property. Entering a Territory with this property, the citizen has a right to its protection.

On the acquisition of territory, the condition of slavery was not changed. The Government acquired no new power over it, but stood merely in the position of an agent for its protection. He spoke depreciatingly of the persons who had assumed in Oregon the right to make laws for the Territory, contending that they were without qualifications for the task. They were far inferior in intelligence, in morals, and in personal wealth, to the population lying south of the Oregon boundary.

As to the inviolability of the law which prevailed in a Territory when acquired, he admitted that until abrogated, the existing law or municipal regulation must remain in force within the territory itself. He denied that there was any power in Congress, or in the people of the Territory, to interrupt the slave system. He gave his views as to the motives which induced Virginia to cede the Northwestern Territory, which originated in a patriotic and generous feeling on the part of the mother State. He regarded the course pursued by the northern States in relation to fugitive slaves as an outrage on justice, and a violation of that principle of the equality of the States which is guaranteed by the terms of that instrument. The owner of a slave, when he entered some of these States, if he took his slave with him, was either exposed to the mortification of seeing his slave seduced from his side, or seized and carried away by violence.

He went into many other views, which, from indisposition, the reporter felt himself utterly unable to report.

He stated that if the opponents of slavery wished to emancipate the slaves, they were taking the wrong course. Slavery could not be abolished without a long series of preliminary preparations; and during these preparations, great dangers would menace the peace of the South. The most judicious course was to let the institution alone, and permit it to spread itself through the adjacent States, so that it may assume a new and more liberal character. The practical and useful emancipation of the slave will not be the labor of one generation. The slave must be made fit for his freedom by education and discipline, and thus made unfit for slavery. And as soon as he becomes unfit for slavery, the master will no longer desire to hold him as a slave.

What remedy has been proposed by the opponents of slavery? What good have they done? They have abducted slaves, but emancipated none. Do they expect to persuade the South to give up slavery? It is probably for the political advantage of the section in which the agitation against slavery originates. The spirit of concession exhibited by the South had failed to produce a corresponding spirit in the North. The latter still continued to assail the South as influenced only by a desire to increase the slave power, and obtain still greater political influence in the scale of States.

He insisted that the disorder and agitation which prevailed in the southern States, was not of domestic origin, but came from New England and from Great Britain.

He asserted it to be the duty of the United States to protect the property of a slave-owner during the transit from one State to another. The resolutions of the States who favored abolition were adopted entirely with a view to obtaining additional political power, and imposed on the South the strongest obligation to rise in self-defence. He referred to the fraternal feeling which induced the southern States to make common cause with the North in the war of the Revolution. The South had no especial cause of complaint; it was flourishing by its trade with Great Britain. But it was actuated by fraternal feeling and principle to take up arms; and now, was she to be asked to give up her domestic institutions? The South asked for no new guarantee, no new security; but she desired that the Constitution should be preserved from violation.

If the spirit of the Missouri compromise was to be invoked, as was proposed by his friend from Indiana, [Mr. BRIGHT,] he had a right to ask that the South should be placed on a basis of permanent security, so that there may hereafter be no new agitation on the subject. He was willing to go far, as far as his principles would permit, to meet the North. But if nothing would satisfy the North short of the destruction of this institution, then was the time for dissolution come; but let us separate peacefully, and with good feelings towards each other. Let not the battle-fields of our country be stained with the blood of brother fighting against brother. He trusted the danger would pass away, and that this agitation would turn out to be nothing more than a temporary struggle between politicians.

Mr. CLAYTON rose and said it was very evident that the speeches on the other side were rather intended to exasperate than to conciliate the South. He viewed the amendments which had been offered as clashing with each other; but nothing had as yet transpired during this protracted debate to show on what ground it was expected that Senators could meet. There had been no indication of any sentiment by which the Senate could be guided to any result. He stated that the Committee on Territories was now engaged in preparing a bill relative to the new Territories; but as there were but four members on that committee, the work went on slowly. He referred to the course by which a compromise of the tariff question was entered into. A committee was appointed, to which the subject was referred, and the report of that committee conciliated both parties, and brought the question to a decision. He would now desire to adopt a similar course. He moved that the subject be recommitted to a committee of eight members, to be appointed by ballot, four to be selected from the North, and four from the South, and he would go further, and say, two from each party in the South, and two from each party in the North.

If the report of that committee shall be that nothing can be effected at this session, let us do our ordinary business and go home.

Mr. FOOTE expressed his regret that the debate had assumed the character it had. He had been ever ready to hail the tender of the olive branch from the North whenever it was made. And he rejoiced now that this offer had been again made, and from the distinguished Senator from Delaware. He hoped it would be responded to in the same spirit. But he would not pledge himself to cease, in case of a report from the committee that nothing could be effected at this session, from using every effort in his power to call the attention of the country to the subject.

Mr. FITZGERALD asked the Senator from South Carolina to explain away an aspersion which he had—no doubt inadvertently—cast on the State of Michigan on the subject of fugitive slaves, as it appeared in his printed speech.

Mr. CALHOUN replied, by reiterating the charge against Michigan in still stronger terms, designating the course of that State, in reference to fugitive slaves, as the most outrageous that had ever been perpetrated.

Mr. CORWIN asked if the Supreme Court had not decided that no State could pass any law on the subject?

Mr. BUTLER replied, that the Supreme Court had decided, by a bare majority, that a State cannot pass a law in violation of any law of Congress. Pennsylvania made it a felony for a master to recover his fugitive slave in any other than a particular way. This, although sustained by the de-

cision of a local court, was decided by the Supreme Court to be unconstitutional.

Mr. CALHOUN complained that a different construction had been placed on the law relative to ordinary fugitives from justice, and on that relative to fugitive slaves. This showed that the power of the United States was too inadequate to secure equal justice throughout the whole of the Union.

Mr. CORWIN referred to the course of Ohio, where a law similar to that passed in Pennsylvania became a law in Ohio, in repealing the law as soon as the Supreme Court had decided it to be unconstitutional.

Mr. CALHOUN said the decision did not touch the ordinance of 1787; it was merely a decision under the Constitution. The ordinance was a previous contract, which was not touched by the Constitution.

Mr. CORWIN replied that the language of the ordinance and that of the Constitution were nearly the same; that the Constitution adopted and reimposed the obligations of the ordinance, and that the decision of the Supreme Court embraced both.

Mr. BRIGHT asked if the motion of the Senator from Delaware was not to refer this bill and the subject of the Territories of California and New Mexico to a committee of eight members.

Mr. CLAYTON explained, that he only moved to recommit this bill and the various amendments.

Mr. BRIGHT asked if it would afterwards be his intention to refer the bills relative to California and New Mexico to the same committee.

Mr. BERRIEN expressed his belief that such might be hereafter the course pursued, but it was not included in the present motion.

Mr. BRIGHT said he should be glad to have this debate arrested by a breath. The Committee on Territories had been engaged in maturing bills for the new Territories, and he was happy to say with a fair prospect of reporting a bill in two or three days; but he hoped that if this bill should be referred to a special committee, the other bills would be sent there also. Such a committee would lay hold of the confidence of the country, and he hoped the question would now be taken.

Mr. DICKINSON said this was the first speck of light we have had for some time, and he hoped the motion of the Senator from Delaware would prevail.

Mr. HALE said he saw no speck of light at all. On the contrary, he believed that it would only make the mist thicker. He expressed his belief, that no committee of this Senate could effect any compromise which the people would ratify. This was a question in which the people were more likely to guide the Senate, than that the Senate would be able to guide the people. There could be no compromise. He hoped the question would be taken on the amendments, and by yeas and nays. The sending out of the list of the vote would have a greater effect than any other document in enlightening the country.

Mr. BUTLER said if this motion should prevail, the Committee on Territories would feel itself bound to suspend its action on the bills under consideration, until the judgment of this special committee should be expressed. He believed that the principle which would be introduced in this bill would govern every other territorial bill which might be brought before Congress. Although the Senator from New Hampshire might have courage to sport with the elements of danger by which the Union itself might be overthrown, he (Mr. B.) had not the courage to sport with them. He believed it to be necessary that this question should be settled this session.

Mr. HALE said he would be willing to vote now to give back to Mexico all the territory which we have obtained from her, and that would put an end to the question. Indemnity for the past, and security for the future, was honor and glory enough. We can afford to say to Mexico, "We give you back the land; it has harmed us more than you; it has only been a bone of contention to us."

Mr. FOOTE made some remarks in reply.

Mr. CLAYTON said he did not intend to refer the subjects of California and New Mexico to this committee. He wished the Committee on Territories to go on with their work—waiting before they report, for the decision of the special committee or of the Senate. For the purpose of allaying the general excitement, and giving a chance for the settlement of the question, he had proposed his motion for a select committee.

Mr. HALE and Mr. FOOTE made mutual explanations.

Mr. WESTCOTT said he should vote for the motion of the Senator from Delaware. He never had any fear that the Senate would attach any Wilmot proviso to this bill; or, if it did, we have a Chief Magistrate at the other end of the avenue who would put a veto on it. He had no fear, therefore, that the Senator from New Hampshire, or any of those who acted with him, would be gratified. He hoped the Committee on Territories would be discharged from the consideration of the California and New Mexico bills, and that they would be referred to this select committee.

Mr. NILES said, that while he gave the Senator from Delaware credit for good motives in making this motion, he could not see any good which could result from it. To compromise, requires two parties; and here, both the compromise and they who propose it are on one side of the line. He thought the people must settle the thing, and that it will not be settled at this session. We may pass a law, but the people will come here and ask for its repeal.

Mr. BERRIEN urged the Senate to come to a vote, without further debate. He could see nothing in the motion which could be objectionable to any party; and he hoped, that on the calm comparison of opinions in the committee-room, some arrangement of a satisfactory character might be agreed on.

Mr. DOWNS spoke in favor of the proposition; and, after a few words from Mr. BALDWIN against the motion—

Mr. BRIGHT suggested a modification to the effect that the Committee on the Territories be discharged from the further consideration of so much of the President's message as relates to New Mexico, California, and Oregon, and that the same be referred to the select committee of eight.

Mr. CLAYTON accepted the modification; and the question was then taken by yeas and nays, and decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Atherton, Badger, Bell, Benton, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dayton, Dickinson, Downs, Foote, Hannegan, Hunter, Johnson of Maryland, Johnson of Louisiana, Lewis, Mason, Metcalfe, Rusk, Sebastian, Spruance, Turney, Underwood, Westcott, and Yulee—31.

NAYS—Messrs. Baldwin, Bradbury, Clarke, Corwin, Davis of Massachusetts, Dix, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Upham, and Walker—14.

And at five p. m. the Senate adjourned in a state of exhaustion, after a continuous session of six hours.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 13, 1848.

The Journal of yesterday was read and approved.

The SPEAKER announced that, agreeably to the order of the House of last evening, the Sergeant-at-arms had notified the absentees, and that he now reported the names of fifty-two members under arrest.

Mr. HUDSON rose to a privileged question. It was well known that by a vote of the House the Sergeant-at-arms had been directed to bring the absentees before the House this morning. He had witnessed several such scenes, and his observation had convinced him that the arrests generally fell on the younger members.

The SPEAKER interposed, and requested the gentleman to state his motion.

Mr. HUDSON would move to reconsider the vote by which the Sergeant-at-arms had been ordered to arrest the absentees.

The SPEAKER decided the motion out of order, as the order of the House had already been executed.

Mr. HUDSON moved, then, to dispense with any further proceeding in the call, and that those gentlemen who had been fined have their fines remitted.

The SPEAKER stated that motion to be in order.

Mr. HUDSON, having ascertained from the Speaker that the motion was debatable, proceeded to say he wished to state, from his own observation, and he believed from the observation of all the older members of this House, that every call of the House had been entirely abortive for good, and had operated with great injustice. Many gentlemen who were absent from the city at their homes, attending to their own business for a great part of the session, escaped the operation of the call entirely. Some of the older members, who were present when their names were first called, responded and then absented themselves; and many times those who were most punctual in their attendance were the first and the principal examples the House made.

He wished that all further proceedings be dispensed with, and that the fines imposed yesterday be remitted. He believed, after the examples they had made yesterday, and the admonitions given to members, that the only purpose why this call ever should be enforced had been answered; that an attendance would be secured in the House for the future, and that they had better devote their time this morning to the discharge of the public business than any further to continue the proceeding in the case, which operated very unjustly and unequally.

Mr. SIMS professed equal feeling for the young members with the gentleman from Massachusetts; but really they had some old sinners, such as his friend from Philadelphia [Mr. C. J. INGERSOLL] and his colleague from the Barnwell district [Mr. RHETT]—the patriarchs, he might say, of the House—upon whom the further proceedings would operate. It was very far from the fact that the young members would be caught this morning on account of their inexperience. Those who were *green* in the matter would run into the door immediately, and many of them had suffered the penalty yesterday; but these older members were behind, to be dragged up to-day. He hoped the proceedings would not be dispensed with.

Mr. LAHM wished to say to the gentleman from South Carolina, that some of those who had come in yesterday had not done it because they were *green* at all. [Laughter.] They were ready to stand and meet the case. [Renewed laughter.]

Mr. BOTTS moved the previous question—in order, he remarked, that they might get to the public business.

The SPEAKER. The gentleman from Virginia being one of the gentlemen in custody of the Sergeant-at-arms, the Chair cannot recognize him. [Great laughter.]

Mr. LINCOLN, remarking that he believed *he* was still a member, moved the previous question.

The SPEAKER announced the question upon dispensing with further proceedings in the case, and remitting the fines imposed yesterday.

The previous question was seconded, and the main question ordered.

Mr. VENABLE inquired of the Chair whether the gentlemen in custody were entitled to vote upon this question?

The SPEAKER. The Chair is of the opinion that they are not entitled to vote.

Mr. PETTIT rose and addressed the Chair.

The SPEAKER. The Chair cannot recognize the gentleman from Indiana. [General laughter.]

Mr. HOUSTON, of Alabama. *I* was here, sir. [A laugh.] I desire to know, if this motion should prevail, whether the amount of fees is to be paid to the Sergeant-at-arms? [Cries of "Yes, yes!"] And if the fines of gentlemen are remitted, then are the fees to be paid out of the treasury?

The SPEAKER replied in the affirmative.

Mr. CONGER moved to lay the motion on the table.

Mr. ROOT demanded the yeas and nays; which were ordered.

The question having been propounded—

The SPEAKER said he would now state to the House that, agreeably to parliamentary precedents, the Clerk would proceed with the roll, and call all the members of the House, and on making up the returns, the names of those on the list of absentees would be omitted in case they answered.

Mr. COBB, of Georgia, understood that there were names on the list of the Sergeant-at-arms by mistake, and suggested that the list be corrected.

The SPEAKER replied that the list was the subject of correction in case names of gentlemen were ascertained to be erroneously upon it.

Mr. TOMPKINS inquired, in case the motion to lay on the table failed, and further proceedings were dispensed with and the fines remitted, whether they would not be paid out of the contingent fund of the House?

The SPEAKER replied, that under the precedents the Sergeant-at-arms would be entitled to his fees out of the contingent fund, in case the fines were remitted to gentlemen.

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The question was then put to lay the motion to suspend further proceedings in the call on the table.

When the roll had been called through, gentlemen who were present, but who had not voted, rose to have their names recorded.

Mr. HENLEY also rose, and said he desired to put a question to the Chair.

The SPEAKER said he could not recognize the gentleman from Indiana.

[Mr. HENLEY was one of the absentees.]

Mr. HENLEY, with some warmth, insisted that he had the rights of a member on this floor. He had the same rights as any other member on this floor, and he again insisted that the Chair should recognize him.

The SPEAKER rose and stated that this whole proceeding was supposed to be with closed doors. By strict right the gentlemen under arrest—those who were absent yesterday—were not entitled to be in their seats this morning. They should be in the custody of the Sergeant-at-arms, and be admitted when called upon to give their excuses.

Mr. HENLEY. Now, Mr. Speaker, I wish to put my question. [Loud calls of "order."]

The SPEAKER again said he could not recognize the gentleman from Indiana.

Mr. HENLEY, with great warmth, insisted that the Chair should recognize him. [Loud cries of "Order! order!"]

The SPEAKER. The Sergeant-at-arms will take the gentleman from Indiana into custody.

The Sergeant-at-arms then proceeded to the gentleman from Indiana, and took him into custody, and they left the House together. Mr. HENLEY, however, was not kept in close confinement, for he soon after returned, and remained outside the bar until permitted to give his excuse, he having given the Sergeant-at-arms his parole.

The SPEAKER then announced the vote on the motion to lay on the table; which was agreed to: Yeas 69, nays 58.

Mr. HILLIARD moved that the gentlemen who were under arrest be permitted to take their seats without further proceedings, on the payment of the fee usual in such case. ["No, no, no!"]

Mr. PETTIT. I object. I have an excuse which I wish to make, and I insist on making it.

Mr. HILLIARD would then modify his motion, that it might except such as desired to make excuses.

The motion as modified was agreed to.

The SPEAKER then announced that any gentleman who desired to make an excuse had now an opportunity to do so.

Mr. PETTIT rose and said he would state very concisely the reason why he was not present yesterday. He was in bed until tea-time last evening, and should return to his bed as soon as he was relieved from attendance on the House. He was in bed not only from general indisposition, but from a weakness in his leg, which had also become painful in consequence of too much exercise. [Mr. P. alluded to his leg, which he has had the misfortune to break twice in the course of one year.] He was now here in obedience to the summons of the House. He had come with a determination to pay all respect to the order of the House, whatever it might be; and he now respectfully asked the House to permit him to be discharged.

The SPEAKER put the question on discharging the gentleman from Indiana, on the payment of fees.

The motion was agreed to.

Mr. ATKINSON rose to make an inquiry from the Chair as to the rights of the gentleman from Indiana, [Mr. HENLEY,] who desired to make an explanation of his non-attendance yesterday, he being in the custody of the Sergeant-at-arms. He desired to know if the gentleman from Indiana was at liberty to make his excuse?

The SPEAKER replied that the gentleman from Indiana, by the resolution just agreed to, was at liberty to take his seat on the payment of fees. If he desired to make an excuse for non-payment of the fees, he might do so.

Mr. HENLEY said the reason for his absence was, that the state of his health for the last week had been such that he had not been able to remain in the House later than three o'clock. He left the House yesterday at three o'clock on that account.

Mr. VENABLE moved that the gentleman be excused. Agreed to.

Mr. BOTTS desired to offer his excuse for not being present when the roll was called yesterday. He was somewhat ashamed to do it, because, though he was but a very young man, he was laboring under an old man's disease—the lumbago. He had suffered under that disease for the last few weeks, and he should not have been in the House yesterday at all but with the expectation, or rather hope, that he might be able to get up the army bill. When he failed in that, he returned home and retired to rest: for the only way in which he could obtain relief from pain was by lying down. He had come here this morning for the purpose which influenced him yesterday—to endeavor to get up the army bill; and, if it were not taken up, he should again retire.

[Mr. B. having finished his explanation, returned to his seat in a crippled condition, his hand on his hip, and his usually erect figure bent, as with great pain. Instead, however, of meeting with sympathy, the honorable gentleman's misfortune was the source of boisterous mirth to the House, which was evidently not offensive to him, for his good-natured face beamed with its invariable cheerfulness.]

The motion to excuse the gentleman from Virginia was agreed to.

Mr. BRADY said his excuse was this: he had labored for several days under a severe diarrhœa. He, notwithstanding, remained here yesterday, and voted on every motion, until the vote was taken on the call of the House. On that question he voted "no." He saw the House was about to get into a difficulty, and he did not know how long he might be kept here, and he therefore thought it safer to get of. He might have remained longer, if he had not seen that gentlemen were voting for the call, and doing all they could to promote it, who were not so diligent in their attention to their duties in this House as those who left at the usual hour of adjournment. He was here yesterday and the day before, when he felt that he ought to be in his own room.

Mr. HILLIARD moved that the gentleman from Pennsylvania be excused.

The motion was rejected.

Mr. LAHM moved a reconsideration of the vote by which the gentleman from Pennsylvania had been just excused.

The SPEAKER informed the gentleman from Ohio that the gentleman from Pennsylvania was not excused.

Mr. LAHM. Well, I move a reconsideration of that. [Several voices: "How did you vote?"] He had not voted at all.

The SPEAKER reminded the gentleman that debate was not in order. Gentlemen who were absent yesterday could make excuses, but no debate was in order.

Mr. LAHM inquired if a motion to reconsider was not debatable?

The SPEAKER replied that it was not, unless the original motion was debatable.

The motion was not pressed.

Mr. STARKWEATHER felt it due to himself, and due to the House, to make an apology for being absent yesterday. For the first time, he was then out of his seat. He left here yesterday morning ten minutes before twelve o'clock, oppressed with a severe headache. He went home, and took his bed, and did not get from it until a quarter past three o'clock, the usual hour of adjournment. An honorable member from his State came to his room at four o'clock, and then he learned that there was a call of the House. Supposing it to be a call for want of a majority, he took a carriage and rode up to the House; and when he got there, he found the House acting with closed doors, and consequently he returned home.

Mr. VENABLE moved that the gentleman be excused. Agreed to.

Mr. BRODHEAD said he had remained in his place till near four o'clock. He felt unwell; and seeing that gentlemen were resolved to push the call, he concluded that no business would be done, so he retired to his lodgings. He was not excused.

Mr. I. E. HOLMES said that he had risen not to offer any excuse for absence, nor to ask that his fine be remitted. As soon as he heard a call of the House ordered, he went away. [A laugh.] He had seen the measure attempted over and over, and he had never yet seen any good grow out of it; for, from some weakness or irresolution, the House always remitted the fines incurred. He now congratulated the House that for once they had had the firmness to carry out the call and inflict the punishment. The only way to make a call anything but a farce, was to enforce the fines.

Mr. STANTON said he had remained in the House till three o'clock. He was almost always in his place, and on this occasion had not thought his presence of any particular importance, and he returned to his lodgings. But he wished his constituents and the country to know that he had not been absent a single day this session, unless during the meeting of the Baltimore Convention. He did not wish to be excused. He agreed with the gentleman from South Carolina, [Mr. HOLMES,] that calls of the House usually ended in little better than a farce.

Mr. FRIES stated that his reason for leaving the House before the adjournment had been an attack of disease. He had gone to his lodgings and taken his usual dose, and it did him good; when a few minutes after he suddenly found himself in the custody of the Sergeant-at-arms; he had then gone across the street and taken a mint julep, and he was now here and ready to go to work. He was excused.

Mr. CATHCART stated as the reason for his absence yesterday, that his wife had been taken very ill, and needed his presence. He was excused.

Mr. THOMPSON, of Kentucky, stated that he was detained from the House on account of attending to several pension claims for his constituents, and in sending off to other constituents various communications. He was met by the Sergeant-at-arms on his way to the House, and was thus too late. But he did not desire to avoid any cost of the proceeding, and preferred not to be excused, as the like proceedings might enforce a better attendance on the House from all members.

Mr. McLANE stated that he had been in the House till five o'clock, when he had been called away by indisposition in his family. He stated this as his reason, but did not ask to be excused. He was excused, nevertheless.

Mr. HASKELL said he rose to make no excuse; indeed he felt gratitude to the House that they had not brought him up half a dozen times before.

Mr. MARSH stated that he had remained in his place till a few minutes before four o'clock, when he had left on account of the illness of a member of his family. He was excused.

Mr. COCKE had not risen to offer an excuse. He had remained in the House till half-past four, when, seeing that the House was getting itself into a difficulty, he left.

Mr. BELCHER had remained in his place till a quarter past three, when he was taken ill, and immediately went home and went to bed, where he remained till the Sergeant-at-arms came knocking at his door. It was locked, and the officer did not break it open; so he lay still, and was now here in custody. He was excused.

Mr. VAN DYKE inquired whether the five minutes' rule applied to gentlemen who were stating their excuses?

The reply of the CHAIR was not distinctly heard, but was understood to be that the hour rule applied.

Mr. VAN DYKE said he could not state all the reasons of his absence in an hour, and he scorned to ask any indulgence of the House. He was not excused.

Mr. COLLAMER said that he had always given all the attention in his power to the duties assigned him, and all the time that he could, every day of the session, and he had done the same yesterday. He was excused.

Mr. BOTTS said, if no more excuses were to be given, he moved that the House take up the army bill.

Mr. HARALSON said that he had been absent from the House on what he deemed his duty to his constituents. He was not excused.

Mr. CUMMINS said he had remained in the House till twenty minutes before three, when, wanting certain information from the Executive Departments, he had gone up to the Pension Office, but found it shut, when he had returned to the Capitol, and found the doors of the House closed. He was not excused.

Mr. CLARKE, of Kentucky, inquired whether the fines of gentlemen who were excused were not paid out of the contingent fund of the House, while those of gentlemen who were not excused came out of their own pockets?

The CHAIR replying in the affirmative—

Mr. CLARKE said that he made the inquiry, not because he desired to be excused, but he thought the practice was not right. He had remained till it was late, when, being satisfied, from the temper the House was in, that no business would be done that day, he had left the Hall; and he was now pleased to find himself in the company of so many respectable gentlemen. [A laugh.]

Mr. ATKINSON thought there had been some mistake committed in making up the list of the absentees.

Mr. BOYD said he had been here for eleven years, and had never been under arrest before. He had no apology to offer which the House would deem sufficient; and he did not know that he ought to be excused under the rule as it was at present executed. But to his constituents he would say, that he had remained at his post till a few minutes before four o'clock, when, seeing that it would be impossible to go on with the public business, he had retired, to get rid of the perplexity in which he foresaw the House was going to involve itself. A reference to the Journals would show that he was as regular in his attendance here as any other member of the House, nor had he absented himself out of any disrespect to the body. But, with a view that justice might be done, he would offer, if it was in order, a resolution imposing a fine of one dollar on every man who should be absent, without valid reason, whenever the yeas and nays were called.

The CHAIR said the resolution could be received only by universal consent. It was objected to.

Mr. PEYTON said he had remained as long as he could, until he thought that nothing would be done for the good of the country that day, and so he left the House. He was not excused.

Mr. HENLEY rose to inquire of the Chair whether he had been arrested by the Sergeant-at-arms differently from the other members? He desired to make a personal explanation.

The CHAIR was understood as replying to Mr. H.'s question in the negative.

Objections were made in various quarters to any personal explanation, but they were not pressed, and Mr. H. was permitted to state that he had yesterday been one of the absentees; and he understood the Chair to state that the names of all absent members should be stricken from the list of voters, or excuses received. This he considered perfectly right. It had been his intention, if permitted to vote, to vote for carrying out the call and have all fines inflicted. In the process of calling the roll, his name had been called only once, instead of being repeated by the Clerk as was usual when no response was given. Mr. H. had waited, but not hearing it repeated, he intended to have voted at the close of the call; but then his name was stricken out——

Mr. ROCKWELL, of Connecticut, called for the regular order of business.

Mr. GOGGIN wished to offer a resolution that the House will to-morrow meet at 10 o'clock.

Mr. CABELL said, if that prevailed, he should move that the standing committees be discharged from all business now before them.

Mr. GOGGIN said he was willing to accept that as a modification, with the proviso that they had not sufficient time to attend to it.

The CHAIR ruled Mr. GOGGIN's motion out of order.

Mr. GOGGIN took an appeal; but the Chair was sustained by the House.

Mr. GOGGIN asked leave to introduce a resolution that the House (the Senate concurring) will adjourn on the 31st instant, to meet again on the first Monday in December next.

The SPEAKER decided that the resolution was not in order except by common consent.

Mr. BOTTS asked the unanimous consent of the House that the Senate bill, with the amendments of the Committee on Military Affairs relative to the discharge of the officers of the army at the expiration of the war, be taken up.

Objections were made.

Mr. SLINGERLAND appealed to the House, by general consent, to allow him to make a report from the Committee on Agriculture, remarking, that from an examination of the Journal of the House, he had ascertained that no report had been made from that committee for fifteen or twenty years.

Objections were made.

Mr. BURT renewed the efforts of Mr. BOTTS to bring up the bill relative to the officers of the army, and some conversation ensued on the subject between Messrs. BURT, BOTTS, and the SPEAKER.

The SPEAKER decided that the bill was not the first business in order, and could only be taken up by the unanimous consent of the House.

Mr. BOTTS renewed his appeal for the common consent of the House to take up the said bill; but objections were again made.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House then, on motion of Mr. JONES, of Tennessee, resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

The question pending when the committee rose yesterday, was on agreeing to the amendment moved by Mr. KING, of Georgia, "providing that the chief of the Bureau of Construction, Equipment, and Repairs shall be a post captain in the navy, and shall receive the same pay as when employed on other duty."

The question was now put on the amendment, and it was rejected.

Mr. SCHENCK offered an amendment of similar purport to the foregoing offered by Mr. KING. Mr. S. explained.

Mr. STRONG suggested the addition of the words "in lieu of all other compensation."

Mr. SCHENCK accepted the modification. The amendment was rejected: Ayes 58, noes 60.

Mr. VINTON wished to say a word by consent.

He perceived the House was becoming thin. He gave notice, if they were obliged to resort to a call of the House for want of a quorum, he should move a call of the House, and that it be carried out. [Cries of "order."]

Mr. SCHENCK offered an amendment in effect providing that the chief of the Bureau of Provisions and Clothing shall be a post captain, and shall receive no pay other than as post captain of the navy. [The office is now filled by a civilian.] Mr. S. explained.

The amendment was agreed to—84 to 45.

Mr. STANTON moved an amendment providing that the present chief of the Bureau of Provisions and Clothing shall not be deprived of his salary for the present year.

Mr. S. explained, but the amendment was rejected.

Mr. VINTON moved an amendment providing for the employment, temporarily, of clerks in the Post Office Department, $2,000. Agreed to.

Mr. COLLINS moved an amendment to increase the salary of the three Assistant Postmasters General from $2,500 to $3,000 per annum.

Messrs. COLLINS, GOGGIN, and JONES, of Tennessee, explained.

The amendment was rejected.

Mr. BRODHEAD moved an amendment providing that the First Assistant Postmaster General shall be allowed the same salary as that allowed the Auditor of the Post Office Department. Mr. B. explained.

Mr. GOGGIN, under an amendment moved for the purpo e, also explained.

Mr. HUNT moved an amendment, and commenced some remarks.

The CHAIR ruled Mr. HUNT's remarks out of order.

Mr. HUNT appealed.

The decision of the Chair was sustained.

The amendment was rejected.

Mr. JONES, of Tennessee, moved an amendment providing that the salary of the Auditor of the Post Office Department shall not, after the 1st of July, 1848, exceed $2,500.

Mr. J. explained, and the amendment was agreed to.

Mr. VINTON moved to strike out the item "For compensation of the Surveyor General of Arkansas, and clerks in his office, $8,300."

Mr. VINTON explained, as did also Messrs. COLLAMER, THOMPSON of Miss., JOHNSON of Arkansas, and HOUSTON of Alabama, under amendments moved for the purpose and withdrawn.

Mr. VINTON's motion was agreed to.

Mr. VINTON moved to strike out similar items for the Surveyor General of Mississippi and for the Surveyor General of Alabama. Agreed to.

The items under the head of the Judiciary were amended, on the motion of Mr. VINTON, verbally, and also in relation to charges for certificates by clerks and commissioners, and the examination of books in the public law offices or circuit.

Mr. SAWYER moved to strike out from the miscellaneous items that which appropriates $6,775 for compensation and contingent expenses of the Auxiliary Guard. He said this Auxiliary Guard was exclusively for the city of Washington. They were sixteen in number, and in addition there were twenty-two special guards appointed to watch the Treasury buildings, the Post Office, the War and Navy Departments, the President's House, the Capitol, and other public buildings. These auxiliary guards cost $6,700; but what they were kept for he knew not, as other officers were appointed to guard all the public property. They had as a part of their duty, to attend to the clock, which struck certain hours every night, and, as evidence of the manner in which that was attended to, sometimes the clock struck ten when it was half-past, and at other times when it was a quarter to ten. When his constituents wanted an auxiliary guard they paid for it out of their own pockets; and, as their representative, he protested against Washington being provided with watchmen by the General Government, and paid for out of the treasury of the common country.

Mr. VINTON explained that the item was put amongst the estimates in accordance with the provisions of the act of 2d August, 1842, which authorized the establishment of an auxiliary guard to protect the public and private property in the city of Washington. The Auxiliary Guard was stationed wherever there was public property, some about the Capitol, and others about the other public buildings.

Mr. SAWYER inquired if there was not provision made by this bill for an additional guard for every public building, independent of this Auxiliary Guard?

Mr. VINTON said this Auxiliary Guard was a movable guard, for the protection of all the public buildings in the city; and it appeared by the act under which they were appointed that they were employed to guard against incendiarism, and enforce the police regulations of the city of Washington, as well as for other purposes. One great object was to guard against incendiarism of public and private property; for gentlemen well knew that the General Post Office, the Patent Office, and the Treasury buildings, had all been destroyed by acts of incendiarism years ago, and it was to prevent a repetition of such acts that this force was employed.

Mr. SAWYER remarked that the public buildings were guarded by other watchmen, and not by the Auxiliary Guard.

Mr. GENTRY said his recollection was not very distinct, but he believed this guard was created on the motion of a Senator from New Hampshire, now a Judge of the Supreme Court, (Mr. Woodbury,) and its creation was the result of some agitation which occurred here, and it was founded on the idea that the President of the United States was then in some danger of receiving either indignity or insult from the Whigs of this city. This occurred about the time the President had re-

toed certain bank bills when some excitement was created by Democratic congratulations; and this force was called into existence under those circumstances. It was a Democratic measure, to protect the President of the United States against Whig indignation.

Mr. VINTON informed his colleague [Mr. SAWYER] that if he succeeded in striking out this item, he would not accomplish his purpose, because he made no provision for repealing the law under which the Auxiliary Guard was appointed.

[Several voices: Then repeal the law.]

Mr. FICKLIN said if the reason given by the gentleman from Tennessee [Mr. GENTRY] for the passage of the law which created this Auxiliary Guard was the true one, according to all sound reasoning, the law should be repealed, and the force disbanded, when the reason which called them into being no longer existed. He thought there was no danger now of the present incumbent of the Executive chair, or of the incoming President, whether General Taylor or General Cass should be elected, being exposed to personal indignity, and therefore he thought this guard should be abolished. The very terms of the law to which reference had been made by the gentleman from Ohio, [Mr. VINTON,] showed it to be a guard for the city of Washington, and not for the public buildings. It was true the public buildings were mentioned, but they could not close their eyes to the fact that there were twenty other guards for the protection of those public buildings by day and night. This Auxiliary Guard was for the benefit of the city of Washington; but he would ask if, notwithstanding their existence, fires were not more numerous here than in many other cities of the same size? ["No."] He was satisfied this guard did not prevent fires. As to what the gentleman from Tennessee [Mr. GENTRY] had said of the act of August, 1842, being a Democratic measure, the gentleman should remember that it was an act passed by a Whig Congress, for the protection of a President elected by the Whig party.

Some explanations were made by Mr. VINTON, Mr. FICKLIN, and Mr. HOUSTON, of Delaware.

Mr. GOTT submitted a proviso, which he desired to offer as an amendment, to provide for the repeal of the act of August, 1842.

The CHAIR ruled the amendment out of order.

The question was then taken on Mr. SAWYER's motion to strike out, and it was not agreed to, the vote being 61 in the affirmative, and 64 in the negative.

Mr. HOUSTON, of Delaware, from the Committee on Public Buildings, moved an amendment, "providing for repairs in and about the Capitol, 'for fencing the public grounds adjacent to the 'Capitol square, for repairs of culvert on Pennsyl-'vania avenue," &c.

Mr. T. B. KING moved to amend the amendment, by inserting an item of $1,000 for watering Pennsylvania avenue, and thus getting rid of this everlasting dust, which was so injurious to the health of members. Carried: Ayes 65, noes 50.

The amendment as amended was then carried: Ayes 75, noes 43.

Mr. HOUSTON moved a further amendment, "to pay for the removal of the mast and lantern 'above the dome of the Capitol, and for laying gas 'pipes and the erection of posts in and about the 'Capitol grounds."

He stated in explanation, that if these preparations should be made, the gas company were prepared to make an offer for lighting the grounds with gas. They wished only enough to cover the naked cost of those fixtures. Their profit would be derived from supplying the gas.

Mr. SAWYER moved to reduce the appropriation.

Mr. S. remarked with some severity on the system for applying these appropriations to the public buildings and grounds. Congress employed men who knew no more about it than did the old sea captains they put into the Bureau of Construction about building a ship. Last year this great mast had been set up, and holes dug through the walls of the Capitol to admit the gas. Now they were told that the mast endangered the dome, and these holes endangered the walls. One year things were put up, and the next year they were torn down. He thought there had been light enough on the avenue and around the Capitol, and if gentlemen wanted more, let them take it out of their own pockets. If things went on much longer in this way, Congress would be appropriating soon to furnish members with carriages to ride in, and supplying each member with a big negro to fan him. One thing he rejoiced at: they should get the yeas and nays on all these matters.

He could not guess what wild schemes the gentleman from Delaware might have in his head next year; he supposed all these lamp fixtures would have to be taken down. That was the general course of things.

Mr. HOUSTON said the mast had been erected on the dome without any recommendation from him or the Building Committee: it was a resolution devised and introduced by a gentleman in the Senate, and sent down and hastily passed through the House at the heel of the session.

The question being put on Mr. SAWYER's amendment, it was rejected.

The amendment of Mr. HOUSTON was divided, and the question being put on so much of it as provided to pay for the taking down of the mast, it was agreed to.

The question then recurring on the residue of the amendment, providing for lighting the Capitol grounds—

Mr. HENLEY advocated the amendment on the ground that gas-light was both better and cheaper than that of oil. He could not agree with the gentleman from Ohio, [Mr. SAWYER,] who seemed opposed to all improvements on the Capitol grounds and other public property, even to enclosing it with a fence. He was for letting in the cows and horses to graze upon it; but Mr. H. was for improving the grounds, and enclosing and lighting them.

Mr. FARAN also advocated the amendment. These lamps were wanting, not for the benefit of the city, but of the Capitol. The gas-pipes and lamp-posts, once fixed, would be permanent. The avenue between the Capitol and the President's House had always been lighted at the expense of the Government, and Government would save money by lighting it with gas.

The amendment was agreed to: Ayes 85, noes not counted,

Mr. HOUSTON moved an amendment for laying gas-pipes and for the erection of posts along Pennsylvania avenue, from the Capitol to the Treasury building, and for lighting the avenue, $———.

Mr. H. explained the grounds of the amendment. The amendment introduced no innovation: the avenue had always been lighted by Congress. It only proposed the substitution of gas for oil, which in the end would be promotive of economy. Carried.

Mr. HOUSTON moved the following: For laying gas-pipes from the Treasury Building to the President's Mansion, and for putting up the same in the President's House, $———.

Mr. H. said, that hitherto it had cost the Executive from $1,600 to $2,000 every year to light the palace; and this was paid out of his own pocket. No President would think of laying these pipes; but after they were once fixed, it would be a saving to the President, as gas would cost him much less than oil. Carried: Yeas 59, nays 56.

Mr. HUNT moved an amendment, providing for the building of several revenue cutters, to be stationed at several of the ports on the seaboard and on the lakes, $89,000.

Mr. COBB rose to a question of order, and called for the reading of the eighty-first rule; which was read. He contended that this amendment was not in order, not being for a work previously authorized by law. At the last session, Congress had guarded against such an amendment, by passing a law forbidding more cutters to be built until there was a regular appropriation for them. President Tyler had vetoed the bill, and the Houses carried it against him by two-thirds.

Mr. HUNT insisted that there was a law authorizing the building of revenue cutters, which took this case out of the rule. They had always been built without any specific appropriation for them until the passage of the law in question. That law required the previous appropriation, but the law authorizing the building of such vessels remained still in force.

The law was produced and read, when the Chair ruled the amendment out of order.

Mr. HUNT took an appeal, but the Chair was sustained: Ayes 64, noes 59.

Mr. HUNT moved an item of $800 for certain repairs at the Lazaretto at Philadelphia, which was agreed to.

Mr. HOUSTON moved an amendment to pay arrearages due for lighting the Capitol with solar gas.

Mr. JONES, of Tennessee, raised a question of order.

Mr. GENTRY thought this Mr. Crutchet had humbugged the House with his mast and lanterns quite enough without this.

Mr. HOUSTON explained and defended the amendment, but after a desultory discussion it was rejected.

Mr. SCHENCK moved an amendment providing for the enclosure of the mall, between Seventh street west and the river, and for the planting of trees, $3,628.

Mr. S. explained the necessity of this expenditure, and advocated a liberal policy on the part of Congress toward the city, which had no other advantages than the presence of the seat of Government.

The amendment was agreed to: Yeas 70, nays 48.

The committee rose and reported progress.

Mr. VINTON moved for the appointment of a committee of conference on the part of the House to confer with a similar committee on the part of the Senate on the disagreeing votes of the two Houses on the Indian appropriation bill.

The motion was agreed to, and the committee was ordered to consist of three members.

Mr. DANIEL asked leave to offer a resolution calling upon the Secretary of War for information and correspondence in relation to the dismissal of two young officers of the North Carolina regiment in Mexico.

A few animated remarks were made by Messrs. DANIEL, DONNELL, and OUTLAW, in regard to the reception and modification of the resolution; after which—

Mr. DICKEY rose and objected to the reception of the resolution.

Mr. NICOLL, by leave, presented a petition of citizens of New York city, in relation to a post route from Philadelphia to New York; which was referred to the Committtee on the Post Office and Post Roads.

And then the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. C. J. INGERSOLL: A memorial, numerously signed by merchants, traders, and others, of the city of Philadelphia, complaining of delays in the transportation of the southern mail.

By Mr. JENKINS: The petition of Samuel Colman for a contract to prepare and publish an index to Congressional documents.

By Mr. KING, of Georgia: The memorial of Isaac Garrason.

IN SENATE.

THURSDAY, *July* 13, 1848.

Mr. LEWIS presented the credentials of WILLIAM R. KING, appointed by the Governor of Alabama to supply the vacancy occasioned by the resignation of Mr. BAGBY.

Mr. KING appeared, was qualified, and took his seat.

Mr. JOHNSON, of Maryland, presented the credentials of JAMES A. PEARCE, elected a Senator from the State of Maryland for six years, commencing on the 4th of March next; which were read and laid on the table.

Mr. DIX presented a petition from the Prison Association of New York, asking a modification of the law regulating fines in the courts of the United States; which was referred to the Committee on the Judiciary.

Mr. CAMERON presented a petition of merchants and other citizens of New York, in relation to the delay in the transmission of the southern mail, and stating that it involves an immense amount of business, and is a question of credit; which was referred to the Committee on the Post Office and Post Roads.

Mr. DOWNS, on leave, introduced a bill to facilitate the entry of preëmption claims; which was read twice and referred to the Committee on Private Land Claims.

APPROPRIATIONS FOR LIGHT-HOUSES, ETC.

On motion of Mr. DAVIS, of Massachusetts, the Senate proceeded to the consideration of the bill making appropriations for the erection of light-houses, light-boats, and buoys, &c.

Several amendments moved by Mr. DAVIS were agreed to.

Mr. YULEE suggested, that as a bill embracing similar objects was now pending in the House of Representatives, where appropriation bills ought to originate, and as he was not aware that this bill would be called up, and was not prepared with an amendment which he proposed to offer, the bill should be laid aside until the bill from the House shall have been received.

Mr. DAVIS, of Massachusetts, could not consent to the postponement. If he could see any prospect of the bill being passed, should it now be laid aside, he would very willingly accommodate the Senator from Florida. There was great want of this bill. Many changes were demanded in the location of light-houses, &c., some of which were fixed on wrong points. Congress should not separate without passing this bill. The Senator from Florida could attach any amendment which had received the sanction of a committee, and was legitimate in its object, to some other bill.

Mr. YULEE persisted in his request, and moved that the further consideration of the bill be postponed until to-morrow.

Mr. BADGER objected to the delay of the bill for the purpose of allowing amendments to be proposed, which had not received the sanction of any committee of the Senate.

The motion of Mr. YULEE was negatived; the bill was then reported to the Senate, as amended; the amendments were concurred in, and the bill was then read a third time and passed.

OREGON BILL.

At 12 o'clock the Senate proceeded to ballot for chairman to the select committee; when Mr. CLAYTON, of Delaware, was duly elected.

The Senate then proceeded to ballot for the committee, when the remaining seven were chosen; and it was then ordered that the bill to establish the Territorial Government of Oregon, with the several amendments proposed thereto, and so much of the President's message as relates to New Mexico and California, be referred to a select committee, consisting of Mr. CLAYTON, chairman; Messrs. BRIGHT, CALHOUN, CLARKE, ATCHISON, PHELPS, DICKINSON, and UNDERWOOD.

On motion of Mr. DICKINSON,

Resolved, That the committee to which was referred the President's message relating to the organization of Territorial Governments in Oregon, Upper California, and New Mexico, have the use of the ante-room during their sittings.

CHEROKEE CLAIMS.

On motion of Mr. BELL, the Senate proceeded to consider the joint resolution authorizing the proper accounting officers of the treasury to make a just and fair settlement of the claims of the Cherokee nation of Indians, according to the principles established by the treaty of August, 1846.

Mr. SEBASTIAN moved to amend the bill by adding the following:

Provided, That the sum of $50,000 of the fund held by the Government in trust, to be distributed *per capita* among that division or portion of the Cherokees usually called the "Old Settlers," in the fifth article of the treaty of the sixth day of August, 1846, be paid over to the chiefs or other authorized agents of the Old Settler party, for the payment of the debts due to certain creditors of that part of the nation, viz: $30,000 for the debts to individual members of the Old Settler party, and others who appear to have established their claims before a commission established by the Old Settler party in council; and the further sum of $20,000, for so much which it appears was voluntarily advanced or lent to the chiefs or agents of the said Old Settlers by the Ross and treaty party, out of their portion of the funds secured to them by the said treaty, in order to obtain their assent to the treaty as ratified by the Senate.

At the suggestion of Mr. BELL, who had no objection to the amendment, Mr. SEBASTIAN modified the proposition, by adding—

Provided, further, That the assent of the Old Settler party, by their authorized delegation, be duly given to the payment of the said sum, in the manner herein prescribed.

Mr. ATHERTON concurred with the Senator from Tennessee in the propriety of the amendment, and presented a remonstrance from some portion of the nation, of which he asked the reading.

Mr. CALHOUN expressed some doubt as to the manner in which he should give his vote. He could not give the reasons by which he was actuated, as he was not aware that the injunction of secrecy had been removed, in relation to the matters connected with the subject. In consequence of this suggestion—

Mr. BELL moved to go into Executive session to remove the injunction of secrecy in relation to the treaty of 1846, which motion was agreed to; and the Senate remained in session until three o'clock, when the doors were reopened.

Mr. DIX, from the Committee on Commerce, reported a bill to establish a port of entry at Bangor, in Maine, which, on his motion, was taken up and passed, the ordinary forms having been dispensed with.

Mr. UNDERWOOD obtained the unanimous consent of the Senate to introduce a bill to change the time of holding the circuit and district courts of the United States in Kentucky, and also the unanimous consent of the Senate to dispense with the ordinary forms and pass the bill.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 14, 1848.

The Journal having been read—

Mr. GOGGIN rose and called the attention of the House to the record of the fact that he yesterday moved that when the House adjourn, it adjourn to meet the succeeding day at ten o'clock, which motion was objected to and not received.

Some explanations were made of what did really occur, and a conversation ensued thereon between Mr. GOGGIN, the SPEAKER, and Mr. COLLAMER, and the House refused to correct the Journal; which was then approved.

Mr. SLINGERLAND asked the unanimous consent of the House to permit him to make a report from the Committee on Agriculture.

Mr. ROCKWELL, of Connecticut, objected; and moved that the House resolve itself into Committee of the Whole House on the private calendar.

THE DISBANDED OFFICERS AND TROOPS.

Mr. BOTTS, who had previously addressed the Chair, again rose and said he had yielded to the gentleman from New York, [Mr. SLINGERLAND,] and as that gentleman had not succeeded in accomplishing his object, he desired the House now to take up the military bill, which he had several days attempted to get before the House.

Mr. ROCKWELL consented to withdraw his motion to go into Committee of the Whole, that the gentleman from Virginia might make the motion which he had indicated.

Mr. BOTTS said, then he desired to make a brief statement to the House.

Mr. COLLAMER inquired if that bill had preference over the other bills on the calendar?

The SPEAKER said it had not, but the gentleman from Virginia asked the House to take it up.

Mr. BOTTS said he desired to state, that in the opinion of the Military Committee, the public interests demanded the passage of this bill, and that it should be passed promptly, too, because it was necessary that it should go to the Senate, where it had to be acted upon—and it was possible that it might be again returned to this House—between this day and Thursday next. If it were not disposed of in that time, some forty or fifty of the most valuable officers in the army would necessarily go out of office. The object of this bill was not only to retain them in the public service, but to provide three months' extra pay to the soldiers who were to be disbanded, and who were now on their way home, and some of whom were being dismissed every day. He could not imagine a greater injury to the public service than the defeat of this bill. If gentlemen were opposed to the bill, let them take it up and vote against it, and not get rid of it in this side manner. For the purpose of showing where the responsibility rested, he would take this occasion to say, that having made an effort every day for the last week to get up this bill, the Committee on Military Affairs felt that they had discharged their duty, and if the House should again refuse to take it up, the committee would make no further effort in the matter. If objection should be now made, he would call for the yeas and nays thereon.

Mr. KAUFMAN asked the honorable chairman of the Military Committee [Mr. BOTTS] whether the section providing for three months' extra pay was so worded as to include the first regiment of Texas cavalry, commanded by Colonel John C. Hays, discharged by virtue of an order of Major General Butler, bearing date April 21st, 1848; and also those companies stationed on the Texas frontier?

Mr. BOTTS replied that they were included in the provision, and that it was so worded that they would all receive the three months' extra pay.

The House then consented to take up the bill, and it was taken up accordingly.

The first question was on three new sections reported by the Committee on Military Affairs, as an amendment of the amendments of the Senate.

Mr. JONES, of Tennessee, said he was opposed to this amendment. He was also opposed to the repeal of the law, or to the suspension of the law. According to his recollection of the state of feeling in the House at the time that law was passed, authorizing an increase of the generals of the army, it would not have passed the House, except with the condition that they should go out of the service, and that the number should be reduced to the former peace establishment, at the conclusion of the Mexican war.

Again: it was wrong, on all occasions and at all times, he conceived, to legislate here, not for the good of the country—not that the public service should be promoted—but merely to create offices or to continue offices when they were not needed, and when the exigencies of the times which called them into the service shall have ceased. He deemed it wrong either to create or to continue offices for the benefit of individuals merely; and he believed, further, that this amendment, which would suspend the law and continue these generals in the service, was not to be passed because the service required it, but that these officers might be continued for their own especial benefit. The amendment contained a provision, that if any vacancy should occur in any of these offices, the vacancy should not be filled. This was conclusive to his mind that these officers were not needed by the public service. He had no idea which of these officers would be discharged from the service under the law as it stood. It might be a difficult, a delicate, and a responsible duty thrown on the President, but it was one of the incidents of the high station which he held, which was thrown upon him by the laws passed by Congress, and he should exercise it. He believed the President would exercise it, if they let the law remain as it was, and if they let the officers be reduced to the number required. He hoped the yeas and nays would be ordered on the amendment.

Mr. BOTTS would detain the House but a very short time in making a brief explanation of the objects of this amendment. It was his purpose to have given a brief explanation of all the provisions of the bill, as well as the amendment, that the House might be fully in possession of the facts of the case. A different course seemed, however, to be marked out for him.

Mr. VENABLE suggested to the gentleman from Virginia the propriety of making his explanation at length.

Mr. BOTTS said, if it was the pleasure of the House, he would make a brief explanation of the provisions of the bill. It would be recollected that a proviso of the first section of an act approved the 18th day of June, 1846, which increased the number of general officers, provided "that when the 'war with Mexico shall be terminated by a definitive treaty of peace, duly concluded and ratified, 'the number of major generals in the army shall 'be reduced to one, and the number of brigadier 'generals shall be reduced to two; and the President of the United States is authorized and directed to select from the whole number which may 'then be in service, without regard to the date of 'their commissions, the number to be retained, and 'cause the remainder to be discharged from the 'service of the United States." Under that act General Taylor was appointed to the office of a major general, and Generals Kearny and Twiggs were appointed brigadier generals. Some four or five, perhaps six weeks ago, a bill was introduced from the Committee on Military Affairs into the House of Representatives to repeal so much of that law as made it incumbent on the President to dismiss one of those major generals and two of the brigadier generals; for, if the bill should remain unrepealed, whom should he select of those distinguished soldiers, Twiggs or Kearny, Wool or Gaines?

When that bill came from the Senate, instead of agreeing to the repeal of the law, that body pro-

posed to suspend its operation to the 4th day of March, 1849. The bill, as thus amended by the Senate, was referred to the Committee on Military Affairs, and the committee, believing that it was not the purpose of the House or of the other branch of Congress that these distinguished men, who have selected arms as their profession, and have rendered gallant services to their country, should at the end of the war, in their old age, be dismissed from the service, insisted on the repeal of the act of 1846. So much for the first amendment.

In regard to the second point, it would be found that the committee proposed to add a section. He would explain its provisions. By the act of the 11th of February, 1847, which authorized the raising of an additional military force consisting of ten regiments, it was provided that the President of the United States, by and with the advice and consent of the Senate, should appoint one additional major to each of the regiments of dragoons, artillery, infantry, and riflemen in the army of the United States, to be taken from the captains of the old army. Under that law, majors were appointed who were necessarily taken from the captains of the old army of the United States, embracing some of the most valuable officers in the service. Mr. B. went on to say that it was the object of the committee to retain these majors in the service; but if the law was neither suspended nor repealed, they must all be legislated out of office. It was incredible that it was the intention of Congress to legislate these meritorious men out of their commissions. Some of them had received commissions for their advanced rank without a knowledge of their appointment, or even of the existence of the law by which they had become majors. Their first knowledge of it was the actual reception of their new commissions. When these were received, they had, as honorable men, no other alternative but to accept, or to submit to be commanded by their juniors. The honorable feeling which animated all brave men in command forbade this; and certainly there could be no more grievous oppression than for the House by law to direct the President to create a certain number of majors in the new corps from the old captains of the army, and when he had done so, and these men had accepted their new position, then to legislate them out of the service. The object of the bill was to prevent this.

Mr. B. here read a list of those sixteen majors who were thus in danger of being turned out of the service. He stated that he had had a conversation with the Adjutant General, with the Secretary of War, and with General Scott, all of whom assured him that they were among the most valuable officers in the service.

Mr. B. then proceeded to state that the committee concurred with the amendments of the Senate in regard to the third section of the bill. They were opposed to the discharge of the quartermasters and other subalterns there mentioned, believing that their services could not be dispensed with even on a peace establishment. They would be required in consequence of the cordon of posts that must be established to protect our enlarged frontier. These persons all belonged to the old army, and had performed valuable service in the war.

As to the fourth section, Mr. B. had had some perplexity. Four or five officers of the old army had been put over new regiments, and had received new rank and emoluments. After a good deal of doubt and difficulty he had at length come to the conclusion that they ought to be restored to their original position.

The last section allowed three months' extra pay to those soldiers who had honorably served out their term. The Military Committee were in favor of this, with one proviso, viz: that those should be excepted who were absent on leave at the declaration of peace.

In reply to an inquiry from Mr. COBB, of Georgia, Mr. B. made some further explanations as to the ground of this proviso.

Mr. J. R. INGERSOLL explained that the purpose was to retain the promoted majors permanently, and not merely till the 4th of March.

Mr. BOTTS said he was willing and anxious himself to retain every officer of the old army; but the Military Committee preferred confining it to these majors.

Mr. BOYD opposed the whole bill, with the exception of the last clause granting extra pay.

When our war with Mexico began, (said he,) we had attached to the military establishment of the country one major general and two brigadier generals. For war purposes we passed a law doubling their number, taking care, however, in the mean time, to add a proviso making it the duty of the President, at the close of the war, to reduce the number of those generals to what it was at the beginning of the war. Some weeks ago this House passed a bill to repeal the proviso referred to, the effect of which would be to retain all those generals in office, the fact that the public necessity no longer required their services to the contrary notwithstanding. The Senate adopted an amendment to the bill providing, not that the law shall not *now* be repealed, but that the President's action in relation to those generals under it shall be postponed until the 4th of March next. The Military Committee of this House recommended the rejection of the Senate's amendment, and insisted upon the unconditional repeal of the proviso, so that all those generals should remain in office during their lives. Thus stood the first section of the bill. The Senate added two other sections.

For war purposes, as in the case of the generals, and for war purposes alone, Congress authorized one major to be added to each regiment of the old army, but providing at the same time, by the most unequivocal enactment, that they should go out of office at the close of the war, and the same provision applied to each of the officers enumerated in the Senate's amendment.

Mr. B. need not say to those who were acquainted with his course here that he was utterly opposed to retaining public servants when there was no more work for them to perform, but simply for their own benefit. With him this was a cardinal principal of action.

Mr. B. was opposed, not only to retaining the general officers who had been added for the war, but also those majors who had been promoted. There were fifteen majors, two surgeons, twelve assistant surgeons, four quartermasters, and ten assistant quartermasters, four assistant adjutant generals, two deputy paymasters, ten paymasters, and eight musicians, making in all sixty-seven officers, and add these three generals, and there would be seventy officers to be continued, and who had, in reality, not a particle of duty to perform.

The bill was an important one, and he trusted it would receive the serious consideration of the House. He could not believe the House would consent to legislate for individuals without regard to the public service they were to perform. He was opposed to any postponement of the action of the President in dismissing these generals and other officers, in conformity with the existing law; he could not believe that any gentleman here would consider it necessary; these officers had not been necessary before the war, and they could not be necessary now the war was over. Gentlemen were for continuing officers without men; they were providing places for individuals. He was utterly opposed to the whole proceeding.

Would gentlemen avow that they were in favor of increasing our standing army? At the close of the war we should have an entire regiment more than we had before its commencement. Before the war we had forty-two men in a company; they had been increased to sixty-four, and it was recommended to raise them to one hundred. It was said we should need more officers, because our frontier was to be increased; but gentlemen forgot how many more privates we should have.

Mr. B. here went into a detailed exhibit of the present force of the army: the result of the whole was, that we should have 12,779, exclusive of thirty-five officers of topographical engineers. We had now 958 officers in all, to which, as he had before shown, it was proposed to add seventy more to be retained in office. He was dead against the whole concern. He would not add a man or an officer to what the army had been before the war. If 5,000 men had been sufficient to achieve the victory of Buena Vista, in the name of Heaven were not 12,750 men sufficient to keep the peace?

He should vote against the whole bill excepting the last clause, and that needed to be amended. He was willing and anxious to give something to the soldiers; as it was, the officers got most of the pay and all the glory.

Mr. BURT desired to say but a few words, in reply to the remarks of the gentleman from Kentucky, upon the first section of this bill. He should confine the remarks he proposed to make to the first section, and to such considerations connected with it as were made pertinent by the observations of that gentleman. He [Mr. BOYD] had chosen to assume that the object of this bill, and of the Committee on Military Affairs, was to create offices for individuals. To be sure, he had modified the charge by saying that at least was his opinion. Now, if that really was the opinion of the gentleman from Kentucky, (and he should not doubt the gentleman's sincerity,) he was perfectly right in voting against this bill; and he trusted no member of this House would so stultify himself as to vote for the bill, if he believed the object of it to be that which the gentleman from Kentucky said it was. What was the fact? According to the showing of that gentleman, we would have, under existing laws, an army of twelve thousand men. If they took the suggestion by way of recommendation of the President, we would have an army of more than seventeen thousand men. He wished to ask the honorable gentleman from Kentucky, whose researches as a member of the Committee on Military Affairs he presumed had given him some information on this subject of the organization of our army, what number of general officers should be provided for an army of seventeen thousand men?

Mr. BOYD said we had had but one major general before the war, and another by brevet; and that the same condition of things would, as far as officers were concerned, be adopted, and would exist at the close of the war, if the law was not changed.

Mr. BURT repeated that such was the suggestion of the President: that the army be increased to more than seventeen thousand men. He understood his friend from Kentucky to be content with an army of a little more than twelve thousand men. He begged to know of that gentleman if anybody ever did suppose that an army of twelve thousand men should be commanded by one major general. He begged to know if, in the organization of any army on the face of the earth, it had ever been known that there should be but one major general for twelve thousand men?

Mr. BOYD would respond by inquiring whether the army, before the commencement of the war, consisting of eight thousand or ten thousand men, as the case might be, had had more than one major general?

Mr. BURT. Was not General Gaines a major general by brevet?

Mr. BOYD. By brevet.

Mr. BURT. Was he not receiving the pay and emoluments and holding the rank of a major general?

Mr. BOYD replied, while he was actually performing the duties of major general perhaps he was receiving his salary.

Mr. BURT believed the number of the army before the war with Mexico did not exceed 7,000 men, and we had two major generals and several brigadier generals. To be sure, they did not all hold the commission of brigadier and major generals, but some of them held the rank by brevet; and why were those officers brevetted which Congress had refused for the army by not authorizing the appointment of officers of that grade? He undertook to say that in no country, of whose military history we had any information whatever, was there an army to be found with less than one major general to every 4,000, and one brigadier general for every 2,000 men. That was the principle of the organization of the army in every country; it had been so in this. The gentleman insisted that this bill was to create a place for individuals, and to create officers without men. Now, he trusted the gentleman saw that his statement had been inconsiderately made, without reference to facts which were to be found in our own history, and which neither he nor any one else would for a moment endeavor to controvert. He trusted that the gentleman would see—he should see, at least—that this House was not to be frightened from its propriety by denunciations and declarations of that kind.

But the honorable gentleman from Kentucky should remember that we were now making a military peace establishment; and he asked that gentleman if, upon referring to the history of our own country, it would not be found that every military peace establishment had been composed of an immense disproportion of officers to the rank and file of the army? And he asked the gentleman further, if his own good sense, which he knew the gentleman

possessed so much of, did not teach him that a man was profoundly ignorant of the principles on which a military peace establishment should be made, who did not see that there must necessarily be a great disproportion of officers to the rank and file? It was the object, in a military peace establishment, to preserve the skeleton of an army, such as might be filled out without impairing the efficiency of the force. It could only be done by having the requisite complement of officers, whatever might be the number of the rank and file. If it was desired to increase the army, it was not to be done by the addition of new corps, but simply by filling up the rank and file, and having them under the command of experienced officers. He would ask, to what was the country indebted for that glorious victory of Buena Vista? It was to the officers, those who directed the energy and the bravery of the troops. Suppose our army there had been under the command of our militia and volunteer officers, unaided by these regular officers, did any man doubt that a most inglorious defeat of our arms must have been the result of that day?

Mr. BOYD thought the volunteers did their full part—officers and men.

Mr. BURT cheerfully admitted this, and gave full credit to the volunteers for their indomitable courage and gallantry; but who selected their field of battle? That was the great merit of the field of Buena Vista? He asked who selected the field on which that great battle was to be fought?

Mr. RICHARDSON said, the question of the selection of the field of Buena Vista was one that had been much discussed in the public press since the time the battle was fought. The friends of one of the officers of the regular army, General Wool, had claimed that he selected that field. He could state, for the information of the gentleman and the House, the facts as they occurred, so far as he knew them and believed them to be material, and gentlemen could draw their own inferences. In January, before that battle was fought, the regiment to which he belonged was placed in advance of all others. Colonel Hardin sent forward to the pass, where the battle was subsequently fought, a battalion, under Major Warren, of the same regiment, and placed it at the pass, which formed the key of the position, intending to advance his regiment to that point in the event of a battle. These were the first of our troops that occupied that place.

Early in February, General Taylor assumed the command, and advanced the whole of the troops, except a garrison for Saltillo, to Agua Nueva. On the morning of the 21st February—as he (Mr. R.) understood, for the purpose of being near our supplies, which were at Saltillo—the army retired towards Saltillo, leaving two regiments—the Arkansas and the Kentucky cavalry—at Agua Nueva. At Encantada, eight or ten miles from Agua Nueva, Colonel McKee's regiment halted. Three miles from that point, at the pass, where Warren's battalion had been stationed, Colonel Hardin obtained leave to halt his regiment. During that night the regiment that had been left at Encantada and Agua Nueva retired from their positions and fell back to General Wool's position, two miles in the rear of Colonel Hardin, leaving him at the advance position, where the battle was fought. During the night of the 21st and the morning of the 22d, the first Illinois regiment, under Colonel Hardin, fortified that position. It was the point to be first assailed, the point from which the enemy were first driven—a point in which we lost not a single man. In the contest between Colonel Hardin, or the friends of Colonel Hardin, and General Wool, he had no hesitation in saying that that position was selected and fortified by Colonel Hardin. On the morning of the 22d of February, before either of the general officers came upon the field, Colonel Hardin, after passing over the entire ground, returned and said to General Wool, in his (Mr. R.'s) presence, that it was necessary that a position at the foot of the mountain on the left should be fortified. Officers were sent out to view that portion of the ground; they returned, and, as he understood, reported that the ravines were impassable for cannon; that the enemy never could do our troops great injury there, unless they could bring their artillery with them. The battle commenced on the 22d; on the morning of the 23d, at the very position where Colonel Hardin insisted that troops should be sent and posted, the enemy turned our flank, and we received great damage. It was due that he should state that the selection and fortification of a field was done by officers whose particular duty it was. The means by which the enemy advanced their artillery was by throwing the heavy timbers, which they brought along for the purpose of mounting their cannon, across these ravines—a fact which could not have been anticipated by those officers who reconnoitered the field. There was no timber in the neighborhood, no trees of any sort, by which, unless they had brought their timbers, they could have sent their artillery across the ravines.

While he was on the floor he desired to refer to another matter, in which injustice had been done to the memory of one who was no more. After the death of Colonel Hardin, it had been said that the last charge of the battle of Buena Vista was the result of a conference between Colonel Hardin and Colonel Clay; that Colonel McKee opposed the move. This was incorrect. By reference to the official report of Colonel Weatherford, it would be seen that Colonel Hardin was ordered to make the charge by Captain Chilton, one of the aids. That order was given in his (Mr. R.'s) presence, as also in the presence of Captain Robertson, Lieutenants Myers, Erwin, and Wallace, and others. In compliance with that order, Colonel Hardin advanced the battalion some distance, where he engaged an enemy that till then had been unobserved by him, concealed in one of the ravines. After fighting for some minutes, Colonel Bissell came up with his regiment and formed upon his right. Subsequently, Colonel McKee formed, or partly so, upon Bissell's right. Our forces were overpowered by immense numbers, our lines forced, and the nation mourns the loss of that desperate conflict. He made that statement in justice to the memory of the lamented Colonel Hardin.

Mr. BURT continued. Those who knew him knew he was utterly incapable of doing injustice to the gallantry and valor of the lamented dead. He knew too much of the history of this Mexican war; he should forget he was a South Carolinian, that his own State had a regiment in that war, before he could do injustice to any of our brave volunteers. But he would ask if the valor of our volunteers would not have been fruitless without this corps of officers to direct it? He said that the corps of staff officers who, as the gentleman from Illinois had said, reconnoitered and selected the ground of Buena Vista—that corps whom the gentleman from Kentucky seemed to regard as officers without men—yes, that corps of engineers had earned as high a title to the glories of that war as any corps that was in it. There were men in that corps who, upon his conscience, he believed deserved infinitely higher glories than those men who had won high office in the line.

Mr. BOYD disavowed totally any intention to derogate from the engineer corps. He had only enumerated the number of officers in that corps as forming a part of the grand total of the officers of the army.

Mr. BURT was very glad to hear that the gentleman did not intend to convey the full meaning of the language he had used in talking about officers and men. It did happen that some of these corps consisted of officers entirely.

But to return to the point from which he had been led by the remarks of the gentleman from Illinois. The gentleman from Kentucky had proposed that we should have an army of 12,000 men. He (Mr. B.) said that an army of that number had always been commanded by two major generals. At the close of the war of 1812, the peace establishment was fixed at 10,000 men, and there were authorized by the act of March, 1815, two major generals and four brigadier generals to command an army in time of peace of 10,000 men. Well, our army of over 10,000 men would now be distributed not only through the United States, but in Oregon, in California, and in New Mexico. We had received into the territory of the United States immense hordes of savage, warlike Indians, in New Mexico and California, and he asked any gentleman who proposed to reduce this army, why it was, if 10,000 troops were required in 1815, that as large a number of troops as recommended by the President were not necessary, and at least the same number of general officers?

But there was another view of this subject which he was not willing to admit, and of which he was prepared to take his full share of the responsibility. It was known to this Congress and to the country that Zachary Taylor was made a major general without his knowledge or consent. After those splendid battles of the Rio Grande, the universal voice of the American people demanded that he should be a major general. He well knew, as did his friend from Kentucky, that that office was tendered to General Taylor by the President, in obedience to the will of his countrymen, and sent to General Taylor without his knowledge or without his asking for it. He had never heard that General Taylor had asked for an office of any kind. He asked that gentleman if he was willing that Zachary Taylor, who was promoted to be a major general under these circumstances, should be dismissed at the close of the war as a supernumerary, as an incumbrance on the army of the United States? It must fall on him if this law was not passed in some form. He said to this House, if the President did his duty, if he did not an act of inexpressible meanness, he would dismiss Generals Twiggs and Kearny. Generals Gaines and Wool were their seniors, and he said the President dare not dismiss Generals Gaines and Wool; hence Generals Twiggs and Kearny must go out under the law as it now stood; and he asked gentlemen if they were prepared for that? Had they done nothing in Mexico to deserve better of their country than that? He trusted that the first section of this bill would not be defeated in this way.

Mr. HASKELL said, that independently of considerations of public interest, he felt it to be a duty on his part to a number of the officers whose heads would fall unless this bill was passed—a duty growing out of the fact that he had shared the privations of the camp and the perils of the field with some of them—to make known to this House, more particularly than all of them perhaps now knew, who were the individuals who would fall unless saved by the passage of this bill. He spoke now particularly of the majors. With reference to Nathan Boon, he had not the pleasure to know him, and he could not speak of him particularly. Next on the list was Major Philip St. George Cooke—a name familiar to this House as having been identified with the operations of our army in California. Passing over the name of Major Crittenden, an officer distinguished in the battles on Scott's line, he came to Major Thomas Childs, an officer who had served with marked distinction in every campaign upon which he had been ordered. He had been three times brevetted, and recently brevetted brigadier general for distinguished services in Mexico; he was the same officer who had defended Puebla during the long and arduous siege of that place, and who protected the rear of General Scott's army. Passing by the name of Major Porter, of whom he could not particularly speak, next on the list he noticed the name of Major E. S. Hawkins, the officer who, after the heroic Brown had fallen in defence of Fort Brown, opposite Matamoros, assumed the command, being the oldest officer, and continued to defend that post until the arrival of General Taylor from the fields of Palo Alto and Resaca; the same officer who, when summoned to surrender by Ampudia, on the opposite bank, sent back the cool answer that *he did not understand Spanish*. There were also Major Washington, whose battery, with Major Bragg's, at Buena Vista, contributed so much to that achievement, whose glory had shed lustre upon our arms, and added so much to our national reputation; Major Sewall, one of the defenders of Fort Brown, who distinguished himself by his activity and valor; George W. McCall, with whom he had the pleasure of a personal acquaintance, distinguished upon the fields of Palo Alto and Resaca de la Palma, and with whose arduous duties, ably and creditably performed, as an adjutant general, and upon the staff of Major General Patterson, he was familiar; Major Lee, an officer whom he did not personally know, but with whose character he was well acquainted from the representations of those who had known him and had witnessed his gallant conduct in the field, and who spoke of him as one of the most meritorious and deserving of the officers of the army; Dixon S. Miles, an officer who entered the field at the earliest stages of the campaign, and who, in advance of the army, took possession of the city of Camargo, which subsequently became the key upon General Taylor's line of operations, and the depôt of the Government stores.

Passing over Major Green, with whom he had no acquaintance, he proceeded to name Major

Bainbridge, who served in all the battles from Vera Cruz to the city of Mexico. And last, but far from least, there was the name of our old and valued friend, Major Wait, formely of the 2d infantry, and now major of the 6th or 8th. In reference to his particular case, he wished to say a word. It had already been said by members of this House that some of these officers had not only not asked for promotion, but that they had received it without a full knowledge of the circumstances under which the promotion came. Major Wait received information of his promotion on the eve of the battle of Cerro Gordo; and then it was he first heard of the passage of the act creating the additional majors. Here, then, was Major Wait, who had served his country as many years as he (Mr. H.) had been born; who had devoted his life to his country, and had now reached a period of life when he was unfitted for any other than the profession of arms;—here was Major Wait, with a commission tendered to him by the President of the United States by virtue of power delegated to him by Congress, because he was the oldest captain of the regiment, and stood high in his profession;—here, he repeated, was Major Wait in this position, standing in the face of the enemy, without knowing the circumstances under which the law was passed; and would it, he asked, consist with the honor and pride of a soldier to refuse such a commission, and suffer his junior to command him on that field? No; and he would appeal to the sense of justice of Congress, if they were not behind the spirit which animated the people, if these officers, after having been legislated into commissions without their consent, should be legislated out of the public service? He proceeded, as was understood, to describe a wound from a musket ball which Major Wait had received, of which he was reminded by Major Gaines, who sat near him, which passed round into his groin, and from the consequences of which he never would recover; and he again asked the House, with what show of justice and propriety they could legislate such a man out of the service? Were they, after they had fought the battles of the country, to be ostracized? If so, they might well exclaim, in the language of a commander of ancient times, "a few more such victories and we are ruined." Well might they say, "if we fight a few more battles, and shed our blood on foreign soil in defence of the flag of our country, when we might naturally suppose that we should receive the due meed of our services, we are rewarded with unmerited dismissal!" This Congress is engaged from day to day in passing laws giving pensions to the families of those who have fallen in battle, and with the very same breath with which they ordered the treasury to pay those rewards, in a spirit of false economy they were ready to strike off the heads of those meritorious officers, and turn them adrift, after they had spent the best part of their lives in the service of their country, and when they were unfitted for any other than the profession of arms. It was indeed a strange spectacle which they were presenting. How different was the conduct of the people! When our soldiers returned from this foreign war, covered with laurels, they were welcomed with drums and trumpets, and colors flying, and with processions; they were greeted on returning home with the plaudits of their admiring countrymen. And the bodies of the dead who had fallen in battle were brought back and buried with the pomp and circumstance of funeral procession, such as was never seen in the palmiest days of ancient Rome. To the dead and to the living manifestations of the feelings of the people were shown in various modes; and yet here, when these old men returned who had bled on nearly every battle-field of Mexico, while the country was greeting the brave men whom they commanded, the House of Representatives was ready to greet them with the guillotine, and to sever their heads from their shoulders. He appealed to the sense of justice of this House, and he again asked if they were not behind the spirit which animated the country? If they should allow themselves to be influenced by such a spirit of false economy, he was sure they would not receive the plaudits of their constituents, nor the greeting "well done, good and faithful servant."

Mr. BOTTS rose to a question of order, and said he hoped the Chair would require gentlemen to confine themselves to the amendment, which was the question pending before the House.

Mr. HASKELL said, as he might have no other opportunity, he desired to speak fully on this subject at this time.

Mr. BOTTS said the reason why he made the point of order was, that he was very anxious that the bill should be passed.

Mr. HASKELL said, if the House would take the question, he would yield the floor, and not say another word, except it was to move the previous question.

Mr. BOTTS explained. He did not wish to cut off the remarks of the gentleman from Tennessee; but he had made the point of order then, because he preferred to make it on a friend to the bill rather than on one who was opposed to it.

Mr. SCHENCK intimated his desire to offer an amendment to the amendment of the Senate.

Some conversation ensued, in which several gentlemen took part, in relation to the effect of the previous question, which was terminated with an understanding that the discussion should proceed.

Mr. HARALSON appealed to the House not to sustain the previous question, and he should object to the question of order of the gentleman from Virginia, since there had been so much discussion, until he had said what he desired to say.

The first section of this bill provides for the retention of one major general and two brigadier generals now in the service. It repeals that section of law which provides that one of the major generals and two of the brigadier generals shall be dismissed at the end of the war. Having been opposed to that section two years ago, there was good reason why he should be anxious to have it repealed now. It had been said that some of these appointments had been made, not only without being sought, but without the knowledge of those upon whom they were conferred; and he apprehended this would be found true in regard to General Taylor, and he knew it would as to General Twiggs, one of the brigadier generals who was to be affected by this law. These appointments were made shortly after the battles of the 8th and 9th of May, 1846, when the whole country was anxious to do honor to those men. Those appointments, then, he repeated, were conferred on them without their knowledge, in view of their distinguished services on those occasions. General Taylor was elevated to the rank of major general, and placed side by side with General Scott, giving place to him only on account of the date of his commission. General Scott, too, partook largely in the recent war; he was present in command at many a hard fought battle; and could this House, in view of the distinction which these two generals had received with the people, continue that law which would dismiss one of them after the distinguished services which they had rendered in Mexico? To select between them would be an extremely delicate act; and, therefore, Congress should repeal the law, and these two generals should be left in the public service. He repeated that the task of selecting between them would be a very delicate one for the President to perform, and it could not be performed with satisfaction to the people of the United States. He hoped there would be no distinction made between them on their return from the battle-fields of Mexico, and that neither of them would be discharged from the service of the United States. Why, these officers had been in the public service thirty or forty years, and should they now be discharged? He hoped not a vote would be given in this House to retain that law.

But again: that law was equally hard on the brigadier generals, some of whom were in the service during the war of 1812—1815. One of those brigadier generals, to whom he particularly alluded, was in the service at that period, and he had never since been disconnected with the American army. Arms were his profession, and he ought not now to be driven into retirement. General Gaines was another of those who were to be affected by this law. He had spent a lifetime in the service of the country, and why should he now be put out of the service? He hoped, so far as it would affect General Gaines, that no one here would raise his voice for the continuance of that law. General Kearny was another officer who had spent a life in the service of the country, and won glory on the battle-field, and why should he be discharged? He asked this House if it would discharge any of these officers in the face of authority which he was now about to read?

He then called the attention of the House to the condition of the country at the close of the war of 1812, when we had but eleven millions of people. In 1815, when a peace establishment was arranged, and when our army was reduced to ten thousand, there were two major generals, besides four brigadier generals, retained in the service. In order that it might be impressed upon the House, he begged leave to read a section from the law of the 3d March, 1815, being the law to which he referred. That was the course pursued in 1815; and yet, in 1848, with a greatly extended territory, and with Indian tribes in a hostile position in Oregon and elsewhere on our borders, it was seriously contemplated to reduce our major generals to one, and our brigadier generals to two, with a corresponding reduction of men, as the peace establishment of the country. Now, in no view of the case that he was able to take of it, could he see any reason why this law should be permitted to be retained. On the contrary, he saw much to satisfy him that it ought to be repealed, and these officers kept in the service of the United States. This was due in justice to those officers; it was due to the people of these United States; and it was due to themselves here assembled in Congress, as the representatives of the people. Though we may but retain a skeleton army in time of peace, each of the two divisions should have a major general.

He then alluded to the other portions of the bill; by one section of which he believed there were fifteen majors that would be affected, who had been elevated from captaincies to the stations they now occupy. It was not from private life that they had been selected, but from the old army; and this furnished the very best endorsement of their worth, their gallantry, and their capacity. And would they discharge these men from the army? Should it be said to them that their elevation should be the means of sending them to private life, and of depriving them of the profession which they had selected, and to which their best energies had been devoted?

Mr. THOMPSON, of Mississippi, called the attention of the gentleman from Georgia to the fact, that by the fourth section, provision was made whereby these majors would be restored to their former regiments and rank as supernumerary officers until vacancies should occur, to which they should succeed in virtue of their former commission.

Mr. HARALSON intended to come to that in regular order. It was not a section, however, of which he approved.

He went on to explain his views more at length; but the debate descended to a conversation on a variety of subjects between Mr. HARALSON, Mr. J. R. INGERSOLL, Mr. BURT, Mr. McCLELLAND, and Mr. BOTTS, which was conducted in a conversational tone which did not reach the reporter's ear.

Mr. McCLERNAND next obtained the floor, but he gave way to—

Mr. BOTTS, who expressed a wish to bring this rambling debate to a close As a means of doing that, he suggested that the House should disagree to the Senate's amendment, and then that they should ask for a committee of conference, and thus the bill could be put in a shape in which it would pass.

Mr. McCLERNAND then proceeded to address the House. He said, the question was misconceived by the House. It was not a question of turning men out of office, but whether a war establishment should be continued in time of peace. War broke out; an increase of the army followed to meet the exigencies of war: these exigencies had now passed away, and the army should be reorganized to suit the condition of peace. It was proposed by the bill to retain such of the regular officers as had been promoted to higher commissions in the ten regiments, when it was proposed to discharge the rest of the officers of the ten regiments who had been appointed from civil life. Why this distinction between men of equal and the same merit? The promoted officers of the new regiments had notice of the condition of their promotions. Was it not unjust even to the regular officers who had not been promoted, to retain supernumerary officers of higher rank over their heads?

The question was not one merely of gratitude to individuals; it was emphatically a question of high state policy, and should be determined in a manner consistent with the public interests. He would

do justice to all, and for that purpose he desired to see the law disbanding the army at the close of the war suspended until the army could be reorganized, and the claims and merits of every officer considered, and full justice done to all.

He was opposed to large standing armies. The events of the Mexican war had proved that the best reliance of a free people was upon their own valor and patriotism. Upon the breaking out of the war, thousands of men had leaped from the bosom of society, more than were needed, and offered their services in the cause of their country. They had fought nobly and successfully.

He called the attention of the Military Committee to the importance of providing for an efficient militia system, whereby the militia of the States might be periodically drilled and instructed in the art of war, under the supervision of capable Federal officers. Such a system would dispense with the expense of a standing force for any other purpose than to garrison necessary forts, and to repress Indian hostilities upon our borders.

He was decidedly for the provision of the bill which proposed three months' extra pay to the soldiers—the men who had fought and bled in the ranks.

Mr. McLANE denied that there was any design to continue our war establishment in time of peace. Did the addition of two or three general officers to our old army convert it into a war establishment? What was intended was only a slight change in the organization of a peace establishment. He hoped the recommendation of the Executive would not be wholly disregarded. The President recommended the increase of the old army to seventeen thousand men, by filling up the companies to one hundred men each. The addition of Oregon, California, and New Mexico, would require at least four regiments of troops, and these would of themselves need one major general and two brigadiers. He contended that two major generals and four brigadiers would be requisite for a peace establishment. Brevets were but a shadow, and gave no command without an express Executive order, which was always reluctantly given. He hoped the House would be actuated by no narrow principle of mistaken economy in its action on this bill.

Mr. McL. reviewed the several sections of the bill, commenting on each, and replying to inquiries and objections urged by Messrs. McCLERNAND and BOWLIN.

Mr. BOTTS said he had received an official communication from the Adjutant General, and also from the Surgeon General, on the subject of retaining these officers, but would not read them now. As it seemed impossible to foresee where this debate would terminate, and as the previous question would cut off several important amendments which the Military Committee wished to propose, Mr. B. would move that the House disagree to the Senate's amendments and ask a conference. On this motion he called the previous question.

The CHAIR stated that the effect of the previous question would be to bring the House to a direct vote, first, on the amendments of the Military Committee to the amendments of the Senate, and then on concurring with the Senate's amendments. The House could, however, by unanimous consent, allow new amendments of the Military Committee to be received after the previous question had been seconded. Those already reported could not be withdrawn.

The previous question was seconded, put, and carried, and the main question was divided, and the question taken on each amendment. They were both negatived: the first by a vote of ayes 36, noes 102; the second by a vote of ayes 10, noes 173.

The question then recurring on the last amendment, (which was the third section, allowing three months' extra pay to the soldiers)—

Mr. BOTTS said he hoped, by common consent, this would be rejected, in order that it might be modified afterward.

Mr. HARALSON said the object desired was to extend the provision so as to include the wives and children also.

Mr. BOYD said he could not consent to vote against it as it stood; and he demanded the yeas and nays.

A word of conversation ensued between Mr. McLANE and the SPEAKER.

Mr HARALSON inquired if it was in the power of the Committee of Conference to agree upon such an amendment as he wished to introduce into the bill?

The SPEAKER replied that there was no limit to the powers of a Committee of Conference.

Mr. BURT inquired whether, if the House concurred in the amendment of the Senate, this would be a subject for the consideration of the Committee of Conference?

The SPEAKER replied in the negative.

Mr. BURT desired, then, to say, that under this amendment, this three months' pay would be given to a very large number of troops of the regular army of the United States who were at the recruiting depôts of the United States, who never had been to Mexico, but who had enlisted for the term of the war; and unless the House prevented it, this body of the troops would receive this pay, while the widows and the children of those who had died in the war would be excluded from it. He submitted, then, that this section should be sent to the Committee of Conference that it might be amended as manifest justice required.

The question was taken on concurring with the Senate in the adoption of this section, and disagreed to.

Mr. BOTTS moved that a Committee of Conference be appointed on the subject of the disagreeing votes of the two Houses. Agreed to.

Mr. VINTON moved that the House resolve itself into a Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee, rose to a privileged question, and moved to reconsider the vote by which the last amendment was non-concurred in. He had desired, before the previous question was adopted, to make the suggestion that this provision of three months' pay to all the officers and soldiers who had been engaged in this war did not extend to the widow or children of the soldier or officer who had fallen in the battles of his country, or who had died by disease in the service. It gave to those who had enlisted, and who, for a disability however temporary, had been discharged, this three months' pay, while the widows and children of those who had fallen were deprived of it. Again, it did not extend to the widows and children of those who had been honorably discharged and since died, the benefits of this bounty. He wished the vote reconsidered, and should move, if he obtained the floor, an amendment to remedy these defects.

Mr. BOTTS moved to lay the motion to reconsider on the table.

Mr. JONES demanded the yeas and nays; which were ordered, and, being taken, resulted: Yeas 64, nays 97.

So the House refused to lay on the table.

The question recurring on the motion to reconsider, was, after some conversation, taken, under the operation of the previous question, moved by Mr. ROCKWELL, of Connecticut, and agreed to: Yeas 118, nays 58.

So the vote was reconsidered by which the last amendment of the Senate was non-concurred in.

Mr. JONES, of Tennessee, then offered the following amendment to the 3d section:

And the legal heirs of such as have been killed in battle, or who have died while in service, or, having been honorably discharged, have since died, or may hereafter die without having received the three months' pay hereafter provided, first, to the widows, second, to the children, and third, to the heirs generally.

Respecting this and other suggested amendments a conversation ensued, in which Messrs. JONES of Tennessee, BOYD, VINTON, BOTTS, STANTON, and others, took part.

The amendment was agreed to; and, under the operation of the previous question, the section, as amended, was concurred in: Yeas 146, nays 9.

Several motions to reconsider votes taken, and to lay the motions to reconsider on the table, were made and agreed to; and then the House adjourned.

IN SENATE.

FRIDAY, *July* 14, 1848.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported House bill to regulate the postage on newspapers, and for other purposes, with amendments; which was ordered to be printed.

Mr. DIX, from the Committee on Commerce, reported the bill to establish a collection district in the State of South Carolina, with amendments. [The amendments strike out the collection district in South Carolina, and substitute one at Essex, Massachusetts.]

Mr. DIX moved to proceed to the consideration of the bill, as amended, which motion was agreed to; and, after some remarks from Mr. BUTLER against the amendments, they were adopted, and the bill passed.

Mr. MASON, from the Committee of Claims, reported House bill for the relief of Joshua Barney, United States agent, without amendment.

Also, from the same committee, reported House bill for the relief of Dr. Adolphus Wislizenus.

Mr. BRADBURY, from the Committee of Claims, reported House bill for the relief of Joseph E. Doxey, with an amendment.

Mr. BALDWIN, from the Committee of Claims, reported House bill for the relief of Chas. Benns, with amendments.

Mr. NILES submitted the following resolution:

Resolved, That the committee to audit and control the contingent expenses of the Senate be instructed to inquire whether the contract to report the proceedings and debates of the Senate has been faithfully executed, and whether the same has answered the purpose; and if not, to report some measures to remedy the evil.

Mr. NILES said he was one of those who voted against this contract. He did not exactly recollect its terms, but he believed it required that the reports of the debates should be laid on the tables of Senators on the morning after they had taken place. So far from this being done, they were delayed for many days. Owing to these irregularities, and the limited circulation which Senators gave to the publication, the proceedings of this body may be considered as substantially suppressed. He observed in one of the daily papers this morning, that while the report of the House of Representatives occupied many columns, the Senate matter was condensed into less than half a column. Thus we have arrested the voluntary arrangements which always gave our proceedings to the world before this contract was made, and have virtually suppressed our debates. He had no fault to find with the accuracy of the reports. They may be valuable for posterity. They will afford materials for the antiquarian and the historian, but they are useless now. The session is nearly gone, and nothing of our debates is known to the country.

Mr. CLAYTON hoped the resolution would lie over.

Mr. FOOTE said a few words in defence of the reporter, on whom no responsibility for the delay ought to be cast. He was willing to furnish the reports to any of the daily papers. The delays which had taken place were attributable to Senators themselves, who were in the habit of withholding their speeches from publication until they had revised and re-revised and corrected them. This explanation he thought due to one of the officers of the body who seemed to be implicated in the charge of violation of contract by the resolution of the Senator from Connecticut.

The resolution was then laid over under the rule.

BRANCH MINTS.

On motion of Mr. DICKINSON, the Senate proceeded to consider the bill to establish a branch mint in the city of New York.

Mr. DICKINSON explained briefly the reasons which ought to influence the Senate to pass this bill. He adverted to the vast amount of commercial business transacted in New York, and to the quantity of foreign specie which flowed in every day. To convert this foreign specie on the spot into American coin would be productive of the greatest convenience to the mercantile interest.

Mr. BUTLER moved to amend the bill by inserting a clause for the establishment of a branch mint at Charleston, South Carolina.

Mr. BADGER was opposed to the legislation by which branch mints had been multiplied, as calculated to discourage the recoinage of foreign coin. He saw no good effect which had been produced by the act of Congress making foreign coin receivable as currency. It had resulted in no improvement in the convenience of the country. There was quite as much reason for the adoption of the amendment as for the passage of the original bill. The bill authorizes an outlay of $425,000. This was merely to begin with—$200,000 for

Charleston, and $225,000 for New York; and an additional sum, quite as large, would be required to finish these establishments. We were, therefore, about to incur an expenditure of about a million of dollars, besides entailing on the country an annual cost for the support of these branches—perhaps $70,000 or $80,000 yearly for the support of the two. And for what good end? If the holders of foreign coin in New York wished to have their specie recoined, why not send it to the Mint in Philadelphia? There could be but two reasons: the cost of transportation, and the expense of insurance; and these could not be great, as New York was only at a distance of five hours from Philadelphia. It would be a better mode for the Government to make some arrangement on that subject with the Mint. We were about to make a large expenditure for a doubtful purpose. He knew it would enable New York to erect a new and splendid public building to increase her magnificent array of marble edifices, and bring her to close approximation with a city of palaces. And to this he had no objection, if any public good could be effected by it—any great advantage in the way of public convenience.

As to Charleston, he would have no objection to extend to her the same advantage which might be given to New York. Our great error had been in authorizing these branch mints originally, and into this we had been led by the prosperity of the gold mines in the South, there being no facility of transporting the gold from these regions to the points where it could be converted into current coin.

If the New York branch be allowed, so should that asked for at Charleston; and then where is the system to end? Applications would come in from all quarters of the country—Boston, Norfolk, &c., until our entire seacoast would be dotted with them. It should also be remembered, that the President had admonished us not to make any unnecessary and undemanded appropriations.

Mr. DICKINSON said, that the argument as to the expense would equally apply to all public edifices. As to the utility of the branches at the gold region, it appeared that the amount coined bore no proportion to the expense. In reply to the statement that persons in New York could as easily send their coin to Philadelphia, he showed the inconvenience which must result from this practice.

Mr. NILES made some remarks to show that New York, as the central emporium of commerce, was entitled to the greatest consideration; and if it was to be the settled policy of our Government to introduce, as the American medium of circulation, American coin which should be received everywhere, a branch ought to be established there. The operations of the Government there, comprising the collection of about two-thirds of our entire revenue, which is all paid in specie, was another reason in favor of the measure. The amount of specie received in New York last year was about twenty-four millions; and if a branch of the Mint was required anywhere, it was at New York. On the subject of Charleston, he was not sufficiently informed to enable him to form an opinion. He contrasted our condition in regard to specie during the late war with our condition during the war with Great Britain, in order to show what beneficial consequences had resulted from the new system which looks to the establishment of a specie currency.

Mr. BUTLER defended his amendment, representing a district in South Carolina as the most valuable anywhere for its gold mines. He desired that his proposition should remain in the good company in which it was, and could not yield to the suggestions of some of his friends to offer his amendment in a separate bill.

Mr. DIX regretted that the Charleston branch should be attached to this bill. He was favorable to the amendment, but wished it to be separated from the other. The reasons for the establishment of a branch in New York were so strong and obvious that he was astonished to hear any opposition to it. The vast amount of foreign coin brought into New York is doomed to lie imprisoned, useless for the purposes of circulation. The objection to sending this coin to Philadelphia for recoinage was chiefly the expense of transportation, which, for gold alone, may be estimated at three-fourths per cent.; and for gold and silver together, about one per cent. Emigrants bring in large amounts of specie, part of which they exchange for paper—taking some portion to the West—and this goes very slowly into the circulation. He went into a statement of the value of gold for exportation. An ounce of gold in the shape of sovereigns, the moment it touches English soil, is worth £3 17s. 10½d.; an ounce of American gold at the Mint is estimated at £3 17s. 9d. The amount of specie in New York is about eight millions, of which, three millions are in foreign coin. It was desirable to reduce the amount of this foreign coin, which could be only effected by recoinage. He expressed his gratification at the change in the tone of public opinion as to the operation of what was called the sub-treasury humbug, and that his friend from Missouri had lived to see the dying away of the prejudice against the system. He spoke of the expenses which had been incurred in the establishment of branches in the gold region, and stated that the cost of the establishment at New York would bear little proportion to the benefits derivable from it.

Mr. BADGER said he would say nothing about the sub-treasury humbug, but would confine what he had to say to the Mint humbug. As to the great amount of foreign gold accumulating at New York, a better way of diminishing it than by sending it to a branch Mint in New York, would be, for the Secretary of the Treasury to direct the subtreasurer at New York to take what foreign gold might be offered, and to give, in exchange for it, American gold at the same value. But taking the cost of the freight of gold from New York to Philadelphia at $4,000, what was that in comparison with the expense of erecting a new branch of the Mint? The true reason for not sending the gold to the Mint is not the expense of transportation, but because the people of New York profit by retaining the gold coin there. He suggested that the best course would be to repeal the law which allows foreign gold to be received in payment of duties. Thus, it would become important to keep American gold in currency, to supply the use from which the foreign gold would be withdrawn. He would vote for the amendment of the Senator from South Carolina, because he could see more benefit from an institution there, than in the proposed branch in New York; and he should finally vote against the bill.

Mr. DIX read a letter from a high banking source to show what would be the advantage of the establishment of a branch of the Mint in New York.

Mr. CALHOUN adverted to the increased importance of the city of Charleston, in a commercial view, and expressed his intention to vote for the bill.

The amendment was agreed to, and the bill was reported to the Senate, as amended. The question being on concurring in the amendment—

Mr. ATHERTON expressed his apprehension that we were carrying this fever for establishing mints too far. He did not think the branch at Charleston was necessary; but, if it be, he thought the branches at the gold mines might be dispensed with. He hoped the amendment would be brought forward in a separate bill. He would ask for the yeas and nays on the question of concurrence, and they were ordered.

The question being taken on concurring in the amendment, it was decided as follows:

YEAS—Messrs. Badger, Bell, Benton, Borland, Breese, Butler, Calhoun, Cameron, Davis of Mississippi, Dickinson, Dix, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mason, Rusk, Sebastian, Turney, Underwood, Westcott, and Yulee—27.

NAYS—Messrs. Allen, Atchison, Atherton, Bradbury, Bright, Clarke, Clayton, Corwin, Dayton, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, King, Metcalf, Miller, Niles, Sturgeon, and Walker—21.

The question was then taken on ordering the bill to be engrossed, as amended, and decided as follows:

YEAS—Messrs. Benton, Borland, Breese, Bright, Butler, Calhoun, Davis of Mississippi, Dickinson, Dix, Dodge, Downs, Foote, Hamlin, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Lewis, Mason, Niles, Rusk, and Sebastian—22.

NAYS—Messrs. Atchison, Atherton, Badger, Baldwin, Bell, Bradbury, Cameron, Clarke, Clayton, Corwin, Dayton, Felch, Fitzgerald, Greene, Hale, Hannegan, Johnson of Georgia, King, Metcalf, Miller, Phelps, Sturgeon, Turney, Underwood, Walker, Westcott, and Yulee—27.

On motion of Mr. BENTON, the Senate proceeded to the consideration of Executive business; and, after some considerable time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 15, 1848.

After the Journal was read—

Mr. COBB, of Georgia, by the general consent of the House, introduced a resolution instructing the Committee on Printing to inquire into the expediency of printing the Land Office report in answer to the resolution of the Senate of the 22d January, 1847, known as the Corwin call.

The resolution was agreed to.

Mr. SLINGERLAND asked leave to make a report from the Committee on Agriculture. Objected to.

Mr. HUNT asked that, by general consent, the bills from the Senate lying on the Speaker's table be taken up, read, and referred.

Mr. GOGGIN objected, unless the bills were taken up in regular order. The joint resolution of the Senate in relation to the renewal of the contract for carrying the southern mail by the Potomac river and railroad route was the first in order, and he should object to any bill being taken up out of its order.

Mr. CONGER, from the Committee on Printing, reported a resolution recommending the printing of ten thousand copies extra of the report of the Committee on Commerce on the memorial of the Chicago Convention and other memorials respecting harbor and river improvements, the message of the President assigning his reasons for withholding his approval of the harbor and river bill of the last session, and on the bill authorizing the levying of tonnage duties.

Mr. WENTWORTH moved to amend the resolution by striking out ten thousand and inserting twenty thousand, and moved the previous question, which was seconded.

Mr. KAUFMAN moved to lay the resolution on the table. Disagreed to.

The main question was then ordered, and Mr. WENTWORTH's amendment was rejected and the resolution agreed to.

Mr. CONGER, from the Committee on Printing, reported a resolution instructing the Committee on Engraving to inform the House of the cause of the delay in furnishing the public printers the plates and engravings for the report of the Commissioner of Patents, and for the reports of Lieutenant Emory and Colonel Abert, and to inform the House when the same will be delivered, and if any action is necessary to facilitate the delivery of the same.

Mr. CONGER wished to state that the cause of the delay which was complained of was, that the plates which were to accompany the letter-press had not been furnished by the engraver. The printers supplied their part of the work as fast as the plates came in. Months ago a report of Lieutenant Emory and another of Colonel Abert had been ordered to be printed. The letter-press was furnished, and had been lying in the office two or three months, because the printers could not get from the engraver the plates that were to accompany it. He desired to have the Committee on Engraving present to the House a full report, so that the subject might be thoroughly understood by the House. Were any members of that committee present and prepared to give the requisite information?

Mr. ADAMS belonged to the committee, but was unable to state the cause of the delay.

Mr. CONGER said he understood that the man who had got the contract could furnish only four or five thousand copies a week. Ought not something to be done to correct this state of things?

Mr. VINTON moved the previous question, which was seconded; and, under the operation thereof, the resolution was agreed to.

Mr. STEPHENS, by leave, moved the following resolution:

Resolved, That the Committee on Public Printing be directed to inquire into and report to the House the cause of the delay of printing the "War Correspondence" which was some time since ordered to be printed.

Mr. JOHNSON, of Tennessee, desired to move the following as an amendment, if in order:

Resolved, That the Committee on Accounts report to this House the entire amount of the funeral expenses of the late Hon. John Quincy Adams, and also report the items of the same to this House.

Mr. JOHNSON's resolution was objected to as out of order.

Mr. STEPHENS's resolution was then, under the operation of the previous question, agreed to.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. ROCKWELL moved that the House resolve itself into Committee of the Whole on the private calendar.

Mr. DUNCAN, of Kentucky, asked the unanimous consent of the House to take up a bill providing for paying the award of commissioners under the Mexican treaty, and supported the motion by some brief remarks.

Mr. VINTON replied that the Government was without a dollar to pay the salaries of the Executive Departments; and, what came nearer to gentlemen, it would in a few days be without a dollar to pay members of Congress their per diem.

The motion to go into Committee of the Whole on the private calendar, having precedence, was first put, and was disagreed to.

FORTIFICATION BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and took up the fortification bill, which had been returned from the Senate with an amendment.

The Senate's amendment appropriated $50,000 for Fort Delaware, on the Pea Patch Island, in the river Delaware.

Mr. VINTON said it would be recollected by the committee that when the bill was before under consideration in this House, a motion was made by the gentleman from Pennsylvania [Mr. J. R. INGERSOLL] to amend the bill, by inserting $100,000 for this fort. He had then opposed it, on the ground that no estimate had been received from the War Department, nor any data given. It was voted down. The Senate put in $50,000. A very strong recommendation had now been received by the Committee of Ways and Means from the Engineer Department for an appropriation of $100,000. This amendment proposed but $50,000. He hoped it would be adopted.

The amendment was agreed to—ayes 70, noes 58—and was laid aside to be reported.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

On motion of Mr. VINTON, the consideration of the civil and diplomatic appropriation bill was resumed at the section appropriating $160,000 for the coast survey, including compensation to superintendent and assistants.

Mr. VINTON rose and wished to be excused while he expressed the hope that the bill would be gone through with to-day, as it was absolutely necessary to carrying on the operations of the Government.

Mr. SAWYER moved an amendment to limit the salary of the superintendent of the coast survey to $4,000, to provide that hereafter he should not hold the office of superintendent of weights and measures; and further, that the salary of the first assistant superintendent should not exceed $2,500.

The superintendent (he said) now received $4,500 in that capacity, and $1,500 additional as superintendent of weights and measures, making in the whole $6,000.

Mr. McCLELLAND inquired if the gentleman was not mistaken, and if it was not the fact that he received only $3,000 as superintendent of the coast survey, and $1,500 of weights and measures?

Mr. SAWYER replied in the negative, and repeated his statement of the compensation. He was opposed to these extravagant salaries. He proposed to reduce the salary of the superintendent of the coast survey five hundred dollars, and to provide that he should not hold both offices. He proposed to separate them. There were other good, clever fellows anxious to have the place of superintendent of weights and measures, and they deserved it. The present incumbent was a gentleman of known talents and integrity, and he (Mr. S.) believed he had done more upon the coast survey within the last year or two than had previously been done since its organization. This coast survey was costing the Government too much money, and he made the prediction that, if things went on as they had done for years past, the end of this century would not see the coast survey through. It was to last through all time to come; that was his candid opinion. He repeated that he believed the present superintendent to be highly scientific, and that there were few men in this country really qualified to fill the place; but a salary of $4,000 he deemed amply sufficient. He would not detain the House; he had discharged his duty by offering the amendment, and it was for the House to dispose of it.

Mr. McLANE inquired if the $4,500, which the gentleman from Ohio had named as the salary of the superintendent, included his travelling expenses?

[No reply was heard from Mr. SAWYER.]

Mr. EVANS, of Maryland, upon a *pro forma* motion, said that none of this appropriation was for the salary of Professor Bache, as superintendent of weights and measures. It included $3,000 for him as superintendent of the coast survey. The amendment, in fact, increased his salary; he received $1,500 salary and $1,500 travelling expenses. Professor Bache was specially employed by the Secretary of the Treasury as superintendent of weights and measures. It was well known that a very high degree of scientific attainment was necessary to the proper discharge of the duties of this office. There were very few men in this country who were capable of it. When it was under the charge of Professor Hassler, it was supposed that nobody except a foreigner was capable of filling the office. Then there had never been a whisper heard about the salary; there had been no complaint and no proposition to reduce it. He repeated that the discharge of the duties of the office required scientific attainments of the highest degree. The gentleman from Ohio was of opinion that there were other gentlemen who wanted the office. He would inform the gentleman that the office of superintendent of weights and measures required a still higher order of talent than that of superintendent of the coast survey; most complicate scientific calculations were connected with it. Great differences had been discovered between the weights and measures in different custom-houses in the country.

The CHAIR reminded the gentleman that it was not in order, on an amendment moved, to reply to the gentleman from Ohio.

Mr. EVANS proceeded to refer to the difference between common field surveys and the coast survey, and further to speak of the high order of scientific talents required.

Mr. VINTON, upon a similar motion, stated that the superintendency of the coast survey and of weights and measures was a very old office, or rather that it was not an office, but an employment which was authorized by the act of 1807. That act authorized the Secretary of the Treasury, or required him, to cause a survey to be made of the coast of the United States, and to employ a competent person to discharge the duty. Mr. Gallatin, than whom, perhaps, no man who had ever been in public office in this country more competent to decide upon a scientific measure of that sort, had fixed the compensation of Professor Hassler at $6,000. It was not an office; it was an employment by the Secretary of the Treasury. The superintendent was not appointed by the President of the United States, or confirmed by the Senate. He was simply a person employed under that law. This salary of $6,000 had always been paid; it had been paid during the whole period of time that Professor Hassler discharged the duties; and at the period of Professor Hassler's death, Professor Bache had been substituted in his place, and had continued to receive the same compensation, which was no other compensation than that originally fixed by Mr. Gallatin.

In this connection, it was proper to say that since Professor Bache had been in charge of the coast survey, and superintendent of weights and measures, he had devolved upon him the superintendence of all the expenditures connected with it, which had not been upon Professor Hassler. Professor Hassler had always refused to have anything to do with the accounts. Professor Bache was now disbursing $150,000 per year, and for this additional duty he received no additional compensation whatever.

He further pointed out the arduous and highly scientific duties of the superintendent, and argued against a reduction of the compensation. In the course of this—

Mr. SAWYER fully conceded that the superintendent was doing his duty well. He found not a word of fault with him.

Mr. J. R. INGERSOLL renewed the amendment in another shape, with a view to explain a circumstance or two which had obviously been misunderstood. He would run them over without very minute explanation, which might speedily exhaust the moment allotted to him.

1. It was a mistake to suppose that the work would be endless. On the contrary, by accurate calculation, unless great additions were made to the coast, it will be completed in fifteen years.

2. The expense, both of money and time, was less than that of any similar known work. A survey of the British coast cost much more, and had been thirty years in progress without reaching a probable prospect of early completion; yet the British work was without the hydrography which our survey embraced in addition to the territorial triangulation and other scientific employment in the closet and in the field. How great was the exposure on the ocean might be judged by that calamity which deprived the country of a most valuable naval officer, the brother of the superintendent, when he was lost in a small vessel near the coast investigating the important phenomena of the Gulf stream.

3. Great labor and constant attention at all seasons of the year were required. Let gentlemen visit, as I have done, the learned and scientific superintendent of the great work when he is in the field, as he is for more than half the year, and it will appear that danger and exposure by land are scarcely less than they are by water. Near the top of a mountain, distant from any human habitation, in a tent pitched under the brow of a salient rock which crowned the eminence, his days and nights were passed in cheerful converse with the distant earth and stars.

4. The work which in 1844 was extended into nine States, in 1845 into thirteen, in 1846 into fifteen, now penetrates no less than eighteen, from the mouth of the Bay of Fundy to the heart of the Gulf of Mexico.

5. Much of the labor and science devoted by the superintendent to the Government is without any specific compensation. He has superintended the researches in hydrometers, and in sugars, sirups, and the like, in reference to alleged frauds in the revenue; rewarded only by the consciousness that the service was rendered useful by long study and unhesitating devotion.

6. The employment is temporary, occupying the best period of the life of one who may exhaust in it the finest energies of an uncommon intellect.

7. Thirty parties are now kept going instead of fifteen, as in 1843. The whole work has been reduced to system in all its details, from the taking of an astronomical observation (the measuring of an angle or a triangle) to the minutest detail of topography in soundings. The hydrographic part of the work has had new method introduced; the astronomical part new and improved methods of observation and computation; the whole mathematical basis of the work has been recast and improved; a new apparatus has been constructed for measuring bases; the whole of the scientific details are under a control which is complete. I have myself heard a distinguished astronomer say that the result of Professor Bache's efforts were accurate beyond what he believed it was possible to accomplish. A single error might render the labors of a season futile, if it did not impair the whole character of the work. Could Mr. Jefferson, the most scientific of our Presidents, contemplate the present condition and near accomplishment of this great and creditable scientific duty, he would derive infinite joy and gratification from the fact of its having been first suggested by him more than forty years ago.

Mr. HUDSON, on a *pro forma* motion, stated a number of facts in connection with this subject to show that the salary ought not to be reduced. He showed the length of time during which the coast survey has been prosecuted, and that the work had been very greatly improved under the present superintendent. Mr. Hassler was not prompt in furnishing maps and charts; but, under the present superintendent, they were all brought up and published. Again, under Mr. Hassler, the survey was limited to that portion of the coast in this neighborhood, but Mr. Bache extended the survey to the coast of Texas in the south, and of Maine in the east; and by his alteration, the surveys at these extreme points were executed by the self-same force which was employed on the coast of Maine and New England in the warm season, and on the coast of Texas and Gulf of Mexico in winter. By this exchange or transfer of labor the most favor-

able seasons of the year were taken advantage of, so that the work could be facilitated economically, for but one corps of surveyors was employed. He begged the committee, however, to understand that the present incumbent would suffer no detriment by being discharged, for he had last year offered to him, with a salary of from six to ten thousand dollars, the professorship of the University of Pennsylvania, in which he would have been employed but a very small portion of the year.

Mr. J. R. INGERSOLL. And a small portion of each day during the year.

Mr. HUDSON. The present professor was in the field a large portion of the year, making observations both night and day when the weather was fit, in addition to the duties of the survey and those which devolve upon him in connexion with his office of superintendent of weights and measures, in relation to which he had rendered important services to the Government within a very few years.

Mr. SCHENCK, on a *pro forma* motion, also made some explanatory remarks. If they gave to the superintendent of the coast survey a large salary, he put it on the ground that it was because valuable services were rendered. If they should drive away this superintendent, he was satisfied they could not easily supply his place. It seemed to him that Mr. Bache ought to have $6,000 for the coast survey alone. He went on to show that the salary of a disbursing agent was saved by Mr. Bache, he being his own disbursing agent. He also spoke of Mr. Bache's resignation of the Presidency of Girard College, with a salary of $4,000 a year, besides house, &c., that he might take this office, and that, to retain it, he had declined the professorship alluded to by the gentleman from Massachusetts, [Mr. HUDSON,] although in this office he was in the field so large a portion of the year, away from his family. He made these sacrifices because, in connection with the coast survey, there was some fame to be acquired; but he wished those gentlemen who thought there was too much paid, to reflect on the duties discharged and the expense incurred in the prosecution of this work.

Mr. ATKINSON submitted an amendment as a substitute for the amendment of the gentleman from Ohio, which he believed the gentleman from Ohio would accept, the object of which was to fix $5,000 as the salary of the superintendent of the coast survey and of weights and measures. He thought $5,000 was an ample compensation in a country like this: and by fixing that amount, $1,000 per annum would be saved. His amendment commended itself more especially to the committee when they considered the sums paid to the Judges of the Supreme Court, the Secretaries under the President, and State officers, such as Governors, Judges, &c.

Mr. NICOLL desired to make a remark in connection with this part of the subject.

Mr. ATKINSON refused to yield the floor. He said the gentleman from New York would have other opportunities to address the committee. He then proceeded to comment on the arguments used on the other side. The gentleman from Massachusetts [Mr. HUDSON] had told them that this officer would not be injured by being discharged, inasmuch as he had been offered a professorship at an institution of learning, at which he would get $10,000 a year for laboring one hour a day. If that were so, the superintendent ought to quit this coast survey at once, that he might accept that professorship. He (Mr. A.) did not want any man to sacrifice his pecuniary interest by remaining in office under this Government. But, again, it had been said that, if they got rid of Mr. Bache, they could not get another properly qualified to succeed him. If they could not, he would say, abolish the office. He could not, however, concur with gentlemen in saying to the American people that we had not a single man qualified to be Mr. Bache's successor. If we had but one man in this country capable of being the superintendent of the coast survey and of weights and measures, that one ought certainly to become a lecturer, that others might become qualified to succeed him, when, in the course of nature, he might be no more.

Mr. SCHENCK explained. He had not said that we could not get a man to fill the office, but that we could not easily supply his place.

Mr. ATKINSON. Well, in that case even, he hoped Mr. Bache would accept the professorship, that others might be prepared to succeed him, otherwise, at his death or resignation, the office would be abolished.

Mr. SAWYER accepted the amendment of Mr. ATKINSON as a modification to his own.

Mr. STANTON made a *pro forma* motion, that he might say he believed the salary attached to this office was not disproportioned to the labors to be performed. He did not suppose gentlemen on the other side intended to say that another man could not be found to fill the office; but that the office required qualifications that were extremely rare. At the same time, he thought the loss would be very great if the present superintendent should be discharged from his present position, or anything should be done calculated to drive him away. He thought the amendment of the gentleman from Virginia might have that effect. Than the present superintendent there was not a more worthy, distinguished, or capable man for the position which he held; and it would be a public loss if he should be driven away. He did not say that another man could not be found to discharge the duties of the office; but there was no one individual with the experience of Professor Bache as to every part of this coast survey, which would be interrupted to some extent if there should be any change, and a loss of from $10,000 to $20,000. Professor Bache had not only great scientific, philosophic, and mathematic, but administrative ability, and he managed the great work with great economy and success. It would not, then, be even economical to cut down his salary so as to drive him away from his position; on the contrary, it would be wasteful extravagance, for it would result in a loss of from $10,000 to $20,000, and perhaps more, in consequence of the loss of his experience. It had been said that this work had been commenced under the auspices of Thomas Jefferson, one of the most scientific Presidents we have had; and he hoped, then, that the work which had been begun under such auspices would not be interrupted when it was producing such important results, in a spirit of false economy, which he believed it to be.

The question was then taken on Mr. SAWYER's amendment as modified, and it was rejected, by a majority of 90 to 36.

Mr. VINTON, by direction of the Committee of Ways and Means, moved an amendment to appropriate $25,000 for the further prosecution of the survey of harbors and northwestern lakes. Agreed to.

Mr. HUNT submitted an amendment to appropriate $89,800 for the building of six revenue cutters, to be built at six different locations. The amendment contained some directions to the Secretary of the Treasury respecting the mode of advertising for contracts, &c.

Mr. FICKLIN raised a question of order as to the admissibility of the amendment.

The CHAIRMAN ruled the amendment to be out of order, on the ground that it was incongruous and not germane to the bill on which it was proposed to be incorporated.

Mr. HUNT asked that the law of 1789 might be read, which (he said) authorized the building of revenue cutters.

Objections were made.

Mr. HUNT appealed from the decision of the Chair ruling his amendment out of order.

After some conversation, the decision of the Chair was sustained by the committee by a majority of 71 to 45.

Mr. ROCKWELL offered the following amendment:

For the purpose of procuring a survey to ascertain the practicability and expense of constructing a common road, railroad, or ship canal across the Isthmus of Panama, the sum of twenty thousand dollars; such survey to be conducted under the direction of the President of the United States by such officers and privates of the army and navy as may be necessary, provided the same can be done with the assent of the Government of New Grenada.

It was ruled out.

Mr. HAMPTON, of Pennsylvania, moved an amendment for the examination of the Alleghany and Sabine rivers, and also of Little Egg Harbor, $10,000. Ruled out.

Mr. DUNCAN, of Kentucky, moved an amendment appropriating for the improvement of the Mississippi river, $100,000; for the improvement of the Ohio river, above the falls and below the falls, $100,000. Ruled out.

Mr. DUNCAN took an appeal, but the decision of the Chair was sustained: Ayes 79, noes 26.

The reading of the bill was continued.

Mr. VINTON moved an amendment for the payment of the clerks of district courts for certain returns furnished by them, under the order of Congress, showing the operation of the late bankrupt law, $6,156.

Mr. HAMPTON, of Pennsylvania, moved to amend the amendment by striking out fifteen cents, as the rate of compensation, and inserting twenty-five cents.

Mr. H. explained the ground of the amendment, and recited what had been the action of Congress in requiring, after the repeal of the bankrupt law, from the Secretary of State's office, complete returns of the practical operation of that law, the number of applications for its benefit, the property returned by the bankrupt, the amount of his debts, and various other statistics. The clerks of the several district courts had made the requisite examination and prepared the required returns; and, according to the customary rate of charging, the amount of their compensation would average $1 75 per day. They presented their bill for this work. The Committee of Ways and Means concluded to allow them fifteen cents only; and no man could furnish an equal amount of labor for that sum. Mr. H. had made some examination into the facts of the case, and would say that mere justice required the amendment he had proposed.

The amendment was rejected.

The question then recurring on Mr. VINTON's amendment allowing fifteen cents—

Mr. MILLER moved to reduce the sum to ten cents. This, though not a liberal allowance, would be, in his judgment, a sufficient compensation. The clerks of the district courts had made in some cases very large fortunes out of the fees charged and received by them under the administration of the bankrupt law. The courts had largely retrenched their bills of costs; but many bankrupts attending from a distance had been obliged to submit to their extortions rather than incur the expense of delay. Mr. M. spoke more especially of the state of things in his own State. He was opposed to allowing these men a liberal compensation, though he would not refuse what was just.

His amendment was rejected.

Mr. JOHNSON, of Arkansas, moved to strike out fifteen and insert twenty cents. The argument of the gentleman from Ohio presented no valid reason for reducing the amount. It was based on alleged extortions by certain clerks in Ohio. Admitting the fact that such exactions had taken place, was that a good reason why clerks who had been laboriously employed under a resolution of Congress in preparing public documents for the use of that House should give the public their services for nothing?

Mr. MILLER said their fees had been very liberal under the bankrupt law.

Mr. JOHNSON. What if they had? Those fees were paid them for work done otherwise, and not for the special duty of making these returns. These returns were called for after the bankrupt law had been repealed: they contained a vast mass of information; and ought not those who had prepared it to receive a just compensation for their labor? It was impossible for any man to do the work at fifteen cents and live by it. Even twenty cents was not enough. He hoped the House would not refuse this amendment.

The amendment was rejected.

Mr. HAMPTON moved a proviso, (a copy of which the reporter could not obtain.)

Mr. BIRDSALL inquired when the resolution (referred to in the proviso, we presume) had been passed?

Mr. HAMPTON said in 1836, and he explained the object of the proviso.

Mr. VINTON stated that the resolution had been passed in the 28th Congress. The proviso was adopted.

On the amendment as amended no quorum voted.

Mr. FRIES moved a further proviso that clerks who were in the receipt of more than $3,000 a year should not receive the benefit of this allowance.

This was agreed to, and the amendment as thus amended was carried: Ayes 69, noes not counted.

Mr. VINTON moved a further amendment allowing the marshal of the northern district of Florida $304 for removing intruders from the Indian territory. It was agreed to.

Mr. VINTON moved further to amend the bill by inserting an item for the salaries of the inspectors, warden, and keepers of the Washington Penitentiary, $6,283. Agreed to.

Mr. EDWARDS offered an amendment appropriating $2,000 to support twelve pauper lunatics in the Washington Infirmary.

Mr. EDWARDS remarked, that he presented this amendment at the request of the Committee for the District with the greatest pleasure. It contained provision for transient persons, who might be taken sick while here on business. It was known to this House, that four years since appropriation was made for the repair of a building in the rear of the City Hall, for the reception of the insane; and when that building was completed, it was ascertained to be inappropriate. It was then granted as an infirmary, to be attached to the Washington Medical College. That infirmary had, from that period, been in existence, at an expense of five hundred and twenty-five dollars to each of the seven professors; and, unwilling further to tax themselves, they closed the establishment in May last. He had been through the building. It was furnished at an expense of two thousand dollars, and its expenditures had been thirty-six hundred and seventy-five dollars greater than its receipts.

The object of the present appropriation was, to provide a place to which a stranger might be taken, and where the stranger's friends, the sisters of charity, could bestow on him the attention found nowhere but in institutions under their guardian care. The expense of keeping up this establishment for nurses, light, fuel, and medicine, were rising thirteen hundred dollars.

Many strangers, many soldiers with business growing out of the late war, would need this beneficence. There was no place in which they could be cared for, other than the jail or the District almshouse. Another reason for its adoption was, that the laws sent insane persons to Baltimore, only after being declared insane by the grand jury. This grand jury had its session four times a year. Now, if an unfortunate man should become insane one day after the close of the session of the grand jury, the present laws threw him into the jail to await three months, *without attention* in proper medical or moral treatment, the assembling of the jury. This was precious time, and could not do otherwise than result in injury to that class of our unfortunates. Many cases of injury, many cases of acute *disease*, by timely care, were amenable to treatment, and this retreat would afford the means and the place of that treatment.

He was intimately acquainted with the physicians in attendance on this institution, and was pleased to declare them gentlemen not only of benevolence, but of unquestioned skill. Several members of this House had been restored to usefulness through the kindness and skill of these gentlemen. He would not enter into an argument to prove our power to appropriate money for purposes of this character; our appropriation bills were full of them; and his only regret was, that one hour, instead of five minutes, was not allowed him to present this case as its merits demanded.

No quorum voting on the amendment, the roll was called. The committee rose and reported the absentees to the House; and there being then a quorum present, the House returned into Committee of the Whole on the state of the Union, and passed Mr. EDWARDS's amendment: Ayes 72, noes 68.

Mr. VINTON moved an amendment to strike out $18,000 for the pay of persons employed in bringing the votes for President and Vice President to Washington, and insert $9,000, with a proviso that no more than 12½ cents per mile upon the usually travelled route should be allowed for this travel.

He would simply state, in explanation of this amendment, that the persons who brought the votes for President and Vice President now received twenty-five cents per mile for travelling each way, of course charging the same mileage as members of this House. From some of the States they got $1,000 to $1,200 for simply coming here, delivering these votes, and going back, which would probably cost from $100 to $150, perhaps $150. It was proper he should state that this computation was fixed when the facilities for travelling were far less than they were at the present day. This amendment of the Committee of Ways and Means would reduce the compensation one-half, and would still leave from Texas and other distant portions of the Union some $500 or $600 compensation to be paid.

Mr. DUER inquired if there was any other compensation than mileage allowed?

Mr. VINTON replied, nothing at all. There was nothing to do but simply to come here, deliver the package they were intrusted with by the Executives of the respective States, and return home.

Mr. HALL, of Missouri, moved an amendment to the amendment, to strike out the words "usually travelled," and insert "nearest mail."

He argued that the allowance of mileage by the nearest mail-route was the more just and ready method of computation both for members of Congress and for these persons; and that the rate proposed thus computed would be a sufficient compensation for the service performed.

The amendment to the amendment was rejected.

Mr. JOHNSON, of Arkansas, upon a *pro forma* motion, spoke of the importance of the duty thus performed, and said the compensation should be such as to command the highest respectability in the agent. It should not be reduced to the mere contemptible matter of an ordinary messenger. From the nature of its connection with the decision of a great question, it was an office of high responsibility, and no reduction of the compensation should be made, but the services of men of responsibility and character should be secured, lest the decision of the election should be left to turn upon some act of corruption. The compensation should be regulated on the same principle as that of members of Congress. For one he was willing to go before his constituents and advocate the highest compensation to members, and he believed that the disposition to reduce it originated on the part of those who so clamorously advocated it rather from a strong desire to retain their own seats than from a regard for the public good.

Mr. VENABLE (upon a like motion) opposed the reduction as a picayune business, and argued that such a compensation should continue to be allowed as would command the services of men of high character for this responsible duty. He agreed with his friend from Arkansas that these petty reductions were on the principle of penny wise and pound foolish, and were not desired by the people.

Mr. DUNCAN, of Kentucky, moved an amendment to continue the compensation to twenty-five cents per mile, but to limit the maximum number of miles to be paid for to one thousand. Rejected.

The amendment of Mr. VINTON was then agreed to: Ayes 70, noes 46.

Mr. BARRINGER moved the following amendment:

For the erection of a monument in honor of the memory of Brigadier General Francis Nash, of North Carolina, according to the resolution of Congress passed on the 4th day of November, 1777, the sum of five hundred dollars; and for the erection of a monument in honor of the memory of Brigadier General William Davidson, of North Carolina, according to the resolution of Congress passed on the 20th day of September, 1781, the sum of five hundred dollars; and that the treasurer of the United States pay the sums aforesaid to the order of the Governor of North Carolina, whenever required for the purposes aforesaid.

Mr. DUNCAN, of Kentucky, raised a point of order against the amendment on the ground of irrelevancy, but was overruled and the amendment received by the Chair.

Mr. BARRINGER said the amendment explained itself. On the 4th March, 1777, the Congress of the Confederation authorized the erection of a monument to General Nash and afterwards to General Davidson, and directed that an appropriation of $500 for each should be made. The amount proposed was a small one, but was inserted because it was the sum mentioned in the resolution of the Continental Congress.

The amendment was rejected: Ayes 40, noes not counted.

The section for expenses of loans and treasury notes, $10,000, being under consideration—

Mr. GRINNELL, on a *pro forma* motion, inquired of the chairman of the Committee of Ways and Means as to the necessity for it, remarking that the expenses were great, and must have been some $50,000 or $60,000 during the last year for loans and the issue of treasury notes?

Mr. VINTON, in reply, stated that the estimate sent in by the Secretary of the Treasury for this item was $20,000; that, under the direction of the Committee of Ways and Means, he had made inquiry of the Secretary of the Treasury concerning this and other items, and he caused to be read the letter he had received from that officer, to show the importance of the appropriation asked. The Committee of Ways and Means had reduced the amount one-half, and reported the item of $10,000.

Mr. VINTON, under instructions of the Committee of Ways and Means, moved an amendment for the payment of a balance reported by the Secretary of War, on the 23d December, 1837, due to the States of Massachusetts and Maine, upon the account of their disbursements to their militia in the service of the United States, during the last war with Great Britain, $227,176 48.

The amendment, he said, proposed an appropriation to carry into effect the resolution of Congress, which directed the Secretary of War to investigate the claims of these States, and ascertain the amount due them for services of their militia in the last war with Great Britain. He caused to be read the said resolution of Congress and report of the Secretary of War, showing the amount due, which he proposed to appropriate.

Mr. HARALSON raised the point of order against the amendment, that the appropriation was not authorized by law.

The CHAIR said that was a question of fact with which he was not acquainted, and invited proofs in reference to it.

Mr. HARALSON called upon gentlemen to furnish the law directing this money to be paid.

Mr. VINTON said the resolution of Congress and the report of the Secretary of War under it, together, showed that there was this debt existing against the United States, and it was a proper place to provide for its payment in a general appropriation bill.

The resolution was again read, and some conversation ensued upon the point of fact between Messrs. BURT, McKAY, and the CHAIR.

Mr. HUDSON, by general consent, stated the fact that the resolution just read was general, applying to all the States as well as the State of Massachusetts, and several of the other States, whose accounts were audited at the time under the same resolution, were paid at the time; and an appropriation for this claim of the State of Massachusetts was originally put in with the claim of the State of Connecticut, and was stricken out in the House at the last night of the session. It had passed the Senate every session, he believed, since then; it had been reported on favorably and adversely in this House.

Mr. HARALSON inquired if the action which had taken place in both branches of Congress was not evidence that there was no law authorizing the payment of these claims?

Mr. HUDSON supposed that the fact that they had been included under precisely the same resolution was as good evidence for Massachusetts as for the other States whose claims had long since been paid.

Mr. HARALSON insisted that there was no law authorizing the appropriation.

Mr. McCLELLAND read the rule prohibiting amendments to the general appropriation bills for objects not authorized by previous laws.

Mr. HUDSON, by further consent, said that Mr. Monroe had recommended the examination of these accounts; that Massachusetts had submitted a claim of about $800,000 to the Auditor; that the Auditor divided the accounts into three classes; a small class which were totally inadmissible; another class of about $400,000, which were allowed; and another of about $400,000, which were suspended for want of evidence; that Massachusetts and Maine appointed agents, as did several other States, to obtain additional proof; that the Third Auditor passed upon the subject again with the new evidence furnished; and that this report in their favor was the result of the second auditing.

Mr. C. J. INGERSOLL, speaking also by general consent, said he believed—and his friend from Massachusetts would probably coincide with him in what he said—that when the Massachusetts militia were called upon in 1812, the constituted authorities of that State—the Executive and Judiciary—the Legislative, too, he believed, were of opinion that they were not bound to serve under any officer of the United States unless the President himself took command. He thought that was the position, if he mistook not. The consequence was, that the Executive of that day refused to pay the Massachusetts militia called out; and a very

large debt ensued, of which he presumed this was a part. A good while after, several years after, the question came up before the Supreme Court of the United States, the opinion of which—pronounced by Story, if he mistook not, a very distinguished native of Massachusetts—was unanimous that the Executive was right in his position, and the authorities of Massachusetts wrong. He spoke all this, meaning to give no offence, but he stated what he understood to be the precise state of the case. He took for granted, therefore, that this claim had ever since been not only a disputed claim, but a claim involving a large constitutional question, one of the most important that had ever arisen under our Government, whether the Executive of the United States was himself the judge of the exigency when the militia was to be called forth to suppress insurrection or repel invasion, or whether—the militia being by many of the most respectable people in the United States considered a State force—the State authorities had any right to exercise a judgment on this subject. It was that dispute, he took it, which had deferred the payment of this debt; and if so, was it possible, without a law, that this debt could be paid? No resolution in the world could amount to a law. There must be a law on this occasion more than any other in the world to settle by law that this debt should be paid. Certainly he had no objections to paying the debt; he might be very much inclined, if a law was proposed, to vote for it, because by-gones might be by-gones.

Mr. BURT stated to the gentleman from Massachusetts—and he hoped to be heard by the Representatives from Vermont—that, notwithstanding the resolution read at the Clerk's desk, a bill had been ordered to be reported from the Committee on Military Affairs to pay the regiment of Vermont militia, whose claim, upon the same pretence, might arise under the resolution read. He suspected that this claim of Massachusetts had no precedence whatever over the claim of Vermont, which had arisen at the same time, and under circumstances clearer from doubt.

Mr. INGERSOLL repeated, that it was not only a disputed, unsettled claim, but an unsettled claim, he took for granted, that hung upon the great constitutional doubt decided by the Supreme Court of the United States. Until a law, therefore, be passed recognizing this claim, it was no claim at all. The resolution of the two Houses referred to had not received the sanction of the President.

Mr. HUDSON, (in his seat.) Yes it had.

Mr. INGERSOLL. Not at all. It had also been decided by the Supreme Court of the United States, Chief Justice Marshall giving the unanimous decision, that a joint resolution, signed by the President, was equivalent to a law; but a resolution of the two Houses did not make a law, could not make a law, unless signed by him who had the right to veto all bills. It seemed, therefore, that the presentment of this claim was premature until it was authorized by law; and he was not prepared to say, if it was presented in the form of law, that he would vote against it.

Mr. HUDSON said, if the committee would indulge him to answer the interrogatories put by the gentleman from Pennsylvania—and he had no disposition to conceal a single fact of the case—the whole state of the case was this: In 1812, the year the war was declared, an act was passed authorizing the President to call out for that year 100,000 militia, or any part thereof he might think proper; a call was made upon the Governor of Massachusetts for five companies, two, he believed, to go to Rhode Island, and three to Maine, which was then a part of Massachusetts. There was a controversy between the State authorities and the President in relation to it. The Governor of Massachusetts, whether he was right or wrong, said the President was authorized to call out the militia only to repel invasion or suppress insurrection, and this implied either actual or threatened invasion or insurrection: as there was neither, he for the time being refused to turn out these five companies.

Mr. INGERSOLL, (in his seat.) Not on that ground.

Mr. HUDSON. Subsequently, during the same year, three of these companies were sent to Maine, put under an officer of the United States, and fought for the United States. This was in 1812. In 1813 no militia in the State of Massachusetts was called out; all the regular forces were taken from the forts. In 1814 the British fleet hovered upon the coast; the Governor of the State at that time, by an understanding with General Dearborn and Commodore Bainbridge, turned out these men. The claim, therefore, for which Massachusetts asks to be reimbursed had no connection whatever with the troops in controversy to which the gentleman from Pennsylvania had alluded. It was in the year 1814, and not 1812, that these men were turned out, and the only controversy then between the Governor of the State and the commanding general of the district was, whether a United States officer of inferior grade should rank a militia officer—whether a United States colonel, for example, should rank a brigadier or major general of the militia. This was claimed by General Dearborn, and denied by the Governor; it was referred to the Secretary of War, who decided in favor of the State authority, and said the United States had never pretended in any such case that an officer of the United States should rank an officer of the militia unless he was of superior or equal grade.

These troops, therefore, were called out in 1814, when Maine was actually invaded; and, wherever a United States officer of superior grade was found, they were put under the United States officer, so far as the general commanding a district could have command at different posts. He would further state that the claim for the $400,000, which had already been paid to Massachusetts and Maine, was of precisely the same class and character as that proposed to be included in this bill, and that they had only differed at the first auditing from the want of evidence, which was subsequently furnished by the agent of Massachusetts.

Mr. INGERSOLL could assure the gentleman from Massachusetts that not four hours ago, this very morning, he had read, with great interest too, the very able and eloquent letter of Mr. Otis in vindication of this very proceeding, and it was the same or a similar dispute from first to last, in 1812, 1813, and 1814; and in this very letter, written in 1824, Mr. Otis declared that this claim was yet unpaid, and that the fact was, that the troops of Massachusetts, if the Governor had admitted the power of General Dearborn over them, would not have served under him. It had been a disputed, contested claim throughout, and it so remained.

Mr. HARALSON, being also allowed, by general consent, to say a few words, expressed the opinion that the proposed appropriation came under the class expressly excluded by the rule as not authorized by law, and that there could be furnished no better reason for the rule than this very instance. It involved the appropriation of hundreds of thousands of dollars; it involved a great constitutional question; it had not been investigated or reported on by any committee at this session; and justice, as well as the express provisions of the rule, required that it should not be received as an amendment to the general appropriation bill under these circumstances. He therefore insisted on his point of order.

The CHAIR stated that the point of order turned on a question of fact—whether the appropriation was authorized by law; and, as he had no knowledge of the *fact* except from the counter statements here made, he proposed to decide it *pro forma*, with the view of having an appeal taken to the House. He therefore decided the amendment in order.

Mr. HARALSON appealed from the decision.

Mr. HOUSTON, of Alabama, desired to ask the chairman of the Committee of Ways and Means if the point of law was distinctly made in the committee? He had been a pretty regular attendant on its meetings, and he had never heard of it before.

Mr. VINTON replied that the law and the report of the Secretary of War had both been presented to the Committee of Ways and Means, and the amendment had been drawn up in pursuance of them.

Mr THOMPSON, of Pennsylvania, objected to any further discussion.

The question was taken on the appeal, and decided in the negative: Ayes 56, noes 81.

So the decision of the Chair was overruled, and the amendment was declared to be out of order.

Mr. KING, of Massachusetts, moved to insert an item of $7,227 for restoring the buildings of a marine hospital at Key West, Florida.

Mr. SAWYER objected that it was not proper legislation under this bill, for it belonged to the navy.

The CHAIRMAN decided the amendment to be out of order.

Mr. KING explained the necessity for this appropriation, and maintained that it properly belonged to this bill. He was understood to say, that this item was proposed to restore the amount which had been taken without authority of law from the fund for the support of sick and disabled seamen for rebuilding the hospital at Key West, which is United States property. He appealed from the decision of the Chair; but the Chair was sustained by a majority of 69 to 54.

Mr. BURT moved that the committee rise. Lost.

Mr. SCHENCK moved the insertion of an item of $1,522 50, to pay Mr. BOTTS's mileage and per diem as the contestant of the seat of Mr. J. W. JONES in the twenty-eighth Congress.

The CHAIR ruled the amendment out of order; and on an appeal, the Chair was sustained.

Mr. CROZIER moved to strike out the items to authorize the Clerk to pay for Congressional Globes and Appendix. He said his first objection to these items was, that it was not in order for the Committee of Ways and Means to insert any such items in this bill. The rule had been referred to frequently, which provided that no items should be inserted for the payment of money but in pursuance of law; and there was no law to authorize this appropriation. He did not ask the chairman of the committee to strike out the items, because he did not think he had the power, notwithstanding they were inserted without authority of law; but he asked the committee to strike them out, because the Committee of Ways and Means had no authority to insert them in the bill. The phraseology of the items itself afforded satisfactory evidence that the committee thought there was no law for the payment of these sums, which amounted to $25,000; and therefore they were asked to adopt these items, to enable the Clerk to make these payments. He objected, then, in the first place, because the Committee of Ways and Means had no authority of law for inserting these items; and he objected, in the next place, because there was no resolution to justify it. The Committee of Ways and Means might say, that though there was no law, there was a resolution. He (Mr. C.) said there was not; and if it were not that he had great respect for the astuteness of the chairman of the Committee of Ways and Means, he should say that such a construction was a perversion of the English language.

He read the resolution passed on the 1st of March, 1846, under which the Congressional Globes were furnished, and argued that there was nothing in it to show that it was to be continued longer than the Congress at which it was passed. [He was here reminded of the Senate resolution.] The Senate resolution (he said) did no more than fix the price at six dollars for the long session, and three dollars for the short one, which sums were to be paid out of the contingent fund; and so it would have been by this House, but the Committee of Ways and Means had properly relieved the contingent fund from these items, and transferred them to the general treasury, by this item, which proposed to give authority that would enable the Clerk to pay them.

He objected to these items for the reasons which he had stated, and he also objected because it was the expenditure of a large amount of money for nought. Would anybody say that the Congressional Globe had a corps of reporters here? He had not seen one this session; and so far as he was informed and believed, for the last session the reports were taken from the National Intelligencer and the Union, word for word, and letter for letter. It then was a mere gift—a donation to keep up that press; and he thought it ought to be stricken out. The item for the payment for the twenty-eighth Congress he supposed to be an error, for he did not suppose those editors would be four years without obtaining their pay.

Mr. VINTON explained that the item last referred to was an error. The amount had been paid, and he proceeded to show how it got into this bill. He desired the Clerk now to make the correction. So much for that. But the gentleman from Tennessee seemed to think that the Committee of Ways and Means had fallen into a mistake in inserting these items in this bill, and that there was no authority of law to justify them in doing so. Now, in doing that, he had followed the precedent of the gentleman from North Caro-

lina, [Mr. McKAY.] He quoted provisions heretofore inserted in the appropriation bills by the Committee of Ways and Means when Mr. McKAY was its chairman, to show that he had copied the precise language which had been heretofore used. He followed precedents which the House had recognized, and therefore he thought he had not fallen into any great error in point of form. But as to the objection that this appropriation was not authorized by any law, he said he did not understand it in that way. Whatever was done by authority of law, or of resolution of either body of Congress which created a debt against the United States, it was proper to put it in the appropriation bill; and it was idle to say that there must be a public law to authorize that debt to be paid. If that were so, if a regiment of men were called out, or a custom-house built, it would be necessary, after the act had been done, to pass a law authorizing the proper payments to be made. It was a debt, and it was the duty of the Committee of Ways and Means to provide for the payment of all debts. He would undertake to say, if there must be a law to direct the payment for every specific thing, that this civil and diplomatic bill would be cut down to a mere skeleton; there would not be left one-twentieth part of what was now in it. There was a resolution before him which authorized the insertion of the item to pay the debt contracted for these publications, and the committee had but discharged its duty in doing so.

Mr. CROZIER had no doubt the gentleman from Ohio could produce plenty of precedents, but he contended that they were all wrong. He had not, therefore, questioned but that precedents could be found for such abuses. But he had another motive for moving to strike out these items of $25,000 for these worthless reports; and it was that he had no doubt the House would take this matter in hand and get proper reports for half the amount. He was satisfied that $12,000 would get better reports than were now got for $25,000, according to the system practised by the Senate.

Mr. VINTON. Whether they should do that or not, was another affair altogether. His impression was, it had been a very good and valuable thing; and this Congressional Globe and Appendix would be a work of reference for every politician, and the gentleman from Tennessee, he had no doubt, during the next contest, would be found using it on the stump.

Mr. CROZIER. I can take the *National Intelligencer*, from which these reports are taken.

Mr. McKAY was in favor of the motion made by the gentleman from Tennessee. He thought there was no law to authorize this appropriation, it having no higher authority than a simple resolution authorizing the members of the House of Representatives to subscribe for that work—a resolution which expired with the Congress by which it was passed, and was not binding on any subsequent Congress.

Some conversation ensued between Mr. McKAY, Mr. VINTON, and others, and the items were modified by Mr. V. to correct an error therein.

Mr. BOWLIN said he had the honor of offering the resolution to which reference had been made, under which this work was furnished to the members of this House, and he begged therefore permission to say a few words in relation to it. The gentleman from Tennessee had stated that there were no reporters here for the Congressional Globe. In that the gentleman was greatly mistaken.

Mr. CROZIER explained. He had said if there were any here, he knew nothing of them. He had not seen any.

Mr. BOWLIN proceeded to say that there were reporters here for that work; that it was the best ever published in the United States; that the House had contracted a debt for these reports, and it was bound in honor and justice to pay the debt it had contracted.

Mr. HALL, of Missouri, suggested an amendment to provide that nothing contained in this bill should authorize any future appropriations for the same purpose. He would, however, say, in regard to these items, that the members of this House have received the work thus far, and it was proper that it should be paid for.

Mr. CROZIER said he would modify his amendment so as to provide that the resolution of the 1st March, 1846, under which these publications had been furnished, be and the same is hereby repealed.

Mr. STEPHENS did not concur in the positions and arguments of the gentleman from Tennessee. He believed this to be a very valuable publication; but if the gentleman from Tennessee could convince him that it cost more than it was worth, he would go for a reduction. He believed it to be a very desirable object to have reports of the proceedings of Congress, and he did not think the amount of money which they cost could be better expended. The gentleman from Tennessee had pronounced these reports to be worthless; now, for one, he had been a very attentive observer of these things, and he believed them to be highly useful and valuable.

Mr. CROZIER said the gentleman from Georgia had misunderstood him. He wished the gentleman from Georgia to take his idea correctly. It was that these reports were taken from the National Intelligencer and the Union of the last session, and therefore that we were paying the publishers of this work for nought.

Mr. STEPHENS called the gentleman's attention to the Appendix, which contained speeches written out by the members, all of which the Intelligencer and the Union did not profess to publish.

Mr. COBB begged permission of his colleague to say that the reporters for the National Intelligencer at this time were the reporters for the Congressional Globe.

Mr. STEPHENS said he was coming to that. He had no doubt that the arrangement which was understood to exist between the editors of the Congressional Globe and of the National Intelligencer enabled the publishers of this work to give very valuable information to the community. He barely wished, therefore, for one, to say that he did not agree with the gentleman from Tennessee at all.

The amendment was then rejected.

Mr. VINTON then moved an amendment appropriating $24,000 for the Documentary History, now in the course of publication. Agreed to.

The committee then rose and reported progress.

FORTIFICATION BILL.

On motion of Mr. VINTON, the House concurred in the amendment of the Senate to the bill making appropriations for fortifications, &c.

The House then adjourned.

IN SENATE.

SATURDAY, *July* 15, 1848.

The bill to amend an act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico,'" having been returned from the House of Representatives, with a report informing the Senate that the House had disagreed to the first two amendments of the Senate to the bill, and had agreed to the last, with an amendment, and that the House had appointed a committee of conference—

On motion of Mr. DIX, the Senate insisted upon its amendments, and ordered a committee of conference on its part, to be appointed by the Chair.

The CHAIR appointed Messrs. BENTON, JOHNSON of Maryland, and DAVIS of Mississippi.

PETITIONS AND MEMORIALS.

Mr. BUTLER presented a memorial from citizens of Barnwell district, South Carolina, for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. BORLAND presented the petition of Elias H. Conway, for permission to change the entry of a tract of land; which was referred to the Committee on Public Lands.

Mr. BUTLER, from the Committee on the Judiciary, reported the bill for changing the time of holding the United States courts in the western district of Virginia, with amendments.

Mr. DOWNS asked the unanimous consent of the Senate to introduce a bill to authorize the Secretary of the Treasury to compromise with the sureties of Francis D. Newcombe, late surveyor general of the State of Louisiana; which was granted.

Mr. D. then asked the unanimous consent of the Senate to have the ordinary forms dispensed with so as to allow the bill to be passed. Mr. D. having explained the situation of matters in relation to said sureties, called for the reading of a letter from the Commissioner of the Land Office. The bill was then considered in Committee of the Whole and passed.

Mr. MASON hoped the Senate would indulge him by taking up the bill from the House for the relief of William T. Holland. His feelings had been exceedingly touched by a letter received that morning in relation to that claim. This young gentleman had been sent by our consul at Rio to give testimony in the case of a slaver, and the court at Richmond did not feel itself authorized to do more than to allow the ordinary sum for attendance as a witness. Mr. Holland had been detained here waiting for Congress to provide him with the usual mileage allowed, until his circumstances had become very much impaired.

After some inquiries from Mr. KING and Mr. BADGER, the bill was taken up, read a third time, and passed.

On motion of Mr. CLARKE, the Senate proceeded to the consideration of the bill from the House for the relief of Benjamin Ogle Tayloe; which, after a brief discussion, was laid on the table.

At a few minutes after 12 o'clock, the Senate went into Executive session, and remained therein until 5 p. m.; when the doors were reopened, and

The Senate adjourned.

WASHINGTON, *July* 15, 1848.

GENTLEMEN: In the Congressional Globe of the 11th instant, in the hurried report of Mr. CLAYTON's remarks, you have made a great mistake in my reply to his question "if General Cass would veto a bill for internal improvements?" I replied, that "if he would *not*, I would not vote for him." The Senator of Delaware then asked if I thought General Cass would veto a bill for the improvement of harbors and rivers? I replied, I believed he would not; that the Democratic party had always made a distinction between a general system of internal improvements, by roads and canals, by the General Government, as in Mr. Monroe's time, and reasonable appropriations for harbors and rivers. Bills for these purposes, I said, I believed General Cass would approve, if not extravagant; that he would not sanction a general system, such as alluded to.

Will you please publish this in your next paper?

Very respectfully, yours, S. BREESE.

To the EDITORS OF THE CONGRESSIONAL GLOBE.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 17, 1848.

The Journal of Saturday was read and approved.

Mr. ADAMS moved to reconsider the vote by which the resolution of the Committee on Printing was adopted, requiring the Committee on Engraving to report the cause of the delay in furnishing the public printer the maps and plates for the Patent Office reports and Lieutenants Emory's and Abert's reports, and made some explanations thereon; and, after some conversation between Mr. A. and Mr. CONGER, the motion was withdrawn.

Mr. ADAMS then moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That Senate bill for the repair of the dam in the Ohio river, at Cumberland Island, be made the special order of the day next succeeding the general appropriation bills and the bill to organize the Territory of Oregon, and that the same be proceeded with from day to day until finally disposed of.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. COCKE, by leave, offered the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested to inform this House what amount of public moneys have been respectively paid to Lewis Cass and Zachary Taylor from the time of their first entrance into the public service to this time—distinguishing between regular and extra compensation; that he also state what amount of extra compensation has been claimed by either; the items comprising the same; when filed, and when and by whom allowed; if disallowed, when and by whom, and the reasons for such disallowance; and whether or not any items so disallowed were subsequently presented for payment; and, if allowed, when and by whom.

Mr. C. moved the previous question, which was seconded; and, under the operation thereof, the resolution was agreed to.

At a subsequent part of the day, Mr. HAMPTON, of New Jersey, moved to reconsider the vote by which the above resolution was passed; and—

On motion of Mr. H., the motion to reconsider was laid on the table.

Mr. BOWLIN, by leave, introduced a joint resolution to give to the State of Missouri certain

pieces of artillery captured of the Mexicans by the Missouri volunteers under the command of Colonel Doniphan.

The joint resolution was read three times, passed, and sent to the Senate for concurrence.

Mr. DANIEL, by leave, offered the following resolution:

Resolved, That the President of the United States be requested to communicate to this House a copy of the proceedings of the court of inquiry in Mexico touching the matter which led to the dismissal from the public service of Lieutenants Josiah S. Pender and George E. B. Singletary, of the North Carolina regiment of volunteers, and all the correspondence between the War Department and Generals Taylor and Wool in relation to the same.

Mr. SMITH, of Indiana, moved to amend the resolution by adding thereto, "And that he also communicate to this House a copy of the proceedings of the court of inquiry lately held at Frederick, Maryland."

The amendment was ruled out of order.

Mr. COBB, of Alabama, moved to amend the resolution by adding a proviso "authorizing the Secretary of War to employ two additional clerks to enable him to comply with the requests of the resolution."

Mr. DANIEL hoped Mr. COBB would not insist on his amendment, as it would endanger the passage of the resolution.

Mr. COBB believed the gentleman from North Carolina had voted on all occasions against giving additional clerical aid to the various public departments, which had been earnestly and repeatedly asked of Congress. And as Mr. C. thought the extra clerks asked for by the departments were necessary to the prompt despatch of public business, he insisted on his amendment. These frequent (and Mr. C. believed unnecessary) calls for information were very detrimental to the country. Nearly the whole time of the regular clerks in the departments were taken up to answer them, to the entire neglect of other and more important public business. Mr. C.'s amendment was rejected.

The resolution was then agreed to.

Mr. GAYLE moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the consideration of House bill to grant portions of the public lands to the Mobile and Ohio Railroad Company, and that the same be put on its passage.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. MEADE moved to suspend the rules to enable him to introduce the following joint resolution:

Resolved, &c., That the Postmaster General is hereby required to cause the great southern mail to be transported over the Richmond and Fredericksburg railroad upon such terms as may be agreed upon by impartial referees, one to be chosen by the President of the United States and one by the president and directors of said railroad company, the two to choose an umpire in case of disagreement, and the terms thus established shall be in force until the usual period for letting out mail contracts for that route.

The rules were not suspended, two-thirds not voting in the affirmative.

Mr. EVANS, of Ohio, by leave, offered the following resolution, which was read and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire whether any, and, if any, what reduction can be made in the expenditures of the Navy Department in time of peace consistently with the interests of the public service, and that they report the result of such inquiry to this House at as early a day as practicable.

Mr. KAUFMAN moved a suspension of the rules to enable him to move a resolution to the effect that the bill to establish certain post routes in the United States lying on the Speaker's table be now taken up and disposed of.

The motion to suspend the rules was decided by yeas and nays, as follows:

YEAS—Messrs. Atkinson, Bingham, Birdsall, Bowdon, Boyd, Boydon, Brodhead, William G. Brown, Albert G. Brown, Burt, Cabell, Cathcart, Chapman, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cocke, Collamer, Collins, Conger, Crozier, Cummins, Daniel, Darling, Dickinson, Faran, Featherston, Ficklin, Flournoy, Fries, Fulton, Goggin, Green, Hammons, Haralson, Harris, Henry, Hill, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jenkins, Andrew Johnson, James H. Johnson, Robert W. Johnson, G. W. Jones, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Ligon, Lincoln, Lumpkin, Lynde, Maclay, McClelland, McClernand, McDowell, McKay, Job Mann, Meade, Miller, Morris, Newall, Nicoll, Peaslee, Peck, Petrie, Peyton, Pillsbury, Richardson, Rockhill, Sawyer, Shepperd, Simpson, Smart, Stanton, Starkweather, Stephens, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Toombs, Turner, Venable, Wallace, Wentworth, Wick, Wiley, Williams, Wilmot, and Woodward—102.

NAYS—Messrs. Abbott, Adams, Barrow, Belcher, Blanchard, Botts, Brady, Buckner, Canby, Clingman, Cranston, Crisfield, Crowell, Dickey, Dixon, Duer, Daniel Duncan, Dunn, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Gayle, Gentry, Giddings, Gott, Gregory, Grinnell, Nathan K. Hall, James G. Hampton, Hilliard, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Thomas B. King, Daniel P. King, William T. Lawrence, Lord, Horace Mann, Marvin, Mullin, Nelson, Nes, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, Schenck, Sherrill, Silvester, Slingerland, Caleb B. Smith, Andrew Stewart, Taylor, Richard W. Thompson, John B. Thompson, Tompkins, Vinton, Warren, and White—75.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. ROCKWELL, of Connecticut, moved to suspend the rules to enable him to offer the following resolution:

Resolved, That the House bill providing for the settlement of claims against the United States, be the special order for Friday next, and so continue on Fridays and Saturdays until finally disposed of.

The yeas and nays were ordered, and stood: Yeas 74, nays 48. So two-thirds not voting in the affirmative, the rules were not suspended.

Mr. HOUSTON, of Delaware, presented the petition of the Eastern Branch Bridge Company in relation to the purchase of the lower bridge across the Eastern Branch by the Government. Referred to the Committee for the District of Columbia.

Mr. BURT, by leave, offered the following resolution, which was read and agreed to:

Resolved, That the President be requested to cause to be communicated to this House a statement of the number of Indians in Oregon, California, and New Mexico; the number of military posts that will be necessary in each; the number of troops to garrison each post, and the whole military force which should constitute the peace establishment.

On motion of Mr. HILLIARD, by leave,

Resolved, That the President be requested to communicate to this House (if not inconsistent with the public interest) copies of all instructions given to the Hons. Ambrose H. Sevier and Nathan Clifford, commissioners appointed to conduct negotiations for the ratification of the treaty lately concluded between the United States and the Republic of Mexico.

On motion of Mr. HARALSON, by leave,

Resolved, That it shall be the duty of the Clerk of the House of Representatives to cause each member of the House to be furnished with a printed copy of all the acts and resolutions which may be passed by both Houses of Congress and approved by the President, as soon as practicable after the same shall be severally approved.

At a subsequent part of the day, Mr. HARALSON moved to reconsider the vote by which the above resolution was passed; and, by consent, the motion to reconsider was laid over.

Mr. WHITE, by leave, offered a resolution to discharge the Committee of the Whole on the state of the Union from the Senate bill reviving certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coalheavers in the navy, and to their widows.

The resolution being agreed to—

The House proceeded to consider the said bill.

The amendment reported by the Committee on Naval Affairs was read.

Mr. WHITE moved the previous question, and, under the operation thereof, the amendment was agreed to, and the bill read a third time and passed.

The title was amended by striking out the words "for the term of five years."

Mr. LAHM moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That the Committee on Territories be instructed to inquire into the expediency of setting off the whole, or so much of the territory acquired by the late treaty with Mexico, west of the river Bravo, as shall be thought necessary, for the purpose of forming a colony for the free black population of the United States, and such slaves as shall from time to time be manumitted by their owners; and that said committee also inquire into the expediency of making a donation, or, for a certain compensation, selling a certain number of acres of land to every free black person who shall, within any specified number of years, voluntarily emigrate to said territory; also into the propriety of holding said territory a certain number of years as a colony of the United States, previous to transferring the sovereignty thereof to those resident therein.

Two-thirds not voting in the affirmative, the rules were not suspended.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

Mr. VINTON said he deemed it his duty to state, that he had received a letter from the Secretary of the Treasury declaring that there was no appropriation out of which the various courts of the United States were to be paid. He had also letters from several sheriffs in different districts of the Union, stating that the terms of the courts would have to be postponed for want of funds: and the same was the case with the Executive departments. There was no money to pay the clerks. He rose, therefore, to give notice, that unless the debate on this bill should be brought to a close by half-past three o'clock, he should move that there be a recess, and let the House sit again to finish the bill this night.

The reading of the bill was resumed.

Mr. VINTON moved to amend by inserting a provision appropriating $——— to complete the erection of a custom-house at Savannah, Georgia. The work had been ordered to be commenced, and the appropriation was recommended by the Secretary of the Treasury.

The amendment was agreed to.

Mr. HOLMES, of South Carolina, moved to insert an appropriation of $100,000 for purchasing a site for a custom-house in the city of Charleston, in addition to $12,000 already appropriated.

Mr. BRODHEAD rose to order, and inquired whether there was any law for such a work.

Mr. HOLMES replied in the affirmative, and stated that $12,000 had heretofore been appropriated. Mr. H. had, on a former occasion, fully explained the necessity for this appropriation, and he believed he might say that the Government were now convinced on that point. The custom-house now in use had been taken from the British in the Revolution, and was entirely too small. A merchant had lately told him, that for want of the requisite room, he had been compelled to import his cargo into New York, and incur the expense of transferring it thence to Charleston.

The vote being taken by tellers, the amendment was carried: Ayes 77, noes 41.

Mr. VINTON moved an item of $120,758 towards the erection of a custom-house in New Orleans; which was agreed to.

Also, $12,500 to meet an outstanding claim for building the new custom-house at Boston. Agreed to.

Mr. GRINNELL, from the Committee on Commerce, moved the appropriation of $2,200 to purchase a building to be used as a custom-house in Wiscasset.

He sent a letter to be read from the Secretary of the Treasury.

Mr. JONES, of Tennessee, opposed the appropriation, as not warranted by any law.

A desultory debate ensued, in which Messrs. GRINNELL, FICKLIN, and EVANS of Maryland, took part, after which the amendment was carried: Ayes 70, noes not counted.

Mr. J. R. INGERSOLL moved an amendment for the purchase of one thousand copies of Mayo's History of the Treasury Department, $5,000.

He spoke of the value of this work as known to many of the members and to the committees of the House, upon whose tables it lay, and had been liberally inspected. It was a work of extraordinary merit, and it was difficult to say how the Treasury Department could get along without it.

Mr. COBB, of Georgia, raised a point of order that the appropriation was unauthorized by law.

After some conversation, the point was sustained by the Chair, and the amendment ruled out of order.

Mr. SLINGERLAND moved the following amendment:

For the removal of obstructions in and deepening the channel of the Hudson river, at and below the United States arsenal at Watervliet, the sum of sixty thousand dollars, to be expended under the directions of the Secretary of War.

The amendment was ruled out of order.

The item "for the removal of obstructions in the Savannah river and the naval anchorage near Fort Pulaski, under the direction of the Secretary of War, $50,000," being under consideration—

Mr. BARROW moved to add $50,000 for repairs of the dam at Cumberland Island, in the Ohio.

Mr. BRODHEAD raised the point of order that it was not authorized by law.

The CHAIR sustained the point of order.

Mr. BARROW appealed, and observed that the sum asked for might be considered a continuation of former appropriations, as the dam had been constructed by authority of law, and being now in a

dilapidated condition, the interests of commerce on the Ohio river required its repair or removal.

Mr. MOREHEAD called attention to the law by which the dam was erected, and after some conversation—

The question was taken on the appeal, and decided in the affirmative: Ayes 76, noes 55.

So the decision of the Chair was sustained, and the amendment decided out of order.

Mr. KING, of Georgia, moved to amend the item by inserting after the word "river," the words "occasioned by sinking wrecks to prevent the approach of the enemy to the city during the revolutionary war."

He caused to be read during the allotted five minutes a portion of the memorial of the Chamber of Commerce of Savannah, relative to the necessity of this appropriation, and the manner in which those obstructions were placed there.

Mr. VENABLE raised the point of order, that the appropriation proposed by the item was not authorized by law.

The CHAIR stated that he could not undertake to rule out a part of the bill, and suggested that the gentleman from North Carolina could appeal or move to strike out the item.

Mr. VENABLE made the motion to strike out.

Mr. TOOMBS, upon a *pro forma* amendment, distinguished this appropriation from appropriations for works of general internal improvement. It did not propose to remove any natural obstruction whatever; the Government, for its own purposes of defence of the city, had sunk these ships, and it was the duty of the Government to remove them.

Mr. McCLELLAND inquired if a part of these obstructions were not put there by the British Government as well as by our own?

Mr. TOOMBS replied, not that he was aware of.

Mr. McCLELLAND said, the memorial showed the fact; and also, that these obstructions were placed there prior to the adoption of the Constitution.

Mr. TOOMBS said the Government was bound by all the obligations of the Confederacy. It was bound to remove its own obstructions, and not to injure the commerce at this particular point. If gentlemen expected, by striking out appropriations of this character, to add strength to the general system of internal improvements, they would find themselves greatly mistaken. The great objection that had been offered to the general system was, that it was made to include bad as well as good works; but there was no objection to good ones, standing on their own foundation. He caused the memorial further to be read.

Mr. McCLELLAND, on a like amendment, objected to this appropriation, not because he was opposed to this kind of works, but to any discrimination between them. This appropriation was not more necessary or proper than numerous other appropriations in the general improvement bill. This was one of the items in that bill. Another point was, that these obstructions were placed there in part by the British Government, and hence the obligation of the Government respecting them stood on no different footing from that for the removal of other obstructions. He referred to the report of the corps of Topographical Engineers at the first session of the 28th Congress, to show that appropriations had been made for this work, from time to time, amounting to $140,000.

Mr. KING's amendment was rejected—ayes 60, noes 67.

Mr. DICKINSON moved an amendment providing that the works provided for should be advertised and let out to contract to the lowest bidder. He said the contract system was that adopted by many of the States, and it would effect a great saving, and secure the application of the moneys appropriated direct to the furtherance of the works, and not to the payment of superintendents, agents, &c. He hoped no appropriation of this kind would be made in this bill; but, if it were to be, it should be judiciously expended.

The amendment was rejected.

The question recurred on Mr. VENABLE's motion to strike out—

Mr. VENABLE said this was strictly a work of internal improvement, and had no place in a civil and diplomatic appropriation bill. It was unauthorized by law or by resolution of the House; and yet gentlemen sought, in the report of a bill by the committee, to insert an appropriation which was essentially distinct from the legitimate object of the bill, and thus force the President to sanction works which could not be passed into law standing on their own merits, or take the responsibility of vetoing the general appropriation bill. He hoped it would be stricken out.

Mr. STEPHENS replied to Mr. McCLELLAND, and defended the appropriation. He said this could not be included amongst the works of internal improvements; for it was designed only to remove those obstructions which were placed there during the Revolution to prevent the approach of the British fleet, and therefore were a part of the means used to secure our independence. It was, then, the duty of the Government to remove those obstructions, and, as he had said, it did not come within the principle respecting river and harbor improvements; though he, for one, was willing to improve all great works that were really of a national character.

Some explanations having been made by Mr. McCLELLAND and Mr. STEPHENS—

Mr. JOHNSON, of Arkansas, called the attention of the committee to the fact, that for a series of years Georgia had the privilege of levying tonnage duties for the improvement of this river by the removal of this obstruction.

Mr. T. B. KING replied that the State of Georgia had never imposed tonnage duties.

Mr. VINTON said it was very apparent that the committee would not dispose of this bill by 3½ o'clock; he therefore moved that the committee rise, with a view of offering a resolution in the House for a recess until 7 o'clock, so that the committee could hold an evening session.

The motion was rejected by a majority of 67 to 64.

Mr. VINTON hoped, then, that the members would consent to sit until 5 o'clock.

The amendment was then agreed to.

Mr. HALL, of Missouri, moved to strike out the item making an appropriation to refund to colleges, academies, &c., certain duties on philosophical apparatus, books, &c., imported from foreign countries. Lost.

Mr. VINTON, by direction of the Committee of Ways and Means, offered the following: "For the expenses of a commercial agent, to be selected and sent abroad by the President, to collect information respecting the commerce, productions, and statistics of the countries of Asia and Eastern Africa, $10,000."

After explanations by Mr. VINTON, Mr. HOUSTON of Alabama, Mr. GRINNELL, Mr. KING of Georgia, Mr. NICOLL, Mr. C. J. INGERSOLL, Mr. THOMPSON of Pennsylvania, and others, the amendment was rejected.

Mr. JONES, of Tennessee, moved to strike out the item of $4,750 for grading and gravelling Four-and-a-half street from Maryland avenue to the Arsenal, and flagging the west side thereof. He said this was an item for paving one of the streets of this city. Every session they were asked for such appropriations, and he had never been able to see the justice and propriety of making appropriations for such a purpose. The inhabitants of this, like the inhabitants of other cities, should pave and repair their own streets. The only reason that he could discover whereon to base this appropriation was, that the Government had an arsenal at the end of it, and therefore this road must be made from Pennsylvania avenue, which some gentlemen also claimed as belonging to the General Government. This bill contained several other items of a like character, which he should move to strike out when the proper time came—some of them for roads through unsettled parts of the city. This Four-and-a-half street was not one-tenth occupied. The items for the improvement of streets in this city which this bill contained amounted to forty or fifty thousand dollars, which he contended they had no power to appropriate.

Mr. CHAPMAN replied. He said the gentleman from Tennessee seemed to be at a loss to know why this Government should be called upon to improve the streets of this city. It ought to be known to that gentleman that the streets proposed to be improved are under the control of the Government of the United States, and by it they ought to be repaired. The gentleman ought to know that when the contract was made between this Government and the owners of this property in this city, the Government agreed to make and repair these streets. There was now lying in the treasury a large amount acquired by the sale of lots here, which, according to the agreement of the Government, should be appropriated in this way. When the city was laid out, it was divided into lots, one-half of which were given to the Government, and the rest reserved to the owners, the Government stipulating that all the proceeds arising from the sale of those lots which it took should be appropriated for the improvement of streets and avenues, and that had not been done. But this appropriation was asked for by the War Department, and not by the inhabitants of this city; and for whose convenience? Why, that a good pathway might be afforded to the public property and public buildings, including the Arsenal, which gentlemen would not attempt to deny was the property of this Government.

Mr. JOHNSON, of Tennessee, having made a *pro forma* motion, said, aside from the question of power in this Government to make appropriations for improvements of this sort, there were other reasons, which he thought were conclusive, to show that this appropriation should not be made. If it were in order, he would move to strike out the three or four other items in immediate connection with this, but he should refer to them as furnishing reasons why this item should be stricken out. Where, then, he asked, did this Government derive its power to make improvements of this sort? He could not find any. It might be contended that they could make these improvements because this road led to buildings and property of the Federal Government. Why, this would justify the construction of a road from Washington to New Orleans, because this Government had a mint there. The argument in the one case was as good as in the other; but it was good in neither. It was not necessary, to carry out any one function pertaining to the Arsenal, that they should appropriate this money, and gravel and flag these streets.

The gentleman from Maryland [Mr. CHAPMAN] had referred to the Avenue; but this item was to make an appropriation for Four-and-a-half street; and where did this Government derive the power to take money from the people's pockets to pave, grade, gravel, and flag the streets of Washington? There was no such power given by the Constitution; it was neither express nor implied, nor was such power necessary to enable them to carry out any express grant of the Constitution; and when they looked at the sums which had been lavished on this District, he thought they ought to see that it was time such appropriations should be stopped. Go back but a few sessions, and they would see appropriations of $40,000 at one, $60,000 at another, and like appropriations at another, for the improvement of the streets in this city, and still they cry, "Give, give!" To talk, then, of the produce of lots sold in this city being in the general treasury, was all gammon. He also called the attention of the committee to the assumption of the debts of the cities of the District by the General Government, and to the amounts expended for judges, court-houses, penitentiaries, &c., which other communities maintained at their own expense, and said, if this Government would remove to New York, Philadelphia, or Baltimore, those cities, instead of calling upon this Government for such appropriations for the repairs of streets, would pay to it a bonus. He denied that this Government had any more jurisdiction or control over Washington than over any other city in this Union, and yet a thousand dollars was spent to lay the dust, lest it should be offensive to the olfactories of gentlemen. He should like the gentlemen from Ohio and Georgia to go home to their constituents, and tell them that while they were paying taxes to keep the Government going on——

The Chairman's hammer cut off the gentleman's sentence in its midst, his time having expired.

Mr. TALLMADGE said, it was very amusing to hear gentlemen make such statements as those which they had just heard. The gentleman from Tennessee had spoken of the expenditures for this District; and what were they? Why, they were for the improvement of their own grounds and avenues, and nothing else. And who enjoyed them when they were improved? The gentleman from Maryland had stated to the committee the facts of the case; and why did not the gentleman opposite answer him? These grounds that were proposed to be improved belonged to this Government, and the city of Washington has no control over them; the appropriations were for the benefit

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of the United States. This item was for military purposes; it was to make a road to a United States arsenal, and not for the city of Washington. Did the avenue belong to the city of Washington? Was it for the convenience of the city of Washington? Why, then, these tirades against the city of Washington and the District of Columbia? Why, it was shown by a statement of their own commissioner, that the United States Government had not expended the interest of the money donated to it by this city, which it agreed to expend for these purposes. That might seem to be a bold expression on his part, but he had before him the documents to prove it.

He then alluded to $120,000 given by Virginia, and the $75,000 given by Maryland, to the public treasury, when the District of Columbia was ceded to this Government, and he asked, what had this Government ever paid for the cession of territory here, and for the lots which it had at its disposal? Why, their own officer had shown them that they owed to this city nearly half a million of dollars, and yet gentleman talked of the wonderful things done by this Government for the city of Washington. They repaired these roads, then, for their own convenience, and because the city of Washington had nothing to do with them.

He also spoke of the canal, to which allusion had been made, which he said was the work of the United States; and of the expenditures for lighting the streets, and said, if this Government would pay taxes on its own property, the city would ask it for nothing else.

Mr. TOOMBS replied, that so far from not having any power to legislate for internal improvements within this District, Congress possessed exclusive power of legislation over it; and, as to the great amounts which Congress had appropriated for this city, if the city possessed the power of taxing Government property within its limits, it would amount to over $50,000 a year. All the appropriations of Congress for the District would not equal it. The people of the city had made almost all the streets of the city out of their own funds; the people of no city in the Union paid so heavy a corporation tax; it amounted to nearly one per cent. There was a debt due from the Government to the city which would require much larger appropriations than had ever yet been made. Government had sold lots in this city to the amount of $800,000. Did gentlemen wish this Government to speculate and make money out of the poor people of Washington?

Mr. JOHNSON, of Tennessee, wanted to know, if the seat of Government should be removed, what all these city lots would be worth?

Mr. TOOMBS replied, that if the Government should in that case return to the people of this city all the money it had made out of its location here, they would be worth a great deal. It was the duty of the House to make these appropriations now asked, and a great deal more besides; and, when he went home, he should tell his constituents so.

Mr. THOMPSON, of Indiana, said he had lately looked at the contract made between this Government and those who ceded the land on which the city stood, and had examined the conditions on which the cession had been made, and he was fully satisfied that no body of people in any of the States of this Union could be found who had been treated by their own Legislatures as the people of this District had been treated by the Congress of these United States. Some gentlemen seemed to regard them as wholly out of the pale of this Government, because they had been deprived of the power to vote for members of Congress. Not an appropriation could be proposed which tended in the slightest degree to their benefit, but what it was instantly and strenously opposed, either on the ground of unconstitutionality or inexpediency. He heard now, for the first time, that this Government had no power to improve the streets and avenues on its own property. Truly, this was an age of discovery. Government had no power to legislate for the improvement of the streets in this city, when that was one of the stipulations on which the Government received the cession of the ground on which it stood.

Had the city taxed the lots held here by the Government, and put them up to sale, what a clamor would gentlemen raise about a municipal authority undertaking to sell Government property! Yet they contended, that while the lots belonged to the Government, the people should be at the whole cost of making streets, without which those lots would be of little value. The city had no authority to tax these lots, and if it should attempt to do so, these very gentlemen would raise the loudest complaint.

Mr. JOHNSON said, that if the gentleman would refer to the acts of the city corporation, he would find that it did tax real estate very heavily every year.

Mr. THOMPSON. Yes, but not public property.

Mr. JOHNSON. I did not say public property.

Mr. THOMPSON. But that is the whole question?

Mr. SAWYER said he desired only to see justice done; and he should not have said a word but for the remarks of the gentleman from Indiana, [Mr. THOMPSON.] In Mr. S.'s State, and in that gentleman's State, the Government sold large amounts of the soil of the State; but did those States on that account demand vast donations of the public money for works of internal improvement? Not at all. And when Government did grant any land for such works, it doubled the price of every alternate section. The gentleman said Government had not spent here the proceeds of the sales of the public lots: but had Government ever spent in the West the proceeds of the sales of the public lands?

The CHAIR called Mr. S. to order for irrelevancy.

Mr. MULLIN said he had paid some attention to the appropriations made at different times by Congress for the benefit of this District, and he raised his protest against the whole system. The first appropriation he found had been made in the spring of 1828, when the city was comparatively in its infancy. Since then, the appropriations had gone on increasing, till, unless the practice should be put a stop to, the whole treasury would be insufficient to furnish money for this city and this District. Congress had built them two bridges, and made them free of toll. They had appropriated $20,000, and then $130,000, and then ran it up to $150,000 for bridges; then $60,000 for another bridge at Georgetown; then $150,000 for a city canal; then they had assumed the canal debt of the three cities of the District, and took canal stock in security. Then they had furnished fire-engines, and built engine-houses; and he supposed Congress would be called on before long to do everything else that the imagination of man could conceive to benefit these people, until there would not be money enough in the treasury to meet the appropriations. It was taking public money for private use. It was said Government got the benefit of these improvements. Why, so did Government derive benefit from the improvement and sale of the public lands. Why should the power of taxation be allowed in this District when it was denied to the States? Mr. M. protested utterly against any appropriation whatever for improvements in this District. Congress had granted from five hundred thousand to eight hundred thousand dollars, wholly apart from the public property, to the people here, besides a million and more of debt assumed on their account, on which the interest had to be paid. He was opposed to going any further.

Mr. ROMAN replied. The gentleman had talked about Government appropriations to the canal, and its assumption of the canal debt. He "could a tale unfold" on that subject which would show up the conduct of this Government in a very different light. It was originally proposed to dig a canal of thirty feet wide and four feet deep, which the people would have been able to complete. But the Government had come in and said, Do not stint your plan to such a pitiful ditch as that; we shall want to use the canal to bring down iron to our foundries and stone for public buildings and other Government purposes. Make your canal sixty feet wide and six feet deep, and we will help you. Virginia and Maryland and the cities of the District had acquiesced in the proposal; but after they had been drawn into this magnificent plan, and had commenced their canal on this extended scale, the Government concluded it would not be a good speculation, and refused to go any further; but Virginia, Maryland, and the District, had been drawn in too deeply to recede, and they had to go on with the work. But for the bad faith of this Government, Maryland would not have had a dollar of her public burdens, and would have known nothing of her late embarrassments. Was there any great liberality in assuming a debt which Government had itself caused? This was the honorable course of the Government in the matter of this canal, about which so much was boasted. As a citizen and a Representative from Maryland, Mr. R. could not sit quietly and hear such gross misstatements without contradicting them.

The motion to strike out was lost, only 39 votes being given in the affirmative. Tellers, however, were demanded, when the vote stood ayes 47, noes 80.

Mr. J. R. INGERSOLL proposed an amendment that the Secretary of War be directed to furnish from the Bureau of Topographical Engineers the estimates for a plan to supply the city with water for the extinguishing of fires, &c. It was ruled out of order.

Mr. INGERSOLL took an appeal.

Mr. GENTRY said that various attempts had been made heretofore to effect this object by resolution; he thought the gentleman from Pennsylvania deserved great credit for now attempting to get at it by law.

The CHAIR was sustained, and the amendment ruled out.

The following item having been read: "For grading and gravelling Indiana avenue, and for the construction of a culvert under it, $13,500"—

Mr. SAWYER moved to strike it out. He said he could not sit quietly by and see such a course of legislation going on without any attempt to arrest it. Gentlemen complained that Government was unjust in refusing to appropriate still more for this District because they owned many lots here. He lived where Government owned almost all the soil; the people lived there in woods and swamps, without roads, without schools, and destitute of many other conveniences of life; but it gave them nothing; and when it pretended to make them a donation of land, it took care to double the price of its own lots. The people there had to make their own roads; but here Government must make the streets and avenues, and when that was done, it must water them too, lest the throats of members of Congress should be choked with dust, so that they could not make long speeches for more appropriations. This watering of the streets was an appropriation for next year, for there would be no opportunity of expending it till then. He entered his protest, like the gentleman over the way, against the entire system. If he were a resident of the District, he would spurn the idea of receiving the Government money like a pauper. They did not do anything for the improvement of their own streets. One gentleman said they had no right to do anything; another, on the same side of the question, said they had done a great deal. How did these arguments stand together? He should vote to strike out each of these city appropriations, and, as he supposed the motion would not prevail, he should take the responsibility of voting against the whole bill on the ground of its containing appropriations of this character. There was not in the whole bill a single item for the great West; all were for the Atlantic border and the southern depôts. When they did bring in a bill for the improvement of the great western rivers, they took care to put into it some obnoxious features, such as they knew the President and the South would never agree to; and in the appropriation bills, not a dollar was provided for anybody or anything west of the mountains.

As he lived, if he was President of the United States, he would veto this bill, and teach them not to put such items into it as these.

Mr. VINTON explained the necessity of opening and grading this avenue, as a great thoroughfare from the City Hall, Post Office, and Patent Office, to the Capitol.

Mr. V. then went into some general remarks on the opposition which had been made to the appropriations for the District. In contemplation of law and of the Constitution, this entire District was nothing but a seat of Government, and when it was provided that such a District should be set apart as the seat of the General Government, no other idea had ever been entertained but that large appropriations would be requisite for it as such. The expenditures thus far had been much less than the receipts of the Government. As the city increased in size, they must of course increase in amount. This was the case in every city. It had been said that other cities would willingly pay a large bonus for the privilege of having the seat of Government removed within their limits. He trusted the seat of Government would never come into his State. Ohio could not afford to give the city of Cincinnati to this Government. The Government, if it removed, would never be located in a State. It must be placed in a wild place, in some unoccupied spot, where the public buildings requisite might be erected. But, for one, he did not choose to see the Government go away from this spot, where such large amounts had been expended in providing for it the requisite accommodations.

Mr. A. JOHNSON renewed his objections to appropriations of this character. Where did Congress get the power, unless it was either expressly granted or was necessary and proper to carry out a granted power? Was this necessary? Could not the functions of Government go on without this road to the railroad depôt? The gentleman from Ohio seemed to think this Government was a sort of Aaron's rod, and that, if it went to Cincinnati, that city would be totally swallowed up by it. Not at all. It might be placed in the vicinity, and the city would be greatly benefited. Give the people of Cincinnati the offer, and nineteen-twentieths of them would say yes, and agree to pay a handsome bonus. They would not ask Congress to make their streets for them, but would agree to put up all necessary buildings. Instead of swallowing up the city, it would benefit and enlarge it.

Mr. THOMPSON, of Indiana, said he should be very happy to accommodate the gentleman from Tennessee [Mr. JOHNSON] by discussing the constitutional power of Congress to appropriate for the District of Columbia, but there was not time now to enter into so abstruse an argument. It was certainly the first time in his life that he (Mr. T.) had ever heard a question raised as to the power of the General Government over the subject of internal improvement in the Territories. No man had ever objected to it before. The President never thought of such a thing. The honorable gentleman had gone a bow-shot beyond all his Democratic friends in the exalted purity of his constitutional views.

Mr. JOHNSON said the gentleman laid great stress on the clause which declared that Congress should possess exclusive power of legislation over the District of Columbia. He would ask the gentleman one question: Could Congress make an establishment of religion in this District?

Mr. THOMPSON. No, nor anywhere else; but the question convinced Mr. T. that the gentleman had never read the Constitution in regard to this subject of internal improvements. It had been opposed in the Territories on the ground of expediency alone.

But it seemed to him that the gentleman from Tennessee was not intending so much to make a constitutional argument against the power of Congress, as in setting up for bids for the removal of the seat of Government; he thought there were many places where the people would like to have it, and would give a great bonus to get it. Now, Mr. T. wanted it no nearer to him than it was at present. Heaven knew that it was quite near enough now. The people of his State wanted to have it no nearer; they did not desire to see it in the Mississippi valley. No. Let it remain where it was, and let these costly buildings continue to be occupied in providing for its accommodation; and let the people of this city and District feel the fostering hand of Government in a much larger degree than heretofore.

The people in the West were not like the poor citizens of the District of Columbia; they had legislatures of their own, over whom they exercised control, and who must do their bidding; but here the people were completely disfranchised, and Congress was their only protector. To subject them to all the whims and caprices of Congress, and then to abuse and denounce them and continually threaten them, was unfair, unmanly, hard, and unjust.

The question being on Mr. SAWYER's motion to strike out, it was rejected without a count.

The next item having been read: "For paving the remainder of the centre space of Pennsylvania avenue to 15th street, $4,000"—

Mr. JONES, of Tennessee, moved to strike it out. He said reference had been made to an original contract between the Government and the former proprietors of the ground on which this city stood; he had heard that contract often spoken of, but he had never yet seen it.

Government had selected this as a fit site for the seat of the General Government; a proposition had then been made to the owners of the ground to locate the city on their land, and it was agreed that they and the Government should hold alternate lots. Now, which of the parties had been the gainer by such an arrangement? The land was then worth probably some three dollars an acre—certainly not over five. This raised its value an hundred fold. And he insisted that Government had spent on streets, bridges, and other local improvements on this spot now much more than it ever had received. Mr. J. would be quite willing to relinquish to the city every lot not in front or in the immediate vicinity of the public buildings. It had been said, that the city had not taxed the public property. No; and in what State or county did any one ever hear of the State buildings and county property being taxed? Mr. J. then again referred to the amounts appropriated and assumed for the District.

His motion was negatived.

Mr. HUDSON read from a report made by the Commissioner of Public Buildings, stating what the Government owed the city on account of the sale of public lots.

Mr. FICKLIN inquired by whom that report was made?

Mr. HUDSON said, by the Commissioner of Public Buildings—a high Democratic authority.

Mr. FICKLIN said, the man who made it should have been dismissed from office the next day. That officer had undertaken to decide a legal question which did not belong to him to decide. This was not a question between the present citizens of Washington and the Government, but between the Government and the original proprietors of the ground. It was the proprietors who had agreed with the Government for every alternate lot; and had they not been greatly benefited by the bargain? It was the merest humbug to represent the Government as indebted to the city for the amount of sales of public lots. This ground no more belonged to the citizens of Washington than to the citizens of London. He would not call such reasoning nonsense, because he felt too much respect for those who used it; but, in their zeal to build up and adorn this city, they had quite lost sight of the principles of the Constitution. The citizens here had never given the Government one cent. If anything could be claimed, it was only by the heirs of the original proprietors.

Mr. TALLMADGE had felt a good deal of surprise at the course of the honorable gentleman from Illinois. Any one that observed his smooth and sleek appearance and his rotundity of figure, might tell at a glance that he was a member of the Committee for the District, [a laugh;] and was this the return the gentleman made? [Increased merriment.] Mr. T. was on that committee himself, and, for one, he meant to stand by the cause of the city.

This appropriation was to complete an avenue that ran immediately before the President's house. Now, members of Congress were in the habit of visiting there; Mr. T. himself did, very often; and he did not want to risk the breaking of his neck whenever he left there at night.

Mr. FICKLIN inquired whether the gentleman had ever broken his neck there yet?

Mr. TALLMADGE said not yet; but it had been preserved almost by miracle, not only there but in other parts of the city. Besides, Old Zack was coming here; and as he had travelled over many a hard road in Mexico, he wanted to give him a decent road by which to reach the White House. [Laughter.]

Mr. RUMSEY moved to amend the bill by inserting a proviso that the money appropriated for city improvements should be expended under the direction of the Mayor and Corporation of Washington, by the lowest responsible bidder; an engineer to be furnished by Government to make the necessary surveys.

He supported his amendment by some remarks, going to show that the city authorities were a more proper power to take the superintendence of the expenditure of this money than the Commissioner of the Public Buildings. He did not want to see the money spent, as it would now be under existing law, by the public gardener and his assistants. He was hardly willing they should exhaust the whole fund in day's work.

The amendment was agreed to.

Mr. VINTON moved an amendment to pay —— Walker for work done at Norfolk hospital. Agreed to.

Also, for expenses of the survey of the boundary line between the United States and the British provinces, $3,310 75. [He had read a letter from the Secretary of State showing that amount necessary to close up the expenses of that line.] Agreed to.

Also, for continuing the publication of the works of the Exploring Expedition, including the printing of charts, pay of scientific corps, care of the collections, &c., $30,000. Agreed to.

Mr. FICKLIN moved that the committee rise. Rejected.

Mr. KAUFMAN moved an amendment repealing the law requiring the cession by the States, in advance, of the jurisdiction of the sites of light-houses, as far as the light-houses at Galveston and other parts of Texas are concerned.

The amendment was ruled out of order.

Mr. MULLIN moved to add as a proviso to the item for superintendents of light-houses, that no part of the sum should be paid to any person who receives a salary as an officer of the customs, and that said services after ——, 1849, should be done by collectors of customs. Agreed to.

Mr. McLANE moved an amendment for an inspector of light-houses in the Chesapeake bay, $1,200. Rejected.

Mr. VENABLE moved that the committee rise.

Mr. VINTON hoped not. He thought they might get through the bill in an hour.

The motion was agreed to: Ayes 66, noes 58—and the committee rose and reported progress.

Mr. VINTON offered a resolution providing for a recess from the time of adjournment to 7 o'clock p. m., and, objection being made, moved a suspension of the rules for the purpose. Pending this question—

On motion, the House adjourned.

IN SENATE.

MONDAY, *July* 17, 1848.

Mr. FELCH, from the Committee on Public Lands, made an adverse report on the memorial of Agnes Slack.

The following resolution, introduced by Mr. NILES, was taken up and adopted:

Resolved, That the committee to audit and control the contingent expenses of the Senate be instructed to inquire whether the contract to report the proceedings and debates of the Senate has been faithfully executed, and whether the same has answered the purpose; and, if not, to report some measure to remedy the evil.

Mr. DAYTON, from the Committee on the Judiciary, reported a bill for the modification of the laws regulating fines in the courts of the United States; which was read a first time.

Mr. BADGER submitted the following, which lies over:

Resolved, That the President of the United States be requested to communicate to the Senate any information which may be in the possession of the Executive relating to the seizure and capture of the American ship Admittance, on the coast of California, by a vessel of war of the United States, and whether any and what proceedings have occurred in regard to said vessel or her cargo, and to furnish the Senate with copies of all documents, papers, and communications in the possession of the Executive relating to the same.

On motion of Mr. CLAYTON, the select com-

mittee appointed to take charge of the bill for establishing a Territorial Government in Oregon, &c., had leave to sit during the daily sittings of the Senate.

NAVAL APPROPRIATION BILL.

On motion of Mr. ATHERTON, the Senate proceeded to consider the bill making appropriations for the naval service.

The question being on the amendment of the committee striking out the item of $7,500, for furnishing the marine hospital at New Orleans—

Mr. DOWNS expressed a hope that the amendment would be rejected, and that the clause would be suffered to remain in the bill.

The amendment of the committee was then rejected.

Mr. BORLAND signified his intention, during the progress of the bill, to make some remarks on the subject of these hospitals.

The bill was further amended, on motion of Mr. ATHERTON.

Mr. JOHNSON, of Maryland, laid on the table an amendment which he proposed to offer, making an appropriation of $50,000 to compensate the officers of certain vessels lost in the service—the Peacock, Missouri, Grampus, Shark, and Somers—for clothing, &c., lost when the vessels were destroyed.

The amendment was ordered to be printed.

Mr. UNDERWOOD desired to propose an amendment, appropriating a sum to pay the claim of certain persons for exhibiting a process to prevent the explosion of steam-boilers, but said he would not urge it—a bill on the subject having been reported—should objection be made.

Mr. ATHERTON said he must certainly oppose the amendment.

Mr. UNDERWOOD then withdrew his proposition.

Mr. NILES moved to amend the bill by striking out so much of the item relating to the ocean steamboats as provided for the payment of sums in advance, &c., and moved to postpone the further consideration of the bill till to-morrow.

Mr. ALLEN said, that at a proper time he should give some views in opposition to the whole system. Not that he expected that his remarks would be so successful as to arrest the bill, but he wished the country to be informed on the subject.

The further consideration of the bill was then postponed until to-morrow.

Mr. DOWNS called up his resolution, making Senate bills the business of the Senate on Fridays and Saturdays; but,

On motion of Mr. BENTON, the resolution was laid on the table, and the Senate proceeded to the consideration of Executive business. At a late hour, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 18, 1848.

The Journal of yesterday was read and approved.

Mr. BOTTS, from the Committee of Conference on the part of the House on the bill amendatory to the act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes, made a report, recommending that the Senate recede from its first two amendments to the bill, and that the House recede from its amendment as the third section of the bill; and that the two Houses agree to the bill which was presented with the above report of the committee.

The previous question being moved and seconded, the main question was ordered to be now put, viz: Will the House agree to the report of the Committee of Conference?

Mr. BROWN, of Virginia, inquired of the Speaker if the question could be divided so as to take a separate vote on each of the sections?

The SPEAKER replied in the negative.

Mr. BROWN said he might be forced to vote for the bill rather than lose the last section thereof. He was decidedly opposed to all but the first and last sections of the bill.

Mr. COBB of Georgia inquired of the Speaker whether or not the report was susceptible of division?

The SPEAKER replied it was not.

Mr. COBB regretted that such was the case, as there were provisions of the bill for which he would be pleased to vote, and thought ought to be adopted; and would, to reach his object, inquire of the Speaker if, in the event of the rejection of the report of the Committee of Conference by the two Houses it would not be in order to have another Committee of Conference appointed, when the bill could be put in a proper shape, excluding the objectionable matter?

The SPEAKER replied that it could be referred to another Committee of Conference.

Mr. COBB said he should vote to reject the report with that object.

After further inquiries by Mr. FICKLIN and Mr. BOTTS—

The vote on agreeing to said report was taken by yeas and nays: Yeas 149, nays none. So the report of the Committtee of Conference was agreed to.

Mr. BOTTS moved to reconsider the foregoing vote, and also moved to lay the motion to reconsider on the table; which latter motion was agreed to.

The following is the bill as passed:

AN ACT to amend an act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico,'" and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso of the first section of an act approved the eighteenth day of June, one thousand eight hundred and forty-six, in the following words: "That when the war with Mexico 'shall be terminated by a definitive treaty of peace, duly 'concluded and ratified, the number of major generals in the 'army shall be reduced to one, and the number of brigadier 'generals shall be reduced to two; and the President of the 'United States is authorized and directed to select from the 'whole number which may then be in office, without regard 'to the date of their commissions, the number to be retained, 'and cause the remainder to be discharged from the service 'of the United States," be, and the same is hereby, repealed: *Provided*, That no vacancy happening in the grade of general officer shall be filled up until the number is reduced to one major general and two brigadier generals.

SEC. 2. *And be it further enacted*, That so much of the existing law as requires the discharge, at the close of the war with Mexico, of one additional major to each of the regiments of dragoons, artillery, infantry, and riflemen, in the army of the United States, who were appointed or promoted under the third section of the act passed on the eleventh day of February, one thousand eight hundred and forty seven, entitled "An act to raise, for a limited time, an additional military force, and for other purposes," be, and the same is hereby, repealed.

SEC. 3. *And be it further enacted*, That so much of said act, passed on the eleventh of February, one thousand eight hundred and forty-seven, as requires the discharge, at the close of the war with Mexico, of two additional surgeons and twelve additional assistant surgeons, as authorized by the eighth section of said act; four quartermasters, and ten assistant quartermasters, as authorized by the tenth section of said act; and so much of the act of the third of March, eighteen hundred and forty-seven, as requires the discharge, at the close of the war with Mexico, of an assistant adjutant general, with the rank, pay, &c., of a lieutenant colonel of cavalry, and two assistant adjutants general, with the brevet rank, pay, &c., of a captain of cavalry, as authorized by the second section of the said act of the third of March, eighteen hundred and forty-seven; and the two deputy paymasters, as authorized by the twelfth section of the last-mentioned act, and the two principal musicians allowed to each regiment of artillery by the eighteenth section of the said last-mentioned act, be, and the same is hereby, repealed: *Provided*, That no vacancy happening under the provisions so repealed shall be filled up until further authorized by law: *And provided further*, That the ten additional paymasters appointed in virtue of the said foregoing act of the 3d March, 1847, shall be retained in service until the 4th day of March, 1849.

SEC. 4. *And be it further enacted*, That all the officers of the old army who received appointments in any of the additional regiments raised for the war with Mexico shall be restored to their former regiments or corps and rank, as additional officers, of the respective grades to which they would have succeeded, and to which they shall now succeed, in virtue of their former commissions: *Provided*, That such officers so restored shall be reappointed by the President, by and with the advice and consent of the Senate: *And provided*, That the next vacancy happening in such grade of such regiment or corps to which they succeed shall not be filled.

SEC. 5. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates engaged in the military service of the United States in the war with Mexico, and who served out the term of their engagement, or have been or may be honorably discharged; and first to the widows, second to the children, third to the parents, and fourth to the brothers and sisters of such who have been killed in battle, or who died in service, or who, having been honorably discharged, have since died, or may hereafter die, without receiving the three months' pay herein provided for, shall be entitled to receive three months' extra pay: *Provided*, That this provision of this fifth section shall only apply to those who have been in actual service during the war.

COMMISSIONER OF PATENTS.

Mr. PEASLEE asked the unanimous consent of the House to present a communication from the Commissioner of Patents, with the accompanying papers, relating to charges which had been preferred against him to this House.

Mr. P. remarked that it was well known that grave and important charges had been presented to this House by one of the recent Examiners of the Patent Office, impugning the integrity of the Commissioner of Patents as an officer, and his character and conduct as a man. He said that it was due to the Commissioner of Patents, inasmuch as these charges had been spread far and wide, and this House had at last been made their theatre, that the Commissioner of Patents should have an opportunity to vindicate himself, and to show that these serious charges were wholy unfounded and groundless, as he was authorized to say they were by the Commissioner of Patents, in the broadest and most comprehensive sense, in general and in detail. He therefore hoped no one would object to the reception of the communication and accompanying papers, and their reference to the Committee on Patents.

Mr. CONGER objected, under a misapprehension of Mr. P.'s object, but afterwards withdrew his objection.

Mr. FARRELLY said this matter had been before the Committee on Patents, but, at this late period of the session, the committee thought it impossible that they could investigate the matter; but, if they attempted it, they must be authorized by the House to send for persons and papers. He therefore moved, as directed, that the Committee on Patents be authorized to send for persons and papers, but said he hoped the House would vote it down.

Mr. PEASLEE said that, in behalf of the Commissioner of Patents, he hoped there would be no objection to this motion, for the Commissioner was extremely desirous of the opportunity of showing the utter falsity of these charges, which had been made in so many places, but which he had had no opportunity as yet to meet and refute; and he was authorized to say that the more thorough the examination, the more full and searching the inquiries of the committee, the more gratifying it would be to that officer, confident as he was that the affairs of the Patent Office had been faithfully and properly administered.

The question being put on referring the communication of Mr. Burke, with the accompanying papers, to the Committee on Patents—

Mr. GOGGIN moved to amend by striking out the Committee on Patents, and inserting a select committee. Disagreed to.

The question on giving the committee power to send for persons and papers was then put and carried.

And Mr. Burke's memorial was referred to the Committee on Patents, with power to send for persons and papers.

Mr. HARALSON called up the motion he made yesterday to reconsider the vote by which the resolution was passed directing the Clerk of the House to furnish to each member of the House a printed copy of all the acts and resolutions passed by Congress and approved by the President, as soon as practicable, after the same shall have been severally approved.

The question on reconsideration was put and agreed to.

The resolution was then referred to the Committee on Printing, to inquire and report to the House the probable cost of printing and distribution of the laws.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

On motion of Mr. VINTON, the House resolved itself into Commitee of the Whole on the state of the Union, (Mr. ROOT, of Ohio, in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

Mr. TURNER moved to amend the item providing for the survey of the public lands by increasing the amount from $50,000 to $115,000.

Mr. TURNER condemned the policy of reducing the appropriations for surveys of public lands, and argued that the amount annually appropriated for years past, and now asked by the Commissioner of the General Land Office, should be appropriated, and that it would conduce to the increase of revenue from the land sales.

Mr. VINTON, under instructions from the Committee of Ways and Means, moved an amendment to the amendment to make the appropriation $65,000. He explained the data upon which the committee had acted. There had been, from year to year, five times as many lands surveyed as there was any demand for; the consequence was, that

there was now surveyed and in market a quantity of lands vastly greater than all the land which had been sold from the foundation of the Government up to the present day. The good lands in market were the greater part of them seeking buyers, and finding none. This amendment provided for the survey of five million acres—about twice as much, instead of five times as much, as would probably be sold during the present year. The committee thought there was no pressing necessity for the enlarged surveys. Indeed, he was of opinion that it would be well to suspend the surveys altogether, except in some particular locations, until this immense quantity of lands in market should be disposed of, to some extent at least. Now, every year we were told by the Executive that this immense quantity of lands in the market and not sold was conclusive evidence that they were good for nothing; whereas the sale of lands was regulated by the demand, in the same way as cotton, broadcloth, or any other commodity in market.

This was the general view of the Committee of Ways and Means, that, if provision was made for the survey of twice as much as would probably be sold during the present year, it would be going far enough, when they took into consideration the present glutted state of the market.

After some conversation, Mr. McCLERNAND desiring to obtain the floor—

Mr. TURNER accepted the amendment of Mr. VINTON, and modified his amendment accordingly.

Mr. McCLERNAND moved to amend the amendment by increasing the sum to $115,000.

The proposition laid down by the gentleman from Ohio, that the demand for the public lands must regulate the sale, was true (said Mr. McC.) as a general proposition; but that demand was to be regulated in some measure by the legislation of Congress on the subject. For example, if they put up the minimum price to ten, fifteen, or one hundred dollars per acre, of course it would decrease the sale; on the contrary, if they decreased the price, they increased the sale.

The gentleman stated that a larger amount had been surveyed from year to year than had been sold. That was true. But the amount not sold was, to a great extent, proportionate to the amount of inferior lands, those not worth $1 25 per acre; so that we had to survey more lands than we sold, in order to satisfy to public demand for lands worth $1 25 an acre. Between $100,000 and $200,000 had been appropriated annually, for several years, for these surveys, and it was now proposed to reduce the amount to $50,000, and subsequently to $65,000. By the distribution act passed by the Whig Congress of 1841, the gentleman and his party pledged $150,000 for these sueveys; the Commissioner of the General Land Office recommended $115,000 for this year, estimating for the surveys of mineral lands in Iowa and Wisconsin alone $40,000. But the Committee of Ways and Means, on their own *dicta*, on their own vague speculations, have assumed to cut down the whole appropriation to $50,000 or $60,000. The consequence would be, that large quantities in Iowa, Wisconsin, and Michigan, and other States, would have to be overlooked altogether and not surveyed for the present. The consequence would be, first, that it would decrease the revenue by keeping desirable lands out of market, and that, too, at a time when we needed all the revenue that could be received. In the next place, it was making a vital assault upon the new States, by discouraging emigration to those States, and preventing their development and settlement. It was also an attempt to do that which Congress could not do—to force the sale of lands for a dollar and a quarter which were not worth that sum, by limiting the sales to inferior lands. It would also postpone the period of graduation, which perhaps was one of the objects of the committee. It was a policy which, while $150,000 had been pledged when the proceeds of the sales were to be squandered among the States, now, when they were to go into the treasury, cut down the surveys to $50,000. It was a policy which was shaped to carry out party views, and might be regarded as a direct assault on the new States. He called the attention of their Representatives and people to it. He withdrew the amendment.

Mr. McCLELLAND renewed it. He believed that all those surveys contemplated by the Commissioner of the General Land Office in Michigan, Iowa, and Wisconsin would be materially affected if this reduction of appropriation was made. If he was wrong, the gentleman from Vermont [Mr. COLLAMER] could correct him.

Mr. COLLAMER said the surveys in the State of Michigan, to a very considerable extent, must go on, because there was an appropriation in the bill for the geological survey by itself; the lineal surveys, therefore, must go on and keep pace with them. They could not locate without.

Mr. McCLELLAND said, if he understood the Commissioner correctly, he stated if the amount recommended was not allowed, the lineal surveys could not be kept up with the geological examinations, and that it was important for them to go on in Michigan.

Mr. COLLAMER said it was true the Commissioner said if this amount was cut down, the lineal surveys necessary in Michigan could not be made.

Mr. VINTON said the bill appropriated this sum in addition to the unexpended balance in the treasury. The Secretary reported that there was an unexpended balance of appropriations, which might be carried to the surplus fund, of $89,000; so that they would have this $89,000 in addition to the $65,000 which the committee proposed to appropriate, and also the various items for survey of the mineral lands, which were additional items by themselves.

Mr. EVANS, of Maryland, stated that there were seven millions of acres now under contract for survey.

Mr. McCLELLAND said, if he understood the Commissioner of the General Land Office, he asked for $115,000 over and above this unexpended balance of former appropriations, and complained that if this appropration was not made, then he would not be able to go on with these surveys in Michigan, Iowa, and Wisconsin, which he said were, in his opinion, absolutely necessary not only for the settlement of the States, but for the increase of the revenue itself. Now, he asked the gentleman from Ohio—and he certainly knew very well how it was in his State—he (Mr. McC.) was certain it was the case in Michigan—whether there were not a great many of the surveyed lands that in all probability never would be sold.

The amendment to the amendment was rejected: Ayes 53, noes 70; and the modified amendment of Mr. TURNER, appropriating $65,000, was agreed to.

Mr. DICKINSON moved to strike out the item of $40,000 for compensation of geologists, assistant geologists, laborers, packmen, and incidental expenses attending the geological examination and survey of the mineral lands in Michigan, Wisconsin, and Iowa, including the amount required for the third and fourth quarters of the year ending the 30th June, 1848. Lost.

Mr. TURNER moved to add $20,000 for a geological survey of Oregon. Lost.

Mr. VINTON moved, by direction of the Committee of Ways and Means, to amend the items for intercourse with foreign nations, by the insertion of an item of $9,000 for outfit of a minister to Russia. Agreed to.

Mr. HILLIARD moved to amend the item for ministers to certain specified courts, by adding the word "Austria;" and on this he spoke his five minutes in reply to the speech of the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL,] delivered some short time ago.

Mr. MARSH, on a *pro forma* motion, expressed his views on this subject.

Mr. HILLIARD's amendment was then rejected.

Mr. HILLIARD next moved to insert the word "Turkey," where a minister resident is now sent, for whom, he said, $6,000 was insufficient. He argued this question through his allotted five minutes.

The amendment was rejected.

Mr. HILLIARD moved an additional item of $3,910 76 for the services of Mr. John Randolph Clay, Secretary of Legation to the Court of Austria during the absence of the United States minister, when the duties of the mission devolved on him. He said the Committee on Foreign Affairs had declined recommending the payment of outfit and infit, but proposed to pay him the increased salary.

Mr. VINTON, on a *pro forma* motion, contended that inquiry should be made from the Secretary of State whether the services had been rendered and not paid for.

Some conversation ensued, in which Mr. C. J. INGERSOLL and others took part.

The amendment was agreed to.

Mr. DUER moved an additional item to compensate Mr. Dorr for services rendered at Valparaiso, Chili. Mr. Dorr was consul, and during the absence of the representative of this Government he discharged duties as chargé. Agreed to.

Mr. HILLIARD moved separate items to give Mr. Martin the compensation of chargé, deducting his salary as secretary of legation, for services rendered at Paris from the time of Mr. King's departure and Mr. Rush's arrival; and the like compensation to Dr. Parker for services rendered at China. They were both agreed to.

Mr. BARROW made a like motion, which was agreed to, to compensate Mr. Donnett, then United States consul, for services at Portugal from the time of Mr. Kavanagh's departure to Mr. Barrow's arrival.

The committee rose and reported the bill at twenty-seven minutes after one o'clock.

The House proceeded to consider the bill and amendments.

Mr. VINTON moved the previous question, which was seconded, and the main question ordered, viz: Will the House concur with the Committee of the Whole in their amendments?

Mr. HOUSTON, of Alabama, moved a separate vote on the amendment providing compensation for a clerk to the Sergeant-at-arms. It was taken by yeas and nays, and resulted in the affirmative: Yeas 109, nays 53.

Mr. COBB, of Georgia, asked a division of the question on the amendment providing for the purchase of the Jefferson and the Hamilton papers, so as to take a separate vote on each branch thereof.

The SPEAKER decided that a division of the amendment could not be had.

Mr. COBB appealed from the decision of the Chair.

The question was put on the appeal, and the CHAIR was sustained.

The vote on agreeing to the amendment was taken by yeas and nays, and resulted: Yeas 73, nays, 97.

So the House rejected the amendment to purchase the papers of Mr. Jefferson and General Alexander Hamilton.

The amendment reducing the salary of the principal clerk in the stock bureau, Treasury Department, from $1,400 to $1,200, was separately voted on, and was disagreed to.

The amendment providing for repairs of the Capitol; for the improvement and enriching of the Capitol grounds; for fencing the public squares north, south, and west of the Capitol square; for repairs on the President's House; for lighting Pennsylvania avenue; for keeping in repair the iron pipes conveying water to the Capitol, and for sprinkling Pennsylvania avenue, was read.

Mr. SAWYER asked a separate vote thereon. It was taken by yeas and nays, and resulted in the affirmative: Yeas 91, nays 81.

Mr. COBB, of Georgia, asked a separate vote on the amendment reducing the mileage and pay of the persons who are to bring the vote of the electoral colleges for President of the United States to the seat of Government.

It was taken by yeas and nays, and resulted in the affirmative: Yeas 89, nays 87.

A separate vote was taken by yeas and nays on agreeing to the amendment for the purchase of a site for the erection of a custom-house at Charleston, South Carolina, and resulted in the affirmative: Yeas 89, nays 71.

The yeas and nays were taken on agreeing to the amendment striking out the item making an appropriation for the removal of the obstructions to navigation in the Savannah river, and resulted, Yeas 85, nays 84, as follows:

YEAS—Messrs. Atkinson, Bayly, Beale, Bingham, Birdsall, Bocock, Bowlin, Boyd, Brodhead, William G. Brown, Albert G. Brown, Burt, Cathcart, Chase, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Daniel, Dickinson, Garnett Duncan, Faran, Featherston, Ficklin, Fries, Fulton, Green, Hammons, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Labm, La Sère, Sidney Lawrence, Ligon, Lord, Lumpkin, Lynde, Maclay, McClelland, McClernand, McDowell, Job Mann, Meade, Miller, Morris, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Rhett, Richey, Rockhill, Sawyer, Simpson, Smart, Stanton, Starkweather, Charles E. Stuart, Thomas, James Thompson, Jacob Thompson, John B. Thompson, William Thompson, Thurston, Turner, Venable, Wallace, Wick, Williams, Wilmot, and Woodward—85.

NAYS—Messrs. Abbott, Barringer, Barrow, Blanchard, Boydon, Brady, Butler, Cabell, Chapman, Franklin Clark, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Fisher, Flournoy, Gaines, Gayle, Gogin, Gregory, Nathan K. Hall, James G. Hampton, Haskell, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Horace Mann, Marsh, Morehead, Mullin, Nelson, Newall, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Julius Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Stephens, Andrew Stewart, Strohm, Tallmadge, Taylor, Thibodeaux, R. W. Thompson, Tompkins, Toombs, Tuck, Vinton, and Warren—84.

The SPEAKER then voted in the negative, making yeas 85, nays 85—a tie.

So the amendment was *lost*, and said appropriation is retained in the bill.

Mr. BURT moved, at 4 o'clock, that the House adjourn. Lost. Yeas 73, nay 82.

Special votes were taken on numerous amendments other than the foregoing, to which exceptions were taken as they were read. The action of the Committee of the Whole in every case being concurred in, the amendments were agreed to.

The other amendments, to which no exceptions were taken, were then agreed to.

The amendments having all been acted on, the bill was ordered to be engrossed and read a third time.

Mr. WENTWORTH objected to the third reading of the bill at this time unless it was engrossed; and, it not being engrossed, the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule, and referred:

By Mr. EDWARDS: The memorial of the heirs of Surgeon L. A. Wolpley, United States army, asking a pension.

By Mr. HARMANSON: The petition of Thomas Cockeran, William Campbell, and 49 others, for a mail route from Harrisonburg to Nachitoches, via Rowesville, Desdemona, and Thompson's Springs, Louisiana.

By Mr. TALLMADGE: The petition of Everett & Battelle for return of penalty paid the United States.

IN SENATE.

TUESDAY, *July* 18, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Treasury Department, in answer to a resolution of the 13th May last, calling for a statement of all the imports and manufactures, and quantity and value of all mineral coal, from the 1st July, 1847, to the 1st May, 1848. The Register of the Treasury says but few returns, and those from the minor districts, for the last quarter have been received.

[The statement of the Register, as far as returns enable him to show, gives the value of imported iron, and its variety of manufacture, as $9,464,841; the coal as 164,447 tons, value $369,243.]

The communication was laid on the table, and ordered to be printed.

Mr. JOHNSON, of Maryland, inquired of the Chair if any answer had been received to a resolution submitted by him some weeks since, calling for the increase of the number of officers in the custom-house at Baltimore, &c.?

The CHAIR replied, that the Journal did not show that any answer had been returned.

Mr. JOHNSON. Then, if it be not received to-day or to-morrow, I shall renew the call.

REPORTS FROM COMMITTEES.

Mr. DIX, from the Committee on Military Affairs, reported a recommendation that the Senate concur in the amendment of the House of Representatives to the bill amending the act entitled "An act granting half-pay to widows or orphans," where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers.

Mr. BADGER made an objection to the phraseology of the amendment, as it appeared to confer a power on the Secretary of War, on consultation with the President, to interpose obstructions to the granting of pensions. He presumed that the words had slipped in by an oversight.

Mr. DIX admitted that the words were not such as he would have used had he drawn up the section. But he did not view the matter as of any importance, as the construction apprehended by the Senator from North Carolina could not be put on the language.

Mr. BORLAND complained that too much discretion was already given to Executive officers. He would prefer the recommitment of the report, with instructions to report rules and instructions for the government of the officers.

Mr. JOHNSON, of Louisiana, said, the introduction of the words used was unfortunate; but he did not think they could be so construed as to give to the Commissioner of Pensions power to refuse the payment of pensions. He thought it would not be necessary to recommit the report.

Mr. BRADBURY expressed his belief that the Executive officers, by their rigid construction of the laws, merited praise rather than censure.

Mr. BORLAND referred to some decisions, to sustain his statement that the Commissioner had put a wrong construction on existing laws; but he disavowed any intention to impute any improper motive to that officer. He had no doubt that the Commissioner acted from a conscientious interpretation of his duty.

Mr. BERRIEN moved to amend the report, by striking out certain words and inserting others.

Mr. DIX thought the change would be productive of no benefit; and it was thought very desirable by the committee that the bill should not be sent back to the House.

Mr. BORLAND said, the amendment precisely met his views.

Mr. HALE remarked, that it required great vigilance on the part of the Commissioner to guard against fraudulent application. While he (Mr. H.) was law officer of the Government, he had opportunities of ascertaining the extent of these frauds.

The amendment of Mr. BERRIEN was then disagreed to, and the report of the Committee was adopted.

Mr. DAVIS, of Mississippi, from the Committee on Conference on the disagreeing votes of the two Houses to the House bill to amend an act entitled "An act supplemental to an act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes," reported various amendments.

The bill and report were ordered to be printed; but, on motion of Mr. BENTON, in a subsequent stage of the proceedings, the Senate concurred in the report of the committee.

RESOLUTIONS.

On motion of Mr. BREESE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Lebanon, in St. Clair county, through Marine Town, in Madison county, and Staunton, in Macoupin county, to Carlinsville, the county seat of said county.

Mr. MASON submitted the following, which was ordered to be printed:

Resolved, That the Committee of Claims be authorized to employ a clerk annually, whose duties shall be the same as those now performed by the clerks of the Committee of Claims in the House of Representatives, until otherwise directed, to be paid monthly by the Secretary of the Senate out of the contingent fund, such compensation as shall be fixed by the committee, not exceeding that allowed to engrossing clerks of the Senate.

Mr. DAVIS, of Mississippi, submitted the following:

Resolved, That the Secretary of the Senate be directed to pay to J. C. Frémont, for his labor and services since he left the army of the United States, in preparing and compiling the map of Oregon and California, as ordered by the Senate on the 2d February, 1847, and in drawing up a geographical memoir in illustration of said map: *Provided*, That the rate of pay shall not exceed that allowed to S. N. Nicollet, Esq., for similar labors and services in preparing and compiling his hydrographical and topographical map of the basin of the Upper Mississippi.

The following resolution, submitted by Mr. BADGER, was taken up and adopted.

Resolved, That the President of the United States be requested to communicate to the Senate any information which may be in the possession of the Executive relating to the seizure and capture of the American ship Admittance, on the coast of California, by a vessel of war of the United States, and whether any and what proceedings have occurred in regard to said vessel or her cargo, and to furnish the Senate with copies of all documents, papers, and communications in the possession of the Executive relating to the same.

LIGHT-HOUSES.

On motion of Mr. RUSK, the Senate proceeded to consider the joint resolution to extend the time for the erection of certain light-houses; which was read a third time and passed.

Mr. WALKER, on leave, introduced a bill to modify the fourth clause of the seventh section of an act entitled "An act to enable the people of Wisconsin Territory to frame a constitution and State government, and for the admission of such State into the Union," approved 6th August, 1846; which was read twice, and referred to the Committee on Public Lands.

NAVAL APPROPRIATION BILL.

The Senate resumed the consideration of the bill making appropriations for the naval service for the year ending June 30, 1849.

The question being on agreeing to the amendment of the Senate, striking out the appropriations for the marine hospitals at Pittsburg, Cleveland, Louisville, &c.—

Mr. PHELPS expressed some surprise at the multiplication of marine hospitals in the West, while along the Atlantic coast there were but three.

Mr. BORLAND went at some length into the extent of the commerce of the West, and the necessity, growing out of that increase, for the erection of marine hospitals. He also stated what were the rules and regulations by which these institutions are governed. He illustrated the subject by quotations from the memorial of the Memphis Convention. This commerce was valued at three hundred millions of dollars in 1843; and it has now increased so as to make it a fair calculation that the commerce of the West, along the ten thousand miles embraced in that portion of the country, amounts to nearly or quite five hundred millions of dollars. The revenue collected from this commerce is about $250,000. This has been drawn from the owners and masters of these boats. He regarded the Government as bound to disburse this amount of money among these boatmen. They have paid into the hands of the Government at least two millions of dollars, and this sum is still annually increasing. These facts led the Government to recommend the erection of these marine hospitals. He expressed his conviction that the West, in consequence of this large amount of annual contributions, was entitled to these hospitals, for want of which there had been great suffering among the boatmen of the western rivers. He stated that in his professional career he had attended one hundred of these persons at a time, when they had not only no means to pay their physician, but were even dependent on the charity of the town for the means to pay for the medicines. He supposed it would be made a ground of objection, that the West was an insatiable beggar; but he contended that she was not more craving than the East. He quoted from various sources to show that the appropriations made for the Atlantic coast very greatly exceeded those made for the western waters. The objection which had been urged against these appropriations, that they are out of their place in this bill, he regarded as entitled to no weight. At this late period of the session, it would scarcely be possible to get up the subject in the form of a separate bill, so as for it to have any chance of its passage during this session.

Mr. PHELPS made some remarks on the extraordinary extent to which this system had been carried. He thought there was too much liberality in making appropriations for eight or nine of these edifices in a single bill. He was willing to finish the hospitals commenced, but should be opposed to any new ones.

Mr. BORLAND explained some of his former positions in reply.

Mr. ATHERTON defended the course of the committee, in striking out the clause, contending that the whole of the money for these marine hospitals came out of the treasury of the United States, and not from the hospital fund.

Mr. BORLAND replied.

Mr. JOHNSON, of Louisiana, said the sites had all been purchased for these hospitals, and the appropriation was necessary to carry them on.

The amendment of the committee was disagreed to, and the clause was not stricken out, and a similar amendment relative to another marine hospital was also disagreed to.

Mr. DAVIS, of Mississippi, called for the special order, being the motion to go into Executive business.

Mr. YULEE and Mr. NILES obtained permission to make some remarks by way of explanation

in relation to the contracts made by the Secretary of the Navy, relative to the Atlantic steam vessels.

The bill was then laid on the table for the present; and,

On motion of Mr. BENTON, the Senate proceeded to the consideration of Executive business. In about an hour, the doors were reopened, and

THE PROPOSED COMPROMISE.

Mr. CLAYTON, from the select committee on the Territories of Oregon, California, and New Mexico, reported a bill for the organization of Territorial Governments in each of them. [It appeared to be a very long bill, containing no less than thirty-seven sections.]

Mr. CLAYTON said the subjects referred to this committee were of infinite difficulty. The Territories for which temporary civil governments were to be organized embraced an area of 1,044,492 square miles—about as large as that of one-third of all Europe, and capable of sustaining, sooner or later, the population of a mighty empire. The intrinsic difficulties necessarily belonging to such an organization were increased by the nature and character of the population now existing there, as well as that hereafter to be introduced by the extension of the Constitution and laws of the United States over so vast a country.

The committee had entered upon the discharge of their duties, under all these embarrassments, with untiring industry, with a zealous resolution, and an indefatigable spirit, which he had never known surpassed. He felt it due, in justice to each and every one of his colleagues, to say, that amidst all their long conferences and laborious discussions on the various topics necessarily considered by them, the most conciliatory spirit had been evinced by them, each endeavoring to maintain the honor and interest, not merely of his own section of country, but that of the whole nation, and each endeavoring to yield so much as he felt could be properly and honorably conceded, without the sacrifice of what was essentially due to his own constituents and the people of all the States. The conferences of the committee were in this spirit—attended with free and ample discussion—and, after a full interchange of views, a vote was taken on a proposition moved by the Senator from Missouri, [Mr. ATCHISON,] "that the spirit of the Missouri compromise be adopted to govern the settlement of all the Territories of the United States." On this question the committee divided, five for and three against the motion. The Senator from Indiana [Mr. BRIGHT] then moved the proposition, notice of which had been previously given in the Senate, containing the *words* of the Missouri compromise. As the condition of the territory was now said to be different from that to which that compromise applied in 1820, a motion was made by the Senator from Kentucky [Mr. UNDERWOOD] to amend that proposition by providing that "all the territory in New Mexico and California, south of the parallel of 36° 30', shall be placed on the same footing in all respects as to slavery that existed in Louisiana while it was a territory." On this question the committee divided, four for the motion and four against it. After the failure of this motion, the question was taken on the proposition of the Senator from Kentucky, and with a like result—the committee being again equally divided.

At this stage of the proceedings all compromise appeared to be impossible. But the committee proceeded afterwards to consider a proposition to endeavor to adjust the great question, at least so far as to enable Congress to extend the laws over and provide for the administration of justice in the Territories, leaving for the present the settlement of it to the laws of population, or the adaptation of soil, climate, and all circumstances to the various kinds of labor. While it was admitted on all sides that by far the greatest portion of the Territories was properly adapted to free labor, and would necessarily be free soil forever, yet it was also with equal unanimity conceded that there was a portion of it where free labor never could be introduced, owing to the climate and the peculiar productions of that portion. It was thought that if Oregon, which no one imagines can ever be slaveholding, could be organized as the people of that Territory desired, by the temporary adoption of their present laws interdicting or prohibiting slavery till the Territorial Legislature proposed to be organized by a popular vote, under the bill referred to us, could enact some law on the subject, most of the objections which had been urged in debate to the twelfth section would be obviated without any sacrifice of principle by those who urged them; and that, after thus disposing of the question, so far as relates to Oregon, the Territories of California and New Mexico could be organized in the same bill by the appointment of a governor, senator, and judges, to compose, according to the old precedents, a temporary Legislature for each of these Territories, but without the power to legislate on the subject of slavery; thus placing that question beyond the power of the Territorial Legislature, and resting the right to introduce or prohibit slavery in these two Territories on the Constitution, as the same should be expounded by the judges, with a right of appeal to the Supreme Court of the United States. It was thought that by this means Congress would avoid the decision of this distracting question, leaving it to be settled by the silent operation of the Constitution itself; and that in case Congress should refuse to touch the subject, the country would be slaveholding only where, by the laws of Nature, slave labor was effective, and free labor could not maintain itself. On the other hand, in case Congress should hereafter choose to adopt the compromise line of 36° 30', (north of which, I suppose, it is not expected that slave labor can be introduced,) or any other rule of settlement, it will be free to act as to its wisdom and patriotism shall seem fit.

After many conflicts of opinion, these views thus generally expressed were substantially agreed upon with great unanimity, all the members of the committee agreeing to make the report, and but two of them (one from the North and the other from the South) disapproving any of the material features as they understand it. By order of the committee, I have prepared a bill in accordance with these views. It contains some important amendments to the Oregon bill, particularly so far as it corrects the defective description of the boundaries in that bill.

I do not expect, sir, that this or any other proposition which the wit of man can possibly suggest, will prevent agitation on this subject, which is now daily spreading through the country, and, I fear, dividing it into geographical parties. If the Missouri compromise of 36° 30' should be adopted, the agitators would immediately raise the standard of repeal, and agitate as fiercely as ever. We know that, sir. They will agitate after the passage of any bill. But this bill resolves the whole question between the North and South into a constitutional and a judicial question. It only asks of men of all sections to stand by the Constitution, and suffer that to settle the difference by its own tranquil operation. If the Constitution settles the question either way, let those who rail at the decision vent their indignation against their ancestors who adopted it. We offer no bill to introduce slavery by Congressional anactment into any free territory. If, as the South contends, the Constitution gives the right to carry their slaves there, they will maintain that right. If, as the North contends, the Constitution confers no such right, they will vindicate their claim. And Oregon will be at once organized as a Territory, with power to elect their own Legislature—a power which the committee think cannot now, with any propriety, be conferred upon the population of the two other territories.

I now, sir, have the honor to report, as an amendment and a substitute for the bill referred to the select committee, "A bill to establish the Territorial Governments of Oregon, California, and New Mexico." The committee, with all becoming modesty, desire to say that they do not view their work as perfect; but it is the very best which, under all the embarrassing circumstances of their position, they have been able to propose. To the Senate they appeal for assistance to correct any errors into which they may have inadvertently fallen. But it is the honest opinion of a large majority of the committee, that by the passage of this bill the safety of the Union will be placed beyond the reach of agitation, and that the question, and the only question, which now threatens to endanger it, may be, not immediately but ultimately, put at rest forever.

The bill was then read a first time and unanimously ordered to be printed.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 19, 1848.

The Journal of yesterday was read and approved.

Mr. FARRELLY moved to reconsider the vote by which the Committee on Patents was yesterday authorized to send for persons and papers in the investigation of the charges preferred against the Commissioner of Patents. Agreed to.

On motion of Mr. FARRELLY, the Committee on Patents were authorized to employ a clerk.

Mr. EVANS, of Maryland, from the Committee on Public Lands, to which was referred the bill of the House for the relief of certain citizens of Lowndes county, Mississippi, reported the same back to the House without amendment.

On motion, the bill was laid on the table.

Mr. E. also reported from the same committee a bill supplementary to an act entitled "An act supplementary to an act entitled 'An act to encourage the introduction and promote the cultivation of tropical plants,'" approved 9th July, 1838. Read and committed.

Also, from the same committee, the following bills: To grant land to the inhabitants of township eighteen, north of ranges one and two, west of the fourth principal meridian of the State of Illinois, for school purposes; to grant other lands in lieu of the sixteenth section to the school commissioners of township two north, range nine, west of the fourth principal meridian, in the county of Adams, State of Illinois; to grant to the trustees of township thirty-eight north, of range five east, in the county of Elkhart, State of Indiana, so much public land as may, with the fractional sixteenth section therein, make up an entire section; which bills were severally read three times, passed, and sent to the Senate for concurrence.

Also, from the same committee, adverse reports on the resolutions and memorial of the Legislature of Louisiana, and on the petitions of certain citizens of Barry and Hickman counties, Missouri; and on the petition of citizens of Hardin county, Illinois, praying the passage of a law permitting the selection of other lands in lieu of the sixteenth sections for school purposes. Laid on the table.

Mr. STEPHENS, from the same committee, to which was referred Senate bill to confirm the location and to grant a quarter-section of public land for the county site of Hillsborough county, Florida, reported the same back without amendment.

The bill was then read the third time, passed, and returned to the Senate.

Mr. COBB, of Alabama, from the same committee, to which was referred the bill to grant a quantity of land to the State of Mississippi, for the purpose of improving the navigation of certain rivers in that State, reported the same back to the House without amendment. Laid on the table.

Also, from the same committee, a bill to grant the right of way through the public land in the State of Alabama to the Girard Railroad Company in said State. Read twice and committed.

Subsequently, Mr. WENTWORTH moved to reconsider the vote by which the bill was committed. Agreed to.

The question was stated on ordering the bill to be engrossed.

Mr. HALL, of New York, moved to strike out the third section. Disagreed to.

The bill was then ordered to be engrossed; and, being engrossed, was read the third time and passed.

Mr. GOGGIN, from the Committee on the Post Office and Post Roards, to which was referred Senate bill for the relief of William B. Stokes, reported the same back without amendment. Committed.

Mr. LINCOLN, from the same committee, reported a bill to establish certain post routes.

Mr. L. explained that this was precisely the same bill that had heretofore been reported by the Committee on the Post Office and Post Roads establishing certain post routes, with the exception of a proviso which had been added at the end, in these words:

Provided, That nothing in this act contained shall be so construed as to express any opinion as to the true boundary of any State or Territory named therein.

The bill was read twice, and amended by inserting provisions for routes in New Jersey and New York.

Mr. ROCKWELL, of Connecticut, moved the

previous question, which was seconded; and, under the operation thereof, the bill was read the third time, passed, and sent to the Senate for concurrence.

Mr. JONES, of Tennessee, from the same committee, to which was referred Senate bill for the relief of Alfred White, reported the same back to the House without amendment.

The bill was read a third time and passed, and returned to the Senate.

Mr. CHAPMAN, from the Committee for the District of Columbia, to which was referred Senate bill to authorize the sale of a part of the public reservation numbered 13, in the city of Washington, and for other purposes, reported the same back to the House with an amendment.

The amendment was read and agreed to.

[The bill provides for the enlargement of the Congressional Burial Ground.]

Some conversation ensued on the bill between Messrs. SAWYER, CHAPMAN, and FICKLIN.

The bill was then read a third time and passed, and returned to the Senate.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, reported the following resolution, which was read and agreed to:

Resolved, That the Secretary of War be requested to make such rules and regulations, consistent with existing laws, as may more effectually provide against frauds upon soldiers of the war with Mexico, and secure to them the lands and treasury scrip to which they are entitled by their services.

Also, from the same committee, to which was referred the bill from the Senate for the relief of Messrs. Cook, Anthony, Mahon, and others, reported the same back to the House without amendment. Committed.

Also, from the same committee, to which they were referred, Senate bills for the relief of the Society for the Reformation of Juvenile Delinquents in the city of New York, and for the relief of the Central Railroad and Banking Company of Georgia; which bills were severally read a third time and passed, and returned to the Senate.

Mr. J. R. INGERSOLL asked the House to take up the bill reported by him some time since, giving full effect to treaties of extradition, on which a short discussion ensued between Messrs. J. R. INGERSOLL, SAWYER, and FICKLIN. The latter gentleman objecting, the bill was not taken up.

Mr. HALL, of New York, from the same committee, reported bills to amend the act entitled "An act for the punishment of certain crimes against the United States," approved April 30, 1790, and providing for the purchase and distribution of the decisions of the Supreme Court of the United States among the several States; which bills were read and committed.

Also, from the same committee, to which was referred the bill to establish a judicial district in the western district of Arkansas, reported the same back to the House without amendment. It was laid on the table.

Also, from the same committee, to which was referred Senate bills to change the time of holding the terms of the circuit court of the United States in the district of Maine, and to vest the title of the United States in the purchasers of certain lands sold under execution against Gordon D. Boyd, reported the same back to the House without amendment. Committed.

Also, from the same committee, to which was referred Senate bill to divide the district of Arkansas into two judicial districts, reported the same back to the House with amendment. Committed.

Mr. MEADE, from the same committee, reported a bill for the relief of Henry Gardner and others. Read and committed.

Also, from the same committee, made a report on the petition of Francis P. Fenard, administrator of Francis Pap, recommending that the bill of the Senate for the relief of Peter Cassels and others be amended so as to embrace his case. Laid on the table.

Also, from the same committee, to which was referred Senate bill to provide compensation to William Woodbridge and Henry Chipman, for services in adjusting titles to land in Michigan, and for other purposes, reported the same back to the House without amendment. Committed.

Also, from the same committee, to which was referred House bill to change the place of holding the district court of the United States for the middle district of Alabama, reported the same without amendment.

Some conversation took place on the bill between Messrs. GAYLE, INGE, and HILLIARD.

Mr. BURT moved the previous question; which was seconded, and under the operation thereof the bill was ordered to be engrossed.

Mr. KING, of Massachusetts, from the Committee on Revolutionary Claims, made adverse reports on the petitions of Nathaniel Tracy and of the heirs of Jonathan Hoge. Laid on the table.

On motion of Mr. KING, the Committee on Revolutionary Claims were discharged from the further consideration of the petitions of Lieutenant Jonathan Smith; Mary Scott, administratrix of Lieutenant John C. Scott, deceased; Elijah W. Brown; and of the heirs of Willis Wilson. Laid on the table.

Mr. IVERSON, from the same committee, reported bills for the relief of the legal representatives of Captain Charles Smith, and for the relief of the legal representatives or heirs of Captain John Mountjoy. Read and committed.

Mr. BUTLER, from the same committee, reported a bill for the relief of Mary M. Telfair, heir and legal representative of Israel Pearce. Read and committed.

Mr. MORRIS, from the same committee, made an adverse report on the petition of Dennis Purcell. Laid on the table.

Mr. TOMPKINS, from the Committee on Private Land Claims, to which was referred the amendment of the Senate to the bill of the House supplemental to an act to confirm the survey and location of claims for lands in the State of Mississippi east of Pearl river and south of the 31st degree of north latitude, approved March 3d, 1845, reported the same back to the House, with the recommendation that the House concur in said amendment.

The amendment was read and concurred in. So the bill stands passed.

Mr. RUMSEY, from the same committee, to which was referred Senate bill for the relief of Jesse Turner, reported the same back to the House without amendment. Committed.

Also, from the same committee, made an adverse report on the petition of George W. Kincaid. Laid on the table.

Mr. SLINGERLAND, from the Committee on Agriculture, made a report on the subject of the cultivation of the soil, and agriculture generally. Laid on the table.

Mr PALFREY, from the same committee, to which was referred so much of the annual message of the President as relates to agriculture, made a report thereon. Laid on the table.

Mr. BARRINGER, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate to sanction an agreement made between the Wyandot and Delaware tribes of Indians, for the purchase of certain lands by the former of the latter tribe, reported the same back to the House without amendment.

The joint resolution was then read the third time and passed, and returned to the Senate.

Mr. BARRINGER also, from the same committee, to which was referred the joint resolution of the Senate for the relief of H. B. Gaither, reported the same back to the House without amendment. Committed.

On motion of Mr. BARRINGER, the Committee on Indian Affairs was discharged from the consideration of the petition of citizens of the city and county of Philadelphia for the civilization and preservation of the Indians, and it was laid on the table.

Mr. JOHNSON, of Arkansas, from the same committee, reported a bill for the relief of the legal representatives of the late William Armstrong. Read and committed.

Mr. McILVAINE reported the following resolution, which was read and agreed to:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of printing ten thousand additional copies of the report from the Committee on Indian Affairs in relation to the organization of an Indian territory west of the Mississippi river.

Mr. BOTTS, from the Committee on Military Affairs, to which was referred Senate bill for the payment of the fourth regiment in the second brigade of the third division of the Vermont militia for services at the battle of Plattsburg, reported the same back to the House without amendment. Committed.

On motion of Mr. BURT, the Committee on Military Affairs was discharged from the consideration of the petition of the old fourth regiment of New York militia, and it was laid on the table.

Mr. KING, of Georgia, from the Committee on Naval Affairs, to which was referred Senate bill for the increase of the medical corps of the navy, reported the same back to the House without amendment. Committed.

Mr. HOLMES, of South Carolina, from the same committee, reported a bill for the creation and appointment of admirals in the navy of the United States. Read and committed.

Mr. STANTON, from the same committee, reported a bill for the relief of Jacob Boston. Read and committed.

Also, from the same committee, to which was referred Senate bill directing the Secretary of the Navy to purchase from Dr. James P. Espy his patent right for the conical ventilator for the use of the United States, reported the same back to the House without amendment. Committed.

Mr. SCHENCK, from the same committee, reported a bill to indemnify the officers and crews of vessels of war of the United States navy for losses by shipwreck, fire, and otherwise. Read and committed.

Mr. S. LAWRENCE, from the Committee on Revolutionary Pensions, reported a bill for the relief of certain surviving widows of officers and soldiers of the revolutionary army.

The bill was read twice.

Mr. SILVESTER moved to amend the bill by adding after "eighteen hundred," the words "and twelve;" so as to bring down the period of restriction to the year 1812, prior to which a widow claiming the benefit of pension must have been married.

After giving a brief history of what had previously been done on this subject, Mr. S. earnestly urged the justice and expediency of the amendment. Thus amended, the bill would open a fountain of good feeling, in which men of opposite political opinions might dip their arrows and render them harmless. Around a bill like this, men of all parties might gather in harmony and smoke the calumet of peace. This remembrance of revolutionary services was holy ground. It connected itself with a modest and retiring class of individuals, and brought back to the mind the days of Washington and of his compatriots in arms—the good old days of the infancy of our Republic, and of the formation of that free and happy Government under which we lived in safety; a Government whose great principles of liberty had not only given us protection and happiness, but were making their way in other lands, and seemed destined to pervade and bless the world. Congress had spent large sums on matters of doubtful propriety. Millions on millions had been lavished in appropriations which the Constitution would scarcely justify. We could appropriate by thousands for an expedition to explore the Dead Sea. Surely, the Government which could do this ought not to refuse to extend its hand to the relief of a few unpretending, helpless women, whose husbands had been the brave defenders of our rights. Mr. S. here read from a report accompanying the bill, which spoke of the gratitude of the country to the soldiers of the Revolution. This, he admitted, was true to a certain extent; but the relief had come tardily, and did not come at all until many of those who deserved it by their deeds of patriotism had gone down to the silent grave; while others had been paid in worthless Continental money. He found that the first pension-law of a general character had been passed in 1818; another followed in 1820; and another in 1828. All these bills had been qualified by conditions. The first of them required that the applicant for pension must first prove that he was in needy circumstances; the next required that he submit a schedule of his property; and the last, that he had served during the whole war of Independence. Thus it appeared that the first general pension law was not passed until forty-nine years after the peace, when very many of those who had won our independence had dropped into the tomb.

Mr. S. was aware that this subject was not so attractive to the House as many others; but on account of the sacred character of its associations it ought to be received with favor. Why should this limitation as to the date of their marriage be imposed on the pensions of these widows of revo-

lutionary soldiers? The committee's report insisted that the year fixed upon as a limit, viz: the year 1800, had not been fixed in an arbitrary manner, because at that time the war of the Revolution was ended, and the Indian difficulties, which followed it were for the most part quieted. But, in reply to this, he begged to read a brief extract from the report of the minority of the committee. Mr. S. having read the extract, went on to contend that the limitation was purely arbitrary, and the excuse for it not founded in fact. It had formerly been fixed at 1794; but Congress had departed from the principle on which it was contended that the limit ought to rest, and had reduced it as low as 1800. The pensions had been extended first for five years; then for one year longer; then again for five years, and finally for life. And it was right. These pensioners were entitled to it on every principle of reason and of justice. We were too forgetful of the past; we were very ready to speak of the noble achievements and the deeds of patriotic daring which had been accomplished by our revolutionary army, but we let our admiration go no further. There it stopped. On our last sabbath of freedom, when the foundation was laid of a monument to Washington, he had observed with pleasure that the surviving soldiers of the Revolution held an honorable and conspicuous place assigned them in the solemnities of that memorable occasion; the same mark of respect was paid them in all public and national celebrations throughout the country. It was right; it showed that the nation remembered and delighted to honor their noble sacrifices and patriotic deeds; but while we remembered these, ought the wives and children of these men to be forgotten?

Some gentlemen insisted that pensions were a mere gratuity: he admitted that in some aspects they were a gratuity; but they were also a debt, a just and sacred debt: those for whom they were provided had a strong demand upon our gratitude and affection. And if we respected the soldier, who suffered, fought, and died for the country, we ought surely to respect those who were dear to them, and who formed a part of themselves. What could be more gratifying to those late survivors of the revolutionary struggle, whose number was so much reduced, and who were daily falling into the grave, than to know that the country had made an honorable provision for those they left behind?

Mr. S. would here allude to a public sentiment uttered by the late distinguished member from Massachusetts, who had lately departed from among us, but whose fame was a part of the treasure of the whole country. It was a sentiment beautiful in its conception, elegant in its expression, and chaste and classical in its allusion. It was this: "The living records of the war of the Revolution, like the books of the sibyls, as they decrease in number they grow in value."

Mr. S., according to promise, renewed the call for the previous question; but the House refused to second it.

Mr. BOWLIN obtained the floor, and went into a very earnest speech in opposition to the amendment. He denounced the existing pension system and its gradual extension as an open plundering of the treasury. The limitation which had been fixed by law for the marriage of those to whom these revolutionary pensions were to be allowed had not been fixed in an arbitrary manner, but was founded in justice and in common sense. It was intended as a safeguard to prevent pensions for revolutionary services being allowed to those who had not been alive in the times of the Revolution. A pension was a gratuity, a mere bounty, and nothing else; and when pensions were first allowed, they had accordingly been carefully guarded by the wisdom of our ancestors so as to be given to those only who had rendered valuable service to the country, and who were in needy circumstances requiring public aid. But since then, the system had gone on spreading wider and wider, till now pensions were paid to men worth half a million of dollars. When once the original principle of the limitation was departed from, Congress were completely at sea; there was no stopping place. If we abandoned 1800 and came down to 1812, why not come down to a period still later? It was proposed to make a leap at once of twelve years and come down to 1812; the next he supposed would be some twelve years more, and would bring us down to 1824; and so we should go on till we came down at length to 1848. Why not?

All the fine things which had been said about dipping our arrows and uniting to reward revolutionary services looked very beautiful on paper; but the tax-payers of the country would require something more to reconcile them to this open plunder of the treasury. But this was only the beginning of troubles. The loose verbiage of the bill was such as to include almost every being in creation.

Mr. S. LAWRENCE, in reply to an inquiry made by the gentleman from Missouri, [Mr. BOWLIN,] said the gentleman was entirely mistaken as to his having made a speech. He had merely reported the bill, in obedience to the instructions of the House.

In reference to the allegations made by the gentleman, that the House were called upon to act without information on this subject, and that the bill would draw millions of dollars from the treasury, and give pensions to orphans and children and a class of persons heretofore unknown to our pension system, Mr. LAWRENCE desired to say that all the information he desired had been embodied in a report submitted by him on behalf of the minority of the Committee on Revolutionary Pensions, which had been before the House since February last. If the gentleman had taken the trouble to look at that report, he would have seen that his estimate of the amount to be drawn from the treasury under this bill was very erroneous. He was equally mistaken as to other portions of the bill. It provided only for the widows of such as would be entitled to pensions under existing pension laws. It merely extended the limitation of the period of the marriage.

Mr. POLLOCK referred to the previous action of the House upon this bill during the present session, it having been recommitted, when formerly under consideration, to the Committee on Revolutionary Pensions, with instructions to report this very bill. He had no sympathy with the course of the gentleman from Missouri. He did not measure his gratitude for the men of the Revolution by dollars and cents. It was a debt which was due as some small token of our gratitude—not a mere donation, as the gentleman represented.

The gentleman, he thought, had correctly stated that he had not minutely examined the bill. Instead of the additional burden of millions which he predicted it would throw upon the treasury, it would not increase the expenditures of our pension system over $200,000, or, at the extreme, over $282,000. The report of the Committee on Revolutionary Pensions, who had gone into a minute estimate, showed the fact. It extended the revolutionary pensions to no class of persons who were not now entitled to them; but was a mere extension of the period prior to which the marriage must have occurred, from 1794 to 1800.

The gentleman had asked, why limit it to 1800? He would reply, why limit the period to 1794, as was done by the existing law? The war closed and peace was declared in 1783. The reason was, that the country remembered with gratitude the services of those men who had periled their lives and their all in the Revolution; and the reason that they now proposed to extend the period of marriage to 1800 was, that they retained the memory of their services, that the debt of gratitude still existed, and they were determined it should be repaid, or rather acknowledged, by this trifling pension to the widows and children of those deceased soldiers. He warmly urged the passage of the bill.

Mr. VENABLE expressed himself amused at the flourish of trumpets and the high-sounding professions of patriotism which gentlemen sometimes made use of to press bills through this House, by the power of excitement and sympathy, which could not be passed on calm deliberation. The system of pensions was contrary to the genius of our Government; the word itself implied it; and there ought to be a strong reason for granting a pension in any case. A pension was a donation, by act of Congress, of that to which the person of his own right was not entitled. He did not yield to any gentleman in his admiration of, and gratitude to, the soldiers of the Revolution. Those who had served their country in that war, who had bared their bosoms in her defence, should be paid, and had been paid. But why should a woman, who perhaps was born since the Revolution, receive a pension for no other reason than that she had committed the very foolish act of marrying an old man who had been in the war, and had received his pay and pension during his life? Wherever it could be distinctly made out that a man or his family were entitled to receive a pension, he would pay it; but these were not such cases. He was opposed to establishing a precedent for pensioning the individuals and their wives and families, to all time, who had served in the war of 1812, and of the Mexican war. He hoped no such eleemosynary establishment would be fastened on the treasury of the United States. He knew that it was attempted to get up a prejudice against any man who dare oppose such a bill, and that the cry was raised that he was opposed to the soldier. He repeated that he was as much the soldier's friend as any gentleman, but he looked also to the great body of the tax-payers in the country; and was ready to meet the responsibility of opposing the establishment of an enormous and unjust pension system, the expenditures of which were to be drawn from their pockets.

Mr. CABELL next obtained the floor; and, remarking that he was desirous to proceed to other business, demanded the previous question, which was seconded.

The main question was ordered; and, being taken, the amendment of Mr. SILVESTER, to extend the period to 1812, was rejected.

The bill was then ordered to be engrossed, and was subsequently read a third time and passed: Yeas 128, nays 38.

Mr. S. LAWRENCE moved to reconsider the vote on the passage of the bill; and—

On motion of Mr. COLLINS, the motion to reconsider was laid on the table.

On motion of Mr. S. LAWRENCE, the Committee on Revolutionary Pensions was discharged from the petitions of Mary Cook, widow of John Cook, and of the citizens of Brown county, Indiana, in behalf of William Tucker. Laid on the table.

Mr. DONNELL, from the Committee on Revolutionary Pensions, to which was referred Senate bill granting a pension to Abigail Garland, widow of Jacob Garland, deceased, reported the same back to the House without amendment. Committed.

Also, from the same committee, reported a bill for the relief of Eve Boggs, widow of John Boggs. Read and committed.

Also, made an adverse report on the petition of John England. Laid on the table.

Mr. FREEDLEY, from the same committee, reported bills for the relief of Joseph Dana and for the relief of Hannah Kinney. Read and committed.

Also, from the same committee, to which was referred Senate bill for the relief of Mary Taylor, reported the same back to the House without amendment. Committed.

On motion of Mr. FREEDLEY, the Committee on Revolutionary Pensions was discharged from the petitions of Anne Royal, widow of William Royal, and Patience Corbin, and from the affidavit of Richard Pattison. Laid on the table.

Also, from the same committee, made adverse reports on the petitions of the heirs of Daniel Avery, Edward Shepherd, John M. Rosebury, and Susannah Kimball. Laid on the table.

Mr. COCKE, from the same committee, reported a bill for the relief of Martha Dameron, widow o Christopher Tompkins. Read and committed.

On motion of Mr. COCKE, the Committee on Revolutionary Pensions was discharged from the petition of Joseph Sloan. Laid on the table.

Mr. STRONG, from the same committee, made adverse reports on the petitions of Andrew McKim and Robert Perry, heirs of Andrew Snyder, Abigail Edgerly, and Dickinson Lumpkin. Laid on the table.

Also, from the same committee, to which was referred Senate bill for the relief of Thompson Hutchinson, reported the same back to the House without amendment. Laid on the table.

Mr. HAMMONS, from the same committee, to which was referred Senate bill for the relief of Welcome Parmenter, reported the same back to the House without amendment. Committed.

Mr. SILVESTER, from the same committee, made an adverse report on the petition of the heirs of Joseph Plumb. Laid on the table.

On motion of Mr. SILVESTER, the Commit-

tee on Revolutionary Pensions was discharged from the further consideration of the petition of Elizabeth C. Fitzhugh, widow of Peregrine Fitzhugh. Laid on the table.

Mr. CUMMINS, from the same committee, to which was referred Senate bill for the relief of Elizabeth Jones, reported the same back to the House without amendment. Laid on the table.

Mr. KING, of Georgia, from the Committee on Naval Affairs, reported a joint resolution relative to steam navigation.

The resolution was read twice.

Mr. KING spoke at length in support of his resolution. He traced the progress of the steam navigation of Great Britain, from the first successful voyages of the *Sirius* and the *Great Western* to the present period, showing the number of steamers employed in sailing between England and this western continent, and the British West India Islands, together with much valuable statistical information on the same subject, which, he said, showed satisfactorily that not only the safety of our commerce, but of our very seaboard, required that we should encourage steam navigation, that we might be prepared with a number of war steamers in case of necessity, and promote our commerce in time of peace.

[This speech was exceedingly elaborate, and its statistical character requires its careful revision before publication. It will be published in the Appendix.]

Mr. VINTON said this was an important subject, and could not, he presumed, be disposed of without some debate. He therefore suggested that it should be informally laid aside, or be committed to the Committee of the Whole on the state of the Union, that some other business might be taken up and completed. He held in his hand the bill making appropriations for the army, which it was important that he should report, that it might be printed, as he proposed to call it up the day after to-morrow; and he desired also that the civil and diplomatic bill should be passed to-day. He therefore moved that these resolutions be informally laid aside, for the reasons which he had indicated.

Mr. McCLELLAND objected, and moved their committal to the Committee of the Whole on the state of the Union, and that they be printed.

Mr. KING said, there was but one resolution of the series which could, with propriety, be sent to the Committee of the Whole on the state of the Union. He referred to that which proposed that the Secretary of the Navy should make a temporary arrangement with Captain Marshall. The other resolutions simply required the Secretary of the Navy to advertise for proposals, which should be returned to this House at its next session. The session was now drawing to its termination; and, unless these resolutions should be now passed, he feared that nothing would be done towards the accomplishment of the great objects contemplated. If they should be sent to the Committee of the Whole on the state of the Union, all hopes would be abandoned. He preferred that they should be passed over informally, and called up again to-morrow.

Mr. McCLELLAND said, the gentleman from Georgia would recollect, that at the heel of the last session he introduced a proposition that was very similar. The consequence was, that very little consideration was given to it, and he supposed the members knew very little about it. There were many things in relation to this proposed system which he (Mr. McC.) liked very much, but there were others that he disliked. He would like, therefore, to have these plans laid before the House in Committee of the Whole on the state of the Union, where they could go into the merits of them.

Mr. KING said, the subject was well understood.

Mr. McCLELLAND doubted that, and therefore he preferred the freedom of debate, which the committee would afford, rather than discussion in the House, with the restrictions which its rules imposed.

Mr. KING replied, that the gentleman from Michigan [Mr. McCLELLAND] was in error as to fact; and he was the last man in the House that he should expect to make such a mistake. He said that a similar measure had been reported at the heel of the last session, and passed through the House without being understood. Now, the fact was, that the bill had been reported in May, 1846, and had been before the House and on the tables of members for a whole session.

Mr. McCLELLAND replied, that the report might have been made at the time mentioned; but it was well known that not one tenth of the members ever read the numerous printed reports that were laid upon their tables.

Mr. KING said, that was not his fault. If the committee had laid all the facts and arguments in favor of a measure for months together before every member of the House, and they would not read them, it was their own fault. The bill had been on the calendar from the 3d of May.

Mr. VINTON remonstrated. He urged the propriety of laying this bill aside informally that the committee might report another appropriation bill, and that the general appropriation bill, which had been engrossed, might be taken up and passed.

Mr. KING hoped this would not be done.

Mr. FICKLIN moved that the bill be referred to the Committee of Ways and Means.

Mr. KING said that if this was done, the bill would go into the tomb of the Capulets. He hoped that every friend of our commercial marine, that every man who desired to see American interests take precedence of those of a foreign nation, would stand up for the bill and resist such a motion.

Mr. FICKLIN said that the bill or resolution provided that the Secretary of the Navy might receive bids for the erection of these steamers, and this would come to be pleaded as the ground of allowances hereafter, just as had happened in the case of the Postmaster General, who had made a contract without authority of law, and the contractors then came and pleaded that in good faith Congress was bound to remunerate them; he feared a like result in this case.

Mr. KING explained. The Secretary was to make no contract, but only to receive bids, and report them to Congress. The last resolution authorized him to contract temporarily for the use of a certain ship, till Congress should have acted on the bids made. No appropriation was asked.

Here a great strife arose as to the course of business—some moving to lay aside these resolutions informally, others to refer them to a Committee of the Whole on the state of the Union, others to adjourn.

Inquiries were pressed on the Chair, and many gentlemen were addressing the Speaker at once; until at length—

Mr. VINTON moved to lay the resolution on the table; which was carried.

The committees being, after much objection, called on for reports—

Mr. VINTON asked leave to report back to the House the bill making appropriations for the support of the army.

Mr. ROCKWELL, of Connecticut, objected to any report out of order.

Mr. VINTON appealed to the House for leave to report the bill, as it was of great importance that it should be acted on.

Objections being persisted in—

Mr. FULTON, from the Committee on Invalid Pensions, reported bills for the relief of Susannah Prentiss; for the relief of Thomas R. Saunders; for the relief of Sylvanus Blodget; and for the relief of Aaron Stafford; which bills were severally read and committed.

Also, from the same committee, to which was referred Senate bill for the relief of the heirs of Moses White, reported the same back to the House without amendment.

The bill was then read a third time, passed, and returned to the Senate.

Also, from the same committee, to which was referred Senate bill for the relief of David N. Smith, reported the same back to the House without amendment. Committed.

Mr. STUART, of Michigan, rose to a privileged question. He moved to reconsider the vote by which the House refused to strike out of the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1849, the item for the removal of obstructions in the Savannah river.

The above motion was laid over until to-morrow.

Mr. ROCKWELL, of Connecticut, moved, at four o'clock, that the House adjourn. Lost.

Mr. VINTON again appealed to the House to suffer the army appropriation bill to be reported. Objected to.

Mr. COLLINS moved to adjourn. Lost.

Mr. VINTON now, by leave, from the Committee of Ways and Means, reported a bill making appropriations for the support of the army for the year ending 30th June, 1849. Read twice and committed.

And then the House adjourned.

IN SENATE.

WEDNESDAY, *July* 19, 1848.

Mr. DICKINSON presented a memorial from Alexander B. Johnson, of New York, complaining of the mail being suppressed on Sundays, and showing the injury sustained by the commercial and trading interests, and the loss to the revenue, and asking Congress to remedy the evil; which was read, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

THE COMPROMISE.

Mr. CLAYTON rose and said: There may possibly be some misapprehension in regard to a portion of the remarks made by me yesterday in introducing the bill for the organization of Territorial Governments in Oregon, New Mexico, and California, and I desire to correct it if any such exist. The Select Committee desired, and in that desire I fully concur, that the bill should speak for itself, and that it should be regarded as the exponent of their views and opinions. It was not my purpose to submit the remarks which I made yesterday in lieu of a report; nor were they to be regarded as tantamount to a report. The bill, I repeat, is to speak for itself. It fully reveals the sentiments of the committee, and for that very reason a formal report was deemed unnecessary. I do not know that it is now necessary for me to say anything more than to add that a large majority of the committee decidedly expressed the wish that this measure might become a law, with the expectation and design that it would prove to be an adjustment of the great question now in controversy between the North and the South. I shall, if there be no objection, call up the bill to-morrow, and then every member of the committee will have an opportunity of expressing his views upon the subject—an opportunity of which I design to avail myself.

Mr. CALHOUN. I am exceedingly gratified by the explanation of the Senator from Delaware. Had it not been made, it might have been supposed in some quarters that the whole committee had concurred in all the particular views which he for himself had expressed. I agree with him in testifying that it was the unanimous understanding of the committee that the bill should speak for itself; and I may add, that it was also understood by me that this was to be a permanent and not a temporary settlement of the whole question.

Mr. KING inquired whether the remarks of the honorable Senator from Delaware had been regarded in the light of a report from the committee, and were so recorded on the Journal by the Secretary?

The PRESIDING OFFICER replied in the negative.

Mr. PHELPS. I refrained yesterday from making any remarks in reference to what fell from the honorable chairman of the Select Committee, because I understood it was not to be regarded as a report, for which, in all its particulars, the committee was responsible.

Mr. CLAYTON, (in his seat.) Of course not.

Mr. PHELPS. I am willing to say, however, that I concurred in the action of the committee. In my judgment, the only mode for the adjustment of this question has been adopted; and I think I can sustain that opinion before the country and my constituents, by reasons which I shall take the opportunity of stating hereafter.

Mr. CLAYTON. I never spoke for any man in my life, except at the bar in my professional character; never in any public body have I attempted to speak for any one but myself, and I suppose all understood that my remarks yesterday were intended as my speech, and that no man would claim it as his. I insist upon it, sir, that it was my speech!

Here the explanations ended.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, made an adverse report on the memorial of Mehitable Gibbs.

Also, from the same committee, an adverse report on the memorial of Mary Coleman.

Mr. FELCH, from the Committee on Public Lands, reported a bill providing for the examination and settlement of claims for land at the Sault de Ste. Marie, Michigan, accompanied by a report; which was ordered to be printed. The bill was read a first time.

RESOLUTIONS.

On motion of Mr. DAYTON,

Resolved, That there be printed 250 additional copies of Senate document No. 80, prepared by Aaron H. Palmer, and that the same be delivered to the said Palmer for his own use.

On motion of Mr. WALKER,

Resolved, That the Committee on the Judiciary be instructed to inquire whether the laws for the organization of the Territory of Wisconsin are or are not still in existence and force over that portion of said Territory, embraced within the organized limits of the State of Wisconsin, and if they are, to inquire further into the expediency of making appropriation at the present session of Congress for defraying the expenses of said Territory of Wisconsin, and to report to the Senate at as early a day as practicable by bill or otherwise.

Mr. HANNEGAN submitted the following:

Resolved, That 8,000 additional copies of Emory's report and illustrations be printed and bound for the use of the Senate.

Mr. HALE submitted the following:

Resolved, That the Secretary of the Navy be requested to furnish the Senate with the official returns of each of the ships of the line, the frigates, and the sloops of war now in commission, of the punishment inflicted in each of said vessels as appears by the last return of each.

The following resolution, submitted yesterday by Mr. DAVIS, of Mississippi, was taken up and adopted:

Resolved, That the Secretary of the Senate be directed to pay to J. C. Frémont, for his labor and services, since he left the army of the United States, in preparing and compiling the map of Oregon and California, as ordered by the Senate on the 2d February, 1847, and in drawing up a geographical memoir in illustration of said map: *Provided*, That the rate of pay shall not exceed that allowed to S. N. Nicollet, Esq., for similar labors and services in preparing and compiling his hydrographical and topographical map of the basin of the Upper Mississippi.

The joint resolution from the House relinquishing to the State of Missouri certain trophies of Doniphan's expedition was read a first and second time by its title; when—

Mr. ATCHISON moved that the ordinary forms be dispensed with, and the bill be at once considered; which, by unanimous consent, was agreed to.

Mr. BENTON made some remarks descriptive of the capture of these cannon, and the uses to which they had been applied against the enemy, and paid a well-merited compliment to Colonel Doniphan and to the gallant officers under his command.

[Mr. BENTON could not be distinctly heard in the gallery.]

Mr. HANNEGAN said he did not know a more appropriate occasion than the present to inquire into the fate of a certain resolution submitted by him some three months since in relation to a medal to Col. D. and swords to the gallant officers who had participated with him in his glorious achievements.

Mr. BENTON replied, the resolution was in his hands; and Mr. H. intimated that it had been kept there a long time.

The joint resolution was then read a third time and passed.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the naval appropriation bill.

The amendments made by the committee, striking out the various items of appropriation for marine hospitals, were disagreed to.

Mr. NILES moved to amend the bill by adding the following proviso to the item making appropriation for the contract for Atlantic steam vessels:

Provided, That this appropriation shall not be considered as approving and ratifying any of said contracts for mail lines for a longer period than five years;

and striking out the provision for an advance of $25,000 a month to enable the contractors to prepare the steamers for the lines.

Mr. N. said, the clause which he proposed to strike out gave authority to loan money to the contractors for these steam vessels, for the purpose of enabling them to carry out these contracts. There was no security for the loan; and if persons making contracts were to be furnished by Government with the capital to carry out their contracts, we may expect applicants without number. The adoption of this clause in the House had already induced the contractors on another line to apply for a similar favor. He had been addressed on the subject. Had it been announced that Government would supply the capital, he had no doubt that the contracts might have been made on much lower terms. Part of these contracts had been already disposed of as a speculation: the contract was originally made as a matter of speculation. He spoke against the law under which these contracts were made, considering it as a bad one for the United States. He also adverted to the manner in which the contracts were given out, so that the present contractor obtained his contract for the sum of $45,000 higher than the lowest bidder offered, on the ground that the lowest offer was for a propeller, which was regarded as inferior in speed and safety. He objected also to the contract being given for ten years, which his amendment proposed to reduce to five years.

Mr. HALE said he had been disposed to look on this item as one out of which the public might possibly derive some benefit, which was more than he could anticipate from most of the other items. He did not object to the aid which the bill proposed to extend to the contractor in this case: he thought it was of little consequence to the Government whether the means were furnished at one time or at another.

Mr. DAVIS, of Mississippi, called for the special order, and moved that the further consideration of this bill be postponed till to-morrow.

The naval appropriation bill was then postponed until to-morrow.

Mr. WALKER, on leave, introduced a bill to grant to the State of Wisconsin the military reservation at Fort Winnebago, in said State; which was read twice, and referred to the Committee on Military Affairs.

On motion of Mr. DAVIS, of Mississippi, the Senate then proceeded (quarter-past twelve) to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 20, 1848.

The Journal having been read—

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The SPEAKER said he would proceed to decide the question of order raised last evening upon the motion of the gentleman from Michigan, [Mr. STUART.]

Mr. KING, of Georgia, rose to a question of order, and submitted that the gentleman from Michigan could not make the motion to reconsider, having voted for the motion to strike out.

The SPEAKER said he would decide that point with the other, and proceeded to state the question. It was well known to the House that the item in the civil and diplomatic appropriation bill, which provided for the removal of obstructions in the Savannah river, had been struck out in Committee of the Whole on the state of the Union, and that the vote in the House upon concurring in that amendment was reported on the record—yeas 86, nays 83. Of course the amendment was adopted, and the appropriation struck out. Yesterday, however, the gentleman from Georgia [Mr. STEPHENS] rose and stated that his vote was wrongly entered that he voted "aye" instead of "no," and called for a correction, which was accorded to him as his right. The vote was then reported yeas 85, nays 84. A case then arose under the rule, in which it was the duty of the Speaker to settle the question; the Speaker voted in the negative, making the vote yeas 85, nays 85, whereby the amendment was rejected, and the original item, as contained in the bill reported by the Committee of Ways and Means, was retained. In the mean time, however, the bill had been ordered to be engrossed; a motion had been made to reconsider the vote ordering the engrossment, and that motion had been laid on the table. The gentleman from Michigan [Mr. STUART] had then raised the question of reconsideration, and moved that the vote by which the House had rejected the amendment of the Committee of the Whole, upon the correction of the Journal and by the casting vote of the Speaker, be reconsidered. A question was then made whether the motion to reconsider could be received.

The CHAIR now decided that, inasmuch as when the House ordered the bill to be engrossed, a provision was not in it which was afterwards put in by the casting vote of the Speaker, the House was entitled to a new vote upon the engrossment. The question then arose upon the motion to reconsider the vote by which the amendment was rejected. Upon that question the Chair had found but one precedent, being that to which he had last evening referred:

"December 14, 1839. Mr. Mercer, who voted in the affirmative of the question, moved that the House do reconsider the vote of yesterday on the proposition of Mr. Wise, 'That the credentials of the following named members: John B. Aycrigg, John P. B. Maxwell, William Halsted, Charles C. Stratton, and Thomas Yorke,' are sufficient to entitle them to take their seats in the House; leaving the question of contested election to be afterwards decided by the House."

"The Chairman decided, that as the vote proposed to be reconsidered was a *tie* vote, in consequence of which the proposition was lost, he did not consider the motion in order. The rule provides that 'when a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the *majority* to move for the reconsideration thereof.' There was no majority on either side of the question; and he did not, therefore, think the rule applied to the case. No motion to reconsider a *tie vote* would be in order on either side."

[The record further states that an appeal being taken by Mr. MERCER, the decision of the Chair was sustained: Yeas 147, nays 64.]

The CHAIR would state to the House, however, that this decision was made under very peculiar circumstances, arising out of the case of the contested election from New Jersey, and while there was no regularly elected Speaker in the chair. The Chair had no hesitation in saying he differed from the decision in this case. His own opinion was, that a fair construction of the rule was, that any one who voted with the *prevailing side* had the right to move a reconsideration. This, he thought, was the spirit of the rule.

The CHAIR, therefore, decided that the motion to reconsider the vote by which the amendment was rejected could be made, but must be made by a gentleman who had voted with the prevailing side; if, therefore, the gentleman from Michigan had voted in the negative, his motion was in order.

It appeared that Mr. STUART had not so voted; but—

Mr. CLARK, of Maine, rose and stated he had voted in the negative, and moved to reconsider the vote by which the amendment was lost.

The motion was received, and the question upon it was announced.

Mr. BURT rose to inquire whether, in order to get at the question of reconsideration, it was not necessary that the House, by its vote, should refuse to order the bill to be engrossed?

The SPEAKER said the question of engrossment, owing to these mistakes, was now open; and after the reconsideration shall have been disposed of, the question would recur on the engrossment of the bill.

Mr. KAUFMAN moved the previous question.

Mr. POLLOCK moved to lay the motion to reconsider on the table.

Mr. VENABLE called for the yeas and nays.

Mr. CHASE moved a call of the House, and demanded the yeas and nays thereon, which were ordered; and, being taken, resulted thus: Yeas 85, nays 95. So the call was refused.

The question then recurred on the motion to lay the motion to reconsider on the table, on which the yeas and nays were: Yeas 96, nays 92. So the motion to reconsider was laid on the table.

The question was stated on the engrossment of the bill.

Mr. VINTON moved the previous question, which was seconded, and, under the operation thereof, the bill was ordered to be engrossed, and, being engrossed, was read a third time.

Mr. VINTON moved to reconsider the vote ordering the bill to be engrossed, and also moved to lay that motion on the table; which latter motion was agreed to.

The question was then stated on the passage of the bill.

Mr. VINTON moved the previous question, which was seconded, and, under the operation thereof, *the bill was rejected* by yeas and nays, as follows:

YEAS—Messrs. Adams, Barringer, Belcher, Blanchard, Boydon, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Cranston, Crisfield, Crozier, Dickey, Dixon, Donnell, Daniel Duncan, Edwards, Alexander Evans, Nathan Evans, Fisher, Flournoy, Freedley, Fulton, Gayle, Goggin, Gott, Gregory, Hale, Hilliard, Isaac E. Holmes,

Hubbard, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, Levin, Lincoln, Maclay, McClelland, H. Mann, Marsh, Marvin, Nelson, Newall, Nicoll, Outlaw, Peck, Pollock, Preston, Reynolds, Julius Rockwell, John A. Rockwell, St. John, Shepperd, Sherrill, Silvester, Truman Smith, Stanton, Stephens, Charles E. Stuart, Strong, Tallmadge, Taylor, Thibodeaux, James Thompson, Thurston, Tompkins, Tuck, Van Dyke, Vinton, and Warren—77.

NAYS—Messrs. Atkinson, Bayly, Bedinger, Bingham, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Albert G. Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Crowell, Cummins, Daniel, Darling, Dickinson, Dunn, Eckert, Edsall, Embree, Faran, Farrelly, Featherston, Ficklin, Fries, Gentry, Giddings, Green, Willard P. Hall, James G. Hampton, Moses Hampton, Haralson, Harmanson, Harris, Hill, Elias B. Holmes, George S. Houston, Inge, Irvin, Iverson, Jameson, Jenkins, Andrew Johnson, Robert W. Johnson, G. W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Ligon, Lord, Lynde, McClernand, McDowell, McIlvaine, McKay, Job Mann, Meade, Miller, Morris, Mullin, Nes, Peaslee, Petrie, Pettit, Peyton, Phelps, Pillsbury, Putnam, Rhett, Richardson, Richey, Root, Sawyer, Schenck, Simpson, Smart, Starkweather, Strohm, Thomas, Jacob Thompson, Robert A. Thompson, William Thompson, Turner, Venable, Wallace, Wentworth, Wick, Wiley, Williams, and Wilmot—100.

So the general appropriation bill was rejected.

Mr. FICKLIN moved to reconsider the above vote, and to lay that motion on the table.

[Much confusion and great sensation in the House.]

Mr. COBB, and several other gentleman earnestly remonstrated with Mr. FICKLIN, and urged him to withdraw this motion.

Mr. FICKLIN, after a pause, said that his own mind was in favor of adhering to the motion he had made, but, as many of his political friends around him thought differently, he would withdraw it.

The motion having been withdrawn—

Mr. COBB moved to reconsider the vote by which the bill had been rejected. He said that he made this motion in good faith, and if it was carried, he should follow it up by another to reconsider the vote by which the bill had been ordered to be engrossed, in order that it might be recommitted to the Committee of Ways and Means, and put into such a shape as would meet the views of a majority of the House.

Mr. PETTIT moved that the motion to reconsider be laid upon the table.

On this motion the yeas and nays were ordered, and being taken, resulted: Yeas 20, nays 151.

So the House refused to lay the motion to reconsider on the table.

Mr. VINTON said the bill upon which the House had just voted, with the exception of a very few items, viz: those providing for the District of Columbia, for a custom-house at Charleston, and for the removal of obstructions in the Savanah river; with these exceptions, he thought this bill was composed of those appropriations which had been recommended by the Executive as necessary to carry on the Government.

Mr. FICKLIN said, in addition to the items the gentleman had named, there were the appropriations for this city.

Mr. VINTON replied he had spoken of the appropriations for the District, which of course included those for the city. He did not know why this vote had been given, especially by gentlemen on the other side of the House.

Mr. GENTRY desired to say to the gentleman from Georgia, [Mr. COBB,] who had intimated that his (Mr. G.'s) side of the House had made such a bill as that they were unwilling to take the responsibility of voting for it, that the gentleman, he presumed, misapprehended the motives of those on his side of the House who had voted against it. He (Mr. G.) had voted against it because he perceived that the friends of the Administration on the other side manifested a very strong disinclination for the Administration to have these appropriations, and he thought it was not the duty of gentlemen on his side of the House to force them upon them.

Mr. COBB understood that the majority of this House were with the gentleman from Tennessee, and upon that majority rested the responsibility of passing the necessary appropriations to carry on the Government. He (Mr. C.) had voted against the bill because of the objectionable features placed in it by the gentleman from Tennessee and his friends.

Mr. VINTON resumed the floor. He was going on to say, that, with the exception of the items which he had enumerated, he believed everything in this bill had been recommended by the Executive as necessary to carry on the Government. If there were no objectionable items in the bill; if there were none which gentlemen felt themselves compelled to vote against upon constitutional grounds, why, then, the only excuse for gentlemen on the other side of the House voting against the bill must be, that they were satisfied that the Government did not want the means—that the Government had means enough to carry on its operations without the bill. And if gentlemen on the other side of the House thought they could get along without the appropriations proposed, he did not know that they on this side were bound to force them upon them. The Government was in their hands, and if they thought the recommendations of the Executive of appropriations necessary to carry on the Government should be rejected, he did not know any reason why those who stood in opposition to the Administration should not reject them also. If, on the contrary, this bill was voted against upon the ground that there was an item in it for the improvement of the Savannah river, which involved a constitutional question, then in respect to that he had to say that the recorded votes of this House—of gentlemen on the other side of the House—showed that there was a very large number of those who had no constitutional scruples or difficulties. This, then, would not account for their votes. Those who had no constitutional scruples in legislating for the improvement of harbors and rivers, could not protect themselves against this vote under this pretext. Now, that being the position of things, the gentleman from Georgia [Mr. COBB] proposed to recommit this bill—if, indeed, it would be in the power of the House or the committee to amend it, in case it was recommitted. The gentleman proposed to recommit it for the purpose of enabling the Committee of Ways and Means to get rid of this item. He would only say that the Committee of Ways and Means had originally put that item into the bill; whether it was right or wrong, he did not now propose to discuss. That which had been done, had been the subject of more than one vote of this House; the action of that committee had been affirmed by the action of this House more than once; and if the bill should be recommitted without instructions to strike out this item, under these circumstances, as one member of that committee, (for he spoke for no one else,) he was not disposed to strike it out. He only regretted that the motion of his friend from Kentucky, to put into the bill the Mississippi and Ohio rivers, had not prevailed.

Mr. McCLELLAND remarked, that the gentleman had spoken of this provision for the Savannah river having been voted on several times, and of the Committee of Ways and Means being sustained by the House. Now, he wished to ask this question: In Committee of the Whole, had not the Whigs voted against the appropriation contained in this item, and then recorded their votes for it in the House?

Mr. VINTON. I don't know how it was.

Mr. McCLELLAND. Can the gentleman account for it?

Mr. VINTON had no recollection about it; he did not know; it might be that what the gentleman inquired about was correct, or that it was incorrect. But when acting here in this House, they did not take notice of what was done in committee; the record showed what the House did when called upon solemnly to record their votes upon the yeas and nays,

He had only risen for the purpose of saying, that unless the committee were instructed from the House to strike that item out of the bill, as one member of the Committee of Ways and Means, (and he spoke for no one else, because he had had no consultation about it,) under the circumstances of the case, he should not feel himself authorized to attempt to do it, if it was in the power of the committee.

Mr. McKAY said, the chairman of the Committee of Ways and Means, in the remarks he had submitted to the House, had stated some very extraordinary propositions. The gentleman had been placed at the head of the committee whose duty it was, by the rules of the House, to report all bills necessary to make requisite appropriations for the support of the Government. During this session, the bill which was now under consideration—and the object of which was to make appropriations for the whole civil list, including not only the items necessary for the Executive, the administration of the Government, upon which the gentleman laid so much stress, but for the other branches of the Government—the judiciary, marshals, attorneys, jurors, and even for their own pay as members, and of the clerks, pages, and attendants upon the two Houses of Congress—had been reported to the House; and yet the gentleman had risen in his place, and with great gravity announced to the House and the country, that if they on this side were perfectly satisfied that the Executive had now at his disposal unexpended balances sufficient to carry on the Government, why, forsooth, he would be content that this bill should be lost. The gentleman, standing here in this House as the proper organ of the majority—a majority which were responsible for carrying all these bills providing for the support of the Government—rose here and made this annunciation to the country! Why, did not the gentleman tell the House a few days ago, and did he not make it the basis of an appeal to the House to remain in session and act upon this bill and pass it, that the necessary appropriations for the support of the Government were some of them exhausted; that he had received letters from marshals scattered all over the country, complaining that the appropriations for judicial expenses were exhausted, and calling upon Congress immediately to pass a bill, in order that the courts of the country could continue to be holden? And he now told those who were in the minority, perfectly powerless, if they believed that there were appropriations already sufficient, he and gentlemen who acted with him were content that the bill should be lost, although they were responsible for the passage of all the necessary appropriations to carry on the Government!

Now, he would tell gentlemen what they on his side of the House were willing to do. It was well known to all the old members here—he appealed to them all, he appealed to the distinguished gentleman himself who was at the head of the Committee of Ways and Means, whether, in the course of the twenty years and over in which the gentleman had been a member of this House, he had ever seen a single civil and diplomatic appropriation bill in which an item like the present, for the improvement of the Savannah river—which formed the only obstacle to the passage of this bill—had been included? He asked the gentleman if there was any precedent that would at all justify it? During the seventeen years in which he (Mr. McK.) had been a member of the House, he had never known such an instance. This item, as a friend on his left suggested, had been placed in the bill in violation of the positive rule of the House. The rules expressly provided that there should be different bills; they did not, like the British Parliament, in one single act make appropriations for all the different departments of the Government. The civil and diplomatic appropriation bill provided for all the objects of civil expenditure; the army bill for the military expenditures, and so on of the Indian bill, the navy bill, the pension bill, the fortification bill, and the West Point Academy bill; they were all intended to provide for their peculiar departments of the Government. There were here the most minute subdivisions; and this was a familiar fact not only to the chairman of the Committee of Ways and Means, but to every gentleman in this House. They had their harbor and river improvement bills also; and if it was the purpose of the majority to pass during the present session a bill making appropriations for objects of internal improvement, why had the Savannah river alone been selected and placed in this bill with the civil and diplomatic appropriations of this Government? Had it been recommended?

The gentleman had told them that every single item in this bill except the appropriation for the District of Columbia, for the custom-house at Charleston $100,000, and $50,000 for the Savannah river, was upon the recommendation of the Executive Department. They interposed no objection. However exceptionable many of them considered a great many of the sections in this bill, yet they were all disposed to give up their objections and vote for the bill, if they would leave out these appropriations which had been put in out of place. Was there any precedent at all for involving a grave constitutional question, upon which the two parties of the country were divided, for pressing into this bill—for which all were disposed to vote—items which

many of them believed to be unconstitutional? If gentlemen chose to take the responsibility; if they were disposed to prostitute the rules of the House to party purposes, let the responsibility rest on them. He now proposed to them, that there might be no delay upon the passage of this bill—there should be none interposed on the part of his friends—that they should agree to reconsider the votes on the passage of this bill and on ordering it to be engrossed, and that it should be recommitted to the Committee of the Whole on the state of the Union, with specific instructions to report forthwith—it could be done in twenty minutes—a bill containing every single section which the majority of the committee had put in, leaving out the single item relating to the Savannah river. Could any gentleman object to that?

The gentleman from Ohio had told the House that the action of the Committee of Ways and Means had been affirmed by several successive votes of this House. His friend from Michigan [Mr. McCLELLAND] had well reminded the gentleman of the action of the Committee of the Whole on the state of the Union. What was that action? When the motion was made by his colleague [Mr. VENABLE] to strike out this item, what was the vote? There were not more than thirty-odd who stood against striking it out; the committee were nearly unanimous; and when it was brought into this House, upon the call of the yeas and nays, the action of the Committee of the Whole was concurred in, and the item excluded. It was true, on a succeeding day it was ascertained that there was a clerical error, and, by the casting vote of the Speaker, the amendment was rejected, and the item restored by the extraordinary interposition of the one-man power, about which gentleman talked so much. By this means alone the appropriation was saved.

The SPEAKER interposed, and wished to be allowed to state, that the Speaker had voted according to the rules of the House, and not by any extraordinary proceeding.

Mr. McKAY concluded by saying that he would now, or when it was in order, propose to recommit the bill to the Committee of the Whole on the state of the Union, with instructions to report the same back to the House, with the exception of the single paragraph relative to the Savannah river.

The question still remaining on the motion to reconsider—

Mr. HUDSON remarked that the gentleman from North Carolina had told them that this whole proceeding was very extraordinary in its character, and had appealed to the chairman of the Committee of Ways and Means to answer whether he had ever known a parallel case. He, (Mr. H.,) of course, was not acquainted with the proceedings of the House to the extent his friend was. He could not, therefore, speak of the gentleman's experience. But he could speak of his own experience and observation; and, as far as they extended, he ventured to say they corresponded with the experience and observation of gentlemen who had been there twice or three times as long. He admitted that this case was extraordinary in its character. In the first place, it was rather an extraordinary circumstance, that, by somewhat fortunate or unfortunate circumstances, his party should happen to have a majority of the House merely nominal, when the minority (if minority it were) were the friends of the Administration, and when they in fact had a majority in every other branch of the Government but the House of Representatives. The proceedings in this case were extraordinary in other respects. He had never seen a minority here, whether friendly or opposed to the Administration, throwing themselves in solid phalanx, as gentlemen on the other side had done this morning, against an appropriation bill which they knew was necessary to be passed in order to carry on the Government.

Mr. STUART, of Michigan, desired to correct the gentleman's statement. There were gentlemen on his side of the House—and he was among the number—who had voted for this bill, and against laying the motion to reconsider on the table, and had given every vote they had been called upon to give for passing the appropriations necessary to sustain the Government.

Mr. HUDSON wished to do justice to the other side of the House. As a body, as a party, almost in a solid phalanx, they had voted as he had expressed; and there were even some of the gentlemen, who were members of the Committee of Ways and Means, who had given their votes with the majority on that side. He did not intend to say there were not exceptions, and the gentleman from Michigan no doubt was one.

The gentleman from North Carolina had also excused the course pursued by his friends on that side of the House by saying that this amendment in relation to the Savannah river had been introduced into the bill contrary to the rules of the House, and that, although the rule required them to confine themselves in the general appropriation bills to appropriations already authorized by law, and to refrain from anything like general legislation. Now, he presumed it was well known to all those who had paid any attention at all to the subject, that his friend from North Carolina, when chairman of the Committee of Ways and Means, had introduced more provisions of a general character—more of general legislation into the general appropriation bills—than all others which had been introduced since the establishment of the Government; and he knew that during the present session the gentleman had been an advocate for the same policy, and, instead of differing from the committee in wishing to go beyond the mere appropriations of money, the gentleman had, in the House and everywhere, gone beyond him who had gone farthest in introducing general legislation into appropriation bills. Proviso after proviso was found in all the appropriation bills which had been passed while the gentleman was chairman of the Committee of Ways and Means.

Mr. McKAY explained that the object of every single proviso which had been introduced into any of the appropriation bills reported while he was at the head of that committee, was either to limit or to regulate the expenditures of the public money. There was not one which at all involved the principle of this amendment. They had always made it a rule—and they had even left out a great many clerks on this ground—never to put in any appropriation not authorized by law. Many of these appropriations which the gentleman found in the bill had been put in by the Senate.

Mr. HUDSON had also been informed—and his recollection corresponded with the fact—that not only in this bill, where it was pretended there was something unconstitutional in the provision for internal improvements, but in the navy appropriation bill, where there was no such question of constitutionality, gentlemen on the other side of the House had pursued the same course in voting against the bill.

But another thing. The gentleman from North Carolina, in the last Congress, when chairman of the Committee of Ways and Means, upon a committee of conference, agreed to introduce into the civil and diplomatic appropriation bill the sum of $3,000,000 to be paid to Mexico, which was certainly as foreign from a civil appropriation bill as the improvement of the Savannah river was to the bill now under consideration; and certainly if it was constitutional to appropriate three millions to buy worthless territory in Mexico, to be a bone of contention in this House and the country, he should think it equally constitutional to remove obstructions which the Government itself had placed in a river in our own country.

Mr. McKAY said the three million appropriation was made in a separate bill, and was not the subject of a conference at all.

Mr. HUDSON was aware of all the facts in relation to the bill. He knew it had passed this House with a certain proviso which gentlemen wished to get rid of; and, as a member of this House upon a committee of conference, the gentleman with his colleague agreed to put it into the civil and diplomatic bill, that in that way they might get rid of the proviso. He spoke advisedly. He knew what the facts were. It was a separate bill which was passed; and the gentleman agreed to take up this separate bill, which had passed one branch, and leave out one important provision, and put the appropriation into the general appropriation bill, in the grossest violation of the rule.

Mr. McKAY inquired if he understood the gentleman from Massachusetts as charging that he, (Mr. McK.,) as a member of any committee of conference, had agreed to any report, which report had subsequently been submitted to the House, by which the three millions of dollars were put into the general appropriation bill?

Mr. HUDSON replied that he had not said that the appropriation was reported to this House. He had said it was agreed to in committee, and would have been reported if that gentleman had not been informed, that if he was guilty of an outrage like that, the civil appropriation bill would not be passed.

Mr. McKAY. Were you a member of that committee?

Mr. HUDSON replied, that he knew the facts; and he asked the gentleman if what he said was not true? He could bring two men who would take their oath that it was.

Mr. McKAY. Bring as many as you please. I am not going to tell what took place in the committee of conference. I admit that proposition was discussed, but was never passed upon; and I hold the three million bill in my hand, by which that appropriation was made in a separate bill.

Mr. HUDSON had said nothing that he wished to qualify or take back. He had said it was not reported to this House, but he had the express declaration of a member of that committee that the agreement was made in the committee, in the evening, to report the appropriation the next morning, and it was only in consequence of the fact that he had stated that the committee came together—a portion of them—and reconsidered their doings.

Mr. McKAY said that the conferees never agreed to any such thing. It was the subject of conversation with them.

Mr. HUDSON stated that he had the declaration of responsible witnesses to the contrary. He would ask the gentleman if he did not advocate and vote in the committee of conference for incorporating this $3,000,000 appropriation into the general appropriation bill?

Mr. McKAY. I do not recollect about that. [Laughter.]

Mr. HUDSON said, the gentleman had alluded, in the course of his remarks, to the one-man power which had been exercised here this morning. He had information from one or two sources, that there was another one-man power which might be felt if this bill passed in its present form, and that it was held up to members of this House to influence them to vote for the recommitment of this bill, that this objectionable feature might be stricken out. Now, he was willing, for one, to vote for the bill as it now stood. He would vote to carry the bill through; and he hoped that gentlemen who were in favor of giving the Government the necessary means to carry on its operations, and that every one who was in favor of a system of internal improvements, would stand by and help to pass this bill, with the item for the Savannah river in it; and if the President of the United States wanted to exercise his one-man power and return the bill with his objections, let him do it. He was perfectly prepared to meet that case, and when it came up, he would pursue that course of policy which he thought wisest and best. He was not to be intimidated by the Executive threats, if they came by authority. That functionary might intimate to members of this House, or might send his Cabinet ministers here, as he had done heretofore, to electioneer for him; for himself, he was disposed to exercise his own judgment, and to vote for every bill which the interests of the country demanded, notwithstanding the President might be disposed to send down in advance intimations that he should object to it. If the Executive saw fit to exercise his constitutional right to veto this appropriation bill, let him take the responsibility if he dared. It was said he would do it; but he would not do it. He undoubtedly would not veto a bill of this description. Did any one suppose that the President of the United States, at the close of a long session, when appropriations were necessary, and large appropriations, to carry on the Government, would take the responsibility of vetoing an appropriation bill because there was one item in it which he did not exactly approve?

Mr. TURNER inquired if that clause was not put in and continued in the bill with the view of provoking a veto, or of placing the President in an inconsistent position?

Mr. HUDSON replied that he could not answer for other gentlemen in the House who had voted for that measure, but he could say for himself that the thought had never come into his mind. The suggestion had not been made in the Committee of Ways and Means, directly or indirectly, to his knowledge; and according to his best belief, (for he knew nothing of the fact,) it had no place in

the considerations which had led to its introduction into the bill.

Mr. TURNER inquired of the gentleman further, why the Mississippi and Ohio rivers had not been put in likewise, for they stood precisely in the same position as the Savannah river? Works had been commenced and not completed in these rivers.

Mr. HUDSON said that this case seemed to him peculiar. Here were obstructions placed in the Savannah river by the Government itself; in the other cases, the obstructions were placed there by Nature. He would relieve gentlemen's anxiety at once; they could come forward and vote for this bill with perfect propriety, for the Baltimore resolutions only bound them against a general system of internal improvements. Now, this was not one of the system. [Laughter.]

Mr. TURNER again rose, but

Mr. HUDSON declined further to yield, and said he would answer the gentleman's question. Gentlemen need not trouble themselves with scruples about this appropriation; it was not in conflict with the Baltimore resolutions. They alluded to a general system of internal improvements. Now here was one solitary item which could not by any possible construction be considered a system or a part of a system. He submitted, therefore, to his Democratic abstractionist friends, whether this distinction was not satisfactory? This work stood by itself, having no analogy to any other improvement, and could not be considered to belong to a system of internal improvements.

Mr. MEADE wished to know whether the gentleman and his party had heard that the President would veto a bill with this clause after they had voted in committee to strike it out?

Mr. HUDSON would answer the gentleman very cheerfully, and perhaps he could not better do it than by relating an anecdote which had fallen under his own observation: A man who was a little intoxicated—he did not intend to apply that remark to his friend from Virginia [a laugh]—was asked by another man if he could answer a certain question. He told him to propose his question and he would see. The question was propounded. The reply was, "I can answer that. It is very easily answered and very foolishly asked." Now, whether he had heard that remark one minute before or one minute after the vote in committee, was of no consequence whatever. If that threat was made to this House, he condemned it, when or by whom it was brought.

Mr. MEADE understood the gentleman to insinuate that his question was very foolishly asked, [a laugh;] that it had no application to the case.

Mr. HUDSON said he had made no insinuation. He had simply related an anecdote. [Renewed laughter.]

Mr. MEADE would only reply to the gentleman from Massachusetts that the question was very pertinent; for if the gentleman and his party had learned that the President would veto the bill with this item, after the vote had been taken in committee, it explained very readily the difference between the votes of gentlemen on that side of the House in committee and in the House.

Mr. VINTON desired to know from the gentleman from Virginia if the President of the United States had given out in advance that he would veto a bill now pending before this body?

Mr. MEADE replied that he could not answer the gentleman, for he did not know.

Mr. BAYLY, (in his seat.) It will be answered.

Mr. MEADE. So I see that gentlemen on the other side of the House can ask very foolish and impertinent questions.

Mr. HUDSON could only say it was since the last vote was taken that the information had been conveyed to him. Of course it had had no influence on him, because he had not voted since. It would not have had, if he had heard it before the vote, and he did not conceive that it could have had any influence on the members of this House generally. He should not deviate one-eighth of a hair from all the threats of Executive power which might be made. This influence, in fact, was not to be felt on this side of the House, but on the other side, and it was to save the President, he apprehended, from the dilemma of vetoing an appropriation bill, that his friends had rallied around him with so much earnestness this morning.

Mr. CLARKE, of Kentucky, understood that a number of years ago an appropriation had been made by this Government to construct a dam at the head of Cumberland Island, in the Ohio river; that that dam was partly constructed, and left in that condition, and that it had now been partially washed away, thus obstructing to some extent the navigation of that river. He asked the gentleman to draw the distinction between the obstruction in the Savannah and the Ohio, and to account how it was that this bill had incorporated into it an appropriation for the Savannah and not for the Ohio?

Mr. VINTON inquired if the gentleman did not vote against that very appropriation?

Mr. CLARKE replied that he did, and always should. That did not answer his question.

Mr. HUDSON had two answers: the case of the Ohio river was not parallel to that of the Savannah, because the works had not been put in the former as obstructions. Again, in the one place, Congress had the power, and in the other they would run directly against the Baltimore resolutions, because the improvement of the Ohio river was part of the system.

Mr. CLARKE asked if the gentleman was governed by the Baltimore resolutions?

Mr. HUDSON replied in the negative, but that they seemed to operate very powerfully upon the other side of the House, and that they had no reason to complain at being required to stand by them.

Mr. CLARKE again requested the gentleman to state the difference between the appropriation for the Savannah and the Ohio rivers?

Mr. HUDSON had already answered. The obstructions in the Savannah were placed there as obstructions, whereas the works in the Ohio river were designed to facilitate navigation.

Mr. CLARKE. They are now obstructions.

Mr. HUDSON said that was because the gentleman's President had vetoed a bill which, if it had become a law, would have raised the dam, which the gentleman now considered an obstruction, up to the contemplated height, and thereby would have facilitated instead of injured commerce.

Mr. BAYLY said, it was not often that he differed with his friend from North Carolina, [Mr. McKAY;] but he differed with him at this time in some of the statements he had made. The gentleman has said that the appropriation for removing obstructions from the Savannah river was out of place in the civil and diplomatic bill, and that it had been placed there against all precedent. He agreed with him entirely in the first part of the statement. The title of the bill indicates its object. It is to provide for the civil list—to make appropriations to pay your foreign ministers, your judges, marshals, jurors, and other civil officers, which it would be tedious to enumerate. Surely an appropriation for a harbor improvement has no legitimate place in such a bill. Such an appropriation belongs to the river and harbor bill, in which it even now is placed, and in which it has always been placed before. In form, the gentleman is right as to the second part of his statement. He believed that the records of the Government would be searched in vain for a similar appropriation in the civil and diplomatic bill. But, in spirit, the gentleman is wrong. This form of legislation has always been adopted whenever the Whigs were in a majority in Congress, and differed from the Executive. So far from what they are now doing being unusual, it is in strict keeping with their constant policy under similar circumstances. It is in perfect accordance with their policy in 1842. It will be recollected, at that time they repealed the law providing for the collection and safe-keeping of the revenue before they passed any other—as was believed at the time, and as the circumstances justified the country in believing, for the purpose of coercing Mr. Tyler to sign a bank bill, which was the only substitute they meant to offer for the bill they had precipitately repealed. The natural and usual order of things is, to repeal the existing law by the statute substituting another. But, in this case, they repealed the existing law first, without at the same time substituting another, with the view of forcing the Executive either to sign the bank bill, which was the only substitute they would offer, and thus perjure himself, or leave the finances, in the words of their leader, in "a lawless condition." And, in the bill raising revenue to keep the wheels of Government in motion, they inserted a clause out of place, and having no proper connection with the bill, to repeal the provision in the distribution law providing for its suspension whenever the rate of duties under the tariff should exceed twenty per cent. That provision was inserted in the act by Whig votes—without them, it could not have been inserted. It was known that Mr. Tyler was thoroughly committed to that provision, and against its repeal, as Mr. Polk is now against appropriations for internal improvement, and that he would veto any bill providing for it. And yet these same Whigs inserted a provision in the bill providing for raising revenue to carry on the Government, repealing the restriction in the distribution law, with the view, as he believed, of placing Mr. Tyler in the situation in which he must stand by and see the wheels of Government stopped, or perjure himself by signing a bill which he highly disapproved. In either event, they expected to bring him into disrepute with the country; and, by forcing him to a constant, almost daily resort to the veto, to bring that great popular and conservative feature of the Constitution, which had saved it so often from violation, into disrepute also.

Mr. GENTRY asked the gentleman from Virginia if he intended to convey the idea that Mr. Tyler held distribution to be unconstitutional?

Mr. BAYLY said he had asserted no such thing.

Mr. GENTRY thought the gentleman from Virginia was wrong as to an historical fact; for certainly there was no man more deeply committed to the policy of distribution of the proceeds of the public lands than Mr. Tyler. If he had any constitutional difficulties, they arose very suddenly, and but a short time before his veto.

Mr. BAYLY said it so happened that he could speak with some confidence of the position of Mr. Tyler on the distribution question. In the winter of 1839, he had the honor of serving in the Legislature of Virginia with Mr. Tyler; and during that session a proposition was offered in favor of distributing the proceeds of the sales of the public lands, which it fell to his lot to oppose, and Mr. Tyler's to defend. He (Mr. B.) maintained, on the occasion referred to, that the customs, as regulated by the compromise bill, would not be sufficient, without the proceeds of the lands, for the wants of the Government; and that if those proceeds were distributed, a disturbance of the compromise would become inevitable. Mr. Tyler, on the other side, contended that the revenue arising from the customs would be sufficient, without the land fund, for the wants of the Government, economically administered: and he insisted the question was, whether that fund should be distributed among the States, or remain, at best, idle in the treasury, or more probably become a fund for corruption.

Mr. B. was confident that the compromise bill would not yield a surplus, even in conjunction with the proceeds from the public lands, much less without them; and he was equally confident that the people of Virginia would never consent to distribution unless it did; and with the view of rendering the resolutions a nullity, he moved that the tariff compromise should be held "*sacred and inviolable.*" Mr. Tyler not only assented to this proposition, but voted for it; and with him a large majority of the Whig members, among whom were many who afterwards not only justified and defended the perfidious abandonment of that compromise, and supported the odious tariff of 1842, but denounced Mr. Tyler, who would not show equal pliancy, and surrender at the bidding of a party his well-considered opinions and his pledges to the country.

Mr. Tyler was not committed upon this subject in this mode alone. The party which elevated him to power in 1840 declared themselves everywhere to be opposed to disturbing the tariff compromise, and to the charter of a national bank. By these professions they gained the confidence of the people. But they were no sooner installed into office, than, in despite of their professions, they passed a high protective tariff, and attempted to fasten upon the country a national bank; and denounced Mr. Tyler because he would not become as false to his pledges as they had become themselves, and exhibited a rage which was as irrational as their expectation that he should betray his pledges was unprincipled. Finding that the power they had obtained by holding out professions to the people which they meant to violate had availed them nothing, in 1844 they came out with a fair declaration of their principles, and, with all the high qualities and popularity of their leader, they were defeated, and now, despairing of gain-

ing the confidence of the people if they make a fair disclosure of their principles, they are attempting to enact over again the scenes of 1840.

Mr. B. said he would return from this digression into which the interruption of the gentleman from Tennessee [Mr. GENTRY] had led him, to the point he was discussing at the time it was made.

Mr. VINTON requested that a section of the civil and diplomatic appropriation bill for 1835 should be read; and it was read by the Clerk accordingly.

Mr. BAYLY said he did not see that the provision which had been read affected the question at all. That was a provision to satisfy a demand which was created by existing law; but he should come to that question hereafter. He was now attempting to show that the effort to attach such items to such a bill was not without precedent, but that it was in perfect keeping with the factious policy heretofore pursued by the Whig party.

Some conversation ensued between Mr. BAYLY, Mr. CLINGMAN, and Mr. GENTRY, on the subject of Mr. Tyler's vetoes.

Mr. GENTRY said that Mr. BAYLY had not yet answered his question. The gentleman from Virginia had said that Mr. Tyler was placed in a position in which he was compelled either to veto the bills which were sent to him, or perjure himself. Now, if he did not believe distribution unconstitutional, how would he perjure himself by signing a bill providing for it?

Mr. BAYLY said he would answer the gentleman with great pleasure; and although it would divert him from the line of his argument, yet the point involved in the interrogatory was an important one, and he thanked the gentleman for giving him an opportunity to answer it.

In the first place, the House would recollect, that in speaking of the alternative which was presented to Mr. Tyler, of vetoing several bills or of violating his pledges to the people and his own oath, he had referred to the bank bill, and others besides the one concerning the distribution of the land fund. But he waived that. He took the gentleman at his word; and he asserted that if Mr. Tyler, with his well-considered and deliberately-formed opinion of the impolicy of distribution, under the circumstances in which it was attempted, had signed the bill providing for it, *he would have perjured himself*. Sir, the Constitution is not as gentlemen read it. Mr. Tyler construed it, in respect to the veto, in the spirit in which it was made, and in which Washington administered it; and not in the spirit which partisans of the present day would construe it. Yes, sir, in the spirit in which Washington administered it; with whom men of yesterday are impiously compared, for mere party effect.

The oath which is prescribed by the Constitution for the President is in these words:

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

This is the oath he takes in entering upon the discharge of the duties of his office. It is not only "that he will preserve, protect, and defend the Constitution of the United States," but "that he will faithfully execute the office of President of the United States." What, sir, are the most important duties of that office? They are thus defined by the Constitution itself:

"He [the President] shall, from time to time, give to Congress information of the state of the Union, and *recommend* to their consideration such measures as he shall judge necessary and expedient."

Again:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. *If he approve*, he *shall* sign it; but if not, he *shall* return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if *approved* by two-thirds of that House, it shall become a law.

"Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and before the same *shall* take effect, *shall* be *approved* by him, or, *if disapproved* by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

This is the language of the Constitution. The President, in advance of legislation, is commanded, for the language is imperative—to "recommend to the consideration of Congress," not once for all, but constantly, "from time to time," such measures as he shall judge not only necessary, but such even as he shall regard as *expedient;* and after Congress has acted, the Constitution declares not only that such solemn acts as bills, but even "every *order, resolution,* or *vote,*" (except on questions of adjournment,) shall be presented to the President; and "*if he approve*, he shall sign it; but if he disapprove, *he shall* return it, with his objections, to that House in which it shall have originated." In what sense is he to approve it? If there was doubt about this, the language of the Constitution itself in the same clause, in another connection, would relieve it. He is to approve it in the same sense in which a member of either House signifies his approval in voting for a bill, order, or resolution. The section under consideration declares that when either is returned by the President, it shall be reconsidered; and "if approved" by the two-thirds of both Houses, it shall become a law, the President's objections to the contrary notwithstanding. The language of the oath is equally explicit; and if the President signs a bill which he regards as highly inexpedient, he perjures himself just as certainly as if he signed one which he considered unconstitutional. And the mischief done in the first case is much greater, and the crime he would commit as heinous as in the second. In the last case, the judiciary might annul the law, and thus afford relief; in the first, the only recourse would be a repeal, which might not be effected—and in most cases would not be effected—until all the mischief had been done.

The very formula which has been always used by the Presidents, in affixing their signatures to laws, is in accordance with this construction. The word used is "*approved.*" And the very message in which the President announces, through his secretary, that he has signed a bill, is in accordance with it also. The language of that message uniformly is: "The President has approved and signed a bill," &c. How can he send such a message as that, or make such an appendage to his signature as is always used, if he has signed without approving? Mr. B. did not mean to maintain, in a case where the reasons were fairly balanced for and against a measure, the President, in a case of expediency, should exert his veto merely because his mind inclined against it. But in a case where his mind is free from a rational doubt, he is as much bound to interpose to prevent the passage of a highly inexpedient as an unconstitutional law.

And, Mr. Speaker, the reason for these provisions of the Constitution is as obvious as the language is plain. The design of the Constitution, in all of its provisions, is to protect the people against the Government—to protect the governed from aggression on the part of their agents; and every safeguard is therefore interposed against misrepresentation. The President of the United States represents the whole people much more nearly than Congress. It might very well happen that the two Houses of Congress—and, under the system of gerrymandering for this House, and the inequality of the size of the States represented in the other, it often does happen—that a majority of Congress will represent a minority of the people. But it is almost impossible that the President shall. And hence, before any bill can become a law, it is required that he shall *approve* it. And suppose he should not: what mischief is done? He thereby imposes no measure upon the people. All he does is to arrest action—to leave things as they were—as the people had placed them. The veto enacts nothing. It does nothing affirmative. It only arrests action. The only power it confers upon the President, who so nearly represents the whole people, is to grant an appeal from the representatives of the people to the people themselves—an appeal which must, at furthest, be tried in a very short time. The term of the Presidency is but four years; and few laws are ever passed which invoke the Executive negative early in his term. And until the appeal is tried, things only remain as they were; and he was not prepared to admit that our condition and laws at any time are so defective that much mischief would be done in leaving them unchanged.

In practice, there was no danger that the President would capriciously and tyrannically exert the veto power. He had no inducements to do it. It was not a pleasant thing for the President to bring himself into collision with the two Houses of Congress; and experience had shown, that he would not do it except in cases where the popular will had been clearly violated. This is shown by the fact that there was no instance in which a veto has not been sustained by the people. This is the view which Mr. Tyler took of the Constitution; and Mr. B. begged leave to add, the view which the early Presidents took of it; and among them, the Father of his Country. Washington, early in his administration, resorted to the veto. Before he disapproved and prevented the passage of the apportionment bill, he took the opinion of his cabinet, composed of the ablest men of that day. Mr. Jefferson, in his opinion, said:

"Viewing the bill either as a violation of the Constitution, or as giving an *inconvenient exposition* to its *words*, is it a case wherein the President ought to interpose his *negative?* I think it is. *The non-user of his negative power begins already to excite a belief that no President will ever venture to use it; and consequently has begotten a desire to raise up barriers in the State Legislatures against Congress, throwing off the control of the Constitution.*"

This was in reference to the first bill which Washington vetoed. The second was a bill for reducing the army. The reasons which he assigned were purely reasons of expediency. They were, that it would be inconvenient to throw out of service, at that time, two companies of light dragoons. This bill had been passed by a large majority; and it is a singular circumstance, it was presented to him for his approval on his birthday, and after his veto it came near commanding a vote of two-thirds.*

Now, Mr. B. would say, if there was a conceiv-

*The following are the proceedings referred to by Mr. BAYLY:

From the reprinted Journal of the House of Representatives of the United States, 2d volume, pages 726 and 728.

HOUSE OF REPRESENTATIVES, *February* 28, 1797.

A message was received from the President of the United States, by Mr. Craik, his secretary, who, by command of the President, returned to the House the bill passed by the two Houses, entitled "An act to alter and amend an act entitled 'An act to ascertain and fix the military establishment of the United States,'" and presented to the President, for his approbation, on Wednesday, the 22d day of this month; to which bill the President having made objections, the same were also delivered in by the said secretary, who then withdrew.

The said objections were read, and ordered to be entered at large on the Journal, as follow:

"UNITED STATES, *February* 28, 1797.

"*Gentlemen of the House of Representatives:*

"Having maturely considered the bill to alter and amend an act entitled "An act to ascertain and fix the military establishment of the United States," which was presented to me on the 22d day of this month, I now return it to the House of Representatives, in which it originated, with my objections.

"*First.* If the bill passes into a law, the two companies of light dragoons will be, from that moment, *legally* out of service, though they will afterwards continue *actually* in service; and for their services during this interval—namely, from the time of *legal* to the time of *actual* discharge—it will not be lawful to pay them, unless some future provision be made by law. Though they may be discharged at the pleasure of Congress, in justice they ought to receive their pay, not only to the time of passing the law, but, at least, to the time of their actual discharge.

"*Secondly.* It will be inconvenient and injurious to the public to dismiss the light dragoons as soon as notice of the law can be conveyed to them, one of the companies having been lately destined to a necessary and important service.

"*Thirdly.* The companies of light dragoons consist of one hundred and twenty-six non-commissioned officers and privates, who are bound to serve as dismounted dragoons when ordered so to do. They have received, in bounties, about two thousand dollars; one of them is completely equipped, and above half of the non-commissioned officers and privates have yet to serve more than one-third of the time of their enlistment; and, besides, there will, in the course of the year, be a considerable deficiency in the complement of infantry intended to be continued. Under these circumstances, to discharge the dragoons does not seem to comport with economy.

"*Fourthly.* It is generally agreed that some cavalry, either militia or regular, will be necessary; and, according to the best information I have been able to obtain, it is my opinion that the latter will be less expensive and more useful than the former in preserving peace between the frontier settlers and the Indians; and, therefore, a part of the military establishment should consist of cavalry.

"G. WASHINGTON."

HOUSE OF REPRESENTATIVES, *Wednesday, March* 1, 1797.

The House, according to the order of the day, proceeded to reconsider the bill passed by the two Houses of Congress, entitled "An act to alter and amend an act entitled 'An act to ascertain and fix the military establishment of the United States,'" which was presented for approbation on Wednesday, the twenty-second of February, and returned by the President yesterday, with objections.

The said bill was read at the Clerk's table, and is as followeth, &c., &c.

The President's objections were also read; and, after debate on the subject-matter of the said bill, the question, "That the House, on reconsideration, do agree to pass the bill?" was determined in the mode prescribed by the Constitution of the United States—yeas 55, nays 36.

able case where a President ought not to withhold his signature from a bill which he disapproved, it was a bill providing for the reduction of the army. The power to declare war and to raise and support armies is vested in Congress. The army is an arm of the war power; and that being in Congress, the President ought greatly to defer to their will in every matter connected with it. And considering that he is the commander-in-chief, he ought to be very circumspect in interposing to prevent the reduction of a force of which he is the head. Yet, in such a case as that, even Washington exercised the veto upon grounds of mere expediency. With what propriety, then, can those who propose to surrender the veto power, and abdicate, in advance, the most important and responsible duties of the Presidency as a means of reaching it, claim to follow in the footsteps of him who was "first in war, first in peace, and first in the hearts of his countrymen?" Sir, it is impious to compare any man of this day with him who has no parallel in any man of any day.

Mr. B. did not regret that the opportunity had been afforded him, as unexpected as it was, to express his views upon this question, notwithstanding he had not been able to present them fully, or to do them justice. This salutary, popular, conservative feature of the Constitution is in great danger. There is an effort now made to strike it virtually from the Constitution. It is not made in the only legitimate way, by a proposition to amend the Constitution, but by the election of a President pledged in advance to abandon its exercise. In this form it is more dangerous, because it is the only one in which it can possibly succeed. It has been tried in the other, the proper and ingenuous mode, but it signally failed. Shortly after the Whig party had been baffled in all their cherished schemes, and the will of the people protected from outrage by the use of this veto power in the hands of a firm man, Mr. Clay proposed a modification of it. But with all his influence with his party, not a single State responded favorably, and he who had proposed it, was rejected by the people. And now the same party are attempting to effect, by indirection, what they so signally failed to effect in a legitimate mode. It will be for the people to say whether they shall succeed.

He would now return from this digression to the point he was arguing when he was interrupted. He was attempting to show that this appropriation for clearing out the Savannah river was inserted in the bill for the purpose of provoking a veto, and that it was in perfect keeping with similar efforts resorted to by the Whig party when they were in a majority in this House in 1842.

The first reason for this opinion had already been assigned. The appropriation does not belong in this bill. Its proper place is in the harbor bill—where, indeed, it already is; and there it ought to remain, and fare the same fate of all similar appropriations. The House has expressed its opinion upon this point. A bill from the Senate is now on your calendar, providing for this improvement. When it came from the Senate, what was done with it? Was it committed to the Committee of Way and Means, to which belongs the civil and diplomatic bill? No, sir; but it was referred to the Committee on Commerce by a vote of this House; and it was thus decided by this body that its proper place was the river and harbor bill, which that committee has in charge. Again: In the Committee of the Whole it was rejected by a large majority. Why, then, was it voted in by a party vote in the House? The remarks of the gentleman from Massachusetts [Mr. HUDSON] explains the reason. In the mean time, it had become generally rumored about, that if it remained in the bill, the President would veto it. Here was an opportunity for a party movement, not to be lost. Thousands of persons are interested in the passage of this bill, in every part of the country—indeed, every person connected with the civil departments of the Government; and it was thought if a veto could be provoked, a great clamor would be the consequence.

The gentleman from Massachusetts [Mr. HUDSON] had asked Mr. B.'s colleague [Mr. MEADE] if the President had given any intimation that he would veto this bill if it contained the appropriation for the Savannah river. It was such a question as it was impossible to give a general negative to. But this he would say, that although he was quite sure the President had given no private intimation of his intentions, with the view of influencing the vote of members of Congress, yet, in his public acts, in his veto messages, he had given the most positive and unequivocal intimations that such an appropriation as this could never meet his approval.

But the gentleman from Massachusetts [Mr. HUDSON] argues that this appropriation does not stand on the same footing as ordinary appropriations for purposes of internal improvement, inasmuch as the obstructions in the Savannah river were placed there by the Government in the revolutionary war. The gentleman is mistaken. They were not placed there by the order of the Government; on the contrary, they were placed there (if he was not misinformed) by the authorities of Savannah, for the protection of that town. But this is immaterial. At any rate, they were placed there before the Constitution of the United States was adopted; and our powers are derived from that instrument, and not from extraneous circumstances existing before it was formed.

So far from this improvement having stronger claims upon us than any other, the reverse is the case. The State of Georgia has applied long ago to this Government for permission to levy tonnage duties to remove these very obstructions. The permission has been granted. He was informed that the duties had been levied and collected. They must have come out of all persons trading up that river; among whom would be comprised many citizens of other States. Under these circumstances, with what propriety could Georgia come here and ask an appropriation to effect the same object out of the public treasury? She had resorted to the true constitutional course, and let her adhere to it.

He then commented on the remarks of the chairman of the committee of Ways and Means, and expressed his astonishment that a gentleman of his age and experience should come here and say he presumed the President had already money enough to carry on the Government, and therefore that his friends in this House withheld their votes from this bill. Why, so far as mere funds go, the Government would have more without this bill than with it; for it does not propose to put money into the treasury, but to take it out. But the creditors of the Government had a right to these funds. They could not, however, be paid, until this bill was passed, for not a dollar could be paid without an appropriation by law; and that appropriation, to which there was no objection on this side of the House, gentlemen opposite were determined should not be made unless appropriations were included which would inevitably bring down the Executive veto.

Mr. EVANS, of Maryland, rose to a question of privilege. The gentleman from Virginia had no right to refer to the opinion of the President of the United States to influence the action of members of this House.

Mr. BAYLY said the gentleman from Maryland should have raised his question of privilege at an earlier period; for no reference had been made to Executive opinions on this side of the House, until they had been alluded to by gentlemen on the other side.

Mr. EVANS denied that the first allusion to the Executive opinions had come from his side of the House.

Mr. BAYLY said he believed the first gentleman who made such allusion was the gentleman from Massachusetts, [Mr. HUDSON.]

Mr. EVANS said the gentleman from Virginia was entirely mistaken. In the expectation that such allusions would be made, he had sat with his finger on the rules, which was well known to the Speaker, and he was enabled to say that the first reference to the Executive opinions came from the other side of the House. It came from the gentleman from Kentucky, [Mr. CLARKE.]

Mr. GENTRY said it mattered not whence it came. It was wrong.

Mr. EVANS said, in raising the question of privilege, he did it not with any unfairness to the gentleman from Virginia. He could not bring himself to be guilty of doing so. But he had raised the question because it was a clear violation of a rule of the House, which was designed for the protection of freedom of debate.

Mr. BAYLY said, if gentlemen opposite were terrified by such allusions, he promised that he would not repeat them. According to the gentleman's own admission, others had made these allusions before he had; and yet, although the gentleman had sat with his finger on the rules, in expectation of such allusions, he had not called them to order. No one would suspect him of such a want of tact as to refer to the opinions of the President with the view of influencing favorably the action of members on that side of the House. He knew the temper of that side well enough to know that such a reference would have produced the contrary effect. No such reference was necessary, as far as this side was concerned; for we have already voted against the appropriation. The change has been on that side, not this.

The honorable chairman of the Committee of Ways and Means [Mr. VINTON] had made other remarks at which he was equally surprised. Besides voting for this proposition, he had also expressed his regret that appropriations had not been made for the improvement of the Mississippi and Ohio rivers. It would be recollected that, early in this session, the gentleman asserted that neither himself nor the party to which he belonged, had ever advocated incurring debt for the purpose of internal improvements. All that they had ever wished was, to appropriate any available surplus which might remain undisposed of in the treasury. He would ask the gentleman if there was any such surplus in the treasury now? If these appropriations are made, must not debt be contracted to meet them? He (Mr. B.) had undertaken to controvert, by facts and arguments, the assertion of the gentleman at the time it was made; but he had not anticipated that the gentleman himself would so soon have confirmed all he had then said.

He (Mr. B.) then proceeded to comment on the vote of the Speaker yesterday morning, on the discovery of an error in the record of the proceedings of the preceding day. He knew the Speaker had many privileges; but he should like to know by what privilege the Speaker could vote a day after any other member of this House? No member of this House enjoyed a privilege of voting on a succeeding day. Now, suppose he (Mr. B.) had not been present on that day: could he come in on the succeeding day and have his vote recorded? To put a still stronger case: Suppose he had been in his seat, and had not voted; could he vote the next day after the Journal was read?

The SPEAKER explained that the course which was pursued was justified by many precedents.

Mr. BAYLY said he did not charge the Speaker with any intentional usurpation.

Mr. BURT explained, that since he had been a member of this House, the same state of circumstances had occurred when the Speaker was a member of the Democratic party, and the same course was pursued. It was done by Mr. John W. Davis, the last Speaker of this House.

Mr. BAYLY said he recollected no such instance; but if there was, it did not alter his views. He could not see why a Speaker should vote the next day, any more than the other members of the House. If the Speaker did not exercise his right when the question was put, he should be presumed to have waived it, and he could not exercise it afterwards. He then continued at some length to comment on the passage of the bill with the clause which was so objectionable to many, and said he could not but view it as an attempt to provoke an Executive veto; and he appealed to gentlemen if they were likely to gain anything in a party point of view which would at all compensate for the loss of dignity and propriety of conduct which they would inevitably incur.

Mr. STEPHENS said the gentleman from Virginia [Mr. BAYLY] and some other gentlemen complained that this item for the removal of obstructions in the Savannah river had been put in this bill purposely to procure an Executive veto. Now, as one who advocated this appropriation, not only at this session, but at every session since he had been a member of this House, he could say that he had never heard such an intimation until this morning. He did not dream that any individual could possibly expect the President would veto this appropriation. He had always understood that his Democratic colleague had uniformly voted for this appropriation, except at this session, and that it was supported because it stood on ground different from other appropriations for the improvement of harbors. He believed he was right in saying that his Democratic colleague had heretofore voted for it; but he had voted against the bills containing the

appropriation because other matters different from this were put in them; and for his colleague, who was a member of the Committee of Ways and Means, [Mr. TOOMBS,] who had this item put in the bill, not for a veto but to get the money, he would state that he agreed in some points with the gentleman from Virginia in opposing a general system of internal improvements, but not on constitutional grounds. That colleague happened to be absent to-day, or he (Mr. S.) knew he would answer for himself, and state most explicitly that his object was not to provoke a veto by putting this item in the civil and diplomatic appropriation bill; but it was to disconnect this case from other harbor improvements which stood upon entirely different grounds. He knew this was the object of his colleague, and that this was the history or the true reason for this appropriation in this bill.

Mr. McCLELLAND inquired if the gentleman's colleague was not in favor of separating this item from this bill, that the merits of every such item should be discussed by itself?

Mr. STEPHENS said it was not necessary that he should go into a detail of the views of his colleague on the subject of internal improvements, as probably before the adjournment his colleague would speak for himself. But he was satisfied that his colleague had no doubt of the constitutionality of improving harbors for the benefit of the people of this Union. If they could not legislate upon this subject, what sort of a Government had they? He repeated that he knew his colleague was opposed to a large, unlimited, and extravagant system of internal improvements, as he was himself, but that he had always disconnected this case from others.

And now, what was the argument of the gentleman from Virginia? He said this did not differ from other cases, because these obstructions were put into this river by the Government before the adoption of the Federal Constitution. This was the ground on which the gentleman made this case analogous to all others, and wished to get rid of the obligation resting on them to make the removal. Now he (Mr. S.) intended to show that it was but a quibble to say that these obstructions were put there before the adoption of the present Constitution, and that therefore this appropriation for their removal was unconstitutional. He supposed from this argument that if this Government should put in such obstructions, this Government could take them out; though he did not know but that it might be contended that if this Government should now, in time of war, put in such obstructions, it could not again remove them. Was he to argue such a question as that? He appealed to the gentleman from Virginia, and asked if he entertained such constitutional opinions as that this Government could block up the mouth of a river for the national defence, but that it could not afterwards remove such obstructions? No gentleman could entertain such opinions. The gentleman from Virginia, speaking of the President, said that he would not longer terrify this side by alluding to the Executive veto. Now, he had not known that side of the House ever quailed or became terrified at any threat of the Executive, nor had he heard on that side of the House until this morning that the President would veto this bill if this item was inserted; and yet, as the representative of American freemen, if by message of the Executive, or communication from any of his minions, such a threat should be made, he (Mr. S.) would maintain his rights, and vote for it notwithstanding. No threat of the Executive would have any terror for that side of the House, and Mr. S. would fain hope that it would have no influence with the other side. During the revolutionary war these obstructions were put into this river in part by our officers and in part by the British, and he maintained that it rested with the Government to remove them; and it rested not solely on construction, but on the plain terms of the Constitution; for by the Constitution the new Government assumed all the obligations of the old Confederation. But this assumption in effect would have been made by the change, even without the express provision. When the government of any people passed from one form to another, or from the hands of one to another, those who come last to the exercise of its powers take the government, *cum onere*. Suppose we had not adopted the Constitution, and that the States had remained as a Confederated Republic, would any gentleman doubt that it was the duty of the Federal Government to remove the obstructions from that river? He could not argue such a question as this. He believed the gentleman from Virginia was a lawyer, and sometimes spoke from the book; and he asked him if, in such a case, the duty would have rested upon the Confederation to make the removal, did it not now devolve on the present Government to discharge this old obligation? He was astonished, then, to hear gentlemen say it was unconstitutional, because those obstructions had been placed there before the adoption of the present Constitution. Sovereignty might be transferred, but the incoming Government took with it all the trusts and responsibilities, rights and obligations of the old Government under the Confederacy. No principle in public law or the laws of nations was plainer or better settled.

He wished to call the attention of the House and of the country to the fact that the civil and diplomatic bill for the support of the Government was rejected because it contained an item for the improvement of the Savannah river, when all the other items were called for by the Executive, and the Committee of Ways and Means. And what was that item? He here read the item appropriating $50,000 for the removal of obstructions in the Savannah river, near Fort Pulaski and the naval anchorage, and said they were told by the other side of the House that if this item were retained in this bill it would be vetoed by the President. Although no gentleman had authority to say so, the gentleman from Virginia said he had no doubt of it. Now, was not this an extraordinary spectacle to present to the country, when the Chief Magistrate of this Union undertook to say to the Representatives of the People that the wheels of Government should stop if they dared exercise one of their rights, and make an appropriation to remove obstructions from a river which the Government had put there itself? The gentleman from Virginia told them he came to this conclusion from the general knowledge he had of the President's previous vetoes. Consequently, the wheels of the Government must stop if they did that which was necessary to the naval marine of the country, as well as necessary for the promotion of the interests of commerce. The gentleman from Virginia said the President could not allow his conscience to be violated by approving a bill containing such an item for one of our own rivers or one of our own harbors, and yet the President could approve a survey of the Dead Sea. He did not speak authoritatively; but he asked the gentleman from Virginia if it were not so, if the President had not approved of the survey of the harbors of that distant inland sea?

Mr. BAYLY said he was able to speak somewhat with authority on this subject, and he could say that the President has ordered no such thing. Permission was asked by some of our naval officers to make a scientific exploration on their own account. It was done without any direction or control whatever of the department; and permission was given them to do that which was often done when officers were on foreign stations: to make short excursions for the examination of objects which would tend to enlighten them and the world.

Mr. STEPHENS, then, understood the gentleman from Virginia to say that they were not sent out, but that, on their application, permission was given them to survey the Dead Sea.

Mr. BAYLY. Not to survey it; that would depend upon the sense in which the gentleman used the word survey. The word survey might have different meanings. And Mr. B. said something of the sense of the word in the stanza of

> "I am monarch of all I survey,"

which was not distinctly heard.

Mr. STEPHENS replied that the sense in which he used the word was to examine, explore, make observations, &c. But he did not know but that he was wrong; and that the gentleman had just given the sense in which the President used it. He certainly was actuated by some such feelings and views, when he cast his eyes over the Territories of New Mexico and California, and made a survey of them. All his acts then spoke one plain language:

> "I am monarch of all I survey,
> My right there is none to dispute;
> From the centre all round to the sea,
> I am lord of the fowl and the brute."

Perhaps it was with the same feeling he was now making this survey of the Dead Sea. And while he denies all right in Congress to do anything for the improvement of our rivers and harbors, he could approve the expenditure of thousands of dollars out of the public treasure in making surveys, examinations, and explorations after the lost cities of Sodom and Gomorrah. Such was the conscience of our President. He could expend the public treasure in exploring other climes, but could not allow Congress to spend one dollar in improving our own.

Mr. BAYLY said something further in interruption about jurisdiction, not heard.

Mr. S. said he did not believe that Lieutenant Colonel Frémont claimed the jurisdiction of the country when he made his exploring journey into California; nor did Captain Gillespie. They were, however, despatched there by authority, their expenses were paid out of our treasury, and they soon created a revolution, and presented the singular spectacle of officers of this Goverment, in the pay of the Government, commencing war with and revolutionizing a neighboring country, without any authority of law save the will of the President. But his question had been, Who bore the expenses of this expedition to the Dead Sea? Did they or did they not come out of the treasury? Did the officers concerned pay the expense out of their own pockets? Did they pay for the building of the peculiar sort of boats necessary for the exploration, and which, as he had been informed, were built in this country? Were they not built and sent out at the public charge? Mr. S. did not know the fact, but he had been so informed. And was this the excuse, the palliation that the friends of the President offered for the tenderness of the conscience of the President, which would prevent him from allowing us to appropriate a few thousand dollars to remove obstructions in one of our own rivers which our Government had helped to put there for the national defence during the war of the Revolution? He could build boats for an exploration of the Dead Sea, it seems, without authority of law, but his conscience was quite too tender to allow of his permitting the people's representatives to provide for the removal of obstructions which were put in one of our own harbors by the officers of our Government, and by which, in part, they were enabled to achieve our independence! His tender conscience did not prevent him from claiming all the powers of a conquering monarch over foreign territory, nor from prosecuting explorations of distant seas in the East, at the expense of the people of the United States; but at home, here at our own doors, his conscience would not allow him to sanction the appropriation of a dollar for the benefit of the commerce of our own people, or the safety of our own navy in coming to anchor in one of our own ports!

Mr. BAYLY said he did not admit that the expense of this exploration of the Dead Sea had come out of the treasury.

Mr. STEPHENS said he understood that it had. He understood from the gentleman at the head of the Naval Committee [Mr. T. B. KING] that the boats provided for that expedition were paid for out of the treasury; so he was informed; beyond that he could not go. But, even if the expenses of the boats did not come out of the treasury, the officers concerned in it were in the pay of the Government, and were engaged in the enterprise by the permission of the President.

Mr. BAYLY inquired how the chairman of the Naval Committee knew that such was the fact?

Mr. T. BUTLER KING (chairman of the Committee on Naval Affairs) said he knew nothing more than what he learned from common report. [Voices: "Oh! ah!"] Gentlemen need not cry "oh" and "ah" quite so soon. [Laughter.] He did know, from very high authority, that the outfit necessary to that exploration had been made at the expense of the Government. These officers must have taken out the requisite boats and nautical and astronomical instruments to complete the examination; and while so engaged, they were of course under pay as officers of the Government. The gentleman from Virginia did not certainly question this.

Mr. BAYLY said he did greatly question it.

Mr. KING observed, what he said was, that this service was performed by permission of the department.

Mr. RHETT. Had not these gentlemen gone out on this expedition on their own account?

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Mr. KING said he did not understand that they had gone on their own account.

Mr. McCLERNAND. Would the gentleman from Georgia undertake to say that they were ordered on that service by the Government?

Mr. KING. I have not said that. I said they were permitted.

Mr. RHETT inquired from what source the gentleman had derived this information?

Mr. KING replied, from the Secretary of the Navy.

Mr. RHETT. The Secretary of the Navy told you so?

Mr. KING. He told me so, himself.

Mr. BAYLY said he was himself a member of the Naval Committee. He had gone to the department, and had there inquired into the precise state of the case.

Mr. KING said he brought no charge against the Secretary of the Navy on this account. He had only said that the expedition was permitted by the department.

Mr. GENTRY wished to inquire from the honorable chairman whether a public vessel, belonging to the United States, ever left this country on a distant expedition without orders from the department?

Mr. KING replied that none ever did.

Mr. GENTRY said these officers must have had orders, or they never would have gone there.

Mr. SCHENCK here referred to a speech of his own, in which he had been commenting on the inconsistency of the Executive Government in sending out an expedition to explore the Dead Sea, and at the same time refusing to sanction the improvement of our own rivers and harbors. He had gone afterwards to the Navy Department, where the Secretary explained to him the whole affair. The explanation given was, that certain naval officers had expressed their willingness and desire to make the exploration, and he had given them permission to do so, because he considered that the result would be a desirable acquisition to science. Mr. S. said he had further learned—he was not sure it was from the Secretary; it might have been from other sources; he certainly had seen it stated in the newspapers—that boats of easy transportation had been prepared, and the instructions were published, under which these officers had been engaged in making the requisite preparations for the exploration. Mr. S. had himself never alluded to it; for he was not of opinion that the thing was at all wrong, but the contrary. What he complained of was, that while it was held to be all right and proper, and quite constitutional to carry on such an exploration in the continent of Asia, it was supposed to be the greatest heresy to permit a river or a harbor in our own country to be examined and improved.

Mr. BAYLY said that he had seen the instructions alluded to, and knew all about it.

Mr. STEPHENS said that all this eager controversy, which had for some time been going on all round him, amounted to nothing at all. It seemed that, whenever he addressed the House, the disposition to interrupt, and to make inquiries and explanations, became contagious.

Mr. SCHENCK (in his seat) said it was because he stirred them up.

Now, sir, (continued Mr. STEPHENS,) it is wholly immaterial, for the purpose to which I alluded to this affair, whether the officers paid for their copper boats and outfit or not. They are engaged in this service, I understand to be admitted, by the permission of the Secretary of the Navy, and their regular salaries are paid out of the treasury while engaged in this service. The main question here was, whether officers of our navy, while in the pay of the Government, had engaged in the survey of the Dead Sea with the knowledge and consent of the President? It was not to be expected that our naval officers, when they left our own shores, carried with them specific orders and directions as to where they were to go from day to day, and just at what points they were to stop; but wherever they went, while on a cruise, they were held to be constructively in the service of the Government. That was the point. Mr. S. did not complain if the money of the people had been appropriated for the advancement of the cause of science and the enlightenment of the people. If such results should ensue from the exploration of the Dead Sea, and our officers could secure them without detriment to the public service, he had no complaint against it. He agreed with what the gentleman from Ohio [Mr. SCHENCK] said, that this might all be very proper; but he did complain that the President of the United States, who knew of and permitted such an exploration in a distant country, could turn upon our own people and say that it was right and proper to explore distant seas, but you cannot improve your own, and withhold from them the money intended to be applied to the advancement of the national prosperity and the improvement of our own great natural advantages. What good would it do the people of the United States to explore the Dead Sea, in comparison to the opening of the great highways for their own commerce? Gentlemen on the other side of the House seemed to have taken the President's conscience into their own peculiar keeping, and they would not consent to pass any measure in this House which they supposed his conscience or his caprice might lead him to oppose. Mr. S. must call these conscientious scruples nothing but a caprice. If not, why were instructions given, in the negotiation of the late treaty, to secure the right of way at Tehuantepec? Where was the constitutional provision that authorized the President to insert a condition like that in a treaty between the United States and a foreign Power? And why was the right of way desired, if it could not be improved and rendered available?

But why did Mr. S. stand here talking about the constitutional scruples of a man who had done little else then trample the Constitution beneath his feet from the day of his inauguration to this day; of a man who, in the very face of the Constitution and against its plain letter, had involved the nation in an unnecessary and expensive war of aggression, invasion, and conquest; of a man who arrogated to himself the absolute power of a monarch over conquered provinces; of a man who dared to establish a civil government by his own authority and his own officers upon soil which he claimed to be a part of one of the sovereign States of this Union; who laid duties, collected imposts, and expended large sums of money by orders in council, and without authority of law; of a man who could, by the proclamation of a subaltern, change the allegiance of a foreign people and declare them to be citizens of the United States, when this subject, by the Constitution, was left to Congress to regulate? This was the conscientious President, whose scruples we must look to in the discharge of our duty! And when Mr. S. and his constituents came here and asked Congress for a few thousand dollars to remove an obstruction placed by this Government across the mouth of one of our own rivers, to open a pathway for our own commerce, they were told his conscience was too tender to allow it!

Mr. COBB, of Alabama, here interposed. He said he knew his friend from Georgia; he had served with him in committee; he wanted to ask the gentleman a question, and he thought it was best to do it now, before his friend got any more irritated. He knew that in ordinary times he was a very courteous gentleman. Now, Mr. C. expected soon to get the floor, and he wanted to know whether it would be permitted to him to take a latitude like this on a motion for reconsideration? He desired to know this now, that he might make the proper preparation beforehand for launching out into the Dead Sea. He would require some time to fix up his barque if it was to go on so long a voyage as to the Dead Sea, which he believed was somewhere in Asia.

Mr. STEPHENS said he was for giving the gentleman from Alabama full latitude; he might launch his barque on a voyage to the Dead Sea, and might cross, if he could, the Isthmus of Tehuantepec; and if he was going to sustain Mr. Polk in vetoing this bill, he might as well at the same time prepare for one other little voyage, and that was up Salt river.

Mr. COBB said that he just wanted time to explain that he had voted against this appropriation bill, simply because it contained this item for clearing out Savannah river.

Mr. STEPHENS would say to the gentleman, that he had better take some time if he was going to satisfy his constituents for voting to negative the general appropriation bill for the support of Government; and more particularly if he hoped to justify it from the fact that it contained an appropriation for removing from the mouth of the Savannah river obstructions which had been placed in it by this Government.

When interrupted by the gentleman from Alabama he had been speaking, he believed, about the conscience of the Executive; of a man who had outraged the Constitution in every conceivable form, and then pleaded his constitutional scruples whenever any money was to be applied to the improvement of any part of our own country.

The gentleman from Virginia [Mr. BAYLY] had reminded him that Congress had permitted the State of Georgia to levy tonnage duties for the improvement of Savannah river. No doubt it had. That act, however, Mr. S. believed, became obsolete by its own limitation twenty years ago. But Mr. G., as a Georgian, was opposed to Georgia's doing any such thing. Why should Georgia tax the commerce of one of her cities to remove obstructions which the General Government had sunk at the mouth of her river?

Mr. BAYLY inquired whether Georgia had not asked permission of Congress to do this?

Mr. STEPHENS replied that she had. That Georgia had passed, in 1787, before the formation of her constitution, an act laying tonnage duties for this purpose, and after the Constitution was adopted and the new government went into operation, it became necessary to get the consent of Congress, which was given, but which was now obsolete by its own limitation. But Mr. S. said he was opposed to the policy of that act.

[Here some inquiries passed between Mr. COBB, of Georgia, and his colleague, as to changes in party politics within their State, and when these changes had taken place, and a good-natured hit or two was given which the reporter did not quite comprehend.]

Mr. S. said he had been opposed to this policy of levying tonnage duties by State authority. There was no right, no justice in it, that the commerce of the people of Georgia should be subjected to taxation for the removal of obstructions, which not the hand of Nature, but the hand of this Government had placed in the principal river of the State. The presence of these obstructions, by lessening the depth of water on the bar, had had an injurious effect upon the commercial prosperity of the city of Savannah. Charleston, her rival, was very near, having a decided advantage over her in point of capital. And what had given her this advantage? These very obstructions in the Savannah had doubtless contributed. The harbor at Savannah was better than that at Charleston—the depth of water over the bar was greater. Before Government sunk these obstacles to prevent the entrance of a hostile fleet, vessels of the largest size could ride safely to the very wharves of the city.

[Here explanations passed between Mr. STEPHENS and Mr. HOLMES, of South Carolina, as to the soundings on their respective bars, which created some merriment.]

There were truths so self-evident as to be admitted as axioms, because no reasoning would strengthen their own irresistible impression, and to which all rational minds were forced to give their assent. This was one. Government having blockaded the river in time of war, Government had not only a right to remove the obstructions when they were no longer needed, but was under a high moral obligation to do so. If Georgia should remove these obstructions at her own expense, she would have a right to demand reimbursement from this Government. Whosoever blocks up a highway

must remove the obstacle, or have it done at his expense—nothing clearer.

Mr. BURT inquired whether any examination had been made into the nature and state of these obstructions, and any report made on the subject?

Mr. STEPHENS replied that there had.

Mr. BURT inquired at what time?

Mr. HUNT made an explanation in reply, and stated, that at the last session an estimate for the removal of these obstructions had been made by the Executive through the Secretary of War.

Mr. STEPHENS also referred to the fact, and read the estimate, for "removing obstructions at the mouth of the Savannah river, and for a naval anchorage near Fort Pulaski, $50,000." He had the document here containing the recommendation by the President of the United States. It was not expressly mentioned in his message, but it was in the estimates sent by him to the House. Under these disadvantages, arising wholly from the action of Government, it was not fair to put additional burdens on the commerce of Savannah.

Mr. S. would, indeed, ask his colleagues on the other side of the House, how, as Georgians, they could reconcile it with their sense of duty to vote against an appropriation for removing from a river of Georgia obstructions which the Government had placed there? As to the constitutional power, to Mr. S. it seemed perfectly useless to argue so plain a question; no illustration could make the point plainer nor stronger.

And now, sir, I ask, (said Mr. S.,) is this House so degraded, so debased, so utterly degenerate, as to withhold this right, this nothing but bare justice, from the people of Georgia—and not only them, but the people of upper Alabama and Tennessee, and still more distant parts—barely because they fear it will not suit the conscience of the President to allow it? This House has, by a large majority, declared that Congress has the power to improve harbors, to afford outlets to our commerce; but this is a much stronger case: it barely asks that you may abate your own nuisance. And can it be possible that men will shrink from this high duty from nothing but subserviency to Executive will? Has the House of Representatives of an American Congress sunk so low as to become nothing but the registers of Presidential edicts? Sir, I trust we shall do our duty, let the President do as he may.

For one, he was inclined to say, with the gentleman from Massachusetts, that the President would not veto this bill. The gentleman from Virginia [Mr. BAYLY] was of opinion that he would. Mr. S. could not believe it. If he did mean to veto it, Mr. S. wanted him to avow it. He did not want Executive threats to be uttered by Representatives here, unless they were authorized. If the Executive was indeed prepared to take such a step, and this was the platform of his party, that the wishes of the people should not be suffered to prevail, even at the risk of stopping the wheels of Government, it was full time the American people should know it. If the President vetoed the bill, he hoped the country would then know what this veto power was. He trusted there would be no quailing on that side the House. He hoped the House would array itself in defence of this feature in the bill, and let the country know why it was that the President had dared to stop the wheels of Government. Let the nation know whether its Government was to be arrested, and the public business brought to a stand still, rather than have the Government take from the mouth of an American river obstacles which the Government itself had placed there! The issue had been made by the gentleman from North Carolina, [Mr. MCKAY.] Mr. S. was prepared to meet it, and to go before the country upon it. He cared not if every Democrat in the House opposed the bill; he was ready for the issue, and would meet it anywhere and everywhere, before the people of his own State, and before the people of the United States.

Mr. IVERSON next obtained the floor. He said that he had not intended to open his mouth on this subject, nor should he have done so but for the remarks of his colleague over the way, [Mr. STEPHENS.] He had been absent during a part of that gentleman's remarks, but he understood he had assumed that all his colleagues were in favor of the constitutional power of the Federal Government to engage in works of internal improvement. If so, he was most egregiously in error.

Mr. STEPHENS said he had advanced no such position. What he had said was, that he had understood, at the last session, they were all ready to have voted for this particular measure, and that they did vote for it whenever it had been proposed to be inserted as an amendment.

Mr. COBB, of Georgia, said that his colleague was right in part, and wrong in part. Some of his colleagues had voted, Mr. C. himself had, to put this item in a bill before the House, but he voted against the bill after the clause was inserted.

Mr. IVERSON resumed. He was not responsible for any other gentleman; he could not answer as to what had or had not been done; but, for one, he did not believe in the constitutional power of Congress to engage in a system of internal improvements. Nor did he believe that this item for clearing out Savannah river constituted any exception. Whence did Congress derive such a power? He was not going to enter on any lengthy argument of the constitutional question, because it had already been so fully and so ably discussed in the veto message of Mr. Polk, that if any man was not convinced by a persual of that document, neither would he be convinced though one should rise from the dead. It was a standing monument of the wisdom and the courage of the President, and would carry his name to posterity in characters of living light, long after those of his puny assailants were lost in oblivion.

Why did this item for Savannah river form an exception to the general rule of the want of power? It was said that the Government had put these obstructions in the river, and therefore the Government was bound to remove them. Was that true? Had these obstructions been placed there by any act of Congress or of the Confederation? Not at all. They had been sunk in the river by the officers who were in command at Savannah, in order to stop the British fleet from approaching the city. For whose benefit had this been done? Clearly for the benefit of the city of Savannah and the people of Georgia.

Mr. BURT here said he had the report which had been made on this whole subject, and it came to this: that those obstructions had been put there by the Americans, and by the British also.

Mr. IVERSON said he had not been aware of that. It was now said that they had been put there after the British got possession of Savannah, in order to prevent the French fleet from coming up. They were not put in by this Government.

Mr. STEPHENS said a portion of these obstructions had been placed in the river by the British to prevent the French fleet from coming to the relief of our own people and restoring the town to the possession of the Americans. Afterwards, that portion which had been put there by Americans had been so placed to prevent the British fleet from getting up the river. The main point Mr. S. insisted on was, that these obstructions, which now were so injurious to the navigation of the Savannah river, had been put there for the protection of the city of Savannah in the time of the revolution.

Mr. IVERSON then said, if the fact was so, on whose shoulders then rested the obligation to remove them? On the shoulders of those for whose benefit they had been placed there. Were they put in the river for the benefit and protection of the people of the United States? Not at all. Georgia had long since asked permission to levy tonnage duties for their removal, and for the improvement of her rivers and harbors. Would his colleague say that this request had not been made by his party?

Mr. STEPHENS. Had his colleague said that these obstructions to the entrance of a foreign fleet had been for the exclusive benefit of Georgia, and not for that of the people of the whole Union?

Mr. IVERSON said he had not maintained that position. The principal object of putting them there had been the protection of Savannah itself. The Government had given its assent that tonnage duties might be levied by the Georgia Legislature to pay for clearing out the river. Who had asked for that assent? His colleague had said that it was not asked by the party to which he belonged. Mr. I. would ask to what party his colleague did belong? Who had been his political progenitors? From what party did he spring? The old State-rights party of Georgia. In 1833 that party had published to the world a declaration of its principles—a practice which seeemed to have gone out of use now, in certain quarters. One of those principles was declared to be, that Congress had no power to engage in works of internal improvement. This was in 1833, and his colleague was a member of that party which made the declaration.

Mr. STEPHENS said that in 1833 he had not been a member of any party.

Mr. IVERSON said he was aware that the gentleman was not grown up at that time.

Mr. STEPHENS said he believed that the chiefs and sachems and headmen of that party were now leading men in the party of his colleague.

Mr. IVERSON said the gentleman was mistaken. It was convenient sometimes to plead infancy. [A laugh.] The two parties divided in 1832, and that to which Mr. I. belonged was in favor of preserving the Union, and was known as the Union party. The party to which his colleague belonged was against it. They claimed, then, to be strict constructionists, the State-rights party, and Mr. I. had acted with them till they abandoned their principles.

Mr. I. here went into a discussion of Georgia parties and Georgia politics, in which much local and personal reference was necessarily involved, and in which he and Mr. STEPHENS differed at times as to facts; the chief dispute seemed to be, which of the two parties it was who had favored the policy of applying to Congress for power to levy tonnage duties, and to which of the parties Mr. STEPHENS was attached.

Mr. I. said his colleague might have been too young to take an active part in the scenes of that period, but at any rate he belonged to the party who at that day were the advocates of nullification. Would the gentleman deny that? What was the foundation of the nullification party in Georgia, one of whom, an active member, now represented the first Congressional district of his State upon this floor? At that memorable period, the party with which his colleague now acted had declared they were willing to rend this Union because of the adoption by Congress of the protective principles of the tariff of 1828. The same party in 1832 were willing to strangle liberty in its very infancy to get rid of what they called an "odious," "unconstitutional," "oppressive," protective tariff. Now, where did the party of the honorable gentleman stand? In Georgia they were the open, truckling advocates of this very system, following at the tail of their Northern manufacturing allies. Yes, that party had abandoned every political principle which had ever divided the two great parties of this country, and to which they had formerly been so much attached. They had abandoned their position on the question of domestic manufactures, of a national bank, of internal improvements, and the distribution of the proceeds of the public lands. Why, when a young man, just growing into political life, he had had the honor to serve in the Legislature of his native State, there was but one solitary man belonging to what was called the State-rights Nullification party—the Troup party of that day—and that was Abraham H. Chappell—who voted in favor of these constitutional powers of Congress. That gentleman had always held the constitutional powers of Congress to establish a national bank, and yet he was allowed to remain in the party which was the progenitor of the gentleman's present party, because he was an able and correct man in every other respect, and a fine fellow, and they did not spew him out of their mouth.

The party to which his colleague belonged, he repeated, had abandoned every principle they had formerly advocated. Now, what did they advocate? He wanted to know what other principle they advocated in the election about to take place but that great new principle which had just been developed, *availability*? What principles did they expect to carry into the administration of this Government? What measures and what policy was to be adopted by General Taylor and those who supported him? Could any man answer? If any man had answered here, he had not the pleasure to hear him. No; they now stood on altogether a different platform. Formerly, they had stood like men on the platform of principles. Now, like children, they stood on the platform of no principles. He left to his colleague and his associates to show their consistency and sincerity in this matter.

But, in relation to the question before the House, this bill had been lost by the vote of a decided majority on this floor; and for what reason? Because an appropriation for clearing out the Savannah

river had been incorporated into it contrary to every principle and practice of this House. The chairman of the Committee of Ways and Means had risen in his place, and declared that this side of the House was to be responsible for the loss of this important measure of the Government, and in the course of his remarks had taken occasion to say that he was not only in favor of this appropriation, but he was anxious that an appropriation for the Mississippi and Ohio rivers should have also been introduced into the bill. Now, if he had not greatly misunderstood him at the first part of this session, this same gentleman, when the veto message of the President upon the harbor and river bill had been read in this House, had risen in his place and declared that it never was the policy of the friends of internal improvements to appropriate any money but surplus money towards these works.

Mr. VINTON explained that he had spoken in reference to what was said in that message, that a most extravagant system, which would have involved the Government in debt hundreds of millions, had been arrested by a former Executive. He had said that was a mistake; that instead of the Whigs of that day having in view any such policy, they had never at any time recommended any appropriations that made it necessary to borrow a dollar, but that the appropriations recommended by his party at the time spoken of in the President's message would have been paid out of the surplus money, and that it was the usage at that time to inquire of the Secretary of the Treasury what the surplus would be before determining upon the appropriations for internal improvements.

Mr. IVERSON said that the remarks of the gentleman, as reported in the National Intelligencer, he was confident, stated that the party to which the gentleman belonged was in favor of internal improvements when we had a surplus in the treasury, and opposed to borrowing money to carry on the system. We had had to borrow money; this Government was involved in debt; where was the surplus for the $50,000 for the improvement of the Savannah river? Where was the surplus which the gentleman would appropriate for the Mississippi and Ohio rivers?

Mr. VINTON offered to explain, but Mr. I. declined to yield; and

Mr. IVERSON continued. He again asked, where was the principle the gentleman had laid down at the first of the session, when he had declared that it was not his object or that of his party to appropriate any money except surplus money to carry on these improvements? Did not the gentleman perceive that if this money was taken out of the treasury, it would leave a deficiency that must be supplied by loans or some other way? He left it with the gentleman to reconcile the glaring, palpable inconsistency which his argument then and his course now involved him in.

But the gentleman from Massachusetts had said that this was not a general system of internal improvements, but only an item by itself, isolated, and therefore not in violation of the Democratic platform laid down in Baltimore. He had thought the gentleman too dignified to quibble in this manner. Such an argument was unbecoming any man except an ordinary second-rate county lawyer. Did the gentleman suppose that the people were so ignorant and stupid as that such an argument could be stuffed down their throats? Who did not perceive that this was part of the system against which the Democratic party had always taken their stand? But the gentlemen, as skillful doctors, were disposed to give it to them in broken doses, so that, like little children, they might gulp it down. They were not only attempting to force this bitter pill down the throats of members of this House who had constitutional scruples, but to compel the President to swallow it also. Let him tell gentlemen that the President of the United States had the courage and firmness to veto any measure which he should consider transcending the grants of the Constitution. We had the highest and strongest assurance and guarantee, that if this bill was presented to him in its present shape, he would veto it, and he would do right. If he had the courage to stand up in vindication of the Constitution of his country, notwithstanding the threats that had been thrown out on this floor, he would deserve a monument *ære perennius*—a monument more splendid and enduring than any of his revilers could build up for themselves. He expressed this opinion from no personal intercourse, but from his knowledge of the Executive. From his confidence in his firmness and integrity, he was fully assured that if this bill went before him in its present shape he would veto it, if it was the last hour of the last day of the session, even though he should be obliged, as he undoubtedly would be, to call Congress together by proclamation.

Mr. HUDSON remarked that the gentleman had said he had the highest authority: had he the President's word?

Mr. IVERSON replied that he had expressly stated that he spoke by authority of the President's character and past conduct, and from no personal assurances from him. He had already declared that the Constitution conferred no power on Congress to appropriate the public money to works of internal improvement. Was not this a work of internal improvement upon which they proposed to appropriate money? It was. Then, could the President, in consistency with his former declarations and acts, approve it, because, forsooth, it was gilded over with the civil and diplomatic appropriations? No; he would be recreant to those high principles which had heretofore governed him; he would be recreant to the principles of honor, of truth, firmness, and courage, which he had heretofore exhibited, if he could swallow this bill with this unconstitutional appropriation in it. He would veto it; and he (Mr. I.) wanted to know upon whose shoulders then would rest the responsibility of having clogged the wheels of this Government? Were not the Whig party in power on this floor? Had they not introduced this bill, and carried it along, through its successive stages, to the present point? Was it not in their power to relieve it from the obnoxious features which they had placed in it, and thereby made it so odious as to be voted against by nearly all the members on one side, and to receive the condemnation of a very large part of the other side of this House? And yet gentlemen on the other side, who had voted against this bill, had the hardihood to stand up and say that the Democratic minority of this House were responsible for the loss of this bill! Oh, shame, shame, where is thy blush?

He wanted to know on what principle members on the other side voted against this bill? What were their reasons? If he was not mistaken, he had heard one from the State of Ohio, who was an advocate of this doctrine of internal improvements, [Mr. SCHENCK,] say that it was on account of this item for the Savannah river. How could the gentleman be opposed to it on that ground?

[Mr. SCHENCK replied that he would tell the gentleman when he got the floor.]

On what principle, (Mr. I. continued,) and with what show of consistency, could gentlemen say they were opposed to this measure, when they had formed it by their own votes, and attempted to foist it upon those who had constitutional scruples, and who had told them, time and again, Strike out these unconstitutional provisions, and we will go with you for the bill? It was not pretended that this appropriation was authorized by any existing law, and yet it had been forced into the bill in defiance of a solemn rule which the majority of this House had themselves adopted, which expressly prohibited appropriations not authorized by law from going into general appropriation bills. In the introduction of this feature, they had trampled down alike the rules of the House, the principles of equity and justice, and the Constitution. All these were trampled beneath the ruthless foot of the Whig party; and yet they stood here and declared that his side of the House were responsible for the defeat of this measure! Was it not known to gentlemen on the other side that a bill had already passed the Senate making appropriations for this very object, and was now before this House? Why had they not been content to wait till that bill came up? and then, if the President vetoed it, his veto would be exercised on that solitary item; whereas, by incorporating it into the civil and diplomatic bill, they jeoparded this whole bill, and forced him either to violate his sacred oath, or to veto the whole bill, and thus stop the wheels of Government.

He left it to the people of the country, to those who had watched the whole proceeding, to say whether it had not been intentional on the part of the majority here; and he asked them in candor if this was fair or honorable legislation? No; the object was apparent to every man who had common sense. This item had been introduced into the bill as a solitary item, entirely disconnected from the objects of the bill. The system which gentlemen on the other side intended to practise on the minority and on the President was apparent; instead of bringing forward a bill involving the simple question of internal improvements, which would test the constitutionality of such appropriations, and on which every gentleman could vote unincumbered with other considerations, they slipped this solitary item into a civil appropriation bill, and in this way stole along and attempted to accomplish their object, like a thief in the dark. He had thought the great Whig party, which claimed all the intelligence and virtue of the country, and which certainly had the larger share of the wealth, would scorn an attempt at such tricks as these. He had hoped that on this floor at least the great Whig party, through its representatives in Congress, was disposed to act a manly part, and present their issues in the broad sunlight of day, so that every man could act understandingly and directly upon them; but, instead of this, they had forced in this unconstitutional item, and attempted to gild it over by these necessary appropriations, and compel gentlemen to vote for the whole bill; thus violating their constitutional scruples, or to refuse the necessary appropriations for carrying on the Government. Was this fair legislation?

It was something like the condition which the Whig party of the present day presented in reference to the Presidential election. In one portion of the Union they declared that their candidate was in favor of one principle, and in the other portion they declared he was directly opposed to it. At the South, they said that because General Taylor was identified with the interests of the South, because he had been born and raised under a southern sun, and was the owner of negro slaves, therefore they were willing to trust him, and he would veto any bill which contained the Wilmot proviso; while the gentleman from Massachusetts, and others throughout the whole length and breadth of the northern States, declared that, if elected President, he would not veto a bill with the Wilmot proviso. What principles did they advocate in the election of General Taylor? Any principles at all? No. They had abandoned their principles when they had abandoned the great "embodiment," the great leader of Whig principles; and now, like a party of craven cowards, instead of coming out manfully, alarmed at the public scrutiny which would take place, they skulked behind the back of a great man, and, like little children, attempted to steal into power under the great tail of his military coat! The attempt to incorporate this unconstitutional provision into this necessary bill, was but another instance of that trickery of which the Whig party throughout the Union was becoming so extensive a player. They had played off with success their great game of "hard cider," "log cabins," and "coon skins," in 1840, and now, attempting to repeat it, they had abandoned their old leader, and adopted *General Availability*, from a belief that he would be able to infuse a little life into the prostrate body and dying carcass of Whiggery. In what a humiliating position did the Whig party of the present day stand before the American people! It had been acknowledged, in a letter from the presiding officer of this body, addressed to his Whig associates in Boston, that General Taylor was the only Whig that could be elected. Was it true? Where was Henry Clay?

The SPEAKER corrected the gentleman, and said he had written no letter to Boston, but to New York, and had not expressed the sentiment imputed by the gentleman, but had said that the Whig party was now placed with two nominees before them, and that they must elect the one or the other.

Mr. IVERSON had so understood the letter of the presiding officer; but if he had not expressed such sentiments, others of his party had; and at Philadelphia it had been urged as the only reason why General Taylor should receive the Whig nomination. Where, he repeated, was Henry Clay? Where was that long list of illustrious names—men who had stamped the principles of the Whig party in broad characters on the pages of American history? Had it come to this, that they publicly acknowledged no respectable man professing the principles of Whiggery could be elected, and that they must take a man because he

had no principles? Where was Henry Clay—the gallant-spirited, the noble-hearted [murmurs of dissent on the Democratic side] leader of the Whig armies in the hard-fought fields of political struggle? Where was he? He had been ungratefully cast off, like a broken-down, worn-out horse, turned out on the common to die—to make room for a military officer who, they hoped, by his personal popularity, might be enabled to cover over their disgrace. Well might he say, in the language of Cardinal Wolsey, Had I but served my country with half the zeal I served my *party*, I had not in my age been left thus naked to mine enemies. Let this evidence of Whig consistency, Whig gratitude, be a warning to all the rising *Whiglings* what they may expect for long consistent party service!

Mr. SMITH, of Indiana, then got the floor, and yielded to a motion for adjournment.

And the House adjourned.

PETITIONS.

The following petitions were presented under the rule and referred:

By Mr. TUCK: The petition of Jeremiah Eames and 34 others, for the establishment of a mail route.

By Mr. ATKINSON: The petition of John C. P. Edwards, of Portsmouth, Virginia, asking the passage of an act to authorize him to sue the United States for damages.

IN SENATE.

THURSDAY, *July* 20, 1848.

Mr. BADGER presented a memorial from certain citizens of North Carolina, asking for the establishment of a certain mail route; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. BORLAND, from the Committee on Public Lands, reported a bill for the relief of Elias A. Conway, assignee of William Barnett; which was read a first time.

Mr. B. also, from the same committee, made a report, recommending that the Senate concur in the amendments of the House to the bill to revive an act authorizing certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof; which was agreed to.

Mr. DIX, from the Committee on Commerce, reported House bill to admit certain articles of the growth or production of Canada into the United States free of duty, upon the condition that the like articles of the growth or production of the United States are admitted into Canada free of duty, with certain amendments merely verbal.

Mr. D. asked the immediate consideration of the bill; but, at the suggestion of Mr. DAVIS, of Massachusetts, it was laid over for examination.

Mr. UNDERWOOD submitted the following:

Resolved, That the following shall be an additional rule for the government of the Senate, to wit: After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the Senate at the close of the next preceding session remaining undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place.

NAVAL APPROPRIATION BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the naval appropriation bill; the amendment pending being that of Mr. NILES, to withhold the advances authorized by the bill to the contractors for the mail by ocean steam navigation, and to limit the contract to five years.

Mr. NILES said that it had been represented that the contractors were building vessels of a larger size than was originally contemplated. If so, it was a voluntary act on their part, and merited no peculiar privilege. He repeated his objection to paying money in advance, without any security. The contract stipulated for quarterly payments as the service is performed. He also defended his proviso limiting the contract to five years.

Mr. ATHERTON said that the contract having been entered into by the Government, it was only for the committee to carry it out. He also read a letter from the department advising the committee to authorize the advances to the contractor, and stating that it could be done with perfect security. He referred to the law of Congress requiring the Department to accept the contract with Collins & Sloo and others, for the establishment of these mail lines, for the term of ten years. After this, he deemed it very unjust to the contractors to reduce the duration of the contract to five years. The contracts were made with reference to an entire system, and to make any change in a portion of the line would be to interfere injuriously with the whole system. He went into a history of the proceedings which took place in bringing the negotiations for the establishment of these lines to a termination, stating the various characters of the offers for the contract, and the difficulties which the Secretary of the Navy had to contend with. He contended that the contract for the line from Panama to Astoria was the most favorable to the Government of all which had been made, being about $66,000 per annum for each ship. He trusted the amendment of the Senator from Connecticut would not be agreed to.

Mr. ALLEN having asked what was the annual expense of all these lines—

Mr. NILES replied that it was about $1,750,000. In reply to the Senator from New Hampshire, he stated that he did not propose to vary the terms of the contract, but merely to limit the term. It was said that to interfere with the term, would be a violation of the law, but if any new favor was asked for by the contractors, the law could not be permitted to stand in the way. He insisted on keeping the contractors to the letter of the contract, and not to advance them the capital to enable them to carry their contract into operation. When the contractors made the contract, they knew the extent of the duty.

Mr. UNDERWOOD desired some information as to what the Government expected to receive by way of compensation.

Mr. NILES said, that as to the Bremen line, the Government would only receive the postage. In some of the lines, he believed, there was to be some facilities given for conveyance of public stores.

Mr. ALLEN said that when this system was introduced, he opposed it both on the ground of its unconstitutionality and its inexpediency. At that time, the friends of the system refused to consider it as a system, and referred to the great profits accruing to the British Government from the Cunard lines. It was also argued, that the United States navy would be brought to a higher state of efficiency by the introduction of these mail steamers, which might be indirectly made the means of augmenting our naval power. He was aware that nothing he could say would avail to break down the system. But he desired to fix the attention of the country on the subject. He contended that the introduction of this system was repugnant to the Constitution. The transmission of the mails and the regulation of commerce did not give the power. He denied that the former gave authority to send mails to every part of the world; and under the latter there was no more authority to transport pieces of paper called letters than to convey bacon and flour. This system, which commenced in the Post Office Department, has gradually slided into the Treasury Department, and is now connected with our military system. He contended that the system originated in the British system of innovations, and took a view of the reasons which governed the policy of Great Britain in increasing her navy—reasons which operated with less strength on us. Occupying, herself, but a small territory, yet stretching her power over sixty colonies, and an almost unbounded territory in all parts of the earth, it was the conservativeness of wisdom in her to maintain a large naval armament, not for the paltry profits arising from the postage of a few letters, but to protect her colonies from being grasped and torn from her by commercial and political rivals. He considered the present as a most inauspicious moment for carrying out this system. We have just emerged from a war which, although it has left our mercantile credit unimpaired, has involved us in some amount of debt. We have acquired a great accession of territory, extending to the Pacific; we are obliged to establish post offices through the vast interior to the utmost limit, and this has greatly increased the expenses of the Post Office Department. In this state of things, it would be unwise to add still more to this expenditure by transmitting our mails to every nation in the world.

He adverted to the modes adopted by scheming speculators to get money from the public treasury by operating on legislative bodies. It is thus that contracts are obtained, by which large fortunes are made. It is a process which costs the applicant nothing. If he fails, he loses nothing; if he succeeds, he realizes his hundreds of thousands. He intimated that by some such process the contracts now under consideration had been made. He would not consent to the Government going into the business of transporting letters from the United States to every part of the world. If an augmentation of the navy was the object of this system, he would prefer that a direct demand should be made for that purpose, and that it should not be sought for in this indirect mode. We have no younger sons of nobility to pension on our navy. We have neither the foreign nor the domestic reasons which England has for augmenting our navy. Instead of spending millions on foreign post offices, let us expend them on our own post offices. He deprecated every expenditure useless in itself, the tendency of which must be to increase our public debt.

Mr. DOUGLAS said he had some agency in getting up this system at the other end of the building, and this rendered it necessary for him to make some reply to the Senator from Ohio who seemed to have shown to his own satisfaction that the system was a violation of the Constitution. He proceeded to show that there were no grounds on which the objections could be sustained, and to disclose the views by which he was influenced in his support of the system. When the Senator from Ohio deprecated this mode of increasing the navy, and declared his preference for the old mode, and when he seemed to be convulsed to agony at the sound of the word contract, had he forgotten that under the old system our ships were built by contract, and these walls were beset by persons waiting to secure fat jobs? He could not follow the Senator from Ohio in his aversion to do anything, however good, for no better reason than that Great Britain had done it before. Were we not to speak the English language, because Great Britain does—not to sustain the same commercial policy—not to practise the same religion? He would not consent that we should stand still and see the British naval power spreading over the ocean, entering all ports, and circling our own country like a net-work. The great struggle between Great Britain and us is for the mastery of the ocean—to determine which is the greatest commercial power. It is already demonstrated—settled—that we can beat all the world in this hemisphere, should the world assail us here: it is only necessary now to see which shall obtain the sovereignty of the ocean. He regarded this system as part of the process by which we can augment our navy, and place it in a condition adequate to the protection of our commerce, and the defence of our honor, on every sea. He spoke of the advantages of steam power over the sail system of navigation. The change rendered it necessary that our old officers should be newly educated, to make them familiar with the march of science. He reminded the Senator from Ohio, who warned us against creating an English debt by following English policy, that the introduction of this system in England had not produced a dollar of debt to her. Nor was it intended that here it was either to be the means of making money for the Government, or of plunging the country in debt. It was our true policy, by adopting this system, to break up the monopoly which England has obtained. If we are to sit still, with our arms folded, and see England, with her two hundred steam-vessels covering the ocean, what is to become of our two hundred whale-ships in the Pacific—of our sixty thousand citizens employed in those fisheries—of the twenty millions of capital involved in the business? What becomes of the Senator from Ohio's idea of progress and destiny? As he had taken part in the introduction of the system, he felt himself compelled to demand that it should be subjected to a fair trial. Should it fail, he would be ready to retract what he had said in its favor.

Mr. CALHOUN said, that although opposed to the system itself, he should vote in favor of carrying out the contract which had been made.

Mr. BENTON made some remarks, which were entirely inaudible.

Mr. DAVIS, of Massachusetts, said he was disposed to carry out the contract, although it might now be made on more favorable terms. The contract was fair and liberal in its terms; but he would be indisposed to vote for the advances of money. It would be sufficient if we paid the money according to the stipulations of the contract.

Mr. UNDERWOOD expressed his intention to vote for the amendment.

Mr. HALE said, this was the only appropriation out of which any good could possibly come. To keep up the ship-of-the-line Pennsylvania in ordinary—a ship which had never crossed the ocean, which had done no good to anybody—to keep her still cost $225,000 per annum: about one-third of the whole amount asked for these steamships. As this system has received the sanction of Congress and of the department, he hoped it would be carried out.

Mr. NILES explained his amendment, which he thought was not generally understood.

Mr. YULEE was in favor of striking out the provision making advances to the contractors, but was against the abridgment of the term from ten to five years.

Mr. CLAYTON defended the appropriation for the steamers.

Mr. BRADBURY spoke against the advances of money.

Mr. DIX expressed his intention to sustain the amendment.

Messrs. CLARKE, WESTCOTT, and DICKINSON, opposed the amendment.

The question was then taken, on the motion of Mr. NILES, and decided as follows:

YEAS—Messrs. Allen, Baldwin, Borland, Bradbury, Butler, Calhoun, Corwin, Davis of Massachusetts, Dix, Downs, Felch, Hamlin, Johnson of Georgia, King, Lewis, Metcalfe, Niles, Pearce, Phelps, Sebastian, Turney, Underwood, Upham, Walker, and Yulee—25.

NAYS—Messrs. Atchison, Atherton, Badger, Benton, Berrien, Breese, Bright, Clarke, Clayton, Dayton, Dickinson, Douglas, Fitzgerald, Foote, Greene, Hale, Hannegan, Houston, Johnson of Louisiana, Mangum, Mason, Miller, Spruance, and Westcott—24.

Mr. LEWIS moved a reconsideration of the vote, and the bill was then informally passed over.

Mr. CLAYTON stated yesterday that he should to-day call up the bill for the organization of Territorial Governments in Oregon, New Mexico, and California, and the reason why he had not done so was, that it was not printed as early as he had expected, and hence Senators had not time to examine its details. It was now on their tables, however, and he gave notice that he would call it up to-morrow at 12 o'clock, and press its consideration from that time until finally disposed of.

Mr. HALE moved the consideration of the resolution offered by him yesterday, calling on the Secretary of the Navy for a report of the punishments inflicted in United States vessels of war; but the motion was disagreed to.

The Senate then proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 21, 1848.

The Journal of yesterday was read and approved.

The SPEAKER stated that the question pending was on reconsidering the vote by which the civil and diplomatic appropriation bill was rejected.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar. Lost.

Mr. DARLING, by leave, presented resolutions of the Legislature of Wisconsin relative to a change of the grant made in the act of August 6, 1846, of all salt springs in said State, not exceeding twelve in number, and relative to the military reserve at Fort Winnebago. Referred to the Committee on Public Lands.

Also, a resolution instructing their Senators and requesting their Representatives to use their efforts for the prohibition of slavery in any new territory already acquired, or hereafter to be acquired, in which slavery does not now exist, except for crime, whereof the party shall have been duly convicted. Laid on the table.

Mr. CABELL asked that by general consent the bills from the Senate lying on the Speaker's table be taken up and referred to appropriate committees. Objections being made—

APPROPRIATION FOR SAVANNAH RIVER.

The debate was resumed on the question of reconsidering the vote by which the civil and diplomatic appropriation bill was rejected.

Mr. SMITH, of Indiana, commenced by stating that the position in which the House was placed on the bill under consideration was somewhat peculiar. He supposed it was the first time in the history of this country that the civil and diplomatic bill, by which provision was made for the service of the Government, had been defeated in this House. Every one understood that this bill was indispensable to the Government. Every one knew that the bill must be passed; and he presumed it would be passed. Its defeat yesterday was owing to particular circumstances, which he would notice.

It was true, some gentlemen on that side of the House did vote against the bill who were not opposed to it, and it was because they saw on the other side of the House a disposition to vote against the bill, and throw whatever responsibility there might be in its passage on Whig members. Gentlemen on that side of the House, seeing this disposition manifested on the other side to vote against a bill necessary to carry on the ordinary operations of the Government, concluded, if they were not willing to vote the supplies necessary for an Administration of their own choice, they would allow them to have their own way. They were willing to see whether gentlemen on the other side would carry their opposition to necessary appropriations so far as to stop the wheels of Government.

Many gentlemen on the other side of the House had been in the habit of voting against all appropriation bills; and the course of those gentlemen reminded him of an old man of his own State who, for fifteen or sixteen years, was a member of the State Legislature. He was a man of no particular note, he had no shining qualities or eminent abilities, and yet he was invincible. He was known all over the State as a very shrewd and cunning "*tracker*," and had never been defeated. The old man, when asked the secret of his success, had replied, it was to be found in the fact that he never voted for one cent of tax on the people, and he never voted for an appropriation bill. He said he knew the tax bills and general appropriation bills had to pass, and that they would pass, and he voted against them without risk of injury to the Government. But when they were passed, he went on the stump and arraigned those who voted for them as men who profligately voted away the public money, and imposed burdens and taxes on the people. Now, it might be supposed that some gentlemen on this floor were actuated by the same motive, and endeavored to retain popularity by the same means. On looking at the yeas and nays taken on the naval appropriation bill, he found forty-one votes recorded against it, of which thirty-four were Democratic votes. It was the ordinary appropriation bill, making the necessary appropriations for the support of the department; and why, therefore, were these Democratic votes recorded against it? Why were members of that party desirous to stop the operations of the Government?

But again: he found on the passage of the fortification bill, which contained no unusual appropriations, nothing which could excite constitutional alarm, that there were sixty-one votes recorded against it, and of these fifty-nine were Democratic votes, only two being Whigs. They saw the same side of the House pursuing the same course on the civil and diplomatic bill; and some of his friends thought they would see how far their opposition would carry them, and they therefore voted with the other side, and the bill was defeated. Great complaint had been made because some gentlemen voted in favor of striking out in Committee of the Whole the appropriation for the Savannah river, and afterwards voted against concurring in that amendment in the House. Those who made this objection knew it was not only common, but strictly parliamentary, that gentlemen voted one way in Committee of the Whole, and another way in the House. It was thus that parties were sometimes tested, as the gentleman from Michigan must well know. It was only by striking out of a bill in Committee of the Whole any clause to which there might be objections that the votes of members upon that clause could be entered on the Journal. Those who favored the appropriation complained of, had no desire to shrink from any responsibility. They desired an opportunity of recording their names on the Journal on the questions here involved; and yet it was charged as extraordinary that they should adopt the only course by which that object could be effected. The House had been assured by the gentleman from North Carolina [Mr. McKAY] that, if they would consent to recommit the bill to the Committee of the Whole on the state of the Union, and there strike out the item of $50,000 for the improvement of the Savannah river, every gentleman on his [Mr. McKAY's] side of the House would vote for the bill. The controversy in regard to the bill was then narrowed down to that point, and gentlemen had taken the ground that this indispensable bill should be defeated, and the operations of the Government suspended, rather than this small appropriation should be made.

Mr. SAWYER assured the gentleman from Indiana that he would not vote for the bill unless a great deal more was stricken out from that item.

Mr. SMITH was merely repeating what the gentleman from North Carolina told them. That gentleman said, if this item were stricken out they would pass the bill, although it appropriated four or five millions of dollars. The only objectionable item, then, was that of $50,000, and they were brought in consequence to consider the question whether this House should strike out that item, or persist on the bill as it is. He would say one word in relation to that appropriation. The Savannah river was the navigable communication with Savannah, the commercial metropolis of the State of Georgia, one of the most important cities on the southern Atlantic seacoast. The navigation of that river was the means of much of the prosperity of that portion of the State, and it was proper that they should have needful facilities of communication. For want thereof, much commerce had been diverted to other points, to the great injury of the patriotic citizens of Georgia. And what was the obstruction? Why, it was conceded it was occasioned by sunken vessels, which were sunk during the revolutionary war. For what purpose? Why, for the great and patriotic purpose of defending our common country. He was surprised and pained yesterday to hear a gentleman from Georgia [Mr. IVERSON] assert that this appropriation was to remove a mere local obstruction, which was placed there for the benefit of the city of Savannah alone. He asked if there was nobody else interested in that river being ascended by a British fleet during the revolutionary war, with a British army? Nor was it the blood of Georgia alone that flowed in defence of Savannah. Many patriotic citizens from other States hastened to their country's standard, and to the defence, not of Georgia or of Savannah alone, but of the common country, which was assailed in the Savannah river.

It was no local question. The whole country was interested. These vessels were placed there for the common good of the common country—for the good of the whole country. But when they appealed for the removal of these obstructions, they were met with the argument that they had no constitutional power to remove obstructions which were created under the Confederacy. Where, permit him to ask, did gentlemen find constitutional power to pay pensions to the old, decrepit, worn-out soldiers of the Revolution? Where did they find authority to give pensions to their widows and orphans? If Congress had no power under the Constitution to discharge the obligations which the country had incurred to States during the Revolution, they had no power to discharge the obligations due to the survivors of the patriotic soldiers by whose services that revolution was made successful. And yet those obligations had been recognized and discharged in a thousand instances. And he regarded this appropriation as one which, in an eminent degree, deserves the favorable consideration of this Government. The obstructions having been placed in that river in time of war for the common welfare and defence of the country, the Government was bound by every honorable obligation to remove it. But the gentleman from Virginia [Mr. BAYLY] told them that it was an unprecedented appropriation, and that they might search the records in vain for one solitary item of this character in the civil and diplomatic appropriation bill. Now, he would call that gentleman's attention to the civil and diplomatic appropriation bill for the year 1839, which was passed by a Democratic Congress, at a time, too, when every department of this Government was in possession of the Democratic party.

He read items of appropriation for Florida and for the Connecticut river of this character. That there might be no mistake on this subject, he begged to give gentlemen the reference to these items.

They would be found on the 1010th page of the Laws of the United States, 6th volume.

These, he repeated, were passed by a Democratic Congress and sanctioned by a Democratic President; and yet gentlemen told them that they were without a precedent for this item, which they denounced as unparalleled, and as an outrage on the rights of the minority of this House. There were precedents, as he had shown, and gentlemen who had leisure might find many more. Nevertheless, gentlemen asserted that this appropriation was unusual and improper, and therefore that they ought not to pass it. It was useless to consider those questions at this time. They had been considered, and that House, by a decided majority, had said that the appropriation was proper and expedient. But there was one argument used now which was not used when that item was under consideration, and that was, that unless that item be stricken out, the President would veto the bill. Yes; the President would veto the bill. Well, he knew not whether the President would veto the bill or not, nor did he care. Since this President came into power, they had had several instances of the arbitrary exercise of the veto power; but this was the first time when the President's friends had seen proper to throw into their faces the threat of a veto to deter them from performing what they believed to be their duty. He believed there was no instance of a President threatening the representatives of the people; telling them that if they dared to pass this bill, the President would veto it. Did gentlemen suppose that they on his side of the House were to be deterred from giving such votes as they thought proper of the kind under consideration? Did gentlemen suppose that they were alarmed at the threat of an Executive veto, and that they should shrink from doing their duty? If they did, they would find themselves, in this instance, greatly mistaken. This House had decided, by a majority, that the appropriation was right, and that they would continue it in this bill; and if they receded from it for fear of the President's veto, they were unworthy of the seats which they occupy. In such a case they would be fit only to be the slaves of a despot, trembling at his presence, and shaping their votes to suit his views. But he thought no one who believed it to be right and proper would shrink for fear of a veto, even though the friends of the President, with the President at their heels, thundered veto in their ears.

But he desired to make a few remarks as to the exercise of this veto power. He desired to make some remarks on this subject, because the exercise of the veto power was becoming one of the most alarming circumstances in the history of this country. It was one of the most dangerous to encounter, and there was danger of its sapping the foundation of the principles on which this Government rested. It was overshadowing the land with a despotism which was placing its hand on the entire power of this Government.

But now we hear that the President had been empowered to veto every bill, the expediency of which he did not entirely approve. The gentleman from Virginia [Mr. BAYLY] told us, that whenever the President thought a bill not such as he would have wished to pass, he ought to veto it. These doctrines were not new: they were the very doctrines urged by the Federalists in the Convention which formed our Constitution. These were the arguments and opinions brought forward and pressed by the man who, in that memorable assembly, contended that it was necessary to strengthen the arm of the Executive, that he might be enabled to check the turbulence of the people. This was the very point on which the difference between the Federalists and their opponents mainly turned. It was contended that the people were impulsive, tumultuous, refractory, and that we wanted a strong Executive, who should be able to curb them, and keep the passions of the people in check. The same doctrines were preached by the Tories, in the Revolution which established British freedom. It was proclaimed then, that the good of the country required that prerogative should be more effectually guarded, and the arm of the monarch strengthened. And now, here, in this House of Representatives, and in the year of grace 1848, these self-same old exploded doctrines of subserviency to Executive power were brought out again, new-vamped, and urged on the American people as doctrines of Democracy! The truth was, that the great danger to our system arose, not from weakness, but from the strength of the Executive power—a power ever prone, in all ages and countries, to usurpation, and skillful in encroaching on the freedom of the people, under a thousand forms. This was the true point of danger: it was an alarming evil; it threatened all we held dear; and it ought speedily to be arrested, and prevented from accomplishing any further mischief.

Let him ask his Democratic friends, whether they believed that the people were capable of self-government? Were the Democrats on this floor willing to say they were?

[Mr. GREEN here wanted liberty to reply, but Mr. S. said he could not spare him the time now; he would have ample opportunity afterwards.]

They told the people so on the stump. There they were all most ardent friends to the people and their rights; but when they came here, how did they act? Who were the people? How were their wishes to be known? Who was appointed to express them? Was it not their own Representatives, chosen expressly for that purpose? They came up to this Hall from every district of this Union, fresh from the people, having had a full opportunity for interchanging opinions with them, and they knew what their wishes were. Well, how did these wishes of the great body of the American people stand upon the question of internal improvements? Look at their votes in this very House, and we should find them in favor of them by votes of two to one. By that majority they had recently decided that the power of appropriating for works of internal improvement did reside in this Government, and that it should be exercised. How had these wishes been expressed on bills which had passed this House since the present Executive came into power? How did those Representatives vote but a few days since upon the resolutions adopted at the Chicago Convention, and reported to this House from the Committee on Commerce? In all these cases, those who were charged to express the wishes of the people had voted in one and the same way. Yet here was a party—and a Democratic party, too—which told the nation that their wishes should not be complied with; which told them to their faces, that they were trampling on the Constitution, and which invoked the aid of a President, who was himself the people's creature, whom they had made, that he might accomplish their will, to thwart that will, and trample it down in the dust. And this was Democracy! Might I not (asked Mr. S.) here repeat the words of the gentleman from Georgia, [Mr. IVERSON,] and exclaim, "Shame! shame! where is thy blush?" when doctrines such as these are put forth under the name and guise of Democracy? They might as well at once tell the people that they are dolts and idiots, and need an Executive guardian to curb them. Will gentlemen here say, that the President understands the wishes of the people better than the people's Representatives? Is his wisdom greater than the united wisdom of the members of this House? In what schools of statesmanship has *he* been trained, that his knowledge of constitutional law and the true policy of this nation should be so far paramount to that of the men whom the people themselves have selected and sent here to give expression to their sentiments and desires? Where is his commission to say to us, that we do not know what the wishes of the people are? I ask my Democratic friend over the way, [Mr. WENTWORTH,] who introduced resolutions in favor of internal improvements, whether his constituents are against the power? They voted for Mr. Polk. How is it in Illinois? A majority of the people of that State were in favor of Mr. Polk; yet, after that gentleman denounced the President for his veto of the river and harbor bill, they sent him here as their representative. Have they not confided the care of their true interests to him, and not to the President?

I admit that that gentleman's course here has been perfectly consistent in all things, with one only exception. The gentleman has been the uniform, constant, unflinching advocate of internal improvements, yet he votes for a President who vetoes them all. [Much laughter.] I think his past experience ought to teach him a lesson on this subject. By the by, I should greatly like to know of the gentleman whom he is going to vote for at the coming election?

Mr. WENTWORTH. I shall vote for a tried friend of harbor and river improvements, as illustrated by his own acts.

Mr. SCHENCK said, "there was so much noise and confusion here that the gentleman could not explain himself." [Bursts of laughter.]

Mr. SMITH, (resuming.) I believe in the sentiment so well expressed by Edmund Burke, when describing the character of a Whig in his day: "A Whig should be a man jealously watching the movements of the Executive, having his eyes on ministers and his ears toward the people." This admirable definition, given by that illustrious man, will well apply to the Whigs of this day, who desire to preserve amongst us a Republican Government. But how is it now with too many of the Republicans in this Hall? We see them with their eyes occasionally turned askance over their shoulders at the people, but with both eyes and ears directed steadily to the White House, ready to catch the first and slightest intimations of the Executive will.

I will be obliged if my friend from Illinois will tell me what are the opinions of General Cass on the subject of internal improvement?

Mr. WENTWORTH wished to know if the gentleman would let him reply now?

Mr. SMITH said, yes; he would allow him three minutes out of his own time to reply.

Mr. WENTWORTH. I have been in Congress—this is the third session—with General Cass. He and I have voted invariably alike on this question. Both of us voted for the vetoed bills, and both of us would gladly have had the Executive sign them. I wish there was as good proof that General Taylor would sign our harbor and river bills. I would like to know his opinions.

Mr. SMITH. I am greatly obliged to the honorable gentleman for this very lucid exposition of the opinions of General Cass on the power of internal improvement. Now, I happen to have here a small document that a good deal resembles the primer that contained the picture of John Rogers, the martyr, in the days of Bloody Mary, and in which were these memorable lines:

"I leave you here this little book
For you to look upon,
That you may see your father's face
When he is dead and gone."

[Much merriment on both sides of the House.] Yes, sir; here is a little book for my Democratic friends to look upon, and in it they will see their father's face when he is dead and gone. [Voices: "And that he will soon be."] Yes, very soon: on the 7th day of next November. I will read it to the House without troubling the Clerk. [Here Mr. S. began to read a book about two inches square, with a fac-simile attached of Mr. Cass's letter to the Chicago Convention.]

On the whole, I think I had best send it up to the Clerk's table, as gentlemen seem so anxious to see as well as hear it.

[The small volume was here sent to the Clerk's desk. He succeeded in holding it in his hand, and read the contents with an audible voice, as follows:

DETROIT, *May* 29, 1847.

"DEAR SIR: I am obliged to you for your kind attention in transmitting me an invitation to attend the convention on internal improvements which will meet in Chicago in July. Circumstances, however, will put it out of my power to be present at that time.

"I am, dear sir, respectfully yours,
"LEWIS CASS.

"W. L. WHITING, Esq."]

Mr. WENTWORTH presumed this was to be taken out of the gentleman's time. [A laugh.]

Mr. SMITH. Oh, certainly. A very important document, and not very long.

Mr. WENTWORTH. Short as it is, it is longer than General Taylor's reply to the committee informing him of his nomination at the Philadelphia Convention.

Mr. SMITH. The gentleman from Illinois has explained to us very clearly the opinions of the Democratic candidate on this very interesting subject. I am sorry he was not equally clear on some others. I hope the "noise and confusion" here will not prevent him from enlightening us. We are all very still and quiet on this side of the House.

Mr. WENTWORTH. I hope the gentleman will give us General Taylor's opinions on the same subject.

Mr. SMITH. I will. I shall not be prevented, like his great leader, by any "noise and confusion" in this Hall. But first let me state, that on a late occasion, General Cass was at Cleveland, a city on the lakes, deeply interested in the question

of harbor improvements. He was called upon, in presence of a great assemblage of the citizens of that place, to contradict a calumny which had been extensively circulated against him, that he was opposed to the power of Congress over works of internal improvement; but, most unfortunately, "the noise and confusion which prevailed were so great that he could not explain his sentiments." [Laughter.] The gentleman from Illinois says that General Cass is in favor of internal improvements. And how does he know it? Why, because he voted for bills for works of that kind. Has the gentleman never seen the letter of General Cass to the Baltimore Convention, in which he declares that he cordially approves every sentiment and principle contained in the platform of political doctrines which that Convention put forth to the world, and promises that, if elected, he will do all he can to carry them out? Every man on that side of the House knows well that the Convention is directly opposed to the power as exercised by this Government; and they know that that Convention endorsed Mr. Polk's veto of the Michigan harbor bill, and the improvement of the Mississippi and Ohio rivers; and in his letter General Cass says he cordially approves all their sayings and doings. After this, can the gentleman pretend that General Cass is in favor of internal improvements by the General Government?

Mr. WENTWORTH. Certainly. The very resolution was adopted when Mr. Van Buren was first nominated, and has been at every National Convention since. And yet Mr. Van Buren, as well as General Jackson, always signed all our harbor bills. So will General Cass.

Mr. SMITH. Mr. Cass gave the Baltimore platform his cordial assent and approbation; but if he shall be elected, we shall then witness a repetition of the scenes of the Kane letter. He is now supported at the South as being utterly opposed to internal improvements, and at the same time he is supported in the North as being pledged in their favor. We are told he voted for such bills in the Senate. Yes; but does not the gentleman from Illinois yet know that the way in which General Cass voted one day is no security as to how he will vote on the self-same point another day? How long was he avowedly in favor of the Wilmot proviso? But is he for the proviso now? How strongly was he once opposed to Texas annexation: has the gentleman, have the Representatives from Texas, forgotten those memorable words of his in the Senate, "We don't want Texas; if England does, in God's name let her take it?" His whole history shows that he is a perfect weathercock, turned by every changing breeze. Yet we are now told that because General Cass once voted for internal improvements he will do so still. I advise the gentleman from Illinois to examine a work of General Cass entitled the Court and King of France——

Mr. WENTWORTH. I have read it. And I would here ask the gentleman if he has read the letter of General Taylor accepting the Philadelphia nomination? If I mistake not, it is shorter than that of General Cass to the Chicago Convention.

Mr. SMITH. And then to contrast with the language there used the opinions expressed of the same Louis after he was no longer on the throne. It presents an instructive chapter as to the mutability of politicians, especially of those of the Democratic school.

The gentleman wants to know the opinions of General Taylor: those opinions are before the country. I will read the gentleman one of them. [Mr. S. here quoted the Allison letter, beginning with the subject of the Executive veto.]

Does the gentleman from Illinois object to these doctrines?

Mr. WENTWORTH. General Taylor says the will of the people *ought* to be carried out. And I say it *ought* to be. But will General Taylor do it?

Mr. SMITH. Yes, and it will be if General Taylor is elected. The gentleman admits that the will of the people on these subjects *ought* to be carried out, and yet he votes for a man who never will carry them out. The opinions here expressed are such as would have done credit to the early days of the Republic. They are not unworthy of the days of Washington, and Jefferson, and Madison.

But, according to the Democratic opinions of the day, a President is to canvass the reasons for and against the expediency of every bill the Congress may pass and send to him for his signature, and, if he does not think the law expedient, he must veto it. Was such a doctrine ever heard of in the days of Washington, or of Jefferson, or of Madison, that a President of the United States must descend into all the details of legislation and of domestic policy, and undertake to veto every bill for which he would not have voted in Congress? It was unheard of, unthought of, in their days. The President then confined himself to great constitutional principles, and left the details of legislation to the representatives of the people. General Taylor has here taken the same ground. He will not undertake to prescribe how much duty shall be laid on a yard of cloth; he will not presume to declare this river may be improved, but that must not be—you may clear out Duck creek, in Tennessee, but you shall not remove a snag from the channel of the great father of waters. He will have the will of the people to be carried out, and will not abuse the veto power to prostrate and to thwart their will. If there were no other reasons entitling him to the enthusiastic support of the people of this country, these alone are sufficient. In the days we have in prospect before us, the policy of this Government is not any longer to be shaped at the White House. Executive influence is the grand Pandora's box from which all our evils have proceeded. Look back to the commencement of General Jackson's administration. We had then an institution to regulate the currency of the country; it was popular everywhere; the people of this entire Union desired it should continue. Democratic Legislature after Democratic Legislature voted for its re-charter; and that measure was earnestly advocated by the present Vice President of the United States. Yet Executive power and influence was able to thwart the wishes of the people, and to prostrate that institution in the dust.

Mr. CLARKE here inquired whether General Taylor was in favor of a national bank?

Mr. SMITH. I am not informed; [much laughter on the Democratic side of the House;] but this I know, that the wishes of the country on that and on every other subject will be carried out. It is not the duty or the policy of the President to regulate the currency of the country. I have myself always been the advocate of a national bank; but if General Taylor is our President, it will not be revived unless the people ask for it. The country is very differently situated now from what it was when that bank was destroyed. We are able to get along without it.

But if any man wishes to see a proof of the overwhelming force of Executive power and patronage, let him look at the annexation of Texas. When that measure was first brought up in Congress, a majority of the House were openly against it, yet it finally received a majority of votes. How was that majority obtained? A letter appeared in the Richmond Enquirer declaring that no man would receive or need expect the Executive countenance and favor if he was opposed to the measure of annexation. The majority against it in the country was large—it was overwhelming. In Indiana, four-fifths of the Democrats were against it. I know this to have been so in my district. And how was it in the great State of New York? Annexation was utterly repudiated. Yet when that letter came out, a sudden change came over the spirit of the dream of some who had been loudest and most clamorous against the measure. And I could point to a man from your own State, Mr. Speaker, (understood to mean Mr. Parmenter,) who was now in the enjoyment of a lucrative office under this Government in consequence of such a change. Yes, it is not to be disguised, we have come to that pass that Congress is little more than an office to register Executive edicts. If any man, with the spirit of a man, dare rise up here and oppose the Executive pleasure, the cry of treason, treason, is raised against him. But if General Taylor comes into the White House, you will see a very different state of things. There will be another order of the day.

A gentleman from Georgia [Mr. IVERSON] yesterday made his *debut* before this House in very handsome style, and addressed us in a very eloquent strain. But, unfortunately for him and for his State, on this the first occasion of his public appearance as a debater here, he was found strenuously opposing and resisting the claims of his own State to justice at the hands of this Government. Certainly it was matter of regret that one of her distinguished and talented sons and representatives should, on his first presentation here, be making a strenuous appeal to the House against the plainest principles of justice and of common sense. It is not for me to settle the question of such a course between him and the people of Georgia; but I do believe that a very large majority of the people of that State will recognize the justice of the claim urged in behalf of the city of Savannah, the commercial capital of their State.

The gentleman spoke with great eloquence, and entered the lists as a mourner over the unfortunate fate of Henry Clay. Yes, he lamented in very mournful tones over the fate of that man, whom I admire, and have ever admired, more than any living public man whom our country calls her own. I felt like mingling my tears with his while he was pouring out such pathetic strains over a great man fallen.

Mr. IVERSON wished to explain.

Mr. SMITH desired to be excused, as he had but a few minutes left.

Mr. IVERSON, nevertheless, threw in the remark that what he had said was not in sympathy but in derision.

Mr. SMITH continued. Ah! in *derision!* He knew it was in derision. He knew that praises for that man never could come from that source but in derision. He wanted the country to know, he wanted that illustrious man to know, and his friends to know, that the crocodile tears which had fallen from Locofoco eyes all over this country for him were but shed in *derision!* This was not the first time he had seen these tears shed. These mournful notes of lamentation had fallen on his ears before. He had seen something of the same manifestations in the columns of the "Union." Day after day, sympathetic notes had been poured out and crocodile tears had been shed by Father Ritchie for Henry Clay, as a noble, gallant, patriotic man; a man whose great name was inscribed high on the rolls of his country's fame—a man whose great name would live throughout this country and the civilized world when the insignificant name of Zachary Taylor should have been forgotten. Was this the same Henry Clay who, in 1844, was vilified and slandered all over the country by these same men who were now so ready to praise him as the blackleg united with the puritan—who, in 1844, was denounced as vile, odious, infamous? Was this the same Henry Clay who had procured the election of John Quincy Adams by bargain, corruption, and treachery? Was it the same Henry Clay who had sold the rights of his constituents for a seat in the Cabinet? Was this the same Henry Clay whom old Father Ritchie had grown gray in denouncing as an infamous politician, as a dishonest man? Was this the same Henry Clay whom their Democratic friends up to the meeting of the Philadelphia Convention had been for twenty years holding up to the country as the greatest of all political sinners, as the man who of all others was most to be feared? He thought that there was one exception to that course. He believed he had heard similar strains of eulogy from Locofoco organs when the same Whig party nominated General Harrison in 1840. The denunciations of Henry Clay then suddenly ceased, and the land was overflowed with eulogies to him from Democratic presses and orators, because the same motives were operating upon them then. They then wanted to turn the admiring eyes of the country from General Harrison, and to induce the belief that Mr. Clay was badly treated, and his friends ought not to support General Harrison. But again, in 1844, when Mr. Clay was again nominated, the old tune was taken up, and, instead of the mournful tones of condolence and sympathy, we heard nothing but fiery indignation and bitter vituperation, poured out upon his head with unsparing malignity. Let him tell Democratic gentlemen that Mr. Clay and his friends knew how to appreciate these encomiums, these eulogies, these crocodile tears; and let him tell them further, they could not divert one man of the Whig party from the support of General Taylor, by any hollow attempt to excite sympathy for Mr. Clay, or any attempt to create the impression that he had been badly treated. Mr. Clay's friends had no less confidence in him than they had ever had; they believed him the same great and good man they had always considered him;

they cherished his name with all the fondness they had ever felt for it, and in after times they would hold up that illustrious name to their children as the bright model of an American statesman whom every American youth should be taught to emulate. But they did not want to expose him in his old age to the malignant vituperative assaults of pensioned Democratic presses throughout the land; they did not want him to pass through the fiery ordeal of 1844. They had nominated a man who had not been abused to the same extent as Mr. Clay, and, for want of time—although he admitted that old Father Ritchie was handsomely schooling himself in the business of vituperation of General Taylor, and had already progressed so far that he would soon equal his best efforts in doing the same work towards Mr. Clay—it would all be in vain. He regarded this Presidential election as completely settled as it would be on the 7th of November next. The people were determined that this Administration should be turned out of power, and that no time-serving demagogue, no political trickster, who had grown wealthy and fat on extra pay from the people's money, should occupy the Presidential chair for the next four years. They would take a man fresh from the people; one whose courage, whose skill in war were only equalled by the kindness of his heart, and the genuine benevolence which marked his character; a man who—to use his own eloquent language—had "no enemies to punish, no friends to reward, nothing to serve but his country." That country the people would give him the opportunity to serve in the highest civil station within the gift of the people.

Here the hammer fell and the hour expired.

Mr. STUART, of Michigan, next obtained the floor. He said, when he had made the motion to reconsider the other day, it was with no intention of addressing the House, or of deviating from the rule he had prescribed for himself, except such as should become necessary to explain his votes; but the course of argument of the gentleman from Indiana [Mr. SMITH] had been so extraordinary as to induce him to trespass upon this rule, and to ask the attention of the House for a short time.

What was the question before the House? It was, whether this House would reconsider the vote upon the passage of this bill, and, if agreed to, whether they would reconsider the vote upon the engrossment, and then strike out of the bill the obnoxious feature? A little history on this subject, amid the *confusion* which gentlemen on the other side of the House seemed disposed to get up, might not be unimportant. It was sought to be shown that the other side of the House was not responsible for its action. A House with a decided majority on every single question, it was now sought to be proved was not responsible for the manner in which bills were framed and passed here. Was it so? How was the vote upon this question? Seventeen men on the other side of the House had voted against the passage of this civil and diplomatic appropriation bill, and the majority against it was only twenty-three. Eleven gentlemen on his side of the House voted for it, and he was happy to say he was among that number, for never, while he was honored with a seat on this floor, would he vote to stop the wheels of this Government, if that vote could be avoided with any regard to consistency whatever. Seventeen gentlemen who had voted for this appropriation for the Savannah river, who believed it constitutional, who believed it expedient to pass such a bill, had seen fit to step into the arena and to vote against it—for what purpose? Why, they came up like children and said they did it for *fun!* Grave legislators, able statesmen, eminent men legislating for the people of this country, for fun, as a matter of farce, because gentlemen on this side of the House, entertaining views against the power of Congress to make this appropriation, had seen fit to vote against the bill! Now, he asked in candor, could any man who entertained a constitutional objection to the passage of such an item as this, vote for a bill that contained it? And if he saw fit to cast his vote against it, did it become the majority of this House, who entertained opposite opinions, also to vote against the bill? How were they justified before the country? He would like to hear gentlemen confine themselves to this question, and give a direct answer.

He begged leave here to say that he differed entirely from the remarks which had fallen from the honorable gentleman from Virginia on his side of the House, [Mr. BAYLY,] in relation to the conduct of the Speaker. When he (Mr. S.) had made the motion to reconsider the vote on this item, in response to a suggestion of the Speaker that the motion could not be made under the rules, he had intimated that he had an abiding confidence that the present Speaker would not so hold, and that he must be permitted to say that, in his humble judgment, the conduct of the Chair on this occasion was entitled to the highest respect of every member of this House. The only question on which he had differed with the Chair—and upon which he had not had time to examine the precedents—was in relation to the original vote given by the Speaker; whether the bill had not proceeded so far, whether it had not gone through the subsequent stages of reading and voting, as to preclude the right of the Speaker to vote upon the amendment. Having had no time to examine the precedents, he was obliged to defer to the decision of the Speaker, for the time being, as correct.

But gentlemen whom he knew to be sound constitutional lawyers—gentlemen, he repeated, of eminent ability, had undertaken to distinguish between this appropriation and appropriations to remove a sand bar—had undertaken to tell this House that while Congress had no power to remove obstructions which the laws of God and of Nature had placed in harbors and rivers, they had the power to remove those placed there by man. He should like to hear eloquent legal gentlemen, constitutional lawyers, on this subject. If the Constitution of the United States gave the power to remove these obstacles, it gave it without regard to how they came there. He was among the number who believed the Constitution did confer this power, and he believed it was a matter of no consequence how the obstructions had been formed; and, if he might be permitted to say it, with respect for the opinions of gentlemen on the other side, the distinction was ridiculous between obstructions in a river caused by sinking vessels, hulks, &c., to keep out an enemy's fleet, and those caused by the accumulation of sand by the water. How was this case distinguished from the bar formed at the end of the pier at Chicago, erected by the Government of the United States?

He had voted in committee and in the House against this item. Why? Because it was in direct violation of the rule of the House to place it in the bill, and if these votes were reconsidered so that it would be in order, he intended to move to exert the power of this House to strike it out. The 81st rule was imperative that no such appropriation should be ingrafted on the bill by the Committee of Ways and Means, nor under the orders of the House, nor by the Committee of the Whole; and why was it in this bill? Why did the chairman of the Committee of Ways and Means, representing in part a Western State largely interested in the system of internal improvements—a State which embraced within its borders as many objects of improvement as any other—why did that gentleman consent, in the navy appropriation bill, to provide for Boston harbor, and in the civil and diplomatic appropriation bill to improve the mouth of the Savannah river? Was this legitimate legislation? Was it fair? Was it just to the country which the gentleman and himself represented in part? Was it justice to the great Northwest to be tampering, placing single items separately in the general appropriation bills, that might roll through with the necessities of this Government, while everything for the benefit of the gentleman's constituency and his was carefully excluded?

Mr. VINTON said, the gentleman would probably recollect that when the items for the Mississippi and Ohio rivers were moved in Committee of the Whole he had voted for them, and he had stated here yesterday he regretted they had not passed.

Mr. STUART. Why did not the gentleman put them into the bill?

Mr. VINTON. No proposition was brought before the Committee of Ways and Means for that purpose.

Mr. STUART. Was it not the gentleman's own business as chairman of that committee to bring it before the committee? And if the Savannah river had been brought in there, it certainly notified the chairman that other internal improvements might also be included. He understood that one member of that committee from Georgia [Mr. TOOMBS] had introduced this item as a member of the Committee of Ways and Means. He repeated, it notified, or should have notified, the honorable chairman to take care, as a western man, of the interests of his own State and of his, (Mr. S.'s.) Now, no such caviling could be justified before the gentleman's constituents or his, whatever might be attempted on this floor for political purposes. Their constituency would hold them responsible; they would wish to know why they were voting item by item to improve all the harbors on the seaboard, while theirs in the West were left to remain in *statu quo*.

He took another objection. While he would vote for a general bill for internal improvements, and while he believed the system constitutional—not to the extent laid down by the gentleman from Indiana [Mr. SMITH] at an early part of the session, not that we were afloat upon the ocean without a chart or a compass, but that there were certain well-defined principles in the Constitution which justified these appropriations—while he would vote for a bill of this kind, he would never consent to legislation evidently intended for political purposes. Gentlemen on the other side might quibble, might prevaricate as much as they chose, but this item had been introduced into the general appropriation bill for the purpose of making an argument against the Democratic party—for the purpose of provoking a veto, or of charging the President with inconsistency. No other motive could be reasonably assigned.

The gentleman from Ohio had said yesterday that he was anxious to carry out the recommendation of the Executive department of the Government in its various branches. If so, why had not these western improvements been put into this bill if this was legitimate legislation? When, the other day, they had had up the question of appropriation for the surveys of the public lands, the western men had asked that the recommendation of the department should be carried out—that $115,000 might be placed in the bill for these surveys. Why had the majority of the House, upon the recommendation of the same committee, refused to give them but $65,000? But he could not spend too much time on this point.

He had alluded to the inconsistency of gentlemen on the other side of the House, and to the fact, that but for the honorable gentleman from Georgia on his side, [Mr. COBB,] this bill would now sleep the sleep of death. After a majority of this House had defeated it, no gentleman had risen on that side to move to reconsider the vote and save the bill by striking out the obnoxious item. He should say a few words in relation to the propriety of this legislation, and then he should pass to the other branches of the subject.

He spoke now of the respect which was due to a coördinate branch of this Government. Differing, as did honorable gentlemen on the other side with the present Executive of the United States upon this constitutional question, he asked, was it respectful? Was it that respect which they demanded at his hands? Were the denunciations which they had so often heard from gentlemen of the President of the United States as a miscreant, as the greatest enemy known to the country, of the Constitution and liberties of the people, that respect which was due to the Executive? While honorable gentlemen on the other side were constantly declaring that gentlemen on his side came here but to register the edicts of the President, and that they should govern their action by the principles of justice and a due regard to the rights of the people, why did they not pay that respect to the President which the rules of the House made incumbent upon them, and keep out of this bill appropriations not rightly there?

But the gentleman from Indiana had amused the House, and he confessed had amused him, at some of the positions he had taken. He did not see the honorable member in his seat, but, inasmuch as it was his duty to be there, he hoped he would be soon. It was strange for one who, like him, knew the early political history of this country only by reading it, to hear a Whig of this day claiming to be a Jeffersonian. The gentleman had proved himself a British Whig by reading a definition of Edmund Burke, and if he would turn to Blackwood's Magazine, which was equally good British authority, he would find it there declared that the devil was the *first Whig;* and he put it to the gentleman, that if he resorted to British authority to prove himself a Whig, he must take

British authority *in extenso*. Let him ask the gentleman, to what vetoes respectively of the Executive of the United States did he object? He would like to hear the gentleman, or any other honorable member on that side of the House, specify to which of the vetoes of the various Presidents of the United States they objected. From the foundation of the Government to the present day, there was not a man, he ventured to say, who dared get up and say that he objected to any veto except that of harbor and river improvements. There was rankling in the heart of the gentleman from Indiana, and the gentleman could not entirely suppress it, that old desire for a national bank. True, the gentleman had not the moral courage to come out and declare himself for it; but he said, *if the people want it*, lo and behold, he was for it. He had no constitutional opinions, nor opinions of expediency, except those which he might imagine came from the people. The gentleman told the House that the people of the United States had again and again declared in favor of a national bank. It was, if we judged from their representatives, lamentably true; but if we judged from the conduct of the people alone, of those who were engaged in their agricultural and mechanical pursuits, who were outside of and beyond the influence of the dollars that might operate upon gentlemen nearer the throne, they had never been in favor of such an institution. Mr. Madison interposed his veto, but at the next session yielded to what he supposed was the desire of the people. That yielding had been the subject of the lamentation of the Democracy of the country from that time to the present. It had cost us millions of money. It prostrated the producing classes in the dust. For twenty years had the Democratic party fought to throw off this incubus, and they had shaken it off "as a lion the dew-drops from his mane." The Democracy of this country now stood erect, never to be encumbered with another institution of the kind.

But the gentleman asked, "are we to be told in this year eighteen hundred and forty——?" and that turned out to be the end of his sentence. He presumed the gentleman was dishing up one of his old speeches of 1840, when, to the Democracy of Indiana, he had denied that the Whig party had any intention to charter a bank; but no sooner had they practised on the credulity and confidence of the people, and acquired the power, than immediately they "let slip the dogs of war"—immediately the cloven foot had shown itself—and the first act, and the dying act, too, of that administration, was an effort to charter a bank.

Mr. DUNN said that so far from the Whigs of Indiana, in 1840, taking ground against a national bank, or pretending that they were not for a national bank, it was one of the main issues, if not the main issue, and was earnestly pressed by them.

Mr. PETTIT said he could not speak for his colleague's portion of Indiana, but he could for his own, and he could give the Whig elector's name who had denounced it from one end of his district to the other. It was Henry S. Lane, his predecessor on this floor.

Mr. DUNN disagreed with his colleague, and repeated his declaration that the Whigs of Indiana in 1840 had made the question of a bank a prominent issue, and that the leading Whig journal at Indianapolis took ground both for the constitutional power and the expediency of a bank.

Mr. ROCKHILL said, so far as his district was concerned, he never, in 1840, heard any elector or other Whig orator—and they had all sorts of meetings and log-cabin and hard-cider carousals—declare in favor of a national bank. The Democratic party had charged it upon them, and in every case it was denied.

Mr. STUART lived on the borders of Indiana, and knew something of the facts himself. It had been declared at that time, through all the region of country, and even a distinguished Senator from Massachusetts had said that a national bank was an "obsolete idea." So far from having agreed upon it in any two States, there were scarcely two Congressional districts where the Whig orators proclaimed the same principles. Why? Because they dared not go before the American people with their principles inscribed on their banners. In 1844, they had told the country that Mr. Clay was the great "embodiment" of their principles, and soul and body he stood forth a living monument of Whiggery. But it was now too late for gentlemen to say that they had carried on the canvass of 1840 on principles. Why, they ate and drank the people out of that election. Hard cider, corn dodgers, songs, coon skins—these miserable emblems indicated anything but an adherence to reason and principle.

Now, he asked gentleman, why they had not nominated Mr. Clay? and he told them, in advance, he had no particular sympathy for that gentleman. He would remark, further, that from the very outset of the canvass to the present day, he had earnestly wished that the Whig party would not nominate Mr. Clay—he had never entertained any other opinion. He believed him to be the strongest man they could nominate, and gentlemen would find out, in the ides of November, that the Northern States did not respond to the Philadelphia nomination. Gentlemen might blind their eyes; they might see Mr. Greely poising himself upon his lever and doubting which way to go, and yet might deny that all was not right in their camp; they might hear the music of Northern men proclaiming that General Taylor was a Wilmot proviso man out and out, while Southern men took refuge under the fact of his having been born and lived in the South, and his owning hundreds of slaves; they might cause to be written from this city letters through members of Congress to different sections of the country, making anything or everything of his principles, but they would find that men who had been *Tylerized* would not be *Taylorized*.

The celebrated "Allison letter" had been alluded to by the gentleman from Indiana as containing the platform of General Taylor's principles. Now, that was a most remarkable letter, and got up in a remarkable way, and by remarkable men; and this Capitol could "a tale unfold" in regard to that letter, which would show whose opinions it reflected. A man who had been somewhat engaged in the legal profession would regard that letter as having been got up by a conclave of very able men, very strong lawyers, who had gathered together on a table before them all the letters the old man had ever written, in which he had declared himself a Native American, an Abolitionist, a Democrat, a Whig—not an "ultra Whig, but a Whig in principle;" and he would like to hear his friend from Pennsylvania tell them what was the difference. He took it that there were none in this House but ultra Whigs; for, although there were Abolitionists from Massachusetts and New Hampshire, slaveholders from the South, and whatever else you please, they came up here in solid column, and voted to a man to oppose everything which Democracy did. He thought they had not that distinction in this House, but that they were "ultra" Whigs, partisan Whigs; and if any gentleman's political dictionary could tell him what the distinction was, he should be very happy to hear it. Now, this Allison letter, which seemed thus to have been framed with all the previous letters before the writers, who were attempting, like a lawyer with a bad case, to reconcile the conflicting doctrines, said that he held the veto power to be a conservative power, not to be exercised except in cases of clear violation of the Constitution, or of hasty and ill-considered legislation. Who had ever pretended that it should be exercised in any other case? He would like to know, if a bill passed through both Houses of Congress, what was the "proper consideration" it should receive in order to meet the Executive approbation? How was the Executive to know whether it had received that consideration or not, except by determining whether it was right or wrong? Was he to stand here and hear their discussions? Was he to know whether they passed a bill in a month or in one day after it was taken up? The only manner in which he could determine whether legislation was hasty or inconsiderate, was by determining whether it was right or wrong in his opinion, as a coördinate branch of the Legislature of the country. It was the only test which the Executive could apply; and, while the Allison letter was relied upon to limit the veto to certain cases, it applied to every case upon which a veto could be made. In this connection he would again call—and he hoped to hear gentlemen take the history of this country and trace down the vetoes of the several Presidents, and point out one to which they were opposed except that on the harbor and river bill. Who did not know that the Democratic party of this Union were divided on that question, and ever had been—not on the great principle, but on the mode of its application? Mr. Calhoun, who, he thought, was regarded as about as strict a constructionist as there was, and would be admitted as one of the most able men, admitted, and had done so this session, that Congress did possess the power, and that the only question was as to its application. Upon that question of its application the Democratic party, he repeated, had ever been divided. Now, what induced the Whig party to favor it? The same thing that induced them to favor every other proposition which the Democratic party opposed. It was the only basis on which they could agree. They came into power in 1840, and they could not hold together ninety days. The moment they came to compare the opinions of different individuals from different sections of the country, why, the confusion of Babel was harmony in comparison to their action.

It had been said here by another gentleman from Indiana, [Mr. THOMPSON,] at a former part of the session, that, when Mr. Tyler became a little Democratic, they abandoned him. Now, that was true; and, had he become thoroughly Democratic, the Democratic party would have endorsed him; but as, in the Christian world, a man must forsake the Devil and all his works, so in the political world a man must shake off every vestige of Whiggery, in all its connections, or he could never be a Democrat. A gentleman near him said "a modern Democrat." No, nor an ancient Democrat. What were Jefferson's opinions upon a national bank as long ago as the administration of General Washington? He gave his opinions against it, and never changed those opinions. What was the opinion of Mr. Madison on the same question? Against it; yielding in an evil hour, as he had before said, to what, in his own language, *seemed* to be the will of the people. What was the opinion of modern Whiggery? He had heard honorable gentlemen say that party sprung up in 1832. What built them up? General Jackson's veto of the bank. They took ground against him, and declared that this country was to be and should be ruined without that institution. This, let him tell gentlemen on the other side, was modern Whiggery, but it was ancient Federalism.

Mr. POLLOCK said General Jackson had acknowledged the constitutionality of a bank.

Mr. STUART. General Jackson did not show much belief in the constitutionality of a national bank when he placed his veto upon it. The Whig party placed upon the records of the Senate of the United States a resolution censuring General Jackson—and in violation, too, of the Constitution—for the measures he adopted against that institution; and yet modern Whiggery was ancient Democracy! Gracious Heavens! only think of it! [A laugh.] A Whig, who dared not declare in convention what he thinks, who had not the moral courage on the floor of this House to define his position, because he wanted to wire in and wire out—because the question of success was the only question they had at heart; such a Whig to claim to monopolize the ancient Democracy!

But we never should get General Taylor's opinions on this question, it seemed. Although he had been written to some six weeks since—he *lived off the mail route*—his letter could not reach him, and we could not receive his answer! He lived in a back country, where nobody travelled except some two or three men who had him in charge. We should never get his opinions on these questions, he (Mr. S.) undertook to say.

But, in reference to the little book which the gentleman from Indiana had taken the pains to send to the Clerk's desk to have read. That Chicago Convention was a great convention. There were a great many distinguished men there, and they went there for important purposes. They had no doubt at heart the success of improvements of harbors and rivers. But the people would consider it a little singular that the Committee on Commerce of this House, composed of a majority of Whigs, who had that subject in charge, had spent some seven months in bringing out a set of resolutions simply to insult the Executive of the United States, and had brought in no bill.

Mr. HAMPTON, of Pennsylvania, referred to a bill which had been reported for the improvement of certain harbors and rivers, and said the committee had made every effort to pass it through.

Mr. STUART knew all about the contents of that bill; and he knew how it had been treated, too. It had slept here in Committee of the Whole on the state of the Union, and not progressed at all, while that committee had labored seven months to get up a report and resolutions to censure and insult the President of the United States.

Mr. HAMPTON inquired, if the chairman of the Committee on Commerce had not made repeated efforts to have the rule suspended which required bills to be taken up in their order, for the purpose of passing this river and harbor bill? and did not the gentleman know, that the great body of gentlemen on the other side of the House had invariably voted against it?

Mr. STUART replied, Yes; and did not the gentleman know that the majority of this House adopted that rule?—that they had placed themselves in the predicament where they could not get up this bill? Did he not know that western Democrats had voted for it every time? Did he not know that the majority were responsible for the order of the public business, and that they were not content with leaving the appropriation bills to keep their place on the calendar, but, entitled under the rules to precedence over all other business, by making them special orders, had overrode all other business, and thereby made business enough for the House to the first of September? The gentleman told them the majority of this House could not pass the bill; it would never do; they wanted to talk about it; they had kept the President's message here a month before referring it, making it a perfect Buncombe speech fund. The gentleman need not insinuate that they had any such desire.

He came back to this Chicago Convention. It was a great convention, gotten up for great purposes. It was intended to be the Archime can lever to upset the Democratic party; and from the East and West, from the North and South, the grand sachems of Whiggery attended. What did they do? Insulted General Cass in open convention. What was his letter? Gentlemen might laugh about it, but honorable men had got to meet the question in an honorable manner. What was that letter? It was simply addressed to a friend at Chicago, saying, that it was out of his power to attend. Did gentlemen doubt his opinions? He asked them if they had looked at the records of Congress? A man who had been here for years, who, as the gentleman from Illinois [Mr. WENTWORTH] had said, had voted unqualifiedly in favor of every measure of that kind which ought to be carried—not for the indiscriminate legislation of Whiggery, but for everything the wants of the nation demanded. And yet gentlemen did not know his position!

If that had been a great Whig tariff convention, and Mr. Clay had been invited to attend, and had replied that it was out of his power to be present, would they have doubted whether he was a tariff man? No. It was Whiggery masked there, under the pretence of the benefit of the people, as it was always masked, that had insulted the best Democrats of the land. It was Whiggery that had got up this book; it was one of the emblems of the campaign; it was modern Whiggery; it was that Whiggery that addressed itself to women and children, and not to the sense of grown-up men on principle; it was the Whiggery that dare not let their candidate promulgate his opinions; it was that Whiggery which concocted for him letters, and sent them to him to sign; it was that Whiggery which had put General Harrison under keepers, and had got General Taylor somewhere in Baton Rouge, so far off that letters could never reach him, nor the country hear from him his opinions. The mails were slow: the President of the Philadelphia Convention had to go clear home to North Carolina before he wrote him informing him of his nomination, and he had never got back a return mail!

Mr. OUTLAW said Governor Morehead had written General Taylor informing him of his nomination on the 9th of June—one day after it was made.

Mr. STUART. Why, then, don't the committee let him answer?

Mr. OUTLAW was understood to reply, because the Democratic Postmaster General would not let the mails go there—would not furnish the proper mail facilities.

Mr. STUART said, that was the very thing he wanted to know. A Democratic postmaster, who desired to know General Taylor's opinions, if he had any, to condemn him before the country, keeping back the means of defeating him! That was Whiggery with a vengeance! Why, he could have carried the letter himself on foot, and got back before this time. The Democracy wanted to know General Taylor's opinions, yet gentlemen said the Postmaster General *won't* let the mails go there!

But the mails were certain between here and Buffalo or Albany, where Mr. Fillmore resided. Where was his response? Was it true, as rumor stated, that the committee thought best not to publish it until they had got General Taylor's also? They wanted to compare them: they might not agree. The opinions of Mr. Fillmore were known; he was known to be a United-States-Bank man—a high-tariff man—a Wilmot-proviso man, with a little tincture of abolitionism. Now, it was not known how General Taylor's opinions might tally with Mr. Fillmore's; hence it was necessary to detain this letter until they heard from Baton Rouge. Now, it would never be heard from; the letter would never come; but we should be told by and by, as we were told about General Harrison, that there was to be "no further declaration of principles for the public eye."

Mr. HALL, of Missouri, said he thought the gentleman was mistaken in regard to the correspondence with General Taylor. He had seen it stated in the "Buena Vista," published at Baltimore, that General Taylor had written a letter to the committee, and that they would not publish it.

Mr. STUART had seen that statement, but as they had the assurance of so many gentlemen, whose opinions they were bound to respect, that the letter would come, he must conclude that the letter was on the way; but it was coming slowly, remarkably slowly!

Was it not a little remarkable that the Whig party had taken up a man whose opinions no man knew? Gentleman had been asked on this floor again and again, what General Taylor's opinions were on various subjects, and they had answered, "I don't know." The gentleman from Tennessee [Mr. HASKELL] had been asked whether he would veto the Wilmot proviso? He replied, "I don't know;" and thus had all answered who had been called upon. For a party that claimed to be a party of principle—that their principles pervaded the whole atmosphere—that the very sun that shines but throws them before the American people, to have put up a candidate whose principles they did not know, and ask the people to vote for him on that ground—was an appropriate exhibition of Whiggery, and could be looked for from no other party!

Now there had been a document put forth here—no doubt by some very able member of Congress; he should not be surprised if it were the same who was connected with writing the Allison letter—in which it was attempted to prove that neither Mr. Clay nor any other man who had adhered to principle in the Whig party, could be elected. It stated that the effort had been made in 1844, and that they had been voted down; that the only safety, therefore, was to take a man with no principles, that would be supported by individuals of all parties, and that they might be enabled by hook or by crook to elect him; and they seemed very faithfully to be acting on that proposition. An eminent gentleman from Maryland had proclaimed all over the country, that the old issues were abandoned, that General Taylor would not be the exponent of the principles of any party; that if he run, he was to be the candidate of the people at large; and that, if elected, he would not carry out the principles of any particular party. Now, gentleman said General Taylor was a Whig. That he was an honest man he (Mr. S.) believed; and he told us that for forty years he had not known, and declared he now knew nothing of the great questions which divided the great parties of the country. Out of his own mouth he told us that he was utterly unfit to be President of the United States; and yet gentlemen insisted that he was the properest man in all the world.

He had already consumed more time than he had intended, but he wished to say, in conclusion, that he earnestly hoped that gentlemen who should take the floor on the other side, would undertake to tell the House definitely what were the opinions of General Taylor on the leading questions of the day. Don't tell us, you don't know, (said Mr. S.;) tell us what they are. Don't attack the Democracy of the country, and question their opinions, whose opinions you know, and undertake to seek shelter under the smoke and dust you kick up: tell us what you mean to do yourselves. And now he would tell what he thought they intended to do: from the history of that party, since he had known it, he was prepared to say they intended to do just that which they most loudly condemned. If they charged the Democratic party with trickery and treachery, with undertaking to palm off opinions which were not their real sentiments, let gentlemen, and let the country, be assured that they intended to be trickish and knavish themselves. When, in 1840, they had insisted they were opposed to a bank, they were found then breaking up their party for the sake of establishing one. When they were now found insisting that all the old issues had become obsolete, let the people be assured they wanted to fasten upon the country the same issues. When they charge that General Cass, although he had come out and proclaimed his opinions, and published them to the world, and with the rapidity of the press, not with the slowness of the mail, meant to deceive the South and the North, let the people be assured they were endeavoring to have General Taylor do the same thing. When the gentleman from Indiana had told the House that General Cass had changed his opinion on the annexation of Texas—that when first agitated he was opposed to it, and declared, if England wanted it let her have it—he would like to know the gentleman's authority.

Mr. SMITH was understood to refer to Mr. Howard, as having heard this opinion from General Cass's own lips.

Mr. STUART. Yes; Jacob M. Howard—a man who, whatever was his private character, politically had only the reputation of bullying everybody opposed to him. Tell it not in Gath! Publish it not in the streets of Askelon! General Cass's opinions had been published to the world. He had never said any such thing. General Cass had been in favor of the annexation of Texas; the Democratic party had always been. They had embarked in it early in his State. They had placed on their banner the "lone star" when all the New England Federalists had gone against it. By their course they had brought on the war. We had the evidence of the Commissioners to Mexico, since the formation of the treaty, that Mexico never believed that Texas was not entitled to go to the Rio Grande; that although the troops of Mexico had made incursions this side of the river, they had always been driven back. These gentlemen, and that party who had been endeavoring to make the country believe that the jurisdiction of Mexico extended to this side of the Rio Grande, had brought on the war by the course they had taken. The Democracy of the country had supported the annexation of Texas and the Mexican war. How stood the Whig party now, who had condemned the war from first to last, as an "unconstitutional," "unnecessary," "damnable" war; who had recommended our soldiers to "hospitable graves" in that country? They had chosen a man as their candidate for the Presidency who had no other reputation as a public man except what he had got through this war. It reminded him of what old Thad. Wood said when he imprisoned his father-in-law for debt. He said it "made him feel like h—ll, but he wanted the money." These gentlemen felt bad. They had mourned over and condemned the sin and wickedness of this war before the country, and yet they *wanted* the offices; and so they had selected the man who had acted a prominent part as a commanding general in this disgraceful, unholy war!

Mr. SMITH, of Indiana, interposed, and wished to ask the gentleman if General Cass had changed his mind on the subject of the Wilmot proviso?

Mr. STUART replied he had. General Cass had written it in black and white, and spread before the world, that he had.

Mr. DUNCAN, of Kentucky, inquired if it was the Nicholson letter the gentleman referred to, or a private letter?

Mr. STUART replied, that he referred to the Nicholson letter, in which he said that a change had taken place in his mind. He (Mr. S.) believed certain gentlemen at the other end of the Capitol—Messrs. Clayton, Phelps, and we should see how many others—had changed their opinions also. Now, he would like to know from the gentleman from Indiana whether he had changed his opinion on the subject?

Mr. SMITH replied, he had not.

Mr. STUART wanted to know, then, what was General Taylor's position on that subject; he wished the gentleman to answer him, not to tell him "I don't know."

Mr. SMITH declining to answer—

Mr. STUART said, gentlemen on the other side were very apt at asking questions, but had not the moral courage to answer them. The gentleman from Indiana could write letters to his constituency—he could make General Taylor all things to all men, but he ought to have the moral courage, as the Representative of a noble constituency, to stand up here and say what were the opinions of his candidate. Gentlemen on his side of the House had been told by the gentleman from Ohio [Mr. SCHENCK] that the Democratic party "went it blind" for all the measures of Mr. Polk. He would like to know whether the Whig party were not "going it blind," too?

Mr. SMITH, of Indiana, inquired if the gentleman was in favor of the Wilmot proviso?

Mr. STUART replied, he was. Now did the gentleman wish to inquire further?

Mr. SMITH asked if the gentleman was for General Cass?

Mr. STUART said he *was* for General Cass, because by his election the Democracy would sustain the great principles of the party for which they had contended twenty years; because he was eminently qualified for the duties of that exalted station, was "honest, capable, and faithful to the Constitution;" because he was the chosen candidate of the Democratic party, under the control of which this vexed question must be settled, if it should ever be settled, with a just regard to the true interests of the people of the whole nation.

Mr. S.'s hour here expired.

Mr. GOGGIN proceeded to address the House. He said he felt some anxiety yesterday to obtain the floor to make some few remarks on the subject before them, (the veto, or the one-man power, so called,) but without any intention at that time to go into a lengthened argument on the question at issue. He was induced to take some further interest now in this great issue before the country, from the fact, that, after some eight or nine years' experience as a member of this body, he believed he might say it was the first time now within his recollection that he had witnessed in this body a deliberation and discussion amongst its members on both sides of the House, in reference, not to what are the views of gentlemen on this floor, not in reference to what are the wants of the country, not in reference to what are the instructions sent up to them by their constituencies from the polls, but as to *what is the opinion of the Executive officer of this Government* on a great *legislative* question; and it was asked that we should frame a bill so as to suit, not our own, but the taste of *the President*.

Mr. FARAN desired the gentleman from Virginia to yield him the floor for a moment.

Mr. GOGGIN hoped the gentleman would waive it until he was through with his remarks. He meant no discourtesy to the gentleman, but he desired to proceed without interruption; he should certainly say nothing offensive to any one, unless the truth itself was so.

Mr. LAHM now rose to a question of order. He wished simply to ask the Speaker whether this discussion was in order? He did not raise this question because he objected to the gentleman from Virginia proceeding in his remarks, but because he thought that they should transact their legitimate business here, and then go home and make their political speeches on the stump.

The SPEAKER informed the gentleman that the civil and diplomatic bill which was before the House involved almost *every question* that could possibly be discussed. He was unwilling to call the gentleman from Virginia to order after the *general* discussion which had been indulged in.

Mr. GOGGIN resumed. Exactly so. He was saying when he was interrupted by the gentleman who had, he believed, but a few days before, made a speech on this bill, that, after some years' experience in this House, it was the first time that he had heard a grave deliberation here, not as to what were the wishes of the country, or of the opinions of the House, but what is the will of him who sits at the other end of the avenue as the Executive officer of this Government? Now, he must say, that, with all respect for his Democratic friends on the other side of the House—badly as he had thought of the consistency of modern Democracy, and while he had been from principle only opposed to that party—he now thought worse of its practices since he saw its tendency, growing and still increasing, to concentrate all power in the hands of one man; and if there was no other issue in the approaching Presidential contest between General Taylor on the one side, and General Cass, the author of the book which the gentleman from Indiana [Mr SMITH] read this morning in the hearing of the House, that great question of the power of the President over the legislation of the country would of itself be a platform broad enough to stand upon. Here, then, was the Whig platform. The gentlemen opposite asked them for their political platform; and to that he replied they planted their foot where they stood in 1832, when gentlemen had said the Whig party was again re-formed as it had before existed in the days of the Revolution, when resistance was successfully made by our ancestors to this centralizing power now claimed for the President of a Republic, instead of King George III., the great father of monarchical England, who claimed a right to rule his colonies without the interposition of the will of the people, as they thought proper to express it.

What were the principles of the party, he would ask, with which he was associated? And what were the principles of the party with which gentlemen opposite are connected? The party to which he belonged came, as it had ever come, and as gentlemen well knew, in open and undisguised opposition to the one-man power; and they came with the determination to do everything that was fair and proper to curtail the power and control the grasping influence of the Executive officer of this Government. This constituted a Whig in '76; it constitutes one now. But gentlemen on the other side, so far from coöperating with the Whigs on this question, as they did in the days of the Revolution, were endeavoring to carry out plans and measures, the effect of which would be to build up the power and influence of the very branch of the Government they once so much dreaded. They sustained the President, not with the simple power of a republican officer of a free Government, where the people are supposed to be able to enact laws, through their chosen representatives, to suit themselves, but with that of a royal Executive, whose power, as exerted by his veto, shall be unlimited and uncontrolled by the will and wishes of those who at least are his equals, in the exercise of rights which pertain to them in their representative character. So a distinguished Senator [Mr. BENTON] had said, in 1826, when another individual occupied the office of President of these United States; and to an extract from the report of that Senator, he called gentlemen's attention for its truthful character, as it now portrays the state of things in this country:

"We must, then, look forward to the time when the *public revenue will be doubled; when the civil and military officers of the Federal Government will be quadrupled;* when its influence over individuals will be *multiplied to an indefinite extent;* when the nomination by the President can carry *any man* through the Senate, and his recommendation can carry *any measure* through the two Houses of Congress; when the principle of public action will be open and avowed, *the President wants* MY *vote and I want* HIS *patronage; I will* VOTE *as he wishes, and he will* GIVE *me the office I wish for.* What will this be but the Government of *one* man? and what is the Government of *one* man but a *monarchy?* Names are nothing. The nature of a thing is in its substance, and the name soon accommodates itself to the substance. The first Roman Emperor was styled Emperor of the *Republic*, and the last French Emperor took the same title; and their respective countries were just as essentially *monarchical* before as after the assumption of these titles. It cannot be denied, or dissembled, but that this Federal Government gravitates to the same point," &c. "Those who make the President must support him. Their political fate becomes identified, and they must stand or fall together. Right or wrong, they must support him; and, if he is made contrary to the will of the people, he must be supported not only by votes and speeches, but by arms."

Having read this extract from the report to which he referred, he reiterated the sentiment that the Executive power was becoming dangerous to the liberties of the country, and he said it became them to listen to that voice of warning of one who, for a quarter of a century, had certainly distinguished himself by talents of a high order in the Senate of the United States, but who was still a member of that party *now* advocating the exercise of powers the most extraordinary and dangerous.

Mr. G. said he had not intended to urge upon this House the propriety of an unconditional abrogation of the veto power. He regarded it as General Taylor had said he did, "*as a high conservative power,*" but that it "should never be exercised except in cases of a clear violation of the Constitution, or manifest haste and want of consideration by Congress." What said that law-loving man, that man who is about to be called to administer the Executive office of this Government—the man who with his sword has fought its battles, and with his pen has maintained his own and the rights of his brave soldiers—the man whom it has been attempted to disgrace by an expression of public *disapprobation* of one of the noblest acts of his life, by the appointment of a *lieutenant general* to supersede him in command, and by leaving him exposed to the tender mercies of Santa Anna and his soldiery, unless he could make good his way by doing, as he said he would do, and as he did, "*fight him,*" in such a way and with a success as scarcely the annals of the world can produce a parallel? What said this man, brave, gallant, and generous as he is, when clothed with command, but when asked his opinion of the powers of the Executive, what said he?

"Indeed, I have thought that for many years past the known opinions and wishes of the Executive have exercised an undue and injurious influence upon the legislative department of the Government; and for this cause I have thought our system was in danger of undergoing a great change from its true theory. The personal opinions of the individual who has happened to occupy the Executive chair ought not to control the action of Congress upon questions of domestic policy; nor ought his objections to be interposed where questions of constitutional power have been settled by the various departments of Government, and acquiesced in by the people."

General Taylor had here written a book, even in this short extract, worthy of being treasured up by all. In relation to all subjects of a legislative character, he would defer to the legislative will, where it had been deliberately expressed, and where it did not transcend the bounds of the Constitution. Such, said he, would be his course, looking to the interests of a great nation instead of doing the bidding of a great party. He has emphatically declared, that while he has "*great cardinal principles which will regulate his political life,*" if elected, he "*would not be the mere President of a party.*" How just and liberal is the sentiment; how patriotic; how like the language of Washington, who, when about to be taken from the camp to the Presidential chair, said, "I will go to the chair under no preëngagement of any kind or nature whatsoever, * * * with sole reference to the public good."

That General Taylor was right in his views of the alarming tendency of Executive power, the history of the past will show; and (said Mr. G.) I shall presently advert to some most striking instances, as they have been developed by the opinions of gentlemen on this and the other floor of Congress, or who have at some time occupied prominent positions before the country.

But while he was on the subject of Presidential vetoes, he begged to be permitted to call the attention of the House to the opinion of a distinguished gentleman from Pennsylvania opposite, [Mr. C. J. INGERSOLL.] What were the opinions of that gentleman in reference to a former President of the United States—Mr. Tyler—who had exerted this power, and what were his opinions of the veto power in the hands of a man in the frame of mind the President was then said to be by that gentleman, in an address to his constituents in 1841? He said:

"Mr. Tyler is an instrument of overruling Providence, often marvelously snatching this Republic from apparent jeopardy, to rescue it from the calamities of the late overwrought extraordinary session. The chapter of strange accidents conducting him to the Chief Magistracy, is said to nerve him with a sort of religious belief that he is destined through higher power to wonderful instrumentality."

He said these were the views of the gentleman from Pennsylvania in regard to the peculiar notions of a former President, influenced by which, and armed with this power, there would not long be any safety for the rights of the people of this Republic, when in the hands of some men, if entirely uncontrolled by an expansion of the powers of the Executive. A President possessing that power, and acting under the influence of fanaticism, and such a religious phrensy as prevailed in some parts of the United States, with such a feeling as that imputed to Mr. Tyler, where, he asked, would this veto power stop in its operations? Gentlemen should beware how they enlarge the operation of this power.

Had the gentleman forgotten that this power to check the will of the people's representatives had

been very rarely used by the earlier Presidents? Thomas Jefferson, the great expounder of the Declaration of Independence, and John Adams, his co-laborer in the framing of that instrument, had *exercised* the Presidential office altogether for twelve years, *and never once had they checked the legislation of Congress.* It had been done by others, it was true, but rarely; and it was now matter of history, that since the reign of George the Third, the King or Queen of England had never dared to do that which is now attempted to be justified by those who would, as they do, urge the President to an act which Queen Victoria dare not do. Mirabeau, the great French orator and republican, well said, "That Government is a despotism wherein the King or President can say, such may be the will and opinion of the Legislature of the people, but *mine* is contrary, and *mine shall prevail.*"

Not only had this exercise of the veto power attracted attention here and in France, but even in England the press had seemed to be astonished at the tendencies of what are called *Democratic* principles. Says a London paper in 1841, when speaking of the veto power:

"In monarchical England the sovereign has a veto, but it has never been exercised for fifty years: yet in Democratical America the decision of the people is intercepted from taking effect by the will of a single man, and that man not chosen for the purpose. In England the prerogatives of the Crown are exercised, not according to the private opinions of the sovereign, but under the advice of responsible ministers; but in America, the Democratic king refuses his assent to a law, because it is contrary to his individual judgment."

The gentleman from Michigan, [Mr. STUART,] very much to his satisfaction, had quoted the opinions of a distinguished Senator from South Carolina; and, when gentlemen quoted such men on one subject, it was not improper to see what opinions had been held by the same authority on others. Did the gentleman quote Mr. Calhoun's opinions as favorable to the views of those on the other side of this chamber? If so, hear what he says on another subject, and take warning from him whose authority is invoked. In 1832, in his place in the Senate, he said, in reference to the veto just then sent in on another subject:

"He (the President) has pronounced the United States Bank to be unconstitutional, and has of course impeached the conduct of Washington and Madison, (the former of whom signed the charter of the first bank, and the latter of the present,) and all the members of both Houses of Congress who voted for the acts incorporating them." "I am mortified that, in this country, boasting of its Anglo-Saxon descent, any one of respectable standing, much less the President of the United States, should be found to entertain principles leading to such monstrous results; and I can scarcely believe myself to be breathing the air of our country, and to be within the walls of the Senate Chamber, when I hear such doctrines vindicated. It is a proof of the wonderful degeneracy of the times, of a total loss of the true conceptions of constitutional liberty. But, in the midst of this degeneracy, I perceive the symptoms of regeneration."

While he was still on the subject of the veto power, as he saw his colleague from the Accomac district [Mr. BAYLY] in his seat, he wished to call the attention of that gentleman and of the House to a document he held in his hand—and he did it with no disrespect to his colleague, and only to illustrate his argument. He desired the attention of the House to it, that they might see what would be the effect of the veto power in the hands of such men as some Presidents of the United States had been, as was said by actions, and who were uncontrolled by the popular will and the popular feeling, and who wantonly trampled State rights and the Constitution under foot. His honorable colleague, with whom he had had the honor to serve in the Virginia Legislature at another period, was himself a member of one branch of that Legislature in 1839, and he then used this language on the question of electing a United States Senator, as was shown by his printed speech. Speaking of General Jackson's proclamation, he said:

"Hence it was, as the story goes, that, when Mr. Ritchie began to find fault with the doctrinal points of the proclamation, General Jackson cursed him right out, and asked him what the d—l *State rights* had to do with the matter."

Again, he said, in the same speech:

"But the cautious and timid, relying on General Jackson's *professions—for it is a remarkable fact that he has never been so loud in his professions of Democracy as when his acts were most Federal, always accompanying an attack upon the Constitution with the loudest professions of regard for it*—the cautious and timid, relying upon *his* professions, followed him in his ultra Federalism," &c. "Had the people been true to their principles in 1833, the country would never have witnessed the *misrule* of the last six years, *during which every clause of the Constitution has been violated, and every Republican principle trampled* in the dust."

Such (said Mr. G.) was the picture as drawn by his colleague. Did it not present this great question of the increase of Executive power in a point of view as strong and argumentative as it could well be made by the language of the gentleman, who was always forcible and eloquent, if not irresistible and conclusive, in his arguments? Mr. G. thought it could not be that his colleague was now, in sustaining the veto, willing to perpetuate the Executive power, almost swallowing up all the other departments of the Government, as it will in the hands of any man filling the office of President, when that officer, without even the aid of the veto, should be so potent for mischief, that he had only to *profess* a reverence for the Constitution, and then to trample it "in the dust;" and by his very outrages to cause "the cautious and timid" to follow his lead in overthrowing "every Republican principle" which *we* are now called on to sustain. The ominous words, veto, veto, are sounded in our ears, as if, in fact, the King were coming to put an end to our deliberations upon his rights and his prerogatives. It will be found, however, as I trust, whenever the hour of trial shall come, that, though we may, as the representatives of freemen, be sometimes "cautious," we shall never be too ignorant to know our rights, or, knowing, "too timid" to maintain them. We shall do this, whether General Taylor be the President, or Lewis Cass, the eulogist of Louis Philippe, King of the French, shall fill that office.

Mr. G. said he held in his hand another book written by the *Democratic* candidate while he was revelling, as our minister, in the halls of the then French monarchy. He had not time to read extracts now, though he might publish some if he wrote out his remarks. It would be seen that General Cass had well studied all the forms of royalty, with which he was evidently much pleased, as they were exhibited in the ceremonies attending the cries of degraded subjects, as they shouted around the palace of the Tuileries, "*Vive le Roi!*" "*Vive la Reine!*"

He had taken occasion to notice this subject—the opinions of his colleague—because he yesterday spoke of opinions which he held when he was a member of the Legislature, in regard to the distribution of the proceeds of the public lands. He had no doubt that his colleague honestly entertained the opinion that this Government has no right to distribute the proceeds, except in agreement with the compromise act, which he wished to preserve. Yet, though his colleague attempted to defend Mr. Tyler on this floor yesterday, (*Governor* Tyler, as he called him,) he thought the record would show that when his colleague proposed an amendment in the House of Delegates, looking to the preservation of the compromise, it was voted down by a vote in which Mr. Tyler participated, he voting in the negative, showing that he then did not regard the question of the compromise as of any importance, and that he was for distribution under any and all circumstances.

Certain (said Mr. G.) he was of the fact that Mr. Tyler had in the very strongest terms recommended, while a member of the Virginia Legislature, "the speedy adoption of some equitable plan 'for the distribution of the net proceeds of the sales 'of the public lands among the several States." And he had, in a very able report, in the form of a preamble to a set of resolutions, urged the measure of distribution as demanded by "every principle of justice." For this preamble Mr. Tyler had voted, as it was his own language, his own argument; and it seemed to have been adopted by a vote of the House without division. Whether his colleague voted for it or not, was wholly immaterial; Mr. Tyler had sustained it. Another fact (said Mr. G.) could not be denied, that Mr. Tyler had recommended distribution in his first message to Congress, *had signed a bill* to that effect, and had said: "*The mode by which this is to be effected addresses itself to the discretion of Congress, as the 'trustee for the States.*" The *discretion of Congress* was exercised in a manner suited to its own view of right, and in view, too, of the declared opinions of the President, which had before so well accorded with the views of the legislative body. He, however, in the exercise of this prerogative of the veto, had set up his own will in direct opposition to the Legislature. Whether this was done under the influence of "a sort of religious belief," that he, being "a higher power" than the Congress of the United States, had a right therefore to exercise his own will, and not theirs; or whether it was done in a moment of forgetfulness of his former denunciation of the exercise of this power, remains yet a problem with some. Mr. G. would not question the purity of his motives. He had some reasons, indeed, to think kindly of President Tyler, and he hoped he should continue to do so. He had only referred to his opinions on this subject because his colleague had introduced them on yesterday.

In 1834, in presenting a memorial from the people of Accomac, the county in which his colleague resided, while he was a Senator from Virginia, Mr. Tyler said:

"We were told yesterday that the President could not retrace his steps with honor. What language is this to be held by a public agent? Honor, due regard to the solemn obligations and duties of office, require of every public man to repair the mischiefs which his own unwise policy may have inflicted on the country. By what sort of advisers must the President be surrounded, when we are told that he would be dishonored by giving audience to the constituent body, and yielding to their wishes? His duty required this of him. The country must suffer because the President must not be inconsistent. Honor would not permit him to retrace an ill-advised act, no matter what come out of it. Mr. T. would scout such an idea of honor and consistency."

Such, then, (said Mr. G.) has been the course and such the language of one who, my colleague now says, had he deferred to the will of the Representatives of the People, and yielded to their wishes on the occasion to which he refers, would have violated "his own oath." Sir, Mr. Tyler himself did not think so in 1834, when he freely uttered his opinions under the solemnities of the same oath, acting also under the obligations of a Virginia Senator. He stood there in his place and boldly denounced an act of the President of the United States, involving a conviction of duty on his part, upon his view of the great constitutional question.

He had no intention to charge his colleague with inconsistency; he had simply spoken of these things because his colleague had brought them up in connection with the name of Mr. Tyler, and he most cordially thanked him for the precedent which the case afforded as illustrating his views.

Mr. BAYLY said his colleague was wholly mistaken.

Mr. GOGGIN said he might be, but it certainly did not appear that he was, from his recollection of facts, and as they would appear by the record itself, as he thought.

Mr. BAYLY said he had opposed it because it was unconstitutional.

Mr. GOGGIN repeated that he charged no inconsistency on his colleague, for though he might even have voted for the preamble to the resolutions, there might be something else there of which he did not approve in the main. But he (Mr. G.) was speaking of the opinion of Mr. Tyler, not his colleague's. He regarded distribution as both expedient and constitutional.

But there was another point of view in which he wished to present this question to the House and to the people, and in relation to which he would appeal to gentlemen on both sides of the House. When questions arose under the Constitution, presenting difficulties in relation to their power to pass some particular bill containing features about which they differed, where did they go for a solution of their difficulties? Would they recur back to the fathers of the Republican Church, or should they go to President Polk, to his colleague, to the gentleman from Michigan, [Mr. STUART,] to their former friend and President, Mr. Van Buren, who was now so obnoxious to both North and South? When a question arose, they had the right to look back, instead of consulting any of those named, to the opinions of the patriots in the purer and better days of the Republic, when they did not consult the President of the United States to know what his views might be, and to ascertain whether he would approve a bill if it should be passed. They acted, according to the lights before them, as Representatives of a proud and free people, and did not go to the White House to ask Mr. Polk or anybody else if he would *be pleased to sign a bill if they should pass it.* They acted on the principles of our glorious Declaration of Independence, which is read and repeated from time to time, and will ever be, he trusted, on each annually-recurring national festival as long as time itself shall record its annual round. One of the principles of that Declaration is an unfaltering opposition to the tyranny which had been exercised over the free people of the colonies, and which was

proved by facts, of which this was one exactly similar, that "the King had refused his assent to laws the most wholesome and necessary for the public good." Such was the language of the Declaration of Independence when our forefathers were ruled as with an iron rod; and such was the language of Whigs and of freemen everywhere.

But he had alluded to the declarations of General Jackson, and he supposed the opposite side of the House would admit that he, at least, was good authority. Mr. G. said he fully concurred in the opinions then expressed by the old hero, and he hoped gentlemen would be inclined to remember them.

He then read an extract from one of General Jackson's messages, saying, if a bank was necessary for the fiscal operatinns of the Government, he would "submit to the wisdom of the Legislature," &c. Here was the stern, unyielding old hero declaring that he would submit to the wisdom of the National Legislature, if a measure of that kind was deemed necessary; but gentlemen here now told them that this young successor, who was sometimes called *par excellence* "*Young Hickory*," would not defer to the will of the people as General Jackson said he would. There were other views of General Jackson, in connection with this subject of a bank, which, as they were familiar to the House, he would not detain them to repeat. He did not introduce them for the purpose of discussing the bank subject at all, for that was not an issue before the country; yet, if it were, Mr. G. should not shrink from it. We were content that our opponents should enjoy their own system of a sub-treasury. Bad as it was, it perhaps was better to endure even a bad system than to have so much agitation as we have had on this subject for so many years. Though by no means *convinced* of its utility, he had determined (in the present condition of the country, burdened with a heavy debt, as it was, by a long and unnecessary and unconstitutional war) to throw no obstacles in the way of those who, at the head of affairs, had brought these evils on the country. He desired that the President and his friends should have ample opportunity to test their favorite scheme. Hence the Whigs would not now press theirs. He had only mentioned this, because other gentlemen had introduced it, and for the purpose of showing, that regarding these great questions, Mr. Polk would refuse, as we were told now, to yield to the judgment of such men as Washington and Madison, and last, though not least in the estimation of some, of General Jackson himself, who had sometimes declared his respect for the popular will, even in opposition to his own views.

Did he hear a gentleman say, Van Buren too? He knew of no connection of Van Buren's views with the veto of the bank. He was once, however, as he wished to tell his southern friends, a petitioner for a branch bank at the city of Albany. Did they know this when they supported him for the Presidency? Oh, no! he supposed not.

Mr. GREEN here made some remark, which was not audible at the reporter's desk.

Mr. GOGGIN said he had already answered that question by the remarks which he had made. The gentleman could not have been in the House, or he would not have thought it necessary to interrupt him. He hoped these interruptions would not be repeated; he would not be deterred, however, from doing his duty.

But if he had not another reason, he had one which in itself was sufficient to influence his conduct in refusing to support the veto power in the hands of one man to the extent that some gentlemen did on the other side of the House: it was derived from a belief which he entertained from the bottom of his soul, that sometimes, with all the vigilance of party, men the most unworthy would creep into the confidence of the people. If he had no other reason, he would be willing to go to the country on that opinion, which was expressed by one whose views of the character of men would be appreciated by his colleague, [Mr. BAYLY,] who he saw was about to leave the Hall. He alluded to his colleague again in no unkind spirit; [here Mr. BAYLY left the Hall, Mr. G. asking him to remain;] and he only referred to the opinion which he was about to read by way of giving to his constituents and to the House a reason why he could not support General Cass for the Presidency, and thereby, if elected, intrust him with the veto, and all the other powers of this Government. He should quote from the document which he held in his hand, as the opinion of one who spoke under the responsibility of his oath as a member of this House, and whose word no man would question, when he spoke of his convictions of the truth and its force on his own mind. He should give the House the opinions of one whom all who had been associated with him on the floor of this House would listen to attentively, and for whom he (Mr. G.) entertained the highest personal respect—one whose character, talents, and position in the country, entitled all his opinions to respect.

In the year 1837, while General Cass was Secretary of War, a committee of the House of Representatives was appointed, of which the Hon. Henry A. Wise was chairman, with instructions to inquire into the condition of the Executive Departments, &c. The committee met in a short time, and proceeded with its investigations, when the following form of an oath was adopted to be administered to witnesses:

"*You do solemnly swear that the evidence you shall give touching the subjects of investigation of this committee, shall be the truth, the whole truth, and nothing but the truth, so help you God.*"

Mr. Wise was the first witness examined, and he "was sworn by reading himself the oath and kissing the book." The witness then stated, in answer to a question put to him, among other things: "I believe that Lewis Cass, Secretary of 'War, was engaged in *speculating in the public* 'lands whilst Secretary of War; that he made *ex*-'*orbitant allowances to favorites;* paid one for ser-'vices never performed; another *after he had full* '*knowledge that the favorite had forged his official* '*signature; permitted commissions under him to be* '*ante-dated;* and has ordered a treasury warrant to 'be paid to the assignee of a disbursing officer, *who* '*had gambled it away*, after it had been protested 'by a deposit bank and was countermanded by 'the Secretary of the Treasury; *and to have been* '*guilty of several other acts of violation of duty*"—all of which will be found in Reports of Committees, 2d session, 24th Congress, volume 3.

Mr. Wise, in continuance of his statement, also said:

"I *know*, from evidence laid before me by the Executive, of many instances of unlawful and oppressive acts also; as, for instance, the conduct of the Executive *and its officers* towards the Indian tribes, particularly the Cherokees. I believe that the wars with the Creek and Seminole Indians *have been caused by want of integrity in Executive officers of the Government; and that the defeat of our arms, which has covered the nation with disgrace in these wars, has been owing to neglect or want of ability in the War Department.*"

Here, then, (said Mr. G.,) was the testimony of one who was not speaking in the heat of debate, not under the influence of high or momentary excitement, but in the seclusion of a committee room, under the sanctions of an oath, was deliberately deposing to what he *believed* to be the truth, or what, so far as his own knowledge extended, he tells us he *knew*. That Mr. Wise did so believe at the time, I have not (said Mr. G.) the slightest doubt. He was one whose word, without an oath, would be anywhere received, and he had only shown the nature and extent of the oath as proof of the importance which should be attached to the statement, as a thorough, regular, and properly-conducted investigation, so far as time would allow it to be carried out.

That, he would tell gentlemen on the other side of the House, was *the* Lewis Cass who was now the Democratic candidate for the Presidency of the United States. This was the picture of him, not drawn by himself, (Mr. G.;) not drawn from any one in the heat of debate, as he again repeated; not extracted from any one under the excitement of the moment, as he had shown; but it was the deliberate language of a high-minded, whole-souled man, who was long a member of this House, whose name and fame were commensurate with the limits of the Union; and he called on gentlemen opposite to mark the statement.

Mr. G. then said: Mr. Speaker, dare you or I, with this proof before our eyes, together with that which is known to us of his political principles and opinions—dare we, I say, confide to him our destinies, and those of this our common country? Shall such a man be trusted with the power of the veto? Shall the will of such a one, and in any station, be permitted to control the will of twenty millions of others, many of whom are just as good or better than he, if what we see laid bare be true now, as it certainly was believed to be when the statements were made? I regret that we have not now in this House the powerful aid of him who set on foot this investigation. Other abuses, perhaps, might be ferreted out which now may escape detection. His probing process had, at the time, given much offence to certain individuals, and particularly had the venerable editor of the Richmond Enquirer lamented the degeneracy of the times which could lead honorable gentlemen to speak out in such plain terms as their own convictions of duty seemed to require. Accordingly, some time before, Mr. Ritchie had modestly complained of Mr. Wise's style. He said, in his paper:

"BAD TASTE.—Mr. Wise seems for the present to be imitating rather the example of Tristram Burges than the classical genius of John Randolph. The following extract from his speech of the 12th January in relation to the contingent expenses of the House, the public printing, and matters and things in general, falls into the following not very chaste or classical expressions:

"'That report broke up the nest, probed the old sore, and 'laid bare the corruption of that department. I do not know 'that all the foul matter has run out yet, and that it may not 'yet become more corrupt than ever. There are some other 'departments which I should like to see probed. There are 'your land offices and your Indian bureaus, which, if all I 'believe is true, are now and have been for a long time fes-'tering with as stinking corruption as ever ulcerated the 'Post Office,' &c. 'Sir, twenty-five thousand copies of that 'report were not half enough for a population of twelve mil-'lions. It told a tale of corruption where all should be as 'pure as the air of your mountains in a republic. Would 'that I could believe it would produce a real *bona fide* reform, 'such as party politicians hold up to the desire and expecta-'tion of the people; not a reform merely to turn out and put 'in, but a radical reform—a cure—a healing of the disease. 'It did all it could do: it informed us of the disease; it let 'out some fetid matter. But I fear it exposed a most fear-'ful character of the disease—I fear it is the king's evil on 'the body politic! It is not always to cure to become in-'formed of a malady. You may stop up one rat-hole, sir, and 'they will gnaw another. You may cicatrize one old sore, 'and another will break out on some other part of the body.'

"A little too much of this *corrupt* style."

He, however, had not been deterred from doing his whole duty, for which he received the thanks of the pure and patriotic of all parties.

What Mr. G. meant by these references was, simply to show the dangerous tendencies of Executive power, and the impropriety, manifest as it was, of enlarging, by means of the indiscriminate use of the veto, that power, now too great for a republic.

But he had already consumed more time on the subject of the veto than he intended to do when he commenced his remarks. He wished now to call the attention of his Northern friends, and particularly the gentleman from Michigan, [Mr. STUART,] who cried out this morning, as did the gentleman from Georgia [Mr. IVERSON] yesterday, Where is the great, good, glorious, and patriotic Harry Clay? To this question he would put another: Where is that sweet little fellow, Martin Van Buren? [Laughter.] Where is the man on whom you of the South once bestowed your suffrages, and who, you said, served you with fidelity? Where, men of Virginia, is the "Northern man with Southern feelings?" His (Mr. G.'s) friends had warned them how they bestowed their confidence on the little Magician; but the Richmond Enquirer called upon them to surrender their fears, and to aid that great exponent of Jeffersonian principles, as he was called, to reach the Presidency. In vain his (Mr. G.'s) friends pointed them to the fact, that Mr. Van Buren had stood up in the Convention of New York as the advocate of free negro suffrage, and in her Legislature as a Missouri restrictionist, and above all, to the equivocal language which he used in relation to the power of Congress over slavery in the District of Columbia. On that subject Mr. Van Buren said expressly, that he should not feel himself safe in pronouncing the opinion that Congress had not the right to abolish slavery in the District of Columbia; yet, when they called the attention of the country to these things, their Democratic friends scoffed at the charge, and said General Harrison was a granny, a coward, an abolitionist, and everything that a good man should not be. They said the same of Mr. Clay, and shed tears, almost, now that he—so good, so pure, so honest—should have failed to get the Whig nomination. Such was the language they used respecting the hero of Tippecanoe and the sage of Ashland. They declared that Mr. Van Buren, though he hailed from the North, was peculiarly the guardian of the South, and that he was the man of their choice rather than the honored names of Clay, Harrison, Bar-

bour, or White, of Tennessee. No, said they, instead of any Southern-born man, give us this Northern man, who has claims because he betrays the North, and thus shows his devotion to the South. But where is he now? They had pushed him by and cast him off, as a gentleman said here yesterday, "like old clothes;" and there was none, not even the gentleman from Michigan, so poor as to do him reverence. Where is the South on this occasion? Where are Southern men who have so often eulogized this man of Kinderhook? I fancy I see them now, at home apologizing for their friend by telling the ignorant that the Whigs have bought him up, and that he is in fact a Whig, always was one, and ever will be, so long as the Whigs have power to carry on bargain, intrigue, and corruption. The Whig party everywhere in the South had cautioned their Democratic friends, but they neglected the warning. They stood by Mr. Van Buren, who was now taken up by the Abolitionists of the North, of whom gentlemen had such a horror, though they had now discovered he was tainted with feelings which they condemned, and that, like *some* other men, he, too, has "*a dough-face.*"

And now he wished to call the attention of the House to some remarks made elsewhere, which related to a subject of great importance to us all. But, first, he would ask the members of this House if they had seen these *two lives* of General Cass which had recently been put forth by his friends. They talked of the Whig party concealing its opinions and the opinions of its candidate, and yet they so mystified the opinions of the man they sustained, by suppressing and interpolating them, that no one under the sun could tell what his opinions are. Ask a Democrat of the North, and he will get a life of Gen. C. designed for circulation in the *North*. Ask one of the South, and you would be referred to his opinions as published in the life designed for circulation in the *South*. As no gentleman in this House had thought proper to call the attention of the country to this fact, he would now do so. He held in his hand two lives of Lewis Cass, printed at the Globe Office in this city, within a short time; and of this General Lewis Cass, on pages seventh and eighth, they were favored with the following, which he himself had headed, "For the South," "For the North," as he had no doubt they were so designed:

FOR THE SOUTH.	FOR THE NORTH.
"In the winter of 1847, the 'Wilmot proviso' was introduced into the Senate as an amendment to the three million bill, by a Federal Senator from New England. The design of the mover was evidently to defeat the passage of the bill to which it was to be attached, and to embarrass the Administration in the prosecution of the war. General Cass voted against the proviso, for reasons given in his speech on the occasion.	
"It was during the sessions of this Congress that the tariff of 1845 and the independent treasury were established. It is not alone to the exclusive General Cass gave to these great measures the weight of the ultra advocate of a hard money currency that the opponents of protection and the enemies of a paper currency are to look for the defeat of those measures. Such men are usually in the pursuit of some theoretical abstraction, which gives them but little influence with practical men. But it is to men of enlarged and liberal views, whose strength of character and influence carry conviction with their action, that the country is indebted for radical and beneficial reforms. General Cass gave to these great measures the weight of his influence and his zealous and unflinching support. At the close of that Congress, General Cass was invited by the Democratic members of the Legislature of New York to partake of a public dinner at Albany, as a mark of their appreciation of his brilliant public services and their estimation of his character as a man. This honor, however, he declined. In December, 1847, General Cass gave his views at length upon the 'Wilmot proviso,' in a letter to Mr. Nicholson, of Tennessee. In that letter he avowed himself opposed to the measure, and to the exercise of any legislation by Congress, over any of the Territories of the United States, respecting the domestic relations of their inhabitants. He believed that all questions of that nature should be settled by the people themselves, who ought to be allowed 'to regulate their internal concerns in their own way,' and that Congress has no more power to abolish or establish slavery in such Territories than it has to regulate any other of the relative duties of social life—that of husband and wife, of parent and child, or of master and servant. He said, in conclusion: 'The Wilmot proviso seeks to take from its legitimate tribunal a question of domestic policy having no relation to the Union as such, and to transfer it to another, created by the people for a special purpose, and foreign to the subject-matter involved in this issue. By going back to our true principles, we go back to the road of peace and safety. Leave to the people who will be affected by this question, to adjust it upon their own responsibility and in their own manner, and we shall render another tribute to the original principles of our Government, and furnish another guarantee for its permanence and prosperity.'"	"It was during the sessions of this Congress that the tariff of 1846 and the independent treasury were established.—and unflinching support. At the close of that Congress, Gen. Cass was invited by the Democratic members of the Legislature of New York to partake of a public dinner at Albany, as a mark of their appreciation of his brilliant public services, and their estimation of his character as a man. This honor, however, he declined."

Here were pamphlets, then, which were intended for sectional circulation, in all respects identical with each other, except as set out in the extracts read. Talk about tricks; about sneaking into power unworthily! Where was so palpable an attempt to do so as here, in this detected instance? He did not charge on gentlemen on this floor that they did it. He would not apply such language to them, though there were men who, to advance their purpose by the election of General Cass, were base enough to do it, as was shown to the satisfaction of all. He called upon gentlemen to notice the facts, but he impeached the motives of none. The country would see that, in the Southern Life, assurances of support to Southern institutions were given, (just such as Mr. Van Buren gave.) Extracts were given from the Nicholson letter, which was deemed of so much importance as to have been *called out by a letter addressed to General Cass by Southern gentlemen on this floor.* Yet, important as it was, giving his peculiar views, as it did, it is shamelessly suppressed in the Life intended for the *North*, where these opinions were known to be unpalatable. Could not the most blind, the most ignorant see that an attempt is made at deception? And, he asked, is there a single member of this House who could stand up in his place and defend such an act? In the country he hoped there would be none, and that every honest Democrat would repudiate at the polls the man with the "*two dough-faces*" thus attempted to be played off upon them.

But gentlemen had called upon the Whig party to tell the country what their principles were; what they go for, and what was their platform. He would tell those gentlemen, and the country would tell them, that, if they had no other than that of unyielding, unchanging opposition to the increase of Presidential powers, and the corrupting increase of the patronage of this Government, they would have a platform *broad enough* for all Whigs to stand upon, and on which they would stand, with many honorable spirits with whom gentlemen opposite were now associated. He saw the signs of the times in the Old Dominion; he saw that there were men with the independence and the boldness to come out and disavow the acts of those with whom they had been united, and who avowed that they would not support any man whose friends put forth two books to make known his opinions, as they professed, while those opinions were artfully suppressed in one of them. They had asserted that General Taylor was afraid to avow his principles; while here was a document from the office of their own party press which showed satisfactorily that they were afraid of the opinions of General Cass. He called their attention to the speech of the talented Yancey, of Alabama, a member of the Cass Convention, who said, in his nomination the South had been betrayed. If they would not hear such men, they would not believe though one rose from the dead. He put it to them if they could or would discredit that young, honorable, and talented man? He (Mr. G.) had had the honor of serving with him in this Hall, and he therefore knew how to appreciate his statements. He already had taken the alarm. He saw that there was danger brooding; and now, as they were called on in 1840, he (Mr. G.) appealed to them to look to their rights, and not to fold their arms until the danger was over: not until 1852, when the election might come on again, and when General Cass might be thrown aside, as Mr. Van Buren had been, when he, too, as it was now discovered by his Democratic friends, had two sets of opinions, the one for the South and the other for the North.

Mr. McCLELLAND said he had taken some two or three thousand of the first edition of the life of General Cass, containing the extract relative to the Wilmot proviso, and had circulated them north of Mason and Dixon's line.

Mr. GOGGIN hoped the gentleman would excuse him. He did not wish to be interrupted. He had not questioned the fact which the gentleman had stated. He wished now to call the attention of gentlemen to another point.

Mr. INGE rose and made an observation which was inaudible at the reporter's desk.

Mr. GOGGIN said he did not wish to be discourteous, but he preferred not to be interrupted, for he had but a very short portion of time remaining. He had not charged Mr. Yancey with being a supporter of General Taylor, if that was what the gentleman had said. He never thought such a thing. But he knew one thing, and that was, that Mr. Yancey *would not support Lewis Cass.* What he had to say he wished to say to the gentleman from Michigan, [Mr. McCLELLAND,] who was here the champion of General Cass, and on all points of order when raised, and in managing the business of the House, he would do him the justice to say that he deserved great credit; he had that talent which he (Mr. G.) almost envied.

Mr. McCLELLAND took exception to the remark of the gentleman from Virginia, and was understood to say that he was not in the habit of raising points of order, though he might have taken part in the discussions on those raised by others.

Mr. GOGGIN had admitted that the gentleman was happy on points of order when raised. He intended no reflection on the gentleman. He had thought he was complimenting the gentleman. [A laugh.] But to return to what he was about to say. When this bill was under debate yesterday, the gentleman had taken the floor, and was reported as saying:

"Mr. McCLELLAND remarked that the gentleman had spoken of this provision for the Savannah river having been voted on several times, and of the Committee of Ways and Means being sustained by the House. Now, he wished to ask this question: In Committee of the Whole, had not the Whigs voted against the appropriation contained in this item, and then recorded their votes for it in the House."

That was what the gentleman said the Whigs had voted against in committee.

Mr. McCLELLAND and others rose, and desired to make observations.

Mr. GOGGIN said gentlemen no doubt voted as they said; he did not question the fact; but, strange as it seemed, in the instance alluded to, *the Whigs*, as the gentleman said, voted against the appropriation in committee. How this was, he did not know; they had generally voted for it in the House, and so stood on the record. This they did no doubt because they had seen the propriety of the improvement, which was actually recommended *by the Secretary of War and endorsed by the President.* They might have given this vote in the House, too, with the fullest confidence that gentlemen on the other side would stand up to what they had just pledged themselves in the following resolution, which had been passed by that very body but a few days since:

"*Resolved*, That the Constitution of the United States vests in Congress the power to appropriate money to open and improve harbors and remove obstructions from navigable rivers, *in all cases* where such improvements are necessary to the protection and facility of commerce with foreign nations, or the commerce among the States."

This resolution passed this House by a vote of 128 to 58; the gentleman and 26 of his party voting for it, while 24 of them did not vote at all. Had not these, he would ask, had not other gentlemen, given evidences of changes of opinion? And when gentlemen talked about changes in the committee, they should look, too, to the House.

He wished now to show what were regarded as Whig principles by a large majority of the people in 1839. There was an extract of what appeared in the Richmond Enquirer in 1839 as the Whig doctrine generally referred to, and copied by Thos. Ritchie, Esq., who was known to gentlemen on this floor, from another paper, the Nashville Banner:

"With the editors of the Richmond Whig, we hold that *all are Whigs who go for a change of rulers*—who are in favor of reforming abuses—of limiting Executive power—of retrenching the immense annual expenses of the Federal Government, increased by the *economical* Democrats from *thirteen* to *forty* millions—for rescuing the national domain from the fund of Executive patronage—for suppressing the interference of office-holders with the freedom of elections: in fine, we hold that all are Whigs who are for arresting the gigantic strides of Government towards despotism, and the tendency of its electioneering policy to introduce universal corruption. *Mr. Rives is an eminent Whig of this stamp. We trust by all means he will be reelected.*"—*Nashville Banner, January* 24.

Here, then, were what were said to be Whig principles in 1839, and yet the gentleman told them that in 1840 they had no principles, their cry being log cabin, hard cider, and coon skins. Mr. G. said he had stood upon this platform then, with other

great questions at issue also—as the bank, tariff, and distribution. The gentleman nevertheless asked them why they did not now come up to their principles of 1840. Why, if they had no principles in 1840, how could the gentleman expect them to avow them now?

Mr. STUART said he did not ask them to come up to their principles of 1840. He knew they had no principles, and therefore he could not have asked them to come up to them.

Mr. GOGGIN. The gentleman must excuse him. The House remembers, I dare say, what the gentleman said about hard cider, corn-dodger songs, coon skins, &c., all very good in their way, and the gentleman need not sneer at them now that the White House and its intended occupant is the subject of his thoughts. He had but a moment left.

It had been contended by some that because General Taylor had that modesty which some in this House possessed not in so eminent a degree, [laughter,]—he meant no personal allusion—because General Taylor said he had not studied these subjects, because he had not made himself acquainted with politics while he was fighting the battles of his country, though he was at the same time writing with his sword its history, so far as it was connected with the glorious events on the Rio Grande, at Palo Alto, Resaca de la Palma, Monterey, and Buena Vista—because he was doing this, and was pursuing the honor and glory of the country, gentlemen said he was too little of a statesman, and——

The SPEAKER cut short the gentleman with his sentence unfinished, by the announcement that his hour had expired.

Mr. THOMPSON, of Mississippi, then said: It is apparent to every member on this floor that the civil and diplomatic bill must pass and become a law before this session adjourns. But the position in which we are now placed is unprecedented, and will astound the country. The majority of this House have inserted into this bill provisions which render it impossible for a large minority to vote for its passage. But that majority having thus amended the bill and made it obnoxious, refuse to pass the bill known to be absolutely necessary to the well-being, if not the very existence of the Government. An effort seems to be made to force members to violate their conscience, or leave the public officers without support. The whole civil list is to be starved out, because honorable Representatives will not sustain an appropriation to remove obstructions in the Savannah river, in violation of their well-known and declared opinions. For one, I shall remain immovable, be the consequences what they may. I have an abiding confidence in the good sense of the people to comprehend and appreciate this movement.

I hope, if the bill passes in its present shape, the President will withhold his signature. I hope he is not to be moved from his principles by the fear of starvation. I believe that he will not acquiesce, under duress, in the adoption of a measure which would not receive his sanction when left free to exercise the discretion which has been secured to him by the Constitution. I believe in the President's firmness. He has given the country too many evidences of its existence now to be doubted.

But is this movement made to provoke a veto, and thus render obnoxious and unpopular this provision of our Constitution? I hope it is not, and yet I fear it is; and therefore the pending Presidential election, in all of its consequences, opens before us. We cannot avoid the discussion if we would, and I would not if I could.

In November next, the people of this Republic will assemble at the ballot-box to select another Chief Magistrate of this Confederacy, for the four years ensuing the fourth of March next. That selection, we all admit, will have a decisive influence on the future policy of the Government. It is impossible, in the very nature of things, that it should be otherwise. Our Government is not the result of force, but of opinion. It is based, not in the fear and dread of power, but in the affections of the people. It is maintained, not by large standing armies and powerful navies, but by the intelligence, virtue, and patriotism of the masses. In such a Government, and among such a people, individual men sink into insignificance, are of no consequence, and principle becomes everything. Where there are eighteen to twenty millions of persons, all entitled to the same political rights and privileges, all having a like interest in a common country, it is absurd to suppose, that in their selection of men to discharge the duties of office for the common good and the general welfare, friendship for individuals, a disposition to honor a man irrespective of his fitness for station, or his capacity and experience, will control the action of the voter.

We have received from our fathers a Constitution as remarkable for its wisdom as for its adaptation to our necessities. It is the sheet-anchor of our hopes; and with one accord, all parties cling to it as the ark of our political salvation. As to the proper policy to be pursued under this Constitution, so as to maintain the rights, advance the interest, and secure the common weal of all, parties have been formed and kept up ever since the days of Washington. They first arrayed themselves under two great leaders, Jefferson and Hamilton, both members of Washington's cabinet, both patriots, and both aiming at the same great end—the perpetuity and advancement of a common Government.

For one, sir, I do not believe this formation of parties has been deleterious to the prosperity of this great Republic; nor do I believe the future existence of parties in this country, formed under the Constitution, and based upon principle, to be an evil, nor that it can, by possibility, operate to our prejudice or disadvantage. The vigilance of the defeated party will ever secure industry, fidelity, and honesty in the officers placed in power by the successful party. The people compose the grand inquest of the nation, before which all must appear at stated and fixed periods; their virtue and their intelligence are our sure guarantees—where error is harmless, when truth is left free to combat it; their verdict is given through the ballot-box, and from their decision there lies no appeal.

But when parties degenerate into faction; when principle and policy are merged in a blind admiration of a great leader; when the blaze of military glory shall dazzle the eyes of the multitude; when "the pride, pomp, and circumstance of glorious war" shall lead captive our people, and they shall be called upon to confer office upon a successful chieftain, "without a why or wherefore,"—then will a party, formed on such a basis, become the bane and curse of the nation; then will we begin that career which leads us, as it has led all other Republics which have preceded us, to inevitable overthrow and destruction.

Whenever the cry over the ballot-box shall be, "*aut Cæsar aut nihil*," and it shall prevail, then is the destruction of our liberties nigh at hand. The people will require a ruler, and a Cæsar will be found. The watchword of the friends of Louis Napoleon, which has produced such consternation in France, and has been so much ridiculed in this country—"Am I not the nephew of mine uncle?"—will be as sensible as the cry raised in this country in behalf of one of the Presidential aspirants, Am I not a mighty man of valor? and none shall stand who opposes my triumph.

But the time is not yet; our Republic has not yet revolved around its cycle of greatness. The people will reject this appeal to their passions instead of their reason and judgment; and the result of the approaching election will, in my opinion, terminate in the dissolution of the Whig party, and the permanent establishment of Democratic principles.

Major General Zachary Taylor, now commanding the western division of the United States army, is the nominee of the National Whig Convention, and of course is the Whig candidate for the Presidency. For forty years he has been in command in the standing army of the United States; and for that period, having been set apart from the great body of the people, he has never exercised that greatest and highest privilege of a freeman, the right of suffrage; and has therefore taken no part in the struggles of our countrymen in maintaining sound principles, and in advocating and furthering those great measures which have contributed to our remarkable prosperity and rapid advancement in all the arts of peace. His action has not been associated with the great body of the people, nor has he manifested any sympathy with the masses.

General Taylor has been all the time in command, and has been accustomed to that absolute authority by which he saith to one man, Come, and he cometh; and to another, Go, and he goeth. His will, not the wishes or interests of those around him, has been the law of his conduct. He has never occupied any other than a military position, which must have led him, from its very nature, to desire and favor a strong and arbitrary government, with the largest powers consolidated in the common centre. He has never held office under a sovereign State, and of course has never studied the nature of our complicated and well-balanced system of government, having a General Government, with defined, limited, delegated powers, and sovereign States, with reserved rights; nor has he familiarized himself with the thousand and one difficult and intricate questions arising out of our extended foreign relations, and the conflict of jurisdiction and of right springing up under the Constitution. He is a soldier, a lucky and fearless soldier, I admit; but still no less the mere soldier. He has no civic triumphs; he has originated or successfully advocated no great measure which has promoted the interest or secured the happiness of his country. He has been identified with no leading policy. Even the Mexican war, which has been conducted so brilliantly and terminated so successfully, in which he has gained all of his glory, does not meet his approbation, if his adherents are the true exponents of his views.

Again and again has he repeated, that in no case can he permit himself to be the candidate of any party, or yield himself to party schemes. He says, in his letter to Mr. Delony, of Louisiana, "that it is a right inherent in every freeman to possess himself of the political principles and opinions of those into whose hands the administration of the Government may be placed." Yet, in that very letter, when interrogated "as to the justice and the necessity of this war with Mexico, on our part," he replies: "from my duties and the position I occupy, I do not consider it would be proper in me to give any opinion in regard to the same."

A major general in the American army, engaged in an active and hazardous campaign against a foreign enemy, daily invoking Heaven to defend the right, and punish the wrong, feels a delicacy, deems it inexpedient, to give his opinion as to the justice of his country's cause! I challenge the history of warriors, from the beginning down to this instance, for a parallel case. A soldier, a major general in command, daily and hourly risking his reputation voluntarily in the service, and yet cannot say whether there is any justice or necessity, on the part of his country, for all the calamities of war! So much from a candidate for the Presidency, who is to be elected because he is "the honest man;" leaving the inference, that he is the only honest man in the Republic.

In the same letter, when asked as to the necessity of a national bank, and as to the effects of a high protective tariff upon the country, he replies:

"I am not prepared to answer them. I could only do so after duly investigating those subjects, which I cannot now do."

Here he inadvertently observed one of the great fundamental principles of elocution—when you know nothing, say nothing. This letter presents a strange compound: First, he asserts that every freeman has a right to know the opinions of candidates for office: Second, as to the justice of the war, he cannot give an opinion; as to bank and tariff, he has no opinion: Third, he "is no politician:" Fourth, if the people elect him Chief Magistrate, he will serve them; which all men accustomed to public life understand to mean, in plain parlance, I am a candidate, and would be pleased to be elected.

This letter was written June 9, 1847. Afterwards, August 3, 1847, he writes his celebrated letter to the Hon. J. R. Ingersoll, in which he avows himself "a Whig; not indeed an ultra partisan Whig, but a Whig in principle." Here he shows an astonishing improvement in political knowledge in a few weeks. But the sentence which follows, shows conclusively, to my mind, that this letter-writer, who assumed the name of Mr. Ingersoll, had misled and deceived General Taylor, and had thrown him into a passion. He adds:

"And after the discussion which occurred in both Houses of Congress, at the last session, growing out of the capitulation of Monterey—in which discussion you thought proper to defend my conduct in regard to that transaction, when assailed *somewhat, if not entirely, on party grounds*, in the House of which you are a member, for which you have my sincere thanks—which was done in such a way by those who disapproved that measure, I can hardly imagine how any one who was present, and heard the speeches on that

occasion, or read them after they were published, could well mistake the complexion of my politics."

I take it for granted, that General Taylor was imposed upon in this matter by some designing man. But I call upon gentlemen to mark this lucid passage. What is the idea conveyed in it—some Democrats, "on party grounds," had disapproved of the capitulation of Monterey? This was taking ground against him; and after that, no one that knew him "could mistake the complexion of his politics." Here the vindictive and intolerant spirit of a man long accustomed to command, unused to tolerate disobedience, and impatient of contradiction, manifests itself. But if this discussion made him a Whig, then I can say that Whigs are of easy manufacture. But when General Taylor discovers the fact, that not a single Whig in the whole land is willing to defend the terms of that capitulation, on the grounds on which he placed it in his official report, which had been laid before Congress, by the same process of reasoning, "the complexion of his politics" will again become doubtful.

When that discussion took place, we had before us the official report; the capitulation and the correspondence which had passed between General Taylor and General Ampudia; and also the fact had been made known that the President had disapproved of the armistice, but the reasons for disapproval were not made known. Upon these papers and facts, members of Congress formed and expressed their opinions.

In order to a full understanding of this subject, let us recapitulate the facts. On the morning of the 19th of September, 1846, he encamped at the Walnut Springs, near Monterey, with an army less than seven thousand strong. On the morning of the 20th, the fighting began, which was continued for three days—21st, 22d, and 23d—with the most astounding courage and unexampled daring by our troops. There is not an American citizen living who does not feel proud of his country when he reviews the good conduct of our army during those three memorable days. On the night of the 23d, at nine o'clock, General Ampudia sent a message to General Taylor, saying, "As I have made all the defence of which I believe this city capable," &c., "I propose to your Excellency to evacuate the city and citadel, taking with me the *personnel* and *materiel* of war which is left." On the next morning, at seven o'clock, General Taylor replied: "In answer to your proposition to evacuate the 'city and fort, with all the *personnel* and *materiel* 'of war, I have to state that my duty compels me 'to decline acceding to it. A complete surrender 'of the town and garrison—the latter as prisoners 'of war—is now demanded."

On this day, General Taylor said "he felt he had the city in his hands."

The result of the above correspondence was a personal interview between the Generals, the appointment of commissioners to arrange the terms of the capitulation, and the agreement that the Mexican army should retain their arms, with twenty-one rounds of ammunition, march out of the city with the honors of war, and that there should be an armistice of eight weeks' duration. This was a great falling off from the first demand.

And what were the reasons assigned for this utter sacrifice of advantages so great and so dearly bought? Not that "every military man must admit, 'who has seen the ground, it was impossible to 'invest Monterey so closely as to prevent the 'escape of the garrison;" not "the consideration 'of humanity was present in my mind during the 'conference which led to the convention, and out-'weighed, in my judgment, the doubtful advan-'tages to be gained by the resumption of the attack 'upon the town;" not "at the date of the surren-'der of Monterey, our force had not more than 'ten days' rations."

These reasons were after-thoughts, urged upon a re-argument of the case. These were military reasons, and none are so good judges of their soundness as military men.

But be it ever remembered and kept in mind, that the only reasons laid before Congress were contained in General Taylor's official report, in these words:

"It will be seen that the terms granted the Mexican garrison are less rigorous than those first imposed. *The gallant defence of the town, and the fact of a recent change of Government in Mexico, believed to be favorable to the interests of peace,* induced me to concur with the commission in their terms, which will, I trust, receive the approval of the Government. *The latter consideration also prompted the convention for a temporary suspension of hostilities.* Though scarcely warranted by my instructions, yet the change of affairs since those instructions were issued, seemed to warrant this course. I beg to be advised as early as practicable whether I have met the views of the Government in these particulars."

Here is the whole argument in behalf of the terms of the capitulation, by which an entire hostile army was released, and an eight weeks' cessation of hostilities conceded to them.

Mr. BARROW here interposed, and said that he understood the gentleman from Mississippi to say that not a single Whig was willing to defend the capitulation. Now, he would say he was ready to defend that capitulation, and had always done so.

Mr. THOMPSON continued. The gentleman from Tennessee is not exactly correct. I do not, nor have I said that there is no one found to defend the capitulation. I know to the contrary. But I have yet to find the man who defends the terms of the capitulation, for the reasons furnished in General Taylor's official report, and particularly that portion of the capitulation which ever gave rise to any discussion—the armistice. The sole reason for that was, the supposed change in the Government, believed to be favorable to the interests of peace. Will any one now defend that part of the capitulation? I insist that those who abandon the reasons here given for the terms granted the Mexican garrison, are themselves the censurers of General Taylor. They accuse him of an effort to palm upon the country, as a glorious victory, an indecisive battle.

General Taylor insists, in the only report which was then known to Congress, that these favorable terms were granted *ex gratia*, not *ex necessitate;* speaking as he said he felt, that "he had the city in his hands." But the "gallant defence" the Mexicans had made of the city had won upon his generosity; and "the fact of a recent change of Government in Mexico, believed to be favorable to the interests of peace," had misled him, and caused him to think it unnecessary to insist upon rigorous terms. It even led him to an agreement to suspend hostilities for eight weeks, in order that all the anticipated advantages of this change might be realized.

The change here referred to was the return of Santa Anna from banishment, to take command of the Mexican army. This fact, this return of Santa Anna, was the basis upon which General Ampudia practised his deception upon General Taylor, and humbugged him into an acceptance of his own terms. That General Taylor was unconsciously deceived and taken in by the Mexican General, I do not question; but still he was taken in by the stratagem; still Ampudia had told him a falsehood, a downright and, to us, palpable falsehood; and General Taylor shows by his report he believed the story, and acted on the falsehood as a fact. I have always regarded this as a trick of war, and this trick for the time answered Ampudia's purpose.

It is asserted that Santa Anna tricked the President of the United States, and secured from him a pass into Vera Cruz, on the ground that the fact of his return would produce a change in the Mexican Government "favorable to the interests of peace;" and from General Taylor's own statement, it is evident that the fact of the return of Santa Anna had produced a change in the Government which he "believed to be favorable to the interests of peace," and on this belief he acted. I am not surprised that General Taylor was deceived; but I am surprised that the friends of a man who boastingly say, "Oh, he shrinks from no responsibility," should endeavor to deny the fact, when he admits it himself, and to vindicate his course, for reasons never furnished till the enemy was gone, and he had discovered the stratagem.

It must be observed that General Taylor, in making his return of this transaction, does not raise any military question. He does not say, as he afterwards alleges, that "it was impossible to invest Monterey so closely as to prevent the escape of the garrison;" "the consideration of humanity was ever present in his mind;" "that his force had not more than ten days' rations." These may have been his actual reasons; but it was a misfortune, and a great omission, not to have given them at first to the department and to the Government. Those reasons would have confined the discussion of this subject to men whose profession is arms. But when he decides every military question by having it understood that the city was in his hands, and that a sound and wholesome policy dictated the lenient terms to the garrison, and the armistice, he must have known he was entering a field where every politician felt himself his equal; in the same light as every juror feels himself equal to a judge in finding the facts of a case, after the law of the case has been expounded and decided.

At the time of the discussion to which General Taylor alludes, as giving an unmistakable complexion to his politics, it was known that the reasons furnished by General Taylor were not satisfactory to the President, and that a discontinuance of the armistice had been ordered. It then soon became apparent that the popularity of this military chieftain was to be brought into the canvass, for the purpose of effecting political objects. The most ruthless and violent assaults were made upon the Administration. General Taylor was supposed to be immeasurably strong with the people, and that chord was to be played upon. The President, who had conferred honor after honor upon General Taylor, till his brow was freighted with military laurels, was charged with a design to disgrace and destroy him before the people. The attacks upon the Administration, though groundless, were kept up with briskness and spirit.

On the 30th of January, 1847, after two-thirds of the short session had passed away, and after many members had expressed their disapproval of the armistice, the celebrated joint resolutions of thanks to General Taylor were brought forward. The rules of the House were suspended, (myself voting in the affirmative,) and the battle of Monterey was denominated "a most brilliant victory." That expression met my concurrence. And it "reflected imperishable honor upon our arms:" in that I concurred. But these facts made the more apparent to me the conclusions to which my mind had previously arrived, that the stratagem of Ampudia had robbed our army of the fruits, the legitimate fruits, of a hard-fought battle and dearly-bought victory.

But while I was willing to applaud the fighting at Monterey, I was not willing to give a vote which excluded me from the opinion I had previously expressed as to the terms of the capitulation. It was here I had the honor to propose the proviso which has drawn down upon me much unnecessary and unjust remark: "*Provided*, That nothing herein contained shall be construed into an approbation of the terms of the capitulation." It was accepted by Mr. FARAN, of Ohio, as a part of his amendment, which declared the war in which we were engaged to be a just and necessary war. The previous question was immediately moved and sustained. Mr. Leake, then a member from Virginia, rose and requested me to insert after "approbation," the words "or disapprobation." Immediately I arose and asked permission to do so; not because, as I said, I deemed it necessary, for that was the meaning of the proviso as it stood; but to prevent any misconstruction of the purpose, as it was intended to withhold any expression of opinion on the subject of that negotiation. The amendment could only be made by universal consent, and that was refused by the Opposition. The vote was taken, and the resolutions, as amended, adopted. In the excitement of the moment, a motion was made to strike out of the title "thanks," and insert "censure." The ayes and noes were called, and but one man had the nerve to vote in the affirmative. The mover of the amendment himself dodged the vote, and could not be brought to enter of record a vote so much against good conscience.

Such is a concise history of this celebrated proviso, out of which so great a humbug has been attempted; and I now declare that, under the same circumstances, with the same state of facts, I would again pursue the same course. What was done was not unjust to General Taylor, because he acknowledged, by clear implication, in his report, that he had been humbugged by General Ampudia. The facts did not exist upon which he based his action. He made the armistice because "of the fact of a recent change in the Mexican Government, believed to be favorable to the interests of peace." But when he ascertained that this change, instead of being favorable to peace, was adverse to peace, every candid man would think he would have been against the armistice.

Immediately after these joint resolutions passed, in which Congress had withheld any expression

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of opinion as to the terms of the capitulation, I had the honor to offer a resolution, calling for all the correspondence between the Department and General Taylor; which was adopted. In this correspondence I found the letter of the Secretary of War, in which he gives his reasons for a disapproval of the armistice, so fully, so ably, and, to my mind, so satisfactorily, that I will read it:

"WAR DEPARTMENT,
"*Washington, October* 13, 1846.

"SIR: Your communications of the 22d, 23d, and 25th ultimo, detailing the operations of the army under your immediate command at Monterey, have been received. The skill, courage, and gallant conduct displayed on that occasion by the troops under your command, both regulars and volunteers, have added glory to our arms, and merit from the Government and people of the United States the warmest expressions of gratitude and praise.

"In relation to the terms of the capitulation of Monterey, the President instructs me to say, that he regrets it was not deemed advisable to insist upon the terms which you had first proposed. The circumstances which dictated, doubtless justified the change. The President, uninformed of these circumstances, does not know in what degree the recent change in the Government of Mexico may have contributed to this result. Certain it is, however, that the present rulers of that Republic have not yet given any evidence that they are 'favorable to the interests of peace.' Of this you will have already been informed by my despatch of the 22d ultimo.

"The Government did not contemplate, as you will perceive by the tenor of the despatches from this department, that there would probably happen any contingency, in the prosecution of the war, in which it would be expedient to suspend hostilities before the offer of acceptable terms of peace.

"In my despatch of the 22d ultimo, which had not reached you when you entered into the arrangement with General Ampudia on the 25th ultimo, there are considerations and facts stated which render the continuance of the armistice extremely embarrassing. As the offer recently made by the United States to open negotiations for a peace was not acceded to by the present rulers of Mexico, but reserved to be submitted to and acted on by a Congress to be assembled on the 6th of December next, it was deemed by the Government here highly important that the war in the mean time should be prosecuted with the utmost vigor, to the end that they might be made sensible of the evils of its continuance, and thereby become more inclined to bring it to a speedy close. In pursuance of this policy, an expedition was proposed, in my despatch of the 22d ultimo, for the purpose of taking possession of the entire department of Tamaulipas; and, under the belief that it would not interfere with your plans and operations, no doubt was entertained that it would receive your concurrence and support. In anticipation thereof, measures have been already taken to carry it out at the earliest practicable period.

"By the arrangement you have made for a temporary suspension of hostilities within certain limits of the enemy's country, if continued to the end of the time stipulated, a considerable part of Tamaulipas will be exempted from military operations until within a few days of the time fixed for the meeting of the Mexican Congress, and the expedition thereby delayed, or, if prosecuted by the land or naval forces, might bring into question the good faith of the United States.

"In the despatch before referred to, you will perceive that an attack by our naval force upon some places on the coast of Tamaulipas is also contemplated. Whatever may be the advantage or the necessity of the coöperation of a land force, it must be withheld until near the close of November, if the armistice is continued to the end of the stipulated period.

"The Government is fully persuaded that if you had been aware of the special reasons disclosed in the despatch of the 22d ultimo, and the intentions of the Government still entertained, you would not have acceded to the suspension of hostilities for even the limited period specified in the articles of capitulation; but as its continuance depends upon the orders of your Government, you are instructed to give the requisite notice that the armistice is to close at once, and that each party is at liberty to resume and prosecute hostilities without restriction."

If the approval of this letter and its reasoning is a censure upon General Taylor, then I, in common with the Secretary of War, do censure him. The world know, according to the statement of General Taylor himself, that he was deceived, and the world have independence enough to speak out their sentiments. It is base treason to our institutions to resign our right of thought and speech. Members on this floor do not blush to pronounce the President of the United States, the commander-in-chief of our army and navy, a traitor, usurper; Polk, the mendacious; an administration of "dwarfish talents and gigantic vices; to falsely denounce General Cass, the candidate of the Democratic party for the Presidency, as fraudulently obtaining money from the public treasury, whose whole life has been spent in a zealous, honorable, and faithful discharge of the public service; as the hero of Hull's surrender—thus implying that he is a coward, when the history of his whole life shows that he has been equal to every emergency of the service in which he has been placed. And is General Taylor, the candidate of the Whig party, above all criticism? Why, in the opinion of some men—

> ——"he doth bestride the narrow world,
> Like a Colossus: and we petty men
> Walk under his huge legs, and peep about
> To find ourselves dishonorable graves."

When Pompey the Great had overun Sicily, driven out Perpenna, and taken possession of the cities, the Mamertines, a class of citizens living in Messina, when summoned, refused to appear before his tribunal or acknowledge his jurisdiction, claiming exemption by an ancient privilege received from the Romans. Pompey's answer was significant, and illustrative of the present efforts to frown down all inquiry into the course pursued by a victorious general. He said, "Will you never have done with citing privileges to men *who wear swords?*"

On the return of this same distinguished general from a brilliant campaign in Africa, he demanded a triumph. The Roman Senate at first refused, on the ground that the laws did not allow that honor to any person who had not been either consul or prætor; he persisted, and on that occasion used that celebrated expression to Sylla, that "more worshipped the rising than the setting sun." The Senate was humbled, granted the triumph, and Pompey lived to see the whole power and dignity of the Senate swept away by another and more successful chieftain.

I do not believe the day has arrived in this Republic when the people will do otherwise than applaud a member of Congress who dares do his duty, and firmly maintains the right. For myself, I would regard it the proudest honor of my life to be the author of a sentiment which fell from Mr. Clay on a trying occasion to him: "I would," said he, "rather be right than the President of the United States."

I have lately seen, by mere accident, "A Sketch of the Life and Public Services of General Zachary Taylor, published by order of the executive committee of the Whigs in Congress," written for general distribution, in which I find some gross slanders upon the members of the last Congress, and unblushing falsehoods as to myself. I do not object to all the glorifications of General Taylor; his friends are at liberty to impose him upon this country as greater than Alexander, or Cæsar, or Charles the Fifth, or Charles the Twelfth, or Napoleon. Even though they might establish his title to outrank the mightiest warriors that have ever lived, yet my mind would require something more to show his fitness for the Chief Magistracy of this Union. But when my humble name is disparagingly introduced, or that of those with whom I have been associated in action, I will vindicate the truth of history without misgiving, without hesitancy.

First, then, as to the history of the Lieutenant General. Some time in the month of November, in the year 1846, General Scott was ordered to take the chief command of our army in Mexico; and when, in obedience to that order, General Scott arrived in Mexico and took command of our army, General Taylor was neither "dismissed nor disgraced." If that were true, it would then appear that this country belonged to General Taylor, not General Taylor to the country.

On the 25th day of December, 1846, the President urged upon Congress the raising of ten additional regiments, and recommended the passage of a law for the appointment of "a general officer to take command of all our military forces in the field." This officer Congress proposed to call a Lieutenant General. I favored the passage of such a law. And if a war should break out to-morrow, and the President, the commander-in-chief, should ask for the privilege of assigning to the chief command any general officer irrespective of the date of his commission, I would vote for it with cheerfulness, and would consider myself most unjust to hold the President responsible for the good and efficient prosecution of a campaign, and yet deny to him the privilege of selecting the agent to carry out his views and his plans of operation. I advocated it because it was right in itself—right in the abstract—right regardless of any man; and I have no doubt, when the occasion for humbugging with the generals of this war shall have passed away, such will be the general opinion of all parties. In the case of the recommendation above referred to, if any one had a right to complain, it was General Scott. General Taylor could not have been affected, because he had then a separate and distinct command, and no one acquainted with the facts can suppose the intention or expectation was to interfere with Taylor's separate command. Every general officer engaged in the main invading column would have had more justification for complaint than Taylor. Worth, Twiggs, Butler, Patterson, Quitman, Pillow, might have been affected by the appointment of a Lieutenant General, but General Taylor's position would have remained the same, having his separate command, and reporting directly to the department at Washington. The same was true as regards General Kearny. How ineffably contemptible, then, is the effort of this writer of the life of General Taylor, by this "foul, shameless," sweeping charge upon the members of the last Congress, to make capital for him, and to arouse in the minds of the people a feeling that he had been unjustly dealt by and persecuted!

After detailing all the votes on the subject of the Lieutenant General, he says that "the motive for this foul, shameless, and persevering attempt," was "to dismiss, humiliate, and disgrace General Taylor." Again: "Monstrous as this proposition was 'in infamy and injustice, although the President's 'supporters in the House of Representatives 'treated it in the beginning with open contempt, 'they were finally brought, by the force of party 'drill and Executive patronage, to regard it as of 'singular merit and necessity.'" Here is another instance of the manner in which the effort is to be made to elevate General Taylor into the Presidential chair.

This sentence, sir, falsifies history, and renders the author contemptible, by charging a majority of the last Congress of being influenced in their conduct by corrupt means. When the message from the President of the United States recommending the appointment of the Lieutenant General was received, it was referred to the Committee on Military Affairs. Soon afterwards that committee made a report, asking to be discharged from the further consideration of the subject, and moved to lay the message on the table. This motion was adopted without attracting any attention. A motion was made by Mr. HAMLIN, of Maine, to reconsider; and on the next day the vote laying the message on the table was reconsidered—yeas 86, nays 84. The question then recurred on discharging the committee from its further consideration, and laying so much of the message as related to the same upon the table, and failed—yeas 93, nays 97. A motion was then made to refer the message to the Committee of the Whole on the state of the Union, and carried without a division. —(House Journal, 134, 137, 138, 139, 2d session 29th Congress.) Thus the Journal falsifies the charge that "the President's supporters in the House of Representatives treated it in the beginning with open contempt."

Again: This veritable biographer says that "the 'members of that Congress were finally brought, 'by *the force of party drill and Executive patronage*, 'to regard" this measure "as of singular merit 'and necessity." In the next sentence, my own name is introduced as connected with this measure; therefore, I suppose reference is made to me in part. Now, for myself, I pronounce the imputation false and infamous.

This truthful and faithful historian again proceeds: "A Lieutenant General to displace him '(General Taylor) did not seem likely to succeed, 'and hence it was determined to censure him by a 'formal vote of Congress. Here, too, the con-'spirators failed." After referring to the resolutions of thanks as introduced by Mr. COCKE, he proceeds: "This resolution was unexceptionable, 'and opposition to its passage came as unexpected

'as it was unjustifiable. It happened, however, 'that partisan violence was baser than it was 'accredited; and while there was one man so 'steeped in prejudice as to offer, there were more 'than a hundred to vote for the amendment to 'which we refer. That amendment was the handi-'work of Mr. JACOB THOMPSON, of Mississippi."

Here is another specimen of the manner in which popularity is sought to be obtained for the Whig candidate for the Presidency, in holding him up as a persecuted man; and in order to raise General Taylor, it is deemed necessary to rob others of their fair name. It is said General Taylor has no enemies to punish, should he be elected President of the United States. But here this biographer undertakes to point out the "conspirators" who had determined to disgrace him, and whose sins in this respect demand condign punishment. This is the way, I suppose, for a no-party man to conciliate and harmonize all parties.

Now, sir, if to withhold my approbation of that portion of the capitulation which gave the enemy eight weeks to recover his strength, and with new vigor to resume the fight, when that enemy was supposed to be in the "hollow of the hand" of our General, be a censure of General Taylor, then I do censure. If to say I believe that General Taylor entered into that capitulation, by which the operations of our army in Mexico were suspended for eight weeks, when their active services were deemed important, because of "the fact of a recent change of government in Mexico, believed to be favorable to the interests of peace," and that in that fact he was deceived and humbugged, be a censure upon General Taylor, then I do censure, having before me Gen. Taylor's own report—given of course upon honor—to prove the fact. If to say I approve of Mr. Marcy's letter, which ordered the discontinuance of that armistice, one of the terms of that capitulation, be a censure upon General Taylor, then I say I do approve it, and consequently do censure.

But, sir, those who seek to construe the proviso which I had the honor to offer to the resolutions of thanks, into a censure, into an insult to General Taylor, are themselves his greatest enemies, and do him a great injustice; because the authors and supporters of the measure disavowed such an intention at the time, and gave, by their votes on the motion to strike out thanks and insert censure, a cotemporaneous exposition of this proposition; because all the world know, that even if error existed and wrong views had been formed by the members of Congress, General Taylor, by his imperfect and unsatisfactory report, had required Congress to stultify themselves or come to that conclusion; because they insist that the Representatives of the American people have, by that construction, pronounced that here General Taylor committed an egregious blunder, and that judgment stands unreversed; because, by attracting public attention to this matter, instead of making capital for the Whig candidate for the Presidency, it will necessarily produce an opposite effect.

During this session, joint resolutions of thanks to General Taylor for the victory achieved at Buena Vista were introduced into this House; and upon motion made by one of his political friends, [Mr. ASHMUN, of Massachusetts,] there was appended to the resolutions an amendment, that the victory was won in a war "unconstitutionally and unnecessarily commenced by the President of the United States!" Did this convey a censure upon General Taylor? It was not so intended by his friends: yet I think this military chieftain would have felt his cheeks tinge with shame to have read them; for if the war was unnecessary and unconstitutional in its commencement, it was equally unnecessary and unconstitutional in its prosecution; and the war being of this character, he (General Taylor) was the leader of a licensed band of murderers and highwaymen, who had been engaged in the unholy work of shedding innocent blood. He was but a successful buccaneer, or land pirate, skilled in the art of destroying those who had the manliness to stand up and defend their homes, their wives and children. Such honors, though they had been piled up mountain high, won in such a cause, would have paled, dwindled, died before the eternal principles of justice, and right, and truth. Such a resolution, coupled with such a sentiment, would, in my estimation, have dishonored the man and the brave soldiers who had won the victory; and the day will come when all of our countrymen will so esteem it.

If General Taylor be the man I have taken him to be, he would have sworn in anger, for another reason. He was more intimately associated with the commencement of this war with Mexico than any man living. He advised the movement of our army to the borders of the Rio Grande. He, of his own free will and discretion, pitched his tent opposite Matamoros, and pointed his guns so as to bear upon the main plaza of that town. If his small force invited the attack, he was responsible for its weakness, because he had full authority to enlarge it at any time. When all these things flashed across his mind, could he have regarded the resolutions other than a direct personal reflection? If he did not so feel, he is not the man he boasts himself to be, "who asks no favors, and shrinks from no responsibility."

But in the language of this truthful and faithful historian, I cannot say that those who voted for the motion had determined to censure General Taylor, or to mock him, or that they were conspirators, or that they acted from *base*, vindictive, party motives. I am more charitable, and suppose they acted with a due but a mistaken sense of their responsibility to God and their country; and as I know I acted from correct motives, I pronounce the charge of "a determination to censure," false; of being a "conspirator," infamously false; and of acting from "*base*," vindictive, "party motives," superlatively false.

General Taylor is a candidate for the Presidency; his military character is not in the issue. I am willing to concede to him all that sort of merit which his extravagant friends may claim for him. I think he possesses ample military knowledge to answer the purposes of a Chief Magistrate; but I shall oppose his election with zeal and industry, with all the talent and all the influence which I can command; and in doing so, I shall act with a consciousness that I am serving my country and its best interests, preserving and advancing our prosperity, and perpetuating our liberty and our glorious institutions. I shall do so, because I do not believe he possesses the requisite political information and experience. The able civilian and the distinguished general are not necessarily blended in the same individual. A man may be an excellent pilot to a steamboat, and yet know nothing of the steam-engine which propels his vessel. A man may be an accomplished mathematician, and yet be wholly unable to construct a house.

It is no reflection upon General Taylor to say he knows nothing of the civil affairs of Government, because he has lived till he is three-score and five years old without forming and expressing an opinion on those great measures which have divided the people, and which, being carried out, have borne this Government upward and onward to our present proud eminence of prosperity and greatness—an eminence from which we hold out the beacon-light which invites, and guides, and cheers the downtrodden of all the earth into the paths of liberty and republicanism. In this vacancy of mind, he boldly takes his position, flat-footed, upon the milldam, and says: What a majority of these censorious Congressmen shall think, I will think. But unfortunately for this position, if he be elected President, the Constitution will require him to think first. The third section of the second article of the Constitution provides: "He [the President] shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." Our forefathers were silly enough to suppose the people would have the sense and independence to select a thinking man for President—a man with some political principles; and as they had constructed a house for his residence, and required him to be always at his post, it was presumed, as the representative of the whole people, he would see what the true interests of the country required, and therefore they made it his duty to collect and lay before Congress all proper information, to enable them to legislate for the people of the Union, and recommend the adoption of such measures as he might judge *necessary and expedient*.

From the political opinions which have been given out to the country, what kind of a message would General Taylor send to Congress? In the language of the gentleman from New Jersey, [Mr. VAN DYKE,] "Echo answers, 'I don't know.'" [A laugh.] If I should judge from the staple of the speeches of his friends in his behalf before the people, it would run something after this fashion: "'I hold no opinion which I would not readily 'proclaim to my assembled countrymen; but crude 'impressions upon matters of policy which may be 'right to-day and wrong to-morrow, are perhaps 'not the best test of fitness for office. One who 'cannot be trusted without pledges, [*i. e.* without 'opinions,] cannot be confided in merely on ac-'count of them.' General Taylor never surrenders. General Taylor asks no favors, and shrinks from no responsibility. General Taylor eats fat meat on a piece of cold corn bread, and cuts it with a Barlow knife, as Mr. Crittenden says. A little more grape, Captain Bragg! Palo Alto, Resaca de la Palma, Monterey, and Buena Vista!" [A laugh.]

One of the cardinal articles of faith taught now in the new edition of the Whig catechism, is, that "General Taylor never surrenders." His military history proves this to be true; but when you consider General Taylor as a politician, it has no foundation in fact. He has repeatedly asserted that—

"In no case can I permit myself to be the candidate of any party, or yield myself to party schemes." "I shall offer no active opposition to the use of my name in connection with this responsible office, [the Chief Magistracy,] as long as they continue to use it thus, independent of party distinctions." "But, in being thus nominated, I must insist on the condition—and my position on this point is immutable—that I shall not be brought forward by them as the candidate of their party, or considered as the exponent of their party doctrines." "I do not design to withdraw my name if Mr. Clay be the nominee of the Whig National Convention." * * * "It has not been my intention, at any moment, to change my position, or to withdraw my name from the canvass, whoever may be the nominee of the National Convention, either of the Whig or Democratic party."

Look on this picture. Now, on this: the Convention which convened in Philadelphia, in June last, was undoubtedly a party assemblage, composed of Whigs, and Whigs only. The object of the meeting was to select a standard-bearer of their party, and a great representative of their party faith. General Taylor appears before that Convention, and, through the delegates from his own State, solicits the nomination; and, in order to obtain it, authorizes them to make the following statements:

"On behalf of the delegation of Louisiana, I will further state, that General Taylor desires it to be understood, that, in his opinion, his friends who come into this Convention are bound to abide by its decision, and to sustain the nominee 'heart and soul;' that General Taylor recognizes in his friends in this Convention those who have the right to withdraw his name, and will cheerfully acquiesce in such withdrawal."

"General Taylor, we are also authorized to say, will hail with entire satisfaction the nomination by the Convention of any other than himself; *being persuaded that the welfare of our country requires a change of men and measures, in order to arrest the downward tendency of our national affairs.*"

Here is a complete, absolute, unconditional surrender. Alas, poor human nature! As the Psalmist says, "there is none perfect; no, not one." Long had General Taylor resisted every approach manfully and boldly, maintaining his independence of both parties; indignantly scouting the very idea of becoming the instrument, the tool of any set of men, to effect their party schemes. He said, in effect, "Is thy servant a dog that he shall do this thing!" And yet, how is it? This chieftain, who had put Arista and his hosts to flight, who forced Ampudia to beg for quarters, and had scattered the mighty legions of Santa Anna, bows himself, and makes an unconditional surrender of himself and his conscience to King Caucus. To his puissant majesty he says: "You believe 'the welfare of 'our country requires a change of men and meas-'ures, in order to avert the downward tendency 'of our national affairs:' so do I. Now, make me your captain, and the men are changed, and the measures shall be. These Locofocos, who have been fattening out of the public crib, shall be beheaded, and true and loyal subjects of your highness shall be provided for. This abominable Democratic tariff of 1846, which is depriving so many of your faithful friends, the manufacturers, of the rightful profits upon their capital, and under which our sugar planters cannot make more than twice as much as the cotton growers, with the same labor, must be changed, to avert the downward tendency of the country. This independent treasury, which I always thought was a kind of a two-legged treasury, is keeping your most reliable supporters, the banks, out of the rich shavings they could make by the use of the public money; it

must be stricken from the statute-book. It is true, O King Caucus, when I was vexed with Mr. Marcy, I said that this Government ought to take six or seven States from Mexico, and hold them; but since I see that the Locofoco candidate, General Cass, thinks this country might swallow the whole of Mexico and not be materially damaged, he has so far outdone me, I take that back, and say, in the language of the great Washington: 'Why should we quit our own, to stand on foreign ground?' And therefore, like you, O King Caucus, I am for taking no land at all."

Now, General Taylor had not the face, in view of all he had said, to make this speech in proper person, but he appointed commissioners to do so, and when it was done, King Caucus took the whole matter under advisement: "Mr. Clay is a great man, and a man of principle, but, unfortunately, his principles are too well known. If we risk a battle under that leader, his whereabouts is so well known we shall surely be vanquished, and all of our hopes of office will fail. But General Taylor is not openly committed. When asked, What are his principles? we can reply, Did he not fight for his country! When charged with giving aid and comfort to the enemy, we can say: Yes, Old Zack did give them aid and comfort with a vengeance! When asked, What measures will he recommend? we can answer: A little more grape, Captain Bragg! Thus we can effect by indirection, what we cannot do directly. As we have forced him to surrender before he starts, it is very certain we can guide him after the reins of power are placed in his hands." And thus King Caucus decreed General Taylor should be the captain.

I shall oppose the election of General Taylor, because, having never declared his principles, his supposed availability is based upon the hypothesis, that the people, unable to detect the game of deception by which no principles are made to fit every man's principles, will be influenced in their action solely by an admiration for military exploits. I humbly conceive an appeal is made to the passions, and not to the understandings of the voters. An election carried by such influences, degrades our countrymen, and reflects dishonor upon our free republican institutions.

I shall oppose the election of General Taylor, because he belongs to the standing army; that branch of service from which have proceeded those men who have overturned all preceding republics, and were so much dreaded by our ancestors. He now wears his epaulets upon his shoulders, and girds a sword to his side, and is, at this moment, in command of a strong force, subject to his order. I have no objection to men who have won military distinction—such a man as Washington was, or Jackson, or Harrison. But these men were taken from private life, at the time they were run for the Presidency; they had no banded legions to make their elevation dangerous to liberty.

After Washington had evinced military talent in the Indian wars, while yet a young man he returned to private life, and there remained for seventeen years, till he was sent by his own State to the first Congress which assembled in the United States, before they were yet independent. While a member of Congress, he was elected commander-in-chief of the American army; he remained in command only so long as the war lasted, and then resigned his commission and retired to private life, where he remained until he was elected a delegate to the Convention which formed the Federal Constitution. Of that body he was the President, and, therefore, had as much civil as military experience when he was elected the first President after the adoption of the present Constitution. He was first in peace as well as first in war. He was a citizen-soldier; and great as was his worth and purity, I do not believe our jealous forefathers would have called him to the Presidential chair with a sword in his hand.

Jackson, too, was a citizen-soldier. When war's alarms first aroused the patriotism of the country, he threw aside his law books, and shouldered his musket. The peace of his country having been won, he again resumed the duties of his profession: he had been lawyer, judge, Senator of the United States, member of the convention which formed the constitution of the State of Tennessee, and Governor of a Territory, and his civil experience had been far greater than his military.

Harrison had been, at an early day, connected with the army of the United States; but he remained in the army but a short time: he had also been the Governor of a Territory, delegate to Congress, Senator of the United States, a negotiator of many Indian treaties, minister at a foreign court, and, finally, clerk of the court of common pleas in Ohio. He was a civilian; in the opinion of his friends, an orator, a classical scholar, an elegant writer; but he, too, was a citizen-soldier.

General Cass is also a citizen-soldier; he has been United States marshal. When the wild blast of war swept over the North west, he abandoned his private business, and volunteered to fight the battles of his country; and after good service, and after he had been promoted to the office of brigadier general by Mr. Madison, he was appointed and served with distinguished ability as Governor of a territory, as negotiator of many important Indian treaties, accompanied with great hazard, as Secretary of War, as minister at a foreign court, and finally, Senator, of the United States, where his nomination found him, and he immediately retired to private life.

General Taylor, however, has no experience but in arms, and he is the first man in the whole history of the Government, without any civil experience, who has aspired to the highest civil office in the world. Others may do as they will, but as for me and mine, we will resist this untried experiment.

If I had another hour, I would proceed with these reasons, because they could be greatly multiplied; but I discover the sands of my hour are fast wasting away.

When I cast my eye over the map of the world, and compare our happy country with the benighted condition of uncivilized nations, and the troubled state of civilized Europe, I feel proud of that bright flag which floats from the dome of your Capitol, and under whose protection we sit and deliberate in safety. It is associated with every high and lofty feeling—with all that elevates, adorns, ennobles, and dignifies man. It is emblematical of the onward and upward progress of our great Confederacy. It sheds its light and power over "the land of the free and the home of the brave." It spreads its ample folds from ocean to ocean. Under it, our ships plough every sea, and our commerce reaches to every port. Under it, but lately, our army has marched in triumph, from victory to victory, until it proudly waved from the lofty capital of Mexico. An expensive war has been waged till we have conquered a glorious peace, without deranging the business operations of the country, and without a single financial panic. All the arts of peace have advanced, and become more perfect and useful. Improvements in our internal communication have kept up their onward progress; railroads have lengthened out their serpentine tracks, and grappled and cemented the bonds of our Union. Lightning flashes along our telegraphic wires, and friends a thousand miles apart hold converse with each other, as though face to face. Our people are contented, thriving, industrious, cheerful, prosperous, and happy.

What were the great measures which stimulated and secured this result? The wise, just, equal tariff of 1846, and the abandonment of the banking system, and the return to a constitutional currency, and the preservation of the integrity of the rights of the States, by abstaining from the exercise of any power not clearly conferred by the Constitution.

Under such circumstances, the people ask for no change. The people want no change of measures; they do not believe, with General Taylor, "a change of men and measures necessary to arrest the downward tendency of our national affairs." They will maintain the ascendency of those measures, for the establishment of which they have so long struggled; and the ides of November will prove their attachment to those men who have been so faithful and efficient in carrying out their high behests. It is impossible they should build up so splendid an edifice, and, immediately after entering into the full enjoyment of the fruits of their labor, they should turn, and, with ruthless hands, raze this magnificent structure to the ground. Mobs may be fickle; but my confidence is unwavering, that intelligent freemen will stand firm, unflinching, and unmoved; and the result of the pending election will eventuate to the honor, glory, and perpetuity of our institutions.

Mr. BARROW said: As I was accidentally absent yesterday, Mr. Speaker, when the vote was taken by which the civil and diplomatic bill was rejected, I have a desire to make a few remarks upon the motion for a reconsideration now pending; and as I have troubled the House but rarely during the session, I hope this desire will not be deemed unreasonable. I shall endeavor to compress what I have to say into one-half the time allotted to me by a rule of the House.

Had I been present, I should have voted for the bill, although a favorite amendment—that for the repair of the dam in the Ohio river, at Cumberland Island—was rejected in Committee of the Whole. I had cherished the hope, sir, that my amendment would be adopted, as, apart from its great importance to the internal commerce of the valley of the Mississippi, I had long since discovered that a large portion of the Democratic party in this House entertained no "constitutional scruples" as to the power of the General Government to remove obstructions from rivers and harbors. This hope, too, was increased by the fact, that the amendment was similar to the clause in the bill, as reported by the Committee of Ways and Means, by which an appropriation was made for the Savannah river, and that it could be sustained by kindred arguments. The dam in the Ohio river—which, in its present dilapidated condition, has become an obstruction to navigation—was placed there by the Government nearly fifteen years ago, under the administration, too, of General Jackson, a strict constructionist and an anti-internal improvement man, in the opinion of those of the present day who seek to strengthen their own unstable position by the use of a great name. It was never entirely completed, and within a year or two past, it has been so much injured by high floods and other causes, that it has become dangerous to boats passing up or down, while the depth of the channel on the opposite side of the island has been considerably lessened. It is certainly, therefore, an *obstruction*, created by the Government, and which they are bound to abate, either by repairing or removing it. If they will not do the first, let them do the last, and thus place the navigation of this great river in the same condition in which it was before the passage of the act of 1833. To destroy, to be sure, would be much more expensive than to build up; but this may not be considered by the "progressive" portion of the Democracy as a sufficient argument to overcome their "constitutional" objections.

I should have taken these and other grounds, Mr. Speaker, in support of my amendment, could I have had the opportunity of addressing the Committee of the Whole or the House upon it. It was rejected, and though, I thought, unreasonably, I did not choose to vote against a similar appropriation for the Savannah river, as I considered it proper and necessary, and as I trust I shall never be found legislating from feelings of disappointment or spite, or from sectional considerations.

Let us now approach the more general and important points of the subject before us.

A strange spectacle has been presented in this House during the present session. It has been ordinarily the case in the history of parties in this country, that those who professed to coincide in opinion with an existing Administration were found ready to support its recommendations, and that those who were considered the opposition were not depended upon, or looked to, as the means by which these recommendations would be passed. But what have we seen in this House? A large portion, if not a majority, of the Democratic party arrayed in opposition to the recommendations of an Administration which they aided to bring into power, and of which, on occasions when they believe political capital may be made, they are still willing to profess to be the ardent supporters. Refer to the naval and other appropriation bills of the present session, and you will find a large number of the names of gentlemen on the opposite side of the Chamber recorded in the negative. What will you find in reference to the course of the Whigs? That they have stood up like patriots, and sustained, almost to a man, the measures necessary to carry on the Government, even though they were recommended by an Administration for which they had but little cause to entertain either affection or respect. The course of our opponents is the highest compliment that could have been paid to the Whigs. They would not have ventured to vote to withhold the necessary supplies, had they not believed that this side of the House would not permit a factious or disorganizing spirit to interfere with the duty of legislators and patriots. Let

them play the demagogue as they might, they knew that the Whig party would not sacrifice or disregard the interests of the country, and that they would be ready to sustain the recommendations even of this Administration, when they thought those interests demanded it. How loudly does this conduct of our opponents speak in favor of the conservatism and liberality of the Whig party!

I am reminded, Mr. Speaker, by my friend from North Carolina [Mr. BARRINGER] of another fact. The Whigs have been denounced upon this floor, and throughout the country, as "traitors," because they were not ready to vote for everything the Executive demanded, to carry on his schemes of conquest; and because, among other things, they refused to place ten additional regiments at his control, when every breeze from Mexico bore the glad tidings of the prospect of peace. Yes; even then, because they were unwilling to increase, unnecessarily, the expenditures of the Government, and especially to swell the already overshadowing and corrupting patronage of the Executive, they were accused of "moral treason." Now, however, when appropriations are needed for domestic interests, and for carrying on our Government as it already exists—when something is asked for the purpose of maintaining peace, by increasing the means of friendly intercommunication with other nations, or for strengthening those fortifications which have been erected at home for defence against foreign aggression or invasion, we find many of these self-styled patriots, these devoted and untiring promoters of the honor and glory of their country, manfully uttering an indignant No, and leaving the support of the recommendations of their own Administration to the derided and slandered Whigs! Is this consistency? Can the Democrats in this House, who have acted in this manner, justify themselves before the country? Where will the people hereafter look for patriotism and liberality—for broad and impartial legislation? Let the course of the two parties in this House, during the present session, furnish the reply.

It may not be inappropriate, Mr. Speaker, to inquire into the motives of such conduct. I shall do so with all proper respect, but at the same time with candor and fearlessness.

I well recollect having listened with considerable interest, a few months ago, to the speech of a distinguished gentleman from Massachusetts, [Mr. WEBSTER,] delivered in his place in the Senate. Amongst other things, he predicted what would be the result of the nomination at Baltimore, so far as Mr. Polk was concerned; how that, after the 22d May, he—now so much courted and flattered—would sink to the level of other men, forgotten or disregarded, while the apotheosis which had been promised to him would be reserved for the fortunate nominee, whether he were a *novus homo*, who might be selected *because* he was unknown out of his own county or village, or the hackneyed politician who had occupied different positions on the same question, or had been "everything by turns, and nothing long." He depicted, in graphic terms, the prominent traits in the character of the Democrats of our time, and most happily hit them off when he said that they were unlike the sunflower —*they* would never be found ready to

> "Turn to their god when he sets
> The same look which (they) gave when he rose."

How completely has this prediction been verified! We find the same men, or many of them, voting against the recommendations of the Administration, in the last year of its existence, whose very slightest behest they were willing to ratify when it was first installed in power—men now withholding their support from important appropriation bills suggested by this same Administration, who did not hesitate to vote for the establishment of the rank of Lieutenant General, and the granting of three millions to *buy* the peace from Santa Anna which was to be so easily and so gloriously *conquered!* They now avert their eyes from James K. Polk, either in indifference or disgust, and fix them, in fond adulation, upon their future idol—the nominee of the Baltimore Convention!

Another motive may be attributed to these gentlemen. A Presidential contest is approaching—a contest in which it is believed by many far-seeing Democrats that their candidate will come out "second best." It is important for them, therefore, that every point of advantage should be seized, and that they should increase their capital by fictitious additions. They will go before the people and endeavor to show that the Whigs have been wastefully extravagant; that they have been ready to vote for any and every appropriation. They will talk piteously of the manner in which the hard earnings of the poor have been squandered by the "Federal-Mexican Whigs," and will point to the Journals to furnish evidence of their own economy and thriftiness! But they will be met everywhere, and when all the facts are spread before a just and intelligent people, the result may be safely anticipated.

Another strange spectacle, Mr. Speaker, has been presented upon this floor. A large number of the Democratic party believe in the constitutionality and necessity of internal improvements—how many I will not venture to specify; but I shall not be far from the mark when I say about one-third. Twenty-five of them voted for the first of the series of resolutions reported by the Committee of Commerce, the other day, in favor of a judicious system of internal improvements, and I have no doubt, from what I have seen during this session, that others are of the same way of thinking. Well, sir, what did we find when the civil and diplomatic bill was upon its final passage? Only *eleven* of this number were ready to adhere to the position they had previously occupied by voting for a bill containing an appropriation of $50,000 for the Savannah river. The others were either in the negative or in—*the vocative.*

What could have been the reason for the conduct of these gentlemen? Either that this item was inappropriately inserted, or that they knew that the President's veto would be applied if it were retained in the bill. Let us examine each of these points for a few moments.

I would ask the Speaker of this House, and others who have been here longer than he, if they have not, on repeated occasions, in the course of their legislative career, found items inserted in different bills to which they were less appropriate than this item is to the bill which was rejected yesterday? Though my own experience here is short, I have been in the habit for years of looking closely into the proceedings of Congress, and I may safely say that I have often discovered amendments to bills of various descriptions less germane, less in place, than this small appropriation for clearing out obstructions in an important river, and thus improving our internal commerce, can be deemed in a bill providing for the civil and diplomatic expenditures of the Government. In the present crowded state of our legislation, Mr. Speaker, this must often be the case. The business before us of a public and private character has greatly increased within a few years past, and is increasing every day, and many matters of great importance will be postponed from session to session, and probably forever, if we await the passage of a separate bill for each, or refuse to take advantage of the opportunity that may be offered to bring them in, by way of amendments to such bills as are usually allowed the precedence in this House. Besides this general consideration, however, which must forcibly strike every one, we have had two or more instances presented to us during this debate where amendments were inserted in general appropriation bills, at previous sessions of Congress, and by Democratic votes, too, without hesitation or question, which were as much, or more, out of place than the proposed appropriation for the Savannah river in the rejected civil and diplomatic bill. Precedent and necessity may both, therefore, be adduced to justify the insertion of this section; and I cannot believe that our Democratic friends would disregard both, unless some other motive, some more powerful influence, was at work upon them than the mere apprehension that they were doing wrong to insert an appropriation for internal improvements, to which many of them are not opposed, in a general bill of this description.

We can have no difficulty, Mr. Speaker, in discovering what this controlling motive is. It has been disclosed upon this floor with but little delicacy and without much respect for the dignity and independence of this House. The President of the United States will veto this bill if this obnoxious clause is retained, and we ought, therefore, to pass the bill without it! This is the tenor if not the very words of assurances or threats which have been made here with a view of influencing the representatives of the people, and of bringing them, subservient and cringing, to the footstool of the Executive. For one, I spurn such an influence, and utterly deny that the intentions or wishes of the President should have the slightest effect upon our conduct here. Our Constitution and earlier annals plainly show that the legislative department was intended to be entirely independent of the Executive. The former, in fact, declares, in so many words, that the legislative powers of the Government shall be vested in the Senate and House of Representatives, while it points out the separate and peculiar duties of the Executive. Notwithstanding this strongly-marked separation, however, the doctrines broached within the last fifteen years, and sustained at no time with more boldness than during the present Administration, in reference to the power and prerogative of the President, have been of the most startling character, and should arrest the attention of the most thoughtless or confiding. Not only has the actual *veto* been frequently thrust into this Hall and made to play the part of the executioner of the interests and wishes of the people, but it is now held up to us in advance, and we are called upon to shape our measures, if we would avoid its blighting presence again, so as to meet the views or scruples of our good lord and master, the President. We are told, in effect, that we would save much breath and much time if we would ascertain beforehand, by whatever means we may, whether this or that bill will not be so tainted by some amendment or section, deemed by us to be proper and important, and not at all unfragrant, as to smell rank in the delicate nostrils of the Executive, and thus produce the rejection of the whole measure. The President is made, not only a part of the legislative power, but he becomes, in fact, the Congress of the United States, making what laws he pleases, and bending the coördinate branches of the Government—which were intended as checks and balances—as well as the interests of the people, to his supreme will and pleasure. Why, sir, if these doctrines prevail, our boasted institutions would be much less acceptable to a freeman than those which it was the object of our Revolution to throw off. Our Government would become a despotism of the worst sort, because, in the midst of party excitement and with Democratic professions in its mouth, it would always be able to gather the deceived and the corrupt to its support. In a real despotism, such as Turkey presents, or which prevails to a great extent in Russia, we should make no struggle, and our very submission would ensure our safety, by securing the few privileges we might possess, while by a Government claiming to be Democratic—to be constantly alive to the rights and interests of the people—the very effort to resist its oppressions and expose its duplicity would be denounced as "moral treason," incessant appeals being made the meanwhile to the prejudices and passions of those who feared no danger to their liberties, because they would believe that they had uniformly enjoyed them without unjust control or illegal limitation.

The encroachments of the Executive, Mr. Speaker, upon the privileges and rights of Congress and of the people, whose opinions it was intended to embody and express, have always furnished grounds of apprehension to real patriots, or to those who professed to be so, from the commencement of our Government. Many of the sages of the era of the formation of our Constitution, with a foresight almost superhuman, foreshadowed, in eloquent terms, the dangers that might result from the power bestowed upon the Executive. Men of more recent date, but hardly less distinguished, have also raised their warning voice against the encroachments of this department. Andrew Jackson and Thomas H. Benton—*arcades ambo*, with the Democracy—were found, some twenty years ago, in the ranks of those who resisted the increase of Executive power, and sought to control the expenditures of the Government and the improper exercise of its patronage. I need not recall the recollection of this House to the celebrated "East Room" letter—*that* is a musty document, and has been long since sent to the tomb of the Capulets, disappointed and unaneled—a document of which its distinguished author, the embryo lieutenant general, has since repented no doubt in sackcloth and ashes. But, sir, I will recall one of the recollections of my own youth—a recollection which is intimately associated with the most celebrated of the two names I have mentioned. Amongst the

most important political tenets which I was taught, sir, when I was just entering upon the threshold of manhood, was that inculcated by Andrew Jackson, that the power of the Executive of this nation "had increased, was increasing, and ought to be diminished." You may not have forgotten—I have not—his famous letter to the Legislature of Tennessee, when he resigned his seat in the Senate of the United States—having been renominated as a candidate for the Presidency—in which he not only advocates the election of the Chief Magistrate directly by the people, as a means of preventing "bargain, intrigue, and corruption," but recommends an amendment of the Constitution, by which members of Congress shall be prevented from receiving office from the Executive for two years, I believe, after their term of service shall have expired. And what was the reason of this last recommendation? The purport of his argument, though not the words, was, that the Executive had coiled itself like an anaconda around the two Houses of Congress, and was able either to crush them to death or to force them to comply with its wishes. This letter was one of the articles of our faith in Tennessee, Mr. Speaker, when, in that noble State, we were all Jackson men. But, in after times, when the "old Hero" ceased to be, in the words of the lamented Crockett, a *Jackson* man himself, we left him, and under other leaders still advocated the doctrines which we had learned from his venerated lips.

In contending, then, sir, against the proposed mode of exercising Executive influence in this House, I am not inconsistent, but I am only carrying out the lessons which I was taught in the old Jackson school. I consider that it would not only show an absence of proper self-respect and dignity, but that it would be an indelible disgrace to the Representatives of the people—a people yet free—to stop for a single moment to inquire what were the wishes of the Executive, or what he intended to do, in reference to any matter which may be proposed for our decision. We are an independent branch of this Government; we are, more than any other portion of it, the immediate representatives of the people; we come fresh from them, and every two years return our authority into their hands, and we ought, therefore, to know more of their intentions and desires, and to be considered more willing and able to carry them into effect, than any other branch of this Government. If there is to be instruction or dictation anywhere, it should be sent from us to the President, and not from the President to us. He delights to call himself the *servant* of the people. Why should he seek to be the *master* of their immediate representatives? Sir, I consider, that from our position and our commission, we are higher than the Executive, if any branch of this Government is higher than another; and, as a representative of a portion of the free people of Tennessee, I would scorn to kneel down before him and say, in humble supplication, "May it please your Majesty, what laws shall we, your humble and faithful commons, enact that will obtain your royal approval?" Sir, I feel the blood of a freeman rushing more hotly through my veins at the very thought. I feel that I should dishonor the memory and actions of the fathers of the Revolution, if at this early day—only something more than half a century removed from the period of their labors—I should thus consent to approach a coördinate branch of this Government, and lay the rights and privileges of the people at its feet. Little did they think that any portion of their descendants who might have the honor of seats upon this floor would, in so short a time from the consummation of their noble work, condescend to await the behest of the Executive before they could make up their own minds upon any measure of public policy!

We should legislate in this Hall, Mr. Speaker, without seeking to ascertain the opinions of any man or body out of it, except the great body of the people. Let me ask you a question. Do we await the action or wishes of the Senate—a portion of the Government which is more immediately connected with us than the President—before we arrive at a decision upon measures which may be proposed to us? Do they come to us, on the other hand, and seek to know what are our opinions, before they introduce or pass upon any measure of general interest? Were they to do so, I should be ready to commit them to that fate to which a distinguished Senator from Indiana [Mr. HANNEGAN] was anxious to consign Mr. Polk, should he abandon the line of 54° 40′ in the Oregon controversy—"a depth of infamy from which the hand of resurrection would never raise them." Let us look at the course of the Senate on the great question which is now before them—the slavery compromise. When a committee was appointed to take charge of this question, did they wait to know what might be our opinions upon the subject? No, sir; they went to work like men and Senators, guided by their own opinions, as an independent branch of the Government, and seeking to give effect to the dictates of their own judgments and their own counsels, and to settle a question which may be almost considered as big with the fate of Rome itself. I will say, Mr. Speaker, in passing, that I am inclined to give my support to the proposition which they have introduced in the Senate, not only because I am exceedingly anxious to bring this vexed question to an amicable adjustment, but because I have much confidence in the prudence and wisdom of the distinguished men who compose the committee. I shall reserve to myself, however, the right to investigate the subject, and to take such a course as my own judgment shall suggest.

We should legislate in this Hall, I repeat, Mr. Speaker, upon our own opinions and judgment, and our own ideas of the rights of the people and the provisions of the Constitution. When any measure is proposed, it becomes us not to inquire or argue here in our places either whether the President or the Senate may be in favor of it, but whether it is proper and right in itself, and calculated to promote the interests of the country. Let this be always our course, and we need never fear to stand before our constituents, though we should differ in opinion with the President or the Senate, or both. There might be reason and propriety in members of this House seeking to interchange opinions, in private intercourse, with those belonging to the other, as, together, they constitute the legislative department of the Government; and it is very natural, too, that the opinions of our colleagues there, being generally men of experience and character, should have weight in the formation of our opinions. But, while such might be the case, there would be a universal burst of indignation here, were the supporters or opponents of any measure to seek to deter us from voting according to our own judgments, by announcing or intimating that the Senate would certainly undo or nullify our work, and that we were, therefore, expending our time to no effect. How much more loudly and indignantly ought we to raise our voices against the position assumed, either directly or indirectly, on the other side, in reference to the probable, nay, almost certain, exercise of the *veto* power by the President, if we persist in retaining an obnoxious section in this bill! In assuming this position, these gentlemen may believe that they are taking Democratic ground—that they are acting in conformity with the spirit and letter of a free Constitution—that they are guarding the independence of this House and the rights of the people; but I cannot, for my life, bring myself to the same conclusion; I cannot but think that the effect of their course, if they succeed, will be to destroy the strongest bulwark which is yet left to us against the encroachments of the President, and to produce a combination of functions, of a distinct and independent character, in the Executive, already become fearfully powerful from its station and its patronage.

Whatever others may do, Mr. Speaker, I shall not wait to learn whether the President will veto this bill because the appropriation for the Savannah river may be retained; and the threats of such a result will have no influence upon my conduct.

Mr. MEADE here asked the gentleman from Tennessee if in his opinion the President ought to veto the bill, should he think it contained unconstitutional propositions?

Mr. BARROW. Certainly; but that is not the question here. I contend that we have no right to know, or even to inquire beforehand, what the President may deem constitutional or otherwise, or what may be his course in reference to any particular measure which may become the subject of legislation in this Hall. What he may have done heretofore, we are aware of; what he may do hereafter rests with himself, for which he alone, and not we, will be responsible. It may be that there is something in the proposed appropriation which may give it a different character, in his estimation, from the internal improvement measures he has previously vetoed. The fact that the obstructions in the Savannah river were placed there by the Confederation, and with the intention of preventing the approach of a hostile fleet to a flourishing southern city, may furnish him with a good or plausible reason or excuse for giving his assent to a bill containing provisions for the support of the civil and diplomatic portions of our Government, and of course for the payment of his own, and the salaries of his Cabinet. Other reasons may influence his course, or he may even have the manliness to acknowledge a change of opinion upon this great subject, in which the people feel so deep an interest. At all events, it is not our business or our duty to forego our own opinions, or surrender our rights, because he may, possibly or probably, apply that kingly prerogative, which he is so fond of using, to smother a measure of interest and importance, which a majority of this House may deem proper and constitutional. Let him act as he pleases; let him veto the bill, and thus, to use the words of gentlemen on the other side, "stop the wheels of Government," I, for one, humble and undistinguished as I am, will be ready to meet the issue; to go before the people as the advocate of the independence and dignity of their representatives against the dictation or interference of the Executive department.

I shall vote, Mr. Speaker, for the motion to reconsider, which I have no doubt will prevail. I shall then oppose any effort that may be made to strike out the "objectionable" section. The bill will most probably pass the House with this section in it. It will then go to the Senate, and should it be passed there, will be sent to the President. According to the predictions or threats of some of his friends, it will be returned to this House with his objections. The effort will probably be made to pass it over his head by the requisite *two-thirds* vote, and should that effort fail, it will then become our duty to determine what further steps the interests of the country may require us to take.

This is the simple and direct course, sir, which the Constitution points out, and which it becomes us as the representatives of the people to pursue, without being stopped, or turned aside, for a moment, by the apprehension or the threat that our labors may be rendered fruitless by the will and power of one man, who, though President, is not yet, thank God, an absolute king. Whatever may be his conduct, let us do our duty, and trust the result to the verdict of those to whom he is amenable, as well as ourselves—a free and intelligent people; who, be their political predilections what they may, can never consent to approve Executive encroachment or usurpation.

Mr. EVANS, of Maryland, then moved the previous question, and there was a second.

Mr. COCKE moved an adjournment.

Mr. COBB, of Georgia, said he should insist on the yeas and nays if that motion was persisted in, for this was the only day on which a motion could be made to reconsider the vote by which the bill was ordered to be engrossed. Let the vote on the passage of the bill be reconsidered, and then let a motion be made to reconsider the engrossment, and then the House could adjourn.

Mr. COCKE said he had no intention to do anything that would create embarrassment, and therefore he withdrew his motion to adjourn.

The question was then taken on the motion to reconsider the vote by which the bill was rejected, and it was agreed to.

Mr. KING, of Georgia, was now recognized by the Chair.

Mr. COBB, of Georgia, moved a reconsideration of the vote by which the bill was ordered to be engrossed, and that the House do now adjourn. If the House was disposed to take the question now on the reconsideration, he would withdraw the motion to adjourn and move the previous question.

Mr. POLLOCK rose to a question of order, and insisted that the gentleman from Georgia [Mr. COBB] could not make two motions at once.

Mr. KING, of Georgia, also insisted that no motion could be entertained, inasmuch as he had the floor.

Mr. POLLOCK raised another point of order, that the motion to reconsider the engrossment could not now be entertained, because a like motion on a previous day had been laid upon the table.

Mr. COBB (amidst much confusion and excitement) stated that, on the discovery of the error,

which was explained two days ago, in the recording of the vote of his colleague, [Mr. STEPHENS,] when the vote on striking out the appropriation for the Savannah river was changed, the Speaker decided that the vote ordering the engrossment was null and void; and therefore that the motion would again be put on ordering the bill to be engrossed.

Mr. STEPHENS moved an adjournment, which was agreed to.

And the House adjourned.

IN SENATE.

FRIDAY, *July* 21, 1848.

The VICE PRESIDENT presented a petition from Amos Kendall, late Postmaster General, and John E. Kendall, asking that provision may be made for securing the payment of a claim against the Western Cherokee Indians out of the money due by the United States to those Indians; which was referred to the Committee on Indian Affairs.

Mr. PEARCE presented a petition from Louisa Catharine Adams, and other heirs of Joshua Johnson, deceased, asking the settlement of the accounts of the deceased, late consul and commercial agent at London, on principles of equity, and the payment of any balance which may be found due for his services; which was referred to the Committee on Claims.

On motion of Mr. DICKINSON, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of giving to the volunteers who have served in the war with Mexico the arms and accoutrements with which they have performed said service.

On motion of Mr. ALLEN, it was

Resolved, That the Committee on Printing be instructed to inquire and report to the Senate what extra public documents, and what number of each, the Senate has ordered to be printed this session; what number of each has been printed and delivered, and when the remainder are likely to be printed and delivered.

Mr. DIX, from the select committee to whom was referred the memorial of Miss Dix, reported a bill making a grant of public lands to the several States of the Union for certain purposes; which was read a first time.

[This bill grants to the several States five millions of acres, to be apportioned in the comparative ratio of the geographical area and the representation of said States in the House of Representatives, according to the census of 1850.]

Mr. DIX gave notice that he should call up the bill at an early day for discussion.

The resolution offered by Mr. HALE, calling for information from the Navy Department relative to the punishment of seamen in the United States vessels, was taken up and agreed to.

The amendment of the House of Representatives to the bill authorizing the sale of a certain public reservation in the city of Washington, was concurred in.

NAVAL APPROPRIATIONS.

Mr. ATHERTON moved that the Senate resume the consideration of the naval appropriation bill.

Mr. YULEE hoped that this bill would not be taken up to-day. He had several amendments which he had been instructed to move from the Committee on Naval Affairs, which he was not prepared now to submit. Other amendments would also be offered, and it would be impossible to get through the bill to-day, especially as the Senator from Delaware had given notice of his intention to call up the Territorial bill, after the morning hour.

Mr. ATHERTON said that the very reason urged by the Senator against taking up the bill, that many amendments would be offered, ought to induce the Senate to take it up. The service was suffering through the delay of this bill. And if we could not get through, some of the amendments might be disposed of.

Mr. ALLEN expressed a hope that the bill would be taken up, and some progress be made in it.

Mr. CLAYTON gave notice that at twelve o'clock he should feel it his duty to arrest the discussion of this bill, for the purpose of taking up the Territorial bill for consideration.

The bill was then taken up, and the question pending being the motion of Mr. LEWIS to reconsider the vote by which the amendment of Mr. NILES had been agreed to—

Mr. PHELPS gave briefly some reasons which would induce him to change his vote on the amendment introduced by Mr. NILES, in favor of which he had yesterday recorded his vote. Since yesterday, he had understood that the vessels now in progress of construction were larger, as had been found necessary for the purposes of the Government, than had been originally contracted for. As this system has become the settled policy of the country, he should no longer oppose it, although he had opposed it.

Mr. NILES made a few remarks in reply, in which he expressed his willingness to withdraw so much of the amendment as limited the term to five yeas. As a friend of the system, he wished to protect it against abuses.

Mr. FOOTE vindicated the advance of the money to the contractors.

Mr. BENTON remarked on the additions recently made to our coast, and the necessity of increasing postal facilities. He thought it right to aid the contractors with advances, rather than encounter the risk of having incompetent vessels constructed, or injurious delays interposed. He quoted from a report of the state of the New York money market on Wednesday, to show that there was no probability that the contractors could obtain any advances of money in that city; and if the Government did not step forward with assistance, the steamers could not be completed.

Mr. DAVIS, of Massachusetts, concurred with the Senator from Connecticut, that the only way to carry the system into successful operation was to protect it against abuses. He had heard no sufficient reason for the advances proposed by the bill; there was no pretence that the contractors could not raise the money; the Government had made no application for the money. He went into a history of the facts connected with the establishment of the Cunard line of steamers, and of the enlargement of the vessels, which experience proved to be necessary. He stated, that although vessels of large tonnage were best calculated for war service, in some particulars, for general use vessels of 1,500 tons, or thereabouts, were just as useful. In the change from smaller to larger vessels, therefore, he did not see that the Government was benefited, or that the change had been requested by the Government. He would adhere to the vote in favor of the amendment, which he had given yesterday. He could see many ways in which the United States might lose the money if it was advanced.

Mr. YULEE said that he felt it to be his duty to make some remarks; but if it was the desire of the Senator from Delaware to go on with the territorial bill, he would consent to the postponement of the bill.

Mr. KING suggested that it might be the better mode, if the Senator from Delaware would consent, for the Senator from Florida to go on with his remarks; so that, as the subject had already been discussed during the whole of yesterday, the question on the amendment might be taken this morning.

Mr. CLAYTON expressed a readiness to yield, if the remarks did not take too much time.

Mr. YULEE said he would ask for only five or ten minutes. He then made an explanation of the share which the Secretary of the Navy had in the enlargement of these vessels, which he had deemed unnecessary for any purpose to which the Government might be called on to apply them. He denied, authoritatively, that the Secretary of the Navy had ever recommended the advances of money.

Mr. FOOTE asked if the Secretary withdrew his recommendation.

Mr. YULEE replied in the negative. The Secretary had merely said to him that it was not such a course as he would have recommended. He did not see that the contractors had made a hard bargain, as one of them had already sold out his contract for $50,000; and to make these advances would be to set a dangerous precedent, of which future contractors would be ready to avail themselves.

Mr. ATHERTON insisted that the Secretary had recommended these advances of money.

Mr. DICKINSON protested against this mode of orally explaining away the written opinions of the Secretary. Let the explanation, if any is desired, be made in writing.

Mr. ATHERTON read an extract from the letter of the Secretary in order to show more distinctly the recommendation.

Mr. YULEE explained, amidst loud cries of "Question! question!"

The question was then taken on the question of reconsideration, and decided as follows:

YEAS—Messrs. Atchison, Atherton, Badger, Bell, Benton, Berrien, Borland, Breese, Bright, Clarke, Clayton, Davis of Mississippi, Dayton, Dickinson, Dodge, Douglas, Fitzgerald, Foote, Greene, Hale, Hannegan, Houston, Johnson of Louisiana, Mangum, Mason, Miller, Phelps, Rusk, Spruance, Sturgeon, and Westcott—31.

NAYS—Messrs. Allen, Baldwin, Bradbury, Butler, Corwin, Davis of Massachusetts, Dix, Downs, Hamlin, Johnson of Georgia, King, Lewis, Metcalfe, Niles, Pearce, Underwood, Upham, Walker, and Yulee—19.

The question recurring on the amendment of Mr. NILES, it was decided as follows:

YEAS—Messrs. Allen, Baldwin, Bradbury, Butler, Corwin, Davis of Massachusetts, Dix, Downs, Hamlin, Johnson of Georgia, King, Lewis, Metcalfe, Niles, Pearce, Turney, Underwood, Upham, Walker, and Yulee—20.

NAYS—Messrs. Atchison, Atherton, Badger, Bell, Benton, Berrien, Breese, Bright, Clarke, Clayton, Davis of Mississippi, Dayton, Dickinson, Dodge, Douglas, Fitzgerald, Foote, Greene, Hale, Hannegan, Houston, Johnson of Louisiana, Mangum, Mason, Miller, Phelps, Rusk, Spruance, Sturgeon, and Westcott—30.

Mr. KING moved to pass over the bill informally, but objection being made—

Mr. KING moved to lay the bill on the table, but withdrew the motion at the request of

Mr. HANNEGAN, who suggested the propriety of finishing the navy bill before taking up the territorial bill, as the funds were necessary for the public service.

Mr. KING said, with the understanding that the territorial bill should be discussed without interruption after the passage of the navy bill, and that, if possible, this bill should be disposed of to-day, he would not renew his motion.

Mr. CALHOUN suggested that the territorial bill should be taken up after the reading of the Journal, and the disposition of the morning business.

SEVERAL SENATORS. Agreed.

Mr. NILES then moved to amend the bill, but the amendment was negatived: Ayes 12, noes 18.

Mr. NILES moved to amend the bill by adding a proviso that nothing in the bill should be construed as ratifying the contracts for a longer period than five years.

Mr. NILES asked for the yeas and nays; which were ordered.

Mr. NILES said that this proviso did not annul the contract at the end of five years, provided that the contract was for ten years.

Mr. ATHERTON read an extract from the contract with Sloo, to show that it was an absolute contract for ten years.

The question was then taken on the amendment, and decided as follows:

YEAS—Messrs. Allen, Borland, Corwin, Dix, Johnson of Georgia, Mangum, Niles, Pearce, Turney, and Walker—10.

NAYS—Messrs. Atchison, Atherton, Badger, Baldwin, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dayton, Dickinson, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Hale, Hamlin, Hannegan, Houston, Johnson of Louisiana, King, Lewis, Mason, Metcalfe, Miller, Rusk, Spruance, Sturgeon, Underwood, Upham, Westcott, and Yulee—38.

Mr. NILES moved to amend by requiring that the steamers from Panama to Astoria shall call at Santiago and San Francisco; which was agreed to.

Mr. BUTLER moved to amend so as to make it imperative on the steamers to touch at Charleston; which was agreed to.

Mr. ALLEN moved to amend by inserting a provision prohibiting any future contracts with mail steamers for carrying the mails to foreign countries, and asked for the yeas and nays; which were ordered.

Mr. NILES moved to amend by inserting, "without the previous consent of Congress."

Mr. ATHERTON hoped the amendment of the Senator from Ohio would not be adopted.

Mr. ALLEN vindicated his proposition, and accepted the amendment of Mr. NILES as a modification of his amendment.

The question was then taken, and decided as follows:

YEAS—Messrs. Allen, Bell, Borland, Bright, Corwin, Davis of Massachusetts, Davis of Mississippi, Dix, Dodge, Felch, Foote, Hale, Houston, Johnson of Georgia, King, Metcalfe, Niles, Sebastian, Spruance, Turney, Underwood, and Yulee—22.

NAYS—Messrs. Atchison, Atherton, Badger, Baldwin, Berrien, Bradbury, Breese, Butler, Dayton, Dickinson, Douglas, Downs, Fitzgerald, Hamlin, Hannegan, Johnson of Louisiana, Lewis, Mangum, Mason, Miller, Rusk, Sturgeon, Upham, and Westcott—24.

Mr. WESTCOTT moved to amend by insert-

ing a provision that the steamers shall touch at Key West, and certain ports in the Gulf of Mexico; which was negatived.

Mr. RUSK moved to amend by adding a bill reported from the Post Office Committee, authorizing the Postmaster General to employ any of the United States vessels, not otherwise employed, in the transportation of the mail, freight, and passengers, and asked for the yeas and nays; which were ordered.

On this amendment some discussion took place, in which Mr. UNDERWOOD, Mr. BERRIEN, Mr. ALLEN, Mr. RUSK, and others, took part, when the question was taken, and decided as follows:

YEAS—Messrs. Atchison, Borland, Corwin, Douglas, Fitzgerald, Foote, Hannegan, Houston, Johnson of Louisiana, Lewis, Metcalfe, Rusk, Sebastian, Spruance, Turney, Underwood, Westcott, and Yulee—18.

NAYS—Messrs. Allen, Atherton, Badger, Baldwin, Benton, Berrien, Bradbury, Bright, Butler, Calhoun, Clarke, Clayton, Davis of Massachusetts, Dickinson, Dix, Dodge, Greene, Hamlin, Johnson of Georgia, Mason, Miller, Niles, and Sturgeon—23.

Mr. HALE moved to amend the bill by inserting a provision that corporal punishment be abolished in the navy, but withdrew it for the present.

Mr. BORLAND moved to amend by introducing a provision authorizing the Postmaster General to contract for the transportation of the mail from Louisville to New Orleans, to touch at certain ports therein named; which was negatived.

Mr. DIX moved to amend by inserting a provision authorizing the advance of $150,000 to the contractors for the New York and Bremen line of steam-ships, and asked for the yeas and nays; which were ordered.

YEAS—Messrs. Dix, Hale, Hamlin, Johnson of Louisiana, Niles, and Pearce—6.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Baldwin, Benton, Berrien, Borland, Bradbury, Breese, Butler, Calhoun, Clarke, Corwin, Dickinson, Dodge, Douglas, Felch, Fitzgerald, Foote, Greene, Hannegan, Houston, Johnson of Georgia, King, Lewis, Metcalfe, Miller, Phelps, Rusk, Sebastian, Spruance, Turney, and Yulee—34.

Mr. YULEE moved several amendments, under the instruction of the Committee on Naval Affairs, one of which related to the quality of the tobacco used in the navy; another, diminished the number and increased the compensation of the professors in the navy; another, providing that all persons becoming insane in the service shall be placed in a proper asylum until recovered; another, placing the pay of warrant officers at Pensacola navy-yard on the same footing as at the Boston and other principal navy-yards; which were agreed to.

Mr. YULEE moved an amendment in reference to the pay of passed midshipmen; which was rejected—yeas 12, nays 21, as follows:

NAYS—Messrs. Badger, Berrien, Borland, Davis of Massachusetts, Davis of Mississippi, Hannegan, Johnson of Louisiana, Johnson of Georgia, Lewis, Miller, Westcott, and Yulee—12.

NAYS—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Breese, Bright, Corwin, Dickinson, Dodge, Felch, Fitzgerald, Foote, Hale, Hamlin, Houston, King, Metcalfe, Rusk, Spruance, and Turney—21.

Mr. JOHNSON, of Louisiana, moved to amend by inserting an appropriation of $50,000 to compensate the officers of the different vessels lost for the clothing destroyed in them. He stated that this was the amendment offered by Mr. JOHNSON, of Maryland, who was not now in his seat.

Mr. BADGER stated that he had received a letter from the Senator from Maryland, stating that he would be in his seat to-morrow morning. He moved that the Senate adjourn, which was negatived.

Mr. HALE moved to amend the bill by inserting a clause prohibiting corporal punishment in the navy, abolishing the spirit ration, and giving in lieu thereof an allowance of six cents per diem to each sailor. He asked for the yeas and nays, but a sufficient number did not rise to sustain the call, and they were not ordered.

Mr. HALE then addressed the Senate in favor of the amendment at some length.

The amendment was then disagreed to, only about five Senators rising in the affirmative.

Several other amendments were offered, but were all rejected by acclamation.

The bill having been reported to the Senate, the vote of the committee striking out the amendment offered by Mr. YULEE relative to passed midshipmen was reversed; and the question being on concurring in the amendment of the committee striking out the words "seventy-four thousand" in the appropriation for the public works at Memphis, so as to leave the amount appropriated one hundred thousand dollars, the yeas and nays were ordered, and the question being taken, it was found that no quorum had voted.

The question was again taken with the like result.

Mr. BENTON insisted that the Sergeant-at-arms call the Senators. He stated that he had been in the committee room and Senate from a very early hour to the present late one [looking at the clock, the hands of which were approaching six] listening to long speeches made by Senators who had gone away, and now he was determined to sit the matter out, and not be subject to a repetition of the like scene to-morrow. He said that the public works must be suspended if this bill was not immediately passed. There was not a dollar to pay the workmen in the dock-yards or navy-yards, and great distress universally prevailed. He moved that the Sergeant-at-arms go to the lodgings for Senators.

Mr. KING rose to give his experience as to the proper course, which was, that the Presiding Officer request Senators to take their seats, and then for the Sergeant-at-arms to ascertain whether there was a quorum; and if not, it then became his duty to request the attendance of Senators; but there was no such thing as a call of the House in that body.

Mr. HANNEGAN. Yes there is; it was adopted since you were here, with several other rules.

Mr. KING. Yes, I find there have been a great many innovations.

One or two Senators having been obtained, a quorum was announced, and the vote was taken a third time on concurring in the amendment relating to Memphis, and it was decided in the negative, as follows:

YEAS—Messrs. Atherton, Berrien, Bradbury, Butler, Calhoun, Davis of Mississippi, Hale, Hamlin, King, Lewis, and Spruance—11.

NAYS—Messrs. Benton, Borland, Breese, Bright, Dickinson, Dodge, Douglas, Felch, Fitzgerald, Foote, Hannegan, Houston, Johnson of Louisiana, Johnson of Georgia, Mason, Rusk, Sebastian, Turney, Westcott, and Yulee—20.

Several other amendments were then adopted, and the amendments were ordered to be engrossed, and the bill was subsequently read a third time by unanimous consent and passed.

Mr. BRIGHT gave notice that immediately after the morning hour, when petitions and reports were disposed of, he should call up the territorial bill and press it to conclusion.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 22, 1848.

The Journal of yesterday was read and approved.

Mr. CABELL asked that the House, by unanimous consent, would take up the Senate bills on the Speaker's table, and that they be referred to appropriate committees.

No objection being made—

The SPEAKER then laid before the House Senate bills and joint resolutions of the following titles; which were read a first and second time, and referred to appropriate committees:

A resolution authorizing the submission of certain claims to arbitration.

A resolution concerning the distribution of the statutes at large.

A bill further to carry into effect the provisions and stipulations of the ninth article of the Florida treaty with respect to certain losses of Spanish subjects in West Florida.

A bill for the payment of liquidated claims against Mexico.

A bill to change the time of holding the circuit and district courts in the State of Kentucky.

A bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same.

The Senate bills of the following titles were read three times, passed, and returned to the Senate, viz:

A bill to authorize the Secretary of the Treasury to make a compromise and settlement with the securities of Francis D. Newcomb, late surveyor general of Louisiana.

A bill to make Bangor a port of entry for ships or vessels coming from and beyond the Cape of Good Hope.

VATTEMARE'S FRANKING PRIVILEGE.

The Senate bill to facilitate international exchanges was read a first and second time.

Mr. GOGGIN moved that it be put upon its passage.

Mr. COBB, of Georgia, moved to lay the bill on the table. He thought they had gone quite far enough in this matter. He did not think it right and proper the bill should pass, and he therefore would move to lay it on the table.

Mr. GOGGIN remonstrated: the bill had passed the Senate by a unanimous vote; he hoped the gentleman from Georgia would consent to withdraw his motion, and let it be referred to the Committee on the Post Office and Post Roads.

But Mr. COBB refused; and the question was about to be put, when—

Mr. ROOT asked leave to say a word. If the gentleman would withdraw his motion for a few moments, Mr. R., if he insisted on that condition, would promise to renew it.

Mr. COBB assenting—

Mr. ROOT expressed his hope that the bill would be suffered to pass. He had just learned from a member of the Committee on the Library, that the amount to be taken from the post office revenue by this bill would be very small. That gentleman was a good judge of what the system would require; and certainly, if gentlemen were not disposed to repeal all our previous legislation on that subject, this bill ought to pass. If the system of exchange was wrong, let it be repealed; but if gentlemen were not prepared to retrace their steps, and undo all they had done, they should suffer this small bill to become a law. It was a fact that the Government was remitting the duty on all the astronomical instruments imported for the use of the observatory; on the same principle, the duty on these articles of international exchange ought to be relinquished. The bill was so carefully guarded, that it was impossible the privilege could be abused: it merely provided a convenience for carrying into execution the laws already passed on the same subject. He now, though with great reluctance, complied with his promise, by renewing the motion to lay the bill upon the table.

The question being put, there appeared a majority against laying it on the table.

Mr. FICKLIN demanded the yeas and nays, which, being ordered and taken, stood: yeas 79, nays 95.

So the bill was not laid upon the table.

It was then, on motion of Mr. GOGGIN, referred to the Committee on the Post Office and Post Roads.

The amendments of the Senate to the bill of the House to establish a collection district in the State of South Carolina, and for other purposes, were referred to the Committee on Commerce.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The question pending when the House adjourned yesterday, was on reconsidering the vote by which the civil and diplomatic appropriation bill for the year ending June 30, 1849, was ordered to be engrossed.

The House proceeded to consider said motion.

Mr. CLINGMAN moved that the motion to reconsider the vote by which the bill was ordered to be engrossed, be laid on the table.

Mr. COBB, of Georgia, demanded the yeas and nays; which were ordered.

Mr. COBB inquired of the Speaker, in case the motion to lay on the table prevailed, if any amendment could be made to the bill?

The SPEAKER replied in the negative.

Mr. McCLELLAND inquired, in case the motion to lay on the table were rejected, and the vote on the engrossment were reconsidered, if it would not be in order to recommit the bill with instructions to take out the obnoxious item?

The SPEAKER replied that it would be.

The question was also asked if the motion to lay on the table prevailed, if the question would not recur on the passage of the bill?

The SPEAKER replied in the affirmative.

Mr. COBB, of Georgia, (in his seat.) But it will be the bill which you have rejected. There will be no opportunity of amending it.

Mr. CATHCART asked, in case the motion to lay on the table failed, and the engrossment was reconsidered, if it would not then be in order to call for a separate vote on the item for the Savan-

nah river, under the rule which authorized separate votes on the several items in internal improvement bills?

The SPEAKER replied, he was disposed to decide it would be in order to call for a separate vote on this item under the rule referred to.

The question was put on laying the motion to reconsider on the table, and it was decided by yeas and nays, as follows:

YEAS—Messrs. Abbott, Adams, Barringer, Barrow, Belcher, Blanchard, Boydon, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gaines, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, Hubbard, Hudson, Joseph R. Ingersoll, Irvin, Andrew Johnson, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Mullin, Nelson, Outlaw, Palfrey, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Andrew Stewart, Strohm, Tallmadge, Taylor, Thibodeaux, John B. Thompson, Tuck, Van Dyke, Vinton, and Warren—99.

NAYS—Messrs. Atkinson, Bayly, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Wm. G. Brown, Albert G. Brown, Burt, Cathcart, Chase, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Darling, Dickinson, Faran, Featherston, Ficklin, Fries, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Charles J. Ingersoll, Jameson, Jenkins, Robert W. Johnson, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Ligon, Lord, Lumpkin, Lynde, Maclay, McClelland, McClernand, McDowell, McKay, Job Mann, Meade, Miller, Morris, Nicoll, Peaslee, Peck, Petrie, Pettit, Peyton, Pillsbury, Rhett, Richardson, Richey, Rockhill, Sawyer, Simpson, Smart, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, Jacob Thompson, James Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wallace, Wentworth, Wiley, Williams, and Woodward—88.

So the House refused to reconsider the vote ordering the bill to be engrossed.

The question recurred on the passage of the bill.

Mr. KING, of Georgia, moved the previous question, which was seconded, and the main question was ordered, viz: "Shall the bill pass?"

And it was decided by yeas and nays, as follows:

YEAS—Messrs. Abbott, Adams, Barringer, Barrow, Belcher, Blanchard, Boydon, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Crisfield, Crowell, Crozier, Dickey, Dixon, Donnell, Daniel Duncan, Garnett Duncan, Dunn, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gaines, Gayle, Giddings, Goggin, Gott, Gregory, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, Jenkins, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Lincoln, Maclay, McClelland, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Mullin, Nelson, Nicoll, Outlaw, Palfrey, Peck, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Rose, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stanton, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Tallmadge, Taylor, Thibodeaux, James Thompson, John B. Thompson, Thurston, Tuck, Van Dyke, Vinton, and Warren—108.

NAYS—Messrs. Atkinson, Bayly, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, Wm. G. Brown, Albert G. Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummins, Darling, Dickinson, Eckert, Faran, Featherston Fries, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Iverson, Jameson, Andrew Johnson, Robert W. Johnson, Kaufman, Kennon, Lahm, La Sère, Sidney Lawrence, Ligon, Lord, Lumpkin, Lynde, McClernand, McDowell, McKay, Job Mann, Meade, Miller, Morris, Peaslee, Petrie, Pettit, Peyton, Pillsbury, Richardson, Richey, Rockhill, Root, Sawyer, Simpson, Smart, Starkweather, Thomas, Jacob Thompson, Robert A. Thompson, William Thompson, Turner, Venable, Wallace, Wentworth, Wiley, Williams, and Woodward—78.

So the bill was passed.

Mr. VINTON moved to reconsider the last vote, whereupon—

Mr. SCHENCK said, he was glad that his colleague [Mr. VINTON] had moved to reconsider the vote just taken, by which this bill had been passed. His colleague had but anticipated his own purpose. He (Mr. S.) had now voted for the passage of the bill, as all along he had in the end intended to do; for it was a bill in the main right and proper, and absolutely necessary to be passed, in order to carry on the operations of the Government. It was the usual general appropriation bill, by which provision was made for the salaries and compensation of all civil officers, from the President down to the lowest executive subordinate; for the judiciary, for foreign ministers, for Congress itself, besides its appropriations for a thousand other things essential to the civil administration of the Government. Whatever question he or others might have about details, it was a bill which in some shape had to be passed. On a former day he had voted against it, and he now proposed to take advantage of this motion to reconsider, and of the privilege of debate which it would allow, to give his reasons for that vote. There was no inconsistency; he, and others on his side of the House who had voted with him, had an object, a wholesome object, to accomplish by that vote, and they had effected it, as he would proceed to show.

When the bill was rejected the other day, and now again, when it was finally passed, it was opposed by the votes of nearly the whole undivided Democratic side of the House. Why? It was not for him perhaps generally to assign motives and reasons for the action of those gentlemen; but here it had been made apparent. The opposition was on account of that item in the bill savoring of internal improvements—the appropriation for clearing out the obstructions which our own Government had at a former time placed at the mouth of the Savannah river. The course of procedure by gentlemen, and the character of the debate which had been going on for the last two days after the bill was rejected, and the admissions made, proved that this was the ground of hostility to the bill.

Mr. SAWYER asked the floor for a moment, which being granted by his colleague, he said that that had not been the reason of his vote; he had voted against the bill mainly on account of the items it contained for the benefit of Washington, especially that for watering Pennsylvania avenue.

Mr. SCHENCK said he never knew before that there was power in a water engine of any kind to stop the wheels of this Government. This watering-pot for one of the avenues was deemed, it appeared, a sufficient cause by his colleague for voting to reject a bill providing for the pay of the President of the United States, the heads of departments, and all the subordinate officers of the Government. He had before said that he would not presume to assign reasons for the course of his colleague and others different from what they themselves avowed; but, however it might be with his colleague particularly, there could be no question—it was most manifest to all—it was not denied, but admitted, that the presence in the bill of the obnoxious item for the Savannah river was the operating cause with most of those who had voted against the bill.

When the question of reconsideration was pending, the House had had an exposition by a very distinguished gentleman from North Carolina, long a member of the Committee of Ways and Means, and lately its chairman, [Mr. McKAY,] of the motives which induced so extraordinary a proceeding as the rejection of the general appropriation bill; and that gentleman had declared in his place—speaking as the exponent of the views of gentlemen of his party—that it was not on account of any items in the bill for which estimates had been sent to Congress from the Executive departments, nor on account of those which had been inserted in it at the suggestion of the Committee of Ways and Means; and the gentleman wanted to have the bill recommitted, in order that the item for Savannah river might be stricken out. The inference was, that it was solely on account of the existence of this item in the bill that it had been rejected.

Mr. S. said he had voted with those gentlemen in the first place to reject the bill, with the express view that both they and the Whigs might in this matter stand before the country in their true position. He had effected his object. It was now shown distinctly that the bill had been rejected by a Democratic vote, not because it contained the various items, or any of them, which had been recommended by the Executive, and for which estimates had been submitted by the departments, nor on account of those put into it on the motion of the Committee of Ways and Means; but that it was on account of this one item for clearing out the mouth of Savannah river.

It was not, then, because of the extravagance of a Whig Congress; it was not because of the impropriety of granting the appropriations which had been asked for and estimated for by the Executive departments, but simply and solely on account of this item for Savannah river. The Democratic party, represented here by those gentlemen, were willing to stop the Government rather than vote for an appropriation to remove from the mouth of an American river the obstructions placed there by the American Government. Having accomplished his purpose by bringing out this fact before the country, he was now willing to vote for the bill and to pass it.

Let it, then, be understood, that with a few exceptions—perhaps only an individual exception, where the difficulty was about a watering-pot—the Democratic party were willing to defeat this bill for the support of Government; not because they objected to the estimates from the departments, or the items from the committee; not because the bill in any of its essential features was wrong, but because it contained this item.

If this debate had not taken place, and this rejection of the bill had not happened, it would have been in the power of gentlemen, when they went home, to say to their constituents that they had voted against it because of the manifold extravagancies of a Whig House of Representatives. They might then have pointed to this bill, and said that it appropriated thousands on thousands for all manner of wasteful and unconstitutional expenditures, but they had not voted for them; and when the final question came on the passage of the bill itself, it was such a mass of abominations that they could not swallow it. But that excuse was now taken away. The fact was now fairly before the country. If the bill should now be passed, it would be known to the whole American people that the Democrats opposed it simply and exclusively because it contained one item of appropriation for internal improvements: that, as a party, they are so irreconcilably hostile to that doctrine, and so inseparably wedded to the opinion of the President outgoing, and of the President who would be incoming, if he could, that sooner than pass the smallest item for internal improvement, they will let everything go by the board.

Mr. S. was glad that this issue had been made; he rejoiced that this exposition had been presented to the country, so that all men could now understand it. He was now willing to vote for the bill, and he should do so with peculiar satisfaction, because the bill contained this item for clearing out Savannah river and harbor.

Mr. LAHM here entreated possession of the floor but for a moment or two, to say that his own objection to the bill had been its containing $100,000 for a custom-house in Charleston, and this $50,000 for the improvement of Savannah river. He had voted against one of these items because he believed it to be unnecessary in itself, and desired chiefly for the benefit of individuals; and he had been opposed to the other, not because he had any constitutional scruples against appropriating for works of internal improvement—for he had none—but because he had laid down to himself this rule on that subject: that when he did vote for any work that was national and constitutional in its character, it should be in a different quarter of the Union from this one. He should vote to give such appropriations to the West, and not to the South. And he had another objection to this item, viz: that it had been improperly placed in this bill.

Mr. SCHENCK, resuming, said he perfectly understood his colleague. His course was exactly that of all northern Democrats who were in favor of internal improvements; they were all strongly in favor of these appropriations, and equally in favor of a President who they knew would veto them all. They were violent advocates of internal improvements, but they always contrived to find some very good reason for voting against them, or for voting in such a way as not to get them. Sometimes it was because, as they say in their Baltimore platform, they are opposed to a "general system," and sometimes because no general system was proposed; and they were against partial and local legislation, sometimes because the works, though right in themselves, were put in the wrong bill; sometimes because the money was to be expended in the wrong part of the country. They always could find some reason for going against them, while at the same time they dare not say that in principle they were opposed to them. They were strongly in favor of them at home, but here they always were against them. It was never just the right time, or just the right place, or just the right amount. Mr. S. said he entertained a great respect for his colleague, personally. He meant to say nothing disrespectful of him; but his position on this occasion was a beautiful illustra-

tion of the course of northern Democrats. The people demanded one thing from them at home, the President demanded another thing here. Mr. S. was perfectly aware that it required pretty nice steering to thread these narrows. But it was done; and gentleman accomplished it by professing most loudly their attachment to works of internal improvements before their constituents, and by never voting for them here, or else generally giving them such equivocal support as must end in defeat.

But to return to the history of this bill. This thing of rejecting a bill under such circumstances was not new. They had had grave lectures here from the gentleman from North Carolina, [Mr. McKAY,] and from others on that side, about the Whigs voting one way in committee, and another way in the House; and it had been said that the House presented a very extraordinary spectacle in having a bill rejected by those who were friendly to the objects it contained. Even the gentleman from Michigan, [Mr. McCLELLAND,] a most ardent friend of internal improvements, but whose votes and support he has not made always effective, for the reasons I have stated, had said that the Whigs voted in a very different way in Committee of the Whole from what they did in the House. He believed both the gentlemen from Michigan who had spoken complained of this.

Mr. STUART, of Michigan, said the gentleman was mistaken so far as he was concerned.

Mr. SCHENCK said he was glad to hear the gentleman say so. He was very sure, however, that his colleague had, and had commented with some severity on the fact. The fact could be explained. The way, and the only way, to bring gentlemen out—to smoke them out—was to get the yeas and nays on that which had been stricken out in Committee of the Whole. Gentlemen might vote, therefore, in committee to strike out what they approved and meant to vote for, in order to bring out their opponents on the yeas and nays. But he must express to the gentleman from Michigan his surprise that a gentleman representing *that* State—from *Michigan*, of all the States in the universe—should be surprised at any change, however sudden, in the course of any public man; that he should feel or express the slightest surprise at seeing a politician vote sometimes one way and sometimes in a way directly the reverse on the same question. Yes; he wondered to hear such remarks coming from a gentleman from Michigan.

The experienced gentleman from North Carolina [Mr. McKAY] could not but remember, that in the 28th Congress, at its second session, an appropriation of twenty thousand dollars was reported for refurnishing the President's mansion. This was after Mr. Polk had been elected, and prior to his inauguration. The Whigs had been in favor of the appropriation. They knew that the furniture was much of it old, the carpets worn, the curtains torn, and they considered that a proper respect for the Chief Magistrate, and for the nation whom he represented, required that the house should, to some extent, be refurnished. But the Democrats were against the bill; not that they wanted it to be voted down—oh, not at all! On the contrary, they desired very much that it should pass; but they wanted it to pass by Whig votes, so that, when they went home, they might declaim against Whig extravagance and laud their own strict economy. They had commented with great severity on a similar appropriation when General Harrison was coming, and, unless the Whigs should pass this, all the Democratic thunder would be quieted.

Mr. STANTON here rose to explain. The Democrats, at the opening of General Harrison's term, had denounced the insincerity of the Whigs in voting largely to furnish the Executive mansion, after they had inveighed with so much violence on Mr. Van Buren's luxury. It was their insincerity that provoked the thunder of which the gentleman spoke.

Mr. SCHENCK. Yes; the Whigs wanted to vote twenty thousand dollars towards giving Mr. Polk some new furniture. That was Whig extravagance. And the Democrats could not go it, because they would thereby contradict the argument used by Mr. Polk himself when canvassing to be Governor. He and his Democratic friends had been horrified at only six thousand dollars voted for General Harrison. As to the gentleman from Tennessee, [Mr. STANTON,] Mr. S. had not pointed particularly at him, for he had often had occasion to admire his liberality and independence in separating himself from his party when voting upon questions of this kind.

Mr. JOHNSON, of Tennessee, here wanted very badly to get the floor, but Mr. S. refused to yield it.

Mr. SCHENCK said he had heard the Whig extravagance toward General Harrison mouthed upon the stump. And when the Whigs found that the Democrats wanted for their President elect a similar but much larger appropriation, but at the same time wanted the credit of great economy in voting against it, they turned round and voted with them, and thus the bill was rejected.

But the history of that bill did not end there. Mr. Polk must still have his furniture; and still we said to our Democratic friends, you shall have the proper appropriation if you will but unite with us in granting it. A Democratic member from Louisiana accordingly, on the next morning, relying on the "sober second thought" of his party friends, came into the House and moved to reconsider the vote by which the bill had been lost. Nearly every Democrat voted to reconsider; nearly every one of them voted against laying the bill on the table. They did not want it to die; they were willing to keep it half alive, in a state something between life and death, that the Whigs might pass it. It was only a case of asphyxia. Let the Whigs resuscitate it, then the Democrats would get the benefit, while the Whigs got all the odium; they would have the appropriation they desired, and we be charged with the extravagance. The Whigs, seeing that this was their game, again voted as before, or changed their votes when they discovered how the Democrats were going, and the bill was killed stone-dead. It was put even past the help of galvanism. All those batteries, with whose action his scientific friend [Mr. STANTON] was so familiar, were insufficient to bring it to life. But what followed? Why, the lesson was not lost upon them. A little while after, at that session, the civil and diplomatic bill came up, and the economical Democrats very meekly and quietly agreed to insert in that the same appropriation for furnishing and painting up the President's house; and on that item they voted, with a few obstinate exceptions, with the profligate Whigs, and the thing went very smoothly. The opposition dwindled down, if I remember aright, from about seventy to less than thirty.

So this was by no means anything new. The Whigs had seen tricks before. To-day they had smoked them out. They had openly admitted the bill to be all right and proper, but because it had one item in it for internal improvements, they would stop the wheels of Government rather than let it pass.

Mr. S. congratulated the country on another account—on account of the character of the particular item to which exception was taken. It was clear enough that the party, as a party, meant to confine their objection to this item for Savannah river. For what had been the subjects handled in the debate? The President's veto and internal improvement. On these the House had been debating for the last two days. There was no mistaking the true position of the Democratic side of the House. They were willing to prostrate the Government rather than give up their deadly hostility to works of internal improvement, and their attachment to the Executive veto. They were shown up as the friends of the veto, and the enemies, the implacable enemies of internal improvements. All who held these opinions were *against* the bill, while those opposed to the veto, and in favor of internal improvements, were *for* the bill. Mr. S. was glad the issue had been made.

And the item objected to was one where the extremest straining was required to make a pretext for saying that it was unconstitutional. The obstruction in the river had been put there by the Government itself. And so bitter, so malignant was the opposition of the Democrats to all works of internal improvement, that they would not vote even to clear out an obstruction placed in a river by their own Government. This was a trial of Executive and of Legislative strength. And Mr. S. was glad that such a trial was to be made. They told the House that the bill if passed would be vetoed. Yes; the shadow of the White House had been growing from year to year, till at length it was become so long that it had reached the Capitol, and cast its chill over the members of that House, and there into the very hall of legislation. The Presidential power was now for the first time openly held up in debate as a reason why the people's representatives should or should not legislate in a particular way. Mr. S. was glad. Now, the Whigs could point to another stride of Executive influence. It stood out open and bald. The claim was made that the National Legislature should pass such laws only as were conformed to the Executive opinion—such as they knew beforehand would be agreeable to his Majesty.

Mr. S. almost regretted, as his colleague [Mr. VINTON] had done, that an item had not been inserted in the bill for some western river or harbor, so that the same issue might have been made and met on them too. He was one that did not think that this appropriation for Savannah river need be put upon the ground that the obstructions had been placed there by Government. It was sufficient for him that the obstructions existed, and that they required to be removed. Believing that on that broad ground the appropriation was a proper one, the fact that they had been put there by Government, made the case the more flagrant as to the pretended scruple of the Executive conscience.

And here Mr. S. wanted to notice the special pleading of the gentleman from Georgia, [Mr. IVERSON.] The gentleman had addressed the House in a very fluent and ingenious speech; and yet, when it was looked at more nearly, it would be found to be more specious than solid.

The gentleman said that these obstructions had been put in the river before the adoption of the Constitution, and therefore Congress was not bound to remove them. And the gentleman considered this a good argument, because the clause in the Constitution which bound Congress to assume the onus of the Confederation, used the terms "debts and obligations," and this was not a debt nor an obligation. But may not the gentleman's argument be well answered by a reference to the case of revolutionary pensions? On what ground did Congress pay them? We had these ancient remnants of revolutionary days presenting themselves before us, with tottering limbs, and hair blanched by the frosts of near a hundred winters, asking a pittance in remembrance of services rendered on the battlefields which won our independence. The gentleman would reply to one of these revolutionary soldiers: True, true, my worthy old fellow; but this is no "debt," no "engagement;" those services were rendered before the adoption of the Federal Constitution, and we are not bound to pay for them. If you can show a debt—if you have arrears of pay due to you, we will allow it; but we can make you no gratuity. We are bound only by the debts and engagements of the Confederation. What a pitiful, narrow, miserable policy! The Confederation was the government for the time of the same country and of the same people; if we had succeeded to all the benefits it conferred, we had succeeded in like manner to all its just obligations.

Again: the gentleman from Georgia opposed this appropriation because the clearing out of this river would not be a benefit to the whole country, but only to the city of Savannah; for though the obstructions were placed there in time of war, yet Savannah only was interested in the result, and therefore Savannah might remove them herself. Had the gentleman ever heard of a place called Bunker's Hill? Was the glorious battle there fought only for the defence of Boston, or of the hay-ricks of Captain Bunker, who owned the adjacent meadow? [A laugh.] Did the gentleman ever hear, in later days, of a place called Plattsburg? Did McDonough, and his gallant officers and crews, shed their blood but for the defence of the town of Plattsburg? Yet the gentleman contended that obstructions sunk at the mouth of a river to prevent the entrance of a foreign fleet, were intended exclusively for the benefit of Savannah; and Savannah must remove them. If this were not special pleading, and of the smallest kind, Mr. S. did not know what special pleading was. Yet that was the whole argument.

Why, the gentleman ought to know that he and his friends had already voted for the same thing in principle in this very bill. Congress had voted to stick up a pole on the top of the dome of the Capitol, to light the surrounding grounds; but it had proved a nuisance. There it stood, high in air, glimmering and twinkling with as much uncertainty as a

locofoco match, to guide the steps of wandering Democrats below. But it injured the building. Congress, learning this, gave orders that the nuisance should be abated, and the pole, and all the rubbish connected with its erection, be removed; and it was done. Government had removed the obstructions which Government had placed on the Capitol. But oh! this was for the benefit of Congress, while the other was only for the people of Georgia and the population of Savannah. Here was a case before the gentleman's very eyes, and, petty and absurd as it was, it illustrated the weakness of his argument. This Government had repeatedly tried certain experiments to test alleged improvements submitted for its adoption. When the experiment was over, could they not order the timbers and rubbish employed in the experiment to be removed?

So much for the Government having no power to clear out this river.

But this very thing had been recommended by the President himself. But there was special pleading here too. The President, two years ago, had sent to Congress his message, accompanied by a report from the Secretary of War, recommending an item of $50,000 for removing these obstructions. In his message the President called the attention of Congress to the report of the Secretary, and to the items recommended therein. But the President did not say, give the money. No; he did not. He only "called the attention of Congress" to the estimates.

Now Mr. S. would put it to any honest man whether he could understand the President to mean any other than a favorable consideration of these recommendations of his own officer? The Secretary was his organ to present these estimates to Congress; he called the attention of Congress to them. What did he mean? Congress looked over the list, and found there an item of $50,000 for the Savannah river. Could they understand the President as calling on them to reject it? What mockery, to send items of appropriation, and recommend the attention of Congress to them, that they might be rejected, and then to say that he considered them unconstitutional! Could he, or could his friends for him, take shelter under the pitiful excuse that he only called the attention of Congress to them? No doubt the President did at that time mean that something should be done. Democracy was progressive, and it had not then reached the point that all internal improvements are unconstitutional. He did not then suppose, it was not probably thought by any one, that he could declare himself in favor of the views of the South, and carry the pliant Democracy of the North along with him. He would not probably hereafter "call the attention of Congress" to any more estimates for works of internal improvement, but would at once boldly declare the whole to be unconstitutional.

Mr. S. was glad: there would now be an opportunity for a fair and open struggle which would try the relative strength of Congress and the Executive. Mr. Polk would find that while there was such a thing as progressive Democracy, there was also such a thing as progressive Whiggery—aye, and progressive Americanism on the subject of internal improvements. The country had had some proofs of this. Had the gentleman from Georgia ever seen one of the western snag-boats in operation? There stood a tall snag or sawyer (he did not mean his colleague over the way) [a laugh] stoutly opposed, even as the best Democrat among them, to internal improvements, and to the free and safe navigation of our great rivers. There it stands right in the way. The snag-boat approached it: the chains are thrown around it, and it is grappled. Then the engine is started, the wheels make a few revolutions, the machinery is set in motion, and the tug is made. Everything strains and cracks, but the snag is not yet out. What does the snag-boat do? give it up? No such thing: no thought of it. Again the boat is brought up: the chains are thrown around as before, every thing tackled on securely and made fast, the wheels set in motion, and then all cracks and grinds again, but successfully this time, and the snag comes out! Thus was one of the "Polkstalks" taken out of the way. And so it would be with the President's vetoes. Congress was the snag-boat. They had on board at the last session an engine with but a seventy-Whig power. But Whig principles were progressive. And now they came up with a Congressional engine of about a hundred and twelve Whig power. When they put on that, they would clear away these Presidential obstructions, and leave free and safe channels for the will of the people to run in. If the question should be put fairly before the people they would increase this Whig power many fold, if necessary, and make sure work of it. The time was coming when we should have free legislation, as well as the freedom of speech here, and Presidential vetoes would be heard of only in history.

Mr. COBB, of Alabama, here wanted to put a question to Mr. S., but he refused to be interrupted.

Mr. S. said, the gentleman could not play the trick on him which he had tried on a late occasion; it would not go. The issue was now fairly made with Mr. President Polk. He wanted to see these vetoes cleared away. The issue was between Mr. Polk and the people of the United States. The gentleman from Georgia had told the House, he had "the highest guarantee" that this bill would be vetoed if it had the Savannah river in it. Now, the *highest* guarantee, Mr. S. supposed, was the President's own declaration; but this the gentleman disclaimed. He only claimed it from Mr. Polk's former messages and course on these subjects, and from the consistency of his character. But Mr. S. did not augur quite so confidently from Mr. Polk's past course and character as President. He remembered that he had talked very strongly about a clear and unquestionable title to 54° 40'—all of Oregon or none; yet, in that case, he had backed out and taken 49°. He was not sure, but he rather thought he would back out again, if this bill should be sent to him, even if it did contain this item for Savannah harbor; but if not—if our President was ready to stop all the machinery of the Government rather than seem to give his sanction to one single work of improvement demanded by the people through their representatives—then on him and his party be the consequences.

Mr. S. was at a loss to reconcile the course of different gentlemen on the opposite side of the House. There was the gentleman from Illinois—he meant the very *tallest* specimen of a friend of internal improvements, [Mr. WENTWORTH]—he, though professing to be so uncompromising a friend of these measures, supported as his candidate for the Presidency a man who declared before the country that he fully endorsed all that Mr. Polk had done—a candidate who not only "cordially approved" the Baltimore platform, including the denunciation of internal improvements, and the resolutions in favor of Mr. Polk's vetoes, but who had announced, that if elected, he should consider his election both as a sanction of the course of his predecessor, and direction to himself. That gentleman supported Mr. Cass, he said, because he believed he was in favor of internal improvements, and would not veto a bill that might be passed for such objects. He seemed to trust to General Cass's adherence to his former principles and votes. Did he not rightly understand that gentleman? Had he not said so?

Mr. WENTWORTH wanted to enter into an explanation, but Mr. S. asked only for naked yes or no, which Mr. W. would not give.

But (said Mr. S.) there was no mistake. Both the gentleman from Michigan [Mr. McCLELLAND,] and the gentleman from Illinois [Mr. WENTWORTH] supported Mr. Cass on that ground. Mr. S. knew he had no right to interrogate gentlemen, unless they chose to submit to it; but he would venture to ask the gentleman from South Carolina opposite, [Mr. RHETT,] whether he supported Mr. Cass on the same ground?

Mr. RHETT asked, whether Mr. S. yielded the floor to him for a reply?

Mr. SCHENCK declined to yield the floor.

Mr. RHETT. Then I shall not reply to the question.

Mr. SCHENCK. Ah, sir, "there is so much noise and confusion here" that we never can hear a Democrat's opinion on these subjects. Shout loud as they will, from North to South, their opinions upon this subject, and yet they cannot hear each other.

[Here Mr. S.'s hour expired.]

Mr. LAHM made some remarks in reply, a report of which will appear in the Appendix.

Mr. GREEN, of Missouri, then remarked that, having given votes connected with this bill, of importance to his State, and of general importance, he wished briefly to explain the reasons by which he had been influenced. He believed, in the first place, that this bill was an inappropriate one in which to insert an appropriation for the improvement of the Savannah river, and he had voted against that item. He believed it out of place, inappropriate, incorrect, and before he took his seat should endeavor to show it was unconstitutional. The General Government was one of delegated powers, surrendered by the States and the people, and there was no grant which warranted the exercise of the extraordinary power involved in this amendment. Gentlemen on the other side of the House had charged him and those who had voted with him against the passage of the civil and diplomatic bill with inconsistency, but he submitted that, believing the item for the Savannah river to be unconstitutional, they were not inconsistent in voting against the bill including that item, but that it was their bounden duty—which no man, viewing the matter in this light, could deny—to vote against it.

But why had this item for the improvement of a river been inserted in the civil and diplomatic appropriation bill? He intimated the fact that the Committee on Commerce had determined, at an early part of the session, to report separate bills for the improvement of the Mississippi, Ohio, Savannah rivers, and other works of internal improvement, and not only determined, but actually prepared a large number of separate bills, that every gentleman might vote understandingly, directly upon individual questions disconnected with others, and that this policy had suddenly been changed soon after the visit of Mr. Clay to this city before the meeting of the Philadelphia Convention. True, that distinguished individual found that this course had been pursued by the committee, but he might have nodded his head or motioned his arm that it should be abandoned; and lo, the Savannah river was put into the civil and diplomatic appropriation bill, the appropriation for Boston harbor into the navy appropriation bill, and other disconnected items were to be put, he presumed, into other bills. If his supposition was incorrect on this point, he would like to be corrected by any gentleman on that committee.

Mr. KING, of Georgia, said he had intended to make the correction if he could obtain the floor, but as he now had the opportunity, he would say, that so far as he knew, and he believed he knew all the circumstances connected with placing this item in the civil and diplomatic appropriation bill, there was no intention to entrap the Executive; but the general internal improvement bill having met the veto of the President, there seemed to be no other way of obtaining an appropriation for this object than by placing it in a bill which everybody must approve, it being for the removal of obstructions in the Savannah river which had been placed there by the colonial Government itself.

Mr. BAYLY wished to correct the gentleman. The record did not sustain the gentleman's position.

Mr. KING. In what?

Mr. BAYLY. In saying they were placed there by the Confederation.

Mr. KING wished to return the favor, and correct the gentleman from Virginia. The history of the country showed that the first obstructions were placed there to prevent the approach of the British to Savannah.

Mr. BAYLY. By whom?

Mr. KING. By the authorities then in command.

Mr. BAYLY. No; by the Legislature of the State of Georgia.

Mr. GREEN resumed, and further commented upon what he understood to be the change by the Committee on Commerce from the line of policy they had at first laid down for themselves. If he was laboring under a mistaken impression, he would thank any gentleman to correct him. He repeated the opinion that these various works of internal improvements should be left to stand on their own merits, and be acted on separately, except so far as that those which were undisputed might be included in one bill.

Mr. COBB, of Georgia, stated that a bill for this specific purpose, the improvement of the Savannah river, had passed the Senate, and was now in the House in Committee of the Whole on the state of the Union.

Mr. GREEN was aware of that.

Mr. THIBODEAUX (a member of the Committee on Commerce) inquired if the gentleman had alluded to the Committee on Commerce?

Mr. GREEN replied, he had alluded to that committee whose business it was to report the several internal improvement bills.

Mr. THIBODEAUX asked if the gentleman intended to charge the Committee on Commerce with having yielded to the wishes of Mr. Clay? If he did so, he challenged him to the proof.

Mr. GREEN said he had made no such charge. He had stated that according to his impressions—which might be wrong—the original plan of the committee had been abandoned, and at about the time of the visit to this city of the distinguished gentleman to whom he had alluded. What was the cause of this abandonment he knew not; but he did think that this particular appropriation had been inserted in this civil and diplomatic bill for the purpose of compelling gentlemen to violate their constitutional scruples, or to refuse to vote appropriations necessary to carry on the Government.

Mr. KING, of Georgia, (in his seat.) That was not the object.

Mr. GREEN accepted this explanation as far as regarded the gentleman himself, but he presumed the gentleman did not attempt to speak for others.

On the subject of internal improvements he was aware there was a great diversity of opinion, and he confessed there was great difficulty in drawing the line of demarcation between works for which appropriations might be made by this Government and works for which they might not be made. He would simply state, and not attempt to argue, the position which he occupied. He denied that this Government had the power to appropriate one single dollar to any work of internal improvement for the purpose of facilitating commerce. But they might appropriate for many of those works under other grants of power than that over commerce. Upon this principle he had voted for the WENTWORTH resolution. That resolution declared, in substance, that if it were necessary for the defence of the country, for the protection of our navy and of commerce, Congress had the power to make internal improvements; and although he denied that they had the power for the facilitation and protection of commerce to make internal improvements, yet as they had this power for the defence of the country and for the protection of the navy, he had voted for the resolution. The words "regulate commerce"—whatever they might mean, which he did not now attempt to show—did *not* mean "faciliate commerce." There was another clause of the Constitution which declared that "no preference should be given, by any regulation of commerce or revenue, to the ports of one State over those of another." Now, if to "regulate commerce" meant to dig out harbors and improve rivers, did they not, in the exercise of that power, give the *preference* "to the ports of one State over those of another?"

Who believed that the framers of that sacred instrument, the Constitution of the United States, knew so little of the force of language as to intend to convey, by the power to "*regulate* commerce," the power to dig canals, to improve rivers and harbors, to construct railroads, to *facilitate* commerce? And who believed that they intended to confer upon Congress any more than the power to prescribe rules and regulations for the government of commerce? If he was asked for the power to construct light-houses, he referred to the power to provide and maintain a navy; and if he were told, and it were true, that light-houses had been erected at points where the navy could not come, he answered that they were erected without any constitutional power of Congress. He did not complain if, in exercising the powers granted for the purposes of the Government, they benefited the people also. For instance, if the drawing out of a snag from a river, which river the Government made use of in the transportation of troops and munitions of war, subserved the benefit of the people also, it was no objection to the exercise of the power. But the improvement of the Savannah river did not subserve the purposes of the Government in either of these respects, but was designed merely to facilitate commerce, and therefore was, in his opinion, unconstitutional.

He replied to remarks made by Mr. SCHENCK upon the veto power, in which it was described as overshadowing and baleful, and controlling in its influence upon Congress. If this was the case, he argued that the knowledge by Congress that the Executive entertained any opinion on any subject would have the same effect. But that complaint would never be made against Zachary Taylor. No one knew his opinions, if he had any. Time and again had he been interrogated on various questions, and no reply could be obtained. No overshadowing influence, then, would be felt from him upon the subject of the Wilmot proviso, the tariff, the bank, or any other question which might come before Congress. In this respect he might be said to be an anomaly in nature; for, while the sun and all other luminous bodies threw a shadow behind them, none would fall upon Congress from General Taylor, should he chance to be elected, of which there was no prospect. But he held that upon those points where they knew the opinions of the Executive, they should not encumber the appropriation bills with provisions which he could not approve, and thereby stop the wheels of Government, but should act upon the diversity which was known to exist between the President and Congress, and make their appeal to the people on that ground.

He referred to a remark of Mr. SMITH, of Indiana, in reference to the fear of trusting the people, and argued that the Whig party, in discarding Mr. Clay, a man whose sentiments were known, and selecting General Taylor, who kept *mum* upon all interrogatories propounded to him, practically demonstrated their fear to trust the people. He also contended, that in thus presenting a candidate with no profession of principles, they countervened the just doctrine of instruction—of the responsibility of the representative to obey the will of his constituents, as there was no mode by which the President after election could be instructed, and the only mode by which the will of the people could be carried out in the election of President, was to have the principles of the respective candidates distinctly declared, that they might support the principles rather than the man.

He replied to the comments of Mr. TOOMBS upon the Democratic "platform," and justified that resolution which speaks of the Government being one of limited powers, and of a strict construction of the Constitution, instead of condemning it, with the gentleman, as being a truism. But he expressed his pleasure to hear that it was now admitted to be a truism, as it had been denied, not only in practice, but in theory, by the Whig party, in their advocacy of a general system of internal improvements, of this improvement of the Savannah river, and other latitudinarian constructions of the Constitution.

He commented upon what he considered the remarkable fact, that General Taylor had written no letter accepting the nomination of the Philadelphia Convention, and upon the insufficiency of the various excuses that had been assigned—the failure of the Postmaster General to furnish him with mail facilities, the considerable tax of his postages, &c. That nomination had not been accepted, but General Taylor had said if the Whigs, or the Democrats, or the Native Americans, or any other party, nominated him, he would accept, carrying out the scriptural doctrine of being "all things to all men, if by any means he might gain some."

The gentleman from Indiana had said General Taylor was not his first choice, but that he supported him because he was available. In what did his availability consist? In concealment. It had also been declared by a distinguished gentleman now in his eye, in a communication addressed to the Whigs, that General Taylor had been nominated because the party could elect no one else. Would not every Whig throughout the whole extent of this broad land, prefer Mr. Clay for the Presidency?

Mr. DUNCAN, of Kentucky, interposed, and said, for one, he decidedly preferred General Taylor.

Mr. SMITH, of Indiana, corrected the gentleman, and said he had not declared that he preferred Mr. Clay to General Taylor as a candidate for the Presidency. Mr. Clay's name was not now before the country in that connection.

Mr. GREEN considered it an anomaly, a strange instance of ingratitude, that the "great embodiment" who had so long held the party together, whose principles were well known, should be deserted for General Taylor, who said he would not be the "exponent of Whig principles." Did not this look like the dissolution of the old Whig party?

Mr. KING, of Georgia, then obtained the floor, and yielded to a motion by Mr. ROOT that the House adjourn, which was rejected.

[Cries of "Let's finish the question to-day," and confusion.]

Mr. KING remarked that he saw some restiveness on the part of the House, and although he desired to say something upon the item for the Savannah river and other subjects involved, he would defer his remarks to some other occasion, and, in accordance with the manifest wishes of the House, propose to dispose of the question by moving to lay on the table the motion to reconsider.

The motion was agreed to, and thus the civil and diplomatic bill has finally passed the House, (including the item for the Savannah river.)

TREATY OF PEACE.

Mr. COBB, of Georgia, asked the unanimous consent to take up and refer the President's message announcing the treaty of peace. If the House intended to act upon the subjects referred to in the message, it was time it was divided among the respective committees of the House, in order that they might prepare the measures for the action of the House, to enable them to despatch their business, and be ready to adjourn.

Mr. HOLMES, of New York, inquired of the gentleman whether the President had responded to the resolutions of inquiry relative to the establishment of territorial governments by the President, and other subjects referred to in his message.

Objections were made to Mr. COBB's proposal.

And the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred:

By Mr. CHAPMAN: The memorial of the heirs of the late Joshua Johnson, of Maryland, asking for a settlement of his accounts as consul and commercial agent at London.

By Mr. WENTWORTH: The claim of Captain F. Schaffer, of Chicago, Illinois, for the refunding of certain moneys advanced by him when in the United States service.

By Mr. COLLINS: Additional affidavits to accompany petition of Edward Shepard for a pension.

IN SENATE.

SATURDAY, *July* 22, 1848.

Mr. HALE presented the petition of John Lewis, a colored man of Philadelphia, asking that the fifth section of the Oregon bill be so amended as to strike out "free white," so as to give the colored citizens of the United States an equal advantage with all others.

The motion to receive was ordered to lie on the table.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, made an adverse report in the case of Henrietta Beddinger.

Mr. JOHNSON also, from the same committee, made an adverse report in the case of Leonard Gray.

THE TERRITORIAL BILL.

Mr. CLAYTON called up the bill to establish a Territorial Government in Oregon, New Mexico, and California.

The bill having been read a second time, and being under consideration as in Committee of the Whole—

Mr. CLAYTON said he did not intend to open the debate on this bill with a long and tedious speech, reserving the right, in the event of debate being unavoidable, of replying at the close. He hoped, however, that it would not be found impracticable to avoid debate. The bill would speak for itself. The 12th section in the bill reported, is similar to that reported by the Committee on Territories, with some slight modification. This section renders valid the laws now in force in Oregon, subject to be changed by the legislative body of the Territory, provided they are not incompatible with this act or the Constitution of the United States. The Territory of Oregon will have the right to send a Delegate to Congress. Such power is not conferred on the Territories of New Mexico and California. In the case of Oregon, the Legislature has the right to enact laws as specified, while in the Territories of California and New Mexico the powers are much more restricted.

In the committee, all other modes of compromise entirely failed. He believed that no other mode would be successful in the present Congress.

The bill leaves the entire question which is in dispute to the Judiciary. There is no great principle sacrificed. Any man who desires discord will oppose the bill. But he who does not desire to distract the country by a question merely political, will be able, by voting for this bill, to refer the whole matter to the Judiciary. In any case in which it may be deemed important, any lawyer can carry the question to the Supreme Court of the United States.

The compromise line of 36° 30′ was voted down in committee, in every form in which it was or could be offered. To show how this line would have operated, he referred to a return from the Commissioner of the General Land Office, giving the superficies of the new States and Territories: lying north of latitude 36° 30′, there are 1,599,240 square miles, or 1,023,515,080 acres; south of latitude 36° 30′, there are only 262,729 square miles, or 168,146,560 acres: so that the territory north of the line will be four times as much as the territory south of it. Some members proposed as a basis the compromise line of 36° 30′; but it was opposed. He felt himself standing between North and South, and standing ready to conciliate between both. He would say no more, but would express the hope that so far as could be done without infringing the right of free discussion, the bill would be pressed to a vote as early as possible.

Mr. NILES said the main question had been the question of the power of Congress to interfere with the question of slavery. He wished to know if that Senator regarded this bill as taking the affirmative side of this question. He also desired to know what was the compromise effected or exhibited in the bill.

Mr. CLAYTON replied that this bill neither affirms nor disaffirms the power, and herein consists the compromise. If any Senator is opposed to this compromise, let him stand up and say so.

Mr. NILES said it appeared, then, that the compromise left the matter where it found it. It left the question just as it was, as yielding all the claims which the advocates of slavery had put forward.

Mr. CALHOUN repudiated any idea other than an object national in its character, the harmony and preservation of the Union. The South only looked to the protection of its rights which it had derived from its ancestors.

Mr. NILES expressed his pleasure at hearing this declaration. But he did not exactly comprehend the extent of the Senator's remark. He thought the question of the right of the South to carry property into the free States, was to be made the subject of compromise. He expressed his belief that the question might be compromised on the principle of equality of rights between the North and the South.

Mr. DICKINSON explained his course in the committee. They saw three great Territories before them. What was to be done to bring these into the Union? Midsummer had passed, and something was necessary to be done. A committee was appointed, and a bill was reported extending the Constitution and the laws over these Territories without touching the question of slavery.

Mr. NILES explained some parts of his observations previously made. The Senator from New York seemed to approve of this bill, and this in the face of a speech which he made early in the session, a well-considered speech, in which he denied the power of Congress to interfere with the government of Territories. As the Senator had changed his tone on this question, there was some hope that further change would ultimately bring him round to a correct position. He insisted that this bill is no compromise; it is no compromise at all. Yet it is not altogether negative; on one point it is affirmative. It prohibits the inhibition of slavery in the Territory. Was that nothing? He thought it most significant and most important. He feared that when these Territories would come and knock at our doors for admission as States in the Union, the same difficulties might arise which arose on the unfortunate Missouri question. The questions involved in this matter are before the country and Congress, and they must be met now or hereafter. He did not see how this bill was to settle the question. The people, who are intelligent, and who know what the question is, will be apt to ask how it is settled? The Territory of California, New Mexico, and Oregon, has come into our hands free as God has made it. He did not expect anything beneficial from the committee; but he certainly did not expect such a dodging, such an evasion of the question as was evident in the bill, which had cowardice stamped on it.

Mr. DICKINSON replied, and asserted that there was no inconsistency in his course. He referred to the resolutions he had offered early in the session, and stated that they sustained the Oregon bill. He went for the freedom of Government, not the freedom of the cut-throat. He would not substitute the dagger and the rifle for the power of the law. He complimented Mr. CALHOUN, and all the members of the committee, for the proper spirit which they brought into the discussion of the bill.

Mr. CORWIN referred to the speeches of Mr. CALHOUN, which maintained that Congress had no power to touch the question of slavery. Such, also, was the argument of his friend from Georgia, [Mr. BERRIEN.] He wished to know if the committee made any investigation on the subject of this power, and if so, to what result? He wished to know if the committee believed that this question could be carried to the Supreme Court by any lawyer? He wished to know how the law relative to fugitives could be executed? The Territorial judge would be perplexed. The master would appeal to the Constitution, according to the principle in this bill; and if the slave was handed back to his master, and he appealed to the Supreme Court, how is the value of the property to be ascertained? and if the value of the slave is not $2,000, the case must be decided by one of the Territorial judges, some fifteen hundred miles from the seat of Government. He considered it a question worth looking after in this noon of the nineteenth century, whether Cuffee or his master was the right man? He wished, also, to know why New Mexico and California should not be entitled to the same privileges of the other two States?

Mr. CLAYTON explained, that the inhabitants of New Mexico were not admitted to equal privileges with Oregon, because they were too ignorant for self-government.

Mr. PHELPS said, we came here for the purpose of settling this by some legislative measure. It was therefore competent to settle it here. Then it was alleged that the Constitution was the only authority to be regarded. It must, therefore, be referred to the judicial power. It is not in the power of Congress to interfere with the question. The question as to the constitutionality of our laws must be decided elsewhere. The committee had, with a view to meet the difficulty, thought it proper to refer the whole matter to the examination and decision of the Supreme Court. The free States conquered by us have been free from slavery, and slavery shall not be introduced there. Such is the sentiment throughout the Eastern States. The South seemed to think that there was some combination against them; but this he regarded as idle.

Mr. WESTCOTT put some questions relative to the Legislature of the Territory of Oregon, and its power. He desired to know if the restriction in the bill was intended to prevent the Legislature from passing laws for the punishment of slaves?

Mr. PHELPS said he had suggested the prohibitory clause. His motive was, not to leave this power to the nominees of the President, but only to commit it to a legislative body.

Mr. WESTCOTT put his question in a more simple shape.

Mr. PHELPS said he did not intend to make any distinction between the slaves and the Indians. It was intended to leave the question where the Constitution placed it.

Mr. CALHOUN said the committee did not pretend to settle the question. It was left where the Constitution placed it.

Mr. NILES wished to know if the committee thought this bill exhausted all the authority possessed by Congress. If not, how was the question settled, when a bill could be at any time brought in to disturb the subject?

Mr. BALDWIN remarked on the different features in the bill in relation to the Territory of Oregon, and the Territories of California and New Mexico. He had formerly, when the Oregon bill was under consideration, stated that he regarded it as a national question, and hence he thought it unwise to bring in the new Territories in connection with it. He adverted at some length to the grounds which were taken by the Senator from South Carolina in the Oregon discussion, in his exposition of the rights by which we held the Territory. He thought there was no propriety in connecting a Territory to which the Missouri compromise extended, in the same bill with Territories which had subsequently become ours by conquest. He thought it unjust to those who insist on the Missouri compromise, to put these Territories side by side. He moved to amend the bill by striking out of the bill all after the twentieth section, being the part which relates to California and New Mexico.

Mr. HALE referred to instructions formerly given by the Legislature of New Hampshire, requesting the Senators, &c., to vote against the introduction of slavery into Oregon. These resolutions passed in 1846, and might be regarded as unworthy of regard, because it elected him; but they had not been rescinded during the two Legislatures of 1847–'48. He stated that the Wilmot proviso was the unanimous sentiment of the State, and was the opinion of the Democracy of that State, as set forth in the New Hampshire Patriot, A No. 1. He was not afraid, therefore, but that he would be sustained by his State.

He professed to have no confidence in the Supreme Court, as now constituted, and was unwilling that that court should decide the question. Again, the bill came short of the wishes of the people, who, throughout the whole length and breadth of the land, were demanding that slavery should be abolished. The committee had done nothing. The chairman had stated that they had done nothing. They left the question to the laws of God and the Constitution. Now, the Constitution was interpreted as variously as the Bible. The Senator from South Carolina was for leaving the matter to the Constitution, because, in his opinion, the Constitution carries slavery with it. Another construes the Constitution as meaning to secure freedom. The client of the Senator from Vermont asks how is this settled? "Oh, by the Constitution!" "Well, that is very well, but what does the Constitution say?" "Oh, it is a Constitution of freedom!" "Very well, I am satisfied, as freedom is what I want." In the South the same question is asked, and the citizen there is satisfied because he is told that it carries slavery with it. He alluded to the case before the Senate, of the bill for an appeal to the Supreme Court, in certain cases from the District of Columbia.

Mr. PHELPS asked if any one could find in the Constitution any authority for the Supreme Court hearing an appeal against taking out letters of administration?

Mr. HALE said that he would discuss that when the proper time came. He went on to state his objection more at large, as well as to state other objections which he entertained against the bill. The Senator from Delaware had produced a large paper filled with figures so numerous, that his imagination had nearly got swamped in it. He did not know what these figures had to do with the bill.

Mr. CLAYTON said he read the figures, not with reference to this bill, but merely as matter of illustration.

Mr. HALE said he did not discover any pertinence. But he had heard a remark from the Senator which had given him pain, because he usually heard that Senator with pleasure and profit; but that Senator had said that any one who desired discord in the country would oppose the bill.

Mr. CLAYTON disavowed any intention to use the words in an offensive sense.

Mr. HALE was happy to hear it. But had it been otherwise, such a charge would have no weight with him. He repeated, that the committee had done nothing. The Senator from New York said they had left the question where they found it.

Mr. DICKINSON said he had stated that they left the questions where they found them.

Mr. HALE. Well, then, they left all the questions where they found them. That is, the committee had done nothing; and if the Senate had desired nothing to be done, there was no use in appointing a committee to do it. He then proceeded to make some remarks on the Senator from Georgia, [Mr. JOHNSON,] who pretended to speak as the whole Democratic party, which he announced in a prefatory remark.

Mr. JOHNSON, of Georgia, explained, considering that injustice had been done to him.

Mr. HALE had the printed speech of the Senator at home, and had no desire to misrepresent him. He had been confirmed, however, in his impression that the Senator assumed to act for the whole Democratic party, by an incident which took place a few days before. When the resolution relative to adjournment was under consideration, that Senator had very significantly warned the Senators who were against him that they would be made responsible to the party; and such was the effect of the rebuke, that many of these Senators afterwards changed their votes. He then proceeded to show the distinction between political and municipal law, in order to convict the Senator from Georgia of error in this respect. He contended that slavery was not one of those political rights which we can carry everywhere with us. He adverted to and commented on the language of the laws of Mississippi, Kentucky, and Louisiana, which designate slavery as the creature of municipal law; and the opinion of the Supreme Court sustains the local and municipal character of the institution.

Mr. UPHAM read a decision of Judge McLean, that slavery was maintained by local laws, and that it could not be carried into another State.

Mr. HALE said he had not read this, because Judge McLean was from Ohio, which was an infected State. He then went on to quote, from the Madison Papers, the language of Colonel Mason, of Virginia, against slavery, which might have some weight, as it did not come from an eastern abolitionist. He expressed the hope that Virginia herself would be found ready to sustain and carry out the sentiments propounded by some of the noblest spirits that ever adorned her history. He went then into the question of the power of Congress over the subject of slavery, which had been denied; and yet by this bill slavery is prohibited in Oregon for three months, and is decided to be legal after three months. As to the Missouri compromise, which, it was said, had given peace to the country, he did not know how that might be; but this he knew, that it gave peace to those politicians who voted for it—it sent them down to their political graves, where they have ever since rested in peace. It settled them, if it did not settle the country.

He hoped that would not be called a compromise which gave to all the southern latitudes the curse of slavery, and left to the free States nothing but their ice and their rocks. He called on the Senate to pause and reflect on the position in which they were placing themselves, by upholding slavery, at a moment when the high and powerful throbbings of the human heart were overthrowing the institutions of ages and centuries, and by throwing this model Republic of ours in the path through which universal freedom is struggling to make its way.

The yeas and nays were ordered on the amendment moved by Mr. BALDWIN.

Mr. JOHNSON, of Maryland, asked if it was the intention of the mover to establish a government in Oregon, and to leave California and New Mexico without a government until the next session of Congress?

Mr. BALDWIN said he wished to disencumber the Oregon bill from the other Territorial Governments.

Mr. DAVIS, of Massachusetts, requested the Senator from Connecticut to withdraw the amendment.

Mr. BALDWIN was willing to withdraw it for the present.

Mr. BERRIEN objecting, the amendment was not withdrawn.

The question was then taken, and decided as follows:

YEAS—Messrs. Baldwin, Bradbury, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Upham, and Walker—17.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Benton, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Pearce, Phelps, Sebastian, Spruance, Sturgeon, Turney, Underwood, Westcott, and Yulee—37.

Mr. HAMLIN said he was admonished by the whisperings around him, that if he intended to be heard on this subject, he must seize the present moment, or he would be prevented by the pressure of numbers. He expressed his regret that while, throughout Europe, the spirit of freedom was overthrowing the old tyrannies, we were engaged in the task of introducing slavery into free territories. He designated the bill as guarantying and perpetuating slavery in the new territories; and expressed his conviction that the new doctrine, that the extension of our political system carries slavery everywhere with it, would be most startling in its effect on the North. He denied this doctrine entirely and emphatically. On the subject of the Missouri compromise, he said he would not have voted for it, because it established an arbitrary line.

Mr. CLAYTON asked if the Senator did not vote for the Missouri compromise when he voted for the annexation of Texas?

Mr. HAMLIN replied, that in the House of Representatives he had voted against the resolutions annexing Texas. When those resolutions came to the Senate, they were amended by the adoption of a single resolution not looking to the compromise, which emanated from the wisdom of the Senator from Missouri on his left, [Mr. BENTON,] and which would have saved us from the war through which we have passed. He would vote for no arbitrary law, even at the southern extremity of our boundary, because it would lead to party, political, and sectional strifes, such as have been eloquently portrayed by Mr. Jefferson. He would vote for a compromise founded on the spirit of those who established our Government. He would vote for retaining freedom in territories where slavery never existed; and he would vote for retaining slavery where it had always been. He was no abolitionist. He would not vote to abolish slavery in a slave State; and, so help him God, he would never vote to abolish freedom where freedom had always existed. He objected to the shuffling off, the skulking from, the shrinking behind a political question which it was our duty to meet, and throwing it on the Supreme Court to decide. He asserted that by no process could a case be brought up to the Supreme Court from the Territories; the decision of the court being explicit that it must be a case of money, and that a single slave, with the question of his rights and liberties, was not the subject of an appeal. It had been stated that slavery was never created. True, it came like the serpent into the garden of Eden, creeping, stealing in, in violation of law. He asked for what purpose the Senator from Delaware had given his array of figures, showing the relative number of square acres, in the free and slave States, according to the Missouri compromise? Why did he not state that the population in the free States was twelve millions, and the population in the slave States was eight millions? There were other objections to this bill to which he would gladly allude, but he had already detained the Senate longer than he had intended. He could not refrain from saying what he had said, to justify the vote which he should give against this bill.

Mr. CLARKE rose to address the Senate; but, as the hour was late, (approaching five o'clock,) he would move that the Senate adjourn.

[Cries from several quarters: "Oh, no; let us get through the bill."]

Mr. BERRIEN demanded the yeas and nays on the motion to adjourn; and the question having been taken, it was decided as follows:

YEAS—Messrs. Allen, Badger, Baldwin, Bell, Benton, Bradbury, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Fitzgerald, Greene, Hale, Hamlin, Johnson of Maryland, Johnson of Louisiana, Mangum, Metcalfe, Miller, Niles, Pearce, Phelps, Spruance, Underwood, Upham, Walker, and Westcott—29.

NAYS—Messrs. Atchison, Atherton, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Douglas, Felch, Foote, Hannegan, Houston, Johnson of Georgia, King, Lewis, Mason, Sturgeon, Sebastian, Turney, and Yulee—24.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 24, 1848.

The Journal of Saturday was read and approved.

Mr. CLINGMAN asked the unanimous consent of the House, and, on objection being made by Mr. COBB, of Georgia, moved to suspend the rules, to enable him to introduce a concurrent resolution to terminate the present session of Congress, by an adjournment of the two Houses by their respective presiding officers, on Monday, the 7th day of August next, at twelve m.

Mr. BURT raised the point of order that the House having previously adopted a resolution fixing the day for adjournment and sent it to the Senate, it was not in order to move another until they were informed of the fate of the former.

The SPEAKER overruled the point of order.

The question on suspending the rules was decided by yeas and nays: Yeas 110, nays 54. Two-thirds voting in the affirmative, the rules were suspended, and the resolution was received.

Mr. CLINGMAN moved the previous question, which was seconded, and under the operation thereof the resolution was agreed to: Yeas 126, nays 49.

Mr. CLINGMAN moved to reconsider the vote just taken, and moved to lay on the table that motion. Agreed to.

Mr. PILLSBURY, by leave, presented resolutions of the Legislature of Texas respecting military posts on the frontier, and relative to intercourse with the Indians. Referred to the Committee on Military Affairs.

Mr. P. also presented resolutions of the same Legislature relative to the passage of a law to compel the judge of the United States District Court for the district of Texas to reside and remain permanently within his district. Referred to the Committee on the Judiciary.

Mr. GAINES, by leave, in behalf of the minority of the select committee to whom was referred the subject of granting pensions to widows and orphans of officers and soldiers who have been killed, or who have died whilst in the service of the United States, during the war with the Republic of Mexico, made a report; which was laid on the table.

NEW MEXICO AND CALIFORNIA.

The SPEAKER laid before the House the following message from the President of the United States:

WASHINGTON, *July* 21, 1848.

To the House of Representatives of the United States:

In answer to the resolutions of the House of Representatives of the 10th instant, requesting information in relation to New Mexico and California, I communicate herewith reports from the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, with the documents which accompany the same. These reports and documents contain information upon the several points of inquiry embraced by the resolutions. "The proper limits and boundaries of New Mexico and California" are delineated in the map referred to in the late treaty with Mexico, an authentic copy of which is herewith transmitted; and all the additional information upon that subject, and also the most reliable information in respect to the population of these respective provinces which is in the possession of the Executive, will be found in the accompanying report of the Secretary of State.

The resolutions request information in regard to the existence of civil governments in New Mexico and California, their "form and character," by "whom instituted," by "what authority," and how they are "maintained and supported."

In my message of December 22, 1846, in answer to a resolution of the House of Representatives calling for information "in relation to the establishment or organization of civil governments in any portion of the territory of Mexico which has or might be taken possession of by the army or navy of the United States," I communicated the orders which had been given to the officers of our army and navy, and stated the general authority upon which temporary military governments had been established over the conquered portions of Mexico then in our military occupation.

The temporary governments authorized were instituted by virtue of the rights of war. The power to declare war against a foreign country, and to prosecute it according to the general laws of war, as sanctioned by civilized nations, it will not be questioned, exists under our Constitution. When Congress has declared that war exists with a foreign nation, "the general laws of war apply to our situation," and it becomes the duty of the President, as the constitutional "commander-in-chief of the army and navy of the United States," to prosecute it.

In prosecuting a foreign war, thus duly declared by Congress, we have the right, by "conquest and military occupation," to acquire possession of the territories of the enemy, and during the war to "exercise the fullest rights of sovereignty over it." The sovereignty of the enemy is in such case "suspended," and his laws can "no longer be rightfully enforced" over the conquered territory, or "be obligatory upon the inhabitants who remain and submit to the conquerors." By the surrender, the inhabitants "pass under a temporary allegiance" to the conqueror, and are "bound by such laws, and such only, as" he may choose to recognize and impose. "From the nature of the case no other laws could be obligatory upon them; for where there is no protection, or allegiance, or sovereignty, there can be no claim to obedience." These are well-established principles of the laws of war, as recognized and practised by civilized nations; and they have been sanctioned by the highest judicial tribunal of our country.

The orders and instructions issued to the officers of our army and navy, applicable to such portions of the Mexican territory as had been or might be conquered by our arms, were in strict conformity to these principles. They were, indeed, ameliorations of the rigors of the war upon which we might have insisted. They substituted for the harshness of military rule something of the mildness of civil government, and were not only the exercise of no excess of power, but were a relaxation in favor of the peaceable inhabitants of the conquered territory who had submitted to our author-

ity, and were alike politic and humane. It is from the same source of authority that we derive the unquestioned right, after war has been declared by Congress, to blockade the ports and coasts of the enemy, to capture his towns, cities, and provinces, and to levy contributions upon him for the support of our army. Of the same character with these is the right to subject to our temporary military government the conquered territories of our enemy. They are all belligerent rights; and their exercise is as essential to the successful prosecution of a foreign war as the right to fight battles.

New Mexico and Upper California were among the territories conquered and occupied by our forces, and such temporary governments were established over them. They were established by officers of our army and navy in command, in pursuance of the orders and instructions accompanying my message to the House of Representatives of December 22d, 1846. In their form and detail, as at first established, they exceeded in some respects (as was stated in that message) the authority which had been given; and instructions for the correction of the error were issued in despatches from the War and Navy Departments of the 11th of January, 1847, copies of which are herewith transmitted. They have been maintained and supported out of the military exactions and contributions levied upon the enemy, and no part of the expense has been paid out of the treasury of the United States.

In the routine of duty, some of the officers of the army and navy, who first established temporary governments in California and New Mexico, have been succeeded in command by other officers, upon whom like duties have devolved; and the agents employed or designated by them to control the temporary governments have also, in some instances, been superseded by others. Such appointments, for temporary civil duty during our military occupation, were made by the officers in command in the conquered territories respectively.

On the conclusion and exchange of ratifications of a treaty of peace with Mexico, which was proclaimed on the 4th instant, these temporary governments necessarily ceased to exist. In the instructions to establish a temporary government over New Mexico, no distinction was made between that and the other provinces of Mexico which might be taken and held in our military occupation.

The Province of New Mexico, according to its ancient boundaries, as claimed by Mexico, lies on both sides of the Rio Grande. That part of it on the east of that river was in dispute when the war between the United States and Mexico commenced. Texas, by a successful revolution in April, 1836, achieved and subsequently maintained her independence. By an act of the Congress of Texas, passed in December, 1836, her western boundary was declared to be the Rio Grande, from its mouth to its source, and thence due north to the forty-second degree of north latitude. Though the Republic of Texas, by many acts of sovereignty which she exerted and exercised, some of which were stated in my annual message of December, 1846, had established her clear title to the country west of the Nueces, and bordering on that part of the Rio Grande which lies below the Province of New Mexico, she had never conquered or reduced to actual possession, and brought under her government and laws, that part of New Mexico lying east of the Rio Grande which she claimed to be within her limits. On the breaking out of the war, we found Mexico in possession of this disputed territory. As our army approached Santa Fé, (the capital of New Mexico,) it was found to be held by a governor under Mexican authority, and an armed force collected to resist our advance. The inhabitants were Mexicans, acknowledging allegiance to Mexico. The boundary in dispute was the line between the two countries engaged in actual war, and the settlement of it of necessity depended on a treaty of peace. Finding the Mexican authorities and people in possession, our forces conquered them, and extended military rule over them and the territory which they actually occupied, in lieu of the sovereignty which was displaced. It was not possible to disturb or change the practical boundary line in the midst of the war, when no negotiation for its adjustment could be opened, and when Texas was not present by her constituted authorities to establish and maintain government over a hostile Mexican population, who acknowledged no allegiance to her. There was, therefore, no alternative left but to establish and maintain military rule during the war over the conquered people in the disputed territory who had submitted to our arms, or to forbear the exercise of our belligerent rights, and leave them in a state of anarchy, and without control.

Whether the country in dispute rightfully belonged to Mexico or to Texas, it was our right in the first case, and our duty as well as our right in the latter, to conquer and hold it. Whilst this territory was in our possession as conquerors, with a population hostile to the United States, which more than once broke out in open insurrection, it was our unquestionable duty to continue our military occupation of it until the conclusion of the war, and to establish over it military government, necessary for our own security, as well as for the protection of the conquered people.

But the joint resolution of Congress of March 1, 1845, "for annexing Texas to the United States," the "adjustment of all questions of boundary which may arise with other Governments" was reserved to this Government. When the conquest of New Mexico was consummated by our arms, the question of boundary remained still unadjusted. Until the exchange of the ratifications of the late treaty, New Mexico never became an undisputed portion of the United States; and it would therefore have been premature to deliver over to Texas that portion of it, on the east side of the Rio Grande, to which she asserted a claim. However just the right of Texas may have been to it, that right had never been reduced into her possession, and it was contested by Mexico.

By the cession of the whole of New Mexico on both sides of the Rio Grande to the United States, the question of disputed boundary, so far as Mexico is concerned, has been settled; leaving the question, as to the true limits of Texas, in New Mexico, to be adjusted between that State and the United States. Under the circumstances existing during the pendency of the war, and while the whole of New Mexico, as claimed by our enemy, was in our military occupation, I was not unmindful of the rights of Texas to that portion of it which she claimed to be within her limits. In answer to a letter from the Governor of Texas, dated on the 4th of January, 1847, the Secretary of State, by my direction, informed him, in a letter of the 12th of February, 1847, that in the President's annual message of December, 1846, "You have 'already perceived that New Mexico is at present in the 'temporary occupation of the troops of the United States, 'and the government over it is military in its character. It 'is merely such a government as must exist, under the laws 'of nations and of war, to preserve order and protect the 'rights of the inhabitants, and will cease on the conclusion 'of a treaty of peace with Mexico. Nothing, therefore, can 'be more certain than that this temporary Government, re-'sulting from necessity, can never injuriously affect the right 'which the President believes to be justly asserted by Texas 'to the whole territory on this side of the Rio Grande, when-'ever the Mexican claim to it shall have been extinguished 'by treaty. But this is a subject which more properly be-'longs to the Legislative than the Executive branch of the 'Government."

The result of the whole is, that Texas had asserted a right to that part of New Mexico east of the Rio Grande, which is believed, under the acts of Congress for the annexation and admission of Texas into the Union as a State, and under the constitution and laws of Texas, to be well founded; but this right had never been reduced to her actual possession and occupancy. The General Government, possessing exclusively the war-making power, had the right to take military possession of this disputed territory; and, until the title to it was perfected by a treaty of peace, it was their duty to hold it, and to establish a temporary military government over it for the preservation of the conquest itself, the safety of our army, and the security of the conquered inhabitants.

The resolutions further request information whether any persons have been tried and condemned for "treason against the United States in that part of New Mexico lying east of the Rio Grande since the same has been in the occupancy of our army;" and if so, before "what tribunal," and "by what authority of law such tribunal was established?" It appears, that after the territory in question was "in the occupancy of our army," some of the conquered Mexican inhabitants, who had at first submitted to our authority, broke out in open insurrection, murdering our soldiers and citizens, and committing other atrocious crimes. Some of the principal offenders, who were apprehended, were tried and condemned by a tribunal invested with civil and criminal jurisdiction, which had been established in the conquered country by the military officer in command. That the offenders deserved the punishment inflicted upon them, there is no reason to doubt; and the error in the proceedings against them consisted in designating and describing their crimes as "treason against the United States." This error was pointed out, and its recurrence thereby prevented, by the Secretary of War, in a despatch to the officer in command in New Mexico, dated on the 26th of June, 1847, a copy of which, together with copies of all communications relating to the subject which have been received at the War Department, are herewith transmitted.

The resolutions call for information in relation to the quantity of public lands acquired within the ceded territory, and "how much of the same is within the boundaries of Texas, as defined by the act of the Congress of the Republic of Texas, of the 19th day of December, 1836." No means of making an accurate estimate on the subject is in the possession of the Executive Department. The information which is possessed will be found in the accompanying report of the Secretary of the Treasury.

The country ceded to the United States lying west of the Rio Grande, and to which Texas has no title, is estimated by the Commissioner of the General Land Office, to contain 523,078 square miles, or 366,689,920 acres.

The period since the exchange of ratifications of the treaty has been too short to enable the Government to have access to, or to procure abstracts or copies of, the land titles issued by Spain or by the Republic of Mexico. Steps will be taken to procure this information at the earliest practicable period. It is estimated, as appears from the accompanying report of the Secretary of the Treasury, that much the larger portion of the land within the Territories ceded remains vacant and unappropriated, and will be subject to be disposed of by the United States. Indeed, a very inconsiderable portion of the land embraced in the cession, it is believed, has been disposed of or granted either by Spain or Mexico.

What amount of money the United States may be able to realize from the sales of these vacant lands, must be uncertain; but it is confidently believed, that with prudent management, after making liberal grants to emigrants and settlers, it will exceed the cost of the war and all the expenses to which we have been subjected in acquiring it.

The resolutions also call for the "evidence, or any part thereof," that the "extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past."

The immense value of the ceded country does not consist alone in the amount of money for which the public lands may be sold. If not a dollar could be realized from the sale of these lands, the cession of the jurisdiction over the country, and the fact that it has become a part of our Union, and cannot be made subject to European power, constitutes ample "indemnity for the past," in the immense value and advantages which its acquisition must give to the commercial, navigating, manufacturing, and agricultural interests of our country.

The value of the public lands embraced within the limits of the ceded territory, great as that value may be, is far less important to the people of the United States than the sovereignty over the country. Most of our States contain no public lands owned by the United States; and yet the sovereignty and jurisdiction over them is of incalculable importance to the nation. In the State of New York, the United States is the owner of no public lands, and yet two-thirds of our whole revenue is collected at the great port of that State, and within her limits is found about one-seventh of our entire population. Although none of the future cities on our coast of California may ever rival the city of New York in wealth, population, and business, yet, that important cities will grow up on the magnificent harbors of that coast, with a rapidly-increasing population, and yielding a large revenue, would seem to be certain. By the possession of the safe and capacious harbors on the California coast, we shall have great advantages in securing the rich commerce of the East, and shall thus obtain for our products new and increased markets, and greatly enlarge our coasting and foreign trade, as well as augment our tonnage and revenue.

These great advantages, far more than the simple value of the public lands in the ceded territory, "constitute our indemnity for the past." JAMES K. POLK.

The message having been read—

Mr. HILLIARD obtained the floor, but yielded it temporarily to—

Mr. COBB, of Georgia, who moved that the message be referred to the Committee on the Territories, and that it be printed.

Mr. SCHENCK suggested as an amendment (as far as he could be understood) to have the Executive message of 1846 printed with this.

Mr. COBB said he had no objection to having that document printed, but would prefer the motion to be embodied in a separate resolution.

Mr. HILLIARD then resumed the floor, and proceeded to comment on both the late messages of the President—the one sent in some days since, communicating the treaty with Mexico; and the other sent in this morning, in reply to the resolution of the House asking information in regard to the new Territories.

Mr. H. reviewed the policy of the Administration in regard to our foreign affairs; discussed the Territorial question; and exhibited the overshadowing influence of the Executive in usurping powers not conferred on him by the Constitution, and in the exercise of the veto power. He contended that the policy of the Whig party was peace, and the development of the internal resources of the country, keeping the Executive power in due bounds; while the policy of the other party was the extension of Executive authority, and an aggressive system, which must lead to war and the overthrow of our Government.

In the course of his speech, Mr. H. took decided ground against the new compromise bill in the Senate, stating that it was not a settlement of the alarming question touching slavery, but a postponement of it, leaving room in the meanwhile for the wildest agitation.

Mr. BIRDSALL, of New York, followed Mr. HILLIARD in a prepared speech, which occupied his hour in the delivery.

Mr. LINCOLN next obtained the floor amongst many competitors, but he said he apprehended that there was a disposition on the part of the House that the discussion at this time, on this question, should not be longer protracted; he would announce to the House that he desired to make a general speech, and he further announced that if there was now a disposition to take the question now pending, he would give way for that purpose. ["No, no;" "go on."]

Mr. VINTON said he would suggest to the gentleman from Illinois whether it would not be as well to postpone this discussion to some other time. For himself he desired to say a few words about this message, and not on things in general; and he trusted before it was disposed of, that the attention of the House and of the country would be called to the positions of this message.

Mr. LINCOLN would say, that he hoped he should have the indulgence of the House, while he expressed his views at some future time; and now, for the accommodation of gentlemen, he would yield the floor.

Mr. VINTON desired to say a very few words respecting this message. There were in it, as he heard it read, some things which it struck him should not escape the notice of this House. It had struck him as a remarkable fact, that, in every message communicated to this House from the Executive of the United States, there were some views of Executive power in derogation of the rights of this body; but never, in the course of his long service in this body, had he seen any message presented to it that, as he thought, contained so palpable an assumption of the powers of the Congress of the United States by the Executive, as the message which was now before them. What were the facts of the case? The President stated that the State of Texas, when it was an independent country, passed an act by which it asserted a title to the territory to the Rio Grande. Not that they had a title, but that they made a paper title for themselves. And what next? The President in that message told them that Texas was a revolutionary government, and that its rights extended as far as that revolution extended. Well, that was a cor-

rect principle of the law of nations. The boundaries of Texas were those which by force she had acquired, and in point of fact maintained for herself. The President in that message informed Congress that in point of fact the State of Texas never had possession of the territory of New Mexico on the east side of the Rio Grande. If he had said so, he might as well have asserted that the city of Washington was in Europe. Why, the capital of New Mexico had been so for two hundred years, as much so as New York, Philadelphia, and Baltimore, were American cities. It had forever been the capital of New Mexico, and it had never been in the possession of Texas. But the President of the United States informed Congress of this act of Texas, setting up this paper title, which, the President to the contrary notwithstanding, he would undertake to say, and every lawyer would also undertake to say, was not even a respectable pretence of a title, unaccompanied by possession. It was not in her possession. The jurisdiction was in New Mexico *de facto;* and therefore the paper title of Texas had no more validity, according to the laws of nations, than if we should this day pass an act setting forth that the Saint Croix, from its mouth to its source, was the boundary of the United States. The character of this title was the same as that set up by Texas. But the President said it was a claim. He (Mr. V.) said it was not a respectable pretence. The President said it was a claim to part of New Mexico, while it was a part of the Mexican Republic.

And he further informed them that when the title to this territory of New Mexico shall have passed to the United States, or since it had passed to the United States, that it became a question to be settled between the United States and Texas where the boundary between them existed. That, he admitted, was correct. It was true, that since the settlement of this title, it had become a question as to the claim of Texas to part of New Mexico between the State of Texas and the United States. It was a question which was transferred from Mexico, the United States standing in the shoes of Mexico, and the controversy was now between the United States on the one side, and the State of Texas on the other. And yet, instead of sending a message to this House and informing the Congress of the United States that such was the state of things, and submitting it to Congress to decide the question of boundary between this Government and the State of Texas according to its good pleasure, and on the principles of right and justice, he undertook to settle this question for himself. Now, it was a question between the United States and the State of Texas that did not belong to the President of the United States. It was a question that must be settled either by the Congress of the United States, by an agreement with the State of Texas, or by the Judiciary of the country. But, instead of that, what had the President done, and what did he say? He wrote a letter, as he now informed Congress for the first time, to the authorities of the State of Texas, and he tells them that whenever Mexico should have ceded that country to the United States, by virtue of the paper title which she has manufactured for herself, Texas would be the owner of that country from the mouth to the source of the Rio Grande. And if there be any truth in the estimate which the President had put on the territory acquired, they might safely estimate that east of the Rio Grande as worth sixty or seventy millions of dollars.

The President undertook to tell the country that the territory acquired beyond the Rio Grande was worth more than the expenses of the war. Those expenses would exceed one hundred millions, and might be one hundred and fifty millions of dollars; and the President, who was the representative of the people of the United States whose land this was, undertook, on his own authority, without consulting Congress, to surrender property which belonged to the United States to the value of sixty or seventy millions of dollars.

Mr. JOHNSON, of Tennessee, desired distinctly to understand the position of the gentleman from Ohio. He desired to know if the gentleman assumed that Congress could settle the boundaries of Texas, in the face of the annexing resolutions, which provided that—

"First. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other Governments."

Mr. VINTON knew that New Mexico was no longer a part of the Mexican Republic. It was either territory of the United States or part of the State of Texas; but what he was saying was, that this question of boundary was one about which the President of the United States had no right to communicate a message of that sort; much less had he any right, before asking the opinion of Congress, to undertake to tell the public authorities of Texas that that country was theirs, in derogation of the rights of the United States.

Mr. JOHNSON desired still to have this thing perfectly understood. Did he understand the gentleman to say that this Government could interfere to settle the question of boundary, unless a question of boundary arose between her and some other Government?

Mr. VINTON undertook to say, that if the gentleman from Tennessee had looked at the facts of the case, he would not have found it necessary to ask that question. He undertook to say, that if there was any claim on the part of Texas to that country, it was a question to be settled between the United States and the State of Texas, and that the President of the United States had nothing to do with it. It was a question to be settled, and by one of two modes—by the common consent of the Congress of the United States with the State of Texas, and, if they could not agree, then by the judiciary of the country; but the Executive power had nothing to do with it.

The President of the United States, then, not only undertook to settle the question of boundary, but he did more, for he surrendered, without deigning to consult Congress, that to which the United States had an incontrovertible claim to the amount of sixty or seventy millions of dollars. The President, who had no right to interfere in such a matter, was about to surrender up this territory to Texas, and before this message would be disposed of, he (Mr. V.) wished to see another resolution passed to inquire from the President if that was a correct deduction, and if he was really undertaking to surrender that territory to Texas. The President had set up a Government there. He was in possession of the country, and if that possession was to be maintained, he (Mr. V.) desired to know if the President was going to maintain it until the question was settled between the United States and the State of Texas; or was the President going against the United States, to make himself a party, and surrender it up himself into the hands of the State of Texas? He desired that this House should call on the President to know what he is going to do. If that country be in fact a part of Texas from the moment that he expelled the Mexicans from New Mexico or conquered that country, to use his own language, instead of setting up a government himself there, and usurping the powers of Government, it was his plain and obvious duty then, and not now, to give it up to Texas.

Mr. CLARKE, of Kentucky, made some remark which did not reach the reporter's desk.

Mr. VINTON would state what he had said. He had said if there was any reliance to be placed on the estimates of the President of the United States respecting the country west of the Rio Grande, that we might put down that east of the Rio Grande as worth sixty or seventy millions of dollars.

Mr. McCLERNAND desired to put a question to the gentleman from Ohio. Did the gentleman from Ohio understand that the President undertook to determine the boundary? That was the hypothesis on which the gentleman's argument was based.

Mr. VINTON understood the President to say this: that the boundary of Texas extended from the mouth to the source of the Rio Grande.

Mr. McCLERNAND understood the President to say the reverse—that it belonged to Congress and the State of Texas to settle.

Mr. VINTON asked that that part of the message might be again read.

Mr. JAMESON would suggest that it would be much better to have the message printed.

The Clerk then read the passage referred to, as follows:

"By the cession of the whole of New Mexico on both sides of the Rio Grande to the United States, the question of disputed boundary, so far as Mexico is concerned, has been settled: leaving the question as to the true limits of Texas, in New Mexico, to be adjusted between that State and the United States. Under the circumstances existing during the pendency of the war, and while the whole of New Mexico, as claimed by our enemy, was in our military occupation, I was not unmindful of the rights of Texas to that portion of it which she claimed to be within her limits. In answer to a letter from the Governor of Texas, dated on the 4th of January, 1847, the Secretary of State, by my direction, informed him, in a letter of the 12th of February, 1847, that in the President's annual message of December, 1846, 'You have already perceived that New Mexico is at 'present in the temporary occupation of the troops of the 'United States, and the government over it is military in its 'character. It is merely such a government as must exist 'under the laws of nations and of war, to preserve order and 'protect the rights of the inhabitants, and will cease on the 'conclusion of a treaty of peace with Mexico. Nothing, 'therefore, can be more certain than that this temporary 'Government, resulting from necessity, can never injuriously 'affect the right which the President believes to be justly as-'serted by Texas to the whole territory on this side of the 'Rio Grande, whenever the Mexican claim to it shall have 'been extinguished by treaty. But this is a subject which 'more properly belongs to the Legislative than the Executive 'branch of the Government.'"

Mr. VINTON. Yes, that was as he understood it. The President, who represented the rights, the property, and the interests of the United States, undertook to tell them voluntarily, without the authority of this House, his opinion that whenever the United States should acquire this territory in New Mexico, their right would operate from the mouth to the source of the Rio Grande.

Mr. McCLERNAND. But he says it is a question to be settled by Congress rather than the Executive.

Mr. VINTON. True, he says so; but why did he undertake to establish the title of Texas? Why did not the President, in his message received here some time since, inform Congress of this state of things, when he spoke of our conquests secured by the treaty of peace on the Rio Grande. He (Mr. V.) hoped the President would be called upon to communicate the facts in this case. The President had no right to surrender that territory, without telling Congress that a title was set up to it, and that Texas had a claim to New Mexico, or to that part of it on the east side of the Rio Grande. But so far from that, here was a paper which would go to the world as a public document, by which the President of the United States, who represented the rights and interests and property of the United States, showed, that while we had acquired that which lay west of the Rio Grande, we had no part east of the Rio Grande. The President, in sending that letter to Texas without authority of Congress, to interpose respecting the question of boundary between the State of Texas and the territory of the United States, had assumed to do that which did not belong to him. The President had no right to give such an opinion to Texas. He had no right thus to injure the title of the United States. But it was all of a piece with his other acts; and he repeated, that if we had a title only to the territory lying west of the Rio Grande, the President had no right to set up a military government at the capital of New Mexico, if that did, indeed, as the President now assumes, belong to Texas. If that were so, he had no more right to set up a military government there than he would have to do so in Massachusetts or Ohio. Suppose the British were again in the country watered by the Miami, and that they were expelled, as they were by General Harrison: would the President have a right to set up a military government there? When an enemy was expelled from their own country, it was absurd to suppose it was necessary to set up a military government there. If that portion of the territory from the mouth to the source of the Rio Grande did belong to Texas, then it was a perversion of terms to say that it was a military government which they established there. If it was not Mexican territory, it was an expulsion of an enemy of the country from our territory, and the President had not got himself out of the difficulty. He had not relieved himself from the charge of usurpation.

He hoped the whole truth would come out. Let all the facts be stated. The title of Texas was a paper title: she never had a foothold there or a title *de facto*. When we entered into the war, Mexico was in possession. We expelled her, and took the country by conquest, and as a part of the Republic of Mexico, the President was authorized by the laws of war to preserve the public peace there, and to keep order. But at the very time the President was setting up this military government there, he was telling Texas that when he should conquer the country, her title would extend from the mouth to the source of the Rio Grande. He was, therefore, by his own admission, setting up a military government within the jurisdiction of the State of Texas.

He had now said all he desired. He wanted to bring the attention of the House and of the country to this statement of the President, satisfied as he was that the title of Texas was nothing more than a paper declaration.

Mr. DUNCAN, of Kentucky, next addressed the House. He maintained that the President's message of to-day deserved more examination than any public document which for some time had been laid before the House. It was in many respects a dangerous and disreputable document—as much so as any message which had come from a President of the United States. He said this in no spirit of hostility, or with a desire to attack the President of the United States; he spoke not in the spirit of faction or of party, but as an American citizen and as a representative of the people.

He proceeded to read extracts from the message of the President to show the positions to which he took exceptions, and commented upon them at length; denying that the President of this Republic had the powers of a conquering monarch over the territory which our army subdued—to abrogate law and set up civil governments of his own—much less could he concur with the President, that after having established governments for the people of the conquered country, and peace had been secured, those countries were left in a state of anarchy, &c. [See Appendix for speeches in full.] When Mr. D. concluded—

Mr. KAUFMAN obtained the floor, but asked for an adjournment.

Mr. JOHNSON, of Tennessee, said, if the gentleman was not prepared to go on now, there were others who were.

Mr. STEPHENS inquired whether, if the House should now adjourn, this would be the first business to-morrow?

The SPEAKER said it would come up with the business on the Speaker's table, but there was another subject which preceded it in order.

Mr. COBB, of Georgia, proposed that the further consideration of this message be postponed to a day certain, and that in the mean while the message and documents be printed.

Mr. STEPHENS suggested Thursday next.

Mr. KAUFMAN suggested Wednesday.

Mr. COBB proposed that the order to print include the previous message, (with the treaty.)

Mr. STEPHENS moved that both be made the special order for Thursday next, and that both messages and documents be printed.

Mr. CALEB B. SMITH objected; but after some conversation, was understood to assent, and the motion was agreed to.

So the Executive messages in relation to the new Territories are made the special order for Thursday next.

Mr. VINTON asked that he might move a resolution making the army appropriation bill the special order of the day for to-morrow.

Mr. C. B. SMITH objected.

Mr. VINTON moved to suspend the rules, that he might offer the resolution.

Mr. HALL, of Missouri, said the object of the resolution was only to stave off the Oregon bill; and if it was not taken up now, it would not be reached this session. He therefore moved to adjourn.

After some conversation and confusion, the House refused to adjourn.

Mr. WENTWORTH suggested that Mr. VINTON should include the Oregon bill in his resolution. This would end all difficulty.

Mr. VINTON said there lay the trouble in the matter. If the Oregon bill came up, it might consume the residue of the session.

Mr. C. B. SMITH said it could be disposed of in one day; and if it was not taken up now, it was lost for this session.

Mr. VINTON's motion was rejected: Yeas 84, nays 69, two-thirds not voting in the affirmative.

Mr. KING, of Georgia, moved that the bill for the Florida, Alabama, and Georgia railroad, be taken out of Committee of the Whole on the state of the Union, and now acted on.

Objection being made, he moved to suspend the rules; but pending that motion—

The House adjourned.

IN SENATE.

MONDAY, *July* 24, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Treasury Department, made in compliance with a resolution calling for the number of officers now employed in the custom-house of Baltimore, and the number in 1845; which was laid on the table.

On motion of Mr. JOHNSON, of Maryland,

Resolved, That the President of the United States be requested to transmit to the Senate the proceedings of the two Courts of Inquiry in the case of Major General Pillow—the one commenced and terminated in Mexico, and the other commenced in Mexico and terminated in the United States.

The bill from the House of Representatives making appropriations for the civil and diplomatic service of the United States, was read a first and second time, and referred to the Committee on Finance.

TERRITORIAL BILL.

On motion of Mr. CLAYTON, the Senate resumed the consideration of the bill to establish Territorial Governments in Oregon, California, and New Mexico.

Mr. CLARKE being entitled to the floor, gave way for a moment, and

Mr. HALE moved to amend the bill in the fifth section, by striking out the words "free white," so as it shall read, "that every male inhabitant above the age of twenty-one years," &c.

Mr. CLARKE stated that he regretted that he had been appointed a member of the committee, because the condition of his health, and other circumstances, rendered it peculiarly inconvenient for him to attend. But while he was out of the Senate Chamber he was elected a member, and he was subsequently induced by his friends to forego his intention to ask to be excused. His health would not now permit him to address the Senate at any length, even if he could be assured of the propriety of taking up the time of this body, which he was not. He stated that the bill now reported received the sanction of six out of the eight members of the committee, two of the members (of whom he was one) objecting to it. His views, and the views of his State, (Rhode Island,) were decidedly against the introduction of slavery into a free State, and against the extension of slavery to any territory which we may have acquired by conquest. He intended to move again in the Senate the amendment which he had unsuccessfully proposed in committee. As far as he understood the opinion of the committee, it was that the Territory of Oregon was in every sense a free Territory. On looking over the bill, he found that this principle did not seem to be sufficiently carried out in the construction of the bill. He stated that it was his intention to move an amendment to the sixth section of the bill; the closing paragraph is: "All the laws passed by the Legislative Assembly shall be submitted to the Congress of the United States, and if disapproved, shall be null and of no effect." To this he moved to add a proviso, that no law on the subject of slavery shall be in force until it shall have received the approval of Congress.

The adoption of this proviso would satisfy his mind that slavery would never be permitted to exist in the Territory of Oregon. He thought that by the adoption of this proviso, the bill would be rendered acceptable to all parts of the Union. Some doubts having existed as to the fact whether slavery existed in Mexico at the time when the Territories of California and New Mexico came into our possession, he had found a decree published by President Herrera, in which he declares that slavery is abolished in Mexico, and all who were then slaves should become free, which he sent to the Secretary to be read, as also a subsequent act confirming the decree. This fact he proposed to imbody in an amendment which he would submit to the 26th section of the bill. It was urged in committee, that on the Territories of California and New Mexico coming into the possession of the United States, every owner of a slave would have a right to bring his property into the Territories. To this it was objected, that this being a constitutional question, it should be referred to the supreme court of the Territory, with an appeal to the Supreme Court of the United States. To this effect he also proposed to submit an amendment in the 24th section of the bill. He then referred to the importance of this measure at a moment when the public opinion throughout the Union was so violently agitated on the question of slavery. The resolutions of the Legislature of Rhode Island required of him to vote against the introduction of slavery into any free State. As the bill was now constructed, he could not give his assent to it. He had reserved the right in committee to move an amendment to the bill. And he asked that what passed on the occasion might be read from the journal of the committee.

Mr. BRIGHT produced a paper which he said the Senator from Rhode Island had handed to him after the bill had been reported. He did not understand that the Senator had objected to the report of the committee.

Mr. BERRIEN thought the production of papers which related to the proceedings of the committee might be productive of great embarrassment hereafter, if it should now be permitted.

Mr. FOOTE thought the Senator from Rhode Island ought to be permitted to have the paper produced and read.

Mr. CLARKE did not press his request; and contented himself with making some explanations as to what took place. He was desirous to place himself in a correct position before his own State and the country. If his amendments were adopted, he thought it would remove the objections to the bill in one section of the country, and, as far as he could see, could not be objectionable to another.

Mr. MILLER rose to state his objections to the bill: he objected to this triple alliance of two new Territories, scarcely a month old, with the Territory of Oregon. Oregon is a native-born Territory, and why was she to find herself, at her outset, brought into such a connection? He understood the character of the people of Oregon, who were mostly emigrants from our own States; but he did not understand the character of the people of California and New Mexico. He was prepared to give his assent to a government for the former, but he was not now prepared to give a government to the others. He desired more information on the subject, before he could consider himself prepared to give his vote. There was a sort of understanding that Texas and Oregon should be admitted together—Oregon as a free, Texas as a slave, State. Texas was admitted, and Oregon was kept knocking at our doors until arrangements could be matured for admitting her on the same footing. He then proceeded to the consideration of the bill itself, which had been reported as a compromise. He showed the reasons which convinced his mind that it was, in fact, no such compromise as had been expected. He referred to the debate which had already taken place, on the power of Congress to abolish slavery, in which it was strenuously denied by the Senators from the southern States; yet, in this bill there was an assumption of the power, in the clause prohibiting the passage of any law which abolishes slavery. Believing in this power, he was not opposed to its exercise; but he was opposed to its admission for the benefit of one part of the Union, and not of the other: it was all on one side. He had prepared an amendment providing that the laws now in existence in the Territories shall continue in force. As to the inhibition of the Territorial Legislatures in Mexico to pass any laws respecting slavery, what did it mean but a prohibition of the passing of any laws abolishing slavery? Slavery will, of course, go to California and New Mexico, as there is no law there to prevent it. If a person takes his slave there, and his property is taken, and he appeals to the Supreme Court, the court will probably decide, that as Congress has passed no law prohibiting slavery there, slavery may exist there. And while the question remains undecided, the slave will stand on the same footing with his master—under the protection of the Constitution—and strife and bloodshed may ensue. He alluded to the difficulty which would stand in the way of any slave who desired to bring his case, by a writ of habeas corpus, before a judicial tribunal for decision: he illustrated this by the case of the agent of the State of Massachusetts, who was sent to Charleston, South Carolina, for the purpose of testing the constitutionality of the law where he could have no lawyer to aid him, and was himself imprisoned, and then compelled to leave the State.

Mr. BREESE. If the Senator of New Jersey will allow me, I will ask him if the question of servitude could not be brought before the Supreme Court of the United States, very readily, by an action, by the slave, of assault and battery and false imprisonment. In the State which he (Mr. B.) had the honor in part to represent, the question of freedom or slavery could not be tried on the return to a writ of habeas corpus. If the party holding the petitioner for the writ, returned upon it that he was held as a slave, the question cannot be tried

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by the judge, but the party is driven to his suit at law to try his right to freedom. Such a suit would bring up the question fairly and without the intervention of a jury. The person claimed as a slave brings his action, and there never has been found any difficulty in obtaining the aid of counsel, even in slave States, for such purpose. The master pleads to the action, that true it is he holds the plaintiff in his custody, as he has a right to do, for he is his slave. The slave replies, setting forth the fact that California, on its cession to the United States, was free; that slavery did not exist there, and that it is not recognized by the Constitution of the United States or any act of Congress; and that by virtue of that Constitution he is free. The defendant demurs, and the question of law arising thereon is decided by the court, and if the decision be *against* the slave, the Supreme Court of the United States have jurisdiction under the 25th section of the Judiciary act of 1789, because a decision has been pronounced against a right claimed under the Constitution. If the Senator will look to the case of Menard *vs.* Aspasia, in 5th Peters' Rep., he will find such to be the opinion of the Supreme Court. He would further say to the Senator, that in all his observation and experience in cases of this sort, and they have not been inconsiderable, he has discovered that the courts of the slave States have been more liberal in their adjudications upon the question of slavery than the courts of some of the free States. The courts of one of them (Illinois) had uniformly decided cases against the right of freedom claimed by persons held in bondage under a modified form of servitude, recognized by its old constitution. In precisely similar cases, the courts of Kentucky and Missouri, to which States such persons had been taken, decided in favor of the right to freedom. And it is a remarkable fact, that in all cases in those States, and he believed in other slave States, where there was any doubt about the right to hold the person in slavery, the decision has been invariably against the right.

Mr. MILLER resumed, stating that in different States in the Union public opinion operated strongly to bias the course of law. But he protested against legislating for California and New Mexico in such a loose manner as to leave open a field for perpetual strife between the master and the slave, or between the slave-owner and any philanthropic individual who may journey into these distant regions for the purpose of instructing the slave in his own rights. This question was a political one. The South regarded it as such, contending that this question must be settled, or the Union would be dissolved. He denied that even a decision of the Supreme Court would satisfy the party against whose wishes it militated. The decision of the Supreme Court, in the case of the United States Bank, was not satisfactory to the opposite party; and no better result could be anticipated in this case.

He was willing to vote for a bill which prohibited slavery in any Territory which was free at the time of the passage of the bill. If slavery existed in a Territory at the time of its acquisition by the United States, he would leave it to the people to determine whether it should continue. He would not vote for its abolition there. He had not voted against the continuance of slavery when Texas was admitted into the Union, because it had previously been in existence there. For whose benefit should we now extend slavery in California and New Mexico, where it has already been abolished? Great Britain had introduced slavery in this country, and what was the general tone of public opinion on this subject? Was it not termed a curse which had been entailed on us by Great Britain? And shall we extend this curse to the Territories over which we extend our protection?

The South asserted that it had a greater interest in the question than the North. This he denied. He denied that the South had any exclusive privilege to carry her slaves to the Territories for sale. The North had an equal right to enjoy the profit of such a traffic, and had therefore as great an interest in the question as the South. Slavery does not exist now on the Pacific, and by his vote it should never be permitted there.

As to California and New Mexico, he would not charge the South with having plunged the country in war for the purpose of obtaining additional slave territory, because the South had been opposed to the acquisition of this new territory. But he put it to the South, whether this extension of our territory did not hold out the strongest temptations to the spreading this institution into countries where it has not heretofore existed?

The proper way to settle the question was by the legislative authority. The people would not rebel against the law; and he was not disposed to surrender the power of Congress over the subject.

Mr. PHELPS rose and vindicated his own course, as he judged from present appearances that he was the only representative of the opinion he entertained from the entire North. This was not a pleasant situation. He accepted the position he occupied with great reluctance. But when he went into it, he did not go there as the mere representative of one State, but for the purpose of conciliating and harmonizing the Union. He had not anticipated the severe, unreasonable opposition he had encountered. He had said he could justify himself to the country, and he was confident he could vindicate himself to his immediate constituents. He was not to be driven out of the Senate by the opposition which had risen up. His friend from Connecticut [Mr. BALDWIN] had taken an objection to the bill on the ground of what lawyers call a special demurrer, because the committee had pinned the three Territories together in one bill.

Mr. BALDWIN explained that his was more than a technical objection.

Mr. PHELPS resumed. The bill had been presented to the country as an odious measure. It had been grossly misrepresented in the newspapers, and he feared Senators had taken their impressions more from these paragraphs than from an examination of the bill. The main opposition came from his own section of country. If he stood alone, he must stand on his own legs, and trust to his own intelligence for his defence. He had, a short time since, addressed the Senate, and given his views in a manner which could not be misunderstood. He was opposed to the extension of slavery to any Territory which is subject to our legislative control.

What was the condition in which California and New Mexico have come under our care? Slavery has been abolished there. Such is the state in which we receive them. By the laws of nations, the laws of all conquered countries remain until changed by the conqueror. If these laws are to be retained, there is an express law containing a prohibition of slavery, and this will continue until we shall change it. He insisted that there was nothing in the bill to warrant the belief that it could ever carry slavery into these Territories. The Senators from New Hampshire [Mr. HALE] and from Maine, [Mr. HAMLIN,] who had addressed the Senate, went over precisely the same ground which he had traveled. There was no difference between them; and all that surprised him was, that after following the same path, they had, just at the close, shot off entirely in a new direction. He had determined never to suffer himself to yield to momentary impulses, which might mislead him as they had misled others. He would rather follow the dictates of his deliberate judgment.

He replied to the objections made to the phraseology that the laws of Oregon shall continue in force until modified, altered, or rejected, contending that there was nothing in this clause to excite alarm. It was to be expected that the new legislature would reënact the prohibition of slavery, if they made any new law; and if not, the present law would remain in force. He believed, from the spirit he had witnessed in the committee, that the South would make no objection to the continuance of this restriction in Oregon. Why, then, should the North endeavor to disturb this harmony of sentiment by its criticism on the bill? The provision contained in the bill relative to the existing laws in Oregon, and the power of the legislature to change or continue them, he considered as being an effectual prohibition of slavery in the Territory, without the assent of Congress. As to the judicial authority, he would only say that the Constitution ought to be expounded by those constitutionally appointed for that purpose. The President, who was not elected by his vote, he might distrust. But as to the Supreme Court, whether they differed from him in political views or not, he had yet to learn that they had, in any single instance, forfeited the confidence of the country. He could repose in their decision with entire submision, whether it was for or against him.

He said he was well aware of the effect which this question was intended to have on the country. It was intended for political purposes. It was well enough to go into this to a certain extent, but it would be dangerous to explode all at once. Popular excitement was not to be trifled with. The wheel of revolution was going round, and we know not who is to be the last victim. We had, a short time since, congratulated a foreign nation on its success thus far in throwing off an odious tyranny. An individual who had spent his life over his books was thrown to the head of the Provisional Government, and the next turn of the wheel has thrown him off into disgrace. There is but one power that can control these things, and that power is not human. We have now a new political church, a sort of city of refuge, to which political criminals may resort for safety. But he had no fear of the result. He trusted to the intelligence of the people.

He had thus expressed his views on the subject, because he considered himself as implicated. If there was cowardice in the bill, he had no fear on the subject. He would rather attach the term to the weathercock of popular impulse, to him who fears to do a wise act, lest he should offend some transient caprice. If there were any to whom responsibility should attach, it was to those who voted for the annexation of Texas, out of which grew the Mexican war. The Senator from Connecticut [Mr. NILES] had given the casting vote on the question of the annexation of Texas, and he was responsible for all the difficulties which had grown out of it. That Senator had thrown the most offensive epithets on this bill, and its originators, and he was bound to come forward and aid in a compromise. If (said Mr. P.) my old coat and jacket are to be stuffed with straw and burnt in effigy, I would prefer that the Senator from Connecticut should take my position, and let his coat and jacket take the place of mine.

Mr. FITZGERALD followed in some remarks, to show that his vote on this question ought not to be received as compromising General Cass, or as prejudicing his election. All this had been alleged as likely to be the effect of his course. He had seen General Cass since his departure from Washington, but he had never exchanged a word with him on this subject. He had been left free by his friends to act on his own responsibility. Although he was a personal and political friend of General Cass, he would not shrink from any responsibility he might incur. If all which has been said against General Cass in the newspapers be true, he has sins enough of his own to answer for, without being responsible for his (Mr. F.'s) acts. He voted against the appointment of this committee, because he was desirous that the Oregon bill should be disposed of, as was due to the citizens of that Territory. He was delighted, however, to see the rainbow of peace exhibiting itself, after the clouds which threatened us. He had strong objections to parts of the bill; yet, if he thought it would produce harmony and peace, he would vote for it although it would be his last act, and he should thereafter be plunged in disgrace. But he feared, from what he had heard, that its friends were doomed to disappointment. There was a political storm raging in the North, the effects of which no one could foresee. It threatened to come upon us like a whirlwind, and who can tell where it may be stayed? He alone was responsible for his own acts. He would give another reason why he voted

against the raising of the committee. He was not in very good humor at that time, because he had heard imputations thrown on northern States, and, among others, upon the State represented by him, on the subject of fugitive slaves. There were many cases of fugitives who had not been reclaimed. When he lived in Indiana, there were bands of thieves—horse-stealers as well as negro-stealers—roaming through that State and Kentucky, but he never thought of charging these offences upon the States in which they existed. He did not desire to be considered as committed to the support of this bill, in its present shape.

Mr. CORWIN rose to state his objections to the bill, to the examination of which he had devoted himself with a sincere desire to obtain a complete and elementary knowledge of the bill. He did not apprehend any of those awful results from this bill which had been felt by some. He did not dread a dissolution of the Union. If he did, he should not regard a seat on this floor as worth having. He did not even apprehend all that had been apprehended from that dreadful name, the Wilmot proviso—that raw-head-and-bloody-bones which had been so often invoked to raise our fears. The paternity of that proviso seemed to have been lost sight of. It seemed to have been forgotten that it was penned by the same hand which drew up our Declaration of Independence. It was from the hand of Jefferson himself; and great was the revolution which must have taken place when the new opinions we now hear are promulgated around us. It would be very unpleasant to him to say anything to wound the feelings of those who had so meritoriously united to produce this bill. But he could not see that pressing emergency for its passage, to which every other consideration must give way. He did not see why Oregon, which had hitherto taken care of herself, could not go on a little longer; and he would be willing to let these foreign provinces take care of themselves for another twelve-month. We had a message from the President which had rarely been adverted to. Persons had been employed to ascertain the geography of the Mexican provinces; and, after all, they had been obliged to apply to the Executive to know where they are. We are told that Texas claims to the banks of the Rio Grande, and in that case she will take some three-fourths of the territory comprehended under the name of New Mexico. It would be well to obtain some information on this point before we proceed to establish a government for this new territory.

He asserted his belief, that if the Senators from the South believed that, in an appeal to the Supreme Court in cases under this bill, the decision would be against them, they would never vote for this bill. So if the Senator from Vermont thought the decision would be against him, he would vote against it. He regarded slavery as a local institution, which could not be carried into any other State, the laws of which prohibited it. He would not, if we conquered the hottest climate on the earth, where the white man could not work—he would not vote to establish slavery there, unless it had previously existed there; and in saying this, he followed in the track of General Washington, who entertained that opinion to the day of his death, and of Thomas Jefferson.

He wished some Senator would inform him whether slavery at this moment exists in Mexico, and whether it is hereditary or not?

Mr. HANNEGAN. Peon slavery exists now in California. The creditor may sell his debtor as a slave for all time, with all his property.

Mr. CORWIN had heard the same from other sources, and he therefore must believe it to be so. How, then, can a case be made out for the Supreme Court, in which it will not be decided that slavery in some form does not exist? If a man shall be taken as a slave, because he owes another five dollars, and sold into perpetual slavery, shall we permit such a law to remain in force? You have made the land red with blood under the pretence that you have gone thither to give freedom to the captive. You have shown, as he had always anticipated, that this was all hypocrisy, and that you now desire to fasten the iron heel, not only of peon slavery, but of negro slavery, upon them. He protested against this course of hypocrisy and murder and cruelty, transcending in horror the bloody code of Draco.

He stated that all the leading men of the State of Virginia—all that galaxy from which she derived the splendor of her high character—were opposed to the extension of slavery; and among these, he instanced Mr. Jefferson as the most prominent. He went on to show, that if there were fanatics in the North, there were also fanatics in the South; and that the latter were by far the most dangerous; for, if the former went into the slaveholding States to carry thither these principles, they were at least the principles of human freedom. The efforts of the southern fanatics were directed to the extension of slavery over a broader surface of territory, and its introduction into lands which had never before been tainted by the breath of a slave.

In reference to the Wilmot proviso, he went on to show the uncertain position of General Cass, and how little credit could be placed in him. Of General Taylor's opinions on the subject he had no particular information, but he was willing to trust him. Could he be made to believe that General Taylor would veto any bill embracing the principles of that proviso, he certainly would not vote for him; and he would take it on himself to say, that not one of the free States could be brought to support him. But as between General Taylor and Mr. Cass, there could be no hesitation as to a choice.

About six o'clock Mr. CORWIN concluded, having occupied the floor nearly three hours.

Mr. UNDERWOOD rose to speak, but there were cries of "Adjourn, adjourn!" and "No, no; dispose of the bill!" when Mr. U. moved that the Senate adjourn.

Mr. BERRIEN demanded the yeas and nays, which were ordered, and resulted as follows:

YEAS—Messrs. Allen, Badger, Baldwin, Bell, Benton, Butler, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson of Maryland, Johnson of Louisiana, Mangum, Metcalfe, Miller, Niles, Phelps, Spruance, Underwood, Upham, Walker, and Westcott—29.

NAYS—Messrs. Atchison, Atherton, Berrien, Borland, Bradbury, Breese, Bright, Calhoun, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Johnson of Georgia, King, Lewis, Mason, Rusk, Sebastian, Sturgeon, Turney, and Yulee—25.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 25, 1848.

The Journal of yesterday was read and approved.

Mr. THOMAS, by leave, from the Committee of Claims, made a report on the petition of Jacob Houseman. Laid on the table.

Mr. PECK, after making a few pertinent remarks, asked leave to move to discharge the Committee of the Whole from the further consideration of the bill to pay the regiment of Vermont militia for their services at the battle of Plattsburg in 1812. Objected to.

Mr. VINTON asked leave to report back to the House from the Committee of Ways and Means the amendments of the Senate to the naval appropriation bill. Objected to.

Mr. FULTON, from the Committee on Invalid Pensions, reported a bill for the relief of Hector Perkins. Read and committed.

On motion of Mr. FULTON, the Committee on Invalid Pensions was discharged from the consideration of the petition of Major L. P. Montgomery: and it was laid on the table.

Mr. ECKERT, from the same committee, reported bills for the relief of Peter Myers, and for the relief of Captain Alexander McEwen; which bills were read and committed.

Mr. E. also made adverse reports on the petitions of J. W. Knipe, Rezin Terris, and Ethel Bartis. Laid on the table.

Mr. W. T. LAWRENCE, from the same committee, reported the following bills:

A bill for the relief of Elizabeth S. Cobbs;

A bill for the relief of Mary Ann Pollard;

A bill for the relief of Canfield Averill;

A bill for the relief of the children of Lewis A. Wolfley;

Which bills were read and committed.

On motion of Mr. W. T. LAWRENCE, the Committee on Invalid Pensions was discharged from the further consideration of the petition of Henry Powell; and it was laid on the table.

Also, from the same committee, to which it was referred, Senate bill granting a pension to John Clark. Committed.

On motion of Mr. W. T. LAWRENCE, the Committee of the Whole was discharged from the further consideration of the bill granting a pension to William Pittman.

The bill was then ordered to be engrossed, and, being engrossed, was read a third time and passed, and sent to the Senate for concurrence.

Mr. WILEY, from the same committee, reported a bill for the relief of Wm. Kennedy. Read and committed.

Mr. FARRELLY, from the Committee on Patents, to which was referred Senate bill for the relief of David Wilkinson, reported the same back to the House without amendment. Committed.

Mr. MACLAY, from the same committee, reported a bill for the relief of the heirs of Daniel Pettibone. Read and committed.

On motion of Mr. FARRELLY, the Committee on Patents was discharged from the consideration of the petition of H. L. Thistle. Laid on the table.

Mr. KING, of Massachusetts, from the Committee on Accounts, reported the following resolution, which was read and agreed to:

Resolved, That extra copies of the report of Lieutenant Emory, Lieutenant Abert, and Captain Johnston, ordered to be printed by the House, be bound in muslin in a good substantial manner, and lettered, and that the Clerk of the House be directed to contract for binding the same; provided the cost shall not exceed 12½ cents per copy.

Mr. GREGORY, from the same committee, reported the following resolution, which was read and agreed to:

Resolved, That the Committee of Accounts audit and pay the balance of the unsettled claim of John T. Sullivan for stationery furnished the House of Representatives in 1843.

Mr. PALFREY, from the Committee on the Library, reported the following resolution, which was read and agreed to:

Resolved, That the portrait of Major General the Baron de Kalb, presented by his surviving family, be placed in the Library of Congress.

Mr. CHAPMAN, from the Committee on the Rules of the House, reported the following as an additional rule to the joint rules of the two Houses, which was read and agreed to:

After six days from the commencement of a second or subsequent session of a Congress, all bills, resolutions, or reports which originate in either House, and at the close of the next preceding session remained undetermined in either House, shall be resumed and acted on in the same manner as if an adjournment had not taken place.

Mr. CHAPMAN also, from the same committee, made the following report:

That the proviso to the 34th rule, viz: "*Provided*, That, where debate is closed by order of the House, any member shall be allowed in committee five minutes to explain any amendment he may offer," be and the same is hereby repealed.

Mr. EVANS, of Maryland, opposed the repeal of the rule. The five minutes allowed to a member after proposing an amendment to a bill under discussion was, as things usually proceeded here, the only time occupied in the real *bona fide* discussion of the bill or any part of it. Almost the entire time during which the bill underwent professedly a discussion in general debate was occupied in political speeches wholly foreign to its merits. There was always some favorite question upon which gentlemen wished to speak, and they seized the time when the House was in Committee of the Whole on the state of the Union, and occupied it in speaking on that subject, no matter what the bill might be before the committee. If this five-minutes rule were repealed, the practical effect would be to cut off all debate on important measures reported by the standing committees for the action of the House. A bill might be of the utmost importance to the whole country, and the amendments proposed to it might be of the most useful character, yet no opportunity would be afforded to explain them or show their operation, and hence they would probably be rejected. Bills would thus, in effect, be often passed without ever being discussed at all, and without being understood.

It was said that the rule had been abused: so it had; but had it been half as much abused as the hour rule was from day to day? It was a useful rule; and, so far from delaying and impeding, it facilitated the passage of bills, and operated more than anything else to correct their defects, and make them what they ought to be. He hoped gentlemen would not blindly vote the previous question: he hoped that the rule would be suffered to remain, and that it would be enforced for the purposes for which it had been adopted, so that the House would be compelled to confine its attention to the bills before it, and not to matters widely foreign from them. He had no wish to prevent debate,

but he wished all discussion to be in its own appropriate place. If gentlemen would only say all they wanted to say at the right time and in the right place, the House could get through all the business it had to do, and would do it better.

The civil and diplomatic bill had been for weeks before the Committee of the Whole on the state of the Union——

Mr. GENTRY here interposed, and said he could not perceive the relevancy of the gentleman's remarks.

Mr. EVANS said he would soon see, if he was attentive.

He had been saying that the civil and diplomatic appropriation bill had been before the committee three weeks, perhaps four, and yet all that had been said on the merits of that bill, or on anything it contained, had not occupied in all more than three or four days, and was almost all of it said under this five-minutes rule when amendments were offered.

Mr. E. hoped the resolution would be recommitted, with instructions to the committee to report a rule somewhat like what he would send to the Clerk's table to be read for information.

Mr. EVANS asked leave to offer the following resolution; which was ruled out of order:

Resolved, That the report just made by the Committee on Rules be recommitted to that committee, and that it be instructed to report to this House such rule or rules as may be necessary to provide that in debates in the Commitee of the Whole on the state of the Union, every member addressing the committee shall confine himself to the question, and shall not discuss the state of the Union generally, or speak otherwise than to the question then under debate: And *Resolved further*, That the said committee be discharged from the further consideration of the subject of the the thirty-fourth rule, commonly known as the five-minutes' rule.

After a suggestion by Mr. HOUSTON, of Alabama—

Mr. SMITH, of Connecticut, spoke in opposition to the rule, and in favor of its repeal. If, indeed, the rule could have been carried into effect according to its true intent and the purposes and views of the committee who had proposed it, he believed it might be of great use. It allowed each member who offered an amendment to speak five minutes in explaining its nature, object, and effect: if the rule as administered could be limited to this, it might be very useful. But how had it been abused? Were gentlemen restricted to the nature, object, and effect of the amendments they offered? No: they moved anything they liked in the shape of an amendment, and then made Buncombe speeches for home consumption; and this had been carried on for weeks. A humbug proposition was made to amend, and when a man had said all he could in the five minutes, he withdrew his amendment, and his neighbor went through the same form and for the same object: made a harangue totally foreign to the bill or to the amendment he had offered, and then withdrew it.

Mr. S. said, for himself, he had been for the most of the session among the silent members. He had occupied but very little of the time of the House in debate. His object had been to do the business of the country, and to go home. But, instead of this, the time had been taken up by humbug party speeches to bear on the Presidency. When his young friend who had just resumed his seat had been here as many years as Mr. S. had, he would not be quite so confident that a rule of the House would not be abused.

Yesterday, a resolution had been introduced to adjourn the session, although an immense amount of business remained on the docket; and, under these circumstances, his young friend wanted more liberty of speech. For one, Mr. S. did not want to hear any more speeches than were made now. Let gentlemen do the business; and let them say what they wanted to say about Mr. Cass and General Taylor to the people, face to face, and not to that House, to get them reported and sent abroad.

Mr. ASHMUN asked Mr. S. whether he would not move the previous question?

Mr. SMITH said he would.

Mr. COLLAMER. What! is not your speech to be answered?

Mr. VINTON, amidst great confusion, moved to amend the resolution so as, instead of abolishing the rule altogether, to suspend it during the residue of the present session.

Mr. V. said, that if gentlemen, when in Committee of the Whole on the state of the Union, would but confine their discussions to the matter of the bills before them, then this five-minutes rule might be dispensed with. But it was notorious that, most especially during the present session, the subject regularly before the committee had been totally lost sight of. Although the civil and diplomatic bill had been three or four weeks in committee, there had not, with the exception of one speech by the gentleman from Alabama, [Mr. HILLIARD,] on the rank of ambassador, and the reply to that speech by the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL,] the first word been spoken on the subject-matter of the bill.

Mr. JENKINS asked how the honorable chairman himself could explain his several amendments to the bill from his own Committee of Ways and Means if this five-minutes rule should be rescinded?

Mr. VINTON, resuming, said that the practical effect of this state of things was, that the real, practical examination and discussion of the merits of the bill commenced just when the general debate upon it closed, and gentlemen began to speak and act under this five-minutes rule. Before this, gentlemen consumed the time in talking about everything in the world but what was in the bill. If this five-minutes rule should be repealed, the House would have to take, in a great measure, upon trust, all that was done by the Committee of Ways and Means, and the other standing committees. This would, in effect, make a majority of the Committee of Ways and Means despotic; yes, absolute despots over between twenty and thirty millions of public money every year. No explanations could be given or received, but the members must "go it blind."

Mr. BAYLY said, as he considered this as a proposition designed to expedite the business of the House, he wished to make a few remarks on the good faith of gentlemen on the other side of the House on that subject. They had offered a resolution for adjourning on the 7th of August next, leaving the House but *twelve* legislative *days* to close the session, while nine-tenths of the public business was still on the table; and yet, no sooner had they passed this resolution, than a gentleman on that side commenced and launched out into a general discussion on the politics of the day. That great question, which had so ominous a bearing on the harmony of the Union, remained still unadjusted. And could any patriot in the land be without an earnest desire to see that question put to rest?

The CHAIR here called Mr. B. to the question before the House.

Mr. BAYLY supposed that by showing that, instead of desiring to expedite business gentlemen were keeping open questions for political and party purposes, his remarks were germane to the general subject.

The SPEAKER thought not, and so ruled.

Mr. POLLOCK moved the previous question.

Mr. ROOT wanted him to withdraw it; but he refused to consent.

Mr. ROOT, with some warmth, inquired whether they were to be gagged in this manner? and expressed the hope that the previous question would be voted down.

The question being put on seconding the previous question, it was decided in the affirmative: Ayes 71, noes 54.

The question then recurring on Mr. VINTON's amendment, to suspend the five-minutes rule during the residue of the session—

Mr. COLLAMER moved that the whole subject be laid on the table; which was carried, by yeas and nays: Yeas 107, nays 62.

So the whole subject of repealing and suspending the five-minutes rule was laid on the table.

Mr. CHAPMAN, from the select committee on the subject of the tobacco trade with Europe, reported a joint resolution concerning the same, accompanied by a report.

The resolution was read and committed, and, together with the report, ordered to be printed.

Mr. CHAPMAN also reported the views of the minority of the same committee on the same subject. Committed.

After various suggestions and inquiries—

INDIAN APPROPRIATION BILL.

Mr. HOUSTON, of Alabama, moved that the House proceed to consider the business on the Speaker's table.

Mr. SMITH, of Indiana, moved that the House resolve itself into Committee of the Whole on the state of the Union, which latter motion had precedence; but, before any question was taken, these motions were withdrawn at the request of

Mr. VINTON, who made a report from the Committee of Conference on the disagreeing votes of the two Houses of Congress on the bill making appropriations for the current and contingent expenses of the Indian department, and fulfilling treaty stipulations with the Indian tribes, for the year ending June 30, 1849.

The report of the Committee of Conference was then, under the operation of the previous question, agreed to.

It having been previously agreed to by the Senate, the bill stands passed.

NAVAL APPROPRIATION BILL.

Mr. VINTON, from the Committee of Ways and Means, to which was referred the amendments of the Senate to the bill of the House making appropriations for the naval service for the year ending June 30, 1849, reported the same back to the House, recommending a concurrence in some, and a non-concurrence in other, of the amendments. Committed.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. MOREHEAD, of Kentucky, in the chair.)

After disposing of a point of order, which was raised by Mr. FICKLIN, as to the priority of business, the committee took up the amendments of the Senate to the naval appropriation bill.

The first four amendments of the Senate were agreed to *nem. con.*

The fifth amendment of the Senate provides that the contractor for carrying the mails from Panama to Astoria shall stop at the ports in California, and provides further that the line of steamers provided in the contract with A. G. Sloo, shall stop, going and returning, at Charleston and Savannah.

The Committee of Ways and Means recommended a concurrence in this amendment, with the insertion of the words "if practicable" after the word "Charleston."

Mr. HOLMES, of South Carolina, opposed the amendment of the Committee of Ways and Means.

Some conversation and explanations followed, by Messrs. VINTON, KING of Georgia, BURT, HUDSON, and HOUSTON of Alabama.

The amendment to the amendment was agreed to.

Mr. CABELL moved an amendment to make Key West one of the stopping places for the Panama steamers. Rejected.

The Senate amendment, as amended, was agreed to.

The sixth amendment of the Senate strikes out the fifth section of the bill, which increases the money commutation allowed for the spirit ration in the navy to six cents per ration. It was disagreed to.

The seventh, eighth, ninth, and eleventh amendments of the Senate were read (new sections) and agreed to.

The tenth amendment of the Senate so modifies the proviso to the act of August 4, 1842, (which proviso limits the number of midshipmen to the number that were in service on the 1st of January, 1842,) as to authorize the increase of the number to 464.

The Committee of Ways and Means so recommending, this amendment was disagreed to.

The twelfth amendment of the Senate suspends the provision in the fourth section of the act of March 3, 1845, which provides that not more than one hundred and eighty passed midshipmen shall receive the pay allowed passed midshipmen, until the classes of 1841 and 1842 shall be examined and the rank established among those who shall pass their examination.

The Committee of Ways and Means recommended a disagreement to this amendment.

Some discussion took place on this amendment, in which Messrs. THOMPSON of Pennsylvania, KING of Georgia, BROWN of Pennsylvania, TOOMBS, ATKINSON, VINTON, and WENTWORTH participated. The amendment was disagreed to.

All the amendments having been acted on, the bill was laid aside to be reported to the House.

THE OREGON BILL.

The bill to establish the Territorial Government of Oregon was next taken up.

Mr. HARRIS, who was entitled to the floor,

spoke his allotted hour. He denied the power of Congress to legislate upon the right of property in slaves further than to protect that right as recognized by the Constitution.

Mr. CONGER occupied another hour in maintaining the constitutional power of Congress to legislate for the Territories, and urging the expediency of excluding slavery therefrom.

[These speeches will be found in the Appendix.]

PERSONAL EXPLANATION.

Mr. BAYLY, of Virginia, having obtained permission to make an explanation, addressed the House as follows:

Mr. SPEAKER: Ever since the speech of the gentleman from South Carolina [Mr. HOLMES] appeared in print, I have been watching for an opportunity to notice some of its statements. In the whole course of my life I have never read any production with more surprise than that speech of the gentleman from South Carolina, [Mr. HOLMES,] which *purports* to have been delivered in this House on the 28th ultimo, but which I did not hear. It was published in the Intelligencer of the 6th instant.

Portions of it are graphic; and if it were designed, as might be inferred from parts of it, for a romance, it would be very well, and I should not feel called upon to make any comments upon it. But it is not so designed. It is meant as a serious production, as material for history, contributed, to use the gentleman's language, when the facts are "refutable or establishable." Coming before the country in this imposing shape, it is important for such of us as are concerned in its statements to see that they are correctly made. He makes minute reference to the course of the Virginia delegation of the last Congress relative to the Oregon question; and he places it in a very unenviable light before the country. I know it was not so intended. I know it was his purpose to do us honor. Nevertheless, the effect of his narrative is such as I have stated. Of those members of the Democratic portion of the Virginia delegation of the last Congress who opposed the notice, and advocated the settlement of the Oregon difficulty on the basis of 49°, my friend and colleague from the Frederick district [Mr. BEDINGER] and myself are the only ones now on this floor. It devolves upon us to see that justice is done here, not only to ourselves, but to our absent friends and former colleagues. This is my apology for troubling the House at this time.

I have nothing to say about the gentleman's account of Mr. Calhoun's return to the Senate. From it, it appears that the step was first suggested by a company of New York Whig merchants, assembled at a dinner, where "a depth of feeling and a solemnity of manner" prevailed "that is not usual over the convivial cup," especially when the gentleman is present. It seems, under these solemn circumstances, he was requested to use his "influence with Mr. Calhoun to get him to come back into the Senate;" that he wrote to Mr. Calhoun; that "Mr. C. reluctantly consented to return; that in consequence, the Oregon question was settled." And he thus traces the settlement of that question "gradually, as he would a vast estuary along the windings of a rivulet, till he comes to the fountain head, and shows from whence the mighty stream has gushed."

It is true, I have not understood the history of that transaction as the gentleman has represented; but it is not with it I have any concern. My concern is with what he says of the course of the Virginia delegation.

The first remark of the gentleman which requires comment, is the following:

"But Congress did assemble; the Presidential message came in, asserting the right to the entirety of the territory, urging upon you, good Representatives, to maintain it; and there was a flourish and exultation, a bounding of heart, throughout all those favorable to 54° 40'. Sir, I well remember, and history may tell, (for the facts are now refutable or establishable,) there was not one Democrat on this floor (save an humble individual) who opposed the President's message, and resolved not to vote for 54° 40'."

From the language here used, and more particularly from that subsequently employed, the gentleman will be understood to assert, that at the time of Mr. Calhoun's arrival in this city, there was no Democrat in Congress but himself who had not made up his mind to insist upon the line of 54° 40', and oppose an adjustment of the Oregon dispute on the basis of 40°. If such be the meaning of the gentleman, I beg leave to correct him. There was more than one "humble individual" who, long before the meeting of Congress, had made up his mind that the dispute with Great Britain relative to Oregon could only be settled *peaceably* upon the basis of 49°, and who was prepared to sustain the President in any effort he might make to settle it on that basis. It will be recollected that I spoke on the question early in the debate, and I advocated the adjustment of the question upon almost the precise terms on which it was finally adjusted, and expressed the belief that it could be, and ought to be, adjusted on those terms. Most of the facts and arguments which I relied upon in that speech were collected and arranged before the time spoken of by the gentleman. I feared that the public mind was fast becoming committed to extreme views; and, so far from being prepared to insist upon 54° 40', the object of my speech was to show that no such ultra position should be insisted upon. Most persons who entertained similar views had been reluctant, pending the negotiation, to express them, as they did not wish, as long as the discussion as to the extent of our rights was going on between the two Governments, to seem to disparage our claim. Such was my own case. The consequence was, that nearly all the arguments which went to the country were in advocacy of 54° 40', as the extreme position on the Oregon question was familiarly termed, and the public was fast becoming committed to it to an exient which I feared was unpropitious to a continuance of peace, which in every view I considered as desirable.

In this crisis I considered it my duty to resist the current as far as my feeble powers would enable me; and I undertook to show that an adjustjustment of the question on the basis of 49° would be alike honorable and fortunate. And I certainly did not consider myself as opposing the Administration in making a speech in defence of a settlement of the dispute upon the terms the President had offered to adjust it, and upon which he would be bound to settle it thereafter, if the same terms could be obtained, as I doubted not they would be. So much as to this first statement of the gentleman, which it was less important that I should notice, as far as I am personally concerned; for the public records will attest what my course was, and the views which influenced it. I come now to matters of which there is no record.

The gentleman, after informing us that the Whigs were unwilling to resist what they regarded as dangerous to the country, and to "throw themselves into the breach," and make what they supposed would be "a useless sacrifice" of themselves, proceeds in the following strains:

"Sir, I was not satisfied. Mr. Calhoun arrived. I called upon him with a friend. It was near the hour of midnight. He begged us to remain and give a programme of events. That friend said to him: 'Mr. Calhoun, it is the opinion of 'all your friends, with the exception of one, without any 'distinction in the Senate or House, that to oppose the mes-'sage and the views of the President is to do no good, but 'only to be overwhelmed, and henceforward to destroy your 'ability, your usefulness.'"

The gentleman from South Carolina, in a subsequent part of his speech, tells us that this friend of his was one of the Representatives from Virginia. Now, sir, I was not present, and I cannot, therefore, contradict this statement. But I cannot refrain from expressing my strong belief that there is some mistake about it. I know of no member of Congress from Virginia who I am willing to believe would advise any one, much less a distinguished statesman, to abstain from pursuing a course which he regarded as dictated by his duty to his country for reasons of a mere personal character; or who supposed that, by doing so, he would preserve his "ability and usefulness." Such a course certainly would not have been in imitation of the ancient models of patriotism which have been held up for our admiration. Nor do I know of one "who had made up his mind likewise to go with the Executive" for no reason but that he had been rebuked by Mr. Calhoun for giving him such advice as surely he ought to have given, that would have turned away and said, "I will, Mr. Calhoun, sustain you, let the consequences be what they may."

I know nothing of these statements, although I am incredulous about them, but I do about those which follow, and it is to correct them which is my purpose in troubling the House at this time. The gentleman proceeds:

"We left him, for the midnight hour had arrived. My friend and myself walked for some distance along the pavement at that dead hour without scarcely exchanging a word, so full were our hearts. We parted—as he said to go to see his assembled colleagues, who were waiting anxiously the result of the conversation, and the next day when I saw him I asked him, 'How are the rest?'—Virginia, the good old Dominion, had sent fourteen out of fifteen young, gallant, unsophisticated, not drilled Representatives, fresh from the bosom of the people, to represent her on this floor—'How are the rest!' said I. He said that 'When I related to them the result of our conference, they replied, We perhaps see in it our doom: but we will stand by him.' I received that communication the next morning. I went into the Senate; I communicated with the heads of the Whig party; and never will I forget the deep emotion, the flush of animation on their countenances when they said, 'Will he stand by us, and lead off?' Yes, sir, he did lead off; and in spite of all the whippings on, the stimulants which were given to the Senators who were around the President as a body-guard, public opinion, under Mr. Calhoun's speech, began to wane from its high tone, the pulse of war beat fainter and fainter, until at last the President perceived there was an energy in the people that must come down like a voice of thunder against his measures."

I have no remark to make about the solemnity of feeling with which the gentleman and his friend were oppressed at "that dead hour" of the night, except to say that it seems to have been as deep and solemn as prevailed at the dinner in New York. But I have some remarks about the other statements. The Virginia delegation is represented as assembled at midnight, anxiously waiting the result of the conversation of our colleague with a Senator, not of our own State, but of another State; and, by inevitable deduction, from the account of the gentleman, as undetermined in our course till the result of that conversation was received. Now, sir, there was no such meeting of our delegation at that time, or at any other; and if there was any one of my then colleagues who was undetermined as to his course, I do not know who he was; nor do I know of any one who supposed that he was sealing his doom in pursuing the course which any of us took. I certainly never entertained any such impression. On the contrary, I considered the course I took as the one pointed out by my duty, and the only one I could pursue with safety or honor. And I can speak in this respect with nearly as much confidence of the views of my colleagues as I do of my own. Sir, no delegation which Virginia has ever had upon this floor has ever occupied the humiliating position in which we are placed before the country by the gentleman.

The gentleman seemed to see that the country would be a little incredulous about a whole delegation, with but one exception, of the "good old Dominion" occupying such a position; and hence, to give his statement a show of plausibility, he informed the country that Virginia was represented, at the time referred to, by fourteen out of fifteen "young, gallant, *unsophisticated* representatives." Now, the country will be a little amused at this statement when it hears who these representatives were. At the head of our delegation stood my late friend, (General Dromgoole,) who had been twenty-odd years in public life, and was regarded in Virginia, even before he came to Congress, as one of our ablest and most experienced statesmen—a reputation which, I undertake to say, he did not lose here, where he was regarded as one of our most skillful parliamentarians. He was a man of great gallantry and purity of character, but I never heard him suspected of being very "*unsophisticated.*" Next to him stood the predecessor of my colleague from the Rockbridge district, [Gov. MCDOWELL,] who was upwards of fifty years of age; although he was a quiet and unobtrusive gentleman, he was always esteemed as a very circumspect man, whose wisdom has been improved by extensive connection with the affairs of life. Then comes my present colleague from the Norfolk district, [Mr. ATKINSON,] who is about the age of the gentleman himself, and has been employed in public life for many years, and has filled with honor to himself the respective posts of a member of the House of Delegates and Senate of Virginia and of the Congress of the United States. There is but little of the green-horn about him. Perhaps before him I should have named the predecessor of my friend near me, [Mr. THOMPSON,] Colonel Johnson, who twenty years ago was an esteemed and useful member of this House. Next to him stands our present minister at Lisbon, (Colonel Hopkins,) who was very nearly, if not quite, the father of the House in 1845, and was regarded by his associates as so skillful and reliable that he was a prominent candidate for the Speakership at that time. Another, at present a Senator from Virginia, (Mr. Hunter,) had, prior thereto, not only been for several years a distinguished member of this House,

but had presided over its deliberations. Still another, (General Chapman,) to my certain knowledge, had been regarded as a skillful party leader ten years before that time. Who was the predecessor of my friend from the Buckingham district, [Mr. Bocock]? No less a man than Colonel Hubard, who had for a good while been a member of this House, and was as wise as he is modest. My colleague from the Wheeling district cannot be classed "with us youths," and he had distinguished himself in the Legislature of Virginia many years before he came to Congress, as had the then Representative from the Albemarle district, (Mr. Leake,) who made such a strong impression upon this body. There were but three of my then colleagues (Messrs. Tredway, Seddon, and Bedinger) who had not had large experience in politics, and they had been for years distinguished members of a profession which usually makes men keen-sighted in the affairs of life. In a word, sir, all of my then colleagues were men of ability and experience, and I am quite sure that I was the only member from Virginia who was entitled to be considered "unsophisticated;" and I continued so from the inveteracy of the trait in my character, in despite of ten consecutive years' employment in public life.

But enough of this. The Democratic portion of the Virginia delegation were not united on the occasion referred to, as might be inferred from the gentleman's statement. On the contrary, we were divided six to eight. With these facts, which are notorious, and which are attested by the records of Congress, before him, where did the gentleman find authority to say that fourteen out of fifteen of the Virginia delegation were "assembled at midnight waiting anxiously the result of the conversation" with Mr. Calhoun, and, after hearing it, replied, "we perhaps see in it our doom, but we will stand by him?"

I only rose to vindicate the Virginia delegation from the injurious account of their proceedings given by the gentleman from South Carolina, and not to vindicate the President against equally injurious, and, as I believe, equally unfounded assaults upon him. And, such being my purpose, I shall make no further reference to that part of his speech than the expression of opinion I have just given.

The committee then rose, and reported their action on the amendments of the Senate to the navy appropriation bill, and progress on the bill to establish a territorial government in Oregon.

The House proceeded to consider the amendments of the Senate to the naval appropriation bill.

Mr. VINTON moved the previous question; which was seconded, and, under the operation thereof, the action of the Committee of the Whole was concurred in.

And then the House adjourned.

IN SENATE.

TUESDAY, *July* 25, 1848.

Mr. DOWNS presented a petition from Captain Theodore Lewis, of the Louisiana volunteers, asking that bounty land might be allowed them; which was referred to the Committee on Military Affairs.

Mr. D. stated that these volunteers had been retained in Louisiana by the express command of their officers, and hence were not entitled to their land bounty under the proviso that it should be given only to those who had marched to the seat of war. Mr. D. invoked the attention of the Military Committee to this case, which he conceived one of peculiar hardship, and expressed the hope that a bill might be reported extending to them the munificence of the Government.

Mr. DIX presented a memorial from F. F. Aldrich, inventor of a new mode of propelling steam vessels intended for steam navigation, which he claims to be superior in all respects to any hitherto discovered or known, and asking that the Secretary of the Navy may be allowed to contract for the building of a war steamer of seven hundred or one thousand tons burden. He says the steamer shall be *superior* in every respect for sea service to any heretofore built by or for the United States. No money to be *advanced* until finished, and found to fulfill the conditions. The whole price not to exceed $200,000. The memorial was referred to the Committee on Naval Affairs.

Mr. UNDERWOOD presented a letter from Dr. Mayo, in relation to authorizing the Committee on the Library to purchase the work of Dr. M. relative to the operations of the Treasury Department; which was referred to the Commitee on the Library.

REPORTS FROM COMMITTEES.

Mr. ATCHISON, from the Committee on Indian Affairs, reported a bill to provide for the payment of money due to certain Creek Indians; which was read a first time.

Mr. MANGUM, from the Committee on Foreign Relations, reported a bill for the relief of John B. Hogan; which was read a first time.

Mr. BREESE, from the Committee on Public Lands, reported the following House bill with an amendment: An act in addition to an act entitled "An act for the relief of the inhabitants of the reserved townships in Gibson county, in the State of Louisiana," approved 11th August, 1842.

Mr. BREESE, from the same committee, reported the bill to modify the clause of the 7th section of the act entitled "An act to enable the people of Wisconsin Territory to form a Constitution and State Government for the admission of such State into the Union," approved 6th August, 1846, with several amendments.

Mr. DOWNS, from the Committee on Private Land Claims, reported a bill to facilitate the entry of preëmption claims, accompanied by a report. The bill was read a first time.

Mr. ATHERTON, from the Committee on Conference, made a report relating to the disagreeing votes of the two Houses on the bill making appropriations for the Indian Department; which was concurred in.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the amendments of the House to the bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal-heavers in the navy, and to their widows, made a report recommending that the Senate disagree to the same; which was concurred in.

RESOLUTIONS.

On motion of Mr. BREESE,

Resolved, That the Secretary of the Treasury inform the Senate what amount, if any, of unexpended balances of former appropriations for the surveys of the public lands, are on hand and available for that purpose for the present fiscal year; and whether, if there be any such unexpended balances, they are or not liable to be absorbed in payment of contracts for the public surveys heretofore made; and if the same, or any part of the same, can be applied to the payment of contracts hereafter to be made.

On motion of Mr. BREESE,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the President of the United States to detail a competent paymaster of the army, who shall keep his office at the seat of Government, and whose duty it shall be to examine and adjust all the claims presented by the officers and soldiers of the late war, for pay, mileage, and other allowances, and for the extra pay granted them under the act of July 19, 1848.

On motion of Mr. BRADBURY,

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of extending the provisions of the 8th section of chapter 34, of the 1st session of the 6th Congress, granting pensions to officers, seamen, and marines, disabled in the line of their duty, to cases where such disability occurred prior to the passage of said act.

TERRITORIAL BILL.

Mr. CLAYTON moved to proceed to the consideration of the bill to establish Territorial Governments in Oregon, New Mexico, and California.

Mr. UNDERWOOD said, that when he went into the committee, he did not doubt the power of Congress over the subject of the government of Territories. Without it, officers in the employ of the public could not be protected in the performance of their duties. Congress had always exercised the power to legislate on the subject. On going into the committee, his first object was, to effect a compromise on the basis of the Missouri line, amended so as to adapt it to the new Territories. In this he had failed. He then explained his proposition at length. With some few restrictions, he proposed to leave the legislative bodies free to act on all subjects. He thought this would have been satisfactory everywhere. The people of the Territories would have been gradually trained for admission into the Union. A free choice was left to them to choose the institutions of the South or of the North. Why should either section of our country, North or South, interpose to prevent it? Why should they, who are strangers to the peculiar institutions which prevail, tell the people where they are what is best for their interests? He regarded it as our true policy to let slavery alone. Climate and population are continuing to drive slavery further and further to the south, to the latitude where free labor could not flourish. He read a number of extracts from a pamphlet in his hands, showing, that in the first stage after the introduction of slavery, the increase of slaves is great; in the second stage, the white population increases in an equal ratio with the slaves; and in the third stage, the slave race diminishes rapidly. All this proved the assertion, that climate and population would banish slavery from the northern latitudes. He recommended these facts to the consideration of abolitionists, and entreated them to suffer the conviction to enter their minds, that their truest policy was to leave the institution to take the course to which climate and population impelled it.

The policy of the North was calculated to let the slaves in the South loose on society; and the effect of this state of things would be, the neglect of cultivation, and distress and starvation among the slaves themselves. He had been always opposed to the rule of the House which prohibits the discussion of the subject. It would please him better to let free discussion go on, so that the South may be able to hear what it is that the North intend, or ask.

Alluding to the recent events in France, he stated that the flag of the "Œuvriers" bore on it the inscription, "If victorious, pillage; if vanquished, conflagration;" and if this was the spirit which prevailed where there was no prejudice against castes, how much more outrageous a course might be anticipated in the event of a sudden and simultaneous emancipation of the slaves? He spoke of the advantages of colonization, which had been assailed from its outset; and suggested, that the system might be improved by declining the exportation of the aged and infirm, and leaving it to the young of both sexes, who might be emancipated by purchase. The money which had been expended in the Mexican war would have been sufficient to buy out all the slaves of the Union. He had no apprehensions for the Union, be this question settled as it may. But supposing that it was dissolved, or that the seat of government were established on the banks of the Ohio: this proximity would draw numbers of these slaves from Kentucky, and difficulties will be constantly rising.

These considerations ought to induce all sections of the country to unite for the passage of a compromise. To show that the North was in some degree dependent on the South, he referred to the annual commercial report of the acting Secretary of the Treasury on the commerce and navigation of the country. He replied to some of the arguments advanced by Mr. CORWIN, and insisted that these appeals to the passions of men, such as we had been listening to yesterday, were calculated to feed the prejudices of the people, and to mislead their judgment. The true question is, by what right do the northern States refuse to permit the master of a slave to bring in his property with him?

He complained that the northern States, by excluding the slaves of the South, assumed an authority which the South was condemned to feel acutely. When he returned to his constituents, they would inquire of him as to the condition of the new countries, whether they were fit for occupation, and with what prospect of success emigrants might venture thither. He regretted that the answer he should be bound to give would be of a character to disappoint their hopes. He declined to go into an argument which would be better reserved for the Supreme Court, whenever a case of appeal shall be made out for its decision. He had determined at present to keep his mind open to conviction, until the argument shall be got through.

On the subject of the Presidential election, he adverted to the change which was likely to be made in the character of the next representation in Congress after the next census shall have been taken. Delaware is rapidly approximating to a non-slaveholding State, and the strength of the States of that description is increasing so rapidly, that shortly they will be able to overcome the veto power. At this moment, efforts are being made to compel one of the candidates for the next Presidency to pledge himself against the interposition of the power of the veto. He warned the North against pursuing any longer a course which was

only calculated to create new agitation throughout the country.

Mr. BUTLER rose and adverted to the importance of the issue now presented. Fifteen States are contending for the enlargement of their power, while fifteen others are struggling only, as he believed, for what were their rights. The discussion had worn a calm and temperate character until yesterday, when the Senator from Ohio poured forth from his full mind, arguments and statements which had forever banished from his breast the hope of a successful termination of the efforts at compromise. That Senator had asserted it as his honest opinion, that it was no matter what course was adopted in this Senate, the course of public opinion could not be arrested or turned aside. He insisted that the South had fulfilled all its obligations in relation to the existing compact between the North and South. He vindicated Virginia against the insinuations which had been poured out upon her, and stated that she had been unjustly and unnaturally aspersed by those who benefited by her liberality when she made the cession of the Northwest Territory. They who had profited by her bounty now turned upon her and insulted her.

If it was a question how much the non-slaveholding States had gained from the labor of the slaveholding States, the figures of rhetoric would soon give way before the figures of arithmetic. He asked if the forefathers of the South, when they gave their assent to the Constitution, had supposed that they were giving to the North authority for the unlimited expansion of their political power, while they were imposing on the South the Procrustean process, by which she was always to be clipped and kept within narrow fetters, would they have ever given their consent to the instrument?

He commented severely on the course of the Eastern States in refusing to give up the fugitive slaves from the South. He referred to the statement which had been made in debate that the compromise in the Convention was the result of a bargain, and expressed his deep regret at the degradation which was imposed on him and on the whole South by this bargain. He complained that the South had degenerated, and been impoverished for the benefit of the North; and that all this had been effected out of the power which the South had surrendered to the North in the Convention. He feared it was a destiny from which she was no longer able to free herself. But he would still resist; and would not trust to any Presidential vetoes—either to the veto of Mr. Cass, or the veto of General Taylor. He would resist as far as he was able.

He referred to the history of the Oregon bill for the purpose of showing that the South had uniformly exhibited a strong disposition to make concessions, but that they had not been met in a kindred spirit. He felt sure, that if the power was to be conferred on the Legislatures of California and New Mexico to enact laws on the subject, composed of all classes and colors of character, the decisions would be uniformly adverse to the interests of the South. He was opposed to this power being given to these foreign bodies. Congress has the power to exercise sovereignty over the Territories, and in this power is included the regulation of the affairs of the Territories, with certain restrictions.

He then proceeded to examine the argument of the Senator from Vermont. In South Carolina, no man was eligible to a seat in the Legislature, or an office of rank, who does not own ten slaves and a tract of land, or £500 free from debt. Could any such law prevail in Vermont? Would the Senator from Vermont agree to move an amendment that no man shall be eligible to office in California who owns a slave? or would it be received, if a motion was made that a man must own ten slaves to constitute his eligibility to office? Here, then, was a distinction which was unconstitutional, because it made a discrimination in property which could not be tolerated or intended. He insisted that the power of Congress was limited here. Were advantages to be given to one class in preference to another, because in the one the elements of civilization were more distinctly developed than in the other?

When the Senator from Ohio declaimed against slavery, he had forgotten that such men had existed as Cato, and Cicero, and Demosthenes, and that they lived in a community where slavery existed. He was not disposed to indulge in declamation, or to stand here as a modern declaimer. He had not aided to carry slavery into Oregon; he was not responsible for the spread of it. He had admired the oratory of the Senator from Ohio, which he characterized as equally beautiful and *ad captandum;* but he charged that the love of power was at the bottom of it. He ridiculed the moral tone of the Senator's speech, and related an anecdote of a party of clergymen at a religious revival who were called to dine on venison, when, after the blessing had been asked, one whispered to the clergyman, that Pequod had killed the deer on Sunday. What was to be done? The minister told his brethren that the venison had been killed on Sunday: Could they eat it? Why, you have asked a blessing, I believe! Yes. Well, then, that will partly consecrate the venison; so we may eat the meat, and then give Pequod thirty-nine lashes. This was morality! and such was the morality of the North in its treatment of the South.

He resisted the assertion that slaves on board a ship, if driven by stress of weather out to sea, became free, which he understood to have been made by the Senator from Connecticut, [Mr. BALDWIN.]

Mr. BALDWIN explained what he had said, in order to correct a misapprehension.

Mr. BUTLER said, if any one took his slaves from a ship, and the captain was a foreigner, he should think himself entitled by the Constitution to demand a declaration of war. He did not regard the authorities which had been produced as conclusive, because the cases were not sufficiently analogous to the cases which he had assumed. If he could find any other practical bill which protected the South, he would be willing to take it; but he saw no probability of obtaining a better one than this.

Mr. FOOTE rose and said, he would not have taken any part in this discussion, but for something which had fallen in debate. Humble as he was, he found himself between two opposing fires. He had been assailed in New England, and he had also been attacked as more dangerous than an abolitionist in the leading paper published in Charleston, South Carolina—the Charleston Mercury. And he had been told by the Senator from New Hampshire that he was so considered here. He had therefore thought it was a proper opportunity for him to make some few remarks, in order that his true position should no longer be misunderstood. He would not go into declamation, neither would he go into any history of the slave trade, which had been already given with sufficient ability by others. He did not hold himself responsible for the introduction of slavery, nor had he ever entertained any extraordinary affection for slave-dealers from any section of the Union.

He referred to the argument of the Senator from South Carolina, [Mr. CALHOUN,] that the introduction of a new Territory, acquired by conquest, into the Union, although slavery may have been abolished there previously, carried slavery with it. To this his heart assented, but his judgment could not yet assent to it. He was still in doubt. He feared that the argument of the Senator from Vermont had not been answered, and that it could not be met in this Senate; and that it could not be met in the Supreme Court; and that the decision of that court, as it is now constituted, would be against the South. And then, said he, where are we? He laid it down that the northern men were the shrewdest men in the Union. He had traveled over every part of the Union to the Rio Grande, and had found Yankees everywhere; and he had never found one who was not anxious to own a slave. And they were the most rigid of masters—they were masters indeed. As soon as a Yankee could command four hundred dollars, he laid it out in a slave, because he knew that he laid out his money to advantage. Living in a cotton-growing country, he knew that a slave was the most valuable property he could possess. He admired the Yankees very much. He had never desired to hang them all. And if he had, as had been charged against him, ever used such an expression in the heat of the moment, he would now retract it. He was perfectly satisfied that the Yankees would never vote for the abolition of slavery, if they could gain any profit by continuing it.

He was not pleased with the bill, but he did not say he would not vote for it. He represented the sunny South, and the generous influences which governed that region would have their effect on his course. He was willing to admit these new States immediately, as he believed that they would become cotton-growing and slave States. Next to that, he was disposed to take the Missouri compromise, as proposed to be amended, by leaving the people below 36° 30′ to take their own course. Thirdly, he was in favor of the Missouri compromise, as proposed to be amended by the Senator from Kentucky, [Mr. UNDERWOOD.] This he preferred to the present compromise.

He adverted to the present condition of the world. We live in a peculiar age, in the midst of momentous occurrences. Agitation was rife in every part of the world. In Ireland, a struggle was going on under more unfavorable circumstances. He referred to the trial of Mitchell, and to the definition of slavery by Curran; and stated that under this bill the Territories would not enjoy a free Government.

He objected to the compromise, because it did not establish a Republican Government in California and New Mexico; and he considered it a violation of the spirit of one of the articles of the treaty with Mexico. The power was vested in a few persons, and the increase of the appointment might lead to difficulty. Suppose the President should appoint slaveholders to these offices, there would be more uproar in that Wilmot proviso Bedlam—the North—than had ever been heard before. Suppose he should appoint a majority of these officers from north of Mason and Dixon's line, then we are gone—gone, not by a decision of the Supreme Court, but by a sudden death—and he feared that there would be but little lamentation over us. Again, he contended that slavery could not exist without legislative protection. If a man should take a hundred slaves into one of these foreign Territories, and they should be disposed to rebel against him, what law is there to which he can appeal. And suppose a man comes to steal his slaves, to carry them to the Pacific, and the owner threatens to appeal to the law; he will be answered, you can do nothing—there is no law in the case. There are many in his section of country disposed to emigrate to California; but there was not one who would be such a dolt as to carry a slave there, because he could not hold him, in consequence of the hands of the local authorities being tied up, so that they could not interfere on the subject of slavery.

He then made an attack on the language used by the Senator from Ohio [Mr. CORWIN] as to the question. As to what he had said about the Mexican war, it was the old story which we had heard over and over again. That Senator had before spoken on the subject, and had given great joy to the hearts of Mexicans. It had been denounced by his constituents, was burned in effigy, and disavowed in public meetings in his own State. He trusted that the speech of yesterday was intended as a comic exhibition, for he could not seriously so speak when he reflected on the bloody corses of his fellow-countrymen bleaching on Mexican soil. Such language would not be tolerated in the assemblies of Greece or Rome, and that Senator knew it. Even Cicero himself would have drawn on himself the indignation of the Romans, highly as he was honored by them as their most splendid orator.

He then remarked on the statement of the Senator from Ohio that he would not vote for General Taylor were he not assured that he would not put his veto on the Wilmot proviso, quoting from some of the southern papers to show that his aid was calculated on to put down that measure should it be presented to him.

He concluded with expressing his intention to vote for the bill, notwithstanding his objections to the bill, should his friends still consider it as essential to the security of the interests of the South.

Mr. WESTCOTT took the floor to define his position. He denied that Congress had any power over the Territories which was not restricted by the municipal regulations existing there. All that had been said on the other side originated in a misconception of the meaning of what is called a Territorial Government, which, as was stated once by the Senator from Missouri, was a mere police control. The power of Congress is represented as supreme, arbitrary, uncontrolled. It is alleged that Congress can abolish slavery in the Territories. He adverted to a small volume, published in 1775, containing the correspondence between Jonathan Sewell and John Adams, in which pre-

cisely the same arguments were found to be used by the Tories of that day, that Great Britain had a right to legislate for the American colonies, which are now used in reference to these Territories by Senators on the other side. The Whigs of 1776 did not deny the right of Great Britain to legislate for the colonies in all matters relative to foreign matters, but they did deny her right to put her foot on the soil of the colonies and to interfere with their local sovereignty.

We seem to have forgotten the rights of California. It was not so in the Parliament of Great Britain, where there were found a Chatham, a Fox, and others, to stand up and assert the rights of the colonies, and to deny the right of Great Britain to impose a tax on them. He would not be one to aid in the usurpation of rights in these Territories for which we had no authority. He would not deny the right of Congress to adopt police, municipal regulations. We had no right to interfere with the sovereignty of these Territories. Slavery might be a very good or a very bad institution; but Congress had no control over it. He stated, that when, early in life, he was sent to Florida as a federal officer, he very soon resigned the office, assigning, in his letter of resignation, as his reason, that he could not reconcile it to his own feelings or to his principles to hold an office in the appointment of the incumbent of which the people of that Territory had no participation.

He stated his intention to append to his speech, when published, some extracts from the volume on his desk, in illustration of these remarks. He read a number of letters from Mr. Madison, Mr. Monroe, and other distinguished men, whose views coincided with his own.

Mr. BALDWIN and Mr. BERRIEN made some explanations.

Mr. JOHNSON, of Maryland, rose to address the Senate, and, after proceeding for a short time, yielded the floor, about 7 o'clock; and

Mr. MANGUM moved that the Senate adjourn.

Mr. BERRIEN called for the yeas and nays on this motion, and they were ordered.

The question was then taken, and decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Benton, Berrien, Bradbury, Butler, Calhoun, Clarke, Clayton, Corwin, Davis of Massachusetts, Dix, Dodge, Greene, Hamlin, Johnson of Maryland, Johnson of Louisiana, Lewis, Mangum, Metcalfe, Niles, Phelps, Spruance, Underwood, Upham, Walker, Westcott, and Yulee—30.

NAYS—Messrs. Allen, Borland, Breese, Bright, Davis of Mississippi, Dickinson, Douglas, Felch, Fitzgerald, Foote, Hannegan, Houston, Hunter, Johnson of Georgia, King, Mason, Rusk, Sebastian, and Turney—19.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 26, 1848.

The Journal of yesterday was read and approved.

Mr. WENTWORTH rose to a privileged question, and moved the usual resolution to close all debate in Committee of the Whole on the state of the Union, at two o'clock this day, on the bill to establish the Territorial Government of Oregon; and on this resolution Mr. W. moved the previous question.

Mr. HOUSTON, of Alabama, moved to lay the resolution on the table.

Mr. WENTWORTH thereupon asked the yeas and nays; and they were ordered.

Mr. HILL moved a call of the House.

On this motion Mr. BURT demanded the yeas and nays, which were ordered; and, being taken, resulted as follows: Yeas 51, nays 112.

So the House refused to order a call.

The question then recurring on the motion of Mr. HOUSTON to lay the resolution to limit the debate upon the table, it was taken by yeas and nays, and was decided in the negative: Yeas 86, nays 88.

Mr. RHETT rose and inquired if it was in order to move to postpone the consideration of the resolution?

The SPEAKER said it was not, the previous question having been seconded.

Mr. RHETT inquired if it was in order to move to lay the resolution on the table?

The SPEAKER replied in the negative, the previous question having been seconded.

Mr. JONES, of Tennessee, rose, and, having ascertained that his vote was recorded in the negative, (with the majority,) moved to reconsider the vote just taken, by which the House had refused to lay the resolution on the table.

Mr. ASHMUN moved to lay the motion to reconsider on the table.

Mr. DANIEL asked the yeas and nays, which were ordered; and, being taken, resulted: Yeas 89, nays 91.

The question was then stated on reconsidering the vote by which the House refused to lay the resolution on the table; and it was decided in the affirmative: Yeas 89, nays 88.

The vote being reconsidered—

The question was then put on laying the resolution on the table, and it was decided in the affirmative: Yeas 96, nays 90.

YEAS—Messrs. Adams, Atkinson, Barringer, Bayly, Beale, Bedinger, Birdsall, Bocock, Bowdon, Bowlin, Boyd, William G. Brown, Charles Brown, Albert G. Brown, Buckner, Burt, Cabell, Canby, Cathcart, Clapp, Franklin Clark, Howell Cobb, Williamson R. W. Cobb, Crisfield, Crozier, Cummins, Daniel, Dickinson, Donnell, Featherston, Ficklin, Flournoy, French, Fries, Fulton, Goggin, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Haskell, Henley, Hill, Isaac E. Holmes, George S. Houston, Joseph R. Ingersoll, Iverson, Jameson, Andrew Johnson, Robert W. Johnson, G. W. Jones, Kennon, La Sère, Ligon, Lumpkin, McClelland, McClernand, McDowell, McKay, Job Mann, Miller, Morris, Mullin, Outlaw, Peck, Pettit, Peyton, Preston, Rhett, Richardson, Richey, Robinson, Rockhill, Root, Sawyer, Schenck, Shepperd, Simpson, Sims, Stanton, Chas. E. Stuart, Thomas, James Thompson, Jacob Thompson, R. W. Thompson, John B. Thompson, Robert A. Thompson, William Thompson, Tompkins, Venable, Wallace, Wiley, Williams, and Woodward—96.

NAYS—Messrs. Abbott, Ashmun, Belcher, Blanchard, Boydon, Butler, Chapman, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Darling, Dickey, Dixon, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Faran, Farrelly, Fisher, Gentry, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Irvin, Jenkins, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, Lahm, W. T. Lawrence, Sidney Lawrence, Lincoln, Lord, Lynde, Maclay, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Nelson, Nicoll, Palfrey, Peaslee, Pendleton, Petrie, Pollock, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Rose, Rumsey, St. John, Sherrill, Silvester, Slingerland, Smart, Caleb B. Smith, Truman Smith, Starkweather, Stephens, Strohm, Tallmadge, Taylor, Thibodeaux, Thurston, Tuck, Van Dyke, Vinton, Warren, and Wentworth—90.

So the resolution was laid on the table.

Mr. VINTON, from the Committee of Ways and Means, to which was referred Senate bill for the payment of liquidated claims against Mexico, reported the same back to the House with an amendment. Committed.

Mr. EVANS, of Maryland, moved to reconsider a vote of the House, given yesterday, to lay on the table a report and resolution for abolishing the five-minutes rule, (the rule which allows every member moving an amendment to a pending bill five minutes to explain its nature and design.)

Mr. McCLELLAND moved to lay the motion to reconsider upon the table; which was agreed to.

Mr. COBB rose to a privileged motion, and moved to reconsider the vote of yesterday, adopting a joint resolution providing that business remaining unfinished at the close of the first session of any Congress, be revived at the opening of the second session, so as to take it up and go on with it from the point at which it was laid down.

Mr. ROCKWELL hoped it would not be reconsidered, and moved to lay the motion of Mr. COBB upon the table. Mr. R. observed that the rule which had been adopted was a most salutary one.

Mr. COBB said it was the worst rule that had ever been made.

The yeas and nays were demanded on laying the motion to reconsider upon the table, and it was decided in the affirmative: Yeas 128, nays 50. So the reconsideration was negatived.

CLAIMS ON MEXICO.

On motion of Mr. SMITH, of Indiana, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. MOREHEAD, of Kentucky, in the chair.)

On motion of Mr. VINTON, the committee took up the Senate bill for the payment of liquidated claims against Mexico.

The Committee of Ways and Means reported an amendment to this bill, which proposed to strike out the second section and insert a new section.

The amendment was agreed to.

The bill was then laid aside to be reported to the House.

TERRITORY OF OREGON.

The bill to establish a Territorial Government in Oregon was then taken up.

Mr. WALLACE, who was entitled to the floor, addressed the committee in a constitutional argument against the power of Congress to impair the right of property in slaves, and exposing the agitations of northern abolitionists as a species of madness, incompatible with any just sense of patriotic duty.

Mr. CROWELL followed, in a general speech on the subject of slavery in the District of Columbia.

Mr. C. having concluded—

Mr. IVERSON obtained the floor, and spoke on the general subject of slavery, alleging the insecurity of trusting to northern compromises; contending that both the Whig candidates were unsound on this question, and arguing the hopelessness of the cause of the South in the event of their success.

The committee then rose and reported Senate bill for payment of liquidated claims against Mexico, as amended, and progress on the Oregon bill.

The amendment to the Senate bill for the payment of liquidated claims against Mexico was read and agreed to; and the bill was passed.

Whereupon, the House adjourned.

IN SENATE.

WEDNESDAY, *July* 26, 1848.

Mr. HUNTER presented a memorial from P. M. Butler, Cherokee agent, asking for the settlement of his accounts, on principles of equity; which was referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported House bill for the relief of certain surviving widows of officers and soldiers of the revolutionary war.

Mr. JOHNSON also, from the same committee, reported House bill for the relief of Skelton Felton, without amendment.

Mr. JOHNSON also, from the same committee, made an adverse report on House bill for the relief of Daniel H. Warren.

Mr. RUSK, from the Committee on the Post Office and Post Roads, moved that the committee be discharged from the further consideration of the memorial of Jones and Boker.

Mr. RUSK also, from the Committee on Military Affairs, moved that the committee be discharged from the further consideration of a memorial from Tennessee in relation to increase of the pay of private soldiers.

Mr. HALE submitted the following resolution:

Resolved, That the Secretary of War be directed to furnish the Senate with an account of the gross amount paid and allowed each officer, or person whose name appears in the Army Register for the current year; and also, to inform the Senate why said information is not contained in the Army Register for the present year, agreeably to the requirements of a resolution of the House of Representatives passed the 16th February, 1843.

Mr. KING, on leave, introduced a bill granting to the State of Alabama the right of way and a donation of public lands for making a railroad from Mobile to the mouth of the Ohio river; which was read twice, and referred to the Committee on Public Lands.

TERRITORIAL BILL.

Mr. HANNEGAN submitted a resolution, that the Senate do this day take a recess from four to five o'clock, p. m. Mr. H. modified it by substituting from "four to six."

Mr. BERRIEN thought the resolution very well as it was; one hour was sufficient.

Mr. HANNEGAN wished to give time to those who lived at a distance from the Capitol, and he did not think two hours too long a period, but he would modify it so as to read from "four to half-past five."

Mr. BENTON desired to inquire if the resolution was offered with a view to a night session; for if so, he should oppose it. It was bad enough to be here all day during the dog-days, without adding in the "dog nights;" besides being subjected to the effluvia arising from unpleasant gas.

Mr. HANNEGAN said his sole object was to

have some disposition made of this bill, in order that the session might be brought to a close. According to present appearances, it seemed as if the session was about to reverse the order of nature, "that all earthly things must have an end." It was not likely that this bill would be disposed of without a night session, and we might as well sit to-night as to-morrow night.

Mr. UPHAM said, if it was intended to press this important measure through with such precipitancy, it was the most extraordinary course he had ever witnessed. No Senator could be more desirous than himself to bring the session to a close; but he owed it to his constituents and to himself to give his views on the bill. He had not been very eager to obtain the floor, for he always felt a reluctance to enter into a competition to catch the attention of the Chair, and, therefore, others had obtained the opportunity, when he desired to speak. He thought it hard, however, that while some of the friends of the measure had spoken twice and thrice, he should be compelled to address the Senate in the evening, when every man was worn down and exhausted. His state of health did not permit him to do this. He did not often address the Senate, and when he did, it was with great brevity. To others he had listened with great pleasure, and he did not think it unreasonable, if he claimed for himself a hearing on a subject of such great importance, in which not only his own constituents, but the whole of the non-slaveholding community, were so deeply interested.

Mr. CLAYTON hoped that his friend from Vermont would have ample opportunity to address the Senate during the day. He was perfectly satisfied that there was no disposition among the friends of the bill to prevent any Senator from being heard. But it was very desirable to have the bill disposed of in one way or another, and without delay. Congress had been already in session nearly eight months, and every one must see the propriety of bringing it to a close. He expressed his willingness to vote for the resolution.

Mr. MANGUM asked if it was reasonable that a question of such immense magnitude, and which was presented to Congress in an entirely new aspect, should be thus precipitated to a decision. There was great interest and excitement throughout the whole country, in relation to this subject; and he should exceedingly regret to see it pressed through when the Senate was in a complete state of exhaustion. Many members were in an enfeebled state of health, and could not endure a late sitting; and to urge the measure, under such circumstances, seemed to be a denial of their rights. It was very well to say it was desirable to terminate the session, and all that—and all that! But he would say to Senators, there was a prodigious excitement throughout the country, and we shall be held responsible for the consequences of haste or error. Still, he was ready to acquiese in the decision of the Senate; but he would again suggest that it would be unwise to precipitate the measure, without allowing proper time for deliberation and discussion.

Mr. HANNEGAN contended that this was no new principle which was under consideration. It was the same that had been before the country for three years. The subject had been exhausted, and he was exhausted, and he thought the Senate must be wearied.

Mr. NILES said, he supposed this resolution constituted a part of the much talked-of compromise, in which the bill was said to have been framed. It was all of apiece—a compromise entirely for the benefit of one party, while the other was to take nothing. One party here, relying on its numerical strength, had magnanimously come to a conclusion that no one should be permitted to debate the question, except those who were friendly to the bill; and in this spirit, even on the day when the bill was introduced, it was attempted to press it through. Now, he believed it was the usual practice, whenever a majority had determined to push a bill through, and "to sit it out," that they carefully refrained from taking any part in the debate themselves.

Mr. HANNEGAN. Will the Senator allow me? I withdraw the resolution. I withdraw it, sir. Anything to stop debate, and prevent further delay.

Mr. CLAYTON then moved that the Senate resume the consideration of the Territorial bill; and the motion being agreed to, the Senate resumed the debate on the bill.

The question pending being on the motion of Mr. HALE, to strike from the fifth section the words "free white"—

Mr. JOHNSON, of Maryland, who had the floor, yielded for a moment, and—

Mr. WALKER gave notice of an amendment which he proposed to offer to the sixth section, which was, to strike out the words "nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents."

Mr. JOHNSON resumed, in explanation of certain amendments which he intended to offer, and in illustration of his views generally on the subject. He was not disposed to vote for the bill, unless he could be perfectly satisfied that the cases of appeal could be brought to the Supreme Court. The first twenty sections of the bill relate to the Territory of Oregon, the next seven refer to California, and the remaining nine concern New Mexico. He drew a distinction between the Territory of Oregon and the other Territories, as to the character of their population. Oregon was already a portion of the old Confederacy, peopled by citizens either natives of the United States, or well acquainted with the laws and customs of the country. He went on to remark on the provisions in the bill for the government of these different Territories, legislative and judicial. The powers of these departments he thought sufficient for the purpose. The writ of habeas corpus being a common law writ, it may be issued by any of the judges.

It was owing to the differences of opinion in the Senate as to the existence of the power in Congress to control the question of slavery that the subject was referred to the special committee, with a view to a compromise. It became necessary to report a bill embracing all the Territories, which had met with the disapproval of a portion of the Senate. It was to quiet the agitation which shakes the country to its centre, that the question was referred to a committee to prepare a compromise.

If a stranger was now to come among us and to be told that we had three millions of slaves in our midst, and that this question which now agitates the Senate was as to the propriety of uniting in a reference of all the difficulties arising out of such a condition of things to our common Constitution, he would be struck aghast at the idea that there were some who were opposed to the proposition. He (Mr. J.) thought the step taken the wisest that could have been selected. He had intended, however, had he not been anticipated by the Senator from Indiana, [Mr. BRIGHT,] to submit an amendment adopting the line of the Missouri compromise.

He glanced at the course taken by the Senators who had spoken in opposition to the bill, and stated that the tone in which their opinions were given proved that they were honest, and ready to support their sentiments to the death, and that it was insulting to the South, although any intention to insult was distinctly disavowed. The stand which the North had taken from the first was too insulting to the South to permit any prospect of union; and it was in this state of things that the committee was appointed and the bill reported, this being the only mode in which they could hope for any extrication from this difficulty. He made a sharp criticism on the language he attributed to the Senator from Ohio, [Mr. CORWIN,] that a majority of the Supreme Court coming from the South, would be likely to vote one way.

Mr. CORWIN explained this expression attributed to him, which he disavowed in its offensive sense, and expressed his high respect for the members of that tribunal.

Mr. JOHNSON resumed, asserting that this appeal to the Supreme Court was the only amicable mode of adjusting a question which threatened the honor and the interests of the South. He did not speak as a slave owner; he did not hold a slave, and he never expected to hold one. The few he once had came to him by inheritance, and he had long since manumitted them. He was glad he had done so then, for the interference of the abolitionists would have prevented him from doing it now. He cared not what effect this movement might have upon the political prospects of either of the candidates for the Presidency, so that an amicable and permanent adjustment of the controversy on this subject might be produced. There was no way so likely to be satisfactory as the reference of the matter to the Supreme Court. Excitable as southern men are reputed to be, they had on this question acted with a moderation which proved that their character had been misunderstood. They were mostly slaveholders, and they had sat in silence while one Senator had charged them with being Hotspurs in human flesh; while the Senator from Ohio had said that the institution of slavery had its origin in blood, and rapine, and robbery. That Senator had gone so far as to say that if the slaveholders were not damned, it would be not because they did not merit it, but that God in his mercy would pardon them for their ignorance, because they knew not what they did.

Mr. CORWIN said he was satisfied that he had used no such expression. He had spoken at great disadvantage, but his memory held no such language.

Mr. JOHNSON persisted that language of this kind, or something very like it, had been used. It struck his ear too painfully for him to mistake.

Mr. BERRIEN said the words, as they struck his ear, were to the effect that slaveholders would be punished but for their ignorance—they knew not what they did.

Mr. CORWIN said he might have used some such expression as to slave-dealers, but certainly not to slaveholders.

Mr. BERRIEN expressed himself perfectly satisfied.

Mr. JOHNSON rejoiced that the painful impression had been removed from his mind. He then proceeded to show, that from the character of the Supreme Court, he was sure the compromise in this particular would be acquiesced in by the country. He adduced the fact, that while statesmen, politicians were found differing on a subject, the Supreme Court was unanimous. On the subject of the right of a State to levy duties on imports and tonnage, advocated by the Senator from South Carolina, there could be no doubt that the decision of the Supreme Court would be unanimous against him. On the question of the constitutionality of the United States Bank, while Congress was deciding one way, the court was unanimously the other way. The members of the Supreme Court were not politicians. They were born in a different atmosphere, and they addressed themselves to different hearers. Politicians were always differing and disputing—one taking this side of a question, and another taking an opposite view, all equally honest. How desirable, then, in a case of such importance as this, to call in a third party, rather than that we should be driven to despair—above all, to bloodshed. We are ready to yield enough; do not ask for more. It ought not to be expected that the South shall surrender all that is dear to her, and do the bidding of the North. Ten thousand times rather would her children yield their lives. They are willing to adopt the appeal to the Supreme Court, and if the decision of that court be against them, they will be satisfied.

He was not the advocate of slavery itself; he never had been so. He would rejoice to see the institution at an end; and it was with sincere regret he admitted that it was the agitation which had been stirred up in the North which had alone prevented the friends of freedom from emancipating the slaves in Maryland. He alluded to Connecticut, from which State the compromise was opposed, as having scarcely become a free State.

Mr. BALDWIN stated that there had been but a very few slaves there.

Mr. JOHNSON. Connecticut, then, only sinned a little. As he understood it, they kept them until they became too old for use, and died out. The Senator from Connecticut might then have a little charity for Maryland.

Mr. BALDWIN said he had a great deal.

Mr. JOHNSON said, a great deal, indeed. She would take all, and allow nothing to the other side. So in Ohio, where free negroes were treated as slaves.

[A sort of colloquial debate took place, in which Mr. BALDWIN, Mr. DIX, Mr. JOHNSON, Mr. DOUGLAS, and Mr. DAYTON, took part, which could only be partially heard.]

Mr. JOHNSON resumed. The Senator from Ohio had complained that California was three thousand miles from Washington, and no slave could find means to employ a lawyer to carry up his case. He would reply to this, that there could

not be found in the whole southern bar a lawyer who would not gratuitously give his services to a black man, to free him from slavery, where there was a reasonable ground for the application. He also referred to the readiness of judges to decide in favor of the slave. And he believed that if this bill should pass, there would be always found at the southern bar members who would be ready to sue out the freedom of slaves who were entitled to it. The question whether a slave owner is entitled to carry his slaves into the Territory, will be decided on the first appeal; and that will decide the matter in every future case which can arise. The question rises above party and sectional considerations. It assumes the character, and dignity, and importance of a national one.

Mr. BADGER then obtained the floor, and commenced with an expression of his sincere regret that the Senator who had charge of this bill, should have started with an assertion that it was to be pressed through the Senate in hot haste. Instead of invoking the fullest examination of the bill, and of allowing Senators freely to discuss it, the question was pressed on an exhausted Senate. Every motion to adjourn was constantly resisted. Even on the first day of the introduction of the bill, his friend from Delaware had voted against adjournment, the yeas and nays having been demanded. And on Monday evening, when his friend from Kentucky desired to address the Senate, and moved an adjournment, the same course was pursued.

Mr. CLAYTON reminded the Senator from North Carolina that he had last night suggested an adjournment, and voted for it to enable the Senator from Maryland to address the Senate.

Mr. BADGER replied that this was a different matter. The Senator from Maryland was about to speak in defence of the bill, and this may be the reason for the readiness of his friend from Delaware to adjourn. He repeated that every effort had been made to press this question on an exhausted Senate. He knew no reasen for thus pressing a question of such importance. There was plenty of time before us. He was as desirous as any Senator to go home and see his children; but when a question of real magnitude was before the Senate, he was willing to sit here until full and ample time had been given for its examination—say three weeks or a month, or more. As circumstance now stood, he should go at some length into the reasons he had to assign for the vote he was about to give.

He regarded this bill as a complete surrender of the rights of the South; and on this point he expanded his views to much extent. He then referred to the course taken by one of his distinguished colleagues from North Carolina in the House, in which that gentleman had charged him (Mr. B.) with having made a speech which he had not made, and which speech that gentleman had, with great industry, circulated through the State of North Carolina, for the purpose of keeping him (Mr. B.) in the minds of his constituents. He went on to set that matter right, for the purpose of correcting the false impression made by that speech. He then went into a history and definition of the powers granted to Congress by the Constitution, among which he included that of governing the territory ceded to us. That power included either the introduction or the abolition of slavery in the territories ceded to us. The power of acquiring territory has been sustained by the decisions of the Supreme Court; and the acquisition of territory carries with it the power to govern the territory, and the power to govern includes the power to regulate slavery.

In the course of his remarks, Mr. BADGER made copious references to authorities, which he quoted at length to sustain his positions. He did not see why a time may not come when we shall be obliged to hold territory, like England, in China, or some other country; and if we maintain that we have a right to introduce negro slavery there, we shall be obliged to show some authority beyond our own wishes. We have as great a right to acquire territory as any nation or republic in the world, and the only restraint on our rule is that which arises from our own convictions as to what is right and proper. It is supposed by some that we have a right to acquire territory only for the purpose of colonizing our slaves; but he held that we had as much right to acquire it for a perpetuity. The provisions in the Constitution which had been frequently referred to, were intended merely to limit our powers with reference to the States of the Union; but in relation to territories acquired by conquest or cession, the arm of the Government is not shortened by these restrictions.

When the Missouri compromise bill came to the Senate from the House, it contained a provision excluding slavery from the South. It was amended in the Senate without a division, and a provision was introduced containing a restriction on slavery in the North and the West.

Mr. CALHOUN said he had always the impression that Mr Pinkney (who had been alluded to) was an abolitionist. He had addressed a meeting in Hagerstown in favor of abolitionism.

Mr. BADGER said he had a paper before him which rebuked that charge. Had he been an abolitionist, he would not have voted as he did on the Missouri compromise. If the Senator from South Carolina referred to Mr. Pinkney's course to impugn his authority, he referred to it for no purpose.

Mr. CALHOUN said he had merely referred to it as a fact.

Mr. BADGER said, it was, as a fact, deserving of record. He, as a representative of one of the southern States, was called on, with his colleague, to give up all the rights and interests of the South. He believed negro slavery would be as effectually excluded by this bill as if the Wilmot proviso, or any other bill, had passed. He had a respect for the Supreme Court, but he was not willing to leave the decision of the question to a court, so large a portion of which were opposed to slavery.

Mr. BUTLER asked the Senator, if he could point out a mode which would be effectual, in case this mode of appeal should fail?

Mr. BADGER said, he thought he could very readily do so; but he desired now to go on with his argument. He would willingly vote for this bill, could he be assured that it would be productive of peace and tranquillity throughout the country. He would go home to his constituents, one of the Old Thirteen, and throw himself confidently before them, and appeal to their generous patriotism. But, believing that it can only be productive of new agitation, he could not reconcile it to his views of propriety to vote for it. He believed that North Carolina would sustain him in the adoption of his own views.

Opinions are various in the Senate with reference to the bill. Some were willing to take it up as it is; others were opposed to it. He thought that the question ought to be settled. If the climate was suited to the productions of the South, he thought it ought to be filled with a population from the South.

It was not intended to introduce slavery in the North. We are called on to legislate on a great fact. We live in the midst of three millions of slaves. In the employment of these, no man will use them where they are unproductive of profit.

He stated the changes which Moses made in the Jewish laws, and that he was compelled to adapt his code to the position and prejudices of the people who were to be regulated by them. He advised us to adopt the same wise policy, and to rely on the blessing of God upon our success.

He concluded with asserting that he would be glad to be convinced of the futility of his arguments, to be satisfied that he entertained wrong views; but while he felt the conviction that this bill surrendered the views of the South, he could not vote for it. Like his friend from Maryland, he would willingly see his candidate for the Presidency defeated, rather than that this question should not be settled. Much as he believed that the interests of the country were connected with the success of that candidate, he would be willing to postpone all the advantages to be obtained from his success, rather than that the settlement of this question should not take place.

Mr. BUTLER spoke nearly three hours, but the confusion was too great in the gallery to allow his argument to be heard.

Mr. DIX then obtained the floor, and commenced with a defence of the State of New York against the charge which had been made against her of refusing to surrender fugitives from justice, claimed under a requisition from the State of Virginia. He alleged that this was not the act of the State, but of the Governor. He read the resolutions adopted by the Legislature, of which he was a member, which condemned the course of the Governor. He defended New York against attacks which had been levelled against her, and pointed the attention of the Senate to several bright pages in her political history. Of her social character, her love and patronage of the arts, her system of education, and all her great works of internal improvement, it was unnecessary for him to speak. Her blood was mingled with that of the sons of the Palmetto State on the fields of Mexico; and the recollection of this union in death ought to make the Senator from South Carolina more reluctant to cast reproach on New York.

Mr. DIX closed his speech at half-past seven p. m.

Mr. DAYTON then rose to address the Senate in opposition to the bill, but had not proceeded far with his remarks when he gave way to—

Mr. MANGUM, who moved an adjournment.

Mr. DAYTON expressed his willingness to proceed. He did not desire an adjournment upon his account.

The question being taken by yeas and nays, the motion was decided in the negative, as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Benton, Clarke, Davis of Massachusetts, Dix, Felch, Mangum, Metcalfe, Miller, Niles, Pearce, Spruance, Underwood, and Upham—17.

NAYS—Messrs. Allen, Berrien, Borland, Bright, Butler, Calhoun, Clayton, Corwin, Davis of Mississippi, Dickinson, Dodge, Douglas, Downs, Fitzgerald, Foote, Hale, Hannegan, Houston, Hunter, Johnson of Louisiana, Johnson of Georgia, Lewis, Phelps, Rusk, Sebastian, Sturgeon, Turney, Walker, Westcott, and Yulee—30.

Mr. DAYTON resumed, and concluded his remarks.

Mr. UPHAM followed upon the same side.

Mr. BELL also opposed the bill.

Mr. BERRIEN delivered an argument in support of the bill.

Mr. BRADBURY followed in opposition to the bill.

Mr. UNDERWOOD, at one o'clock a. m., moved an adjournment; which was disagreed to by yeas and nays, as follows:

YEAS—Messrs. Badger, Baldwin, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Greene, Johnson of Maryland, Metcalfe, Miller, Niles, Phelps, Spruance, and Underwood—15.

NAYS—Messrs. Allen, Atchison, Atherton, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Hale, Hannegan, Houston, Johnson of Georgia, King, Lewis, Mason, Rusk, Sebastian, Sturgeon, Turney, Walker, Westcott, and Yulee—32.

Mr. BORLAND addressed the Senate at considerable length.

Mr. BERRIEN followed in an earnest defence of the bill; when—

Mr. BALDWIN moved that the Senate adjourn; which was decided as follows:

YEAS—Messrs. Baldwin, Dix, Niles, and Upham—4.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Berrien, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dayton, Dickinson, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Greene, Hale, Hamlin, Hannegan, Houston, King, Lewis, Mason, Miller, Phelps, Rusk, Sebastian, Sturgeon, Turney, Underwood, Walker, Westcott, and Yulee—39.

Mr. NILES addressed the Senate for some half hour. There being only one Senator present in his seat, he moved that the Senate adjourn.

It was then two a. m., but instantly Senators rose from sofas and various parts of the lobby, and the yeas and nays were demanded, and the motion was disagreed to, as follows:

YEAS—Messrs. Badger, Baldwin, Dix, Dodge, Johnson of Maryland, Miller, Niles, Phelps, Spruance, Underwood, and Upham—11.

NAYS—Messrs. Allen, Atchison, Atherton, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clarke, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Felch, Fitzgerald, Foote, Hale, Hannegan, Houston, Johnson of Georgia, King, Lewis, Mason, Rusk, Sebastian, Sturgeon, Turney, Walker, Westcott, and Yulee—32.

Mr. NILES then proceeded very coolly in his remarks until he closed.

The debate was further continued by Messrs. ATCHISON, DICKINSON, BRIGHT, CALHOUN, and others, when the Senate proceeded to vote on the amendments.

Mr. HALE moved to amend the bill in the thirty-seventh section by inserting after the words "And be it further enacted, That the inhabitants of said" the words "Territories of Oregon, New Mexico, and California," so as to make the section read:

And be it further enacted, That the inhabitants of said Territories of Oregon, New Mexico, and California shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio.

The amendment was rejected.

Mr. CLARKE moved to amend in the twenty-fourth section by adding after the words "United States," in line 36:

And in all cases involving the personal liberty of a citizen of said Territory, or any person residing therein, an appeal from the decision of the supreme court of said Territory, or any judge thereof, shall be allowed directly to the Supreme Court of the United States.

Mr. C. subsequently withdrew this amendment.

Mr. BALDWIN moved to amend the bill in the twenty-sixth section, by inserting after the word "slavery," in line 10, the following:

Or to repeal the laws which were in force in said Territory, when forming part of the Republic of Mexico, prohibiting slavery or involuntary slavery therein, or any law securing the personal liberty of all the inhabitants thereof, but such laws, so far as they may not be inconsistent with the Constitution of the United States, shall be and remain in force until repealed by Congress.

Mr. B. made some remarks in favor of this amendment.

The question was then taken, and the amendment was disagreed to.

Mr. CLARKE moved to amend the bill in the 26th section, after the word "slavery," by adding:

It being understood and declared that, at the time of the cession of the Territories of New Mexico and California by Mexico to the United States, slavery and involuntary servitude had been abolished by the laws of Mexico, and did not exist therein; and that the laws now in said Territory shall be and remain in full force until territorial legislatures shall be formed by Congress, with authority to change or repeal the same.

This amendment was also disagreed to.

Mr. WALKER moved to amend the bill in the sixth section by striking out the words "nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents."

This amendment was disagreed to, after a few words from Mr. WALKER in explanation.

Mr. HALE moved to amend the twelfth section, which provides that the existing laws in Oregon shall continue to be valid for *three months* after the first meeting of the Legislature, by striking out the words "three month;" and on this motion he asked for the yeas and nays, which were ordered.

The question being taken, it was decided as follows:

YEAS—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Spruance, Upham, and Walker—21.

NAYS—Messrs. Atchison, Badger, Bell, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Rusk, Sebastian, Sturgeon, Turney, Underwood, Westcott, and Yulee—33.

Mr. BALDWIN moved to amend the bill by adding the following as the 37th section:

And be it further enacted, That it shall be the duty of the attorneys for said Territories, respectively, on the complaint of any person held in involuntary servitude therein, to make application in his behalf, in due form of law, to the court next thereafter to be holden in said Territory, for a writ of habeas corpus, to be directed to the person so holding such applicant in service, as aforesaid, and to pursue all needful measures in his behalf; and if the decision of such court shall be adverse to such application, or if, in the return of the writ, relief shall be denied to the applicant on the ground that he is a slave held in servitude in said Territory, said attorney shall cause an appeal to be taken therefrom; and the record of all the proceedings in the case to be transmitted to the Supreme Court of the United States, as speedily as may be; and to give notice thereof to the Attorney General of the United States, who shall prosecute the same before said court, who shall proceed to hear and determine the same at the first term thereof.

The question on this amendment was decided as follows:

YEAS—Messrs. Allen, Baldwin, Benton, Corwin, Dayton, Dix, Dodge, Felch, Greene, Hale, Hamlin, Miller, Niles, Upham, and Walker—15.

NAYS—Messrs. Atchison, Badger, Bell, Berrien, Borland, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Phelps, Rusk, Sebastian, Spruance, Sturgeon, Turney, and Underwood—31.

Mr. HALE modified his motion so as to stand thus: Strike out a "free white" from fifth section, and insert next after the word "act," in the fourth line, the words, "and qualified to vote by the existing laws now in force in the Territory of Oregon under the authority of the Provisional Government established by the people thereof."

The question being taken on this amendment, it was decided as follows:

YEAS—Messrs. Baldwin, Benton, Clarke, Davis of Massachusetts, Greene, Hale, and Upham—7.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Berrien, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Clayton, Corwin, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Hamlin, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Georgia, King, Lewis, Mason, Metcalfe, Miller, Niles, Rusk, Sebastian, Sturgeon, Turney, Underwood, Walker, Westcott, and Yulee—44.

Mr. CLARKE moved to amend the bill by adding at the close of the sixth section the following words:

Provided, however, That no law repealing the act of the Provisional Government of said Territory prohibiting slavery or involuntary servitude therein, shall be valid until the same shall be approved by Congress.

On this amendment the yeas and nays were ordered, and the question being taken on the motion, it was decided as follows:

YEAS—Messrs. Allen, Baldwin, Benton, Bradbury, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Upham, and Walker—19.

NAYS—Messrs. Atkinson, Atherton, Badger, Bell, Berrien, Borland, Breese, Bright Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Georgia, King, Lewis, Mason, Metcalfe, Phelps, Rusk, Sebastian, Sturgeon, Turney, Underwood, Westcott, and Yulee—33.

Mr. DAVIS, of Massachusetts, moved to amend the 12th section, by inserting the following words:

That so much of the 6th article of the ordinance of the 13th of July, 1787, as is contained in the following words, to wit: "There shall be neither slavery nor involuntary servitude in the said Territory otherwise than in punishment of crimes whereof the party shall have been duly convicted, shall be and remain in force within the Territory of Oregon."

On this motion the yeas and nays were ordered, and the question being taken on the amendment, it was decided as follows:

YEAS—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Spruance, Upham, and Walker—21.

NAYS—Messrs. Atchison, Badger, Bell, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Rusk, Sebastian, Sturgeon, Turney, Underwood, Westcott, and Yulee—33.

Mr. JOHNSON, of Maryland, moved to amend the bill in the 24th and 31st sections, by inserting the following words after the words which empower the Legislature to pass any law:

Except only that, in all cases involving title to lands, the said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy. And except, also, that a writ of error or appeal shall also be allowed to the Supreme Court of the United States from the decision of the said supreme court created by this act, or any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom.

The question, after some remarks from Messrs. BRIGHT, BORLAND, and DICKINSON, was taken by yeas and nays, and decided as follows:

YEAS—Messrs. Allen, Atherton, Badger, Berrien, Bradbury, Clarke, Clayton, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Johnson of Maryland, Johnson of Louisiana, King, Mangum, Metcalfe, Miller, Niles, Phelps, Rusk, Spruance, Sturgeon, Upham, and Walker—31.

NAYS—Messrs. Atchison, Benton, Borland, Bright, Butler, Calhoun, Davis of Mississippi, Dickinson, Downs, Foote, Hannegan, Hunter, Johnson of Georgia, Lewis, Mason, Sebastian, Turney, Westcott, and Yulee—19.

The bill was then reported to the Senate.

Mr. BENTON then addressed the Senate for some time.

Mr. DAVIS, of Massachusetts, moved to amend the 28th section, providing that all that part of the territories of the United States called New Mexico shall be organized into a government, by inserting after the words "New Mexico" the words "including all territory except Upper California;" and asked for the yeas and nays, which were ordered.

The question was then taken and decided as follows:

YEAS—Messrs. Baldwin, Clarke, Corwin, Davis of Massachusetts, Greene, Miller, and Upham—7.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Benton, Berrien, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Dix, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Hamlin, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Rusk, Sebastian, Spruance, Sturgeon, Turney, Underwood, Walker, Westcott, and Yulee—44.

The question was then taken on the engrossment of the bill; and, the yeas and nays being ordered, it was decided as follows:

YEAS—Messrs. Atchison, Atherton, Benton, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Phelps, Rusk, Sebastian, Spruance, Sturgeon, Turney, Westcott, and Yulee—33.

NAYS—Messrs. Allen, Badger, Baldwin, Bell, Bradbury, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Metcalfe, Miller, Niles, Underwood, Upham, and Walker—22.

[Mr. PEARCE, of Maryland, we happen to know, remained until a late hour of the night in the Senate, but was obliged, through fatigue and indisposition, to leave the Senate some time before midnight.]

The bill was then read a third time and passed.

And at seven minutes before 8 a. m., (Thursday morning,) after a continuous session of twenty-one hours, the Senate adjourned till Friday.

The following is a copy of the bill to establish Governments in the new Territories, as it passed the Senate:

A BILL to establish the Territorial Governments of Oregon, California, and New Mexico.

Be it enacted, &c., That from and after the passage of this act, all that part of the territory of the United States which lies west of the summit of the Rocky Mountains and north of the forty-second parallel of latitude, shall be organized into and constitute a temporary government by the name of the Territory of Oregon: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians; or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed: *And provided further*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper; or from attaching any portion of said Territory to any other State or Territory of the United States.

SEC. 2. *And be it further enacted*, That the Executive power and authority in and over said Territory of Oregon shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs; he may grant pardons for offences against the laws of said Territory and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the President of the United States, and at the same time, two copies of the laws to the Speaker of the House of Representatives and the President of the Senate, for the use of Congress. And, in case of the death, removal, resignation, or other necessary absence of the Governor from the Territory, the Secretary shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the Governor, during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The House of Repre-

sentatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of population: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the Council and of the House of Representatives shall reside in and be inhabitants of the district for which they may be elected respectively. Previous to the first election, the Governor shall cause the census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken, and the first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and he shall, at the same time, declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected, having the highest number of votes in each of said Council districts, for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the person or persons authorized to be elected having the greatest number of votes for the House of Representatives, equal to the number to which each county or district shall be entitled, shall be declared by the Governor to be duly elected members of the House of Representatives: *Provided*, That, in case of a tie between two or more persons voted for, the Governor shall order a new election to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly shall meet at such place, and on such day, as the Governor shall appoint; but, thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation, in the several counties or districts, to the Council and House of Representatives, according to population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, That no one session shall exceed the term of sixty days.

Sec. 5. *And be it further enacted*, That every free white male inhabitant, above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act.

Sec. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the Legislative Assembly shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect.

Sec. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Legislative Assembly of the Territory of Oregon. The Governor shall nominate, and by and with the advice and consent of the Legislative Council appoint, all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the next session of the Legislative Assembly.

Sec. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

Sec. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy where the title or boundaries of land may be in dispute; or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess a chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeals, in all such cases, shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Wisconsin Territory heretofore received for similar services.

Sec. 10. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as were received by the attorney of the United States for the Territory of Wisconsin. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States: he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees as were received by the marshal of the district court of the United States for the Territory of Wisconsin; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

Sec. 11. *And be it further enacted*, That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings. And the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified; which said oath or affirmation shall be certified and transmitted, by the person taking the same, to the secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen hundred dollars as governor, and fifteen hundred dollars as superintendent of Indian affairs. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. The secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly at the treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route. There shall be appropriated, annually, the sum of one thousand dollars, to be expended by the governor to defray the contingent expenses of the Territory; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

Sec. 12. *And be it further enacted*, That the existing laws now in force in the Territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the Constitution and the provisions of this act, for three months after the first meeting of the Legislature in said Territory; subject, nevertheless, to be altered, modified, or repealed, by the Legislative Assembly of the said Territory of Oregon; and the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory, so far as the same, or any provision thereof, may be applicable.

Sec. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Oregon shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Legislative Assembly shall proceed to locate and establish the seat of Government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the Legislative Assembly. And the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of Oregon, to be applied by the Governor and Legislative Assembly thereof, to the erection of suitable public buildings at the seat of Government.

Sec. 14. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States to the said House of Representatives. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and

direct; and at all subsequent elections, the time, places, and manner of holding the elections, shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly.

SEC. 15. *And be it further enacted*, That all suits, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts established by authority of the provisional government of Oregon, within the limits of said Territory, when this act shall take effect, shall be transferred to be heard, tried, prosecuted, and determined in the district courts hereby established, which may include the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations of every kind whatsoever, valid under the existing laws within the limits of said Territory, shall be valid under this act; and all crimes and misdemeanors against the laws in force within said limits, may be prosecuted, tried, and punished in the courts established by this act; and all penalties, forfeitures, actions, and causes of action, may be recovered, under this act, the same as they would have been under the laws in force within the limits composing said Territory, at the time this act shall go into operation.

SEC. 16. *And be it further enacted*, That all justices of the peace, constables, sheriffs, and all other judicial and ministerial officers, who shall be in office within the limits of said Territory when this act shall take effect, shall be and they are hereby authorized and required to continue to exercise and perform the duties of their respective offices as officers of the Territory of Oregon temporarily, and until they, or others, shall be duly appointed and qualified to fill their places in the manner herein directed, or until their offices shall be abolished.

SEC. 17. *And be it further enacted*, That the sum of five thousand dollars be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended by and under the direction of the said Governor of the Territory of Oregon, in the purchase of a library, to be kept at the seat of Government for the use of the Governor, Legislative Assembly, Judges of the Supreme Court, Secretary, Marshal, and Attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

SEC. 18. *And be it further enacted*, That when the lands in the said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty in each township in said Territory shall be and the same are hereby reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 19. *And be it further enacted*, That, temporarily, and until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the time and places of holding the courts, as to them shall seem proper and convenient.

SEC. 20. *And be it further enacted*, That the sum of ten thousand dollars be and is hereby appropriated, to be expended under the direction of the President of the United States, in payment for the services and expenses of such persons as have been engaged in conveying communications to and from the "Provisional Government of Oregon" to the authorities of the United States, and the purchase of presents for such of the Indian tribes as the peace and quietude of the country require.

SEC. 21. *And be it further enacted*, That from and after the passage of this act, all that part of the territories of the United States called Upper California, acquired by the treaty of peace, friendship, limits, and settlement, between the United States of America and the Mexican Republic, concluded at Gaudaloupe Hidalgo on the second day of February, eighteen hundred and forty-eight, shall be organized into, and constitute, a temporary government by the name of California: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed: *And provided, further*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

SEC. 22. *And be it further enacted*, That the executive power and authority in and over said Territory of California, shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs; he may grant pardons for offences against the laws of said Territory, and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon: he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC 23. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his Executive Department; he shall transmit one copy of the laws and one copy of the executive proceedings on or before the 1st day of December in each year, to the President of the United States, and at the same time two copies of the laws to the Speaker of the House of Representatives and the President of the Senate, for the use of Congress. And in case of the death, removal, resignation, or other necessary absence of the Governor from the Territory, the Secretary shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the Governor during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

SEC. 24. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess a chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decision of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, except only that in all cases involving titles to slaves, the said writs of error or appeals shall be allowed and decided by the said supreme court without regard to the value of the matter, property, or title in controversy; and except also that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the supreme court created by this act, or any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of *habeas corpus*, involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive, in all such cases, the same fees which the clerks of the district courts of Wisconsin Territory heretofore received for similar services.

SEC. 25. *And be it further enacted*, That there shall be appointed an Attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as were received by the Attorney of the United States for the Territory of Wisconsin. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees, as were received by the marshal of the district court of the United States for the Territory of Wisconsin; and shall, in addition, be paid two hundred dollars annually as compensation for extra services.

SEC. 26. *And be it further enacted*, That the legislative power of said Territory shall, until Congress shall otherwise provide, be vested in the Governor, Secretary, and Judges of the Supreme Court, who, or a majority of them, shall have power to pass any law for the administration of justice in said Territory, which shall not be repugnant to this act, or inconsistent with the laws and Constitution of the United States. But no law shall be passed interfering with the primary disposal of the soil, respecting an establishment of religion, or respecting the prohibition or establishment of African slavery; and no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws shall be submitted to the Congress of the United States, and, if disapproved, shall be null and void.

SEC. 27. *And be it further enacted*, That the governor, secretary, chief justice and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation, before the district judge or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings. And the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said

governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified; which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen hundred dollars as governor and fifteen hundred dollars as superintendent of Indian affairs. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. The secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly at the treasury of the United States. There shall be appropriated annually the sum of one thousand dollars, to be expended by the governor, to defray the contingent expenses of the Territory; and there shall also be appropriated annually a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

SEC. 28. *And be it further enacted*, That, from and after the passage of this act, all that part of the territories of the United States called New Mexico, acquired by the treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic, concluded at Guadalupe Hidalgo, on the second day of February, eighteen hundred and forty-eight, shall be organized into and constitute a temporary government, by the name of the Territory of New Mexico: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians; or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed: *And provided further*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

SEC. 29. *And be it further enacted*, That the executive power and authority in and over said Territory of New Mexico shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs; he may grant pardons for offences against the laws of said Territory, and repricves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 39. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws, and one copy of the executive proceedings, on or before the first day of December in each year, to the President of the United States, and, at the same time, two copies of the laws to the Speaker of the House of Representatives and the President of the Senate, for the use of Congress. And, in case of the death, removal, resignation, or other necessary absence of the Governor from the Territory, the Secretary shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the Governor during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

SEC. 31. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts and in justices of the peace. The supreme court shall consist of a chief justice and one associate justice, who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into two judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess a chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court, shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, except only that in all cases involving title to slaves the said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the supreme court created by this act or any judges thereof, or of the district courts created by this act or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeals, in all such cases, shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive, in all such cases, the same fees which the clerks of the district courts of Wisconsin Territory heretofore received for similar services.

SEC. 32. *And be it further enacted*, That there shall be appointed an Attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as were received by the Attorney of the United States for the Territory of Wisconsin. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees, as were received by the Marshal of the district court of the United States for the Territory of Wisconsin; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 33. *And be it further enacted*, That the legislative power of said Territory shall, until Congress shall otherwise provide, be vested in the Governor, Secretary, and Judges of the Supreme Court, who, or a majority of them, shall have power to pass any law for the administration of justice in said Territory, which shall not be repugnant to this act, or inconsistent with the laws and Constitution of the United States. But no law shall be passed respecting the establishment of religion, or respecting the prohibition or establishment of African slavery, or interfering with the primary disposal of the soil, and no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws shall be submitted to the Congress of the United States, and, if disapproved, shall be null and void.

SEC. 34. *And be it further enacted*, That the Governor, Secretary, Chief Justice, and Associate Justice, Attorney, and Marshal, shall be nominated and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation, before the district judge, or some justice of the peace, in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings. And the chief justice and associate justice, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted, by the person taking the same, to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen hundred dollars as governor, and fifteen hundred dollars as superintendent of Indian affairs. The chief justice and associate justice shall receive an annual salary of eighteen hundred dollars. The secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the treasury of the United States. There shall be appropriated, annually, the sum of one thousand dollars, to be expended by the governor to defray the contingent expenses of the Territory; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of printing the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

SEC. 35. *And be it further enacted*, That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territories of California and New Mexico, so far as the same, or any provision thereof, may be applicable.

SEC. 36. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, may, at his discretion, appoint for and within the Territories any number of Indian agents, not to exceed six; said agents to receive the same pay, discharge the same duties, and be subject to the same restrictions and liabilities as Indian agents now are by law; and that the laws regulating intercourse with the Indian tribes now in force shall be extended and be in force in said Territories.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 27, 1848.

The Journal of yesterday was read and approved.

Mr. CONGER, from the Committee on Printing, to whom was referred the subject of printing an extra number of the memoir, political, geographi-

cal, and commercial, on the present state and productive resources of Siberia and the Asiatic islands, by Aaron H. Palmer, reported the following resolution:

Resolved, That extra copies of said memoir be not printed.

Mr. CONGER also, from the same committee, to whom was referred the resolution directing the Clerk of the House of Representatives to furnish each member of the House copies of all acts and resolutions which may be passed, with instructions to ascertain the expense of the same, reported the expense, as near as can be ascertained, at $200 a session.

The report was read, and, on motion of Mr. HOUSTON, the resolution and report were laid on the table.

Mr. PUTNAM, by leave, offered the following resolution, which was read and agreed to:

Resolved, That the Committee on Public Buildings and Grounds inquire and examine as to the necessity of another building for the use of the different public departments; also, the fitness for such purpose of the building recently erected by Mr. Winder, near the War Department, and the terms on which the same can be purchased, and that said committee report by bill or otherwise.

Mr. FULTON, by leave, previous notice having been given, introduced a bill authorizing the payment of invalid pensions in certain cases. Read twice, and referred to the Committee on Invalid Pensions.

Mr. VENABLE, from the Committee on Invalid Pensions, reported a bill for the relief of John Gawney. Read and committed.

Mr. McCLERNAND moved that the House proceed to consider the special order, viz: the messages of the President of the United States—the treaty message and the message in relation to the boundary of the territory acquired of Mexico. Lost.

Mr. McCLELLAND, from the Committee on Rules, reported the following, to be inserted in lieu of the 135th rule:

In Committee of the Whole House on the state of the Union, the bills shall be taken up and disposed of in their order on the calendar; but, when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of or laid aside: *Provided*, That general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee, and, when demanded by any member, the question shall be first put in regard to them.

Mr. McCLELLAND explained the provisions of the present rule and of the proposed amendment—the former requiring business to be proceeded with in Committee of the Whole on the state of the Union and in Committee of the Whole House, in the order of the calendar, and placing it out of the power of the majority to change the order of business; the latter providing that the calendar be called in order, but that on bills being objected to, a majority of the committee should decide without debate whether they would proceed with their consideration or pass to subsequent orders.

Mr. COBB, of Georgia, opposed the amendment, and argued that the rule, as it now stood, promoted the just order and despatch of business, both on the part of the standing committees and the House; and that the cause of the delay of business this session lay rather with the members in their debates than with the rules of the House.

Mr. ASHMUN was in favor of the amendment, and would name but one reason, viz: that it would enable the House to act at this session upon bills of vast importance to the entire country, which otherwise they would be unable to reach: among them the internal-improvement bills. He demanded the previous question.

Mr. COBB, of Georgia, moved to lay the proposition on the table.

The yeas and nays were ordered and taken on the motion to lay upon the table, and resulted: Yeas 83, nays 105.

The previous question was then seconded; and under the operation thereof, the rule as reported by the committee in lieu of the 135th rule was adopted.

NEW MEXICO AND CALIFORNIA.

On motion of Mr. KAUFMAN, the House proceeded to the consideration of the special order, viz: the messages of the President of the United States—the treaty message and the message in relation to the boundary of the Territories ceded by Mexico to the United States.

Mr. KAUFMAN being entitled to the floor, addressed the House in reply to Mr. VINTON. He denied to the United States the right, in organizing a Territorial Government for New Mexico, to interfere with the territorial rights of Texas, as defined by her treaty with Mexico of May 14, 1836, and also by her "statute of limits" of December 19, 1836. He contended that Congress could not curtail the territorial limits claimed by Texas without her consent, without a palpable infraction of the Constitution, a violation of the letter and the spirit of the compact of annexation, a nullification of solemn treaties entered into by the United States, and a total disregard of the plighted faith of the nation. He cited the precedents of the claims of Maine and Massachusetts in regard to the "disputed territory" on our northeastern boundary, and concluded by invoking all parties to harmony, conciliation, and union.

Mr. COLLAMER then took the floor, and made a speech on the subject of freedom and slavery in the Territories, &c.

Mr. STANTON followed, chiefly in reply to the speech of Mr. VINTON, delivered some days since, and taking the range of political subjects generally.

Mr. LINCOLN spoke on politics in general, and on the merits of the candidates for the Presidential office.

Mr. BOWDON then obtained the floor,

And the House adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 28, 1848.

The Journal of yesterday was read and approved.

Mr. SMITH, of Indiana, asked leave to report, from the Committee on the Territories, bills to establish Territorial Governments in New Mexico and California. Objected to.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar. Lost.

On motion of Mr. GOGGIN, the House proceeded to the orders of the day.

The bill for the relief of Peter Shaffer, reported from the Committee of the Whole on the 2d of June last without amendment, was ordered to be engrossed, and, being engrossed, was read a third time and passed.

On motion of Mr. McKAY, the House proceeded to the consideration of business on the Speaker's table.

And the SPEAKER laid before the House communications, as follows:

A communication from the Secretary of War, transmitting, in compliance with a resolution of the 26th ultimo, a report of the strength of the different corps of the army of the United States, after the discharge of those who, by the terms of their enlistment and the operation of existing laws, are required to be discharged at the close of the war with Mexico.

The report shows the number of five years' men in the different corps, as far as can be ascertained from the records of the Adjutant General's Office, to be, viz:

The two regiments of dragoons	1,093
The regiment of mounted riflemen	427
The four regiments of artillery	2,830
The eight regiments of infantry	3,794
	8,147
Recruits in depôt	719
Total strength of army after the discharge of soldiers enlisted for the war	8,866

The letter and report were referred to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a report on the claim of William Vawters, deceased, in pursuance of a resolution of the House of the 3d instant. Laid on the table.

A letter from the Postmaster General, transmitting, in obedience to a resolution of the House, a table showing the annual cost of mail transportation, and the annual receipts of postage in each State and Territory of the United States, for the ten years preceding July 1, 1847. Referred to the Committee on the Post Office and Post Roads.

A tabular statement from the Commissioner of the General Land Office, showing the estimated surface of the Territories of the United States north and west of the regularly organized States of the Union, and the portions of territory north and south of the parallel of 36° 30′ north latitude. Referred to the Committee on Territories, and ordered to be printed.

The House proceeded to consider the amendments of the House, disagreed to by the Senate, to the bill of the Senate renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal-heavers, in the navy, and to their widows.

On motion of Mr. WHITE, the House insisted upon its amendments to said bill, and a Committee of Conference was appointed on the part of the House, to confer with a similar committee on the part of the Senate, on the disagreeing votes of the two Houses on said bill.

OREGON, CALIFORNIA, AND NEW MEXICO.

The bill from the Senate to establish Territorial Governments in Oregon, California, and New Mexico, was taken from the Speaker's table.

Mr. BOYD moved to refer the bill to the Committee of the Whole on the state of the Union.

Mr. STEPHENS moved to lay the bill on the table, and demanded the yeas and nays.

Mr. PETTIT desired to inquire, whether, if the House should negative these motions, it would be in order to move to refer the bill to a select committee?

Mr. HOUSTON, of Alabama, moved a call of the House, and demanded the yeas and nays thereon.

Mr. BOYD (still standing in his place) claimed the floor upon his own motion. He had made the motion to refer to the Committee of the Whole on the State of the Union, for the purpose of securing the earliest consideration of the measure.

The SPEAKER said, that all the motions but that which was made by the gentleman from Kentucky [Mr. BOYD] were superseded, and the question would be on the motion to refer to the Committee of the Whole on the state of the Union.

Mr. BOYD proceeded. It is, indeed, an important measure. Our newly-acquired territory should not be left in the hands of Mexicans, nor our settlers in Oregon to the merciless butcheries of the Indians. But, sir, there are other and higher considerations involved in this measure. The fate of this Union may, in a great degree, depend on the action of this body with reference to some of the provisions of this bill. Should we not, then, in the spirit of concession and compromise, proceed to settle, now and forever, the vexed and distracting question of slavery, by the passage of this measure? It might be that a majority of the House would stand opposed to the bill in its present shape; still he hoped gentlemen would not, for that reason, give it the go-by, by laying it on the table. He desired most earnestly to see this or some other measure of compromise adopted. If we cannot agree to pass this bill, in Heaven's name let us endeavor to agree upon something else. Let the bill go to the committee, where we can examine it, exchange opinions upon it, commune with each other—not as partisans, but as men and as patriots—to the end that this vexed and dangerous question may be settled.

By laying this bill upon the table, the House would, in effect, proclaim to the country their indisposition to settle the question now upon any terms, and agitation, with all its deplorable consequences, must go on.

In the behalf of our common constituency, I am constrained now to appeal to gentlemen on both sides to join me in an honest, earnest effort, to compromise this question, and give peace to the country.

Mr. B. concluded by moving a call of the House; but gave way for

Mr. McCLERNAND, who said, by permission of the gentleman from Kentucky, he desired to make one or two observations.

Mr. BOYD would withdraw the motion for a call of the House, if the gentleman from Illinois would renew it.

Mr. McCLERNAND promised to do so, and was then permitted to proceed. He said the question involved in this bill was one of the most momentous character. It was one which deeply involved the peace of the country and our republican institutions. It was important in another point of view. We had just now emerged from a war of two years' duration, during which time a large amount of public treasure had been expended, and much valuable blood had been shed. Among

the results of that war we had acquired extensive territory in California and New Mexico, which was of great value; and now the question presented itself, shall the fruits of this war, which had cost us so much blood and treasure, be thrown away, or should they be secured and perpetuated in possession of the people of the United States by the passage of this or some other bill which might meet more general acceptance? He should vote against the motion to lay on the table. He now renewed the motion for the call of the House.

Mr. SMITH, of Indiana, desired to make a few remarks with the permissisn of the gentleman from Illinois—only five words.

Mr. McCLERNAND would assent, if the gentleman from Indiana would renew the motion for a call of the House.

Mr. SMITH acceded to the terms, and then said he should be entirely satisfied to have this bill referred to the Committee of the Whole on the state of the Union, if he thought any good would result from giving it that direction. But he was thoroughly convinced that the reference of that bill to the Committee of the Whole on the state of the Union would but protract this session of Congress, without producing any beneficial results whatever. He was willing to avow that he was opposed to this bill, decidedly and uncompromisingly. He was willing to settle the vexed question of slavery in the Territories on any fair and unobjectionable grounds; but he utterly and entirely denied that this bill held out any promise of a settlement of that question. If that bill should become the law of the land, so far from settling the agitation which prevails through the country, and calming the troubled waters, it would only add to the existing agitation, and increase the difficulties by which it was surrounded. Was there ever a compromise heard of in which a people's rights and interests were direct antipodes to each other? Yet such was the compromise of this bill. Its southern advocates contended that it would be the means of extending slavery over that territory in which slavery did not now exist; and if that was its character, he should not give it his sanction.

Ask some of its southern Senatorial advocates why they supported the passage of this bill, and they would reply that, under its operation, they would be entitled to carry their slaves to this Territory. Ask what were the grounds on which those from the North gave it their support, and they were told, on the contrary, that slavery would be excluded. Was there, then, any compromise in that? None. It was only increasing the difficulties and agitation, which must exist, with no prospect of a settlement. He did not desire to see Congress adjourn without affording those Territories some appropriate government. He asked the House this morning for leave to report bills to provide a government for each of these Territories, but gentlemen on the other side of the House objected to it. He had such bills now drawn up to provide Territorial Governments for California and New Mexico. They had already a bill before them to establish a Territorial Government for Oregon.

Mr. CATHCART said that the objection came from his (Mr. S.'s) own side of the House; and that the gentleman before him [Mr. GOGGIN] was the first to object.

Mr. SMITH. The gentleman withdrew his objection. Well, he hoped hereafter that he should have an opportunity to present, and that the House would consent to receive, his report, and that before Congress adjourned it would pass those bills. He was as desirous as any individual that they should be passed, and Territorial Governments in these Territories be established; but he saw no good that could result either to the South or to the North, or to any portion of this country, by wasting time at this late period of the session in a fruitless discussion of the bill before them. It had already been fully discussed, not in the House, yet in the hearing of every member of the House, and the mind of every one of them was made up respecting it. He hoped, therefore, they should come to a decisive test vote.

Mr. HOUSTON, of Delaware. Will my honorable friend from Indiana [Mr. SMITH] allow me to make a single remark, or rather, to propound a single inquiry to him? I do not, I can assure him, desire at this time to say anything, either one way or the other, in regard to the supposed merits or demerits of the bill now before us. I do not propose, at this preliminary stage of the matter, to enter upon a general discussion of the provisions of the bill, as my honorable friend seems inclined to do, but I wish to make one suggestion for his consideration, and for the consideration of every honorable member on this floor, and it is this: Is it just, is it fair, to force this measure to a final decision in this House without affording ample time for the consideration and discussion of it? For my own part, I am free to say that I am not prepared to vote either for or against this bill without an opportunity to assign my reasons for it; and I would respectfully ask if it is right, if it is honorable, if it is magnanimous in the House to compel members to act upon this, by far the most important and momentous question which has been presented for our consideration during the present Congress, without a full, free, and fair opportunity to weigh and discuss it? For my own part, I am free to confess, as I have already stated, that I am not prepared to vote upon it until I have had an opportunity of making known the opinions which will govern and control my action in relation to it, and I trust it will not be pressed to a decision at this moment.

Mr. SMITH did not yield the floor to the gentleman from Delaware to make a speech. He did not intend to make a speech himself. He did not desire any debate on this question, and he hoped no debate would arise upon it. In order to test the sense of members of the House, he would move to lay the bill on the table, and then comply with his promise to the gentleman from Illinois [Mr. McCLERNAND] by moving a call of the House.

[Great excitement and confusion.]

Mr. BAYLY asked the gentleman from Indiana to withdraw that motion. [Most emphatic "noes" from all parts of the House.] There had been unfair remarks made against this bill. [Loud cries of "order!"]

Mr. BAYLY appealed to the gentleman from Indiana. [Renewed cries of "order!"]

Mr. McLANE rose to a point of order.

The SPEAKER said the Chair would receive no suggestion of order until the House came to order itself, and gentlemen took their seats.

Order having been partially restored—

Mr. McLANE stated his point of order to be that it was not competent for the gentleman from Indiana to submit two motions at once—the motion to lay on the table, and the motion for a call of the House.

The SPEAKER sustained the point of order.

Mr. SMITH then moved a call of the House alone.

The call was ordered, and the roll having been called through, 209 members answered to their names.

Mr. ASHMUN moved to dispense with further proceedings in the call. Agreed to.

Mr. ASHMUN inquired of the Chair whether the gentleman from Georgia [Mr. STEPHENS] had not moved to lay this bill upon the table?

The CHAIR replied that the gentleman had made such a motion, supposing at the time that he was entitled to the floor; but another gentleman having stated that he had not relinquished the floor, the motion of the gentleman from Georgia had of course been pronounced to be out of order.

Mr. STEPHENS here said that he admitted, with the gentleman from Kentucky, [Mr. BOYD,] that this bill was connected with a question of the deepest interest; but he could not believe, as that gentleman seemed to do, that its passage would secure peace and quiet to the country; if he did, he should be willing to protract this session indefinitely till it was passed. But, as he read the bill, all it did was merely to postpone the question, not to settle it, or give any peace to the country. The session was already of unusual length: he thought it was time they should go home. He had no belief that the question could be settled during the present session; and, wishing to bring it to a test vote, he would move to lay the bill on the table.

A demand was raised from all quarters for the yeas and nays, which were ordered; and, being taken, resulted as follows:

YEAS—Messrs. Abbott, Adams, Ashmun, Belcher, Bingham, Blanchard, Boydon, Buckner, Butler, Canby, Clapp, Collamer, Collins, Conger, Cranston, Crowell, Crozier, Darling, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Faran, Farrelly, Fisher, Freedley, Fries, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Hammons, James G. Hampton, Moses Hampton, Henley, Henry, Elias B. Holmes, Hubbard, Hudson, Joseph R. Ingersoll, Irvin, Jenkins, Kellogg, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Lincoln, Lord, Lynde, Maclay, McClelland, McIlvaine, Horace Mann, Marsh, Marvin, Morris, Mullin, Nelson, Nes, Newell, Nicoll, Palfrey, Peaslee, Peck, Pendleton, Petrie, Pollock, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Rose, Rumsey, St. John, Schenck, Sherrill, Silvester, Slingerland, Smart, Caleb B. Smith, Robert Smith, Truman Smith, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Tallmadge, Taylor, James Thompson, Richard W. Thompson, John B. Thompson, William Thompson, Thurston, Tuck, Van Dyke, Vinton, Warren, Wentworth, White, Wiley, and Wilmot—112.

NAYS—Messrs. Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Birdsall, Bocock, Botts, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cabell, Cathcart, Chapman, Franklin Clark, Beverly L. Clarke, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Crisfield, Daniel, Dickinson, Alexander Evans, Featherston, Ficklin, Flournoy, French, Fulton, Gayle, Gentry, Goggin, Green, Willard P. Hall, Haralson, Harmanson, Harris, Hill, Hilliard, Isaac E. Holmes, George S. Houston, John W. Houston, Inge, Charles J. Ingersoll, Iverson, Jameson, Andrew Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, La Sere, Ligon, Lumpkin, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morehead, Outlaw, Pettit, Peyton, Pillsbury, Preston, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Shepperd, Simpson, Sims, Stanton, Thibodeaux, Thomas, Jacob Thompson, Robert A. Thompson, Tompkins, Toombs, Turner, Venable, Wallace, Wick, Williams, and Woodward—97.

So the bill was laid upon the table.

Mr. POLLOCK moved to reconsider the vote just taken.

Mr. WHITE moved to lay the motion to reconsider on the table.

On which motion the yeas and nays were taken, and resulted as follows:

YEAS—Messrs. Abbott, Adams, Ashmun, Belcher, Bingham, Blanchard, Boydon, Buckner, Butler, Canby, Clapp, Franklin Clark, Collamer, Collins, Conger, Cranston, Crowell, Crozier, Darling, Dickey, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Faran, Farrelly, Fisher, Freedley, Fries, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Hammons, James G. Hampton, Moses Hampton, Haskell, Henley, Henry, Elias B. Holmes, Hubbard, Hudson, Joseph R. Ingersoll, Irvin, Jenkins, Kellogg, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Lincoln, Lord, Lynde, Maclay, McClelland, McIlvaine, Horace Mann, Marsh, Marvin, Morris, Mullin, Nelson, Nes, Newell, Nicoll, Palfrey, Peaslee, Peck, Pendleton, Petrie, Pollock, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Rose, Rumsey, St. John, Schenck, Sherrill, Silvester, Slingerland, Smart, Caleb B. Smith, Truman Smith, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Tallmadge, Taylor, James Thompson, Richard W. Thompson, John B. Thompson, William Thompson, Thurston, Tuck, Van Dyke, Vinton, Warren, Wentworth, White, Wiley, and Wilmot—114.

NAYS—Messrs. Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Birdsall, Bocock, Botts, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Charles Brown, Albert G. Brown, Burt, Cabell, Cathcart, Chapman, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cocke, Crisfield, Cummins, Daniel, Dickinson, Alexander Evans, Featherston, Ficklin, Flournoy, French, Fulton, Gayle, Gentry, Goggin, Green, Willard P. Hall, Haralson, Harmanson, Harris, Hill, Hilliard, Isaac E. Holmes, George S. Houston, John W. Houston, Inge, C. J. Ingersoll, Iverson, Jameson, Andrew Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, La Sere, Ligon, Lumpkin, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morehead, Outlaw, Pettit, Peyton, Pillsbury, Preston, Rhett, Richardson, Richey, Robinson, Rockhill, Sawyer, Shepperd, Simpson, Sims, Stanton, Thibodeaux, Thomas, Jacob Thompson, Robert A. Thompson, Tompkins, Toombs, Turner, Venable, Wallace, Wick, Williams, and Woodward—96.

On motion of Mr. HALL, of Missouri, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. MOREHEAD, of Kentucky, in the chair.)

THE OREGON BILL.

The Oregon bill having been taken up—

Mr. ADAMS, of Kentucky, who had the floor from a preceding day, addressed the committee mainly on the question of slavery in the Territory, over which he believed Congress had control, and incidentally in reply to positions assumed by his colleagues heretofore.

Mr. COLLINS followed in favor of the doctrine of the proviso.

Mr. DUNN then addressed the committee in a speech upon general politics.

Mr. HALL, of Missouri, followed Mr. DUNN in a speech urging Congress to act immediately on the bill to establish the Territorial Government of Oregon.

Mr. MULLIN then got the floor, and the committee rose and reported progress.

Mr. VINTON moved that a committee of conference be appointed to meet a similar committee on the part of the Senate, to confer on the disagreeing votes of the two Houses on the naval appropriation bill. Agreed to.

And then the House adjourned.

PETITIONS, ETC.

The following memorial and petition were presented under the rule and referred:

By Mr. DARLING: A memorial of citizens of the late Stockbridge tribe of Indians, in Wisconsin, asking relief from difficulties arising under the act of Congress, of August 6, 1846, to repeal an act entitled "An act for the relief of the Stockbridge tribe of Indians, and for other purposes," approved March 3, 1843.

By Mr. PALFREY: The petition of Hon. William Jackson and 216 others, of Newton, Massachusetts, praying for a law prohibiting the slave trade in the District of Columbia.

IN SENATE.

FRIDAY, *July* 28, 1848.

The VICE PRESIDENT laid before the Senate a communication from the Treasury Department, in relation to certain unexpended balances of appropriations for the surveys of the public lands, made in compliance with a resolution of the Senate of the 20th instant; which was referred to the Committee on Finance.

Also, a communication from the Secretary of the Navy, in answer to a resolution of the Senate of July 21st, calling for the returns of the corporal punishments inflicted on board the ships of the line, frigates, and sloops of war; which was laid on the table.

REPORTS FROM COMMITTEES.

Mr. BRIGHT, from the Committee on Revolutionary Claims, made an adverse report on the case of Haym M. Salomon.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported the following House bill without amendment: An act granting a pension to William Pittman.

Mr. JOHNSON also, from the same committee, made adverse reports on the memorials of Jedediah Gray, Amos Doughty, and John Beetly, accompanied by reports in each case.

Mr. MASON, from the Committee of Claims, reported a bill for the relief of George L. Brent and Joseph Graham; which was read a first time.

Mr. FOOTE, from the Committee on Private Land Claims, reported a bill for the relief of the heirs and legal representatives of Joseph McAlee, deceased; which was read a first time.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the amendments to the House bill making appropriation for the naval service, made a report recommending that the Senate concur in the first two amendments of the House, and insist on the amendments of the Senate; which report was concurred in, and a Committee of Conference of three Senators was appointed on the part of the Senate.

On motion of Mr. BREESE,

Resolved, That a Select Committee of five be appointed to inquire into the expediency of providing for the publication, as a national work, and without copy-right, under the direction of Congress, of the results of the recent exploring expedition of J. C. Frémont to California and Oregon; and also into the expediency of providing for continuing and completing the surveys and explorations of the said Frémont in Oregon and California, with a view to develop the geography of those countries, and to discover the practical lines of communication by railroads or otherwise between the valley of the Mississippi and the Pacific Ocean: the results of said further explorations to be published under the direction of Congress, as a national work, without copy-right.

The CHAIR announced the committee as follows: Messrs. BREESE, BORLAND, CLARKE, DODGE, and METCALFE.

On motion of Mr. FELCH,

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of allowing an outfit to the Commissioner of the Sandwich Islands.

The following resolution, submitted on Wednesday last by Mr. HALE, was taken up and agreed to:

Resolved, That the Secretary of War be directed to furnish the Senate with an account of the gross amount paid and allowed each officer or person whose name appears in the Army Register for the current year; and also to inform the Senate why said information is not contained in the Army Register for the present year, agreeably to the requirements of a resolution of the House of Representatives passed the 16th February, 1843.

Mr. BORLAND, on leave, introduced a bill to attach the Territory of Nebraska to the surveying district of Arkansas; which was read twice, and referred to the Committee on the Public Lands.

A joint resolution adding a new rule relative to the condition in which the unfinished business of the session should be taken up at the next session, was received from the House of Representatives, and was taken up for consideration; and, after some colloquial discussion—in which Messrs. JOHNSON of Louisiana, UNDERWOOD, DOWNS, and KING expressed opinions favorable to its adoption, and Messrs. BENTON and BRIGHT opposed it as an innovation of an injurious character—the joint resolution was laid on the table.

The amendment of the House of Representatives to the bill for the payment of the liquidated claims of citizens of the United States, was taken up and concurred in.

Mr. MASON submitted a resolution to devote this day to the consideration of private bills; but

Mr. DAYTON, suggesting that two public bills ought to be first acted on, objected to the adoption of the resolution.

And it lies over, under the rule.

FOREIGN CRIMINALS.

On motion of Mr. DAYTON, the Senate proceeded to consider the bill to carry into effect certain treaty stipulations between the United States and foreign Governments in relation to the apprehension of and delivering up of certain offenders.

The bill being under consideration as in Committee of the Whole—

Mr. DAYTON referred to the existing treaties on the subject with Great Britain and France. A case had occurred under the former in which the fugitive was surrendered. A case had also occurred under the French treaty, in which Judge Betts, of New York, held a fugitive charged with forgery. By writ of habeas corpus, this case was brought to the United States Supreme Court, where it was refused to be considered, because Judge Betts heard the case in chambers, and the Supreme Court held it had no jurisdiction in the case. He stated that, under all the circumstances, this bill was reported, and he hoped it would be promptly passed.

Mr. HALE suggested that there was a defect in the bill, inasmuch as it brought citizens of the United States within the operation of the bill, and subjected them to be delivered up without form of trial. He had prepared an amendment, which he would move to introduce at the end of the bill.

Mr. DAYTON objected to the amendment as subjecting every criminal to a trial by jury before he shall be delivered up. If anything of this kind is desired, the treaty ought to be amended. We are bound to carry out treaties as they stand.

Mr. HALE said he looked on these extraditional treaties with jealousy, and he thought the Senate ought to do so, especially in such times as these, when we may expect enough business of this kind on our hands. Suppose an individual denies that he is the person designated, and that most difficult question—the question of identity—should arise, it ought to be settled before the person is delivered up. The object of his amendment was to give the person an opportunity to prove his innocence. He called on the Senate to be careful not to lessen the securities for personal freedom.

Mr. KING said that the Senator from New Hampshire had taken a wrong view of the matter. This bill did not touch political offences. As to American citizens being taken in foreign countries for crimes, there was no danger that any would be wrongfully claimed by our Government. He stated the difficulties he had to encounter while in France in endeavoring to discover and arrest a fugitive from justice who had escaped into Switzerland. He was foiled in his efforts, and he then made a treaty with the Swiss Government which will render such arrests easy hereafter. But we ought not to expect foreign governments to lend us facilities, if we do not show a disposition to reciprocate.

Mr. BUTLER suggested the propriety of showing a becoming comity towards other nations; all being alike interested in the arrest of criminals who are seeking to escape from justice. He objected to the amendment moved by the Senator from New Hampshire.

Mr. HALE made some remarks in defence of his proposition. Those around him seemed to think that he desired to make this country a rogue's harbor. Quite the reverse. It was only by a trial by jury that rogues were brought to punishment. He referred again to the difficulties which perplexed questions of identity, and to the ruinous consequences to an individual from a false imputation of crime.

Mr. BADGER thought that there was not only no good ground, but no reasonable apology for the indignant eloquence of the Senator from New Hampshire. His anger should have been directed against the treaty, not against the law which was necessary to carry it into operation. He stated that the treaties are especially guarded against including political offences. They had relation only to men who prey on society. He thought it might be well to amend the bill, by inserting after the words "according to the terms," the words, "and true intent," of the treaty. We do not undertake to try foreign criminals, but merely, on such evidence as would justify his committal here for trial, to deliver up the individual.

Mr. DAYTON defended the bill, and assured the Senator from New Hampshire that no act we could pass would take away from American citizens the constitutional right of a trial by jury.

The amendment was then negatived.

Mr. BALDWIN moved to amend the bill, by striking out the words "justice of peace," and inserting in lieu thereof the words, "Justice of the Supreme Court, and judge of a district court."

Mr. BUTLER said, he thought it unnecessary, but he had no particular objection to the amendment.

Mr. DAYTON said, that the language was in conformity with the treaty; but if his friend from Connecticut was tenacious about it, he had no objection.

The amendment was agreed to.

Mr. DAYTON modified the bill, by inserting the words "true intent and meaning," as suggested by the Senator from North Carolina, [Mr. BADGER.]

The bill was then reported to the Senate, the amendments were concurred in, and the bill was ordered to be read a third time, by the following vote—the yeas and nays being ordered at the call of Mr. HALE:

YEAS—Messrs. Badger, Baldwin, Bell, Borland, Bradbury, Butler, Calhoun, Clarke, Clayton, Davis of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Fitzgerald, Foote, Hamlin, Houston, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Metcalfe, Miller, Phelps, Sebastian, Spruance, Sturgeon, Underwood, Upham, and Walker—33.

NAYS—Messrs. Benton, Breese, Bright, Dodge, Hale, Hannegan, and Rusk—7.

The bill was then passed.

CHINA AND THE OTTOMAN PORTE.

On motion of Mr. BUTLER, the Senate proceeded to the consideration of the bill to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries.

The bill was then considered as in Committee of the Whole; a substitute for the bill moved by Mr. DAVIS, of Massachusetts, was adopted, and the bill was reported to the Senate; the amendment was agreed to, and the bill was read a third time and passed.

On motion of Mr. JOHNSON, of Louisiana, the Senate considered the bill for the relief of certain surviving widows of officers of the revolutionary army; which was read a second and third time, and passed.

CLAIMS OF THE CHEROKEE INDIANS.

On motion of Mr. BELL, the Senate proceeded to the consideration of the joint resolution authorizing the proper accounting officers of the treasury to render a just settlement of the claims of the Cherokee nation of Indians, according to the principles established by the treaty of August, 1846.

Mr. BELL suggested to the Senator from Arkansas [Mr. SEBASTIAN] to withdraw the amendment he had submitted on a former day, as it involved a large amount of appropriation, and would, at this late period of the session, seriously embarrass the passage of the resolution. The joint resolution might be passed, with a provision referring it to the Secretary of War to examine and report to the next session of Congress.

Mr. SEBASTIAN consented to withdraw the amendment, and to renew it hereafter.

The CHAIR stated that the amendment had been agreed to by the Senate, but the Senate could refuse to concur in it.

Mr. BRADBURY made some remarks on the importance of the resolution as involving a large amount of money. He had objections to the reference of the settlement to one of the departments, and thought it would be better to keep the control of the subject in the hands of the Senate. The

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report of the Commissioner of Indian Affairs, it appears, had not been satisfactory; yet he (Mr. B.) had had no opportunity to examine that report.

Mr. BELL said he had proposed the change in the resolution for the purpose of obviating these objections. As to the examining all the accounts, that was the province of an executive officer rather than of the Senate. After the adjudication by the Commissioner, the amendment he now sent to the Chair provided that he should report the same to the next session of Congress.

Mr. ALLEN made some observations against the course indicated in this resolution. He pronounced a high eulogy on the Commissioner of Indian Affairs, pronouncing him a moral man, whose connection with the Government conferred greater honor on that Government than on himself. He moved to lay the bill on the table, but withdrew it at the request of—

Mr. BELL, who denied having attacked Mr. Medill, and thought the eulogy of the Senator from Ohio entirely gratuitous. That gentleman was certainly no more than a subordinate officer of the Government; and this was a case not only important on account of the amount of expenditure, but on account of the labor resulting from it. He had not charged that the report of the Commissioner was incorrect, but there had been opposition to it, and it was desirable that it should be properly investigated.

The amendment of Mr. BELL was then agreed to.

Mr. ALLEN moved to lay the resolution on the table: Ayes 9, noes 15.

There being no quorum, the motion was withdrawn.

The resolution was then reported to the Senate. The amendment of the Senator from Arkansas was non-concurred in.

The other amendment was concurred in.

Mr. ALLEN asked for the yeas and nays on the engrossment, which were ordered; and the question being taken, it was decided as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Benton, Borland, Butler, Clarke, Clayton, Downs, Greene, Hannegan, Johnson of Louisiana, Lewis, Mangum, Mason, Metcalfe, Miller, Phelps, Rusk, Sebastian, Spruance, Underwood, Upham, and Yulee—25.

NAYS—Messrs. Allen, Atherton, Bradbury, Breese, Bright, Davis of Mississippi, Dickinson, Dodge, Felch, Fitzgerald, Hamlin, Sturgeon, Turney, and Walker—14.

The bill was then passed.

EXTRA PAY TO VOLUNTEERS.

Mr. BREESE, on leave, introduced a joint resolution for the speedy payment of the three months' extra pay to the officers, non-commissioned officers, musicians, and privates, who have served in the late war with Mexico; which was read a first and second time.

Mr. B. wished the resolution might be considered, unless any Senator desired its reference. He was informed at the War Office, this morning, that the claims amounted to eighty thousand, and that, according to the usual forms, it would require fifteen years to pay them all. This resolution had the acquiescence of the Paymaster General, and, if passed, the whole might be paid in six months.

Mr. BENTON spoke of the great propriety of acting on this resolution promptly. He stated to what impositions these meritorious men, who had so faithfully and through such perils served the country, would be subjected, if the payments were deferred.

Mr. BADGER concurred in all that was said. He said he knew of one case, this morning, of a poor fellow who had forty-eight dollars due him, who was so pressed by his necessities, that he offered to part with the whole for twenty-five dollars!

Mr. DIX concurred in the views of the Senators who had spoken.

The joint resolution was then read a third time and passed.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of the joint resolution fixing the 7th day of August for the adjournment.

Mr. BREESE moved to strike out the 7th and insert the 14th.

Mr. HANNEGAN and Mr. CALHOUN thought the business could all be done by the 7th. There was now nothing to be gained by sitting longer.

Mr. FOOTE said he was not willing to go away and leave the country in danger, as he thought it was.

Mr. DOWNS thought that another week would be required to get though the necessary business. He would therefore prefer the 14th. He would not consent to take another step on the subject of a compromise.

Mr. DOUGLAS would not be willing to adjourn and to leave the Territories without law. The general appropriation bill, and other important bills have to be acted on. A bill for a Territorial Government in Minesota had been reported early in the session, and this ought to be acted on. The Government has ordered troops there to prevent collision with Indians. He did not see why we should adjourn because the Senate has been thwarted in one of its measures. If we adjourn without establishing the Territorial Governments, we shall be responsible for the blood of men, women, and children, which will be shed.

Mr. BENTON regretted that this resolution had been called up. He was opposed to fixing any day for adjournment, until the great measures are all disposed of. The world would be led to the impression that the Senate is acting from a feeling of resentment. It would be much wiser that we should let the world see that we refuse to adjourn until the territorial bills shall be passed. The judgment of the world would be against us, when it is known that, immediately after the House had rejected the territorial bill, a Senator jumped up in the middle of an afternoon session, and called up the resolution of adjournment. He had only spoken once on the territorial bill. He had voted for it, because it was necessary to provide some government for the Territories. But could not the House send a bill to the Senate for this purpose? If we go and leave anything unfinished, in the present agitation of public opinion, Senators must expect to meet, at every turn, the question—whose fault is it that nothing is done? He was willing to take any bill which might come from the House rather than leave the Territories without a government. Having labored hard to get Oregon, how inconsistent to let her remain without a government! Then came California and New Mexico. Are they to be left without law? He then went into a view of the present condition of those Territories, in order to show the necessity for prompt legislation on the subject. A continuance of the present unsettled state of things can have no other effect than to make our relations more perplexed and difficult of arrangement.

Mr. DAYTON advocated the resolution as it came from the House. To talk of the movement of the Senate being construed into an act of resentment, was absurd, when it was remembered that twenty-two of the Senators voted against the territorial bill, and that a majority of them would vote for this resolution.

Mr. HANNEGAN replied to the objections to the resolution, and urged that to remain here beyond the 7th would be useless. To adopt the amendment, would be to add only another week of talk. He hoped Monday week would be agreed on.

Mr. BREESE withdrew his amendment, and moved to lay the resolution on the table, and asked the yeas and nays; which were ordered.

Mr. KING suggested that the motion be varied, so as to make it a postponement until Monday.

The question was then taken on the motion to lay on the table, and decided as follows:

YEAS—Messrs. Atherton, Benton, Breese, Bright, Clayton, Dodge, Douglas, Downs, Foote, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mason, Phelps, Sturgeon, and Westcott—17.

NAYS—Messrs. Allen, Atchison, Badger, Baldwin, Bell, Borland, Bradbury, Butler, Calhoun, Clarke, Davis of Mississippi, Dayton, Dickinson, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Houston, Hunter, Metcalfe, Miller, Niles, Sebastian, Spruance, Turney, Underwood, Upham, Walker, and Yulee—32.

Mr. BREESE moved to strike out 7th and insert 14th.

The yeas and nays were then ordered on the motion.

Mr. KING thought we should not be able to get through all the needful business for the carrying on of the Government by the 7th. He understood from some gentlemen at the head of influential committees of the House, that they would not be ready to adjourn before a week after that time. He desired to satisfy himself on these points, and would therefore move to postpone the further consideration of the resolution until Monday next.

Mr. DAYTON was willing to do anything which personal courtesy dictated, for the accommodation of the Senator from Alabama; but he thought we had the whole subject before us, and he hoped the subject would be taken up and acted on.

Mr. ALLEN would vote to postpone till Monday, and would then vote to take it up, and to fix on the 14th, as the day of adjournment.

Mr. DIX said he would vote against postponement, and in favor of the 7th.

Mr. FOOTE believed that the House would do its duty, and that a little postponement would be best. He would not vote for adjournment at present.

Mr. HALE moved that the Senate now adjourn, which was negatived.

The question was then taken on the motion to postpone, and decided as follows:

YEAS—Messrs. Allen, Atherton, Benton, Breese, Bright, Clayton, Davis of Mississippi, Dickinson, Dodge, Douglas, Downs, Foote, Houston, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mason, Phelps, Sturgeon, and Westcott—21.

NAYS—Messrs. Atchison, Badger, Baldwin, Bell, Borland, Bradbury, Butler, Calhoun, Clarke, Dayton, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Hunter, Metcalfe, Miller, Niles, Sebastian, Spruance, Turney, Underwood, Upham, Walker, and Yulee—23.

The question being on the motion to strike out 7th and insert 14th—

Mr. NILES said, that instead of an adjournment being regarded as an unpatriotic act, our constituents would probably regard it as the most patriotic, the only patriotic act of the session. If we stay any longer, it may be that our constituents will have forgotten us altogether.

Mr. DAVIS, of Mississippi, said he should be compelled to adhere to a pledge he had once given not to vote for fixing a day of adjournment, as he did not feel disposed to leave the Territories without a government.

Mr. METCALFE thought we could not get through by the 7th. If we make it the 14th, the House will then have it in its power to take it, or to amend it by fixing a longer period, should it be deemed necessary for the completion of the business. He rebuked the frequency with which the separation of the Union was alluded to.

Mr. DOUGLAS asked the chairman of the Committee on Finance if he thought the appropriation bills could be got through with by the 7th?

Mr. ATHERTON replied, that he thought that the civil and diplomatic and the army appropriation bills would occupy until the 7th without other business. He thought we might get through by the 14th.

Mr. DIX hoped that the appropriation bills would be acted on by the 7th.

Mr. ATCHISON said, with all the facts before him, he did not think he would be doing his duty if he voted for the 7th. He did not entertain the slightest hope that there would be any territorial bill from the House. But if the chairman of the Finance Committee thought he could not get through the appropriation bills by the 7th, he was willing to vote for the 14th.

Mr. TURNEY opposed the amendment in a few remarks, in which he evinced much warmth, in relation to the summary disposal of the compromise bill by the House of Representatives, and declared that as he had now abandoned any hope of settling that question, he was ready to adjourn at the earliest hour, and he thought all the business which was necessary to be done might be completed in two days.

Mr. BUTLER expressed regret at the warmth of the Senator from Tennessee, and concluded with saying he would vote for the amendment.

The question was then taken on the amendment of Mr. BREESE, substituting Monday, the 14th of August, for Monday, the 7th, and decided as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Benton, Borland, Bradbury, Breese, Bright, Butler, Dickinson, Dodge, Douglas, Downs, Foote, Hamlin, Houston, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mason, Metcalfe, Niles, Sebastian, Spruance, Sturgeon, Underwood, and Westcott—30.

NAYS—Messrs. Baldwin, Calhoun, Clarke, Clayton, Davis of Mississippi, Dayton, Dix, Felch, Fitzgerald, Greene, Hale, Hannegan, Hunter, Miller, Turney, Upham, Walker, and Yulee—18.

And the resolution was then adopted as amended.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and at ten minutes past five, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 29, 1848.

The Journal of yesterday was read and approved.

Mr. EVANS, of Maryland, offered the usual resolution to close all debate in Committee of the Whole on the state of the Union at one o'clock this day on the bill to establish the Territorial Government of Oregon.

Mr. E. moved the previous question, which was seconded, and, under the operation thereof, the resolution was adopted.

By general consent, the joint resolution of the Senate for the speedy payment of the three months' extra pay to the officers, non-commissioned officers, musicians, and privates who have served in the late war with Mexico, allowed by the act of July 19, 1848, was taken up and read a first and second time, and after some conversation between Messrs. McLANE, and HOUSTON, of Alabama,

Mr. HARALSON moved the previous question, which was seconded, and, under the operation thereof, the joint resolution was read a third time and passed, and returned to the Senate.

Mr. JOHNSON, of Arkansas, moved that the Committee of the Whole on the state of the Union be discharged from the Senate bill to divide the district of Arkansas into two judicial districts, but subsequently withdrew it.

On motion of Mr. GENTRY, the House proceeded to consider the business on the Speaker's table, viz: the messages of the President of the United States in relation to the treaty with Mexico and in relation to the boundary of the territory acquired from Mexico, &c.

Mr. BOWDON addressed the House upon various topics connected with the President's messages. He maintained the right of Texas to the boundary of the Rio Grande from the mouth to the source. He deprecated the precipitate action of the House in laying upon the table the "compromise" of the Senate, and warmly eulogized the authors of the measure and its provisions as eminently adapted to still the ocean of popular excitement on the question of slavery at this crisis.

Mr. DUER next obtained the floor, and yielded to

Mr. STEPHENS, who moved to reconsider the vote by which the discussion of the Oregon bill was limited to one o'clock to-day.

Mr. TOOMBS moved to lay the motion to reconsider on the table.

Mr. STEPHENS withdrew the motion for the present, to avoid consuming the time of Mr. DUER, giving notice that he might renew it.

Mr. DUER then proceeded with his remarks. He spoke of the right of Congress to legislate by way of restraining slavery in the Territories, as a self-evident proposition. He then branched off into some examinations of General Cass's position upon this question. He next adverted to the reason which induced Whig opposition to the late Senate compromise, and proposed another compromise, which his party were prepared to support, to wit: a compromise upon the rejection of all territorial acquisitions from Mexico. He closed his speech by stating the causes and justifying the instruments of the Van Buren defection.

Mr. THOMAS succeeded to the floor, and opened his speech with an allusion to the inconsistency and folly of the opposition made by the Whig party to the President's peace message upon the question of boundary to a territory which they now avowed themselves ready to give back to Mexico.

He replied to the argument of the gentleman from Kentucky, [Mr. DUNCAN,] impugning the course of the President, by which temporary government was established in Santa Fé. He showed from the books that the acts of the President were amply justified by the practice of the British Government. If the offence ascribed to the President was committed against the State of Texas, gentlemen should reflect that Texas herself appealed to this Government for the very thing of which complaint was made—the protection which was afforded. Besides, Texas herself had never complained, because it was manifest that what was done by the authority of the President, was called for by the necessity of the case.

If the conqueror did not destroy the government and authority of the conquered country, he would make the matter of his invasion an advantage instead of a constraint. This necessity of the case was the justification for the establishment of government by the authority of the President over the provinces which his generals conquered. He quoted to this point the proclamation of General Harrison reëstablishing the authority of the laws of the United States in Michigan upon the expulsion of the British from that peninsula. And if it were necessary to establish government by proclamation in Michigan, when the inhabitants were American citizens, much more was it necessary to proclaim the authority of the United States in Santa Fé, whose inhabitants were foreigners and enemies.

He read from Vattel and other authorities to justify military contributions, by no higher authority than that of a mere conquering general. Gentlemen were getting so extremely popular in their views and feelings, that it would seem as though they would be unwilling for one of our generals to fight a single battle without first coming home and taking a vote of the people upon its propriety.

Mr. DONNELL succeeded, and addressed the House in a general political speech, justifying his vote in opposition to the Territorial compromise bill; occupying much of his hour in the way of a review of that part of a late speech of his colleague, [Mr. VENABLE,] in which he defined his position upon the subject of internal improvement by the General Government, and upon the power of Congress to legislate upon slavery in the Territories.

Mr. VENABLE next obtained the floor; but gave way for a motion to adjourn; which was disagreed to by report of tellers—affirmative 76, negative 78

Mr. V. then said that he listened with pleasure to the *début* of his colleague, although he was himself selected as the subject of his castigation. He was sufficiently compensated for all, by the similarity which his colleague had discovered between his own views and those of one of the most justly distinguished Senators which this country ever produced, [Mr. CALHOUN.] He reiterated what he had before said against internal improvements by the General Government, with other points in his former speech; renewed again his former allusions to "his own Carolina," and was proceeding to fortify afresh his former positions in support of the right of the citizens of the South to emigrate with their property to the territories, and receive the protection of the Constitution in its possession and enjoyment there, when he gave way again for a motion to adjourn; which was agreed to.

And the House adjourned till Monday.

IN SENATE.

SATURDAY, *July* 29, 1848.

Mr. BENTON moved that Mr. ATCHISON be appointed President *pro tem.* of the Senate during the absence of the Vice President; which motion was unanimously agreed to. And, on motion of Mr. B., the President of the United States and the Speaker of the House of Representatives were duly notified.

MEMORIALS AND PETITIONS.

Mr. BRIGHT presented a petition from citizens of Duval county, Florida, praying to be allowed additional mail facilities on the route between Savannah, Georgia, and Pilatka, Florida, and on the route between Jacksonville and Alligator, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. BRIGHT also presented a petition from John A. Brackenridge, vindicating his father from certain allegations charging him with a misapplication of the funds collected by him in the State of Missouri for the Washington Monument Society; which was laid on the table.

Mr. HUNTER presented a petition from William Archer and other citizens of the District of Columbia, asking an appropriation for the removal of a nuisance on Pennsylvania avenue; which was referred to the Committee on the District of Columbia.

REPORTS FROM COMMITTEES.

Mr. BREESE, from the Committee on Public Lands, reported a bill granting to the State of Alabama the right of way and a donation of public lands for making a railroad from Mobile to the mouth of Ohio river; which was read a first time.

Mr. BRIGHT, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of David Hoban, deceased; which was read a first time.

RESOLUTIONS.

On motion of Mr. BRADBURY,

Resolved, That the Secretary of State be requested to send to the Senate a copy of the *printed report* of the commissioners under the treaty of Washington of August 9, 1842; together with a copy of the report of the American commissioner transmitting the same to the State Department.

Mr. LEWIS, by unanimous consent, introduced a joint resolution explanatory of the act of June 2, 1848; which was read a first and second time, as follows:

Resolved, &c., That the act of 2d June, 1848, shall be construed by the acting officers of the treasury to embrace the transportation of and supplies furnished for the use of volunteers called out by the order of General E. P. Gaines, and paid under the joint resolution of August 8, 1846.

VARIOUS BUSINESS.

On motion of Mr. WALKER, the prior orders were postponed, and the Senate proceeded to the consideration of the bill *modifying* the fourth clause of the seventh section of an act relating to the admission of Wisconsin into the Union, approved 6th August, 1846.

Mr. W. having explained and advocated the bill, it was read a third time and passed.

On motion of Mr. WESTCOTT, the prior orders were postponed, to take up the bill providing for the taking of testimony in relation to claims for losses in the late Florida war.

Mr. W. having advocated and explained the bill, it was, after a brief colloquy, read a third time and passed.

Mr. HANNEGAN gave notice that on Monday next he would introduce a bill to establish a Territorial Government in the Territories of Oregon, New Mexico, and California.

On motion of Mr. DOWNS, the Senate proceeded to consider the bill for the better organization of the district court of the United States within the State of Louisiana.

Mr. DOWNS explained, that since this bill was reported from the Committee on the Judiciary, he had prepared an amendment for the appointment of an additional judge, and he suggested the propriety of the adoption of this amendment in consequence of the great accumulation of business connected with land claims. He could anticipate no opposition except on the ground of the increased expense. This he showed to be untenable ground, because the appointment of another judge would save more than his salary in the reduction of mileage now paid to sheriff and witnesses in consequence of the distances they have to travel. He accordingly submitted his amendment, which divides the State into two districts, and provides for the appointment of a separate judge, to be appointed by the President, by and with the advice and consent of the Senate.

Mr. TURNEY admitted that the increased business of the land claims created a pressure on the court for the present. But it could not be sufficient to warrant the appointment of an additional judge. Appoint a new judge, and he will be fastened on the country. There would be no getting rid of him; and although his salary was now fixed at $2,000, reasons would be found, before the end of another session of Congress, for increasing this salary, and putting him on the same footing as other judges. He could not vote for it.

Mr. BUTLER explained that the committee could not see the propriety of appointing an additional judge.

Mr. WESTCOTT stated that the business of

the Louisiana courts was increasing with a rapidity which must soon place it above New York in point of importance. New York has two judges, and he thought it necessary to give two to Louisiana.

Mr. BADGER thought the amendment was a proper one. Without looking to the future, it was sufficient to say that New Orleans is now a great city, and he thought it unreasonable to assign to the judge acting there all the duties of the State. The business at New Orleans is sufficient to occupy all his time. He hoped the amendment would be agreed to.

Mr. DAYTON said that the committee had not information before it to show that the business was so great as to require a new judge, and the multiplication of judges he regarded as impolitic. Should this application be granted, other applications will follow. The appointment of a new judge involves the appointment of other new officers, and he hoped the amendment would be negatived.

Mr. UNDERWOOD gave a few reasons which would induce him to vote for the additional judge. The great business of the whole of the Western States required this appointment. He read a list of pending suits in the Louisiana court, to show the impossibility of one judge performing all the duties.

Mr. JOHNSON, of Louisiana, said it was perfectly impracticable for the present judge to leave New Orleans for the purpose of taking charge of the suits in the remote portions of the State. He could not vote for the bill without the amendment. Persons interested in the business of the court in the interior, have, in some instances, to travel five hundred miles, and at some seasons the journey is impracticable. Instead of a cost to the United States, this appointment would be an actual saving to the country.

The amendment was agreed to—ayes 22, nays 13.

The bill was then reported to the Senate, the amendment was concurred in, and the bill was read a third time and passed.

RAILROAD TO THE PACIFIC.

Mr. NILES moved the Senate to take up the bill granting a tract of land for the purpose of making a railroad from Lake Michigan to the Pacific, on the plan of Asa Whitney, which had been reported by the select committee to which the subject was referred. It was thought important, by the gentlemen connected with Mr. Whitney, to have a decision concerning this measure at the present session, because the public lands would probably be so disposed of before another session, as to render the present plan impracticable. He therefore desired a vote on his motion to take up the bill, and he would then name a day for its consideration.

Mr. HALE hoped it would not be taken up, as it was a most alarming measure. It gave away one hundred millions of acres of the public lands at one swoop. He was sorry to differ from the Senator from Connecticut, but he was opposed to throwing such an immense mass of land into the hands of speculators. The taking up of this bill would alarm the public mind.

Mr. NILES said the company could not hold the lands. It was only intended to make a public road through them; and as they are not now worth a cent, and no one could tell when they would be worth anything, and as the making of this road would give them value, and the route itself, if it could ever be completed so as to make a common highway, it would bind the Union together.

Mr. BENTON expressed his astonishment that the Senator from Connecticut, after what had passed, should make such a motion at this period of the session. At the very moment that he was looking into the records of the past to endeavor to find out some mode of settling the difficulty of governing the Territories of California and New Mexico, his ear was struck by this motion. He had studied the history of California long before Mr. Whitney thought of it. He would never vote for giving a hundred millions of acres to any man. We must have surveys, examination, and exploration made, and not go blindfold, haphazard, into such a scheme. It distressed him that the business of the session was to be broken up by this motion to take up a bill out of its turn. He hoped the calendar would be regularly taken up. He would not be astonished if Mr. Whitney should come here with a large bill for damages against Congress—damages for going to all the States of the Union for recommendations.

Mr. BELL regretted that Senators should be so ready to act on preconceived prejudices, before they had even read the bill. As to Mr. Whitney, he had conversed with him, and had found him modest and intelligent. He referred to the care which had been taken in the preparation of the bill; and he hoped the Senate would at least take up the bill and examine it. Unless the bill passed this session, the opportunity will have passed away forever.

Mr. BENTON said, that if this bill was taken up, the fortnight to come would not be sufficient. If gentlemen expected to pass this bill without debate, so long as he could stand up, they would be disappointed. He objected to this taking up a bill out of its order, which would consume the rest of the session. He would trust no man in existence with such a power as was proposed to be given by this bill. He moved to lay the motion on the table.

The yeas and nays were ordered, and the question being taken, was decided as follows:

YEAS—Messrs. Atchison, Atherton, Benton, Borland, Breese, Butler, Calhoun, Davis of Mississippi, Dayton, Douglas, Downs, Hale, Houston, Hunter, Johnson of Georgia, King, Mason, Metcalfe, Pearce, Phelps, Rusk, Sprnance, Sturgeon, Turney, Underwood, Westcott, and Yulee—27.

NAYS—Messrs. Allen, Badger, Baldwin, Bell, Bradbury, Bright, Clarke, Dickinson, Dix, Dodge, Felch, Fitzgerald, Foote, Hamlin, Hannegan, Johnson of Louisiana, Lewis, Miller, Niles, Upham, and Walker—21.

On motion of Mr. DIX, the motion to reconsider the vote by which the bill for the relief of George Center was laid on the table, was taken up, and the vote was reconsidered.

Mr. YULEE then submitted a substitute for the bill, which was ordered to be printed. The bill was then informally passed over.

On motion of Mr. MASON, the Senate proceeded to the consideration of the private calendar, when the following House bills were considered in Committee of the Whole, read the third time, and passed:

An act for the relief of John Manly.

An act for the relief of Sarah Stokes, widow of John Stokes.

An act for the relief of Benjamin White.

An act for the relief of Amzy Judd.

An act for the relief of Charles Chappell.

An act for the relief of William Culver.

An act for the relief of John Anderson.

An act for the relief of the heirs of Matthew Stewart.

An act for the relief of E. G. Smith.

An act for the relief of Jonathan Moore, of the State of Massachusetts.

An act for the relief of Robert Ellis.

An act for the relief of Catharine Fulton, of Washington county, Pennsylvania.

An act for the relief of Bennett M. Dell.

An act for the relief of Elijah H. Willis.

An act for the relief of the legal representatives of William McKenzie, late a seaman on board the United States ship Vincennes.

An act for the relief of Bent, St. Vrain, and Company.

An act for the relief of J. Throckmorton.

The Senate then proceeded to the consideration of Executive business. When the doors were opened,

Ordered, That after Monday next, the hour of the daily meeting of the Senate shall be ten o'clock a. m.

Mr. ATHERTON, from the Committee on Finance, reported the civil and diplomatic appropriation bill, with amendments, and they were ordered to be printed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 31, 1848.

The Journal of Saturday was read and approved.

Mr. BIRDSALL called up the motion made by him on Saturday to reconsider the resolution to terminate debate on the Oregon bill in Committee of the Whole on the State of the Union, and was proceeding to address the Chair, when—

The SPEAKER stated that debate, if allowed at all, must be confined within very narrow limits.

Mr. BIRDSALL wished to reply to some remarks of a personal character made by his colleague, [Mr. COLLINS.]

The SPEAKER said the gentleman could do so only by general consent.

Objections were made.

Mr. BIRDSALL, after some conversation, withdrew the motion to reconsider, and moved to suspend the rules to allow him to make a personal explanation.

Mr. ASHMUN reminded the Speaker that there was already pending a motion to suspend the rules.

The SPEAKER said that motion would be first in order, and announced the question to be the motion made by Mr. KING, of Georgia, to suspend the rules, to enable him to move to discharge the Committee of the Whole from the further consideration of the bill granting to the Alabama, Florida, and Georgia Railroad Company the alternate sections of the public lands along the route of their contemplated roads, on certain conditions, which was pending when the House adjourned on Monday last.

The question on this motion was put, and resulted:* Yeas 111, nays 52. Two-thirds voting in the affirmative, the rules were suspended, and the committee was discharged from the further consideration of the bill, and it was taken up and read.

The question being on the amendments to the bill reported by the Committee on Public Lands—

A debate ensued, which lasted about an hour, in which Messrs. VINTON, STEPHENS, KING of Georgia, ROOT, THOMPSON of Pennsylvania, and others, participated, during which sundry amendments were proposed.

The bill was then recommitted to the Committee on Public Lands.

Mr. ASHMUN then moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That, in order to secure a more full, impartial and prompt publication of the debates and proceedings of this House, the Clerk be directed to enter into a contract with the proprietors of each of the two daily papers in this city, the National Intelligencer and the Union, to take effee from this day and to continue until otherwise ordered by the House, as follows: That they shall, on their part, cause to be reported at the fullest length, without exception, the proceedings and debates of the House of Representatives, and the same to publish in the National Intelligencer and in the Union forthwith, (allowing such members as desire it to revise the reports of their own speeches before being published;) and to publish also any speeches delivered at this session which have not been heretofore inserted in their columns, as well as any committee reports and public documents which may be directed by the House to be so published; and to furnish two copies of each paper containing the same to each member of the House of Representatives upon the following terms, to wit: At the rate of two dollars and fifty cents to each of said papers for the quantity of a Congress small pica document page, for every expense of reporting, printing, and extra paper required for the extra quantity of matter; and for any documents, bills, or other matter which the Clerk may be directed to have published in said papers, at a rate of charge of one dollar and fifty cents for the quantity of a document page. For which purpose the said proprietors shall agree to publish, without additional charge, such extra papers or supplements as may be required for the prompt publication of said proceedings, debates, and documents; payment therefor to be made weekly, out of the contingent fund of the House.

The question on suspending the rules was decided by yeas and nays: Yeas 105, nays 77. Two-thirds not voting in the affirmative, the rules were not suspended.

On motion of Mr. KAUFMAN, the resolution fixing the day of adjournment of Congress was taken up, and the amendment of the Senate fixing the 14th day of August was concurred in.

On motion of Mr. MILLER,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reporting a bill to pay certain volunteers who have been in the service of the United States during the late war with Mexico all sums of money which have been stopped from their pay and allowances under the provisions of a "joint resolution directing the payment of certain volunteers and militia, under the limitations therein prescribed," approved August 8, 1846, and other enactments supplementary thereto.

THE TAYLOR PLATFORM.

Mr. STEWART, of Pennsylvania, moved a suspension of the rules to enable him to offer the following resolutions:

Resolved, That "the power given by the Constitution to the Executive to interpose his veto is a high conservative power, which should never be exercised except in cases of

* Before the result was announced, Mr. SMITH, of Illinois, asked leave to vote. On being asked if he was within the bar when his name was called, he said he was not, but entered the hall as the name following was called. He said he desired to vote in the affirmative. His vote was not received.

clear violation of the Constitution, or manifest haste and want of consideration by Congress."

Resolved, That "the personal opinions of the individual who may happen to occupy the Executive chair ought not to control the action of Congress upon questions of domestic policy, nor ought his objections to be interposed where questions of constitutional power have been setiled by the various departments of Government, and acquiesced in by the people."

Resolved, That "upon the subjects of the tariff, the currency, the improvement of our great highways, rivers, lakes, and harbors, the will of the people, as expressed through their representatives in Congress, ought to be respected and carried out by the Executive."

Resolved, That "war, at all times and under all circumstances, is a national calamity, to be avoided if compatible with national honor;" that "the *principles* of our Government as well as its true *policy*, are opposed to the subjugation of other nations and the dismemberment of other countries by *conquest;* for, in the language of the great Washington, 'why should we quit our own to stand on foreign ground.'"

On the motion to suspend the rules, the yeas and nays were taken, and resulted: Yeas 80, nays 98. Two-thirds not voting in the affirmative, the rules were not suspended.

THE MARINE CORPS.

Mr. BROWN, of Pennsylvania, the rules having been suspended for the purpose, introduced a joint resolution to place the officers, musicians, and privates of the marine corps who have served in the late war with Mexico on land, on the same footing with the officers, musicians, and privates of the army of the United States in regard to bounty land, extra pay, &c.

Mr. B. trusted there was no necessity of committing this resolution at this late day, as there was no member who did not understand it now as well as he would at any future time. These men, instead of being retained on board ship, had been taken into the army under General Twiggs, and were now returned with the army, and were being discharged without pay. All that was intended by the resolution was, to place those of the marines who had served upon land with the army on the same footing as the officers, musicians, and privates of the army.

Mr. BOTTS moved an amendment to extend the provisions of the bill passed here a few days since, giving three months' extra pay to the officers, musicians, and privates of the army to such of the ordnance corps as had been in the service of the United States in Mexico. He had received an official communication from the Ordnance Department calling attention specially to the hardships under which these men labored. They had performed the same service, and were now returning under the same circumstances as the other soldiers of the army in Mexico, and they asked that the same extra pay, &c., be awarded to them.

(As connected with this subject, the SPEAKER laid before the House the proceedings of a meeting of volunteers just returned from Mexico, held in Philadelphia on the 28th July, in relation to their extra pay, and asking Congress to allow them *full pay* instead of *pay proper;* which was referred to the Committee on Military Affairs.)

Mr. BROWN moved the previous question, but waived it at the request of

Mr. HARALSON, who, with no hostility to the proposition, suggested that it be referred to some committee, that the House might act with a perfect understanding of the matter.

Mr. BROWN would have no objection if it was early in the session, but he thought the reference, and the consequent delay at this stage of the session, would defeat the measure entirely. The recommendation, too, of the Secretary of the Navy to this effect had long been before the Naval Committee, who could not, therefore, complain of being taken by surprise. His resolution, with the amendment suggested by his friend from Virginia, would place such of the marine and ordnance corps as had served with the army on the same footing as the officers, musicians, and privates of the army.

Mr. McLANE moved to amend the resolution by adding, "and also the artificers and laborers of the ordnance corps serving in said war."

Mr. BROWN moved the previous question.

Mr. BURT suggested to Mr. BROWN to modify his resolution by striking out the words, "and other remunerations."

Mr. BROWN declined to comply.

The demand for the previous question was seconded; and, under its operation, Mr. McLANE's amendment was agreed to, and the joint resolution, as amended, was engrossed, read a third time, and passed.

THE VOLTIGEUR REGIMENT.

Mr. TOMPKINS moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of retaining in the service of the United States the regiment of voltigeurs and foot riflemen, armed with howitzers and rocket batteries, and that they report by bill or otherwise.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. McKAY, by general consent, introduced the following concurrent resolution, which was read and agreed to:

Resolved, &c., That a joint select committee of six (three on the part of each House) be appointed to inquire into the expediency of devising a system of reporting the debates and proceedings of Congress, in lieu of the one which now exists, and that said committee report by bill or otherwise.

THANKS TO THE NAVY.

Mr. HOLMES, of South Carolina, by general consent, introduced a joint resolution of thanks to the officers, sailors, and marines of the United States navy, for their efficient cooperation and services in the late war with Mexico.

The resolution was read three times, passed, and sent to the Senate.

NAVAL APPROPRIATION BILL.

Mr. SCHENCK, from the Committee of Conference on the part of the House, presented the following report:

The Committee of Conference on the part of the House of Representatives on the disagreeing votes of the two Houses on the bill entitled "An act making appropriations for the naval service for the year ending the 30th June, 1849," report that they have met the conferees on the part of the Senate, and, after a full and free conference, have agreed to recommend, and do recommend to the respective Houses as follows:

1. That the Senate do recede from their disagreement to the amendment of the House to the Senate's fifth amendment, and agree to the same.

2. That the House do recede from their disagreement to the Senate's sixth amendment, striking out the fifth section of the bill, and that, in lieu thereof, the following shall be inserted as a fifth section of the bill:

"*Be it further enacted*, That hereafter the amount of money commutation allowed by law in lieu of the spirit ration, shall be increased to four cents."

3. That the House do recede from its disagreement to the Senate's tenth amendment, and agree to said amendment with the following words, which it is agreed shall be added to the end thereof:

"And in appointing from each State, hereafter, its proportion of officers of that grade, the appointments shall be apportioned, as nearly as practicable, equally among the several Congressional districts therein."

4. That the House do recede from its disagreement to the twelfth amendment of the Senate.

Mr. SCHENCK made a brief explanation of the report of the Committee of Conference, and moved the previous question, which was seconded; and, under the operation thereof, the report was agreed to.

Mr. ROCKWELL, of Connecticut, moved that on and after to-morrow, the daily hour of meeting of the House shall be ten o'clock, a. m., until otherwise ordered. Agreed to.

THE NEW TERRITORIES.

Mr. McCLERNAND asked leave to introduce a joint resolution declaring it expedient and proper that Congress should without delay extend the protection of civil government over the Territories of Oregon, New Mexico, and California.

Objection being made—

Mr. McC. moved a suspension of the rules, on which he asked the yeas and nays. He hoped his friends would make it a test vote.

Mr. STEPHENS inquired if it was in order to move to lay the motion to suspend the rules on the table.

The SPEAKER replied in the negative.

The yeas and nays were then ordered on suspending the rules, and, being taken, resulted—Yeas 104, nays 69. Two-thirds not voting in the affirmative, the rules were not suspended.

RIVER AND HARBOR BILL.

Mr. HUNT moved to suspend the rules to enable him to offer a resolution making the river and harbor bill the special order for Thursday next.

Mr. H. said, if the motion did not prevail, he would, on Thursday, move to go into committee on the river and harbor bill.

The motion to suspend the rules did not prevail.

Mr. COBB, of Alabama, moved to discharge the Committee of the Whole on the state of the Union from Senate bill authorizing the payment of interest upon the advances made by the State of Alabama, for the use of the United States Government in the suppression of the Creek Indian hostilities of 1836 and 1837, in Alabama, and for other purposes. Disagreed to.

PENSIONS.

Mr. EVANS, of Ohio, moved to suspend the rules to enable him to introduce the following joint resolution:

Resolved, &c., That the Commissioner of Pensions be, and he is hereby, instructed and required to deliver to the person or persons entitled to receive the same, on application, and on affidavit of the identity of the applicant or applicants, and his, her, or their right to receive the same, the books and family records which have been deposited with him as evidence of marriage or other fact or facts, in the prosecution of applications for pensions, in all cases where the claim for a pension has been established and allowed; and in all cases where the application has been rejected or withdrawn, the Commissioner shall cause a copy of the entry or entries offered in evidence to be preserved in the Pension Office, and shall deliver the book or family record in the same manner as in cases where the claim has been established.

Resolved, That such applications and books and family records shall be permitted to pass through the mail free of postage; and that such applications shall be received, copies made, and books and records delivered or transmitted through the post office without charge or cost to the applicant.

The motion to suspend the rules was not agreed to.

FRANKING PRIVILEGE.

Mr. GOGGIN moved to suspend the rules to enable him to offer the following resolution:

Resolved, That House bill No. 575, entitled "A bill further to amend an act to reduce the rates of postage, to limit and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," and Senate bill No. 177, entitled "An act to declare the true intent and meaning, so far as respects the franking privilege of members of Congress," approved the first of March, 1847, and entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the Post Office Department, passed 3d March, 1845, and for other purposes," be made the order of the day for Friday next, and for each day thereafter till the same shall be finally passed or otherwise disposed of.

The motion to suspend the rules was not agreed to.

A motion to adjourn was here made and rejected.

ARMY OF THE UNITED STATES.

On motion of Mr. BURT,

Resolved, That the Secretary of War cause to be prepared and laid before Congress, by the second Monday in December next, the following information relative to the military forces employed in the late war with Mexico:

First. The strength of the regular army, and the force on the frontiers under the command of General Taylor at the commencement of the late war with the Mexican Republic, in April, 1846; the reinforcements, including recruits; the number of recruits enlisted, and the casualties in the regular service, from the commencement to the close of the war; and also the actual strength of the regular army and volunteer force at the close of the war.

Second. A statement of all the volunteer forces mustered into the service of the United States, showing the States, terms of service, date and place of muster, and strength of each regiment, battalion, or company when mustered into service; and the date and place of muster, and strength of each when mustered out of service; the number of volunteer recruits received into service after the muster of the regiments, &c.; and the casualties in the volunteer service from the commencement to the close of the war.

LAND PATENTS.

Mr. TAYLOR, from the Committee on the Judiciary, and as instructed by that committee, asked the unanimous consent of the House to offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to this House, at the commencement of the next session of Congress, any information he may possess in relation to a tract of land situated on the north side of the road between Prairie du Rocher and Kaskaskia, in the State of Illinois; and any information he can communicate in relation to the patent for said tract of land issued by General Arthur St. Clair, whilst acting as Governor of the Northwestern Territory, on the 12th day of August, A. D. 1800, to John Edgar and John Murray St. Clair, in the Kaskaskia land district, amounting, as was originally supposed, to 13,983 acres of land; whether any patents were issued by said Arthur St. Clair subsequent to the 4th day of July, 1800, which were acknowledged to be valid; and whether the acts of said Arthur St. Clair, as Governor as aforesaid, since the 4th July, 1800, were acknowledged as valid; and up to what period he continued to perform the duties and exercise the powers of Governor as aforesaid. And that he be and is hereby requested to communicate to this House, at the commencement of the next session, all the information in his possession in relation to the grant of land made by Lieutenant Colonel John Wilkins, on the 12th April, A. D. 1769, as Governor and Commandant of the Illinois Country, under the authority of the British Crown, to Boynton, Wharton, & Morgan, and which is now alleged to be vested in said John Edgar and John Murray St. Clair, and their assignees; and such other matters as he may deem material to be communicated in relation to the said grant.

Which was received and adopted without objection.

OREGON TERRITORY.

On motion of Mr. WENTWORTH, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. MOREHEAD, of Kentucky, in the chair,) and resumed the consideration of the bill to establish the Territorial Government of Oregon.

The debate having been closed—

Mr. SMITH, of Indiana, proposed to avail himself of the privilege given to him by the rules to make some remarks on this bill. The question involved in the bill had been discussed on almost every bill before the House for some time, and they should now show by their votes whether any principle had been recognized by the House or not. He did trust, however, whatever might be the decision of the House of Representatives and the Senate on this controverted question of slavery, that Congress would give a Territorial Government to Oregon before the adjournment. And he protested against the attempt which had been made to unite the fate of the Territory of Oregon with the newly-acquired territory from Mexico. He protested against identifying the fate and the interests of Oregon with the fate and interests of New Mexico and California. There was no reason why the people of Oregon should be compelled to remain without a government until they could settle the question growing out of the new territory. Why, we had as yet barely acquired New Mexico and California. They were not yet part and parcel of this Union, because the treaty by which Mexico ceded them to us had not yet been carried out. We had made no appropriation as yet for that purpose. No legislative act had been done by Congress to consummate and carry out the stipulations of the treaty, and he repeated that it would be unjust to compel the people of Oregon to unite their fate with the people of New Mexico and California.

Mr. COBB, of Georgia, inquired, if the gentleman from Indiana, as the chairman of the Committee on the Territories, was not instructed by his committee to report bills to establish Territorial Governments in New Mexico and California?

Mr. SMITH replied, that he had separate bills for that purpose. He desired them to be considered separately. He was opposed to uniting them in one bill, inasmuch as they presented different questions, which should be separately acted upon.

Mr. COBB was aware of that; but he understood the gentleman from Indiana to say, that we had not yet so acquired those Territories as to enable us to establish governments in them.

Mr. SMITH said, they were not part of this Union as Oregon was, nor would be, without further legislation, of which the bills he had ready to report were part. Congress must first pass a bill to carry out the treaty, before they would be properly part of this Union.

Mr. COBB asked, then, what authority they had to establish Territorial Governments by the bills which the gentleman from Indiana was desirous to report?

Mr. SMITH supposed that all necessary enactments would be made for that purpose, and these bills were a part of the necessary legislation. Now, suppose they never should appropriate money to pay for these Territories, would they be ours then? It was not necessary, however, to consume time on that point. What he desired to do now was, to look at the past legislation of Congress on this question. They found gentlemen telling them that they ought not to create a government for Oregon which would restrict slavery, for that they had no power to do so. Now, why was there this sensitiveness on the part of gentlemen? Why, they had been legislating on this question ever since he had had a seat on this floor. During the first Congress of which he was a member, a bill was passed by this House by a large majority creating a Territorial Government for Oregon, which contained a provision which was a prohibition of slavery. He desired to refer to one or two things which occurred when this bill passed. He would quote from the Journal of the 2d session of the 28th Congress, of the date of the 3d February, 1845, page 318:

"The question being, first, 'Will the House agree to the amendments to the said bill reported from the Committee of the Whole House on the state of the Union?' when a division of the said amendments being called for, the first of the said amendments was read and agreed to; and the second of said amendments was then read, as follows: And at the end of the sixth section the following: '*Provided, however*, That there shall neither be slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted.' And the question being put, 'Will the House agree thereto?' it was decided in the affirmative: Yeas 129, nays 69."

This was the opinion of the House of Representatives in 1845; and among the yeas were found five southern members, namely: Francis Brengle, of Maryland; Henry Grider, of Kentucky; George B. Rodney, of Delaware; W. P. Thomasson, of Kentucky; and John White, of Kentucky. So small was the opposition to the slavery restriction at that time, that they found not only the North almost unanimous, but the South also coming to their aid to prohibit slavery there. The northern members voting against it were, William J. Brown, of Indiana, and Charles J. Ingersoll, of Pennsylvania. The bill, with that provision in it, was subsequently passed, by 140 ayes to 59 noes. Only fifty-nine! and they were not all southern gentlemen either. Most of the opposition which that bill met grew out of other questions. It was thought by some that they could not organize a Territorial Government in Oregon while the convention with Great Britain for the joint occupation of that Territory remained unrescinded; but he found that a good many of his Democratic friends, who were now so very sensitive on the subject, then voted with him (Mr. S.) and his friends in favor of that bill containing that proviso. Amongst others, were several of his Democratic colleagues, who, he hoped, would again be found voting the same way that they voted on the occasion referred to.

But he begged the attention of the committee to legislation on the same subject at the first session of the 29th Congress, on the 6th of August, 1846. He quoted from the House Journal, page 1,245: "The Oregon bill being under consideration, the 'following amendment was read: 'In the 10th 'line of section 12, after the word Oregon, insert, '"and neither slavery nor involuntary servitude 'shall ever exist in said Territory, except for crime 'whereof the party shall have been duly convict-'ed.' And the question being put: 'Will the 'House agree thereto?' it was decided in the af-'firmative: Yeas 108, nays 44.'" The southern men voting aye were, William F. Giles, Maryland; Henry Grider, Kentucky; D. S. Kaufman and Timothy Pillsbury, Texas; W. P. Thomasson, Kentucky; and B. R. Young, Kentucky—six in number. The bill was afterwards passed without a call of the yeas and nays.

The two gentlemen from Texas had not viewed this power of prohibiting slavery in the Territories at that time with anything like the abhorrence they manifested toward it now. They recorded their names in favor of the amendment to the Oregon bill which made the prohibition. No alarm was felt then. Gentlemen did not cry out that the Constitution was violated, or the rights of the South invaded. On the contrary, southern men themselves stood up for the measure, and at the last session of the last Congress the same thing took place. A gentleman from South Carolina [Mr. BURT] had then assented to the prohibition clause, but had inserted a preamble to it, declaring that "as the whole Territory of Oregon lay north of the line of the Missouri compromise," &c., southern gentlemen, so far from preventing the insertion of the clause, merely asked that the reason for it might be stated on the face of the bill; but this was refused; and the bill had passed the House with the prohibitory clause in it by a vote of 134 to 35. He wanted to know how southern gentlemen had voted for this who were now so extremely sensitive upon the subject?

Mr. SAWYER inquired whether Mr. SMITH had not himself voted against the amendment proposed by the gentleman from South Carolina, [Mr. BURT.]

Mr. SMITH replied, certainly he had; because he was not willing that the restriction against slavery should be put upon that ground. But still it was a fact that the united delegation from South Carolina had voted for the restriction.

Mr. BURT said, that as reference had been made to the vote of the South Carolina delegation, it was proper to explain that it had been at the time that vote was given the opinion of every southern man, with the exception of one or two, that slavery never would enter into Oregon, because it lay north of the compromise line; and it was with that understanding that they had voted for the clause prohibiting it. But in 1846, when President Polk asked for an appropriation of two millions of dollars to effect a treaty with Mexico, a gentleman from Pennsylvania rose and proposed what had since become so famous as the Wilmot proviso. Then the South took the alarm. At the next session the same proposition was renewed; and the South could no longer doubt the existence of a purpose which had now become openly manifest to all.

Mr. SMITH said he had not asserted that the gentleman could not give good reasons for his vote. But if there were no good reasons then against the restriction by an act of Congress, there were no good reasons against the same thing now. If it was in its own nature unconstitutional now, it was equally unconstitutional then. If Congress had power under the Constitution to pass such a restriction in Oregon in 1845, it had the same power to pass the restriction in California in 1848: if it had no power now, it had none then. What became of the constitutional argument?

Mr. WOODWARD said, he had never before heard that the constitutionality of a measure was a reason for voting for it. One was certainly not bound to vote for a law simply because it was constitutional. The question of expediency was always a material question, and he (Mr. W.) did not think that, as a southern man, it would be expedient for him to recognize the Missouri compromise, unless the North did so likewise. He, however, did not admit that compromise to be consistent with the Constitution. And besides, it was a mistake, that he had voted for the Oregon bill of the last session.

Mr. WOODWARD moved to amend Mr. HILLIARD's amendment, by adding the words "and holding the same under the protection of the laws."

Mr. SMITH said he was not discussing the propriety of gentlemen's votes: he was merely adverting to the fact that such votes had been given, as an answer to the constitutional argument. Whatever might have been the course of the gentleman from South Carolina after the introduction into the House of the Wilmot proviso, yet he found that his friend from Georgia, over the way, [Mr. COBB,] had voted for it long after. It was said that the fears of the South had been alarmed by the proviso. Georgia lay far to the south, yet her able representative here manifested no alarm. The same reasons for the restriction existed now which had existed then: gentlemen considered them as sufficient at that time; he should be sorry if they did not consider them equally so at this.

Mr. KAUFMAN (who had been temporarily absent from the Hall when allusion was made to the vote of Texas, but had since returned) now said:

I voted for the restriction of slavery in Oregon, because all of Oregon lies north of 36½ degrees north latitude, or what is commonly known as the Missouri compromise line. I voted for it because, in the resolutions of annexation admitting Texas, the Missouri compromise line was inserted and applied to Texas, and now forms a part of her constitution. But I now state to the gentleman from Indiana and this House that I only gave one vote to prohibit slavery in Oregon, and that vote was given before the Wilmot proviso was moved in this House: no man had heard of the Wilmot proviso when I gave that vote. I never have voted against slavery in Oregon since the Wilmot proviso was introduced into and passed by this House. I never will vote to exclude slavery from Oregon or any other Territory of the United States as long as I see the North determined to force down upon the South the Wilmot proviso. I have no idea of the South observing the Missouri compromise while the North repudiates it. And I never should have given the vote I did, if I could have foreseen the introduction and passage of the Wilmot proviso by this House. But I will again vote for restricting slavery in Oregon, if the North will agree to extend the Missouri compromise line so as to apply to the Territories of California and New Mexico. And this I understand to be the universal sentiment of the South.

Mr. SMITH asked Mr. KAUFMAN whether he had not voted for the bill afterwards?

Mr. KAUFMAN said he had not; and he never would as long as the North should resist the Missouri compromise.

Mr. SMITH said he did not undertake to say how the gentleman would settle the question with

his constituents; that was his own affair; but the gentleman had at that time held very different opinions from what he appeared to do now.

Mr. KAUFMAN. Not at all. He would still vote the same way, and adhere to the Missouri compromise, provided the North would do likewise. Until the Wilmot proviso was introduced, the North had never shown any disposition to repudiate the Missouri compromise; on the contrary, in the annexation of Texas it had been expressly reaffirmed, and by northern votes.

Mr. SMITH trusted that this bill would be considered and acted upon on its own merits, without connecting it with New Mexico or California. Mr. S. was, however, for excluding slavery from all the Territories.

Ever since the foundation of this Government, our policy had been to restrict slavery wherever it could be done. The Missouri compromise was an act restricting the extent of slavery; but this Government had never passed any act, at any time, to advance the extent of slavery one foot.

Mr. COBB here inquired whether the extension of slavery had not been contemplated in the formation of the Constitution, as was manifested by admitting the importation of slaves as late as 1808?

Mr. SMITH insisted that the extension of slavery had not been contemplated, but the reverse. And this very clause about the importation of slaves till 1808 was itself of a restrictive character, and showed that the framers of the Constitution looked forward to the ultimate extinction of slavery throughout the Union.

Mr. McLANE put some inquiry to Mr. SMITH, which was not heard by the reporter; but was understood to be, in substance, whether a provision to divide a slave State into two was not a provision that looked to the extension of slavery?

Mr. SMITH said it did not. The division of a State into two States neither increased nor diminished the number of slaves it contained, and did not extend slavery a foot.

The South had not once been so extremely sensitive as she was now. Whence came the ordinance of 1787? Was that the work of northern abolitionists? Was it a contrivance of fanatics who had but one idea? Everybody knew that it had proceeded from the hands of southern men. The committee, consisting of southern gentlemen, were unanimous in the policy of prohibiting slavery throughout the whole extensive territory ceded by Virginia to the United States. They reported the ordinance, and the Confederation concurred in their report without a dissenting voice. Did anybody complain that the North were invading the rights of the southern States? Not at all. And how had it been at the time of the acquisition of Louisiana? It was then agreed that slavery should never exist there to the north of 36° 30'. Did the South regard the Constitution as violated by this? Was any cry raised here against the fanatics? What did they now contend for in the North? For the abolition of slavery within any one of the States—for the least interference with the rights of a slaveholder? Not at all; not at all. All they asked was, that territory now free be suffered to remain free. Was this interfering with the South? Far from it. Mr. S. would be as far as any man on that floor from doing anything that militated against the harmony of all the States; but when he found in our possession territory which we had acquired as free territory, he was for keeping it free. This territory had brought upon us only the evils predicted by the opponents of the war. These were the bitter fruits of the unauthorized measures of this Administration. All this had been foretold in warning tones; gentleman had been warned in time that this very state of things would come upon the country. The Whigs, the opponents of the war, had found it here. He called all men to witness that they had done all in their power to keep this territory out of the Union. He gloried in the stand they had taken against it, and in the powerful aid they had received from their southern friends; but all had been in vain. They now found it here, and they must meet it like men and like statesmen. Mr. S. never would consent to extend slavery by any act of his. There was not a man opposed to the war who had not predicted what we now saw. The Whigs did not take their opponents by surprise; and if they could not avoid the agitation which this contest was creating all over the country in any other way, he would cast the whole territory from us as a burden and a curse. It was, merely a bone of contention. He was not afraid of the responsibility. This hated acquisition had cost us one hundred millions of dollars, and thirty-five thousand human lives, and after all, it was worse than worthless. It would be found in the end the dearest acquisition which this country had ever made. If we continued to hold this territory, we must settle some form of government for it. Gentlemen referred to the cases of the acquisition of Louisiana and the annexation of Texas; but were these cases of the extension of slavery? Not at all; they were cases of its restriction. He would ask of the gentleman from Texas [Mr. KAUFMAN] how the restriction in the annexation resolutions, which prohibited the extension of slavery north of 36° 30', had been observed in practice?

Mr. KAUFMAN said it had been carried out to the very letter. According to the reading of the annexation resolutions, the States formed out of Texas lying north of the Missouri compromise line were to prohibit slavery. But whatever may be the construction of the annexation resolutions, they are the supreme law of the State of Texas; for they form a portion of her constitution, and all the provisions of the constitution of Texas on the subject of slavery are subordinate to, and controlled by, the annexation resolutions.

Mr. SMITH asked if the constitution of Texas did not establish the existence of slavery throughout the whole extent of the State; and whether it did not forbid the Texan Legislature to pass any act for the abolition of it?

Mr. KAUFMAN replied that the prohibition was not against the abolition of slavery, but the abolition of it without the consent of the owners of the slaves. The annexation resolutions were incorporated into the constitution of Texas and formed a part of it.

Mr. VINTON asked whether the Legislature of Texas had passed any law prohibiting the carrying of slaves beyond the line of 36° 30'?

Mr. KAUFMAN replied that the resolutions of annexation did not require that it should. No gentleman could fairly charge Texas with bad faith when she had made the very words of the annexation resolutions a part and parcel of her constitution. Does not the gentleman contend that the annexation resolutions forbid slaves from going north of 36° 30' in Texas? And would a law of the Texas Legislature be more binding than her constitution?

Mr. SMITH (resuming) said that gentlemen might plead as they would, but they well knew that the word of promise might have been kept to the ear, but was broken to the sense. All he knew about it was, that the compromise was understood by all to be, that there should no slavery exist north of 36° 30'. If Texas meant to observe and carry out that compromise in good faith, ought she not to have passed a law rendering it impossible that slavery should have any existence north of that line? Yet it did exist there. Slaves were at this hour held in Texas north of that line; and they would continue to be held there till doomsday; for Texas declared that slavery should not be interfered with either north or south of the line.

Mr. STEPHENS said that the resolutions of annexation had been incorporated into the constitution of Texas and formed a part of it.

Mr. SMITH. Does the gentleman mean to say that slaves cannot now be held to the north of 36° 30'?

Mr. STEPHENS. They cannot.

Mr. SMITH. I have read her constitution, and I never so understood it.

Mr. BAYLY here put a question to Mr. SMITH, not heard at the reporter's desk.

[A geographical conversation (partly informal) here took place as to whether any portion of Texas actually extended to the north of 36° 30'.]

Mr. SMITH quoted the constitution of Texas.

Mr. BAYLY repeated his question, which was now understood to be, Whether Texas did extend north of the compromise line?

Mr. SMITH said he so understood it.

[Voices: "You are mistaken in the geography."]

Mr. KAUFMAN said that Texas did extend north of the compromise line; but all that portion of Texas lying north of that line had formerly constituted a part of New Mexico. The gentleman from Indiana [Mr. SMITH] was right. The annexation resolutions so declare.

Mr. SMITH again quoted the constitution of Texas as to the permission to form two or more States, and requiring that slavery should be abolished north of the line, but that south of it the States should be received with or without slavery, as the inhabitants should decide for themselves. He went on to say, whatever territory Texas might hold to the north of the line, she did, under her constitution, subject the country to the curse of slavery up to the time that new States should be formed, and should come into the Union; and that would be just as long as she chose: since no new States could be formed without her sanction. As long as she refused her consent, slavery would continue. He therefore insisted that, as to the practical result, the compromise had not been carried out in its spirit.

Mr. S. said he was not now going to enter into the constitutional argument as to whether Congress did or did not possess power to prohibit slavery in the Territories. It seemed astonishing to him that there could be any controversy on the subject. It had certainly never been doubted before. The right was recognized by the framers of the Constitution, and acted on by every Congress from that day to this. The gentleman from Virginia [Mr. BAYLY] had said that the power had never been exercised on the admission of any State but Wisconsin. He was mistaken; and he would see he was mistaken, if he looked at the admission of Indiana, Michigan, and Illinois. He would advise the honorable gentleman to examine into this. He would find that they had Governments granted to them, "similar in all respects to the provisions of the ordinance of 1787;" and did not the ordinance of 1787 prohibit slavery? Did not the gentleman from Virginia know that the Legislature of Indiana had at one time petitioned Congress to suspend the restriction? But why ask that it be suspended, if it had no existence? The petition was rejected, indeed, but it proved the existence of the restriction. There was no solitary instance of a Territorial Government, since the adoption of the Constitution, which was free, where slavery had not been directly prohibited. It had been done for more than fifty years. Every foot of free soil had been kept free. Why had it so suddenly been discovered that this was an invasion of the rights of the South?

Mr. BAYLY said that if proper time were allowed him, he could answer the gentleman, and satisfy any candid mind that his (Mr. B.'s) position was correct.

Mr. SMITH said it was impossible for him to spare the gentleman any more of his own time, which was rapidly passing away. He did not know whether the gentleman considered Mr. S. as possessing a candid mind or not, but he claimed to know the common meaning of language. When the law said "in all respects similar to the ordinance of 1787," he thought it meant to prohibit slavery.

Mr. DUER reminded Mr. S., too, that the ordinance used the word "inhabitants," which was of the widest meaning.

Mr. McLANE was understood to inquire (but he was not distinctly heard at the seat of the reporter) whether the prohibition existed anywhere beyond the limits of the Northwest Territory, to which alone the ordinance of 1787 applied?

Mr. SMITH said, Yes, outside of that Territory. Where the soil was free, slavery had always been prohibited.

Mr. McLANE was further understood to ask whether Mr. S. had found any case where it had been prohibited, save by the Missouri compromise or by the ordinance of 1787?

Mr. SMITH was heard (amidst much disorder and conversation) to say that it embraced all the territory of the United States.

Mr. McLANE inquired whether Mr. S. meant to refer to Arkansas and Missouri?

What Mr. S.'s reply was may be known to those within a few yards of him.

Mr. SMITH then went on to say that Congress were now asked to take a new position, to adopt an entirely new course, and extend slavery into territory now free. It amounted to this, that the Congress of the United States, representing free as well as slave States, should engage in the business of extending slavery. Had this ever yet been done? Never. Congress had acted in the restriction of slavery, never in its extension. They were now called on to establish it. Had Congress any power to establish it? Would gentlemen's zeal

in favor of their institution carry them so far as to say that it had? It had never been attempted before. To do what was now asked would be virtually to establish slavery in all the States as well as all the Territories of the Union. He would ask his friend from Illinois [Mr. McCLERNAND] whether he was willing to stand up in his own Legislature and vote that one-half of the State of Illinois should be given up to the presence of slavery? He knew he would not; yet he was for establishing it up to a certain line in the Territories of the Pacific.

Mr. McCLERNAND said the gentleman from Indiana misrepresented him. All he proposed was, that the States south of 36° 30′ should determine the question of slavery for themselves. He said nothing in his amendment which he had proposed about slavery in the Territories.

Mr. SMITH said, he had then misunderstood the terms of the gentleman's amendment. As to the States being allowed to decide the question of slavery for themselves, they could not be prevented from doing that; it was their right. Congress could not prohibit slavery within any State. For Congress to declare as the gentleman from Illinois proposed, would be supererogatory legislation. When the people of a State made their own constitution, they could do on that subject just what they pleased. But Mr. S. would ask, whether any man representing a free State would ever be willing to establish slavery where it was not?

But it was insisted, that to prohibit slavery in a Territory which had been acquired by the common treasure and blood of all the States, was doing gross injustice to the slaveholding States. Was there anything unjust in this? Congress was now to shape the constitution of a Territory. Was there any injustice in saying that they should be free? Suppose Congress should say that slavery should be established there: would that not equally exclude settlers from the North?

Mr. HOLMES, of South Carolina, was understood to say, it would not; for northern people constantly came into the slave States.

Mr. SMITH. Would they not be excluded by the establishment of an institution which was against northern feelings and northern interests?

Mr. HOLMES said, that Yankees would go anywhere. They came down into Charleston. Why would they not go into Territories where they found slavery?

Mr. SMITH said that everybody knew, that in selecting a region wherein to settle for life, men were always greatly influenced by a knowledge of the laws and customs that prevailed there, and this was especially true of slavery and slave laws. If, indeed, Congress was passive on the subject, that would be another affair; but in that case slavery would not exist in the Territories, because it did not exist there now, and was prohibited by law. But gentlemen were not satisfied with this; they wanted Congress to establish it there. It was contended that a southern man had a right to go into those Territories with all his property. Well, if he had a right, therefore, to carry his slave there, then, by the same reasoning, he had a right to come with his slaves into Indiana; for the Constitution gave him equal rights with the people of all the States into which he went. A citizen of Pennsylvania had a right to go there with his property, and could not a citizen of South Carolina go with his? Had Indiana a right to exclude a citizen of New York from coming there with his cows and oxen?

Mr. HOLMES said, Yes, she had.

Mr. SMITH said, a State had no right to prevent the citizen of another State from coming there and bringing his property with him. But the whole error lay in maintaining that slaves were property. He admitted that people of all the States were permitted to come with that which was recognized as property by the Constitution, by the laws of nature, and by the laws of God; they might bring their horses, and their cattle, and their goods; but this did not prove they had a right to come there with slaves. A man's horse was his property, and he had a right to come there with his horse; and he had a right, too, to kill his horse, if he pleased; he might shoot him through the head upon the highway; because a horse was recognized as property by the laws of all civilized nations. But he could not kill his slave; he could not beat out his brains or shoot him down on the highway. Why? Because he was not property. There existed, indeed, a peculiar relation between master and slave, but that relation was created wholly by positive statute. Let him suppose a case. Gentlemen said a man had a right to go into the Territories with his slaves, because in the slave States these were regarded as property, so recognized by law. Now, suppose the laws of South Carolina recognized the right of a man to marry two wives, or many wives, at the same time; suppose bigamy or polygamy to be permitted by the laws of South Carolina, would it be maintained that a man might go into the Territories and live there with half a dozen wives at once? He would have no more right to do this than to go there and hold his slaves. Both institutions existed only by positive municipal law; and municipal regulations extended no further than the jurisdiction did which established them.

It was perfectly clear to Mr. S. that Congress had power to exclude slavery from a Territory, and he was free to exercise that power, because even every southern mind recognized and admitted it to be an evil.

Mr. HOLMES. I do not admit it to be an evil. I hold it to be the greatest blessing that God ever conferred upon man.

Mr. SMITH said, he was contented with the decision on that subject of such southern minds as those of Washington, and Jefferson, and Mason, and a host more, who all had admitted it in the most explicit manner to be an evil. But Mr. S. never should have referred to this had not gentlemen contended for the right to go into free territory with their slaves.

Mr. S. having closed his remarks—

The question was stated on striking out the first section of the bill, viz:

"That, from and after the passage of this act, all that part of the territory of the United States which lies west of the summit of the Rocky Mountains, known as the Territory of Oregon, shall be organized into and constitute a temporary Government by the name of the Territory of Oregon: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed: *And provided further*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States."

Mr. McCLERNAND, upon a *pro forma* amendment, made a five minutes speech, urging the necessity of setting up all the proposed Territorial Governments, and supporting the principle of the Texas compromise.

Mr. McC. said he had offered his substitute for the purpose of obviating the grave and threatening difficulties which surrounded this question. He had offered it to secure the great object of preserving our extensive and valuable Territories, and of extending the protection of civil government over the people inhabiting those Territories. What was their situation? We were informed by messengers from Oregon that strife and war already existed between the Indians and the whites—that the tomahawk of the savage was drinking the blood of our brothers—and that the butcher-knife was rankling in the bosoms of defenceless women and children. Oh! could it be possible that we would leave our friends, relatives, and fellow-citizens in this situation? Humanity, duty, magnanimity forbade it.

The gentleman from Indiana [Mr. SMITH] had assailed the substitute; but there appeared to be but one point of difference between that gentleman and Mr. McC. That gentleman admitted that the substitute prohibited slavery forever in the *Territories* of the United States north of 36° 30′; that it left to the *States* to be formed out of the territory south of that line, to establish or prohibit slavery as they might determine each for itself. All this was true; but the gentleman went further, and insisted that slavery should be prohibited in the *Territories* of the United States south of 36° 30′. Here Mr. McC. proposed to leave this question to the determination of the existing laws in *those* Territories, or to the government to be constituted for them, or to the constitutions, wherever it should properly rest, for determination; and in this only was their disagreement.

Mr. McC. was as much opposed to the existence of slavery as any one; but he would not disturb the compromises of the Constitution to carry out any individual or abstract opinion upon the subject. He would be glad to see slavery prohibited everywhere, with the consent of those interested in the institution; but only proposed to waive the exercise of the power to exclude it in the *territory* of New Mexico and California, and to leave the question of its existence or non-existence in that territory, to secure the great and vital objects already mentioned—the peace and harmony of the country, the perpetuity of our institutions, and the preservation of the people inhabiting that territory, and the territory itself.

The substitute prohibited slavery forever in the territory of the United States north of 36° 30′; and if such prohibition should be effectual to prohibit it in the States to be formed out of that territory, then it would be prohibited forever in such States as well as in the Territory. The substitute left it to the States to be formed out of the territory south of that line, to establish or prohibit slavery at their pleasure; and who would deny to the States the right and power to determine this question for themselves? The substitute was silent in regard to the institution of slavery in the territory south of 36° 30′. And who should say that this *silence* was too great a price to pay for the preservation of fraternal feeling and the Union itself, or that the government of the people of that Territory should not be left free to act upon the subject according to the interests, wishes, and necessities of the people inhabiting the Territory—or not to act? If it should be objected to by southern gentlemen that the omission of the substitute to authorize the existence of slavery in the *territory* south of 36° 30′ was in effect its prohibition, inasmuch as its existence was already prohibited by the laws in force there; then it might be answered, they should not have insisted upon the principle of the Texas compromise, for that compromise did *not* prohibit slavery in the *territory* of Texas north of 36° 30′, where it existed by law according to the territorial claim of Texas, but only in the *States* to be formed out of that territory. And could Congress say that slavery should or should not exist in a State? In turn, now, it becomes the South to agree to the principle of the Texas compromise, when it may operate in favor of the North. To refuse to do so, would be inconsistent; to refuse to do so, would be to claim what they are unwilling to give. Mr. McC. had heard the gentleman from Texas [Mr. KAUFMAN] say that Texas would carry out the spirit of the Texas compromise in good faith, and that slavery would not be found to exist in the States to be formed out of the Texan territory north of 30° 30′; and Mr. McC. hoped such would be the fact.

Mr. McC. having concluded his remarks, withdrew his amendment.

Mr. ROCKWELL, of Connecticut, moved a proviso to the first section, to confirm titles of land at the missionary stations in the Territory of Oregon to the missionaries, not exceeding 640 acres to each.

Mr. R. said it was well known that there were in Oregon a few missionary stations, and that some small improvements had been made, and some buildings erected around them. They were not extensive; but, to guard against abuse, he would insert a limitation. He presumed no one would object that these improvements of the missionaries, and a little land around them, should be confirmed to them. He would restrict the amendment by inserting "not exceeding one section of land to each."

Pending this amendment, the committee rose, and the House adjourned.

IN SENATE.

MONDAY, *July* 31, 1848.

A message was received from the President of the United States, enclosing a report from the Secretary of State, in reply to a resolution of the Senate, in relation to the claim of the owners of the ship Miles, of Warren, Rhode Island, upon the Government of Portugal, for payment for a cargo of oil taken by the officers, and applied to the uses of said Government; which was ordered to be printed.

MEMORIALS AND PETITIONS.

Mr. DIX presented a petition from the Jackson

Monument Association, asking that a portion of the cannon taken by General Jackson in his campaigns may be placed at their disposal for a statue to his memory; which was referred to the Committee on Military Affairs.

Mr. D. also presented a petition from a religious community styled the "Tree Inspiration," of Erie county, New York, asking the enactment of a law for the suppression of infidelity; which was referred to the Committee on the Judiciary.

Mr. WALKER presented resolutions of the Legislature of Wisconsin, laudatory of the present Administration; which were read, laid on the table, and ordered to be printed.

Mr. W. also presented a petition from citizens of Wisconsin, asking the establishment of a mail route from Winnebago to Green Bay; which was referred to the Committee on the Post Office and Post Roads.

Mr. DICKINSON presented a petition from citizens of New York, asking a reduction of postage to one cent on newspapers and two cents on letters, to be prepaid; which was referred to the Committee on the Post Office and Post Roads.

TERRITORIAL GOVERNMENTS.

Mr. BENTON offered a bill providing a government for the Territories of Oregon, New Mexico, and California, which, he was understood to say, was copied from the act of 1804, relating to Louisiana, in effect that the people should be governed according to the existing law, until others were made. He desired that it might be printed, and laid on the table; and, if nothing better be offered in the mean time by anybody else, he should call it up for consideration.

Mr. HANNEGAN said: On Saturday last, Mr. President, I gave notice to the Senate that I would to-day introduce a bill providing for the organization of Territorial Governments in Oregon, California, and New Mexico. In connection with some of my friends, I have given to this subject all the attention in my power, under a feeling of the deepest anxiety, and I have become satisfied, that after the ordeal through which the question has already passed—after the searching investigation to which it was subjected by the select committee appointed by the Senate—a committee so remarkable, so preëminent, I might well say, for intellect, for wisdom, and for patriotism—it is in vain for any individual to attempt its adjustment. I believe that when the proposition which emanated from that committee, representing every section of the Union, and representing the two great parties of the country, has failed, there is no hope left to us of a final adjustment of the question at this time. I regret it deeply. From various quarters of the country, appeals to me have been made, with various motives; and it has been urged upon me that it is most expedient to leave this question open, because that course would promote the prospects of the election of a favorite candidate for the Presidency—my favorite, sir. But I am incapable of regarding this subject in that aspect. Perish the prospects of any living man, be he whom he may, and mine own first, sooner than leave open, from such considerations as those, a question so momentous, so agitating and exciting! No, sir; I cannot look at the subject in that light. I can look at it only with a view to the best interests of my country. I believe the question should be settled, and settled promptly too.

I think, sir, that the events of the present day are full of admonition to us, and I fear that the admonition is not sufficiently heeded. When Christendom looks at the debates which have taken place here, and at the other end of the Capitol, they will believe us to be on the verge of disunion and civil war. At the very same moment that we are standing out before Europe as the bright exemplar, illuminating and arousing mankind to a consciousness of the value of rational and regulated liberty, we present this humiliating spectacle of internal dissension! Why, sir, it was but the other day, as I have been informed through the correspondence of one of our diplomatic agents, that in the great German Parliament, assembled for the purpose of uniting in one great confederacy the Germanic States, on an allusion being made to the United States of America, that august assemblage, composed of men cold and phlegmatic as you have been ever taught to regard them, rose simultaneously in token of respect, and burst forth into loud and long protracted shouts, at the bare mention of our name! Yet, here we are, in relation to a question which should excite no feeling, which involves no interest upon one side, and only serves to assail an interest upon the other, sending forth to the world a picture that borders upon the horrors of that which has recently startled men in France. Gentlemen talk of disunion as coolly as we talk about our ordinary appropriation bills! Disunion! It is moral treason to breathe the word! Disunion! As was well said the other day by the venerable Senator from Kentucky, whose whole life has been one continued career of patriotism, how can you dismember us, when Kentucky stretches her arms across the Ohio, to Ohio, Indiana, and Illinois? You can never dismember us! We will hold the Union together with hooks of steel. We cannot separate! Yet, we may go and familiarize the public mind with the thought of disunion and civil war, until you do indeed light up the torch of the incendiary. It has become already "familiar as a household word." All this may go on, till at last we behold the gleaming sword of brother arrayed against brother, and our streams and rivers running red with blood; but you can never, on this or any other question, dismember the Union!

I have said, sir, that I hold it moral treason to talk of disunion or civil war here! What! talk of disunion at this hour, when, from the central heaven, beams all over Christendom the star of our Republic—not the less brilliant, because, like the fire-fly, its light is mellow and mild—when our principles are scattered broadcast throughout the European world—when the German Parliament offers its enthusiastic homage at the mere mention of our country's name! Is it at such a period that we send words of excitement and discord abroad, to make those who are struggling to imitate our example, doubt the capacity of man for self-government!

Mr. DAVIS, of Mississippi, presented a petition from John Crawford, asking permission to make a location in lieu of forfeited land; which was referred to the Committee on Private Land Claims.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, made an adverse report on the petition of Joseph Hare.

Mr. BREESE, from the Committee on Public Lands, reported a bill for ascertaining claims and titles to lands within the Territory of California and New Mexico, to grant donation rights, and to provide for the survey of lands therein; which was read a first time, and referred to the Committee on Public Lands.

Mr. BREESE also, from the same committee, reported House bill to grant land to the inhabitants of township eighteen north, of ranges one and two west, of the fourth principal meridian of the State of Illinois, without amendment.

Mr. BREESE also, from the same committee, reported House bill to grant land in lieu of the sixteenth section to the commissioners of township two north, of range nine west, of the fourth principal meridian, in the county of Adams, Illinois, without amendment.

Mr. BREESE also, from the same committee, reported House bill to grant the trustees of township eight north, of range five east, in the county of Elkhart, in the State of Indiana, so much public land as may, with the fractional sixteenth sections therein, make up the entire section, without amendment.

Mr. WESTCOTT, from the Committee of Claims, reported House bill for the relief of Charles R. Allen, without amendment.

Mr. MASON, from the select committee on the subject of the Hartford Argilla Manufacturing Company, made a report, accompanied by a certificate of certain scientific examiners, and recommending the adoption of argilla, instead of marble, in the future construction of the public buildings.

NAVAL APPROPRIATION BILL.

Mr. ATHERTON, from the Committee of Conference, to whom was referred the disagreeing votes of the two Houses on the naval appropriation bill, made a report.

Mr. ATHERTON having moved that the Senate concur in the report—

Mr. BUTLER took exception to one of the items, in which the report adopts the amendment of the House, in the clause relating to the steamers touching at the port of Charleston, by the insertion of the words "if practicable," which he contended was tantamount to an exclusion of these steamers from that port, as they would never enter the harbor of Charleston, so long as it was left to the discretion of the owners to decide whether they should do so or not.

Mr. CALHOUN took the same view, and stated that a sort of understanding had been entered into by him with the Senator from Georgia, [Mr. BERRIEN,] that if he (Mr. C.) would support the clause requiring the steamers to touch at Savannah, and would not oppose the advance of money to the contractors, the same provision which relates to Savannah should be introduced with reference to Charleston. The contractors had called on him, and informed him that they had constructed the vessels expressly with a view to enter the harbor of Charleston, drawing not more than 15 feet water, which is the depth on the bar at low water.

Mr. ATHERTON stated that the objectionable words were in the contract itself, and that the obvious meaning was, that if not prevented by stress of weather or accident, the steamers were to touch at the port of Charleston.

After a few words from Mr. DICKINSON, Mr. YULEE, Mr. JOHNSON of Georgia, Mr. BORLAND, Mr. BRIGHT, and Mr. MILLER, the question was taken on concurring in the report of the Committee of Conference, the yeas and nays being ordered, and was decided as follows:

YEAS—Messrs. Allen, Atherton, Badger, Bradbury, Breese, Bright, Clarke, Clayton, Corwin, Davis of Massachusetts, Dayton, Dickinson, Douglas, Downs, Felch, Fitzgerald, Foote, Hamlin, Houston, Miller, Niles, Phelps, Sebastian, Spruance, Sturgeon, Upham, and Walker—27.

NAYS—Messrs. Atchison, Baldwin, Bell, Borland, Butler, Calhoun, Davis of Mississippi, Dix, Dodge, Hunter, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mason, Metcalfe, Turney, and Yulee—18.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending on the 30th of June, 1849.

The first question under consideration was the amendment of the Committee on Finance, striking out the proviso limiting the mileage of members to $1,000 for each session.

Mr. MASON asked for the yeas and nays, and they were ordered.

Mr. ATHERTON explained that the committee had no intention, in reporting this amendment, to give any opinion on the principle it involved. But they thought a provision of this character would be more in place in a separate bill, and one which related to the compensation of members generally.

Mr. BADGER said he should vote for the amendment. Reductions in the compensation of members had been frequently proposed; but they never had been, and he hoped never would be, adopted. He regarded it as objectionable on the score of justice, generosity, and policy. Many members coming from a great distance are completely excluded from the privilege enjoyed by those nearer home of sometimes visting their families and attending to their business; and although the additional mileage was but a poor compensation for such privations, it was all that could be given. It always had been allowed, and why was it to be stopped now? Why should he who comes just such a distance as to entitle him to that amount receive $999, while he who comes a thousand miles further should receive only one dollar more? Another reason was, that this mileage operates in favor of keeping the seat of government where it is. He had no objection to any gentleman trying to make a little popularity out of a motion to reduce the compensation, but he trusted it would never be agreed to.

Mr. DAYTON followed on the same side.

Mr. MASON briefly stated his reasons for opposing the amendment. He thought the amount of milcage was, in some cases, an abuse which required to be regulated by law.

Mr. UNDERWOOD also sustained the limitation, stating that he had been applied to by the Secretary of the Treasury for his construction of the act in relation to the nearest mail route, and that he had given such a construction to it, in his own case, as gave him only about half the mileage given to others who were at no greater distance from the seat of government. The mileage and pay had not been sufficient to cover his expendi-

tures; and he had now been compelled to write for money to carry him home.

Mr. NILES adverted to the great inequality which, unless some provision of this kind should be made, would exist between the compensation of a member from California, whose pay and mileage would amount on an average to some $2,500 the session, while those nearer the seat of government would not receive above $800. He thought it right that something should be done to make it more equal.

Mr. CALHOUN contended that members of Congress were worse paid than any other portion of the Government. It would have been wiser if, in the first instance, a specified allowance had been made for them. He knew of no better mode of making the compensation just than this system of mileage, which he did not regard as fixed too high. He concurred in the views of the Senator from North Carolina, [Mr. BADGER,] that a difference ought to be made between the member who is two thousand miles from his family and his business, and him who is within two hundred miles of both. He also regarded it as a point worthy of consideration that this mileage had its effect in discouraging any attempt to remove the seat of government to a more central position, and referred to the situation of the principal capitals of the European nations, which were always located near the most assailable points, and not in the centre of the kingdoms to which they belonged.

The question was then taken and decided as follows:

YEAS—Messrs. Atchison, Atherton, Badger, Baldwin, Bell, Benton, Borland, Bradbury, Breese, Butler, Calhoun, Clarke, Corwin, Davis of Mississippi, Dayton, Dickinson, Dodge, Douglas, Downs, Fitzgerald, Foote, Hannegan, Houston, Hunter, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Miller, Phelps, Rusk, Sebastian, Sturgeon, Turney, Walker, Westcott, and Yulee—37.

NAYS—Messrs. Allen, Bright, Davis of Massachusetts, Dix, Felch, Hamlin, Mason, Metcalfe, Niles, Spruance, Underwood, and Upham—12.

On motion of Mr. BRIGHT, the Senate then proceeded to the consideration of Executive business, and after about an hour spent therein, the doors were reopened; when—

The following bills were considered in Committee of the Whole, severally read a third time, and passed:

For the relief of Charity Harrington.

For the relief of the legal representatives of Thomas J. V. Owen, deceased.

Joint resolution for the relief of those preëmption claimants upon the Miami lands in Indiana, who, by their services in the Mexican war, are entitled to bounty lands.

For the relief of Archibald Beard.

Joint resolution authorizing the Secretary of State to furnish the clerk of the district court of the United States for the western district of Virginia with four copies of Little & Brown's edition of the Laws of the United States.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 1, 1848.

The Journal of yesterday was read and approved.

Mr. GREEN asked the unanimous consent of the House to take up the bill to establish an additional land office in the State of Missouri. Objected to.

OREGON.

On motion of Mr. SMITH, of Indiana, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. MOREHEAD, of Kentucky, in the chair,) and resumed the consideration of the bill to establish the Territorial Government of Oregon.

The question pending when the committee rose yesterday was on agreeing to the amendment moved by Mr. ROCKWELL, of Connecticut, to the first section, to confirm to the missionaries at the several stations land not exceeding in quantity in each case 640 acres.

The question was now put, and the amendment was agreed to.

The question was then put on striking out the first section, and it was rejected.

Mr. KAUFMAN moved the following as a new section, to come in between the 2d and 3d sections:

And be it further enacted, That all that portion of territory delineated as California and New Mexico on Disturnell's map of Mexico, a copy of which map was added to the late treaty of Guadalupe Hidalgo between the United States and Mexico, shall be divided by an east and west line, and constitute two distinct Territorial Governments. The northern portion of said territory shall be known and styled North California. The southern portion of said territory shall be known and styled South California. The dividing line between them shall be the parallel of 35½ degrees of north latitude, (from the Rio Grande to the Pacific,) commonly known as the Missouri compromise line. In said Territory of North California, slavery or involuntary servitude (except for crime) shall be prohibited. Said Territory of South California shall stand in all respects in regard to slavery on the same footing as did the Territory of Louisiana at the time of its cession to the United States. Both said Territories of North and South California shall be organized in every other respect as the Territory of Oregon is provided to be organized by this act.

This amendment was ruled out of order.

Mr. BOYD. Mr. Chairman, be good enough to state the precise point.

The CHAIRMAN. The bill before the committee is a bill to provide a Territorial Government for the Territory of Oregon, and the proposition of the gentleman from Texas is to organize Territorial Governments for New Mexico and California. The Chair rules the amendment out of order; and the question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. COBB, of Georgia, called for tellers, and they were ordered, and reported 88 in the affirmative, and 60 in the negative. The decision of the Chair was therefore sustained.

Mr. BOYDON moved to strike out the words "and shall approve of all laws passed by the Legislative Assembly before they shall take effect," in the second section. [The effect of the amendment would be to take out of the hands of the Governor the power of approval or disapproval of the laws of the Legislature.]

Mr. B. said that, for one, he had great objections to this clause; and he was convinced that if it were once thoroughly understood, it never could be agreed to. All legislative power was by the Constitution granted to Congress. Congress had delegated it to the Territorial Legislature, and Congress could veto any laws made by that Legislature. Here was a Governor appointed by the President of the United States: and the bill gave him an absolute veto on the laws of the Territory. Should the bill pass with this feature in it, the power virtually of making laws for the Territory would effectually be secured to the President. And the result would come to be, that the laws passed by the Territorial Legislature would be draughted in the White House, and his Governor would negative the acts of the Legislature unless they conformed to this dictation. Was it possible that Whigs, the friends of freedom, the determined enemies of Executive encroachment, were going to pass a bill like this, giving the appointee of the President an absolute veto? He trusted not. He could not conceive how any reflecting man, any man possessing a single right idea of civil liberty could consent to transfer the legislative power, indirectly, from Congress to the President. He trusted in God they were not going to strengthen a power which already threatened to swallow up all the powers and departments of Government and destroy all remains of liberty. Gentlemen were for taking good care of the appointing power: they would not trust that to this Governor; that was reserved to the President; but it was now proposed that they should surrender the power of Congress, and agree to give the President an absolute veto on all the legislation of the Territories.

Mr. CLARK (*pro forma*) moved to amend the amendment by striking out before the words "grant pardons," &c., the words *he may*. He observed, that at the last session, a territorial bill was passed granting power to the Governor to arrest by his veto the legislation of the Territory. Much had been said about "the one-man power;" and ever since the celebrated Allison letter, it was assumed by gentlemen that the Constitution of the United States ought to be so changed as to restrict the power of the President by abolishing the veto. What had occurred within the last two years to justify this change? Last year as many as fifty Whigs had voted for the identical clause which was now so vehemently opposed, giving a Territorial Governor an absolute veto. The very gentlemen who now defended the Allison letter, and even the gentlemen who voted to adopt it as the Taylor platform, had by yeas and nays voted in favor of a bill with this veto in it. The Speaker of the present House, he believed, was one of the number, and with him went nearly the whole Massachusetts delegation. But now a different doctrine was heard; and now the House must pass no laws but in conformity to the doctrines of the Allison letter.

The CHAIR here reminded Mr. CLARK that the rule of the House required a gentleman offering an amendment to speak during his five minutes to the amendment he had offered.

Mr. CLARK said he was discussing the power which this bill conferred on the Governor of Oregon. He would refer the House to the Journal of the second session of the last Congress, page 175. There they would find that this very provision had been voted for by yeas and nays. Mr. C. withdrew his amendment.

Mr. CALEB B. SMITH moved to amend the second section by inserting, in lieu of the words moved to be stricken out by Mr. BOYDON, the following: "And shall approve and sign all laws passed by the Legislative Assembly; but if he shall refuse to sign and approve any bill, the same shall become a law if reënacted by a majority of the whole number of delegates elected to said Assembly, or if the same shall not be returned within ten days of its passage."

Mr. S. said, that his views of the veto power, as it should be, were these: the Governor ought to examine all bills sent to him by the Legislature, and if he did not approve a bill, he ought to return it to them with his objections; let those objections be spread upon the Journal; and then, after his objections had been duly considered, if the Legislature still deliberately adhered to their former opinion, they should have power to pass the bill, the objections of the Governor notwithstanding. This plan had been tried in his own State; it had worked well, and he knew of none who wished to change it.

The amendment of Mr. SMITH was declared to be carried, but the yeas and nays were demanded.

Mr. VINTON inquired whether this amendment, if adopted, would go into the bill and become part of it?

The CHAIR replied that it would.

Mr. VINTON then said that he should move to strike out the last clause of the gentleman's amendment. Mr. V. said he was led by experience of the past to oppose the veto altogether. By the ordinance of 1787 the veto power was given to the Governor of the Northwest Territory, as it was proposed to be conferred by the present bill; but the power had been so outrageously abused, and the application of it created so much discontent among the people, that, as soon as they were numerous enough to form a constitution for themselves, they deprived the Governor of the veto altogether; and, so far from the alterations having worked any evil, experience had shown that they got on better than when the power was freely used. The same state of things existed in Virginia: there was no gubernatorial veto in that State. There was still greater objection to its existence in Oregon. When a man appointed by Executive authority was sent into a Territory three thousand miles distant from the seat of Government, he would have it in his power to practise abuses to a fearful extent. If he was a man who had anything of the tyrant in him, he could and would do so till the grievance became intolerable. He should vote for striking out, but not for inserting as was proposed.

Mr. McLANE wanted to retain the veto power in the hands of the Governor, but to balance it by requiring him to be elected by the people.

Mr. ASHMUN here raised a point of order, but, as the reporter understood, it was overruled.

Mr. McLANE then proposed to amend the clause to be stricken out by inserting that the Governor should be elected by the qualified voters of the Territory.

Mr. McL. said he was opposed to placing a veto in the hands of a Governor appointed by the President, and he agreed with the gentleman from North Carolina [Mr. BOYDON] that it would be unjust to the people of the Territory to give an absolute veto in all legislative proceedings to one so appointed; it was enough that Congress had a veto on all their laws. But he would have the people elect their own Governor, and then he should not object to leave the veto in his hands. The gentleman from Ohio [Mr. VINTON] had reminded the committee that there existed no veto in Virginia. He might have added Maryland also; and he did not think that the people of Maryland, if they had now the formation of their own constitution, would confer the veto on their Governor.

Mr. McLANE's amendment was ruled out of order.

Mr. GREEN made a *pro forma* motion to amend, and then went on to observe, that he considered this as a question which ought not to be decided on party grounds. It was proposed in the bill to clothe him with the veto power. Before gentlemen struck out this feature of the bill, they would do well to remember that the Governor, being appointed by the President, would be the only representative of this Government in that Territory in relation to its legislation; if Congress had any right or jurisdiction over the Territory, its representative, the Governor, ought to have some power of passing on the laws passed by the Territorial Legislature.

Mr. VAN DYKE insisted, that all had been out of order but the motion to strike out made by the gentleman from North Carolina, [Mr. BOYDON.]

And thereupon there arose a protracted discussion about points of order, in which Messrs. ASHMUN, ROOT, VAN DYKE, and others, took part.

It resulted in a decision of the CHAIR, that the proceedings since Mr. BOYDON's motion had been in order.

From this decision Mr. ROOT took an appeal, and the decision was reversed.

So the House went back to Mr. BOYDON's motion to strike out; and the question being put, it was agreed to.

Mr. SMITH, of Indiana, now renewed his motion to strike out the absolute veto and insert a qualified one, as above stated.

Mr. GREEN moved to amend it so as to require, that after the Governor had returned a bill with his objections, it should not become a law unless a majority of both branches of the Legislature should agree to pass it.

Mr. G. said he was not one of those who took alarm at the veto power. It was admitted by the Whigs themselves to be a high conservative power; yet they—the friends of conservatism and the opposers of all progressive Democracy—now sought to strike it out of existence! Here was a contradiction he did not understand. Was it not a conservative power merely? Could the veto enable the Governor to pass any law? Not at all. It was only a negative power at best. It only suspended a law till the Legislature had had time more maturely to consider it. It was a power to be exercised for the benefit of the people. Mr. G. believed that the world was governed too much; there ought to be some conservative power to stay the action of a turbulent legislative body. They were, to be sure, in theory the mouthpiece of the people, yet everybody knew that it might often happen that they did not correctly represent them; and there ought to be something in the shape of a qualified veto to protect the people from rash and inconsiderate legislation. In fact, Congress had given them a virtual veto by the appointment of two branches to the legislative body. Oregon was to have a Legislative Chamber and a Council—the Council had, in fact, a veto on the Chamber. The mere Representatives were not to have the power of final action, but the Council had a stay upon their action. Mr. G. thought it would be sufficient to allow the Governor to return a law, and let his objections to it be spread at large upon the journal; and then if a clear majority of both branches still insisted on its passage, let it become a law.

Mr. SMITH accepted this as a modification of his amendment.

Mr. TAYLOR, of Ohio, moved an amendment to the amendment to strike out all that portion of the amendment which invests the Governor of the Territory with the veto power.

His object, he said, was to deprive the Governor of Oregon of all veto power whatever. This proposition to confer the veto power upon the Governor of Oregon involved an important principle, which was agitating the people of this country at this time probably as much as any other; and which, in his humble judgment, was far above any other; for, in the history of the last fifteen or twenty years, the exercise of the veto power had almost swallowed up and destroyed the legislative power of the country. So far from extending it to any subordinate agent whatever, he wished to deprive any Governor of a Territory of it. It was his humble opinion, and he believed it was the opinion of a vast majority of the people of this country, that if the framers of the Constitution could have anticipated the terrible difficulties which had been brought about by the exercise of the veto power during the last fifteen or twenty years—a conservative power, as it had sometimes been called, but an odious and tyrannical power, as it had now come to be—they never would have inserted it in that instrument. Its exercise during the period of which he had spoken, he believed it was generally admitted by gentlemen of all political parties, had proved conclusively that the exercise of this power was directed by the political prejudices and feelings of the President, and not with a just regard to the interests of the people of the United States. He would never extend it to any subordinate officer: he would leave no means by which the wishes of the Legislature could be defeated. He would prohibit the Governor in direct terms from the use of this power, if necessary, or he would strike out all that part of the amendment which conferred it. Why? For the best reason in the world. The experience of the country had shown it to be unnecessary. Look at the States where the Governors had no such power; in Virginia, in Delaware, Maryland, and Ohio, a State which had become the miracle of the world almost, for her growth, prosperity, population, and glory, and where the Governor has no such power.

The amendment to the amendment was rejected.

Mr. THOMPSON, of Mississippi, moved an amendment to the amendment, to require a vote of two-thirds instead of a majority of each House, to pass bills into laws after the veto of the Governor.

The vote of two-thirds was required in the States, and he did not wish to see a departure in this case from the established principle. If a bill could be passed after the veto by the same majority that passed it originally, the veto power became of no effect, and he would rather see it stricken out entirely.

Mr. COLLAMER said the gentleman was in error. In a number of the States, a majority of both houses of the Legislature did pass bills over the veto of the Governor.

Mr. THOMPSON replied, if that was the case even among the States, he would not give a fig for the veto power. It should require a vote of two-thirds to pass laws after the veto, or the veto power should be stricken out altogether.

Mr. ROOT desired to ask the gentleman from Mississippi one question. Did he think that the veto power reserved to Congress was insufficient to control the territorial legislation?

Mr. THOMPSON'S reply was not heard. His five minutes having expired, his amendment was rejected.

Mr. SCHENCK, on a *pro forma* amendment, intimated his intention to vote against the amendment of Mr. SMITH, and his objections to conferring the qualified veto power upon the Territorial Governor. That officer possessed no such power in Ohio.

Mr. GREEN inquired what was the public debt of Ohio?

Mr. SCHENCK stated the amount, and said she paid her interest punctually.

Mr. GREEN was understood to say the taxes imposed upon her citizens were three times those in Missouri.

Mr. SCHENCK assured the gentleman that they paid them punctually, too; and they had more public works to show for their State debt than several of the other States taken together.

He was opposed to the veto power, as exercised by the President and Governors of States, but still less was he willing to trust a Governor of a Territory, some two or three thousand miles off, who was not elected by the people, but was appointed by the President, with this power. It was not contained in the constitution of the State of Ohio, which was one of the oldest State constitutions, having been adopted in 1802, and thus been in existence, and without alteration, for forty-six years, while other States had been amending and changing their constitutions every few years.

Mr. WENTWORTH suggested that gentlemen should be required to confine themselves directly to the amendments; otherwise they would have a political debate which would continue for days.

The CHAIRMAN acknowledged the favor of the suggestion, and would endeavor to profit by it.

The amendment of Mr. SMITH was rejected.

Mr. BIRDSALL moved an amendment to provide that the Governor should be elected by the qualified electors of the Territory at the first election held in such Territory, and in a word or two advocated the proposition, as designed to carry out the principles of self-government.

Mr. HOUSTON, of Delaware, moved to amend the amendment to reduce the term of the Governor from *four* years to *one* year, and was proceeding to offer some remarks, when he was called to order by Mr. ROOT, and resumed his seat, with the remark that, in his opinion, if the Governor were elected, it should be for one year, in order to secure the more direct and certain execution of the will of the people by their elected agents. He withdrew the amendment.

Mr. SCHENCK read the section 2d, article 2 of the Constitution, which confers upon the President the power of appointment of "all other officers of the United States" whose appointments are not therein provided for, and which shall be established by law, and raised the point of order that the Governor of the Territory, being an officer of the United States, the amendment providing for his election by the people was unconstitutional.

The CHAIRMAN said he could not undertake to decide constitutional questions for the committee.

Mr. COBB, of Georgia, inquired of Mr. SCHENCK if the members of the Territorial Legislature were not equally officers of the United States as the Governors?

Mr. SCHENCK replied, No; he supposed not.

Mr. COBB could see no difference between them in this respect.

Mr. SCHENCK moved to amend the amendment by inserting a provision declaring that the second section second article of the Constitution of the United States be and is hereby repealed. [A laugh.]

The CHAIRMAN ruled the amendment out of order.

The amendment of Mr. BIRDSALL was rejected.

Mr. MULLIN moved to strike out the words "Governor and" in that part of the 4th section which provides that the legislative power and authority should be vested in the *Governor and* a Legislative Assembly. Agreed to.

After some conversation between Mr. EVANS of Maryland, Mr. ROOT, and Mr. HALL of New York, the section was amended so as to provide for thirty days' notice of the time and place of holding the elections.

Mr. VAN DYKE moved to amend that portion of the section which provides that the term of service of the Legislative Council shall continue for two years, so as to make it three years. By this modification, one-third of the Legislative Council might be renewed every year. Agreed to.

Mr. HALL moved to amend so as to provide that the Legislature shall be required to meet within ninety days from the time of the election. Agreed to.

Mr. MULLIN moved to strike out the following proviso: "*Provided*, That no session in any one year shall exceed the term of sixty days." He thought it was an imputation on the members of the Legislature that they would protract the session for the sake of the pay they might receive.

Mr. ROOT moved to strike out sixty, and insert ninety. He said the inducement which caused them (members of Congress) to make their sessions *so short* would not operate on the members of the Territorial Legislature, for they were not accountable to constituencies. Their pay would come out of the treasury of the United States, and the people of that Territory would not feel the burden at all. The gentleman from New York was governed by considerations which did him great honor, for he was unwilling to assent to anything which would seem to make any imputation on the members of the Territorial Legislature; but while he (Mr. R.) was as unwilling to do that as the gentleman from New York could be, he could not shut his eyes to the experience which they had heretofore had. Any gentleman who would look at the amounts which this Government had to pay for some of our Territorial Legislatures, would see that it was necessary and proper to make some reasonable restriction. They might in this new Territory, perhaps, require some little more time to set the machinery agoing, and, if they could not succeed in sixty days, he hoped they would have ninety, in which time he hoped they would be able to do all that it was necessary for them to do. But, if the time were unlimited, depend upon it, they would fall into the statesman-like course

which was pursued in Congress, and they should have coming back from Oregon long discussions on questions which had been exhausted here. He wished them to have all the time that was necessary to do the legislative business which the Territory might require, and that they should be restricted to that time. If sixty days were not sufficient, as he had said, he would give them ninety.

Mr. FICKLIN suggested that the first session should not exceed one hundred days, and that the succeeding sessions should be limited to sixty days.

Mr. ROOT accepted that suggestion, and so modified his amendment.

Mr. GOTT suggested an amendment to provide that no member of the Territorial Legislature should receive compensation for any time beyond sixty days.

Mr ROOT would not accept that suggestion.

The amendment, as modified, was then agreed to, and Mr. MULLIN withdrew his motion to strike out.

The fifth section was next read.

Mr. PALFREY moved to strike out the words "free white" from that portion which defined the qualification of voters, office-holders, &c., in these terms: "every free white male inhabitant above the age of twenty-one years," &c.

He said, he saw no reason to restrict the right of suffrage to people of any one color. He saw no reason for making the right of suffrage dependent on complexion. He presumed the Territory of Oregon did not require a better constituency than they had in the Commonwealth of Massachusetts, and yet persons that were not "free white male inhabitants" helped to carry on their government, and were entitled to all the privileges of freemen. What was good enough for Massachusetts, he was of opinion might be good enough for Oregon.

Mr. EVANS, of Maryland, made a suggestion, which was not heard distinctly at the reporter's desk.

Mr. CONGER suggested the insertion of the words, "Indians excepted," after the words "twenty-one years."

Mr. JOHNSON, of Tennessee, inquired, why Indians should not vote as well as negroes?

Mr. VINTON moved to strike out the word "free," and leave the word "white," so that the section would read, "every white male inhabitant above the age of twenty-one years," &c. He did not mean to allow the section to stand so as to convey the idea that a white man could be a slave anywhere, or by any implication.

Mr. McLANE asked the gentleman from Ohio what he meant by "white inhabitant?" He wished the gentleman to define the meaning of the term.

Mr. VINTON supposed the gentleman from Maryland understood what a white man was as well as he knew himself. If the gentleman from Maryland knew what he was himself, he knew what a white man was.

Mr. McLANE begged the gentleman from Ohio to accept his assurance that he had asked the question in good faith. Other gentlemen of the committee might understand the purport of the question, if the gentleman from Ohio did not; for it was known to many that the laws of Maryland and the laws of Ohio differed materially on that subject.

The amendment of Mr. VINTON to strike out the word "free" was then agreed to—64 in the affirmative, and 63 in the negative.

The question then recurred on Mr. PALFREY's motion to strike out "white;" and he intimated, that if it were agreed to, he should move to insert "except Indians not taxed."

After some conversation, in which Messrs. PALFREY, McCLERNAND, TUCK, and others, took part, the amendment was rejected.

Mr. McLANE again asked the gentleman from Ohio, [Mr. VINTON,] how he was to define the term "white inhabitant?" He understood that the Legislature of Ohio had enacted, that a person was white who had more than a certain quantity of white blood.

Mr. ROOT explained, that a person blacker than a mulatto did not come within the legislative enactment, which allowed such persons certain privileges. This had been so decided by their supreme court.

Mr. McLANE inquired if it did not go further, and fix the amount of black blood?

Mr. ROOT replied in the negative. He said that it only required that a person should not be blacker than a mulatto to entitle him to certain privileges. There were many who emigrated from the southern and eastern States to Ohio, that came there very highly colored. [Laughter.]

Mr. McLANE said he understood the courts of Ohio to have ruled that any man in whom the white blood predominated over the negro blood was a white man; therefore the child of a mulatto slave might easily find himself a qualified voter in Oregon, if Ohio law should govern the discretion of a judge of election, and from the decision of a judge of election there would be no appeal. This case might arise whether the 12th section was stricken out or not. The proper designation should be every citizen of the United States inhabiting the Territory of Oregon, or else a limitation and qualification of the term "white" should be introduced, to avoid the amalgamating principles of Ohio law. It ought to be seven-eighths of white blood at least, and not the Ohio principle of a mite, viz: over half of white blood to constitute a white man.

Mr. FICKLIN moved to amend the fifth section, where it fixed the qualification of voters, by inserting "who has not been convicted of an infamous crime."

Mr. HALL, of New York, suggested that the amendment should be qualified by providing that the record of conviction shall be the evidence of disqualification.

Mr. FICKLIN said that that was the only evidence. He would, nevertheless, accept the modification.

Mr. HALL said there should be no doubt on the subject. The law should be explicit.

Mr. GOTT inquired what was meant by the term "infamous crime?"

Mr. FICKLIN replied, Felony, larceny, &c.

The amendment was rejected.

Mr. VINTON moved to amend by striking out "and those," and inserting, "above the age of twenty-one years, and." This provision gives the right of suffrage and of holding office to citizens of the United States *and those* who shall have declared on oath their intention to become such, &c. Agreed to.

Mr. GIDDINGS moved to amend so as to make the qualification the ability to read and write.

Mr. STARKWEATHER. Read what? French, Dutch, or English?

Mr. GIDDINGS was not willing to impose on courts and juries the necessity to inquire into the complexion of a person's skin. He wished intelligence and virtue to be the test of a person's fitness to participate in the government. He was not willing that, in this period of the nineteenth century, they should sit in judgment on the color of a voter's skin. The complexion was no evidence of virtue and intelligence.

After some conversation—

Mr. GIDDINGS withdrew his amendment.

Mr. VINTON moved to strike out the words "for six months," in that portion which prescribed the qualification of a person to vote who is connected with the army or navy. He said he saw no reason why an officer on a station for six months, or any other length of time, should vote for or hold office under the Territorial Government, if his domicil was not there. Agreed to.

Mr. MULLIN moved to strike out "or hold office," in the same provision.

After some conversation, and a modification by Mr. ROOT, which Mr. MULLIN accepted, the amendment was agreed to.

Mr. BOYDON moved to amend by striking out "residence, habitation, and home," and insert "domicil." The framers of the bill seemed to consider domicil, habitation, and home as all different. Domicil was a legal term whose signification was well defined. The amendment was adopted.

Mr. GREEN moved further to amend the section by striking out all that part of it which declared that the qualifications of voters should be prescribed by the Assembly. Congress were now engaged in making for the people of this Territory an organic law; it would be to them what a constitution was to a State; and he thought that the qualifications of voters was a matter that ought not to be left to the varying composition of a Territorial Legislature. All constitutions made the qualifications of voters a fixed and stable thing. He thought it ought to be more permanent and stable than it would be if left to the changes which party was often liable to produce. In the face of a popular assembly, when the Territory passed into the form of a State, the people would fix the conditions of the franchise to suit themselves; but till then, he thought it ought to be more permanent and fixed than it was likely to be if subjected to the transient and fluctuating composition of a legislative body. He also moved to strike out "for the first election," and insert "for all elections."

Mr. ROOT suggested to add, "after the first year." He thought if Congress undertook to fix the qualifications of voters, it ought at least only to do so for a short time. There were many things Congress would not recollect as well as they would for themselves. It might occur that just before an election a gentleman might choose to step out of one electoral district into another, and they might think it unfair. Of all such matters they were much the best judges. They might have a pauper or a jailbird that they did not choose should vote where he did not reside. Would it not be best to leave the people of the Territory to fix all these things in their own way? He thought the amendment went too far; it was at war with the great Democratic principle that the people could, to a certain extent, take care of themselves. He thought that Congress ought to go a certain distance in regulating the franchise, and leave the rest to themselves. They ought to have some discretion in the matter, or pipelaying would be sure to happen. Should the Legislature make any laws which were really against the rights of the people, Congress held the remedy in its own hand in the veto power. Mr. R. withdrew his amendment, and that proposed by Mr. GREEN was rejected.

Mr. HAMPTON, of Pennsylvania, moved to strike out the words "and governor," wherever they occurred; which was agreed to. (This was in consequence of a previous amendment.)

Mr. SAWYER moved to strike out the clause which provides that lands of non-resident proprietors should not be taxed higher than those of residents. He was in favor of taxing the tracts held by speculators so highly that in a few years they would revert to the State.

Mr. ROOT said that he understood the object his colleague had in view, and approved of it; but would not his amendment, in certain cases, work great hardship? Should an emigrant die before he got his land, his family would become the owners of it, though absent. Certainly his colleague did not desire that his amendment should reach them. It was well enough to tax the land-jobbers, but, in taxing them, the operation might reach others whom his colleague would be the last to injure.

Mr. SAWYER thought, that as some discretion would be intrusted to the Legislature, this would be a sufficient remedy for any cases of peculiar hardship.

Mr. VINTON believed there was no great need of guarding against land speculators in Oregon, as there were always so many better speculations nearer by, that they would not go quite so far off to operate.

The amendment was rejected.

Mr. COBB, of Alabama, said he was going to offer an amendment which he had no doubt would create astonishment among many gentlemen. It was to insert the words "except such as relate to involuntary servitude in said Territory," in the clause which gave Congress a veto on all laws passed by the Territorial Legislature. A short experience in political life had satisfied him that the question of prohibiting slavery would always be sure of getting up a storm whenever it was brought into that House; and he therefore desired to guard, in time, against having it brought back upon the House to produce a repetition of the scene that was now to be witnessed here. Let the people of Oregon manage that affair to suit themselves, and let Congress have nothing further to say or do about it. He had no wish to have slavery established within their limits against their will. Nor did he want to see this slavery cloud return. It was now but the size of a man's hand; but if ever it should again darken the sky, it would be far greater, and would bring elements of storm in it which he wanted to prevent. He could not, therefore, let the present opportunity pass without making an effort to prevent it. When the Territorial laws of Oregon should be sent for the revision of

Congress, let those relating to this vexed question of slavery be excepted.

Mr. ROOT moved to amend the amendment by striking out "involuntary servitude," and inserting "slavery." There were other forms of involuntary servitude besides slavery. If a man, who had been guilty of some offence, were set to labor on the highways, with a ball and chain upon his leg, that would, he presumed, be involuntary servitude. Or suppose he should be made to work five years at some public work for stealing a chicken. Ought such a law to stand? He thought it would be best to let Congress revise all the territorial laws. It was rather a broad amendment. He was led to conjecture—he did not know certainly how it might be—that the gentleman had been gazing rather too steadily on the clouds when he penned this amendment. He wanted to get rid of this slavery question. Mr. R. would help him. He would take a course that would compel gentlemen to make their marks about it. But he wished the amendment to contain only slavery, and leave involuntary servitude alone.

The question on Mr. ROOT's amendment to the amendment being put, it was rejected.

The question recurring on Mr. COBB's amendment—

Mr. COBB said he was quite serious in proposing it.

Mr. SCHENCK proposed a *pro forma* amendment. He said he did not want to make any argument, even if there were time, in the five minutes allowed by the rule. But this amendment came from the country of the "Alabama platform"—from those who claimed that Congress had no power to legislate for the Territories on the subject of slavery.

Mr. COBB said he would like to have five minutes to explain the Alabama platform.

Mr. SCHENCK said he could not yield the floor. But he was not going to speak two minutes; and then he would yield the remainder of his five minutes to the gentleman from Alabama, if he wished to occupy the time.

All that he (Mr. SCHENCK) intended was, to call attention to the inconsistency of those who had adopted this *new-light* doctrine, that Congress could not legislate on the subject of slavery for the Territories—who claimed that the ordinance of 1787, the Missouri compromise, and all other such legislation since the beginning of the Government, was unconstitutional!

They professed to hold this doctrine, and yet would vote for a "compromise law," or an amendment like this, thereby undertaking to control the action of the Territorial Legislature, in which they declare all the power exists.

Now, he would not make any argument, as he had said, but he would state his views in the shape of a proposition, thus:

When Congress establishes a legislature for a Territory, and prohibits *it* from legislating on the subject of slavery, *that prohibition* by Congress is *itself* legislation on the subject.

Or the proposition might be varied in language, and stated thus:

Congress declares *by law* that the Territorial Legislature, to which it has delegated its power of legislation on other subjects, shall not touch the given subject of slavery. *Such a law itself* is a control of *that* subject.

If these propositions were not sound and true—good logic and good sense—then he was much mistaken. He would like, therefore, to hear some of the friends of that sort of compromise try to explain their inconsistency, or try to escape from the force of his objection. He would give up the remainder of his time for such explanation to any gentleman who thought he was wrong. Perhaps the honorable gentleman from Alabama [Mr. COBB] would now take the opportunity to explain that Alabama platform.

Mr. COBB said, all he had wanted the floor for was to say that he did not think it worth while to reply.

The amendment of Mr. COBB was rejected.

Mr. MILLER moved to amend by adding after the word "laws" the words "not inconsistent with the Constitution and laws of the United States." The first clause of this section (Mr. M. said) gave the Territorial legislature unlimited power of legislation, without any regard to the legislation of Congress, past or future; yet there might be laws of the United States which came in conflict with the territorial laws passed by such Legislature.

Mr. STANTON moved to amend the amendment by adding, "or to pass laws on the subject of slavery."

Mr. S. observed that the gentleman from Ohio had said that for Congress to pass a law prohibiting the Territorial Legislatures from prohibiting slavery, was itself legislating on slavery. The same objection would apply to the amendment just proposed. For Congress to say that a Territorial Legislature should not pass laws inconsistent with the laws and Constitution of the United States, was itself unconstitutional.

The amendment of Mr. MILLER was agreed to.

Mr. SMITH, of Indiana, moved to extend the clause which declared laws inconsistent with the Constitution to be null and void, by adding the words, "or laws inconsistent with this act." Agreed to.

On motion of Mr. SMITH, of Indiana, in the clause "all laws shall be equal and uniform," the word "laws" was stricken out, and the word "taxes" inserted in its place.

Mr. BOYDON moved to strike out the whole proviso to the sixth section of the bill. [The proviso prohibits the Legislature from chartering banks, borrowing money, &c.]

Mr. B. said he knew that Congress reserved to itself a veto on all laws passed by the Territorial Legislature. Now, it was manifest that a legislature might do very improperly some of the things here prohibited, but there might be cases where some of them would be very proper. Would it not be better to leave the Legislature untrammelled, seeing that all its errors could be revised and corrected here? There was no need of declaring that they should not charter a bank. Mr. B. never would consent to any such prohibition. He denied the doctrine that a State had no constitutional power to charter a bank.

[A voice: "But this is a Territory, not a State."]

He knew it was a Territory, but it was to become a State. This law was intended to lay the corner-stone of a State constitution. And this prohibition was intended to countenance all that modern humbug about a State's having no power to charter a bank or to borrow money. This, he supposed, was State-rights doctrine! He was against it. He was for putting this infant State on the right track, while it was yet in its pupilage. But if Congress passed these prohibitions here, his word for it, the same thing would be incorporated in the State constitution, and no doubt it was so intended. What was it put in for? It was to aid the veto power; they were afraid the State might do as Congress did sometimes.

The amendment was rejected.

Mr. BIRDSALL wanted to modify the 6th section by inserting a clause similar to one in the constitution of Ohio, which he read. But it was ruled out of order.

Several verbal amendments were moved and agreed to.

Mr. HAMPTON, of Pennsylvania, moved to add to the clause prohibiting officers of the United States Government from being members of the Territorial Legislature the words "except postmasters." Agreed to.

Mr. BOYDON moved to add, after the same clause, "that these restrictions shall not apply to the first Legislative Assembly." Mr. B. said there appeared to be great unwillingness to trust the Territorial Legislative Assembly to enjoy any office which they should themselves create, or the emolument of which they should increase. That was the general doctrine on the subject. But they wanted now that Congress should say that this prohibition should not apply to this first Legislature that should assemble in the Territory. Now, it was this very first Legislature which would have the appointment of all the officers of the Territory, and would also have the fixing of all their salaries; and yet it was proposed that these men might hold their offices and enjoy their salaries. But surely if there was anything in the general principle at all, it applied with double force to the first Legislature, who made all the offices and all the salaries. If any improper influence was to be apprehended, it would operate with tenfold force upon this Legislature to what it would on their successors.

The amendment was rejected.

Mr. MULLIN moved to amend the clause which limited the powers of justices of the peace so as to exclude from their jurisdiction cases in which the title to lands came in question.

Mr. VINTON suggested the necessity of some provision authorizing an appeal from the territorial courts to the Supreme Court of the United States, in all cases where the Constitution of the United States, an act of Congress, or a treaty of the United States, should be brought in question; and, after some conversation, made a motion to that effect, which was agreed to.

Mr. VENABLE moved a further provision in reference to appeals; which was agreed to.

Certain verbal amendments to the section were proposed by Mr. MULLIN, some of which were agreed to, and others rejected.

Verbal amendments were also made to the 10th, 11th, and 12th sections, at the suggestion of various gentlemen.

Mr. GRINNELL moved a new section, to come in between the 11th and 12th sections, providing that the rivers and streams in the Territory in which salmon are found shall not be obstructed by dams or otherwise, unless so made as to allow said fish to pass freely.

He said there was now a valuable fishery in Oregon, and unless some care was taken of it, it would be lost. For the want of care, by the erection of a dam, &c., in the Connecticut river, the salmon, which formerly had been very valuable there, had been driven out. This might be avoided in this Territory, with care, without expense.

The amendment was agreed to.

Mr. SMITH, of Indiana, moved a new section of $10,000 for expenses of the provisional government of Oregon. Agreed to.

Mr. VINTON moved an amendment declaring null and void all the laws heretofore passed in the said Territory making grants of land, or otherwise affecting or encumbering the titles of lands therein. The clause as it now stood, he said, gave validity to all the laws which had been passed in that Territory. They might have made—he believed the fact was that they had undertaken to make—large grants of land, to what extent was unknown. The Congress of the United States, as a matter of course, would take up the subject, and make donations, liberal donations of land to settlers in Oregon. They, therefore, ought to make exception of these grants of land, that hereafter they might come under the revision of Congress.

The amendment was agreed to.

Mr. BIRDSALL said he proposed to amend the 12th section, so as to make it conform in principle to the same section in the Iowa Territorial bill, passed during Mr. Van Buren's administration, and which received his "solemn" sanction and approval. He knew no reason why the principle of "non-interference," adopted in that bill, should not be carried out in this. Both Territories lay north of the Missouri compromise line, and, so far as that compromise could affect the question, stood upon the same footing. If there was any virtue in that compromise, it extended as well to Oregon as to Iowa. He had no doubt whatever, that in the case of Oregon, as in Iowa, under the amendment he proposed, the Territory would be free territory, and the State to be formed from it would also be a free State. He made this motion for the purpose of testing the question whether professed Northern Democrats were willing to stand upon the same platform upon which the Democratic party stood while Mr. Van Buren was President, and to which it had since adhered. His amendment retained that clause which adopted and sanctioned the laws now in force in Oregon, which had been enacted by the provisional government there, and gave the same right to the Territorial Legislature to alter, modify, or repeal them, as was contained in the Iowa bill. His amendment was intended to place this section on precisely the same principles as the 12th section in the Iowa bill. It carried out the great principle of freedom—the right of man for self-government; and he did not see how his northern friends, who had "free territory" so constantly on their lips, should hesitate to unite with him on grounds which had once received the approval of Mr. Van Buren himself.

Mr. SMITH, of Indiana, inquired whether slavery was not prohibited in the Territory of Iowa by the Missouri compromise?

Mr. BIRDSALL replied, no more than in Wisconsin or in Oregon.

Mr. SMITH asked if Oregon was a part of the Louisiana purchase?

Mr. BIRDSALL replied there was no question but our best title to Oregon was acquired by the Louisiana purchase.

The amendment of Mr. BIRDSALL was lost.

Mr. SAWYER moved to strike out all that part of the section which extends the rights, privileges, and advantages, and the conditions, restrictions, and prohibitions of the ordinance of 1787 to the Territory of Oregon.

He did this for the purpose of testing the sense of the committee on this subject. He denied that Congress had the power to legislate on the question of slavery in the Territories. There was a sovereignty existing in the people—he did not care where or in what capacity you found them—whether in a town, a county, or a Territory. Our laws and our Constitution were predicated on the fact that the people had a right to self-government. It was within the province of Congress to establish general laws for the government of that Territory, but not to descend to particular legislation upon domestic questions. Was there a gentleman in this House who would now get up and say he believed the Congress of the United States had the right to pass the ordinance of 1787, or that the present Congress had the right to pass a similar ordinance? It was a mere gratuitous act of legislation upon the part of that Congress which established that act, and it was a mere gratuitous act in this Congress to impose that ordinance upon the people of Oregon. The Missouri compromise act had been acquiesced in by general consent, but was not felt to be binding on any of the States. The gentleman from Indiana [Mr. SMITH] had yesterday argued that the States formed out of the territory northwest of the Ohio had not the same power as the other States of the Union. He (Mr. S.) held, on the contrary, that those States had the same power; that they had been admitted on an equal footing, with equal rights, privileges, and immunities with the other States; and that the State of Ohio, or any other State formed out of the Northwestern Territory had the right to establish slavery within their limits. If Congress had the power to say that slavery should not be extended to Oregon, then surely they had the same right to say it should be established there. Congress had no such power; that power was confined to the establishment of a general code of laws, and it was the privilege of the people of the Territory to enact such local and domestic laws as they wished to be governed by. He understood that the people of that Territory had already passed a law abolishing slavery. Were not gentlemen willing that those people should be governed by their own laws? He wanted the committee to strike out all this extraneous matter, and legislate only upon the subjects on which they should legislate—on subjects of general legislation.

Another point: there was a great deal of feeling between the North and the South on this subject. He was willing to compromise, where he lost nothing, in order to satisfy gentlemen; and when they came to pass Territorial bills for the other Territories, if he should be honored with a seat on this floor, he should vote in the same way, and leave the people, who were capable of deciding it, to say by what laws they would be governed in their local and domestic matters.

Mr. CRISFIELD moved to strike out the 12th section.

The CHAIRMAN stated that this motion would not be in order till the section was perfected.

The amendment of Mr. SAWYER was agreed to: Ayes 73, noes 66. So the first part of the section was stricken out.

Mr. GAYLE moved to insert at the end of the section a proviso that nothing contained in the section should be so construed as to exclude slavery from the said Territory, or to continue in force any laws which had been passed on the subject.

Mr. DICKINSON moved an amendment to the amendment, to add the words "unless consented to by the inhabitants of the Territory."

He considered this 12th section as embracing two subjects: the ordinance of 1787, and a provision recognizing the law of the present Territory. He had voted for striking out the first portion, supposing that if they retained the latter part they also recognized the ordinance of 1787. He should vote for the bill whether the ordinance of 1787 was contained in it or not; but he would prefer that the whole matter be left to the people, who were capable of managing it for themselves. He considered it despotism in Congress to undertake to dictate to the people of the Territories that they should have this, that, or the other institution among them; and he was sustained in this position by some of the highest judicial authority. Judge McLean, in a communication in the National Intelligencer, of December 29, 1847, had said there was no power granted to Congress by the Constitution to legislate for the Territories. He had said:

"The power to institute slavery belongs exclusively to the community in which it exists. In the language of Chief Justice Taney, in Groves *vs.* Slaughter, 15 Peters, 508, a State has a right to decide itself whether it will or will not permit slaves to be brought within its limits from another State, either for sale or any other purpose; and also to prescribe the manner and mode in which they may be introduced, and to determine their condition and treatment; and this action cannot be controlled by Congress, either by virtue of its power to regulate commerce, or by virtue of any other power conferred by the Constitution of the United States.

"And in the case of Prigg *vs.* the Commonwealth of Pennsylvania, 16 Peters, 611, the Supreme Court says: 'The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial laws;' and 'it is manifest from this consideration, that if the Constitution had not contained the clause or recaption, every non-slaveholding State in the Union would have been at liberty to have declared free all runaway slaves coming within its limits, and to have given them entire immunity and protection against the claims of their masters.'

"The true construction of the Constitution is, that implied powers can only be exercised in carrying into effect a specific power. And this implication is limited to such measures as shall be appropriate to the subject. This is an admitted and safe rule of construction. It is believed to be the only one which has been sanctioned by statesmen and jurists. Powers exercised beyond this are not derived from the Constitution, but must depend upon an unlimited discretion. And this is despotism.

"Now, there is no specific power in the Constitution which authorizes the organization of a territorial government. Such a power was given in relation to the District of Columbia, and it was equally necessary in regard to other territories. But if this power be implied from the specific power given to regulate the disposition of the public lands, it must, under the above rule, be limited to the means suitable to the end in view. If Congress go beyond this in the organization of a territorial government, they act without limitation, and may establish a monarchy! Admit that they may organize a government which shall protect the lands purchased, and provide for the administration of justice among the settlers: it does by no means follow that they may establish slavery. This is a relation which must be created by the local sovereignty. It is a municipal regulation of limited extent, and, necessarily, of an equally limited origin. It is a domestic relation over which the Federal Government can exercise no control. And, above all, the institution of slavery is not within any implication which can be drawn from the power to regulate the disposition of the public lands or other property of the United States. As before remarked, slaves are not treated in the Constitution as property. They are made property by the local law."

He had voted against laying on the table the compromise bill of the Senate. That bill was objectionable; but, from due respect for the Senate, and for the purpose of improving the bill, he had been induced to vote against laying it on the table. The restricting the people from legislating upon the subject of slavery, gave the slaveholders an advantage in New Mexico and California, which they would not have in Oregon. The principles of the common law prevailed in Oregon, which considered every man a freeman until otherwise proven. But in New Mexico and California the principles of the civil law prevailed, which recognized property in persons. Now, if a slaveholder went into these Territories with his slaves, the laws which prevailed there recognized such property; the slaveholder would, as a matter of course, be protected in this species of property. And if the people of such Territories, or their Legislature, were prohibited from legislating on this subject, the courts of law must protect their slave property. He knew it was said that Mexico had declared freedom to all slaves in that country. But that did not change the laws of the country which recognized property in persons; and, although all the slaves at the time were declared free, there was nothing to prevent persons enforcing the rights of property in persons who go there now. If such was the law, the slaveholder would have had decidedly the advantage in the Territories of New Mexico and California. But, for the purpose of perfecting this compromise bill, it would have been as well to have received the bill and made such amendments as would have secured the rights of every section of the Union, without protecting the slaveholding interests exclusively. He withdrew the amendment to the amendment.

Mr. GIDDINGS renewed the motion of his colleague, for the purpose of correcting a misapprehension into which he had fallen. The distinguished jurist to whom allusion was made had never declared that Congress had not the power to make the Territory free; but, on the contrary, he had said that Congress could not create slavery in that Territory. What was slavery? It was itself a crime; it was the taking a man and subjecting him to the will of others, which the Constitution itself prohibited. He withdrew the amendment.

Mr. EVANS, of Maryland, moved to amend the 12th section, by inserting after the word "with" in the 15th line, the words "the Constitution of the United States and"—so that the same would read, "so far as the same be not incompatible with the Constitution of the United States and the principles and provisions of this act." Agreed to.

He also offered a verbal amendment, which was agreed to.

Mr. PALFREY moved an amendment to the provision which extends the laws of the United States, so far as they are applicable, over the Territory, so as to except the 3d and 4th sections of the act approved the 3d day of February, 1793, providing for the recapture of fugitives from labor and service. He begged the committee to give a moment's consideration to this amendment. The Constitution provides that, when a man has a controversy with his neighbor to the amount of twenty dollars, he shall have a trial by a jury of his peers; but, by this odious law—the most abominable, he believed and hoped, upon the statute book—his liberty, which is of infinitely greater value, was at the mercy of every stupid or corrupt petty magistrate, whom the kidnapper could contrive to cheat or bribe. The law which he wished to except said nothing of white or black; though, if it did, it would not alter the principle. He did not look to slaves merely. The law referred to all persons held to labor and service. It applied to indentured apprentices as well as African slaves; and were they willing that it should extend to persons charged with owing service in that capacity? Men in a new community like that do not know one another, and, accordingly, the operation of this law would be attended with peculiar danger. A stranger may come amongst them, white or black; whether a slave, or free black; whether a free white man, or an apprentice, is not known; but these laws enable a person to come from a distant part of the country and claim him. The character of the person making the claim may not be known to those who even do not know each other; and he entreated the committee to consider if they would put such persons in such a position? He had not much expectation that his amendment would pass, and yet he could see no reason why it should not have the support of every man, whether from the North or South. He had not now asked for the repeal of the law, for such a motion would not now be in order, but he asked that it might not operate in that distant Territory, where there was manifest danger of its working extreme and cruel wrong. The amendment was rejected.

Mr. HILLIARD submitted a proviso to be added to the section providing that nothing therein contained shall be so construed as to prevent a citizen of any of the States going there and taking with him his property of every description. On this amendment he spoke during his five minutes, and expressed the opinion that the persons in Oregon ought not to have power over the property of the citizens of the States. It would be monstrous if persons who do not own a single acre of land there should have the right to decide on the property of those who might desire to go there. It was only necessary to raise a question of that kind to make its absurdity apparent. He hoped his amendment would prevail. It was inoffensive in its terms, but it was intended to reach its object.

Mr. CHASE moved to amend the amendment of the gentleman from Alabama, by adding the following:

Provided, That nothing herein contained shall be considered as an assumption of the power, upon the part of the Congress of the United States, to interfere with the establishment of slavery in said Territory; or as authorizing the inhabitants thereof, having the right to vote by the provisions of this bill, to establish or prohibit slavery previous to an application for the admission of said Territory into the Union as a sovereign State.

The amendment was not agreed to.

Mr. WOODWARD moved to amend the amendment of Mr. HILLIARD, by adding "and holding the same under the protection of the laws."

Mr. W. made some observations in opposition

to the right to legislate on the subject of slavery in the Territories.

The amendment was rejected.

Mr. TUCK moved to amend the amendment by striking out the words "with their slaves and other property, and holding the same therein," and on this motion made the following remarks:

I can say but little in five minutes; but I desire, sir, to call the attention of the committee to the simplicity of the question which is now before the country, and now under consideration in this House. The question has been misrepresented, and by some misunderstood. It is alleged that the people of the free States seek to impose disabilities upon the South, and establish invidious discriminations, to the prejudice and disadvantage of the people of the slaveholding States. But such is not the case. We are willing to grant to them all the privileges which we ask for ourselves. We are for restricting ourselves, them, and everybody else from peopling with slaves a country which is now free. Southern gentlemen ask us to admit them to hold slaves in this Territory. Sir, we shall not do it. We shall not create the iniquitous and hateful power for one man to hold another in bondage. If you demanded of us to give you the power to sell your own children into bondage, you would not complain of us for refusing. We shall not be one whit the more inclined to grant you power to hold the black man in bondage. We ask it not for ourselves, and we grant it not to you.

Have we been so long separated from our constituents as to hesitate whether or not to establish slavery in a country now free? If so, let us delay the passage of this bill till we again assemble. Let the gentlemen of the slave States consider whether their constituents demand the sacrifice of freedom at their hands. Look at the sentiment of Maryland, Delaware, and Kentucky, before this fatal step be taken. Let the member from New York, who had just stood alone in sustaining the notorious compromise bill, consult the spirit of the Empire State before he again records himself on the side of oppression. The public opinion of the free States, and of several of the slave States also, emphatically condemn the abominable scheme of extending slavery into territory now free.

A compromise of this great question has been proposed and strenuously advocated. But, sir, on this matter of human liberty, involving the most sacred principles which can ever be entertained, there can and there will be no compromise. The inhibition of slavery in Oregon, California, New Mexico, and all other territory which we shall ever possess, is all we demand, and the least which can ever be received. No other compromise will ever allay the agitation which many gentlemen so much fear.

One other thing, sir, must be done before we shall realize that universal quiet which is so much desired: it is the abolition of slavery in the District of Columbia. So long as we are doomed to look from the windows of this Capitol upon a mart for trade in slaves, the most extensive of any in the world, so long, if liberty survive, will agitation exist in the country. As a conservative member of this House, though called fanatical, I tell gentlemen that we shall not see any quiet submission while we of the free States are compelled, in humble obsequiousness to the slave power, to sustain their peculiar institution in a District where Congress has "exclusive jurisdiction in all cases whatsoever."

Mr. TUCK's amendment was rejected.

Mr. BAYLY made a *pro forma* motion, to enable him to reply to some remarks made yesterday by the gentleman from Indiana, [Mr. SMITH,] and mutual explanations were made by both of these gentlemen.

[Mr. BAYLY said he should avail himself of his right to make a five minutes' speech in explanation of his amendment, to reply to a point made by the gentleman from Indiana [Mr. SMITH] on yesterday, in answer to some remarks of his made in May last. He wished he had time to reply to the whole of the gentleman's argument; but, as he despaired of obtaining an opportunity to do that, he should confine himself now to the single point referred to.

On the occasion to which he alluded, he (Mr. B.) had said: "After the adoption of the Constitution, in the purer and better days of the Republic, there never was any attempt by Congress to 'prohibit slavery in the Territories.' The gentleman from Indiana [Mr. SMITH] disputes this proposition, and insists that such an attempt was accomplished in the bill erecting Indiana into a separate Territory; and to sustain himself, he quotes the following section of that law:

"SEC. 2. *And be it enacted*, That there shall be established within the said Territory A GOVERNMENT in all respects similar to that provided by the ordinance of Congress passed the 13th day of July, 1787, for the government of the territory of the United States northwest of the river Ohio; and the inhabitants thereof shall be entitled to and enjoy all and singular the rights, privileges, and advantages granted and secured to the people by said ordinance."

The gentleman maintains that this section extended to the Indiana Territory not only the provisions of the ordinance of 1787, organizing *a government*, but all of its other provisions. But it is very clear that in this he is mistaken. The section erects in the Territory *a government*—a political organization—in all respects similar to that created by the ordinance of 1787; but it does not reënact such portions of the ordinance as do not relate to the organization of a body politic. This is the natural and obvious import of the language used; but if there could be any doubt about it, other portions of the act would remove it. This section itself, after declaring that there shall be established in that Territory a government in all respects similar to that provided in the ordinance of 1787, adds, that the inhabitants thereof shall be entitled to all the rights, privileges, and advantages granted and secured by that ordinance. Now, if the construction the gentleman contends for is correct, these last words were unnecessary and surplusage. And you have no right to adopt a construction which will lead to such a result.

Other gentlemen have abandoned the ground the gentlemen takes, but they insist that the anti-slavery provision of the ordinance was extended to Indiana by the words used in the second clause of the section. This view, although more plausible, is equally erroneous. The words used are taken from the Constitution of the United States, where they have a technical and ascertained meaning. Not to quote other cases decided by the ablest judges, he would read the language of Mr. Justice Washington in the great case of Corfield *vs.* Corryall. Referring to the true meaning of these terms in the Constitution, he says:

"The next question is, whether this act infringes that section of the Constitution which declares, that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.'

"The inquiry is, what are the privileges and immunities of citizens in the several States? We feel no hesitation in confining this expression to those privileges and immunities which are, in their nature, *fundamental;* which belong, of right, to the citizens of all free governments; and which have, at all times, been enjoyed by the citizens of the several States which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: *Protection by the Government; the enjoyment of life and liberty, with the right to acquire and possess property* OF EVERY KIND, and to pursue and obtain happiness and safety; subject, nevertheless, to such restraints as the Government may justly prescribe for the general good of the whole."

Most of these fundamental principles are secured by the ordinance of 1787, and it is to them, and not to its "conditions, restrictions, and prohibitions," reference is made. It is obvious this was the view of Congress itself, as its subsequent legislation will show. Mr. B. referred, on this point, to what he said in the speech to which the gentleman had attempted to reply. On the occasion referred to, he said:

"And from the act relative to Wisconsin itself, it is evident that its framers did not understand the words in question as referring to the article of the ordinance relative to slavery; for in the very same section, after declaring that 'the inhabitants of said Territory shall be entitled to all the rights, privileges, and advantages,' secured by the ordinance, it is added, 'and shall be subject to all the conditions and restrictions and prohibitions in said articles of compact;' which words were unnecessary if the construction gentlemen contend for is correct."

In addition to this, the acts of the gentleman himself show that he concurs in this construction. In this bill which he reported, the provision in the case of Wisconsin is followed, and not that contained in the Indiana bill. In the case of Iowa, the solitary precedent set in the case of Wisconsin was departed from, and a return made to the early practice of the Government. Mr. B. therefore felt authorized to repeat the statement which he had before made, that in no instance in the erection of Territorial Governments, except in that of Wisconsin, had there been an attempt to exclude slavery from the Territories of the United States since the adoption of the Federal Constitution. The ordinance of '87 was established before that event. And in the case of Wisconsin, it was done in general phraseology, which escaped attention at the time, as was to be inferred from the fact that shortly afterwards, in the case of Iowa, the precedent set was departed from. He did not of course refer to the case of the Missouri compromise. That was in every respect peculiar. But he would not repeat what he had said on a former occasion on that point. Mr. B.'s time here expired.]

Mr. VAN DYKE moved to insert the words "with the exception of slaves." In support of his amendment he spoke through his allotted time, and insisted that Oregon should remain free territory. He asked southern gentlemen why they would persist in putting themselves in a wrong position on this subject? He said the Oregon Territory belonged to this Union when the Missouri compromise was adopted, and its freedom from slavery they claimed as a right, and also under the Missouri compromise.

The amendment was agreed to—65 to 58.

Mr. JOHNSON, of Arkansas, replied with some warmth to the remarks of Mr. VAN DYKE, on an amendment to insert the words "slaves made so by conviction for crime." Having made the remarks which he desired to offer, he withdrew his amendment.

Mr. LAHM renewed the amendment, for the purpose of addressing some observations to the committee, but he was ruled out of order, after saying that he was in favor of extending the ordinance of '87 to the Oregon Territory.

Mr. SCHENCK moved to amend the amendment of the gentleman from Alabama by striking out all after the word "Territory," and inserting these words: "and enjoying there all the rights, privileges, and immunities secured by the institutions and laws of said Territory."

Mr. S. said: In the five years I have been here, Mr. Chairman, I have never made a speech on the subject of slavery. I have given many votes and engaged in much legislation upon the subject, from which my position as an advocate for free institutions and free soil may be clearly inferred and known; but I have never yet definitively presented my views to the House. I will do that now; not fully, of course, in these five minutes you allow me, but plainly, as far as I can go. I have not been able to get the floor for a more extended argument, which I desired to make, but I will state briefly the ground I stand upon. It is the ground, I believe, of all the free out-speaking men of the North or free States.

The amendment offered by the gentleman from Alabama [Mr. HILLIARD] affords a fair occasion for this. It is a direct attempt to establish slavery in the now free Territory of Oregon. I call the attention of the committee to that. While he only proposed to secure to every citizen of any of the States the right to carry his property to Oregon, I had no objection. Whatever his design, his motion then was harmless. The citizen of a slave State might take his slaves there as property, and the only effect would have been, that they would thereby become free. No such property is known in Oregon, and I trust there never may be, nor any laws there to secure it. But when his friend, the gentleman from South Carolina, [Mr. WOODWARD,] came to his aid, and suggested to the gentleman from Alabama to modify his amendment so as to provide for *holding* this property when taken there, he made it a more serious matter. It then became just what I have said—a movement to establish slavery in that Territory.

Now, sir, I am against the extension of slavery into any territory now free. I would exclude it by positive enactment from all Territories owned or acquired by the United States everywhere. Let me tell you briefly why.

A gentleman from Mississippi, [Mr. THOMPSON,] the other day, said, that he had very little faith in the sympathy of northern men with the slaves. He said, he believed that was only affectation, and that really and truly it was only a question of political power between the free and the slave States. Sir, I accept that issue. Whatever may be my other objections to slavery, I admit that, as it presents itself for our consideration and legislation here, it does become mainly a question of political power.

I hope I have my fair share of charity, of benevolence, of universal philanthropy. I trust that

I am as ready as any man to sympathize with those who are oppressed or injured, or deprived of their natural rights in any way, be they of what race or color they may. Gentlemen from another section of the Union may even consider me morbid in my views and feelings on such subjects—"a northern fanatic." Perhaps, considering their prejudices of education, as well as mine, it is natural they should have that opinion of me, and of those who think as I do. But let all that pass. All I mean to say is, that we are not here to legislate upon questions of benevolence and charity, or to compare notes in order to see whose philanthropy is broadest or most genuine. And I want gentlemen from the South to know, that while they are pleased, with little discrimination, to denounce us all at the North as abolitionists and incendiaries, prating about what we do not understand, and what does not concern us, there are yet questions and consequences purely political involved in this proposition to extend slavery over the Territories which we, in the free States, do understand, and well understand.

You of the southern States desire to go to these new Territories and to carry your "property" there freely with you: that is, you mean to carry your slaves, and to hold them there as slaves. But we cannot consent to it. Waiving all controversy about sympathy with the blacks themselves, and the moral and social aspects of the case, we cannot agree to it in justice to the rights of the whites, in justice to ourselves.

For one, I do not deny that there is such a thing as property in slaves and slave labor. I do not say that it is right; I do not say that it ought to be. But so it is, in some of the States of this Union. It is not established by the Constitution of the United States. That instrument, thank God, was intended to create none but free institutions. But it exists in those States, either by municipal law, or, if not by direct enactment, then by some unwritten law which, in various ways, has had the sanction of positive legislation. There it is; but, in its essential character, it is a local institution, and we want it to spread no further. We do not want this species of property taken into Territories in the title to which we are interested as partners with you. We are not willing to permit it to be held as such property there, because it will carry with it certain consequences and political advantages which we can never agree to.

I have not time to speak of slavery as an evil to the country, and the people, and their institutions, wherever it is found. If the citizens of the States in which it exists are satisfied with it, let them be so. We will not disturb them in their enjoyment. But we do not want it to prevail in any country where we have a proprietorship. We know that it paralyzes the prosperity and retards the advancement of the land and the community that are subjected to its influences. These Territories are our common heritage, our joint property with you. We want them to prosper and grow, and we are unwilling to subject them to that which will weigh down and prevent their prosperity and growth. I might enforce this by reference to the difference between slave and free States now in this Union; but I forbear. I do not desire to indulge in any invidious comparisons.

But, sir, regarding this as a political question purely, or one, if you will, of political power, there is a thing connected with slavery to which we cannot and will not be blind. It is the advantage in Federal representation which it gives. This much we do know in the free States, if we know nothing else: that a man at the South with his hundred slaves counts sixty-one in the weight of influence and power upon this floor, while the man at the North with his hundred farms counts but one. Sir, *we want no more of that;* and, with the help of God and our own firm purpose, we will have no more of it. Therefore, above all, it is that we want no more slave territory. That is a sufficient and conclusive reason, if there were no other; and it might as well be distinctly understood first as last. I am for no Missouri compromise, nor for compromises on this subject of any character. I want the principles of the great ordinance of 1787, prohibiting slavery, extended over all the territory owned or acquired by us. I would to God there had been no such acquisition. I have opposed, in all my time here, from the beginning, every scheme of annexation and all forms of territorial conquest and extension; but when, by the greater power of others, such acquisition comes, I am determined that with my vote there never shall come with it anything but free and equal institutions.

Let gentlemen understand us, sir. We would not interfere with this institution where it exists by local law; but *we want no more of it.* We are not, therefore, abolitionists. We abide by the Constitution. But we would curse no more land; we will not willingly submit to any more inequality of rights. This, I undertake to say, is northern sentiment—may I not say free American sentiment? Right or wrong, it is in our minds. It is deep in our hearts. You will find it hard ever to make us give it up.

Sir, shall I illustrate, to show that we understand this matter? There is the district of the honorable gentleman from South Carolina, who would amend so as to extend slavery into Oregon. I have not consulted the census to see how it may be in his particular case, but he probably represents some five or six, or eight thousand voters. Now, there are about eighteen thousand voters in my district —eighteen thousand free white male adult citizens. These eighteen thousand freemen have one voice and one vote—I would it were an able one—on this floor. The five thousand or eight thousand in South Carolina have the same. On every bill or resolution, or other subject of legislation here, the eighteen thousand in Ohio can say aye or no—once and no more—while one-third or one-half that number in South Carolina have also their aye or no. We do not complain of this. I wish it were not so. But so it was arranged, so agreed that it should be, by our fathers when they framed the Constitution; and we will hold by that agreement in all good faith, and submit to it as part of the price paid for this Union. But let there be no more slave territory, to make more slave States, to give us more of this slave representation and inequality of weight in the councils of the nation.

Gentlemen say, that when the people of these new Territories come to form State constitutions, they will have the power to establish slavery or exclude it at their pleasure. Well, sir, I am one that does not deny that power. I admit that they may establish slavery for themselves then, when they come to make their own organic and municipal laws; when they advance beyond their state of political pupilage, and set up for themselves as of full age. But that is only another reason for insisting on the exclusion of slavery now, when we have the power and the right to legislate for such territory, and when it is our duty to do it wisely. I do not stop to argue that newly-discovered and strange doctrine that Congress has no such power of legislation for the Territories. It is rather late in our history, and in the history of all legislation on this subject, for that modern absurdity to take much hold on the public mind. But I say, make free territory, and then we shall have free States made out of that territory. Exclude slavery while the territory and the people are under our jurisdiction, and then, when they are prepared to make their constitution and apply for admission into the Union, they will continue that exclusion themselves. Give them the experience of free institutions, and that will be our best assurance that, when they have the power, they will continue such institutions.

But while the subject opens before me, I find my time is nearly gone. One common and specious reply to this protest against carrying slavery into the Territories I must try, however, to notice. It is said that extending slavery there will not increase the Federal representation based upon slave property; that there will be no more slaves in number, but they will only be spread out more thinly over greater space. If that were true, it would not take away the objection, that by the creation of new slave States you give them still an advantage in the Senate. But it is not true. Whenever you open up new fields to be occupied by slave labor, and extend its area over a wider space, you establish new markets for slave property, and increase its value in the States where it now exists; and when you thus increase its value, you promote an increase of the number of slaves. Early marriages among them will be encouraged; they will be cared for as a marketable commodity, and the very advantage of this outlet for them will, by all the laws of population and subsistence, add to their number. It is so of men as it is of cattle or other animals, or else all the political economists are mistaken. For these reasons, then, and for more, if I could state them, I am utterly and forever opposed to your carrying slavery into any Territory where my vote can prevent it.

The question was then put on the amendment of the gentleman from Ohio, (to insert, "shall enjoy all rights, privileges, immunities," &c.,) and it was agreed to.

Mr. STANTON moved that the committee rise, but the motion did not carry.

The question being put on the amendment as amended, it was agreed to.

Mr. PETTIT, after a *pro forma* motion to strike out the word "resolved," asked that an extract from a speech of Governor McDowell, delivered at Richmond, be read as his speech.

Mr. KAUFMAN raised a question of order. The speech was not germane to the amendment.

After a brief conversation, the amendment was ruled out of order. Mr. PETTIT took an appeal, but the decision of the Chair was sustained.

Mr. DUNCAN moved, as a substitute for the amendment as amended, the following:

And inasmuch as all of said Territory lies north of 36° 30′, commonly called the Missouri compromise line, and as a departure from the principles of that compromise recently recognized in the annexation of Texas, might produce unfortunate results, affecting injuriously the peace and harmony of this Union, for these and other reasons, it is hereby enacted, that slavery, or involuntary servitude, except for crime, shall not exist in said Territory.

After an attempt by Mr. RUMSEY to amend, and by Mr. COLLAMER to have the question divided, the amendment of Mr. DUNCAN was negatived.

Mr. BROWN, of Mississippi, having offered an amendment *pro forma*, proceeded to say that the South had contended for the constitutional right of her citizens to emigrate to the Territories with their property, and the error into which northern gentlemen were continually falling, was in attempting to discriminate between slave and other property. The Constitution made no such discrimination, and it was not in the power of Congress to do so. Mr. B. said his principal object in rising at this time, was to correct an error very common among northern politicians, and into which the remarkably astute gentleman from Ohio [Mr. SCHENCK] had just fallen. That gentleman had stated, with great earnestness and apparent candor, that the slave States had an undue or disproportionate political influence in this House, in consequence of the slave population within their limits. Exactly the converse of this proposition was true. The slave States lose political influence, in consequence of the slaves within their limits. In the gentleman's State, as in all the free States, the entire population, white and black, were enumerated, and all were taken into the account in fixing the ratio of representation. A free negro in Ohio counted as much as a white man, in the general enumeration of her population, and so he did in Mississippi, and in every other State; but how was it with slaves? Under the Constitution, two-fifths of the whole number were excluded, the rule being to compute the whole number of free persons, including those bound to service for *a term of years*, and excluding Indians not taxed, and then add three-fifths of all other persons, in other words, slaves. Now, what was the practical operation of this rule? Certainly not to increase our power and influence here. In his (Mr. B.'s) State, a little over one-half of the whole population were slaves. Of these, two-fifths are excluded in fixing the ratio of representation. TWO-TENTHS of the *entire* population are left out of the enumeration, and our political influence diminished by that amount, and yet the gentleman stands up here and misleads the public mind, by asserting that slavery increases the political power of the South.

Mr. SCHENCK. Does the gentleman represent the slaves in his district?

Mr. BROWN. I represent three-fifths of them; the other two-fifths have no representative.

Mr. SCHENCK. Do the slaves vote?

Mr. BROWN. Certainly not: nor do the women and children. Yet women and children are included in the enumeration, and are represented. The free negroes in the gentleman's district do not vote, yet they are all counted in fixing the ratio of representation. The gentleman represents all the negroes in his district, though they do not vote. I only represent *three*-fifths of the negro slaves in my district, and the political power of the district to the extent of the remaining two-fifths is diminished.

Mr. SCHENCK. Do you not represent them as property?

Mr. BROWN. I cannot allow the gentleman to change the issue. Does he not regard them as *people*—as *population?* Set them free, and you do not increase thereby their civil rights, but you would give them their full weight in representation. At present they have a mixed character: they are property, it is true; but, then, they are *persons.* By the laws of the land, they may commit crimes, and crimes may be committed against them. It is murder unlawfully and wickedly to kill a slave; and if a slave maliciously slay a white man, or a fellow-slave, he is guilty of murder. In this and in many other respects, slaves are persons. The gentleman regards them as persons in all respects; and seeing two-fifths of these *persons* excluded from representation on this floor, he yet complains that our influence is increased in consequence of our slave population. Suppose there to be five millions of slaves in the United States, (we all know there are not so many by great odds,) three millions enter into the computation and are represented on this floor. Set them all free, and the whole five millions would come in, and our influence and power be thereby increased by the additional two millions. But without special legislation for that purpose, free men of color would not have the right to vote any more than slaves have that right. The civil and political rights of the negro are not increased by the mere act of setting him free. He may rise by mere possibility in the scale of social importance; but the chances are, that in the course of three or four generations he will relapse into his original position, and become little else than a degraded animal.

Mr. HILLIARD now, by common consent, withdrew his amendment.

Mr. PETTIT moved that the committee rise. Lost.

Mr. CRISFIELD moved to strike out the 12th section as amended; but it was negatived: Ayes 65, noes 94.

In the 13th section, Mr. VINTON moved to strike out $5,000 in the clause for Government buildings, and insert $10,000.

Mr. COBB, of Alabama, admitted that $5,000 was too small a sum for permanent public buildings; but as yet the permanent seat of government could not be known, and $5,000 was amply sufficient for such as were at present needed.

Mr. VINTON withdrew his amendment.

Mr. VAN DYKE moved that the committee rise.

Mr. VINTON remonstrated. He hoped no Whig would be found unwilling to go on with the public business.

In the 15th section, Mr. VINTON moved an amendment limiting the sum to be received by the Delegate of the Territory as mileage for attendance during one session in Congress to $1,500. Unless some limit should be fixed, he would be entitled under the existing law to no man knew how much; some said $16,000.

Mr. COBB warmly opposed this amendment. He moved to strike it out, and to substitute for it a declaration that the Delegate should receive no more than he should be entitled to receive under existing laws. The law of mileage ought to be revised; but in the mean while no difference ought to be made between the Delegate from Oregon and any other.

Mr. VINTON said members' mileage had been restricted to $1,000.

Mr. COBB said it was true such a clause had been inserted in the civil and diplomatic bill, but it was well known that the Senate would strike it out. He went for dispensing equal justice to all. Let the Delegate feel, when he appeared here, that he stood on an equal footing with all the rest.

Mr. BRODHEAD moved to limit the sum to $2,500.

This was agreed to.

The amendment as thus amended was agreed to: Ayes 77, noes not counted.

On motion of Mr. ROOT, the Governor was required to give sixty days' notice by proclamation of the time and places of holding the election for a Delegate to Congress.

On motion of Mr. MULLIN, a proviso was inserted restricting the Legislature to the passage of laws not inconsistent with the Constitution of the United States, and refusing the right of action under such as were not.

In the 18th section, Mr. HALL, of Missouri, moved an amendment granting to every head of a family over eighteen years of age three hundred and twenty acres of the public lands, or to every one who had legally declared his intention to be naturalized.

Mr. BRODHEAD said the Committee on Public Lands had reported on that subject.

Mr. COLLAMER explained. A bill had been prepared and reported, and was ready to be acted on, extending the whole land system of the United States to the Territory of Oregon, and making provision for all these cases.

The amendment was rejected.

In the 20th section, Mr. HUNT said he had been directed by the Committee on Commerce to move amendments, which he read, as follows:

SEC. 21. *And be it further enacted*, That all the ports, harbors, shores, and waters of the mainland of the Territory aforesaid, shall constitute a collection district, to be called the district of Oregon; and a port of entry shall be established at Astoria, near the mouth of the Columbia river, and a collector of customs shall be appointed by the President, by and with the advice and consent of the Senate, to reside at such port of entry.

SEC. 22. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to establish such ports of delivery in the district created by this act, not exceeding two in number, (one of which shall be located at Nisqually,) as he may deem expedient, and may appoint, by and with the advice and consent of the Senate, surveyors to reside thereat.

SEC. 23. *And be it further enacted*, That the collector of said district shall be allowed a compensation of one thousand dollars per annum, and the fees allowed by law; and the compensation of any surveyor appointed in pursuance of this act shall not exceed five hundred dollars per annum, including in said sum the fees allowed by law; and the amount collected by any of said surveyors for fees in any one year exceeding the sum of five hundred dollars shall be accounted for and paid into the treasury of the United States.

SEC. 24. *And be it further enacted*, That the revenue laws of the United States be, and are hereby, extended over the Territory of Oregon.

SEC. 25. *And be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury, for the construction of light-houses at Cape Disappointment and New Dunginess; and for the construction and anchorage of the requisite number of buoys, to indicate the channels at the mouth of the Columbia river, and the approaches to the harbor of Astoria, the said buoys to be placed and anchored under the direction of such person as the Secretary of the Treasury shall appoint.

The amendments were opposed by Mr. FICKLIN, and were then agreed to.

Mr. HALL, of New York, moved that so much of the act as related to appointments to be made by the President and Senate should take effect immediately, and the residue in six months; but it was rejected.

Mr. MEADE moved an additional section, prohibiting the Territorial Legislature from passing any act prohibiting the immigration of free people of color.

Mr. FICKLIN moved to amend it by prohibiting the admission of free negroes.

Both amendments were rejected.

Mr. McCLERNAND moved to strike out all after the enacting clause, and insert the Senate's compromise bill.

The motion was ruled out of order.

Mr. McCLERNAND appealed, but the decision of the Chair was sustained: Ayes 102; noes not counted.

[Great uproar and confusion.]

Mr. CABELL moved a substitute for the whole bill.

Mr. ROOT objected, because the substitute provided for California and New Mexico as well as Oregon.

The reading of Mr. CABELL's substitute was further proceeding, when—

Mr. FARAN rose to a question of order, and said that it had already been read far enough to make it evident that it proposed a government for the three Territories, while the bill before the committee was for the government of Oregon. He therefore insisted that the substitute was irrelevant and out of order.

The CHAIRMAN sustained the point, and ruled the substitute out of order.

The amendments having been gone through with—

On motion of Mr. WENTWORTH, the committee rose and reported the bill and amendments to the House.

And the question being first on concurring in the amendments of the committee, and then on the engrossment—

Mr. SMITH, of Indiana, demanded the previous question, which was seconded, and the main question was ordered; pending which—

On motion, the House adjourned.

PETITION.

The following petition was presented under the rule, and referred:

By Mr. FREEDLEY: Remonstance of citizens of the county of Delaware, Pennsylvania, against the passage of the compromise act for establishing Territorial Governments in Oregon, California, and New Mexico.

IN SENATE.

TUESDAY, *August* 1, 1848.

Mr. STURGEON presented a petition from James Harrington, asking to be indemnified for loss of time and expenses during illness contracted in the service of the United States; which was referred to the Committee of Claims.

Mr. FELCH presented documents in relation to the claim of Noyes.

REPORTS FROM COMMITTEES.

Mr. MASON, from the Committee of Claims, reported House bill for the relief of Peter Shæffer, without amendment.

Mr. BALDWIN, from the Committee of Claims, made an adverse report on the claim of Littleton D. Teackle.

Mr. BREESE, from the Select Committee to whom was referred the resolution relating to the publication of the result of the late exploring expedition of J. C. Frémont, made an elaborate report; which was ordered to be printed.

On motion of Mr. GREENE,

Resolved, That the Committee on Printing be authorizad to deliver to Dr. Espy his report on meteorology, to make such additions thereto as he may deem proper, and then by him to be returned.

Mr. BENTON, from the Committee on Military Affairs, reported a bill to grant to the State of Wisconsin the military reservation of Fort Winnebago, in that State, without amendment.

CIVIL AND DIPLOMATIC BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending on the 30th of June, 1849.

The second amendment giving *four* watchmen to the Northeast Executive Building instead of *three*, and adding $365 to the appropriation, was agreed to.

The next amendment was to strike out the following items:

For the collection of agricultural statistics, and other purposes, $3,500; which several sums, amounting in the whole to $6,800, shall be paid out of the Patent fund.

For defraying the expenses of chemical analyses of vegetable substances, produced and used for the food of man and animals in the United States, to be expended under the direction of the Commissioner of Patents, $1,600; the said sum to be paid out of the Patent fund.

Mr. BADGER wished to know why it was proposed to strike out these items?

Mr. ATHERTON said he thought these things would be better done by individuals and scientific societies than by the Government.

Mr. CALHOUN was in favor of the amendment, as he thought the mania for purchasing books and book-making required to be checked. He thought, too, that the Commissioner had enough to do without meddling with these matters, and with which the Government ought not to connect itself.

Mr. BADGER could not agree as to the propriety of this amendment. He thought it quite as important to expend a little on agricultural objects as on geographical explorations.

Mr. KING was against these expenditures, and would vote for the amendment. He said the cost of publishing the history of the exploring expedition was $140,000. Where were we to stop? He was not aware of any information of value being derived from these agricultural works.

Mr. HALE said he should move to strike out the items for the exploring expedition, when we reached them.

Mr. DAVIS, of Massachusetts, said we expended a great deal of money in making discoveries; and those works which we are publishing are unprofitable speculations for the Government. He did not see, however, that this objection which had been raised to expensive publications ought to

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apply to the collection of agricultural statistics. He referred to the report from the Patent Office, made at this session, as more valuable, and less burdened with trash, than the reports which had preceded it.

Mr. DICKINSON referred to the exploration of the Dead Sea which was in progress, stating that it was undertaken by the officers of a provision ship which our Government had found it necessary to station in the Mediterranean, who had obtained leave of absence for the purpose of visiting that interesting part of the country.

Mr. BUTLER said he should vote against all these schemes.

Mr. WESTCOTT said he was in favor of collecting statistics, but he was opposed to the publication of books. He did not like book-farming, having never found that farmers who farmed from books were good for anything.

Mr. DOWNS thought this effort at retrenchment was beginning at the wrong end: it was commencing with stopping the only book in which the people took any interest. We take a different view of this subject from that taken by the people, who complain more loudly of our long speeches, which keep us in session eight months out of twelve, than of the appropriation of a little money for the publication of useful works. Our system is founded on the principle that the people must have light.

Mr. NILES regarded this business of protecting agriculture as not belonging to the legitimate duties of Government, in its legislative action: it belongs to the people and the States. If it does belong to Government, we are too inoperative: we ought to have a proper bureau and competent professors. He remarked on the imperfection of everything done by Congress in the way of collecting statistics, and thought we had better stop short. But if we were to go on with the system of enlightening the country, it would be as well to publish those valuable primary books which are useful for education, and are eagerly sought after throughout the whole country, by parents and teachers.

The question was divided; and the question was first taken on the part relating to the agricultural statistics, by yeas and nays, and decided as follows:

YEAS—Messrs. Atherton, Bell, Benton, Bradbury, Butler, Calhoun, Dickinson, Dix, Hale, Hunter, King, Lewis, Mason, Metcalfe, Niles, Turney, and Yulee—17.

NAYS—Messrs. Allen, Atchison, Badger, Baldwin, Borland, Clarke, Clayton, Corwin, Davis of Massachusetts, Dayton, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Greene, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Mangum, Miller, Phelps, Rusk, Sebastian, Spruance, Sturgeon, Underwood, Upham, Walker, and Westcott—33.

The question was then taken on the second branch of the amendment, which was agreed to.

An amendment appropriating the sum of fifteen hundred dollars for the purchase of scientific works for the Patent Office, and of three hundred dollars for the librarian, payable out of the Patent Office fund, was agreed to.

The next amendment was to strike out the reduction of five hundred dollars in the salary of the First Comptroller.

Mr. ATHERTON briefly defended the amendment, on the ground that the present moment, when the duties were more arduous than usual, was most inappropriate for a reduction of salaries.

Mr. BADGER also defended the amendment.

The amendment was then agreed to.

The next amendment was to strike out the reduction of five hundred dollars from the salary of the Second Comptroller; which was agreed to.

The next amendment, inserting *six* instead of *three* additional clerks in the office of the Second Comptroller, was agreed to.

All the other amendments, striking out the reductions of salaries introduced by the House of Representatives, were agreed to.

EXECUTIVE SESSION.

At one o'clock, the Senate, on motion of Mr. RUSK, proceeded to the consideration of Executive business; and the doors remained closed until near three o'clock, when they were reopened.

The following business took place in the Senate after the galleries were cleared, and before the Senate Chamber doors were shut:

The joint resolution from the House appointing a joint committee of three from each House to devise some mode for the reporting of the proceedings and debates of the two Houses of Congress was taken up and adopted, and Messrs. BENTON, RUSK, and CLAYTON, were appointed on the part of the Senate.

The joint resolution of the House of Representatives giving the thanks of Congress to the officers, sailors, and marines of the United States navy, for their efficient coöperation and services in the late war with Mexico, was considered in Committee of the Whole, and after having been read a third time, the question being on its passage—

Mr. HALE demanded the yeas and nays, which were ordered, and the vote stood as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Borland, Bradbury, Butler, Clarke, Clayton, Dayton, Dickinson, Dix, Douglas, Downs, Fitzgerald, Greene, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, King, Lewis, Mangum, Mason, Metcalfe, Miller, Niles, Rusk, Sebastian, Spruance, Turney, Underwood, Upham, Walker, Westcott, and Yulee—37.

NAY—Mr. Hale—1.

Mr. DIX, from the Committee on Military Affairs, reported a joint resolution granting to the Jackson Monument Association the cannon taken by General Jackson in his campaigns, for the construction of his monument. Mr. D. pressed on the Senate immediate action on the resolution, which was yielded, and the resolution passed.

Mr. WESTCOTT, on the eve of adjournment this evening, was indulged, through the courtesy of the presiding officer, in introducing, out of time, a bill to cede the Everglades of Florida to that State; which was read a first and second time, and referred to the Committee on Public Lands.

After the doors were reopened—

The Senate resumed the consideration of the amendments to the civil and diplomatic appropriation bill, when all the amendments of the committee were agreed to, with the exception of the following items, which were passed by as likely to meet with opposition:

The proviso relating to a captain of the navy being appointed to the Bureau of Provisions and Clothing.

That relating to the appropriation of $50,000 for the payment of claims of the Spanish Government against the United States.

That relating to the item of $30,000 for the purchase of one or more bridges over the Eastern Branch, to be made free of toll; and that relating to the extension of the appropriation from $65,000 to $115,000 relating to surveys in Michigan, Wisconsin, and Iowa, and private claims in Florida.

On motion of Mr. RUSK, the bill was further amended so as to place the assistant Postmaster Generals on the same footing as Auditors of the Treasury by increasing their salaries $500 each.

Several other amendments offered were adopted; when—

On motion of Mr. TURNEY, the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, *August* 2, 1848.

The Journal of yesterday was read and approved.

Mr. McCLELLAND obtained the floor, but yielded it to—

Mr. BURT, who observed that a message had been received from the President containing information called for by the House in regard to the number of Indians, &c. If the chairman of the Committee of Ways and Means intended to call up the army appropriation bill, it was important, nay almost indispensable, that this message and the documents accompanying it should be before the House when they acted on that bill. He would therefore propose that by general consent that message should now be taken up, and, with the accompanying documents, ordered to be printed.

The SPEAKER stated that there were upon his table two Executive messages which had been received prior to this one, besides many bills from the Senate. Was it the pleasure of the House now to dispose of them?

Mr. STEPHENS wanted to know what this last message contained?

Mr. BURT explained that it related to the number of Indians in Oregon and other Territories, &c., and the requisite military force that would in consequence be required to be retained when the army should be reduced.

Mr. STEPHENS said he had no objection that this message should be taken up and considered; but if the motion was understood to include the peace message, he should object.

The SPEAKER replied that it did not; and he then laid before the House the following message:

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 17th instant, requesting the President "to communicate (if not inconsistent with the public interest) copies 'of all instructions given to the Hon. Ambrose H. Sevier and 'Nathan Clifford, commissioners appointed to conduct negotiations for the ratification of the treaty lately concluded 'between the United States and the Republic of Mexico," I have to state that in my opinion it would be "inconsistent with the public interest" to give publicity to these instructions at the present time. I avail myself of this occasion to observe, that as a general rule, applicable to all our important negotiations with foreign Powers, it could not fail to be prejudicial to the public interest to publish the instructions to our ministers until some time had elapsed after the conclusion of such negotiations. In the present case, the object of the mission of our commissioners to Mexico has been accomplished. The treaty, as amended by the Senate of the United States, has been ratified, the ratifications have been exchanged, and the treaty has been proclaimed as the supreme law of the land. No contingency occurred which made it either necessary or proper for our commissioners to enter upon any negotiations with the Mexican Government, further than to urge upon that Government the ratification of the treaty in its amended form.

JAMES K. POLK.

WASHINGTON, *July* 29, 1848.

Referred to the Committee on Foreign Affairs, and ordered to be printed.

The SPEAKER laid also before the House the following message:

To the House of Representatives of the United States:

I communicate herewith a report from the Secretary of War, containing the information called for by the resolution of the House of Representatives of the 17th July, 1848, in relation to the number of Indians in Oregon, California, and New Mexico, the number of military posts, the number of troops which will be required in each, and "the whole military force which should constitute the peace establishment."

I have seen no reason to change the opinion expressed in my message to Congress of the 6th July, 1848, transmitting the treaty of peace with Mexico, that "the old army, as it 'existed before the commencement of the war with Mexico, 'especially if authority be given to fill up the rank and file 'of the several corps to the maximum number authorized 'during the war, will be a sufficient force to be retained in 'service during a period of peace." The old army consists of fifteen regiments. By the act of 13th May, 1846, the President was authorized by voluntary enlistments to increase the number of privates "in each or any of the companies of 'the existing regiments of dragoons, artillery, and infantry, 'to any number not exceeding one hundred," and to "reduce the same to sixty-four when the exigencies requiring 'the present increase shall cease." Should this act remain in force, the maximum number of the rank and file of the army authorized by it would be over 16,000 men, exclusive of officers. Should the authority conferred by this act be continued, it would depend on the exigencies of the service whether the number of the rank and file should be increased, and if so, to what amount beyond the minimum number of sixty-four privates to a company. Allowing sixty-four privates to a company, the army would be over 10,000 men, exclusive of commissioned and non-commissioned officers, a number which it is believed will be sufficient; but, as a precautionary measure, it is deemed expedient that the Executive should possess the power of increasing the strength of the respective corps, should the exigencies of the service be such as to require it. Should these exigencies not call for such increase, the discretionary power given by the act to the President will not be exercised.

It will be seen, from the report of the Secretary of War, that a portion of the forces will be employed in Oregon, New Mexico, and Upper California, a portion for the protection of the Texas frontier, adjoining the Mexican possessions, and bordering on the territory occupied by the Indian tribes within her limits. After detailing the force necessary for these objects, it is believed a sufficient number of troops will remain to afford security and protection to our Indian frontier in the west and northwest, and to occupy, with sufficient garrisons, the posts on our northern and Atlantic borders. I have no reason at present to believe that any increase of the number of regiments or corps will be required during a period of peace.

JAMES K. POLK.

WASHINGTON, *August* 1, 1848.

Referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Commissioner of the General Land Office, enclosing a map of the estimated surface of the Territories of the United States, north and west of the regularly organized States of the Union, compiled from Tanner's large map of North America, and Disturnell's map of Mexico, published in New York in 1847, and on which is represented the parallel of 36° 30′ north latitude. Referred to the Committee on Engraving.

SENATE BILLS, ETC.

Senate bills of the following titles were taken up, read a first and second time, and referred to appropriate committees:

A bill to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United Statee, in those countries.

A bill for giving effect to certain treaty stipulations between this and foreign Governments for the apprehension and delivering up of certain offenders.

A bill to modify the 4th clause of the 7th section of an act entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union," approved August 6, 1846.

A bill for the better organization of the district court of the United States within the State of Louisiana.

A bill for the relief of the representatives of Thomas G. V. Owen, deceased.

The Senate bill for the relief of Charity Hennington was read a first and second time, and ordered to be read a third time, and was read a third time and passed.

Subsequently, Mr. THOMPSON, of Pennsylvania, moved that the vote on the passage of the bill be reconsidered; which motion to reconsider lies over for the present.

FLORIDA CLAIMS.

The Senate bill providing for the obtaining of testimony in relation to claims for losses sustained in the late Florida war was read twice.

Mr. JOSEPH R. INGERSOLL moved a concurrence in the Senate's amendment to the bill establishing a commission for the settlement of claims in Florida, and that the bill be put upon its third reading.

Mr. BRODHEAD wanted further explanation on the necessity of passing such a bill. He did not perceive the necessity of employing a commission to settle claims for property destroyed by Indians.

Mr. POLLOCK said, these claims in Florida had been contested; they had been before the Committee of Claims, and a majority of such of them as were just had already been paid or would be. He thought there was no need of a commission to adjudicate them. He would not say that there was more in the bill than appeared on its face; but he would say that justice did not require the bill to pass. He thought it ought to go to the Committee of the Whole on the state of the Union.

Mr. CABELL said that nothing was asked in this bill which would commit the Government to the payment of any claim for which it was not justly liable. There was something peculiar in the position of Florida. There were thousands of claims which were continually pressed on its representatives in Congress, many of which were valid, while others were of doubtful character. This bill provided that a commissioner shall be appointed to take testimony by which the claims should be tested, but it provided for no definitive action in any case. The whole was to be laid before Congress. The object was to get rid of the many hundreds of petitions which were continually pouring upon them, and with which they were reluctant to trouble the House. They wished that a commissioner should examine into the grounds of the several claims, and lay the result before Congress. All the testimony was to be taken on oath; and by this arrangement all the testimony would be obtained which was favorable to the United States. When claims were disposed of in the usual way, all the testimony was *ex parte*, and all against the Government, and in favor of the claimant. But here an individual would be appointed to attend on the part of the Government, and the facts on both sides would be obtained.

Mr. POLLOCK said there was already a general law which covered all cases of claims from Indian spoliations: why this special legislation in behalf of Florida claimants above and in preference to all others?

Mr. GIDDINGS inquired whether these claims would not have to be passed upon by the House?

Mr. CABELL replied that they would. They were very numerous, and the arrangement proposed would be in the result a saving to the Government.

Mr. GIDDINGS was opposed to the bill, as being partial in its character. There was a law now for all these cases of Indian spoliations. They had taken place all along our frontier, and there were claims from other quarters of the Union as well as those from Florida. Why should these have preference? Partial legislation was not creditable to any Government. Either the claimants on the northwest frontier ought to have the same advantage, or neither ought to have it. He objected to having the bill put on its passage: it was unjust. There had scenes of Indian cruelty taken place on the northwest frontier fully as well entitled to sympathy and relief as any that had happened in Florida.

Mr. DICKINSON urged the same objection to the bill, as being partial. There were persons in Ohio who had suffered in the same way, and whose claims were as well entitled to regard. The claims in question might be referred to the Commissioner of Indian Affairs.

Mr. CABELL said there seemed to be some misapprehension as to the nature and objects of the bill. No special or partial legislation was proposed by it at all. He had no objection that every claimant should be required in the outset to make oath to the justice of his claim; but while they remained as they now did, they formed a political element, employed by both Whigs and Democrats for electioneering purposes: he was desirous that this should be put an end to. The Florida claimants would have to make oath beforehand to the justice of their claims; if those from the gentleman's district were required to do the same, he had no objection they should be put on an equal footing.

Mr. DICKINSON insisted that this bill ought to go to a committee. He referred to a provision in the treaty with the Wyandot Indians, in which $20,000 had been allowed to satisfy similar claims to these: they needed a commission to settle them just as much as it was needed in Florida. He moved to refer the bill to the Committee on Indian Affairs.

Mr. BURT, being well satisfied the House had no idea of appointing any such agent for claims in Florida, Ohio, or elsewhere, moved to lay the bill upon the table.

The motion was promptly carried, the yeas and nays being refused.

Mr. BOWLIN moved to reconsider the vote, and to lay that motion on the table. Agreed to.

THE CHEROKEE CLAIMS.

The joint resolution of the Senate authorizing the proper accounting officers of the treasury to make a just and fair settlement of the claims of the Cherokee nation of Indians according to the principles established by the treaty of August, 1846, was read a first and second time.

Mr. FARAN said that we had already a statement of these accounts from the Commissioner of Indian Affairs: why order another statement from the Second Comptroller? If there was no mistake as to the proper construction of the language of the treaty, the whole matter might be settled in twenty minutes.

Mr. BURT said that the resolution asked a settlement of these accounts from the regular accounting officers of the treasury. He was aware that the Indian Commissioner had made a statement in regard to them, but we ought to have one from the officers of the treasury. The resolution proposed no definitive action: and he hoped the gentleman from Ohio [Mr. FARAN] would not object that the House should have all the information it could obtain upon the subject.

Mr. FARAN said he had no objection to the resolution, if this was to be a final disposal of the matter.

Mr. JOHNSON, of Arkansas, advocated the resolution. The Second Comptroller (Governor Parris) had been one of the commissioners to settle the treaty under which these claims arose, and was the most proper officer to examine and report upon them.

He moved the previous question.

Mr. ROOT asked him to withdraw it long enough to suffer Mr. R. to inquire why this claim did not take the usual course in being referred to the officer at the head of the Indian Bureau?

Mr. JOHNSON replied there were various claims which had arisen under the treaty of 1846. They had been referred to the Commissioner on Indian Affairs, who had made a report upon them, stating a certain amount to be due to the claimants: it was now proposed to refer the matter for further examination to the accounting officers of the treasury.

Mr. ROOT said that it then appeared that this was an attempt to get over a report which had been made by the Commissioner of the Indian Bureau.

Mr. HOLMES, of South Carolina, said the question was a very simple one. It was whether the opinion of the Second Comptroller and the Attorney General of the United States was better authority than that of Mr. Medill, the Indian Commissioner. Governor Parris was understood to be in favor of the claim, and Mr. Medill against it. The Senate wished it to go to the accounting officers of the treasury.

Mr. BARRINGER explained. This resolution proposed to refer the conflicting claims of the Cherokee Indians under the treaty of 1846. Without going into the nature of the claims, he would state the fact, that there were various and conflicting claims under the previous Cherokee treaty of 1845. There were three or four different parties concerned in them. They had been attempted to be adjusted by a subsequent treaty of 1846, and Governor Parris had been one of the commissioners to do this. Mr. Medill, the Indian Commissioner, had rejected the claims, and a part of the tribe protested against his decision.

Mr. BURT said that these claims had not by the treaty been referred to the decision of the Commissioner of Indian Affairs.

Mr. BARRINGER said he was aware of that. But he seemed to have supposed that he was authorized to settle them, and he had attempted to do it; but the Indians opposed it. Hence it was proposed to send the whole matter to the officers of the treasury.

Mr. FARAN asked whether there was any dispute as to the amount of the claims?

Mr. BARRINGER replied in the negative.

Mr. FARAN said he understood the dispute was as to the fund out of which the claims were to be paid.

Mr. BARRINGER said it was.

Mr. B. according to promise, renewed the motion for the previous question.

Mr. BOWLIN moved to lay the resolution on the table. Lost.

And, under the previous question, the resolution was passed: Yeas 114, nays 75.

Mr. THOMPSON, of Mississippi, moved to reconsider the vote upon the passage, and warmly opposed the resolution, urging that it was tantamount to authorizing the payment of these claims, amounting to some $2,900,000.

Mr. HOUSTON, of Alabama, inquired whether the treaty of 1836 was not one of the points to be decided by the resolution? if it was not to be decided whether the entire expenses for the removal and subsistence of the Indians, amounting to some $6,000,000, should come out of the treasury, or out of the Cherokee fund?

Mr. THOMPSON replied, that was the main point in the controversy; that it involved the amount of something like $2,900,000, and further objected to submitting it to the accounting officers, unless Congress prescribed the principles on which it should be decided. He hoped the resolution would be referred to the Committee on Indian Affairs; that the bill reported by the chairman of the Committee of Claims, [Mr. ROCKWELL, of Connecticut,] providing for the establishment of a board for the investigation of claims upon the Government, would be taken up and passed. This board would be composed of the most eminent men of the country, and they would report the result of their investigations to Congress—which would then be enabled to act in an intelligent

manner and avoid the plunder of the treasury, so often the result of pressing bills through under the influences that had been thrown around this by gentlemen without the bar, who were appealing to members to do justice to the poor Indian, when they themselves would receive a large share of the appropriation.

Mr. GENTRY said, the gentleman from Mississippi was wholly in error. Neither the construction of the treaty, nor any of the questions to which he had referred, would be settled under the resolution. The whole sum and substance of the resolution was, to authorize the proper officers to investigate the subject, and report the result of their examination to Congress at the next session for their action. He caused to be read the resolution, to show that this was its effect.

Some conversation and explanations occurred between Messrs. GENTRY, PRESTON, and THOMPSON, of Mississippi, and others.

Mr. CLINGMAN suggested, in order to obviate the objections of Mr. THOMPSON, that the resolution be so modified as to provide, instead of a "settlement," for a "just and fair statement of the accounts" by the proper officers to Congress; which suggestion was finally received by general consent, and the resolution modified accordingly.

Mr. THOMPSON wished a further modification, by adding, that "no moneys shall be paid on said settlement until the principles thereof are adopted and approved by the Senate."

Objections being made, this modification was not received.

The motion to reconsider was then laid on the table, on motion of Mr. GENTRY; and thus the resolution is finally passed.

BILLS PASSED.

The House bill to change the place of holding the district court of the United States for the middle district of Alabama, and for other purposes, which was ordered some days since to be engrossed, was read a third time, and passed, and sent to the Senate for concurrence.

The amendments of the Senate to the House bill for the relief of Archibald Beard and twenty-one other Tennessee mounted volunteers, were read and agreed to, and the title of the bill was amended so as to read "An act for the relief of certain Tennessee volunteers."

The amendments of the Senate to the joint resolution of the House authorizing the Secretary of State to furnish the clerk of the district court of the United States for the western district of Virginia four copies of Little & Brown's edition of the Laws of the United States, were also read and agreed to, and the title of the joint resolution was amended to read, "Joint resolution authorizing the Secretary of State to furnish the clerks of the several district and circuit courts of the United States with copies of Little & Brown's edition of the Laws of the United States.

REVOLUTIONIZING MEXICO.

Mr. HOLMES, of South Carolina, asked the general consent of the House to offer the following resolution:

Resolved, That the President of the United States be requested to inform this House whether he has received information of the fitting out, by citizens of the United States, of an armed expedition to revolutionize certain of the Mexican States, with the intention of establishing an independent Government; and if any, and what, measures have been taken by the authorities of the United States to prevent such expedition.

The reception of the resolution was objected to by Messrs. BIRDSALL, JONES, of Tennessee, and others.

SOUTHERN MAIL.

The House resumed the consideration of the joint resolution of the Senate to authorize and require a renewal of the contract for carrying the southern mail.

Mr. COBB, of Georgia, inquired if this resolution did not direct the Postmaster General to make the contract with this route at the prices paid by his predecessor, being about $260 per mile?

Mr. GOGGIN replied, yes, for the railroad portion of the route.

Mr. COBB understood, then, that it was proposed to renew the contract which the Postmaster General and this House had over and over again refused.

Mr. JONES, of Tennessee, moved to lay the resolution on the table, but withdrew for a moment at the request of, and on pledge of its renewal by—

Mr. GOGGIN, who explained that although the resolution did not authorize to be paid what the present Postmaster General had ever contracted to pay, it did authorize what had actually been paid by the present Postmaster General and his predecessors since 1843, up to within a few months, under a contract made by the predecessor of the present Postmaster General. He would state further, that when this question was up before, there was a difficulty as to damages which might be claimed by the bay route. That company now agreed to waive all such claims, and there was no obstacle in the way of the settlement of this question but the passage of this resolution, in order to restore to the South and the whole country these mail facilities. In accordance with his pledge, he renewed the motion to lay on the table.

Mr. COBB, of Georgia, interposed the remark that he understood the claims for damages were not waived by all the companies who might be entitled to them.

The resolution was laid on the table: Ayes 122, noes 64.

Mr. CHASE moved to reconsider the vote, and to lay the motion on the table; which was agreed to.

GRANT TO ILLINOIS.

The House proceeded to consider the Senate bill granting to the state of Illinois the right of way, and a donation of public lands, for making a railroad connecting the Upper and Lower Mississippi with the chain of northern lakes at Chicago; which was reported with amendments from the Committee on Public Lands some time since.

Messrs. COLLAMER, LINCOLN, and others, made remarks in explanation of the bill which was pending; when—

OREGON.

On motion of Mr. SMITH, of Indiana, the House resumed the consideration of the bill to establish the Territorial Government of Oregon, and the amendments thereto reported by the Committee of the Whole, on which the previous question had been seconded, and the main question ordered.

The question being on agreeing to the said amendments, they were severally read and agreed to without division, except the two following, on which separate votes were taken, viz:

On concurring with the Committee of the Whole in striking out in the second section the words, "and shall approve of all laws passed by the Legislative Assembly before they shall take effect. [The effect of this amendment is to deprive the Governor of the power of approval or disapproval of the laws passed by the Legislature.]

The vote on agreeing to this amendment resulted:

YEAS—Messrs. Abbott, Adams, Ashmun, Barringer, Bingham, Birdsall, Blanchard, Botts, Boydon, Brady, Butler, Canby, Catheart, Chapman, Chase, Clapp, Beverly L. Clarke, Cocke, Collamer, Collins, Conger, Cranston, Crisfield, Crowell, Crozier, Cummins, Darling, Dickey, Dixon, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, French, Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Hale, Willard P. Hall, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henry, Hill, Hilliard, Elias B. Holmes, George S. Houston, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Jenkins, Andrew Johnson, John W. Jones, Kellogg, Kennon, Thomas B. King, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Lincoln, Maclay, McClelland, McClernand, McIlvaine, Marsh, Marvin, Miller, Morris, Mullin, Nelson, Newell, Outlaw, Palfrey, Peck, Pendleton, Pollock, Preston, Putnam, Reynolds, Robinson, Rockhill, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Tallmadge, Taylor, Thibodeaux, Thomas, Jacob Thompson, Richard W. Thompson, Tompkins, Toombs, Tuck, Turner, Van Dyke, Vinton, Warren, Wentworth, White, and Wilmot—132.

NAYS—Messrs. Bayly, Bocock, Bowdon, Bowlin, Brodhead, William G. Brown, Albert G. Brown, Burt, Franklin Clark, Williamson R. W. Cobb, Daniel, Faran, Featherston, Ficklin, Fries, Green, Hammons, Haralson, Harmanson, Harris, Henley, Inge, Charles J. Ingersoll, Iverson, Jameson, Robert W. Johnson, George W. Jones, Kaufman, La Sère, Ligon, Lord, Lumpkin, Lynde, McDowell, McKay, McLane, Job Mann, Meade, Nicoll, Peaslee, Petrie, Petit, Peyton, Pilsbury, Rhett, Richardson, Richey, Sawyer, Simpson, Sims, Smart, Robert Smith, Stanton, James Thompson, Robert A. Thompson, William Thompson, Thurston, Venable, Wallace, Wick, Wiley, Williams, and Woodward—63.

So the amendment was concurred in.

The other amendment was on agreeing with the Committee of the Whole in striking out that part of the 12th section which extends the ordinance of 1787 over the Oregon Territory, which is in the following words:

"That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and immunities granted and secured to the people of the territory of the United States northwest of the river Ohio, by the articles of compact contained in the ordinance for the government of said territory, on the thirteenth day of July, seventeen hundred and eighty-seven; [and shall be subject to all the conditions, and restrictions, and prohibitions in said articles of compact imposed upon the people of said territory,] and."

On agreeing to this amendment, the yeas and nays were taken, and resulted as follows:

YEAS—Messrs. Barringer, Bayly, Beale, Birdsall, Bocock, Botts, Bowdon, Bowlin, Boyd, Brodhead, Wm. G. Brown, Albert G. Brown, Burt, Cabell, Chapman, Chase, Beverly L. Clarke, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Crisfield, Crozier, Daniel, Garnett Duncan, Alexander Evans, Featherston, Ficklin, Flournoy, French, Fulton, Gayle, Gentry, Goggin, Green, Willard P. Hall, Haralson, Harmanson, Harris, Haskell, Hill, Hilliard, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Jameson, Andrew Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Kennon, Thomas Butler King, La Sère, Ligon, Lumpkin, McClernand, McDowell, McKay, McLane, Miller, Outlaw, Pendleton, Phelps, Pilsbury, Preston, Rhett, Richardson, Robinson, Roman, Sawyer, Shepperd, Simpson, Sims, Stanton, Stephens, Thibodeaux, Thomas, Jacob Thompson, Robert A. Thompson, Tompkins, Toombs, Venable, Wallace, Wick, and Woodward—88.

NAYS—Messrs. Abbott, Adams, Ashmun, Bingham, Blanchard, Brady, Butler, Canby, Cathcart, Franklin Clark, Collamer, Collins, Conger, Cranston, Crowell, Cummins, Darling, Dickey, Dickinson, Dixon, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Nathan Evans, Faran, Farrelly, Fisher, Freedley, Fries, Giddings, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Hammons, Jas. G. Hampton, Moses Hampton, Henley, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Jenkins, Kellogg, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Lincoln, Lord, Lynde, Maclay, McClelland, McIlvaine, Job Mann, Horace Mann, Marsh, Marvin, Morris, Mullin, Nelson, Newell, Nicoll, Palfrey, Peaslee, Peck, Petrie, Petit, Pollock, Putnam, Reynolds, Richey, Rockhill, Julius Rockwell, John A. Rockwell, Rose, Root, Rumsey, St. John, Schenck, Sherrill, Silvester, Slingerland, Smart, Caleb B. Smith, Robert Smith, Truman Smith, Starkweather, Andrew Stewart, Charles E. Stuart, Strohm, Tallmadge, Taylor, James Thompson, Richard W. Thompson, William Thompson, Thurston, Turner, Tuck, Van Dyke, Vinton, Warren, Wentworth, White, Wiley, Williams, and Wilmot—114.

So the House refused to concur with the committee in striking out.

The amendments having all been acted on—

The bill was ordered to be engrossed, and being engrossed, was read a third time, and, under the operation of the previous question, was passed by yeas and nays: Yeas 129, nays 71.

Mr. WENTWORTH moved to reconsider the last vote; which motion to reconsider was laid on the table.

ARMY APPROPRIATION BILL.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ASHMUN, of Massachusetts, in the chair.)

The committee, on motion of Mr. VINTON, proceeded to the consideration of the bill making appropriations for the support of the army for the year ending June 30, 1849.

Mr. VINTON said it was perhaps proper that he should state that the original army bill, which was reported some five or six months ago, and which was predicated upon the supposition of the continuance of the war through the present fiscal year, had, at a subsequent period, been recommitted to the Committee of Ways and Means. That was the bill that was, in fact, before the committee. He did not propose to ask that it should be read, but he sent up to the Chair the bill which the Committee of Ways and Means had reported as a substitute for that bill upon its recommitment. It was No. 618. He offered it as a substitute for the original bill, together with the following amendment, to come in after line twenty-one.

[The amendment was read, and appropriates $3,000,000 for the three months' extra pay granted by the act of the last month to the officers, musicians, and privates of the army.]

He would briefly state the grounds on which the new, or the substitute bill had been reported by the Committee of Ways and Means. After the resumption of peace with Mexico, the President of the United States, as will be recollected by all the members of the committee, had sent in a message to Congress, recommending that the peace establishment of the army should stand on the basis on which it was placed by the act of 13th

May, 1846; that was to say, that all the regiments of the regular army should be retained, with the complement of one hundred men to each company. The Secretary of War, after that message of the President, had sent to the Committee of Ways and Means estimates for the expenditures of the army during the current fiscal year, predicated on that basis. According to these estimates, the army of the United States, exclusive of the officers, would consist of 20,219 persons. That number embraced, as a matter of course, not only all the army proper, but all the employés—all the persons composing the army, or connected with the army. The aggregate of these estimates, sent in by the Secretary of War, upon the basis of one hundred men to each company, was $13,858,865 56. If the committee should decide upon the basis recommended by the President of the United States and the estimates sent in by the Secretary of War, the aggregate of this bill would be the sum he had mentioned, viz: $13,858,865 56.

Mr. SAWYER rose to a question of order, and made the point that the bill had not yet been read through, as the rules required, before either debate or amendment.

Mr. VINTON. That was waived by common consent.

The CHAIR decided that it was too late to make the objection.

Mr. VINTON continued. The Committee of Ways and Means had directed him to ask the Secretary of War to send in estimates to them predicated upon the basis of the army as it stood prior to the commencement of the war with Mexico, or, in other words, to send in estimates to the Committee of Ways and Means predicated on the establishment of the army, as it would have been if the act of May 13, 1846, was repealed. That, as a matter of course, would leave the army in this way; the act of 1842 reduced the artillery and infantry from sixty-four to forty in a company. That was the basis on which the army stood at the time of the declaration of war with Mexico. Since the declaration of war with Mexico, a regiment of mounted riflemen had been raised, of sixty-four men to a company, and also a company of engineers composed of one hundred men. That was the estimate on which this bill was predicated; and if the committee should be of opinion that that should be the basis of the peace establishment of the army, the army would then stand as it stood prior to the commencement of the war with Mexico, together with this additional regiment of mounted riflemen, and this company of engineers composed of one hundred men. The number of persons estimated for, including employés and all, was nine thousand eight hundred and ninety-one men of every description, exclusive of officers, who would then be in the employment of the Government; and the bill, as it now stood on that estimate as a basis, appropriated $10,595,076 56.

The Committee of Ways and Means had also directed him to ask the Secretary of War to send to them an estimate predicated on the supposition that the authority given to the President of the United States by the act of 13th May, 1846, to raise the companies to 100 men were repealed, leaving the companies at 64 men. It would be recollected, that by the act of 13th May, 1846, they had filled up what was the skeleton army upon the peace establishment, as determined by the act of 1842. The act of May, 1846, raised the companies of the regiments of artillery and infantry from 42 men each to not less than 64 or more than 100 men each—giving the President authority to fill up these companies to 100 men, but not to reduce them below 64 men in each company. The Committee of Ways and Means had directed him to call on the Secretary of War to send in to them an estimate predicated on the supposition that this discretion be taken away from the President of the United States, leaving the companies at 64 men in a company, as they would then stand under the act of 13th May, 1846. The Secretary of War had sent that estimate also to the Committee of Ways and Means. Under that estimate, if it should be adopted by this committee as the peace establishment, the number of persons in the employment of the army, or belonging to the army, exclusive of the officers, would be 13,158 men, and the amount of the estimates predicated on that basis was $11,325,531.

The details of all these estimates were before him. They were in such a shape, that if the committee should decide upon either basis, the blanks could be filled up in a very little time. As the bill now stood, it was filled up in all instances on the second basis he had mentioned; that was, of the peace establishment as it was prior to the war with Mexico, together with the additional regiment of mounted riflemen raised since, and the company of engineers of one hundred men. That would be the army of the United States if the bill stood in its present form.

Mr. DUNCAN, of Kentucky, inquired what was the difference in the estimated expense between the basis of 42 men and 64 men to the company?

Mr. VINTON replied that the estimate for 42 men to the company was $10,595,076; for 64 men to the company, $11,325,535.

Mr. DUNCAN said the difference, then, was about $800,000.

Mr. VINTON, (continuing.) And for 100 to each company, the estimate was $13,858,000.

Mr. BOYD said, before the war the number of each company was 42; they all understood, that during the war, the companies were increased to 64 each, and authority was given to the President to increase the number to 100 each. Did the bill provide that they should continue on the basis of 64?

Mr. VINTON had already been endeavoring to explain that point. This bill contained a clause repealing the act of the 13th May, 1846, the effect of which would be to reduce the army to the basis on which it stood before, under the act of 1842, viz: to 42 men in each company; so that the army would stand, in all respects, as it stood before the war with Mexico, excepting the addition of the regiment of mounted riflemen, and the company of engineers of 100 men.

Mr. BOYD. The bill reduces the companies from 64 to 42 men?

Mr. VINTON. Yes; that is the peace establishment of 1842.

Mr. GOTT said, by the act of 1842, we had fourteen regiments; two regiments of dragoons, fifty men in the company; four of artillery, and eight of infantry, forty-two in the company. By the act of 13th May, 1846, the President was authorized to increase the number of privates to one hundred in each company, and to reduce them to sixty-four when the exigencies of the service would permit. By the act of the 19th of May, the Oregon regiment of riflemen was raised. By the act of 1847, the provision of the act of the 13th May was made applicable to the Oregon regiment. By the act of 1847, also, there were added eight companies of artillery—two to each regiment. If the act of 13th of May was repealed, it would leave the army a little above 10,000 men.

Mr. VINTON accepted this explanation, and wished to add one word in reference to the manuscript amendment he had sent to the Clerk, and it was all he proposed to say. It had been his intention simply to state to the committee the several estimates which the Committee of Ways and Means had procured from the War Department, and what would be the military establishment if either of these bases was adopted, so that they would have the whole subject before them.

The amendment which had been sent up in manuscript, and which composed a part of the proposition before them, was a provision to pay the three months' extra pay provided by a law which Congress had passed on the 19th of last month. The Secretary of War had sent in the estimate of $3,000,000 as necessary to provide for the three months' extra pay thus authorized to the officers, musicians, and privates of the army. The Committee of Ways and Means had directed him, as a matter of course, to move that as an amendment to this bill. It must be provided for. And it should be remarked, that in all the estimates he had mentioned, this $3,000,000 was included; thus the estimate of $13,858,000 on the basis of the largest number of men, the estimate of $11,325,000 on the second basis, and the lower estimate of $10,595,000, each included this $3,000,000; so that the $10,595,000 included in this substitute reported not only provided for the support of the army of the United States for the current year, but provided for three months' extra pay. The actual expenses, then, of the army for the current year under the bill would be $7,595,000.

Mr. JOHNSON, of Tennessee, then addressed the committee. He first examined the veto power, which had engaged so much of the attention of the House, tracing it to its rise among the Romans, where it was employed for the protection of the people, until it was abused by those who succeeded to sovereign sway. He next glanced at its uses and abuses in Norway, and then under the English Crown; and showed that it was restored to its rightful purpose in this Republic, by whose Presidents it had been used only twenty-five times, though the enactments during that period have amounted to seven thousand. He then proceeded to the examination of another topic—the origin, progress, and consequences of the war with Mexico. He said the opposite party had contended that the annexation of Texas was the cause of the war, which they denounced as unnecessary, unconstitutional, unholy, and damnable. He then proceeded to show that the annexation of Texas was a Whig measure, for the annexation resolutions were those of Mr. Milton Brown, a Whig Representative from Tennessee, which received sufficient Whig votes to secure their adoption. He adduced documentary evidence to show that those resolutions were claimed by members of the Whig party, and therefore he argued they were answerable for the war and its consequences. He begged, however, that it might be distinctly understood that the Democratic party shrunk from no responsibility which rightfully belongs to them in this respect.

Mr. MARSH next obtained the floor, but gave way to a motion to rise. The committee accordingly rose and reported progress.

Mr. VINTON then submitted a resolution fixing twelve o'clock on Friday next for the termination of debate on the army bill; which, after some discussion, was agreed to.

The House then adjourned.

IN SENATE.

WEDNESDAY, *August* 2, 1848.

Mr. ATCHISON laid before the Senate resolutions of a meeting of volunteers from Mexico, asking such modification of the laws as will give them three months' full pay instead of pay proper; which were referred to the Committee on Military Affairs.

Mr. MANGUM presented a supplemental memorial from Charles Lee Jones, charging unconstitutionality on the part of the President in the appointment of Colonel Hughes to the command of the volunteers from the District of Columbia and Maryland; which was referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. HANNEGAN, from the Committee on Foreign Relations, reported the following House bills, without amendment:

An act for the relief of the legal representatives of Cornelius Manning.

An act for the relief of the legal representatives of Benjamin Hodges.

Also, from the same committee, a bill for the relief of Robert M. Harrison.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, made adverse reports on the following bills from the House:

An act for the relief of Eliza S. Roberts.

An act providing for the payment of arrearages of pension to Anthony Walton Bayard.

An act for the relief of Francis Hutinack.

An act for the relief of Aaron Tucker.

An act for the relief of Sarah Hildreth.

On motion of Mr. BELL, the prior orders were postponed, and the Senate proceeded to consider the bill for compensating Colonel Richard M. Johnson for the erection of the Choctaw academy. The bill was then read a third time and passed.

On motion of Mr. WESTCOTT, the Senate proceeded to consider the bill for the relief of Ward and Smith; which, after some discussion, was read a third time and passed, after some explanation from Mr. WESTCOTT, Mr. BENTON, and Mr. RUSK, in reply to questions from Mr. JOHNSON, of Maryland.

The claimants, it appears, are resident merchants in California, and had advanced money to our navy, while off the coast, and which was destitute of funds. The claimaints took drafts on the Navy Department, which they discounted at the current rates of exchange, which varied from 12½ to 25 per cent. discount. Money at that time was

scarce at the legal interest of 2 per cent. per month. The Navy Department allowed only the amount of the actual principal advanced in California, and the claimants came to Congress for reimbursement of the amount due them for what they lost by the unfavorable state of the exchanges.

Mr. JOHNSON, of Maryland, admitted the justice of the claim, but was desirous to know what excuse could be made for leaving our squadron without funds.

Mr. WESTCOTT replied that the funds deposited for the use of the navy had been diverted from that object, and loaned to Colonel Frémont and others, for the support of the land forces under their command.

On motion of Mr. WALKER, the prior orders were postponed, and the Senate proceeded to the consideration of the bill granting to the State of Wisconsin the military reservation at Fort Winnebago, in said State; which, after being explained by Mr. WALKER, was read a third time and passed.

On motion of Mr. YULEE, the Senate proceeded to consider the bill from the House placing the sailors and marines serving in Mexico on the same footing as officers and soldiers of the army; and the bill was then read a third time and passed.

CIVIL AND DIPLOMATIC BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending on the 30th of June, 1849.

The Senate proceeded to the consideration of various amendments offered, the most of which were adopted.

The following amendment was submitted by the chairman of the Committee on Finance:

For compensation and expenses of a commercial agent, to be selected and sent abroad by the President, to collect information respecting the commerce, productions, and statistics of Asia and Eastern Africa, $10,000.

Mr. HALE moved to insert after the words "Eastern Africa," "and all other parts of the world."

Mr. BENTON. Yes; "all other parts of the world."

Mr. HALE. I'll withdraw it.

Mr. BENTON then made some observations in opposition to the amendment, and went on to expose the manner in which the report of Mr. Aaron V. Palmer had been prepared, being gleaned from libraries, and picked up here and there. He had no idea of countenancing such things, pressed on members of Congress, as they were, in the most indecent manner, their authors following members, like ghosts or shadows, from the Capitol to their boarding-houses, and from their boarding-houses to the Capitol. This was about the extent of their journeys of exploration, and they were made, not for the purpose of throwing any light on the commercial condition of the world, but only to obtain their votes for an appropriation. He disliked this practice—to the existence of which every Senator could testify—of dogging members to and fro, meeting them at every corner, and soliciting their votes. Such men were to be seen daily about the chambers of the Capitol and the boarding-houses. But they never annoyed him. If they ever came once, they took care never to repeat the visit.

Mr. PHELPS expressed some astonishment that opposition should have come from that quarter. He reminded the Senator from Missouri of the generosity which had been displayed by the Senate in publishing books upon books, and maps, and tables, on the subject of California, and suggested, that if the same liberality had been exhibited with reference to all other countries, our information as to the condition of the whole world would be unparalleled by that of any other nation. He thought this was a valuable amendment, as commercial information concerning countries of which we have heretofore known nothing, could not fail to be most valuable to the mercantile world. He hoped the amendment would be adopted.

Mr. BENTON repelled with much warmth the institution of any comparison between the usefulness of the books of Mr. Frémont and the report of Mr. Palmer. Valuable as was the information contained in the collection of Colonel Frémont's books, he would rather they were burnt to-morrow than be compared with such a work.

Mr. PHELPS assured the Senator from Missouri that he was entirely mistaken; he had not instituted any such comparison, nor did he place in juxtaposition the relative merits of the two works. He had voted for the information of Colonel Frémont with great pleasure, knowing and feeling, as he did, that it was invaluable to the country; and in defending this amendment, he had simply spoken of the value of the information to be derived to the commerce and trade of the country.

Mr. BENTON received the explanation with the same kind feeling it was made.

The question was then taken on the adoption of the amendment, and decided as follows:

YEAS—Messrs. Atherton, Badger, Baldwin, Bell, Calhoun, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Fitzgerald, Greene, Hamlin, Houston, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Niles, Phelps, Sebastian, and Sturgeon—24.

NAYS—Messrs. Allen, Atchison, Benton, Borland, Bradbury, Breese, Bright, Butler, Clarke, Douglas, Downs, Felch, Hale, Hunter, King, Mason, Metcalfe, Miller, Spruance, Underwood, Upham, Walker, Westcott, and Yulee—24.

The amendment relating to striking out the proviso compelling the appointment of a captain in the navy to the Clothing and Subsistence Bureau, came up, and, after considerable debate, was so amended as to read, that, when a vacancy occurred, it should be filled up by the appointment of a purser of not less than ten years' service.

The question was then taken on striking out the proviso, as amended, and decided in the affirmative: Yeas 23, nays 21.

When the vote was announced—

Mr. JOHNSON, of Maryland, said that he had voted under a misapprehension, as did some other Senators; and he therefore moved to reconsider the vote.

The motion was agreed to.

The debate was briefly continued, when the vote was again taken on the proviso, and decided as follows:

YEAS—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Bright, Dix, Dodge, Downs, Felch, Fitzgerald, Hamlin, Hannegan, Houston, Hunter, Johnson of Georgia, Niles, Walker, and Westcott—19.

NAYS—Messrs. Atchison, Badger, Bell, Borland, Breese, Butler, Calhoun, Clarke, Clayton, Davis of Mississippi, Dayton, Dickinson, Foote, Greene, Hale, Johnson of Maryland, Johnson of Louisiana, King, Lewis, Mangum, Mason, Metcalfe, Miller, Phelps, Rusk, Sebastian, Spruance, Underwood, Upham, and Yulee—30.

The proposition to allow the Commissioner of Public Buildings to employ a clerk led to quite an animated discussion, in which Mr. YULEE, Mr. ATHERTON, Mr. NILES, Mr. MANGUM, Mr. UNDERWOOD, Mr. HALE, Mr. FOOTE, and Mr. HUNTER, took part.

A letter was sent to the Secretary to be read, by the chairman of the Committee of Finance. This letter was written by the Commissioner of Public Buildings, in which he proposed that the office of Public Gardener should be abolished, and offered to undertake the management of the public grounds, on the conditions and terms specified in his letter. The Committee on Finance, however, did not adopt the suggestion; and the debate principally related to the merits of the Commissioner of Public Buildings, and the efficiency of the present Public Gardener.

Mr. FOOTE and Mr. NILES characterized Dr. Douglas, the Commissioner, as an unsurpassed geologist, a profound scholar, a perfect architect, and an accomplished physician.

Mr. HALE pronounced Mr. Maher, the Public Gardener, to be the best officer about the Capitol, the Secretary excepted; and stated that to his skill and watchfulness and industry it was to be attributed that the Capitol grounds were not surpassed in beauty by any in the world. His works (said Mr. H.) praise him.

The question was taken on the amendment, and decided as follows:

YEAS—Messrs. Atkinson, Atherton, Baldwin, Benton, Butler, Dickinson, Dix, Dodge, Downs, Fitzgerald, Foote, Houston, Hunter, Lewis, Niles, Phelps, and Underwood—17.

NAYS—Messrs. Badger, Borland, Bradbury, Breese, Bright, Calhoun, Clayton, Davis of Massachusetts, Davis of Mississippi, Dayton, Felch, Hale, Hamlin, Hannegan, Johnson of Maryland, Johnson of Georgia, King, Mangum, Mason, Metcalfe, Miller, Rusk, Spruance, Turney, Walker, Westcott, and Yulee—27.

The question then came up on the amendment to purchase the bridges over the Eastern Branch, and make them free of toll.

Mr. JOHNSON, of Maryland, advocated the propriety of this measure as an act of justice to the people of this District and of Maryland, and read from certain statistical tables to show how great a preponderance there had been in favor of the Virginia over the Maryland side.

The proposition was then carried without a division.

The amendment relating to the settlement of the claim of the Spanish Government against the United States was passed over, at the suggestion of some of the Committee on Foreign Relations.

The next amendment was that to strike out the appropriation for the removal of obstructions in the Savannah river.

Mr. UNDERWOOD moved to amend the amendment, by inserting $50,000 for the improvement of the dam at Cumberland Island, in the Ohio river.

Mr. DIX gave notice of his desire, if that was sustained, to offer a similar amendment for the Hudson river, below Albany.

After some debate, the Senate adjourned without taking any question.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 3, 1848.

The Journal of yesterday was read and approved.

Mr. ROCKWELL, of Connecticut, moved to reconsider the vote by which the resolution was adopted to terminate debate on the army appropriation bill in Committee of the Whole on the state of the Union at twelve o'clock to-morrow, (Friday.) The reason for his motion was, that to-morrow was the only day on which private bills to which no objection was made, could be acted on. There were a number of Senate bills of this character on the Speaker's table; and in case the debate on the army bill continued till to-morrow, the result would be, that there would be no opportunity to act upon these bills this session. They were appropriation bills to pay some of our honest debts, and ought to have some portion of the time of the House. With the view, therefore, of closing the debate at two o'clock to-day, instead of wasting the time in making speeches which had no reference to the subject before the House, and that a little time might be spent in the consideration of private bills which had passed the Senate, and to which there was no objection, he moved that the resolution be reconsidered.

Mr. VENABLE moved to lay the motion to reconsider on the table.

Mr. ROCKWELL demanded the yeas and nays. He wanted to see who were in favor of defeating all private business.

The yeas and nays were ordered, and being taken, resulted—yeas 81, nays 59.

So the motion to reconsider was laid on the table.

Mr. GRINNELL called for the orders of the day—the call of the committees for reports.

REPORTS FROM COMMITTEES.

Mr. ROCKWELL, of Connecticut, from the Committee of Claims, to which was referred Senate bills for the relief of D. A. Watterson and for the relief of Charles M. Gibson, reported the same back to the House without amendment. Committed.

Mr. R. moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That on Tuesday next, no other business shall be in order but the consideration of Senate bills on the private calendar, and the bills to which there is no objection shall first be considered in the Committee of the Whole House.

Mr. COBB, of Georgia, raised the point of order that the Committee of Claims had no right to report such a resolution.

The SPEAKER replied, that this was a motion to suspend the rules, made by the gentleman from Connecticut on his own individual responsibility, and that during the last ten days of the session the motion to suspend was always in order.

Mr. COBB. Are we within the last ten days?

The SPEAKER. We are, unless Sundays are counted.

Mr. COBB. We count them when we draw our pay.

The SPEAKER. We do not in cases of motions to reconsider, which are more in point.

The question on suspending the rules was put and rejected.

On motion of Mr. FLOURNOY, the Committee of Claims was discharged from the petition of William B. Crews, and it was laid on the table.

Mr. GRINNELL, from the Committee on Com-

merce, to which were referred the amendments of the Senate to the bill to establish a collection district in the State of South Carolina, and for other purposes, reported the same back to the House, with the recommendation that the House concur therein.

The amendment was concurred in, and the bill therefore stands passed.

Mr. G. also, from the same committee, to which was referred Senate bill making appropriations for light-houses, light-boats, &c., and providing for the erection and establishment of the same, reported the same back to the House without amendment.

The bill was committed.

Mr. G. moved that the said bill be made the special order after the army appropriation bill shall have been disposed of. Lost.

Mr. G., from the same committee, reported a bill authorizing the issuing of a register to the barque Mary Theresa.

The bill was read three times, passed, and sent to the Senate for concurrence.

On motion of Mr. G., the Committee of the Whole was discharged from the consideration of the bill to authorize the Secretary of the Treasury to license yachts, and for other purposes.

The bill was then ordered to be engrossed, and, being engrossed, was read a third time, passed, and sent to the Senate for concurrence.

Mr. G. also, from the Committee on Commerce, reported a bill to regulate the pay of certain collectors of the customs, and for other purposes. Read and committed.

Mr. GREGORY, from the same committee, reported a bill for the relief of Elliot Smith and Nathan Farnsworth. Read and committed.

On motion of Mr. HAMPTON, of Pennsylvania, the Committee of the Whole was discharged from the consideration of the bill to refund a penalty remitted by the Secretary of the Treasury to John Hardorp.

The bill was then ordered to be engrossed, and, being engrossed, was read the third time, passed, and sent to the Senate for concurrence.

Mr. HUNT moved to discharge the Committee of the Whole from the consideration of the bill of the House for the allowance of drawback on wheat imported from the British North American provinces, when manufactured in the United States and exported to foreign countries.

The motion being objected to—

Mr. HUNT moved a suspension of the rules, to enable him to make the motion above indicated. Lost—two-thirds not voting in favor thereof.

On motion of Mr. DUNN, the Committee of the Whole was discharged from the consideration of the bill to grant the right of way through the public lands in Indiana and Illinois to the Ohio and Mississippi Railroad Company.

The bill being under consideration—

Mr. COBB, of Georgia, moved an amendment providing that the United States mails shall be transported over said road at the lowest compensation paid to other railroads for similar service.

Some discussion occurred, in which Messrs. COBB of Georgia, DUNN, and others, participated.

Mr. DUNN moved the previous question, which was seconded; and, under the operation thereof, the amendment was agreed to, and the bill was ordered to be engrossed; and, being engrossed, was read the third time and passed.

ARMY APPROPRIATION BILL.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ASHMUN, of Massachusetts, in the chair,) and resumed the consideration of the bill making appropriations for the support of the army for the year ending June 30, 1848.

A long debate ensued, embracing almost every political topic, which was continued till after midnight. The floor was first taken by—

Mr. MARSH, who entered into an examination of the condition of the Territories in relation to the existence of slavery, and showed the necessity of preventing its existence in the Territory of Oregon by the legislation of Congress.

Mr. WILMOT addressed the committee during his hour in general vindication of the principles of the proviso offered by him two years since. He traced its origin up to Thomas Jefferson and the ordinance of 1787, and took a comprehensive survey of the question as affecting the great interests of the new Territories and their inhabitants through all coming time. He professed himself a Democrat of "the most straitest sect," but denounced as a perversion of Democratic principles the attempt to incorporate slavery propagandism as one of them, and argued that slavery should be forever prohibited in Territories now free, in regard to the rights and interests of the inhabitants of those Territories, their children, and their children's children.

Mr. CROZIER addressed the committee in defence of the summary action of the House in rejecting the Senate's compromise bill; and in the course of his speech adduced sundry reasons why he had himself voted to lay the bill upon the table.

Mr. BIRDSALL then occupied some time in repelling certain insinuations which had been cast upon him by Mr. COLLINS and Mr. STARKWEATHER, in a former debate, which were mixed up with New York party politics and the existing struggle between the Old Hunkers and Barnburners in that State.

Mr. STARKWEATHER interposed several questions and explanations. And Mr. COLLINS, at a subsequent period of the debate, made a brief reply, having reference to the same local matters.

Mr. CATHCART went into a speech at large on general politics, in which he noticed a great variety of topics.

Mr. BAYLY addressed the House in exposition of his views upon the constitutional question of the respective powers of Congress and of the people of the Territories over the Territories, and incidentally in defence of the Territorial bill recently received from the Senate, and laid on the table of the House.

Mr. TALLMADGE, after a few remarks on the course of the debate and the waste of public time, went into an animated speech on the subject of internal improvements and Mr. Polk's veto on the harbor bill.

Mr. NEWELL then rose and delivered a prepared speech, relating mainly to the necessity of light-houses and surf-boats for security against the danger of navigating the coast of New Jersey.

Mr. BOYDON, of North Carolina, expressed his astonishment at the speeches which he had heard on this floor on the subject of the compromise bill, and he denied that some of his Democratic friends truly represented the State of North Carolina in relation to it. He held, that instead of bringing peace to the country, the compromise bill would only serve to continue the existing agitation.

Mr. MILLER got the floor, but yielded for a moment to—

Mr. COBB, of Alabama, who inquired of the Chair whether the proposition he held in his hand would be in order as an amendment to the bill under consideration? If it were in order, he would desire the indulgence of the committee to make a few remarks upon it. If it were not in order, he would not uselessly consume the time of the committee in discussing it. He would, by permission of the committee, read it. Mr. C. then read as follows:

Be it further enacted, That so much of "An act to amend An act to raise for a limited time an additional military force, and for other purposes," approved February 11, 1847, as provides that bounties of lands shall be located "in one body," containing not less than one hundred and sixty acres, be, and the same is hereby, repealed; and, hereafter, warrants for the said bounties may be issued for quantities containing not less than forty acres, at the option of the holders, and in conformity to the legal subdivisions of the public lands. *Provided, also*, That upon the return of any such warrant already issued, by the person to whom it was issued, it may be competent to re-issue to said person warrants, in the aggregate, for one hundred and sixty acres, and in quantities containing not less than forty acres.

The CHAIR decided that the amendment was not in order at this time.

Mr. MILLER then proceeded in his remarks, and went extensively into general politics and the Presidential election.

Mr. TAYLOR spoke at length on the various topics which have of late occupied so large a share of the public attention.

Mr. PECK commented on the uncourteous terms in which one department of this Government (the Executive) was frequently spoken of by gentlemen on this floor, and then examined the position of gentlemen of the South, that it was unjust to them to prohibit their going to the new Territories with their slaves. He denied that it was unjust. He reminded them that slavery existed by municipal laws, and quoted decisions of southern judges to show that a slave taken by his master voluntarily beyond the jurisdiction of the municipal laws of the State in which he lives, becomes a free man.

Mr. OUTLAW entered into an argument on the power of Congress over the Territories, and commented with severity on the acquisition of California and New Mexico, and on the war generally. In the course of his remarks, having referred to the design to create in Mexico the new republic of Sierra Madre—

Mr. RICHARDSON took occasion to repel an accusation made against General Shields, of having a participation in the design, and stated that the President had assured him the Government had no information on the subject, but that all such measures would be resisted by him.

Mr. JAMESON next took the floor, and made a speech on the subjects of the veto power, the Presidential election, slavery in the Territories, &c.

Mr. STEWART, of Pennsylvania, followed, in a speech on the extra allowances made to General Cass while he was Governor of Michigan Territory.

Mr. DANIEL then got the floor, and, on motion, the committee rose; and the House adjourned at a quarter past twelve o'clock.

PETITIONS, ETC.

The following memorials and petitions were presented under the rule and referred:

By Mr. JOHNSON, of Tennessee: The petition of Thos. Jackson and sundry other citizens of Greene and Hawkins counties, Tennessee, praying the establishment of a post route from Bay Mount, in Greene county, to Rogersville, Hawkins county.

By Mr. POLLOCK: The petition of E. A. Kelly and seventy-six others, citizens of Pennsylvania, praying for the purchase of Mount Vernon by the General Government.

By Mr. KING, of Massachusetts: The memorial of Henry Edwards and others, officers of the Boston Seamen's Friend Society, against the sale and removal of the Chelsea Marine Hospital.

By Mr. HOLMES, of South Carolina: The supplemental memorial of Charles Lee Jones, in reply to the counter-memorial from Jalapa, in Mexico, under the signature of certain of the volunteers then in garrison, in relation to Captain G. W. Hughes, then exercising the command of a colonel.

IN SENATE.

THURSDAY, *August* 3, 1848.

A message was received from the President of the United States, covering a communication from the War Department, transmitting copies of the proceedings of the court martial in the case of General Pillow.

On motion of Mr. JOHNSON, three thousand additional copies were ordered to be printed.

The amendments of the House to the joint resolution of the Senate authorizing the proper accounting officers of the treasury to make a just and fair settlement of the claims of the Cherokee nation of Indians according to the principles established by the treaty of August, 1846, were read, and, on motion of Mr. BELL, the amendments were concurred in.

The House bill to change the place of holding the district court of the United States for the middle district of Alabama and for other purposes, was read a first and second time by its title; when—

Messrs. LEWIS and KING urged upon the Senate the necessity of the immediate passage of the bill.

And the usual forms were dispensed with, and the bill read a third time and passed.

Mr. DOUGLAS presented a petition from J. Quin Thornton, asking to be reimbursed for expenses incurred in defending Oregon against Indian incursions; which was referred to the Committee on Military Affairs.

Mr. SEBASTIAN presented a petition from citizens of Arkansas and Louisiana, for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEBASTIAN, from the Committee on Private Land Claims, made a report asking that the committee be discharged from the further consideration of the petition of citizens of Missouri relative to preemption rights.

Mr. YULEE, from the Select Committee to whom was referred the subject of a retired list for the army and navy, reported the bill to promote the efficiency of a military and naval establishment.

On motion of Mr. LEWIS,

Resolved, That the Secretary of War furnish to the Senate, as soon as practicable, the originals or copies of the maps of the valley of Mexico from the surveys of Lieutenants Smith and Hardcastle, of the topographical engineers; and also of the survey of the route from Vera Cruz to the city of Mexico, by Lieutenant Hardcastle, and the reports of said officers accompanying the same.

OREGON.

The bill received from the House of Representatives to establish a Territorial Government in Oregon, was read a first and second time; when

Mr. CLAYTON rose, and referred to the fact that a bill for the establishment of Territorial Governments in Oregon, California, and New Mexico, had passed the Senate, and was sent to the House for concurrence. Of the fate of that bill, no official communication has yet been made to the Senate. But we have now a bill from the House for the establishment of a Territorial Government in Oregon. Public rumor informs us that the Senate bill to which he had referred, was at once, and without even the courtesy of a reading, laid on the table; so that, by the rules of the House, it cannot be taken up again without a vote of two-thirds in its favor. Now, as to this bill just received, he was disposed to treat it with proper respect, and to vote for its reference to the appropriate committee.

He had desired to make some remarks on the bill which went from the Senate, because the character of the bill, and the course of the Select Committee, seemed to be greatly misunderstood. On the one side, it was asserted that the North had lost all her rights; while on the other, it was contended, with as much boldness, that the South had given up its rights. If both the North and South have lost their rights, who has got them? He went into a view of the bill, as the best answer he could give to these contradictory complaints; and stated, that it was the best measure that could have been suggested for the settlement of this dangerous and difficult question. He was sure that it secured the right of appeal, and that, in referring it to the Supreme Court, it adopted the very best course, because the people, being law-abiding, would submit to the decision of that court, which occupied the highest place in their confidence.

In the committee, the South had offered a number of propositions, all of which were rejected. The South then called on the North to propose something; but the North declined to offer any. It was then, by a lucky accident, that the principle of the compromise bill suggested itself, and that bill was prepared and reported. No sooner was it reported, than it began to provoke opposition from every quarter. The bill had been called a cowardly bill—a dodging, evasive measure. He had foretold that no bill which could be reported would abate the agitation throughout the country. But he would ask the North, What have you done? The members of the committee favorable to the bill had assumed the responsibility of offering a bill to the Senate. Is any one else ready to assume any responsibility? It appeared not. The bill had been assailed from every quarter, but no one had the courage to present any counter-proposition.

He then proceeded to reply, in detail, to the attacks made on the bill by various Senators, charging on the Senator from New York [Mr. DIX] that his argument against the bill was controverted by the fact that he had given a casting vote for the annexation of Texas. He thought it impossible to settle this question on any geographical line. He did not believe that members would come back here next session in better temper, and more disposed to settle the question. He believed that the country was getting into an alarming condition. But he would not cease to hope. Although he stood, like the man in the almanac, pierced through with a thousand arrows, he would never cease in his endeavors to bring this question to a settlement. He might fail now; but he would renew his efforts hereafter. He would rely on the constitutional mode of settling the question by the Supreme Court. In this dark and gloomy hour, that was the dial-plate which glittered through, and which he trusted would guide us to a safe and harmonious result. He moved to refer the bill to the Committee on Territories.

Mr. DOWNS said, that he had suggested a division of the Territory of Oregon into two Governments, the one embracing that part below thirty-six degrees, and the other above. He would now give notice of his intention to move an amendment, which he sent to the chair, and which he asked to have printed, embracing the principle of the Missouri compromise.

Mr. BADGER rose to address the Senate.

Mr. KING said, there was no question before the Senate.

Mr. DICKINSON. The question of reference is not debatable.

Mr. YULEE. If the Senator from North Carolina will give way, I will make a motion to permit him to proceed.

Mr. FOOTE hoped no friend of the compromise would interpose an objection to the freest discussion. He insisted that the Senator from North Carolina should proceed, as the Senator from Delaware had been permitted to do.

Mr. BADGER said he desired no permission. He would, for the sake of having an opportunity to say a few words, move that the bill be indefinitely postponed. He then gave, briefly, some of the reasons which had brought him to the conclusion that the bill had surrendered the rights of the South.

Mr. CLAYTON made a few remarks in reply.

Mr. BADGER withdrew his motion to postpone.

The CHAIR decided that the Senator had no right to withdraw his motion, without the consent of the Senate.

Mr. BADGER appealed from the decision of the Chair.

The appeal was laid on the table.

Mr. PHELPS expressed a hope that the bill would be referred to a proper committee. He desired a free discussion, until the country should wake up and understand the merits of the bill. He was prepared to meet the responsibility of the position he had assumed; he was willing to meet his constituents and to defend his course, and he had no apprehensions about the result. He was deeply indebted to his friend from North Carolina, [Mr. BADGER,] who had completely vindicated his (Mr. P.'s) course, when he said that the bill surrendered all the rights of the South. In that case, (said Mr. P.,) I can no longer be charged with surrendering the rights of the North. He desired the bill to go to a committee, to look into this and other statements which had been made here and elsewhere. He had hoped he had sufficiently explained his course, but it was not so: every breeze from the North assailed him and the bill.

The committee who had charge of the bill were sent there to perform certain duties. These duties were not to go to fisticuffs in the committee-room for sectional objects. He had a duty to his country to perform, and not a mere duty to a section. If any objected to the bill, let them submit such proposition as in their judgment would extricate us from the embarrassment in which we are placed.

Mr. MANGUM moved that the Senator from North Carolina have leave to withdraw his motion for indefinite postponement.

Mr. BADGER said he did not wish for leave.

Mr. MANGUM withdrew the motion.

The question was then taken, by yeas and nays, on the motion of indefinite postponement, and decided as follows:

YEA—Mr. Yulee—1.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Baldwin, Bell, Benton, Borland, Bradbury, Bright, Butler, Clarke, Clayton, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Downs, Felch, Fitzgerald, Foote, Greene, Hale, Hamlin, Houston, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Miller, Niles, Pearce, Phelps, Sebastian, Spruance, Sturgeon, Turney, Upham, Walker, and Westcott—47.

Mr. FOOTE, when his name was called, stated, by permission of the Senate, that he should vote in the negative, not because he intended to commit himself in support of the bill, (for he knew nothing of its character,) but simply because he was of opinion that every bill from the House of Representatives ought to be received and treated with due consideration and respect.

The bill was then referred to the Committee on Territories.

CIVIL AND DIPLOMATIC BILL.

On motion of Mr. ATHERTON the Senate proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending on the 30th of June, 1849.

The Senate then proceeded to the consideration of those amendments of the Committee on Finance not yet acted on.

The first amendment was that relating to striking out the appropriation of $50,000 for the removal of the obstruction in the harbor at Savannah river.

Mr. JOHNSON, of Maryland, moved to amend the amendment by inserting, after the word 'river,' 'caused by sinking vessels during the revolutionary war.'

This led to a brief debate; when the question was taken by yeas and nays, and decided in the negative, as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Clarke, Clayton, Corwin, Davis of Massachusetts, Dayton, Downs, Greene, Johnson of Maryland, Johnson of Louisiana, Metcalfe, Miller, Phelps, Spruance, Upham, and Westcott—18.

NAYS—Messrs. Allen, Atchison, Atherton, Benton, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Davis of Mississippi, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Foote, Hamlin, Hannegan, Houston, Hunter, King, Lewis, Mangum, Mason, Niles, Rusk, Sturgeon, Turney, Walker, and Yulee—31.

After a brief debate, the question was taken on agreeing with the committee to strike out the appropriation, and decided in the affirmative by the following vote:

YEAS—Messrs. Allen, Atchison, Atherton, Benton, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Davis of Mississippi, Dickinson, Dix, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Hamlin, Hannegan, Houston, Hunter, Johnson of Georgia, King, Lewis, Mason, Niles, Phelps, Rusk, Sebastian, Sturgeon, Turney, Walker, and Westcott—35.

NAYS—Messrs. Badger, Baldwin, Bell, Clarke, Corwin, Davis of Massachusetts, Dayton, Greene, Johnson of Maryland, Johnson of Louisiana, Metcalfe, Miller, Pearce, Spruance, and Upham—15.

The next amendment taken up was for the insertion of an appropriation of $50,000 for the extinguishment of the claims of the Spanish Government against the United States; when—

Mr. BALDWIN rose and addressed the Senate at great length, characterizing the claims not only as preposterous, but as absolutely offensive to the Government.

Mr. JOHNSON, of Maryland, followed at some length against the amendment.

Messrs. BADGER and BUTLER sustained the amendment, and Mr. HALE spoke against it.

And the question was taken on its adoption, and decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Atherton, Badger, Bell, Butler, Davis of Mississippi, Dayton, Dickinson, Dodge, Downs, Foote, Hannegan, Hunter, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Pearce, Sebastian, Turney, Westcott, and Yulee—24.

NAYS—Messrs. Baldwin, Berrien, Bright, Clarke, Clayton, Corwin, Davis of Massachusetts, Dix, Greene, Hale, Hamlin, Houston, Johnson of Maryland, Metcalfe, Miller, Niles, Rusk, Spruance, Underwood, Upham, and Walker—21.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 4, 1848.

The Journal of yesterday having been read—

Mr. GRINNELL rose to move a correction. It was stated on the Journal that Mr. GRINNELL, from the Committee on Commerce, to which was referred the Senate bill making appropriations for light-houses, light-boats, &c., reported the same back to the House without amendment. The entry on the Journal was incorrect; the bill was reported back to the House with sundry amendments. The Journal was corrected accordingly, and was approved.

Mr. FRENCH moved a suspension of the rules to enable him to move that the Senate bill to compensate Colonel R. M. Johnson for the use of the Choctaw Indian Academy, lying on the Speaker's table, be taken up, and referred to the Committee on Indian Affairs: Ayes 24, noes 42. No quorum voting—

Mr. CHASE moved that there be a call of the House. Disagreed to: Ayes 14, noes 104.

The question was again put on Mr. FRENCH's motion, and there were: Ayes 73, noes 63. Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. ROCKWELL, of Connecticut, moved that the House resolve itself into Committee of the Whole on the private calendar. Rejected.

ARMY APPROPRIATION BILL.

On motion of Mr. HOLMES, of New York, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ASHMUN, of Massachusetts, in the chair,) and resumed the consid-

eration of the bill making appropriations for the support of the army for the year ending the 30th June, 1849.

Mr. DANIEL, who had the floor from the midnight adjournment yesterday, then proceeded to address the committee on the general topics which have been the subjects of discussion for some time past. [This speech will be found in the Appendix.]

Mr. BOTTS, chairman of the Military Committee, then brought the House back to the business before it. He said, that having but about forty minutes of the time left him in which the debate must close, he could not go at any length into the subject which the House might perhaps remember was properly before it, viz: the consideration of the army appropriation bill. Some day next week, perhaps, if he should succeed in obtaining the floor, he might make a speech on general politics, and have an opportunity of defining his position, if, indeed, it required any definition, which he could hardly suppose, as he stood to-day just where he had stood for the last twenty years.

As chairman of the Military Committee, he would now endeavor to state the circumstances under which the military bill had been reported to the House, and the attitude of the Military Committee in regard to it. It would, he supposed, have been naturally expected, that the committee to whom was assigned the official charge of the military affairs which would require the action of the House, should have made their own estimates for the number of the army, and would have recommended such an establishment as they thought it was proper and judicious for the country to retain in time of peace. The reason it had not been done was, that the House had recently received information from the Executive of the conclusion of a treaty of peace with Mexico, and since then he supposed the department had had no opportunity to prepare and furnish the necessary estimates to the committee. Some two or three weeks since, a member of the committee had introduced a resolution of inquiry, asking from the President certain information which was required by the committee to enable them to discharge their duty in this matter, and it had been but two days ago that the answer had been received. It had been read and ordered to be printed, but it had not yet been laid on the tables of members. This morning, however, Mr. B. had by some industry succeeded in obtaining a printed copy of a part of the documents accompanying the President's message, and has given them some examination.

And here Mr. B. must be permitted to remark, with all due respect for the Committee of Ways and Means, that, in his opinion, that committee had somewhat transcended its proper sphere, and had taken the appropriate business of the Committee on Military Affairs out of its hands, by proposing to this House what should constitute a military peace establishment for the country. Mr. B. had at one time felt disposed to move that the Military Committee be discharged from all further consideration of the business referred to it, or that the honorable chairman of the Committee of Ways and Means should be complimented with a pair of epaulets. [A laugh.] He was certainly entitled to a brevet.

The Secretary of War had furnished to the Committee of Ways and Means his estimates for the year on the basis of one hundred men to a company. The committee had called on him for a further estimate on the basis of sixty-four men to a company; and also for a third on the basis of forty-two men to a company; and, having obtained these several estimates, the chairman, without waiting to ascertain what were the views of the military committee, came into the House and presented a bill founded on the hypothesis of forty-two privates to a company.

Mr. B. here went into statistics as to the number of regiments in the different branches of the army, and then went on to say that if the House should adopt the bill from the Committee of Ways and Means, and authorize an army with no more than forty-two men to a company, we should have, with our vastly-extended frontier, reaching from the Rio Grande and including the new Territories of New Mexico and California, an army consisting of but six thousand six hundred and thirty-six privates; and this while the Secretary of War in his report expressly stated that not less than five thousand men would be required for the new Territories and the frontier alone, leaving but one thousand six hundred and thirty-six for the whole of the United States proper.

[Mr. B. here read extracts from the Secretary's letter.]

The military committee had taken this letter into consideration, and had directed Mr. B. to offer an amendment to the last section of the bill reported from the Committee of Ways and Means, fixing the standing army of the country at ten thousand, exclusive of officers and *employés*. He was instructed also to propose that the committee strike out the estimates founded on the basis of forty-two men to a company, and substitute those for sixty-four men to a company, which would give us an army of about ten thousand privates.

If he could get the assent of the chairman of the Committee of Ways and Means, he should propose that, in considering the bill, the committee should adopt a course different from that usually pursued, and take up first in order the last section of the bill, that it might decide, in the first place, what the total number of the army should be, and then shape the rest of its legislation accordingly.

Mr. B. proceeded to state, that by the law of May, 1846, the companies were to consist of sixty-four men each, the President being empowered, if he thought fit, to raise them to one hundred men each. By the law, then, as it now stood, the army would be placed on a basis of sixty-four men to a company. If the plan of the Committee of Ways and Means should be adopted, this law must of course be repealed, and accordingly that repeal constituted the last section of their bill.

That the House might act understandingly in the matter, it would be proper first to decide whether it would have a peace establishment of 6,000 men only, or one of 10,000; if the House decided to adopt the former, then he need not propose any amendment to the bill; but if it should repeal this, then he would offer an amendment, which he sent to the Clerk's table to be read for information.

Mr. VINTON inquired whether he correctly understood the honorable gentleman to say, that with companies numbering forty-two privates, the army would amount to but 6,000 men?

Mr. BOTTS. It will amount to 6,636 men.

Mr. VINTON said he would send to the Clerk's table the estimate furnished by the War Department, showing the actual number of men that the army would contain on that basis.

The estimate was read, and it stated the number at 9,801.

Mr. BOTTS said this difference was easily explained. His own estimate embraced only the fighting men: while that of the Department covered all persons employed, of every description, blacksmiths, artificers, sutlers, &c.

Mr. HALL, of New York, inquired of Mr. BOTTS how he made out his number of privates?

Mr. BOTTS stated that he estimated in 15 regiments 48 companies; and 48 multiplied by 42 men for each company, gave 2,016. Eleven other regiments, with 110 companies, made 4,620 men: add the two together, and it amounted (by his arithmetic) to 6,636.

Mr. HALL inquired whether Mr. B. included the regiments for Oregon? And he then went into details, and sundry explanations took place between him and Mr. B.

Mr. BOTTS went on to say that the question would come up in the first place as to the total strength of the army. The Military Committee thought that 10,000 was as low a number as propriety would permit, and if the sum appropriated in the committee's bill was sufficient for the support of that number, then there was no longer any faith in estimates. According to the estimates furnished by the War Department, it would be very far from enough.

Mr. VINTON here explained. The estimates furnished to the Committee of Ways and Means by the Secretary of War made the sum required for an army with 100 men to a company, including the three months' extra pay voted by the House, $13,858,000; with sixty-four men to a company, $11,325,000; and with forty-two men, $10,955,000.

Mr. BOTTS here read again the amendment he proposed offering. He said that the object of the existing law in empowering the President to raise the number of a company to 100 men, if in his judgment the exigencies of the service should require it, was to meet the case when more men were required in some portions of the country than were necessary in other places. Mr. B. confessed that his own personal views differed from those of some other members of the Military Committee. He should himself have preferred having 64 men to a company, and leaving the President the discretionary power to increase them to 100.

Mr. COBB, of Alabama, here obtained the floor, (among many competitors,) and commenced by complaining of his hard fate in not having obtained the floor, though he had so often endeavored to catch the eye of the Speaker. (He regretted that that honorable gentleman was not now present, before whom he had made so many efforts without success.) He assured the Chairman, and could have assured the Speaker, too, that his object had been to speak, in good faith, to the subject properly before the House, and not to go off, as had too often been done, on matters entirely foreign to it. He had now only ten minutes left, in which to tell the House and the country why the business committed to his charge had not been done. Neither the Speaker nor the Chairman needed to have been so much afraid of giving him the floor, lest he should speak on the politics of the country; they need not have been so much afraid that he was going to demolish the Whigs entirely, [laughter,] as that there would not be as much of them left as was found where the Kilkenny cats had been fighting. Not at all; he left that business to his constituents, who would no doubt give a good account of them in November. They had not sent him here to do that; they were well able to do it all themselves, and they would do it well. He only asked the Whigs to look at the election returns from Alabama; there was no need that he should consume an hour every day in the week to attack the Whig brethren; and he had no desire on this occasion to wound their feelings. [Much merriment on both sides.] He had attempted to get the floor no less than seventy-two times. He had papers in his possession which he had been very anxious to get an opportunity to present; he had been ready and waiting; the blame did not lie at his door. (He wished the honorable Speaker was within the sound of his voice.) He wanted to offer an amendment to this bill allowing the soldiers to locate their land warrants in forty-acre tracts, instead of entering 160 acres in one body. He was very sure he need only bring the question before the House, and they would make this little alteration. He did not complain of any illiberality in the House toward the soldiers; not at all; the House had shown a disposition to be very kind to them: but this little matter for which he asked was the last reward they would have an opportunity to bestow on many of them. It would be a great benefit to the soldier. He wanted that he should have the liberty of locating his warrant in forty-acre tracts. [A voice, "Where?"] Anywhere in the United States. [A laugh.]

Mr. C. stated the present value of soldiers' warrants in Alabama, and went on to show how great a benefit the United States would gain by complying with his request; since thereby they would have a large amount of their poor land taken up, which otherwise would never be sold. There ought to be restrictions, to be sure; but it would be a great benefit as well to the Government as to the soldier.

He presumed there was no need of his pronouncing any eulogies on the soldier; that had been already done. Who had not heard of the brilliant and glorious victories of Palo Alto and Resaca de la Palma? Why need he refer to the glorious field of Buena Vista, or the conquest of Monterey? These, and many more, were all fresh in the minds of every member of the House. They were appreciated, fully appreciated; and he was persuaded the House was willing and eager to do everything for the soldier that could testify its gratitude. He had heard it charged here that the army had shrunk from the British lion. [Voices: "Not the army; the President."] Well, it had been asserted here that James K. Polk had shrunk from meeting the British lion. Let him tell gentlemen who had made such a disgraceful insinuation, that it was not the case. So we had been told that if we dared to annex Texas, the British lion would interpose. But he would take the liberty to tell gentlemen that neither James K. Polk nor the American army ever had trembled before the British lion, or ever

would. After a few remarks, which the reporter did not hear with sufficient exactness to attempt to report, Mr. C. added: Nor need he say to that committee what had been the effect of these immortal triumphs of the American arms. Not only were they viewed with the utmost gratitude and pride by our own countrymen; they had commanded the admiration of foreign nations. They had erected a monument to the American name more enduring than the everlasting hills: the world, the world was lost in wonder, when they contemplated what had been opposed to us, and with what means we had triumphed over it.

Mr. C. said much more, which the reporter was unable to follow. The speech produced a great sensation in the House; insomuch that when the hour allotted for debate arrested Mr. C., there was a universal cry of "Go on! go on!" "Leave! leave!" mixed with shouts of merriment. The general debate having now been brought to a close—

Mr VINTON availed himself of the privilege of the rule, as chairman of the Committee of Ways and Means, to close the debate. It had not been his intention to say anything, in addition to the statement he had made when the bill was first taken up, of the facts on which the bill was based, and of the estimates sent in by the Secretary of War to the Committee of Ways and Means; nor should he now deem it necessary to say anything, had not the gentleman from Virginia, the chairman of the Committee on Military Affairs, [Mr. BOTTS,] felt it his duty to arraign the Committee of Ways and Means for having presented this bill to the House, and had not the gentleman claimed that the Committee of Ways and Means had infringed upon his jurisdiction. Now, he was very sure that the Committee of Ways and Means had enough to do in attending to their own appropriate business, not to feel any disposition whatever to infringe upon the appropriate duties of the honorable gentleman from Virginia. But, if any apology was necessary for what the Committee of Ways and Means had done, he did think that a bare allusion to the circumstances under which this bill had been reported, would satisfy every man that they had at least done no more than their duty. What were the facts? Sometime early in the session the Committee of Ways and Means had reported a bill predicated upon the war estimates. That bill, as a matter of course, had been superseded by the return of peace, and was necessarily recommitted to the Committee of Ways and Means to await the new estimates predicated upon the new condition of the country.

On the 12th of June this House, by a very large vote, had passed a resolution proposing to adjourn on the 17th of July last. It was not until the 29th of June that the Secretary of War had sent estimates to the Committee of Ways and Means, predicated upon what that department recommended as the appropriations which should be made for the current fiscal year. These estimates had not come into his hands until the first of July, seventeen days only before the time on which the House had proposed to adjourn. In the mean time, they had heard nothing from the Committee on Military Affairs. The Committee of Ways and Means had directed him to ask the Secretary of War for additional estimates—for estimates based on the supposition that the army was composed of sixty-four men to the company, instead of one hundred to the company, and also upon the supposition that the army was returned back to the condition in which it was at the commencement of the Mexican war. These estimates were forwarded to the Committee of Ways and Means; but they were not sent to that committee so that the bill could be reported to the House until, he thought, the 17th of last July, the very day on which the House had proposed to adjourn. As yet they had heard nothing from the Committee on Military Affairs.

When the bill had been reported on the 17th of July, he had endeavored to get a special order for it, so that it would come up before the Oregon bill; but it had been the pleasure of the House to postpone it till after the Oregon bill, and, notwithstanding his repeated efforts to take up the bill, it was not until the 2d of August that he had been enabled to get it up at all. And yet the Committee on Military Affairs had presented nothing to the House, had reported nothing, and they had now little more than one week from this time to the adjournment. He now appealed to the chairman of the Committee on Military Affairs, what would he have said, or what would the country have said, if the Committee of Ways and Means had lain all this time without ever reporting the army bill, the gravest, the most important, the most difficult of all the appropriation bills, except the civil and diplomatic appropriation bill?

Mr. BOTTS said the Military Committee, or the chairman of the Military Committee, were not at all responsible for any decision of the two Houses of Congress upon the adjournment. They had had no estimates before them—no data on which they could found calculations as to the peace establishment. The report was sent in day before yesterday; the gentleman's bill had been upon the table for some time; the gentleman had been pressing its consideration, and he (Mr. B.) had been obliged to ask the House to stave it off till they could get some information from the War Department. That information, as he had before said, had only been received day before yesterday, and even now it had not been printed, and the only information which they had to act upon was that which they could get from the Committee of Ways and Means.

Mr. VINTON. Did the Committee on Military Affairs call on the Secretary of War for this report?

Mr. BOTTS. Most unquestionably we called upon the President for the report; that report was received day before yesterday, and was now in the hands of the printer, and had not now been laid before the Committee of Ways and Means, the Committee on Military Affairs, or this House.

Mr. VINTON. When did you call upon the Secretary of War?

Mr. BOTTS. More than two weeks ago.

Mr. VINTON. Two weeks ago!

Mr. BOTTS. When did we have the proclamation of peace? We could not do it before.

Mr. VINTON continued. We had the proclamation of peace about the last of June, he believed. Now, it was true that the Committee on Military Affairs were not responsible for this House having fixed the day of adjournment when they had, but he believed they were just as responsible as the Committee of Ways and Means were. They were no more nor no less responsible.

Mr. HARALSON said the President's message communicating the news of peace also communicated certain important information on the subject they were now discussing. There had been a call made on the Secretary of War on the 26th of June, he believed, for information as to what number now constituted the army, and what would be the number of its officers when at the maximum authorized by law. That communication, like the message, had laid upon the Speaker's table until within a few days, when it had been referred to the Committee of Ways and Means. It had not, therefore, been possible for the Committee on Military Affairs, with this communication lying on the Speaker's table, to have taken any authoritative action, for they had not the information on which to proceed.

A conversation here occurred between Messrs. HARALSON and TOOMBS as to the basis of the number of privates in each company which this bill proposed to establish; the former gentleman reading the law of the 13th May, 1846, which authorizes the President to increase the number to one hundred men in each company, to be reduced to sixty-four whenever the exigencies of the service permit, and expressing his understanding that the bill, if passed, would leave the number at sixty-four; and the latter gentleman stating that the bill expressly proposed to repeal the law of 1846, thereby reviving the law of 1842, which fixed the number of men in each company at forty-two, under the peace establishment.

Mr. VINTON continued. The law which the gentleman from Georgia had read was not the law which provided the peace establishment; it was a war bill. The number proposed under this bill was precisely that fixed by the law of 1842, which fixed the peace establishment, and which gave forty-two men to each company. That was intended to be a skeleton army, which might be filled up, enlarged, whenever a state of war arose. Well, a state of war had arisen, and the act of 13th May, 1846, had undertaken to enlarge this army by filling up this skeleton to one hundred in each company, at the discretion of the President, and not below sixty-four. Now, at the return of peace, the proposition was to return to our peace establishment, to reduce the army back to where it was prior to the Mexican war; and the law which the gentleman from Georgia called the peace establishment was what he (Mr. V.) called the war bill, and which changed the peace establishment. It was true, he ought not to throw his loose opinions in the way of the weighty ones of the chairman of the Committee on Military Affairs and those who had the appropriate charge of matters of this kind.

But to come back from this digression to what he was stating. Now, when they had but little more than a week to the close of the session of Congress, no proposition having come from the Committee on Military Affairs, the Committee of Ways and Means are arraigned before this House because they have reported a bill which, while it furnished the appropriations that were necessary for the support of the army, provided for the decrease of the army to a peace establishment. The gentleman from Virginia had said, what was undoubtedly true, that the Committee on Military Affairs had called two weeks ago upon the Secretary of War for a report. Well, the Committee of Ways and Means had called a month ago; and if the gentleman had been as diligent as the Committee of Ways and Means had been, he would have got the report before now. The Committee of Ways and Means had got three different estimates; on the 1st of July they had got this bill reported. He suspected the Committee on Military Affairs had not even asked any questions of the War Department until this last bill had been reported. That was all he had to say. If the Committee of Ways and Means had waited for the Committee on Military Affairs to make their inquiries at the War Department, in the first place, then to agree upon and report a bill for the regulation of the peace establishment, and then get it through this House, that they might predicate their appropriation bill upon it, he thought at this late hour of the session there would have been great danger that the time they had fixed for adjournment would have come before they had done anything towards making the necessary appropriations for the support of the army for the current year; and how would the Committee of Ways and Means have been able to vindicate themselves before the House and the country for running such hazard?

Mr. GENTRY said it seemed to him unfortunate, without intending to cast blame upon anybody, that the Committee on Military Affairs had not reported a bill to determine what should be the peace establishment of the United States, now that the war was terminated. The chairman of the Committee of Ways and Means had reported the appropriation bill for the support of the army for the ensuing year. It seemed to him (Mr. G.) that a preliminary question should be disposed of before they proceeded to the details of that bill. He desired to inquire of the gentleman how it was that it was proposed to test the sense of this House as to what should be the peace establishment of the country? It seemed to him that they ought, by resolution or in some specific form, to test the sense of the House as to what should be the peace establishment, before they went into the details of the appropriation bill; then those would follow, as a matter of course.

Now, he doubted very much for himself, and it was a grave, a very grave and serious question, whether the old peace establishment was competent for the present time. We had acquired a large territory; we had bound ourselves by treaty stipulations to protect the Mexicans from the incursions of the Indian tribes who lived upon those territories; we were about to extend our laws to Oregon; there were Indians there, and we would need a brigade of men in each of these Territories. Now, would there be enough in the old peace establishment for the present condition of the country?

Mr. VINTON, in reply to the gentleman from Tennessee, would say, that when they came to the items of the bill for pay and subsistence, they could fix the amount according as they determined whether we should have forty-two, sixty-four, or one hundred men to each company. There was no difficulty at all; it was all imaginary. As he had stated the other day, supposing that the House might probably entertain a different opinion from the Committee of Ways and Means, the committee had taken the precaution to procure three dif-

ferent sets of estimates—one predicated upon the employment of one hundred men to the company, another upon the employment of sixty-four, and another of forty-two men to the company, with the addition of those troops which had been authorized to be raised since the commencement of the Mexican war; and, as he had said the other day, whichever of these bases the committee saw fit to adopt, the blanks could be filled in half an hour.

Mr. BOTTS desired to ask a question of the gentleman: What difference did the gentleman propose by his bill to make between the peace establishment now, and the peace establishment at the time the war with Mexico began?

Mr. VINTON had stated the other day, very specifically, once or twice. He did not know whether the chairman of the Committee on Military Affairs had listened or not.

Mr. BOTTS said, if he had, he could not have heard the gentleman from his seat.

Mr. VINTON would now repeat that this bill was based on the supposition that the army would be reduced back to what it was at the commencement of the war with Mexico, with the addition of a company of engineers of 100 men, who had been raised since the commencement of the Mexican war; with the addition also of one regiment of mounted riflemen, which consisted, men and officers together, of 1,181 men, and the further addition of eight companies of artillery, which had been added to the regular army since the commencement of the war. If this bill, then, became a law, the army would stand first where it was under the peace establishment of 1842, and at the commencement of the war with Mexico, with the addition of these eight companies of artillery, this regiment of mounted riflemen, and this company of engineers. That would be the army. Now, the gentleman from Virginia (the chairman of the Committee on Military Affairs) had said if this bill became a law, our army would be but 6,000 men. The gentleman had represented him (Mr. V.) as a military man. He was not very ambitious in that respect; but of one thing he would assure the gentleman, whenever he undertook any military exploit, he would know the number of the army he was to command. [A laugh.] The gentleman said that under this bill the army would consist of but 6,000 men: now, he had before him the returns of the Secretary of War, made in December, 1845, which showed the army, under the peace establishment, (to which they proposed to reduce it,) to consist of 6,040 men, rank and file, and 8,616 men, officers included. And, in addition, there were now eight companies of artillery, this regiment of mounted riflemen of 1,181 men, and this company of engineers of 100 men. That, he would answer the gentleman, was the army of the chairman of the Committee of Ways and Means. [Laughter.]

Mr. HARALSON said the whole amount of the army in its different corps, after the discharge of those who were entitled to be discharged under the existing law, would be 8,866. This was shown by a report in Executive document No. 75, communicated to the House on the 25th July.

Mr. VINTON said it was always the case that there were vacancies to be filled up. These estimates were based on the supposition that these vacancies would be filled up to the number of forty-two men in each company. If gentlemen would look into the bill, they would find an item in it providing for enlistments, as a matter of course. The estimates were on the supposition that the companies would be filled up as the War Department was authorized to fill them, by enlistment. For instance, here was the estimate of the Commissary General of Subsistence, who, as a matter of course, estimated for the number of persons authorized under the bill as it now stood, with the exception of those officers who received commutations for their rations. But, instead of the whole number of the army being but 6,000, as the chairman of the Committee on Military Affairs had stated, it was, as he had before said, exclusive of officers, 9,891, including employés and all persons connected with the army. The Commissary General, in making this estimate, had evidently fallen into an error with respect to the rifle regiment of some 400 men. The Committee of Ways and Means had asked estimates from the Secretary of War, based on the supposition that the act of 13th May, 1846, should be repealed. The Commissary General of the War Department seemed to suppose that that would bring down this rifle regiment—which was raised by a law subsequent to the law of 13th May, 1846—to 64 men in the company, and had put down the number of the regiment at 765 men; whereas the repeal of this act of May, 1846, would not touch this rifle regiment. That remained at 1,181 men, and the army, consequently, would be some 400 or 500 larger than provided for by the estimates which had been sent in to the committee.

Mr. BOTTS said he had read the letter of the Secretary of War this morning, who thought it would require 5,000 men additional to protect the country we had acquired from Mexico during this war. Now, if you took 5,000 men from the army provided for by the Committee of Ways and Means, he desired to know what would be the remnant of the army, and how much it would be reduced below what it was before the war? According to the gentleman's estimate, the army would number something like 9,000 men under this bill. Take 5,000 from them for the new territories, and it would leave but 4,000. He asked the gentleman if he would have thus reduced the army before the war? and if he would not, why should he reduce it thus now? He asked that the communication from the War Department be read.

Mr. VINTON, (continuing.) That could be read after he was through. In reply to the gentleman, he would say, if five thousand men were required in Mexico and California, it would leave, as a matter of course, about five thousand men at the disposition of the War Department for the protection of other parts in the United States. He had not seen the communication to which the gentleman referred; but if five thousand men were required for the protection of New Mexico and California, then he would be disposed to give those Territories back again. If five thousand men were required for their protection, and to carry out the guarantees of the treaty, it must involve the Government in an annual expenditure of at least $5,000,000 to protect these worthless Territories; and if that was the truth of the case, it was important for the country to know that this New Mexico and California were to saddle this country—to say nothing of the debt the war had brought upon us—according to the chairman of the Committee on Military Affairs, with an annual expenditure of $5,000,000.

Mr. BOTTS. According to the Secretary of War.

Mr. VINTON. Well; according to the Secretary of War. Now, if that was the case, it were better far for this country to give these Territories up at once, and beg Mexico to take them back.

Mr. DICKEY explained, that he was in favor of the bill reported by the Committee of Ways and Means, to reduce the army to what it was before the war, and of making use of the estimates based on that supposition; but he should be for giving a discretionary power to the President of the United States to enlarge the number of the companies to be employed upon our frontiers in New Mexico and California, and he should restrict the aggregate number to what was proposed in this bill. At the proper time, he intended to propose an amendment to that effect.

Mr. VINTON said, experience had shown that discretion thus vested was positive law. He was not for giving any such discretion. If there was to be any discretion of the kind, let the department come after it, and Congress would judge whether it should be given. If discretion was conferred, the army would be carried up to the maximum of the authority conferred upon the President of the United States. Now, he did not undertake to decide how many men it would require to protect New Mexico and California; but this much he did know, if it should require anything like the force that was stated now to be estimated by the Secretary of War, it was a miserable bargain we had made in getting this country.

He had heretofore stated the facts on which these estimates were predicated, and on which the bill was based. As a matter of course, the committee would have them all before them, and they would hear what gentlemen had to say as to the propriety of the increase of the army beyond what was proposed in this bill. The Committee of Ways and Means could not have desired to undertake to fix what should be the military peace establishment of this country; but they had acted under the pressure of circumstances. The session was so far advanced, and so near its end, that it was not possible that they could have vindicated themselves before the country, if they had neglected to report a bill. The very fact that they were now almost in the last hour of the session, and that the consideration of this bill was just begun, showed that, whoever had been tardy, the Committee of Ways and Means had not been in haste.

Mr. McLANE inquired if the gentleman meant to make the necessary amendments in this bill to provide for an additional force, either by refusing to repeal the act referred to in the second section of this bill, or by providing an additional regimental force? He made the inquiry, because he proposed, if the chairman of the Committee of Ways and Means, or any member of the Military Committee did not, himself to offer such an amendment, in lieu of the second section of this bill.

Mr. VINTON replied, that the Committee of Ways and Means were furnished with estimates which would enable them to fill up the bill on the basis of one hundred men to the company; they were also furnished with estimates which would enable the bill to be filled up on the basis of sixty-four men to the company; and the bill, as it now stood, was on the basis of forty-two men to the company. But, as to additional regiments, as a matter of course, the Committee of Ways and Means had no estimates.

Mr. GENTRY. What would be the aggregate number of the army, supposing the companies to remain at sixty-four?

Mr. VINTON. The Commissary General of Subsistence estimates it at 13,115, exclusive of officers; that was all the military establishment, including employés and all connected with the army. Exclusive of officers, on the basis of one hundred men to the company, the aggregate number would be 20,292, and on the basis of forty-two, as adopted in the bill, it would be 9,891.

Mr. McLANE (the floor being yielded) desired, in explanation of an amendment he should offer, providing for an increase of the army, to press upon the committee the urgent necessity for a modification of this bill as it now stood before the committee. And he should venture to hope that honorable gentlemen, who were unwilling upon any terms to permit any portion of the army of the United States to go to New Mexico or California at all, would still, in view of the Texan frontier, consent to the modification of this bill. He did not believe the chairman of the Committee of Ways and Means would refuse to send any force to Oregon, and yet he did know that the force which was necessary to go to Oregon, he would send there with great reluctance. But he did not believe that was the sense of this committee, and he did not believe, if this question was fairly discussed, or fairly met by this committee, that they would refuse to make the necessary addition to the army of the United States. He did not believe that any clamor, come from what quarter it might, from the other side of this House, or from any branch of this Government, would prevent this Congress from giving ample protection to the western frontier of this country.

Now, it was idle, in his judgment, to say that with 9,800 men we could take proper care of the Atlantic fortifications, of the works on the seaboard, and send a competent force to Oregon and California. If Atlantic men, men on the seaboard, were disposed to permit this loose idea of taking care of their fortifications with twenty or thirty men to prevail in this committee, with all respect to the judgment of honorable men here, he would assure them that the military men of the country, who were competent, and who alone were competent to give them a correct opinion on this subject, decided that all four of the artillery regiments were required upon the seaboard. One hundred and eighty millions of dollars had already been invested in fortifications along the Atlantic coast. A suggestion controlling on this subject was, that when the artillery had been withdrawn from the fortifications, and they were suffering on account of it, that artificers and laborers had been hired by the Engineer department at the rate of $25 or $30 per month, to keep these works in order. His friend from Illinois before him said they certainly could not be needed. Would this committee believe that this Government, after the artillery regiments were withdrawn from these fortifications, would hire laborers and artificers to keep these works in

order if they were not needed? Now, he submitted, with entire respect to the judgment of individuals differing with him on this point, that they ought to legislate on this question first with reference to the artillery force being retained on the Atlantic seaboard; and then there were but eight regiments of infantry left, at forty-two men to the company, when filled. Gentlemen must not forget that to keep these companies up to forty-two men to the company was impossible, as it was to keep them full up to any standard. Vacancies must occur; there must necessarily be a deficiency, sometimes more, sometimes less. But, there would remain only eight regiments of infantry for the western frontiers of the United States. Ten companies at forty-two men each, would be four hundred and twenty men to a regiment; if we allowed twenty men only for the deficiencies, there would be only eight regiments, at four hundred men, or three thousand two hundred men, for the whole military force of the United States. He had no other object in the world than to do his duty, when he said he knew it was idle to talk of three thousand two hundred men protecting or garrisoning our western frontier posts.

Now, he knew very well that he spoke to honorable gentlemen who were reluctant to increase the standing army of the country. He knew that honorable gentlemen on his own side of the House were fixed in principle against any unnecessary increase of the standing army. He knew honorable gentlemen on the other side were active and zealous in their repugnance to any increase of the standing army growing out of this war; he knew they were reluctant to add a single man to the army to take charge of the frontier acquired by the war; and, therefore, he chose to speak out his own judgment that the three thousand two hundred men to constitute the infantry force of this country were altogether insufficient. Yet this was the basis of the bill on which they were going to vote. Now, honorable gentlemen must not say it will do to take a regiment temporarily for Oregon, another ranger regiment temporarily for Texas; for, whatever individuals might say, this country knew that these ranger regiments needed always to become permanent army regiments; and, until they became permanent army regiments, they disorganized rather than promoted order. Colonel Dodge had recommended the ranger regiment under him to be constituted into a regular army regiment, to be placed under the rules and articles of war, to be enlisted in the same manner, and to be under the regular army control and discipline; and it had become the first regiment of dragoons.

He had thus stated the considerations which induced him to desire this increase of force. He would at once add an additional regiment to aid the mounted regiment for the western frontier; but, if the committee were unwilling to do this, then he besought them to adopt the recommendation of the President of the United States, and strike out the second section of this bill, which repealed the act of 13th May, 1846, thus leaving with the President the discretion to keep the army up to seventeen thousand men, if required for the western frontier, and for the Atlantic seaboard, and to reduce it to sixty-four men to the company, which would be some twelve thousand or thirteen thousand men, if it was found that a larger force was not required.

Mr. VINTON further yielded to—

Mr. TOOMBS, who said that he had proposed, in the Committee of Ways and Means, to reduce the army down to the peace establishment as it existed before the Mexican war, which the committee had agreed to. They had accordingly reported a section to repeal the act of May 13, 1846, which gave the President discretion to carry up the number of men in each company to one hundred, or to reduce it to sixty-four, as in his judgment the public exigencies required. By simply repealing that act, they let down the army to the old peace establishment, with the addition of the rifle regiment, eight companies of artillery, and the company of sappers and miners.

Now, if the standing army under the peace establishment was to be increased, he desired it to be done openly. The President of the United States, when he sent in his message congratulating the country upon the peace, had delivered a homily against an increase of the standing army, and in that very message, with his characteristic treatment of a subject, had recommended to Congress to double the army! While he delivered to this House and the country, as the Executive of the Union, a homily against a standing army, he proposed to carry up the number in the companies from forty-two to one hundred men—more than doubling them—proposing an increase of fifty-eight men to every company in the army of the United States! Now, let the President come out boldly and tell the country that the standing army ought to be increased; that it ought to be more than doubled, if the public exigency required it. Instead of this enormous increase of our standing army in time of peace, which the President saw fit covertly to recommend, he (Mr. T.) was opposed to a standing army. He would not have one, however small, upon this continent to-day, if he could help it. Our Government rested upon the people, not upon a standing army. With 10,000 men we had marched into Mexico, conquered the country, and reduced her to our power; and now, the war being closed, peace having been restored, the President, in the same message in which he congratulated the country upon it, recommended that the army should more than double that number for a permanent peace establishment. General Scott, when he captured the city of Mexico, according to the official reports—which he (Mr. T.) acknowledged he had great difficulty in understanding—had only 10,000 men, yet the President, while he said he did not want any increase of the army, asked for authority to double that number for the peace establishment!

The gentleman from South Carolina, who was a member of the Military Committee, [Mr. BURT,] proposed, he understood, to offer an amendment—which was highly beneficial, and for which he (Mr. T.) should vote—which was not to increase the aggregate number of men beyond that proposed in this bill, but to allow the President to carry up the companies which were sent to California and New Mexico to one hundred men, but not to increase the aggregate number. He was in favor of that. He would not increase the army above 10,200 men, officers included.

Mr. McLANE inquired if it was proposed to take the men from the companies on the seaboard to fill up these western companies?

Mr. BURT explained that his proposition was to fix the number of the army for the peace establishment. He would prefer to have the peace establishment greater than that proposed by the Committee of Ways and Means. He would prefer to have the privates of the army amount to about 10,000 men, which would be a slight increase. But no matter what might be the force—be it 10,000 or 8,000—his proposition in relation to the organization of that force was this: that forty-two should be the basis of a company of artillery, dragoons, and infantry; and that the President should have the discretion, if the exigencies of the service required it, to increase the companies on particular duty to one hundred men; that no company should be carried below forty-two men, and no company should be increased above one hundred. It was known that the forces which were to be sent to Oregon, California, and New Mexico, should consist of a larger number of rank and file to the company, than the companies which garrisoned the forts and other posts within the limits of the United States.

Mr. TOOMBS understood the gentleman from South Carolina that the aggregate force should not exceed 10,000. Now, he could not carry some companies up to one hundred, unless he reduced some below forty-two, without he increased the aggregate. The thing could not be done. He was opposed to any such mode of increase of the army; to that mode as much as any other. The greatest danger of a standing army was, that you put it in the discretion of the President to increase it. There should be no discretion except where the law could not speak. It was against the fundamental principles of a republican government to place a standing military force in the hands of the Executive.

Another reason: There was no greater necessity for the increase of our military force now than there was from 1821 to 1846, except the acquisition of New Mexico and California. We had given two regiments for them already. Then send on the men. If they were sent on, they were enough to keep in check all the Indians in New Mexico, Oregon, and California. This thing was going on to an alarming extent. If we permitted the peace establishment of the army to be increased one man, it would go on increasing until the army killed the Government under the weight of its corruption. He would to God that this House would immediately disband every man in the regular army. Freemen did not want their lives, their persons, and property defended by hired mercenaries. We should not have a standing army of a man in time of peace. When we shut the doors of the temple of Janus, we ought to strip off the epaulets from every man in the Republic, to put the soldiers to work, and let the officers return to their other employments.

He was, then, in favor of the lowest standard—of forty-two men to the company. He called upon Republicans on all sides of the House to stand by the old Republican platform, and keep the army down. It was growing day by day. We could call our citizen-soldiers by thousands upon any emergency. If it cost ten times as much, it was better than to be saddled with a large standing army, keeping them for years—a source of corruption and great danger to the Republic—in preparation for some emergency which might arise. They had gloriously shown their readiness and their ability to defend their country on every battle-field in Mexico.

It was important, then, he admitted, to increase the companies which were sent to New Mexico, California, and Oregon. He was in favor of that amendment. But he would not increase the aggregate of the army. That was the difference between his friend from South Carolina and himself.

Here Mr. VINTON's hour expired, and the committee proceeded to the consideration of amendments under the rule allowing five minutes' explanations.

Mr. DUNCAN, of Kentucky, moved to amend the second section, so as to make the maximum number of men 64, instead of 42, for each company. He believed, in the main, with the gentleman from Georgia, that it was not necessary that this country should keep up a large standing army; but it had been the policy of this Government from its commencement to keep up an army of some sort. The question, then, was, to what should it be reduced? It would be well to examine what had been our history in this respect in times of peace, and whether we have a larger force than we required. What was our army in 1808, 1809, 1810, and 1811, a time of peace, when Jefferson and Madison made every effort to produce economy in the expenditures of the Government? He stated the number of dragoons, infantry, and artillery in the economical times of Jefferson, the aggregate of which was 9,170. In the then condition of our country, that was the number of our army. But he apprehended that a larger force than that would now be requisite. It must be borne in mind that we have but just terminated a war with Mexico. At the close of the war of 1812, as now, it became a matter of great consequence to reduce the army, and the best judgment of the country was brought to bear on the question at that time. The result was, that the rank and file was limited to 10,000; and such was the state of the army from 1815 to 1821. In 1821, a great effort was made to break down the army, and the effort then made to reduce the army below the standard at which it then stood was productive of great mischief. He was well satisfied that 42 as the maximum of companies would be insufficient. General Atkinson had six companies of 42 men, making 252, in the Black Hawk war; and if he had had 64 men in each company, it was not too much to say that many things which then occurred would have been avoided, and much, very much of the money then spent would have been saved. Then again, in the Florida war, General Clinch had six companies, whose maximum was 42, and, as in the case of General Atkinson in the Black Hawk war, we had reason to regret that the number was not greater. If each company had consisted of 64 or 100 men, those two companies, which together amounted to but 65 men, would in all human probability not have been cut off, and their massacre would have been prevented. Look, too, at the condition of General Taylor at Corpus Christi, whose companies did not average more than 30 men each. He appealed to the committee to make each company consist of 64 men, and this would swell the army only to 13,000, which was not an extravagant number in the present condition of the coun-

try, as compared with its position in the days of Mr. Jefferson and Mr. Madison, when it amounted to 10,000.

Mr. DICKEY moved to amend the amendment by striking out and inserting a provision authorizing the President to increase the privates of each company of dragoons, artillery, and infantry to any number not exceeding one hundred, whenever he may deem the exigencies of the public service to require it, provided that at no time shall the army exceed ten thousand. He said he was in favor of the section as reported by the Committee of Ways and Means, which would reduce the army to its condition at the breaking out of the Mexican war, but he desired to add an amendment to give the discretion to the President to increase the companies of any regiment to one hundred men when in his judgment the exigencies of the service required it; but he would not increase the aggregate number of the army. He would give this discretion to the President, amongst other reasons, that he might increase the rank and file of the regiments which were called for by the Executive for the protection of Oregon and of the territory which we have acquired in Mexico.

The CHAIRMAN ruled the amendment of Mr. DICKEY out of order at this time.

Mr. BOTTS then moved to amend the amendment so as to fix the basis of the companies at sixty-four men, but with authority to the President to increase to one hundred such companies as he may employ for the protection of the Territories, by taking the requisite number of men from other companies. He said the adoption of this amendment would increase the army to twelve thousand eight hundred and thirty-three men, rank and file. When we went into the Mexican war our army consisted of nine thousand; but we have acquired a vast territory, besides Oregon, for which the department has called for several thousand men. Take the number requisite for that service from twelve thousand eight hundred and thirty-three, and there would remain less than when the Mexican war began. There was no necessity for such a reduction of the army as had been contended for. He was no advocate for a large standing army, more than other gentlemen were; but he did not indulge in the extravagant notions of the gentleman from Georgia [Mr. TOOMBS] respecting the disbanding of the army, and putting those of whom it was composed to honorable employment. They were in honorable employment. What could be more honorable employment than the protection of the lives of their fellow-citizens, in which they exposed themselves to the extremest hardships at all seasons of the year? In his judgment they had acquired by this war a very hard bargain if their acquisition were taken at nothing. He would not have taken it at any price; but, in the discharge of his duty as chairman of the Committee on Military Affairs, he did not act on his own views; he was, therefore, not willing to give up those Territories to Mexico, and the money that we had to pay for them besides. He expected that this Government would provide a sufficient military force to take care of the country which has been acquired.

We have acquired these territories by the loss of thousands of valuable lives and millions of money, and millions more we have to pay for them. Look, then, at Mexico. She is now engaged in a revolutionary movement, which may probably succeed; and if it does, what is to become of the territories we have acquired, and for which we have to pay $15,000,000? Would they leave them to those who were to engage in the great buffalo hunt, which was to be got up to revolutionize Mexico and probably the United States of America? Was that what gentlemen intended? If provision were not made to protect it, and it was not taken by the buffalo hunters, perhaps Paredes would take it; and did they mean to leave Santa Fé and California in a helpless condition, thus exposed? No; whatever his private opinions might be, his duty as chairman of the Committee on Military Affairs and as a member of this House, should be faithfully discharged; and when the gentleman from Georgia [Mr. TOOMBS] appealed to the Republican members of this House to put down this army, he (Mr. BOTTS) would add the expression of a hope that they would aid in arresting the prevailing spirit of aggression and acquisition.

Here his allotted five minutes expired, but he asked permission to have read by the Clerk several communications on this subject from the Secretary of War and the Adjutant General, and they were read accordingly.

Mr. DUNCAN expressed his approval of the amendment of the gentleman from Virginia, and he adopted it as a part of his own proposition.

Mr. FICKLIN submitted a proviso as an amendment to the amendment, to provide that at least three-fourths of the army should be kept in Oregon, California, New Mexico, and west of the Mississippi. On this amendment he proceeded to argue in favor of a reduction of the army. He was for reducing the companies to 42 men, which was a basis sufficiently large for all the purposes of defence of this country. He concurred fully and entirely with the remarks of the gentleman from Georgia, [Mr. TOOMBS.] The expenses of the army and the navy too should be reduced; for he looked upon it as certain that if they were to be allowed to swell year after year, they would soon sink with their own weight and corruption. He contended that a large force was not necessary, for a small force would protect the forts on the Atlantic seaboard, and then we had only the newly-acquired territory and Oregon to take care of. Having made his remarks, he withdrew his amendment.

Mr. BARRINGER, on a *pro forma* motion, said he should vote for the amendment of the gentleman from Virginia, [Mr. BOTTS,] which had been adopted by the gentleman from Kentucky, [Mr. DUNCAN.] He was as much opposed as any gentleman in this House to a large standing army; but what was meant by a large standing army? They must have an army to meet the exigencies of the country. In times of peace, they all understood a standing army to mean, in military phraseology, a mere skeleton, with more officers than men. Our country has acquired new relations, new duties, and new difficulties within the last two years. We have new relations with new Mexico and California, to the shores of the Pacific. We have acquired an extensive frontier of some sixteen hundred miles, and we require a larger force for their protection. On the Pacific, at San Francisco, and elsewhere on that coast, we must have forts; and hence the committee would see that he was right in saying that we have new duties devolving upon us in consequence of our new relations. But we have other duties arising out of the treaty with Mexico, to which the attention of the committee had not been called.

By the 11th article of the treaty, it was engaged, on the part of the United States, not only that persons taken by the Indians shall be recaptured, but that we will punish all encroachments of the savages into the territory of Mexico. Here there was a very important duty. New Mexico and California were surrounded by the Camanches, who were able to bring 12,000 or 15,000 warriors into the field, and we have not only engaged to punish their invasions, but to prevent them. Companies, then, of sixty-four men were not larger than would be sufficient to defend the seaboard on the east, and that great country on the west. If sixty-four men were fixed as the basis of companies, it was not probable that they would average more than fifty; but the advantages of adding twenty-two men to a company would more than counterbalance the cost. As had been already said, with this basis our army would amount to about 13,000 men; and he appealed to gentlemen if that number was more than sufficient, with our enlarged boundaries and our new relations into which we have entered by treaty stipulations?

Here his time expired, and he withdrew his amendment.

Mr. DICKEY then renewed the amendment which he had before submitted, to give the President a discretion to increase companies to 100 men in emergencies, but not to increase the aggregate of our army beyond 10,000.

Mr. McKAY entered into some explanations to show that there was no necessity for the amendment of the gentleman from Kentucky [Mr. DUNCAN] while the law of the 13th of May, 1846, remained operative. He, however, expressed his willingness to give a discretion to the President to increase the rank and file of those companies that may be employed in Oregon and the newly-acquired Mexican territories to 100: and that was all that the Secretary of War asked. He proposed to offer an amendment in accordance with his views.

Mr. HALL, of New York, moved to amend the amendment by striking out all thereof, and inserting:

And that the maximum number of privates in each of the companies of the dragoons, artillery, infantry, and mounted riflemen of the army of the United States, shall not hereafter exceed forty-two: *Provided*, That the President may, in his discretion, increase the number of privates in each of the companies, not exceeding sixty, which shall at any time be ordered and kept in the permanent service in the Territories, to such number, not exceeding one hundred to each company, as he may think discreet; and may order such transfers from and to the different companies as may be necessary for that purpose:. *And provided, further*, That the whole number of privates, including the company of engineers and the enlisted men of ordnance, at any one time in the service, shall not exceed 9,060 men, and that the number of women and employés belonging to, or at any time attached to the army, shall not exceed one thousand.

In explaining the grounds of his amendment, Mr. H. observed that the army, as it existed before the commencement of the Mexican war, had consisted of 7,040 privates—the total number being 8,616. This amendment limited the number of privates to 9,060. It proposed to fix the number of men to a company at forty-two; but it allowed the President to increase the companies that might be employed in the Territories to one hundred men each: beyond this he could not go. There would be fifty per cent. more privates in the whole army than there had been before the war.

The amendment of Mr. HALL was carried, on a count by tellers: Ayes 76, noes 42.

The question then recurring on the amendment as amended—

Mr. FICKLIN moved to add a proviso that three-fourths of the total number be kept west of the Mississippi.

Mr. F. observed that there would be some twenty-eight hundred officers in the army on the basis proposed: and the whole influence of this body of men would be exerted, in all probability, to keep the body of the army on the Atlantic seaboard, because there they would have more agreeable quarters, and would be surrounded with more of the luxuries of life. But he was confident that one-fourth of the number of troops would be quite sufficient to garrison the forts, and do whatever was required in preserving the public property here. The manual labor required was most of it done by artificers hired for the purpose; the number of soldiers actually needed at the posts on the Atlantic would not absorb certainly more than one-fourth of the army.

Mr. HARALSON asked why the gentleman should have such a want of confidence in the officers of the army, and in the President and the War Department, as to suppose that they would not keep the army where its presence was most needed? He did not mean any reflection on the gentleman from Illinois, but he might be allowed to say that military men were at least as competent judges where troops were most needed. And did the gedleman believe that they would fail to send them there?

Mr. FICKLIN said that, to confess the truth, his main object in offering the amendment was a desire to relieve the President from the annoyance of the crowd of people that would be constantly pressing upon him.

Mr. McKAY said there would be considerable difficulty in the adoption of this amendment, however proper it might be in the object intended. The President was, under the Constitution, commander-in-chief of the land and naval forces of the United States, and the House, as a legislative body, had no power to direct the movements of either. They might limit the number of the army, and make all the necessary provision for its support; but when they had done that, all the rest was under the sole control of the President. The quartering and disposition of the army belonged to him.

Mr. FICKLIN inquired how, then, the House could authorize the raising of troops for Oregon?

Mr. McKAY said that it was very true that the words of the act designated the regiments to be raised as intended for service in Oregon, or at the posts on the way; but so much of it as made any designation of the place where they were to serve, was of no force. The Constitution placed the unlimited control of the movement of the military force, raised for the service and defence of the country, in the hands of the President.

Mr. FICKLIN said he should not press his amendment, and he thereupon withdrew it.

The question now being on the amendment of Mr. DUNCAN, of Kentucky, as amended on motion of Mr. HALL, of New York, as above stated—

Mr. DUNCAN, of Ohio, moved an amendment, providing that the officers and men of the regiment of mounted riflemen who had recently returned from Mexico should, on application, be honorably discharged.

Mr. D. said that two years ago this regiment had been raised professedly for the purpose of being employed in guarding posts on the route to Oregon and in the public service there. Almost the entire regiment had been recruited within his State, and two of the companies had been mustered in his own immediate neighborhood. But on the breaking out of the war, this body of men had been discharged from the order to serve in Oregon, and had been sent to Mexico, where they were engaged in fighting under the gallant Riley, from Vera Cruz up to the gates of the city of Mexico. Many of them were sons of wealthy and respectable farmers, who were partly induced to enlist by the prospect of getting farms in Oregon. Out of six hundred who had left their homes buoyant with health, hope, and patriotic ardor, but one hundred and eighty had returned, broken in health, spirits, and constitution. All they asked now, after so terrible a sacrifice, was that they might be honorably discharged. The interests of the service would not suffer by granting their request, as thousands more stood ready to take their places. The adoption of the amendment would be the means of giving peace to many bereaved families, and of restoring many worthy young men to usefulness in life. They had rendered more service and far harder service, in the one year they had been in Mexico, than if they had served five years in Oregon.

The amendment was agreed to.

Mr. TOMPKINS introduced an amendment appropriating $160,000 for continuing the pay and subsistence of the regiment of voltigeurs and the rocket corps.

He said that he made this motion at the earnest solicitation of a number of the officers of our army. The regiment to be continued was one of the most efficient corps in the service. In looking at the history of the late Mexican war, we found them occupying a conspicious position in every battle. They had opened the conflict. They had fired the first gun. They constituted at once a squadron of horse and a corps of sharp-shooters. They were the best conceivable sort of force to fight the Camanches on our western frontier, being swift in their movements and striking heavy and effectual blows. The eldest surviving officers of the regiment were Major Talcott and Captain Johnson—and fitter men to command it could not be found. The corps would do credit to the army, and render effectual service in the defence of the country.

Some conversation arising as to the proper place for such an amendment in the bill—

Mr. TOMPKINS said he would withdraw it for the present until the proper time and place came to move it again.

Mr. GENTRY moved to amend the bill by striking out the whole of the second section as amended. He said he understood that, if this section should be stricken from the bill, the existing law, which allows sixty-four men to a company, would remain in force.

Mr. TOOMBS said he was mistaken as to the law: it raised the number of men in a company to one hundred, and permitted the President to reduce that number to sixty-four.

Mr. GENTRY said, as he understood the law, it fixed the number in a company to sixty-four, and allowed the President to raise it to one hundred. [Voices: "Yes, that's it "] That was the law now; and the President in his message recommended that that be adopted as the standard for our peace establishment. The President recommended few things that Mr. G. approved, but this was one which he could and did approve. The chairman of the Committee of Ways and Means had told the House of the vast expense it would cost to keep up an army on this scale. No doubt it would cost a great deal of money, but what were we to do? We had got by treaty new and vastly extended territories; and in that treaty we had bound ourselves to protect the inhabitants from Indian depredations. We had promised this, and we must keep our faith inviolate. We should require a considerable mounted force in each of these Territories. The report of the Adjutant General estimated the requisite force to be kept up at eleven thousand men. His estimates were made on the basis of sixty-four men to a company. With this strength for our army, we might preserve peace on the frontier, and in New Mexico and California. But if, out of a mistaken economy, we should suffer ourselves to get into a war with the Indian tribes, it would cost us far more than it would have done to make the army efficient. As to using the militia, and taking volunteers to pine and languish in garrisons, he was utterly opposed to it. If it was a great evil to be obliged to keep up so large a military force, the fault lay in the wrong policy which had triumphed in the councils of the country, and had brought the burden of these new and useless conquests on our hands. But much as he disapproved that policy, much as he had labored to oppose it, and deeply as he deplored its consequences, nothing should ever induce him to shrink from the responsibility, cost what it would, of maintaining the good faith of the country. He was as much opposed to a large standing army as any man could be; but he would curry favor nowhere by reducing our military force improperly, and disabling ourselves from giving effectual protection to those we had bound ourselves to defend. He should ever be ready to vote for what he believed his country needed to her duty and her honor. This army, they had been told, would cost the country five millions of dollars a year. He could not help that. If we needed that number of troops, we must have them, and we must pay for them. The old army that we had before the war would not now be sufficient to garrison the forts and protect the new Territories. We must have men enough to do this. As to doing without a military force, it was what he did not expect till the millennium should come. For one, he wished it would come; but till then we must have an army proportioned to the country we inhabited. The views of his friend from Georgia [Mr. TOOMBS] were ultra radical. To keep up a standing army, to some limited extent, had been the fixed policy of this country from the days of Washington till now. It was only a skeleton army, capable of expansion when necessity arose. It was preserved as a nucleus, around which we might gather a greater force, and it must be maintained. We were bound—we had bound ourselves by treaty stipulations; and he was for keeping good faith. He should therefore give his vote for placing the army on the footing recommended by the President and estimated for by the War Department.

Mr. TOOMBS said that the better reasoner a man was, the surer he was to go wrong if he started wrong. Now, the gentleman from Tennessee [Mr. GENTRY] was wrong in his facts, and, therefore, he was wrong in his argument. The gentleman talked of our needing fifteen regiments to keep New Mexico and California quiet, when we had conquered them with three. Yes, three regiments had conquered the country, and now it was conquered, three regiments were amply sufficient to keep all the Indians quiet, and the Mexicans too.

Mr. GENTRY said we wanted a large force to man all our posts.

Mr. TOOMBS said it was all imagination—a pure fancy sketch. Mr. T. said that five thousand men were enough for every purpose. The gentleman said it would take fifteen thousand. He might as well have said fifty thousand, or one hundred thousand at once, for it was all fancy. He had shown no documents to prove it, and he might as well conjecture one number as another. The gentleman talked about our treaty stipulation to protect the people of New Mexico and California. No doubt we were bound to protect all our citizens, and not the more bound because it was in the treaty. He merely recognized the duty; but we had enough in the bill as it stood; enough, and more than enough, to do all that. The gentleman wanted a big army. He said the Adjutant General estimated for eleven thousand. No doubt the Adjutant General wanted a big army. All officers liked a big army; it was natural they should. He said, in his report, that the old army—such as we had before the war—was repudiated. It was not; it had never been repudiated. General Jones wanted one hundred thousand men, if he could get them. Military officers were always extravagant in their notions and their requisitions. The old army had never been repudiated. There was not a word of truth in it. It had never been altered till this war commenced. Was that "repudiating" it? It had been changed when we went into this war, and the returns would show that it had cost us seven hundred dollars a man. He still insisted that three thousand men would be enough to enable us to keep our faith with Mexico, old and new.

Mr. VINTON here again read the summary of the estimates from the department, at the several rates of forty-two, sixty-four, and one hundred men to a company.

Mr. BROWN, of Pennsylvania, expressed himself as opposed to any increase in the army at all from what it had been before the war. He did not believe there was the least need of it. It was said we must have a great army, because our territories were so vastly enlarged and our frontier proportionably extended. Our frontier was not much enlarged by these new territories. Yes, but the Camanches! we must keep them in order. Well; and were not the Camanches on our border before? And could not we easily manage them? Two regiments of dragoons were amply sufficient to keep the whole Indian border quiet. The officers would agree to do it by the job, and be glad of the contract, without another man. It was natural that officers should like to see a large army under them: it was human nature. But that was no reason why the nation should raise and keep up a great army to gratify them. Some gentlemen seemed to think that, as a matter of course, our army must be made larger and larger. Why? Because our population and our wealth increased. But did they forget that, as our wealth and numbers grew, our power increased with them? Our name itself was a host. If any disturbance arose on the border, in one week we could have more rangers on the spot than there were enemies to put down, and that before there was time to call out the regulars. Suppose that volunteers did cost a little more, that cost was momentary, while a regular army was a permanent tax. But the President recommended it. What if he did? No matter where the calls came from, Mr. B. would never vote a single dollar to increase the army by a single man.

Mr. JAMESON next addressed the committee in favor of striking out, and of a larger force, but he was very imperfectly heard. He dwelt on the exposure of the frontier, and the danger of an Indian war.

Mr. THOMPSON, of Mississippi, wanted to read a letter from the Secretary of War—

But Mr. JAMESON said he did not care for any man's letter. Government had placed all the Indians in a mass on our western frontier, and had now brought thousands more, and they were bound to keep there a sufficient military force to compel peace. The gentleman from Pennsylvania was supposed to be a man of sense—of improved mind, and a statesman. How could he be in favor of putting back the army, under such circumstances, to the old standard before the war? There was no reason in it; there was no justice nor fairness in it. No sooner had we any difficulty abroad than gentlemen were for raising a force in a moment: we must arm, we must fight. But when difficulties far more threatening to our own people in the interior arose on the frontier, oh! a regiment was enough. When once an Indian strife began, it would cost blood and money before it was quieted—ten times more than would have kept up the force that would have effectually prevented it. They demanded protection. If it could not be done without a standing army, let us have it—not an army to be a terror to liberty, but enough to protect the country and preserve peace on the borders.

Mr. THOMPSON, of Mississippi, moved an amendment to enable him to read a statement upon which he relied, to the effect that five thousand men would be sufficient to garrison the whole western border; and, after explanation, he withdrew it.

Mr. McKAY renewed the motion, for the purpose of correcting misapprehensions which had been fallen into by gentlemen, especially by the gentleman from Tennessee, [Mr. GENTRY,] as to what was the recommendation of the President's message. He agreed with the gentleman from Tennessee, that in fixing the military peace establishment, proper respect should be paid to the opinions of the President, who was the chief executive officer, who was intrusted with the execution of the laws, and with the preservation of peace. He read from the message of the President communicating the treaty of peace with Mexico, in

which the President expressed the opinion that the old peace establishment, before the war with Mexico, would be sufficient. This old peace establishment (said Mr. McK.) was on the basis of forty-two men to each company. He understood that the President contemplated the continuance, also, of the additional force authorized during the war, viz: of the eight companies of artillery, one company of engineers, and the regiment of mounted riflemen. He also read from the Secretary of War, showing that he asked for authority to increase the companies who were to be detached for the service in the Territories to one hundred men each. That was his express recommendation; he did not ask the increase of all the companies, but of these particular ones.

Mr. HALL, of New-York, on a *pro forma* amendment, said the amendment which he had proposed, and which had been adopted by the committee, provided that the President should have authority to fill up sixty companies for service in the Territories to one hundred each, and that it conferred all the authority which the gentleman from North Carolina understood to be recommended by the President.

Mr. McKAY explained that he understood that that part of the amendment of the gentleman from New York which provided for filling up these sixty companies to one hundred men, proposed that it should be done by reducing the other companies below forty-two men.

Mr. HALL said the gentleman was partly right and partly wrong. For the purpose of filling up sixty companies to one hundred each, it was necessary to reduce the other companies below forty-two, but that decrease did not reduce the other companies below thirty-two to each company. He entered into a computation to show that this would be the case; and said that the companies kept upon the seaboard, almost all of them, might be reduced to thirty-two, without any injury to the public service. The maximum, under the peace establishment before the war with Mexico, was forty-two, and it had frequently happened that the frontier companies when in the field were reduced below thirty-two; and certainly these companies could be reduced to that standard, almost all of whom were to be retained at the posts along the seaboard, where their only duty was to take care of the fortifications, and preserve the government property. He could, therefore, see no earthly objection to allowing this amendment to stand as it now stood, which would provide for sixty companies—which was more than he understood was required by the Secretary of War—being filled up to one hundred men, and yet maintain all the other companies as high as thirty-two men each.

Mr. McLANE moved to strike out the second section as amended. He dissented totally from the view taken by the gentleman from Georgia, [Mr. TOOMBS,] which was more radical than any which had been expressed by any other gentleman—that we could get along without any army at all either in California, New Mexico, or Oregon. He considered the amendment of the gentleman from New York, [Mr. HALL,] which reduced the companies on the Atlantic seaboard, destructive to the good of the service, destructive of the army on the Atlantic coast, and a most miserable system of legislation. The gentleman from New York proceeded on the supposition that we should always have forty-two men in each company from which we made these abstractions. When had the gentleman ever known a company to be full, whatever might be the standard? It was scarcely ever the case; hence, by taking away from them a sufficient number to fill sixty companies up to one hundred men each, the gentleman would bring down these companies on the seaboard much below thirty-two men.

Mr. HALL said the power was unlimited in the War Department to recruit and keep the companies full up to the standard authorized by law.

Mr. McLANE held that the gentleman from New York, if he meant to give the 5,000 men which were required in Oregon, California, and New Mexico, was bound to give them without abstracting them from other branches of the public service. The true settlement of the question, in his opinion, was to strike out the second section as amended, or, if the committee were not disposed so to do, to adopt the amendment of the gentleman from North Carolina, which reduced the companies on the seaboard to 42, and left them there, while those which went upon the western frontier were to be increased to 100 each.

The motion of Mr. McLANE to strike out the second section was rejected.

The question then recurring on the first section of the bill, the amendment of Mr. VINTON, previously offered under instructions of the Committee of Ways and Means, and based upon the estimates of the Secretary of War, to insert $3,000,000 for the three months' extra pay granted by the act of 19th of last month, to the officers, musicians, and privates of the Mexican war, was agreed to.

Mr. SMITH, of Illinois, moved the following item as an amendment:

For payment of interpreters who were employed in the Mexican war, and who have not yet received payment, $5,000.

Some conversation occurred between Messrs. SMITH and FICKLIN on this amendment; when it was disagreed to.

Mr. McCLERNAND moved the following:

For the purchase of a site and to commence the erection of a national armory at Fort Massac, in Illinois, near the confluence of the Tennessee, Cumberland, Ohio, and Mississippi rivers, $20,000.

Mr. McCLERNAND explained.

Mr. DICKEY moved to amend the amendment, by inserting in lieu thereof the following:

For the selection and purchase, under the direction of the President of the United States, of a suitable site on the western waters for an armory, and sites at suitable and convenient points for two national foundries, the sum of $100,000; and as soon as such sites shall be selected, the President shall be, and he hereby is, authorized to purchase the same, and proceed to erect the said armory and foundries.

Mr. DICKEY explained.

Mr. McCLERNAND made a *pro forma* motion for the purpose of explanation and reply to Mr. DICKEY.

Mr. COBB, of Georgia, under a motion made for the purpose, also made some remarks.

The question was put on the amendment to the amendment, and it was agreed to.

The committee then rose and reported progress, and the House adjourned.

IN SENATE.

FRIDAY, *August* 4, 1848.

The PRESIDENT *pro tem.* laid before the Senate a memorial from the heads of families of the Pottawatomie tribe of Indians, and another from the heads of families of the Kickapoo tribe, asking that the prairie band of the Pottawatomies may be permitted to remain on the lands now occupied by them; which were referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. DIX, from the Committee on Commerce, reported the following House bills, without amendment:

An act to annex that part of the State of Indiana bordering on Lake Michigan to the Chicago collection district.

An act to authorize the Secretary of the Treasury to license yachts, and for other purposes.

An act to refund a penalty remitted by the Secretary of the Treasury to John Hardrop.

On motion of Mr. DIX, the above bills were considered in Committee of the Whole, and were severally read a third time and passed.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill for the organization of the marine corps; which was read a first time.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported a bill for the relief of Major James M. Scantland; and, on motion of Mr. J., the usual forms were dispensed with, and the bill read a third time and passed.

Mr. JOHNSON, of Maryland, submitted the following:

Resolved, That the President of the United States be requested to inform the Senate, at the earliest period, whether he has any information that any citizen or citizens of the United States is or are now preparing, or intending to prepare, within the United States, an expedition to revolutionize by force any part of the Republic of Mexico, or to assist in so doing; and, if he has, what is the extent of such preparation, and whether he has or is about to take any steps to arrest the same.

Mr. WALKER, on leave, introduced a bill for the improvement of the St. Clair flats; which was read twice, and referred to the Committee on Commerce.

On motion of Mr. FITZGERALD, House bill for the relief of Catharine Hoffman was read a third time and passed.

Mr. KING asked the Senate to indulge him in taking up the bill granting the right of way and a donation of the public lands to the State of Alabama for the construction of a railroad from Mobile to the mouth of the Ohio river, declaring that if it gave rise to a protracted debate he would agree to pass it over.

The bill was then taken up; when—

Mr. DAVIS, of Mississippi, submitted an amendment granting a right of way and donations of public lands to Mississippi for a railroad from Jackson, through Brandon, to the Alabama line. It being evident that the bill would give rise to debate, it was passed over informally.

CIVIL AND DIPLOMATIC BILL.

On motion of Mr. ATHERTON, the Senate proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending on the 30th of June, 1849.

The various amendments submitted by the chairman of the Committee on Finance were then agreed to.

On motion of Mr. BADGER, the bill was amended in the clause relating to the Pension Office, by adding $500 to the salary of the Commissioner of Pensions, making the annual salary, from the 1st of January last, $3,000.

On motion of Mr. BADGER, the bill was further amended by the introduction of a clause appropriating $2,500 to Dr. Houston, Senate reporter, for three hundred and fifty bound copies of the reports of the present session, and an analytical index, for the members of the House of Representatives.

On motion of Mr. BADGER, the bill was further amended by the introduction of an appropriation to pay the claim of David Taylor, who had married a Cherokee Indian, for $12,500, with interest, allowed by the accounting officers.

Mr. JOHNSON, of Louisiana, moved to amend the bill by inserting an appropriation of $10,000 for a survey of the Red river, with a view to the removal of the land raft which obstructs the navigation; which, after some remarks from Messrs. JOHNSON of Louisiana, SEBASTIAN, METCALFE, DOWNS, HUNTER, ATCHISON, ALLEN, DAVIS of Massachusetts, and FOOTE, was negatived.

On motion of Mr. TURNEY, the bill was further amended by adding an appropriation of $600 to pay a debt awarded under the Cherokee treaty.

On motion of Mr. MANGUM, the bill was further amended by inserting an appropriation to pay the claim of John Hogan, United States agent, for services in St. Domingo, &c.

Mr. DOWNS submitted an amendment, inserting an appropriation of $141,591 for the payment of a certain portion of the Creek nation of Indians who had not assented to the treaty of 1826, with twenty years' interest.

This motion led to a very protracted discussion, in which Messrs. DOWNS, ATCHISON, KING, FOOTE, ATHERTON, LEWIS, JOHNSON of Georgia, UNDERWOOD, TURNEY, MANGUM, NILES, ALLEN, WALKER, BRIGHT, CALHOUN, BELL, HOUSTON, JOHNSON of Maryland, and BUTLER, participated; when the question was taken on the amendment, and decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Butler, Davis of Mississippi, Dix, Downs, Foote, Greene, Hale, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Lewis, Mason, Miller, Niles, Phelps, Sebastian, Walker, and Yulee—23.

NAYS—Messrs. Allen, Atherton, Benton, Borland, Bradbury, Breese, Bright, Calhoun, Clarke, Corwin, Felch, Johnson of Georgia, King, Metcalfe, Pearce, Spruance, Sturgeon, Turney, and Underwood—19.

The question was then taken on striking out the interest, and decided in the affirmative, as follows:

YEAS—Messrs. Allen, Atherton, Badger, Bell, Benton, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Corwin, Davis of Massachusetts, Davis of Mississippi, Dix, Douglas, Felch, Foote, Hunter, Johnson of Maryland, Johnson of Georgia, King, Mason, Metcalfe, Miller, Niles, Pearce, Phelps, Sebastian, Spruance, Sturgeon, Turney, and Underwood—34.

NAYS—Messrs. Atchison, Baldwin, Clarke, Dickinson, Hale, Hannegan, Houston, Johnson of Louisiana, Lewis, Walker, and Yulee—11.

Mr. DIX moved to amend the bill by inserting an appropriation for the building of six revenue cutters.

Mr. ALLEN said, he was not disposed to make a speech at that late hour, and would content himself with calling the yeas and nays, which were ordered, and the vote stood:

YEAS—Messrs. Atchison, Atherton, Badger, Baldwin, Bell, Benton, Borland, Bradbury, Breese, Butler, Calhoun, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Douglas, Downs, Felch, Foote, Hale, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, King, Lewis, Mason, Miller, Niles, Pearce, Phelps, Sebastian, Spruance, and Walker—38.

NAYS—Messrs. Allen, Bright, Johnson of Georgia, Metcalfe, Sturgeon, Turney, Underwood, and Yulee—8.

An amendment offered by Mr. DOWNS, in favor of certain allowances to the district judge of Louisiana, and advocated with much earnestness by Messrs. DOWNS and JOHNSON of Louisiana, was lost by a large vote.

An effort was made to adjourn, but failed on a call of the yeas and nays.

Mr. HANNEGAN submitted an amendment making an appropriation of $5,400 to Commodore Biddle for his diplomatic services in China.

Mr. HALE moved to amend the amendment by deducting his pay while serving in a diplomatic capacity, but the amendment was lost.

Mr. NILES denounced the amendment as setting a dangerous precedent.

Mr. DOWNS said, to deny the judge and give to the commodore, would not be doing exact justice. He thought some rule should be observed.

Mr. DAYTON thought more information should be obtained in relation to the claim before there was any action on it, admitting, at the same time, that any expense to which Captain Biddle had been necessarily subjected would constitute a fair charge.

Messrs. HANNEGAN, BADGER, JOHNSON of Maryland, and others, advocated the amendment. The question was then taken by yeas and nays, and decided in the negative as follows:

YEAS—Messrs. Badger, Baldwin, Butler, Clarke, Corwin, Davis of Massachusetts, Greene, Hannegan, Johnson of Maryland, Johnson of Louisiana, and Pearce—11.

NAYS—Messrs. Allen, Atherton, Benton, Borland, Bradbury, Breese, Bright, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Douglas, Downs, Felch, Foote, Hale, Hamlin, Houston, Johnson of Georgia, King, Mason, Metcalfe, Miller, Niles, Sebastian, Spruance, Sturgeon, Turney, Underwood, Walker, and Yulee—32.

Mr. HANNEGAN said, he had several other amendments to offer, when there were cries of adjourn.

Mr. CLARKE moved that the Senate adjourn, which motion was passed, and the Senate adjourned, after a continuous session of eight hours within a very few minutes.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August* 5, 1848.

The Journal of yesterday was read and approved.

Mr. McCLELLAND, by common consent, from the Committee on Rules, reported an amendment to the fiftieth rule. It is, that when the previous question is moved and seconded, the first question shall be on the motion to recommit, if such motion be pending when the previous question is moved. It was agreed to.

Mr. BARROW asked that, by general consent, the House take up and act upon the bill from the Senate for the relief of Major James M. Scantland. It was a case of peculiar hardship. Major S. had enlisted as a private, and had been promoted for gallant conduct to be a brevet major. He was left for dead on the battle-field, having been shot in the right eye by a ball which passed out of his left ear. It was a most meritorious case, and he hoped there would be no objection.

After some conversation between Mr. HOUSTON of Alabama, Mr. BARROW, and others, and on objection being made—

Mr. BARROW moved a suspension of the rules for the purpose of taking up the above indicated bill.

The question was put and agreed to, and the bill was taken up, read three times, passed, and returned to the Senate.

EXTRA ALLOWANCES TO GENERAL CASS.

Mr. STEWART, of Pennsylvania, moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to send to this House, forthwith, the letters and vouchers in support of the claims and extra allowances paid to Lewis Cass, over and above his regular salary of $2,000 a year, as Governor and *ex officio* Superintendent of Indian Affairs for the Territory of Michigan, to wit: The letters and vouchers in support of the extra allowance paid him—

1. For clerk hire, office rent, &c., from the 9th October, 1813, to the 31st July, 1831, at $1,500 per annum, as per Doc. No. 244, 3d sess. 25th Cong., page 2, amounting to $26,715 00
2. For rations, to wit: Ten rations a day, at 20 cents each, from the 9th October, 1813, to the 29th May, 1822, as per same doc. and page... 6,610 00
3. For services as Superintendent of Indian Affairs, said to have been rendered out of the Territory of Michigan, from the 29th May, 1822, to the 31st August, 1832, at $1,500 per annum, as per Doc. No. 6, 3d sess. 27th Cong., page 13..... 14,375 00
4. For aiding in the negotiation of sundry treaties, whilst Governor and *ex officio* Superintendent of Indian Affairs, as aforesaid, 772 days, at $8 per day, and 40 cents per mile travelled by him, as per same doc., pages 11 and 12..... 9,744 00
5. For attending at Washington, to settle his own accounts for extra pay, &c., two hundred and eight days, to wit, from the 21st October, 1821, to the 29th May, 1822, for mileage, ten rations per day, &c., same doc. page 11..... 1,448 00
6. For alleged services whilst Governor and Superintendent of Indian Affairs, "in preparing a code for the regulation of Indian affairs," one hundred and eleven days, to wit, from the 22d October, 1828, to the 10th February, 1829, as per same doc., page 12..... 1,520 00
7. For extra pay whilst Governor, &c., as aforesaid, "as deputy quartermaster general" in the army, for one year, as per Doc. No. 18, 1st sess. 28th Cong., page 25 ..... 1,091 80
8. For extra pay and allowances as captain in the regular army, whilst Governor, as aforesaid, to wit, from the 12th May, 1817, to the 28th of June, 1821, as per same doc., same page.. 2,526 66
9. Letters and vouchers filed in support of the following items, in the account rendered by Governor Cass against the United States, the 21st of July, 1832, (about one year after his appointment as Secretary of War,) and said not to be embraced in any of the previous quarterly settlements of his accounts with the Government, to wit: For alleged balances and overpayments by him as Superintendent of Indian Affairs, as per Doc. No. 112, 3d session 25th Congress, page 16, on the following accounts, to wit:

For overpayments on account of contingencies for Indian department.....	$3,358 55	
For overpayments to Indian sub-agents	363 15	
For overpayments on account of presents to Indians.....	416 80	
For overpayments on account of annuities under the appropriation act of May 15, 1820.....	5,370 15	
For overpayments on account of annuities under act of 2d March, 1829.....).....	245 43	
For overpayments on account of annuities under the appropriation act of 25th March, 1830....	32,711 27	
For alleged balance on account of the treaty at Prairie du Chien..	440 00	
For alleged overpayments and balances due him on account of Indian department prior to 1829...	10,183 61	
Amounting in all to.....		53,128 96

10. The requisition drawn on the treasury in favor of Governor Cass, (No. 2,905,) dated the 21st July, 1832, about one year after his appointment as Secretary of War, to settle alleged balance due him on account of the overpayments, &c., as aforesaid..... 35,075 00
11. The endorsements on the said account by Governor Cass, then Secretary of War, after the issue and payment of the said requisition of $35,075, for the balance alleged to be due him, by which the final settlement of the said account was suspended, owing to the "peculiar position in which I (he, Governor Cass) stand in relation to the Department," and whereby the final settlement was suspended until the 5th day of December, 1837, when it was finally closed, as appears by the letter of William B. Lewis, the Second Auditor of the Treasury at that date, as per Doc. No. 112, 3d sess. 25th Cong., page 16.

Mr. BRODHEAD rose to a question of order, and contended that it was not in order to make two calls on the President at the same time for the same thing. The House had already called on the Executive for this very information. Mr. B. wanted time to prepare an amendment to the resolution calling for allowances made to other Governors of Territories.

Mr. STEWART said that this was only a call for vouchers: the other call had been for the extra charges allowed; this was for the vouchers by which they had been supported.

The CHAIR said that no amendment could be in order, as the question was on suspending the rules.

Mr. STEWART demanded the yeas and nays; which were ordered, and, being taken, were: Yeas 87, nays 61.

So the rules were not suspended, two-thirds not voting to suspend.

Mr. HOUSTON, of Alabama, said he had endeavored to get the business on the Speaker's table taken up, in order that the Executive messages might be treated with at least the usual degree of respect due to a communication from the Chief Magistrate, but the President's immediate representatives had voted against it, and he gave it up. He would withdraw the motion.

Mr. JONES, of Tennessee, in reply to the remarks of the gentleman from Alabama, [Mr. HOUSTON,] said, that those he was pleased to consider as the immediate representatives of the President, were under no greater obligations to support the motions of the gentleman than other members upon this floor. For himself, he would say that he was as free and as independent as any member of this House. He voted according to the convictions of his judgment. And how he voted was a question between himself and his constituents, to whom alone he was responsible for the discharge of his public duties.

Mr. THOMPSON, of Indiana, moved a suspension of the rules for the purpose of enabling him to move the reference of Senate bill to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw Academy.

Two-thirds not voting in the affirmative, the rules were not suspended.

Mr. COBB, of Georgia, moved that the rules be suspended, and that the House proceed to consider the business on the Speaker's table.

The yeas and nays were taken on the motion to suspend the rules, and resulted—yeas 100, nays 70.

Two thirds not voting in favor thereof, the rules were not suspended.

ARMY APPROPRIATION BILL.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ASHMUN, of Massachusetts, in the chair,) and resumed the consideration of the bill making appropriations for the service of the army for the year ending June 30, 1849.

When the committee rose yesterday, the question pending was on agreeing to the amendment moved by Mr. McCLERNAND, authorizing the selection of Fort Massac, Illinois, as a site for a national armory; which was amended by substituting therefor the amendment moved by Mr. DICKEY, viz:

For the selection and purchase, by the Secretary of War, under the direction of the President of the United States, of a suitable site on the western waters for an armory, and sites, at suitable and convenient points, for two national foundries, one hundred thousand dollars; and as soon as such sites shall be selected, the President shall be, and he hereby is, authorized to purchase the same, and proceed to erect the said armory and foundries.

Mr. BURT moved to amend the amendment by adding thereto the following, viz:

Provided that the selection of said sites shall be made within two years from and after the passage of this act.

Mr. BURT advocated the policy of making an appropriation to enable the President to detail a corps of officers to select a site for an armory on the western waters.

Mr. BOWLIN, on a *pro forma* amendment, enlarged upon the mineral resources of Missouri, the vast abundance of iron and coal in her mountains, and warmly presented the claims of that State to the fair consideration of her numerous sites in making the selection.

Mr. McCLERNAND, on a similar amendment, urged the claims of Illinois to the location of the armory at Fort Massac, and placed his appeal upon the decision of the majority of the commission already established for the selection of sites, in favor of Fort Massac, as endorsing the superiority of that location in respect to its great mineral resources and various natural advantages.

Mr. HARALSON, on a similar amendment, referred to the great difficulty of selecting a location for armories whenever the subject came up in the House, and urged the policy of establishing a commission for the selection (in which he hoped that Georgia would receive her just consideration) of two sites in the western valley, and the immediate commencement of operations accordingly.

Mr. TAYLOR favored the amendment of the gentleman from Pennsylvania, for many reasons. He appreciated very readily the interest which gentlemen from various parts of the western country took in the establishment of armories in their own sections. Fort Massac, Beaver, Pittsburg, St. Louis, and various other places in the West,

had been designated. There was one point equal to any other in the western country which had been overlooked. It was in his own district—the town of Portsmouth, in the State of Ohio, on the Ohio river. It was a central point, in a region of vast mineral resources, around which had already been erected about thirty iron forges and rolling mills; a point combining all the necessary advantages, in the midst of a fine iron region; presenting extensive water power, accessible at all times by the navigation of the Ohio river. He dissented from the views taken by Mr. McCLERNAND—the decision of a commission made some eight years since should not now be decisive. It had never been carried out, and undoubtedly it was not without good reason. He favored the appointment of a new commission for the selection of sites, and claimed for that mentioned by him a fair consideration.

Mr. EVANS, of Maryland, was opposed to all these armories. There were arms enough in the country. You could scarcely meet a man in the streets but carried a bowie knife and a couple of revolving pistols. The United States had arms enough. We had never experienced a deficiency in the Mexican war. We had had an ample supply, and a large surplus remained on hand.

Mr. BURT corrected the gentleman, and said the arms of some of the States were now nearly exhausted. South Carolina was now calling for arms.

Mr. TOMPKINS said he thought the gentleman from Maryland was mistaken about the abundance of bowie knives and revolvers. In Mississippi they had no such thing.

Mr. EVANS further opposed the establishment of any more armories. Gentlemen talked about the advantageous locations in their several districts. Why, he had several which he could strongly recommend in his own district. But the preliminary question should first be settled, whether the interests of the country demanded the establishment of any more armories. He thought no more were needed, and he hoped this House would not appropriate the public money for the local benefit of particular sections, which might desire an armory.

Mr. McCLERNAND read certain statistics to controvert the statement of Mr. EVANS, and to show that, instead of there being now a surplus, there was a deficiency of arms in the United States.

Mr. BURT's amendment to the amendment was agreed to.

The question recurred on the amendment of Mr. DICKEY as amended.

Mr. DUNCAN, of Ohio, moved a *pro forma* amendment to the amendment, and warmly opposed all these proposed appropriations as entirely unnecessary. We had been told by the President of the United States in his recent peace message, that the war just terminated had given us "ample "security for the future." There was no necessity, then, for the further increase of expenditures for the manufacture of arms. We had abundance of them for any emergency that was likely to arise. In case of a war with England, it would be on the ocean; but in case of a difficulty which arose with any nation, it might be, and he hoped it would be, settled by fair dealing, and pursuing the path of rectitude. He would much sooner appropriate the money for the purchase and cultivation of a model farm, instead of an armory at Massac, and for the establishment of schools and universities throughout the land. Instead of devoting the time, the energies, and the resources of this great nation, for the purposes of war, it was time to apply ourselves to higher and nobler objects—to cultivate the arts of peace, to cherish and diffuse learning, justice, and morality, thoughout the land.

Mr. CROZIER moved to amend the amendment by inserting Chattanooga, Tennessee, and briefly presented the peculiar advantages of that point as a site for an armory, of the abundance of its minerals, its central location, accessibility, &c.

The amendment of Mr. CROZIER to the amendment was lost.

Mr. BROWN, of Pennsylvania, upon a *pro forma* amendment, opposed the appropriation of any more money to the establishment of new armories, and spoke of the great quantities of arms now on hand at various armories and arsenals; of immense piles of them now lying at the armory at Harper's Ferry, for the preservation of which they had been obliged to erect new buildings. Not half of the arms on hand there had been drawn for use in the Mexican war.

Mr. RUMSEY said, it was not long since several hundred thousand dollars' worth of arms had sold in New York for almost nothing.

Mr. BROWN was satisfied that the two armories we had were not only able to make arms enough for the several States and for all Government purposes, but for half the world.

Mr. DICKEY controverted the statement of his colleague as to the quantities of arms on hand at the various points, and read from an official report on the subject.

Some conversation took place between the two gentlemen on this point.

Mr. BROWN concluded by referring to the large appropriations made in this bill—$53,000 for the armory at Harper's Ferry and $81,000 for Springfield, for the increase and improvement of facilities for the manufacture of arms, and $360,000 the general appropriation for the said manufacture—and said no man in his senses could believe we needed any heavier appropriations for these purposes.

Mr. HAMPTON, of Pennsylvania, moved to amend the amendment by inserting Pittsburg, and presented the numerous advantages of that location for an armory. In reference to his colleague's [Mr. BROWN's] opposition to any appropriation of this character, he said the gentleman was ready enough to vote for four or five hundred thousand dollars for a dry-dock at Philadelphia, or two or three hundred thousand for a breakwater in the Delaware, whenever the appropriations were proposed; but he was utterly opposed at the same time to any appropriation for the Northwest. What had the Northwest received out of the hundreds of millions of dollars which had been expended within the last ten or fifteen years by this Government? Every single dollar appropriated for them had been vetoed the moment it reached the White House, and had been voted against by his colleague, while he was very ready to appropriate for dry-docks at Philadelphia and other improvements in his own locality.

Mr. BROWN said the gentleman was mistaken. He had neither voted for dry-docks at Philadelphia, nor against the improvement of the western waters.

Mr. HAMPTON. Did the gentleman vote for the harbor and river bill of the last session?

Mr. BROWN. I happened not to be in Congress.

Mr. HAMPTON. Well, will he when the bill comes up?

Mr. BROWN. I can tell when I see the bill.

Mr. HAMPTON. Well, I have it in my drawer; and the gentleman will have the opportunity of voting upon it soon. Will he vote for the improvement of any of the rivers of the West? Will he vote for the Ohio river?

Mr. BROWN. That would depend upon circumstances. [Laughter.] My colleague and the House will be distinctly informed of my decision when the bill comes before us.

Mr. HAMPTON. Oh! that is extremely convenient; I think "circumstances" would prevent the gentleman's voting with us.

Mr. BROWN. I have voted for harbors on the western lakes.

Mr. HAMPTON. Did the gentleman vote the resolution condemning the President's veto of the river and harbor bill?

Mr. BROWN. I was not here. [A laugh.] But if I had been, I think it extremely probable I should have voted against it, as I generally do against all abstract resolutions.

Mr. HAMPTON. Well, the gentleman will have the opportunity of voting on the practical question within the next two or three days, for it is my intention, and the intention of the Committee on Commerce, to bring up the river and harbor bill and pass it.

Mr. H. concluded by a word or two further in reference to the superiority of Pittsburg as the location of a site for a national army.

Mr. HOUSTON, of Alabama, moved to make the site near Florence, Alabama; which he supported in a brief speech, showing the advantage of that location.

The discussion of the subject of sites and localities was continued by Messrs. BRODHEAD, FICKLIN, INGE, and COCKE, each advocating the advantages of his own section of the Union.

Mr. SAWYER inquired if it was in order to move that the committee rise and report the bill to the House.

The CHAIRMAN replied in the negative.

Mr. SAWYER regretted it very much, for these discussions were consuming time for no practical purpose.

Mr. MARVIN and Mr. ROMAN continued the discussion on amendments which they submitted, and which were rejected.

The question was then taken on Mr. DICKEY's amendment, and it was rejected.

Mr. BOWLIN offered an amendment to appropriate $5,000 for defraying the expense of selecting a site for a national armory on the western waters. Lost.

Mr. BURT offered an amendment to appropriate $25,000 for the purchase of a site and building an arsenal of deposit, and for general construction at or near Atlanta, in the State of Georgia. He spoke through his allotted time in support of his motion. Lost.

Mr. BURT moved to strike out the item of $20,000 for the purchase of land at Frankfort arsenal, Pennsylvania, for a site for a manufactory of percussion caps. He said it was perfectly unnecessary, as many percussion caps could be manufactured here in Washington as were needed.

Mr. McCLERNAND and Mr. VINTON entered into explanations respecting this item; the latter gentleman in its defence. The conversation was continued by Mr. HARALSON, Mr. MARVIN, Mr. VINTON, and Mr. McCLERNAND.

Mr. EVANS, of Maryland, said (in reply to Mr. BURT) that he did not care where these armories were placed. Gentlemen might have them in Louisiana, if they liked. He had no wish to keep them at the North. The only reason why they had received their present location was, that the mechanics were there whose skill was required in the manufacture of arms. They might transfer the armories, but the mechanics were a sort of thing not so easy to transfer. A skillful mechanic liked to remain at home, where he was known, and where his skill would always get him employment.

Mr. C. J. INGERSOLL opposed the motion to strike out. He did not care about having this manufactory at Frankfort, but he knew they had as good mechanics there as anywhere else in the world. On these percussion caps—he did not pretend to know any thing about them; he had, he believed, never seen one in his life, and it was very likely he should be very much afraid of one; but on these percussion caps much of the success of the gunnery of this nation depended; and, if he was rightly informed, it was mainly to the superiority of our gunnery that our victories, both at sea and on land, were to be ascribed.

Mr. BURT believed the caps we had now in use were as good as any that could be manufactured. What complaint was made of them?

Mr. INGERSOLL again observed, that in the last war our great superiority in gunnery had won us battles on sea and land. Those who were best skilled in these matters had selected Frankfort as a suitable spot for this factory, and he presumed they had good reasons for it.

Mr. BROWN, after some playful bantering of his colleague on his usual Democratic zeal for economy, moved to reduce the sum proposed in this appropriation from $20,000 to $10,000.

Mr. J. R. INGERSOLL made some remarks as to the propriety of the spot which had been selected, gave an account of the Frankfort armory, and the completeness of the entire establishment, the perfection of the machinery, and the order and discipline of the operatives employed there. The ground, to be sure, was not as cheap there as on the Alleghany mountains, or in the arid sands of Mississippi.

The question being put on Mr. BROWN's motion, it was negatived.

Mr. HARALSON moved to strike out the entire item for this percussion cap manufactory.

And the question being put, the vote stood—ayes 81, noes 27.

A quorum not voting, the roll was called in compliance with the rule, and the committee rose and reported the names of the absentees, to be entered on the Journal.

A quorum having appeared, the committee resumed its session, and the question was again put on striking out the item for the purchase of land at Frankfort arsenal for a site for the manufacture of percussion caps, $20,000. Agreed to.

The succeeding item "for the erection of suitable

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buildings and machinery therefor, $15,000," was, on motion of Mr. HARALSON, stricken out.

The item "for the purchase of land at Springfield, Massachusetts, to be flowed by raising dam at Upper Water Shop, $5,000," was read.

Mr. DICKEY moved to strike out the same and insert—

That the President of the United States be, and he is hereby, authorized to abolish the manufacture of arms at our national armories, at Harper's Ferry and Springfield, as soon as the appropriations authorized by this act shall have been expended, and that he be, and is hereby, authorized to enter into contract with individuals or companies being the lowest bidders for the manufacture of such arms and accoutrements as may be necessary and authorized by law, and that he be, and is hereby, authorized to sell and dispose of all the public property at these respective establishments other than arms and accoutrements.

Mr. D. observed that the House had determined that our ordnance should not be cast at a public foundry, but should be made at individual private establishments. If the argument was good as to cannon, why was it not equally good as to small arms? At the armories we had, these arms cost the Government a large price. Would it not be better to abolish them, and have our muskets and other arms made by individual contract? The House had voted $16,500 for the erection of a forge at Harper's Ferry to manufacture their scrap iron, against the interest of our iron mines: he supposed the next thing would be to set them to work on pig and bloom iron.

Mr. McLANE suggested the propriety of adding, "and that the President be directed to sell all our present works, and all the arms and stock we have on hand."

Mr. DICKEY was understood to withdraw his motion.

Mr. HARALSON moved to strike out the item for the purchase of land at Springfield, &c., $5,000.

Before the question was put—

Mr. ASHMUN moved to amend the item by increasing the amount $5,000.

Mr. A. entered into an explanation, showing the great utility and profit the Government would derive from the appropriation.

The question being on striking out the appropriation for Springfield armory—

The question was inadvertently put while Mr. ASHMUN had the floor, and decided in the affirmative; but on Mr. A.'s remonstrance, the Chair recalled the question, (Mr. HARALSON objecting and insisting that the question was decided,) and Mr. ASHMUN made a full explanation of the grounds of the amendment (which related entirely to local details) and opposed the motion to strike out.

Mr. HARALSON and Mr. BOWLIN advocated it.

Mr. ASHMUN replied, and made further statements in explanation.

Mr. VINTON called for the letter from the department, stating the reasons on which the appropriation had been recommended.

Mr. FARAN inquired why the factory was not driven by steam instead of water power?

Mr. VINTON replied, because a vast sum had been invested in the works, which were propelled by a stream of water. Would the gentleman have the Government pull them down and change the whole plan that they might be driven by steam? If he owned the works, would he do it?

The discussion was further carried on by Messrs. HARALSON, VINTON, BOWLIN, FARAN, HUDSON, and others, under motions severally made for the purpose, on the above item.

The question was then put on Mr. HARALSON's motion to strike out the item, and it was disagreed to.

Mr. HARALSON moved the following amendment:

For selection and purchase by the Secretary of War, under the direction of the President, of sites at suitable and convenient points, for two national foundries, $50,000; and, as soon as said sites shall be selected, the President shall be, and is hereby, authorized, to proceed to erect said foundries.

Mr. HARALSON entered into some remarks in advocacy of his amendment.

Under a *pro forma* motion, some remarks were also made by Mr. ASHMUN.

Mr. BOWLIN moved to amend by adding a proviso that one of the armories shall be located west of the Alleghany Mountains.

Mr. B. supported his amendment in a few brief remarks.

Mr. BURT, and Mr. COBB, of Georgia, also made some remarks in reference to this subject.

Mr. BOWLIN's amendment was rejected.

Mr. McCLERNAND moved to amend the amendment by adding:

Provided, That the sum of twenty-five thousand dollars be, and the same is hereby, appropriated out of any moneys in the treasury not otherwise appropriated, to be applied, under the direction of the Secretary of War, for purchasing a site and commencing the necessary works for a national armory at Fort Massac, in the State of Illinois.

Mr. McCLERNAND urged the adoption of his amendment in remarks which consumed his allotted five minutes. It was rejected.

Mr. BARRINGER moved the following amendment:

For the purchase and fair distribution of the systems of military tactics in use in the army of the United States, among the officers of the militia in the several States of the Union, under the direction of the Secretary of War and the Adjutant General of the army of the United States, ten thousand dollars.

Mr. BARRINGER made some remarks in support of his amendment.

Messrs. McLANE and TAYLOR, under *pro forma* motions, made some remarks on this amendment.

Mr. VENABLE and Mr. BURT, on motions made and subsequently withdrawn, made some remarks; the latter gentleman in urgent advocacy of Mr. BARRINGER's amendment.

Mr. BOWLIN moved to amend the amendment by adding:

Provided, That the Secretary of War shall contract for the same to the lowest bidder, who will contract to furnish them in a reasonable time to be fixed.

Mr. BARRINGER accepted Mr. BOWLIN's amendment.

The question was put, and Mr. BARRINGER's amendment was rejected.

Mr. THOMPSON, of Indiana, moved the following amendment:

For the continuation of the improvement of the Ohio river, above the falls at Louisville, $40,000.

For the continuation of the improvement of the Ohio river, below the falls at Louisville, $80,000.

For the continuation of the improvement of the Missouri river, $30,000.

For the continuation of the improvement of the Mississippi river, below the mouth of the Ohio river, $50,000.

For the continuation of the improvement of the Mississippi river, above the mouth of the Ohio river, $40,000.

All of which sums shall be expended under the direction of the Secretary of War.

Mr. BURT raised a point of order against the amendment on the ground of irrelevancy.

The CHAIRMAN overruled the point of order, and decided the amendment in order, first, because it was connected with the defences of the country, which was the direct object of this bill; secondly, because it was in continuation of works already in progress; and, thirdly, because it was sustained by precedents, the army bills of 1842 and 1843 containing precisely similar items.

Mr. HARALSON appealed from the decision, and called for the reading of the 80th rule; which was read, and provides that no appropriations shall be made in the general appropriation bills for works not authorized by law, unless in continuation of works already in progress.

Mr. VINTON suggested that these works were already in progress, and that the gentleman from Indiana modify by saying "for the continuation of the improvements in the Ohio river, above the falls," &c. There was a dam there half-built, and left in that half-finished state.

Mr. THOMPSON, of Indiana, accepted the suggestion, and modified his amendment accordingly.

The decision of the Chair was overruled: Ayes 74, noes 76; and thus the amendment was ruled out of order by the committee.

Mr. DICKINSON moved the following amendment:

For refunding to the assistant quartermaster of the second regiment of Ohio volunteers, for clothing furnished to said volunteers, near Marin, in Mexico, in 1847, upon the requisition of the colonel commanding said regiment, a sum not exceeding eight hundred dollars: *Provided*, The proper accounting officers of the Treasury Department shall have ascertained the amount due, and upon whose certificate the ascertained amount due shall be paid.

After some debate, in which Messrs. DICKINSON, BURT, and MILLER took part, the amendment was ruled out of order.

Mr. BOTTS moved as a new section:

That the act approved March second, eighteen hundred and nineteen, entitled "An act to regulate the pay of the army when employed on fatigue duty," shall be construed to include the enlisted men of ordnance when employed as clerks at arsenals, and also the payments which have been made to such clerks to the extent authorized by that act; that is, eighteen cents each day actually so employed as clerks.

Mr. B. explained, and the amendment was agreed to.

Mr. BOTTS moved another amendment as a new section:

That hereafter it shall be lawful for the major generals to select their aids-de-camp from the captains and lieutenants of the army, and the brigadier generals shall select their aids-de-camp from the lieutenants of the army.

The amendment was adopted.

Mr. BURT moved the following as a new section, which Mr. B. explained.

And be it further enacted, That the professors and assistant professors of the Military Academy shall be entitled to receive the commutation of forage for the number of horses allowed to the rank to which their pay and allowances are assimilated under the act approved the twenty-ninth of April, eighteen hundred and twelve.

Mr. JONES moved to add to the amendment the following proviso:

Provided, That nothing herein contained shall be so construed as to authorize the allowance of commutation of forage for any horses not actually kept by said professors and assistant professors.

Mr. J. explained. His proviso was rejected.

The question being put on Mr. BURT's amendment, it was rejected.

Mr. COBB, of Alabama, moved as a new section:

That so much of "An act to amend an act to raise for a limited time an additional military force, and for other purposes," approved February eleven, eighteen hundred and forty-seven, as provides that bounties of lands shall be located "in one body," containing not less than one hundred and sixty acres, be and the same is hereby repealed; and hereafter warrants for the said bounties may be issued for quantities containing not less than forty acres, at the option of the holders, to the amount of one hundred and sixty acres, and in conformity to the legal subdivisions of the public lands: *Provided*, That, upon the return of any such warrant already issued by the person to whom it was issued, it may be competent to reissue to said person warrants for forty-acre tracts to the amount of the warrant thus returned: *Provided, further*, That in no case shall a warrant be thus returned and divided for an assignee, or any one but the person or persons in whose name it issued; which shall be made to appear by the oath of the person thus desiring such return and division.

Mr. C. occupied his five minutes in remarks on his amendment.

After some remarks on *pro forma* motions by Messrs. COLLAMER, EVANS of Maryland, and HALL of Missouri, the amendment was rejected.

Mr. WICK moved as a new section:

That the Secretary of War may, in his discretion, upon such security as he may deem sufficient, cause arms to be delivered to associations formed for the purpose of emigration to Oregon, California, or New Mexico, the same to be reported and delivered by such associations, within a reasonable time, to some officer of the United States, at a point within said Territories, each to be designated by said Secretary.

Mr. WICK explained and sustained his amendment. It was rejected.

Mr. TOMPKINS moved as a new section:

And be it further enacted, That there shall be, and is hereby appropriated, for the pay, subsistence, and clothing of the regiment of voltigeurs and foot riflemen, armed with howitzer and rocket batteries, which regiment the President is authorized to retain and have recruited and kept up to the complement of other regiments as fixed by this act, the sum of one hundred and sixty thousand dollars.

Mr. T. explained his amendment. It was rejected.

Mr. FEATHERSTON moved an amendment:

And be it further enacted, That such sum or sums of money as were paid out of his own funds by Captain Joel M. Acker, of the second Mississippi regiment of volunteers, in the late war with Mexico, for clothing (bought) for such soldiers as were enlisted by him in the years of 1847 and 1848, while on the recruiting service in the State of Mississippi,

be refunded to him so soon as the necessary vouchers and proof shall be filed with the Secretary of War, and his account shall be allowed by the War Department.

The amendment was ruled out of order.

Mr. THOMPSON, of Indiana, renewed, as a new section, the amendment he had previously moved for the continuation of the improvement of the various western rivers, and which was ruled out of order.

The amendment was again ruled out of order.

The committee then rose, and reported the bill as amended.

The House proceeded to consider the bill.

Mr. ASHMUN moved the previous question.

The previous question was seconded, and, under the operation thereof, the amendments of the Committee of the Whole was agreed to without a division, *except* the following amendment, which was added by the Committee of the Whole to the end of the second section, and which was rejected:

And that the maximum number of privates in each of the companies of dragoons, artillery, infantry, and mounted riflemen of the army of the United States shall not hereafter exceed forty-two: *Provided*, That the President may, in his discretion, increase the number of privates in each of the companies, not exceeding sixty, which shall at any time be ordered and kept in permanent service in the Territories, to such number, not exceeding one hundred to each company, as he may think discreet; and may order such transfers from and to the different companies as may be necessary for that purpose: *And provided further*, That the whole number of privates, including the company of engineers and the enlisted men of ordnance, at any one time in service shall not exceed nine thousand and sixty men, and that the number of women and employés belonging to, or at any time attached to, the army shall not exceed one thousand: *And provided further*, That any non-commissioned officer or private in the regiment of mounted riflemen who shall have served in Mexico shall, on application, receive an honorable discharge from the service of the United States, and that the number so discharged shall be replaced at the discretion of the President.

The bill was then ordered to be engrossed; and, being engrossed, was read a third time.

Mr. THOMPSON, of Indiana, moved to reconsider the vote by which the bill was ordered to be engrossed. He had made two unsuccessful attempts to graft upon this bill an appropriation for the improvement of the Mississippi, Ohio, and Missouri rivers. On looking into the records of the proceedings of the House, it would be found that appropriation for these rivers had always been inserted in the army appropriation bill; but now, for the first time, it was discovered that, to place it there, was out of order. The entire Democratic party had opposed the attempt to introduce it into this bill. Mr. T. said he had made the motion in good faith; though he must in candor confess he had not had much faith that it would pass. When a great and powerful political party, just on the eve of a Presidential election, set itself against all measures of the kind, and proclaimed to the world, as an article of their faith, that Congress had no power to make appropriations for them, it was hardly to be hoped that such a motion would prevail against so formidable an array. But he must confess that he had been surprised to find the opposition suddenly swelling itself to such a degree as to obtain a clear majority against it.

Mr. GENTRY said he was one of those who had voted in favor of sustaining the Chair when it decided the motion of the gentleman from Indiana to be out of order. He had since had time to look into the precedents, and was now fully satisfied that the decision had been erroneous, and that the amendment had been perfectly in order.

Mr. THOMPSON was very sorry the gentleman had not made that discovery a little sooner. He had been asked whether this item for the Mississippi and Ohio was to be found in the army bill of 1842? He answered that it there appeared, though that bill had been under the special guardianship of the rigidly constitutional and economical gentleman from North Carolina, [Mr. McKAY.] The gentleman and his political friends were, he knew, irreconcilably opposed to all appropriations of this description. He had moved it in good faith; and he well knew, that if it ever was obtained at all, it must be put in one of the appropriation bills; for, whenever it was connected with the river and harbor bill, it was sure to encounter the Presidential veto.

Mr. COBB inquired whether there were not separate bills now reported containing appropriations for these river improvements by themselves?

Mr. THOMPSON replied there was an item for them in the river and harbor bill. But the gentleman from Georgia need not be told that such a bill was sure to be vetoed by Mr. Polk; not, indeed, because it contained appropriations for these "inland seas," as they had been called, but because it contained appropriations for the improvement of the harbors of the country.

Mr. COBB said that appropriations for these great rivers were in a bill by themselves, and not connected with any harbors.

Mr. THOMPSON said he knew there was one bill appropriating for the Mississippi alone.

There was a great deal of shuffling and dodging on this subject of internal improvements. The people of the West felt a deep interest in the subject, and they expected to get appropriations for works of this kind. All Mr. T. desired by the present movement was to bring those gentlemen who came from the valley of the Mississippi, and who *dare* not vote directly against such appropriations, to make their mark on this question. He wanted the people of the West not to be imposed upon, but to know who was for and who was against appropriating the public money for works of internal improvement. Gentlemen at home were always loudly in favor of it; here they uniformly acted against it. He wanted to get them fairly on the record, so that the West might know who was for them and who was against them. For himself, he had no concealments about the matter, nor on any other subject of legislation.

He said that if this item was connected with the river and harbor bill, it would encounter the constitutional objections of the President: he wanted it put in the appropriation bill, where it would be free from dangerous associations. It had never before failed to be placed in the army bill; and that was its appropriate place, because money so appropriated was always expended under the direction of the Secretary of War. These appropriations were part and parcel of the expenditures of the War Department. They were expended under the superintendence of the Engineers, who belonged to that department, and received their orders from it. They constituted a part of the common defences of the country. Had not more than eight-tenths of the whole force which went to Mexico in the late war been transported on these streams to reach their destination? Yet, notwithstanding that no party west of the mountains dare avow themselves openly as opposed to these appropriations, notwithstanding these rivers furnished the great highway by which the great mass of our western produce annually reached its market, and notwithstanding they watered the most fertile and prosperous regions in the globe, yet all appropriations for removing from them the most dangerous obstructions were steadily and systematically refused. He wanted that refusal put on record, with every man's name attached to it, so that the people of the West, whose vital interests were involved, might know, not who talked well for these things at home, while soliciting their votes, but who voted for them here.

He candidly avowed that his view, in moving a reconsideration of the bill, was to get in an amendment for the improvement of the Mississippi, Ohio, and Missouri rivers.

Mr. McCLELLAND said, if there was a man on that floor who had made honest and strenuous efforts to obtain appropriations for the improvement of the rivers and harbors of the West, he was that man.

Mr. THOMPSON said he fully exonerated the gentleman from Michigan personally. He knew, and took pleasure in bearing witness, that no man had ever been a more unwavering friend to internal improvements than that gentleman. It was on his party, not on himself, that he made the charge.

Mr. McCLELLAND said that wherever an attempt had been made to introduce appropriations for rivers and harbors into the general appropriation bills, contrary to the rules of the House, he had uniformly opposed it. If it were permitted, no one could foresee the abuse to which it might lead. Subjects of this nature, and all others which were proper for legislative action, should be well considered and matured before they were finally acted upon, and every one here knew the importance of keeping up a proper distinction as to the character of the items introduced into bills for such purpose. Each should stand or fall on its own merits. His course on such questions had been invariably the same. But it was amusing to see the change which had taken place in the course pursued by his friends on the other side of the House upon this very point. A few short years ago, an appropriation was inserted in one of the general appropriation bills for the improvement of the harbor at Boston, and although its friends argued that it was absolutely necessary for the defence of that city, and was part and parcel of the military works there, yet it was opposed by the gentleman from North Carolina [Mr. McKAY] and himself for the very reason before given, and stricken from the bill by a large majority, composed of Whigs and Democrats. The Speaker of this House (then on the floor) had, if his recollection was correct, made a strong and eloquent appeal to the House to reinstate it, and notwithstanding his power and influence, which was deservedly great with both parties, he most signally failed.

Old members would recollect another remarkable instance of the determination of the House not to make any invidious distinctions as to this kind of appropriations. A bill for the improvement of the navigation of the rivers Ohio, Mississippi, Missouri, and Arkansas was introduced into the Senate by (he believed) the Senator from Kentucky, [Mr. CRITTENDEN,] which passed by an almost unanimous vote, and was sent to this House. What was its reception here? Almost every member viewed it as an attempt to interfere with the general system. It was rejected with the same unanimity with which it had passed the Senate, Whigs and Democrats uniting in their opposition to it.

Mr. McCLERNAND here interrupted the gentleman from Michigan, and said, by reference to House Journal, page 1096, it would be found that the following communication from the Senate was received:

"Mr. Speaker: The Senate have passed 'An act to provide for the improvement of the navigation of the rivers Ohio, Mississippi, Missouri, and Arkansas.'

"Mr. BOYD moved the previous question, which was seconded, and the main question was ordered and put, viz: Shall the bill be rejected? and decided in the affirmative: yeas 120, nays 48."

Most, if not all, of the Whig members voting in the affirmative.

Mr. THOMPSON inquired whether it was not Mr. McCLELLAND's opinion, that if his amendment was attached to the river and harbor bill, and it passed, it would not be vetoed?

Mr. TOOMBS, with much warmth, called Mr. THOMPSON to order, for this reference to the probable action of the Executive. It was unparliamentary and highly improper. He hoped never to hear any reference made in that Hall of Representatives to the opinions of the President, or any action of his as bearing on the legislation of that House.

Mr. McCLELLAND appealed to Mr. TOOMBS to state whether he (Mr. McC.) had referred to the President's opinions.

Mr. TOOMBS said, not at all.

Mr. McCLELLAND remarked that he had no objection whatever to replying to the interrogatory of the gentleman from Indiana, [Mr. THOMPSON,] although he knew not what course the President would pursue, if the contingency alluded to should happen. But it was a question of principle with the President, and he could not conceive what difference it would make with the President whether the item was in this or the river and harbor bill. The application of the principle must be the same.

Mr. McC. said there had been a studied attempt made in 1840 to convince the people of the West that the Whig party alone was in favor of appropriations for river and harbor improvements; and they had, by their persevering efforts, induced many to believe that such was the case. Well, the Whigs got into power, and all were anxiously expecting the fulfillment of their promises; but in this, as in every other respect, they totally failed to redeem their pledges. He would ask the gentleman from Indiana, [Mr. THOMPSON,] who was a member in 1841–'42, and when the Whigs had the power, why they did not make appropriations for these objects?

Mr. THOMPSON said he had always been in favor of them.

Mr. McCLELLAND. Yes, the gentleman, personally, had been. But his party had then a large majority: why had not appropriations been made for the lakes?

Mr. THOMPSON said it was very hard to get an appropriation of that kind, because there was no money in the treasury.

Mr. McCLELLAND. Exactly; and are we

less in debt now? Is not the national debt far greater now than then? But still, in debt as we were, Mr. McC. was for appropriations for such purposes; and he believed he could show, if fit opportunity offered, that they were imperatively demanded by the best interests of the country.

He objected to any effort to make the West believe that none were favorable to these appropriations but the Whig party, while facts upon the record showed directly the contrary. If the gentleman would look at the yeas and nays, for years back, he would readily perceive how the matter stood when it came to voting.

He inquired of the Whigs why, having the majority, they had not long ago passed the river and harbor bills?

Mr. HUNT, of New York, replied that a bill had been reported from the Committee on Commerce for that purpose.

Mr. McCLELLAND. When? How early in the session?

Mr. HUNT. On the 3d of February, and repeated efforts had been made from time to time since to get it up and pass it, but the gentleman well knew that his own party had defeated the motion.

Mr. McCLELLAND said, if the gentleman would recur to the history of past sessions, he would find that such appropriation bills had generally been reported in the first part of the session, with a view of pressing them to a vote; and he could not conceive the object of the delay in this case, when the gentleman from New York [Mr. HUNT, chairman of the Committee on Commerce] knew that the bills he reported were mere transcripts of those reported last session. And there was greater necessity for an early report this than at any previous session. The rules had been changed so as to require all bills to be taken up and disposed of in the order in which they stood on the calendar; and if the river and harbor bills had been reported in season, they would have been at the head of the list, and entirely under the direction of the majority. The Whigs had the whole control of the matter.

Mr. HUNT reminded Mr. McCLELLAND that it required a vote of two-thirds to suspend the rules to take up a bill out of its order on the calendar.

Mr. McCLELLAND. Yes; but why had the Whigs made such rules for the House, so that a majority could not get at the measure which they wished to face? They had a majority on the Committee on Rules as well as in the House.

Mr. HUNT said he had always opposed the rule which so operated.

Mr. McCLELLAND had been speaking of the course of the Whigs, not of that of the gentleman of New York, because he had never understood that that gentleman was the Whig party.

Mr. HUNT said that the bills had been reported unanimously by the Committee on Commerce as early as the beginning of February, and he would remind the gentleman from Michigan that there were bills at the very head of the calendar which had not been reached to this day.

Mr. McCLELLAND. Why not? The Whigs have a majority, and could, at any time they saw fit, proceed to the consideration of the calendar, and take up the bills in their order. Had they made any such attempt in committee, where it is necessary to make the motion? No, not a solitary effort is made. And why? Merely because, as he presumed, the ayes and noes were not in order there, and the attempt might not subserve party purposes. Here we had been eight months, and had not touched the first bill on the general calendar, which is at all times under the control of the majority, and yet the gentleman from New York complained of this side of the House.

Mr. McC. was in favor of this new rule, for the obvious reason, that if the majority would act upon the calendar, every bill would receive a proper consideration, and this would have been of immense importance to the new and western States, because, under the old rule, the large States and a combination of interests deprived them of the power of having bills of peculiar interest to them considered. For this reason—and he called upon the gentleman from Indiana, [Mr. C. B. SMITH,] a member of the Committee on Rules, and to whom, at the time of the consideration of the rules by the committee, he communicated it, to bear witness—he was in favor of the new rule.

Mr. C. J. INGERSOLL moved that the motion to reconsider be laid upon the table; on which the yeas and nays were taken, and resulted as follows:

YEAS—Messrs. Atkinson, Beale, Bingham, Birdsall, Bowlin, Boyd, Brodhead, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Clapp, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collamer, Crozier, Daniel, Darling, Dickinson, Edsall, Featherston, Fries, Fulton, Green, Willard P. Hall, Haralson, Harmanson, Harris, Hill, George S. Houston, Hubbard, Inge, Charles J. Ingersoll, Iverson, Jenkins, Andrew Johnson, George W. Jones, Kaufman, Kennon, La Sere, Sidney Lawrence, Ligon, Lord, Lumpkin, Maclay, McClelland, McClernand, McKay, McLane, Job Mann, Marsh, Meade, Miller, Morris, Nicoll, Peaslee, Peck, Petrie, Phelps, Pillsbury, Rhett, Richey, Sawyer, Simpson, Smart, Robert Smith, Starkweather, Chas. E. Stuart, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, Thurston, Toombs, Turner, Venable, Wallace, and Wick—81.

NAYS—Messrs. Abbott, Ashmun, Barrow, Blanchard, Boydon, Brady, Butler, Cabell, Canby, Clingman, Cocke, Conger, Cranston, Crisfield, Crowell, Dickey, Dixon, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Faran, Farrelly, Fisher, Flournoy, French, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henley, Henry, Elias B. Holmes, Hudson, Hunt, Joseph R. Ingersoll, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Marvin, Morehead, Mullin, Nelson, Newell, Outlaw, Palfrey, Pendleton, Preston, Reynolds, Julius Rockwell, John A. Rockwell, Roman, Rose, Root, Ramsey, St. John, Shepperd, Sherrill, Silvester, Slingerland, Truman Smith, Stephens, Andrew Stewart, Strohm, Tallmadge, Taylor, Richard W. Thompson, Tuck, Vinton, Warren, and Wentworth—84.

So the House refused to lay the motion to reconsider on the table.

And the House, at fifteen minutes before five o'clock, p. m., adjourned.

IN SENATE.

SATURDAY, *August* 5, 1848.

Mr. DOUGLAS, from the Committee on Territories, reported House bill for the establishment of a Territorial Government in Oregon with amendments, and gave notice that he should call up the bill for consideration on Monday next, at twelve o'clock, for which hour he asked that it might be made the special order; which was agreed to.

The amendments were ordered to be printed, and are as follows:

Page 8, line 11, after the word "effect," insert "*Provided*, That no act of the Territorial Legislature shall become a law until approved by the Governor."

Page 17, line 1, after the word "that," insert "inasmuch as the said territory is north of the parallel of 36° 30′ of north latitude, usually known as the 'Missouri compromise.'"

Page 19, lines 22, 23, strike out the words "2,500 dollars," and insert "the highest amount now allowed to a member of Congress from any State of the Union."

Page 23, section 24, line 5, strike out the words "at Nisqually," and insert "in Puget's Sound."

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, reported the bill to revive a portion of an act for the relief of the widows of deceased soldiers, with an amendment.

Mr. SEBASTIAN, from the Committee on Private Land Claims, reported, without amendment, a bill for the relief of Shadrach Gillett and others.

On motion of Mr. BENTON, it was

Ordered, That from and after Monday next, the daily hour of meeting of the Senate shall be ten o'clock, a. m.

Mr. DAVIS, of Massachusetts, presented a petition from citizens of Philadelphia, praying Congress to purchase the estate of Mount Vernon; which was laid on the table.

Mr. DAVIS also presented a petition from the widow of the late Alexander H. Everett, for the settlement of his accounts; which was referred to the Committee on Foreign Relations.

Mr. HANNEGAN, from the Committee on Foreign Relations, reported a bill to provide for carrying into effect the first article of the treaty between the United States and the Mexican Republic, and establishing a boundary line between the two countries.

The bill was read a first and second time, when its further consideration was postponed until Monday.

On motion of Mr. BORLAND, the previous orders were postponed, and the Senate proceeded to the consideration of the bill to grant to the State of Arkansas certain unsold lands subject to overflow, for purposes of internal improvement, education, and for other purposes.

The bill was read a second time, and being under consideration as in Committee of the Whole—

Mr. BORLAND explained, that there was about 4,807,000 acres of land of this description in the State of Arkansas, which were entirely useless, and without value in their present condition. Before they could be brought into cultivation, an embankment must be made. In the hands of the State this would be accomplished, and some important public works would be completed without application for aid to the General Government.

Mr. JOHNSON, of Maryland, asked what was the quantity of lands of this description in the adjoining States, as well as in Arkansas.

Mr. BORLAND replied, that the total amount was about twenty-four millions.

Mr. CALHOUN thought that the General Government ought to do something for the purpose of reclaiming this immense mass of unsalable and useless lands. He had reported a bill for the purpose, and he hoped this matter would not be pressed until he could call up his bill, which he would do next session.

Mr. YULEE thought there might be some doubt as to the power of the Government according to the view of the Senator from South Carolina. The best way would be to pass this bill, to only a portion of which he had any objection.

Mr. WESTCOTT stated that there were four millions of acres of land similar in their character, in Florida, and he was glad to find that there was some prospect of their being reclaimed and made of value. He hoped the condition would be stricken out.

Mr. YULEE moved to strike out the conditions by which the State bound herself to a certain specified disposition of the proceeds.

Mr. NILES felt some alarm at the extent of the donation.

On motion of Mr. ATHERTON, the bill was laid on the table for the present.

CIVIL AND DIPLOMATIC BILL.

On motion of Mr. ATHERTON, the Senate resumed the consideration of the civil and diplomatic appropriation bill.

Mr. HANNEGAN moved to amend the bill by inserting a clause appropriating "for compensation to S. Prevost, United States consul at Lima, for diplomatic services, $1,800;" which was agreed to.

Mr. HANNEGAN moved to amend the bill by inserting a clause appropriating "for compensation to Charles G. Anderson, for services as acting chargé d'affaires at Paris during the absence of the United States minister, $1,666 67."

Mr. MILLER asked where General Cass was at this time?

Mr. HANNEGAN. On an excursion to the Holy Land.

Mr. MILLER said this was the first case of an application for extra pay, while the minister was only temporarily absent on an excursion.

Mr. HANNEGAN believed it had been always customary to make such an allowance.

Mr. KING said that no such practice had, within his knowledge, prevailed. It certainly was not so in his case, and he had been sometimes absent from Paris for a month or two, visiting various parts of the continent for recreation. He thought the precedent a dangerous one.

After a few words from Mr. DAYTON and Mr. MASON—

Mr. HANNEGAN said he had merely presented the amendment for consideration. It was for the Senate to decide as to its adoption or rejection.

The amendment was then negatived.

Mr. HANNEGAN moved to amend the bill by inserting a clause granting compensation to William M. Blackford, late chargé d'affaires to the Republic of New Granada, $1,125; which was agreed to.

An amendment moved by Mr. ALLEN, appropriating compensation to J. B. Brown, dragoman to the late Commodore Porter at Constantinople, was negatived.

Mr. UNDERWOOD moved to amend the bill by inserting an appropriation of $4,500 to pay a claim of —— Dodge, late commercial agent in Europe; which was agreed to.

Mr. HANNEGAN moved to amend the bill, by inserting an appropriation for expenses of running and marking the boundary line between the United States and Mexico, and paying the

salaries of the officers of the commission, a sum not exceeding $50,000; which was agreed to.

Mr. JOHNSON, of Maryland, moved to amend the bill by inserting a clause to reappropriate, from the surplus fund, $4,070 appropriated for payment for certain operations at Appalachicola, Florida; which was agreed to.

Mr. DAVIS, of Massachusetts, moved to amend the bill by inserting a clause for the reimbursement of certain railroad and steamboat companies for maintaining a light-boat on Fisher's Island Sound, between New York and Stonington; which was agreed to.

On motion of Mr. YULEE, the bill was amended by inserting an appropriation for rent and fuel for additional offices of the Navy Department.

On motion of Mr. YULEE, the bill was further amended by inserting a proviso, that when a captain of the navy shall be at the head of the Provision Bureau, he shall be entitled to his usual pay.

Mr. DIX moved to amend the bill by inserting a clause appropriating for the reimbursement to Commodore De Kay, for expenses incurred by him in his voyage in the Macedonian, while employed in carrying provisions to Ireland, a sum not exceeding $16,000.

Some debate took place on this amendment, in which Messrs. BRIGHT, DIX, WESTCOTT, YULEE, FOOTE, DAYTON, PEARCE, BADGER, BUTLER, ALLEN, PHELPS, HOUSTON, DICKINSON, NILES, and MANGUM, took part.

This amendment was agreed to.

Mr. MASON moved to amend the bill by inserting an appropriation for the purchase of the manuscript papers of Thomas Jefferson, $30,000.

Mr. PEARCE moved to amend the amendment by inserting a similar appropriation for the purchase of the manuscript papers of Alexander Hamilton.

Mr. MASON accepted the amendment as a modification of his amendment; and, after a brief debate, the amendment was agreed to, as follows:

YEAS—Messrs. Badger, Baldwin, Borland, Clarke, Corwin, Dayton, Dodge, Downs, Foote, Greene, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, King, Mangum, Mason, Metcalfe, Miller, Pearce, Phelps, Sebastian, Spruance, and Upham—25.

NAYS—Messrs. Allen, Atchison, Atherton, Breese, Bright, Butler, Calhoun, Davis of Mississippi, Dickinson, Dix, Felch, Fitzgerald, Hale, Hamlin, Johnson of Georgia, Niles, Sturgeon, Turney, Walker, and Yulee—20.

Mr. BENTON moved to strike out the following clause:

For payment of the first volume of the fifth series of the Documentary History, under contract with the Secretary of State, twenty-four thousand three hundred and twenty-seven dollars.

Ths yeas and nays were ordered, and the question being taken, was decided as follows:

YEAS—Messrs. Allen, Atchison, Benton, Borland, Bradbury, Breese, Bright, Calhoun, Davis of Mississippi, Dickinson, Dix, Dodge, Downs, Felch, Fitzgerald, Hamlin, Johnson of Georgia, King, Lewis, Niles, Sebastian, Sturgeon, Turney, Walker, and Yulee—25.

NAYS—Messrs. Atherton, Badger, Baldwin, Clarke, Corwin, Davis of Massachusetts, Dayton, Foote, Greene, Houston, Johnson of Maryland, Johnson of Louisiana, Miller, Pearce, and Upham—15.

Mr. BENTON moved to amend by inserting the following:

For compensation to Dr. Torry, of Princeton, New Jersey, for his services in classifying and superintending the engraving, and defraying the expenses of engraving the botanical specimens brought on from California, Oregon, and the West, by J. C. Frémont, the sum of $4,000.

And the question being taken, it was decided as follows:

YEAS—Messrs. Bell, Borland, Breese, Dayton, Johnson of Louisiana, Miller, and Pearce—7.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Berrien, Bright, Butler, Calhoun, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dickinson, Dix, Douglas, Felch, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Georgia, King, Lewis, Mason, Metcalfe, Sebastian, Spruance, Sturgeon, Turney, and Walker—30.

Mr. HANNEGAN moved an amendment, to insert: "For compensation to a Doorkeeper of the President of the United States, $600," which was decided as follows:

YEAS—Messrs. Badger, Baldwin, Borland, Breese, Butler, Douglas, Greene, Hale, Hannegan, Houston, Johnson of Maryland, Niles, Sebastian, Westcott, and Yulee—15.

NAYS—Messrs. Allen, Atchison, Atherton, Bell, Berrien, Bright, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Foote, Hamlin, Johnson of Louisiana, Johnson of Georgia, King, Metcalfe, Miller, Spruance, Turney, and Walker—23.

The bill was then reported to the Senate, and the question being on concurring in the following amendment:

After line 620, insert: "For the adjustment and extinguishment, under the direction of the Secretary of State, of the claims of the Spanish Government against the United States, recommended by the President's message, $50,000."

The question was taken, and decided as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Berrien, Borland, Butler, Davis of Mississippi, Dayton, Dickinson, Douglas, Downs, Foote, Hannegan, Hunter, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Sebastian, Turney, Westcott, and Yulee—24.

NAYS—Messrs. Baldwin, Benton, Breese, Bright, Clarke, Corwin, Davis of Massachusetts, Dix, Felch, Greene, Hale, Hamlin, Houston, Johnson of Maryland, Miller, Niles, Pearce, Phelps, Spruance, Underwood, Upham, and Walker—22.

The question was then taken on concurring in the amendment appropriating $141,055 91 to certain Creek Indians, and decided as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Butler, Clarke, Davis of Massachusetts, Davis of Mississippi, Dickinson, Dix, Douglas, Downs, Foote, Greene, Hale, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Lewis, Miller, Niles, Phelps, Upham, Walker, Westcott, and Yulee—28.

NAYS—Messrs. Allen, Atherton, Benton, Breese, Bright, Felch, Hamlin, Johnson of Georgia, King, Pearce, Spruance, Turney, and Underwood—13.

The question was then taken on concurring in the amendment appropriating for continuing and completing the surveys and explorations to be made by J. C. Frémont in Oregon and California, $30,000, and decided as follows:

YEAS—Messrs. Allen, Atherton, Bell, Benton, Borland, Breese, Bright, Dickinson, Dix, Douglas, Felch, Hale, Hamlin, Houston, Johnson of Louisiana, Sebastian, Underwood, and Westcott—18.

NAYS—Messrs. Badger, Butler, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Hannegan, Johnson of Maryland, Johnson of Georgia, King, Lewis, Miller, Pearce, Spruance, Turney, and Yulee—16.

The question was then taken on an amendment offered by Mr. DIX, to insert, for compensation and expenses of a commercial agent, to be selected and sent abroad by the President to collect information respecting the commerce, productions, and statistics of Asia and Eastern Africa, $10,000; and decided as follows:

YEAS—Messrs. Atherton, Badger, Bell, Davis of Massachusetts, Dayton, Dickinson, Dix, Foote, Hamlin, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, Lewis, and Niles—15.

NAYS—Messrs. Allen, Atchison, Benton, Borland, Breese, Bright, Butler, Corwin, Felch, King, Metcalfe, Miller, Pearce, Spruance, Turney, Underwood, Walker, Westcott, and Yulee—19.

All the other amendments made as in Committee of the Whole of the Senate were then concurred in.

The amendments were then ordered to be engrossed, and the bill to be read a third time.

The bill was then read a third time and passed.

The Senate then (11 o'clock p. m.) proceeded to the consideration of Executive business; and in a few minutes the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *August* 7, 1848.

The Journal of Saturday was read and approved.

The question before the House when it adjourned on Saturday last, was on reconsidering the vote by which the bill making appropriations for the support of the army for the year ending June 30, 1849, was ordered to be engrossed, and on which Mr. KAUFMAN had moved the previous question. The question this morning being on seconding the previous question—

Mr. HUNT appealed to Mr. KAUFMAN to withdraw the demand for the previous question for five minutes.

Mr. KAUFMAN yielded to the appeal, on condition that the gentleman would not occupy more than five minutes, and on the pledge that he would renew the demand.

Mr. HUNT accepted the pledge, and said he had not risen with a view of consuming the time of the House in any discussion upon the motion to reconsider. What he desired to say was, that, although in his opinion it would have been entirely proper to have incorporated the provisions of the amendment of the gentleman from Indiana [Mr. THOMPSON] into this bill when it was originally reported, or when it was under the consideration of the Committee of the Whole on the state of the Union, he was still of opinion that, at this stage of the session—the army appropriation bill having already been engrossed, and being now at the very point of passage—it was expedient to facilitate the business of the session by passing the army bill through at once. He considered that the amendment of the gentleman was strictly in order to the army bill, on the ground that the improvement of rivers and harbors was necessary for the defence of the country, and for the additional reason that all the expenditures proposed were to be made under the direction of the War Department. But as this bill had been matured in Committee of the Whole on the state of the Union, and was now so far advanced towards its passage, he felt indisposed to incumber it, or take up the time of the House in discussing the question of harbor and river improvements in connection with this bill.

He wished to state to the House, moreover, that, when the army bill was passed, he intended to move immediately to go into Committee of the Whole on the state of the Union, and to postpone previous orders for the purpose of taking up the harbor and river bill. That bill had been reported a long time since by the Committee on Commerce, and was now ready for the action of the committee, and might be passed in a very short time, if the majority who were in favor of that system would act together, and press it to its passage. He thought it might be passed at once, after the army bill was voted on.

In compliance with his pledge, he renewed the demand for the previous question.

Mr. COBB, of Georgia, remarking that it was too important a bill to be acted on in so thin a House, moved a call of the House.

The yeas and nays were taken on ordering a call, and resulted: yeas 75, nays 85.

So the House determined there should not be a call.

The previous question was then seconded, and the main question ordered to be now put, viz: Will the House reconsider the vote by which the bill (army appropriation bill) was ordered to be engrossed? The question was decided in the negative, by yeas and nays, as follows: yeas 57, nays 117.

The bill was then read a third time and passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed.

Mr. T. then entered into some remarks in regard to inaccuracies in the report published this morning of the remarks he made on Saturday last relative to the expediency of making appropriations for improving the navigation of the western rivers. His views to-day were also generally confined to the subject of river improvement.

Mr. HUNT made a few brief remarks in reply to Mr. THOMPSON, and concluded by moving to lay on the table the motion to reconsider the vote on the passage of the bill; which was agreed to.

Mr. DARLING moved the following resolution:

Resolved, That there be paid, out of the contingent fund of the House, to the officers, clerks, messengers, pages, and laborers thereof, the compensation usually paid by the House and Senate at the close of a session.

Mr. D. moved the previous question.

Mr. JONES, of Tennessee, moved to lay the resolution on the table; which motion was decided by yeas and nays in the negative: yeas 54, nays 121.

The question recurring on seconding the demand for the previous question—

Mr. DARLING modified his resolution to read as follows:

Resolved, That there be paid, out of the contingent fund of the House, to the assistant clerks, messengers, pages, and laborers thereof, including folders and police of the Capitol, with its messenger and laborer, the extra compensation usually allowed by the House and Senate at the close of a session.

The previous question was seconded, and, under the operation thereof, the resolution was agreed to, by yeas and nays: yeas 119, nays 51.

Mr. WENTWORTH moved to reconsider the vote just taken; which motion was laid on the table.

On motion of Mr. VINTON, the amendments of the Senate to the civil and diplomatic appropriation bill were referred to the Committee of Ways and Means.

SENATE BILLS.

On motion of Mr. BOYD, the following Senate

bills were taken up, read, and referred to appropriate committees, viz:

A bill to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw Academy.

A bill for the relief of Ward and Smith.

A bill to grant to the State of Wisconsin the military reservation at Fort Winnebago.

A bill for the relief of Shadrach Gillet and others.

The House proceeded to the consideration of the amendments of the Senate to the joint resolution of the House concerning certain portions of the marine corps.

The amendments were severally read and concurred in.

So the joint resolution stands passed.

MONUMENT TO JACKSON.

The House proceeded to consider the joint resolution of the Senate granting to the Jackson Monument Committee certain brass guns and mortars captured by General Jackson, and for other purposes.

It was read three times and passed.

Mr. EVANS, of Maryland, moved to reconsider this vote. He said, he had no objection to give a monument to the brave old soldier; but he was not willing to give for this purpose all the brass ordnance in the service which might be technically reported unfit for service.

Mr. COLLAMER stated, that there had been many pieces of ordnance taken from the enemy during the Revolution, and many also were taken in the last war, which were now unfit for service. And why? Because most of those of brass were light pieces, and not sufficiently strong to resist the greatly increased strength of gunpowder as now used; for the modern improvements in the manufacture of that article had been such that its strength was now more than doubled; besides, these light pieces recoiled so much as to be unfit for modern practice. This being borne in mind, let gentlemen look at this resolution, and they would perceive, that if it were passed in its present form, it would authorize the delivering up of all the trophies won by the brave achievements of the army of the Revolution, and they would all be melted up. Many of them were taken at Yorktown, at the surrender of Cornwallis. Were gentlemen prepared for a result like this? He had no objection that all the cannon taken by General Jackson himself should be appropriated to this use; but he must object to giving up the precious trophies of the Revolution. He therefore desired that the bill should be amended by adding a proviso, providing that it should not be considered as including the pieces taken from the enemy in the war of the Revolution.

Mr. EVANS, of Maryland, said, he was not only willing that General Jackson should have a monument of brass, but one *ære perennius;* but he hoped the House would take care to exclude from the grant the trophies to which the gentleman from Vermont had alluded for the erection of a monument to anybody. And he demanded the previous question.

He withdrew it, however, at the request of—

Mr. PALFREY, who took the same ground, objecting to giving up the trophies of the Revolution. Should such a thing be done, it would outrage the public feeling in all parts of the country. Mr. P. might be willing to vote money for the proposed monument, but never to devote to its erection materials so sacred as these. Could it be heard of with any patience, that pieces of cannon like those which used to be paraded on training days on Boston Common, known by the names of "Hancock" and "Adams," and with those names inscribed upon them, captured, if he remembered right, in one of the battles of the Revolution, and given by the Continental Congress to Massachusetts—could it be heard of without indignation, that historical objects like these were melted up into a monument to General Jackson, because the head of the Ordnance Department reported them "unfit for service?" The country would not endure such a profanation.

Mr. McCLERNAND wished to have read the memorial of the Monument Committee. He said, as he understood the language of that memorial, it prayed that certain brass pieces taken at Pensacola, together with such others as might be reported unserviceable by the chief of the Ordnance Department, might be taken for this purpose. It had last year been supposed that the ordnance taken at Pensacola would be sufficient. But it was now found that a small addition of other brass pieces would be requisite, and they prayed that such might be granted them as were unfit for the public service.

Mr. SCHENCK inquired whether, in these adtional pieces, were included the guns taken during the Revolution?

[Great disorder prevailing, little could be heard distinctly.]

Mr. EVANS moved again the previous question, which was seconded; and the main question being on reconsidering, it was carried. So the vote adopting the resolution in its present form was reconsidered.

The question then recurring on reconsidering the vote by which the resolution had been ordered to its third reading, it was carried.

Mr. McCLERNAND then proposed to add a proviso excluding the trophies of the Revolution.

[About twenty gentlemen were here on their feet at once, endeavoring to address the Chair.]

Messrs. McCLERNAND and SCHENCK made remarks not distinctly audible in the confusion.

Mr. HASKELL reminded the House that when he had introduced a resolution for the erection of a monument to the memory of Mr. Adams, the House had voted it down. He moved to lay the resolution on the table.

Mr. SCHENCK was understood to express shame that the House should for a moment think of indulging a resolution like this after having refused a monument to the greatest man in the land.

Mr. KING, of Georgia, was opposed to giving up the venerable and precious trophies of the valor of our ancestors to any general whatever. They belonged to the country; they should descend from generation to generation; they were so many heirlooms, which ought to descend to posterity, to show what their ancestors had done. He was opposed to the whole proceeding. He would not vote such a gift to commemorate either Taylor or Scott, or any other man, however distinguished, patriotic, or brave. He moved to lay the resolution on the table, and demanded the yeas and nays; which were taken, and resulted: Yeas 74, nays 111.

So the House refused to lay the resolution on the table.

Mr. SCHENCK moved to amend the resolution by striking out the words, "together with such other pieces of brass ordnance reported 'unserviceable,' as the chief of the Ordnance Office may deem sufficient for the purposes of the said committee."

Mr. McCLERNAND said there seemed to be much misapprehension upon this subject. A member of the committee appointed by the Jackson Monument Association had placed in his hands their memorial, asking the donation of certain brass pieces, to be used in the construction of an equestrian statue to the memory of General Andrew Jackson. The pieces asked for consist of four four-pounder brass guns, and two nine-inch brass mortars, weighing in all 4,930 pounds, reported to be unserviceable, which were captured by General Jackson at Pensacola.

A contract had been made by the committee with Mr. Clark Mills, of Charleston, for the construction of the statue, at a cost of $12,000, of which $11,500 had already been contributed by a generous and grateful public. There was now no doubt but that an ample sum would be received for the construction of the statue in a tasteful and substantial form. The statue was to be one-third larger than life, and was to be completed within two years from the date of the contract with the artist. It was to have a place in the public grounds in this city.

The gentleman from Georgia [Mr. KING] had objected to the donation as a misapplication of national trophies for individual objects. But not so. It had been an immemorial usage to devote a portion of the trophies won by great benefactors to the perpetuation of their memories, and it was a usage of salutary example, in its effect to stimulate a noble emulation of great deeds and great services.

Mr. TOOMBS. Where has such a usage prevailed?

Mr. McCLERNAND. In France, where the column of Napoleon had been made of the cannon captured at Austerlitz; and in England, where an equestrian statue to Wellington had been made, or was being made, of the brass pieces taken at Waterloo.

The gentleman from Georgia [Mr. KING] could not be more mistaken than in supposing that it was a misapplication of national trophies to devote them to the perpetuation of the names of the heroes whose valor and patriotism had won them. The name of Jackson—the brave, the wise, and the incorruptible—was inseparably blended with the glory of his country; his history would be a bright and instructive portion of her history. To honor his memory, therefore, was to honor his country, which he so dearly loved, and which he so faithfully served.

At the last session of Congress, a resolution had passed this House *nem. con.* granting the trophies in question; and he hoped now, since the present resolution was amended, it would be passed unanimously.

Mr. McCLERNAND moved the previous question; which was seconded, and, under the operation thereof, the amendment was agreed to, and the joint resolution was read a third time, and returned to the Senate.

Mr. BOTTS, the rules being suspended for the purpose, offered the following resolution:

Resolved, That the Clerk of the House of Representatives be directed to furnish to such members of the present House as have not already received them, such books as were furnished to the members of the 28th and 29th Congresses, and such other books as were distributed in the last Congress to the members of the Senate: *Provided*, That this resolution shall not be construed to authorize the reprinting of such books.

Mr. BOTTS moved the previous question; which was seconded, and, under the operation thereof, the resolution was agreed to, by yeas 116, nays 58.

Mr. BOTTS moved to reconsider the vote, and also moved that that motion be laid on the table; which latter motion was agreed to.

CALIFORNIA AND NEW MEXICO.

Mr. COBB, of Georgia, moved that the House proceed to the consideration of business on the Speaker's table; which was agreed to.

The first business in order were the messages of the President in relation to the treaty of peace with Mexico, and in relation to the boundaries of New Mexico and California, &c.

Mr. VENABLE continued his remarks from a former day upon the question of the constitutional power of Congress to legislate upon the subject of slavery, in denial of the existence of which he warmly argued; replying to the remarks of Mr. DONNELL, Mr. BOYDON, and other gentlemen, and was interrupted in the midst of his remarks by the termination of his hour.

Mr. STEPHENS followed in an argumentative speech on the subject of the compromise bill recently passed by the Senate (which was laid on the table by the House of Representatives) and on the Territories acquired from Mexico. He contended that that bill did not settle the question which has agitated and still agitates the Union; it only postponed it. Mr. S.'s remarks were cut off by the expiration of his hour.

Mr. BINGHAM succeeded to the floor after Mr. STEPHENS, and delivered a speech on general topics of discussion. When he concluded—

Mr. WENTWORTH moved the previous question, which was seconded, and the main question was ordered.

Mr. STEPHENS moved to lay the messages on the table.

Mr. COBB, of Georgia, at a few minutes before four o'clock, moved that the House adjourn, and also called for the yeas and nays on the motion.

The yeas and nays were ordered, and, being taken, resulted: Yeas 36, nays 80. So the House refused to adjourn.

The question recurred on the motion that the messages be laid on the table.

It was decided in the affirmative: Yeas 76, nays 64.

Mr. ROCKWELL, of Connecticut, moved that the last vote be reconsidered.

Mr. THOMPSON, of Mississippi, moved that the House adjourn. Lost.

Mr. STEPHENS moved to lay the motion to reconsider on the table. Agreed to.

RIVERS AND HARBORS.

Mr. HUNT moved that the House resolve itself

into Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee, moved that the House adjourn. Lost: ayes 64, noes 67.

The question recurred on the motion that the House resolve itself into Committee of the Whole on the state of the Union.

It was decided in the affirmative: Yeas 65, nays 58.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. CABELL, of Florida, in the Chair.)

Mr. HOUSTON, of Alabama, inquired what was the order of business?

The CHAIR replied, that the bill appropriating for the construction of a dry dock in New York was first on the calendar.

Mr. HOUSTON said he believed the rules had been changed so as to allow the majority of the committee to take up any bills they saw fit; and he moved to take up Senate bill No. 33.

Mr. HUNT moved that the first nineteen bills on the calendar be passed over, and that bill No. 170, making appropriations for the preservation and repairs of the public works upon certain harbors and rivers, and for the survey of certain harbors, be taken up.

Mr. COBB, of Georgia, called for the reading of the rule recently adopted regulating the order of business in Committee of the Whole on the state of the Union; which was read, and provides that in Committee of the Whole on the state of the Union, bills shall be taken up and disposed of in their order; but when objection is made to the consideration of a bill, a majority of the committee shall decide without debate whether it shall be taken up and disposed of, *provided* that the general appropriation and certain specified bills shall be first in order.

Mr. C. made the point that, under the rule which had been read, the committee must take up each bill in the order of the calendar; and objections being made to the consideration of that particular bill, the committee must determine whether it would take it up or proceed to the next bill.

Mr. VINTON hoped that course would be taken, and the committee could vote all the bills down till they got to the river and harbor bill.

Mr. HUNT objected to the consideration of the first bill.

Mr. COBB claimed the floor, and called the gentleman to order. He asked for the reading of the first bill, that the committee might vote advisedly upon taking it up.

Mr. HUNT objected to the reading of the bill. [Great excitement.] He insisted that the gentleman had no right to call for the reading of the bill until the committee decided to take it up.

The CHAIR sustained Mr. HUNT's view of the question of order, and decided that the committee must first decide whether they would take up the bill before it was competent to insist upon its reading.

Mr. COBB appealed from that decision, and on that appeal had a few words to say.

Mr. HUNT called the gentleman from Georgia to order, and claimed that the appeal was not debatable.

Mr. COBB called the gentleman from New York to order, and claimed the floor on a previous question of order.

Mr. FARAN called for the reading of the rule.

Mr. HUNT said the order of business was not open to debate, and consequently an appeal from a decision as to that order could not be debatable. He raised the point of order that the gentleman's remarks were not in order.

Mr. COBB (still retaining the floor) said, the gentleman from New York had no right to make a point of order when one point was pending. [Loud cries of "order."]

The CHAIR decided that the appeal was not debatable.

Mr. COBB appealed from that decision, and proceeded to say that it was a new rule, and he wished to test the application of it. [Loud cries of "order."]

The question was taken by tellers on the *last* appeal, and the vote stood: Ayes 84, noes 16—no quorum.

[Cries of, "Call the roll."]

Mr. HUNT hoped a new count would be taken. It was evident there was a large quorum here, and gentlemen were refusing to vote.

The CHAIR. The tellers will resume their places, and the vote will continue.

Mr. HOUSTON, of Alabama, (one of the tellers:) The tellers have finished their report. The vote was, ayes 84, noes 16. [Cries of, "Call the roll"]

Mr. KAUFMAN moved that the committee rise; but—

The CHAIR ordered the Clerk to call the roll under the rule; which having been done—

The SPEAKER resumed the chair, and the CHAIRMAN reported the names of the absentees to the House, to be entered on the Journal.

Mr. COBB, of Georgia, and Mr. HALL, of Missouri, called for the reading of the names of the absentees.

The names of the absentees were read, and a quorum having appeared, the committee resumed its session, and, under the direction of the Chairman, the tellers took their places.

Mr. COBB, of Georgia, moved that the committee rise.

The motion was not received, as the committee were dividing upon the appeal, the question being "Shall the decision of the Chair stand as the judgment of the committee?"

The affirmative vote having been announced 86, and but few more gentlemen voting—

The CHAIR said, he should feel under the necessity of calling upon gentlemen by name if they did not vote.

[Cries of, "That's right; call the names of those that refuse to vote."]

Mr. MEADE rose and asked the Chair if there was a rule of the House——

The CHAIR interposed and said: The gentleman from Virginia, Mr. MEADE, will vote upon this question.

Mr. MEADE asked if there was a rule of the House on this question; and, until he ascertained, he asked to be excused from voting.

The tellers, during this time, were receiving other votes of gentlemen, who were slowly and reluctantly passing between them, and now reported ayes 90, noes 30.

So the decision of the Chair that the (first) appeal was not debatable was sustained.

Mr. COBB claimed that the question now recurred on his previous appeal.

Mr. THOMPSON, of Mississippi, moved that the committee rise, and on that motion called for tellers.

The CHAIR propounded the question, and announced that it was decided in the affirmative, (by the sound.)

Mr. THOMPSON insisted, with much warmth, upon the question being taken by tellers.

The CHAIR stated that the call for tellers came to his ear too late

Some conversation ensued upon this point between Mr. THOMPSON, Mr. McKAY, the CHAIR, and other gentlemen. [Great confusion and excitement.]

The CHAIR announced the question on the first appeal.

Tellers were ordered, and after some time, and not without the Chairman repeating that he should be constrained to call gentlemen by name who remained in their seats and refused to vote, a quorum voted, and the vote was announced: Ayes 99, noes 17.

So the decision of the Chair, that it was not competent to call for the reading of the bill prior to the decision of the committee whether they would take it up, was sustained.

Mr. FARAN moved that the committee rise, with the view (he said) of moving to take a recess to half-past seven. Rejected: Ayes 54, noes 78.

The question then recurred on laying aside the first bill on the calendar.

Mr. COBB, of Georgia, called for tellers on that question.

Mr. JOHNSON, of Arkansas, moved that the committee rise, with a view of moving an adjournment.

The CHAIR decided that motion to be out of order.

Tellers were then ordered, and the committee agreed to lay the first bill aside—95 in the affirmative, and 20 in the negative.

Mr. JOHNSON then renewed his motion that the committee rise, with the view of moving an adjournment.

Mr. HUNT inquired if that motion was in order?

The CHAIR said it was, and he stated the question to be on the motion to rise.

The motion was negatived, the vote being taken by tellers.

Mr. HUNT then moved to take up bill No. 170, the 31st on the calendar, being a bill making appropriations for the preservation and repairs of the public works upon certain harbors and rivers, and for the survey of certain harbors. He said his motion came within the 80th rule of the House, which is in these terms: "General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House."

The CHAIRMAN stated the question on the motion of the gentleman from New York.

Mr. HUNT said it was certainly in order, as the bill made appropriations for unfinished works.

Several gentlemen appealed to the Chair to know whether he decided that motion in order under the 80th rule?

The CHAIRMAN said he did. The bill appeared to be of a sufficiently general character to come under the 80th rule.

Mr. COBB appealed from the decision of the Chair. It was an unprecedented decision. [Order, order.] He asked the Chair——[Order, order.] It was useless for gentlemen to try that game. [Order, order.] He rose to ask a question of the Chair. He desired to know if this committee were not entitled to the benefit of a reading of that bill as well as the Chair, that they might be able properly to decide upon it. He hoped the bill might be read.

Mr. HUNT concurred in the wish that the bill might be read.

The CLERK read the bill accordingly.

Mr. COBB then asked for tellers on his appeal, and they were ordered.

The tellers took the vote, and, though still retaining their positions, announced that there were 77 in the affirmative and 21 in the negative.

[Several voices: "Less than a quorum."]

Mr. JOHNSON called upon the tellers to report.

Mr. EVANS said they could not be compelled to report.

Mr. VINTON hoped the members in their seats would be required to vote.

Mr. DUER, (one of the tellers.) We are still counting.

Mr. HOUSTON, of Alabama, (after a pause,) said, if there was nothing going on, he desired to make a motion.

The CHAIRMAN said the tellers were taking a vote.

The tellers then reported 78 in the affirmative and 24 in the negative, being less than a quorum. ["Call the roll."]

Mr. VINTON hoped the Chair would require gentlemen to vote. ["Call the roll."]

Mr. HALL, of Missouri, insisted on the rule being carried out.

Mr. VINTON insisted that gentlemen should be required to vote.

Mr. COBB, of Georgia, inquired if the gentleman from Ohio was in order. When there was no quorum present, the rule required that the roll should be called. He hoped that the rule would be enforced.

The CHAIRMAN said, there being no quorum present, the rule required that the roll should be called; the Clerk would therefore call the roll in obedience to the rule.

The CLERK called the roll accordingly, and then the committee rose, and the Chairman reported the names of the absentees to the House, to be entered on the Journal.

That duty having been discharged, the Chairman again took the chair, and the committee resumed its business, a quorum being present.

Mr. HUNT inquired what question was before the committee. He hoped the question would be taken on the appeal.

The CHAIRMAN stated that the question was on the appeal.

Mr. JONES, of Tennessee, asked to be excused from voting on the appeal, and on that he called for tellers.

Mr. COBB, of Georgia, said the gentleman from Tennessee was perfectly in order. He had a right to ask to be excused, and to have a vote on that motion.

The CHAIRMAN reminded the gentleman from Georgia that the tellers were taking the vote on his

own appeal when the committee found itself without a quorum, and that question was not yet disposed of.

Mr. COBB said any gentleman had a right to ask to be excused from voting; and if the Chair decided otherwise, he should take an appeal from the decision of the Chair.

Mr. ROOT rose and asked the unanimous consent of the committee to make a proposition. If any gentleman dissented from it, he would withdraw it.

The CHAIRMAN inquired if there was any objection.

Mr. ROOT (there being no objection) said, if they could take up this bill, he, for one, should be willing to allow to-morrow for a full and open discussion upon it. [Several voices: Wednesday, at 12 o'clock.] Well, he had no objection to fix 12 o'clock on Wednesday for the termination of debate upon it.

Mr. COBB, of Georgia, agreed.

Mr. VINTON inquired if the five minutes' rule was to remain in force? ["Yes."] If so, it was worthy of consideration, as two days more might be consumed on amendments and five minutes' explanations.

Mr. ROOT said he had made the suggestion without any consultation with his political friends, in the hope that it would be found acceptable.

Mr. HUNT asked the general consent to make a remark. He was willing to agree to the arrangement, with the express understanding that the bill shall be reported to the House on Wednesday at 12 o'clock. If that were not acquiesced in, he agreed with the gentleman from Ohio [Mr. VINTON] that they might be kept here two days with five minutes' explanations of amendments. Let it be understood that the bill should be reported to the House at 12 o'clock on Wednesday, and he should be satisfied.

Mr. DUNCAN, of Kentucky, begged it to be understood that he was no party to such an arrangement. He inquired what the question was before the House?

The CHAIRMAN replied that it was on the appeal from the decision of the Chair.

Mr. COBB inquired if there was any objection to the proposition of the gentleman from Ohio, [Mr. ROOT.] For the purpose of testing the sense of the committee on the proposition of the gentleman from Ohio, he would withdraw his appeal, and move that the committee rise. He did it with the understanding on his part, and on the part of those around him, that this bill would be taken up to-morrow morning, on going into Committee of the Whole on the state of the Union, and that the debate should close on Wednesday at 12 o'clock.

Mr. VINTON. Will the gentleman further agree that the five minutes' rule shall be suspended? ["Oh, no! oh, no!"]

Mr. COBB desired to say that there was no disposition on his side of the House to consume the time of the committee for the purpose of delay. In this he believed he spoke the sentiments of the gentlemen around him.

Mr. WENTWORTH called upon the committee to proceed with its business.

Mr. ROOT desired to say one word. He was not much in the habit of consuming the time of the House. To avoid such scenes as he had seen here, he made his proposition to the committee for himself alone, and he hoped, if it should be concurred in, and any gentleman was ready to proceed, the committee would sit, and allow the debate to go on to-night.

Some irregular conversation and much confusion prevailed for some minutes.

Mr. WENTWORTH inquired if the bill was before the committee, the appeal having been withdrawn?

The CHAIRMAN replied that the question was on the motion to rise.

Mr. ROOT hoped no gentleman would agree to rise on his proposition, for he had only thrown it out as an individual member.

Mr. WENTWORTH again inquired if the appeal had been peremptorily withdrawn?

The CHAIRMAN answered in the affirmative.

The motion to rise was then negatived.

Mr. COBB renewed his appeal. ["Too late."]

Mr. STANTON rose to a question of order. He wished to know if it was now in order for the gentleman from Georgia to appeal?

Mr. COBB replied that no business had been done except on a mere motion to rise. He said his appeal was in order, and the gentleman from Tennessee [Mr. JONES] wished to be excused from voting upon it, and to have a vote by tellers thereon.

Mr. EVANS, of Maryland, stated several reasons why the gentleman from Georgia was not in order.

Mr. COBB briefly replied, amidst much confusion.

The CHAIRMAN decided the appeal to be out of order.

Mr. MOREHEAD moved that the committee take up the bill for consideration. If the committee would consent to take up the bill, he hoped they would then rise and report progress, that they might in the House adopt a resolution to fix a time to terminate debate which would be satisfactory to both sides of the House.

Mr. HOUSTON, of Alabama. There is no objection on this side of the House.

Mr. MOREHEAD, to test the sense of the committee, asked that the appeal might be withdrawn, that he might make the motion which he had indicated.

Mr. COBB withdrew his appeal, on the suggestion of the gentleman from Kentucky.

Mr. DUNCAN again begged it to be understood that he was no party to any such arrangement.

Mr. VINTON said it was in the power of the House at any time to suspend any of its rules, either perpetually or temporarily. If they debated the bill for two days, he thought that would be sufficient. He therefore proposed that the debate should continue until Wednesday, at 12 or 2 o'clock, or at whatever time the committee should think proper, and that the five minutes' rule should then be suspended. ["Oh, no!"] If his suggestion should be agreed to, they would then dispose of this bill under the old rules of the House; that is, every gentleman would have an opportunity to vote on his amendment, but without debate.

Mr. MOREHEAD would suggest to his friend from Ohio that they could get along without making any order on that subject now. He had an assurance from the other side of the House, that there was no disposition to offer amendments for the purpose of delay; and when the debate shall be closed, and amendments shall be offered, they could "sit them out," he had no doubt; and, further than that, if they found the five minutes' rule embarrassing, surely a majority of the committee could rise, and in the House the five minutes' rule could be suspended. He now moved that the bill be taken up.

The CHAIRMAN stated, that the appeal having been withdrawn, the bill was before the committee.

Mr. MOREHEAD then moved that the committee rise and report progress; which was agreed to, and the committee rose and reported accordingly.

Mr. MOREHEAD then moved a resolution to terminate debate, at 12 o'clock on Wednesday, on bill No. 170, making appropriations for the preservation and repairs of the public works upon certain harbors and rivers, and for the survey of certain harbors.

Under the operation of the previous question, the resolution was agreed to; and—

On motion of Mr. COBB, of Georgia, a motion to reconsider was made and laid on the table.

Mr. CABELL offered a resolution to provide that hereafter it shall not be in order for any gentleman to make a motion to adjourn before 8 o'clock, p. m., and that a recess should be taken each day from 2 to 4 o'clock. Rejected.

INTERNAL IMPROVEMENTS.

On motion of Mr. ROOT, the House again resolved itself into Committee of the Whole on the state of the Union, (Mr. CABELL in the chair,) and resumed the consideration of the bill No. 170, making appropriations for the preservation and repairs of the public works upon certain harbors and rivers, and for the survey of certain harbors.

And a debate arose thereon, which was continued from this time (about six o'clock, p. m.) till eleven at night, which was participated in by Messrs. HUNT, (in explanation of the bill,) HOLMES of New York, MARVIN, TURNER, VINTON, and WICK; after which, the committee rose, and the House adjourned.

IN SENATE.

MONDAY, *August* 7, 1848.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, made in compliance with a resolution of the Senate, showing the quantity of sugar imported during the fiscal year ending June 30, 1847; which was ordered to be printed.

Also, from the Secretary of State, communicating a copy of the joint report of the commissioners under the treaty of Washington of August 9, 1842; which was ordered to be printed.

MEMORIALS AND PETITIONS.

Mr. BENTON presented a petition from E. Fitzgerald and others, asking to be paid for their attendance as witnesses in the city of St. Louis against a certain Garret Long; which was referred to the Committee on the Judiciary.

Mr. MASON presented a petition from the legal representatives of Robert P. Carter, asking a settlement of the accounts of Roddy Carter and Jennings, contractors for provisions during the war of 1812; which was referred to the Committee on Claims.

Mr. WALKER presented resolutions of the Legislature of Wisconsin in favor of the improvement of the harbors on the western shores of Lake Michigan; which were laid on the table and ordered to be printed.

Mr. DOWNS presented a petition from the officers and men of the Louisiana volunteers, asking indemnity for losses sustained by them in consequence of the wrecking of the vessel while on their way to the seat of war.

REPORTS FROM COMMITTEES.

Mr. BENTON, from the committee on the part of the Senate to whom was referred the joint resolution of the House relative to the proceedings and debates of Congress, made a report, which was ordered to be printed; and, on motion of Mr. HALE, one thousand extra copies were ordered.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, made adverse reports on the claim of Joseph Barclay and of Reuben M. Gibbs.

Mr. JOHNSON, from the same committee, made an adverse report on House bill for the relief of Levi Colmus.

Mr. JOHNSON also, from the same committee, asked that the committee be discharged from the further consideration of the following petitions: Of Mary Ann Bronaugh, of Catharine Hoffman, of Priscilla Decatur Twiggs, and of Sarah A. Mackay.

Mr. ATHERTON, from the Committee on Finance, reported House bill requiring all moneys receivable from customs, and from all other sources, to be paid immediately into the treasury, without abatement or deduction, and for other purposes, with amendments.

Mr. DOWNS, from the Committee on Private Land Claims, reported a bill for the relief of John Crawford; which was read twice, and referred.

The army appropriation bill was read a first and second time, and referred to the Committee on Finance.

Mr. BENTON gave notice that he would, at the commencement of the next session of Congress, ask leave to bring in a bill to release the members of the late court-martial whereof Brigadier General Brooke was president, and before which the ex-lieutenant colonel of mounted rifles, J. C. Frémont, was tried, and the judge advocate, from their oath of secrecy, according to the precedent set by the British House of Commons in the case of Admiral Byng.

The following resolution, submitted by Mr. JOHNSON, of Maryland, was taken up and adopted:

Resolved, That the President of the United States be requested to inform the Senate, at the earliest period, whether he has any information that any citizen or citizens of the United States is or are now preparing, or intending to prepare, within the United States, an expedition to revolutionize by force any part of the Republic of Mexico, or to assist in so doing; and, if he has, what is the extent of such preparation, and whether he has or is about to take any steps to arrest the same.

LANDS IN ARKANSAS.

On motion of Mr. BORLAND, the Senate proceeded to consider the bill to grant to the State of Arkansas certain unsold lands subject to overflow, for the purpose of internal improvement, education, and other purposes in said State.

Mr. KING thought it would be best to limit the

bill to the lands in the State of Arkansas. So far he was willing to go, but no further at present. Whenever his friend from Florida would introduce a bill relative to the lands in that State, he would give it a favorable consideration.

Mr. WESTCOTT made a reply, which was inaudible.

Mr. BORLAND said, as the bill was originally introduced, it was limited in its provisions to the overflowed lands in the State of Arkansas. Several Senators, however, had suggested the propriety of giving the bill a more extensive operation; and it was solely with a view to meet the wishes of his friends around him that he had consented to extend its operation so as to embrace the useless lands in the adjoining States.

Mr. JOHNSON, of Louisiana, sustained the bill as it had been amended, and expressed a hope that the opposition of the Senator from Alabama would be withdrawn.

Mr. FOOTE explained, that the language of the bill applied only to the lands known as swamp lands, utterly valueless to the General Government, and which could be reclaimed and made valuable by the State.

Mr. BORLAND said, that if he thought these lands could ever be made worth anything to the United States, he would not ask for them on the terms named by the bill. The State would embank and reclaim the lands, and thus remove a fertile cause of disease, and encourage the cultivation of the lands and the increase of population.

Mr. WESTCOTT was of opinion, that the improvements necessary to make these lands useful would never be made by the United States. It would require ten regiments of topographical engineers, and a hundred millions of money. If the States would take the lands on the condition of reclaiming the lands, the offer ought to be accepted.

Mr. MILLER thought we had not sufficient information on the subject of these lands to enable the Senate to act on the bill in this hasty manner, and at this late period of the session. It had been said by the Senator from South Carolina, that a general system would be brought before Congress at the next session, and he thought we should wait for that system.

Mr. KING said, he had no objection to a bill to give to the States the lands which could never be reclaimed by the Government, which would not go into a system of drainage. If the States would do this, it was the only way in which the lands could be made valuable. He did not believe that the everglades of Florida could ever be reclaimed by the State or the General Government. He would withdraw his opposition to the bill.

Mr. METCALFE said he could not, as a representative of a State which was excluded from the benefit of any improvement of her rivers and harbors, vote now to give away to particular States the lands which were the common property of all. He moved to lay the bill on the table.

The question was put and negatived: ayes 16, noes 20.

The yeas and nays were then ordered on the passage of the bill.

Mr. DAVIS, of Mississippi, made a few remarks in favor of the bill, because neither the means of the Government nor private capital can ever be applied to the reclamation of these lands. The measure had been long before Congress, and no one could pretend that it was sprung in the Senate.

Mr. NILES opposed the bill. The title of the bill referred to lands subject to overflow. All bottom lands are subject to overflow, and this description would embrace all the valley lands. But the bill has been amended so as to extend to all lands which the surveyor may denominate swamp lands. After a wet season, it would be difficult to decide which are precisely swamp lands, and which were only temporarily overflowed. He thought such a sweeping grant, which would give away a hundred millions of acres, ought not to be made in this manner, and he should oppose the bill.

Mr. BREESE stated that the practice of the surveyors, when employed in surveys, in reference to overflowed lands, was to give them a distinct designation in their maps and reports to the General Land Office, and from these reports the decision of the Secretary of the Treasury is made. In his State there were many acres of lands in high situations, near the sources of streams, which were subject to overflow, and which could not be called swamp lands.

Mr. UNDERWOOD thought more particular information ought to be before the Senate in reference to the lands in other States than Arkansas. He moved to strike out the third section, which extends the provisions of the bill to other States.

Mr. FOOTE said that the state of things was the same in Mississippi and Louisiana as in Arkansas. He hoped there would be no delay, as no further information could throw new light on the subject.

Mr. DAVIS, of Massachusetts, before he could vote, desired to know what portion of these lands were now inhabited and under cultivation. A great deal of money had been expended by the Government in removing obstructions and rafts, and it was now proposed to give all away. He doubted whether overflowed lands were entirely useless, as he knew that many such lands had been reclaimed and made valuable by private enterprise. He would prefer that some one should be sent to survey these lands, that the Government should be able to make some estimate of their value.

Mr. JOHNSON, of Louisiana, complained that every application from the States in which these lands lie had been refused. The overflow from the Mississippi was sometimes ten feet, and it was impossible for any private enterprise to reclaim the lands. The health of the country was injured by these inundations.

The further consideration of the bill was then postponed until to-morrow.

OREGON.

On motion of Mr. DOUGLAS, the Senate proceeded to the consideration of the bill to establish the Territorial Government of Oregon.

The bill being before the Senate as in Committee of the Whole, and the question being on the amendments reported by the Committee on the Territories—

The first amendment was the introduction of the following proviso to the sixth section: "That no act of the Territorial Legislature shall become a law until approved by the Governor."

Mr. DAVIS, of Mississippi, moved to amend the amendment by adding the words, "of the Territory, or, if disapproved by said Governor, until specifically submitted to and approved by the Congress of the United States."

The amendment to the amendment was agreed to.

Mr. DOUGLAS explained, that the absolute veto power was embraced in all the Territorial Governments.

Mr. HALE suggested an amendment making it the duty of the Governor to transmit any bill which did not become a law, to Congress, as follows: "And it shall be the duty of the Governor to transmit copies of any acts disapproved by him to Congress."

Mr. TURNEY moved to add, "and his reasons for disapproval."

Mr. HALE accepted the addition as a modification of his amendment, and then withdrew his amendment.

The question recurred on the amendment of Mr. DAVIS, of Mississippi; which was agreed to.

Mr. HALE renewed his motion to amend, and again withdrew it.

The amendment, as amended, was then agreed to.

Mr. HALE moved to insert his amendment in the third section, as follows: "And it shall be the duty of said Governor, immediately after the session of the Legislature, to transmit copies of any acts from which he may have withheld his approval, together with his reasons for such disapproval."

The amendment was agreed to.

The second amendment of the committee being under consideration, as follows: At the beginning of the 14th section insert: "Inasmuch as the said Territory is north of the parallel of thirty-six degrees and thirty minutes of north latitude, usually known as the Missouri compromise"—

Mr. UNDERWOOD moved to strike out "thirty-six degrees and thirty minutes," and insert "forty-two;" and to strike out the words "usually known as the Missouri compromise."

Mr. DOUGLAS suggested, that the better mode would be, to take the question on the amendment altogether.

Mr. UNDERWOOD thought, that the amendment, as reported, left the disputed question of slavery open to be renewed in the California bill, and it was his desire to make the language so plain as to preclude the reopening of this debate.

Mr. BUTLER said, he was a passive member of the committee, intending to vote against this whole section, the reasons for which he should give hereafter.

Mr. NILES expressed astonishment that the Committee on the Territories should have reported an amendment which had nothing to do with the subject-matter of this bill, as it is well known that all of Oregon lies north of 36° 30'. He was at a loss to understand the reason for such a provision. Was it intended to refer to some other subject which might come up for legislation hereafter? If it was intended for anything, it must be to exercise influence over legislative action in the other Territories. He was entirely opposed to this mode of legislation. If it was a reënactment of the compromise bill, he thought it better, after our failure to legislate in that form, to leave it alone. Perhaps it was to ease off the feelings of certain Senators here, and to enable them to justify their votes. He did not wish to see anything go abroad which might be construed into a compromise when compromise is not intended.

Mr. DOUGLAS explained that the amendment was reported with the unanimous desire of the committee that no Senator's vote on the bill should be understood as committing him on the great question.

Mr. HALE said he should vote against the amendment, and, whatever the vote on the amendment, he should vote for the bill. But he desired it to be distinctly understood that he did not by such vote commit himself in the slightest degree as to his future course.

Mr. MASON charged the language reported in the amendment as unintelligible. He attributed to the committee the design to evade the slavery question. He referred to the state of public opinion abroad, and to the convention about to be assembled at Buffalo, for the choice of a standard-bearer. But one god was to be worshipped there, and that god was power—the power to trample down the Constitution of the country. He referred to the recent decision of Virginia not to regard any law of the United States which should prevent her citizens from carrying their slaves into any of the Territories. He and his constituents were willing to be bound by the principle of the compromise; but it was not to be expected that they would go one single step beyond it. It would be to expect them to submit to insult.

Mr. DAYTON replied to the threats held out by the Senator from Virginia, that if she was to be forced another step, she would proclaim nullification. He repudiated for the Whig party this question as the great issue to be tried at the coming election. The questions of free soil and slavery were not the great questions of the Whig party. They constituted too narrow a ledge for that party to stand on. Nor would it be generally understood that this was the great issue with the Democratic party. As to the amendment, whatever may be the understanding with which it was adopted in the committee, Senators would have to stand on their recorded votes. He did not see how the amendment could be sustained.

Mr. JOHNSON, of Maryland, said, that it being evident the bill could not be disposed of to-day, he would therefore move that its further consideration be postponed until to-morrow.

Mr. BUTLER said he had no objection to the postponement, provided it did not interfere with his remarks which he was about to make. He desired to be heard on this bill before the vote was taken on it.

The motion to postpone was then agreed to.

The Senate, on motion of Mr. JOHNSON, of Maryland, then proceeded to the consideration of Executive business, and the doors remained closed until near nine o'clock, when they were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 8, 1848.

The Journal of yesterday was read and approved

Mr. WENTWORTH moved that the rules be suspended, and that the House proceed to con-

sider the business on the Speaker's table. Lost, two-thirds not voting in the affirmative.

Mr. ASHMUN moved to suspend the rules to enable him to make a report from the Joint Select Committee on the publication of the debates and proceedings of Congress.

The yeas and nays were ordered on the motion, but before being taken, Mr. ASHMUN withdrew the motion.

REPORTS FROM COMMITTEES.

Mr. COBB, of Alabama, from the Committee on Public Lands, made adverse reports on the petitions of John Newton, John Ambrozine, and Wyatt Richards, and on the memorial of the General Assembly of Florida, for a quarter section of land on which to locate the court-house of Hillsboro' county; all which were laid on the table.

Also, from the same committee, a bill for the relief of William J. Price. Read and committed.

Also, from the same committee, a bill to authorize the State of Alabama to apply certain lands heretofore granted to that State for internal improvements and for the use of schools in lieu of the valueless 16th sections in said State. The bill was read twice. After some conversation between Messrs. COLLAMER, WHITE, and others, the bill was ordered to be engrossed, and, being engrossed, was read a third time and passed.

Mr. DUNCAN, of Kentucky, from the same committee, to whom was referred Senate bill to authorize the relinquishment of the 16th sections in certain cases, and the selection of other lands in lieu thereof, reported the same.

Also, House bill to pay to the State of Missouri the 2 per cent. upon the proceeds of the sales of the public lands sold in said State, which has been reserved by the United States for the purpose of constructing a road to said State, reported the same back to the House; and they were laid on the table.

Mr. BRODHEAD, from the same committee, made adverse reports on the petition of citizens of Oregon county, Missouri, praying for a change of the location of a small tract of land; of Luke Lea and D. Shelton, Nathaniel J. Wyth, of the heirs of John Kendrick, Charles Bulfinch, and others, Hall J. Kelly, Luke Perry, and James Brownlee, and the citizens of Louisiana, for a grant of land. Laid on the table.

Also, from the same committee, a bill to aid the State of Louisiana in reclaiming the swamp lands therein. Read and committed.

Mr. COLLAMER, from the same committee, to which was referred Senate bill for the relief of William W. Wynn, reported the same back to the House, without amendment. Laid on the table.

Mr. GOGGIN, from the Committee on the Post Office and Post Roads, to which was referred Senate bill to facilitate international exchanges, reported the same back to the House, without amendment. It was laid on the table.

Subsequently, Mr. J. R. INGERSOLL moved to reconsider the vote by which the bill was laid on the table.

On motion of Mr. CHASE, that motion was laid on the table.

Mr. LINCOLN, from the committee to which was referred Senate joint resolution for the relief of such persons as may have incurred the disability of the 28th section of the act to change the organization of the Post Office Department, and provide more effectually for the settlement of the accounts thereof, approved July 2, 1836, reported the same with an amendment.

Mr. LINCOLN moved that the resolution be put upon its passage; and, after some remarks by Messrs. LINCOLN, ROOT, and FICKLIN—

Mr. ROOT moved that the bill be laid on the table. Agreed to.

Mr. BROWN, of Pennsylvania, from the Committee on the Post Office and Post Roads, to which was referred Senate bill for the relief of George V. Mitchell, reported the same back to the House without amendment. Committed.

Mr. CHAPMAN, from the Committee for the District of Columbia, reported the following resolution:

Resolved, That the Secrteary of War be requested to cause a survey and examination to be made of that part of the Potomac river between the Long Bridge and Georgetown, with a view to ascertain the cause of the formation of land on the flats along the banks of the river; and that he cause also an estimate to be made of the cost of repairing the Long Bridge; and also of constructing a bridge across the Potomac at the aqueduct of the canal at Georgetown; and also an estimate of the probable cost of keeping up a steamboat ferry in the place of the Potomac bridge; and that the report be made at as early a period in the next session as practicable.

After some remarks by Messrs. CHAPMAN and SAWYER—

Mr. SAWYER moved to lay the resolution on the table. The yeas and nays were taken on the motion, and resulted: Yeas 76, nays 91.

Mr. ROCKWELL, of Connecticut, moved the previous question, which was seconded; and, under the operation thereof, the resolution was agreed to.

Mr. CHAPMAN, from the same committee, reported a bill supplemental to an act entitled "An act to incorporate the Washington, Alexandria, and Georgetown Steam Packet Company." Read and committed.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, to which was referred Senate bill to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving judicial powers to ministers and consuls of the United States in those countries, reported the same back to the House without amendment.

After a brief explanation by Mr. INGERSOLL, the bill was read a third time, passed, and returned to the Senate.

Mr. J. R. INGERSOLL, from the same committee, to which was referred Senate bill for giving effect to certain treaty stipulations between this and foreign Governments for the apprehension and delivering up of certain offenders, reported the same back to the House with amendments.

Mr. INGERSOLL made a brief explanation of the bill; after which, the amendments were read and agreed to, and the bill, as amended, was then read a third time, passed, and returned to the Senate.

Mr. INGERSOLL, from the same committee, to which was referred Senate bill to promote the despatch of business in the Supreme Court, and to repeal the second section of the act approved June 17, 1844, entitled "An act concerning the Supreme Court of the United States," reported the same back to the House with an amendment.

The amendment was read; and, after some discussion by Messrs. J. R. INGERSOLL, BOWLIN, THOMPSON of Mississippi, and others, the previous question was moved and seconded, and the main question ordered.

Mr. BOWLIN moved to lay the bill and amendment on the table. The yeas and nays were taken on the motion, and resulted: Yeas 82, nays 84.

The question recurring on agreeing to the amendment, the yeas and nays were taken thereon, and resulted: Yeas 76, nays 84.

So the amendment was rejected.

The yeas and nays were taken on ordering the bill to be read a third time, and resulted: Yeas 61, nays 98.

So the bill was rejected.

Mr. WENTWORTH moved that the House proceed to consider the business on the Speaker's table. Lost.

Mr. J. R. INGERSOLL, from the Committee on the Judiciary, to which was referred Senate joint resolution in reference to the next census, reported the same back to the House with an amendment.

Mr. I. asked to have the resolution put upon its passage; and, after some conversation between Messrs. J. R. INGERSOLL, THOMPSON of Mississippi, and ASHMUN, the resolution was, on motion of Mr. ASHMUN, committed to the Committee of the Whole on the state of the Union.

Mr. J. R. INGERSOLL, from the same committee, to which was referred Senate resolution concerning the distribution of the statutes at large, reported the same back to the House without amendment.

The resolution was then read a third time and passed, and returned to the Senate.

Mr. HALL, of New York, from the same committee, to which was referred Senate bill to change the time of holding the circuit and district courts in the State of Kentucky, reported the same back to the House without amendment.

Thereupon, the bill was read a third time and passed, and returned to the Senate.

On motion of Mr. HALL, of New York, the Committee on the Judiciary was discharged from the petition of Wyatt Eppes. Laid on the table.

Mr. COLLAMER moved that the House proceed to consider the business on the Speaker's table. Lost.

Mr. KING, of Massachusetts, from the Committee on Revolutionary Claims, reported bills for the relief of the heirs of John Jackson; for the relief of the heirs of Willis Reddick; for the relief of the legal representatives of Colonel John H. Stone, an officer of the revolutionary war; which bills were severally read and committed.

Mr. BUTLER, from the same committee, reported bills for the relief of the heirs of Captain Samuel Ransom, an officer of the revolutionary war, killed at Wyoming; and for the relief of Moses Van Campen; which bills were read and committed.

Also, from the same committee, adverse reports on the petitions of the executors of Henry Pauling, heirs of William Cherry, and the heirs of Lieutenant Micah Whitmarsh. Laid on the table.

Mr. BOWLIN, from the Committee on Private Land Claims, reported a bill for the relief of the inhabitants of the village of Carondelet, in the State of Missouri. Committed.

Mr. BARRINGER, from the Committee on Indian Affairs, reported a bill for the relief of the Creek nation of Indians. Read and committed.

On motion of Mr. BARRINGER, the Committee on Indian Affairs were discharged from the petitions of R. C. Gentry and others, Lawrence Taliaferro, late Indian agent at St. Peters, John Phagan, Joseph Chaffee, William B. Hart, assignee of Alexander Anderson and others, &c. Laid on the table.

Mr. THOMPSON, of Mississippi, from the same committee, to which was referred Senate bill to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw Academy, reported the same back to the House without amendment. Committed.

Mr. BOTTS, from the Committee on Military Affairs, to which was referred Senate bill for the relief of the legal representatives of Thomas J. V. Owens, deceased, reported the same back to the House without amendment. Committed.

Also, from the same committee, to which was referred Senate bill for ascertaining and paying the California claims, reported the same back to the House with an amendment. Committed.

Mr. KING, of Georgia, from the Committee on Naval Affairs, made an adverse report on the petition of C. H. Todd. Laid on the table.

Mr. SCHENCK, from the same committee, reported the following resolution, which was read:

Resolved, That the Clerk of this House be directed to purchase, out of the contingent fund, from Mechlin & Winder, the publishers of the General Navy Register and Compilation of all Laws relating to the Navy of the United States, three hundred copies of that work, at a price not exceeding three dollars per copy, and that the same be deposited in the Congressional Library, subject to the further order of this House.

Mr. SCHENCK, after making a few observations in explanation of the resolution, moved the previous question, which was seconded, and the main question was ordered.

On motion of Mr. STUART, of Michigan, the resolution was laid on the table.

Mr. GAYLE, from the Committee on Private Land Claims, to which was referred a joint resolution of the Senate authorizing the submission of certain claims to arbitration, reported the same back to the House without amendment; and, thereupon, the bill was read a third time, passed, and returned to the Senate.

Mr. BURT, from the Committee on Military Affairs, to which was referred Senate bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, and the acts approved October 14, 1837, and August 23, 1842, and the last proviso of the act of March 3, 1843, amendatory of the same, reported the same back to the House without amendment. Laid on the table.

Mr. BURT, under instructions from the Committee on Military Affairs, moved a suspension of the rules for the purpose of enabling him to move to discharge the Committee of the Whole on the state of the Union from the consideration of Senate bill relating to the payment of the fourth regiment of Vermont militia. Lost, two-thirds not voting in favor thereof.

Mr. MARSH, from the Committee on Foreign Affairs, reported a bill for the relief of the repre-

sentatives of John M. Baker. Read and committed.

On motion of Mr. S. LAWRENCE, the Committee on Revolutionary Pensions were discharged from the consideration of the petitions of John Rose, Adam Harper, and Mary Segar, widow of Peter Segar. Laid on the table.

Mr. HAMMONS moved a suspension of the rules, for the purpose of enabling him to move to discharge the Committee of the Whole from the bill to change the time of holding the terms of the circuit court of the United States in the district of Maine. Lost, two-thirds not voting in favor thereof.

Mr. FRIES, from the Committee on Invalid Pensions, made adverse reports on the petitions of Robert and Henry Blow, Silas Chatfield, James M. French, John Harrigan, and John Forrest. Laid on the table.

On motion of Mr. FULTON, the Committee on Invalid Pensions, to which was referred the House bill to authorize the payment of invalid pensions in certain cases, was discharged from the further consideration of the same; and it was laid on the table.

Mr. FULTON, from the same committee, reported a bill for the relief of Horatio Fitch. Read and committed.

On motion of Mr. FULTON, the Committee of the Whole were discharged from the further consideration of the bill of the Senate for the relief of David N. Smith.

The bill was then read a third time, passed, and returned to the Senate.

On motion of Mr. VENABLE, the Committee on Invalid Pensions were discharged from the further consideration of the petitions of Samuel J. Smith, of New York, William Wallace, Sally S. Crocker, and Charles Wilson; and they were laid on the table.

Mr. W. T. LAWRENCE, from the Committee on Invalid Pensions, reported a bill for the relief of William Lynch. Read and committed.

On motion of Mr. W. T. LAWRENCE, the Committee on Invalid Pensions were discharged from the further consideration of the petitions of James Charles, John H. Goolsby, and nineteen others, and of Benjamin P. Smith; and they were laid on the table.

On motion of Mr. W. T. LAWRENCE, the Committee of the Whole were discharged from the further consideration of the bill for the relief of Catharine Clark.

The bill was then ordered to be engrossed; and, being engrossed, was read a third time, passed, and sent to the Senate.

On motion of Mr. NESS, the Committee on Invalid Pensions were discharged from the further consideration of the petitions of Robert Rose, Jesse Rose, Aaron H. Hoyt, Joseph M. Rhea, Joshua Russell, Benjamin Watson, William Murray, and Mrs. C. H. Johnston. Laid on the table.

Mr. VENABLE, by direction of the Committee on Invalid Pensions, moved to discharge the Committee of the Whole from the further consideration of the bill for the relief of Joseph D. Ward. Lost, two-thirds not voting in favor thereof.

Mr. KAUFMAN moved that the House resolve itself into Committee of the Whole on the state of the Union. Lost.

Mr. WENTWORTH moved that the House proceed to consider the business on the Speaker's table. Lost.

Mr. DUER, from the Committee on Foreign Affairs, to which was referred Senate bill for the relief of the personal representatives of William A. Slacum, deceased, reported the same back to the House with amendments. Committed.

Mr. SCHENCK, from the Committee on Roads and Canals, to which was referred the bill to surrender to the State of Indiana the Cumberland road in said State, reported the same back to the House without amendment.

Mr SMITH, of Indiana, made a few brief remarks in urgent advocacy of the bill.

Mr. ROCKWELL, of Connecticut, then moved the previous question; which was seconded, and, under the operation thereof, the bill was read a third time, passed, and sent to the Senate.

On motion of Mr. SCHENCK, the Committee on Roads and Canals were discharged from the further consideration of the petitions of the Legislatures of Tennessee and Pennsylvania, and of sundry petitions on the subject of a railroad from Lake Michigan to the Pacific Ocean. Laid on the table.

Mr. SMITH, of Illinois, from the same committee, reported a bill making an appropriation for surveying and opening a road from the Falls of St. Croix to La Pointe, on Lake Superior. Read and committed.

Mr. CUMMINS, from the Committee on Invalid Pensions, reported a bill for the relief of Rebecca Freeman. Read and committed.

On motion of Mr. CUMMINS, the Committee on Invalid Pensions were discharged from the petitions of Abigail Williams, Isaiah Williams, Lettis Pond, Squire Ferris, Abigail Hamilton, Nancy Byrd, and Robert Allison; and they were laid on the table.

On motion of Mr. DONNELL, the Committee on Revolutionary Pensions were discharged from the petitions of Nathaniel Bailey, Catherine Wilson, Solsbery Wheeler, heirs of James Taylor; Elizabeth Simpson, Ann Spencer, John T. Parrish, administrator; Lemuel P. Montgomery, William Sedford, Mrs. Sally Ketchum, Josiah Hobbs, Lucretia and Mercy Demmon, Henry Bardan, Henry Haines, and Esther Fish, widow of John Ladd, &c.; and they were laid on the table.

On motion of Mr. TAYLOR, the Committee on the Judiciary was discharged from the petitions of Morris Fosdick and Robert Graham. Laid on the table.

Mr. HENLEY, from the Committee on Patents, to which was referred Senate bills for the relief of Oliver C. Harris, reported the same back to the House without amendment.

The bill was thereupon read a third time and passed, and returned to the Senate.

Also, from the same committee, a bill for the relief of Ross Winans. Read and committed.

Mr. PALFREY, from the Committee on the Library, reported a joint resolution to authorize the purchase of Catlin's gallery of pictures of North American Indians. Read and committed.

Mr. PRESTON, from the same committee, to which was referred the resolution of the House of March 13, 1848, relative to the Smithsonian Institution, reported the following resolutions, which were read and agreed to:

Resolved, That it is inexpedient to change and modify the act establishing the Smithsonian Institution in the manner proposed in said resolution.

Resolved, That the committee be discharged from the further consideration of said resolution, and that it be laid upon the table.

Mr. MURPHY, from the same committee, reported a joint resolution in relation to the printing of the documents, &c., of Congress, and to the Library of Congress; which resolution was read three times, passed, and sent to the Senate.

Mr. ASHMUN, from the joint select committee on the subject of publishing the proceedings and the debates of each House of Congress, reported the following resolution:

Resolved, That, in order to secure a more full, impartial, and prompt publication of the proceedings and debates of this House, the Clerk be authorized and directed to enter into a contract, to take effect from this day, and to continue until otherwise ordered by the House, with the proprietors of the two daily papers in this city, the National Intelligencer and Union, for the daily publication in each paper of the proceedings and debates of the House, and for the early subsequent publication of such speeches as members may choose to revise and write out at full length, for which the Clerk shall make weekly payment out of the contingent fund at the rate of $7 50 a column of brevier type: *Provided*, That the proceedings and current debate shall be transferred to the country edition of said papers, and one copy of each of said daily papers shall be furnished to each member during the sessions of Congress, without additional charge.

Some debate followed, in which Messrs. ASHMUN, COBB, and ROOT participated.

Mr. ROCKWELL, of Connecticut, moved the previous question; which was seconded.

Mr. THOMPSON, of Pennsylvania, moved to lay the resolution on the table; which was rejected: Yeas 83, nays 85.

An amendment moved by Mr. COBB, of Georgia, striking out that portion of the resolution which provides that it should take effect from this day, and also striking out the provision for *revised* speeches, was then agreed to; and the question being taken on agreeing to the resolution as thus amended, it was decided in the negative: Yeas 80, nays 85.

So the resolution was rejected.

Mr. SMITH, of Connecticut, from the Committee on Rules, reported a resolution to rescind for the residue of the session the rule allowing to any member moving an amendment in Committee of the Whole, five minutes to explain the amendment after the debate has been closed.

Mr. SMITH moved the previous question.

Mr. COBB, of Georgia, moved to lay the resolution on the table. The yeas and nays were taken on the motion, and resulted: Yeas 72, nays 99.

The House refusing to lay the resolution on the table—

The previous question was seconded, and, under the operation thereof, the resolution was agreed to; and a motion to reconsider the same was made and was laid on the table.

RIVER AND HARBOR BILL.

On motion of Mr. THOMPSON, of Indiana, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CABELL, of Florida, in the chair,) and resumed the consideration of the bill making appropriations for the preservation and repairs of the public works upon certain harbors and rivers, and for the survey of certain harbors.

Mr. HUNT made some explanations in relation to the bill, and proposed an amendment, adding sundry other items of improvement; after which, a debate on general politics commenced, and was participated in by Messrs. DICKINSON, PUTNAM, PILLSBURY, HUDSON, KAUFMAN, ROCKWELL of Connecticut, MULLIN, FICKLIN, and JOHNSON of Tennessee, who concluded his remarks at half past eleven o'clock.

Mr. OUTLAW then obtained the floor.

And the committee rose, and the House adjourned.

IN SENATE.

TUESDAY, *August* 8, 1848.

The following messages were received from the President of the United States:

To the Senate and
House of Representatives of the United States:

It affords me satisfaction to communicate herewith, for the information of Congress, copies of a decree adopted by the National Assembly of France, in response to the resolution of the Congress of the United States, passed on the 13th April last, tendering the congratulations of the American to the French people upon the success of their recent efforts to consolidate the principles of liberty in a republican form of Government. JAMES K. POLK.

WASHINGTON, *August* 8, 1848.

FRENCH REPUBLIC.

Liberty, Equality, Fraternity!

NATIONAL ASSEMBLY.

The National Assembly has unanimously adopted the decree of the following tenor:

ARTICLE 1. In the name of the French people, the National Assembly, profoundly touched by the sentiments which dictated the resolution of the Congress of the United States, on the 13th April, offers to the American people the thanks of the Republic and the expression of its fraternal amity.

ARTICLE 2. The Commissioner of Executive power is charged to transmit the present decree to the French legation at Washington, with the order to present it to the American Government.

Decreed, after deliberation in public session at Paris, on the 25th May, 1848.

Signed by the President and Secretaries, Buchez Peupin, Leon Robert, F. De George, T. Lacrosse, Emile Péan, Edmund Lafayette.

A true copy for transmission:

The President and Secretaries. Signed: Marie, F. Bérard, Emile Péan, Edmund Lafayette, L. Robert des Ardennes.

The Minister of Foreign Affairs: JULES BASTIDE.

On motion of Mr. ALLEN, it was ordered that the foregoing message and decree be entered on the Journal.

To the Senate of the United States:

In reply to the resolution of the Senate of the 7th instant, requesting the President to inform that body "whether he 'has any information that any citizen or citizens of the Uni-'ted States is or are now preparing, or intending to prepare, 'within the United States, an expedition to revolutionize 'by force any part of the Republic of Mexico, or to assist 'in so doing; and, if he has, what is the extent of such pre-'paration, and whether he has or is about to take any steps 'to arrest the same," I have to state that the Executive is not in possession of any information of the character called for by the resolution.

The late treaty of peace with Mexico has been and will be faithfully observed on our part. JAMES K. POLK.

WASHINGTON, *August* 8, 1848.

MEMORIALS AND PETITIONS.

The PRESIDENT *pro tem.* laid before the Senate two memorials of the Legislature of Wisconsin, praying the construction of a road from Prairie du Chien to the falls of St. Croix; which was referred to the Committee on the Post Office and Post Roads.

Mr. MASON presented the memorial of Charles F. Sibbald, asking that his claims may be adjusted under the direction of the Secretary of the Treasury; which was referred to the Committee on Claims.

Mr. CALHOUN presented a memorial from merchants and other citizens of Charleston, asking that the great southern mail may be restored to its direct route; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. ATHERTON, from the Committee on Finance, reported House bill for the relief of David Thomas, of Philadelphia, without amendment.

Mr. UNDERWOOD, from the Committee of Claims, made an adverse report on House bill for the relief of the legal representatives of Amelia Brereton.

Mr. JOHNSON, of Louisiana, from the Committee on Private Land Claims, asked that the committee be discharged from the further consideration of the petition of Villeneuve le Blanc, and that the petitioner have leave to withdraw his papers.

Mr. JOHNSON, from the Committee on Pensions, asked that the committee be discharged from the further consideration of the following memorials: Of Eliza A. Mellon, of E. P. Hastings, of Candace Munn; also, from the documents relating to the claim of John Ellis.

The amendment of the House of Representatives to the joint resolution giving certain pieces of brass cannon to the Jackson Monument Society, was taken up and concurred in.

On motion of Mr. MASON, the bill to change the times of holding the district court of the United States for the western district of Virginia, was taken up, considered, and passed.

The following resolution of the Select Committee, in relation to reporting the proceedings of Congress, came up for consideration:

Resolved, That, in order to secure a more full, impartial, and prompt publication of the proceedings and debates of the Senate, the Secretary of the Senate be, and he hereby is, authorized and directed to enter into a contract, to take effect from this day, with the proprietors of each of the daily papers in this city, the National Intelligencer and the Union, and to continue until otherwise ordered by the Senate, for the daily publication, in each paper, of all the debates and proceedings of the Senate, and for the early subsequent publication of such speeches as members may choose more carefully to revise and write out at full length, for which the Secretary is authorized to make weekly payment at the rate of seven dollars and fifty cents for a column of brevier type: *Provided*, That the proceedings and current debates be transferred to the country edition of said papers, and one copy of the daily edition of each paper shall be furnished to each member during the session without additional charge.

Mr. WESTCOTT, for the purpose of waiting the action of the House on the subject, moved to lay the resolution on the table for the present; which was agreed to.

Mr. DICKINSON moved to take up his motion to reconsider the vote on the third reading of the bill for the relief of John Devlin, and the motion to reconsider was decided in the negative.

On motion of Mr. DAVIS, of Mississippi,

Resolved, That the Secretary of War be instructed to furnish, at the next session of Congress, a general map from the reconnoissances and surveys of Topographical Engineers, showing the operation of the army of the United States in Texas and the adjacent Mexican territory on the Rio Grande, to be accompanied with the astronomical observations and descriptive and military memoirs of the country traversed by the troops of the United States.

Mr. D. briefly explained, that the country referred to in the resolution had been very little explored, and that we knew nothing about it. The map and memoirs would be invaluable for future operations.

On motion of Mr. BELL,

Resolved, That the Secretary of War be requested to communicate to the Senate copies of the report of the Superintendent of Indian Affairs of St. Louis, in relation to the difficulties which took place last fall at the payment of the Sacs and Fox annuities, together with all the accompanying testimony and papers, and any proceedings which the department may have taken in reference thereto.

On motion of Mr. KING, the Senate proceeded to the consideration of the bill granting to the State of Alabama the right of way and a donation of public lands for making a railroad from Mobile to the mouth of the Ohio river. And the bill having been read—

Mr. BENTON moved to amend the bill by adding a grant to the State of Missouri of the right of way and a donation of land for making a railroad connecting the town of St. Joseph, on the Missouri river, with the town of Hannibal, on the Mississippi river.

Mr. KING hoped the Senator from Missouri would not persist in the amendment, and protested against having his bill loaded down with extraneous matters, which would be almost sure to defeat it in the House. If the bill was a good one, let it pass; if bad, reject it. It was very important to the South that it should pass.

Mr. BENTON was very far from believing that the amendment would have a tendency to load down the bill. On the contrary, he regarded it a safe and healthful prop; and he thought the Senator from Alabama should be pleased with such a union, which was like marrying his daughter to a sound and vigorous young man, who would be a prop to the house.

Mr. ALLEN moved an amendment providing for the carrying of the mail, which was accepted as a modification of the amendment.

Mr. BUTLER was sorry he could not give his support to the bill or its amendments in the present form. He would wish to know the amount of the lands which would be thus given away. He referred to the various clauses in the Constitution from which the power to give away the public lands was derived by different persons. He thought it doubtful whether the public lands would be enhanced in value, or the sales of them facilitated by these constant surrenders. He would prefer that the Constitution should be amended to suit the purpose of all, than that this policy should go on.

Mr. CALHOUN thought the policy of these appropriations of the public lands was beneficial in increasing the value of the public domain. As to internal improvement, he denied *in toto* the power of the General Government to carry it on.

Mr. WESTCOTT took a view of the advantages which would result to the United States, as well as to the States in which the roads were proposed to be located, from these donations of the public lands, by the facilities which would be given to the transportation of materials for the navy-yards, and for the transportation of stores and troops.

Mr. BUTLER objected to the precedent. The Senator from Illinois [Mr. BREESE] had recently offered a resolution to give all the public lands in that State for public improvements.

Mr. BREESE said, his resolution embraced only ten miles on both sides the Illinois river.

Mr. BUTLER. Well, if ten miles was asked for now, why not ask for twenty, thirty, or sixty miles. The principle would be the same.

Mr. CALHOUN made a brief reply.

Mr. NILES said, if this policy was to prevail, and the lands were to be given away because they were of no use while in the hands of the General Government, he desired to see a national bill, a bill on a magnificent scale. He would, therefore, move to amend the bill by inserting the bill which he had reported a short time since, granting lands to Asa Whitney, for making a railroad from Lake Michigan to the Pacific. This would test the sense of the Senate as to the propriety of carrying out the principle.

Mr. BORLAND made a few remarks in favor of the bill.

Mr. TURNEY would not vote for the bill, but he would vote for every amendment which should be offered. He wished to test the opinions of Senators who professed to be hostile to a general system of internal improvement, by seeing all these separate bills embraced in one bill, which would thus make the bill general in its effect, and bringing those Senators to a vote on such a bill. According to his reading of the Constitution, this aggregation of separate appropriations would constitute a general system of internal improvement. He desired to see what was the true construction put on these measures by Democratic Senators.

Mr. BREESE explained his view of the constitutional power of Congress to make internal improvements, which he totally denied. But he maintained that the Government had a right to put the public domain in a condition to be most beneficial to the public; and this was done by donations of lands, and thus increasing the value of the residue. These donations to States were in fact no donations, because only alternate sections are granted, and those reserved are put at $2 50 per acre, which is twice the price fixed as a minimum.

Mr. TURNEY made a reply in explanation and support of what he had before said. As to the last argument of the Senator from Illinois, the fixing of the price of the alternate sections at twice the minimum rate, he attached no great weight to it, regarding this increase of price as more likely to benefit the railroad companies than the Government. The companies would prevent any sales by the Government by putting their own sections at a somewhat lower rate.

Mr. BREESE rejoined very briefly.

Mr. DOUGLAS said he did not wish to throw any difficulty in the way of this measure. On the contrary, he expected to vote for it. But as chairman of the committee which had been charged with the Oregon bill, he felt bound, if the discussion was to proceed, to move its postponement.

Mr. KING expressed a hope that the vote would be taken on the bill, which had already been once postponed.

The several amendments were adopted, and the bill was reported to the Senate, Mr. NILES having withdrawn his amendment. The question on the engrossment was then taken by yeas and nays, and decided as follows:

YEAS—Messrs. Allen, Atchison, Badger, Bell, Benton, Berrien, Borland, Breese, Calhoun, Cameron, Corwin, Davis of Mississippi, Dayton, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Greene, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, King, Lewis, Mangum, Sebastian, Spruance, Sturgeon, Underwood, Walker, Webster, and Westcott—34.

NAYS—Messrs. Bradbury, Bright, Butler, Clarke, Dickinson, Dix, Hunter, Johnson of Georgia, Mason, Metcalfe, Niles, Pearce, Turney, Upham, and Yulee—15.

The bill was then read a third time, and passed.

Mr. DOUGLAS rose to call the special order, when—

On motion of Mr. JOHNSON, of Maryland, the Senate (at 10 minutes past 12) proceeded to the consideration of Executive business.

At three o'clock, the doors were reopened.

On motion of Mr. BALDWIN, the Senate proceeded to the consideration of the bill for the relief of Gustavus Dorr.

This bill involved a case of some interest. Mr. Dorr originally belonged to the army, and was ordered to his post, which order he never obeyed, and was in consequence stricken from the rolls. Subsequently, it was discovered that the disobedience was occasioned by insanity, and that he is now in an insane asylum. The object of the bill was to grant him a pension for his maintenance.

The bill was severally advocated by Messrs. BALDWIN, DAVIS of Mississippi, BRADBURY, and others, and was passed without a dissenting voice.

On motion of Mr. DOWNS, the Senate proceeded to consider the bill for the relief of the Red River Railroad Company.

The object of this bill is to remit certain duties on railroad iron.

Mr. HAMLIN regarded it as objectionable, and asked the privilege of having the yeas and nays on the bill; which were ordered.

The question was taken on ordering the bill to be engrossed, and decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Breese, Clarke, Davis of Massachusetts, Davis of Mississippi, Dayton, Dodge, Downs, Felch, Foote, Greene, Hale, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Mason, Miller, Niles, Pearce, Spruance, Turney, Underwood, Upham, Walker, and Westcott—30.

NAYS—Messrs. Bradbury, Dickinson, Dix, and Hamlin—4.

On motion of Mr. BRADBURY, the Senate proceeded to consider House bill for the relief of Samuel Cony; and after a brief debate—in which Messrs. BRADBURY, FELCH, and others advocated the bill, and Mr. KING opposed it, on the ground that it would be throwing open too wide the doors of the Pension Office to grant a pension on the proof adduced—the bill was then read a third time, and passed.

On motion of Mr. DAYTON, the Senate proceeded to consider the bill in relation to the terms of the circuit and district courts of the United States in and for the district of New Jersey; and, after a brief explanation by Mr. D., the bill was read a third time, and passed.

On motion of Mr. JOHNSON of Georgia, the Senate proceeded to consider the act for dividing the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States, with circuit-court powers and jurisdiction.

After a few words from Messrs. DAYTON, WESTCOTT, BERRIEN, KING, and JOHNSON of Georgia, the bill was read a third time, and passed.

On motion of Mr. BADGER, the Senate took up the bill from the House for the relief of F. M. Holton.

Mr. KING called for explanations; which Mr. BADGER gave, and the bill was then read a third time, and passed.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported House bill to establish certain post routes, with sundry amendments.

Mr. N. urged the immediate consideration of the amendments, and the prompt passage of the bill.

Mr. KING thought the bill too important for any such hasty action, and contended that the amendments should be printed.

Mr. NILES yielded the point reluctantly, it being agreed that the bill should be taken up at 11 o'clock to-morrow morning; and then the Senate took a recess from a quarter-past 4 to half-past 5.

NIGHT SESSION.

The Senate proceeded to consider House bill authorizing the State of Alabama to apply certain lands heretofore granted to the State for internal improvements and use of schools in the valueless sections in said State; which, after having been engrossed, was read a third time, and passed.

On motion of Mr. HANNEGAN, the Senate proceeded to consider Senate bill to provide for carrying into effect the 5th article of the treaty between the United States and the Mexican Republic, for the establishment of the boundary line between them; which was ordered to be engrossed, and was subsequently read a third time, and passed.

The bill granting a pension to Elizabeth Munroe was considered in Committee of the Whole, and, on motion of Mr. BREESE, was laid on the table.

Senate bill for the relief of George Center was considered in Committee of the Whole, and, after some debate—

Mr. ALLEN demanded the yeas and nays on the question of engrossment, and the vote stood as follows:

YEAS—Messrs. Baldwin, Bell, Berrien, Cameron, Clarke, Corwin, Dodge, Downs, Hannegan, Houston, Johnson of Maryland, King, Mason, Miller, Niles, Pearce, Sebastian, Westcott, and Yulee—19.

NAYS—Messrs. Allen, Atchison, Bradbury, Breese, Bright, Dickinson, Dix, Felch, Johnson of Georgia, Phelps, Spruance, Turney, Underwood, and Upham—14.

The bill was then read a third time, and passed.

Mr. DOUGLAS, from the Committee on Territories, reported the bill to establish the Territorial Government of Minesota, with amendments.

On motion of Mr. UNDERWOOD, the Senate proceeded to the consideration of the joint resolution requiring the Commissioner of Patents to report annually upon the prices of labor and the productions of agriculture and manufactures.

After considerable debate, in which Messrs. ALLEN, JOHNSON of Maryland, UNDERWOOD, and others participated, the resolution was laid on the table:

YEAS—Messrs. Allen, Atchison, Breese, Butler, Davis of Mississippi, Dickinson, Dix, Downs, Felch, Foote, Hunter, Johnson of Georgia, King, Lewis, Mason, Niles, Phelps, Sebastian, Turney, and Westcott—20.

NAYS—Messrs. Badger, Baldwin, Berrien, Cameron, Clarke, Corwin, Davis of Massachusetts, Greene, Houston, Johnson of Maryland, Johnson of Louisiana, Mangum, Metcalfe, Miller, Pearce, Spruance, and Underwood—17.

And then, at 9 o'clock, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August* 9, 1848.

The Journal of yesterday was read and approved.

Mr. McCLELLAND stated that he desired the unanimous consent of the House to enable him to offer a resolution, to which he knew no objection would be made when he stated it was done at the instance of Colonel Riley, one of the most distinguished officers of the old army. No one objecting, he offered the following resolution, which was read and agreed to:

Resolved, That the Secretary of War be requested to transmit to this House a copy of the proceedings of a court of inquiry convened at the city of Puebla, in Mexico, in July, 1847, at the instance of Colonel Bennet Riley, of the infantry, of which Major General Pillow was President.

Mr. ROCKWELL, of Connecticut, moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That private bills from the Senate shall be the special order for Friday next, and those bills to which there shall be no objection shall be first considered.

The yeas and nays were taken on suspending the rules, and resulted: Yeas 85, nays 75. Lost, two-thirds not voting in the affirmative.

Mr. BROWN, of Mississippi, moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That the Clerk of the House of Representatives be instructed to pay to Master James Moor, out of the contingent fund of the House, the same compensation that has been paid to other pages, he having acted as page during the present session of Congress.

The question was put, and the rules were suspended, two-thirds voting in favor thereof.

The resolution was then received, and, under the operation of the previous question, agreed to.

Mr. HOLMES, of South Carolina, moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to each of the laborers employed in the Capitol grounds the same extra compensation which is paid to the laborers employed in the Capitol.

The question being put, it was decided in the negative, two-thirds not voting in favor thereof.

Mr. EVANS, of Maryland, moved to suspend the rules to enable him to offer the following resolution:

Resolved, That the Sergeant-at-arms, Doorkeeper, Postmaster, and Chaplain of this House be paid the usual extra compensation, out of the contingent fund of this House.

The yeas and nays were taken on the motion to suspend the rules, and resulted, yeas 93, nays 52. Lost, two-thirds not voting in favor thereof.

RIVER AND HARBOR BILL.

On motion of Mr. HUNT, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CABELL, of Florida, in the chair,) and resumed the consideration of the bill making appropriations for the preservation and repairs of the public works upon certain harbors and rivers, and for the survey of certain harbors.

Mr. OUTLAW was entitled to the floor, and yielded for a few moments to—

Mr. EVANS, of Maryland, who further explained his views of the Amistad case, confirmatory of the general positions taken by Mr. ROCKWELL, of Connecticut, last evening; and a conversation occurred relative to the same question, in which Messrs. EVANS, ROCKWELL of Connecticut, C. J. INGERSOLL, and PALFREY, participated.

Mr. HOLMES, of South Carolina, and Mr. PALFREY, (speaking by the courtesy of Mr. OUTLAW,) subsequently briefly expressed their views: the former in advocacy of, and the latter in opposition to, the proprosed appropriation for the Amistad negroes.

Mr. ROOT (speaking in like manner) recalled the attention of the committee to the bill under consideration, and briefly presented the importance of the proposed appropriations for Vermillion and Huron rivers and Sandusky harbor, stating that these and larger appropriations at these points had been recommended by the chief of the proper bureau in the War Department, and that the same officer had recommended, in every instance, at least double, and sometimes treble, the amount of appropriations proposed by the various items of this bill.

Mr. OUTLAW gave notice of an appropriation, which he should move at the proper stage of the bill, for the opening a communication between Albemarle Sound and the Atlantic Ocean, and presented its paramount importance and claim to appropriation, not only for the benefit of the entire section of country adjacent, but as a great national work, important to the commerce of the whole country. He represented, that by a change which had been going on since Walter Raleigh first landed on the coast of North Carolina, and which had been produced by natural causes, the channel at the mouth of the Albemarle had been diverted from its direct course to the ocean, and it now took a southerly direction into Pamlico Sound, and discharged itself into the Ocracock channel, so that vessels bound out of that sound to the north were obliged to go south sixty miles into the Ocracock, and then sixty miles back, making one hundred and twenty miles, to get back to within sight of the point which they first left; and this by a voyage around Cape Hatteras, which was well known to be the most dangerous point along the Atlantic coast. The commerce of the adjacent country which sought an outlet by that sound amounted to something like $5,000,000 annually, and paid in consequence of this obstructed and dangerous navigation for lighterage alone more than $100,000 annually, and for increased insurance and additional freight something like $375,000 annually. The Legislature of North Carolina had instructed her Senators and requested her Representatives to vote for an appropriation to open this channel; the work had been surveyed by distinguished engineers, both under the authority of the War Department and of the State of North Carolina, and was pronounced perfectly practicable. He urged various other considerations recommending this as a national work, especially its value as a safe harbor for our navy in time of war, and warmly urged the justice of the appropriation. He yielded in the course of his remarks to—

Mr. BROWN, of Pennsylvania, who responded to all which had been said respecting the great general importance of the work, and said, if there was any work on our whole coast from Maine to New Orleans which was one of high national character, and deserved appropriations for the object named, this was such a work.

Mr. PALFREY, during the few remaining moments allotted to debate, further opposed the appropriation asked for the payment for the Amistad negroes, and denounced as felons those to whom it was proposed to be made.

Mr. HUNT then availed himself of the privilege afforded by the rules to address the committee for an hour in explanation of the bill under consideration; but he first yielded the floor for a moment, that—

Mr. VENABLE might say, that in deference to the request of the Legislature of North Carolina, he should vote in committee for the amendment of his friend and colleague [Mr. OUTLAW] for the appropriation for the improvement of Nag's Head, on the coast of that State. He feared, however, that the bill, as digested and matured in committee, would be such as to make it his duty to vote against it.

Mr. HUNT then proceeded to explain the character of the bill, which he said was entitled to the serious attention of the House and of Congress. At this late hour of the session he should not enter into an argument to establish the constitutional power of this Government to make appropriations for harbors and rivers, for it appeared to him to be unnecessary. The power had been exercised by this Government from the first Congress under the Constitution, in 1789, to erect light-houses, and to do other things for the protection of commerce. Every Congress had passed bills to make and to protect public works, as broadly as this under consideration; and the present House had declared by a solemn vote of more than two to one that this Government has this power, and therefore it would be trifling with the House to argue in favor of that which was self-evident. There were a large portion of the people of this Union interested in the prosecution of these works, and their necessity was as apparent as the duty of the Government to make such appropriations.

He next proceeded to show that the Executive, with his message sent to Congress at the first session of the 29th Congress, sent in estimates and reports from the Topographical department, accompanied by a communication from the Secretary of War, which not only recommended different works of improvement, but furnished an argument to show the importance and necessity of making them. The President did not deny the right to make them, but committed himself to their approval. The appropriations for this purpose were recommended as warmly as those for the army and navy, or any other branch of the public service. And the estimates of the officers of this Government, which the President submitted to Congress with his warm commendation, exceeded a million of dollars, while the appropriations proposed to be made by this bill did not amount to half that sum. He read the items of the bill to show the character of the works themselves, and the claims which they had on this Government. But, in addition to these, there would be one or two other items submitted as amendments, with

the intention of submitting them singly to the House for its consideration, which to some gentlemen would be more satisfactory than to mix them up with the general appropriations. Of this character were the Mississippi river and Buffalo harbor, for each of which a separate bill had been prepared; but they would be submitted to the attention of the committee as separate items or amendments to this bill. It must be evident to every one, that at this late day, appropriations for these two objects must be made in the general appropriation bill, or not at all; and he should move to put them in, and in this respect make the bill resemble that of the last Congress. He should do this not only because he considered it judicious, but because it would afford some hope of success if they were all put together. It would show the House the whole amount to be appropriated, and present at one view the obligations which they were taking upou themselves. He knew it was objected that such a course gave an opportunity for combinations; but, in justice and fairness to the members of the House, he would submit to the intelligence of the country if it was proper to make isolated appropriations for some sections, and omit others that were equally meritorious.

Mr. SAWYER wished to be informed of the true position of this bill, that it might be known to the country. He wished to know if the amount which it was proposed to appropriate for the purposes specified in this bill had been embraced in the estimates from the Executive Departments. In the estimates for the present fiscal year he was not aware that there was a single dollar asked for these purposes.

Mr. HUNT said the gentleman was correct. He had not said that at the present Congress there were any estimates for these works, but they were sent in by the present Executive at the opening of the last Congress.

Mr. SAWYER desired to learn from the gentleman from New York where he was going to find the money to do the works specified in this bill, and those to be provided for by amendments to be offered, which he had no doubt would increase the amount to be appropriated by this bill from the sum of $400,000 to twice that amount? He asked if the House would make these appropriations, which had not been recommended by the Secretary of War, without knowing that there was money enough to pay for them? The gentleman should remember that we were largely involved in debt, and it was therefore bad policy to make such appropriations under the circumstances.

Mr. HUNT replied that he intended to come to that, but first he would say a few words on the subject of these improvements, and the course of the President in relation to them. After leading them to suppose that he was in favor of the policy on which this bill was based, the President refused to give his sanction to it; and he therefore refused to concur in the action of every administration from the commencement of the Government, not even excepting that of General Jackson and Mr. Van Buren, under the former of whom many of these works had been commenced.

He went on to show what had been done by Congress when the President vetoed the first river and harbor bill. A new bill was prepared by the gentleman from Michigan, [Mr. McCLELLAND,] who was then the chairman of the Committee on Commerce, in which many of the items were reduced, and those retained were for certain special objects, in the hope that the President would not persist in withholding his approbation from works which had received the approval of Jackson and Van Buren. The President, however, took ground against all such appropriations; and if they would examine his veto message, they would find that he maintained that the power to make such appropriations for harbors and rivers would embrace the power to make roads and canals.

But the gentleman from Ohio [Mr. SAWYER] had raised an objection which they had often heard before, namely, that there were not sufficient means in the treasury to meet these expenditures, and the gentleman asked where the money was to come from? It had been said that the country was in debt, and that if these appropriations were made the Government must borrow money; which he (Mr. H.) denied altogether. In the first place, he maintained that our commerce was increased as a consequence of the improvements which had been heretofore made, and the passage of this bill would result in the further increase of our commerce, and consequently in an increase of our means to meet these engagements. It was true, we had incurred a large debt by our late war with Mexico; but he would ask if that debt was to operate on one part of our policy only? Was our commerce alone to be allowed to suffer because we had contracted a debt by our war with Mexico? It was not good policy to impose the burdens occasioned by this war on one branch alone. He maintained that the debt created by the war should be paid from the surplus revenue of the country, and that the necessary appropriations should not be withheld from our rivers and harbors. It was necessary to make a discrimination in our expenditures; if it was necessary to practise a system of economy—and he was in favor of a just economy to reduce the debt more speedily—he should be willing and should prefer to see a discrimination made in favor of these works, and a reduction of expenditures in other branches. It would be both more beneficial and satisfactory to the country to reduce the army one or two thousand, and thereby save a large amount of money. He alluded to harbors in his own neighborhood, near which many severe losses were annually sustained by wrecks; they had also a fort on the Niagara frontier, in which was kept a military force at an annual expense of from $20,000 to $30,000. Now, could any one doubt that it would be more beneficial in time of peace to expend that money for the advantage of our commerce by the improvement of harbors and rivers, than in keeping men to defend a fort which had no enemy to threaten it?

He then proceeded to answer some objections which had been before urged against the harbor and river bill, and in favor of giving permission to the States to levy tonnage duties. He opposed the levying of tonnage duties, because it would lead to conflicts between States, which this Union was designed to avoid. But, besides, it would not operate justly, for the duties would be paid only at the port of destination on vessels arriving there. The advantage of such a system would be greatly to the advantage of the State from which he came; but New York was not disposed to take any advantage of her position. There could be no doubt that the levying of tonnage duties at the port of New York, from her commercial position, would directly or indirectly affect the whole Union; and from that source New York could doubtless raise not only a sufficient sum to improve her own harbors and rivers, but to defray all the expenses of their government. But New York would make that sacrifice on the altar of nationality. He argued warmly that it was the duty of the General Government to make these improvements, and that the exercise of that power was necessary to the harmony and prosperity of the whole country.

In the course of his remarks, some conversation ensued between Messrs. HUNT, EMBREE, and McCLELLAND.

Mr. HUNT then proceeded with and concluded his general argument, in which he enforced on the committee the right, the duty, and the necessity to act favorably on this bill.

AMENDMENTS AGREED TO.

Amendments were then moved and agreed to as follows:

By Mr. OUTLAW: "For opening a communication between Albemarle Sound and the Atlantic Ocean, and the improvement of the harbor at or near Old Roanoke Inlet, on the coast of North Carolina, $50,000."

By Mr. HALL, of New York: "For the preservation, improvement, and repair of the harbor at Buffalo, New York, $25,000."

By Mr. McCLELLAND: "For the improvement of the St. Clair flats, in the State of Michigan, $50,000; for the improvement of the harbor at the mouth of Grand river, on Lake Michigan, $10,000; for the improvement of the harbor at the mouth of Kalamazoo river, $5,000."

[Mr. McC.'s proposition was, that $10,000 be appropriated for the improvement of the mouth of the Kalamazoo river; but the sum was reduced, on motion of Mr. HUNT, to $5,000.]

By Mr. CROZIER: "For the improvement of the canal around the Muscle Shoals, and improving the navigation of the Tennessee river above the Shoals, $50,000."

By Mr. ROCKWELL, of Connecticut: "For the continuation of the works on the river Thames, in the State of Connecticut, in accordance with the plans and surveys of the department, $10,000."

By Mr. KING, of Massachusetts: "For the completion of the breakwater at Sandy bay, Massachusetts, $30,000."

By Mr. HUNT: In lieu of "for survey, &c., of Newark," &c., insert, "For the improvement of the harbor at Newark, New Jersey, $10,000."

By Mr. HUNT: In lieu of "for survey, &c., at Providence and Block Island," &c., insert, "For the improvement of the harbor at Providence and Block Island, Rhode Island, $5,000."

By Mr. HAMPTON, of New Jersey: "For the removal of obstructions and clearing out of Great Egg Harbor river, in the State of New Jersey, from Hamilton bridge to its mouth, $10,000."

By Mr. HUBBARD: For a continuation of the improvement of the mouth of Connecticut river, to be expended under the direction of the Engineer department, $20,000."

By Mr. HUNT: In lieu of "for survey, &c., of Havre de Grace," &c., insert, "For the improvement of the harbor of Havre de Grace, Maryland, $15,000."

Also, in lieu of "for survey, &c., Mobile, Alabama," insert "For the improvement of the harbor at Mobile, $15,000."

Also, the following items:

For improving the harbor of Cattaraugus creek, on Lake Erie	$5,000
For improving the harbor at Ashtabula, on Lake Eric	5,000
For improving the harbor at Huron, on Lake Erie	5,000
For improving the harbor at Vermillion, on Lake Erie	5,000
For improving the harbor at Conneaut, on Lake Erie,	5,000
For improving the harbor at Dubuque, Iowa	2,500
For improving the harbor at Racine, on Lake Michigan	4,000
For improving the harbor at Southport, on Lake Michigan	4,000
For removing obstructions and improving the navigation of the Mississippi river	75,000
For the completion and repair of the dam constructed by the Government at Cumberland Island, in the Ohio river	50,000

By Mr. HAMPTON, of Pennsylvania, the following, as an additional section:

Be it further enacted, That a sum of money be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, sufficient for the following purposes:

For the improvement of Little Sodus Bay, on Lake Ontario	$5,000
For the improvement of the harbor at the mouth of Eighteen-mile Creek, at Olcott, on Lake Ontario	5,000
For the improvement of the navigation of James river, in the State of Virginia	20,000
For a survey and examination of the Alleghany river, the Sabine river, and the harbors at the mouth of Black river and New Buffalo, on Lake Michigan, and Little Egg Harbor, and for the improvement of the navigation of the Passaic river, in the State of New Jersey	10,000
For a survey and examination of the Perriwig Shoals, in the river Delaware	500
For the improvement of the harbor at Little Fort, on Lake Michigan	5,000
For the improvement of the harbor at Newcastle, in the State of Delaware	5,000
For the improvement of Great Wood Hole Harbor, in the State of Massachusetts	4,000
For the construction of an ice harbor at Delaware city, in the State of Delaware	5,000
For erecting a breakwater at Nantucket	20,000
For the improvement of Ocracock Inlet, North Carolina	10,000
For the improvement of the harbor at Sheboygan, on Lake Michigan	4,000
For repairs of the piers in the river Delaware, at Marcus Hook	1,500
For the repairs of the pier at Chester, in the State of Pennsylvania	500
For the improvement of the harbor of Big Sandy Creek, on Lake Ontario	5,000

REJECTED AMENDMENTS.

The following amendments were moved and rejected:

By Mr. MEADE: Striking out the words "out of any unappropriated money in the Treasury," and to insert the following: "By a direct tax levied on the real estate of the people of the United States."

This amendment was ruled out of order, and Mr. MEADE appealed; but the decision of the Chair was sustained.

Strike out the item "for the improvement of the Oak Orchard harbor, on Lake Ontario, $3,000."

By Mr. BOWLIN: "For the continuation of the works upon the harbor of St. Louis, Missouri, $50,000."

By Mr. VAN DYKE: "To remove obstructions from the river Raritan, $10,000."

By Mr. THOMPSON, of Mississippi: "For constructing and working the steam dredge-boat

at the mouth of the Yazoo river, in Mississippi, $5,000."

By Mr. KAUFMAN: "For survey and improvement of Sabine river, the alternate sections of public domain lying on the east bank of said river."

By Mr. McKAY: "For continuing the improvement of the Cape Fear river, below Wilmington, $20,000."

By Mr. HARALSON: "For the improvement of the Chattahoochee river, both below and above the falls, $50,000."

By Mr. CLARKE: "For the improvement of the Big Barren river, in Kentucky, $50,000."

By Mr. FEATHERSTON: "For the improvement of the Tombigbee river, from Camargo to Pickensville, $70,000; for the improvement of Galabusha river, $20,000; for the improvement of Big Black river, $20,000."

By Mr. COBB, of Alabama: "For the improvement of the Flint and Paint Rock rivers, $15,000."

By Mr. S. LAWRENCE: "For the improvement of the harbor of Whitehall, on Lake Champlain, New York, $10,000."

By Mr. McCLERNAND: "For the improvement of the Wabash river, alternate sections of the public land for five miles on each side of said river."

By Mr. COBB, of Alabama: "For the improvement of Coosa river, $50,000."

By Mr. BROWN, of Virginia: "For the improvement of Dog river, above the falls, $50,000." Ruled out of order.

By Mr. SILVESTER: "For continuing the public works and removing the obstructions in the Hudson river, near the city of Albany, $50,000."

By Mr. FRIES: Add to the item for the improvement of the Ohio river, "to be expended under the direction of the Secretary of War in removing the dams and wing walls put into said river at the expense of the General Government."

By Mr. KENNON: Add to the item for the improvement of the Ohio river, "provided that no portion of said last mentioned sum shall be employed for the purpose of changing the current to or from either channel of said river round Wheeling island."

By Mr. RICHEY: "For improving and deepening the channel of the Ohio river opposite Marietta, Ohio, $10,000."

By Mr. EMBREE: "For the improvement of the Ohio river below the falls at Louisville, $40,000."

By Mr. TAYLOR: "For improving the Ohio river at the mouth of the Scioto river, State of Ohio, $10,000,"

By Mr. CHASE: "For the improvement of Salt river, above the falls, for the benefit of the Whig party, $10,000."

By Mr. DICKINSON: "For the continuance of the improvement of the head of the Sandusky bay, $5,000."

By Mr. JOHNSON, of Arkansas: "For a survey of the Washita and Little Missouri rivers, in Arkansas, $10,000."

"For the improvement of White and Black rivers, in accordance with a survey already made by the order of Congress, $10,000."

By Mr. FARRELLY: "For the improvement of the Alleghany river, $25,000."

By Mr. THOMPSON, of Iowa: "For the improvement of the Des Moines and Rock River rapids, in the Mississippi river, $50,000."

By Mr. CLARKE: "For the improvement of Green and Barren rivers, in Kentucky, $50,000."

By Mr. HUBBARD: "For continuing the improvement at the mouth of the Connecticut river, $20,000."

By Mr. GREEN, of Missouri: Add at end of item for improvement of Ohio river below the Falls, and Missouri and Arkansas rivers, &c., the following: "Commencing at the points in said rivers where the improvements are most needed by the public interest, and proceeding until the appropriation is exhausted."

By Mr. HOLMES, of New York: "For repairing the piers at the mouth of the Genesee river, $10,000."

By Mr. McCLERNAND, as a new section: "That the General Assembly of the State of Illinois is hereby authorized to levy and collect a tonnage duty upon vessels upon the Illinois river, to be approved by Congress, for the improvement of the navigation of that river."

By Mr. BOWLIN, as a new section: "That the State of Missouri is hereby authorized and empowered to levy and collect a tonnage duty, not exceeding ten cents on the ton per annum on all boats navigating the waters of the State and trading to St. Louis, for the purpose of improving the harbor of St. Louis; and the said Legislature is authorized to continue the works on said harbor of St. Louis with the amount thus raised by tonnage duty, and by any and all other funds that the Legislature or the city of St. Louis may appropriate for the continuance of such work at St. Louis." Ruled out.

By Mr. MANN, of Pennsylvania, as new sections:

And be it further enacted, That the President of the United States is hereby authorized to borrow, on the credit of the United States, such amount of money as shall be required to carry into effect the foregoing act, and to issue therefor stock of the United States for the sum thus borrowed, in the same form as provided in former acts of Congress on the subject of loans, redeemable at a period not longer than twenty years.

And be it further enacted, That the stock issued under the provisions of this act shall not bear a higher rate of interest than six per cent. per annum, payable semi-annually, and no part thereof shall be disposed of at less than par.

By Mr. KAUFMAN: "For the improvement of the Trinity river, in Texas, $20,000."

No more amendments being offered, the Committee rose and reported the bill as amended.

Mr. HUNT moved the previous question, which was seconded; and, under the operation thereof, the amendments which had been sanctioned by the Committee of the Whole were all agreed to, and the bill was ordered to be engrossed and read a third time.

Mr. WENTWORTH moved to reconsider the vote ordering the engrossment of the bill, and moved to lay that motion on the table; which latter motion was agreed to.

Mr. POLLOCK moved to suspend the rules, for the purpose of reading the bill a third time. The yeas and nays were taken on the motion, and resulted, yeas 112, nays 59. Two-thirds not voting in the affirmative, the motion was not carried.

Mr. WENTWORTH moved a suspension of the rules for the purpose of considering the business on the Speaker's table. Lost, two-thirds not voting in favor thereof.

Mr. VINTON rose to propose that the House take a recess from four to half-past six o'clock today. [Cries of "No, no; three to five."] He gave notice that when the House came together he should move to take up the amendments of the Senate to the civil and diplomatic appropriation bill, and he would state that he was informed by the Speaker that without this bill pass it was impossible to pay the members of the House. [Laughter, and cries of "We'll pass it."]

The SPEAKER. The Chair will confirm the statement of the chairman of the Committee of Ways and Means. There is not enough money in the treasury of the House to settle the accounts of the members until this bill is passed.

After a word of conversation between Mr. JONES, of Tennessee, and the SPEAKER—

Mr. VINTON modified his motion to provide for a recess from half-past three to half-past five o'clock; which was agreed to.

LIGHT-HOUSES.

On motion of Mr. GRINNELL—by ayes 76, noes 53— the House resolved itself into Committee of the Whole on the state of the Union, (Mr. SMITH, of Indiana, in the chair,) and, after some points of order by Mr. COBB, of Georgia, proceeded to the consideration of the Senate bill making appropriations for certain light-houses, light-boats, buoys, &c.

Mr. GRINNELL called for the reading of the amendments proposed by the Committee on Commerce; and the first having been read—

Mr. HOUSTON, of Delaware, rose and was recognized by the Chair, and announced his intention of submitting some remarks which he had for some time been seeking an opportunity to deliver——

Mr. GRINNELL claimed that he had not yielded the floor, and, remarking that it was evident if the committee went into a general debate upon this bill they would not be able to pass it at this late stage of the session, he moved that the committee rise for the purpose of offering a resolution to terminate the debate.

The CHAIR, however, decided that Mr. HOUSTON had the floor, unless Mr. GRINNELL claimed it for the purpose of debate. And after some further points of order and conversation—

Mr. HOUSTON, of Delaware, addressed the committee until the hour appointed for the recess. He first expressed his views on the subject of the compromise bill recently disposed of by the House of Representatives, and next proceeded to the discussion of the light-house bill, and incidentally the question of internal improvements, showing that it was objected that, with works that were legitimate and proper, others were mixed up that had no legitimate claims upon the Government. He examined the positions assumed by the President in his veto message at some length, in which he was engaged at half-past three o'clock, when the House, in accordance with its resolution, took a recess until half-past five o'clock.

EVENING SESSION.

The House met at half past five, and the Committee of the Whole resumed its session and the consideration of the light-house bill.

Mr. HOUSTON, of Delaware, continued and concluded his remarks, scrutinizing the course of the Executive in the origin and conduct of the war, and touching upon various other topics, and was arrested in the course of his remarks by the expiration of his hour.

Mr. GRINNELL next obtained the floor, and moved that the committee rise, with a view of offering a resolution to terminate the debate.

The motion being agreed to, on motion of Mr. GRINNELL, a resolution was adopted to terminate debate on the bill in five minutes after its consideration was resumed in committee.

Mr. VINTON reported back from the Committee of Ways and Means the civil and diplomatic appropriation bill, with the amendments of the Senate; which, on his motion, were referred to the Committee of the Whole on the state of the Union.

On motion of Mr. VINTON, the House again resolved itself into Committee of the Whole on the state of the Union; and, after some objections raised by Mr. HOUSTON, of Alabama, who proposed immediately to take up the amendments to the civil and diplomatic bill, resumed the consideration of

THE LIGHT-HOUSE BILL.

Mr. BOWLIN occupied the few minutes which remained for debate on the bill, but such was the confusion that the course of his remarks could not be ascertained. Toward the latter part of them he referred to some Whig document which he held in his hand, in which he pointed out two different passages relating to General Cass, one of which was, as he alleged, intended for the North, and the other for the South.

The period allotted for debate having expired, the committee proceeded to vote on the bill and amendments.

Mr. GRINNELL, chairman of the Committee on Commerce, having made a few explanatory remarks on the amendments from the Senate, the question was put on concurring in these amendments, and they were all concurred in.

Mr. GRINNELL then, by order of the Committee on Commerce, proposed a list of additional appropriations, all of which were concurred in, and the bill was laid aside to be reported to the House.

CIVIL AND DIPLOMATIC BILL.

Mr. VINTON moved that the committee proceed to consider the Senate's amendments to the civil and diplomatic appropriation bill, which was agreed to.

Mr. VINTON stated that the bill had come back from the Senate loaded down with a vast number and variety of amendments, the due consideration of which would require two or three days. They did not amount to a hundred, but they came as near it as possible, for they were ninety-nine in number; and the total amount of appropriations which they added to the bill was between eight and nine hundred thousand dollars; while, on the other hand, the effect of them, if adopted, would be to diminish the amount as sent to them from the House about seventy or eighty thousand dollars.

Mr. V. said he had not now risen for the purpose of making a speech, but simply to give explanations respecting some of the various amendments the Senate had proposed to ingraft upon the bill. To do this in regard to all of them would not only occupy all the remainder of the session, but would extend far beyond it. The Committee of Ways

and Means had labored industriously night and day since the bill came back, and had kept it in their hands to the last moment that they could consistently with allowing any time for its consideration in Committee of the Whole. They had not, however, been able to go into the great mass of the Senate's amendments submitted to them, (most of which consisted of private claims,) and it was not therefore in his power to give to the committee that minute information in regard to them which, under ordinary circumstances, he should have felt it his duty to do. The committee had done the best they could. They had disagreed to a large majority of the amendments, though, in regard to many of them, they had agreed to recommend a concurrence. Among these latter were two or three of great importance.

The first of these was an appropriation of $141,000 to satisfy claims advanced by the Creek Indians under a treaty made with a portion of their tribe at Indian Springs in 1821. A majority of the Committee of Ways and Means had been in favor of allowing this appropriation, and they had accordingly recommended that the House do concur in the amendment; but they had recommended some modifications of it. It was the last amendment reported, and, as it would consequently be late before it would come up for action in this committee, he thought it best to explain it now.

Mr. V. then explained that by the treaty the United States had agreed to pay the Indians $200,000 for a tract of about four millions of acres ceded by them, and also to pay to citizens of Georgia their claims against the Indians, provided the same did not exceed $250,000. To ascertain the amount of these Georgia claims, a commission had been appointed, who allowed claims to the amount of $108,000, leaving a surplus of $141,000. This surplus the Creeks now claimed as rightfully due to them; and that was the opinion of a majority of the committee; it was not his own opinion.

He compared our situation in this Creek treaty with that we had made in the late treaty with Mexico. We had agreed to pay her fifteen millions as a fixed sum for the cession of New Mexico and California, and also to assume and pay the claims of our own citizens against her. So here the United States agreed to pay the Creeks the fixed sum of $200,000 for the cession of their lands, and to assume and pay the claims of the people of Georgia against them. We had limited, however, what we would pay, setting the limitation at $250,000; if the claims fell short of that amount, the balance of course reverted to the United States, and the Creeks had no manner of right to it. This was his view.

But the other opinion was, (and such seemed to be the understanding of the Creeks themselves,) that the United States were to pay them $200,000 certain, and any balance of $250,000 more which should not be absorbed by the Georgia claims; hence they now demanded this balance of $141,000.

[The above is the substance of Mr. V.'s explanation as the reporter understood it. There were a variety of subordinate statements and explanations given, but the above contains the gist of the matter.]

Mr. V. then further apologized for not being able to go into full explanations of the various other items of the Senate's amendments, nor into this one as fully as under other circumstances it would be proper to do. The committee had agreed to many of them under high pressure for want of time.

Mr. NICOLL, of New York, next took the floor, stating that when he first looked into this Indian claim he had felt inclined to oppose it, but on fuller investigation had become satisfied that the engagement of the United States was, in effect, to give the Indians $450,000 for their lands, deducting from that gross sum so much as should be duly substantiated as just claims of citizens of Georgia against the Indians for past spoliations.

Mr. N. said, although many of the items which had been put in by the Senate would have been out of order under the rules of the House, still proper respect to that body required their candid consideration. He had endeavored to give such a consideration to them as far as the very limited time allowed to the committee. He presented in a very lucid manner his view of the proper construction of the treaty, and maintained the equity of the claim of the Indians. The reporter does not attempt to follow his argument upon the numerous knotty points of legal and equitable construction involved.

Mr. SCHENCK inquired—for he favored the claim of the Indians—what security there was that the money now paid would inure to the benefit of the Indians, and not be squandered?

Mr. NICOLL replied that the Committee of Ways and Means had considered that point, and reported a proviso that none of the money should be paid over except to persons to whom it was proved to be due, and only on the further condition that it is to be received as final indemnity.

Mr. TOOMBS gave a detailed history of the Indian relations of the State of Georgia from 1793 to the date of the treaty in question, and of subsequent treaties, and was conducted by his statement of facts and argument to the same general conclusion adopted by Mr. NICOLL.

Mr. THOMPSON, of Mississippi, recapitulated the facts of the case, and expressed his unwillingness to give this money, if they had even an equitable claim to it, or if it was to be a bounty from this Government to the Indian chiefs. He wished it to be set apart as a fund for the benefit of the tribe, by the means of schools, farms, and the promotion of civilization among them.

Mr. COBB, of Georgia, said he had come to the conclusion that this money would be a bounty from the Government, if it were paid, for the Creek nation had no claim upon us. The terms of the treaty stipulations with the Indians had been complied with by this Government, and the $250,000 paid to the Georgia claimants, and there was nothing on which to base this claim but an understanding of the Indians, which could have no validity. He commented on the length of time which had been suffered to elapse before the claim was set up, and the publicity given to the treaty, and the opportunities given for its examination at the time it was agreed to, to show that the claim was made under circumstances of suspicion.

Mr. STANTON also entered into some brief explanations.

Mr. COBB continued his argument in opposition to the claim. He stated the fact that the interpretation of the treaty by the commissioner was adverse to this claim, and it had long remained undisputed; and further, he called attention to the manner in which the claim was sought to be established. It was put into an appropriation bill at the close of a session, without being reported upon by a committee of this House, and hence he looked upon it with suspicion. He forcibly appealed to the committee to reject this amendment, and protect the treasury against this novel mode of passing private claims.

Mr. VINTON said there were a hundred of these amendments, and this bill must be passed to-night or to-morrow; he therefore moved that the committee rise with the view of offering a resolution in the House to stop debate in Committee of the Whole.

The motion was agreed to, and the light-house bill was reported with amendments, and progress on the civil and diplomatic appropriation bill.

The light-house bill was then taken up, the amendments of the Committee of the Whole on the state of the Union were agreed to, and the bill was read a third time and passed under the operation of the previous question.

Mr. VINTON offered a resolution to stop debate in the Committee of the Whole on the state of the Union on the civil and diplomatic appropriation bill in fifteen minutes after the bill shall be again taken up; which was agreed to.

The House then again resolved itself into Committee of the Whole on the state of the Union, and resumed the consideration of the civil and diplomatic appropriation bill.

Mr. BOWDON advocated with much earnestness an item which the Senate had inserted for a claim of David Taylor, who had married an Indian wife, and was entitled to 600 acres of land, officially valued at $20,489. The claim was recommended by the Secretary of the Treasury and the Attorney General and accounting officers of the Treasury.

Mr. CLINGMAN supported the claim, and took occasion to warn the committee against any opposition which might have been made to it by Mr. Medill, the Commissioner of Indian Affairs, who, he understood, had endeavored to prejudice the claim, because the agents of the claimant peremptorily refused to make an allowance for his favoring the claim. Mr. C. denounced the Indian Bureau as thoroughly corrupt. He had been credibly informed that the books in that bureau had been altered and falsified for corrupt purposes, (though this, he believed, had been done during the incumbency of Mr. Crawford, the predecessor of the present Commissioner.) He had no confidence in Mr. Medill, nor would he believe any statement he should make. An application had been made to the department to have the books taken out of his office and deposited in some place where they should be safe from alterations.

Mr. BOWDON disclaimed taking any part in this matter between Mr. CLINGMAN and the Commissioner of Indian Affairs, but went on to advocate the claim of David Taylor until the time allotted to debate expired.

The committee then proceeded to vote on the amendments of the Senate, (99 in all,) of which eleven were agreed to, and forty-two, including that for the schooner Amistad, were disagreed to.

The committee then rose and reported progress, and the House, at twenty minutes before eleven o'clock at night, adjourned.

IN SENATE.

WEDNESDAY, *August* 9, 1848.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Department of War, made in compliance with a resolution of the 28th ultimo, calling for information as to the gross amount paid each officer, and why such information does not appear in the Army Register of the present year.

The communication, with accompanying letters from the Second and Third Auditors and the Adjutant General, were ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. CORWIN, from the Select Committee, reported a bill for the relief of William Darby, accompanied by a report; which was ordered to be printed. The bill was read a first time.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Samuel F. Butterworth, accompanied by a report; which was ordered to be printed. The bill was read a first time.

Mr. ATHERTON, from the Committee on Finance, reported House bill for the support of the army for the year ending on the 3d of June, 1849, with amendments; with a notice that he should call it up for speedy action.

Mr. BREESE, from the Committee on Public Lands, reported House bill granting the right of way through the public lands in Indiana and Illinois to the Ohio and Mississippi Railroad Company, with an amendment.

Mr. B. made an effort to have the bill considered, but it was resisted.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, asked that the committee be discharged from the further consideration of the following memorials: Of William Parkeson, of Benjamin Miller, of Ellen F. Smith, of Angel Spalding, of William Miller, of Sarah Overback, and of William Pennoyer.

Mr. J. also, from the Committee on Private Land Claims, asked that the committee be discharged from the further consideration of the petition of Lieutenant Littleton Barclay.

The said committees were therefore discharged from the further consideration of these subjects.

Mr. HUNTER, from the Committee on Public Buildings, reported the following resolution:

Resolved, That a sum not exceeding $8,770 be expended out of the contingent fund of the Senate in completing the system of ventilating and warming the Senate Chamber, commenced and proposed by John Skirving: provided, however, that the money shall be expended and the work executed under the direction of the Secretary of the Senate.

Mr. H. asked the immediate consideration of the resolution, presuming there would be objection to its adoption.

Mr. HALE would prefer that it lie over under the rules.

Mr. HUNTER hoped that the Senate would adopt it at once; the appropriation was a very limited one, and referred to a former expenditure of the enormous sum of £90,000 sterling for the same duty.

Mr. HALE observed that large and small were comparative terms; and however limited such a sum might appear to some gentlemen, he confessed

that it struck his ear as one of some magnitude; he would, however, withdraw his objection to its consideration.

Mr. TURNEY. I prefer that it lie over.

Accordingly, it lies over under the rule.

Mr. GREENE asked the favor of the Senate to excuse him from serving on the Committee on Printing. His engagements were such that he could not be present during the recess; his distance from the city was also a serious obstacle to his attendance, and he would prefer to have some other gentleman appointed more conversant with the duties, and whose proximity to the District would better fit him for the duties.

Mr. G. was accordingly excused.

Mr. GREENE begged leave to submit from the Committee on Printing, appointed by the respective Houses, a resolution to the effect that it have leave to sit in the recess of Congress to enable them to execute the duties required of them by the joint resolution of the 3d of August, 1846, provided that no member of the committee shall draw pay for anything beyond his actual expenses while travelling to and from the Capitol for the performance of duties of said committee and his per diem while thus engaged.

Mr. GREENE said that the printer was to be paid as the work was done. The committee, on consultation, thought it would be hard to keep the printer out of his money until the next session, and that the examination and payment should be made every two or three weeks.

Mr. WESTCOTT would prefer that the resolution lie over.

Mr. BORLAND asked to be discharged from serving on the same committee. The reasons given by the Senator from Rhode Island for being excused, would apply with double force to him, who lived at so great a distance from the metropolis, and which would render his attendance to the duties extremely inconvenient. Mr. B. was discharged.

The vacancy caused by the discharge of Mr. GREENE, was directed to be filled by the Chair, and the Chair accordingly appointed Mr. JOHNSON, of Maryland.

On motion of Mr. WESTCOTT,

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate any information in his Department as to the practicability of reclaiming the everglades in the State of Florida, or as to the expediency of ceding them to the said State for that purpose, and his opinion as to the best mode and manner of accomplishing such object.

On motion of Mr. PEARCE,

Ordered, That during the remainder of the session, the Senate will take a daily recess from 4 to 5½ o'clock, p. m.

On motion, it was ordered that the employés in and about the Senate Chamber, in consideration of the long and arduous session, have some extra allowances made to them.

On motion of Mr. NILES, the Senate proceeded to the consideration of the bill to establish certain post routes, which had been reported from the Committee on the Post Office and Post Roads with numerous amendments.

The amendments of the committee were agreed to *en masse*.

Several other amendments were then offered and adopted, when, pending an amendment moved by Mr. DOWNS—

Mr. DOUGLAS moved to proceed to the consideration of the bill to establish a government in the Territory of Oregon.

Mr. DAYTON asked to be allowed to make reports; and that the Senator from Illinois would waive his motion for the present.

Mr. DOUGLAS observed that the time for morning business had passed, and he could not consent.

Mr. DAYTON said if such were the fact, it was owing to business having been taken up out of its order. He had been in his seat ever since the meeting, anxiously waiting an opportunity to make reports.

Mr. JOHNSON, of Maryland, thought they ought to proceed to the consideration of Executive business, which, in fact, was the special order.

Mr. DICKINSON was of opinion that if business was to be progressed in, it should be according to rule.

[Here there were several cries of "Executive session!"]

The question was taken on the motion of Mr. DOUGLAS, and it was lost; when—

Mr. JOHNSON, of Maryland, moved to proceed to the consideration of Executive business; which motion was adopted, and the Senate remained in secret session for near four hours. When the doors were reopened—

Mr. FELCH moved to proceed to the consideration of the bill to apply certain alternate sections of the public domain towards the completion of the Clinton and Kalamazoo canal, in the State of Michigan; which was agreed to.

On motion of Mr. F., the bill was amended in several particulars, the amendments ordered to be engrossed, and the bill was subsequently read a third time and passed.

On motion of Mr. HAMLIN, the Senate took up House bill for the relief of John Farnham; which, after having been advocated by Mr. H., was read a third time and passed.

Mr. BREESE moved to proceed to the consideration of Senate bill to authorize the sale of reserved lands, and for other purposes; which was considered and passed.

Mr. DAVIS, of Massachusetts, moved to take up House bill for the relief of Alborne Allen; which was agreed to.

Mr. UNDERWOOD advocated and explained the bill; when it was read a third time and passed.

Mr. FOOTE moved to take up the bill for the relief of Joseph Perry; which motion was agreed to; and the bill was read a third time and passed.

On motion of Mr. JOHNSON, of Louisiana, the Senate took up House bill for the relief of the heirs and widow of Francis Gramillion; which was considered in Committee of the Whole and passed; and the Senate took a recess.

NIGHT SESSION.

Mr. BUTLER, from the Committee on the Judiciary, reported back the amendments from the House to the bill giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivering up of certain offenders, with a recommendation that the Senate do not concur; and Mr. B. stated that it was with a view to the appointment of a committee of conference.

Mr. DOUGLAS moved to proceed to the consideration of the bill to establish a government in the Territory of Oregon.

Mr. JOHNSON, of Maryland, wished the Senator from Illinois to forego his motion for the present, and consent to call it up at 10 o'clock to-morrow. He professed himself as anxious as the Senator to have it disposed of, but he thought the present hour not suited to the discussion.

Mr. DOUGLAS would acquiesce, and withdraw his motion, with the distinct understanding that it should be taken up to-morrow, at 11 o'clock. [Cries of "Agreed!"]

Mr. DOWNS contended that the Post Office bill was the unfinished business, and should come up as a matter of course.

The CHAIR gave it as his opinion that it was first in order.

Mr. ATHERTON then moved to postpone the further consideration of the Post Office bill, with a view to take up the bill making appropriation for the military service of the United States for the year ending 30th June, 1849; which motion was agreed to.

Mr. ATHERTON submitted various amendments from the Committee on Finance: the first taken up for consideration was, "for arrearages for military surveys west of the Mississippi, $20,000;" which, after a brief explanation, was adopted.

Several important amendments of the committee were adopted.

The amendment granting $200,000 for the military and civil operations in California under command of Commodore Stockton and Lieutenant Colonel Frémont, was next taken up.

Mr. DAVIS, of Massachusetts, said the sum was a pretty large one, and he wished some information on the subject.

Mr. ATHERTON replied that the amendment was a portion of the bill that had already passed the Senate, and related only to ascertained claims.

Mr. UNDERWOOD inquired if a bill had not already been passed giving $700,000 for the settlement of California claims, and desired to be informed what necessity existed for this additional $200,000.

Mr. BENTON explained at length, going into a history of the case, which, while it amused, seemed to convince the Senate of the necessity for adopting the amendment.

The amendment was adopted by a large majority.

Mr. DAVIS, of Mississippi, offered various amendments from the Military Committee, which were adopted: one increasing the companies of some of the regiments to 64, with the privilege of extending the number to 100 men, should the President think proper.

Mr. JOHNSON, of Louisiana, moved to amend the bill by inserting an appropriation of $15,000 for a fort on Proctor's Island, in Lake Borgne, contending with great zeal and animation for the adoption of the amendment.

Mr. ATHERTON insisted that this was not a fortification bill, and that the amendment was not an appropriate one for the military bill.

Mr. JOHNSON insisted that it was the bill to which it ought to be affixed. When he had offered the amendment to the naval appropriation bill, he was told by the same Senator, "that was not the place for it; wait until the civil and diplomatic bill comes before us here." He had waited patiently for this bill, and when he offered it again was told that was not the place for it; and now, when he offered it to the only bill that it could be attached, here was the same story. He insisted that it should go to the bill.

Mr. BENTON came to the rescue of the amendment, declaring that Proctor's Island was an old acquaintance of his, observing that he had voted for the appropriation on all occasions, and should do so on the present, agreeing, at the same time, with Mr. J., that the present bill was the legitimate one to which the amendment should be attached.

After a few remarks from Messrs. DIX, BREESE, and BRIGHT, against the amendment—

Mr. JOHNSON demanded the yeas and nays, which were ordered, and the vote stood as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Benton, Berrien, Borland, Cameron, Clarke, Dodge, Downs, Fitzgerald, Foote, Johnson of Louisiana, Mangum, Pearce, Sebastian, Walker, Webster, and Westcott—20.

NAYS—Messrs. Atherton, Bradbury, Breese, Bright, Butler, Calhoun, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Felch, Hamlin, Hunter, Johnson of Maryland, Johnson of Georgia, King, Metcalfe, Miller, Niles, Phelps, Spruance, Turney, Underwood, and Yulee—26.

Mr. HANNEGAN moved to amend the bill by granting a discharge to such of the mounted rifle regiment intended for California who had served in Mexico as might please to avail themselves of it—addressing the Senate, and paying a well-merited compliment to this regiment, which had been first in every fight and leading in every forlorn hope.

Mr. ALLEN supported the amendment, declaring his belief that they were entitled to their discharge under the law.

Mr. BORLAND also spoke handsomely of these gallant men, declaring they were his brethren in arms, and with them he had first met the enemies of his country.

Mr. DAVIS, of Mississippi, opposed the amendment, declaring that they were not entitled under the law to their discharge, and doubting the policy of allowing them to leave the service.

The question was taken on the amendment, and it was adopted.

Mr. ALLEN moved to amend the bill by inserting an item giving $600, with interest from 1847, to Captain John Caldwell, for moneys paid by him in Mexico.

This amendment was resisted on the ground that it was a private claim, and should not be inserted in the bill; and, after some debate, in which Messrs. ALLEN, ATHERTON, and DAVIS of Mississippi, participated, the question was taken by yeas and nays, and decided as follows:

YEAS—Messrs. Allen, Atchison, Badger, Baldwin, Bell, Borland, Bradbury, Bright, Clarke, Corwin, Downs, Fitzgerald, Greene, Houston, Johnson of Maryland, Johnson of Louisiana, Miller, Turney, Underwood, and Upham—20.

NAYS—Messrs. Atherton, Breese, Butler, Cameron, Davis of Massachusetts, Davis of Mississippi, Dickinson, Dix, Douglas, Hamlin, Hunter, King, Mason, Niles, Spruance, and Yulee—16.

Amendments were offered by Mr. BELL and by Mr. BORLAND, which led to very considerable debate, and were rejected.

The bill was reported to the Senate, and the amendments being concurred in, the bill was read a third time and passed.

And the Senate adjourned.

THE CONGRESSIONAL GLOBE.

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30TH CONGRESS, 1ST SESSION. MONDAY, AUGUST 14, 1848. NEW SERIES.....No. 67.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 10, 1848.

The Journal of yesterday was read and approved.

On motion of Mr. SMART, the Committee of the Whole on the state of the Union was discharged from the Senate bill to change the time of holding the terms of the circuit court of the United States in the district of Maine.

The bill was then read a third time and passed, and returned to the Senate.

Mr. CROZIER moved to suspend the rules to enable him to offer the following resolution:

Resolved, That the resolution of the 1st of March, 1846, authorizing each member of this House to subscribe for twelve copies of the Congressional Globe and Appendix, at the rate of six dollars for each copy for the long session, and three dollars for the short session, shall not be construed to extend to a longer period than the present session of Congress.

The yeas and nays were taken on the motion to suspend the rules, and resulted, yeas 74, nays 53. Lost, two-thirds not voting in favor thereof.

Mr. CATHCART, the rules being suspended for the purpose, moved the following resolution:

Resolved, That, in the execution of the resolution of the House of the 7th instant, giving extra compensation to certain employés of this House, there shall be paid to those persons employed in folding for this House, in the folding-room, the same amount as the pages are entitled to receive under said resolution, and no more; and to those who are occasionally so employed, an allowance upon the same basis, in proportion to the time they have been engaged; and that the same compensation be allowed to the Chaplain and Postmaster of this House as have been usually allowed to the same class of officers by the Senate and House respectively at the close of a session.

At the suggestion of several members, Mr. CATHCART modified his resolution so as to include "the Doorkeeper and the Sergeant-at-arms," and moved the previous question.

Mr. COBB, of Georgia, raised a point of order, that Mr. CATHCART had not the right to modify his resolution after the House had suspended the rules to receive it.

Mr. McKAY asked the general consent of the House to have read by the Clerk, before the vote should be taken on this resolution granting *extra pay*, the second section of the act of Congress of March 3, 1845, providing "that no part of the appropriations which may be made for the contingent expenses of either House of Congress shall be applied to other than the ordinary expenditures of the Senate and House of Representatives respectively, nor an extra allowance to any clerk, messenger, or attendant upon the said two Houses, or either of them, nor as payment or compensation to any clerk, messenger, or other attendant to be so employed by a resolution of one of said Houses, nor in the purchase of books to be distributed to members."

The reading being objected to, the section was not read.

Mr. HOUSTON, of Alabama, moved to lay the resolution on the table; on which motion the yeas and nays were taken, and resulted: Yeas 65, nays 96.

The previous question was then seconded, and, under the operation thereof, the resolution was agreed to: Yeas 103, nays 61.

Mr. CATHCART moved to reconsider the vote just taken, and also moved to lay that motion on the table.

The question was put on the latter motion, and it was agreed to: Ayes 78, noes 61.

Mr. COBB, of Georgia, moved to suspend the rules to enable him to introduce a bill, of which previous notice had been given, to prevent either House of Congress from paying any extra compensation out of their respective contingent funds, unless by joint resolution or act of Congress.

The yeas and nays were taken on the motion, and resulted: Yeas 9, nays 73. Lost, two-thirds not voting in favor thereof.

The SPEAKER laid before the House communications as follows:

To the House of Representatives of the United States:

I communicate herewith a report from the Secretary of War, together with the accompanying documents, in compliance with a resolution of the House of Representatives of the 17th of July, 1848, requesting the President to communicate to the House of Representatives "a copy of the proceedings of the Court of Inquiry in Mexico, touching the matter which led to the dismissal from the public service of Lieutenants Joseph S. Pender and George E. B. Singletery, of the North Carolina regiment of volunteers, and all the correspondence between the War Department and Generals Taylor and Wool in relation to the same."

JAMES K. POLK.

WASHINGTON, *August* 5, 1848.

To the Senate and House of Representatives of the U. S.:

It affords me satisfaction to communicate herewith, for the information of Congress, copies of a decree adopted by the National Assembly of France in response to the resolution of the Congress of the United States, passed on the 13th of April last, "tendering the congratulations of the American to the French people upon the success of their recent efforts to consolidate the principles of liberty in a republican form of government." JAMES K. POLK.

WASHINGTON, *August* 8, 1848.

A letter from the Secretary of the Treasury, transmitting a report on the condition of banks throughout the Union, in compliance with a resolution of the House of Representatives of the 10th July, 1832.

A joint resolution of the Legislature of the State of Wisconsin, relative to the improvement of the harbors upon the western shore of Lake Michigan.

The above communications were laid on the table.

A communication from the Clerk of the House in relation to the execution of the resolution of the House of the 28th of June last, providing for the payment of per diem and mileage alleged to be due to the estate of the late Archibald Yell, formerly a member of the House of Representatives of the United States from the State of Arkansas. Referred to the Committee on Accounts.

A letter from the Secretary of the Treasury, transmitting, in compliance with the resolution of the 28th of June, 1848, a statement of the public debt. Laid on the table.

A letter from the Secretary of the Treasury, transmitting, in compliance with the resolution of the House of the 15th of May, a report in relation to exports and imports of the United States. Laid on the table.

A memorial of the Legislative Assembly of Oregon Territory, relative to their wants and situation, and the necessity of extending the laws of the United States over that Territory. Referred to the Committee on the Territories.

EXTRA PAY TO GENS. CASS AND TAYLOR.

The SPEAKER laid before the House the following communication from the President of the United States:

To the House of Representatives of the United States:

I communicate herewith reports from the Secretary of the Treasury and the Secretary of War, together with the accompanying documents, in answer to a resolution of the House of Representatives of the 17th July, 1848, requesting the President to inform that body what "amount of public moneys had been respectively paid to Lewis Cass and Zachary Taylor, from the time of their first entrance into the public service up to this time, distinguishing between regular and extra compensation; that he also state what amount of extra compensation has been claimed by either; the items composing the same; when filed; when and by whom allowed; if disallowed, when and by whom; and the reason for such disallowance; and whether or not any items so disallowed were subsequently presented for payment, and, if allowed, when and by whom."

JAMES K. POLK.

WASHINGTON, *August* 11, 1848.

The communication was ordered to be laid on the table and printed.

Subsequently, on motion of Mr. STEPHENS, the vote by which the message and documents were laid on the table and ordered to be printed was reconsidered.

The question again recurring on the motion to lay upon the table, it was decided by yeas and nays in the negative: Yeas 87, nays 97.

Mr. STEPHENS then moved that the message and accompanying documents be referred to the Committee on Expenditures of the War Department, and moved the previous question.

The previous question was, however, withdrawn at the request of—

Mr. McLANE, who made a few remarks in opposition to the printing of the message and documents. Mr. McL. renewed the previous question; which was sustained, and, under its operation, the motion to refer was agreed to.

A LETTER FROM MR. TRIST.

The SPEAKER stated that he had received a communication from N. P. Trist, relating to certain official acts of the President of the United States, accompanied by a request that it be laid before the House. It was a communication that he did not feel at liberty to present, nor did he deem it proper to withhold it. He would lay it before the House if it were the pleasure of the House to receive it. Being objected to—

On motion, the rules were suspended for the purpose, and the communication was laid before the House; and it was read, and is as follows:

WESTCHESTER, PENNSYLVANIA, *August* 7, 1848.

To the Speaker of the House of Representatives, U. S.:

SIR: The accompanying papers are transmitted to you, as the organ of the House of Representatives, with the request that they be laid before that body.

They are not what I have wished and intended to present; but the day fixed for the adjournment of Congress forbids any further delay on my part, and until my intention can be executed, they must suffice. They will answer the purpose of dispelling, in some degree at least, the utter mystification with which the mind of our country has been clouded up in regard to the treaty of peace, and all matters touched upon in them.

During a great portion of my absence in Mexico, I have been entirely cut off from all means of knowing what was going on at home; and during the entire period my attention has been urgently pressed upon, and constantly engrossed by, subjects of the greatest moment to our country. It was consequently out of my power to make use even of such means as presented themselves, when the channels for conveying them ceased to be closed. On my arrival home, the state of things among us was unknown to me, except from the mere glimpses afforded by an occasional and hasty glance at a newspaper.

I soon became aware of the mystification above referred to. As the only way in which it could be thoroughly dispelled, I determined to lay before the representatives of the people a connected and detailed *narrative* of everything that has occurred to me having the slightest bearing upon matters which the public interests demand that the country should know the exact truth of. This exact and full knowledge, and thorough understanding, it is of the very highest importance to her that she should possess. It is so for *numberless* reasons that most deeply concern her, and concern her in the most permanent manner; concern her now, and concern her in the boundless hereafter. The generations which are to follow us, so long as our nation shall exist, and after it shall have ceased to exist, are deeply interested in this matter. Should the American people fail to obtain this knowledge now, the evil consequences to that people, now and in all future time, and through them to mankind, cannot fail to be such as no human mind can calculate. We are the vanguard in the "movement" of this age, and upon us chiefly depends the direction which that movement is to pursue.

Deeply impressed with this truth, this plain and obvious *fact*, I formed the determination above stated. It remains, however, as yet unfulfilled. The attention demanded by my private affairs, the necessity of providing a home for my family, and a variety of incidents, have contributed to prevent its fulfillment. This, however, will take place, *if I live* a month or two longer. The example recently set by Talleyrand will not be followed by me. I shall not write anything which is to be read only a century hence. The highest interests of our country, and of mankind through her, demand that she shall know the truth; that she shall know it *now*. She shall have it; she shall have it *now*.

Had Congress continued to sit a month or two longer, I should not at this moment have broken silence; I should have bided until I could lay before the country, through her representatives, the *narrative* to which I have referred, connected, unbroken, not a single gap in it, detailed so far as necessary to establish a clear connection. This is the only way in which truth can be presented in a shape to leave no doubt as to its being what it is. Isolated "prominent facts" will not do. However true they may be, they can *always* be *denied*, and more or less plausibly controverted. The *whole* truth is the thing: this the people shall have. It will then be seen *who*, among those who seek their confidence, will be so bold as to *pretend* that he does not believe it.

In one of the accompanying papers, (letter to the "Representatives of the American People," under date "Mexico, February 12, 1848,") my belief is expressed that Congress and the country had been deceived by the individual holding the trust of "President of the United States," and that the object for which that deception had been practised was the indefinite protraction of the war—this protraction of the war having for its end the conquest of Mexico and her absorption into our Union. This was my belief then; it is my belief now. In that same letter, and particularly in the notes recently appended to it, my belief is expressed that a corrupt use has been made of the power and the influence attached to the trust of "President of the United States," even to the extent of *subornation of perjury*.

Upon both these points my belief is positive and firm, distinct and clear. Equally firm and clear in my mind is the further belief, that to make the former the belief of Congress and of the country nothing is necessary but that the representatives of the people should exercise the powers of inquiry inherent in them as the grand inquest of the nation—as the body "exclusively" intrusted by the Constitution with "the power," and consequently with the *duty* "*of impeachment*."

'Tis but yesterday that the welkin was made to ring throughout our country with the acclamations that burst forth from our Democratic bosoms at the spectacle exhibited by the people of France. And a most glorious spectacle it was! Congratulations and felicitations poured out from us towards that people; our hearts were drunk with noble joy; we and our public servants vied with one another in giving utterance to the enthusiasm which filled our bosoms.

The *cause* of that enthusiasm consisted in the fact that the French people had liberated themselves from a bad Government. They had risen in the majesty of men, and had upturned that Government; upturned the "Throne," as that Government was called. This they had done. It had been at the cost of civil strife, of brother's blood spilled by brother's hand. It had been at the cost of ANARCHY. That was the first result; and no one could tell how long it might last, or what it was to involve while it lasted, or in what it was to end. And yet we rejoiced. The object, in our estimation, was worth all this cost, all this risk of whatever else it might cost. Even in the uncertainty as to its being secured, it was enough that this should have been the object, to make us reckon as cheap, to make us disregard as dust in the balance, whatever might happen.

At the head, or very near the head, (I speak from indistinct recollection,) of the *reasons* which had impelled the French people so to act, which had created the *necessity* for their plunging into that sea of carnage whose shore no human eye could discern—at the head, or very near the head of those reasons, stands recorded, "*The corrupt use of Executive influence.*"

It is time, high time, that we should LOOK AT HOME. "Corrupt use of Executive influence," such as, according to my solemn belief, has occurred among OURSELVES within the last six months, *cannot* have *been surpassed* by anything that formed part of the misrule of the "Citizen King." In point of unscrupulousness and flagitiousness, it cannot have been surpassed. In point of audacity and effrontery, I doubt if it has been equalled by anything ever ventured upon by that "monarch."

Just as the task of preparing the papers now transmitted was drawing to a close, an envelop reached me by mail, bearing my address in the hand of a bosom friend; a man whose name is, irrespectively of locality and country, among the very highest of the profession to which he belongs, and who has intimately known me during the latter half of my life. That envelop contained, without note or comment, the words which I will here transcribe. I am no LUTHER, nor have I ever proposed to myself to act the part of one. The task I am now engaged in, has been *forced* upon me by the power of circumstances. It will soon be at an end; and with it will cease for me all incidents arising from a connection with public affairs. Except in discharging my duty to my country as a private citizen, they are henceforward to be beyond my sphere. I have bid farewell forever to all public employments and all public posts. When these words shall be belied, *then* let my country brand me "IMPOSTOR," and ascribe to the desire for office, or for notoriety,* all that I shall have done and said in regard to things of concernment to her.

But, although inapplicable to me, the very name of *Luther*, presented in such a connection as this, comes fraught with a significance which cannot but be felt, even though the day is gone by when omens were believed in. This incident, though no prophetic virtue can be in it, may prove the *forerunner* of a storm that shall purify our political atmosphere, and dissipate the seeds of death with which already it has become loaded. It *will* prove so, if the representatives of the people do their duty.

These are the words referred to: LUTHER says, "If I am 'to have a fault, I would rather speak too harshly, and thrust 'forth Truth unwisely, than to have played the hypocrite to 'any, and held Truth in." So far as regards myself, I do not believe that I have spoken "too harshly," or "thrust forth truth unwisely." Upon this point our country will judge. All I ask of her—and I ask this for her own sake far more than on my own account—is, to suspend her judgment until she *can* judge "wisely."

I am, sir, very respectfully, your fellow-citizen,

N. P. TRIST,

Late Commissioner of the United States of America to the Mexican Republic.

Mr. SMITH, of Connecticut, moved that the communication and accompanying documents be referred to the Committee on Foreign Affairs and printed.

Mr. C. J. INGERSOLL suggested that these documents should not be printed, as they might contain matter that ought not to be made public.

Mr. BURT trusted that the House would adopt the suggestion of the gentleman from Pennsylvania.

* In the letter of the present Secretary of War to General Scott, under date of April 21, 1848, which was published in all haste throughout our country, care is taken to preoccupy her mind with the belief that I have been actuated by this motive. The Administration have studiously withheld from her all knowledge of what my course has been. All the power and all the influence attached to the trusts held by those men, have been exerted to mystify the public mind in regard to the whole subject with reference to which I have acted. It has been rendered impossible for that mind to form for itself any judgment in regard to my motive. And yet, not content with all that bought letter-writers could do, and all that subservient or party-mad presses could do, this high functionary of the Government, in writing a letter concerning the affairs of the department intrusted to him, must needs enter upon a topic (*my* course) having no connection whatever with the subject of which he was treating. And for what? To give to the country information respecting what my *course* has been? No! To impress her with the idea that my *motive* in pursuing that course (respecting which she had been kept in the dark, and her mind had been befogged in every possible way) had consisted in the desire for "notoriety," and this passion so excessive as to make me "mistake notoriety for fame."

Mr. SCHENCK called the gentleman from South Carolina to order, amidst great confusion, many members being engaged in addressing the House at the same time.

Mr. SMITH, of Connecticut, said he had no wish to address the House. His object in rising was to move the previous question; but he would yield the floor for a few moments to the gentleman from South Carolina, that he might make his suggestion.

Mr. BURT acknowledged the courtesy of the chairman of the Committee on Foreign Affairs. He desired to say but a very few words. He wished to say to the House that that paper, coming as it does from a private individual, was marked by a very extraordinary character. There were imputations in that communication which ought not to be received lightly by this House. He trusted that this House had too just a regard for its own self-respect to send forth to the people of the United States the imputations, he would not say calumnies, of an irritable, ill-tempered person, under the authority of this House. Let it be referred to the Committee on Foreign Affairs, as the gentleman from Connecticut [Mr. SMITH] had moved. Let that committee investigate the subject, that it might be ascertained whether it should be entertained by this House. If this committee should find it such a paper as in their judgment would justify the future action of the House, let them take the responsibility of saying so, and then the paper might be printed. That, he believed, was the true course to be pursued, and he trusted the House would not lend its sanction to the promulgation through the country of such a communication from an ill-tempered person.

Mr. SMITH moved the previous question.

Mr. HOLMES asked the gentleman from Connecticut to withdraw that motion for a moment.

Mr. SMITH assented, that the gentleman from South Carolina might make a single remark.

Mr. HOLMES said he wished to make but a single remark. Although he agreed with his friend and colleague [Mr. BURT] that this mass of papers ought not to be printed until they had been examined by a committee, he nevertheless could not but think that some deference was due to the person who sent them here. It might be that on these documents it was intended to found an impeachment; but, be that as it might, he thought that this House should treat with some respect the person to whom this Administration had committed the perilous interests of this country in connection with the Republic of Mexico. He renewed the motion for the previous question.

Some conversation here ensued, in which Mr. HUNT, Mr. HOUSTON, of Alabama, and others took part. The previous question was then sustained, and the main question ordered. The question having been divided, the motion to refer to the Committee on Foreign Affairs was agreed to.

Mr. SCHENCK called for the yeas and nays on the motion to print, and they were ordered; and, being taken, were—yeas 83, nays 96.

Mr. CLARKE moved to reconsider the vote just taken, and also moved to lay that motion on the table; which latter motion was not agreed to: Ayes 77, noes 79.

The question was then put on the reconsideration of the vote refusing to print, &c., and resulted—ayes 85, noes 74; but before the result was announced, the yeas and nays were called for and ordered, and, being taken, resulted: Yeas 88, nays 93. So the House refused to reconsider.

NAVAL PENSIONS.

On motion of Mr. WHITE, the House proceeded to consider the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal-heavers, in the navy, and to their widows.

The report was read and concurred in. The Senate having previously concurred in said report, the bill stands passed.

CIVIL AND DIPLOMATIC BILL.

On motion of Mr. VINTON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. SMITH, of Indiana, in the chair,) and resumed the consideration of the amendments of the Senate to the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1849.

The committee left off last night at the fifty-sixth amendment of the Senate.

The reading of the amendments was now continued; some of them were agreed to; others agreed to with amendments; and many rejected.

The committee then rose and reported their action to the House.

Mr. VINTON entered into some explanations in relation to some Indian claims which were the subject of discussion last night, when the propriety of the conduct of the Commissioner of Indian Affairs was called in question; he exculpated the Commissioner, and went into some detail of the facts of the respective cases.

Mr. C. J. INGERSOLL called the attention of the chairman of the Committee of Ways and Means to some amendments introduced by the Senate for the payment of compensation to certain persons, among whom was a Mr. Dodge, for services as tobacco agent, and a Mr. Hogan, for expenses incurred at St. Domingo, for whose claims no vouchers were produced.

A conversation ensued respecting them, in which several gentlemen took part.

Mr. CLINGMAN also went into some elaborate explanations of the subject-matter of debate of last night, in connection with the Commissioner of Indian Affairs.

Explanations were also made by Mr. DANIEL, Mr. McDOWELL, Mr. TOOMBS, Mr. VINTON, Mr. R. W. THOMPSON, and Mr. ASHMUN, on various subjects.

Mr. THOMPSON, of Indiana, submitted an amendment to appropriate $50,000 out of the patent fund for the erection of an additional wing to the Patent Office. The amendment was ruled to be out of order.

Mr. ASHMUN offered an amendment to appropriate one hundred and forty thousand dollars for the payment of claims by the States of Massachusetts and Maine for money advanced during the war with Great Britain. It was ruled out of order.

Mr. ASHMUN moved the previous question on all the amendments; which was sustained by the House.

On motion of Mr. VINTON, it was ordered that the House take a recess this day from half-past three o'clock to half-past five o'clock, p. m.

And the hour having arrived, the House took a recess till half-past five o'clock, p. m.

EVENING SESSION.

The House resumed the consideration of the amendments of the Senate to the civil and diplomatic appropriation bill; and the question being, Will the House agree to the amendments of the Senate to the bill? separate votes were taken, as follows:

On agreeing to the 49th amendment, which provides for the payment of the expenses of the United States ship Macedonian, on her recent voyage to convey provisions from the people of the United States to the famishing people of Ireland, under the command of Commander DeKay: Yeas 98, nays 67. So the amendment was concurred in.

On agreeing to the 57th amendment, which provides for the purchase by the Government of one or both of the bridges across the eastern branch of the Potomac: Yeas 83, nays 97. So the House refused to concur in this amendment.

On agreeing to the 75th amendment, striking out of the bill the appropriation for the removal of the obstructions in the Savannah river: Yeas 95, nays 92, as follows:

YEAS—Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Botts, Bowdon, Bowlin, Boyd, Brodhead, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Darling, Dickinson, Garnett Duncan, Edsall, Faran, Featherston, Ficklin, French, Fulton, Green, Grinnell, Willard P. Hall, Hammons, Haralson, Harris, Henley, Hill, George S. Houston, Charles J. Ingersoll, Iverson, Jenkins, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Sidney Lawrence, Ligon, Lord, Lumpkin, Lynde, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morris, Murphy, Nicoll, Peaslee, Peck, Pettit, Phelps, Pillsbury, Richey, Robinson, Rockhill, Sawyer, Simpson, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Van Dyke, Venable, Wallace, Wick, Williams, and Woodward—95.

NAYS—Messrs. Abbott, Ashmun, Barringer, Barrow,

Blanchard, Boyden, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dixon, Donnell, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Gayle, Goggin, Gott, Gregory, Hale, Nathan K. Hall, James G. Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newell, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Strohm, Tallmadge, Taylor, John B. Thompson, Toombs, Tuck, Vinton, Warren, Wentworth, and White—92.

So the amendment was concurred in.

On agreeing to the 80th amendment, to pay to the State of Virginia the amount recovered from her by judgments obtained through her own courts for commutation: Yeas 101, nays 79. So the amendment was concurred in.

On agreeing to the 82d amendment, which provides for the payment to David Taylor of $12,800 for land reserved to him under the Cherokee treaty of 1835, and of which he was subsequently deprived: Yeas 63, nays 109. So the House refused to concur in this amendment.

On agreeing to the 85th amendment, which increases the appropriation for the survey of the public lands from $65,000 to $115,000: Yeas 91, nays 84. So this amendment was concurred in.

On agreeing to the 89th amendment, which appropriates $30,000 for the continuation of surveys and explorations, &c., in Oregon and California, by J. C. Frémont: Yeas 29, nays 128. So the House refused to concur in the amendment.

On agreeing to the 92d amendment, which allows John Hogan $1,250 for services and expenditures as political agent in St. Domingo, in the years 1842 and 1843: Yeas 77, nays 72. So the amendment was concurred in.

On agreeing to the 93d amendment, which provides for paying Joshua Dodge, late special tobacco agent from the United States to the various Governments of Europe, $4,500, for services, &c.: Yeas 96, nays 71. So the amendment was concurred in.

The 98th amendment, which provides for payment to the Creek Indians of a balance in the treasury of $142,055 91, out of a fund of $250,000, a part of the proceeds for land ceded by said Indians to the United States, and set apart for the payment of claims of certain citizens of Georgia, was amended by the Committee of the Whole so as to provide that the said sum of $142,055 91 shall remain in the treasury as a permanent fund, to bear an interest of six per cent., which interest is to be annually devoted to the establishment and maintenance of schools in the Creek nation. This amendment, as amended, was concurred in.

The 99th amendment of the Senate provides for the payment to the Creek nation of Indians of $43,333 33, in satisfaction of thirteen hundred Creek emigrants, friends and followers of General McIntosh, who were emigrated to the West in 1829 by Colonel Crowell; which was amended in Committee of the Whole by adding a proviso that the recipients of the said sum shall make proof, to the satisfaction of the President of the United States, that they have full power to receive and receipt for the same, and also that they shall first execute to the United States a release in full for principal and interest on account of the emigration of said thirteen hundred Creek Indians. This amendment, as amended, was concurred in.

The action of the Committee of the Whole on the state of the Union on the other amendments of Senate was then concurred in.

MOBILE AND OHIO RAILROAD.

On motion of Mr. HUNT, the House proceeded to the consideration of the business on the Speaker's table, viz:

The Senate bill granting to the State of Alabama the right of way and a donation of public land for making a railroad from Mobile to the mouth of the Ohio river, and for other purposes.

Mr. HOUSTON, of Ala., briefly and warmly opposed the bill, and moved its reference to the Committee of the Whole on the state of the Union.

Mr. KING, of Georgia, obtained the floor, and yielded to—

Mr. GREEN who defended the bill, and sustained the constitutionality and the expediency of the proposed grant.

Mr. KING resumed the floor, and declining at this late hour to enter into an advocacy of the bill, demanded the previous question.

The previous question was seconded, and the main question ordered, being first on the motion of Mr. HOUSTON to refer the bill, which was rejected: Yeas 66, nays 91.

Mr. HAMMONS moved to lay the bill on the table. Rejected.

The bill was then read a third time, and the question being on its passage—

Mr. EVANS, of Maryland, obtained the floor, and wished to offer an amendment, which was ruled out of order.

Mr. DIXON demanded the previous question.

Mr. VINTON moved to lay the bill on the table.

Mr. BRODHEAD moved that the House adjourn. Agreed to.

The House accordingly adjourned at a quarter past ten o'clock, p. m.

IN SENATE,

THURSDAY, *August* 10, 1848.

The PRESIDENT *pro tem.* laid before the Senate a report from the Secretary of War, made in compliance with a resolution of the 9th instant, in relation to reclaiming the everglades in the State of Florida. It was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. CAMERON, from the Committee on Printing, made an elaborate report; which was ordered to be printed.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill for the relief of the captors of the frigate Philadelphia; which was read a first time.

Mr. DAYTON, from the Committee on the Judiciary, asked that the Committee be discharged from the further consideration of the petition of William H. Rogers.

Mr. DAYTON also moved that the Committee be discharged from the further consideration of the following bills, which was agreed to:

The bill changing the places and fixing the times of holding the circuit and district courts in the district of Vermont.

The bill to change the place of holding the district court of the United States for the middle district of Alabama.

Also, from the memorial of Charles F. Sibbald.

Mr. HANNEGAN, from the Committee on Roads and Canals, reported House bill to surrender to the State of Indiana the Cumberland road, in the said State, without amendment, and urged upon the Senate its immediate consideration; which was agreed to, and the bill was passed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, asked that the committee be discharged from the further consideration of the petitions of Patrick Masterson, of Rebecca Robeson, and of W. Rall.

Mr. JOHNSON also, from the same committee, made an adverse report on the petition of Eliza Buchanan.

Mr. JOHNSON also, from the same committee, asked that the committee be discharged from the further consideration of House bill for the relief of Catharine Clarke, and that it be referred to the Committee on Naval Affairs.

Mr. CAMERON submitted the following:

Resolved, That the Secretary of War be requested to communicate to the Senate any information that may be within the knowledge of the department in reference to claims made against the Cherokees who are parties to the treaty of August 6, 1846, especially against that portion of the nation called Old Settlers, or Western Cherokees, for services or any other aid and assistance rendered the said Cherokees, in the prosecution of their claim, which resulted in the treaty afterwards. If such claims are based on written contracts, he is requested to state whether the contracts were made by the duly authorized representatives of the *Cherokees*, in their *national* or *aggregate* capacity, for the benefit of those who are made recipients by the treaty in all moneys arising out of the settlement of their claims. And also whether, within the knowledge of the department, such contracts have been fully and faithfully complied with, as far as practicable, by the other parties named in them. And that he will communicate the evidence upon which he bases his opinion, with any paper in possession of the department showing the extent of the services rendered, and the character of the claims thus made against the moneys which may be awarded under the treaty of August 6, 1846.

The Senate proceeded to consider the amendments of the House to the bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same.

On motion of Mr. DAVIS, the amendments of the House were concurred in, with the exception of the last amendment, and the House was duly notified of the fact.

Mr. LEWIS, of Alabama, was appointed on the Committee on Printing, in the place of Mr. BORLAND, during the recess.

The Senate then took up the bill to establish certain post routes, with the amendments reported thereto; and, after several amendments had been adopted—

REDUCTION OF POSTAGE.

Mr. NILES moved to amend the bill, by inserting, as an additional section, the bill reported by the Committee on the Post Office and Post Roads, to reduce the rates of postage.

Mr. NILES explained that a bill had been received from the House of Representatives which made a greater reduction in the rates of postage than was proposed by this bill. The reductions in that bill embraced a variety of features; but in some points it was very objectionable. The bill now offered as an amendment, was simple in its provisions. If any objection was made to it, he would withdraw it. But as the session was approaching its close, and there would be no other opportunity to act on the subject, he would be gratified if the Senate would take a vote on the proposition.

Mr. BORLAND said he was opposed to the distinction made between the transportation of newspapers within a distance of thirty miles and those which were transported fifty or sixty miles. The clause, as it stands, would do very well for cities, and where the population was dense, but it would not answer at all in the remote parts of the country, where subscribers live a great distance apart.

Mr. DICKINSON proposed an amendment to allow the transportation of country papers to any distance, free of postage.

Mr. WESTCOTT desired to see all newspapers put on the same footing, whether city or country, and without regard to distances. He was opposed to partial benefits.

Mr. BENTON remarked, that you might travel in the West some hundred miles without coming to a town. He thought there was no equality in the bill as it stood, making as it did an invidious distinction.

Mr. CAMERON referred to the provision of the bill which allowed the newspapers to pass free in the county where they were published. The daily papers published in cities derived great advantages from the introduction of steam power. They made up their weekly papers from the daily, and circulated them with greater facility than was possessed by the country editors. He had an amendment prepared, which he thought would meet the case, so as to remove any objection.

The amendment was not submitted, as it was decided to be out of order at this stage of the proceedings.

Mr. ALLEN said, there would never be a law which did not operate more hardly on one than on another. He looked to the aggregate good which would be effected. He went on so speak of the condition of printers, who are proverbially poor. He never knew a rich printer. They work harder for nothing than any other class of persons. Their debts were, separately, small, though large in the aggregate, and are so scattered over the country that they can scarcely ever be collected. He thought this little boon granted to them should be willingly given.

Mr. DICKINSON also alluded to the power of the city papers to put down the country press. He thought his amendment would have the effect of sustaining the country papers.

Mr. DOUGLAS, at this stage, called for the special order, being the bill to establish a Territorial Government in Oregon, but the motion was not sustained.

Mr. NILES stated, that the entire exemption of papers from postage would diminish the compensation of the small postmasters, while it would add greatly to the burden of business thrown upon them. The tax of half a cent would enable the postmasters to defray the expense of putting up the papers and delivering them.

Mr. DOUGLAS renewed his call for the special order, and asked for the yeas and nays, which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Allen, Baldwin, Benton, Bradbury, Breese, Bright, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Douglas, Downs, Felch, Fitzgerald, Greene, Hale, Houston, Johnson of Maryland, Johnson of Georgia, Lewis, Mason, Miller, Phelps, Upham, and Webster—26.

NAYS—Messrs. Atchison, Badger, Bell, Berrien, Borland, Butler, Calhoun, Cameron, Foote, Hamlin, Hannegan, Hunter, Johnson of Louisiana, King, Mangum, Metcalfe, Niles, Pearce, Sebastian, Spruance, Sturgeon, Turney, Underwood, and Yulee—24.

OREGON.

The Senate then resumed the consideration of the bill to establish a Territorial Government in Oregon.

The question being on the motion of Mr. UNDERWOOD, to strike out, in page seventeen, line one, the words, "thirty-six degrees and thirty minutes," and inserting "forty-two;" and also the words, "usually known as the Missouri compromise"—

Mr. WEBSTER addressed the Senate. He admitted the propriety of the establishment of a Territorial Government in Oregon, and he was willing to vote for this bill as it came from the House. If amended as now proposed, he would not be able to vote for it. He recited the words of the section, and said, the amendment proposed gave a reason for the application of the principle of the ordinance of 1787 to the Territory of Oregon. When a single reason was given for any act, it was intended to be inferred that there were no other reasons. The Territory of Oregon was above the line of the Missouri compromise. His objection to slavery was irrespective of lines and points of latitude: it took in the whole country, and the whole question. He was opposed to it in every shape, and in every qualification; and was against any compromise of the question.

As to California and New Mexico, he said it was easy to foresee to what the acquisition of this Territory would lead. He wished it were as easy to see that there would be a harmonious conclusion of the matter. He congratulated himself that he had taken no part in the late war, except to oppose its commencement with all his might, and at the close to oppose the treaty with all his might. He believed the war itself to be a calamity. He looked on the treaty by which it had been concluded as a calamity; and he greatly feared that the treaty would turn out to be the most permanent calamity.

Mr. BUTLER contended that the establishment of governments in the Territories of California and New Mexico, ought to have been embraced in this Oregon bill. He disapproved of this policy of giving especial protection to the Territories north of the Missouri line of compromise, and giving to the North all that valuable portion of the Union. The resolutions of the State of Virginia, which were referred to the other day by a Senator from that State, [Mr. MASON,] had been responded to by all the southern States of the Union. He thought States should never pass resolutions until they were sure that the citizens would sustain them. He would tell the Senate that his advice to his constituents would be, to go to these new Territories with arms in their hands; to go as armed communities, and take possession of the lands which they had helped to acquire, and see who would attempt to dispossess them. Would the military force of the United States shoot down the ploughman at his plough? So help him God, he would so advise his constituents, to take with them their property there, and settle at all hazards. He was willing, had the compromise bill passed, to bow to it, and if the decision of the Supreme Court should have been adverse to his opinions, he would submit to it. But that bill had been not only rejected by the House of Representatives, but it had been treated with so little respect, that he felt it due to himself and to the South to let their position be well understood. He was opposed to the bill.

He had always opposed a war of conquest and aggrandizement, for he had foreseen that our triumphs would turn out to be apples of discord from which serious evils would result. He should now take his position, and let Congress make what laws they may, he would advise his constituents to assert their rights with arms in their hands, and take possession of the land. The subtleties and sophisms of the laws of nations would be feeble barriers to the spirit which would show itself in the South. He would go home and tell his constituents these views, and he trusted he had not so much infirmity as to shrink from carrying them into effect. Times and circumstances had changed the character of this bill for the establishment of a Territory in Oregon from what it was two years ago. Then it was comparatively innocent; now he regarded it as a masked battery, from behind which the institutions of the South were to be assailed with a firm determination to subdue them. The South would not fear a contest. She was ready to meet her opponents in a fair and open manner, but she would rise indignant against these covert attacks. He was ready to embark in the boat with his State, and to trust it to the care of Heaven. So beautifully are the elements of our Government arranged, that they scarcely require the agency of man to secure their harmonious and permanent progress. But the act of man could pervert and destroy these tendencies, and produce discord and confusion.

Mr. DOUGLAS, desiring to have the bill placed in a proper shape, would not make any remarks in this stage.

Mr. HALE then made some observations, referring to the history of the Texas annexation and the Oregon question in connection with it. At the time of the passage of the Texas resolution, the Oregon question was introduced, and a motion was made to attach it to the Texas bill. The mover did not withdraw his motion, and the Oregon feature was sustained by a large majority. The two South Carolina Senators voted against the consideration of the bill in the Senate, and thus defeated it; and when he coupled this with a declaration of a South Carolina Representative in the House, that if the clause prohibiting the introduction of slavery in Oregon prevailed, it would be defeated in the Senate,—when he put these facts together, they appeared to him to be indicative of an understood and concocted agreement. He spoke of the course of the Senator from South Carolina, and was about to remark on his manner, when—

Mr. BUTLER explained that the proceedings of the South Carolinians were marked as much by moderation and calmness as by determination.

Mr. HALE resumed. They were doubtless as much marked by moderation and calmness as was the course of their Senators here; and if this was moderation and calmness, he would like to know what was heat and intemperance. We are told that if we do not yield to their wishes, they will resist to blood.

Mr. BUTLER did not say that it would be so, but that he would give his advice to that effect.

Mr. HALE said, if the voice of the Senator went deep into the hearts of his constituents, he might produce much mischief.

Mr. UNDERWOOD withdrew his proposition to amend, as he perceived the sense of the Senate was against it.

The question then recurring on the amendment as reported by the Committee—

Mr. CALHOUN said he should vote against the amendment, because he regarded it as ambiguous, and he was against all ambiguity. Again, he opposed it because the North could not be more determined to exclude the South than he was to resist such exclusion. He would be as firm in maintaining his ground as Northern Senators were in maintaining theirs. A majority would always be able to carry their views; but here a minority, aided by a few from the majority, attempted to impose on the South restrictions which could not be submitted to.

This question, in his opinion, would never heal itself; that it must go through, and that the sooner it is met the better. He believed the question would never heal or be terminated here. In the body politic, as well as in the natural body, there are diseases which, if not timely checked, must end fatally. There is an impression here that slavery is sinful. This was not rashly asserted by him, as he had resided some time in New England, and had then become convinced that it would lead to serious evils. How it came up here, he would not now stop to examine. This Government had assumed a consolidating tendency, and this has produced a perversion of feeling and of policy, of which the course now pursued in relation to the South is one of the effects. The country is now agitated throughout; and there are political circumstances which will prevent this excitement from dying out. The conviction of the sinfulness of slavery in the North will keep this excitement from subsiding.

He then adverted to the influence of this question on the pending Presidential election, and the effects it must exert on the vote of the South. Each party will try to keep this question separate, to keep the people in the dark, and to suppress the discussion of it, lest it might result in injury. He intimated that the South must naturally incline to yield to the North; and touched upon the suggestions made by the Southern delegations as to the course to be pursued to put down abolition. A difference of opinion arising between the members, the course adopted by the House in the reception of abolition petitions had led to constant discord and uproar, while in the Senate only one petition on the subject had ever been presented there without the question of reception being called.

He referred to the insurrections of the slaves in the West India Islands; and the same spirit, though suppressed, exists here. He dreaded the result which would follow, if the same spirit which now animated the North should continue to grow and spread. He feared that the effect of this growing spirit was felt in this Senate, where the compromise bill was introduced and passed; yet, when it was rejected in the House, and this bill relating to Oregon came here, not one of those Northern Senators who were friendly to that compromise ventured to move an amendment by attaching the compromise bill to this Oregon bill. He referred to the positions taken by the South and the North on the slave question. The latter had been unable to meet the arguments of the Southern Senators, and turned out of the direct course to discuss the question of the extension of territory, which was not connected with the subject, and was not advocated by a single representative from his State. He would now tell the people of the South that they can never settle this question until they take it into their own hands. It was unnecessary for him to assert now his regard for the Union. His whole life was sufficiently known. His time, his mind, and all his energies had been given to it; and he made a solemn appeal to the Senate not, by their own hands, to destroy this glorious fabric of our Constitution. He believed, if the great struggle should come, the calamity will not fall the heaviest on the South. In the North the divisions were so numerous as to keep the people distracted and disunited, while in the South all are united. He admitted that the South was poor in comparison with the North; but if slavery had impoverished the South, had it impoverished the North? Slavery had benefited all mankind—all countries but the South. Slavery, like the waters of the Nile, had spread its fertilizing influences over all the world. It had benefited all but the Southern planter, who had been the tutor, the friend, as well as the master, of the slave, and had raised him up to civilization. And the South had made great concessions to the North for the purpose of cementing the Union.

Mr. MANGUM said he should vote for the amendment, because he regarded it as a modification; but whether it prevailed or not, he should vote against the bill.

Mr. NILES said the whole course of the South had in view the extension of slavery. He denied that the South had been weakened, and compelled to make concessions to the North. The compromise bill was no concession of the South, even in the opinions of southern men themselves, and certainly it was not so in the general estimation of the country. He complained that the Senator from South Carolina had traced the present crisis to a wrong cause, when he attributed it to the abolitionists of the North. The real fact is, that it springs from the opposition made by the free States to the southern policy of extending the institution of slavery over the new Territories. This is resisted by the free States, and they are prepared to resist it to the last. They think the slave power strong enough, and they will oppose every effort to extend slavery over the continent. The movement of the North was forced upon them, by the attempt to mix up this slavery question with the politics of the country. It had been given out by the South that no candidate for the Presidency should be supported there who did not pledge himself against the Wilmot proviso. Now, when this course was taken, it was incumbent on the North to make a counteracting movement.

Mr. BUTLER said the South did not take this course until ten of the northern States had pledged themselves in an opposite manner.

Mr. NILES admitted that this was true. But here was the distinction: the northern States merely asserted their opinions as a principle, while the South follow up their pledge by an awful threat of

nullification if their wishes are not complied with. The Senator from South Carolina had spoken of his attachment to the Union, and declared he would make a struggle to preserve it; and then he said they must take the matter into their own hands—meaning the slaveholders. They were to take charge of the Union. He preferred doing it in the usual way, through the legitimate medium, and this he presumed would be the general impression. He had no fears for the Union. It has strength enough to resist any collisions. The question, if not settled by Congress, will finally settle itself. He would vote against the proposition.

Mr. WEBSTER and Mr. NILES mutually explained on the subject of the existence of slavery in Texas at the time of annexation.

Mr. METCALFE then expressed his intention to vote for the bill, whether it contained the compromise or not. He stated, that like the Senator from Massachusetts, he had been opposed to the war, and if he did not oppose the treaty, forsooth, it was because it was the best we could do—bad enough, it is true—but there was no alternative. He thought it would now be the best thing we could do, if we could give back the whole of this new territory, and take again our fifteen or eighteen millions which we have to pay for it. Kentucky, while she stretched out one arm to the North, would not withdraw her other hand from the South. She thought the South was now in the right; but he believed that the North would, in the hour of need, act generously; and that the Union would not be endangered. The honorable Senator, who had uttered once the noble sentiment—"Union now and forever"—would himself stand by the South in the time of need; and he did not believe that the South would take the matter into their hands. He said the sons of the South came into Kentucky and stole away their daughters and cousins, and Kentucky sent her boys, by way of retaliation, to steal the southern girls; and while this game was fairly played, it was idle to talk of disunion.

Mr. JOHNSON, of Maryland, made some remarks in reply to what had fallen from the Senator from Massachusetts, in the course of which he stated, that if the North had come to a fixed determination to prevent the South by legislation from carrying their slaves into the new Territories, the States could remain together no longer. This he stated, not as his individual opinion, but as the sentiment of the South. He believed in the existence of the power in Congress to pass a law to prohibit slavery, and if such a law were presented to the Supreme Court for a decision on its constitutionality, it would be in favor of the law. As a judicial question, the decision would be against the protection of the South.

In reference to the annexation of Texas, he stated that it was advocated by Senators from the northern States as advantageous to the North on account of the market which it would open for their manufactures; and he adverted to the fact that some of the Senators had been induced to vote for it by the promise of the President, that he would act upon the alternative proposition.

He had voted for the compromise bill, because he thought it the only mode of settling the question.

Mr. WEBSTER said he only spoke for himself; he did not speak for the North. He did not know what the North is, or where the North is. He had been among the earliest to oppose acquisitions of foreign territory. He referred to the maxim of Lord Bacon—that the best way to avoid any domestic disputes or difficulties, was to avoid the occasion for them; and said, that in accordance with this maxim, he (Mr. W.) had always opposed the acquisition of foreign territory. There were wiser heads than Lord Bacon's now. There are persons who will provoke occasions, or certainly will meet them and adopt circumstances, as they may arise. He then referred to the course of the remarks of the Senator from South Carolina, and went on to show that there was no constitutional authority for the acquisition of foreign territory, and that no one had pretended to show any constitutional warrant for the power exercised by Congress, without the consent of the States, to make laws for Territories which never came within the contemplation of the Constitution or its framers. He enumerated the difficulties in which this acquisition of territory had plunged us. He was not apprehensive of any disunion. He never contemplated its possibility. He was not one of those who accustom themselves to speak of such a contingency. An earthquake may come, a volcano may burst forth; but human foresight can do nothing to prevent such calamities. So the dissolution of the Union is among those possible calamities; but what could human wisdom do to further, in advance of it, the happiness of the human race? He believed there was a disposition everywhere to support the Union, and that five out of six of our citizens would be glad to give back the new Territories we have acquired.

Mr. BERRIEN made a few remarks, for the purpose of inducing the Senator from Massachusetts to review his legal opinion as to the absence of all power in the Constitution for the acquisition of foreign territory. He assigned the reasons which induced him to differ from these opinions.

Mr. FOOTE said he rose for the purpose of putting an end to the debate. He saw no probability of proper deliberation being given to this bill at this late period of the session. Several amendments had been offered, among them, one of his own, and several Senators were very anxious to be heard on this subject. He did not see any possibility of deciding the question at this session. He admitted the pressing occasion for the establishment of a government in Oregon; but he thought, that as it was so short an interval until the next session, no great injury could result from the delay. He moved to lay the bill on the table, but withdrew it, on the pledge that it would be renewed by

Mr. JOHNSON, of Georgia, who said that the South honestly held the opinion that Congress has no power to prohibit slavery. He believed the contrary opinion was entertained with equal honesty in the North. If the North, having the majority, insist on exercising the power, what can follow but the degradation of the South, or the dissolution of the Union? The only remedy was a just and honorable compromise. If the Missouri compromise was offered to the South in the spirit in which it was offered in 1820, she would accept it. He desired to know from the chairman of the Committee on Territories whether the Missouri compromise in the bill was tendered in the spirit in which it was offered in 1820?

Mr. DOUGLAS replied in the affirmative. He made a few remarks in explanation of his own course. He gave his own opinion in the affirmative, but said that was not the understanding of the committee.

Mr. FOOTE renewed his motion to lay the bill on the table.

The Senate then took a recess until half-past five o'clock.

NIGHT SESSION.

The question pending when the Senate took a recess was the motion of Mr. FOOTE to lay the Oregon bill on the table. The question was taken by yeas and nays, and decided in the negative: yeas 15, nays 36, as follows:

YEAS—Messrs. Atchison, Badger, Berrien, Borland, Butler, Foote, Hunter, Johnson of Georgia, King, Lewis, Pearce, Sebastian, Turney, Westcott, and Yulee—15.

NAYS—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Breese, Bright, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Douglas, Downs, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, Mason, Metcalfe, Miller, Niles, Phelps, Spruance, Underwood, Upham, Walker, and Webster—36.

A debate then ensued which was kept up with great spirit until near 10 o'clock, in which Messrs. HUNTER, KING, FOOTE, DOUGLAS, MASON, WEBSTER, BERRIEN, WALKER, BUTLER, CALHOUN, BRIGHT, DICKINSON, METCALFE, UNDERWOOD, DAVIS of Mississippi, HANNEGAN, and others, participated.

Mr. JOHNSON, of Louisiana, read the following amendment, which he proposed to offer, and which he explained in a few words. He subsequently declined to offer it:

To add the following section:

And be it further enacted, That all that portion of territory delineated as *California* and *New Mexico* on Disturnell's Map of Mexico, a copy of which map was *added* to the late treaty of Guadalupe Hidalgo between the United States and Mexico, shall be divided by an east and west line, and constitute two distinct Territorial Governments. The northern portion of said Teritory of California and New Mexico shall be known and styled *North* California, the southern portion of said Territory shall be known and styled *South* California. The dividing line between them shall be the parallel of 35½ degrees north latitude, (from the Rio Grande to the Pacific,) commonly known as the Missouri compromise line. In said Territory of *North* California, slavery or involuntary servitude (except for crime) shall be prohibited. In said Territory of *South* California, slavery may exist or not, as the people of said Territory in forming their constitution may direct. Both said Territories of North and South California shall be organized in every other respect as the Territory of Oregon is provided to be organized by this act.

Mr. DOWNS proposed the following as an amendment, but subsequently withdrew it, after some remarks:

At the end of the bill, add all that part of the bill (S. 324) to establish the Territorial Governments of Oregon, California, and New Mexico, after the twentieth section, with the following amendments:

Page seventeen, section twenty-one, line three, strike out the words "called Upper California," and after the word "forty-eight" in the seventh line, insert "lying north of thirty-six degrees thirty minutes north latitude."

Page twenty-two, section twenty-six, line ten, strike out the words "or respecting slavery," and insert in lieu of them "and in said Territory slavery or involuntary servitude (except for crime) shall be prohibited."

Page twenty-four, section twenty-eight, line three, strike out the words "called New Mexico," and in the seventh line, after the word "forfeiture," insert "lying south of the said line of thirty-six degrees thirty minutes north latitude, commonly called the Missouri compromise line."

Page thirty, section thirty-three, line nine, strike out the words "or respecting slavery," and insert in lieu of them, after "residents," in line fourteen, "and the said Territory of New Mexico shall stand in all respects, in regard to slavery, on the same footing as did the Territory of Louisiana at the time of its cession to the United States."

The question was then taken on the amendment of the Committee on the Territories to insert the words: "That inasmuch as the said Territory is north of the parallel of 36° 30' of north latitude, usually known as the Missouri compromise," &c., with the understanding that in case the above amendment of the committee should be voted down, the question should be taken on the amendment sent to the Chair by Mr. DOUGLAS, embracing the Missouri compromise.

The yeas and nays having been called, the question was decided as follows:

YEAS—Messrs. Bright and Douglas—2.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Baldwin, Bell, Benton, Berrien, Borland, Bradbury, Breese, Butler, Calhoun, Cameron, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Downs, Felch, Fitzgerald, Foote, Greene, Hale, Hamlin, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Miller, Niles, Pearce, Phelps, Sebastian, Spruance, Turney, Underwood, Upham, Walker, Webster, and Westcott—52.

The question was then taken on the amendment embracing the Missouri compromise, and it was decided as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Davis of Mississippi, Dickinson, Douglas, Downs, Fitzgerald, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Pearce, Sebastian, Spruance, Sturgeon, Turney, and Underwood—33.

NAYS—Messrs. Allen, Atherton, Baldwin, Bradbury, Breese, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Greene, Hale, Hamlin, Miller, Niles, Phelps, Upham, Walker, and Webster—21.

The other amendments of the committee, striking out the limitation on the mileage of the delegate, and inserting "Puget's Sound" instead of *Nisqually*, were adopted.

The question was about to be taken on the engrossment, when—

Mr. DAVIS, of Mississippi, moved to strike out all after the enacting clause, and insert the bill which had passed the Senate and been laid on the table by the House; but, on the urgent appeal of Messrs. BERRIEN, METCALFE, and other Senators round him, he withdrew it.

And the question was taken on the engrossment, and decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benton, Berrien, Borland, Breese, Bright, Butler, Cameron, Clayton, Davis of Mississippi, Dickinson, Douglas, Downs, Fitzgerald, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Pearce, Sebastian, Spruance, Sturgeon, Turney, and Underwood—33.

NAYS—Messrs. Allen, Atherton, Baldwin, Bradbury, Calhoun, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Greene, Hale, Hamlin, Miller, Niles, Phelps, Upham, Walker, Webster, and Westcott—22.

The bill was then read a third time and passed.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 11, 1848.

The Journal of yesterday was read and approved.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the House yesterday agreed to the amendment of the Senate to the bill of the House

to change the time of holding the district courts of the United States in the western district of Virginia, and for other purposes.

After some conversation between Messrs. JONES, MEADE, and others—

Mr. MEADE moved to lay the motion to reconsider on the table; on which the yeas and nays were taken, and resulted: Yeas 67, nays 86.

The motion not being agreed to—

Mr. ROCKWELL, of Connecticut, moved the previous question, which was seconded; and, under the operation thereof, the vote by which the House concurred in the Senate's amendment was reconsidered.

The question recurred on agreeing to the amendment of the Senate to the said bill; and, being put, it was decided in the negative, under the operation of the previous question.

So the House refused to concur with the Senate in their amendment to the said bill.

MOBILE AND OHIO RAILROAD.

Mr. ROCKWELL, of Connecticut, moved to reconsider the vote by which the bill granting to the State of Alabama the right of way and a donation of public lands for making a railroad from Mobile to the mouth of the Ohio river was ordered to be read a third time; and, after making a few remarks in support of his motion, Mr. R. moved the previous question on the motion to reconsider, which was not seconded.

Mr. VINTON hoped the bill would be further amended, by adding further guards to prevent abuses that would necessarily follow its passage in its present shape. The land granted here was not to be located on the line of the proposed road, nor even in the State where it lay, but might be laid in any of the States of the Union. It was given in advance for a work not commenced, and was to be granted to a State for the benefit of a private corporation. There was no proviso in the bill to prevent these lands being sold at any price they chose to set upon them, and this might be fixed so low as effectually to prevent all sales of the public lands in the neighborhood of the granted land. And if this bill succeeded, similar grants would be applied for all over the new States, and thus that great branch of the public revenue arising from the sales of the public lands would be dried up. Then how could the country discharge its obligations to the public creditor? It would operate to introduce a new and very injurious system into our land system, and raise such a clamor in the West that the Government would be obliged to buy back the lands granted.

Mr. TOMPKINS spoke in reply. As to the liberty to locate the lands in all parts of the Union, the friends of the bill were willing and ready to insert a guard to confine it to the neighborhood of the roads. The objection that the work was not in progress had not been urged in the case of the gentleman's State, which had obtained grants of land for works not begun; but he was mistaken in the fact, for these works were actually commenced and in progress. Nor was the grant to inure to private corporations; but some of these roads were made and owned by the State, and the grant was asked for by State Legislatures for the States concerned. In reply to the objection that the bill would stop the sale of the public lands, the lands now were not saleable, and, unless these roads were opened, never would be. He denied that there would be any clamor. On one of the roads, one hundred and forty miles in length, there were not forty miles of public lands. The lands were thin and poor, and were valuable chiefly on account of timber. The Government gave away nothing, and might get much in the end. But, if it got nothing, the wealth of a country consisted in productive industry, and the bill would turn a barren waste into a settled and happy region. The opposite policy was that of a narrow-minded miser. As to its being a new system, the gentleman made no such cry when Ohio got a million and a half of the public lands; but now that she was full and prosperous, all grants to others were ruinous novelties. Mr. T. dwelt on the benefits of completing a grand line of road from one extremity of the Union to the other, and the obligation to carry the United States mail.

Mr. GAYLE obtained the floor, and was about to address the House, but waived his right to speak, and demanded the previous question, which was seconded; and, under its operation, the motion to reconsider was agreed to.

Mr. ROCKWELL, of Connecticut, moved an amendment restricting the location of the lands. Mr. R. demanded the previous question; which was seconded.

Mr. DICKEY moved to lay the bill on the table.

On this motion the yeas and nays were demanded; and, being taken, stood as follows: Yeas 102, nays 79.

Mr. HAMMONS moved to reconsider this vote, and moved to lay that motion on the table; which latter motion was agreed to.

CIVIL AND DIPLOMATIC BILL.

On motion of Mr. VINTON, it was resolved that the House do insist upon its disagreement to certain of the amendments of the Senate to the civil and diplomatic appropriation bill; and it was also ordered that a committee of conference on the part of the House be appointed to confer with a similar committee on the Senate's part on the disagreeing votes of the two Houses on said amendments.

Messrs. VINTON, McKAY, and HUDSON were appointed said committee.

Mr. VINTON, from the Committee of Ways and Means, to whom were referred the Senate's amendments to the bill making appropriations for the support of the army for the year ending June 30, 1849, reported the same back to the House. They were, together with the bill, referred to the Committee of the Whole on the state of the Union.

On motion of Mr. HUNT, the House proceeded to consider the business on the Speaker's table.

The SPEAKER then laid before the House a communication from Alexandre Vattemare, tendering to the members of the House of Representatives his grateful acknowledgments for the very liberal manner in which he has been welcomed by them as the humble exponent and advocate of the system of international exchanges. Laid on the table, and ordered to be printed.

On motion of Mr. J. R. INGERSOLL, it was resolved that the House do insist upon its amendment to the Senate bill giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivering up of certain offenders, and also that a committee of conference be appointed to meet a similar committee on the part of the Senate on the disagreement of the two Houses on said bill.

Messrs. INGERSOLL, LUMPKIN, and TAYLOR, were appointed said committee.

OREGON BILL.

The House proceeded to the consideration of the amendments of the Senate to the bill of the House to establish the Territorial Government of Oregon.

Mr. SMITH, of Indiana, moved that the House do not concur in the amendments of the Senate, and on that motion demanded the previous question.

Mr. KAUFMAN inquired of the Speaker if a division could be had so as to vote on the amendments separately?

The SPEAKER replied, that after the previous question had been seconded, the question would then come up on concurrence in the amendments separately, if a division was called by any member.

The SPEAKER announced the question upon seconding the demand for the previous question; and requested the House to come to order, and gentlemen to take their seats.

Order having been partially restored—

Mr. McLANE inquired of the Chair if it would be possible, at any subsequent stage of the proceedings, if the previous question should be sustained, to propose an amendment to the amendment, and move a concurrence on the part of the House to the amendment thus amended?

The SPEAKER replied that, under the rules, if the previous question was sustained, no amendment would be in order.

Mr. COBB, of Georgia, moved a call of the House; which was agreed to.

The roll was called, and 197 members answered to their names.

On motion of Mr. HILLIARD, further proceedings in the call were dispensed with.

The question recurring on seconding the demand for the previous question—

Mr. BIRDSALL said he wished to make an inquiry of the Chair. He desired to know whether, if the previous question, which had been moved by the gentleman from Indiana, [Mr. C. B. SMITH,] be not sustained, it would be in order to move to strike out the amendment proposed by the Senate in relation to the subject of slavery; and to insert, in lieu thereof, the provisions of the compromise bill lately received from the Senate and laid upon the table here? He said he desired to make that motion, if it would be in order, and hoped the previous question would not be sustained if it would prevent his doing so.

The SPEAKER stated that he would decide the question when it arose.

The previous question was seconded, and the main question was ordered, being first on Mr. SMITH's motion to non-concur in the Senate's amendments.

A division being called for by various gentlemen—

The question was announced on non-concurring in the first amendment, which makes it the duty of the Governor of the Territory to transmit to each House of Congress copies of any bills he may veto, with his reasons therefor, immediately after such session of the Territorial Legislature.

Mr. WHITE asked the yeas and nays, which were ordered.

Mr. RICHARDSON asked to be excused from voting, and wished to state his reasons therefor.

The SPEAKER stated that it was not in order for the gentleman to state his reasons, though he might ask to be excused.

Mr. RICHARDSON stated as the reason, that he had *paired off* with a gentleman who was absent.

The question being put, Mr. R. was excused.

Mr. STEPHENS suggested to Mr. SMITH that he withdraw his motion to *non*-concur, so that the question would come up directly on concurrence.

Mr. SMITH yielded to the suggestion, and withdrew his motion.

The question was then taken on concurring in the Senate's first amendment, (stated above,) and decided in the negative: Yeas 92, nays 106.

So the House refused to concur in the first amendment.

The second amendment next came up, which directly confers the veto power on the Governor of the Territory, and provides that in such cases the bill shall not become a law unless approved by Congress.

This amendment was non-concurred in without a division.

The third amendment of the Senate inserts, after the enacting clause of the 14th section, the following:

That the line of thirty-six degrees thirty minutes of north latitude, known as the Missouri compromise line, as defined by the eighth section of an act entitled 'An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories,' approved March 6th, 1820, be, and the same is hereby, declared to extend to the Pacific Ocean; and the said eighth section, together with the compromise therein effected, is hereby revived and declared to be in full force and binding for the future organization of the Territories of the United States, in the same sense and with the same understanding with which it was originally adopted, and.

The vote on concurring in this amendment was taken by yeas and nays, and resulted as follows:

YEAS—Messrs. Adams, Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Birdsall, Bocock, Botts, Bowdon, Bowlin, Boyd, Boydon, Brodhead, Charles Brown, Albert G. Brown, Buckner, Burt, Cabell, Chapman, Chase, Beverly L. Clarke, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Crozier, Daniel, Donnell, Garnett Duncan, Alexander Evans, Featherston, Flournoy, French, Fulton, Gayle, Goggin, Green, Willard P. Hall, Haralson, Harmanson, Harris, Haskell, Hill, Hilliard, Isaac E. Holmes, George S. Houston, Charles J. Ingersoll, Iverson, Andrew Johnson, Robert W. Johnson, George W. Jones, John W. Jones, Kaufman, Thomas Butler King, Ligon, Lumpkin, McDowell, McKay, McLane, Meade, Morehead, Outlaw, Pendleton, Phelps, Pillsbury, Preston, Rhett, Roman, Shepperd, Stanlee, Stephens, Thomas, Jacob Thompson, John B. Thompton, Robert A. Thompson, Tompkins, Toombs, Venable, Wallace, and Woodward—82.

NAYS—Messrs. Abbott, Ashmun, Bingham, Blanchard, Brady, Butler, Canby, Cathcart, Franklin Clark, Collamer, Collins, Conger, Cranston, Crowell, Cummins, Darling, Dickey, Dickinson, Dixon, Duer, Daniel Duncan, Dunn, Eckert, Edsall, Edwards, Embree, Nathan Evans, Faran, Farrelly, Ficklin, Fisher, Freedley, Fries, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Hammons, James G. Hampton, Moses Hampton, Henley, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jenkins, Kellogg, Kennon, Daniel P. King, William T. Lawrence, Sidney Lawrence, Lincoln, Lord, Lynde, Maclay, McClelland, McClernand, McIlvaine, Job Mann, Horace Mann, Marsh, Marvin, Miller, Morris, Mul-

lin, Murphy, Nelson, Nes, Newell, Nicoll, Palfrey, Peaslee, Peck, Petrie, Pettit, Pollock, Putnam, Reynolds, Richey, Robinson, Rockhill, John A. Rockwell, Rose, Root, Rumsey, St. John, Sawyer, Schenck, Sherrill, Silvester, Slingerland, Smart, Caleb B. Smith, Robert Smith, Truman Smith, Starkweather, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Tallmadge, Taylor, James Thompson, Richard W. Thompson, William Thompson, Thurston, Tuck, Turner, Van Dyke, Vinton, Warren, Wentworth, White, Wick, Williams, and Wilmot—121.

Mr. SMITH, of Indiana, moved to reconsider this vote, and moved to lay that motion on the table; which latter motion was agreed to.

The fourth amendment, which restricts the mileage of the delegate to the same amount now allowed to members travelling the greatest distance, was read and disagreed to.

The other amendment was read and agreed to, without a division.

It was ordered that the Senate be informed of the action of the House on said amendments.

HARBOR AND RIVER BILL.

The bill making appropriations for the preservation and repair of certain public works, and for the improvement of certain harbors and rivers, and for the survey of certain harbors, was read a third time.

The question being on the passage of the bill—

Mr. HUNT moved the previous question; which was seconded, and, under the operation thereof, the bill was passed—yeas 118, nays 62—as follows:

YEAS—Messrs. Abbott, Ashmun, Bingham, Birdsall, Blanchard, Botts, Boydon, Brady, Buckner, Canby, Cathcart, Chapman, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Crowell, Crozier, Darling, Dickey, Dickinson, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edsall, Edwards, Embree, Alexander Evans, Nathan Evans, Faran, Farrelly, Fisher, Freedley, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henley, Henry, Elias B. Holmes, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, Jenkins, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Sidney Lawrence, Lincoln, Lynde, McClelland, McIlvaine, Marsh, Marvin, Morehead, Morris, Mullin, Nelson, Nes, Newell, Nicoll, Outlaw, Palfrey, Peck, Pendleton, Petrie, Pollock, Preston, Putnam, Reynolds, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Robert Smith, Truman Smith, Stanton, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Tallmadge, Taylor, James Thompson, Richard W. Thompson, William Thompson, Thurston, Tuck, Turner, Van Dyke, Vinton, Warren, Wentworth, and White—118.

NAYS—Messrs. Atkinson, Barringer, Bayly, Beale, Bedinger, Bocock, Boyd, Brodhead, Charles Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummins, Daniel, Featherston, Ficklin, Flournoy, French, Fries, Fulton, Gayle, Green, Willard P. Hall, Hammons, Harris, Hill, Hilliard, George S. Houston, Iverson, Andrew Johnson, George W. Jones, John W. Jones, Kennon, La Sère, Ligon, Lord, Lumpkin, McClernand, McKay, McLane, Job Mann, Meade, Miller, Peaslee, Phelps, Robinson, Sawyer, Smart, Thomas, Jacob Thompson, Robert A. Thompson, Toombs, Venable, Wallace, Wick, Wiley, Williams, Wilmot, and Woodward—62.

Mr. HUNT moved to reconsider the vote; which motion was laid upon the table.

On motion of Mr. VINTON, it was ordered that the House take a recess this day from half past three o'clock to half past five o'clock, p. m.

Mr. FULTON moved a suspension of the rules to enable him to move a resolution to limit the length of remarks by any member to ten minutes, for the residue of the session.

On suspending the rules, the vote stood—yeas 88, nays 70.

Two-thirds not voting in the affirmative, the motion was not agreed to.

Mr. PUTNAM, from the Committee on Public Lands, reported bills for the relief of William Kingsbury, and for the relief of Elisha Hampton and others, of the State of Iowa. Read and committed.

COMMISSIONER OF PATENTS.

Mr. FARRELLY, by leave, from the Committee on Patents, to which was referred the petition of Thomas G. Clinton, an assistant examiner in the Patent Office, preferring charges against Edmund Burke, Commissioner of Patents, and the memorial of Edmund Burke, asking for an investigation of the charges preferred, made a report thereon, accompanied by the following resolution:

Resolved, That the Committee be discharged from the further consideration of the subject.

The resolution was agreed to, and the report ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. VINTON moved that the House resolve itself into Committee of the Whole on the state of the Union, on the army appropriation bill.

He stated that the chairman of the Committee on Finance in the Senate had been with him urging the necessity of coming to an agreement in the Committee of Conference on the numerous disagreements between the House on the general appropriation bill.

The motion prevailed, and the House accordingly went into committee (Mr. CHAPMAN, of Maryland, in the chair,) and took up the army bill.

Mr. VINTON suggested, that as the Senate had changed the second section of the bill, and with it the proposed number of the army, and as the residue of the bill depended on this, the committee should first take up the Senate's amendment to the second section; if that should be agreed to, the other amendments would follow as of course; but, if not, they would fall with it.

The Senate's amendment to the second section was read, which provides that the number of men of the companies be fixed at sixty-four.

Mr. BOTTS advocated a concurrence with the Senate's amendment. He reverted to the ground he had taken when the bill had been under discussion in committee, reminding the House that he had advocated the plan of fixing the general number of the companies at sixty-four, with liberty to the President to increase those on distant service in the new Territories to one hundred by reducing the requisite number of companies nearer home to forty-two. The question then had been between an army with sixty-four men to a company, as preferred by the Military Committee, and an army with forty-two men to a company, as recommended by the Committee of Ways and Means. The Military Committee were induced to their conclusion in part by the fact, that the Secretary of War stated that five thousand men would be needed for our new possessions on the Pacific. The House had preferred the plan of the Committee of Ways and Means, and had sent the bill to the Senate with forty-two men to a company. It had there undergone an examination by the Military Committee of the Senate, and they concurred with the opinion of the Military Committee of the House, that the companies should consist of sixty-four men, but those on distant service to contain one hundred; they differed, however, in not recommending, that to meet this increase of some companies to one hundred, others should be reduced to forty-two. This difference was not of great moment. The first question would then be, on concurring with this amendment of the Senate. Should this be agreed to, the sums and numbers in the other sections of the bill must be made to conform.

Mr. TOOMBS said that the gentleman had not stated any reasons why the Military Committee of the Senate disagreed to the bill of the House.

Mr. BOTTS referred Mr. TOOMBS to the fact he had mentioned, that the Secretary of War stated that five thousand men would be needed for the Territories alone. He also reminded Mr. T. of the arguments he had before advanced when the bill had been in committee in the House.

Mr. TOOMBS then went into a review of the history of the reduction and increase which the army had undergone since 1838, and insisted that the plan of a skeleton army, with the number of rank and file greatly reduced, but the officers retained, had always received the approbation of the country.

The increase of the companies to sixty-four men, and of a part of them to one hundred, was not a feature of the peace establishment, but an arrangement caused by the declaration of war against Mexico. That war was now over, and Mr. T. was for returning to the old peace establishment, with but forty-two men to a company.

He argued that a less number of men was needed, since the power of concentrating them on any desired point had been so greatly increased. Orders were now communicated by lightning, and the men brought together by steam. He dwelt on the cost of this Government in a time of peace, which he estimated at thirty millions, more than any Government on earth was worth. Extravagant public expenditure was the road to ruin, on which many Governments of the Old World had traveled to their destruction. If the amendment of the Senate should be adopted, the army would cost the country not less than ten millions; and some gentlemen favored a still larger increase, which would run it up to thirteen millions. The President's recommendation would double it, at a cost of twenty-five millions, while all the while he was uttering homilies against standing armies. Mr. T. dwelt on the evils of Executive patronage, and contended that it ought to be cut down, and, as one means of doing this, he was for reducing the size of the army. He insisted that our frontier had not been much increased, and went over the same grounds he had formerly taken in committee (and which were reported at the time) as to the impossibility of our needing five thousand men to guard what General Taylor had won with less than three thousand. He denied that any numerous force was needed to garrison the posts at home, or take care of the public property there; and then he advanced his ultra ground, as on a former occasion, that we needed no army, not a man. The people were all-sufficient for the defence of the country. He was willing to keep up a strong navy, but he believed an army wholly unnecessary.

Mr. McLANE replied, and expressed his utter disagreement from Mr. T.'s views. He supported the Senate's amendment, as approved by those who were the fittest judges in the case. As to the evils of patronage, reducing the privates in a company from sixty-four to forty-two would not reduce it at all; the captain and the three lieutenants would all remain, whether their command were sixty-four or forty-two, rank and file.

Mr. HUNT asked Mr. McL. where the money was to come from to maintain so large a standing army as that gentleman seemed to approve? Was he willing to borrow money to increase the army in time of peace?

Mr. IVERSON asked Mr. HUNT where he (Mr. H.) expected to get his half a million of dollars for works of internal improvement?

Mr. HUNT replied, from the ordinary and regular receipts of the treasury.

Mr. BOTTS complained that he was placed in an embarrassing position. He stood here almost alone in sustaining the views of the Administration as to the proper force of the army, against the opinion of his political friends, and without support from his political opponents. The argument of the gentleman from Georgia [Mr. TOOMBS] came too late, after we had, by an expensive war, obtained the new territory. It would have been better if the gentleman had brought it forward when we were setting out to get these new conquests. For himself, as was well known, Mr. B. detested the acquisition, and would be willing to give Mexico the fifteen millions stipulated in the treaty to take the whole of it back again. The increased expenditure for the army, of which the gentleman complained, had been caused wholly by this very thing, and really Mr. B. thought it somewhat harsh that he had to stand here battling for the Democratic Administration, when its own friends would not.

Mr. McLANE moved that the committee now rise; which motion prevailing, the committee rose accordingly; and in the House a resolution was adopted, on motion of Mr. VINTON, to stop further debate on the bill in five minutes after the House should have returned into committee.

That five minutes was occupied by Mr. McCLELLAND in defending himself against an anonymous attack which appeared in the Tribune at New York, charging him with having repeatedly refused to vote on questions of internal improvement, with a view to defeat those measures by the want of a quorum voting. Mr. McC. utterly denied the truth of the accusation, and appealed to gentlemen on the Whig side of the House to say whether he had not voted on every such question.

Mr. GRINNELL, Mr. HUNT, and Mr. TOOMBS, all bore witness to the entire falsehood of the charge. The time limited by resolution having expired, the committee proceeded to vote.

The question being put on the Senate's amendment to strike out the second section of the House bill, and substitute another, fixing the army at sixty-four men to a company, &c., it was decided in the negative. So the committee refused to concur in the Senate's amendment, and voted to keep the army at forty-two men to a company, as in their own bill.

The next question was on the Senate's amendment allowing certain arrears due to Colonel De Russy, of the Topographical Engineers. In this the committee concurred.

The next of the Senate's amendments appropriating $200,000 for expenses of military opera-

tions in California, and the pay of men and officers engaged in it, including all claims for horses lost, &c., being read—

Mr. BURT obtained leave, by unanimous consent, to offer an amendment by way of substitute, proposing a board of commissioners to liquidate the California claims, and report them to the War Department.

After the amendment had been read, Mr. B. asked leave to offer in support of it a few remarks; but they were objected to.

Mr. BOWLIN moved to amend the amendment proposed by Mr. BURT by striking out the word "officers," (to constitute the board of commissioners,) and inserting in lieu thereof the words "three disinterested persons;" but this amendment to the amendment was rejected, as was Mr. BURT's, and the committee also refused to concur in the Senate's amendment.

The question then occurred on the Senate's amendment providing that men honorably discharged in Mexico should be considered in law as having served out their term of service, and rewarded accordingly. In this also the committee concurred.

In the amendment allowing $657 to Captain Caldwell they also concurred.

The next amendment proposed certain alterations in the marine corps, placing it on the same footing as in 1847, but with a limitation that it should not exceed 1,500 privates. In this the committee refused to concur.

The other particulars of the bill which the Senate proposed to alter, so as to conform to an increased amount of force, were disagreed to.

The amendment allowing forage to professors at West Point according to their respective assimilated rank, was rejected.

The Senate's amendment providing for arrearages of surveys west of Mississippi, was also rejected.

The amendments having been gone through with, the committee rose and reported them to the House.

In the House, Mr. VINTON moved the previous question, which was seconded, put, and carried; and the question recurring on concurring with the Committee of the Whole in their report on the respective amendments agreed to and rejected, they were all concurred in.

The bill was then returned to the Senate.

BILLS PASSED.

On motion of Mr. ROCKWELL, the House proceeded to consider the business on the Speaker's table; when Senate bills in relation to the terms of the circuit and district courts of the United States for the district of New Jersey, and for the relief of Gustavus Dorr, were severally read three times, passed, and returned to the Senate.

Senate bills for the relief of George Senter, and to authorize the sale of reserved lands, and for other purposes, were severally read a first and second time, and committed.

MEXICAN BOUNDARY.

Senate bill to provide for carrying into effect the 5th article of the treaty between the United States and the Mexican Republic, for establishing the boundary line between them, was read a first and second time, when—

Mr. C. J. INGERSOLL moved an amendment to add all except the first section of the bill reported by Mr. BENTON, in the Senate, July 8, 1848, providing for the appointment of a boaad of three commissioners to adjudicate certain claims of American citizens against Mexico, and for the payment of the same.

Mr. BOWLIN made the point of order that the amendment was wholly irrelevant to the bill, and not in order.

Mr. ASHMUN called for the reading of the amendment to which this was an amendment.

The SPEAKER, after some examination, said the bill as it came from the Senate was merely a bill for running the boundary line, and provided for the appointment of commissioners for that purpose. The Chair was of opinion that an amendment for the adjudicating of claims was not in order.

Mr. STEPHENS moved to refer the bill to the Committee on Foreign Affairs.

On this motion the yeas and nays were asked and ordered, and being taken, resulted—yeas 78, nays 72.

So the bill was referred to the Committee on Foreign Affairs.

INTERNAL IMPROVEMENT BILL.

The SPEAKER stated that the above bill, which had passed to-day, was engrossed and ready to be sent to the Senate; but as doubts might exist in the minds of gentlemen as to whether it was not already within the last three days of the session, during which one of the joint rules prohibited the sending of bills from one House to the other, the Chair had thought proper to submit the question to the House. He referred to a decision of the Chair upon a question of the suspension of the rules a few days since that Sunday was not a legislative day, but said that the Clerk had learned from the experienced Secretary of the Senate that it had been the uniform practice of that body to count Sunday in cases like this. He would therefore order the bill to be sent to the Senate, unless objections were made.

Mr. HOLMES, of South Carolina, to avoid all difficulty, would move to suspend the rules for the purpose, and to send a message to the Senate asking a concurrence in the suspension.

The SPEAKER suggested that there would be difficulty in asking a suspension from the Senate; that this rule was not in force there, the uniform practice of that body having been to count Sunday, so that when Congress adjourned on Monday bills could be interchanged until Saturday morning.

Mr. McCLELLAND inquired if a two-thirds vote was necessary to suspend a joint rule?

The SPEAKER replied that, under the precedents, a majority vote was sufficient.

He also stated that, if there were no objections, he would authorize the bill to be taken to the Senate.

Mr. JONES, of Tennessee, objected, and, after some conversation, the question was propounded upon authorizing the bill to be sent to the Senate, and, being agreed to, the bill was sent accordingly.

CLINTON AND KALAMAZOO CANAL.

Senate bill to apply certain alternate sections of the public domain towards the completion of the Clinton and Kalamazoo canal, in the State of Michigan, was read a first and second time. The question being on the third reading of the bill—

Mr. BINGHAM said this bill proposed to grant lands upon the Clinton and Kalamazoo canal, which run from the mouth of the Clinton river, upon Lake St. Clair, to Lake Michigan. It was a State work, and had been completed for about thirty miles. Michigan was the only one of the new western States that had not received large grants of land from the General Government. The embarrassments of the State had forced her to suspend operations in the completion of the canal, and this grant would enable her to go on and complete a great public work.

Some conversation ensued between Messrs. McCLELLAND and others; when—

Mr. BINGHAM moved the previous question.

Mr. FEATHERSTON moved to lay the bill on the table.

The yeas and nays being ordered on the motion, the vote stood: Yeas 78, nays 81.

Mr. THOMPSON, of Indiana, said he had voted for laying the bill on the table under a misapprehension, supposing that he was voting for the passage of the bill. He appealed to the courtesy of the House to allow him to change his vote, as it would not change the result.

The SPEAKER said it could be done by common consent.

Mr. HAMMONS rose and objected.

To enable Mr. COLLAMER to move an amendment—

Mr. BINGHAM withdrew his demand for the previous question.

Mr. COLLAMER then moved to add the following as a new section to the bill:

That the grant specified in the act shall be construed and taken on this limitation, to wit: that no land shall be taken but one-half of six sections wide on each side of said canal, so far as now owned by the United States: and no land elsewhere shall be considered as hereby granted, nor shall any such be claimed or taken; and also further, that none of said land shall be sold by said State but as follows, to wit: so much as is selected for ten miles of canal may be taken and disposed of, and when said corresponding ten miles of canal are finished, then the sections for another ten miles, and so from time to time; nor shall any title pass to any of said land to any one, unless by sales so made, and in no other manner: *Provided, however*, That the lands hereby granted shall not be sold at less than one dollar and twenty-five cents per acre.

Mr. COLLAMER renewed the demand for the previous question, which was seconded; and, under the operation thereof, the amendment was agreed to, and the bill read a third time.

The question being on the passage of the bill, the yeas and nays were ordered, and being taken, resulted as follows: Yeas 76, nays 75.

Mr. GAYLE moved to reconsider the vote on the passage of the bill, in order to enable him to move as an amendment, the bill proposing grants to the southern railroad. He wanted to know with what justice it was that gentlemen were now willing to vote for the northern work, when they had to-day rejected a bill containing precisely the same provisions, but for a southern railroad?

Mr. WENTWORTH called upon the gentleman to name any northern man who had voted for the present, and had not voted for the southern bill. He believed there was none.

Mr. GAYLE expressed the belief that there were.

Mr. McCLELLAND moved to lay the motion to reconsider on the table.

After some conversation, in which the CHAIR intimated that, under repeated decisions of the House, the proposed amendment, being on a different subject, would not be in order even at the proper stage of the bill—

Mr. GAYLE withdrew the motion to reconsider.

Mr. HILLIARD renewed it.

The question on Mr. McCLELLAND's motion to lay on the table was rejected: Yeas 71, nays 80.

The question recurring on the motion to reconsider, under the operation of the previous question, the yeas were 97, nays 67.

After some debate, in which Messrs. STUART of Michigan, GAYLE, BOWDON, and others participated, the previous question was moved and seconded, and the main question ordered.

Mr. BOYDON moved to lay the bill on the table; on which the vote by yeas and nays stood, yeas 81, nays 77.

So the bill was laid on the table.

Mr. HOUSTON, of Alabama, moved to reconsider the vote to lay on the table, and moved to lay that motion on the table.

Mr. STANTON moved to adjourn. Lost.

The question recurred on the motion to lay on the table the motion to reconsider, and being put, it was agreed to.

And then, at fifteen minutes before ten o'clock, the House adjourned.

IN SENATE.

FRIDAY, *August* 11, 1848.

The PRESIDENT *pro tem.* laid before the Senate a communication from B. Marshall, and other delegates of the Creek Indians, addressed to the chairman of the Committee on Indian Affairs, relative to the investment by the United States of certain moneys appropriated for their benefit; which was laid on the table.

On motion of Mr. JOHNSON, of Louisiana,

Resolved, That the petition of George Poindexter, together with the report of the committee to whom it was referred, and all the documents accompanying it, be referred to the Secretary of War for his action thereon.

REPORTS FROM COMMITTEES.

By Mr. MASON, from the Committee of Claims: Referring the papers of the representatives of Robert Carter to the First, Second, and Third Auditors of the Treasury, to examine and report at the next session.

By Mr. WESTCOTT, from the Committee on Patents: An act to provide for applications for the renewal of patent-rights in certain cases, with an amendment.

Mr. WESTCOTT asked to have the bill considered at once, as it would enable the Commissioner to decide on all the cases except one.

Mr. DAVIS opposed the taking up of the bill, as it must give rise to discussion.

Mr. JOHNSON, of Louisiana, asked to be discharged from the further consideration of a bundle of petitions, which he sent to the Chair, but did not name.

RESOLUTIONS.

Mr. FELCH submitted the following resolutions:

Resolved, That there be allowed and paid out of the contingent fund of the Senate, under the direction of the committee to audit and control the same, to each of the officers, clerks, messengers, (excepting the acting postmasters and mail carriers,) pages, and laborers, in the service of the Senate, the same amounts respectively that were paid them under a resolution of the Senate at the last long session.

Resolved, That there be allowed and paid, in like manner, to the librarian, assistant librarian, and messenger of the Congressional Library, and to the clerks of the committees of the Senate, each, the same amounts as were last allowed them by resolution of the Senate.

Resolved, That there be allowed and paid, as above, to the acting postmaster and each of the mail carriers of the Senate the sum of $350, and to each of the boys assisting the mail carriers $100, to the western gate-keeper $100, and to Sylvester Gray and Lloyd Wallace, each, the sum of $50.

Mr. TURNEY moved to amend the resolution by inserting, "to each of the Capitol police $200, or so much thereof as with any allowance made by the House of Representatives, will amount to $200."

The question was then taken on the adoption of the resolution, and agreed to.

On motion of Mr. DOWNS,

Resolved, That there be allowed and paid to James Morton Noah Hanson the same daily pay as has been paid to the other messengers of the Senate, commencing with the present session.

On motion of Mr. WESTCOTT,

Resolved, That there be allowed and paid to Messrs. Wright and Ramsay $100 each, for services rendered the Judiciary Committee of the Senate at this session, to be paid out of the contingent fund of the Senate.

On motion of Mr. ATHERTON, the Senate proceeded to consider the amendments of the House to the civil and diplomatic bill. The Senate then insisted on its amendments, and disagreed to those of the House; and a Committee of Conference was appointed.

REPORTING AND PRINTING.

Mr. BADGER moved to proceed to the consideration of the resolution relating to the printing of the debates in Congress. The resolution was read, as follows:

Resolved, That, in order to secure a more full, impartial, and prompt publication of the proceedings and debates of the Senate, the Secretary of the Senate he and he is hereby authorized and directed to enter into a contract, to take effect from this day, with the proprietors of each of the daily papers in this city, the National Intelligencer and the Union, and to continue until otherwise ordered by the Senate, for the daily publication, in each paper, of all the debates and proceedings of the Senate, and for the early subsequent publication of such speeches as members may choose more carefully to revise and write out at full length, for which the Secretary is authorized to make weekly payment at the rate of seven dollars and fifty cents for a column of brevier type: *Provided*, That the proceedings and current debates be transferred to the country edition of said papers, and one copy of the daily edition of each paper shall be furnished to each member during the session without additional charge.

Mr. BADGER moved so to amend the resolution, as to make it take effect from the commencement of the next session.

Mr. BENTON was surprised that an amendment should be offered after so much delay. Some days had elapsed, and it had now become too late in the session for discussion of amendments. He had looked over the official report, and had not seen any correct report of anything he had said for the last three months. What little he did say, he desired to have correctly presented to the world. The resolution having received the consideration of a committee, was submitted in a form which would insure the publication of the speeches of the session which remain unreported. He referred to the manner in which the contract had been fulfilled. Each member received nineteen copies of his own speech, and no one ever read the speech of another, unless he made an attack on it. He stated the plan now proposed, which embraced two parts—the running debate every morning, and secondly, the revised speeches in a book form. The Senator has the advantage of the running debates, to revise and correct them for the permanent volume; and these running debates would be circulated instantaneously throughout the country. The expenditures had been looked into, and the difference was astonishing between the present plan and that proposed. While members are sleeping, their speeches are flying to the thirty-two points of the compass; aye, to the thirty-two thousand points, if so many can be made. He referred to the various items of expense to which the publishers would be subjected, all of which are to be given in. The proprietors of the daily press have behaved generously, and ought to be sustained. We cannot go along as we are. Each House is bound to take care of its own debates. It is our business to send abroad accurate reports of the speeches delivered here. He found that this amendment was connected with some unseen motive, and he hoped it would be withdrawn. We have already paid $14,500 for the suppression of our debates during this session; and he maintained that the cost under the new plan would not exceed one-half now paid for reporting, printing, and burying our speeches. He referred to an estimate of the actual cost of the official reports at this session, at $1,000 per month, to show that the Senate paid too much for them. He stated, that after paying $14,500 for the reports of the session, the reporter said he had lost $6,000, and he presumed that a claim would be made hereafter.

Mr. JOHNSON, of Maryland, expressed himself favorable to the resolution as reported. He thought the amendment was injudicious. As to the official reports, he was satisfied that they had not answered the purpose proposed, not from any fault of the reporter, but owing to the inadequacy of the compensation. The contract was for the whole Congress: $12,000 for the long session, and $6,000 for the short one. The additional $2,500 was for three hundred and fifty copies of the reports, to be given to the members of the House. He was anxious to do no injustice to the reporter, who calculated on greater profit from the short session than he had obtained through the long one. He presumed it was not intended to do any injustice.

Mr. BENTON adverted to the struggle which he had made at the close of the last session against this contract which was suddenly sprung on the Senate. He had shown the impossibility of reporting speeches fully for publication the following morning. He was solitary and alone in this struggle.

Mr. NILES complained that the Senator should have said he was solitary and alone in this struggle, and had quite forgotten him (Mr. N.) who stood by his side.

Mr. BENTON replied inaudibly.

Mr. HALE vindicated the official reporter against the charge of utter failure. The failure was owing to the inadequacy of the compensation. He was in the habit of reading the reports of other speeches than his own.

Mr. BENTON. For the purpose of attack. That was the exception.

Mr. HALE. I have read those of the Senator from Missouri for information.

Mr. BENTON. I wish the Senator was better employed.

Mr. BADGER was compelled to acknowledge that the judgment of the Senator from Missouri relative to this plan of reporting had been verified by the result. But the failure was not attributable to the reporter, but to the insufficiency of the means at his disposal. So far as accurateness, politeness of demeanor, and a courteous disposition to accommodate Senators are concerned, the reporter had been all that could be desired; and he hoped no imputation would rest on him. He would now withdraw his amendment.

Mr. FOOTE concurred in what had been so gracefully and forcibly expressed by the Senator from North Carolina in favor of the reporter. He had been in the habit of association with that gentleman by night and day, and he could not consent that he should be discharged from the service of the Senate, impoverished by his labors, which had been so arduous as to have frequently broken down his health. One of the reasons of the delay in the publication of the reports was the chariness felt by Senators as to their reputation, which induced them to revise their speeches before they permitted them to be sent out to the world.

Mr. BENTON admitted the impossibility of any accuracy of report, when Senators could not understand each other.

Mr. JOHNSON, of Maryland, moved to amend the resolution, by inserting a provision, that a compensation of $2,500 be granted to the reporter, as a compensation, on the relinquishment of his contract; which was agreed to.

Mr. KING remarked on the difficulties which stood in the way of correct reporting. He believed that no system could be adopted which would give universal satisfaction. There would be complaints before the expiration of a single year. He thought we had better return to the old system, by which running reports were circulated through the country, and if they sometimes did injustice, they were, on the whole, not materially wrong. He would move to strike out the part of the resolution which provides for the publication of written revised speeches. There should be sworn reporters.

Mr. BENTON reminded the Senator from Alabama, that this new plan would be under the daily control of the Senate. As to the revision of speeches, it was a practice of long standing. These speeches were published in the districts to which the gentlemen belonged; and, if they were of public importance, they found their way into other papers. As to the writing out of speeches, he wished he could have the opportunity to write out all his speeches—to revise, chastise, punish them. The true as well as the customary mode of reporting was not literal, but historical—using the third person, not the first. He was against swearing. How could reporters be sworn to report correct speeches, when Senators themselves could not hear each other?

Mr. KING explained, that a suggestion was formerly made to change the usual mode of reporting, and to employ sworn reporters. He stated what was the practice in the British Parliament, where reporters succeeded each other, and sent their reports to the printing office as the speaking was going on. No reporter can take down every word, even when the Senate is in order; when it is not in order—and he regretted that it was now more disorderly than he had ever known it to be—it was impossible to come near it. He hoped the clause to which he had objected would be stricken out, and then he would not make any strenuous objection to the resolution.

Mr. HANNEGAN testified in favor of the talents and politeness of the reporter, while he was in favor of the resolution as it had been amended.

Mr. ALLEN said, that a correct system of reporting was very desirable, and he knew no better plan than had been suggested by the committee. He desired to amend, by introducing a provision that the Journal of the Senate should be published at the end of every week, which would give the debates, the yeas and nays, and proceedings on all great private claims. Two reporters are not sufficient to give reports of all that is said here. If you take enough of them, you may have every word reported. In England, no reporter takes more than twenty minutes, when he goes out and corrects his report while it is fresh in his mind, and hands it to the printer, while another reporter takes his place. No reporter can report more than twenty minutes. He believed that in this Senate there was a more correct delivery than in the British House of Lords.

Mr. BENTON hoped the Senator would add to his proposition a provision striking out all the rest of the resolution.

The amendment offered by Mr. KING was negatived.

Mr. ALLEN'S amendment was negatived.

Mr. WESTCOTT was, he said, against the resolution, and would call for the yeas and nays.

The question being taken, the resolution was adopted: Yeas 37, nays 9, as follows:

YEAS—Messrs. Allen, Atchison, Badger, Baldwin, Bell, Benton, Berrien, Bright, Butler, Calhoun, Cameron, Clarke, Corwin, Davis of Massachusetts, Dickinson, Dix, Dodge, Downs, Felch, Fitzgerald, Foote, Greene, Hamlin, Houston, Johnson of Maryland, Johnson of Louisiana, Mangum, Mason, Metcalfe, Miller, Niles, Pearce, Phelps, Spruance, Underwood, Upham, and Yulee—37.

NAYS—Messrs. Borland, Breese, Davis of Mississippi, Hunter, Johnson of Georgia, King, Lewis, Walker, and Westcott—9.

MAIL POST ROUTES.

On motion of Mr. NILES, the Senate then proceeded to the consideration of the House bill to establish certain post routes, the amendment pending being that of Mr. NILES, in the following words:

SEC. 10. *And be it further enacted*, That, from and after the first day of October next, the postage on newspapers and other printed matter shall be as follows: all newspapers, pamphlets, magazines, and books, whether periodicals or not, not exceeding one ounce in weight, shall be charged with one cent postage, and a like sum for every additional ounce, or fractional part thereof, amounting to a half ounce: *Provided*, That newspapers, not exceeding one ounce in weight, and not sent over fifty miles from the office of publication, shall be charged with one-half cent postage; and on all newspapers not sent from the office of publication the postage must be prepaid one cent: *And provided further*, That nothing herein contained shall take away the right of publishers to receive newspapers in exchange free of postage; and the like privilege of exchange shall be extended to other

periodicals the same as to newspapers: *And provided*, That newspapers not exceeding five hundred square inches, and sent in bundles weighing four ounces or more, and directed to one person only, shall be charged with postage at the rate of one cent per ounce. And the same franking privilege enjoyed by members of Congress shall be extended to the Heads of Departments and the Attorney General.

Mr. DICKINSON moved to add the following proviso, to come in after the word prepaid:

Provided, That all newspapers which are published weekly may be sent any distance within fifty miles, or throughout the county where printed, free of postage.

Mr. DICKINSON asked the yeas and nays on the amendment, which provides that newspapers shall be transported free within thirty miles.

Mr. BORLAND restated his objections to the amendment, because it would not benefit the sparsely peopled districts of the West.

Mr. DICKINSON replied that were we to legislate from this time till doomsday, it would be impossible to put the West on the same footing of convenience with the large cities and densely peopled regions.

Mr. CAMERON advocated the amendment as beneficial to the publishers of the small country papers.

Mr. DAVIS, of Mississippi, was against the amendment, if it diminished the compensation to postmasters.

Mr. DICKINSON said its effect in reference to the compensation would be very trifling.

Messrs. JOHNSON, DOWNS, FOOTE, NILES, and DICKINSON, made some brief remarks, when Mr. DICKINSON modified his amendment so as to read "fifty miles."

The question was taken by yeas and nays, and decided in the affirmative, as follows:

YEAS—Messrs. Allen, Atherton, Borland, Bright, Cameron, Clarke, Corwin, Dickinson, Dodge, Downs, Felch, Foote, Greene, Hale, Houston, Johnson of Maryland, Johnson of Louisiana, King, Mason, Miller, Phelps, Spruance, Turney, Upham, and Walker—25.

NAYS—Messrs. Badger, Calhoun, Davis of Mississippi, Hamlin, Johnson of Georgia, Lewis, Mangum, Metcalfe, Niles, Pearce, Sebastian, Underwood, Westcott, and Yulee—14.

Mr. WESTCOTT moved to strike out and insert, that newspapers published weekly shall be transmitted free of postage through the State in which they are published.

The motion being declared out of order—

Mr. HALE moved to reconsider the vote by which the amendment of the Senator from New York had been agreed to, but the motion was withdrawn.

The question was then taken on the amendment as amended, and the result was as follows:

YEAS—Messrs. Allen, Atherton, Baldwin, Bright, Cameron, Clarke, Dayton, Dickinson, Dix, Dodge, Douglas, Downs, Felch, Fitzgerald, Greene, Houston, Johnson of Maryland, Miller, Niles, Phelps, Spruance, Sturgeon, Upham, and Walker—24.

NAYS—Messrs. Badger, Bell, Berrien, Borland, Bradbury, Butler, Calhoun, Corwin, Davis of Massachusetts, Davis of Mississippi, Hamlin, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Pearce, Sebastian, Turney, Underwood, Westcott, and Yulee—24.

Mr. DICKINSON then moved to reconsider the vote by which the amendment was lost; and after some remarks—

Mr. HALE moved to lay the motion to reconsider on the table; and the yeas and nays having been demanded, the vote stood for laying the motion on the table as follows:

YEAS—Messrs. Badger, Berrien, Borland, Bradbury, Clarke, Corwin, Davis of Mississippi, Dodge, Hale, Hannegan, Houston, Johnson of Maryland, Johnson of Georgia, King, Sebastian, Spruance, Underwood, Walker, and Westcott—19.

NAYS—Messrs. Atchison, Atherton, Baldwin, Breese, Bright, Calhoun, Cameron, Dickinson, Dix, Downs, Johnson of Louisiana, Lewis, Niles, Pearce, Turney, and Yulee—16.

Mr. WESTCOTT then renewed the clause just rejected with the following proviso:

Provided, That all newspapers published weekly shall not be charged postage within the State in which the same are published.

Mr. HAMLIN opposed the motion as imposing an unequal tax on the press.

Mr. WESTCOTT vindicated his motion, on the ground that papers which were taken within the State are taken for the business information.

Mr. CAMERON was opposed to the amendment, because it took in the weekly papers published in the cities, which are made up from the daily.

Mr. UNDERWOOD asked for the yeas and nays, which were ordered; and after a few words from Mr. WESTCOTT and Mr. NILES, the question was taken and decided as follows:

YEAS—Messrs. Allen, Badger, Benton, Berrien, Borland, Breese, Corwin, Dodge, Douglas, Downs, Felch, Fitzgerald, Hale, Houston, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Sebastian, Spruance, Turney, Underwood, Upham, Webster, and Westcott—25.

NAYS—Messrs. Atchison, Baldwin, Bell, Bradbury, Bright, Butler, Cameron, Davis of Massachusets, Davis of Mississippi, Dickinson, Dix, Hamlin, Hunter, King, Mason, Miller, Niles, Pearce, Phelps, and Sturgeon—20.

An amendment was offered by Mr. YULEE, the effect of which was to take away the discretionary power from the Postmaster General; and after some considerable debate, in which Messrs. YULEE, BRIGHT, NILES, and others, participated, the question was taken and decided in the negative.

Mr. NILES then moved to amend the bill by inserting the following:

And be it further enacted, That the Postmaster General be, and hereby is, authorized to advance to the Ocean Steam Navigation Company a sum not exceeding $25,000 per month, to enable the company to complete the steamship Franklin, now building by said company, and to take security on said ship for the money so advanced, in such way as he may deem correct and safe for the United States, and said money to be reimbursed from the payments to which said company may be entitled for carrying the mail to Southampton and Bremen, according to their contract: *Provided*, That the whole sum advanced shall not exceed $150,000: *And provided, further*, That said company shall complete said steamer within nine months, and shall also make an arrangement with the owners of the steamship United States to form a line with the Franklin to Havre, in France, and the company to run only two ships to Bremen.

This led to some considerable debate, in which Messrs. DICKINSON, DIX, BRADBURY, ALLEN, NILES, and others, participated; when the question was taken by yeas and nays, and decided in the negative, as follows:

YEAS—Messrs. Badger, Baldwin, Bradbury, Davis of Massachusetts, Dayton, Dix, Downs, Foote, Hale, Hamlin, Johnson of Maryland, Johnson of Louisiana, Miller, Niles, Pearce, and Sturgeon—16.

NAYS—Messrs. Allen, Atchison, Atherton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Clarke, Corwin, Davis of Mississippi, Dickinson, Dodge, Felch, Fitzgerald, Hannegan, Houston, Hunter, King, Lewis, Mason, Metcalfe, Phelps, Sebastian, Spruance, Turney, Underwood, Walker, and Westcott—30.

Mr. BORLAND moved an amendment, authorizing the Postmaster General to make a contract for a mail steamer down the Mississippi; which was negatived.

Mr. PEARCE moved to amend the bill, by inserting a provision to pay J. B. Sullivan a claim for work done for the Post Office Department; which was agreed to.

Mr. PEARCE moved an amendment for the payment of J. L. Graham, late postmaster of New York, for expenses incurred by him; which was agreed to.

Mr. YULEE moved to amend the bill by inserting a clause rendering it imperative on the Postmaster General to let the different post routes in this bill, and those heretofore ordered by different acts, at the next letting after the passage of this act. Heretofore he has exercised a discretion on this subject, denying the right of Congress to take it from him, as to the propriety of establishing the routes specified in the legislative acts.

The motion was disagreed to.

The Senate then took a recess until six o'clock.

EVENING SESSION.

Mr. HALE moved to take up the bill to regulate appeals from the trial of issues in the District of Columbia; the passage of which was, he said, absolutely necessary to enable the people of this District to obtain justice.

Mr. BADGER thought it better, he said, to leave the matter as it was.

Mr. BUTLER advocated the motion to take up the bill. When issues were sent down from the chancery and orphans' courts, the decision of the circuit court was final. There was no appeal. He was not anxious about the matter.

Mr. MASON asked if the motion was not to take up the bill?

The PRESIDENT *pro tem.* said that was the motion; and that there was a bill now before the Senate, to wit: the bill to establish certain post routes.

The bill to establish certain post routes was then taken up; and it was, on motion, without any action, laid on the table for the present.

MEXICAN CLAIMS.

On motion of Mr. BENTON, the Senate took up, as in Committee of the Whole, the bill to carry into effect certain stipulations of the treaty between the United States of America and the Republic of Mexico of the 2d day of February, 1848.

Mr. BENTON moved to strike out the first section, which was in these words:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized, upon the presentation of the certificates issued to citizens of the United States for the sums awarded against the Republic of Mexico, under the act of September 1, 1841, entitled "An act in addition to an act entitled 'An act to carry into effect a convention between the United States and the Mexican Republic,'" and under the act to which the same was an addition, to ascertain the amount due on said certificates respectively, and to pay the amount so ascertained to be due to the parties legally entitled to receive the same, upon the surrender of said certificates to the Treasury Department.

Mr. B. said this was perfectly unnecessary, provision having been made by another bill.

After some conversation between Mr. BENTON, Mr. JOHNSON of Maryland, and others, the motion to strike out was agreed to.

The second section was next read as follows:

SEC. 2. *And be it further enacted*, That all claims of citizens of the United States against the Republic of Mexico, which were considered by the board of commissioners appointed under the convention of 11th April, 1839, and referred to the umpire, and which were not decided by him, but returned to the said board by the said umpire on the 25th February, 1842, shall be considered as adjudicated, and the sums awarded in favor of said claimants respectively, and reported to said umpire, together with interest on the same, as provided by said convention of 11th April, 1839, to be paid upon the final awards of said board, shall be paid to said claimants, or their legal representatives, respectively.

Mr. BENTON moved to amend this section, by adding thereto a proviso, as follows:

Provided, That this section shall be construed to provide for the payment only of such awards or parts of awards, without interest, as were concurred in by both American Commissioners on the part of the United States: *And provided further*, That the payments provided for by this section shall be made out of any money in the treasury not otherwise appropriated, bearing interest at six per cent. per annum, as the President may direct.

Mr. B. said he desired to make the provision so plain that it could not be misunderstood. He entered into an explanation of the mode of proceeding by the commission, and the reason why the sum of $928,000, which was adjudicated by the commissioners, was not paid. He said this provision would cause the claimants to be paid whose claims had been adjudicated by the commissioners, and he argued that they should not again be required to go before another board to establish their claims.

Mr. JOHNSON, of Maryland, concurred with the honorable Senator from Missouri, that it would be exceedingly unjust to compel these claimants to go before another board and reproduce their proofs, particularly since very many of the proofs on which the pending claims were adjudicated had been taken away by the Mexican commissioners. He also wished to inquire whether this amount was to be paid out of the three and a quarter millions, or out of the treasury of the United States? He understood that it was proposed to be paid out of the treasury, and not to be a reduction of the three and a quarter millions.

Mr. BENTON replied that it was so. The proviso, as he had stated, was to prevent misunderstanding. These amounts, by the provision, would be paid out of the treasury, leaving the three and a quarter millions for the payment of claimants to be hereafter decided upon. And if the amount of the claims should exceed the three and a quarter millions, the distribution must be a *pro rata* one. There would be no difficulty in this case. This was not a question between the United States and a foreign country requiring an umpire, but between the United States and her own citizens, and the proviso was constructed with great care for the purpose of giving a protection against any injustice to the claimant.

Mr. BRADBURY reminded the Senate of the fact that the umpire, when he adjudicated other claims, made a reduction of 30 and 32 per cent.; and if these claims were to be paid with such a reduction, an inequality would exist, and these claimants would be placed in a better position by 30 or 32 per cent. than those on whose claims the umpire had acted. He also commented on the fact that interest was proposed to be paid on these claims, and added that he had hoped the three and a quarter millions would have covered the whole of the claims.

Mr. BENTON entered into further explanations. The question in relation to interest was

one of amount merely. Owing to the delay which had taken place, claimants had been compelled to go into the money market, and raise means for their wants at exorbitant rates. He disclaimed any design on the part of the committee to do injustice to any of the claimants. There were cases in which neither the board nor the umpire deducted a single cent. Others were reduced a little; some were reduced one half, and others one-third; the average may have been a third. But there was no regular rule to go by. Some had one hundred per cent. taken off. He knew that in the claims now under discussion there would have been no deduction at all. The bill, he thought, was about perfect as it stands. It had passed the revision of a committee, and had received much consideration. As to the interest, it would be cruel to take it away from persons who could show their accounts, and prove that they had paid three times eight per cent. for money.

Mr. KING contended that the interest ought not to be allowed. He entered into a detail of the circumstances of the case, to show the ground on which he rested this opinion. If he had known nothing of these claims, the argument of the Senator from Missouri would have been sufficient to satisfy him that it would be most unjust to allow this interest. The American commissioners had clearly endeavored to make the amount due to American citizens as large as possible, and this was the cause of the deduction by the umpire. There had been no final decision, or it could not have become necessary to introduce this bill. As far as the awards were made by our commissioners, it would not look very well in us to refuse to pay them; but he saw no good reason for the payment of interest. The effect would be to deprive others of interest perhaps as justly due to them. He would not look behind the proceedings of our commission, although he might do so; but he should certainly oppose the payment of interest.

Mr. BENTON said this was a struggle for interest. He had heard of different beds—the bed of justice was one; and there was another bed made by a person whose name would present itself to every Senator, which was exactly four feet ten inches long; and to this everything stretched on it was to be curtailed. But this he deemed to be a worse scheme of reduction than that he had alluded to. Every claim, without regard to circumstances, was to be reduced to this four feet ten and a half inches, because the arbiter had deducted thirty-three per cent.

Mr. BRADBURY was of opinion that we could not do better than adopt the rule of deduction established by the commissioners. What other rule had we for our guide? If we adopt the decision of the board in other respects, why should we not do so in the case of the amount to be deducted? The arbiter was independent, and he had examined the cases, and had laid down the rule which had been referred to. If we take any other rule, we shall disregard the rule laid down by the arbiter. He thought we could not have a more correct or more reasonable rule than that of the board, corrected by the arbiter. He was not prepared to state correctly to what class these claims belong. If the claims are reduced in the same ratio as the deduction of the arbiter, and give eight per cent. interest, the amount of the claims would be between nine hundred thousand and a million dollars. If the claims were equal in justice to those passed on by the arbiter, there was no reason why the interest should be allowed. He did not desire to do any injustice to the claimants, and rather than send them back to another commission, he would be willing to give a larger amount.

Mr. JOHNSON, of Maryland, moved to amend the proviso by adding:

And said claims in all other respects shall be placed upon the same footing with the claims included in the 13th article of the treaty between the United States and Mexico, of the 2d of February, 1848.

Mr. CALHOUN called for the yeas and nays on the amendment offered by the gentleman from Maryland [Mr. JOHNSON] to the amendment of Mr. BENTON.

Mr. JOHNSON said he must vote against the amendment. It was based on the idea that these claims were to be placed on the same footing with those submitted by the board. The Senator from Alabama thought the claimants might consider themselves fortunate if they get their claims without interest.

Mr. KING said he wished to be understood. He had said that the umpire had scaled down the claims, and it was to be inferred that they were too high.

Mr. BENTON said the Senator from Alabama had used the word "scale" four times. Did he intend to say that to scale was to reduce?

Mr. KING. Yes.

Mr. BENTON replied it was not so. A scale was a long-tried instrument, which leveled off horizontally. The continental bills were scaled.

Mr. JOHNSON resumed his remarks in favor of the claims and interest. He argued that if the officers of the Government had decided the amount to be due, there could be no propriety in our deciding that they are not due.

Mr. BADGER stated that the United States had, by treaty, discharged Mexico from all responsibility, and we had assumed these claims to the amount of three and a quarter millions. He was opposed to the treaty, because he felt that we ought not to discharge another government from responsibility until we were prepared to pay these claims. He therefore desired to strike out the limitation of three and a quarter millions, because the total amount was unascertained. Between the claims which had been adjudicated, and such as had not been adjudicated, he could not see the smallest distinction. Should it turn out that the claims exceed in amount the three and a quarter millions, was that to be regarded as a reason why we should not pay them? If the claims were to reach five millions, we were as much bound to pay them as if they fell within the three and a quarter millions. He did not exactly understand the amendment of his friend from Maryland; but if it placed all on the same footing, he should not oppose it.

Mr. UNDERWOOD was not willing to pay all these claims. He read the thirteenth article of the treaty, which specified claims already liquidated and decided against the United States. Now, these were all the claims which were then due. The claims under the award of the arbiter, which were not decided, were not embraced in this article of the treaty. The correctness of this view being admitted, as it was, by his friend from Maryland, he went on to show that there was no reason why these claims should be now allowed. If it was intended to give away this $900,000 out of the treasury, it was then a manifest, open gift. It did not, then, come within the claims chargeable on the three and a quarter millions. It was a sum in addition to the three and a quarter millions, and transcended by nearly a million the sum we are bound to pay by compact; and it is thus so much thrown away. It is proposed to pay $900,000 now, and postpone the other claims for two years. It is said there are outstanding claims to the amount of six or six and a half millions: so that the three and a quarter millions will only pay fifty cents in the dollar; and no argument can do away the injustice of paying a portion in full now, and a small portion of the residue at a future period.

Mr. JOHNSON, of Maryland, said he took a different view. He thought we were bound to pay all debts justly due. He was ready to vote for the payment in full of all these claims, whenever proof should be produced.

Mr. PHELPS said, we could not pay the whole of these debts in full. If we pay now a portion in full, we cannot pay in full those which will remain to be paid. If we assume that the $900,000 are to be deducted from the three and a quarter millions, and the rest must be a dividend, how can we pay the $900,000 until you ascertain what the *pro rata* dividend is? We cannot either pay these men out of the treasury, or leave them to take their *pro rata*. He saw no mode but to adopt the amendment of the Senator from Maryland, or to strike out from the bill the provision for payment of these claims.

Mr. UNDERWOOD again referred to the treaty to show that we are only bound to pay the claims to an amount exceeding three and a quarter millions.

Mr. JOHNSON, of Louisiana, was of opinion that we were bound to pay the whole of the claims, without regard to the limitation of the treaty, even if they amounted to twenty millions.

Mr. UNDERWOOD said, if that was the true view, he could wish to have an examination of the claims, and of the extent to which they go.

Mr. WESTCOTT reminded the Senate that he had moved to strike out this limitation when the treaty was under consideration. He desired to see our country taking the same stand that England had taken in the protection of her commerce and citizens. He should vote for the payment of all liquidated claims, and would never sanction the idea that we used the claims of our citizens for speculative purposes in our negotiations with a foreign power.

Mr. CALHOUN said, the terms of the treaty were plain. It bound us to pay the claims of our citizens to the amount of three and a quarter millions. The unliquidated claims were to be settled to that amount. Out of what fund is this $900,000 to be taken?

Mr. JOHNSON, of Maryland. Out of the treasury.

Mr. CALHOUN. Not out of the three and a quarter millions? Then it does not come within the terms of the treaty. We are not bound to pay it until it has come before another board.

The question was then taken on the amendment to the amendment, and was decided as follows:

YEAS—Messrs. Badger, Baldwin, Benton, Bradbury, Clarke, Downs, Greene, Houston, Johnson of Maryland, Johnson of Louisiana, Pearce, Phelps, Upham, and Westcott—14.

NAYS—Messrs. Allen, Atchison, Bell, Berrien, Borland, Bright, Calhoun, Cameron, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Dodge, Felch, Hale, Hannegan, Johnson of Georgia, King, Lewis, Miller, Niles, Sebastian, Spruance, Sturgeon, Turney, Underwood, and Yulee—28.

Mr. BADGER moved to strike out the allowance of interest, but withdrew it on the suggestion that it was out of order. He then moved to insert the words "without interest"—ayes 25. So the amendment was agreed to.

Mr. CALHOUN said the amendment of the Senator from Missouri was objectionable, because it made a distinction between one portion of unliquidated claims against another portion of similar claims. He should vote against the amendment to the section, and then against the section itself.

Mr. UNDERWOOD thought the best mode would be to vote for the amendment; and having thus put the section in the best form, to vote against that part of the amendment of the Senator from Missouri he opposed; and that was the part which required these claims to be submitted to two commissioners.

Mr. CALHOUN, that he might not embarrass, withdrew his call for the yeas and nays; and the amendment was agreed to.

Mr. BADGER moved to amend by striking out the words "together with interest on the same;" which was decided in the affirmative—ayes 24.

Mr. JOHNSON, of Maryland, said, as the section now stood, he should vote for striking out the section. He had been informed, from a source in which he placed great reliance, that these claims had been submitted to the board, and that the papers were taken away by the Mexican commissioners; and if they were compelled to reproduce their proofs, they might be unable to do it. The two United States commissioners had pronounced in favor of these claims. He therefore proposed to offer an amendment, that these claims are adjudicated, by striking out in the second section all after the words "adjudicated," and inserting, "and shall be paid as found to be due upon the same footing with the claims included in the thirteenth article of the treaty between the United States and the Republic of Mexico, of the 2d February, 1848."

Mr. NILES was opposed to any new mode of settling and adjusting these claims, which might be productive of great injustice to either claimants. By deciding that these claims are adjudicated, we decide that all other claims are unliquidated.

Mr. ALLEN was of opinion, that if we go into the public treasury to pay these claims, there will no longer be any limit to them, and the treaty becomes a mere dead letter. By assuming the payment of these claims, to a limited extent, we interest every claimant to become vigilant in preventing fraud from another; because every one will argue, that the more there is given to another, the less will be his share.

Mr. DAYTON could not see the possibility of settling this matter so as to do justice to all. He did not think that we could now settle the matter. It had been decided that this $900,000 should not be paid out of the treasury, and we must now wait to see what will be the *pro rata*. He could not assent to the views of the Senator from Maryland. It was probable that the papers—these vouchers which he said were taken away by the Mexican

commissioners—may not these papers have been Mexican vouchers? If not, they may be recovered, as the treaty provides that such papers shall be given up when demanded.

Mr. DAVIS, of Massachusetts, remarked on the character of the tribunal to which these claims had been referred. Before this board, being a joint commission, it was perfectly natural that the Mexican commissioners would put the best face on Mexican claims, and the United States commissioners would do the same with reference to American claims. They were not, by the obligations imposed on them, precluded from doing this. He thought there should be a revision of these claims, and that they should be put on the same footing with other claimants. They could then be easily adjusted. We may then be bound to allow these claims.

The amendment was then negatived.

Mr. UNDERWOOD moved to strike out the second section, and asked for the yeas and nays, which were ordered; and the question being taken, was decided as follows:

YEAS—Messrs. Allen, Badger, Baldwin, Berrien, Breese, Bright, Butler, Calhoun, Clarke, Corwin, Davis of Massachusetts, Dayton, Dodge, Foote, Hamlin, Houston, Hunter, Johnson of Maryland, Johnson of Georgia, King, Lewis, Mangum, Miller, Niles, Pearce, Sebastian, Spruance, Sturgeon, Turney, Underwood, and Yulee—31.

NAYS—Messrs. Benton, Downs, Hannegan, Johnson of Louisiana, Mason, Upham, and Westcott—7.

Mr. JOHNSON, of Maryland, proposed to amend the bill so as to provide that the secretary of the commission be appointed by the President, with the advice and consent of the Senate, and that the clerk be appointed by the board.

Mr. KING suggested that the board could accomplish their business with a secretary alone.

The amendment was agreed to.

The bill and amendments were reported to the Senate. The question being on concurrence in the amendments, Mr. BALDWIN proposed to amend the bill.

Mr. B. thought, he said, there was much reason in the objections made to the recognition of the claims, under the second section, as adjudicated, because it would prevent the board from examining all the evidence upon which the claims rested. But there was great hardship in obliging the claimants to incur the expense of obtaining the evidence of their claims from Mexico, to which they have been sent back. The claims should be considered as adjudicated so far as to be *prima facie* evidence of their validity.

Mr. ALLEN and Mr. BERRIEN opposed the amendment. We had no reason to believe that duplicates had not been retained of all vouchers, or that the Mexican Government would not deliver them up.

Mr. BALDWIN offered an amendment accordingly, which was rejected.

The amendments were concurred in, and the bill was passed.

Mr. HALE offered a resolution (which lies over) for compensating James Moore for performing duties as carrier of the Senate.

POST ROUTES.

Mr. DICKINSON moved to take up the bill to establish certain post routes; which was agreed to.

Mr. ATCHISON moved the indefinite postponement of the bill; which was supported by Mr. KING.

Mr. DOWNS, Mr. HOUSTON, and Mr. WESTCOTT opposed the motion.

Mr. DICKINSON made some remarks upon a portion of the bill which appeared to him to be very obscure.

Mr. NILES made some explanation as to the present state of the bill.

After some remarks on a question of order, the Senate, by reconsideration, reached the amendment given in a former part of the report respecting the rate of postage on newspapers.

Mr. DICKINSON moved an amendment to this amendment, striking out the words relative to the circulation free of postage of newspapers through the State, and substituting a provision for the free circulation of weekly newspapers within fifty miles from the place of their publication.

After some remarks from Mr. WESTCOTT, Mr. NILES, and Mr. BADGER, as to the expediency of the amendment adopted in relation to newspapers—

Mr. CALHOUN suggested that the Senate should be very careful not to embarrass the whole machinery of the Post Office Department. These provisions exempting newspapers from postage, might seriously affect the revenue.

Mr. DICKINSON's motion to strike out and insert was rejected.

The question recurring on the amendment, as it was reported to the Senate, it was rejected.

The bill was then passed.

By consent, the message from the House asking a conference on the disagreeing votes of the two Houses on the army appropriation bill was taken up, and a committee of conference was ordered.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business at half-past ten o'clock, and at eleven o'clock adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August* 12, 1848.

Mr. WENTWORTH called up the motion made some days since by Mr. THOMPSON, of Pennsylvania, to reconsider the vote by which the Senate bill for the relief of Charity Herring was passed.

The motion to reconsider having been by general consent agreed to—

Mr. THOMPSON, of Pennsylvania, moved a proviso that the patent granted by this act shall not be construed to impair any legal or equitable claim of any person to said tract of land; which being agreed to, the bill was read a third time and passed, and returned to the Senate.

GERMANY.

Mr. C. J. INGERSOLL offered the following joint resolution, which was read and laid over:

Whereas it is as much the right as it is the interest of the people of this, the oldest and freest of confederated republican commonwealths, to sympathize and rejoice with all others following our example, and, above all, that great German nation from whom not only we but most of our English ancestors and institutions are descended: Therefore, be it

Resolved, &c., That their congratulations are tendered to the United German Confederation, lately founded on the great principles of the sovereignty of the people in sovereign States, to govern themselves without hereditary rulers, whereby forty millions of Germans may be peaceably restored to the first rank among great nations; and that the President of the United States is hereby requested to transmit a copy of this resolution through the American Minister accredited to the German Confederation.

COMMISSIONER OF INDIAN AFFAIRS.

Mr. FRIES presented a letter from Mr. Medill, Commissioner of Indian Affairs, in reply to a speech made by Mr. CLINGMAN two or three days since, in which he expressed his belief that there was gross corruption in the Bureau of Indian Affairs. The letter from Mr. Medill denied that there was any corruption in his office, and charged Mr. CLINGMAN with having made false and unfounded assertions, and asked that a committee might be instituted to inquire into the charges.

Said communication was read, and is as follows:

To the honorable the House of Representatives of the United States:

During the debate which took place in the House of Representatives, on an amendment made by the Senate to the civil and diplomatic bill, allowing to David Taylor the sum of $12,800 for a certain reservation claimed by him under the treaties of 1817 and 1835 with the Cherokees, as reported in the National Intelligencer of this morning, I find the following, viz:

"Mr. CLINGMAN supported the claim, and took occasion 'to warn the committee against any opposition which might 'have been made to it by Mr. Medill, the Commissioner of 'Indian Affairs, who, he understood, had endeavored to pre-'judice the claim, because the agents of the claimant per-'emptorily refused to make an allowance for his favoring 'the claim. Mr. C. denounced the Indian Bureau as thor-'oughly corrupt. He had been credibly informed that the 'books in that bureau had been altered and falsified for cor-'rupt purposes, (though this, he believed, had been done 'during the incumbency of Mr. Crawford, the predecessor 'of the present Commissioner.) He had no confidence in Mr. 'Medill; nor would he believe any statement he should 'make. An application had been made to the department 'to have the books taken out of his office, and deposited in 'some place where they would be safe from alterations."

It is seldom that a public officer is justified in noticing attacks of this kind; but the above charges are of so grave and specific a character, and so seriously reflect, not only upon myself, personally and officially, but upon the administration of the whole of that branch of the public service intrusted to my charge, that a different course on this occasion seems to be called for. If true, I should be driven from the office I now hold with ignominy and disgrace, to become an object of scorn and contempt to all upright and honest men; and proper legislation should be had, at the earliest period, to punish such abuses, and prevent their recurrence. If untrue, and without any foundation, it is due to every principle of justice and common fairness, that the fact should be authoritatively ascertained and published to the world, that neither myself nor the office may rest under imputations so injurious, and which I unqualifiedly and indignantly pronounce to be wholly and basely false, in each and every particular.

I beg leave to state the following facts and circumstances for the consideration of your honorable body. The claim of Mr. Taylor, who is a white man married to a Cherokee woman, never came before the Office of Indian Affairs for its action. That office had nothing to do with the claim, and could and did take no cognizance of it. Like others under the treaty of 1835 with the Cherokees, it was to be adjudicated and settled, as required by the 17th article of that treaty, by commissioners appointed by the President and Senate. Four different boards of commissioners were appointed and organized under that article, which sat for the transaction of business—in all, about five and a half years. Mr. Taylor's claim, in one shape or another, was before the whole of them. By the first board he was allowed $1,518—being the amount which he had paid to the State of Tennessee, under a law of that State—with interest thereon, to obtain a fee-simple title; in addition to which, he claims the value of the reservation as unimproved land. This has not been allowed by either of the boards of commissioners. The second board declared the claim "*res adjudicata*—not considered by present commissioners." The third board decided that Mr. Taylor had no right to the claim; whatever interest there was remaining, being in his Indian wife and her children, the reservation having been taken in right of the wife under the treaties of 1817 and 1819 with the Cherokees. So far as he himself was concerned, the action of this board was adverse; but the question of the interest of the wife and children was left open for consideration on such evidence as might be produced in support thereof. So it stood until the organization of the fourth board, by which it was simply dismissed, without any formal or specific action upon its merits.

When the amendments of the Senate making an appropriation for this claim, and for certain claims of the Creek Indians, were under consideration by the Committee of Ways and Means of the House of Representatives, I was summoned by that committee to give information respecting these claims. I accordingly appeared before the committee, and gave such information as it was in my power to furnish, which was almost exclusively of record, and derived from the official records and papers I had taken with me, and submitted to the committee. And I have yet to learn that the committee discovered the slightest evidence or trace of any alteration or falsification, by myself or any one in my office, of these records and papers. This was the only occasion on which I have ever been called upon to take any part in relation to this claim; and I am sure the Committee of Ways and Means will bear testimony that I made no effort to prejudice them against the claim, further than the statement of the facts from the records which it was my duty to give to them. Where, then, can there be any grounds for the base, wanton, and malicious charges against me in reference to it? I can trace them to no other cause than disappointed pecuniary expectations, as it is generally understood that Mr. Taylor has been in the habit of making promises of liberal rewards to those whom he believed could aid him in obtaining the amount of his claim.

I consider it not out of place, and I respectfully ask the permission of your honorable body, to advert to the position of the honorable gentleman who made the charges quoted, in another case recently before you; and, in view of the facts and circumstances connected therewith, it is hoped that he will join in the application now made, or at least not oppose it.

It will be recollected that the Senate made an amendment to the bill making appropriations for the Indian department, by which a large amount was to be paid to certain Cherokee Indians in North Carolina, from the treasury of the United States. I was summoned before the Committee of Ways and Means to furnish information respecting this case, when the honorable gentleman also appeared as an advocate or attorney, and strongly supported the claim as it passed the Senate. The committee and the House saw proper to disagree to the Senate's amendment, and made an important alteration therein, which might seriously have affected the interests of the Indians, or rather of the white speculators interested in the claim. Yet notwithstanding the peculiar position occupied by the honorable gentleman, as stated above—which, however, could not have been known to the honorable Speaker of the House of Representatives—he became one of the Committee of Conference on the disagreeing votes of the two Houses of Congress on this same claim. Notwithstanding this remarkable circumstance, and the honorable gentleman's peculiarly zealous advocacy of Mr. Taylor's claim, it is hoped he will not be adverse to others endeavoring to vindicate themselves from unjust aspersions. Indeed, the gentleman's own position was so peculiar and delicate a one, that it was to have been expected, that instead of rising in his place, and making gratuitous and calumnious charges against others, he would, if he really believed there were good grounds for those charges, have moved for a committee of investigation, of which, by the usages of your honorable body, he would have been the chairman; by which course he could have ascertained the truth, without bringing into question his own singular and extraordinary position. Not having done so, and having pursued the wanton and unjust course he did, devolves upon me the duty of making this application. Wherefore, I respectfully pray that your honorable body immediately appoint a committee, with full and ample power and authority to require books and papers, to examine witnesses, and to investigate fully, not only the foregoing charges against myself, and the office and department of Indian Affairs, but any others that may be brought to the knowledge of the committee, and likewise all the facts and circumstances respecting, or in any way connected with, the two claims adverted to, of Mr. Taylor and the Cherokee Indians in North Carolina, and their advocacy before the commissioners under the treaty of 1835, and the committees and Houses of Congress.

I invite the most rigid scrutiny into the affairs of the office intrusted to my charge, as well as into my personal acts in

any way directly or indirectly connected with the public service. And I cannot but think that that spirit of magnanimity and sense of justice, which it is the duty of every American citizen to attribute to your honorable body, will at once prompt you to accede to this application—necessary as the same is with reference to the preservation of the purity and respectability of the public service, and called for as it is by justice to the character and standing of a man grossly and unjustly assailed in your honorable body, where, unless permitted by you, he has not the right to appear and defend himself.

W. MEDILL,
Commissioner of Indian Affairs.

OFFICE OF INDIAN AFFAIRS, *Washington, Aug.* 11, 1838.

The reading of the letter was frequently interrupted and objected to, on the ground of its offensiveness to the dignity and character of the House.

Mr. ROCKWELL, of Connecticut, rose, and defended the rights and privileges of the members of the House against such attacks from a subordinate officer of the Government. He concluded by moving that the letter be not received.

Mr. FRIES replied that an attack had been made on the floor of the House by the gentleman from North Carolina on Colonel Medill, to which no honorable man would submit. He was willing to admit that the letter was not couched in the most respectful language. The Commissioner had been charged with corruption and fraud, to repel which it was not to be supposed that he would be very careful in choosing his language. He hoped that a committee would be raised to inquire into the charges made by the gentleman from North Carolina, as was asked by Mr. Medill.

Mr. CLINGMAN said the report of his remarks in the Intelligencer, in which he had alluded to the corruption of the Indian Bureau, was not entirely accurate, but, from information received since he had made those remarks, he was satisfied of the corruption of that bureau. He also reiterated some of the strong language which he had heretofore used in relation to the Commissioner.

Messrs. BURT and EVANS followed, and spoke at some length against the reception of the letter of Mr. Medill, on account of the offensive language in which it was couched. The privileges of the House secured the freest and most ample debate, which should, however, be exercised with prudence, but under no circumstances could it be tolerated that an officer of a subordinate department of the Government should send to this House an offensive communication like this. If he had felt aggrieved, he should, in the first place, have ascertained from the honorable gentleman from North Carolina if he was correctly reported; and in the next place, he should have asked for an investigation. But he had gone beyond this, and written an insulting letter, which the House could not receive without forfeiting its own self-respect. The Executive had long sought to degrade the House, and now he had an imitator in one of his subordinates.

Mr. WOODWARD said he had no remarks to offer in relation to the propriety of the course pursued by the honorable member from North Carolina, [Mr. CLINGMAN,] nor did he rise to vindicate the supposed privileges of members of this House. He denied that any privileges existed except by the positive provisions of the Constitution, or such as Congress might enact, in pursuance of its right of exclusive legislation in this District.

His intention was to express his view of the conduct of the Commissioner of Indian Affairs in sending to this body an insulting and offensive communication. It appeared to him that everything was tending to the humiliation and debasement of the legislative branch of the Government. If a similar communication had been addressed to the Executive branch, or even to one of its subordinate departments—the War or the State Department—it would have been regarded as an outrage. He (Mr. W.) would have so considered it. And he did not hesitate to declare that he would vote to dismiss from office any officer of this House who, in his official position, should be guilty of such an act. Should the Clerk of this House, the Sergeant-at-arms, or any other subordinate, take it on himself to address the President in the language which one of his subordinates has presumed to throw into our face this morning, there is not a member on this side of the House who would not demand his dismissal from office. And he (Mr. W.) would readily accede to the demand. Yes, sir, could I separate your character as Speaker from your constitutional privileges as a member of this body, I would vote for your dismissal under like circumstances. And, sir, I shall expect from the Executive the same justice I am so ready to accord to him. I shall expect him to dismiss Colonel Medill from office, or, at all events, to subject him to some proper reproof. As he (Mr. W.) would defend the Executive department from insult and aggression on the part of our subordinates, so he would expect the Executive to defend the legislative department against aggressions and insult from *his* subordinates. It has come to this, that a subordinate in one of the departments presumes to send an insulting communication to this House, and, what is still more humiliating, to *demand* of us certain proceedings thereon, and we are expected, upon his demand, to go into the question of the infamous conduct of one of ourselves! Sir, I shall expect every member on this floor who does not bear in his bosom the heart of a tory to repel, indignantly, this insult upon the American House of Commons, thus offered by a subordinate in another branch of the Government. If the honorable member from North Carolina [Mr. CLINGMAN] has done injustice to the Commissioner, Mr. Medill, let Mr. Medill seek satisfaction outside of these walls in such manner as he may think best upon his own responsibility. I shall consider myself as having no right to interfere.

Mr. FARAN next obtained the floor.

Mr. C. J. INGERSOLL said he wished very much to hear the communication read. He had not heard a word of it.

Mr. FARAN spoke of the importance of the officer at the head of the Indian Bureau being a man of the highest honor and the strictest integrity, and said whenever any member of the Executive or Legislative department attempted to degrade that officer in the public estimation, to represent him as not resisting corruption or spurning a bribe, such an effort, particularly when made from the Legislative department, should meet on the spot with instant rebuke. Never could he ask any department of this Government to respect him when he did not respect himself; nor could this House be respected by the country when it would not respect itself. If members of this House would charge the basest corruption upon persons who stood at the head of the Treasury, and who should be men of the nicest honor and the strictest integrity, he said they should never shrink from any investigation which might be asked by that officer or by any member of this House.

What he complained of was, that the gentleman from North Carolina, if he believed the charges which he had preferred were true, had not long since brought them before the House and demanded an investigation. But when, having failed to do this, he got up at the heel of the session and threw out in debate these charges of bribery and corruption upon the head of the Indian Bureau, it was no more than proper that that officer should repel those charges in language as strong as the gentleman himself had used.

Mr. F. yielded the floor at the appeal of Mr. CUMMINS, who was proceeding to offer some remarks, when—

Mr. DUER raised the point of order that the gentleman could not yield the floor without losing his right to it entirely.

The SPEAKER stated, that by the courtesy of the House, gentlemen had been allowed to yield to others for explanations and still retain the floor; but, by the strict parliamentary law, if it was insisted upon, but one gentleman could be entitled to the floor at a time.

Mr. DUER gave notice, then, that when the gentleman [Mr. CUMMINS] concluded, he should object to the gentleman who had yielded resuming the floor, and should himself claim it and move the previous question.

Mr. FARAN, under this intimation, resumed the floor, and, after remarking that the law applied in this case was contrary to the uniform practice of the House, and expressing the hope that, if insisted upon now, it would be in all other cases, proceeded to say, that, without intimating in the slightest degree that the insinuation contained in the communication against the gentleman from North Carolina was correct, (the gentleman's statement had been made, which he was bound to believe,) he nevertheless held, that if any member of this House acted corruptly, it was the privilege of every American citizen, whether he held office under the Executive or not, to present the charge to this body, and a communication of that kind, he apprehended, had never been considered an insult to the House. If a member on this floor made a serious charge against an Executive officer, such as the charge of bribery or corruption, he held it was the privilege of such officer to reply to it in language as strong as that in which the charge was made. Gentlemen should recollect that men out of this Hall were as sensitive to their honor as they themselves were; and it was the right of the head of the Indian Bureau, when charges of bribery and corruption were brought against him, to repel them in language as strong as that in which the charges were couched, and to demand of the House an investigation. He had known this public officer long, and he undertook to say there lived not a human being of stricter integrity and nicer honor, and who more earnestly desired, as a citizen and an officer of the Government, faithfully to discharge his duties to the country. He undertook to say that the gentleman from North Carolina had been most wofully, grossly, egregiously imposed upon; and he had no doubt but the gentleman, with his high sense of honor and his liberality as a gentleman towards a gentleman, would, after an investigation, be ready to acknowledge before the country that he had been deceived and mistaken in submitting the charges. He hoped no objection would be made to a full investigation of the case.

Mr. HOUSTON, of Alabama, appealed to the gentleman from Ohio to adopt some other mode of arriving at the facts of the case. The gentleman desired an investigation of the truth or falsity of the charges made against the Commissioner of Indian Affairs. It was proper it should be had. He considered the communication of the Commissioner of Indian Affairs, though in the main unobjectionable, still, in some parts, disrespectful to the House; and he hoped that the gentleman would withdraw it and offer a simple resolution providing for the investigation, which, no doubt, would be adopted by the House. He expressed the highest confidence in the integrity and honor of the Commissioner of Indian Affairs, and thought the gentleman from North Carolina would find that he had been misinformed. He dissented from what he considered the result of the position taken by Mr. WOODWARD, viz: that the House had the exclusive right to make charges against whomsoever they saw fit to direct them, and that they who were thus charged had no right to repel and cast them back. He thought that the practice of members of this House themselves, in their constant denunciations of the Executive and his officers, and in bringing forward the gravest charges, might rather be traced the retorts which were provoked, than to any disposition which the Executive department might have to encroach on the rights of Congress. He referred to the letter of Mr. Trist containing grave charges against the President—which he ventured to say no man of honor on this floor would get up and say he believed—and to the fact that, notwithstanding this, gentlemen on the other side were not only ready to receive the letter, but to print it. He deprecated the acrimony with which discussions were carried on on this floor, both on the part of each party towards the other and with reference to the Executive, and ascribed to this cause the fact that members were not treated with greater respect by others.

Mr. WOODWARD wished to say, that he thought gentlemen on this floor had the right to make use of what language they saw fit, when speaking of the official conduct of the Executive officers.

Mr. CUMMINS objected, as a point of order, to the floor being yielded, if Mr. HOUSTON wished to retain his right to it. He wanted the same rule applied that had been enforced upon him.

Mr. HOUSTON further enforced the propriety of gentlemen on this floor treating all whose conduct came under their scrutiny with respect, and considered it necessary in order to ensure respect for themselves in return. It was too much to expect than an officer of the Government, (who was but a man,) when he had the gravest charges brought upon him, should not repel them with warmth. He admitted, however, it would have been the most proper course for the Commissioner simply to have denied the charges and demanded an investigation.

Mr. THOMPSON, of Indiana, said, in his legislative experience, he had noticed one case, and one only, similar to this. Some years since, a high functionary of his own State, a State Senator,

had rendered himself obnoxious to his own party, and another distinguished member of the same party had presented a memorial to the lower House containing base and calumnious charges, and he was glad to say it had been indignantly spurned by the House of Representatives of the State of Indiana, and the gentleman himself had barely escaped expulsion from the House, by apologizing to them with tears in his eyes. This paper presented the remarkable fact, that because a representative of 70,000 people on this floor had chosen to say he had no confidence in an executive officer, that subordinate member of a coördinate department had presented a paper to this House impeaching the moral character and the integrity and honor of that member of this House. He knew nothing of the correctness of these charges; he had known the Commissioner of Indian Affairs for ten years with some intimacy, and had never seen anything discreditable in his conduct. He was, therefore, prepared to enter into this investigation with something of a partiality in his favor. But he was startled when he heard gentlemen on this floor talking about executive officers being influenced by revengeful feelings towards this House. This House were the representatives of the sovereignty of the people, and constituted the grand inquest of the nation, and yet they must not arraign the conduct of public functionaries for fear their motives should be attacked in return! Had it come to this, in the year 1848, when this great struggle was going on between Executive power and the popular supremacy? What was there in what had been said by the gentleman from North Carolina to provoke such an attack?—a gentleman whom he was proud to call his friend, notwithstanding the base charges which had been brought against him; a gentleman to whose unimpeachable character it was unnecessary for him to bear testimony. He read the reported remarks of Mr. CLINGMAN.

Mr. SAWYER and Mr. C. J. INGERSOLL wished the paper of Mr. Medill to be read also.

Mr. THOMPSON said it could be read when he got through, and was proceeding to speak of the remarks of Mr. CLINGMAN, when—

Mr. CLINGMAN repeated the correction of the report which he had made at a previous stage of the debate.

Mr. THOMPSON understood that the gentleman from North Carolina, then, had never made such a charge as was represented. When an individual member of this House thought proper to attack an individual out of the House, this House, as a House, could know nothing of it: it was a matter for the two individuals to settle between themselves. But the man feeling himself aggrieved had no more right to send into this House a paper applying abusive epithets to the member, than he had to insult the Speaker for having signed a bill which might not be entirely consistent with his own private opinions. The Constitution provided that members should not be held responsible elsewhere for words spoken in debate, and the House were bound to protect them whenever they were called in question.

Mr. COLLAMER thought the only question properly before the House was, whether the language of the paper was disrespectful to the House; and if this was the question, the language of Mr. CLINGMAN, the justice of the charges made by him, &c., were not just matter of comment. And, at this late stage of the session, he suggested that gentlemen confine themselves strictly to the point at issue.

Mr. THOMPSON would accept the suggestion of his friend, and confine himself mainly to the question before the House. The gentleman from North Carolina had only spoken of rumors of what he had heard, and yet it was gravely argued now that for this the gentleman was liable to be insulted, and his motives arraigned by an Executive officer.

But it appeared that the gentleman was incorrectly reported. He referred to the great difficulty of reporting with entire correctness in the noise and confusion of this Hall, and said the proper way for the Commissioner of Indian Affairs would have been, if he had considered the reported remarks an attack on his character, to have addressed the gentleman from North Carolina, inquiring whether he was correctly represented in the reported remarks. But the gentleman from North Carolina had said he believed the Indian Bureau was corrupt. So did he, (Mr. T.,) and so, he ventured to say, did two hundred out of the two hundred and thirty members on this floor; not that the head of the bureau was corrupt, but that it was impossible for any man, of however high integrity and great energy, to purge the Indian Bureau of the festering corruption which existed in its various ramifications.

Mr. CLINGMAN wished to explain, but objections were made.

Mr. THOMPSON continued. He was told he was wasting the whole day. The House had wasted weeks and months in discussing private and unimportant bills, and now, when he stood up to defend the high constitutional rights and prerogatives of this House, was he to be told that it was out of place?

He continued to comment on the communication as exceedingly improper in its terms, and he said it ought to be rejected by the House. If he were in order, he would offer the following resolution:

Resolved, That the communication of the Commissioner of Indian Affairs be returned to that officer, and that he be informed that this House considers the language thereof as offensive and indecorous.

Mr. ROCKWELL, of Connecticut, also sent up a resolution, which was read by the Clerk. It was to the effect, that the communication from Mr. Medill was disrespectful in its language, and therefore that it ought not to be received.

Mr. BURT rose to a point of order. The paper upon the Speaker's table had not been received by the House, and therefore it could not be made the subject of the action of the House. The House could assign no other reason than that which was implied by its rejection.

Mr. DIXON moved the previous question.

Various points of order were made, and some conversation ensued thereon.

Mr. FRIES inquired whether he had the right, under the rules, to withdraw the communication?

The SPEAKER replied that he had.

Mr. FRIES then said, that, acting in deference to the wishes of his friends, and with the view of reaching the important object at which he and his friend, Colonel Medill, desired to arrive, viz: the obtaining of an investigation of all the charges preferred by the gentleman from North Carolina, he withdrew the communication, with the intention of moving a resolution of inquiry.

On motion of Mr. VINTON, a Committee of Conference on the part of the House, to meet a similar committee on the part of the Senate, on the disagreeing votes of the two Houses, on the bill making appropriations for the support of the army for the year ending June 30, 1849, was ordered; and Messrs. TOOMBS, BOYD, and HALL, of New York, were appointed said committee.

Subsequently, Mr. TOOMBS was excused from serving on said committee, at his own request, and Mr. HUBBARD appointed in his place.

CIVIL AND DIPLOMATIC BILL.

The civil and diplomatic appropriation bill having been returned from the Senate, with the information that the Senate had agreed to the report of the Committee of Conference on their part on the disagreements of the two Houses on said bill—

Mr. VINTON, from the Committee of Conference on the part of the House, made a report, which was read.

Mr. TOOMBS commented on the report of the Committee of Conference, and charged them with having capitulated to the Senate on every point. He spoke of the question of members' mileage, and the reduction of the salaries of officers in the Executive departments and some others, and he said he trusted there would be a burst of indignation from the country on account of this yielding of salutary measures of reform.

Mr. VINTON defended the Committee of Conference, and contended that their recommendation was discreet and just. On the subject of mileage of members, he argued that any reform should be made by a law, and not by an item in an appropriation bill; and he asserted that no member who supported himself here and maintained his family at home was extravagantly paid. He had no doubt the gentleman from Georgia expended much more than he received.

Mr. TOOMBS assented, and said that he expended $3,000 more than he received.

Mr. VINTON said, then, he would put the gentleman from Georgia on the stand as a witness. He continued at some length to defend the report of the committee.

Mr. THOMPSON, of Mississippi, briefly addressed the House on the same subject and some other portions of the committee's report.

Mr. HUDSON defended the action of the Committee of Conference in remarks of some length, which the reporter has failed to furnish.

Mr. DICKEY then obtained the floor, and moved the previous question, which was seconded; and, under the operation thereof, the report of the Committee of Conference was agreed to: Yeas 101, nays 72.

Mr. VINTON moved to reconsider the vote just taken; which motion was, on his motion, laid on the table.

Mr. J. R. INGERSOLL, from the Committee of Conference on the part of the House on the disagreeing votes of the two Houses of Congress on the bill for giving effect to certain treaty stipulations between this and foreign Governments for the apprehension and delivering up of certain offenders, made a report; which was read and agreed to.

Mr. KAUFMAN moved a suspension of the rules for the purpose of taking up the amendments of the Senate to the post route bill. Lost—two-thirds not voting in the affirmative.

On motion of Mr. DIXON, it was ordered that the House take a recess from half-past three o'clock to half-past five o'clock this day.

BUSINESS ON THE SPEAKER'S TABLE.

On motion of Mr. ROOT, the House proceeded to consider the business on the Speaker's table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the House of the 28th of June last, a statement of the duties, revenues, and public expenditures during the two last fiscal years. Laid on the table.

The House proceeded to consider the joint resolution of the Senate to suspend the 16th joint rule, so far as to permit the sending to the House the bill to carry into effect certain stipulations of the treaty between the United States of America and the Republic of Mexico of February 2, 1848.

The resolution was read and concurred in, and returned to the Senate.

The House then proceeded to consider the amendments to the bill to establish certain post routes, and for other purposes, which was returned from the Senate with sundry amendments.

The amendment authorizing the appointment of deputy postmasters at San Diego and other ports in California was concurred in; and the amendment providing that the new routes provided for in the bill should not be put into operation until the next general lettings, was amended by providing that the new routes should be put out to contract at the annual lettings in 1849; and it was then agreed to, as amended. The other amendments were non-concurred in; and it was ordered that the Clerk acquaint the Senate therewith.

The House proceeded to consider the Senate's amendment to the House bill to alter the time of holding the terms of the United States courts for the western district of Virginia; which amendment of the House was disagreed to by the Senate.

On motion of Mr. JONES, of Tennessee, it was resolved that the House do insist upon its amendment.

Mr. J. R. INGERSOLL moved that a Committee of Conference on the part of the House on the disagreeing votes of the two Houses on the foregoing bill be appointed. Agreed to.

MISSISSIPPI AND MICHIGAN RAILROAD.

The House then proceeded to consider the Senate bill, granting to the State of Illinois the right of way and a donation of public lands for making a railroad connecting the Upper and Lower Mississippi river with the chain of northern lakes at Chicago.

The question being on the third reading of the bill—

Mr. COLLAMER recited the previous action of both Houses on the bill at this session. The general principle on which it was based was well known. If the principle of granting alternate sections of the public lands for railroads and canals, and raising up the other sections, was such a principle as the House would sustain, he believed the bill was correct in all particulars, except one. This point he proposed to fortify by an amendment (which he sent up to be read) preventing the

company from going off the route to locate the lands where the lands were previously entered by settlers. He proposed that the question be taken on the amendments collectively; and, without entering into the argument, he moved the previous question.

Mr. DICKEY moved to lay the bill on the table.

Mr. ATKINSON moved a call of the House. Rejected.

The question was taken on laying the bill on the table, and was rejected: Yeas 56, nays 77.

The question being put on seconding the demand for the previous question, no quorum voted.

Mr. JONES, of Tennessee, moved a call of the House. Rejected: Yeas 78, nays 98.

The previous question was then seconded, and, under the operation thereof, Mr. COLLAMER's amendment was agreed to.

The question on the third reading of the bill was put and rejected by yeas and nays: Yeas 74, nays 78.

Mr. McLANE moved to reconsider the last vote, and proceeded to make some remarks on the constitutionality of the question of granting lands for objects of internal improvements, in which he was checked by the arrival of the hour of recess.

EVENING SESSION.

At half-past five o'clock, p. m., the SPEAKER resumed the chair, and there being but few members in attendance—

Mr. MARVIN, by leave, from the Committee on Military Affairs, to which was referred Senate bill to allow subsistence to certain Arkansas and other volunteers, who have been prisoners of war in Mexico, reported the same. Committed.

Also, from the same committee, to which was referred Senate bill concerning the Pay department of the army, reported the same without amendment.

The bill was then read the third time and passed, and returned to the Senate.

Mr. VINTON, from the Committee of Ways and Means, to which was referred Senate bill authorizing the Secretary of War to surrender certain bonds of the State of Indiana held by the United States to the agent of said State of Indiana, reported the same back to the House without amendment; and, on motion of Mr. VINTON, the bill was laid on the table.

The SPEAKER laid before the House the following communications:

A letter from the Secretary of State, transmitting, in obedience to a resolution of the House of the 21st December, 1847, a report upon the state of the claims of Aaron Leggett, accompanied by copies of all correspondence relating thereto. Referred to the Committee on Foreign Affairs.

A letter from the Secretary of War, transmitting, in compliance with a resolution of the House of the 9th instant, a copy of the proceedings of a court of inquiry, convened at the city of Puebla, in Mexico, in July, 1847, at the instance of Colonel Bennet Riley, of which Major General Pillow was president. Laid on the table.

A letter from the Secretary of the Treasury, transmitting a report of the superintendent of the construction of standard weights and measures, on the progress made therein during the years 1846 and 1847. Laid on the table.

A letter from the Mayor of the city of Washington, transmitting a copy of the resolutions of the Boards of Aldermen and Common Council of the city of Washington, expressive of their sense of the kind consideration manifested by Congress for the interest of the city during the present session. Laid on the table, and ordered to be printed.

Mr. FRIES asked leave to offer the following resolution:

Resolved, That a committee of three members of this House be appointed to inquire into and fully investigate the course pursued by the Commissioner of Indian Affairs in the administration of his official duties, and especially into the charges made and preferred in a debate in this body on the 9th instant, by the Hon. T. L. CLINGMAN, a member of this House; and that said committee have full and ample power and authority to require books and papers, to examine witnesses, and to investigate fully said charges; and that said committee shall report the result of their said investigation at the next session of Congress.

No objection being made, the resolution was received.

After an inquiry by Mr. BURT, as to whether the committee were to sit during the recess—

Mr. CONGER moved to lay the resolution on the table. Rejected.

Mr. FRIES now modified his resolution, by substituting five instead of three, so as to make the committee consist of five members, and moved the previous question, which was seconded, and, under the operation thereof, the resolution was agreed to.

ILLINOIS RAILROAD.

The House resumed the consideration of the motion made by Mr. McLANE, to reconsider the vote refusing the third reading of the Senate bill, granting to the State of Illinois the right of way and a donation of public lands for making a railroad connecting the Upper and Lower Mississippi river with the chain of northern lakes at Chicago.

Mr. McLANE said that in the motion he had made for the reconsideration of the bill, his object had been to propose an amendment; and if the amendment should be adopted, then he would have no longer any objection that the bill should pass.

But, as in the judgment of the House on all bills of this description, the question of internal improvements was always involved, he felt it to be his duty to state here the distinction which he took between a bill like this, making a grant of land to construct a proposed road, and the ordinary acts which had so often passed the House, appropriating money out of the treasury to construct, under the direction of the Government, a railroad or a harbor, or to improve the navigation of a river.

If he rightly understood the issue on the question of internal improvement, it lay in the different opinions entertained as to the power of the Government, under the money clause, and as to its right to do whatever was necessary to carry out the grants of power in the Constitution.

The ground on which internal improvements by the General Government was generally put, was the power of the Government to appropriate money to promote the general welfare. That ground he denied. He utterly denied that the General Government could, under that power, or any power, appropriate money for a general system of internal improvements.

Mr. HUNT said that if the gentleman alluded to the resolutions of the Chicago Convention, those resolutions did not say so.

Mr. McLANE said that in voting against those resolutions as introduced by the Committee on Commerce, and against those moved by the gentleman from Illinois, [Mr. WENTWORTH,] he had so understood them, and therefore voted against them. But he never had denied the power of this Government to construct works necessary for the defence of the country, or for the protection of American commerce, whether foreign commerce or commerce between the States, as that commerce had been established and regulated by the Government.

If this *taxing power* or *money power* is divided, and two distinct powers drawn from it, the one to *raise* money, and the other to *appropriate* money, without limitation other than the discretion of Congress in its judgment of the *general welfare;* then our Government is one of general and unlimited powers. A construction of this power is sometimes contended for, which admits this money power to be a single power, and regards the reference to the general welfare as a qualification only of the taxing power, limiting it to objects conducive to the *general welfare*, and still leaves to Congress a full discretion, in its judgment of objects deemed conclusive to the general welfare. This view of the question is equally vicious with the other, and would constitute a Government without limitation, formed by a particular enumeration of powers.

Mr. McL. said he believed Congress was authorized to provide money for the common defence and general welfare; but in providing for this common defence and general welfare, Congress was restrained by an enumeration of cases in the Constitution to which this power extends. The Congress had no right to apply public money to the general welfare, otherwise than by an application of it to some particular measure conducive to the general welfare, and this particular measure must be within the enumerated powers vested in Congress, or indispensable and necessary to the just execution of these enumerated powers. This was the principle, as he understood it, of the Republican party in the early history of the Government, as he believed it to be now of the Democratic party.

To explain his position on this subject, no other illustration was necessary than that common one of the light-house system. If the Government had the power to create a port of entry, then it was clearly the duty of Government to make the entrance of our commerce into that port safe from danger. And just so in regard to the army and the navy. If a breakwater were necessary to render a harbor a safe asylum for our vessels of war, or our commercial marine, it might rightfully be constructed.

This was his position in relation to works of internal improvement: the Government might construct them wherever their construction was necessary to the carrying out of the granted powers in the Constitution.

Now, to apply this principle to the bill in hand, granting land to aid in the construction of a railroad through the State of Illinois, and to his objections to that bill in its present shape: this Government, being a trustee, under the Constitution, to dispose of the public land, was bound, if it should find that a certain portion of those lands were long-unsold, and would remain unsaleable, and if it was convinced that the value of these lands would be enhanced, and their ultimate sale promoted or secured, to construct such road for that end. It was a legitimate use of the public lands to grant them to the States for such purposes.

But in this bill, and others of a similar kind which he had opposed, there was no guarantee that such enhancement would be effected. The bill provided, that as soon as the State had completed ten miles of the road, it might go on and select land to construct ten miles more, and, when that was finished, for ten miles more, and so on—always keeping the selection of the land ten miles in advance of the completion of the road. To this he was opposed. He was against giving power to select the lands for ten miles of road till the ten miles was completed, and not for allowing the State or company who were making the road to select lands ten miles in advance. This would radically change the character of the bill. It would shut the door against abuse and profligate speculation. If it was adopted, he should vote for the bill; if not, he should vote against it. Such an amendment would bring the bill within his views of the constitutional power of Congress. Without this restriction, the bill sanctioned a mere venture—a speculation. It was obvious that men under it could speculate on the quantity of land requisite to make ten miles of the road before ever one of those ten miles was actually made. The lands for ten miles ahead might be taken up, and then the further prosecution of the road abandoned, and the work left unfinished, for the Government at some future day to take up and complete out of the treasury.

Mr. McL. would not say that his objections to the bill in its present shape were insuperable. Objectionable as the bill was, he had rather vote for it than kill this system of granting alternate sections of the public lands for the construction of roads for the improvement of the lands. He was a friend of the system. But he never would vote for a road under the power to promote the general welfare. He was ready to vote for anything that was necessary to carry out the granted powers of the Constitution. As a landed proprietor, he held that this Government might lawfully give alternate sections of its land to enhance the value of the residue; but it was bound to see, that in doing so, it was *bona fide* providing for raising the price of its domain, and was not making a mere gift of it without equivalent. He felt bound to see, that in voting this land, he was not himself making this road, but only enabling others, by making it, to enhance the value of his land. He could not vote for the bill under his present impressions, unless the amendments he proposed should be inserted, and the State required to complete ten miles of the road before it got any more land.

Mr. EVANS, of Maryland, said that the bill provided that, as it stood.

Mr. McL. said the gentleman was mistaken. The amendment of the gentleman from Vermont, [Mr. COLLAMER,] provided for the selection of land ten miles in advance. To this Mr. McL. objected. He wanted to have the whole quantity of land reserved which would ultimately be requisite

to complete the road; but he would not have it selected, or deed given, faster than the road was completed. If the bill gave land ten miles in advance of the work completed, the bill would be open to all the objections usually and justly urged against jobs and land speculations. His own amendment would prevent all such abuse; and he appealed to gentlemen on all sides to come up to this principle. Look at the noble example of the State of Georgia, and compare the results of her system with those of the system that had unhappily been pursued by Maryland, in relation to the Chesapeake and Ohio canal and the Baltimore railroad. See how those great works languished, and one of them was nearly brought to a stand. Georgia stipulated that the parties applying for the aid of the State should first go on and complete a certain portion of the work themselves; then the State helped them. He was for carrying out this system in relation to Illinois. Let us have the road made as far and as fast as we granted the land.

And now as to the reason why he took this ground. It was well known to everybody that the States on the west and southwestern border of the Union had large bodies of land which could not now be sold. They had been in market for thirty and forty years, and in their present state never would sell. To be sure, the free-soil people had proposed a remedy for the case, and that was, to give the lands away for the price of the mere expenses of survey. Mr. McL. approved of this plan, rather than to leave the public lands in these States unsold and unsaleable, though he could not consent to accomplish even this result by a union with the "Free Soil" party. He could not belong to the "Free Soil" party; but he would avow himself as one of the free land party. But if the land was not to be thus given away, it could only be sold by making roads to it: and he was in favor of the plan of getting these roads made, by granting alternate sections of land to those who would make them, taking special care, however, to guard against abuses of the grant.

Mr. McCLERNAND said he had no objection to accept the amendment of the gentleman from Maryland, [Mr. McLANE,] but it was too late to modify. Mr. McC. went on to make some further remarks upon the bill, most of which were lost in the mixed mass of sounds which filled the Hall. He was understood to say that much of the land owned by the new States was unsaleable, and would continue so, unless the Government took steps to bring it into market, by making it acceptable to settlers. This could only be done by the creation of roads. The bill provided the means of making one of these, which would materially enhance the price of the whole mass of public lands lying in its vicinity. But even if it would not do this, the Government could be no loser by the grant, since the price of the alternate sections reserved to the United States was to be doubled, so that Government would get all it would have received if no land had been granted, besides the prospect of selling far more of its domain than it would have done for years—perhaps forever. The operation of roads like this had been tested in Illinois—as there was one already that was in successful operation.

Mr. McC. then demanded the previous question, but consented to withdraw it at the earnest request of

Mr. DICKEY, who inquired whether a portion of this contemplated road had not been chartered to a company in 1836-'37? whether that company had not purchased up all the lands along the contemplated route of the road, so that when the alternate sections came to be located, they were found to be already occupied, and other lands were asked in their place? and whether that company had not failed and abandoned the work, and the lands been sold on speculation?

Mr. McCLERNAND made some explanation in reply; but the whole conversation took place amidst a general tumult, in which little could be distinctly understood.

Mr. McLANE now moved the previous question on the motion made by him to reconsider.

Mr. DUNCAN, of Kentucky, moved to lay the resolution to reconsider on the table.

Mr. McLANE demanded the yeas and nays, which were ordered, and resulted as follows: Yeas 78, nays 64.

So the motion to reconsider was laid on the table.

MEXICAN CLAIMS.

The Senate bill to carry into effect certain stipulations of the treaty between the United States of America and the Republic of Mexico of the 2d of February, 1848, was taken up and read twice.

Mr. NICOLL said the bill provided simply for carrying out the treaty with Mexico, by the appointment of a commission to adjudicate the claims provided for by that treaty. He asked that it be put on its third reading.

Mr. SMITH, of Connecticut, moved to refer the bill to the Committee on Foreign Affairs.

Mr. C. J. INGERSOLL hoped that the bill would not be referred to the Committee on Foreign Affairs. He had particular reasons for it: one was, that he had been called upon to attend a meeting of that committee this afternoon at half-past four o'clock. He had attended at the committee-room, and his honorable friend, the chairman of the committee, was not there. When the House met after recess he had asked the reason for his absence, and for his having failed to call the committee to act on this subject, and the honorable gentleman had told him there was no occasion to refer it to the committee; for it should not pass, at any rate.

Mr. SMITH, of Connecticut, said this bill should certainly go to some committee of the House. He desired to inquire if it did not contain an appropriation?

The SPEAKER stated that the Chair was about to remark, that as the bill contained an appropriation, it must go to the Committee of the Whole on the state of the Union under the rule.

Mr. NICOLL moved to suspend said rule, so as to put the bill immediately on its passage.

Mr. SMITH thought, before it went to the Committee of the Whole, it should go to some standing committee of this House. It was a very important bill. He knew nothing of its provisions; it had been totally impossible for him to hear one word in ten of the bill as it had been read by the Clerk. It was utterly impossible, therefore, for him to say what the peculiar provisions of the bill were, but if they were what he had understood, they certainly ought to undergo some important revisions. The bill appropriated more than three millions of dollars out of the treasury.

The SPEAKER here interposed, and stated that the rule which required appropriation bills to be referred also required that they should first be discussed in committee. Debate was not therefore in order.

Mr. DICKEY moved to lay the bill on the table. Rejected.

Mr. NICOLL's motion to suspend the rule, so as to put the bill on its passage, was lost.

A motion was made to refer the bill to the Committee of the Whole on the state of the Union, and rejected.

The bill was then referred to the Committee on Foreign Affairs.

Mr. KING, of Georgia, moved that the House resolve itself into Committee of the Whole on the state of the Union, and proceed to the consideration of private bills on the calendar.

Mr. COBB, of Georgia, at five minutes to seven o'clock, moved that the House adjourn.

Mr. THOMPSON, of Indiana, wished to make a report from the Committee of Elections, which he had been trying for some weeks to get before the House.

Mr. VINTON said the report of the Committee of Conference on the army bill was not yet acted on.

Mr. COBB said that could be acted on on Monday. He hoped the House would adjourn. They would do no good here.

The motion to adjourn was disagreed to.

PRIVATE BILLS.

Mr. ROCKWELL, of Connecticut, said it had been about two months since any private bills from the Senate had been acted on in Committee of the Whole. He desired that bills to which no objection was made should be acted on now.

Mr. COBB, of Georgia, objected. [Great confusion.]

The SPEAKER called the House to order, and said the Chair would entertain no motion until order was restored.

After a pause of some seconds, order having been restored in some degree—

Mr. ROCKWELL, of Connecticut, moved a resolution that the House now proceed to the consideration of private bills from the Senate on the calendar of the Committee of the Whole, those to which no objection was made first to be considered. Agreed to: Ayes 104, noes 21.

The House accordingly resolved itself into Committee of the Whole on Senate bills on the private calendar, (Mr. THOMPSON, of Indiana, in the chair,) and, after devoting some time to the consideration thereof, rose and reported the following bills to the House, without amendment, viz:

An act for the relief of Milledge Galphin, executor of the last will and testament of George Galphin, deceased.

An act authorizing the payment of a sum of money to Robert Purkis.

An act supplementary to an act to authorize the Secretary of State to liquidate certain claims therein mentioned, passed eighteenth of April, one thousand eight hundred and fourteen.

An act for the relief of Purser Benjamin J. Cahoone.

An act for the relief of Anna J. Hassler.

An act for the relief of Elizabeth Pistole, widow of Charles Pistole.

An act for the relief of David Currier.

An act for the payment of Charles Richmond.

An act for the relief of Benjamin Adams & Company, and others.

An act for the relief of Messrs. Cook, Anthony, Mahon, and others.

An act for the relief of Jesse Turner.

An act granting a pension to Abigail Garland, widow of Jacob Garland, deceased.

An act for the relief of Mary Taylor.

An act for the relief of Welcome Parmenter.

An act granting a pension to John Clarke.

An act for the relief of David Wilkinson.

An act for the relief of D. A. Watterston.

An act for the relief of Charles M. Gibson.

An act for the relief of George V. Mitchell.

An act for the relief of the legal representatives of Thomas J. V. Owens, deceased.

A resolution for the relief of H. B. Gaither.

All which bills were then severally read the third time, passed, and returned to the Senate.

The Committee of the Whole also reported the following bills with amendments, viz:

An act for the relief of John Lorimer Graham, late postmaster in the city of New York.

An act for the relief of Samuel Grice.

An act for the relief of William B. Stokes.

An act for the relief of the widows and orphans of the officers, seamen, and marines of the brig of war Somers.

The House proceeded to consider the said bills, when the amendments of the Committee of the Whole were concurred in, and the bills were severally read a third time and passed, and returned to the Senate.

Mr. MOREHEAD moved that the Committee of the Whole be discharged from the further consideration of the Senate bill to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw Academy. Agreed to.

The bill was then taken up, read a third time, and passed, and returned to the Senate.

Mr. VAN DYKE, from the Committee of Elections, reported a resolution authorizing the Clerk to pay JAMES MONROE, out of the contingent fund of the House, for services as a member while contesting the seat of DAVID S. JACKSON.

Mr. VINTON moved to amend the resolution so as to direct the Clerk to pay JOHN M. BOTTS for the time occupied in contesting the seat of JOHN W. JONES as a member from the State of Virginia in the 28th Congress.

The SPEAKER ruled the amendment out of order.

Mr. ATKINSON moved to lay the resolution on the table. Rejected.

The previous question was then moved and seconded; and, under the operation thereof, the resolution was agreed to.

VERMONT MILITIA CLAIMS, ETC.

On motion of Mr. BURT, the Committee of the Whole on the state of the Union was discharged from the further consideration of the Senate bill for the payment of the fourth regiment in the second brigade of the third division of the Vermont militia for services at the battle of Plattsburg; and, after a brief appeal in favor of the bill by Mr. B., it was read a third time and unanimously passed, and returned to the Senate.

THE CONGRESSIONAL GLOBE.

PRINTED AND PUBLISHED AT THE CITY OF WASHINGTON, BY BLAIR & RIVES.

30TH CONGRESS, 1ST SESSION. TUESDAY, AUGUST 15, 1848. NEW SERIES.....No. 68.

Mr. BROWN, of Pennsylvania, moved to suspend the rules to enable him to offer a resolution authorizing and directing the Clerk of the House to pay JOHN M. BOTTS for the time occupied by him in contesting the right of JOHN W. JONES to a seat as a representative from the State of Virginia in the 28th Congress.

The yeas and nays were taken on the motion to suspend the rules, and resulted—yeas 74, nays 53. Two-thirds not voting in the affirmative, the motion was lost.

APPROPRIATIONS FOR THE ARMY.

Mr. BOYD, from the Committee of Conference on the part of the House on the disagreeing votes of the two Houses on the bill making appropriations for the support of the army for the year ending June 30, 1849, made a report, which was read; and, after a few explanatory remarks by Mr. B., was agreed to under the operation of the previous question moved by him. The bill as passed is as follows:

An ACT making appropriations for the support of the army for the year ending the thirtieth of June, one thousand eight hundred and forty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated out of any money in the treasury not otherwise appropriated, for the support of the army for the year ending the thirtieth of June, one thousand eight hundred and forty-nine.

For the pay of the army, one million six hundred and thirty-four thousand three hundred and eighty-two dollars.

For commutation of officers' subsistence, five hundred and fifty-five thousand three hundred and fifty-one dollars.

For commutation of forage for officers' horses, one hundred and four thousand two hundred and fifty-six dollars.

For payment in lieu of clothing for officers' servants, thirty-six thousand one hundred and seventy dollars.

For expenses of recruiting, forty thousand five hundred and sixty dollars.

For three months' extra pay to non-commissioned officers, musicians, and privates, on reënlistment, twelve thousand five hundred dollars.

For three months' extra pay to the officers, non-commissioned officers, musicians, and privates, engaged in the military service of the United States in the war with Mexico, under the act entitled "An act to amend the act entitled 'An act supplemental to an act entitled An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes,'" approved July nineteenth, eighteen hundred and forty-eight, three millions of dollars.

For the regular supplies of the quartermaster's department, consisting of fuel, forage in kind for the authorized number of officers' horses, and for the horses, mules, and oxen of the quartermaster's department at the several military posts and stations, and with the armies in the field, and for the horses of the first and second regiments of dragoons, the eight companies of light artillery, and the regiment of mounted riflemen; of straw for soldiers' bedding, and of stationery, including company and other blank-books for the army, certificates for discharged soldiers, blank forms for the pay and quartermaster's department, and for the printing of division and department orders and army regulations, six hundred thousand dollars.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers on public service; expenses of courts-martial, and courts of inquiry, including the additional compensation to judge advocates, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed in the erection of barracks, quarters, storehouses, and hospitals, the construction of roads, and other constant labor under the direction of the quartermaster's department, for periods of not less than ten days, under the act of second March, eighteen hundred and nineteen; expenses of expresses to and from the frontier posts and armies in the field, of escorts to paymasters, other disbursing officers, and trains, where military escorts cannot be furnished; expenses of the interment of non-commissioned officers and soldiers; hire of laborers; compensation of clerks to the officers of the quartermaster's department; compensation to wagon and forage masters, authorized by the act of the fifth of July, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures necessary to keep the first and second regiments of dragoons, the eight companies of light artillery, and the regiment of mounted riflemen complete, including the purchase of traveling forges, blacksmith's and shoeing tools, horse and mule shoes, iron, hire of veterinary surgeons, medicines for horses and mules, three hundred and fifty thousand dollars.

For the purchase of horses required for the first and second regiments of dragoons, the eight companies of light artillery, and the regiment of mounted riflemen, one hundred thousand dollars.

For constructing, repairing, and enlarging barracks, quarters, storehouses, hospitals, stables, wharves, and ways at the several posts and army depôts; for temporary cantonments, gun-houses for the protection of cannon, including the necessary tools and materials for the objects enumerated, and for the authorized furniture for barrack-rooms of non-commissioned officers and soldiers; rent of quarters for officers, barracks, and hospitals for troops, where there are no public buildings for their accommodation, for store horses [houses] for the safekeeping of military stores, and of grounds for summer cantonments, three hundred thousand dollars.

For mileage, or the allowance made to officers for the transportation of themselves and baggage, when traveling on duty, without troops, seventy-five thousand dollars.

For transportation of the army, including the baggage of troops, when moving either by land or water; of clothing, camp and garrison equipage, and horse equipments, from the depôt at Philadelphia to the several posts and army depôts; of subsistence from the places of purchase, and from the places of delivery under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depôts, one million five hundred thousand dollars.

For subsistence in kind, in addition to one hundred and eighty-six thousand seven hundred and fourteen dollars and forty-four cents in the treasury, one million one hundred and twenty-seven thousand four hundred and twenty-eight dollars and fifty-six cents.

For medical and hospital departments, one hundred and twelve thousand dollars.

For contingencies of the army, twenty thousand dollars.

For armament of fortifications, one hundred thousand dollars.

For purchase of ordnance, ordnance stores, and supplies, one hundred and fifty thousand dollars.

For current expenses of the ordnance service, one hundred thousand dollars.

For the manufacture of arms at the national armories, three hundred and sixty thousand dollars.

For repairs, improvements, and new machinery at Harper's Ferry armory, fifty-three thousand and ninety-one dollars.

For repairs, improvements, and new machinery at Springfield armory, eighty-one thousand dollars.

For arsenals, one hundred and thirty thousand three hundred and thirty-eight dollars.

For purchase of land at Springfield, Massachusetts, adjacent to new arsenal and public buildings, ten thousand dollars.

For purchase of land at Springfield, Massachusetts, to be flowed by raising dam at upper water shop, five thousand dollars.

For expenses of preparing drawings of a uniform system of artillery, three thousand dollars.

For the two contemplated military stations on the line of communication with Oregon, thirty thousand dollars.

For arrearages of the military and geographical surveys west of the Mississippi, twenty thousand dollars.

For arrearages on account of the appropriations heretofore made for works of fortification at Mobile point, fifty-nine dollars and ninety-two cents; at the Rigolets, Louisiana, eight hundred and fifty-two dollars; and at Fort Lafayette, New York, seven hundred and twenty-six dollars and forty-six cents—the same being the amounts expended by Lieutenant Colonel De Russey, United States engineer, and admitted and allowed by the Comptroller of the Treasury, but not credited to Lieutenant Colonel De Russey, owing to the want of appropriations for the aforesaid works.

SEC. 2. *And be it further enacted*, That the act entitled "An act to authorize an increase of the rank and file of the army of the United States," approved May thirteen, eighteen hundred and forty-six, be, and the same is hereby, repealed: *Provided*, That the President of the United States may, by transfer from other regiments, increase the number of privates, of not more than five regiments, to such number as he may think discreet, not exceeding one hundred privates to each of the companies of said five regiments.

SEC. 3. *And be it further enacted*, That any non-commissioned officer, musician, or private in the regiment of mounted riflemen, who has been in service in Mexico, shall, on application, receive an honorable discharge from the service of the United States, and stand as if they had served out their respective terms: *Provided*, That any vacancy caused by such discharge shall be filled at the discretion of the President of the United States.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Captain John Caldwell the sum of six hundred and fifty-seven dollars, with interest thereon from the twenty-sixth of June, eighteen hundred and forty-seven, being the amount expended by him in the purchase of blankets and clothing for the second regiment of Ohio volunteers, while acting as assistant quartermaster for that regiment, in Mexico; and that said sum be paid out of any money in the treasury not otherwise appropriated.

Mr. KING, of Georgia, moved that the House resolve itself into Committee of the Whole on the state of the Union on Senate bills on the public calendar.

Mr. HALL, of Missouri, moved that the House adjourn.

The yeas and nays were taken on the motion, and resulted—yeas 78, nays 61.

And the House accordingly adjourned at a quarter past nine o'clock, p. m.

IN SENATE.

SATURDAY, *August* 12, 1848.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of the Treasury, communicating a report of the superintendent of standard weights and measures and balances.

On motion of Mr. PEARCE,

Ordered, That it be printed, and that five hundred copies, in addition to the usual number, be printed for the use of the superintendent.

Mr. PEARCE submitted a communication from Alexandre Vattemare, which was ordered to be printed.

Mr. BUTLER moved that the Senate insist on its amendments to the bill to revive and extend the provisions of an act entitled "An act to settle the title to certain tracts of land in the State of Arkansas," and asked a Committee of Conference, which was appointed by the Chair. The committee consists of Messrs. BUTLER, MASON, and HALE.

On motion of Mr. BUTLER, the Senate concurred in the amendments of the House to the bill giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivery of certain offenders; which motion was agreed to.

On motion of Mr. CAMERON, the Senate proceeded to consider the bill from the House for the relief of William Pittman, and passed the same.

On motion of Mr. RUSK, the Senate receded from all its amendments to the House bill to establish certain post routes; which was agreed to.

Mr. BREESE, from the Committee on Public Lands, reported the bill to authorize the draining of the Everglades in the State of Florida by said State, and to grant the same to said State for that purpose, without amendment, and accompanied by a written report, with documents; which were ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. BELL, from the Committee on Indian Affairs, reported a resolution for the relief of the attorneys employed by the Choctaw reservees under the treaty of Dancing Rabbit Creek, concluded the 15th of September, 1830; which was read, and passed to a second reading.

Mr. BELL also asked to be discharged from the sundry memorials and resolutions referred to the Committee on Indian Affairs.

Mr. JOHNSON, of Louisiana, asked to be discharged from sundry petitions referred to the Committee on Pensions.

Mr. YULEE, from the Committee on Naval Affairs, asked to be discharged from the further consideration of sundry memorials, &c., referred to that committee.

Mr. MASON gave notice that he should move to take up the calendar at 11 o'clock.

The bill for the relief of Charity Harrington, as amended by the House, was taken up and concurred in.

Mr. KING submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, (the House of Representatives concurring,) That the sixteenth joint rule of the two Houses be suspended, so far as to permit the sending to the House of Representatives the bill to carry into effect certain stipulations of the treaty between the United States of America and the Republic of Mexico, of the 2d day of February, 1848.

Mr. BENTON submitted the following joint resolution of thanks to Colonel Doniphan, his officers and men:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and the same hereby are, presented to Colonel Doniphan, his officers and men, for the brilliant victory of the Sacramento, and the successful conduct of the military expedition to Chihuahua, and thence to General Taylor's army; and that the President of the United States be requested to cause to be made a sword of the value of $500, with suitable inscriptions, to commemorate the honor of said victory and expedition.

Mr. BENTON also offered the following joint resolution; which was read, and passed to a second reading:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be presented to Brigadier General Price, his officers and men, for the brilliant victory achieved by them at St. Cruz, in the State of Chihuahua, over a superior Mexican force; and that the President of the United States be requested to cause a sword of the value of $500, with suitable inscriptions, to be made and presented to General Price, in honor and commemoration of said victory.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

Mr. ATHERTON, from the Committee of Conference on the bill making appropriations for the civil and diplomatic service, made a report; which was read.

Mr. YULEE asked that the consideration of the report be postponed until the seats of the absent Senators should be filled.

Mr. ATHERTON said he could not consent to a moment's delay. The Committee on Conference did not terminate its labors until 10 o'clock last night. It must be recollected that this bill had to be engrossed, and that there was not a cent to pay the members.

The report was then concurred in.

THE OREGON BILL.

The bill to establish a Territorial Government in Oregon, as amended by the House of Representatives, was then taken up.

The amendments having been read—

Mr. DOUGLAS moved the appointment of a committee of conference.

Mr. KING said the proper motion was to insist, and then to ask for a committee of conference.

Mr. BENTON rose to make a motion which would supersede the other motion. He moved that the Senate recede from its amendment.

Mr. YULEE referred to the Manual, to show the first motion was to insist.

Mr. DAYTON suggested that the motion to recede was first in order, because, if it succeeded, it would prevent any committee of conference.

Mr. MASON asked if the motion to recede would appear on the Journal?

The CHAIR having replied in the affirmative—

Mr. MASON moved to lay the bill and amendments on the table, and asked for the yeas and nays; which were ordered.

The question was then taken and decided as follows:

YEAS—Messrs. Berrien, Butler, Calhoun, Davis of Mississippi, Downs, Foote, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Mangum, Mason, Pearce, Rusk, Turney, Westcott, and Yulee—18.

NAYS—Messrs. Allen, Atchison, Atherton, Baldwin, Bell, Benton, Bradbury, Breese, Bright, Cameron, Clarke, Davis of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamilton, Houston, Metcalfe, Miller, Niles, Spruance, Sturgeon, Underwood, Upham, Walker, and Webster—32.

Mr. BENTON renewed his motion to recede. This question had been a long time before the Senate. He had patiently waited with an anxious desire to adopt some measure of conciliation. From the first he had been opposed to clogging Oregon with California. He wished to see Oregon go through by herself. When the subject was referred to a select committee of eight, a bill had been brought in, constructed for the purpose of conciliating different feelings. He had not approved of that bill; but he had always determined to vote for it. He had not impeded its progress by interposing a single word. He gave his vote for it, while he disapproved of it at the same time. Then there came up the adjustment on the parallel line of 36° 30′. He was extremely reluctant to go for that measure. Oregon was four hundred miles distant from the nearest, and nearly a thousand miles from the remotest point of California; and there was no rule which applied equally to both. Still he had voted for that bill, in order to put an end to the question; and on similar grounds he had given his vote for the Oregon bill. That bill had been sent to the House, and had been returned from the House with the Missouri compromise stricken out. He thought he had now done enough to secure conciliation and compromise. He had done enough when he consented to attach California to Oregon. Oregon was now in a deplorable condition. A few years ago we were ready to fight all the world to get possession of her; and now we are just as willing to throw her away as we were then to risk everything for her possession. She is left without a government, without laws, while at this moment she is engaged in a war with the Indians. There were twelve thousand or fifteen thousand persons settled there who had claims on our protection. She was three thousand miles from the metropolitan seat of government. And yet, although she had set up a provisional government for herself, and this provisional government had taken on itself the enactment of laws, it is left to the will of every individual to determine for himself whether he will obey those laws or not. She has now reached a point beyond which she can exist no longer. She can work along no further, no longer. The war hereafter will not be between whites and Indians; it will be a conflict between whites and whites. It will become necessary that every dispute shall be settled by a resort to arms. And can this Senate satisfy itself that it will have performed its duty, while it sits with folded arms, and declines to do anything? It is a duty, a solemn obligation, enforced by the awful solemnity of our oaths, which we cannot avoid without a violation of that duty. If we refrain from extending the protection of this Government to the people of Oregon, we violate these obligations. He held it to be our bounden duty to provide a government for Oregon; and he would not, so far as he was able, permit the bill to establish that government, by putting a weight of extraneous matter on it, to sink it down. Florida had been permitted to come into the Union, notwithstanding the slavery question.

Mr. YULEE said there was a warm and long opposition to it.

Mr. BENTON. Florida was permitted to come in at once.

Mr. WESTCOTT. Florida was an applicant year after year—from 1839 to 1845—before she was admitted.

Mr. BENTON. Florida went through as a State. Not a single vote was given against the formation of her State government.

Mr. YULEE. There was long discussion and a strong vote against it.

Mr. BENTON. She passed through as a State. The members from the non-slaveholding States could have stopped her if they had chosen, but they let her pass. Texas had also been admitted. And why was Oregon to be arrested in her application? If Congress should adjourn without establishing a government there, it might become a question with the President whether his duty would not require of him to convene Congress before the usual period. Mr. B. concluded with re-urging Congress to act on the bill now.

The CHAIR announced its decision, that the motion to recede takes precedence of the motion to insist and to ask for a committee of conference.

Mr. BERRIEN would not call in question the decision of the Chair. He made an appeal to the Senate not to let this last opportunity for conciliation pass away. He hoped the motion to recede would not prevail. The question involved the interests of the people of Oregon; and more than that, the harmony of the people of the United States. If this measure should not prevail, it will be taken as evidence that the Government will hereafter rule the South with a rod of iron. He hoped a committee of conference would be granted, in order that gentlemen might compare opinions, in the hope of coming to some satisfactory conclusion. He trusted that this course would be pursued, in order that southern representatives might carry home the gratifying information that Congress were disposed to consult the feelings of their constituents. It was suggested by the Senator from Missouri, that the appointment of a committee of conference would be to transfer the power of Congress to a committee. He contended that if the establishment of a government in Oregon was impeded, it was by fastening on it this proviso in relation to a Territory where it is not needed. Does any man believe that slavery will ever exist in Oregon? And if not, how did the attaching of California to the bill clog and bear it down? He designated more in detail the position in which southern Senators were placed. He complimented the Senator from Massachusetts [Mr. WEBSTER] on the statesmanlike ground on which he had placed his opposition. In his course there was no demagogism, no free-soil fallacy. But he regarded the view of that Senator as to the three-fifths provision as incorrect; and he went at some length into an explanation of his own opinions as to the intent of that provision, and concluded with a renewed appeal to the Senate not to recede.

Mr. MASON moved to postpone the further consideration of this bill until half-past five, for the purpose of taking up the private calendar; and on this question he asked the yeas and nays, which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Badger, Berrien, Borland, Butler, Calhoun, Davis of Mississippi, Downs, Foote, Hannegan, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Pearce, Rusk, Sebastian, Turney, Westcott, and Yulee—23.

NAYS—Messrs. Allen, Atchison, Atherton, Baldwin, Bell, Benton, Bradbury, Breese, Bright, Cameron, Clarke, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Metcalfe, Miller, Niles, Phelps, Spruance, Sturgeon, Underwood, Upham, Walker, and Webster—34.

Mr. CALHOUN expressed his apprehension that there was a fixed majority in this Senate and in the House opposed to any further trial at conciliation. Still he hoped the Senate would preserve a correct position, and vote for the appointment of a committee of conference. He might say, without any self-flattery, that he had all along foreseen this result. Let those who opposed the views of the South lay their cause before the country, and defend it as they could. The great strife between the North and the South is ended. The North is determined to exclude the property of the slaveholder, and of course the slaveholder himself, from its territory. On this point there seems to be no division in the North. In the South, he regretted to say, there was some division of sentiment. The effect of this determination of the North was to convert all the southern population into slaves; and he would never consent to entail that disgrace on his posterity. He denounced any southern man who would not take the same course. Gentlemen were greatly mistaken if they supposed the Presidential question in the South would override this more important one. The separation of the North and the South is completed. The South has now a most solemn obligation to perform—to herself—to the Constitution—to the Union. She is bound to come to a decision not to permit this to go on any further, but to show that, dearly as she prizes the Union, there are questions which she regards as of greater importance than the Union. She is bound to fulfill her obligations as she may best understand them. This is not a question of territorial government, but a question involving the continuance of the Union. Perhaps it was better that this question should come to an end, in order that some new point should be taken.

He had given what he deemed a clear constitutional vote on the compromise bill. He had also voted for the introduction of the Missouri compromise into this bill; although he could not constitutionally vote for the bill, which he regarded as artificial. Gentlemen may do with this bill as they please. If they will not give now what the South asks as a compromise, she will, at the next session, demand all, and will not be satisfied with anything less.

Mr. BELL said, he was a southern Senator, and deeply involved in southern interests; but he must have greatly mistaken his true course if the arguments to which he had listened were correct. There were wiser heads than his; but still, in the vote which he should give, he must conform to his own judgment. He believed that the Senator from South Carolina, and those who concurred with him, had placed the South in a wrong position, when they assumed that, by the decision of this question, the die would be cast, and the issue must now be made which involves the dissolution of the Union. He contended that this issue was prematurely made when it was made on the Oregon bill. If we are to quarrel with the North, let us be sure that in all respects our ground of dispute is tenable for us. The vote of the House has been cited here as evidence that this issue could no longer be avoided. He came to no such conclusion. He knew and felt the influence of too many sympathies with the North. Until a vote of Congress should, on the subject of the southern Territories, actually separate the Union, he never would believe that such a vote could be given. As to this question, he had voted against laying this bill on the table, and against its postponement, because he desired to give his southern friends an opportunity of having a committee of conference, from which he expected nothing favorable.

Mr. WESTCOTT and Mr. DOWNS explained their votes on the question to lay the subject on the table.

Mr. BELL resumed. He would vote against receding, and would then vote to insist, although he did not expect any good from a conference. He desired to see the Oregon bill passed, even without this restriction; and he could not use it as a means of attack on gentlemen. Whether he could vote for it himself was doubtful, regarding as he did the

feelings of the friends with whom he was associated. He controverted the doctrine, that even if the whole country, North and South, was opposed to slavery, Congress had no power to legislate on the subject. He thought the Missouri compromise had settled that point. He repeated, in conclusion, his conviction that the making up of the issue at this time was premature. When the whole question as to the Territories of California and New Mexico should come up, it would be time enough to tender the issue.

Mr. TURNEY thought the whole question was involved in the question now under consideration. It was alleged by the Senator from Missouri, that if this bill should be rejected, it might become the duty of the President to convene Congress for the purpose of providing a government for Oregon. If so, why had three years been permitted to pass without any government being provided for Oregon? He did not regard the claims of Oregon as greater than those of California and New Mexico. The question had become a sectional one, and productive of angry discussion. He desired to know why, in reference to this bill, the usual parliamentary course of appointing a committee of conference was to be departed from? On no other bill had there been this departure from the ordinary course. He could see no reason for the change. Deny this Committee of Conference, and all hope of providing a government for Oregon is lost, and every opportunity of conciliating the opposing sections of the country will have passed away. He hoped this spirit of conciliation would not be abandoned until every effort had been exhausted in a Committee of Conference. He complimented the Senator from Indiana [Mr. BRIGHT] on the course he had taken, almost alone, in throwing himself into the breach, to preserve his party and the Union. He hoped the committee would be allowed. When had such a committee failed to agree? When had any bill been lost, which had been referred to a Committee of Conference? To test the sense of the Senate, he would move to lay the motion of the Senator from Missouri on the table.

The CHAIR deciding that that motion would carry the bill with it—

Mr. TURNEY withdrew his motion.

Mr. BUTLER said that he had voted for laying the bill on the table, because, after the declaration of the Senator from Missouri, that the reference to a Committee of Conference would be a transfer of the power of the Senate, he thought it would be better to leave Oregon without a government for the present than pass the bill in such a shape as would provoke the consequences which must follow. He thought the views of the Senator from Tennessee [Mr. BELL] were not correct, and it appeared very unlikely that any issue could probably ensue which would suit the taste of that Senator. The history of the great men of Massachusetts, in the revolutionary crisis, would rise up and rebuke those who were so fastidious about an issue. He put a number of questions to ascertain what issue would suit the Senator. He complimented that Senator for the qualities of heart which he had exhibited when he spoke of his sympathies for the North. But he thought that the practical judgment of that Senator would revolt from a surrender of the Oregon question. We read with admiration of individuals who have stood up alone to breast the storm; and we have seen such among us. But if we of the South are obliged to go home, and tell our constituents that the Missouri compromise has been rejected, all the eloquence of the Senator from Tennessee and that of the Senator from Missouri combined, would have no effect in controlling the burst of indignation which would break forth. He referred to a letter published last summer by the Senator from Missouri, in which he pledged himself to give Oregon a government, and congratulated him on the facility with which he could change his position. He thought little of any dangers which would threaten the Union from any consequences which could arise from the extension of our country, in comparison with those which must follow the rejection of this last effort of compromise. He could not coincide in opinion with the Senator from Massachusetts, [Mr. WEBSTER,] that there was nothing in the Constitution touching the government of new Territories obtained by a power resulting from war. There were many things prohibited by the Constitution which could not be done in a new Territory any more than in any other Territory. He concluded by stating, that we had given by this bill to Oregon a Legislature, a Governor, and everything usually included in bills of this kind; and was it to be supposed, that if this feature were stricken out, Oregon could not exist under its government? The idea of the Senator from Tennessee, that the issue could not be made until the decision of Congress on the California question, he repudiated, because there was no probability that such issue would be made at present. The next issue would be the abolition of slavery in the District of Columbia, and in the forts and arsenals. He believed that in a few years an amendment of the Constitution would be made, which would still further prostrate the power and interests of the South. The opposition to the Amistad appropriation had been sustained by arguments such as he had never before this session heard from any lips. The situation of the south Atlantic States ought to induce us to pause. We had gone through a war, and the fruits of victory are held up, but these fruits the South is not permitted to touch. While the North is becoming rich by the carrying trade, by supplying provisions, &c., the South had not even had its share of patronage in the appointment of the officers who had figured in the war. He adduced this as proof that the weak would always be pressed down by the strong. While none of the honors, except the laurels enjoyed by those who have returned, and the cypress which mingles with the willow and is dewed with the widow's and the orphan's tears, have fallen to the South, it was hard to bear the insulting comparisons instituted on the subject of slavery whenever it comes up for discussion.

Mr. HOUSTON wished to make his position known, not only on this continent, but that it should be blazoned forth to the world. He believed that the crisis so much spoken of had come. Texas was peculiarly situated. The line of 36° 30′ divides her territory. North of that, slavery is prohibited; south of it, slavery may or may not exist, as she may select. Texas had entered the Union on this condition, and she was willing to adhere to that condition. He did not see that this bill affected the interests of Texas in any way. The extension in Oregon of the line to 42° could not affect the southern States. He stood on the frontier, and he saw nothing in whatever legislation might take place in reference to territory north of 42° which could concern his State. He reminded the Senate that thirteen Senators from the northern States had voted for the admission of Texas as she came in. And he was ready to vote for the admission of Oregon, even with the prohibition of slavery attached to it, as it could never affect the southern Territories. He might vote against receding, because he hoped something better might be obtained. As to the southern Territories, the Government of California is not now before us. He remembered the cry of disunion and nullification when the high tariff was imposed. That cry reached him in the wilderness, an exile from kindred and friends and sections; but it rung in his ears, and wounded his heart. But now he was in the midst of such a cry, and he was bound to act as a man conscious of the solemn responsibilities imposed on him. He had heard the menaces and cries of disunion until he had become familiar with them, and they had now ceased to produce alarm in his bosom. He had no fear of the dissolution of the Union, when he recollected how it had been established, and how it had been defended. It could not be the interest of the North to destroy the South, notwithstanding the papers signed by old men, and old women, and pretty little girls, praying for abolition, got up in the very small coteries—these could not ruffle the Union. The intelligent and manly spirits of the North would rise up to defend the Union. He wished no separation of the States. He had too much confidence in the North to fear any injury from that section. And he thought the South—and he was a southern man—should make some sacrifice for the purpose of reconciliation with the North. As to the Presidential elections, he hoped they would always continue, and that the Republic would long exist; but he did not dread the influence which these questions would exercise on legislation. Oregon cannot obtain protection and good government, except from Congress; and he hoped these would be extended to her.

As to the South, he was anxious to throw off from her any injurious imputations. It had been said that the South, which supported one of the candidates in 1840, had deserted him in 1844. He was a favorite with the South, because he declared himself a northern man with southern principles, and of course was a favorite with the South. What is that gentleman's position now? It reminded him of the two farmers who had two orchards, one on the north and the other on the south side of a hill. On one occasion, when the fruit failed on the northern side, the farmer on the south offered his neighbor the privilege of coming into his orchard and making there what cider he needed. "That is very well," said the northern man, "but I have no hands to make it." The southern man replied that he would make him some, and would let him have a barrel of cider. "But I have no one to bring it home," said the northern man. "Well, I will send you a barrel," was the reply. "That is all well," said his neighbor, "and when I have drunk out the cider, what will you give me for the barrel?" So the gentleman of the North with southern principles now wanted to sell the barrel to the South. He went on at some length to discuss the political character and course of Mr. Van Buren, expressing his belief that as soon as Elisha's mantle fell on his shoulders, he was the favorite of the South on that account; but that when he styled himself a northern man with southern principles, that alone should have put the South on her guard, and led her to suspect him of treachery. But if the vision of the stern old warrior could break upon him as that old man would have looked, if living, on his traitorous course, the glance of the warrior's eye would exterminate him where he stands, and leave not a spot to mark the place. He went on to show the intimate connection of interests between the North and the South, which ought to cement the union between them. They are mutually dependent on each other; and if the slaves were free, where would be found purchasers for the coarser fabrics of northern manufactures? The South had no reason to complain because the North was the beneficiary of the favors of the Government. He thought that these considerations ought to influence us when any one talks to us of a dissolution of the Union. He protested against the cries of disunion, and against every attempt to traduce the Union. He was of the South, and he was ready to defend the South; but he was for the Union. The Union was his guiding star, and he would fix his eyes on that star to direct his course. He would advise his friends of the South and of the North to pursue measures of conciliation. He would discourage every attempt to sow discord, and to stir up the passions of the country, and kindle them up to war. He regretted that the Senator from South Carolina had used any menacing language against the Union.

Mr. CALHOUN explained that he used no menace. He spoke of his own position.

Mr. HOUSTON said, he was glad to find that the Senator meant no menace. What would be done by the South? Would she have a convention?

Mr. DOWNS. Have not the North had a convention?

Mr. BUTLER. Does the Senator think it treason in the South to have a convention?

Mr. HOUSTON said, certainly not. It would have the right to hold a convention and raise a puny war against the women and children who get up abolition papers, or against that convention at Buffalo; and he had seen a much more respectable convention of buffaloes. He would never go into any southern convention; he would never aid in any scheme to bring about a dissolution of the Union. What would a southern convention do? Would it oppose the laws enacted by a majority of the two Houses? Would it raise troops to cut off emigrants to Oregon, because they were going there without negroes? He wished to know if this would not be a beautiful idea. The Senator from South Carolina, after voting for the Missouri compromise, could not head a convention. Heaven would not let him. Such a mutinous, nondescript company as he would have under him, would never have been seen before. As for himself, he would not go in for carrying on a war to Puget's Sound for a visionary object.

Mr. BENTON called the attention of the Senate to the fact, that the Senate had agreed to every word and every letter of the bill from the House; but the Senate had added to it extraneous matter.

We now saw the opening of that second chapter, which the Senator from South Carolina had spoken of, as a part of the history of the dissolution of the Union. Chapter "number two" was to open when both Houses had agreed to this Oregon bill, word for word, and letter for letter; and when the Senate interjected in the bill a foreign question—a question relating altogether to another subject—this number two was to go before the country as a part of the history of dissolution.

He (Mr. B.) had been taunted in the debate with having relaxed in his zeal for Oregon at one time, and increasing it at this time. For thirty years he had urged the claims of Oregon, and with equal zeal he urged them now. He reminded the Senate of a letter which he wrote a year and a half ago, in which he treated of the scheme formed for keeping Oregon out of the Union.

All this talk about the dissolution of the Union gave him no concern. He was peculiarly constituted as to the subject. His observation of public affairs went back to that period of our history when Aaron Burr engaged in his enterprise of disunion. He (Mr. B.) was a boy of sixteen, but was an observer of events, and a reader of the public journals. He acknowledged that he then read with mortification—and few things from the same source had ever failed to meet with his cordial approbation—he read, he said, with mortification, the proclamation of Mr. Jefferson, in which he denounced the project of Burr as "dangerous to the Union." For, at that time, there was not a neighborhood in the West in which Burr would disclose his project. If he had done so, the women and children would have tied him down and sent him to the nearest place of justice, dragged by a dog-chain. As long as he presented mere designs of a dazzling nature, and not concerning our own Government, he was listened to. But when, on the lower Mississippi, he did disclose his treasonable objects, he was immediately obliged to fly into the wilderness and become an outcast from society. There, in his hiding-place—in his disguise—in a creek, where the alligator has his place—he was accidentally encountered, at night, by one who, before affording him relief, demanded his name. Who are you? As soon as he gave his name, he was taken into custody, and by a string led into the Georgia settlements. Burr having heard of the sympathy often excited in the behalf of great men struggling with adversity, appealed to some persons in Georgia for his rescue. He addressed some boys as to his case, and, at first, very naturally excited their sympathy. But when these boys heard his name, they refused to afford him any succor. Such (said Mr. B.) will be the end of all attempts to dissolve this Union—to divide it by any line. He would, he said, think that a man who might bring brick, mortar, and trowel to dam up the mighty Mississippi, had commenced a feasible and wise enterprise, in comparison with the project of that man who might undertake to run a dividing line between the States of this Union. All this talk of disunion was idle. It was like

> "A tale told by an idiot,
> Full of sound and fury—signifying nothing."

No influence had these menaces on him. A key dropped into the broad Atlantic would, as it had been said, produce a disturbance that would be felt in the seas of China. Just as little did this talk of disunion ruffle him. Thus, he said, would end the chapter number two.

Mr. YULEE addressed the Senate at length on the subject, remarking that he would gladly go with the Senator from Tennessee [Mr. BELL] and the Senator from Texas [Mr. HOUSTON] in postponing this issue, if it could be done with a just regard to the interests of the South. But such a postponement would only serve as an inducement to the North to persist in its course of injustice to the South. What was the issue provoked by this bill? Was it not an assumption by the almost unanimous vote of the North that they would not permit the South to enter into any of the Territories of the Union? The vote of the North was an annunciation to the South of their fixed purpose to deny to the South their just rights. He would be happy if the Senate would agree to postpone this bill, with the whole subject. The South have never been able to obtain their rights from the North, except by compromise. Missouri was admitted with Maine, and in like manner other southern States had been admitted only in connection with some northern States. It gave him pain to hear some of the southern men propose to yield this question. It was a contest for principles. He still hoped that some mode of compromising this question would be resorted to. He would move, with that view, the reference of the bill and amendments to the Committee on Territories.

Mr. WEBSTER doubted whether the bill, in its present condition, could be referred.

Mr. CALHOUN said the reference would be in conformity with parliamentary rule. The committee might propose to retain some, and recede from other amendments.

Mr. DAYTON said the amendments alone were before the Senate.

Mr. YULEE withdrew the motion at present.

A message was here received from the House, communicating their action on the Senate amendments to the bill establishing certain post routes.

On motion of Mr. RUSK, it was taken up.

The message was read, and the House amendments concurred in.

Mr. JOHNSON, of Georgia, rose and addressed the Senate in reply to the Senator from Texas, declaring that the South could not with any propriety rely on the magnanimity of the North. He also took exception to the course of the Senator from Tennessee, [Mr. BELL,] who, as a southern man, looked forward to the day when the South would be saved by northern generosity. He would not dwell on the incendiary publications which had been circulated, as blood in the human body, through every vein and artery. But this, with numerous other acts of notoriety, might be quoted to show the character of northern generosity. He went into a view of the course which had been pursued in reference to the Oregon question.

The South had only asked us to keep off legislative action on this subject. They asked only that the question should be submitted to the Supreme Court, to be decided upon in conformity with the Constitution. But the compromise based on this principle had been laid on the table by the other House—rejected without any of that courtesy and magnanimity of which the Senators from Missouri and Texas had promised to us.

Mr. DAVIS, of Mississippi, rose, and took the floor in continuance of the debate; and, as the hour for the recess had nearly arrived, he moved that the Senate go into Executive session; which was agreed to.

EVENING SESSION.

The CHAIR having announced that a resolution offered by Mr. MANGUM could not be received—

When the doors were reopened—

Mr. WESTCOTT was speaking to a question of order, as it appeared, in consequence of the objection to the reading of the resolution which was submitted by the Senator from North Carolina, [Mr. MANGUM.] It was represented to him, that there was a conventional understanding on the subject; but there was a time coming when the laws of courtesy would give way to other laws.

Mr. W. appealed against the decision of the Chair, and asked the yeas and nays; which were ordered.

Mr. KING hoped the Chair would reverse its decision, and permit the resolution to be read, as he should be compelled to vote for the appeal.

Mr. DICKINSON said he should vote for the appeal.

Mr. NILES (in the chair) stated that when the Senate took a recess, the Senator from Georgia had the floor, and was entitled to the floor when the Senate resumed its session. It was not in order, therefore, for any Senator to introduce other business.

The question was then put, "Shall the decision of the Chair stand as the decision of the Senate?" and was decided as follows:

YEAS—Messrs. Allen, Baldwin, Benton, Bradbury, Breese, Clarke, Corwin, Davis of Massachusetts, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Metcalfe, Miller, Spruance, Underwood, Upham, and Walker—23.

NAYS—Messrs. Atherton, Badger, Berrien, Borland, Bright, Calhoun, Cameron, Davis of Mississippi, Dickinson, Downs, Foote, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Pheips, Rusk, Sebastian, Turney, Westcott, and Yulee—22.

Mr. ATHERTON asked the consent of the Senate to permit a report to be made from the Committee of Conference on the bill making appropriation for the army, and amendments.

Objections were made, and then withdrawn, and the report was received and read; and

Mr. ATHERTON moved that the Senate concur.

Mr. YULEE objected to a concurrence in that part of the report which relates to the organization of the marine corps. He considered it a matter of importance, and that it was his duty to explain the facts to the Senate.

The Senator from Florida was here called to order; consent having been given merely for the purpose of receiving the report.

The CHAIR decided that the report could not be made a subject of discussion; the objections being withdrawn only to permit the report to be received.

Mr. YULEE appealed from the decision of the Chair. He insisted that the objection to the reception of the report having been removed, the subject of the report was properly before the Senate.

The CHAIR repeated the reasons for its decision; but in so low a tone that the purport could not be understood.

Mr. ATHERTON insisted that the subject was before the Senate; that the House was waiting for the action of the Senate on the report; and that if it was laid on the table, the appropriation bill may be lost.

Mr. KING expressed a hope that the Senator from Illinois would withdraw his objection, and permit the report to be considered.

Mr. DOUGLAS explained that the objection did not originate with him.

Mr. DAVIS, of Massachusetts, said he should object to taking up this subject while another question was under consideration. The report might as well be laid on the table as the Oregon bill. He knew not to what extent the discussion on the Oregon bill was intended to be continued.

Mr. TURNEY hoped the question would be taken on the appeal. He was opposed to the taking up the subject of the Oregon bill until this report (taken up by the unanimous consent of the Senate) was disposed of.

The CHAIR stated the ground of its decision.

Mr. BADGER thought the decision of the Chair was not correct.

The yeas and nays were ordered, and the question being taken on the appeal, viz: "Whether the decision of the Chair shall stand?" it was decided as follows—yeas 19, yeas 29:

YEAS—Messrs. Baldwin, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Metcalfe, Miller, Spruance, Underwood, Upham, and Walker—19.

NAYS—Messrs. Allen, Atherton, Badger, Bell, Berrien, Borland, Bradbury, Butler, Calhoun, Davis of Mississippi, Dickinson, Downs, Foote, Houston, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Pearce, Phelps, Rusk, Sebastian, Turney, Webster, Westcott, and Yulee—29.

So the decision of the Chair was not sustained.

Mr. YULEE resumed, and asked for the reading of the section of the bill which constituted the amendment. He stated, that the Committee of Conference was not in possession of the facts when the subject was before it, and this portion of the bill escaped consideration. An increase of the marine corps had been authorized last session, and a portion of the increase had been employed on shore in Mexico, and had behaved with great gallantry. The increase authorized last session was one thousand; and it was now found that the number required, according to the present naval establishment, would be about two thousand three hundred; while the number now authorized by the committee made the aggregate only fifteen hundred. The Secretary proposed to reduce the landsmen in the proportion of the increase of the marines; and as the landsmen received nine dollars a month, and the marines only six dollars, it was a measure of economy. He lauded the efficiency with which the marines had performed their duty. He referred to a letter from Commodore Stewart, who recommended a much larger increase; and all the officers concurred in the expediency of this increase. An addition is also required to keep a sufficient number—say fifty or a hundred should always be kept here at headquarters—for drill—as they could only be effectually drilled while on shore. He requested the reading of a letter from the Secretary of the Navy recommending the increase on the grounds he had just stated; and the letter was read.

Mr. BENTON said he objected to the reception of these letters. Everything relative to the subject ought to be before the Committee of Conference.

Mr. BADGER rose to a point of order. The question on reading a paper must be taken without debate.

The question was then taken, and decided in the affirmative—ayes 23, noes 15.

A second letter from the Secretary of the Navy was then read; but while the Secretary was reading—

Mr. JOHNSON, of Maryland, asked how much more there was of it?

Mr. BENTON said there was a whole library—a perfect history of the marine corps.

The further reading of the letter was then dispensed with.

Mr. BENTON said he had committed a great blunder in permitting these marines to come into the army bill. He would take care that hereafter they should be kept in their proper place. And he would take as great care that the Senator from Florida should never again, with his consent, put any item into an army bill which was not previously authorized by law. And now see how the Senate was rewarded for its kindness! The House had acted under a correct understanding of the law. The Senator from Florida, from his manner, was willing to destroy the whole bill rather than give up his wish to keep up the marine corps with all its establishment of officers. The Committee of Conference understood the subject. He hoped the Senate would strike out the whole of the matter. The generosity of the Senate had been repaid by an attempt to destroy the bill.

Mr. YULEE said there was no intention on his part to destroy the bill. He understood that the House, with a little explanation, would agree to the bill. He understood from the chairman of the Committee on Finance, that there was a great probability of the passage of the amendment if sent back to it.

Mr. ATHERTON said he had been misunderstood. He had said that if the increase had only extended to the men, and the officers had not been all retained, it might have been so.

Mr. YULEE acquiesced in this explanation. He contended that there was propriety in attaching this corps to the army bill. It was the practice in England to join them in the same bill. He thought it would be well to send this bill and amendment to a second committee of conference.

Mr. BADGER said no one had any desire to destroy the bill. The same thing was said at the last session on the last night of the session. The Senate having introduced this measure into the bill, it could not be presumed that it was not in its proper place, and the question must turn on the intrinsic merits of the amendment. He pointed out the injustice which would be done to many gallant and deserving officers by the rejection of this clause. He hoped the report would be referred to another committee of conference.

The report of the Committee of Conference was then agreed to.

OREGON.

The Senate resumed the consideration of the bill to establish a Territorial Government in Oregon.

Mr. WEBSTER (Mr. JOHNSON yielding the floor) said he was not inclined to prolong this debate, and he was equally disinclined to introduce into it any new excitement and warmth. As a question of parliamentary proceeding, he understood the House had sent to the Senate a bill concerning Oregon, no part of which had been objected to, and no part had been stricken out. An amendment had been made, which, as the Senator from Missouri had justly stated, had nothing to do with Oregon. It was an amendment proper enough in itself, but which had no bearing at all on Oregon. The successive section says that the ordinance of 1787 shall be applicable to Oregon. The amendment had been added to the bill by a majority of the Senate. And if the majority of the Senate think anything can be gained by sending the bill to a second committee of conference, it is perfectly parliamentary for them to do so. But as he had voted against the amendment, it was natural that he should vote for the easiest mode of getting rid of it; that is, by receding. The gentleman from Georgia [Mr. BERRIEN] had not overstated the importance of this amendment. If wrong had been done, it should be fairly presented to the world; and if it shall not meet its approbation, we have only to submit quietly to the rebuke. He perfectly acquiesced in the opinion, that this was a fit subject to be presented to the judgment of the civilized world.

The ordinance of 1787 refers to the existence of a particular kind of slave not known in Europe, or in any civilized countries. Although slavery as attached to the South exists in other countries, he knew not that slaves transferable as chattels, to be separated from the glebe, were to be found but in America, and in the colonies of America. He remembered when this was regarded as an evil fixed on us by the mother country, and it must be considered as an entailment. He referred to the original introduction of slavery in the South, and assumed that no one, as far as he could gather from the acts and debates in Congress, had contemplated any extension of it to new territory. In the Convention and in the first Congress, it was conceded that slavery was a State institution, and that Congress had no power over it. He was of this opinion, and he would countenance no efforts to produce excitement by the introduction of these questions.

The framers of the Constitution never contemplated the acquisition of foreign territory. Since that period, new Territories have been acquired by purchase or conquest. Five slave States have been since admitted, sending ten Senators to this Chamber. But not one free State has been admitted. [Several voices: "Iowa."] Is Iowa admitted? Her Senators are not here. That would be one to five. This fact shows that we have not disfavored slavery. As already there have been five States created out of these new Territories, he did not deem it his duty to go any further. As the Senator from Georgia desires to leave the question to the decision of the civilized word, and as he acquiesced in that course, how would it then stand? The southern Senators say we deprive them of the right to go into these newly-acquired Territories with their property. We certainly do not prevent them from going into these Territories with what is in general law called property. But these States have by their local laws created a property in persons, and they cannot carry these local laws with them. Slavery is created and exists by a local law, which is limited to a certain section; and it is asked that Congress shall establish a local law in other Territories, to enable southern Senators to carry their particular law with them. No man can be held as a slave, except the local law shall accompany him. The slave is held to be free until evidence shall be presented to prove that he is a slave. There is a belief prevailing, that slave labor and free labor cannot exist together. He had a letter of Mr. Mason, in which it is stated that slave labor will expel free labor. This was not a universal rule, as there was useful free labor in parts of Virginia and Tennessee.

He was not willing to extend the area of slavery, or to increase the slave representation in the other House. He thought enough had been yielded when twenty representatives from slave States, elected by three-fifths, were in the House of Representatives. When the Constitution was adopted, no one looked for any accession of new States. Looking to the new circumstances—the acquisition of so much new territory—he thought it his duty to take his stand, and to say that he would never vote to extend the area of slavery.

Mr. JOHNSON, of Georgia, then resumed his remarks, and continued until a late hour.

Mr. JOHNSON, of Maryland, followed, and spoke for near an hour; when—

Mr. HOUSTON rose and addressed the Senate at very considerable length, chiefly in reply to Mr. JOHNSON, of Georgia, and others. In the course of his remarks he paid a beautiful compliment to Mr. Clay, declaring that he deserved to have a statue erected in the rotundo for his stand in relation to the Missouri compromise.

At this point of his speech there was an involuntary burst of feeling from the galleries and lobby, both of which were densely crowded, that could not be suppressed.

Mr. KING rose to express his astonishment at such proceedings. Long as he had been connected with Congress, he had never, in the course of his political life, witnessed such a scene. Had the United States Senate become a theatre, wherein the speakers were to be applauded or hissed? He trusted he might never again witness such conduct. He gave notice if there were any more such exhibitions, he should feel compelled to have the galleries cleared.

Mr. DICKINSON hoped no further notice would be taken of it, as it was evidently one of those involuntary bursts of feeling which, however much they were to be condemned, could not at all times be suppressed. He was convinced there would be no more of it, and hoped the Senator from Texas would proceed.

Mr. MASON said, if there were any repetitions of that character, if no other Senator moved to clear the galleries, he would do so himself. Mr. M. manifested some warmth.

Mr. PHELPS rose, and, turning towards Mr. KING, remarked, the Senator from Alabama says that he never witnessed such a scene in this Capitol before; if that Senator has not, I have: and was about to proceed, when the Chair requested the Senator from Texas to proceed.

Mr. HOUSTON then concluded his remarks.

Mr. TURNEY moved that the Senate adjourn, and desired to have the hour entered on the Journal. [It was then past midnight.]

On this question the yeas and nays were demanded, and the result was as follows:

YEAS—Messrs. Atchison, Berrien, Borland, Butler, Calhoun, Davis of Mississippi, Downs, Hannegan, Johnson of Maryland, King, Lewis, Mangum, Mason, Rusk, Sebastian, Turney, Westcott, and Yulee—18.

NAYS—Messrs. Allen, Atherton, Badger, Baldwin, Bell, Benton, Bradbury, Breese, Bright, Clarke, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Johnson of Louisiana, Metcalfe, Miller, Niles, Phelps, Spruance, Underwood, Upham, and Walker—32.

Mr. BUTLER desired to make a motion, and moved that the Senate galleries be cleared in order to go into Executive session.

There was some time spent in discussing points of order, in which Messrs. BERRIEN, BENTON, BREESE, HALE, DAVIS of Massachusetts, and others participated.

Mr. BELL spoke at some length as to what might appear the object of such a motion at that particular juncture.

[The scene was more than usually exciting at one time.]

The CHAIR ruled the motion of Mr. BUTLER out of order, from which an appeal was taken; and the result was, that the CHAIR was sustained, as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Badger, Baldwin, Bell, Benton, Borland, Bradbury, Breese, Bright, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Metcalfe, Miller, Niles, Rusk, Spruance, Upham, and Walker—36.

NAYS—Messrs. Calhoun, Downs, Foote, Hannegan, King, Lewis, Mangum, Mason, Turney, Westcott, and Yulee—11.

Mr. BADGER then addressed the Senate in favor of a committee of conference being appointed.

Mr. METCALFE spoke at great length, insisting that a committee of conference between the two Houses might be able to accommodate the matter satisfactorily.

Mr. FOOTE spoke for near half an hour, endeavoring to get Mr. BENTON to withdraw his motion to recede.

Mr. BENTON playfully observed that he always had an objection to retreating. One of his earliest recollections was the old Roman maxim, *non retrahit pedem;* and, if the object of the gentleman's speech was to induce him to draw back his foot, he might have saved himself the trouble.

Mr. FOOTE again rose to speak.

Mr. WALKER made a point of order. The rule said that no Senator could speak more than twice on any one subject; whereas the gentleman from Mississippi had spoken some half dozen times at least.

[Several voices: "Oh, let the gentleman proceed; we will listen to him with the greatest pleasure."]

Mr. FOOTE then went on very coolly, declaring his ability to speak two entire days and nights without any very great inconvenience to himself.

The debate was continued until after nine o'clock, a. m., Sunday, and was closed in a speech by Mr. FOOTE.

The question being put upon the motion of Mr. BENTON, to recede from all the amendments, a division of the question was called for, and it was ordered that the question be taken separately on each amendment.

Upon the question to recede from the first amendment, giving the veto power to the Governor, the

yeas and nays were ordered, and it was determined as follows:

YEAS—Messrs. Allen, Atherton, Baldwin, Bell, Benton, Bradbury, Breese, Bright, Cameron, Clarke, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Johnson of Maryland, Miller, Niles, Phelps, Spruance, Upham, Walker, and Webster—31.

NAYS—Messrs. Atchison, Badger, Berrien, Borland, Butler, Calhoun, Davis of Mississippi, Downs, Foote, Hunter, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Metcalfe, Pearce, Rusk, Sebastian, Turney, Underwood, Westcott, and Yulee—23.

Upon the question to recede from the second amendment, relating to the same subject, it was determined in the affirmative without a division.

Upon the question to recede from the third amendment, being the section extending the line of the *Missouri compromise* to the Pacific Ocean, the yeas and nays were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Baldwin, Benton, Bradbury, Breese, Bright, Cameron, Clarke, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Houston, Miller, Niles, Phelps, Spruance, Upham, Walker, and Webster—29.

NAYS—Messrs. Atchison, Badger, Bell, Berrien, Borland, Butler, Calhoun, Davis of Mississippi, Downs, Foote, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Metcalfe, Pearce, Rusk, Sebastian, Turney, Underwood, Westcott, and Yulee—25.

[Mr. ATHERTON was present but did not vote, having, as it is understood, paired off with Mr. KING, who had been compelled to leave from exhaustion. Messrs. CLAYTON and STURGEON were also absent, the former being still detained at home by the indisposition of a member of his family.]

The remaining amendments were separately receded from without a division, and the bill stands passed in the precise form in which it came from the House of Representatives, and is as follows:

AN ACT to establish the Territorial Government of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, all that part of the territory of the United States which lies west of the summit of the Rocky Mountains, north of the forty-second degree of north latitude, known as the Territory of Oregon, shall be organized into and constitute a temporary government by the name of the Territory of Oregon: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed. *And provided also*, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, together with the improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectively belong: *And provided further*, That nothing in this act contained, shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Oregon shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of Superintendent of Indian Affairs; he may grant pardons and respites for offences against the laws of said Territory, and reprieves for offences against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, where, by law, such commissions shall be required, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings, and official correspondence, semi-annually, on the first days of January and July, in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, for the use of Congress. And in case of the death, removal, resignation, or absence of the Governor from the Territory, the Secretary shall be, and he is hereby authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of nine members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue three years. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the members of Council of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one-third may be chosen every year; and if vacancies happen by resignation or otherwise, the same shall be filled at the next ensuing election. The House of Representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty. An apportionment shall be made as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the Council and of the House of Representatives shall reside in and be inhabitants of the district, or county, or counties, for which they may be elected respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons, and in such mode, as the Governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor; and the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election, and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act; and the Governor shall, by his proclamation, give at least sixty days previous notice of such apportionment, and of the time, places, and manner of holding such election. The persons having the highest number of legal votes in each of said council districts for members of the Council shall be declared by the Governor to be duly elected to the Council; and the persons having the highest number of legal votes for the House of Representatives shall be declared by the Governor to be duly elected members of said House: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the Legislative Assembly, the Governor shall order a new election, and the persons thus elected to the Legislative Assembly shall meet at such place, and on such day, within ninety days after such elections as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, That no session in any one year shall exceed the term of sixty days, except the first session, which shall not be prolonged beyond one hundred days.

SEC. 5. *And be it further enacted*, That every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act: *And provided further*, That no officer, soldier, seaman, or marine, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote in said Territory, by reason of being on service therein, unless said Territory is and has been for the period of six months, his permanent domicil: *Provided further*, That no person belonging to the army or navy of the United States shall ever be elected to, or hold any civil office or appointment in said Territory.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation, not inconsistent with the Constitution and laws of the United States; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the Legislative Assembly shall be submitted to the Congress of the United States, and if disapproved, shall be null and of no effect: *Provided*, That nothing in this act shall be construed to give power to incorporate a bank, or any institution with banking powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, either directly or indirectly. No charter granting any privilege of making, issuing, or putting into circulation any notes or bills in the likeness of bank-notes, or any bonds, scrip, drafts, bills of exchange, or obligations, or granting any other banking powers or privileges, shall be passed by the Legislative Assembly; nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in said Territory; nor shall said Legislative Assembly authorize the issue of any obligation, scrip, or evidence of debt by said Territory, in any mode or manner whatever, except certificates for services to said Territory; and all such laws, or any law or laws inconsistent with the provisions of this act, shall be utterly null and void; and all taxes shall be equal and uniform, and no distinction shall be made in the assessments between different kinds of property, but the assessments shall be according to the value thereof. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected in such manner as shall be provided by the Legislative Assembly of the Territory of Oregon.

SEC. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold, or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members

of the first Legislative Assembly; and no person holding a commission or appointment under the United States, shall be a member of the Legislative Assembly, or shall hold any office under the Government of said Territory.

SEC. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts, by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any case in which the title to land shall in any wise come in question, or where the debt or damages claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery, as well as common law, jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed two thousand dollars; and in all cases where the Constitution of the United States, or act of Congress, or a treaty of the United States is brought in question, each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States and the laws of said Territory, as is vested in the circuit and district courts of the United States. Writs of error and appeal in all such cases shall be made to the supreme court of said Territory, the same as in other cases. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner as from the circuit courts of the United States, where the value of the property or the amount in controversy shall exceed two thousand dollars; and each of said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States, and also of all cases arising under the laws of the said Territory and otherwise. The said clerk shall receive, in all such cases, the same fees which the clerks of the district courts of the late Wisconsin Territory received for similar services.

SEC. 10. *And be it further enacted*, That there shall be appointed an Attorney for said Territory, who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as were provided by law for the Attorney of the United States for the late Territory of Wisconsin. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States: he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees, as were provided by law for the Marshal of the district court of the United States for the present Territory of Wisconsin; and shall, in addition, be paid two hundred dollars annually, as a compensation for extra services.

SEC. 11. *And be it further enacted*, That the Governor, Secretary, Chief Justice and Associate Justices, Attorney, and Marshal, shall be nominated, and by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and Secretary, to be appointed as aforesaid, shall, before they act as such, respectively, take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief Justice or some Associate Justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said Secretary among the executive proceedings; and the Chief Justice and Associate Justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said Governor or Secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted, by the person taking the same, to the Secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and fifteen hundred dollars as Superintendent of Indian Affairs. The Chief Justice and Associate Justices shall each receive an annual salary of two thousand dollars. The Secretary shall receive an annual salary of fifteen hundred dollars. The said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the Legislative Assembly shall be entitled to receive three dollars each per day, during their attendance at the sessions thereof, and three dollars each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route. And a Chief Clerk, one Assistant Clerk, a Sergeant-at-Arms, and Doorkeeper, may be chosen for each House; and the Chief Clerk shall receive five dollars per day, and the said other officers three dollars per day, during the session of the Legislative Assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the Legislature annually, unless, on an extraordinary occasion, the Governor shall think proper to call the Legislature together. There shall be appropriated, annually, the sum of fifteen hundred dollars, to be expended by the Governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the executive department; and there shall also be appropriated, annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses. And the Governor and Secretary of the Territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall semi-annually account to the said Secretary for the manner in which the aforesaid [sum] moneys shall have been expended; and no expenditure, to be paid out of money appropriated by Congress, shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress making the appropriation, nor beyond the sums thus appropriated for such objects.

SEC. 12. *And be it further enacted*, That the rivers and streams of water in said Territory of Oregon, in which salmon are found, or to which they resort, shall not be obstructed by dams or otherwise, unless such dams or obstructions are so constructed as to allow salmon to pass freely up and down such rivers and streams.

SEC. 13. *And be it further enacted*, That the sum of ten thousand dollars be, and is hereby, appropriated to be expended under the direction of the President of the United States, in payment for the services and expenses of such persons as have been engaged by the provisional government of Oregon, in conveying communications to and from the United States, and for purchase of presents for such of the Indian tribes as the peace and quiet of the country requires.

SEC. 14. *And be it further enacted*, That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the Territory of the United States northwest of the river Ohio, by the articles of compact contained in the ordinance for the government of said territory, on the thirteenth day of July, seventeen hundred and eighty-seven; and shall be subject to all the conditions, and restrictions, and prohibitions in said articles of compact imposed upon the people of said Territory; and the existing laws now in force in the Territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the Constitution of the United States and the principles and provisions of this act; subject, nevertheless, to be altered, modified, or repealed by the Legislative Assembly of the said Territory of Oregon; but all laws heretofore passed in said Territory making grants of land or otherwise affecting or encumbering the title to lands, shall be, and are hereby, declared null and void, and the laws of the United States are hereby extended over, and declared to be in force in, said Territory, so far as the same, or any provision thereof, may be applicable.

SEC. 15. *And be it further enacted*, That the Legislative Assembly of the Territory of Oregon shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by said Legislative Assembly. And the sum of five thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of Oregon, to be there applied, by the Governor, to the erection of suitable buildings at the seat of government.

SEC. 16. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as have been heretofore exercised and enjoyed by the Delegates from the several other Territories of the United States to the said House of Representatives; but the Delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct, of which, and the time, place, and manner of holding such elections, he shall give at least sixty days' notice by proclamation; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly. The Delegate from said Territory shall not be entitled to receive more than twenty-five hundred dollars at any one session of Congress, as a compensation for his mileage in going to and returning from the seat of the Government of the United States, any act of Congress to the contrary notwithstanding.

SEC. 17. *And be it further enacted*, That all suits, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undeter-

mined in the courts established by authority of the provisional government of Oregon, within the limits of said Territory, when this act shall take effect, shall be transferred to be heard, tried, prosecuted, and determined in the district courts hereby established, which may include the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations of every kind whatsoever, valid under the existing laws within the limits of said Territory, shall be valid under this act; and all crimes and misdemeanors against the laws in force within said limits may be prosecuted, tried, and punished in the courts established by this act; and all penalties, forfeitures, actions, and causes of action, may be recovered under this act, in like manner as they would have been under the laws in force within the limits composing said Territory at the time this act shall go into operation: *Provided*, That the laws, penalties, and forfeitures, and punishments by this section required to be enforced by the courts provided for by this act, shall not be inconsistent with the Constitution of the United States: *And provided further*, That no right of action whatever shall accrue against any person for any act done in pursuance of any law heretofore passed by the temporary government, and which may be declared contrary to the Constitution of the United States.

SEC. 18. *And be it further enacted*, That all justices of the peace, constables, sheriffs, and all other judicial and ministerial officers who shall be in office within the limits of said Territory when this act shall take effect, shall be, and they are hereby, authorized and required to continue to exercise and perform the duties of their respective offices, as officers of the Territory of Oregon, until they, or others, shall be duly elected or appointed and qualified to fill their places, in the manner herein directed, or until their offices shall be abolished.

SEC. 19. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended, by and under the direction of the said Governor of the Territory of Oregon, in the purchase of a library, to be kept at the seat of government, for the use of the Governor, Legislative Assembly, Judges of the Supreme Court, Secretary, Marshal, and Attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

SEC. 20. *And be it further enacted*, That when the lands in said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six, in each township in said Territory, shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 21. *And be it further enacted*, That, until otherwise provided for by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation, to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the Judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 22. *And be it further enacted*, That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Oregon, who, by virtue of the provisions of any law now existing, or which may be enacted during the present Congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security at such time and place, and in such manner, as the Secretary of the Treasury may prescribe.

SEC. 23. *And be it further enacted*, That all the ports, harbors, shores, and waters of the main land of the Territory aforesaid, shall constitute a collection district, to be called the district of Oregon; and a port of entry shall be established at Astoria, near the mouth of the Columbia river, and a collector of customs shall be appointed by the President, by and with the advice and consent of the Senate, to reside at such port of entry.

SEC. 24. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to establish such ports of delivery in the district created by this act, not exceeding two in number, one of which shall be located on Puget's Sound, as he may deem expedient, and may appoint, by and with the advice and consent of the Senate, Surveyors to reside thereat.

SEC. 25. *And be it further enacted*, That the collector of said district shall be allowed a compensation of one thousand dollars per annum, and the fees allowed by law; and the compensation of any surveyor appointed in pursuance of this act shall not exceed five hundred dollars per annum, including in said sum the fees allowed by law; and the amount collected by any of said surveyors, for fees, in any one year, exceeding the sum of five hundred dollars, shall be accounted for and paid into the treasury of the United States.

SEC. 26. *And be it further enacted*, That the revenue laws of the United States be, and are hereby, extended over the Territory of Oregon.

SEC. 27. *And be it further enacted*, That the sum of fifteen thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury, for the construction of light-houses at Cape Disappointment and New Dunginess; and for the construction and anchoring of the requisite number of buoys, to indicate the channels at the mouth of the Columbia river, and the approaches to the harbor of Astoria, the said buoys to be placed and anchored under the direction of such person as the Secretary of the Treasury shall appoint.

Mr. MILLER submitted a resolution that (the House concurring) the 17th joint rule be suspended, in order that the bill may be presented to the President of the United States on the last day of the session.

Mr. YULEE objected to the consideration of the resolution, and it lies over.

On motion of Mr. DICKINSON, the bill from the House for the relief of Richard Reynolds was taken up for consideration and passed; and at a few minutes before ten o'clock, a. m., after an exciting session of twenty-four hours, the Senate adjourned until Monday morning, at nine o'clock.

HOUSE OF REPRESENTATIVES.

MONDAY, *August* 14, 1848.

The reading of the Journal of Saturday was commenced, when, on motion of Mr. C. J. INGERSOLL, its further reading was dispensed with.

OREGON TERRITORIAL GOVERNMENT.

Mr. ROBINSON, from the Committee on Enrolled Bills, reported that the committee had examined the bill to establish a Territorial Government for Oregon, and found it correctly enrolled.

He moved to suspend the seventeenth joint rule, which forbids bills being presented to the President on the last day of the session, so as to permit the Oregon bill and all other bills which had passed or might pass to be sent to the President; and on that motion he demanded the previous question.

Mr. BAYLY moved that the House adjourn.

Mr. RHETT demanded the yeas and nays on the motion.

The SPEAKER decided that the motion to adjourn was not in order. The two Houses, by a joint resolution, had fixed twelve o'clock to-day as the time for the adjournment *sine die*. By the Constitution of the United States, neither House, without the consent of the other, could adjourn for more than three days. If the motion to adjourn were received and agreed to, the House would stand adjourned until the first Monday in December. The motion was not, therefore, in order.

After some conversation on points of order between Mr. BAYLY, Mr. RHETT, and the SPEAKER—

Mr. RHETT moved a call of the House, and demanded tellers on the motion.

Tellers were refused, and the motion was rejected.

The demand for the previous question was then seconded.

Mr. RHETT demanded the yeas and nays on the main question. Rejected.

Mr. CLARKE, of Kentucky, rose to a privileged question.

The SPEAKER said there was no privileged question which would override the question pending.

The main question was then ordered, and the resolution was adopted.

Mr. McCLELLAND moved to reconsider the vote, and, at his instance, the motion was laid on the table.

Mr. J. R. INGERSOLL, from the Committee of Conference on the part of the House on the disagreeing votes of the two Houses on the bill changing the time of holding the United States courts for the western district of Virginia, and for other purposes, made a report; which was read.

The question being on concurring in said report—

Mr. J. R. INGERSOLL moved the previous question.

Mr. JONES, of Tennessee, said he was a member of the Committee of Conference on this bill, and he was opposed to the report, and he protested against its adoption. He therefore moved to lay it on the table; which was agreed to.

Mr. JONES moved to reconsider the vote by which the report was laid on the table, and also moved to lay that motion on the table. Agreed to.

Mr. HALL, of New York, moved to suspend the rules to enable him to report, from the Committee on the Judiciary, a resolution authorizing the Clerk to procure from the proprietor, W. Hickey, and furnish to each of the members of the House, forty copies of the third edition of the Constitution and Analysis, &c., to be distributed to public libraries, colleges, &c., and to such public officers and other persons as they may deem expedient.

The motion was lost, two-thirds not voting in the affirmative.

Mr. BOYD moved the usual resolution to appoint a committee of three members to wait on the President and to inform him that the House, having completed its business, was ready to adjourn *sine die* at twelve o'clock, if he had no communication to make to it.

The resolution was agreed to, and Messrs. BOYD, VINTON, and COLLAMER, were appointed said committee.

Mr. HUNT moved a suspension of the rules to enable him to report, from the Committee on Commerce, the following resolution:

Resolved, That the Secretary of War be directed to inquire and ascertain the cost of perfecting a title to suitable sites for marine hospitals at Buffalo, Oswego, Apalachicola, and at the Delaware Breakwater; and that he report the same, with plans and estimates for such hospitals, at the next session of Congress.

Mr. HUNT also asked leave to make a report from the Committee on Commerce, asking to be discharged from the consideration of certain papers.

[Objections, and great confusion.]

Mr. THOMPSON, of Mississippi, inquired if the committees could not hand in such papers as they had not acted on to the Clerk, without asking the leave of the House?

Mr. HUNT repeated his request that the Committee on Commerce be discharged from the further consideration of certain papers which they had not acted on. Agreed to, (as the reporter understood.)

Mr. H. also asked leave to make a report from the same committee.

Mr. COBB, of Georgia, objected, and gave notice that he should object to receiving any reports from any committee.

Mr. THOMPSON, of Mississippi, was understood to ask that the Committee on Indian Affairs be discharged from the further consideration of certain papers. Before any action was taken on this request—

Mr. VINTON rose to a privileged question, and moved to reconsider the vote appointing a committee to wait on the President of the United States and inform him that the two Houses had finished their business. That was not the case. The army bill had not yet been sent to the President. If he sent back a message informing them, in answer to this resolution, that he had no further communication to make to Congress, the House would stand adjourned immediately.

After some conversation, Mr. VINTON, on discovering that he had misapprehended the purport of the resolution, withdrew his motion to reconsider.

Mr. COBB, of Georgia, moved a resolution that the standing committees of the House be at liberty to return the papers submitted to them, and upon which they had not acted, to the Clerk, and be discharged from their further consideration. This, he said, would avoid the necessity for all these reports from committees.

Mr. ROCKWELL, of Connecticut, said, with regard to any papers not reported on by the committees, the universal practice had been to return them to the Clerk without any report whatever; therefore there was no necessity for the resolution to pass. He hoped that Senate bills to which no objection was made would be received from the committees; and, to accomplish this object, he called for the regular order of business.

The SPEAKER replied that there was no other regular order of business-to-day than the reception of petitions.

Mr. COBB inquired of the Speaker if the practice of the House had been as stated by Mr. ROCKWELL?

The SPEAKER replied that it was the right of members of the committees to hand to the Clerk all papers on which their committees had not acted, without making a report to the House.

Mr. COBB withdrew, then, his resolution, and gave notice of a general objection to all reports from committees.

Mr. ROCKWELL, of Connecticut, moved to suspend the rules for the reception of all reports from committees of Senate bills to which no objection was made.

Mr. COBB said it was too late for the House to act on any business. No good could result from the suspension of the rules.

Mr. ROCKWELL said there were one or two Senate bills which the Committee of Claims were ready to report, to which the House would agree; and he called the gentleman's attention to the fact that his motion was to suspend the rules for reports to which no objection was made.

The question was taken, and the motion of Mr. ROCKWELL was rejected.

Mr. KING, of Georgia, moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That it shall be the duty of the Clerk of this House to remove the desks from this Hall during the adjournment of Congress, the seats to remain as they are, unless it shall be ascertained that they may, with perfect convenience to the members, be placed closer together. He shall also cause a tribune, one step above the floor, to be erected in front of his desk, with a table in front, on which he shall constantly keep writing materials. He shall also cause two desks, one on each side of the tribune, to be erected, for the accommodation of the reporters of the Intelligencer and the Union.

The motion was lost, two-thirds not voting in the affirmative.

PAYMENTS TO GENS. CASS AND TAYLOR.

Mr. LINCOLN asked the attention of the House for a moment, for the purpose of saying that the Committee on the Expenditures of the War Department, to whom had been referred the message of the President transmitting a statement of the receipts from the treasury of Generals Cass and Taylor, had prepared a short report, the substance of which was, that they recommended the printing of the message of the President and accompanying documents, together with certain documents which had heretofore been committed to that committee, on the subject of the accounts of General Cass. If objections were made, he asked a suspension of the rules to enable him to move, in accordance with this report, the printing of the message and the said documents.

Mr. JONES, of Tennessee, objected to the reception of the report.

Mr. COBB, of Georgia, said the gentleman had been culling from various documents, and he now asked that the matter he had collected be printed together, without any examination on the part of the House. He protested against it as an act of gross injustice.

The SPEAKER reminded gentlemen that debate was not in order.

Mr. BURT wished to know if these were not the same documents which the House had the other day refused to print?

The House refused to suspend the rules: Ayes 75, noes 78.

Mr. BURT obtained the floor.

Mr. McCLELLAND appealed to the gentleman to yield, to allow him to move that the President's message and accompanying documents with regard to the compensations of Generals Cass and Taylor be printed.

Mr. BURT said that motion could be made after he had submitted his motion. He appealed to the House to take up and pass the Senate bill to refund to Ward & Smith moneys advanced by them to our squadron in the bay of San Francisco, in February, 1847. These gentlemen had stepped forward and advanced moneys which were necessary for our naval forces at that place, and surely no gentleman could object to our refunding it. Mr. Ward was now in the city pressing his claim.

No objection being made—

Mr. ROCKWELL, of Connecticut, reported the said bill from the Committee of Claims, which (a formal amendment recommended by the committee having been rejected) was read a third time and passed.

Mr. ASHMUN rose to a privileged question, and moved to reconsider the resolution adopted a few moments since, appointing a committee to wait on the President of the United States and inform him that unless he had some communication to make to the two Houses, they would adjourn at twelve o'clock to-day. He understood that a message had been received from the Senate, informing the House that that body had concurred in the resolution suspending for to-day the joint rule which forbids bills to be sent to the President. Therefore there was no use for the resolution.

Mr. BOYD remarked he had no objection to the resolution being reconsidered.

The passage of the resolution was then reconsidered, and the resolution was rejected.

Mr. KING, of Georgia, moved to suspend the rules to enable him to offer the following resolution:

Resolved, That it shall be the duty of the Clerk of this House to cause a tribune, one step above the floor, to be erected in front of his desk, with a table in front, on which he shall constantly keep writing materials. He shall also cause two desks, one on each side of the tribune, to be erected for the accommodation of the reporters of the Intelligencer and the Union.

The motion was lost, two-thirds not voting in the affirmative.

Mr. STROHM moved a suspension of the rules to enable him to make a report from the Committee on Public Expenditures. Lost, two-thirds not voting in the affirmative.

Mr. CONGER, from the Committee on Printing, reported the following resolution:

Resolved, &c., That the Joint Committee on Printing be, and they are hereby, authorized to sit during the recess of Congress, in order to carry out the intention of the joint resolution directing the manner of procuring the printing for the two Houses of Congress, approved August 3, 1846: *Provided*, That no pay be allowed for anything beyond the actual necessary travelling expenses of said committee, in coming to and returning from the Capitol, in performance of the duties of said committee, and the usual per diem while thus engaged.

[Great disorder and excitement.]

Mr. COBB, of Georgia, made the point of order that the report was not in order, the privilege given to the Committee on Printing to report at any time being confined to the ordinary routine of their duties; the question of the propriety of printing documents, their nature and character, &c., did not authorize them to make such a report.

Mr. C. J. INGERSOLL denied the power of the House to communicate any such authority as was proposed. There was no such power in Congress.

The SPEAKER stated that the rule of the House provided that the Committee on Printing might report at any time.

Mr. COBB, of Georgia, appealed from the decision, and demanded the yeas and nays on the appeal.

Mr. HENLEY asked the gentleman to withdraw the appeal for a moment, and allow him to say a word. He thought he could convince the gentleman, in a moment, that the report should be adopted.

Mr. COBB declined to withdraw.

The Clerk read the rule, which authorizes the Committee on Printing to report at any time.

The SPEAKER stated the question. The Chair understood the gentleman from Georgia to claim for the Speaker the discretionary power to say what character of reports the Committee on Printing might make under their general leave to report at any time. The Chair overruled the point of order, and disclaimed any such power. The rule was express that the Committee on Printing might report at any time, without reference to the nature or character of the report.

Mr. C. J. INGERSOLL inquired if it was the decision of the Chair that the committee might report after the House had adjourned?

The SPEAKER replied, unquestionably the committee could not report when the House was not in session. There was no question of that sort involved in this resolution.

Mr. INGERSOLL. How can the committee sit when the House has adjourned?

The SPEAKER. The right of the committee to sit when the House has adjourned is a question to be decided by the House, not by the Speaker.

Mr. COBB demanded the yeas and nays on the appeal, which were ordered.

Some conversation ensued between Mr. COBB and the SPEAKER on the point of order.

Mr. HENLEY repeated that he was sure, if the gentleman from Georgia would listen one moment, he would not object at all to the proposition of the committee.

The SPEAKER decided that no allusion to the nature of the report was in order on the appeal.

Mr. HENLEY still retained the floor, and was proceeding to make some remarks as to the character of the report, when he was arrested by loud cries of "order" and by—

The SPEAKER, who repeated that the question was not open to debate, and requested the gentleman to take his seat, as the time of the House was precious.

The motion to suspend the rules was agreed to: Yeas 111, nays 37.

The resolution being then before the House—

Mr. COBB, of Georgia, called for the reading of the President's message just received, (and which, it was understood, had reference to his approval of the Oregon Territorial bill.)

[The following is the message:

To the House of Representatives of the United States:

When the President has given his official sanction to a bill which has passed Congress, usage requires that he shall notify the House in which it originated of that fact. The mode of giving this notification has been by an oral message delivered by his private secretary.

Having this day approved and signed an act entitled "An act to establish the Territorial Government of Oregon," I deem it proper, under the existing circumstances, to communicate the fact in a more solemn form.

The deeply interesting and protracted discussions which have taken place in both Houses of Congress, and the absorbing interest which the subject has excited throughout the country, justify, in my judgment, this departure from the form of notice observed in other cases.

In this communication with a coördinate branch of the Government, made proper by the considerations referred to, I shall frankly, and without reserve, express the reasons which have constrained me not to withhold my signature from the bill to establish a government over Oregon, even though the two Territories of New Mexico and California are to be left, for the present, without governments. None doubt that it is proper to establish a government in Oregon. Indeed, it has been too long delayed. I have made repeated recommendations to Congress to this effect. The petitions of the people of that distant region have been presented to the Government, and ought not to be disregarded. To give to them a regularly organized government and the protection of our laws, which as citizens of the United States they claim, is a high duty on our part, and one which we are bound to perform, unless there be controlling reasons to prevent it.

In the progress of all governments, questions of such transcendent importance occasionally arise, as to cast in the shade all those of a more party character. But one such question can now be agitated in this country; and this may endanger our glorious Union, the source of our greatness and all our political blessings. This question is slavery. With the slaveholding States this does not embrace merely the rights of property, however valuable; but it ascends far higher, and involves the domestic peace and security of every family.

The fathers of the Constitution—the wise and patriotic men who laid the foundation of our institutions—foreseeing the danger from this quarter, acted in a spirit of compromise and mutual concession on this dangerous and delicate subject; and their wisdom ought to be the guide of their successors. Whilst they left to the States exclusively the question of domestic slavery within their respective limits, they provided that slaves who might escape into other States not recognizing the institution of slavery, shall "be delivered up on the claim of the party to whom such service or labor may be due."

Upon this foundation the matter rested until the Missouri question arose.

In December, 1819, application was made to Congress by the people of the Missouri Territory for admission into the Union as a State. The discussion upon the subject in Congress involved the question of slavery, and was prosecuted with such violence as to produce excitements alarming to every patriot in the Union. But the good genius of conciliation which presided at the birth of our institutions finally prevailed, and the Missouri compromise was adopted. The eighth section of the act of Congress of the 6th of March, 1820, "to authorize the people of the Missouri Territory to form a constitution and State government," &c., provides: "That, in all that territory ceded by France to the United

'States, under the name of Louisiana, which lies north of 'thirty-six degrees and thirty minutes north latitude, not in-'cluded within the limits of the State contemplated by this 'act, slavery and involuntary servitude, otherwise than in 'the punishment of crimes, whereof the parties shall have 'been duly convicted, shall be, and is hereby, forever pro-'hibited: *Provided, always*, That any person escaping into the 'same, from whom labor or service is lawfully claimed in 'any State or Territory of the United States, such fugitive 'may be lawfully reclaimed, and conveyed to the person 'claiming his or her labor or services aforesaid."

This compromise had the effect of calming the troubled waves, and restoring peace and good will throughout the States of the Union.

The Missouri question had excited intense agitation of the public mind, and threatened to divide the country into geographical parties, alienating the feelings of attachment which each portion of our Union should bear to every other. The compromise allayed the excitement, tranquilized the popular mind, and restored confidence and fraternal feeling. Its authors were hailed as public benefactors.

I do not doubt that a similar adjustment of the questions which now agitate the public mind would produce the same happy results. If the legislation of Congress on the subject of the other Territories shall not be adopted in a spirit of conciliation and compromise, it is impossible that the country can be satisfied, or that the most disastrous consequences shall fail to ensue.

When Texas was admitted into the Union, the same spirit of compromise which guided our predecessors in the admission of Missouri, a quarter of a century before, prevailed without any serious opposition. The "joint resolution for annexing Texas to the United States," approved March the first, one thousand eight hundred and forty-five, provides that "such States as may be formed out of that portion of 'said territory lying south of thirty six degrees thirty min-'utes north latitude, commonly known as the Missouri com-'promise line, shall be admitted into the Union with or with-'out slavery, as the people of each State asking admission 'may desire. And in such State or States as shall be formed 'out of said territory north of the Missouri compromise line, 'slavery or involuntary servitude (except for crime) shall be 'prohibited."

The Territory of Oregon lies far north of thirty-six degrees thirty minutes, the Missouri and Texas compromise line. Its southern boundary is the parallel of forty-two, leaving the intermediate distance to be three hundred and thirty geographical miles.

And it is because the provisions of this bill are not inconsistent with the terms of the Missouri compromise, if extended from the Rio Grande to the Pacific Ocean, that I have not felt at liberty to withhold my sanction. Had it embraced territories south of that compromise, the question presented for my consideration would have been of a far different character, and my action upon it must have corresponded with my convictions.

Ought we now to disturb the Missouri and Texas compromises? Ought we, at this late day, in attempting to annul what has been so long established and acquiesced in, to excite sectional divisions and jealousies; to alienate the people of different portions of the Union from each other, and to endanger the existence of the Union itself?

From the adoption of the Federal Constitution, during a period of sixty years, our progress as a nation has been without example in the annals of history. Under the protection of a bountiful Providence, we have advanced with giant strides in the career of wealth and prosperity. We have enjoyed the blessings of freedom to a greater extent than any other people, ancient or modern, under a government which has preserved order, and secured to every citizen life, liberty, and property. We have now become an example for imitation to the whole world. The friends of freedom in every clime point with admiration to our institutions. Shall we, then, at the moment when the people of Europe are devoting all their energies in the attempt to assimilate their institutions to our own, peril all our blessings by despising the lessons of experience, and refusing to tread in the footsteps which our fathers have trodden? And for what cause would we endanger our glorious Union? The Missouri compromise contains a prohibition of slavery throughout all that vast region extending twelve-and-a-half degrees along the Pacific, from the parallel of thirty-six degrees thirty minutes to that of forty-nine degrees, and east from that ocean to and beyond the summit of the Rocky Mountains. Why, then, should our institutions be endangered because it is proposed to submit to the people of the remainder of our newly acquired territory lying south of thirty-six degrees thirty minutes, embracing less than four degrees of latitude, the question whether, in the language of the Texas compromise, they "shall be admitted (as a State) into the Union with or without slavery?" Is this a question to be pushed to such extremities by excited partisans on the one side or the other, in regard to our newly acquired distant possessions on the Pacific, as to endanger the union of thirty glorious States which constitute our Confederacy? I have an abiding confidence that the sober reflection and sound patriotism of the people of all the States will bring them to the conclusion that the dictate of wisdom is to follow the example of those who have gone before us, and settle this dangerous question on the Missouri compromise, or some other equitable compromise, which would respect the rights of all, and prove satisfactory to the different portions of the Union.

Holding as a sacred trust the Executive authority for the whole Union, and bound to guard the rights of all, I should be constrained, by a sense of duty, to withhold my official sanction from any measure which would conflict with these important objects.

I cannot more appropriately close this message than by quoting from the Farewell Address of the Father of his Country. His warning voice can never be heard in vain by the American people. If the spirit of prophecy had distinctly presented to his view, more than a half century ago, the present distracted condition of his country, the language which he then employed could not have been more appropriate than it is to the present occasion. He declared:

"The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth—as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

"For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and success.

"With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

"In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*, *Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection."

JAMES K. POLK.

WASHINGTON, *August* 14, 1848.]

Objections were made.

Mr. CONGER said he did not design to take up the time of the House in discussing the resolution. He had only to say that the Committee on Printing on the part of both Houses were unanimously of the opinion that it was necessary that this committee should have leave to sit during the recess, in order to protect the public interests. But it was not in contemplation, by that resolution or otherwise, that the whole committee should remain here during the recess, or that they should draw pay for their services. It was only intended that one member of that committee should remain here for the purpose of superintending the public printing, which would be going on. There was now a large number of documents which had been ordered to be printed by both Houses, which were in the hands of the printer, and remained to be done; and it belonged to this committee, and nobody else, to take charge of this whole matter, to see that the work was done in the right manner, and that the materials were of the requisite quality.

Mr. McLANE objected.

Mr. CONGER demanded the previous question.

Mr. HENLEY wished the gentleman to withdraw his demand, to enable him to make an explanation.

Mr. COBB, of Georgia, hoped the gentleman would withdraw the demand, so as to allow the message from the President of the United States to be read.

Mr. CONGER declined, and insisted upon the demand for the previous question.

The previous question was seconded, and the main question ordered, being upon the adoption of the resolution.

[It was now half past 11 o'clock.]

Mr. BURT moved to lay the resolution on the table, and on that motion he demanded the yeas and nays.

The yeas and nays were ordered, and, being taken, resulted: Yeas 72, nays 77.

So the House refused to lay the resolution on the table.

The question recurred on the adoption of the resolution.

[It now wanted but twelve minutes to twelve o'clock.]

Mr. BURT and other gentlemen demanded the yeas and nays.

The SPEAKER stated that another call of the yeas and nays would more than exhaust all the time which was left. If the yeas and nays were ordered, it would be his duty to arrest the call and adjourn the House at twelve o'clock.

There was now an important message from the President of the United States on the Speaker's table, which it would give the Chair pleasure to present, if it was the wish of the House.

[Cries of "Let us have it; read it."]

The SPEAKER said he could not lay it before the House while this question was pending, unless by the unanimous consent of the House. Objections were made—

Mr. COBB, of Georgia, renewed the call for the yeas and nays on the adoption of the resolution of Mr. CONGER; which were ordered.

Mr. KAUFMAN moved a suspension of the rules to take up the message. The motion was not pressed.

Mr. JONES, of Tennessee, asked to be excused from voting on the resolution, and demanded the yeas and nays on his motion.

The yeas and nays were refused, and Mr. JONES was not excused.

Mr. THOMPSON, of Mississippi, hoped by general consent a joint resolution which had just been received from the Senate would be taken up and read. Objections were made.

Mr. HOUSTON, of Alabama, asked the general consent that the President's message be printed.

Objections were made, unless gentlemen on Mr. HOUSTON's side would withdraw the demand for the yeas and nays. [Increased confusion.]

Mr. HUNT moved to reconsider the vote by which the yeas and nays had been ordered. He appealed to gentlemen not to persist in killing the little time that remained.

Mr. JONES, of Tennessee, demanded the yeas and nays on the motion to reconsider.

The yeas and nays were refused, and the motion to reconsider the demand for the yeas and nays was agreed to.

The question recurring on the demand for the yeas and nays, they were again ordered, and at nine minutes to twelve o'clock the Clerk began to call the roll.

The intense excitement, hurry, and confusion attendant upon the closing hours of the session, which had prevailed to some extent during the entire morning, here seemed wrought up to the highest pitch, and at the call by the Clerk of each member, the hands of the clock—now rapidly moving forward, and just upon the hour of twelve—were intently watched. During the last half hour, the Speaker had constantly been engaged in signing bills, and numerous messages had been received from the President of the United States and from the Senate.

The call having proceeded to the name of Mr. COBB, of Georgia—

Mr. STANTON interposed, and appealed to the unanimous consent of the House to take up the President's message and order its printing.

The SPEAKER. By unanimous consent, the Chair will now lay before the House a message from the President of the United States.

Objections were made.

The SPEAKER (in reply to an inquiry by Mr. STANTON) was understood to say, if the message was not now laid before the House, it would, in the opinion of the Chair, be locked up until the 1st of December next.

The objections being persisted in—

At six minutes to twelve, the Clerk resumed the call of the roll.

At two minutes to twelve, Mr. STANTON made another unsuccessful appeal to have the message laid before the House.

The Clerk still progressed with the call, and having reached the name of Mr. RICHARDSON—

The Speaker's hammer fell, and

The SPEAKER rose and said that the Senate and House of Representatives, by joint resolution, having directed the President of the Senate and the Speaker of the House of Representatives to adjourn their respective Houses on the 14th day of August, at twelve o'clock, m., and that day and that hour having now arrived, the Chair declares that this House stands adjourned *sine die*.

IN SENATE.

MONDAY, *August* 14, 1848.

Prayers being over, and the order given, "The Journal will be read"—

Mr. MANGUM hoped the reading of the Journal would be dispensed with; they had much business before them, and little time to transact it in, and, as the Journal was unusually long, it would consume much of that time.

Mr. TURNEY insisted that the Journal should be read; it was his right to insist on it, and he claimed that right.

Several Senators: "Well, let it be read."

After some portion of the Journal had been read—

Mr. BENTON again rose and expressed the hope that the further reading would be dispensed with; it was long, and would consume much time.

The CHAIR said that the Senator from Tennessee [Mr. TURNEY] had insisted on the reading of the Journal, in which the Senate seemed to acquiesce, and directed the Secretary to proceed with the reading.

The reading of the Journal having been concluded, several Senators were on their feet at the same time, addressing "Mr. President," to wit: Messrs. BENTON, YULEE, and TURNEY.

Mr. YULEE. I desire to correct a statement in the Journal.

Mr. BENTON. Mr. President, I move to take up the resolution submitted on Sunday morning by the Senator from New Jersey, [Mr. MILLER,] to suspend the 17th joint rule, so as to enable the Oregon bill to go to the President. If that resolution be not passed, it will involve the fate of several bills.

Mr. ATHERTON. Yes, the military appropriation bill, involving millions.

Mr. YULEE. Mr. President, is not mine a privileged question?

Mr. RUSK. I move to amend the resolution by adding the words, "and all other bills up to 12 o'clock of this day."

Mr. WESTCOTT. I move an amendment to the amendment, "to rescind the resolution to adjourn."

Mr. BRIGHT. The motion of the Senator from Florida is clearly out of order. All amendments must be germane to the subject; his was evidently not so.

The CHAIR ruled it out of order.

Mr. MILLER. I have not the slightest objection to the amendment of the Senator from Texas. I will accept the modification with pleasure.

The CHAIR. The question is on the resolution as amended.

Mr. TURNEY objected to the resolution. As it was proposed to be amended, it would be made to embrace all other bills passed, or to be passed this morning, and to this he could not agree. If separate resolutions were brought in to suspend the rules, he should exercise his judgment on each separately, and he would not object to that course being pursued, and to the passage of any bill that was in itself unobjectionable. Congress had thought proper to adopt a rule, for reasons that were doubtless satisfactory to it, that bills should not be sent to the President after a certain period. This rule was an important one. Its object was to give the President time to consider and examine bills that were sent to him for his approval and signature. But here was an important bill that was new in many of its provisions, which it was proposed to send to the President at this late period of the session. The vote on suspending the rules for such a purpose virtually involved the question of the passage of the bill, and hence it opened the whole subject-matter of the bill. He was opposed to this. He was opposed to the passage of the bill, and he was opposed to the manner in which its passage had been secured. He thought all the courtesies of the Senate had been violated that this bill might be rushed through. He would ask if it had ever happened before that a Senator was refused by a vote of the Senate permission to proceed with his argument in order. [The honorable Senator alluded to a vote taken late on Saturday night in relation to Mr. FOOTE.] Yet the Journal showed that a Senator had been called to order for irrelevancy in debate, and a motion to permit him to proceed in order was voted down by the Senate. That was an extraordinary vote. It was unprecedented. It was unheard of.

Mr. BENTON called the Senator from Tennessee to order, and asked for the reading of the rule which required Senators to speak to the subject before the Senate; and further, he called for the enforcement of that rule.

Mr. FOOTE said that rule should have been enforced at an earlier period of the session.

Mr. TURNEY did not understand that there was any point of order made by the Senator from Missouri.

Mr. BENTON said he had asked for a thing to be done.

Mr. FOOTE insisted that the Senator from Missouri had no right to make such a motion while a Senator was speaking.

Mr. TURNEY said he insisted that his words which were objected to as irrelevant should be put down in writing.

Mr. FOOTE also contended that the words should be taken down.

The PRESIDING OFFICER made some observations which did not reach the gallery.

Mr. TURNEY said he was going on to give very briefly the history of the proceedings on this bill, and he wished to know if anybody had ever before been called to order for pursuing such a course.

Mr. KING begged to remind the Senator from Tennessee that there was no bill under consideration.

Mr. TURNEY asserted that there was. The Oregon bill was embraced in the pending resolution, the adoption of which was necessary to give that bill the force of law; and consequently the whole question was opened for discussion.

He then proceeded. Some most extraordinary steps had been taken to force this bill through this body. The gag had been applied, and it had been applied for the first time to secure the passage of this bill. But that was not the only matter of which he complained. So far as his knowledge extended, the practice of the Senate had been, in all cases of disagreeing votes between the two Houses, to appoint a committee of conference. But even that had been refused. A departure from the usual practice of the Senate in that respect had been resorted to for the first time in this case; and it was done for the purpose of forcing through a measure that was more obnoxious to one section of this Union than any other subject of legislation which had come before them during the present session. Why should they now be called upon to suspend the rules to give this bill the force and effect of law? He was not willing to assent to such a proceeding.

He should now give his objections to this bill, and he should be very brief, and yet he should not hurry himself. If there were other important bills embraced in this resolution which it was necessary to pass, gentlemen might detach them, act upon them separately, and they could be disposed of in two minutes. To that he would consent. But if they should refuse, gentlemen need not expect him to shrink from the responsibility of opposing this resolution. Whatever responsibility there was, would rest on others.

He then recapitulated the proceedings of the two Houses on the subject of the Oregon bill, which resulted in a disagreement between the two Houses; and what, he asked the Senate, was to be gained by surrendering to the House of Representatives? The Senate sent to the House a compromise bill, after mature consideration by the Senate, and its passage by a large majority, and the House unceremoniously laid it upon the table. After that, the House of Representatives passed this Oregon bill, which was about one-third of the bill which the House had rejected.

Mr. MILLER interposed, and reminded the Senator from Tennessee that the pending resolution had reference not alone to the Oregon bill, but to some twenty or thirty others, amongst which was the army bill.

Mr. TURNEY should vote against the resolution, although it did embrace other bills. But if the Senator from New Jersey would offer a separate resolution in relation to the army bill, he (Mr. T.) would interpose no objection. But did the Senator suppose that he could be cut off from giving his decided opposition to this Oregon bill? If so, he was very much mistaken. If gentlemen would put a number of bills together, they must take the consequences, for he could not thus allow himself to be brought to favor the passage of a bill which his judgment disapproved. The House of Representatives had decided that it would pass no bill which was silent on the subject of slavery. They were not content to stand on the Constitution. They were not content that the citizens of this Republic should enjoy the rights which were secured to them by the Constitution, and hence they had rejected the Oregon bill sent to them by the Senate. They had rejected it because it was in bad company. The House afterwards sent to the Senate a bill to establish a Territorial Government in Oregon by itself, and the Senate returned it with a second proposition of a compromise on the basis of the Missouri compromise, giving them a large portion of the territory, and they had refused to accede to that, and had sent the bill back amended. In this state of things the Senate was now asked to yield to the House, without even a committee of conference being allowed them, although it was a common law of the body, and allowed in every other case. And not only was a committee of conference denied them, but gentlemen had been gagged, and refused permission to deliver their sentiments in this body on so important a question; but notwithstanding their rights had been thus outraged, they were asked to stand here in silence and permit this bill to pass through; and that it might be forced through, the army bill and some others had been coupled with it. Senators must not, however, expect to force it on him by thus coupling it with others. Let each tub stand on its own bottom, and let each bill stand on its own merits; but let them not expect to accomplish their purpose by this unholy and unnatural alliance. If, by such an alliance, a necessary measure was defeated, let the responsibility rest on those who thus coupled them. If Senators would blend measures together, they must bear the responsibility. He should not vote for this resolution on that account, and he was willing to take all the responsibility that would attach to him for any vote that he might give. He was willing to answer to the State of Tennessee, and to nowhere else was he responsible.

Mr. WEBSTER rose to a question of order. He appealed to the Chair and to the Senate on a point of order. He made it certainly without any heat or passion. He rose to a point of order which he meant to propound distinctly, and not for the purpose of discussing it at any length, but to ask for a decision by the Chair and the Senate. The position in which they stood could not but be well known to every Senator. Less than two hours hence and this Senate would stand adjourned.

Mr. WESTCOTT rose to a question of order. The Senator from Massachusetts had no right—and he said it respectfully—to make a speech on his point of order.

Mr. WEBSTER would state the point of order which he had risen to make. These protracted debates at this stage of the session were certainly out of order, and against the rule of the Senate which requires Senators to speak to the question pending before the Senate. He made this point of order as a last effort on his part to complete the business of the Senate in relation to the Oregon bill, the army bill, and others which were highly important; and he asked the Senate, with respect for the gentleman from Tennessee, if a prolonged debate, such as that which the gentleman from Tennessee was inclined to go into, was in order? If the Senate should say it was, he should not have another word to say.

Mr. TURNEY required the Senator from Massachusetts to put his point of order in writing, for he wished it to go on the Journal.

Mr. WEBSTER was willing to do so if it were required. He then submitted his point of order to this effect: "I call the Senator from Tennessee 'to order on the ground that the course of discus-'sion in which he is indulging is not relevant to 'the subject before the Senate."

Mr. TURNEY wished the Senator from Massachusetts to indicate the irrelevant words.

Mr. WEBSTER replied that that was his point of order, and the Senate would judge for itself as to the words.

Mr. CALHOUN denied that the gentleman from Tennessee was out of order.

Mr. JOHNSON, of Maryland, inquired if he understood that the opinion of the Senate was asked on this point of order?

The PRESIDING OFFICER was understood to answer in the affirmative.

Mr. JOHNSON. And that, I believe, is debatable?

The PRESIDING OFFICER answered that it was.

Mr. CALHOUN then proceeded to affirm that the course pursued by the Senator from Tennessee was no violation of propriety, and he called upon the Senator from Massachusetts to point out the words uttered by the Senator from Tennessee which were out of order.

Mr. WEBSTER replied, that if he were to enter into a debate on that point, the object of the gentleman opposite would be accomplished, in which he did not propose to aid them. He had no desire to go into any metaphysical views, aware, as he was, that if he were to engage with the Senator from South Carolina in a contest of that character, he should be involved in a maze from which there would be little probability of extrication before the hour of adjournment would terminate the session.

Mr. TURNEY said, the object was to gag him; and he desired to know if there was any rule to limit debate at the close of the session which did not exist at its beginning? If there was, he begged to be referred to it.

Mr. FOOTE said, he was very much surprised to hear such language fall from the lips of the Senator from Massachusetts. That Senator had brought a very serious charge against Senators who were as respectable as himself. He had charged them with some improper purpose in discussing this resolution; he had undertaken to say that, if he rose in his place to answer the question of the Senator from South Carolina, [Mr. CALHOUN,] the purpose of Senators would be as fully accomplished as if this discussion were permitted to go on. Now, what was that at which the Senator from Massachusetts darkly hinted? Did the Senator suppose, or had any one declared, that it was the intention of any Senator on this floor thus to defeat this bill? Did not the Senator from Massachusetts know that such an accusation was made against another Senator from Massachusetts by the public press at the close of the last session; and did it become the courtesy of the Senator from Massachusetts [Mr. WEBSTER] either directly or indirectly to make such a charge against others? He had the Senator in his eye, [Mr. DAVIS, of Massachusetts,] against whom a similar accusation was made by the newspaper press; but he (Mr. F.) did not believe that that accusation had any foundation in truth; but he would tell the Senator that the course of the Senator from Massachusetts [Mr. WEBSTER] to-day would tend to confirm the suspicion which was said to exist a year ago, for it would seem to show that in New England they were familiar with such trickery, or that such an imputation would not have suggested itself to the imagination of a New England man. He did not believe that the accusation was true.

The PRESIDENT interposed, and called the Senator from Mississippi to order.

Mr. FOOTE had only to say, that if he had been misled by the example of the Senator from Massachusetts, he should not persist in being out of order, though he should claim at all times the same privileges that were enjoyed by other Senators.

The CLERK of the House of Representatives here appeared below the bar, and delivered to the Senate a joint resolution for the suspension of the 17th joint rule of the two Houses, to permit all bills heretofore passed, or to be this day passed, to be sent to the President, in which he was directed to ask the concurrence of the Senate. [This resolution was the same in its terms as that under consideration.]

Messrs. BERRIEN, JOHNSON of Georgia, and JOHNSON of Maryland, having each made suggestions—

Mr. TURNEY said he would relieve the Senate. He had not five words more to say. It was not his purpose when he rose to enter into a long discussion. His object was to enter his protest, and then to vote against the resolution, first assigning briefly the reasons by which he was actuated. He should vote against suspending the rules.

Mr. WEBSTER said he understood the Senator from Tennessee to say that he was through. He begged to say, and with all respect for the Senator from Tennessee, that he had had no desire to embarrass that Senator.

Mr. TURNEY wished, nevertheless, to have a vote on the point of order.

Mr. RUSK said he believed he had opposed this Oregon bill with as much firmness as any Senator, and with as little noise. He had discharged his duty to the best of his ability to his country and his State; and now if this bill goes to the Executive, he must discharge his duty. He (Mr. R.) had done all he could. He had been anxious to dispose of it without sitting on Saturday night, and particularly without encroaching upon the day of rest, but it appears that that could not be avoided. The bill was passed, and, according to the course which had heretofore been pursued in the Senate, when a majority, a clearly ascertained majority, had agreed upon a measure, it was proper that he should yield, that they might have the opportunity of passing it, and assuming to God and their country the responsibility of the act.

Mr. WEBSTER intimated that he understood the Chair had decided the point which he raised, and he should therefore make no further effort.

Mr. TURNEY asked if he was to understand that he was in order.

The PRESIDING OFFICER was understood to answer in the affirmative.

Mr. RUSK then continued. He said, the majority had assumed the responsibility, and therefore all that the minority could do, except what they could do indirectly, was now done. And there was another important matter to which he would advert. There were about thirty bills in the situation of the Oregon bill, many of them bills for the relief of those who were suffering in poverty and want, to whom just debts were owing by the Government of the United States. One of those bills, (and it was one of great importance,) was the army appropriation bill. He had seen the Secretary of War but a few minutes ago, and was informed by that gentleman that it was impossible for him to proceed, for any length of time, unless the army appropriation bill should be passed. If this bill should not be passed, what would be the consequence? Their officers and soldiers would be left without a dollar. He was aware the country was in circumstances of great agitation, and in a state of highly excited feelings. He regretted to see it. It was a matter of very sincere regret to him. But he appealed to those Senators who had been opposed to the passage of the Oregon bill to cease all further opposition, and to permit it to pass. Amongst those Senators to whom he appealed, were gentlemen who had long served their country, and who, when they died, would leave a name behind which well might be envied by the rising generation. For the passage of this bill they were not responsible, for they had resisted manfully and perseveringly. He asked them, therefore, now to yield, and not attempt indirectly to defeat a measure which they had not the power to defeat directly; but let the majority take the responsibility of the act, of which posterity would form its judgment.

Mr. KING wished to say, that perhaps there was no one in the Senate more opposed to certain provisions of the bill which had been passed than he was. He thought it contained provisions that were not only unnecessary, but calculated to violate the rights of his section of the Union. When the bill was under consideration, he had been very desirous to see it amended; and when it came back with the amendment of the Senate rejected by the other House, he proposed that the Senate should insist on its amendment, that they might avail themselves of the proposition of the Senator from Illinois, and appoint a committee of conference. The proposition to recede having the preference, he had not been able to accomplish that object. The majority had decided the question, and on them let the responsibility rest. The bill was now only waiting the action of the President to become the law of the land. They had done their duty to themselves and to the country, as far as was practicable. But the majority of the Senate and of the other House had spoken; they had determined that the bill should pass in its present form. He was now for leaving the coördinate branch of the Government (the Executive) to do its duty, and act on this bill when it should be presented to him. He (Mr. K.) was not now prepared to take ground on mere technical objections to defeat it. He had never seen any good result from such a course. He was decidedly of opinion that no good could result from it. He therefore appealed to his friends —to those with whom he had acted, and who could not be more opposed to the bill in its present shape than he was—to let the rules be suspended, that this and the other bills might go to the President; and let the President act upon them as his judgment might direct. He trusted that course would be pursued. It would comport better with the dignity of the Senate, with their standing in the country, and with public sentiment, than by persisting in opposing this resolution. He knew there was a great diversity of sentiment respecting this matter. He knew some gentlemen thought the President could not, at this late period, give it a proper examination. If not, let the President hold it over, if he thought proper to do so; but if he was ready to act, let him act. If he was not ready; let him take the time which the Constitution allowed. He (Mr. K.) again appealed to those with whom he acted to withdraw their opposition, and let this resolution pass.

Mr. CALHOUN said, if there was any responsibility, it was on the majority, and not on the minority. By the rules of the Senate, the Oregon bill was lost, and the majority well knew that. They felt conscious of the fact, and therefore they had added all the other bills to it in this resolution; and thereby they had assumed the responsibility of all the consequences. The existing rule on their Journal was a convincing proof that the Senate was of opinion that it was improper to send bills to the President on the last day of a session, as he could not sign them off-hand. There might be great constitutional questions involved, requiring great consideration, and the Constitution allows him ten days to decide upon bills. But they proposed to send this bill to him on the last day of the session; and if there ever was a bill that ought not to be pressed on the President to decide instanter, this was one. How long had it been before them? Some five or six weeks; and they had even violated the day of rest, which was not regarded as a legal day; and yet they would send it to the President one hour and a half before the adjournment of Congress. That was all the time they proposed to allow him. He understsod what was the great point of contest between parties in that House. The opposite party wanted to have the absolute, despotic control over the Territories. They knew there was not such an example to be found in all the legislation of this country. They all knew that the Missouri compromise would not have passed, but that the North were anxious to protect themselves by the adoption of the line of 36° 30′. And how was it on the admission of Texas?

Mr. JOHNSON, of Maryland, suggested to the Senator from South Carolina to make a motion.

Mr. CALHOUN said he would. After some other observations, he said this was the first time the Wilmot proviso had ever been attempted to be carried into effect. He concluded by moving to strike out from the resolution all that part of it which relates to the Oregon bill, and on that motion he called for the yeas and nays.

Mr. MILLER said there was nothing about the Oregon bill in it.

Mr. JOHNSON, of Maryland, then suggested to the Senator from South Carolina to except the Oregon bill by name.

Mr. CALHOUN said he would do so.

The SECRETARY read the resolution, and it appeared that the Senator from New Jersey was mistaken, the Oregon bill being named in it.

Mr. BENTON moved to lay the resolution on the table, and that the Senate take up the resolution from the House on the same subject, which was received a few minutes ago. Agreed to.

The resolution from the House was then taken up. It proposed, in general terms, to suspend the 17th joint rule to permit all bills passed and to be passed this day to be sent to the President.

Mr. CALHOUN moved to amend the resolution by adding the words "except the Oregon bill."

Mr. JOHNSON, of Maryland, suggested an amendment to the same effect, but in more precise terms.

Mr. CALHOUN was understood to accept that amendment as a modification of his own, and to call for the yeas and nays thereon.

The yeas and nays were ordered, and resulted thus:

YEAS—Messrs. Bell, Berrien, Borland, Butler, Calhoun, Davis of Mississippi, Downs, Foote, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Rusk, Sebastian, Turney, Westcott, and Yulee—20.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Bald-

win, Benton, Bradbury, Breese, Bright, Cameron, Clarke, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Houston, King, Metcalfe, Miller, Niles, Pearce, Phelps, Spruance, Sturgeon, Underwood, Upham, Walker, and Webster—37.

The question then recurred on the House resolution.

Mr. FOOTE rose and said that it had been intimated by Senators in their places that there were gentlemen there who were determined to speak out all the time remaining with the view of defeating this bill. Now, he wished to be allowed to say that they had been for some time prepared to act a very different part. They had been prepared to defeat what was considered improper legislation, and nothing more. But he now felt authorized to declare that they were now willing to yield and let the majority take the responsibility. They had discharged their duty as patriots should do. [Loud cries of "Question."]

Mr. HOUSTON was deeply impressed with the importance of this subject. Having acted upon this measure with the best intentions, he had this only to say, that though a majority, and a very small majority, had decided this question—and as a southern man he had placed himself not on sectional and abstract principles, but on principles which were calculated to maintain the rights of this Union and of every portion of it—he trusted all opposition would cease.

The majority, he repeated, was small, but it was a small majority by which Texas was admitted into this Union; and if there was a majority, it was not for him to say how few or how many, but to submit. He contended that he was actuated by as high, as independent, and as patriotic motives as any gentleman in that body, be he from the South or from the North. On such occasions, he knew neither North nor South; he knew only this Union, and he, though a southern man, would protect the rights of the North, and not suffer them to be encroached upon, as ardently as he would protect and support the rights of the South. He believed on that floor he was a representative of the whole American people. He was the representative of the whole and of every portion of it. On all occasions he would maintain that position, and he believed his people would sustain him in it, for they are true to the Union.

The resolution was then adopted.

Mr. YULEE moved that the Senate proceed to the consideration of the following resolution, reported some days since by the chairman of the Committee on Public Buildings:

Resolved, That a sum not exceeding $8,770 be expended, out of the contingent fund of the Senate, in completing the system of ventilating and warming the Senate Chamber, commenced and proposed by John Skirving: *Provided, however*, That the money shall be expended, and the work executed, under the direction of the Secretary of the Senate.

Cries of "What is it?"

Mr. YULEE. It relates to the ventilation of the Senate Chamber.

Cries of "No, no," from all quarters of the Senate.

Mr. BENTON. I object to the taking up the resolution, which, I understand, relates to ventilation. No, sir; no more ventilation! We have quite wind enough, sir! Yes, sir; quite wind enough!

Mr. DICKINSON. We shall not want any more ventilation this session. I move, sir, to lay the motion on the table, and to take up the bill for the relief of William Hogan, administrator of Michael Hogan, deceased. [This bill appropriates about $16,000 to the claimant.]

Mr. UNDERWOOD. I rise, sir, to a question of order. The Senator from New York is out of order. It is out of order to make two motions together. The Senator from New York moves to lay a motion on the table, and to take up a private bill.

Mr. DICKINSON. Well! I will move to lay the motion on the table.

Mr. YULEE. Mr. President, as I perceive the sense of the Senate is so strong against my motion, I will withdraw it. I withdraw the motion.

Mr. DICKINSON. Now, sir, I move to take up the bill for the relief of William Hogan, administrator of Michael Hogan, deceased.

The motion was agreed to, and the Chair announced that the bill was before the Senate on its passage.

The bill was then passed.

Mr. WEBSTER moved that the Senate proceed to the consideration of the following joint resolution from the House of Representatives to add to the joint rules of the two Houses:

"After six days from the commencement of a second or subsequent session of Congress, all bills, resolutions, or reports, which originated in either House, and at the close of the next preceding session remained undetermined in either House, shall be resumed and acted on in the same manner as if an adjournment had not taken place."

The motion having been agreed to, the joint resolution was taken up, and was considered and passed.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of the House bill to liquidate certain claims therein mentioned; which was considered and passed.

On motion of Mr. BENTON, the bill from the House for the relief of William Triplett was then taken up, considered, and passed.

On motion of Mr. ALLEN, the bill from the House in relation to military land warrants was taken up, considered, and passed.

On motion of Mr. DOWNS, the Senate proceeded to the consideration of the bill for the relief Frederick Durrive; which was read a third time and passed.

On motion of Mr. PEARCE, the Senate proceeded to consider the amendments made by the House of Representatives to the bill for the relief of William B. Stokes; and they were considered and concurred in.

The resolution which had been previously submitted by Mr. MANGUM, relative to the payment of officers, &c., was then taken up for consideration.

Mr. CAMERON moved to amend the resolution by inserting a provision to pay the laborers in the Capitol grounds the same as last session.

Mr. C. said, that while such a disposition was manifested on all sides of the Senate to make extravagant donations to all the persons who were employed within the walls of the Capitol, he thought it nothing but fair that the same generosity should be extended to the workmen outside the building. The laboring men, who were exposed all day to the broiling sun, were surely as well deserving of extra compensation as those whose duties were less arduous, and accompanied by less risk. He asked for the yeas and nays on his motion. He was desirous to see who were the men that would vote against the allowance of a little gratuity to the workmen on the public grounds.

Mr. KING stated that when this motion was formerly made he opposed it, because he thought it was going too far. He had, however, subsequently made some inquiry on the subject. He had ascertained that the pay of these laborers was smaller than he had supposed; that they were paid by the day; that what they received was barely sufficient to supply them with the necessaries of life; and if they were at any time detained from their work by sickness or accident, even that little pittance was stopped. He had also found that a similar allowance had been made to those persons at the last session. He desired to see all on the same footing. He should, therefore, not only withdraw his opposition, but he would willingly vote for the amendment. At the same time, he declared it to be his purpose to introduce, at the next session, a system which would prevent any injustice or inequality in dispensing the liberality of the Senate.

At the suggestion of several Senators, Mr. CAMERON withdrew his call for the yeas and nays.

The question was then taken, and the amendment was agreed to.

Mr. BENTON moved to amend the resolution by inserting an appropriation of $60 for the page, James Moore; which was agreed to.

Mr. HALE moved to amend the resolution by inserting extra pay to James Smallwood and Martin Latruite; and the amendment was agreed to.

Mr. MANGUM moved to amend the resolution by inserting an allowance to Mr. Isaac Holland, as compensation for conveying the remains of the late Chester Ashley to Arkansas; and the amendment was agreed to.

Mr. HANNEGAN moved to amend the resolution by inserting a provision to place the Senate pages on the same footing, in relation to pay, with the pages of the House; and the amendment was agreed to.

The question then being on the amendment as amended—

Mr. TURNEY inquired whether this resolution was introduced with the sanction of any committee? He desired to know what was the amount included in the resolution which was to be thus distributed? Could the Chair give him the information?

The CHAIR replied in the negative.

Mr. TURNEY resumed. There was an extra allowance to the Secretary of the Senate of $500. Now, he wished to know why this was to be given to the Secretary? Was it right to fix the salary of an officer, and then to give him an extra allowance of $1,000? What was the salary of the Secretary?

The CHAIR. Three thousand dollars.

Mr. TURNEY. Three thousand dollars! This was about equal to the salary of the heads of bureaus. Well, there was an extra allowance of $500 given at the close of the last session, and another of $500 now, making $4,000 in the whole—a sum almost equal to the compensation of a cabinet officer. This he considered an extravagance which ought not to be tolerated. He disclaimed any intention to depreciate the Secretary. He thought as highly of the Secretary as any Senator did. But this was an extravagance not to be thought of. He was opposed to it for two reasons: in the first place, he thought $4,000 too high a compensation; and, in the second place, as other officers, who had not one-third the annual compensation given to the Secretary, received only a small extra allowance, the rule operated unequally and unjustly. He desired that some principle should be adopted which would secure justice to all, and that we should no longer follow a course by which special favorites of Senators were lavishly rewarded, while others were treated with less liberality.

He asked for the yeas and nays on the question, and they were ordered.

Mr. UNDERWOOD said this was to be looked upon as a general scramble, and he regarded it as all wrong, from beginning to end. He had all along been opposed to a system which opened the door to abuse and extravagance. It had, however, been intimated by the Senator from Alabama, that he would at the next session introduce some measure which would put an end to the present practice; and, relying on that promise, he had determined now to give his vote in favor of the resolution, but it would be for the last time.

The question was then taken on the amendment as amended, and decided as follows:

YEAS—Messrs. Allen, Badger, Baldwin, Bell, Benton, Berrien, Borland, Cameron, Clarke, Davis of Mississippi, Dodge, Douglas, Downs, Fitzgerald, Foote, Greene, Hale, Hamlin, Hannegan, Houston, Johnson of Maryland, Johnson of Louisiana, Lewis, Mangum, Mason, Metcalfe, Miller, Rusk, Sebastian, Spruance, Sturgeon, Underwood, Upham, Webster, Westcott, and Yulee—36.

NAYS—Messrs. Atherton, Bradbury, Breese, Bright, Felch, Niles, and Turney—7.

So the resolution was adopted in the following form:

Resolved, That there be allowed and paid from the contingent fund to the Secretary of the Senate the sum of $500, in consideration of his increased responsibility in relation to the funds appropriated and applied for the use and service of the Senate for each session of Congress, the last and present.

That the laborers employed at the Capitol grounds be allowed the same amount that was allowed them at the last session.

That the sum of $60 be allowed to James Moore.

That there be allowed to Isaac Holland the same amount of compensation for conveying the body of the *Hon.* Chester Ashley as was allowed to him in the case of the Hon. Alexander Barrow.

That the pages of the Senate be allowed the same daily pay as has been allowed to the pages of the House of Representatives for the present session.

That there be paid to James Smallwood and Martin Letruite, the mail boys in the employment of the Senate, the same daily pay and extra compensation that is paid to the pages of the Senate for the present session.

That there be allowed and paid to Thomas Clarke and Benjamin Owens the same amount of daily pay and compensation that is paid to the messengers, the pay to commence with the present session of Congress.

That the Sergeant-at-arms continue in service the present force of mail carriers and folders until he shall have completed the transmission by mail and otherwise of all the books, public documents, and boxes now on hand belonging to Senators; and that he also employ the same force at such times during the recess as may be necessary to ensure the prompt folding and sending off such further documents as may be delivered to him by the public printers for the use of Senators.

On motion by Mr. DODGE, the Senate proceeded to consider the bill from the House for the relief of John P. B. Gratiot, and the legal represent-

atives of Henry Gratiot; and the bill was read a third time and passed.

On motion by Mr. JOHNSON, of Maryland, the Senate proceeded to consider the resolution authorizing the Committee on Printing to sit during the recess; which was agreed to.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, reported House bill making appropriations for the improvement of certain rivers and harbors, without amendment.

On motion by Mr. DAVIS, of Massachusetts, the Committee on Commerce was discharged from the further consideration of a number of petitions, memorials, and bills.

On motion by Mr. BUTLER, the Committee on the Judiciary was discharged from the further consideration of the various petitions, memorials, &c., which had been committed to its charge.

On motion by Mr. JOHNSON, of Louisiana, the Committee on Pensions was discharged from the further consideration of the memorials and petitions referred to its charge.

On motion by Mr. HANNEGAN, at a quarter before twelve o'clock, the Senate proceeded to the consideration of executive business, and the doors were not re-opened until after twelve; when

A message was received from the House of Representatives announcing that the House of Representatives had adopted a resolution appointing a committee to wait on the President of the United States and inform him that the two Houses were now ready to adjourn, and had appointed a committee on their part.

The resolution was adopted, and the Chair appointed a committee on the part of the Senate.

Before any report was received from this committee,

The Senate adjourned.

LIST OF ACTS

Passed at the First Session of the Thirtieth Congress.

BILLS WHICH ORIGINATED IN THE SENATE.

An act for the relief of the heirs of John Paul Jones.

An act for the relief of Joseph Wilson.

An act concerning certain collection districts, and for other purposes.

An act to amend an act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed March 3, 1813.

An act authorizing persons to whom reservations of land have been made under certain Indian treaties to alienate the same in fee.

An act for the relief of the administratrix of Elisha L. Kean, deceased.

An act providing for the payment of the claim of Walter R. Johnson against the United States.

An act for the relief of the legal representatives of George Fisher, deceased.

An act supplementary to the act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court in certain cases, and for other purposes."

An act to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States.

An act to provide clothing for volunteers in the service of the United States.

An act to provide additional Examiners in the Patent Office, and for other purposes.

An act to authorize the issuing of a register to the barque Canton.

An act for the relief of W. B. Slaughter, late Secretary of the Territory of Wisconsin.

An act for the relief of Charles L. Dell.

An act exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa from the provisions of the acts of the 22d of February and the 2d of March, 1847, regulating the carriage of passengers in merchant vessels.

An act amending the act entitled "An act granting half-pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers," passed July 4, 1846.

An act in addition to an act for the relief of Walter Loomis and Abel Gay, approved July 2, 1836.

An act to authorize the settlement of the account of Joseph Nourse, deceased.

An act for the relief of Edward Bolon.

An act for the relief of Jones and Boker.

An act for the relief of Richard Bloss and others.

An act for the relief of Fernando Fellanny.

An act for the relief of Peter Engels, senior.

An act for the relief of John Black, late consul of the United States at the city of Mexico.

An act supplemental to the act passed on the 9th day of July, in the year 1846, entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia."

An act to provide for the compensation of Samuel Leech for services in the investigation of suspended sales in the Mineral Point district, Wisconsin.

An act for the relief of Thomas Brownell.

An act to make attachments which are made under process issuing from the courts of the United States conform to the laws regulating such attachments in the courts of the States.

An act for the relief of Samuel W. Bell, a native of the Cherokee nation.

An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants.

An act for the relief of Oliver C. Harris.

An act to provide additional quarters near to New Orleans for United States soldiers and volunteers returning from or going to the seat of war in Mexico.

An act for the relief of Reynolds May.

An act in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of fraud on the revenues of the Post Office Department,'" passed the 3d of March, 1845.

An act to extend the provisions of existing pension laws to enlisted men of the ordnance corps of the United States army.

An act to authorize the issuing a register or enrolment to the schooner Robert Henry.

An act to authorize the sale of a part of public reservation numbered thirteen, in the city of Washington, and for other purposes.

An act concerning the courts of the United States in and for the district of Michigan.

An act granting a pension to Patrick Walker.

An act to confirm to the legal representatives of Joseph Dutaillis the location of a certain New Madrid certificate.

An act to remit the duties on books, maps, and charts imported for the use of the Library of Congress.

An act for the relief of Alfred White.

An act for the relief of the heirs of Moses White.

An act explanatory of the act entitled "An act to raise for a limited time an additional military force, and for other purposes," approved 11th February, 1847.

An act for the relief of the *bona fide* settlers under the acts for the armed occupation and settlement of a part of the Territory of Florida.

An act to authorize the issuing of a register to the brig Palmetto.

An act for the relief of the Society for the Reformation of Juvenile Delinquents in the city of New York.

An act to confirm the location and to grant a quarter-section of public lands for the county site of Hillsborough county, State of Florida.

An act for the relief of Christopher Cunningham.

An act for the relief of José Argote Villabos, Marie Rose, François Felix, Marquis de Fougeres, or their heirs or legal representatives.

An act respecting certain surveys in the State of Florida.

An act for the relief of the Central Railroad and Banking Company of Georgia.

An act extending privileges to American vessels engaged in a certain mentioned trade, and for other purposes.

An act renewing certain naval pensions, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coalheavers in the navy, and to their widows.

An act concerning Spanish steam vessels.

An act to revive an act authorizing certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof.

An act to make Bangor a port of entry for ships or vessels coming from and beyond the Cape of Good Hope.

An act to extend an act entitled "An act providing for the adjustment of all suspended preëmption land claims in the several States and Territories," approved August 3, 1846.

An act for the payment of liquidated claims against Mexico.

An act to change the time of holding the circuit and district courts in the State of Kentucky.

An act to authorize the Secretary of the Treasury to make a compromise and settlement with the securities of Francis D. Newcomb, late surveyor general of the State of Louisiana.

An act to change the time of holding the terms of the circuit court of the United States in the district of Maine.

An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving judicial powers to ministers and consuls of the United States in those countries.

An act for the relief of David N. Smith.

An act for the relief of Gustavus Dorr.

An act for the relief of Charity Herrington.

An act concerning the Pay Department of the army.

An act giving effect to certain treaty stipulations between this and foreign Governments, for the apprehension and delivery up of certain offenders.

An act in relation to the terms of the circuit and district courts of the United States in and for the district of New Jersey.

An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same.

An act authorizing the payment of a sum of money to Robert Purkis.

An act for the relief of Millidge Galphin, executor of the last will and testament of George Galphin, deceased.

An act for the relief of Elizabeth Pistole, widow of Charles Pistole, deceased.

An act for the relief of Jesse Turner.

An act granting a pension to Abigail Garland, widow of Jacob Garland, deceased.

An act for the relief of Purser Benjamin J. Cahoone.

An act for the relief of Messrs. Cook, Anthony, Mahony, and others.

An act for the relief of Anna J. Hassler.

An act for the relief of Welcome Parmenter.

An act for the relief of David Currier.

An act for the relief of Benjamin Adams and Company, and others.

An act granting a pension to John Clark.

An act for the payment of Charles Richmond.

An act for the relief of Charles M. Gibson.

An act for the relief of D. A. Watterston.

An act for the relief of Mary Taylor.

An act for the relief of David Wilkinson.

An act for the payment of the fourth regiment in the second brigade of the third division of the Vermont militia for their services at the battle of Plattsburg.

An act for the relief of Samuel Grice.

An act for the relief of the legal representatives of Thomas J. V. Owen, deceased.

An act to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw Academy.

An act for the relief of John Lorimer Graham, late postmaster in the city of New York.

An act for the relief of William B. Stokes.

An act for the relief of the widows and orphans of the officers, seamen, and marines, of the brig of war Somers.

An act supplementary to an act to authorize the Secretary of State to liquidate certain claims therein mentioned, passed 18th of April, 1814.

An act for the relief of Ward and Smith.

An act for the relief of George V. Mitchell.

An act for the relief of James M. Scantland.

BILLS WHICH ORIGINATED IN THE HOUSE.

An act to annex that part of the State of Indiana bordering on Lake Michigan to the Chicago collection district.

An act for dividing the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States with circuit court powers and jurisdiction.

An act for the relief of B. O. Tayloe.

An act for the relief of William Hogan, administrator of Michael Hogan, deceased.
An act for the relief of Richard Reynolds.
An act for the relief of William Pittman.
An act to establish certain post routes.
An act making appropriations for the support of the army for the year ending 30th June, 1849.
An act in relation to military land warrants.
An act for the relief of William Triplett
An act for the relief of Frederic Durrive.
An act for the relief of John P. B. Gratiot and the legal tepresentatives of Henry Gratiot.
An act to establish the Territorial Government of Oregon.
An act for the relief of Phineas Capen, legal administrator of John Cox, deceased, of Boston.
An act for the relief of Mary Brown, widow of Jacob Brown.
An act making an appropriation to supply, in part, a deficiency in the appropriations for subsistence in kind of the army and volunteers during the year ending the 30th June, 1848.
An act relating to the collection district of New Orleans, and for other purposes.
An act for the relief of William Culver.
An act for the relief of the legal representatives of James Brown, deceased.
An act authorizing the Secretary of the Treasury to grant a register to the bark Sarah and Eliza.
An act making further provision for surviving widows of soldiers of the Revolution.
An act for the benefit of Mrs. Harriet Barney.
An act for the relief of Russell Goss.
An act for the relief of E. G. Smith.
An act for the relief of Bent, St. Vrain & Co.
An act for the relief of J. Throckmorton.
An act for the relief of John Anderson.
An act for the relief of Alborne Allen.
An act for the relief of the legal heirs of John Snyder, deceased.
An act for the relief of Thomas Scott, register of the land office at Chilicothe, Ohio, for services connected with the duties of his office.
An act for the relief of Barclay & Livingston, and Smith, Thurgar & Company.
An act for the relief of Amzy Judd.
An act giving further time for satisfying claims for bounty lands, and for other purposes.
An act for the relief of the heirs of Matthew Stewart.
An act for the relief of William Ralston.
An act for the relief of Joseph and Lindley Ward.
An act for the relief of John Mitchell.
An act for the relief of Silas Waterman.
An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.
An act to amend an act entitled "An act to reorganize the General Land Office," approved July 4, 1836.
An act for the relief of Bennett M. Dell.
An act for the relief of John Manley.
An act for the relief of Sarah Stokes, widow of John Stokes.
An act to authorize a loan not to exceed the sum of sixteen millions of dollars.
An act for the relief of the Red River railroad company.
An act making appropriations for the support of the Military Academy for the year ending the 30th June, 1849.
An act making appropriations for the payment of revolutionary and other pensions of the United States for the year ending the 30th June, 1849.
An act for the relief of Stalker & Hill.
An act to reëstablish the collection district of Brunswick, in the State of Georgia.
An act for the benefit of Benjamin White.
An act for the relief of Joseph Perry, a Choctaw Indian, or his assigns.
An act for the relief of Jonathan Moore, of the State of Massachusetts.
An act for the relief of Robert Ellis, of the State of Michigan.
An act for the relief of Catharine Fulton, of Washington county, Pennsylvania.
An act to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1848.
An act making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with the various Indian tribes for he year ending June 30th, 1849, and for other purposes.
An act to confirm the boundary line between Missouri and Arkansas.
An act authorizing a term of the United States circuit and district courts at Chicago, Illinois.
An act making appropriations for certain fortifications of the United States for the year ending the 30th June, 1849.
An act for the relief of Elijah H. Willis.
An act to authorize the issue of a register to the barque Wilhamet.
An act to change the location of certain lighthouses and buoys.
An act to authorize the Secretary of the Treasury to license yachts, and for other purposes.
An act in explanation of an act entitled "An act to appropriate the proceeds of the public lands and to grant preëmption rights."
An act to amend the act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes.
An act to amend an act entitled "An act in amendment of the acts respecting the judicial system of the United States."
An act for the relief of the legal representatives of William McKenzie, late a seaman on board the United States ship Vincennes.
An act for the relief of the heirs and widow of François Gramillion.
An act for the relief of Jonathan Fitzwater.
An act for the relief of Samuel Cony.
An act for the relief of William P. Brady.
An act for the relief of William T. Holland.
An act making appropriations for the naval service for the year ending the 30th June, 1849.
An act granting the franking privilege to Louisa Catharine Adams.
An act to change the name of the steamboat Charles Downing to the Calhoun.
An act to amend an act approved the 24th of May, 1824, entitled "An act supplementary to an act approved on the 3d day of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices.'"
An act for the relief of Charles Cappel.
An act to provide for the ventilation of passenger vessels, and for other purposes.
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th day of June, 1849, and for other purposes.
An act for the relief of Adna Hickman, wife of Alexander D. Peck.
An act to change the name of Photius Kavasales to Photius Fisk.
An act to incorporate the Washington Gas-light Company.
An act supplemental to "An act to confirm the survey and location of claims for lands in the State of Mississippi, east of Pearl river, and south of the thirty-first degree of north lattitude," approved March 3, 1845.
An act to change the place of holding the district court of the United States for the middle district of Alabama, and for other purposes.
An act to attach a portion of the northwestern land district in Louisiana to the district north of Red river, Louisiana.
An act for the relief of Francis M. Holton.
An act to make Ship Island, in the collection district of Pearl river, a port of delivery, and to authorize the appointment of a deputy collector for said port.
An act making appropriations for the service of the Post Office Department for the year ending the 30th June, 1849.
An act for the admission of the State of Wisconsin into the Union.
An act for the relief of those preëmption claimants upon the Miami lands, in Indiana, who, by their services in the Mexican war, are entitled to bounty lands.
An act to refund a penalty remitted by the Secretary of the Treasury to John Hardorp.
An act in addition to the act therein mentioned, [relating to the Wabash and Erie Canal lands.]
An act to continue, alter, and amend the charter of the city of Washington.
An act to amend the act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes.'"
An act for the relief of Catharine Hoffman.
An act to refund money for expenses incurred, subsistence or transportation furnished for the use of volunteers, during the present war, before being mustered and received into the service of the United States.
An act for the relief of John Farnham.
An act to regulate the exchange of certain documents and other publications of Congress.
An act for the relief of certain Tennessee volunteers.
An act to annex the town of Essex, in the State of Massachusetts, to the collection district of Gloucester.
An act to authorize the issuing of a register to the brig Incarnacion.
An act to amend the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preëmption rights," approved September 4, 1841.
An act giving the consent of the Government of the United States to the State of Texas to extend her eastern boundary so as to include within her limits one-half of the Sabine pass, Sabine lake, and Sabine river, as far north as the thirty-second degree of north latitude.
An act to prevent the importation of adulterated and spurious drugs and medicines.
An act to authorize the issuing a register to the schooner James.
An act concerning the taking of official oaths in the District of Columbia.
An act to surrender to the State of Indiana the Cumberland road in said State.
An act for the relief of certain surviving widows of officers and soldiers of the revolutionary army.
An act to authorize the issuing a register to the barque Mary Theresa.
An act to authorize the State of Alabama to apply certain lands heretofore granted to that State for internal improvements, for the use of schools, in the valueless 16th sections in said State.

JOINT RESOLUTIONS.

Joint resolution extending the time for the erection of certain light-houses.
Joint resolution expressive of the thanks of Congress to Major General Winfield Scott, and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847.
Joint resolution of thanks to Major Gen. Taylor.
Joint resolution providing for payment of the regiment of Texas mounted troops, called into the service of the United States under the requisition of Colonel Curtis, in the year 1847, and for other purposes.
Joint resolution relative to the evidence which shall be considered satisfactory in applications for bounty land.
Joint resolution relative to evidence in applications for pensions.
Joint resolution in relation to the transportation and discharge of the military forces of the United States at the close of the war with Mexico.
Joint resolution disposing of two brass field-pieces captured at the battle of Bennington, in 1777.
Joint resolution to change the location of a light-house on Lake Superior, in the State of Michigan.
Joint resolution relinquishing to the State of Missouri certain trophies of Doniphan's victorious expedition.
Joint resolution concerning certain portions of the marine and ordnance corps.
Joint resolution of thanks to the officers, sailors, and marines of the United States navy.
Joint resolution authorizing the Secretary of State to furnish the clerk of the several district and circuit courts of the United States with copies of Little and Brown's edition of the Laws of the United States.
Resolution tendering the congratulations of the American to the French people.
Resolution to sanction an agreement made between the Wyandots and the Delawares, for the purchase of certain lands by the former of the latter tribe of Indians.
Resolution authorizing the presentation to the Government of France of a series of the standard weights and measures of the United States, and for other purposes.
Resolution to explain an act passed 24th June, 1848, entitled "An act for the relief of W. B. Slaughter, late Secretary of the Territory of Wisconsin."
Resolution in relation to the naval pension of John McGarr.

Resolution authorizing the submission of certain claims to arbitration.

Resolution authorizing the proper accounting officers of the Treasury to make a just and fair settlement of the claims of the Cherokee nation of Indians, according to the principles established by the treaty of August, 1846.

Resolution concerning the distribution of the statutes at large.

Resolution for the speedy payment of the three months' extra pay to the officers, non-commissioned officers, musicians, and privates, who have served in the late war with Mexico, allowed by the act of July 19, 1848.

Resolution granting to the Jackson Monument Committee certain brass guns and mortars captured by General Andrew Jackson, and for other purposes.

Resolution in favor of David Shaw and Solomon T. Corser.

Resolution authorizing the erection on the public grounds in the city of Washington of a monument to George Washington.

Resolution for the relief of Betsey McIntosh.

Resolution for the relief of H. V. B. Gaither.

Resolution respecting contracts for hemp for the use of the American navy.

THIS sheet completes the CONGRESSIONAL GLOBE for the First Session of the Thirtieth Congress, except the Index to it, which we expect to send to subscribers in two weeks from this time.

We will furnish subscribers with any numbers not received by them, if they will write to us for them immediately. Postmasters are authorized by law to frank such letters.

The CONGRESSIONAL GLOBE AND APPENDIX will be published by us next session of Congress.